HOUSE JOURNAL

OF THE
SIXTY-SEVENTH LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2021 Regular Session
Convened January 11, 2021
Adjourned Sine Die April 25, 2021

VOLUME 1

Laurie Jinkins, Speaker
Tina Orwall, Speaker Pro Tempore
Bernard Dean, Chief Clerk

Compiled and edited by Gary Holt, House Journal Clerk

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FIRST DAY

House Chamber, Olympia, Monday, January 11, 2021

The House was called to order at 12:00 p.m. by the Chief Clerk Bernard Dean. The Clerk called the roll and a quorum was present.

Chief Clerk Dean led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative April Berg, 44th Legislative District.

MOTIONS

On motion of Representative Riccelli, Representatives Paul and Ryu were excused.

On motion of Representative Griffey, Representatives Eslick and Graham were excused.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4600, by Representative Sullivan

NOW, THEREFORE, BE IT RESOLVED, That no later than Friday, January 29, 2021, the nineteenth legislative day, the House of Representatives shall meet to consider adoption of permanent House Rules for the Sixty-Seventh Legislature; and

BE IT FURTHER RESOLVED, That temporary House Rules for the Sixty-Seventh Legislature be adopted as follows:

((~~PERMANENT~~)) TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES

((~~SIXTY-SIXTH~~)) SIXTY-SEVENTH LEGISLATURE ((~~2019-2020~~)) 2021-2022

HOUSE RULE NO.

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Definitions

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

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

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

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

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

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

Chief Clerk to Call to Order

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

Election of Officers

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

Powers and Duties of the Speaker

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

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

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

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

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

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

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

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

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

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

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

Chief Clerk

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

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

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

Executive Rules Committee

Rule 6. The executive rules committee is hereby established to oversee administrative operations of the house. The committee consists of four members of the majority caucus and three members of the minority caucus, to be named by the speaker and minority leader respectively.

Duties of Employees

Rule ((~~6~~)) **7.** Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

Admission to the House

Rule ((~~7~~)) **8.** It shall be the general policy of the house to keep the chamber clear as follows:

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

The governor or designees, or both;

Members of the senate;

State elected officials;

Officers and authorized employees of the legislature;

Former members of the house who are not advocating any pending or proposed legislation;

Representatives of the press;

Other persons with the consent of the speaker.

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

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

Absentees and Courtesy

Rule ((~~8~~)) **9.** No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

Bills, Memorials and Resolutions - Introductions

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

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

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

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

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

Reading of Bills

Rule ((~~10~~)) **11.** Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

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

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

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

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

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

(B) SECOND READING. Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

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

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

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

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

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

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

Amendments

Rule ((~~11~~)) **12.** The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule ((~~10~~)) 11(E) and as follows:

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

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

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

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

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

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

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

Final Passage

Rule ((~~12~~)) **13.** Rules relating to bills on final passage are as follows:

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

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

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

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

Hour of Meeting, Roll Call and Quorum

Rule ((~~13~~)) **14.** (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule ((~~21~~)) 22(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

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

Daily Calendar and Order of Business

Rule ((~~14~~)) **15.** The rules relating to the daily calendar and order of business are as follows:

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

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

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

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

Eleventh: Announcements.

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

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

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

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

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

Motions

Rule ((~~15~~)) **16.** Rules relating to motions are as follows:

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

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

(1) Privileged motions:

Adjourn

Adjourn to a time certain

Recess to a time certain

Reconsider

Demand for division

Question of privilege

Orders of the day

(2) Subsidiary motions:

First rank:	Question of consideration
Second rank:	To lay on the table
Third rank:	For the previous question
Fourth rank:	To postpone to a day certain
	To commit or recommit
	To postpone indefinitely
Fifth rank:	To amend

(3) Incidental motions:

Points of order and appeal

Method of consideration

Suspension of the rules

Reading papers

Withdraw a motion

Division of a question

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

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

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule ((~~22~~)) 23.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule ((~~10~~)) 11(F).

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

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

Members Right to Debate

Rule ((~~16~~)) **17.** The methods by which a member may exercise his or her right to debate are as follows:

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

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

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule ((~~18~~)) 19 (Previous Question).

Rules of Debate

Rule ((~~17~~)) **18.** The rules for debate in the house are as follows:

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

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

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

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the

distribution. This shall not apply to materials normally distributed by the chief clerk.

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

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

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

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

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

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

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

Ending of Debate - Previous Question

Rule ((~~18~~)) **19.** The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

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

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

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

Voting

Rule ((~~19~~)) **20.** (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

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

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

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

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

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

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

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

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

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

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

(H) DIVISION. If the speaker is in doubt, or if division is

called for by any member, the house shall divide.

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

Reconsideration

Rule ((~~20~~)) **21.** Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

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

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

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

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

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

Call of the House

Rule ((~~21~~)) **22.** One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

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

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

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

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

Appeal from Decision of Chair

Rule ((~~22~~)) **23.** The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule ((~~23~~)) **24.** The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

((~~1. Appropriations 33~~

~~2. Capital Budget 25~~

~~3. Civil Rights & Judiciary 15~~

~~4. College & Workforce Development 17~~

~~5. Commerce & Gaming 11~~

~~6. Consumer Protection & Business 13~~

~~7. Education 17~~

~~8. Environment & Energy 11~~

~~9. Finance 12~~

~~10. Health Care & Wellness 15~~

~~11. Housing, Community Development & Veterans 9~~

~~12. Human Services & Early Learning 13~~

~~13. Innovation, Technology & Economic Development 9~~

~~14. Labor & Workplace Standards 7~~

~~15. Local Government 7~~

~~16. Public Safety 11~~

~~17. Rules 25~~

~~18. Rural Development, Agriculture & Natural Resources 15~~

~~19. State Government & Tribal Relations 9~~

~~20. Transportation 31~~))

1. Appropriations 33

2. Capital Budget 23

3. Children, Youth & Families 13

4. Civil Rights & Judiciary 17

5. College & Workforce Development 13

6. Commerce & Gaming 9

7. Community & Economic Development 13

8. Consumer Protection & Business 7

9. Education 13

10. Environment & Energy 13

11. Finance 17

12. Health Care & Wellness 15

13. Housing, Human Services & Veterans 9

14. Labor & Workplace Standards 7

15. Local Government 7

16. Public Safety 13

17. Rules 27

18. Rural Development, Agriculture & Natural Resources 15

19. State Government & Tribal Relations 7

20. Transportation 29

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

Duties of Committees

Rule ((~~24~~)) **25.** House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

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

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

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

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

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

requires the exercise of rule-making powers and, if so, consider:

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

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

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

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

Standing Committees - Expenses - Subpoena Power

Rule ((~~25~~)) **26.** Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

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

Vetoed Bills

Rule ((~~26~~)) **27.** Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

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

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

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

Suspension of Compensation

Rule ((~~27~~)) **28.** (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

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

Smoking

Rule ((~~28~~)) **29.** Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

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

Liquor

Rule ((~~29~~)) **30.** The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

Parliamentary Rules

Rule ((~~30~~)) **31.** The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule ((~~31~~)) **32.** Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule ((~~10~~)) 11.

Rules to Apply for Assembly

Rule ((~~32~~)) **33.** The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

Legislative Publications

Rule ((~~33~~)) **34.** The House of Representatives directs the house executive rules committee to adopt procedures and

guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

Appendix to House Rules

The house of representatives of the sixty-seventh legislature acknowledges that the COVID-19 pandemic requires the adoption of extraordinary rules of procedure that protect the health of members, staff, and the public, and ensure transparency and openness in house proceedings.

Pursuant to Article II, Section 9 of the state Constitution, the house of representatives hereby adopts the following Appendix Rules A-1 through A-10 to govern its proceedings during the COVID-19 state of emergency.

Application of Rules

Rule A-1. Reed's Parliamentary Rules and the Rules of the House of Representatives are hereby superseded to the extent they are inconsistent with the rules set forth in this appendix.

Remote Participation and Voting Authorized

Rule A-2. House members shall participate remotely in official house proceedings, including committee meetings and floor sessions, and when doing so, shall be considered present for purposes of a quorum and voting.

Members are encouraged to use computers provided by the house to participate in committee meetings. Members are required to use computers provided by the house to cast votes in remote floor sessions and are required to use the virtual background provided by the house for their video display.

Admittance to House Facilities

Rule A-3. Admittance to house facilities is permitted only as follows:

(1) Presiding officers, the minority leader, floor leaders, and staff essential to floor operations are permitted in the chamber during floor proceedings.

(2) Including the members identified in subsection (1) of this rule, each caucus may designate 15 members to participate remotely from their assigned legislative offices. Each caucus must prioritize members with technological problems that preclude remote participation.

(3) The executive rules committee may authorize additional members of the house to participate remotely from their assigned legislative offices upon a showing that technological problems preclude participation from the member's home or an alternate district location.

(4) Staff may access house facilities only with prior approval of the chief clerk.

Any person permitted access to house facilities must comply with public health requirements both on and off campus, and any other restriction established by executive rules and/or the chief clerk.

House Resolutions

Rule A-4. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Day of Remembrance, Martin Luther King Jr. Day, President's Day, National Guard Day, and Navy Day. Floor debate on commemorative resolutions is limited to 10 minutes for members of the majority caucus and 10 minutes for members of the minority caucus.

Members Right to Debate

Rule A-5. Any member who desires to speak may request to be recognized by use of the request to speak function in the remote floor activity system.

No member may speak longer than 10 minutes without consent of the house, PROVIDED, that on and after the fifth day prior to the day of adjournment Sine Die of any session, as determined by Article II, Section 12 of the state Constitution or concurrent resolution, and on and after the fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member may speak more than three minutes without consent of the house.

Amendments

Rule A-6. To facilitate the orderly consideration of legislation, the speaker, after consultation with the minority leader, may establish a deadline for submission of amendments.

Voting

Rule A-7. The speaker shall divide the house on all motions not requiring a recorded roll call vote. A member is not required to participate in a division vote.

All members present in the remote floor proceedings shall vote when the question is put on any motion requiring a recorded roll call vote. Before locking the roll call machine, the presiding officer shall call the name of any member not voting. If a member is unable to vote using the remote voting function, the member may vote orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

Any member who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the same day the vote is taken or submit a statement for the journal indicating their intent to vote yea or nay.

Distribution of Materials

Rule A-8. Any requirement to distribute materials to members' desks is satisfied by distribution through electronic means.

Duties of Committees

Rule A-9. Every notice of a committee meeting shall include a web address for information about viewing and

providing public testimony at committee meetings in lieu of a physical location.

Every member participating remotely in a committee meeting shall be considered present for purposes of quorum and roll call voting.

Only such bills as are included on the written notice of a committee meeting may be considered at that meeting.

Every report and recommendation shall be made by members of the committee during a regularly called meeting of the committee. No signatures are required.

Every vote to report a bill out of committee shall be taken by the yeas and nays, with nays specifying "do not pass" or "without recommendation."

A meeting shall be considered open to the public if an alternate and broadly accessible means for the public to view the meeting is available.

Term of Appendix Rules

Rule A-10. The rules in this appendix expire on the termination of the COVID-19 state of emergency.

Representative Sullivan moved adoption of HOUSE RESOLUTION NO. 4600

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

Representatives Dent and Young spoke against the adoption of the resolution.

ROLL CALL

The Clerk called the roll on the adoption of HOUSE RESOLUTION NO. 4600 and the resolution was adopted by the following vote: Yeas: 55; Nays: 39; Absent: 0; Excused: 4

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representatives Eslick, Graham, Paul, and Ryu

HOUSE RESOLUTION NO. 4600 was adopted.

ELECTION OF THE SPEAKER

Representative J. Johnson moved that Representative Laurie Jinkins be elected for the Office of Speaker of the House of Representatives.

Representative J. Johnson: "Thank you, Mr. Chief Clerk. It is my honor to nominate for the speaker, the gentle lady from the twenty-seventh district. She's known for being a persuasive speaker. But she's also eager to listen and to learn. To listen and to learn from historically marginalized communities. And she's committed to do the work necessary during this pandemic. In a time of great stress and division and polarization, she is the best person to guide us towards racial equity, public health, economic recovery and climate justice. Opportunity, equity and justice. These are more than just words to her. These are actions. In this moment, we need bold, decisive leadership. And that is why I am proud to stand here today and nominate the gentle lady from the twenty-seventh district. Thank you."

Representative Kretz moved that Representative J.T. Wilcox be elected for the Office of Speaker of the House of Representatives.

Representative Kretz: "Thank you, Mr. Chief Clerk. We're in a time of storms in our nation. A lot of division. We're seeing things we've never seen. We've seen strife, on a state and a federal level like we have not seen before. And this is just a thought, that maybe we try something different here in the state of Washington. I think about what it would be if we had a legislature that did things a little bit different. Maybe we just found fifty members from both parties and made a decision? We could do that on speaker. I think about the rules committee that was more functional where your voice and your vote counted more. Think about going out and finding fifty people to pass a bill. It's just like what we're doing right now. If there's fifty people that want to support this? We could do something really different. And it just seems like a different atmosphere in times like this could be pretty useful in navigating these tough times. With the challenges we're facing with both COVID and with our economy. So, I would close with I feel really good about Representative Wilcox. I think he showed a steady hand in our caucus. I know he's a straight shooter from lots of personal experience. And I'm proud to nominate Representative Wilcox for Speaker. Thank you."

MOTION

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

Chief Clerk Dean stated the question before the House to be the election of the Speaker of the House of Representatives.

ROLL CALL

The Clerk called the roll on the nomination for the Office of the Speaker of the House of Representatives and the

Speaker of the House of Representatives was elected by the following vote: Laurie Jinkins: 55; J.T. Wilcox: 39; Absent: 0; Excused: 4

Voting for Laurie Jinkins: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting for J.T. Wilcox: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representatives Eslick, Graham, Paul, and Ryu

Representative Laurie Jinkins was elected to the Office of the Speaker of the House of Representatives.

OATH OF OFFICE

Justice G. Helen Whitener administered the Oath of Office to Speaker Jinkins.

Chief Clerk Dean congratulated the Speaker and turned the gavel over to her.

SPEAKER'S REMARKS

Madame Speaker: "Washingtonians, members of the House, we are in the hardest of times. Hard for Washington families. For our businesses. For our teachers and students. For those most in need. For those hurt by systemic racism. And for those committed to our representative democracy. But in these hard times, hope is on the horizon. Hope because of vaccines. Hope because public health workers never rest. Hope because people are wearing masks, social distancing and applying innovation to every single thing they do. Hope because our representative democracy was put to the test of sedition last week and resisted it. Showing our weakness, but more importantly our strength. Our job for every minute of the next one hundred and five days is not just to keep hope alive for the people of our great state, but to make hope a reality. So let's start working right now and all session long. To deliver hope and turn these hardest of times into a recovery that is equitable, that is inclusive, and that is sustainable. Let's get to work right now."

POINT OF PERSONAL PRIVILEGE

Representative Wilcox: "Thank you, Madame Speaker. And congratulations. I know you are going to work for all of Washington for the next one hundred five days and maybe more, who knows? I'd just like to share one of the worst calls I've ever had in my life. Many of us have had bad news and phone calls. Sometimes it's expected, sometimes it's a total surprise. And it was with someone who's in the chamber here. My very good friend and this is not a professional courtesy, this is heartfelt. The good representative from the thirteenth legislative district. And I called up to ask him how he was doing. And in a voice that immediately caused a great sense of despair in my heart because it was so weak. He said, 'I'm doing fine J.T. but I'm in ICU.' That was a bad call. And it just illustrates the things that are happening to us, all around. The impact of COVID has divided us like nothing ever has before. I tell people that anything that isn't perfect is ten times harder because of COVID. And one of the things that divides us is that it's impacts are so uneven. We know that the impact of the disease itself in terms of mortality rates and bad outcomes that can affect people for the rest of their lives, is very uneven. It strikes people that are older. Strikes people that have other health challenges. And it strikes some ethnic groups much harder than others. Madame Speaker, the members of the House Republican Caucus represent many of those people. And we are very concerned. The other thing that divides us, is the fact that the burden and the cost of COVID is falling so unevenly as well. For many of us, the paycheck continues. The job might be modified but it's still there. You have a sense of belonging. A sense of being needed. But for others in our economy, a narrow group, all of those things are gone. The work is gone. Sometimes the thing that you spent your whole life building is gone or nearly gone. And Madame Speaker, I am so happy that we are here to work on these things. We're here for the people of Washington. I wish we would have been here long before now. But we're here now and we are ready to go to work. We hope that we can see immediate action to help even out the burdens and to relieve the burdens that people clear across Washington are bearing because of COVID and our reaction to COVID. Madame Speaker, many in my caucus are as concerned as you are, about the recent events in our country. The violence. The breakdown in civil order. It's been happening all year. It isn't just one day. I think everyone expects us, even though things are ten times harder in a time of COVID, to be better. Madame Speaker, we have a lot of security around us today. One thing that we've got to remember, in the middle of all of this, and it's hard when you've got these people that are here to protect the building, it's not about us, Madame Speaker. It's not about our egos. It's not about our individual agendas or even our party agendas. It's about every single person in the state of Washington that's bearing a burden that is much harder than it used to be. We have to do everything that we can to give them faith. To let them know that they have a voice. We won't always win. We certainly don't always win here.

But they have a voice. And it's important for every single one of us, majority or minority, to recognize that. And honor that. Madame Speaker, we are all ready to get to work. That was a great speech that you made about 'it's time to get to work.' And it's not just about the policies here. It's about figuring out how to rebuild trust. How to be better than we've been. How to reject name calling, shaming. All of the empty things that have been tried and tried and tried for the last several years. It's time to recognize that there's one thing that each one of us have control over. And that's the example that we project to people clear across the state. And

there could be no more important time to do that. Because I don't think anyone doubts now, that the future of our families, the future of this institution, the future of Washington and the future of our country is at stake. It's not about us. It's about those things. Let's be the best example that we can. Thank you, Madam Speaker."

ELECTION OF SPEAKER PRO TEMPORE

There being no objection, Representative Tina Orwall was elected Speaker Pro Tempore of the House of Representatives.

OATH OF OFFICE

Justice G. Helen Whitener administered the Oath of Office to Speaker Pro Tempore Orwall.

ELECTION OF DEPUTY SPEAKER PRO TEMPORE

There being no objection, Representative John Lovick was elected Deputy Speaker Pro Tempore of the House of Representatives.

OATH OF OFFICE

Justice G. Helen Whitener administered the Oath of Office to Deputy Speaker Pro Tempore Lovick.

ELECTION OF THE CHIEF CLERK

There being no objection, Bernard Dean was elected Chief Clerk of the House of Representatives.

OATH OF OFFICE

Justice G. Helen Whitener administered the Oath of Office to Chief Clerk Dean.

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

INTRODUCTION & FIRST READING

HB 1000 by Representatives Maycumber, Lovick, Ryu, Leavitt, Boehnke, Eslick, Shewmake, Lekanoff, Fitzgibbon, J. Johnson, Slatter, Wylie, Tharinger, Goodman, Bronoske, Valdez, Callan, Young, Graham, Cody, Robertson, Ormsby, Dent, Stonier, Fey, Macri, Jacobsen, Schmick, Davis, Pollet and Bergquist

AN ACT Relating to establishing and expanding wellness, resiliency, and mental health support for law enforcement officers; adding new sections to chapter 36.28A RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1001 by Representatives Maycumber, Lovick, Ryu, Boehnke, Leavitt, Lekanoff, Tharinger, Goodman, Young, Graham, Cody, Robertson and J. Johnson

AN ACT Relating to establishing a law enforcement professional development outreach grant program; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1002 by Representatives Walen, Ryu, Wicks, Leavitt, Boehnke, Shewmake, Ortiz-Self, Lekanoff, Duerr, Orcutt, Corry, Slatter, Wylie, Tharinger, Ramel, Senn, Goodman, Callan, Graham, Ramos, Hackney, Vick, Robertson, Kirby, Paul, Barkis, Riccelli, Springer, Stonier, Fey, Santos, Stokesbary and Rule

AN ACT Relating to providing a business and occupation tax exemption for qualifying grants related to COVID-19 relief; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 1003 by Representatives Klippert, Young, Graham and Sutherland

AN ACT Relating to requiring watermarks on mail-in ballots; amending RCW 29A.40.180; reenacting and amending RCW 29A.40.110; and adding a new section to chapter 29A.36 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1004 by Representatives Klippert, Eslick, Graham, Kirby, Sutherland and Schmick

AN ACT Relating to legislative oversight of health orders issued in response to a proclaimed state of emergency; amending RCW 43.70.130 and 70.05.070; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1005 by Representatives Klippert and Graham

AN ACT Relating to the crime of blacklisting; and amending RCW 49.44.010.

Referred to Committee on Labor & Workplace Standards.

HB 1006 by Representatives Klippert, Eslick, Dent, Caldier, Young, Graham, Rude and Sutherland

AN ACT Relating to protecting the right of every Washington resident to decline an immunization or

vaccination based on religion or conscience; amending RCW 28A.210.090, 28A.210.090, 43.216.690, and 43.06.220; adding a new section to chapter 70.54 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1007 by Representatives Klippert, Slatter, Graham and Macri

AN ACT Relating to the completion of supervised experience through distance supervision; and amending RCW 18.225.090.

Referred to Committee on Health Care & Wellness.

HB 1008 by Representatives Klippert, Young, Graham and Barkis

AN ACT Relating to prohibiting abortion on the basis of Down syndrome; amending RCW 9.02.110 and 9.02.170; and adding new sections to chapter 9.02 RCW.

Referred to Committee on Health Care & Wellness.

HB 1009 by Representatives Thai, Slatter, Wicks, Ortiz-Self, Kloba, Lekanoff, Bateman, J. Johnson, Ryu, Senn, Gregerson, Valdez, Cody, Riccelli, Frame, Santos, Macri and Pollet

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

Referred to Committee on Health & Long Term Care.

HB 1010 by Representatives MacEwen, Eslick, Dent, Corry, Young, Graham, Vick, Robertson and Barkis

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

Referred to Committee on Appropriations.

HB 1011 by Representatives MacEwen, Eslick, Wicks, Corry, Young, Graham, Vick, Rude, Stokesbary and Rule

AN ACT Relating to renewal dates for liquor licenses; adding a new section to chapter 66.24 RCW; adding a new section to chapter 19.02 RCW; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1012 by Representatives MacEwen, Eslick, Dent, Corry, Young, Graham, Vick, Robertson, Barkis, Rude, Jacobsen and Schmick

AN ACT Relating to providing a business and occupation tax credit to address the economic impacts of the COVID-19 pandemic on businesses in the state; adding a new section to chapter 82.04 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1013 by Representatives Klippert, Eslick and Graham

AN ACT Relating to limiting the duration of emergency rules; and amending RCW 34.05.350.

Referred to Committee on State Government & Tribal Relations.

HB 1014 by Representatives Klippert and Graham

AN ACT Relating to election of the governor by county; amending RCW 29A.64.021 and 44.05.080; and adding a new section to chapter 29A.52 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1015 by Representatives Maycumber, Chapman, Tharinger, Graham, Santos and Macri

AN ACT Relating to creating the Washington equitable access to credit act; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1016 by Representatives Morgan, Lovick, Ryu, Wicks, Ortiz-Self, Berry, Leavitt, J. Johnson, Kloba, Shewmake, Simmons, Bateman, Lekanoff, Duerr, Fitzgibbon, Chopp, Slatter, Ramos, Ramel, Peterson, Gregerson, Valdez, Callan, Young, Hackney, Cody, Ormsby, Riccelli, Rude, Stonier, Fey, Frame, Santos, Macri, Taylor, Davis, Pollet, Bergquist and Harris-Talley

AN ACT Relating to making Juneteenth a legal holiday; amending RCW 1.16.050; and creating a new section.

Referred to Committee on Appropriations.

HB 1017 by Representatives Klippert, Eslick and Graham

AN ACT Relating to legislative oversight of emergency orders issued during a proclaimed state of emergency; amending RCW 43.70.130 and 70.05.070; adding a new section to chapter 35A.12 RCW; adding a new section to chapter 35A.13 RCW; adding a new section to chapter 35.18 RCW; adding a new section to chapter

35.17 RCW; adding a new section to chapter 36.01 RCW; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1018 by Representatives Lovick, Ryu, Ortiz-Self, Goodman and Orwall

AN ACT Relating to boater education; and amending RCW 79A.60.010 and 79A.60.640.

Referred to Committee on Community & Economic Development.

HB 1019 by Representatives Kloba, MacEwen, Ryu, Wicks, Dolan, Fitzgibbon, Peterson, Goodman, Young, Vick, Ormsby, Springer, Stonier, Santos, Macri and Harris-Talley

AN ACT Relating to residential marijuana agriculture; amending RCW 69.50.4013, 69.50.505, and 69.50.101; reenacting and amending RCW 69.50.101; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1020 by Representatives Klippert, Walsh, Boehnke, Eslick, Caldier, Young, Graham, Kirby, Barkis and Schmick

AN ACT Relating to the emergency powers of the governor; amending RCW 43.06.220; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1021 by Representatives MacEwen, Eslick, Young and Graham

AN ACT Relating to relief of benefit charges when discharge is a result of a gubernatorial declaration of emergency or related executive order; amending RCW 50.29.100 and 50.16.100; creating a new section; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1022 by Representatives MacEwen, Kloba, Peterson, Kirby and Schmick

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

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1023 by Representatives Steele, Tharinger, Callan and Young

AN ACT Relating to predesign requirements and thresholds; amending RCW 43.88.110, 43.82.035, and 43.88.0301; and creating a new section.

Referred to Committee on Ways & Means.

HB 1024 by Representatives Springer, Cody, Ortiz-Self and Gregerson

AN ACT Relating to sunshine committee recommendations regarding juveniles; amending RCW 7.69A.020, 7.69A.030, 10.97.130, 13.50.050, and 42.56.240; and reenacting and amending RCW 42.56.230.

Referred to Committee on State Government & Tribal Relations.

HB 1025 by Representatives Wicks, Eslick, Shewmake, Duerr, Ramel, Senn, Ortiz-Self, Ryu, Goehner, Jacobsen and Pollet

AN ACT Relating to local parks funding options; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1026 by Representatives Walen, Valdez, Leavitt, Hackney, Kirby, Santos and Macri

AN ACT Relating to the restoration of the right to possess a firearm; amending RCW 9.41.040 and 9.41.047; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1027 by Representatives Walsh and Young

AN ACT Relating to reducing the administrative cost of state government during the 2021-2023 fiscal biennium; amending RCW 41.06.070, 41.06.500, and 43.03.030; reenacting and amending RCW 41.06.133; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1028 by Representatives Bergquist, McCaslin, Dolan, Stonier and Pollet

AN ACT Relating to evaluation and recommendation of candidates for residency teacher certification; amending RCW 28A.410.270 and 28A.410.2211; adding a new section to chapter 28A.410 RCW; creating a new section; repealing RCW 28A.410.280; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1029 by Representatives Walsh, Klippert, Boehnke, Eslick, Young, Graham, Kraft, Barkis and Sutherland

AN ACT Relating to orders and rules during a state of emergency; amending RCW 43.06.210, 43.06.220, 4.12.020, 34.05.350, 43.70.130, and 70.05.070; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1030 by Representatives Dent, Springer, Boehnke, Eslick, Callan and Slatter

AN ACT Relating to a community aviation revitalization loan program; amending RCW 43.79A.040 and 47.68.020; reenacting and amending 2019 c 413 s 7037 (uncodified); adding new sections to chapter 47.68 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1031 by Representatives Walen, Valdez, Leavitt, Ortiz-Self, Springer, Stonier and Santos

AN ACT Relating to the government issuance of a certificate of birth resulting in stillbirth; amending RCW 70.58A.530; creating a new section; and providing an effective date.

Referred to Committee on Health & Long Term Care.

HB 1032 by Representatives Harris, Stonier, Dolan, Boehnke, Leavitt, Ortiz-Self, Callan, Riccelli, Santos and Bergquist

AN ACT Relating to early retirement options for members of the teachers' retirement system and school employees' retirement system plans 2 and 3; amending RCW 41.32.765, 41.32.875, 41.35.420, and 41.35.680; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1033 by Representatives Leavitt, Boehnke, Bronoske, Santos, Paul and Orwall

AN ACT Relating to the Washington customized employment training program; and amending RCW 82.04.449.

Referred to Committee on Finance.

HB 1034 by Representatives Fitzgibbon, Cody, Ortiz-Self and Wylie

AN ACT Relating to park and recreation district levies; amending RCW 36.69.145, 84.52.010, and 84.52.043; and creating a new section.

Referred to Committee on Ways & Means.

HB 1035 by Representatives Kloba, Ryu, Ortiz-Self, Duerr, Wylie, Tharinger, Ramel, Gregerson, Valdez, Hackney, Callan, Santos, Pollet and Harris-Talley

AN ACT Relating to providing local governments with options to grant rent relief and preserve affordable housing in their communities; adding a new chapter to Title 84 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1036 by Representatives Fitzgibbon, Slatter, Ortiz-Self, Berry, Ryu, Kloba, Bateman, Lekanoff, Duerr, Chopp, Wylie, Ramos, Tharinger, Ramel, Senn, Peterson, Gregerson, Goodman, Valdez, Callan, Hackney, Riccelli, Pollet, Frame, Santos, Macri, Orwall, Davis and Bergquist

AN ACT Relating to reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel; amending RCW 46.25.100, 46.20.202, 46.25.052, 46.25.060, 70A.15.3150, 70A.15.3160, 19.112.110, and 19.112.120; adding a new chapter to Title 70A RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1037 by Representatives Kirby and Vick

AN ACT Relating to insurance adjusters; and amending RCW 48.17.010, 48.17.150, 48.17.410, and 48.17.420.

Referred to Committee on Consumer Protection & Business.

HB 1038 by Representatives Walen, Leavitt, Ortiz-Self, Wylie, Valdez, Hackney and Macri

AN ACT Relating to prohibiting the possession of firearms by persons convicted of certain criminal offenses; and amending RCW 9.41.040, 9.41.042, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, 70.02.230, and 70.02.240.

Referred to Committee on Civil Rights & Judiciary.

HB 1039 by Representatives McCaslin and Kloba

AN ACT Relating to reporting on, updating, and expanding deployment of existing government programs that provide education on bicycle and pedestrian travel; amending RCW 43.43.390, 43.70.410, and 47.04.300; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1040 by Representatives Dolan, Bateman, Ortiz-Self, Lekanoff, Harris, Goodman, Callan, Santos, Bergquist and Pollet

AN ACT Relating to health care coverage for retired or disabled school employees; adding a new section to chapter 41.05 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1041 by Representatives Springer, Cody, Ortiz-Self, Gregerson, Frame and Jacobsen

AN ACT Relating to sunshine committee recommendations regarding juveniles; amending RCW 7.69A.020, 7.69A.030, 10.97.130, 13.50.050, and 42.56.240; and reenacting and amending RCW 42.56.230.

Referred to Committee on State Government & Tribal Relations.

HB 1042 by Representatives Thai, Walen, Ortiz-Self, Lekanoff, Gregerson, Callan, Frame, Santos and Macri

AN ACT Relating to revising the international application of the uniform child custody jurisdiction and enforcement act to protect families from facing the death penalty in certain foreign jurisdictions on the basis of religious beliefs, political beliefs, or sexual orientation; amending RCW 26.27.051; creating a new section; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1043 by Representatives Leavitt, Rude, Dufault, Kloba, Ryu, Ortiz-Self, Dolan, Wylie, Harris, Simmons, Goodman, Bronoske, Kirby and MacEwen

AN ACT Relating to the audiology and speech-language pathology interstate compact; adding a new chapter to Title 18 RCW; and providing a contingent effective date.

Referred to Committee on Health Care & Wellness.

HB 1044 by Representatives Leavitt, Simmons, J. Johnson, Eslick, Lovick, Kloba, Lekanoff, Wylie, Bateman, Senn, Goodman, Bronoske, Valdez, Callan, Ramos, Hackney, Morgan, Ormsby, Fey, Frame, Santos, Davis, Pollet and Bergquist

AN ACT Relating to creating prison to postsecondary education pathways; amending RCW 72.09.270, 72.09.460, 72.09.465, 72.68.010, and 28B.15.067; amending 2019 c 397 s 1 (uncodified); adding a new section to chapter 72.68 RCW; adding a new section to chapter 72.09 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1045 by Representatives Lovick, Wicks, Ryu, Kloba, Ortiz-Self and Tharinger

AN ACT Relating to calculating the provider rate for certain community residential services; adding a new section to chapter 71A.12 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1046 by Representatives Bateman, Duerr, Leavitt, Shewmake, Kloba, Fitzgibbon, Dolan, Ramos, Ramel, Gregerson, Goodman, Ryu, Callan, Paul, Morgan, Riccelli, Pollet, Santos, Macri, Davis and Harris-Talley

AN ACT Relating to community solar programs; amending RCW 80.28.370 and 80.28.375; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Environment & Energy.

HB 1047 by Representatives Wicks, Orwall, Leavitt, Simmons, Kloba, Ortiz-Self, Bateman, Wylie, Gregerson, Goodman, Bronoske, Valdez, Callan, Riccelli, Frame, Rule, Davis, Bergquist and Pollet

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

Referred to Committee on Health Care & Wellness.

HB 1048 by Representatives Wicks, Thai and Gregerson

AN ACT Relating to the removal of specific religious references regarding the criminal mistreatment of children and vulnerable adults from a statute; amending RCW 9A.42.005 and 26.44.020; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1049 by Representatives Kirby, Vick, Kloba, Leavitt, Ryu, Morgan, Ramel, Springer and Stokesbary

AN ACT Relating to the off-site delivery of a vehicle by a vehicle dealer licensed under chapter 46.70 RCW; and amending RCW 19.118.031, 63.14.040, 63.14.154, and 46.70.023.

Referred to Committee on Transportation.

HB 1050 by Representatives Fitzgibbon, Ortiz-Self, Leavitt, Duerr, Chopp, Ramel, Peterson, Goodman, Ryu, Callan, Ramos, Ormsby, Pollet, Stonier, Fey, Macri and Bergquist

AN ACT Relating to reducing greenhouse gas emissions from fluorinated gases; amending RCW 70A.15.6410, 70A.15.6420, 70A.15.6430, 70A.45.080, 19.27.580, 70A.15.3150, 70A.15.3160, 19.285.040, 19.27A.220, and 39.26.310; reenacting and amending RCW 70A.45.010; adding a new chapter to Title 70A RCW; creating a new section; and recodifying RCW 70A.45.080, 70A.15.6410, 70A.15.6420, and 70A.15.6430.

Referred to Committee on Appropriations.

HB 1051 by Representatives Pollet, Leavitt, Shewmake, Kloba, Ryu, Chopp, Fitzgibbon, Ortiz-Self, Goodman, Valdez, Lovick, Frame, Santos, Macri, Stokesbary and Bergquist

AN ACT Relating to adding a faculty member to the board of regents at the research universities; and amending RCW 28B.20.100 and 28B.30.100.

Referred to Committee on College & Workforce Development.

HB 1052 by Representatives Bateman, Cody, Kloba and Macri

AN ACT Relating to group insurance contract performance standards; adding a new section to chapter 48.30 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1053 by Representatives Peterson, Dye, Kloba and Ortiz-Self

AN ACT Relating to delaying the implementation of restrictions on carryout bags; amending RCW 70A.530.020, 70A.530.040, and 70A.530.060; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1054 by Representatives J. Johnson, Entenman, Dolan, Ryu, Berry, Simmons, Bateman, Kloba, Lekanoff, Duerr, Fitzgibbon, Slatter, Wylie, Ramos, Berg, Tharinger, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Valdez, Callan, Hackney, Morgan, Chopp, Cody, Ormsby, Taylor, Frame, Santos, Macri, Davis, Pollet, Bergquist and Harris-Talley

AN ACT Relating to establishing requirements for tactics and equipment used by peace officers; amending RCW 10.31.040, 43.101.225, and 43.101.226; adding a new section to chapter 43.101 RCW; and adding a new chapter to Title 10 RCW.

Referred to Committee on Public Safety.

HB 1055 by Representatives Berg, Abbarno, Shewmake, Walen, Orcutt, Ramos, Tharinger and Callan

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending RCW 84.33.088; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1056 by Representatives Pollet, Goehner, Kloba, Lekanoff, Leavitt, Senn, Callan and Fey

AN ACT Relating to open public meeting notice requirements and declared emergencies; amending RCW 42.30.040, 42.30.050, 42.30.070, 42.30.077, 42.30.080, and 42.30.090; adding a new section to chapter 42.30 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 1057 by Representatives Pollet, Valdez, Fitzgibbon, Ryu, Ramel and Duerr

AN ACT Relating to clarifying the meaning of the term "enjoyment of life and property" within the clean air act; amending RCW 70A.15.1030; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1058 by Representatives Bateman, Ryu, Wylie, Tharinger, Goodman, Senn, Fitzgibbon, Pollet, Macri, J. Johnson and Bergquist

AN ACT Relating to modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action; amending RCW 82.14.525; and creating a new section.

Referred to Committee on Finance.

HB 1059 by Representatives Fitzgibbon, Cody, Kloba and Pollet

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

Referred to Committee on Local Government.

HB 1060 by Representatives Dent, Dufault, Caldier, Corry, Young, Graham, Rude, Jacobsen and Schmick

AN ACT Relating to requiring legislative approval to extend a gubernatorial proclamation of a state of emergency; and amending RCW 43.06.210.

Referred to Committee on State Government & Tribal Relations.

HB 1061 by Representatives Senn, Dent, Leavitt, Wicks, Slatter, Wylie, Simmons, Kloba, Ortiz-Self, Gregerson, Callan, Young, Morgan, Frame, Santos, Rule and Davis

AN ACT Relating to youth eligible for developmental disability services who are expected to exit the child welfare system; amending RCW 74.13.341; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1062 by Representatives Kirby, Vick, Corry and Ryu

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

Referred to Committee on Commerce & Gaming.

HB 1063 by Representatives Harris, Cody, Bateman, Kloba, Ortiz-Self, Leavitt, Slatter, Tharinger, Callan, Riccelli, Macri, Rule, Davis and Pollet

AN ACT Relating to allowing additional renewals for behavioral health professional trainee and associate credentials; amending RCW 18.205.095 and 18.225.145; and declaring an emergency.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

HB 1064 by Representatives Eslick, Kloba, Leavitt, Wylie, Gregerson, Ryu, Young, Robertson, Kirby and Fey

AN ACT Relating to disclosing the availability of high-speed internet access; and amending RCW 64.06.020.

Referred to Committee on Consumer Protection & Business.

HB 1065 by Representatives Eslick and Young

AN ACT Relating to epidemic or pandemic vaccines, including vaccines used to prevent SARS-CoV-2 or COVID-19; adding new sections to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1066 by Representatives Stonier, Harris, Ortiz-Self, Dolan, Wylie and Callan

AN ACT Relating to the powers and duties of educational service district boards; and amending RCW 28A.310.200.

Referred to Committee on Education.

HB 1067 by Representatives Morgan, Ybarra, Shewmake, Gregerson, Kirby and Ormsby

AN ACT Relating to the state dinosaur; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1068 by Representatives Dolan, Valdez, Kloba, Gregerson and Wylie

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

Referred to Committee on State Government & Tribal Relations.

HB 1069 by Representatives Pollet, Duerr, Leavitt, Wylie, Tharinger, Kloba, Senn, Ryu, Callan and Fey

AN ACT Relating to local government fiscal flexibility; amending RCW 82.14.310, 82.14.320, 82.14.330, 82.14.340, 82.14.450, 67.28.180, 67.28.1816, 82.04.050, 82.04.050, 82.46.010, 82.46.015, 82.46.035, 82.46.037, 84.55.050, 35.21.290, and 35.67.210; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1070 by Representatives Ryu, Macri, Walen, Chopp, Santos, Fitzgibbon, Ramel, Wylie, Ramos, Bateman, Tharinger, Simmons, Kloba, Peterson, Gregerson, Goodman, Sells, Bronoske, Valdez, Callan, Hackney, Cody, Ormsby, Riccelli, Springer, Fey, Davis, Pollet and Harris-Talley

AN ACT Relating to modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities; amending RCW 82.14.530 and 67.28.180; and declaring an emergency.

Referred to Committee on Finance.

HB 1071 by Representatives Valdez, Lekanoff, Leavitt, Fitzgibbon, Kloba, Ramel, Senn, Ortiz-Self, Gregerson, Goodman, Ryu, Ormsby, Santos, Macri, J. Johnson, Davis, Pollet and Bergquist

AN ACT Relating to bias-based criminal offenses; and amending RCW 9.94A.411 and 9.94A.535.

Referred to Committee on Public Safety.

HB 1072 by Representatives Lekanoff, Valdez, Wylie, Simmons, Kloba, Gregerson, Santos, Macri and Pollet

AN ACT Relating to removing only one of the restrictions on the use of civil legal aid funds; and amending RCW 2.53.030.

Referred to Committee on Law & Justice.

HB 1073 by Representatives Berry, Wicks, Fitzgibbon, Bateman, Tharinger, Simmons, Kloba, Ramel, Ortiz-Self, Goodman, Ryu, Bronoske, Hackney, Chopp, Riccelli, Stonier, Frame, Macri, Davis, Pollet, Bergquist and Harris-Talley

AN ACT Relating to expanding coverage of the paid family and medical leave program; amending RCW 50A.05.010, 50A.15.010, 50A.35.010, and 50A.35.020.

Referred to Committee on Appropriations.

HB 1074 by Representatives Peterson, Rude, Leavitt, Wylie, Kloba, Ortiz-Self, Callan, Riccelli, Davis and Pollet

AN ACT Relating to overdose and suicide fatality reviews; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Health Care & Wellness.

HB 1075 by Representatives Berry, Fitzgibbon, Leavitt, Ramel, Peterson, Kloba, Chopp, Ormsby, Pollet, Santos and Macri

AN ACT Relating to reducing emissions from vehicles associated with on-demand transportation services; amending RCW 70A.25.010 and 70A.15.1010; adding new sections to chapter 70A.25 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1076 by Representatives Hansen, Fitzgibbon, Berry, Dolan, J. Johnson, Ramos, Simmons, Ramel, Ortiz-Self, Gregerson, Ryu, Bronoske, Valdez, Callan, Kloba, Hackney, Chopp, Ormsby, Stonier, Frame, Santos, Macri, Pollet and Harris-Talley

AN ACT Relating to allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections; and adding a new chapter to Title 49 RCW.

Referred to Committee on Appropriations.

HB 1077 by Representatives J. Johnson and Gregerson

AN ACT Relating to Federal Way school district regionalization; and amending 2020 c 357 s 504 (uncodified).

Referred to Committee on Appropriations.

HB 1078 by Representatives Simmons, Young, Dolan, Berry, Fitzgibbon, J. Johnson, Wicks, Chopp, Wylie, Bateman, Ramos, Berg, Shewmake, Tharinger, Ramel, Ortiz-Self, Peterson, Gregerson, Walen, Goodman, Senn, Sells, Ryu, Valdez, Callan, Hackney, Morgan, Ormsby, Pollet, Riccelli, Taylor, Springer, Stonier, Lekanoff, Frame, Santos, Jacobsen, Macri, Davis, Bergquist and Harris-Talley

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

Referred to Committee on State Government & Tribal Relations.

HB 1079 by Representatives Dolan, Walen, Dufault, Corry, Chapman, Ybarra, Harris, Springer, Graham, Lovick, Stokesbary and Sullivan

AN ACT Relating to the time frame for establishing charter schools; and amending RCW 28A.710.150.

Referred to Committee on Education.

HB 1080 by Representatives Tharinger, Leavitt, Wylie, Callan and Hackney

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.19.501, 28B.15.210, 28B.15.310, 28B.20.725, 28B.30.750, 28B.35.370, 28B.50.360, 28B.77.070, 43.88D.010, and 43.185.050; amending 2020 c 356 ss 6002, 1002, 1003, 1006, 1013, 1009, 1022, 1027, 5002, and 5011, and 2019 c 413 ss 1007, 1010, 1014, 1058, 1060, 1074, 1079, 1077, 2088, 2089, 3020, 3091, 3217, 3235, 4004, and 5011 (uncodified); reenacting and amending RCW 43.155.050; creating new sections; repealing 2019 c 413 s 1059 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1081 by Representatives Tharinger, Wylie, Callan and Hackney

AN ACT Relating to state general obligation bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1082 by Representatives Goodman, J. Johnson, Berry, Leavitt, Fitzgibbon, Slatter, Wylie, Ramos, Bateman, Dolan, Tharinger, Simmons, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Hackney, Chopp, Lovick, Duerr, Ormsby, Lekanoff, Santos, Macri, Frame, Davis, Bergquist, Pollet and Harris-Talley

AN ACT Relating to state oversight and accountability of peace officers and corrections officers; amending RCW 43.101.010, 43.101.020, 43.101.030, 43.101.040, 43.101.060, 43.101.080, 43.101.085, 43.101.095, 43.101.105, 43.101.115, 43.101.135, 43.101.145, 43.101.155, 43.101.157, 43.101.230, 43.101.390, 43.101.420, 34.12.035, 40.14.070, 43.101.380, and 43.101.400; creating a new section; repealing RCW 43.101.096, 43.101.106, 43.101.116, 43.101.136, 43.101.146, 43.101.156, and 43.101.180; and prescribing penalties.

Referred to Committee on Public Safety.

HB 1083 by Representatives Gregerson, Peterson, Wylie, Bateman, Tharinger, Ramel, Ortiz-Self, Valdez, Kloba, Morgan, Chopp, Ormsby, Santos, Macri, Orwall, Bergquist, Pollet and Harris-Talley

AN ACT Relating to relocation assistance for tenants of closed or converted manufactured/mobile home parks; and amending RCW 59.21.005 and 59.21.021.

Referred to Committee on Appropriations.

HB 1084 by Representatives Ramel, Slatter, J. Johnson, Duerr, Fitzgibbon, Dolan, Chopp, Wylie, Bateman, Ramos, Berry, Ortiz-Self, Gregerson, Goodman, Ryu, Valdez, Callan, Kloba, Ormsby, Stonier, Fey, Macri, Peterson, Pollet, Bergquist and Harris-Talley

AN ACT Relating to reducing statewide greenhouse gas emissions by achieving greater decarbonization of residential and commercial buildings; amending RCW 19.27A.160, 19.27A.015, 19.27A.020, 19.27A.200, 80.28.074, 80.28.110, 80.28.190, 80.28.005, 43.21F.055, 35.92.430, and 54.16.390; amending 2007 c 349 ss 1 and 3 (uncodified); adding a new section to chapter 19.27A RCW; adding new sections to chapter 80.28 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1085 by Representatives Kloba, Vick, Volz, Leavitt, Ramel, Hoff, Graham, Chopp, Lovick, Stokesbary and Pollet

AN ACT Relating to promoting a safe learning environment for students with seizure disorders; amending RCW 28A.210.260 and 28A.210.350; adding a new section to chapter 28A.210 RCW; and adding a new section to chapter 28A.235 RCW.

Referred to Committee on Education.

HB 1086 by Representatives Simmons, Caldier, Bateman, Ortiz-Self, Shewmake, Ryu, Chopp, Cody, Goodman, Fey, Stonier, Macri, Fitzgibbon, Frame and Davis

AN ACT Relating to the creation of the state office of behavioral health consumer advocacy; amending RCW 71.24.045 and 71.24.380; adding a new chapter to Title 71 RCW; repealing RCW 71.24.350; and providing an effective date.

Referred to Committee on Appropriations.

HB 1087 by Representatives Berry, Wicks, Simmons, Kloba, Hackney, Santos, Macri and Sullivan

AN ACT Relating to clarifying the continuity of employee family and medical leave rights; adding a new section to chapter 50A.05 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1088 by Representatives Lovick, Goodman, Fitzgibbon, J. Johnson, Slatter, Wylie, Ramos, Bateman, Berry, Dolan, Tharinger, Simmons, Ryu, Ramel, Shewmake, Leavitt, Senn, Peterson, Gregerson, Valdez, Callan, Chopp, Duerr, Ormsby, Taylor, Lekanoff, Santos, Macri, Frame, Orwall, Berg, Pollet and Harris-Talley

AN ACT Relating to potential impeachment disclosures; and adding a new section to chapter 10.93 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1089 by Representatives Ramos, Goodman, Leavitt, Slatter, Wylie, Bateman, Berry, Dolan, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Hackney, Chopp, Duerr, Ormsby, Taylor, Bronoske, Fey, Lekanoff, Santos, Macri, J. Johnson, Frame, Orwall and Pollet

AN ACT Relating to compliance audits of requirements relating to peace officers and law enforcement agencies; and adding new sections to chapter 43.101 RCW.

Referred to Committee on Appropriations.

HB 1090 by Representatives Ortiz-Self, Fey, Fitzgibbon, J. Johnson, Ramos, Tharinger, Simmons, Ramel,

Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Young, Hackney, Chopp, Lovick, Ormsby, Stonier, Frame, Santos, Macri, Orwall, Davis, Pollet and Harris-Talley

AN ACT Relating to private, for-profit detention facilities; adding a new chapter to Title 70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1091 by Representatives Fitzgibbon, Slatter, Berry, Dolan, Bateman, Ramos, Simmons, Ramel, Senn, Peterson, Duerr, Ryu, Valdez, Callan, Kloba, Chopp, Ormsby, Frame, Macri, Pollet, Goodman and Bergquist

AN ACT Relating to reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel; amending RCW 46.25.100, 46.20.202, 46.25.052, 46.25.060, 70A.15.3150, 70A.15.3160, 19.112.110, and 19.112.120; adding a new chapter to Title 70A RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Transportation.

HB 1092 by Representatives Lovick, Goodman, Berry, Leavitt, Fitzgibbon, J. Johnson, Slatter, Wylie, Bateman, Ramos, Berg, Sells, Dolan, Tharinger, Simmons, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Ryu, Bronoske, Valdez, Callan, Kloba, Hackney, Chopp, Duerr, Ormsby, Taylor, Lekanoff, Frame, Santos, Macri, Orwall, Davis, Pollet, Bergquist and Harris-Talley

AN ACT Relating to requiring reporting, collecting, and publishing information regarding law enforcement interactions with the communities they serve; adding new sections to chapter 10.114 RCW; creating a new section; providing effective dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1093 by Representatives Ormsby, Gregerson, Bergquist and Macri

AN ACT Relating to fiscal matters; amending RCW 43.88.585; amending 2020 c 357 ss 101, 102, 103, 104, 105, 107, 108, 113, 115, 116, 117, 118, 119, 120, 121, 122, 125, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 505, 506, 507, 509, 510, 511, 513, 514, 515, 516, 517, 518, 519, 520, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 617, 612, 613, 614, 615, 616, 701, 702, 703, 704, 706, 707, 801, 804, and 907, and 2019 c 406 s 4 (uncodified); adding new sections to 2020 c 357 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1094 by Representatives Ormsby, Gregerson, Macri and Bergquist

AN ACT Relating to fiscal matters; amending RCW 15.76.115, 41.45.230, 43.08.190, 43.79.195, 43.88.058, 43.99N.060, 43.185C.060, 43.320.110, 46.09.520, 70A.305.180, 79.105.150, 79A.25.210, and 86.26.007; amending 2020 c 127 s 14 (uncodified); reenacting and amending RCW 43.155.050 and 69.50.540; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1095 by Representatives Walen, Boehnke, Ryu, Leavitt, Corry, Wicks, Tharinger, Ortiz-Self, Callan, Graham, Fey, Frame, Stokesbary, Orwall, Rule, Bergquist and Pollet

AN ACT Relating to the taxation of governmental financial assistance programs addressing the impacts of conditions giving rise to a gubernatorial or presidential emergency proclamation by creating state business and occupation tax and state public utility tax exemptions, a sales and use tax exemption for the receipt of such financial assistance, and clarifying the sales and use tax obligations for goods and services purchased by recipients of such financial assistance; amending RCW 82.04.050; amending 2020 c 80 s 62 (uncodified); adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.08 RCW; creating a new section; repealing 2020 c 80 s 58; and declaring an emergency.

Referred to Committee on Finance.

HB 1096 by Representatives Schmick, Cody, Leavitt, Ortiz-Self, Riccelli and Macri

AN ACT Relating to nonmedicare plans offered through the Washington state health insurance pool; and amending RCW 48.41.100 and 48.41.160.

Referred to Committee on Ways & Means.

HB 1097 by Representatives Sells, Bateman, Ortiz-Self, Kloba, Chopp, Ormsby, Stonier and Macri

AN ACT Relating to increasing worker protections; amending RCW 49.17.130, 49.17.140, 49.17.160, and 49.17.180; adding a new section to chapter 51.04 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

HB 1098 by Representatives Sells, Leavitt, Bateman, Ortiz-Self, Kloba, Rule and Macri

AN ACT Relating to unemployment insurance; amending RCW 28B.50.030, 50.04.323, 50.16.030, 50.20.010, 50.20.020, 50.20.100, 50.20.118, 50.20.120, 50.20.140, 50.24.014, 50.29.021, 50.29.026, 50.29.027, 50.29.041, 50.29.062, 50.29.063, 50.44.060, 50.60.020, and 50.60.110; reenacting and amending RCW 50.20.050 and 50.29.025; adding new sections to chapter 50.04 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 50.60 RCW; creating a new section; repealing RCW 50.20.1201 and 50.20.1202; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1099 by Representatives Duerr, Fitzgibbon, Dolan, Bateman, Ramel, Gregerson, Goodman, Ryu, Kloba, Chopp, Ormsby, Pollet, Fey, Santos and Davis

AN ACT Relating to improving the state's climate response through updates to the state's comprehensive planning framework; amending RCW 36.70A.020, 36.70A.480, 36.70A.320, 36.70A.190, 36.70A.100, and 47.80.030; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70A.45 RCW; adding a new section to chapter 47.80 RCW; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Appropriations.

HB 1100 by Representatives Duerr, Kloba, Bateman, Ramel, Ortiz-Self, Gregerson, Valdez, Macri and Chopp

AN ACT Relating to the sale or lease of manufactured/mobile home communities and the property on which they sit; amending RCW 59.20.300 and 59.20.305; reenacting and amending RCW 59.20.030; adding new sections to chapter 59.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1101 by Representatives Walsh, Corry, Graham, Dent, Caldier and Harris-Talley

AN ACT Relating to creating a grant program for converting unused public buildings to housing for homeless persons; amending RCW 43.63A.510; adding a new section to chapter 43.185A RCW; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1102 by Representatives Walsh, Shewmake and Dent

AN ACT Relating to establishing a state meat inspection program; adding a new chapter to Title 16 RCW; and prescribing penalties.

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

HB 1103 by Representatives Duerr, Shewmake, Fitzgibbon, Bateman, Ramel, Ryu, Kloba and Macri

AN ACT Relating to improving environmental and social outcomes with the production of building materials; adding a new chapter to Title 39 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1104 by Representatives Ryu and Kloba

AN ACT Relating to extending the operation of the mortgage lending fraud prosecution account until June 30, 2027; amending RCW 36.22.181 and 43.320.140; providing expiration dates; and declaring an emergency.

Referred to Committee on Business, Financial Services & Trade.

HB 1105 by Representatives Kloba, Simmons, Fitzgibbon, Dolan, Ortiz-Self, Goodman, Vick, Ormsby, Riccelli, Santos, Macri and Davis

AN ACT Relating to arrest protections for the medical use of cannabis; amending RCW 69.51A.040, 69.51A.055, and 69.51A.060; and repealing RCW 69.51A.043.

Referred to Committee on Law & Justice.

HB 1106 by Representatives MacEwen, Corry, Hoff and Schmick

AN ACT Relating to modifying the operation of motorcycles on roadways laned for traffic; amending RCW 46.61.608; creating new sections; and prescribing penalties.

Referred to Committee on Transportation.

HB 1107 by Representatives Chapman, Barkis, Corry, Tharinger and Graham

AN ACT Relating to expanding certain nonresident vessel permit provisions; amending RCW 88.02.620, 88.02.640, and 82.32.865; amending 2017 c 323 §§ 302 and 303 (uncodified); and providing expiration date.

Referred to Committee on Transportation.

HB 1108 by Representatives Orwall, Ortiz-Self, Kloba, Hackney, Chopp, Santos, Macri, Pollet and Harris-Talley

AN ACT Relating to maintaining funding and assistance for homeowners navigating the foreclosure process; amending RCW 61.24.166 and 61.24.173; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1109 by Representatives Orwall, Mosbrucker, Simmons, Goodman, Leavitt, Valdez, Kloba, Graham, Morgan, Caldier, Rule and Macri

AN ACT Relating to supporting victims of sexual assault; amending RCW 43.101.278 and 70.125.110; and adding a new section to chapter 5.70 RCW.

Referred to Committee on Public Safety.

HB 1110 by Representatives Riccelli, Ormsby, Bateman, Leavitt, Cody, Stonier, Frame, Macri and Pollet

AN ACT Relating to the composition of local boards of health; amending RCW 70.05.030, 70.05.035, 70.46.020, and 70.46.031; adding a new section to chapter 43.20 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1111 by Representatives Cody, Macri and Pollet

AN ACT Relating to investment income tax deductions; amending RCW 82.04.4281; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1112 by Representatives Dent, Chapman, Corry, Young and Graham

AN ACT Relating to expanding a use tax exemption for new Washington residents and nonresident members of the armed forces; amending RCW 82.12.0251; and creating new sections.

Referred to Committee on Finance.

HB 1113 by Representatives Ortiz-Self, Kloba and Pollet

AN ACT Relating to school attendance; amending RCW 28A.225.015, 28A.225.018, 28A.225.020, 28A.225.025, 28A.225.026, 28A.225.030, 28A.225.035, 28A.225.151, 28A.225.027, 28A.225.0261, 28A.225.005, 28A.225.010, 28A.225.023, 28A.225.031, 28A.225.060, 28A.225.080, 28A.225.090, 28A.225.170, 28A.225.200, 28A.225.215, 28A.225.220, 28A.225.225, 28A.225.260, 28A.225.270, 28A.225.310, 28A.225.330, and 28A.225.350; reenacting and amending RCW 28A.225.290; adding a new section to chapter 28A.225 RCW; and creating a new section.

Referred to Committee on Education.

HB 1114 by Representatives Dye and Ramel

AN ACT Relating to encouraging utility mitigation of urban heat island effects; amending RCW 35.92.355, 35.92.390, 54.16.400, 80.28.260, and 80.28.300; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1115 by Representatives Fey, Wylie, Bronoske and Ramos

AN ACT Relating to implementing cost recovery of state agency credit card and transaction fees and related costs for driver and vehicle fee transactions; adding new sections to chapter 46.01 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1116 by Representative Wylie

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

Referred to Committee on Finance.

HB 1117 by Representatives Lekanoff, Fitzgibbon, Bateman, Simmons, Ramel, Peterson, Goodman, Ryu, Kloba, Chopp, Pollet, Macri and Davis

AN ACT Relating to promoting salmon recovery through revisions to the state's comprehensive planning framework; amending RCW 36.70A.030, 36.70A.020, 36.70A.060, and 90.74.020; reenacting and amending RCW 36.70A.070; adding a new section to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1118 by Representatives Berry, Fitzgibbon, Bateman, Senn, Peterson, Gregerson, Ryu, Kloba, Macri and Pollet

AN ACT Relating to the management of certain materials to support recycling and waste and litter reduction; amending RCW 43.21B.300, 70A.205.005, 70A.205.010, 70A.205.115, 70A.205.045, 70A.205.070, 81.77.030, 81.77.160, 81.77.185, and 81.80.470; reenacting and amending RCW 43.21B.110; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1119 by Representatives Jacobsen, Simmons, Young, Graham, Pollet, Leavitt, Dolan and Rule

AN ACT Relating to notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education; and amending RCW 28B.10.590.

Referred to Committee on Ways & Means.

HB 1120 by Representatives Tharinger, Harris, Cody, Riccelli, Stonier and Macri

AN ACT Relating to state of emergency operations impacting long-term services and supports; amending RCW 43.43.832, 43.43.837, 74.39A.056, 18.51.091, 18.51.230, 74.42.360, 74.39A.074, 74.39A.076, 74.39A.341, 18.88B.021, 70.128.230, 18.20.270, 70.128.070, 70.97.160, 18.20.110, 18.79.260, 18.88A.030, and 18.88A.087; reenacting and amending RCW 18.79.260; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1121 by Representatives Santos, Ybarra, Ortiz-Self, Gregerson, Paul, Stonier, Pollet, Bergquist and Harris-Talley

AN ACT Relating to the waiver of certain high school graduation requirements in times of emergency; amending RCW 28A.655.250; adding a new section to chapter 28A.230 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

HB 1122 by Representatives Lovick, Klippert, Ryu, Goodman, MacEwen and Orwall

AN ACT Relating to the retirement age for state guard members; amending RCW 38.16.015; and declaring an emergency.

Referred to Committee on State Government & Elections.

HB 1123 by Representative Cody

AN ACT Relating to the authority of the nursing care quality assurance commission; adding a new section to chapter 18.79 RCW; and repealing RCW 18.79.390 and 18.79.410.

Referred to Committee on Health Care & Wellness.

HB 1124 by Representative Cody

AN ACT Relating to nurse delegation of glucose monitoring, glucose testing, and insulin injections; amending RCW 18.79.260; reenacting and amending RCW 18.79.260; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1125 by Representatives Shewmake, Fitzgibbon, Ryu, Leavitt, Valdez, Fey, Macri and Pollet

AN ACT Relating to incentivizing investment in energy conservation and efficiency measures and expanding opportunities for energy rate discounts to, among other objectives, reduce the energy burden of low-income customers and vulnerable populations; amending RCW 80.28.068; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Environment & Energy.

HB 1126 by Representatives Goodman, Simmons, Ormsby and Davis

AN ACT Relating to limiting tolling of community custody terms; and amending RCW 9.94A.171.

Referred to Committee on Appropriations.

HB 1127 by Representatives Slatter, Boehnke, Valdez, Kloba, Graham, Macri and Pollet

AN ACT Relating to protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities; amending RCW 42.56.360; adding a new chapter to Title 70 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1128 by Representatives Ryu, Hackney, Wylie, Bateman, Berg, Simmons, Ramel, Gregerson, Valdez, Duerr, Lekanoff, Macri, Pollet and Harris-Talley

AN ACT Relating to housing benefit districts; amending RCW 36.70A.600, 82.14.410, 84.52.043, and 29A.36.210; adding a new section to chapter 82.14 RCW; and adding a new chapter to Title 36 RCW.

Referred to Committee on Finance.

HB 1129 by Representatives Valdez, Stonier, Ortiz-Self, Goodman, Cody, Santos and Macri

AN ACT Relating to the licensure of international medical graduates; and amending RCW 18.71.095.

Referred to Committee on Health Care & Wellness.

HB 1130 by Representatives Dye, Klicker, Young, Jacobsen and Schmick

AN ACT Relating to consumer affordability and reliability in energy supply; amending RCW 19.405.120; adding a new section to chapter 19.405 RCW; adding a new chapter to Title 80 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1131 by Representatives Rude and Callan

AN ACT Relating to the emergency waiver of instructional hours and days at private schools; amending RCW 28A.195.040 and 28A.195.010; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

HB 1132 by Representatives Kretz, Chapman, Dent and Springer

AN ACT Relating to the protection of water supply for farming and rural economic development; amending RCW 90.14.031, 90.14.140, 90.14.140, 90.14.160, 90.14.170, and 90.14.180; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

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

HB 1133 by Representatives Berry, Thai, Bateman, Ramel, Ortiz-Self, Peterson, Ryu, Valdez, Kloba, Hackney, Cody, Macri, Davis and Pollet

AN ACT Relating to reporting lost or stolen firearms; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1134 by Representatives Berry, Senn, Simmons, Ramel, Peterson, Ryu, Leavitt, Valdez, Kloba, Hackney, Cody, Santos, Macri, Davis and Pollet

AN ACT Relating to the disposition of forfeited firearms by the Washington state patrol; and amending RCW 9.41.098.

Referred to Committee on Civil Rights & Judiciary.

HB 1135 by Representatives Fey, Bronoske, Hackney and Ramos

AN ACT Relating to transportation funding and appropriations; amending RCW 43.19.642, 46.20.745, 46.68.060, 46.68.280, 46.68.325, 47.56.876, 46.68.370, 46.68.300, 47.60.322, 47.66.120, 46.68.290, 82.44.135, 46.68.395, 47.56.864, 47.56.165, 82.21.030, and 47.56.876; creating new sections; making appropriations and authorizing expenditures for capital improvements; providing contingent effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1136 by Representatives Fey, Wylie, Bronoske and Ramos

AN ACT Relating to transportation funding and appropriations; amending RCW 47.60.505; amending 2019 c 416 ss 101 and 106 (uncodified); amending 2020 c 219 ss 101, 102, 104, 201-205, 207-223, 301, 302, 304-310, 401-406, 601, and 602 (uncodified); adding a new section to 2019 c 416 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1137 by Representatives McCaslin, Young, Barkis, Schmick and Graham

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

Referred to Committee on Transportation.

HCR 4400 by Representative Sullivan

Adopting joint rules.

HCR 4401 by Representative Sullivan

Convening Joint Sessions of the Legislature for the purposes of canvassing the vote of Constitutional elective state officers as required by Article III, section 4 of the state Constitution and receiving the Inaugural Address of Governor Jay Inslee.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4400 and HOUSE CONCURRENT RESOLUTION NO. 4401 were read the first time, and under suspension of the rules, were placed on the third reading calendar.

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

THIRD READING

HOUSE CONCURRENT RESOLUTION NO. 4400, by Representative Sullivan

Adopting joint rules.

The resolution was read the third time.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4400 was adopted.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4400 was immediately transmitted to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 4401, by Representative Sullivan

Convening Joint Sessions of the Legislature for the purposes of canvassing the vote of Constitutional elective state officers as required by Article III, section 4 of the state Constitution and receiving the Inaugural Address of Governor Jay Inslee.

The resolution was read the third time.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4401 was adopted.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4401 was immediately transmitted to the Senate.

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

There being no objection, the remaining bills listed on the day's introduction sheet, under the fourth order of business, were read the first time and were referred to the committees so designated.

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

ANNOUNCEMENTS

COMMITTEE APPOINTMENTS

The Speaker announced the following committee appointment(s):

Abbarno, Peter: **Capital Budget; Civil Rights & Judiciary; Environment & Energy

Barkis, Andrew: *Transportation; Housing, Human Services & Veterans

Bateman, Jessica: Health Care & Wellness, Vice Chair; Capital Budget; Housing, Human Services & Veterans

Berg, April: Finance, Vice Chair; Education; Local Government

Bergquist, Steve: Appropriations, Vice Chair; Education; Rules

Berry, Liz: Labor & Workplace Standards, Vice Chair; Environment & Energy; Transportation

Boehnke, Matt: *Community & Economic Development; Appropriations; Environment & Energy

Bronoske, Dan: Transportation, 2nd Vice Chair; Health Care & Wellness; Labor & Workplace Standards

Caldier, Michelle: *Housing, Human Services & Veterans; **Health Care & Wellness; Appropriations; Rules

Callan, Lisa: Capital Budget, Vice Chair; Children, Youth & Families; Education

Chambers, Kelly: *College & Workforce Development; **Appropriations; Commerce & Gaming

Chandler, Bruce: *Rural Development, Agriculture & Natural Resources; Appropriations; College & Workforce Development

Chapman, Mike: Rural Development, Agriculture & Natural Resources, Chair; Transportation

Chase, Rob: **Children, Youth & Families; **Community & Economic Development; Finance

Chopp, Frank: Appropriations; Finance; Housing, Human Services & Veterans

Cody, Eileen: Health Care & Wellness, Chair; Appropriations

Corry, Chris: **Appropriations; Community & Economic Development; Consumer Protection & Business

Davis, Lauren: Civil Rights & Judiciary; Health Care & Wellness; Public Safety; Rules

Dent, Tom: *Children, Youth & Families; **Rural Development, Agriculture & Natural Resources; Rules; Transportation

Dolan, Laurie: Education, Vice Chair; Appropriations; State Government & Tribal Relations

Duerr, Davina: Environment & Energy, Vice Chair; Local Government, Vice Chair; Transportation

Dufault, Jeremie: **Consumer Protection & Business; **Finance; Rules

Dye, Mary: *Environment & Energy; Appropriations; Capital Budget

Entenman, Debra: College & Workforce Development, Vice Chair; Civil Rights & Judiciary; Transportation

Eslick, Carolyn: **Transportation; Capital Budget; Children, Youth & Families

Fey, Jake: Transportation, Chair; Environment & Energy

Fitzgibbon, Joe: Environment & Energy, Chair; Appropriations; Rural Development, Agriculture & Natural Resources

Frame, Noel: Finance, Chair; Appropriations; Community & Economic Development

Gilday, Greg: **Civil Rights & Judiciary; **Housing, Human Services & Veterans; Capital Budget; Rules

Goehner, Keith: *Local Government; Environment & Energy; Transportation

Goodman, Roger: Public Safety, Chair; Children, Youth & Families; Civil Rights & Judiciary

Graham, Jenny: **Civil Rights & Judiciary; Public Safety; Rules; State Government & Tribal Relations

Gregerson, Mia: Appropriations, Vice Chair; Rules; State Government & Tribal Relations

Griffey, Dan: **Local Government; Public Safety; Transportation

Hackney, David: Capital Budget, Vice Chair; Public Safety; Transportation

Hansen, Drew: Civil Rights & Judiciary, Chair; Appropriations; College & Workforce Development

Harris, Paul: Appropriations; Health Care & Wellness; Labor & Workplace Standards; Rules

Harris-Talley, Kirsten: Children, Youth & Families, Vice Chair; Environment & Energy; Finance

Hoff, Larry: *Labor & Workplace Standards; Appropriations; College & Workforce Development

Jacobsen, Cyndy: **College & Workforce Development; Appropriations; Community & Economic Development; Rules

Jinkins, Laurie: Rules, Chair

Johnson, Jesse: Public Safety, Vice Chair; Appropriations; Community & Economic Development

Kirby, Steve: Consumer Protection & Business, Chair; Civil Rights & Judiciary; Commerce & Gaming

Klicker, Mark: **Environment & Energy; Rules; Rural Development, Agriculture & Natural Resources; Transportation

Klippert, Brad: **Public Safety; Children, Youth & Families; Civil Rights & Judiciary

Kloba, Shelley: Commerce & Gaming, Chair; Capital Budget; Rural Development, Agriculture & Natural Resources

Kraft, Vicki: Capital Budget; College & Workforce Development; Community & Economic Development

Kretz, Joel: Rules; Rural Development, Agriculture & Natural Resources

Leavitt, Mari: College & Workforce Development, Vice Chair; Capital Budget; Housing, Human Services & Veterans

Lekanoff, Debra: State Government & Tribal Relations, Vice Chair; Appropriations; Rural Development, Agriculture & Natural Resources

Lovick, John: Community & Economic Development; Public Safety; Rules; Transportation

MacEwen, Drew: *Commerce & Gaming; **Appropriations; Capital Budget

Macri, Nicole: Appropriations, Vice Chair; Health Care & Wellness

Maycumber, Jacquelin: Capital Budget; Health Care & Wellness

McCaslin, Bob: **Children, Youth & Families; Education; Transportation

McEntire, Joel: **Capital Budget; Education; Rural Development, Agriculture & Natural Resources

Morgan, Melanie: Commerce & Gaming; Finance; Rules; Rural Development, Agriculture & Natural Resources

Mosbrucker, Gina: *Public Safety; **Labor & Workplace Standards; Capital Budget

Orcutt, Ed: *Finance; Rural Development, Agriculture & Natural Resources; Transportation

Ormsby, Timm: Appropriations, Chair

Ortiz-Self, Lillian: Children, Youth & Families; Education; Labor & Workplace Standards; Rules

Orwall, Tina: Civil Rights & Judiciary; Finance; Public Safety; Rules

Paul, Dave: Community & Economic Development, Vice Chair; College & Workforce Development; Transportation

Peterson, Strom: Housing, Human Services & Veterans, Chair; Capital Budget; Civil Rights & Judiciary

Pollet, Gerry: Local Government, Chair; Appropriations; College & Workforce Development

Ramel, Alex: Environment & Energy; Finance; Rules; Transportation

Ramos, Bill: Transportation, 2nd Vice Chair; Public Safety; Rural Development, Agriculture & Natural Resources

Riccelli, Marcus: Capital Budget; Health Care & Wellness; Rules; Transportation

Robertson, Eric: **Commerce & Gaming; **Transportation; Local Government; Rules

Rude, Skyler: Appropriations; Education; Health Care & Wellness

Rule, Alicia: Children, Youth & Families, Vice Chair; Capital Budget; Community & Economic Development

Ryu, Cindy: Community & Economic Development, Chair; Appropriations; Consumer Protection & Business

Santos, Sharon Tomiko: Education, Chair; Capital Budget; Consumer Protection & Business

Schmick, Joe: *Health Care & Wellness; Appropriations; Rural Development, Agriculture & Natural Resources

Sells, Mike: Labor & Workplace Standards, Chair; Capital Budget; College & Workforce Development

Senn, Tana: Children, Youth & Families, Chair; Appropriations; Local Government

Shewmake, Sharon: Rural Development, Agriculture & Natural Resources, Vice Chair; Capital Budget; Environment & Energy

Simmons, Tarra: Civil Rights & Judiciary, Vice Chair; Health Care & Wellness; Public Safety; Rules

Slatter, Vandana: College & Workforce Development, Chair; Environment & Energy; Transportation

Springer, Larry: Appropriations; Finance; Rules; Rural Development, Agriculture & Natural Resources

Steele, Mike: *Capital Budget; Appropriations; Education

Stokesbary, Drew: *Appropriations; Finance

Stonier, Monica Jurado: Appropriations; Education; Health Care & Wellness; Rules

Sullivan, Pat: Appropriations; Rules

Sutherland, Robert: College & Workforce Development; Community & Economic Development; Transportation

Taylor, Jamila: Housing, Human Services & Veterans, Vice Chair; Community & Economic Development; Transportation

Thai, My-Linh: Civil Rights & Judiciary; Finance; Housing, Human Services & Veterans; Rules

Tharinger, Steve: Capital Budget, Chair; Appropriations; Health Care & Wellness

Valdez, Javier: State Government & Tribal Relations, Chair; Civil Rights & Judiciary; Transportation

Vick, Brandon: *Consumer Protection & Business; Commerce & Gaming; Finance

Volz, Mike: *State Government & Tribal Relations; **Transportation; Capital Budget

Walen, Amy: Consumer Protection & Business, Vice Chair; Finance, Vice Chair; Civil Rights & Judiciary; Rules

Walsh, Jim: *Civil Rights & Judiciary; **Education; **State Government & Tribal Relations; Transportation

Wicks, Emily: Commerce & Gaming, Vice Chair; Children, Youth & Families; Transportation

Wilcox, J.T.: Rules

Wylie, Sharon: Transportation, 1st Vice Chair; Commerce & Gaming; Finance

Ybarra, Alex: *Education; Civil Rights & Judiciary; Health Care & Wellness

Young, Jesse: Children, Youth & Families; Finance; Public Safety

*Ranking Minority Member
**Assistant Ranking Minority Member

There being no objection, the House adjourned until 9:55 a.m., January 12, 2021, the 2nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SECOND DAY

House Chamber, Olympia, Tuesday, January 12, 2021

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

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

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

MESSAGES FROM THE SENATE

January 11, 2021

Mme. SPEAKER:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 11, 2021

Mme. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8401,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 1138 by Representatives Bergquist, Paul, Lekanoff, Hackney, Goodman, Gregerson and Chambers

AN ACT Relating to ensuring price accuracy for tuition units in the guaranteed education tuition program; and amending RCW 28B.95.020 and 28B.95.030.

Referred to Committee on College & Workforce Development.

HB 1139 by Representatives Pollet, Callan, Berg, Dolan, Ryu, Leavitt, Bronoske, Ramel, Ramos, Lekanoff, Stonier, Ortiz-Self, Frame, Goodman, Rule, Bergquist, Berry, Wylie, J. Johnson, Taylor and Valdez

AN ACT Relating to taking action to address lead in school drinking water; adding a new section to chapter 28A.210 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 28A.195 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1140 by Representatives J. Johnson, Frame, Entenman, Sells, Taylor, Santos, Stonier, Ormsby, Lekanoff, Davis, Hackney, Macri, Callan, Chopp, Pollet, Ryu, Goodman, Berg, Ramos, Bergquist, Gregerson, Wicks, Peterson, Thai, Dolan, Bateman, Simmons, Fitzgibbon and Valdez

AN ACT Relating to juvenile access to attorneys when contacted by law enforcement; amending RCW 13.40.140, 2.70.020, and 13.40.020; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Appropriations.

HB 1141 by Representatives Rude, Macri, Stonier, Tharinger, Ormsby, Frame, Pollet, Goodman, Peterson, Thai, Ramel, J. Johnson, Bateman, Simmons, Fitzgibbon and Valdez

AN ACT Relating to increasing access to the provisions of the Washington death with dignity act; amending RCW 70.245.010, 70.245.010, 70.245.020, 70.245.030, 70.245.040, 70.245.050, 70.245.060, 70.245.070, 70.245.080, 70.245.090, 70.245.100, 70.245.110, 70.245.120, 70.245.150, 70.245.180, 70.245.190, 70.245.220, and 70.41.520; adding a new section to chapter 70.245 RCW; adding a new section to chapter 70.41 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1142 by Representatives Hoff, Wylie and Vick

AN ACT Relating to auto mall directional signs; and adding a new section to chapter 47.36 RCW.

Referred to Committee on Transportation.

HB 1143 by Representatives Rude, Klicker, Eslick and Dent

AN ACT Relating to authorizing the placement of water rights banked pursuant to RCW 90.92.070 into the trust water rights program; amending RCW 90.42.080; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1144 by Representatives Hoff, Vick and Eslick

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

Referred to Committee on Local Government.

HB 1145 by Representative Rude

AN ACT Relating to allowing the use of nonwood renewable fiber in recycled content paper carryout bags; and amending RCW 70A.530.010 and 70A.530.020.

Referred to Committee on Environment & Energy.

HB 1146 by Representatives Hoff and Vick

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

Referred to Committee on Appropriations.

HB 1147 by Representatives Ryu, Klippert, Pollet, Goodman and Rule

AN ACT Relating to creating the Washington state office of resiliency; and adding a new chapter to Title 43 RCW.

Referred to Committee on Appropriations.

HB 1148 by Representatives Cody, Macri, Stonier, Lekanoff and Pollet

AN ACT Relating to protecting patient safety in acute care hospitals through improvements in licensing and enforcement; amending RCW 70.41.020 and 70.41.130; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1149 by Representatives Pollet, Dolan, Ramel, Ormsby, Lekanoff, Goodman, Wicks and Valdez

AN ACT Relating to improving the public health knowledge of students in public schools; adding a new section to chapter 28A.655 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 1150 by Representatives Hoff and Chapman

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

Referred to Committee on Local Government.

HB 1151 by Representatives Leavitt, Shewmake, Peterson, Bronoske, Entenman, Stonier, Bateman, Chopp, Frame, Hackney, Callan, Pollet, Gregerson, Senn and J. Johnson

AN ACT Relating to bolstering economic recovery by providing public assistance to households in need; amending RCW 74.04.660 and 74.04.770; adding a new section to chapter 74.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1152 by Representatives Riccelli, Leavitt, Stonier, Ormsby, Lekanoff, Pollet, Bronoske and Bateman

AN ACT Relating to supporting measures to create comprehensive public health districts; amending RCW 43.70.515, 70.05.010, 70.05.040, 70.05.045, 70.05.050, 70.05.051, 70.05.053, 70.05.054, 70.05.055, 70.05.060, 70.05.070, 70.05.072, 70.05.074, 70.05.077, 70.05.090, 70.05.100, 70.05.110, 70.05.120, 70.05.130, 70.05.150, 70.05.160, 70.05.170, 70.05.180, 70.05.190, 43.20.030, 43.20.148, 43.20.050, 70.24.022, 70.24.024, 70.24.034, 70.24.150, 70.24.340, 70.24.360, and 70.24.450; reenacting and amending RCW 43.20.025 and 70.24.017; adding new sections to chapter 43.70 RCW; adding new sections to chapter 70.05 RCW; creating a new section; repealing RCW 70.05.030, 70.05.035, 70.05.080, 70.08.005, 70.08.010, 70.08.020, 70.08.030, 70.08.040, 70.08.050, 70.08.060, 70.08.070, 70.08.080, 70.08.090, 70.08.100, 70.08.110, 70.46.020, 70.46.031, 70.46.060, 70.46.080, 70.46.082, 70.46.085, 70.46.090, 70.46.100, 70.46.120, 43.70.060, 43.70.064, 43.70.066, 43.70.068, and 43.70.070; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1153 by Representatives Orwall, Gregerson, Davis, Hackney, Macri, Callan, Pollet, Ramos, Bergquist, Thai, J. Johnson, Simmons and Valdez

AN ACT Relating to language access in public schools; adding a new section to chapter 28A.605 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.630 RCW; creating a new section; repealing RCW 28A.155.230; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1154 by Representatives Ortiz-Self, Santos, Frame and Peterson

AN ACT Relating to the building communities fund program; and amending RCW 43.63A.125.

Referred to Committee on Capital Budget.

HB 1155 by Representatives Riccelli, Ormsby and Lekanoff

AN ACT Relating to sales and use tax for emergency communication systems and facilities; and amending RCW 82.14.420.

Referred to Committee on Finance.

HB 1156 by Representatives Harris-Talley, Gregerson, Shewmake, Ormsby, Chopp, Lekanoff, Davis, Frame, Macri, Duerr, Pollet, Goodman, Berg, Taylor, Walsh, Rule, Ortiz-Self, Berry, Peterson, Thai, Wicks, Bateman, J. Johnson, Simmons, Fitzgibbon, Ramel and Dolan

AN ACT Relating to increasing representation and voter participation in local elections; amending RCW 29A.60.221, 29A.52.112, 29A.52.210, 29A.52.220, 29A.24.010, 36.32.040, 36.32.050, 35A.12.040, 28A.343.320, 29A.04.330, 35.17.020, 35.18.270, 35.23.051, 35.27.090, 35.30.080, 35.61.050, 35A.02.050, 36.32.030, 36.32.0554, 36.69.070, 36.69.090, 36.93.051, 36.93.061, 29A.92.070, 29A.92.080, and 29A.92.130; reenacting and amending RCW 29A.36.170; adding a new section to chapter 29A.52 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 52.14 RCW; adding a new section to chapter 53.12 RCW; creating new sections; repealing RCW 29A.04.127; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1157 by Representatives Bateman, Gilday, Taylor, Eslick, Robertson, Simmons, Ormsby, Lekanoff, Hackney, Ryu, Walen, Vick, Wicks, Berg, Fitzgibbon, Barkis, Harris-Talley and Dolan

AN ACT Relating to increasing housing supply through the growth management act and housing density tax incentives for local governments; amending RCW 36.70A.110, 36.70A.210, and 82.45.060; reenacting and amending RCW 36.70A.070; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Finance.

HB 1158 by Representatives Eslick, Ybarra, Dent and Sutherland

AN ACT Relating to limiting unilateral actions by the executive branch in emergencies; and amending RCW 43.06.220 and 34.05.350.

Referred to Committee on State Government & Tribal Relations.

HB 1159 by Representatives Berg, Bronoske, Griffey and Pollet

AN ACT Relating to the number of fire protection district commissioners; and amending RCW 52.14.015.

Referred to Committee on Housing & Local Government.

HB 1160 by Representatives Cody, Macri and Pollet

AN ACT Relating to health provider contracts; and adding new sections to chapter 48.43 RCW.

Referred to Committee on Appropriations.

HB 1161 by Representatives Peterson, Davis, Pollet and Thai

AN ACT Relating to modifying the requirements for drug take-back programs; amending RCW 69.48.010, 69.48.050, 69.48.100, 69.48.120, 43.131.423, and 43.131.424; and creating a new section.

Referred to Committee on Appropriations.

HB 1162 by Representatives Stonier, Harris, Lekanoff, Hackney, Pollet, Dolan and Callan

AN ACT Relating to creating new graduation credit and pathway options; amending RCW 28A.230.090 and 28A.655.250; and declaring an emergency.

Referred to Committee on Education.

HB 1163 by Representative Stokesbary

AN ACT Relating to oversight and management of the state budgeting and expenditure process; amending RCW 43.88.110, 43.79.270, 43.79.280, and 43.79.260; adding new sections to chapter 43.88 RCW; adding a new chapter to Title 44 RCW; creating a new section; and recodifying RCW 43.79.270 and 43.79.280.

Referred to Committee on Appropriations.

HB 1164 by Representatives Valdez, Peterson, Ormsby, Davis, Hackney, Macri, Pollet, Gregerson, Ramel, Bateman, Simmons, Fitzgibbon and Harris-Talley

AN ACT Relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, possession, distribution, importation, selling, offering for sale, purchasing, or transfer of large capacity magazines, by allowing continued possession of large capacity magazines limited to possession prior to, and inheritance on or after, the effective date of this act, subject to certain restrictions on the ability to sell or transfer such large capacity magazines and permitting their possession only on the owner's property or while engaged in lawful outdoor

recreational activities or use at a licensed shooting range, or when transporting the large capacity magazine to or from these locations, and by providing limited exemptions applicable to certain government officers, agents, employees, or contractors, law enforcement and corrections officers and military members, licensed firearms manufacturers, dealers, and gunsmiths, and persons engaged in sport shooting or permanently relinquishing a large capacity magazine to law enforcement; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1165 by Representatives Ryu, Vick, Santos, Hoff and Harris-Talley

AN ACT Relating to the Washington credit union act; and amending RCW 31.12.005, 31.12.402, 31.12.404, 31.12.436, and 31.12.438.

Referred to Committee on Business, Financial Services & Trade.

HB 1166 by Representatives Leavitt, Caldier, Sutherland, Chopp, Lekanoff, Davis, Shewmake, Pollet, Ramos, Callan, Rule, Gregerson, Bateman, Harris-Talley and J. Johnson

AN ACT Relating to expanding access to the homeless and foster care college students pilot program; amending RCW 28B.50.916 and 28B.77.850; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1167 by Representatives Bateman, Dolan and Hackney

AN ACT Relating to Thurston county superior court judges; amending RCW 2.08.065; and creating a new section.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 1151 which was referred to the committee on Housing, Human Services & Veterans.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4400
HOUSE CONCURRENT RESOLUTION NO. 4401

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4400 and HOUSE CONCURRENT RESOLUTION NO. 4401 were immediately transmitted to the Senate.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President Pro Tempore Karen Keiser to her seat on the Rostrum.

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

MESSAGE FROM THE SENATE

January 12, 2021

Mme. SPEAKER:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House reverted to the first order of business.

JOINT SESSION

Pursuant to House Concurrent Resolution No. 4401, the Speaker called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

The Speaker introduced President Pro Tempore, Karen Keiser seated at the rostrum.

The Speaker: "The purpose of the Joint Session is to receive the canvassing of the votes of statewide elected officials, referenda and initiatives."

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

MESSAGE FROM THE SECRETARY OF STATE

FORMAT CHANGED TO ACCOMIDATE TEXT

MESSAGE FROM THE SECRETARY OF STATE

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

Canvass of the Returns of the General Election
Held on November 3, 2020

I, Kim Wyman, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the 4,116,894 votes cast in the November 3, 2020 General Election by the registered voters of the state for all statewide measures, statewide offices, those legislative and judicial offices whose jurisdiction encompasses more than one county, as received from the County Auditors. The votes cast for these measures and these candidates are as follows:

Referendum Measure No. 90
The legislature passed Engrossed Substitute Senate Bill 5395 concerning comprehensive sexual health education. This bill would require school districts to adopt or develop, consistent with state standards, comprehensive age-appropriate sexual health education, as defined, for all students, and excuse students if their parents request.

Approved	2,283,630
Rejected	1,665,906

Advisory Vote No. 32
Engrossed Substitute Senate Bill 5323
The legislature imposed, without a vote of the people, a retail sales tax on pass-through charges retail establishments collect for specified carryout bags, costing $32,000,000 in its first ten years, for government spending.

Repealed	2,350,996
Maintained	1,488,767

Advisory Vote No. 33
Substitute Senate Bill 5628
The legislature imposed, without a vote of the people, a tax on heavy equipment rentals to consumers by heavy equipment rental property dealers, costing $103,000,000 in its first ten years, for government spending.

Repealed	2,262,993
Maintained	1,533,746

Advisory Vote No. 34
Engrossed Substitute Senate Bill 6492
The legislature increased, without a vote of the people, the business and occupation tax rate for certain businesses, while reducing certain surcharges, costing $843,000,000 in its first ten years, for government spending.

Repealed	2,334,609
Maintained	1,430,112

Advisory Vote No. 35
Engrossed Senate Bill 6690
The legislature increased, without a vote of the people, the business and occupation tax on manufacturers of commercial airplanes, including components or tooling, costing $1,024,000,000 in its first ten years, for government spending.

Repealed	2,064,701
Maintained	1,725,885

Engrossed Senate Joint Resolution No. 8212
The legislature has proposed a constitutional amendment on investment of public funds. This amendment would allow public money held in a fund for long-term care services and supports to be invested by governments as authorized by state law, including investments in private stocks.

Approved	1,738,080
Rejected	2,069,809

US President/Vice President

Candidate	Party	Votes
Joseph R. Biden / Kamala D. Harris	(Democratic Party Nominees)	2,369,612
Donald J. Trump / Michael R. Pence	(Republican Party Nominees)	1,584,651
Jo Jorgensen / Jeremy “Spike” Cohen	(Libertarian Party Nominees)	80,500
Howie Hawkins / Angela Walker	(Green Party Nominees)	18,289
Gloria La Riva / Sunil Freeman	(Socialism and Liberation Party Nominees)	4,840

Alyson Kennedy / Malcolm M. Jarrett	(Socialist Workers Party Nominees)	2,487
WRITE-IN		27,252
Congressional District 1 - U.S. Representative		
Candidate	**Party Preference**	**Votes**
Suzan DelBene	(Prefers Democratic Party)	249,944
Jeffrey Beeler, Sr.	(Prefers Republican Party)	176,407
WRITE-IN		511
Congressional District 2 - U.S. Representative		
Candidate	**Party Preference**	**Votes**
Rick Larsen	(Prefers Democratic Party)	255,252
Timothy S. Hazelo	(Prefers Republican Party)	148,384
WRITE-IN		962
Congressional District 3 - U.S. Representative		
Candidate	**Party Preference**	**Votes**
Jaime Herrera Beutler	(Prefers Republican Party)	235,579
Carolyn Long	(Prefers Democratic Party)	181,347
WRITE-IN		977
Congressional District 4 - U.S. Representative		
Candidate	**Party Preference**	**Votes**
Dan Newhouse	(Prefers Republican Party)	202,108
Douglas E. McKinley	(Prefers Democratic Party)	102,667
WRITE-IN		488
Congressional District 5 - U.S. Representative		
Candidate	**Party Preference**	**Votes**
Cathy McMorris Rodgers	(Prefers Republican Party)	247,815
Dave Wilson	(Prefers Democratic Party)	155,737
WRITE-IN		808
Congressional District 6 - U.S. Representative		
Candidate	**Party Preference**	**Votes**
Derek Kilmer	(Prefers Democratic Party)	247,429
Elizabeth Kreiselmaier	(Prefers Republican Party)	168,783
WRITE-IN		1,004
Congressional District 7 - U.S. Representative		
Candidate	**Party Preference**	**Votes**
Pramila Jayapal	(Prefers Democratic Party)	387,109
Craig Keller	(Prefers Republican Party)	78,240
WRITE-IN		1,113
Congressional District 8 - U.S. Representative		
Candidate	**Party Preference**	**Votes**
Kim Schrier	(Prefers Democratic Party)	213,123
Jesse Jensen	(Prefers Republican Party)	198,423
WRITE-IN		566
Congressional District 9 - U.S. Representative		
Candidate	**Party Preference**	**Votes**

Adam Smith	(Prefers Democratic Party)	258,771
Doug Basler	(Prefers Republican Party)	89,697
WRITE-IN		582
Congressional District 10 - U.S. Representative		
Candidate	**Party Preference**	**Votes**
Marilyn Strickland	(Prefers Democratic Party)	167,937
Beth Doglio	(Prefers Democratic Party)	121,040
WRITE-IN		51,430
Governor		
Candidate	**Party Preference**	**Votes**
Jay Inslee	(Prefers Democratic Party)	2,294,243
Loren Culp	(Prefers Republican Party)	1,749,066
WRITE-IN		13,145
Lieutenant Governor		
Candidate	**Party Preference**	**Votes**
Denny Heck	(Prefers Democratic Party)	1,658,405
Marko Liias	(Prefers Democratic Party)	1,218,548
WRITE-IN		759,076
Secretary of State		
Candidate	**Party Preference**	**Votes**
Kim Wyman	(Prefers Republican Party)	2,116,141
Gael Tarleton	(Prefers Democratic Party)	1,826,710
WRITE-IN		4,666
State Treasurer		
Candidate	**Party Preference**	**Votes**
Mike Pellicciotti	(Prefers Democratic Party)	2,089,159
Duane A. Davidson	(Prefers Republican Party)	1,818,895
WRITE-IN		3,339
State Auditor		
Candidate	**Party Preference**	**Votes**
Pat (Patrice) McCarthy	(Prefers Democratic Party)	2,260,830
Chris Leyba	(Prefers Republican Party)	1,633,956
WRITE-IN		3,316
Attorney General		
Candidate	**Party Preference**	**Votes**
Bob Ferguson	(Prefers Democratic Party)	2,226,418
Matt Larkin	(Prefers Republican Party)	1,714,927
WRITE-IN		3,968
Commissioner of Public Lands		
Candidate	**Party Preference**	**Votes**
Hilary Franz	(Prefers Democratic Party)	2,212,158
Sue Kuehl Pederson	(Prefers Republican Party)	1,686,320
WRITE-IN		3,799
Superintendent of Public Instruction		

Candidate		Votes
Chris Reykdal		1,955,365
Maia Espinoza		1,609,643
WRITE-IN		17,957
Insurance Commissioner		
Candidate	**Party Preference**	**Votes**
Mike Kreidler	(Prefers Democratic Party)	2,506,693
Chirayu Avinash Patel	(Prefers Republican Party)	1,308,292
WRITE-IN		18,576
Legislative District 1 – State Senator		
Candidate	**Party Preference**	**Votes**
Derek Stanford	(Prefers Democratic Party)	55,496
Art Coday	(Prefers Republican Party)	32,168
WRITE-IN		53
Legislative District 1 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Davina Duerr	(Prefers Democratic Party)	58,019
Adam Bartholomew	(Prefers Republican Party)	29,256
WRITE-IN		61
Legislative District 1 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Shelley Kloba	(Prefers Democratic Party)	55,622
Jeb Brewer	(Prefers Republican Party)	31,696
WRITE-IN		64
Legislative District 2 – State Senator		
Candidate	**Party Preference**	**Votes**
Rick Payne	(Prefers Democrat Party)	29,477
Jim McCune	(Prefers Republican Party)	51,941
WRITE-IN		216
Legislative District 2 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Andrew Barkis	(Prefers Republican Party)	65,621
WRITE-IN		3,189
Legislative District 2 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
JT Wilcox	(Prefers Republican Party)	53,552
Veronica Whitcher Rockett	(Prefers Democratic Party)	27,952
WRITE-IN		248
Legislative District 7 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Jacquelin Maycumber	(Prefers Republican Party)	61,485
Georgia D. Davenport	(Prefers Democratic Party)	23,973
WRITE-IN		100
Legislative District 7 – State Representative Position 2		

Candidate	Party Preference	Votes
Joel Kretz	(Prefers Republican Party)	62,615
JJ Wandler	(Prefers Independent Party)	20,735
WRITE-IN		288
Legislative District 9 – State Senator		
Candidate	**Party Preference**	**Votes**
Mark G. Schoesler	(Prefers GOP Party)	43,651
Jenn Goulet	(Prefers Democratic Party)	22,802
WRITE-IN		352
Legislative District 9 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Mary Dye	(Prefers Republican Party)	48,408
Brett Borden	(Prefers Libertarian Party)	16,091
WRITE-IN		716
Legislative District 9 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Joe Schmick	(Prefers GOP Party)	53,707
WRITE-IN		2,438
Legislative District 10 – State Senator		
Candidate	**Party Preference**	**Votes**
Ron Muzzall	(Prefers Republican Party)	47,189
Helen Price Johnson	(Prefers Democratic Party)	45,415
WRITE-IN		101
Legislative District 10 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Greg Gilday	(Prefers GOP Party)	45,768
Angie Homola	(Prefers Democratic Party)	44,877
WRITE-IN		196
Legislative District 10 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Bill Bruch	(Prefers Republican Party)	45,461
Dave Paul	(Prefers Democratic Party)	46,199
WRITE-IN		102
Legislative District 12 – State Senator		
Candidate	**Party Preference**	**Votes**
Brad Hawkins	(Prefers Republican Party)	58,051
WRITE-IN		2,575
Legislative District 12 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Keith Goehner	(Prefers Republican Party)	45,817
Adrianne Moore	(Prefers Democratic Party)	29,998
WRITE-IN		84
Legislative District 12 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**

Mike Steele	(Prefers Republican Party)	57,281
WRITE-IN		2,265
Legislative District 13 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Tom Dent	(Prefers Republican Party)	47,701
Eduardo Castañeda-Díaz	(Prefers Democratic Party)	19,104
WRITE-IN		68
Legislative District 13 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Alex Ybarra	(Prefers Republican Party)	55,215
WRITE-IN		1,210
Legislative District 14 – State Senator		
Candidate	**Party Preference**	**Votes**
Curtis P. King	(Prefers Republican Party)	51,384
WRITE-IN		2,256
Legislative District 14 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Chris Corry	(Prefers Republican Party)	39,519
Tracy Rushing	(Prefers Democratic Party)	26,721
WRITE-IN		58
Legislative District 14 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Gina Mosbrucker	(Prefers Republican Party)	39,285
Devin Kuh	(Prefers Democratic Party)	26,435
WRITE-IN		97
Legislative District 16 – State Senator		
Candidate	**Party Preference**	**Votes**
Danielle Garbe Reser	(Prefers Democratic Party)	24,889
Perry Dozier	(Prefers Republican Party)	35,859
WRITE-IN		59
Legislative District 16 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Mark Klicker	(Prefers Republican Party)	38,570
Frances Chvatal	(Prefers Democratic Party)	22,056
WRITE-IN		36
Legislative District 16 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Skyler Rude	(Prefers Republican Party)	41,142
Carly Coburn	(Prefers Democratic Party)	19,163
WRITE-IN		64
Legislative District 19 – State Senator		
Candidate	**Party Preference**	**Votes**
Dean Takko	(Prefers Democratic Party)	32,773
Jeff Wilson	(Prefers Republican Party)	40,560

WRITE-IN		82
Legislative District 19 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Jim Walsh	(Prefers Republican Party)	43,315
Marianna Everson	(Prefers Democratic Party)	29,625
WRITE-IN		84
Legislative District 19 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Joel McEntire	(Prefers Republican Party)	38,369
Brian E. Blake	(Prefers Democratic Party)	34,599
WRITE-IN		60
Legislative District 20 – State Senator		
Candidate	**Party Preference**	**Votes**
John Braun	(Prefers Republican Party)	67,304
WRITE-IN		2,299
Legislative District 20 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Peter Abbarno	(Prefers Republican Party)	58,484
Timothy Zahn	(Prefers Democratic Party)	24,079
WRITE-IN		120
Legislative District 20 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Ed Orcutt	(Prefers Republican Party)	60,030
Will Rollet	(Prefers Democratic Party)	22,352
WRITE-IN		125
Legislative District 24 – State Senator		
Candidate	**Party Preference**	**Votes**
Kevin Van De Wege	(Prefers Democratic Party)	49,883
Connie Beauvais	(Prefers Republican Party)	42,289
WRITE-IN		74
Legislative District 24 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Mike Chapman	(Prefers Democratic Party)	49,965
Sue Forde	(Prefers Republican Party)	42,207
WRITE-IN		67
Legislative District 24 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Steve Tharinger	(Prefers Democratic Party)	49,262
Brian Pruiett	(Prefers Republican Party)	42,515
WRITE-IN		66
Legislative District 26 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Jesse L. Young	(Prefers Republican Party)	47,171
Carrie Hesch	(Prefers Democratic Party)	42,113

WRITE-IN		129
Legislative District 26 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Joy Stanford	(Prefers Democratic Party)	40,189
Michelle Caldier	(Prefers Republican Party)	48,973
WRITE-IN		183
Legislative District 30 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Jamila Taylor	(Prefers Democratic Party)	36,338
Martin A. Moore	(Prefers Ind Republican Party)	26,406
WRITE-IN		63
Legislative District 30 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Jesse Johnson	(Prefers Democratic Party)	37,941
Jack Walsh	(Prefers Republican Party)	24,948
WRITE-IN		43
Legislative District 31 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Drew Stokesbary	(Prefers Republican Party)	54,517
Katie Young	(Prefers Democratic Party)	31,306
WRITE-IN		89
Legislative District 31 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Eric E. Robertson	(Prefers Republican Party)	53,858
Thomas R. Clark	(Prefers Democratic Party)	31,657
WRITE-IN		99
Legislative District 32 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Cindy Ryu	(Prefers Democratic Party)	52,703
Shirley Sutton	(Prefers Democratic Party)	19,658
WRITE-IN		1,292
Legislative District 32 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Lauren Davis	(Prefers Democratic Party)	59,115
Tamra Smilanich	(Prefers Non Partisan Party)	9,235
WRITE-IN		507
Legislative District 35 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Dan Griffey	(Prefers Republican Party)	49,314
Colton Myers	(Prefers Democratic Party)	35,131
WRITE-IN		100
Legislative District 35 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Drew C. MacEwen	(Prefers Republican Party)	47,618

Darcy Huffman	(Prefers Democratic Party)	36,668
WRITE-IN		115
Legislative District 39 – State Senator		
Candidate	**Party Preference**	**Votes**
Keith L. Wagoner	(Prefers Republican Party)	52,386
Kathryn A. Lewandowsky	(Prefers WA Progressive Party)	27,578
WRITE-IN		125
Legislative District 39 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Robert J. Sutherland	(Prefers Republican Party)	48,716
Claus Joens	(Prefers Democratic Party)	32,349
WRITE-IN		100
Legislative District 39 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Carolyn Eslick	(Prefers Republican Party)	51,067
Ryan Johnson	(Prefers Democratic Party)	29,833
WRITE-IN		96
Legislative District 40 – State Senator		
Candidate	**Party Preference**	**Votes**
Elizabeth (Liz) Lovelett	(Prefers Democratic Party)	60,871
Charles Carrell	(Prefers Republican Party)	26,638
WRITE-IN		78
Legislative District 40 – State Representative Position 1		
Candidate	**Party Preference**	**Votes**
Debra Lekanoff	(Prefers Democratic Party)	64,898
WRITE-IN		2,915
Legislative District 40 – State Representative Position 2		
Candidate	**Party Preference**	**Votes**
Alex Ramel	(Prefers Democratic Party)	58,915
Russ Dzialo	(Prefers Republican Party)	27,408
WRITE-IN		155
Supreme Court – Justice Position 3		
Candidate		**Votes**
Dave Larson		1,462,764
Raquel Montoya-Lewis		2,057,623
WRITE-IN		13,661
Supreme Court – Justice Position 4		
Candidate		**Votes**
Charles W. Johnson		2,850,924
WRITE-IN		66,407
Supreme Court – Justice Position 6		
Candidate		**Votes**
Richard S. Serns		1,140,338
G. Helen Whitener		2,263,513

WRITE-IN	19,416
Supreme Court – Justice Position 7	
Candidate	**Votes**
Debra L. Stephens	2,852,879
WRITE-IN	60,808
Court of Appeals, Division 2, District 2 – Judge Position 1	
Candidate	**Votes**
Lisa L. Sutton	327,019
WRITE-IN	6,305
Court of Appeals, Division 3, District 1 – Judge Position 2	
Candidate	**Votes**
Marshall Casey	110,355
Tracy Arlene Staab	190,276
WRITE-IN	2,184
Court of Appeals, Division 3, District 3 – Judge Position 1	
Candidate	**Votes**
Rebecca Pennell	136,674
WRITE-IN	1,723
Asotin, Columbia, Garfield Superior Court – Judge Position 1	
Candidate	**Votes**
Brooke J. Burns	8,607
G. Scott Marinella	6,091
WRITE-IN	48
Benton, Franklin Superior Court – Judge Position 1	
Candidate	**Votes**
Dave Petersen	72,640
Sharon Brown	47,567
WRITE-IN	451
Benton, Franklin Superior Court – Judge Position 2	
Candidate	**Votes**
Joe Burrowes	97,745
WRITE-IN	1,174
Benton, Franklin Superior Court – Judge Position 3	
Candidate	**Votes**
Alexander Carl Ekstrom	95,893
WRITE-IN	1,098
Benton, Franklin Superior Court – Judge Position 4	
Candidate	**Votes**
Cameron Mitchell	98,502
WRITE-IN	973
Benton, Franklin Superior Court – Judge Position 5	
Candidate	**Votes**
Sam Swanberg	96,033
WRITE-IN	1,114

Benton, Franklin Superior Court – Judge Position 6	
Candidate	**Votes**
Carrie Runge	93,825
WRITE-IN	1,541
Benton, Franklin Superior Court – Judge Position 7	
Candidate	**Votes**
Jacqueline Shea Brown	95,675
WRITE-IN	1,204
Ferry, Pend Oreille, Stevens Superior Court – Judge Position 1	
Candidate	**Votes**
Patrick A. Monasmith	28,233
WRITE-IN	531
Ferry, Pend Oreille, Stevens Superior Court – Judge Position 2	
Candidate	**Votes**
Jessica Taylor Reeves	27,609
WRITE-IN	486
Klickitat, Skamania Superior Court – Judge Position 1	
Candidate	**Votes**
Randall Krog	12,687
WRITE-IN	276
Pacific, Wahkiakum Superior Court – Judge Position 1	
Candidate	**Votes**
Donald J. Richter	11,894
WRITE-IN	292

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington on this 1st day of December 2020, at Olympia, the State Capital.

Kim Wyman
Secretary of State

The Speaker: "In view of the election results previously read, certified to by the Secretary of State, the Joint Session now declares the following qualified citizens to be the duly elected constitutional officers of the state of Washington:

Jay Inslee, Governor
Denny Heck, Lieutenant Governor
Kim Wyman, Secretary of State
Mike Pellicciotti, State Treasurer
Pat McCarthy, State Auditor
Bob Ferguson, Attorney General
Chris Reykdal, Superintendent of Public Instruction
Mike Kreidler, Insurance Commissioner
Hilary Franz, Commissioner of Public Lands."

The Speaker: "The Speaker of the House and the President of the Senate have signed the certificates of election for the duly elected constitutional officers."

Having discharged the constitutional requirement to canvas the vote, with the consent of the body, the Speaker dissolved the Joint Session.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted the President Pro Tempore from the House Chamber.

There being no objection, the House adjourned until 9:55 a.m., January 13, 2021, the 3rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRD DAY

House Chamber, Olympia, Wednesday, January 13, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1168 by Representatives Springer, Kretz, Fitzgibbon, Griffey, Riccelli, Lekanoff, Ramos, Callan, Harris-Talley, Dent and Klicker

AN ACT Relating to long-term forest health and the reduction of wildfire dangers; amending RCW 76.06.200 and 76.06.150; adding new sections to chapter 76.04 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1169 by Representatives Goodman, Davis, Dolan, Simmons, Bateman, Lekanoff, Springer, Gregerson, Senn, Fitzgibbon, Ramos, Frame, Ramel, Peterson, Lovick, Ryu, Callan, Slatter, Duerr, Ormsby, Macri and Hackney

AN ACT Relating to sentencing enhancements; amending RCW 9.94A.599, 9.94A.729, 9.94A.729, 10.01.210, and 72.01.410; reenacting and amending RCW 9.94A.030 and 9.94A.533; adding a new section to chapter 9.94A RCW; creating new sections; repealing RCW 9.94A.833 and 69.50.435; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1170 by Representatives Boehnke, Paul, Walsh, Kloba, Shewmake, Santos, Springer, Dolan, Dye, Graham, Leavitt, McCaslin, Young, Walen, Riccelli, Bateman, Lovick, Lekanoff, Eslick, Frame, Barkis, Sutherland, Robertson and Dent

AN ACT Relating to building economic strength through manufacturing; and adding new sections to chapter 43.330 RCW.

Referred to Committee on Appropriations.

HB 1171 by Representatives Walen, Springer, Dolan and Lovick

AN ACT Relating to amending child support income withholding provisions to comply with federal child support program requirements; amending RCW 6.27.105, 6.27.140, 6.27.150, 6.27.330, 26.18.020, 26.18.080, 26.18.090, 26.18.110, 26.18.130, 26.18.140, 26.23.010, 26.23.050, 26.23.050, 26.23.060, 74.20A.080, 74.20A.240, and 74.20A.350; reenacting and amending RCW 26.23.090; repealing RCW 26.18.100; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1172 by Representatives Lekanoff, Kloba, Ramel, Leavitt, Davis, Dolan, Fitzgibbon, Riccelli, Bateman, Gregerson and Duerr

AN ACT Relating to recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources; creating a new section; and repealing RCW 77.110.010, 77.110.020, 77.110.030, 77.110.040, and 77.110.900.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1173 by Representatives Berry, Frame, Dolan and Lekanoff

AN ACT Relating to state lands development authorities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Budget.

HB 1174 by Representatives Peterson, Simmons, Davis, Dolan, Fitzgibbon, Ortiz-Self, Sells, Senn, Ryu, Wylie, Riccelli, Valdez, Orwall, Bateman, Gregerson, Lovick, Frame, Slatter, Ormsby and Macri

AN ACT Relating to the uniform electronic recordation of custodial interrogations act; reenacting and amending RCW 9.73.030; adding a new chapter to Title 10 RCW; and providing an effective date.

Referred to Committee on Public Safety.

HB 1175 by Representatives J. Johnson, Caldier, Callan, Young, Griffey, Sutherland, Harris-Talley, Ormsby and Fitzgibbon

AN ACT Relating to providing a property tax exemption for real property used as a host home associated with a host home program; amending RCW 84.69.020; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1176 by Representatives Paul, Boehnke, Kloba, Callan, Davis, Dolan, Riccelli, Bergquist, Lekanoff and Shewmake

AN ACT Relating to access to higher education; and amending RCW 28A.635.060 and 28A.225.330.

Referred to Committee on Education.

HB 1177 by Representatives Stokesbary, Dufault, Young, Walen, Barkis and Robertson

AN ACT Relating to periodic review of state spending programs; and adding a new chapter to Title 43 RCW.

Referred to Committee on Appropriations.

HB 1178 by Representatives Stokesbary, Dufault, Young, Kraft, Barkis and Robertson

AN ACT Relating to improving state budgeting through zero-based budget reviews; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1179 by Representatives Stokesbary, Dufault, Young and Barkis

AN ACT Relating to fiscal notes; amending RCW 43.88A.010; adding a new section to chapter 43.88A RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1180 by Representatives Kraft and Sutherland

AN ACT Relating to public testimony at public meetings, including virtual meetings; amending RCW 42.30.020 and 42.30.070; and declaring an emergency.

Referred to Committee on Local Government.

HB 1181 by Representatives Orwall, Boehnke, Callan, Leavitt, Davis, Dolan, Valdez, Young, Riccelli, Lekanoff, Barkis, Peterson, Shewmake, Bronoske, Macri and Morgan

AN ACT Relating to establishing programs and measures to prevent suicide among veterans and military members; amending RCW 43.70.445; adding new sections to chapter 43.60A RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 46.18 RCW; adding a new section to chapter 43.216 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 9.41 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1182 by Representatives Orwall, Davis, Fey, Callan, Simmons, J. Johnson, Dolan, Fitzgibbon, Ryu, Senn, Valdez, Walen, Bateman, Gregerson, Bergquist, Lovick, Lekanoff, Goodman, Frame, Peterson, Paul, Slatter, Chopp, Duerr, Harris-Talley, Macri and Morgan

AN ACT Relating to statewide enhancement and expansion of behavioral health and suicide prevention crisis response services; amending RCW 71.24.045; reenacting and amending RCW 71.24.385, 71.24.025, and 71.24.025; adding new sections to chapter 71.24 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 38.52 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1183 by Representatives Caldier and J. Johnson

AN ACT Relating to creating the home sharing support grant program; amending RCW 36.22.179 and 36.22.1791; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Appropriations.

HB 1184 by Representatives Duerr, Ramel, Dolan and Harris-Talley

AN ACT Relating to risk-based water quality standards for on-site nonpotable water systems; and adding a new section to chapter 90.46 RCW.

Referred to Committee on Local Government.

HB 1185 by Representatives Sutherland, Shewmake, Walsh, Eslick, Robertson and Dent

AN ACT Relating to providing discounted hunting licenses to seniors; amending RCW 77.32.450 and 77.32.460; and providing an effective date.

Referred to Committee on Appropriations.

SCR 8401 by Senators Liias and Short

Establishing cutoff dates for the consideration of legislation during the 2021 regular session of the sixty-seventh legislature.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE CONCURRENT RESOLUTION NO. 8401 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

The Speaker assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Lieutenant Governor Denny Heck to his seat on the Rostrum.

The Speaker called upon President Heck to preside.

STATE OF THE STATE

The President of the Senate, Lieutenant Governor Heck, called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

President Heck: "The purpose of the Joint Session is to receive the state of the state message from His Excellency, Governor Jay Inslee."

His Excellency Governor Jay Inslee was introduced.

"Good afternoon, and thank you for joining us today. I am so appreciative of this chance to serve again. We are embarking on a historic third term and a historic legislative session.

So let's talk straight. The last year has been challenging in ways none of us have ever experienced. It's the kind of moment where we are called upon to dig deep, to work together, and to be resourceful like never before. And Washingtonians are answering that call.

At the end of this legislative session alone, we will be able to say our state is more equitable. A state with more opportunities for careers and affordable housing. A state that is more committed to fighting climate change than ever before.

We have big challenges that demand we take big steps. We are not going back to normal. We are going forward towards a new normal. We are on a path in this legislative session to a more just normal, a healthier normal. And we're not just talking about the pandemic.

These halls may look empty, but when you scratch the surface, there's a robust and incredible story about Washingtonians that is still unfolding. I've been honored to be your governor for the past eight years, which have been part of the story that brought us here.

We're already looking to the future. The aftermath of 2020 alone demands it. More than 3,500 Washingtonians have lost their lives to this pandemic. Many thousands more continue to struggle on their path to recovery from this virus. Families, business owners, workers and students have been through so much. And there is still a palpable anxiety in the air. However, beneath it all are the ingredients of relief, of recovery and of resilience.

And no matter what has come our way, I am confident, because Washingtonians have risen to the challenge. We have seen remarkable heroism, diligence, and a stalwart commitment in our frontline workers. And we have seen it in all Washingtonians who know they are safer when every one of us is healthy. Washington state is a resilient state. We know how to recover. And this is just not going to stop Washington state's eternal march of progress to a more just and equitable community.

You know, a new year is often when this building's marble corridors come to life with civic discourse. But the last eight years were pre-pandemic. When I first took the oath of office, with Trudi nearby, there was pretty much no elbow room in this rotunda. It was the same in the House chamber four years later. We miss those shared experiences now. And in this era of the internet, we no longer share common sources of truth as we once did. But this pandemic is as big as any shared experience. It gives each of us our own struggles. But a common challenge. Everyone has a COVID story. Even if they or their loved ones were never infected. Everyone has their place in this struggle. We cannot consider ourselves alone in these challenges.

We all share a thirst for more justice. The police-citizen violence we saw in 2020 alone has traumatized the nation. And we need not only conversations but action. Action on truths that have been overlooked for far too long. Our collective consciousness is at a crescendo. Let's ride that wave, head-first. Let's recognize our opportunities for growth, even in these dark times.

We will incorporate equity into how our laws are applied and how our institutions are run, including independent investigations and prosecutions. We owe it to countless Washingtonians who live with the realities of racial injustice every day. And who are less free because of it. So we'll be working to incorporate an equity lens into health care, jobs, education, pollution, and more.

So progress is what we're known for. When I first took the oath in 2013, our state was trying to rebound from the Great Recession. In 2017, my second term began in the midst of one of the strongest economic booms for any state in the nation. Three years later, the COVID-19 pandemic jarred our progress. The pandemic affected our health and our freedoms.

In Washington state, we know how to succeed. We've proven it. So why not do it again? It's time to take back the torch of progress. Our careers, our dreams, our lives; we are getting back on track.

Washington state has continued to lead during the coronavirus pandemic. Together, we have listened to the public health experts. We've worn masks, kept our distance from one another, and we know that has allowed us to bend the curve of this deadly virus down. And let's be real clear about this - because of these actions, we have saved countless lives in Washington through what we've done together. And that's not just the lives of COVID patients, but for anyone who has ongoing medical needs, because everyone's health is at risk in a pandemic. So these life-saving efforts will continue. We will not yield from that commitment.

And we know our state's economy is poised to recover. And what we do now, in the next four years, will shape the future for generations of Washingtonians. Our leaders in the business community proved their mettle in these tough times. Like employee owned Superfeet, a company in Ferndale. They make insoles and footwear, but when COVID hit, they announced they would use their expertise in 3D printing to make 30,000 pieces of personal protective equipment. Then, they blew right passed that estimate. And they made close to 50,000 respirator hoods for their local hospital network and others nationwide. Then they supplied 450,000 medical gowns to health facilities. This kind of entrepreneurial leadership has happened in communities across our state.

We want community-minded entrepreneurs to continue to pursue their dreams in this new world. And we're going to keep helping them. It's why I want to wave increases in the unemployment tax on businesses that never foresaw the mass layoffs that came with this pandemic. While fighting the federal government for more funds and working with the Legislature early to get more money into people's pockets.

Now, we will have come together if we're going to do right by the people suffering most in these times.

That's why we're going to keep supporting small businesses with every resource at our disposal. And when workers lose pay because they're sick or laid off, we're going to help them see them through their struggles. We don't want to see those problems spiral. We're going to get these businesses open. Eventually, we're going to get people back to work. And in the meantime, we are preparing for that day when we can fully reopen the economy. Because at the end of the day, Washington, we know we're not alone. We have each other.

It's in Washingtonians like Cindy Franck, a registered nurse at St. Michael Medical Center in Bremerton. She's on the front lines of our society's struggle against COVID. She and her colleagues didn't know what to expect when COVID first hit, but they've been fighting ever since. Even being shorthanded when dozens of her colleagues were out due to COVID quarantine, she kept working, night and day, caring for a floor of 28 patients with limited staffing.

We have to take care of our medical professionals so they can take care of others. Our wellbeing is at the heart of what makes us free.

We don't want them to be alone. We need to be in solidarity with them. That's why my administration is committed to serving them and reimagining public health for the future. We're going to remove politics from our public health system and make sure local health professionals can focus on people's well-being.

And we know all of our frontline and essential workers have been heroes in this effort – grocery clerks, bus drivers, teachers who are already back in the classroom, and educators who have shown such innovation in remote learning. We're going to make sure people like Cindy will get the resources they need to provide these essential services to all.

You know, we knew before the pandemic, and it's even more important now, that our state's behavioral health system, we knew is outdated. Behavioral health is health care and supporting the wellness and health of Washingtonians is crucial. The impacts of the pandemic demand we improve this system.

So we're going to make sure people have access to jobs by strengthening the new approaches to career training we know work. The old way of doing things limited people's pathways to jobs. My administration has created more pathways to better livelihoods through our Career Connect program.

More Washingtonians will have stories like Leela Cohen, who participated in Career Connect and will soon get her certified medical assistant credential. She's already working in a Kaiser Permanente clinic in Bothell right now. Where she's needed and much appreciated.

Career Connect helps people like her find opportunity when pathways seem closed. So it's for anybody regardless of age or where they're at in their studies or job search. And Leela's not done yet. She wants to continue to advance her career in the medical profession, and one day open her own clinic.

And we want all our children to have a career. Not just those who go to college. That's why we need Career Connect.

And that includes our young people. We're going to get students back into the classroom. And make sure it's in a safe and a healthy setting for everyone. And we're going to keep at some of the glaring disparities in our education system. We'll continue expanding early childhood education. We are not going to go backwards. We will continue our student financial aid commitments. The most generous in the country. As long as I'm governor, we're going to keep our commitments so that more people can earn degrees, certificates or apprenticeships to get into great jobs and careers.

And I'm looking forward to working with you to remediate the impacts our students have suffered because of this pandemic. This is hard on young people. No one knows that better than our parents and our educators. I know no one today has a single answer. But we just have to provide the support these students need. Whether it's academics, mental health, or nutrition.

Now, there are more issues important to our health as well. We live in a time of great housing insecurity. Tenants and small landlords are facing unprecedented economic challenges. At the same time, home prices continue rising. Keeping quality and affordability for housing elusive for far too many Washingtonians.

That means too many people in Washington state are living in fear of homelessness. We should stand in solidarity with people who live in unsafe or inadequate housing, because we know our fellow Washingtonians are more likely to succeed when they have stable housing.

Whether it's a commitment to our youth who are experiencing homelessness. Or providing mental health or chemical addiction treatment. We're committed to addressing these obvious challenges.

We cannot let the short-term crisis of COVID-19 blind us to the long-term health cataclysm that is climate change. Pollution and climate change also hurt our health. From respiratory diseases to new infectious vectors, to threats from natural disasters directly linked to a changing planet. There was no shortage of evidence for that certainly in 2020. It was one of the worst wildfire seasons on record. Fueled

by blazes of an intensity previously unseen by our firefighters. In places in the west like Bonney Lake; to the east in Malden, where 80 percent of the town's buildings were destroyed. And where recovery continues. Both the virus and climate change have fatal results. Both can be solved through science and our own ingenuity. And we can and we will pursue solutions to both at the same time.

Washington's roaring economy of the last eight years was built on innovation in technology, aviation, agriculture, and clean energy. But climate change threatens to unmake the state that we know and love. From the growing number and intensity of our wildfires to the acidification of our waters and the loss of our snowpack. Which can hit our communities with the double whammy of flooding early in the year followed by drought. So climate change is creating extremes we know that cannot be denied or ignored if we are going to continue to prosper in this great state.

So we are going to recommit ourselves to the cause of environmental justice as well. To address the suffering of disenfranchised communities that have taken the brunt of the immediate impacts of pollution. We're going to see to it that the future of our economy is bright. Led by a clean and renewable energy sector. Our air will be healthier to breathe. Our waters will not be acidified. And during this time, we will create boatloads of jobs. Machinists, engineers, electricians, carpenters, they all have a role to play. So we will have more people making good family wage jobs and we will have a safer, healthier and sustainable environment for our posterity.

Now we know this has been led by the Washington business owners. The Seattle Kraken are building an all-green arena and practice facilities. They'll have the first carbon-neutral hockey arena in the world – covering 94,000 square feet. And Washingtonians made this economic and environmental victory a reality. When you see this stunning building, you're going to see that we can save our environment and prosper at the same time.

You know, moments of great stress reveal things in people. And the people of Washington have shown their strength. We have what it takes to get through these times. We have a tried and true competency for leading change. As we eventually move beyond the coronavirus pandemic, life itself will be different. But we will have more control over our future. So we should embrace what we've learned together. Because we have a choice. We can do things the old ways that we know didn't work, or we can embrace and unleash the knowledge we already have that can accelerate Washington's dynamic future.

Now, the pandemic has also revealed this - the pandemic has had disproportionate impacts on people of color. From health care to business, labor and education. If we can't help more people, fewer of us will enjoy the blessings of freedom.

Our Latino communities were disproportionately exposed to COVID-19. Our Black communities have demanded equal justice for generations. Yet our systems still haven't addressed it. We have work ahead of us in the next four years. To undo the racial inequities that remain in our economy, in our democracy, and in our systems of law and justice.

So in conclusion, our place in the world as Washingtonians will be remembered by what we start to build here and now in the next several months. Lincoln said it best, he said that "the fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation." And I have total confidence this generation of Washingtonians will take their place in history's hall of honor. I know this deeply because we are vested with a commitment to change, and constant improvement in our state. So let this new era be a time that lifts our hearts. That renews our dreams and ambitions. And that lets us, as Washingtonians, finally embrace the future we've been building up to so far. We all share this struggle. And we should also reap its benefits. Out of the darkness and anxiety of 2020, will come the relief of a new era. Our recovery will be robust and more equitable.

Last year reminded us what matters. Love for our families, our communities, and each other. And we will go forward, Washington, because we are resilient, we are in solidarity, and at the end of the day, we have each other.

Thank you."

The President thanked the Governor for his remarks.

With the consent of the body, the President dissolved the Joint Session.

The Speaker assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted the President of the Senate from the House Chamber.

There being no objection, the House adjourned until 9:55 a.m., January 14, 2021, the 4th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FOURTH DAY

House Chamber, Olympia, Thursday, January 14, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1186 by Representatives Goodman, Senn, Sullivan, Leavitt, Gregerson, Fitzgibbon, Ortiz-Self, Duerr, Tharinger, Macri, Davis, Pollet, Callan, Harris-Talley and Hackney

AN ACT Relating to juvenile rehabilitation; amending RCW 72.01.412, 13.40.020, 13.40.205, 13.40.215, 13.40.220, and 13.04.800; creating new sections; and providing a contingent effective date.

Referred to Committee on Appropriations.

HB 1187 by Representatives Hoff and McEntire

AN ACT Relating to allowing HVAC/refrigeration electricians to perform electrical work on split ductless HVAC systems; adding a new section to chapter 19.28 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1188 by Representatives MacEwen, Young, Abbarno, Barkis and Eslick

AN ACT Relating to providing a business and occupation tax payment deferral to address the economic impacts of the COVID-19 pandemic on businesses in the state; reenacting and amending RCW 82.32.045; and declaring an emergency.

Referred to Committee on Finance.

HB 1189 by Representatives Duerr, Boehnke, Bateman, Sullivan, Fitzgibbon, Walen, Ramel, Springer, Wicks, Slatter, Pollet, Callan and Harris-Talley

AN ACT Relating to tax increment financing; amending RCW 84.55.010; and adding a new chapter to Title 39 RCW.

Referred to Committee on Finance.

HB 1190 by Representatives Boehnke, Young, Santos, Jacobsen and Davis

AN ACT Relating to fostering economic growth in Washington by supporting emerging businesses in the new space economy; and creating new sections.

Referred to Committee on Community & Economic Development.

HB 1191 by Representatives Thai, Bateman, Ryu, Lovick, Kloba, Simmons, Gregerson, Valdez, Peterson, Santos, Fitzgibbon, Ramel, Goodman, Ortiz-Self, Macri, Slatter, Fey, Davis, Pollet, Callan, Harris-Talley, Frame and Hackney

AN ACT Relating to ensuring equity in health coverage; amending RCW 43.71.065; adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.71 RCW; creating new sections; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1192 by Representatives Goodman and Dufault

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 7.60.025, 7.60.150, 7.80.120, 8.25.280, 15.58.180, 15.66.017, 15.115.020, 18.106.010, 18.210.130, 19.27.080, 19.27.580, 19.27A.210, 19.405.090, 28B.10.926, 28B.130.010, 34.05.272, 35A.56.010, 36.32.265, 39.04.175, 39.26.265, 39.26.310, 39.34.190, 43.01.225, 43.01.230, 43.01.240, 43.19.623, 43.19.637, 43.19.800, 43.20.050, 43.20.065, 43.21K.010, 43.21K.020, 43.21K.030, 43.30.570, 43.42.070, 43.70.080, 43.70.660, 43.83.350, 43.131.421, 43.131.422, 43.155.070, 46.37.470, 46.55.230, 46.80.020, 47.01.475, 47.28.220, 49.17.270, 49.70.175, 52.12.150, 53.08.470, 54.04.092, 57.08.017, 64.44.010, 69.07.170, 69.48.060, 69.50.511, 69.55.020, 70.79.090, 70.290.050, 70A.45.090, 70A.45.100, 70A.325.070, 70A.325.130, 70A.330.010, 70A.445.020, 70A.530.020, 70A.530.020, 76.04.205, 76.09.905, 77.12.734, 77.60.170, 78.44.050, 78.56.020, 78.56.040, 78.56.100, 78.56.150, 79.100.030, 79.100.050, 79A.05.050, 79A.05.189, 80.01.300, 80.04.110, 80.04.180, 80.28.030, 80.28.110, 80.70.010, 80.70.040, 81.04.010, 81.88.160, 90.44.105, and 26.51.020; reenacting and amending RCW 15.86.020, 18.104.020, 43.19A.010, 46.16A.060, 70.345.010,

70A.345.030, and 80.04.010; reenacting RCW 53.54.030 and 70.97.040; creating a new section; decodifying RCW 1.08.130; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1193 by Representative Hoff

AN ACT Relating to affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement; and amending RCW 90.58.140, 90.58.355, and 90.58.356.

Referred to Committee on Environment & Energy.

HB 1194 by Representatives Ortiz-Self, Senn, Young, Santos, Callan, Morgan, Davis and Harris-Talley

AN ACT Relating to strengthening parent-child visitation during child welfare proceedings; amending RCW 13.34.067, 13.34.136, 13.34.138, and 13.34.065; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Appropriations.

HB 1195 by Representatives Dolan, Walen, Springer, Sullivan, Callan, Stokesbary, Chapman, Dufault and Lovick

AN ACT Relating to extending the time frame for establishing charter schools; and amending RCW 28A.710.150.

Referred to Committee on Education.

HB 1196 by Representatives Riccelli, Callan, Bateman, Ramos, Cody, Ortiz-Self, Duerr, Harris, Leavitt, Bergquist, Shewmake, Fitzgibbon, Macri, Tharinger, Slatter, Davis, Berg, Pollet, Orwall, Harris-Talley and Frame

AN ACT Relating to audio-only telemedicine; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 1197 by Representatives Riccelli, Tharinger, Cody, Pollet and Harris-Talley

AN ACT Relating to health care decisions made by a designated person; amending RCW 7.70.065; reenacting and amending RCW 7.70.065; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1198 by Representatives Dent and Orwall

AN ACT Relating to the state commercial aviation coordinating commission; amending 2019 c 396 ss 1-5 (uncodified); providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 1199 by Representatives Corry, Chapman, Davis, Dent and Eslick

AN ACT Relating to providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default; and amending RCW 79.13.420.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1200 by Representatives Caldier, Stokesbary and Eslick

AN ACT Relating to requiring private operation of publicly owned sewerage systems that fail to achieve minimum water quality performance; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Environment & Energy.

HB 1201 by Representatives Riccelli, Macri, Bateman, Sullivan, Kloba, Simmons, Cody, Ramel, Ortiz-Self, Bergquist, Tharinger, Fey, Pollet and Harris-Talley

AN ACT Relating to funding foundational public health services; amending RCW 48.14.060, 70.290.060, and 82.25.015; adding new sections to chapter 48.02 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1202 by Representatives Thai, Davis, Bateman, Ramos, Kloba, Callan, Simmons, Berry, Santos, Ryu, Ramel, Sells, Ortiz-Self, Gregerson, Wicks, Berg, Bergquist, Dolan, Macri, Fey, Pollet, Harris-Talley and Frame

AN ACT Relating to addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory relief; and adding a new chapter to Title 7 RCW.

Referred to Committee on Health Care & Wellness.

HB 1203 by Representatives J. Johnson, Harris-Talley, Bateman, Simmons, Gregerson, Valdez, Berry, Riccelli, Santos, Ryu, Ramel, Sells, Ortiz-Self, Goodman, Berg, Dolan, Tharinger, Macri, Fey, Davis, Ramos and Frame

AN ACT Relating to community oversight boards; amending RCW 10.--.---, 35.23.021, 35.27.070, 35A.12.090, and 35A.13.080; adding a new section to chapter 35.22 RCW; adding a new chapter to Title 10 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1204 by Representatives Macri, Chopp, Ramos, Kloba, Simmons, Senn, Berry, Fitzgibbon, Ramel, Duerr, Ortiz-Self, Goodman, Slatter, Bateman, Pollet and Harris-Talley

AN ACT Relating to the electrification of transportation; adding new sections to chapter 47.01 RCW; adding a new section to chapter 46.01 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1205 by Representatives Caldier, Dent and Eslick

AN ACT Relating to payment for medical, dental, and behavioral health care for children in the custody of the department of children, youth, and families; and amending RCW 74.13.031 and 13.34.315.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 1201 which was referred to the committee on Finance.

There being no objection, the House adjourned until 9:55 a.m., January 15, 2021, the 5th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTH DAY

House Chamber, Olympia, Friday, January 15, 2021

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

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

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

MESSAGE FROM THE SENATE

January 13, 2021

Mme. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8402,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 1206 by Representatives Berry, Bronoske, Ramos, Fitzgibbon, Davis, Lovick, Thai, Ortiz-Self, Ormsby, Simmons, Chopp, Callan, Valdez, Macri and Harris-Talley

AN ACT Relating to protecting temporary workers; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1207 by Representatives Ramel, Boehnke, Lekanoff, Lovick, Ortiz-Self, Eslick, Bergquist and Leavitt

AN ACT Relating to improving access to department of licensing issued documents by extending the issuance period of driver licenses and identicards to eight years, allowing online issuance and renewal of instruction permits, and expanding online renewal of driver licenses and identicards; amending RCW 46.20.049, 46.20.055, 46.20.091, 46.20.117, 46.20.120, 46.20.161, 46.20.161, 46.20.181, 46.20.202, and 46.20.505; reenacting and amending RCW 46.20.117; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1208 by Representatives Santos, Steele, Lekanoff, Paul, Callan, Ortiz-Self, Bergquist and Harris-Talley

AN ACT Relating to modifying the learning assistance program to enable school districts to focus on identifying and addressing student academic deficits in basic skills resulting from or exacerbated by the COVID-19 pandemic by granting greater local control over, accountability for, and flexibility with program funds, and to authorize continued flexible use of program funds through the framework of the Washington integrated student supports protocol; amending RCW 28A.300.139, 28A.165.005, 28A.165.015, 28A.165.065, 28A.165.100, 28A.300.130, 28A.305.130, 28A.320.190, and 28A.710.280; adding new sections to chapter 28A.165 RCW; creating new sections; repealing RCW 28A.165.035; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1209 by Representatives Bronoske, Cody, Sells, Walen, Lekanoff, Peterson, Fey, Fitzgibbon, Ryu, Taylor, Shewmake, Santos, Thai, Ortiz-Self, Dolan, Gregerson, Hackney, Callan, Valdez, Riccelli, Macri and Goodman

AN ACT Relating to immunity protection for nonmedical assistance; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1210 by Representatives Morgan, Peterson, Kloba, J. Johnson, Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame and Harris-Talley

AN ACT Relating to replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington; amending RCW 9.01.210, 9.94.041, 9.94A.518, 9.94A.650, 9.96.060, 13.40.0357, 15.13.270, 15.13.270, 15.17.020, 15.49.061, 15.125.010, 15.125.020, 15.125.030, 15.125.040, 15.125.050, 15.140.020, 15.140.100, 15.140.120, 18.170.020, 19.02.110, 20.01.030, 28A.210.325, 28B.20.502, 38.38.762, 42.56.270, 42.56.620,

42.56.625, 42.56.630, 43.05.160, 43.06.490, 43.06.520, 43.21A.735, 43.330.540, 46.20.308, 46.25.120, 46.61.502, 46.61.503, 46.61.504, 46.61.50571, 46.61.5249, 46.61.745, 66.08.050, 69.04.480, 69.07.020, 69.07.200, 69.50.101, 69.50.102, 69.50.204, 69.50.325, 69.50.326, 69.50.327, 69.50.328, 69.50.331, 69.50.334, 69.50.335, 69.50.336, 69.50.339, 69.50.342, 69.50.345, 69.50.346, 69.50.348, 69.50.348, 69.50.351, 69.50.354, 69.50.363, 69.50.366, 69.50.369, 69.50.375, 69.50.378, 69.50.380, 69.50.382, 69.50.385, 69.50.390, 69.50.395, 69.50.401, 69.50.4013, 69.50.4014, 69.50.408, 69.50.410, 69.50.412, 69.50.4121, 69.50.435, 69.50.445, 69.50.450, 69.50.465, 69.50.475, 69.50.505, 69.50.515, 69.50.530, 69.50.535, 69.50.550, 69.50.555, 69.50.560, 69.50.562, 69.50.563, 69.50.564, 69.50.570, 69.50.575, 69.50.580, 69.51.020, 69.51.030, 69.51.060, 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.043, 69.51A.045, 69.51A.050, 69.51A.060, 69.51A.100, 69.51A.210, 69.51A.220, 69.51A.225, 69.51A.240, 69.51A.250, 69.51A.260, 69.51A.270, 69.51A.290, 69.51A.300, 69.51A.310, 79A.60.040, 82.02.010, 82.04.100, 82.04.213, 82.04.260, 82.04.331, 82.04.4266, 82.04.756, 82.08.010, 82.08.020, 82.08.02565, 82.08.0257, 82.08.0273, 82.08.02745, 82.08.0281, 82.08.0288, 82.08.0293, 82.08.820, 82.08.9997, 82.08.9998, 82.12.02565, 82.12.0258, 82.12.0283, 82.12.9997, 82.12.9998, 82.14.430, 82.16.050, 82.25.005, 82.29A.020, 82.84.030, 84.34.410, and 84.40.030; reenacting and amending RCW 69.07.010, 69.50.101, 69.50.345, 69.50.357, 69.50.360, 69.50.372, 69.50.540, 69.51A.010, 69.51A.230, and 70.345.010; adding a new section to chapter 46.04 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Commerce & Gaming.

HB 1211 by Representatives Dye, Graham, Walsh, Eslick, Chambers, Jacobsen, Schmick, Stokesbary and Chase

AN ACT Relating to salmon-safe communities; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1212 by Representatives Gregerson, Taylor, Peterson, Kloba, J. Johnson, Davis, Ortiz-Self, Ormsby, Simmons, Chase, Shewmake, Bergquist, Sells, Callan, Riccelli, Macri, Ramel, Paul, Frame and Harris-Talley

AN ACT Relating to promoting the fair servicing and repair of digital electronic products to increase access to appropriate and affordable digital products, support small businesses and jobs, and enhance digital connectivity in Washington state; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1213 by Representatives Senn, Chopp, Ramos, Bateman, Sells, Shewmake, Lekanoff, Peterson, Stonier, Duerr, Fitzgibbon, Berry, Rule, Davis, Wicks, Fey, Callan, Dolan, Frame, Lovick, Chapman, Ryu, Santos, Thai, Ortiz-Self, Orwall, Simmons, Slatter, Gregerson, Bergquist, Hackney, Valdez, Ramel, Riccelli, Macri, Goodman and Harris-Talley

AN ACT Relating to expanding accessible, affordable child care and early childhood development programs; amending RCW 43.216.075, 43.216.136, 43.216.505, 43.216.512, 43.216.749, 43.216.090, 43.216.578, 43.216.710, 43.216.514, and 43.216.136; reenacting and amending RCW 43.216.010, 28B.50.248, 43.84.092, 43.84.092, and 43.84.092; adding new sections to chapter 43.216 RCW; adding a new section to chapter 43.330 RCW; creating new sections; repealing RCW 43.216.1365; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1214 by Representatives Senn, J. Johnson, Ramos, Dolan, Lovick, Santos, Ortiz-Self, Slatter, Berg, Hackney, Callan, Valdez, Macri and Frame

AN ACT Relating to the provision of K-12 public school safety and security services by classified staff or contractors; amending RCW 28A.320.124; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1215 by Representatives Kraft, Young, McCaslin, Sutherland, Walsh, Graham, McEntire and Chase

AN ACT Relating to providing parents and their children with more choices for a quality K-12 education through the K-12 education scholarship program; amending RCW 83.100.230; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28B.77 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

HB 1216 by Representatives Ramos, Callan, Lekanoff, Fitzgibbon, Kloba, Ortiz-Self, Ormsby, Hackney and Ramel

AN ACT Relating to urban and community forestry; amending RCW 76.15.005, 76.15.007, 76.15.010, 76.15.020, 76.15.030, 76.15.050, 76.15.060, 76.15.090,

35.92.390, 35A.80.040, 80.28.300, 89.08.520, 79.105.150, 43.155.120, 70A.135.070, 79A.15.040, 36.01.260, 54.16.400, 89.08.590, 79.105.630, and 79A.15.150; adding new sections to chapter 76.15 RCW; creating a new section; and repealing RCW 35.105.010, 35.105.020, 35.105.030, 35.105.040, 35.105.050, 35.105.060, 35.105.070, 35.105.080, 35.105.090, 35.105.100, 35.105.110, 35.105.120, 76.15.070, and 76.15.080.

Referred to Committee on Appropriations.

HB 1217 by Representatives Hoff, Goehner, Schmick, Dufault, Chapman and Dent

AN ACT Relating to the retroactivity of overtime claims in exceptional cases; adding a new section to chapter 49.46 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1218 by Representatives Bateman, Simmons, Sells, Lekanoff, Peterson, Stonier, Davis, Taylor, Dolan, Orwall, Cody, Santos, Ortiz-Self, Fitzgibbon, Slatter, Bronoske, Callan, Valdez, Ramel, Riccelli, Macri, Goodman and Harris-Talley

AN ACT Relating to improving the health, safety, and quality of life for residents in long-term care facilities through emergency preparedness, improvements in communications, resident information, and notice of sanctions; amending RCW 18.20.110, 18.51.009, 18.51.091, 18.51.260, 74.42.420, 74.42.460, 70.97.160, 70.128.090, 70.128.130, 70.129.020, 70.129.030, 70.129.040, 70.129.080, 70.129.090, 70.129.110, 70.129.150, and 70.129.180; reenacting and amending RCW 70.129.010; adding new sections to chapter 18.20 RCW; adding new sections to chapter 18.51 RCW; adding new sections to chapter 70.97 RCW; adding new sections to chapter 70.128 RCW; adding new sections to chapter 70.129 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1219 by Representatives Frame, J. Johnson, Ramos, Bateman, Peterson, Fitzgibbon, Davis, Ryu, Fey, Senn, Lovick, Chase, Orwall, Taylor, Santos, Thai, Ortiz-Self, Ormsby, Simmons, Slatter, Berg, Chopp, Bergquist, Callan, Valdez, Macri, Goodman, Tharinger, Harris-Talley, Ybarra and Hackney

AN ACT Relating to the appointment of counsel for youth in dependency court proceedings; amending RCW 13.34.090, 13.34.092, 13.34.100, and 2.53.045; adding new sections to chapter 2.53 RCW; adding a new section to chapter 13.34 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1220 by Representatives Peterson, Macri, Bateman, Ryu, Lekanoff, Fitzgibbon, Kloba, Davis, Lovick, Santos, Ortiz-Self, Simmons, Berg, Hackney, Chopp, Tharinger and Frame

AN ACT Relating to supporting emergency shelters and housing through local planning and development regulations; amending RCW 36.70A.020 and 36.70A.030; reenacting and amending RCW 36.70A.070; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Appropriations.

HB 1221 by Representatives Rule, Bateman, Shewmake, Lekanoff, Senn, Santos, Thai, Ortiz-Self, Ormsby, Callan, Ramel, Riccelli and Macri

AN ACT Relating to standardizing definitions of homelessness to improve access to services; and amending RCW 43.216.505, 13.34.030, 26.44.020, 13.34.065, and 13.34.138.

Referred to Committee on Children, Youth & Families.

HB 1222 by Representatives Goehner, Barkis, Boehnke, Griffey, Sutherland, Young and Dent

AN ACT Relating to making permanent the posting of fuel tax rate information at fuel pumps; and adding a new section to chapter 82.38 RCW.

Referred to Committee on Transportation.

HB 1223 by Representatives Peterson, Simmons, Bateman, Sells, Davis, Lovick, Orwall, Ryu, Ortiz-Self, Senn, Dolan, Fitzgibbon, Ormsby, Gregerson, Hackney, Valdez, Macri and Frame

AN ACT Relating to the uniform electronic recordation of custodial interrogations act; reenacting and amending RCW 9.73.030; adding a new chapter to Title 10 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1224 by Representatives Chambers, Chapman, Jacobsen, Walen, McCaslin, Ybarra, Sutherland, Griffey, Chase and Dent

AN ACT Relating to spring blade knives; amending RCW 9.41.250 and 9.41.280; reenacting and amending RCW 9.41.300; repealing RCW 9.41.251; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1225 by Representatives Stonier, Bateman, Lekanoff, J. Johnson, Davis, Cody, Santos, Thai, Ortiz-Self, Ormsby, Valdez, Riccelli and Tharinger

AN ACT Relating to supporting school-based health centers; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1226 by Representatives Stonier, Berg, Ramos, Kloba, Santos, Ortiz-Self, Gregerson, Bergquist, Valdez, Callan, Riccelli, Macri and Frame

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, 39.36.020, and 28A.530.020; and providing a contingent effective date.

Referred to Committee on Education.

HJR 4200 by Representatives Stonier, Berg, Duerr, Fitzgibbon, Kloba, Chapman, Davis, Senn, Wicks, Santos, Ormsby, Slatter, Gregerson, Bergquist, Hackney, Valdez, Ramel, Callan, Ramos, Riccelli, Macri, Goodman, Frame, Harris-Talley and Dolan

Amending the Constitution to allow a simple majority of voters voting to authorize school district bonds.

Referred to Committee on Education.

SCR 8402 by Senators Liias, Dhingra, Nobles and Saldaña

Extending certain gubernatorial orders issued in response to the COVID-19 state of emergency.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE CONCURRENT RESOLUTION NO. 8402 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

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

MOTION

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8401 was placed on the third reading calendar.

There being no objection, the House reverted to the first order of business.

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Chris Corry, 14th Legislative District, Washington.

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

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Liias and Short

Establishing cutoff dates for the consideration of legislation during the 2021 regular session of the sixty-seventh legislature.

The resolution was read the third time.

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8401.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8401, was adopted.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8402, by Senators Liias, Dhingra, Nobles and Saldaña.)

Extending certain gubernatorial orders issued in response to the COVID-19 state of emergency.

The resolution was read the second time.

Representative Kraft moved the adoption of amendment (002):

On page 1, beginning on line 12, after "session," strike all material through "leader of" on line 15 and insert "such orders may not be extended unless a special session of the legislature is called and the extension of such orders is approved by a two-thirds vote in both the senate and"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (002).

SPEAKER'S RULING

"Senate Concurrent Resolution 8402 addresses the extension of certain emergency orders issued by the Governor in response to the COVID-19 pandemic. Statutory law requires the adoption of a concurrent resolution to extend the duration of these orders when the legislature is in session.

Amendment (002) strikes the introductory language in the resolution that describes the statutory requirements for authorizing extensions when the legislature is not in session and purports to require a different process.

Statutes cannot be amended by concurrent resolution.

The Speaker therefore finds and rules that the amendment is outside the scope and object of Senate Concurrent Resolution 8402.

The point of order is well taken."

Representative Gilday moved the adoption of amendment (004):

On page 2, beginning on line 13, after "until" strike all material through "43.06.210" on line 14 and insert "11:59 PM on January 31, 2021"

Representatives Gilday, Orcutt and McCaslin spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

Amendment (004) was not adopted.

Representative Dent moved the adoption of amendment (003):

On page 2, line 17, after "20-30," strike "20-31,"

On page 2, line 19, after "20-82," strike "and 20-84" and insert "20-84, and 20-31, except for the provisions in Proclamation 20-31 that waive and suspend language in RCW 43.43.837, 43.216.270, 74.15.030, and 13.34.065, which expire sixty days after this resolution becomes effective"

Representative Dent spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (003) was not adopted.

Representative Walsh moved the adoption of amendment (001):

On page 2, line 18, after "20-48," strike "20-49,"

On page 2, after line 19, insert the following:

"FURTHERMORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That Proclamation 20-49 issued by Governor Jay Inslee in response to the COVID-19 state of emergency is hereby extended until 11:59 PM on February 2, 2021, or until rescinded by gubernatorial or legislative action, whichever occurs first."

Representative Walsh and Walsh again spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

Amendment (001) was not adopted.

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

Representatives Sullivan and Stonier spoke in favor of passage of the resolution.

Representatives Jacobsen, Kraft, Walsh, Dufault, Orcutt, Abbarno, Schmick, Corry, Sutherland, Chambers, Dent, Dye, Boehnke, Maycumber and Wilcox spoke against the passage of the resolution.

The Speaker stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8402.

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8402, and the resolution passed the House by the following vote: Yeas, 54; Nays, 44; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SENATE CONCURRENT RESOLUTION NO. 8402, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 8:30 a.m., January 18, 2021, the 8th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTH DAY

House Chamber, Olympia, Monday, January 18, 2021

The House was called to order at 8:30 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jesse Johnson, 30th Legislative District.

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

RESOLUTION

HOUSE RESOLUTION NO. 2021-4601, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, Today, January 18, 2021, the people of Washington state join the nation in honoring the life and work of Dr. Martin Luther King; and

WHEREAS, Dr. King was born on Tuesday, January 15, 1929, in Atlanta, Georgia, attended a segregated school, entered college at the age of 15, and subsequently dedicated his life to advancing civil rights; and

WHEREAS, Dr. King led not just by words but by deeds, helping organize the Montgomery Bus Boycott, the nonviolent protests in Birmingham, and a massive march on Washington, D.C.; and

WHEREAS, Dr. King traveled over 6,000,000 miles, spoke over 2,500 times, and was imprisoned 29 times for his dream of equality, peace, and economic justice; and

WHEREAS, At the age of 35, Dr. King was the youngest man to have received the Nobel Peace Prize, subsequently donating his prize money to further the civil rights movement; and

WHEREAS, The work of Dr. King was instrumental in the ratification of the 24th Amendment and the passing of the landmark Civil Rights Act of 1964, which outlawed racial discrimination and segregation in voting, public facilities, employment, and education; and

WHEREAS, Dr. King also fought for economic justice and opportunity, and was in Memphis, Tennessee, to support striking workers when he was shot on April 4, 1968; and

WHEREAS, Dr. King wrote, "Let us all hope that the dark clouds of racial prejudice will soon pass away, and the deep fog of misunderstanding will be lifted from our fear-drenched communities and in some not-too-distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all of their scintillating beauty," and he composed this letter of hope and inspiration while behind the iron bars of a Birmingham jail cell; and

WHEREAS, President Ronald Reagan signed a bill in 1983 dedicating the third Monday of each January as a federal holiday to recognize the profound legacy of Reverend Dr. Martin Luther King, Jr.;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of Washington state, honor the life of Dr. Martin Luther King through a renewed commitment to hope, civility, and justice during this time of fear and division; and

BE IT FURTHER RESOLVED, That the House of Representatives call on the people of Washington state to exemplify Dr. King's ideals of nonviolence, democratic participation, fairness, and perseverance on this day and every day to come.

Representative Rude moved adoption of HOUSE RESOLUTION NO. 4601.

Representatives Rude and Harris-Talley spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4601 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) introduced the students from the Institute for Community Leadership, Cing Lam Sang, a senior at Foster High School in Tukwila, Sohani Chaudhary, a sophomore at Kent Meridian High School in Kent and Feruza Sherif, a junior at Kentwood High School in Kent, and thanked them for their video.

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

INTRODUCTION & FIRST READING

HB 1227 by Representatives Ortiz-Self, Callan, Senn, Dolan, Fitzgibbon, Ramos, Davis, Santos, Macri, Gregerson, Young and Ormsby

AN ACT Relating to protecting the rights of families responding to allegations of abuse or neglect of a child; amending RCW 13.34.040, 26.44.056, 26.44.050, 13.34.050, 13.34.062, 13.34.060, 13.34.065, and 13.34.090; and creating new sections.

Referred to Committee on Appropriations.

HB 1228 by Representatives Barkis, Walen, Dent, Hoff, Jacobsen, Chambers, Ryu, Graham, Ybarra, Caldier, MacEwen, Walsh, Chapman, Boehnke, Dolan, Springer, Chandler, Eslick, Robertson and Gilday

AN ACT Relating to residential landlord-tenant requirements in response to the COVID-19 public health emergency; reenacting and amending RCW 59.18.200; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Housing, Human Services & Veterans.

HB 1229 by Representatives Peterson, Dolan, Pollet, Ryu, Berry, Valdez, Fey, Ramel, Ortiz-Self, Bateman, Hackney, Davis, Bergquist, Kloba, Wylie, Lekanoff, Macri, Stonier and Riccelli

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

Referred to Committee on Civil Rights & Judiciary.

HB 1230 by Representative Stokesbary

AN ACT Relating to requiring formatting changes to the electronic versions of the Revised Code of Washington and the Washington Administrative Code; amending RCW 44.68.100; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1231 by Representatives Young, Jacobsen and Kloba

AN ACT Relating to the traffic lane merge zipper method; amending RCW 46.20.130, 46.82.420, and 46.82.430; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

HB 1232 by Representatives Barkis, Griffey, Eslick, Robertson and Young

AN ACT Relating to planning for affordable housing under the growth management act; amending RCW 36.70A.210; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Local Government.

HB 1233 by Representatives Barkis, Griffey and Eslick

AN ACT Relating to limited areas of more intensive rural development; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Appropriations.

HB 1234 by Representatives Senn, Lovick, Dolan, Pollet, Kirby, Ryu, Berry, Fitzgibbon, Valdez, Frame, Fey, Ramel, Ortiz-Self, Bateman, Hackney, Ramos, Davis, Thai, Bergquist, Peterson, Santos, Kloba, Callan, Cody, Lekanoff, Macri, Slatter, Stonier, Tharinger, Ormsby and Riccelli

AN ACT Relating to prohibiting weapons in state capitol buildings and grounds and certain other governmental buildings and facilities; reenacting and amending RCW 9.41.300; prescribing penalties; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1235 by Representatives Young, Santos, Dolan, Ryu, Leavitt, Caldier, Eslick, Thai, Callan, Rule, Wicks and Pollet

AN ACT Relating to exempting school districts from the state portion of sales and use taxes on school construction; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 1236 by Representatives Macri, Taylor, Dolan, Gregerson, Berry, Fitzgibbon, Frame, Simmons, Ramel, Bateman, J. Johnson, Hackney, Chopp, Thai, Peterson, Santos, Orwall, Ortiz-Self, Ryu, Wicks, Lekanoff, Slatter, Berg, Senn, Harris-Talley, Ormsby and Pollet

AN ACT Relating to protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination; amending RCW 59.18.220 and 59.12.030; reenacting and amending RCW 59.18.030, 59.18.200, and 59.18.230; adding a new section to chapter 59.18 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing, Human Services & Veterans.

HB 1237 by Representatives Eslick, Senn, Leavitt, Callan, Ortiz-Self, Rude, Davis, Santos, Rule, Goodman and Riccelli

AN ACT Relating to defining family resource centers; amending RCW 43.330.010; reenacting and amending RCW 74.14C.010 and 43.216.010; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1238 by Representatives Chase, Dolan, Jacobsen, Caldier, Chambers, Sutherland and Klippert

AN ACT Relating to creating the help out Washington state government program to allow Washingtonians to voluntarily contribute to government expenditures; amending RCW 43.79.460; adding a new section to chapter 43.08 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1239 by Representatives Chase, McCaslin, Dent and Sutherland

AN ACT Relating to establishing the new state of Liberty; creating new sections and providing a contingent effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1240 by Representative MacEwen

AN ACT Relating to adding seaplanes to the class of conveyances that may be moored pursuant to RCW 79.105.430; and amending RCW 79.105.430.

Referred to Committee on Environment & Energy.

HB 1241 by Representatives Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley and Pollet

AN ACT Relating to planning under the growth management act; amending RCW 90.58.080 and 90.58.080; reenacting and amending RCW 36.70A.130; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.

HB 1242 by Representatives Leavitt, Dolan, Lovick, Valdez, Simmons, Ramel, Ortiz-Self, Frame, Shewmake, Ryu, Callan, Wicks, Rule, Lekanoff, Macri, Bronoske, Chopp, Slatter, Ramos, Harris-Talley and Pollet

AN ACT Relating to providing paid administrative leave for health care workers in time of declared public health emergencies; adding a new section to chapter 49.12 RCW; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1243 by Representatives Wicks, Springer, Dolan, Ryu, Fitzgibbon, Simmons, Fey, Ramel, Bateman, Senn, Sells, Davis, Peterson, Wylie, Slatter, Berg and Tharinger

AN ACT Relating to local infrastructure project areas; and amending RCW 39.108.120, 84.55.010, 84.55.015, 84.55.020, 84.55.030, 84.55.120, and 39.108.010.

Referred to Committee on Finance.

HB 1244 by Representatives Mosbrucker, Springer, Dent, Hoff, Kirby, Chapman, Jacobsen, Ybarra, Caldier, Goehner, Eslick, Callan, Walsh, Dufault, Chase, Robertson, Klippert and Goodman

AN ACT Relating to prohibiting civil penalties for first-time violations of standards regulated under emergency proclamations; and amending RCW 49.17.180.

Referred to Committee on Labor & Workplace Standards.

HB 1245 by Representatives Orcutt, Dent, Sutherland, Barkis and Chase

AN ACT Relating to repealing the state estate tax; creating new sections; repealing RCW 83.100.040; and providing an effective date.

Referred to Committee on Finance.

HB 1246 by Representatives Orcutt and Young

AN ACT Relating to allowing a local sales and use tax as a credit against the state sales tax for rural high-speed internet infrastructure without increasing the total sales and use tax rate; and amending RCW 82.14.370.

Referred to Committee on Finance.

HB 1247 by Representatives Orcutt, Caldier, Eslick, Abbarno, Sutherland and Young

AN ACT Relating to allowing an additional property tax exemption for seniors, veterans, and persons with disabilities leasing land in a mobile home park or manufactured housing community; adding a new section to chapter 84.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 1248 by Representatives Orcutt, Caldier, Sutherland and Young

AN ACT Relating to allowing leased land in a mobile home park or manufactured housing community to qualify for the senior, veteran, and persons with disabilities property tax exemption; adding a new section to chapter 84.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 1249 by Representatives Orcutt, Eslick, Sutherland and Barkis

AN ACT Relating to sales tax revenues of transportation projects being used for transportation purposes with at least 70 percent being deposited into the motor vehicle fund; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Appropriations.

HB 1250 by Representatives Orcutt, Ryu, Boehnke, Dufault and Riccelli

AN ACT Relating to designating Washington a purple heart state; adding a new section to chapter 1.20 RCW; adding a new section to chapter 38.40 RCW; adding a new section to chapter 43.60A RCW; adding a new section to chapter 47.04 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1251 by Representatives Orcutt, Dent, Eslick and Robertson

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

Referred to Committee on Transportation.

HB 1252 by Representatives Orcutt and Riccelli

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

Referred to Committee on Transportation.

HB 1253 by Representatives Orcutt, Dolan and Eslick

AN ACT Relating to creating special license plates that support working forests; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1254 by Representatives Orcutt, Abbarno, Sutherland and Goodman

AN ACT Relating to improving motorcycle safety by authorizing the use of the right shoulder of limited access roadways; and amending RCW 46.61.608.

Referred to Committee on Transportation.

HB 1255 by Representatives Orcutt and Sutherland

AN ACT Relating to motorcycle steering equipment requirements; and amending RCW 46.37.530.

Referred to Committee on Transportation.

HB 1256 by Representatives Orcutt, Dent and Eslick

AN ACT Relating to direct sales of milk; and adding a new section to chapter 15.36 RCW.

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

HB 1257 by Representatives Orcutt, Lovick and Walsh

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

Referred to Committee on Appropriations.

HB 1258 by Representatives Frame, Peterson, Dolan, Ryu, Leavitt, Simmons, Jacobsen, Lovick, Taylor, Fitzgibbon, Fey, Ramel, Ortiz-Self, Shewmake, J. Johnson, Bateman, Eslick, Ramos, Davis, Thai, Santos, Chambers, Wylie, Callan, Wicks, Rule, Sutherland, Chase, Macri, Gregerson, Slatter, Berg and Riccelli

AN ACT Relating to the operation, authorization, and permitting of microenterprise home kitchens; adding a new section to chapter 69.07 RCW; adding a new section to chapter 70.54 RCW; adding a new chapter to Title 69 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1259 by Representatives Santos, Dolan, Ryu, Valdez, Fey, Ramel, Ortiz-Self, Hackney, Ramos, Kloba, Callan, Lekanoff, Macri, Gregerson, Slatter, Stonier and Harris-Talley

AN ACT Relating to expanding public contracting opportunities for women and minority business enterprises by increasing the regulatory oversight and accountability of the office of minority and women's business enterprises; amending RCW 39.19.020,

39.19.060, 39.19.080, 39.19.090, 39.19.200, 39.19.250, and 39.04.155; adding a new section to chapter 39.19 RCW; and repealing RCW 39.19.100 and 39.19.110.

Referred to Committee on Appropriations.

HB 1260 by Representatives Wicks, Dolan, Berry, Fitzgibbon, Simmons, Ramel, Ortiz-Self, Bateman, Sells, Lekanoff and Macri

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

Referred to Committee on Commerce & Gaming.

HB 1261 by Representative Klippert

AN ACT Relating to wildlife harvest reports required by the department of fish and wildlife; amending RCW 77.32.070; and prescribing penalties.

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

HB 1262 by Representatives Klippert and Chase

AN ACT Relating to background investigations of peace officers, reserve officers, and corrections officers; and amending RCW 43.101.010, 43.101.080, 43.101.095, and 43.101.096.

Referred to Committee on Public Safety.

HB 1263 by Representatives Abbarno, Barkis, Dent, McEntire, Mosbrucker, Ybarra, Eslick, Boehnke and Gilday

AN ACT Relating to rural infrastructure; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Budget.

HB 1264 by Representatives Thai, Morgan, Senn, Berry, Valdez, Simmons, Ramel, Ortiz-Self, Davis, Peterson, Wylie, Callan, Lekanoff, Macri, Bronoske, Slatter, Ramos, Berg, Harris-Talley, Pollet, Gregerson and Riccelli

AN ACT Relating to establishing an equity impact statement for legislative proposals; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1265 by Representatives Rude, Chapman, Griffey, Walsh, Graham, Eslick, Jacobsen, Chase and Robertson

AN ACT Relating to the presidential primary; amending RCW 29A.56.031, 29A.56.040, and 29A.56.050.

Referred to Committee on State Government & Tribal Relations.

HB 1266 by Representatives Sullivan, Dolan, J. Johnson, Bergquist, Santos, Kloba, Callan and Lekanoff

AN ACT Relating to basic education salary review and rebase; amending RCW 28A.150.412; adding a new section to chapter 28A.150 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1267 by Representatives Entenman, Hackney, Senn, Dolan, Leavitt, Berry, Fitzgibbon, Valdez, Simmons, Ramel, Ortiz-Self, Ramos, Chopp, Davis, Thai, Bergquist, Peterson, Kloba, Callan, Lekanoff, Macri, Goodman, Gregerson, J. Johnson, Lovick, Slatter, Ryu, Berg, Harris-Talley, Sells, Tharinger, Orwall, Pollet, Santos and Ormsby

AN ACT Relating to investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents; amending RCW 10.93.020, 39.26.125, and 10.114.011; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on Appropriations.

HJM 4000 by Representatives Chase, McCaslin, Dent and Sutherland

Petitioning for the creation of a new state in eastern Washington.

Referred to Committee on State Government & Tribal Relations.

HJR 4201 by Representatives Young, Walsh, Dent, Caldier and Sutherland

Amending the state Constitution so that tracking individuals for the purposes of determining taxes or fees is prohibited.

Referred to Committee on Transportation.

HJR 4202 by Representatives Young, Walsh, Dent, Caldier and Sutherland

Amending the state Constitution so that road usage charges are limited in relation to how they may be implemented.

Referred to Committee on Transportation.

There being no objection, the bills, memorial and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker assumed the chair.

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

MESSAGE FROM THE SENATE

January 18, 2021

Mme. SPEAKER:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8401,
SENATE CONCURRENT RESOLUTION NO. 8402,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SENATE CONCURRENT RESOLUTION NO. 8401
SENATE CONCURRENT RESOLUTION NO. 8402

There being no objection, the House adjourned until 9:55 a.m., January 19, 2021, the 9th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINTH DAY

House Chamber, Olympia, Tuesday, January 19, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1268 by Representatives Shewmake, Fitzgibbon and Rule

AN ACT Relating to clarifying the authority of local governments to administer national flood insurance program regulation requirements in the context of fish habitat enhancement projects authorized pursuant to RCW 77.55.181; and amending RCW 77.55.181.

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

HB 1269 by Representatives Kirby, Barkis, Robertson and Chambers

AN ACT Relating to motor vehicle transporter license plates; amending RCW 46.76.030 and 46.76.040; reenacting and amending RCW 46.76.060 and 46.76.065; and providing an effective date.

Referred to Committee on Transportation.

HB 1270 by Representatives Young, Simmons, Sutherland, Eslick, Goodman, Santos and Chambers

AN ACT Relating to an educational grant program to promote confidence, public speaking, and leadership skills in students; adding a new section to chapter 28A.300 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1271 by Representatives Orwall, Goehner, Goodman, Thai, Fey, Pollet and Harris-Talley

AN ACT Relating to ensuring continuity of operations in the offices of county elected officials during the current COVID-19 pandemic and future public health crises; amending RCW 2.32.050, 84.41.041, 38.52.040, 70.54.430, 43.09.230, 65.04.140, 46.20.118, 6.21.030, 6.21.040, 6.21.050, 6.21.090, 6.21.100, and 84.56.020; reenacting and amending RCW 6.01.060; creating a new section; and providing an effective date.

Referred to Committee on Local Government.

HB 1272 by Representatives Macri, Cody, Fitzgibbon, Davis, Hackney, Thai, Kloba, Rule, Simmons, Pollet, Dolan, Slatter, Riccelli and Harris-Talley

AN ACT Relating to health system transparency; amending RCW 43.70.052, 70.01.040, and 70.41.470; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70.41 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 1273 by Representatives Berg, Caldier, Ramel, Simmons, Taylor, Lovick, Bateman, Senn, Leavitt, Fitzgibbon, Wicks, Berry, Peterson, Goodman, Valdez, Hackney, Thai, Kloba, Frame, Ryu, Bronoske, Macri, Callan, Ormsby, Pollet, Slatter, Harris-Talley and Stonier

AN ACT Relating to menstrual hygiene products in school and postsecondary institution bathrooms; adding a new section to chapter 28A.210 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Appropriations.

HB 1274 by Representatives Hackney, Stokesbary, Robertson, Bateman, Springer, Walen, Leavitt, Berg and Slatter

AN ACT Relating to cloud computing solutions; amending RCW 43.105.020; adding new sections to chapter 43.105 RCW; creating a new section; and repealing RCW 43.105.375.

Referred to Committee on Appropriations.

HB 1275 by Representatives Schmick, Macri, Shewmake, Eslick, Hackney, Chambers, Rule, Leavitt, Harris-Talley and Stonier

AN ACT Relating to nursing facility medicaid rate rebasing, inflation, and case mix; and amending RCW 74.46.485, 74.46.501, and 74.46.561.

Referred to Committee on Appropriations.

HB 1276 by Representatives Bronoske, Lovick, Fitzgibbon, Cody, Hackney, Fey, Macri, Leavitt, Ormsby, Harris-Talley and Stonier

AN ACT Relating to providing for certain emergency medical services personnel to work in diversion centers; and amending RCW 18.73.030 and 18.73.130.

Referred to Committee on Health Care & Wellness.

HB 1277 by Representatives Ormsby, Macri, Ramel, Bateman, Fitzgibbon, Ryu, Senn, Chopp, Berry, Peterson, Davis, Santos, Valdez, Hackney, Thai, Kloba, Sells, Frame, Gregerson, J. Johnson, Pollet, Harris-Talley, Stonier, Taylor and Wicks

AN ACT Relating to an additional revenue source for eviction prevention and housing stability services; amending RCW 43.185C.045, 43.185C.060, and 43.185C.190; adding a new section to chapter 36.22 RCW; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Appropriations.

HB 1278 by Representatives Dent, Eslick, Sutherland, Chandler, Jacobsen, Chase and Barkis

AN ACT Relating to suspending certain licensing requirements for child care providers; amending RCW 43.216.755, 43.216.110, 43.216.255, and 43.216.300; adding a new section to chapter 43.216 RCW; and providing an expiration date.

Referred to Committee on Children, Youth & Families.

HB 1279 by Representatives Rule, Ramel, Bateman, Boehnke, Shewmake, Chapman, Ryu, J. Johnson, Wicks, Senn, Hoff, Walen, Peterson, Hackney, Rude, Callan, Leavitt, Vick and Harris-Talley

AN ACT Relating to modifying the Washington main street program tax incentive to respond to the economic impacts of the COVID-19 pandemic; amending RCW 82.73.030; adding a new section to chapter 82.73 RCW; creating a new section; repealing 2017 3rd sp.s. c 37 s 1406 (uncodified); and providing an expiration date.

Referred to Committee on Finance.

HB 1280 by Representatives Ramel, Duerr, Bateman, Fitzgibbon, Berry, Peterson, Goodman, Hackney, Frame, Macri, Pollet and Harris-Talley

AN ACT Relating to greenhouse gas emissions reductions in the design of public facilities; and amending RCW 39.35.010, 39.35.020, 39.35.030, and 39.35.050.

Referred to Committee on Capital Budget.

HB 1281 by Representatives Walsh and Santos

AN ACT Relating to protecting continuity in the community behavioral health system; adding a new section to chapter 71.24 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1282 by Representatives Simmons, J. Johnson, Hansen, Ramel, Frame, Dolan, Bateman, Fitzgibbon, Ryu, Berry, Peterson, Davis, Hackney, Fey, Thai, Gregerson, Macri, Callan, Ormsby, Pollet, Senn and Ramos

AN ACT Relating to allowed earned time for certain offenses; amending RCW 9.94A.729 and 9.94A.729; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1283 by Representatives Senn, Valdez, Ramel, Bateman, Fitzgibbon, Berry, Peterson, Hackney, Thai, Kloba, Macri, Pollet, Stonier and Harris-Talley

AN ACT Relating to including the open carry or display of weapons within the offense of criminal mischief; amending RCW 9A.84.010; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1284 by Representatives Shewmake, Ramel, Ramos and Pollet

AN ACT Relating to voter-approved fuel tax rates in border area jurisdictions; and amending RCW 82.47.020.

Referred to Committee on Transportation.

HB 1285 by Representatives Ormsby, Ortiz-Self, Santos, Rule, Pollet and Harris-Talley

AN ACT Relating to modifying the business and occupation tax exemption for certain fruit and vegetable businesses; and amending RCW 82.04.4266 and 82.32.534.

Referred to Committee on Finance.

HB 1286 by Representatives Chambers, Riccelli, Jacobsen, Senn, Davis, Ryu, Leavitt and Graham

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

Referred to Committee on Health Care & Wellness.

HB 1287 by Representatives Ramel, Hackney, Bateman, Fitzgibbon, Berry, Goodman, Santos, Kloba, Macri, Bergquist, Ormsby and Pollet

AN ACT Relating to preparedness for a zero emissions transportation future; amending RCW 19.280.030 and 19.27.540; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1288 by Representatives Santos, Hackney, Fitzgibbon, Peterson, Valdez, Thai, Fey, Bergquist, Ormsby and Pollet

AN ACT Relating to restoring the fair treatment of underserved groups in public employment, education, and contracting; amending RCW 28B.20.744, 39.10.430, 39.10.450, and 49.04.100; and repealing RCW 49.60.400 and 49.60.401.

Referred to Committee on Civil Rights & Judiciary.

HB 1289 by Representatives Chambers, Kloba, Robertson, J. Johnson, Sutherland, Fitzgibbon, Chandler, Jacobsen, Ybarra, Rude, Boehnke, Barkis and Klicker

AN ACT Relating to winery workforce development; and amending RCW 66.44.318.

Referred to Committee on Commerce & Gaming.

HB 1290 by Representatives Dent, Orcutt, Chandler, Dufault, Sutherland, Hoff, Eslick, Jacobsen, Chambers, Boehnke, Klippert and Graham

AN ACT Relating to the distribution of aircraft fuel tax revenue; amending RCW 82.42.090; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1291 by Representatives Pollet, Ramel, Fitzgibbon, Orwall, Valdez, Ryu, Shewmake and Slatter

AN ACT Relating to establishing a statewide home air quality improvement program; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.

HB 1292 by Representatives Griffey, Mosbrucker, Eslick and Chase

AN ACT Relating to the crime of providing harmful material to a minor; amending RCW 7.90.150, 9.94A.411, 9.94A.501, 9.94A.515, 9.95.062, 9A.44.128, 9A.44.140, 10.64.025, 43.43.754, and 43.43.830; adding a new section to chapter 9.68A RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 1293 by Representatives Simmons, Taylor, Ramel, Bateman, Senn, Peterson, Davis, Santos, Hackney, Ormsby and Pollet

AN ACT Relating to reducing unduly harsh sentences for offenses committed by domestic violence survivors; amending RCW 9.94A.501, 9.94A.535, 9.94A.540, 9.94A.570, 9.94A.640, and 9.96.060; reenacting and amending RCW 9.94A.533; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9.96 RCW; and creating a new section.

Referred to Committee on Public Safety.

HB 1294 by Representatives Goodman, Davis, Macri and Ormsby

AN ACT Relating to misdemeanant supervision services by limited jurisdiction courts; amending RCW 4.24.760, 39.34.180, and 70.48.090; and reenacting and amending RCW 10.64.120.

Referred to Committee on Civil Rights & Judiciary.

HB 1295 by Representatives Callan, Eslick, Ramel, Leavitt, Simmons, Springer, Fitzgibbon, Dolan, Bateman, Shewmake, J. Johnson, Senn, Sutherland, Walen, Peterson, Davis, Goodman, Hackney, Kloba, Fey, Ramos, Frame, Ryu, Macri, Bergquist, Pollet and Stonier

AN ACT Relating to the provision of public education to youth in or released from institutional education facilities; amending RCW 13.04.145; adding new sections to chapter 28A.190 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.190.015 and 28A.190.020; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1296 by Representatives Young, Thai, Robertson and Rule

AN ACT Relating to providing a business and occupation tax preference for behavioral health administrative services organizations; adding a new section to chapter 82.04 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1297 by Representatives Thai, Stokesbary, Ramel, Ryu, Robertson, Leavitt, Bateman, Fitzgibbon, Shewmake, Chapman, J. Johnson, Senn, Frame, Riccelli, Chopp, Wylie, Wicks, Simmons, Boehnke, Berry, Davis, Tharinger, Walsh, Eslick, Goodman, Peterson, Santos, Valdez, Cody,

Chambers, Kloba, Ramos, Kirby, Bronoske, Gregerson, Macri, Callan, Paul, Sells, Bergquist, Ormsby, Pollet, Slatter, Stonier, Taylor and Harris-Talley

AN ACT Relating to the working families tax exemption; amending RCW 82.08.0206; creating new sections; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1298 by Representatives Vick, Springer, Robertson, Chapman, Chambers, Barkis and Shewmake

AN ACT Relating to regulation of accessory dwelling units located outside of urban growth areas; amending RCW 36.70A.697; and creating a new section.

Referred to Committee on Local Government.

HB 1299 by Representatives Vick, Stokesbary, Robertson, Chapman, Sutherland, Walen, Jacobsen, Santos, Chambers and Barkis

AN ACT Relating to providing business and occupation tax relief to the hospitality industry; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1300 by Representatives Thai, Chopp, Ramel, Simmons, Fitzgibbon, Peterson, Davis, Macri, Pollet, Slatter, Stonier and Taylor

AN ACT Relating to documentation and processes governing landlords' claims for damage to residential premises; amending RCW 59.18.260, 59.18.280, 59.18.060, and 59.18.130; reenacting and amending RCW 59.18.030; and creating a new section.

Referred to Committee on Housing, Human Services & Veterans.

HB 1301 by Representatives Fitzgibbon, Hackney, Valdez and Macri

AN ACT Relating to providing expanded options for fare enforcement by regional transit authorities; and amending RCW 7.80.010, 81.112.210, and 81.112.220.

Referred to Committee on Transportation.

HB 1302 by Representatives Berg, Ybarra, J. Johnson, Sutherland, Eslick, Morgan, Bergquist, Paul and Callan

AN ACT Relating to college in the high school programs; amending RCW 28A.600.290, 28A.300.560, 28A.320.196, 28B.10.035, 28B.76.730, and 28B.95.020; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 1303 by Representatives Kloba, Entenman, Ramel, Bateman, Santos, Frame, Gregerson, Ormsby, Pollet and Slatter

AN ACT Relating to the regulation and taxation of the sale of Washingtonian's personal information and related data; amending RCW 82.04.050, 82.04.050, 82.04.192, 82.04.2907, 82.04.460, 82.04.462, 82.08.0291, and 82.32.087; adding new sections to chapter 82.04 RCW; creating a new section; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Finance.

HB 1304 by Representatives Hackney, Berry, Fitzgibbon, Chopp, Macri, Bergquist and Pollet

AN ACT Relating to grade-separated transportation; amending RCW 35.95A.010, 35.95A.020, 35.95A.030, 35.95A.050, 35.95A.060, 35.95A.070, 35.95A.080, 35.95A.110, 35.95A.120, and 35.95A.140; and adding new sections to chapter 35.95A RCW.

Referred to Committee on Local Government.

HB 1305 by Representatives Kraft, Young, Sutherland, Eslick and Chase

AN ACT Relating to the right to refuse vaccines and health-related measures; adding a new section to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1306 by Representatives Sells, Santos and Pollet

AN ACT Relating to bond authorization training for school district boards of directors; adding a new section to chapter 28A.525 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1307 by Representatives Hackney, Davis, Fitzgibbon, Bergquist, Ormsby and Pollet

AN ACT Relating to seriousness level I offenses where the offender score is three to five on the drug offense sentencing grid; and amending RCW 9.94A.517.

Referred to Committee on Appropriations.

HB 1308 by Representatives Riccelli, Ramel, Bateman, Fitzgibbon, Valdez, Hackney, Bergquist, Ormsby, Pollet and Slatter

AN ACT Relating to expanding apprenticeship utilization requirements; amending RCW 39.04.320; and providing an effective date.

Referred to Committee on Capital Budget.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 14, 2021

HB 1007 Prime Sponsor, Representative Klippert: Concerning the completion of supervised experience through distance supervision. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

January 14, 2021

HB 1009 Prime Sponsor, Representative Thai: Concerning student health plans. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Harris; Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

January 14, 2021

HB 1031 Prime Sponsor, Representative Walen: Concerning the government issuance of a certificate of birth resulting in stillbirth. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 15, 2021

HB 1042 Prime Sponsor, Representative Thai: Revising the international application of the uniform child custody jurisdiction and enforcement act to protect families from facing the death penalty in certain foreign jurisdictions on the basis of religious beliefs, political beliefs, or sexual orientation. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

January 14, 2021

HB 1049 Prime Sponsor, Representative Kirby: Concerning the off-site delivery of a vehicle by a vehicle dealer licensed under chapter 46.70 RCW. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 14, 2021

HB 1052 Prime Sponsor, Representative Bateman: Concerning group insurance contract performance standards. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1072 Prime Sponsor, Representative Lekanoff: Removing only one of the restrictions on

the use of civil legal aid funds. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

January 15, 2021

HB 1056 Prime Sponsor, Representative Pollet: Concerning open public meeting notice requirements and declared emergencies. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1007, HOUSE BILL NO. 1042 and HOUSE BILL NO. 1056 which were placed on the second reading calendar.

There being no objection, the House adjourned until 9:55 a.m., January 20, 2021, the 10th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TENTH DAY

House Chamber, Olympia, Wednesday, January 20, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1309 by Representatives Eslick, Ramel, Paul and Lekanoff

AN ACT Relating to the dates of certification of levies; amending RCW 84.52.070; and creating a new section.

Referred to Committee on Finance.

HB 1310 by Representatives J. Johnson, Lovick, Ryu, Simmons, Berry, Fitzgibbon, Hackney, Wylie, Sells, Wicks, Cody, Callan, Gregerson, Santos, Senn, Ortiz-Self, Chopp, Davis, Valdez, Dolan, Bateman, Ormsby, Bergquist, Morgan, Ramel, Ramos, Lekanoff, Frame, Harris-Talley, Pollet, Macri and Peterson

AN ACT Relating to permissible uses of force by law enforcement and correctional officers; amending RCW 9A.16.040 and 43.101.450; adding a new section to chapter 43.101 RCW; adding a new chapter to Title 10 RCW; creating a new section; and repealing RCW 10.31.050.

Referred to Committee on Appropriations.

HB 1311 by Representatives Bronoske, Ryu, Simmons, Leavitt, Sells, Berry, Cody, Ortiz-Self, Chopp, Davis, Bateman, Lovick, Callan, Pollet, Macri and Peterson

AN ACT Relating to authorizing the issuance of substance use disorder professional certifications to persons participating in apprenticeship programs; amending RCW 18.205.095 and 18.205.090; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1312 by Representatives Peterson, Simmons, Ramel, Ryu, Fitzgibbon, Hackney, Gregerson, Santos, Senn, Ortiz-Self, Dolan, Davis, Valdez, Bateman, J. Johnson, Ormsby, Bergquist, Morgan, Lekanoff, Frame, Harris-Talley, Leavitt, Pollet, Callan and Macri

AN ACT Relating to solitary confinement; amending RCW 72.09.015; adding a new section to chapter 72.09 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 36.28A RCW; creating new sections; and providing an effective date.

Referred to Committee on Public Safety.

HB 1313 by Representatives Hackney, Macri, Ramel, Ryu, Berry, Fitzgibbon, Santos, Senn, Davis, Valdez, Bateman, Bergquist, Lekanoff, Pollet and Peterson

AN ACT Relating to local government authority to regulate firearms; reenacting and amending RCW 9.41.300; amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; creating a new section; and repealing RCW 9.41.290.

Referred to Committee on Civil Rights & Judiciary.

HB 1314 by Representatives Young, Lovick, Dufault, Hackney, Bateman, Rule, Lekanoff, Pollet and Callan

AN ACT Relating to veteran diversion from involuntary commitment; reenacting and amending RCW 71.05.153 and 71.05.153; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1315 by Representatives Mosbrucker, Orwall, Ryu, Simmons, Leavitt, Sells, Wylie, Ortiz-Self, Davis, Valdez, J. Johnson, Ormsby, Rule, Lekanoff, Duerr and Goodman

AN ACT Relating to creating a task force to identify the role of the workplace in helping curb domestic violence; creating new sections; and providing expiration dates.

Referred to Committee on Labor & Workplace Standards.

HB 1316 by Representatives Cody, Macri, Duerr, Santos, Bateman and Lekanoff

AN ACT Relating to the hospital safety net assessment; amending RCW 74.60.005, 74.60.020, 74.60.090, and

74.60.901; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1317 by Representatives Young, Kraft, Chase and Sutherland

AN ACT Relating to an individual's right to refuse health-related measures; adding a new section to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1318 by Representatives Pollet, Ortiz-Self, Ramel, Simmons, Fitzgibbon, Hackney, Dolan, Taylor, Ryu, Wylie, Santos, Chopp, Davis, Valdez, Lovick, Bergquist, Fey, Berg, Lekanoff, Frame, Harris-Talley, Duerr, Macri and Peterson

AN ACT Relating to providing for equity and access in the community and technical colleges; amending RCW 28B.92.030, 28B.96.010, 28B.15.012, and 82.04.299; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.92 RCW; adding a new chapter to Title 28B RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on College & Workforce Development.

HB 1319 by Representatives Corry, Stokesbary, Maycumber, Boehnke, Vick, Chase, Barkis and Sutherland

AN ACT Relating to creating a Washington recovery rebate by temporarily expanding the working families' tax exemption; amending RCW 82.08.0206; and declaring an emergency.

Referred to Committee on Finance.

HB 1320 by Representatives Goodman, Thai, Fitzgibbon, Hackney, Wylie, Gregerson, Senn, Ortiz-Self, Davis, Valdez, Lekanoff, Macri, Slatter and Peterson

AN ACT Relating to modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders; amending RCW 7.--.---, 7.--.---, 7.--.---, 9.41.040, 9.41.075, 9.41.801, 10.99.045, 26.55.010, 26.55.020, 26.55.030, 26.55.040, 26.55.050, 2.28.210, 4.08.050, 4.24.130, 7.77.060, 7.77.080, 9.41.010, 9.41.042, 9.41.070, 9.41.173, 9.94A.411, 9.94A.515, 9.94A.525, 9.94A.637, 9.94A.660, 9.94A.662, 9.94A.703, 9.96.060, 9A.36.041, 9A.40.104, 9A.46.040, 9A.46.060, 9A.46.085, 9A.46.110, 9A.88.170, 9A.88.180, 10.01.240, 10.05.020, 10.05.030, 10.22.010, 10.31.100, 10.66.010, 10.95.020, 10.99.040, 10.99.050, 10.99.090, 11.92.195, 11.130.257, 11.130.335, 12.04.140, 12.04.150, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, 19.220.010, 26.09.003, 26.09.015, 26.09.050, 26.09.060, 26.09.191, 26.09.300, 26.12.260, 26.12.802, 26.26A.470, 26.26B.020, 26.26B.050, 26.28.015, 26.44.020, 26.51.020, 26.52.010, 26.52.070, 36.18.020, 43.43.754, 48.18.550, 49.76.020, 59.18.575, 70.02.230, 70.02.240, 71.09.305, 71.32.090, 71.32.200, 72.09.712, 72.09.714, 74.34.020, 74.34.020, 74.34.110, 7.90.150, and 7.92.160; reenacting and amending RCW 9.41.800, 9.41.300, 9.94A.030, 10.99.020, 36.28A.410, 41.04.655, 43.43.842, 59.18.570, and 71.32.260; adding a new section to chapter 9.41 RCW; adding new sections to chapter 26.55 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 70.123 RCW; adding a new section to chapter 9A.44 RCW; adding a new section to chapter 9A.46 RCW; adding a new chapter to Title 7 RCW; creating a new section; recodifying RCW 26.50.150, 26.50.250, 7.90.150, and 7.92.160; repealing RCW 7.90.005, 7.90.010, 7.90.020, 7.90.030, 7.90.040, 7.90.050, 7.90.052, 7.90.053, 7.90.054, 7.90.055, 7.90.060, 7.90.070, 7.90.080, 7.90.090, 7.90.100, 7.90.110, 7.90.120, 7.90.121, 7.90.130, 7.90.140, 7.90.155, 7.90.160, 7.90.170, 7.90.180, 7.90.190, 7.90.900, 7.92.010, 7.92.020, 7.92.030, 7.92.040, 7.92.050, 7.92.060, 7.92.070, 7.92.080, 7.92.090, 7.92.100, 7.92.110, 7.92.120, 7.92.125, 7.92.130, 7.92.140, 7.92.150, 7.92.170, 7.92.180, 7.92.190, 7.92.900, 7.92.901, 7.94.010, 7.94.020, 7.94.030, 7.94.040, 7.94.050, 7.94.060, 7.94.070, 7.94.080, 7.94.090, 7.94.100, 7.94.110, 7.94.120, 7.94.130, 7.94.140, 7.94.150, 7.94.900, 10.14.010, 10.14.020, 10.14.030, 10.14.040, 10.14.045, 10.14.050, 10.14.055, 10.14.060, 10.14.065, 10.14.070, 10.14.080, 10.14.085, 10.14.090, 10.14.100, 10.14.105, 10.14.110, 10.14.115, 10.14.120, 10.14.125, 10.14.130, 10.14.140, 10.14.150, 10.14.155, 10.14.160, 10.14.170, 10.14.180, 10.14.190, 10.14.200, 10.14.210, 10.14.800, 26.50.010, 26.50.020, 26.50.021, 26.50.025, 26.50.030, 26.50.035, 26.50.040, 26.50.050, 26.50.055, 26.50.060, 26.50.070, 26.50.080, 26.50.085, 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.120, 26.50.123, 26.50.125, 26.50.130, 26.50.135, 26.50.140, 26.50.160, 26.50.165, 26.50.200, 26.50.210, 26.50.220, 26.50.230, 26.50.240, 26.50.900, 26.50.901, 74.34.115, 74.34.120, 74.34.130, 74.34.135, 74.34.140, 74.34.145, 74.34.150, 74.34.160, 74.34.163, 74.34.210, and 26.10.115; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1321 by Representatives MacEwen, Chapman, Maycumber, Boehnke, Vick, Chase, Klippert, Barkis, Robertson, Eslick, Gilday, Dufault, Chambers, Rude and Stokesbary

AN ACT Relating to safely reopening Washington; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1322 by Representatives Wylie, Harris, Ortiz-Self and Eslick

AN ACT Relating to off-road vehicle and snowmobile registration enforcement; amending RCW 46.09.420, 46.09.400, 46.09.410, 46.09.442, 46.93.210, 46.09.495, and 46.10.505; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Transportation.

HB 1323 by Representatives Tharinger, Macri, Simmons, Fitzgibbon, Cody, Hackney, Santos, Ortiz-Self, Lekanoff and Pollet

AN ACT Relating to the long-term services and supports trust program; amending RCW 50B.04.010, 50B.04.020, 50B.04.050, 50B.04.085, and 50B.04.090; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Health Care & Wellness.

HB 1324 by Representatives McEntire, Young, Chase, Jacobsen, Eslick, Chambers, Griffey and Graham

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

Referred to Committee on State Government & Tribal Relations.

HB 1325 by Representatives Callan, Eslick, Leavitt, Fitzgibbon, Thai, Duerr, Senn, Ortiz-Self, Davis, Bergquist, Ramos, Lekanoff, Pollet, Dent and Goodman

AN ACT Relating to implementing policies related to children and youth behavioral health as reviewed and recommended by the children and youth behavioral health work group; and amending RCW 71.24.061 and 74.09.520.

Referred to Committee on Appropriations.

HB 1326 by Representatives Lekanoff, Goodman, Ramel, Orwall, Klippert, Bateman, Lovick and Pollet

AN ACT Relating to coroners and medical examiners; amending RCW 36.16.030, 68.50.104, and 68.50.010; adding new sections to chapter 36.24 RCW; adding a new section to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Local Government.

HB 1327 by Representatives Dye, Boehnke, Ybarra, Eslick, Chambers and Dent

AN ACT Relating to on-bill disclosures to retail electric customers; adding a new section to chapter 19.29A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1328 by Representatives Pollet and Ryu

AN ACT Relating to exempting information gathered for controlling diseases from public inspecting requirements; and reenacting and amending RCW 42.56.230.

Referred to Committee on State Government & Tribal Relations.

HB 1329 by Representatives Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley and Peterson

AN ACT Relating to public meeting accessibility and participation; amending RCW 42.30.010, 42.30.020, 42.30.030, 42.30.070, 42.30.110, and 42.30.900; adding new sections to chapter 42.30 RCW; and creating new sections.

Referred to Committee on Local Government.

HB 1330 by Representatives Shewmake, Ramel, Berry, Fitzgibbon, Duerr, Lovick, Rule, Lekanoff, Callan, Pollet, Macri and Slatter

AN ACT Relating to providing a retail sales and use tax exemption for the purchase of electric bicycles and related cycling equipment; adding new sections to chapter 82.12 RCW; creating new sections; and providing contingent expiration dates.

Referred to Committee on Finance.

HB 1331 by Representatives Harris-Talley, Senn, Berry, Callan, Fitzgibbon, Wicks, Ortiz-Self, Chopp, Davis, Valdez, Bateman, Eslick, Ormsby, Lovick, Fey, Berg, Rule, Lekanoff, Frame, Duerr, Pollet, Macri, Slatter and Peterson

AN ACT Relating to early learning facility impact fees; and amending RCW 82.02.060.

Referred to Committee on Local Government.

HB 1332 by Representatives Sullivan, Ramel, Leavitt, Dufault, Hackney, Wylie, Santos, Ortiz-Self, Ormsby, Rule, Stokesbary, Callan, Pollet and Macri

AN ACT Relating to property tax deferral during the COVID-19 pandemic; amending RCW 84.56.020; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1333 by Representatives Tharinger, Steele, Hackney and Lekanoff

AN ACT Relating to providing an extension to the local sales and use tax for public facilities in rural counties; and amending RCW 82.14.370.

Referred to Committee on Finance.

HB 1334 by Representatives Stokesbary, Klippert, Caldier, Maycumber, Boehnke, Vick, Schmick, Barkis, Walsh, Robertson, Eslick, Graham, MacEwen, Gilday, Chambers and Jacobsen

AN ACT Relating to making appropriations to revive our economy and accelerate a lasting recovery for Washington; adding a new section to chapter 43.79 RCW; adding a new section to chapter 70.12 RCW; adding a new section to chapter 82.08 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HJR 4203 by Representatives Sutherland, Young, Chase, Dufault and Boehnke

Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes.

Referred to Committee on Finance.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., January 21, 2021, the 11th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

ELEVENTH DAY

House Chamber, Olympia, Thursday, January 21, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1335 by Representatives Valdez, Rude, Berry, Fitzgibbon, Morgan, Santos, Shewmake, Davis, Berg, Gilday, Bergquist, Fey, Bateman, Lekanoff, Lovick, Callan, Riccelli, Rule, Pollet, Senn and Harris-Talley

AN ACT Relating to review and property owner notification of recorded documents with unlawful racial restrictions; amending RCW 82.46.010 and 82.46.035; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Appropriations.

HB 1336 by Representatives Hansen, Ybarra, Berry, Simmons, Ramel, Valdez, Leavitt, Morgan, Ryu, Peterson, Shewmake, Davis, Ormsby, Gilday, Stonier, Eslick, Pollet and Harris-Talley

AN ACT Relating to creating and expanding unrestricted authority for public entities to provide telecommunications services to end users; amending RCW 54.16.005, 54.16.330, 54.16.425, 35A.80.010, 53.08.005, and 53.08.370; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.01 RCW; creating a new section; and repealing RCW 54.16.420.

Referred to Committee on Community & Economic Development.

HB 1337 by Representatives Gregerson, Barkis, Fitzgibbon, Chambers, Peterson, Davis, Gilday, Bateman, Callan, Eslick, Young, Harris-Talley and Macri

AN ACT Relating to accessory dwelling units; amending RCW 36.70A.696 and 43.21C.495; adding new sections to chapter 36.70A RCW; adding new sections to chapter 82.14 RCW; creating a new section; and repealing RCW 35.63.210, 35A.63.230, 36.70A.400, 36.70.677, and 43.63A.215.

Referred to Committee on Local Government.

HB 1338 by Representatives Harris, Walen and Eslick

AN ACT Relating to preserving public school resources during the COVID-19 emergency; adding a new section to chapter 28A.320 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1339 by Representatives Young, J. Johnson, Simmons, Valdez, Shewmake and Callan

AN ACT Relating to commemorating Washington state founding father George Washington Bush through art in the internal southern portico of the legislative building; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Community & Economic Development.

HB 1340 by Representatives Lovick, Harris, Fitzgibbon, Ryu, Taylor, Wicks, Dolan, Ramel, Valdez, Leavitt, Goodman, J. Johnson, Chopp, Orwall, Santos, Peterson, Gregerson, Shewmake, Davis, Ormsby, Berg, Bronoske, Duerr, Fey, Bateman, Lekanoff, Senn, Callan, Frame, Pollet, Harris-Talley and Macri

AN ACT Relating to the creation of the statewide pandemic preparation and response task force; adding a new section to chapter 38.52 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1341 by Representatives Bronoske, Walen and Berry

AN ACT Relating to the professional rescue doctrine; amending RCW 80.04.440; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1342 by Representatives Berg, Gregerson, Berry, Wicks, Chopp, Valdez, Morgan, Sells, Fitzgibbon, Orwall, Santos, Ryu, Peterson, Rude, Maycumber, Shewmake, Stokesbary, Ormsby, Lovick, Stonier, Bergquist, Bateman, Lekanoff, Callan, Frame, Riccelli, Pollet and Harris-Talley

AN ACT Relating to eliminating lunch copays for students who qualify for reduced-price lunches; amending RCW 28A.235.160; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

HB 1343 by Representatives Hoff, Stokesbary, Chambers, Corry, Ybarra, Dufault, Barkis, Walen, Dent, Eslick, Dye, Walsh, Schmick, Boehnke and Gilday

AN ACT Relating to providing employer relief in unemployment insurance by relieving COVID-19-related benefit charges, providing contribution relief, making appropriations to rebuild the unemployment trust fund and making clarifying changes; amending RCW 28B.50.030, 50.16.030, 50.20.010, 50.20.020, 50.20.118, 50.20.120, 50.24.014, 50.29.021, 50.29.026, 50.29.027, 50.29.041, 50.29.062, 50.29.063, 50.44.060, and 50.60.110; reenacting and amending RCW 50.20.050 and 50.29.025; adding new sections to chapter 50.04 RCW; adding a new section to chapter 50.60 RCW; adding a new section to chapter 50.24 RCW; creating a new section; repealing RCW 50.20.1201 and 50.20.1202; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1344 by Representatives Hackney, Harris-Talley, Berry, Fitzgibbon, Simmons, Ramel, Walen, Morgan, Santos, Peterson, Davis, Ormsby, Bateman, Frame and Pollet

AN ACT Relating to allowing qualifying persons serving long sentences committed prior to reaching 25 years of age to seek review for possible release from incarceration; amending RCW 9.94A.510, 9.94A.540, 9.94A.570, 9.94A.728, 9.94A.730, and 10.95.030; adding a new section to chapter 10.95 RCW; and creating new sections.

Referred to Committee on Public Safety.

HB 1345 by Representatives Pollet, Cody, Valdez, Orwall, Dolan, Ryu, Lovick, Callan and Frame

AN ACT Relating to protecting public health and safety by enhancing the regulation of products sold to adults age 21 and over; amending RCW 70.345.020, 70.345.030, 70.345.060, 70.345.090, 70.345.160, 70.345.170, 70.345.180, 70.345.190, 82.25.005, 82.25.010, 82.25.020, 82.25.075, 82.25.060, 82.25.080, 82.25.005, 82.25.065, 82.25.075, and 82.25.090; reenacting and amending RCW 70.155.120 and 70.345.010; adding new sections to chapter 70.345 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.25 RCW; adding a new chapter to Title 70 RCW; repealing RCW 70.345.210, 82.25.045, and 82.25.085; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Gaming.

HB 1346 by Representatives Sullivan, Lekanoff and Pollet

AN ACT Relating to treatment and genetic testing for children with seizures, neurological symptoms, and other physical symptoms; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.79 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health Care & Wellness.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 28, 2021

HB 1069 Prime Sponsor, Representative Pollet: Concerning local government fiscal flexibility. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Vick and Young.

Referred to Committee on Finance.

February 4, 2021

HB 1089 Prime Sponsor, Representative Ramos: Concerning compliance audits of requirements relating to peace officers and

law enforcement agencies. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

February 4, 2021

HB 1092 Prime Sponsor, Representative Lovick: Concerning law enforcement data collection. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Dye and Schmick.

Referred to Committee on Appropriations.

January 19, 2021

HB 1095 Prime Sponsor, Representative Walen: Concerning the taxation of governmental financial assistance programs addressing the impacts of conditions giving rise to a gubernatorial or presidential emergency proclamation by creating state business and occupation tax and state public utility tax exemptions, a sales and use tax exemption for the receipt of such financial assistance, and clarifying the sales and use tax obligations for goods and services purchased by recipients of such financial assistance. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

January 19, 2021

HB 1121 Prime Sponsor, Representative Santos: Concerning the emergency waiver of graduation requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McCaslin; McEntire; Rude and Steele.

January 19, 2021

HB 1131 Prime Sponsor, Representative Rude: Concerning the emergency waiver of instructional hours and days at private schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1095, HOUSE BILL NO. 1121 and HOUSE BILL NO. 1131 which were placed on the second reading calendar.

There being no objection, the House adjourned until 9:55 a.m., January 22, 2021, the 12th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWELFTH DAY

House Chamber, Olympia, Friday, January 22, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1347 by Representatives Caldier, Robertson, Davis, Simmons, Senn and Berg

AN ACT Relating to exceptional foster care maintenance payments; amending RCW 74.13.031; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children, Youth & Families.

HB 1348 by Representatives Davis, Schmick, Frame, Leavitt, Simmons, Valdez, Fitzgibbon, Orwall, Ortiz-Self, Slatter, Caldier, Stonier, Peterson, Ramel, Goodman, Taylor, Sutherland, Ryu, Hackney, Lovick, Barkis, Pollet, Macri, Callan, Santos, Ormsby, Tharinger, Riccelli, Lekanoff, Harris-Talley and Harris

AN ACT Relating to the provision of medical assistance to incarcerated persons; amending RCW 74.09.670; creating a new section; and providing a contingent effective date.

Referred to Committee on Appropriations.

HB 1349 by Representatives Davis, Caldier, Frame, Leavitt, Simmons, Paul, Fitzgibbon, Orwall, Shewmake, Ortiz-Self, Slatter, Peterson, Senn, Ramel, Taylor, Ryu, Duerr, Barkis, Pollet, Chopp, Macri, Callan, Ormsby and Harris

AN ACT Relating to peer specialists; amending RCW 18.130.040; reenacting and amending RCW 18.130.040, 18.130.175, and 43.43.842; adding new sections to chapter 71.24 RCW; adding a new chapter to Title 18 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1350 by Representatives Bateman, Taylor, Ortiz-Self, Peterson, Hackney, J. Johnson, Ryu, Shewmake, Gregerson, Chapman, Riccelli and Harris-Talley

AN ACT Relating to providing a property tax exemption for limited equity cooperative housing; adding a new section to chapter 84.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 1351 by Representatives Kirby, Vick, Shewmake, Ryu, Sutherland, Duerr, Hackney, Walen, Young, Santos and Harris-Talley

AN ACT Relating to reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances; and amending RCW 48.18.545 and 48.19.035.

Referred to Committee on Consumer Protection & Business.

HB 1352 by Representatives Taylor, Riccelli, J. Johnson, Shewmake, Simmons, Valdez, Davis, Fitzgibbon, Ortiz-Self, Ryu, Peterson, Ramel, Walen, Macri, Lekanoff, Berg and Harris-Talley

AN ACT Relating to establishing a task force on unclaimed property; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the first order of business.

The House was called to order by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Ed Orcutt, 20th Legislative District.

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

REPORTS OF STANDING COMMITTEES

February 4, 2021

HB 1016 Prime Sponsor, Representative Morgan: Making Juneteenth a legal holiday. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Appropriations.

February 19, 2021

HB 1033 Prime Sponsor, Representative Leavitt: Concerning the Washington customized employment training program. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Finance.

January 21, 2021

HB 1051 Prime Sponsor, Representative Pollet: Adding a faculty member to the board of regents at the research universities. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Hansen; Kraft; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hoff and Sutherland.

Referred to Committee on Rules for second reading.

January 19, 2021

HB 1053 Prime Sponsor, Representative Peterson: Delaying the implementation of restrictions on carryout bags. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

January 19, 2021

HB 1055 Prime Sponsor, Representative Berg: Extending the expiration date for reporting requirements on timber purchases. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

January 20, 2021

HB 1063 Prime Sponsor, Representative Harris: Allowing additional renewals for behavioral health professional trainee and associate credentials. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

January 20, 2021

HB 1074 Prime Sponsor, Representative Peterson: Concerning overdose and suicide fatality reviews. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis;

Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1119 Prime Sponsor, Representative Jacobsen: Notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

January 20, 2021

HB 1141 Prime Sponsor, Representative Rude: Increasing access to the death with dignity act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member; Maycumber and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1053 and HOUSE BILL NO. 1063 which were placed on the second reading calendar.

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

SECOND READING

HOUSE BILL NO. 1095, by Representatives Walen, Boehnke, Ryu, Leavitt, Corry, Wicks, Tharinger, Ortiz-Self, Callan, Graham, Fey, Frame, Stokesbary, Orwall, Rule, Bergquist and Pollet

Concerning the taxation of governmental financial assistance programs addressing the impacts of conditions giving rise to a gubernatorial or presidential emergency proclamation by creating state business and occupation tax and state public utility tax exemptions, a sales and use tax exemption for the receipt of such financial assistance, and clarifying the sales and use tax obligations for goods and services purchased by recipients of such financial assistance.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1095 was substituted for House Bill No. 1095 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1095 was read the second time.

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

Representatives Walen, Boehnke, Frame, Chambers and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1095.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1095, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1095, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1056, by Representatives Pollet, Goehner, Kloba, Lekanoff, Leavitt, Senn, Callan and Fey

Concerning open public meeting notice requirements and declared emergencies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1056 was substituted for House Bill No. 1056 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1056 was read the second time.

Representative Goehner moved the adoption of amendment (005):

On page 5, line 21, after "district" insert ", city, or town"

On page 5, line 22, after "district" insert ", city, or town"

On page 5, line 24, after "district" insert ", city, or town"

On page 5, line 32, after "district's" insert ", city's, or town's"

On page 5, line 34, after "district's" insert ", city's, or town's"

Representatives Goehner and Pollet spoke in favor of the adoption of the amendment.

Amendment (005) was adopted.

The bill was ordered engrossed.

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

Representatives Pollet, Goehner and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1056.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1056, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1042, by Representatives Thai, Walen, Ortiz-Self, Lekanoff, Gregerson, Callan, Frame, Santos and Macri

Revising the international application of the uniform child custody jurisdiction and enforcement act to protect families from facing the death penalty in certain foreign jurisdictions on the basis of religious beliefs, political beliefs, or sexual orientation.

The bill was read the second time.

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

Representatives Thai and Walsh spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1042.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1042, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft, McCaslin and Sutherland.

HOUSE BILL NO. 1042, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1007, by Representatives Klippert, Slatter, Graham and Macri

Concerning the completion of supervised experience through distance supervision.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1007 was substituted for House Bill No. 1007 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1007 was read the second time.

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

Representatives Klippert and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1007.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1007, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1007, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1049
HOUSE BILL NO. 1052

There being no objection, the House adjourned until 9:55 a.m., January 25, 2021, the 15th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTEENTH DAY

House Chamber, Olympia, Monday, January 25, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1353 by Representatives Maycumber, Chapman, Jacobsen and Boehnke

AN ACT Relating to improving the equitable access to the main street program; amending RCW 82.73.010 and 43.360.030; and adding a new section to chapter 82.73 RCW.

Referred to Committee on Community & Economic Development.

HB 1354 by Representatives Mosbrucker, Orwall, Davis, Ramos, Callan, Berry, Valdez, Jacobsen, Bergquist, Dent and Pollet

AN ACT Relating to suicide review teams; amending RCW 70.02.050; adding a new section to chapter 43.70 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1355 by Representatives Dent, Chandler, Boehnke, Lovick, Dye, Fitzgibbon, Klippert, Jacobsen and Schmick

AN ACT Relating to noxious weeds; and amending RCW 17.10.010, 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.100, 17.10.140, 17.10.145, 17.10.205, 17.10.235, 17.10.240, 17.10.890, 17.04.240, and 79.44.003.

Referred to Committee on Appropriations.

HB 1356 by Representatives Lekanoff, Dolan, Davis, Ramos, Fitzgibbon, Callan, Simmons, Lovick, Berg, Ormsby, Bateman, Bergquist, Goodman, Macri, Ramel, Harris-Talley and Pollet

AN ACT Relating to prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

HB 1357 by Representatives Mosbrucker, Gregerson, Chase and Berry

AN ACT Relating to voters' pamphlets for overseas and service voters; amending RCW 29A.32.010, 29A.32.260, and 29A.72.025; and creating new sections.

Referred to Committee on Appropriations.

HB 1358 by Representatives Orcutt, Walsh, Dufault and Jacobsen

AN ACT Relating to providing property tax relief by reducing both parts of the state school levies based on an amount that approximates the fiscal impact of extraordinary growth in property values that exceeded the valuation growth assumptions of budget writers when part two of the state school levy was enacted; amending RCW 84.52.065 and 84.55.010; and creating a new section.

Referred to Committee on Finance.

HB 1359 by Representatives Stonier, MacEwen, Robertson, Shewmake, Ormsby and Macri

AN ACT Relating to temporarily reducing liquor license fees; amending RCW 66.24.420, 66.24.590, 66.24.600, 66.24.655, and 66.24.690; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1360 by Representatives Klippert and Chase

AN ACT Relating to counting mailed ballots that are missing postmarks; and reenacting and amending RCW 29A.40.110.

Referred to Committee on State Government & Tribal Relations.

HB 1361 by Representatives Klippert and Chase

AN ACT Relating to the timely mailing of ballots by county auditors; and amending RCW 29A.40.070.

Referred to Committee on State Government & Tribal Relations.

HB 1362 by Representatives Duerr, Pollet, Ramos, Fey, Fitzgibbon, Callan, Ryu, Senn, Bateman, Goodman, Macri, Ramel and Harris-Talley

AN ACT Relating to modifying the annual regular property tax revenue growth limit; amending RCW 84.55.005; creating a new section; and repealing RCW 84.55.0101.

Referred to Committee on Finance.

HB 1363 by Representatives Ortiz-Self, Callan, Davis, Ramos, Simmons, Berg, Morgan, Bergquist, Harris-Talley and Pollet

AN ACT Relating to policies and resources to address secondary traumatic stress in the K-12 workforce; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Education.

HB 1364 by Representatives Young, Kloba, Chase and Jacobsen

AN ACT Relating to addressing the impacts of pinnipeds on populations of threatened southern resident orca prey; creating new sections; and declaring an emergency.

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

HB 1365 by Representatives Gregerson, Stonier, Ramos, Callan, Simmons, J. Johnson, Taylor, Lovick, Leavitt, Ortiz-Self, Berg, Fitzgibbon, Ryu, Morgan, Wicks, Tharinger, Duerr, Ormsby, Hansen, Berry, Dolan, Valdez, Cody, Bronoske, Senn, Bateman, Bergquist, Kloba, Riccelli, Davis, Macri, Ramel, Harris-Talley, Pollet and Sells

AN ACT Relating to procuring and supporting appropriate computers and devices for public school students and instructional staff; amending RCW 28A.650.020, 28A.635.060, 28A.650.010, and 82.32.145; reenacting and amending RCW 28A.650.015; adding new sections to chapter 28A.650 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; adding a new chapter to Title 82 RCW; creating a new section; repealing RCW 28A.650.025 and 28A.650.030; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

HB 1366 by Representatives Caldier and Chase

AN ACT Relating to requiring school districts to prioritize the resumption of in-person instruction to certain students following an emergency; adding a new section to chapter 28A.320 RCW; and declaring an emergency.

Referred to Committee on Education.

HB 1367 by Representatives Ormsby, Bergquist, Ramos, Callan, Gregerson, Simmons, Berry, Sullivan, Leavitt, Kloba, Macri, Ramel and Harris-Talley

AN ACT Relating to revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1368 by Representatives Ormsby, Macri, Ramos, Callan, Gregerson, Berry, Sullivan, Leavitt, Duerr, Bergquist, Kloba, Riccelli, Ramel, Harris-Talley and Pollet

AN ACT Relating to responding to the COVID-19 pandemic through state actions supported by federal funding; adding a new section to chapter 43.70 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1369 by Representatives Bronoske, Sells, Davis, Ryu, Fey, Fitzgibbon, Gregerson, Simmons, Berry, Wicks, Bateman, Goodman, Macri, Ramel, Harris-Talley and Pollet

AN ACT Relating to establishing wage liens; amending RCW 36.18.016 and 49.48.086; adding new sections to chapter 43.24 RCW; adding a new chapter to Title 60 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1370 by Representatives Callan, Shewmake, Davis, Ramos, Leavitt, Duerr, Senn, Wicks, Chopp, Bateman, Kloba, Macri, Ramel, Harris-Talley, Pollet, Rule and Goodman

AN ACT Relating to early learning facilities; amending RCW 43.31.577, 43.31.565, and 43.185.050; adding a new section to chapter 43.31 RCW; and providing a contingent effective date.

Referred to Committee on Capital Budget.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

February 18, 2021

HB 1015 Prime Sponsor, Representative Maycumber: Creating the Washington equitable access to credit act. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Consumer Protection & Business. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Finance.

January 21, 2021

HB 1068 Prime Sponsor, Representative Dolan: Exempting election security information from public records disclosure. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

MINORITY recommendation: Without recommendation. Signed by Representative Volz, Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 20, 2021

HB 1129 Prime Sponsor, Representative Valdez: Concerning the licensure of international medical graduates. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member Caldier, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 22, 2021

HB 1159 Prime Sponsor, Representative Berg: Concerning the number of fire protection district commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

January 21, 2021

HB 1165 Prime Sponsor, Representative Ryu: Concerning the Washington credit union act. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 22, 2021

HB 1192 Prime Sponsor, Representative Goodman: Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., January 26, 2021, the 16th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTEENTH DAY

House Chamber, Olympia, Tuesday, January 26, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1371 by Representatives Sutherland, Chase, Walsh and McCaslin

AN ACT Relating to eliminating the state property tax levies over four years; amending RCW 84.52.065; and creating a new section.

Referred to Committee on Finance.

HB 1372 by Representatives Lekanoff, Shewmake, Peterson, Dolan, J. Johnson, Slatter, Cody, Fitzgibbon, Lovick, Sells, Wicks, Kloba, Taylor, Valdez, Bateman, Wylie, Santos, Ormsby, Senn, Leavitt, Ybarra, Goodman, Ramel, Gregerson, Macri, Callan, Fey, Ramos, Pollet, Ryu, Berg and Simmons

AN ACT Relating to replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr.; adding a new section to chapter 43.08 RCW; creating new sections; and providing a contingent expiration date.

Referred to Committee on Appropriations.

HB 1373 by Representatives Callan, Steele, Ortiz-Self, Dolan, J. Johnson, Slatter, Bergquist, Leavitt, Davis, Fey, Simmons, Berry, Thai, Wicks, Ryu, Kloba, Chambers, Berg, Wylie, Santos, Paul, Ormsby, Ramel, Macri, Pollet, Morgan and Harris-Talley

AN ACT Relating to promoting student access to information about behavioral health resources; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

HB 1374 by Representatives Walsh, J. Johnson, Chase and Lovick

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

Referred to Committee on Transportation.

HB 1375 by Representatives Walen, Fitzgibbon, Bateman and Pollet

AN ACT Relating to protecting public health by prohibiting certain activities related to fur production; amending RCW 16.72.010; adding a new section to chapter 16.72 RCW; creating a new section; repealing RCW 16.72.020, 16.72.030, and 16.72.040; prescribing penalties; and providing an effective date.

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

HB 1376 by Representative Fey

AN ACT Relating to registration of land titles; creating new sections; repealing RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020, 65.12.025, 65.12.030, 65.12.035, 65.12.040, 65.12.050, 65.12.055, 65.12.060, 65.12.065, 65.12.070, 65.12.080, 65.12.085, 65.12.090, 65.12.100, 65.12.110, 65.12.120, 65.12.125, 65.12.130, 65.12.135, 65.12.140, 65.12.145, 65.12.150, 65.12.155, 65.12.160, 65.12.165, 65.12.170, 65.12.175, 65.12.180, 65.12.190, 65.12.195, 65.12.200, 65.12.210, 65.12.220, 65.12.225, 65.12.230, 65.12.235, 65.12.240, 65.12.245, 65.12.250, 65.12.255, 65.12.260, 65.12.265, 65.12.270, 65.12.275, 65.12.280, 65.12.290, 65.12.300, 65.12.310, 65.12.320, 65.12.330, 65.12.340, 65.12.350, 65.12.360, 65.12.370, 65.12.375, 65.12.380, 65.12.390, 65.12.400, 65.12.410, 65.12.420, 65.12.430, 65.12.435, 65.12.440, 65.12.445, 65.12.450, 65.12.460, 65.12.470, 65.12.480, 65.12.490, 65.12.500, 65.12.510, 65.12.520, 65.12.530, 65.12.540, 65.12.550, 65.12.560, 65.12.570, 65.12.580, 65.12.590, 65.12.600, 65.12.610, 65.12.620, 65.12.630, 65.12.635, 65.12.640, 65.12.650, 65.12.660, 65.12.670, 65.12.680, 65.12.690, 65.12.700, 65.12.710, 65.12.720, 65.12.730, 65.12.740, 65.12.750, 65.12.760, 65.12.770, 65.12.780, 65.12.790, 65.12.800, and 65.12.900; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1377 by Representatives Klippert, Chase, Sutherland, Young, Dent and Walsh

AN ACT Relating to ending vote by mail and restoring in-person voting at polling places; amending RCW 29A.04.008, 29A.04.019, 29A.04.031, 29A.04.223, 29A.04.611, 29A.08.140, 29A.08.410, 29A.08.620, 29A.08.810, 29A.08.810, 29A.12.085, 29A.12.120, 29A.12.160, 29A.32.241, 29A.36.220, 29A.40.010, 29A.40.020, 29A.40.050, 29A.40.070, 29A.40.091, 29A.40.100, 29A.40.130, 29A.40.160, 29A.40.170, 29A.40.180, 29A.60.050, 29A.60.110, 29A.60.120, 29A.60.165, 29A.60.170, 29A.60.190, 29A.60.235, 29A.60.290, 29A.84.510, 29A.84.520, 29A.84.540, 29A.84.545, and 29A.84.550; reenacting and amending RCW 29A.40.110; adding a new section to chapter 29A.04 RCW; adding new sections to chapter 29A.16 RCW; adding new sections to chapter 29A.40 RCW; adding a new chapter to Title 29A RCW; creating a new section; repealing 2011 c 10 s 85 (uncodified); prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 1378 by Representatives Ybarra, Cody and Dolan

AN ACT Relating to the supervision of medical assistants; amending RCW 18.360.010; reenacting and amending RCW 18.360.010; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1379 by Representatives Lovick, Boehnke, Sutherland, Ryu and Dent

AN ACT Relating to establishing an unpiloted aircraft system state coordinator and program funding source; amending RCW 47.68.250, 47.68.250, and 47.68.020; adding a new section to chapter 47.68 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1380 by Representatives Dufault, Springer, Steele, Mosbrucker, Sutherland, Dent and Walsh

AN ACT Relating to restoring the business and occupation and public utility tax exemption for custom farming and hauling farm products; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1381 by Representatives Kraft, Chase, Sutherland, Young, Walsh, McCaslin, Boehnke, Jacobsen, Orcutt and Klicker

AN ACT Relating to limiting the governor's emergency powers, ensuring legislative balance of power, and regulating government agency emergency authority; amending RCW 43.06.210, 43.06.220, and 34.05.350; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1382 by Representatives Tharinger, Dolan, Fitzgibbon, Wylie, Hackney and Callan

AN ACT Relating to streamlining the environmental permitting process for salmon recovery projects; adding a new section to chapter 77.55 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1383 by Representatives Taylor, Stonier, Dolan, J. Johnson, Leavitt, Simmons, Berry, Fitzgibbon, Sells, Ryu, Berg, Ormsby, Macri and Morgan

AN ACT Relating to respiratory care practitioners; amending RCW 18.89.010, 18.89.040, 18.89.050, and 18.89.090; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1384 by Representatives Klippert, Rude, Mosbrucker, Chase, Young, Dent, Walsh and Jacobsen

AN ACT Relating to the seriousness levels of rape of a child and child molestation offenses; and amending RCW 9.94A.515.

Referred to Committee on Public Safety.

HB 1385 by Representatives Goehner, Steele, Chandler, Dent and Pollet

AN ACT Relating to limiting transfers of water rights out of their original water resource inventory area; amending RCW 90.44.100; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.42 RCW; and creating a new section.

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

HB 1386 by Representatives Wicks, Dolan, Lovick, Sells, Berg and Hackney

AN ACT Relating to modifying the property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas; and amending RCW 84.25.030, 84.25.040, 84.25.080, and 84.25.130.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 22, 2021

HB 1019 Prime Sponsor, Representative Kloba: Allowing residential marijuana agriculture. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Kirby; Morgan; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Assistant Ranking Minority Member and Chambers.

Referred to Committee on Appropriations.

February 9, 2021

HB 1022 Prime Sponsor, Representative MacEwen: Modifying Washington state horse racing commission provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

January 22, 2021

HB 1054 Prime Sponsor, Representative Johnson, J.: Establishing requirements for tactics and equipment used by peace officers. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham and Griffey.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

January 21, 2021

HB 1078 Prime Sponsor, Representative Simmons: Restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1091 Prime Sponsor, Representative Fitzgibbon: Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick; Springer and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Sullivan.

Referred to Committee on Appropriations.

January 21, 2021

HB 1100 Prime Sponsor, Representative Duerr: Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Appropriations.

January 22, 2021

HB 1108 Prime Sponsor, Representative Orwall: Maintaining funding and assistance for homeowners navigating the foreclosure process. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

January 22, 2021

HB 1171 Prime Sponsor, Representative Walen: Amending child support income withholding provisions to comply with federal child support program requirements. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1108 which was placed on the second reading calendar.

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

MOTION

With the consent of the House, HOUSE BILL NO. 1053 was referred to the Committee on Rules.

There being no objection, the House adjourned until 9:55 a.m., January 27, 2021, the 17th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, January 27, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1387 by Representatives Chapman, Orcutt, Leavitt and J. Johnson

AN ACT Relating to changing the expiration date for the sales and use tax exemption of hog fuel to protect jobs with health care and retirement benefits in economically distressed communities; amending RCW 82.08.956, 82.12.956, and 82.32.605; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 1388 by Representatives Kloba, Bateman, Ramel, Lekanoff, Chopp and Slatter

AN ACT Relating to motor vehicle sales; amending RCW 46.96.185 and 46.70.180; and reenacting and amending RCW 46.96.020.

Referred to Committee on Consumer Protection & Business.

HB 1389 by Representatives Corry and Eslick

AN ACT Relating to transportation; adding a new chapter to Title 46 RCW; repealing RCW 48.175.005, 48.175.010, 48.175.020, 48.175.030, and 48.175.900; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1390 by Representatives Walsh, Wicks, Boehnke, Mosbrucker, Jacobsen, Chambers, Corry, McCaslin, Eslick, Dufault and Lekanoff

AN ACT Relating to assisting Washington student athletes by prioritizing athletic scholarship funding; adding a new section to chapter 28B.10 RCW; creating a new section; and providing an expiration date.

Referred to Committee on College & Workforce Development.

HB 1391 by Representatives Goehner, Senn and Pollet

AN ACT Relating to prime contractor bidding submission requirements on public works contracts; and amending RCW 39.30.060.

Referred to Committee on Capital Budget.

HB 1392 by Representatives Maycumber, Lovick, Leavitt, Taylor, J. Johnson, Rule, Slatter, Dolan and Eslick

AN ACT Relating to establishing a pilot project for mobile mental health crisis intervention; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1393 by Representatives Shewmake, Ramel, Lekanoff and Duerr

AN ACT Relating to delaying certain implementation dates for the photovoltaic module stewardship and takeback program; and reenacting and amending RCW 70A.510.010.

Referred to Committee on Environment, Energy & Technology.

HB 1394 by Representatives Young, Chase and Sutherland

AN ACT Relating to unlawful discharge of a laser offenses; amending RCW 9A.49.020, 9A.49.030, 9A.49.040, and 9.94A.515; reenacting and amending RCW 9.94A.533 and 9.94A.030; adding a new section to chapter 9A.49 RCW; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 1395 by Representatives Morgan, Ramos, Ormsby, Valdez, Kloba, Simmons, Ortiz-Self, Shewmake, Ramel, Paul, Fitzgibbon, J. Johnson, Sells, Ryu, Peterson, Slatter, Pollet, Berg, Macri, Gregerson, Eslick, Callan and Harris-Talley

AN ACT Relating to ensuring equity in farming; adding a new chapter to Title 15 RCW; and creating a new section.

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

HB 1396 by Representatives Dufault, Chambers, Sutherland and Eslick

AN ACT Relating to increasing the number of United States history and government credits required for graduation from a public high school; and amending RCW 28A.230.090.

Referred to Committee on Education.

HB 1397 by Representatives Klippert, Walsh, Chase, Chambers and Eslick

AN ACT Relating to day care expenses paid by child support; and amending RCW 26.19.080.

Referred to Committee on Civil Rights & Judiciary.

HB 1398 by Representatives Dufault, Caldier, Volz, Robertson, Chase, Klicker, Jacobsen, Walsh, Chambers, Corry, Vick and Eslick

AN ACT Relating to preserving affordable housing and assisting tenants and rental housing providers in response to the COVID-19 public health crisis; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Housing, Human Services & Veterans.

HB 1399 by Representatives Vick, Kirby, Jacobsen, Simmons, Dufault, Dolan and Young

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

Referred to Committee on Consumer Protections & Business.

HB 1400 by Representatives Vick, Kirby and Dufault

AN ACT Relating to alternative licensing standards of professional licenses; adding a new section to chapter 43.24 RCW; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1401 by Representatives Vick, Kirby, Dufault and Dolan

AN ACT Relating to expediting professional licenses for new Washington residents; adding a new section to chapter 43.24 RCW; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 1402 by Representatives Vick, Kirby, Jacobsen and Dufault

AN ACT Relating to review standards for professional licensing regulation; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 1403 by Representatives Vick, Kirby and Dufault

AN ACT Relating to creating a review process for professional licensing regulations and requiring a report to the legislature; and adding a new chapter to Title 18 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1404 by Representatives Vick, Stonier, Lekanoff, Steele, Pollet, Dolan and Young

AN ACT Relating to facilitating equity in programs for highly capable students; amending RCW 28A.185.020, 28A.185.030, 28A.185.050, 28A.160.160, 28A.300.042, 28A.300.770, and 28B.10.032; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.415 RCW.

Referred to Committee on Education.

HB 1405 by Representatives McEntire, Walsh and Eslick

AN ACT Relating to the sale of lands owned by the department of natural resources; and amending RCW 79.11.340.

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

HB 1406 by Representatives Frame, Sullivan, Ormsby, Ortiz-Self, Kirby, Davis, Bateman, Valdez, Kloba, Pollet, Walen, Dolan, Simmons, Cody, Ramel, Lekanoff, Duerr, Ryu, Berry, Peterson, Hackney, Chopp, Macri, Bergquist, Riccelli and Harris-Talley

AN ACT Relating to improving the equity of Washington state's tax code by creating the Washington state wealth tax and taxing extraordinary financial intangible assets; amending RCW 43.135.034 and 82.32.655; adding a new title to the Revised Code of Washington to be codified as Title 84A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House reverted to the first order of business.

The House was called to order by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Lauren Davis, 32nd Legislative District.

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

REPORTS OF STANDING COMMITTEES

February 16, 2021

HB 1044 Prime Sponsor, Representative Leavitt: Creating prison to postsecondary education pathways. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Chandler.

Referred to Committee on Appropriations.

February 16, 2021

HB 1075 Prime Sponsor, Representative Berry: Reducing emissions from vehicles associated with on-demand transportation services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTIONS

On motion of Representative Ramel, Representative Chopp was excused.

On motion of Representative Griffey, Representative Eslick was excused.

SECOND READING

HOUSE BILL NO. 1121, by Representatives Santos, Ybarra, Ortiz-Self, Gregerson, Paul, Stonier, Pollet, Bergquist and Harris-Talley

Concerning the emergency waiver of graduation requirements.

The bill was read the second time.

Representative Ybarra moved the adoption of amendment (009):

On page 2, line 29, after "(c)" insert "Maintain records as necessary and as required by rule of the state board of education to document compliance with subsection (1)(b) of this section;

(d)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 5, after "(3)" strike "The" and insert "(a) By November 1, 2021, and annually thereafter, the"

On page 3, after line 7, insert the following:

"(b) The state board of education, by December 15, 2021, and within existing resources, shall provide the education committees of the legislature with a summary of the emergency waiver data provided by the office of the superintendent of public instruction under this subsection (3) for students in the graduating classes of 2020 and 2021. The summary must include the following information:

(i) The total number of emergency waivers requested and issued, by school district, including an indication of what requirement or requirements were waived. Information provided in accordance with this subsection (b)(i) must also indicate the number of students in the school district grade cohort of each student receiving a waiver; and

(ii) An analysis of any concerns regarding school district implementation, including any concerns related to school district demonstrations of good faith efforts as required by subsection (1)(b) of this section, identified by the state board of education during its review of the data."

Representatives Ybarra and Santos spoke in favor of the adoption of the amendment.

Amendment (009) was adopted.

Representative Steele moved the adoption of amendment (007):

On page 3, line 10, after "rules" strike "may" and insert "must"

Representative Steele spoke in favor of the adoption of the amendment.

Representative Callan spoke against the adoption of the amendment.

Amendment (007) was not adopted.

Representative Walsh moved the adoption of amendment (006):

On page 3, line 20, after "(5)" insert "The office of the superintendent of public instruction, in accordance with RCW 43.01.036, shall annually summarize and report school district data received under subsection (2)(c) of this section to the education committees of the legislature. The requirements of this subsection (5) do not apply in school years in which no emergency waivers were issued.

(6)"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (006) was not adopted.

Representative Steele moved the adoption of amendment (008):

On page 3, line 26, after "inoperable" insert "for a period of 30 or more scheduled school days between March 1st and June 30th during which students do not have access to the coursework, programs, or assessments needed to meet graduation credit and graduation pathway requirements"

Representatives Steele and Walsh spoke in favor of the adoption of the amendment.

Representatives Stonier and Santos spoke against the adoption of the amendment.

Amendment (008) was not adopted.

Representative Santos moved the adoption of amendment (010):

On page 3, beginning on line 21, after ""Emergency"" strike all material through "district" on line 28 and insert "has the same meaning as "emergency or disaster" in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official"

Representatives Santos and Steele spoke in favor of the adoption of the amendment.

Amendment (010) was adopted.

The bill was ordered engrossed.

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

Representatives Santos, Ybarra, Stonier, Orcutt and Callan spoke in favor of the passage of the bill.

Representatives Walsh, Steele and Walsh (again) spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1121.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1121, and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Davis, Dent, Dolan, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Corry, Dufault, Hoff, Jacobsen, McCaslin, McEntire, Steele, Vick, Walsh and Young.

Excused: Representatives Chopp and Eslick.

ENGROSSED HOUSE BILL NO. 1121, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1131, by Representatives Rude and Callan

Concerning the emergency waiver of instructional hours and days at private schools.

The bill was read the second time.

Representative Santos moved the adoption of amendment (011):

Beginning on page 1, line 19, after ""emergency"" strike all material through "school" on page 2, line 6 and insert "has the same meaning as "emergency or disaster" in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official"

Representatives Santos and Rude spoke in favor of the adoption of the amendment.

Amendment (011) was adopted.

The bill was ordered engrossed.

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

Representatives Rude, Ybarra and Callan spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1131.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1131, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp and Eslick.

ENGROSSED HOUSE BILL NO. 1131, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1049, by Representatives Kirby, Vick, Kloba, Leavitt, Ryu, Morgan, Ramel, Springer and Stokesbary

Concerning the off-site delivery of a vehicle by a vehicle dealer licensed under chapter 46.70 RCW.

The bill was read the second time.

Representative Kirby moved the adoption of amendment (012):

On page 6, line 24, after "drive," insert "lease,"

Representatives Kirby and Vick spoke in favor of the adoption of the amendment.

Amendment (012) was adopted.

The bill was ordered engrossed.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1049.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1049, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp and Eslick.

ENGROSSED HOUSE BILL NO. 1049, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1052, by Representatives Bateman, Cody, Kloba and Macri

Concerning group insurance contract performance standards.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1052 was substituted for House Bill No. 1052 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1052 was read the second time.

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

Representatives Bateman and Schmick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Wilcox was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1052.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1052, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp, Eslick and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1052, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Dolan congratulated Representative Bateman on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

There being no objection, the House adjourned until 9:55 a.m., January 28, 2021, the 18th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 28, 2021

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

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

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

MESSAGE FROM THE SENATE

January 27, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5013,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5044,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5061,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 1407 by Representative Volz

AN ACT Relating to fees of county officers; and amending RCW 36.18.016.

Referred to Committee on Civil Rights & Judiciary.

HB 1408 by Representatives Volz, Graham, Chase, Taylor, Rule, Dolan, Sutherland, Robertson, Caldier, Griffey, Jacobsen, Dent and Boehnke

AN ACT Relating to protecting the personal information of juveniles from public disclosure; and amending RCW 7.69A.020 and 7.69A.030.

Referred to Committee on State Government & Tribal Relations.

HB 1409 by Representatives Volz, Ybarra, Chase, Dolan, Sutherland, Walen, Walsh, Robertson, Caldier, Leavitt, Griffey, Dent, Ormsby and Kraft

AN ACT Relating to property tax exemptions for certain mobile homes and manufactured homes; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1410 by Representatives Volz, Valdez, Ybarra, Stokesbary, Chase, Dufault, Leavitt, Vick, Dolan, Sutherland, Walen, Chambers, Walsh, Robertson, Caldier, Griffey, Riccelli, Jacobsen, Fitzgibbon, Ormsby and Harris-Talley

AN ACT Relating to protecting taxpayers from home foreclosure; and amending RCW 84.56.020.

Referred to Committee on Finance.

HB 1411 by Representatives Simmons, Davis, Santos, Valdez, Berry and Fitzgibbon

AN ACT Relating to health care workforce eligibility for persons with prior involvement with the criminal justice system; amending RCW 9.97.020; adding new sections to chapter 74.39A RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1412 by Representatives Simmons, Goodman, Davis, Valdez, Berry, Taylor, Fitzgibbon, Peterson, Ormsby, Harris-Talley, Pollet and Macri

AN ACT Relating to legal financial obligations; amending RCW 3.66.120, 9.94A.750, 9.94A.753, 9.94A.760, 6.17.020, 9.92.060, 9.95.210, 10.01.160, 10.73.160, 10.64.015, 10.82.090, 7.68.035, 9.94A.6333, 9.94B.040, 10.01.180, 3.62.085, 36.18.020, 43.43.7541, 3.62.020, 3.62.040, 3.50.100, 35.20.220, 10.01.170, 10.46.190, 9.92.070, and 7.68.240; adding a new section to chapter 10.01 RCW; and adding a new section to chapter 3.66 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1413 by Representatives Hackney, Berg, Simmons, Davis, Fitzgibbon, Peterson, Ormsby, Harris-Talley and Pollet

AN ACT Relating to the scoring of prior juvenile offenses in sentencing range calculations; amending RCW 9.94A.525; adding a new section to chapter

9.94A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1414 by Representatives Goehner and Chambers

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

Referred to Committee on Commerce & Gaming.

HB 1415 by Representatives Paul, Dufault, Santos, Riccelli and Pollet

AN ACT Relating to skill center class size; reenacting and amending RCW 28A.150.260; and providing an effective date.

Referred to Committee on Appropriations.

HB 1416 by Representatives Walen and Santos

AN ACT Relating to the reporting of debt information by insurers to enhance the collection of past-due child support; amending RCW 26.23.070; adding a new section to chapter 26.23 RCW; creating new sections; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1417 by Representatives Chase and McCaslin

AN ACT Relating to the taxation of precious metal bullion made of gold and silver and monetized bullion, and providing that the use of bullion as tender is voluntary; amending RCW 82.04.062 and 84.36.070; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

SUPPLEMENTAL INTRODUCTION & FIRST READING

ESSB 5061 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Conway, Billig, Dhingra, King, Nguyen, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to unemployment insurance; amending RCW 28B.50.030, 50.04.323, 50.16.030, 50.20.010, 50.20.020, 50.20.100, 50.20.118, 50.20.120, 50.20.140, 50.24.014, 50.29.021, 50.29.026, 50.29.027, 50.29.041, 50.29.062, 50.29.063, 50.44.060, 50.60.020, and 50.60.110; reenacting and amending RCW 50.20.050 and 50.29.025; adding new sections to chapter 50.04 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 50.60 RCW; creating a new section; repealing RCW 50.20.1201 and 50.20.1202; providing an expiration date; and declaring an emergency.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 5061 was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

REPORTS OF STANDING COMMITTEES

February 11, 2021

HB 1050 Prime Sponsor, Representative Fitzgibbon: Reducing greenhouse gas emissions from fluorinated gases. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 11, 2021

HB 1083 Prime Sponsor, Representative Gregerson: Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing, Human Services & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 9, 2021

HB 1096 Prime Sponsor, Representative Schmick: Concerning nonmedicare plans offered through the Washington state health insurance pool. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Boehnke.

Referred to Committee on Appropriations.

January 27, 2021

HB 1124 Prime Sponsor, Representative Cody: Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1151 Prime Sponsor, Representative Leavitt: Bolstering economic recovery. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Housing, Human Services & Veterans be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Chandler.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., January 29, 2021, the 19th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINETEENTH DAY

House Chamber, Olympia, Friday, January 29, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1418 by Representatives Leavitt, Bronoske, Lovick, Ryu, Ortiz-Self, Gregerson, Shewmake, Ramel and Pollet

AN ACT Relating to enhancing rail safety governance by expanding the role of the utilities and transportation commission; amending RCW 81.04.540, 81.04.550, 81.104.115, 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180; adding a new section to chapter 81.04 RCW; creating new sections; recodifying RCW 81.104.115; providing an effective date; and providing contingent effective dates.

Referred to Committee on Transportation.

HB 1419 by Representatives Dolan, Callan, Valdez, Santos, Ortiz-Self, J. Johnson, Ryu, Simmons, Lovick, Fitzgibbon, Bergquist, Thai, Bateman, Paul, Berg, Ramos, Pollet, Goodman, Sells, Peterson, Leavitt, Duerr and Davis

AN ACT Relating to experience factor adjustments for certificated instructional staff; amending RCW 28A.150.412; and creating a new section.

Referred to Committee on Appropriations.

HB 1420 by Representatives MacEwen, Rude, J. Johnson, Robertson, Jacobsen and Pollet

AN ACT Relating to ensuring that critical school employees receive priority for receipt of the COVID-19 vaccine; adding a new section to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1421 by Representatives Dufault and Barkis

AN ACT Relating to a property owner's or tenant's liability for delinquent and unpaid utility service charges; and amending RCW 35.21.217, 60.80.010, 60.80.020, and 35.21.290.

Referred to Committee on Housing, Human Services & Veterans.

HB 1422 by Representatives MacEwen, Young and Jacobsen

AN ACT Relating to extending comprehensive sexual health education compliance dates by one year; and amending RCW 28A.300.475.

Referred to Committee on Education.

HB 1423 by Representatives Fitzgibbon, Springer and Dent

AN ACT Relating to smoke management civil enforcement; amending RCW 70A.15.3160; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1424 by Representatives Walen, Ybarra, Springer, Simmons, Ramel and Berg

AN ACT Relating to consumer protection with respect to the sale of dogs and cats; amending RCW 16.52.310; adding a new section to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1425 by Representatives Taylor, Leavitt, Valdez, Santos, J. Johnson, Ortiz-Self, Simmons, Rule, Ramel, Chopp, Pollet, Hackney and Morgan

AN ACT Relating to amending the opportunity scholarship act to expand scholarships for community and technical college students; amending RCW 28B.145.010, 28B.145.030, 28B.145.040, and 28B.145.100; and creating a new section.

Referred to Committee on College & Workforce Development.

HB 1426 by Representatives Santos, Lekanoff, J. Johnson, Ortiz-Self, Davis, Simmons, Bergquist, Callan, Berg and Pollet

AN ACT Relating to specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices; and adding a new section to chapter 28A.410 RCW.

Referred to Committee on Education.

HB 1427 by Representatives Gilday, Davis, Sutherland, Mosbrucker, Ortiz-Self, Abbarno, Chambers, Simmons, Peterson, Lovick, Rule, Hoff, Ryu, Jacobsen, Pollet, Dufault and Paul

AN ACT Relating to insurance coverage of prosthetics and orthotics; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1428 by Representatives Kirby, Ryu, Sutherland and Pollet

AN ACT Relating to automobile insurance policies; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1429 by Representatives Ryu, Lovick, Fey, Robertson and Hansen

AN ACT Relating to classification as a competitive telecommunications company for an incumbent local exchange carrier currently operating under an alternative form of regulation authorized by RCW 80.36.135; and amending RCW 80.36.320.

Referred to Committee on Community & Economic Development.

HB 1430 by Representatives Kloba and Klicker

AN ACT Relating to the duration of state upland leases for lands managed by the department of natural resources; and amending RCW 79.13.060.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1431 by Representatives Rule, Taylor, Sutherland, Mosbrucker, Lovick, J. Johnson, Ortiz-Self, Simmons, Peterson, Shewmake, Barkis, Ryu, Ramel, Riccelli, Hackney and Dufault

AN ACT Relating to encouraging youth participation in fishing and shellfishing; amending RCW 77.08.010 and 77.32.470; adding new sections to chapter 77.32 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1432 by Representatives Vick and Sutherland

AN ACT Relating to authorizing direct to consumer sales of distilled spirits by out-of-state manufacturers; amending RCW 66.28.035; and adding new sections to chapter 66.20 RCW.

Referred to Committee on Commerce & Gaming.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 28, 2021

HB 1034 Prime Sponsor, Representative Fitzgibbon: Concerning park and recreation district levies. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Vick and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1064 Prime Sponsor, Representative Eslick: Requiring the disclosure of high-speed internet access availability in the seller's disclosure statement. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1086 Prime Sponsor, Representative Simmons: Creating the state office of behavioral health consumer advocacy. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

January 27, 2021

HB 1087 Prime Sponsor, Representative Berry: Clarifying the continuity of employee family and medical leave rights. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 27, 2021

HB 1120 Prime Sponsor, Representative Tharinger: Concerning state of emergency operations impacting long-term services and supports. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member and Maycumber.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1148 Prime Sponsor, Representative Cody: Protecting patients in acute care hospitals. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen and Schmick.

Referred to Committee on Appropriations.

January 27, 2021

HB 1221 Prime Sponsor, Representative Rule: Standardizing homelessness definitions. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Goodman; Klippert; Ortiz-Self; Wicks and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Eslick.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1225 Prime Sponsor, Representative Stonier: Concerning school-based health centers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Chandler and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Hoff; Jacobsen and Steele.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the first order of business.

The House was called to order by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Keith Goehner, 12th Legislative District.

The Speaker assumed the chair.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Conway, Billig, Dhingra, King, Nguyen, Saldaña, Stanford, Wilson and C.)

Concerning unemployment insurance.

The bill was read the second time.

MOTION

On motion of Representative Riccelli, Representatives Walen and Wylie were excused.

Representative Vick moved the adoption of amendment (020):

On page 26, after line 31, insert the following:

"(k) Benefits paid for all weeks starting with the week ending June 6, 2020, and ending with the week in which the governor terminates the state of emergency first declared in proclamation 20-05, where the benefits paid are for separations directly or indirectly caused by the COVID-19 pandemic or related governor proclamations or executive orders."

Representatives Vick, Vick (again), Stokesbary, Hoff, Corry, Orcutt, Barkis, MacEwen, Kraft, Mosbrucker, Sutherland, Chambers and Chase spoke in favor of the adoption of the amendment.

Representatives Bronoske and Sells spoke against the adoption of the amendment.

Amendment (020) was not adopted.

Representative MacEwen moved the adoption of amendment (022):

On page 49, after line 25, insert the following:

"Sec. 22. RCW 50.29.100 and 2020 c 7 s 5 are each amended to read as follows:

(1) By ((~~September 30, 2020~~)) April 1, 2022, a contribution paying employer may submit an application to the employment security department to have the approved benefits paid to approved employees be reimbursed by the COVID-19 unemployment account instead of charged to the employer's experience rating account. The application must be submitted in a form and manner approved by the department through rule.

(2) The department should not approve an application if the benefits paid will not otherwise be charged to the employer's experience rating account or if the employer was otherwise eligible to receive relief of benefit charges.

(3) If the department approves an employer's application, the department will not charge the forgiven benefits to the employer's experience rating account. The commissioner shall instead transfer from the COVID-19 unemployment account to the unemployment trust fund account an amount equal to the forgiven benefits.

(4) If the department rejects an employer's application, the department shall present the employer with the reasons why the application was rejected. The reasons for the rejection are final and nonappealable.

(5) For purposes of this section, the following definitions apply:

(a) "Approved employee" means an employee who:

(i) Was ((~~temporarily~~)) laid off as a direct or indirect consequence of ((~~an outbreak of COVID-19;~~

~~(ii) Was approved by the department to be on standby pursuant to rules adopted by the department;~~

~~(iii) Has returned to the same employment with the employer the employee had prior to the temporary unemployment; and~~

~~(iv)~~)) a gubernatorial declaration of emergency or related executive order; and

(ii) Meets other criteria the department may establish by rule.

(b) "Approved benefits" means benefits paid to an approved employee ((~~while the approved employee was on standby~~)) for an eligible claim pursuant to rules adopted by the department.

(c) "Total approved benefits" means the sum total of all approved benefits paid to all approved employees.

(d) "Eligible claim" means a claim for weeks of unemployment on or after February 29, 2020, and before March 1, 2022, or 30 days after the expiration of the gubernatorial declaration of emergency, whichever is earlier.

(e) "Forgiveness ratio" is computed by dividing the amount of money in the COVID-19 unemployment account by the total approved benefits. The forgiveness ratio cannot be more than 1.

((~~(c)~~)) (f) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(6) The department shall adopt such rules as are necessary to carry out the purposes of this section.

(7) This section expires ((~~July 30, 2021~~)) December 1, 2022."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 54, after line 27, insert the following:

"Sec. 26. RCW 50.16.100 and 2020 c 7 s 4 are each amended to read as follows:

(1) The COVID-19 unemployment account is created in the custody of the state treasurer. Revenues to the account shall consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Only the commissioner of the employment security department or the commissioner's designee may authorize expenditures from the account. Expenditures from the account may be used only for reimbursing the unemployment trust fund account for unemployment benefits paid to the approved employees of employers approved for such reimbursement pursuant to RCW 50.29.100. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Any federal funding or relief for novel coronavirus that could be used for the purposes of RCW 50.29.100 must be used first before spending from the account. Additionally, if the employment security department subsequently receives reimbursements from federal sources for amounts spent from the account, the department must remit the federal funding to the state treasurer for reimbursement to the budget stabilization account. If federal law or rules would prevent such remittance, the department must notify the office of financial management and the fiscal committees of the legislature within thirty days of receipt of the reimbursement.

(3) ((~~By July 1, 2021, the commissioner must certify to the state treasurer the amount of any unobligated moneys in the COVID-19 unemployment account that are attributable to the budget stabilization account appropriation in section 3, chapter 7, Laws of 2020, and the treasurer must transfer those moneys back to the budget stabilization account.~~)) By July 1, 2022, the commissioner must certify to the state treasurer the amount of any unobligated moneys in the COVID-19 unemployment account that are attributable to the budget stabilization account appropriation in section 27 of this act, and the treasurer must transfer those moneys back to the budget stabilization account.

NEW SECTION. **Sec. 27.** The sum of $500,000,000 is appropriated from the budget stabilization account for the fiscal year ending June 30, 2021, and is provided solely for expenditure into the COVID-19 unemployment account for the purposes described in section 22 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative MacEwen spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (022) was not adopted.

Representative Hoff moved the adoption of amendment (021):

On page 54, after line 27, insert the following:

"NEW SECTION. **Sec. 26.** A new section is added to chapter 50.24 RCW to read as follows:

(1) An employer whose place or places of business were closed or restricted in operations as a result of proclamation 20-05 or related governor proclamations or orders may defer quarterly payment of contributions under this chapter for up to two calendar quarters.

(2) An employer that defers payment under subsection (1) of this section may not be subject to penalties or interest on the deferred payment.

(3) This section expires December 31, 2022."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Hoff, Vick, Barkis and Orcutt spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (021) was not adopted.

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

Representatives Sells, Hoff, Vick, Kraft, Ortiz-Self, Stonier and Stokesbary spoke in favor of the passage of the bill.

Representatives Walsh, Dufault, Sutherland and McEntire spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5061.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5061, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dufault, McCaslin, McEntire, Sutherland, Walsh and Young.

Excused: Representative Walen.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1108, by Representatives Orwall, Ortiz-Self, Kloba, Hackney, Chopp, Santos, Macri, Pollet and Harris-Talley

Maintaining funding and assistance for homeowners navigating the foreclosure process.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1108 was substituted for House Bill No. 1108 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1108 was read the second time.

Representative Walsh moved the adoption of amendment (015):

On page 1, after line 21, insert the following:

"Sec. 2. RCW 61.24.005 and 2014 c 164 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate of beneficiary" means any entity which controls, is controlled by, or is under common control with a beneficiary.

(2) "Beneficiary" means the holder of the instrument or document evidencing the

obligations secured by the deed of trust, excluding persons holding the same as security for a different obligation.

(3) "Borrower" means a person or a general partner in a partnership, including a joint venture, that is liable for all or part of the obligations secured by the deed of trust under the instrument or other document that is the principal evidence of such obligations, or the person's successors if they are liable for those obligations under a written agreement with the beneficiary.

(4) "Commercial loan" means a loan that is not made primarily for personal, family, or household purposes.

(5) "Department" means the department of commerce or its designee.

(6) "Fair value" means the value of the property encumbered by a deed of trust that is sold pursuant to a trustee's sale. This value shall be determined by the court or other appropriate adjudicator by reference to the most probable price, as of the date of the trustee's sale, which would be paid in cash or other immediately available funds, after deduction of prior liens and encumbrances with interest to the date of the trustee's sale, for which the property would sell on such date after reasonable exposure in the market under conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under duress.

(7) "Grantor" means a person, or its successors, who executes a deed of trust to encumber the person's interest in property as security for the performance of all or part of the borrower's obligations.

(8) "Guarantor" means any person and its successors who is not a borrower and who guarantees any of the obligations secured by a deed of trust in any written agreement other than the deed of trust.

(9) "Housing counselor" means a housing counselor that has been approved by the United States department of housing and urban development or approved by the Washington state housing finance commission.

(10) "Owner-occupied" means property that is the principal residence of the borrower.

(11) "Person" means any natural person, or legal or governmental entity.

(12) "Record" and "recorded" includes the appropriate registration proceedings, in the instance of registered land.

(13) "Residential real property" means property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit. For the purposes of the application of RCW 61.24.163, ((~~owner-occupied~~)) residential real property includes residential real property of up to four units.

(14) "Senior beneficiary" means the beneficiary of a deed of trust that has priority over any other deeds of trust encumbering the same residential real property.

(15) "Tenant-occupied property" means property consisting solely of residential real property that is the principal residence of a tenant subject to chapter 59.18 RCW or other building with four or fewer residential units that is the principal residence of a tenant subject to chapter 59.18 RCW.

(16) "Trustee" means the person designated as the trustee in the deed of trust or appointed under RCW 61.24.010(2).

(17) "Trustee's sale" means a nonjudicial sale under a deed of trust undertaken pursuant to this chapter.

Sec. 3. RCW 61.24.030 and 2018 c 306 s 1 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed

of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property of up to four units, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default and, for residential real property of up to four units, the beneficiary declaration specified in subsection (7)(a) of this section shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future, or no less than one hundred fifty days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is ((~~owner-occupied~~)) residential real property of up to four units, a statement, prominently set out at the beginning of the notice, which shall state as follows:

"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR

LOSING YOUR HOME.

You may be eligible for mediation in front of a neutral third party to help save your home.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than twenty days after the Notice of Trustee Sale is recorded.

DO NOT DELAY. If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . ."

The beneficiary or trustee shall obtain the toll-free numbers and website information from the department for inclusion in the notice;

(l) In the event the property secured by the deed of trust is residential real property of up to four units, the name and address of the holder of any promissory note or other obligation secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust;

(m) For notices issued after June 30, 2018, on the top of the first page of the notice:

(i) The current beneficiary of the deed of trust;

(ii) The current mortgage servicer for the deed of trust; and

(iii) The current trustee for the deed of trust;

(9) That, for ((~~owner-occupied~~)) residential real property of up to four units, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163;

(10) That, in the case where the borrower or grantor is known to the mortgage servicer or trustee to be deceased, the notice required under subsection (8) of this section must be sent to any spouse, child, or parent of the borrower or grantor known to the trustee or mortgage servicer, and to any owner of record of the property, at any address provided to the trustee or mortgage servicer, and to the property

addressed to the heirs and devisees of the borrower.

(a) If the name or address of any spouse, child, or parent of such deceased borrower or grantor cannot be ascertained with use of reasonable diligence, the trustee must execute and record with the notice of sale a declaration attesting to the same.

(b) Reasonable diligence for the purposes of this subsection (10) means the trustee shall search in the county where the property is located, the public records and information for any obituary, will, death certificate, or case in probate within the county for the borrower and grantor;

(11) Upon written notice identifying the property address and the name of the borrower to the servicer or trustee by someone claiming to be a successor in interest to the borrower's or grantor's property rights, but who is not a party to the loan or promissory note or other obligation secured by the deed of trust, a trustee shall not record a notice of sale pursuant to RCW 61.24.040 until the trustee or mortgage servicer completes the following:

(a) Acknowledges the notice in writing and requests reasonable documentation of the death of the borrower or grantor from the claimant including, but not limited to, a death certificate or other written evidence of the death of the borrower or grantor. The claimant must be allowed thirty days from the date of this request to present this documentation. If the trustee or mortgage servicer has already obtained sufficient proof of the borrower's death, it may proceed by acknowledging the claimant's notice in writing and issuing a request under (b) of this subsection.

(b) If the mortgage servicer or trustee obtains or receives written documentation of the death of the borrower or grantor from the claimant, or otherwise independently confirms the death of the borrower or grantor, then the servicer or trustee must request in writing documentation from the claimant demonstrating the ownership interest of the claimant in the real property. A claimant has sixty days from the date of the request to present this documentation.

(c) If the mortgage servicer or trustee receives written documentation demonstrating the ownership interest of the claimant prior to the expiration of the sixty days provided in (b) of this subsection, then the servicer or trustee must, within twenty days of receipt of proof of ownership interest, provide the claimant with, at a minimum, the loan balance, interest rate and interest reset dates and amounts, balloon payments if any, prepayment penalties if any, the basis for the default, the monthly payment amount, reinstatement amounts or conditions, payoff amounts, and information on how and where payments should be made. The mortgage servicers shall also provide the claimant application materials and information, or a description of the process, necessary to request a loan assumption and modification.

(d) Upon receipt by the trustee or the mortgage servicer of the documentation establishing claimant's ownership interest in the real property, that claimant shall be deemed a "successor in interest" for the purposes of this section.

(e) There may be more than one successor in interest to the borrower's property rights. The trustee and mortgage servicer shall apply the provisions of this section to each successor in interest. In the case of multiple successors in interest, where one or more do not wish to assume the loan as coborrowers or coapplicants, a mortgage servicer may require any nonapplicant successor in interest to consent in writing to the application for loan assumption.

(f) The existence of a successor in interest under this section does not impose an affirmative duty on a mortgage servicer or alter any obligation the mortgage servicer has to provide a loan modification to the successor in interest. If a successor in interest assumes the loan, he or she may be required to otherwise qualify for available foreclosure prevention alternatives offered by the mortgage servicer.

(g) (c), (e), and (f) of this subsection (11) do not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW; and

(12) Nothing in this section shall prejudice the right of the mortgage servicer or beneficiary from discontinuing any foreclosure action initiated under the deed of trust act in

favor of other allowed methods for pursuit of foreclosure of the security interest or deed of trust security interest.

Sec. 4. RCW 61.24.031 and 2014 c 164 s 2 are each amended to read as follows:

(1)(a) A trustee, beneficiary, or authorized agent may not issue a notice of default under RCW 61.24.030(8) until: (i) Thirty days after satisfying the due diligence requirements as described in subsection (5) of this section and the borrower has not responded; or (ii) if the borrower responds to the initial contact, ninety days after the initial contact with the borrower was initiated.

(b) A beneficiary or authorized agent shall make initial contact with the borrower by letter to provide the borrower with information required under (c) of this subsection and by telephone as required under subsection (5) of this section. The letter required under this subsection must be mailed in accordance with subsection (5)(a) of this section and must include the information described in (c) of this subsection and subsection (5)(e)(i) through (iv) of this section.

(c) The letter required under this subsection, developed by the department pursuant to RCW 61.24.033, at a minimum shall include:

(i) A paragraph printed in no less than twelve-point font and bolded that reads:

"You must respond within thirty days of the date of this letter. IF YOU DO NOT RESPOND within thirty days, a notice of default may be issued and you may lose your home in foreclosure.

IF YOU DO RESPOND within thirty days of the date of this letter, you will have an additional sixty days to meet with your lender before a notice of default may be issued.

You should contact a housing counselor or attorney as soon as possible. Failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party. A housing counselor or attorney can help you work with your lender to avoid foreclosure.

If you filed bankruptcy or have been discharged in bankruptcy, this communication is not intended as an attempt to collect a debt from you personally, but is notice of enforcement of the deed of trust lien against the property. If you wish to avoid foreclosure and keep your property, this notice sets forth your rights and options.";

(ii) The toll-free telephone number from the United States department of housing and urban development to find a department-approved housing counseling agency, the toll-free numbers for the statewide foreclosure hotline recommended by the housing finance commission, and the statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys;

(iii) A paragraph stating that a housing counselor may be available at little or no cost to the borrower and that whether or not the borrower contacts a housing counselor or attorney, the borrower has the right to request a meeting with the beneficiary; and

(iv) A paragraph explaining how the borrower may respond to the letter and stating that after responding the borrower will have an opportunity to meet with his or her beneficiary in an attempt to resolve and try to work out an alternative to the foreclosure and that, after ninety days from the date of the letter, a notice of default may be issued, which starts the foreclosure process.

(d) If the beneficiary has exercised due diligence as required under subsection (5) of this section and the borrower does not respond by contacting the beneficiary within thirty days of the initial contact, the notice of default may be issued. "Initial contact" with the borrower is considered made three days after the date the letter required in (b) of this subsection is sent.

(e) If a meeting is requested by the borrower or the borrower's housing counselor or attorney, the beneficiary or authorized agent shall schedule the meeting to occur before the notice of default is issued. An assessment of the borrower's financial ability to modify or restructure the loan obligation and a discussion of options must occur during the meeting scheduled for that purpose.

(f) The meeting scheduled to assess the borrower's financial ability to modify or restructure the loan obligation and discuss options to avoid foreclosure

may be held telephonically, unless the borrower or borrower's representative requests in writing that a meeting be held in person. The written request for an in-person meeting must be made within thirty days of the initial contact with the borrower. If the meeting is requested to be held in person, the meeting must be held in the county where the property is located unless the parties agree otherwise. A person who is authorized to agree to a resolution, including modifying or restructuring the loan obligation or other alternative resolution to foreclosure on behalf of the beneficiary, must be present either in person or on the telephone or videoconference during the meeting.

(2) A notice of default issued under RCW 61.24.030(8) must include a declaration, as provided in subsection (9) of this section, from the beneficiary or authorized agent that it has contacted the borrower as provided in subsection (1) of this section, it has tried with due diligence to contact the borrower under subsection (5) of this section, or the borrower has surrendered the property to the trustee, beneficiary, or authorized agent. Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the declaration as evidence that the requirements of this section have been satisfied, and the trustee is not liable for the beneficiary's or its authorized agent's failure to comply with the requirements of this section.

(3) If, after the initial contact under subsection (1) of this section, a borrower has designated a housing counseling agency, housing counselor, or attorney to discuss with the beneficiary or authorized agent, on the borrower's behalf, options for the borrower to avoid foreclosure, the borrower shall inform the beneficiary or authorized agent and provide the contact information to the beneficiary or authorized agent. The beneficiary or authorized agent shall contact the designated representative for the borrower to meet.

(4) The beneficiary or authorized agent and the borrower or the borrower's representative shall attempt to reach a resolution for the borrower within the ninety days from the time the initial contact is sent and the notice of default is issued. A resolution may include, but is not limited to, a loan modification, an agreement to conduct a short sale, or a deed in lieu of foreclosure transaction, or some other workout plan. Any modification or workout plan offered at the meeting with the borrower's designated representative by the beneficiary or authorized agent is subject to approval by the borrower.

(5) A notice of default may be issued under RCW 61.24.030(8) if a beneficiary or authorized agent has initiated contact with the borrower as required under subsection (1)(b) of this section and the failure to meet with the borrower occurred despite the due diligence of the beneficiary or authorized agent. Due diligence requires the following:

(a) A beneficiary or authorized agent shall first attempt to contact a borrower by sending, by both first-class and either registered or certified mail, return receipt requested, a letter to the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must be the letter described in subsection (1)(c) of this section.

(b)(i) After the letter has been sent, the beneficiary or authorized agent shall attempt to contact the borrower by telephone at least three times at different hours and on different days. Telephone calls must be made to the primary and secondary telephone numbers on file with the beneficiary or authorized agent.

(ii) A beneficiary or authorized agent may attempt to contact a borrower using an automated system to dial borrowers if the telephone call, when answered, is connected to a live representative of the beneficiary or authorized agent.

(iii) A beneficiary or authorized agent satisfies the telephone contact requirements of this subsection (5)(b) if the beneficiary or authorized agent determines, after attempting contact under this subsection (5)(b), that the borrower's primary telephone number and secondary telephone number or numbers on file, if any, have been disconnected or are not good contact numbers for the borrower.

(iv) The telephonic contact under this subsection (5)(b) does not constitute the meeting under subsection (1)(f) of this section.

(c) If the borrower does not respond within fourteen days after the telephone

call requirements of (b) of this subsection have been satisfied, the beneficiary or authorized agent shall send a certified letter, with return receipt requested, to the borrower at the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must include the information described in (e)(i) through (iv) of this subsection. The letter must also include a paragraph stating: "Your failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party."

(d) The beneficiary or authorized agent shall provide a means for the borrower to contact the beneficiary or authorized agent in a timely manner, including a toll-free telephone number or charge-free equivalent that will provide access to a live representative during business hours for the purpose of initiating and scheduling the meeting under subsection (1)(f) of this section.

(e) The beneficiary or authorized agent shall post a link on the home page of the beneficiary's or authorized agent's internet website, if any, to the following information:

(i) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid foreclosure, and instructions to borrowers advising them on steps to take to explore those options;

(ii) A list of financial documents borrowers should collect and be prepared to present to the beneficiary or authorized agent when discussing options for avoiding foreclosure;

(iii) A toll-free telephone number or charge-free equivalent for borrowers who wish to discuss options for avoiding foreclosure with their beneficiary or authorized agent; and

(iv) The toll-free telephone number or charge-free equivalent made available by the department to find a department-approved housing counseling agency.

(6) Subsections (1) and (5) of this section do not apply if the borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary, or authorized agent.

(7)(a) This section applies only to deeds of trust that are recorded against ((~~owner-occupied~~)) residential real property of up to four units. This section does not apply to deeds of trust: (i) Securing a commercial loan; (ii) securing obligations of a grantor who is not the borrower or a guarantor; or (iii) securing a purchaser's obligations under a seller-financed sale.

(b) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(8) As used in this section:

(a) "Department" means the United States department of housing and urban development.

(b) "Seller-financed sale" means a residential real property transaction where the seller finances all or part of the purchase price, and that financed amount is secured by a deed of trust against the subject residential real property.

(9) The form of declaration to be provided by the beneficiary or authorized agent as required under subsection (2) of this section must be in substantially the following form:

"FORECLOSURE LOSS MITIGATION FORM

Please select applicable option(s) below.

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that [check the applicable box and fill in any blanks so that the beneficiary, authorized agent, or trustee can insert, on the beneficiary's behalf, the applicable declaration in the notice of default required under chapter 61.24 RCW]:

(1) []The beneficiary or beneficiary's authorized agent has contacted the borrower under, and has complied with, RCW 61.24.031 (contact provision to "assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure") and the borrower responded but did not request a meeting.

(2) []The beneficiary or beneficiary's authorized agent has contacted the borrower as required under RCW 61.24.031

and the borrower or the borrower's designated representative requested a meeting. A meeting was held on (insert date, time, and location/telephonic here) in compliance with RCW 61.24.031.

(3) []The beneficiary or beneficiary's authorized agent has contacted the borrower as required in RCW 61.24.031 and the borrower or the borrower's designated representative requested a meeting. A meeting was scheduled for (insert date, time, and location/telephonic here) and neither the borrower nor the borrower's designated representative appeared.

(4) []The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower as required in RCW 61.24.031(5) and the borrower did not respond.

(5) [ ] The borrower has surrendered the secured property as evidenced by either a letter confirming the surrender or by delivery of the keys to the secured property to the beneficiary, the beneficiary's authorized agent or to the trustee.

Additional Optional Explanatory Comments:

Sec. 5. RCW 61.24.165 and 2014 c 164 s 4 are each amended to read as follows:

(1) RCW 61.24.163 applies only to deeds of trust that are recorded against ((~~owner-occupied~~)) residential real property of up to four units. ((~~The property must have been owner-occupied as of the date the initial contact under RCW 61.24.031 was made.~~))

(2) ((~~A borrower under a deed of trust on owner-occupied residential real property who has received a notice of default on or before July 22, 2011, may be referred to mediation under RCW 61.24.163 by a housing counselor or attorney.~~

~~(3)~~)) RCW 61.24.163 does not apply to deeds of trust:

(a) Securing a commercial loan;

(b) Securing obligations of a grantor who is not the borrower or a guarantor; or

(c) Securing a purchaser's obligations under a seller-financed sale.

((~~(4)~~)) (3) RCW 61.24.163 does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

((~~(5)~~)) (4) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the borrower is deceased and the person is a successor in interest of the deceased borrower who occupies the property as his or her primary residence. The referring counselor or attorney must determine a person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

((~~(6)~~)) (5) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the person has been awarded title to the property in a proceeding for dissolution or legal separation. The referring counselor or attorney must determine the person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 2, line 8, after "of" strike "owner-occupied" and insert "((~~owner-occupied~~))"

On page 2, line 8, after "property" insert "of up to four units"

Representatives Walsh, Ryu and Barkis spoke in favor of the adoption of the amendment.

Amendment (015) was adopted.

The bill was ordered engrossed.

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

Representatives Orwall and Walsh spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Vick was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1108.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1108, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Vick and Walen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1108, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1063, by Representatives Harris, Cody, Bateman, Kloba, Ortiz-Self, Leavitt, Slatter, Tharinger, Callan, Riccelli, Macri, Rule, Davis and Pollet

Allowing additional renewals for behavioral health professional trainee and associate credentials.

The bill was read the second time.

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

Representatives Harris and Cody spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1063.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1063, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Vick and Walen.

HOUSE BILL NO. 1063, having received the necessary constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4605, by Representative Sullivan

NOW, THEREFORE, BE IT RESOLVED, That no later than Friday, February 12, 2021, the thirty-third legislative day, the House of Representatives shall meet to consider adoption of permanent House Rules for the Sixty-Seventh Legislature; and

BE IT FURTHER RESOLVED, That temporary House Rules for the Sixty-Seventh Legislature be adopted as follows:

TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE 2021-2022

HOUSE RULE NO.

Rule 1 Definitions

Rule 2 Chief Clerk to Call to Order

Rule 3 Election of Officers

Rule 4 Powers and Duties of the Speaker

Rule 5 Chief Clerk

Rule 6 Executive Rules Committee

Rule 7 Duties of Employees

Rule 8 Admission to the House

Rule 9 Absentees and Courtesy

Rule 10 Bills, Memorials and Resolutions - Introductions

Rule 11 Reading of Bills

Rule 12 Amendments

Rule 13 Final Passage

Rule 14 Hour of Meeting, Roll Call and Quorum

Rule 15 Daily Calendar and Order of Business

Rule 16 Motions

Rule 17 Members Right to Debate

Rule 18 Rules of Debate

Rule 19 Ending of Debate - Previous Question

Rule 20 Voting

Rule 21 Reconsideration

Rule 22 Call of the House

Rule 23 Appeal from Decision of Chair

Rule 24 Standing Committees

Rule 25 Duties of Committees

Rule 26 Standing Committees - Expenses - Subpoena Power

Rule 27 Vetoed Bills

Rule 28 Suspension of Compensation

Rule 29 Smoking

Rule 30 Liquor

Rule 31 Parliamentary Rules

Rule 32 Standing Rules Amendment

Rule 33 Rules to Apply for Assembly

Rule 34 Legislative Mailings

Definitions

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

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

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

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

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

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

Chief Clerk to Call to Order

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

Election of Officers

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

Powers and Duties of the Speaker

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

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

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

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no

member shall speak more than once without leave of the house.

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

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

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

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

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

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

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

Chief Clerk

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

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

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

Executive Rules Committee

Rule 6. The executive rules committee is hereby established to oversee administrative operations of the house. The committee consists of four members of the majority caucus and three members of the minority caucus, to be named by the speaker and minority leader respectively.

Duties of Employees

Rule 7. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

Admission to the House

Rule 8. It shall be the general policy of the house to keep the chamber clear as follows:

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

The governor or designees, or both;

Members of the senate;

State elected officials;

Officers and authorized employees of the legislature;

Former members of the house who are not advocating any pending or proposed legislation;

Representatives of the press;

Other persons with the consent of the speaker.

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

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

Absentees and Courtesy

Rule 9. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

Bills, Memorials and Resolutions - Introductions

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

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

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each

bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

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

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

Reading of Bills

Rule 11. Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

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

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

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

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

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

(B) SECOND READING. Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

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

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

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

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

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

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

Amendments

Rule 12. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 11(E) and as follows:

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

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

(C) SENATE AMENDMENTS TO HOUSE BILLS. A house bill, passed by the senate with amendment or

amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

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

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

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

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

Final Passage

Rule 13. Rules relating to bills on final passage are as follows:

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

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

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

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

Hour of Meeting, Roll Call and Quorum

Rule 14. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 22(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

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

Daily Calendar and Order of Business

Rule 15. The rules relating to the daily calendar and order of business are as follows:

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

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

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

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

Eleventh: Announcements.

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

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

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

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

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

Motions

Rule 16. Rules relating to motions are as follows:

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

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

(1) Privileged motions:

Adjourn

Adjourn to a time certain

Recess to a time certain

Reconsider

Demand for division

Question of privilege

Orders of the day

(2) Subsidiary motions:

First rank:	Question of consideration
Second rank:	To lay on the table
Third rank:	For the previous question
Fourth rank:	To postpone to a day certain
	To commit or recommit
	To postpone indefinitely
Fifth rank:	To amend

(3) Incidental motions:

Points of order and appeal

Method of consideration

Suspension of the rules

Reading papers

Withdraw a motion

Division of a question

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

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

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 23.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule 11(F).

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

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

Members Right to Debate

Rule 17. The methods by which a member may exercise his or her right to debate are as follows:

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

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

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent

of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 19 (Previous Question).

Rules of Debate

Rule 18. The rules for debate in the house are as follows:

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

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

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

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

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

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

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

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

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

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

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

Ending of Debate - Previous Question

Rule 19. The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

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

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

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

Voting

Rule 20. (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

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

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

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

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

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

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

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

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

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

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

(H) DIVISION. If the speaker is in doubt, or if division is

called for by any member, the house shall divide.

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

Reconsideration

Rule 21. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

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

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

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

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

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

Call of the House

Rule 22. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

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

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

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

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

Appeal from Decision of Chair

Rule 23. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule 24. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Appropriations 33

2. Capital Budget 23

3. Children, Youth & Families 13

4. Civil Rights & Judiciary 17

5. College & Workforce Development 13

6. Commerce & Gaming 9

7. Community & Economic Development 13

8. Consumer Protection & Business 7

9. Education 13

10. Environment & Energy 13

11. Finance 17

12. Health Care & Wellness 15

13. Housing, Human Services & Veterans 9

14. Labor & Workplace Standards 7

15. Local Government 7

16. Public Safety 13

17. Rules 27

18. Rural Development, Agriculture & Natural Resources 15

19. State Government & Tribal Relations 7

20. Transportation 29

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

Duties of Committees

Rule 25. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

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

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

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

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

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

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

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

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

Standing Committees - Expenses - Subpoena Power

Rule 26. Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

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

Vetoed Bills

Rule 27. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

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

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

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

Suspension of Compensation

Rule 28. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

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

Smoking

Rule 29. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

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

Liquor

Rule 30. The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

Parliamentary Rules

Rule 31. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule 32. Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 11.

Rules to Apply for Assembly

Rule 33. The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

Legislative Publications

Rule 34. The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

Appendix to House Rules

The house of representatives of the sixty-seventh legislature acknowledges that the COVID-19 pandemic requires the adoption of extraordinary rules of procedure that protect the health of members, staff, and the public, and ensure transparency and openness in house proceedings.

Pursuant to Article II, Section 9 of the state Constitution, the house of representatives hereby adopts the following

Appendix Rules A-1 through A-10 to govern its proceedings during the COVID-19 state of emergency.

Application of Rules

Rule A-1. Reed's Parliamentary Rules and the Rules of the House of Representatives are hereby superseded to the extent they are inconsistent with the rules set forth in this appendix.

Remote Participation and Voting Authorized

Rule A-2. House members shall participate remotely in official house proceedings, including committee meetings and floor sessions, and when doing so, shall be considered present for purposes of a quorum and voting.

Members are encouraged to use computers provided by the house to participate in committee meetings. Members are required to use computers provided by the house to cast votes in remote floor sessions and are required to use the virtual background provided by the house for their video display.

Admittance to House Facilities

Rule A-3. Admittance to house facilities is permitted only as follows:

(1) Presiding officers, the minority leader, floor leaders, and staff essential to floor operations are permitted in the chamber during floor proceedings.

(2) Including the members identified in subsection (1) of this rule, each caucus may designate 15 members to participate remotely from their assigned legislative offices. Each caucus must prioritize members with technological problems that preclude remote participation.

(3) The executive rules committee may authorize additional members of the house to participate remotely from their assigned legislative offices upon a showing that technological problems preclude participation from the member's home or an alternate district location.

(4) Staff may access house facilities only with prior approval of the chief clerk.

Any person permitted access to house facilities must comply with public health requirements both on and off campus, and any other restriction established by executive rules and/or the chief clerk.

House Resolutions

Rule A-4. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Day of Remembrance, Martin Luther King Jr. Day, President's Day, National Guard Day, and Navy Day. Floor debate on commemorative resolutions is limited to 10 minutes for members of the majority caucus and 10 minutes for members of the minority caucus.

Members Right to Debate

Rule A-5. Any member who desires to speak may request to be recognized by use of the request to speak function in the remote floor activity system.

No member may speak longer than 10 minutes without consent of the house, PROVIDED, that on and after the fifth day prior to the day of adjournment Sine Die of any session, as determined by Article II, Section 12 of the state Constitution or concurrent resolution, and on and after the fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member may speak more than three minutes without consent of the house.

Amendments

Rule A-6. To facilitate the orderly consideration of legislation, the speaker, after consultation with the minority leader, may establish a deadline for submission of amendments.

Voting

Rule A-7. The speaker shall divide the house on all motions not requiring a recorded roll call vote. A member is not required to participate in a division vote.

All members present in the remote floor proceedings shall vote when the question is put on any motion requiring a recorded roll call vote. Before locking the roll call machine, the presiding officer shall call the name of any member not voting. If a member is unable to vote using the remote voting function, the member may vote orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

Any member who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the same day the vote is taken or submit a statement for the journal indicating their intent to vote yea or nay.

Distribution of Materials

Rule A-8. Any requirement to distribute materials to members' desks is satisfied by distribution through electronic means.

Duties of Committees

Rule A-9. Every notice of a committee meeting shall include a web address for information about viewing and providing public testimony at committee meetings in lieu of a physical location.

Every member participating remotely in a committee meeting shall be considered present for purposes of quorum and roll call voting.

Only such bills as are included on the written notice of a committee meeting may be considered at that meeting.

Every report and recommendation shall be made by members of the committee during a regularly called meeting of the committee. No signatures are required.

Every vote to report a bill out of committee shall be taken by the yeas and nays, with nays specifying "do not pass" or "without recommendation."

A meeting shall be considered open to the public if an alternate and broadly accessible means for the public to view the meeting is available.

Term of Appendix Rules

Rule A-10. The rules in this appendix expire on the termination of the COVID-19 state of emergency.

There being no objection, HOUSE RESOLUTION NO. 4605 was adopted.

There being no objection, the House reverted to the fifth order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

January 28, 2021

HB 1367 Prime Sponsor, Representative Ormsby: Revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

January 28, 2021

HB 1368 Prime Sponsor, Representative Ormsby: Responding to the COVID-19 pandemic through state actions supported by federal funding. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Harris and Schmick.

There being no objection, the bills listed on the day's supplemental committee reports under the fifth order of business were placed on the second reading calendar.

There being no objection, the House adjourned until 8:30 a.m., February 1, 2021, the 22nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY SECOND DAY

House Chamber, Olympia, Monday, February 1, 2021

The House was called to order at 8:30 a.m. by the Speaker (Representative Lovick presiding).

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative David Hackney, 11th Legislative District.

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

RESOLUTION

HOUSE RESOLUTION NO. 2021-4603, by Representatives Taylor, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

WHEREAS, President Reagan issued the Presidential Proclamation 5443 which declared "the foremost purpose of Black History Month is to make all Americans aware of this struggle for freedom and equal opportunity." It also states that this month is a time "to celebrate the many achievements of African Americans in every field from science and the arts to politics and religion."; and

WHEREAS, The desire to succeed and contribute to America caused Black Americans to defy racial hostility, Jim Crow Laws, and the remnants of other economic and social injustices; and

WHEREAS, Kamala Devi Harris, Vice President of the United States, is the first woman, the first Black person and the first South Asian American person to ever hold the position, coming from a diverse family where her father was Jamaican and her mother was the daughter of an Indian diplomat, and Harris is a representation of the diversity in our nation; and

WHEREAS, Marilyn Strickland became the first Black woman to represent the State of Washington at the federal level in the United States House of Representatives, and she is one of the first Korean American women to be elected to Congress in its 230 year history; and

WHEREAS, G. Helen Whitener is the first Black woman to serve on the Washington State Supreme Court, the fourth immigrant-born Justice, and the first Black LGBT judge in the State of Washington; and

WHEREAS, It is because of women like Vice President Harris, Congresswoman Strickland, and Justice Whitener that we have made the progress we have in our communities here in Washington; and

WHEREAS, We also recognize the vision of inspiring political leaders such as George Washington Bush, a Black Pioneer, and one of the earliest permanent American settlers in the Washington Territory in 1845, William Owen Bush, the first Black person to serve in the legislature in 1889, John H. Ryan, the only Black American to serve in the legislature under three different parties (Farm-Labor, Republican, and Democrat), John Lewis, Civil Rights leader and United States Congressman, and Barack Obama, the first Black President of the United States; and

WHEREAS, The list of contributions by other Black Americans to the socioeconomic and cultural fabric of Washington State is long, and includes the writings of Frederick Douglass, Booker T. Washington, Ralph Ellison, Octavia Butler, and Toni Morrison; and

WHEREAS, Scientific achievements include the inventions of George Washington Carver and the three NASA workers—Katherine Goble, Mary Jackson, and Dorothy Vaughan—whose calculations helped put astronauts on the moon; and

WHEREAS, Black soldiers helped unite the military and the nation, from formerly enslaved people fighting in the Civil War to the Tuskegee Airmen who helped win World War II; and

WHEREAS, Warriors for justice and equality include Sojourner Truth, Harriet Tubman, Fannie Lou Hamer, Thurgood Marshall, Rosa Parks, and the Rev. Dr. Martin Luther King, Jr.;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate Black History Month and recognize the legacy and innumerable contributions of Black Americans to the lives of Washingtonians, not only in February but throughout the whole year.

There being no objection, HOUSE RESOLUTION NO. 4603 was adopted.

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

INTRODUCTION & FIRST READING

HB 1433 by Representatives Kloba, Sutherland, Ryu, J. Johnson, Valdez, Dolan, Young, Ramel, Bergquist, Eslick, Jacobsen and Harris-Talley

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

Referred to Committee on Civil Rights & Judiciary.

HB 1434 by Representatives Dent, Orwall, Sutherland, Chambers, Graham, Klicker, Dufault, Lovick, Peterson, Volz, J. Johnson, Schmick, Valdez, Mosbrucker, Hoff, Callan, Barkis, Klippert, Chandler, Eslick, Boehnke, Rule and Pollet

AN ACT Relating to agricultural community mental health hotline services; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1435 by Representatives Kretz, Sutherland, Graham, Dent, Eslick and Ormsby

AN ACT Relating to authorizing local authorities to implement bicycle tour permits; adding a new section to chapter 36.75 RCW; adding a new section to chapter 35.75 RCW; and adding a new section to chapter 35A.47 RCW; and prescribing penalties.

Referred to Committee on Local Government.

HB 1436 by Representatives Walsh, Sutherland, Graham, Young, Volz, Mosbrucker, Boehnke, Chase, Barkis, Eslick, Dent, Jacobsen and Kraft

AN ACT Relating to encouraging economic recovery by reducing regulatory burdens during declared public health crises; adding a new section to chapter 43.06 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 70A.15 RCW; adding a new section to chapter 77.55 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 58.17 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1437 by Representatives MacEwen and Eslick

AN ACT Relating to a vessel crewmember license; and amending RCW 77.65.610.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1438 by Representatives Orcutt, Sutherland, Graham, Young, Volz and Eslick

AN ACT Relating to expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens by modifying income thresholds for eligibility to allow deductions for common health care-related expenses; and reenacting and amending RCW 84.36.383.

Referred to Committee on Appropriations.

HB 1439 by Representatives Orcutt, Graham and Volz

AN ACT Relating to authorizing military surplus vehicles to operate on public highways; amending RCW 46.04.123, 46.04.126, 46.18.220, and 46.37.010; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.12 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1440 by Representatives Boehnke, Sutherland, Chambers, Graham, Volz, Eslick and Jacobsen

AN ACT Relating to bringing innovation and investment to Washington's economy by streamlining the requirements for deployment of small wireless facilities; and adding a new chapter to Title 80 RCW.

Referred to Committee on Community & Economic Development.

HB 1441 by Representatives Morgan, Macri, Simmons, Berry, J. Johnson, Davis, Valdez, Taylor, Wicks, Fitzgibbon, Ramel, Bergquist, Chopp, Gregerson, Peterson, Ormsby, Pollet, Hackney, Thai, Berg and Harris-Talley

AN ACT Relating to prohibiting discrimination against prospective tenants for unpaid rent or eviction during the COVID-19 pandemic; adding a new section to chapter 59.18 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing, Human Services & Veterans.

HB 1442 by Representatives Chase, Sutherland, Caldier, Schmick, Eslick and Kraft

AN ACT Relating to epidemic and pandemic preparedness; amending RCW 70.26.020; adding new sections to chapter 70.26 RCW; and repealing RCW 70.26.010, 70.26.030, 70.26.040, 70.26.050, 70.26.060, and 70.26.070.

Referred to Committee on Health Care & Wellness.

HB 1443 by Representatives Morgan, Wicks, Simmons, Berry, J. Johnson, Ramel, Kloba, Ryu, Peterson, Ormsby, Ortiz-Self, Harris-Talley and Macri

AN ACT Relating to social equity within the cannabis industry; amending RCW 43.330.540, 69.50.335, and 69.50.336; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1444 by Representatives Rule, Wicks, Simmons, Berry, J. Johnson, Taylor, Orwall, Ryu, Fitzgibbon, Ramel, Wylie, Pollet, Thai and Harris-Talley

AN ACT Relating to providing trauma-informed counseling and supports to students who were impacted by the COVID-19 pandemic; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.320 RCW; and providing expiration dates.

Referred to Committee on Education.

HB 1445 by Representatives Thai, Cody, Ormsby, Pollet and Harris-Talley

AN ACT Relating to the definition of compounding for purposes of the practice of pharmacy; and reenacting and amending RCW 18.64.011.

Referred to Committee on Health Care & Wellness.

HB 1446 by Representative Fey

AN ACT Relating to prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control; and amending RCW 19.285.040 and 19.285.060.

Referred to Committee on Environment & Energy.

HB 1447 by Representatives Walen, Simmons, Ramel, Shewmake, Ormsby, Pollet, Hackney and Macri

AN ACT Relating to garnishment of a debtor's wages, funds, or other property; amending RCW 6.15.010 and 6.27.100; creating a new section; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1448 by Representatives Mosbrucker, Griffey, Sutherland, Graham, Dent, Volz and Jacobsen

AN ACT Relating to prohibiting the deduction of payments to volunteer firefighters from unemployment insurance benefits; amending RCW 50.04.310 and 50.20.130; and creating new sections.

Referred to Committee on Labor & Workplace Standards.

HB 1449 by Representatives Mosbrucker, Caldier, Graham and Rule

AN ACT Relating to creating the crime of coercive control; amending RCW 9A.46.060; reenacting and amending RCW 10.99.020; adding a new section to chapter 9A.46 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety.

HB 1450 by Representatives Gregerson, Stonier, Tharinger, Dolan, Fitzgibbon, Hansen, Lovick, Berry, Callan, Ryu, Taylor, Davis, Wicks, Simmons, Valdez, Senn, J. Johnson, Ramel, Kloba, Bergquist, Ormsby, Riccelli, Pollet, Ortiz-Self, Duerr, Hackney, Thai, Berg, Harris-Talley and Macri

AN ACT Relating to procuring, and supporting the use of, appropriate computers and devices for public school students and instructional staff by levying a tax on wireless devices; amending RCW 28A.650.020, 28A.635.060, 28A.650.010, and 82.32.145; reenacting and amending RCW 28A.650.015; adding new sections to chapter 28A.650 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; adding a new chapter to Title 82 RCW; creating a new section; repealing RCW 28A.650.025 and 28A.650.030; prescribing penalties; and providing an effective date.

Referred to Committee on Education.

SSB 5013 by Senate Committee on State Government & Elections (originally sponsored by Hunt, Kuderer, Wilson and C.)

AN ACT Relating to local redistricting deadlines; amending RCW 29A.76.010; reenacting and amending RCW 29A.92.050; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

ESSB 5024 by Senate Committee on Law & Justice (originally sponsored by Padden, Pedersen, Brown, Gildon, Holy, Mullet, Short and Van De Wege)

AN ACT Relating to reducing barriers to condominium construction; and amending RCW 64.55.010, 64.90.645, and 64.04.005.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5044 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Das,

Wellman, Darneille, Hasegawa, Hunt, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to equity, cultural competency, and dismantling institutional racism in the public school system; amending RCW 28A.345.100, 28A.415.420, 28A.150.415, 28A.410.260, and 28A.410.270; adding a new section to chapter 28A.415 RCW; creating a new section; and repealing RCW 28A.657.140.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

February 16, 2021

HB 1028 Prime Sponsor, Representative Bergquist: Concerning evaluation and recommendation of candidates for residency teacher certification. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

January 28, 2021

HB 1037 Prime Sponsor, Representative Kirby: Concerning insurance adjusters. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1041 Prime Sponsor, Representative Springer: Concerning sunshine committee recommendations regarding juveniles. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1061 Prime Sponsor, Representative Senn: Concerning youth eligible for developmental disability services who are expected to exit the child welfare system. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

January 28, 2021

HB 1067 Prime Sponsor, Representative Morgan: Designating the Suciasaurus rex as the official dinosaur of the state of Washington. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1069 Prime Sponsor, Representative Pollet: Concerning local government fiscal flexibility. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Vick and Young.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1070 Prime Sponsor, Representative Ryu: Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary and Vick.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1071 Prime Sponsor, Representative Valdez: Concerning bias-based criminal offenses. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Griffey; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Graham and Young.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1072 Prime Sponsor, Representative Lekanoff: Removing only one of the restrictions on the use of civil legal aid funds. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1113 Prime Sponsor, Representative Ortiz-Self: Concerning school attendance. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1122 Prime Sponsor, Representative Lovick: Concerning the retirement age for state guard members. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1126 Prime Sponsor, Representative Goodman: Limiting tolling of community custody terms. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier and Rude.

Referred to Committee on Appropriations.

February 17, 2021

HB 1173 Prime Sponsor, Representative Berry: Concerning state lands development authorities. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Bateman; Kloba; Leavitt; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives McEntire, Assistant Ranking Minority Member; Dye; Eslick; Gilday; Kraft; MacEwen; Maycumber; Mosbrucker and Volz.

Referred to Committee on Capital Budget.

January 28, 2021

HB 1181 Prime Sponsor, Representative Orwall: Establishing programs and measures to prevent suicide among veterans and military members. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

Referred to Committee on Appropriations.

February 11, 2021

HB 1186 Prime Sponsor, Representative Goodman: Concerning juvenile rehabilitation. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Chandler; Dye; Hoff; Rude and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Harris; Jacobsen and Schmick.

Referred to Committee on Appropriations.

February 16, 2021

HB 1194 Prime Sponsor, Representative Ortiz-Self: Strengthening parent-child visitation during child welfare proceedings. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Appropriations.

February 16, 2021

HB 1227 Prime Sponsor, Representative Ortiz-Self: Protecting the rights of families responding to allegations of abuse or neglect of a child. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member and Caldier.

Referred to Committee on Appropriations.

January 28, 2021

HB 1237 Prime Sponsor, Representative Eslick: Defining family resource centers. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self; Wicks and Young.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1250 Prime Sponsor, Representative Orcutt: Designating Washington a purple heart state. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House reverted to the first order of business.

The House was called to order by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

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

SECOND READING

HOUSE BILL NO. 1367, by Representatives Ormsby, Bergquist, Ramos, Callan, Gregerson, Simmons, Berry, Sullivan, Leavitt, Kloba, Macri, Ramel and Harris-Talley

Revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic.

The bill was read the second time.

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

Representatives Ormsby and Stokesbary spoke in favor of the passage of the bill.

MOTION

On motion of Representative Graham, Representative Griffey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1367.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1367, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert,

Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Griffey.

HOUSE BILL NO. 1367, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1368, by Representatives Ormsby, Macri, Ramos, Callan, Gregerson, Berry, Sullivan, Leavitt, Duerr, Bergquist, Kloba, Riccelli, Ramel, Harris-Talley and Pollet

Responding to the COVID-19 pandemic through state actions supported by federal funding.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1368 was substituted for House Bill No. 1368 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1368 was read the second time.

Representative Dufault moved the adoption of amendment (026):

On page 2, line 5, increase the general fund-federal appropriation by $300,000,000

On page 2, line 6, correct the total.

On page 2, line 10, after "(CRRSA)" strike "is" and insert "and $300,000,000 of the general fund-federal appropriation (CRF) are"

On page 16, after line 24, insert the following:

"NEW SECTION. **Sec. 19. FOR THE OFFICE OF FINANCIAL MANAGEMENT-RECOVERY REBATE ACCOUNT**

General Fund-Federal Appropriation . . .$200,000,000

TOTAL APPROPRIATION . . . $200,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund-federal appropriation (CRF) is provided solely for expenditure into the recovery rebate account from which it may be used solely to administer remittances as authorized in RCW 82.08.0206. $100,000,000 of the amount provided in this section is provided solely to increase remittance amounts pursuant to House Bill No. 1319 (recovery rebate) and shall lapse if the bill is not enacted by June 30, 2021."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 18, after line 14, insert the following:

"NEW SECTION. **Sec. 20.** A new section is added to chapter 82.08 RCW to read as follows:

The recovery rebate account is created in the custody of the state treasurer. All receipts from legislative appropriations must be deposited into the account. Expenditures from the account may only be used for the department to make remittances to eligible low-income persons under RCW 82.08.0206 and for associated administrative costs for the department of revenue. Only the director of the department of revenue or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Dufault and Stokesbary spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (026) and the amendment was not adopted by the following vote: Yeas: 43; Nays: 54; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis,

Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Griffey

Representative Chambers moved the adoption of amendment (028):

On page 5, line 7, after "section," strike "$120,000,000" and insert "$150,000,000"

On page 5, line 24, after "section," strike "$120,000,000" and insert "$90,000,000"

On page 6, line 9, after "(4)" strike all material through "section." on line 15 and insert "Grant awards are subject to the availability of amounts appropriated in this section."

On page 6, line 21, after "up to a" strike "$20,000" and insert "$75,000"

On page 6, line 22, after "(b)" strike all material through "(c)" at the beginning of line 30

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, line 31, after "the grant" strike "under this program" and insert "awarded under this section"

On page 6, beginning on line 34, strike all of subsection (d)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 7, after line 17, insert the following:

"(8) The department is authorized to shift funding among the purposes in subsections (2) and (3) of this section based on over or underutilization of the different types of grants."

Representatives Chambers and Ormsby spoke in favor of the adoption of the amendment.

Amendment (028) was adopted.

Representative Ormsby moved the adoption of amendment (029):

On page 9, line 28, after "department" strike "must" and insert "may"

On page 9, line 33, after "contract" strike "must" and insert "may"

Representative Ormsby spoke in favor of the adoption of the amendment.

Representative Walsh spoke against the adoption of the amendment.

Amendment (029) was adopted.

Representative Corry moved the adoption of amendment (025):

On page 11, line 14, increase the general fund-federal appropriation for fiscal year 2021 by $75,000,000

On page 11, line 15, correct the total.

On page 11, line 18, strike "$50,000,000" and insert "$125,000,000"

On page 11, line 24, strike "$28,800,000" and insert "$90,800,000"

On page 11, line 27, after "amounts are" insert "at least"

On page 11, line 27, after "with" insert "at least"

On page 11, line 28, after "65 slots." insert "Recipients of grant awards must agree to remain open and serve children through the end of the 2020-21 school year."

On page 11, line 29, strike "$6,000,000" and insert "$19,000,000"

On page 11, line 32, strike "$6,500." and insert "at least $6,500. Recipients of grant awards must agree to remain open and serve children through the end of the 2020-21 school year."

Representatives Corry, Dent, Corry (again) and Stokesbary spoke in favor of the adoption of the amendment.

Representative Bergquist spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (025) and the amendment was not adopted by the following vote: Yeas: 43; Nays: 54; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent,

Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Griffey

Representative Steele moved the adoption of amendment (027):

On page 12, line 27, after "FUND" insert "AND CORONAVIRUS RELIEF FUND"

On page 12, line 28, increase the general fund-federal appropriation fiscal year 2021 by $500,000,000

On page 12, line 29, correct the total

On page 14, after line 14, insert the following:

"(4) $160,000,000 of the general fund—federal appropriation (CRF) is provided solely for allocations to local education agencies to provide a one-time $300 stipend per student eligible for free and reduced-price lunch to the eligible student's parent or guardian to support additional costs associated with school closures. To be eligible, the student must have attended a school within a local education agency and been eligible for free and reduced-price lunch at any point after April 1, 2020, while the school was closed to in-person instruction. Local education agencies must use applications for free and reduced-price lunch programs to determine eligibility and must report to the superintendent of public instruction the number of students eligible. The superintendent must allocate funding for the stipend to local education agencies based on the number of eligible students. The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the stipend.

(5) $340,000,000 of the general fund—federal appropriation (CRF) is provided solely for allocations to local education agencies to provide accelerated learning opportunities to address student needs that are anticipated due to school closures and extended time in remote learning mode due to the COVID-19 pandemic.

(a) The office of the superintendent of public instruction shall allocate the amount provided in this subsection based on the following criteria:

(i) The amounts are provided solely for additional instructional support programs, which may include additional school days, additional instructional time, summer learning programs, and other programs providing additional instruction based on an evaluation of student needs.

(ii) Local education agencies must identify specific diagnostic assessment tools and identify student learning gaps and focus additional time and supports on students that will benefit most from interventions, giving priority to low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care.

(b) Schools must report progress on meeting learning gaps in a manner identified by the office of the superintendent of public instruction.

(c) Local education agencies may not use funding provided in this section to support ongoing increases to programs or compensation."

Representatives Steele, Abbarno, Barkis, Boehnke, Stokesbary, Walsh and Stokesbary (again) spoke in favor of the adoption of the amendment.

Representatives Gregerson, Dolan and Sullivan spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (027) and the amendment was not adopted by the following vote: Yeas: 43; Nays: 54; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis,

Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Griffey

Representative Caldier moved the adoption of amendment (023):

On page 12, line 28, increase the general fund-federal appropriation by $156,722,000

On page 12, line 29, correct the total

On page 12, line 32, after "(1)" strike "$668,130,000" and insert "$824,852,000"

On page 13, line 1, after "agencies" strike all material through "(2)" on line 3 and insert "as follows:"

On page 13, line 3, after "(a)" insert the following:

"One-half of the subgrant must be allocated when the superintendent of public instruction receives the local education agency's 2020-21 reopening plan as required in (e) of this subsection for in-person instruction to all grades as determined by the test positivity rates defined in (d) of this subsection.

(b) One-half of the subgrant must be allocated when the local education agency reopens for in-person instruction to all grades as determined by the test positivity rates defined in (d) of this subsection.

(c)(i) For local education agencies in counties with a test positivity rate of less than five percent in the week prior to submitting a plan or reopening, the requirements of (a) and (b) of this subsection apply to all students.

(ii) For local education agencies in counties with a test positivity rate of five percent to ten percent in the week prior to submitting a plan or reopening, the requirements of (a) and (b) of this subsection apply to grades kindergarten through eighth.

(iii) For local education agencies in counties with a test positivity rate of greater than ten percent in the week prior to submitting a plan or reopening, the requirements of (a) and (b) of this subsection apply to grades kindergarten through fifth.

(d) For purposes of this subsection, "test positivity rate" means the percentage of individuals testing positive for COVID-19 over a week period compared to the total number of tests during that week among individuals that have not previously tested positive.

(e)(i)"

On page 13, line 3 after "March 1, 2021," insert "and as soon as practicable,"

On page 13, at the beginning of line 7, strike "(b)" and insert "(ii)"

On page 13, at the beginning of line 10, strike "(i)" and insert "(A)"

On page 13, at the beginning of line 12, strike "(ii)" and insert "(B)"

On page 13, at the beginning of line 14, strike "(iii)" and insert "(C)"

On page 13, beginning on line 16, strike all material through "(d)" on line 19 and insert "(iii)"

On page 13, at the beginning of line 22, strike "(3)" and insert "(2)"

Representatives Caldier, Ybarra and Stokesbary spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (023) and the amendment was not adopted by the following vote: Yeas: 43; Nays: 54; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Griffey

Representative MacEwen moved the adoption of amendment (024):

On page 18, after line 14, insert the following:

"NEW SECTION. **Sec. 20. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 UNEMPLOYMENT ACCOUNT**

General Fund—Federal Appropriation.....$500,000,000

TOTAL APPROPRIATION.....$500,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (CRF) is provided solely for expenditure into the COVID-19 unemployment account, from which the employment security department may make expenditures from this sum solely for the purposes described in section 21 of this act. If equivalent federal funding of at least $500,000,000 is provided for the purposes of section 21 of this act, referencing that section by bill or chapter and section number, then the appropriation in this section shall lapse.

Sec. 21. RCW 50.29.100 and 2020 c 7 s 5 are each amended to read as follows:

(1) By ((~~September 30, 2020~~)) April 1, 2022, a contribution paying employer may submit an application to the employment security department to have the approved benefits paid to approved employees be reimbursed by the COVID-19 unemployment account instead of charged to the employer's experience rating account. The application must be submitted in a form and manner approved by the department through rule.

(2) The department should not approve an application if the benefits paid will not otherwise be charged to the employer's experience rating account or if the employer was otherwise eligible to receive relief of benefit charges.

(3) If the department approves an employer's application, the department will not charge the forgiven benefits to the employer's experience rating account. The commissioner shall instead transfer from the COVID-19 unemployment account to the unemployment trust fund account an amount equal to the forgiven benefits.

(4) If the department rejects an employer's application, the department shall present the employer with the reasons why the application was rejected. The reasons for the rejection are final and nonappealable.

(5) For purposes of this section, the following definitions apply:

(a) "Approved employee" means an employee who:

(i) Was ((~~temporarily~~)) laid off as a direct or indirect consequence of ((~~an outbreak of COVID-19;~~

~~(ii) Was approved by the department to be on standby pursuant to rules adopted by the department;~~

~~(iii) Has returned to the same employment with the employer the employee had prior to the temporary unemployment; and~~

~~(iv)~~)) a gubernatorial declaration of emergency or related executive order; and

(ii) Meets other criteria the department may establish by rule.

(b) "Approved benefits" means benefits paid to an approved employee ((~~while the approved employee was on standby~~)) for an eligible claim pursuant to rules adopted by the department.

(c) "Total approved benefits" means the sum total of all approved benefits paid to all approved employees.

(d) "Eligible claim" means a claim for weeks of unemployment on or after February 29, 2020, and before March 1, 2022, or 30 days after the expiration of the gubernatorial declaration of emergency, whichever is earlier.

(e) "Forgiveness ratio" is computed by dividing the amount of money in the COVID-19 unemployment account by the total approved benefits. The forgiveness ratio cannot be more than 1.

(((~~e~~))) (f) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(6) The department shall adopt such rules as are necessary to carry out the purposes of this section.

(7) This section expires ((July 30, 2021)) December 1, 2022."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives MacEwen, Eslick and Hoff spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (024) and the amendment was not adopted by the following vote: Yeas: 44; Nays: 53; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Griffey

The bill was ordered engrossed.

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

Representatives Ormsby, Macri, Santos, Riccelli and Sullivan spoke in favor of the passage of the bill.

Representatives Stokesbary, Schmick, Graham, Barkis, Walsh, Dent, Sutherland, Abbarno, Young and Wilcox spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1368.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1368, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Griffey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 2, 2021, the 23rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, February 2, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1451 by Representatives Sullivan, Lekanoff and Thai

AN ACT Relating to the entitlement date and definition for the early childhood education and assistance program; amending RCW 43.216.505, 43.216.525, and 43.216.556; reenacting and amending RCW 43.216.010; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1452 by Representatives Mosbrucker, Ybarra, Sutherland and Jacobsen

AN ACT Relating to promoting alternative methods for the earning of physical education credit; adding a new section to chapter 28A.230 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

HB 1453 by Representatives Bergquist, Volz, Valdez, Lekanoff, Shewmake, Sutherland and Riccelli

AN ACT Relating to voters' pamphlets; amending RCW 29A.32.010, 29A.32.020, 29A.32.031, 29A.32.060, 29A.32.070, 29A.32.090, 29A.32.110, 29A.32.121, 29A.32.210, 29A.32.220, 29A.32.230, 29A.32.241, 29A.32.250, 29A.32.260, 29A.32.280, and 29A.72.025; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1454 by Representatives Gregerson, Leavitt, Lekanoff, Ormsby, Bronoske, Hackney and Harris-Talley

AN ACT Relating to illegal, unlicensed child care; amending RCW 43.216.325; adding a new section to chapter 43.216 RCW; and providing an expiration date.

Referred to Committee on Children, Youth & Families.

HB 1455 by Representatives Mosbrucker, Boehnke, Young, Sutherland and Jacobsen

AN ACT Relating to the use of social security numbers by the department of labor and industries and the employment security department; adding a new section to chapter 43.22 RCW; and adding a new section to chapter 50.12 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1456 by Representatives Rule, Ramel, Robertson, Lekanoff, Shewmake and Harris-Talley

AN ACT Relating to minimum staffing levels for Washington main street programs; amending RCW 43.360.030; adding new sections to chapter 43.360 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1457 by Representatives Wylie, Riccelli, Kloba, Santos, Slatter, Shewmake, Ramel and Hackney

AN ACT Relating to facilitating the installation of broadband facilities on limited access highways; amending RCW 47.52.001; and creating a new section.

Referred to Committee on Transportation.

HB 1458 by Representatives Pollet, Duerr, Ryu, Frame and Hackney

AN ACT Relating to amending the growth management act for adaptive planning, affordable housing, and tribal consultation; and amending RCW 36.70A.030, 36.70A.040, 36.70A.080, 36.70A.106, 36.70A.110, 36.70A.190, and 36.70A.210.

Referred to Committee on Local Government.

HB 1459 by Representatives Ybarra, Chapman, Stokesbary, Sutherland and Dent

AN ACT Relating to broadening the eligibility requirements and extending the expiration date for the data center tax incentive; amending RCW 82.08.986 and 82.12.986; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 1460 by Representatives Gregerson, Taylor, Simmons, J. Johnson, Lekanoff, Santos, Slatter, Dolan, Peterson, Callan, Ormsby, Morgan, Bateman, Bergquist, Ramel, Thai, Valdez, Pollet, Lovick, Macri, Chopp, Hackney, Ortiz-Self, Riccelli, Kloba and Harris-Talley

AN ACT Relating to closing the digital divide by establishing excise taxes on telecommunications services to fund the expansion of the universal service programs in Washington; amending RCW 43.330.530, 43.330.532, 43.330.534, 43.330.412, and 80.36.690; adding new sections to chapter 80.36 RCW; adding a new section to chapter 43.330 RCW; adding new chapters to Title 82 RCW; creating a new section; prescribing penalties; and providing effective dates.

Referred to Committee on Appropriations.

HB 1461 by Representatives Rule, Simmons, Lekanoff, Shewmake, Ormsby and Pollet

AN ACT Relating to health coverage for wraparound services; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1462 by Representatives Rule, Lekanoff, Slatter, Shewmake, Bergquist, Pollet and Riccelli

AN ACT Relating to the total compensation for telemedicine services; amending RCW 48.43.735; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1463 by Representatives Davis, Klippert, Ryu, Sutherland, Dent, Ramel, Walen, Ortiz-Self, Callan, Pollet and Eslick

AN ACT Relating to addressing serious mental health consequences of high-potency cannabis products by regulating the sale of cannabis concentrates; amending RCW 69.50.375 and 69.50.325; reenacting and amending RCW 69.50.357; and creating a new section.

Referred to Committee on Commerce & Gaming.

HB 1464 by Representatives Davis, Cody, Simmons, J. Johnson, Ryu, Valdez, Lekanoff, Santos, Slatter, Ortiz-Self, Sutherland, Ormsby, Chopp, Hackney and Harris-Talley

AN ACT Relating to removing health care coverage barriers to accessing substance use disorder treatment services; and amending RCW 41.05.526, 48.43.761, and 71.24.618.

Referred to Committee on Health Care & Wellness.

HB 1465 by Representatives Orwall, Ramel, Ryu, Wylie, Frame, Ormsby, Valdez, Pollet, Thai, Chopp, Macri and Harris-Talley

AN ACT Relating to making the estate tax more progressive by exempting small estates, reducing estate taxes on medium estates, increasing the estate tax on larger estates, and addressing equity in homeownership and homelessness; amending RCW 83.100.040, 83.100.047, 83.100.048, 83.100.220, and 61.24.172; reenacting and amending RCW 83.100.020; adding a new section to chapter 83.100 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 1466 by Representatives Rule, Ryu, J. Johnson, Lekanoff, Sutherland, Berg, Peterson, Bergquist, Taylor, Dent, Ramel, Pollet, Davis, Eslick, Hackney, Bronoske and Riccelli

AN ACT Relating to promoting access to outdoor education; adding a new section to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1467 by Representatives Stokesbary, Robertson, Dufault, Sutherland, Jacobsen and Chambers

AN ACT Relating to authorizing appropriations from the budget stabilization account to replace prior state expenditures from federal coronavirus relief funding; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1468 by Representatives Slatter, Ortiz-Self, Ryu, Leavitt, Simmons, Senn, J. Johnson, Berry, Valdez, Santos, Boehnke, Berg, Peterson, Goodman, Fey, Ormsby, Ramel, Pollet, Davis, Thai, Bronoske, Chopp, Hackney and Riccelli

AN ACT Relating to increasing student access to mental health counseling and services at community and technical colleges; adding a new section to chapter 28B.50 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1469 by Representatives Wicks, Vick, Robertson, Sutherland and Chambers

AN ACT Relating to enhanced raffle procedures; and amending RCW 9.46.0323.

Referred to Committee on Commerce & Gaming.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 29, 2021

HB 1059 Prime Sponsor, Representative Fitzgibbon: Concerning fireworks prohibitions adopted by cities or counties. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

January 29, 2021

HB 1088 Prime Sponsor, Representative Lovick: Concerning potential impeachment disclosures. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1090 Prime Sponsor, Representative Ortiz-Self: Concerning private, for-profit detention facilities. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1099 Prime Sponsor, Representative Duerr: Improving the state's climate response through updates to the state's comprehensive planning framework. Reported by Committee on

MAJORITY recommendation:

Referred to Committee on Appropriations.

January 28, 2021

HB 1109 Prime Sponsor, Representative Orwall: Concerning victims of sexual assault. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

Referred to Committee on Rules for second reading.

January 29, 2021

HB 1128 Prime Sponsor, Representative Ryu: Concerning housing benefit districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Finance.

February 17, 2021

HB 1167 Prime Sponsor, Representative Bateman: Concerning Thurston county superior court

judges. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Boehnke; Harris and Steele.

Referred to Committee on Appropriations.

February 17, 2021

HB 1168 Prime Sponsor, Representative Springer: Concerning long-term forest health and the reduction of wildfire dangers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural Resources. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Ormsby, Chair; Dye; Frame and Schmick.

Referred to Committee on Appropriations.

February 17, 2021

HB 1169 Prime Sponsor, Representative Goodman: Concerning sentencing enhancements. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Dye and Hoff.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Jacobsen; Schmick and Steele.

Referred to Committee on Appropriations.

January 29, 2021

HB 1184 Prime Sponsor, Representative Duerr: Concerning risk-based water quality standards for on-site nonpotable water systems. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

January 29, 2021

HB 1197 Prime Sponsor, Representative Riccelli: Concerning health care decisions made by a designated person. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Gilday, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Rules for second reading.

January 29, 2021

HB 1210 Prime Sponsor, Representative Morgan: Replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1259 Prime Sponsor, Representative Santos: Expanding public contracting opportunities for women and minority business enterprises by increasing the regulatory oversight and accountability of the office of minority and women's business enterprises. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Jacobsen and Rude.

MINORITY recommendation: Do not pass. Signed by Representative Schmick.

Referred to Committee on Appropriations.

January 29, 2021

HB 1277 Prime Sponsor, Representative Ormsby: Providing for an additional revenue source for eviction prevention and housing stability services. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Appropriations.

January 29, 2021

HB 1289 Prime Sponsor, Representative Chambers: Concerning winery workforce development. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Rules for second reading.

January 29, 2021

HB 1294 Prime Sponsor, Representative Goodman: Addressing misdemeanant supervision services by limited jurisdiction courts. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1037
HOUSE BILL NO. 1055
HOUSE BILL NO. 1064
HOUSE BILL NO. 1071
HOUSE BILL NO. 1074
HOUSE BILL NO. 1087
HOUSE BILL NO. 1120
HOUSE BILL NO. 1124
HOUSE BILL NO. 1159
HOUSE BILL NO. 1165
HOUSE BILL NO. 1171
HOUSE BILL NO. 1237

There being no objection, the House adjourned until 9:55 a.m., February 3, 2021, the 24th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 3, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1470 by Representatives Dent, Klippert, Sutherland, Lovick and Eslick

AN ACT Relating to extending certain aerospace tax preferences to include unmanned aircraft systems; amending RCW 82.32.550; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1471 by Representatives Santos, Harris-Talley and Lekanoff

AN ACT Relating to community preservation and development authorities; and amending RCW 43.167.010.

Referred to Committee on Housing & Local Government.

HB 1472 by Representatives Slatter, Ortiz-Self, Sutherland, Goodman, Ormsby, Valdez, Eslick, Harris-Talley, Lekanoff, Pollet and Chopp

AN ACT Relating to membership of the student achievement council; and amending RCW 28B.77.005.

Referred to Committee on College & Workforce Development.

HB 1473 by Representatives Jacobsen, Kirby, Stokesbary, Sutherland, Robertson, Chambers, Eslick and Barkis

AN ACT Relating to providing a tax preference for data centers in counties with a certain population; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 1474 by Representatives Chopp, Ortiz-Self, Ryu, Wylie, Santos, Fitzgibbon, Berry, Simmons, Sells, Lovick, Goodman, Ormsby, Valdez, Berg, Harris-Talley, Lekanoff, Stonier, Macri, Peterson, Bronoske and Pollet

AN ACT Relating to strengthening penalty and audit tools for employer violations in unemployment insurance; amending RCW 50.12.072, 50.12.220, and 50.24.190; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1475 by Representatives Valdez, Lekanoff and Pollet

AN ACT Relating to permitting certain foreign nationals to participate in campaign finance decision making and campaigns for and against ballot measures and initiatives; and amending RCW 42.17A.417, 42.17A.418, 42.17A.240, 42.17A.250, 42.17A.255, 42.17A.260, 42.17A.265, and 42.17A.305.

Referred to Committee on State Government & Tribal Relations.

HB 1476 by Representatives Dolan, Sullivan, Ortiz-Self, Callan, Santos, Ryu, Shewmake, J. Johnson, Valdez, Eslick, Rule, Lekanoff, Stonier, Ramel, Tharinger, Peterson and Pollet

AN ACT Relating to enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1477 by Representatives Orwall, Davis, Ortiz-Self, Callan, Simmons, J. Johnson, Goodman, Ryu, Ormsby, Valdez, Frame, Berg, Bergquist, Harris-Talley, Chopp, Macri, Peterson and Pollet

AN ACT Relating to the implementation of the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services statewide by imposing an excise tax on certain telecommunications services; amending RCW 71.24.045; reenacting and amending RCW 71.24.385, 71.24.025, and 71.24.025; adding new sections to chapter 71.24 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 38.52

RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1478 by Representatives Shewmake, Ortiz-Self, Fitzgibbon, Rule, Lekanoff and Pollet

AN ACT Relating to fish habitat enhancement projects authorized pursuant to RCW 77.55.181; and amending RCW 77.55.181.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1479 by Representatives Sullivan, Rule, Harris-Talley, Bronoske and Pollet

AN ACT Relating to providing a sales and use tax exemption for fire department apparatus that contain or incorporate emissions or fuel reduction technology; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 1480 by Representatives MacEwen, Kloba, Sutherland, Robertson, Ormsby, Chambers, Eslick and Tharinger

AN ACT Relating to extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic; amending RCW 66.24.175, 66.24.630, and 82.08.150; adding a new section to chapter 66.08 RCW; creating new sections; making an appropriation; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1481 by Representatives Chase, Dufault, Sutherland and Eslick

AN ACT Relating to authorizing certain school employees to carry firearms on school grounds; amending RCW 9.41.280; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the first order of business.

The House was called to order by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Mari Leavitt, 28th Legislative District.

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

MOTIONS

On motion of Representative Riccelli, the Speaker was excused.

On motion of Representative Griffey, Representatives Steele and Stokesbary were excused.

SECOND READING

HOUSE BILL NO. 1037, by Representatives Kirby and Vick

Concerning insurance adjusters.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1037 was substituted for House Bill No. 1037 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1037 was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1037.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1037, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick,

MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Steele and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1037, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1074, by Representatives Peterson, Rude, Leavitt, Wylie, Kloba, Ortiz-Self, Callan, Riccelli, Davis and Pollet

Concerning overdose and suicide fatality reviews.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1074 was substituted for House Bill No. 1074 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1074 was read the second time.

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

Representatives Peterson and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1074.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1074, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Steele and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1074, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1087, by Representatives Berry, Wicks, Simmons, Kloba, Hackney, Santos, Macri and Sullivan

Clarifying the continuity of employee family and medical leave rights.

The bill was read the second time.

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

Representatives Berry and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1087.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1087, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Steele and Mme. Speaker.

HOUSE BILL NO. 1087, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Frame congratulated Representative Berry on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1124, by Representative Cody

Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1124 was substituted for House Bill No. 1124 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1124 was read the second time.

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

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1124.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1124, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Steele and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1124, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1165, by Representatives Ryu, Vick, Santos, Hoff and Harris-Talley

Concerning the Washington credit union act.

The bill was read the second time.

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

Representatives Ryu, Vick and Hoff spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Frame was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1165.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1165, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie and Young.

Voting nay: Representatives Kraft and Ybarra.

Excused: Representatives Frame, Steele and Mme. Speaker.

HOUSE BILL NO. 1165, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1237, by Representatives Eslick, Senn, Leavitt, Callan, Ortiz-Self, Rude, Davis, Santos, Rule, Goodman and Riccelli

Defining family resource centers.

The bill was read the second time.

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

Representatives Eslick and Ortiz-Self spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1237.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1237, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman,

Eslick, Fey, Fitzgibbon, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representative Kraft.

Excused: Representatives Frame, Steele and Mme. Speaker.

HOUSE BILL NO. 1237, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1171, by Representatives Walen, Springer, Dolan and Lovick

Amending child support income withholding provisions to comply with federal child support program requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1171 was substituted for House Bill No. 1171 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1171 was read the second time.

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

Representatives Walen and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1171.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1171, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Frame, Steele and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1171, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

HOUSE BILL NO. 1159, by Representatives Berg, Bronoske, Griffey and Pollet

Concerning the number of fire protection district commissioners.

The bill was read the second time.

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

Representatives Berg and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1159.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1159, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Steele and Mme. Speaker.

HOUSE BILL NO. 1159, having received the necessary constitutional majority, was declared passed.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) congratulated Representative Berg on the passage of her first

bill through the House and asked the Chamber to acknowledge her accomplishment.

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

MESSAGE FROM THE SENATE

February 2, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

There being no objection, the House adjourned until 9:55 a.m., February 4, 2021, the 25th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, February 4, 2021

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

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

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

MESSAGE FROM THE SENATE

February 2, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 1482 by Representatives Walsh, Orwall, Lekanoff, Leavitt, Sutherland, Jacobsen, Dufault and Pollet

AN ACT Relating to foreclosure protections for homeowners in common interest communities; and amending RCW 64.90.485.

Referred to Committee on Civil Rights & Judiciary.

HB 1483 by Representatives Chambers, Kloba, Fitzgibbon, Volz, Wicks, Jacobsen, Robertson, Boehnke and Eslick

AN ACT Relating to workforce development in the beverage alcohol industry; and amending RCW 66.44.318.

Referred to Committee on Commerce & Gaming.

HB 1484 by Representatives Dolan and Lekanoff

AN ACT Relating to the statewide first responder building mapping information system; reenacting and amending RCW 28A.320.125; creating a new section; repealing RCW 36.28A.060 and 36.28A.070; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1485 by Representatives Caldier, Chambers, Graham, Lekanoff, Volz, Sutherland, Jacobsen, Eslick and Pollet

AN ACT Relating to recognizing Women's Suffrage Day as a legal holiday; and amending RCW 1.16.050.

Referred to Committee on State Government & Tribal Relations.

HB 1486 by Representatives Berry, Bronoske, Wicks, Fitzgibbon, Lovick, Shewmake, Lekanoff, Senn, Peterson, Sells, Ramel, Callan, Valdez, Ormsby, Chopp, Harris-Talley, Berg and Pollet

AN ACT Relating to qualifications for unemployment insurance when an individual voluntarily leaves work; amending RCW 50.20.010, 50.20.100, and 50.29.021; reenacting and amending RCW 50.20.050; adding a new section to chapter 50.04 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1487 by Representatives Bronoske, Berry, Wicks, Fitzgibbon, Lovick, Kirby, Santos, Shewmake, Lekanoff, Leavitt, Senn, Paul, Peterson, Sells, Ramel, Callan, Valdez, Tharinger, Ormsby, Chopp, Harris-Talley, Berg and Pollet

AN ACT Relating to unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics; adding new sections to chapter 50.12 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

February 1, 2021

HB 1104 Prime Sponsor, Representative Ryu: Extending the operation of the mortgage lending fraud prosecution account until June 30, 2027. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 3, 2021

HB 1143 Prime Sponsor, Representative Rude: Authorizing the placement of water rights banked pursuant to RCW 90.92.070 into the trust water rights program. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 1, 2021

HB 1166 Prime Sponsor, Representative Leavitt: Expanding access to the homeless and foster care college students pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Dye; Hoff; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 3, 2021

HB 1172 Prime Sponsor, Representative Lekanoff: Recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 3, 2021

HB 1276 Prime Sponsor, Representative Bronoske: Providing for certain emergency medical services personnel to work in diversion centers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 3, 2021

HB 1311 Prime Sponsor, Representative Bronoske: Authorizing the issuance of substance use disorder professional certifications to persons participating in apprenticeship programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Maycumber; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick,

Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Harris; Rude and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 5, 2021, the 26th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY SIXTH DAY

House Chamber, Olympia, Friday, February 5, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1488 by Representatives Fey, Senn, Walen, Peterson, Lekanoff, Hackney, Slatter, Duerr and Pollet

AN ACT Relating to the management of plastic packaging materials; amending RCW 70A.200.140; reenacting and amending RCW 43.21B.110; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1489 by Representatives Boehnke, Corry, Graham, Walen, Chandler, Leavitt, MacEwen, Orwall, Hoff, Chambers, Abbarno, Klicker, Lovick, Shewmake, Dent, Steele, Dufault, Slatter, Jacobsen, Schmick, Eslick and Young

AN ACT Relating to promoting locally manufactured personal protective equipment; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1490 by Representatives Harris-Talley, Ramel, Macri, Simmons, Berry, Lekanoff, J. Johnson, Duerr, Ortiz-Self, Hackney, Slatter, Ryu, Taylor, Orwall, Chopp, Dolan, Riccelli, Bateman, Ormsby, Morgan and Frame

AN ACT Relating to maintaining residential electricity and heating service for low-income households and households with people with disabilities; amending RCW 35.21.300, 54.16.285, and 80.28.010; adding a new section to chapter 19.29A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1491 by Representatives Orcutt, Fitzgibbon and Lekanoff

AN ACT Relating to rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials; and amending RCW 79.36.350.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1492 by Representatives Sells, Macri, Lovick, Berry, Slatter, Thai, Pollet, Ormsby and Stonier

AN ACT Relating to extended benefits in the unemployment insurance system; amending RCW 50.22.010; reenacting and amending RCW 50.22.020; adding a new section to chapter 50.22 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1493 by Representatives Sells, Berry, Pollet and Ormsby

AN ACT Relating to job search monitoring; amending RCW 50.20.240; creating new sections; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1494 by Representatives Harris-Talley, Berg, Davis, Wicks, Peterson, Ortiz-Self, Orwall, Gregerson, Chapman, Ramel, Simmons, Berry, Lekanoff, Frame, Hackney, Slatter, Duerr, Kirby, Thai, Valdez, Ormsby and Morgan

AN ACT Relating to providing housing safety, security, and protection for Washington families by creating the antidisplacement property tax exemption; amending RCW 84.48.010, 84.48.110, and 84.69.020; adding new sections to chapter 84.36 RCW; adding a new section to chapter 84.52 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Appropriations.

HB 1495 by Representatives Chapman, Robertson and Dent

AN ACT Relating to providing that qualified dealer cash incentives paid to auto dealers are bona fide

discounts for purposes of the business and occupation tax; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1496 by Representatives Senn, Walen, Davis, J. Johnson, Ramel, Bergquist, Macri, Gregerson, Simmons, Sells, Peterson, Bateman, Berry, Lekanoff, Frame, Fitzgibbon, Duerr, Hackney, Slatter, Kirby, Thai, Chopp, Valdez, Riccelli, Pollet, Ormsby, Harris-Talley and Stonier

AN ACT Relating to creating a more progressive tax system in Washington by enacting an excise tax on sales and extraordinary profits of high valued assets; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Finance.

HB 1497 by Representatives Mosbrucker, Chandler, Peterson, Dent, Schmick, Steele, Pollet, Eslick and Young

AN ACT Relating to commercial telephone solicitation; amending RCW 80.36.390, 19.158.040, and 19.158.110; and adding a new section to chapter 19.158 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1498 by Representatives Dye, Fitzgibbon, Shewmake and Pollet

AN ACT Relating to transforming the regulation of gas and electrical companies toward multiyear rate plans and performance-based rate making; amending RCW 80.28.005 and 80.28.068; adding new sections to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1499 by Representatives Davis, Harris-Talley, Ramel, Macri, Simmons, Peterson, Bateman, Fitzgibbon, Duerr, Ortiz-Self, Hackney, Slatter, Ryu, Berry, Sells, Thai, Chopp, Valdez, Pollet, Eslick, Ormsby, Morgan, Stonier and Frame

AN ACT Relating to promoting recovery and improving public safety by providing behavioral health system responses to individuals with substance use disorder in lieu of criminalizing possession of personal use amounts of controlled substances, counterfeit substances, and legend drugs; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.50.412, 69.41.030, 9.94A.640, 9.96.060, and 69.50.608; reenacting and amending RCW 69.50.101 and 10.31.110; adding new sections to chapter 41.05 RCW; adding a new section to chapter 71.24 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 9.96 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1500 by Representatives Sullivan, Ortiz-Self and Pollet

AN ACT Relating to regular financial audits of school districts; amending RCW 43.09.2856; reenacting and amending RCW 43.09.2856; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1501 by Representatives McEntire, Walsh and Kraft

AN ACT Relating to the "pick it up, Washington" litter control program; amending RCW 70A.200.130 and 70A.200.030; adding a new section to chapter 70A.200 RCW; creating a new section; and decodifying RCW 70A.200.900.

Referred to Committee on Environment & Energy.

HB 1502 by Representatives Wylie, Griffey, Ramel, Paul, Lekanoff, Berry, Ortiz-Self, Hackney, Harris-Talley and Pollet

AN ACT Relating to the procurement and design of electric ferries by counties; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Transportation.

HJR 4204 by Representatives Harris-Talley, Berg, Wicks, Peterson, Ortiz-Self, Simmons, Gregerson, Chapman, Berry, Frame, Thai, Pollet, Ormsby, Davis and Ramel

Concerning a constitutional amendment providing for a residential real property exemption from property taxes levied for state purposes.

Referred to Committee on Appropriations.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061

The Speaker called upon Representative Lovick to preside.

There being no objection, the House reverted to the first order of business.

The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Brad Klippert, 8th Legislative District.

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

MESSAGE FROM THE SENATE

February 3, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5005,
SUBSTITUTE SENATE BILL NO. 5011,
SENATE BILL NO. 5032,
SUBSTITUTE SENATE BILL NO. 5073,
SENATE BILL NO. 5077,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
SENATE BILL NO. 5184,
SENATE BILL NO. 5198,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5272,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

REPORTS OF STANDING COMMITTEES

February 19, 2021

HB 1030 Prime Sponsor, Representative Dent: Concerning a community aviation revitalization loan program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Capital Budget.

February 2, 2021

HB 1115 Prime Sponsor, Representative Fey: Implementing cost recovery of state agency credit card and transaction fees and related costs for driver and vehicle fee transactions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1160 Prime Sponsor, Representative Cody: Concerning health provider contracts. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Bergquist, Vice Chair; Harris and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 22, 2021

HB 1161 Prime Sponsor, Representative Peterson: Modifying the requirements for drug take-back programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice

Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 17, 2021

HB 1170 Prime Sponsor, Representative Boehnke: Building economic strength through manufacturing. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Community & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 3, 2021

HB 1196 Prime Sponsor, Representative Riccelli: Concerning audio-only telemedicine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Harris; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Caldier, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 2, 2021

HB 1198 Prime Sponsor, Representative Dent: Concerning the state commercial aviation coordinating commission. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 3, 2021

HB 1199 Prime Sponsor, Representative Corry: Providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1216 Prime Sponsor, Representative Ramos: Concerning urban and community forestry. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 2, 2021

HB 1251 Prime Sponsor, Representative Orcutt: Concerning the authorization of wheeled all-terrain vehicles on state highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1309 Prime Sponsor, Representative Eslick: Concerning the dates of certification of levies. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1325 Prime Sponsor, Representative Callan: Implementing policies related to children and youth behavioral health. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Harris and Jacobsen.

Referred to Committee on Appropriations.

February 4, 2021

HB 1351 Prime Sponsor, Representative Kirby: Concerning reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1055, by Representatives Berg, Abbarno, Shewmake, Walen, Orcutt, Ramos, Tharinger and Callan

Extending the expiration date for reporting requirements on timber purchases.

The bill was read the second time.

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

Representatives Berg and Abbarno spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Wicks, Representative Ryu was excused.

On motion of Representative Graham, Representative Griffey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1055.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1055, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan,

Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Ryu.

HOUSE BILL NO. 1055, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1064, by Representatives Eslick, Kloba, Leavitt, Wylie, Gregerson, Ryu, Young, Robertson, Kirby and Fey

Requiring the disclosure of high-speed internet access availability in the seller's disclosure statement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1064 was substituted for House Bill No. 1064 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1064 was read the second time.

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

Representatives Eslick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1064.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1064, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Ryu.

SUBSTITUTE HOUSE BILL NO. 1064, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1120, by Representatives Tharinger, Harris, Cody, Riccelli, Stonier and Macri

Concerning state of emergency operations impacting long-term services and supports.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1120 was substituted for House Bill No. 1120 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1120 was read the second time.

With the consent of the House, amendment (030) was withdrawn.

Representative Tharinger moved the adoption of striking amendment (033):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.832 and 2020 c 270 s 7 are each amended to read as follows:

(1) The Washington state patrol identification and criminal history section shall disclose conviction records as follows:

(a) An applicant's conviction record, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian;

(b) The conviction record of an applicant for certification, upon the request of the Washington professional educator standards board;

(c) Any conviction record to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse, upon the request of a law enforcement agency, the office of the attorney general, prosecuting

authority, or the department of social and health services; and

(d) A prospective client's or resident's conviction record, upon the request of a business or organization that qualifies for exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter or transitional housing for children, persons with developmental disabilities, or vulnerable adults.

(2) The secretary of the department of social and health services and the secretary of children, youth, and families must establish rules and set standards to require specific action when considering the information received pursuant to subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities provided that: For persons residing in a home that will be utilized to provide foster care for dependent youth, a criminal background check will be required for all persons aged sixteen and older and the department of social and health services may require a criminal background check for persons who are younger than sixteen in situations where it may be warranted to ensure the safety of youth in foster care;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment, including peer counseling, of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers as defined in RCW 74.39A.240 or providers paid by home care agencies provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(3) The secretary of the department of children, youth, and families shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(4) The secretary of the department of children, youth, and families shall adopt rules and investigate conviction records, pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children; and

(e) When responding to a request from an individual for a certificate of parental improvement under chapter 74.13 RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The office of financial management shall adopt rules to accomplish the purposes of this subsection as it applies to state employees. The department of social and health services shall adopt rules to accomplish the purpose of this subsection as it applies to long-term care workers subject to RCW 74.39A.056.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(7) The department of social and health services may not consider any final founded finding of physical abuse or negligent treatment or maltreatment of a child made pursuant to chapter 26.44 RCW that is accompanied by a certificate of parental improvement or dependency as a result of a finding of abuse or neglect pursuant to chapter 13.34 RCW that is accompanied by a certificate of parental improvement when evaluating an applicant

or employee's character, competency, and suitability pursuant to any background check authorized or required by this chapter, RCW 43.20A.710 or 74.39A.056, or any of the rules adopted thereunder.

Sec. 2. RCW 43.43.837 and 2019 c 470 s 12 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for applicant and service providers providing foster care as required in RCW 74.15.030.

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants, except for those long-term care workers exempted in subsection (2) of this section, who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families; and

(f) Services in, or to residents of, a secure facility under RCW 71.09.115.

(8) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(9) Department of children, youth, and families service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(10) The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(11) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services

or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW 71.09.020.

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered. ((~~"Service provider" does not include those certified under chapter 70.96A RCW.~~))

Sec. 3. RCW 74.39A.056 and 2020 c 270 s 8 are each amended to read as follows:

(1)(a) All long-term care workers shall be screened through state and federal background checks in a uniform and timely manner to verify that they do not have a history that would disqualify them from working with vulnerable persons. The department must process background checks for long-term care workers and make the information available to employers, prospective employers, and others as authorized by law.

(b)(i) Except as provided in (b)(ii) of this subsection, for long-term care workers hired on or after January 7, 2012, the background checks required under this section shall include checking against the federal bureau of investigation fingerprint identification records system ((~~and against the national sex offenders registry or their successor programs~~)) or its successor program. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. The department shall not pass on the cost of these criminal background checks to the workers or their employers.

(ii) ((~~This subsection does not apply to long-term care workers employed by community residential service businesses until January 1, 2016.~~)) A long-term care worker who is not disqualified by the state background check can work and have unsupervised access pending the results of the federal bureau of investigation fingerprint background check as allowed by rules adopted by the department.

(c) The department shall share state and federal background check results with the department of health in accordance with RCW 18.88B.080.

(d) Background check screening required under this section and department rules is not required for an employee of a consumer directed employer if all of the following circumstances apply:

(i) The individual has an individual provider contract with the department;

(ii) The last background check on the contracted individual provider is still valid under department rules and did not disqualify the individual from providing personal care services;

(iii) Employment by the consumer directed employer is the only reason a new background check would be required; and

(iv) The department's background check results have been shared with the consumer directed employer.

(e) The department may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time.

(2) A provider may not be employed in the care of and have unsupervised access to vulnerable adults if:

(a) The provider is on the vulnerable adult abuse registry or on any other registry based upon a finding of abuse,

abandonment, neglect, or financial exploitation of a vulnerable adult;

(b) On or after October 1, 1998, the department of children, youth, and families, or its predecessor agency, has made a founded finding of abuse or neglect of a child against the provider. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding, the provider is not disqualified under this section;

(c) A disciplining authority, including the department of health, has made a finding of abuse, abandonment, neglect, or financial exploitation of a minor or a vulnerable adult against the provider; or

(d) A court has issued an order that includes a finding of fact or conclusion of law that the provider has committed abuse, abandonment, neglect, or financial exploitation of a minor or vulnerable adult. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding of fact or conclusion of law, the provider is not disqualified under this section.

(3) The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have final substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, final substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information must also be shared with the department of health to advance the purposes of chapter 18.88B RCW.

(4) For the purposes of this section, "provider" means:

(a) An individual provider as defined in RCW 74.39A.240;

(b) An employee, licensee, or contractor of any of the following: A home care agency licensed under chapter 70.127 RCW; a nursing home under chapter 18.51 RCW; an assisted living facility under chapter 18.20 RCW; an enhanced services facility under chapter 70.97 RCW; a certified resident services and supports agency licensed or certified under chapter 71A.12 RCW; an adult family home under chapter 70.128 RCW; or any long-term care facility certified to provide medicaid or medicare services; and

(c) Any contractor of the department who may have unsupervised access to vulnerable adults.

(5) The department shall adopt rules to implement this section.

Sec. 4. RCW 18.51.091 and 2020 c 263 s 1 are each amended to read as follows:

(1) The department shall inspect each nursing home periodically in accordance with federal standards under 42 C.F.R. Part 488, Subpart E. The inspection shall be made without providing advance notice of it. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given to the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

(2) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in subsection (1) of this section, the

department shall adopt rules to reestablish inspection timelines based on the length of time since the last complete inspection, compliance history of each facility, immediate health or safety concerns, and centers for medicare and medicaid services requirements.

(a) Rules adopted under this subsection (2) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in subsection (1) of this section, whichever occurs later. Once the department determines a rule adopted under this subsection (2) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of inspection compliance with subsection (1) of this section and provide the legislature with a report.

Sec. 5. RCW 18.51.230 and 2020 c 263 s 2 are each amended to read as follows:

(1) The department shall, in addition to any inspections conducted pursuant to complaints filed pursuant to RCW 18.51.190, conduct a periodic general inspection of each nursing home in the state without providing advance notice of such inspection. Such inspections must conform to the federal standards for surveys under 42 C.F.R. Part 488, Subpart E.

(2) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in subsection (1) of this section, the department shall adopt rules to reestablish inspection timelines based on the length of time since the last complete inspection, compliance history of each facility, immediate health or safety concerns, and centers for medicare and medicaid services requirements.

(a) Rules adopted under this subsection (2) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in subsection (1) of this section, whichever occurs later. Once the department determines a rule adopted under this subsection (2) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of inspection compliance with subsection (1) of this section and provide the legislature with a report.

Sec. 6. RCW 74.42.360 and 2020 c 263 s 3 are each amended to read as follows:

(1) The facility shall have staff on duty twenty-four hours daily sufficient in number and qualifications to carry out the provisions of RCW 74.42.010 through 74.42.570 and the policies, responsibilities, and programs of the facility.

(2) The department shall institute minimum staffing standards for nursing homes. Beginning July 1, 2016, facilities must provide a minimum of 3.4 hours per resident day of direct care. Direct care staff has the same meaning as defined in RCW 74.42.010. The minimum staffing standard includes the time when such staff are providing hands-on care related to activities of daily living and nursing-related tasks, as well as care planning. The legislature intends to increase the minimum staffing standard to 4.1 hours per resident day of direct care, but the effective date of a standard higher than 3.4 hours per resident day of direct care will be identified if and only if funding is provided explicitly for an increase of the minimum staffing standard for direct care.

(a) The department shall establish in rule a system of compliance of minimum direct care staffing standards by January 1, 2016. Oversight must be done at least quarterly using the centers for medicare and medicaid services' payroll-based journal and nursing home facility census and payroll data.

(b) The department shall establish in rule by January 1, 2016, a system of financial penalties for facilities out of compliance with minimum staffing standards. No monetary penalty may be issued during the implementation period of July 1, 2016, through September 30, 2016. If a facility is found noncompliant during the implementation period, the department shall provide a written notice identifying the staffing deficiency and

require the facility to provide a sufficiently detailed correction plan to meet the statutory minimum staffing levels. Monetary penalties begin October 1, 2016. Monetary penalties must be established based on a formula that calculates the cost of wages and benefits for the missing staff hours. If a facility meets the requirements in subsection (3) or (4) of this section, the penalty amount must be based solely on the wages and benefits of certified nurse aides. The first monetary penalty for noncompliance must be at a lower amount than subsequent findings of noncompliance. Monetary penalties established by the department may not exceed two hundred percent of the wage and benefit costs that would have otherwise been expended to achieve the required staffing minimum hours per resident day for the quarter. A facility found out of compliance must be assessed a monetary penalty at the lowest penalty level if the facility has met or exceeded the requirements in subsection (2) of this section for three or more consecutive years. Beginning July 1, 2016, pursuant to rules established by the department, funds that are received from financial penalties must be used for technical assistance, specialized training, or an increase to the quality enhancement established in RCW 74.46.561.

(c) The department shall establish in rule an exception allowing geriatric behavioral health workers as defined in RCW 74.42.010 to be recognized in the minimum staffing requirements as part of the direct care service delivery to individuals who have a behavioral health condition. Hours worked by geriatric behavioral health workers may be recognized as direct care hours for purposes of the minimum staffing requirements only up to a portion of the total hours equal to the proportion of resident days of clients with a behavioral health condition identified at that facility on the most recent semiannual minimum data set. In order to qualify for the exception:

(i) The worker must:

(A) Have a bachelor's or master's degree in social work, behavioral health, or other related areas; or

(B) Have at least three years experience providing care for individuals with chronic mental health issues, dementia, or intellectual and developmental disabilities in a long-term care or behavioral health care setting; or

(C) Have successfully completed a facility-based behavioral health curriculum approved by the department under RCW 74.39A.078;

(ii) Any geriatric behavioral health worker holding less than a master's degree in social work must be directly supervised by an employee who has a master's degree in social work or a registered nurse.

(d)(i) The department shall establish a limited exception to the 3.4 hours per resident day staffing requirement for facilities demonstrating a good faith effort to hire and retain staff.

(ii) To determine initial facility eligibility for exception consideration, the department shall send surveys to facilities anticipated to be below, at, or slightly above the 3.4 hours per resident day requirement. These surveys must measure the hours per resident day in a manner as similar as possible to the centers for medicare and medicaid services' payroll-based journal and cover the staffing of a facility from October through December of 2015, January through March of 2016, and April through June of 2016. A facility must be below the 3.4 staffing standard on all three surveys to be eligible for exception consideration. If the staffing hours per resident day for a facility declines from any quarter to another during the survey period, the facility must provide sufficient information to the department to allow the department to determine if the staffing decrease was deliberate or a result of neglect, which is the lack of evidence demonstrating the facility's efforts to maintain or improve its staffing ratio. The burden of proof is on the facility and the determination of whether or not the decrease was deliberate or due to neglect is entirely at the discretion of the department. If the department determines a facility's decline was deliberate or due to neglect, that facility is not eligible for an exception consideration.

(iii) To determine eligibility for exception approval, the department shall review the plan of correction submitted by the facility. Before a facility's exception may be renewed, the department must determine that sufficient progress is being made towards reaching the 3.4

hours per resident day staffing requirement. When reviewing whether to grant or renew an exception, the department must consider factors including but not limited to: Financial incentives offered by the facilities such as recruitment bonuses and other incentives; the robustness of the recruitment process; county employment data; specific steps the facility has undertaken to improve retention; improvements in the staffing ratio compared to the baseline established in the surveys and whether this trend is continuing; and compliance with the process of submitting staffing data, adherence to the plan of correction, and any progress toward meeting this plan, as determined by the department.

(iv) Only facilities that have their direct care component rate increase capped according to RCW 74.46.561 are eligible for exception consideration. Facilities that will have their direct care component rate increase capped for one or two years are eligible for exception consideration through June 30, 2017. Facilities that will have their direct care component rate increase capped for three years are eligible for exception consideration through June 30, 2018.

(v) The department may not grant or renew a facility's exception if the facility meets the 3.4 hours per resident day staffing requirement and subsequently drops below the 3.4 hours per resident day staffing requirement.

(vi) The department may grant exceptions for a six-month period per exception. The department's authority to grant exceptions to the 3.4 hours per resident day staffing requirement expires June 30, 2018.

(3)(a) Large nonessential community providers must have a registered nurse on duty directly supervising resident care twenty-four hours per day, seven days per week.

(b)(i) The department shall establish a limited exception process for large nonessential community providers that can demonstrate a good faith effort to hire a registered nurse for the last eight hours of required coverage per day. In granting an exception, the department may consider the competitiveness of the wages and benefits offered as compared to nursing facilities in comparable geographic or metropolitan areas within Washington state, the provider's recruitment and retention efforts, and the availability of registered nurses in the particular geographic area. A one-year exception may be granted and may be renewable; however, the department may limit the admission of new residents, based on medical conditions or complexities, when a registered nurse is not on-site and readily available. If a large nonessential community provider receives an exception, that information must be included in the department's nursing home locator.

(ii) By August 1, 2023, and every three years thereafter, the department, along with a stakeholder work group established by the department, shall conduct a review of the exceptions process to determine if it is still necessary. As part of this review, the department shall provide the legislature with a report that includes enforcement and citation data for large nonessential community providers that were granted an exception in the three previous fiscal years in comparison to those without an exception. The report must include a similar comparison of data, provided to the department by the long-term care ombuds, on long-term care ombuds referrals for large nonessential community providers that were granted an exception in the three previous fiscal years and those without an exception. This report, along with a recommendation as to whether the exceptions process should continue, is due to the legislature by December 1st of each year in which a review is conducted. Based on the recommendations outlined in this report, the legislature may take action to end the exceptions process.

(4) Essential community providers and small nonessential community providers must have a registered nurse on duty directly supervising resident care a minimum of sixteen hours per day, seven days per week, and a registered nurse or a licensed practical nurse on duty directly supervising resident care the remaining eight hours per day, seven days per week.

(5) For the purposes of this section, "behavioral health condition" means one or more of the behavioral symptoms specified in section E of the minimum data set.

(6) If a pandemic, natural disaster, or other declared state of emergency impedes or prevents facilities from compliance with subsections (2) through

(4) of this section, the department may adopt rules to grant exceptions to these requirements, waive penalties, and suspend oversight activities. Facilities must remain in compliance with subsection (1) of this section.

(a) Rules adopted under this subsection (6) are effective until 18 months after the termination of the pandemic, natural disaster, or other declared state of emergency or until determined no longer necessary by the department, whichever occurs first. Once the department determines a rule adopted under this subsection (6) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of direct care staffing adequacy in relation to meeting the requirements of subsections (2) and (4) of this section and provide the legislature with a report.

Sec. 7. RCW 74.39A.074 and 2017 c 216 s 1 are each amended to read as follows:

(1)(a) Except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a), all persons hired as long-term care workers must meet the minimum training requirements in this section within one hundred twenty calendar days after the date of being hired.

(b) Except as provided in RCW 74.39A.076, the minimum training requirement is seventy-five hours of entry-level training approved by the department. A long-term care worker must successfully complete five of these seventy-five hours before being eligible to provide care.

(c) Training required by (d) of this subsection applies toward the training required under RCW 18.20.270 or 70.128.230 or any statutory or regulatory training requirements for long-term care workers employed by community residential service businesses.

(d) The seventy-five hours of entry-level training required shall be as follows:

(i) Before a long-term care worker is eligible to provide care, he or she must complete:

(A) Two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment; and

(B) Three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

(ii) Seventy hours of long-term care basic training, including training related to:

(A) Core competencies; and

(B) Population specific competencies, including identification of individuals with potential hearing loss and how to seek assistance if hearing loss is suspected.

(2) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.

(3) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(4) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (4) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in subsection (1)(a) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (4) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct

a review of training compliance with subsection (1)(a) of this section and provide the legislature with a report.

(5) The department shall adopt rules to implement this section.

Sec. 8. RCW 74.39A.076 and 2019 c 363 s 19 are each amended to read as follows:

(1) Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a):

(a) A biological, step, or adoptive parent who is the individual provider only for the person's developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of adults with developmental disabilities within the first one hundred twenty days after becoming an individual provider.

(b) A spouse or registered domestic partner who is a long-term care worker only for a spouse or domestic partner, pursuant to the long-term services and supports trust program established in chapter 50B.04 RCW, must receive fifteen hours of basic training, and at least six hours of additional focused training based on the care-receiving spouse's or partner's needs, within the first one hundred twenty days after becoming a long-term care worker.

(c) A person working as an individual provider who (i) provides respite care services only for individuals with developmental disabilities receiving services under Title 71A RCW or only for individuals who receive services under this chapter, and (ii) works three hundred hours or less in any calendar year, must complete fourteen hours of training within the first one hundred twenty days after becoming an individual provider. Five of the fourteen hours must be completed before becoming eligible to provide care, including two hours of orientation training regarding the caregiving role and terms of employment and three hours of safety training. The training partnership identified in RCW 74.39A.360 must offer at least twelve of the fourteen hours online, and five of those online hours must be individually selected from elective courses.

(d) Individual providers identified in (d)(i) or (ii) of this subsection must complete thirty-five hours of training within the first one hundred twenty days after becoming an individual provider. Five of the thirty-five hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

(i) An individual provider caring only for the individual provider's biological, step, or adoptive child or parent unless covered by (a) of this subsection; and

(ii) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(2) In computing the time periods in this section, the first day is the date of hire.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (4) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in subsection (1) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (4) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of

emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

(5) The department shall adopt rules to implement this section.

Sec. 9. RCW 74.39A.341 and 2015 c 152 s 3 are each amended to read as follows:

(1) All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. This requirement applies beginning July 1, 2012.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

(3) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child;

(b) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

(c) Before January 1, 2016, a long-term care worker employed by a community residential service business;

(d) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; or

(e) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(5) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(6) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (6) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (6) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

(7) The department of health shall adopt rules to implement subsection (1) of this section.

((~~(7)~~)) (8) The department shall adopt rules to implement subsection (2) of this section.

Sec. 10. RCW 18.88B.021 and 2013 c 259 s 1 are each amended to read as follows:

(1) Beginning January 7, 2012, except as provided in RCW 18.88B.041, any person hired as a long-term care worker must be certified as a home care aide as provided in this chapter within two hundred calendar days after the date of ((~~being hired. In computing the time periods in this subsection, the first day is the date of~~)) hire, as defined by the department. The department may adopt rules determining under which circumstances a long-term care worker may have more than one date of hire, restarting the person's 200-day period to obtain certification as a home care aide.

(2)(a) No person may practice or, by use of any title or description, represent himself or herself as a certified home care aide without being certified as provided in this chapter.

(b) This section does not prohibit a person: (i) From practicing a profession for which the person has been issued a

license or which is specifically authorized under this state's laws; or (ii) who is exempt from certification under RCW 18.88B.041 from providing services as a long-term care worker.

(c) In consultation with consumer and worker representatives, the department shall, by January 1, 2013, establish by rule a single scope of practice that encompasses both long-term care workers who are certified home care aides and long-term care workers who are exempted from certification under RCW 18.88B.041.

(3) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete certification as required by this section, the department may adopt rules to allow long-term care workers additional time to become certified.

(a) Rules adopted under this subsection (3) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that additional time for long-term care workers to become certified is no longer necessary, whichever is later. Once the department determines a rule adopted under this subsection (3) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of certification compliance with subsection (1) of this section and rules adopted under this subsection (3) and provide the legislature with a report.

(4) The department shall adopt rules to implement this section.

Sec. 11. RCW 70.128.230 and 2019 c 466 s 5 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes all adult family home resident managers and any person who provides residents with hands-on personal care on behalf of an adult family home, except volunteers who are directly supervised.

(b) "Indirect supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section and is quickly and easily available to the caregiver, but not necessarily on-site.

(2) Training must have three components: Orientation, basic training, and continuing education. All adult family home providers, resident managers, and employees, or volunteers who routinely interact with residents shall complete orientation. Caregivers shall complete orientation, basic training, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate adult family home staff to all adult family home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care. Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without direct supervision.

(5) For adult family homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of providers and resident managers.

(a) Specialty training consists of modules on the core knowledge and skills that providers and resident managers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by providers and resident

managers before admitting and serving residents who have been determined to have special needs related to mental illness, dementia, or a developmental disability. Should a resident develop special needs while living in a home without specialty designation, the provider and resident manager have one hundred twenty days to complete specialty training.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully complete the competency challenge test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully complete the specialty training competency challenge test are fully exempt from the specialty training requirements of this section.

(8)(a) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW are exempt from any continuing education requirement established under this section.

(b) The department may adopt rules that would exempt licensed persons from all or part of the training requirements under this chapter, if they are (i) performing the tasks for which they are licensed and (ii) subject to chapter 18.130 RCW.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the adult family home training network must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges, private associations, or other entities, as defined by the department.

(10) The adult family home training network shall assist adult family homes that desire to deliver facility-based training with facility designated trainers, or adult family homes that desire to pool their resources to create shared training systems. The department shall develop criteria for reviewing and approving trainers and training materials. The department may approve a curriculum based upon attestation by an adult family home administrator that the adult family home's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled inspection authorized under RCW 70.128.070. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(11) The department shall adopt rules by September 1, 2002, for the implementation of this section.

(12)(a) Except as provided in (b) of this subsection, the orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, and shall be applied to (i) employees hired subsequent to September 1, 2002; or (ii) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 and this section. Existing employees who have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 shall be subject to all applicable requirements of this section.

(b) Beginning January 7, 2012, long-term care workers, as defined in RCW 74.39A.009, employed by an adult family home are also subject to the training requirements under RCW 74.39A.074.

(13) If a pandemic, natural disaster, or other declared state of emergency makes specialty training unavailable, the department may adopt rules to allow an adult family home where the provider and resident manager have not completed specialty training to admit a resident or residents with special needs related to mental illness, dementia, or a developmental disability, or to care for a resident or residents already living in the home who develop special needs. Such rules must include information about how to complete the specialty training once the training is available.

(a) Rules adopted under this subsection (13) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that providers and resident managers who were unable to complete the specialty training required in subsection (5)(b) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (13) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (5)(b) of this section and provide the legislature with a report.

Sec. 12. RCW 18.20.270 and 2013 c 259 s 4 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes any person who provides residents with hands-on personal care on behalf of an assisted living facility, except volunteers who are directly supervised.

(b) "Direct supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section, is on the premises, and is quickly and easily available to the caregiver.

(2) Training must have the following components: Orientation, basic training, specialty training as appropriate, and continuing education. All assisted living facility employees or volunteers who routinely interact with residents shall complete orientation. Assisted living facility administrators, or their designees, and caregivers shall complete orientation, basic training, specialty training as appropriate, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate assisted living facility staff to all assisted living facility employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care. Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without direct supervision. Assisted living facility administrators, or their designees, must complete basic training and demonstrate competency within one hundred twenty days of employment.

(5) For assisted living facilities that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of administrators, or designees, and caregivers.

(a) Specialty training consists of modules on the core knowledge and skills that caregivers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care to a resident having special needs. However, if specialty training is not integrated with basic training, the specialty training must be completed within ninety days of completion of basic training. Until competency in the core specialty areas has been demonstrated, caregivers shall not provide hands-on personal care to residents with special needs without direct supervision.

(c) Assisted living facility administrators, or their designees, must complete specialty training and demonstrate competency within one

hundred twenty days from the date on which the administrator or his or her designee is hired, if the assisted living facility serves one or more residents with special needs.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.

(8)(a) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW are exempt from any continuing education requirement established under this section.

(b) The department may adopt rules that would exempt licensed persons from all or part of the training requirements under this chapter, if they are (i) performing the tasks for which they are licensed and (ii) subject to chapter 18.130 RCW.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(10) The department shall develop criteria for the approval of orientation, basic training, and specialty training programs.

(11) Assisted living facilities that desire to deliver facility-based training with facility designated trainers, or assisted living facilities that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The department shall develop criteria for reviewing and approving trainers and training materials that are substantially similar to or better than the materials developed by the department. The department may approve a curriculum based upon attestation by an assisted living facility administrator that the assisted living facility's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled yearly inspection and investigation required under RCW 18.20.110. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(12) The department shall adopt rules for the implementation of this section.

(13)(a) Except as provided in (b) of this subsection, the orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, or one hundred twenty days from the date of employment, whichever is later, and shall be applied to (i) employees hired subsequent to September 1, 2002; and (ii) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 and this section. Existing employees who have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 shall be subject to all applicable requirements of this section.

(b) Beginning January 7, 2012, long-term care workers, as defined in RCW 74.39A.009, employed by facilities licensed under this chapter are also subject to the training requirements under RCW 74.39A.074.

(14) If a pandemic, natural disaster, or other declared state of emergency makes specialty training unavailable, the department may adopt rules to allow an assisted living facility where the administrator, designee, and caregiving staff have not completed specialty training to admit a resident or residents with special needs related to mental illness, dementia, or a developmental

disability. Such rules must include information about how to complete the specialty training once the training is available.

(a) Rules adopted under this subsection (14) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that providers and resident managers who were unable to complete the specialty training required in subsection (5)(b) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (14) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (5)(b) of this section and provide the legislature with a report.

Sec. 13. RCW 70.128.070 and 2011 1st sp.s. c 3 s 204 are each amended to read as follows:

(1) A license shall remain valid unless voluntarily surrendered, suspended, or revoked in accordance with this chapter.

(2)(a) Homes applying for a license shall be inspected at the time of licensure.

(b) Homes licensed by the department shall be inspected at least every eighteen months, with an annual average of fifteen months. However, an adult family home may be allowed to continue without inspection for two years if the adult family home had no inspection citations for the past three consecutive inspections and has received no written notice of violations resulting from complaint investigations during that same time period.

(c) The department may make an unannounced inspection of a licensed home at any time to assure that the home and provider are in compliance with this chapter and the rules adopted under this chapter.

(d) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in this subsection, the department shall adopt rules to reestablish inspection timelines based on the length of time since last inspection, compliance history of each facility, and immediate health or safety concerns.

(i) Rules adopted under this subsection (2)(d) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in (b) of this subsection, whichever is later. Once the department determines a rule adopted under this subsection (2)(d) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(ii) Within 12 months of the termination of the pandemic, natural disaster, or declared state of emergency, the department shall conduct a review of inspection compliance with (b) of this subsection and provide the legislature with a report.

(3) If the department finds that the home is not in compliance with this chapter, it shall require the home to correct any violations as provided in this chapter.

Sec. 14. RCW 70.97.160 and 2020 c 278 s 9 are each amended to read as follows:

(1) The department shall make or cause to be made at least one inspection of each facility prior to licensure and an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.

(2) Any duly authorized officer, employee, or agent of the department may enter and inspect any facility at any time to determine that the facility is in compliance with this chapter and applicable rules, and to enforce any provision of this chapter. Complaint inspections shall be unannounced and conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection unless authorized or required by federal law.

(3) During inspections, the facility must give the department access to areas, materials, and equipment used to provide care or support to residents, including resident and staff records, accounts, and the physical premises, including the

buildings, grounds, and equipment. The department has the authority to privately interview the provider, staff, residents, and other individuals familiar with resident care and service plans.

(4) Any public employee giving advance notice of an inspection in violation of this section shall be suspended from all duties without pay for a period of not less than five nor more than fifteen days.

(5) The department shall prepare a written report describing the violations found during an inspection, and shall provide a copy of the inspection report to the facility.

(6) The facility shall develop a written plan of correction for any violations identified by the department and provide a plan of correction to the department within ten working days from the receipt of the inspection report.

(7) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in this section, the department shall adopt rules to reestablish inspection timelines based on the length of time since last inspection, compliance history of each facility, and immediate health or safety concerns.

(a) Rules adopted under this subsection (7) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in subsection (1) of this section, whichever is later. Once the department determines a rule adopted under this subsection (7) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of inspection compliance with subsection (1) of this section and provide the legislature with a report.

Sec. 15. RCW 18.20.110 and 2012 c 10 s 6 are each amended to read as follows:

(1) The department shall make or cause to be made, at least every eighteen months with an annual average of fifteen months, an inspection and investigation of all assisted living facilities. However, the department may delay an inspection to twenty-four months if the assisted living facility has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period. The department may at anytime make an unannounced inspection of a licensed facility to assure that the licensee is in compliance with this chapter and the rules adopted under this chapter. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary, and the stores and methods of supply; however, the department shall not have access to financial records or to other records or reports described in RCW 18.20.390. Financial records of the assisted living facility may be examined when the department has reasonable cause to believe that a financial obligation related to resident care or services will not be met, such as a complaint that staff wages or utility costs have not been paid, or when necessary for the department to investigate alleged financial exploitation of a resident. Following such an inspection or inspections, written notice of any violation of this law or the rules adopted hereunder shall be given to the applicant or licensee and the department. The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized.

(2) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in subsection (1) of this section, the department shall adopt rules to reestablish inspection timelines based on the length of time since last inspection, compliance history of each

facility, and immediate health or safety concerns.

(a) Rules adopted under this subsection (2) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in subsection (1) of this section, whichever is later. Once the department determines a rule adopted under this subsection (2) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of inspection compliance with subsection (1) of this section and provide the legislature with a report.

Sec. 16. RCW 18.88A.030 and 2010 c 169 s 4 are each amended to read as follows:

(1)(a) A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed (registered) nurse or licensed practical nurse.

(b) A health care facility shall not assign a nursing assistant-registered to provide care until the nursing assistant-registered has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

(c) Nothing in this chapter shall be construed to confer on a nursing assistant the authority to administer medication unless delegated as a specific nursing task pursuant to this chapter or to practice as a licensed (registered) nurse or licensed practical nurse as defined in chapter 18.79 RCW.

(2)(a) A nursing assistant employed in a nursing home must have successfully obtained certification through: (i) An approved training program and the competency evaluation within ((~~four months after the date of employment~~)) a period of time determined in rule by the commission; or (ii) alternative training and the competency evaluation prior to employment.

(b) Certification is voluntary for nursing assistants working in health care facilities other than nursing homes unless otherwise required by state or federal law or regulation.

(3) The commission may adopt rules to implement the provisions of this chapter.

Sec. 17. RCW 18.88A.087 and 2010 c 169 s 3 are each amended to read as follows:

(1) The commission shall adopt criteria for evaluating an applicant's alternative training to determine the applicant's eligibility to take the competency evaluation for nursing assistant certification. At least one option adopted by the commission must allow an applicant to take the competency evaluation if he or she:

(a)(i) Is a certified home care aide pursuant to chapter 18.88B RCW; or

(ii) Is a certified medical assistant pursuant to a certification program accredited by a national medical assistant accreditation organization and approved by the commission; and

(b) Has successfully completed at least twenty-four hours of training that the commission determines is necessary to provide training equivalent to approved training on topics not addressed in the training specified for certification as a home care aide or medical assistant, as applicable. In the commission's discretion, a portion of these hours may include clinical training.

(2)(a) ((~~By July 1, 2011, the~~)) The commission, in consultation with the secretary, the department of social and health services, and consumer, employer, and worker representatives, shall adopt rules to implement this section and to provide((~~, beginning January 1, 2012,~~)) for a program of credentialing reciprocity to the extent required by this section between home care aide and medical assistant certification and nursing assistant certification. ((~~By July 1, 2011, the~~)) The secretary shall also adopt such rules as may be necessary to implement this section and the credentialing reciprocity program.

(b) Rules adopted under this section must be consistent with requirements under 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act relating to state-approved competency evaluation programs for certified nurse aides.

(3) ((~~Beginning December 1, 2012, the~~)) The secretary, in consultation with

the commission, shall report annually by December 1st to the governor and the appropriate committees of the legislature on the progress made in achieving career advancement for certified home care aides and medical assistants into nursing practice.

NEW SECTION. **Sec. 18.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 19.** This act is remedial and curative in nature and all of its sections apply retroactively to February 29, 2020, to include the period of the state of emergency created by the COVID-19 outbreak. In any instance where this act grants rule-making authority to the department of social and health services or the department of health, the agencies may adopt the rules as emergency rules and may make the rules retroactively effective."

Correct the title.

Representatives Tharinger and Schmick spoke in favor of the adoption of the striking amendment.

Striking amendment (033) was adopted.

The bill was ordered engrossed.

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

Representatives Tharinger and Cody spoke in favor of the passage of the bill.

Representatives Schmick and Young spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1120.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1120, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Ybarra and Young.

Excused: Representatives Griffey and Ryu.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 8, 2021, the 29th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 8, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1503 by Representatives Wylie, Duerr, Stonier and Pollet

AN ACT Relating to establishing an alternative fuel vehicle retail sales and use tax exemption for lower-income individuals; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 1504 by Representatives Chopp, Simmons, Berry, Davis, Valdez, Wylie, J. Johnson, Ryu, Tharinger, Taylor, Goodman, Bergquist, Ramel, Peterson, Senn, Dolan, Ormsby, Duerr, Macri, Kloba, Callan, Morgan, Stonier, Pollet, Riccelli and Thai

AN ACT Relating to modifying the workforce education investment act to invest in new and existing behavioral health workforce programs; amending RCW 28B.145.030, 43.79.195, and 82.04.299; adding a new section to chapter 28B.115 RCW; adding a new section to chapter 71.24 RCW; creating a new section; and making appropriations.

Referred to Committee on Appropriations.

HB 1505 by Representatives Walsh, Sutherland, Dufault, Robertson, Harris, Jacobsen, Eslick and Chase

AN ACT Relating to clarifying that providing ambulance services in chapter 36.57 RCW includes the ability for the transportation authority to pay for training for the people that will provide the ambulance services; and adding a new section to chapter 36.57 RCW.

Referred to Committee on Transportation.

HB 1506 by Representatives Chase, Sutherland, Young, Walsh and Eslick

AN ACT Relating to ballot integrity; amending RCW 29A.60.185; creating new sections; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1507 by Representatives Entenman, Walen, Berry, Fitzgibbon, Valdez, Dolan, Bateman, Ryu, J. Johnson, Tharinger, Ramel, Peterson, Ormsby, Duerr, Macri, Callan, Ramos, Harris-Talley, Morgan, Pollet, Santos and Thai

AN ACT Relating to establishing a mechanism for independent prosecutions of criminal conduct arising from police use of force; amending RCW 43.10.232, 43.10.234, 36.27.030, and 36.27.040; adding a new section to chapter 43.10 RCW; adding a new section to chapter 36.27 RCW; and creating a new section.

Referred to Committee on Public Safety.

HB 1508 by Representatives Chapman and Pollet

AN ACT Relating to the sanitary control of shellfish; adding a new section to chapter 69.30 RCW; and declaring an emergency.

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

HB 1509 by Representatives Klicker, Schmick, Dent, McCaslin, Sutherland, Chambers, Graham, Dufault, Barkis and Chase

AN ACT Relating to certain wheeled all-terrain vehicles; amending RCW 46.09.455; and reenacting and amending RCW 46.09.310.

Referred to Committee on Transportation.

HB 1510 by Representatives Hackney, Fey, Sutherland, Eslick and Riccelli

AN ACT Relating to establishing an exemption from certain highway use requirements by nonemergency medical transportation vehicles; amending RCW 46.61.165 and 47.52.025; and adding a new section to chapter 46.16A RCW.

Referred to Committee on Transportation.

HJR 4205 by Representatives Lekanoff, Simmons, Ryu, Pollet, Goodman, Ramel, Peterson, Sells, Senn, Dolan, Ormsby, Callan, Harris-Talley and Riccelli

Adding a new section to the Washington state Constitution regarding the conservation and protection of the state's natural resources.

Referred to Committee on Environment & Energy.

SB 5005 by Senators Pedersen, Padden and Mullet

AN ACT Relating to business corporations; amending RCW 23B.01.400, 23B.01.410, 23B.01.420, and 23B.08.210; and reenacting and amending RCW 23B.07.040.

Referred to Committee on Civil Rights & Judiciary.

SSB 5011 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wilson, L., Brown, Kuderer, Mullet and Warnick)

AN ACT Relating to notice, meeting, and voting provisions for common interest communities, condominiums, and homeowners' associations; amending RCW 64.32.010, 64.34.332, 64.34.340, 64.34.352, 64.38.035, and 64.90.445; reenacting and amending RCW 64.34.020 and 64.38.010; adding new sections to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; and adding new sections to chapter 64.38 RCW.

Referred to Committee on Civil Rights & Judiciary.

SB 5032 by Senators Hasegawa, Warnick, Kuderer, Wilson and C.

AN ACT Relating to the reauthorization and improvements to alternative public works contracting procedures; amending RCW 39.10.210, 39.10.220, 39.10.230, 39.10.240, 39.10.250, 39.10.300, 39.10.330, 39.10.350, 39.10.360, 39.10.370, 39.10.380, 39.10.385, 39.10.390, 39.10.400, 39.10.430, 39.10.440, 39.10.460, 39.10.490, 43.131.407, and 43.131.408; adding a new section to chapter 39.10 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Capital Budget.

SSB 5073 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Dhingra, Das, Kuderer, Salomon, Warnick, Wilson and C.)

AN ACT Relating to improving involuntary commitment laws; amending RCW 71.05.210, 71.05.210, 71.05.240, 71.05.240, 71.05.320, 71.05.320, 71.05.340, 71.05.585, 71.05.590, 71.05.590, 71.34.755, 70.02.230, 70.02.240, 71.05.425, 71.34.710, 71.34.710, 71.34.720, and 71.34.720; amending 2020 c 302 ss 110 and 111 (uncodified); reenacting and amending RCW 71.05.150, 71.05.150, 71.05.153, 71.05.153, 71.05.020, 71.05.020, 71.05.020, 71.05.020, 71.34.020, 71.34.020, 71.34.020, and 71.34.020; providing effective dates; providing contingent effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

SB 5077 by Senators Dozier, Mullet, Brown, Das, Warnick, Wilson and C.

AN ACT Relating to providing authority to licensed companies to allow licensed mortgage loan originators to work from their residences without the company licensing the residence as a branch office of the company; and amending RCW 31.04.027, 31.04.075, 19.146.0201, and 19.146.265.

Referred to Committee on Consumer Protection & Business.

ESSB 5121 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Dhingra, Hasegawa, Mullet, Nguyen, Wilson and C.)

AN ACT Relating to expanding eligibility for the graduated reentry program; amending RCW 9.94A.733 and 9.94A.728; and creating a new section.

Referred to Committee on Public Safety.

SB 5184 by Senators Nobles, Wellman, Billig, Carlyle, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nguyen, Randall, Saldaña, Salomon, Wilson and C.

AN ACT Relating to establishing a building point of contact in all K-12 public schools for students in foster care; amending RCW 28A.320.148; and creating a new section.

Referred to Committee on Education.

SB 5198 by Senators Schoesler, Dozier, Honeyford, King, Short and Warnick

AN ACT Relating to personnel restrictions on ambulances in rural areas; and amending RCW 18.73.150.

Referred to Committee on Health Care & Wellness.

ESSB 5272 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Frockt, Conway, Das, Dhingra, Keiser, Lovelett, Mullet, Nguyen, Nobles, Randall, Saldaña, Stanford, Wilson, C., Wilson and J.)

AN ACT Relating to temporarily waiving certain liquor and cannabis board annual licensing fees; amending RCW 66.24.140, 66.24.146, 66.24.170, 66.24.240, 66.24.244, 66.24.320, 66.24.330, 66.24.350, 66.24.420, 66.24.495, 66.24.540, 66.24.570, 66.24.580, 66.24.590, 66.24.600, 66.24.650, 66.24.655, 66.24.680, and 66.24.690; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

February 17, 2021

HB 1117 Prime Sponsor, Representative Lekanoff: Promoting salmon recovery through revisions to the state's comprehensive planning framework. Reported by Committee on

MAJORITY recommendation:

Referred to Committee on Appropriations.

February 5, 2021

HB 1145 Prime Sponsor, Representative Rude: Allowing the use of nonwood renewable fiber in recycled content paper carryout bags. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1213 Prime Sponsor, Representative Senn: Expanding accessible, affordable child care and early childhood development programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Jacobsen and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Rude.

Referred to Committee on Appropriations.

February 4, 2021

HB 1273 Prime Sponsor, Representative Berg: Concerning menstrual products in schools. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1279 Prime Sponsor, Representative Rule: Modifying the Washington main street program tax incentive to respond to the economic impacts of the COVID-19 pandemic. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1296 Prime Sponsor, Representative Young: Providing a business and occupation tax preference for behavioral health administrative services organizations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1297 Prime Sponsor, Representative Thai: Concerning working families tax exemption. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase and Vick.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Appropriations.

February 4, 2021

HB 1328 Prime Sponsor, Representative Pollet: Exempting information gathered for controlling diseases from public inspecting requirements. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 3, 2021

HB 1336 Prime Sponsor, Representative Hansen: Creating and expanding unrestricted authority for public entities to provide telecommunications services to end users. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Frame; Johnson, J.; Lovick; Rule and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry; Jacobsen and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1372 Prime Sponsor, Representative Lekanoff: Replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Boehnke and Rude.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Appropriations.

February 16, 2021

HB 1477 Prime Sponsor, Representative Orwall: Implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Chase; Springer; Stokesbary and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Vick.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 9, 2021, the 30th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 9, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1511 by Representatives Bergquist, Taylor, Santos, Thai, Ormsby, Slatter, Hackney and Lekanoff

AN ACT Relating to defining affordable housing for purposes of using surplus public property for public benefit; and amending RCW 39.33.015.

Referred to Committee on Housing, Human Services & Veterans.

HB 1512 by Representative Ryu

AN ACT Relating to lodging-related assessments under chapter 35.87A RCW; amending RCW 35.87A.010, 35.87A.020, and 82.08.010; and declaring an emergency.

Referred to Committee on Finance.

HB 1513 by Representatives Lekanoff, Shewmake, Wicks, Valdez, Thai, Ramel, Peterson, Dolan, Goodman, Taylor, Kloba, Slatter, Frame, Hackney, Wylie, Pollet and Harris-Talley

AN ACT Relating to improving environmental health by reducing carbon emissions through increasing climate resilience and mitigating the effects of climate change by levying a carbon pollution tax, authorizing a climate finance bond program, and investing in clean economic growth; adding a new chapter to Title 82 RCW; adding a new chapter to Title 70A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1514 by Representatives Taylor, Ramos and Harris-Talley

AN ACT Relating to transportation demand management; amending RCW 46.18.285, 46.74.010, 46.74.030, 82.04.355, 82.08.0287, 82.12.0282, 82.16.047, 82.44.015, and 82.70.010; and reenacting and amending RCW 70A.15.4010.

Referred to Committee on Transportation.

HB 1515 by Representatives Peterson, Springer, Simmons, Santos, Taylor, Shewmake, Dufault, Barkis, Thai, Ormsby and Lekanoff

AN ACT Relating to security deposit waiver fees; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Housing, Human Services & Veterans.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

February 4, 2021

HB 1001 Prime Sponsor, Representative Maycumber: Establishing a law enforcement professional development outreach grant program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 5, 2021

HB 1011 Prime Sponsor, Representative MacEwen: Concerning renewal dates for liquor licenses. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Appropriations.

February 4, 2021

HB 1016 Prime Sponsor, Representative Morgan: Making Juneteenth a legal holiday. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1089 Prime Sponsor, Representative Ramos: Concerning compliance audits of requirements relating to peace officers and law enforcement agencies. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1092 Prime Sponsor, Representative Lovick: Concerning law enforcement data collection. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Dye and Schmick.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1097 Prime Sponsor, Representative Sells: Increasing worker protections. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 4, 2021

HB 1119 Prime Sponsor, Representative Jacobsen: Notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1140 Prime Sponsor, Representative Johnson, J.: Concerning juvenile access to attorneys when contacted by law enforcement. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Civil Rights & Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Harris; Jacobsen; Rude and Steele.

MINORITY recommendation: Do not pass. Signed by Representatives Boehnke; Chandler; Dye; Hoff and Schmick.

Referred to Committee on Appropriations.

February 4, 2021

HB 1162 Prime Sponsor, Representative Stonier: Concerning high school graduation credit and pathway options. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; McCaslin; McEntire and Rude.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1176 Prime Sponsor, Representative Paul: Concerning access to higher education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representative Ybarra, Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McCaslin; McEntire; Rude and Steele.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1202 Prime Sponsor, Representative Thai: Addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory relief. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 18, 2021

HB 1203 Prime Sponsor, Representative Johnson, J.: Concerning community oversight boards. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Rude and Tharinger.

Referred to Committee on Appropriations.

February 3, 2021

HB 1206 Prime Sponsor, Representative Berry: Protecting temporary workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Bronoske and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 5, 2021

HB 1209 Prime Sponsor, Representative Bronoske: Concerning immunity protection for nonmedical assistance. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 5, 2021

HB 1236 Prime Sponsor, Representative Macri: Protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Rules for second reading.

February 5, 2021

HB 1261 Prime Sponsor, Representative Klippert: Concerning wildlife harvest reports required by the department of fish and wildlife. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Lekanoff; McEntire; Orcutt; Schmick and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Morgan and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representative Shewmake, Vice Chair.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1263 Prime Sponsor, Representative Abbarno: Concerning rural infrastructure. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba;

MacEwen; Maycumber; Mosbrucker; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Kraft; Leavitt and Peterson.

Referred to Committee on Capital Budget.

February 4, 2021

HB 1267 Prime Sponsor, Representative Entenman: Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham; Griffey and Young.

Referred to Committee on Appropriations.

February 5, 2021

HB 1271 Prime Sponsor, Representative Orwall: Ensuring continuity of operations in the offices of county elected officials during the current COVID-19 pandemic and future public health crises. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1280 Prime Sponsor, Representative Ramel: Concerning greenhouse gas emissions reductions in the design of public facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Bateman; Kloba; Leavitt; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Dye; Eslick; Gilday; Kraft; MacEwen; Maycumber; Mosbrucker and Volz.

Referred to Committee on Capital Budget.

February 18, 2021

HB 1287 Prime Sponsor, Representative Ramel: Concerning preparedness for a zero emissions transportation future. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Duerr; Entenman; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Griffey; McCaslin; Orcutt; Sutherland and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner and Klicker.

Referred to Committee on Transportation.

February 5, 2021

HB 1300 Prime Sponsor, Representative Thai: Addressing documentation and processes governing landlords' claims for damage to residential premises. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1316 Prime Sponsor, Representative Cody: Concerning the hospital safety net assessment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 5, 2021

HB 1326 Prime Sponsor, Representative Lekanoff: Concerning coroners and medical examiners. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

February 5, 2021

HB 1335 Prime Sponsor, Representative Valdez: Concerning review and property owner notification of recorded documents with unlawful racial restrictions. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Appropriations.

February 5, 2021

HB 1359 Prime Sponsor, Representative Stonier: Reducing liquor license fees temporarily. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 10, 2021, the 31st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 10, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1516 by Representatives Shewmake, Taylor, Valdez, Ramel, Ormsby and Springer

AN ACT Relating to agricultural labor; amending RCW 49.46.130; adding new sections to chapter 49.30 RCW; creating a new section; providing contingent effective dates; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1517 by Representatives Hansen, Kirby, Simmons, Peterson, Wylie, Leavitt, Taylor, Wicks, Fitzgibbon, Dolan, Entenman, Ortiz-Self, Bergquist, Valdez, Pollet, Ramel, Ormsby, Berg, Harris-Talley and Macri

AN ACT Relating to expanding Washington college grant awards; amending RCW 28B.92.205; and repealing RCW 28B.92.060.

Referred to Committee on Appropriations.

HB 1518 by Representatives Stonier and Ormsby

AN ACT Relating to environmental standards of paper products for printers and copiers that are purchased by the state, for state agencies; amending RCW 43.19A.022; reenacting and amending RCW 43.19A.010; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1519 by Representative Paul

AN ACT Relating to levy shifts resulting from court rulings; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1520 by Representatives Young, Walsh, Sutherland, Kraft, Dufault and Jacobsen

AN ACT Relating to providing business and occupation tax relief for businesses impacted by the COVID-19 pandemic; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1521 by Representatives Entenman, Sullivan, Callan, Jacobsen, Taylor, Stokesbary, Gregerson and Ormsby

AN ACT Relating to supporting warehousing and manufacturing job centers; adding new sections to chapter 82.14 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HJM 4001 by Representatives Young, Sutherland and Kraft

Applying for a convention to propose amendments to the United States Constitution relating to fiscal restraints on the federal government, the power and jurisdiction of the federal government, and terms of office for federal officials and for members of Congress.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

February 4, 2021

HB 1342 Prime Sponsor, Representative Berg: Eliminating lunch copays for students who qualify for reduced-price lunches. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye and Hoff.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1072
HOUSE BILL NO. 1119
ENGROSSED HOUSE BILL NO. 1199
ENGROSSED HOUSE BILL NO. 1311
ENGROSSED HOUSE BILL NO. 1342

There being no objection, the Committee on Commerce & Gaming was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, and the bill was referred to the Committee on Appropriations.

The Speaker assumed the chair.

There being no objection, the House reverted to the first order of business.

The Clerk called the roll and a quorum was present.

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Harris-Talley, 37th Legislative District.

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 18, 2021

HB 1073 Prime Sponsor, Representative Berry: Expanding coverage of the paid family and medical leave program. Reported by Committee on

MAJORITY recommendation:

Referred to Committee on Appropriations.

February 5, 2021

HB 1076 Prime Sponsor, Representative Hansen: Allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member Mosbrucker, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 9, 2021

HB 1084 Prime Sponsor, Representative Ramel: Reducing statewide greenhouse gas emissions by achieving greater decarbonization of residential and commercial buildings. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Appropriations.

February 9, 2021

HB 1193 Prime Sponsor, Representative Hoff: Affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1219 Prime Sponsor, Representative Frame: Concerning the appointment of counsel for youth in dependency court proceedings. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member MacEwen, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Appropriations.

February 9, 2021

HB 1341 Prime Sponsor, Representative Bronoske: Concerning the professional rescue doctrine. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member Gilday, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1355 Prime Sponsor, Representative Dent: Concerning noxious weeds. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Rural Development, Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 9, 2021

HB 1363 Prime Sponsor, Representative Ortiz-Self: Addressing secondary trauma in the K-12 workforce. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McCaslin and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; McEntire and Rude.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1373 Prime Sponsor, Representative Callan: Promoting student access to information about behavioral health resources. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; McEntire; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and McCaslin.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1393 Prime Sponsor, Representative Shewmake: Delaying certain implementation dates for the photovoltaic module stewardship and takeback program. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1088, by Representatives Lovick, Goodman, Fitzgibbon, J. Johnson, Slatter, Wylie, Ramos, Bateman, Berry, Dolan, Tharinger, Simmons, Ryu, Ramel, Shewmake, Leavitt, Senn, Peterson, Gregerson, Valdez, Callan, Chopp, Duerr, Ormsby, Taylor, Lekanoff, Santos, Macri, Frame, Orwall, Berg, Pollet and Harris-Talley

Concerning potential impeachment disclosures.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1088 was substituted for House Bill No. 1088 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1088 was read the second time.

Representative Gilday moved the adoption of amendment (035):

On page 2, line 12, after "days of" strike "the discovery of" and insert "making a finding or determination that the officer engaged in"

Representatives Gilday, Gilday again and Walsh spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (035) was not adopted.

Representative Klippert moved the adoption of amendment (036):

On page 2, line 12, after "within" strike "10" and insert "45"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (036) was not adopted.

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

Representatives Lovick and Goodman spoke in favor of the passage of the bill.

Representatives Klippert, Walsh and Walsh again spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1088.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1088, and the bill passed the House by the following vote: Yeas, 61; Nays, 37; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Stokesbary, Vick, Volz, Walsh, Wilcox and Ybarra.

SUBSTITUTE HOUSE BILL NO. 1088, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1089, by Representatives Ramos, Goodman, Leavitt, Slatter, Wylie, Bateman, Berry, Dolan, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Hackney, Chopp, Duerr,

Ormsby, Taylor, Bronoske, Fey, Lekanoff, Santos, Macri, J. Johnson, Frame, Orwall and Pollet

Concerning compliance audits of requirements relating to peace officers and law enforcement agencies.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1089 was substituted for House Bill No. 1089 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1089 was read the second time.

Representative Ramos moved the adoption of amendment (034):

On page 1, line 7, after "auditor" strike "shall" and insert "is authorized to"

Representatives Ramos and Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (034) was adopted.

The bill was ordered engrossed.

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

Representative Ramos spoke in favor of the passage of the bill.

Representatives Mosbrucker and Klippert spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1089.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1089, and the bill passed the House by the following vote: Yeas, 80; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dufault, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Chase, Dent, Eslick, Griffey, Harris, Hoff, Klicker, Klippert, Kraft, MacEwen, McCaslin, McEntire, Mosbrucker, Vick, Walsh and Ybarra.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1089, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1001, by Representatives Maycumber, Lovick, Ryu, Boehnke, Leavitt, Lekanoff, Tharinger, Goodman, Young, Graham, Cody, Robertson and J. Johnson

Establishing a law enforcement professional development outreach grant program.

The bill was read the second time.

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

Representatives Maycumber and Lovick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1001.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1001, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1001, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 11, 2021, the 32nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 11, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1522 by Representatives Barkis, Robertson, Kraft, Sutherland, Jacobsen and Eslick

AN ACT Relating to lowering the cost of state-funded transportation projects by eliminating business and occupation tax pyramiding on engineering services; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1523 by Representatives Wylie, Rude and Slatter

AN ACT Relating to renewal of the sales and use tax for transportation benefit districts; and amending RCW 82.14.0455.

Referred to Committee on Transportation.

HB 1524 by Representatives Mosbrucker, Dent, Chase, Boehnke, Jacobsen and Eslick

AN ACT Relating to authorizing the use of electric-assisted bicycles on all trails managed by the department of natural resources and the department of fish and wildlife on which the use of bicycles is authorized; amending RCW 79.10.500; and adding a new section to chapter 77.12 RCW.

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

HB 1525 by Representatives Walen, Hansen, Simmons and Slatter

AN ACT Relating to enforcement of judgments; amending RCW 6.15.010 and 6.27.100; creating a new section; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1526 by Representatives Stokesbary and Eslick

AN ACT Relating to authorizing local option revenue for homelessness services, subject to specified conditions, including prohibiting supervised injection sites and requiring local restrictions on camping on public property; adding new sections to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1527 by Representatives Mosbrucker, Dye, Schmick, Dent, Boehnke, Jacobsen, Eslick and Goehner

AN ACT Relating to addressing the extent to which Washington residents are at risk of rolling blackouts and inadequacy events like those experienced in California in 2020; amending RCW 19.280.065; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1528 by Representatives Robertson, Barkis and Eslick

AN ACT Relating to commute trip reduction policies in light of the global pandemic; amending RCW 47.66.030, 47.66.040, 47.66.100, 70A.15.4020, 70A.15.4040, 70A.15.4050, 82.08.0287, and 82.12.0282; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 1529 by Representatives Barkis, Fey, Slatter and Eslick

AN ACT Relating to modifying requirements in order to pay for debt service obligations when toll revenues are not sufficient to cover legal obligations; amending RCW 47.56.876; and declaring an emergency.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

February 9, 2021

HB 1022 Prime Sponsor, Representative MacEwen: Modifying Washington state horse racing commission provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1091 Prime Sponsor, Representative Fitzgibbon: Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick; Springer and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Sullivan.

Referred to Committee on Transportation.

February 9, 2021

HB 1096 Prime Sponsor, Representative Schmick: Concerning nonmedicare plans offered through the Washington state health insurance pool. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Boehnke.

Referred to Committee on Rules for second reading.

February 10, 2021

HB 1105 Prime Sponsor, Representative Kloba: Concerning arrest protections for the medical use of cannabis. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member and Maycumber.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Ybarra.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1151 Prime Sponsor, Representative Leavitt: Bolstering economic recovery. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Housing, Human Services & Veterans be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Chandler.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1220 Prime Sponsor, Representative Peterson: Supporting emergency shelters and housing through local planning and development regulations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Dye; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Jacobsen; Rude and Steele.

Referred to Committee on Appropriations.

February 9, 2021

HB 1366 Prime Sponsor, Representative Caldier: Requiring school districts to prioritize the resumption of in-person instruction to certain students following an emergency. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 10, 2021

HB 1378 Prime Sponsor, Representative Ybarra: Concerning the supervision of medical assistants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1430 Prime Sponsor, Representative Kloba: Concerning the duration of state upland leases for lands managed by the department of natural resources. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Capital Budget.

February 10, 2021

HB 1478 Prime Sponsor, Representative Shewmake: Concerning fish habitat enhancement projects authorized pursuant to RCW 77.55.181. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Fitzgibbon; Kloba; Lekanoff; Morgan; Ramos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative McEntire.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Klicker; Kretz; Orcutt and Schmick.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4608, by Representative Sullivan

NOW, THEREFORE, BE IT RESOLVED, That no later than Friday, February 26, 2021, the thirty-third legislative day, the House of Representatives shall meet to consider adoption of permanent House Rules for the Sixty-Seventh Legislature; and

BE IT FURTHER RESOLVED, That temporary House Rules for the Sixty-Seventh Legislature be adopted as follows:

TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE 2021-2022

HOUSE RULE NO.

Rule 1 Definitions

Rule 2 Chief Clerk to Call to Order

Rule 3 Election of Officers

Rule 4 Powers and Duties of the Speaker

Rule 5 Chief Clerk

Rule 6 Executive Rules Committee

Rule 7 Duties of Employees

Rule 8 Admission to the House

Rule 9 Absentees and Courtesy

Rule 10 Bills, Memorials and Resolutions - Introductions

Rule 11 Reading of Bills

Rule 12 Amendments

Rule 13 Final Passage

Rule 14 Hour of Meeting, Roll Call and Quorum

Rule 15 Daily Calendar and Order of Business

Rule 16 Motions

Rule 17 Members Right to Debate

Rule 18 Rules of Debate

Rule 19 Ending of Debate - Previous Question

Rule 20 Voting

Rule 21 Reconsideration

Rule 22 Call of the House

Rule 23 Appeal from Decision of Chair

Rule 24 Standing Committees

Rule 25 Duties of Committees

Rule 26 Standing Committees - Expenses - Subpoena Power

Rule 27 Vetoed Bills

Rule 28 Suspension of Compensation

Rule 29 Smoking

Rule 30 Liquor

Rule 31 Parliamentary Rules

Rule 32 Standing Rules Amendment

Rule 33 Rules to Apply for Assembly

Rule 34 Legislative Mailings

Definitions

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

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

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

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

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

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

Chief Clerk to Call to Order

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

Election of Officers

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

any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

Powers and Duties of the Speaker

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

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

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

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

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

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

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

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

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

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

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

Chief Clerk

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

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

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

Executive Rules Committee

Rule 6. The executive rules committee is hereby established to oversee administrative operations of the house. The committee consists of four members of the majority caucus and three members of the minority caucus, to be named by the speaker and minority leader respectively.

Duties of Employees

Rule 7. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

Admission to the House

Rule 8. It shall be the general policy of the house to keep the chamber clear as follows:

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

The governor or designees, or both;

Members of the senate;

State elected officials;

Officers and authorized employees of the legislature;

Former members of the house who are not advocating any pending or proposed legislation;

Representatives of the press;

Other persons with the consent of the speaker.

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

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

Absentees and Courtesy

Rule 9. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

Bills, Memorials and Resolutions - Introductions

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

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

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

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

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

Reading of Bills

Rule 11. Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

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

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

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

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

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

(B) SECOND READING. Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

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

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

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

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

(F) HOUSE RESOLUTIONS. House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. House

resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Children's Day, Day of Remembrance, Martin Luther King Jr. Day, National Guard Day, and President's Day.

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

Amendments

Rule 12. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 11(E) and as follows:

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

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

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

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

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

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

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

Final Passage

Rule 13. Rules relating to bills on final passage are as follows:

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

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

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

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

Hour of Meeting, Roll Call and Quorum

Rule 14. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 22(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

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

Daily Calendar and Order of Business

Rule 15. The rules relating to the daily calendar and order of business are as follows:

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

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

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

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

Eleventh: Announcements.

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

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

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

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

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

Motions

Rule 16. Rules relating to motions are as follows:

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

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

(1) Privileged motions:

Adjourn

Adjourn to a time certain

Recess to a time certain

Reconsider

Demand for division

Question of privilege

Orders of the day

(2) Subsidiary motions:

First rank:	Question of consideration
Second rank:	To lay on the table
Third rank:	For the previous question
Fourth rank:	To postpone to a day certain
	To commit or recommit
	To postpone indefinitely
Fifth rank:	To amend

(3) Incidental motions:

Points of order and appeal

Method of consideration

Suspension of the rules

Reading papers

Withdraw a motion

Division of a question

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

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

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 23.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule 11(F).

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

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

Members Right to Debate

Rule 17. The methods by which a member may exercise his or her right to debate are as follows:

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

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

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 19 (Previous Question).

Rules of Debate

Rule 18. The rules for debate in the house are as follows:

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

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

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

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

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

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

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

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

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

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

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

Ending of Debate - Previous Question

Rule 19. The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

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

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

bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

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

Voting

Rule 20. (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

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

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

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

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

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

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

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

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

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

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

(H) DIVISION. If the speaker is in doubt, or if division is

called for by any member, the house shall divide.

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

Reconsideration

Rule 21. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

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

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

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

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

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

Call of the House

Rule 22. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

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

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read

and entered upon the journal in such manner as to show who are excused and who are absent without leave.

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

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

Appeal from Decision of Chair

Rule 23. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule 24. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Appropriations 33

2. Capital Budget 23

3. Children, Youth & Families 13

4. Civil Rights & Judiciary 17

5. College & Workforce Development 13

6. Commerce & Gaming 9

7. Community & Economic Development 13

8. Consumer Protection & Business 7

9. Education 13

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12. Health Care & Wellness 15

13. Housing, Human Services & Veterans 9

14. Labor & Workplace Standards 7

15. Local Government 7

16. Public Safety 13

17. Rules 27

18. Rural Development, Agriculture & Natural Resources 15

19. State Government & Tribal Relations 7

20. Transportation 29

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

Duties of Committees

Rule 25. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

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

votes shall be kept by the chief clerk and shall be available for public inspection.

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

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

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

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

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

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

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

Standing Committees - Expenses - Subpoena Power

Rule 26. Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

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

Vetoed Bills

Rule 27. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

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

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

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

Suspension of Compensation

Rule 28. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

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

Smoking

Rule 29. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

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

Liquor

Rule 30. The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

Parliamentary Rules

Rule 31. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule 32. Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may

be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 11.

Rules to Apply for Assembly

Rule 33. The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

Legislative Publications

Rule 34. The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

Appendix to House Rules

The house of representatives of the sixty-seventh legislature acknowledges that the COVID-19 pandemic requires the adoption of extraordinary rules of procedure that protect the health of members, staff, and the public, and ensure transparency and openness in house proceedings.

Pursuant to Article II, Section 9 of the state Constitution, the house of representatives hereby adopts the following Appendix Rules A-1 through A-10 to govern its proceedings during the COVID-19 state of emergency.

Application of Rules

Rule A-1. Reed's Parliamentary Rules and the Rules of the House of Representatives are hereby superseded to the extent they are inconsistent with the rules set forth in this appendix.

Remote Participation and Voting Authorized

Rule A-2. House members shall participate remotely in official house proceedings, including committee meetings and floor sessions, and when doing so, shall be considered present for purposes of a quorum and voting.

Members are encouraged to use computers provided by the house to participate in committee meetings. Members are required to use computers provided by the house to cast votes in remote floor sessions and are required to use the virtual background provided by the house for their video display.

Admittance to House Facilities

Rule A-3. Admittance to house facilities is permitted only as follows:

(1) Presiding officers, the minority leader, floor leaders, and staff essential to floor operations are permitted in the chamber during floor proceedings.

(2) Including the members identified in subsection (1) of this rule, each caucus may designate 15 members to participate remotely from their assigned legislative offices. Each caucus must prioritize members with technological problems that preclude remote participation.

(3) The executive rules committee may authorize additional members of the house to participate remotely from their assigned legislative offices upon a showing that technological problems preclude participation from the member's home or an alternate district location.

(4) Staff may access house facilities only with prior approval of the chief clerk.

Any person permitted access to house facilities must comply with public health requirements both on and off campus, and any other restriction established by executive rules and/or the chief clerk.

House Resolutions

Rule A-4. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Day of Remembrance, Martin Luther King Jr. Day, President's Day, National Guard Day, and Navy Day. Floor debate on commemorative resolutions is limited to 10 minutes for members of the majority caucus and 10 minutes for members of the minority caucus.

Members Right to Debate

Rule A-5. Any member who desires to speak may request to be recognized by use of the request to speak function in the remote floor activity system.

No member may speak longer than 10 minutes without consent of the house, PROVIDED, that on and after the fifth day prior to the day of adjournment Sine Die of any session, as determined by Article II, Section 12 of the state Constitution or concurrent resolution, and on and after the fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member may speak more than three minutes without consent of the house.

Amendments

Rule A-6. To facilitate the orderly consideration of legislation, the speaker, after consultation with the minority leader, may establish a deadline for submission of amendments.

Voting

Rule A-7. The speaker shall divide the house on all motions not requiring a recorded roll call vote. A member is not required to participate in a division vote.

All members present in the remote floor proceedings shall vote when the question is put on any motion requiring a recorded roll call vote. Before locking the roll call machine, the presiding officer shall call the name of any member not voting. If a member is unable to vote using the remote voting function, the member may vote orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

Any member who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the same day the

vote is taken or submit a statement for the journal indicating their intent to vote yea or nay.

Distribution of Materials

Rule A-8. Any requirement to distribute materials to members' desks is satisfied by distribution through electronic means.

Duties of Committees

Rule A-9. Every notice of a committee meeting shall include a web address for information about viewing and providing public testimony at committee meetings in lieu of a physical location.

Every member participating remotely in a committee meeting shall be considered present for purposes of quorum and roll call voting.

Only such bills as are included on the written notice of a committee meeting may be considered at that meeting.

Every report and recommendation shall be made by members of the committee during a regularly called meeting of the committee. No signatures are required.

Every vote to report a bill out of committee shall be taken by the yeas and nays, with nays specifying "do not pass" or "without recommendation."

A meeting shall be considered open to the public if an alternate and broadly accessible means for the public to view the meeting is available.

Term of Appendix Rules

Rule A-10. The rules in this appendix expire on the termination of the COVID-19 state of emergency.

HOUSE RESOLUTION NO. 4608 was adopted.

There being no objection, the House adjourned until 9:55 a.m., February 12, 2021, the 33rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 12, 2021

The House was called to order at 9:50 a.m. by the Speaker (Representative Lovick presiding).

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

RESOLUTION

HOUSE RESOLUTION NO. 2021-4606, by Representatives Thai, Wicks, Cody, Entenman, Bateman, Shewmake, Berry, Wylie, Dolan, Senn, Bronoske, Springer, Taylor, Simmons, Ryu, Fitzgibbon, Davis, Ramel, Orwall, Dufault, Macri, Kloba, Callan, Ramos, Morgan, Harris-Talley, Stonier, Paul, Slatter, Fey, Walen, Valdez, Gregerson, and Santos

WHEREAS, On this 12th day of February 2021, the people of Washington join the celebration of the Lunar New Year to distinguish Asian American joy, culture, and diversity; and

WHEREAS, The Lunar New Year begins on the first new moon of the lunisolar calendar; and

WHEREAS, This year is designated as the Year of the Ox, a zodiac sign characterized by diligence, persistence, and honesty that we hope our chamber will strive to emulate; and

WHEREAS, The celebration of the Lunar New Year exhibits Washington's commitment to preserving cultural heritage and honoring the sacrifices of our Asian American ancestors; and

WHEREAS, Washington is home to nearly nine hundred thousand Asian and Pacific Islander Americans who are an integral component of the diverse fabric of our state; and

WHEREAS, We highlight the strength of Native Hawaiians and Pacific Islanders who were disproportionately impacted by Covid-19; and

WHEREAS, We acknowledge the resilience of Asian American frontline employees, essential workers, and small businesses through the challenges of the pandemic this year; and

WHEREAS, We recognize the perseverance of Asian communities who withstood xenophobia and racism for generations and from this pandemic; and

WHEREAS, The Lunar New Year is a time to reflect on our successes and challenges from the past, to learn from those experiences, and to create new goals and objectives for the coming year; and

WHEREAS, We commend this Lunar New Year tradition of familial reunion, and hope to reflect these practices as a unified legislative body;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives stand in solidarity with the Asian and Pacific Islander American community to celebrate heritage, cultural unity, and brand new beginnings through the acknowledgment of the Lunar New Year.

There being no objection, HOUSE RESOLUTION NO. 4606 was adopted.

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

INTRODUCTION & FIRST READING

HB 1530 by Representatives Chambers, Springer, Klicker, Jacobsen, Sutherland and Eslick

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

Referred to Committee on Transportation.

HB 1531 by Representatives Volz, Springer, Lekanoff, Sutherland, Walsh, Eslick and Harris-Talley

AN ACT Relating to creating a business and occupation tax deduction for interest earned on public funds; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1532 by Representatives Ormsby, Lekanoff, Harris-Talley and Macri

AN ACT Relating to court filing fees; and amending RCW 3.62.060, 36.18.018, and 36.18.020.

Referred to Committee on Appropriations.

HB 1533 by Representatives Robertson, Wicks, Shewmake, Sutherland and Eslick

AN ACT Relating to spirits taxes; amending RCW 82.08.150 and 82.08.160; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1534 by Representatives Shewmake, Lekanoff, Santos and Pollet

AN ACT Relating to establishing a carbon pollution tax that recognizes the nature of energy-intensive, trade-exposed industries; and adding a new chapter to Title 82 RCW.

Referred to Committee on Environment & Energy.

HB 1535 by Representatives Stokesbary, Robertson, Dufault, Jacobsen, Sutherland, Walsh, Eslick and Harris-Talley

AN ACT Relating to exempting family and household necessities from the sales and use tax; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

February 22, 2021

HB 1127 Prime Sponsor, Representative Slatter: Protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member and Chandler.

Referred to Committee on Appropriations.

February 10, 2021

HB 1147 Prime Sponsor, Representative Ryu: Creating the Washington state office of resiliency. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Frame; Johnson, J.; Kraft; Lovick; Rule and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen and Sutherland.

Referred to Committee on Appropriations.

February 10, 2021

HB 1218 Prime Sponsor, Representative Bateman: Improving health, safety, and quality of life for residents in long-term care facilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Assistant Ranking Minority Member and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Maycumber and Rude.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1258 Prime Sponsor, Representative Frame: Concerning the operation, authorization, and permitting of microenterprise home kitchens. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority

Member; Boehnke; Chandler; Chopp; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier and Cody.

Referred to Committee on Appropriations.

February 10, 2021

HB 1283 Prime Sponsor, Representative Senn: Including the open carry or display of weapons within the offense of criminal mischief. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2021

HB 1323 Prime Sponsor, Representative Tharinger: Concerning the long-term services and supports trust program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Assistant Ranking Minority Member; Rude and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member and Maycumber.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1331 Prime Sponsor, Representative Harris-Talley: Concerning early learning facility impact fees. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

February 10, 2021

HB 1340 Prime Sponsor, Representative Lovick: Concerning creation of the statewide pandemic preparation and response task force. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Frame; Jacobsen; Johnson, J.; Lovick; Rule; Sutherland and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Appropriations.

February 10, 2021

HB 1395 Prime Sponsor, Representative Morgan: Ensuring equity in farming. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Fitzgibbon; Kloba; Lekanoff; Morgan; Ramos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Kretz and McEntire.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Assistant Ranking Minority Member; Klicker; Orcutt and Schmick.

Referred to Committee on Appropriations.

February 22, 2021

HB 1412 Prime Sponsor, Representative Simmons: Concerning legal financial obligations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Dye; Harris; Hoff; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 10, 2021

HB 1431 Prime Sponsor, Representative Rule: Encouraging youth participation in fishing and shellfishing. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Lekanoff; Morgan; Orcutt; Ramos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler, Ranking Minority Member; Kretz; McEntire and Schmick.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1198
HOUSE BILL NO. 1279

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the first order of business.

The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jesse Young, 26th Legislative District.

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

MESSAGES FROM THE SENATE

February 10, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5027,
SUBSTITUTE SENATE BILL NO. 5034,
SENATE BILL NO. 5046,
SENATE BILL NO. 5048,
SENATE BILL NO. 5132,
SUBSTITUTE SENATE BILL NO. 5157,
SUBSTITUTE SENATE BILL NO. 5169,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 10, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1095,
HOUSE BILL NO. 1367,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1095
HOUSE BILL NO. 1367
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368

The Speaker called upon Representative Orwall to preside.

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

SECOND READING

HOUSE BILL NO. 1342, by Representatives Berg, Gregerson, Berry, Wicks, Chopp, Valdez, Morgan, Sells, Fitzgibbon, Orwall, Santos, Ryu, Peterson, Rude, Maycumber, Shewmake, Stokesbary, Ormsby, Lovick, Stonier, Bergquist, Bateman, Lekanoff, Callan, Frame, Riccelli, Pollet and Harris-Talley

Eliminating lunch copays for students who qualify for reduced-price lunches.

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (038):

On page 4, line 18, after "(7)" strike "Subject to the availability of funds appropriated for this specific purpose and beginning" and insert "Beginning"

On page 4, line 22, after "lunches" insert ", and the superintendent of public instruction must allocate funding for this purpose"

Representatives Stokesbary and Berg spoke in favor of the adoption of the amendment.

Amendment (038) was adopted.

The bill was ordered engrossed.

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

Representatives Berg, Steele, Morgan and Ybarra spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Shewmake was excused.

On motion of Representative Graham, Representatives Griffey and Sutherland were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1342.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1342, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Griffey and Shewmake.

ENGROSSED HOUSE BILL NO. 1342, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1311, by Representatives Bronoske, Ryu, Simmons, Leavitt, Sells, Berry, Cody, Ortiz-Self, Chopp, Davis, Bateman, Lovick, Callan, Pollet, Macri and Peterson

Authorizing the issuance of substance use disorder professional certifications to persons participating in apprenticeship programs.

The bill was read the second time.

Representative Bronoske moved the adoption of amendment (042):

On page 1, line 15, after "education" strike "or registered apprenticeship program" and insert "program or an apprenticeship program registered and approved under chapter 49.04 RCW and approved by the secretary,"

On page 2, line 22, after "educational" strike "or registered apprenticeship"

On page 2, line 23, after "secretary" insert ", an apprenticeship program registered and approved under chapter 49.04 RCW and approved by the secretary,"

On page 3, after line 7, insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter RCW 49.04 RCW to read as follows:

Educational requirements for an apprenticeship for substance use disorder professionals must be defined by the secretary of health under RCW 19.205.100."

Renumber the remaining section consecutively and correct any internal references accordingly. Correct the title.

Representatives Bronoske and Schmick spoke in favor of the adoption of the amendment.

Amendment (042) was adopted.

The bill was ordered engrossed.

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

Representatives Bronoske and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1311.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1311, and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Chase, Dent, Dufault, Kraft, MacEwen, McCaslin, McEntire, Walsh, Wilcox and Ybarra.

Excused: Representatives Griffey and Shewmake.

ENGROSSED HOUSE BILL NO. 1311, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Leavitt congratulated Representative Bronoske on the passage of his first bill through the House and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1119, by Representatives Jacobsen, Simmons, Young, Graham, Pollet, Leavitt, Dolan and Rule

Notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education.

The bill was read the second time.

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

Representatives Jacobsen and Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1119.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1119, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Shewmake.

HOUSE BILL NO. 1119, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Chambers congratulated Representative Jacobsen on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1279, by Representatives Rule, Ramel, Bateman, Boehnke, Shewmake, Chapman, Ryu, J. Johnson, Wicks, Senn, Hoff, Walen, Peterson, Hackney, Rude, Callan, Leavitt, Vick and Harris-Talley

Modifying the Washington main street program tax incentive to respond to the economic impacts of the COVID-19 pandemic.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1279 was substituted for House Bill No. 1279 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1279 was read the second time.

With the consent of the House, amendment (046) was withdrawn.

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

Representatives Rule and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1279.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1279, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Shewmake.

SUBSTITUTE HOUSE BILL NO. 1279, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

The Speaker congratulated Representative Rule on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1072, by Representatives Lekanoff, Valdez, Wylie, Simmons, Kloba, Gregerson, Santos, Macri and Pollet

Removing only one of the restrictions on the use of civil legal aid funds.

The bill was read the second time.

Representative Walsh moved the adoption of amendment (043):

On page 2, line 16, after "decisions," strike "and" and insert "((~~and~~))"

On page 2, line 17, after "law" insert ", and (p) immigration legal assistance and services"

On page 4, beginning on line 20, after "(g)" strike all material through "~~(h)~~))" on line 22 and insert "Representation of individuals who are in the United States without legal authority, except in matters relating to immigration.

(h)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (043).

SPEAKER'S RULING

"The title of House Bill 1072 is an act relating to 'removing only one of the restrictions on the use of civil legal aid funds.'

Amendment (043) restores the restriction and authorizes the use of civil legal aid funds for a different purpose.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Walsh moved the adoption of amendment (044):

On page 4, beginning on line 20, after "(g)" strike all material through "~~(h)~~))" on line 22 and insert "Representation of individuals who are in the United States without legal authority, except where the individual is a defendant in a pending legal matter.

(h)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (044).

SPEAKER'S RULING

"The title of House Bill 1072 is an act relating to 'removing only one of the restrictions on the use of civil legal aid funds.'

Amendment (044) does not remove the restriction. Instead it modifies it.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Walsh moved the adoption of amendment (045):

On page 5, line 3, after "(6)" insert "When funds distributed to qualified legal aid programs under this section are used to represent a plaintiff who is an individual in the United States without legal authority, fifty percent of any judgment, settlement, or award obtained by that plaintiff must be remitted to the office of civil legal aid.

(7)"

On page 5, at the beginning of line 28, strike "(8)" and insert "((~~(8)~~)) (9)"

On page 5, at the beginning of line 31, strike "(9)" and insert "((~~(9)~~)) (10)"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (045).

SPEAKER'S RULING

"The title of House Bill 1072 is an act relating to 'removing only one of the restrictions on the use of civil legal aid funds.'

Amendment (045) restores the restriction and directs the distribution of damages when civil legal aid funds are used to represent an individual.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

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

Representatives Lekanoff, Valdez and Stonier spoke in favor of the passage of the bill.

Representatives Walsh and Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1072.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1072, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Shewmake.

HOUSE BILL NO. 1072, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1199, by Representatives Corry, Chapman, Davis, Dent and Eslick

Providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default.

The bill was read the second time.

Representative Corry moved the adoption of amendment (041):

On page 3, line 6, after "improvements" insert ", as authorized under RCW 79.13.050,"

On page 3, line 8, after "for the" strike "value of the improvements" and insert "fair market value of the improvements. In the event that an agreement cannot be reached between the state and the lessee on the fair market value of the improvements, the valuation must be determined as prescribed under RCW 79.13.160"

Representatives Corry and Chapman spoke in favor of the adoption of the amendment.

Amendment (041) was adopted.

Representative Corry moved the adoption of amendment (037):

On page 3, after line 19, insert the following:

"(9) The compensation and reimbursement available to a lessee under subsections (6) and (8) of this section, respectively, is the sole financial remedy available to the lessee based on the department's exercise of a nondefault or early termination provision in an agriculture or grazing lease. Appeal rights under RCW 79.02.030 are unaffected by the relief provided in this section."

Representatives Corry and Chapman spoke in favor of the adoption of the amendment.

Amendment (037) was adopted.

The bill was ordered engrossed.

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

Representatives Corry, Chapman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1199.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1199, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Shewmake.

ENGROSSED HOUSE BILL NO. 1199, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1198, by Representatives Dent and Orwall

Concerning the state commercial aviation coordinating commission.

The bill was read the second time.

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

Representatives Dent and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1198.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1198, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Shewmake.

HOUSE BILL NO. 1198, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 8:30 a.m., February 15, 2021, the 36th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 15, 2021

The House was called to order at 8:30 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were presented by the Nisei Veterans Committee Color Guard. Boy Scout Troop 252, Seattle Buddhist Church led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Matt Boehnke, 8th Legislative District.

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

RESOLUTION

HOUSE RESOLUTION NO. 2021-4609, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese Americans from Bainbridge Island less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to hastily constructed detention centers like Camp Harmony on the grounds of the Washington State fair in Puyallup; and

WHEREAS, This drastic course of action allegedly aimed to prevent acts of espionage and sabotage by Japanese Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans, many of whom reported for military duty from the concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with a casualty rate of 314% and earning a collective 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student and Auburn native Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional commission on wartime relocation and internment of civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but determined the cause of the incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese Americans suffered immense economic loss of property and assets, immeasurable physical and psychological harm, and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese American incarcerees, thus initiating a ten-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives pause to acknowledge the seventy-ninth anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans, incarcerees, and civil rights activists from the State of Washington, and to honor the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, Densho, the Japanese American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Representative Santos moved adoption of HOUSE RESOLUTION NO. 4609

Representatives Santos, Corry, Eslick and Stonier spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4609 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4607, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, Washington state and the nation recognize the third Monday of every February to celebrate George Washington and Abraham Lincoln, as they were both born in February, and all presidents that have fought for the freedom ensured to us in the Constitution; and

WHEREAS, George Washington, the first elected president, and the namesake of Washington state, paved the way in exhibiting courageous leadership while commanding the Continental Army during the Revolutionary War, and performing the historic tasks of the first President of the United States; and

WHEREAS, Abraham Lincoln, the sixteenth president of the United States, ended slavery by enacting the Emancipation Proclamation and composed the revered Gettysburg address, inspiring thousands to fight in the Civil War to end slavery and push for the equality of all people in the United States; and

WHEREAS, Both President George Washington and President Abraham Lincoln exhibited courage and perseverance in the face of adversity, fighting to further the rights of Americans; and

WHEREAS, Both President George Washington and President Abraham Lincoln translated their prior unique experiences into providing a different perspective in the White House; and

WHEREAS, We recognize all the presidents that followed in George Washington's and Abraham Lincoln's call to govern as a servant of the people and guardians for the rights given to all the people of the United States through the Constitution;

NOW, THEREFORE, BE IT RESOLVED, That on this fifteenth day of February 2021, the House of Representatives honor the first and sixteenth presidents of the United States for their immeasurable contributions to, and noble sacrifices for, the causes of liberty, equality, and justice.

Representative Hackney moved adoption of HOUSE RESOLUTION NO. 4607

Representatives Hackney and MacEwen spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4607 was adopted.

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

INTRODUCTION & FIRST READING

HB 1536 by Representatives Maycumber, Chandler, Boehnke, Stonier, Abbarno, Klicker, Griffey, Jacobsen, Gilday, Kretz, Robertson and Volz

AN ACT Relating to establishing regional apprenticeship programs through educational service districts; adding a new section to chapter 28A.310 RCW; and creating a new section.

Referred to Committee on Education.

SB 5027 by Senators Padden, Salomon, Hunt, Lovelett, Stanford, Wilson and C.

AN ACT Relating to closed captioning on televisions in places of public accommodation; adding a new section to chapter 49.60 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

SSB 5034 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Padden and Mullet)

AN ACT Relating to nonprofit corporations; amending RCW 11.110.020, 23.95.255, 23.95.305, 7.60.025, 9.46.0209, 15.105.020, 18.100.050, 18.100.130, 18.100.134, 23.95.105, 24.50.010, 28A.710.010, 35.67.020, 35.67.190, 35.92.020, 36.89.080, 36.94.140, 39.34.030, 39.34.055, 41.04.382, 43.06.335, 43.07.120, 43.07.190, 43.15.030, 43.105.020, 43.210.020, 43.210.040, 43.330.135, 46.19.020, 48.30.135, 48.180.010, 64.34.300, 64.38.025, 64.90.400, 66.24.495, 66.24.680, 68.20.020, 70.45.070, 70.290.030, 79A.30.030, 79A.30.040, 79A.35.130, 79A.70.030, 82.04.4251, 82.04.4264, 82.04.431, 82.04.4328, 82.08.0203, 82.08.0293, 82.12.0293,

88.46.065, and 89.08.405; reenacting and amending RCW 19.142.010, 48.62.021, and 74.15.020; adding a new section to chapter 74.15 RCW; adding a new chapter to Title 24 RCW; repealing RCW 24.03.005, 24.03.009, 24.03.010, 24.03.015, 24.03.017, 24.03.020, 24.03.025, 24.03.027, 24.03.030, 24.03.035, 24.03.040, 24.03.043, 24.03.045, 24.03.046, 24.03.047, 24.03.048, 24.03.050, 24.03.055, 24.03.060, 24.03.065, 24.03.070, 24.03.075, 24.03.080, 24.03.085, 24.03.090, 24.03.095, 24.03.100, 24.03.103, 24.03.1031, 24.03.105, 24.03.110, 24.03.113, 24.03.115, 24.03.120, 24.03.125, 24.03.127, 24.03.130, 24.03.135, 24.03.140, 24.03.145, 24.03.150, 24.03.155, 24.03.160, 24.03.165, 24.03.170, 24.03.175, 24.03.180, 24.03.183, 24.03.185, 24.03.190, 24.03.195, 24.03.200, 24.03.205, 24.03.207, 24.03.210, 24.03.215, 24.03.217, 24.03.220, 24.03.225, 24.03.230, 24.03.235, 24.03.240, 24.03.245, 24.03.250, 24.03.255, 24.03.260, 24.03.266, 24.03.271, 24.03.276, 24.03.295, 24.03.300, 24.03.302, 24.03.305, 24.03.310, 24.03.315, 24.03.325, 24.03.332, 24.03.334, 24.03.335, 24.03.340, 24.03.345, 24.03.350, 24.03.360, 24.03.365, 24.03.370, 24.03.380, 24.03.390, 24.03.395, 24.03.405, 24.03.417, 24.03.420, 24.03.425, 24.03.430, 24.03.435, 24.03.440, 24.03.445, 24.03.455, 24.03.460, 24.03.465, 24.03.470, 24.03.480, 24.03.490, 24.03.500, 24.03.510, 24.03.520, 24.03.530, 24.03.540, 24.03.550, 24.03.900, 24.03.905, 24.03.915, 24.03.920, and 24.03.925; prescribing penalties; and providing effective dates.

Referred to Committee on Appropriations.

SB 5046 by Senators Conway, Keiser and King

AN ACT Relating to workers' compensation claim resolution settlement agreements; amending RCW 51.04.062, 51.04.063, 51.04.065, 51.04.069, and 51.52.120; reenacting and amending RCW 42.56.230; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

SB 5048 by Senators Mullet and Das

AN ACT Relating to reinsurance agreements; amending RCW 48.12.405, 48.12.435, and 48.12.445; and adding new sections to chapter 48.12 RCW.

Referred to Committee on Consumer Protection & Business.

SB 5132 by Senators Pedersen, Padden and Mullet

AN ACT Relating to trusts and estates; amending RCW 11.02.005, 11.12.020, 11.12.040, 11.20.020, 11.20.070, 30B.24.005, 11.12.110, 11.12.120, 11.95.110, 11.95.120, 11.95.130, 11.95.140, 11.95.150, 11.97.010, 11.97.900, 11.40.140, 11.48.120, 11.48.130, 11.68.041, 11.68.050, 11.68.065, 11.68.070, 11.68.090, 11.68.095, 11.68.100, 11.68.110, 11.68.112, 11.68.114, 11.68.120, 11.96A.030, 11.96A.110, 11.96A.220, 11.96A.220, 11.96A.230, 11.98.900, 11.100.050, 11.104A.900, and 11.114.020; adding new sections to chapter 11.12 RCW; adding new sections to chapter 11.68 RCW; adding new chapters to Title 11 RCW; creating a new section; recodifying RCW 11.104A.901, 11.104A.907, 11.95.100, 11.95.110, 11.95.120, 11.95.130, 11.95.140, and 11.95.150; repealing RCW 11.104A.001, 11.104A.005, 11.104A.010, 11.104A.020, 11.104A.030, 11.104A.040, 11.104A.050, 11.104A.060, 11.104A.070, 11.104A.080, 11.104A.090, 11.104A.100, 11.104A.110, 11.104A.120, 11.104A.130, 11.104A.140, 11.104A.150, 11.104A.160, 11.104A.170, 11.104A.180, 11.104A.190, 11.104A.200, 11.104A.210, 11.104A.220, 11.104A.230, 11.104A.240, 11.104A.250, 11.104A.260, 11.104A.270, 11.104A.280, 11.104A.290, 11.104A.300, 11.104A.900, 11.104A.904, 11.104A.905, 11.104A.906, 11.95.010, 11.95.020, 11.95.030, 11.95.040, 11.95.060, 11.95.070, 11.95.160, and 11.95.900; providing effective dates; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

SSB 5157 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Wagoner, Dhingra and Nobles)

AN ACT Relating to providing incentives to reduce involvement by persons with behavioral disorders in the criminal justice system; amending RCW 70.320.020 and 70.320.030; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5169 by Senate Committee on Health & Long Term Care (originally sponsored by Frockt, Holy, Carlyle, Das, Hunt, Kuderer, Liias, Randall, Robinson, Wilson and C.)

AN ACT Relating to provider reimbursement for personal protective equipment during the state of emergency related to COVID-19; adding a new section to chapter 48.43 RCW; creating new sections; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

February 11, 2021

HB 1050 Prime Sponsor, Representative Fitzgibbon: Reducing greenhouse gas emissions from fluorinated gases. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1057 Prime Sponsor, Representative Pollet: Clarifying the meaning of the term "enjoyment of life and property" within the clean air act. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1083 Prime Sponsor, Representative Gregerson: Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing, Human Services & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1114 Prime Sponsor, Representative Dye: Encouraging utility mitigation of urban heat island effects. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel and Slatter.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1126 Prime Sponsor, Representative Goodman: Limiting tolling of community custody terms. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier and Rude.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1139 Prime Sponsor, Representative Pollet: Taking action to address lead in drinking water. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Boehnke; Dye; Hoff and Schmick.

Referred to Committee on Appropriations.

February 11, 2021

HB 1148 Prime Sponsor, Representative Cody: Protecting patients in acute care hospitals. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen and Schmick.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1152 Prime Sponsor, Representative Riccelli: Supporting measures to create comprehensive public health districts. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Dye; Hoff; Jacobsen; Rude and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Boehnke and Schmick.

Referred to Committee on Appropriations.

February 12, 2021

HB 1153 Prime Sponsor, Representative Orwall: Increasing language access in public schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member; McCaslin and McEntire.

Referred to Committee on Appropriations.

February 18, 2021

HB 1156 Prime Sponsor, Representative Harris-Talley: Increasing representation and voter participation in local elections. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member;

Chandler; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier.

Referred to Committee on Appropriations.

February 22, 2021

HB 1183 Prime Sponsor, Representative Caldier: Creating the home sharing support grant program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 11, 2021

HB 1186 Prime Sponsor, Representative Goodman: Concerning juvenile rehabilitation. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Chandler; Dye; Hoff; Rude and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Harris; Jacobsen and Schmick.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1208 Prime Sponsor, Representative Santos: Modifying the learning assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 12, 2021

HB 1214 Prime Sponsor, Representative Senn: Providing K-12 public school safety and security services by classified staff or contractors. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and McEntire.

Referred to Committee on Appropriations.

February 22, 2021

HB 1223 Prime Sponsor, Representative Peterson: Enacting the uniform electronic recordation of custodial interrogations act. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Duerr; Entenman; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; McCaslin; Orcutt and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Chapman and Sutherland.

Referred to Committee on Transportation.

February 10, 2021

HB 1241 Prime Sponsor, Representative Duerr: Planning under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1262 Prime Sponsor, Representative Klippert: Concerning background investigations of peace officers, reserve officers, and corrections officers. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Hackney; Lovick; Orwall; Simmons and Young.

MINORITY recommendation: Do not pass. Signed by Representative Ramos.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1264 Prime Sponsor, Representative Thai: Establishing an equity impact statement for legislative proposals. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member Walsh, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Appropriations.

February 19, 2021

HB 1272 Prime Sponsor, Representative Macri: Concerning health system transparency. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on . Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 11, 2021

HB 1282 Prime Sponsor, Representative Simmons: Concerning allowed earned time for certain offenses. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham; Griffey and Young.

Referred to Committee on Appropriations.

February 12, 2021

HB 1302 Prime Sponsor, Representative Berg: Concerning college in the high school programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice

Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1307 Prime Sponsor, Representative Hackney: Concerning the drug offense sentencing grid. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham; Griffey and Young.

Referred to Committee on Appropriations.

February 19, 2021

HB 1310 Prime Sponsor, Representative Johnson, J.: Concerning permissible uses of force by law enforcement and correctional officers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member Corry, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 12, 2021

HB 1314 Prime Sponsor, Representative Young: Concerning veteran diversion from involuntary commitment. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1348 Prime Sponsor, Representative Davis: Providing medical assistance to incarcerated persons. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 12, 2021

HB 1356 Prime Sponsor, Representative Lekanoff: Prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives McCaslin and McEntire.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1357 Prime Sponsor, Representative Mosbrucker: Concerning voters' pamphlets for overseas and service voters. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 12, 2021

HB 1376 Prime Sponsor, Representative Fey: Concerning registration of land titles. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representative Walsh, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member and Ybarra.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1382 Prime Sponsor, Representative Tharinger: Streamlining the environmental permitting process for salmon recovery projects. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Hoff; Jacobsen and Schmick.

Referred to Committee on Appropriations.

February 11, 2021

HB 1383 Prime Sponsor, Representative Taylor: Concerning respiratory care practitioners. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1411 Prime Sponsor, Representative Simmons: Expanding health care workforce eligibility. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Riccelli; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member and Rude.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1416 Prime Sponsor, Representative Walen: Concerning the reporting of debt information by insurers to enhance the collection of past-due child support. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Gilday, Assistant Ranking Minority Member; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh,

Ranking Minority Member; Graham, Assistant Ranking Minority Member and Abbarno.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1421 Prime Sponsor, Representative Dufault: Concerning a property owner's or tenant's liability for delinquent and unpaid utility service charges. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1423 Prime Sponsor, Representative Fitzgibbon: Concerning smoke management civil enforcement. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representative Goehner.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1425 Prime Sponsor, Representative Taylor: Expanding scholarships for community and technical college students. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hansen; Hoff; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1437 Prime Sponsor, Representative MacEwen: Concerning a vessel crewmember license. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1441 Prime Sponsor, Representative Morgan: Prohibiting discrimination against prospective tenants for unpaid rent or eviction during the COVID-19 pandemic. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1445 Prime Sponsor, Representative Thai: Concerning the definition of compounding for purposes of the practice of pharmacy. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1453 Prime Sponsor, Representative Bergquist: Concerning voters' pamphlets. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1456 Prime Sponsor, Representative Rule: Concerning minimum staffing levels for Washington main street programs. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Corry; Frame; Jacobsen; Johnson, J.; Kraft; Lovick; Rule; Sutherland and Taylor.

Referred to Committee on Appropriations.

February 11, 2021

HB 1468 Prime Sponsor, Representative Slatter: Increasing student access to mental health counseling and services at community and technical colleges. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; Hoff and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Kraft.

Referred to Committee on Appropriations.

February 12, 2021

HB 1469 Prime Sponsor, Representative Wicks: Concerning enhanced raffle procedures. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1471 Prime Sponsor, Representative Santos: Concerning community preservation and development authorities. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Corry; Frame; Jacobsen; Johnson, J.; Lovick; Rule; Sutherland and Taylor.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1472 Prime Sponsor, Representative Slatter: Adding a graduate student to the student achievement council. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; Chandler; Hoff; Kraft and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representative Chambers, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1482 Prime Sponsor, Representative Walsh: Addressing foreclosure protections for homeowners in common interest communities. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman;

Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1486 Prime Sponsor, Representative Berry: Concerning qualifications for unemployment insurance when an individual voluntarily leaves work. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1487 Prime Sponsor, Representative Bronoske: Concerning unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske; Harris and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Hoff, Ranking Minority Member Mosbrucker, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1491 Prime Sponsor, Representative Orcutt: Concerning the rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1492 Prime Sponsor, Representative Sells: Concerning extended benefits in the unemployment insurance system. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1493 Prime Sponsor, Representative Sells: Concerning job search monitoring. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1508 Prime Sponsor, Representative Chapman: Concerning the sanitary control of shellfish. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1525 Prime Sponsor, Representative Walen: Concerning enforcement of judgments. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

1ST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 11, 2021

HB 1107 Prime Sponsor, Representative Chapman: Expanding certain nonresident vessel permit provisions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

March 22, 2021

HB 1157 Prime Sponsor, Representative Bateman: Increasing housing supply through the growth management act and housing density tax incentives for local governments. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Finance.

February 12, 2021

HB 1233 Prime Sponsor, Representative Barkis: Concerning limited areas of more intensive rural development. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Goehner, Ranking Minority Member; Berg; Robertson and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative Duerr, Vice Chair.

Referred to Committee on Appropriations.

February 11, 2021

HB 1269 Prime Sponsor, Representative Kirby: Addressing motor vehicle transporter license plates. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; McCaslin; Orcutt and Sutherland.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1274 Prime Sponsor, Representative Hackney: Concerning cloud computing solutions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 12, 2021

HB 1306 Prime Sponsor, Representative Sells: Concerning bond authorization training for school district boards of directors. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self; Rude and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives McEntire and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and McCaslin.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1320 Prime Sponsor, Representative Goodman: Modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 19, 2021

HB 1399 Prime Sponsor, Representative Vick: Reducing barriers to professional licensure for individuals with previous criminal convictions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 22, 2021

HB 1443 Prime Sponsor, Representative Morgan: Concerning social equity within the cannabis industry. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Gaming be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Boehnke; Dye; Hoff and Rude.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Harris; Jacobsen; Schmick and Steele.

Referred to Committee on Appropriations.

February 22, 2021

HB 1480 Prime Sponsor, Representative MacEwen: Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Gaming. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Schmick; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Harris; Ryu and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative Ormsby, Chair.

Referred to Committee on Appropriations.

February 12, 2021

HB 1483 Prime Sponsor, Representative Chambers: Concerning workforce development in the beverage alcohol industry. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Morgan.

Referred to Committee on Rules for second reading.

2ND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 15, 2021

HB 1085 Prime Sponsor, Representative Kloba: Promoting a safe learning environment for students with seizure disorders. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1232 Prime Sponsor, Representative Barkis: Planning for affordable housing under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1257 Prime Sponsor, Representative Orcutt: Prohibiting unjustified employer searches of employee personal vehicles. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Appropriations.

February 19, 2021

HB 1295 Prime Sponsor, Representative Callan: Providing public education to youth in or released from institutional education facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 15, 2021

HB 1298 Prime Sponsor, Representative Vick: Concerning regulation of accessory dwelling units located outside of urban growth areas. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1304 Prime Sponsor, Representative Hackney: Concerning grade-separated transportation. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1315 Prime Sponsor, Representative Mosbrucker: Creating a task force to identify the role of the workplace in helping curb domestic violence. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1329 Prime Sponsor, Representative Wicks: Concerning public meeting accessibility and participation. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1354 Prime Sponsor, Representative Mosbrucker: Concerning suicide review teams. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 19, 2021

HB 1365 Prime Sponsor, Representative Gregerson: Procuring and supporting appropriate computers and devices for public school students and instructional staff. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Dye; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Jacobsen; Rude and Steele.

Referred to Committee on Appropriations.

February 15, 2021

HB 1404 Prime Sponsor, Representative Vick: Concerning programs for highly capable students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representative Santos, Chair.

Referred to Committee on Appropriations.

February 15, 2021

HB 1413 Prime Sponsor, Representative Hackney: Scoring of prior juvenile offenses in sentencing range calculations. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member and Graham.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey and Young.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1424 Prime Sponsor, Representative Walen: Concerning consumer protection with respect to the sale of dogs and cats. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1426 Prime Sponsor, Representative Santos: Specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; Ortiz-Self; Steele and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McCaslin; McEntire and Rude.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1446 Prime Sponsor, Representative Fey: Prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke; Fey; Goehner; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representative Berry.

MINORITY recommendation: Without recommendation. Signed by Representative Harris-Talley.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1451 Prime Sponsor, Representative Sullivan: Concerning the entitlement date and definition for the early childhood education and assistance program. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Eslick; Goodman; Ortiz-Self; Wicks and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Klippert.

MINORITY recommendation: Without recommendation. Signed by Representative Dent, Ranking Minority Member.

Referred to Committee on Appropriations.

February 15, 2021

HB 1455 Prime Sponsor, Representative Mosbrucker: Concerning the use of social security numbers by the department of

labor and industries and the employment security department. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1474 Prime Sponsor, Representative Chopp: Strengthening penalty and audit tools for employer violations in unemployment insurance. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1484 Prime Sponsor, Representative Dolan: Concerning the statewide first responder building mapping information system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 15, 2021

HB 1499 Prime Sponsor, Representative Davis: Providing behavioral health system responses to individuals with substance use disorder. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Orwall; Ramos and Simmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham and Lovick.

Referred to Committee on Appropriations.

February 19, 2021

HB 1504 Prime Sponsor, Representative Chopp: Modifying the workforce education investment act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff and Jacobsen.

Referred to Committee on Appropriations.

February 15, 2021

HB 1515 Prime Sponsor, Representative Peterson: Concerning security deposit waiver fees. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports and 1st supplemental and 2nd supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 16, 2021, the 37th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 16, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1537 by Representatives Ramel, Harris-Talley, Berry and Macri

AN ACT Relating to terminating certain tax preferences for fossil fuel products; amending RCW 82.12.022, 82.12.022, 82.14.230, and 82.23A.030; amending 2017 3rd sp.s. c 37 s 1407 (uncodified); creating a new section; repealing RCW 82.08.910; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Finance.

HB 1538 by Representatives Dent, Orwall, Boehnke, Sutherland, Ryu, Jacobsen, Wicks, Eslick, Lovick, Hoff, Chambers, Chandler and Slatter

AN ACT Relating to establishing an aviation and aerospace advisory committee; and creating a new section.

Referred to Committee on Community & Economic Development.

HB 1539 by Representative Frame

AN ACT Relating to narrowing the business and occupation tax deduction, and sales and use tax credit and refund, for bad debts available to sellers; amending RCW 82.04.4284, 82.08.037, and 82.12.037; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 1540 by Representatives Abbarno, Boehnke, Barkis, Walsh, Ybarra, Klicker and Chambers

AN ACT Relating to addressing illicit discharges of wastewater pollution associated with individuals residing in vehicles; amending RCW 90.48.144, 36.89.080, 35.67.020, and 90.48.120; adding new sections to chapter 90.48 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1541 by Representatives Stokesbary, Dufault, Walsh, Jacobsen, Eslick and Robertson

AN ACT Relating to authorizing local option revenue for homelessness services, subject to specified conditions, including prohibiting supervised injection sites and requiring local restrictions on camping on public property; adding new sections to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 17, 2021, the 38th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 17, 2021

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

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

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

MESSAGE FROM THE SENATE

February 15, 2021

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1095,
HOUSE BILL NO. 1367,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 16, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5017,
SUBSTITUTE SENATE BILL NO. 5080,
SENATE BILL NO. 5106,
SENATE BILL NO. 5177,
SUBSTITUTE SENATE BILL NO. 5185,
SENATE BILL NO. 5201,
SUBSTITUTE SENATE BILL NO. 5236,
SENATE BILL NO. 5312,
SENATE BILL NO. 5338,
SENATE BILL NO. 5347,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 16, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1121,
ENGROSSED HOUSE BILL NO. 1131,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 1542 by Representatives Hackney, Bergquist, Santos, Simmons, J. Johnson, Valdez and Pollet

AN ACT Relating to jury demographics; adding a new section to chapter 2.36 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

February 16, 2021

HB 1477 Prime Sponsor, Representative Orwall: Implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Chase; Springer; Stokesbary and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Vick.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's committee report under the fifth order of business was referred to the committee so designated.

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

MOTION

With the consent of the House, HOUSE BILL NO. 1071 was referred to the Committee on Rules.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED HOUSE BILL NO. 1121
ENGROSSED HOUSE BILL NO. 1131

There being no objection, the House adjourned until 9:55 a.m., February 18, 2021, the 39th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY NINTH DAY

House Chamber, Olympia, Thursday, February 18, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1543 by Representatives Kirby and Ryu

AN ACT Relating to the adoption of the consumer product theft and safety protection act; adding a new chapter to Title 19 RCW; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

HB 1544 by Representatives Klippert, Steele, Dufault, J. Johnson and Dent

AN ACT Relating to supporting effective agriculture, food, and natural resource education; amending RCW 28A.300.080 and 28A.300.090; and adding new sections to chapter 28A.300 RCW.

Referred to Committee on Education.

SB 5017 by Senators Wellman, Honeyford, Mullet, Wilson and C.

AN ACT Relating to clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning; amending RCW 28A.335.190; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

SSB 5080 by Senate Committee on Ways & Means (originally sponsored by Carlyle, Frockt, Hunt, Saldaña, Wellman, Wilson and C.)

AN ACT Relating to providing flexibility in the distribution and use of local funds dedicated to facilities used for youth educational programming; and amending RCW 82.32.559 and 82.14.050.

Referred to Committee on Appropriations.

SB 5106 by Senators Liias, Rivers, Wilson and C.

AN ACT Relating to municipal access to local financial services; and repealing RCW 39.58.240.

Referred to Committee on Consumer Protection & Business.

SB 5177 by Senators Cleveland, Dhingra, Das, Hunt, Nguyen, Pedersen, Wilson and C.

AN ACT Relating to eliminating proof of nonmarriage as an element of a sex offense; amending RCW 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, 9A.44.093, 9A.44.096, and 9A.44.100; and declaring an emergency.

Referred to Committee on Public Safety.

SSB 5185 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wilson and C.)

AN ACT Relating to capacity to provide informed consent for health care decisions; amending RCW 7.70.065, 7.70.050, 7.70.060, 69.50.317, and 70.02.220; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

SB 5201 by Senators Van De Wege and Das

AN ACT Related to department of natural resources' timber and land sales; amending RCW 79.15.070, 79.15.080, and 79.15.150; and reenacting and amending RCW 79.11.130.

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

SSB 5236 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Warnick, Dhingra, Nguyen and Wagoner)

AN ACT Relating to extending the exemption from certificate of need requirements for the expansion of psychiatric bed capacity; and amending RCW 70.38.111 and 70.38.260.

Referred to Committee on Health Care & Wellness.

SB 5312 by Senators Mullet, Liias and Van De Wege

AN ACT Relating to facilitating transit-oriented development and increasing housing inventory; and amending RCW 36.70A.500.

Referred to Committee on Environment & Energy.

SB 5338 by Senators Wilson, L., Randall and Rivers

AN ACT Relating to fire protection districts and education; and amending RCW 52.02.020.

Referred to Committee on Local Government.

SB 5347 by Senators Padden and Pedersen

AN ACT Relating to member voting methods; and amending RCW 23.86.115.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

February 17, 2021

HB 1103 Prime Sponsor, Representative Duerr: Improving environmental and social outcomes with the production of building materials. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Bateman; Kloba; Leavitt; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Dye; Eslick; Gilday; Kraft; MacEwen; Mosbrucker and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative Maycumber.

Referred to Committee on Appropriations.

February 17, 2021

HB 1460 Prime Sponsor, Representative Gregerson: Closing the digital divide by establishing excise taxes on telecommunications services to fund the expansion of the universal service programs in Washington. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary and Vick.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1096
HOUSE BILL NO. 1251

There being no objection, the House adjourned until 9:55 a.m., February 19, 2021, the 40th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTIETH DAY

House Chamber, Olympia, Friday, February 19, 2021

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

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

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

REPORTS OF STANDING COMMITTEES

February 22, 2021

HB 1015 Prime Sponsor, Representative Maycumber: Creating the Washington equitable access to credit act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Finance be substituted therefor and the second substitute bill do pass. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Rude; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Ormsby, Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Pollet and Steele.

Referred to Committee on Appropriations.

February 17, 2021

HB 1023 Prime Sponsor, Representative Steele: Concerning predesign requirements and thresholds. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1028 Prime Sponsor, Representative Bergquist: Concerning evaluation and recommendation of candidates for residency teacher certification. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1044 Prime Sponsor, Representative Leavitt: Creating prison to postsecondary education pathways. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Chandler.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1075 Prime Sponsor, Representative Berry: Reducing emissions from vehicles associated with on-demand transportation services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1168 Prime Sponsor, Representative Springer: Concerning long-term forest health and the reduction of wildfire dangers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural Resources. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Ormsby, Chair; Dye; Frame and Schmick.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1169 Prime Sponsor, Representative Goodman: Concerning sentencing enhancements. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Dye and Hoff.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1194 Prime Sponsor, Representative Ortiz-Self: Strengthening parent-child visitation during child welfare proceedings. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1227 Prime Sponsor, Representative Ortiz-Self: Protecting the rights of families responding to allegations of abuse or neglect of a child. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by

Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member and Caldier.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1370 Prime Sponsor, Representative Callan: Concerning grants for early learning facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives McEntire, Assistant Ranking Minority Member and Kraft.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1386 Prime Sponsor, Representative Wicks: Modifying the property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Chase and Vick.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member and Stokesbary.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1438 Prime Sponsor, Representative Orcutt: Expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens by modifying income thresholds for eligibility to allow deductions for common health care-related expenses. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Finance be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Fitzgibbon.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

With the consent of the House, HOUSE BILL NO. 1503 is referred to the committee on Transportation.

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

MOTIONS

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1214 and HOUSE BILL NO. 1250 and the bills were referred to the Committee on Rules.

There being no objection, the Committee on Health Care & Wellness was relieved of SUBSTITUTE SENATE BILL NO. 5185, and the bill was referred to the Committee on Civil Rights & Judiciary.

There being no objection, the House adjourned until 9:55 a.m., February 22, 2021, the 43rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY THIRD DAY

House Chamber, Olympia, Monday, February 22, 2021

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

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

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

INTRODUCTION & FIRST READING

HB 1545 by Representatives Kirby, Vick and Pollet

AN ACT Relating to insurance regulation; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

February 19, 2021

HB 1030 Prime Sponsor, Representative Dent: Concerning a community aviation revitalization loan program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1033 Prime Sponsor, Representative Leavitt: Concerning the Washington customized employment training program. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1061 Prime Sponsor, Representative Senn: Concerning youth eligible for developmental disability services who are expected to exit the child welfare system. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1140 Prime Sponsor, Representative Johnson, J.: Concerning juvenile access to attorneys when contacted by law enforcement. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Civil Rights & Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Harris; Jacobsen; Rude and Steele.

MINORITY recommendation: Do not pass. Signed by Representatives Boehnke; Chandler; Dye; Hoff and Schmick.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1155 Prime Sponsor, Representative Riccelli: Concerning sales and use tax for emergency communication systems and facilities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1160 Prime Sponsor, Representative Cody: Concerning health provider contracts. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Bergquist, Vice Chair; Harris and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1170 Prime Sponsor, Representative Boehnke: Building economic strength through manufacturing. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Community & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1173 Prime Sponsor, Representative Berry: Concerning state lands development authorities. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Bateman; Kloba; Leavitt; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives McEntire, Assistant Ranking Minority Member; Dye; Eslick; Gilday; Kraft; MacEwen; Maycumber; Mosbrucker and Volz.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1189 Prime Sponsor, Representative Duerr: Authorizing tax increment financing for local governments. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Chase.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1213 Prime Sponsor, Representative Senn: Expanding accessible, affordable child care and early childhood development programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Jacobsen and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Rude.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1219 Prime Sponsor, Representative Frame: Concerning the appointment of counsel for youth in dependency court proceedings. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member MacEwen, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1225 Prime Sponsor, Representative Stonier: Concerning school-based health centers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Chandler and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Hoff; Jacobsen and Steele.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1259 Prime Sponsor, Representative Santos: Expanding public contracting opportunities for women and minority business enterprises by increasing the regulatory oversight and accountability of the office of minority and women's business enterprises. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Jacobsen and Rude.

MINORITY recommendation: Do not pass. Signed by Representative Schmick.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1263 Prime Sponsor, Representative Abbarno: Concerning rural infrastructure. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; MacEwen; Maycumber; Mosbrucker; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Kraft; Leavitt and Peterson.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1280 Prime Sponsor, Representative Ramel: Concerning greenhouse gas emissions reductions in the design of public facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Bateman; Kloba; Leavitt; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Dye; Eslick; Gilday; Kraft; MacEwen; Maycumber; Mosbrucker and Volz.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1287 Prime Sponsor, Representative Ramel: Concerning preparedness for a zero emissions transportation future. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Duerr; Entenman; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Griffey; McCaslin; Orcutt; Sutherland and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner and Klicker.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1325 Prime Sponsor, Representative Callan: Implementing policies related to children and youth behavioral health. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Harris and Jacobsen.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1330 Prime Sponsor, Representative Shewmake: Providing a retail sales and use tax exemption for the purchase of electric bicycles and related cycling equipment. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Orcutt, Ranking Minority Member; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member; Chase; Stokesbary; Vick and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Walen, Vice Chair.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1332 Prime Sponsor, Representative Sullivan: Concerning property tax deferral during the COVID-19 pandemic. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1333 Prime Sponsor, Representative Tharinger: Providing an extension to the local sales and use tax for public facilities in rural counties. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1372 Prime Sponsor, Representative Lekanoff: Replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Boehnke and Rude.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1380 Prime Sponsor, Representative Dufault: Restoring the business and occupation and public utility tax exemption for custom farming and hauling farm products. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1391 Prime Sponsor, Representative Goehner: Concerning prime contractor bidding submission requirements on public works contracts. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1430 Prime Sponsor, Representative Kloba: Concerning the duration of state upland leases for lands managed by the department of natural resources. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1495 Prime Sponsor, Representative Chapman: Providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1512 Prime Sponsor, Representative Ryu: Concerning lodging-related assessments under chapter 35.87A RCW. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1521 Prime Sponsor, Representative Entenman: Supporting warehousing and manufacturing job centers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

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February 22, 2021

HB 1015 Prime Sponsor, Representative Maycumber: Creating the Washington equitable access to credit act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Finance be substituted therefor and the second substitute bill do pass. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Rude; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Ormsby, Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Pollet and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1073 Prime Sponsor, Representative Berry: Expanding coverage of the paid family and medical leave program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1076 Prime Sponsor, Representative Hansen: Allowing whistleblowers to bring actions on behalf of the state for violations of

workplace protections. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick; Springer; Steele and Tharinger.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1086 Prime Sponsor, Representative Simmons: Creating the state office of behavioral health consumer advocacy. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1091 Prime Sponsor, Representative Fitzgibbon: Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel. Reported by Committee on Transportation

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass and do not pass the substitute bill by Committee on Appropriations. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Duerr; Entenman; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; McCaslin; Orcutt and Sutherland.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1097 Prime Sponsor, Representative Sells: Increasing worker protections. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1099 Prime Sponsor, Representative Duerr: Improving the state's climate response through updates to the state's comprehensive planning framework. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1117 Prime Sponsor, Representative Lekanoff: Promoting salmon recovery through revisions to the state's comprehensive planning framework. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1127 Prime Sponsor, Representative Slatter: Protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member and Chandler.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1137 Prime Sponsor, Representative McCaslin: Elevating road maintenance and preservation in transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Riccelli; Slatter; Sutherland; Taylor; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Berry; Ramel and Valdez.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1139 Prime Sponsor, Representative Pollet: Taking action to address lead in drinking water. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Boehnke; Dye; Hoff and Schmick.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1152 Prime Sponsor, Representative Riccelli: Supporting measures to create comprehensive public health districts. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice

Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Dye; Hoff; Jacobsen; Rude and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Boehnke and Schmick.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1156 Prime Sponsor, Representative Harris-Talley: Increasing representation and voter participation in local elections. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Chandler; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1161 Prime Sponsor, Representative Peterson: Modifying the requirements for drug take-back programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1167 Prime Sponsor, Representative Bateman: Concerning Thurston county superior court judges. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Boehnke; Harris and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1183 Prime Sponsor, Representative Caldier: Creating the home sharing support grant program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1202 Prime Sponsor, Representative Thai: Addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory

relief. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1203 Prime Sponsor, Representative Johnson, J.: Concerning community oversight boards. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Rude and Tharinger.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1204 Prime Sponsor, Representative Macri: Concerning the electrification of transportation. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Duerr; Entenman; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member Volz, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; McCaslin; Orcutt; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1207 Prime Sponsor, Representative Ramel: Improving access to department of licensing issued documents by extending the issuance period of driver licenses and identicards to eight years, allowing online issuance and renewal of instruction permits, and expanding online renewal of driver licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Hackney; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Griffey; McCaslin; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1208 Prime Sponsor, Representative Santos: Modifying the learning assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen;

Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1216 Prime Sponsor, Representative Ramos: Concerning urban and community forestry. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1220 Prime Sponsor, Representative Peterson: Supporting emergency shelters and housing through local planning and development regulations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Dye; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Jacobsen; Rude and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1223 Prime Sponsor, Representative Peterson: Enacting the uniform electronic recordation of custodial interrogations act. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Duerr; Entenman; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; McCaslin; Orcutt and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Chapman and Sutherland.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1231 Prime Sponsor, Representative Young: Requiring certain traffic lane merge education and testing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1255 Prime Sponsor, Representative Orcutt: Concerning motorcycle steering equipment requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Chapman; Dent; Duerr; Goehner;

Griffey; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Sutherland; Taylor; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Berry and Hackney.

MINORITY recommendation: Do not pass. Signed by Representatives Entenman; Slatter and Valdez.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1258 Prime Sponsor, Representative Frame: Concerning the operation, authorization, and permitting of microenterprise home kitchens. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier and Cody.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1267 Prime Sponsor, Representative Entenman: Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Caldier and Harris.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1272 Prime Sponsor, Representative Macri: Concerning health system transparency. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on . Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1274 Prime Sponsor, Representative Hackney: Concerning cloud computing solutions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1284 Prime Sponsor, Representative Shewmake: Addressing voter-approved fuel tax rates in border area jurisdictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Duerr; Entenman; Hackney; Lovick; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; McCaslin; Orcutt; Paul; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1295 Prime Sponsor, Representative Callan: Providing public education to youth in or released from institutional education facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1297 Prime Sponsor, Representative Thai: Concerning working families tax exemption. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye; Hoff; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1301 Prime Sponsor, Representative Fitzgibbon: Providing expanded options for fare enforcement by regional transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1310 Prime Sponsor, Representative Johnson, J.: Concerning permissible uses of force by law enforcement and correctional officers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member Corry, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1320 Prime Sponsor, Representative Goodman: Modernizing, harmonizing, and improving the efficacy and accessibility of laws

concerning civil protection orders. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1322 Prime Sponsor, Representative Wylie: Addressing off-road vehicle and snowmobile registration enforcement. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1335 Prime Sponsor, Representative Valdez: Concerning review and property owner notification of recorded documents with unlawful racial restrictions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1348 Prime Sponsor, Representative Davis: Providing medical assistance to incarcerated persons. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1354 Prime Sponsor, Representative Mosbrucker: Concerning suicide review teams. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1355 Prime Sponsor, Representative Dent: Concerning noxious weeds. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Rural Development, Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives

Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1357 Prime Sponsor, Representative Mosbrucker: Concerning voters' pamphlets for overseas and service voters. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1359 Prime Sponsor, Representative Stonier: Reducing liquor license fees temporarily. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Gaming. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1365 Prime Sponsor, Representative Gregerson: Procuring and supporting appropriate computers and devices for public school students and instructional staff. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Dye; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Jacobsen; Rude and Steele.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1379 Prime Sponsor, Representative Lovick: Establishing an unpiloted aircraft system state coordinator and program funding source. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member; McCaslin and Walsh.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1382 Prime Sponsor, Representative Tharinger: Streamlining the environmental permitting process for salmon recovery projects. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural

Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Hoff; Jacobsen and Schmick.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1399 Prime Sponsor, Representative Vick: Reducing barriers to professional licensure for individuals with previous criminal convictions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1410 Prime Sponsor, Representative Volz: Protecting taxpayers from home foreclosure. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Wylie.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1412 Prime Sponsor, Representative Simmons: Concerning legal financial obligations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Dye; Harris; Hoff; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1418 Prime Sponsor, Representative Leavitt: Enhancing rail safety governance by expanding the role of the utilities and transportation commission. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Duerr; Entenman; Griffey; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Chapman; Dent; Goehner; Klicker; McCaslin; Orcutt and Sutherland.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1438 Prime Sponsor, Representative Orcutt: Expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens by modifying income thresholds for eligibility to allow deductions for common health care-related expenses. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Finance be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Fitzgibbon.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1443 Prime Sponsor, Representative Morgan: Concerning social equity within the cannabis industry. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Gaming be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Boehnke; Dye; Hoff and Rude.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Harris; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1457 Prime Sponsor, Representative Wylie: Facilitating the installation of broadband facilities on limited access highways. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1460 Prime Sponsor, Representative Gregerson: Closing the digital divide by establishing excise taxes on telecommunications services to fund the expansion of the universal service programs in Washington. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Finance. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Rude.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1476 Prime Sponsor, Representative Dolan: Addressing enrollment declines due to the COVID-19 pandemic. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Dye.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1477 Prime Sponsor, Representative Orwall: Implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Finance. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Boehnke; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Dye and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Hoff; Jacobsen and Rude.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1480 Prime Sponsor, Representative MacEwen: Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Gaming. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Schmick; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Harris; Ryu and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative Ormsby, Chair.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1484 Prime Sponsor, Representative Dolan: Concerning the statewide first responder building mapping information system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1502 Prime Sponsor, Representative Wylie: Concerning the procurement and design of electric ferries by counties. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1504 Prime Sponsor, Representative Chopp: Modifying the workforce education investment act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff and Jacobsen.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1510 Prime Sponsor, Representative Hackney: Establishing an exemption from certain highway use requirements by nonemergency medical transportation vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1514 Prime Sponsor, Representative Taylor: Addressing transportation demand management. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Duerr; Entenman; Griffey; Hackney; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; Goehner; McCaslin and Walsh.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1523 Prime Sponsor, Representative Wylie: Concerning renewal of the sales and use tax for transportation benefit districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent and Paul.

MINORITY recommendation: Do not pass. Signed by Representatives McCaslin; Orcutt and Walsh.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1529 Prime Sponsor, Representative Barkis: Modifying requirements in order to pay for debt service obligations when toll revenues are not sufficient to cover legal obligations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 19, 2021

ESSB 5272 Prime Sponsor, Committee on Ways & Means: Concerning temporarily waiving certain liquor and cannabis board annual licensing fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris;

Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports and 1st supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:00 a.m., February 23, 2021, the 44th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 23, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Kelly Chambers, 25th Legislative District.

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

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

INTRODUCTION & FIRST READING

HB 1546 by Representatives Eslick, Barkis, Dent, Boehnke, Sutherland, Klicker and Robertson

AN ACT Relating to allowable uses for the multiuse roadway safety account; and amending RCW 46.09.540.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

HOUSE BILL NO. 1050, by Representatives Fitzgibbon, Ortiz-Self, Leavitt, Duerr, Chopp, Ramel, Peterson, Goodman, Ryu, Callan, Ramos, Ormsby, Pollet, Stonier, Fey, Macri and Bergquist

Reducing greenhouse gas emissions from fluorinated gases.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1050 was substituted for House Bill No. 1050 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1050 was read the second time.

Representative MacEwen moved the adoption of amendment (062):

On page 2, after line 24, insert the following:

"(3) Furthermore, it is the intent of the Legislature that the ice rink used by Seattle's newest hockey franchise, the Seattle Kraken, should be as cold as possible, but also should be refrigerated using climate-friendly refrigerants, so that on opening night of the 2021-2022 National Hockey League season, as many fans as possible can simultaneously yell the Pacific Northwest's favorite new phrase: 'Release the Kraken!'"

Representatives MacEwen and Sullivan spoke in favor of the adoption of the amendment.

Amendment (062) was adopted.

Representative Fitzgibbon moved the adoption of amendment (063):

On page 23, beginning on line 12, after "(f)" strike all material through "750" on line 17 and insert "In addition to the requirements of RCW 19.280.030(3), in assessing the cost-effective conservation required under this section, a qualifying utility is encouraged to promote the adoption of air conditioning, as defined in section 2 of this act, with refrigerants not exceeding a global warming potential of 750 and the replacement of stationary refrigeration systems that contain ozone-depleting substances or hydrofluorocarbon refrigerants with a high global warming potential"

Representatives Fitzgibbon and Dye spoke in favor of the adoption of the amendment.

Amendment (063) was adopted.

The bill was ordered engrossed.

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

Representatives Fitzgibbon, Ramel and Peterson spoke in favor of the passage of the bill.

Representatives Dye, Walsh, Boehnke, Walsh (again), Ybarra, Klicker, Dent and Chase spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Chandler and Corry were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1050.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1050, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Chandler and Corry.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1050, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1090, by Representatives Ortiz-Self, Fey, Fitzgibbon, J. Johnson, Ramos, Tharinger, Simmons, Ramel, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Young, Hackney, Chopp, Lovick, Ormsby, Stonier, Frame, Santos, Macri, Orwall, Davis, Pollet and Harris-Talley

Concerning private, for-profit detention facilities.

The bill was read the second time.

Representative Mosbrucker moved the adoption of amendment (103):

On page 2, line 38, after "with a" strike "federal, state," and insert "state"

Representative Mosbrucker spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (103) was not adopted.

Representative Ortiz-Self moved the adoption of amendment (032):

On page 3, line 19, after "subject to" strike "chapter 13.04" and insert "Title 13"

Representatives Ortiz-Self and Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (032) was adopted.

Representative Graham moved the adoption of amendment (098):

On page 3, line 33, after "4013;" strike "or"

On page 3, line 35, after "government" insert "; or

"(i) A facility where the COVID-19 infection rate of its residents in 2020 was less than 25 percent of the average COVID-19 infection rate of residents in correctional facilities operated by state and local governments in 2020"

Representative Graham spoke in favor of the adoption of the amendment.

Representative Ortiz-Self spoke against the adoption of the amendment.

Amendment (098) was not adopted.

Representative Klippert moved the adoption of amendment (101):

On page 3, line 33, after "4013;" strike "or"

On page 3, line 35, after "government" insert "; or

"(i) A facility in which health care services are provided by the federal government"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (101) was not adopted.

Representative Klippert moved the adoption of amendment (100):

On page 4, beginning on line 1, strike all of section 5

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (100) was not adopted.

The bill was ordered engrossed.

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

Representatives Ortiz-Self, Mosbrucker, Sutherland and Fey spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1090.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1090, and the bill passed the House by the following vote: Yeas, 76; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Chase, Corry, Dent, Dufault, Dye, Hoff, Jacobsen, Klippert, Kraft, McCaslin, McEntire, Orcutt, Robertson, Schmick, Stokesbary, Vick, Walsh, Wilcox and Ybarra.

Excused: Representative Chandler.

ENGROSSED HOUSE BILL NO. 1090, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1276, by Representatives Bronoske, Lovick, Fitzgibbon, Cody, Hackney, Fey, Macri, Leavitt, Ormsby, Harris-Talley and Stonier

Providing for certain emergency medical services personnel to work in diversion centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1276 was substituted for House Bill No. 1276 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1276 was read the second time.

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

Representatives Bronoske and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1276.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1276, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1276, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1302, by Representatives Berg, Ybarra, J. Johnson, Sutherland, Eslick, Morgan, Bergquist, Paul and Callan

Concerning college in the high school programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1302 was substituted for House Bill No. 1302 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1302 was read the second time.

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

Representatives Berg, Ybarra and Paul spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1302.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1302, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1302, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1221, by Representatives Rule, Bateman, Shewmake, Lekanoff, Senn, Santos, Thai, Ortiz-Self, Ormsby, Callan, Ramel, Riccelli and Macri

Standardizing homelessness definitions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1221 was substituted for House Bill No. 1221 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1221 was read the second time.

Representative Dent moved the adoption of amendment (069):

On page 2, line 28, after "2021" insert ", unless the sole basis of determining that a child is homeless is that he or she is living in a trailer park"

Representatives Dent and Klippert spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (069) was not adopted.

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

Representative Rule spoke in favor of the passage of the bill.

Representatives Dent and Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1221.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1221, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick,

Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1221, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1378, by Representatives Ybarra, Cody and Dolan

Concerning the supervision of medical assistants.

The bill was read the second time.

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

Representatives Ybarra, Cody, Riccelli and Dent spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Kloba was excused

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1378.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1378, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chandler and Kloba.

HOUSE BILL NO. 1378, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

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

MESSAGES FROM THE SENATE

February 18, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED HOUSE BILL NO. 1121,
ENGROSSED HOUSE BILL NO. 1131,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 17, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5140,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 17, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5229,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 18, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5055,
SUBSTITUTE SENATE BILL NO. 5181,
SUBSTITUTE SENATE BILL NO. 5273,
SENATE BILL NO. 5341,
SUBSTITUTE SENATE BILL NO. 5423,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 19, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5284,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1022
HOUSE BILL NO. 1023
HOUSE BILL NO. 1028
HOUSE BILL NO. 1030
HOUSE BILL NO. 1041
HOUSE BILL NO. 1044
HOUSE BILL NO. 1069
HOUSE BILL NO. 1070
HOUSE BILL NO. 1083
HOUSE BILL NO. 1091
HOUSE BILL NO. 1104
HOUSE BILL NO. 1107
HOUSE BILL NO. 1148
HOUSE BILL NO. 1155
HOUSE BILL NO. 1162
HOUSE BILL NO. 1170
HOUSE BILL NO. 1173
HOUSE BILL NO. 1184
HOUSE BILL NO. 1189
HOUSE BILL NO. 1194
HOUSE BILL NO. 1213
HOUSE BILL NO. 1225
HOUSE BILL NO. 1232
HOUSE BILL NO. 1250
HOUSE BILL NO. 1259
HOUSE BILL NO. 1272
HOUSE BILL NO. 1273
HOUSE BILL NO. 1289
HOUSE BILL NO. 1295
HOUSE BILL NO. 1325
HOUSE BILL NO. 1326
HOUSE BILL NO. 1332
HOUSE BILL NO. 1359
HOUSE BILL NO. 1363
HOUSE BILL NO. 1366
HOUSE BILL NO. 1372
HOUSE BILL NO. 1391
HOUSE BILL NO. 1425
HOUSE BILL NO. 1426
HOUSE BILL NO. 1455
HOUSE BILL NO. 1480
HOUSE BILL NO. 1491
HOUSE BILL NO. 1492
HOUSE BILL NO. 1493
HOUSE BILL NO. 1508
ENGROSSED SUBSTITUTE SENATE BILL NO. 5272

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

SECOND READING

HOUSE BILL NO. 1009, by Representatives Thai, Slatter, Wicks, Ortiz-Self, Kloba, Lekanoff, Bateman, J. Johnson, Ryu, Senn, Gregerson, Valdez, Cody, Riccelli, Frame, Santos, Macri and Pollet

Concerning student health plans.

The bill was read the second time.

Representative Kraft moved the adoption of amendment (067):

On page 1, line 10, after "the" strike "abortion of a pregnancy" and insert "((~~abortion of a pregnancy~~)) ending of the life of a baby"

On page 1, at the beginning of line 19, strike "abortion of a pregnancy" and insert "ending of the life of a baby"

On page 2, at the beginning of line 2, strike "abortion of a pregnancy" and insert "((~~abortion of a pregnancy~~)) ending of the life of a baby"

On page 2, line 3, after "the" strike "abortion of a pregnancy" and insert "((~~abortion of a pregnancy~~)) ending of the life of a baby"

On page 2, line 14, after "the" strike "abortion of a pregnancy" and insert "((~~abortion of a pregnancy~~)) ending of the life of a baby"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (067).

SPEAKER'S RULING

"The title of the bill is an act relating to student health plans.

The amendment makes changes to the description of mandated benefit coverage in all types of health plans, not just student health plans.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Kraft moved the adoption of amendment (068):

On page 1, beginning on line 10, after "pregnancy." strike all material through "pregnancy." on line 19

On page 1, line 21, after "plan" strike "or student health plan"

On page 2, beginning on line 4, after "health" strike "plan or student health"

On page 2, beginning on line 7, after "(ii)" strike all material through "9.02.120" on line 8 and insert "((~~A~~)) Notwithstanding RCW 9.02.110, a health plan is ((~~not~~)) only required to cover abortions ((~~that would be unlawful under RCW 9.02.120~~)) that are necessary to physically protect the life of the mother"

On page 2, beginning on line 9, after "(3)" strike all material through "(4)" on line 12 and insert "((~~Nothing in this section may be interpreted to limit in any way an individual's constitutionally or statutorily protected right to voluntarily terminate a pregnancy.~~

~~(4)~~))"

On page 2, at the beginning of line 15, strike "(5)" and insert "((~~(5)~~)) (4)"

On page 2, beginning on line 15, after "plan" strike "or student health plan"

On page 2, line 21, after "plan" strike "or student health plan"

On page 2, after line 22, insert the following:

"(5) This section does not apply to a student health plan, including a student health plan deemed by the insurance commissioner to have a short-term limited purpose or duration or to be guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (068).

SPEAKER'S RULING

"The title of the bill is an act relating to student health plans.

The amendment makes changes to mandated benefit coverage in all types of health plans, not just student health plans.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

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

Representative Thai spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Chandler was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1009.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1009, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Chandler.

HOUSE BILL NO. 1009, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1469, by Representatives Wicks, Vick, Robertson, Sutherland and Chambers

Concerning enhanced raffle procedures.

The bill was read the second time.

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

Representatives Wicks and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1469.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1469, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Bronoske and Leavitt.

Excused: Representative Chandler.

HOUSE BILL NO. 1469, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Sells congratulated Representative Wicks on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1478, by Representatives Shewmake, Ortiz-Self, Fitzgibbon, Rule, Lekanoff and Pollet

Concerning fish habitat enhancement projects authorized pursuant to RCW 77.55.181.

The bill was read the second time.

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

Representative Shewmake spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1478.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1478, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Chandler.

HOUSE BILL NO. 1478, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1206, by Representatives Berry, Bronoske, Ramos, Fitzgibbon, Davis, Lovick, Thai, Ortiz-Self, Ormsby, Simmons, Chopp, Callan, Valdez, Macri and Harris-Talley

Protecting temporary workers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1206 was substituted for House Bill No. 1206 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1206 was read the second time.

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

Representatives Berry and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1206.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1206, and the bill passed the House by the following vote: Yeas, 67; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney,

Hansen, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Goehner, Graham, Harris, Jacobsen, Klicker, Klippert, Kraft, MacEwen, McCaslin, McEntire, Mosbrucker, Orcutt, Schmick, Steele, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1206, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Frockt, Conway, Das, Dhingra, Keiser, Lovelett, Mullet, Nguyen, Nobles, Randall, Saldaña, Stanford, Wilson, C., Wilson and J.)

Concerning temporarily waiving certain liquor and cannabis board annual licensing fees.

The bill was read the second time.

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

Representatives Bergquist and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5272.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5272, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Cody, Corry, Dent, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chopp, Davis, Entenman and McCaslin.

Excused: Representative Chandler.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1251, by Representatives Orcutt, Dent, Eslick and Robertson

Concerning the authorization of wheeled all-terrain vehicles on state highways.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (055):

On page 1, line 15, after "has" insert "first consulted with the department of transportation, and then"

Representatives Orcutt and Fey spoke in favor of the adoption of the amendment.

Amendment (055) was adopted.

The bill was ordered engrossed.

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

Representatives Orcutt and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1251.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1251, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Shewmake.
Excused: Representative Chandler.

ENGROSSED HOUSE BILL NO. 1251, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1193, by Representative Hoff

Affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1193 was substituted for House Bill No. 1193 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1193 was read the second time.

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

Representatives Hoff and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1193.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1193, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.
Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.
Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1193, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1336, by Representatives Hansen, Ybarra, Berry, Simmons, Ramel, Valdez, Leavitt, Morgan, Ryu, Peterson, Shewmake, Davis, Ormsby, Gilday, Stonier, Eslick, Pollet and Harris-Talley

Creating and expanding unrestricted authority for public entities to provide telecommunications services to end users.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1336 was substituted for House Bill No. 1336 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1336 was read the second time.

With the consent of the House, amendments (099), (052), (051), (053), (054) and (059) were withdrawn.

Representative Corry moved the adoption of amendment (060):

On page 5, at the beginning of line 1, strike all material through "RCW 43.330.536" on line 16 and insert "(1) Before providing retail telecommunications services, a public utility district is encouraged to examine and report to its governing body the following about the area to be served by the public utility district:

(a) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(b) The location of where retail telecommunications services will be provided;

(c) Evidence relating to the unserved or underserved nature of the community in which retail telecommunications services will be provided;

(d) Expected costs of providing retail telecommunications services to customers to be served by the public utility district; and

(e) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536.

(2) For purposes of this section, "unserved" means a census block in which no provider has the capacity to deliver internet access service at speeds of a minimum of twenty-five megabits download and three megabits upload."

On page 10, at the beginning of line 8, strike all material through "RCW 43.330.536" on line 23 and insert "(1) Before providing retail telecommunications services, a port district is encouraged to examine and report to its governing body the following about the area to be served by the port district:

(a) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(b) The location of where retail telecommunications services will be provided;

(c) Evidence relating to the unserved or underserved nature of the community in which retail telecommunications services will be provided;

(d) Expected costs of providing retail telecommunications services to customers to be served by the port district; and

(e) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536.

(2) For purposes of this section, "unserved" means a census block in which no provider has the capacity to deliver internet access service at speeds of a minimum of twenty-five megabits download and three megabits upload."

Representatives Corry and Ryu spoke in favor of the adoption of the amendment.

Amendment (060) was adopted.

Representative Boehnke moved the adoption of amendment (056):

On page 10, beginning on line 24, strike all of section 11

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Boehnke and Ryu spoke in favor of the adoption of the amendment.

Amendment (056) was adopted.

The bill was ordered engrossed.

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

Representatives Hansen, Boehnke, Paul and Kretz spoke in favor of the passage of the bill.

Representatives Ybarra, Dye, Corry, Abbarno and Young spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1336.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1336, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Rude, Schmick, Springer, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Chandler.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1356, by Representatives Lekanoff, Dolan, Davis, Ramos, Fitzgibbon, Callan, Simmons, Lovick, Berg, Ormsby, Bateman, Bergquist, Goodman, Macri, Ramel, Harris-Talley and Pollet

Prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1356 was substituted for House Bill No. 1356 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1356 was read the second time.

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

Representatives Lekanoff, Ybarra, Boehnke, Volz, McEntire, Dent and Santos spoke in favor of the passage of the bill.

Representatives Klippert, Sutherland and Chase spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1356.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1356, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Klippert, McCaslin and Sutherland.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1356, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1323, by Representatives Tharinger, Macri, Simmons, Fitzgibbon, Cody, Hackney, Santos, Ortiz-Self, Lekanoff and Pollet

Concerning the long-term services and supports trust program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1323 was substituted for House Bill No. 1323 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1323 was read the second time.

Representative Corry moved the adoption of amendment (064):

On page 6, beginning on line 14, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Corry and Corry (again) spoke in favor of the adoption of the amendment.

Representative Tharinger spoke against the adoption of the amendment.

Amendment (064) was not adopted.

Representative Caldier moved the adoption of amendment (066):

On page 7, line 30, after "coverage" strike "((," and insert ", (("

On page 7, line 34, after "~~department~~))" insert "unless the self-employed person demonstrates to the employment security department that continued payment of the premium would create an undue hardship requiring significant difficulty or expense"

Representative Caldier and Caldier (again) spoke in favor of the adoption of the amendment.

Representative Tharinger spoke against the adoption of the amendment.

Amendment (066) was not adopted.

Representative Caldier moved the adoption of amendment (065):

On page 7, line 19, after "chapter" insert "for an initial period of not less than three years and subsequent periods of not less than one year immediately following a period of coverage"

On page 7, beginning on line 29, after "(2)" strike all material through "~~department~~))." on line 34 and insert "(a) A self-employed person who has elected coverage may withdraw from coverage((,)) within 30 days of the end of each period of coverage, or at such other times as the employment security department may adopt by rule, by filing a notice of withdrawal in writing with the employment security department, with the withdrawal to take effect not sooner

than ((~~thirty~~)) 30 days after filing the notice with the employment security department.

(b) A self-employed person who withdraws from elective coverage under (a) of this subsection is not eligible for benefits under this chapter for a period of 12 months following the effective date of the withdrawal or until the employment security department deems the person to be a qualified individual as provided in RCW 50B.04.050."

On page 7, beginning on line 35, after "(3)" strike all material through "(4)" on page 8, line 3

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

Amendment (065) was not adopted.

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

Representative Tharinger spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1323.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1323, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1323, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1218, by Representatives Bateman, Simmons, Sells, Lekanoff, Peterson, Stonier, Davis, Taylor, Dolan, Orwall, Cody, Santos, Ortiz-Self, Fitzgibbon, Slatter, Bronoske, Callan, Valdez, Ramel, Riccelli, Macri, Goodman and Harris-Talley

Improving health, safety, and quality of life for residents in long-term care facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1218 was substituted for House Bill No. 1218 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1218 was read the second time.

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

Representatives Bateman and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1218.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1218, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft and McCaslin.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1218, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 1323 passed the House.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1323, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1323, on reconsideration, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1323, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., February 24, 2021, the 45th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY FIFTH DAY

House Chamber, Olympia, Wednesday, February 24, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Vicki Kraft, 17th Legislative.

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

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

MESSAGE FROM THE SENATE

February 23, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5018,
SENATE BILL NO. 5021,
ENGROSSED SENATE BILL NO. 5026,
SUBSTITUTE SENATE BILL NO. 5030,
SUBSTITUTE SENATE BILL NO. 5066,
SENATE BILL NO. 5101,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5115,
SUBSTITUTE SENATE BILL NO. 5127,
SENATE BILL NO. 5131,
SENATE BILL NO. 5146,
SUBSTITUTE SENATE BILL NO. 5179,
SENATE BILL NO. 5225,
SUBSTITUTE SENATE BILL NO. 5271,
SUBSTITUTE SENATE BILL NO. 5292,
SENATE BILL NO. 5296,
SENATE BILL NO. 5300,
SENATE BILL NO. 5303,
SENATE BILL NO. 5322,
SENATE BILL NO. 5354,
ENGROSSED SENATE BILL NO. 5356,
SUBSTITUTE SENATE BILL NO. 5384,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

SECOND READING

HOUSE BILL NO. 1068, by Representatives Dolan, Valdez, Kloba, Gregerson and Wylie

Exempting election security information from public records disclosure.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1068 was substituted for House Bill No. 1068 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1068 was read the second time.

Representative Walsh moved the adoption of amendment (087):

On page 2, beginning on line 35, after "(7)" strike all material through "RCW 29A.12.200" on page 3, line 9 and insert "The computer software source code directly related to the state's election management system's cybersecurity protections or countermeasures"

Representatives Walsh, Boehnke and Volz spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (087) was not adopted.

Representative Graham moved the adoption of amendment (095):

On page 3, after line 9, insert the following:

"(c) The exemptions specified in (a) of this subsection shall expire after 24 months from the date on which a record was created."

Representative Graham spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (095) was not adopted.

Representative Sutherland moved the adoption of amendment (102):

On page 3, after line 9, insert the following:

"(c) The exemptions specified in (a) of this subsection do not prohibit an audit authorized or required under Title 29A RCW from being conducted."

Representatives Sutherland and Valdez spoke in favor of the adoption of the amendment.

Amendment (102) was adopted.

The bill was ordered engrossed.

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

Representatives Dolan, Volz, Boehnke, Kraft and Valdez spoke in favor of the passage of the bill.

Representatives Walsh, Young, Chase, Walsh (again) and Graham spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1068.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1068, and the bill passed the House by the following vote: Yeas, 61; Nays, 37; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Caldier, Chambers, Chandler, Chase, Corry, Dufault, Dye, Eslick, Gilday, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rule, Schmick, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1129, by Representatives Valdez, Stonier, Ortiz-Self, Goodman, Cody, Santos and Macri

Concerning the licensure of international medical graduates.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1129 was substituted for House Bill No. 1129 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1129 was read the second time.

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

Representatives Valdez, Schmick, Slatter, Stonier and Dye spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1129.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1129, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Chase, Kraft and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1129, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1143, by Representatives Rude, Klicker, Eslick and Dent

Authorizing the placement of water rights banked pursuant to RCW 90.92.070 into the trust water rights program.

The bill was read the second time.

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

Representatives Rude, Chapman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1143.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1143, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1143, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1176, by Representatives Paul, Boehnke, Kloba, Callan, Davis, Dolan, Riccelli, Bergquist, Lekanoff and Shewmake

Concerning access to higher education.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1176 was substituted for House Bill No. 1176 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1176 was read the second time.

Representative Boehnke moved the adoption of striking amendment (104):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.635.060 and 1997 c 266 s 13 are each amended to read as follows:

(1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, is subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the grades, diploma, and transcripts of the pupil responsible for the damage or loss until the pupil or the pupil's parent or guardian has paid for the damages, except that the school district must release the pupil's grades and transcripts three years after the pupil exits the school district. If the student is suspended, the student may not be readmitted until the student or parents or legal guardian has made payment in full or until directed by the superintendent of schools. If the property damaged is a school bus owned and operated by or contracted to any school district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed by the superintendent. When the pupil and parent or guardian are unable to pay for the damages, the school district shall provide a program of ((~~voluntary work~~)) community service opportunities for the pupil ((~~in lieu~~)) instead of the payment of monetary damages. Upon completion of ((~~voluntary work~~)) community service the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law.

(2) When informing either the pupil or the pupil's parent or guardian that the pupil's grades, diploma, or transcripts are being withheld as allowed under subsection (1) of this section, a school district must provide the following information:

(a) The school district may waive the payment of the monetary damage in part or in full;

(b) The pupil may make the payment of monetary damages;

(c) The pupil may participate in a program of community service opportunities for the pupil instead of the payment of monetary damages; and

(d) The school district must release the pupil's grades and transcripts three

years after the pupil exits the school district. When the pupil has already exited the school district, the school district must inform the pupil of the date on which the school district is obligated to release the pupil's grades and transcripts.

(3) Before any penalties are assessed under this section, a school district board of directors shall adopt procedures which insure that pupils' rights to due process are protected.

((~~(3)~~)) (4) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

Sec. 2. RCW 28A.325.050 and 2020 c 13 s 10 are each amended to read as follows:

(1) Each school district that has an associated student body program fund must publish the following information about the fund on its web site:

(a) The fund balance at the beginning of the school year;

(b) Summary data about expenditures and revenues occurring over the course of the school year; and

(c) The fund balance at the end of the school year.

(2) Beginning in the 2020-21 school year, each school district that has an associated student body must publish the following information on its web site:

(a) Data related to high school student possession of an associated student body card and high school student participation in school-based extracurricular activities collected under RCW 28A.320.540;

(b) The school district's extracurricular activity opportunity gap reduction plan if required under RCW 28A.320.580; and

(c) A list of optional noncredit extracurricular event attendance and participation fees and the school district policy for waiving and reducing these fees as described under RCW 28A.325.010.

(3) Each school district that has an associated student body must publish the following information on its web site: How many former students who were enrolled in the school district within the previous three years are subject to the withholding of their grades, diplomas, or transcripts as permitted under RCW 28A.635.060; and how many of these former students were eligible for the federal free or reduced-price meals program in their last year of enrollment in the school district.

(4) The information under this section must be published for each associated student body of the district and each account within the associated student body program fund.

((~~(4)~~)) (5) If the school district web site contains separate web sites for schools in the district, the information under this section must be published on the web site of the applicable school of the associated student body.

((~~(5)~~)) (6) School districts must add updated annual information to their web sites by each August 31st, except that school districts are only required to maintain the information on the web site from the previous five years.

((~~(6)~~)) (7) For purposes of this section, the definitions in RCW 28A.320.530 apply."

Correct the title.

Representatives Boehnke, Paul and Santos spoke in favor of the adoption of the amendment.

Striking amendment (104) was adopted.

The bill was ordered engrossed.

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

Representatives Paul, Entenman, Ybarra, Boehnke, Eslick and Santos spoke in favor of the passage of the bill.

Representative Graham and Graham (again) spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1176.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1176, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Caldier, Chambers, Chandler, Chase, Goehner, Graham, Hoff, Jacobsen, Klippert, Kraft, MacEwen, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Steele, Vick and Walsh.

Excused: Representative Fey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1096, by Representatives Schmick, Cody, Leavitt, Ortiz-Self, Riccelli and Macri

Concerning nonmedicare plans offered through the Washington state health insurance pool.

The bill was read the second time.

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

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1096.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1096, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Absent: Representative Davis.

Excused: Representative Fey.

HOUSE BILL NO. 1096, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 1096.

Representative Davis, 32nd District

SECOND READING

HOUSE BILL NO. 1196, by Representatives Riccelli, Callan, Bateman, Ramos, Cody, Ortiz-Self, Duerr, Harris, Leavitt, Bergquist, Shewmake, Fitzgibbon, Macri, Tharinger, Slatter, Davis, Berg, Pollet, Orwall, Harris-Talley and Frame

Concerning audio-only telemedicine.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1196 was substituted for House Bill No. 1196 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1196 was read the second time.

Representative Riccelli moved the adoption of striking amendment (089):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.05.700 and 2020 c 92 s 2 are each amended to read as follows:

(1)(a) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and

affordable care act in effect on January 1, 2015; ((~~and~~))

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, a health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2021, shall reimburse a provider for a health care service provided to a covered person through telemedicine ((~~at~~)) the same ((~~rate as~~)) amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate ((~~a reimbursement rate~~)) an amount of compensation for telemedicine services that differs from the ((~~reimbursement rate~~)) amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) ((~~Community mental health center~~)) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health plan. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered. The authority may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only telephone technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only telephone technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(b) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

((~~(b)~~)) (c) "Established relationship" means the covered person has had at least one in-person appointment within the past year with the provider providing audio-only telemedicine or with a provider employed at the same clinic as the provider providing audio-only telemedicine or the covered person was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person appointment with the covered person within the past year and has provided relevant medical information to the provider providing audio-only telemedicine.

(d) "Health care service" has the same meaning as in RCW 48.43.005;

((~~(c)~~)) (e) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

((~~(d)~~)) (f) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

((~~(e)~~)) (g) "Provider" has the same meaning as in RCW 48.43.005;

((~~(f)~~)) (h) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

((~~(g)~~)) (i) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" ((~~does not include the use of~~)) includes audio-only ((~~telephone~~)) telemedicine, but does not include facsimile((~~,~~)) or email.

Sec. 2. RCW 48.43.735 and 2020 c 92 s 1 are each amended to read as follows:

(1)(a) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; ((~~and~~))

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, for health plans issued or renewed on or after January 1, 2021, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine ((~~at~~)) the same ((~~rate as~~)) amount of compensation the carrier would pay the provider if the health care

service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate ((~~a reimbursement rate~~)) an amount of compensation for telemedicine services that differs from the ((~~reimbursement rate~~)) amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) ((~~Community mental health center~~)) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health carrier. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A health carrier may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a health carrier to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered. The insurance commissioner may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only telephone technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only telephone technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(b) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the

time the service is provided through telemedicine;

((~~(b)~~)) (c) "Established relationship" means the covered person has had at least one in-person appointment within the past year with the provider providing audio-only telemedicine or with a provider employed at the same clinic as the provider providing audio-only telemedicine or the covered person was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person appointment with the covered person within the past year and has provided relevant medical information to the provider providing audio-only telemedicine.

(d) "Health care service" has the same meaning as in RCW 48.43.005;

((~~(c)~~)) (e) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

((~~(d)~~)) (f) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

((~~(e)~~)) (g) "Provider" has the same meaning as in RCW 48.43.005;

((~~(f)~~)) (h) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

((~~(g)~~)) (i) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" ((~~does not include the use of~~)) includes audio-only ((~~telephone~~)) telemedicine, but does not include facsimile((~~,~~)) or email.

(9) The commissioner may adopt any rules necessary to implement this section.

Sec. 3. RCW 70.41.020 and 2016 c 226 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Aftercare" means the assistance provided by a lay caregiver to a patient under this chapter after the patient's discharge from a hospital. The assistance may include, but is not limited to, assistance with activities of daily living, wound care, medication assistance, and the operation of medical equipment. "Aftercare" includes assistance only for conditions that were present at the time of the patient's discharge from the hospital. "Aftercare" does not include:

(a) Assistance related to conditions for which the patient did not receive medical care, treatment, or observation in the hospital; or

(b) Tasks the performance of which requires licensure as a health care provider.

(2)(a) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only telephone technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(b) "Audio-only telemedicine" does not include:

(i) The use of facsimile or email; or

(ii) The delivery of health care services that are customarily delivered by audio-only telephone technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(3) "Department" means the Washington state department of health.

((~~(3)~~)) (4) "Discharge" means a patient's release from a hospital following the patient's admission to the hospital.

((~~(4)~~)) (5) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine.

((~~(5)~~)) (6) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to

a victim of sexual assault following an alleged sexual assault.

((~~(6)~~)) (7) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including but not limited to administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

((~~(7)~~)) (8) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include birthing centers, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, intellectual disability, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations.

((~~(8)~~)) (9) "Lay caregiver" means any individual designated as such by a patient under this chapter who provides aftercare assistance to a patient in the patient's residence. "Lay caregiver" does not include a long-term care worker as defined in RCW 74.39A.009.

((~~(9)~~)) (10) "Originating site" means the physical location of a patient receiving health care services through telemedicine.

((~~(10)~~)) (11) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

((~~(11)~~)) (12) "Secretary" means the secretary of health.

((~~(12)~~)) (13) "Sexual assault" has the same meaning as in RCW 70.125.030.

((~~(13)~~)) (14) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" ((~~does not include the use of~~)) includes audio-only ((~~telephone~~)) telemedicine, but does not include facsimile((~~,~~)) or email.

((~~(14)~~)) (15) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

Sec. 4. RCW 71.24.335 and 2019 c 325 s 1019 are each amended to read as follows:

(1) Upon initiation or renewal of a contract with the authority, behavioral health administrative services organizations and managed care organizations shall reimburse a provider for a behavioral health service provided to a covered person who is under eighteen years old through telemedicine or store and forward technology if:

(a) The behavioral health administrative services organization or managed care organization in which the covered person is enrolled provides coverage of the behavioral health service when provided in person by the provider; ((~~and~~))

(b) The behavioral health service is medically necessary; and

(c) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(2)(a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring

provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the behavioral health administrative services organization, or managed care organization, and the provider.

(3) An originating site for a telemedicine behavioral health service subject to subsection (1) of this section means an originating site as defined in rule by the department or the health care authority.

(4) Any originating site, other than a home, under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the behavioral health administrative services organization, or managed care organization, as applicable. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) Behavioral health administrative services organizations and managed care organizations may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) Behavioral health administrative services organizations and managed care organizations may subject coverage of a telemedicine or store and forward technology behavioral health service under subsection (1) of this section to all terms and conditions of the behavioral health administrative services organization or managed care organization in which the covered person is enrolled, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable behavioral health care service provided in person.

(7) This section does not require a behavioral health administrative services organization or a managed care organization to reimburse:

(a) An originating site for professional fees;

(b) A provider for a behavioral health service that is not a covered benefit; or

(c) An originating site or provider when the site or provider is not a contracted provider.

(8) If a provider intends to bill a patient, a behavioral health administrative services organization, or a managed care organization for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered. The authority may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only telephone technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only telephone technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(b) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

((~~(b)~~)) (c) "Established relationship" means the covered person has had at least one in-person appointment within the past year with the provider providing audio-only telemedicine or with a provider employed at the same clinic as the provider providing audio-only telemedicine or the covered person was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person appointment with the covered person within the past year and has provided

relevant medical information to the provider providing audio-only telemedicine.

(d) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

((~~(c)~~)) (e) "Originating site" means the physical location of a patient receiving behavioral health services through telemedicine;

((~~(d)~~)) (f) "Provider" has the same meaning as in RCW 48.43.005;

((~~(e)~~)) (g) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical or behavioral health information from an originating site to the provider at a distant site which results in medical or behavioral health diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

((~~(f)~~)) (h) "Telemedicine" means the delivery of health care or behavioral health services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" ((~~does not include the use of~~)) includes audio-only ((~~telephone~~)) telemedicine, but does not include facsimile((~~,~~)) or email.

(9) The authority must adopt rules as necessary to implement the provisions of this section.

Sec. 5. RCW 74.09.325 and 2020 c 92 s 3 are each amended to read as follows:

(1)(a) Upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; ((~~and~~))

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine ((~~at~~)) the same ((~~rate as~~)) amount of compensation the managed health care system would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate ((~~a reimbursement rate~~)) an amount of compensation for telemedicine services that differs from the ((~~reimbursement rate~~)) amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(iv) A rural health clinic shall be reimbursed for audio-only telemedicine at the rural health clinic encounter rate.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject

to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) ((~~Community mental health center~~)) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the managed health care system. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) If a provider intends to bill a patient or a managed health care system for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered. The authority may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only telephone technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only telephone technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(b) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

((~~(b)~~)) (c) "Established relationship" means the covered person has had at least one in-person appointment within the past year with the provider providing audio-only telemedicine or with a provider employed at the same clinic as the provider providing audio-only telemedicine or the covered person was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person appointment with the covered person within the past year and has provided relevant medical information to the provider providing audio-only telemedicine.

(d) "Health care service" has the same meaning as in RCW 48.43.005;

((~~(c)~~)) (e) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

((~~(d)~~)) (f) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

((~~(e)~~)) (g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

((~~(f)~~)) (h) "Provider" has the same meaning as in RCW 48.43.005;

((~~(g)~~)) (i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

((~~(h)~~)) (j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" ((~~does not include the use of~~)) includes audio-only ((~~telephone~~)) telemedicine, but does not include facsimile((~~,~~)) or email.

((~~(9) To measure the impact on access to care for underserved communities and costs to the state and the medicaid managed health care system for reimbursement of telemedicine services, the Washington state health care authority, using existing data and resources, shall provide a report to the appropriate policy and fiscal committees of the legislature no later than December 31, 2018.~~))

NEW SECTION. **Sec. 6.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority shall adopt rules regarding medicaid fee-for-service reimbursement for services delivered through audio-only telemedicine. Except as provided in subsection (2) of this section, the rules must establish a manner of reimbursement for audio-only telemedicine that is consistent with RCW 74.09.325.

(2) The rules shall require rural health clinics to be reimbursed for audio-only telemedicine at the rural health clinic encounter rate.

(3)(a) For purposes of this section, "audio-only telemedicine" means the delivery of health care services through the use of audio-only telephone technology, permitting real-time communication between a patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(b) For purposes of this section only, "audio-only telemedicine" does not include:

(i) The use of facsimile or email; or

(ii) The delivery of health care services that are customarily delivered by audio-only telephone technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

Sec. 7. RCW 18.130.180 and 2020 c 187 s 2 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has

been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) Except when authorized by RCW 18.130.345, the possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW, RCW 41.05.700(8), 48.43.735(8), 71.24.335(8), or 74.09.325(8), or a pattern of violations of RCW 48.49.020 or 48.49.030;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards;

(26) Violation of RCW 18.130.420;

(27) Performing conversion therapy on a patient under age eighteen;

(28) Violation of RCW 18.130.430.

NEW SECTION. **Sec. 8.** (1) The insurance commissioner, in collaboration with the Washington state telehealth collaborative and the health care authority, shall study and make recommendations regarding:

(a) Preliminary utilization trends for audio-only telemedicine;

(b) Qualitative data from health carriers, including medicaid managed care organizations, on the burden of compliance and enforcement requirements for audio-only telemedicine;

(c) Preliminary information regarding whether requiring reimbursement for audio-only telemedicine has affected the incidence of fraud;

(d) Proposed methods to measure the impact of audio-only telemedicine on access to health care services for historically underserved communities and geographic areas;

(e) In consultation with the department of labor and industries, the extent to which telemedicine reimbursement requirements should be extended to industrial insurance and other programs administered by the department of labor and industries;

(f) An evaluation of the relative costs to providers and facilities of providing audio-only telemedicine services as compared to audio-video telemedicine services and in-person services; and

(g) Any other issues the insurance commissioner deems appropriate.

(2) The insurance commissioner must report his or her findings and recommendations to the appropriate committees of the legislature by November 15, 2023.

(3) This section expires January 1, 2024.

Sec. 9. RCW 28B.20.830 and 2020 c 92 s 4 are each amended to read as follows:

(1) The collaborative for the advancement of telemedicine is created to enhance the understanding and use of health services provided through telemedicine and other similar models in Washington state. The collaborative shall be hosted by the University of Washington telehealth services and shall be comprised of one member from each of the two largest caucuses of the senate and the house of representatives, and representatives from the academic community, hospitals, clinics, and health care providers in primary care and specialty practices, carriers, and other interested parties.

(2) By July 1, 2016, the collaborative shall be convened. The collaborative shall develop recommendations on improving reimbursement and access to services, including originating site restrictions, provider to provider consultative models, and technologies and models of care not currently reimbursed; identify the existence of

telemedicine best practices, guidelines, billing requirements, and fraud prevention developed by recognized medical and telemedicine organizations; and explore other priorities identified by members of the collaborative. After review of existing resources, the collaborative shall explore and make recommendations on whether to create a technical assistance center to support providers in implementing or expanding services delivered through telemedicine technologies.

(3) The collaborative must submit an initial progress report by December 1, 2016, with follow-up policy reports including recommendations by December 1, 2017, December 1, 2018, and December 1, 2021. The reports shall be shared with the relevant professional associations, governing boards or commissions, and the health care committees of the legislature.

(4) The collaborative shall study store and forward technology, with a focus on:

(a) Utilization;

(b) Whether store and forward technology should be paid for at parity with in-person services;

(c) The potential for store and forward technology to improve rural health outcomes in Washington state; and

(d) Ocular services.

(5) The meetings of the board shall be open public meetings, with meeting summaries available on a web page.

(6) The future of the collaborative shall be reviewed by the legislature with consideration of ongoing technical assistance needs and opportunities. The collaborative terminates December 31, ((~~2021~~)) 2023.

NEW SECTION. **Sec. 10.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Representative Caldier withdrew amendment (092) to the striking amendment (089).

Representative Caldier moved the adoption of amendment (093) to the striking amendment (089):

On page 2, line 30 of the striking amendment, after "distant site" insert ", a hospital that is an originating site for audio-only telemedicine,"

On page 5, line 40 of the striking amendment, after "distant site" insert ", a hospital that is an originating site for audio-only telemedicine,"

On page 10, line 39 of the striking amendment, after "distant site" insert ", a hospital that is an originating site for audio-only telemedicine,"

On page 14, line 22 of the striking amendment, after "distant site" insert ", a hospital that is an originating site for audio-only telemedicine,"

Representatives Caldier and Cody spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (093), to the striking amendment (089) was adopted.

Representative Riccelli moved the adoption of amendment (108) to the striking amendment (089):

On page 3, line 9 of the striking amendment, after "(8)" insert "(a)"

On page 3, after line 14 of the striking amendment, insert the following:

"(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an

amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation."

On page 3, line 17 of the striking amendment, after "audio-only" strike "telephone"

On page 3, line 25 of the striking amendment, after "audio-only" strike "telephone"

On page 3, line 28 of the striking amendment, after "(b)" insert ""Disciplining authority" has the same meaning as in RCW 18.130.020;

(c)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, line 19 of the striking amendment, after "(8)" insert "(a)"

On page 6, after line 24 of the striking amendment, insert the following:

"(b) If the commissioner has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the commissioner may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the commissioner may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the commissioner or initiated directly by an enrollee, the disciplining authority shall notify the commissioner of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation."

On page 6, line 27 of the striking amendment, after "audio-only" strike "telephone"

On page 6, line 35 of the striking amendment, after "audio-only" strike "telephone"

On page 6, line 38 of the striking amendment, after "(b)" insert ""Disciplining authority" has the same meaning as in RCW 18.130.020;

(c)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 8, line 13 of the striking amendment, after "audio-only" strike "telephone"

On page 8, line 20 of the striking amendment, after "audio-only" strike "telephone"

On page 11, line 25 of the striking amendment, after "(8)" insert "(a)"

On page 11, after line 31 of the striking amendment, insert the following:

"(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated

directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation."

On page 11, line 34 of the striking amendment, after "audio-only" strike "telephone"

On page 12, line 2 of the striking amendment, after "audio-only" strike "telephone"

On page 12, line 5 of the striking amendment, after "(b)" insert ""Disciplining authority" has the same meaning as in RCW 18.130.020;

(c)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 15, line 3 of the striking amendment, after "(8)" insert "(a)"

On page 15, after line 8 of the striking amendment, insert the following:

"(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation."

On page 15, line 11 of the striking amendment, after "audio-only" strike "telephone"

On page 15, line 19 of the striking amendment, after "audio-only" strike "telephone"

On page 15, line 22 of the striking amendment, after "(b)" insert ""Disciplining authority" has the same meaning as in RCW 18.130.020;

(c)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 17, line 6 of the striking amendment, after "only" strike "telephone"

On page 17, line 13 of the striking amendment, after "audio-only" strike "telephone"

On page 19, beginning on line 26 of the striking amendment, after "19.68 RCW" strike all material through "74.09.325(8),"

On page 19, line 28 of the striking amendment, after "RCW" strike "48.49.020 or 48.49.030" and insert "41.05.700(8), 48.43.735(8), 48.49.020 ((~~or~~)), 48.49.030, 71.24.335(8), or 74.09.325(8)"

On page 20, beginning on line 28 of the striking amendment, strike all of subsection (e)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Riccelli and Schmick spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (108) to the striking amendment (089) was adopted.

Representatives Riccelli and Schmick spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (089), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Riccelli, Schmick and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1196.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1196, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Robertson and Stokesbary.

Excused: Representative Fey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

HOUSE BILL NO. 1331, by Representatives Harris-Talley, Senn, Berry, Callan, Fitzgibbon, Wicks, Ortiz-Self, Chopp, Davis, Valdez, Bateman, Eslick, Ormsby, Lovick, Fey, Berg, Rule, Lekanoff, Frame, Duerr, Pollet, Macri, Slatter and Peterson

Concerning early learning facility impact fees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1331 was substituted for House Bill No. 1331 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1331 was read the second time.

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

Representatives Harris-Talley, Goehner and Harris-Talley (again) spoke in favor of the passage of the bill.

Representative Barkis spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1331.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1331, and the bill passed the House by the following vote: Yeas, 73; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, McCaslin, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dufault, Dye, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McEntire, Mosbrucker, Schmick, Stokesbary, Vick, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1331, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Santos congratulated Representative Harris-Talley on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1383, by Representatives Taylor, Stonier, Dolan, J. Johnson, Leavitt, Simmons, Berry, Fitzgibbon, Sells, Ryu, Berg, Ormsby, Macri and Morgan

Concerning respiratory care practitioners.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1383 was substituted for House Bill No. 1383 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1383 was read the second time.

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

Representatives Taylor and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1383.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1383, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1383, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative J. Johnson congratulated Representative Taylor on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1078, by Representatives Simmons, Young, Dolan, Berry, Fitzgibbon, J. Johnson, Wicks, Chopp, Wylie, Bateman, Ramos, Berg, Shewmake, Tharinger, Ramel, Ortiz-Self, Peterson, Gregerson, Walen, Goodman, Senn, Sells, Ryu, Valdez, Callan, Hackney, Morgan, Ormsby, Pollet, Riccelli, Taylor, Springer, Stonier, Lekanoff, Frame, Santos, Jacobsen, Macri, Davis, Bergquist and Harris-Talley

Restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1078 was substituted for House Bill No. 1078 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1078 was read the second time.

With the consent of the House, amendment (090) was withdrawn.

Representative Walsh moved the adoption of amendment (091):

On page 1, beginning on line 20, after "(2)" strike all material through "~~(5)~~))" on page 2, line 21 and insert "(a) Once the right to vote has been ((~~provisionally~~)) restored, the sentencing court may revoke the ((~~provisional~~)) restoration of voting rights if the sentencing court determines that a person has willfully failed to comply with the terms of his or her order to pay legal financial obligations.

(b) If the ((~~person has failed to make three payments in a twelve-month period and the county clerk or restitution recipient requests, the prosecutor shall seek revocation of the provisional restoration of voting rights from the court.~~

~~(c) To the extent practicable, the prosecutor and county clerk shall inform a restitution recipient of the recipient's right to ask for the revocation of the provisional restoration of voting rights.~~

~~(3) If the~~)) court revokes the ((~~provisional~~)) restoration of voting rights, the revocation shall remain in effect until, upon motion by the person whose ((~~provisional~~)) voting rights have been revoked, the person shows that he or she has made a good faith effort to pay ((~~as defined in RCW 10.82.090~~)) and the court orders that the person's voting rights be restored. As used in this subsection, "good faith effort" means that the person has either (i) paid the principal amount in full; or (ii) made at least 15 payments within an 18-month period, excluding any payments mandatorily deducted by the department of corrections.

((~~(4)~~)) (c) The county clerk shall enter into a database maintained by the administrator for the courts the names of all persons whose ((~~provisional~~)) voting rights have been revoked, and update the database for any person whose voting rights have subsequently been restored pursuant to ((~~(6)~~)) (b) of this ((~~section~~)) subsection.

((~~(5)~~)) (3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, at the beginning of line 24, strike "subsection((~~s~~)) (1) ((~~and (3)~~))" and insert "subsections (1) and ((~~(3)~~)) (2)"

On page 3, line 28, after "conviction," strike "and"

On page 3, line 29, after "conviction" insert ", and I am not disqualified from voting due to a court order revoking my voting rights for failure to comply with the terms for payment of legal financial obligations"

On page 5, line 36, after "voting;" strike "and"

On page 5, beginning on line 37, after "(e)" strike all material through "~~(f) The~~" on page 6, line 3 and insert "The ((~~provisional~~)) restored right to vote may be revoked if the defendant fails to comply with all the terms of his or her legal financial obligations or an agreement for the payment of legal financial obligations; and

(f) ((~~The~~"

Representatives Walsh, Graham, Caldier, Walsh (again), Graham (again) and Caldier (again) spoke in favor of the adoption of the amendment.

Representatives Valdez and Harris-Talley spoke against the adoption of the amendment.

Amendment (091) was not adopted.

Representative Graham moved the adoption of amendment (085):

On page 3, at the beginning of line 14, insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 5, line 18, after "9.94A.030" insert "and includes community custody as directed under RCW 9.94A.701(1)(b)"

On page 6, at the beginning of line 21, insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 6, line 23, after "confinement"" strike "has the same meaning as in" and insert "includes community custody as directed under RCW 9.94A.701(1)(b) in addition to its definition under"

On page 8, line 21, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 8, line 24, after "confinement"" strike "has the same meaning as in" and insert "includes community custody as directed under RCW 9.94A.701(1)(b) in addition to its definition under"

Representatives Graham, Caldier, Orcutt and Graham (again) spoke in favor of the adoption of the amendment.

Representatives Hackney and Goodman spoke against the adoption of the amendment.

Amendment (085) was not adopted.

Representative Graham moved the adoption of amendment (084):

On page 3, line 15, after "9.94A.633(1)." insert "A sentence of total confinement includes community custody imposed as a condition of sentence for a sex offense as defined under RCW 9.94A.030."

On page 5, line 18, after "confinement"" insert "includes community custody imposed as a condition of sentence for a sex offense as defined under RCW 9.94A.030 and"

On page 6, line 22, after "9.94A.633(1)." insert "A sentence of total confinement includes community custody imposed as a condition of sentence for a sex offense as defined under RCW 9.94A.030."

On page 6, line 23, after "9.94A.030." insert "A sentence of total confinement includes community custody imposed as a condition of sentence for a sex offense as defined under RCW 9.94A.030."

On page 8, line 23, after "9.94A.633(1)." insert "A sentence of total confinement includes community custody imposed as a condition of sentence for a sex offense as defined under RCW 9.94A.030."

On page 8, line 24, after "9.94A.030." insert "A sentence of total confinement includes community custody imposed as a condition of sentence for a sex offense as defined under RCW 9.94A.030."

Representatives Graham, Caldier, Graham (again), Caldier (again) and Dufault spoke in favor of the adoption of the amendment.

Representatives Goodman and Harris-Talley spoke against the adoption of the amendment.

Amendment (084) was not adopted.

Representative Simmons moved the adoption of amendment (086):

On page 3, beginning on line 24, after "I" strike all material through "incompetent," on line 25 and insert "am not disqualified from voting due to a court order, and"

On page 4, line 7, after "(2)" strike "(a)"

On page 4, beginning on line 20, strike all of subsection (b)

Correct any internal references accordingly.

On page 8, after line 24, insert the following:

"NEW SECTION. **Sec. 8.** This act takes effect January 1, 2022."

Correct the title.

Representative Volz moved the adoption of amendment (097) to amendment (086):

On page 1, line 12 of the amendment, after "**Sec. 8.**" strike all material through "January 1" on line 12 and insert "(1) By December 1, 2021, and in compliance with RCW 43.01.036, the department shall submit a report to the appropriate committees of the legislature that includes information on the expected number of people who will have their voting rights restored pursuant to RCW 29A.08.520 as of July 1, 2022, who:

(a) Have been convicted of a serious violent offense, violent offense, or sex offense; and

(b) Are under the authority of the department based on a conviction of an offense under (a) of this subsection.

(2) For purposes of this section:

(a) A person is under the authority of the department of corrections if the person is:

(i) Serving a sentence of confinement in the custody of the department; or

(ii) Subject to community custody as defined in RCW 9.94A.030.

(b) The terms "serious violent offense", "violent offense", and "sex offense" have the same meaning as in RCW 9.94A.030.

(2) This section expires December 31, 2021.

NEW SECTION. **Sec. 9.** Sections 1 through 7 of this act take effect July 1"

Representatives Volz, Caldier, Walsh, Walsh (again), Graham and Young spoke in favor of the adoption of the amendment to the amendment.

Representatives Valdez and Goodman spoke against the adoption of the amendment to the amendment.

Amendment (097) to amendment (086) was not adopted.

Representatives Simmons and Volz spoke in favor of the adoption of the amendment (086).

Amendment (086) was adopted.

By the adoption of amendment (086), amendments (081) and (096) were ruled out of order.

Representative Graham moved the adoption of amendment (083):

On page 8, line 20, after "(2)" insert "The department shall, simultaneous with the provision of the required notice under subsection (1) of this section, send written notice of restoration of voting rights to the victims of the crimes for which the person described under subsection (1) of this section was serving a sentence of total confinement under the jurisdiction of the department of corrections. The notice must include information that the person will be released from, or transferred to partial confinement from, total confinement under the jurisdiction of the department of corrections and his or her voting rights will be automatically restored.

(3)"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (083).

SPEAKER'S RULING

"Substitute House Bill 1078 restores voting rights to a person convicted of a felony when the person is released

from total confinement under the jurisdiction of the Department of Corrections.

Amendment (083) relates to victim notification requirements.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Graham moved the adoption of amendment (082):

On page 8, after line 24, insert the following:

"NEW SECTION. **Sec. 8.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Representatives Graham, Caldier, Graham (again) and Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (082) was not adopted.

The bill was ordered engrossed.

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

Representatives Simmons, Young, Hackney, Harris-Talley, Wicks, Young (again) and J. Johnson spoke in favor of the passage of the bill.

Representatives Caldier, Volz, Walsh, Dent, Sutherland, Graham, Caldier (again), Dufault, Jacobsen, Walsh (again), Mosbrucker, Griffey and Graham (again) spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1078.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1078, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hansen congratulated Representative Simmons on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

HOUSE BILL NO. 1455, by Representatives Mosbrucker, Boehnke, Young, Sutherland and Jacobsen

Concerning the use of social security numbers by the department of labor and industries and the employment security department.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1455 was substituted for House Bill No. 1455 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1455 was read the second time.

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

Representatives Mosbrucker and Sells spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Robertson and Wilcox were excused

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1455.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1455, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Robertson and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1455, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1492, by Representatives Sells, Macri, Lovick, Berry, Slatter, Thai, Pollet, Ormsby and Stonier

Concerning extended benefits in the unemployment insurance system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1492 was substituted for House Bill No. 1492 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1492 was read the second time.

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

Representatives Sells and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1492.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1492, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

Excused: Representatives Robertson and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1492, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1493, by Representatives Sells, Berry, Pollet and Ormsby

Concerning job search monitoring.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1493 was substituted for House Bill No. 1493 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1493 was read the second time.

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

Representatives Sells and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1493.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1493, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule,

Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and Young.

Excused: Representatives Robertson and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1493, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1184, by Representatives Duerr, Ramel, Dolan and Harris-Talley

Concerning risk-based water quality standards for on-site nonpotable water systems.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1184 was substituted for House Bill No. 1184 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1184 was read the second time.

Representative Goehner moved the adoption of amendment (107):

On page 2, line 17, after "permit" strike "criteria"

On page 2, beginning on line 19, after "Washington." strike all material through "requirements." on line 24

On page 2, line 25, after "owner or" strike "construction"

On page 2, line 26, after "impervious" strike "services" and insert "surfaces"

Representatives Goehner and Duerr spoke in favor of the adoption of the amendment.

Amendment (107) was adopted.

The bill was ordered engrossed.

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

Representatives Duerr, Goehner and Volz spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1184.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1184, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Eslick, Kraft, McCaslin, Sutherland, Walsh and Young.

Excused: Representatives Robertson and Wilcox.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1184, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1294, by Representatives Goodman, Davis, Macri and Ormsby

Addressing misdemeanant supervision services by limited jurisdiction courts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1294 was substituted for House Bill No. 1294 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1294 was read the second time.

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

Representatives Goodman and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1294.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1294, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Robertson and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1294, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1309, by Representatives Eslick, Ramel, Paul and Lekanoff

Concerning the dates of certification of levies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1309 was substituted for House Bill No. 1309 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1309 was read the second time.

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

Representatives Eslick, Ramel and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1309.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1309, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Robertson and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1309, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1271, by Representatives Orwall, Goehner, Goodman, Thai, Fey, Pollet and Harris-Talley

Ensuring continuity of operations in the offices of county elected officials during the current COVID-19 pandemic and future public health crises.

The bill was read the second time.

Representative Orwall moved the adoption of amendment (050):

On page 3, at the beginning of line 23, strike "eighteen" and insert "((~~eighteen~~)) 21"

Representatives Orwall and Goehner spoke in favor of the adoption of the amendment.

Amendment (050) was adopted.

The bill was ordered engrossed.

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

Representatives Orwall and Goehner spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1271.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1271, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley,

Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin, Sutherland and Young.

Excused: Representatives Robertson and Wilcox.

ENGROSSED HOUSE BILL NO. 1271, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1028, by Representatives Bergquist, McCaslin, Dolan, Stonier and Pollet

Concerning evaluation and recommendation of candidates for residency teacher certification.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1028 was substituted for House Bill No. 1028 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1028 was read the second time.

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

Representatives Bergquist, McEntire, Stonier and McCaslin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1028.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1028, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Robertson and Wilcox.

SECOND SUBSTITUTE HOUSE BILL NO. 1028, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1061
HOUSE BILL NO. 1075
HOUSE BILL NO. 1085
HOUSE BILL NO. 1086
HOUSE BILL NO. 1105
HOUSE BILL NO. 1109
HOUSE BILL NO. 1141
HOUSE BILL NO. 1160
HOUSE BILL NO. 1168
HOUSE BILL NO. 1172
HOUSE BILL NO. 1202
HOUSE BILL NO. 1261
HOUSE BILL NO. 1263
HOUSE BILL NO. 1269
HOUSE BILL NO. 1274
HOUSE BILL NO. 1287
HOUSE BILL NO. 1297
HOUSE BILL NO. 1315
HOUSE BILL NO. 1320
HOUSE BILL NO. 1322
HOUSE BILL NO. 1329
HOUSE BILL NO. 1333
HOUSE BILL NO. 1382
HOUSE BILL NO. 1393
HOUSE BILL NO. 1423
HOUSE BILL NO. 1430
HOUSE BILL NO. 1443
HOUSE BILL NO. 1471
HOUSE BILL NO. 1525

There being no objection, the House adjourned until 9:00 a.m., February 25, 2021, the 46th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY SIXTH DAY

House Chamber, Olympia, Thursday, February 25, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Liz Berry, 36th Legislative Disctrict.

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

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

MESSAGES FROM THE SENATE

February 24, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 24, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5025,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5074,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5180,
SECOND SUBSTITUTE SENATE BILL NO. 5183,
SENATE BILL NO. 5196,
SENATE BILL NO. 5202,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5235,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5432,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272

The Speaker called upon Representative Orwall to preside.

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

INTRODUCTION & FIRST READING

SB 5018 by Senators Rivers, Cleveland, Dhingra, Lovelett, Short, Wilson and C.

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

Referred to Committee on Health Care & Wellness.

SB 5021 by Senators Hunt, Conway, Saldaña, Wilson and C.

AN ACT Relating to the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program; amending RCW 41.26.030, 41.32.010, 41.34.040, 41.35.010, 41.37.010, 41.40.010, and 43.43.120; adding a new section to chapter 41.50 RCW; and creating a new section.

Referred to Committee on Appropriations.

ESB 5026 by Senators Salomon, Cleveland, Conway, Das, Hasegawa, Hunt, Keiser, Lovelett, Nguyen, Nobles and Randall

AN ACT Relating to moneys available to a port district allocated for the purchase of zero and near zero emissions cargo handling equipment; and adding a new chapter to Title 53 RCW.

Referred to Committee on Local Government.

SSB 5030 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Mullet, Wellman, Conway, Darneille, Hasegawa, Kuderer, Liias, Lovelett, Nguyen, Rivers, Salomon, Wilson and C.)

AN ACT Relating to developing comprehensive school counseling programs; adding new sections to chapter

28A.320 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

SSB 5066 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Das, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Stanford, Wilson and C.)

AN ACT Relating to a peace officer's duty to intervene; adding a new section to chapter 10.93 RCW; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Appropriations.

SB 5101 by Senators Stanford, Conway, Dhingra, Hasegawa, Hunt, Nguyen, Randall, Saldaña, Wagoner, Wilson and C.

AN ACT Relating to establishing tribal representation on the emergency management council; and amending RCW 38.52.040.

Referred to Committee on Community & Economic Development.

ESSB 5115 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Liias, Conway, Kuderer, Lovelett, Nguyen, Salomon, Stanford, Wilson and C.)

AN ACT Relating to establishing health emergency labor standards; adding a new section to chapter 51.32 RCW; adding new sections to chapter 49.17 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

SSB 5127 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Padden, Kuderer, Nguyen, Short, Wagoner, Warnick, Wilson and C.)

AN ACT Relating to courthouse facility dogs; amending RCW 10.52.110; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

SB 5131 by Senator Holy

AN ACT Relating to county clerks duties related to recall petitions; and amending RCW 29A.56.140.

Referred to Committee on State Government & Tribal Relations.

SB 5146 by Senator Van De Wege

AN ACT Relating to authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds; and amending RCW 77.12.320.

Referred to Committee on Capital Budget.

SSB 5179 by Senate Committee on Health & Long Term Care (originally sponsored by Liias, Rivers, Das, Randall, Wilson and C.)

AN ACT Relating to blood donation; and amending RCW 70.01.020.

Referred to Committee on Health Care & Wellness.

SB 5225 by Senators Hunt, Padden and Pedersen

AN ACT Relating to direct appeals to the court of appeals of cases brought under the administrative procedure act and the land use petition act; amending RCW 34.05.518, 34.05.522, 36.18.018, 34.05.518, and 34.05.522; adding a new section to chapter 36.70C RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

SSB 5271 by Senate Committee on Law & Justice (originally sponsored by Wagoner, Pedersen and Dhingra)

AN ACT Relating to amending the necessary elements of proof of injury during the state of emergency declared due to the COVID-19 pandemic; amending RCW 7.70.040; creating a new section; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

SSB 5292 by Senate Committee on Health & Long Term Care (originally sponsored by Nobles, Cleveland, Das, Keiser, Lovelett, Nguyen, Randall, Salomon, Stanford, Van De Wege, Wilson and C.)

AN ACT Relating to the use of parks and recreation spaces, trails, and facilities in the design of parks Rx pilot program collaboratively designed with the health care and insurance industry sectors; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 5296 by Senators Schoesler, Conway, Dozier, Muzzall, Rivers, Van De Wege and Warnick

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

Referred to Committee on Appropriations.

SB 5300 by Senators Van De Wege, Das, Hunt, Randall, Wilson and C.

AN ACT Relating to prohibiting the feeding of garbage to swine; amending RCW 16.36.020 and 16.36.105; reenacting and amending RCW 16.36.005; and repealing RCW 16.68.150.

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

SB 5303 by Senator Hunt

AN ACT Relating to exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act; and amending RCW 42.56.380.

Referred to Committee on State Government & Tribal Relations.

SB 5322 by Senators Robinson, Wilson and C.

AN ACT Relating to prohibiting dual enrollment between school employees' benefits board and public employees' benefits board programs; and amending RCW 41.05.742.

Referred to Committee on Appropriations.

SB 5354 by Senators Saldaña, King and Nguyen

AN ACT Relating to traffic control in large cities; and amending RCW 46.61.050.

Referred to Committee on Transportation.

ESB 5356 by Senators Short, Kuderer and Conway

AN ACT Relating to prime contractor bidding submission requirements on public works contracts; and amending RCW 39.30.060.

Referred to Committee on Capital Budget.

SSB 5384 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Warnick, Short, Wilson and L.)

AN ACT Relating to volunteer firefighters; amending RCW 49.12.460; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4610, by Representative Sullivan

NOW, THEREFORE, BE IT RESOLVED, That permanent House Rules for the Sixty-Seventh Legislature be adopted as follows:

((~~TEMPORARY~~)) RULES OF THE HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE 2021-2022

HOUSE RULE NO.

Rule 1 Definitions

Rule 2 Chief Clerk to Call to Order

Rule 3 Election of Officers

Rule 4 Powers and Duties of the Speaker

Rule 5 Chief Clerk

Rule 6 Executive Rules Committee

Rule 7 Duties of Employees

Rule 8 Admission to the House

Rule 9 Absentees and Courtesy

Rule 10 Bills, Memorials and Resolutions - Introductions

Rule 11 Reading of Bills

Rule 12 Amendments

Rule 13 Final Passage

Rule 14 Hour of Meeting, Roll Call and Quorum

Rule 15 Daily Calendar and Order of Business

Rule 16 Motions

Rule 17 Members Right to Debate

Rule 18 Rules of Debate

Rule 19 Ending of Debate - Previous Question

Rule 20 Voting

Rule 21 Reconsideration

Rule 22 Call of the House

Rule 23 Appeal from Decision of Chair

Rule 24 Standing Committees

Rule 25 Duties of Committees

Rule 26 Standing Committees - Expenses - Subpoena Power

Rule 27 Vetoed Bills

Rule 28 Suspension of Compensation

Rule 29 Smoking

Rule 30 Liquor

Rule 31 Parliamentary Rules

Rule 32 Standing Rules Amendment

Rule 33 Rules to Apply for Assembly

Rule 34 Legislative Mailings

Definitions

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

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

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

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

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

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

Chief Clerk to Call to Order

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

Election of Officers

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

Powers and Duties of the Speaker

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

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

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

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

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

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

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

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

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

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

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

Chief Clerk

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

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

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

Executive Rules Committee

Rule 6. The executive rules committee is hereby established to oversee administrative operations of the house. The committee consists of four members of the majority caucus and three members of the minority caucus, to be named by the speaker and minority leader respectively.

Duties of Employees

Rule 7. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

Admission to the House

Rule 8. It shall be the general policy of the house to keep the chamber clear as follows:

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

The governor or designees, or both;

Members of the senate;

State elected officials;

Officers and authorized employees of the legislature;

Former members of the house who are not advocating any pending or proposed legislation;

Representatives of the press;

Other persons with the consent of the speaker.

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

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

Absentees and Courtesy

Rule 9. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

Bills, Memorials and Resolutions - Introductions

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

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

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

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

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

Reading of Bills

Rule 11. Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

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

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

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

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

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

(B) SECOND READING. Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

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

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

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

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

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

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

Amendments

Rule 12. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 11(E) and as follows:

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

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

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

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

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

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

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

Final Passage

Rule 13. Rules relating to bills on final passage are as follows:

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

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

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

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

Hour of Meeting, Roll Call and Quorum

Rule 14. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 22(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

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

Daily Calendar and Order of Business

Rule 15. The rules relating to the daily calendar and order of business are as follows:

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

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

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

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

Eleventh: Announcements.

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

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

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

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

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

Motions

Rule 16. Rules relating to motions are as follows:

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

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

(1) Privileged motions:

Adjourn

Adjourn to a time certain

Recess to a time certain

Reconsider

Demand for division

Question of privilege

Orders of the day

(2) Subsidiary motions:

First rank:	Question of consideration
Second rank:	To lay on the table
Third rank:	For the previous question
Fourth rank:	To postpone to a day certain
	To commit or recommit
	To postpone indefinitely
Fifth rank:	To amend

(3) Incidental motions:

Points of order and appeal

Method of consideration

Suspension of the rules

Reading papers

Withdraw a motion

Division of a question

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

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

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 23.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule 11(F).

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

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

Members Right to Debate

Rule 17. The methods by which a member may exercise his or her right to debate are as follows:

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

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

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 19 (Previous Question).

Rules of Debate

Rule 18. The rules for debate in the house are as follows:

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

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

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

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the

distribution. This shall not apply to materials normally distributed by the chief clerk.

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

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

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

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

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

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

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

Ending of Debate - Previous Question

Rule 19. The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

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

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

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

Voting

Rule 20. (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

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

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

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

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

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

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

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

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

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

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

(H) DIVISION. If the speaker is in doubt, or if division is

called for by any member, the house shall divide.

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

Reconsideration

Rule 21. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

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

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

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

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

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

Call of the House

Rule 22. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

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

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

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

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

Appeal from Decision of Chair

Rule 23. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule 24. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Appropriations 33
2. Capital Budget 23
3. Children, Youth & Families 13
4. Civil Rights & Judiciary 17
5. College & Workforce Development 13
6. Commerce & Gaming 9
7. Community & Economic Development 13
8. Consumer Protection & Business 7
9. Education 13
10. Environment & Energy 13
11. Finance 17
12. Health Care & Wellness 15
13. Housing, Human Services & Veterans 9
14. Labor & Workplace Standards 7

15. Local Government 7

16. Public Safety 13

17. Rules 27

18. Rural Development, Agriculture & Natural Resources 15

19. State Government & Tribal Relations 7

20. Transportation 29

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

Duties of Committees

Rule 25. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

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

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

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

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

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

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

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

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

Standing Committees - Expenses - Subpoena Power

Rule 26. Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

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

Vetoed Bills

Rule 27. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in

order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

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

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

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

Suspension of Compensation

Rule 28. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

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

Smoking

Rule 29. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

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

Liquor

Rule 30. The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

Parliamentary Rules

Rule 31. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule 32. Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 11.

Rules to Apply for Assembly

Rule 33. The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

Legislative Publications

Rule 34. The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

Appendix to House Rules

The House of Representatives of the sixty-seventh legislature acknowledges that the COVID-19 pandemic requires the adoption of extraordinary rules of procedure that protect the health of members, staff, and the public, and ensure transparency and openness in house proceedings.

Pursuant to Article II, section 9 of the state Constitution, the House of Representatives hereby adopts the following Appendix Rules A-1 through A-10 to govern its proceedings during the COVID-19 state of emergency.

Application of Rules

Rule A-1. Reed's Parliamentary Rules and the Rules of the House of Representatives are hereby superseded to the extent they are inconsistent with the rules set forth in this appendix.

Remote Participation and Voting Authorized

Rule A-2. House members shall participate remotely in official house proceedings, including committee meetings and floor sessions, and when doing so, shall be considered present for purposes of a quorum and voting.

Members are encouraged to use computers provided by the house to participate in committee meetings and are encouraged to use the virtual background provided by the house in their video display. Members are required to use computers provided by the house to cast votes in remote floor sessions and are required to use the virtual background provided by the house for their video display.

Reasonable accommodations provided to a member due to a disability must include provisions necessary to facilitate participation in remote proceedings.

Admittance to House Facilities

Rule A-3. Admittance to house facilities is permitted only as follows:

(1) ((~~Presiding officers, the minority leader, floor leaders, and staff essential to floor operations are permitted in the chamber during floor proceedings.~~

~~(2)~~)) The speaker, the speaker pro tempore, the deputy speaker pro tempore, the minority leader, the majority floor leader, the minority floor leader, and staff essential to floor operations are permitted in the chamber during floor proceedings.

(2) The executive rules committee may authorize additional members to be admitted to the chamber during floor proceedings.

(3) Including the above referenced members ((~~identified in subsection (1) of this rule~~)), each caucus may designate 15 members to participate remotely from their assigned legislative offices. Each caucus must prioritize members with technological problems that preclude remote participation.

(((~~(3)~~))) (4) The executive rules committee may authorize additional members of the house to participate remotely from their assigned legislative offices upon a showing that technological problems preclude participation from the member's home or an alternate district location.

(((~~(4)~~))) (5) Staff may access house facilities only with prior approval of the chief clerk.

(6) Any person permitted access to house facilities must comply with public health requirements both on and off campus, and any other restriction established by executive rules and/or the chief clerk.

(7) The chief clerk shall continue to review public health data and guidance and periodically update the executive rules committee. The executive rules committee may modify provisions relating to admittance to house facilities as conditions warrant.

House Resolutions

Rule A-4. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Day of Remembrance, Martin Luther King Jr. Day, President's Day, and National Guard Day((~~, and Navy Day~~)). Floor debate on commemorative resolutions is limited to 10 minutes for members of the majority caucus and 10 minutes for members of the minority caucus.

Members Right to Debate

Rule A-5. Any member who desires to speak may request to be recognized by use of the request to speak function in the remote floor activity system.

No member may speak longer than 10 minutes without consent of the house, PROVIDED, that on and after the fifth day prior to the day of adjournment Sine Die of any session, as determined by Article II, section 12 of the state Constitution or concurrent resolution, and on and after the fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member may speak more than three minutes without consent of the house.

Amendments

Rule A-6. To facilitate the orderly consideration of legislation, the speaker, after consultation with the minority leader, may establish a deadline for submission of amendments.

Voting

Rule A-7. The speaker shall divide the house on all motions not requiring a recorded roll call vote. A member is not required to participate in a division vote.

All members present in the remote floor proceedings shall vote when the question is put on any motion requiring a recorded roll call vote. Before locking the roll call machine, the ((~~presiding officer~~)) speaker shall call the name of any member not voting. If a member is unable to vote using the remote voting function, the member may vote orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

Any member who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the same day the vote is taken or submit a statement for the journal within 48 hours indicating their intent to vote yea or nay.

Distribution of Materials

Rule A-8. Any requirement to distribute materials to members' desks is satisfied by distribution through electronic means.

Duties of Committees

Rule A-9. Every notice of a committee meeting shall include a web address for information about viewing and providing public testimony at committee meetings in lieu of a physical location.

Every member participating remotely in a committee meeting shall be considered present for purposes of quorum and roll call voting.

Only such bills as are included on the written notice of a committee meeting may be considered at that meeting.

Every report and recommendation shall be made by members of the committee during a regularly called meeting of the committee. No signatures are required.

Every vote to report a bill out of committee shall be taken by the yeas and nays, with nays specifying "do not pass" or "without recommendation."

A member who is unable to vote on a bill in committee for technical reasons may submit a statement for the bill file indicating their intent to have voted aye, nay-do not pass, or nay-without recommendation. The statement must be submitted to the chief clerk on the same day the vote is taken.

A meeting shall be considered open to the public if an alternate and broadly accessible means for the public to view the meeting is available.

Term of Appendix Rules

Rule A-10. The rules in this appendix expire on the termination of the COVID-19 state of emergency, or when rescinded by the executive rules committee, whichever occurs first.

There being no objection, HOUSE RESOLUTION NO. 4610 was adopted.

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

SECOND READING

HOUSE BILL NO. 1359, by Representatives Stonier, MacEwen, Robertson, Shewmake, Ormsby and Macri

Reducing liquor license fees temporarily.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1359 was substituted for House Bill No. 1359 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1359 was read the second time.

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

Representatives Stonier and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1359.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1359, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chopp, Davis and Ryu.

SECOND SUBSTITUTE HOUSE BILL NO. 1359, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1480, by Representatives MacEwen, Kloba, Sutherland, Robertson, Ormsby, Chambers, Eslick and Tharinger

Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1480 was substituted for House Bill No. 1480 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1480 was read the second time.

Representative Kloba moved the adoption of amendment (121):

On page 3, line 22, after "(9)" insert "Upon delivery of any alcohol product authorized to be delivered under this section, the signature of the person age 21 or over receiving the delivery must be obtained.

(10)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 3, at the beginning of line 33, strike all material through "(2)" on line 37

On page 11, after line 34, insert the following:

"NEW SECTION. **Sec. 9.** Except as provided in section 2(9) of this act, any temporary authorization or relaxation of requirements provided by the Washington state liquor and cannabis board, in effect on the effective date of this section, related to authorizing the photographing or scanning of customer identification in lieu of obtaining a physical signature to document liquor product delivery or verify the age of customers, expires at the end of the governor's proclamation of emergency related to COVID-19."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representatives Kloba and MacEwen spoke in favor of the adoption of the amendment.

Amendment (121) was adopted.

Representative Davis moved the adoption of amendment (120):

On page 3, line 30, after "July 1," strike "2023" and insert "2022"

On page 11, line 25, after "July 1," strike "2023" and insert "2022"

Representatives Davis and Callan spoke in favor of the adoption of the amendment.

Representatives MacEwen and Kloba spoke against the adoption of the amendment.

Amendment (120) was not adopted.

Representative Kloba moved the adoption of amendment (116):

On page 4, beginning on line 8, strike all of section 4

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 11, after line 34, insert the following:

"NEW SECTION. **Sec. 9.** Any temporary authorization or relaxation of statutory requirements provided by the Washington state liquor and cannabis board related to food requirements associated with wine and beer sampling at farmers markets expires at the end of the governor's proclamation of emergency related to COVID-19."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representatives Kloba and MacEwen spoke in favor of the adoption of the amendment.

Amendment (116) was adopted.

The bill was ordered engrossed.

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

Representatives MacEwen, Stonier and Rule spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1480.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1480, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Dolan, Duerr, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chopp, Davis, Dent, Dufault, Dye, Entenman, Harris, Kraft, Leavitt, Ormsby, Ryu and Simmons.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1480, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1104, by Representatives Ryu and Kloba

Extending the operation of the mortgage lending fraud prosecution account until June 30, 2027.

The bill was read the second time.

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

Representatives Ryu and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1104.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1104, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representative Young.

HOUSE BILL NO. 1104, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1122, by Representatives Lovick, Klippert, Ryu, Goodman, MacEwen and Orwall

Concerning the retirement age for state guard members.

The bill was read the second time.

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

Representatives Lovick and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1122.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1122, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1122, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1151, by Representatives Leavitt, Shewmake, Peterson, Bronoske, Entenman, Stonier, Bateman, Chopp, Frame, Hackney, Callan, Pollet, Gregerson, Senn and J. Johnson

Bolstering economic recovery.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1151 was substituted for House Bill No. 1151 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1151 was read the second time.

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

Representatives Leavitt, Caldier, Riccelli, Sutherland and Graham spoke in favor of the passage of the bill.

Representatives Dufault and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1151.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1151, and the bill passed the House by the following vote: Yeas, 82; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Corry, Dufault, Dye, Graham, Klicker, Kraft, Kretz, McCaslin, McEntire, Schmick, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1151, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

HOUSE BILL NO. 1508, by Representatives Chapman and Pollet

Concerning the sanitary control of shellfish.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1508 was substituted for House Bill No. 1508 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1508 was read the second time.

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

Representatives Chapman and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1508.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1508, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1508, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1031, by Representatives Walen, Valdez, Leavitt, Ortiz-Self, Springer, Stonier and Santos

Concerning the government issuance of a certificate of birth resulting in stillbirth.

The bill was read the second time.

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

Representatives Walen and Jacobsen spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1031.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1031, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dufault, Dye, Graham, Klicker, Kraft, McEntire, Schmick, Sutherland, Walsh, Ybarra and Young.

HOUSE BILL NO. 1031, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1085, by Representatives Kloba, Vick, Volz, Leavitt, Ramel, Hoff, Graham, Chopp, Lovick, Stokesbary and Pollet

Promoting a safe learning environment for students with seizure disorders.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1085 was substituted for House Bill No. 1085 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1085 was read the second time.

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

Representatives Kloba, Ybarra and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1085.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1085, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1085, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1016, by Representatives Morgan, Lovick, Ryu, Wicks, Ortiz-Self, Berry, Leavitt, J. Johnson, Kloba, Shewmake, Simmons, Bateman, Lekanoff, Duerr, Fitzgibbon, Chopp, Slatter, Ramos, Ramel, Peterson, Gregerson, Valdez, Callan, Young, Hackney, Cody, Ormsby, Riccelli, Rude, Stonier, Fey, Frame, Santos, Macri, Taylor, Davis, Pollet, Bergquist and Harris-Talley

Making Juneteenth a legal holiday.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1016 was substituted for House Bill No. 1016 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1016 was read the second time.

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

Representatives Morgan, Volz, Harris-Talley, Entenman, Barkis and Morgan (again) spoke in favor of the passage of the bill.

Representative Sutherland spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1016.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1016, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Goehner, McCaslin, McEntire, Orcutt, Schmick, Sutherland and Walsh.

SUBSTITUTE HOUSE BILL NO. 1016, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1109, by Representatives Orwall, Mosbrucker, Simmons, Goodman, Leavitt, Valdez, Kloba, Graham, Morgan, Caldier, Rule and Macri

Concerning victims of sexual assault.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1109 was substituted for House Bill No. 1109 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1109 was read the second time.

Representative Orwall moved the adoption of amendment (138):

On page 1, beginning on line 7, after "(1)" strike all material through "thereafter" on page 2, line 6 and insert "Subject to the availability of amounts

appropriated for this specific purpose, the association must, in consultation with the office of the attorney general, collect information on the investigational status of any sexual assault case where the sexual assault kit was in the possession of the law enforcement agency and a request for forensic examination had not been submitted by the law enforcement agency to the Washington state patrol crime laboratory as of July 24, 2015. The association must work with law enforcement agencies to update the investigational status of each open case not less than semiannually. Beginning in 2022, the association must submit reports on the information collected pursuant to this section to the governor and appropriate committees of the legislature by January 1st and July 1st of each year.

(2) For the purposes of this section:

(a) "Association" means the Washington association of sheriffs and police chiefs.

(b) "Investigational status" means:

(i) The agency case or incident number;

(ii) The date the request for forensic examination of the sexual assault kit was submitted to the Washington state patrol crime laboratory;

(iii) The date the forensic examination was complete and reported to the law enforcement agency;

(iv) Whether the case is open or closed;

(v) For open cases, whether the case remains:

(A) An active investigation;

(B) Open pending forensic examination results; or

(C) Open and inactive, in which case the agency must include a brief description as to why the case is inactive; and

(vi) For closed cases, whether the case was closed as a result of:

(A) A referral for prosecution where charges were filed or the prosecutor is reviewing the case;

(B) A referral for prosecution where the prosecutor declined to file charges based on the case being legally insufficient;

(C) A referral for prosecution where the prosecutor declined to files charges because the case failed to meet prosecutorial charging standards;

(D) After reviewing the results of the forensic examination, there was no evidence that a crime occurred, or there was lack of probable cause that a crime occurred;

(E) The inability to locate the victim or lack of victim participation; or

(F) Any other reason, in which case the agency must include a brief description as to why the case closed.

(3) Nothing in this section may be interpreted to require any law enforcement agency to disclose any information that would jeopardize an active criminal investigation.

NEW SECTION. **Sec. 2.** A new section is added to chapter 5.70 RCW to read as follows:

(1) For any sexual assault kit under RCW 5.70.050 where forensic analysis has generated a profile that has resulted in a hit in the

combined DNA index system, the office of the attorney general may request information from the applicable law enforcement agency and prosecuting attorney as to the case status of any related criminal investigation and prosecution, including information as provided under section 1(2)(b) of this act as well as any other relevant information. The law enforcement agency and prosecuting attorney shall provide requested case status updates to the office of the attorney general. The office of the attorney general shall consult with the Washington association of sheriffs and police chiefs when developing any procedures for requesting and collecting case status updates under this section.

(2) Nothing in this section may be interpreted to require any law enforcement agency or prosecuting attorney to disclose any information that would jeopardize an active criminal investigation or prosecution"

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, beginning on line 38, after "shall" strike all material through "investigation" on page 3, line 2 and insert "make requested case files and other documents available to the commission, provided that the case files are not linked to ongoing, open investigations"

On page 3, line 6, after "be" strike "provided" and insert "made available"

Correct the title.

Representatives Orwall and Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (138) was adopted.

The bill was ordered engrossed.

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

Representatives Orwall, Mosbrucker and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1109.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1109, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1425, by Representatives Taylor, Leavitt, Valdez, Santos, J. Johnson, Ortiz-Self, Simmons, Rule, Ramel, Chopp, Pollet, Hackney and Morgan

Expanding scholarships for community and technical college students.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1425 was substituted for House Bill No. 1425 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1425 was read the second time.

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

Representatives Taylor, Chambers and Paul spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1425.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1425, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1425, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1373, by Representatives Callan, Steele, Ortiz-Self, Dolan, J. Johnson, Slatter, Bergquist, Leavitt, Davis, Fey, Simmons, Berry, Thai, Wicks, Ryu, Kloba, Chambers, Berg, Wylie, Santos, Paul, Ormsby, Ramel, Macri, Pollet, Morgan and Harris-Talley

Promoting student access to information about behavioral health resources.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1373 was substituted for House Bill No. 1373 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1373 was read the second time.

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

Representatives Callan and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1373.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1373, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, McCaslin, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 1373, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1363, by Representatives Ortiz-Self, Callan, Davis, Ramos, Simmons, Berg, Morgan, Bergquist, Harris-Talley and Pollet

Addressing secondary trauma in the K-12 workforce.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1363 was substituted for House Bill No. 1363 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1363 was read the second time.

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

Representative Ortiz-Self spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1363.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1363, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1363, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1273, by Representatives Berg, Caldier, Ramel, Simmons, Taylor, Lovick, Bateman, Senn, Leavitt, Fitzgibbon, Wicks, Berry, Peterson, Goodman, Valdez, Hackney, Thai, Kloba, Frame, Ryu, Bronoske, Macri, Callan, Ormsby, Pollet, Slatter, Harris-Talley and Stonier

Concerning menstrual products in schools.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1273 was substituted for House Bill No. 1273 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1273 was read the second time.

Representative Berg moved the adoption of amendment (122):

On page 1, line 12, after "twelve." insert "If a school building serving grades six through twelve does not have a gender-neutral bathroom, then the products must also be available in at least one bathroom accessible to male students or in a school health room accessible to all students."

Representatives Berg and Caldier spoke in favor of the adoption of the amendment.

Amendment (122) was adopted.

The bill was ordered engrossed.

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

Representatives Berg, Caldier and Stonier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1273.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1273, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Dye, Kraft, McEntire, Orcutt, Walsh and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1273, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1114, by Representatives Dye and Ramel

Encouraging utility mitigation of urban heat island effects.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1114 was substituted for House Bill No. 1114 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1114 was read the second time.

Representative Dye moved the adoption of amendment (106):

On page 4, line 31, after "with" insert "sections 1.07 and 1.08 of"

On page 6, line 29, after "with" insert "sections 1.07 and 1.08 of"

On page 8, line 29, after "with" insert "sections 1.07 and 1.08 of"

Representative Dye spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (106) was not adopted.

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

Representatives Dye, Ramel and Sutherland spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1114.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1114, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall,

Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1114, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1141, by Representatives Rude, Macri, Stonier, Tharinger, Ormsby, Frame, Pollet, Goodman, Peterson, Thai, Ramel, J. Johnson, Bateman, Simmons, Fitzgibbon and Valdez

Increasing access to the death with dignity act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1141 was substituted for House Bill No. 1141 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1141 was read the second time.

Representative Rude moved the adoption of amendment (128):

On page 5, after line 19, insert the following:

"(c) The attending qualified medical provider and the consulting qualified medical provider selected by the qualified patient may not have a supervisory relationship with each other."

Representatives Rude and Cody spoke in favor of the adoption of the amendment.

Amendment (128) was adopted.

Representative Rude moved the adoption of amendment (139):

On page 7, beginning on line 36, after "may" strike all material through "entity" on line 39 and insert "only be made:

(a) By personal delivery, messenger service, or the United states postal service or a similar private parcel delivery entity; and

(b) Upon the receipt of the signature of the addressee or an authorized person at the time of delivery by an entity listed in subsection (3)(a) of this section"

Representatives Rude and Cody spoke in favor of the adoption of the amendment.

Amendment (139) was adopted.

The bill was ordered engrossed.

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

Representatives Rude, Macri and Ryu spoke in favor of the passage of the bill.

Representatives Schmick and Jacobsen spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Santos was excused

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1141.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1141, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, McEntire, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Santos.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1148, by Representatives Cody, Macri, Stonier, Lekanoff and Pollet

Protecting patients in acute care hospitals.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1148 was substituted for House Bill No. 1148 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1148 was read the second time.

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

Representative Cody spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1148.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1148, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh and Wilcox.

Excused: Representative Santos.

SECOND SUBSTITUTE HOUSE BILL NO. 1148, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1491, by Representatives Orcutt, Fitzgibbon and Lekanoff

Concerning the rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials.

The bill was read the second time.

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

Representatives Orcutt and Chapman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1491.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1491, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Shewmake.

Excused: Representative Santos.

HOUSE BILL NO. 1491, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

HOUSE BILL NO. 1274, by Representatives Hackney, Stokesbary, Robertson, Bateman, Springer, Walen, Leavitt, Berg and Slatter

Concerning cloud computing solutions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1274 was substituted for House Bill No. 1274 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1274 was read the second time.

Representative Hackney moved the adoption of amendment (133):

On page 4, beginning on line 26, after "services" strike all material through "services" on line 27

Representatives Hackney and Volz spoke in favor of the adoption of the amendment.

Amendment (133) was adopted.

The bill was ordered engrossed.

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

Representatives Hackney, Stokesbary, Dolan, Volz and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1274.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1274, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1274, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Bergquist congratulated Representative Hackney on the passage of his first bill through the House and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1194, by Representatives Ortiz-Self, Senn, Young, Santos, Callan, Morgan, Davis and Harris-Talley

Strengthening parent-child visitation during child welfare proceedings.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1194 was substituted for House Bill No. 1194 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1194 was read the second time.

With the consent of the House, amendments (058) and (127) were withdrawn.

Representative Ortiz-Self moved the adoption of amendment (109):

On page 6, line 34, after "presumption," strike "the department" and insert "a party"

On page 7, line 27, after "visit" strike "under this subsection"

On page 7, line 28, after "of" insert "the child's"

On page 10, line 24, after "presumption," strike "the department" and insert "a party"

On page 15, line 29, after "supervised" insert "or monitored"

On page 15, line 31, after "presumption," strike "the department" and insert "a party"

Representative Ortiz-Self spoke in favor of the adoption of the amendment.

Amendment (109) was adopted.

Representative Caldier moved the adoption of amendment (057):

On page 7, line 29, after "delay." insert "This first visit may occur in a remote format, such as a phone or video visit, if it is not possible to arrange an in-person visit."

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (057) was not adopted.

Representative Caldier moved the adoption of amendment (110):

On page 7, after line 29, insert the following:

"(e) If the first visit under subsection (9)(d) of this section occurs in an in-person format, this first visit must be supervised unless the department determines that visit supervision is not necessary."

Representatives Caldier and Senn spoke in favor of the adoption of the amendment.

Amendment (110) was adopted.

The bill was ordered engrossed.

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

Representatives Ortiz-Self, Dent and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1194.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1194, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1194, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1172, by Representatives Lekanoff, Kloba, Ramel, Leavitt, Davis, Dolan, Fitzgibbon, Riccelli, Bateman, Gregerson and Duerr

Recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources.

The bill was read the second time.

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

Representatives Lekanoff, Orcutt and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1172.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1172, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1172, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1173, by Representatives Berry, Frame, Dolan and Lekanoff

Concerning state lands development authorities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1173 was substituted for House Bill No. 1173 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1173 was read the second time.

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

Representatives Berry and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1173.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1173, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dufault, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Dent, Dye, Eslick, Gilday, Graham, Harris, Hoff, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Sutherland, Vick, Volz, Walsh and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1173, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1162, by Representatives Stonier, Harris, Lekanoff, Hackney, Pollet, Dolan and Callan

Concerning high school graduation credit and pathway options.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1162 was substituted for House Bill No. 1162 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1162 was read the second time.

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

Representatives Stonier, Harris, Eslick and Maycumber spoke in favor of the passage of the bill.

Representatives Steele and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1162.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1162, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Caldier, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Bronoske, Chambers, Chandler, Corry, Dent, Dufault, Dye, Gilday, Goehner, Hoff, Jacobsen, Kraft, Leavitt, McEntire, Robertson, Rude, Schmick, Steele, Stokesbary, Vick, Walsh, Wilcox and Ybarra.

SUBSTITUTE HOUSE BILL NO. 1162, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1272, by Representatives Macri, Cody, Fitzgibbon, Davis, Hackney, Thai, Kloba, Rule, Simmons, Pollet, Dolan, Slatter, Riccelli and Harris-Talley

Concerning health system transparency.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1272 was substituted for House Bill No. 1272 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1272 was read the second time.

With the consent of the House, amendment (157) was withdrawn.

Representative Macri moved the adoption of striking amendment (118):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.70.052 and 2014 c 220 s 2 are each amended to read as follows:

(1)(a) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, the department shall ((~~continue to~~)) require hospitals to submit hospital financial and patient discharge information, including any applicable information reported pursuant to section 2 of this act, which shall be collected, maintained, analyzed, and

disseminated by the department. The department shall, if deemed cost-effective and efficient, contract with a private entity for any or all parts of data collection. Data elements shall be reported in conformance with a uniform reporting system established by the department. This includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial and employee compensation information reasonably necessary to fulfill the purposes of this section.

(b) Data elements relating to use of hospital services by patients shall be the same as those currently compiled by hospitals through inpatient discharge abstracts. The department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(c) The department must revise the uniform reporting system to further delineate hospital expenses reported in the other direct expense category in the statement of revenue and expense. The department must include the following additional categories of expenses within the other direct expenses category:

(i) Blood supplies;

(ii) Contract staffing;

(iii) Information technology, including licenses and maintenance;

(iv) Insurance and professional liability;

(v) Laundry services;

(vi) Legal, audit, and tax professional services;

(vii) Purchased laboratory services;

(viii) Repairs and maintenance;

(ix) Shared services or system office allocation;

(x) Staff recruitment;

(xi) Training costs;

(xii) Taxes;

(xiii) Utilities; and

(xiv) Other noncategorized expenses.

(d) The department must revise the uniform reporting system to further delineate hospital revenues reported in the other operating revenue category in the statement of revenue and expense. The department must include the following additional categories of revenues within the other operating revenues category:

(i) Donations;

(ii) Grants;

(iii) Joint venture revenue;

(iv) Local taxes;

(v) Outpatient pharmacy;

(vi) Parking;

(vii) Quality incentive payments;

(viii) Reference laboratories;

(ix) Rental income;

(x) Retail cafeteria; and

(xi) Other noncategorized revenues.

(e)(i) A hospital, other than a hospital designated by medicare as a critical access hospital or sole community hospital, must report line items and amounts for any expenses or revenues in the other noncategorized expenses category in (c)(xiv) of this subsection or the other noncategorized revenues category in (d)(xi) of this subsection that either have a value: (A) Of $1,000,000 or more; or (B) representing one percent or more of the total expenses or total revenues; or

(ii) A hospital designated by medicare as a critical access hospital or sole community hospital must report line items and amounts for any expenses or revenues in the other noncategorized expenses category in (c)(xiv) of this subsection or the other noncategorized revenues category in (d)(xi) of this subsection that represent the greater of: (A) $1,000,000; or (B) one percent or more of the total expenses or total revenues.

(f) A hospital must report any money, including loans, received by the hospital or a health system to which it belongs from a federal, state, or local government entity in response to a national or state-declared emergency, including a pandemic. Hospitals must report this information as it relates to federal, state, or local money received after January 1, 2020, in association with the COVID-19 pandemic. The department shall provide guidance on reporting pursuant to this subsection.

(2) In identifying financial reporting requirements, the department may require both annual reports and condensed quarterly reports from hospitals, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of hospitals.

(3)(a) Beginning with compensation information for 2012, unless a hospital is operated on a for-profit basis, the department shall require a hospital licensed under chapter 70.41 RCW to annually submit employee compensation information. To satisfy employee compensation reporting requirements to the department, a hospital shall submit information as directed in (a)(i) or (ii) of this subsection. A hospital may determine whether to report under (a)(i) or (ii) of this subsection for purposes of reporting.

(i) Within one hundred thirty-five days following the end of each hospital's fiscal year, a nonprofit hospital shall file the appropriate schedule of the federal internal revenue service form 990 that identifies the employee compensation information with the department. If the lead administrator responsible for the hospital or the lead administrator's compensation is not identified on the schedule of form 990 that identifies the employee compensation information, the hospital shall also submit the compensation information for the lead administrator as directed by the department's form required in (b) of this subsection.

(ii) Within one hundred thirty-five days following the end of each hospital's calendar year, a hospital shall submit the names and compensation of the five highest compensated employees of the hospital who do not have any direct patient responsibilities. Compensation information shall be reported on a calendar year basis for the calendar year immediately preceding the reporting date. If those five highest compensated employees do not include the lead administrator for the hospital, compensation information for the lead administrator shall also be submitted. Compensation information shall include base compensation, bonus and incentive compensation, other payments that qualify as reportable compensation, retirement and other deferred compensation, and nontaxable benefits.

(b) To satisfy the reporting requirements of this subsection (3), the department shall create a form and make it available no later than August 1, 2012. To the greatest extent possible, the form shall follow the format and reporting requirements of the portion of the internal revenue service form 990 schedule relating to compensation information. If the internal revenue service substantially revises its schedule, the department shall update its form.

(4) The health care data collected, maintained, and studied by the department shall only be available for retrieval in original or processed form to public and private requestors pursuant to subsection ((~~(7)~~)) (9) of this section and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(5) The department shall, in consultation and collaboration with ((~~the federally recognized~~)) tribes, urban or other Indian health service organizations, and the federal area Indian health service, design, develop, and maintain an American Indian-specific health data, statistics information system.

(6)(a) Patient discharge information reported by hospitals to the department must identify patients by race, ethnicity, gender identity, preferred language, any disability, and zip code of primary residence. The department shall provide guidance on reporting pursuant to this subsection. When requesting demographic information under this subsection, a hospital must inform patients that providing the information is voluntary. If a hospital fails to report demographic information under this subsection because a patient refused to provide the information, the department may not take any action against the hospital for failure to comply with reporting requirements or other licensing standards on that basis.

(b) The department must develop a waiver process for the requirements of

(a) of this subsection to allow hospitals to adopt an alternative reporting method due to economic hardship, technological limitations that are not reasonably in the control of the hospital, or other exceptional circumstance demonstrated by the hospital.

(7) Each hospital must report to the department, on a quarterly basis, the number of submitted and completed charity care applications that the hospital received in the prior quarter and the number of charity care applications approved in the prior quarter pursuant to the hospital's charity care policy, consistent with chapter 70.170 RCW. The department shall develop a standard form for hospitals to use in submitting information pursuant to this subsection.

(8) All persons subject to the data collection requirements of this section shall comply with departmental requirements established by rule in the acquisition of data.

((~~(7)~~)) (9) The department must maintain the confidentiality of patient discharge data it collects under subsections (1) and (6) of this section. Patient discharge data that includes direct and indirect identifiers is not subject to public inspection and the department may only release such data as allowed for in this section. Any agency that receives patient discharge data under (a) or (b) of this subsection must also maintain the confidentiality of the data and may not release the data except as consistent with subsection ((~~(8)~~)) (10)(b) of this section. The department may release the data as follows:

(a) Data that includes direct and indirect patient identifiers, as specifically defined in rule, may be released to:

(i) Federal, state, and local government agencies upon receipt of a signed data use agreement with the department; and

(ii) Researchers with approval of the Washington state institutional review board upon receipt of a signed confidentiality agreement with the department.

(b) Data that does not contain direct patient identifiers but may contain indirect patient identifiers may be released to agencies, researchers, and other persons upon receipt of a signed data use agreement with the department.

(c) Data that does not contain direct or indirect patient identifiers may be released on request.

((~~(8)~~)) (10) Recipients of data under subsection ((~~(7)~~)) (9)(a) and (b) of this section must agree in a written data use agreement, at a minimum, to:

(a) Take steps to protect direct and indirect patient identifying information as described in the data use agreement; and

(b) Not redisclose the data except as authorized in their data use agreement consistent with the purpose of the agreement.

((~~(9)~~)) (11) Recipients of data under subsection ((~~(7)~~)) (9)(b) and (c) of this section must not attempt to determine the identity of persons whose information is included in the data set or use the data in any manner that identifies individuals or their families.

((~~(10)~~)) (12) For the purposes of this section:

(a) "Direct patient identifier" means information that identifies a patient; and

(b) "Indirect patient identifier" means information that may identify a patient when combined with other information.

((~~(11)~~)) (13) The department must adopt rules necessary to carry out its responsibilities under this section. The department must consider national standards when adopting rules.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1)(a) For a health system operating a hospital licensed under chapter 70.41 RCW, the health system must annually submit to the department a consolidated annual income statement and balance sheet, including hospitals, ambulatory surgical facilities, health clinics, urgent care clinics, physician groups, health-related laboratories, long-term care facilities, home health agencies, dialysis facilities, ambulance services, behavioral health settings, and virtual care entities that are operated in Washington.

(b) The state auditor's office shall provide the department with audited financial statements for all hospitals owned or operated by a public hospital

district under chapter 70.44 RCW. Public hospital districts are not required to submit additional information to the department under this subsection.

(2) The department must make information submitted under this section available in the same manner as hospital financial data.

NEW SECTION. **Sec. 3.** A new section is added to chapter 70.41 RCW to read as follows:

The department, in collaboration with hospitals, health care workers, purchasers, and communities with lived experience of systemic health inequities, shall select a qualified research entity to analyze the impact of the number, type, education, training, and experience of acute care hospital staffing personnel on patient mortality and patient outcomes utilizing scientifically sound research methods most effective for all involved stakeholders. The study should control for other contributing factors, including but not limited to access to equipment, patients' underlying conditions and diagnoses, patients' demographics information, the trauma level designation of the hospital, transfers from other hospitals, and external factors impacting hospital volumes. The study must be completed by September 1, 2022, and the department shall submit the study to the appropriate committees of the legislature by October 1, 2022.

Sec. 4. RCW 70.01.040 and 2012 c 184 s 1 are each amended to read as follows:

(1) Prior to the delivery of nonemergency services, a provider-based clinic that charges a facility fee shall provide a notice to any patient that the clinic is licensed as part of the hospital and the patient may receive a separate charge or billing for the facility component, which may result in a higher out-of-pocket expense.

(2) Each health care facility must post prominently in locations easily accessible to and visible by patients, including its website, a statement that the provider-based clinic is licensed as part of the hospital and the patient may receive a separate charge or billing for the facility, which may result in a higher out-of-pocket expense.

(3) Nothing in this section applies to laboratory services, imaging services, or other ancillary health services not provided by staff employed by the health care facility.

(4) As part of the year-end financial reports submitted to the department of health pursuant to RCW 43.70.052, all hospitals with provider-based clinics that bill a separate facility fee shall report:

(a) The number of provider-based clinics owned or operated by the hospital that charge or bill a separate facility fee;

(b) The number of patient visits at each provider-based clinic for which a facility fee was charged or billed for the year;

(c) The revenue received by the hospital for the year by means of facility fees at each provider-based clinic; and

(d) The range of allowable facility fees paid by public or private payers at each provider-based clinic.

(5) For the purposes of this section:

(a) "Facility fee" means any separate charge or billing by a provider-based clinic in addition to a professional fee for physicians' services that is intended to cover building, electronic medical records systems, billing, and other administrative and operational expenses.

(b) "Provider-based clinic" means the site of an off-campus clinic or provider office ((~~located at least two hundred fifty yards from the main hospital buildings or as determined by the centers for medicare and medicaid services,~~)) that is owned by a hospital licensed under chapter 70.41 RCW or a health system that operates one or more hospitals licensed under chapter 70.41 RCW, is licensed as part of the hospital, and is primarily engaged in providing diagnostic and therapeutic care including medical history, physical examinations, assessment of health status, and treatment monitoring. This does not include clinics exclusively designed for and providing laboratory, X-ray, testing, therapy, pharmacy, or educational services and does not include facilities designated as rural health clinics.

Sec. 5. RCW 70.41.470 and 2012 c 103 s 1 are each amended to read as follows:

(1) As of January 1, 2013, each hospital that is recognized by the internal revenue service as a 501(c)(3) nonprofit entity must make its federally required community health needs assessment widely available to the public and submit it to the department within fifteen days of submission to the internal revenue service. Following completion of the initial community health needs assessment, each hospital in accordance with the internal revenue service((~~,~~)) shall complete and make widely available to the public and submit to the department an assessment once every three years. The department must post the information submitted to it pursuant to this subsection on its website.

(2)(a) Unless contained in the community health needs assessment under subsection (1) of this section, a hospital subject to the requirements under subsection (1) of this section shall make public and submit to the department a description of the community served by the hospital, including both a geographic description and a description of the general population served by the hospital; and demographic information such as leading causes of death, levels of chronic illness, and descriptions of the medically underserved, low-income, and minority, or chronically ill populations in the community.

(b)(i) A hospital, other than a hospital designated by medicare as a critical access hospital or sole community hospital, that is subject to the requirements under subsection (1) of this section must annually submit to the department an addendum which details information about activities identified as community health improvement services with a cost of $5,000 or more. The addendum must include the type of activity, the method in which the activity was delivered, how the activity relates to an identified community need in the community health needs assessment, the target population for the activity, strategies to reach the target population, identified outcome metrics, the cost to the hospital to provide the activity, the methodology used to calculate the hospital's costs, and the number of people served by the activity. If a community health improvement service is administered by an entity other than the hospital, the other entity must be identified in the addendum.

(ii) A hospital designated by medicare as a critical access hospital or sole community hospital that is subject to the requirements under subsection (1) of this section must annually submit to the department an addendum which details information about the 10 highest cost activities identified as community health improvement services. The addendum must include the type of activity, the method in which the activity was delivered, how the activity relates to an identified community need in the community health needs assessment, the target population for the activity, strategies to reach the target population, identified outcome metrics, the cost to the hospital to provide the activity, the methodology used to calculate the hospital's costs, and the number of people served by the activity. If a community health improvement service is administered by an entity other than the hospital, the other entity must be identified in the addendum.

(iii) The department shall require the reporting of demographic information about participant race, ethnicity, any disability, gender identity, preferred language, and zip code of primary residency. The department, in consultation with interested entities, may revise the required demographic information according to an established six-year review cycle about participant race, ethnicity, disabilities, gender identity, preferred language, and zip code of primary residence that must be reported under (b)(i) and (ii) of this subsection (2). At a minimum, the department's consultation process shall include community organizations that provide community health improvement services, communities impacted by health inequities, health care workers, hospitals, and the governor's interagency coordinating council on health disparities. The department shall establish a six-year cycle for the review of the information requested under this subsection (2)(b)(iii).

(iv) The department shall provide guidance on participant data collection and the reporting requirements under this subsection (2)(b). The guidance shall include a standard form for the reporting of information under this subsection (2)(b). The standard form must allow for the reporting of community health improvement services that are repeated within a reporting period to be combined within the addendum as a single project

with the number of instances of the services listed. The department must develop the guidelines in consultation with interested entities, including an association representing hospitals in Washington, labor unions representing workers who work in hospital settings, and community health board associations. The department must post the information submitted to it pursuant to this subsection (2)(b) on its website.

(3)(a) Each hospital subject to the requirements of subsection (1) of this section shall make widely available to the public a community benefit implementation strategy within one year of completing its community health needs assessment. In developing the implementation strategy, hospitals shall consult with community-based organizations and stakeholders, and local public health jurisdictions, as well as any additional consultations the hospital decides to undertake. Unless contained in the implementation strategy under this subsection (3)(a), the hospital must provide a brief explanation for not accepting recommendations for community benefit proposals identified in the assessment through the stakeholder consultation process, such as excessive expense to implement or infeasibility of implementation of the proposal.

(b) Implementation strategies must be evidence-based, when available; or development and implementation of innovative programs and practices should be supported by evaluation measures.

(4) When requesting demographic information under subsection (2)(b) of this section, a hospital must inform participants that providing the information is voluntary. If a hospital fails to report demographic information under subsection (2)(b) of this section because a participant refused to provide the information, the department may not take any action against the hospital for failure to comply with reporting requirements or other licensing standards on that basis.

(5) For the purposes of this section, the term "widely available to the public" has the same meaning as in the internal revenue service guidelines.

NEW SECTION. **Sec. 6.** The department of health shall develop any forms or guidance required in this act at least 60 days before hospitals are required to utilize the form or guidance.

NEW SECTION. **Sec. 7.** This act takes effect July 1, 2022.

NEW SECTION. **Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Macri and Schmick spoke in favor of the adoption of the striking amendment.

Striking amendment (118) was adopted.

The bill was ordered engrossed.

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

Representative Macri spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1272.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1272, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1069, by Representatives Pollet, Duerr, Leavitt, Wylie, Tharinger, Kloba, Senn, Ryu, Callan and Fey

Concerning local government fiscal flexibility.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1069 was substituted for House Bill No. 1069 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1069 was read the second time.

Representative Dufault moved the adoption of amendment (049):

On page 3, line 6, after "Except" insert ”for distributions to counties that do not charge rental property owners for a tenant's delinquent utilities"

On page 5, line 17, after "Except" insert ”for distributions to cities that do not charge rental property owners for a tenant's delinquent utilities"

On page 7, line 8, after "Except" insert ”for distributions to cities that do not charge rental property owners for a tenant's delinquent utilities"

On page 9, line 33, after "RCW 70.123.020." strike "After" and insert "Except for local governments that charge rental property owners for a tenant's delinquent utilities, after"

On page 11, line 20, after "2023," insert "for local governments that do not charge rental property owners for a tenant's delinquent utilities,"

On page 12, line 16, after "or" insert ", for local governments that do not charge rental property owners for a tenant's delinquent utilities,"

On page 39, line 25, after "or county" insert "that does not charge rental property owners for a tenant's delinquent utilities"

On page 39, line 33, after "or county" insert "that does not charge rental property owners for a tenant's delinquent utilities"

On page 41, line 39, after "2023" insert "if the city or county does not charge rental property owners for a tenant's delinquent utilities"

On page 43, line 20, after "2023" insert "for cities or counties that do not charge rental property owners for a tenant's delinquent utilities"

On page 45, line 31, after "or more" insert "that does not charge rental property owners for a tenant's delinquent utilities"

On page 47, line 9, after "the governor" insert "and the city or town does not charge rental property owners for a tenant's delinquent utilities"

On page 48, line 14, after "governor" insert "and the city or town does not charge rental property owners for a tenant's delinquent utilities"

Representatives Dufault, Dufault (again) and Orcutt spoke in favor of the adoption of the amendment.

Representatives Springer and Pollet spoke against the adoption of the amendment.

Amendment (049) was not adopted.

Representative Robertson moved the adoption of amendment (094):

On page 1, line 16, strike "CRIMINAL JUSTICE SALES TAX" and insert "CHEMICAL DEPENDENCY AND MENTAL HEALTH TREATMENT SERVICES SALES TAX"

On page 1, beginning on line 17, strike all of sections 2, 3, 4, 5, and 6

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Robertson, Graham, Orcutt and Maycumber spoke in favor of the adoption of the amendment.

Representatives Duerr and Frame spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (094) and the amendment was not adopted by the following vote: Yeas: 46; Nays: 52; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Berg, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire,

Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Pollet moved the adoption of amendment (061):

On page 12, beginning on line 16, after "services" strike all material through "services," on line 18

On page 12, line 19, after "services." insert "Moneys collected by cities under this section may also be used for modifications to existing facilities to address health and safety needs necessary for the provision, operation, or delivery of chemical dependency or mental health treatment programs or services otherwise funded with moneys collected in this section."

Representatives Pollet and Goehner spoke in favor of the adoption of the amendment.

Amendment (061) was adopted.

The bill was ordered engrossed.

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

Representatives Pollet, Goehner and Eslick spoke in favor of the passage of the bill.

Representatives Robertson, Chambers and Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1069.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1069, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Gilday, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1069, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1070, by Representatives Ryu, Macri, Walen, Chopp, Santos, Fitzgibbon, Ramel, Wylie, Ramos, Bateman, Tharinger, Simmons, Kloba, Peterson, Gregerson, Goodman, Sells, Bronoske, Valdez, Callan, Hackney, Cody, Ormsby, Riccelli, Springer, Fey, Davis, Pollet and Harris-Talley

Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1070 was substituted for House Bill No. 1070 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1070 was read the second time.

With the consent of the House, amendment (112) was withdrawn.

Representative Ryu moved the adoption of amendment (040):

On page 3, line 17, after "homeless" strike "((~~, families with children~~))" and insert ", including families with children"

Representatives Ryu and Orcutt spoke in favor of the adoption of the amendment.

Amendment (040) was adopted.

Representative Frame moved the adoption of amendment (039):

On page 3, beginning on line 29, after "(b)" strike all material through "(b)" on line 33 and insert "Among other priorities, a county that acquires a

facility under subsection (2)(a) of this section must provide an opportunity for 15 percent of the units provided at that facility to be provided to individuals who are living in or near the city in which the facility is located, or have ties to that community. The provisions of this subsection (3)(b)"

On page 3, line 35, after "section." insert "This prioritization must not jeopardize United States department of housing and urban development funding for the continuum of care program."

Representatives Frame and Orcutt spoke in favor of the adoption of the amendment.

Amendment (039) was adopted.

The bill was ordered engrossed.

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

Representatives Ryu and Macri spoke in favor of the passage of the bill.

Representatives Orcutt and Barkis spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1070.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1070, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1391, by Representatives Goehner, Senn and Pollet

Concerning prime contractor bidding submission requirements on public works contracts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1391 was substituted for House Bill No. 1391 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1391 was read the second time.

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

Representatives Goehner and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1391.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1391, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1391, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1044, by Representatives Leavitt, Simmons, J. Johnson, Eslick, Lovick, Kloba, Lekanoff, Wylie, Bateman, Senn, Goodman, Bronoske, Valdez, Callan, Ramos, Hackney, Morgan, Ormsby, Fey, Frame, Santos, Davis, Pollet and Bergquist

Creating prison to postsecondary education pathways.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1044 was substituted for House Bill No. 1044 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1044 was read the second time.

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

Representatives Leavitt, Chambers, Simmons, Orcutt and Sutherland spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1044.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1044, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft and Walsh.

SECOND SUBSTITUTE HOUSE BILL NO. 1044, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1083, by Representatives Gregerson, Peterson, Wylie, Bateman, Tharinger, Ramel, Ortiz-Self, Valdez, Kloba, Morgan, Chopp, Ormsby, Santos, Macri, Orwall, Bergquist, Pollet and Harris-Talley

Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1083 was substituted for House Bill No. 1083 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1083 was read the second time.

Representative Caldier moved the adoption of amendment (111):

On page 1, line 14, after "or" strike "((~~demolish and dispose of their homes and~~)) to" and insert "demolish and dispose of their homes and"

On page 2, line 12, after "~~dollars~~))" strike "$16,000" and insert "$17,000"

On page 2, line 13, after "~~dollars~~))" strike "$10,000" and insert "$11,000"

On page 2, line 15, after "tenant" strike "((~~as follows:~~" and insert "as follows:

(a) $12,000 for a multisection home and $8,000 for a single-section home shall be disbursed"

On page 2, line 17, after "tenant" insert "relocate the home or"

On page 2, line 18, after "housing" strike "((~~; and~~" and insert "; and

(b) The remainder of the total assistance shall be disbursed once the tenant has transferred the title to the park-owner, relocated the home, or demolished and disposed of the home. The tenant must either transfer title of the manufactured/mobile home to the park-owner, relocate, or demolish and dispose of the home within 90 days of receiving the assistance under (a) of this subsection to receive the remainder of the assistance."

On page 2, beginning on line 39, after "(4)" strike all material through "income" on page 3, line 28 and insert "In the event that the tenant does not relocate or demolish and dispose of the home within 90 days of receiving assistance from the fund, the park-owner may seek reimbursement from the fund in the amount of $4,000 for a multisection home and $2,500 for a single-section home.

(a) To receive such reimbursement, the park-owner must provide documentation to the department demonstrating costs incurred for demolition and disposal of the home.

(b) The park-owner may seek reimbursement for additional costs incurred for demolition and disposal of the home up to an additional $4,500 for a multisection home and $3,000 for a single-section home from the portion of the relocation fund to which park-owners must contribute pursuant to RCW 59.30.050"

Representatives Caldier and Peterson spoke in favor of the adoption of the amendment.

Amendment (111) was adopted.

The bill was ordered engrossed.

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

Representatives Gregerson and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1083.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1083, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1083, having received the necessary constitutional majority, was declared passed.

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

MOTIONS

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1514, and the bill was referred to the Committee on Finance.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1097
HOUSE BILL NO. 1099
HOUSE BILL NO. 1117
HOUSE BILL NO. 1127
HOUSE BILL NO. 1137
HOUSE BILL NO. 1139
HOUSE BILL NO. 1156
HOUSE BILL NO. 1161
HOUSE BILL NO. 1192
HOUSE BILL NO. 1208
HOUSE BILL NO. 1216
HOUSE BILL NO. 1220
HOUSE BILL NO. 1267
HOUSE BILL NO. 1335
HOUSE BILL NO. 1348
HOUSE BILL NO. 1355
HOUSE BILL NO. 1357
HOUSE BILL NO. 1365
HOUSE BILL NO. 1399
HOUSE BILL NO. 1416
HOUSE BILL NO. 1424
HOUSE BILL NO. 1445
HOUSE BILL NO. 1460
HOUSE BILL NO. 1502
HOUSE BILL NO. 1510
HOUSE BILL NO. 1515
HOUSE BILL NO. 1529

There being no objection, the House adjourned until 10:00 a.m., February 26, 2021, the 47th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 26, 2021

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Bob McCaslin, 4th Legislative District.

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

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

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

MESSAGE FROM THE SENATE

February 25, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5035,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5038,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5051,
SUBSTITUTE SENATE BILL NO. 5068,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5119,
SUBSTITUTE SENATE BILL NO. 5148,
SUBSTITUTE SENATE BILL NO. 5151,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5190,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5193,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5251,
SUBSTITUTE SENATE BILL NO. 5267,
SECOND SUBSTITUTE SENATE BILL NO. 5327,
SECOND SUBSTITUTE SENATE BILL NO. 5331,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 1547 by Representatives Chase, McCaslin, Orcutt, Sutherland, Young and Klicker

AN ACT Relating to declaring an amnesty for all civil penalties imposed on Washington residents and businesses for the violation of any activity or condition regulated under the emergency proclamations issued in direct response to the novel coronavirus COVID-19; adding a new section to chapter 43.06 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

SSB 5025 by Senate Committee on Law & Justice (originally sponsored by Rolfes, Billig, Conway, Das, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Pedersen, Saldaña, Salomon, Stanford, Van De Wege, Wellman, Wilson and C.)

AN ACT Relating to the consumer protection improvement act; amending RCW 19.86.140 and 4.16.160; creating new sections; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

ESSB 5074 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Wagoner, Dhingra, Wilson and C.)

AN ACT Relating to establishing and expanding safe station pilot programs for persons in need of substance use disorder treatment; adding a new section to chapter 41.05 RCW; adding a new section to chapter 70.385 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 5180 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Das, Hunt, Liias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Stanford, Wilson and C.)

AN ACT Relating to vacating certain convictions; amending RCW 9.94A.640 and 9.96.060; reenacting and amending RCW 9.94A.030; adding new sections to chapter 9.94A RCW; and repealing RCW 9.96.070.

Referred to Committee on Public Safety.

2SSB 5183 by Senate Committee on Ways & Means (originally sponsored by Nobles, Dhingra, Das, Hasegawa, Hunt, Keiser, Kuderer, Liias, Mullet,

Nguyen, Rivers, Salomon, Stanford, Wagoner, Wilson and C.)

AN ACT Relating to victims of nonfatal strangulation; adding a new section to chapter 43.280 RCW; adding a new section to chapter 7.68 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Public Safety.

SB 5196 by Senators Billig, Braun, Fortunato, Holy, Hunt, Van De Wege, Wagoner, Wilson and C.

AN ACT Relating to how the legislature may convene a special session; adding a new section to chapter 44.04 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

SB 5202 by Senators Schoesler, Dozier, Honeyford, Keiser, King and Warnick

AN ACT Relating to establishing school district depreciation subfunds for the purposes of preventative maintenance; and reenacting and amending RCW 28A.320.330.

Referred to Committee on Education.

ESSB 5235 by Senate Committee on Housing & Local Government (originally sponsored by Liias, Das, Nguyen, Nobles, Saldaña, Wilson and C.)

AN ACT Relating to increasing housing unit inventory by removing arbitrary limits on housing options; amending RCW 36.70A.696, 36.70A.697, and 36.70A.698; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Local Government.

ESSB 5432 by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle, Nguyen, Conway, Das, Dhingra, Keiser, Liias, Nobles and Randall)

AN ACT Relating to cybersecurity in state government; adding new sections to chapter 43.105 RCW; adding a new section to chapter 39.26 RCW; adding a new section to chapter 39.34 RCW; adding a new section to chapter 42.56 RCW; creating a new section; repealing RCW 43.105.215; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1325, by Representatives Callan, Eslick, Leavitt, Fitzgibbon, Thai, Duerr, Senn, Ortiz-Self, Davis, Bergquist, Ramos, Lekanoff, Pollet, Dent and Goodman

Implementing policies related to children and youth behavioral health.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1325 was substituted for House Bill No. 1325 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1325 was read the second time.

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

Representatives Callan, Caldier, Eslick and Dent spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Mosbrucker was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1325.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1325, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Dufault, Jacobsen, Sutherland and Young.

Excused: Representative Mosbrucker.

SECOND SUBSTITUTE HOUSE BILL NO. 1325, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1061, by Representatives Senn, Dent, Leavitt, Wicks, Slatter, Wylie, Simmons, Kloba, Ortiz-Self, Gregerson, Callan, Young, Morgan, Frame, Santos, Rule and Davis

Concerning youth eligible for developmental disability services who are expected to exit the child welfare system.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1061 was substituted for House Bill No. 1061 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1061 was read the second time.

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

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1061.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1061, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mosbrucker.

SECOND SUBSTITUTE HOUSE BILL NO. 1061, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1525, by Representatives Walen, Hansen, Simmons and Slatter

Concerning enforcement of judgments.

The bill was read the second time.

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

Representatives Walen and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1525.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1525, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mosbrucker.

HOUSE BILL NO. 1525, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1295, by Representatives Callan, Eslick, Ramel, Leavitt, Simmons, Springer, Fitzgibbon, Dolan, Bateman, Shewmake, J. Johnson, Senn, Sutherland, Walen, Peterson, Davis, Goodman, Hackney, Kloba, Fey, Ramos, Frame, Ryu, Macri, Bergquist, Pollet and Stonier

Providing public education to youth in or released from institutional education facilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1295 was substituted for House Bill No. 1295 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1295 was read the second time.

Representative Callan moved the adoption of amendment (166):

On page 1, line 8, after "**Sec. 1.**" insert "(1)"

On page 1, at the beginning of line 14, insert "(2)"

On page 2, at the beginning of line 1, insert "(3)"

On page 2, at the beginning of line 7, insert "(4)"

On page 2, after line 14, insert the following:

"(5) Although the task of making meaningful reforms to the institutional education system cannot be accomplished through a single legislative act, the legislature intends for this act to be a significant step of progress in better meeting the needs of students who are in or have been involved with the traditional components of the juvenile justice system, with subsequent legislative efforts to be focused on the education of students in other institutional settings, including those in long-term inpatient programs and those with exceptional mental or physical needs."

On page 2, at the beginning of line 15, insert "(6)"

On page 3, line 24, after "habilitation" insert "and child study and treatment"

On page 6, line 27, after "(3)" insert "For purposes of this section, "postresident youth" and "youth" have the same meaning as in section 3 of this act.

(4)"

On page 7, line 5, after "incarceration" insert "or voluntary or involuntary commitment in a long-term psychiatric inpatient program"

On page 8, line 15, after "section" insert ", which must delineate the recipients of the federal funds and how they are being used to support the education needs of youth and postresident youth,"

On page 9, line 6, after "system" insert ". Rules adopted in accordance with this subsection (2)(b) do not apply to institutional education providers at facilities operated by or under the jurisdiction of the department of social and health services"

On page 10, line 36, after "supports." insert "With the exception of funding recommendations required by (a)(ii) of this subsection (1), the recommendations developed under this subsection (1) should be directed toward meeting the education needs of persons who are in or have been released from state long-term juvenile institutions and community facilities operated by the department of children, youth, and families, county juvenile detention centers, and facilities of the department of corrections that incarcerate juveniles committed as adults."

On page 13, line 4, after "(ii)" insert "The department of social and health services;

(iii)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Representatives Callan and Eslick spoke in favor of the adoption of the amendment.

Amendment (166) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1295.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1295, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris,

Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mosbrucker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1295, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1208, by Representatives Santos, Steele, Lekanoff, Paul, Callan, Ortiz-Self, Bergquist and Harris-Talley

Modifying the learning assistance program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1208 was substituted for House Bill No. 1208 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1208 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1208.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1208, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, McEntire, Walsh and Young.

Excused: Representative Mosbrucker.

SUBSTITUTE HOUSE BILL NO. 1208, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on. HOUSE BILL NO. 1127, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1348, by Representatives Davis, Schmick, Frame, Leavitt, Simmons, Valdez, Fitzgibbon, Orwall, Ortiz-Self, Slatter, Caldier, Stonier, Peterson, Ramel, Goodman, Taylor, Sutherland, Ryu, Hackney, Lovick, Barkis, Pollet, Macri, Callan, Santos, Ormsby, Tharinger, Riccelli, Lekanoff, Harris-Talley and Harris

Providing medical assistance to incarcerated persons.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1348 was substituted for House Bill No. 1348 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1348 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Davis and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1348.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1348, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland,

Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mosbrucker.

SUBSTITUTE HOUSE BILL NO. 1348, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1225, by Representatives Stonier, Bateman, Lekanoff, J. Johnson, Davis, Cody, Santos, Thai, Ortiz-Self, Ormsby, Valdez, Riccelli and Tharinger

Concerning school-based health centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1225 was substituted for House Bill No. 1225 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1225 was read the second time.

Representative Corry moved the adoption of amendment (148):

On page 3, after line 2, insert the following:

"(4) Each school-based health center that receives grant funding pursuant to this section must obtain parental consent before providing any services to students under the age of 18, notwithstanding any contravening statutory authority or judicial decisions."

Representatives Corry and Walsh spoke in favor of the adoption of the amendment.

Representative Callan spoke against the adoption of the amendment.

Amendment (148) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stonier, Riccelli, Ortiz-Self, Ybarra, Harris and Riccelli (again) spoke in favor of the passage of the bill.

Representatives Schmick, Kraft, Klippert, Corry and Walsh spoke against the passage of the bill.

MOTION

On motion of Representative Graham, Representative Griffey was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1225.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1225, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representatives Griffey and Mosbrucker.

SUBSTITUTE HOUSE BILL NO. 1225, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

HOUSE BILL NO. 1502, by Representatives Wylie, Griffey, Ramel, Paul, Lekanoff, Berry, Ortiz-Self, Hackney, Harris-Talley and Pollet

Concerning the procurement and design of electric ferries by counties.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1502 was substituted for House Bill No. 1502 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1502 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wylie spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Klippert was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1502.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1502, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dufault and Kraft.

Excused: Representatives Klippert and Mosbrucker.

SUBSTITUTE HOUSE BILL NO. 1502, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1510, by Representatives Hackney, Fey, Sutherland, Eslick and Riccelli

Establishing an exemption from certain highway use requirements by nonemergency medical transportation vehicles.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1510 was substituted for House Bill No. 1510 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1510 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hackney, Barkis and Eslick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Wylie was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1510.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1510, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert, Mosbrucker and Wylie.

SUBSTITUTE HOUSE BILL NO. 1510, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1160, by Representatives Cody, Macri and Pollet

Concerning health provider contracts.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1160 was substituted for House Bill No. 1160 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1160 was read the second time.

Representative Cody moved the adoption of striking amendment (196):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Beginning January 1, 2022, a contract between a hospital or any affiliate of a hospital and a health

carrier may not, directly or indirectly, do any of the following:

(a) Set provider compensation agreements or other terms for affiliates of the hospital that are out of the carrier's network;

(b) Require the health carrier to contract with multiple hospitals owned or controlled by the same single entity. This subsection (1)(b) does not prohibit a health carrier from voluntarily agreeing to contract with other hospitals owned or controlled by the same single entity. If a health carrier voluntarily agrees to contract with other hospitals owned or controlled by the same single entity under this subsection (1)(b), the health carrier must file an attestation with the office of the insurance commissioner that complies with the filing requirements of RCW 48.43.730;

(c) To the extent that a health plan varies enrollee cost-sharing based upon placing participating providers into tiered provider networks, require health carriers to place the hospital or any affiliate in the tier reflecting the lowest or lower enrollee cost-sharing amounts;

(d) Require the health carrier to keep the contract's payment rates confidential from any existing or potential payor that is or may become financially responsible for the payments. This subsection (1)(d) does not prohibit a requirement that any communication of the contract's payment rates to an existing or potential payor be subject to a reasonable nondisclosure agreement.

(2) The attorney general may enforce this section under the consumer protection act, chapter 19.86 RCW. For actions brought by the attorney general to enforce this section, the legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW, and that a violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(3) This section does not prohibit a hospital certified as a critical access hospital by the centers for medicare and medicaid services or an independent hospital certified as a sole community hospital by the centers for medicare and medicaid services from negotiating payment rates and methodologies on behalf of an individual health care practitioner or a medical group that the hospital is affiliated with.

(4) This section does not apply to the extent that it impairs the ability of a hospital, provider, or health carrier to participate in a state-sponsored, federally funded program, or grant opportunity.

(5) For the purposes of this section:

(a) "Affiliate" means a person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another specified person.

(b) "Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through ownership of voting securities, membership rights, by contract, or otherwise.

(c) "Provider" means:

(i) A health care provider as defined in RCW 48.43.005;

(ii) A participating provider as defined in RCW 48.44.010;

(iii) A health care facility as defined in RCW 48.43.005; and

(iv) Intermediaries that have agreed in writing with a carrier to provide access to providers as defined under this subsection (5)(c) who render covered services to enrollees of a carrier.

(d) "Provider compensation agreement" means any written agreement that includes specific information about payment methodology, payment rates, and other terms that determine the remuneration a carrier will pay to a provider.

(e) "Tiered provider network" means a network that identifies and groups providers and facilities into specific groups to which different provider reimbursement, enrollee cost sharing, or provider access requirements, or any combination thereof, apply as a means to manage cost, utilization, quality, or to otherwise incentivize enrollee or provider behavior.

NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Beginning January 1, 2022, health provider contracts between a health carrier and a provider, may not contain a provision that prohibits the disclosure of health care service claims data to employers providing the coverage. However, any disclosure of claims data must comply with state and federal health privacy laws.

(2) The attorney general may enforce this section under the consumer protection act, chapter 19.86 RCW. For actions brought by the attorney general to enforce this section, the legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW, and that a violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(3) For the purposes of this section, "provider" means:

(a) A health care provider as defined in RCW 48.43.005;

(b) A participating provider as defined in RCW 48.44.010;

(c) A health care facility as defined in RCW 48.43.005; and

(d) Intermediaries that have agreed in writing with a carrier to provide access to providers as defined under this subsection who render covered services to enrollees of a carrier.

NEW SECTION. **Sec. 3.** The insurance commissioner may adopt rules necessary to implement this act."

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

Striking amendment (196) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Caldier spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1160.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1160, and the bill passed the House by the following vote: Yeas, 60; Nays, 35; Absent, 0; Excused, 3.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Wicks, Wilcox, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, Griffey, Hoff, Jacobsen, Klicker, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Walen, Walsh and Young.

Excused: Representatives Klippert, Mosbrucker and Wylie.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1160, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1022, by Representatives MacEwen, Kloba, Peterson, Kirby and Schmick

Modifying Washington state horse racing commission provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives MacEwen and Kloba spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1022.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1022, and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Bateman, Davis and Ramel.

Excused: Representatives Klippert, Mosbrucker and Wylie.

HOUSE BILL NO. 1022, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1393, by Representatives Shewmake, Ramel, Lekanoff and Duerr

Delaying certain implementation dates for the photovoltaic module stewardship and takeback program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shewmake and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1393.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1393, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives McEntire and Walsh.

Excused: Representatives Klippert, Mosbrucker and Wylie.

HOUSE BILL NO. 1393, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1329, by Representatives Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley and Peterson

Concerning public meeting accessibility and participation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1329 was substituted for House Bill No. 1329 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1329 was read the second time.

Representative Goehner moved the adoption of amendment (198):

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On page 2, beginning on line 24, strike all of section 4

Correct the title.
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Representative Goehner spoke in favor of the adoption of the amendment.

Representative Pollet spoke against the adoption of the amendment.

Amendment (198) was not adopted.

Representative Wicks moved the adoption of amendment (205):

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On page 5, line 24, after "meeting" insert "at which final action is taken"
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Representative Wicks spoke in favor of the adoption of the amendment.

Amendment (205) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wicks, Caldier, Pollet and Kraft spoke in favor of the passage of the bill.

Representative Goehner spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1329.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1329, and the bill passed the House by the following vote: Yeas, 89; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Dufault, Goehner, Jacobsen, Sutherland and Walsh.

Excused: Representatives Klippert, Mosbrucker and Wylie.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1166, by Representatives Leavitt, Caldier, Sutherland, Chopp, Lekanoff, Davis, Shewmake, Pollet, Ramos, Callan, Rule, Gregerson, Bateman, Harris-Talley and J. Johnson

Expanding access to the homeless and foster care college students pilot program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1166 was substituted for House Bill No. 1166 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1166 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Leavitt spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1166.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1166, and the bill passed the House by the following vote: Yeas, 73; Nays, 22; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Goehner, Hoff, Jacobsen, Kraft, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Schmick, Steele, Vick, Walsh and Young.

Excused: Representatives Klippert, Mosbrucker and Wylie.

SUBSTITUTE HOUSE BILL NO. 1166, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1430, by Representatives Kloba and Klicker

Concerning the duration of state upland leases for lands managed by the department of natural resources.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kloba, Steele and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1430.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1430, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan,

Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert, Mosbrucker and Wylie.

HOUSE BILL NO. 1430, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1023, by Representatives Steele, Tharinger, Callan and Young

Concerning predesign requirements and thresholds.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Steele and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1023.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1023, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert, Mosbrucker and Wylie.

HOUSE BILL NO. 1023, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:30 a.m., February 27, 2021, the 48th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY EIGHTH DAY

House Chamber, Olympia, Saturday, February 27, 2021

The House was called to order at 9:30 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Dave Paul, 10th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1548 by Representatives Klippert and Shewmake

AN ACT Relating to modifying the transportation electrification fee on hybrid vehicles; amending RCW 46.17.324; and creating a new section.

Referred to Committee on Transportation.

HB 1549 by Representatives Klippert and Dent

AN ACT Relating to child care licensing assistance; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Children, Youth & Families.

HB 1550 by Representatives Pollet, Cody, Callan, Taylor, Duerr, Ryu, Valdez and Senn

AN ACT Relating to preventing nicotine addiction with an emphasis on youth and persons under 21 years of age and the funding of prevention, cessation, and public health services through the taxation of vapor and tobacco products containing nicotine; amending RCW 82.04.440, 82.25.005, 82.25.010, 82.25.015, 82.25.020, 82.25.075, 82.25.060, 82.25.080, and 82.32.145; reenacting and amending RCW 70.155.120; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.25 RCW; creating a new section; and providing effective dates.

Referred to Committee on Finance.

SSB 5035 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Nguyen, Billig, Carlyle, Darneille, Das, Hasegawa, Kuderer, Liias, Lovelett, Mullet, Pedersen, Rolfes, Saldaña, Salomon, Stanford, Wellman, Wilson and C.)

AN ACT Relating to offender scoring of drug offenses; and amending RCW 9.94A.525.

Referred to Committee on Public Safety.

ESSB 5038 by Senate Committee on Law & Justice (originally sponsored by Kuderer, Das, Carlyle, Darneille, Dhingra, Hunt, Liias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Wellman, Wilson and C.)

AN ACT Relating to prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol; reenacting and amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

E2SSB 5051 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Dhingra, Darneille, Hunt, Kuderer, Liias, Lovelett, Mullet, Nguyen, Salomon, Stanford, Wellman, Wilson and C.)

AN ACT Relating to state oversight and accountability of peace officers and corrections officers; amending RCW 43.101.010, 43.101.020, 43.101.030, 43.101.040, 43.101.060, 43.101.080, 43.101.085, 43.101.095, 43.101.105, 43.101.115, 43.101.135, 43.101.145, 43.101.155, 43.101.157, 43.101.230, 43.101.390, 43.101.420, 34.12.035, 40.14.070, 43.101.380, 43.101.400, 41.56.905, 49.44.200, and 41.06.040; adding a new section to chapter 41.06 RCW; creating a new section; repealing RCW 43.101.096, 43.101.106, 43.101.116, 43.101.136, 43.101.146, 43.101.156, and 43.101.180; and prescribing penalties.

Referred to Committee on Appropriations.

SSB 5068 by Senate Committee on Ways & Means (originally sponsored by Randall, Rivers, Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Muzzall, Nguyen, Nobles, Saldaña, Salomon, Stanford, Warnick, Wilson and C.)

AN ACT Relating to improving maternal health outcomes by extending coverage during the postpartum

period; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Appropriations.

ESSB 5119 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Hasegawa, Mullet, Nguyen, Robinson, Salomon, Wilson and C.)

AN ACT Relating to individuals in custody; adding a new section to chapter 72.09 RCW; adding a new section to chapter 43.06C RCW; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Appropriations.

SSB 5148 by Senate Committee on Law & Justice (originally sponsored by Frockt, Hunt, Billig, Darneille, Das, Hasegawa, Kuderer, Lovelett, Pedersen, Saldaña, Salomon, Wilson and C.)

AN ACT Relating to the harassment of election officials; amending RCW 9A.46.020; and prescribing penalties.

Referred to Committee on Public Safety.

SSB 5151 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Das, Kuderer, Nobles and Saldaña)

AN ACT Relating to foster care and child care licensing by the department of children, youth, and families; amending RCW 13.34.030, 43.216.015, 43.216.085, 43.216.087, 43.216.089, 43.216.250, 43.216.255, 43.216.260, 43.216.271, 43.216.280, 43.216.305, 43.216.325, 43.216.340, 43.216.360, 43.216.395, 43.216.515, 43.216.530, 43.216.650, 43.216.660, 43.216.685, 43.216.687, 43.216.689, 43.216.690, 43.216.700, 43.216.300, and 74.15.125; reenacting and amending RCW 43.216.010, 43.216.015, and 43.216.020; adding a new section to chapter 43.216 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

ESSB 5190 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Holy, Frockt, Conway, Hasegawa, Honeyford, Keiser, King, Lovelett, Randall, Salomon, Van De Wege, Warnick, Wilson, C., Wilson and J.)

AN ACT Relating to providing health care workers with presumptive benefits during a public health emergency; amending RCW 50.04.294, 50.20.010, 50.29.021, and 51.52.130; reenacting and amending RCW 50.20.050; adding a new section to chapter 50.04 RCW; adding new sections to chapter 51.32 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

ESSB 5193 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Conway, Keiser, Hasegawa, Wilson and C.)

AN ACT Relating to unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics; adding new sections to chapter 50.12 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

ESSB 5251 by Senate Committee on Ways & Means (originally sponsored by Schoesler, Brown, Dozier, Gildon, Honeyford, King and Rolfes)

AN ACT Relating to modifying tax and revenue laws in a manner that is not estimated to affect state or local tax collections, by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies; amending RCW 54.28.040, 54.28.055, 82.04.051, 82.04.220, 82.04.2404, 82.04.260, 82.04.261, 82.04.2907, 82.08.0531, 82.08.956, 82.08.9651, 82.08.9999, 82.12.010, 82.12.956, 82.12.9651, 82.14.532, 82.29A.090, 82.32.330, 82.32.534, 82.32.805, 84.40.130, 84.52.0531, 84.52.080, and 84.36.385; reenacting and amending RCW 79.64.110; adding a new section to chapter 82.32 RCW; and repealing RCW 82.25.045.

Referred to Committee on Finance.

SSB 5267 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Saldaña, Stanford, Conway, Das, Hasegawa, Keiser, Kuderer, Wilson and C.)

AN ACT Relating to requiring electrical licensing for electrical work associated with flipping property; and amending RCW 19.28.261 and 19.28.420.

Referred to Committee on Labor & Workplace Standards.

2SSB 5327 by Senate Committee on Ways & Means (originally sponsored by Brown, Frockt, Lovelett, Rivers, Short, Warnick and Wellman)

AN ACT Relating to a confidential youth safety and well-being tip line; adding a new chapter to Title 43 RCW; and prescribing penalties.

Referred to Committee on Children, Youth & Families.

2SSB 5331 by Senate Committee on Ways & Means (originally sponsored by Gildon, Darneille,

Dhingra, Hasegawa, Nguyen, Nobles, Warnick, Wellman, Wilson and C.)

AN ACT Relating to establishing an early childhood court program for young children and their families involved in Washington's child welfare system; adding new sections to chapter 2.30 RCW; and creating a new section.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1091, by Representatives Fitzgibbon, Slatter, Berry, Dolan, Bateman, Ramos, Simmons, Ramel, Senn, Peterson, Duerr, Ryu, Valdez, Callan, Kloba, Chopp, Ormsby, Frame, Macri, Pollet, Goodman and Bergquist

Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1091 was substituted for House Bill No. 1091 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1091 was read the second time.

With the consent of the House, amendments (186), (185), (180) and (132) were withdrawn.

Representative Chapman moved the adoption of amendment (155):

On page 2, line 15, after "(3)" insert "The legislature finds that the clean fuel standard created in this chapter will create jobs in Washington state in the production and distribution of sustainable fuels like biofuels from agricultural feedstocks and forest residuals, hydrogen produced from renewable feedstocks, and more. In order to maximize the benefits of this policy to Washington workers while also protecting the environment for current and future generations, it is necessary to uphold and improve upon the state's siting policies. By identifying priority areas of the state for development and by developing methods to further avoid, minimize, and mitigate environmental impacts consistent with statute, rules, and guidance, Washington can protect its environment, contribute to the global fight against climate change, and support broadly shared prosperity.

(4)"

On page 5, beginning on line 17, strike all of subsection (5)

On page 31, after line 7, insert the following:

"NEW SECTION. **Sec. 24.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, Washington State University's energy program must initiate a least conflict priority clean energy project siting program in coordination with the energy facility site evaluation council, the department of ecology, the department of commerce, the department of fish and wildlife, local governments, clean energy stakeholders, conservation stakeholders, and Indian tribes. This program must engage all relevant agencies, stakeholders, and Indian tribes to identify priority areas in Washington state with the least amount of potential environmental impact and other conflict over competing land uses in the siting of major clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity, or that support the production of such transportation fuel. Washington State University's energy program may identify different priority areas for different types of industrial or manufacturing clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity in sectors including, but not limited to, biofuels, agricultural and forest biomass, hydrogen produced via electrolysis of water, and renewable natural gas.

(2) A project proposed in an area designated under subsection (1) of this section does not receive a guarantee or assurance of being permitted and is subject to review consistent with chapter 43.21C RCW and applicable environmental permit processes. Project proponents are not limited to proposing projects in identified least conflict zones.

(3) The identification of priority areas completed in subsection (1) of this

section must be updated at least once every six years.

NEW SECTION. **Sec. 25.** A new section is added to chapter 43.21A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department, in consultation with the department of commerce, must periodically convene stakeholders, including all of those identified in section 24 of this act, Indian tribes, and the member agencies of the energy facility site evaluation council to identify and discuss avoidance, minimization, and mitigation of significant likely environmental impacts of clean energy projects specified in section 24 of this act. The environmental impacts identified and discussed must include, but are not limited to, air quality impacts, impacts to land and aquatic habitats, and wildlife impacts that may result from clean energy projects. The department must periodically provide a report to the appropriate committees of the house of representatives and the senate identifying mitigation resources, funding needs, and potential policies and programs to modify permitting and environmental review necessary for construction of clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity, or that support the production of such transportation fuel, in Washington state."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

POINT OF ORDER

Representative Maycumber requested a scope and object ruling on amendment (155).

SPEAKER'S RULING.

"The title of the bill is an act relating to 'reducing greenhouse gas emissions by reducing the greenhouse gas emission of transportation fuels.' The bill directs the Department of Ecology to establish a Clean Fuels Program and specifies the requirements of that program.

Section 3, subsection 5 of the bill directs the department to improve and expedite State Environmental Policy Act (SEPA) reviews and permit applications for siting projects that would produce or support the production of low carbon transportation fuels.

Amendment (155) eliminates this subsection and directs the WSU Energy program to first identify low conflict sites for the production of low carbon transportation fuels, followed by Department of Ecology review under SEPA. The amendment further directs Ecology to monitor and report on mitigation needs associated with project siting.

Both the bill and the amendment address the siting of projects for the production of low carbon transportation fuels, including environmental review and permitting under SEPA. The Speaker therefore finds and rules that the amendment is within the scope and object of the bill.

The point of order in not well taken."

Representatives Chapman and Slatter spoke in favor of the adoption of the amendment.

Representatives Walsh, Barkis, Boehnke and Orcutt spoke against the adoption of the amendment.

Amendment (155) was adopted.

Representative Dye moved the adoption of amendment (184):

On page 2, line 19, after "from" strike "diesel and"

On page 4, line 13, after "fuel" insert ", other than diesel fuel,"

On page 4, at the beginning of line 20, strike all material through "substitutes"

On page 13, beginning on line 29, after "gasoline" strike "and per gallon of diesel"

Representatives Dye, Barkis, Graham, Kraft, Walsh, Dent, Boehnke, Sutherland, Harris, Schmick, Young, Goehner, Dye (again), Orcutt, Chase and Sutherland (again) spoke in favor of the adoption of the amendment.

Representatives Duerr, Harris-Talley and Fitzgibbon spoke against the adoption of the amendment.

Amendment (184) was not adopted.

Representative Fitzgibbon moved the adoption of amendment (151):

On page 3, beginning on line 16, strike all of subsection (9)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Beginning on page 3, line 34, strike all of subsections (14) and (15)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, line 15, after "and" strike "green"

On page 6, beginning on line 24, after "used" strike "only for purposes of the clean fuels program"

On page 7, line 7, after "or" strike "green"

On page 7, beginning on line 19, after "standards" strike all material through "section" on line 20

On page 7, beginning on line 37, after "Washington" strike all material through "program" on line 40

On page 8, line 9, after "fuels" insert ", and electric vehicle manufacturers"

On page 10, line 20, after "sequestration;" strike "or"

On page 10, line 21, after "projects;" insert "or

(iv) Investments and activities that support deployment of machinery and equipment used to produce gaseous and liquid fuels from nonfossil feedstocks, and derivatives thereof;"

On page 11, line 27, after "(b)" strike "Producers" and insert "Electric vehicle manufacturers and producers"

On page 12, beginning on line 21, after "of" strike all material through "of" on line 22 and insert "hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as"

On page 12, beginning on line 30, after "of" strike all material through "of" on line 31 and insert "hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as"

On page 13, beginning on line 6, after "program." strike all material through "utilities." on line 14 and insert "The department must provide for the establishment and funding of a statewide clean fuel reward program to provide light duty vehicle consumers with reasonable purchase incentives and require that at least some portion of the 50 percent of revenues subject to this subsection be contributed by each electric utility to such a program. The clean fuel reward program must provide a price reduction to vehicle purchasers or leasers at the time of purchase or lease on electric vehicle purchases or leases in Washington. Any requirements for the expenditure of revenues from credits earned from the electricity supplied to retail customers by an electric utility under the clean fuels program must be developed in consultation with electric utilities, automobile manufacturers, and car dealers."

On page 14, line 14, after "2035." insert "The analysis must be informed by input from stakeholders, including regulated industries, and informed by experience from other jurisdictions. The analysis must impute price impacts using multiple analytical methodologies and must make clear how the assumptions or factors considered differed in each methodology used and price impact imputed."

Representative Fitzgibbon spoke in favor of the adoption of the amendment.

Representative Dye spoke against the adoption of the amendment.

Amendment (151) was adopted.

Representative Robertson moved the adoption of amendment (131):

On page 5, line 2, after "program" strike "of no later than January 1, 2023" and insert ". The rules adopted by the department under this section may not be implemented until the adjournment of the regular legislative session following the submission, in a report to the appropriate committees of the legislature, of an analysis of the final adopted rule by the Washington state institute for public policy. The analysis must:

(i) Determine the impacts of the program on revenues from the state motor vehicle fuel tax, oil spill response tax, oil spill administration tax, hazardous substance tax, and the petroleum products tax; and

(ii) Review the costs associated with the program and analyze whether the program is a cost-effective means of achieving greenhouse gas emissions reductions."

Representatives Robertson, Barkis, Dye, Walsh, Sutherland, Ybarra and McEntire spoke in favor of the adoption of the amendment.

Representatives Fitzgibbon and Ramel spoke against the adoption of the amendment.

Amendment (131) was not adopted.

Representative Abbarno moved the adoption of amendment (134):

On page 5, line 2, after "program" strike "of no later than January 1, 2023" and insert "that begins no earlier than the January 1st following the submission to the appropriate committees of the legislature of the report specified in subsection (6) of this section. The department may not implement the program authorized under this chapter if the office of financial management determines that the program will have significant negative economic impacts on any analyzed economic sectors or if the program will have significantly inequitable demographic or geographic impacts"

On page 5, after line 22, insert the following:

"(6) The office of financial management, in consultation with the office of equity, must contract for an independent economic analysis of the program created in this section at the levels of carbon intensity reduction specified in subsection (2) of this section. The analysis must consider economic impacts through the year 2050 and must include an estimate of the number of employers in Washington positively or negatively impacted by the program, the type of business each impacted employer is engaged in, and the equity of impacts across business sizes, types, and locations. The analysis must also describe the impact on employment by economic sector and describe any inequities of demographic or geographic impacts in those sectors of the economy. The analysis required in this subsection must be completed and submitted to the appropriate committees of the legislature by December 1, 2021."

Representatives Abbarno, Dye, Barkis, McEntire, Sutherland and Abbarno (again) spoke in favor of the adoption of the amendment.

Representatives Fitzgibbon and Duerr spoke against the adoption of the amendment.

Amendment (134) was not adopted.

Representative Boehnke moved the adoption of amendment (135):

On page 5, line 2, after "program" strike "of no later than January 1, 2023" and insert "that begins no earlier than January 1, 2024. Prior to the implementation of the program, by January 1, 2023, the department, in consultation with the department of commerce, must submit a report to the appropriate committees of the legislature that analyzes the impact to families of labor union members in Washington, comparing personal financial and household outcomes, under the following two scenarios:

(i) The program authorized under this chapter is implemented, consistent with the rules proposed or adopted by the department; and

(ii) The legislature enacts a new transportation revenue package that establishes an additional 10 cent per gallon tax on motor vehicle fuel, the revenue from which is constitutionally guaranteed to have the effect of supporting jobs through the maintenance of the state ferry network, state roads, bridges, and highways"

Representatives Boehnke, Dye and Orcutt spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (135) was not adopted.

Representative Dye moved the adoption of amendment (183):

On page 5, line 2, after "2023." insert "The rules must allow for the establishment of compliance obligations that create the least costs feasible to regulated entities while achieving the emissions reductions required in (a) of this subsection. The establishment of least cost compliance obligations must be achieved, in part, through the establishment of broadly available credit-generating activities and without the establishment of limitations on the number of credits that may be earned by individual entities or that may be earned under specific activity categories."

Representatives Dye and Walsh spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (183) was not adopted.

Representative Dye moved the adoption of amendment (187):

On page 5, line 2, after "program" strike all material through "2023" and insert "that begins no earlier than the January 1st following the submission to the appropriate committees of the legislature of a report that analyzes and determines whether there are more immediate and less costly ways to reduce the equivalent amount of greenhouse gas emissions forecasted to be achieved during the first year of program operations through the expenditure of $25,000,000 of public funds by Washington to purchase certified carbon reduction credits in existing markets. The department must contract for the report required under this subsection with an independent consultant with expertise in the transportation fuels sector. In assessing the costs of greenhouse gas emissions reduction options, the report must consider the expected increases in carbon credit prices and low carbon transportation fuel prices driven by regulatory requirements in other jurisdictions. The department may not implement the program authorized under this chapter if it determines that it would be less costly per ton of greenhouse gas emissions reductions achieved to purchase certified carbon reduction credits than to implement the program"

Representative Dye withdrew amendment (187).

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

With the consent of the House, amendments (181), (149), (145) and (119) were withdrawn.

Representative Maycumber moved the adoption of amendment (144):

On page 5, line 32, after "activities." insert "For emissions from changes in land use associated with a transportation fuel, the department must consider the emissions from intentional land-clearing fires in a transportation fuel's country of origin that increase the available land for biofuel and other crop production."

Representatives Maycumber, Barkis and Maycumber (again) spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (144) and the amendment was not adopted by the following vote: Yeas: 41; Nays: 57; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Paul moved the adoption of amendment (117):

On page 8, line 39, after "program" insert ".

"(c) The department shall harmonize the program's cost containment mechanisms with the cost containment rules in the states specified in section 7(1) of this act.

(d) The department shall consider mechanisms such as the establishment of a credit price cap or other alternative cost containment measures if deemed necessary to harmonize market credit costs with those in the states specified in section 7(1) of this act"

On page 10, line 11, after "requirements." insert "The department must apply the same baseline years to credits associated with electric or alternative transportation infrastructure that apply to gasoline and diesel liquid fuels in any market-based program enacted by the legislature that establishes a cap on greenhouse gas emissions."

On page 10, line 20, after "(ii)" strike "Refinery investments in" and insert "Project-based refinery greenhouse gas mitigation including, but

not limited to, process improvements, renewable hydrogen use, and"

On page 11, line 7, after "requirements" insert "and methods for credit generation"

On page 11, after line 22, insert the following:

"(3) The department must conduct a biennial review of innovative technologies and pathways that reduce carbon and increase credit generation opportunities and must modify rules or guidance as needed to maintain stable credit markets."

On page 14, after line 37, insert the following:

"NEW SECTION. **Sec. 12.** (1) The department must issue an order declaring an emergency deferral:

(a) No later than 15 calendar days after the date that the department determines that:

(i) There is a known shortage of a fuel or low carbon fuel that is needed for regulated parties to comply with the carbon intensity standard established under section 3 of this act; and

(ii) The magnitude of the shortage of that fuel is greater than the equivalent of five percent of the amount of the fuel forecasted to be available during the effective compliance period; or

(b) Immediately upon the issuance by the governor of a proclamation, executive order, or directive pursuant to declaring an energy emergency under chapter 43.21G RCW due to a shortage of gasoline or diesel.

(2) An order declaring an emergency deferral under this section must set forth:

(a) The duration of the emergency deferral;

(b) The types of fuel to which the emergency deferral applies; and

(c) Which of the following methods the department has selected for deferring compliance with the scheduled applicable carbon intensity standard during the emergency deferral:

(i) Temporarily adjusting the scheduled applicable carbon intensity standard to a standard identified in the order that better reflects the availability of credits during the emergency deferral and requiring regulated parties to comply with the temporary standard;

(ii) Allowing for the carryover of deficits accrued during the emergency deferral into one or more future compliance periods without penalty; or

(iii) Suspending deficit accrual during the emergency deferral period.

(3)(a) In implementing an emergency deferral, the department may take an action for deferring compliance with the carbon intensity standard other than, or in addition to, selecting a method under subsection (2)(c) of this section only if the department determines that none of the methods under subsection (2)(c) of this section will provide a sufficient mechanism for containing the costs of compliance with the carbon intensity standards during the emergency deferral.

(b) If the department makes the determination specified in (a) of this subsection, the department shall:

(i) Include in the order declaring an emergency deferral the determination and the action to be taken; and

(ii) Provide written notification and justification of the determination and the action to:

(A) The governor;

(B) The president of the senate;

(C) The speaker of the house of representatives; and

(D) The appropriate committees of the house of representatives and the senate.

(4)(a) Except as provided in (b) of this subsection, the duration of an emergency deferral:

(i) Implemented using the method described in subsection (2)(c)(i) of this section may not be less than one calendar quarter; and

(ii) Implemented using a method described in subsection (2)(c)(ii) or (iii) or (3) of this section may not be less than 30 calendar days.

(b) An emergency deferral may not continue past the end of the compliance period during which the emergency deferral is issued.

(c) The department may terminate an emergency deferral prior to the expiration date of the emergency deferral

only if new information becomes available indicating that the shortage for which the emergency deferral was issued has ended. Termination of an emergency deferral is effective 15 calendar days after the date that the order declaring the termination is adopted."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Paul spoke in favor of the adoption of the amendment.

Representatives Dye and Kraft spoke against the adoption of the amendment.

Amendment (117) was adopted.

Representative Boehnke moved the adoption of amendment (176):

On page 10, line 20, after "sequestration;" strike "or"

On page 10, line 21, after "projects;" insert "or

(iv) Infrastructure investments in broadband access associated with facilitating remote work and therefore reducing transportation emissions, consistent with the 2021 state energy strategy recommendation. The department must establish a metric for the allocation of credits per foot of installed broadband infrastructure that varies by technology type including, but not limited to, cable, digital subscriber line, and fiber broadband;"

Representatives Boehnke and Slatter spoke in favor of the adoption of the amendment.

Amendment (176) was adopted.

Representative Klicker moved the adoption of amendment (178):

On page 10, line 23, after "commercial" insert ", nonprofit, or public"

Representatives Klicker and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (178) was adopted.

Representative Klicker moved the adoption of amendment (179):

On page 10, line 36, after "(3)" insert "The rules adopted by the department under sections 3 and 4 of this act must allow the generation of credits from the transportation of agricultural products by barge in Washington.

(4)"

Representatives Klicker, Orcutt, Klicker (again), Ybarra, Dye and Klippert spoke in favor of the adoption of the amendment.

Representatives Fitzgibbon and Riccelli spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (179) and the amendment was not adopted by the following vote: Yeas: 43; Nays: 55; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, and Wylie

Representative Maycumber moved the adoption of amendment (143):

On page 11, after line 3, insert the following:

"(4) The department may not allow credits to be earned for fuels that are extracted or produced in a country that has not been certified as eligible by the department of labor and industries. By December 1, 2021, the department of labor and industries must publish a list of countries whose extracted or produced fuels are eligible to generate credits under the program. The department of labor and industries must update this list by December 1st of each year, for purposes of determining credit eligibility for fuels during the

following program year. In order to certify that a fuel is eligible to generate credits under the program, the department of labor and industries must determine that the fuel was extracted or produced in a country that has laws that provide the following labor rights:

(a) The freedom of association and protection of the right to organize;

(b) The right to bargain collectively;

(c) The right to strike;

(d) A prohibition of forced labor;

(e) Minimum employment standards, such as minimum wages and overtime pay, covering wage earners, including those not covered by collective agreements;

(f) Elimination of employment discrimination on the basis of race, religion, age, sex, or other grounds as determined by each country's domestic laws;

(g) Equal pay for men and women;

(h) Prevention of occupational injuries and illnesses;

(i) Compensation in cases of occupational injuries and illnesses; and

(j) Protection of migrant workers."

Representative Maycumber and Maycumber (again) spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (143) and the amendment was not adopted by the following vote: Yeas: 45; Nays: 53; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Springer, Steele, Stokesbary, Sutherland, Thai, Vick, Volz, Walen, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Tharinger, Valdez, Wicks, and Wylie

Representative Abbarno moved the adoption of amendment (136):

On page 11, after line 22, insert the following:

"(3) In any reports to the Legislature under section 10 of this act, on the department's website, or in other public documents or communications that refer to assumed public health benefits associated with the program created in this chapter, the department must distinguish between public health benefits from small particulate matter and other conventional pollutant reductions achieved primarily as a result of vehicle emission standards established under RCW chapter 70A.30, and the incremental benefits to air pollution attributable to the program created under this chapter."

Representatives Abbarno and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (136) was adopted.

Representative Stokesbary moved the adoption of amendment (154):

On page 14, line 14, after "2035." insert "The analysis must also examine the anticipated cost impacts, through 2035, of the forecasted fuel price changes to persons that earn less than the state median income. Based on this analysis, the department must determine the amount per recipient, and the cost overall to the state, to establish a rebate program to offset the fuel cost increases to persons that earn less than the state median income, for each year through 2035."

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (154) was not adopted.

Representative Goehner moved the adoption of amendment (156):

On page 14, after line 16, insert the following:

"(5) The department must determine if the credits issued under this program before December 31, 2028, satisfy the requirement to reduce the carbon intensity of transportation fuel by 10 percent below 2017 levels. The department must make this determination by March 31, 2029. If the department determines that the carbon intensity of transportation fuels has not been reduced by at least 50 percent of the 2028 target, the department must issue a press release and notify the governor and the appropriate committees of the legislature, and the program created by this chapter is deemed scheduled for sunset review and termination pursuant to chapter 43.131 RCW."

On page 31, after line 7, insert the following:

"NEW SECTION. **Sec. 24.** A new section is added to chapter 43.131 RCW to read as follows:

If the clean fuels program fails to meet carbon intensity reduction targets determined consistent with section 10 of this act, the authorization for the department of ecology to implement a clean fuels program created in this act must be reviewed and terminated on January 1, 2031, as provided in section 25 of this act.

NEW SECTION. **Sec. 25.** A new section is added to chapter 43.131 RCW to read as follows:

If the clean fuels program fails to meet carbon intensity reduction targets determined by section 10 of this act by 2028, consistent with section 24 of this act, the following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2032:

(1) RCW 70A.--.--- and 2021 c . . . s 1 (section 1 of this act);

(2) RCW 70A.--.--- and 2021 c . . . s 2 (section 2 of this act);

(3) RCW 70A.--.--- and 2021 c . . . s 3 (section 3 of this act);

(4) RCW 70A.--.--- and 2021 c . . . s 4 (section 4 of this act);

(5) RCW 70A.--.--- and 2021 c . . . s 5 (section 5 of this act);

(6) RCW 70A.--.--- and 2021 c . . . s 6 (section 6 of this act);

(7) RCW 70A.--.--- and 2021 c . . . s 7 (section 7 of this act);

(8) RCW 70A.--.--- and 2021 c . . . s 8 (section 8 of this act);

(9) RCW 70A.--.--- and 2021 c . . . s 9 (section 9 of this act);

(10) RCW 70A.--.--- and 2021 c . . . s 10 (section 10 of this act);

(11) RCW 70A.--.--- and 2021 c . . . s 11 (section 11 of this act);

(12) RCW 70A.--.--- and 2021 c . . . s 12 (section 12 of this act); and

(13) RCW 70A.--.--- and 2021 c . . . s 13 (section 13 of this act)."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representative Goehner spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (156) was not adopted.

Representative Stokesbary moved the adoption of amendment (142):

On page 16, at the beginning of line 23, strike "(1)"

On page 16, beginning on line 27, strike all of subsection (2)

On page 16, after line 28, insert the following:

"NEW SECTION. **Sec. 15.** (1) This section is the tax preference performance statement for the tax preference contained in section 14 of this act. This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to:

(a) Lower the cost of clean energy technology and clean fuel standard compliance; and

(b) Incentivize the development of clean energy businesses in the state.

(4) If a review finds that the economic benefit from the clean fuel program with respect to clean fuel technology and emissions reduction is greater than the total increase in the cost of fuel plus the total economic cost of any jobs lost as a result of the clean fuels program, then the legislature intends to extend the expiration date of the tax preference. In reviewing the tax preference, the joint legislative audit and review committee must, to the extent possible, evaluate the impacts of the preference on clean energy technology businesses in Washington.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

(6) The department of revenue must include the tax preference contained in section 14 of this act in the quadrennial tax exemption report prepared pursuant to RCW 43.06.400."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (142) was not adopted.

Representative Barkis moved the adoption of amendment (150):

Beginning on page 16, line 29, strike all of sections 15 through 19

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Barkis and Orcutt spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (150) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon, Harris-Talley, Ramel, Chapman, Duerr and Senn spoke in favor of the passage of the bill.

Representatives Dye, Walsh, Klippert, Sutherland, Jacobsen, Gilday, Schmick, Orcutt, Klicker, Dent, Eslick, Chase, Dufault and Barkis spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1091.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1091, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Stonier, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Springer, Steele, Stokesbary, Sullivan, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

HOUSE BILL NO. 1054, by Representatives J. Johnson, Entenman, Dolan, Ryu, Berry, Simmons, Bateman, Kloba, Lekanoff, Duerr, Fitzgibbon, Slatter, Wylie, Ramos, Berg, Tharinger, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Valdez, Callan, Hackney, Morgan, Chopp, Cody, Ormsby, Taylor, Frame, Santos, Macri, Davis, Pollet, Bergquist and Harris-Talley

Establishing requirements for tactics and equipment used by peace officers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1054 was substituted for House Bill No. 1054 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1054 was read the second time.

With the consent of the House, amendments (174), (189) and (175) were withdrawn.

Representative Klippert moved the adoption of amendment (188):

On page 2, line 4, after "chokehold" strike "or neck restraint"

On page 2, line 5, after "officer" insert "except in circumstances where use of deadly force is justifiable under chapter 9A.16 RCW"

On page 2, beginning on line 6, after "(2)" strike all material through "(3)" on line 8 and insert "The criminal justice training commission shall conduct a study to determine whether the use of a lateral vascular neck restraint constitutes deadly force, as defined in RCW 9A.16.010. The criminal justice training commission shall publish its findings in a report on its website by December 1, 2021. If the criminal justice training commission determines that the use of a lateral vascular neck restraint does not constitute deadly force, then the report required under this section must include a determination as to the appropriate circumstances for use of a lateral vascular neck restraint by a peace officer.

(3) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with subsection (1) of this section and the determination made by the criminal justice training commission under subsection (2) of this section.

(4)"

On page 2, line 12, after "(b)" strike all material through "flow" on line 14 and insert ""Lateral vascular neck restraint" means the use of a control technique where pressure is applied to the sides of the neck, using a combination of physiological factors to restrict blood flow to the brain, which may cause the subject to temporarily lose consciousness"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative J. Johnson spoke against the adoption of the amendment.

Amendment (188) was not adopted.

Representative Griffey moved the adoption of amendment (202):

On page 2, beginning on line 9, after ""Chokehold"" strike "refers to any tactic in which direct pressure is applied to a person's trachea or windpipe or any other tactic intended to restrict" and insert "means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting"

Representatives Griffey and Goodman spoke in favor of the adoption of the amendment.

Amendment (202) was adopted.

Representative Mosbrucker moved the adoption of amendment (177):

On page 2, beginning on line 15, after "(1)" strike all material through "section" on line 18 and insert "The criminal justice training commission shall convene a work group to develop a model policy for the training and use of canine teams.

(2) The criminal justice training commission must ensure that the work group is equally represented between community and law enforcement stakeholders, including the following: Families who have lost loved ones as a result of violent interactions with law enforcement; an organization advocating for civil rights; a state-wide organization advocating for Black Americans; a state-wide organization advocating for Latinos; a state-wide organization advocating for Asian Americans, Pacific Islanders, and Native Hawaiians; a federally recognized tribe located in Washington state; a community organization from eastern Washington working on police accountability; a community organization from western Washington working on police accountability; a community organization serving persons who are unhoused; the faith-based community with advocacy on police accountability; an emergency room doctor with relevant experience; Washington association of sheriffs and

police chiefs; Washington state patrol; Washington fraternal order of police; Washington council of police and sheriffs; Washington state patrol troopers association; council of metropolitan police and sheriffs; teamsters local 117; and Washington state police canine association.

(3) The model policy work group shall consider:

(a) Training curriculum, including the history of race and policing;

(b) Circumstances where the deployment of a canine may not be appropriate;

(c) Circumstances where deployment of a canine on leash may be appropriate;

(d) Strategies for reducing the overall rate of canine bites;

(e) Circumstances where a canine handler should consider the use of tactics other than deploying a canine;

(f) Explicitly prohibiting the use of canines for crowd control purposes;

(g) Canine reporting protocols;

(h) Circumstances where the use of voluntary canines and canine handlers may be appropriate; and

(i) Identifying circumstances that would warrant the decertification of canine teams.

(4) The criminal justice training commission shall publish the model policy on its website by January 1, 2022.

(5) This section expires July 1, 2022"

Representatives Mosbrucker and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (177) was adopted.

Representative Goodman moved the adoption of amendment (137):

On page 2, at the beginning of line 20, beginning with "purchase" strike all material through ""tear" on line 22 and insert "use or authorize its peace officers or other employees to use tear gas unless necessary to alleviate a present risk of serious harm posed by a riot, barricaded subject, or hostage situation. Prior to deploying tear gas, the officer or employee shall:

(a) Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;

(b) Obtain authorization to use tear gas from the chief law enforcement officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted as provided under this section;

(c) Announce to the subject or subjects the intent to use tear gas;

(d) Allow sufficient time and space for the subject or subjects to comply with the officer's or employee's directives; and

(e) Announce to the subject or subjects for a second time, immediately prior to deploying tear gas, the intent to use tear gas.

(2) For the purposes of this section:

(a) "Chief law enforcement officer" refers to the chief law enforcement officer of the law enforcement agency, including: the sheriff or chief for a general authority Washington law enforcement agency; and the executive head of the department or agency for a limited authority Washington law enforcement agency, such as the secretary of corrections for the department of corrections.

(b) "Tear"

Representatives Goodman and Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (137) was adopted.

Representative Boehnke moved the adoption of amendment (182):

On page 2, line 33, after "section" strike ", "military" and insert ":

(a) "Military"

On page 3, line 2, after "grenades," strike "grenade launchers,"

On page 3, after line 3, insert the following:

"(b) "Grenade" refers to any explosive grenade designed to injure or kill subjects, such as a fragmentation grenade or anti-tank grenade, or any incendiary grenade designed to produce intense heat or fire. "Grenade" does not include other non-explosive grenades designed to

temporarily incapacitate or disorient subjects without causing permanent injury, such as a stun grenade, sting grenade, smoke grenade, tear-gas grenade, or blast ball."

Representatives Boehnke and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (182) was adopted.

Representative Klippert moved the adoption of amendment (170):

On page 2, beginning on line 35, beginning with "silencers" strike all material through "devices," on page 3, line 1 and insert "armed and armored drones, tanks,"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Amendment (170) was not adopted.

Representative Gilday moved the adoption of amendment (173):

On page 2, at the beginning of line 35, strike "silencers,"

Representatives Gilday and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (173) was adopted.

Representative Graham moved the adoption of amendment (195):

On page 3, line 14, after "that" strike "uniformed peace officers" and insert "peace officers required to wear class A or B uniforms"

Representatives Graham and Klippert spoke in favor of the adoption of the amendment.

Representatives Goodman and J. Johnson spoke against the adoption of the amendment.

Amendment (195) was not adopted.

Representative Robertson moved the adoption of amendment (191):

On page 3, beginning on line 22, after "(a)" strike all material through "(2)" on line 35 and insert "There is reasonable suspicion to believe a person in the vehicle has committed or is committing a criminal offense, and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks associated with the vehicular pursuit under the circumstances;

(b) The officer notifies a supervising officer immediately upon initiating the vehicular pursuit, informing the supervisor of the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle;

(c) The officer complies with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit;

(d) The officer complies with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable; and

(e) The officer, in consultation with the supervising officer, considers alternatives to the vehicular pursuit.

(2) A supervising officer shall order the termination of any vehicular pursuit not meeting the requirements under subsection (1) of this section.

(3)"

On page 4, after line 4, insert the following:

"(4) For the purposes of this section, "vehicular pursuit" means an attempt by a uniformed, law enforcement officer in an officially marked patrol vehicle to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle, and the operator of the moving vehicle appears to be resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a manner that endangers the safety of the community or the officer."

Representative Robertson spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (191) was not adopted.

Representative Maycumber moved the adoption of amendment (172):

On page 4, beginning on line 1, after "unless" strike all material through "harm" on line 4 and insert "the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer"

Representatives Maycumber and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (172) was adopted.

Representative Klippert moved the adoption of amendment (190):

On page 4, beginning on line 12, after "(2)" strike all material through "warrant" on line 15 and insert "An officer may seek and a court may issue a search or arrest warrant granting an advance exception to the requirement for the officer to provide notice of his or her office and purpose when executing the warrant only when the totality of the circumstances are so exigent that the advance exception to the requirement is necessary to preserve life and provide for public safety"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (190) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative J. Johnson's remarks on Final Passage of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054:

"Thank you so much Mr. Speaker. Today is a historic day. I want to begin by saying that we value and appreciate our peace officers for their selfless work that they do in our communities every single day to make us safe. The officers that put on the badge and uniform every day and do their jobs with honor and with respect to their profession. Just as you've put on the badge and uniform every day for so many decades, Mr. Speaker.

However, we also know that systemic racism exists, along with the need for change, across all of our institutions. And that includes law enforcement, Mr. Speaker. In many cases bad policing is just a result of bad policy. And we have witnessed the evidence of unnecessary police violence and tactics that has produced negative outcomes predominately for communities of color.

Last summer, I remember, we all remember, we watched for eight minutes and forty-six seconds as an officer acted with impunity, his knee on the neck of brother George Floyd. Choking him to death over an allegedly counterfeit twenty-dollar bill. A twenty-dollar bill. If you're locally in Tacoma, we heard the words "I can't breathe" from the lips of brother Manny Ellis. Who was pinned to the ground while in custody and held under a neck restraint. We listened to hours of audio in the last moments in the life of sister, Breonna Taylor. Gunned down while laying in her own bed. Following a court issued 'no knock' warrant to the wrong home.

And last summer, Mr. Speaker, we saw thousands of our fellow community members, from elementary school students to great grandmothers, all united, in an incredible showing of solidarity following these deaths.

Mr. Speaker, while black and brown communities have sounded this alarm for decades, there was finally a call from the majority to reform our system. I want to thank the organizers, the advocates and the law enforcement that helped to craft this legislation. But most importantly, I want to acknowledge the countless families of loved ones who have died at the hands of police violence. You shared your stories with us despite unimaginable pain and suffering. You helped us develop this bill. And while the policy details may be complex, the values behind this legislation can be distilled into a single sentence. That preserving and protecting human life must be the most fundamental value of our law enforcement.

Today some tactics used by law enforcement do not uphold that value. Furthermore, the different standards that we see across our state leads to confusion and also sows more distrust in the system. You know, Mr. Speaker, one of the many things I have learned in the last year in this position is that the legislative process can be slow. But we can make it work. We can make nuanced ideas become realities. And when talking about these ideas we can bring everyone to the table. I am so proud and grateful for those who have stepped up to have these difficult conversations. To produce this legislation that fixes two problems. Setting a baseline standard for acceptable police tactics in our state. And equipment that can and should be used. Banning or at least restricting harmful tactics based on the lived experiences of all Washingtonians. And this bill also helps us to begin the long and difficult process of rebuilding trust between law enforcement and communities of color.

But together, Mr. Speaker, we can deliver on true public safety that is equitable and just because justice is simply just us coming together to make policy that can have infinite impact.

Mr. Speaker, please, I urge you, vote yes to help make our state safer. To finally say to these families and the broader community, we hear you, we see you, and we will

not idly stand by. Vote yes to say that we stand with you not only in times of comfort and convenience but in times of challenge and controversy.

And finally, Mr. Speaker vote yes to say loudly and clearly that unnecessary police violence must end.

Thank you, Mr. Speaker."

Representatives J. Johnson, Hackney and Entenman spoke in favor of the passage of the bill.

Representatives Klippert, Dufault, Graham, Walsh, Maycumber and Mosbrucker spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative MacEwen was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1054.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1054, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054, having received the necessary constitutional majority, was declared passed.

MOTION

Representative Stonier moved that the remarks of Representative J. Johnson be spread upon the Journal.

The motion to spread the remarks of Representative J. Johnson was adopted.

There being no objection, the House adjourned until 9:00 a.m., March 1, 2021, the 50th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTIETH DAY

House Chamber, Olympia, Monday, March 1, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Sharon Shewmake, 42nd Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

February 26, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5003,
SUBSTITUTE SENATE BILL NO. 5009,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5052,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5118,
ENGROSSED SENATE BILL NO. 5158,
SUBSTITUTE SENATE BILL NO. 5228,
SUBSTITUTE SENATE BILL NO. 5258,
SECOND SUBSTITUTE SENATE BILL NO. 5313,
SUBSTITUTE SENATE BILL NO. 5325,
SENATE BILL NO. 5345,
SENATE BILL NO. 5367,
SUBSTITUTE SENATE BILL NO. 5376,
SECOND SUBSTITUTE SENATE BILL NO. 5383,
SECOND SUBSTITUTE SENATE BILL NO. 5396,
SENATE BILL NO. 5431,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5439,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1416, by Representatives Walen and Santos

Concerning the reporting of debt information by insurers to enhance the collection of past-due child support.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1416 was substituted for House Bill No. 1416 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1416 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Walen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1416.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1416, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Dufault, Eslick, McCaslin, McEntire, Orcutt, Sutherland and Walsh.

SUBSTITUTE HOUSE BILL NO. 1416, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1416.

Representative Dufault, 15th District

SECOND READING

HOUSE BILL NO. 1105, by Representatives Kloba, Simmons, Fitzgibbon, Dolan, Ortiz-Self, Goodman, Vick, Ormsby, Riccelli, Santos, Macri and Davis

Concerning arrest protections for the medical use of cannabis.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kloba spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1105.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1105, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, MacEwen, Macri, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Walsh, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gilday, Graham, Harris, Klicker, Klippert, Kraft, Kretz, Leavitt, Maycumber, McCaslin, Mosbrucker, Robertson, Schmick, Sutherland, Vick, Volz, Wilcox and Ybarra.

HOUSE BILL NO. 1105, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 1105.

Representative Jacobsen, 25th District

SECOND READING

HOUSE BILL NO. 1399, by Representatives Vick, Kirby, Jacobsen, Simmons, Dufault, Dolan and Young

Reducing barriers to professional licensure for individuals with previous criminal convictions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1399.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1399, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1399, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1426, by Representatives Santos, Lekanoff, J. Johnson, Ortiz-Self, Davis, Simmons, Bergquist, Callan, Berg and Pollet

Specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1426 was substituted for House Bill No. 1426 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1426 was read the second time.

Representative Santos moved the adoption of amendment (218):

On page 2, beginning on line 1, after "(4)" strike all material through "align" on line 11 and insert "(a) Except as provided under (b) of this subsection (4), continuing education must be provided by one or more of the following entities, if they are an approved clock hour provider:

(i) The office of the superintendent of public instruction;

(ii) A school district;

(iii) An educational service district;

(iv) A Washington professional educator standards board-approved administrator or teacher preparation program;

(v) The association of Washington school principals; or

(vi) The Washington education association.

(b) Continuing education related to government-to-government relationships with federally recognized tribes must be provided by one or more subject matter experts approved by the governor's office on Indian affairs in collaboration with the tribal leaders congress on education and the office of native education in the office of the superintendent of public instruction.

(5) Continuing education focused on equity-based school practices must be aligned"

Representatives Santos and Ybarra spoke in favor of the adoption of the amendment.

Amendment (218) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1426.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1426, and the bill passed the House by the following vote: Yeas, 74; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Corry, Dufault, Dye, Gilday, Graham, Hoff, Klicker, Klippert, Kraft, Kretz, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Stokesbary, Sutherland, Vick, Walsh and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1365, by Representatives Gregerson, Stonier, Ramos, Callan, Simmons, J. Johnson, Taylor, Lovick, Leavitt, Ortiz-Self, Berg, Fitzgibbon, Ryu, Morgan, Wicks, Tharinger, Duerr, Ormsby, Hansen, Berry, Dolan, Valdez, Cody, Bronoske, Senn, Bateman, Bergquist, Kloba, Riccelli, Davis, Macri, Ramel, Harris-Talley, Pollet and Sells

Procuring and supporting appropriate computers and devices for public school students and instructional staff.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1365 was substituted for House Bill No. 1365 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1365 was read the second time.

With the consent of the House, amendment (235) was withdrawn.

Representative Santos moved the adoption of amendment (244):

On page 2, beginning on line 6, after "Therefore," strike all material through "services to" on line 12 and insert "the purposes of this act are to: (a) Accelerate student access to learning devices and related goods and services; (b) expand training programs and technical assistance on using technology to support student learning; and (c) build the capacity of schools and districts to support digital navigation services for"

On page 3, line 9, after "district" strike "purchases" and insert "purchasing"

On page 3, line 11, after "technology-related" strike "services and products" and insert "goods and services"

On page 3, line 13, after "selecting" strike "services and products" and insert "goods and services"

Beginning on page 3, line 39, after "to" strike all material through "of" on page 4, line 5 and insert "advance the following objectives:

(a) Attain a universal 1:1 student to learning device ratio;

(b) Expand technical support and training of school and district staff in using technology to support student learning; and

(c) Develop district-based and school-based capacity to assist students and their families in accessing and using technology to support"

On page 4, line 38, after "other" strike "data-related" and insert "data related to"

On page 5, line 2, after "the" strike "goals" and insert "objectives"

On page 5, beginning on line 10, after "accomplishing the" strike all material through "act" on line 11 and insert "following: (i) Accelerate student access to learning devices and related goods and services; (ii) expand training programs and technical assistance on using technology to support student learning; and (iii) build the capacity of schools and districts to support digital navigation services for students and their families"

On page 5, beginning on line 14, after "on" strike all material through "families" on line 22 and insert "innovative and collaborative activities occurring in communities across the state to support widespread public technology literacy and fluency, as well as student universal access to learning devices"

Representatives Santos and Ybarra spoke in favor of the adoption of the amendment.

Amendment (244) was adopted.

Representative Jacobsen moved the adoption of amendment (247):

On page 2, line 38, after "training" insert ", in consultation with teacher-librarians through school library information and technology programs as defined in RCW 28A.320.240, and"

On page 3, line 24, after "families." insert "The educational service districts must seek to consult teacher-librarians and other relevant information technology programs to determine where there is a need and focus for this training."

Representatives Jacobsen and Stonier spoke in favor of the adoption of the amendment.

Amendment (247) was adopted.

Representative Senn moved the adoption of amendment (241):

On page 3, line 30, after "districts." insert "Technology training under this section may also be offered to child care providers."

Representatives Senn and Berg spoke in favor of the adoption of the amendment.

Representative Ybarra spoke against the adoption of the amendment.

Amendment (241) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson, Santos, Stonier and Berg spoke in favor of the passage of the bill.

Representatives Ybarra, Young, Kretz, Walsh, Young (again) and Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1365.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1365, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1155, by Representatives Riccelli, Ormsby and Lekanoff

Concerning sales and use tax for emergency communication systems and facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1155 was substituted for House Bill No. 1155 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1155 was read the second time.

Representative Volz moved the adoption of amendment (141):

On page 2, after line 26, insert the following:

"(c) The provisions of (a) and (b) of this subsection do not apply to any renewal of the tax authorized under this section."

On page 3, after line 3, insert the following:

"(c) The provisions of (a) and (b) of this subsection do not apply to any renewal of the tax authorized under this section."

Representative Volz spoke in favor of the adoption of the amendment.

Representative Riccelli spoke against the adoption of the amendment.

Amendment (141) was not adopted.

Representative Volz moved the adoption of amendment (140):

On page 3, beginning on line 8, after "section," strike all material through "later" on line 13 and insert "then the city or county may invoke binding arbitration on the equitable allocation of the tax authorized under this section by giving written notice to the other party. Notice must request arbitration within 30 days. The city and county each shall select one arbitrator, and the initial two arbitrators shall select a third arbitrator. The decision of a majority of the arbitrators is binding. The arbitrators shall take into consideration public safety impacts, current levels of service, response times, financial efficiencies, and jurisdictional collaboration"

Representative Volz spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

Amendment (140) was not adopted.

Representative Chase moved the adoption of striking amendment (213):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) A study group for the use of sales and use tax for emergency communication systems and facilities for the largest county east of the Cascade mountains is created.

(2) The study group membership must include the following:

(a) The speaker of the house of representatives shall appoint one member from each of the largest caucuses in the house of representatives. The member selected shall come from a legislative district that includes all or part of the

largest county east of the Cascade mountains.

(b) The president of the senate shall appoint one member from each of the largest caucuses in the senate. The member selected shall come from a legislative district that includes all or part of the largest county east of the Cascade mountains.

(c) The president of the senate and the speaker of the house of representatives shall jointly appoint four elected officials as follows:

(i) One member of the county commission for the largest county east of the Cascade mountains;

(ii) One member from each of the city councils in the two largest cities located in the largest county east of the Cascade mountains; and

(iii) One member from one of the city councils from a small city or town located in the largest county east of the Cascade mountains.

(d) Each member selected pursuant to (c) of this subsection must appoint one citizen member.

(e) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(i) The county sheriff for the largest county east of the Cascade mountains;

(ii) The chief of the fire department from the largest fire department in the largest county east of the Cascade mountains;

(iii) The chief of a fire department located in the largest county east of the Cascade mountains as selected by the remaining fire departments in the largest county east of the Cascade mountains;

(iv) Two members selected by the largest union representing fire department members in the largest county east of the Cascade mountains;

(v) One member selected by the union representing the members of the sheriff's department for the largest county east of the Cascade mountains;

(vi) One member selected by the union representing the police department members of the largest city located in the largest county east of the Cascade mountains; and

(vii) One member selected by local tribes with a presence in the largest county east of the Cascade mountains.

(f) The members appointed pursuant to (a) through (e) of this subsection must appoint two additional members with expertise on racial equity.

(3) The study group must select a chair and vice chair from among its membership. The members appointed in subsection (2)(a) and (b) of this section must convene the initial meeting of the study group.

(4) Members appointed pursuant to subsection (2)(a) through (c) of this section may designate an alternate individual to represent them at meetings.

(5) Funding for the study group will be provided on a per capita basis between the two largest cities located in the largest county east of the Cascade mountains and the unincorporated portion of the largest county east of the Cascade mountains. Funds must be held by the county treasurer of the largest county east of the Cascade mountains in a designated account and may only be used for direct costs related to the study group.

(6) The study group must review the following issues related to the sales and use tax for emergency communication systems and facilities:

(a) Public safety impacts;

(b) Current and projected levels of service;

(c) Response times;

(d) Financial efficiencies;

(e) Jurisdictional efficiencies; and

(f) Racial equity impacts.

(7) The study group must issue a report to the legislature addressing, at a minimum, the issues listed in subsection (6) of this section by December 31, 2022.

(8) Legislative members of the study group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(9) For the purposes of this section, the "largest county east of the Cascade mountains" and "largest cities" in that county must be determined by population.

(10) This section expires January 1, 2023."

Correct the title.

Representatives Chase and Volz spoke in favor of the adoption of the striking amendment.

Representatives Berg and Riccelli spoke against the adoption of the striking amendment.

Striking amendment (213) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Riccelli and Riccelli (again) spoke in favor of the passage of the bill.

Representatives Volz, Graham, Chase, Graham (again) and Volz (again) spoke against the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Frame was excused

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1155.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1155, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Frame.

SUBSTITUTE HOUSE BILL NO. 1155, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1320, by Representatives Goodman, Thai, Fitzgibbon, Hackney, Wylie, Gregerson, Senn, Ortiz-Self, Davis, Valdez, Lekanoff, Macri, Slatter and Peterson

Modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1320 was substituted for House Bill No. 1320 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1320 was read the second time.

Representative Goodman moved the adoption of amendment (224):

Beginning on page 8, line 16, strike all of section 2 and insert the following:

"NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. "Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

(a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for

convenience or discipline, or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

(c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Coercive control" means a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty and is used to cause another to suffer physical or psychological harm. Examples of coercive control include, but are not limited to, unreasonably engaging in any of the following:

(a) Making threats of harm, dependence, isolation, intimidation, and/or physical forms of violence;

(b) Isolating the other party from friends, relatives, or other sources of support;

(c) Depriving the other party of basic necessities or committing other forms of economic abuse;

(d) Controlling, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or access to services;

(e) Compelling the other party by force, threat of force, or intimidation, including threats based on actual or suspected immigration status such as threats to contact federal agencies, to engage in conduct from which the other party has a right to abstain or to abstain from conduct in which the other party has a right to engage;

(f) Using technology, including, but not limited to, cyberstalking, monitoring, surveillance, impersonation, or distribution of intimate images, to harass, stalk, or abuse;

(g) Engaging in vexatious or abusive litigation against a petitioner to harass, coerce, or control the petitioner; to diminish or exhaust the petitioner's financial resources; or to compromise the petitioner's employment or housing;

(h) Engaging in psychological aggression; and

(i) Frightening, humiliating, degrading, or punishing the other party.

(5) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary

agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

(6)(a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:

(i) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(ii) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(iii) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(iv) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to:

(A) Protect property or liberty interests;

(B) Enforce the law; or

(C) Meet specific statutory duties or requirements;

(v) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or

(vi) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

(7) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

(8) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(9) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

(10) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(11) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

(12) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department of social and health services.

(13) "Family or household members" means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-

child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.

(14) "Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

(15) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

(16) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

(17) "Full protection order" means a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full protection order" includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.

(18) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(19) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(20) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

(21)(a) "Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including, but not limited to:

(i) Acts that prevent a person from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or

prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(22) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

(23) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(24) "Minor" means a person who is under 18 years of age.

(25) "Neglect" means: (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

(26) "Nonconsensual" means a lack of freely given consent.

(27) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, and contact through third parties.

(28) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(29) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding, without undue force, a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(30) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

(31) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(32) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or

(f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(33) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or

of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(34) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of cyberstalking as defined under RCW 9.61.260; or

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

(i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

(35) "Temporary protection order" means a protection order that is issued before the court has decided whether to issue a full protection order. "Temporary protection order" includes ex parte temporary protection orders, as well as temporary protection orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full protection order. An "ex parte temporary protection order" means a temporary protection order that is issued without prior notice to the respondent.

(36) "Unlawful harassment" means:

(a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

(37) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW."

On page 31, beginning on line 2, after "(1)" strike all material through "develop" on line 4 and insert "By June 30, 2022, the administrative office of the courts shall:

(a) Develop"

On page 31, line 20, after "(b)" strike all material through "develop" and insert "Develop"

On page 32, line 28, after "(ii)" strike all material through "in" and insert "In"

On page 33, beginning on line 34, after "develop" strike all material through

"matters" on line 35 and insert "for the courts"

Beginning on page 50, line 1, strike all of section 28 and insert the following:

"NEW SECTION. **Sec. 28.** VULNERABLE ADULT PROTECTION ORDER HEARINGS. For vulnerable adult protection order hearings, the following also apply.

(1) When a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult or the vulnerable adult's guardian, conservator, or person acting under a protective arrangement, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that the vulnerable adult does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any existing vulnerable adult protection order, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary protection order of the vulnerable adult pending a decision after the evidentiary hearing.

(2) Pursuant to subsection (1) of this section, an evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, must be held within 14 days of entry of the temporary protection order. If the court did not enter a temporary protection order, the evidentiary hearing must be held within 14 days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing must be served upon the vulnerable adult and the respondent not less than five judicial days before the hearing. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be subject to a guardianship, conservatorship, or other protective arrangement under chapter 11.130 RCW. If a hearing is scheduled under this subsection, the protection order must remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing held pursuant to subsection (1) of this section, the court shall give the vulnerable adult, the respondent, the petitioner, and, in the court's discretion, other interested persons, the opportunity to testify and submit relevant evidence.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the vulnerable adult continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the vulnerable adult continues to need protection, the court shall order relief consistent with this chapter as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order is governed by the legislative findings contained in section 1 of this act."

On page 88, beginning on line 26, strike all of section 63 and insert the following:

"NEW SECTION. **Sec. 63.** MODIFICATION OR TERMINATION OF VULNERABLE ADULT PROTECTION ORDERS. This section applies to the modification or termination of vulnerable adult protection orders.

(1) Any vulnerable adult who is subject to a limited guardianship, limited conservatorship, or other protective arrangement under chapter 11.130 RCW, or the vulnerable adult's guardian, conservator, or person acting on behalf of the vulnerable adult under a protective arrangement, may, at any time subsequent to the entry of a permanent protection order under this chapter, file a motion to modify or terminate the protection order.

(2) In a hearing on a motion to modify or terminate the protection order, the court shall grant such relief consistent with section 39 of this act as it deems necessary for the protection of the vulnerable adult, including modification or termination of the protection order."

Beginning on page 91, line 26, strike all of sections 72 through 74

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 124, line 18, after "**EFFECTIVE DATE**" strike "**AND EXPIRATION DATE**"

On page 124, line 19, after "**90.**" strike all material through "take" and insert "This act takes"

On page 124, beginning on line 21, strike all of section 91

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Beginning on page 230, line 34, strike all of section 129

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Beginning on page 310, line 29, strike all of section 167

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 322, beginning on line 7, strike all of sections 170 and 171

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Goodman and Walsh spoke in favor of the adoption of the amendment.

Amendment (224) was adopted.

Representative Goodman moved the adoption of amendment (223):

On page 26, beginning on line 26, strike all of subsection (1) and insert the following:

"(1)(a) By January 1, 2023, all superior courts and, by January 1, 2026, all courts of limited jurisdiction, must permit petitions for protection orders and all other filings in connection with the petition to be filed either: (i) In person; (ii) remotely through an electronic filing system; or (iii) by mail for persons who are incarcerated or who are otherwise unable to file in person or remotely through an electronic filing system. The court or clerk must make all electronically filed court documents available for electronic access by judicial officers statewide. Judicial officers may not be charged for access to such documents. Cities and counties using their own independent systems that are not provided by the state shall ensure this access at their own expense. The electronic filing system must allow for protection orders to be filed at any time of the day. Petitioners and respondents should not be charged for electronic filing for petitions and documents filed pursuant to this section.

(b) By January 1, 2023, all superior courts' systems and, by January 1, 2026, all limited jurisdiction courts' systems, should allow for the petitioner to electronically track the progress of the petition for a protection order. Notification may be provided by text messaging or email, and should provide reminders of court appearances and alert the petitioner when the following occur: (i) The petition has been processed and is under review by a judicial officer; (ii) the order has been signed; (iii) the order has been transmitted to law enforcement for entry into the Washington crime information center system; (iv) return of service upon the respondent has been filed with the court or clerk; and (v) a receipt for the surrender of firearms has been filed with the court or clerk. Respondents, once served, should be able to sign up for similar electronic notification. Petitioners and respondents should not be charged for electronic notification."

Representatives Goodman and Walsh spoke in favor of the adoption of the amendment.

Amendment (223) was adopted.

Representative Goodman moved the adoption of amendment (222):

On page 28, line 17, after "for" strike "any type of filing or"

On page 28, line 19, after "chapter." strike "Courts" and insert "Other than the filing fee for antiharassment protection orders, courts"

On page 28, line 21, after "chapter." insert "Upon application of the petitioner, the court shall waive the filing fee for an antiharassment protection order if the court determines the petitioner is not able to pay the costs of filing."

On page 274, beginning on line 21, after "(d)" strike all material through "~~(e)~~))" on line 23 and insert "For filing of a petition for ((~~unlawful harassment~~)) an antiharassment protection order under ((~~RCW 10.14.040~~)) section 13 of this act a filing fee of fifty-three dollars.

(e)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 275, beginning on line 22, after "(2)(b)" strike all material through "(g)" on line 23 and insert ", (d), and (h)"

Representatives Goodman and Walsh spoke in favor of the adoption of the amendment.

Amendment (222) was adopted.

Representative Gilday moved the adoption of amendment (208):

On page 58, line 31, after "license," strike "as required in" and insert "if appropriate under"

On page 61, line 34, after "license," strike "as required in" and insert "if appropriate under"

Representatives Gilday and Abbarno spoke in favor of the adoption of the amendment.

Representative Taylor spoke against the adoption of the amendment.

Amendment (208) was not adopted.

Representative Graham moved the adoption of amendment (210):

On page 71, at the beginning of line 29, strike "under this chapter, chapter 9.41 RCW, or RCW 9A.56.310"

On page 71, line 33, after "compliance." insert "This subsection (b) must be narrowly construed and may not be used to infringe on the right against self-incrimination."

On page 115, beginning on line 15, after "prosecution" strike "under this chapter, chapter 9.41 RCW, or RCW 9A.56.310"

On page 115, line 20, after "compliance." insert "This subsection (b) must be narrowly construed and may not be used to infringe on the right against self-incrimination."

Representatives Graham and Walsh spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (210) was not adopted.

Representative Graham moved the adoption of amendment (209):

On page 87, beginning on line 21, strike all of subsection (5)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Graham, Abbarno and Graham (again) spoke in favor of the adoption of the amendment.

Representatives Taylor and Goodman spoke against the adoption of the amendment.

Amendment (209) was not adopted.

Representative Walsh moved the adoption of striking amendment (206):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.90.020 and 2019 c 258 s 2 are each amended to read as follows:

There shall exist an action known as a petition for a sexual assault protection order.

(1) A petition for relief shall allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration, and shall be accompanied by an affidavit or declaration made under oath stating the specific facts and circumstances from which relief is sought. Petitioner and respondent shall

disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) Within ((~~ninety~~)) 90 days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW 7.90.180 and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Forms and instructional brochures and the necessary number of certified copies shall be provided free of charge. The filing fee must be waived.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

Sec. 2. RCW 7.90.030 and 2007 c 212 s 2 are each amended to read as follows:

(1) A petition for a sexual assault protection order may be filed by a person:

(a) Who does not qualify for a protection order under chapter 26.50 RCW and who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration, including a single incident of nonconsensual sexual conduct or nonconsensual sexual penetration; or

(b) On behalf of any of the following persons who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration and who does not qualify for a protection order under chapter 26.50 RCW:

(i) A minor child;

(ii) A vulnerable adult as defined in RCW 74.34.020 ((~~or 74.34.021~~)); or

(iii) Any other adult who, because of age, disability, health, or inaccessibility, cannot file the petition.

(2) Minor children must be referred to in all publicly available filed documents by their initials and age.

Sec. 3. RCW 7.90.040 and 2013 c 74 s 1 are each amended to read as follows:

(1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of nonconsensual sexual conduct or nonconsensual sexual penetration committed by the respondent.

(2) A ((~~person under eighteen years of age who is sixteen~~)) minor 16 years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend. This does not preclude a parent or legal custodian of a victim 16 or 17 years of age from seeking relief on behalf of the minor.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under ((~~eighteen~~)) 18 years of age if such respondent is ((~~sixteen~~)) 16 years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter. The appointment shall be at no cost to either party.

(5) ((~~Jurisdiction of the courts over proceedings under this chapter shall be the same as jurisdiction over domestic violence protection orders under RCW 26.50.020(5).~~

~~(6) An action under this chapter shall be filed in the county or the municipality where the petitioner resides~~)) District courts have jurisdiction over all civil actions and proceedings brought under this chapter, except as provided in subsection (7) of this section.

(6) Municipal courts may exercise jurisdiction over all civil actions and

proceedings brought under this chapter, except as provided in subsection (7) of this section, by adoption of local court rule.

(7) Only superior courts have jurisdiction over civil actions and proceedings brought under this chapter where: (a) The respondent is under 18 years of age; (b) the action involves title to or possession of real property, including exclusion from a dwelling; (c) the superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action involves interference with a respondent's care, control, or custody of the respondent's minor child or children. District and municipal courts have jurisdiction over such cases limited to issuing and reissuing temporary orders of protection, scheduling hearings in superior court according to the superior court's practice, and transferring cases to the superior court. If the superior court determines that a petition has been filed in superior court, but the petitioner has not established any ground for superior court jurisdiction under (a) through (d) of this subsection, the court may for good cause, including timely resolution of the petition, hear the merits of the petition and has jurisdiction to do so, or the court may dismiss the petition without prejudice for refiling in an appropriate court. When the jurisdiction of a district court or municipal court is limited to the issuance and enforcement of a temporary order, the district court or municipal court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the order for protection.

(8) Enforcement of protection orders issued under this chapter must comply with general criminal jurisdiction and venue laws, rules, and procedures.

(9) An action under this chapter must be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid acts of sexual assault. In that case, the petitioner may bring the action in the county or municipality of the previous or new household or residence.

Sec. 4. RCW 7.90.050 and 2013 c 74 s 2 are each amended to read as follows:

Upon receipt of the petition, the court shall order a hearing which shall be held not later than ((~~fourteen~~)) 14 days from the date ((~~of the order~~)) the petition is received. The court may schedule a hearing in person or by telephone ((~~pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Personal~~)), video, or electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 7.90.052, personal service shall be made upon the respondent not less than five court days prior to the hearing unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication as provided in RCW 7.90.052 ((~~or service by mail as provided in RCW 7.90.053~~)). The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication ((~~or service by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty-four days from the date of the order~~)) unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set the next hearing date: (1) Within 14 days from the date of the order; (2) to an available date mutually agreed to by the parties and accepted by the court; or (3) not later than 24 days from the date of the order upon a showing of good cause to facilitate service. The court may issue an ex parte temporary sexual assault order pending the hearing as provided in RCW 7.90.110.

Sec. 5. RCW 7.90.052 and 2013 c 74 s 6 are each amended to read as follows:

(1) ((~~The court may order service by publication instead of personal service under the following circumstances~~)) If the respondent was not personally served with a petition authorized by this chapter, a notice of hearing, and any ex parte protection order before the

hearing, the court shall set a new hearing date as provided in RCW 7.90.050 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

((~~(a)~~)) (i) The sheriff or municipal peace officer ((~~files an affidavit stating~~)) states that the officer was unable to complete personal service upon the respondent((~~. The affidavit must describe~~)) and describes the number and type of attempts the officer made to complete service;

((~~(b)~~)) (ii) The petitioner ((~~files an affidavit stating~~)) states that the petitioner believes the respondent is hiding from the server to avoid service((~~. The petitioner's affidavit must state~~)) and states the reasons for the belief that the respondent is avoiding service;

((~~(c)~~)) (iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that he or she does not know the respondent's address; and

((~~(d)~~)) (iv) The court finds reasonable grounds exist to believe the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) ((~~If the~~)) The court ((~~orders service by publication, it~~)) shall ((~~also~~)) reissue the temporary order of protection ((~~not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order that service by publication be provided~~)) as provided in RCW 7.90.110 to allow additional service attempts.

(3) ((~~The~~)) Service by publication must be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons must not be made until the court orders service by publication under this section. Service of the summons is considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and must require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons must be essentially in the following form:

In the ..... court of the state of Washington for the county of .....

....., Petitioner

vs. No. .....

. . . . . .,
Respondent

The state of Washington to . . . . . (respondent):

You are hereby summoned to appear on the . . . . day of . . . . . ., (year) . . . ., at . . . . a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of the sexual assault protection order act, chapter 7.90 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(4) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court.

(5) Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(6) The court may authorize multiple methods of service permitted by this section and may consider use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

Sec. 6. RCW 7.90.054 and 2013 c 74 s 8 are each amended to read as follows:

Following completion of service by mail, electronic means, or publication as provided in RCW 7.90.052 ((~~or service by mail as provided in RCW 7.90.053~~)), if the respondent fails to appear at the hearing, the court may issue an order of protection as provided in RCW 7.90.140. That order must be served pursuant to RCW 7.90.140 and forwarded to the appropriate law enforcement agency pursuant to RCW 7.90.160.

Sec. 7. RCW 7.90.090 and 2019 c 245 s 4 are each amended to read as follows:

(1)(a) If the court finds by a preponderance of the evidence that the petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent, the court shall issue a sexual assault protection order; provided that the petitioner must also satisfy the requirements of RCW 7.90.110 for ex parte temporary orders or RCW 7.90.120 for final orders.

(b) The petitioner shall not be denied a sexual assault protection order because the petitioner or the respondent is a minor or because the petitioner did not report the assault to law enforcement. The court, when determining whether or not to issue a sexual assault protection order, may not require proof of physical injury on the person of the victim or proof that the petitioner has reported the sexual assault to law enforcement. Modification and extension of prior sexual assault protection orders shall be in accordance with this chapter.

(2) The court ((~~may provide~~)) has broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from ((~~having any~~)) making any attempts to contact the petitioner, including nonphysical contact((~~, with the petitioner directly, indirectly, or~~)) and contact through third parties regardless of whether those third parties know of the order;

(b) Exclude the respondent from the petitioner's residence, workplace, or school, or from the day care or school of a child, if the victim is a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, and the protected party's person; and

(d) Order any other injunctive relief as necessary or appropriate for the protection of the petitioner.

(3) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(4) In cases where the petitioner and the respondent are under the age of ((~~eighteen~~)) 18 and attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger or emotional distress to the petitioner, and the expense difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of ((~~eighteen~~)) 18 protected by the order. In the event the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(5) Denial of a remedy may not be based, in whole or in part, on evidence that:

(a) The respondent was voluntarily intoxicated;

(b) The petitioner was voluntarily intoxicated; or

(c) The petitioner engaged in limited consensual sexual touching.

(6) Monetary damages are not recoverable as a remedy.

(7) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

(8) If the court declines to issue a protection order, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 8. RCW 7.90.110 and 2019 c 245 s 5 are each amended to read as follows:

(1) An ex parte temporary sexual assault protection order shall issue if the petitioner satisfies the requirements of this subsection by a preponderance of the evidence. The petitioner shall establish that:

(a) The petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent; and

(b) There is good cause to grant the remedy, regardless of the lack of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

(2) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(3) If the respondent appears in court for this hearing for an ex parte temporary order, he or she may elect to file a general appearance and testify under oath. Any resulting order may be an ex parte temporary order, governed by this section.

(4) If the court declines to issue an ex parte temporary sexual assault protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(5) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

(6) When an ex parte temporary protection order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte temporary protection order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion must be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte temporary protection order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

Sec. 9. RCW 7.90.120 and 2017 c 233 s 1 are each amended to read as follows:

(1)(a) An ex parte temporary sexual assault protection order shall be effective ((~~for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or service by mail is permitted. If the court permits service by publication or service by mail, the court shall also reissue the ex parte temporary protection order not to exceed another twenty-four days from the date of reissuing the ex parte protection order~~)) until the next hearing date. Except as provided in RCW 7.90.050((~~,~~)) or 7.90.052, ((~~or 7.90.053,~~)) the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.

(b) Any ex parte temporary order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(2) Except as otherwise provided in this section or RCW 7.90.150, a final sexual assault protection order shall be effective for a fixed period of time or be permanent.

(3) Any sexual assault protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(4) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a sexual assault protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

Sec. 10. RCW 7.90.121 and 2017 c 233 s 2 are each amended to read as follows:

(1) Any ((~~ex parte temporary or nonpermanent~~)) final sexual assault protection order may be renewed one or more times, as required.

(2) The petitioner may apply for renewal of the order by filing a motion for renewal at any time within the three months before the order expires. The motion for renewal shall state the reasons why the petitioner seeks to renew the protection order.

(3)(a) The court shall grant the motion for renewal unless the respondent proves by a preponderance of the evidence that ((~~there has been a material change in circumstances such that~~)) the respondent is not likely to engage in or attempt to engage in physical or nonphysical contact with the petitioner when the order expires.

(b) ((~~For purposes of this subsection (3), a court shall determine whether there has been a material change in circumstances by considering only factors which address whether the respondent is likely to engage in or attempt to engage in physical or nonphysical contact with the petitioner when the order expires. The passage of time and compliance with the existing protection order shall not, alone, be sufficient to meet this burden of proof.~~)) The court may renew the sexual assault protection order for another fixed time period or may enter a permanent order as provided in ((~~this section.~~

~~(c) In determining whether there has been a material change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:~~

~~(i) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other violent acts since the protection order was entered;~~

~~(ii) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;~~

~~(iii) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;~~

~~(iv) Whether the respondent has been convicted of criminal activity since the protection order was entered;~~

~~(v) Whether the respondent has either acknowledged responsibility for acts of sexual assault that resulted in entry of the protection order or successfully completed sexual assault perpetrator treatment or counseling since the protection order was entered;~~

~~(vi) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;~~

~~(vii) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that acts of sexual assault may be committed from any distance such as via cybercrime;~~

~~(viii) Other factors relating to a material change in circumstances~~)) RCW 7.90.120.

(4)(a) ((~~If the motion is contested, upon receipt of the motion, the court shall order that a hearing be held not later than fourteen days from the date of the order.~~

~~(b) The~~)) Upon the filing of a request to renew the order, the court may schedule a hearing in person or by telephone ((~~pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing~~)), video, or other electronic means with appropriate safeguards as determined by the court.

((~~(c)~~)) (b) The respondent shall be personally served not less than five court days prior to the hearing, unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication as provided in RCW 7.90.052 ((~~or service by mail as provided in RCW 7.90.053~~)). The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication ((~~or service by mail~~)) unless the petitioner requests additional time to attempt personal service. ((~~If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty-four days from the date of the order.~~

~~(5) Renewals may be granted only in open court~~)) In cases where personal service cannot be made, the court shall set the next hearing date: (i) Within 14 days from the date of the order; (ii) to an available date mutually agreed to by the parties and accepted by the court; or (iii) not later than 24 days from the date of the order upon a showing of good cause to facilitate service.

Sec. 11. RCW 7.90.140 and 2019 c 245 s 6 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the

respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules. Proof of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(6) If an order entered by the court recites that the respondent appeared ((~~in person~~)) before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order.

(7) If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by mail, electronic means, or publication under RCW 7.90.052 ((~~or service by mail under RCW 7.90.053~~)), the court may permit service by mail, electronic means, or publication ((~~or service by mail~~)) of the order of protection issued under this chapter, except that law enforcement must personally serve a final order requiring the surrender of weapons or requiring vacation of a shared residence. Service by mail, electronic means, or publication must comply with the requirements of RCW 7.90.052 ((~~and service by mail must comply with the requirements of RCW 7.90.053~~)). The court order must state whether the court permitted service by publication or service by mail.

Sec. 12. RCW 7.90.160 and 2006 c 138 s 17 are each amended to read as follows:

(1) A copy of a sexual assault protection order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, terminated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was ((~~personally~~)) served personally, ((~~served~~)) by publication, ((~~or served~~)) by mail, or by electronic means.

Sec. 13. RCW 7.90.170 and 2017 c 233 s 3 are each amended to read as follows:

(1) Upon a motion with notice to all parties and after a hearing, the court may terminate or modify the terms of an existing sexual assault protection order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses.

(2)(a) A respondent's motion to terminate or modify a sexual assault protection order must include a declaration setting forth facts supporting the requested order for termination or modification. The nonmoving parties to the proceeding may file opposing declarations. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion.

(b) The court may terminate or modify the terms of a sexual assault protection order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses, if the respondent proves by a preponderance of the evidence that there has been a material change in circumstances such that the respondent is not likely to engage in or attempt to

engage in physical or nonphysical contact with the persons protected by the protection order if the order is terminated or modified. The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(c) A respondent may file a motion to terminate or modify pursuant to this section no more than once in every twelve-month period that the order is in effect, starting from the date of the order and continuing through any renewal.

(d) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to terminate or modify pursuant to this section, including reasonable attorneys' fees.

(e) The court shall determine whether there has been a material change in circumstances by considering only factors that address whether the respondent is likely to engage in or attempt to engage in physical or nonphysical contact with the petitioner if the order were modified or terminated. The passage of time and compliance with the existing protection order shall not, alone, be sufficient to meet this burden of proof. The court may renew the sexual assault protection order for another fixed time period or may enter a permanent order as provided in this section.

(f) In determining whether there has been a material change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(i) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other violent acts since the protection order was entered;

(ii) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(iii) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(iv) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(v) Whether the respondent has either acknowledged responsibility for acts of sexual assault that resulted in the entry of the protection order or successfully completed sexual assault perpetrator treatment or counseling since the protection order was entered;

(vi) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(vii) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that acts of sexual assault may be committed from any distance such as through cybercrime; and

(viii) Other factors relating to a material change in circumstances.

(3) The court shall order that a hearing on the motion for termination or modification of the order be held not later than ((~~fourteen~~)) 14 days from the date of the order. The nonmoving party shall be personally served not less than five days before the hearing, unless waived by the nonmoving party. If timely service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication as provided in RCW 7.90.052 ((~~or service by mail as provided in RCW 7.90.053. If the court permits service by mail or service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order~~)). The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service cannot be made, the court shall set the next hearing date: (a) Within 14 days from the date of the order; (b) to an available date mutually agreed to by the parties and accepted by the court; or (c) not later than 24 days from the date of the order upon a showing of good cause to facilitate service.

(4) In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter

it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

Sec. 14. RCW 7.92.030 and 2013 c 84 s 3 are each amended to read as follows:

There shall exist an action known as a petition for a stalking protection order.

(1) A petition for relief shall allege the existence of stalking conduct and shall be accompanied by an affidavit or declaration made under oath stating the specific reasons that have caused the petitioner to become reasonably fearful that the respondent intends to injure the petitioner or another person, or the petitioner's property or the property of another. The petition shall disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief shall be filed as a separate, stand-alone civil case and a petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) Forms and instructional brochures and the necessary number of certified copies shall be provided to the petitioner free of charge. The filing fee must be waived.

(4) A person is not required to post a bond to obtain relief in any proceeding under this section.

(5) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

Sec. 15. RCW 7.92.040 and 2013 c 84 s 4 are each amended to read as follows:

(1) A petition for a stalking protection order may be filed by a person:

((~~(1)~~)) (a) Who does not qualify for a protection order under chapter 26.50 RCW and who is a victim of stalking conduct; or

((~~(2)~~)) (b) On behalf of any of the following persons who is a victim of stalking conduct and who does not qualify for a protection order under chapter 26.50 RCW:

((~~(a)~~)) (i) A minor child, where the petitioner is a parent, a legal custodian, or, where the respondent is not a parent, an adult with whom the child is currently residing; or

((~~(b)~~)) (ii) A vulnerable adult as defined in RCW 74.34.020 and where the petitioner is an interested person as defined in RCW 74.34.020((~~(10)~~)).

(2) Minor children must be referred to in all publicly available filed documents by their initials and age.

Sec. 16. RCW 7.92.050 and 2013 c 84 s 5 are each amended to read as follows:

(1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of stalking conduct committed by the respondent.

(2) A minor ((~~sixteen~~)) 16 years of age or older may seek relief under this chapter and is not required to seek relief through a guardian or next friend. This does not preclude a parent or legal custodian of a victim ((~~sixteen~~)) 16 or ((~~seventeen~~)) 17 years of age from seeking relief on behalf of the minor.

(3) ((~~The district~~)) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under 18 years of age if such respondent is 16 years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter. The appointment shall be at no cost to either party.

(5) District courts shall have ((~~original~~)) jurisdiction ((~~and cognizance of any~~)) over all civil actions and proceedings brought under this chapter, except ((~~a district court shall transfer such actions and proceedings to the superior court when it is shown that (a) the petitioner, victim, or respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real~~

~~property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.~~

~~(4)~~)) as provided in subsection (7) of this section.

(6) Municipal courts may exercise jurisdiction ((~~and cognizance of any~~)) over all civil actions and proceedings brought under this chapter, except as provided in subsection (7) of this section, by adoption of local court rule((~~, except a municipal court shall transfer such actions and proceedings to the superior court when it is shown that (a) the petitioner, victim, or respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.~~

~~(5) Superior courts shall have concurrent jurisdiction to receive transfer of stalking petitions in cases where a district or municipal court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer. The jurisdiction of district and municipal courts is limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders provided for in RCW 7.92.120 if the superior court is exercising jurisdiction over a proceeding under this chapter involving the parties.~~

~~(6) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter if such respondent is sixteen years of age or older~~)).

(7) ((~~If a guardian ad litem is appointed for the petitioner or respondent, the petitioner shall not be required to pay any fee associated with such appointment.~~

~~(8)~~)) Only superior courts shall have jurisdiction over civil actions and proceedings brought under this chapter where: (a) The respondent is under 18 years of age; (b) the action involves title to or possession of real property, including exclusion from a dwelling; (c) the superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action involves interference with a respondent's care, control, or custody of the respondent's minor child or children. District and municipal courts have jurisdiction over such cases limited to issuing and reissuing temporary orders of protection, scheduling hearings in superior court according to the superior court's practice, and transferring cases to the superior court. If the superior court determines that a petition has been filed in superior court, but the petitioner has not established any grounds under (a) through (d) of this subsection for superior court jurisdiction, the court may for good cause, including timely resolution of the petition, hear the merits of the petition and has jurisdiction to do so, or the court may transfer the petition to an appropriate court. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the order for protection.

(8) Enforcement of orders issued under this chapter must comply with general criminal jurisdiction and venue laws, rules, and procedures.

(9) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid stalking conduct. In that case, the petitioner may bring an action in the county or municipality of the previous or the new residence or household.

Sec. 17. RCW 7.92.060 and 2013 c 84 s 6 are each amended to read as follows:

Upon receipt of the petition alleging a prima facie case of stalking conduct by the respondent, the court shall order a hearing which shall be held not later than ((~~fourteen~~)) 14 days from the date of the order. The court may schedule a hearing in person or by telephone, ((~~to reasonably accommodate a disability, or in exceptional circumstances to protect~~

~~a petitioner from further stalking behavior. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing~~)) video, or other electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 7.92.150, personal service shall be made upon the respondent not less than five court days prior to the hearing unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining personal service or other service as permitted under RCW 7.92.150. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set the next hearing date: (1) Within 14 days from the date of the order; (2) to an available date mutually agreed to by the parties and accepted by the court; or (3) not later than 24 days from the date of the order upon a showing of good cause to facilitate service. The court may issue an ex parte temporary stalking order pending the hearing as provided in RCW 7.92.120.

Sec. 18. RCW 7.92.100 and 2019 c 245 s 7 are each amended to read as follows:

(1)(a) ((~~If~~)) After notice and a hearing, if the court finds by a preponderance of the evidence that the petitioner has been a victim of stalking conduct by the respondent, the court shall issue a stalking protection order.

(b) The petitioner shall not be denied a stalking protection order because the petitioner or the respondent is a minor or because the petitioner did not report the stalking conduct to law enforcement. The court, when determining whether or not to issue a stalking protection order, may not require proof of the respondent's intentions regarding the acts alleged by the petitioner. Modification and extension of prior stalking protection orders shall be in accordance with this chapter.

(2) The court ((~~may provide~~)) shall have broad discretion to grant such relief as the court deems proper, including an order granting relief as follows:

(a) Restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(b) Exclude the respondent from the petitioner's residence, workplace, or school, or from the day care, workplace, or school of the petitioner's minor children;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, and the protected party's person;

(d) Prohibit the respondent from keeping the petitioner and/or the petitioner's minor children under surveillance, to include electronic surveillance;

(e) Order any other injunctive relief as necessary or appropriate for the protection of the petitioner, to include a mental health and/or chemical dependency evaluation; and

(f) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees.

(3) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(4) Unless otherwise stated in the order, when a person is petitioning on behalf of a minor child or vulnerable adult, the relief authorized in this section shall apply only for the protection of the victim, and not the petitioner.

(5) In cases where the petitioner and the respondent attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger or emotional distress to the petitioner, and the

expense difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person protected by the order. In the event the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(6) If the court declines to issue a protection order, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 19. RCW 7.92.120 and 2019 c 245 s 8 are each amended to read as follows:

(1) Where it appears from the petition and any additional evidence that the respondent has engaged in stalking conduct and that irreparable injury could result if an order is not issued immediately without prior notice, the court may grant an ex parte temporary order for protection, pending a full hearing and grant such injunctive relief as it deems proper, including the relief as specified under RCW 7.92.100 (2)(a) through (d) and ((~~(4)~~)) (5).

(2) Irreparable injury under this section includes, but is not limited to, situations in which the respondent has recently threatened the petitioner with bodily injury or has engaged in acts of stalking conduct against the petitioner.

(3) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(4) The court shall hold an ex parte hearing in person or by telephone, video, or other electronic means, with appropriate safeguards as determined by the court, on the day the petition is filed or on the following judicial day.

(5) An ex parte temporary stalking protection order shall be effective ((~~for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication or mail~~)) until the next hearing. The ex parte order may be reissued. A full hearing((~~, as provided in this chapter,~~)) shall be set ((~~for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted~~)) as provided in RCW 7.92.060. Unless the court has permitted service by mail, electronic means, or publication ((~~or mail~~)), the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(6) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(7) If the court declines to issue an ex parte temporary stalking protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(8) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

(9) When an ex parte temporary protection order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte temporary protection order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion shall be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte temporary protection order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

Sec. 20. RCW 7.92.130 and 2013 c 84 s 13 are each amended to read as follows:

(1) Except as otherwise provided in this section or RCW 7.92.160, a final stalking protection order shall be effective for a fixed period of time or be permanent.

(2) Any ((~~ex parte temporary or~~)) final stalking protection order may be renewed one or more times. The petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. ((~~If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.~~)) The court shall grant the petition for renewal unless the respondent opposes the petition for nonrenewal and proves by a preponderance of the evidence that the respondent will not resume acts of stalking conduct against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the stalking protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in RCW 7.92.100.

(3) Any stalking protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(4) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a stalking protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

(5) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 21. RCW 7.92.140 and 2013 c 84 s 14 are each amended to read as follows:

(1) Any stalking protection order shall describe each remedy granted by the court, in reasonable detail and not by reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.

(2) A stalking protection order shall further state the following:

(a) The name of the petitioner that the court finds was the victim of stalking by the respondent;

(b) The date and time the stalking protection order was issued, whether it is an ex parte temporary or final order, and the duration of the order;

(c) The date, time, and place for any scheduled hearing for renewal of that stalking protection order or for another order of greater duration or scope; and

(d) For each remedy in an ex parte temporary stalking protection order, the reason for entering that remedy without prior notice to the respondent or greater notice than was actually given((~~.~~

~~(e) For ex parte temporary stalking protection orders, that the respondent may petition the court, to modify or terminate the order if he or she did not receive actual prior notice of the hearing and if the respondent alleges that he or she had a meritorious defense to the order or that the order or its remedy is not authorized by this chapter~~)).

(3) A stalking protection order shall include the following notice, printed in conspicuous type: "A knowing violation of this stalking protection order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

Sec. 22. RCW 7.92.150 and 2019 c 245 s 9 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6), (7), ((~~or (8)~~)) (9), (10), or (11) of this section. The court order must state whether the court issued the protection order following personal service or service by mail, electronic means, or publication, and whether the court has approved service by mail, electronic means, or publication of an

order issued under this section. If the respondent is a minor, the respondent's parent or legal custodian shall also be ((~~personally~~)) served by a method authorized by this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ((~~ten~~)) 10 days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules. Returns of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(6) If an order entered by the court recites that the respondent appeared ((~~in person~~)) before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order, except that law enforcement must attempt to personally serve a final order that includes an order to surrender weapons.

(7) If the respondent was not personally served with ((~~the~~)) a petition authorized under this chapter, a notice of hearing, and any ex parte order before the hearing, the court shall ((~~reset the~~)) set a new hearing ((~~for twenty-four days from the date of entry of the order and may~~)) date as provided in RCW 7.92.060 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer or private process server ((~~files an affidavit stating~~)) states that the officer or private process server was unable to complete personal service upon the respondent((~~. The affidavit must describe~~)) and describes the number and types of attempts the officer or private process server made to complete service;

((~~(b)~~)) (ii) The petitioner ((~~files an affidavit stating~~)) states that the petitioner believes that the respondent is hiding from the server to avoid service((~~. The petitioner's affidavit must state~~)) and states the reasons for the belief that the respondent is avoiding service;

((~~(c)~~)) (iii) The server has deposited a copy of the petition, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

((~~(d)~~)) (iv) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome((~~;~~

~~(e)~~)).

(8) The court shall reissue ((~~the~~)) any temporary order of protection ((~~not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication; and~~)) as provided in RCW 7.92.120 to allow additional service attempts.

((~~(f) The~~)) (9) Service by publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons shall contain the date of the first publication, and shall require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons shall also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons shall be essentially in the following form:

In the . . . . . court of the state of Washington for the county of . . . . . .

, Petitioner

vs. No. . . . . .

, Respondent

The state of Washington to . . . . . (respondent):

You are hereby summoned to appear on the . . . . day of . . . . . ., 20 . . ., at . . . . a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of the stalking protection order act, chapter 7.92 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order.) A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

((~~(8) In circumstances justifying service by publication under subsection (7) of this section, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~

~~(a) Proof of service under this section shall be consistent with court rules for civil proceedings.~~

~~(b) Service under this section may be used in the same manner and shall have~~

~~the same jurisdictional effect as service by publication for purposes of this chapter. Service shall be deemed complete upon the mailing of two copies as prescribed in this section.~~))

(10) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means shall be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(11) Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. The court may authorize multiple methods of service permitted by this section and may consider the use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

Sec. 23. RCW 7.92.180 and 2013 c 84 s 18 are each amended to read as follows:

(1) A copy of a stalking protection order or stalking no-contact order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for one year unless a different expiration date is specified on the order. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, terminated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was ((~~personally~~)) served personally, ((~~served~~)) by publication, ((~~or served~~)) by mail, or by electronic means.

Sec. 24. RCW 7.92.190 and 2019 c 245 s 10 are each amended to read as follows:

(1) Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing stalking protection order.

(2) A respondent's motion to modify or terminate an existing stalking protection order must include a declaration setting forth facts supporting the requested order for termination or modification. The nonmoving parties to the proceeding may file opposing declarations. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion.

(3) The court may not terminate or modify an existing stalking protection order unless the respondent proves by a preponderance of the evidence that there has been a ((~~substantial~~)) material change in circumstances such that the respondent will not resume acts of stalking conduct against the petitioner or those persons protected by the protection order if the order is terminated or modified. The passage of time and compliance with the existing protection order shall not, alone, be

sufficient to meet this burden of proof. The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) In determining whether there has been a material change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened stalking conduct or other threatening acts since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either acknowledged responsibility for stalking conduct that resulted in the entry of the protection order or successfully completed treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(g) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that stalking conduct may be committed from any distance such as via cybercrime; and

(h) Other factors relating to a material change in circumstances.

(5) A respondent may file a motion to terminate or modify an order no more than once in every ((~~twelve~~)) 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal.

((~~(5)~~)) (6) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to terminate or modify a stalking protection order, including reasonable attorneys' fees.

((~~(6)~~)) (7) In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

Sec. 25. RCW 7.94.040 and 2019 c 246 s 3 are each amended to read as follows:

(1) Upon receipt of the petition, the court shall order a hearing to be held not later than fourteen days from the date of the order and issue a notice of hearing to the respondent for the same.

(a) The court may schedule a hearing in person or by telephone ((~~pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from potential harm. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing~~)), video, or other electronic means with appropriate safeguards as determined by the court.

(b) The court clerk shall cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to the appropriate law enforcement agency for service upon the respondent.

(c) Personal service of the notice of hearing and petition shall be made upon the respondent by a law enforcement officer not less than five court days prior to the hearing unless waived by the respondent. Service issued under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication ((~~or mail~~)) as provided in RCW 7.94.070. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication ((~~or mail~~)) after two attempts at obtaining personal service unless the petitioner requests additional time to attempt

personal service. If the court issues an order permitting service by mail, electronic means, or publication ((~~or mail~~)), the court shall set the new hearing date: (i) Within 14 days from the date of the order; (ii) to an available date mutually agreed to by the parties and accepted by the court; or (iii) not later than ((~~twenty-four~~)) 24 days from the date of the order ((~~issues~~)) upon a showing of good cause to facilitate service.

(d) The court may, as provided in RCW 7.94.050, issue an ex parte extreme risk protection order pending the hearing ordered under this subsection (1). Such ex parte order must be served concurrently with the notice of hearing and petition.

(2) Upon hearing the matter, if the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm, the court shall issue an extreme risk protection order for a period of one year.

(3) In determining whether grounds for an extreme risk protection order exist, the court may consider any relevant evidence including, but not limited to, any of the following:

(a) A recent act or threat of violence by the respondent against self or others, whether or not such violence or threat of violence involves a firearm;

(b) A pattern of acts or threats of violence by the respondent within the past twelve months including, but not limited to, acts or threats of violence by the respondent against self or others;

(c) Any behaviors that present an imminent threat of harm to self or others;

(d) A violation by the respondent of a protection order or a no-contact order issued under chapter 7.90, 7.92, 10.14, 9A.46, 10.99, 26.50, or 26.52 RCW;

(e) A previous or existing extreme risk protection order issued against the respondent;

(f) A violation of a previous or existing extreme risk protection order issued against the respondent;

(g) A conviction of the respondent for a crime that constitutes domestic violence as defined in RCW 10.99.020;

(h) A conviction of the respondent under RCW 9A.36.080;

(i) The respondent's ownership, access to, or intent to possess firearms;

(j) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

(k) The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person;

(l) Any prior arrest of the respondent for a felony offense or violent crime;

(m) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent; and

(n) Evidence of recent acquisition of firearms by the respondent.

(4) The court may:

(a) Examine under oath the petitioner, the respondent, and any witnesses they may produce, or, in lieu of examination, consider sworn affidavits of the petitioner, the respondent, and any witnesses they may produce; and

(b) Ensure that a reasonable search has been conducted for criminal history records related to the respondent.

(5) In a hearing under this chapter, the rules of evidence apply to the same extent as in a domestic violence protection order proceeding under chapter 26.50 RCW.

(6) During the hearing, the court shall consider whether a behavioral health evaluation is appropriate, and may order such evaluation if appropriate.

(7) An extreme risk protection order must include:

(a) A statement of the grounds supporting the issuance of the order;

(b) The date and time the order was issued;

(c) The date and time the order expires;

(d) Whether a behavioral health evaluation of the respondent is required;

(e) The address of the court in which any responsive pleading should be filed;

(f) A description of the requirements for relinquishment of firearms under RCW 7.94.090; and

(g) The following statement: "To the subject of this protection order: This order will last until the date and time noted above. If you have not done so already, you must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol license issued to you under RCW 9.41.070 immediately. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this order is in effect. You have the right to request one hearing to terminate this order every twelve-month period that this order is in effect, starting from the date of this order and continuing through any renewals. You may seek the advice of an attorney as to any matter connected with this order."

(8) When the court issues an extreme risk protection order, the court shall inform the respondent that he or she is entitled to request termination of the order in the manner prescribed by RCW 7.94.080. The court shall provide the respondent with a form to request a termination hearing.

(9) If the court declines to issue an extreme risk protection order, the court shall state the particular reasons for the court's denial.

Sec. 26. RCW 7.94.050 and 2017 c 3 s 6 are each amended to read as follows:

(1) A petitioner may request that an ex parte extreme risk protection order be issued before a hearing for an extreme risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

(2) In considering whether to issue an ex parte extreme risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in RCW 7.94.040(3).

(3) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm, the court shall issue an ex parte extreme risk protection order.

(4) The court shall hold an ex parte extreme risk protection order hearing in person or by telephone, video, or other electronic means, with appropriate safeguards as determined by the court, on the day the petition is filed or on the judicial day immediately following the day the petition is filed.

(5) In accordance with RCW 7.94.040(1), the court shall schedule a hearing ((~~within fourteen days of the issuance of an ex parte extreme risk protection order~~)) to determine if a one-year extreme risk protection order should be issued under this chapter.

(6) An ex parte extreme risk protection order shall include:

(a) A statement of the grounds asserted for the order;

(b) The date and time the order was issued;

(c) The date and time the order expires;

(d) The address of the court in which any responsive pleading should be filed;

(e) The date and time of the scheduled hearing;

(f) A description of the requirements for surrender of firearms under RCW 7.94.090; and

(g) The following statement: "To the subject of this protection order: This order is valid until the date and time noted above. You are required to surrender all firearms in your custody, control, or possession. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this order is in effect. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol license issued to you under RCW 9.41.070 immediately. A hearing will be held on the date and at the time noted above to determine if an extreme risk protection order should be issued.

Failure to appear at that hearing may result in a court making an order against you that is valid for one year. You may seek the advice of an attorney as to any matter connected with this order."

(7) Any ex parte extreme risk protection order issued expires upon the hearing on the extreme risk protection order.

(8) An ex parte extreme risk protection order shall be served by a law enforcement officer in the same manner as provided for in RCW 7.94.040 for service of the notice of hearing and petition, and shall be served concurrently with the notice of hearing and petition.

(9) If the court declines to issue an ex parte extreme risk protection order, the court shall state the particular reasons for the court's denial.

(10) When an ex parte extreme risk protection order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion shall be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

Sec. 27. RCW 7.94.070 and 2017 c 3 s 8 are each amended to read as follows:

(1) ((~~The court may order service by publication or service by mail under the circumstances permitted for such service in RCW 7.90.052, 7.90.053, 26.50.123, or 26.50.085, except any~~)) If the respondent was not personally served with a petition authorized under this chapter and a notice of hearing, the court shall set a new hearing date as provided in RCW 7.94.040 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under either or both of the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer states that the officer was unable to complete personal service upon the respondent and describes the number and types of attempts the officer made to complete service;

(ii) The petitioner states that the petitioner believes that the respondent is hiding from the server to avoid service and states the reasons for the belief that the respondent is avoiding service;

(iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (2) of this section, the notice of hearing, and the ex parte extreme risk protection order in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

(iv) The court finds reasonable grounds exist to believe that the

respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) Service by publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and must require the respondent, upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte extreme risk protection order. The summons must be essentially in the following form:

In the ..... court of the state of Washington for the county of .....

....., Petitioner

vs. No. .....

....., Respondent

The state of Washington to ..... (respondent):

You are hereby summoned to appear on the .... day of ....., (year)...., at .... a.m./p.m., and respond to the petition. If you fail to respond, an extreme risk protection order may be issued against you pursuant to the provisions of the extreme risk protection order act, chapter 7.94 RCW, for one year from the date you are required to appear. (An ex parte extreme risk protection order has been issued against you, restraining you from having in your custody or control, purchasing, possessing, or receiving any firearms. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol license issued to you under RCW 9.41.070 within forty-eight hours. A copy of the notice of hearing, petition, and ex parte extreme risk protection order has been filed with the clerk of this court.) (A copy of the notice of hearing and petition has been filed with the clerk of this court.)

.....

Petitioner

((~~(2)~~)) (3) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(4) The court may authorize multiple methods of service permitted by this section and may consider use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

(5) If the court orders service by mail, electronic means, or publication ((~~or mail~~)) for notice of an extreme risk protection order hearing, it shall also reissue the ex parte extreme risk protection order, if issued, to expire on the date of the extreme risk protection order hearing.

((~~(3)~~)) (6) Following completion of service by mail, electronic means, or publication ((~~or by mail~~)) for notice of an extreme risk protection order hearing, if the respondent fails to appear at the hearing, the court may issue an extreme risk protection order as provided in RCW 7.94.040. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order. If an order entered by the court recites that the respondent appeared before the court, the necessity for further service is waived and proof of service of the order is not necessary.

Sec. 28. RCW 7.94.080 and 2017 c 3 s 9 are each amended to read as follows:

(1) The respondent may submit one written request for a hearing to terminate an extreme risk protection order issued under this chapter every ((~~twelve~~)) 12-month period that the order is in effect, starting from the date of the order and continuing through any renewals.

(a) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with RCW 4.28.080. The hearing shall occur no sooner than ((~~fourteen~~)) 14 days and no later than ((~~thirty~~)) 30 days from the date of service of the request upon the petitioner.

(b) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The court may consider any relevant evidence, including evidence of the considerations listed in RCW 7.94.040(3).

(c) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

(2) The court must notify the petitioner of the impending expiration of an extreme risk protection order. Notice must be received by the petitioner ((~~one hundred five~~)) 105 calendar days before the date the order expires.

(3) A family or household member of a respondent or a law enforcement officer or agency may by motion request a renewal of an extreme risk protection order at any time within ((~~one hundred five~~)) 105 calendar days before the expiration of the order.

(a) Upon receipt of the motion to renew, the court shall order that a hearing be held not later than ((~~fourteen~~)) 14 days from the date the order issues.

(i) The court may schedule a hearing by telephone in the manner prescribed by RCW 7.94.040(1)(a).

(ii) The respondent shall be personally served in the same manner prescribed by RCW 7.94.040(1) (b) and (c).

(b) In determining whether to renew an extreme risk protection order issued under this section, the court shall consider all relevant evidence presented by the petitioner and follow the same procedure as provided in RCW 7.94.040.

(c) If the court finds by a preponderance of the evidence that the requirements for issuance of an extreme risk protection order as provided in RCW 7.94.040 continue to be met, the court shall renew the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.

(d) The renewal of an extreme risk protection order has a duration of one year, subject to termination as provided in subsection (1) of this section or further renewal by order of the court.

(4) Any protection order issued under this chapter that would expire on a court holiday shall instead expire at the close of the next court business day.

Sec. 29. RCW 10.14.040 and 2002 c 117 s 1 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of unlawful harassment.

(1) A petition for relief shall allege the existence of harassment and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) All court clerks' offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Filing fees are set in RCW 36.18.020, but no filing fee may be charged for a petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought or as provided in RCW 10.14.055. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) The parent or guardian of a child under age ((~~eighteen~~)) 18 may petition for an order of protection to restrain a person age ((~~eighteen~~)) 18 years or over from contact with that child upon a showing that contact with the person to be enjoined is detrimental to the welfare of the child.

(7) A party or parent may petition for an order of protection where the parties do not qualify for a domestic violence protection order under chapter 26.50 RCW, a sexual assault protection order under chapter 7.90 RCW, or stalking protection order under chapter 7.92 RCW.

(8) A minor 16 years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend. This does not preclude a parent or legal custodian of a victim 16 or 17 years of age from seeking relief on behalf of the minor.

(9) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under 18 years of age if such respondent is 16 years of age or older.

(10) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter. The appointment shall be at no cost to either party.

(11) The parent or guardian of a child under the age of ((~~eighteen~~)) 18 may petition in superior court for an order of protection to restrain a person under the age of ((~~eighteen~~)) 18 years from contact with that child only in cases where the person to be restrained has been adjudicated of an offense against the child protected by the order, or is under investigation or has been investigated for such an offense. In issuing a protection order under this subsection, the court shall consider, among the other facts of the case, the severity of the alleged offense, any continuing physical danger or emotional distress to the alleged victim, and the expense, difficulty, and educational disruption that would be caused by a transfer of the alleged offender to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of ((~~eighteen~~)) 18 years protected by the order. In the event that the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(12) Minor children must be referred to in all publicly available filed documents by their initials and age.

Sec. 30. RCW 10.14.070 and 2013 c 84 s 30 are each amended to read as follows:

Upon receipt of the petition alleging a prima facie case of harassment, ((~~other than a petition alleging a sex offense as defined in chapter 9A.44 RCW or a petition for a stalking protection order under chapter 7.92 RCW,~~)) the court shall order a hearing which shall be held not later than ((~~fourteen~~)) 14 days from the date of the order. ((~~If the petition alleges a sex offense as defined in~~

~~chapter 9A.44 RCW, the court shall order a hearing which shall be held not later than fourteen days from the date of the order.~~)) The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five court days before the hearing unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication as provided by RCW 10.14.085. ((~~If the court permits service by publication, the~~)) The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set the next hearing date: (1) Within 14 days from the date of the order; (2) to an available date mutually agreed to by the parties and accepted by the court; or (3) not later than ((~~twenty-four~~)) 24 days from the date of the order upon a showing of good cause to facilitate service. The court may issue an ex parte order for protection pending the hearing as provided in RCW 10.14.080 and 10.14.085.

Sec. 31. RCW 10.14.080 and 2019 c 245 s 11 and 2019 c 46 s 5011 are each reenacted and amended to read as follows:

(1) Upon filing a petition for a civil antiharassment protection order under this chapter, the petitioner may obtain an ex parte temporary antiharassment protection order. An ex parte temporary antiharassment protection order may be granted with or without notice upon the filing of an affidavit or declaration which, to the satisfaction of the court, shows reasonable proof of unlawful harassment of the petitioner by the respondent and that great or irreparable harm will result to the petitioner if the temporary antiharassment protection order is not granted. If the court declines to issue an ex parte temporary antiharassment protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(2) An ex parte temporary antiharassment protection order shall be effective ((~~for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 10.14.085~~)) until the next hearing date. The ex parte order may be reissued. ((~~A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication is permitted.~~)) Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing. The ex parte order and notice of hearing shall include at a minimum the date and time of the hearing set by the court to determine if the temporary order should be made effective for one year or more, and notice that if the respondent should fail to appear or otherwise not respond, an order for protection will be issued against the respondent pursuant to the provisions of this chapter, for a minimum of one year from the date of the hearing. The notice shall also include a brief statement of the provisions of the ex parte order and notify the respondent that a copy of the ex parte order and notice of hearing has been filed with the clerk of the court.

(3) ((~~At the~~)) When an ex parte order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion shall be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

(4) After notice and a hearing, if the court finds by a preponderance of the evidence that unlawful harassment exists, a civil antiharassment protection order shall issue prohibiting such unlawful harassment.

((~~(4)~~)) (5) An order issued under this chapter shall be effective for not more than one year unless the court finds that the respondent is likely to resume unlawful harassment of the petitioner when the order expires. If so, the court may enter an order for a fixed time exceeding one year or may enter a permanent antiharassment protection order. The court shall not enter an order that is effective for more than one year if the order restrains the respondent from contacting the respondent's minor children. This limitation is not applicable to civil antiharassment protection orders issued under chapter 26.09, ((~~26.10,~~)) 26.26A, or 26.26B RCW. If the petitioner seeks relief for a period longer than one year on behalf of the respondent's minor children, the court shall advise the petitioner that the petitioner may apply for renewal of the order as provided in this chapter or if appropriate may seek relief pursuant to chapter 26.09 ((~~or 26.10~~)) RCW.

((~~(5)~~)) (6) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing which shall be not later than ((~~fourteen~~)) 14 days from the date of the order. The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made, the court shall set a new hearing date and ((~~shall either require additional attempts at obtaining personal service or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order~~)) address service as provided in RCW 10.14.070 and 10.14.085. If the order expires because timely service cannot be made, the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection ((~~(4)~~)) (5) of this section.

((~~(6)~~)) (7) The court, in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall have broad discretion to grant such relief as the court deems proper, including an order:

(a) Restraining the respondent from making any attempts to contact the petitioner, including nonphysical contact and contact through third parties regardless of whether those third parties know of the order;

(b) Restraining the respondent from making any attempts to keep the petitioner under surveillance; and

(c) Requiring the respondent to stay a stated distance from ((~~the petitioner's~~)) a specified location including, but not limited to, a residence ((~~and~~)), school, day care, workplace, and the protected party's person.

((~~(7)~~)) (8) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

((~~(8)~~)) (9) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

((~~(9)~~)) (10) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from the use or enjoyment of real property to which the respondent has a cognizable claim unless that order is issued under chapter 26.09 RCW or under a separate action commenced with a summons and complaint to determine title or possession of real property.

((~~(10)~~)) (11) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order shall not limit the respondent's right to care, control, or custody of the respondent's minor child, unless that order is issued under chapter 13.32A, 26.09, ((~~26.10,~~)) 26.26A, or 26.26B RCW.

((~~(11)~~)) (12) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent, but has failed to obtain the issuance of a civil antiharassment protection order unless good cause for such failure can be shown.

((~~(12)~~)) (13) The court order shall specify the date an order issued pursuant to subsections ((~~(4) and~~)) (5) and (6) of this section expires, if any. The court order shall also state whether the court issued the protection order following personal service or service by mail, electronic means, or publication and whether the court has approved service by mail, electronic means, or publication of an order issued under this section. Law enforcement shall attempt to serve any order that includes an order to surrender weapons or that requires vacating a shared residence.

(14) Any protection order issued under this chapter that would expire on a court holiday shall instead expire at the close of the next court business day.

Sec. 32. RCW 10.14.085 and 2016 c 202 s 4 are each amended to read as follows:

(1) If the respondent was not personally served with ((~~the~~)) a petition authorized by this chapter, notice of hearing, and any ex parte order before the hearing, the court shall ((~~reset the hearing for twenty-four days from the date of entry of the order and may~~)) set a new hearing date as provided in RCW 10.14.070 and 10.14.080 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under either or both of the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer ((~~files an affidavit stating~~)) states that the officer was unable to complete personal service upon the respondent((~~. The affidavit must describe~~)) and describes the number and types of attempts the officer made to complete service;

((~~(b)~~)) (ii) The petitioner ((~~files an affidavit stating~~)) states that the petitioner believes that the respondent is hiding from the server to avoid service((~~. The petitioner's affidavit must state~~)) and states the reasons for the belief that the respondent is avoiding service;

((~~(c)~~)) (iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

((~~(d)~~)) (iv) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that

further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) The court shall reissue ((~~the~~)) any temporary order of protection ((~~not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication~~)) as provided in RCW 10.14.070 and 10.14.080 to allow additional service attempts.

(3) ((~~The~~)) Service by publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons shall contain the date of the first publication, and shall require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons shall also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons shall be essentially in the following form:

In the ..... court of the state of Washington for the county of .....

....,
Petitioner

vs. No. .....

....,
Respondent

The state of Washington to ..... (respondent):

You are hereby summoned to appear on the .... day of ....., (year) . . ., at .... a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of chapter 10.14 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(4) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(5) The court may authorize multiple methods of service permitted by this section and may consider the use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition. Even where alternate service has been authorized to commence the lawsuit, for reasons of safety, law enforcement shall attempt to serve any order that includes an order to surrender weapons or that requires vacating a shared residence.

Sec. 33. RCW 10.14.100 and 2019 c 245 s 12 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (5) and (7) of this section

or otherwise authorized pursuant to RCW 10.14.085.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If the sheriff or municipal peace officer cannot complete service upon the respondent within ((~~ten~~)) 10 days, the sheriff or municipal peace officer shall notify the petitioner.

(4) Returns of service under this chapter shall be made in accordance with the applicable court rules. Returns of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(5) If an order entered by the court recites that the respondent appeared ((~~in person~~)) before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been ((~~personally~~)) served with the temporary order.

(6) Except in cases where the petitioner has fees waived under RCW 10.14.055 or is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

(7) If the court previously entered an order allowing service by mail, electronic means, or publication of the notice of hearing and temporary order of protection pursuant to RCW 10.14.085, the court may permit service by mail, electronic means, or publication of the order of protection issued under RCW 10.14.080((~~. Service by publication must comply with the requirements of RCW 10.14.085~~)), except that law enforcement must personally serve a final order that includes an order to surrender weapons or that requires vacating a shared residence.

Sec. 34. RCW 10.14.105 and 1992 c 143 s 13 are each amended to read as follows:

Following completion of service ((~~by publication~~)) as provided in RCW 10.14.085, if the respondent fails to appear at the hearing, the court may issue an order of protection as provided in RCW 10.14.080. That order must be served pursuant to RCW 10.14.100, and forwarded to the appropriate law enforcement agency pursuant to RCW 10.14.110.

Sec. 35. RCW 10.14.110 and 1992 c 143 s 16 are each amended to read as follows:

(1) A copy of an antiharassment protection order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The law enforcement agency shall expunge expired orders from the computer system. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based system shall include notice to law enforcement whether the order was ((~~personally~~)) served ((~~or served~~)) personally, by publication, by mail, or by electronic means.

Sec. 36. RCW 10.14.130 and 2006 c 138 s 22 are each amended to read as follows:

Protection orders authorized under this chapter shall not be issued for any action specifically covered by chapter 7.90, 7.92, 10.99, or 26.50 RCW.

Sec. 37. RCW 10.14.150 and 2019 c 216 s 1 are each amended to read as follows:

(1) ((~~The district~~)) District courts shall have ((~~original~~)) jurisdiction ((~~and cognizance of any~~)) over all civil actions and proceedings brought under

this chapter, except ((~~the district court shall transfer such actions and proceedings to the superior court when it is shown that (a) the respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child~~)) as provided in subsection (3) of this section.

(2) Municipal courts may exercise jurisdiction ((~~and cognizance of any~~)) over all civil actions and proceedings brought under this chapter, except as provided in subsection (3) of this section, by adoption of local court rule((~~, except the municipal court shall transfer such actions and proceedings to the superior court when it is shown that (a) the respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.~~

~~(3) The civil jurisdiction of district and municipal courts under this chapter is limited to the issuance and enforcement of temporary orders for protection in cases that require transfer to superior court under subsections (1) and (2) of this section. The district or municipal court shall transfer the case to superior court after the temporary order is entered.~~

~~(4) Superior courts shall have concurrent jurisdiction to receive transfer of antiharassment petitions in cases where a district or municipal court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer.~~

~~(5) The municipal and district courts shall have jurisdiction and cognizance of any criminal actions brought under RCW 10.14.120 and 10.14.170~~)).

(3) Only superior courts have jurisdiction over civil actions and proceedings brought under this chapter where: (a) The respondent is under 18 years of age; (b) the action involves title to or possession of real property, including exclusion from a dwelling; (c) the superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action involves interference with a respondent's care, control, or custody of the respondent's minor child or children. District and municipal courts shall have jurisdiction over such cases limited to issuing and reissuing temporary orders of protection, scheduling hearings in superior court according to the superior court's practice, and transferring cases to the superior court. If the superior court determines that a petition has been filed in or transferred to the superior court, but the petitioner has not established any grounds under (a) through (d) of this subsection for superior court jurisdiction, the court may for good cause, including timely resolution of the petition, hear the merits of the petition and has jurisdiction to do so, or the court may transfer the petition to an appropriate court. When the jurisdiction of a district or municipal court is limited and the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(4) Enforcement of orders issued under this chapter must comply with general criminal jurisdiction and venue laws, rules, and procedures.

Sec. 38. RCW 10.14.160 and 2005 c 196 s 2 are each amended to read as follows:

((~~For the purposes of this chapter an~~)) An action ((~~may be brought in:~~

~~(1) The judicial district of the county in which the alleged acts of unlawful harassment occurred;~~

~~(2) The judicial district of the county where any respondent resides at the time the petition is filed;~~

~~(3) The judicial district of the county where a respondent may be served if it is the same county or judicial district where a respondent resides;~~

~~(4) The municipality in which the alleged acts of unlawful harassment occurred;~~

~~(5) The municipality where any respondent resides at the time the petition is filed; or~~

~~(6) The municipality where a respondent may be served if it is the same county or judicial district where a respondent resides~~)) under this chapter must be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid harassment. In that case, the petitioner may bring the action in the county or municipality of the previous or new household or residence.

Sec. 39. RCW 26.50.010 and 2019 c 263 s 204 are each amended to read as follows:

As used in this chapter, the following terms shall have the meanings given them:

(1) "Court" includes the superior, district, and municipal courts of the state of Washington.

(2) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(3) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one intimate partner by another intimate partner; or (b) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(4) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(5) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes but is not limited to clothing, cribs, bedding, documents, medications, and personal hygiene items.

(6) "Family or household members" means: (a) Adult persons related by blood or marriage; (b) ((~~adult~~)) persons who are presently residing together or who have resided together in the past; and (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(7) "Intimate partner" means: (a) Spouses, or domestic partners; (b) former spouses, or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; (d) adult persons presently or previously residing together who have or have had a dating relationship; (e) persons ((~~sixteen~~)) 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship; and (f) persons ((~~sixteen~~)) 16 years of age or older with whom a person ((~~sixteen~~)) 16 years of age or older has or has had a dating relationship.

(8) "Judicial day" does not include Saturdays, Sundays, or legal holidays.

Sec. 40. RCW 26.50.020 and 2019 c 263 s 205 are each amended to read as follows:

(1)(a) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(b) Any person ((~~thirteen~~)) 13 years of age or older may seek relief under this chapter by filing a petition with a court alleging that he or she has been the victim of violence in a dating relationship and the respondent is ((~~sixteen~~)) 16 years of age or older.

(2)((~~(a)~~)) A ((~~person under eighteen years of age~~)) minor who is ((~~sixteen~~)) 16 years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend.

((~~(b) A person under sixteen years of age who is seeking relief under subsection (1)(b) of this section is required to seek relief by a parent, guardian, guardian ad litem, or next friend.~~)) This does not preclude a parent or legal custodian of a victim 16 or 17 years of age from seeking relief on behalf of the minor.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under ((~~eighteen~~)) 18

years of age if such respondent is ((~~sixteen~~)) 16 years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter.

(5) Any petition filed under this chapter must specify whether the victim and respondent of the alleged domestic violence are intimate partners or family or household members within the meaning of RCW 26.50.010.

(6) The courts defined in RCW 26.50.010 have jurisdiction over proceedings under this chapter. The jurisdiction of district and municipal courts under this chapter shall be limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents issues of residential schedule of and contact with children of the parties; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(7) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

(8) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

(9) For the purposes of this section "next friend" means any competent individual, over ((~~eighteen~~)) 18 years of age, chosen by the minor and who is capable of pursuing the minor's stated interest in the action.

(10) Enforcement of orders issued under this chapter must comply with general criminal jurisdiction and venue laws, rules, and procedures.

Sec. 41. RCW 26.50.025 and 2019 c 46 s 5036 are each amended to read as follows:

(1) Any order available under this chapter may be issued in actions under chapter 26.09, ((~~26.10,~~)) 26.26A, or 26.26B RCW. If an order for protection is issued in such an action ((~~under chapter 26.09, 26.10, 26.26A, or 26.26B RCW~~)), the order shall be issued on the forms mandated by RCW 26.50.035(1). An order issued in accordance with this subsection is fully enforceable and shall be enforced under the provisions of this chapter.

(2) If a party files an action under chapter 26.09, ((~~26.10,~~)) 26.26A, or 26.26B RCW, an order issued previously under this chapter between the same parties may be consolidated by the court under that action and cause number. Any order issued under this chapter after consolidation shall contain the original cause number and the cause number of the action under chapter 26.09, ((~~26.10,~~)) 26.26A, or 26.26B RCW. Relief under this chapter shall not be denied or delayed on the grounds that the relief is available in another action.

Sec. 42. RCW 26.50.030 and 2005 c 282 s 39 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of domestic violence.

(1) A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. Petitioner and respondent shall disclose the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.281 and the existence of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or

other action between the parties except in cases where the court realigns petitioner and respondent in accordance with RCW 26.50.060(4).

(3) Within ((~~ninety~~)) 90 days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW 26.50.035 and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) No filing fee may be charged for proceedings under this section. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) Minor children must be referred to in all publicly available filed documents by their initials and age.

Sec. 43. RCW 26.50.035 and 2019 c 263 s 912 and 2019 c 46 s 5037 are each reenacted and amended to read as follows:

(1) The administrative office of the courts shall develop and prepare instructions and informational brochures required under RCW 26.50.030(4), standard petition and order for protection forms, and a court staff handbook on domestic violence and the protection order process. The standard petition and order for protection forms must be used after September 1, 1994, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including a representative of the state domestic violence coalition, judges, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of standard petition and order for protection forms.

(b) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating a domestic violence protection order as provided under this chapter, an antiharassment no-contact order as provided under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided under chapters 26.09, ((~~26.10,~~)) 26.26A, 26.26B, and 26.44 RCW, an antiharassment protection order as provided by chapter 10.14 RCW, a foreign protection order as defined in chapter 26.52 RCW, and a Canadian domestic violence protection order as defined in RCW 26.55.010.

(c) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application."

(d) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(2) All court clerks shall obtain a community resource list from a domestic violence program, defined in RCW 70.123.020, serving the county in which the court is located. The community resource list shall include the names and telephone numbers of domestic violence programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, legal assistance programs, interpreters, multicultural programs, and batterers' treatment programs. The court shall make the community resource list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrative office of the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by January 1, 1997.

(6) The administrative office of the courts shall update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

Sec. 44. RCW 26.50.050 and 2008 c 287 s 2 are each amended to read as follows:

Upon receipt of the petition, the court shall order a hearing which shall be held not later than ((~~fourteen~~)) 14 days from the date of the order. The court may schedule a hearing in person or by telephone ((~~pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing~~)), video, or other electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 26.50.085 ((~~and 26.50.123~~)), personal service shall be made upon the respondent not less than five court days prior to the hearing unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by mail, electronic means, or publication as provided in RCW 26.50.085 ((~~or service by mail as provided in RCW 26.50.123~~)). The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication ((~~or by mail~~)) unless the petitioner requests additional time to attempt personal service. ((~~If the court permits service by publication or by mail~~)) In cases where personal service was not made, the court shall set the next hearing date: (1) Within 14 days from the date of the order; (2) to an available date mutually agreed to by the parties and accepted by the court; or (3) not later than ((~~twenty-four~~)) 24 days from the date of the order upon a showing of good cause to facilitate service. The court may issue an ex parte order for protection pending the hearing as provided in RCW 26.50.070((~~,~~)) and 26.50.085((~~, and 26.50.123~~)).

Sec. 45. RCW 26.50.060 and 2020 c 311 s 9 are each amended to read as follows:

(1) Upon notice and after hearing, when the petitioner proves his or her allegations by a preponderance of the evidence, the court ((~~may provide~~)) has broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) ((~~Prohibit~~)) Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, and the protected party's person;

(d) Restrain the respondent from making any attempts to contact the petitioner, including nonphysical contact and contact through third parties regardless of whether those third parties know of the order;

(e) Restrain the respondent from making any attempts to keep the petitioner under surveillance;

(f) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

((~~(e)~~)) (g) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

((~~(f)~~)) (h) Order other relief as it deems necessary for the protection of the petitioner and other family or household

members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

((~~(g)~~)) (i) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with the state supreme court's admission to practice rule 28, the limited practice rule for limited license legal technicians;

((~~(h)~~)) (j) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

((~~(i)~~)) (k) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

((~~(j)~~)) (l) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

((~~(k)~~)) (m) Consider the provisions of RCW 9.41.800 and order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800;

((~~(l)~~)) (n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

((~~(m)~~)) (o) Order use of a vehicle; and

((~~(n)~~)) (p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the order for protection is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought an order for protection under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, ((~~26.10,~~)) 26.26A, or 26.26B RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant

relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made, the court shall set a new hearing date and ((~~shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123~~)) address service as provided in RCW 26.50.050. If the court permits service by mail, electronic means, or publication ((~~or mail~~)), the court shall set the new hearing date ((~~not later than twenty-four days from the date of the order~~)) as provided in RCW 26.50.050. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)((~~(g)~~)) (i) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, ((~~service by publication,~~)) or service by mail, electronic means, or publication, and whether the court has approved service by mail, electronic means, or publication ((~~or mail~~)) of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 46. RCW 26.50.070 and 2019 c 245 s 14 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

(f) Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

(2) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(3) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(4) The court shall hold an ex parte hearing in person or by telephone, video, or electronic means with adequate safeguards as determined by the court on the day the petition is filed or on the following judicial day.

(5) An ex parte temporary order for protection shall be effective ((~~for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123~~)) until the next hearing date. The ex parte temporary order may be reissued. ((~~A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the ex parte temporary order or not later than twenty-four days if service by publication or by mail is permitted.~~)) Except as provided in RCW 26.50.050((~~,~~)) and 26.50.085((~~, and 26.50.123~~)), the respondent shall be personally served with a copy of the ex parte temporary order along with a copy of the petition and notice of the date set for the hearing.

(6) Any order issued under this section shall contain the date and time of issuance ((~~and~~)), the expiration date, the date and time of the next hearing, and notice that, if the respondent should fail to appear or otherwise respond, a protection order will be issued against the respondent for a minimum of one year from the date of the hearing. The order shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(7) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order for protection shall be filed with the court.

(8) When an ex parte temporary order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte temporary order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion shall be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte temporary order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

Sec. 47. RCW 26.50.085 and 2016 c 202 s 25 are each amended to read as follows:

(1) If the respondent was not personally served with ((~~the~~)) a petition authorized by this chapter, a notice of hearing, and any ex parte order before the hearing, the court shall ((~~reset the hearing for twenty-four days from the date of entry of the order and may order~~)) set a new hearing date as provided in RCW 26.50.070 and 26.50.080 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service

under the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer ((~~files an affidavit stating~~)) states that the officer was unable to complete personal service upon the respondent((~~. The affidavit must describe~~)) and describes the number and types of attempts the officer made to complete service;

((~~(b)~~)) (ii) The petitioner ((~~files an affidavit stating~~)) states that the petitioner believes that the respondent is hiding from the server to avoid service((~~. The petitioner's affidavit must state~~)) and states the reasons for the belief that the respondent is avoiding service;

((~~(c)~~)) (iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

((~~(d)~~)) (iv) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) The court shall reissue ((~~the~~)) any temporary order of protection ((~~not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication~~)) as provided in RCW 26.50.070 and 26.50.080 to allow additional service attempts.

(3) ((~~The~~)) Service by publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons shall contain the date of the first publication, and shall require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons shall also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons shall be essentially in the following form:

In the ..... court of the state of Washington for the county of .....

, Petitioner

vs. No. .....

, Respondent

The state of Washington to ..... (respondent):

You are hereby summoned to appear on the .... day of ....., (year) . . ., at .... a.m./p.m., and respond to the petition. If you fail to

respond, an order of protection will be issued against you pursuant to the provisions of the domestic violence protection act, chapter 26.50 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(4) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means shall be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(5) The court may authorize multiple methods of service permitted by this section and may consider the use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

Sec. 48. RCW 26.50.090 and 2019 c 245 s 15 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (6) and (8) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ((~~ten~~)) 10 days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules. Returns of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(6) If an order entered by the court recites that the respondent appeared ((~~in person~~)) before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order.

(7) Municipal police departments serving documents as required under this chapter may collect from respondents ordered to pay fees under RCW 26.50.060 the same fees for service and mileage

authorized by RCW 36.18.040 to be collected by sheriffs.

(8) If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by mail, electronic means, or publication pursuant to RCW 26.50.085 ((~~or by mail pursuant to RCW 26.50.123~~)), the court may permit the same means of service ((~~by publication or by mail~~)) of the order of protection issued under RCW 26.50.060, except that law enforcement must personally serve a final order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license, or that requires vacating a shared residence or transferring the care, control, or custody of children. ((~~Service by publication must comply with the requirements of RCW 26.50.085 and service by mail must comply with the requirements of RCW 26.50.123.~~)) The court order must state ((~~whether the court permitted service by publication or by mail~~)) the approved means of service.

(9) Any protection order issued under this chapter that would expire on a court holiday shall instead expire at the close of the next court business day.

Sec. 49. RCW 26.50.095 and 1995 c 246 s 12 are each amended to read as follows:

Following completion of service by mail, electronic means, or publication ((~~as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123~~)), if the respondent fails to appear at the hearing, the court may issue an order of protection as provided in RCW 26.50.060. That order must be served pursuant to RCW 26.50.090, and forwarded to the appropriate law enforcement agency pursuant to RCW 26.50.100.

Sec. 50. RCW 26.50.100 and 1996 c 248 s 15 are each amended to read as follows:

(1) A copy of an order for protection granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for the period stated in the order. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was ((~~personally~~)) served personally, ((~~served~~)) by mail, by electronic means, or by publication((~~, or served by mail~~)).

Sec. 51. RCW 26.50.110 and 2019 c 263 s 913 and 2019 c 46 s 5039 are each reenacted and amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, ((~~26.10,~~)) 26.26A, 26.26B, or 74.34 RCW, any temporary order for protection is granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, there is a valid foreign protection order as defined in RCW 26.52.020, or there is a valid Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order or a Canadian domestic

violence protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(ii) Shall impose a fine of ((~~fifteen dollars~~)) $15, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the ((~~fifteen dollar~~)) $15 fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, ((~~26.10,~~)) 26.26A, 26.26B, or 74.34 RCW, any temporary order for protection granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, ((~~26.10,~~)) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, ((~~26.10,~~)) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, ((~~26.10,~~)) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, ((~~26.10,~~)) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020 or a valid Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, ((~~26.10,~~)) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within ((~~fourteen~~)) 14 days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 52. RCW 26.50.130 and 2019 c 245 s 16 are each amended to read as follows:

(1) Upon a motion with notice to all parties and after a hearing, the court may modify the terms of an existing order for protection or may terminate an existing order for protection.

(2) A respondent's motion to modify or terminate ((~~an~~)) a final order for protection ((~~that is permanent or issued for a fixed period exceeding two years~~)) must include a declaration setting forth facts supporting the requested order for termination or modification. The motion and declaration must be served according to subsection (8) of this section. The nonmoving parties to the proceeding may file opposing declarations. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion.

(3)(a) The court may not terminate an order for protection that is permanent or issued for a fixed period exceeding two years upon a motion of the respondent unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent is not likely to resume acts of domestic violence against the petitioner or those persons protected by the protection order if the order is terminated. In a motion by the respondent for such termination ((~~of an order for protection that is permanent or issued for a fixed period exceeding two years~~)), the petitioner bears no burden of proving that he or she has a current reasonable fear of imminent harm by the respondent.

(b) For the purposes of this subsection, a court shall determine whether there has been a "substantial change in circumstances" by considering only factors which address whether the respondent is likely to commit future acts of domestic violence against the petitioner or those persons protected by the protection order.

(c) In determining whether there has been a substantial change in circumstances the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(i) Whether the respondent has committed or threatened domestic violence, sexual assault, stalking, or other violent acts since the protection order was entered;

(ii) Whether the respondent has violated the terms of the protection order, and the time that has passed since the entry of the order;

(iii) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(iv) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(v) Whether the respondent has either acknowledged responsibility for the acts of domestic violence that resulted in entry of the protection order or successfully completed domestic violence perpetrator treatment or counseling since the protection order was entered;

(vi) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(vii) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly;

(viii) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that acts of domestic violence may be committed from any distance;

(ix) Other factors relating to a substantial change in circumstances.

(d) In determining whether there has been a substantial change in circumstances, the court may not base its determination solely on: (i) The fact that time has passed without a violation of the order; or (ii) the fact that the respondent or petitioner has relocated to an area more distant from the other party.

(e) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(4) The court may not modify an order for protection that is permanent or

issued for a fixed period exceeding two years upon a motion of the respondent unless the respondent proves by a preponderance of the evidence that the requested modification is warranted. If the requested modification would reduce the duration of the protection order or would eliminate provisions in the protection order restraining the respondent from harassing, stalking, threatening, or committing other acts of domestic violence against the petitioner or the petitioner's children or family or household members or other persons protected by the order, the court shall consider the factors in subsection (3)(c) of this section in determining whether the protection order should be modified. Upon a motion by the respondent for such modification ((~~of an order for protection that is permanent or issued for a fixed period exceeding two years~~)), the petitioner bears no burden of proving that he or she has a current reasonable fear of imminent harm by the respondent.

(5) A respondent may file a motion to terminate or modify an order no more than once in every ((~~twelve~~)) 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal.

(6) Upon a motion by a petitioner, the court may modify or terminate an existing order for protection. The court shall hear the motion without an adequate cause hearing.

(7) A court may require the respondent to pay court costs and service fees, as established by the county or municipality incurring the expense and to pay the petitioner for costs incurred in responding to a motion to terminate or modify a protection order, including reasonable attorneys' fees.

(8) Except as provided in RCW 26.50.085 ((~~and 26.50.123~~)), a motion to modify or terminate an order for protection must be personally served on the nonmoving party not less than five court days prior to the hearing.

(a) If a moving party seeks to modify or terminate an order for protection that is permanent or issued for a fixed period exceeding two years, the sheriff of the county or the peace officers of the municipality in which the nonmoving party resides or a licensed process server shall serve the nonmoving party personally except when a petitioner is the moving party and elects to have the nonmoving party served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(b) If the sheriff, municipal peace officer, or licensed process server cannot complete service upon the nonmoving party within ((~~ten~~)) 10 days, the sheriff, municipal peace officer, or licensed process server shall notify the moving party. The moving party shall provide information sufficient to permit notification by the sheriff, municipal peace officer, or licensed process server.

(c) If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by publication as provided in RCW 26.50.085 ((~~or service by mail as provided in RCW 26.50.123~~)).

(d) The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or by mail unless the moving party requests additional time to attempt personal service.

(e) If the court permits service by publication or by mail, the court shall set the hearing date not later than ((~~twenty four~~)) 24 days from the date of the order permitting service by publication or by mail.

(9) Municipal police departments serving documents as required under this chapter may recover from a respondent ordered to pay fees under subsection (7) of this section the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

(10) In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the law enforcement information system.

Sec. 53. RCW 26.50.160 and 2019 c 263 s 914 and 2019 c 46 s 5040 are each reenacted and amended to read as follows:

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a database containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every sexual assault protection order issued under chapter 7.90 RCW, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, ((~~every third-party custody action under chapter 26.10 RCW,~~)) every parentage action under chapter 26.26A or 26.26B RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, every Canadian domestic violence protection order filed under chapter 26.55 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services or department of children, youth, and families has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the database as a party rather than the guardian or appropriate department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

Sec. 54. RCW 74.34.120 and 2007 c 312 s 5 are each amended to read as follows:

(1) The court shall order a hearing on a petition under RCW 74.34.110 not later than ((~~fourteen~~)) 14 days from the date of filing the petition. The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court.

(2) Personal service shall be made upon the respondent not less than ((~~six~~)) five court days before the hearing((~~. When good faith attempts to personally serve the respondent have been unsuccessful, the court shall permit service by mail or by publication~~)), unless waived by the respondent. The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication, as provided in this section. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set the next hearing date: (a) Within 14 days from the date of the order; (b) to an available date mutually agreed to by the parties and accepted by the court; or (c) not later than 24 days from the date of the order upon a showing of good cause to facilitate service.

(3) When a petition under RCW 74.34.110 is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult not less than ((~~six~~)) five court days before the hearing unless waived by the respondent. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using the standard notice form developed under RCW 74.34.115. ((~~When good faith attempts to personally serve the vulnerable adult have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained.~~)) If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication, as provided in this section. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal

service was not made, the court shall set the next hearing date: (a) Within 14 days from the date of the order; (b) to an available date mutually agreed to by the parties and accepted by the court; or (c) not later than 24 days from the date of the order upon a showing of good cause to facilitate service.

(4) If timely service under subsections (2) and (3) of this section cannot be made, the court shall continue the hearing date until the substitute service approved by the court has been satisfied.

(5)(a) A petitioner may move for temporary relief under chapter 7.40 RCW. The court may continue any temporary order for protection granted under chapter 7.40 RCW until the hearing on a petition under RCW 74.34.110 is held.

(b) Written notice of the request for temporary relief must be provided to the respondent, and to the vulnerable adult if someone other than the vulnerable adult filed the petition. A temporary protection order may be granted without written notice to the respondent and vulnerable adult if it clearly appears from specific facts shown by affidavit or declaration that immediate and irreparable injury, loss, or damage would result to the vulnerable adult before the respondent and vulnerable adult can be served and heard, or that show the respondent and vulnerable adult cannot be served with notice, the efforts made to serve them, and the reasons why prior notice should not be required. When an ex parte temporary protection order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent or vulnerable adult may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte temporary protection order will cause imminent harm to the respondent or vulnerable adult or that the order or its remedy is not authorized by this chapter. The party moving to terminate or modify the ex parte temporary protection order shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion must be heard expeditiously. A party is limited to one motion to terminate or modify an ex parte temporary protection order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

(6) If the respondent or, in cases where the petition is filed by someone other than the vulnerable adult, the vulnerable adult, was not personally served with a petition authorized by this chapter, a notice of hearing, and any ex parte temporary protection order before the hearing, the court shall set a new hearing date as provided in this section and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under the following circumstances established by affidavit or declaration:

(a) The court determines that the party to be served could not be personally served after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the party;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the party's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of the communications with the party;

(v) Information concerning the party's whereabouts; and

(vi) Any other information relating to the inability to personally serve the party and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the party to be served is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer states that the officer was unable to complete personal service upon the party and describes the number and types of attempts the officer made to complete service;

(ii) The petitioner states that the petitioner believes that the party is hiding from the server to avoid service

and states the reasons for the belief that the party is avoiding service;

(iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (7) of this section, the notice of hearing, and the ex parte temporary order of protection in the post office, directed to the party at the party's last known address, unless the server states that the server does not know the party's address; and

(iv) The court finds reasonable grounds exist to believe that the party is concealing himself or herself to avoid service, and that further attempts to personally serve the party would be futile or unduly burdensome.

(7) Service by publication must be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons must not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and must require the respondent, upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte temporary order. The summons must be essentially in the following form:

In the . . . . . court of the state of Washington for the county of . . . . . .

. . . . . ., Petitioner

vs. No. . . . . .

. . . . . ., Respondent

The state of Washington to . . . . . (respondent):

You are hereby summoned to appear on the . . . . day of . . . . . ., (year) . . . ., at . . . . a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of chapter 74.34 RCW, for a fixed period of time up to five years from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(8) Service by electronic means includes service by email, text message, or social media applications. Service by mail shall be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means shall be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(9) The court may authorize multiple methods of service permitted by this section and may consider the use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

(10) If the sheriff or municipal peace officer cannot complete service upon the respondent within 10 days, the sheriff or municipal peace officer shall notify the petitioner.

(11) Returns of service under this chapter must be made in accordance with the applicable court rules. Returns of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(12) If an order entered by the court recites that the party to be served appeared before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order, except that law enforcement must personally serve a final order requiring the vacation of a shared residence.

Sec. 55. RCW 74.34.130 and 2007 c 312 s 6 are each amended to read as follows:

((~~The~~)) (1) After notice and a hearing, if the court finds by a preponderance of the evidence that a vulnerable adult has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by the respondent, the court may order relief as it deems necessary for the protection of the vulnerable adult, including, but not limited to the following:

((~~(1)~~)) (a) Restraining respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against the vulnerable adult;

((~~(2)~~)) (b) Excluding the respondent from the vulnerable adult's residence for a specified period or until further order of the court;

((~~(3)~~)) (c) Prohibiting contact with the vulnerable adult by respondent for a specified period or until further order of the court, including nonphysical contact and contact through third parties regardless of whether those third parties know of the order;

((~~(4)~~)) (d) Prohibiting the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, and the protected party's person;

((~~(5)~~)) (e) Requiring an accounting by respondent of the disposition of the vulnerable adult's income or other resources;

((~~(6)~~)) (f) Restraining the transfer of the respondent's and/or vulnerable adult's property for a specified period not exceeding ((~~ninety~~)) 90 days; and

((~~(7)~~)) (g) Requiring the respondent to pay a filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

(2) If the court declines to issue an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

(3) Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed five years. Any final protection order may be renewed one or more times. The petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The court shall grant the petition for renewal unless the respondent or, if the petitioner is someone other than the vulnerable adult, the vulnerable adult, proves by a preponderance of the evidence that the respondent will not resume acts of abandonment, abuse, financial exploitation, or neglect against the vulnerable adult when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section.

(4) The clerk of the court shall enter any order for protection issued under this section into the judicial information system.

(5) When an order is issued under this chapter, upon request of the protected adult, the court may order a peace officer to accompany the protected adult and assist in placing the protected adult in possession of those items indicated in the order or to otherwise assist in the execution of the order of protection. The order shall list all items that are to be included with sufficient specificity to make it clear which property is included. Orders issued under this chapter must

include a designation of the appropriate law enforcement agency to execute, serve, or enforce the order. Upon entry of such an order, a peace officer shall accompany the protected adult and assist in placing the protected adult in possession of all items listed in the order and to otherwise assist in the execution of the order.

(6) Any protection order issued under this chapter that would expire on a court holiday shall instead expire at the close of the next court business day.

Sec. 56. RCW 74.34.135 and 2007 c 312 s 9 are each amended to read as follows:

(1) When a petition for protection under RCW 74.34.110 is filed by someone other than the vulnerable adult or the vulnerable adult's full guardian over either the person or the estate, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that he or she does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any protection order issued under RCW 74.34.120 or 74.34.130, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary order for protection of the vulnerable adult pending a decision after the evidentiary hearing.

(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within ((~~fourteen~~)) 14 days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the evidentiary hearing shall be held within ((~~fourteen~~)) 14 days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing shall be personally served upon the vulnerable adult and the respondent not less than ((~~six~~)) five court days before the hearing. When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service ((~~by mail, or by publication if the court determines that personal service and service by mail cannot be obtained~~)) pursuant to RCW 74.34.120. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be fully incapacitated over either the person or the estate, or both, under the guardianship laws, chapter 11.88 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing scheduled by the court, the court shall give the vulnerable adult, the respondent, the petitioner, and in the court's discretion other interested persons, the opportunity to testify and submit relevant evidence. The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the individual continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the individual continues to need protection, the court shall order relief consistent with RCW 74.34.130 as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order shall be governed by the legislative findings contained in RCW 74.34.005.

Sec. 57. RCW 74.34.135 and 2020 c 312 s 737 are each amended to read as follows:

(1) When a petition for protection under RCW 74.34.110 is filed by someone other than the vulnerable adult or the vulnerable adult's guardian, conservator, or person acting under a protective arrangement, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that he or she does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any protection order issued under RCW 74.34.120 or 74.34.130, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary order for protection of the vulnerable adult pending a decision after the evidentiary hearing.

(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within ((~~fourteen~~)) 14 days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the evidentiary hearing shall be held within ((~~fourteen~~)) 14 days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing shall be personally served upon the vulnerable adult and the respondent not less than ((~~six~~)) five court days before the hearing. When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service ((~~by mail, or by publication if the court determines that personal service and service by mail cannot be obtained~~)) pursuant to RCW 74.34.120. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be subject to a guardianship, conservatorship, or other protective arrangement under chapter 11.130 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing scheduled by the court, the court shall give the vulnerable adult, the respondent, the petitioner, and in the court's discretion other interested persons, the opportunity to testify and submit relevant evidence. The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the individual continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the individual continues to need protection, the court shall order relief consistent with RCW 74.34.130 as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order shall be governed by the legislative findings contained in RCW 74.34.005.

NEW SECTION. **Sec. 58.** Section 57 of this act takes effect January 1, 2022.

NEW SECTION. **Sec. 59.** Section 56 of this act expires January 1, 2022.

NEW SECTION. **Sec. 60.** The following acts or parts of acts are each repealed:

(1)RCW 7.90.053 (Service by mail—When authorized) and 2013 c 74 s 7;

(2)RCW 26.50.123 (Service by mail) and 1995 c 246 s 16;

(3)RCW 26.50.165 (Judicial information system—Names of adult cohabitants in third-party custody actions) and 2003 c 105 s 4; and

(4)RCW 26.10.115 (Temporary orders—Support—Restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order—Preservation of support debt) and 2019 c 245 s 18, 2000 c 119 s 9, 1995 c 246 s 29, 1994 sp.s. c 7 s 454, & 1989 c 375 s 32."

Correct the title.

Representatives Walsh and Graham spoke in favor of the adoption of the striking amendment.

Representative Hansen spoke against the adoption of the striking amendment.

Striking amendment (206) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goodman spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Lekanoff was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1320.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1320, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Lekanoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1320, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1411, by Representatives Simmons, Davis, Santos, Valdez, Berry and Fitzgibbon

Expanding health care workforce eligibility.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1411 was substituted for House Bill No. 1411 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1411 was read the second time.

With the consent of the House, amendment (088) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simmons and Cody spoke in favor of the passage of the bill.

Representatives Schmick, Chambers and Caldier spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1411.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1411, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lovick, Macri, McEntire, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1411, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

HOUSE BILL NO. 1127, by Representatives Slatter, Boehnke, Valdez, Kloba, Graham, Macri and Pollet

Protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1127 was substituted for House Bill No. 1127 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1127 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Slatter and Boehnke spoke in favor of the passage of the bill.

Representatives Kraft, Sutherland, Walsh and Kraft (again) spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1127.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1127, and the bill passed the House by the following vote: Yeas, 76; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lovick, MacEwen, Macri, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Corry, Dufault, Dye, Eslick, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Schmick, Sutherland, Vick, Walsh and Young.

Excused: Representative Lekanoff.

SECOND SUBSTITUTE HOUSE BILL NO. 1127, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1086, by Representatives Simmons, Caldier, Bateman, Ortiz-Self, Shewmake, Ryu, Chopp, Cody, Goodman, Fey, Stonier, Macri, Fitzgibbon, Frame and Davis

Creating the state office of behavioral health consumer advocacy.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1086 was substituted for House Bill No. 1086 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1086 was read the second time.

Representative Davis moved the adoption of amendment (261):

On page 3, line 4, after "facilities." insert "Prior to the establishment and operation of the office, the department shall solicit recommendations from members of the behavioral health community for options to rename the office and the certified behavioral health consumer advocates in a way that shows respect for the community that the office and the advocates serve. Prior to the office beginning operations, the department must rename the office and the certified behavioral health consumer advocates from the options proposed by the community."

On page 4, line 1, after "(1)" insert "Selection of a name for the contracting advocacy organization to use for the advocacy program that it operates pursuant to contract with the office. The name must be selected by the statewide advisory council established in this section and must be separate and distinguishable from that of the office.

(2)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Davis and Schmick spoke in favor of the adoption of the amendment.

Amendment (261) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simmons and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1086.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1086, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1086, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1145, by Representative Rude

Allowing the use of nonwood renewable fiber in recycled content paper carryout bags.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1145 was substituted for House Bill No. 1145 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1145 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rude and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1145.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1145, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1145, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1107, by Representatives Chapman, Barkis, Corry, Tharinger and Graham

Expanding certain nonresident vessel permit provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1107 was substituted for House Bill No. 1107 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1107 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chapman and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1107.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1107, and the bill passed the

House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1107, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1216, by Representatives Ramos, Callan, Lekanoff, Fitzgibbon, Kloba, Ortiz-Self, Ormsby, Hackney and Ramel

Concerning urban and community forestry.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1216 was substituted for House Bill No. 1216 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1216 was read the second time.

With the consent of the House, amendment (217) was withdrawn.

Representative Dye moved the adoption of amendment (248):

On page 5, beginning on line 37, beginning with "in" strike all material through "areas" on line 38 and insert "within an urban growth area designated under RCW 36.70A.110"

Representative Dye spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Amendment (248) was not adopted.

Representative Schmick moved the adoption of amendment (219):

On page 7, after line 24, insert the following:

"(5) An owner of private property may opt out of an urban and community forestry program established by a city, county, or federally recognized tribe pursuant to this chapter. The property owner opting out must provide notice to the city, county, or federally recognized tribe in either written or electronic form."

Representatives Schmick and Ramos spoke in favor of the adoption of the amendment.

Amendment (219) was adopted.

Representative Orcutt moved the adoption of amendment (204):

On page 10, beginning on line 16, strike all of subsection (1)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 10, line 31, after "(4)" strike all material through "communities" and insert "Communities may consult with individuals with expertise in urban forestry or landscaping"

On page 11, line 34, after "through" strike "appropriate siting of" and insert "site-appropriate"

On page 11, line 36, after "(5)" strike all material through "communities" and insert "Communities may consult with individuals with expertise in urban forestry or landscaping"

Representatives Orcutt, Orcutt (again) and Klicker spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Amendment (204) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramos, Dye, Shewmake and Dent spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1216.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1216, and the bill passed the House by the following vote: Yeas, 72; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lovick, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Chandler, Chase, Dufault, Goehner, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox and Young.

Excused: Representative Lekanoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1315, by Representatives Mosbrucker, Orwall, Ryu, Simmons, Leavitt, Sells, Wylie, Ortiz-Self, Davis, Valdez, J. Johnson, Ormsby, Rule, Lekanoff, Duerr and Goodman

Creating a task force to identify the role of the workplace in helping curb domestic violence.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1315.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1315, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

HOUSE BILL NO. 1315, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1423, by Representatives Fitzgibbon, Springer and Dent

Concerning smoke management civil enforcement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1423 was substituted for House Bill No. 1423 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1423 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1423.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1423, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel,

Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and McCaslin.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1423, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1471, by Representatives Santos, Harris-Talley and Lekanoff

Concerning community preservation and development authorities.

The bill was read the second time.

Representative Santos moved the adoption of amendment (262):

On page 1, line 4, after **"Sec. 1."** insert "RCW 43.167.003 and 2019 c 447 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community" means a group of people who reside or work in the geographic area established by the community preservation and development authority board or the proposal to create the authority and who currently or historically share a distinct cultural identity or local history.

(2) "Community preservation and development authority" or "authority" means ((~~an authority~~)) a public body corporate and politic and instrumentality of the state of Washington created by members of an impacted community.

(3) "Constituency" means the general membership of the community preservation and development authority, which membership must be open to all persons eighteen years of age and over who are residents, property owners, employees, or business persons within the geographic boundaries established by the authority or the proposal to create the authority.

(4) "Impacted community" means a community that has been adversely impacted by the construction of, or ongoing operation of, multiple major public facilities, public works, and capital projects with significant public funding or by other land use decisions.

(5) "Major public facilities project, public works project, or capital project with significant public funding" means any capital project whose total cost exceeds ten million dollars. On July 1, 2019, and on July 1st of each odd-numbered year thereafter, the capital project cost threshold must be adjusted by the capital project cost adjustment factor for inflation established by the office of financial management.

Sec. 2."

Correct the title.

Representatives Santos and Boehnke spoke in favor of the adoption of the amendment.

Amendment (262) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1471.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1471, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Lekanoff.

ENGROSSED HOUSE BILL NO. 1471, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1073
HOUSE BILL NO. 1113
HOUSE BILL NO. 1115
HOUSE BILL NO. 1140
HOUSE BILL NO. 1152
HOUSE BILL NO. 1167
HOUSE BILL NO. 1169
HOUSE BILL NO. 1186
HOUSE BILL NO. 1207
HOUSE BILL NO. 1210
HOUSE BILL NO. 1214
HOUSE BILL NO. 1219
HOUSE BILL NO. 1227
HOUSE BILL NO. 1236
HOUSE BILL NO. 1258
HOUSE BILL NO. 1301
HOUSE BILL NO. 1370
HOUSE BILL NO. 1376
HOUSE BILL NO. 1386
HOUSE BILL NO. 1441
HOUSE BILL NO. 1446
HOUSE BILL NO. 1476
HOUSE BILL NO. 1504

There being no objection, the House adjourned until 9:00 a.m., March 2, 2021, the 51st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, March 2, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Andrew Barkis, 2nd Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

March 1, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5036,
SENATE BILL NO. 5054,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5071,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5141,
ENGROSSED SENATE BILL NO. 5164,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5259,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

SSB 5003 by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Conway, Kuderer, Randall, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to enacting the living donor act; adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.43 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

SSB 5009 by Senate Committee on Law & Justice (originally sponsored by Padden, Pedersen, Brown, McCune and Mullet)

AN ACT Relating to the uniform public expression protection act; adding a new chapter to Title 4 RCW; and repealing RCW 4.24.525.

Referred to Committee on Civil Rights & Judiciary.

E2SSB 5052 by Senate Committee on Ways & Means (originally sponsored by Keiser, Randall, Cleveland, Conway, Das, Frockt, Hasegawa, Kuderer, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Salomon, Wilson and C.)

AN ACT Relating to the creation of health equity zones; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Appropriations.

ESSB 5118 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Hasegawa, Liias, Mullet, Nguyen, Saldaña, Wilson and C.)

AN ACT Relating to supporting successful reentry; amending RCW 9.98.010; reenacting and amending RCW 36.70A.200; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Appropriations.

ESB 5158 by Senators Hawkins, Rolfes, Saldaña, Van De Wege and Wagoner

AN ACT Relating to utility wildland fire prevention advisory committee; and amending RCW 76.04.780.

Referred to Committee on Rural Development, Agriculture & Natural Resources.

SSB 5228 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Randall, Liias, Das, Lovelett, Nobles, Wilson, C., Darneille, Hasegawa, Keiser, Kuderer, Nguyen and Robinson)

AN ACT Relating to addressing disproportionate health outcomes by building a foundation of equity in

medical training; adding new sections to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5258 by Senate Committee on Ways & Means (originally sponsored by Cleveland, Robinson, Das, Nguyen, Saldaña, Wilson and C.)

AN ACT Relating to consumer directed employers; amending RCW 74.39A.500 and 74.39A.530; and amending 2018 c 278 s 30 (uncodified).

Referred to Committee on Appropriations.

2SSB 5313 by Senate Committee on Ways & Means (originally sponsored by Liias, Randall, Darneille, Das, Dhingra, Frockt, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Stanford, Van De Wege, Wilson and C.)

AN ACT Relating to health insurance discrimination; amending RCW 49.60.178, 41.05.017, and 48.43.0128; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5325 by Senate Committee on Health & Long Term Care (originally sponsored by Muzzall, Cleveland, Dozier, Frockt, Keiser, Randall, Rivers and Robinson)

AN ACT Relating to telemedicine; and amending RCW 71.24.335.

Referred to Committee on Health Care & Wellness.

SB 5345 by Senators Brown, Rolfes, Das, Hasegawa, Lovelett, Mullet, Nguyen, Randall and Rivers

AN ACT Relating to establishing a statewide industrial waste coordination program; amending RCW 42.56.270; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Appropriations.

SB 5367 by Senator Conway

AN ACT Relating to directing the department of retirement systems to create rules regarding automatic refunds of retirement contributions in the retirement systems listed in RCW 41.50.030; and adding a new section to chapter 41.50 RCW.

Referred to Committee on Appropriations.

SSB 5376 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Wellman, Conway, Das, Hunt, Kuderer, Liias, Nobles and Saldaña)

AN ACT Relating to promoting awareness of the governor's office of the education ombuds; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

2SSB 5383 by Senate Committee on Ways & Means (originally sponsored by Wellman, Short, Hunt, King, Lovelett, Nguyen, Randall, Saldaña, Warnick, Wilson, C., Wilson and L.)

AN ACT Relating to authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions; amending RCW 54.16.330, 53.08.370, and 43.330.538; adding a new section to chapter 42.56 RCW; and creating a new section.

Referred to Committee on Appropriations.

2SSB 5396 by Senate Committee on Ways & Means (originally sponsored by Lovelett, Saldaña, Conway, Das, Kuderer, Nguyen, Wilson and C.)

AN ACT Relating to expanding the sales and use tax exemption for farmworker housing; amending RCW 82.08.02745 and 82.12.02685; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

SB 5431 by Senators Randall, Nobles, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Keiser, Hunt, Honeyford, Holy, Liias, Lovelett, Nguyen, Padden, Robinson, Stanford, Wilson and C.

AN ACT Relating to creating the Rosa Franklin legislative internship program scholarship; amending RCW 43.79A.040; adding new sections to chapter 44.04 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Appropriations.

ESSB 5439 by Senate Committee on Transportation (originally sponsored by Saldaña, Kuderer, Lovelett and Nguyen)

AN ACT Relating to facilitating the coordinated installation of broadband along state highways; amending RCW 43.330.532, 43.330.534, 43.330.538, and 47.52.001; adding a new section to chapter 47.44 RCW; and creating new sections.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1015
HOUSE BILL NO. 1033
HOUSE BILL NO. 1034
HOUSE BILL NO. 1051
HOUSE BILL NO. 1067
HOUSE BILL NO. 1076
HOUSE BILL NO. 1183
HOUSE BILL NO. 1197
HOUSE BILL NO. 1209
HOUSE BILL NO. 1280
HOUSE BILL NO. 1284
HOUSE BILL NO. 1298
HOUSE BILL NO. 1306
HOUSE BILL NO. 1310
HOUSE BILL NO. 1328
HOUSE BILL NO. 1330
HOUSE BILL NO. 1354
HOUSE BILL NO. 1379
HOUSE BILL NO. 1380
HOUSE BILL NO. 1410
HOUSE BILL NO. 1418
HOUSE BILL NO. 1438
HOUSE BILL NO. 1453
HOUSE BILL NO. 1457
HOUSE BILL NO. 1477
HOUSE BILL NO. 1484
HOUSE BILL NO. 1495
HOUSE BILL NO. 1512
HOUSE BILL NO. 1521
HOUSE BILL NO. 1523

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1041, by Representatives Springer, Cody, Ortiz-Self, Gregerson, Frame and Jacobsen

Concerning sunshine committee recommendations regarding juveniles.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1041 was substituted for House Bill No. 1041 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1041 was read the second time.

With the consent of the House, amendment (147) was withdrawn.

Representative Springer moved the adoption of amendment (146):

On page 5, beginning on line 28, after "chapter," strike all material through "~~of~~))" on line 29 and insert "the release, to the juvenile or his or her attorney, of"

On page 5, beginning on line 31, after "offenses" strike all material through "request" on line 35 and insert "shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions"

On page 7, beginning on line 30, after "chapter" strike all material through "guardian" on line 33

On page 7, line 34, after "(1)" insert "(a)"

On page 7, line 36, after "recipients" insert ".

(b) Personal information of children under this subsection (1) may be disclosed if the agency has received written consent for disclosure from the child's parent or guardian"

On page 8, line 18, after "situation" insert ".

(c) Personal information of children under this subsection (2) may be disclosed if the agency has received written consent for disclosure from the child's parent or guardian"

Representatives Springer and Walsh spoke in favor of the adoption of the amendment.

Amendment (146) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer and Walsh spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Volz was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1041.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1041, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1115, by Representatives Fey, Wylie, Bronoske and Ramos

Implementing cost recovery of state agency credit card and transaction fees and related costs for driver and vehicle fee transactions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barkis, Ramos and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1115.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1115, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Leavitt and Sutherland.

Excused: Representative Volz.

HOUSE BILL NO. 1115, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1269, by Representatives Kirby, Barkis, Robertson and Chambers

Addressing motor vehicle transporter license plates.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1269 was substituted for House Bill No. 1269 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1269 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1269.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1269, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai,

Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, McCaslin and Sutherland.

Excused: Representative Volz.

SUBSTITUTE HOUSE BILL NO. 1269, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1322, by Representatives Wylie, Harris, Ortiz-Self and Eslick

Addressing off-road vehicle and snowmobile registration enforcement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1322 was substituted for House Bill No. 1322 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1322 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey, Wylie, Barkis and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1322.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1322, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

SUBSTITUTE HOUSE BILL NO. 1322, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1382, by Representatives Tharinger, Dolan, Fitzgibbon, Wylie, Hackney and Callan

Streamlining the environmental permitting process for salmon recovery projects.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1382 was substituted for House Bill No. 1382 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1382 was read the second time.

Representative Tharinger moved the adoption of amendment (274):

On page 2, line 19, after "sponsored by" strike "an Indian tribe" and insert "a federally recognized tribe"

On page 2, line 21, after "by" strike "an Indian tribe" and insert "a federally recognized tribe"

On page 3, line 1, after "affected" strike "Indian" and insert "federally recognized"

On page 3, line 5, after "affected" strike "Indian" and insert "federally recognized"

On page 3, line 10, after "affected" strike "Indian" and insert "federally recognized"

On page 3, line 14, after "affected" strike "Indian" and insert "federally recognized"

On page 4, line 6, after "affected" strike "Indian" and insert "federally recognized"

On page 4, at the beginning of line 12, strike "Indian" and insert "federally recognized"

On page 4, line 21, after "affected" strike "Indian" and insert "federally recognized"

On page 5, line 14, after "affected" strike "Indian" and insert "federally recognized"

On page 5, line 27, after "affected" strike "Indian" and insert "federally recognized"

On page 6, beginning on line 1, after "(7)" strike all material through "(8)" on line 3

Representative Tharinger spoke in favor of the adoption of the amendment.

Amendment (274) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1382.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1382, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives McCaslin and Sutherland.

Excused: Representative Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1382, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1117, by Representatives Lekanoff, Fitzgibbon, Bateman, Simmons, Ramel, Peterson, Goodman, Ryu, Kloba, Chopp, Pollet, Macri and Davis

Promoting salmon recovery through revisions to the state's comprehensive planning framework.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1117 was substituted for House Bill No. 1117 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1117 was read the second time.

With the consent of the House, amendment (212) was withdrawn.

Representative Dye moved the adoption of amendment (211):

On page 19, line 25 of the second substitute, after "plans" insert ", including parameters that affect salmonid health, including, but not limited to, stream temperature, impervious surfaces, and tree canopy cover. As part of its monitoring, and as appropriate, the department of fish and wildlife shall obtain monitoring data from relevant and reliable sources, including, but not limited to, local governments, state agencies, federal agencies, and Indian tribes"

On page 19, line 40, after "time" insert ", including, where appropriate, the efforts made by jurisdictions to address the effect of urban heat islands on salmonid health"

Representatives Dye and Lekanoff spoke in favor of the adoption of the amendment.

Amendment (211) was adopted.

Representative Lekanoff moved the adoption of amendment (207):

On page 25, beginning on line 27 of the second substitute, after "**Sec. 10.**" strike all material through "36.70A.130" on line 36 and insert "The obligation of local governments to comply with the requirements established in: (a) the amendments to RCW 36.70A.020, RCW 36.70A.060, RCW 36.70A.070, and RCW 90.74.020 set forth in this act; (b) the rules related to net ecological gain adopted pursuant to section 5 of this act; and (c) section 8 of this act, is contingent on the provision of state funding to local governments for the specific purpose of complying with these requirements. The obligation of local governments to comply with the requirements established in: (a) the amendments to RCW 36.70A.020, RCW 36.70A.060, RCW 36.70A.070, and RCW

90.74.020 set forth in this act; (b) the rules related to net ecological gain adopted pursuant to section 5 of this act; and (c) section 8 of this act, takes effect two years after the date the legislature appropriates state funding to provide to local governments for the purpose of complying with these requirements"

Representative Lekanoff spoke in favor of the adoption of the amendment.

Amendment (207) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lekanoff and Fitzgibbon spoke in favor of the passage of the bill.

Representatives Abbarno, Dye, Klicker, Walsh and Sutherland spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Leavitt was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1117.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1117, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, Macri, McEntire, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Leavitt and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1117, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1437, by Representatives MacEwen and Eslick

Concerning a vessel crewmember license.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives MacEwen and Shewmake spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1437.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1437, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Leavitt and Volz.

HOUSE BILL NO. 1437, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1529, by Representatives Barkis, Fey, Slatter and Eslick

Modifying requirements in order to pay for debt service obligations when toll revenues are not sufficient to cover legal obligations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1529 was substituted for House Bill No. 1529 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1529 was read the second time.

Representative Barkis moved the adoption of amendment (216):

On page 1, line 18, after "cover" strike "the debt service payment" and insert "such legal obligations"

On page 2, line 11, after "to," strike "all" and insert "debt service and all other"

Representative Barkis spoke in favor of the adoption of the amendment.

Amendment (216) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barkis and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1529.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1529, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1443, by Representatives Morgan, Wicks, Simmons, Berry, J. Johnson, Ramel, Kloba, Ryu, Peterson, Ormsby, Ortiz-Self, Harris-Talley and Macri

Concerning social equity within the cannabis industry.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1443 was substituted for House Bill No. 1443 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1443 was read the second time.

Representative Sullivan moved the adoption of amendment (192):

On page 4, line 14, after "((~~stakeholders~~))" strike "advocates" and insert "interested parties"

On page 4, line 29, after "and" strike "advocates" and insert "interested parties"

On page 4, line 37, after "agencies, and" strike "advocates" and insert "interested parties"

Representative Sullivan spoke in favor of the adoption of the amendment.

Amendment (192) was adopted.

Representative Chambers moved the adoption of amendment (215):

On page 8, at the beginning of line 11, strike "((~~and~~))" and insert "and"

On page 8, beginning on line 17, after "canceled" strike all material through "types" on line 33

Representative Chambers spoke in favor of the adoption of the amendment.

Representative Kloba spoke against the adoption of the amendment.

Amendment (215) was not adopted.

Representative Corry moved the adoption of amendment (169):

On page 9, beginning on line 2, strike all of section 4

Correct the title.

Representatives Corry and Kloba spoke in favor of the adoption of the amendment.

Amendment (169) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morgan and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1443.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1443, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, McCaslin, McEntire, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1355, by Representatives Dent, Chandler, Boehnke, Lovick, Dye, Fitzgibbon, Klippert, Jacobsen and Schmick

Concerning noxious weeds.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1355 was substituted for House Bill No. 1355 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1355 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Chapman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1355.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1355, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

SUBSTITUTE HOUSE BILL NO. 1355, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1140, by Representatives J. Johnson, Frame, Entenman, Sells, Taylor, Santos, Stonier, Ormsby, Lekanoff, Davis, Hackney, Macri, Callan, Chopp, Pollet, Ryu, Goodman, Berg, Ramos, Bergquist, Gregerson, Wicks, Peterson, Thai, Dolan, Bateman, Simmons, Fitzgibbon and Valdez

Concerning juvenile access to attorneys when contacted by law enforcement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1140 was substituted for House Bill No. 1140 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1140 was read the second time.

Representative Klippert moved the adoption of amendment (126):

On page 1, line 14, after "warning;" strike "or"

On page 1, line 16, after "activity" insert "; or

"(c) Requests that the juvenile provide consent to an evidentiary search of the juvenile or the juvenile's property, dwellings, or vehicles under the juvenile's control"

Representatives Klippert and Hansen spoke in favor of the adoption of the amendment.

Amendment (126) was adopted.

Representative Klippert moved the adoption of amendment (123):

On page 1, line 15, after "(b)" strike "Briefly detains" and insert "Detains"

Representatives Klippert and Hansen spoke in favor of the adoption of the amendment.

Amendment (123) was adopted.

Representative Klippert moved the adoption of amendment (124):

On page 2, line 1, after "proceeding," strike all material through "RCW 13.40.140" on line 8 and insert "unless:

(a) The juvenile has been provided with access to an attorney for consultation; and the juvenile provides an express waiver knowingly, intelligently, and voluntarily made by the juvenile after the juvenile has been fully informed of the rights being waived as required under RCW 13.40.140;

(b) The statement is for impeachment purposes; or

(c) The statement was made spontaneously"

Representatives Klippert and Hansen spoke in favor of the adoption of the amendment.

Amendment (124) was adopted.

Representative Orwall moved the adoption of amendment (115):

On page 2, beginning on line 11, after "(a)" strike all material through "threat." on line 18 and insert "The law enforcement officer believes the juvenile is a victim of trafficking as defined in RCW 9A.40.100; however, any information obtained from the juvenile by law enforcement pursuant to this subsection cannot be used in any prosecution of that juvenile; or

(b)(i) The law enforcement officer believes that the information sought is necessary to protect an individual's life from an imminent threat;

(ii) A delay to allow legal consultation would impede the protection of an individual's life from an imminent threat; and

(iii) Questioning by the law enforcement officer is limited to matters reasonably expected to obtain information necessary to protect an individual's life from an imminent threat."

Representatives Orwall and Klippert spoke in favor of the adoption of the amendment.

Amendment (115) was adopted.

Representative Klippert moved the adoption of amendment (125):

On page 4, at the beginning of line 19, strike "the juvenile's" and insert "their"

Representative Klippert withdrew amendment (125).

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative J. Johnson spoke in favor of the passage of the bill.

Representatives Walsh and Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1140.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1140, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson,

Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1219, by Representatives Frame, J. Johnson, Ramos, Bateman, Peterson, Fitzgibbon, Davis, Ryu, Fey, Senn, Lovick, Chase, Orwall, Taylor, Santos, Thai, Ortiz-Self, Ormsby, Simmons, Slatter, Berg, Chopp, Bergquist, Callan, Valdez, Macri, Goodman, Tharinger, Harris-Talley, Ybarra and Hackney

Concerning the appointment of counsel for youth in dependency court proceedings.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1219 was substituted for House Bill No. 1219 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1219 was read the second time.

Representative Walsh moved the adoption of amendment (280):

On page 10, after line 25, insert the following:

"(h) An attorney representing a child in a dependency proceeding must prioritize the child's well-being over the child's wishes."

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (280) was not adopted.

Representative Abbarno moved the adoption of amendment (279):

On page 10, line 29, after "child" insert "age 12 or older"

On page 10, beginning on line 30, after "proceeding" strike all material through "hearing" on page 11, line 9 and insert ". Appointment must be made at the same time that counsel is appointed for the child's parent, guardian, or legal custodian. If no appointment of counsel is made for the child's parent, guardian, or legal custodian, then appointment must be made at or before the commencement of the shelter care hearing"

On page 13, line 32, after "of" strike "eight" and insert "12"

Representatives Abbarno and Walsh spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (279) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Frame, Corry and Dent spoke in favor of the passage of the bill.

Representatives Graham and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1219.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1219, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Chambers, Dufault, Gilday, Goehner, Graham, Klippert, Kraft, McCaslin, Orcutt, Walsh and Young.
Excused: Representative Volz.

SECOND SUBSTITUTE HOUSE BILL NO. 1219, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

HOUSE BILL NO. 1386, by Representatives Wicks, Dolan, Lovick, Sells, Berg and Hackney

Modifying the property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas.

The bill was read the second time.

Representative Stokesbary moved the adoption of striking amendment (288):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.25.030 and 2015 1st sp.s. c 9 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means any city ((~~that: (a) Has a population of at least eighteen thousand; and (b) is north or east of the largest city in the county in which the city is located and such county has a population of at least seven hundred thousand, but less than eight hundred thousand~~)) or town.

(2) "Family living wage job" means a job that offers health care benefits with a wage that is sufficient for raising a family. A family living wage job must have an average wage of ((~~eighteen dollars~~)) $23 an hour or more, working ((~~two thousand eighty~~)) 2,080 hours per year on the subject site, as adjusted annually for inflation by the consumer price index. The family living wage may be increased by the local authority based on regional factors and wage conditions.

(3) "Governing authority" means the local legislative authority of a city or county having jurisdiction over the property for which an exemption may be applied for under this chapter.

(4) "Growth management act" means chapter 36.70A RCW.

(5) "Industrial/manufacturing facilities" means building improvements that are ((~~ten thousand~~)) 10,000 square feet or larger, representing a minimum improvement valuation of ((~~eight hundred thousand dollars~~)) $800,000 for uses categorized as "division D: manufacturing" or "division E: transportation (major groups 40-42, 45, or 47-48)" by the United States department of labor in the occupation safety and health administration's standard industrial classification manual, provided, a city may limit the tax exemption to manufacturing uses.

(6) "Lands zoned for industrial and manufacturing uses" means lands in a city zoned as of December 31, 2014, for an industrial or manufacturing use consistent with the city's comprehensive plan where the lands are designated for industry.

(7) "Owner" means the property owner of record.

(8) "Targeted area" means an area of undeveloped lands zoned for industrial and manufacturing uses in the city that is located within or contiguous to an innovation partnership zone, foreign trade zone, or EB-5 regional center, and designated for possible exemption under the provisions of this chapter.

(9) "Undeveloped or underutilized" means that there are no existing building improvements on the ((~~property or~~)) portions of the property targeted for new or expanded industrial or manufacturing uses.

Sec. 2. RCW 84.25.040 and 2015 1st sp.s. c 9 s 4 are each amended to read as follows:

(1)(a) The value of new construction of industrial/manufacturing facilities qualifying under this chapter is exempt from property taxation under this title, as provided in this section. The value of new construction of industrial/manufacturing facilities is exempt from taxation for properties for which an application for a certificate of tax exemption is submitted under this chapter before December 31, ((~~2022~~)) 2030. The value is exempt under this section for ((~~ten~~)) 10 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate.

(b) The exemption provided in this section does not include the value of

land or nonindustrial/manufacturing-related improvements not qualifying under this chapter.

(2) The exemption provided in this section is in addition to any other exemptions, deferrals, credits, grants, or other tax incentives provided by law.

(3) This chapter does not apply to state levies or increases in assessed valuation made by the assessor on nonqualifying portions of buildings and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

(4) This exemption does not apply to any county property taxes unless the governing body of the county adopts a resolution and notifies the governing authority of its intent to allow the property to be exempted from county property taxes.

(5) At the conclusion of the exemption period, the new industrial/manufacturing facilities cost must be considered as new construction for the purposes of chapter 84.55 RCW.

Sec. 3. RCW 84.25.050 and 2015 1st sp.s. c 9 s 5 are each amended to read as follows:

An owner of property making application under this chapter must meet the following requirements:

(1) The new construction of industrial/manufacturing facilities must be located on land zoned for industrial and manufacturing uses, undeveloped or underutilized, and as provided in RCW 84.25.060, designated by the city as a targeted area;

(2) The new construction of industrial/manufacturing facilities must meet all construction and development regulations of the city;

(3) The new construction of industrial/manufacturing facilities must be completed within three years from the date of approval of the application; and

(4) The applicant must enter into a contract with the city approved by the city governing authority((~~, or an administrative official or commission authorized by the governing authority,~~)) under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority.

Sec. 4. RCW 84.25.080 and 2015 1st sp.s. c 9 s 8 are each amended to read as follows:

(1) The ((~~duly authorized administrative official or committee of the~~)) city governing authority may approve the application if it finds that:

((~~(1)~~)) (a) A minimum of ((~~twenty-five~~)) 25 new family living wage jobs will be created on the subject site as a result of new construction of ((~~manufacturing/industrial [industrial/manufacturing]~~)) industrial/manufacturing facilities within one year of building occupancy;

((~~(2)~~)) (b) The proposed project is, or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved; and

((~~(3)~~)) (c) The criteria of this chapter have been satisfied.

(2) Priority must be given to applications that meet the following labor specifications during the new construction and ongoing business of industrial/manufacturing facilities:

(a) Compensate workers at prevailing wage rates as determined by the department of labor and industries;

(b) Procure from, and contract with, women-owned, minority-owned, or veteran-owned businesses;

(c) Procure from, and contract with, entities that have a history of complying with federal and state wage and hour laws and regulations;

(d) Include apprenticeship utilization from state-registered apprenticeship programs;

(e) Provide for preferred entry for workers living in the area where the project is being constructed; and

(f) Maintain certain labor standards for workers employed primarily at the facility after construction, including production, maintenance, and operational employees.

Sec. 5. RCW 84.25.090 and 2015 1st sp.s. c 9 s 9 are each amended to read as follows:

(1) The city governing authority ((~~or its authorized representative~~)) must approve or deny an application filed under this chapter within ninety days after receipt of the application.

(2) If the application is approved, the city must issue the owner of the property a conditional certificate of acceptance of tax exemption. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required criteria of this chapter.

(3) If the application is denied by the city, the city must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

(4) Upon denial by the city, an applicant may appeal the denial to the city's governing authority within thirty days after receipt of the denial. The appeal before the city's governing authority must be based upon the record made before the city with the burden of proof on the applicant to show that there was no substantial evidence to support the city's decision. The decision of the city in denying or approving the application is final.

Sec. 6. RCW 84.25.130 and 2015 1st sp.s. c 9 s 13 are each amended to read as follows:

(1) If the value of improvements have been exempted under this chapter, the improvements continue to be exempted for the applicable period under this chapter so long as they are not converted to another use and continue to satisfy all applicable conditions including, but not limited to, zoning, land use, building, and family-wage job creation.

(2) If an owner voluntarily opts to discontinue compliance with the requirements of this chapter, the owner must notify the assessor within ((~~sixty~~)) 60 days of the change in use or intended discontinuance.

(3) If, after a certificate of tax exemption has been filed with the county assessor, the city discovers that a portion of the property is changed or will be changed to disqualify the owner for exemption eligibility under this chapter, the tax exemption must be canceled and the following occurs:

(a) Additional real property tax must be imposed on the value of the nonqualifying improvements in the amount that would be imposed if an exemption had not been available under this chapter, plus a penalty equal to ((~~twenty~~)) 20 percent of the additional value. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonqualifying use;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty becomes a lien on the property and attaches at the time the property or portion of the property is removed from the qualifying use under this chapter or the amenities no longer meet the applicable requirements for exemption under this chapter. A lien under this section has priority to, and must be fully paid and satisfied before, a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent property taxes.

(4) If, after a certificate of tax exemption has been filed with the county assessor, the city discovers that the facility maintains fewer than 25 family living wage jobs, the owner is considered ineligible for the exemption under this chapter, and the following must occur:

(a) The tax exemption must be canceled; and

(b) Additional real property tax must be imposed in the amount that would be imposed if an exemption had not been available under this chapter, dated back to the date that the facility last

maintained a minimum of 25 family living wage jobs.

(5) Upon a determination that a tax exemption is to be terminated for a reason stated in this section, the city's governing authority must notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to terminate the exemption. The owner may appeal the determination to the city, within ((~~thirty~~)) 30 days by filing a notice of appeal with the city, which notice must specify the factual and legal basis on which the determination of termination is alleged to be erroneous. At an appeal hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer must either affirm, modify, or repeal the decision of termination of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court as provided in RCW 34.05.510 through 34.05.598.

((~~(5)~~)) (6) Upon determination by the city to terminate an exemption, the county officials having possession of the assessment and tax rolls must correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor must make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The value of the new industrial/manufacturing facilities added to the rolls is considered new construction for the purposes of chapter 84.40 RCW. The owner may appeal the valuation to the county board of equalization as provided in chapter 84.40 RCW. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1st of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered."

Correct the title.

Representatives Stokesbary and Berg spoke in favor of the adoption of the striking amendment.

Striking amendment (288) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wicks and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1386.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1386, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

ENGROSSED HOUSE BILL NO. 1386, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1186, by Representatives Goodman, Senn, Sullivan, Leavitt, Gregerson, Fitzgibbon, Ortiz-Self, Duerr, Tharinger, Macri, Davis, Pollet, Callan, Harris-Talley and Hackney

Concerning juvenile rehabilitation.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1186 was substituted for House Bill No. 1186 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1186 was read the second time.

With the consent of the House, amendment (233) was withdrawn.

Representative Klippert moved the adoption of amendment (275):

On page 2, beginning on line 16, after "After" strike all material through "served" on line 17 and insert "earning eligibility as provided under RCW 13.40.205(f)"

On page 12, beginning on line 34, after "must" strike all material through "confinement" on line 35 and insert "earn eligibility as provided under RCW 13.40.205(f)"

On page 13, after line 21, insert the following:

"(f) A person may earn the ability to serve the remainder of the person's term of confinement in community transition services after serving at least 60 percent of their minimum term of confinement and meeting one of the following conditions:

(i) Receiving a high school diploma or equivalent while residing in a juvenile institution;

(ii) Completing a vocational or apprenticeship program while residing in a juvenile institution; or

(iii) Securing employment that will begin upon entry into community transition services."

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Callan spoke against the adoption of the amendment.

Amendment (275) was not adopted.

Representative Goodman moved the adoption of amendment (234):

On page 2, line 17, after "served" insert ", and no less than 15 weeks of total confinement served including time spent in detention prior to sentencing or the entry of a dispositional order"

On page 2, line 23, after "community." insert "The department's determination described under this subsection must include consideration of the person's behavior while in confinement and any disciplinary considerations."

On page 3, line 14, after "(b)" insert "Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;

(c)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 12, line 32, after "programming." insert "The department's determination described under this subsection must include consideration of the person's behavior while in confinement and any disciplinary considerations."

On page 12, line 35, after "confinement" insert "and no less than 15 weeks of total confinement including time spent in detention prior to sentencing or the entry of a dispositional order"

On page 13, line 20, after "(ii)" insert "Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;

(iii)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representative Goodman spoke in favor of the adoption of the amendment.

There being no objection, the House deferred action on SECOND SUBSTITUTE HOUSE BILL NO. 1186, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1214, by Representatives Senn, J. Johnson, Ramos, Dolan, Lovick, Santos, Ortiz-Self, Slatter, Berg, Hackney, Callan, Valdez, Macri and Frame

Providing K-12 public school safety and security services by classified staff or contractors.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1214 was substituted for House Bill No. 1214 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1214 was read the second time.

Representative Dolan moved the adoption of amendment (113):

On page 2, beginning on line 5, after "training" strike "and offer a certificate of completion of all the training requirements"

On page 3, beginning on line 8, after "staff" strike "were issued a certificate of completion" and insert "have training series documentation provided"

On page 3, beginning on line 29, after "may" strike "apply for a certificate of completion" and insert "request training series documentation from an educational service district"

On page 5, beginning on line 14, after "must" strike all material through "completion" at the beginning of line 17 and insert "provide to safety and security staff, upon request, documentation that the safety and security staff training series described in section 3(2) of this act has been completed. Before providing this training series documentation"

On page 8, beginning on line 17, after "staff" strike "were issued a certificate of completion" and insert "have training series documentation provided"

On page 8, line 20, after "described" strike "under" and insert "in"

Representatives Dolan and Rude spoke in favor of the adoption of the amendment.

Amendment (113) was adopted.

Representative Klippert moved the adoption of amendment (298):

On page 2, line 24, after "race" strike ", ethnicity, and other demographics"

Representative Klippert and Klippert (again) spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (298) and the amendment was not adopted by the following vote: Yeas: 38; Nays: 59; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Sutherland, Vick, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Volz

Representative Klippert moved the adoption of amendment (299):

On page 2, on line 27, after "1973;" insert "and"

On page 2, beginning on line 29, after "staff" strike all material through "instruction" on line 31

Representative Klippert and Klippert (again) spoke in favor of the adoption of the amendment.

Representative Dolan spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (299) and the amendment was not adopted by the following vote: Yeas: 40; Nays: 57; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Volz

Representative Klippert moved the adoption of amendment (301):

On page 6, beginning on line 33, after "(i)" strike all material through

"(iii)))" on line 38 and insert "((Prohibits a school resource officer from becoming involved in formal school discipline situations that are the responsibility of school administrators;

(ii))) Acknowledges the role of a school resource officer as a teacher, informal counselor, and law enforcement officer; and

(((iii))) (ii)"

Representative Klippert spoke in favor of the adoption of the amendment.

Representatives Santos and Stonier spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (301) and the amendment was not adopted by the following vote: Yeas: 40; Nays: 57; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Volz

Representative Klippert moved the adoption of amendment (300):

On page 7, line 40, after "to" insert "build positive relationships with students and"

Representatives Klippert and Senn spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (300) and the amendment was adopted by the following vote: Yeas: 64; Nays: 33; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Berry, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chase, Corry, Davis, Dent, Dolan, Dufault, Dye, Eslick, Fitzgibbon, Gilday, Goehner, Graham, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, Jinkins, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Springer, Steele, Stokesbary, Sullivan, Sutherland, Tharinger, Vick, Walsh, Wicks, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Callan, Chapman, Chopp, Cody, Duerr, Entenman, Fey, Frame, Goodman, Gregerson, Harris-Talley, Johnson, J., Kloba, Macri, Morgan, Ormsby, Peterson, Pollet, Ramel, Ramos, Riccelli, Shewmake, Simmons, Slatter, Stonier, Taylor, Thai, Valdez, Walen, and Wylie

Excused: Representative Volz

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn, Ybarra and Dolan spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1214.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1214, and the bill passed the House by the following vote: Yeas, 67; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Stokesbary, Sutherland, Vick, Walsh and Young.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., March 3, 2021, the 52nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY SECOND DAY

House Chamber, Olympia, Wednesday, March 3, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Tana Senn, 41st Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

March 2, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5022,
SECOND SUBSTITUTE SENATE BILL NO. 5045,
SENATE BILL NO. 5063,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5097,
SENATE BILL NO. 5133,
SECOND SUBSTITUTE SENATE BILL NO. 5241,
SUBSTITUTE SENATE BILL NO. 5254,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5287,
SUBSTITUTE SENATE BILL NO. 5342,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5377,
SENATE BILL NO. 5385,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5399,
SUBSTITUTE SENATE BILL NO. 5401,
SUBSTITUTE SENATE BILL NO. 5406,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5408,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5441,
SENATE JOINT MEMORIAL NO. 8004,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

E2SSB 5036 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Carlyle, Darneille, Das, Hasegawa, Mullet, Nguyen, Pedersen, Stanford, Wellman, Wilson and C.)

AN ACT Relating to the release of incarcerated individuals from total confinement prior to the expiration of a sentence; amending RCW 9.94A.501, 9.94A.565, 9.94A.633, 9.94A.728, and 9.94A.880; reenacting and amending RCW 9.94A.885; adding a new section to chapter 9.94A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

SB 5054 by Senators Padden, Frockt, Conway, McCune and Short

AN ACT Relating to impaired driving; amending RCW 46.61.502, 46.61.5055, 46.61.5055, 46.61.504, and 9.94A.525; prescribing penalties; providing and effective date; and providing an expiration date.

Referred to Committee on Appropriations.

E2SSB 5071 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Darneille, Das, Hunt, Kuderer, Nguyen, Wilson and C.)

AN ACT Relating to creating transition teams to assist specified persons under civil commitment; amending RCW 10.77.150, 71.05.320, 71.05.320, 10.77.060, 70.02.230, 70.02.240, 71.24.035, 10.77.010, 71.05.740, 71.24.035, and 71.24.045; amending 2020 c 302 s 110 (uncodified); reenacting and amending RCW 71.05.020, 71.05.020, 71.05.020, and 71.05.020; adding a new section to chapter 10.77 RCW; adding a new section to chapter 71.24 RCW; creating new sections; providing effective dates; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Appropriations.

E2SSB 5141 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Lovelett, Carlyle, Das, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Nobles, Pedersen, Rolfes, Stanford, Wilson and C.)

AN ACT Relating to reducing environmental and health disparities and improving the health of all Washington state residents by implementing the

recommendations of the environmental justice task force; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 90.71 RCW; and adding a new chapter to Title 70A RCW.

Referred to Committee on Appropriations.

ESB 5164 by Senators Darneille, Das, Kuderer, Hasegawa, Liias, Saldaña, Salomon, Wilson and C.

AN ACT Relating to resentencing of individuals sentenced as a persistent offender due to a robbery in the second degree conviction; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

E2SSB 5259 by Senate Committee on Ways & Means (originally sponsored by Nobles, Carlyle, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Pedersen, Randall, Robinson, Saldaña, Stanford, Wellman, Wilson and C.)

AN ACT Relating to requiring reporting, collecting, and publishing information regarding law enforcement interactions with the communities they serve; adding a new chapter to Title 10 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

The House resumed consideration of SECOND SUBSTITUTE HOUSE BILL NO. 1186 on second reading.

Representative Goodman moved the adoption of amendment (234):

On page 2, line 17, after "served" insert ", and no less than 15 weeks of total confinement served including time spent in detention prior to sentencing or the entry of a dispositional order"

On page 2, line 23, after "community." insert "The department's determination described under this subsection must include consideration of the person's behavior while in confinement and any disciplinary considerations."

On page 3, line 14, after "(b)" insert "Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;

(c)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 12, line 32, after "programming." insert "The department's determination described under this subsection must include consideration of the person's behavior while in confinement and any disciplinary considerations."

On page 12, line 35, after "confinement" insert "and no less than 15 weeks of total confinement including time spent in detention prior to sentencing or the entry of a dispositional order"

On page 13, line 20, after "(ii)" insert "Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;

(iii)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Goodman and Klippert spoke in favor of the adoption of the amendment.

Amendment (234) was adopted.

Representative Graham moved the adoption of amendment (285):

On page 3, line 14, after "(b)" insert "Persons who were adjudicated or convicted of the crime of murder in the first or second degree;

(c) Persons who meet the definition of a "persistent offender" as defined under RCW 9.94A.030;

(d)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 13, line 20, after "(ii)" insert "Persons who were adjudicated or convicted of the crime of murder in the first or second degree;

(iii) Persons who meet the definition of a "persistent offender" as defined under RCW 9.94A.030;

(iv)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Graham, Senn and Walsh spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

MOTION

On motion of Representative Griffey, Representative Volz was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (285) and the amendment was adopted by the following vote: Yeas: 59; Nays: 38; Absent: 0; Excused: 1

Voting yea: Representatives Barkis, Berg, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Cody, Corry, Dent, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Jinkins, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Orwall, Paul, Robertson, Rude, Rule, Schmick, Sells, Senn, Shewmake, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Vick, Walsh, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representatives Abbarno, Bateman, Bergquist, Berry, Callan, Chopp, Davis, Dolan, Entenman, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Johnson, J., Kirby, Kloba, Macri, Morgan, Ormsby, Ortiz-Self, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Simmons, Slatter, Springer, Taylor, Thai, Tharinger, Valdez, Walen, and Wicks

Excused: Representative Volz

Representative Klippert moved the adoption of amendment (282):

On page 3, line 19, after "confinement" insert ", not to exceed 12 months,"

On page 5, line 26, after "confinement" insert ", not to exceed 12 months,"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (282) was not adopted.

Representative Harris-Talley moved the adoption of amendment (278):

On page 3, line 25, after "location;" strike "and"

On page 3, line 29, after "reentry" insert "; and

(d) The department of children, youth, and families prioritizes the delivery of available programming from individuals who share characteristics with the individual being served related to: Race; ethnicity; sexual identity; and gender identity"

On page 19, after line 35, insert the following:

"NEW SECTION. **Sec. 10.** (1) The Washington partnership council on juvenile justice shall convene stakeholders to develop recommendations regarding improving outcomes for individuals exiting a juvenile detention facility or institution, with a focus on:

(a) Increasing community involvement before and after the individual's exit from a juvenile detention facility or institution;

(b) Geographic barriers or inequities in re-entry related services; and

(c) Re-entry related service gaps that should be addressed.

(2) The Washington partnership council on juvenile justice shall include, at a minimum, the following stakeholders in the requirements included in this section:

(a) Two individuals who were confined in a juvenile detention facility or institution;

(b) A family member of an individual who was confined in a juvenile detention facility or institution;

(c) A representative of the department of children, youth, and families;

(d) A representative of the Washington association of prosecuting attorneys;

(e) A representative of the Washington association of sheriffs and police chiefs;

(f) A representative of a statewide organization representing criminal defense attorneys;

(g) A representative of a statewide organization representing public defenders;

(h) A representative of a statewide organization providing legal services to youth;

(i) A representative from the office of the superintendent of public instruction;

(j) A representative from the state board for community and technical colleges;

(k) A representative from the Washington student achievement council; and

(l) Two representatives from service providers that assist individuals when exiting from a juvenile detention facility or institution by providing mentoring or other community involvement opportunities to that individual.

(3)(a) By November 1, 2021, and in compliance with RCW 43.01.036, the Washington partnership council on juvenile justice shall submit an initial set of recommendations to the appropriate committees of the legislature and the governor related to improving outcomes for individuals exiting a juvenile detention facility or institution as required under this section.

(b) By September 1, 2022, the Washington partnership council on juvenile justice shall submit a final report to the appropriate committees of the legislature and the governor that describes the recommendations related to improving outcomes for individuals exiting a juvenile detention facility or institution as required under this section.

(4) The following definitions apply to this section:

(a) "Detention facility" means:

(i) Any detention facility as defined under RCW 13.40.020; and

(ii) Any juvenile correctional facility under alternative administration operated under a consortium of counties under RCW 13.04.035.

(b) "Institution" has the same meaning as in RCW 13.40.020.

(5) This section expires on January 1, 2023."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Harris-Talley spoke in favor of the adoption of the amendment.

Representative Dent spoke against the adoption of the amendment.

Amendment (278) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Harris-Talley, Sutherland, Graham and Senn spoke in favor of the passage of the bill.

Representatives Dent, Klippert and Young spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1186.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1186, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1186, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1301, by Representatives Fitzgibbon, Hackney, Valdez and Macri

Providing expanded options for fare enforcement by regional transit authorities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1301 was substituted for House Bill No. 1301 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1301 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1301.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1301, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representative Young.

Excused: Representative Volz.

SUBSTITUTE HOUSE BILL NO. 1301, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1446, by Representative Fey

Prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1446 was substituted for House Bill No. 1446 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1446 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey, Dye and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1446.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1446, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Berry, Frame, Harris-Talley and Macri.

Excused: Representative Volz.

SUBSTITUTE HOUSE BILL NO. 1446, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1207, by Representatives Ramel, Boehnke, Lekanoff, Lovick, Ortiz-Self, Eslick, Bergquist and Leavitt

Improving access to department of licensing issued documents by extending the issuance period of driver licenses and identicards to eight years, allowing online issuance and renewal of instruction permits, and

expanding online renewal of driver licenses and identicards.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1207 was substituted for House Bill No. 1207 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1207 was read the second time.

Representative Sutherland moved the adoption of amendment (283):

On page 2, line 23, after "hundred" strike "thirty-six" and insert "fifteen"

On page 5, line 11, after "((~~fifty-four~~))" strike "seventy-two" and insert "sixty-five"

On page 9, at the beginning of line 14, strike "seventy-two" and insert "sixty-five"

On page 11, line 25, after "((~~forty-five~~))" strike "seventy-two" and insert "sixty-five"

On page 14, line 2, after "((~~twenty-four~~))" strike "thirty-two" and insert "twenty-five"

On page 15, line 1, after "((~~thirty~~))" strike "forty" and insert "thirty-five"

Representative Sutherland spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (283) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramel and Barkis spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1207.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1207, and the bill passed the House by the following vote: Yeas, 81; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Chase, Corry, Dufault, Dye, Graham, Kraft, McCaslin, McEntire, Robertson, Schmick, Sutherland, Vick, Walsh and Young.

Excused: Representative Volz.

SUBSTITUTE HOUSE BILL NO. 1207, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1453, by Representatives Bergquist, Volz, Valdez, Lekanoff, Shewmake, Sutherland and Riccelli

Concerning voters' pamphlets.

The bill was read the second time.

Representative Walsh moved the adoption of amendment (105):

On page 6, line 7, beginning with "(a)" strike all material through "herself;"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, beginning on line 12, beginning with "(a)" strike all material through "opponent;" on line 13

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, beginning on line 19, beginning with "(a)" strike all material through "opponents;" on line 20

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 10, beginning on line 34, beginning with "(A)" strike all material through "opponent;" on line 35

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Walsh and Valdez spoke in favor of the adoption of the amendment.

Amendment (105) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bergquist and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1453.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1453, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Corry, Kraft, McCaslin, Orcutt and Young.

Excused: Representative Volz.

ENGROSSED HOUSE BILL NO. 1453, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1521, by Representatives Entenman, Sullivan, Callan, Jacobsen, Taylor, Stokesbary, Gregerson and Ormsby

Supporting warehousing and manufacturing job centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1521 was substituted for House Bill No. 1521 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1521 was read the second time.

Representative Entenman moved the adoption of amendment (335):

On page 2, after line 24, insert the following:

"NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021."

Correct the title.

Representative Entenman spoke in favor of the adoption of the amendment.

Amendment (335) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Entenman, Orcutt and Sullivan spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1521.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1521, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

HOUSE BILL NO. 1113, by Representatives Ortiz-Self, Kloba and Pollet

Concerning school attendance.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1113 was substituted for House Bill No. 1113 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1113 was read the second time.

Representative Harris-Talley moved the adoption of amendment (339):

On page 1, after line 6, insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that student absences from school can be an indicator that the academic and social-emotional needs of the students are not being met in the public school or classroom or through the school culture or climate. Student absences can also signal to educators that families may need additional information and assistance in supporting student learning within the home.

(2) The legislature finds that as research and public awareness grows about the impact of school climate and culture on the academic and social-emotional experiences of students, the systems of public education must shift away from enforcing punitive, compliance-focused policies and toward enabling constructive, student-centered practices. The legislature further finds that a student-centered system of public education serves the individual needs of students with strong family engagement and through integrated supports provided by the state, public schools, and the greater community.

(3) Therefore, the legislature intends to refocus the attendance policies and practices of the public education system to emphasize individualized student and family supports that are culturally responsive, evidence-informed, and show promising practice for integrating multiple systems of support to effectively improve consistent student attendance at school and family engagement in student learning.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.225 RCW to read as follows:

The office of the superintendent of public instruction shall develop and publish best practice guidance to eliminate or reduce student absences and to otherwise implement the requirements of this chapter. The guidance must focus on student and family engagement, be based in restorative justice practices, and emphasize integration of student and family support systems. The guidance must be developed in consultation with the educational opportunity gap oversight and accountability committee and updated periodically."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, line 31, after "child's" strike "fifth" and insert "seventh"

On page 2, line 31, after "absence" insert "within any month"

On page 3, after line 2, insert the following:

"**Sec. 3.** RCW 28A.225.030 and 2017 c 291 s 6 are each amended to read as follows:

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, ((~~not later than the~~)) after the child's seventh unexcused absence ((~~by a child~~)) within any month during the current school year ((~~or~~)) and not later than the ((~~tenth~~)) 15th unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by

the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document provided to the parent, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the ((~~fifth~~)) seventh unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with ((~~five~~)) seven or more unexcused absences in any month during the current school year or upon the ((~~tenth~~)) 15th unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

Sec. 4. RCW 28A.225.151 and 2017 c 291 s 7 are each amended to read as follows:

(1) As required under subsection (2) of this section, the office of superintendent of public instruction shall collect and school districts shall submit student-level truancy data in order to allow a better understanding of actions taken under RCW 28A.225.030. The office shall prepare an annual report to the legislature by December 15th of each year.

(2) The reports under subsection (1) of this section shall include, disaggregated by student group:

(a) The number of enrolled students and the number of unexcused absences;

(b) The number of enrolled students with ((~~ten~~)) 15 or more unexcused absences in a school year or ((~~five~~)) seven or more unexcused absences in a month during a school year;

(c) A description of any programs or schools developed to serve students who have had ((~~five~~)) seven or more unexcused absences in a month or ((~~ten~~)) 15 in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090;

(d) The number of petitions filed by a school district with the juvenile court and, beginning in the 2018-19 school year, whether the petition results in:

(i) Referral to a community truancy board;

(ii) Other coordinated means of intervention;

(iii) A hearing in the juvenile court; or

(iv) Other less restrictive disposition (e.g., change of placement, home school, alternative learning experience, residential treatment); and

(e) Each instance of imposition of detention for failure to comply with a court order under RCW 28A.225.090, with a statement of the reasons for each instance of detention.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data to provide a clearer

understanding of actions taken under RCW 28A.225.030."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 3, line 9, after "child's" strike "fifth" and insert "seventh"

On page 3, line 28, after "than the" strike "fifth" and insert "((~~fifth~~)) seventh"

On page 4, line 2, after "with" strike "five" and insert "((~~five~~)) seven"

On page 4, line 24, after "year or" strike "five" and insert "((~~five~~)) seven"

On page 4, line 27, after "had" strike "five" and insert "((~~five~~)) seven"

On page 5, line 36, after "before the" strike "fifth" and insert "((~~fifth~~)) seventh"

Beginning on page 14, line 27, strike all of section 11

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 19, beginning on line 11, strike all of sections 13, 14, and 15 and insert the following:

"NEW SECTION. **Sec. 13.** Sections 1 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 14.** Sections 5 and 6 of this act expire August 1, 2021.

NEW SECTION. **Sec. 15.** Sections 7 through 15 of this act take effect August 1, 2021."

Correct the title.

Representative Harris-Talley spoke in favor of the adoption of the amendment.

Representative Walsh spoke against the adoption of the amendment.

Amendment (339) was adopted.

Representative Walsh moved the adoption of amendment (277):

On page 3, line 32, after "community" strike "((~~truancy~~)) engagement" and insert "truancy"

On page 3, line 33, after "community" strike "((~~truancy~~)) engagement" and insert "truancy"

On page 4, line 37, after "community" strike "((~~truancy~~)) engagement" and insert "truancy"

On page 5, beginning on line 13, strike all of sections 5 through 14

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 19, line 17, after "**15.**" strike "Except for section 12 of this act, this" and insert "This"

Correct the title.

Representatives Walsh and Ybarra spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (277) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ortiz-Self, Ybarra, Sutherland and Santos spoke in favor of the passage of the bill.

Representatives Walsh, Chase and Walsh (again) spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1113.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1113, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson,

Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Dufault, Dye, Gilday, Graham, Jacobsen, Kraft, McCaslin, McEntire, Orcutt, Robertson, Schmick, Vick and Walsh.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1189, by Representatives Duerr, Boehnke, Bateman, Sullivan, Fitzgibbon, Walen, Ramel, Springer, Wicks, Slatter, Pollet, Callan and Harris-Talley

Authorizing tax increment financing for local governments. Revised for 1st Substitute: Concerning tax increment financing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1189 was substituted for House Bill No. 1189 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1189 was read the second time.

Representative Orcutt moved the adoption of amendment (337):

On page 4, line 13, after "(f)" insert "The ordinance must submitted to the voters at a special or general election and must be approved by a majority of the persons voting. The ballot title shall include the language substantially similar to the following: "shall the local government be authorized to suspend the one percent limit on property tax increases and form a tax increment financing area";

(g)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 15, after "subsection" insert "and approval by the voters as provided in subsection (f) of this subsection"

Representatives Orcutt, Kraft, Orcutt (again) and Klippert spoke in favor of the adoption of the amendment.

Representative Frame spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (337) and the amendment was not adopted by the following vote: Yeas: 45; Nays: 52; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Johnson, J., Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Volz

Representative Duerr moved the adoption of amendment (203):

On page 4, line 34, after "must" strike "consider" and insert "prepare"

On page 5, line 40, after "review" insert "and consider any comments that the treasurer may provide upon completion of their review of the project analysis as provided under this subsection"

On page 6, from the beginning of line 1 strike all material through "necessary" on line 2 and insert "must complete the review within 90 days of receipt of the project analysis and may consult with other agencies and outside experts as necessary. Upon completing their review, the treasurer must promptly provide to the local government any comments regarding suggested revisions or enhancements to the project analysis that the treasurer deems appropriate based on the requirements in section 2(2)"

Representatives Duerr and Orcutt spoke in favor of the adoption of the amendment.

Amendment (203) was adopted.

Representative Leavitt moved the adoption of amendment (340):

On page 5, line 39, after "must" strike "submit" and insert ":

(a) Hold at least two public briefings for the community solely on the tax increment project that include the description of the increment area, the public improvements proposed to be financed with the tax allocation revenues, and a detailed estimate of tax revenues for the participating local governments and taxing districts, including the amounts allocated to the increment public improvements. The briefings must be announced at least two weeks prior to the date being held, including publishing in legal newspaper of general circulation and posting information on the local government website and all local government social media sites; and

(b) Submit"

Representatives Leavitt and Orcutt spoke in favor of the adoption of the amendment.

Amendment (340) was adopted.

Representative Orcutt moved the adoption of amendment (193):

On page 10, beginning on line 11, strike all of section 10

On page 11, beginning on line 8, strike all of section 11

Renumber the remaining sections and correct any internal references accordingly.

Correct the title.

Representative Orcutt withdrew amendment (193).

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Boehnke spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1189.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1189, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Hoff, J. Johnson, Kirby, Klippert, Kloba, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Ryu, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Bronoske, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Graham, Griffey, Harris, Jacobsen, Klicker, Kraft, Kretz, Leavitt, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Rule, Santos, Schmick, Sutherland, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1504, by Representatives Chopp, Simmons, Berry, Davis, Valdez, Wylie, J. Johnson, Ryu, Tharinger, Taylor, Goodman, Bergquist, Ramel, Peterson, Senn, Dolan, Ormsby, Duerr, Macri, Kloba, Callan, Morgan, Stonier, Pollet, Riccelli and Thai

Modifying the workforce education investment act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1504 was substituted for House Bill No. 1504 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1504 was read the second time.

Representative Chopp moved the adoption of amendment (336):

On page 6, line 8, after "~~dollars~~))" strike "$2,000,000" and insert "$5,000,000"

Representatives Chopp and Caldier spoke in favor of the adoption of the amendment.

Amendment (336) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Chopp spoke in favor of the passage of the bill.

Representatives Chambers and Caldier spoke against the passage of the bill.

MOTION

On motion of Representative Maycumber, Representative Griffey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1504.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1504, and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Rude, Rule, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1504, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on. HOUSE BILL NO. 1017, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1073, by Representatives Berry, Wicks, Fitzgibbon, Bateman, Tharinger, Simmons, Kloba, Ramel, Ortiz-Self, Goodman, Ryu, Bronoske, Hackney, Chopp, Riccelli, Stonier, Frame, Macri, Davis, Pollet, Bergquist and Harris-Talley

Expanding coverage of the paid family and medical leave program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1073 was substituted for House Bill No. 1073 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1073 was read the second time.

Representative Hoff moved the adoption of amendment (304):

On page 1, line 17, after "workers" insert "and related costs for any additional grants under RCW 50A.24.010"

On page 3, after line 21, insert the following:

"**Sec. 5.** RCW 50A.24.010 and 2019 c 13 s 36 are each amended to read as follows:

(1) The legislature recognizes that while family leave and medical leave benefit both employees and employers, there may be costs that disproportionately impact small businesses. To equitably balance the risks among employers, the legislature intends to assist small businesses with the costs of an employee's use of family or medical leave.

(2) Employers with one hundred fifty or fewer employees and employers with fifty or fewer employees who are assessed all premiums under RCW 50A.10.030(5)(b) may apply to the department for a grant under this section.

(3)(a) An employer may receive a grant of:

(i) ((~~three~~)) Three thousand dollars if the employer hires a temporary worker to replace an employee on family or medical leave for a period of seven days or more; or

(ii) Six thousand dollars if the employer hires a temporary worker to replace an employee on family or medical leave under section 3 of this act for a period of seven days or more.

(b) For an employee's family or medical leave, an employer may receive a grant of:

(i) ((~~up~~)) Up to one thousand dollars as reimbursement for significant additional wage-related costs due to the employee's leave; or

(ii) Up to two thousand dollars as reimbursement for significant additional wage-related costs due to the employee's

leave for those employees on leave under section 3 of this act.

(c) An employer may receive a grant under (a) or (b) of this subsection, but not both, except that an employer who received a grant under (b) of this subsection may receive a grant of the difference between the grant awarded under (b) of this subsection and three thousand dollars if the employee on leave extended the leave beyond the leave initially planned and the employer hired a temporary worker for the employee on leave.

(4) An employer may apply for a grant no more than ten times per calendar year and no more than once for each employee on leave.

(5) To be eligible for a grant, the employer must provide the department written documentation showing the temporary worker hired or significant wage-related costs incurred are due to an employee's use of family or medical leave.

(6) The department must assess an employer with fewer than fifty employees who receives a grant under this section for all premiums for three years from the date of receipt of a grant.

(7) ((~~The~~)) Except for any grants provided for employees on family or medical leave under section 3 of this act, grants under this section shall be funded from the family and medical leave insurance account.

(8) The commissioner shall adopt rules as necessary to implement this section.

(9) For the purposes of this section, the number of employees must be calculated as provided in RCW 50A.10.030.

(10) An employer who has an approved voluntary plan is not eligible to receive a grant under this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Hoff spoke in favor of the adoption of the amendment.

Representative Bronoske spoke against the adoption of the amendment.

Amendment (304) was not adopted.

Representative Hoff moved the adoption of amendment (305):

On page 1, line 17, after "workers" insert "and related costs for any additional grants under RCW 50A.24.010"

On page 3, after line 21, insert the following:

"Sec. 5. RCW 50A.24.010 and 2019 c 13 s 36 are each amended to read as follows:

(1) The legislature recognizes that while family leave and medical leave benefit both employees and employers, there may be costs that disproportionately impact small businesses. To equitably balance the risks among employers, the legislature intends to assist small businesses with the costs of an employee's use of family or medical leave.

(2) Employers with one hundred fifty or fewer employees and employers with fifty or fewer employees who are assessed all premiums under RCW 50A.10.030(5)(b) may apply to the department for a grant under this section.

(3)(a) An employer may receive a grant of three thousand dollars if the employer hires a temporary worker to replace an employee on family or medical leave for a period of seven days or more.

(b) For an employee's family or medical leave, an employer may receive a grant of up to one thousand dollars as reimbursement for significant additional wage-related costs due to the employee's leave.

(c) An employer may receive a grant under (a) or (b) of this subsection, but not both, except that an employer who received a grant under (b) of this subsection may receive a grant of the difference between the grant awarded under (b) of this subsection and three thousand dollars if the employee on leave extended the leave beyond the leave initially planned and the employer hired a temporary worker for the employee on leave.

(4) An employer may apply for a grant no more than ten times per calendar year and no more than once for each employee on leave.

(5) To be eligible for a grant, the employer must provide the department written documentation showing the temporary worker hired or significant

wage-related costs incurred are due to an employee's use of family or medical leave.

(6) The department must assess an employer with fewer than fifty employees who receives a grant under this section for all premiums for three years from the date of receipt of a grant.

(7) ((~~The~~)) Except for any grants provided for employees on family or medical leave under section 3 of this act, grants under this section shall be funded from the family and medical leave insurance account.

(8) The commissioner shall adopt rules as necessary to implement this section.

(9) For the purposes of this section, the number of employees must be calculated as provided in RCW 50A.10.030.

(10) An employer who has an approved voluntary plan is not eligible to receive a grant under this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Hoff and Sells spoke in favor of the adoption of the amendment.

Amendment (305) was adopted.

Representative Dufault moved the adoption of amendment (293):

On page 3, beginning on line 28, after **"Sec. 7."** strike all material through "immediately" on line 31 and insert "(1) This act takes effect ninety days following the expiration or termination of Proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19.

(2) The office of the governor must provide notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office of the governor"

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (293).

SPEAKER'S RULING

"The title of the bill is an act relating to expanding coverage of the paid family and medical leave program.

The bill provides temporary alternate eligibility for Paid Family Medical Leave claims.

Amendment (293) ties the effective date of the bill to the expiration of the Governor's proclamation declaring a state of emergency due to the COVID-19 pandemic.

This legislative session over a dozen bills have been filed relating to the emergency powers of the governor and the executive branch. The wisdom or necessity of statutes granting authority to issue emergency orders and the wisdom or necessity of the emergency orders that have been issued pursuant to such statutes are topics separate and distinct from the issue presented in the bill before us – whether to expand coverage of the paid family and medical leave program.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berry and Frame spoke in favor of the passage of the bill.

Representatives Hoff and Harris spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1073.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1073, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker,

Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1073, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1287, by Representatives Ramel, Hackney, Bateman, Fitzgibbon, Berry, Goodman, Santos, Kloba, Macri, Bergquist, Ormsby and Pollet

Concerning preparedness for a zero emissions transportation future.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1287 was substituted for House Bill No. 1287 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1287 was read the second time.

With the consent of the House, amendments (327) and (194) were withdrawn.

Representative Barkis moved the adoption of amendment (267):

On page 2, line 15, after "convenience stores" insert ", gas stations,"

On page 4, line 15, after "infrastructure." insert "The department must identify gas stations, convenience stores, and other small retailers that are colocated with existing and known electric vehicle charging infrastructure identified under this subsection."

On page 5, line 15, after "appropriate." insert "To the extent that the mapping and forecasting tool is used by the department as the basis for the identification of recommended future electric vehicle charging sites, the department must consider recommending sites that are colocated with small retailers, including gas stations and convenience stores, and other amenities."

Representatives Barkis and Ramel spoke in favor of the adoption of the amendment.

Amendment (267) was adopted.

Representative Dye moved the adoption of amendment (270):

On page 3, at the beginning of line 8, strike all material through "70A.45.020"

Representative Dye spoke in favor of the adoption of the amendment.

Representative Slatter spoke against the adoption of the amendment.

Amendment (270) was not adopted.

Representative Ramel moved the adoption of amendment (242):

On page 4, beginning on line 15, after "infrastructure" strike all material through "infrastructure" on line 18

On page 4, line 32, after "each" strike "county's" and insert "utility service area's"

On page 4, line 33, after "each" strike "county's" and insert "utility service area's"

On page 6, beginning on line 15, after "(e)" strike all material through "(f)" on line 22

Reletter the remaining subsection consecutively and correct any internal references accordingly.

On page 8, line 16, after "plan" strike "supports and"

On page 8, line 17, after "(i)" strike "(A)"

On page 8, beginning on line 19, after "area," strike all material through "70A.45.020" on line 24 and insert "including anticipated levels of zero emissions vehicle use in the utility's service area provided in section 2 of this act, if feasible"

On page 10, line 8, after "(e)" strike "Supports and accounts" and insert "Accounts"

On page 10, line 9, after "(i)" strike "(A)"

On page 10, beginning on line 11, after "area," strike all material through "70A.45.020" on line 16 and insert "including anticipated levels of zero emissions vehicle use in the utility's service area provided in section 2 of this act, if feasible"

Representatives Ramel and Barkis spoke in favor of the adoption of the amendment.

Amendment (242) was adopted.

Representative Barkis moved the adoption of amendment (158):

On page 12, after line 15, insert the following:

"Sec. 5. RCW 82.44.200 and 2019 c 287 s 15 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes, including section 2 of this act. Moneys in the account may be spent only after appropriation."

Correct the title.

Representatives Barkis and Fey spoke in favor of the adoption of the amendment.

Amendment (158) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramel, Barkis and Fey spoke in favor of the passage of the bill.

Representatives Dye, Young and McEntire spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1287.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1287, and the bill passed the House by the following vote: Yeas, 65; Nays, 31; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Sutherland, Vick, Walsh and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1287, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1267, by Representatives Entenman, Hackney, Senn, Dolan, Leavitt, Berry, Fitzgibbon, Valdez, Simmons, Ramel, Ortiz-Self, Ramos, Chopp, Davis, Thai, Bergquist, Peterson, Kloba, Callan, Lekanoff, Macri, Goodman, Gregerson, J. Johnson, Lovick, Slatter, Ryu, Berg, Harris-Talley, Sells, Tharinger, Orwall, Pollet, Santos and Ormsby

Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1267 was substituted for House Bill No. 1267 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1267 was read the second time.

With the consent of the House, amendment (295) was withdrawn.

Representative Entenman moved the adoption of amendment (263):

On page 2, line 27, after "(5)" insert ""In-custody" refers to a person who is under the physical control of a general authority Washington law enforcement agency or a limited authority Washington law enforcement agency as defined in RCW 10.93.020 or a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(6)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 1, after "2022," strike all material through

"chapter" on line 2 and insert "including any incident involving use of deadly force by an involved officer against or upon a person who is in-custody or out-of-custody"

On page 5, beginning on line 32, after "for" strike all material through "agency" on line 34 and insert "involved agencies to notify the office of any incident under the jurisdiction of the office, which must include direction to agencies as to what incidents of force and injuries and other circumstances must be reported to the office, including the timing of such reports, provided that any incident involving substantial bodily harm, great bodily harm, or death is reported to the office immediately in accordance with section 402 of this act"

On page 12, line 12, after "2022" insert ", including any incident involving use of deadly force by an involved officer against or upon a person who is in-custody or out-of-custody"

On page 16, beginning on line 20, beginning with "under" strike all material through "agency" on line 21 and insert "by an involved officer in accordance with the requirements under section 304 of this act and"

On page 20, beginning on line 30, after "limited to" strike all material through "and" on line 31 and insert "other types of in-custody deaths not involving use of force but otherwise involving criminal acts committed by involved officers as well as"

Representative Entenman spoke in favor of the adoption of the amendment.

Representative Mosbrucker spoke against the adoption of the amendment.

Amendment (263) was adopted.

Representative Klippert moved the adoption of amendment (269):

On page 9, line 7, after "racial" strike "equity" and insert "equality"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (269) was not adopted.

Representative Klippert moved the adoption of striking amendment (276):

Strike everything after the enacting clause and insert the following:

"PART I

FINDINGS AND INTENT

NEW SECTION. **Sec. 101.** (1) The legislature finds that independent investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm are a necessary component to repairing and building public trust in the public service of law enforcement.

(2) The legislature further finds that the current practice for independent investigations enables the perception that such investigations are not fully independent and objective.

(3) The legislature further finds that it is necessary to establish a new state law enforcement agency with the sole purpose of conducting independent investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011.

(4) The legislature recognizes that it is necessary to make incremental improvements to the existing system of independent investigations while a new state law enforcement agency is formed and becomes operational.

PART II

CREATING A COMPLETELY INDEPENDENT DEADLY FORCE INVESTIGATIONS AGENCY

NEW SECTION. **Sec. 201.** A new section is added to chapter 10.114 RCW to read as follows:

(1) There is hereby created a department of state government known as the Washington deadly force investigations agency.

(2) The sole purpose of the agency is to conduct completely independent investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011 and in compliance with rules adopted by the criminal justice training commission pursuant to RCW 10.114.011.

(3) The agency shall be a limited authority Washington law enforcement agency, as defined in RCW 10.93.020, for the sole purpose of, and authority in, conducting completely independent criminal investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011.

NEW SECTION. **Sec. 202.** A new section is added to chapter 10.114 RCW to read as follows:

The Washington deadly force investigations agency shall be governed by a board, which shall consist of the following:

(1) Two sheriffs appointed by the governor;

(2) Two police chiefs appointed by the governor;

(3) The chief of the Washington state patrol;

(4) One prosecuting attorney appointed by the governor;

(5) One person employed in a city law enforcement agency with experience conducting homicide investigations appointed by the governor;

(6) One person employed in a county law enforcement agency with experience conducting homicide investigations appointed by the governor;

(7) The executive director of the commission on African American affairs;

(8) The executive director of the commission on Asian Pacific American affairs;

(9) The executive director of the commission on Hispanic affairs;

(10) The executive director of the governor's office of Indian affairs;

(11) One person representing families of individuals against whom a Washington peace officer used deadly force appointed by the governor;

(12) Two members of the general public appointed by the governor; and

(13) The executive director of the criminal justice training commission, who shall be an ex officio nonvoting member.

NEW SECTION. **Sec. 203.** A new section is added to chapter 10.114 RCW to read as follows:

(1) All members appointed to the board described in section 202 of this act by the governor shall be appointed for terms of six years, such terms to commence on July 1st, and expire on June 30th: PROVIDED, That of the members first appointed, three shall be appointed for two-year terms, three shall be appointed for four-year terms, and three shall be appointed for six-year terms: PROVIDED FURTHER, That the terms of the two members appointed as police chiefs shall not expire in the same year, nor shall the terms of the two members appointed as sheriffs expire in the same year. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he or she is to succeed. Any member may be reappointed for additional terms.

(2) Any member of the board appointed pursuant to section 202 of this act by virtue of his or her elected or appointed position shall immediately, upon the termination of his or her holding of said office or employment, cease to be a member of the board.

NEW SECTION. **Sec. 204.** A new section is added to chapter 10.114 RCW to read as follows:

(1) The board described in section 202 of this act shall elect a chair and a vice chair from among its members. Eight members of the board shall constitute a quorum. The governor shall summon the board to its first meeting. Meetings may be called by the chair and shall be called by him or her upon the written request of four members.

(2) Members of the board shall be compensated in accordance with RCW 43.03.240, and shall be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Attendance at meetings of the Washington deadly force investigations agency shall be deemed performance by a member of the duties of his or her employment.

NEW SECTION. **Sec. 205.** A new section is added to chapter 10.114 RCW to read as follows:

The board described in section 202 of this act must:

(1) Select and employ an executive director to oversee the implementation of the purpose of the Washington deadly force investigations agency.

(2) Establish policies as it deems necessary pursuant to the purpose of the agency.

(3) Designate specific personnel positions as limited authority Washington peace officers for the sole purpose of conducting completely independent investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011.

(4) Adopt policies and procedures to ensure that actions of the board and board members are isolated from bias and political influence.

(5) Adopt policies and procedures to ensure that it can properly oversee the activities of the agency and the executive director without involving itself or any board member in any investigation conducted by the agency pursuant to its purpose.

(6) Adopt policies and procedures to ensure the complete independence of the agency and all agency employees in the execution of their assigned duties including, but not limited to, prohibiting the provision of mutual aid or mutual law enforcement assistance pursuant to chapter 10.93 RCW.

(7) Ensure that employees of the agency are sufficiently trained and properly equipped to carry out their assigned duties.

(8) Ensure that the agency is capable of dispatching an independent investigative team to any scene anywhere in the state 24 hours a day, 365 days a year whenever a Washington peace officer is alleged to have used deadly force that results in death, substantial bodily harm, or great bodily harm to conduct the independent investigation as required by RCW 10.114.011.

NEW SECTION. **Sec. 206.** A new section is added to chapter 10.114 RCW to read as follows:

Employees of the Washington deadly force investigations agency assigned by the executive director to positions designated by the board described in section 202 of this act as limited authority Washington peace officers:

(1) Must be certified Washington peace officers in good standing;

(2) Are explicitly prohibited from taking any law enforcement action other than conducting completely independent investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011; and

(3) Are explicitly prohibited from simultaneously being employed by, being commissioned by, having any business relationship with, or occupying any position or role in, any other law enforcement or corrections agency.

PART III

INCREMENTAL IMPROVEMENTS

NEW SECTION. **Sec. 301.** A new section is added to chapter 10.114 RCW to read as follows:

(1) A law enforcement agency conducting an independent investigation into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011 must, at the conclusion of the investigation, submit to the prosecuting attorney its certification, signed under penalty of perjury by all members of the independent investigations team, that the investigation was:

(a) Completely independent of the agency whose peace officer was involved in the use of deadly force; and

(b) In compliance with the rules adopted by the criminal justice training commission pursuant to RCW 10.114.011 by listing each substantive provision of the applicable rules adopted by the commission and indicating whether the independent investigation complied with the provision or did not comply with the provision, or that the provision was not applicable.

(2) Any peace officer who knowingly falsifies or provides misleading information on a certification required by this section, or knowingly signs a certification required by this section that contains false or misleading information, is deemed to have violated his or her duty to be truthful and honest in the conduct of his or her official business pursuant to RCW 43.101.021, and is deemed to have committed disqualifying misconduct for the purposes of revocation

of peace officer certification pursuant to RCW 43.101.105.

(3) The requirements of this section are intended solely for the guidance of prosecutors in the state of Washington, and are not intended, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

PART IV

MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 401.** A new section is added to chapter 10.114 RCW to read as follows:

The legislature hereby declares that, except as required by federal consent decree, federal settlement agreement, or federal court order, any provision of any local regulation, ordinance, collective bargaining agreement, memorandum of understanding, policy, or practice that hinders or prevents a completely independent investigation as required by RCW 10.114.011 is hereby null and void.

NEW SECTION. **Sec. 402.** A new section is added to chapter 41.56 RCW to read as follows:

Notwithstanding any provisions of this chapter, the provisions of this act and the implementation thereof do not constitute personnel matters, working conditions, or any other change that require collective bargaining.

NEW SECTION. **Sec. 403.** To the extent that any provision of this act conflicts with any local regulation, ordinance, collective bargaining agreement, memorandum of understanding, policy, or practice, the provisions of this act shall prevail and the conflicting provision shall be null and void.

NEW SECTION. **Sec. 404.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 405. RCW 10.93.020 and 2006 c 284 s 16 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor ((~~control~~)) and cannabis board, the office of the insurance commissioner, the Washington deadly force investigations agency created in section 201 of this act, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

NEW SECTION. **Sec. 406.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Klippert spoke in favor of the adoption of the striking amendment.

Representative Goodman spoke against the adoption of the striking amendment.

Striking amendment (276) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Entenman and Hackney spoke in favor of the passage of the bill.

Representatives Mosbrucker and Klippert spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1267.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1267, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan,

Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1267, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1220, by Representatives Peterson, Macri, Bateman, Ryu, Lekanoff, Fitzgibbon, Kloba, Davis, Lovick, Santos, Ortiz-Self, Simmons, Berg, Hackney, Chopp, Tharinger and Frame

Supporting emergency shelters and housing through local planning and development regulations.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1220 was substituted for House Bill No. 1220 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1220 was read the second time.

With the consent of the House, amendment (328) was withdrawn.

Representative Goehner moved the adoption of amendment (281):

On page 11, line 17, after "city" strike "may not prohibit" and insert "should consider"

On page 11, beginning on line 20, after "allowed." strike "This requirement does not preclude a code city from implementing" and insert "A code city may implement"

On page 11, line 24, after "zones." insert "A code city may prohibit emergency housing, permanent supportive housing, or indoor emergency shelters if there are safety or health concerns. A code city may restrict placement of such housing close to elementary schools, child care centers, or cannabis or liquor stores."

On page 11, line 27, after "city" strike "may not prohibit" and insert "should consider"

On page 11, at the beginning of line 30, strike "This requirement does not preclude a city from implementing" and insert "A city may implement"

On page 11, line 33, after "zones." insert "A city may prohibit emergency housing, permanent supportive housing, or indoor emergency shelters if there are safety or health concerns. A city may restrict placement of such housing close to elementary schools, child care centers, or cannabis or liquor stores."

Representative Goehner spoke in favor of the adoption of the amendment.

Representative Pollet spoke against the adoption of the amendment.

Amendment (281) was not adopted.

Representative Peterson moved the adoption of amendment (284):

On page 11, line 19, after "commercial," strike "mixed use, or form-based" and insert "or mixed use"

On page 11, line 20, after "allowed." insert "Emergency housing, permanent supportive housing, and short-term transitional or therapeutic housing, including, but not limited to, domestic violence shelters, homes for foster or other youth or young adults at risk of homelessness, or residential therapeutic services, shall be permitted by a code city at the same occupancy levels as short-term rentals permitted in the residential zone."

On page 11, line 24, after "in" strike "other zones" and insert "all zones. For purposes of this section, "short-term rental" means lodging advertised or regularly offered for overnight or daily use in exchange for compensation for periods of one month or less."

On page 11, line 28, after "commercial," insert "or"

On page 11, line 29, after "mixed use" strike ", or form-based"

On page 11, at the beginning of line 30, insert "Emergency housing, permanent supportive housing, and short-term transitional or therapeutic housing, including, but not limited to, domestic violence shelters, homes for foster or other youth or young adults at risk of homelessness, or residential therapeutic services, shall be permitted by a city at

the same occupancy levels as short-term rentals permitted in the residential zone."

On page 11, line 33, after "in" strike "other zones" and insert "all zones. For purposes of this section, "short-term rental" means lodging advertised or regularly offered for overnight or daily use in exchange for compensation for periods of one month or less."

Representative Peterson spoke in favor of the adoption of the amendment.

Representative Goehner spoke against the adoption of the amendment.

Amendment (284) was adopted.

Representative Abbarno moved the adoption of amendment (268):

On page 11, line 24, after "zones." insert "A code city may adopt ordinances to control or provide alternative options for wastewater discharge from emergency shelters that include tent encampments or vehicles in which people are living to prevent pollution of community drinking water sources, critical aquifers, or waterways. A code city may prohibit such emergency shelters if adequate onsite provisions for wastewater discharge have not been made."

On page 11, line 33, after "zones." insert "A city may adopt ordinances to control or provide alternative options for wastewater discharge from emergency shelters that include tent encampments or vehicles in which people are living to prevent pollution of community drinking water sources, critical aquifers, or waterways. A code city may prohibit such emergency shelters if adequate onsite provisions for wastewater discharge have not been made."

Representatives Abbarno, Barkis and Harris spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (268) and the amendment was not adopted by the following vote: Yeas: 41; Nays: 55; Absent: 0; Excused: 2

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representatives Griffey, and Volz

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson and Macri spoke in favor of the passage of the bill.

Representatives Goehner, Barkis, Eslick, Abbarno and Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1220.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1220, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1220, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Finance was relieved of HOUSE BILL NO. 1514, and the bill was referred to the Committee on Rules.

There being no objection, the House adjourned until 9:00 a.m., March 4, 2021, the 53rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 4, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Paul Harris, 17th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

E2SSB 5022 by Senate Committee on Ways & Means (originally sponsored by Das, Rolfes, Carlyle, Dhingra, Keiser, Kuderer, Liias, Lovelett, Nobles, Nguyen, Pedersen, Saldaña, Salomon, Stanford, Wellman, Wilson and C.)

AN ACT Relating to managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and requiring recycled content in plastic beverage containers; amending RCW 43.21B.300; reenacting and amending RCW 43.21B.110; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Appropriations.

2SSB 5045 by Senate Committee on Ways & Means (originally sponsored by Warnick, Lovelett, Robinson, Rolfes, Schoesler, Short and Van De Wege)

AN ACT Relating to expanding opportunities for meat and poultry processing and inspection; adding a new section to chapter 15.64 RCW; adding a new section to chapter 89.08 RCW; and creating a new section.

Referred to Committee on Appropriations.

SB 5063 by Senators Honeyford, Salomon, Van De Wege and Warnick

AN ACT Relating to the expiration date of the invasive species council; amending RCW 79A.25.310; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 5097 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Robinson, Conway, Darneille, Das, Hasegawa, Hunt, Keiser, Liias, Lovelett, Nguyen, Saldaña, Stanford, Van De Wege, Wilson and C.)

AN ACT Relating to expanding coverage of the paid family and medical leave program; amending RCW 50A.05.010, 50A.30.010, 50A.35.010, and 50A.35.020; and providing an effective date.

Referred to Committee on Appropriations.

SB 5133 by Senators Conway, Hasegawa, Keiser, Saldaña, Wilson and C.

AN ACT Relating to the definition of confidential employee for the purposes of state collective bargaining; and amending RCW 41.80.005.

Referred to Committee on Appropriations.

2SSB 5241 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Nguyen, Darneille, Das, Hasegawa, Hunt, Keiser, Liias, Nobles, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to promoting economic inclusion for people experiencing poverty; adding new sections to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5254 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Salomon, Darneille, Frockt, Hasegawa, Keiser, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to the use of protective devices and equipment during a public health emergency; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

E2SSB 5287 by Senate Committee on Ways & Means (originally sponsored by Das, Kuderer, Conway, Keiser, Liias, Nguyen, Nobles, Pedersen, Randall, Salomon, Wilson and C.)

AN ACT Relating to affordable housing incentives; amending RCW 84.14.005, 84.14.010, 84.14.020, 84.14.040, 84.14.100, 84.14.030, and 84.14.090; adding a new section to chapter 84.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

SSB 5342 by Senate Committee on Housing & Local Government (originally sponsored by Schoesler, Dozier, Hunt and Mullet)

AN ACT Relating to irrigation district elections; amending RCW 87.03.031, 87.03.032, 87.03.033, 87.03.045, 87.03.051, 87.03.071, 87.03.075, 87.03.085, and 87.03.105; adding new sections to chapter 87.03 RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Relations.

E2SSB 5377 by Senate Committee on Ways & Means (originally sponsored by Frockt, Keiser, Conway, Das, Dhingra, Hunt, Kuderer, Liias, Lovelett, Wilson, C., Nguyen, Pedersen, Saldaña and Salomon)

AN ACT Relating to increasing affordability of standardized plans on the individual market; amending RCW 41.05.410 and 43.71.095; adding new sections to chapter 43.71 RCW; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Appropriations.

SB 5385 by Senators Keiser, Saldaña and Nguyen

AN ACT Relating to the size of the airport a municipality must control or operate for that municipality to enact minimum labor standards for employees at the airport; and amending RCW 14.08.120.

Referred to Committee on Labor & Workplace Standards.

E2SSB 5399 by Senate Committee on Ways & Means (originally sponsored by Randall, Cleveland, Das, Dhingra, Frockt, Hunt, Kuderer, Liias, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Stanford, Van De Wege, Wellman, Wilson and C.)

AN ACT Relating to the creation of a universal health care commission; and adding a new chapter to Title 48 RCW.

Referred to Committee on Appropriations.

SSB 5401 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Nguyen, Rivers, Cleveland, Das, Dhingra, Gildon, Hasegawa, Holy, Keiser, Kuderer, Liias, Lovelett, Mullet, Saldaña, Stanford, Wellman, Wilson and C.)

AN ACT Relating to degrees in computer science; amending RCW 28B.50.825; and creating a new section.

Referred to Committee on Appropriations.

SSB 5406 by Senate Committee on Transportation (originally sponsored by Hawkins, Mullet, Brown, Dozier, Fortunato, Hobbs, Honeyford, Hunt, Rolfes, Schoesler, Short, Stanford, Warnick, Wilson and J.)

AN ACT Relating to compensation for tow truck operators for keeping the public roadways clear; and amending RCW 46.44.110.

Referred to Committee on Transportation.

ESSB 5408 by Senate Committee on Law & Justice (originally sponsored by Stanford, Das, Dhingra, Hasegawa, Kuderer, Lovelett, Nguyen, Randall, Robinson, Rolfes, Saldaña and Wellman)

AN ACT Relating to the homestead exemption; amending RCW 6.13.010, 6.13.030, 6.13.070, 6.13.090, and 61.24.100; and creating a new section.

Referred to Committee on Finance.

ESSB 5441 by Senate Committee on Health & Long Term Care (originally sponsored by Wellman, Cleveland, Das and Lovelett)

AN ACT Relating to informed consent for breast implant surgery; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SJM 8004 by Senators Hasegawa and Saldaña

Addressing "de-risking" by financial institutions.

Referred to Committee on Consumer Protection & Business.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1097, by Representatives Sells, Bateman, Ortiz-Self, Kloba, Chopp, Ormsby, Stonier and Macri

Increasing worker protections.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1097 was substituted for House Bill No. 1097 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1097 was read the second time.

Representative Hoff moved the adoption of amendment (297):

On page 1, line 17, after "workplace." insert "Any order issued under this section must include the full text of any law, rule, guidance, or policy governing the order, including the effective date of the law, rule, guidance, or policy."

Representatives Hoff and Walsh spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (297) was not adopted.

Representative Gilday moved the adoption of amendment (291):

On page 6, line 37, after "(1)" strike "(a)"

On page 7, beginning on line 4, after "includes" strike all material through "activities" on line 8 and insert "an action that would deter a reasonable employee from exercising their rights under this chapter"

Representatives Gilday and Sells spoke in favor of the adoption of the amendment.

Amendment (291) was adopted.

Representative Kraft moved the adoption of amendment (308):

On page 7, line 11, after "within" strike "((~~thirty~~)) 90" and insert "thirty"

Representative Kraft spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (308) was not adopted.

Representative Harris moved the adoption of amendment (303):

On page 8, line 36, after "has" strike "15 working" and insert "30"

On page 9, line 1, after "within" strike "15 working" and insert "30"

Representatives Harris, Hoff, Stokesbary, Graham, Boehnke, Walsh and Harris (again) spoke in favor of the adoption of the amendment.

Representatives Bronoske and Sells spoke against the adoption of the amendment.

Amendment (303) was not adopted.

Representative Hoff moved the adoption of amendment (306):

On page 13, beginning on line 2, after "authorized to" strike all material through "proclamation" on line 7 and insert "establish a safety grant program, subject to the availability of amounts appropriated for this specific purpose"

On page 13, beginning on line 18, strike all of subsection (4)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Hoff spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (306) was not adopted.

Representative Hoff moved the adoption of amendment (307):

On page 13, line 21, after "51.08.175" strike "," and insert "and"

On page 13, beginning on line 21, after "51.08.173" strike all material through "employees" on line 22

Representatives Hoff and Corry spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (307) was not adopted.

Representative Dufault moved the adoption of amendment (296):

On page 13, beginning on line 32, after "**7.**" strike all material through "2022" on line 33 and insert "(1) Sections 1, 2, and 4 of this act take effect 90 days following the expiration or termination of proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19.

(2) Section 3 of this act takes effect July 1, 2022, or 90 days following the expiration or termination of proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19, whichever date is later.

(3) The office of the governor must provide notice of the effective dates of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office of the governor"

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (296).

SPEAKER'S RULING

"The title of the bill is an act relating to increasing worker protections.

The bill amends the Washington Industrial Safety and Health Act by establishing employer appeal procedures of an order of immediate restraint, changing antiretaliation provisions, and creating a small business grant program.

Amendment (296) ties the effective date of the bill to the expiration or termination of the Governor's proclamation declaring a state of emergency due to the COVID-19 pandemic and requires the Governor to notify various entities of the effective date once the proclamation expires or is terminated.

This legislative session over a dozen bills have been filed relating to the emergency powers of the governor and the executive branch. The wisdom or necessity of statutes granting authority to issue emergency orders and the wisdom or necessity of the emergency orders that have been issued pursuant to such statutes are topics separate and distinct from the issue presented in the bill before us – whether workers should be afforded additional protections under the Washington Industrial Safety and Health Act.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells, Bronoske, Berry and Stonier spoke in favor of the passage of the bill.

Representatives Hoff, Sutherland, Abbarno, Harris, Corry, Mosbrucker, Graham, Stokesbary, Sutherland (again), Griffey, Dent, Klicker, Ybarra, Dye and Chambers spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Volz was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1097.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1097, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1241
HOUSE BILL NO. 1514

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

March 3, 2021

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5000,
SECOND SUBSTITUTE SENATE BILL NO. 5062,
SUBSTITUTE SENATE BILL NO. 5152,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5191,
SUBSTITUTE SENATE BILL NO. 5210,
SECOND SUBSTITUTE SENATE BILL NO. 5214,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5227,
SENATE BILL NO. 5242,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5245,
SUBSTITUTE SENATE BILL NO. 5249,
SECOND SUBSTITUTE SENATE BILL NO. 5253,
SECOND SUBSTITUTE SENATE BILL NO. 5265,
SENATE BILL NO. 5299,
SUBSTITUTE SENATE BILL NO. 5318,
ENGROSSED SENATE BILL NO. 5328,
SUBSTITUTE SENATE BILL NO. 5417,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1335, by Representatives Valdez, Rude, Berry, Fitzgibbon, Morgan, Santos, Shewmake, Davis, Berg, Gilday, Bergquist, Fey, Bateman, Lekanoff, Lovick, Callan, Riccelli, Rule, Pollet, Senn and Harris-Talley

Concerning review and property owner notification of recorded documents with unlawful racial restrictions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1335 was substituted for House Bill No. 1335 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1335 was read the second time.

Representative Pollet moved the adoption of striking amendment (338):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the existence of racial, religious, or ethnic-based property restrictions or covenants on a deed or chain of title for real property is like having a monument to racism on that property and is repugnant to the tenets of equality. Furthermore, such restrictions and covenants may cause mental anguish and tarnish a property owner's sense of ownership in the property because the owner feels as though they have participated in a racist act themselves.

It is the intent of the legislature that the owner, occupant, or tenant or homeowners' association board of the property which is subject to an unlawful deed restriction or covenant pursuant to RCW 49.60.224 is entitled to have discriminatory covenants and restrictions that are contrary to public policy struck from their chain of title. The legislature has presented two ways this can be accomplished through RCW 49.60.227(1) (a) and (b). If the owner, occupant, or tenant or homeowners' association board of the property elects to pursue a judicial remedy, the legislature intends that the court issue a declaratory judgment ordering the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records, to entirely strike the racist or otherwise discriminatory covenants from the chain of title. Striking the language does not prevent preservation of the original record, outside of the chain of title, for historical or archival purposes.

The legislature finds that striking racist, religious, and ethnic restrictions or covenants from the chain of title is no different than having an offensive statutory monument which the owner may entirely remove. So too should the owner be able to entirely remove the offensive written monument to racism or other unconstitutional discrimination.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.60 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington and Eastern Washington University shall review existing recorded covenants and deed restrictions to identify those recorded documents that include racial or other restrictions on property ownership or use against protected classes that are unlawful under RCW 49.60.224. For properties subject to such racial and other unlawful restrictions, the universities shall provide notice to the property owner and to the county auditor of the county in which the property is located. The universities shall provide information to the property owner on how such provisions can be struck pursuant to RCW 49.60.227. The universities may contract with other public and private not-for-profit higher education institutions that are regionally accredited to carry out the review and notification requirements of this section.

(2) This section expires July 1, 2027.

Sec. 3. RCW 64.06.020 and 2019 c 455 s 3 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT

("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . . is/ . . . . is not occupying the property.

I. SELLER'S DISCLOSURES:

*If you answer "Yes" to a question with an asterisk (*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

[ ] Yes	[ ] No	[ ] Don't know	A. Do you have legal authority to sell the property? If no, please explain.

[ ] Yes [ ] No [ ] Don't know *B. Is title to the property subject to any of the following?

(1) First right of refusal

(2) Option

(3) Lease or rental agreement

(4) Life estate?

[ ] Yes [ ] No [ ] Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?

[ ] Yes [ ] No [ ] Don't know *D. Is there a private road or easement agreement for access to the property?

[ ] Yes [ ] No [ ] Don't know *E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?

[ ] Yes [ ] No [ ] Don't know *F. Are there any written agreements for joint maintenance of an easement or right-of-way?

[ ] Yes [ ] No [ ] Don't know *G. Is there any study, survey project, or notice that would adversely affect the property?

[ ] Yes [ ] No [ ] Don't know *H. Are there any pending or existing assessments against the property?

[ ] Yes [ ] No [ ] Don't know *I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?

[ ] Yes [ ] No [ ] Don't know *J. Is there a boundary survey for the property?

[ ] Yes [ ] No [ ] Don't know *K. Are there any covenants, conditions, or restrictions recorded against the property?

NOTICE TO THE BUYER: Covenants or deed restrictions based on race, creed, sexual orientation, or other protected class were voided by RCW 49.60.224 and are unenforceable. Washington law allows for the illegal language to be struck by bringing an action in superior court or by the free recording of a restrictive covenant modification document. Many county auditor websites provide a short form with instructions on this process.

2. WATER

A. Household Water

(1) The source of water for the property is:

[ ] Private or publicly owned water system

[ ] Private well serving only the subject property . . . . . .

*[ ] Other water system

[ ] Yes [ ] No [ ] Don't know *If shared, are there any written agreements?

[ ] Yes [ ] No [ ] Don't know *(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

[ ] Yes [ ] No [ ] Don't know *(3) Are there any problems or repairs needed?

[ ] Yes [ ] No [ ] Don't know (4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.

[ ] Yes [ ] No [ ] Don't know *(5) Are there any water treatment systems for the property? If yes, are they [ ] Leased [ ] Owned

[ ] Yes [ ] No [ ] Don't know *(6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?

[ ] Yes [ ] No [ ] Don't know (a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

*(b) If yes, has all or any portion of the water right not been used for five or more successive years?

[ ] Yes [ ] No [ ] Don't know *(7) Are there any defects in the operation of the water system (e.g. pipes, tank, pump, etc.)?

B. Irrigation Water

[ ] Yes [ ] No [ ] Don't know (1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?

[ ] Yes [ ] No [ ] Don't know *(a) If yes, has all or any portion of the water right not been used for five or more successive years?

[ ] Yes [ ] No [ ] Don't know *(b) If so, is the certificate available? (If yes, please attach a copy.)

[ ] Yes [ ] No [ ] Don't know *(c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed?

[ ] Yes [ ] No [ ] Don't know *(2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:

C. Outdoor Sprinkler System

[ ] Yes [ ] No [ ] Don't know (1) Is there an outdoor sprinkler system for the property?

[ ] Yes [ ] No [ ] Don't know *(2) If yes, are there any defects in the system?

[ ] Yes [ ] No [ ] Don't know *(3) If yes, is the sprinkler system connected to irrigation water?

3. SEWER/ON-SITE SEWAGE SYSTEM

A. The property is served by:

[ ] Public sewer system,

[ ] On-site sewage system (including pipes, tanks, drainfields, and all other component parts)

[ ] Other disposal system, please describe:

[ ] Yes [ ] No [ ] Don't know B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.

[ ] Yes [ ] No [ ] Don't know *C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

D. If the property is connected to an on-site sewage system:

[ ] Yes [ ] No [ ] Don't know *(1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?

(2) When was it last pumped?

. . .

[ ] Yes [ ] No [ ] Don't know *(3) Are there any defects in the operation of the on-site sewage system?

[ ] Don't know (4) When was it last inspected?

. . .

By whom:

[ ] Don't know (5) For how many bedrooms was the on-site sewage system approved?

bedrooms

[ ] Yes [ ] No [ ] Don't know E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:

[ ] Yes [ ] No [ ] Don't know *F. Have there been any changes or repairs to the on-site sewage system?

[ ] Yes [ ] No [ ] Don't know G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.

[ ] Yes [ ] No [ ] Don't know *H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year?

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

4. STRUCTURAL

[ ] Yes [ ] No [ ] Don't know *A. Has the roof leaked within the last five years?

[ ] Yes [ ] No [ ] Don't know *B. Has the basement flooded or leaked?

[ ] Yes [ ] No [ ] Don't know *C. Have there been any conversions, additions, or remodeling?

[ ] Yes [ ] No [ ] Don't know *(1) If yes, were all building permits obtained?

[ ] Yes [ ] No [ ] Don't know *(2) If yes, were all final inspections obtained?

[ ] Yes [ ] No [ ] Don't know D. Do you know the age of the house? If yes, year of original construction:

[ ] Yes [ ] No [ ] Don't know *E. Has there been any settling, slippage, or sliding of the property or its improvements?

[ ] Yes [ ] No [ ] Don't know *F. Are there any defects with the following: (If yes,

please check applicable items and explain.)

□ Foundations □ Decks □ Exterior Walls

□ Chimneys □ Interior Walls □ Fire Alarm

□ Doors □ Windows □ Patio

□ Ceilings □ Slab Floors □ Driveways

□ Pools □ Hot Tub □ Sauna

□ Sidewalks □ Outbuildings □ Fireplaces

□ Garage Floors □ Walkways □ Siding

□ Other □ Woodstoves □ Elevators

□ Incline Elevators □ Stairway Chair Lifts □ Wheelchair Lifts

[ ] Yes [ ] No [ ] Don't know *G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?

[ ] Yes [ ] No [ ] Don't know H. During your ownership, has the property had any wood destroying organism or pest infestation?

[ ] Yes [ ] No [ ] Don't know I. Is the attic insulated?

[ ] Yes [ ] No [ ] Don't know J. Is the basement insulated?

5. SYSTEMS AND FIXTURES

*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.

[ ] Yes [ ] No [ ] Don't know Electrical system, including wiring, switches, outlets, and service

[ ] Yes [ ] No [ ] Don't know Plumbing system, including pipes, faucets, fixtures, and toilets

[ ] Yes [ ] No [ ] Don't know Hot water tank

[ ] Yes [ ] No [ ] Don't know Garbage disposal

[ ] Yes [ ] No [ ] Don't know Appliances

[ ] Yes [ ] No [ ] Don't know Sump pump

[ ] Yes [ ] No [ ] Don't know Heating and cooling systems

[ ] Yes [ ] No [ ] Don't know Security system

[ ] Owned [ ] Leased

Other

*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

[ ] Yes [ ] No [ ] Don't know Security system . . . . .

[ ] Yes [ ] No [ ] Don't know Tanks (type): . . . . . .

[ ] Yes [ ] No [ ] Don't know Satellite dish . . . . . .

Other: . . . . . .

*C. Are any of the following kinds of wood burning appliances present at the property?

[ ] Yes [ ] No [ ] Don't know (1) Woodstove?

[ ] Yes [ ] No [ ] Don't know (2) Fireplace insert?

[ ] Yes [ ] No [ ] Don't know (3) Pellet stove?

[ ] Yes [ ] No [ ] Don't know (4) Fireplace?

[ ] Yes [ ] No [ ] Don't know If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?

[ ] Yes [ ] No [ ] Don't know D. Is the property located within a city, county, or district or within a department of natural resources fire protection zone that provides fire protection services?

[ ] Yes [ ] No [ ] Don't know E. Is the property equipped with carbon monoxide alarms?

(Note: Pursuant to RCW 19.27.530, seller must equip the residence with carbon monoxide alarms as required by the state building code.)

[ ] Yes [ ] No [ ] Don't know F. Is the property equipped with smoke detection devices?

(Note: Pursuant to RCW 43.44.110, if the property is not equipped with at least one smoke detection device, at least one must be provided by the seller.)

6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

[ ] Yes [ ] No [ ] Don't know A. Is there a Homeowners' Association? Name of Association and contact information for an officer, director, employee, or other authorized agent, if any, who may provide the association's financial statements, minutes, bylaws, fining policy, and other information that is not publicly available:

[ ] Yes [ ] No [ ] Don't know B. Are there regular periodic assessments:

$ . . . per [ ] Month [ ] Year

[ ] Other

[ ] Yes [ ] No [ ] Don't know *C. Are there any pending special assessments?

[ ] Yes [ ] No [ ] Don't know *D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

7. ENVIRONMENTAL

[ ] Yes [ ] No [ ] Don't know *A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

[ ] Yes [ ] No [ ] Don't know *B. Does any part of the property contain fill dirt, waste, or other fill material?

[ ] Yes [ ] No [ ] Don't know *C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

[ ] Yes [ ] No [ ] Don't know D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

[ ] Yes [ ] No [ ] Don't know *E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

[ ] Yes [ ] No [ ] Don't know *F. Has the property been used for commercial or industrial purposes?

[ ] Yes [ ] No [ ] Don't know *G. Is there any soil or groundwater contamination?

[ ] Yes [ ] No [ ] Don't know *H. Are there transmission poles or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

[ ] Yes [ ] No [ ] Don't know *I. Has the property been used as a legal or illegal dumping site?

[ ] Yes [ ] No [ ] Don't know *J. Has the property been used as an illegal drug manufacturing site?

[ ] Yes [ ] No [ ] Don't know *K. Are there any radio towers in the area that cause interference with cellular telephone reception?

8. MANUFACTURED AND MOBILE HOMES

If the property includes a manufactured or mobile home,

[ ] Yes [ ] No [ ] Don't know *A. Did you make any alterations to the home? If yes, please describe the alterations: . . . . . .

[ ] Yes [ ] No [ ] Don't know *B. Did any previous owner make any alterations to the home?

[ ] Yes [ ] No [ ] Don't know *C. If alterations were made, were permits or variances for these alterations obtained?

9. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

[ ] Yes [ ] No [ ] Don't know *Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

NOTICE TO THE BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY

BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.

B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.

C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE . . . . . BUYER
. . . . . BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 4. RCW 49.60.227 and 2018 c 65 s 1 are each amended to read as follows:

(1)(a) If a written instrument contains a provision that is void by reason of RCW 49.60.224, the owner, occupant, or tenant of the property which is subject to the provision or the homeowners' association board may cause the provision to be stricken from the public records by bringing an action in the superior court in the county in which the property is located. The action shall be an in rem, declaratory judgment action whose title shall be the description of the property. The necessary party to the action shall be the owner, occupant, or tenant of the property or any portion thereof. The person bringing the action shall pay a fee set under RCW 36.18.012.

(b) If the court finds that any provisions of the written instrument are void under RCW 49.60.224, it shall enter an order striking the void provisions from the public records and eliminating the void provisions from the title or lease of the property described in the complaint.

(i) A complete copy of any document affected by the order shall be made an exhibit to the order and the order shall identify each document by recording number and date of recordation and set forth verbatim the void provisions to be struck from such document. The order shall include a certified copy of each document, upon which the court has physically redacted the void provisions.

(ii) The person bringing the action may obtain and deliver a certified copy of the order to the office of the county auditor or, in charter counties, the county official charged with the responsibility for recording instruments in the county records, in the county where the property is located.

(iii) The auditor shall record the documents prepared by the court. An image of each document so corrected shall be placed in the public records. Each corrected document shall contain the following information on the first page or a cover page prepared pursuant to RCW 65.04.047: The auditor's file number or book and page of the original document, a notation that the original document was corrected pursuant to this section, the cause number of the court action, and the date the order was entered.

(iv) The auditor or official shall update the index of each original document referenced in the order with the auditor's file number of the corrected document. Further, the index will note that the original record is no longer the primary official public record and is removed from the chain of title pursuant to the court order.

(v) At the auditor's or official's discretion, the original document or

image may be transferred to the secretary of state archives division to be preserved for historical or archival purposes.

(2)(a) As an alternative to the judicial procedure set forth in subsection (1) of this section, the owner of property subject to a written instrument that contains a provision that is void by reason of RCW 49.60.224 may record a restrictive covenant modification document with the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records, in the county in which the property is located.

(b) The modification document shall contain a recording reference to the original written instrument.

(c) The modification document must state, in part:

"The referenced original written instrument contains discriminatory provisions that are void and unenforceable under RCW 49.60.224 and federal law. This document strikes from the referenced original instrument all provisions that are void and unenforceable under law."

(d) The effective date of the modification document shall be the same as the effective date of the original written instrument.

(e) If the owner causes to be recorded a modification document that contains modifications not authorized by this section, the county auditor or recording officer shall not incur liability for recording the document. Any liability that may result is the sole responsibility of the owner who caused the recordation.

(f) No filing or recording fees or otherwise authorized surcharges shall be required for the filing of a modification document pursuant to this section.

(3) For the purposes of this section, "restrictive covenant modification document" or "modification document" means a standard form developed and designed by the Washington state association of county auditors.

NEW SECTION. **Sec. 5.** This act applies to real estate transactions entered into on or after January 1, 2022."

Correct the title.

Representatives Pollet and Goehner spoke in favor of the adoption of the striking amendment.

Striking amendment (338) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valdez, Rude, Berg, Gilday, Wilcox, Ybarra and Maycumber spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1335.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1335, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1335, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1139, by Representatives Pollet, Callan, Berg, Dolan, Ryu, Leavitt, Bronoske, Ramel, Ramos, Lekanoff, Stonier, Ortiz-Self, Frame, Goodman, Rule, Bergquist, Berry, Wylie, J. Johnson, Taylor and Valdez

Taking action to address lead in drinking water.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1139 was substituted for House Bill No. 1139 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1139 was read the second time.

Representative Pollet moved the adoption of amendment (342):

On page 3, beginning on line 5, after "(3)" strike all material through "communicate" on line 11 and insert "(a) Except as provided in (b) of this subsection, a school shall communicate annually"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 15, after "exposure" strike "and that even small amounts of lead can be harmful"

On page 3, beginning on line 16, after "the" strike all material through "threshold," on line 19 and insert "most recent lead test results; and information about the school's plan"

On page 3, at the beginning of line 22, strike "(5)" and insert "(b) The annual communication described under (a) of this subsection is not required if initial testing, or once postremediation testing, does not detect an elevated lead level at any drinking water outlet.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 23, after "reveals" strike all material through "section," on line 24 and insert "a lead concentration that exceeds 15 parts per billion"

On page 3, line 25, after "measure" insert ", such as use of a filter,"

On page 4, line 1, after "of" insert "state or federal"

On page 4, line 3, after "Include" strike "confirmatory retesting" and insert "postremediation retesting to confirm that remediation activities have reduced lead concentrations at drinking water outlets to below the elevated lead level"

On page 4, line 4, after "(c)" insert "The school action plan may include sampling and testing of the drinking water entering the school when the results of testing for lead contamination at drinking water outlets within the school indicate that the infrastructure of the public water system is a significant contributor to the elevated lead levels.

(d)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 7, after "that" strike all material through "contamination" on line 8 and insert "a significant contributor to lead contamination in school drinking water"

On page 4, line 9, after "body" strike "is" and insert ": (i) Is"

On page 4, beginning on line 11, after "infrastructure" strike ". However, the school's governing body" and insert "; (ii)"

On page 4, line 13, after "regarding" strike all material through "contamination" and insert "its significant contribution to lead contamination in school drinking water"

On page 4, line 14, after "contamination" insert "; and (iii) may defer its remediation activities under (b) of this subsection until after the elevated lead level in the public water system's infrastructure is remediated and postremediation retesting does not detect an elevated lead level in the drinking water that passes through that infrastructure"

On page 4, line 18, after "which" insert "postremediation"

On page 4, line 21, after "subsection" strike "(4)" and insert "(3)"

On page 4, after line 25, insert the following:

"(6) A school's governing body must post on a public website the most recent results of testing for lead contamination at drinking water outlets, no later than the time that the proposed school action plan is made publicly available, under (c) of this subsection."

Representative Pollet spoke in favor of the adoption of the amendment.

There being no objection, the House deferred action on SECOND SUBSTITUTE HOUSE BILL NO. 1139, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1379, by Representatives Lovick, Boehnke, Sutherland, Ryu and Dent

Establishing an unpiloted aircraft system state coordinator and program funding source.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1379 was substituted for House Bill No. 1379 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1379 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick, Dent and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1379.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1379, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dye, Kraft, McCaslin, Robertson, Schmick and Young.

SUBSTITUTE HOUSE BILL NO. 1379, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1379.

Representative Graham, 6th District

SECOND READING

HOUSE BILL NO. 1197, by Representatives Riccelli, Tharinger, Cody, Pollet and Harris-Talley

Concerning health care decisions made by a designated person.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1197 was substituted for House Bill No. 1197 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1197 was read the second time.

Representative Riccelli moved the adoption of striking amendment (387):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.70.065 and 2019 c 232 s 8 and 2019 c 209 s 1 are each reenacted and amended to read as follows:

(1) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d), shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The individual to whom the patient has designated to make health care decisions by orally or personally informing a physician, nurse practitioner, or physician assistant who then signs and enters a document with this information into the patient's health record, provided that the physician, nurse practitioner, or physician assistant determines that the

patient has capacity as defined in (e) of this subsection at the time of the designation and documents it in the patient's health record;

(iv) The patient's spouse or state registered domestic partner;

((~~(iv)~~)) (v) Children of the patient who are at least eighteen years of age;

((~~(v)~~)) (vi) Parents of the patient;

((~~(vi)~~)) (vii) Adult brothers and sisters of the patient;

((~~(vii)~~)) (viii) Adult grandchildren of the patient who are familiar with the patient;

((~~(viii)~~)) (ix) Adult nieces and nephews of the patient who are familiar with the patient;

((~~(ix)~~)) (x) Adult aunts and uncles of the patient who are familiar with the patient; and

((~~(x)~~)) (xi)(A) An adult who:

(I) Has exhibited special care and concern for the patient;

(II) Is familiar with the patient's personal values;

(III) Is reasonably available to make health care decisions;

(IV) Is not any of the following: A physician to the patient or an employee of the physician; the owner, administrator, or employee of a health care facility, nursing home, or long-term care facility where the patient resides or receives care; or a person who receives compensation to provide care to the patient; and

(V) Provides a declaration under (a)((~~(x)~~)) (xi)(B) of this subsection.

(B) An adult who meets the requirements of (a)((~~(x)~~)) (xi)(A) of this subsection shall provide a declaration, which is effective for up to six months from the date of the declaration, signed and dated under penalty of perjury pursuant to ((~~RCW 9A.72.085~~)) chapter 5.50 RCW, that recites facts and circumstances demonstrating that he or she is familiar with the patient and that he or she:

(I) Meets the requirements of (a)((~~(x)~~)) (xi)(A) of this subsection;

(II) Is a close friend of the patient;

(III) Is willing and able to become involved in the patient's health care;

(IV) Has maintained such regular contact with the patient as to be familiar with the patient's activities, health, personal values, and morals; and

(V) Is not aware of a person in a higher priority class willing and able to provide informed consent to health care on behalf of the patient.

(C) A health care provider may, but is not required to, rely on a declaration provided under (a)((~~(x)~~)) (xi)(B) of this subsection. The health care provider or health care facility where services are rendered is immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration provided in compliance with (a)((~~(x)~~)) (xi)(B) of this subsection.

(b) If the health care provider seeking informed consent for proposed health care of the patient who is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the

decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(d) No rights under Washington's death with dignity act, chapter 70.245 RCW, may be exercised through a person authorized to provide informed consent to health care on behalf of a patient not competent to consent under RCW 11.88.010(1)(e).

(e) For purposes of (a)(iii) of this subsection:

(i) A patient is presumed to have capacity, unless a health care provider reasonably determines the patient lacks capacity due to the patient's demonstrated inability to understand and appreciate the nature and consequences of designating an individual to make health care decisions on the patient's behalf as a result of a cognitive impairment. A patient is presumed not to have the capacity to make a health care designation if the patient has been determined to be incapacitated under RCW 11.125.090 or if the patient is an adult subject to a guardianship that includes health care decision making under RCW 11.88.010.

(ii) A patient may revoke a designation at any time by either a verbal expression or a signed and dated written statement expressing his or her intent to revoke. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record the time, date, and place of revocation and the time, date, and place of revocation, if different, of when the physician received notification of the revocation.

(iii) A health care provider that relies upon the consent of an individual designated to provide care to a patient is immune from suit in any action, civil or criminal, or from professional or other disciplinary action for relying upon such consent unless the health care provider had actual knowledge of the patient's revocation of that designation at the time consent was obtained.

(2) Informed consent for health care, including mental health care, for a patient who is not competent, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2)(b) and the person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2)(b).

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2)(b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to chapter 5.50 RCW stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b)(i) of this subsection. The declaration must also include written notice of the exemption from liability under (b)(ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

(d) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

(e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

(4) A person who knowingly provides a false declaration under this section shall be subject to criminal penalties under chapter 9A.72 RCW.

Sec. 2. RCW 7.70.065 and 2020 c 312 s 705 are each amended to read as follows:

(1) Informed consent for health care for a patient who is a minor or, to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who has been placed under a guardianship under RCW 11.130.265 a minor or, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The individual to whom the patient has designated to make health care decisions by orally or personally informing a physician, nurse practitioner, or physician assistant who then signs and enters a document with this information into the patient's health record, provided that the

physician, nurse practitioner, or physician assistant determines that the patient has capacity as defined in (e) of this subsection at the time of the designation and documents it in the patient's health record;

(iv) The patient's spouse or state registered domestic partner;

((~~(iv)~~)) (v) Children of the patient who are at least eighteen years of age;

((~~(v)~~)) (vi) Parents of the patient;

((~~(vi)~~)) (vii) Adult brothers and sisters of the patient;

((~~(vii)~~)) (viii) Adult grandchildren of the patient who are familiar with the patient;

((~~(viii)~~)) (ix) Adult nieces and nephews of the patient who are familiar with the patient;

((~~(ix)~~)) (x) Adult aunts and uncles of the patient who are familiar with the patient; and

((~~(x)~~)) (xi)(A) An adult who:

(I) Has exhibited special care and concern for the patient;

(II) Is familiar with the patient's personal values;

(III) Is reasonably available to make health care decisions;

(IV) Is not any of the following: A physician to the patient or an employee of the physician; the owner, administrator, or employee of a health care facility, nursing home, or long-term care facility where the patient resides or receives care; or a person who receives compensation to provide care to the patient; and

(V) Provides a declaration under (a)((~~(x)~~)) (xi)(B) of this subsection.

(B) An adult who meets the requirements of (a)((~~(x)~~)) (xi)(A) of this subsection shall provide a declaration, which is effective for up to six months from the date of the declaration, signed and dated under penalty of perjury pursuant to chapter 5.50 RCW, that recites facts and circumstances demonstrating that he or she is familiar with the patient and that he or she:

(I) Meets the requirements of (a)((~~(x)~~)) (xi)(A) of this subsection;

(II) Is a close friend of the patient;

(III) Is willing and able to become involved in the patient's health care;

(IV) Has maintained such regular contact with the patient as to be familiar with the patient's activities, health, personal values, and morals; and

(V) Is not aware of a person in a higher priority class willing and able to provide informed consent to health care on behalf of the patient.

(C) A health care provider may, but is not required to, rely on a declaration provided under (a)((~~(x)~~)) (xi)(B) of this subsection. The health care provider or health care facility where services are rendered is immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration provided in compliance with (a)((~~(x)~~)) (xi)(B) of this subsection.

(b) If the health care provider seeking informed consent for proposed health care of the patient who has been placed under a guardianship under RCW 11.130.265((~~,~~)) makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient who has been placed under a guardianship under RCW 11.130.265((~~,~~)) exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(d) No rights under Washington's death with dignity act, chapter 70.245 RCW, may be exercised through a person authorized to provide informed consent to health

care on behalf of a patient who is a minor or has been placed under a guardianship under RCW 11.130.265.

(e) For purposes of (a)(iii) of this subsection:

(i) A patient is presumed to have capacity, unless a health care provider reasonably determines the patient lacks capacity due to the patient's demonstrated inability to understand and appreciate the nature and consequences of designating an individual to make health care decisions on the patient's behalf as a result of a cognitive impairment. A patient is presumed not to have the capacity to make a health care designation if the patient has been determined to be incapacitated under RCW 11.125.090 or if the patient is an adult subject to a guardianship that includes health care decision making under RCW 11.130.265.

(ii) A patient may revoke a designation at any time by either a verbal expression or a signed and dated written statement expressing his or her intent to revoke. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record the time, date, and place of revocation and the time, date, and place of revocation, if different, of when the physician received notification of the revocation.

(iii) A health care provider that relies upon the consent of an individual designated to provide care to a patient is immune from suit in any action, civil or criminal, or from professional or other disciplinary action for relying upon such consent unless the health care provider had actual knowledge of the patient's revocation of that designation at the time consent was obtained.

(2) Informed consent for health care, including mental health care, for a patient who is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2)(b) and the

person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2)(b).

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2)(b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to chapter 5.50 RCW stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b)(i) of this subsection. The declaration must also include written notice of the exemption from liability under (b)(ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

(d) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

(e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

(4) A person who knowingly provides a false declaration under this section shall be subject to criminal penalties under chapter 9A.72 RCW.

NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1, 2022.

NEW SECTION. **Sec. 4.** Section 2 of this act takes effect January 1, 2022."

Correct the title.

Representatives Riccelli and Walsh spoke in favor of the adoption of the striking amendment.

Representative Abbarno moved the adoption of amendment (395) to the striking amendment (387):

On page 1, beginning on line 20 of the striking amendment, after "assistant" strike all material though "record" on line 25 and insert "as outlined in (e) of this subsection"

On page 4, beginning on line 1 of the striking amendment, after "(ii)" strike all material through "revocation." on line 8 and insert "The physician, nurse practitioner, or physician assistant to whom a health care surrogate designation has been communicated must enter a document with this information into the patient's health care record, provided that the physician, nurse practitioner, or physician assistant determines that the patient has capacity at the time of the designation and documents it in the patient's health record. The designation must be signed by the patient, unless the physician, nurse practitioner, or physician assistant determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the designation orally.

(iii) A designation may be revoked by the patient at any time, in the following methods:

(A) A written revocation by the patient expressing his or her intent to

revoke, signed and dated by the patient. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record in the patient's medical record the time and date when the physician received notification of the written revocation.

(B) A verbal expression by the patient of his or her intent to revoke the designation. Such designation shall become effective only upon communication to the attending physician by the patient. The attending physician shall record in the patient's medical record the time, date, and place of the revocation and shall obtain a signature from the patient, unless the physician determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the revocation orally."

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 7, beginning on line 6 of the striking amendment, after "assistant" strike all material though "record" on line 11 and insert "as outlined in (e) of this subsection"

On page 9, beginning on line 16 of the striking amendment, after "(ii)" strike all material through "revocation." on line 23 and insert "The physician, nurse practitioner, or physician assistant to whom a health care surrogate designation has been communicated must enter a document with this information into the patient's health care record, provided that the physician, nurse practitioner, or physician assistant determines that the patient has capacity at the time of the designation and documents it in the patient's health record. The designation must be signed by the patient, unless the physician, nurse practitioner, or physician assistant determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the designation orally.

(iii) A designation may be revoked by the patient at any time, in the following methods:

(A) A written revocation by the patient expressing his or her intent to revoke, signed and dated by the patient. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record in the patient's medical record the time and date when the physician received notification of the written revocation.

(B) A verbal expression by the patient of his or her intent to revoke the designation. Such designation shall become effective only upon communication to the attending physician by the patient. The attending physician shall record in the patient's medical record the time, date, and place of the revocation and shall obtain a signature from the patient, unless the physician determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the revocation orally."

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Abbarno and Riccelli spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (395) to the striking amendment (387) was adopted.

Representative Gilday moved the adoption of amendment (404) to the striking amendment (387):

On page 3, line 31 of the striking amendment, after "(i)" insert "An employee of the medical facility where the patient is receiving care is prohibited from serving as a designated health care surrogate.

(ii)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 9, line 6 of the striking amendment, after "(i)" insert "An employee of the medical facility where the patient is receiving care is prohibited from serving as a designated health care surrogate.

(ii)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Gilday and Riccelli spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (404) and the amendment was adopted by the following vote: Yeas: 98; Nays: 0; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

Representative Walsh moved the adoption of amendment (391) to the striking amendment (387):

On page 4, after line 14 of the striking amendment, insert the following:

"(iv) A health care provider is immune from suit in any civil action arising from the designation or revocation of a health care surrogate. However, this immunity does not apply to an act or omission made in bad faith or that involves gross negligence."

On page 9, after line 29 of the striking amendment, insert the following:

"(iv) A health care provider is immune from suit in any civil action arising from the designation or revocation of a health care surrogate. However, this immunity does not apply to an act or omission made in bad faith or that involves gross negligence or willful and wanton misconduct."

Representative Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hansen spoke against the adoption of the amendment to the striking amendment.

Amendment (391) to the striking amendment (387) was not adopted.

Representatives Riccelli, Walsh and Abbarno spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (387) as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1197.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1197, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Jacobsen, Klippert, Kraft, McCaslin and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of. SECOND SUBSTITUTE HOUSE BILL NO. 1139 on second reading.

Representative Pollet spoke in favor of the adoption of amendment (342).

Amendment (342) was adopted.

Representative Walsh moved the adoption of amendment (405):

On page 7, after line 18, insert the following:

"NEW SECTION. **Sec. 8.** Notwithstanding RCW 43.06.220(2)(g), no portion of this act may be waived or suspended by the Governor during a proclaimed state of emergency."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (405).

SPEAKER'S RULING

"The bill before us requires schools to test drinking water for lead contamination.

The amendment addresses a separate and distinct subject, the governor's authority to waive or suspend statutory provisions during a state of emergency.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the underlying bill.

The point of order is well taken."

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet, Rude, McCaslin and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1139.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1139, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Hoff, McEntire and Walsh.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1227, by Representatives Ortiz-Self, Callan, Senn, Dolan, Fitzgibbon, Ramos, Davis, Santos, Macri, Gregerson, Young and Ormsby

Protecting the rights of families responding to allegations of abuse or neglect of a child.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1227 was substituted for House Bill No. 1227 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1227 was read the second time.

Representative Klippert moved the adoption of amendment (271):

On page 1, beginning on line 16, after "and" strike all material through "system" on line 17 and insert "ensure every child in Washington state is treated equally under the law regardless of race, creed, color, national origin, or sex"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (271) was not adopted.

Representative Klippert moved the adoption of amendment (272):

On page 4, line 20, after "from" insert "recklessness,"

Representatives Klippert and Dent spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (272) was not adopted.

Representative Ortiz-Self moved the adoption of amendment (365):

On page 4, line 37, after "establish" strike "by a preponderance of the evidence" and insert "that there are reasonable grounds to believe"

On page 13, beginning on line 31, after "finds" strike all material through

"evidence" on line 32 and insert "there is reasonable cause to believe"

On page 15, line 2, after "establishes" strike "by a preponderance of the evidence" and insert "that there is reasonable cause to believe"

Representative Ortiz-Self spoke in favor of the adoption of the amendment.

Representatives Dent and McCaslin spoke against the adoption of the amendment.

Amendment (365) was adopted.

Representative Klippert moved the adoption of amendment (273):

On page 14, line 7, after "poverty," strike "isolation,"

On page 14, line 8, after "crowded" strike "or inadequate housing, substance abuse" and insert "housing"

On page 14, line 9, after "exposure," strike "mental illness,"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Thai spoke against the adoption of the amendment.

Amendment (273) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ortiz-Self and Dent spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1227.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1227, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Chase, Dufault, Dye, Graham, Klippert, McCaslin and Schmick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1227, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1034, by Representatives Fitzgibbon, Cody, Ortiz-Self and Wylie

Concerning park and recreation district levies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representatives Robertson and Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1034.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1034, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

HOUSE BILL NO. 1034, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1438, by Representatives Orcutt, Sutherland, Graham, Young, Volz and Eslick

Expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens by modifying income thresholds for eligibility to allow deductions for common health care-related expenses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1438 was substituted for House Bill No. 1438 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1438 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Wylie spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1438.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1438, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1438, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1495, by Representatives Chapman, Robertson and Dent

Providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chapman and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1495.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1495, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1495, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., March 5, 2021, the 54th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 5, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative April Berg, 44th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1551 by Representatives Maycumber, Fitzgibbon, Gilday, Robertson, Orcutt, Chandler, Abbarno, Dent, Eslick, Sutherland, Corry, Boehnke, Goehner, Klicker, Walsh, Graham, Mosbrucker, Schmick, Dye, Chambers, Wylie, Barkis, Duerr, Pollet, Young and Volz

AN ACT Relating to removing the usage of forced labor by children and other workers in Washington state's transportation domestic fuel market by placing conditions on the sourcing of transportation fuel; adding new sections to chapter 90.56 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

2SSB 5000 by Senate Committee on Ways & Means (originally sponsored by Hawkins, Lovelett, Billig, Braun, Carlyle, Conway, Das, Ericksen, Fortunato, Gildon, Hasegawa, Holy, Hunt, King, Kuderer, Mullet, Muzzall, Nguyen, Padden, Pedersen, Rivers, Robinson, Salomon, Sheldon, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson and J.)

AN ACT Relating to hydrogen fuel cell electric vehicles; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Transportation.

2SSB 5062 by Senate Committee on Ways & Means (originally sponsored by Carlyle, Nguyen, Billig, Darneille, Das, Dhingra, Holy, Hunt, Lovelett, Mullet, Pedersen, Salomon, Sheldon, Wellman, Wilson and C.)

AN ACT Relating to the management, oversight, and use of data; adding a new section to chapter 42.56 RCW; adding a new section to chapter 44.28 RCW; adding new chapters to Title 19 RCW; adding a new chapter to Title 43 RCW; creating new sections; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5152 by Senate Committee on Transportation (originally sponsored by Nguyen, Rivers, Carlyle, Das, Kuderer, Muzzall, Saldaña, Wilson and C.)

AN ACT Relating to enhancing data stewardship and privacy protections for vehicle and driver data by clarifying the allowable uses of personal or identity information, prescribing penalties for data misuse, and codifying existing data contract practices; amending RCW 46.12.630, 46.12.635, 46.12.640, and 46.52.130; adding new sections to chapter 46.04 RCW; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Transportation.

ESSB 5191 by Senate Committee on Law & Justice (originally sponsored by Darneille, King, Billig, Carlyle, Conway, Das, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nguyen, Nobles, Randall, Salomon, Stanford, Wilson and C.)

AN ACT Relating to regulating unfair business practices and prohibiting predatory price increases during states of emergency; adding a new chapter to Title 19 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

SSB 5210 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Dhingra, Darneille, Kuderer, Nguyen, Wilson and C.)

AN ACT Relating to updates to competency restoration order requirements; and amending RCW 10.77.086 and 10.77.088.

Referred to Committee on Civil Rights & Judiciary.

2SSB 5214 by Senate Committee on Ways & Means (originally sponsored by Nguyen, Dhingra, Darneille, Das, Frockt, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nobles, Robinson, Stanford, Wilson and C.)

AN ACT Relating to economic assistance programs; amending RCW 74.08A.010; and creating a new section.

Referred to Committee on Appropriations.

E2SSB 5227 by Senate Committee on Ways & Means (originally sponsored by Randall, Nobles, Das, Lovelett, Wilson, C., Hasegawa, Hunt, Keiser, Kuderer, Liias, Nguyen and Stanford)

AN ACT Relating to diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education; adding new sections to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on Appropriations.

SB 5242 by Senators Liias, Short, Frockt, Hunt, Keiser, Nguyen, Saldaña, Wilson and C.

AN ACT Relating to supporting media literacy and digital citizenship; adding new sections to chapter 28A.300 RCW; and providing expiration dates.

Referred to Committee on Appropriations.

ESSB 5245 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Brown, Wilson, L., Rolfes and Wagoner)

AN ACT Relating to the safety of crime victims; and amending RCW 72.09.712.

Referred to Committee on Public Safety.

SSB 5249 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Nobles, Das, Dhingra, Hasegawa, Kuderer, Nguyen, Saldaña, Wilson and C.)

AN ACT Relating to supporting mastery-based learning; amending RCW 28A.655.260; amending 2019 c 252 s 301 (uncodified); creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

2SSB 5253 by Senate Committee on Ways & Means (originally sponsored by Liias, Warnick, Das, Dhingra, Hasegawa, Hunt, Lovelett, Rolfes, Saldaña, Van De Wege and Wagoner)

AN ACT Relating to implementing the recommendations of the pollinator health task force; amending RCW 43.23.300, 17.24.081, 77.12.058, and 89.08.620; adding a new section to chapter 43.23 RCW; adding a new section to chapter 17.21 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 89.08 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

2SSB 5265 by Senate Committee on Ways & Means (originally sponsored by Hunt, Das, Nguyen, Wellman, Wilson and C.)

AN ACT Relating to the creation of a bridge year pilot program; amending RCW 28A.600.290 and 28A.600.330; reenacting and amending RCW 28A.600.310; adding new sections to chapter 28A.630 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5299 by Senators Wellman, Kuderer, Hunt, Mullet, Nguyen, Wilson and C.

AN ACT Relating to the use of computer science credits for the purpose of graduation requirements; and amending RCW 28A.230.300.

Referred to Committee on Education.

SSB 5318 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick)

AN ACT Relating to fertilizer fees; and amending RCW 15.54.275, 15.54.325, 15.54.350, and 15.54.362.

Referred to Committee on Appropriations.

ESB 5328 by Senators Lovelett, Dhingra, Darneille, Das, Frockt, Nguyen, Nobles, Wilson and C.

AN ACT Relating to clubhouses for persons with mental illness; reenacting and amending RCW 71.24.385; and creating new sections.

Referred to Committee on Health Care & Wellness.

SSB 5417 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by King, Conway, Nguyen, Randall, Wilson and C.)

AN ACT Relating to extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic; amending RCW 66.24.175, 66.24.630, and 82.08.150; adding a new section to

chapter 66.08 RCW; creating new sections; making an appropriation; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1099, by Representatives Duerr, Fitzgibbon, Dolan, Bateman, Ramel, Gregerson, Goodman, Ryu, Kloba, Chopp, Ormsby, Pollet, Fey, Santos and Davis

Improving the state's climate response through updates to the state's comprehensive planning framework.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1099 was substituted for House Bill No. 1099 and the second substitute bill was placed on the second reading calendar.

With the consent of the House, amendment (326) was withdrawn.

SECOND SUBSTITUTE HOUSE BILL NO. 1099 was read the second time.

Representative Duerr moved the adoption of striking amendment (341):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.020 and 2002 c 154 s 1 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040 and, where specified, also guide the development of regional policies, plans, and strategies adopted under RCW 36.70A.210 and chapter 47.80 RCW. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans ((~~and~~)), development regulations, and, where specified, regional plans, policies, and strategies:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that help achieve statewide targets for the reduction of greenhouse gas emissions and per capita vehicle miles traveled, and are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space and greenspace, enhance recreational opportunities, ((~~conserve~~)) enhance fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

(14) Climate change. Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate, support state greenhouse gas emissions reduction requirements and state per capita vehicle miles traveled goals, prepare for climate impact scenarios, foster resiliency to climate impacts and natural hazards, and protect and enhance environmental, economic, and human health and safety.

Sec. 2. RCW 36.70A.480 and 2010 c 107 s 2 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the ((~~fourteen~~)) 15 goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3)(a) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(b) Except as otherwise provided in (c) of this subsection, development regulations adopted under this chapter to protect critical areas within shorelines of the state apply within shorelines of the state until the department of ecology approves one of the following: A comprehensive master program update, as defined in RCW 90.58.030; a segment of a master program relating to critical areas, as provided in RCW 90.58.090; or a new or amended master program approved by the department of ecology on or after March 1, 2002, as provided in RCW 90.58.080. The adoption or update of development regulations to protect critical areas under this chapter prior to department of ecology approval of a master program update as provided in this subsection is not a comprehensive or segment update to the master program.

(c)(i) Until the department of ecology approves a master program or segment of a master program as provided in (b) of this subsection, a use or structure legally located within shorelines of the state that was established or vested on or before the effective date of the local government's development regulations to protect critical areas may continue as a conforming use and may be redeveloped or modified if: (A) The redevelopment or modification is consistent with the local government's master program; and (B) the local government determines that the proposed redevelopment or modification will result in no net loss of shoreline

ecological functions. The local government may waive this requirement if the redevelopment or modification is consistent with the master program and the local government's development regulations to protect critical areas.

(ii) For purposes of this subsection (3)(c), an agricultural activity that does not expand the area being used for the agricultural activity is not a redevelopment or modification. "Agricultural activity," as used in this subsection (3)(c), has the same meaning as defined in RCW 90.58.065.

(d) Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 or chapter 107, Laws of 2010 is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(e) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060.

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030((~~(5)~~)) (6) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)((~~(f)~~)) (d), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2).

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The requirements of the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070(9) apply only to those counties that are required or that choose to plan under RCW 36.70A.040 and that also meet either of the criteria set forth in (a) or (b) of this subsection (1) on or after January 1, 2021, and the cities with populations greater than 6,000 as of January 1, 2021, within those counties:

(a) A county with a population density of at least 100 people per square mile and a population of at least 200,000; or

(b) A county with a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management.

(2) The requirements of the amendments to the transportation element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) of this section; and (b) cities with populations of 6,000 or greater as of January 1, 2021, that are located in a county that is required or that chooses to plan under RCW 36.70A.040.

(3) The requirements of the amendments to the land use element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) or (2) of this section; and (b) counties that have a population of 20,000 or greater as of January 1, 2021, and that are required or that choose to plan under RCW 36.70A.040.

(4) The requirements of the amendments to the rural element of RCW 36.70A.070

set forth in this act apply only to counties that are required or that choose to plan under RCW 36.70A.040 and that have a population of 20,000 or greater as of January 1, 2021.

(5) Once a county meets either of the sets of criteria set forth in subsection (1) of this section, the requirement to conform with the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 remains in effect, even if the county no longer meets one of these sets of criteria.

(6) If the population of a county that previously had not been required to conform with the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 changes sufficiently to meet either of the sets of criteria set forth in subsection (1) of this section, the county, and the cities with populations greater than 6,000 as of January 1, 2021, within that county, shall adopt a greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 at the next scheduled update of the comprehensive plan as set forth in RCW 36.70A.130.

(7) The population criteria used in this section must be based on population data as determined by the office of financial management.

Sec. 4. RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd sp.s. c 16 s 4 are each reenacted and amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. The land use element should give special consideration to achieving environmental justice in its goals and policies. In addition, the land use element must avoid creating or worsening environmental health disparities. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity and reduce per capita vehicle miles traveled within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, which may include reducing residential development pressure in the wildland urban interface area.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community. In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and

evaluation reports and any reasonable measures identified.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; ((~~and~~))

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170; and

(vi) Protecting existing natural areas, including native forests, grasslands, wetlands, and riparian areas, but excluding forestland, as that term is defined in RCW 84.33.035, and timberland, as that term is defined in RCW 84.34.020.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030((~~(16)~~)) (20). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030((~~(16)~~)) (20). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist ((~~the department of transportation~~)) in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments, active transportation facilities, and general aviation airport facilities, to define existing capital facilities and travel levels ((~~as a basis for~~)) to inform future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials ((~~and~~)), locally and regionally operated transit routes that serve urban growth areas, and active transportation facilities to serve as a gauge to judge performance of the system and success in helping to achieve the goals of this chapter at the least cost. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, active transportation, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance ((~~locally owned~~)) transportation facilities or services that are below an established level of service standard;

(E) Forecasts of ((~~traffic~~)) multimodal transportation demand and needs within cities and urban growth areas, and forecasts of traffic demand and needs outside of cities and urban growth areas, for at least ten years based on the adopted land use plan to ((~~provide information on the location, timing, and capacity needs of future growth~~)) inform the development of a transportation element that balances transportation system safety and convenience to accommodate all users of the transportation system to safely, reliably, and efficiently provide access and mobility to people and goods;

(F) Identification of state and local system needs to equitably meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW. Local system needs should reflect the regional transportation system, local goals, and strive to equitably implement the multimodal network;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting the identified needs of the transportation system, including state transportation facilities, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) ((~~Pedestrian and bicycle~~)) Active transportation component to include collaborative efforts to identify and designate planned improvements for ((~~pedestrian and bicycle~~)) active transportation facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city. If it is possible to provide for the transportation needs of a development through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development, a development approval may not be denied because it fails to meet traffic level of service standards.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) A climate change and resiliency element that is designed to result in reductions in overall greenhouse gas emissions and that must enhance resiliency to and avoid the adverse impacts of climate change. The greenhouse gas emissions reduction subelement of the climate change and resiliency element is mandatory for the jurisdictions specified in section 3(1) of this act and is encouraged for all other jurisdictions, including those planning under RCW 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency subelement of the climate change and resiliency element is mandatory for all jurisdictions planning under RCW 36.70A.040 and is encouraged for those jurisdictions planning under chapter 36.70 RCW.

(a)(i) The greenhouse gas emissions reduction subelement of the comprehensive plan, and its related development regulations, must identify the actions the jurisdiction will take during the planning cycle consistent with the guidelines published by the

department pursuant to section 5 of this act that will:

(A) Result in reductions in overall greenhouse gas emissions generated by the transportation and land use systems within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state;

(B) Result in reductions in per capita vehicle miles traveled within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state; and

(C) Prioritize reductions in communities that experience disproportionate impacts and harm due to air pollution in order to maximize the cobenefits of reduced air pollution.

(ii) Actions not specifically identified in the guidelines developed by the department pursuant to section 5 of this act may be considered to be consistent with those guidelines only if:

(A) They are projected to achieve greenhouse gas emissions reductions or per capita vehicle miles traveled reductions equivalent to what would be required of the jurisdiction under the guidelines adopted by the department; and

(B) They are supported by scientifically credible projections and scenarios that indicate their adoption is likely to result in reductions of greenhouse gas emissions or per capita vehicle miles traveled consistent with the reduction requirements set forth in RCW 70A.45.020.

(iii) A jurisdiction may not restrict population growth or limit population allocation in order to achieve the requirements set forth in this subsection (9)(a).

(b)(i) The resiliency subelement must equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change on people, property, and ecological systems through goals, policies, and programs consistent with the best available science and scientifically credible climate projections and impact scenarios that moderate or avoid harm, enhance the resiliency of natural and human systems, and enhance beneficial opportunities. The resiliency subelement must prioritize actions in communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change. A natural hazard mitigation plan or similar plan that is guided by RCW 36.70A.020(14) and complies with the applicable requirements of this act, including the requirements set forth in this subsection (9)(b), may be adopted by reference to satisfy those requirements. Specific goals, policies, and programs of the resiliency subelement must include, but are not limited to, those designed to:

(A) Identify, protect, and enhance natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration; and

(B) Address natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfire, and other effects of changes to temperature and precipitation patterns.

(ii) If a county or city intends to incorporate by reference a federal emergency management agency natural hazard mitigation plan in order to meet the requirement of the resiliency subelement set forth in this subsection (9)(b), and the natural hazard mitigation plan is not adopted within three years prior to the required update set forth in RCW 36.70A.130 but is intended to be adopted no later than two years after the required update set forth in RCW 36.70A.130, the county or city may be granted an extension to meeting the requirements of this subsection (9)(b) by providing notice to the department. If a county or city incorporates by reference a federal emergency management agency natural hazard mitigation plan in order to meet the requirement of this subsection (9)(b), the plan must be guided by RCW 36.70A.020(14) and must comply with the requirements of this act, including the requirements set forth in this subsection (9)(b).

(c) For the jurisdictions set forth in section 3 of this act, updates to comprehensive plans and related development regulations made during the update cycle that begins in 2024 must adopt measures identified by the department pursuant to section 5 of this act that are likely to result in reductions of greenhouse gas emissions and per capita vehicle miles traveled.

(d) The adoption of ordinances, amendments to comprehensive plans,

amendments to development regulations, and other nonproject actions taken by a county or city pursuant to (a) or (c) of this subsection in order to implement measures specified by the department pursuant to section 5 of this act are not subject to administrative or judicial appeal under chapter 43.21C RCW.

((~~(9)~~)) (10) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.45 RCW to read as follows:

(1) The department of commerce, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that specify a set of measures counties and cities have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce greenhouse gas emissions in order to achieve the statewide greenhouse gas emissions reductions set forth in RCW 70A.45.020(1), allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities. The guidelines must be based on:

(a) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(b) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035; and

(c) The locations of major employment centers and transit corridors, for the purpose of increasing housing supply in these areas.

(2) The department of commerce, in consultation with the department of transportation, shall publish guidelines that specify a set of measures counties and cities have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

The guidelines must be based on:

(a) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(b) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035; and

(c) The most recent summary of per capita vehicle miles traveled as compiled by the department of transportation.

(3) The department of commerce shall first publish the full set of guidelines described in subsections (1) and (2) of this section no later than December 31, 2025. The department of commerce shall update these guidelines at least every four years thereafter based on the most recently available data, and shall provide for a process for local governments and other parties to submit alternative actions for consideration for inclusion into the guidelines at least once per year. The department of commerce shall publish an intermediate set of guidelines no later than December 31, 2022, in order to be available for use by jurisdictions whose periodic updates are required by RCW 36.70A.130(5) to occur prior to December 31, 2025.

(4) In any updates to the guidelines published after 2025, the department of commerce shall include a determination of whether adequate progress has been made toward the statewide greenhouse gas and per capita vehicle miles traveled reduction goals. If adequate progress is not being made, the department must identify in the guidelines what additional measures cities and counties must take in order to make further progress.

(5) The department of commerce may not propose or adopt any guidelines that would include any form of a road usage charge or any fees or surcharges related to vehicle miles traveled.

(6) The department of commerce may not propose or adopt any guidelines that would direct or require local governments to regulate or tax, in any form, transportation service providers, delivery vehicles, or passenger vehicles.

(7) The department of commerce, in the course of implementing this section, shall provide and prioritize options that support housing diversity and that assist counties and cities in meeting greenhouse gas emissions reduction and other requirements established under this chapter.

NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A greenhouse gas emissions reduction subelement required by RCW 36.70A.070 becomes effective when approved by the department as provided in this section. The department shall strive to achieve final action on a submitted greenhouse gas emissions reduction subelement within 180 days of receipt and shall post an annual assessment related to this performance benchmark on the agency website.

(2) Upon receipt of a proposed greenhouse gas emissions reduction subelement, the department shall:

(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed greenhouse gas emissions reduction subelements. The comment period shall be at least 30 days, unless the department determines that the level of complexity or controversy involved supports a shorter period;

(b) In the department's discretion, conduct a public hearing during the 30-day comment period in the jurisdiction proposing the greenhouse gas emissions reduction subelement;

(c) Within 15 days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;

(d) Within 30 days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 36.70A.070 and, after they are adopted, the applicable guidelines adopted by the department pursuant to section 5 of this act and any reduction allocations made pursuant to RCW 36.70A.100, provide a response to the issues identified in (c) of this subsection, and either approve the greenhouse gas emissions reduction subelement as submitted, recommend specific changes necessary to make the greenhouse gas emissions reduction subelement approvable, or deny approval of the greenhouse gas emissions reduction subelement in those instances where no alteration of the greenhouse gas emissions reduction subelement appears likely to be consistent with the policy of RCW 36.70A.070 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, and made available to all interested persons, parties, groups, and agencies of record on the proposal;

(e) If the department recommends changes to the proposed greenhouse gas emissions reduction subelement, within 90 days after the department mails the written findings and conclusions to the local government, require the local government to:

(i) Agree to the proposed changes by written notice to the department; or

(ii) Submit an alternative greenhouse gas emissions reduction subelement. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide notice to all recipients of the written findings and conclusions. If the department determines the proposed greenhouse gas emissions reduction subelement is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposed greenhouse gas emissions reduction subelement for public and agency review pursuant to this section or reject the proposed greenhouse gas emissions reduction subelement.

(3) The department shall approve a proposed greenhouse gas emissions reduction subelement unless it determines that the proposed greenhouse gas emissions reduction subelement is not consistent with the policy of RCW 36.70A.070 and, after they are adopted, the applicable guidelines.

(4) A greenhouse gas emissions reduction subelement takes effect when and in such form as approved or adopted by the department. The effective date is 14 days from the date of the department's written notice of final action to the local government stating the department has approved or rejected the proposed greenhouse gas emissions reduction subelement. The department's written notice to the local government must conspicuously and plainly state that it is the department's final decision and that there will be no further modifications to the proposed greenhouse gas emissions reduction subelement. The department shall maintain a record of each greenhouse gas emissions reduction subelement, the action taken on any proposed greenhouse gas emissions reduction subelement, and any appeal of the department's action. The department's approved document of record constitutes the official greenhouse gas emissions reduction subelement.

(5) Promptly after approval or disapproval of a local government's greenhouse gas emissions reduction subelement, the department shall publish a notice consistent with RCW 36.70A.290 that the greenhouse gas emissions reduction subelement has been approved or disapproved. This notice must be filed for all greenhouse gas emissions reduction subelements.

(6) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed according to the following provisions:

(a) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(b) A decision of the growth management hearings board concerning an appeal of the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment must be based solely on whether or not the adopted or amended greenhouse gas emissions reduction subelement, any adopted amendments to other elements of the comprehensive plan necessary to carry out the subelement, and any adopted or amended development regulations necessary to implement the subelement, comply with the goal set forth in RCW 36.70A.020(14) as it applies to greenhouse gas emissions reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(b), the guidelines adopted under section 5 of this act applicable to the greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

Sec. 7. RCW 36.70A.320 and 1997 c 429 s 20 are each amended to read as follows:

(1) Except as provided in subsections (5) and (6) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.

(2) Except as otherwise provided in subsection (4) of this section, the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.

(3) In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter.

(4) A county or city subject to a determination of invalidity made under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that the ordinance or resolution it has enacted in response to the determination of invalidity will no longer substantially interfere with the fulfillment of the goals of this chapter under the standard in RCW 36.70A.302(1).

(5) The shoreline element of a comprehensive plan and the applicable

development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

(6) The greenhouse gas emissions reduction subelement required by RCW 36.70A.070 shall take effect as provided in section 6 of this act.

Sec. 8. RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

(7) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, and adopt by rule guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies required by RCW 36.70A.070(9), subject to the following provisions:

(a) The model element must establish minimum requirements or include model options for fulfilling the requirements of RCW 36.70A.070(9);

(b) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting and enhancing natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(c) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of

reasonably anticipated changes to temperature and precipitation patterns; and

(d) The rule must recognize and promote as many cobenefits of climate resilience as possible such as salmon recovery, forest health, and ecosystem services.

NEW SECTION. **Sec. 9.** A new section is added to chapter 47.80 RCW to read as follows:

The department shall compile, maintain, and publish a summary of the per capita vehicle miles traveled annually in each city in the state, and in the unincorporated portions of each county in the state.

NEW SECTION. **Sec. 10.** A new section is added to chapter 90.58 RCW to read as follows:

The department shall update its shoreline master program guidelines to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.

Sec. 11. RCW 36.70A.030 and 2020 c 173 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(7) "Department" means the department of commerce.

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income

adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(10) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(11) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(12) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(13) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(14) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(15) "Minerals" include gravel, sand, and valuable metallic substances.

(16) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

(17) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(18) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(19) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(20) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(21) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(22) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(23) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

(24) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(25) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(26) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(27) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(28) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands

intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

(29) "Per capita vehicle miles traveled" means the number of miles traveled using cars and light trucks in a calendar year divided by the number of residents in Washington. The calculation of this value excludes vehicle miles driven conveying freight.

(30) "Active transportation" means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation.

(31) "Transportation system" means all infrastructure and services for all forms of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider.

(32) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies; with a focus on the equitable distribution of resources, benefits, and burdens in a manner that prioritizes communities that experience the greatest inequities, disproportionate impacts, and have the greatest unmet needs.

(33) "Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way.

Sec. 12. RCW 86.12.200 and 1991 c 322 s 3 are each amended to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; ((~~and~~))

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems

by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW; and

(6) Consideration of climate change impacts, including the impact of sea level rise and increased storm severity on people, property, natural resources, and the environment.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific floodplain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to floodplain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. **Sec. 13.** A new section is added to chapter 43.21C RCW to read as follows:

The adoption of ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city pursuant to RCW 36.70A.070(9) (a) or (c) in order to implement measures specified by the department of commerce pursuant to section 5 of this act are not subject to administrative or judicial appeals under this chapter.

NEW SECTION. **Sec. 14.** (1) The obligation of local governments to comply with the requirements established in: (a) The amendments to RCW 36.70A.070 set forth in this act; and (b) the updated shoreline master program guidelines adopted pursuant to section 10 of this act, is contingent on the provision of state funding to local governments for the specific purpose of complying with these requirements.

(2) The obligation of local governments to comply with the requirements established in: (a) The amendments to RCW 36.70A.070 set forth in this act; and (b) the updated shoreline master program guidelines adopted pursuant to section 10 of this act, takes effect two years after the date the legislature appropriates state funding to provide to local governments for the purpose of complying with these requirements.

NEW SECTION. **Sec. 15.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Dye moved the adoption of amendment (394) to the striking amendment (341):

On page 2, beginning on line 39, after "support" strike "state greenhouse gas emissions reduction requirements and"

On page 15, beginning on line 19, after "traveled" strike "consistent with the reduction requirements set forth in RCW 70A.45.020"

On page 17, beginning on line 10, after "emissions" strike all material through "programs" on line 14

On page 18, beginning on line 16, strike all of subsection (4)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Dye spoke in favor of the adoption of the amendment to the striking amendment.

Representative Duerr spoke against the adoption of the amendment to the striking amendment.

Amendment (394) to the striking amendment (341), was not adopted.

Representative Dye moved the adoption of amendment (402) to the striking amendment (341):

On page 14, beginning on line 36, after "cycle" strike all material through "act" on line 37

On page 15, at the beginning of line 9, strike all material through "70A.45.020." on line 20

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 16, at the beginning of line 26, strike "identified by the department pursuant to section 5 of this act"

On page 16, beginning on line 32, after "subsection" strike all material through "act" on line 33

Beginning on page 17, line 3, after "**Sec. 5.**" strike all material through "chapter." on page 18, line 34, and insert "(1) The department of commerce, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish a report that identifies steps that local governments may take through the adoption of comprehensive plans that will lead to reductions in greenhouse gas emissions and per capita vehicle miles traveled.

(2) The report must be based on, at a minimum:

(a) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(b) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035; and

(c) The most recent summary of per capita vehicle miles traveled as compiled by the department of transportation.

(3) The department of commerce must submit its report to the appropriate committees of the legislature no later than October 15, 2022, in order to inform possible legislative responses during the 2023 legislative session."

On page 19, beginning on line 24, after "36.70A.070" strike all material through "act" on line 26

On page 21, beginning on line 21, after "36.70A.070(9)(b)," strike all material through "subelement," on line 23

Beginning on page 31, line 39, after "(c)" strike all material through "act" on page 32, line 2

Representatives Dye and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Representative Duerr spoke against the adoption of the amendment to the striking amendment.

Amendment (402) to the striking amendment (341), was not adopted.

Representative Dye moved the adoption of amendment (392) to the striking amendment (341):

On page 15, after line 23, insert the following:

"(iv) The greenhouse gas emissions reduction subelement must, after collaboration with affected school districts, reduce greenhouse gas emissions by identifying actions to reduce the per-pupil miles traveled via school bus to and from school. Actions that may be identified pursuant to this subsection include, but are not limited to, increased walkability, amendments to zoning ordinances, amendments to development regulations, and a focus on locating schools within or near to new housing developments."

Representatives Dye, Ybarra, Graham, Wilcox and Dye (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Ramel and Santos spoke against the adoption of the amendment to the striking amendment.

Amendment (392) to the striking amendment (341), was not adopted.

Representative Fitzgibbon moved the adoption of amendment (406) to the striking amendment (341):

On page 15, after line 23, insert the following:

"(iv)(A) Until December 31, 2034, actions not specifically identified in the guidelines developed by the department pursuant to section 5 of this act, or considered to be consistent with those guidelines according to the process established in (a)(ii) of this subsection (9), must still be considered to be sufficient to meet the requirements of the greenhouse gas emissions reduction subelement, and must be approved by the department pursuant to section 6 of this act, if the actions provide for the authorization of the development of middle housing types.

(B) Nothing in this subsection (9)(a)(iv) prohibits the authorization of the development of single-family residences.

(C) For the purposes of this subsection (9)(a)(iv), "middle housing types" means accessory dwelling units and

at least one of the following housing types: Duplexes; triplexes; or quadplexes, in all zoning districts within an urban growth area that permit detached single-family residences.

(D) For the purposes of this subsection (9)(a)(iv), an action must be deemed to provide for the authorization of the development of middle housing types, if the action:

(I) Authorizes middle housing types on a lot or parcel under the same administrative process as a detached single-family residence in the same zoning district;

(II) Establishes lot or parcel sizes that are sufficient to allow for the construction of middle housing types;

(III) Establishes maximum density requirements that allow the development of middle housing types on each lot or parcel that allow for single-family residences;

(IV) Establishes applicable siting or design standards that do not individually or cumulatively cause unreasonable costs, fees, or delays to the development of middle housing types; and

(V) Either does not establish parking regulations for middle housing types, or, if the action does establish parking regulations for middle housing types, the action:

(1) Does not require off-street parking spaces for lots or parcels with an accessory dwelling unit or a duplex, or for lots or parcels that are less than 3,000 square feet;

(2) Does not require more than one off-street parking space for lots or parcels that are greater than or equal to 3,000 square feet but are less than 6,000 square feet;

(3) Does not require more than 0.5 off-street parking spaces for each dwelling unit for lots or parcels greater than or equal to 6,000 square feet;

(4) May allow on-street parking credits to satisfy off-street parking requirements;

(5) Allows, but does not require, off-street parking to be provided as a garage or carport; and

(6) Applies the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family residences in the same zoning district."

Representatives Fitzgibbon and Shewmake spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Dye, Barkis, Walsh and Dye (again) spoke against the adoption of the amendment to the striking amendment.

Amendment (406) to the striking amendment (341), was adopted.

Striking amendment (341) as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr, Ramel, Shewmake, Fitzgibbon and Slatter spoke in favor of the passage of the bill.

Representatives Dye, Barkis, Walsh, Griffey, Sutherland, Klippert, Klicker, MacEwen, Jacobsen, Orcutt, McEntire, Corry, Wilcox, Dye (again) and Dent spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Lekanoff was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1099.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1099, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Lekanoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1376, by Representative Fey

Concerning registration of land titles.

The bill was read the second time.

Representative Walsh moved the adoption of striking amendment (409):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 65.12 RCW to read as follows:

(1) Beginning on the effective date of this section, a person may not file, and the county auditor may not accept, any application to register a land title under this chapter.

(2) A land title registered under this chapter as of the effective date of this section continues to be subject to this chapter.

NEW SECTION. **Sec. 2.** The following acts or parts of acts are each repealed:

(1) RCW 65.12.005 (Registration authorized—Who may apply) and 2012 c 117 s 211 & 1907 c 250 s 1;

(2) RCW 65.12.010 (Land subject to a lesser estate) and 1907 c 250 s 2;

(3) RCW 65.12.015 (Tax title land—Conditions to registration) and 2012 c 117 s 212 & 1907 c 250 s 3;

(4) RCW 65.12.020 (Application) and 2012 c 117 s 213 & 1907 c 250 s 4;

(5) RCW 65.12.025 (Various lands in one application) and 1907 c 250 s 5;

(6) RCW 65.12.030 (Amendment of application) and 1907 c 250 s 6;

(7) RCW 65.12.035 (Form of application) and 2016 c 202 s 42, 2009 c 521 s 145, & 1907 c 250 s 7;

(8) RCW 65.12.040 (Venue—Power of the court) and 1907 c 250 s 8;

(9) RCW 65.12.070 (Nonresident to appoint agent) and 2012 c 117 s 217 & 1907 c 250 s 14;

(10) RCW 65.12.080 (Filing application—Docket and record entries) and 1907 c 250 s 15;

(11) RCW 65.12.085 (Filing abstract of title) and 1907 c 250 s 15a;

(12) RCW 65.12.090 (Examiner of titles—Appointment—Oath—Bond) and 2012 c 117 s 218 & 1907 c 250 s 13;

(13) RCW 65.12.100 (Copy of application as lis pendens) and 1907 c 250 s 16;

(14) RCW 65.12.110 (Examination of title) and 2012 c 117 s 219 & 1907 c 250 s 17;

(15) RCW 65.12.120 (Summons to issue) and 1907 c 250 s 18;

(16) RCW 65.12.125 (Summons—Form) and 2016 c 202 s 43 & 1907 c 250 s 206;

(17) RCW 65.12.130 (Parties to action) and 1907 c 250 s 19;

(18) RCW 65.12.135 (Service of summons) and 1985 c 469 s 60 & 1907 c 250 s 20;

(19) RCW 65.12.140 (Copy mailed to nonresidents—Proof—Expense) and 2012 c 117 s 220 & 1907 c 250 s 20a;

(20) RCW 65.12.145 (Guardians ad litem) and 1907 c 250 s 21;

(21) RCW 65.12.150 (Who may appear—Answer) and 2012 c 117 s 221 & 1907 c 250 s 22;

(22) RCW 65.12.155 (Judgment by default—Proof) and 1907 c 250 s 23;

(23) RCW 65.12.160 (Cause set for trial—Default—Referral) and 2012 c 117 s 222 & 1907 c 250 s 24;

(24) RCW 65.12.165 (Court may require further proof) and 1907 c 250 s 25;

(25) RCW 65.12.170 (Application dismissed or withdrawn) and 2012 c 117 s 223 & 1907 c 250 s 26;

(26) RCW 65.12.180 (Rights of persons not served) and 2012 c 117 s 225 & 1907 c 250 s 28;

(27) RCW 65.12.190 (Limitation of actions) and 1907 c 250 s 29; and

(28) RCW 65.12.210 (Interest acquired after filing application) and 1907 c 250 s 32.

NEW SECTION. **Sec. 3.** Section 2 of this act takes effect July 1, 2023."

Correct the title.

Representative Walsh spoke in favor of the adoption of the striking amendment.

Representative Fey spoke against the adoption of the striking amendment.

Striking amendment (409) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fey spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1376.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1376, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chambers, Chase, Dufault, Goehner, Graham, Jacobsen, Kraft, McCaslin, McEntire, Mosbrucker, Orcutt, Sutherland, Walsh and Young.

Excused: Representative Lekanoff.

HOUSE BILL NO. 1376, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1332, by Representatives Sullivan, Ramel, Leavitt, Dufault, Hackney, Wylie, Santos, Ortiz-Self, Ormsby, Rule, Stokesbary, Callan, Pollet and Macri

Concerning property tax deferral during the COVID-19 pandemic.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1332 was substituted for House Bill No. 1332 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1332 was read the second time.

With the consent of the House, amendments (400) and (401) were withdrawn.

Representative Sullivan moved the adoption of striking amendment (332):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.56.020 and 2019 c 332 s 1 are each amended to read as follows:

Treasurers' tax collection duties.

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

Tax statements.

(2)(a) Tax statements for the current year's collection must be distributed to each taxpayer on or before March 15th provided that:

(i) All city and other taxing district budgets have been submitted to county legislative authorities by November 30th per RCW 84.52.020;

(ii) The county legislative authority in turn has certified taxes levied to the county assessor by November 30th per RCW 84.52.070; and

(iii) The county assessor has delivered the tax roll to the county

treasurer by January 15th per RCW 84.52.080.

(b) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of . . . . . County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(c) Each tax statement distributed to an address must include a notice with information describing the:

(i) Property tax exemption program pursuant to RCW 84.36.379 through 84.36.389; and

(ii) Property tax deferral program pursuant to chapter 84.38 RCW.

Tax payment due dates.

On-time tax payments: First-half taxes paid by April 30th and second-half taxes paid by October 31st.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

Delinquent tax payments for current year: First-half taxes paid after April 30th.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

Delinquent tax payments: Interest, penalties, and treasurer duties.

(5) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection (15)(b) of this section or a partial payment program pursuant to subsection (15)(c) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(6) A county treasurer must provide notification to each taxpayer whose taxes have become delinquent under subsections (4) and (5) of this section. The delinquency notice must specify where the taxpayer can obtain information regarding:

(a) Any current tax or special assessments due as of the date of the notice;

(b) Any delinquent tax or special assessments due, including any penalties and interest, as of the date of the notice; and

(c) Where the taxpayer can pay his or her property taxes directly and contact information, including but not limited to the phone number, for the statewide foreclosure hotline recommended by the Washington state housing finance commission.

(7) Within ninety days after the expiration of two years from the date of delinquency (when a taxpayer's taxes have become delinquent), the county treasurer must provide the name and property address of the delinquent taxpayer to a homeownership resource center or any other designated local or state entity recommended by the Washington state housing finance commission.

Collection of foreclosure costs.

(8)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(c) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

Periods of armed conflict.

(9) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

State of emergency.

(10) ((~~During~~)) (a) Except as provided in (b) of this subsection, during a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

(b)(i) Due to the state of emergency declared under RCW 43.06.010(12) related to the novel coronavirus, the county treasurer must grant an extension of the due date of any unpaid, non-delinquent taxes payable in 2021, if the owner or person responsible for payment of tax on any real property primarily used for business purposes demonstrates to the county treasurer's satisfaction a loss of at least 25 percent of its revenue attributable to that real property for calendar year 2020 compared to calendar year 2019.

(ii) An extension under this subsection must be requested from the county treasurer by the owner or the person responsible for payment of property taxes, solely upon forms developed or approved by the department.

(iii) A county treasurer granting an extension under this subsection (10)(b) must establish a payment plan for the taxes subject to the extension. The county treasurer may determine the payment schedule and other terms of the payment plan. Penalties and interest do not apply to the taxes due under the payment plan so long as the owner or person responsible for payment of the taxes fully complies with all the terms of the payment plan.

(iv) Any owner of real property receiving an extension under this subsection (10)(b) must pass the entire benefit of the extension to any tenant, and such tenant to any sublessee, if the tenant or sublessee is required by the lease or other contract to pay the property tax expense of the owner. Neither county treasurers nor the department have any responsibility for enforcing this subsection (10)(b)(iv).

(v) The department may adopt rules it deems necessary to administer this subsection (10)(b).

(vi) For purposes of this subsection (10)(b), the following definitions apply:

(A) "Attributable" means generated from the leasing or renting of real property or from a person's business activities conducted in, or directed or managed from, real property.

(B) "Revenue" means gross revenue, including gross income of the business as defined in RCW 82.04.080 and gross income as defined in RCW 82.16.010.

Retention of funds from interest.

(11) All collections of interest on delinquent taxes must be credited to the county current expense fund.

(12) For purposes of this chapter, "interest" means both interest and penalties.

Retention of funds from property foreclosures and sales.

(13) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and

must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

Tax due dates and options for tax payment collections.

Electronic billings and payments.

(14) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for:

(a) Delinquent tax year payments; and

(b) Prepayments of current tax.

Tax payments.

Prepayment for current taxes.

(15)(a) The treasurer may accept prepayments for current year taxes by any means authorized. All prepayments must be paid in full by the due date specified in subsection (16) of this section.

Payment agreements for current year taxes.

(b)(i) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

Payment agreements for delinquent year taxes.

(ii)(A) The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for past due delinquent taxes and charges.

(B) Tax payments received by a treasurer for delinquent year taxes from a taxpayer participating on a payment agreement must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Partial payments: Acceptance of partial payments for current and delinquent taxes.

(c)(i) In addition to the payment agreement program in (b) of this subsection, the treasurer may accept partial payment of any current and delinquent taxes including interest and penalties by any means authorized including electronic bill presentment and payments.

(ii) All tax payments received by a treasurer for delinquent year taxes from a taxpayer paying a partial payment must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Payment for delinquent taxes.

(d) Payments on past due taxes must include collection of the oldest delinquent year, which includes interest, penalties, and taxes within an eighteen-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

Due date for tax payments.

(16) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

Electronic funds transfers.

(17) A county treasurer may authorize payment of:

(a) Any current property taxes due under this chapter by electronic funds transfers on a monthly or other periodic basis; and

(b) Any past due property taxes, penalties, and interest under this chapter by electronic funds transfers on

a monthly or other periodic basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section. All tax payments received by a treasurer from a taxpayer paying delinquent year taxes must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Payment for administering prepayment collections.

(18) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

Waiver of interest and penalties for qualified taxpayers subject to foreclosure.

(19) No earlier than sixty days prior to the date that is three years after the date of delinquency, the treasurer must waive all outstanding interest and penalties on delinquent taxes due from a taxpayer if the property is subject to an action for foreclosure under chapter 84.64 RCW and the following requirements are met:

(a) The taxpayer is income-qualified under RCW 84.36.381(5)(a), as verified by the county assessor;

(b) The taxpayer occupies the property as their principal place of residence; and

(c) The taxpayer has not previously received a waiver on the property as provided under this subsection.

Definitions.

(20) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representative Berg moved the adoption of amendment (396) to the striking amendment (332):

On page 5, line 19 of the striking amendment, after "payment plan." insert "In setting terms for the payment plan, the county treasurer must consider cash flow and other impacts on all relevant taxing jurisdictions. The county treasurer must prioritize payment plan expenditures to protect scheduled bond payments, and otherwise has discretion as to how payments made under the payment plan are expended."

Representatives Berg and Volz spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (396) to the striking amendment (332), was adopted.

Striking amendment (332) as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan, Chase and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1332.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1332, and the bill

passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Pollet.

Excused: Representative Lekanoff.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1514, by Representatives Taylor, Ramos and Harris-Talley

Addressing transportation demand management.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1514 was substituted for House Bill No. 1514 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1514 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Taylor and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1514.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1514, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dent, Kraft, McCaslin, McEntire and Walsh.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1514, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1410, by Representatives Volz, Valdez, Ybarra, Stokesbary, Chase, Dufault, Leavitt, Vick, Dolan, Sutherland, Walen, Chambers, Walsh, Robertson, Caldier, Griffey, Riccelli, Jacobsen, Fitzgibbon, Ormsby and Harris-Talley

Protecting taxpayers from home foreclosure.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1410 was substituted for House Bill No. 1410 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1410 was read the second time.

Representative Orwall moved the adoption of striking amendment (324):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.56.020 and 2019 c 332 s 1 are each amended to read as follows:

Treasurers' tax collection duties.

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments

made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

Tax statements.

(2)(a) Tax statements for the current year's collection must be distributed to each taxpayer on or before March 15th provided that:

(i) All city and other taxing district budgets have been submitted to county legislative authorities by November 30th per RCW 84.52.020;

(ii) The county legislative authority in turn has certified taxes levied to the county assessor by November 30th per RCW 84.52.070; and

(iii) The county assessor has delivered the tax roll to the county treasurer by January 15th per RCW 84.52.080.

(b) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of . . . . . County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(c) Each tax statement distributed to an address must include a notice with information describing the:

(i) Property tax exemption program pursuant to RCW 84.36.379 through 84.36.389; and

(ii) Property tax deferral program pursuant to chapter 84.38 RCW.

Tax payment due dates.

On-time tax payments: First-half taxes paid by April 30th and second-half taxes paid by October 31st.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

Delinquent tax payments for current year: First-half taxes paid after April 30th.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

Delinquent tax payments: Interest, penalties, and treasurer duties.

(5) (a) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest as provided in this subsection((~~at the rate of twelve percent per annum~~)) computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. Interest rates are:

(i) Twelve percent per annum for all non-residential real property and for residential real property with greater than four units per taxable parcel; or

(ii) Nine percent per annum for all residential real property with four or fewer units per taxable parcel.

(b) In addition, delinquent taxes under this section are subject to penalties as follows:

((~~(a) A~~)) (i) For non-residential real property and for residential real property with greater than four units per taxable parcel, a penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

((~~(b) An~~)) (ii) For non-residential real property and for residential real property with greater than four units per taxable parcel, an additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(iii) For residential real property with four or fewer units per taxable parcel, no penalties may be assessed.

(c) (i) If a taxpayer is successfully participating in a payment agreement under subsection (15)(b) of this section or a partial payment program pursuant to subsection (15)(c) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(ii) The following remain due and payable as provided in any payment agreement:

(A) Interest that has been assessed prior to the payment agreement; and

(B) Penalties assessed prior to the effective date of this act that have been assessed prior to the payment agreement.

(6) A county treasurer must provide notification to each taxpayer whose taxes have become delinquent under subsections (4) and (5) of this section. The delinquency notice must specify where the taxpayer can obtain information regarding:

(a) Any current tax or special assessments due as of the date of the notice;

(b) Any delinquent tax or special assessments due, including any penalties and interest, as of the date of the notice; and

(c) Where the taxpayer can pay his or her property taxes directly and contact information, including but not limited to the phone number, for the statewide foreclosure hotline recommended by the Washington state housing finance commission.

(7) Within ninety days after the expiration of two years from the date of delinquency (when a taxpayer's taxes have become delinquent), the county treasurer must provide the name and property address of the delinquent taxpayer to a homeownership resource center or any other designated local or state entity recommended by the Washington state housing finance commission.

Collection of foreclosure costs.

(8)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(c) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

Periods of armed conflict.

(9) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

State of emergency.

(10) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

Retention of funds from interest.

(11) All collections of interest on delinquent taxes must be credited to the county current expense fund.

(12) For purposes of this chapter, "interest" means both interest and penalties.

Retention of funds from property foreclosures and sales.

(13) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

Tax due dates and options for tax payment collections.

Electronic billings and payments.

(14) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for:

(a) Delinquent tax year payments; and

(b) Prepayments of current tax.

Tax payments.

Prepayment for current taxes.

(15)(a) The treasurer may accept prepayments for current year taxes by any means authorized. All prepayments must be paid in full by the due date specified in subsection (16) of this section.

Payment agreements for current year taxes.

(b)(i) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

Payment agreements for delinquent year taxes.

(ii)(A) The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for past due delinquent taxes and charges.

(B) Tax payments received by a treasurer for delinquent year taxes from a taxpayer participating on a payment agreement must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Partial payments: Acceptance of partial payments for current and delinquent taxes.

(c)(i) In addition to the payment agreement program in (b) of this subsection, the treasurer may accept partial payment of any current and delinquent taxes including interest and penalties by any means authorized including electronic bill presentment and payments.

(ii) All tax payments received by a treasurer for delinquent year taxes from a taxpayer paying a partial payment must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Payment for delinquent taxes.

(d) Payments on past due taxes must include collection of the oldest delinquent year, which includes interest, penalties, and taxes within an eighteen-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

Due date for tax payments.

(16) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

Electronic funds transfers.

(17) A county treasurer may authorize payment of:

(a) Any current property taxes due under this chapter by electronic funds transfers on a monthly or other periodic basis; and

(b) Any past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly or other periodic basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section. All tax payments received by a treasurer from a taxpayer paying delinquent year taxes must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Payment for administering prepayment collections.

(18) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

Waiver of interest and penalties for qualified taxpayers subject to foreclosure.

(19) No earlier than sixty days prior to the date that is three years after the date of delinquency, the treasurer must waive all outstanding interest and penalties on delinquent taxes due from a taxpayer if the property is subject to an action for foreclosure under chapter 84.64 RCW and the following requirements are met:

(a) The taxpayer is income-qualified under RCW 84.36.381(5)(a), as verified by the county assessor;

(b) The taxpayer occupies the property as their principal place of residence; and

(c) The taxpayer has not previously received a waiver on the property as provided under this subsection.

Definitions.

(20) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency."

Representatives Orwall and Volz spoke in favor of the adoption of the striking amendment.

Striking amendment (324) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chase, Volz, Harris-Talley and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1410.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1410, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SECOND READING

HOUSE BILL NO. 1076, by Representatives Hansen, Fitzgibbon, Berry, Dolan, J. Johnson, Ramos, Simmons, Ramel, Ortiz-Self, Gregerson, Ryu, Bronoske, Valdez, Callan, Kloba, Hackney, Chopp, Ormsby, Stonier, Frame, Santos, Macri, Pollet and Harris-Talley

Allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections.

Representative Stokesbary moved that the House recommit HOUSE BILL NO. 1076 to the committee on Local Government.

Representatives Stokesbary, Goehner, Jacobsen and Hoff spoke in favor of the motion.

Representatives Pollet and Sullivan spoke against the motion.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the motion to recommit HOUSE BILL NO. 1076 to the committee on Local Government and the motion was not adopted by the following vote: Yeas: 41; Nays: 57; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1076 was substituted for House Bill No. 1076 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1076 was read the second time.

With the consent of the House, amendments (161), (162), (163), (164), (165), (289), (292), (312), (313), (316), (317), (331) and (333) were withdrawn.

Representative Hoff moved the adoption of amendment (159):

On page 1, line 17, after "state" insert ", if the legislature does not appropriate sufficient funding to the department of labor and industries and the human rights commissions to enforce existing laws"

On page 8, beginning on line 30, after "If" strike all material through "not" on line 31 and insert "sufficient funding for the operation of the department of labor and industries and the human rights commission to enforce the laws referenced in section 4 of this act, measured by funding in the 2021-2023 omnibus operating appropriations act that equals or exceeds the total funding for those agencies in the governor's budget proposal under RCW 43.88.030 for that period, is"

Representative Hoff spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

Amendment (159) was not adopted.

Representative Stokesbary moved the adoption of amendment (322):

On page 2, line 3, after "commission" insert ", and for purposes of the laws referenced in subsection (11) of section 4 of this act, "agency" means the public employment relations commission"

On page 4, line 25, after "act;" strike "and"

On page 4, line 26, after "(11)" insert "RCW 28B.52.025, 41.59.060, and 41.80.050, relating to employee rights in organizing, and RCW 28B.52.043, 41.56.110, 41.56.113, 41.76.045, 41.80.100, 47.64.160, and 49.39.080, relating to employee authorization of dues; and

(12)"

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (322) was not adopted.

Representative Gilday moved the adoption of amendment (287):

On page 2, line 4, after "(2)" insert "(a)"

On page 2, after line 8, insert the following:

"(b) "Aggrieved person" does not include an employee of a motor, air, or rail carrier or of any derivative carriers."

On page 2, line 17, after "act" insert ", but does not include an action concerning an employee of a motor, air, or rail carrier or of any derivative carriers"

On page 2, line 18, after "(6)" insert "(a)"

On page 2, after line 21, insert the following:

"(b) "Whistleblower" does not include an employee, contractor, or subcontractor of any motor, air, or rail carrier or of any derivative carriers."

Representatives Gilday and Hoff spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (287) was not adopted.

Representative Walsh moved the adoption of amendment (314):

On page 2, line 4, after "(2)" insert "(a)"

On page 2, after line 8, insert the following:

"(b) "Aggrieved person" does not include an employee covered by a collective bargaining agreement."

On page 2, line 17, after "act" insert ", but does not include an action concerning a person or persons covered by a collective bargaining agreement"

On page 2, line 18, after "(6)" insert "(a)"

On page 2, after line 21, insert the following:

"(b) "Whistleblower" does not include an employee, contractor, or subcontractor covered by a collective bargaining agreement."

Representatives Walsh, Hoff and Vick spoke in favor of the adoption of the amendment.

Representatives Bronoske and Sells spoke against the adoption of the amendment.

Amendment (314) was not adopted.

Representative Vick moved the adoption of amendment (329):

On page 2, line 4, after "a" strike "person" and insert "natural person who is or was employed by the employer subject to a qui tam action and"

On page 2, beginning on line 18, after "a" strike all material through "with" on line 20 and insert "natural person who is or was employed by the employer subject to a qui tam action and has"

Representatives Vick and Hoff spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (329) was not adopted.

Representative Mosbrucker moved the adoption of amendment (311):

On page 2, line 9, after "(3)" insert ""Cure" or "cures" means that the employer corrects the violation alleged by the aggrieved person and has written documentation that the aggrieved person has been made whole.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 1, after "(3)" insert "(a) No qui tam action may be brought if an employer cures the alleged violation.

(b) Every employer shall have a right to cure an alleged violation within thirty days of receipt of the written notice required in section 5(1) of this act.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Mosbrucker spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (311) was not adopted.

Representative Dufault moved the adoption of amendment (160):

On page 2, beginning on line 12, after "person" strike all material through "act," on line 14, and insert "or whistleblower"

On page 4, beginning on line 5, strike all of subsection (9)

Representatives Dufault and Corry spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (160) was not adopted.

Representative Stokesbary moved the adoption of amendment (323):

On page 2, line 37, after "(2) A" strike "relator" and insert "party"

Representatives Stokesbary, Chambers, Mosbrucker, Walsh, Dufault, Orcutt, Mosbrucker (again), Corry, Hoff and Barkis spoke in favor of the adoption of the amendment.

Representatives Hansen, Berry and Hackney spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (323) and the amendment was not adopted by the following vote: Yeas: 46; Nays: 52; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Duerr, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Johnson, J., Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, and Wylie

Representative Vick moved the adoption of amendment (330):

On page 3, line 34, after "(6)" insert "No qui tam action may be brought under this chapter if substantially the same allegations or transactions as alleged in the written notice required under section 5(1) of this act were publicly disclosed: (a) In a criminal, civil, or administrative proceeding in which the agency or an aggrieved employee is a party; (b) in a legislative, agency, attorney general, or other state report, hearing, audit, or investigation; or (c) from a media outlet of any kind, unless the person bringing the action is an original source of the information.

(7)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Vick, Vick (again), Kraft, Walsh and Hoff spoke in favor of the adoption of the amendment.

Representatives Hansen and Hackney spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (330) and the amendment was not adopted by the following vote: Yeas: 45; Nays: 53; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Johnson, J., Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, and Wylie

Representative Abbarno moved the adoption of amendment (290):

On page 4, beginning on line 12, after "(1)" strike all material through "(4)" on line 15

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Abbarno, Hoff, Chambers, Mosbrucker, MacEwen, Abbarno (again) and Hoff (again) spoke in favor of the adoption of the amendment.

Representatives Berry and Hackney spoke against the adoption of the amendment.

Amendment (290) was not adopted.

Representative Caldier moved the adoption of amendment (266):

On page 8, after line 29, insert the following:

"NEW SECTION. **Sec. 16.** (1) If the human rights commission finds, on or before January 1, 2026, that the Washington state house of representatives has committed an unfair practice under chapter 49.60 RCW on the basis of disability discrimination, including a failure or refusal to provide a reasonable accommodation, against a current or former member of the house of representatives, this act expires six months following the date of the finding.

(2) The human rights commission must provide notice of the expiration date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the human rights commission."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (266).

SPEAKER'S RULING

"The title of the bill is an act relating to allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections.

The amendment seeks to invalidate the law based on the outcome of a hypothetical complaint on an unrelated issue.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Jacobsen moved the adoption of amendment (315):

On page 8, line 31, after "act," insert "including funding specifically designated by the legislature as sufficient for the state and local governments to defend themselves against qui tam actions,"

Representatives Jacobsen, Dufault, Graham, Walsh, Jacobsen (again), Dufault (again) and Stokesbary spoke in favor of the adoption of the amendment.

Representatives Gregerson and Walen spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (315) and the amendment was not adopted by the following vote: Yeas: 45; Nays: 53; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Duerr, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Johnson, J., Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen, Berry, Ortiz-Self, Peterson, Hackney and Bronoske spoke in favor of the passage of the bill.

Representatives Abbarno, Hoff, Dufault, Barkis, Walsh, Jacobsen, Chase, Schmick, Vick, Sutherland, Goehner, Chambers, Corry, Mosbrucker, Orcutt, Gilday, Graham, Boehnke, Kraft, Chase (again), Griffey, Sutherland (again) and Stokesbary spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Klippert was excused.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1076.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1076, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Tharinger, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 1076, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Sullivan to preside.

There being no objection, the House adjourned until 10:00 a.m., March 6, 2021, the 55th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY FIFTH DAY

House Chamber, Olympia, Saturday, March 6, 2021

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Chris Corry, 14th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

March 5, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5004,
SENATE BILL NO. 5015,
SENATE BILL NO. 5043,
SENATE BILL NO. 5058,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5188,
SECOND SUBSTITUTE SENATE BILL NO. 5195,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5268,
SECOND SUBSTITUTE SENATE BILL NO. 5293,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5295,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5357,
SUBSTITUTE SENATE BILL NO. 5361,
SECOND SUBSTITUTE SENATE BILL NO. 5368,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5405,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

SB 5016 by Senators Warnick, Brown and Van De Wege

AN ACT Relating to tracked and wheeled all-terrain vehicles; amending RCW 46.10.300; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.10 RCW; and adding a new section to chapter 46.09 RCW.

Referred to Committee on Transportation.

SB 5031 by Senators Honeyford, Brown, Cleveland, Frockt, Holy, Mullet and Warnick

AN ACT Relating to a community aviation revitalization loan program; amending RCW 43.79A.040 and 47.68.020; reenacting and amending 2019 c 413 s 7037 (uncodified); adding new sections to chapter 47.68 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

SSB 5082 by Senate Committee on Ways & Means (originally sponsored by Fortunato, Hunt and Kuderer)

AN ACT Relating to reestablishing the productivity board; amending RCW 41.60.020, 41.60.041, 41.60.050, 41.60.120, and 41.60.150; and reenacting and amending RCW 41.60.015.

Referred to Committee on Appropriations.

ESSB 5122 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Hasegawa, Kuderer, Nguyen, Pedersen, Robinson, Saldaña, Wilson and C.)

AN ACT Relating to the jurisdiction of juvenile court; amending RCW 9A.04.050, 13.04.030, 13.04.030, 13.40.020, 13.40.020, 13.40.0357, 13.40.0357, 13.40.080, 13.40.080, 13.40.193, 13.40.193, 13.40.300, 13.40.300, 13.40.511, 13.40.511, 13.40.590, 13.40.590, 13.40.600, and 13.40.600; reenacting and amending RCW 13.04.011 and 13.04.011; adding a new section to chapter 13.04 RCW; adding new sections to chapter 43.216 RCW; creating new sections; providing effective dates; and providing expiration dates.

Referred to Committee on Appropriations.

E2SSB 5128 by Senate Committee on Ways & Means (originally sponsored by Wellman, Wilson, C., Conway, Dhingra, Hunt, Keiser, Lovelett, Nguyen and Saldaña)

AN ACT Relating to student transportation funding during a local, state, or national emergency; amending

RCW 28A.160.170 and 28A.160.192; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

SB 5145 by Senators Van De Wege and Rolfes

AN ACT Relating to the prevention of seabed mining of hard minerals; and amending RCW 79.14.300, 79.140.190, and 90.58.160.

Referred to Committee on Rural Development, Agriculture & Natural Resources.

E2SSB 5160 by Senate Committee on Ways & Means (originally sponsored by Kuderer, Liias, Conway, Das, Lovelett, Saldaña, Wilson and C.)

AN ACT Relating to addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs; amending RCW 43.31.615, 59.18.057, 59.18.365, 59.12.040, and 59.20.040; reenacting and amending RCW 43.31.605 and 59.18.230; adding new sections to chapter 59.18 RCW; adding a new section to chapter 2.53 RCW; adding a new section to chapter 43.185C RCW; creating new sections; repealing RCW 59.18.375; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

ESSB 5203 by Senate Committee on Health & Long Term Care (originally sponsored by Van De Wege, Carlyle, Frockt, Hasegawa, Keiser, Liias, Nguyen, Randall, Robinson, Salomon, Stanford, Wilson and C.)

AN ACT Relating to the production, distribution, and purchase of generic prescription drugs; amending RCW 70.14.060; and adding a new section to chapter 70.14 RCW.

Referred to Committee on Appropriations.

ESB 5220 by Senators Van De Wege and Rolfes

AN ACT Relating to the taxation of salmon recovery grants by updating the state business and occupation tax deduction for these grants, creating a sales and use tax exemption for grant proceeds received by recipients of these grants, and clarifying the sales and use tax obligations for goods and services purchased by recipients of these grants; amending RCW 82.04.4339 and 82.04.050; amending 2020 c 80 s 62 (uncodified); adding a new section to chapter 82.08 RCW; creating a new section; repealing 2020 c 80 s 58; and declaring an emergency.

Referred to Committee on Finance.

SB 5291 by Senators Conway and Randall

AN ACT Relating to the report deadline for the defense community compatibility account; and amending RCW 43.330.520.

Referred to Committee on Capital Budget.

ESSB 5321 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Nobles, Das, Dhingra, Frockt, Hasegawa, Liias, Lovelett, Nguyen, Randall, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to the college bound scholarship; amending RCW 28B.118.040; reenacting and amending RCW 28B.118.010 and 28B.118.090; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

E2SSB 5395 by Senate Committee on Ways & Means (originally sponsored by Hunt, Dhingra, Hasegawa, Kuderer, Nguyen, Nobles, Randall, Saldaña, Wellman, Wilson and C.)

AN ACT Relating to use of state resources during periods where state employees are required to work from home; adding a new section to chapter 41.04 RCW; creating new sections; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1210, by Representatives Morgan, Peterson, Kloba, J. Johnson, Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame and Harris-Talley

Replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1210 was substituted for House Bill No. 1210 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1210 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives MacEwen, Kloba and Morgan spoke in favor of the passage of the bill.

Representatives Klippert and Sutherland spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1210.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1210, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Chase, Dent, Dufault, Dye, Eslick, Graham, Hoff, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Schmick, Sutherland, Volz and Walsh.

SUBSTITUTE HOUSE BILL NO. 1210, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1326, by Representatives Lekanoff, Goodman, Ramel, Orwall, Klippert, Bateman, Lovick and Pollet

Concerning coroners and medical examiners.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1326 was substituted for House Bill No. 1326 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1326 was read the second time.

With the consent of the House, amendments (200) and (114) were withdrawn.

Representative Pollet moved the adoption of striking amendment (152):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 36.24 RCW to read as follows:

Within 12 months of being elected or appointed to the office, a coroner or medical examiner must have a certificate of completion of medicolegal forensic investigation training that complies with the standards adopted for the medicolegal training academy adopted by the criminal justice training commission in conjunction with the Washington association of coroners and medical examiners and a practicing physician selected by the commission pursuant to section 3 of this act. This requirement does not apply to an elected prosecutor acting as the ex officio coroner in a county. All medicolegal investigative personnel employed by any coroner's or medical examiner's office must complete medicolegal forensic investigation training as required under section 3 of this act. A county in which the coroner or county medical examiner has not obtained such certification within 12 months of assuming office is ineligible to receive reimbursement from the death investigations account under RCW 68.50.104.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.24 RCW to read as follows:

Except those run by a county prosecutor, all county coroner's offices and medical examiner's offices must be accredited by either the international association of coroners and medical examiners or the national association of medical examiners no later than July 1, 2025, and maintain continued accreditation thereafter. A county that contracts for its coroner or medical examiner services with an accredited coroner or medical examiner's office in another county does not need to maintain accreditation.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

(1)(a) All elected coroners, appointed coroners, persons serving as coroners, medical examiners, and all other full-time medicolegal investigative personnel employed by a county coroner's or medical examiner's office must successfully complete medicolegal forensic investigation training through the medicolegal training academy program within 12 months of being elected, appointed, or employed unless otherwise exempted by the commission. This section does not apply to elected prosecutors who are coroners in their counties.

(b) All part-time medicolegal investigative personnel employed by a county coroner's or medical examiner's office must successfully complete medicolegal forensic investigation training through the medicolegal training academy program within 18 months of being employed unless otherwise exempted by the commission.

(2) The commission, in conjunction with the Washington association of coroners and medical examiners and a practicing physician selected by the commission, shall develop the medicolegal forensic investigation training curriculum and adopt the standards for the medicolegal training academy and any exemption from the requirement to complete the medicolegal forensic investigation training. The commission shall exempt from this requirement any coroner, medical examiner, or medicolegal investigative personnel who has obtained training comparable to the medicolegal forensic investigation training by virtue of educational or professional training or experience.

(3) The commission must certify successful completion of the medicolegal forensic investigation training or exemption from the medicolegal training requirement within 60 days from the receipt of proof of completion or request for exemption.

(4) The medicolegal forensic investigation training required under this section must:

(a) Meet the recommendations of the national commission on forensic science for certification and accreditation; and

(b) Satisfy the requirements for training on the subject of sudden, unexplained child death including, but not limited to, sudden infant death syndrome developed pursuant to RCW 43.103.100 and missing persons protocols pursuant to RCW 43.103.110.

(5) Certification under this section is a condition of continued employment in a coroner's or medical examiner's office.

(6) A coroner's or medical examiner's office in which a coroner, person serving as coroner, medical examiner, or other medicolegal investigative employee, who has not otherwise been exempted by the commission, is not certified within 12 months of being elected, appointed, or employed as required by this section, is not eligible for reimbursement from the death investigations account under RCW 68.50.104 until the office is in compliance with all requirements under this section.

Sec. 4. RCW 36.16.030 and 2015 c 53 s 61 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand the county legislative authority may determine that no coroner shall be elected and ((~~the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29A.60.280. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner~~)) instead appoint a coroner. In a county with a population of two hundred fifty thousand

or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

Sec. 5. RCW 36.16.030 and 2015 c 53 s 61 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29A.60.280. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

Sec. 6. RCW 36.17.020 and 2008 c 309 s 2 are each amended to read as follows:

The county legislative authority of each county or a county commissioner or councilmember salary commission which conforms with RCW 36.17.024 is authorized to establish the salaries of the elected officials of the county. The state and county shall contribute to the costs of the salary of the elected prosecuting attorney as set forth in subsection (11) of this section. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of the county legislative authority, and coroner, eighteen thousand dollars; and assessor, nineteen thousand dollars;

(2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; members of the county legislative authority, nineteen thousand five hundred dollars; and coroner, seventeen thousand six hundred dollars;

(3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; members of the county legislative authority, seventeen thousand six hundred dollars; and coroner, sixteen thousand dollars;

(4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; members of the county legislative authority, fourteen thousand nine hundred dollars; and coroner, fourteen thousand nine hundred dollars;

(5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; members of the county legislative authority, thirteen thousand eight hundred dollars; and coroner, thirteen thousand eight hundred dollars;

(6) In each county with a population of from eighteen thousand to less than forty thousand: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; ((~~and~~)) members of the county legislative authority, eleven thousand dollars; and coroner, $11,000 or on a per case basis as determined by the county legislative authority;

(7) In each county with a population of from twelve thousand to less than eighteen thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; ((~~and~~)) members of the county legislative authority, nine thousand four hundred dollars; and coroner, $9,400 or on a per case basis as determined by the county legislative authority;

(8) In each county with a population of from eight thousand to less than twelve thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; ((~~and~~)) members of the county legislative authority, seven thousand dollars; and coroner, $7,000 or on a per case basis as determined by the county legislative authority;

(9) In each county with a population of from five thousand to less than eight thousand: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; ((~~and~~)) members of the county legislative authority, six thousand five hundred dollars; and coroner, $6,500 or on a per case basis as determined by the county legislative authority;

(10) In each other county: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; ((~~and~~)) members of the county legislative authority, six thousand five hundred dollars; and coroner, $6,500 or on a per case basis as determined by the county legislative authority;

(11) The state of Washington shall contribute an amount equal to one-half the salary of a superior court judge towards the salary of the elected prosecuting attorney. Upon receipt of the state contribution, a county shall continue to contribute towards the salary of the elected prosecuting attorney in an amount that equals or exceeds that contributed by the county in 2008.

Sec. 7. RCW 68.50.010 and 1963 c 178 s 1 are each amended to read as follows:

The jurisdiction of bodies of all deceased persons who come to their death suddenly when in apparent good health without medical attendance within the thirty-six hours preceding death; or where the circumstances of death indicate death was caused by unnatural or unlawful means; or where death occurs under suspicious circumstances; or where a coroner's autopsy or postmortem or coroner's inquest is to be held; or where death results from unknown or obscure causes, or where death occurs within one year following an accident; or where the death is caused by any violence whatsoever, or where death results from a known or suspected abortion; whether self-induced or otherwise; where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering; or where death is due to premature birth or still birth; or where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard; or where death results from alleged rape, carnal knowledge or sodomy, where death occurs in a jail or prison; where a body is found dead or is

not claimed by relatives or friends, is hereby vested in the county coroner or medical examiner, which bodies may be removed and placed in the morgue under such rules as are adopted by the coroner or medical examiner with the approval of the county commissioners, having jurisdiction, providing therein how the bodies shall be brought to and cared for at the morgue and held for the proper identification where necessary.

Sec. 8. RCW 68.50.104 and 2019 c 317 s 4 are each amended to read as follows:

(1) The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy.

(2)(a) Except as provided in (b) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations account, established by RCW 43.79.445, as follows:

(i) Up to forty percent of the cost of contracting for the services of a pathologist to perform an autopsy;

(ii) Up to ((~~twenty-five~~)) 30 percent of the salary of pathologists who are primarily engaged in performing autopsies and are (A) county coroners or county medical examiners, or (B) employees of a county coroner or county medical examiner; and

(iii) One hundred percent of the cost of autopsies conducted under RCW 70.54.450.

(b) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100 (4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

(3) Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels.

(4) Where the county coroner's office or county medical examiner's office is not accredited pursuant to section 2 of this act, or a coroner, medical examiner, or other medicolegal investigative employee is not certified as required by sections 1 and 3 of this act, the state treasurer's office shall withhold autopsy reimbursement funds until accreditation under section 2 of this act or compliance with sections 1 and 3 of this act is achieved.

NEW SECTION. **Sec. 9.** Sections 4 and 6 of this act take effect January 1, 2025.

NEW SECTION. **Sec. 10.** Section 5 of this act expires January 1, 2025."

Correct the title.

Representative Goehner moved the adoption of amendment (201) to the striking amendment (152):

On page 1, beginning on line 18 of the striking amendment, after "office" strike "is ineligible to receive" and insert "may have its"

On page 1, line 19 of the striking amendment, after "account" insert "reduced as provided"

On page 3, line 1 of the striking amendment, after "(6) A" strike "coroner's or medical examiner's office" and insert "county"

On page 3, beginning on line 5 of the striking amendment, after "section," strike "is not eligible for" and insert "may have its"

On page 3, line 6 of the striking amendment, after "account" insert "reduced as provided"

On page 8, line 28 of the striking amendment, after "withhold" insert "25 percent of"

Representatives Goehner and Pollet spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (201) to the striking amendment (152) was adopted.

Representative Walsh moved the adoption of amendment (199) to the striking amendment (152):

On page 3, line 33 of the striking amendment, after "coroner" insert "or direct that the prosecuting attorney shall serve as ex-officio coroner"

Representatives Walsh and Pollet spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (199) to the striking amendment (152) was adopted.

Representative Robertson moved the adoption of amendment (197) to the striking amendment (152):

On page 3, line 33 of the striking amendment, after "coroner." insert "Until such time as a coroner in a county with a population of less than 40,000 has been elected from among the qualified voters or a suitable candidate appointed by the county legislative authority, the prosecuting attorney may serve as ex-officio coroner."

Representative Robertson withdrew amendment (197) to the striking amendment (152).

Striking amendment (152) as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lekanoff, Goehner and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1326.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1326, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1445, by Representatives Thai, Cody, Ormsby, Pollet and Harris-Talley

Concerning the definition of compounding for purposes of the practice of pharmacy.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1445 was substituted for House Bill No. 1445 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1445 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thai and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1445.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1445, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1445, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1472, by Representatives Slatter, Ortiz-Self, Sutherland, Goodman, Ormsby, Valdez, Eslick, Harris-Talley, Lekanoff, Pollet and Chopp

Adding a graduate student to the student achievement council.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1472 was substituted for House Bill No. 1472 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1472 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Slatter and Corry spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1472.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1472, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Chase, Dufault, Dye, Eslick, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Rude, Schmick, Steele, Vick and Walsh.

SUBSTITUTE HOUSE BILL NO. 1472, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1484, by Representatives Dolan and Lekanoff

Concerning the statewide first responder building mapping information system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1484 was substituted for House Bill No. 1484 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1484 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dolan, Ybarra and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1484.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1484, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1484, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1030, by Representatives Dent, Springer, Boehnke, Eslick, Callan and Slatter

Concerning a community aviation revitalization loan program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1030.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1030, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1030, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1137, by Representatives McCaslin, Young, Barkis, Schmick and Graham

Elevating road maintenance and preservation in transportation planning.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1137 was substituted for House Bill No. 1137 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1137 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCaslin and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1137.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1137, and the bill passed the House by the following vote: Yeas, 88; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Berry, Chopp, Fitzgibbon, Frame, Harris-Talley, Kloba, Ramel, Ramos, Valdez and Wicks.

SUBSTITUTE HOUSE BILL NO. 1137, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1310, by Representatives J. Johnson, Lovick, Ryu, Simmons, Berry, Fitzgibbon, Hackney, Wylie, Sells, Wicks, Cody, Callan, Gregerson, Santos, Senn, Ortiz-Self, Chopp, Davis, Valdez, Dolan, Bateman, Ormsby, Bergquist, Morgan, Ramel, Ramos, Lekanoff, Frame, Harris-Talley, Pollet, Macri and Peterson

Concerning permissible uses of force by law enforcement and correctional officers.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1310 was substituted for House Bill No. 1310 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1310 was read the second time.

With the consent of the House, amendments (319), (325) and (383) were withdrawn.

Representative Mosbrucker moved the adoption of amendment (380):

On page 2, line 1, after "(1)" insert ""Appropriate," "imminent," "minimal," "necessary," and "reasonable" must be interpreted according to an objective standard which considers all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have determined the action was appropriate, minimal, necessary, or reasonable, or the threat was imminent.

(2)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 37, after "circumstances," insert "a similarly situated reasonable officer would have determined that"

Representatives Mosbrucker and Klippert spoke in favor of the adoption of the amendment.

Representatives Hackney and Goodman spoke against the adoption of the amendment.

Amendment (380) was not adopted.

Representative Klippert moved the adoption of amendment (407):

On page 2, beginning on line 17, after "to" strike all material through "otherwise" on line 18 and insert ": Protect against criminal conduct where there is probable cause to make an arrest; effect an arrest; prevent an escape as defined under chapter 9A.76 RCW; or"

Representatives Klippert and Goodman spoke in favor of the adoption of the amendment.

Amendment (407) was adopted.

Representative Mosbrucker moved the adoption of amendment (379):

On page 2, beginning on line 22, after "when" strike all material through "person" on line 23 and insert "such use is justifiable under chapter 9A.16 RCW"

On page 3, beginning on line 29, beginning with "(5)" strike all material through "officer." on page 4, line 4

Representative Mosbrucker and Mosbrucker (again) spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (379) was not adopted.

Representative Klippert moved the adoption of amendment (320):

On page 2, line 22, after "against" strike "an imminent" and insert "a valid"

On page 3, beginning on line 31, strike all of subsection (a)

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Representatives Klippert and Graham spoke in favor of the adoption of the amendment.

Representative J. Johnson spoke against the adoption of the amendment.

Amendment (320) was not adopted.

Representative Klippert moved the adoption of amendment (321):

On page 3, line 24, after "law" insert ", except to protect his or her life or the life of another person"

Representatives Klippert and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (321) was adopted.

Representative Griffey moved the adoption of amendment (382):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101 RCW to read as follows:

(1) The criminal justice training commission, in consultation with the Washington association of sheriffs and police chiefs, representatives of law enforcement labor groups, and other agencies and organizations as deemed appropriate by the commission, must develop and adopt a statewide use of force standard built upon the cornerstone principle of the sanctity of human life. The statewide use of force standard built upon the cornerstone principle of the sanctity of human life takes effect one year following its adoption by the commission.

(2) The use of force standard built upon the cornerstone principle of the sanctity of human life must:

(a) Require any use of force to meet the test of proportionality to employ a degree of force that is objectively reasonable to gain control and compliance of persons, rather than a use of force continuum or "drawing a line in the sand";

(b) Emphasize the use of time, cover, and distance to mitigate the need to use force;

(c) Be informed by the data collection and related analysis conducted under chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5259);

(d) Utilize credible science to develop recommended techniques for law enforcement's response to scenes where an individual displays symptoms consistent with the medical condition known as excited delirium;

(e) Educate officers to recognize and address implicit bias;

(f) Educate officers on the history of race and law enforcement; and

(g) Allow for law enforcement agencies to adopt and implement policies, practices, procedures, and training that are more restrictive than the use of force standard built upon the cornerstone principle of the sanctity of human life adopted by the commission.

(3) The criminal justice training commission must review and modify its policies, practices, procedures, and trainings as necessary to fully incorporate and implement the statewide use of force standard built upon the cornerstone principle of the sanctity of human life, and ensure that any modifications necessary are fully implemented no later than one year after adoption of the standard by the commission.

(4) Each Washington law enforcement agency must review and modify its policies, practices, procedures, and trainings as necessary to fully incorporate and implement the statewide use of force standard built upon the cornerstone principle of the sanctity of human life, and ensure that any modifications necessary are fully implemented no later than one year after adoption of the standard by the commission. All Washington law enforcement agencies are prohibited from utilizing, whether formal or informal, a use of force standard inconsistent with this standard.

(5) The criminal justice training commission must reimburse law enforcement agencies for reasonable and necessary costs of implementing the provisions of RCW 43.101.450 and 43.101.452 and chapter . . ., Laws of 2021 (this act).

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101 RCW to read as follows:

All Washington law enforcement agencies must, no later than one year after the effective date of this section, adopt and implement a policy requiring an agency supervisor to immediately respond to any scene where a weapon is reported, when a person is experiencing a behavioral health crisis, or when a dispatcher or other member of the law enforcement agency reports a potential for a significant use of force. Agencies are strongly encouraged to require higher level supervisors to respond to scenes where the potential for a significant use of force is greater.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

All Washington law enforcement agencies must, no later than one year after the effective date of this section, formally adopt de-escalation as part of the agency's policies.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW to read as follows:

All Washington law enforcement agencies must, no later than one year after the effective date of this section, adopt policies and procedures to identify use of force incidents and conduct an internal administrative review to determine whether each incident was consistent with applicable laws and agency policies, procedures, and training.

NEW SECTION. **Sec. 5.** A new section is added to chapter 41.56 RCW to read as follows:

Notwithstanding any provisions of this chapter, the provisions of chapter . . ., Laws of 2021 (this act) and the implementation thereof do not constitute personnel matters, working conditions, or any other change that requires collective bargaining.

NEW SECTION. **Sec. 6.** To the extent that any provision of this act is in conflict with any local regulation, ordinance, collective bargaining agreement, memorandum of understanding, policy, or practice, the provisions of this act prevail and the conflicting provision is null and void.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** If specific and sufficient funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (382).

SPEAKER'S RULING

"The title of the bill is an act relating to permissible use of force by law enforcement and correctional officers.

The bill establishes a standard for use of physical force by peace officers.

Amendment (382) provides that development and implementation of a statewide use of force standard does not constitute any change in working or other conditions requiring collective bargaining and invalidates any local laws or collective bargaining agreements in conflict with the development and implementation of this standard.

Collective bargaining is a separate and distinct topic from the issue presented in the bill before us – whether to establish a standard for use of physical force by peace officers.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives J. Johnson, Wicks and Simmons spoke in favor of the passage of the bill.

Representatives Mosbrucker, Graham, Griffey, Walsh, Sutherland, Klippert and Maycumber spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Chopp was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1310.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1310, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Chopp.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1310, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1236, by Representatives Macri, Taylor, Dolan, Gregerson, Berry, Fitzgibbon, Frame, Simmons, Ramel, Bateman, J. Johnson, Hackney, Chopp, Thai, Peterson, Santos, Orwall, Ortiz-Self, Ryu, Wicks, Lekanoff, Slatter, Berg, Senn, Harris-Talley, Ormsby and Pollet

Protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1236 was substituted for House Bill No. 1236 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1236 was read the second time.

With the consent of the House, amendments (364), (369), (373), (388), (389) and (390) were withdrawn.

Representative Dufault moved the adoption of amendment (362):

On page 7, beginning on line 17, after "tenant" strike all material through "periodic tenancy" on line 18

On page 7, line 19, after "section" insert "and in RCW 59.12.030"

On page 13, beginning on line 33, strike all of section 4

Renumber the remaining sections consecutively and correct any internal

references accordingly. Correct the title.

Representatives Dufault, Walsh, Sutherland, Caldier and Chambers spoke in favor of the adoption of the amendment.

Representatives Peterson and Macri spoke against the adoption of the amendment.

Amendment (362) was not adopted.

Representative Dufault moved the adoption of amendment (351):

On page 7, beginning on line 17, after "tenant" strike ", refuse to continue the tenancy,"

Representatives Dufault and Walsh spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

Amendment (351) was not adopted.

Representative Caldier moved the adoption of amendment (359):

On page 7, line 19, after "in" strike "subsection (2)" and insert "subsections (2) and (3)"

On page 8, line 2, after "cause" insert "to evict"

On page 11, line 5, after "(3)" insert "The following reason listed in this subsection constitutes cause to refuse to continue a tenancy: The tenant has been required to register as a sex offender during the tenancy, or prior to the tenancy if not disclosed or otherwise known to the property owner at the beginning of the tenancy.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Caldier, Peterson, Kraft, Dufault and Rude spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (359) and the amendment was adopted by the following vote: Yeas: 98; Nays: 0; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

Representative Caldier moved the adoption of amendment (360):

On page 7, line 19, after "in" strike "subsection (2)" and insert "subsections (2) and (3)"

On page 8, line 2, after "cause" insert "to evict"

On page 11, line 5, after "(3)" insert "The following reason listed in this subsection constitutes cause to refuse to continue a tenancy: The tenant has made unwanted sexual advances or other acts of sexual harassment directed at the property owner, property manager, property employee, or another tenant based on the person's race, gender, or other protected status.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Caldier, Peterson and Dufault spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (360) and the amendment was adopted by the following vote: Yeas: 98; Nays: 0; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber,

McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

Representative Ybarra moved the adoption of amendment (377):

On page 7, line 19, after "in" strike "subsection (2)" and insert "subsections (2) and (3)"

On page 8, line 2, after "cause" insert "to evict"

On page 11, line 5, after "(3)" insert "The following reason listed in this subsection constitutes cause to refuse to continue a tenancy: The tenant has stated verbally or in writing any derogatory remarks directed at the property owner, property manager, property employee, or another tenant based on the person's race, gender, or other protected status.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Ybarra, Caldier, Walsh, Dufault, Hoff, Rude, Barkis and Dufault (again) spoke in favor of the adoption of the amendment.

Representatives Taylor and Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (377) and the amendment was not adopted by the following vote: Yeas: 47; Nays: 51; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Rude moved the adoption of amendment (378):

On page 7, line 19, after "section" insert "and RCW 59.12.030"

On page 8, line 1, after "The" strike "following reasons listed in this subsection" and insert "reasons listed in this subsection and in RCW 59.12.030"

On page 16, at the beginning of line 13, strike "((~~A~~)) Except as limited by section 2 of this act relating to tenancies under chapter 59.18 RCW, a" and insert "A"

On page 17, line 20, after "(5)" strike "When" and insert

"((~~When~~)) Notwithstanding any provisions in section 2 of this act, when"

Representatives Rude and Dufault spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (378) was not adopted.

Representative Gilday moved the adoption of amendment (370):

On page 7, line 19, after "section" insert "and RCW 59.12.030"

On page 8, line 1, after "The" strike "following reasons listed in this subsection" and insert "reasons listed in this subsection and in RCW 59.12.030"

On page 16, at the beginning of line 13, strike "((~~A~~)) Except as limited by section 2 of this act relating to tenancies under chapter 59.18 RCW, a" and insert "A"

On page 17, line 26, after "(6)" strike "A" and insert "((~~A~~)) Notwithstanding any provisions in section 2 of this act, a"

Representatives Gilday, Caldier, Dufault, Walsh and Dufault (again) spoke in favor of the adoption of the amendment.

Representatives Macri and Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (370) and the amendment was not adopted by the following vote: Yeas: 44; Nays: 54; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Chambers moved the adoption of amendment (381):

On page 7, line 19, after "section" insert "and RCW 59.12.030"

On page 8, line 1, after "The" strike "following reasons listed in this subsection" and insert "reasons listed in this subsection and in RCW 59.12.030"

On page 16, at the beginning of line 13, strike "((~~A~~)) Except as limited by section 2 of this act relating to tenancies under chapter 59.18 RCW, a" and insert "A"

On page 17, line 32, after "(7)" strike "When" and insert

"((~~When~~)) Notwithstanding any provisions in section 2 of this act, when"

Representatives Chambers, Dufault, Robertson, Caldier, Barkis, Graham, Young, Caldier (again), Dufault (again), Chambers (again), Sutherland and Robertson (again) spoke in favor of the adoption of the amendment.

Representatives Hackney, Taylor and Macri spoke against the adoption of the amendment.

Amendment (381) was not adopted.

Representative Gilday moved the adoption of amendment (367):

On page 7, beginning on line 20, strike all of subsection (b)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 7, after line 38, insert the following:

"(e) The provisions of subsection (2) of this section shall apply only after the tenant has resided at the same property for more than two years."

Representatives Gilday, Dufault, Caldier and Walsh spoke in favor of the adoption of the amendment.

Representatives Kirby and Thai spoke against the adoption of the amendment.

Amendment (367) was not adopted.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 1236, and the bill held its place on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1296
HOUSE BILL NO. 1314

There being no objection, the House adjourned until 9:00 a.m., March 7, 2021, the 56th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY SIXTH DAY

House Chamber, Olympia, Sunday, March 7, 2021

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Emily Wicks, 38th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

SSB 5004 by Senate Committee on Ways & Means (originally sponsored by Keiser, Warnick, Conway, Das, King, Kuderer, Saldaña, Wilson and C.)

AN ACT Relating to providing a tax exemption for medical marijuana patients; amending RCW 69.50.535; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

SB 5015 by Senators Hunt, Billig, Das, Dhingra, Hasegawa, Keiser, Kuderer, Nguyen, Wilson and C.

AN ACT Relating to fraudulent portrayal of ballot drop boxes; and amending RCW 29A.84.610.

Referred to Committee on State Government & Tribal Relations.

SB 5043 by Senators Salomon, Rolfes, Conway, Das, Hasegawa, Hunt, Kuderer, Lovelett, Saldaña, Wellman, Wilson and C.

AN ACT Relating to the provision of housing for school district employees; amending RCW 28A.335.240, 28A.335.250, 28A.335.130, and 82.29A.130; creating a new section; repealing RCW 28A.335.270; and providing an expiration date.

Referred to Committee on Capital Budget.

SB 5058 by Senators Rolfes and Van De Wege

AN ACT Relating to making technical changes to certain natural resources-related accounts; amending RCW 77.36.170; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

E2SSB 5188 by Senate Committee on Ways & Means (originally sponsored by Kuderer, Nguyen, Conway, Darneille, Das, Dhingra, Hasegawa, Hunt, Liias, Lovelett, Stanford, Van De Wege, Wellman, Wilson and C.)

AN ACT Relating to the creation of the Washington state public financial cooperative; amending RCW 39.59.040, 42.56.270, 42.56.400, 43.10.067, and 43.84.080; reenacting and amending RCW 43.56.400; adding a new section to chapter 43.190 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

2SSB 5195 by Senate Committee on Ways & Means (originally sponsored by Liias, Muzzall, Das, Dhingra, Nguyen, Wilson and C.)

AN ACT Relating to opioid overdose reversal medication; amending RCW 70.41.480; adding a new section to chapter 70.41 RCW; adding a new section to chapter 71.24 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Appropriations.

ESSB 5263 by Senate Committee on Law & Justice (originally sponsored by Frockt, Pedersen, Das, Hasegawa, Hunt, Kuderer, Liias, Saldaña, Wellman, Wilson and C.)

AN ACT Relating to defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony; amending RCW 4.24.420; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5268 by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Braun and Nguyen)

AN ACT Relating to transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community

residential settings and redesigning the long-term nature of intermediate care facilities; amending RCW 43.88C.010; adding a new section to chapter 71A.18 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Appropriations.

2SSB 5293 by Senate Committee on Ways & Means (originally sponsored by Nobles, Darneille, Das, Dhingra, Hasegawa, Keiser, Lovelett, Nguyen, Rivers, Salomon, Van De Wege, Wilson and C.)

AN ACT Relating to mental health sentencing alternatives; amending RCW 9.94A.501, 9.94A.505, 9.94A.633, and 9.94A.6332; reenacting and amending RCW 9.94A.701; adding a new section to chapter 9.94A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Public Safety.

ESSB 5295 by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle and Short)

AN ACT Relating to transforming the regulation of gas and electrical companies toward multiyear rate plans and performance-based rate making; amending RCW 80.28.005 and 80.28.068; adding new sections to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

E2SSB 5304 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Dhingra, Darneille, Das, Frockt, Hasegawa, Holy, Lovelett, Nguyen, Rivers and Wellman)

AN ACT Relating to providing reentry services to persons releasing from state and local institutions; amending RCW 74.09.670, 74.09.555, 9.94.049, 72.09.370, 71.24.470, 71.24.480, and 72.09.270; adding a new section to chapter 71.24 RCW; and creating new sections.

Referred to Committee on Appropriations.

ESSB 5357 by Senate Committee on Ways & Means (originally sponsored by Honeyford, King, Wagoner, Wellman, Wilson and L.)

AN ACT Relating to establishing the capital broadband investment acceleration program; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Capital Budget.

SSB 5361 by Senate Committee on Law & Justice (originally sponsored by McCune, Warnick, Wilson and J.)

AN ACT Relating to the resentencing of persons convicted of drug offenses; amending RCW 9.94A.519; providing an expiration date; and declaring an emergency.

Referred to Committee on Public Safety.

2SSB 5368 by Senate Committee on Ways & Means (originally sponsored by Short, Fortunato, Wilson and L.)

AN ACT Relating to encouraging rural economic development; amending RCW 36.70A.330; adding a new section to chapter 35A.14 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Appropriations.

ESSB 5405 by Senate Committee on Ways & Means (originally sponsored by Hasegawa, Conway, Liias, Nguyen, Saldaña, Wilson and C.)

AN ACT Relating to racial equity analysis for the joint legislative audit and review committee work; amending RCW 44.28.005; and adding a new section to chapter 44.28 RCW.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

The House resumed consideration of SUBSTITUTE HOUSE BILL NO. 1236 on second reading.

Representative Peterson moved the adoption of amendment (385):

On page 7, beginning on line 20, strike all of subsection (b) and insert the following:

"(b) Except where the premises are rented for an indefinite time on a month-to-month or periodic basis during the first year of occupancy, a landlord may terminate the tenancy without cause at the end of an initial lease term between three to 12 months upon at least 60 days' prior written notice, served in a manner consistent with RCW 59.12.040. If a landlord does not give at least 60 days' notice as provided in this subsection, the tenancy shall be construed to be a month-to-month tenancy until further agreement of the landlord and tenant, which can only be terminated for the

reasons listed as cause enumerated in subsection (2) of this section."

On page 11, line 4, after "chapter" insert ";

(m) A tenancy may be terminated upon the expiration of the term if the landlord gives the tenant notice in writing not less than 60 days prior to the ending date of the term, and:

(i) The tenant has committed four or more violations, other than one for monetary damages, of a substantial breach of one of the following: a material program requirement of subsidized housing, material term subscribed to by the tenant within the lease or rental agreement, or a tenant obligation imposed by law, within the preceding 12-month period and the landlord has given the tenant a written warning notice at the time of each violation;

(ii) Each written warning notice must:

(A) Specify the violation;

(B) Provide the tenant an opportunity to cure the violation;

(C) State that the landlord may choose to terminate the tenancy at the end of the term if there are four violations within a 12-month period preceding the end of the term; and

(D) State that correcting the fourth or subsequent violation is not a defense to termination under this subsection; and

(iii) The 60-day notice of termination must:

(A) State that the rental agreement will terminate upon the specified ending date for the term or upon a designated date not less than 60 days after the delivery of the notice, whichever is later;

(B) Specify the reason for the termination and supporting facts; and

(C) Be delivered to the tenant concurrent with or after the fourth or subsequent written warning notice.

(iv) The notice under this subsection must include all notices supporting the basis of termination;

(v) Any notices asserted under this subsection must pertain to four or more separate incidents or occurrences; and

(vi) Nothing in this subsection shall be construed to absolve a landlord from demonstrating by admissible evidence that the four or more violations constituted breaches under subsection (2)(b) of this section at the time of the violation had the tenant not cured the violation"

Representative Peterson spoke in favor of the adoption of the amendment.

Representatives Caldier, Dufault, Barkis and Walsh spoke against the adoption of the amendment.

Amendment (385) was adopted.

Representative Gilday moved the adoption of amendment (368):

On page 7, beginning on line 24, after "59.12.040." strike all material through "section." on line 28

Representatives Gilday, Dufault, Walsh, Graham, Kraft and Caldier spoke in favor of the adoption of the amendment.

Representatives Peterson, Macri and Taylor spoke against the adoption of the amendment.

Amendment (368) was not adopted.

Representative Dufault moved the adoption of amendment (352):

On page 7, beginning on line 29, strike all of subsection (c)

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 13, beginning on line 33, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Dufault, Caldier, Dufault (again) and Walsh spoke in favor of the adoption of the amendment.

Representatives Harris-Talley and Macri spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (352) and the amendment was not adopted by the following vote: Yeas: 45; Nays: 53; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Dufault moved the adoption of amendment (353):

On page 10, beginning on line 37, after "action" strike all material through "tenancy" on line 40

Representatives Dufault and Peterson spoke in favor of the adoption of the amendment.

Amendment (353) was adopted.

Representative Caldier moved the adoption of amendment (355):

On page 10, line 32, after "(l)" strike "(i)"

On page 10, beginning on line 37, after "action." strike all material through "chapter." on page 11, line 4

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (355) and the amendment was not adopted by the following vote: Yeas: 46; Nays: 52; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Shewmake, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Gilday moved the adoption of amendment (371):

On page 11, line 4, after "chapter" insert ";

(m) The tenant remains in possession after causing damage to the property in excess of the tenant's security deposit"

Representatives Gilday, Dufault, Caldier, Dufault (again) and Kraft spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (371) was not adopted.

Representative Leavitt moved the adoption of amendment (372):

On page 11, line 4, after "chapter" insert ";

(m) The tenant continues in possession after having received a 60-day notice to quit for other good cause prior to the termination of the period or rental agreement and such cause constitutes a legitimate economic or business reason not covered or related to a basis for termination enumerated under this subsection. Where the landlord relies on this basis for termination of the tenancy, the court may stay any writ of restitution for up to 60 additional days for good cause shown, including difficulty procuring alternative housing. The court shall condition such a stay upon the tenant's continued payment of rent during the stay period. Upon granting such a stay, the court shall award court costs and fees as allowed under this chapter"

Representatives Leavitt and Caldier spoke in favor of the adoption of the amendment.

Representative Dufault spoke against the adoption of the amendment.

Amendment (372) was adopted.

Representative Klippert moved the adoption of amendment (384):

On page 11, line 4, after "chapter" insert ";

(m) The tenant continues in possession after using any nonprescription narcotic, including methamphetamine, if such usage is legalized"

Representatives Klippert, Kraft, Dufault, Caldier and Dent spoke in favor of the adoption of the amendment.

Representative Davis spoke against the adoption of the amendment.

Amendment (384) was not adopted.

Representative Vick moved the adoption of amendment (366):

On page 11, line 26, after "or" strike "four and one-half" and insert "three"

Representatives Vick, Peterson and Dufault spoke in favor of the adoption of the amendment.

Amendment (366) was adopted.

Representative Walsh moved the adoption of amendment (356):

On page 12, line 11, after "by" strike "((~~either party~~)) the tenant" and insert "either party"

On page 12, line 12, after "the" strike "((~~other~~)) landlord" and insert "other"

Representatives Walsh, Dufault and Sutherland spoke in favor of the adoption of the amendment.

Representative Bateman spoke against the adoption of the amendment.

Amendment (356) was not adopted.

Representative Dufault moved the adoption of amendment (354):

On page 17, after line 33, insert the following:

"NEW SECTION. **Sec. 7.** A new section is added to chapter 59.18 RCW to read as follows:

The requirements for terminating a residential tenancy for cause as set forth in this act shall be the most restrictive requirements for terminating a tenancy within the state, and shall preempt any such local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Dufault, Caldier and Dufault (again) spoke in favor of the adoption of the amendment.

Representative J. Johnson spoke against the adoption of the amendment.

Amendment (354) was not adopted.

Representative Dufault moved the adoption of amendment (363):

On page 17, after line 33, insert the following:

"NEW SECTION. **Sec. 7.** For the purpose of limiting the reasons for termination of residential tenants' current leases by providing for elimination of past due rent and providing certainty for when chapter 59.18 RCW will be restored, the following is implemented:

(1) Any eviction moratorium currently in effect is hereby suspended.

(2)(a) A landlord may immediately initiate an action under RCW 59.12.030(4) upon acts in violation of RCW 59.18.130 and 59.18.140 by the tenant, guests of the tenant, and invitees of the tenant, occurring as of the effective date of this section.

(b) Beginning on the effective date of this section, a landlord must provide to a tenant who has delinquent rent and has not already agreed to a payment plan notice of the affidavit of COVID hardship and option of payment plan described in sections 8 through 10 of this act.

(3) Within seven days of receiving the landlord's notice under this section, a tenant must respond to the notice provided by a landlord by returning the affidavit of COVID hardship and entering into a payment plan described in section 8 of this act. If a tenant does not respond as described in this subsection, a landlord may serve a tenant with a 14-day notice pursuant to RCW 59.12.030(3).

(4) When a landlord serves a 14-day notice pursuant to RCW 59.12.030, the following notice packet must be served on the tenant: 14-day notice as required by RCW 59.18.057, the affidavit of COVID hardship, and the notice of payment plan options.

(5) All forms required by this act must comply with the requirements of RCW 59.18.058.

NEW SECTION. **Sec. 8.** For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented:

(1) Where there is any delinquency related to rent occurring between February 29, 2020, and June 30, 2021, a landlord must offer the tenant an option of payment plan consisting of a repayment schedule equal to or greater than payment of the outstanding debt in monthly payments of at least one-sixth of the outstanding debt owing, except where federal regulations require a different repayment schedule.

(2) A tenant's regular, contractual monthly rental payments must continue.

(3) All repayment plan agreements between a landlord and a tenant must be in writing.

(4) Any payment agreement entered into before the effective date of this section remains in full force and effect.

NEW SECTION. **Sec. 9.** For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented:

(1)(a) A tenant who has received notice under section 7 of this act must complete and return to his or her landlord an affidavit of COVID hardship within seven days of service of the notice packet described in section 7 of this act.

(b) The tenant must return the affidavit of COVID hardship to the landlord in person, by first-class mail, or by electronically sending a copy or photograph of the affidavit to the landlord.

(2) COVID hardship exists when a tenant has experienced at least one of the following hardships since February 29, 2020:

(a) Loss of income directly related to COVID;

(b) Extraordinary expenses directly related to health impacts of COVID;

(c) New care responsibilities for a child or an elderly, disabled, or sick family member directly related to COVID that limit the tenant's ability to earn income; or

(d) Extraordinary costs for child care or attending to an elderly, disabled, or sick family member directly related to COVID.

(3) A tenant whose household income exceeds 130 percent of the area median income for the county where the tenant resides may be required to provide additional documentation supporting the tenant's claim of financial distress with his or her affidavit of COVID hardship. If a tenant fails to submit this documentation together with his or her declaration of COVID-related financial distress, and does not either pay the amount demanded in the landlord's notice or deliver possession of the premises back to the landlord, the landlord may begin an unlawful detainer action against the tenant.

(4) A tenant completing the affidavit of COVID hardship must provide proof of hardship.

(5) If a tenant fails to complete and return the affidavit of COVID hardship to the landlord within the time frame set forth in subsection (1)(a) of this section, the landlord may commence an unlawful detainer action by filing a summons and complaint with the court pursuant to chapter 59.12 RCW.

(6) The affidavit of COVID hardship provided by the landlord must be in substantially the following form:

Date: _____

Tenant Name(s): _

Tenant Address: _

Landlord Name: ___

Landlord Address: _____

AFFIDAVIT OF COVID HARDSHIP AFFECTING PAYMENT OF RENT

The tenant must provide this signed document to the landlord within seven days of the date above.

I attest that the foregoing are true and correct:

(1) I am unable to pay my regular monthly rent for one of the following reasons:

(a) Loss of income directly related to COVID.

(b) Extraordinary expenses directly related to health impacts of COVID.

(c) Child care responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to COVID that limit my ability to earn income.

(d) Extraordinary costs for child care or attending to an elderly, disabled, or sick family member directly related to COVID.

(2) My income is less than 130 percent of the area median income for the county where I reside. (If the landlord alleges you earn more than 130 percent of area median income for the county where the rental property is located, you must provide information supporting your claim of COVID hardship.)

(3) A tenant completing the affidavit of COVID hardship must provide proof of hardship.

(4) I have used best efforts to obtain all available government assistance for rent or housing.

(5) I am using best efforts to make timely partial payments that are as close to the full payment as my circumstances may permit, taking into account other nondiscretionary expenses.

(6) I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected on rent due.

(7) I further understand that failure to provide this notice to my housing provider may require payment in full for all payments not made from February 29, 2020, to present and may make me subject to eviction pursuant to state and local laws.

The Washington state Office of the Attorney General has this notice in multiple languages on its website. You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help you pay your rent. Alternatively, for no-cost legal assistance for low-income renters contact your county's housing justice project, or, if none, a statewide organization providing housing advocacy services for low-income residents. You may find additional information to help you at http://www.washingtonlawhelp.org.

State law provides you the right to receive interpreter services at court.

Signature of Tenant: _____ Date: _____

NEW SECTION. **Sec. 10.** For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented:

(1) The emergency rental assistance grant program is created in the department of commerce to reimburse tenants and landlords for past due rental payments. Tenants or landlords may apply for grant assistance for reimbursement of past due rental payments owing by tenants.

(2) A tenant applying for a grant must self-certify that he or she has a COVID hardship as described in section 9 of this act.

(3) To be eligible for a grant, a tenant must have experienced or demonstrated a COVID hardship certified by an affidavit of COVID hardship as described in section 9 of this act.

(4) When a landlord applies for a grant award under this section, the department of commerce must notify the tenant of any grant awarded to a tenant of that landlord along with repayment requirements by tenant and acknowledgment that rent remains due and payable by tenant to landlord.

(5) Grant recipients shall receive 100 percent of total contract rental amount in arrears at the time of anticipated payment date, which shall occur not later than 15 days from date of application.

(6) The department of commerce must provide notification of rejection of application to both tenant and landlord, regardless of which party applied.

(7) Administrative costs associated with application, distribution, and other program activities of the department of commerce may not exceed five percent of the annual funds

available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

NEW SECTION. **Sec. 11.** For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented: The emergency rental assistance account is created in the state treasury. All receipts from sources directed to the emergency rental assistance grant program must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for the purpose of the emergency rental assistance grant program as described in section 10 of this act.

NEW SECTION. **Sec. 12.** For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented: The sum of $300,000,000, or as much thereof as may be necessary, is appropriated from the budget stabilization account for the fiscal year ending June 30, 2021, and is provided solely for expenditure into the emergency rental assistance grant program to implement the emergency rental assistance grant program described in section 6 of this act. For purposes of RCW 43.88.055(4), the appropriation in this section does not alter the requirement to balance in the ensuing biennium. All appropriated funds shall be distributed such that each county receives a percentage of total appropriated funds in proportion to each county's percentage of total state population.

NEW SECTION. **Sec. 13.** For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented: Sections 7 through 12 of this act expire one year after the effective date of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (363).

SPEAKER'S RULING

"The title of the bill is an act relating to protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination.

Amendment (363) suspends any eviction moratorium currently in effect and establishes an emergency rental assistance grant program.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Caldier moved the adoption of amendment (386):

On page 17, line 34, after "This act" strike all material through "immediately" on line 37 and insert "takes effect on the first day following the expiration or termination of proclamation 20-19, and any subsequent orders extending or amending the proclamation, temporarily prohibiting residential evictions statewide on March 18, 2020"

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (386).

SPEAKER'S RULING

"The title of the bill is an act relating to protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination.

The bill specifies exclusive causes for eviction, refusal to renew, and termination of tenancies under the Residential Landlord-Tenant Act and makes other changes to rights and remedies.

Amendment (386) ties the effective date of the bill to the expiration or termination of a proclamation issued pursuant to the governor's statutory powers to prohibit certain activities during a state of emergency.

This legislative session over a dozen bills have been filed relating to the emergency powers of the governor and the executive branch. The wisdom or necessity of statutes granting authority to issue emergency orders and the wisdom or necessity of the emergency orders that have been issued pursuant to such statutes are topics separate and distinct from the issue presented in the bill before us – whether to expand tenant protections under the Residential Landlord-Tenant Act.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri, Taylor, Morgan, Ramel, Bateman and Stonier spoke in favor of the passage of the bill.

Representatives Caldier, Kraft, Schmick, Jacobsen, Abbarno, Gilday, Volz, Walsh, Eslick, Barkis, Sutherland, Corry, Chambers, Hoff, Dent, Dufault, Dye and Dufault (again) spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1236.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1236, and the bill passed the House by the following vote: Yeas: 54; Nays: 44; Absent: 0; Excused: 0

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 1418, by Representatives Leavitt, Bronoske, Lovick, Ryu, Ortiz-Self, Gregerson, Shewmake, Ramel and Pollet

Enhancing rail safety governance by expanding the role of the utilities and transportation commission.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1418 was substituted for House Bill No. 1418 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1418 was read the second time.

Representative Leavitt moved the adoption of striking amendment (408):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that rail safety is critical to the impacts of the state's transportation network on public safety and the environment. On December 18, 2017, a passenger train derailed from a bridge near DuPont, Washington. Three passengers were killed and 57 passengers and crewmembers were injured. While the 2017 derailment had particularly tragic consequences, the risks to public safety and the environment are underscored by other rail incidents that have occurred in the past several years, including the freight train transporting oil derailment and resulting fire on June 3, 2016, in the Columbia river gorge, near Mosier, Oregon, while in route to Tacoma, Washington, and the derailment of a freight train transporting oil through Custer, Washington, in late 2020 that also resulted in a fire.

(2) The national transportation safety board issued an accident report on the 2017 derailment in early 2019. The report included recommendations for government agencies that participated in developing the new route related to improvements in safety oversight, coordination, and communication. In 2020, the joint transportation committee oversaw a rail safety governance study that provided an assessment and recommendations for how rail safety oversight, organizational structures and processes, and coordination activities could be modified to improve rail safety governance across the state.

(3) The legislature intends to build on the recommendations of the national transportation safety board and joint transportation committee reports to strengthen rail safety governance by expanding the utility and transportation commission's role in rail safety to include oversight of all rail transportation in the state to the extent permitted under federal law, including over implementation of new and materially

changed railroad operations and over the safety management practices of railroad operations. The legislature intends for this role to include promotion of safety and security of the public and rail employees, as well as protection of the environment, to the extent these goals can be furthered by the commission's expanded role.

(4) The legislature does not intend for the expanded role of the utility and transportation commission in rail safety to be funded through the assessment of fees on rail entities.

Sec. 2. RCW 81.04.540 and 2007 c 234 s 2 are each amended to read as follows:

(1)(a) The commission is authorized to oversee rail safety in the state to the extent permitted by federal law and is responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads, and for enforcing state and federal laws and regulations relating to transportation of persons or commodities, or both, of any nature or description by rail. The oversight of rail fixed guideway systems is governed by RCW 81.104.115 and as specified in (b) of this subsection. Rail safety oversight shall include, but is not limited to, the following:

(i) Oversight of the implementation of new and materially changed railroad operations and infrastructure for rail service through inspection, surveillance, and investigation, as permitted by federal law.

(ii) Oversight of the safety management practices for passenger railroad operations, as permitted by federal law. The department of transportation shall coordinate with the commission and Amtrak to facilitate the oversight of state passenger rail service to the extent permitted under federal law. The commission shall facilitate communication and collaboration between freight rail service providers to promote industry safety management practices.

(b)(i) In coordination with the department of transportation, the commission shall provide support and technical assistance in the oversight of the safety of rail fixed guideway systems carried out by the department under RCW 81.104.115, as permitted by federal law. The commission and its employees shall have no liability for any actions taken pursuant to this subsection performed to support and provide technical assistance for any of the actions for which the department has no liability under RCW 81.104.115.

(ii) As the state agencies that oversee rail safety in the state, the commission and the department of transportation shall report annually to the transportation committees of the legislature, and to the governor's office, by December 1st of each year on the status of the department of transportation's safety oversight of rail fixed guideway systems. As part of this report, the agencies shall provide a joint assessment of the activities carried out in each of the areas specified in RCW 81.104.115 and as otherwise required by the federal transit administration in these and related areas, including: Investigations and enforcement; system safety program plan and system security and emergency preparedness plan oversight; compliance mechanisms in place for enforcement; auditing of system safety program plans and system security and emergency preparedness plans; investigations of reportable incidents, accidents, security breaches, hazards, and security vulnerability; and any associated rule adoption. The report shall include plans and recommendations for enhancing current activities in these areas.

(2) The commission shall cooperate with the federal government and the United States department of transportation, or its successor, or any other commission or agency delegated or authorized to regulate interstate or foreign commerce by common carriers, to the end that the transportation of property and passengers by common carriers in interstate or foreign commerce into and through the state of Washington may be regulated and that the laws of the United States and the state of Washington are enforced and administered cooperatively in the public interest.

((~~(2)~~)) (3) In addition to its authority concerning interstate commerce under this title, the commission may regulate common carriers in interstate commerce within the state under the authority of and in accordance with any act of congress that vests in or delegates to the commission such authority as an agency of the United States government or under an agreement with the United States department of

transportation, or its successor, or any other commission or agency delegated or authorized to regulate interstate or foreign commerce by common carriers.

((~~(3) For the purpose of participating with the United States department of transportation in investigation and inspection activities necessary to enforce federal railroad safety regulations, the~~)) (4) The commission has regulatory jurisdiction over the safety practices for railroad equipment, facilities, rolling stock, and operations in the state, including authority to investigate and conduct inspections necessary to the enforcement of state railroad safety regulations, as permitted by federal law. This jurisdiction includes the authority to participate with the United States department of transportation in investigation and inspection activities necessary to enforce federal railroad safety regulations.

(5) The commission shall produce an annual report on rail safety in the state and provide it to the transportation committees of the legislature, including the joint transportation committee, and shall make this report available to the public. This report shall include information related to rail safety of rail fixed guideway systems.

(6) The commission shall promote rail safety through the facilitation of communication and collaboration among stakeholders with an interest in rail, including local jurisdictions, host and tenant railroads, and rail labor organizations. This communication and collaboration shall include communication and collaboration related to rail safety of rail fixed guideway systems.

(7) "Rail fixed guideway system," as used in this section, has the same meaning as defined in RCW 81.104.015.

Sec. 3. RCW 81.04.550 and 2007 c 234 s 3 are each amended to read as follows:

The commission shall administer the railroad safety provisions of this title to the fullest extent allowed under federal law, including 49 U.S.C. Sec. 20106, and state law.

NEW SECTION. **Sec. 4.** (1) To ensure this act is implemented upon its effective date and all systems, processes, and collaboration necessary to implement this act are in place, the utilities and transportation commission may, prior to July 1, 2022:

(a) Adopt rules, policies, and procedures on railroad safety;

(b) Initiate the recruitment, training, and certification of personnel dedicated to railroad safety; and

(c) Facilitate stakeholder communications and outreach on key railroad safety initiatives, developments, and strategies.

(2) All rules adopted prior to July 1, 2022, shall have an effective date that is consistent with those in this act.

NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act take effect July 1, 2022."

Correct the title.

Striking amendment (408) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt and Barkis spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Ryu was excused.

On motion of Representative Griffey, Representative Chambers was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1418.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1418, and the bill passed the House by the following vote: Yeas: 89; Nays: 6; Absent: 1; Excused: 2

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul,

Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representatives Chandler, Dent, Dufault, Kraft, McEntire, and Walsh

Absent: Representative Shewmake

Excused: Representatives Chambers and Ryu

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1424, by Representatives Walen, Ybarra, Springer, Simmons, Ramel and Berg

Concerning consumer protection with respect to the sale of dogs and cats.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1424 was substituted for House Bill No. 1424 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1424 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walen and Berg spoke in favor of the passage of the bill.

Representative Vick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1424.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1424, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chandler, Dent, Dufault, Dye, Gilday, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Rude, Schmick, Shewmake, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1424, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1314, by Representatives Young, Lovick, Dufault, Hackney, Bateman, Rule, Lekanoff, Pollet and Callan

Concerning veteran diversion from involuntary commitment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1314 was substituted for House Bill No. 1314 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1314 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Davis, Young and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1314.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1314, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1314, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418 passed the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1418, on reconsideration, and the bill passed the House by the following vote: Yeas: 91; Nays: 7; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representatives Chandler, Chase, Dent, Dufault, Kraft, McEntire, and Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Health Care & Wellness was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, and the bill was referred to the Committee on Housing, Human Services & Veterans.

There being no objection, the House adjourned until 12:00 p.m., March 8, 2021, the 57th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 8, 2021

The House was called to order at 12:00 p.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Ed Orcutt, 20th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

March 6, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5096,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1482, by Representatives Walsh, Orwall, Lekanoff, Leavitt, Sutherland, Jacobsen, Dufault and Pollet.)

Addressing foreclosure protections for homeowners in common interest communities.

The bill was read the second time.

Representative Orwall moved the adoption of striking amendment (403):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.90.485 and 2019 c 238 s 211 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred

after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed two thousand dollars or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than sixty days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within sixty days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within fifteen days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is

liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to ((~~at least three months of common expense assessments~~)) the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS

FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

((~~(b)~~)) (d) The board approves commencement of a foreclosure action specifically against that unit.

(22) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method,

advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 2. RCW 64.90.485 and 2021 c ... s 1 (section 1 of this act) are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed two thousand dollars or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than sixty days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within sixty days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate

contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within fifteen days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay

assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to

the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS

FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least ((~~180~~)) 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(22) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1, 2024.

NEW SECTION. **Sec. 4.** Section 2 of this act takes effect January 1, 2024.

NEW SECTION. **Sec. 5.** Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Orwall and Walsh spoke in favor of the adoption of the striking amendment.

Striking amendment (403) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walsh and Orwall spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1482.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1482, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Fey.

ENGROSSED HOUSE BILL NO. 1482, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

HOUSE BILL NO. 1152, by Representatives Riccelli, Leavitt, Stonier, Ormsby, Lekanoff, Pollet, Bronoske and Bateman

Supporting measures to create comprehensive public health districts. Revised for 2nd Substitute: Establishing comprehensive health services districts.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1152 was substituted for House Bill No. 1152 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1152 was read the second time.

With the consent of the House, amendments (418) and (442) were withdrawn.

Representative Schmick moved the adoption of striking amendment (410):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that everyone in Washington state, no matter what community they live in, should be able to rely on a public health system that is able to support a standard level of public health service. Like public safety, there is a foundational level of public health delivery that must exist everywhere for services to work. A strong public health system is only possible with intentional investments into our state's public health system. Services should be delivered efficiently, equitably, and effectively, in ways that make the best use of technology, science, expertise, and leveraged resources and in a manner that is responsive to local communities.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall convene a foundational public health services steering committee. The steering committee must include members representing the department, the state board of health, federally recognized Indian tribes, and a state association representing local health jurisdictions. The department, state board of health, federally recognized Indian tribes, and a state association representing local health jurisdictions may each select the members to represent their agency or organization and each may select a cochair. The department, federally recognized Indian tribes, and a state association representing local health jurisdictions must have an equal number of members represented on the steering committee. The maximum number of voting steering committee members is 24.

(2) The foundational public health services steering committee shall:

(a) Define the purpose and functions of the regional shared service centers, including:

(i) The duties and role of the regional shared service centers;

(ii) The potential services the regional shared service centers may provide;

(iii) The process for establishing regional shared service centers; and

(iv) How regional shared service centers should coordinate between other regional centers, local health jurisdictions and staff, tribes, and the department in planning and implementing shared services;

(b) Recommend the role and duties of the foundational public health services regional coordinator to the secretary;

(c) Identify the range of potential shared services coordinated or delivered through regional shared service centers;

(d) Determine the location of the four regional shared service centers, splitting the regional shared service centers evenly east and west of the Cascades;

(e) Develop standards and performance measures that the governmental public health system should aspire to meet; and

(f) Identify, if necessary, other personnel needed for regional shared service centers.

(3) Staff support for the foundational public health services steering committee must be provided by the department.

(4) Members of the foundational public health services steering committee that represent local health jurisdictions and federally recognized Indian tribes must be reimbursed for travel expenses as

provided in RCW 43.03.050 and 43.03.060. However, members that represent local health jurisdictions and federally recognized Indian tribes who travel fewer than 100 miles to attend a meeting are not eligible for state reimbursement under this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The public health advisory board is established within the department. The advisory board may:

(a) Advise and provide feedback to the governmental public health system and provide formal public recommendations on public health;

(b) Monitor the performance of the governmental public health system;

(c) Develop goals and a direction for public health in Washington and provide recommendations to improve public health performance and to achieve the identified goals and direction;

(d) Advise the secretary as requested;

(e) Coordinate with the governor's office, department, state board of health, and the secretary;

(f) Monitor the foundational public health services steering committee's performance and provide recommendations to the steering committee;

(g) Evaluate public health emergency response and provide recommendations for future response, including coordinating with relevant committees, task forces, and stakeholders to analyze the COVID-19 public health response;

(h) Evaluate the use of foundational public health services funding by the governmental public health system; and

(i) Apply the standards and performance measures developed by the foundational public health services steering committee to the governmental public health system.

(2) The public health advisory board shall consist of a representative from each of the following appointed by the governor:

(a) The governor's office;

(b) The director of the state board of health or the director's designee;

(c) The secretary of the department or the secretary's designee;

(d) The chair of the governor's interagency council on health disparities;

(e) Two representatives from the tribal government public health sector selected by the American Indian health commission;

(f) One eastern Washington county commissioner selected by a statewide association representing counties;

(g) One western Washington county commissioner selected by a statewide association representing counties;

(h) An organization representing businesses in a region of the state;

(i) A statewide association representing community and migrant health centers;

(j) A statewide association representing Washington cities;

(k) A local health official selected by a statewide association representing Washington local public health officials;

(l) A statewide association representing Washington hospitals, physicians, or nurses;

(m) A statewide association representing Washington public health or public health professionals; and

(n) A consumer nonprofit organization representing marginalized populations.

(3) In addition to the members of the public health advisory board listed in subsection (2) of this section, there must be four nonvoting ex officio members from the legislature consisting of one legislator from each of the two largest caucuses in both the house of representatives and the senate.

(4) Staff support for the public health advisory board, including arranging meetings, must be provided by the department.

(5) Legislative members of the public health advisory board may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement

for other nonlegislative members is subject to chapter 43.03 RCW.

(6) The public health advisory board is a class one group under chapter 43.03 RCW.

Sec. 4. RCW 43.70.515 and 2019 c 14 s 2 are each amended to read as follows:

(1) With any state funding of foundational public health services, the state expects that measurable benefits will be realized to the health of communities in Washington as a result of the improved capacity of the governmental public health system. Close coordination and sharing of services are integral to increasing system capacity.

(2)(a) ((~~Funding~~)) Except as provided in (c) of this subsection, funding for foundational public health services shall be appropriated to the office of financial management. The office of financial management may only allocate funding to the department if the department, after consultation with federally recognized Indian tribes pursuant to chapter 43.376 RCW, jointly certifies with a state association representing local health jurisdictions and the state board of health, to the office of financial management that they are in agreement on the distribution and uses of state foundational public health services funding across the public health system.

(b) If joint certification is provided, the department shall distribute foundational public health services funding according to the agreed-upon distribution and uses. If joint certification is not provided, appropriations for this purpose shall lapse.

(c) Of amounts appropriated for foundational public health services funding above $30,000,000 per biennium, the department must allocate 65 percent to shared services, including establishing and operating the regional comprehensive public health district centers, the regional health officers, and the foundational public health services regional coordinators, unless the appropriations act specifies otherwise.

(3) By October 1, 2020, the department, in partnership with sovereign tribal nations, local health jurisdictions, and the state board of health, shall report on:

(a) Service delivery models, and a plan for further implementation of successful models;

(b) Changes in capacity of the governmental public health system; and

(c) Progress made to improve health outcomes.

(4) For purposes of this section:

(a) "Foundational public health services" means a limited statewide set of defined public health services within the following areas:

(i) Control of communicable diseases and other notifiable conditions;

(ii) Chronic disease and injury prevention;

(iii) Environmental public health;

(iv) Maternal, child, and family health;

(v) Access to and linkage with medical, oral, and behavioral health services;

(vi) Vital records; and

(vii) Cross-cutting capabilities, including:

(A) Assessing the health of populations;

(B) Public health emergency planning;

(C) Communications;

(D) Policy development and support;

(E) Community partnership development; and

(F) Business competencies.

(b) "Governmental public health system" means the state department of health, state board of health, local health jurisdictions, regional comprehensive public health district centers, sovereign tribal nations, and Indian health programs located within Washington.

(c) "Indian health programs" means tribally operated health programs, urban Indian health programs, tribal epidemiology centers, the American Indian health commission for Washington state, and the Northwest Portland area Indian health board.

(d) "Local health jurisdictions" means a public health agency organized under chapter 70.05, 70.08, or 70.46 RCW.

(e) "Regional comprehensive public health district centers" or "regional shared service centers" means a center established under section 6 of this act to provide coordination of shared public health services across the state in order to support local health jurisdictions.

(f) "Service delivery models" means a systematic sharing of resources and function among state and local governmental public health entities, sovereign tribal nations, and Indian health programs to increase capacity and improve efficiency and effectiveness.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

(1) Beginning October 1, 2022, and annually thereafter, the department, in consultation with federally recognized Indian tribes, local health jurisdictions, and the state board of health, shall submit to the appropriate committees of the legislature, the governor, and the public health advisory board a report of the distribution of foundational public health services funding as provided in RCW 43.70.515. The report must contain:

(a) A statement of the funds provided to the governmental public health system for the purpose of funding foundational public health services under RCW 43.70.515;

(b) A description of how the funds received by the governmental public health system were distributed and used; and

(c) The level of work funded for each foundational public health service and the progress of the governmental public health system in meeting standards and performance measures developed by the foundational public health services steering committee.

(2) The public health advisory board shall, each October 1st, make recommendations to the department, the foundational public health services steering committee, the legislature, and governor on the priorities for the governmental public health system and foundational public health services funding.

NEW SECTION. **Sec. 6.** A new section is added to chapter 70.05 RCW to read as follows:

(1) Four regional comprehensive public health district centers are established to coordinate shared services across local health jurisdictions and the state. The four regional comprehensive public health district centers must be split evenly between the east side of the Cascades and the west side of the Cascades and located as determined by the foundational public health services steering committee established in section 2 of this act.

(2) In addition to the duties and role of the regional comprehensive public health district centers determined by the foundational public health services steering committee authorized in section 2 of this act, the district centers may:

(a) Coordinate shared services across the governmental public health system;

(b) Provide public health services;

(c) Conduct an inventory of all current shared service agreements, both formal and informal, in the region;

(d) Identify potential shared services for the region; and

(e) Analyze options and alternatives for the implementation of shared service delivery across the region.

(3) Each regional comprehensive public health district center must have a foundational public health services regional coordinator. The regional coordinator must be an employee of the department. To the extent feasible, the department must give preference to candidates for the regional coordinator that are able to work out of the regional comprehensive public health district center that the coordinator will be assigned.

(4) By January 1, 2023, counties must establish a formal contractual relationship with one primary regional comprehensive public health district center that is on the same side of the Cascades as the county. A county may enter into formal or informal relationships with other regional comprehensive public health district centers. Federally recognized Indian tribes and 501(c)(3) organizations registered in Washington that serve American Indian and Alaska Native people within Washington may enter into formal or informal relationships with regional comprehensive public health district centers.

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The position of regional health officer is created within the department. The regional health officers are deputies of the state health officer. The secretary shall appoint four regional health officers. One regional health officer west of the Cascades and one regional health officer east of the Cascades must be appointed by January 1, 2022. To the extent feasible, the secretary must give preference to candidates for the regional health officer who are able to work out of the regional comprehensive public health district center that the candidate will be assigned.

(2) Regional health officers may:

(a) Work in partnership with local health jurisdictions, the department, the state board of health, and federally recognized Indian tribes to provide coordination across counties;

(b) Provide support to local health officers and serve as an alternative for local health officers during vacations, emergencies, and vacancies; and

(c) Provide mentorship and training to new local health officers.

(3) A regional health officer must meet the same qualifications as local health officers provided in RCW 70.05.050.

Sec. 8. RCW 70.05.030 and 1995 c 43 s 6 are each amended to read as follows:

(1) In counties without a home rule charter, the board of county commissioners and the members selected under subsections (2) and (3) of this section, shall constitute the local board of health, unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of said county.

(2)(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under this subsection (2) is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under this subsection (2) from one type of background or position.

(3) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(4) The board of county commissioners may, at its discretion, adopt an ordinance expanding the size and composition of the board of health to include elected officials from cities and towns and persons other than elected officials as members so long as ((~~persons other than~~)) the city and county elected officials do not constitute a majority of the total membership of the board. ((~~An~~))

(5) Except as provided in subsections (2) and (3) of this section, an ordinance adopted under this section shall include provisions for the appointment, term, and compensation, or reimbursement of expenses.

(6) The number of members selected under subsections (2) and (3) of this section must equal the number of city and county elected officials on the board of health.

(7) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

Sec. 9. RCW 70.05.035 and 1995 c 43 s 7 are each amended to read as follows:

(1) In counties with a home rule charter, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The membership of the local board of health must also include the members selected under subsections (2) and (3) of this section.

(2)(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as

having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under this subsection (2) is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under this subsection (2) from one type of background or position.

(3) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(4) The county legislative authority may appoint to the board of health elected officials from cities and towns and ((~~persons other than~~)) the city and county elected officials as members so long as persons other than elected officials do not constitute a majority of the total membership of the board. ((~~The~~))

(5) Except as provided in subsections (2) and (3) of this section, the county legislative authority shall specify the appointment, term, and compensation or reimbursement of expenses.

(6) The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(7) The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

(8) The number of members selected under subsections (2) and (3) of this section must equal the number of city and county elected officials on the board of health.

(9) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

Sec. 10. RCW 70.46.020 and 1995 c 43 s 10 are each amended to read as follows:

(1) Health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties.

(2) The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and members selected under subsections (3) and (4) of this section, and shall have a jurisdiction coextensive with the combined boundaries.

(3)(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the health district who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the health district; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of health district residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials, and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the health district:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the health district;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under this subsection (2) is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under this subsection (2) from one type of background or position.

(4) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the health district, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the health district, the board of health must include a tribal representative selected by the American Indian health commission.

(5) The boards of county commissioners may by resolution or ordinance provide for elected officials from cities and towns and persons other than elected officials as members of the district board of health so long as ((~~persons other than~~)) the city and county elected officials do not constitute a majority of the total membership of the board. ((~~A~~))

(6) Except as provided in subsections (3) and (4) of this section, a resolution or ordinance adopted under this section must specify the provisions for the appointment, term, and compensation, or

reimbursement of expenses. ((~~Any multicounty health district existing on the effective date of this act shall continue in existence unless and until changed by affirmative action of all boards of county commissioners or one or more counties withdraws [withdraw] pursuant to RCW 70.46.090.~~))

(7) At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(8) The number of members selected under subsections (3) and (4) of this section must equal the number of city and county elected officials on the board of health.

(9) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

Sec. 11. RCW 70.46.031 and 1995 c 43 s 11 are each amended to read as follows:

(1)(a) A health district to consist of one county may be created whenever the county legislative authority of the county shall pass a resolution or ordinance to organize such a health district under chapter 70.05 RCW and this chapter.

(b) The resolution or ordinance may specify the membership, representation on the district health board, or other matters relative to the formation or operation of the health district.

(c) In addition to the membership of the district health board determined through resolution or ordinance, the district health board must also include the members selected under subsections (2) and (3) of this section.

(2)(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under this subsection (2) is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. If there are two members over the nearest multiple of three, each member over the nearest multiple of three must be selected from a different category. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under this subsection (2) from one type of background or position.

(3) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(4) The county legislative authority may appoint elected officials from cities and towns and persons other than elected officials as members of the health district board so long as ((~~persons other than~~)) the city and county elected officials do not constitute a majority of the total membership of the board.

((~~Any single county health district existing on the effective date of this act shall continue in existence unless and until changed by affirmative action of the county legislative authority.~~))

(5) The number of members selected under subsections (2) and (3) of this section must equal the number of city and county elected officials on the board of health.

(6) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

NEW SECTION. **Sec. 12.** A new section is added to chapter 43.20 RCW to read as follows:

(1) The state board of health shall adopt rules establishing the appointment process for the members of local boards of health who are not elected officials. The selection process established by the rules must:

(a) Be fair and unbiased; and

(b) Ensure, to the extent practicable, that the membership of local boards of health include a balanced representation of elected officials and nonelected people with a diversity of expertise and lived experience.

(2) The rules adopted under this section must go into effect no later than one year after the effective date of this section.

Sec. 13. RCW 70.05.130 and 1993 c 492 s 242 are each amended to read as follows:

All expenses incurred by the state, health district, or county in carrying out the provisions of ((~~chapters 70.05 and~~)) this chapter and chapter 70.46 RCW or any other public health law, ((~~or~~)) the rules of the department of health enacted under such laws, or enforcing proclamations of the governor during a public health emergency, shall be paid by the county and such expenses shall constitute a claim against the general fund as provided in this section.

Sec. 14. RCW 70.08.100 and 1949 c 46 s 10 are each amended to read as follows:

(1) Agreement to operate a combined city and county health department made under this chapter may after two years from the date of such agreement, be terminated by either party at the end of any calendar year upon notice in writing given at least six months prior thereto. The termination of such agreement shall not relieve either party of any obligations to which it has been previously committed.

(2) Before terminating such an agreement, the terminating party shall:

(a) Provide 12 months' notice and a meaningful opportunity for the public to comment on the termination including, but not limited to, at least two public meetings held at different locations within the county and the county and city must jointly conduct a third public

meeting within the boundaries of the partner city; and

(b) Participate in good faith in a mediation process with any affected county, city, or town that objects to the termination. The mediator must be appointed by the state board of health and be paid for by the party seeking termination.

Sec. 15. RCW 70.46.090 and 1993 c 492 s 251 are each amended to read as follows:

(1) Any county may withdraw from membership in said health district any time after it has been within the district for a period of two years, but no withdrawal shall be effective except at the end of the calendar year in which the county gives at least six months' notice of its intention to withdraw at the end of the calendar year. No withdrawal shall entitle any member to a refund of any moneys paid to the district nor relieve it of any obligations to pay to the district all sums for which it obligated itself due and owing by it to the district for the year at the end of which the withdrawal is to be effective. Any county which withdraws from membership in said health district shall immediately establish a health department or provide health services which shall meet the standards for health services promulgated by the state board of health. No local health department may be deemed to provide adequate public health services unless there is at least one full time professionally trained and qualified physician as set forth in RCW 70.05.050.

(2) Before terminating such an agreement, the terminating party shall:

(a) Provide 12 months' notice and a meaningful opportunity for the public to comment on the termination including, but not limited to, at least two public meetings held at different locations within the health district; and

(b) Participate in good faith in a mediation process with any affected county, city, or town that objects to the termination. The mediator must be appointed by the state board of health and be paid for by the party seeking termination.

NEW SECTION. **Sec. 16.** A new section is added to chapter 43.70 RCW to read as follows:

The department may adopt rules necessary to implement this act.

NEW SECTION. **Sec. 17.** The following acts or parts of acts are each repealed:

(1)RCW 43.70.060 (Duties of department—Promotion of health care cost-effectiveness) and 1989 1st ex.s. c 9 s 108;

(2)RCW 43.70.064 (Health care quality—Findings and intent—Requirements for conducting study under RCW 43.70.066) and 1995 c 267 s 3;

(3)RCW 43.70.066 (Study—Uniform quality assurance and improvement program—Reports to legislature—Limitation on rule making) and 1998 c 245 s 72, 1997 c 274 s 3, & 1995 c 267 s 4;

(4)RCW 43.70.068 (Quality assurance—Interagency cooperation) and 1997 c 274 s 4 & 1995 c 267 s 5; and

(5)RCW 43.70.070 (Duties of department—Analysis of health services) and 1995 c 269 s 2202 & 1989 1st ex.s. c 9 s 109.

NEW SECTION. **Sec. 18.** Sections 8 through 11 of this act take effect July 1, 2022.

NEW SECTION. **Sec. 19.** If at least $60,000,000 for the purposes of sections 2, 4 through 7, and 16 of this act, referencing sections 2, 4 through 7, and 16 of this act by bill or chapter number and section number, is not provided by June 30, 2021, in the omnibus appropriations act, sections 2, 4 through 7, and 16 of this act are null and void."

Correct the title.

Representative Riccelli moved the adoption of amendment (416) to the striking amendment (410):

On page 2, line 17 of the striking amendment, after "(e)" insert "Identify and develop foundational public health services funding recommendations that promote new service delivery models which leverage technical expertise to support local capacity building and centralized infrastructure;

(f)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 14 of the striking amendment, after "(h)" insert "Approve

funding prioritization recommendations from the steering committee;

(i)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 31 of the striking amendment, after "(c)" insert "and (d)"

On page 5, line 7 of the striking amendment, after "(c)" strike "Of" and insert "For fiscal years 2021 through 2023, of"

On page 5, line 8 of the striking amendment, after "funding" strike "above" and insert "that exceeds"

On page 5, after line 13 of the striking amendment, insert the following:

"(d) Beginning fiscal year 2024, of amounts appropriated for foundational public health services funding, the department must allocate funding for shared services as recommended by the foundational public health steering committee under section 2 of this act and approved by the public health advisory board under section 3 of this act."

On page 20, beginning on line 10 of the striking amendment, after "$60,000,000" strike all material through "provided" on line 13 and insert "is not appropriated for the purposes of foundational public health services"

Representatives Riccelli and Schmick spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (416) to the striking amendment (410) was adopted.

Representative Riccelli moved the adoption of amendment (434) to the striking amendment (410):

Beginning on page 8, line 26, strike all of sections 8 through 11 and insert the following:

"Sec. 8. RCW 70.05.030 and 1995 c 43 s 6 are each amended to read as follows:

((~~In~~)) (1) Except as provided in subsection (2) of this section, in counties without a home rule charter, the board of county commissioners shall constitute the local board of health, unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of said county. The board of county commissioners may, at its discretion, adopt an ordinance expanding the size and composition of the board of health to include elected officials from cities and towns and persons other than elected officials as members so long as persons other than elected officials do not constitute a majority. An ordinance adopted under this section shall include provisions for the appointment, term, and compensation, or reimbursement of expenses.

(2) For counties without a home rule charter that have a population under 800,000, the board of county commissioners and the members selected under (a) and (e) of this subsection, shall constitute the local board of health, unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(f) The board of county commissioners may, at its discretion, adopt an ordinance expanding the size and composition of the board of health to include elected officials from cities and towns and persons other than elected officials as members so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, an ordinance adopted under this section shall include provisions for the appointment, term, and compensation, or reimbursement of expenses.

(h) The number of members selected under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health.

(i) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

Sec. 9. RCW 70.05.035 and 1995 c 43 s 7 are each amended to read as follows:

((~~In~~)) (1) Except as provided in subsection (2) of this section, in counties with a home rule charter, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The county legislative authority may appoint to the board of health elected officials from cities and towns and persons other than elected officials as members so long as persons other than elected officials do not constitute a majority. The county legislative authority shall specify the appointment, term, and compensation or reimbursement of expenses. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county. The local health officer, as described in RCW 70.05.050, shall be

appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

(2) For home rule charter counties with a population under 800,000, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The membership of the local board of health must also include the members selected under (a) and (e) of this subsection.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal

representative selected by the American Indian health commission.

(f) The county legislative authority may appoint to the board of health elected officials from cities and towns and persons other than elected officials as members so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, the county legislative authority shall specify the appointment, term, and compensation or reimbursement of expenses.

(h) The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(i) The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

(j) The number of members selected under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health.

(k) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

Sec. 10. RCW 70.46.020 and 1995 c 43 s 10 are each amended to read as follows:

((~~Health~~)) (1) Except as provided in subsection (2) of this section, health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties. The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and shall have a jurisdiction coextensive with the combined boundaries. The boards of county commissioners may by resolution or ordinance provide for elected officials from cities and towns and persons other than elected officials as members of the district board of health so long as persons other than elected officials do not constitute a majority. A resolution or ordinance adopted under this section must specify the provisions for the appointment, term, and compensation, or reimbursement of expenses. Any multicounty health district existing on the effective date of this act shall continue in existence unless and until changed by affirmative action of all boards of county commissioners or one or more counties ((~~withdraws~~)) withdraw pursuant to RCW 70.46.090.

At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(2) For counties with a population under 800,000, health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties. The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and members selected under (a) and (e) of this subsection, and shall have a jurisdiction coextensive with the combined boundaries.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the health district who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the health district; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of health district residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials, and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the health district:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the health district;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the health district, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the health district, the board of health must include a tribal representative selected by the American Indian health commission.

(f) The boards of county commissioners may by resolution or ordinance provide for elected officials from cities and towns and persons other than elected officials as members of the district board of health so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, a resolution or ordinance adopted under this section must specify the provisions for the appointment, term, and compensation, or reimbursement of expenses.

(h) At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(i) The number of members selected under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health.

(j) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

Sec. 11. RCW 70.46.031 and 1995 c 43 s 11 are each amended to read as follows:

((~~A~~)) (1) Except as provided in subsection (2) of this section, a health district to consist of one county may be created whenever the county legislative authority of the county shall pass a resolution or ordinance to organize such a health district under chapter 70.05 RCW and this chapter.

The resolution or ordinance may specify the membership, representation on the district health board, or other matters relative to the formation or operation of the health district. The county legislative authority may appoint elected officials from cities and towns and persons other than elected officials as members of the health district board so long as persons other than elected officials do not constitute a majority.

Any single county health district existing on the effective date of this act shall continue in existence unless and until changed by affirmative action of the county legislative authority.

(2) For counties with a population under 800,000, a health district to consist of one county may be created whenever the county legislative authority of the county shall pass a resolution or ordinance to organize such a health district under chapter 70.05 RCW and this chapter. The resolution or ordinance may specify the membership, representation on the district health board, or other matters relative to the formation or operation of the health district. In addition to the membership of the district health board determined through resolution or ordinance, the district health board must also include the members selected under (a) and (e) of this subsection.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. If there are two members over the nearest multiple of three, each member over the nearest multiple of three must be selected from a different category. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(f) The county legislative authority may appoint elected officials from cities and towns and persons other than elected officials as members of the health district board so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) The number of members selected under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health.

(h) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board."

Representatives Riccelli and Schmick spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (434) to the striking amendment (410) was adopted.

Striking amendment (410) as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli, Schmick and Cody spoke in favor of the passage of the bill.

Representatives Volz, Goehner, Walsh and Chase spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1152.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1152, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kloba, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Fey.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Second Substitute House Bill No. 1152.

Representative Dye, 9th District

SECOND READING

HOUSE BILL NO. 1457, by Representatives Wylie, Riccelli, Kloba, Santos, Slatter, Shewmake, Ramel and Hackney

Facilitating the installation of broadband facilities on limited access highways. Revised for 1st Substitute: Facilitating the installation of broadband facilities on limited access highways.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1457 was substituted for House Bill No. 1457 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1457 was read the second time.

Representative Wylie moved the adoption of striking amendment (393):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that broadband is an increasingly essential service necessary for economic development, reduction of use of roads and highways, delivery of medical services, education, and use of other technologies. The legislature also understands that maximizing the use of rights-of-way during construction or repair of transportation systems offers cost-effective opportunities for extending and improving broadband and high-speed internet connections throughout the state. It is the policy of the state to expedite the installation, improvement, and extension of broadband networks, and to remove barriers to cost-effective and expanded access to broadband networks.

Transportation activities can offer opportunities for these connections and it is a critical goal of the state to use the transportation system to facilitate and accelerate universal access through providing assistance in the development of necessary physical connections, increasing affordability of access, and formation of strategic partnerships. There is a need for both the near-term development of options and opportunities that can be applied within existing plans and mid and longer-term activities that can be undertaken to develop additional options and paths for the removal of barriers and to maximize the impact of actions to facilitate the expansion of broadband networks.

Sec. 2. RCW 47.52.001 and 2004 c 131 s 1 are each amended to read as follows:

(1) Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed.

(2) ((~~Personal wireless service~~)) Broadband, which includes a range of high-speed transmission technologies, including fiber optic lines and personal wireless service facilities, is a critical part of the state's infrastructure. The rapid deployment of ((~~personal wireless service~~)) broadband facilities is critical to ensure public safety, network access, quality of service, and rural economic development.

(3) It is, therefore, the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities, and to ((~~assure~~)) ensure that the use of rights-of-way of limited access facilities accommodate the deployment of ((~~personal wireless service~~)) broadband facilities consistent with these interests. In furtherance of this policy, the department is directed to adopt and maintain an agency policy that requires the department to proactively provide broadband facility owners with information about planned limited access highway projects to enable collaboration between broadband facility owners and the department to identify opportunities for the installation of broadband facilities during the appropriate phase of these projects when such opportunities exist. Coordination between the department and broadband facility owners under this section must comply with applicable state and federal law including, but not limited to, chapter 47.44 RCW and RCW 47.04.045.

Sec. 3. RCW 47.44.010 and 2001 c 201 s 5 are each amended to read as follows:

(1) The department of transportation may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas, oil or coal pipes, telephone, telegraph ((~~and~~)), fiber optic, electric light and power lines and conduits, trams or railways, and any structures or facilities that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department of transportation, and any other such facilities. In order to minimize the disruption to traffic and damage to the

roadway, the department is encouraged to develop a joint trenching policy with other affected jurisdictions so that all permittees and franchisees requiring access to ground under the roadway may do so at one time.

(2) All applications for the franchise must be made in writing and subscribed by the applicant, and describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. The application must also include the identification of all jurisdictions affected by the franchise and the names of other possible franchisees who should receive notice of the application for a franchise.

(3) The department of transportation shall adopt rules providing for a hearing or an opportunity for a hearing with reasonable public notice thereof with respect to any franchise application involving the construction and maintenance of utilities or other facilities within the highway right-of-way which the department determines may (a) during construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right-of-way, or (b) during or following construction, cause a significant and adverse effect upon the surrounding environment.

NEW SECTION. **Sec. 4.** (1) Subject to the availability of amounts appropriated for this specific purpose in the omnibus transportation appropriations act, the joint transportation committee shall oversee a consultant study to recommend:

(a) An effective department of transportation strategy, and specific highway corridors, that could be used to address missing fiber connections and inadequate broadband service in parts of the state unserved and underserved by broadband facilities while also aiding the achievement of the state broadband goals specified in RCW 43.330.536. As part of this recommendation, the following areas must also be addressed:

(i) What the appropriate taxonomy to apply to areas unserved or underserved by broadband is to better prioritize and contextualize the urgency of the need for broadband infrastructure in a given area; and

(ii) When the inclusion of broadband conduit installation in a transportation project is recommended as the most effective means of facilitating broadband access, rather than an alternative broadband facility placement, taking into account potential costs, and subject to any limitations in understanding potential costs of installation as part of a transportation project not yet undertaken;

(b) The role of the Washington state department of transportation in a coordinated approach for broadband development statewide that includes the adaptation of existing programs and activities to further a state initiative to expand and improve access to broadband;

(c) The most promising planning and financing tools that could be used by the department of transportation to provide the state with greater ability to install conduit in anticipation of future broadband fiber occupancy by others;

(d) Opportunities for mutually beneficial partnerships between the department of transportation and broadband service providers that could provide broadband services for transportation purposes such as intelligent transportation systems, cooperative automated transportation/autonomous vehicles, transportation demand management, and highway maintenance activities; and

(e) Strategies for the mitigation of potential safety, operations, and preservation impacts to transportation related to the recommendations made in (a) through (d) of this subsection.

(2) The study must consider the most relevant best practices in other states and their potential application in Washington.

(3) The study must also include an examination of any state and federal laws and regulations that could prevent or limit the implementation of these recommendations, as well as recommendations for modifications to the applicable state laws and regulations and recommended federal actions that could be requested by Washington state legislators.

(4) The joint transportation committee shall consult with the department of transportation, the Washington statewide broadband office, and other state agencies and local jurisdictions, as necessary, during development of the study's recommendations to ensure the

relevance and applicability of the recommendations to the state.

(5) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by January 1, 2022."

Correct the title.

Representatives Wylie and Barkis spoke in favor of the adoption of the striking amendment.

Striking amendment (393) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wylie, Barkis, Paul and Dye spoke in favor of the passage of the bill.

Representative Boehnke spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1457.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1457, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chase, Kraft, Steele and Ybarra.

Excused: Representative Fey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1457, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1476, by Representatives Dolan, Sullivan, Ortiz-Self, Callan, Santos, Ryu, Shewmake, J. Johnson, Valdez, Eslick, Rule, Lekanoff, Stonier, Ramel, Tharinger, Peterson and Pollet

Addressing enrollment declines due to the COVID-19 pandemic. Revised for 1st Substitute: Enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1476 was substituted for House Bill No. 1476 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1476 was read the second time.

With the consent of the House, amendments (376) and (286) were withdrawn.

Representative Stokesbary moved the adoption of amendment (431):

On page 2, after line 35, after "enrollment" insert "and the school district is open for in-person instruction to all students by the beginning of the 2021-22 school year"

On page 2, line 39, after "enrollment" insert "and the school district is open for in-person instruction to all students by the beginning of the 2021-22 school year"

On page 2, after line 39, insert the following:

"(iii) For purposes of this section, "open for in-person instruction to all students" means that all students in all grades have the option to participate in at least 40 hours of planned in-person instruction per month and the school follows state department of health guidance and recommendations for resuming in-person instruction to the greatest extent practicable."

Representatives Stokesbary and Sullivan spoke in favor of the adoption of the amendment.

Amendment (431) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dolan, Stokesbary and Dolan (again) spoke in favor of the passage of the bill.

Representatives Sutherland and Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1476.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1476, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Dufault, Kraft, Orcutt, Sutherland and Vick.

Excused: Representative Fey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1476, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1161, by Representatives Peterson, Davis, Pollet and Thai

Modifying the requirements for drug take-back programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1161 was substituted for House Bill No. 1161 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1161 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson, Schmick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1161.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1161, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Fey.

SECOND SUBSTITUTE HOUSE BILL NO. 1161, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1372, by Representatives Lekanoff, Shewmake, Peterson, Dolan, J. Johnson, Slatter, Cody, Fitzgibbon, Lovick, Sells, Wicks, Kloba, Taylor, Valdez, Bateman, Wylie, Santos, Ormsby, Senn, Leavitt, Ybarra, Goodman, Ramel, Gregerson, Macri, Callan, Fey, Ramos, Pollet, Ryu, Berg and Simmons

Replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1372 was substituted for House Bill No. 1372 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1372 was read the second time.

Representative Rude moved the adoption of amendment (214):

On page 5, line 7, after "as" strike all material through "under" and insert "selected in accordance with"

On page 5, line 29, after "select" strike "the location" and "a county in Washington"

On page 5, line 32, after "state." insert "The county selected must be a county that contains the historical location of the Whitman mission. The legislative body of the county must approve the location within the county where the statue will be sited. After any unveiling ceremonies held pursuant to section 3 of the act are concluded, the governor, on behalf of the state, and the selected county shall enter into an agreement for the transfer of ownership of the Marcus Whitman statue as authorized under RCW 39.33.010. The governor shall coordinate with the legislative body of the selected county to carry out the relocation process."

Representatives Rude and Lekanoff spoke in favor of the adoption of the amendment.

Amendment (214) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lekanoff, Volz, Ybarra, Rude, Klicker and Wilcox spoke in favor of the passage of the bill.

Representative Wilcox remarks on Final Passage of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372:

"Thank you, Madame Speaker and thank you for the opportunity to speak about someone who grew up in my district. Probably walked every foot of my district. And I know that those who are voting no today are doing it not out of any rancor. I want to acknowledge this. But out of respect of for our history. And I just want to share the respect I have for Billy Frank. I'm not someone who looks for great men and women to meet. I have never run to get into a picture with somebody. But I am profoundly fortunate to have accidentally met, possibly in the long sweep of history, the greatest man who was born in Washington.

I thought that we might hear a little bit more about Billy's history previously, but we didn't so I'm going to share a little bit of it. Billy grew up along the Nisqually river, down on the delta. About 4 or 5 miles, well maybe 10 miles downstream from where I grew up. He was involved in the struggles in the 60's and 70's to stand up for treaty rights. He talks to people in his autobiography and in interviews about the times that he was arrested, he called himself a 'getting arrested guy.' The times where he was beat up. He wasn't a hooligan. He wasn't an outlaw. He was standing up for rights that had been granted in an agreement in the 1850's and he was vindicated by the Supreme Court. But that's not why he's great, Madame Speaker, the things that he endured and the victories that he won. He's a great man, Madame Speaker, because after all that he went through, and I think it was very, very hard, harder than any of us can imagine, he forgave. Madame Speaker, he didn't get bitter. He forgave everybody. He never gave up his struggle and he moved on to expand it. He was never bitter.

The reason that I know him is that he and my father, many years ago, were involved in a set of meetings about the future of the Nisqually river. And at one point, it looked like the federal government might take over the whole Nisqually river as a park. And if you know my father, you know how shattering that would've been for him. And there was a very contentious meeting that's been documented in CrossCut magazine and in Billy Frank's biography where Billy stood up and said, 'we have to stop this.' 'This is for all of us to get along. I want Weyerhaeuser to be here putting people to work and I want the farmers to be able to exist along the river. We're going to get along. We're not going to do this.' And they stood up and shook hands. In CrossCut they called that the handshake that changed history. He didn't have to do that, Madame Speaker, he could've been bitter. His ancestors walked on the ground that my Dad and I live on. He didn't covet that. He wanted bigger things, Madame Speaker. And he's been an example to the entire world.

One of my most treasured memories in life is when I first was going to run for office. My Dad said, 'we've got to go talk to Billy.' We sat down in Yelm with Billy and George Walters. Billy didn't try to talk to me about politics much. But he had a life lesson that is among the most important things I've ever heard. He said, 'JT, I've accomplished things in my life. We, in the tribes have been 14-0 in court. We've reached a place now where if we think that there's an important issue, we can go to the legislature, someone will write a bill and it will probably get passed and the Governor will sign it. But that can all go away. It can go away tomorrow. The only thing that lasts is when you help the people on the other side understand your point of view.' And we joined hands in agreement. That's why he's a great man, Madame Speaker. Thank you for this bill."

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1372.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1372, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter,

Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Klippert, McCaslin, Sutherland and Vick.

Excused: Representative Fey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372, having received the necessary constitutional majority, was declared passed.

MOTION

Representative Maycumber moved that the remarks of Representative Wilcox be spread upon the Journal.

The motion to spread the remarks of Representative Wilcox was adopted.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1223 and the bill was placed on the second reading calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1328, by Representatives Pollet and Ryu

Exempting information gathered for controlling diseases from public inspecting requirements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet and Volz spoke in favor of the passage of the bill.

Representatives Walsh, Sutherland and Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1328.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1328, and the bill passed the House by the following vote: Yeas, 81; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dent, Dufault, Eslick, Graham, Hoff, Kraft, McCaslin, McEntire, Robertson, Stokesbary, Sutherland, Vick, Walsh, Ybarra and Young.

HOUSE BILL NO. 1328, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1192, by Representatives Goodman and Dufault

Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025.

The bill was read the second time.

Representative Goodman moved the adoption of amendment (232):

On page 2, after line 17, insert the following:

"(5) Sections 104 through 108 of this act clarify references to the effective date of chapter 11.130 RCW."

On page 122, after line 33, insert the following:

"Sec. 104. RCW 11.130.040 and 2020 c 312 s 303 are each amended to read as follows:

(1) The court shall issue letters of guardianship to a guardian on filing by the guardian of an acceptance of appointment.

(2) The court shall issue letters of conservatorship to a conservator on filing by the conservator of an acceptance of appointment and filing of any required bond or compliance with any other verified receipt required by the court.

(3) Limitations on the powers of a guardian or conservator or on the property subject to conservatorship must be included on the form prescribed by RCW 11.130.660.

(4) The court at any time may limit the powers conferred on a guardian or conservator. The court shall issue new letters of office to reflect the limitation.

(5) A guardian or conservator may not act on behalf of a person under guardianship or conservatorship without valid letters of office.

(6) The clerk of the superior court shall issue letters of guardianship or conservatorship in or substantially in the same form as set forth in RCW 11.130.660.

(7) Letters of office issued to a guardian or conservator who is a nonresident of this state must include the name and contact information for the resident agent of the guardian or conservator, appointed pursuant to RCW 11.130.090(1)(c).

(8) This chapter does not affect the validity of letters of office issued under chapter 11.88 RCW prior to January 1, ((~~2021~~)) 2022.

Sec. 105. RCW 11.130.245 and 2020 c 312 s 111 are each amended to read as follows:

(1) This chapter does not affect the validity of any court order issued under chapter 26.10 RCW prior to ((~~January 1, 2021~~)) the repeal of chapter 26.10 RCW. Orders issued under chapter 26.10 RCW prior to ((~~January 1, 2021~~)) the repeal of chapter 26.10 RCW, remain in effect and do not need to be reissued in a new order under this chapter.

(2) All orders issued under chapter 26.10 RCW prior to the effective date of chapter 437, Laws of 2019 remain operative after the effective date of chapter 437, Laws of 2019. After the effective date of chapter 437, Laws of 2019, if an order issued under chapter 26.10 RCW is modified, the modification is subject to the requirements of this chapter.

Sec. 106. RCW 11.130.670 and 2020 c 312 s 225 are each amended to read as follows:

(1) The certified professional guardianship board must resolve grievances against professional guardians and/or conservators within a reasonable time for alleged violations of the certified professional guardianship board's standards of practice, statutes, regulations, or rules, that relate to the conduct of a certified professional guardian or conservator.

(a) All grievances must initially be reviewed within thirty days by certified professional guardianship board members, or a subset thereof, to determine if the grievance is complete, states facts that describe a violation of the standards of practice, statutes, regulations, or rules, and relates to the conduct of a professional guardian and/or conservator, before investigating, requesting a response from the professional guardian or conservator, or forwarding to the superior courts. To be complete, grievances must provide sufficient details of the alleged conduct to demonstrate that a violation of the statute, regulation, standard of practice, or rule, relating to the conduct of a certified professional guardian or conservator could have occurred, the dates the alleged conduct occurred, and must be signed and dated by the person filing the grievance. Grievance investigations by the board are limited to the allegations contained in the grievance unless, after review by a majority of the members of the certified professional guardianship board, further investigation is justified.

(b) If the certified professional guardianship board determines the grievance is complete, states facts that allege a violation of the certified professional guardianship board's standards of practice, and relates to the conduct of a professional guardian and/or conservator, the certified professional guardianship board must forward that grievance within ten days to the superior court for that guardianship or conservatorship and to the professional guardian and/or conservator. The court must review the matter as set forth in RCW 11.130.140, and must direct the clerk of the court to send a copy of the order entered under this section to the certified professional guardianship board. The certified professional guardianship board must accept as facts any finding of fact contained in the order. The certified professional guardianship board must act consistently with any finding of fact issued in that order.

(2) Grievances received by the certified professional guardianship board must be investigated and the resolution determined and in process within one hundred eighty days of

receipt. The one hundred eighty days is tolled during any period of time when:

(a) The certified professional guardianship board has provided a certified professional guardian or conservator an opportunity to respond to a grievance against the certified professional guardian or conservator and the certified professional guardianship board is awaiting the certified professional guardian or conservator's response;

(b) The certified professional guardianship board has forwarded a grievance to the superior court for review under subsection (1)(b) of this section and is awaiting receipt of the court's entered order with findings; or

(c) A certified professional guardianship board disciplinary hearing has been requested or is in process and during the time of posthearing board review of the hearing officer's recommendations through issuance of a final certified professional guardianship board's order on the matter.

(3) If the grievance cannot be resolved within one hundred eighty days, the certified professional guardianship board must notify the professional guardian and/or conservator. The professional guardian or conservator may propose a resolution of the grievance with facts and/or arguments. The certified professional guardianship board may accept the proposed resolution or determine that an additional ninety days are needed to review the grievance. If the certified professional guardianship board has not resolved the grievance within the additional ninety days the professional guardian or conservator may:

(a) File a motion for a court order to compel the certified professional guardianship board to resolve the grievance within a reasonable time; or

(b) Move for the superior court to resolve the grievance instead of being resolved by the certified professional guardianship board.

(4) The superior court has authority to enforce the certified professional guardianship board's standards of practice in this article to the extent those standards are related to statutory or fiduciary duties of guardians and conservators.

(5) Any unresolved grievances filed with the certified professional guardianship board one year or more before January 1, ((~~2021~~)) 2022, must be forwarded to the superior court for that guardianship or conservatorship for review by the superior court as set forth in RCW 11.130.140 if the grievance is not in process of a hearing or final resolution.

Sec. 107. RCW 11.130.910 and 2019 c 437 s 804 are each amended to read as follows:

This chapter applies to:

(1) A proceeding for appointment of a guardian or conservator or for a protective arrangement instead of guardianship or conservatorship commenced after January 1, ((~~2021~~)) 2022; and

(2) A guardianship, conservatorship, or protective arrangement instead of a guardianship or conservatorship in existence on January 1, ((~~2021~~)) 2022, unless the court finds application of a particular provision of chapter 437, Laws of 2019 would substantially interfere with the effective conduct of the proceeding or prejudice the rights of a party, in which case the particular provision of chapter 437, Laws of 2019 does not apply and the superseded law applies.

NEW SECTION. **Sec. 108.** Sections 106 and 107 of this act take effect January 1, 2022."

Correct the title.

Representative Goodman spoke in favor of the adoption of the amendment.

Representatives Walsh and Dufault spoke against the adoption of the amendment.

Amendment (232) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goodman spoke in favor of the passage of the bill.

Representatives Dufault and Kraft spoke against the passage of the bill.

There being no objection, the House deferred action on. ENGROSSED HOUSE BILL NO. 1192, and the bill held its place on the third reading calendar.

HOUSE BILL NO. 1515, by Representatives Peterson, Springer, Simmons, Santos, Taylor, Shewmake, Dufault, Barkis, Thai, Ormsby and Lekanoff

Concerning security deposit waiver fees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1515 was substituted for House Bill No. 1515 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1515 was read the second time.

Representative Caldier moved the adoption of striking amendment (420):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW to read as follows:

(1) Notwithstanding any other provision of law, if a landlord chooses to waive a security deposit requirement, and a tenant agrees to instead pay a fee in lieu of a security deposit, the landlord shall:

(a) Ensure that the fee in lieu of a security deposit is strictly optional for the tenant, and the tenant may choose to pay a full security deposit rather than a fee in lieu of a security deposit;

(b) Not use a prospective tenant's choice to pay a fee in lieu of a security deposit or a traditional security deposit as a criterion in the determination of whether to approve an application for occupancy;

(c) If choosing to offer the fee in lieu of a security deposit option, offer it to every prospective tenant whose application for occupancy has been approved, without further regard to income, race, gender, disability, sexual orientation, immigration status, size of household, or credit score following such approval;

(d) Allow any tenant that agrees to pay a fee in lieu of a security deposit, to opt out of the continuing fee in lieu of a security deposit obligation upon full payment of the security deposit that is otherwise in effect for the tenant's apartment on the day of the opt out; and

(e) Disclose to the tenant in writing:

(i) The terms of any insurance coverage purchased by the landlord for unpaid rent and unit damage and paid for by the tenant through fees charged in lieu of a security deposit including, but not limited to, the amount of any cap on coverage, and costs excluded from such coverage; and

(ii) That the payment of the fee in lieu of a security deposit does not preclude the insurer or the landlord from proceeding against the tenant to recover sums for damage to the property for which the tenant is responsible together with reasonable attorneys' fees.

(2) A landlord found in violation of subsection (1) of this section shall be held liable to the tenant in a civil action up to two times the monthly rent of the real property at issue, as well as court or arbitration costs and reasonable attorneys' fees.

(3) Any fee in lieu of a security deposit:

(a) May be entirely or partially nonrefundable, so long as this is disclosed in the lease and separately acknowledged by the tenant;

(b) Does not constitute rent as defined in RCW 59.18.030, provided that nothing in this section shall preclude the landlord from proceeding in a civil action against, and the landlord shall have the right to proceed against, a tenant to recover unpaid fees;

(c) May be utilized by the landlord to purchase insurance coverage for unpaid rent or unit damage from a lawful insurer, provided that a landlord may not charge a fee that is more than the reasonable cost of obtaining and administering such insurance. As of July 1, 2024, all insurance policies relating to this section must be from insurance companies authorized to transact insurance in this state by the insurance commissioner;

(d) May be a recurring monthly fee, or payable upon any schedule and in any amount that the landlord and tenant choose, provided that the first month's fee is a nonrefundable fee as contemplated under RCW 59.18.610; and

(e) Shall not be considered by a court, arbitrator, mediator, or any other dispute resolution adjudicator to be a security deposit or governed by state or local codes governing security deposits, except that any action taken against a tenant to recover for costs of repairs, whether by the landlord or an insurer, shall be commenced within one year of the termination of the rental agreement or the tenant's abandonment of the premises and shall otherwise comply with the requirements in RCW 59.18.280 insofar as they relate to documentation of damages, standards for normal wear and tear, or other standards of proof required to make a claim against a deposit in RCW 59.18.280."

Correct the title.

Representatives Caldier and Peterson spoke in favor of the adoption of the striking amendment.

Striking amendment (420) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson, Barkis and Dufault spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1515.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1515, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1232, by Representatives Barkis, Griffey, Eslick, Robertson and Young

Planning for affordable housing under the growth management act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1232 was substituted for House Bill No. 1232 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1232 was read the second time.

Representative Goehner moved the adoption of amendment (429):

On page 2, line 40, after "period." insert "The planning, development, and other requirements of this subsection related to duplexes, triplexes, and townhomes within an urban growth area boundary do not apply to a county or city that is not subject to the review and evaluation requirements of RCW 36.70A.215 if the county or city adopts findings and provides evidence that the current infrastructure within an urban growth area boundary is not capable of supporting such development or that there is little likelihood that infrastructure will be built to support such development within the 20-year planning period."

On page 11, line 9, after "requirements to" strike "provide for" and insert "consider"

On page 11, line 15, after "plans" insert ". The requirements of this subsection related to considering duplexes, triplexes, and townhomes within an urban growth area boundary do not apply to a county or city that is not subject to the review and evaluation requirements of RCW 36.70A.215 if the county or city has adopted findings and provided evidence as provided for in RCW 36.70A.070(2) that the current infrastructure within an urban growth area boundary is not capable of supporting such development or that there is little likelihood that infrastructure will be built to support such development within the 20-year planning period"

Representatives Goehner and Pollet spoke in favor of the adoption of the amendment.

Amendment (429) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barkis, Pollet, Graham and Barkis (again) spoke in favor of the passage of the bill.

Representative Santos and Santos (again) spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1232.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1232, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Cody, Davis, Dent, Duerr, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hoff, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lovick, MacEwen, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Riccelli, Robertson, Rude, Rule, Ryu, Schmick, Sells, Senn, Shewmake, Simmons, Springer, Steele, Stokesbary, Sullivan, Sutherland, Tharinger, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Callan, Chopp, Corry, Dolan, Dufault, Dye, Entenman, Harris-Talley, Jacobsen, Kraft, Lekanoff, Macri, McEntire, Ramos, Santos, Slatter, Stonier, Taylor, Thai, Valdez and Wicks.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1232, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1232.

Representative Corry, 14th District

SECOND READING

HOUSE BILL NO. 1241, by Representatives Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley and Pollet

Planning under the growth management act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1241 was substituted for House Bill No. 1241 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1241 was read the second time.

Representative Duerr moved the adoption of striking amendment (414):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.130 and 2020 c 113 s 1 and 2020 c 20 s 1026 are each reenacted and amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations

shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsections (4) and (5) of this section, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) Except as otherwise provided in subsections (6) and (8) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, for King, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2016, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2017, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and

Yakima counties and the cities within those counties; and

(d) On or before June 30, 2018, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2024, and every ((~~eight~~)) ten years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2025, and every ((~~eight~~)) ten years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2026, and every ((~~eight~~)) ten years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2027, and every ((~~eight~~)) ten years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.

(6)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (5)((~~(a)(ii) through (iv) [(b) through (d)]~~)) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (5)((~~(a)(ii) through (iv) [(b) through (d)]~~)) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70A.135 RCW:

(i) Complying with the deadlines in this section; or

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas.

(b) A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning ten years from the date of receipt of funding, a county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection (8)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals and benchmarks for protection have been met.

(9)(a) Counties subject to planning deadlines established in subsection (5) of this section that meet either criteria of (a)(i) or (ii) of this subsection, and cities with a population of more than 6,000 as of January 1, 2021, within those counties, must provide to the department an implementation progress report detailing the progress they have achieved in implementing their comprehensive plan five years after the review and revision of their comprehensive plan. This implementation progress report requirement applies only to counties that meet either of the following criteria on or after January 1, 2021:

(i) The county has a population density of at least 100 people per square mile and a population of at least 200,000; or

(ii) The county has a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management.

(b) The department shall adopt guidelines for indicators, measures, milestones, and criteria for use by counties and cities in the implementation progress report that must cover:

(i) The implementation of previously adopted changes to the housing element and any effect those changes have had on housing affordability and availability within the jurisdiction;

(ii) Permit processing timelines; and

(iii) Progress toward implementing any actions required to achieve reductions to meet greenhouse gas and vehicle miles traveled requirements as provided for in any element of the comprehensive plan under RCW 36.70A.070.

(c) If a city or county required to provide an implementation progress report under this subsection (9) has not implemented any specifically identified regulations, zoning and land use changes, or taken other legislative or administrative action necessary to implement any changes in the most recent periodic update in their comprehensive plan by the due date for the implementation progress report, the city or county must identify the need for such action in the implementation progress report. Cities and counties must adopt a work plan to implement any necessary regulations, zoning and land use changes, or take other legislative or administrative action identified in the implementation progress report and complete all work necessary for implementation within two years of submission of the implementation progress report.

Sec. 2. RCW 90.58.080 and 2011 c 353 s 13 are each amended to read as follows:

(1) Local governments shall develop or amend a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department in accordance with the schedule established by this section.

(2)(a) Subject to the provisions of subsections (5) and (6) of this section, each local government subject to this chapter shall develop or amend its master program for the regulation of uses of shorelines within its jurisdiction according to the following schedule:

(i) On or before December 1, 2005, for the city of Port Townsend, the city of Bellingham, the city of Everett, Snohomish county, and Whatcom county;

(ii) On or before December 1, 2009, for King county and the cities within King county greater in population than ten thousand;

(iii) Except as provided by (a)(i) and (ii) of this subsection, on or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(iv) On or before December 1, 2012, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(v) On or before December 1, 2013, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(vi) On or before December 1, 2014, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(b) Nothing in this subsection (2) shall preclude a local government from developing or amending its master program prior to the dates established by this subsection (2).

(3)(a) Following approval by the department of a new or amended master program, local governments required to develop or amend master programs on or before December 1, 2009, as provided by subsection (2)(a)(i) and (ii) of this section, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) of this section and shall not be required to complete master program amendments until the applicable dates established by subsection (4)(b) of this section. Any jurisdiction listed in subsection (2)(a)(i) of this section that has a new or amended master program approved by the department on or after March 1, 2002, but before July 27, 2003, shall not be required to complete master program amendments until the applicable date provided by subsection (4)(b) of this section.

(b) Following approval by the department of a new or amended master program, local governments choosing to develop or amend master programs on or before December 1, 2009, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) through (vi) of this section and shall not be required to complete master program amendments until the applicable dates established by subsection (4)(b) of this section.

(4)(a) Following the updates required by subsection (2) of this section, local governments shall conduct a review of their master programs at least once every ((~~eight~~)) ten years as required by (b) of this subsection. Following the review required by this subsection (4), local governments shall, if necessary, revise their master programs. The purpose of the review is:

(i) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(ii) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

(b) Counties and cities shall take action to review and, if necessary, revise their master programs as required by (a) of this subsection as follows:

(i) On or before June 30, 2019, and every ((~~eight~~)) ten years thereafter, for King, Pierce, and Snohomish counties and the cities within those counties;

(ii) On or before June 30, 2020, and every ((~~eight~~)) ten years thereafter, for Clallam, Clark, Island, Jefferson,

Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(iii) On or before June 30, 2021, and every ((~~eight~~)) ten years thereafter, for Benton, Chelan, Cowlitz, Douglas, ((~~Grant,~~)) Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(iv) On or before June 30, 2022, and every ((~~eight~~)) ten years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) In meeting the update requirements of subsection (2) of this section, local governments are encouraged to begin the process of developing or amending their master programs early and are eligible for grants from the department as provided by RCW 90.58.250, subject to available funding. Except for those local governments listed in subsection (2)(a)(i) and (ii) of this section, the deadline for completion of the new or amended master programs shall be two years after the date the grant is approved by the department. Subsequent master program review dates shall not be altered by the provisions of this subsection.

(6) In meeting the update requirements of subsection (2) of this section, the following shall apply:

(a) Grants to local governments for developing and amending master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in subsection (2) of this section. To the extent possible, the department shall allocate grants within the amount appropriated for such purposes to provide reasonable and adequate funding to local governments that have indicated their intent to develop or amend master programs during the biennium according to the schedule established by subsection (2) of this section. Any local government that applies for but does not receive funding to comply with the provisions of subsection (2) of this section may delay the development or amendment of its master program until the following biennium.

(b) Local governments with delayed compliance dates as provided in (a) of this subsection shall be the first priority for funding in subsequent biennia, and the development or amendment compliance deadline for those local governments shall be two years after the date of grant approval.

(c) Failure of the local government to apply in a timely manner for a master program development or amendment grant in accordance with the requirements of the department shall not be considered a delay resulting from the provisions of (a) of this subsection.

(7) In meeting the update requirements of subsection (2) of this section, all local governments subject to the requirements of this chapter that have not developed or amended master programs on or after March 1, 2002, shall, no later than December 1, 2014, develop or amend their master programs to comply with guidelines adopted by the department after January 1, 2003.

(8) In meeting the update requirements of subsection (2) of this section, local governments may be provided an additional year beyond the deadlines in this section to complete their master program or amendment. The department shall grant the request if it determines that the local government is likely to adopt or amend its master program within the additional year.

Sec. 3. RCW 90.58.080 and 2020 c 113 s 2 are each amended to read as follows:

(1) Local governments shall develop or amend a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department in accordance with the schedule established by this section.

(2)(a) Subject to the provisions of subsections (5) and (6) of this section, each local government subject to this chapter shall develop or amend its master program for the regulation of uses of shorelines within its jurisdiction according to the following schedule:

(i) On or before December 1, 2005, for the city of Port Townsend, the city of Bellingham, the city of Everett, Snohomish county, and Whatcom county;

(ii) On or before December 1, 2009, for King county and the cities within King county greater in population than ten thousand;

(iii) Except as provided by (a)(i) and (ii) of this subsection, on or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(iv) On or before December 1, 2012, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(v) On or before December 1, 2013, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(vi) On or before December 1, 2014, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(b) Nothing in this subsection (2) shall preclude a local government from developing or amending its master program prior to the dates established by this subsection (2).

(3)(a) Following approval by the department of a new or amended master program, local governments required to develop or amend master programs on or before December 1, 2009, as provided by subsection (2)(a)(i) and (ii) of this section, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) of this section and shall not be required to complete master program amendments until the applicable dates established by subsection (4)(b) of this section. Any jurisdiction listed in subsection (2)(a)(i) of this section that has a new or amended master program approved by the department on or after March 1, 2002, but before July 27, 2003, shall not be required to complete master program amendments until the applicable date provided by subsection (4)(b) of this section.

(b) Following approval by the department of a new or amended master program, local governments choosing to develop or amend master programs on or before December 1, 2009, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) through (vi) of this section and shall not be required to complete master program amendments until the applicable dates established by subsection (4)(b) of this section.

(4)(a) Following the updates required by subsection (2) of this section, local governments shall conduct a review of their master programs at least once every ((~~eight~~)) ten years as required by (b) of this subsection. Following the review required by this subsection (4), local governments shall, if necessary, revise their master programs. The purpose of the review is:

(i) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(ii) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

(b) Counties and cities shall take action to review and, if necessary, revise their master programs as required by (a) of this subsection as follows:

(i) On or before June 30, ((~~2028~~)) 2029, and every ((~~eight~~)) ten years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(ii) On or before June 30, ((~~2029~~)) 2030, and every ((~~eight~~)) ten years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(iii) On or before June 30, ((~~2030~~)) 2031, and every ((~~eight~~)) ten years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(iv) On or before June 30, ((~~2031~~)) 2032, and every ((~~eight~~)) ten years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.

(5) In meeting the review requirements of subsection (4) of this section, local governments are encouraged to begin the process of developing or amending their master programs early and are eligible for grants from the department as provided by RCW 90.58.250, subject to

available funding. Except for those local governments listed in subsection (2)(a)(i) and (ii) of this section, the deadline for completion of the new or amended master programs shall be two years after the date the grant is approved by the department. Subsequent master program review dates shall not be altered by the provisions of this subsection.

(6) In meeting the review requirements of subsection (4) of this section, the following shall apply:

(a) Grants to local governments for reviewing master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in subsection (4) of this section. To the extent possible, the department shall allocate grants within the amount appropriated for such purposes to provide reasonable and adequate funding to local governments that have indicated their intent to develop or amend master programs during the biennium according to the schedule established by subsection (4) of this section. Any local government that applies for but does not receive funding to comply with the provisions of subsection (4) of this section may delay the development or amendment of its master program until the following biennium.

(b) Local governments with delayed compliance dates as provided in (a) of this subsection shall be the first priority for funding in subsequent biennia, and the periodic review compliance deadline for those local governments shall be two years after the date of grant approval.

(c) Failure of the local government to apply in a timely manner for a master program development or amendment grant in accordance with the requirements of the department shall not be considered a delay resulting from the provisions of (a) of this subsection.

(7) In meeting the update requirements of subsection (2) of this section, all local governments subject to the requirements of this chapter that have not developed or amended master programs on or after March 1, 2002, shall, no later than December 1, 2014, develop or amend their master programs to comply with guidelines adopted by the department after January 1, 2003.

(8) In meeting the review requirements of subsection (4) of this section, local governments may be provided an additional year beyond the deadlines in this section to complete their master program or amendment. The department shall grant the request if it determines that the local government is likely to adopt or amend its master program within the additional year.

Sec. 4. RCW 36.70A.040 and 2014 c 147 s 1 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, on or after May 16, 1995, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2)(a) The county legislative authority of any county that does not meet either of the sets of criteria

established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter, unless the county subsequently adopts a withdrawal resolution for partial planning pursuant to (b)(i) of this subsection.

(b)(i) Until December 31, 2015, the legislative authority of a county may adopt a resolution removing the county and the cities located within the county from the requirements to plan under this section if:

(A) The county has a population, as estimated by the office of financial management, of twenty thousand or fewer inhabitants at any time between April 1, 2010, and April 1, 2015;

(B) The county has previously adopted a resolution indicating its intention to have subsection (1) of this section apply to the county;

(C) At least sixty days prior to adopting a resolution for partial planning, the county provides written notification to the legislative body of each city within the county of its intent to consider adopting the resolution; and

(D) The legislative bodies of at least sixty percent of those cities having an aggregate population of at least seventy-five percent of the incorporated county population have not: Adopted resolutions opposing the action by the county; and provided written notification of the resolutions to the county.

(ii) Upon adoption of a resolution for partial planning under (b)(i) of this subsection:

(A) The county and the cities within the county are, except as provided otherwise, no longer obligated to plan under this section; and

(B) The county may not, for a minimum of ten years from the date of adoption of the resolution, adopt another resolution indicating its intention to have subsection (1) of this section apply to the county.

(c) The adoption of a resolution for partial planning under (b)(i) of this subsection does not nullify or otherwise modify the requirements for counties and cities established in RCW 36.70A.060, 36.70A.070(5) and associated development regulations, 36.70A.170, and 36.70A.172.

(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forestlands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forestlands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; ((~~[and]~~)) and (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county

legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forestlands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forestlands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

(7) Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter 47.80 RCW no later than December 31, 2000.

(8) A federally recognized Indian tribe may voluntarily choose to participate in the county or regional planning process and coordinate with the county and cities that are either required to comply with the provisions of this chapter pursuant to subsection (1) of this section or voluntarily choose to comply with the provisions of this chapter pursuant to subsection (2) of this section; provided, that collaboration and participation is a nonexclusive exercise of coordination and cooperation in the planning process and failure to exercise discretionary collaboration and participation shall not limit a party's standing for quasi-judicial or judicial review or appeal under this chapter.

(a) Upon receipt of notice in the form of a tribal resolution from a tribe whose reservation or ceded lands lie within the county, which indicates the tribe has a planning process or intends to initiate a parallel planning process, the county, cities and other local governments conducting the planning under this chapter shall enter into a memorandum of agreement with such tribes in regard to collaboration and participation in the planning process.

(b) Nothing in this subsection, any other provision in this chapter, or a tribe's decision to become a participating tribe for planning purposes, shall affect, alter, or limit in any way a tribe's authority, jurisdiction, or any treaty or other

rights it may have by virtue of its status as a sovereign Indian tribe.

(c) Nothing in this subsection or any other provision in this chapter shall affect, alter, or limit in any way, subject to a memorandum of agreement adopted in accordance with (a) of this subsection, a local government legislative body's authority to adopt and amend comprehensive land use plans and development regulations in accordance with this chapter.

Sec. 5. RCW 36.70A.080 and 2011 c 318 s 801 are each amended to read as follows:

(1) A comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

(a) Conservation;

(b) Solar energy; ((~~and~~))

(c) Recreation; and

(d) Container port elements. When including container port elements, a city shall collaborate with the federally recognized Indian tribe whose reservation is located within or adjacent to the lands subject to the container port element.

(2) A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.

(3)(a) Cities that qualify as a receiving city may adopt a comprehensive plan element and associated development regulations that apply within receiving areas under chapter 39.108 RCW.

(b) For purposes of this subsection, the terms "receiving city" and "receiving area" have the same meanings as provided in RCW 39.108.010.

Sec. 6. RCW 36.70A.106 and 2004 c 197 s 1 are each amended to read as follows:

(1) Each county and city proposing adoption of a comprehensive plan or development regulations under this chapter shall notify the department of its intent to adopt such plan or regulations at least sixty days prior to final adoption. State agencies including the department may provide comments to the county or city on the proposed comprehensive plan, or proposed development regulations, during the public review process prior to adoption.

(2) Each county and city planning under this chapter shall transmit a complete and accurate copy of its comprehensive plan or development regulations to the department within ten days after final adoption.

(3)(a) Any amendments for permanent changes to a comprehensive plan or development regulation that are proposed by a county or city to its adopted plan or regulations shall be submitted to the department in the same manner as initial plans and development regulations under this section. Any amendments to a comprehensive plan or development regulations that are adopted by a county or city shall be transmitted to the department in the same manner as the initial plans and regulations under this section.

(b) Each county and city planning under this chapter may request expedited review for any amendments for permanent changes to a development regulation. Upon receiving a request for expedited review, and after consultation with other state agencies, the department may grant expedited review if the department determines that expedited review does not compromise the state's ability to provide timely comments related to compliance with the goals and requirements of this chapter or on other matters of state interest. Cities and counties may adopt amendments for permanent changes to a development regulation immediately following the granting of the request for expedited review by the department.

(c) A federally recognized Indian tribe may request to receive from the department copies of notices received from cities or counties under this section. Upon receipt of a submittal from a city or county under this section, the department shall forward the submittal to any tribe that has requested notification.

Sec. 7. RCW 36.70A.110 and 2017 c 305 s 1 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area

may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350. When a federally recognized Indian tribe whose reservation or ceded lands lie within the county or city has voluntarily chosen to participate in the planning process pursuant to RCW 36.70A.040, the county or city and the tribe shall coordinate their planning efforts for any areas planned for urban growth consistent with the terms outlined in the memorandum of agreement provided for in RCW 36.70A.040(8)(a).

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve. As part of this planning process, each city within the county must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt

development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and under this section. Such action may be appealed to the growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

(8)(a) Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that: (i) Is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (8)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;

(ii) Urban growth areas where expansions are precluded outside floodplains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or

(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain; or

(B) Urban development already exists within a floodplain as of July 26, 2009, and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; stormwater facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase stormwater runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) For the purposes of this subsection (8), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on July 26, 2009.

(9) If a county, city, or utility has adopted a capital facility plan or utilities element to provide sewer service within the urban growth areas during the twenty-year planning period, nothing in this chapter obligates counties, cities, or utilities to install sanitary sewer systems to properties within urban growth areas designated under subsection (2) of this section by the end of the twenty-year planning period when those properties:

(a)(i) Have existing, functioning, nonpolluting on-site sewage systems;

(ii) Have a periodic inspection program by a public agency to verify the on-site sewage systems function properly and do not pollute surface or groundwater; and

(iii) Have no redevelopment capacity; or

(b) Do not require sewer service because development densities are limited due to wetlands, flood plains, fish and wildlife habitats, or geological hazards.

Sec. 8. RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) A federally recognized Indian tribe may formally request the department to enter into formal government-to-government consultation with the tribe regarding the tribe's concerns that the proposed plan or any amendment to the county's or city's plan may directly or indirectly injure rights reserved to the tribe under treaties, statutes, or federal trust obligations regarding lands or activities within the reservation of such tribe or rights reserved to the tribe in regard to lands ceded under a treaty. Upon receipt of a formal request to enter into formal government-to-government consultation from a tribe, the department shall enter into formal government-to-government consultation with the tribe for a period not to exceed 60 days. The department shall also notify the city or county of the request and 60-day period and the county or city shall delay any final action adopting any plan or amendment during that period. A county or city must not be penalized for noncompliance under this chapter due to any delays associated with the government-to-government consultation process. When the government-to-government consultation process is complete, the department shall provide comments to the county or city including a summary and supporting materials regarding the tribe's concerns and an offer to assist in providing formal mediation or dispute resolution prior to adoption of the proposed plan. Upon receipt of such notice and comments, the county or city may either agree to amend the plan as requested consistent with the comments of the department, or enter mediation with the tribe, which shall be arranged by the department

utilizing a suitable expert to be paid by the department.

(7) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

Sec. 9. RCW 36.70A.210 and 2009 c 121 s 2 are each amended to read as follows:

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "countywide planning policy" is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a countywide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a countywide planning policy. In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a countywide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith.

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340.

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of ((~~community, trade, and economic development~~)) commerce to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction.

(e) No later than July 1, 1992, the legislative authority of each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a countywide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed countywide planning policy.

(3) A countywide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a countywide or statewide nature, including transportation facilities of statewide significance as defined in RCW 47.06.140;

(d) Policies for countywide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for countywide economic development and employment, which must include consideration of the future development of commercial and industrial facilities; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and federally recognized Indian tribes ((~~may~~)) whose reservation or ceded lands lie within the county shall be invited to participate in and cooperate with the countywide planning policy adoption process. Adopted countywide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a countywide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a countywide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a countywide planning policy.

(6) Cities and the governor may appeal an adopted countywide planning policy to the growth management hearings board within sixty days of the adoption of the countywide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

NEW SECTION. **Sec. 10.** Section 2 of this act expires July 1, 2025.

NEW SECTION. **Sec. 11.** Section 3 of this act takes effect July 1, 2025."

Correct the title.

Representative Duerr moved the adoption of amendment (423) to the striking amendment (414):

On page 6, line 15 of the striking amendment, after "section" insert "that are required or that choose to plan under RCW 36.70A.040 and"

On page 6, at the beginning of line 21 of the striking amendment, strike all material through "meet" on line 22 and insert "Once a county meets the criteria in subsection (a)(i) or (ii) of this subsection, the implementation progress report requirements remain in effect thereafter for that county and the cities therein with populations greater than 6,000 as of January 1, 2021, even if the county later no longer meets either or both criteria. A county is subject to the implementation progress report requirement if it meets"

Representative Duerr spoke in favor of the adoption of the amendment to the striking amendment.

Representative Goehner spoke against the adoption of the amendment to the striking amendment.

Amendment (423) to the striking amendment (414) was adopted.

By the adoption of striking amendment (414), striking amendment (436) was ruled out of order.

Representatives Duerr and Goehner spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (414) as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr, Pollet and Goehner spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Hackney was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1241.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1241, and the bill passed the House by the following vote: Yeas: 56; Nays: 41; Absent: 0; Excused: 1

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1223, by Representatives Peterson, Simmons, Bateman, Sells, Davis, Lovick, Orwall, Ryu, Ortiz-Self, Senn, Dolan, Fitzgibbon, Ormsby, Gregerson, Hackney, Valdez, Macri and Frame

Enacting the uniform electronic recordation of custodial interrogations act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1223 was substituted for House Bill No. 1223 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1223 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Peterson spoke in favor of the passage of the bill.

Representatives Robertson, Sutherland, Graham, Klippert and Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1223.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1223, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Tharinger, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Hackney.

SUBSTITUTE HOUSE BILL NO. 1223, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1289, by Representatives Chambers, Kloba, Robertson, J. Johnson, Sutherland, Fitzgibbon, Chandler, Jacobsen, Ybarra, Rude, Boehnke, Barkis and Klicker

Concerning winery workforce development.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chambers and Kloba spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1289.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1289, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey,

Fitzgibbon, Frame, Gilday, Goehner, Graham, Gregerson, Griffey, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chopp, Davis, Goodman, Kraft, Leavitt and Thai.

Excused: Representative Hackney.

HOUSE BILL NO. 1289, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

With the consent of the House, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241 passed the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1241, on reconsideration, and the bill passed the House by the following vote: Yeas: 54; Nays: 43; Absent: 0; Excused: 1

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241, on reconsideration, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1370, by Representatives Callan, Shewmake, Davis, Ramos, Leavitt, Duerr, Senn, Wicks, Chopp, Bateman, Kloba, Macri, Ramel, Harris-Talley, Pollet, Rule and Goodman

Concerning grants for early learning facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1370 was substituted for House Bill No. 1370 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1370 was read the second time.

Representative Sullivan moved the adoption of amendment (264):

On page 3, after line 35, insert the following:

"**Sec. 3.** RCW 43.31.569 and 2017 3rd sp.s. c 12 s 4 are each amended to read as follows:

(1) The early learning facilities revolving account and the early learning facilities development account are created in the state treasury.

(2) Revenues to the early learning facilities revolving account shall consist of appropriations by the legislature, early learning facilities grant and loan repayments, taxable bond proceeds, and all other sources deposited in the account.

(3) Revenues to the early learning facilities development account shall consist of tax exempt bond proceeds.

(4) Expenditures from the accounts shall be used, in combination with other private and public funding, for state matching funds for the planning, renovation, purchase, and construction of early learning facilities as established in RCW 43.31.573 through 43.31.583 and 43.84.092.

(5) Expenditures from the accounts are subject to appropriation and the allotment provisions of chapter 43.88 RCW.

(6) The early learning facilities revolving account shall be known as the Ruth LeCocq Kagi early learning facilities revolving account.

(7) The early learning facilities development account shall be known as the Ruth LeCocq Kagi early learning facilities development account."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Sullivan and Dent spoke in favor of the adoption of the amendment.

Amendment (264) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan, Steele, Eslick, Dent and Senn spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1370.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1370, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dye, Kraft, McCaslin, Schmick, Walsh and Young.

Excused: Representative Hackney.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1370, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., March 9, 2021, the 58th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 9, 2021

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Alicia Rule, 42nd Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker assumed the chair.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

ESSB 5096 by Senate Committee on Ways & Means (originally sponsored by Robinson, Hunt, Nguyen, Wilson and C.)

AN ACT Relating to enacting an excise tax on gains from the sale or exchange of certain capital assets; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Finance.

E2SSB 5237 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Dhingra, Das, Billig, Conway, Darneille, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Saldaña and Salomon)

AN ACT Relating to expanding accessible, affordable child care and early childhood development programs; amending RCW 43.216.075, 43.216.136, 43.216.505, 43.216.512, 43.216.556, 43.216.749, 43.216.090, 43.216.578, 43.216.710, 43.216.514, and 43.216.136; reenacting and amending RCW 43.216.010, 28B.50.248, 43.84.092, 43.84.092, and 43.84.092; adding new sections to chapter 43.216 RCW; adding a new section to chapter 43.330 RCW; creating new sections; repealing RCW 43.216.1365; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1213, by Representatives Senn, Chopp, Ramos, Bateman, Sells, Shewmake, Lekanoff, Peterson, Stonier, Duerr, Fitzgibbon, Berry, Rule, Davis, Wicks, Fey, Callan, Dolan, Frame, Lovick, Chapman, Ryu, Santos, Thai, Ortiz-Self, Orwall, Simmons, Slatter, Gregerson, Bergquist, Hackney, Valdez, Ramel, Riccelli, Macri, Goodman and Harris-Talley

Expanding accessible, affordable child care and early childhood development programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1213 was substituted for House Bill No. 1213 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1213 was read the second time.

With the consent of the House, amendments (441) and (440) were withdrawn.

Representative Eslick moved the adoption of amendment (432):

On page 4, after line 18, insert the following:

"(12) The legislature finds that child care must be a priority in Washington state, but imposing new taxes would hamper the state's economic recovery in the wake of the COVID-19 restrictions of 2020 and 2021. Therefore, the legislature intends to fund this act within existing resources in order to prioritize Washington's families without raising taxes."

On page 6, beginning on line 34, after "developed" strike "and revenue expanded"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (432).

SPEAKER'S RULING

"The title of the bill is an act relating to expanding accessible, affordable childcare and early childhood development programs.

The bill establishes an account for childcare and early learning purposes, modifies eligibility, as well as rates, training, grants and services for childcare and early learning programs, and expands services for certain children and their providers.

Amendment (432) contains a legislative finding on a separate subject, the impacts of taxation on economic recovery.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Senn moved the adoption of amendment (426):

On page 8, line 12, after "(c)" insert "The military spouse liaison created within the department of veterans affairs under RCW 43.60A.245;

(d)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 12, at the beginning of line 21, strike "Beginning" and insert "By"

On page 12, at the beginning of line 23, strike "Beginning" and insert "By"

On page 12, at the beginning of line 25, strike "Beginning" and insert "By"

On page 12, at the beginning of line 27, strike "Beginning" and insert "By"

On page 12, at the beginning of line 29, strike "Beginning" and insert "By"

On page 16, beginning on line 1, after "a" strike all material through "year," on line 2 and insert "three to five year-old child who"

On page 16, line 23, after "(f)" strike "Beginning in the 2026-27 school year, is" and insert "Is"

On page 21, line 17, after "(1)" strike "The" and insert "Working in conjunction with the office of the superintendent of public instruction and providers, the"

On page 21, line 24, after "providers" strike "," and insert "and"

On page 25, line 3, after "with" strike "child care aware of Washington" and insert "the statewide child care resource and referral network"

Representative Senn spoke in favor of the adoption of the amendment.

Amendment (426) was adopted.

Representative Stokesbary moved the adoption of amendment (435):

On page 12, line 1, after "July 1," strike "2025" and insert "2021"

On page 12, line 9, after "July 1," strike "2025" and insert "2021"

On page 12, line 27, after "Beginning July 1," strike "2023" and insert "2021"

On page 12, line 29, after "Beginning July 1," strike "2025" and insert "2021"

On page 14, line 1, after "July 1," strike "2023" and insert "2021"

On page 20, line 16, strike all of subsection "(2)" and insert the following:

"(2) By July 1, 2021, child care subsidy base rates must achieve the 85th percentile of market for licensed or certified child care providers."

On page 21, line 5, strike all of subsection (1) and insert the following:

"(1) Beginning in the 2021-22 school year, rates must be set at a level at least ten percent higher than the rates established in section 225, chapter 415, Laws of 2019."

On page 30, after line 4, insert the following:

" **PART V**

APPROPRIATIONS

NEW SECTION. **Sec. 501.** FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

General Fund—State Appropriation (FY 2022) $62,502,000

General Fund—State Appropriation (FY 2023) $93,753,000

General Fund—Federal Appropriation $391,473,000

TOTAL APPROPRIATION $547,728,000

The appropriation in this section is subject to the following conditions and limitations: $33,474,000 of the general fund--state appropriation for fiscal year 2022 and $53,143,000 of the general fund--state appropriation for fiscal year 2023 are provided solely for one thousand additional ECEAP slots in fiscal year 2022 and one thousand additional ECEAP slots in fiscal year 2023. Funding in this subsection is also provided to increase ECEAP slot rates by ten percent beginning July 1, 2021, as required in section 302 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

On page 50, beginning on line 33, strike all of section 603.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 51, beginning on line 22, strike all of section 612.

Correct the title.

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Bergquist spoke against the adoption of the amendment.

Amendment (435) was not adopted.

Representative Eslick moved the adoption of amendment (433):

On page 20, after line 5, insert the following:

"Sec. 209. RCW 43.216.655 and 2019 c 369 s 7 are each amended to read as follows:

(1) The education data center established in RCW 43.41.400 must collect longitudinal, student-level data on all children attending an early childhood education and assistance program. Upon completion of an electronic time and attendance record system, the education data center must collect longitudinal, student-level data on all children attending a working connections child care program. Data collected should capture at a minimum the following characteristics:

(a) Daily program attendance;

(b) Identification of classroom and teacher;

(c) Early achievers program quality level rating;

(d) Program hours;

(e) Program duration;

(f) Developmental results from the Washington kindergarten inventory of developing skills in RCW 28A.655.080; and

(g) To the extent data is available, the distinct ethnic categories within racial subgroups of children and providers that align with categories recognized by the education data center.

(2) The department shall provide early learning providers student-level data collected pursuant to this section that are specific to the early learning provider's program. Upon completion of an electronic time and attendance record system identified in subsection (1) of this section, the department shall provide child care providers student-level data that are specific to the child care provider's program.

(3) The department shall review available research and best practices literature on cultural competency in early learning settings. The department shall review the K-12 components for cultural competency developed by the professional educator standards board and identify components appropriate for early learning professional development.

(4)(a) The Washington state institute for public policy shall conduct a longitudinal analysis examining relationships between the early achievers program quality ratings levels and outcomes for children participating in subsidized early care and education programs.

(b) The institute shall submit the first report to the appropriate committees of the legislature and the early learning advisory council by December 31, 2019. The institute shall submit subsequent reports annually to the appropriate committees of the legislature and the early learning advisory council by December 31st, with the final report due December 31, 2022. The final report shall include a cost-benefit analysis.

(5) By December 31, 2021, and subject to the availability of amounts appropriated for this specific purpose,

the Washington state institute for public policy shall update the outcome evaluation of the early childhood education and assistance program required by chapter 16, Laws of 2013 and report to the governor and the legislature on the outcomes of program participants. The evaluation must include the demographics of program participants including race, ethnicity, and socioeconomic status. The evaluation must examine short and long-term impacts on program participants, including high school graduation rates for up to two cohorts. When conducting the evaluation, the institute must consider, to the extent that data is available, the education levels and demographics, including race, ethnicity, and socioeconomic status, of early childhood education and assistance program staff and the effects of full-day programming and half-day programming on outcomes.

(6)(a) The Washington state institute for public policy shall conduct a longitudinal analysis examining capacity for expansion of the early childhood education and assistance program as well as the effectiveness of the expansion required by section 204 of this act. Before July 1, 2026, the study shall focus on capacity and preparedness for expanding the program. After July 1, 2026, the institute must include an analysis of participants' kindergarten readiness and a cost-benefit analysis.

(b) The institute shall provide progress reports biennially to the governor and the appropriate committees of the legislature beginning December 31, 2024, with the final report due December 31, 2032."

On page 51, after line 2, insert the following:

"NEW SECTION. **Sec. 605.** Section 204 of this act expires August 1, 2033."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Eslick and Sutherland spoke in favor of the adoption of the amendment.

Representative Harris-Talley spoke against the adoption of the amendment.

Amendment (433) was not adopted.

Representative McCaslin moved the adoption of amendment (438):

On page 20, after line 5, insert the following:

"Sec. 209. RCW 43.216.085 and 2019 c 369 s 2 are each amended to read as follows:

(1) The department, in collaboration with tribal governments and community and statewide partners, shall implement a quality rating and improvement system, called the early achievers program. The early achievers program provides a foundation of quality for the early care and education system. The early achievers program is applicable to licensed or certified child care centers and homes and early learning programs such as working connections child care and early childhood education and assistance programs.

(2) The objectives of the early achievers program are to:

(a) Improve short-term and long-term educational outcomes for children as measured by assessments including, but not limited to, the Washington kindergarten inventory of developing skills in RCW 28A.655.080;

(b) Give parents clear and easily accessible information about the quality of child care and early education programs;

(c) Support improvement in early learning and child care programs throughout the state;

(d) Increase the readiness of children for school;

(e) Close the disparities in access to quality care;

(f) Provide professional development and coaching opportunities to early child care and education providers; and

(g) Establish a common set of expectations and standards that define, measure, and improve the quality of early learning and child care settings.

(3)((~~(a) Licensed or certified child care centers and homes serving nonschool-age children and receiving state subsidy payments must participate in the early achievers program by the required deadlines established in RCW 43.216.135.~~

~~(b) Approved early childhood education and assistance program providers~~

~~receiving state-funded support must participate in the early achievers program by the required deadlines established in RCW 43.216.515.~~

~~(c)~~)) Participation in the early achievers program is voluntary for:

(i) Licensed or certified child care centers and homes ((~~not receiving state subsidy payments~~)); and

(ii) Early learning programs ((~~not receiving state funds~~)).

(d) School-age child care providers are exempt from participating in the early achievers program. By July 1, 2017, the department and the office of the superintendent of public instruction shall jointly design a plan to incorporate school-age child care providers into the early achievers program or other appropriate quality improvement system. To test implementation of the early achievers system for school-age child care providers the department and the office of the superintendent of public instruction shall implement a pilot program.

(4)(a) There are five primary levels in the early achievers program.

(b) In addition to the primary levels, the department must establish an intermediate level that is between level 3 and level 4 and serves to assist participants in transitioning to level 4.

(c) Participants are expected to actively engage and continually advance within the program.

(5) The department has the authority to determine the rating cycle for the early achievers program. The department shall streamline and eliminate duplication between early achievers standards and state child care rules in order to reduce costs associated with the early achievers rating cycle and child care licensing.

(a) Early achievers program participants may request to be rated at any time after the completion of all level 2 activities.

(b) The department shall provide an early achievers program participant an update on the participant's progress toward completing level 2 activities after the participant has been enrolled in the early achievers program for fifteen months.

(c) The first rating is free for early achievers program participants.

(d) Each subsequent rating within the established rating cycle is free for early achievers program participants.

(6)(a) Early achievers program participants may request to be rerated outside the established rating cycle. A rerating shall reset the rating cycle timeline for participants.

(b) The department may charge a fee for optional rerating requests made by program participants that are outside the established rating cycle.

(c) Fees charged are based on, but may not exceed, the cost to the department for activities associated with the early achievers program.

(7)(a) The department must create a single source of information for parents and caregivers to access details on a provider's early achievers program rating level, licensing history, and other indicators of quality and safety that will help parents and caregivers make informed choices. The licensing history that the department must provide for parents and caregivers pursuant to this subsection shall only include license suspension, surrender, revocation, denial, stayed suspension, or reinstatement. No unfounded child abuse or neglect reports may be provided to parents and caregivers pursuant to this subsection.

(b) The department shall publish to the department's web site, or offer a link on its web site to, the following information:

(i) Early achievers program rating levels 1 through 5 for all child care programs voluntarily enrolled in the program that receive state subsidy, early childhood education and assistance programs, and federal head start programs in Washington; and

(ii) New early achievers program ratings within ((~~thirty~~)) 30 days after a program becomes licensed or certified, or receives a rating.

(c) The early achievers program rating levels shall be published in a manner that is easily accessible to parents and caregivers and takes into account the linguistic needs of parents and caregivers.

(d) The department must publish early achievers program rating levels for child care programs that ((~~do not receive state subsidy but~~)) have voluntarily joined the early achievers program.

(e) Early achievers program participants who have published rating levels on the department's web site or on a link on the department's web site may include a brief description of their program, contingent upon the review and approval by the department, as determined by established marketing standards.

(8)(a) The department shall create a professional development pathway for early achievers program participants to obtain a high school diploma or equivalency or higher education credential in early childhood education, early childhood studies, child development, or an academic field related to early care and education.

(b) The professional development pathway must include opportunities for scholarships and grants to assist early achievers program participants with the costs associated with obtaining an educational degree.

(c) The department shall address cultural and linguistic diversity when developing the professional development pathway.

(9) The early achievers quality improvement awards shall be reserved for participants offering programs to an enrollment population consisting of at least five percent of children receiving a state subsidy.

(10) In collaboration with tribal governments, community and statewide partners, and the early achievers review subcommittee created in RCW 43.216.075, the department shall develop a protocol for granting early achievers program participants an extension in meeting rating level requirement timelines outlined for the working connections child care program and the early childhood education and assistance program.

(a) The department may grant extensions only under exceptional circumstances, such as when early achievers program participants experience an unexpected life circumstance.

(b) Extensions shall not exceed six months, and early achievers program participants are only eligible for one extension in meeting rating level requirement timelines.

(c) Extensions may only be granted to early achievers program participants who have demonstrated engagement in the early achievers program.

(11)(a) The department shall accept national accreditation that meets the requirements of this subsection (11) as a qualification for the early achievers program ratings.

(b) Each national accreditation agency will be allowed to submit its most current standards of accreditation to establish potential credit earned in the early achievers program. The department shall grant credit to accreditation bodies that can demonstrate that their standards meet or exceed the current early achievers program standards. By December 1, 2019, and subject to the availability of amounts appropriated for this specific purpose, the department must submit a detailed plan to the governor and the legislature to implement a robust cross-accreditation process with multiple pathways that allows a provider to earn equivalent early achievers credit resulting from accreditation by high quality national organizations.

(c) Licensed child care centers and child care home providers must meet national accreditation standards approved by the department for the early achievers program in order to be granted credit for the early achievers program standards. Eligibility for the early achievers program is not subject to bargaining, mediation, or interest arbitration under RCW 41.56.028, consistent with the legislative reservation of rights under RCW 41.56.028(4)(d).

(12) The department shall explore the use of alternative quality assessment tools that meet the culturally specific needs of the federally recognized tribes in the state of Washington.

(13) A child care or early learning program that is operated by a federally recognized tribe and receives state funds ((~~shall~~)) may participate in the early achievers program. The tribe may choose to participate through an interlocal agreement between the tribe and the department. The interlocal agreement must reflect the government-to-government relationship between the

state and the tribe, including recognition of tribal sovereignty. The interlocal agreement must provide that:

(a) Tribal child care facilities and early learning programs may volunteer, but are not required, to be licensed by the department;

(b) Tribal child care facilities and early learning programs are not required to have their early achievers program rating level published to the department's web site or through a link on the department's web site; and

(c) Tribal child care facilities and early learning programs must provide notification to parents or guardians who apply for or have been admitted into their program that early achievers program rating level information is available and provide the parents or guardians with the program's early achievers program rating level upon request.

(14) The department shall consult with the early achievers review subcommittee on all substantial policy changes to the early achievers program.

(15) Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs under RCW 41.56.028(4)(d).

NEW SECTION. **Sec. 210.** RCW 43.216.135 (Child care providers—Subsidy requirements—Tiered reimbursements—Copayments.) and 2020 c 321 s 2 & 2020 c 279 s 1 are each repealed.

Sec. 211. RCW 43.216.515 and 2020 c 321 s 1 are each amended to read as follows:

(1) Approved early childhood education and assistance programs shall receive state-funded support through the department. Public or private organizations including, but not limited to, school districts, educational service districts, community and technical colleges, local governments, or nonprofit organizations, are eligible to participate as providers of the state early childhood education and assistance program.

(2) Funds obtained by providers through voluntary grants or contributions from individuals, agencies, corporations, or organizations may be used to expand or enhance preschool programs so long as program standards established by the department are maintained.

(3) Persons applying to conduct the early childhood education and assistance program shall identify targeted groups and the number of children to be served, program components, the qualifications of instructional and special staff, the source and amount of grants or contributions from sources other than state funds, facilities and equipment support, and transportation and personal care arrangements.

(4) ((~~A new early childhood education and assistance program provider must complete the requirements in this subsection to be eligible to receive state-funded support under the early childhood education and assistance program:~~

~~(a) Enroll in the early achievers program within thirty days of the start date of the early childhood education and assistance program contract;~~

~~(b)(i) Except as provided in (b)(ii) of this subsection, rate at a level 4 or 5 in the early achievers program within twenty-four months of enrollment. If an early childhood education and assistance program provider rates below a level 4 within twenty-four months of enrollment, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 4 or 5 within twelve months of beginning remedial activities.~~

~~(ii) Licensed or certified child care centers and homes that administer an early childhood education and assistance program shall rate at a level 4 or 5 in the early achievers program within twenty-four months of the start date of the early childhood education and assistance program contract. If an early childhood education and assistance program provider rates below a level 4 within twenty-four months, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 4 or 5 within twelve months of beginning remedial activities.~~

~~(5)(a) If an early childhood education and assistance program provider has successfully completed all of the required early achievers program activities and is waiting to be rated by~~

~~the deadline provided in this section, the provider may continue to participate in the early achievers program as an approved early childhood education and assistance program provider and receive state subsidy pending the successful completion of a level 4 or 5 rating.~~

~~(b) To avoid disruption, the department may allow for early childhood education and assistance program providers who have rated below a level 4 after completion of the twelve-month remedial period to continue to provide services until the current school year is finished.~~

~~(c)(i) If the early childhood education and assistance program provider described under subsection (4)(b)(i) or (ii) of this section does not rate or request to be rated at a level 4 or 5 following the remedial period, the provider is not eligible to receive state-funded support under the early childhood education and assistance program under this section.~~

~~(ii) If the early childhood education and assistance program provider described under subsection (4)(b)(i) or (ii) of this section does not rate at a level 4 or 5 when the rating is released following the remedial period, the provider is not eligible to receive state-funded support under the early childhood education and assistance program under this section.~~

~~(6)(a) When an early childhood education and assistance program in good standing changes classroom locations to a comparable or improved space within the same facility, a rerating is not required outside of the regular rerating and renewal cycle.~~

~~(b) When an early childhood education and assistance program in good standing moves to a new facility, the provider must notify the department of the move within six months of changing locations in order to retain their existing rating. The early achievers program must conduct an observational visit to ensure the new classroom space is of comparable or improved environmental quality. If a provider fails to notify the department within six months of a move, the early achievers rating must be changed from the posted rated level to "Participating, Not Yet Rated" and the provider will cease to receive tiered reimbursement incentives until a new rating is completed.~~

~~(7)~~)) The department shall collect data periodically to determine the demand for full-day programming for early childhood education and assistance program providers. The department shall analyze this demand by geographic region and shall include the findings in the annual report required under RCW 43.216.089.

((~~(8)~~))(5) The department shall develop multiple pathways for licensed or certified child care centers and homes to administer an early childhood education and assistance program. ((~~The pathways shall include an accommodation for these providers to rate at a level 4 or 5 in the early achievers program according to the timelines and standards established in subsection (4)(b)(ii) of this section. The department must consider using the intermediate level that is between level 3 and level 4 as described in RCW 43.216.085, incentives, and front-end funding in order to encourage providers to participate in the pathway.~~))"

Correct the title.

Representative McCaslin spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (438) was not adopted.

Representative Dent moved the adoption of amendment (430):

On page 26, after line 14, insert the following:

"NEW SECTION. **Sec. 313.** (1) The department of children, youth, and families shall convene a task force with child care providers and their representatives, facilitated by a neutral third party, to develop recommendations for providing regulatory relief and making the licensing process more affordable for child care providers. At a minimum, the task force must evaluate:

(a) Reviewing the child care licensing fee structure;

(b) Suspending, delaying, or waiving certain licensing requirements for at least one year;

(c) Reevaluating staff-to-child required ratios and the minimum indoor space requirements for licensing; and

(d) Removing, revising, or waiving licensing requirements related to the early achievers program.

(2) The task force must report recommendations agreed upon by the majority of task force members to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2021 and in accordance with RCW 43.01.036. The report must include the policy rationale, implementation plan, timeline, and recommended statutory changes required to implement the recommendations. The report must also include a minority report for recommendations provided by members that were not agreed upon.

(3) Task force participants must represent geographically diverse areas of the state and there must be a process to allow providers not able to participate to send feedback to the facilitator for consideration. Task force membership must include at least one representative from each of the following:

(a) The department of children, youth, and families;

(b) Licensed family home providers;

(c) Family, friend, and neighbor caregivers;

(d) Child care centers;

(e) The statewide child care resource and referral network; and

(e) A statewide association for representing the interests of child care centers.

(4) Members of the task force shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW. Child care providers serving as members of the task force must be reimbursed for the cost of hiring a substitute for times the provider is away from the child care business for official task for travel and meetings.

(5) Staff support for the task force must be provided by the department of children, youth, and families.

(6) This section expires January 1, 2022."

Representatives Dent, Corry, Schmick, Dent (again) and Sutherland spoke in favor of the adoption of the amendment.

Representatives Senn, Slatter and Stonier spoke against the adoption of the amendment.

Amendment (430) was not adopted.

Representative McCaslin moved the adoption of amendment (437):

On page 26, after line 14, insert the following:

"NEW SECTION. **Sec. 313.** A new section is added to chapter 43.216 RCW to read as follows:

(1) Beginning July 30, 2021, the department shall grant all new child care providers an extended period of at least one year to meet licensing requirements not directly related to health and safety, including but not limited to staff to child ratio requirements and enrollment in the early achievers program.

(2)(a) The department shall analyze data from the last federal census to determine and make publicly available which zip codes in the state are in the top 10 percent of the most racially and ethnically diverse, considering the following groups:

(i) Black or African American;

(ii) American Indian and Alaska Native;

(iii) Native Hawaiian or other Pacific Islander;

(iv) Hispanic or Latinx;

(v) Asian; and

(vi) Other multiracial.

(b) Child care providers in these zip codes as determined by the department shall be exempt from indoor minimum space requirements and shall receive longer periods of at least 18 months to meet requirements listed in subsection (1) of this section.

(3) The department must adopt rules to implement this section."

Representatives McCaslin, McCaslin (again) and Dent spoke in favor of the adoption of the amendment.

Representatives Harris-Talley and Wicks spoke against the adoption of the amendment.

Amendment (437) was not adopted.

Representative Boehnke moved the adoption of amendment (421):

On page 30, after line 4, insert the following:

"PART V

APPROPRIATION

NEW SECTION. **Sec. 501.** The sum of eight million nine hundred thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2023, from the general fund--federal (CRRSA) to the department of children, youth, and families for the purposes of providing broadband access for 4,400 licensed child care providers serving 20,500 school-aged children."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (421).

SPEAKER'S RULING

"The title of the bill is an act relating to expanding accessible, affordable childcare and early childhood development programs.

The bill establishes an account for childcare and early learning purposes, modifies eligibility, as well as rates, training, grants and services for childcare and early learning programs, and expands services for certain children and their providers.

Amendment (421) appropriates funds to provide broadband service.

Broadband service is a separate and distinct topic from the issue presented in the bill before us – whether to expand childcare and early childhood development programs.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Dent moved the adoption of striking amendment (439):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.216.556 and 2019 c 408 s 3 are each amended to read as follows:

(1) Funding for the program of early learning established under this chapter must be appropriated to the department. The department shall distribute funding to approved early childhood education and assistance program contractors on the basis of eligible children enrolled.

(2) The program shall be implemented in phases, so that full implementation is achieved in the ((~~2022-23~~)) 2026-27 school year.

(3) Funding shall continue to be phased in each year such that the legislature funds at least an additional 1,000 ECEAP slots each year until full statewide implementation of the early learning program is achieved in the ((~~2022-23~~)) 2026-27 school year, at which time any eligible child is entitled to be enrolled in the program. Entitlement under this section is voluntary enrollment. The legislature must consider the increased demand for school day and working day slots when funding new ECEAP slots.

(4) School districts and approved community-based early learning providers may contract with the department to provide services under the program. The department shall collaborate with school districts, community-based providers, and educational service districts to promote an adequate supply of approved providers.

Sec. 2. RCW 43.216.749 and 2019 c 368 s 7 are each amended to read as follows:

CHILD CARE SUBSIDY RATES.

(1) ((~~By January 1, 2025, the department of children, youth, and families must~~)) It is the intent of the legislature to systemically increase child care subsidy rates over time until rates are equal to the full cost of providing high quality child care.

(2) By July 1, 2021, child care subsidy base rates must achieve the 85th percentile of market for licensed or certified child care providers.

(3)(a) The department shall build upon the work of the child care collaborative task force to develop and implement a child care cost estimate model and use the completed child care cost model ((~~developed under RCW 43.330.527 to determine child care subsidy rates.~~

~~(2) This section expires January 30, 2025~~)) to recommend subsidy rates at levels that are sufficient to compensate licensed or certified child care providers for the full costs of providing high quality child care. The department shall consider adjusting rates to reflect cost-of-living factors at the zip code

level, grouped by categories such as rural, suburban, or urban.

(b) The department shall build upon the work of the child care collaborative task force to evaluate options to support access to affordable health care insurance coverage for licensed or certified child care providers.

(c) Nothing in this chapter shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their choosing in order to establish wages or other conditions of work in excess of the applicable minimum under the provisions of this chapter.

NEW SECTION. **Sec. 3.** EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM RATES. (1) Beginning in the 2021-22 school year, rates must be set at a level at least ten percent higher than the rates established in section 225, chapter 415, Laws of 2019.

(2) It is the intent of the legislature that rate increases shall be informed by the department's 2020 early childhood education and assistance program rate study.

(3) This section expires June 30, 2027.

NEW SECTION. **Sec. 4.** TRAUMA-INFORMED CARE SUPPORTS. (1) By July 1, 2022, the department shall provide supports to aid eligible providers in providing trauma-informed care. Trauma-informed care supports may include:

(a) Additional compensation for staff who have an infant and early childhood mental health or other child development specialty credential;

(b) Trauma-informed professional development and training;

(c) The purchase of screening tools and assessment materials;

(d) Supportive services for children with complex needs that are offered as fee-for-service within local communities; or

(e) Other related expenses.

(2) The department must adopt rules to implement this section.

(3) For the purposes of this section, "eligible provider" means: (a) An employee or owner of a licensed or certified child care center accepting state subsidy; (b) an employee or owner of a licensed family home provider accepting state subsidy; (c) a contractor or provider of the early childhood education and assistance program or birth to three early childhood education and assistance program; (d) a license-exempt child care program; or (e) an early achievers coach.

NEW SECTION. **Sec. 5.** INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION. (1) The department shall administer or contract for infant and early childhood mental health consultation services to child care providers and early learning providers participating in the early achievers program.

(2) Infant and early childhood mental health consultation services must be delivered in coordination with the consultants provided under RCW 43.216.090.

(3) The department shall provide, or contract with an entity to provide, reflective supervision and professional development for infant and early childhood mental health consultants to meet national competency standards.

(4) As capacity allows, the department may provide access to infant and early childhood mental health consultation services to caregivers and licensed or certified, military, and tribal early learning providers, license-exempt family, friend, and neighbor care providers, and families with children expelled or at risk of expulsion from child care.

Sec. 6. RCW 43.216.090 and 2019 c 360 s 7 are each amended to read as follows:

INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION.

((~~The~~)) By July 1, 2021, the department of children, youth, and families must have or contract for one infant and early childhood mental health consultation coordinator and must enter into a contractual agreement with an organization providing coaching services to early achievers program participants to hire ((~~one~~)) at least 12 qualified infant and early childhood mental health consultants ((~~for each of the six department-designated regions~~)). The department shall determine, in collaboration with child care aware of Washington, where the additional

consultants should be sited based on factors such as the total provider numbers overlaid with indicators of highest need. The infant and early childhood mental health consultants must support early achievers program coaches and child care providers by providing resources, information, and guidance regarding challenging behavior and expulsions and may travel to assist providers in serving families and children with severe behavioral needs. ((~~In coordination with the contractor, the department of children, youth, and families must report on the services provided and the outcomes of the consultant activities to the governor and the appropriate policy and fiscal committees of the legislature by June 30, 2021.~~))

NEW SECTION. **Sec. 7.** EARLY THERAPEUTIC AND PREVENTATIVE SERVICES. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer early therapeutic and preventative services and programs, such as the early childhood intervention and prevention services program, and other related services for children who are:

(a) Between the ages of birth and five years; and

(b) Referred by a child welfare worker, a department of social and health services social worker, a primary care physician, a behavioral health provider, or a public health nurse due to: (i) Risk of child abuse or neglect; (ii) exposure to complex trauma; or (iii) significant developmental delays.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall make all reasonable efforts to deliver early therapeutic and preventative services and programs statewide. These services and programs must focus first on children and families furthest from opportunity as defined by income and be delivered by programs that emphasize greater racial equity.

Sec. 8. RCW 43.216.655 and 2019 c 369 s 7 are each amended to read as follows:

(1) The education data center established in RCW 43.41.400 must collect longitudinal, student-level data on all children attending an early childhood education and assistance program. Upon completion of an electronic time and attendance record system, the education data center must collect longitudinal, student-level data on all children attending a working connections child care program. Data collected should capture at a minimum the following characteristics:

(a) Daily program attendance;

(b) Identification of classroom and teacher;

(c) Early achievers program quality level rating;

(d) Program hours;

(e) Program duration;

(f) Developmental results from the Washington kindergarten inventory of developing skills in RCW 28A.655.080; and

(g) To the extent data is available, the distinct ethnic categories within racial subgroups of children and providers that align with categories recognized by the education data center.

(2) The department shall provide early learning providers student-level data collected pursuant to this section that are specific to the early learning provider's program. Upon completion of an electronic time and attendance record system identified in subsection (1) of this section, the department shall provide child care providers student-level data that are specific to the child care provider's program.

(3) The department shall review available research and best practices literature on cultural competency in early learning settings. The department shall review the K-12 components for cultural competency developed by the professional educator standards board and identify components appropriate for early learning professional development.

(4)(a) The Washington state institute for public policy shall conduct a longitudinal analysis examining relationships between the early achievers program quality ratings levels and outcomes for children participating in subsidized early care and education programs.

(b) The institute shall submit the first report to the appropriate committees of the legislature and the early learning advisory council by December 31, 2019. The institute shall submit subsequent reports annually to the appropriate committees of the legislature and the early learning

advisory council by December 31st, with the final report due December 31, 2022. The final report shall include a cost-benefit analysis.

(5) By December 31, 2021, and subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall update the outcome evaluation of the early childhood education and assistance program required by chapter 16, Laws of 2013 and report to the governor and the legislature on the outcomes of program participants. The evaluation must include the demographics of program participants including race, ethnicity, and socioeconomic status. The evaluation must examine short and long-term impacts on program participants, including high school graduation rates for up to two cohorts. When conducting the evaluation, the institute must consider, to the extent that data is available, the education levels and demographics, including race, ethnicity, and socioeconomic status, of early childhood education and assistance program staff and the effects of full-day programming and half-day programming on outcomes.

(6)(a) The Washington state institute for public policy shall conduct a study comparing child care licensing regulations nationwide. In conducting the study, the institute shall review and compare the structure of child care licensing regulations and outcomes in other states, including, but not limited to:

(i) Child care costs;

(ii) Availability of child care;

(iii) Regulations on child care providers; and

(iv) Safety and health outcomes for children in child care settings, to the extent possible.

(b) The institute shall submit a report on its findings to the appropriate committees of the legislature by December 31, 2021.

(c) Subsection (6) of this section will expire June 30, 2022."

Correct the title.

Representative Dent spoke in favor of the adoption of the striking amendment.

Representatives Callan and Senn spoke against the adoption of the striking amendment.

Striking amendment (439) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn, Wicks, Berry, Chopp and Harris-Talley spoke in favor of the passage of the bill.

Representatives Dent, McCaslin, Chase, Schmick, Sutherland, Walsh and Caldier spoke against the passage of the bill.

MOTION

On motion of Representative Graham, Representatives Griffey and Kraft were excused.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1213.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1213, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Kraft.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1213, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1280, by Representatives Ramel, Duerr, Bateman, Fitzgibbon, Berry, Peterson, Goodman, Hackney, Frame, Macri, Pollet and Harris-Talley

Concerning greenhouse gas emissions reductions in the design of public facilities.

The bill was read the second time.

Representative Dye moved the adoption of amendment (302):

On page 2, line 26, after "1975." insert "The policy of the state to pursue energy conservation and greenhouse gas emissions reduction practices in the design of major publicly owned or leased facilities must be balanced with the pursuit of low-cost and least-risk design that ensures that Washington taxpayers derive the most longevity and utility from public facilities for the taxes they pay."

Representative Dye spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (302) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ramel spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1280.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1280, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Kraft.

HOUSE BILL NO. 1280, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1170, by Representatives Boehnke, Paul, Walsh, Kloba, Shewmake, Santos, Springer, Dolan, Dye, Graham, Leavitt, McCaslin, Young, Walen, Riccelli, Bateman, Lovick, Lekanoff, Eslick, Frame, Barkis, Sutherland, Robertson and Dent

Building economic strength through manufacturing. Revised for 1st Substitute: Concerning building economic strength through manufacturing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1170 was substituted for House Bill No. 1170 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1170 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boehnke and Paul spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1170.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1170, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Kraft.

SUBSTITUTE HOUSE BILL NO. 1170, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1512, by Representative Ryu

Concerning lodging-related assessments under chapter 35.87A RCW.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1512 was substituted for House Bill No. 1512 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1512 was read the second time.

Representative Frame moved the adoption of amendment (167):

On page 8, after line 33, insert the following:

"NEW SECTION. **Sec. 4.** This act applies prospectively to any special assessment amounts collected by a lodging business as provided in section 1 of this act that are collected on or after the effective date of this section, as well as retroactively for any taxpayer who has been assessed taxes by the department of revenue prior to the effective date of this section, on any special assessment amounts collected by a lodging business as provided in section 1 of this act. Nothing in this act is intended to be construed to require or otherwise authorize a refund of taxes lawfully paid prior to the effective date of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Frame and Orcutt spoke in favor of the adoption of the amendment.

Amendment (167) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ryu and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1512.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1512, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Kraft.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1296, by Representatives Young, Thai, Robertson and Rule

Providing a business and occupation tax preference for behavioral health administrative services organizations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Young and Thai spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1296.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1296, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland,

Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.
Excused: Representatives Griffey and Kraft.

HOUSE BILL NO. 1296, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1168, by Representatives Springer, Kretz, Fitzgibbon, Griffey, Riccelli, Lekanoff, Ramos, Callan, Harris-Talley, Dent and Klicker

Concerning long-term forest health and the reduction of wildfire dangers.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1168 was substituted for House Bill No. 1168 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1168 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer, Kretz, Dufault, Ybarra and Riccelli spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1168.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1168, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.
Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.
Excused: Representatives Griffey and Kraft.

SECOND SUBSTITUTE HOUSE BILL NO. 1168, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1250, by Representatives Orcutt, Ryu, Boehnke, Dufault and Riccelli

Designating Washington a purple heart state.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1250 was substituted for House Bill No. 1250 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1250 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Leavitt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1250.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1250, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.
Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.
Excused: Representatives Griffey and Kraft.

SUBSTITUTE HOUSE BILL NO. 1250, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

HOUSE BILL NO. 1330, by Representatives Shewmake, Ramel, Berry, Fitzgibbon, Duerr, Lovick, Rule, Lekanoff, Callan, Pollet, Macri and Slatter

Providing a retail sales and use tax exemption for the purchase of electric bicycles and related cycling equipment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1330 was substituted for House Bill No. 1330 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1330 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shewmake and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1330.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1330, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Graham, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Steele, Stonier, Sullivan, Thai, Tharinger, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Bronoske, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Entenman, Eslick, Gilday, Goehner, Gregerson, Harris, Hoff, Jacobsen, Klicker, Klippert, Kretz, Leavitt, Maycumber, McEntire, Ramos, Robertson, Schmick, Springer, Stokesbary, Sutherland, Taylor, Valdez, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Kraft.

SUBSTITUTE HOUSE BILL NO. 1330, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

The House resumed consideration of ENGROSSED HOUSE BILL NO. 1192 on third reading.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1192, and the bill passed the House by the following vote: Yeas: 59; Nays: 37; Absent: 0; Excused: 2

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representatives Griffey and Kraft

ENGROSSED HOUSE BILL NO. 1192, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1258, by Representatives Frame, Peterson, Dolan, Ryu, Leavitt, Simmons, Jacobsen, Lovick, Taylor, Fitzgibbon, Fey, Ramel, Ortiz-Self, Shewmake, J. Johnson, Bateman, Eslick, Ramos, Davis, Thai, Santos, Chambers, Wylie, Callan, Wicks, Rule, Sutherland, Chase, Macri, Gregerson, Slatter, Berg and Riccelli

Concerning the operation, authorization, and permitting of microenterprise home kitchens.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1258 was substituted for House Bill No. 1258 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1258 was read the second time.

Representative MacEwen moved the adoption of amendment (307):

On page 13, line 21, after "51.08.175" strike "," and insert "and"

On page 13, beginning on line 21, after "51.08.173" strike all material through "employees" on line 22

Representatives MacEwen and Pollet spoke in favor of the adoption of the amendment.

Amendment (307) was adopted.

Representative Frame moved the adoption of amendment (447):

On page 13, line 34, after "7" strike "and 12" and insert ", 12, and 14"

On page 14, after line 5, insert the following:

"NEW SECTION. **Sec. 14.** The obligation of local governments to comply with the requirements established in Sections 2 through 6 of this act is contingent on the provision of state funding to local governments for the specific purpose of complying with these requirements."

Correct the title.

Representatives Frame and Goehner spoke in favor of the adoption of the amendment.

Amendment (447) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Frame and Goehner spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1258.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1258, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chase, Chopp, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Gregerson, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kloba, Leavitt, Lekanoff, Lovick, Macri, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Cody, Corry, Dent, Dufault, Dye, Gilday, Goodman, Graham, Harris, Hoff, Kirby, Klicker, Klippert, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Stokesbary, Sutherland, Tharinger, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Kraft.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1258, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1015, by Representatives Maycumber, Chapman, Tharinger, Graham, Santos and Macri

Creating the Washington equitable access to credit act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1015 was substituted for House Bill No. 1015 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1015 was read the second time.

With the consent of the House, amendment (412) was withdrawn.

Representative Maycumber moved the adoption of amendment (446):

On page 3, beginning on line 33, after "(d)" strike all material through "costs" on line 34 and insert "Beginning in fiscal year 2022, up to five percent of the program revenues may be used for all agencies' staffing and other administrative costs related to the implementation of this act. In the event that the statewide limit in section 2(3)of this act is not reached, the percentage used for administration may be increased as necessary to maintain normal staffing operations, not to exceed ten percent"

On page 7, line 2, after "program" insert "and administrative costs pursuant to section 3 of this act"

Representatives Maycumber and Frame spoke in favor of the adoption of the amendment.

Amendment (446) was adopted.

Representative Pollet moved the adoption of amendment (411):

On page 5, line 33, after "(a)" strike "An anonymized" and insert "A"

Representatives Pollet and Maycumber spoke in favor of the adoption of the amendment.

Amendment (411) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maycumber and Frame spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1015.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1015, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative McCaslin.

Excused: Representatives Griffey and Kraft.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1297, by Representatives Thai, Stokesbary, Ramel, Ryu, Robertson, Leavitt, Bateman, Fitzgibbon, Shewmake, Chapman, J. Johnson, Senn, Frame, Riccelli, Chopp, Wylie, Wicks, Simmons, Boehnke, Berry, Davis, Tharinger, Walsh, Eslick, Goodman, Peterson, Santos, Valdez, Cody, Chambers, Kloba, Ramos, Kirby, Bronoske, Gregerson, Macri, Callan, Paul, Sells, Bergquist, Ormsby, Pollet, Slatter, Stonier, Taylor and Harris-Talley

Concerning working families tax exemption.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1297 was substituted for House Bill No. 1297 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1297 was read the second time.

With the consent of the House, amendment (399) was withdrawn.

Representative Stokesbary moved the adoption of amendment (153):

On page 6, beginning on line 28, after "(11)" strike everything through "(12)" on line 32

Representatives Stokesbary and Ormsby spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (153) and the amendment was adopted by the following vote: Yeas: 96; Nays: 0; Absent: 0; Excused: 2

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

Excused: Representatives Griffey and Kraft

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thai, Stokesbary, Orcutt, Berg, Wilcox and Frame spoke in favor of the passage of the bill.

Representative Thai remarks on Final Passage of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1297:

"Thank you, Madame Speaker. Please give me a second to collect my emotions. Thank you, Madame Speaker. Working families are the backbone that keep our communities strong. Our economy must support them the

way they support us. This bill puts dollars back in the pockets of Washingtonians who need it most. Those hit hardest by the pandemic. Low income families. People with disabilities. Students. Domestic violence survivors. And people of color and immigrants who are unfairly excluded from other stimulus programs who are overrepresented among households eligible for this opportunity. Madame Speaker, immigrants and refugees are strong. We are resilient survivors. We dream of a world that our children can succeed because they showed us what's possible every day.

I witnessed my parent's dream when they hustled to learn English. Taking any low paying job that they could find. My Dad, served as 1st Lieutenant in the army of South Vietnam with a university degree in economics and political science. When we came here as refugees, he worked to maintain parts for the city of Federal Way until he could no longer work. My Mother, was vice president of a national bank of South Vietnam. In her last job, before her passing, she was a barista at St. Francis hospital.

My parents diligently paid their taxes every year long before we became naturalized U.S. citizens. They worked hard for us because they believed in the American Dream.

Madame Speaker, the working family tax credit is our promise to the people of Washington. A promise to people like my parents that if they work hard, they can achieve their dreams, build better lives for their children and their community. The community will rise up to support them.

I am voting yes to uphold that promise to working families because everyone deserves to live their American Dream. Thank you, Madame Speaker."

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1297.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1297, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Rude.

Excused: Representatives Griffey and Kraft.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1297, having received the necessary constitutional majority, was declared passed.

MOTION

Representative Stonier moved that the remarks of Representative Thai be spread upon the Journal.

The motion to spread the remarks of Representative Thai was adopted.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

March 8, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5019,
SUBSTITUTE SENATE BILL NO. 5085,
SUBSTITUTE SENATE BILL NO. 5125,
ENGROSSED SENATE BILL NO. 5135,
SENATE BILL NO. 5159,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5163,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5226,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5275,
SUBSTITUTE SENATE BILL NO. 5288,
SUBSTITUTE SENATE BILL NO. 5317,
SUBSTITUTE SENATE BILL NO. 5332,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5370,
SUBSTITUTE SENATE BILL NO. 5378,
SUBSTITUTE SENATE BILL NO. 5381,
SUBSTITUTE SENATE BILL NO. 5425,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,
SUBSTITUTE SENATE BILL NO. 5460,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House adjourned until 9:55 a.m., March 10, 2021, the 59th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 10, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1552 by Representatives Boehnke, Chambers, Schmick and Robertson

AN ACT Relating to protecting personal data collected by state agencies; adding new sections to chapter 43.105 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

SB 5019 by Senators Kuderer, Hunt, Brown, Wilson and C.

AN ACT Relating to the recording standards commission; amending RCW 65.24.010 and 65.24.040; adding a new section to chapter 65.24 RCW; creating a new section; and repealing RCW 65.24.900.

Referred to Committee on Local Government.

SSB 5085 by Senate Committee on Transportation (originally sponsored by Rolfes and Lovelett)

AN ACT Relating to modifying certain alternative fuel vehicles fees; amending RCW 46.17.323; creating a new section; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Transportation.

SSB 5125 by Senate Committee on Environment, Energy & Technology (originally sponsored by Cleveland, Short, Wilson and C.)

AN ACT Relating to affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement; and amending RCW 90.58.355.

Referred to Committee on Environment & Energy.

ESB 5135 by Senators Das, Hasegawa, Nguyen, Stanford, Wilson and C.

AN ACT Relating to unlawfully summoning a police officer; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Civil Rights & Judiciary.

SB 5159 by Senators Warnick, Van De Wege and Short

AN ACT Relating to payments in lieu of real property taxes by the department of fish and wildlife; amending RCW 77.12.203; providing an effective date; and declaring an emergency.

Referred to Committee on Rural Development, Agriculture & Natural Resources.

E2SSB 5163 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Dhingra, Saldaña, Wilson and C.)

AN ACT Relating to the placement and treatment of conditionally released sexually violent predators; amending RCW 71.09.080, 71.09.090, 71.09.092, 71.09.096, 71.09.130, 71.09.140, and 71.09.250; reenacting and amending RCW 71.09.020; adding new sections to chapter 71.09 RCW; adding a new section to chapter 9.94A RCW; creating a new section; and providing expiration dates.

Referred to Committee on Public Safety.

E2SSB 5194 by Senate Committee on Ways & Means (originally sponsored by Liias, Hasegawa, Das, Hunt, Keiser, Nguyen, Wilson and C.)

AN ACT Relating to providing for equity and access in the community and technical colleges; amending RCW 28B.92.030, 28B.96.010, and 28B.15.012; adding a new section to chapter 28B.92 RCW; adding new sections to chapter 28B.50 RCW; creating a new section; and providing expiration dates.

Referred to Committee on College & Workforce Development.

ESSB 5226 by Senate Committee on Law & Justice (originally sponsored by Salomon, Saldaña, Das, Frockt, Hasegawa, Kuderer, Liias, Lovelett, Muzzall, Nguyen, Nobles, Pedersen, Randall, Wilson and C.)

AN ACT Relating to the suspension of licenses for traffic infractions; amending RCW 46.63.060, 46.63.070, 46.20.289, 46.20.291, 46.20.311, 46.20.342, 46.20.391, and 46.64.025; reenacting and amending RCW 46.63.110 and 2.68.040; adding a new section to chapter 46.63 RCW; adding new sections to chapter 46.20 RCW; adding a new section to chapter 46.68 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on PUBLIC SAFETY.

ESSB 5275 by Senate Committee on Housing & Local Government (originally sponsored by Short, Lovelett, Das, Wellman, Wilson and C.)

AN ACT Relating to enhancing opportunity in limited areas of more intense rural development; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Local Government.

SSB 5288 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Liias, Short, Conway, Das, Frockt, Hunt, Lovelett, Nguyen, Nobles, Randall, Saldaña, Wilson and C.)

AN ACT Relating to increasing access to the Washington opportunity scholarship program; and amending RCW 28B.145.010 and 28B.145.100.

Referred to Committee on College & Workforce Development.

SSB 5317 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick)

AN ACT Relating to pesticide registration and pesticide licensing fees; and amending RCW 15.58.070, 15.58.180, 15.58.200, 15.58.205, 15.58.210, 15.58.220, 15.58.411, 17.21.070, 17.21.110, 17.21.122, 17.21.126, 17.21.129, 17.21.220, and 17.21.280.

Referred to Committee on Rural Development, Agriculture & Natural Resources.

SSB 5332 by Senate Committee on Transportation (originally sponsored by Padden)

AN ACT Relating to off-road and wheeled all-terrain vehicles; amending RCW 46.09.442 and 46.09.457; and reenacting and amending RCW 46.09.310.

Referred to Committee on Transportation.

ESSB 5370 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Keiser, Dhingra, Saldaña, Wilson and C.)

AN ACT Relating to updating mental health advance directive laws; amending RCW 71.32.010, 71.32.020, 71.32.020, 71.32.030, 71.32.040, 71.32.050, 71.32.060, 71.32.070, 71.32.100, 71.32.110, 71.32.130, 71.32.170, 71.32.180, 71.32.210, 71.32.220, 71.32.250, and 71.34.755; reenacting and amending RCW 71.32.020, 71.32.140, and 71.32.260; providing effective dates; and providing expiration dates.

Referred to Committee on Health Care & Wellness.

SSB 5378 by Senate Committee on Business, Financial Services & Trade (originally sponsored by Das, Nobles, Hasegawa, Lovelett, Randall, Saldaña, Wilson and C.)

AN ACT Relating to real estate brokers and managing brokers license renewal requirements; amending RCW 18.85.211 and 18.85.101; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

SSB 5381 by Senate Committee on Transportation (originally sponsored by Hobbs, Fortunato, King and Warnick)

AN ACT Relating to fish passage project permit streamlining; and amending RCW 77.55.181, 90.58.147, and 47.85.020.

Referred to Committee on Environment & Energy.

SSB 5425 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Stanford, Das, Hasegawa, Keiser, Kuderer, Nguyen and Saldaña)

AN ACT Relating to extended benefits in the unemployment insurance system; amending RCW 50.22.010; reenacting and amending RCW 50.22.020; adding a new section to chapter 50.22 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

ESSB 5452 by Senate Committee on Transportation (originally sponsored by Cleveland, Liias, Wilson and J.)

AN ACT Relating to electric-assisted bicycles; and creating a new section.

Referred to Committee on Rural Development, Agriculture & Natural Resources.

SSB 5460 by Senate Committee on Transportation (originally sponsored by Nguyen and Van De Wege)

AN ACT Relating to implementing recommendations of the autonomous vehicle work group; amending RCW 46.92.010 and 46.37.480; amending 2020 c 182 s 4 (uncodified); and providing an effective date.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5226 which is referred to Transportation.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

With the consent of the House, and with the exception of HOUSE BILL NO. 1477, the bills on the 2nd Reading Calendar were returned to the Committee on Rules.

There being no objection, the House adjourned until 9:55 a.m., March 11, 2021, the 60th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTIETH DAY

House Chamber, Olympia, Thursday, March 11, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

March 9, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5040,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5065,
SENATE BILL NO. 5124,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5172,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,
SUBSTITUTE SENATE BILL NO. 5230,
SUBSTITUTE SENATE BILL NO. 5294,
SECOND SUBSTITUTE SENATE BILL NO. 5315,
SENATE BILL NO. 5352,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5353,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5355,
SECOND SUBSTITUTE SENATE BILL NO. 5362,
ENGROSSED SENATE BILL NO. 5372,
SUBSTITUTE SENATE BILL NO. 5403,
SENATE BILL NO. 5430,
ENGROSSED SENATE BILL NO. 5454,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1553 by Representative MacEwen

AN ACT Relating to implementing the "open safe, open now" plan for reopening Washington; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1554 by Representatives Chase and McCaslin

AN ACT Relating to postelection audits that enhance ballot integrity; adding a new section to chapter 29A.60 RCW; creating new sections; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HJR 4206 by Representatives Chase and McCaslin

Concerning funding for K-12 education.

Referred to Committee on Appropriations.

SB 5040 by Senators Fortunato, Lovelett, Wilson and J.

AN ACT Relating to enhancing litter control along state highways; amending RCW 70A.200.170 and 70A.200.190; and creating a new section.

Referred to Committee on Environment & Energy.

ESSB 5065 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Kuderer, Stanford, Conway, Hasegawa, Hunt, Keiser, Lovelett, Saldaña, Salomon, Wilson and C.)

AN ACT Relating to safeguarding the public safety by protecting railroad workers; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

SB 5124 by Senators Cleveland and Rivers

AN ACT Relating to the practice of colon hydrotherapy; amending RCW 18.36A.060, 18.36A.140, 18.36A.160, and 18.130.040; reenacting and amending RCW 18.36A.020 and 18.130.040; adding a new section to chapter 18.36A RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

ESSB 5172 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by King, Brown, Fortunato, Honeyford, Muzzall, Schoesler, Short and Wagoner)

AN ACT Relating to the retroactivity of overtime claims in exceptional cases; amending RCW 49.46.130; adding a new section to chapter 49.46 RCW; adding new sections to chapter 49.48 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

ESSB 5178 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Muzzall, Wilson and C.)

AN ACT Relating to establishing automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency; and adding a new section to chapter 43.06 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5230 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Dozier, Honeyford, King, Schoesler, Warnick and Muzzall)

AN ACT Relating to agreements for allocation of groundwater resulting from bureau of reclamation project operations; and amending RCW 89.12.170.

Referred to Committee on Rural Development, Agriculture & Natural Resources.

SSB 5294 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Muzzall, Conway, Randall, Robinson, Van De Wege, Wilson and C.)

AN ACT Relating to the creation of statewide epidemic preparedness and response guidelines for long-term care facilities; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

2SSB 5315 by Senate Committee on Ways & Means (originally sponsored by Mullet and Dozier)

AN ACT Relating to captive insurance; amending RCW 48.14.020, 48.14.095, 48.15.160, 82.04.320, and 48.14.090; adding a new chapter to Title 48 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

SB 5352 by Senators Braun, Dozier, King, Wilson and J.

AN ACT Relating to allowing new government employees the option of opting out of retirement system membership if the employee is age sixty or older when first hired, or when the employee's employer opts into retirement plan participation; amending RCW 41.40.023, 41.35.030, and 41.32.032; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.35 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

ESSB 5353 by Senate Committee on Law & Justice (originally sponsored by Conway, Darneille, Nguyen, Wilson and C.)

AN ACT Relating to creating a partnership model that facilitates community engagement with law enforcement; adding a new section to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

ESSB 5355 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Conway)

AN ACT Relating to establishing wage liens; amending RCW 36.18.016 and 49.48.086; adding new sections to chapter 43.24 RCW; adding a new chapter to Title 60 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

2SSB 5362 by Senate Committee on Ways & Means (originally sponsored by McCune and Warnick)

AN ACT Relating to ensuring the funding of agricultural fairs; amending RCW 15.76.115; and creating a new section.

Referred to Committee on Appropriations.

ESB 5372 by Senators Stanford, Warnick, Conway, Hasegawa, Saldaña, Wilson and J.

AN ACT Relating to a hemp processor registration process; amending RCW 15.140.020 and 15.140.060; and creating a new section.

Referred to Committee on Commerce & Gaming.

SSB 5403 by Senate Committee on State Government & Elections (originally sponsored by Wellman, Warnick, Hasegawa, Kuderer, Lovelett, Mullet, Saldaña, Wilson and C.)

AN ACT Relating to the interagency, multijurisdictional system improvement team; reenacting and amending RCW 43.155.150; and providing an expiration date.

Referred to Committee on Community & Economic Development.

SB 5430 by Senator Mullet

AN ACT Relating to tuition unit pricing in the advanced college tuition payment program; and amending RCW 28B.95.030.

Referred to Committee on College & Workforce Development.

ESB 5454 by Senators Schoesler, Brown, Frockt, Honeyford, Padden, Rolfes, Van De Wege, Wagoner, Warnick, Wilson and J.

AN ACT Relating to providing property tax relief to Washington citizens who lost their homes in the labor day fires; amending RCW 84.36.400; and creating new sections.

Referred to Committee on Finance.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 12, 2021, the 61st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTY FIRST DAY

House Chamber, Olympia, Friday, March 12, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1555 by Representatives Chase, McCaslin, Klicker and Sutherland

AN ACT Relating to the freedom in education program; adding a new section to chapter 2A.150 RCW; adding a new section to chapter 43.08 RCW; adding a new section to chapter 43.09 RCW; and creating new sections.

Referred to Committee on Education.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 11, 2021

SB 5018 Prime Sponsor, Senator Rivers: Concerning acupuncture and Eastern medicine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 11, 2021

SB 5048 Prime Sponsor, Senator Mullet: Concerning reinsurance agreements. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

March 11, 2021

SSB 5068 Prime Sponsor, Committee on Ways & Means: Improving maternal health outcomes by extending coverage during the postpartum period. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Appropriations.

March 11, 2021

SB 5077 Prime Sponsor, Senator Dozier: Providing authority to licensed companies to allow licensed mortgage loan originators to work from their residences without the company licensing the residence as a branch office of the company. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

March 11, 2021

SSB 5236 Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Extending certificate of need exemptions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.38.111 and 2020 c 258 s 1 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such

facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements to the offering of inpatient tertiary health services to the extent that such offering is not exempt under the provisions of this section or RCW 70.38.105(7).

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter

70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8) A rural hospital determined to no longer meet critical access hospital status for state law purposes as a result of participation in the Washington rural health access preservation pilot identified by the state office of rural health and formerly licensed as a hospital under chapter 70.41 RCW may apply to the department to renew its hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW. If all or part of a formerly licensed rural hospital is sold, purchased, or leased during the period the rural hospital does not meet critical access hospital status as a result of participation in the Washington rural health access preservation pilot and the new owner or lessor applies to renew the rural hospital's license, then the sale, purchase, or lease of part or all of the rural hospital is subject to the provisions of this chapter.

(9)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed assisted living facility care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given, at a minimum, one year prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given a minimum of ninety days prior to the effective date of license modification reflecting the restored beds. Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements of this section.

The term "construction," as used in (b)(ii) of this subsection, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under this chapter.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2) (a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

(10)(a) The department shall not require a certificate of need for a hospice agency if:

(i) The hospice agency is designed to serve the unique religious or cultural needs of a religious group or an ethnic minority and commits to furnishing hospice services in a manner specifically aimed at meeting the unique religious or cultural needs of the religious group or ethnic minority;

(ii) The hospice agency is operated by an organization that:

(A) Operates a facility, or group of facilities, that offers a comprehensive continuum of long-term care services, including, at a minimum, a licensed, medicare-certified nursing home, assisted living, independent living, day health, and various community-based support services, designed to meet the unique social, cultural, and religious needs of a specific cultural and ethnic minority group;

(B) Has operated the facility or group of facilities for at least ten continuous years prior to the establishment of the hospice agency;

(iii) The hospice agency commits to coordinating with existing hospice programs in its community when appropriate;

(iv) The hospice agency has a census of no more than forty patients;

(v) The hospice agency commits to obtaining and maintaining medicare certification;

(vi) The hospice agency only serves patients located in the same county as the majority of the long-term care services offered by the organization that operates the agency; and

(vii) The hospice agency is not sold or transferred to another agency.

(b) The department shall include the patient census for an agency exempted under this subsection (10) in its calculations for future certificate of need applications.

(11) To alleviate the need to board psychiatric patients in emergency departments and increase capacity of hospitals to serve individuals on ninety-day or one hundred eighty-day commitment orders, for the period of time from May 5, 2017, through June 30, ((~~2021~~)) 2023:

(a) The department shall suspend the certificate of need requirement for a hospital licensed under chapter 70.41 RCW that changes the use of licensed beds to increase the number of beds to provide psychiatric services, including involuntary treatment services. A certificate of need exemption under this subsection (11)(a) shall be valid for two years.

(b) The department may not require a certificate of need for:

(i) The addition of beds as described in RCW 70.38.260 (2) and (3); or

(ii) The construction, development, or establishment of a psychiatric hospital licensed as an establishment under chapter 71.12 RCW that will have no more than sixteen beds and provide treatment to adults on ninety or one hundred eighty-day involuntary commitment orders, as described in RCW 70.38.260(4).

(12)(a) An ambulatory surgical facility is exempt from all certificate of need requirements if the facility:

(i) Is an individual or group practice and, if the facility is a group practice, the privilege of using the facility is not extended to physicians outside the group practice;

(ii) Operated or received approval to operate, prior to January 19, 2018; and

(iii) Was exempt from certificate of need requirements prior to January 19, 2018, because the facility either:

(A) Was determined to be exempt from certificate of need requirements pursuant to a determination of reviewability issued by the department; or

(B) Was a single-specialty endoscopy center in existence prior to January 14, 2003, when the department determined that endoscopy procedures were surgeries for purposes of certificate of need.

(b) The exemption under this subsection:

(i) Applies regardless of future changes of ownership, corporate structure, or affiliations of the individual or group practice as long as the use of the facility remains limited to physicians in the group practice; and

(ii) Does not apply to changes in services, specialties, or number of operating rooms.

(13) A rural health clinic providing health services in a home health shortage area as declared by the department pursuant to 42 C.F.R. Sec. 405.2416 is not subject to certificate of need review under this chapter.

Sec. 2. RCW 70.38.260 and 2019 c 324 s 9 are each amended to read as follows:

(1) For a grant awarded during fiscal years 2018 and 2019 by the department of commerce under this section, hospitals licensed under chapter 70.41 RCW and psychiatric hospitals licensed as establishments under chapter 71.12 RCW are not subject to certificate of need requirements for the addition of the number of new psychiatric beds indicated in the grant. The department of commerce may not make a prior approval of a certificate of need application a condition for a grant application under this section. The period during which an approved hospital or psychiatric hospital project qualifies for a certificate of need exemption under this section is two years from the date of the grant award.

(2)(a) Until June 30, ((~~2021~~)) 2023, a hospital licensed under chapter 70.41 RCW is exempt from certificate of need requirements for the addition of new psychiatric beds.

(b) A hospital that adds new psychiatric beds under this subsection (2) must:

(i) Notify the department of the addition of new psychiatric beds. The department shall provide the hospital with a notice of exemption within thirty days; and

(ii) Commence the project within two years of the date of receipt of the notice of exemption.

(c) Beds granted an exemption under RCW 70.38.111(11)(b) must remain psychiatric beds unless a certificate of need is granted to change their use or the hospital voluntarily reduces its licensed capacity.

(3)(a) Until June 30, ((~~2021~~)) 2023, a psychiatric hospital licensed as an establishment under chapter 71.12 RCW is exempt from certificate of need requirements for the one-time addition of up to ((~~thirty~~)) 30 new psychiatric beds((~~, and for the one-time addition of up to sixty psychiatric beds devoted solely to ninety-day and one hundred eighty-day civil commitment patients if the hospital was awarded any grant by the department of commerce to increase behavioral health capacity in fiscal year 2019 and~~)) devoted solely for 90-day and 180-day civil commitment services and for the one-time addition of up to 30 new voluntary psychiatric beds or involuntary psychiatric beds for patients on a 120 hour detention or 14-day civil commitment order, if the hospital makes a commitment to maintain a payer mix of at least fifty percent medicare and medicaid based on a calculation using patient days for a period of five consecutive years after the beds are made available for use by patients, if it demonstrates to the satisfaction of the department:

(i) That its most recent two years of publicly available fiscal year-end report data as required under RCW 70.170.100 and 43.70.050 reported to the department by the psychiatric hospital, show a payer mix of a minimum of fifty percent medicare and medicaid based on a calculation using patient days; and

(ii) A commitment to maintaining the payer mix in (a) of this subsection for a period of five consecutive years after the beds are made available for use by patients.

(b) A psychiatric hospital that adds new psychiatric beds under this subsection (3) must:

(i) Notify the department of the addition of new psychiatric beds. The department shall provide the psychiatric hospital with a notice of exemption within thirty days; and

(ii) Commence the project within two years of the date of receipt of the notice of exemption.

(c) Beds granted an exemption under RCW 70.38.111(11)(b) must remain the types of psychiatric beds indicated to the department in the original exemption application unless a certificate of need is granted to change their use or the psychiatric hospital voluntarily reduces its licensed capacity.

(4)(a) Until June 30, ((~~2021~~)) 2023, an entity seeking to construct, develop, or establish a psychiatric hospital licensed as an establishment under chapter 71.12 RCW is exempt from certificate of need requirements if the proposed psychiatric hospital will have no more than sixteen beds and dedicate a portion of the beds to providing treatment to adults on ninety or one hundred eighty-day involuntary commitment orders. The psychiatric hospital may also provide treatment to adults on a ((~~seventy-two~~)) 120 hour detention or ((~~fourteen-day~~)) 14-day involuntary commitment order.

(b) An entity that seeks to construct, develop, or establish a psychiatric hospital under this subsection (4) must:

(i) Notify the department of the addition of construction, development, or establishment. The department shall provide the entity with a notice of exemption within thirty days; and

(ii) Commence the project within two years of the date of receipt of the notice of exemption.

(c) Entities granted an exemption under RCW 70.38.111(11)(b)(ii) may not exceed sixteen beds unless a certificate of need is granted to increase the psychiatric hospital's capacity.

(5) This section expires June 30, 2025.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 11, 2021

SSB 5423 Prime Sponsor, Committee on Health & Long Term Care: Concerning telemedicine consultations. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.71.030 and 2019 c 270 s 3 are each amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

(1) The furnishing of medical assistance in cases of emergency requiring immediate attention;

(2) The domestic administration of family remedies;

(3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.210 RCW;

(4) The practice of dentistry, osteopathic medicine and surgery, nursing, chiropractic, podiatric medicine and surgery, optometry, naturopathy, or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him or her by the laws and regulations of the United States;

(6) The consultation through telemedicine or other means by a practitioner, licensed by another state or territory in which he or she resides, with a practitioner licensed in this state who has responsibility for the

diagnosis and treatment of the patient within this state;

(7) The in-person practice of medicine by any practitioner licensed by another state or territory in which he or she resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

((~~(7)~~)) (8) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the commission if:

(a) The performance of such services is only pursuant to a regular course of instruction or assignments from his or her instructor ((~~or~~)); or

(b) Such services are performed only under the supervision and control of a person licensed pursuant to this chapter; or

(c)(i) Such services are performed without compensation or expectation of compensation as part of a volunteer activity;

(ii) The student is under the direct supervision and control of a pharmacist licensed under chapter 18.64 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, or a registered nurse or advanced registered nurse practitioner licensed under chapter 18.79 RCW;

(iii) The services the student performs are within the scope of practice of: (A) A physician licensed under this chapter; and (B) the person supervising the student;

(iv) The school in which the student is enrolled verifies the student has demonstrated competency through his or her education and training to perform the services; and

(v) The student provides proof of current malpractice insurance to the volunteer activity organizer prior to performing any services;

((~~(8)~~)) (9) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state, however, the performance of such services shall be only pursuant to his or her duties as a trainee;

((~~(9)~~)) (10) The practice of medicine by a person who is regularly enrolled in a physician assistant program approved by the commission, however, the performance of such services shall be only pursuant to a regular course of instruction in said program and such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

((~~(10)~~)) (11) The practice of medicine by a licensed physician assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;

((~~(11)~~)) (12) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;

((~~(12)~~)) (13) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the commission, however, a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist, and the commission has jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to this chapter and chapter 18.130 RCW;

((~~(13)~~)) (14) Emergency lifesaving service rendered by a physician's trained advanced emergency medical technician and paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician;

((~~(14)~~)) (15) The provision of clean, intermittent bladder catheterization for students by public school district employees or private school employees as provided for in RCW 18.79.290 and 28A.210.280.

Sec. 2. RCW 18.57.040 and 2019 c 270 s 2 are each amended to read as follows:

Nothing in this chapter shall be construed to prohibit:

(1) Service in the case of emergency;

(2) The domestic administration of family remedies;

(3) The practice of midwifery as permitted under chapter 18.50 RCW;

(4) The practice of osteopathic medicine and surgery by any commissioned medical officer in the United States government or military service or by any osteopathic physician and surgeon employed by a federal agency, in the discharge of his or her official duties;

(5) Practice by a dentist licensed under chapter 18.32 RCW when engaged exclusively in the practice of dentistry;

(6) The consultation through telemedicine or other means by a practitioner, licensed by another state or territory in which he or she resides, with a practitioner licensed in this state who has responsibility for the diagnosis and treatment of the patient within this state;

(7) ((~~Practice~~)) In-person practice by any osteopathic physician and surgeon from any other state or territory in which he or she resides: PROVIDED, That such practitioner shall not open an office or appoint a place of meeting patients or receive calls within the limits of this state;

((~~(7)~~)) (8) Practice by a person who is a student enrolled in an accredited school of osteopathic medicine and surgery approved by the board if:

(a) The performance of such services is only pursuant to a course of instruction or assignments from his or her instructor or school, and such services are performed only under the supervision of a person licensed pursuant to this chapter or chapter 18.71 RCW; or

(b)(i) Such services are performed without compensation or expectation of compensation as part of a volunteer activity;

(ii) The student is under the direct supervision and control of a pharmacist licensed under chapter 18.64 RCW, a physician licensed under chapter 18.71 RCW, an osteopathic physician and surgeon licensed under this chapter ((~~18.57 RCW~~)), or a registered nurse or advanced registered nurse practitioner licensed under chapter 18.79 RCW;

(iii) The services the student performs are within the scope of practice of: (A) An osteopathic physician and surgeon licensed under this chapter; and (B) the person supervising the student;

(iv) The school in which the student is enrolled verifies the student has demonstrated competency through his or her education and training to perform the services; and

(v) The student provides proof of current malpractice insurance to the volunteer activity organizer prior to performing any services;

((~~(8)~~)) (9) Practice by an osteopathic physician and surgeon serving a period of clinical postgraduate medical training in a postgraduate program approved by the board: PROVIDED, That the performance of such services be only pursuant to a course of instruction in said program, and said services are performed only under the supervision and control of a person licensed pursuant to this chapter or chapter 18.71 RCW; or

((~~(9)~~)) (10) Practice by a person who is enrolled in a physician assistant program approved by the board who is performing such services only pursuant to a course of instruction in said program: PROVIDED, That such services are performed only under the supervision and control of a person licensed pursuant to this chapter or chapter 18.71 RCW.

This chapter shall not be construed to apply in any manner to any other system or method of treating the sick or afflicted or to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 15, 2021, the 64th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTY FOURTH DAY

House Chamber, Olympia, Monday, March 15, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 12, 2021

SB 5005 Prime Sponsor, Senator Pedersen: Concerning business corporations. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

Referred to Committee on Rules for second reading.

March 12, 2021

SB 5225 Prime Sponsor, Senator Hunt: Concerning direct appeals to the court of appeals of cases brought under the administrative procedure act and the land use petition act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Gilday, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member and Ybarra.

Referred to Committee on Rules for second reading.

March 12, 2021

SB 5338 Prime Sponsor, Senator Wilson, L.: Concerning fire protection districts and education. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

March 12, 2021

SB 5347 Prime Sponsor, Senator Padden: Concerning member voting methods. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 16, 2021, the 65th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTY FIFTH DAY

House Chamber, Olympia, Tuesday, March 16, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 12, 2021

SSB 5011 Prime Sponsor, Committee on Law & Justice: Addressing electronic meetings and notice provisions for common interest communities, condominiums, and homeowners' associations. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.32.010 and 2008 c 114 s 3 are each amended to read as follows:

As used in this chapter unless the context otherwise requires:

(1) "Apartment" means a part of the property intended for any type of independent use, including one or more rooms or spaces located on one or more floors (or part or parts thereof) in a building, or if not in a building, a separately delineated place of storage or moorage of a boat, plane, or motor vehicle, regardless of whether it is destined for a residence, an office, storage or moorage of a boat, plane, or motor vehicle, the operation of any industry or business, or for any other use not prohibited by law, and which has a direct exit to a public street or highway, or to a common area leading to such street or highway. The boundaries of an apartment located in a building are the interior surfaces of the perimeter walls, floors, ceilings, windows and doors thereof, and the apartment includes both the portions of the building so described and the air space so encompassed. If the apartment is a separately delineated place of storage or moorage of a boat, plane, or motor vehicle the boundaries are those specified in the declaration. In interpreting declarations, deeds, and plans, the existing physical boundaries of the apartment as originally constructed or as reconstructed in substantial accordance with the original plans thereof shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed or depicted in the declaration, deed or plan, regardless of settling or lateral movement of the building and regardless of minor variance between boundaries shown in the declaration, deed, or plan and those of apartments in the building.

(2) "Apartment owner" means the person or persons owning an apartment, as herein defined, in fee simple absolute or qualified, by way of leasehold or by way of a periodic estate, or in any other manner in which real property may be owned, leased or possessed in this state, together with an undivided interest in a like estate of the common areas and facilities in the percentage specified and established in the declaration as duly recorded or as it may be lawfully amended.

(3) "Apartment number" means the number, letter, or combination thereof, designating the apartment in the declaration as duly recorded or as it may be lawfully amended.

(4) "Association of apartment owners" means all of the apartment owners acting as a group in accordance with the bylaws and with the declaration as it is duly recorded or as they may be lawfully amended.

(5) "Building" means a building, containing two or more apartments, or two or more buildings each containing one or more apartments, and comprising a part of the property.

(6) "Common areas and facilities", unless otherwise provided in the

declaration as duly recorded or as it may be lawfully amended, includes:

(a) The land on which the building is located;

(b) The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbys, stairs, stairways, fire escapes, and entrances and exits of the building;

(c) The basements, yards, gardens, parking areas and storage spaces;

(d) The premises for the lodging of janitors or persons in charge of the property;

(e) The installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;

(f) The elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;

(g) Such community and commercial facilities as may be provided for in the declaration as duly recorded or as it may be lawfully amended;

(h) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

(7) "Common expenses" include:

(a) All sums lawfully assessed against the apartment owners by the association of apartment owners;

(b) Expenses of administration, maintenance, repair, or replacement of the common areas and facilities;

(c) Expenses agreed upon as common expenses by the association of apartment owners;

(d) Expenses declared common expenses by the provisions of this chapter, or by the declaration as it is duly recorded, or by the bylaws, or as they may be lawfully amended.

(8) "Common profits" means the balance of all income, rents, profits and revenues from the common areas and facilities remaining after the deduction of the common expenses.

(9) "Declaration" means the instrument by which the property is submitted to provisions of this chapter, as hereinafter provided, and as it may be, from time to time, lawfully amended.

(10) "Land" means the material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock, or other substance, whether or not submerged, and includes free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the use of airspace imposed, and rights in the use of the airspace granted, by the laws of this state or of the United States.

(11) "Limited common areas and facilities" includes those common areas and facilities designated in the declaration, as it is duly recorded or as it may be lawfully amended, as reserved for use of certain apartment or apartments to the exclusion of the other apartments.

(12) "Majority" or "majority of apartment owners" means the apartment owners with fifty-one percent or more of the votes in accordance with the percentages assigned in the declaration, as duly recorded or as it may be lawfully amended, to the apartments for voting purposes.

(13) "Person" includes any individual, corporation, partnership, association, trustee, or other legal entity.

(14) "Property" means the land, the building, all improvements and structures thereon, all owned in fee simple absolute or qualified, by way of leasehold or by way of a periodic estate, or in any other manner in which real property may be owned, leased or possessed in this state, and all easements, rights and appurtenances belonging thereto, none of which shall be considered as a security or security interest, and all articles of personalty intended for use in connection therewith, which have been or are intended to be submitted to the provisions of this chapter.

(15) "Percent of the apartment owners" means the apartment owners with the stated percent or more of the votes in accordance with the percentages assigned in the declaration, as duly recorded or as it may be lawfully amended, to the apartments for voting purposes.

(16) "Electronic transmission" or "electronically transmitted" means any electronic communication not directly involving the physical transfer of a

writing in a tangible medium, but that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

(17) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

NEW SECTION. **Sec. 2.** A new section is added to chapter 64.32 RCW to read as follows:

(1) Notwithstanding any inconsistent provision in the governing documents, notice to the association of apartment owners, board of directors, or any apartment owner or occupant of an apartment under this chapter shall be in writing and shall be provided to the recipient by personal delivery, public or private mail or delivery service, or by electronic transmission as provided in this section: PROVIDED, That if this chapter requires different or additional notice requirements for particular circumstances, those requirements shall apply.

(2) Notice in a tangible medium shall be provided as follows:

(a) Notice to the association of apartment owners or board of directors shall be addressed to the association's registered agent at its registered office, to the association at its principal office shown in its most recent annual report, or to an address provided by the association to the apartment owners.

(b) Notice to an apartment owner or occupant shall be addressed to the apartment address unless the apartment owner has requested, in a writing delivered to the association, that notices be sent to an alternate address.

(3) Notice in an electronic transmission shall be provided as follows:

(a) Notice to the association of apartment owners, the board of directors, or apartment owners by electronic transmission is effective only upon those who have consented, in writing, to receive electronically transmitted notices under this chapter and have designated the address, location, or system to which such notices may be electronically transmitted, provided that such notice otherwise complies with any other requirements of this chapter and applicable law.

(b) Notice under this subsection includes any materials that accompany the notice.

(c) Owners who have consented to receipt of electronically transmitted notices may revoke this consent by delivering a revocation to the association of apartment owners in writing.

(d) The consent of any apartment owner is revoked if the association is unable to electronically transmit two consecutive notices and this inability becomes known to the secretary of the association of apartment owners or any other person responsible for giving the notice. The inadvertent failure by the association of apartment owners to treat this inability as a revocation does not invalidate any meeting or other action.

(e) Notice to apartment owners who have consented to receipt of electronically transmitted notices may be provided by posting the notice on an electronic network and delivering to the apartment owner separate notice of the posting, together with comprehensible instructions regarding how to obtain access to the posting on the electronic network.

(4) Notice is effective as follows:

(a) Notice provided in a tangible medium is effective as of the date of hand delivery, deposit with the carrier, or when sent by fax.

(b) Notice provided in an electronic transmission is effective as of the date it:

(i) Is electronically transmitted to an address, location, or system designated by the recipient for that purpose; or

(ii) Has been posted on an electronic network and separate notice of the posting has been sent to the recipient containing instructions regarding how to obtain access to the posting on the electronic network.

(5) The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

(6) This chapter modifies, limits, and supersedes the federal electronic

signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

NEW SECTION. **Sec. 3.** A new section is added to chapter 64.32 RCW to read as follows:

(1) Apartment owners may vote at a meeting in person, by absentee ballot pursuant to subsection (3)(d) of this section, or by a proxy pursuant to subsection (5) of this section.

(2) When a vote is conducted without a meeting, apartment owners may vote by ballot pursuant to subsection (6) of this section.

(3) At a meeting of apartment owners the following requirements apply:

(a) Apartment owners or their proxies who are present in person may vote by voice vote, show of hands, standing, written ballot, or any other method for determining the votes of apartment owners, as designated by the person presiding at the meeting.

(b) If only one of several apartment owners of an apartment is present, that apartment owner is entitled to cast all the votes allocated to that apartment. If more than one of the apartment owners are present, the votes allocated to that apartment may be cast only in accordance with the agreement of a majority in interest of the apartment owners, unless the declaration expressly provides otherwise. There is a majority agreement if any one of the apartment owners casts the votes allocated to the apartment without protest being made promptly to the person presiding over the meeting by any of the other apartment owners of the apartment.

(c) Unless a greater number or fraction of the votes in the association is required under this chapter or the declaration or organizational documents, a majority of the votes cast determines the outcome of any action of the association.

(d) Whenever proposals or board members are to be voted upon at a meeting, an apartment owner may vote by duly executed absentee ballot if:

(i) The name of each candidate and the text of each proposal to be voted upon are set forth in a writing accompanying or contained in the notice of meeting; and

(ii) A ballot is provided by the association for such purpose.

(4) When an apartment owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the apartment owner having the right to do so.

(5) Except as provided otherwise in the declaration or organizational documents, the following requirements apply with respect to proxy voting:

(a) Votes allocated to an apartment may be cast pursuant to a directed or undirected proxy duly executed by an apartment owner in the same manner as provided in RCW 24.06.110.

(b) If an apartment is owned by more than one person, each apartment owner of the apartment may vote or register protest to the casting of votes by the other apartment owners of the apartment through a duly executed proxy.

(c) An apartment owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the secretary or the person presiding over a meeting of the association or by delivery of a subsequent proxy. The death or disability of an apartment owner does not revoke a proxy given by the apartment owner unless the person presiding over the meeting has actual notice of the death or disability.

(d) A proxy is void if it is not dated or purports to be revocable without notice.

(e) Unless stated otherwise in the proxy, a proxy terminates eleven months after its date of issuance.

(6) Unless prohibited or limited by the declaration or organizational documents, an association may conduct a vote without a meeting. In that event, the following requirements apply:

(a) The association must notify the apartment owners that the vote will be taken by ballot.

(b) The notice must state:

(i) The time and date by which a ballot must be delivered to the association to be counted, which may not be fewer than fourteen days after the date of the notice, and which deadline may be

extended in accordance with (g) of this subsection;

(ii) The percent of votes necessary to meet the quorum requirements;

(iii) The percent of votes necessary to approve each matter other than election of board members; and

(iv) The time, date, and manner by which apartment owners wishing to deliver information to all apartment owners regarding the subject of the vote may do so.

(c) The association must deliver a ballot to every apartment owner with the notice.

(d) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(e) A ballot cast pursuant to this section may be revoked only by actual notice to the association of revocation. The death or disability of an apartment owner does not revoke a ballot unless the association has actual notice of the death or disability prior to the date set forth in (b)(i) of this subsection.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the association does not receive a sufficient number of votes to constitute a quorum or to approve the proposal by the date and time established for return of ballots, the board of directors may extend the deadline for a reasonable period not to exceed eleven months upon further notice to all members in accordance with (b) of this subsection. In that event, all votes previously cast on the proposal must be counted unless subsequently revoked as provided in this section.

(h) A ballot or revocation is not effective until received by the association.

(i) The association must give notice to apartment owners of any action taken pursuant to this subsection within a reasonable time after the action is taken.

(j) When an action is taken pursuant to this subsection, a record of the action, including the ballots or a report of the persons appointed to tabulate such ballots, must be kept with the minutes of meetings of the association.

(7) If the governing documents require that votes on specified matters affecting the common interest community be cast by lessees rather than apartment owners of leased apartments:

(a) This section applies to lessees as if they were apartment owners;

(b) Apartment owners that have leased their apartments to other persons may not cast votes on those specified matters; and

(c) Lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were apartment owners.

(8) Apartment owners must also be given notice, in the manner provided in section 2 of this act, of all meetings at which lessees may be entitled to vote.

(9) In any vote of the apartment owners, votes allocated to an apartment owned by the association must be cast in the same proportion as the votes cast on the matter by apartment owners other than the association.

(10) Except as otherwise restricted by the declaration, bylaws, or articles of incorporation, meetings of apartment owners may be conducted by telephonic, video, or other conferencing process, if: (a) The meeting notice states the conferencing process to be used and provides information explaining how apartment owners may participate in the conference directly or by meeting at a central location or conference connection; and (b) the process provides all apartment owners the opportunity to hear or perceive the discussion and to comment.

Sec. 4. RCW 64.34.020 and 2011 c 189 s 1 are each reenacted and amended to read as follows:

In the declaration and bylaws, unless specifically provided otherwise or the context requires otherwise, and in this chapter:

(1) "Affiliate" means any person who controls, is controlled by, or is under common control with the referenced person. A person "controls" another person if the person: (a) Is a general partner, officer, director, or employer of the referenced person; (b) directly or indirectly or acting in concert with one

or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the referenced person; (c) controls in any manner the election of a majority of the directors of the referenced person; or (d) has contributed more than twenty percent of the capital of the referenced person. A person "is controlled by" another person if the other person: (i) Is a general partner, officer, director, or employer of the person; (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the person; (iii) controls in any manner the election of a majority of the directors of the person; or (iv) has contributed more than twenty percent of the capital of the person. Control does not exist if the powers described in this subsection are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the undivided interest in the common elements, the common expense liability, and votes in the association allocated to each unit.

(3) "Assessment" means all sums chargeable by the association against a unit including, without limitation: (a) Regular and special assessments for common expenses, charges, and fines imposed by the association; (b) interest and late charges on any delinquent account; and (c) costs of collection, including reasonable attorneys' fees, incurred by the association in connection with the collection of a delinquent owner's account.

(4) "Association" or "unit owners' association" means the unit owners' association organized under RCW 64.34.300.

(5) "Baseline funding plan" means establishing a reserve funding goal of maintaining a reserve account balance above zero dollars throughout the thirty-year study period described under RCW 64.34.380.

(6) "Board of directors" means the body, regardless of name, with primary authority to manage the affairs of the association.

(7) "Common elements" means all portions of a condominium other than the units.

(8) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to RCW 64.34.224.

(9) "Common expenses" means expenditures made by or financial liabilities of the association, together with any allocations to reserves.

(10) "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to this chapter.

(11) "Contribution rate" means, in a reserve study as described in RCW 64.34.380, the amount contributed to the reserve account so that the association will have cash reserves to pay major maintenance, repair, or replacement costs without the need of a special assessment.

(12) "Conversion condominium" means a condominium (a) that at any time before creation of the condominium was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, for which the tenant or subtenant had not received the notice described in (b) of this subsection; or (b) that, at any time within twelve months before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied wholly or partially by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before July 1, 1990, any unit therein had been conveyed or been made subject to an agreement to convey to any transferee

other than a declarant or an affiliate of a declarant.

(13) "Conveyance" means any transfer of the ownership of a unit, including a transfer by deed or by real estate contract and, with respect to a unit in a leasehold condominium, a transfer by lease or assignment thereof, but shall not include a transfer solely for security.

(14) "Dealer" means a person who, together with such person's affiliates, owns or has a right to acquire either six or more units in a condominium or fifty percent or more of the units in a condominium containing more than two units.

(15) "Declarant" means:

(a) Any person who executes as declarant a declaration as defined in subsection (17) of this section; or

(b) Any person who reserves any special declarant right in the declaration; or

(c) Any person who exercises special declarant rights or to whom special declarant rights are transferred; or

(d) Any person who is the owner of a fee interest in the real property which is subjected to the declaration at the time of the recording of an instrument pursuant to RCW 64.34.316 and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the condominium created by the recording of the instrument.

(16) "Declarant control" means the right of the declarant or persons designated by the declarant to appoint and remove officers and members of the board of directors, or to veto or approve a proposed action of the board or association, pursuant to RCW 64.34.308 (5) or (6).

(17) "Declaration" means the document, however denominated, that creates a condominium by setting forth the information required by RCW 64.34.216 and any amendments to that document.

(18) "Development rights" means any right or combination of rights reserved by a declarant in the declaration to: (a) Add real property or improvements to a condominium; (b) create units, common elements, or limited common elements within real property included or added to a condominium; (c) subdivide units or convert units into common elements; (d) withdraw real property from a condominium; or (e) reallocate limited common elements with respect to units that have not been conveyed by the declarant.

(19) "Dispose" or "disposition" means a voluntary transfer or conveyance to a purchaser or lessee of any legal or equitable interest in a unit, but does not include the transfer or release of a security interest.

(20) "Effective age" means the difference between the estimated useful life and remaining useful life.

(21) "Eligible mortgagee" means the holder of a mortgage on a unit that has filed with the secretary of the association a written request that it be given copies of notices of any action by the association that requires the consent of mortgagees.

(22) "Foreclosure" means a forfeiture or judicial or nonjudicial foreclosure of a mortgage or a deed in lieu thereof.

(23) "Full funding plan" means setting a reserve funding goal of achieving one hundred percent fully funded reserves by the end of the thirty-year study period described under RCW 64.34.380, in which the reserve account balance equals the sum of the deteriorated portion of all reserve components.

(24) "Fully funded balance" means the current value of the deteriorated portion, not the total replacement value, of all the reserve components. The fully funded balance for each reserve component is calculated by multiplying the current replacement cost of that reserve component by its effective age, then dividing the result by that reserve component's useful life. The sum total of all reserve components' fully funded balances is the association's fully funded balance.

(25) "Identifying number" means the designation of each unit in a condominium.

(26) "Leasehold condominium" means a condominium in which all or a portion of the real property is subject to a lease, the expiration or termination of which will terminate the condominium or reduce its size.

(27) "Limited common element" means a portion of the common elements allocated

by the declaration or by operation of RCW 64.34.204 (2) or (4) for the exclusive use of one or more but fewer than all of the units.

(28) "Master association" means an organization described in RCW 64.34.276, whether or not it is also an association described in RCW 64.34.300.

(29) "Mortgage" means a mortgage, deed of trust or real estate contract.

(30) "Person" means a natural person, corporation, partnership, limited partnership, trust, governmental subdivision or agency, or other legal entity.

(31) "Purchaser" means any person, other than a declarant or a dealer, who by means of a disposition acquires a legal or equitable interest in a unit other than (a) a leasehold interest, including renewal options, of less than twenty years at the time of creation of the unit, or (b) as security for an obligation.

(32) "Real property" means any fee, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements thereon and easements, rights and interests appurtenant thereto which by custom, usage, or law pass with a conveyance of land although not described in the contract of sale or instrument of conveyance. "Real property" includes parcels, with or without upper or lower boundaries, and spaces that may be filled with air or water.

(33) "Remaining useful life" means the estimated time, in years, before a reserve component will require major maintenance, repair, or replacement to perform its intended function.

(34) "Replacement cost" means the current cost of replacing, repairing, or restoring a reserve component to its original functional condition.

(35) "Reserve component" means a common element whose cost of maintenance, repair, or replacement is infrequent, significant, and impractical to include in an annual budget.

(36) "Reserve study professional" means an independent person who is suitably qualified by knowledge, skill, experience, training, or education to prepare a reserve study in accordance with RCW 64.34.380 and 64.34.382.

(37) "Residential purposes" means use for dwelling or recreational purposes, or both.

(38) "Significant assets" means that the current total cost of major maintenance, repair, and replacement of the reserve components is fifty percent or more of the gross budget of the association, excluding reserve account funds.

(39) "Special declarant rights" means rights reserved for the benefit of a declarant to: (a) Complete improvements indicated on survey maps and plans filed with the declaration under RCW 64.34.232; (b) exercise any development right under RCW 64.34.236; (c) maintain sales offices, management offices, signs advertising the condominium, and models under RCW 64.34.256; (d) use easements through the common elements for the purpose of making improvements within the condominium or within real property which may be added to the condominium under RCW 64.34.260; (e) make the condominium part of a larger condominium or a development under RCW 64.34.280; (f) make the condominium subject to a master association under RCW 64.34.276; or (g) appoint or remove any officer of the association or any master association or any member of the board of directors, or to veto or approve a proposed action of the board or association, during any period of declarant control under RCW 64.34.308(5).

(40) "Timeshare" shall have the meaning specified in the timeshare act, RCW 64.36.010(11).

(41) "Unit" means a physical portion of the condominium designated for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d). "Separate ownership" includes leasing a unit in a leasehold condominium under a lease that expires contemporaneously with any lease, the expiration or termination of which will remove the unit from the condominium.

(42) "Unit owner" means a declarant or other person who owns a unit or leases a unit in a leasehold condominium under a lease that expires simultaneously with any lease, the expiration or termination of which will remove the unit from the condominium, but does not include a person who has an interest in a unit solely as security for an obligation. "Unit owner" means the vendee, not the

vendor, of a unit under a real estate contract.

(43) "Useful life" means the estimated time, between years, that major maintenance, repair, or replacement is estimated to occur.

(44) "Electronic transmission" or "electronically transmitted" means any electronic communication not directly involving the physical transfer of a writing in a tangible medium, but that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

(45) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

Sec. 5. RCW 64.34.332 and 1989 c 43 s 3-109 are each amended to read as follows:

(1) A meeting of the association must be held at least once each year. Special meetings of the association may be called by the president, a majority of the board of directors, or by unit owners having twenty percent or any lower percentage specified in the declaration or bylaws of the votes in the association. Not less than ((~~ten~~)) fourteen nor more than ((~~sixty~~)) fifty days in advance of any meeting, the secretary or other officer specified in the bylaws shall cause notice to be ((~~hand-delivered or sent prepaid by first-class United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit owner~~)) provided in accordance with this chapter. The notice of any meeting shall state the time and place of the meeting and the items on the agenda to be voted on by the members, including the general nature of any proposed amendment to the declaration or bylaws, changes in the previously approved budget that result in a change in assessment obligations, and any proposal to remove a director or officer.

(2) Except as otherwise restricted by the declaration, bylaws, or articles of incorporation, meetings of unit owners may be conducted by telephonic, video, or other conferencing process, if: (a) The meeting notice states the conferencing process to be used and provides information explaining how unit owners may participate in the conference directly or by meeting at a central location or conference connection; and (b) the process provides all unit owners the opportunity to hear or perceive the discussion and to comment.

Sec. 6. RCW 64.34.340 and 1992 c 220 s 17 are each amended to read as follows:

((~~(1) If only one of the multiple owners of a unit is present at a meeting of the association or has delivered a written ballot or proxy to the association secretary, the owner is entitled to cast all the votes allocated to that unit. If more than one of the multiple owners are present or has delivered a written ballot or proxy to the association secretary, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the multiple owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the multiple owners casts the votes allocated to that unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit.~~

~~(2) Votes allocated to a unit may be cast pursuant to a proxy duly executed by a unit owner. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through a duly executed proxy. A unit owner may not revoke a proxy given pursuant to this section except by actual notice of revocation to the person presiding over a meeting of the association. A proxy is void if it is not dated or purports to be revocable without notice. Unless stated otherwise in the proxy, a proxy terminates eleven months after its date of issuance.~~

~~(3) If the declaration requires that votes on specified matters affecting the condominium be cast by lessees rather than unit owners of leased units: (a) The provisions of subsections (1) and (2) of this section apply to lessees as if they were unit owners; (b) unit owners who have leased their units to other persons may not cast votes on those specified matters; and (c) lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were unit owners. Unit owners must also be given notice, in the manner provided in RCW 64.34.332, of all meetings at which lessees may be entitled to vote.~~

~~(4) No votes allocated to a unit owned by the association may be cast, and in determining the percentage of votes required to act on any matter, the votes allocated to units owned by the association shall be disregarded.~~)) (1) Unit owners may vote at a meeting in person, by absentee ballot pursuant to subsection (3)(d) of this section, or by a proxy pursuant to subsection (5) of this section.

(2) When a vote is conducted without a meeting, unit owners may vote by ballot pursuant to subsection (6) of this section.

(3) At a meeting of unit owners the following requirements apply:

(a) Unit owners or their proxies who are present in person may vote by voice vote, show of hands, standing, written ballot, or any other method for determining the votes of unit owners, as designated by the person presiding at the meeting.

(b) If only one of several unit owners of a unit is present, that unit owner is entitled to cast all the votes allocated to that unit. If more than one of the unit owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the unit owners, unless the declaration expressly provides otherwise. There is a majority agreement if any one of the unit owners casts the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other unit owners of the unit.

(c) Unless a greater number or fraction of the votes in the association is required under this chapter or the declaration or organizational documents, a majority of the votes cast determines the outcome of any action of the association.

(d) Whenever proposals or board members are to be voted upon at a meeting, a unit owner may vote by duly executed absentee ballot if:

(i) The name of each candidate and the text of each proposal to be voted upon are set forth in a writing accompanying or contained in the notice of meeting; and

(ii) A ballot is provided by the association for such purpose.

(4) When a unit owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit owner having the right to do so.

(5) Except as provided otherwise in the declaration or organizational documents, the following requirements apply with respect to proxy voting:

(a) Votes allocated to a unit may be cast pursuant to a directed or undirected proxy duly executed by a unit owner in the same manner as provided in RCW 24.06.110.

(b) If a unit is owned by more than one person, each unit owner of the unit may vote or register protest to the casting of votes by the other unit owners of the unit through a duly executed proxy.

(c) A unit owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the secretary or the person presiding over a meeting of the association or by delivery of a subsequent proxy. The death or disability of a unit owner does not revoke a proxy given by the unit owner unless the person presiding over the meeting has actual notice of the death or disability.

(d) A proxy is void if it is not dated or purports to be revocable without notice.

(e) Unless stated otherwise in the proxy, a proxy terminates eleven months after its date of issuance.

(6) Unless prohibited or limited by the declaration or organizational documents, an association may conduct a vote without a meeting. In that event, the following requirements apply:

(a) The association must notify the unit owners that the vote will be taken by ballot.

(b) The notice must state:

(i) The time and date by which a ballot must be delivered to the association to be counted, which may not be fewer than fourteen days after the date of the notice, and which deadline may be extended in accordance with (g) of this subsection;

(ii) The percent of votes necessary to meet the quorum requirements;

(iii) The percent of votes necessary to approve each matter other than election of board members; and

(iv) The time, date, and manner by which unit owners wishing to deliver information to all unit owners regarding the subject of the vote may do so.

(c) The association must deliver a ballot to every unit owner with the notice.

(d) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(e) A ballot cast pursuant to this section may be revoked only by actual notice to the association of revocation. The death or disability of a unit owner does not revoke a ballot unless the association has actual notice of the death or disability prior to the date set forth in (b)(i) of this subsection.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the association does not receive a sufficient number of votes to constitute a quorum or to approve the proposal by the date and time established for return of ballots, the board of directors may extend the deadline for a reasonable period not to exceed eleven months upon further notice to all members in accordance with (b) of this subsection. In that event, all votes previously cast on the proposal must be counted unless subsequently revoked as provided in this section.

(h) A ballot or revocation is not effective until received by the association.

(i) The association must give notice to unit owners of any action taken pursuant to this subsection within a reasonable time after the action is taken.

(j) When an action is taken pursuant to this subsection, a record of the action, including the ballots or a report of the persons appointed to tabulate such ballots, must be kept with the minutes of meetings of the association.

(7) If the governing documents require that votes on specified matters affecting the common interest community be cast by lessees rather than unit owners of leased units:

(a) This section applies to lessees as if they were unit owners;

(b) Unit owners that have leased their units to other persons may not cast votes on those specified matters; and

(c) Lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were unit owners.

(8) Unit owners must also be given notice, in the manner provided in section 8 of this act, of all meetings at which lessees may be entitled to vote.

(9) In any vote of the unit owners, votes allocated to a unit owned by the association must be cast in the same proportion as the votes cast on the matter by unit owners other than the association.

Sec. 7. RCW 64.34.352 and 1992 c 220 s 18 are each amended to read as follows:

(1) Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, the association shall maintain, to the extent reasonably available:

(a) Property insurance on the condominium, which may, but need not, include equipment, improvements, and betterments in a unit installed by the declarant or the unit owners, insuring against all risks of direct physical loss commonly insured against. The total amount of insurance after application of any deductibles shall be not less than eighty percent, or such greater amount specified in the declaration, of the actual cash value of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations, and other items normally excluded from property policies; and

(b) Liability insurance, including medical payments insurance, in an amount determined by the board of directors but not less than the amount specified in the declaration, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements.

(2) If the insurance described in subsection (1) of this section is not

reasonably available, or is modified, canceled, or not renewed, the association promptly shall cause notice of that fact to be provided to each unit owner in accordance with this chapter and hand-delivered or sent prepaid by first-class United States mail ((~~to all unit owners,~~)) to each eligible mortgagee((~~,~~)) and to each mortgagee to whom a certificate or memorandum of insurance has been issued at their respective last known addresses. The declaration may require the association to carry any other insurance, and the association in any event may carry any other insurance it deems appropriate to protect the association or the unit owners.

(3) Insurance policies carried pursuant to subsection (1) of this section shall provide that:

(a) Each unit owner is an insured person under the policy with respect to liability arising out of the owner's interest in the common elements or membership in the association;

(b) The insurer waives its right to subrogation under the policy against any unit owner, member of the owner's household, and lessee of the owner;

(c) No act or omission by any unit owner, unless acting within the scope of the owner's authority on behalf of the association, will void the policy or be a condition to recovery under the policy; and

(d) If, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same risk covered by the policy, the association's policy provides primary insurance.

(4) Any loss covered by the property insurance under subsection (1)(a) of this section must be adjusted with the association, but the insurance proceeds for that loss are payable to any insurance trustee designated for that purpose, or otherwise to the association, and not to any holder of a mortgage. The insurance trustee or the association shall hold any insurance proceeds in trust for unit owners and lienholders as their interests may appear. Subject to the provisions of subsection (7) of this section, the proceeds must be disbursed first for the repair or restoration of the damaged property, and unit owners and lienholders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the property has been completely repaired or restored or the condominium is terminated.

(5) An insurance policy issued to the association does not prevent a unit owner from obtaining insurance for the owner's own benefit.

(6) An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to the association and, upon written request, to any unit owner or holder of a mortgage. The insurer issuing the policy may not modify the amount or the extent of the coverage of the policy or cancel or refuse to renew the policy unless the insurer has complied with all applicable provisions of chapter 48.18 RCW pertaining to the cancellation or nonrenewal of contracts of insurance. The insurer shall not modify the amount or the extent of the coverage of the policy, or cancel or refuse to renew the policy without complying with this section.

(7) Any portion of the condominium for which insurance is required under this section which is damaged or destroyed shall be repaired or replaced promptly by the association unless: (a) The condominium is terminated; (b) repair or replacement would be illegal under any state or local health or safety statute or ordinance; or (c) eighty percent of the unit owners, including every owner of a unit or assigned limited common element which will not be rebuilt, vote not to rebuild. The cost of repair or replacement in excess of insurance proceeds and reserves is a common expense. If all of the damaged or destroyed portions of the condominium are not repaired or replaced: (i) The insurance proceeds attributable to the damaged common elements shall be used to restore the damaged area to a condition compatible with the remainder of the condominium; (ii) the insurance proceeds attributable to units and limited common elements which are not rebuilt shall be distributed to the owners of those units and the owners of the units to which those limited common elements were allocated, or to lienholders, as their interests may appear; and (iii) the remainder of the proceeds shall be distributed to all the unit owners or lienholders, as their interests may appear, in proportion to the common element interests of all the units. If the unit owners vote not to rebuild any

unit, that unit's allocated interests are automatically reallocated upon the vote as if the unit had been condemned under RCW 64.34.060(1), and the association promptly shall prepare, execute, and record an amendment to the declaration reflecting the reallocations. Notwithstanding the provisions of this subsection, RCW 64.34.268 governs the distribution of insurance proceeds if the condominium is terminated.

(8) The provisions of this section may be varied or waived as provided in the declaration if all units of a condominium are restricted to nonresidential use.

NEW SECTION. **Sec. 8.** A new section is added to chapter 64.34 RCW to read as follows:

(1) Notwithstanding any inconsistent provision in the governing documents, notice to the association, board of directors, or any owner or occupant of a unit under this chapter shall be in writing and shall be provided to the recipient by personal delivery, public or private mail or delivery service, or by electronic transmission as provided in this section: PROVIDED, That if this chapter requires different or additional notice requirements for particular circumstances, those requirements shall apply.

(2) Notice in a tangible medium shall be provided as follows:

(a) Notice to the association or board of directors shall be addressed to the association's registered agent at its registered office, to the association at its principal office shown in its most recent annual report, or to an address provided by the association to the unit owners.

(b) Notice to a unit owner or occupant shall be addressed to the unit address unless the unit owner has requested, in a writing delivered to the association, that notices be sent to an alternate address.

(3) Notice in an electronic transmission shall be provided as follows:

(a) Notice to the association, the board of directors, or unit owners by electronic transmission is effective only upon those who have consented, in writing, to receive electronically transmitted notices under this chapter and have designated the address, location, or system to which such notices may be electronically transmitted, provided that such notice otherwise complies with any other requirements of this chapter and applicable law.

(b) Notice under this subsection includes any materials that accompany the notice.

(c) Owners who have consented to receipt of electronically transmitted notices may revoke this consent by delivering a revocation to the association in writing.

(d) The consent of any owner is revoked if the association is unable to electronically transmit two consecutive notices and this inability becomes known to the secretary of the association or any other person responsible for giving the notice. The inadvertent failure by the association to treat this inability as a revocation does not invalidate any meeting or other action.

(e) Notice to unit owners who have consented to receipt of electronically transmitted notices may be provided by posting the notice on an electronic network and delivering to the unit owner separate notice of the posting, together with comprehensible instructions regarding how to obtain access to the posting on the electronic network.

(4) Notice is effective as follows:

(a) Notice provided in a tangible medium is effective as of the date of hand delivery, deposit with the carrier, or when sent by fax.

(b) Notice provided in an electronic transmission is effective as of the date it:

(i) Is electronically transmitted to an address, location, or system designated by the recipient for that purpose; or

(ii) Has been posted on an electronic network and separate notice of the posting has been sent to the recipient containing instructions regarding how to obtain access to the posting on the electronic network.

(5) The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

(6) This chapter modifies, limits, and supersedes the federal electronic signatures in global and national

commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

Sec. 9. RCW 64.38.010 and 2011 c 189 s 7 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Assessment" means all sums chargeable to an owner by an association in accordance with RCW 64.38.020.

(2) "Baseline funding plan" means establishing a reserve funding goal of maintaining a reserve account balance above zero dollars throughout the thirty-year study period described under RCW 64.38.065.

(3) "Board of directors" or "board" means the body, regardless of name, with primary authority to manage the affairs of the association.

(4) "Common areas" means property owned, or otherwise maintained, repaired or administered by the association.

(5) "Common expense" means the costs incurred by the association to exercise any of the powers provided for in this chapter.

(6) "Contribution rate" means, in a reserve study as described in RCW ((~~64.34.380~~)) 64.38.065, the amount contributed to the reserve account so that the association will have cash reserves to pay major maintenance, repair, or replacement costs without the need of a special assessment.

(7) "Effective age" means the difference between the estimated useful life and remaining useful life.

(8) "Full funding plan" means setting a reserve funding goal of achieving one hundred percent fully funded reserves by the end of the thirty-year study period described under RCW 64.38.065, in which the reserve account balance equals the sum of the deteriorated portion of all reserve components.

(9) "Fully funded balance" means the current value of the deteriorated portion, not the total replacement value, of all the reserve components. The fully funded balance for each reserve component is calculated by multiplying the current replacement cost of the reserve component by its effective age, then dividing the result by the reserve component's useful life. The sum total of all reserve components' fully funded balances is the association's fully funded balance.

(10) "Governing documents" means the articles of incorporation, bylaws, plat, declaration of covenants, conditions, and restrictions, rules and regulations of the association, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

(11) "Homeowners' association" or "association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the association's jurisdiction, as described in the governing documents, and by virtue of membership or ownership of property is obligated to pay real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned by the member. "Homeowners' association" does not mean an association created under chapter 64.32 or 64.34 RCW.

(12) "Lot" means a physical portion of the real property located within an association's jurisdiction designated for separate ownership.

(13) "Owner" means the owner of a lot, but does not include a person who has an interest in a lot solely as security for an obligation. "Owner" also means the vendee, not the vendor, of a lot under a real estate contract.

(14) "Remaining useful life" means the estimated time, in years, before a reserve component will require major maintenance, repair, or replacement to perform its intended function.

(15) "Replacement cost" means the current cost of replacing, repairing, or restoring a reserve component to its original functional condition.

(16) "Reserve component" means a common element whose cost of maintenance, repair, or replacement is infrequent, significant, and impractical to include in an annual budget.

(17) "Reserve study professional" means an independent person who is suitably qualified by knowledge, skill, experience, training, or education to

prepare a reserve study in accordance with RCW ((~~64.34.380~~)) 64.38.065 and ((~~64.34.382~~)) 64.38.070.

(18) "Residential real property" means any real property, the use of which is limited by law, covenant or otherwise to primarily residential or recreational purposes.

(19) "Significant assets" means that the current replacement value of the major reserve components is seventy-five percent or more of the gross budget of the association, excluding the association's reserve account funds.

(20) "Useful life" means the estimated time, between years, that major maintenance, repair, or replacement is estimated to occur.

(21) "Electronic transmission" or "electronically transmitted" means any electronic communication not directly involving the physical transfer of a writing in a tangible medium, but that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

(22) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

Sec. 10. RCW 64.38.035 and 2014 c 20 s 1 are each amended to read as follows:

(1) A meeting of the association must be held at least once each year. Special meetings of the association may be called by the president, a majority of the board of directors, or by owners having ten percent of the votes in the association. The association must make available to each owner of record for examination and copying minutes from the previous association meeting not more than sixty days after the meeting. Minutes of the previous association meeting must be approved at the next association meeting in accordance with the association's governing documents.

(2) Not less than fourteen nor more than ((~~sixty~~)) fifty days in advance of any meeting of the association, the secretary or other officers specified in the bylaws shall ((~~provide written~~)) cause notice of the meeting to be provided to each owner ((~~of record by:~~

~~(a) Hand-delivery to the mailing address of the owner or other address designated in writing by the owner;~~

~~(b) Prepaid first-class United States mail to the mailing address of the owner or to any other mailing address designated in writing by the owner; or~~

~~(c) Electronic transmission to an address, location, or system designated in writing by the owner. Notice to owners by an electronic transmission complies with this section only with respect to those owners who have delivered to the secretary or other officers specified in the bylaws a written record consenting to receive electronically transmitted notices. An owner who has consented to receipt of electronically transmitted notices may revoke the consent at any time by delivering a written record of the revocation to the secretary or other officer specified in the bylaws. Consent is deemed revoked if the secretary or other officer specified in the bylaws is unable to electronically transmit two consecutive notices given in accordance with the consent~~)) in accordance with this chapter.

(3) The notice of any meeting shall state the time and place of the meeting and the business to be placed on the agenda by the board of directors for a vote by the owners, including the general nature of any proposed amendment to the articles of incorporation, bylaws, any budget or changes in the previously approved budget that result in a change in assessment obligation, and any proposal to remove a director.

(4) Except as provided in this subsection, all meetings of the board of directors shall be open for observation by all owners of record and their authorized agents. The board of directors shall keep minutes of all actions taken by the board, which shall be available to all owners. Upon the affirmative vote in open meeting to assemble in closed session, the board of directors may convene in closed executive session to consider personnel matters; consult with legal counsel or consider communications with legal counsel; and discuss likely or pending litigation, matters involving possible violations of the governing documents of the association, and matters involving the possible liability of an owner to the association. The motion shall state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the

closed session shall be included in the minutes. The board of directors shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. No motion, or other action adopted, passed, or agreed to in closed session may become effective unless the board of directors, following the closed session, reconvenes in open meeting and votes in the open meeting on such motion, or other action which is reasonably identified. The requirements of this subsection shall not require the disclosure of information in violation of law or which is otherwise exempt from disclosure.

(5) Except as otherwise restricted by the governing documents, meetings of the association may be conducted by telephonic, video, or other conferencing process, if: (a) The meeting notice states the conferencing process to be used and provides information explaining how owners may participate in the conference directly or by meeting at a central location or conference connection; and (b) the process provides all owners the opportunity to hear or perceive the discussion and to comment.

NEW SECTION. **Sec. 11.** A new section is added to chapter 64.38 RCW to read as follows:

(1) Notwithstanding any inconsistent provision in the governing documents, notice to the association of apartment owners, board, or any apartment owner or occupant of an apartment under this chapter shall be in writing and shall be provided to the recipient by personal delivery, public or private mail or delivery service, or by electronic transmission as provided in this section: PROVIDED, That if this chapter requires different or additional notice requirements for particular circumstances, those requirements shall apply.

(2) Notice in a tangible medium shall be provided as follows:

(a) Notice to the association or board shall be addressed to the association's registered agent at its registered office, to the association at its principal office shown in its most recent annual report, or to an address provided by the association to the apartment owners.

(b) Notice to a lot owner or occupant shall be addressed to the lot address unless the owner has requested, in a writing delivered to the association, that notices be sent to an alternate address.

(3) Notice in an electronic transmission shall be provided as follows:

(a) Notice to the association, the board, or lot owners by electronic transmission is effective only upon those who have consented, in writing, to receive electronically transmitted notices under this chapter and have designated the address, location, or system to which such notices may be electronically transmitted, provided that such notice otherwise complies with any other requirements of this chapter and applicable law.

(b) Notice under this subsection includes any materials that accompany the notice.

(c) Owners who have consented to receipt of electronically transmitted notices may revoke this consent by delivering a revocation to the association in writing.

(d) The consent of any lot owner is revoked if the association is unable to electronically transmit two consecutive notices and this inability becomes known to the secretary of the association of apartment owners or any other person responsible for giving the notice. The inadvertent failure by the association of apartment owners to treat this inability as a revocation does not invalidate any meeting or other action.

(e) Notice to lot owners who have consented to receipt of electronically transmitted notices may be provided by posting the notice on an electronic network and delivering to the owner separate notice of the posting, together with comprehensible instructions regarding how to obtain access to the posting on the electronic network.

(4) Notice is effective as follows:

(a) Notice provided in a tangible medium is effective as of the date of hand delivery, deposit with the carrier, or when sent by fax.

(b) Notice provided in an electronic transmission is effective as of the date it:

(i) Is electronically transmitted to an address, location, or system

designated by the recipient for that purpose; or

(ii) Has been posted on an electronic network and separate notice of the posting has been sent to the recipient containing instructions regarding how to obtain access to the posting on the electronic network.

(5) The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

(6) This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

NEW SECTION. **Sec. 12.** A new section is added to chapter 64.38 RCW to read as follows:

(1) Owners may vote at a meeting in person, by absentee ballot pursuant to subsection (3)(d) of this section, or by a proxy pursuant to subsection (5) of this section.

(2) When a vote is conducted without a meeting, owners may vote by ballot pursuant to subsection (6) of this section.

(3) At a meeting of owners the following requirements apply:

(a) Owners or their proxies who are present in person may vote by voice vote, show of hands, standing, written ballot, or any other method for determining the votes of owners, as designated by the person presiding at the meeting.

(b) If only one of several owners of a lot is present, that lot owner is entitled to cast all the votes allocated to that lot. If more than one of the lot owners are present, the votes allocated to that lot may be cast only in accordance with the agreement of a majority in interest of the lot owners, unless the declaration expressly provides otherwise. There is a majority agreement if any one of the lot owners casts the votes allocated to the lot without protest being made promptly to the person presiding over the meeting by any of the other lot owners of the lot.

(c) Unless a greater number or fraction of the votes in the association is required under this chapter or the declaration or organizational documents, a majority of the votes cast determines the outcome of any action of the association.

(d) Whenever proposals or board members are to be voted upon at a meeting, an owner may vote by duly executed absentee ballot if:

(i) The name of each candidate and the text of each proposal to be voted upon are set forth in a writing accompanying or contained in the notice of meeting; and

(ii) A ballot is provided by the association for such purpose.

(4) When an owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the owner having the right to do so.

(5) Except as provided otherwise in the declaration or organizational documents, the following requirements apply with respect to proxy voting:

(a) Votes allocated to a lot may be cast pursuant to a directed or undirected proxy duly executed by a lot owner in the same manner as provided in RCW 24.06.110.

(b) If a lot is owned by more than one person, each lot owner of the lot may vote or register protest to the casting of votes by the other lot owners of the lot through a duly executed proxy.

(c) An owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the secretary or the person presiding over a meeting of the association or by delivery of a subsequent proxy. The death or disability of an owner does not revoke a proxy given by the owner unless the person presiding over the meeting has actual notice of the death or disability.

(d) A proxy is void if it is not dated or purports to be revocable without notice.

(e) Unless stated otherwise in the proxy, a proxy terminates eleven months after its date of issuance.

(6) Unless prohibited or limited by the declaration or organizational documents, an association may conduct a vote without a meeting. In that event, the following requirements apply:

(a) The association must notify the owners that the vote will be taken by ballot.

(b) The notice must state:

(i) The time and date by which a ballot must be delivered to the association to be counted, which may not be fewer than fourteen days after the date of the notice, and which deadline may be extended in accordance with (g) of this subsection;

(ii) The percent of votes necessary to meet the quorum requirements;

(iii) The percent of votes necessary to approve each matter other than election of board members; and

(iv) The time, date, and manner by which owners wishing to deliver information to all owners regarding the subject of the vote may do so.

(c) The association must deliver a ballot to every owner with the notice.

(d) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(e) A ballot cast pursuant to this section may be revoked only by actual notice to the association of revocation. The death or disability of an owner does not revoke a ballot unless the association has actual notice of the death or disability prior to the date set forth in (b)(i) of this subsection.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the association does not receive a sufficient number of votes to constitute a quorum or to approve the proposal by the date and time established for return of ballots, the board may extend the deadline for a reasonable period not to exceed eleven months upon further notice to all members in accordance with (b) of this subsection. In that event, all votes previously cast on the proposal must be counted unless subsequently revoked as provided in this section.

(h) A ballot or revocation is not effective until received by the association.

(i) The association must give notice to owners of any action taken pursuant to this subsection within a reasonable time after the action is taken.

(j) When an action is taken pursuant to this subsection, a record of the action, including the ballots or a report of the persons appointed to tabulate such ballots, must be kept with the minutes of meetings of the association.

(7) If the governing documents require that votes on specified matters affecting the common interest community be cast by lessees rather than owners of leased lots:

(a) This section applies to lessees as if they were owners;

(b) Owners that have leased their lots to other persons may not cast votes on those specified matters; and

(c) Lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were owners.

(8) Owners must also be given notice, in the manner provided in section 11 of this act, of all meetings at which lessees may be entitled to vote.

(9) In any vote of the lot owners, votes allocated to a lot owned by the association must be cast in the same proportion as the votes cast on the matter by lot owners other than the association.

Sec. 13. RCW 64.90.445 and 2019 c 238 s 210 are each amended to read as follows:

(1) The following requirements apply to unit owner meetings:

(a) A meeting of the association must be held at least once each year. Failure to hold an annual meeting does not cause a forfeiture or give cause for dissolution of the association and does not affect otherwise valid association acts.

(b)(i) An association must hold a special meeting of unit owners to address any matter affecting the common interest community or the association if its president, a majority of the board, or unit owners having at least twenty percent, or any lower percentage specified in the organizational documents, of the votes in the association request that the secretary call the meeting.

(ii) If the association does not provide notice to unit owners of a special meeting within thirty days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly provide notice to all the unit owners of the meeting. Only matters described in the meeting notice required in (c) of this subsection may be considered at a special meeting.

(c) An association must provide notice to unit owners of the time, date, and place of each annual and special unit owners meeting not less than fourteen days and not more than fifty days before the meeting date. Notice may be by any means described in RCW 64.90.515. The notice of any meeting must state the time, date, and place of the meeting and the items on the agenda, including:

(i) The text of any proposed amendment to the declaration or organizational documents;

(ii) Any changes in the previously approved budget that result in a change in the assessment obligations; and

(iii) Any proposal to remove a board member or officer.

(d) The minimum time to provide notice required in (c) of this subsection may be reduced or waived for a meeting called to deal with an emergency.

(e) Unit owners must be given a reasonable opportunity at any meeting to comment regarding any matter affecting the common interest community or the association.

(f) ((~~The~~)) Except as otherwise restricted by the declaration or organizational documents ((~~may allow for~~)), meetings of unit owners ((~~to~~)) may be conducted by telephonic, video, or other conferencing process, if the process is consistent with subsection (2)(i) of this section.

(2) The following requirements apply to meetings of the board and committees authorized to act for the board:

(a) Meetings must be open to the unit owners except during executive sessions, but the board may expel or prohibit attendance by any person who, after warning by the chair of the meeting, disrupts the meeting. The board and those committees may hold an executive session only during a regular or special meeting of the board or a committee. A final vote or action may not be taken during an executive session.

(b) An executive session may be held only to:

(i) Consult with the association's attorney concerning legal matters;

(ii) Discuss existing or potential litigation or mediation, arbitration, or administrative proceedings;

(iii) Discuss labor or personnel matters;

(iv) Discuss contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated, including the review of bids or proposals, if premature general knowledge of those matters would place the association at a disadvantage; or

(v) Prevent public knowledge of the matter to be discussed if the board or committee determines that public knowledge would violate the privacy of any person.

(c) For purposes of this subsection, a gathering of members of the board or committees at which the board or committee members do not conduct association business is not a meeting of the board or committee. Board members and committee members may not use incidental or social gatherings to evade the open meeting requirements of this subsection.

(d) During the period of declarant control, the board must meet at least four times a year. At least one of those meetings must be held at the common interest community or at a place convenient to the community. After the transition meeting, all board meetings must be at the common interest community or at a place convenient to the common interest community unless the unit owners amend the bylaws to vary the location of those meetings.

(e) At each board meeting, the board must provide a reasonable opportunity for unit owners to comment regarding matters affecting the common interest community and the association.

(f) Unless the meeting is included in a schedule given to the unit owners or the meeting is called to deal with an emergency, the secretary or other officer specified in the organizational documents must provide notice of each board meeting to each board member and to

the unit owners. The notice must be given at least fourteen days before the meeting and must state the time, date, place, and agenda of the meeting.

(g) If any materials are distributed to the board before the meeting, the board must make copies of those materials reasonably available to the unit owners, except that the board need not make available copies of unapproved minutes or materials that are to be considered in executive session.

(h) Unless the organizational documents provide otherwise, fewer than all board members may participate in a regular or special meeting by or conduct a meeting through the use of any means of communication by which all board members participating can hear each other during the meeting. A board member participating in a meeting by these means is deemed to be present in person at the meeting.

(i) Unless the organizational documents provide otherwise, the board may meet by participation of all board members by telephonic, video, or other conferencing process if:

(i) The meeting notice states the conferencing process to be used and provides information explaining how unit owners may participate in the conference directly or by meeting at a central location or conference connection; and

(ii) The process provides all unit owners the opportunity to hear or perceive the discussion and to comment as provided in (e) of this subsection.

(j) After the transition meeting, unit owners may amend the organizational documents to vary the procedures for meetings described in (i) of this subsection.

(k) Instead of meeting, the board may act by unanimous consent as documented in a record by all its members. Actions taken by unanimous consent must be kept as a record of the association with the meeting minutes. After the transition meeting, the board may act by unanimous consent only to undertake ministerial actions, actions subject to ratification by the unit owners, or to implement actions previously taken at a meeting of the board.

(l) A board member who is present at a board meeting at which any action is taken is presumed to have assented to the action taken unless the board member's dissent or abstention to such action is lodged with the person acting as the secretary of the meeting before adjournment of the meeting or provided in a record to the secretary of the association immediately after adjournment of the meeting. The right to dissent or abstain does not apply to a board member who voted in favor of such action at the meeting.

(m) A board member may not vote by proxy or absentee ballot.

(n) Even if an action by the board is not in compliance with this section, it is valid unless set aside by a court. A challenge to the validity of an action of the board for failure to comply with this section may not be brought more than ninety days after the minutes of the board of the meeting at which the action was taken are approved or the record of that action is distributed to unit owners, whichever is later.

(3) Minutes of all unit owner meetings and board meetings, excluding executive sessions, must be maintained in a record. The decision on each matter voted upon at a board meeting or unit owner meeting must be recorded in the minutes."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

Referred to Committee on Rules for second reading.

March 12, 2021

ESB 5026 Prime Sponsor, Senator Salomon: Concerning moneys available to a port district allocated for the purchase of zero and near zero emissions cargo handling equipment. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

March 12, 2021

SB 5132 Prime Sponsor, Senator Pedersen: Concerning trusts and estates. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Abbarno; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Health Care & Wellness was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 5370, and the bill was referred to the Committee on Civil Rights & Judiciary.

There being no objection, the House adjourned until 9:55a.m., March 17, 2021, the 66th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTY SIXTH DAY

House Chamber, Olympia, Wednesday, March 17, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 15, 2021

SSB 5013 Prime Sponsor, Committee on State Government & Elections: Concerning local redistricting deadlines. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.76.010 and 2018 c 301 s 8 are each amended to read as follows:

(1) It is the responsibility of each county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each municipal corporation, county, and district charged with redistricting under this section.

(3) Except as otherwise provided in chapter 301, Laws of 2018, ((~~no later than eight months after its receipt of federal decennial census data,~~)) the governing body of the municipal corporation, county, or district shall prepare a plan for redistricting its internal or director districts:

(a) By December 31, 2021, if the jurisdiction is scheduled to elect members to its governing body in 2022; or

(b) By November 15, 2022, if the jurisdiction is not scheduled to elect members to its governing body in 2022.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director, council, or commissioner district shall be as nearly equal in population as possible to each and every other such district comprising the municipal corporation, county, or special purpose district.

(b) Each district shall be as compact as possible.

(c) Each district shall consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation, county, or district shall ensure that full and reasonable public notice of its actions is provided. Before adopting the plan, the municipal corporation, county, or district must:

(a) Publish the draft plan and hold a meeting, including notice and comment, within ten days of publishing the draft plan and at least one week before adopting the plan; and

(b) Amend the draft as necessary after receiving public comments and resubmit any amended draft plan for additional

written public comment at least one week before adopting the plan.

(6)(a) Any registered voter residing in an area affected by the redistricting plan may request review of the adopted local plan by the superior court of the county in which he or she resides, within fifteen days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation, county, or district may be joined as respondent. The superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in subsection (4) of this section.

(b) If the superior court finds the plan to be consistent with the requirements of this section, the plan shall take effect immediately.

(c) If the superior court determines the plan does not meet the requirements of this section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation, county, or district.

Sec. 2. RCW 29A.76.010 and 2018 c 301 s 8 are each amended to read as follows:

(1) It is the responsibility of each county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each municipal corporation, county, and district charged with redistricting under this section.

(3) Except as otherwise provided in chapter 301, Laws of 2018, no later than ((~~eight months after its receipt of federal decennial census data~~)) November 15th of each year ending in one, the governing body of the municipal corporation, county, or district shall prepare a plan for redistricting its internal or director districts.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director, council, or commissioner district shall be as nearly equal in population as possible to each and every other such district comprising the municipal corporation, county, or special purpose district.

(b) Each district shall be as compact as possible.

(c) Each district shall consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation, county, or district shall ensure that full and reasonable public notice of its actions is provided. Before adopting the plan, the municipal corporation, county, or district must:

(a) Publish the draft plan and hold a meeting, including notice and comment, within ten days of publishing the draft plan and at least one week before adopting the plan; and

(b) Amend the draft as necessary after receiving public comments and resubmit any amended draft plan for additional written public comment at least one week before adopting the plan.

(6)(a) Any registered voter residing in an area affected by the redistricting plan may request review of the adopted local plan by the superior court of the county in which he or she resides, within fifteen days of the plan's adoption. Any request for review must specify the

reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation, county, or district may be joined as respondent. The superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in subsection (4) of this section.

(b) If the superior court finds the plan to be consistent with the requirements of this section, the plan shall take effect immediately.

(c) If the superior court determines the plan does not meet the requirements of this section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation, county, or district.

Sec. 3. RCW 29A.92.050 and 2019 c 454 s 1 and 2019 c 64 s 8 are each reenacted and amended to read as follows:

(1)(a) Prior to the adoption of its proposed plan, the political subdivision must provide public notice to residents of the subdivision about the proposed remedy to a potential violation of RCW 29A.92.020. If a significant segment of the residents of the subdivision have limited English proficiency and speaks a language other than English, the political subdivision must:

(i) Provide accurate written and verbal notice of the proposed remedy in languages that diverse residents of the political subdivision can understand, as indicated by demographic data; and

(ii) Air radio or television public service announcements describing the proposed remedy broadcast in the languages that diverse residents of the political subdivision can understand, as indicated by demographic data.

(b) The political subdivision shall hold at least one public hearing on the proposed plan at least one week before adoption.

(c) For purposes of this section, "significant segment of the community" means five percent or more of residents, or five hundred or more residents, whichever is fewer, residing in the political subdivision.

(2)(a) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the political subdivision shall order new elections to occur at the next succeeding general election.

(b) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the political subdivision shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(3) If a political subdivision implements a district-based election system under RCW 29A.92.040(2), the plan shall be consistent with the following criteria:

(a) Each district shall be as reasonably equal in population as possible to each and every other such district comprising the political subdivision.

(b) Each district shall be reasonably compact.

(c) Each district shall consist of geographically contiguous area.

(d) To the extent feasible, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(e) District boundaries may not be drawn or maintained in a manner that creates or perpetuates the dilution of the votes of the members of a protected class or classes.

(f) All positions on the governing body must stand for election at the next election for the governing body, scheduled pursuant to subsection (2) of this section. The governing body may subsequently choose to stagger the terms of its positions.

(4) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each political subdivision.

(5) ((~~No later than eight months after its receipt of federal decennial census data, the~~)) The governing body of the political subdivision that had previously invoked its authority under RCW 29A.92.040 to implement a district-based election system, or that was previously charged with redistricting under RCW 29A.92.110, shall prepare a plan for redistricting its districts, pursuant to RCW 29A.76.010, and in a manner consistent with this chapter:

(a) By December 31, 2021, if the political subdivision is scheduled to elect members to its governing body in 2022; or

(b) By November 15, 2022, if the political subdivision is not scheduled to elect members to its governing body in 2022.

Sec. 4. RCW 29A.92.050 and 2019 c 454 s 1 and 2019 c 64 s 8 are each reenacted and amended to read as follows:

(1)(a) Prior to the adoption of its proposed plan, the political subdivision must provide public notice to residents of the subdivision about the proposed remedy to a potential violation of RCW 29A.92.020. If a significant segment of the residents of the subdivision have limited English proficiency and speaks a language other than English, the political subdivision must:

(i) Provide accurate written and verbal notice of the proposed remedy in languages that diverse residents of the political subdivision can understand, as indicated by demographic data; and

(ii) Air radio or television public service announcements describing the proposed remedy broadcast in the languages that diverse residents of the political subdivision can understand, as indicated by demographic data.

(b) The political subdivision shall hold at least one public hearing on the proposed plan at least one week before adoption.

(c) For purposes of this section, "significant segment of the community" means five percent or more of residents, or five hundred or more residents, whichever is fewer, residing in the political subdivision.

(2)(a) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the political subdivision shall order new elections to occur at the next succeeding general election.

(b) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the political subdivision shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(3) If a political subdivision implements a district-based election system under RCW 29A.92.040(2), the plan shall be consistent with the following criteria:

(a) Each district shall be as reasonably equal in population as possible to each and every other such district comprising the political subdivision.

(b) Each district shall be reasonably compact.

(c) Each district shall consist of geographically contiguous area.

(d) To the extent feasible, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(e) District boundaries may not be drawn or maintained in a manner that creates or perpetuates the dilution of the votes of the members of a protected class or classes.

(f) All positions on the governing body must stand for election at the next election for the governing body, scheduled pursuant to subsection (2) of this section. The governing body may subsequently choose to stagger the terms of its positions.

(4) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each political subdivision.

(5) No later than ((~~eight months after its receipt of federal decennial census data~~)) November 15th of each year ending in one, the governing body of the political subdivision that had previously invoked its authority under RCW 29A.92.040 to implement a district-based election system, or that was previously charged with redistricting under RCW 29A.92.110, shall prepare a plan for redistricting its districts, pursuant to RCW 29A.76.010, and in a manner consistent with this chapter.

NEW SECTION. **Sec. 5.** Sections 1 and 3 of this act expire January 1, 2023.

NEW SECTION. **Sec. 6.** Sections 2 and 4 of this act take effect January 1, 2023.

NEW SECTION. **Sec. 7.** Sections 1 and 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5021 Prime Sponsor, Senator Hunt: Concerning the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff and Schmick.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5058 Prime Sponsor, Senator Rolfes: Making technical changes to certain natural resources-related accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 15, 2021

SSB 5080 Prime Sponsor, Committee on Ways & Means: Providing flexibility in the distribution and use of local funds dedicated to facilities used for youth educational programming. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5106 Prime Sponsor, Senator Liias: Concerning municipal access to local financial services. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5131 Prime Sponsor, Senator Holy: Concerning county clerks duties related to recall petitions. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5296 Prime Sponsor, Senator Schoesler: Modifying the definition of index for the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5303 Prime Sponsor, Senator Hunt: Exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5322 Prime Sponsor, Senator Robinson: Prohibiting dual enrollment between school employees' benefits board and public employees' benefits board programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5367 Prime Sponsor, Senator Conway: Directing the department of retirement systems to create rules regarding automatic refunds of retirement contributions in the retirement systems listed in RCW 41.50.030. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 25, 2021

SB 5431 Prime Sponsor, Senator Randall: Creating the Rosa Franklin legislative internship program scholarship. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude;

Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker assumed the chair.

There being no objection, the House reverted to the first order of business.

The House was called to order by the Speaker. The Clerk called the roll and a quorum was present.

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jesse Johnson, 30th Legislative District.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1477, by Representatives Orwall, Davis, Ortiz-Self, Callan, Simmons, J. Johnson, Goodman, Ryu, Ormsby, Valdez, Frame, Berg, Bergquist, Harris-Talley, Chopp, Macri, Peterson and Pollet

Implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1477 was substituted for House Bill No. 1477 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1477 was read the second time.

With the consent of the House, amendments (334), (415) and (422) were withdrawn.

Representative Orwall moved the adoption of amendment (419):

On page 8, line 30, after "(d)" insert "A representative of the office of the insurance commissioner;

(e)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Orwall spoke in favor of the adoption of the amendment.

Amendment (419) was adopted.

Representative Cody moved the adoption of amendment (310):

On page 9, line 13, after "of" strike "medicaid managed care organizations" and insert "health plans, as recommended by the association of Washington health plans"

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (310) was adopted.

Representative Dent moved the adoption of amendment (413):

On page 10, line 8, after "(f)" insert "A work plan to establish the capacity for the crisis call center hubs to integrate Spanish language interpreters and Spanish-speaking call center staff into their operations and to ensure the availability of resources to meet the unique needs of persons in the agricultural community who are experiencing mental health stresses. The work plan must explicitly address concerns regarding confidentiality.

(g)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Dent, Valdez and Dent (again) spoke in favor of the adoption of the amendment.

Amendment (413) was adopted.

Representative Vick moved the adoption of amendment (444):

On page 12, line 31, after "line;" insert "and"

On page 12, line 32, after "2023," strike "through June 30, 2024,"

On page 12, line 33, after "line" strike "; and"

On page 12, from the beginning of line 34, strike all material through "line" on line 35

On page 13, line 23, after "line;" insert "and"

On page 13, line 24, after "2023," strike "through June 30, 2024,"

On page 13, line 26, after "line" strike "; and"

On page 13, from the beginning of line 27, strike all material through "line" on line 28

On page 13, line 29, after "(3)" strike all material through "thereafter" on line 35 and insert "A statewide 988 behavioral health crisis response line tax is imposed on all switched access lines in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of switched access lines on an account that is capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection (3) must be remitted to the department by local exchange companies on a tax return provided by the department. The amount of tax for each switched access lines whose place of primary use is located in the state is as follows:

(a) Beginning October 1, 2021, through December 31, 2022, the tax rate is 30 cents for each switched access line; and

(b) Beginning January 1, 2023, the tax rate is 50 cents for each switched access line"

Representatives Vick and Orwall spoke in favor of the adoption of the amendment.

Amendment (444) was adopted.

Representative Orcutt moved the adoption of amendment (449):

Beginning on page 12, line 8, strike all material through "department." on page 16, line 8, and insert the following:

"FUNDING

NEW SECTION. **Sec. 201.** FUNDING. (1) Beginning October 1, 2021, the department must calculate quarterly the amount of taxes that would be collected if the following taxes were imposed on:

(a) The use of all radio access lines by subscribers whose place of primary use is located within the state in the amount per month for each radio access line, and by consumers whose retail transactions occur within the state per retail transaction;

(b) All interconnected voice over internet protocol service lines whose place of primary use is in the state; and

(c) All switched access lines in the state.

(2) The department must use the following tax rates in calculating the amount of taxes that would have been collected if the taxes in subsection (1) of this section were imposed:

(a) Beginning October 1, 2021, through December 31, 2022, the tax rate is 30 cents for each radio access line, each interconnected voice over internet protocol service line, and each switched access line; and

(b) Beginning January 1, 2023, the tax rate is 50 cents for each radio access line, each interconnected voice over internet protocol service line, and each switched access line.

(3) At the beginning of each quarter, the state treasurer must transfer the amount calculated by the department pursuant to this section to the statewide 988 behavioral health crisis response line account created in section 202 of this act."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 16, beginning on line 11, after "treasury." strike all material through "account." on line 13

On page 33, line 14, after "201" strike "through 205" and insert "and 202"

On page 33, line 16, after "201" strike "through 205" and insert "and 202"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Frame spoke against the adoption of the amendment.

MOTIONS

On motion of Representative Riccelli, Representative Kloba was excused.

On motion of Representative Griffey, Representative McCaslin was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (449) and the amendment was not adopted by the following vote: Yeas: 44; Nays: 52; Absent: 0; Excused: 2

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representatives Kloba and McCaslin

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall, Schmick, Dent, Klippert, Lovick, Eslick and Davis spoke in favor of the passage of the bill.

Representatives Orcutt and Sutherland spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1477.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1477, and the bill passed the House by the following vote: Yeas, 78; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Klippert, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Chandler, Chase, Corry, Dufault, Jacobsen, Kraft, Kretz, MacEwen, McEntire, Orcutt, Robertson, Rude, Springer, Stokesbary, Sutherland, Walsh and Young.

Excused: Representatives Kloba and McCaslin.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., March 18, 2021, the 67th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTY SEVENTH DAY

House Chamber, Olympia, Thursday, March 18, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1556 by Representatives Chase and Klippert

AN ACT Relating to equitable competition between students who participate in school athletic activities; amending RCW 28A.600.200 and 28A.640.020; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 16, 2021

HB 1546 Prime Sponsor, Representative Eslick: Concerning allowable uses for the multiuse roadway safety account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

March 16, 2021

SB 5016 Prime Sponsor, Senator Warnick: Concerning tracked and wheeled all-terrain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

March 17, 2021

SSB 5025 Prime Sponsor, Committee on Law & Justice: Concerning the consumer protection improvement act. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Strong consumer protection and antitrust penalties are critical to protecting consumers and ensuring a fair marketplace;

(2) Strong penalties ensure accountability, deter violations, and ensure a level playing field for businesses;

(3) Washington currently does not provide strong penalties for violations of the state's consumer protection act, which prohibits unfair or deceptive acts or practices and unfair methods of competition;

(4) Washington's penalty for unfair or deceptive acts or practices has not kept pace with inflation, and has not increased since 1970;

(5) Washington's penalty for unfair methods of competition has also not kept

pace with inflation, and has not increased since 1983;

(6) Consequently, Washington has one of the lowest consumer protection penalties in the United States;

(7) Twenty-four state legislatures representing more than 200 million Americans have passed enhanced penalties for violations that target or impact certain vulnerable populations, but Washington does not have an enhanced penalty;

(8) Many Washingtonians are hurting financially due to the impacts of the global pandemic;

(9) Washington's weak penalties place Washington consumers at greater risk; and

(10) Washingtonians deserve strong consumer protections to ensure entities that illegally, unfairly, and deceptively go after their hard-earned dollars are held accountable.

Sec. 2. RCW 19.86.140 and 1983 c 288 s 2 are each amended to read as follows:

Every person who shall violate the terms of any injunction issued as in this chapter provided, shall forfeit and pay a civil penalty of not more than ((~~twenty-five thousand dollars~~)) $125,000.

Every ((~~person, other than a corporation,~~)) individual who violates RCW 19.86.030 or 19.86.040 shall pay a civil penalty of not more than ((~~one hundred thousand dollars~~)) $180,000. Every ((~~corporation which~~)) person, other than an individual, who violates RCW 19.86.030 or 19.86.040 shall pay a civil penalty of not more than ((~~five hundred thousand dollars~~)) $900,000.

Every person who violates RCW 19.86.020 shall forfeit and pay a civil penalty of not more than ((~~two thousand dollars~~)) $7,500 for each violation: PROVIDED, That nothing in this paragraph shall apply to any radio or television broadcasting station which broadcasts, or to any publisher, printer or distributor of any newspaper, magazine, billboard or other advertising medium who publishes, prints or distributes, advertising in good faith without knowledge of its false, deceptive or misleading character.

For unlawful acts or practices that target or impact specific individuals or communities based on demographic characteristics including, but not limited to, age, race, national origin, citizenship or immigration status, sex, sexual orientation, presence of any sensory, mental, or physical disability, religion, veteran status, or status as a member of the armed forces, as that term is defined in 10 U.S.C. Sec. 101, an enhanced penalty of $5,000 shall apply.

For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

With respect to violations of RCW 19.86.030 and 19.86.040, the attorney general, acting in the name of the state, may seek recovery of such penalties in a civil action.

By December 1, 2022, and every five years thereafter, the office of the attorney general shall evaluate the efficacy of the maximum civil penalty amounts established in this section in deterring violations of the consumer protection act and the difference, if any, between the current penalty amounts and the penalty amounts adjusted for inflation, and provide the legislature with a report of its findings and any recommendations in compliance with RCW 43.01.036.

Sec. 3. RCW 4.16.160 and 1986 c 305 s 701 are each amended to read as follows:

The limitations prescribed in this chapter shall apply to actions brought in the name or for the benefit of any county or other municipality or quasimunicipality of the state, in the same manner as to actions brought by private parties: PROVIDED, That, except as provided in RCW 4.16.310, there shall be no limitation to actions brought in the name or for the benefit of the state, and no claim of right predicated upon the lapse of time shall ever be asserted against the state, including actions asserting a claim for civil penalties under RCW 19.86.140: AND FURTHER PROVIDED, That no previously existing statute of limitations shall be interposed as a defense to any action brought in the name or for the benefit of the state, although such statute may have run and become fully operative as a defense prior to February 27, 1903, nor shall any cause of action against the state be predicated upon such a statute.

NEW SECTION. **Sec. 4.** This act may be known and cited as the consumer protection improvement act."

Correct the title.

Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representative Vick, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

March 16, 2021

SB 5031 Prime Sponsor, Senator Honeyford: Concerning a community aviation revitalization loan program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Capital Budget.

March 17, 2021

E2SSB 5052 Prime Sponsor, Committee on Ways & Means: Concerning the creation of health equity zones. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature finds that people of color, Indian, people experiencing poverty, and immigrant populations experience significant health disparities compared to the general population, including more limited access to health care and poorer health outcomes. The legislature finds that these circumstances result in higher rates of morbidity and mortality for persons of color and immigrant populations than observed in the general population.

(2) Therefore, the legislature intends to create health equity zones to address significant health disparities identified by health outcome data. The state intends to work with community leaders within the health equity zones to share information and coordinate efforts with the goal of addressing the most urgent needs. Health equity zone partners shall develop, expand, and maintain positive relationships with communities of color, Indian communities, communities experiencing poverty, and immigrant communities within the zone to develop effective and sustainable programs to address health inequity.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, in coordination with the governor's interagency council on health disparities, local health jurisdictions, and accountable communities of health, must share and review population health data, which may be related to chronic and infectious diseases, maternal birth complications, preterm births and other newborn health complications, and any other relevant health data, including hospital community health needs assessments, to identify, or allow communities to self-identify, potential health equity zones in the state and develop projects to meet the unique needs of each zone. The department must provide technical support to communities in the use of data to facilitate self-identification of health equity zones.

(2) Communities' uses of data must align with projects and outcomes to be measured in self-identified zones.

(3) The department must use the first 12 months following the effective date of this section to develop a plan and process to allow communities to implement health equity zone programs statewide. The department has authority to determine the number of health equity zones and projects based on available resources.

(4) Communities that self-identify zones or the department must notify relevant community organizations in the zones of the health equity zone designation and allow those organizations to identify projects to

address the zone's most urgent needs related to health disparities. Community organizations may include, but are not limited to:

(a) Community health clinics;

(b) Local health providers;

(c) Federally qualified health centers;

(d) Health systems;

(e) Local government;

(f) Public school districts;

(g) Recognized American Indian organizations and Indian health organizations;

(h) Local health jurisdictions; and

(i) Any other nonprofit organization working to address health disparities in the zone.

(5) Local organizations working within zones may form coalitions to identify the needs of the zone, design projects to address those needs, and develop an action plan to implement the projects. Local organizations may partner with state or national organizations outside the specific zone designation. Projects may include, but are not limited to:

(a) Addressing health care provider access and health service delivery;

(b) Improving information sharing and community trust in providers and services;

(c) Conducting outreach and education efforts; and

(d) Recommending systems and policy changes that will improve population health.

(6) The department must provide:

(a) Support to the coalitions in identifying and applying for resources to support projects within the zones;

(b) Technical assistance related to project management and developing health outcome and other measures to evaluate project success; and

(c) Subject to availability, funding to implement projects.

(7) Subject to the availability of amounts appropriated for this specific purpose, by December 1, 2023, and every two years thereafter, the department must submit a report to the legislature detailing the projects implemented in each zone and the outcome measures, including year-over-year health data, to demonstrate project success.

(8) For the purposes of this section "health equity zone" or "zone" means a contiguous geographic area that demonstrates measurable and documented health disparities and poor health outcomes, which may include but are not limited to high rates of maternal complications, newborn health complications, and chronic and infectious disease, is populated by communities of color, Indian communities, communities experiencing poverty, or immigrant communities, and is small enough for targeted interventions to have a significant impact on health outcomes and health disparities. Documented health disparities must be documented or identified by the department or the centers for disease control and prevention."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member; Rude and Ybarra.

Referred to Committee on Appropriations.

March 17, 2021

SSB 5055 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Establishing a statewide roster for arbitrating law enforcement personnel disciplinary grievances and publishing their decisions. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Hoff, Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 17, 2021

SSB 5140 Prime Sponsor, Committee on Health & Long Term Care: Protecting pregnancy and miscarriage-related patient care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Health care entity" means an entity that supervises, controls, grants privileges to, directs the practice of, or directly or indirectly restricts the practice of, a health care provider.

(3) "Health care provider" has the same meaning as in RCW 70.02.010.

NEW SECTION. **Sec. 2.** (1) Except as provided in subsection (2) of this section, if a health care provider is acting in good faith, within the provider's scope of practice, education, training, and experience and within the accepted standard of care, a health care entity may not prohibit the health care provider from providing health care services related to complications of pregnancy, including but not limited to health services related to miscarriage management and treatment for ectopic pregnancies, in cases in which failure to provide the service would violate the accepted standard of care or when the patient presents a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of medical attention could reasonably be expected to pose a risk:

(a) To the patient's life; or

(b) Of irreversible complications or impairment to the patient's bodily functions or any bodily organ or part.

(2) Nothing in this section prohibits a health care entity from limiting a health care provider's practice for purposes of:

(a) Complying with the network or utilization review requirements of any program or entity authorized by state or federal law to provide insurance coverage for health care services to enrollees; or

(b) Quality control and patient safety, including when quality control or patient safety issues are identified pursuant to peer review.

(3) A health care entity may not discharge, demote, suspend, discipline, or otherwise discriminate against a health care provider for providing services in compliance with this section.

NEW SECTION. **Sec. 3.** A patient, a health care provider, or an individual, who is aggrieved by a violation of section 2 of this act, may bring a civil action against a health care entity to enjoin further violations, to recover damages, or both. The prevailing party in such action may in the discretion of the court recover costs of litigation and reasonable attorneys' fees.

NEW SECTION. **Sec. 4.** Beginning March 1, 2022, a health care entity shall provide the information prepared by the department under section 5 of this act at the time of hiring, contracting with, or privileging health care providers and staff, and on a yearly basis thereafter.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

By December 31, 2021, the department shall design, prepare, and make available online, written materials to clearly inform health care providers and staff of the provisions of, and authority to act under, chapter 70.--- RCW (the new chapter created in section 7 of this act).

NEW SECTION. **Sec. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

March 17, 2021

SSB 5151 Prime Sponsor, Committee on Ways & Means: Concerning foster care and child care licensing by the department of children, youth, and families. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.030 and 2020 c 312 s 114 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" mean:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of children, youth, and families.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the department of social and health services to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Guardianship" means a guardianship pursuant to chapter 13.36 RCW or a limited guardianship of a minor pursuant to RCW 11.130.215 or equivalent laws of another state or a federally recognized Indian tribe.

(14) "Housing assistance" means appropriate referrals by the department or other agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or family reunification service as described in RCW 13.34.025(2).

(15) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(16) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(17) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(18) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26A.100, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(19) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-

123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(20) "Prevention services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child. Prevention services include, but are not limited to, prevention and family services and programs as defined in this section.

(21) "Qualified residential treatment program" means a program that meets the requirements provided in RCW 13.34.420, qualifies for funding under the family first prevention services act under 42 U.S.C. Sec. 672(k), and, if located within Washington state, is licensed as a group care facility under chapter 74.15 RCW ((~~that also qualifies for funding under the federal family first prevention services act under 42 U.S.C. Sec. 672(k) and meets the requirements provided in RCW 13.34.420~~)).

(22) "Relative" includes persons related to a child in the following ways:

(a) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(b) Stepfather, stepmother, stepbrother, and stepsister;

(c) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(d) Spouses of any persons named in (a), (b), or (c) of this subsection, even after the marriage is terminated;

(e) Relatives, as named in (a), (b), (c), or (d) of this subsection, of any half sibling of the child; or

(f) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

(23) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(24) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(25) "Social study" means a written evaluation of matters relevant to the disposition of the case that contains the information required by RCW 13.34.430.

(26) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the department or the court.

(27) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 2. RCW 43.216.010 and 2020 c 270 s 11 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care

subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child care provider who regularly provides early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Outdoor nature-based child care" means an agency or an agency-offered program that:

(i) Enrolls preschool or school-age children;

(ii) Provides early learning services to the enrolled children in an outdoor natural space approved by the department for not less than four hours per day or fifty percent of the daily program hours, whichever is less; and

(iii) Teaches a nature-based curriculum to enrolled children;

(f) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools that are engaged primarily in early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, and accept only school age children;

(g) Seasonal camps ((~~of three months' or less duration engaged primarily in recreational or educational activities~~)). For purposes of this chapter, "seasonal camp" means a program that:

(i) Operates for three months or less within a period of twelve consecutive months;

(ii) Is engaged primarily in recreational or educational activities conducted on a closely supervised basis; and

(iii) Is owned by any person, organization, association, or corporation, or is operated by a federal, state, county, or municipal government;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same

facility in another location or at another facility;

(i) Any entity that provides recreational or educational programming for school age children only and the entity meets all of the following requirements:

(i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;

(ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;

(iii) The entity is a local affiliate of a national nonprofit; and

(iv) The entity is in compliance with all safety and quality standards set by the associated national agency;

(j) A program operated by any unit of local, state, or federal government;

(k) A program located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(l) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(m) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Certificate of parental improvement" means a certificate issued under RCW 74.13.720 to an individual who has a founded finding of physical abuse or negligent treatment or maltreatment, or a court finding that the individual's child was dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b).

(5) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(6) "Department" means the department of children, youth, and families.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early childhood education and assistance program contractor" means an organization that provides early childhood education and assistance program services under a signed contract with the department.

(9) "Early childhood education and assistance program provider" means an organization that provides site level, direct, and high quality early childhood education and assistance program services under the direction of an early childhood education and assistance program contractor.

(10) "Early start" means an integrated high quality continuum of early learning programs for children birth-to-five years of age. Components of early start include, but are not limited to, the following:

(a) Home visiting and parent education and support programs;

(b) The early achievers program described in RCW 43.216.085;

(c) Integrated full-day and part-day high quality early learning programs; and

(d) High quality preschool for children whose family income is at or below one hundred ten percent of the federal poverty level.

(11) "Education data center" means the education data center established in RCW 43.41.400, commonly referred to as the education research and data center.

(12) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

(13) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.216.325(1) or assessment of civil monetary penalties pursuant to RCW 43.216.325(3).

(14) "Extended day program" means an early childhood education and assistance program that offers early learning education for at least ten hours per day, a minimum of two thousand hours per year, at least four days per week, and operates year-round.

(15) "Full day program" means an early childhood education and assistance program that offers early learning education for a minimum of one thousand hours per year.

(16) "Inspection report" means a written or digital record or report created by the department that identifies or describes licensing violations or conditions within an agency. An inspection report does not include a child care facility licensing compliance agreement as defined in RCW 43.216.395.

(17) "Low-income child care provider" means a person who administers a child care program that consists of at least eighty percent of children receiving working connections child care subsidy.

((~~(17)~~)) (18) "Low-income neighborhood" means a district or community where more than twenty percent of households are below the federal poverty level.

((~~(18)~~)) (19) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

((~~(19)~~)) (20) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

((~~(20)~~)) (21) "Nonschool age child" means a child who is age six years or younger and who is not enrolled in a public or private school.

((~~(21)~~)) (22) "Part day program" means an early childhood education and assistance program that offers early learning education for at least two and one-half hours per class session, at least three hundred twenty hours per year, for a minimum of thirty weeks per year.

((~~(22)~~)) (23) "Private school" means a private school approved by the state under chapter 28A.195 RCW.

((~~(23)~~)) (24) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

((~~(24)~~)) (25) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

((~~(25)~~)) (26) "School age child" means a child who is five years of age through twelve years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

((~~(26)~~)) (27) "Secretary" means the secretary of the department.

((~~(27)~~)) (28) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

Sec. 3. RCW 43.216.015 and 2020 c 262 s 1 and 2020 c 90 s 9 are each reenacted and amended to read as follows:

(1)(a) The department of children, youth, and families is created as an executive branch agency. The department is vested with all powers and duties transferred to it under chapter 6, Laws of 2017 3rd sp. sess. and such other powers and duties as may be authorized by law. The vision for the department is that Washington state's children and youth grow up safe and healthy—thriving physically, emotionally, and academically, nurtured by family and community.

(b) The department, in partnership with state and local agencies, tribes, and communities, shall protect children and youth from harm and promote healthy

development with effective, high quality prevention, intervention, and early education services delivered in an equitable manner. An important role for the department shall be to provide preventative services to help secure and preserve families in crisis. The department shall partner with the federally recognized Indian tribes to develop effective services for youth and families while respecting the sovereignty of those tribes and the government-to-government relationship. Nothing in chapter 6, Laws of 2017 3rd sp. sess. alters the duties, requirements, and policies of the federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963, as amended, or the Indian child welfare act, chapter 13.38 RCW.

(2) Beginning July 1, 2018, the department must develop definitions for, work plans to address, and metrics to measure the outcomes for children, youth, and families served by the department and must work with state agencies to ensure services for children, youth, and families are science-based, outcome-driven, data-informed, and collaborative.

(3)(a) Beginning July 1, 2018, the department must establish short and long-term population level outcome measure goals, including metrics regarding reducing disparities by family income, race, and ethnicity in each outcome.

(b) In addition to transparent, frequent reporting of the outcome measures in (c)(i) through (viii) of this subsection, the department must report to the legislature an examination of engagement, resource utilization, and outcomes for clients receiving department services and youth participating in juvenile court alternative programs funded by the department, no less than annually and beginning September 1, 2020. The data in this report must be disaggregated by race, ethnicity, and geography. This report must identify areas of focus to advance equity that will inform department strategies so that all children, youth, and families are thriving. Metrics detailing progress towards eliminating disparities and disproportionality over time must also be included. The report must also include information on department outcome measures, actions taken, progress toward these goals, and plans for the future year.

(c) The outcome measures must include, but are not limited to:

(i) Improving child development and school readiness through voluntary, high quality early learning opportunities as measured by: (A) Increasing the number and proportion of children kindergarten-ready as measured by the Washington kindergarten inventory of developing skills (WAKids) assessment including mathematics; (B) increasing the proportion of children in early learning programs that have achieved the level 3 or higher early achievers quality standard; and (C) increasing the available supply of licensed child care in ((~~both~~)) child care centers, outdoor nature-based child care, and family homes, including providers not receiving state subsidy;

(ii) Preventing child abuse and neglect;

(iii) Improving child and youth safety, permanency, and well-being as measured by: (A) Reducing the number of children entering out-of-home care; (B) reducing a child's length of stay in out-of-home care; (C) reducing maltreatment of youth while in out-of-home care; (D) licensing more foster homes than there are children in foster care; (E) reducing the number of children that reenter out-of-home care within twelve months; (F) increasing the stability of placements for children in out-of-home care; and (G) developing strategies to demonstrate to foster families that their service and involvement is highly valued by the department, as demonstrated by the development of strategies to consult with foster families regarding future placement of a foster child currently placed with a foster family;

(iv) Improving reconciliation of children and youth with their families as measured by: (A) Increasing family reunification; and (B) increasing the number of youth who are reunified with their family of origin;

(v) In collaboration with county juvenile justice programs, improving adolescent outcomes including reducing multisystem involvement and homelessness; and increasing school graduation rates and successful transitions to adulthood for youth involved in the child welfare and juvenile justice systems;

(vi) Reducing future demand for mental health and substance use disorder treatment for youth involved in the child welfare and juvenile justice systems;

(vii) In collaboration with county juvenile justice programs, reducing criminal justice involvement and recidivism as measured by: (A) An increase in the number of youth who successfully complete the terms of diversion or alternative sentencing options; (B) a decrease in the number of youth who commit subsequent crimes; and (C) eliminating the discharge of youth from institutional settings into homelessness; and

(viii) Eliminating racial and ethnic disproportionality and disparities in system involvement and across child and youth outcomes in collaboration with other state agencies.

(4) Beginning July 1, 2018, the department must:

(a) Lead ongoing collaborative work to minimize or eliminate systemic barriers to effective, integrated services in collaboration with state agencies serving children, youth, and families;

(b) Identify necessary improvements and updates to statutes relevant to their responsibilities and proposing legislative changes to the governor no less than biennially;

(c) Help create a data-focused environment in which there are aligned outcomes and shared accountability for achieving those outcomes, with shared, real-time data that is accessible to authorized persons interacting with the family, child, or youth to identify what is needed and which services would be effective;

(d) Lead the provision of state services to adolescents, focusing on key transition points for youth, including exiting foster care and institutions, and coordinating with the office of homeless youth prevention and protection programs to address the unique needs of homeless youth; and

(e) Create and annually update a list of the rights and responsibilities of foster parents in partnership with foster parent representatives. The list of foster parent rights and responsibilities must be posted on the department's web site, provided to individuals participating in a foster parent orientation before licensure, provided to foster parents in writing at the time of licensure, and provided to foster parents applying for license renewal.

(5) The department is accountable to the public. To ensure transparency, beginning December 30, 2018, agency performance data for the services provided by the department, including outcome data for contracted services, must be available to the public, consistent with confidentiality laws, federal protections, and individual rights to privacy. Publicly available data must include budget and funding decisions, performance-based contracting data, including data for contracted services, and performance data on metrics identified in this section. The board must work with the secretary and director to develop the most effective and cost-efficient ways to make department data available to the public, including making this data readily available on the department's web site.

(6) Except as provided in section 8, chapter 90, Laws of 2020, the department shall ensure that all new and renewed contracts for services are performance-based.

(7) The department must execute all new and renewed contracts for services in accordance with this section and consistent with RCW 74.13B.020. When contracted services are managed through a network administrator or other third party, the department must execute data-sharing agreements with the entities managing the contracts to track provider performance measures. Contracts with network administrators or other third parties must provide the contract administrator the ability to shift resources from one provider to another, to evaluate individual provider performance, to add or delete services in consultation with the department, and to reinvest savings from increased efficiencies into new or improved services in their catchment area. Whenever possible, contractor performance data must be made available to the public, consistent with confidentiality laws and individual rights to privacy.

(8)(a) The board shall begin its work and call the first meeting of the board on or after July 1, 2018. The board shall immediately assume the duties of the legislative children's oversight

committee, as provided for in RCW 74.13.570 and assume the full functions of the board as provided for in this section by July 1, 2019. The office of innovation, alignment, and accountability shall provide quarterly updates regarding the implementation of the department to the board between July 1, 2018, and July 1, 2019.

(b) The office of the family and children's ombuds shall establish the board. The board is authorized for the purpose of monitoring and ensuring that the department achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with administrative acts, relevant statutes, rules, and policies pertaining to early learning, juvenile rehabilitation, juvenile justice, and children and family services.

(9)(a) The board shall consist of the following members:

(i) Two senators and two representatives from the legislature with one member from each major caucus;

(ii) One nonvoting representative from the governor's office;

(iii) One subject matter expert in early learning;

(iv) One subject matter expert in child welfare;

(v) One subject matter expert in juvenile rehabilitation and justice;

(vi) One subject matter expert in eliminating disparities in child outcomes by family income and race and ethnicity;

(vii) One tribal representative from west of the crest of the Cascade mountains;

(viii) One tribal representative from east of the crest of the Cascade mountains;

(ix) One current or former foster parent representative;

(x) One representative of an organization that advocates for the best interest of the child;

(xi) One parent stakeholder group representative;

(xii) One law enforcement representative;

(xiii) One child welfare caseworker representative;

(xiv) One early childhood learning program implementation practitioner;

(xv) One current or former foster youth under age twenty-five;

(xvi) One individual under age twenty-five with current or previous experience with the juvenile justice system;

(xvii) One physician with experience working with children or youth; and

(xviii) One judicial representative presiding over child welfare court proceedings or other children's matters.

(b) The senate members of the board shall be appointed by the leaders of the two major caucuses of the senate. The house of representatives members of the board shall be appointed by the leaders of the two major caucuses of the house of representatives. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(c) The remaining board members shall be nominated by the governor, subject to the approval of the appointed legislators by majority vote, and serve four-year terms. When nominating and approving members after July 28, 2019, the governor and appointed legislators must ensure that at least five of the board members reside east of the crest of the Cascade mountains.

(10) The board has the following powers, which may be exercised by majority vote of the board:

(a) To receive reports of the office of the family and children's ombuds;

(b) To obtain access to all relevant records in the possession of the office of the family and children's ombuds, except as prohibited by law;

(c) To select its officers and adoption of rules for orderly procedure;

(d) To request investigations by the office of the family and children's ombuds of administrative acts;

(e) To request and receive information, outcome data, documents, materials, and records from the department relating to children and family welfare, juvenile rehabilitation, juvenile justice, and early learning;

(f) To determine whether the department is achieving the performance measures;

(g) If final review is requested by a licensee, to review whether department licensors appropriately and consistently applied agency rules in ((~~child care facility licensing compliance agreements as defined in RCW 43.216.395~~)) inspection reports that do not involve a violation of health and safety standards as defined in RCW 43.216.395 in cases that have already been reviewed by the internal review process described in RCW 43.216.395 with the authority to overturn, change, or uphold such decisions;

(h) To conduct annual reviews of a sample of department contracts for services from a variety of program and service areas to ensure that those contracts are performance-based and to assess the measures included in each contract; and

(i) Upon receipt of records or data from the office of the family and children's ombuds or the department, the board is subject to the same confidentiality restrictions as the office of the family and children's ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also apply to the board.

(11) The board has general oversight over the performance and policies of the department and shall provide advice and input to the department and the governor.

(12) The board must no less than twice per year convene stakeholder meetings to allow feedback to the board regarding contracting with the department, departmental use of local, state, private, and federal funds, and other matters as relating to carrying out the duties of the department.

(13) The board shall review existing surveys of providers, customers, parent groups, and external services to assess whether the department is effectively delivering services, and shall conduct additional surveys as needed to assess whether the department is effectively delivering services.

(14) The board is subject to the open public meetings act, chapter 42.30 RCW, except to the extent disclosure of records or information is otherwise confidential under state or federal law.

(15) Records or information received by the board is confidential to the extent permitted by state or federal law. This subsection does not create an exception for records covered by RCW 13.50.100.

(16) The board members shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while conducting business of the board when authorized by the board and within resources allocated for this purpose, except appointed legislators who shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(17) The board shall select, by majority vote, an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director is exempt from the provisions of the state civil service law, chapter 41.06 RCW, and shall serve at the pleasure of the board established in this section.

(18) The board shall maintain a staff not to exceed one full-time equivalent employee. The board-selected executive director of the board is responsible for coordinating staff appointments.

(19) The board shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2019. The report must review the department's progress towards meeting stated performance measures and desired performance outcomes, and must also include a review of the department's strategic plan, policies, and rules.

(20) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Board" means the oversight board for children, youth, and families established in subsection (8) of this section.

(b) "Director" means the director of the office of innovation, alignment, and accountability.

(c) "Performance-based contract" means results-oriented contracting that focuses on the quality or outcomes that tie at least a portion of the contractor's payment, contract extensions, or contract renewals to the

achievement of specific measurable performance standards and requirements.

Sec. 4. RCW 43.216.015 and 2020 c 262 s 1 are each amended to read as follows:

(1)(a) The department of children, youth, and families is created as an executive branch agency. The department is vested with all powers and duties transferred to it under chapter 6, Laws of 2017 3rd sp. sess. and such other powers and duties as may be authorized by law. The vision for the department is that Washington state's children and youth grow up safe and healthy—thriving physically, emotionally, and academically, nurtured by family and community.

(b) The department, in partnership with state and local agencies, tribes, and communities, shall protect children and youth from harm and promote healthy development with effective, high quality prevention, intervention, and early education services delivered in an equitable manner. An important role for the department shall be to provide preventative services to help secure and preserve families in crisis. The department shall partner with the federally recognized Indian tribes to develop effective services for youth and families while respecting the sovereignty of those tribes and the government-to-government relationship. Nothing in chapter 6, Laws of 2017 3rd sp. sess. alters the duties, requirements, and policies of the federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963, as amended, or the Indian child welfare act, chapter 13.38 RCW.

(2) Beginning July 1, 2018, the department must develop definitions for, work plans to address, and metrics to measure the outcomes for children, youth, and families served by the department and must work with state agencies to ensure services for children, youth, and families are science-based, outcome-driven, data-informed, and collaborative.

(3)(a) Beginning July 1, 2018, the department must establish short and long-term population level outcome measure goals, including metrics regarding reducing disparities by family income, race, and ethnicity in each outcome.

(b) In addition to transparent, frequent reporting of the outcome measures in (c)(i) through (viii) of this subsection, the department must report to the legislature an examination of engagement, resource utilization, and outcomes for clients receiving department services and youth participating in juvenile court alternative programs funded by the department, no less than annually and beginning September 1, 2020. The data in this report must be disaggregated by race, ethnicity, and geography. This report must identify areas of focus to advance equity that will inform department strategies so that all children, youth, and families are thriving. Metrics detailing progress towards eliminating disparities and disproportionality over time must also be included. The report must also include information on department outcome measures, actions taken, progress toward these goals, and plans for the future year.

(c) The outcome measures must include, but are not limited to:

(i) Improving child development and school readiness through voluntary, high quality early learning opportunities as measured by: (A) Increasing the number and proportion of children kindergarten-ready as measured by the Washington kindergarten inventory of developing skills (WAKids) assessment including mathematics; (B) increasing the proportion of children in early learning programs that have achieved the level 3 or higher early achievers quality standard; and (C) increasing the available supply of licensed child care in ((~~both~~)) child care centers, outdoor nature-based child care, and family homes, including providers not receiving state subsidy;

(ii) Preventing child abuse and neglect;

(iii) Improving child and youth safety, permanency, and well-being as measured by: (A) Reducing the number of children entering out-of-home care; (B) reducing a child's length of stay in out-of-home care; (C) reducing maltreatment of youth while in out-of-home care; (D) licensing more foster homes than there are children in foster care; (E) reducing the number of children that reenter out-of-home care within twelve months; (F) increasing the stability of placements for children in out-of-home care; and (G) developing strategies to demonstrate to foster families that their service and

involvement is highly valued by the department, as demonstrated by the development of strategies to consult with foster families regarding future placement of a foster child currently placed with a foster family;

(iv) Improving reconciliation of children and youth with their families as measured by: (A) Increasing family reunification; and (B) increasing the number of youth who are reunified with their family of origin;

(v) In collaboration with county juvenile justice programs, improving adolescent outcomes including reducing multisystem involvement and homelessness; and increasing school graduation rates and successful transitions to adulthood for youth involved in the child welfare and juvenile justice systems;

(vi) Reducing future demand for mental health and substance use disorder treatment for youth involved in the child welfare and juvenile justice systems;

(vii) In collaboration with county juvenile justice programs, reducing criminal justice involvement and recidivism as measured by: (A) An increase in the number of youth who successfully complete the terms of diversion or alternative sentencing options; (B) a decrease in the number of youth who commit subsequent crimes; and (C) eliminating the discharge of youth from institutional settings into homelessness; and

(viii) Eliminating racial and ethnic disproportionality and disparities in system involvement and across child and youth outcomes in collaboration with other state agencies.

(4) Beginning July 1, 2018, the department must:

(a) Lead ongoing collaborative work to minimize or eliminate systemic barriers to effective, integrated services in collaboration with state agencies serving children, youth, and families;

(b) Identify necessary improvements and updates to statutes relevant to their responsibilities and proposing legislative changes to the governor no less than biennially;

(c) Help create a data-focused environment in which there are aligned outcomes and shared accountability for achieving those outcomes, with shared, real-time data that is accessible to authorized persons interacting with the family, child, or youth to identify what is needed and which services would be effective;

(d) Lead the provision of state services to adolescents, focusing on key transition points for youth, including exiting foster care and institutions, and coordinating with the office of homeless youth prevention and protection programs to address the unique needs of homeless youth; and

(e) Create and annually update a list of the rights and responsibilities of foster parents in partnership with foster parent representatives. The list of foster parent rights and responsibilities must be posted on the department's web site, provided to individuals participating in a foster parent orientation before licensure, provided to foster parents in writing at the time of licensure, and provided to foster parents applying for license renewal.

(5) The department is accountable to the public. To ensure transparency, beginning December 30, 2018, agency performance data for the services provided by the department, including outcome data for contracted services, must be available to the public, consistent with confidentiality laws, federal protections, and individual rights to privacy. Publicly available data must include budget and funding decisions, performance-based contracting data, including data for contracted services, and performance data on metrics identified in this section. The board must work with the secretary and director to develop the most effective and cost-efficient ways to make department data available to the public, including making this data readily available on the department's web site.

(6) The department shall ensure that all new and renewed contracts for services are performance-based.

(7) The department must execute all new and renewed contracts for services in accordance with this section and consistent with RCW 74.13B.020. When contracted services are managed through a network administrator or other third party, the department must execute data-sharing agreements with the entities managing the contracts to track provider performance measures. Contracts with

network administrators or other third parties must provide the contract administrator the ability to shift resources from one provider to another, to evaluate individual provider performance, to add or delete services in consultation with the department, and to reinvest savings from increased efficiencies into new or improved services in their catchment area. Whenever possible, contractor performance data must be made available to the public, consistent with confidentiality laws and individual rights to privacy.

(8)(a) The board shall begin its work and call the first meeting of the board on or after July 1, 2018. The board shall immediately assume the duties of the legislative children's oversight committee, as provided for in RCW 74.13.570 and assume the full functions of the board as provided for in this section by July 1, 2019. The office of innovation, alignment, and accountability shall provide quarterly updates regarding the implementation of the department to the board between July 1, 2018, and July 1, 2019.

(b) The office of the family and children's ombuds shall establish the board. The board is authorized for the purpose of monitoring and ensuring that the department achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with administrative acts, relevant statutes, rules, and policies pertaining to early learning, juvenile rehabilitation, juvenile justice, and children and family services.

(9)(a) The board shall consist of the following members:

(i) Two senators and two representatives from the legislature with one member from each major caucus;

(ii) One nonvoting representative from the governor's office;

(iii) One subject matter expert in early learning;

(iv) One subject matter expert in child welfare;

(v) One subject matter expert in juvenile rehabilitation and justice;

(vi) One subject matter expert in eliminating disparities in child outcomes by family income and race and ethnicity;

(vii) One tribal representative from west of the crest of the Cascade mountains;

(viii) One tribal representative from east of the crest of the Cascade mountains;

(ix) One current or former foster parent representative;

(x) One representative of an organization that advocates for the best interest of the child;

(xi) One parent stakeholder group representative;

(xii) One law enforcement representative;

(xiii) One child welfare caseworker representative;

(xiv) One early childhood learning program implementation practitioner;

(xv) One current or former foster youth under age twenty-five;

(xvi) One individual under age twenty-five with current or previous experience with the juvenile justice system;

(xvii) One physician with experience working with children or youth; and

(xviii) One judicial representative presiding over child welfare court proceedings or other children's matters.

(b) The senate members of the board shall be appointed by the leaders of the two major caucuses of the senate. The house of representatives members of the board shall be appointed by the leaders of the two major caucuses of the house of representatives. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(c) The remaining board members shall be nominated by the governor, subject to the approval of the appointed legislators by majority vote, and serve four-year terms. When nominating and approving members after July 28, 2019, the governor and appointed legislators must ensure that at least five of the board members reside east of the crest of the Cascade mountains.

(10) The board has the following powers, which may be exercised by majority vote of the board:

(a) To receive reports of the office of the family and children's ombuds;

(b) To obtain access to all relevant records in the possession of the office of the family and children's ombuds, except as prohibited by law;

(c) To select its officers and adoption of rules for orderly procedure;

(d) To request investigations by the office of the family and children's ombuds of administrative acts;

(e) To request and receive information, outcome data, documents, materials, and records from the department relating to children and family welfare, juvenile rehabilitation, juvenile justice, and early learning;

(f) To determine whether the department is achieving the performance measures;

(g) If final review is requested by a licensee, to review whether department licensors appropriately and consistently applied agency rules in ((~~child care facility licensing compliance agreements as defined in RCW 43.216.395~~)) inspection reports that do not involve a violation of health and safety standards as defined in RCW 43.216.395 in cases that have already been reviewed by the internal review process described in RCW 43.216.395 with the authority to overturn, change, or uphold such decisions;

(h) To conduct annual reviews of a sample of department contracts for services from a variety of program and service areas to ensure that those contracts are performance-based and to assess the measures included in each contract; and

(i) Upon receipt of records or data from the office of the family and children's ombuds or the department, the board is subject to the same confidentiality restrictions as the office of the family and children's ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also apply to the board.

(11) The board has general oversight over the performance and policies of the department and shall provide advice and input to the department and the governor.

(12) The board must no less than twice per year convene stakeholder meetings to allow feedback to the board regarding contracting with the department, departmental use of local, state, private, and federal funds, and other matters as relating to carrying out the duties of the department.

(13) The board shall review existing surveys of providers, customers, parent groups, and external services to assess whether the department is effectively delivering services, and shall conduct additional surveys as needed to assess whether the department is effectively delivering services.

(14) The board is subject to the open public meetings act, chapter 42.30 RCW, except to the extent disclosure of records or information is otherwise confidential under state or federal law.

(15) Records or information received by the board is confidential to the extent permitted by state or federal law. This subsection does not create an exception for records covered by RCW 13.50.100.

(16) The board members shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while conducting business of the board when authorized by the board and within resources allocated for this purpose, except appointed legislators who shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(17) The board shall select, by majority vote, an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director is exempt from the provisions of the state civil service law, chapter 41.06 RCW, and shall serve at the pleasure of the board established in this section.

(18) The board shall maintain a staff not to exceed one full-time equivalent employee. The board-selected executive director of the board is responsible for coordinating staff appointments.

(19) The board shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2019. The report must review the department's progress towards meeting stated performance measures and desired performance outcomes, and must also include a review of the department's strategic plan, policies, and rules.

(20) The definitions in this subsection apply throughout this section

unless the context clearly requires otherwise.

(a) "Board" means the oversight board for children, youth, and families established in subsection (8) of this section.

(b) "Director" means the director of the office of innovation, alignment, and accountability.

(c) "Performance-based contract" means results-oriented contracting that focuses on the quality or outcomes that tie at least a portion of the contractor's payment, contract extensions, or contract renewals to the achievement of specific measurable performance standards and requirements.

Sec. 5. RCW 43.216.020 and 2020 c 262 s 5 and 2020 c 90 s 4 are each reenacted and amended to read as follows:

(1) The department shall implement state early learning policy and coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide such care;

(f) To apply data already collected comparing the following factors and make recommendations to the legislature in a time frame which corresponds to the child care and development fund federal reporting requirements, regarding working connections subsidy and state-funded preschool rates and compensation models that would attract and retain high quality early learning professionals:

(i) State-funded early learning subsidy rates and market rates of licensed early learning homes ((~~and~~)), centers, and outdoor nature-based child care;

(ii) Compensation of early learning educators in licensed centers ((~~and~~)), homes, and outdoor nature-based child care, and early learning teachers at state higher education institutions;

(iii) State-funded preschool program compensation rates and Washington state head start program compensation rates; and

(iv) State-funded preschool program compensation to compensation in similar comprehensive programs in other states;

(g) To administer the early support for infants and toddlers program in RCW 43.216.580, serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA), and develop and adopt rules that establish minimum requirements for the services offered through Part C programs, including allowable allocations and expenditures for transition into Part B of the federal individuals with disabilities education act (IDEA);

(h) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(i) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(j) To work cooperatively and in coordination with the early learning council;

(k) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

(l) To develop and adopt rules for administration of the program of early learning established in RCW 43.216.555;

(m) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; and

(n) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(2) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(3) Home visiting services must include programs that serve families involved in the child welfare system.

(4) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

Sec. 6. RCW 43.216.085 and 2019 c 369 s 2 are each amended to read as follows:

(1) The department, in collaboration with tribal governments and community and statewide partners, shall implement a quality rating and improvement system, called the early achievers program. The early achievers program provides a foundation of quality for the early care and education system. The early achievers program is applicable to licensed or certified child care centers ((~~and homes~~)), family home child care, outdoor nature-based child care, and early learning programs such as working connections child care and early childhood education and assistance programs.

(2) The objectives of the early achievers program are to:

(a) Improve short-term and long-term educational outcomes for children as measured by assessments including, but not limited to, the Washington kindergarten inventory of developing skills in RCW 28A.655.080;

(b) Give parents clear and easily accessible information about the quality of child care and early education programs;

(c) Support improvement in early learning and child care programs throughout the state;

(d) Increase the readiness of children for school;

(e) Close the disparities in access to quality care;

(f) Provide professional development and coaching opportunities to early child care and education providers; and

(g) Establish a common set of expectations and standards that define, measure, and improve the quality of early learning and child care settings.

(3)(a) Licensed or certified child care centers ((~~and homes~~)), family home child care, and outdoor nature-based child care, serving nonschool-age children and receiving state subsidy payments, must participate in the early achievers program by the required deadlines established in RCW 43.216.135.

(b) Approved early childhood education and assistance program providers receiving state-funded support must participate in the early achievers program by the required deadlines established in RCW 43.216.515.

(c) Participation in the early achievers program is voluntary for:

(i) Licensed or certified child care centers ((~~and homes~~)), family home child care, and outdoor nature-based child care, not receiving state subsidy payments; and

(ii) Early learning programs not receiving state funds.

(d) School-age child care providers are exempt from participating in the

early achievers program. By July 1, 2017, the department and the office of the superintendent of public instruction shall jointly design a plan to incorporate school-age child care providers into the early achievers program or other appropriate quality improvement system. To test implementation of the early achievers system for school-age child care providers the department and the office of the superintendent of public instruction shall implement a pilot program.

(4)(a) There are five primary levels in the early achievers program.

(b) In addition to the primary levels, the department must establish an intermediate level that is between level 3 and level 4 and serves to assist participants in transitioning to level 4.

(c) Participants are expected to actively engage and continually advance within the program.

(5) The department has the authority to determine the rating cycle for the early achievers program. The department shall streamline and eliminate duplication between early achievers standards and state child care rules in order to reduce costs associated with the early achievers rating cycle and child care licensing.

(a) Early achievers program participants may request to be rated at any time after the completion of all level 2 activities.

(b) The department shall provide an early achievers program participant an update on the participant's progress toward completing level 2 activities after the participant has been enrolled in the early achievers program for fifteen months.

(c) The first rating is free for early achievers program participants.

(d) Each subsequent rating within the established rating cycle is free for early achievers program participants.

(6)(a) Early achievers program participants may request to be rerated outside the established rating cycle. A rerating shall reset the rating cycle timeline for participants.

(b) The department may charge a fee for optional rerating requests made by program participants that are outside the established rating cycle.

(c) Fees charged are based on, but may not exceed, the cost to the department for activities associated with the early achievers program.

(7)(a) The department must create a single source of information for parents and caregivers to access details on a provider's early achievers program rating level, licensing history, and other indicators of quality and safety that will help parents and caregivers make informed choices. The licensing history that the department must provide for parents and caregivers pursuant to this subsection shall only include license suspension, surrender, revocation, denial, stayed suspension, or reinstatement. No unfounded child abuse or neglect reports may be provided to parents and caregivers pursuant to this subsection.

(b) The department shall publish to the department's web site, or offer a link on its web site to, the following information:

(i) Early achievers program rating levels 1 through 5 for all child care programs that receive state subsidy, early childhood education and assistance programs, and federal head start programs in Washington; and

(ii) New early achievers program ratings within thirty days after a program becomes licensed or certified, or receives a rating.

(c) The early achievers program rating levels shall be published in a manner that is easily accessible to parents and caregivers and takes into account the linguistic needs of parents and caregivers.

(d) The department must publish early achievers program rating levels for child care programs that do not receive state subsidy but have voluntarily joined the early achievers program.

(e) Early achievers program participants who have published rating levels on the department's web site or on a link on the department's web site may include a brief description of their program, contingent upon the review and approval by the department, as determined by established marketing standards.

(8)(a) The department shall create a professional development pathway for

early achievers program participants to obtain a high school diploma or equivalency or higher education credential in early childhood education, early childhood studies, child development, or an academic field related to early care and education.

(b) The professional development pathway must include opportunities for scholarships and grants to assist early achievers program participants with the costs associated with obtaining an educational degree.

(c) The department shall address cultural and linguistic diversity when developing the professional development pathway.

(9) The early achievers quality improvement awards shall be reserved for participants offering programs to an enrollment population consisting of at least five percent of children receiving a state subsidy.

(10) In collaboration with tribal governments, community and statewide partners, and the early achievers review subcommittee created in RCW 43.216.075, the department shall develop a protocol for granting early achievers program participants an extension in meeting rating level requirement timelines outlined for the working connections child care program and the early childhood education and assistance program.

(a) The department may grant extensions only under exceptional circumstances, such as when early achievers program participants experience an unexpected life circumstance.

(b) Extensions shall not exceed six months, and early achievers program participants are only eligible for one extension in meeting rating level requirement timelines.

(c) Extensions may only be granted to early achievers program participants who have demonstrated engagement in the early achievers program.

(11)(a) The department shall accept national accreditation that meets the requirements of this subsection (11) as a qualification for the early achievers program ratings.

(b) Each national accreditation agency will be allowed to submit its most current standards of accreditation to establish potential credit earned in the early achievers program. The department shall grant credit to accreditation bodies that can demonstrate that their standards meet or exceed the current early achievers program standards. By December 1, 2019, and subject to the availability of amounts appropriated for this specific purpose, the department must submit a detailed plan to the governor and the legislature to implement a robust cross-accreditation process with multiple pathways that allows a provider to earn equivalent early achievers credit resulting from accreditation by high quality national organizations.

(c) Licensed child care centers ((~~and~~)), child care home providers, and outdoor nature-based child care must meet national accreditation standards approved by the department for the early achievers program in order to be granted credit for the early achievers program standards. Eligibility for the early achievers program is not subject to bargaining, mediation, or interest arbitration under RCW 41.56.028, consistent with the legislative reservation of rights under RCW 41.56.028(4)(d).

(12) The department shall explore the use of alternative quality assessment tools that meet the culturally specific needs of the federally recognized tribes in the state of Washington.

(13) A child care or early learning program that is operated by a federally recognized tribe and receives state funds shall participate in the early achievers program. The tribe may choose to participate through an interlocal agreement between the tribe and the department. The interlocal agreement must reflect the government-to-government relationship between the state and the tribe, including recognition of tribal sovereignty. The interlocal agreement must provide that:

(a) Tribal child care facilities and early learning programs may volunteer, but are not required, to be licensed by the department;

(b) Tribal child care facilities and early learning programs are not required to have their early achievers program rating level published to the department's web site or through a link on the department's web site; and

(c) Tribal child care facilities and early learning programs must provide notification to parents or guardians who apply for or have been admitted into their program that early achievers program rating level information is available and provide the parents or guardians with the program's early achievers program rating level upon request.

(14) The department shall consult with the early achievers review subcommittee on all substantial policy changes to the early achievers program.

(15) Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs under RCW 41.56.028(4)(d).

Sec. 7. RCW 43.216.087 and 2019 c 369 s 5 are each amended to read as follows:

(1)(a) The department shall, in collaboration with tribal governments and community and statewide partners, implement a protocol to maximize and encourage participation in the early achievers program for culturally diverse and low-income center ((~~and~~)), family home, and outdoor nature-based child care providers. Amounts appropriated for the encouragement of culturally diverse and low-income center ((~~and~~)), family home, and outdoor nature-based child care provider participation shall be appropriated separately from the other funds appropriated for the department, are the only funds that may be used for the protocol, and may not be used for any other purposes. Funds appropriated for the protocol shall be considered an ongoing program for purposes of future departmental budget requests.

(b) The department shall prioritize the resources authorized in this section to assist providers in the early achievers program to help them reach a rating of level 3 or higher wherever access to subsidized care is at risk.

(2) The protocol should address barriers to early achievers program participation and include at a minimum the following:

(a) The creation of a substitute pool;

(b) The development of needs-based grants for providers in the early achievers program who demonstrate a need for assistance to improve program quality. Needs-based grants may be used for environmental improvements of early learning facilities; purchasing curriculum development, instructional materials, supplies, and equipment; and focused infant-toddler improvements. Priority for the needs-based grants shall be given to culturally diverse and low-income providers;

(c) The development of materials and assessments in a timely manner, and to the extent feasible, in the provider and family home languages; and

(d) The development of flexibility in technical assistance and coaching structures to provide differentiated types and amounts of support to providers based on individual need and cultural context.

Sec. 8. RCW 43.216.089 and 2020 c 262 s 3 are each amended to read as follows:

(1) By December 15, 2020, the department, in consultation with the statewide child care resource and referral network, and the early achievers review subcommittee of the early learning advisory council, shall submit, in compliance with RCW 43.01.036, a final report to the governor and the legislature regarding providers' progress in the early achievers program. The report must include the following elements:

(a) The number, and relative percentage, of family child care, outdoor nature-based child care, and center providers who have enrolled in the early achievers program and who have:

(i) Completed the level 2 activities;

(ii) Completed rating readiness consultation and are waiting to be rated;

(iii) Achieved the required rating level to remain eligible for state-funded support under the early childhood education and assistance program or a subsidy under the working connections child care subsidy program;

(iv) Not achieved the required rating level initially but qualified for and are working through intensive targeted support in preparation for a partial rerate outside the standard rating cycle;

(v) Not achieved the required rating level initially and engaged in remedial

activities before successfully achieving the required rating level;

(vi) Not achieved the required rating level after completing remedial activities; or

(vii) Received an extension from the department based on exceptional circumstances pursuant to RCW 43.216.085;

(b) A review of the services available to providers and children from diverse racial, ethnic, and cultural backgrounds;

(c) An examination of the effectiveness of efforts to increase successful participation by providers serving children and families from diverse racial, ethnic, and cultural backgrounds and providers who serve children from low-income households;

(d) A description of the primary obstacles and challenges faced by providers who have not achieved the required rating level to remain eligible to receive:

(i) A subsidy under the working connections child care program; or

(ii) State-funded support under the early childhood education and assistance program;

(e) A summary of the types of exceptional circumstances for which the department has granted an extension pursuant to RCW 43.216.085;

(f) The average amount of time required for providers to achieve local level milestones within each level of the early achievers program;

(g) To the extent data is available, an analysis of the distribution of early achievers program-rated facilities in relation to child and provider demographics, including but not limited to race and ethnicity, home language, and geographical location;

(h) Recommendations for improving access for children from diverse racial, ethnic, and cultural backgrounds to providers rated at a level 3 or higher in the early achievers program;

(i) Recommendations for improving the early achievers program standards;

(j) An analysis of any impact from quality strengthening efforts on the availability and quality of infant and toddler care;

(k) The number of contracted slots that use both early childhood education and assistance program funding and working connections child care program funding;

(l) An analysis of the impact of increased regulations on the cost of child care; and

(m) A description of the early childhood education and assistance program implementation to include the following:

(i) Progress on early childhood education and assistance program implementation as required pursuant to RCW 43.216.515, 43.216.525, and 43.216.555;

(ii) An examination of the regional distribution of new preschool programming by school district;

(iii) An analysis of the impact of preschool expansion on low-income neighborhoods and communities;

(iv) Recommendations to address any identified barriers to access to quality preschool for children living in low-income neighborhoods;

(v) An analysis of any impact of extended day early care and education opportunities directives;

(vi) An examination of any identified barriers for providers to offer extended day early care and education opportunities;

(vii) An analysis of the demand for full-day programming for early childhood education and assistance program providers required under RCW 43.216.515; and

(viii) To the extent data is available, an analysis of the racial, ethnic, and cultural diversity of early childhood education and assistance program providers and participants.

(2) The elements required to be reported under subsection (1)(a) of this section must be reported at the county level, and for those counties with a population of five hundred thousand and higher, the data must be reported at the zip code level.

(3) If, based on information in an annual report submitted in 2018 or later

under this section, fifteen percent or more of the licensed or contracted providers who are participating in the early achievers program in a county or in a single zip code have not achieved the rating levels under RCW 43.216.135 and 43.216.515, the department must:

(a) Analyze the reasons providers in the affected counties or zip codes have not attained the required rating levels; and

(b) Develop a plan to mitigate the effect on the children and families served by these providers. The plan must be submitted to the legislature as part of the final report described in subsection (1) of this section along with any recommendations for legislative action to address the needs of the providers and the children and families they serve.

(4)(a) Beginning December 1, 2020, the department, in collaboration with the statewide child care resource and referral network, shall make available on its public web site, in a consumer-friendly format, the following elements:

(i) The number, and relative percentage, of family child care and center child care providers who have enrolled in the early achievers program and who have:

(A) Submitted their request for on-site evaluation and are waiting to be rated; and

(B) Achieved the required rating level to remain eligible for state-funded support under the early childhood education and assistance program or a subsidy under the working connections child care subsidy program;

(ii) The distribution of early childhood education and assistance program programming by school district; and

(iii) Indicators of supply and demand at the local level, as well as identification of regions or areas in which there are insufficient numbers of child care facilities using nationally developed methodology.

(b) The elements required to be made available under (a)(i) of this subsection (4) must be made available at the county level, and for those counties with a population of five hundred thousand and higher, the data must be reported at the zip code level.

(c) To the extent data are available, the elements required to be reported under (a)(ii) and (iii) of this subsection (4) must be updated at a minimum of a quarterly basis on the department's public web site.

(d) If in any individual state fiscal year, based on information reported in (a)(ii) and (iii) of this subsection (4), fifteen percent or more of the licensed or contracted providers who are participating in the early achievers program in a county or in a single zip code have not achieved the rating levels required under RCW 43.216.135 and 43.216.515, the department must:

(i) Analyze the reasons providers in the affected counties or zip codes have not attained the required rating levels; and

(ii) Develop a plan to mitigate the effect on the children and families served by these providers. The plan must be submitted to the legislature by November 1st of the year following the state fiscal year in question, along with any recommendations for legislative action to address the needs of the providers and the children and families they serve.

(5) Beginning September 15, 2021, and each odd-numbered year thereafter, the department shall submit a report to the governor and the legislature outlining the availability and quality of services available to early learning providers and children from diverse racial, ethnic, and cultural backgrounds and from low-income neighborhoods and communities. The report must include the following elements:

(a) To the extent data is available, an analysis of the racial, ethnic, and linguistic diversity of early childhood education and assistance program providers and participants, and the providers and participants of working connections child care;

(b) A review of the services available to providers and children from diverse racial, ethnic, and cultural backgrounds;

(c) An examination of the effectiveness of efforts to increase and maintain successful participation by providers serving children and families from diverse racial, ethnic, and linguistic backgrounds and providers who

serve children from low-income households;

(d) To the extent data is available, the distribution of early achievers program-rated facilities by child and provider demographics, including but not limited to race and ethnicity, home language, and geographical location;

(e) Recommendations for improving and maintaining access for children from diverse racial, ethnic, and cultural backgrounds to providers rated at a level 3 or higher in the early achievers program;

(f) Recommendations to address any identified barriers to access to high-quality preschool for children living in low-income neighborhoods;

(g) An examination of expulsion rates of children from diverse racial, ethnic, and diverse cultural backgrounds and from low-income neighborhoods and communities; and

(h) An analysis of how early learning providers and families from diverse racial, ethnic, and cultural backgrounds and from low-income neighborhoods and communities have influenced or participated in the department's early learning plans and implementation strategies.

(6) Beginning September 15, 2022, and each even-numbered year thereafter, the department shall submit a report to the governor and the legislature on the availability of supports to providers and their effectiveness at improving quality. The report must include the following elements:

(a) An analysis of the effectiveness of recruitment efforts for new and returning high-quality early learning providers and programs;

(b) An analysis of the effectiveness of quality improvement tools and incentives on the retention and quality improvement of early learning professionals;

(c) An analysis of the supply of high-quality subsidized early learning. This analysis must include:

(i) An examination of the trend in supply of early learning providers and workers;

(ii) A description of the primary obstacles and challenges faced by providers who have not achieved the required early achievers rating level to remain eligible to receive a subsidy under the working connections child care program or state-funded support under the early childhood education and assistance program;

(iii) The number, and relative percentage, of family child care and center providers who have enrolled in the early achievers program and who have:

(A) Not achieved the required rating level initially but qualified for and are working through intensive targeted support in preparation for a partial rerate outside the standard rating cycle;

(B) Not achieved the required rating level initially and engaged in remedial activities before successfully achieving the required rating level;

(C) Not achieved the required rating level after completing remedial activities; or

(D) Received an extension from the department based on exceptional circumstances pursuant to RCW 43.216.085; and

(iv) Recommendations for improving retention and reducing barriers to entry for early learning providers;

(d) The average amount of time required for providers to achieve local level milestones within each level of the early achievers program;

(e) A summary of the types of exceptional circumstances for which the department has granted an extension to early achievers rating milestones pursuant to RCW 43.216.085;

(f) An analysis of the availability and quality of infant and toddler care; and

(g) An examination of any identified barriers that discourage providers from offering extended day early care and education opportunities.

(7) The information to be disclosed or shared under this section must not include sensitive personal information of in-home caregivers for vulnerable populations as defined in RCW 42.56.640, and must not include any other information protected from disclosure under state or federal law.

Sec. 9. RCW 43.216.250 and 2018 c 58 s 70 are each amended to read as follows:

It shall be the secretary's duty with regard to licensing under this chapter:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities or outdoor locations for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2)(a) In consultation with the state fire marshal's office, the secretary shall use an interagency process to address health and safety requirements for child care programs that serve school-age children and are operated in buildings that contain public or private schools that safely serve children during times in which school is in session;

(b) Any requirements in (a) of this subsection as they relate to the physical facility, including outdoor playgrounds, do not apply to before-school and after-school programs that serve only school-age children and operate in the same facilities used by public or private schools;

(3) In consultation and with the advice and assistance of parents or guardians, and persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter;

(4) In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in child care;

(5) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person;

(6) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of child care that an agency is authorized to render and the ages and number of children to be served;

(7) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

(8) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

(9) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child care requirements; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

Sec. 10. RCW 43.216.255 and 2015 3rd sp.s. c 7 s 3 are each amended to read as follows:

(1) No later than November 1, 2016, the department shall implement a single set of licensing standards for child care and the early childhood education and assistance program. The department shall produce the single set of licensing standards within the department's available appropriations. The new licensing standards must:

(a) Provide minimum ((~~health and safety standards~~)) licensing requirements for child care and preschool programs;

(b) Rely on the standards established in the early achievers program to address quality issues in participating early childhood programs;

(c) Take into account the separate needs of family care providers, outdoor nature-based child care providers, and child care centers; and

(d) Promote the continued safety of child care settings.

(2) Private schools that operate early learning programs and do not receive state subsidy payments shall be subject ((~~only~~)) to the minimum health and safety standards ((~~in subsection (1)(a) of this section~~)) as defined in RCW 43.216.395(2)(b), the health and safety requirements under chapter 28A.195 RCW, and the requirements necessary to assure a sufficient early childhood education to meet usual requirements needed for transition into elementary school. The state, and any agency thereof, shall not restrict or dictate any specific educational or other programs for early learning programs operated by private schools except for programs that receive state subsidy payments.

Sec. 11. RCW 43.216.260 and 2007 c 415 s 4 are each amended to read as follows:

Applications for licensure shall require, at a minimum, the following information:

(1) The size and suitability of a facility or location for an outdoor nature-based child care program, and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(2) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children;

(3) The number of qualified persons required to render the type of care for which an agency seeks a license;

(4) ((~~The~~)) To provide for the comfort, care, and well-being of children, information about the health, safety, cleanliness, and general adequacy of the premises ((~~to provide for the comfort, care, and well-being of children~~)), including the real property and premises for an outdoor nature-based child care program;

(5) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;

(6) The financial ability of an agency to comply with minimum requirements established under this chapter; and

(7) The maintenance of records pertaining to the care of children.

Sec. 12. RCW 43.216.271 and 2017 3rd sp.s. c 6 s 207 are each amended to read as follows:

Subject to appropriation, the department shall maintain an individual-based or portable background check clearance registry. Any individual seeking a child care license or employment in any child care facility or outdoor nature-based child care program licensed or regulated under current law shall submit a background application on a form prescribed by the department in rule.

Sec. 13. RCW 43.216.280 and 2006 c 265 s 303 are each amended to read as follows:

Licensed child day care centers and outdoor nature-based child care providers shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW.

Sec. 14. RCW 43.216.305 and 2020 c 343 s 5 are each amended to read as follows:

(1) Each agency shall make application for a license or the continuation of a full license to the department ((~~on forms~~)) using a method prescribed by the department. Upon receipt of such application, the department shall either grant or deny a license or continuation of a full license within ninety days. A license or continuation shall be granted if the agency meets the minimum requirements set forth in this chapter and the departmental requirements consistent with this chapter, except that an initial license may be issued as provided in RCW 43.216.315. The department shall consider whether an agency is in good standing, as defined in subsection (4)(b) of this section, before granting a continuation of a full license. Full licenses provided for in this chapter shall continue to remain valid so long as the licensee meets the requirements for a nonexpiring license in subsection (2) of this section and may be transferred to a new licensee in the event of a transfer of ownership of a child care operation. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter applies only to the licensee and the location stated in the application.

For licensed family day care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move.

(2) In order to qualify for a nonexpiring full license, a licensee must meet the following requirements on an annual basis as established from the date of initial licensure:

(a) Submit the annual licensing fee;

(b) Submit a declaration to the department indicating the licensee's intent to continue operating a licensed child care program, or the intent to cease operation on a date certain;

(c) Submit a declaration of compliance with all licensing rules; and

(d) ((~~Submit~~)) For all current employees of the agency and as defined by department rule, submit background check applications into the department's electronic workforce registry on the schedule established by the department.

(3) If a licensee fails to meet the requirements in subsection (2) of this section for continuation of a full license the license expires and the licensee must submit a new application for licensure under this chapter.

(4)(a) Nothing about the nonexpiring license process may interfere with the department's established monitoring practice.

(b) For the purpose of this section, an agency is considered to be in good standing if in the intervening period between monitoring visits the agency does not have any of the following:

(i) Valid complaints;

(ii) A history of noncompliance related to those valid complaints or pending from prior monitoring visits; or

(iii) Other information that when evaluated would result in a finding of noncompliance with this section.

(c) The department shall consider whether an agency is in good standing when determining the most appropriate approach and process for monitoring visits, for the purposes of administrative efficiency while protecting children, consistent with this chapter. If the department determines that an agency is not in good standing, the department may issue a probationary license, as provided in RCW 43.216.320.

Sec. 15. RCW 43.216.325 and 2018 c 58 s 38 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to this chapter may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of this chapter or the requirements adopted pursuant to this chapter; or (b) that the conditions required for the issuance of a license under this chapter have ceased to exist with respect to such licenses. RCW 43.216.327 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(3)(a) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under this chapter or that an agency subject to licensing under this chapter is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home.

(b) Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance.

(c) Civil monetary penalties shall not exceed one hundred fifty dollars per violation for a family day care home and two hundred fifty dollars per violation for child day care centers or outdoor nature-based child care programs. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(d) The department shall provide a notification period before a monetary penalty is effective and may forgive the

penalty levied if the agency comes into compliance during this period.

(e) The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. RCW 43.216.335 governs notice of a civil monetary penalty and provides the right to an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

(4)(a) In addition to or in lieu of an enforcement action being taken, the department may place a child day care center, outdoor nature-based child care provider, or family day care provider on nonreferral status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status may continue until the department determines that: (i) No enforcement action is appropriate; or (ii) a corrective action plan has been successfully concluded.

(b) Whenever a child day care center, outdoor nature-based child care provider, or family day care provider is placed on nonreferral status, the department shall provide written notification to the child day care center, outdoor nature-based child care provider, or family day care provider.

(5) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to: (a) Take an enforcement action against a child day care center, outdoor nature-based child care provider, or family day care provider; or (b) place or remove a child day care center, outdoor nature-based child care provider, or family day care provider on nonreferral status.

Sec. 16. RCW 43.216.340 and 2014 c 9 s 1 are each amended to read as follows:

(1) Before requiring any alterations to a child care facility due to inconsistencies with requirements in chapter 19.27 RCW, the department shall:

(a) Consult with the city or county enforcement official; and

(b) Receive written verification from the city or county enforcement official that the alteration is required.

(2) The department's consultation with the city or county enforcement official is limited to licensed child care space.

(3) Unless there is imminent danger to children or staff, the department may not modify, suspend, or revoke a child care license or business activities while the department is waiting to:

(a) Consult with the city or county enforcement official under subsection (1)(a) of this section; or

(b) Receive written verification from the city or county enforcement official that the alteration is required under subsection (1)(b) of this section.

(4) For the purposes of this section, "child care facility" means a family day care home, school-age care, outdoor nature-based child care, and child day care center.

Sec. 17. RCW 43.216.360 and 2011 c 296 s 3 are each amended to read as follows:

When the department suspects that an agency is providing child care services without a license, it shall send notice to that agency within ten days. The notice shall include, but not be limited to, the following information:

(1) That a license is required and the reasons why;

(2) That the agency is suspected of providing child care without a license;

(3) That the agency must immediately stop providing child care until the agency becomes licensed;

(4) That the department can issue a penalty of one hundred fifty dollars per day for each day a family day care home provided care without being licensed and two hundred fifty dollars for each day a child day care center or outdoor nature-based child care provider provided care without being licensed;

(5) That if the agency does not initiate the licensing process within thirty days of the date of the notice, the department will post on its web site that the agency is providing child care without a license.

Sec. 18. RCW 43.216.395 and 2017 3rd sp.s. c 6 s 114 are each amended to read as follows:

(1) The department shall develop an internal review process to determine

whether department licensors have appropriately and consistently applied agency rules in ((~~child care facility licensing compliance agreements~~)) inspection reports that do not involve a violation of health and safety standards. Adverse licensing decisions including license denial, suspension, revocation, modification, or nonrenewal pursuant to RCW 43.216.325 or imposition of civil fines pursuant to RCW 43.216.335 are not subject to the internal review process in this section, but may be appealed using the administrative procedure act, chapter 34.05 RCW.

(2) The definitions in this subsection apply throughout this section.

(a) "Child care facility licensing compliance agreement" means an agreement issued by the department in lieu of the department taking enforcement action against a child care provider that contains: (i) A description of the violation and the rule or law that was violated; (ii) a statement from the licensee regarding the proposed plan to comply with the rule or law; (iii) the date the violation must be corrected; (iv) information regarding other licensing action that may be imposed if compliance does not occur by the required date; and (v) the signature of the licensor and licensee or the licensee's delegate.

(b) "Health and safety standards" means rules or requirements developed by the department to protect the health and safety of children against ((~~substantial~~)) risk of bodily, mental, or psychological injury, harm, illness, or death.

(3) The internal review process shall be conducted by the following six individuals:

(a) Three department employees who may include child care licensors; and

(b) Three child care providers selected by the department from names submitted by the oversight board for children, youth, and families established in RCW 43.216.015.

(4) The internal review process established in this section may overturn, change, or uphold a department licensing decision by majority vote. In the event that the six individuals conducting the internal review process are equally divided, the secretary or the secretary's designee shall make the decision of the internal review process. The internal review process must provide the parties with a written decision of the outcome after completion of the internal review process. A licensee must request a review under the internal review process within ten days of the development of ((~~a child care facility licensing compliance agreement~~)) an inspection report and the internal review process must be completed within ((~~thirty~~)) sixty days after the request from the licensee to initiate the internal review process is received.

(5) A licensee may request a final review by the oversight board for children, youth, and families after completing the internal review process established in this section by giving notice to the department and the oversight board for children, youth, and families within ten days of receiving the written decision produced by the internal review process.

((~~(6) The department shall not develop a child care facility licensing compliance agreement with a child care provider for first-time violations of rules that do not relate to health and safety standards and that can be corrected on the same day that the violation is identified. The department shall develop a procedure for providing a warning and offering technical assistance to providers in response to these first-time violations.~~))

Sec. 19. RCW 43.216.515 and 2020 c 321 s 1 are each amended to read as follows:

(1) Approved early childhood education and assistance programs shall receive state-funded support through the department. Public or private organizations including, but not limited to, school districts, educational service districts, community and technical colleges, local governments, or nonprofit organizations, are eligible to participate as providers of the state early childhood education and assistance program.

(2) Funds obtained by providers through voluntary grants or contributions from individuals, agencies, corporations, or organizations may be used to expand or enhance preschool programs so long as program standards established by the department are maintained.

(3) Persons applying to conduct the early childhood education and assistance

program shall identify targeted groups and the number of children to be served, program components, the qualifications of instructional and special staff, the source and amount of grants or contributions from sources other than state funds, facilities and equipment support, and transportation and personal care arrangements.

(4) A new early childhood education and assistance program provider must complete the requirements in this subsection to be eligible to receive state-funded support under the early childhood education and assistance program:

(a) Enroll in the early achievers program within thirty days of the start date of the early childhood education and assistance program contract;

(b)(i) Except as provided in (b)(ii) of this subsection, rate at a level 4 or 5 in the early achievers program within twenty-four months of enrollment. If an early childhood education and assistance program provider rates below a level 4 within twenty-four months of enrollment, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 4 or 5 within twelve months of beginning remedial activities.

(ii) Licensed or certified child care centers ((~~and homes~~)), family home providers, and outdoor nature-based child care providers that administer an early childhood education and assistance program shall rate at a level 4 or 5 in the early achievers program within twenty-four months of the start date of the early childhood education and assistance program contract. If an early childhood education and assistance program provider rates below a level 4 within twenty-four months, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 4 or 5 within twelve months of beginning remedial activities.

(5)(a) If an early childhood education and assistance program provider has successfully completed all of the required early achievers program activities and is waiting to be rated by the deadline provided in this section, the provider may continue to participate in the early achievers program as an approved early childhood education and assistance program provider and receive state subsidy pending the successful completion of a level 4 or 5 rating.

(b) To avoid disruption, the department may allow for early childhood education and assistance program providers who have rated below a level 4 after completion of the twelve-month remedial period to continue to provide services until the current school year is finished.

(c)(i) If the early childhood education and assistance program provider described under subsection (4)(b)(i) or (ii) of this section does not rate or request to be rated at a level 4 or 5 following the remedial period, the provider is not eligible to receive state-funded support under the early childhood education and assistance program under this section.

(ii) If the early childhood education and assistance program provider described under subsection (4)(b)(i) or (ii) of this section does not rate at a level 4 or 5 when the rating is released following the remedial period, the provider is not eligible to receive state-funded support under the early childhood education and assistance program under this section.

(6)(a) When an early childhood education and assistance program in good standing changes classroom locations to a comparable or improved space within the same facility, or to a comparable or improved outdoor location for an outdoor nature-based child care, a rerating is not required outside of the regular rerating and renewal cycle.

(b) When an early childhood education and assistance program in good standing moves to a new facility, or to a new outdoor location for an outdoor nature-based child care, the provider must notify the department of the move within six months of changing locations in order to retain their existing rating. The early achievers program must conduct an observational visit to ensure the new classroom space is of comparable or improved environmental quality. If a provider fails to notify the department within six months of a move, the early achievers rating must be changed from the posted rated level to "Participating, Not Yet Rated" and the provider will cease to receive tiered reimbursement incentives until a new rating is completed.

(7) The department shall collect data periodically to determine the demand for

full-day programming for early childhood education and assistance program providers. The department shall analyze this demand by geographic region and shall include the findings in the annual report required under RCW 43.216.089.

(8) The department shall develop multiple pathways for licensed or certified child care centers and homes to administer an early childhood education and assistance program. The pathways shall include an accommodation for these providers to rate at a level 4 or 5 in the early achievers program according to the timelines and standards established in subsection (4)(b)(ii) of this section. The department must consider using the intermediate level that is between level 3 and level 4 as described in RCW 43.216.085, incentives, and front-end funding in order to encourage providers to participate in the pathway.

Sec. 20. RCW 43.216.530 and 2015 3rd sp.s. c 7 s 10 are each amended to read as follows:

The department shall review applications from public or private organizations for state funding of early childhood education and assistance programs. The department shall consider local community needs, demonstrated capacity, and the need to support a mixed delivery system of early learning that includes alternative models for delivery including licensed centers, outdoor nature-based child care providers, and licensed family child care providers when reviewing applications.

Sec. 21. RCW 43.216.650 and 2015 c 199 s 1 are each amended to read as follows:

(1) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition.

(2)(a) The department shall conduct a child fatality review if a child fatality occurs in an early learning program described in RCW ((~~43.215.400 through 43.215.450~~)) 43.216.500 through 43.216.550 or a licensed child care center, licensed outdoor nature-based child care, or a licensed child care home.

(b) The department shall convene a child fatality review committee and determine the membership of the review committee. The committee shall comprise individuals with appropriate expertise, including but not limited to experts from outside the department with knowledge of early learning licensing requirements and program standards, a law enforcement officer with investigative experience, a representative from a county or state health department, and a child advocate with expertise in child fatalities. The department shall invite one parent or guardian for membership on the child fatality review committee who has had a child die in a child care setting. The department shall ensure that the fatality review team is made up of individuals who had no previous involvement in the case.

(c) The department shall allow the parents or guardians whose child's death is being reviewed to testify before the child fatality review committee.

(d) The primary purpose of the fatality review shall be the development of recommendations to the department and legislature regarding changes in licensing requirements, practice, or policy to prevent fatalities and strengthen safety and health protections for children.

(e) Upon conclusion of a child fatality review required pursuant to this section, the department shall, within one hundred eighty days following the fatality, issue a report on the results of the review, unless an extension has been granted by the governor. Reports must be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section must be posted and maintained. A child fatality review report completed pursuant to this section is subject to public disclosure and must be posted on the public web site, except that confidential information may be redacted by the department consistent with the requirements of RCW 13.50.100, 68.50.105, and 74.13.500 through 74.13.525, chapter 42.56 RCW, and other applicable state and federal laws.

(3) The department shall consult with the office of the family and children's ombuds to determine if a review should be conducted in the case of a near child fatality that occurs in an early learning program described in RCW ((~~43.215.400 through 43.215.450~~)) 43.216.500 through 43.216.550 or licensed child care center, licensed outdoor nature-based child care, or licensed child care home.

(4) In any review of a child fatality or near fatality, the department and the fatality review team must have access to all records and files regarding the child or that are otherwise relevant to the review and that have been produced or retained by the early education and assistance program provider or licensed child care center, licensed outdoor nature-based child care, or licensed family home provider.

(5) The child fatality review committee shall coordinate with local law enforcement to ensure that the fatality or near fatality review does not interfere with any ongoing or potential criminal investigation.

(6)(a) A child fatality or near fatality review completed pursuant to this section is subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting a child fatality or near fatality review, or member of a child fatality or near fatality review team, may not be examined in a civil or administrative proceeding regarding the following:

(i) The work of the child fatality or near fatality review team;

(ii) The incident under review;

(iii) The employee's or member's statements, deliberations, thoughts, analyses, or impressions relating to the work of the child fatality or near fatality review team or the incident under review; or

(iv) Statements, deliberations, thoughts, analyses, or impressions of any other member of the child fatality or near fatality review team, or any person who provided information to the child fatality or near fatality review team, relating to the work of the child fatality or near fatality review team or the incident under review.

(c) Documents prepared by or for a child fatality or near fatality review team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a child fatality or near fatality review, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by a child fatality or near fatality review team. A person is not unavailable as a witness merely because the person has been interviewed by or has provided a statement for a child fatality or near fatality review, but if called as a witness, a person may not be examined regarding the person's interactions with the child fatality or near fatality review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section may not be construed as restricting a person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(d) The restrictions in this section do not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with a minor's death or near fatality reviewed by a child fatality or near fatality review team.

(7) The department shall develop and implement procedures to carry out the requirements of this section.

(8) Nothing in this section creates a duty for the office of the family and children's ombuds under RCW 43.06A.030 as related to children in the care of an early learning program described in RCW ((~~43.215.400 through 43.215.450~~)) 43.216.500 through 43.216.550, a licensed child care center, a licensed outdoor nature-based child care, or a licensed child care home.

Sec. 22. RCW 43.216.660 and 2017 3rd sp.s. c 6 s 212 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. The availability of quality, affordable child care is a concern for working parents, the costs of care are often beyond the resources of working

parents, and child care facilities are not located conveniently to workplaces and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, ((~~mini-centers~~)) outdoor nature-based child care, centers, and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry through the department.

Sec. 23. RCW 43.216.685 and 2013 c 23 s 99 are each amended to read as follows:

(1) The department shall establish and maintain a toll-free telephone number, and an interactive web-based system through which persons may obtain information regarding child day care centers, outdoor nature-based child care providers, and family day care providers. This number shall be available twenty-four hours a day for persons to request information. The department shall respond to recorded messages left at the number within two business days. The number shall be published in reasonably available printed and electronic media. The number shall be easily identifiable as a number through which persons may obtain information regarding child day care centers and family day care providers as set forth in this section.

(2) Through the toll-free telephone line established by this section, the department shall provide information to callers about: (a) Whether a day care provider is licensed; (b) whether a day care provider's license is current; (c) the general nature of any enforcement against the providers; (d) how to report suspected or observed noncompliance with licensing requirements; (e) how to report alleged abuse or neglect in a day care; (f) how to report health, safety, and welfare concerns in a day care; (g) how to receive follow-up assistance, including information on the office of the family and children's ombuds; and (h) how to receive referral information on other agencies or entities that may be of further assistance to the caller.

(3) ((~~Beginning in January 2006, the~~)) The department shall print the toll-free number established by this section on the face of new licenses issued to child day care centers, outdoor nature-based child care providers, and family day care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

Sec. 24. RCW 43.216.687 and 2007 c 415 s 6 are each amended to read as follows:

(1) Every child day care center, outdoor nature-based child care provider, and family day care provider shall prominently post the following items, clearly visible to parents and staff:

(a) The license issued under this chapter;

(b) The department's toll-free telephone number established by RCW ((~~43.215.520~~)) 43.216.685;

(c) The notice of any pending enforcement action. The notice must be posted immediately upon receipt. The notice must be posted for at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(d) A notice that inspection reports and any notices of enforcement actions for the previous three years are available from the licensee and the department; and

(e) Any other information required by the department.

(2) The department shall disclose the receipt, general nature, and resolution or current status of all complaints on

record with the department after July 24, 2005, against a child day care center or family day care provider that result in an enforcement action. Information may be posted:

(a) On a web site; or

(b) In a physical location that is easily accessed by parents and potential employers.

(3) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

Sec. 25. RCW 43.216.689 and 2007 c 415 s 7 are each amended to read as follows:

(1) Every child day care center, outdoor nature-based child care provider, and family day care provider shall have readily available for review by the department, parents, and the public a copy of each inspection report and notice of enforcement action received by the center or provider from the department for the past three years. This subsection only applies to reports and notices received on or after July 24, 2005.

(2) The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day care centers, outdoor nature-based child care providers, and family day care providers. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(3) The department may make available on a publicly accessible web site all inspection reports and notices of licensing actions, including the corrective measures required or taken, involving child day care centers, outdoor nature-based child care providers, and family day care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

Sec. 26. RCW 43.216.690 and 2019 c 362 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, ((~~a~~)) child day care ((~~center~~)) centers and outdoor nature-based child care providers licensed under this chapter may not allow on the premises an employee or volunteer, who has not provided the child day care center or outdoor nature-based child care provider with:

(a) Immunization records indicating that he or she has received the measles, mumps, and rubella vaccine; or

(b) Proof of immunity from measles through documentation of laboratory evidence of antibody titer or a health care provider's attestation of the person's history of measles sufficient to provide immunity against measles.

(2)(a) The child day care center and outdoor nature-based child care provider may allow a person to be employed or volunteer on the premises for up to thirty calendar days if he or she signs a written attestation that he or she has received the measles, mumps, and rubella vaccine or is immune from measles, but requires additional time to obtain and provide the records required in subsection (1)(a) or (b) of this section.

(b) The child day care center and outdoor nature-based child care provider may allow a person to be employed or volunteer on the premises if the person provides the child day care center or outdoor nature-based child care provider with a written certification signed by a health care practitioner, as defined in RCW 28A.210.090, that the measles, mumps, and rubella vaccine is, in the practitioner's judgment, not advisable for the person. This subsection (2)(b) does not apply if it is determined that the measles, mumps, and rubella vaccine is no longer contraindicated.

(3) The child day care center and outdoor nature-based child care provider shall maintain the documents required in subsection (1) or (2) of this section in the person's personnel record maintained by the child day care center.

(4) For purposes of this section, "volunteer" means a nonemployee who provides care and supervision to children at the child day care center or outdoor nature-based child care program.

Sec. 27. RCW 43.216.700 and 2007 c 415 s 10 are each amended to read as follows:

(1) Every licensed child day care center and outdoor nature-based child

care provider shall, at the time of licensure or renewal and at any inspection, provide to the department proof that the licensee has day care insurance as defined in RCW 48.88.020, or is self-insured pursuant to chapter 48.90 RCW.

(a) Every licensed child day care center and outdoor nature-based child care provider shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day care center or outdoor nature-based child care location, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(b) Liability limits under this subsection shall be the same as set forth in RCW 48.88.050.

(c) The department may take action as provided in RCW ((~~43.215.300~~)) 43.216.325 if the licensee fails to maintain in full force and effect the insurance required by this subsection.

(d) This subsection applies to child day care centers and outdoor nature-based child care providers holding licenses, initial licenses, and probationary licenses under this chapter.

(e) A child day care center holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(2)(a) Every licensed family day care provider shall, at the time of licensure or renewal either:

(i) Provide to the department proof that the licensee has day care insurance as defined in RCW 48.88.020, or other applicable insurance; or

(ii) Provide written notice of their insurance status on a standard form developed by the department to parents with a child enrolled in family day care and keep a copy of the notice to each parent on file. Family day care providers may choose to opt out of the requirement to have day care or other applicable insurance but must provide written notice of their insurance status to parents with a child enrolled and shall not be subject to the requirements of (b) or (c) of this subsection.

(b) Any licensed family day care provider that provides to the department proof that the licensee has insurance as provided under (a)(i) of this subsection shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day care home, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(c) Liability limits under (a)(i) of this subsection shall be the same as set forth in RCW 48.88.050.

(d) The department may take action as provided in RCW ((~~43.215.300~~)) 43.216.325 if the licensee fails to comply with the requirements of this subsection.

(e) A family day care provider holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(3) Noncompliance or compliance with the provisions of this section shall not constitute evidence of liability or nonliability in any injury litigation.

NEW SECTION. **Sec. 28.** A new section is added to chapter 43.216 RCW to read as follows:

(1) The department shall establish a licensed outdoor nature-based child care program.

(2) The department shall adopt rules to implement the outdoor nature-based child care program and may waive or adapt licensing requirements when necessary to allow for the operation of outdoor classrooms.

(3) The department shall apply the early achievers program to the outdoor nature-based child care program to assess quality in outdoor learning environments and may waive or adapt early achievers

requirements when necessary to allow for the operation of outdoor classrooms.

(4) A child care or early learning program operated by a federally recognized tribe may participate in the outdoor nature-based child care program through an interlocal agreement between the tribe and the department. The interlocal agreement must reflect the government-to-government relationship between the state and the tribe, including recognition of tribal sovereignty.

(5) Subject to the availability of funds, the department may convene an advisory group of outdoor, nature-based early learning practitioners to inform and support implementation of the outdoor nature-based child care program.

Sec. 29. RCW 43.216.300 and 2018 c 58 s 41 are each amended to read as follows:

((~~(1)~~)) The secretary ((~~shall~~)) may not charge fees to the licensee for obtaining a child care license. ((~~The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.~~

~~(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.~~

~~(3) The secretary shall establish the fees charged by rule.~~))

Sec. 30. RCW 74.15.125 and 1995 c 302 s 7 are each amended to read as follows:

(1) The department may issue a probationary license to a licensee who has had a license but is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance if:

(a) The noncompliance does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue; and

(b) The licensee has a plan approved by the department to correct the area of noncompliance within the probationary period.

(2) A probationary license may be issued for up to six months, and at the discretion of the department it may be extended for an additional six months. The department shall immediately terminate the probationary license, if at any time the noncompliance for which the probationary license was issued presents an immediate threat to the health or well-being of the children.

(3) The department may, at any time, issue a probationary license for due cause that states the conditions of probation.

(4) An existing license is invalidated when a probationary license is issued.

(5) At the expiration of the probationary license, the department shall reinstate the original license for the remainder of its term, issue a new license, or revoke the original license.

(6) A right to an adjudicative proceeding shall not accrue to the licensee whose license has been placed on probationary status unless the licensee does not agree with the placement on probationary status and the department then suspends, revokes, or modifies the license.

(7)(a) The department may issue a child-specific license to a relative, as defined in RCW 13.36.020, or a suitable person, as defined in RCW 13.36.020, who opts to become licensed for placement of a specific child and that child's siblings or relatives in the department's care, custody, and control.

(b) Such individuals must meet all minimum licensing requirements for foster family homes established pursuant to RCW 74.15.030 and are subject to child-specific license criteria, which the department is authorized to establish by rule.

(c) For purposes of federal funding, a child-specific license is considered a full license with all of the rights and responsibilities of a foster family home license, except that at the discretion of the department the licensee may only receive placement of specific children pursuant to (a) of this subsection.

(d) A child-specific license does not confer upon the licensee a right to placement of a particular child, nor does it confer party status in any proceeding under chapter 13.34 RCW.

(e) The department shall seek input from the following stakeholders during the development and adoption of rules necessary to implement this section:

Representatives from the kinship care oversight committee, an organization that represents current and former foster youth, an organization that represents child placing agencies, and a statewide advisory group of foster youth and alumni of foster care. The department shall seek tribal input as outlined in the department's government-to-government policy, per RCW 43.376.020.

NEW SECTION. **Sec. 31.** Section 3 of this act expires December 31, 2021.

NEW SECTION. **Sec. 32.** Section 4 of this act takes effect December 31, 2021.

NEW SECTION. **Sec. 33.** If specific funding for the purposes of section 29 of this act, referencing section 29 of this act by bill or chapter number and section number, is not provided by June 30, 2021, in the omnibus appropriations act, section 29 of this act is null and void.

NEW SECTION. **Sec. 34.** Section 29 of this act expires June 30, 2023."

Correct the title.

Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Appropriations.

March 17, 2021

ESSB 5229 Prime Sponsor, Committee on Health & Long Term Care: Concerning health equity continuing education for health care professionals. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Healthy Washingtonians contribute to the economic and social welfare of their families and communities, and access to health services and improved health outcomes allows all Washington families to enjoy productive and satisfying lives;

(2) The COVID-19 pandemic has further exposed that health outcomes are experienced differently by different people based on discrimination and bias by the health care system. Research shows that health care resources are distributed unevenly by intersectional categories including, but not limited to, race, gender, ability status, religion, sexual orientation, socioeconomic status, and geography; and

(3) These inequities have permeated health care delivery, deepening adverse outcomes for marginalized communities. This bill aims to equip health care workers with the skills to recognize and reduce these inequities in their daily work. In addition to their individual impact, health care workers need the skills to address systemic racism and bias.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1) By January 1, 2024, the rule-making authority for each health profession licensed under Title 18 RCW subject to continuing education requirements must adopt rules requiring a licensee to complete health equity continuing education training at least once every four years.

(2) Health equity continuing education courses may be taken in addition to or, if a rule-making authority determines the course fulfills existing continuing education requirements, in place of other continuing education requirements imposed by the rule-making authority.

(3)(a) The secretary and the rule-making authorities must work collaboratively to provide information to licensees about available courses. The secretary and rule-making authorities shall consult with patients or communities with lived experiences of health inequities or racism in the health care system and relevant professional organizations when developing the information and must make this information available by July 1, 2023. The information should include a course option that is free of charge to licensees. It is not required that courses be included in the information in order to fulfill the health equity continuing education requirement.

(b) By January 1, 2023, the department, in consultation with the boards and commissions, shall adopt model

rules establishing the minimum standards for continuing education programs meeting the requirements of this section. The department shall consult with patients or communities with lived experience of health inequities or racism in the health care system, relevant professional organizations, and the rule-making authorities in the development of these rules.

(c) The minimum standards must include instruction on skills to address the structural factors, such as bias, racism, and poverty, that manifest as health inequities. These skills include individual-level and system-level intervention, and self-reflection to assess how the licensee's social position can influence their relationship with patients and their communities. These skills enable a health care professional to care effectively for patients from diverse cultures, groups, and communities, varying in race, ethnicity, gender identity, sexuality, religion, age, ability, socioeconomic status, and other categories of identity. The courses must assess the licensee's ability to apply health equity concepts into practice. Course topics may include, but are not limited to:

(i) Strategies for recognizing patterns of health care disparities on an individual, institutional, and structural level and eliminating factors that influence them;

(ii) Intercultural communication skills training, including how to work effectively with an interpreter and how communication styles differ across cultures;

(iii) Implicit bias training to identify strategies to reduce bias during assessment and diagnosis;

(iv) Methods for addressing the emotional well-being of children and youth of diverse backgrounds;

(v) Ensuring equity and antiracism in care delivery pertaining to medical developments and emerging therapies;

(vi) Structural competency training addressing five core competencies:

(A) Recognizing the structures that shape clinical interactions;

(B) Developing an extraclinical language of structure;

(C) Rearticulating "cultural" formulations in structural terms;

(D) Observing and imagining structural interventions; and

(E) Developing structural humility; and

(vii) Cultural safety training.

(4) The rule-making authority may adopt rules to implement and administer this section, including rules to establish a process to determine if a continuing education course meets the health equity continuing education requirement established in this section.

(5) For purposes of this section the following definitions apply:

(a) "Rule-making authority" means the regulatory entities identified in RCW 18.130.040 and authorized to establish continuing education requirements for the health care professions governed by those regulatory entities.

(b) "Structural competency" means a shift in medical education away from pedagogic approaches to stigma and inequalities that emphasize cross-cultural understandings of individual patients, toward attention to forces that influence health outcomes at levels above individual interactions. Structural competency reviews existing structural approaches to stigma and health inequities developed outside of medicine and proposes changes to United States medical education that will infuse clinical training with a structural focus.

(c) "Cultural safety" means an examination by health care professionals of themselves and the potential impact of their own culture on clinical interactions and health care service delivery. This requires individual health care professionals and health care organizations to acknowledge and address their own biases, attitudes, assumptions, stereotypes, prejudices, structures, and characteristics that may affect the quality of care provided. In doing so, cultural safety encompasses a critical consciousness where health care professionals and health care organizations engage in ongoing self-reflection and self-awareness and hold themselves accountable for providing culturally safe care, as defined by the patient and their communities, and as measured through progress towards

achieving health equity. Cultural safety requires health care professionals and their associated health care organizations to influence health care to reduce bias and achieve equity within the workforce and working environment.

Sec. 3. RCW 43.70.615 and 2006 c 237 s 2 are each amended to read as follows:

(1) For the purposes of this section, "multicultural health" means the provision of health care services with the knowledge and awareness of the causes and effects of the determinants of health that lead to disparities in health status between different genders and racial and ethnic populations and the practice skills necessary to respond appropriately.

(2) The department, in consultation with the disciplining authorities as defined in RCW 18.130.040, shall establish, within available department general funds, an ongoing multicultural health awareness and education program as an integral part of its health professions regulation. The purpose of the education program is to raise awareness and educate health care professionals regarding the knowledge, attitudes, and practice skills necessary to care for diverse populations to achieve a greater understanding of the relationship between culture and health. ((~~The disciplining authorities having the authority to offer continuing education may provide training in the dynamics of providing culturally competent, multicultural health care to diverse populations.~~)) Any such education shall be developed in collaboration with education programs that train students in that health profession. ((~~A disciplining authority may require that instructors of continuing education or continuing competency programs integrate multicultural health into their curricula when it is appropriate to the subject matter of the instruction.~~)) No funds from the health professions account may be utilized to fund activities under this section unless the disciplining authority authorizes expenditures from its proportions of the account. ((~~A disciplining authority may defray costs by authorizing a fee to be charged for participants or materials relating to any sponsored program.~~))

(3) By July 1, 2008, each education program with a curriculum to train health professionals for employment in a profession credentialed by a disciplining authority under chapter 18.130 RCW shall integrate into the curriculum instruction in multicultural health as part of its basic education preparation curriculum. The department may not deny the application of any applicant for a credential to practice a health profession on the basis that the education or training program that the applicant successfully completed did not include integrated multicultural health curriculum as part of its basic instruction."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member and Ybarra.

Referred to Committee on Rules for second reading.

March 17, 2021

SSB 5401 Prime Sponsor, Committee on Higher Education & Workforce Development: Authorizing community and technical colleges to offer bachelor degrees in computer science. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hansen; Hoff; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Appropriations.

March 18, 2021

SJM 8004 Prime Sponsor, Senator Hasegawa: Addressing "de-risking" by financial institutions. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Ryu and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 19, 2021, the 68th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTY EIGHTH DAY

House Chamber, Olympia, Friday, March 19, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1557 by Representatives MacEwen and Chapman

AN ACT Relating to increasing legislative involvement in gubernatorial proclamations relating to a state of emergency; amending RCW 43.06.210 and 43.06.220; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 18, 2021

HB 1532 Prime Sponsor, Representative Ormsby: Concerning court filing fees. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Rude and Steele.

Referred to Committee on Rules for second reading.

March 18, 2021

SSB 5030 Prime Sponsor, Committee on Early Learning & K-12 Education: Developing comprehensive school counseling programs. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that certificated school counselors are uniquely qualified to address the developmental needs of all students through a comprehensive school counseling program. School counselors play a critical role in maximizing K-12 student outcomes, including those related to attendance, academic achievement, high school graduation, postsecondary readiness, and social-emotional development. The legislature finds that school counselors play an especially unique role in the lives of students from underserved backgrounds, particularly students of color, students with disabilities, English language learners, and students living in poverty, who, according to research, are more likely to seek out their school counselor for academic, mental health, or postsecondary planning needs.

(2) The legislature also recognizes research indicating that lower counselor to student ratios enable counselors to work more closely with students and address their unique needs, and that school counselors should be able to use their time to provide direct and indirect services to students as described in a comprehensive school counseling program grounded in research.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

By the beginning of the 2022-23 school year each school district shall develop and implement a written plan for a

comprehensive school counseling program that is based on regularly updated standards developed by a national organization representing school counselors. The written plan must:

(1) Establish a comprehensive school counseling program that uses state and nationally recognized counselor frameworks and is systemically aligned to state learning standards;

(2) Provide a process for identifying student needs through a multilevel school data review and analysis that includes, at a minimum, use-of-time data, program results data, and data regarding communication with administrators, parents, students, and stakeholders;

(3) Explain how direct and indirect services will be delivered through the comprehensive school counseling program; and

(4) Establish an annual review and assessment process for the comprehensive school counseling program that includes building administrators and stakeholders.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) The comprehensive school counseling program required by section 2 of this act must be implemented by school counselors or other educational staff associates for the purpose of guiding students in academic pursuits, career planning, and social-emotional learning.

(2) School counselors or other educational staff associates assigned to implement comprehensive school counseling programs must allocate at least 80 percent of their work time providing direct and indirect services to benefit students, as aligned with standards developed by a national organization representing school counselors. Tasks such as coordinating and monitoring student testing, supervising students at lunch and recess, and assuming the duties of other noncounseling staff are not direct or indirect services.

(3) For purposes of this section:

(a) "Direct services" are in-person interactions between school counselors or other educational staff associates assigned to implement comprehensive school counseling programs and students that help students improve achievement, attendance, and discipline. Examples include, but are not limited to, instruction, appraisal, advisement, and counseling.

(b) "Indirect services" are provided on behalf of students as a result of interactions with others by school counselors or educational staff associates assigned to implement comprehensive school counseling programs that allow school counselors or educational staff associates to enhance student achievement and promote equity and access for all students. Examples include, but are not limited to, collaboration, consultation, and referrals.

(c) "Work time" means the portion of an employee's contracted hours for which they are contracted to perform the duties of a school counselor or other educational staff associate assignment.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) By December 1, 2021, the office of the superintendent of public instruction must develop and distribute to school districts guidance for the implementation of sections 2 and 3 of this act.

(2) Prior to the 2022-23 school year, each school district board of directors must, within existing funds, adopt a transition plan for developing and implementing a comprehensive school counseling program plan.

(3) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McCaslin; McEntire; Rude and Steele.

Referred to Committee on Rules for second reading.

March 18, 2021

ESSB 5118 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Supporting successful reentry. Reported

by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.98.010 and 2011 c 336 s 345 are each amended to read as follows:

(1) Whenever a person has entered upon a term of imprisonment in a penal ((~~or~~)), correctional, or juvenile rehabilitation institution of this state, and whenever during the continuance of the term of imprisonment there is pending in this state any untried indictment, information, or complaint against the ((~~prisoner~~)) person, he or she shall be brought to trial within ((~~one hundred twenty~~)) 120 days after he or she shall have caused to be delivered to the prosecuting attorney and the ((~~superior~~)) court ((~~of the county~~)) in which the indictment, information, or complaint is pending written notice of the place of his or her imprisonment and his or her request for a final disposition to be made of the indictment, information, or complaint((~~: PROVIDED, That for~~)). The following time periods shall be excluded from the 120-day calculation:

(a) Arraignment, pretrial proceedings, trial, and sentencing on an unrelated charge in a different county than the court where the charge is pending;

(b) Proceedings related to competency to stand trial on the pending charge, from the entry of an evaluation order to the entry of a court order finding the person competent to proceed; and

(c) Time during which the person is detained in a federal jail or prison and subject to conditions of release not imposed by the state of Washington.

(2) The superintendent or the superintendent's designee who provides the certificate under subsection (4) of this section shall inform any prosecuting attorney or court requesting transportation of the person to resolve an untried indictment, information, or complaint of the person's current location and availability for trial. If the person is unavailable for transportation due to court proceedings in another county, the superintendent shall inform the prosecuting attorney or court when the person becomes available for transportation and provide a new certificate containing the information under subsection (4) of this section.

(3) For good cause shown in open court, with the ((~~prisoner~~)) person or his or her counsel ((~~shall have~~)) having the right to be present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(4) The request of the ((~~prisoner~~)) person shall be accompanied by a certificate of the superintendent or the superintendent's designee having custody of the ((~~prisoner~~)) person, stating the term of commitment under which the ((~~prisoner~~)) person is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the ((~~time of parole eligibility~~)) earned release date of the ((~~prisoner~~)) person, and any decisions of the indeterminate sentence review board relating to the ((~~prisoner~~)) person.

((~~(2)~~)) (5) The written notice and request for final disposition referred to in subsection (1) of this section shall be given or sent by the ((~~prisoner~~)) person to the superintendent or the superintendent's designee having custody of him or her, who shall promptly forward it together with the certificate to the appropriate prosecuting attorney and superior, district, municipal, or juvenile court by certified mail, return receipt requested.

((~~(3)~~)) (6) The superintendent or the superintendent's designee having custody of the ((~~prisoner~~)) person shall promptly inform him or her in writing of the source and contents of any untried indictment, information, or complaint against him or her concerning which the superintendent or the superintendent's designee has knowledge and of his or her right to make a request for final disposition thereof.

((~~(4)~~)) (7) Escape from custody by the ((~~prisoner~~)) person subsequent to his or her execution of the request for final disposition referred to in subsection (1) of this section shall void the request.

Sec. 2. RCW 36.70A.200 and 2020 c 128 s 1 and 2020 c 20 s 1027 are each reenacted and amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential

public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 (6) or (15) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40 RCW to read as follows:

(1) At least 30 days before release from a residential facility, the secretary shall send written notice of the planned release to the person's health care insurance provider. The notice shall include the person's current location and contact information as well as the person's expected location and contact information upon release. The notice shall not disclose the person's incarceration status unless their consent is given.

(2) If the person is not enrolled in a health insurance program, the secretary

and the health care authority shall assist the person in obtaining coverage for which they are eligible in accordance with the time frames specified in subsection (1) of this section.

(3) The secretary may share with the health insurance provider additional health information related to the person to assist with care coordination and continuity of care consistent with RCW 70.02.230(2)(u) and other provisions of chapter 70.02 RCW."

Correct the title.

Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Eslick.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5146 Prime Sponsor, Senator Van De Wege: Authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

March 18, 2021

E2SSB 5227 Prime Sponsor, Committee on Ways & Means: Concerning diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that a postsecondary credential such as a degree, apprenticeship, or certificate is increasingly necessary to obtain a job that offers a good salary and advancement opportunities and that increasing the number of students in Washington who obtain such a credential is essential to the state's economic success. The legislature also recognizes that equity gaps remain among postsecondary students and that those gaps particularly impact students from historically marginalized communities.

The legislature finds that developing and maintaining a culture of belonging and support for students, faculty, and staff at institutions of higher education is essential to student success, and that faculty and staff play a key role. The legislature therefore seeks to ensure that public institutions of higher education provide faculty and staff, as well as students, with training to give them tools to address matters related to antiracism, diversity, equity, and inclusion.

The legislature further finds it necessary to regularly analyze the impact of that training on the campus community and to identify any measures needed to increase diversity, equity, and inclusion. Accordingly, the legislature intends that each public institution of higher education assess the learning, working, and living environment on campus that students, faculty, and staff experience to better understand the evolving state of diversity, equity, and inclusion.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education must:

(a) Provide professional development, either existing or new, focused on diversity, equity, inclusion, and antiracism for faculty and staff. This program must be developed in partnership with the institution's administration, faculty, staff, and student leadership groups. Efforts must be made to ensure the program is developed and delivered by individuals with innate and acquired experience and expertise in the field of diversity, equity, and inclusion. The content framework for professional development must be posted on each institution's public website for parents

and community members. The professional development must begin in the 2022-23 academic year;

(b) Create an evaluation for professional development participants. The evaluations must, at minimum, capture a participant's level of satisfaction with the professional development opportunity, the degree to which the learning objectives were achieved, and how the knowledge gained may be applied to their work;

(c)(i) Share completed evaluations of program participants annually with either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education, depending on the institution; and (ii) submit curriculum and other pertinent information regarding the program beginning July 1, 2023, and, subsequently, if there is a meaningful change or by request of the reporting entity.

(2) The purpose of each professional development program curriculum must be rooted in eliminating structural racism against all races and promoting diversity, equity, and inclusion while improving academic, social, and health and wellness outcomes for students from historically marginalized communities. Institutions of higher education may further develop a curriculum that is reflective of the needs of the campus community.

(3)(a) Beginning with the 2022-23 academic year, every new faculty and staff member at an institution of higher education must participate in the program, regardless of whether they are a full-time or part-time employee. All faculty and staff participating in the professional development program must complete an evaluation. Other faculty and staff may participate in the professional development program as needed or required by their institution. Each institution must develop a goal of at least 80 percent of their total faculty and staff completing the professional development program every two years and report on their goal's progress in the report established in section 5 of this act. Each institution may determine how to show progress towards their goal. Part-time faculty and staff who are employed at more than one institution of higher education are only required to complete the professional development program at one institution if they provide proof of completion to their other institution of higher education employers to receive credit for participation.

(b) Beginning with the 2024-25 academic year, 35 percent of tenured faculty and 35 percent of administrators at each institution of higher education must complete the professional development program every two years, regardless of whether they are a full-time or part-time employee.

(4) The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education may conduct further analysis of the professional development programs through participant evaluation data, use of focus groups, or other methods to determine promising practices. The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education must post a list of model standards and promising practices for professional development on their public websites for parents and community members.

(5) The institutions of higher education shall adopt rules as necessary or appropriate for effecting the provisions of this section, not in conflict with this chapter, and in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

(1)(a) The institutions of higher education as defined in RCW 28B.10.016 shall each conduct a campus climate assessment to understand the current state of diversity, equity, and inclusion in the learning, working, and living environment on campus for students, faculty, and staff. The assessment shall occur, at minimum, every five years. Institutions of higher education shall use the results of the campus climate assessment to inform the professional development, established in section 2 of this act, and program, established in section 4 of this act. Institutions may use an existing campus climate assessment to meet this requirement.

(b) The state board for community and technical colleges shall develop a model

campus climate assessment for the community and technical colleges that the colleges may use or modify to meet the requirements of this section.

(2) The design of an existing or new campus climate assessment must involve, at minimum, students, college and university diversity officers, faculty, and staff. The campus climate assessment must include, at minimum, an evaluation of student and employee attitudes and awareness of campus diversity, equity, and inclusion issues. The campus climate assessment may also include questions evaluating the prevalence of discrimination, sexual assault, harassment, and retaliation on and off campus, in addition to student, faculty, and staff knowledge of campus policies and procedures addressing discrimination, sexual assault, harassment, and retaliation. College and university diversity officers and students must be consulted in the development of recommendations.

(3) Institutions of higher education must, at minimum, conduct annual listening and feedback sessions for diversity, equity, and inclusion for the entire campus community during periods between campus climate assessments. Institutions of higher education must, to the maximum extent practicable, compensate students for their participation in the annual listening and feedback sessions.

(4) Beginning July 1, 2022, the institutions of higher education shall report findings or progress in completing their campus climate assessment and, when applicable, information on their listening and feedback sessions annually to either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education. The institutions of higher education must also publish annually on the institution's public website the results of either the campus climate assessment or listening and feedback sessions.

(5) The state board for community and technical colleges may require colleges to repeat their campus climate assessment. An organization representing the presidents of the public four-year institutions of higher education may also request state universities, regional universities, and The Evergreen State College to repeat their campus climate assessment.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education must:

(a) Provide a program, either existing or new, on diversity, equity, inclusion, and antiracism to students beginning with the 2024-25 academic year. Institutions of higher education may expand the focus of its program to reflect the needs of the campus community. This program must be developed in partnership with the institution's administration, faculty, staff, and student leadership groups. Efforts should be made to ensure the program is developed and delivered by individuals with innate and acquired experience and expertise in the field of diversity, equity, and inclusion. The content framework for each program must be posted on each institution's public website for parents and community members; and

(b) Create an evaluation for program participants. The evaluation must, at minimum, capture a participant's level of satisfaction with the program and how they will apply the program to their education.

(2) The purpose of each program must be rooted in eliminating structural racism against all races and promoting diversity, equity, and inclusion while improving outcomes for students from historically marginalized communities. Institutions of higher education may further develop a curriculum that is reflective of the needs of the campus community.

(3) During the 2024-25 academic year, all degree-seeking students at institutions of higher education must participate in the program, regardless of whether they are a full-time or part-time student. Beginning with the 2025-26 academic year, the program is only required for degree-seeking students who are new or have transferred to the institution and have not yet participated in a required diversity, equity, inclusion, and antiracism program at an institution of higher education. Students must be allowed to opt out of participation in the program if they self-attest to taking a diversity, equity, inclusion, and antiracism

training at an institution of higher education within the previous five years.

(4) The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education may conduct further analysis of the programs, through participant evaluation data, use of focus groups, or other methods to determine promising practices. The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education must post a list of model standards and promising practices for programs on their public websites for parents and community members.

(5) The institutions of higher education shall adopt rules as necessary or appropriate for effecting the provisions of this section, not in conflict with this chapter, and in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

(6) For purposes of this section, "student" or "students" does not include nonmatriculated students.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.10 RCW to read as follows:

By December 31, 2024, and biennially thereafter, the state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education shall each submit a report to the higher education committees of the legislature in accordance with RCW 43.01.036 for their respective institutions of higher education. The reports must include the following:

(1) Information on the professional development programs implemented by each institution of higher education, including updates on progress towards meeting the goal outlined in section 1 of this act;

(2) A summary of results of the campus climate assessments and other relevant information received by the institutions of higher education; and

(3) By December 31, 2026, and biennially thereafter, the reports must also include information on the student diversity, equity, inclusion, and antiracism programs implemented by each institution of higher education.

NEW SECTION. **Sec. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representatives Hoff and Sutherland.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 22, 2021, the 71st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTY FIRST DAY

House Chamber, Olympia, Monday, March 22, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4618, by Representatives Abbarno and Orcutt

WHEREAS, Justin R. Schaffer was born January 30, 1992, in Glenwood Springs, Colorado, and graduated from Adna High School in Adna, Washington; and

WHEREAS, Justin Schaffer received a degree in criminal justice from Centralia College; and

WHEREAS, Justin Schaffer served his community honorably as a Washington State trooper in both Morton and Chehalis for seven years of service to the citizens of this state and his community; and

WHEREAS, Trooper Justin Schaffer, while in the line of duty, was fatally struck by a vehicle on Interstate 5 in Chehalis on March 24, 2020; and

WHEREAS, Trooper Justin Schaffer will be missed dearly by his brothers and sisters in the law enforcement family, and his spirit of service will continue through the lives he impacted, as well as those he touched throughout the community; and

WHEREAS, Trooper Justin Schaffer was not only a loving son and brother, but also devoted to his wife, Sandra, his mother, Sheila, and father, Glenn; his brother, Brandon; and his K9 partner, Frankie;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its deepest condolences to the family, friends, colleagues, and community that have lost Trooper Justin Schaffer; and

BE IT FURTHER RESOLVED, That the House of Representatives join the people of the State of Washington in commending, saluting, and honoring Trooper Justin Schaffer for his exemplary and exceptional service; and

BE IT FURTHER RESOLVED, That the House of Representatives express profound appreciation and enduring gratitude to the brave men and women that protect our state every day as law enforcement officers; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the surviving family members of Trooper Justin Schaffer.

There being no objection, HOUSE RESOLUTION NO. 4618 was adopted.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 18, 2021

HB 1277 Prime Sponsor, Representative Ormsby: Providing for an additional revenue source for eviction prevention and housing stability services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing, Human Services & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

March 18, 2021

HB 1532 Prime Sponsor, Representative Ormsby: Concerning court filing fees. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Rude and Steele.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5027 Prime Sponsor, Senator Padden: Concerning closed captioning on televisions in places of public accommodation. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60 RCW to read as follows:

(1)(a) Any person that owns or manages a place of public accommodation that offers a closed-captioned television receiver for use in any public area must activate closed captioning with black background, white text color, and a style and size of font that is readable to people with low vision, unless:

(i) The only receiver of television programming available in a public area is technically incapable of displaying closed captioning; or

(ii) The place of public accommodation is otherwise exempt from the closed captioning requirement under state or federal law.

(b) In a public area with multiple televisions, up to 50 percent of on-premises televisions may be exempt from displaying closed captioning. The exempted televisions must clearly display that they do not have volume or are on mute.

(2) If multiple television models are displayed together for sale in a public area, at least one closed-captioned television must be available for viewing.

(3) If after 90 days from the effective date of this section a person that owns or manages a place of public accommodation fails to comply with the requirements of this section, that person shall be subject to a civil fine of up to $75 for each violation. Written notice of the violation must be provided to the person and must state that the fine will be assessed. The notice must also state that the person has an opportunity to cure the violation by complying with the requirement within 30 days after delivery of the notice. If the person demonstrates compliance within the 30-day period, the fine will not be assessed, and the violation must be dismissed. Any subsequent violation shall result in a civil fine of up to $150.

(4) For purposes of this section the following definitions apply:

(a) "Closed-captioned television receiver" means a receiver of television programming that has the ability to display closed captioning including, but not limited to, a television, digital set-top box, and other technology capable of displaying closed captioning for television programming.

(b) "Closed captioning" means a transcript or dialog of the audio portion of a television program that is displayed on either the bottom or top portion of a television receiver screen when the user activates the feature. There is no requirement for the closed-captioned transcript or dialog to be in any language other than the language of the audio programming, or a default language where a television receiver only displays one language.

(c) "Public area" means any part of a place of public accommodation that is open to the general public.

(5) A violation of this section is a violation of this chapter.

(6) The human rights commission must prepare an educational pamphlet advising employers and employees of their duty and liability under this section. The pamphlet should be made available online. Employers must provide employees with training on this section using the pamphlet."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

March 18, 2021

SSB 5030 Prime Sponsor, Committee on Early Learning & K-12 Education: Developing comprehensive school counseling programs. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that certificated school counselors are uniquely qualified to address the developmental needs of all students through a comprehensive school counseling program. School counselors play a critical role in maximizing K-12 student outcomes, including those related to attendance, academic achievement, high school graduation, postsecondary readiness, and social-emotional development. The legislature finds that school counselors play an especially unique role in the lives of students from underserved backgrounds, particularly students of color, students with disabilities, English language learners, and students living in poverty, who, according to research, are more likely to seek out their school counselor for academic, mental health, or postsecondary planning needs.

(2) The legislature also recognizes research indicating that lower counselor to student ratios enable counselors to work more closely with students and address their unique needs, and that school counselors should be able to use their time to provide direct and indirect services to students as described in a comprehensive school counseling program grounded in research.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

By the beginning of the 2022-23 school year each school district shall develop and implement a written plan for a comprehensive school counseling program that is based on regularly updated standards developed by a national organization representing school counselors. The written plan must:

(1) Establish a comprehensive school counseling program that uses state and nationally recognized counselor frameworks and is systemically aligned to state learning standards;

(2) Provide a process for identifying student needs through a multilevel school data review and analysis that includes, at a minimum, use-of-time data, program results data, and data regarding communication with administrators, parents, students, and stakeholders;

(3) Explain how direct and indirect services will be delivered through the comprehensive school counseling program; and

(4) Establish an annual review and assessment process for the comprehensive school counseling program that includes building administrators and stakeholders.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) The comprehensive school counseling program required by section 2 of this act must be implemented by school counselors or other educational staff associates for the purpose of guiding students in academic pursuits, career planning, and social-emotional learning.

(2) School counselors or other educational staff associates assigned to implement comprehensive school counseling programs must allocate at least 80 percent of their work time providing direct and indirect services to benefit students, as aligned with standards developed by a national organization representing school counselors. Tasks such as coordinating and monitoring student testing, supervising students at lunch and recess, and assuming the duties of other noncounseling staff are not direct or indirect services.

(3) For purposes of this section:

(a) "Direct services" are in-person interactions between school counselors or other educational staff associates assigned to implement comprehensive school counseling programs and students that help students improve achievement, attendance, and discipline. Examples include, but are not limited to, instruction, appraisal, advisement, and counseling.

(b) "Indirect services" are provided on behalf of students as a result of interactions with others by school counselors or educational staff associates assigned to implement comprehensive school counseling programs

that allow school counselors or educational staff associates to enhance student achievement and promote equity and access for all students. Examples include, but are not limited to, collaboration, consultation, and referrals.

(c) "Work time" means the portion of an employee's contracted hours for which they are contracted to perform the duties of a school counselor or other educational staff associate assignment.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) By December 1, 2021, the office of the superintendent of public instruction must develop and distribute to school districts guidance for the implementation of sections 2 and 3 of this act.

(2) Prior to the 2022-23 school year, each school district board of directors must, within existing funds, adopt a transition plan for developing and implementing a comprehensive school counseling program plan.

(3) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McCaslin; McEntire; Rude and Steele.

Referred to Committee on Rules for second reading.

March 19, 2021

SSB 5034 Prime Sponsor, Committee on Law & Justice: Concerning nonprofit corporations. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART I

FORMATION AND GENERAL CONDITIONS

ARTICLE 1

GENERAL PROVISIONS

NEW SECTION. **Sec. 1101.** SHORT TITLE. This chapter may be known and cited as the Washington nonprofit corporation act.

NEW SECTION. **Sec. 1102.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Address," unless otherwise specified, means either a physical mailing address or an electronic address.

(2) "Articles" or "articles of incorporation" means the original articles of incorporation as modified by all amendments thereof, as filed by the secretary of state. If any record filed under this chapter restates the articles in their entirety, thenceforth the articles shall not include any prior filings.

(3) "Board" or "board of directors" means the team or body of individuals ultimately responsible for the management of the activities and affairs of the nonprofit corporation, regardless of the name used to refer to the team or body.

(4) "Bylaws" means the code or codes of rules, other than the articles, adopted for the regulation and governance of the internal affairs of the nonprofit corporation, regardless of the name or names used to refer to those rules, excluding separate policies or procedures adopted by the board.

(5) "Charitable corporation" means a domestic nonprofit corporation that is operated primarily or exclusively for one or more charitable purposes.

(6) "Charitable purpose" means a purpose that:

(a) Would make a corporation organized and operated exclusively for that purpose eligible to be exempt from taxation under section 501(c)(3) of the Internal Revenue Code; or

(b) Is considered charitable under applicable law other than this chapter or the Internal Revenue Code.

(7) "Contribution" means the payment, donation, or promise, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation.

(8) "Corporation" means a domestic nonprofit corporation, unless otherwise specified.

(9) "Delegate" means a person elected or appointed to vote in a representative capacity for the election of directors or on other matters.

(10) "Deliver" or "delivery" of a record means delivery by hand, United States mail, private courier service, electronic transmission, or other methods of delivery used in conventional commercial practice, except that delivery to the secretary of state means actual receipt by the secretary of state.

(11) "Director" means an individual designated, elected, or appointed, by that or any other name or title, to act as a member of the board of directors, while the individual is holding that position.

(12) "Domestic," with respect to an entity, means governed as to its internal affairs by the law of this state.

(13) "Domestic corporation" or "domestic nonprofit corporation" means a domestic corporation incorporated under or subject to this chapter.

(14) "Domestic unincorporated entity" means an unincorporated entity whose internal affairs are governed by the laws of this state.

(15) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(16) "Electronic transmission" means an electronic communication:

(a) Not directly involving the physical transfer of a record in a tangible medium; and

(b) That may be retained, retrieved, and reviewed by the sender and the recipient thereof, and that may be directly reproduced in a tangible medium by such a sender and recipient.

(17) "Electronically transmitted" means that the sender of an electronic transmission initiated the electronic transmission.

(18) "Eligible entity" means a domestic or foreign unincorporated entity, a domestic nonprofit corporation incorporated under a corporations statute other than this chapter or its predecessor statutes, or a domestic or foreign for-profit corporation.

(19) "Employee" does not include an individual serving as an officer or director who is not otherwise employed by the corporation.

(20) "Entitled to vote" means entitled to vote on the matter under consideration pursuant to the articles or bylaws of the nonprofit corporation or any applicable controlling provision of law.

(21) "Entity" means an organization or artificial legal person that either has a separate legal existence or has the power to acquire an estate in real property in its own name and includes, but is not limited to:

(a) A domestic or foreign for-profit corporation;

(b) A domestic or foreign nonprofit corporation;

(c) A domestic or foreign general or limited partnership;

(d) A domestic or foreign limited liability partnership;

(e) A domestic or foreign limited liability company;

(f) Any other domestic or foreign unincorporated entity;

(g) A domestic or foreign estate or trust;

(h) The federal government;

(i) A tribal government; and

(j) A state or local government, foreign government, or governmental subdivision.

(22) "Ex officio director" means an individual who becomes a member of the board of directors not through the regular elections process but by virtue of another position that he or she holds. Unless the articles or bylaws specifically state that an ex officio director does not have the right to vote, such a director has the same right to vote as any other director.

(23) "Execute" or "executed" means:

(a) Signed, with respect to a written record;

(b) Electronically transmitted along with sufficient information to determine the sender's identity and intent to execute; or

(c) With respect to a record to be filed by the secretary of state, in compliance with the standards for filing as prescribed by this chapter; chapter 23.95 RCW; or the secretary of state.

(24) "Federal government" includes a district, authority, bureau, commission, department, and any other agency of the federal government of the United States.

(25) "Filing entity" means an unincorporated entity that is created by filing a public organic record.

(26) "For-profit corporation" or "domestic for-profit corporation" means a domestic business corporation incorporated under or subject to Title 23B RCW or any successor provisions.

(27) "Foreign," with respect to an entity, means governed as to its internal affairs by the law of a jurisdiction other than this state.

(28) "Foreign for-profit corporation" means a foreign corporation that would be a for-profit corporation if incorporated under the law of this state.

(29) "Foreign corporation" or "foreign nonprofit corporation" means a foreign corporation that would be a nonprofit corporation if incorporated under the law of this state.

(30) "Foreign unincorporated entity" means an unincorporated entity whose internal affairs are governed by an organic law of a jurisdiction other than this state.

(31) "Fundamental transaction" means an amendment of the articles or bylaws, merger, sale of all or substantially all of the assets, domestication, conversion, or dissolution of a nonprofit corporation.

(32) "Gift instrument" means a record or records under which property is donated to, transferred to, granted to, or held by the corporation. A solicitation constitutes a gift instrument with respect to a donation, transfer, or grant of property made in response to the solicitation only if:

(a) The solicitation was in the form of a record, including but not limited to, invitations made by electronic transmission or in electronic media, or was documented in the form of a record created no later than ninety days after the solicitation was made; and

(b) The donation, transfer, or grant of property was made within one year of the solicitation.

(33) "Governmental subdivision" includes an authority, county, district, and municipality formed or authorized by any federal, state, or local government.

(34) "Includes" denotes a partial definition.

(35) "Individual" means a natural person.

(36) "Interest" means either or both of the following rights under the organic law of an unincorporated entity:

(a) The right to receive distributions from the entity either in the ordinary course or upon liquidation; or

(b) The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy, or person responsible for managing its business, activities, or affairs.

(37) "Interest holder" means a person who holds of record an interest.

(38) "Interest holder liability" means personal liability for a debt, obligation, or liability of a domestic or foreign for-profit or nonprofit corporation or unincorporated entity that is imposed on a person:

(a) Solely by reason of the person's status as a shareholder, interest holder, or member; or

(b) By the articles, bylaws, or an organic record pursuant to a provision of the organic law authorizing the articles, bylaws, or an organic record to make one or more specified shareholders, interest holders, or members liable in their capacity as shareholders, interest holders, or members for all or specified debts, obligations, or liabilities of the entity.

(39) "Internal Revenue Code" means Title 26 U.S.C., the federal Internal Revenue Code of 1986, as amended, or any successor statute.

(40) "Jurisdiction," when used to refer to a political entity, means the United States, a state, a foreign country, or a political subdivision of a foreign country.

(41) "Jurisdiction of formation" means the jurisdiction whose law includes the organic law of an entity.

(42) "Material interest" means an actual or potential benefit or detriment, other than one that would devolve on the nonprofit corporation or the members generally, that would reasonably be expected to impair the objectivity of an individual's judgment when participating in the action to be taken.

(43) "Material relationship" means a familial, financial, professional, employment, or other relationship that would reasonably be expected to impair the objectivity of an individual's judgment when participating in the action to be taken.

(44) "Means" denotes an exhaustive definition.

(45) "Member" means:

(a) Where the articles state that the corporation has members, a person who has a right set forth in the articles or bylaws, not as a delegate, to select or vote for the election of directors or delegates or to vote on at least one type of fundamental transaction.

(b) For a corporation formed before January 1, 2022, the articles of which do not state that the corporation has members, a person who:

(i) Is defined as a member in the bylaws; and

(ii) Has a right provided in the bylaws, not as a delegate, to select or vote for the election of directors or delegates or to vote on at least one type of fundamental transaction.

(c) A delegate or group of delegates, to the extent:

(i) The powers, functions, or authority of the members have been vested in, or are exercised by, such a delegate or group of delegates; and

(ii) The provision of this chapter in which the term appears is relevant to the discharge by the delegate or group of delegates of its powers, functions, or authority.

(46) "Membership" means the rights and any obligations of a member in a nonprofit corporation.

(47) "Membership corporation" means a nonprofit corporation whose articles provide that it has members, or that has members as defined in subsection (45) of this section.

(48) "Nonfiling entity" means an unincorporated entity that is not created by filing a public organic record.

(49) "Nonmembership corporation" means a nonprofit corporation whose articles do not provide that it has members and that does not have members as defined in subsection (45)(b) of this section.

(50) "Nonprofit corporation" means a domestic nonprofit corporation, unless otherwise specified.

(51) "Notice" has the same meaning as described in section 1103 of this act.

(52) "Notify" means to provide notice as defined in section 1103 of this act.

(53) "Officer" includes:

(a) A person who is an officer as defined in section 2601 of this act; and

(b) If a nonprofit corporation is in the hands of a custodian, receiver, trustee, or other court-appointed fiduciary, that fiduciary or any person appointed by that fiduciary to act as an officer for any purpose under this chapter.

(54) "Organic law" means the law of an entity's jurisdiction of formation governing the internal affairs of the entity.

(55) "Organic record" means a public organic record or the private organic rules.

(56) "Person" includes an individual or an entity.

(57) "Principal office" means the office designated in the annual report required under RCW 23.95.255 as the location of the principal executive office of a domestic or foreign nonprofit corporation, whether or not in this state.

(58) "Private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an unincorporated entity, are binding on all of its interest holders, and are not part of its public organic record, if any.

(59) "Proceeding" means any civil suit or criminal, administrative, or investigatory action.

(60) "Property" means all property, whether real, personal, or mixed or tangible or intangible, including cash, securities, or real property, or any right or interest therein.

(61) "Property held for charitable purposes" is as defined in section 1408 of this act.

(62) "Public organic record" means the record, if any, that is filed as a public record to create an unincorporated entity and any amendment to or restatement of that record.

(63) "Record" means information inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. An electronic transmission not directly involving the physical transfer of a record in a tangible medium is a record only if:

(a) It may be retained, retrieved, and reviewed by the sender and the recipient thereof; and

(b) It may be directly reproduced in a tangible medium by the sender and the recipient thereof.

(64) "Record date" means the date established under section 2307 of this act on which a nonprofit corporation determines the identity of its members and the membership rights they hold for purposes of this chapter. The determinations shall be made as of 12:01 a.m. on the record date unless another time for doing so is specified when the record date is fixed.

(65) "Registered foreign nonprofit corporation" means a foreign nonprofit corporation registered to do business in this state.

(66) "Religious corporation" means a charitable corporation including, but not limited to, a church, mosque, synagogue, temple, nondenominational ministry, interdenominational or ecumenical organization, or faith-based social service agency, that is:

(a) Organized primarily for religious purposes;

(b) Operated primarily, in good faith, to carry out religious purposes;

(c) Held out to the public as carrying out religious purposes; and

(d) Not engaged primarily or substantially in the exchange of goods or services for consideration, unless the consideration does not exceed nominal amounts.

(67) "Shareholder" means the person in whose name shares are registered in the records of a domestic or foreign for-profit corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with such a corporation.

(68) "Shares" means the units into which the proprietary interests in a domestic or foreign for-profit corporation, or a nonprofit corporation incorporated under organic law other than this chapter that permits proprietary interests in such a corporation, are divided.

(69) "Solicitation" means any oral or written request for a contribution, including an offer or attempt by the solicitor to sell any property, rights, services, or other thing, in connection with which:

(a) Any appeal is made for any charitable purpose;

(b) The name of any charitable corporation, or any foreign nonprofit corporation that would be a charitable corporation if it were incorporated under this chapter, is used as an inducement for making the contribution or consummating the sale; or

(c) Any statement is made that implies that the whole or any part of the contribution or the proceeds from the sale will be applied toward any charitable purpose or donated to any entity organized or operated for charitable purposes.

(70) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, and any agency or governmental subdivision of any of the foregoing.

(71) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

(72) "Unincorporated entity" means an entity that is not any of the following: A domestic or foreign for-profit or nonprofit corporation, an estate, a trust, a governmental subdivision, the federal government, a tribal government, a state or local government, a municipal corporation, a foreign government, or a governmental subdivision. The term includes a general partnership, limited liability company, limited partnership,

cooperative association, limited cooperative association, business or statutory trust, joint stock association, and unincorporated nonprofit association.

(73) "Vote," "voting," or "casting a vote" includes voting occurring at a meeting; voting of members by ballot or proxy; and the giving of consent in the form of a record without a meeting by a person entitled to vote. Whether or not the person entitled to vote characterizes such conduct as voting or casting a vote, the term does not include either recording the fact of abstention or failing to vote for:

(a) A candidate; or

(b) Approval or disapproval of a matter.

(74) "Voting group" means one or more classes of members that under the articles, bylaws, or this chapter are entitled to vote and be counted together collectively on a matter at a meeting of members. All members entitled by the articles, bylaws, or this chapter to vote generally on that matter are for that purpose a single voting group.

(75) "Voting power" means the current power to vote in the election of directors or delegates, or to vote on approval of any type of fundamental transaction.

NEW SECTION. **Sec. 1103.** NOTICE. (1) Notice under this chapter must be in the form of a record unless this chapter or the articles or bylaws allow oral notice.

(2) Notice may be communicated in person or by delivery. If these forms of communication are impracticable, notice may be communicated by a newspaper of general circulation in the area where published, or by radio, television, or other form of public broadcast communication.

(3) Notice, other than notice described in subsection (4) of this section, is effective at the earliest of the following:

(a) When received;

(b) When left at the recipient's residence or usual place of business;

(c) Five days after its deposit in the United States mail or with a commercial delivery service, if the postage or delivery charge is paid and the notice is correctly addressed; or

(d) On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, or by commercial delivery service.

(4) Notice in the form of a record by a membership corporation to a member is effective:

(a) Five days after its deposit in the United States mail or with a commercial delivery service, if the postage or delivery charge is paid and the notice is correctly addressed to the member's address shown in the corporation's current record of members;

(b) When given, if the notice is delivered by electronic transmission to the member's address shown in the corporation's current record of members; or

(c) When given, if the notice is delivered in any other manner that the member has authorized.

(5) Notice to a domestic or registered foreign nonprofit corporation may be delivered to its registered agent or to the corporation or its secretary at its principal office shown in its most recent annual report or, in the case of a foreign corporation that has not yet delivered an annual report, in its registration statement.

(6) Where oral notice is permitted, it is effective when communicated, if communicated in a comprehensible manner.

(7) If this chapter prescribes notice requirements for particular circumstances, those requirements govern. If the articles or bylaws prescribe notice requirements, not inconsistent with this section or other provisions of this chapter, those requirements govern.

(8) With respect to electronic transmissions:

(a) Unless otherwise provided in the articles or bylaws, or otherwise agreed between the sender and the recipient, an electronic transmission is received when:

(i) It enters an electronic system that the recipient has designated or currently uses for the purpose of receiving electronic transmissions of the type sent; and

(ii) It is in a form capable of being processed by that system.

(b) An electronic transmission is received under (a)(i) of this subsection even if no individual is aware of its receipt.

(c) Receipt of an electronic acknowledgment from an electronic system described in (a)(i) of this subsection establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received, and is not necessary for the record to be received.

(9) A member may revoke in the form of a record a corporation's express or implied authorization to deliver notices or communications by electronic transmission to the member. Such authorization is deemed revoked with respect to a member if:

(a) The corporation cannot deliver two consecutive notices or other communications to the member's address shown in the corporation's current record of members; and

(b) The inability becomes known to the secretary or other person responsible for giving the notice or other communication; but the failure to treat the inability as a revocation does not invalidate any meeting or other action.

NEW SECTION. **Sec. 1104.** SERVICE ON CORPORATIONS. (1) Service upon a nonprofit corporation of any process, notice, or demand required or permitted by law may be made by serving the nonprofit corporation's registered agent.

(2) Service upon a nonprofit corporation made by serving the nonprofit corporation's registered agent, or service on the nonprofit corporation in the absence of a registered agent, is governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1105.** VENUE FOR ACTIONS. Except as provided under federal or state law or in specific provisions of this chapter, every action arising under this chapter shall be tried in, and "the court" throughout this chapter refers to, the superior court:

(1) In the county where the corporation's principal office in this state is located;

(2) If the corporation has no principal office in this state, in the county where the corporation's registered agent in this state is located;

(3) Of King county; or

(4) Of Thurston county.

NEW SECTION. **Sec. 1106.** APPLICATION TO EXISTING NONPROFIT CORPORATIONS. (1) This chapter applies to every domestic nonprofit corporation in existence on January 1, 2022, that was incorporated under chapter 24.03 RCW or filed a statement of election through which it elected to have chapter 24.03 RCW apply to it.

(2) Any corporation or association organized under any other chapter of Title 24 RCW may be reorganized under this chapter by adopting and filing amendments to its articles in accordance with this chapter. The articles as amended shall conform to this chapter, and shall state that the corporation accepts the benefits of and will be bound by this chapter.

NEW SECTION. **Sec. 1107.** APPLICATION TO REGISTERED FOREIGN CORPORATIONS. A foreign nonprofit corporation registered as of December 31, 2021, is subject to this chapter but is not required to obtain a new statement of registration to transact business in this state.

NEW SECTION. **Sec. 1108.** RELATIONSHIP TO PRIOR STATUTES. (1) Except as provided in subsection (2) of this section, the repeal of chapter 24.03 RCW by this act does not affect:

(a) The operation of the repealed chapter or any action taken under it before its repeal;

(b) Any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the repealed chapter before its repeal;

(c) Any violation of the repealed chapter, or any penalty, forfeiture, or punishment incurred because of the violation, before its repeal; or

(d) Any proceeding, reorganization, or dissolution commenced under the repealed chapter before its repeal, and the proceeding, reorganization, or dissolution may be completed in accordance with the repealed chapter as if it had not been repealed.

(2) If a penalty or punishment imposed for violation of chapter 24.03 RCW repealed by this act is reduced by this chapter, then the penalty or punishment if not already imposed shall be imposed in accordance with this chapter.

NEW SECTION. **Sec. 1109.** RELATIONSHIP TO OTHER LAWS. (1) Unless displaced by particular provisions of this chapter, the principles of law and equity supplement this chapter.

(2) This chapter does not authorize an act prohibited by, and does not affect the application or requirements of, law other than this chapter.

(3) This chapter modifies, limits, or supersedes the federal electronic signatures in global and national commerce act, Title 15 U.S.C. Sec. 7001 et seq., but this chapter does not modify, limit, or supersede section 101(c) of that act or authorize delivery by electronic transmission of any of the notices described in section 103(b) of that act.

NEW SECTION. **Sec. 1110.** SUBORDINATION TO CANON LAW. To the extent religious doctrine or canon law governing the internal affairs of a nonprofit corporation is inconsistent with this chapter, the religious doctrine or canon law controls to the extent required by the United States Constitution, the state Constitution, or both.

ARTICLE 2

FILING DOCUMENTS—SECRETARY OF STATE

NEW SECTION. **Sec. 1201.** APPLICABILITY OF UNIFORM BUSINESS ORGANIZATIONS CODE. Filing of documents under this chapter by the secretary of state is governed by this chapter and chapter 23.95 RCW.

NEW SECTION. **Sec. 1202.** FILING REQUIREMENTS. (1) To be entitled to filing by the secretary of state, a record delivered for filing under this chapter must:

(a) Satisfy the requirements set forth in RCW 23.95.200;

(b) Contain all information required under this chapter and chapter 23.95 RCW;

(c) Be executed on behalf of the domestic or foreign entity as follows:

(i) If the entity is a domestic or foreign nonprofit corporation, by an officer;

(ii) If the entity is not a domestic or foreign nonprofit corporation, by a person with authority to sign for the entity; or

(iii) If the entity is in the hands of a custodian, receiver, trustee, or other court-appointed fiduciary, by that fiduciary; and

(d) Satisfy the requirements of any other provision of this chapter or chapter 23.95 RCW that adds to or varies any of the requirements in this section.

(2) A filed record may include additional information not in conflict with the requirements of subsection (1) of this section.

(3)(a) Whenever a provision of this chapter permits any of the terms of a plan or a filed record to be dependent on facts objectively ascertainable outside the plan or filed record, the following provisions apply:

(i) The plan or filed record shall set forth the manner in which the facts will operate upon the terms of the plan or filed record.

(ii) The facts may include:

(A) Any of the following that is available in a nationally recognized news or information medium either in print or electronically: Statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data;

(B) A determination or action by any person or body, including the nonprofit corporation or any other party to a plan or filed record; or

(C) The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or record.

(d) As used in this subsection:

(i) "Filed record" means a record filed by the secretary of state under any provision of the Uniform Business Organizations Code or any provision of this chapter except sections 1801 through 1811 of this act, except an annual report filed pursuant to section 1204 of this act; and

(ii) "Plan" means a plan of domestication, business conversion, entity conversion, distribution, or merger.

NEW SECTION. **Sec. 1203.** ELECTRONIC FILINGS. Any rules governing electronic filing adopted by the secretary of state under RCW 23.95.115(2) apply to all filings required or permitted under this chapter unless such rules, this chapter, or chapter 23.95 RCW specify otherwise.

NEW SECTION. **Sec. 1204.** ANNUAL REPORT. Each domestic nonprofit corporation, and each registered foreign nonprofit corporation, shall deliver to the secretary of state for filing an annual report as required under RCW 23.95.255(2).

NEW SECTION. **Sec. 1205.** MAJOR CHANGES BY CHARITABLE CORPORATIONS. (1) A charitable corporation shall report any action described in subsection (2) of this section on the next annual report that the charitable corporation delivers to the secretary of state for filing under section 1204 of this act, except as provided in subsection (3) of this section.

(2) The actions that create a reporting requirement under this section are:

(a) Amendment of the charitable corporation's articles to include one or more purposes of the corporation substantially different from any purpose stated in the charitable corporation's articles in effect before the amendment; or

(b) Operation of a significant program or activity that is substantially different from both:

(i) Programs or activities the charitable corporation has previously operated; and

(ii) Programs or activities described in the most recent application for recognition of exemption from federal income tax that the charitable corporation has filed with the internal revenue service and in response to which the internal revenue service has issued a determination letter of tax-exempt status to the charitable corporation.

(3) A charitable corporation is not required to report actions described in subsection (2) of this section:

(a) If the charitable corporation was a religious corporation both before and after it took the action;

(b) Within the charitable corporation's first three years of existence, if all programs or activities the charitable corporation operates are consistent with the purposes set forth in the charitable corporation's articles; or

(c) When the charitable corporation operates a program or activity described in subsection (2)(b) of this section, if all funds expended to conduct such a program or activity are derived only from one or more of the following sources:

(i) Contributions or sales in response to one or more solicitations in which:

(A) The program or activity was clearly described; and

(B) A statement was made that implies that the corporation will apply any contribution, or proceeds from any sale, in connection with those solicitations toward the program or activity;

(ii) Admissions, performance of services, or furnishing of facilities;

(iii) Sales of goods not in connection with any solicitation;

(iv) Income from investments of the charitable corporation that is not subject to any gift restriction; or

(v) Revenue from any source that is recognized after the program or activity has been in continuous operation and disclosed to the general public for a period of at least three years.

(4) The secretary of state shall deliver to the attorney general a copy of every annual report filed by the secretary of state that includes a report described in this section.

NEW SECTION. **Sec. 1206.** POWERS OF SECRETARY OF STATE. The secretary of state has the powers reasonably necessary to perform the duties required by this chapter, including adoption, amendment, or repeal of rules under chapter 34.05 RCW for the efficient administration of this chapter.

NEW SECTION. **Sec. 1207.** FEES. The secretary of state may adopt rules in accordance with chapter 34.05 RCW setting fees for any services provided by the secretary of state under this chapter.

ARTICLE 3

INCORPORATION

NEW SECTION. **Sec. 1301.** INCORPORATORS. One or more individuals may act as the incorporators of a

nonprofit corporation by delivering articles of incorporation to the secretary of state for filing. Individuals acting as incorporators must be at least eighteen years old.

NEW SECTION. **Sec. 1302.** CORPORATE NAME. The name or any reserved name of a nonprofit corporation is governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1303.** ARTICLES OF INCORPORATION. (1) The articles of incorporation shall set forth:

(a) A name for the nonprofit corporation that satisfies the requirements of section 1302 of this act;

(b) The name and address of the corporation's initial registered agent;

(c) That the corporation is incorporated under this chapter;

(d) The purpose or purposes for which the corporation is organized;

(e) The number of directors constituting the initial board of directors, and the names and mailing addresses of the persons who are to serve as the initial directors;

(f) If the corporation will have members as defined in section 1102 of this act, a statement that the corporation will have members;

(g) The distribution of assets upon dissolution;

(h) The name and mailing address of each incorporator; and

(i) The signature of each incorporator.

(2) The articles of incorporation may set forth:

(a) A statement that the corporation has no members as defined in this chapter (whether or not the corporation uses the term "member" to define one or more classes of persons who are not members as defined in this chapter);

(b) The names of the initial members, if any;

(c) Provisions not inconsistent with law regarding:

(i) Managing the business and regulating the affairs of the corporation;

(ii) Defining, limiting, and regulating the powers of the corporation, its board of directors, and the members, if any;

(iii) The characteristics, qualifications, rights, limitations, and obligations attaching to each or any class of members;

(d) A provision permitting or making obligatory indemnification of any individual made a party to a proceeding because the individual is or was a director against liability incurred in the proceeding, subject to the limitations set forth in section 2706 of this act;

(e) Provisions required if the corporation is to be exempt from taxation under federal, state, or local law; or

(f) Any other provision that this chapter specifically permits to be set forth in the articles or bylaws.

(3) The articles of incorporation need not set forth any of the corporate powers enumerated in this chapter.

(4) Provisions of the articles may be made dependent upon facts objectively ascertainable outside the articles in accordance with section 1202(3) of this act.

NEW SECTION. **Sec. 1304.** EFFECTIVENESS OF INCORPORATION. (1) Unless a delayed effective date is specified, the corporate existence begins on the date the articles are filed by the secretary of state.

(2) The filing of the articles by the secretary of state is conclusive proof that the incorporators satisfied all conditions precedent to incorporation except in a proceeding by this state to cancel or revoke the incorporation or involuntarily dissolve the nonprofit corporation.

NEW SECTION. **Sec. 1305.** REQUIREMENT OF REGISTERED AGENT. (1) Each nonprofit corporation shall designate and maintain a registered agent in this state.

(2) The designation and maintenance of a nonprofit corporation's registered agent are governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1306.** LIABILITY FOR PREINCORPORATION TRANSACTIONS. All persons purporting to act as or on behalf of a nonprofit corporation, knowing there was no incorporation under this chapter, are jointly and severally liable for all liabilities created while so acting.

NEW SECTION. **Sec. 1307.** ORGANIZATION OF CORPORATIONS. (1) After incorporation:

(a) The initial directors shall hold an organizational meeting at the call of a majority of the initial directors to complete the organization of the nonprofit corporation by appointing officers, adopting bylaws, and carrying on any other business brought before the meeting; and

(b) If the initial directors resign or refuse to meet, then the incorporator or incorporators shall hold a meeting at the call of a majority of the incorporators to elect a board of directors who shall complete the organization of the corporation.

(2) An organizational meeting may be held in or out of this state.

(3) The directors or incorporators may take organizational action without a meeting if the action taken is evidenced by one or more consents in the form of a record describing the action taken and executed by each director or incorporator.

NEW SECTION. **Sec. 1308.** BYLAWS. (1) The board shall adopt initial bylaws for the corporation.

(2) The bylaws may contain any provision for managing the activities and regulating the affairs of the corporation that is not inconsistent with law or the articles. Whenever a provision of the bylaws is inconsistent with a provision of the articles, the provision of the articles controls.

ARTICLE 4

PURPOSES, POWERS, AND LIMITATIONS

NEW SECTION. **Sec. 1401.** PURPOSES. (1) Nonprofit corporations may be organized under this chapter for the purpose of engaging in any lawful activity. A nonprofit corporation may set forth a more limited purpose or purposes in its articles.

(2) A charitable corporation formed on or after January 1, 2022, must be organized under this chapter, unless incorporating under this chapter is prohibited by another statute of this state.

(3) A corporation engaging in an activity that is subject to regulation under another statute of this state may incorporate under this chapter only if incorporating under this chapter is not prohibited by the other statute. The corporation is subject to all the limitations of the other statute. Organizations subject to any provision of the banking or insurance laws of this state may not be organized under this chapter, except that any nonprofit corporation heretofore organized under any act hereby repealed and existing for the purpose of providing health care services as defined in RCW 48.44.010 or 48.46.020, as now or hereafter amended, continues to be organized under this chapter.

NEW SECTION. **Sec. 1402.** POWER TO MODIFY PURPOSES. (1) Unless otherwise prohibited by its articles or bylaws, a nonprofit corporation, including a charitable corporation, may modify its purposes by:

(a) Amending its articles or bylaws in accordance with this chapter and with those documents; and

(b) Making provision for any gift restrictions as defined in section 1502 of this act, either by ensuring continued adherence to those restrictions or by obtaining modification as provided in section 1503 of this act.

(2) A decision to modify the corporation's purposes is subject to judicial review only with respect to violations of this chapter or other applicable law.

NEW SECTION. **Sec. 1403.** GENERAL POWERS. Unless its articles provide otherwise, every nonprofit corporation has perpetual duration and has the same powers as an individual to do all things necessary or convenient to carry out its affairs including, without limitation, power to:

(1) Sue and be sued, complain and defend in its corporate name;

(2) Have a corporate seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it or in any other manner reproducing it;

(3) Make and amend bylaws and policies, not inconsistent with its articles or with the laws of this state, for managing and regulating the affairs of the corporation;

(4) Purchase, receive, lease, or otherwise acquire, and own, hold, improve, use, and otherwise deal with,

real or personal property, or any legal or equitable interest in property, wherever located;

(5) Sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property;

(6) Purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of, and deal in and with shares or other interests in, or obligations of, any other entity;

(7) Make contracts; make guarantees that may reasonably be expected to benefit, directly or indirectly, the guarantor corporation; incur liabilities; borrow money; issue notes, bonds, and other obligations; and secure any of its obligations by mortgage or pledge of any of its property or income;

(8) Lend money, invest and reinvest its funds, and receive and hold real and personal property as security for repayment, except as limited by section 2701 of this act;

(9) Be a promoter, partner, shareholder, member, trustee, associate, or manager of any partnership, joint venture, trust, or other entity;

(10) Conduct its activities, locate offices, and exercise the powers granted by this chapter within or without this state;

(11) Elect directors and appoint officers, employees, and agents of the corporation, define their duties, fix their compensation, and lend them money and credit, except as limited by sections 2701 and 2702 of this act;

(12) Pay pensions and establish pension plans, pension trusts, and benefit or incentive plans for any or all of its current or former directors, officers, employees, and agents, except as limited by section 2702 of this act;

(13) Make donations for charitable purposes;

(14) Impose dues, assessments, admission, and transfer fees on its members;

(15) Establish conditions for admission or removal of members, admit or remove members, and issue memberships;

(16) Carry on a business, and, subject to the requirements of sections 1406 and 2702 of this act, make net profits and accumulate reserves; and

(17) Make payments or donations, or do any other acts, not inconsistent with law, that further the purposes, activities, and affairs of the corporation.

NEW SECTION. **Sec. 1404.** EMERGENCY POWERS. (1) For purposes of this section, an emergency exists if a quorum of the directors cannot readily be assembled because of some catastrophic event. A catastrophic event is a sudden, natural or man-made situation where rapid change or destruction has occurred that has limited normal functions in daily living including communications and travel.

(2) In anticipation of and for the duration of an emergency, the board of a nonprofit corporation may:

(a) Modify lines of succession to accommodate the incapacity of any director, officer, employee, or agent; and

(b) Take those actions necessary to preserve the corporation and ensure that it acts in accordance with its purposes.

(3) During an emergency, unless the articles or bylaws provide otherwise:

(a) Notice of a meeting of the board need be given only to those directors it is practicable to reach and may be given in any practicable manner;

(b) The quorum required under section 2504 of this act or the articles or bylaws need not be established at such a meeting; and

(c) One or more officers of the nonprofit corporation present at a meeting of the board may be deemed to be directors for purposes of the meeting.

(4) In anticipation of and for the duration of an emergency, any meeting of the membership or of the board of directors may be conducted through one or more means of remote communication through which members or directors not physically present may simultaneously participate with each other during the meeting, notwithstanding any provision of the articles or bylaws that provides otherwise. A member or director participating in a meeting through such means in anticipation of and for the duration of an emergency is considered present in person at the meeting.

(5) Corporate action taken in good faith during an emergency to further the purposes and the ordinary affairs of the nonprofit corporation:

(a) Binds the corporation; and

(b) May not be used to impose liability on a director, officer, employee, or agent.

NEW SECTION. **Sec. 1405.** ULTRA VIRES ACTION. (1) Except as provided in subsection (2) of this section, the validity of corporate action may not be challenged on the ground that the nonprofit corporation lacks or lacked power to act.

(2) The power of a nonprofit corporation to act may be challenged:

(a) In a proceeding by the corporation, directly or through a receiver, trustee, or other legal representative, against an incumbent or former director, officer, employee, or agent of the corporation; or

(b) In a proceeding by the attorney general under section 3605 of this act.

NEW SECTION. **Sec. 1406.** DISTRIBUTIONS PROHIBITED. (1) A nonprofit corporation shall not distribute any property held for charitable purposes to its members, directors, officers, or other persons who are in a position to exercise substantial influence over the affairs of the corporation, except:

(a) As permitted under section 1407 of this act;

(b) To another entity that is a charitable corporation or is organized and operated exclusively for one or more charitable purposes; or

(c) To the federal government, a tribal government, or a state or local government for a public purpose.

(2) A nonprofit corporation shall not pay dividends or make distributions of any part of its assets, income, or profits to its members, directors, officers, or other persons who are in a position to exercise substantial influence over the affairs of the corporation, except as permitted under:

(a) Subsection (1)(b) or (c) of this section;

(b) Subsection (3) of this section;

(c) Section 1407 of this act; or

(d) Section 3502 of this act.

(3) A nonprofit corporation other than a charitable corporation may confer benefits upon or make transfers to members or nonmembers in conformity with its purposes, repurchase its memberships only to the extent provided in section 2114 of this act, or repay capital contributions, subject to the following conditions:

(a) Property held for charitable purposes may not be used to confer benefits upon or make transfers to members or nonmembers, repurchase memberships, or repay capital contributions;

(b) The nonprofit corporation may not be insolvent, and conferral of benefits, making of transfers, repurchase of memberships, or repayment of capital contributions shall not render the corporation insolvent or unable to carry out its purposes; and

(c) The fair value of the corporation's assets remaining after the conferring of benefits, making of transfers, repurchase, or repayment must be sufficient to meet the corporation's liabilities.

NEW SECTION. **Sec. 1407.** REASONABLE COMPENSATION PERMITTED. A nonprofit corporation, including a charitable corporation, may pay reasonable compensation to members, directors, or officers for services rendered, or reimburse reasonable expenses incurred by members, directors, or officers in connection with services rendered.

NEW SECTION. **Sec. 1408.** PROPERTY HELD FOR CHARITABLE PURPOSES. (1) Property owned by a nonprofit corporation is held for charitable purposes if:

(a) The corporation is a charitable corporation;

(b) The property is subject to restrictions contained in a gift instrument that limit its use only to one or more charitable purposes; or

(c) The property is subject to restrictions contained in the corporation's articles, bylaws, or any record adopted by the corporation's board, or to other limitations in the form of a record, that limit its use only to one or more charitable purposes.

(2) In no event may property held for charitable purposes be distributed in a

manner inconsistent with sections 1406, 3404, or 3502 of this act.

NEW SECTION. **Sec. 1409.** DEBT AND SECURITY INTERESTS. (1) A nonprofit corporation shall not issue bonds or other evidences of indebtedness except for cash or other property, tangible or intangible, or labor or services actually received by or performed for the corporation or for its benefit or in its formation or reorganization, or a combination thereof.

(2) The board may authorize a mortgage or pledge of, or the creation of a security interest in, all or any part of the property of the nonprofit corporation, or any interest therein. Unless otherwise provided in the articles or bylaws, the vote or consent of the members is not required to make effective such an action by the board.

NEW SECTION. **Sec. 1410.** PRIVATE FOUNDATIONS. (1) Except as provided in subsection (2) of this section, a nonprofit corporation that is a private foundation as defined in section 509(a) of the Internal Revenue Code shall:

(a) Distribute sufficient amounts for each taxable year at a time and in a manner so as not to subject the corporation to tax under section 4942 of the Internal Revenue Code;

(b) Not engage in any act of self-dealing as defined in section 4941(d) of the Internal Revenue Code;

(c) Not retain any excess business holdings as defined in section 4943(c) of the Internal Revenue Code;

(d) Not make any investments in a manner that subjects the corporation to tax under section 4944 of the Internal Revenue Code; and

(e) Not make any taxable expenditures as defined in section 4945(d) of the Internal Revenue Code.

(2) Subsection (1) of this section does not apply to a nonprofit corporation incorporated before January 1, 1970, that has been properly relieved from the requirements of section 508(e)(1) of the Internal Revenue Code by a timely judicial proceeding.

ARTICLE 5

GIFT RESTRICTIONS

NEW SECTION. **Sec. 1501.** UNRESTRICTED GIFTS. Giving a gift to a nonprofit corporation, including a charitable corporation, without a gift instrument transfers complete ownership of the gift to the nonprofit corporation. A restricted gift to a nonprofit corporation is created only by a gift instrument.

NEW SECTION. **Sec. 1502.** RESTRICTED GIFTS. (1) This section distinguishes between:

(a) Enforceable trusts held by a nonprofit corporation, including a charitable corporation, governed under chapter 11.110 RCW; and

(b) Gift restrictions whose terms may be enforced and are subject to modification under this chapter or other applicable law.

(2) A gift to a nonprofit corporation, including a charitable corporation, does not create a charitable trust unless:

(a) The donor expresses an intent to create a charitable trust; and

(b) The trustee, which may be a charitable corporation, agrees in the form of a record to act as trustee of that trust according to its terms.

(3) Giving a gift to a nonprofit corporation, including a charitable corporation, that is: (a) Accepted by the corporation; (b) not in trust; and (c) subject to material restrictions or requirements contained in a gift instrument transfers complete ownership to the nonprofit corporation. The nonprofit corporation is bound by the material restrictions or requirements contained in the gift instrument.

(4) A nonprofit corporation complies with a term contained in a gift instrument if the nonprofit corporation reasonably complies with all material restrictions or requirements contained in the term, or, when appropriate under the facts and circumstances, seeks modification in accordance with section 1503 of this act.

(5) If the nonprofit corporation fails to comply with any material restriction or requirement contained in a gift instrument and fails to seek a modification in accordance with section 1503 of this act, then the attorney general may bring a proceeding to enforce the terms of the gift instrument.

NEW SECTION. **Sec. 1503.** MODIFICATION OR RELEASE OF GIFT RESTRICTIONS. (1) A

term of a gift instrument that binds a nonprofit corporation may be modified or released, in whole or in part:

(a) If the donor consents in a record;

(b) As set forth in subsection (2) of this section, if the term is unlawful, impracticable, impossible to achieve, or wasteful;

(c) For gift instruments limiting the use of property to one or more charitable purposes, through a binding agreement executed by the nonprofit corporation, the attorney general, and other interested parties, and filed with or approved by the court in accordance with section 1504 of this act;

(d) By approval of the court in accordance with section 1505 of this act; or

(e) As provided by other applicable law including, but not limited to, chapter 24.55 RCW.

(2) If a nonprofit corporation, including a charitable corporation, determines that a restriction contained in a gift instrument on the management, investment, or purpose of a gift is unlawful, impracticable, impossible to achieve, or wasteful, then the nonprofit corporation, sixty days after notification to the attorney general, may modify the restriction, in whole or part, if:

(a) The gift subject to the restriction has a total value consistent with RCW 24.55.045(4)(a) or any successor provision;

(b) More than twenty years have elapsed since the gift was given; and

(c) The nonprofit corporation uses the gift in a manner consistent with any charitable purposes expressed in the gift instrument.

(3) Application of sections 1501 through 1506 of this act to existing gifts:

(a) Before January 1, 2023, sections 1501 through 1506 of this act apply to gifts existing on December 31, 2021, only if the nonprofit corporation's board elects to apply sections 1501 through 1506 of this act to existing gifts before January 1, 2023.

(b) On or after January 1, 2023, sections 1501 through 1506 of this act apply to all gifts.

(c) As applied to gifts existing on December 31, 2021, sections 1501 through 1506 of this act govern only decisions made or actions taken on or after January 1, 2023, except that in the case of a nonprofit corporation that makes the election under (a) of this subsection sections 1501 through 1506 of this act govern decisions made or actions taken on or after the date the nonprofit corporation elects to be covered by sections 1501 through 1506 of this act.

NEW SECTION. **Sec. 1504.** BINDING AGREEMENT TO MODIFY OR RELEASE RESTRICTIONS. (1) If a gift instrument limits the use of the gift to one or more charitable purposes, and the conditions set forth in subsection (3) or (4) of this section are satisfied, then the gift instrument may be modified by agreement of the nonprofit corporation, the attorney general, and all other interested parties.

(2) For purposes of this section, an "interested party" does not include:

(a) The donor; or

(b) Any member of any charitable class that the gift would benefit, either before or after the modifications to be made by the agreement.

(3) A restriction related to a gift's management or investment may be modified by an agreement described in subsection (1) of this section if:

(a) Because of circumstances not anticipated by the donor, modification will further the charitable purpose of the gift;

(b) Enforcement of the restriction has become impracticable or wasteful; or

(c) Enforcement of the restriction impairs the management or investment of the gift.

(4) A restriction on the use of a gift relating to the gift's charitable purpose, rather than its management or investment, may be modified by an agreement described in subsection (1) of this section if the purpose becomes unlawful, impracticable, impossible to achieve, or wasteful.

(5) An agreement described in subsection (1) of this section must:

(a) Be in writing and executed by all of the parties;

(b) Be binding and conclusive on the nonprofit corporation and all other parties with a beneficial interest in the gift;

(c) Identify the gift instrument and the term or terms of the gift instrument that it modifies;

(d) Describe completely the modifications that it would make;

(e) Set forth the reasons why the modifications would comply with subsection (3) or (4) of this section; and

(f) State changes to the charitable purposes to which the use of the gift is limited, if any, resulting from the modifications.

(6) The nonprofit corporation or its legal representative may file the executed agreement with the court within thirty days of the agreement's execution by all parties. Upon filing of the executed agreement with the court:

(a) The agreement becomes effective and equivalent to a final court order binding on the nonprofit corporation and all other parties with a beneficial interest in the use of the gift, and

(b) The modifications are deemed approved by the court, and have the same effect as if the court ordered them pursuant to section 1505 of this act.

(7) The nonprofit corporation or its legal representative may, as an alternative to the procedure described in subsection (6) of this section, petition the court for a hearing for presentation of an agreement entered under this section to the court within twenty-one days of the agreement's execution by all parties. The nonprofit corporation shall (a) provide notice of the time and date of the hearing to each party to the agreement unless that party has waived notice in the form of a record, and (b) file proof of mailing or delivery of the notice or waiver with the court. At the hearing, the court shall review the agreement on behalf of all the parties. The court shall determine whether the agreement adequately represents and protects the interests of the parties and the public interest, and enter an order declaring its determination. If the court determines that the agreement does not adequately represent and protect those interests, then the agreement is void.

NEW SECTION. **Sec. 1505.** JUDICIAL MODIFICATION OR RELEASE OF RESTRICTIONS. (1) Upon application by a corporation subject to a restriction related to a gift's management or investment, rather than to its charitable purpose, the court may modify the restriction if:

(a) Because of circumstances not anticipated by the donor, modification will further the charitable purpose of the gift;

(b) Enforcement of the restriction has become impracticable or wasteful; or

(c) Enforcement of the restriction impairs the management or investment of the gift.

(2) Upon application by a corporation subject to a restriction on the use of a gift relating to the charitable purpose of the gift, rather than its management or investment, the court may modify the restriction if the purpose becomes unlawful, impracticable, impossible to achieve, or wasteful.

(3) If the gift instrument provides for a forfeiture or gift-over to an alternative beneficiary, then the court may modify one or more restrictions under the procedure set out in subsection (1) of this section if a management or investment provision fails. The court may not, however, modify any restriction under the procedure set out in subsection (2) of this section to defeat the interest of an alternate beneficiary unless the beneficiary would also be subject to, and unable to perform, the term requiring modification. The alternative beneficiary is entitled to notice and may participate in the determination of whether to grant modification.

(4) Any modification made by the court must, to the extent possible, be made in a manner consistent with the charitable purposes as expressed in the gift instrument.

(5) A nonprofit corporation shall notify the attorney general whenever it seeks to modify a charitable gift restriction under this section and the court shall offer the attorney general an opportunity to be heard.

NEW SECTION. **Sec. 1506.** CHARITABLE PURPOSE SURVIVES. Modification or release of a gift restriction shall not allow a gift to be used for a purpose other than a charitable purpose.

ARTICLE 6

BOOKS AND RECORDS

NEW SECTION. **Sec. 1601.** CORPORATE RECORDS. (1) A nonprofit corporation shall keep permanently a copy of the following records:

(a) Minutes of all meetings of its members and of its board of directors;

(b) A record of all actions taken by the members and board of directors by unanimous written consent; and

(c) A record of all actions taken on behalf of the corporation by a committee of the board.

(2) A nonprofit corporation shall keep a current copy of the following records:

(a) Its articles of incorporation or restated articles of incorporation and all amendments to them currently in effect;

(b) Its bylaws or restated bylaws and all amendments to them currently in effect;

(c) All communications in the form of a record to members generally within the past six years, including the financial statements furnished for the past six years under section 1604 of this act;

(d) A list of the names and business addresses of its current directors and officers; and

(e) Its most recent annual report delivered to the secretary of state under section 1204 of this act.

(3) A nonprofit corporation shall maintain appropriate accounting records.

(4) A membership corporation or its agent shall maintain a record of its members, in a form that permits preparation of a list of the names and addresses of all members, in alphabetical order by class, showing the number of votes each member is entitled to cast.

(5) A nonprofit corporation shall maintain its records in written form or in any other form of a record.

(6) All records required to be maintained by a nonprofit corporation may be maintained at any location within or without this state.

NEW SECTION. **Sec. 1602.** INSPECTION BY MEMBERS. (1) A member of a nonprofit corporation may inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the records the corporation is required to maintain under section 1601(2) of this act, if the member delivers to the corporation an executed notice in the form of a record at least five business days before the date on which the member wishes to inspect and copy the records.

(2) Subject to the limitations set forth in subsections (3) and (4) of this section, a member of a nonprofit corporation may inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation, if the member delivers to the corporation an executed notice in the form of a record at least five business days before the date on which the member wishes to inspect and copy the records:

(a) Excerpts from those minutes and records required to be maintained under section 1601(1) of this act;

(b) Accounting records of the corporation described in section 1601(3) of this act; and

(c) Subject to section 1607 of this act, the membership list described in section 1601(4) of this act.

(3) A nonprofit corporation may withhold from inspection under this section:

(a) Those portions of records that contain information protected by the attorney-client privilege or related work product;

(b) The address of any member who is known to the corporation to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar program established by law;

(c) Those portions of records, which, if disclosed, would be reasonably likely to result in harm to the corporation or a third party, such as disciplinary actions involving nondirector members, identities of job applicants, discussions of strategic acquisitions, records that are required to be kept confidential under obligations to a third party, etc.; or

(d) Any information that a nonprofit corporation is required to keep confidential under any other law.

(4) A member may inspect and copy the records described in subsection (2) of this section only if the:

(a) Member's demand is made in good faith and for a proper purpose;

(b) Member describes with reasonable particularity the purpose and the records the member desires to inspect;

(c) Member agrees in the form of a record to reasonable restrictions required by the board on the use or distribution of the records; and

(d) Records are directly connected with this purpose.

(5) The right of inspection granted by this section may not be abolished or limited by a nonprofit corporation's articles or bylaws.

(6) This section does not affect the:

(a) Right of a member to inspect records as part of discovery in connection with litigation; or

(b) Power of any court of competent jurisdiction, independently of this chapter, to compel the production of corporate records for examination.

NEW SECTION. **Sec. 1603.** SCOPE OF MEMBER'S INSPECTION RIGHT. (1) A member's agent or attorney has the same inspection and copying rights as the member represented.

(2) The right to copy records under section 1602 of this act includes, if reasonable, the right to receive copies. Copies may be provided through electronic transmission unless the member requests otherwise in the form of a record.

(3) The nonprofit corporation may comply with a member's demand to inspect and copy the list of members under section 1602(2)(c) of this act by providing the member for a reasonable charge as described in subsection (4) of this section with a list of members that was compiled no earlier than the date of the member's demand.

(4) The nonprofit corporation shall provide a copy of its articles and bylaws at no cost to a member on request. The nonprofit corporation may impose a reasonable charge, covering the costs of labor and material, for copies of any other documents provided to the member. The charge may not exceed the estimated cost of production, reproduction, or transmission of the records.

NEW SECTION. **Sec. 1604.** FINANCIAL STATEMENTS FOR MEMBERS. (1) Except as provided in the articles or bylaws of a nonprofit corporation engaged in religious activity, upon a demand in the form of a record from a member, a corporation shall furnish that member with its latest annual financial statements, which may be consolidated or combined statements of the corporation and one or more of its subsidiaries, as appropriate, that include a balance sheet as of the end of the fiscal year and a statement of operations for the year. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, then the annual financial statements must also be prepared on that basis.

(2) If the annual financial statements are reported upon by a certified public accountant, then the accountant's report shall accompany them. If not, then the statements must be accompanied by a statement of the president or the person responsible for the nonprofit corporation's accounting records:

(a) Stating the reasonable belief of the president or other person as to whether the statements were prepared on the basis of generally accepted accounting principles and, if not, describing the basis of preparation; and

(b) Describing any respects in which the statements were not prepared on a basis of accounting consistent with the statements prepared for the preceding year.

NEW SECTION. **Sec. 1605.** COURT-ORDERED INSPECTION. (1) If a nonprofit corporation does not allow a member who complies with section 1602(1) of this act to inspect and copy any records required by that subsection to be available for inspection, then the court may summarily order inspection and copying of the records demanded at the corporation's expense upon application of the member.

(2) If a nonprofit corporation does not within a reasonable time allow a member to inspect and copy any other record to which the member is entitled under section 1602(2) of this act, then the member who complies with section 1602 (3) and (4) of this act may apply to the court for an order to permit inspection and copying of the records demanded. The court may inspect the records in question *in camera* and determine the extent of required disclosure, if any, in light of

section 1602 of this act. In making that determination, the court shall consider the probability and extent of potential harm to the corporation or any third party that may result from inspection, and the probability and extent of benefit to the corporation or the member.

(3) If the court orders inspection and copying of the records demanded, then it shall also order the nonprofit corporation to pay the member's costs, including reasonable attorneys' fees, incurred to obtain the order, unless the corporation proves that it refused inspection in good faith because it had a reasonable basis for doubt about the right of the member to inspect the records demanded. If the court denies the majority of the request for inspection and copying, it may order the member to pay part or all of the nonprofit corporation's costs, including reasonable attorneys' fees.

(4) If the court orders inspection and copying of the records demanded, then it may impose reasonable restrictions on the use or distribution of the records by the demanding member.

NEW SECTION. **Sec. 1606.** INSPECTION BY DIRECTORS. (1) A director of a nonprofit corporation may inspect and copy the books, records, and documents of the corporation at any reasonable time to the extent reasonably related to the performance of the director's duties as a director, including duties as a member of a committee, but not for any other purpose or in any manner that would violate any duty to the corporation or law other than this chapter.

(2) The court may order inspection and copying of the books, records, and documents at the corporation's expense, upon application of a director who has been refused the inspection rights set out in subsection (1) of this section, unless the corporation establishes that the director is not entitled to those inspection rights.

(3) If an order is issued, then the court may include provisions protecting the nonprofit corporation from undue burden or expense, and prohibiting the director from using information obtained upon exercise of the inspection rights in a manner that would violate a duty to the corporation, and may also order the corporation to reimburse the director for the director's costs, including reasonable attorneys' fees, incurred in connection with the application.

NEW SECTION. **Sec. 1607.** USE OF MEMBERSHIP LIST. (1) Without the consent of the board, a membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a member's interest as a member. Without limiting the generality of the foregoing, without the consent of the board, a membership list or any part thereof may not be:

(a) Used to solicit cash or other property unless the cash or other property will be used solely to solicit the votes of the members in an election to be held by the nonprofit corporation;

(b) Used for any commercial purpose; or

(c) Sold to or purchased by any person.

(2) Instead of making a membership list available for inspection and copying under sections 1601 through 1607 of this act, a nonprofit corporation may elect to proceed under the procedures set forth in section 2304(6) of this act.

ARTICLE 7

PUBLIC BENEFIT CORPORATIONS

NEW SECTION. **Sec. 1701.** PUBLIC BENEFIT DESIGNATION. (1) There is hereby established the special designation of "public benefit nonprofit corporation." A corporation may be designated as a public benefit nonprofit corporation if it meets the following requirements:

(a) The corporation complies with this chapter; and

(b) The corporation is currently recognized by the internal revenue service as an organization described in section 501(c)(3) of the Internal Revenue Code or is exempt from applying for that recognition under section 508(c) of the Internal Revenue Code.

(2) A temporary designation as a public benefit nonprofit corporation may be provided to a corporation that has applied to the internal revenue service for recognition of its status as an organization described in section 501(c)(3) of the Internal Revenue Code. The temporary designation is valid for up to one year and may be renewed at the discretion of the secretary of state.

(3) Designation of a corporation as a public benefit nonprofit corporation

does not alter the applicability to the corporation of any other provision of this chapter.

NEW SECTION. **Sec. 1702.** APPLICATION AND RENEWAL. (1) The secretary of state shall develop an application process for new and existing corporations to apply for public benefit nonprofit corporation status.

(2) Public benefit nonprofit corporation status must be renewed annually. The secretary of state may schedule renewals in conjunction with the corporation's annual report.

NEW SECTION. **Sec. 1703.** REMOVAL OF STATUS. The secretary of state may remove a corporation's public benefit nonprofit corporation designation if the corporation does not comply with this chapter or the internal revenue service revokes recognition of the corporation's status as an organization described in section 501(c)(3) of the Internal Revenue Code.

ARTICLE 8

FOREIGN CORPORATIONS

NEW SECTION. **Sec. 1801.** REGISTRATION TO DO BUSINESS. A foreign nonprofit corporation may not do business in this state until it registers with the secretary of state pursuant to chapter 23.95 RCW.

NEW SECTION. **Sec. 1802.** EFFECT OF REGISTRATION. (1) A foreign nonprofit corporation with a valid foreign registration statement has the same but no greater rights and has the same but no greater privileges as, and except as provided by this chapter is subject to the same duties, restrictions, penalties, and liabilities now or later imposed on, a domestic nonprofit corporation of like character.

(2) This chapter does not authorize this state to regulate the organization or internal affairs of a registered foreign nonprofit corporation.

(3) For those corporations that have a certificate of authority, are applying for, or intend to apply for a certificate of authority from the insurance commissioner as an insurance company under chapter 48.05 RCW, whenever under this chapter corporate records are required to be delivered to the secretary of state for filing, the records must be delivered to the insurance commissioner rather than the secretary of state.

NEW SECTION. **Sec. 1803.** NAME OF FOREIGN CORPORATION. (1) The name of a registered foreign nonprofit corporation, any name reserved by a registered foreign nonprofit corporation, or any alternate name adopted under RCW 23.95.525 is governed by chapter 23.95 RCW.

(2) A foreign nonprofit corporation not registered to do business in this state may register its name, or an alternate name adopted pursuant to RCW 23.95.525, under RCW 23.95.315.

NEW SECTION. **Sec. 1804.** REGISTERED AGENT OF FOREIGN CORPORATION. (1) Each registered foreign nonprofit corporation in this state shall designate and maintain a registered agent in this state.

(2) The designation and maintenance of a foreign nonprofit corporation's registered agent are governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1805.** SERVICE ON FOREIGN CORPORATION. (1) A registered foreign nonprofit corporation may be served with any process, notice, or demand required or permitted by law by serving its registered agent.

(2) Service upon a registered foreign nonprofit corporation made by serving its registered agent, or service on the registered foreign nonprofit corporation in the absence of a registered agent, is governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1806.** WITHDRAWAL OF REGISTRATION. A registered foreign nonprofit corporation may withdraw its registration by delivering a statement of withdrawal to the secretary of state for filing under RCW 23.95.530.

NEW SECTION. **Sec. 1807.** WITHDRAWAL UPON CONVERSION OR DISSOLUTION. (1) A registered foreign nonprofit corporation that converts to any type of domestic entity automatically is deemed to have withdrawn its registration on the effective date of the conversion.

(2) A registered foreign nonprofit corporation that has dissolved and completed winding up or has converted to a domestic or foreign entity not required to register under chapter 23.95 RCW or other law of this state shall deliver a statement of withdrawal to the secretary of state for filing under RCW 23.95.540.

(3) After the withdrawal of a foreign nonprofit corporation under this section

is effective, service of process in any action or proceeding based on a cause of action arising during the time the foreign nonprofit corporation was registered to do business in this state may be made pursuant to RCW 23.95.450.

NEW SECTION. **Sec. 1808.** AMENDMENT TO REGISTRATION UPON CONVERSION. A registered foreign nonprofit corporation that converts to a foreign for-profit corporation or to any form of foreign unincorporated entity that is required to register with the secretary of state to do business in this state shall deliver to the secretary of state for filing an amendment to its foreign registration statement under RCW 23.95.515.

NEW SECTION. **Sec. 1809.** TRANSFER OF REGISTRATION. (1) If a registered foreign nonprofit corporation merges into a nonregistered foreign entity or converts to a different type of foreign entity required to register to do business in this state, the foreign entity shall deliver to the secretary of state for filing an application for transfer of registration under RCW 23.95.545.

(2) If a registered foreign nonprofit corporation is a party to a statutory merger permitted by the laws of the jurisdiction where it is incorporated, and the corporation is the surviving corporation, it is not necessary for the corporation to register to do business or to amend its registration unless the corporation's name is changed.

NEW SECTION. **Sec. 1810.** TERMINATION OF REGISTRATION. The secretary of state may terminate the registration of a registered foreign nonprofit corporation under RCW 23.95.550:

(1) For any reason set forth in RCW 23.95.550(1);

(2) If the secretary of state receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or did not survive a merger; or

(3) If the corporation has continued to exceed or abuse the authority conferred upon it by this chapter.

NEW SECTION. **Sec. 1811.** JUDICIAL REVIEW OF TERMINATION. (1) A foreign nonprofit corporation may appeal the secretary of state's termination of its registration to the superior court of Thurston county within ninety days after service of the statement of termination is perfected. The foreign nonprofit corporation shall appeal by petitioning the court to set aside the termination and attaching to the petition copies of its statement of registration and the secretary of state's statement of termination.

(2) The court may summarily order the secretary of state to reinstate the registration or may take any other action the court considers appropriate.

(3) The court's final decision may be appealed as in other civil proceedings.

PART II

GOVERNANCE

ARTICLE 1

MEMBERS AND MEMBERSHIPS

NEW SECTION. **Sec. 2101.** MEMBERS. (1) A nonprofit corporation may have one or more classes of members or may have no members.

(2) For corporations formed on or after January 1, 2022, notwithstanding anything to the contrary in the bylaws, where the articles of a nonprofit corporation do not provide that it has members, the nonprofit corporation does not have members.

(3) For organizations formed before January 1, 2022, where the articles of a nonprofit corporation do not provide that it has members, the corporation has members only if the bylaws:

(a) Provide that the corporation has members; and

(b) Provide that members of at least one class have the right to select or vote for the election of directors or delegates or to vote on at least one type of fundamental transaction.

(4) Where a nonprofit corporation does not have members under this section, or where a corporation has no members entitled to vote on a given matter, any provision of this chapter or any other provision of law requiring notice to, the presence of, or the vote, consent, or other action by members in connection with that matter is satisfied by notice to, the presence of, or the vote, consent, or other action by the board.

NEW SECTION. **Sec. 2102.** SCOPE OF MEMBERSHIP. A person is not a member of a nonprofit corporation for purposes of any provision of this chapter unless the person meets the definition of "member" in section 1102 of this act, regardless of whether the corporation refers to or designates the person as a member.

NEW SECTION. **Sec. 2103.** ADMISSION OF MEMBERS. (1) The articles or bylaws of a membership corporation may establish criteria or procedures for admission of members.

(2) A person may not be admitted as a member without the person's consent. Consent may be express or implied and need not be in the form of a record.

(3) If a membership corporation provides certificates of membership to the members, then the certificates shall not be registered or transferable except as provided in the articles or bylaws or by resolution of the board.

NEW SECTION. **Sec. 2104.** CONSIDERATION FOR ADMISSION. Except as provided in its articles or bylaws, a membership corporation may admit members for no consideration or for consideration determined by the board, which may take any form, including promissory notes, intangible property, or past or future services. Payment of the consideration may be made at those times and upon those terms as are set forth in or authorized by the articles, bylaws, or a resolution of the board.

NEW SECTION. **Sec. 2105.** CAPITAL CONTRIBUTIONS. (1) A membership corporation that is not a charitable corporation may provide in its articles or bylaws that members, upon or after admission, shall make capital contributions. Except as provided in the articles or bylaws, the board shall fix the amount. The requirement of a capital contribution may apply to all members, or to the members of a single class, or to members of different classes in different amounts or proportions.

(2) The adoption or amendment of a capital contribution requirement, whether or not approved by the members, shall not apply to, or be an obligation of, a member who did not vote in favor of the adoption or amendment until thirty days after the member has been given notice of the adoption or amendment.

NEW SECTION. **Sec. 2106.** RIGHTS AND OBLIGATIONS. (1) The members of a membership corporation have only those rights, privileges, powers, or obligations specifically given or assigned to members in the articles, the bylaws, or section 2313 of this act.

(2) A member shall not have the right to vote on any matter unless the articles, the bylaws, or section 2313(1) of this act provides expressly that the class of members to which that member belongs has the right to vote on that particular matter.

NEW SECTION. **Sec. 2107.** DIFFERENCES IN RIGHTS AND OBLIGATIONS. (1) Except as provided in the articles or bylaws, each member of a membership corporation has the same rights and obligations as every other member with respect to voting, dissolution, membership transfer, and other matters.

(2) If the corporation has one or more classes of members, then the designation of the class or classes, the articles, or the bylaws shall set forth the manner of election or appointment and the qualifications and rights of the members of each class.

NEW SECTION. **Sec. 2108.** TRANSFERS OF MEMBERSHIP. (1) Except as provided in the articles or bylaws or by resolution of the board, a member of a membership corporation may not transfer a membership or any right arising therefrom.

(2) Where the right to transfer a membership has been provided, a restriction on that right shall not be binding with respect to a member holding a membership issued before the adoption of the restriction unless the affected member consents to the restriction in the form of a record.

NEW SECTION. **Sec. 2109.** MEMBER'S LIABILITY FOR CORPORATE OBLIGATIONS. A member of a membership corporation is not personally liable for the acts, debts, liabilities, or obligations of the corporation.

NEW SECTION. **Sec. 2110.** MEMBER'S LIABILITY FOR DUES, FEES, AND ASSESSMENTS. (1) A membership corporation may levy dues, assessments, and fees on its members to the extent authorized in the articles or bylaws. Particular dues, assessments, and fees may be imposed in the articles or bylaws or by resolution of the board, subject to any membership approval required under section 3112(1) of this act, on members of the same class either alike or in

different amounts or proportions, and may be imposed on a different basis on different classes of members. Members of a class may be made exempt from dues, assessments, and fees to the extent provided in the articles or bylaws or by resolution of the board.

(2) The amount and method of collection of dues, assessments, and fees may be fixed in the articles or bylaws, or the articles or bylaws may authorize the board or members to fix the amount and method of collection, with or without approval of the class or classes of members affected.

(3) The articles or bylaws may provide reasonable means, such as termination and reinstatement of membership, to enforce the collection of dues, assessments, and fees.

NEW SECTION. **Sec. 2111.** CREDITOR'S ACTION AGAINST MEMBER. (1) A proceeding may not be brought by a creditor of a membership corporation to reach the liability, if any, of a member to the corporation unless final judgment has been rendered in favor of the creditor against the corporation and execution has been returned unsatisfied in whole or in part.

(2) All creditors of a membership corporation, with or without reducing their claims to judgment, may intervene in any creditor's proceeding brought under subsection (1) of this section to reach and apply unpaid amounts due the corporation. Any or all members who owe amounts to the corporation may be joined in the proceeding.

NEW SECTION. **Sec. 2112.** RESIGNATION OF MEMBER. (1) A member of a membership corporation may resign at any time.

(2) The resignation of a member does not relieve the member from any obligations incurred or commitments made before resignation.

NEW SECTION. **Sec. 2113.** TERMINATION AND SUSPENSION OF MEMBER. (1) A membership in a membership corporation may be terminated or suspended for the reasons and in the manner provided in the articles or bylaws.

(2) A membership in a membership corporation may also be terminated, regardless of the procedure set forth in the articles or bylaws, if:

(a) The corporation has had no contact from the member for at least three years; and

(b) Either:

(i) The member fails to respond within ninety days to a request from the corporation to update the member's contact information that includes a statement that failure to respond could result in termination of membership, delivered to that member by means reasonably likely to reach that member; or

(ii) A request from the corporation to update the member's contact information that includes a statement that failure to respond could result in termination of membership, sent to that member by first-class forwardable mail, with postage prepaid, is returned as undeliverable; or

(iii) If members, or a class of members, are not identified individually on the records of the corporation, a request from the corporation for members to provide contact information that includes a statement that failure to respond could result in termination of membership is published once a week for six consecutive weeks in a newspaper of general circulation in the county in which the corporation's principal office is located.

(3) Unless otherwise provided in the articles or bylaws, if the articles or bylaws allow the board or any other body to admit members, the affirmative vote of two-thirds of that body may terminate a member.

(4) Irrespective of anything to the contrary in the articles or bylaws, in any proceeding involving a corporation or upon application from the corporation, the court may order termination of a member of the corporation in the best interests of the corporation.

(5) A proceeding challenging a termination or suspension for any reason must be commenced within one year after the effective date of the termination or suspension.

(6) The termination or suspension of a member does not relieve the member from any obligations incurred or commitments made before the termination or suspension.

NEW SECTION. **Sec. 2114.** REPURCHASE OF MEMBERSHIPS. A membership corporation that is not a charitable corporation may

repurchase any of its memberships or any right arising therefrom only if it is so provided in the articles or bylaws. A membership corporation that is a charitable corporation may not repurchase any of its memberships or any right arising therefrom.

ARTICLE 2

DELEGATES

NEW SECTION. **Sec. 2201.** DELEGATES. (1) A membership corporation may provide in its articles or bylaws for delegates.

(2) The articles or bylaws may set forth provisions relating to:

(a) The characteristics, qualifications, rights, limitations, and obligations of delegates including their selection and removal;

(b) Calling, noticing, holding, and conducting meetings of delegates; and

(c) Carrying on activities during and between meetings of delegates.

(3) If the articles or bylaws provide for delegates, then, unless otherwise provided in the articles or bylaws:

(a) The power to appoint, remove, or modify any provision of the articles or bylaws governing the appointment or removal of delegates is reserved to the members.

(b) All other powers of members including, but not limited to, the right to vote on other amendments to articles or bylaws, may be exercised by delegates.

ARTICLE 3

MEMBERSHIP MEETINGS AND VOTING

NEW SECTION. **Sec. 2301.** ANNUAL AND REGULAR MEETINGS. (1) A membership corporation shall hold an annual meeting of members once during each fiscal year at a time stated in or fixed in accordance with the articles or bylaws.

(2) A membership corporation may hold regular meetings on a regional or other basis at times stated in or fixed in accordance with the articles or bylaws.

(3) Except as provided in subsection (5) of this section, annual and regular meetings of the members may be held in or out of this state at the place stated in or fixed in accordance with the articles or bylaws. If no place is stated in or fixed in accordance with the articles or bylaws, then annual and regular meetings shall be held at the membership corporation's principal office.

(4) The failure to hold an annual or regular meeting at the time stated in or fixed in accordance with the articles or bylaws does not affect the validity of any corporate action.

(5) The articles or bylaws may provide that an annual or regular meeting of members may be held in a specified location and, if so provided under the articles or bylaws, through one or more means of remote communication through which members not physically present may participate in the meeting substantially concurrently, vote on matters submitted to the members, pose questions, and make comments. For any meeting at which one or more members may participate by means of remote communication, the corporation shall deliver notice of the meeting to each member by a means which the member has authorized and provide complete instructions for participating in the meeting by remote communication.

NEW SECTION. **Sec. 2302.** SPECIAL MEETINGS. (1) A membership corporation shall hold a special meeting of members:

(a) At the call of its board of directors, the president, or the persons authorized to do so by the articles or bylaws; or

(b) Upon the execution and delivery to the corporation of one or more demands for a special meeting, in the form of a record, describing the purpose for which the meeting is to be held, by either:

(i) The number or proportion of members entitled under the articles or bylaws to call a meeting on the subject matter proposed to be considered at the proposed special meeting, which shall not represent more than twenty-five percent of all the votes entitled to be cast on that subject matter; or

(ii) In the absence of a provision fixing the number or proportion of members entitled to call a meeting, the number or proportion of members representing five percent of all the votes entitled to be cast on the subject matter proposed to be considered at the proposed special meeting.

(2) Unless otherwise provided in the articles or bylaws, a demand for a special meeting may be revoked by notice to that effect received by the membership corporation from the members calling the

meeting before the receipt by the corporation of demands sufficient in number to require the holding of a special meeting.

(3) If not otherwise fixed under section 2303 or 2307 of this act, the record date for determining members entitled to demand a special meeting is the date the first member executes a demand.

(4) Only business within the purpose or purposes described in the meeting notice required by section 2305(3) of this act may be conducted at a special meeting of the members.

(5) Except as provided in subsection (6) of this section, special meetings of the members may be held in or out of this state at the place stated in or fixed in accordance with the articles or bylaws. If no place is stated or fixed in accordance with the articles or bylaws, then special meetings shall be held at the corporation's principal office.

(6) The articles or bylaws may provide that a special meeting of members be held at a specified location and, unless otherwise provided under the articles or bylaws, through means of remote communication through which members not physically present may participate in the meeting substantially concurrently, vote on matters submitted to the members, pose questions, and make comments. Notice of meetings at which one or more members may participate by means of remote communication must be delivered by a means which the member has authorized and provide complete instructions for participating in the meeting from a remote location.

NEW SECTION. **Sec. 2303.** COURT-ORDERED MEETING. (1) The court may summarily order a meeting to be held:

(a) On application of any member entitled to participate in an annual or regular meeting if an annual meeting was not held within eighteen months after the last annual meeting; or

(b) On application of a member who executed a demand for a special meeting under section 2302 of this act that was executed by a sufficient number of members to call a meeting, if:

(i) Notice of the special meeting was not given within thirty days after the date the demand was delivered to the corporation's secretary; or

(ii) The special meeting was not held in accordance with the notice.

(2) The court may fix the time and place of a court-ordered meeting, determine the members entitled to participate in the meeting, specify a record date for determining members entitled to notice of and to vote at the meeting, prescribe the form and content of the meeting notice, fix the quorum required for specific matters to be considered at the meeting or direct that the votes represented at the meeting constitute a quorum for action on those matters, and enter other orders necessary to accomplish the purpose or purposes of the court-ordered meeting.

NEW SECTION. **Sec. 2304.** LIST OF MEMBERS FOR MEETING. (1) After fixing a record date for a meeting, a membership corporation shall prepare an alphabetical list of the names of all its members who are entitled to notice of that meeting of the members. The list of members shall show the address of and number of votes each member is entitled to cast at the meeting, except that the address of any member who is known to the corporation to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar law may be omitted.

(2) The list of members must be available for inspection by any member, beginning two business days after notice of the meeting is given for which the list was prepared and continuing through the meeting, at the membership corporation's principal office or at a place identified in the meeting notice in the city where the meeting will be held. A member or the member's agent, on demand in the form of a record, may inspect and, subject to the requirements of section 1602(4) of this act, copy the list, during regular business hours and at the member's expense, during the period it is available for inspection.

(3) The membership corporation shall make the list of members available at the meeting, and a member or the member's agent may inspect the list at any time during the meeting or any adjournment.

(4) If a membership corporation refuses to allow a member or the member's agent to inspect the list of members before or at the meeting or copy the list as permitted by subsection (2) of this section, then the court, on application of the member, may:

(a) Summarily order the inspection or copying at the corporation's expense;

(b) Postpone the meeting for which the list was prepared until the inspection or copying is complete;

(c) Order the corporation to pay the member's costs including reasonable attorneys' fees incurred to obtain the order; and

(d) Order other appropriate relief.

(5) Refusal or failure to prepare or make available the list of members does not affect the validity of action taken at the meeting.

(6) Instead of making the list of members available as provided in subsection (2) of this section, a membership corporation may state in a notice of meeting that the corporation has elected to proceed under this subsection. A member of a corporation that has elected to proceed under this subsection shall state in the member's demand for inspection a proper purpose for inspection. Within ten business days after receiving a demand under this subsection, the corporation shall deliver to the member making the demand an offer of a reasonable alternative method of achieving the purpose identified in the demand without providing access to or a copy of the list of members. An alternative method that reasonably and in a timely manner accomplishes the proper purpose set forth in the demand relieves the corporation from making the list of members available under subsection (4)(b) of this section, unless within a reasonable time after acceptance of the offer the corporation fails to do the things it offered to do. Any rejection of the corporation's offer must be in the form of a record and indicate the reasons the alternative proposed by the corporation does not meet the proper purpose of the demand.

NEW SECTION. **Sec. 2305.** NOTICE OF MEMBERSHIP MEETING. (1) A membership corporation shall give notice to the members of the date, time, and place of each annual, regular, or special meeting of the members. Except as provided under subsection (6) of this section, the notice must be given in the form of a record no fewer than ten nor more than sixty days before the meeting date. Except as provided in this chapter, the articles, or the bylaws, the corporation is only required to give notice to members entitled to vote at the meeting.

(2) Unless this chapter, the articles, or the bylaws require otherwise, notice of an annual or regular meeting need not include a description of the purpose for which the meeting is called.

(3) Notice of a special meeting shall include a description of the purpose for which the meeting is called.

(4) If not otherwise fixed under section 2303 or 2307 of this act, the record date for determining members entitled to notice of and to vote at an annual or special meeting of the members is the day before the first notice is given to members.

(5) Unless the articles or bylaws require otherwise, if an annual, regular, or special meeting of the members is adjourned to a different date, time, or place, notice need not be given of the new date, time, or place if the new date, time, or place is announced at the meeting before adjournment. If a new record date for the adjourned meeting is or is required to be fixed under section 2307 of this act, then the corporation shall give notice of the adjourned meeting to the members entitled to vote on the new record date.

(6) Notice of regular meetings other than the annual meeting may be made by providing each member with the adopted schedule of regular meetings for the ensuing year in the form of a record at any time after the annual meeting and ten days before the next succeeding regular meeting and at any time requested by a member or by any other notice prescribed by the bylaws.

(7) Whenever notice would otherwise be required to be given under any provision of this chapter to a member, the notice need not be given if notice of two consecutive annual meetings, and all notices of meetings during the period between those two consecutive annual meetings, have been returned undeliverable or could not be delivered. If a member delivers to the nonprofit corporation a notice setting forth the member's then current address, then the requirement that notice be given to that member is reinstated.

NEW SECTION. **Sec. 2306.** WAIVER OF NOTICE. (1) A member may waive any notice required by this chapter, the articles, or the bylaws no more than sixty days before or sixty days after the date and time stated in the notice or of the meeting or action. The waiver must be

in the form of a record, be executed by the member entitled to the notice, and be delivered to the membership corporation for inclusion in the minutes or filing with the corporate records.

(2) The attendance of a member at a meeting:

(a) Waives objection to lack of notice or defective notice of the meeting, unless the member at the beginning of the meeting or immediately upon arrival at the meeting objects to holding the meeting or transacting business at the meeting; and

(b) Waives objection to consideration of a particular matter at the meeting that is not within the purpose described in the meeting notice, unless the member objects at the meeting to considering the matter.

NEW SECTION. **Sec. 2307.** RECORD DATE. (1) The articles or bylaws may fix or provide the manner of fixing the record date to determine the members entitled to notice of a meeting of the members, to demand a special meeting, to vote, or to take any other action. If the articles or bylaws do not fix or provide for fixing a record date, then the board of the membership corporation may fix a future date as the record date.

(2) A record date fixed under this section may not be more than seventy days before the meeting or action requiring a determination of members.

(3) A determination of members entitled to notice of or to vote at a meeting of the members is effective for any adjournment of the meeting unless the board fixes a new record date, which it shall do if the meeting is adjourned to a date more than one hundred twenty days after the date fixed for the original meeting.

(4) If the court orders a meeting adjourned to a date more than one hundred twenty days after the date fixed for the original meeting, then it may provide that the original record date continues in effect or it may fix a new record date.

NEW SECTION. **Sec. 2308.** CONDUCT OF MEETING. (1) At each meeting of members, an individual shall preside as chair. The chair is appointed and may be removed:

(a) As provided in the articles or bylaws;

(b) In the absence of a provision in the articles or bylaws, by the board; or

(c) In the absence of both a provision in the articles or bylaws and an appointment by the board, by the members at the meeting.

(2) Except as provided in the articles or bylaws or by resolution of the board, the chair determines the order of business and has the authority to establish rules for the order and conduct of the meeting.

(3) Any rules established for the order and conduct of the meeting pursuant to subsection (2) of this section must be fair to the members.

(4) Except as provided in the articles or bylaws or by resolution of the board:

(a) The chair of the meeting shall announce at the meeting when the polls close for each matter voted upon.

(b) If no announcement is made, then the polls are deemed to have closed upon the final adjournment of the meeting.

(c) After the polls close, no ballots, proxies, or votes, nor any otherwise permissible revocations or changes thereto may be accepted.

NEW SECTION. **Sec. 2309.** PROXIES. (1) Except as provided in the articles or bylaws, a member may not vote by proxy.

(2) If the articles or bylaws allow members to vote by proxy, then the following procedure applies unless the articles or bylaws provide otherwise:

(a) A member or the member's agent or attorney-in-fact may appoint a proxy to vote or otherwise act for the member by executing an appointment form in the form of a record. An appointment form must contain or be accompanied by information from which it can be determined that the member or the member's agent or attorney-in-fact authorized the appointment of the proxy.

(b) An appointment of a proxy is effective when an executed appointment in the form of a record is received by the inspectors of election, the officer or agent of the membership corporation authorized to tabulate votes, or the secretary. An appointment is valid for eleven months unless a shorter or longer period is expressly provided in the appointment form.

(c) The death or incapacity of the member appointing a proxy does not affect the right of the membership corporation to accept the proxy's authority unless notice of the death or incapacity is received by the inspectors of election, the officer or agent authorized to tabulate votes, or the secretary before the proxy exercises his or her authority under the appointment.

(d) A membership corporation may accept the proxy's vote or other action as that of the member making the appointment, subject to section 2314 of this act and to any express limitation on the proxy's authority stated in the appointment form.

(e) A proxy may be revoked by a member by delivering notice in the form of a record to the corporation before the corporation has relied upon the proxy.

NEW SECTION. **Sec. 2310.** VOTING ENTITLEMENT OF MEMBERS. Except as provided in the articles or bylaws, each member is entitled to one vote on each matter on which the articles or bylaws entitle the members of the class of members to which the member belongs to vote.

NEW SECTION. **Sec. 2311.** MEMBERSHIP QUORUM AND VOTING REQUIREMENTS. (1) Members may take action at a meeting on matters with respect to which all of the members are entitled to vote only if a quorum of the members is present. Except as provided in the articles or the bylaws, ten percent of the votes entitled to be cast at a meeting of the members constitutes a quorum with respect to those matters.

(2) Members entitled to vote as a separate voting group may take action on a matter at a meeting only if a quorum of those members is present with respect to that matter. Except as provided in the articles or bylaws, ten percent of the votes entitled to be cast on the matter by the voting group constitutes a quorum of that voting group for action on that matter.

(3) Once a member is represented for any purpose at a meeting, the member is deemed present for quorum purposes for the remainder of the meeting and for any adjournment of that meeting unless a new record date is or is required to be set for that adjourned meeting.

(4) If a quorum is present, then action on a matter other than the election of directors by a voting group is approved if the votes cast within the voting group favoring the action exceed the votes cast opposing the action, unless the articles, bylaws, or applicable law require a greater number of affirmative votes.

(5) An amendment of the articles or bylaws adding, changing, or deleting a quorum or voting requirement for a voting group greater than specified in subsection (2) or (4) of this section is governed by section 2312 of this act.

(6) If a meeting cannot be organized because a quorum of members entitled to vote is not present, then those members present may adjourn the meeting to such a time and place as they may determine. When a meeting that has been adjourned for lack of a quorum is reconvened, those members present, although less than a quorum as fixed in this section, the articles, or the bylaws, nonetheless constitute a quorum, if notice of the time and place of the reconvened meeting is provided by electronic transmission or in person to the members entitled to vote at least twenty-four hours before the reconvened meeting, or by other methods pursuant to the requirements and procedures set forth in section 2305 of this act. The articles or the bylaws may, however, permit the reconvening of a meeting without notice, by means of a provision that makes explicit reference to elimination of the notice requirement that would otherwise apply under this section.

(7) The election of directors is governed by section 2313 of this act.

NEW SECTION. **Sec. 2312.** DIFFERING QUORUM AND VOTING REQUIREMENTS. (1) The articles or bylaws may provide for a higher or lower quorum or higher voting requirement for members or voting groups of members than is provided for by this chapter, either generally or with respect to specific matters.

(2) An amendment to the articles or bylaws that adds, changes, or deletes a greater quorum or voting requirement must meet the same quorum requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect.

NEW SECTION. **Sec. 2313.** VOTING FOR DIRECTORS. (1) Except as provided in the articles or bylaws, directors of a membership corporation are elected by a plurality of the votes cast by the

members entitled to vote in the election at a meeting at which a quorum is present.

(2) Except as provided in the articles or bylaws, or under subsection (3) of this section, members do not have a right to cumulate their votes for directors.

(3) Members of a nonprofit corporation who were entitled to cumulate their votes for the election of directors on the effective date of this chapter continue to be entitled to cumulate their votes for the election of directors until otherwise provided in the articles or bylaws of the corporation.

NEW SECTION. **Sec. 2314.** ACCEPTANCE OF BALLOTS, CONSENTS, WAIVERS, OR PROXIES. (1) If the name signed on a ballot, consent, waiver, or proxy appointment corresponds to the name of a member, then the membership corporation if acting in good faith may accept the ballot, consent, waiver, or proxy appointment and give it effect as the act of the member.

(2) If the name signed on a ballot, consent, waiver, or proxy appointment does not correspond to the name of its member, then the membership corporation if acting in good faith is nevertheless entitled to accept the ballot, consent, waiver, or proxy appointment and give it effect as the act of the member if:

(a) The member is an entity and the name signed purports to be that of an officer or agent of the entity;

(b) The name signed purports to be that of an administrator, executor, guardian, or conservator representing the member and, if the corporation requests, evidence of fiduciary status acceptable to the corporation has been presented with respect to the ballot, consent, waiver, or proxy appointment;

(c) The name signed purports to be that of a receiver or trustee in bankruptcy of the member and, if the corporation requests, evidence of this status acceptable to the corporation has been presented with respect to the ballot, consent, waiver, or proxy appointment;

(d) The name signed purports to be that of a beneficial owner or attorney-in-fact of the member and, if the corporation requests, evidence acceptable to the corporation of the signatory's authority to sign for the member has been presented with respect to the ballot, consent, waiver, or proxy appointment; and

(e) Two or more persons are the member as cotenants or fiduciaries and the name signed purports to be the name of at least one of the co-owners and the person signing appears to be acting on behalf of all the co-owners.

(3) The membership corporation may reject a ballot, consent, waiver, or proxy appointment if the secretary or other officer or agent authorized to tabulate votes, acting in good faith, has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the member.

(4) The membership corporation and its officer or agent who accepts or rejects a ballot, consent, waiver, or proxy appointment in good faith and in accordance with the standards of this section or section 2309(2) of this act are not liable in damages to the member for the consequences of the acceptance or rejection.

(5) Corporate action based on the acceptance or rejection of a ballot, consent, waiver, or proxy appointment under this section is valid unless the court determines otherwise.

NEW SECTION. **Sec. 2315.** INSPECTORS OF ELECTION. (1) A membership corporation may appoint one or more inspectors to act at a meeting of members and make a report in the form of a record of the inspectors' determinations. Each inspector shall execute the duties of inspector impartially and according to the best of the inspector's ability.

(2) The inspectors must:

(a) Ascertain the number of members and delegates, and their voting power;

(b) Determine the members and delegates present at a meeting;

(c) Determine the validity of proxies and ballots;

(d) Count all votes; and

(e) Determine the result.

(3) An inspector may, but need not, be a director, member, officer, or employee of the membership corporation. A person who is a candidate for office to be filled at the meeting may not be an inspector.

NEW SECTION. **Sec. 2316.** ACTION BY VOTING GROUPS. (1) If this chapter, the articles, or the bylaws provide for voting by a single voting group on a matter, then action on that matter is taken when voted upon by that voting group as provided in section 2311 or 2318 of this act.

(2) If this chapter, the articles, or the bylaws provide for voting by two or more voting groups on a matter, then action on that matter is taken only when voted upon by each of those voting groups counted separately as provided in section 2311 or 2318 of this act.

NEW SECTION. **Sec. 2317.** VOTING AGREEMENTS. (1) If the articles or bylaws allow voting agreements, then two or more members may provide for the manner in which they will vote by executing an agreement in the form of a record for that purpose, to the extent allowed under the articles or bylaws.

(2) A voting agreement is specifically enforceable if:

(a) The voting agreement is allowed under the articles or bylaws; or

(b) The effective date of the voting agreement is before the effective date of this section.

(3) Notwithstanding subsection (2) of this section, no voting agreement is enforceable to the extent that enforcement of the agreement would violate the purposes of the membership corporation.

NEW SECTION. **Sec. 2318.** ACTION WITHOUT MEETING BY UNANIMOUS WRITTEN CONSENT. (1) Except as provided in the articles or bylaws, action required or permitted by this chapter to be taken at a meeting of the members may be taken without a meeting if the action is taken by all the members entitled to vote on the action. The action must be evidenced by one or more consents in the form of a record bearing the date of execution and describing the action taken, executed by all the members entitled to vote on the action, and delivered to the membership corporation for inclusion in the minutes or filing with the corporate records.

(2) If not otherwise fixed under section 2303 or 2307 of this act, the record date for determining members entitled to take action without a meeting is the date the first member executes the consent under subsection (1) of this section. A consent shall not be effective to take the corporate action referred to therein unless, within sixty days after the earliest date appearing on a consent delivered to the membership corporation in the manner required by this section, consents executed by all members entitled to vote on the action are received by the corporation. A consent may be revoked by an executed notice in the form of a record to that effect received by the corporation before receipt by the corporation of unrevoked consents sufficient in number to take corporate action.

(3) A consent executed under this section has the same force and effect as a unanimous vote at a meeting duly called and held, and may be described as such.

(4) If this chapter, the articles, or the bylaws require that prior notice of any proposed action be given to members not entitled to vote on the action and the action is to be taken by consent of the members entitled to vote, then the membership corporation shall deliver to the members not entitled to vote notice of the proposed action at least ten days before taking the action by consent. The notice must contain or be accompanied by the same material that would have been required to be delivered to members not entitled to vote in a notice of meeting at which the proposed action would have been submitted to the members for action.

NEW SECTION. **Sec. 2319.** ACTION WITHOUT MEETING BY BALLOT. (1) Except as otherwise restricted by the articles or bylaws, any action that may be taken at any annual, regular, or special meeting of members may be taken without a meeting if the membership corporation delivers a ballot to every member entitled to vote on the matter.

(2) A ballot must:

(a) Be in the form of a record;

(b) Set forth each proposed action;

(c) Provide an opportunity to vote, or withhold a vote, separately for each candidate for a director position; and

(d) Provide an opportunity to vote for or against each other proposed action.

(3) Approval by ballot pursuant to this section of action other than election of directors is valid only when the number of ballots returned equals or exceeds the quorum required to be present at a meeting authorizing the action, and

the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot.

(4) All requests for votes by ballot must:

(a) Indicate the number of responses needed to meet the quorum requirements;

(b) State the percentage of approvals necessary to approve each matter other than election of directors; and

(c) Specify the time by which a ballot must be received by the membership corporation to be counted, which shall not be less than ten days after the ballot is delivered to the member.

(5) Except as provided in the articles or bylaws, a ballot may not be revoked.

NEW SECTION. **Sec. 2320.** PROCEDURE FOR REMOTE MEETINGS. When provided for in the articles or bylaws, meetings of the members held by remote communication must follow the provisions of sections 2301 through 2319 of this act to the greatest practicable extent.

ARTICLE 4

BOARD OF DIRECTORS

NEW SECTION. **Sec. 2401.** BOARD OF DIRECTORS—AUTHORITY. (1) A nonprofit corporation shall have a board of directors.

(2) All corporate powers shall be exercised by or under the authority of the board of directors, and the activities and affairs of the corporation shall be managed by or under the direction, and subject to the oversight, of the board of directors, subject only to any powers expressly reserved to the corporation's membership or other persons in the articles or bylaws.

NEW SECTION. **Sec. 2402.** STANDARDS OF CONDUCT FOR DIRECTORS. (1) Each director, when discharging the duties of a director, shall act:

(a) In good faith;

(b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(c) In a manner the director reasonably believes to be in the best interests of the nonprofit corporation.

(2) In discharging board or committee duties a director shall disclose, or cause to be disclosed, to the other board or committee members information not already known by them but known by the director to be material to the discharge of their decision-making or oversight functions, except that disclosure is not required to the extent that the director reasonably believes that doing so would violate a duty imposed by law, a legally enforceable obligation of confidentiality, or a professional ethics rule.

(3) In discharging the duties of a director, a director may rely on information, opinions, reports, or statements, including financial statements or other financial data, if prepared or presented by:

(a) One or more officers, employees, or volunteers of the nonprofit corporation whom the director reasonably believes to be reliable and competent in the functions performed or the matters presented;

(b) Legal counsel, public accountants, or other persons retained by the corporation as to matters involving skills or expertise the director reasonably believes are matters:

(i) Within the particular person's professional or expert competence; or

(ii) As to which the particular person merits confidence; or

(c) A committee of the board of which the director is not a member, designated in accordance with provisions of the articles or bylaws, as to matters within its designated authority, if the director reasonably believes the committee merits confidence.

(4) A director is not a trustee with respect to the nonprofit corporation or with respect to any property held or administered by the corporation, including property that may be subject to restrictions imposed by the donor or transferor of the property.

NEW SECTION. **Sec. 2403.** QUALIFICATION OF DIRECTORS. A director of a nonprofit corporation must be an individual. The articles or bylaws may prescribe other qualifications for directors. A director need not be a resident of this state or a member of the corporation unless the articles or bylaws so prescribe.

NEW SECTION. **Sec. 2404.** NUMBER OF DIRECTORS. (1) A board of directors shall consist of one or more directors, with the number specified in or fixed in accordance with the articles or bylaws.

(2) The board of directors of any corporation shall consist of three or more directors if:

(a) The internal revenue service has determined the corporation to be a public charity described in section 509(a)(1) through (4) of the Internal Revenue Code;

(b) The corporation has applied to the internal revenue service for a determination of exempt status through an application representing that the corporation is described in section 509(a)(1) through (4) of the Internal Revenue Code; or

(c) The corporation has applied to the internal revenue service for classification as an organization described in section 509(a)(1) through (4) of the Internal Revenue Code.

(3) The number of directors on a board of directors who are under 18 years of age may not exceed three or one-third of the total number of directors then in office, whichever is fewer.

(4) A corporation described in subsection (2) of this section may have fewer than three directors if the death, incapacity, resignation, or removal of a director causes the corporation to have fewer than three directors, provided that the entity, body, or person with the power to elect or appoint directors makes reasonable and prompt efforts to elect or appoint additional directors.

(5) The number of directors may be increased or decreased but to no fewer than one from time to time by amendment to, or in the manner provided in, the articles or bylaws.

(6) A decrease in the number of directors may not shorten an incumbent director's term.

NEW SECTION. **Sec. 2405.** SELECTION OF DIRECTORS. (1) The members of a membership corporation shall elect the directors, other than the initial directors named in the articles, at the annual meetings of members, unless the articles or bylaws provide some other time or method of election, or provide that some other person or persons shall appoint some or all of the directors, or designate some other manner of appointment, for example, ex officio directors.

(2) The directors of a nonmembership corporation shall elect the directors, other than the initial directors named in the articles, at the annual meeting of directors, unless the articles or bylaws provide some other time or method of election, or provide that some other person or persons shall appoint some or all of the directors, or designate some other manner of appointment, for example, ex officio directors.

NEW SECTION. **Sec. 2406.** TERMS OF DIRECTORS, GENERALLY. (1) The articles or bylaws may specify the terms of directors. If a term is not specified in the articles or bylaws, then the term of a director is one year. Each term of a director elected by the members or directors, or by some other method provided in the articles or bylaws, may not exceed five years except as provided in subsection (2) of this section. Terms of directors appointed by some other person or persons, or designated in some other manner, may be of any length.

(2) For a corporation formed before the effective date of this section, if the articles or bylaws current as of the effective date of this section provided for terms of elected directors longer than five years, then the terms for elected directors provided in those articles or bylaws may continue in effect until and unless the articles or bylaws are amended to shorten those terms.

(3) The initial directors named in the articles hold office until the first annual election of directors or for any other period specified in the articles.

(4) A reduction in directors' terms of office does not shorten an incumbent director's term.

(5) Except as provided in the articles or bylaws, the term of a director elected to fill a vacancy expires at the end of the unexpired term that the director is filling.

(6) Despite the expiration of a director's term, the director continues to serve until the director's successor is elected, appointed, or designated and until the director's successor takes office, unless otherwise provided in the articles or bylaws.

NEW SECTION. **Sec. 2407.** STAGGERED TERMS FOR DIRECTORS. The articles or

bylaws may provide for staggering the terms of directors by dividing the total number of directors into groups of one or more directors. The terms of office and number of directors in each group do not need to be uniform.

NEW SECTION. **Sec. 2408.** RESIGNATION OF DIRECTOR. (1) A director may resign at any time by delivering an executed notice in the form of a record to the president, the secretary of the corporation, or another officer designated for that purpose in the articles or bylaws. A director may also resign by giving oral notice to the board at a meeting of the board.

(2) A resignation is effective when the notice is delivered unless the notice specifies a later effective time.

(3) If the resignation of a director of a charitable corporation results in the charitable corporation having no directors in office, then the resigning director shall notify the attorney general that the charitable corporation has no directors in office. Such notice must be in the form of a record delivered to the attorney general within ten calendar days after the effective date of the director's resignation.

NEW SECTION. **Sec. 2409.** REMOVAL OF DIRECTORS. (1) Removal of directors of a membership corporation is subject to the following provisions:

(a) The members may remove, with or without cause, one or more directors who have been elected by the members, unless the articles or bylaws provide that directors may be removed only for cause. The articles or bylaws may specify what constitutes cause for removal.

(b) The board of a membership corporation may not remove a director who has been elected by the members except as provided in subsection (5) of this section or in the articles or bylaws.

(c) The directors may remove, with or without cause, one or more directors who have been elected by the directors, unless the articles or bylaws provide that directors may be removed only for cause. The articles or bylaws may specify what constitutes cause for removal.

(d) Except as provided in the articles or bylaws, if a director is elected by a voting group of members, or by a chapter or other organizational unit, or by a region or other geographic grouping, then only the members of that voting group or chapter, unit, region, or grouping may participate in the vote to remove the director.

(e) The notice of a meeting of members at which removal of a director is to be considered shall state that the purpose, or one of the purposes, of the meeting is removal of the director.

(2) The board may remove a director of a nonmembership corporation who was elected by the directors:

(a) With or without cause, unless the articles or bylaws provide that directors may be removed only for cause. The articles or bylaws may specify what constitutes cause for removal.

(b) A nonprofit corporation shall give notice of any meeting of directors at which removal of a director is to be considered in accordance with the articles or bylaws governing notice for special meetings, but in no event less than forty-eight hours before the meeting. Such notice shall state that the purpose, or one of the purposes, of the meeting is removal of a director.

(c) As provided in subsection (5) of this section.

(3) A director who is designated by name in the articles or bylaws may be removed by an amendment to the articles or bylaws deleting or changing the designation.

(4) Except as provided in the articles or bylaws, a director who is appointed by persons other than the members or the directors may be removed with or without cause only by those persons.

(5) Notwithstanding anything else to the contrary in this section or the articles or bylaws, the board of a membership corporation or nonmembership corporation may remove a director:

(a) Who has been appointed a guardian under RCW 11.130.185 or 11.130.265;

(b) Who has been appointed a conservator under RCW 11.130.360;

(c) Who is subject to a written certification by his or her attending physician that in the physician's opinion the director is substantially unable to manage his or her financial resources or resist fraud or undue influence;

(d) Who has been convicted of a felony;

(e) Who has been found by a final order of any court of competent jurisdiction to have breached a duty as a director under section 2402 of this act;

(f) Who has missed the number of board meetings specified in the articles or bylaws, if the articles or bylaws at the beginning of the director's current term provided that a director may be removed for missing the specified number of board meetings; or

(g) Who does not satisfy any of the qualifications for directors set forth in the articles or bylaws at the beginning of the director's current term, if the decision that the director fails to satisfy a qualification is made by the vote of a majority of the directors who meet all of the required qualifications.

(6) Notwithstanding anything else to the contrary in this section or the articles or bylaws, the board of a charitable corporation that is a membership corporation or a nonmembership corporation may remove a director if the director's continued service would cause the charitable corporation to be prohibited from soliciting charitable funds under RCW 19.09.100(13).

NEW SECTION. **Sec. 2410.** VACANCY ON BOARD OF DIRECTORS. (1) Except as provided in subsection (2) of this section, the articles, or the bylaws, if a vacancy occurs on the board, including a vacancy resulting from an increase in the number of directors, then the vacancy may be filled by a majority of the directors remaining in office even if they constitute less than a quorum. For purposes of section 2409 of this act, any director so elected is deemed to have been elected by the members, voting group, or persons who would elect that director at a regular election.

(2) Except as provided in the articles or bylaws, a vacancy in the position of a director who is:

(a) Appointed by persons other than the members, may be filled only by those persons; or

(b) Designated by name in the articles or bylaws, may not be filled by action of the board.

(3) A vacancy that will occur at a specific later time, by reason of a resignation effective at a later time under section 2408(2) of this act, or otherwise, may be filled before the vacancy occurs but the new director may not take office until the vacancy occurs.

(4) If no directors remain in office, and there are no members with the right to elect directors, then the attorney general has the power to appoint one or more directors selected for their interest and ability to carry out the purposes of the corporation, unless the articles or bylaws provide a different method for electing, appointing, or designating at least one director.

NEW SECTION. **Sec. 2411.** LIABILITY OF DIRECTORS. (1) A director of a nonprofit corporation is not liable to the nonprofit corporation for any action taken, or any failure to take any action, as a director, except as provided in subsection (2) or (3) of this section or in the articles or bylaws.

(2) Notwithstanding any provision to the contrary in the articles or bylaws, a director is liable to the corporation for:

(a) The value of any benefit in cash, other property, or services received by the director to which the director is not legally entitled; or

(b) Intentional misconduct or a knowing violation of law, including but not limited to criminal law or this chapter, by the director.

(3) A director is liable to the corporation for a violation of any additional standard of conduct specified in the nonprofit corporation's articles as an exception to the limitation on director's liability.

(4) A director of a nonprofit corporation is not liable to any member of the nonprofit corporation for any action taken, or any failure to take action, as a director, except as provided in subsection (5) of this section.

(5) A director is liable to a member of the corporation only for:

(a) A knowing infliction of harm upon the member; or

(b) An intentional violation of criminal law or this chapter that results in harm or loss to the member.

(6) The party seeking to establish the director's liability to the corporation or any member of the corporation:

(a) For money damages, also has the burden of establishing that:

(i) Harm to the nonprofit corporation or its members has been suffered; and

(ii) The harm suffered was proximately caused by the director's challenged conduct; or

(b) For other money payment under a legal remedy, such as compensation for the unauthorized use of corporate assets, also has whatever burden of persuasion may be called for to establish that the payment sought is appropriate in the circumstances; or

(c) For other money payment under an equitable remedy, such as profit recovery by or disgorgement to the corporation, also has whatever burden of persuasion may be called for to establish that the equitable remedy sought is appropriate in the circumstances.

(7) Nothing contained in this section:

(a) In any instance where fairness is at issue, such as consideration of the fairness of a transaction to the nonprofit corporation under section 2703(1)(c) of this act, alters the burden of proving the fact or lack of fairness otherwise applicable;

(b) Alters the fact or lack of liability of a director to the nonprofit corporation under another section of this chapter, such as the provisions governing the consequences of an unlawful distribution under section 2702 of this act, a conflicting interest transaction under section 2703 of this act, or taking advantage of a business opportunity under section 2704 of this act;

(c) Affects any rights to which the corporation or a director or member may be entitled under another statute of this state or the United States; or

(d) Affects the authority of the attorney general to take any action against a director under this chapter or other applicable Washington state law.

NEW SECTION. **Sec. 2412.** COMPENSATION OF DIRECTORS. Unless the articles or bylaws provide otherwise, the board may fix the compensation of directors.

ARTICLE 5

MEETINGS AND ACTION OF THE BOARD

NEW SECTION. **Sec. 2501.** MEETINGS OF THE BOARD. (1) The board may hold regular or special meetings in or out of this state.

(2) Unless the articles or bylaws provide otherwise, the board may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, one or more means of remote communication through which all of the directors may simultaneously participate with each other during the meeting. A director participating in a meeting by this means is considered present in person at the meeting. For any meeting at which one or more directors may participate by means of remote communication, notice of the meeting must be delivered to each director by a means which the director has authorized and provide complete instructions for participating in the meeting by remote communication.

NEW SECTION. **Sec. 2502.** NOTICE OF BOARD MEETINGS. (1) Regular meetings of the board may be held with or without notice as prescribed in the articles or bylaws, unless notice is required by section 2409(2) of this act or other provisions of this chapter.

(2) Unless the articles or bylaws provide for a longer or shorter period, special meetings of the board must be preceded by at least forty-eight hours' notice of the date, time, and place of the meeting. The notice need not describe the purpose of the special meeting, except as required by section 2409(2) of this act, other provisions of this chapter, or the articles or bylaws.

(3) Unless the articles or bylaws provide otherwise, the president, the secretary, or twenty percent of the directors then in office may call and give, or cause to be given, notice of a meeting of the board.

(4) Oral notice of meetings of the board may be given, unless oral notice is not permitted by a corporation's articles or bylaws.

NEW SECTION. **Sec. 2503.** WAIVER OF NOTICE. (1) A director may waive any notice required by this chapter, the articles, or the bylaws before or after the date and time stated in the notice. Except as provided by subsection (2) of this section, the waiver must be in the form of a record, executed by the director entitled to the notice, and filed with the minutes or corporate records.

(2) A director's attendance at or participation in a meeting waives any required notice to the director of the meeting, unless the director at the beginning of the meeting or promptly upon arrival objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting.

NEW SECTION. **Sec. 2504.** BOARD QUORUM AND VOTING REQUIREMENTS. (1) Except as provided in subsection (2) or (3) of this section, the articles, or the bylaws, a quorum of the board consists of a majority of the directors in office before a meeting begins.

(2) The articles or bylaws may authorize a quorum of the board to consist of no fewer than one-third of the number of directors in office.

(3) A quorum shall not be present at any time during a meeting unless a majority of the directors present are at least 18 years of age.

(4) If a quorum is present when a vote is taken, then the affirmative vote of a majority of directors present is the act of the board unless a greater vote is required by the articles or bylaws or this chapter.

(5) No proxy for a director, however appointed, may:

(a) Participate in any vote of the board or of any board committee;

(b) Be counted for the purpose of determining whether a quorum is present at a meeting; or

(c) Execute any written consent on behalf of the director.

(6) A director who is present at a meeting of the board when corporate action is taken is considered to have assented to the action taken unless:

(a) The director objects at the beginning of the meeting or promptly upon arrival to holding it or transacting business at the meeting;

(b) The director dissents or abstains from the action; or

(c) The director delivers notice in the form of a record of the director's dissent or abstention to the president or secretary of the corporation or another officer of the corporation designated in the bylaws before or during the meeting or before the approval of the minutes of the meeting.

(7) The right of dissent or abstention is not available to a director who votes in favor of the action taken.

NEW SECTION. **Sec. 2505.** ACTION WITHOUT MEETING BY UNANIMOUS WRITTEN CONSENT. (1) Unless the articles or bylaws prohibit action without a meeting, action required or permitted by this chapter to be taken by the board may be taken without a meeting if each director entitled to vote with respect to the subject matter thereof executes a consent in the form of a record describing the action to be taken and delivers it to the nonprofit corporation.

(2) For purposes of this section only, "each director entitled to vote" does not include an "interested director" who abstains in writing from providing consent, where:

(a) The board has determined that:

(i) The corporation is entering into the transaction for its own benefit; and

(ii) The transaction is fair and reasonable to the corporation when it enters into the transaction or the noninterested directors determine in good faith after reasonable investigation that the corporation cannot obtain a more advantageous arrangement with reasonable effort under the circumstances, at or before execution of the written consent;

(b) That determination of the board is included in the written consent executed by the noninterested directors or in other records of the corporation; and

(c) All of the noninterested directors approve the action.

(3) Action taken under this section is the act of the board when one or more consents executed by all the directors entitled to vote are delivered to the nonprofit corporation. In no event may the period between the date of the first signature by a director on such a consent and the date on which all directors have executed the consent be more than sixty days. The consent may specify the time at which the action taken in the consent is to be effective. A director's consent may be withdrawn by a revocation in the form of a record executed by the director and delivered to the president, secretary, or other officer of the corporation specified by the board for that purpose

before delivery to the corporation of unrevoked consents executed by all the directors.

(4) A written consent executed under this section has the effect of action taken at a meeting of the board and may be described as such in any document.

NEW SECTION. **Sec. 2506.** BOARD AND ADVISORY COMMITTEES. (1) Unless this chapter, the articles, or the bylaws provide otherwise, a board may create one or more committees of the board that consist of two or more directors. A committee of the board shall not include as voting members persons who are not directors, except:

(a) As provided in Title 48 RCW or the regulations promulgated thereunder;

(b) If the only powers delegated to the committee are those necessary for the committee to serve in any fiduciary capacity with respect to one or more employee benefit plans established under the federal employee retirement income security act of 1974, or any successor statute; or

(c) Unless without the inclusion of persons who are not directors it is impossible or impracticable for the corporation to comply with applicable law other than this chapter.

(2) Unless this chapter otherwise provides, the creation of a committee of the board and appointment of directors to it shall be approved by the greater of:

(a) A majority of all the directors in office when the action is taken; or

(b) The number of directors required by the articles or bylaws to take action under section 2504 of this act.

(3) Sections 2501 through 2505 of this act apply to both committees of the board and their members to the greatest practicable extent.

(4) To the extent specified by the board or in the articles or bylaws, each committee of the board may exercise the powers of the board granted through section 2401(2) of this act, except as limited by subsection (5) of this section.

(5) A committee of the board may not:

(a) Authorize distributions;

(b) Adopt, amend, alter, or repeal bylaws;

(c) In the case of a membership corporation, approve or propose to members action that must be approved by members under the articles or bylaws;

(d) Elect, appoint or remove any member of any committee of the board or any director or officer of the corporation;

(e) Amend the articles;

(f) Adopt a plan of merger with another corporation;

(g) Adopt a plan of domestication, for-profit conversion, or entity conversion;

(h) Authorize the sale, lease, or exchange of all or substantially all of the property and assets of the corporation not in the ordinary course of business;

(i) Authorize the voluntary dissolution of the corporation or revoke proceedings therefor;

(j) Adopt a plan for the distribution of the assets of the corporation; or

(k) Amend, alter, or repeal any resolution of the board, unless the resolution provides by its terms that it may be amended, altered, or repealed by a committee.

(6) The creation of, delegation of authority to, or action by a committee of the board does not alone constitute compliance by a director with the standards of conduct described in section 2402 of this act.

(7) A nonprofit corporation may create or authorize the creation of one or more advisory committees whose members need not be directors or meet the qualification requirements for directors. The board shall not delegate any of its authority to an advisory committee. An advisory committee:

(a) Is not a committee of the board; and

(b) May not exercise any of the powers of the board.

NEW SECTION. **Sec. 2507.** PROCEDURE FOR REMOTE MEETINGS. Unless otherwise provided in the articles or bylaws, meetings of the board or any committee held by remote communication must follow the provisions of sections 2501 through 2506 of this act to the greatest practicable extent.

ARTICLE 6

OFFICERS

NEW SECTION. **Sec. 2601.** OFFICERS—DUTIES. (1) The officers of a nonprofit corporation consist of a president, secretary, and treasurer, and other officers as may be authorized by the articles, the bylaws, or the board.

(2) Unless the articles or bylaws provide otherwise, the board shall elect or appoint all officers annually, and officers shall serve until their respective successors have been elected or appointed or until their earlier removal or resignation.

(3) The same individual may simultaneously hold more than one office in a nonprofit corporation, except that the same individual may not hold the offices of president and secretary.

(4) Each officer has the authority and shall perform the duties set forth in the articles or bylaws or, to the extent consistent with the articles and bylaws, the duties prescribed by the board or by direction of an officer authorized by the board to prescribe the duties of other officers.

NEW SECTION. **Sec. 2602.** STANDARDS OF CONDUCT FOR OFFICERS. (1) An officer with discretionary authority shall discharge his or her duties under that authority:

(a) In good faith;

(b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(c) In a manner the officer reasonably believes to be in the best interests of the corporation.

(2) The duty of an officer includes the obligation to convey to his or her superior officer, the board, a board committee, or another appropriate person within the nonprofit corporation:

(a) Information about the affairs of the nonprofit corporation within the scope of the officer's functions, and known to the officer to be material to the superior officer, board, or committee thereof; and

(b) Information regarding any actual or probable material violation of law involving the corporation or material breach of duty to the corporation by an officer, director, employee, agent, or vendor of the corporation, that the officer believes has occurred or is likely to occur.

(3) In discharging his or her duties, an officer who does not have knowledge that makes reliance unwarranted may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(a) One or more officers or employees of the nonprofit corporation whom the officer reasonably believes to be reliable and competent in the functions performed or the information, opinions, reports, or statements provided;

(b) Legal counsel, public accountants, or other persons retained by the corporation as to matters involving skills or expertise the officer reasonably believes are matters:

(i) Within the particular person's professional or expert competence; or

(ii) As to which the particular person merits confidence.

(4) An officer is not a trustee with respect to the nonprofit corporation or with respect to any property held or administered by the corporation, including property that may be subject to restrictions imposed by the donor or transferor of the property.

NEW SECTION. **Sec. 2603.** RESIGNATION AND REMOVAL OF OFFICERS. (1) An officer may resign at any time by delivering notice to the nonprofit corporation. A resignation is effective when the notice is delivered unless the notice specifies a later effective time. If a resignation is made effective at a later time and the board or the appointing officer accepts the future effective time, then the board or the appointing officer may designate a successor before the effective time if the board or the appointing officer provides that the successor does not take office until the effective time.

(2) Except as provided in the articles or bylaws, an officer may be removed at any time with or without cause by:

(a) The board;

(b) The officer who appointed the officer being removed, unless the board provides otherwise; or

(c) Any other officer authorized by the articles, the bylaws, or the board to remove the officer being removed.

(3) In this section, "appointing officer" means the officer, including any successor to that officer who appointed the officer resigning or being removed.

NEW SECTION. **Sec. 2604.** CONTRACT RIGHTS OF OFFICERS. (1) The appointment or election of an officer does not itself create contract rights.

(2) An officer's removal does not affect the officer's contract rights, if any, with the nonprofit corporation. An officer's resignation does not affect the corporation's contract rights, if any, with the officer.

ARTICLE 7

PROVISIONS COMMON TO DIRECTORS AND OFFICERS

NEW SECTION. **Sec. 2701.** LOANS OR GUARANTEES. (1) A nonprofit corporation may not lend money to, advance credit to, or guarantee the obligation of a director or officer of the corporation.

(2) Subsection (1) of this section does not apply to:

(a) An advance to pay reimbursable expenses reasonably expected to be incurred within a time period that is reasonable under the circumstances by a director or officer;

(b) Advances pursuant to section 2706 of this act;

(c) Loans or advances pursuant to employee benefit plans; or

(d) A loan to pay reasonable relocation expenses of an officer.

(3) The fact that a loan or guarantee is made in violation of this section does not affect the borrower's liability on the loan.

(4) The directors who vote for or assent to any loan, advance, or guarantee in violation of subsection (1) of this section, and any officer materially participating in the making of such a loan, advance, or guarantee, are personally liable on a joint and several basis to the nonprofit corporation on the loan, advance, or guarantee. Liability under this subsection terminates upon the repayment of any funds advanced by the nonprofit corporation in violation of subsection (1) of this section or, if no funds have been advanced under a guarantee, upon the termination of the guarantee.

(5) A director or officer held liable under subsection (4) of this section for any unlawful loan or guarantee is entitled to contribution from every other director or officer who could be held liable under subsection (4) of this section for the unlawful loan or guarantee.

(6) A proceeding to enforce contribution or recoupment under subsection (5) of this section is barred unless it is commenced within one year after the liability of the claimant has been finally adjudicated under subsection (4) of this section.

NEW SECTION. **Sec. 2702.** LIABILITY FOR UNLAWFUL DISTRIBUTIONS. (1) A director or officer is personally liable to the nonprofit corporation for the amount of any distribution that exceeds the amount the corporation could have distributed without violating section 1406 of this act if:

(a) The nature or amount of the distribution was material to the interests of the corporation for any reason under all of the facts and circumstances including, but not limited to, federal excise tax liability or federal tax penalties imposed on the corporation as a result of the distribution;

(b) The director or officer voted for or assented to that distribution as a director, or participated beyond the level of a ministerial function in making that distribution as an officer; and

(c) The party asserting liability establishes that, when taking the action, the director or officer violated the standard of conduct set forth in subsection (2) of this section.

(2) A director or officer may be held liable under this section:

(a) For a distribution by a charitable corporation, or a distribution of assets held for charitable purposes, if the director did not comply with section 2402 of this act or the officer did not comply with section 2602 of this act; or

(b) If the conduct of the director or officer with respect to the distribution constitutes gross negligence.

(3) A director or officer held liable under this section for an unlawful distribution is entitled to:

(a) Contribution from every other director or officer who could be held liable under this section for the unlawful distribution; and

(b) Recoupment from each person of the pro rata portion of the amount of the unlawful distribution the person received:

(i) Whether or not the person knew the distribution was made in violation of this chapter, for a distribution by a charitable corporation or of property held for charitable purposes; or

(ii) Knowing the distribution was made in violation of this chapter, for a distribution of property not held for charitable purposes.

(4) A proceeding to enforce:

(a) The liability of a director or officer under this section is barred, unless it is commenced within three years after the date on which the distribution was made; or

(b) Contribution or recoupment under subsection (3) of this section is barred, unless it is commenced within one year after the liability of the claimant under this section has been finally adjudicated.

NEW SECTION. **Sec. 2703.** CONFLICTING INTEREST TRANSACTIONS—VOIDABILITY. (1) A contract or transaction between a nonprofit corporation and one or more of its members, directors, or officers; or between a nonprofit corporation and any other entity in which one or more of its directors or officers are directors or officers, hold a similar position, or have a financial interest is not void or voidable solely for that reason, or solely because the member, director, or officer is present at or participates in the meeting of the board that authorizes the contract or transaction or solely because his or her or their votes are counted for that purpose, if:

(a) The material facts as to the relationship or interest and as to the contract or transaction are disclosed or are known to the board and the board in good faith authorizes the contract or transaction by the affirmative vote of a majority of the disinterested directors even though the disinterested directors are less than a quorum;

(b) The material facts as to the relationship or interest of the member, director, or officer and as to the contract or transaction are disclosed or are known to the members entitled to vote thereon, if any, and the contract or transaction is specifically approved in good faith by vote of those members; or

(c) The contract or transaction is fair as to the corporation as of the time the board or the members authorize, approve, or ratify the transaction.

(2) Interested directors or directors holding a similar position in the other entity involved in a contract or transaction specified in subsection (1) of this section may be counted in determining the presence of a quorum at a meeting of the board that authorizes the contract or transaction.

(3) This section is applicable except as provided in the articles or bylaws.

NEW SECTION. **Sec. 2704.** BUSINESS OPPORTUNITIES. (1) The taking advantage, directly or indirectly, by a director or officer of a business opportunity may not be the subject of equitable relief, or give rise to an award of damages or other sanctions against the director or officer, in a proceeding by or in the right of the nonprofit corporation on the ground that the opportunity should have first been offered to the corporation, if before becoming legally obligated or entitled respecting the opportunity the director or officer brings it to the attention of the corporation and action by the members or the directors disclaiming the corporation's interest in the opportunity is taken in compliance with the procedures set forth in section 2703 of this act, as if the decision being made concerned a conflicting interest transaction.

(2) In any proceeding seeking equitable relief or other remedies, based upon an alleged improper taking advantage of a business opportunity by a director or officer, the fact that the director or officer did not employ the procedure described in subsection (1) of this section before taking advantage of the opportunity does not support an inference that the opportunity should have been first presented to the nonprofit corporation or alter the burden of proof otherwise applicable to establish that the director or officer breached a duty to the corporation in the circumstances.

NEW SECTION. **Sec. 2705.** REMOVAL BY JUDICIAL PROCEEDING. (1) The court may remove a director or officer from office in a proceeding commenced by or in the right of the corporation if the court finds that:

(a) The director or officer engaged in fraudulent conduct with respect to the corporation or its members, knowingly inflicted harm on the corporation, or engaged in acts or omissions constituting gross negligence with respect to the director's or officer's duties; and

(b) Considering the course of conduct of the director or officer and the inadequacy of other available remedies, removal would be in the best interest of the corporation.

(2) An action under this section may be commenced by a member, individual director, or delegate. The attorney general may also commence an action under this section if the corporation holds property for charitable purposes.

(3) The court, in addition to removing the director or officer, may bar the director or officer from being reelected, redesignated, or reappointed as a director, an officer, or both for a period prescribed by the court.

(4) Nothing in this section limits the equitable powers of the court to order other relief.

(5) If a proceeding is commenced under this section to remove a director or officer of a charitable corporation, then the plaintiff shall give the attorney general notice in the form of a record of the commencement of the proceeding.

NEW SECTION. **Sec. 2706.** INDEMNIFICATION AND ADVANCE FOR EXPENSES. The provisions of RCW 23B.08.500 through 23B.08.603, or their successors, apply to any corporation to which this chapter applies. For purposes of this chapter:

(1) All references in those provisions to shares of a corporation are deemed to refer to membership interests in the nonprofit corporation.

(2) All references in those provisions to shareholders are deemed to refer to members of the nonprofit corporation.

(3) All references in those provisions to a shareholders meeting are deemed to refer to a meeting of the members of the nonprofit corporation.

(4) All references in those provisions to transactions from which directors or officers will personally receive a benefit to which they are not entitled are deemed to include transactions approved or implemented by a director or officer knowing them to be in violation of section 1406 of this act.

(5) This section does not limit a nonprofit corporation's power to indemnify, advance expenses to, or provide or maintain insurance on behalf of an employee, agent, or volunteer.

NEW SECTION. **Sec. 2707.** DIRECTORS AND OFFICERS UNDER 18 YEARS OF AGE. No director or officer of a corporation who is under 18 years of age shall have authority to execute any document on behalf of the corporation, or otherwise to bind the corporation with respect to any other party, without the written concurrence of one or more other directors or officers of the corporation who are at least 18 years of age and would, between them, have independent authority to execute the same document or to bind the corporation in the same way.

PART III

FUNDAMENTAL TRANSACTIONS

ARTICLE 1

AMENDMENT OF ARTICLES OR BYLAWS

NEW SECTION. **Sec. 3101.** AUTHORITY TO AMEND. (1) A nonprofit corporation may amend its articles of incorporation, from time to time, so long as its articles as amended contain only provisions that are lawful under this chapter.

(2) Amendments to the articles of a charitable corporation to include one or more purposes of the corporation substantially different from the corporation's purposes before the amendment are subject to the reporting requirement set out in section 1205 of this act.

NEW SECTION. **Sec. 3102.** AMENDMENT OF ARTICLES BY NONMEMBERSHIP CORPORATION. (1) Except as provided in the articles, the board of a nonmembership corporation may adopt amendments to the corporation's articles by the vote of a majority of the directors in office.

(2) Except as provided in subsection (3) of this section, an amendment adopted by the board under this subsection must also be approved, if the amendment changes or deletes a provision regarding

the appointment of a director by persons other than the board, by those persons as if they constituted a voting group.

(3) Unless the articles provide otherwise, the board of a nonmembership corporation may adopt amendments to the corporation's articles without approval of any of the other persons identified in subsection (2) of this section to:

(a) Extend the duration of the corporation if it was incorporated at a time when limited duration was required by law;

(b) Delete the names and addresses of the initial directors;

(c) Notwithstanding section 1303(1) of this act, delete the name of each incorporator and the name and address of the initial registered agent or registered office, if a statement of change is on file with the secretary of state; and

(d) Restate without change all of the then operative provisions of the articles.

NEW SECTION. **Sec. 3103.** AMENDMENT BEFORE ADMISSION OF MEMBERS. If a membership corporation has not yet admitted members, then its board may adopt one or more amendments to the articles.

NEW SECTION. **Sec. 3104.** AMENDMENT AFTER ADMISSION OF MEMBERS. (1) An amendment to the articles of a membership corporation must be adopted in the following manner:

(a) Except as provided in (e) of this subsection, a proposed amendment must be adopted by the board.

(b) Except as provided in sections 3107 and 3108 of this act, a proposed amendment must be submitted to the members entitled to vote on the amendment, if any, for their approval.

(c) The board shall deliver to all members a recommendation that the members approve an amendment, unless the board makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board shall deliver to the members the basis for that determination.

(d) The board may condition its submission of an amendment to the members on any basis. Such a condition is in addition to any approval requirements set forth in the corporation's articles or bylaws or in this chapter.

(e) If the articles or bylaws so permit, an amendment may be proposed by ten percent or more of the members entitled to vote on the amendment, or by a greater number of members if the articles or bylaws so specify. The provisions of (a), (c), and (d) of this subsection do not apply to an amendment proposed by the members under this subsection.

(f) If an amendment is required to be approved by the members, including under (e) of this subsection, and the approval is to be given at a meeting, then the corporation shall give notice to each member, whether or not entitled to vote on the amendment, of the meeting of members at which the amendment is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the amendment and must contain or be accompanied by a copy or summary of the amendment. If a summary is provided in lieu of a copy of the amendment, then a copy must be available to members upon request and the notice shall state that fact.

(g) At a meeting described in (f) of this subsection, those members entitled to vote on the amendment may:

(i) Approve or reject the amendment exactly as provided or summarized in the notice of the meeting; or

(ii) Approve revisions to the amendment at the meeting, if the subject matter of the revisions is within the scope of the subject matter of the amendment as provided or summarized in the notice of the meeting.

(h) The board shall determine whether the subject matter of any revisions approved by members remains within the scope of the subject matter of the amendment as provided or summarized in the notice of the meeting. If the board determines that the revisions approved by the members are not within that scope, then the amendment is deemed rejected by the membership. If the board determines that the revisions by members are within scope, then the board may:

(i) Accept the amendment incorporating the revisions approved by the members; or

(ii) Propose a further revised amendment to the members for approval.

This process may continue until an amendment acceptable to the board has been approved by the members. If successive votes take place at the same meeting of members, then no further notices or meetings are required.

(i) Unless the articles or bylaws, or the board acting pursuant to (d) of this subsection, requires a greater vote or a greater number of votes to be present, the approval of an amendment by the members entitled to vote thereon requires the approval of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the amendment, the approval of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(j) Except as provided in subsection (2) of this section, an amendment adopted by the board under this subsection must also be approved, if the amendment changes or deletes a provision regarding the appointment of a director by persons other than the board, by those persons as if they constituted a voting group.

(k) If a membership corporation has no members entitled to vote on the amendment, then the corporation shall deliver notice of the approval of the amendment by the board to all members of the corporation at least five days before filing articles of amendment or restated articles of incorporation with the secretary of state.

(2) Unless the articles provide otherwise, the board of a membership corporation may adopt amendments to the corporation's articles without approval of the members to:

(a) Delete the names and addresses of the initial directors;

(b) Notwithstanding section 1303(2) of this act, delete the name of each incorporator and the name and address of the initial registered agent or registered office, if a statement of change is on file with the secretary of state; or

(c) Restate without change all of the then operative provisions of the articles.

NEW SECTION. **Sec. 3105.** VOTING ON AMENDMENTS BY VOTING GROUPS. (1) If a nonprofit corporation has more than one class of members entitled to vote on an amendment to the articles, then the articles or bylaws may provide that the members of each class entitled to vote on the amendment are entitled to vote as a separate voting group if the amendment would change the rights, powers, preferences, or limitations of the class.

(2) If a class of members will be divided into two or more classes by an amendment to the articles, then the amendment must be approved by a majority of the members of each class that will be created.

NEW SECTION. **Sec. 3106.** ARTICLES OF AMENDMENT. After an amendment to the articles has been adopted and approved in the manner required by sections 3101 through 3114 of this act and by the articles, the nonprofit corporation shall deliver to the secretary of state for filing articles of amendment, which must be executed by an officer or other authorized representative and set forth:

(1) The name of the corporation;

(2) The text of the amendment adopted;

(3) The date of the amendment's adoption; and

(4) If the amendment:

(a) Was adopted by the board without member approval, a statement that the amendment was adopted by the board of directors, and that member approval was not required; or

(b) Required approval by the members, a statement that the amendment was approved by the members in the manner required by this chapter and by the articles and bylaws.

NEW SECTION. **Sec. 3107.** RESTATED ARTICLES OF INCORPORATION. (1) The board of a nonprofit corporation may restate its articles of incorporation at any time, without approval by the members or any other person, to consolidate all amendments into a single document without substantive change.

(2) A restatement of the articles may include one or more amendments to the articles. If restated articles of incorporation of a nonmembership corporation include one or more new amendments, then these amendments must have been adopted and approved as provided in section 3102 of this act. If restated articles of incorporation of a membership corporation include one or more new amendments that require member

approval, then the amendments must have been adopted and approved as provided in section 3103 or 3104 of this act, as appropriate.

(3) A nonprofit corporation that restates its articles of incorporation shall deliver to the secretary of state for filing articles of restatement setting forth the name of the nonprofit corporation and the text of the restated articles of incorporation together with a certificate setting forth:

(a) If the restatement does not include any amendments to the articles, a statement of that fact;

(b) If the restatement contains one or more amendments to the articles, the information required by section 3106 (1) through (4) of this act.

(4) The articles of restatement and the certificate must be executed by an officer or other authorized representative.

(5) Duly adopted restated articles of incorporation supersede the original articles and all amendments thereto.

(6) The secretary of state shall certify restated articles of incorporation as the articles currently in effect.

NEW SECTION. **Sec. 3108.** AMENDMENT OF ARTICLES PURSUANT TO REORGANIZATION. (1) A nonprofit corporation's articles of incorporation may be amended without action by the board or the members to carry out a plan of reorganization ordered or decreed by any court of competent jurisdiction in a proceeding relating to the corporation.

(2) An individual designated by the court shall deliver to the secretary of state for filing articles of amendment setting forth:

(a) The name of the corporation;

(b) The text of each amendment approved by the court;

(c) The date of the court's order or decree approving the articles of amendment;

(d) The title of the reorganization proceeding in which the order or decree was entered; and

(e) A statement that the court had jurisdiction of the proceeding.

(3) This section does not apply after entry of a final decree in the reorganization proceeding even though the court retains jurisdiction of the proceeding for limited purposes unrelated to consummation of the reorganization plan.

NEW SECTION. **Sec. 3109.** EFFECTIVE DATE. Unless a delayed effective date is specified, articles of amendment or restated articles of incorporation become effective on the date the articles of amendment or restated articles of incorporation are filed by the secretary of state.

NEW SECTION. **Sec. 3110.** EFFECT OF ARTICLES OF AMENDMENT. (1) Except as provided in subsection (2) of this section, an amendment to the articles does not affect a cause of action existing against or in favor of the nonprofit corporation, a proceeding to which the corporation is a party, or the existing rights of persons other than members of the corporation or persons referred to in the articles. An amendment changing a corporation's name does not abate a proceeding brought by or against the corporation in its former name.

(2) No amendment to the articles shall modify any restriction imposed through any means upon property held for charitable purposes unless, before the delivery of the amendment to the secretary of state for filing, the restriction is modified:

(a) In the case of a restriction imposed pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary, through an appropriate order of the court or the agreement of all interested parties, including the attorney general, under chapter 11.96A RCW; or

(b) In the case of any other restriction, pursuant to section 1503 of this act.

(3) A person who is a member or otherwise affiliated with a charitable corporation may not receive a direct or indirect financial benefit in connection with an amendment of the articles unless the person is itself a charitable corporation, the federal government, a state, a governmental subdivision, or an unincorporated entity that has charitable purposes. This subsection does not apply to the receipt of

reasonable compensation for services rendered.

NEW SECTION. **Sec. 3111.** POWER TO AMEND BYLAWS. The power to alter, amend, or repeal the bylaws or adopt new bylaws is vested in the board unless otherwise provided in the articles, the bylaws, or this chapter.

NEW SECTION. **Sec. 3112.** BYLAW AMENDMENTS REQUIRING MEMBER APPROVAL. (1) Except as provided in the articles or bylaws, the board of a membership corporation that has one or more members may not, without approval of the class or classes of members affected, adopt or amend a provision of the bylaws:

(a) That would eliminate any existing right, power, or privilege of membership contained in the bylaws;

(b) Under section 2107 of this act, providing that some of the members have different rights or obligations than other members with respect to voting, dissolution, transfer of memberships or other matters;

(c) Under section 2110 of this act, levying dues, assessments, or fees on some or all of the members;

(d) Under section 2113 of this act, relating to the termination or suspension of members; or

(e) Under section 2114 of this act, authorizing the purchase of memberships.

(2) The board of a membership corporation that has members may not amend the articles or bylaws without approval of every class or classes of members affected to vary the application of subsection (1) of this section to the corporation.

(3) If a nonprofit corporation has more than one class of members, then the members of a class are entitled to vote as a separate voting group on an amendment to the bylaws that:

(a) Is described in subsection (1) of this section, if the amendment would affect the members of that class differently than the members of another class; or

(b) Has any of the effects described in section 3104(1)(j) of this act.

(4) If a class of members will be divided into two or more classes by an amendment to the bylaws, then the amendment must be approved by a majority of the members of each class that will be created.

NEW SECTION. **Sec. 3113.** EFFECT OF BYLAW AMENDMENT. (1) No amendment to the bylaws shall modify any restriction imposed through any means upon property held for charitable purposes unless, before or simultaneously with the adoption of the bylaws amendment, the restriction is modified:

(a) In the case of a restriction imposed pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary, through an appropriate order of the court or the agreement of all interested parties, including the attorney general, under chapter 11.96A RCW; or

(b) In the case of any other restriction, pursuant to section 1503 of this act.

(2) A person who is a member or otherwise affiliated with a charitable corporation may not receive a direct or indirect financial benefit in connection with an amendment of the bylaws unless the person is itself a charitable corporation, the federal government, a state, a governmental subdivision, or an unincorporated entity that has charitable purposes. This subsection does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. **Sec. 3114.** APPROVAL OF AMENDMENTS BY THIRD PARTIES. (1) The articles of incorporation may require that an amendment to the articles be approved in the form of a record by a specified person or group of persons in addition to the board or members.

(2) The articles or bylaws may require that an amendment to the bylaws be approved in the form of a record by a specified person or group of persons in addition to the board or members.

(3) A requirement in the articles or bylaws described in subsection (1) or (2) of this section may only be amended with the approval in the form of a record of the specified person or group of persons.

ARTICLE 2

MERGER

NEW SECTION. **Sec. 3201.** DEFINITIONS. The definitions in this section apply throughout this section and sections 3202

through 3209 of this act unless the context clearly requires otherwise.

(1) "Eligible interests" means interests or shares.

(2) "Interests" means either or both of the following rights under the organic law of an unincorporated entity:

(a) The right to receive distributions from the entity either in the ordinary course or upon liquidation; or

(b) The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy, or person responsible for managing its business, activities, or affairs.

(3) "Merger" means a transaction pursuant to section 3205 of this act.

(4) "Party to a merger" means any domestic or foreign nonprofit corporation or eligible entity that will merge under a plan of merger.

(5) "Shares" means the units into which the proprietary interests in a domestic or foreign for-profit corporation are divided.

(6) "Survivor" in a merger means the corporation or eligible entity into which one or more other corporations or eligible entities are merged. A survivor of a merger may preexist the merger or be created by the merger.

NEW SECTION. **Sec. 3202.** PROPERTY HELD FOR CHARITABLE PURPOSES. (1) In a merger under sections 3201 through 3209 of this act, property held for charitable purposes by a nonprofit corporation may not be diverted from charitable purposes.

(2) The survivor of any merger under sections 3201 through 3209 of this act remains bound by any restriction imposed through any means upon property held for charitable purposes by any party to the merger including, but not limited to, any restriction that affects existing rights of persons other than members, shareholders, or interest holders of the other party, unless the restriction is modified:

(a) In the case of a restriction imposed pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary, through an appropriate order of the court or the agreement of all interested parties, including the attorney general, under chapter 11.96A RCW; or

(b) In the case of any other restriction, pursuant to section 1503 of this act.

(3) Property held by a nonprofit corporation for charitable purposes upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the merger, must be returned, transferred, or conveyed in accordance with that condition.

(4) A corporation that is not a charitable corporation but holds property for charitable purposes shall deliver to the attorney general notice of its intent to consummate a merger, unless the survivor of the merger is a charitable corporation. The notice must be delivered to the attorney general in the form of a record at least twenty days before the meeting at which the proposed transaction is to be approved. Such a merger may not be implemented without the approval of the attorney general, or the approval of the court in a proceeding to which the attorney general is made a party. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the transaction, approval of the transaction is deemed to have been given.

(5) The notice described in subsection (4) of this section shall include:

(a) A statement specifying how the merger will comply with subsections (1) through (3) of this section; and

(b) A brief description of:

(i) Real property held by the corporation for charitable purposes, and its nature and location;

(ii) Cash, bank deposits, brokerage accounts, or other financial assets held by the corporation for charitable purposes, and their approximate total fair market value;

(iii) Other personal property held by the corporation for charitable purposes, and its nature and approximate total fair market value; and

(iv) All gift restrictions applicable to any property described in (b)(i) through (iii) of this subsection, and the nature of those restrictions.

NEW SECTION. **Sec. 3203.** PROHIBITION OF FINANCIAL BENEFIT. A person who is a

member, director, officer, interest holder, or otherwise affiliated with a charitable corporation or any other eligible entity with a charitable purpose may not receive a direct or indirect financial benefit in connection with a merger governed by sections 3201 through 3209 of this act to which the charitable corporation or unincorporated entity is a party unless the person is itself a charitable corporation, the federal government, a tribal government, a state or local government, a governmental subdivision, or an eligible entity that is organized exclusively for charitable purposes. This section does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. **Sec. 3204.** LIMITATIONS ON CHARITABLE CORPORATIONS. (1) A charitable corporation may merge only with:

(a) Another charitable corporation;

(b) A foreign corporation that, if it were a domestic corporation, would qualify under this chapter as a charitable corporation; or

(c) A foreign or domestic for-profit or nonprofit corporation, or unincorporated entity, only if the charitable corporation is the surviving corporation and continues to qualify as a charitable corporation after the merger.

(2) No member of a charitable corporation may receive or keep anything as a result of a merger other than a membership in the surviving charitable corporation, unless:

(a) The attorney general, or the court in a proceeding in which the attorney general has been given notice, has provided prior written consent; or

(b) The member is a charitable corporation, another entity that is organized and operated exclusively for one or more charitable purposes, the federal government, or a tribal, state, or local government.

NEW SECTION. **Sec. 3205.** MERGER. (1) Subject to the restrictions in sections 3202 through 3204 of this act, one or more domestic nonprofit corporations may merge with one or more domestic or foreign nonprofit corporations or eligible entities pursuant to a plan of merger or two or more foreign nonprofit corporations or domestic or foreign eligible entities may merge into a new domestic nonprofit corporation to be created in the merger in the manner provided in sections 3201 through 3209 of this act.

(2) A foreign nonprofit corporation, or a foreign eligible entity, may be a party to a merger with a domestic nonprofit corporation, or may be created by the terms of the plan of merger, only if the merger is permitted by the organic law of the corporation or eligible entity.

(3) If the law of this state, other than this chapter, permits the merger of a domestic eligible entity with a nonprofit corporation but does not provide procedures for the approval of such a merger, then a plan of merger may be adopted and approved, and the merger may be effectuated, in accordance with the procedures in sections 3201 through 3209 of this act. For the purposes of applying sections 3201 through 3209 of this act, as the context may require:

(a) The eligible entity is treated as a domestic nonprofit corporation, its interest holders are treated as members, eligible interests are treated as memberships, and organic records are treated as articles and bylaws; and

(b) If there is no board of directors and the business and affairs of the eligible entity are managed by a team or body of persons that is not identical to the interest holders, that team or body is deemed to be the board of directors.

(4) The plan of merger must be in the form of a record and include:

(a) The name of each domestic or foreign nonprofit corporation or eligible entity that will merge and the name of the domestic or foreign nonprofit corporation or eligible entity that will be the survivor of the merger;

(b) The terms and conditions of the merger;

(c) The manner and basis of converting the memberships of each merging domestic or foreign nonprofit membership corporation and the eligible interests of each merging domestic or foreign eligible entity into memberships, eligible interests, securities, or obligations; rights to acquire memberships, eligible interests, securities, or obligations; cash; other property or other

consideration; or any combination of the foregoing;

(d) The articles and bylaws of any corporation, or the organic records of any eligible entity, to be created by the merger; or if a new corporation or eligible entity is not to be created by the merger, any changes to the survivor's articles or bylaws or organic records;

(e) Whether the corporation is a charitable corporation or is holding assets for charitable purposes;

(f) If the corporation is a charitable corporation or is holding assets for charitable purposes, a plan setting forth how the merging entities will comply with sections 3202 and 3204 of this act; and

(g) Any other provisions relating to the merger that the parties desire be included in the plan of merger.

(5) The plan of merger may also include a provision that the plan may be amended before filing articles of merger, but if the members of a domestic corporation that is a party to the merger are required or entitled to vote on the plan, then the plan shall provide that after approval of the plan by those members the plan may not be amended to change:

(a) The amount or kind of memberships, eligible interests, securities, or obligations; rights to acquire memberships, eligible interests, securities, or obligations; cash; or other property or other consideration to be received by the members of or owners of eligible interests in any party to the merger;

(b) The articles or bylaws of any corporation, or the organic records of any unincorporated entity, that will survive or be created as a result of the merger, except for changes permitted by section 3104(2) of this act or by comparable provisions of the organic law of a foreign nonprofit or for-profit corporation or domestic or foreign unincorporated entity; or

(c) Any of the other terms or conditions of the plan, if the change would adversely affect those members in any material respect.

(6) Terms of a plan of merger may be made dependent on facts objectively ascertainable outside the plan in accordance with section 1202(3) of this act.

NEW SECTION. **Sec. 3206.** ADOPTION OF PLAN OF MERGER. In the case of a nonprofit corporation that is a party to a merger:

(1) The plan of merger must be adopted by the board.

(2) Except as provided in subsection (9) of this section, section 3205 of this act, or the articles or bylaws, after adopting the plan of merger, the board shall submit the plan to those members entitled to vote on the plan for their approval. The board shall also deliver to the members a recommendation that the members approve the plan, unless the board makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board shall deliver to the members the basis for that determination.

(3) The board may condition its submission of the plan of merger to the members on any basis.

(4) If the plan of merger is required to be approved by the members, and if the approval is to be given at a meeting, then the nonprofit corporation shall give notice to each member, whether or not entitled to vote on the merger, of the meeting of members at which the plan is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. If the corporation is to be merged into an existing corporation or eligible entity, then the notice shall also include a copy or summary of the articles and bylaws or organic records of that corporation or eligible entity. If the corporation is to be merged into a corporation or eligible entity that is to be created pursuant to the merger, then the notice shall include a copy or a summary of the articles and bylaws or organic records of the new corporation or eligible entity. If a summary is provided in lieu of a copy of the plan or of the articles and bylaws, then a copy of the plan and articles and bylaws, as applicable, must be available to members upon request and this fact must be stated in the notice. Such copy of the plan and articles and bylaws, as applicable, may be made available in electronic format.

(5) Unless the articles or bylaws, or the board acting pursuant to subsection (3) of this section, requires a greater

vote or a greater number of votes to be present, the approval of the plan of merger by the members entitled to vote thereon requires the approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan of merger, the approval of a majority of the members of each voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(6) Separate voting on a plan of merger is required:

(a) By each class of members:

(i) Whose memberships are to be converted into eligible interests, securities, or obligations; rights to acquire eligible interests, securities, or obligations; cash; other property or other consideration; or any combination of the foregoing;

(ii) Which is to experience a change in the rights, powers, preferences, or limitations of the class as a result of the merger; or

(iii) That would be entitled to vote as a separate group on a provision in the plan that, if contained in a proposed amendment to articles of incorporation, would require action by separate voting groups under the articles or bylaws.

(b) By a voting group, if the voting group is entitled under the articles or bylaws to vote as a voting group to approve a plan of merger.

(7) If a plan of merger would affect in the same or a substantially similar way two or more classes of members entitled to vote separately on the plan of merger under subsection (6)(a) of this section, then, instead of voting separately, all similarly affected classes of members shall vote together as a single voting group on the plan of merger, unless otherwise provided in the articles or as a condition imposed by the board under subsection (3) of this section.

(8) If as a result of a merger one or more members of a domestic nonprofit corporation would become subject to owner liability for the debts, obligations or liabilities of any other person or entity, then approval of the plan of merger requires the execution, by each member who would become subject to owner liability, of a separate record consenting to become subject to owner liability.

(9) If a domestic nonprofit corporation that is a party to a merger does not have any members entitled to vote on the merger, then a plan of merger is deemed adopted by the corporation when it has been adopted by the board pursuant to subsection (1) of this section. If a membership corporation has no members entitled to vote on the merger, then the corporation shall deliver notice of the proposed merger to all members of the corporation at least five days before the meeting at which the board is to adopt the plan of merger.

(10) In addition to the adoption and approval of the plan of merger by the board and members as required by this section, the plan of merger must also be approved in the form of a record by any person or group of persons whose approval is required under section 3114 of this act to amend the articles or bylaws.

(11) Adoption and approval of a plan of merger by all required persons under the procedures set forth in this section constitutes adoption and approval of all changes to the approving party's articles, bylaws, or other organic documents contained within the plan of merger.

NEW SECTION. **Sec. 3207.** ARTICLES OF MERGER. (1) After a plan of merger has been adopted and approved as required by sections 3201 through 3209 of this act, articles of merger must be executed on behalf of each party to the merger by an officer or other authorized representative of the party. The articles of merger shall set forth:

(a) The names of the parties to the merger;

(b) If the articles of the surviving domestic nonprofit corporation are being changed, or if a new domestic nonprofit corporation is created as a result of a merger, the changes to the articles of the surviving corporation or the articles of the new corporation;

(c) If the plan of merger required approval by the members of a domestic nonprofit corporation that was a party to the merger, a statement that the plan was approved by the members and, if voting by any separate voting group was required, by each separate voting group entitled to vote, in the manner required by this chapter and the articles or bylaws;

(d) If the plan of merger did not require approval by the members of a domestic nonprofit corporation that was a party to the merger, a statement to that effect;

(e) If a party to the merger is a noncharitable corporation holding property for charitable purposes, and the survivor is not a charitable corporation, a statement that the attorney general has approved, or is deemed to have approved, the merger pursuant to section 3202 of this act; and

(f) As to each foreign nonprofit corporation or eligible entity that was a party to the merger, a statement that the participation of the foreign corporation or eligible entity was authorized as required by the organic law of the corporation or eligible entity.

(2) Terms of articles of merger may be made dependent on facts objectively ascertainable outside the articles in accordance with section 1202(3) of this act.

(3) Articles of merger must be delivered to the secretary of state for filing by the surviving entity of the merger and shall take effect at the effective time provided in RCW 23.95.210. Articles of merger filed under this section may be combined with any filing required under the organic law of any domestic eligible entity involved in the transaction if the combined filing satisfies the requirements of both this section and the other organic law.

NEW SECTION. **Sec. 3208.** EFFECT OF MERGER. (1) Subject to sections 3202 and 3203 of this act, if the surviving entity is a domestic nonprofit corporation when a merger becomes effective:

(a) The domestic nonprofit corporation that is designated in the plan of merger as the surviving corporation continues or comes into existence, as the case may be;

(b) The separate existence of every domestic or foreign nonprofit corporation or eligible entity that is merged into the survivor ceases;

(c) All property owned by, and every contract and other right possessed by, each domestic or foreign nonprofit corporation or eligible entity that merges into the surviving corporation is vested in the surviving corporation without reversion or impairment;

(d) All liabilities of each domestic or foreign nonprofit corporation or eligible entity that is merged into the survivor are vested in the surviving corporation;

(e) The name of the surviving corporation may, but need not be, substituted in any pending proceeding for the name of any party to the merger whose separate existence ceased in the merger;

(f) The articles and bylaws or organic records of the surviving corporation are amended to the extent of the changes provided in the plan of merger;

(g) The articles and bylaws of a surviving corporation that is created by the merger become effective; and

(h) The memberships of each corporation that is a party to the merger, and the eligible interests in an eligible entity that is a party to a merger, that are to be converted under the plan of merger into memberships, eligible interests, securities, or obligations; rights to acquire memberships, eligible interests, securities, or obligations; cash; other property or other consideration; or any combination of the foregoing; are converted.

(2) A person who becomes subject to owner liability for some or all of the debts, obligations, or liabilities of any entity as a result of a merger has owner liability only to the extent provided in the organic law of the entity and only for those debts, obligations, and liabilities that arise after the effective time of the articles of merger, except to the extent that the person consented to become subject to liability under section 3206(8) of this act.

(3) The effect of a merger on the owner liability of a person who had owner liability for some or all of the debts, obligations, or liabilities of a party to the merger is as follows:

(a) The merger does not discharge any owner liability under the organic law of the entity in which the person was a member, shareholder, or interest holder to the extent that owner liability arose before the effective time of the articles of merger.

(b) The person does not have owner liability under the organic law of the entity in which the person was a member, shareholder, or interest holder before

the merger for any debt, obligation, or liability that arises after the effective time of the articles of merger.

(c) The provisions of the organic law of any entity for which the person had owner liability before the merger continue to apply to the collection or discharge of any owner liability preserved by subsection (1) of this section, as if the merger had not occurred.

(d) The person has whatever rights of contribution from other persons are provided by the organic law of the entity for which the person had owner liability with respect to any owner liability preserved by (a) of this subsection, as if the merger had not occurred.

(4) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made before or after a merger, to or for any of the parties to the merger, inures to the survivor, subject to the express terms of the will or other instrument.

NEW SECTION. **Sec. 3209.** ABANDONMENT OF MERGER. (1) Unless otherwise provided in a plan of merger or in the organic law of a foreign nonprofit corporation or a domestic or foreign eligible entity that is a party to a merger, after the plan has been adopted and approved as required by sections 3201 through 3209 of this act, and at any time before the merger has become effective, it may be abandoned by a domestic nonprofit corporation that is a party thereto without action by its members, in accordance with any procedures set forth in the plan of merger or, if no procedures are set forth in the plan, in the manner determined by the board, subject to any contractual rights of other parties to the merger.

(2) If a merger is abandoned under subsection (1) of this section after articles of merger have been filed by the secretary of state but before the merger has become effective, then a statement that the merger has been abandoned in accordance with this section, executed on behalf of a party to the merger by an officer or other authorized representative, must be delivered to the secretary of state for filing before the effective date of the merger. Upon filing by the secretary of state, the statement takes effect and the merger is deemed abandoned and shall not become effective.

ARTICLE 3

DOMESTICATION AND CONVERSION

NEW SECTION. **Sec. 3301.** DEFINITIONS. The definitions in this section apply throughout this section and sections 3302 through 3326 of this act unless the context clearly requires otherwise.

(1) "Conversion" means a transaction authorized by section 3312, 3317, or 3321 of this act.

(2) "Converting corporation" means the domestic or foreign nonprofit or for-profit corporation that approves a conversion pursuant to sections 3301 through 3326 of this act or its organic law.

(3) "Converting entity" means the domestic or foreign entity that approves a conversion pursuant to section 3321 of this act or its organic law.

(4) "Domesticated corporation" means the domesticating corporation as it continues in existence after a domestication.

(5) "Domesticating corporation" means the domestic nonprofit corporation that adopts a plan of domestication pursuant to section 3308 of this act or the foreign nonprofit corporation that approves a domestication pursuant to its organic law.

(6) "Domestication" means a transaction authorized by section 3307 of this act.

(7) "Surviving corporation" means the corporation as it continues in existence immediately after consummation of a for-profit conversion pursuant to section 3312 of this act, a foreign for-profit conversion and domestication pursuant to section 3317 of this act, or an entity conversion pursuant to section 3321 of this act.

(8) "Surviving entity" means the unincorporated entity as it continues in existence immediately after consummation of an entity conversion pursuant to section 3321 of this act.

NEW SECTION. **Sec. 3302.** EXCLUDED TRANSACTIONS. Sections 3301 through 3326 of this act may not be used to effect a transaction that:

(1) Converts a nonprofit or mutual insurance company to a for-profit stock corporation; or

(2) Is governed by chapter 70.45 RCW.

NEW SECTION. **Sec. 3303.** REQUIRED APPROVALS. If a domestic or foreign nonprofit corporation or eligible entity may not be a party to a merger or sale of its assets without the approval of a federal or state agency other than the secretary of state, then the corporation or eligible entity shall not be a party to a transaction under sections 3301 through 3326 of this act without the prior approval of that agency.

NEW SECTION. **Sec. 3304.** PROPERTY HELD FOR CHARITABLE PURPOSES. (1) In any transaction under sections 3301 through 3326 of this act, property held for charitable purposes by a nonprofit corporation may not be diverted from charitable purposes.

(2) No transaction under sections 3301 through 3326 of this act shall modify any restriction imposed through any means upon property held for charitable purposes by any entity involved in the transaction, including but not limited to a restriction that affects existing rights of persons other than members, shareholders, or interest holders of the entity, unless the restriction is modified:

(a) In the case of a restriction imposed pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary, through an appropriate order of the court or the agreement of all interested parties, including the attorney general, under chapter 11.96A RCW; or

(b) In the case of any other restriction, pursuant to section 1503 of this act.

(3) Property held by a nonprofit corporation for charitable purposes upon condition requiring return, transfer or conveyance, which condition occurs by reason of a transaction under sections 3301 through 3326 of this act, must be returned, transferred, or conveyed in accordance with that condition.

(4) A corporation holding property for charitable purposes shall deliver to the attorney general notice of its intent to consummate any transaction under sections 3301 through 3326 of this act. The notice must be delivered to the attorney general in the form of a record at least forty-five days before the meeting at which the proposed transaction is to be approved. Such a transaction may not be implemented without the approval of the attorney general, or the approval of the court in a proceeding to which the attorney general is made a party. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the transaction, approval of the transaction is deemed to have been given.

(5) The notice described in subsection (4) of this section shall include:

(a) A statement specifying how the transaction will comply with subsections (1) through (3) of this section, as applicable; and

(b) A brief description of:

(i) Real property held for charitable purposes by the corporation, and its nature and location;

(ii) Cash, bank deposits, brokerage accounts, or other financial assets held for charitable purposes by the corporation, and their approximate total fair market value;

(iii) Other personal property held for charitable purposes by the corporation, and its nature and approximate total fair market value; and

(iv) Any gift restrictions applicable to any property described in (b)(i) through (iii) of this subsection, and the nature of those restrictions.

(6) An event of domestication or conversion does not affect the applicability of chapter 11.110, 19.09, or 24.55 RCW to any entity.

NEW SECTION. **Sec. 3305.** PROHIBITION ON FINANCIAL BENEFIT. A person who is a member, interest holder, or otherwise affiliated with a charitable corporation or an unincorporated entity with charitable purposes may not receive a direct or indirect financial benefit in connection with a transaction governed by sections 3301 through 3326 of this act to which the charitable corporation or unincorporated entity is a party unless the person is itself a charitable corporation, the federal government, a tribal, state, or local government, a governmental subdivision, or an unincorporated entity that has charitable purposes. This section does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. **Sec. 3306.** VOTING RIGHTS IN EXISTING CORPORATIONS. For any corporation formed before January 1, 2022, any member or other person who is entitled under the articles or bylaws to vote on or approve a merger transaction involving the corporation is deemed entitled, to the same extent, to vote on or approve any transaction under sections 3301 through 3326 of this act involving the corporation.

NEW SECTION. **Sec. 3307.** DOMESTICATION. (1) A foreign nonprofit corporation may become a domestic nonprofit corporation only if the law of the foreign jurisdiction allows the domestication.

(2) A domestic nonprofit corporation may become a foreign nonprofit corporation if the law of the foreign jurisdiction allows the domestication.

(3) Regardless of whether the laws of the foreign jurisdiction require the adoption of a plan of domestication, the domestication must be approved by the corporation's adoption of a plan of domestication in the manner provided in sections 3301 through 3326 of this act.

(4) The plan of domestication shall include:

(a) A statement of the jurisdiction in which the corporation is to be domesticated;

(b) The terms and conditions of the domestication;

(c) The manner and basis of canceling or reclassifying the memberships of the corporation following its domestication into memberships, obligations, rights to acquire memberships, cash, other property, or any combination of the foregoing;

(d) If the corporation is a charitable corporation or is holding assets for charitable purposes, a plan setting forth how the corporation will comply with section 3304 (1) through (3) of this act; and

(e) Any desired changes to the articles or bylaws of the corporation in connection with its domestication.

(5) The plan of domestication may also include a provision that the plan may be amended before filing the document required by the laws of this state or the other jurisdiction to consummate the domestication; except that, after approval of the plan by the members, the plan may not be amended without the approval of the members entitled to vote thereon to change:

(a) The amount or kind of memberships, obligations, rights to acquire memberships, cash, or other property to be received by the members under the plan;

(b) The articles as they will be in effect immediately following the domestication, except for changes permitted by section 3104 of this act or by comparable provisions of the laws of the other jurisdiction; or

(c) Any of the other terms or conditions of the plan if the change would adversely affect any of the members in any material respect.

(6) Terms of a plan of domestication may be made dependent upon facts objectively ascertainable outside the plan in accordance with section 1202(3) of this act.

(7) If any debt security, note, or similar evidence of indebtedness for money borrowed, whether secured or unsecured, or a contract of any kind, issued, incurred or executed by a domestic nonprofit corporation before January 1, 2022, contains a provision applying to a merger of the corporation and the document does not refer to a domestication of the corporation, then the provision is deemed to apply to a domestication of the corporation until the provision is amended after that date.

NEW SECTION. **Sec. 3308.** ACTION ON A PLAN OF DOMESTICATION. In the case of a domestication of a domestic nonprofit corporation in a foreign jurisdiction:

(1) The plan of domestication must be adopted by the board.

(2) If there are no members entitled to vote on the plan, then the plan must be adopted by a vote of the majority of directors then in office. If a membership corporation has no members entitled to vote on the plan, then the corporation shall deliver notice of the proposed domestication to all members of the corporation at least ten days before the meeting at which the board is to adopt the plan.

(3) After adopting the plan of domestication, the board shall submit the plan to the members for their approval, if there are members entitled to vote on

the plan. The board shall also transmit to the members a recommendation that the members approve the plan, unless the board determines that, because of conflicts of interest or other special circumstances, it should not make such a recommendation, in which case the board shall transmit to the members the basis for that determination.

(4) The board may condition its submission of the plan of domestication to the members on any basis.

(5) If the approval of the members is to be given at a meeting, then the corporation shall notify each member, whether or not entitled to vote, of the meeting of members at which the plan of domestication is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. The notice shall include a copy of the articles and bylaws as they will be in effect immediately after the domestication. If a summary is provided in lieu of a copy of the plan, then a copy of the plan must be available to members upon request and this fact must be stated in the notice.

(6) Unless the articles or bylaws, or the board acting pursuant to subsection (4) of this section, requires a greater vote or a greater number of votes to be present, the approval of the plan of domestication by the members entitled to vote thereon requires the approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan, the approval of a majority of the members of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(7) A separate voting by voting groups is required by each class of members that:

(a) Is to be reclassified under the plan of domestication into a different class of members, or into obligations, rights to acquire memberships, cash, other property, or any combination of the foregoing;

(b) Would be entitled to vote as a separate group on a provision of the plan that, if contained in a proposed amendment to articles of incorporation, would require action by separate voting groups under section 3105 of this act; or

(c) Is entitled under the articles or bylaws to vote as a voting group to approve an amendment of the articles.

(8) If any provision of the articles, bylaws, or an agreement to which any of the directors or members are parties, adopted or entered into before January 1, 2022, applies to a merger of the corporation and that document does not refer to a domestication of the corporation, then the provision is deemed to apply to a domestication of the corporation until the provision is later amended.

NEW SECTION. **Sec. 3309.** ARTICLES OF DOMESTICATION. (1) Articles of domestication must be executed on behalf of the domesticating corporation by an officer or other authorized representative. The articles shall set forth:

(a) The name and jurisdiction of incorporation of the domesticating corporation;

(b) The name and jurisdiction of incorporation of the domesticated entity; and

(c) If the domesticating corporation is a domestic nonprofit corporation, a statement that the plan of domestication was approved in accordance with sections 3301 through 3326 of this act or, if the domesticating corporation is a foreign nonprofit corporation, a statement that the domestication was approved in accordance with the law of its jurisdiction of incorporation.

(2) The articles of domestication must be delivered to the secretary of state for filing, and take effect at the effective time provided in RCW 23.95.210.

(3) If the domesticating corporation is a foreign corporation, then the domesticating corporation must, simultaneously with the delivery of the articles of domestication, deliver articles of incorporation that comply with this title to the secretary of state for filing and the secretary of state shall file the articles. Provisions that would not be required to be included in restated articles of incorporation may be omitted, except that the name and address of the initial registered agent of the corporation must be included and the name of the corporation must satisfy the requirements of section 1302 of this act.

(4) If the domesticating corporation is a registered foreign corporation, then its registration is terminated automatically on the effective date of its domestication, and the secretary of state shall record the termination of the registration.

NEW SECTION. **Sec. 3310.** EFFECT OF DOMESTICATION. (1) Except as provided in section 3304 of this act, when a domestication becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the domesticating corporation remains in the domesticated corporation without reversion or impairment;

(b) The liabilities of the domesticating corporation remain the liabilities of the domesticated corporation;

(c) An action or proceeding pending against the domesticating corporation continues against the domesticated corporation as if the domestication had not occurred;

(d) The articles of incorporation filed pursuant to section 3309(3) of this act constitute the articles of a foreign corporation domesticating in Washington state;

(e) The memberships in the domesticating corporation are reclassified into memberships, obligations, rights to acquire memberships, or cash or other property in accordance with the terms of the domestication, and the members are entitled only to the rights provided by those terms;

(f) Gift restrictions binding the domestic corporation remain in place as if the domestication had not occurred, unless modified in accordance with section 1503 of this act;

(g) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made to or for the domesticating corporation before or after the domestication, inures to the domesticated corporation, subject to the express terms of the will or other instrument; and

(h) The domesticating corporation is deemed to be:

(i) Incorporated under and subject to the organic law of the domesticated corporation for all purposes; and

(ii) The same corporation without interruption as the domesticating corporation.

(2) The interest holder liability of a member in a foreign nonprofit corporation that is domesticated in the state of Washington is as follows:

(a) The domestication does not discharge any interest holder liability under the laws of the foreign jurisdiction to the extent the interest holder liability arose before the effective time of the articles of domestication.

(b) The member does not have interest holder liability under the laws of the foreign jurisdiction for any debt, obligation, or liability of the corporation that arises after the effective time of the articles of domestication.

(c) The provisions of the laws of the foreign jurisdiction continue to apply to the collection or discharge of any interest holder liability preserved by (a) of this subsection, as if the domestication had not occurred.

(d) The domestication has no effect on any member's rights of contribution from other members provided by the laws of the foreign jurisdiction with respect to any interest holder liability preserved by (a) of this subsection.

NEW SECTION. **Sec. 3311.** ABANDONMENT OF DOMESTICATION. (1) Unless otherwise provided in a plan of domestication of a domestic nonprofit corporation, after the plan has been adopted and approved as required by sections 3301 through 3326 of this act, and at any time before the domestication has become effective, it may be abandoned by the members if there are members entitled to vote on the plan of domestication, or by the board without action by members.

(2) If a domestication is abandoned under subsection (1) of this section after articles of domestication have been filed by the secretary of state but before the domestication has become effective, then a statement that the domestication has been abandoned in accordance with this section, executed by an officer or other authorized representative, must be delivered to the secretary of state for filing before the effective date of the domestication. The statement takes effect upon filing and

the domestication is abandoned and does not become effective.

(3) If the domestication of a foreign nonprofit corporation in Washington state is abandoned in accordance with the laws of the foreign jurisdiction after articles of domestication have been filed by the secretary of state, then a statement that the domestication has been abandoned, executed by an officer or other authorized representative, must be delivered to the secretary of state for filing. The statement takes effect upon filing and the domestication is abandoned and does not become effective.

NEW SECTION. **Sec. 3312.** FOR-PROFIT CONVERSION OF NONCHARITABLE CORPORATIONS. (1) A domestic nonprofit corporation, other than a charitable corporation, may become a domestic for-profit corporation pursuant to a plan of for-profit conversion if the for-profit conversion is permitted under Title 23B RCW.

(2) A domestic nonprofit corporation, other than a charitable corporation, may become a foreign for-profit corporation if the for-profit conversion is permitted by the laws of the foreign jurisdiction. Regardless of whether the laws of the foreign jurisdiction require the adoption of a plan of for-profit conversion, the foreign for-profit conversion must be approved by the adoption by the domestic nonprofit corporation of a plan of for-profit conversion in the manner provided in sections 3301 through 3326 of this act.

(3) The plan of for-profit conversion shall include:

(a) The terms and conditions of the conversion;

(b) The manner and basis of:

(i) Issuing at least one share in the corporation following its conversion; and

(ii) Otherwise reclassifying the memberships in the corporation, if any, following its conversion into shares and other securities, obligations, rights to acquire shares or other securities, cash, other property, or any combination of the foregoing;

(c) If the corporation is holding assets for charitable purposes, a plan setting forth how the corporation will comply with section 3304 (1) through (3) of this act;

(d) Any desired changes to the articles or bylaws of the corporation following its conversion; and

(e) If the domestic nonprofit corporation is to be converted to a foreign for-profit corporation, a statement of the jurisdiction in which the corporation will be incorporated after the conversion.

(4) The plan of for-profit conversion may also include a provision that the plan may be amended before filing articles of for-profit conversion, except that after approval of the plan by the members the plan may not be amended without the approval of the members to change:

(a) The amount or kind of shares and other securities, obligations, rights to acquire shares or other securities, cash, or other property to be received by the members under the plan;

(b) The articles of incorporation as they will be in effect immediately following the conversion, except for changes permitted by section 3104 of this act; or

(c) Any of the other terms or conditions of the plan if the change would adversely affect any of the members in any material respect.

(5) Terms of a plan of for-profit conversion may be made dependent upon facts objectively ascertainable outside the plan in accordance with section 1202(3) of this act.

(6) If any debt security, note, or similar evidence of indebtedness for money borrowed, whether secured or unsecured, or a contract of any kind, issued, incurred, or executed by a domestic nonprofit corporation before January 1, 2022, contains a provision applying to a merger of the corporation and the document does not refer to a for-profit conversion of the corporation, then the provision is deemed to apply to a for-profit conversion of the corporation until the provision is later amended.

NEW SECTION. **Sec. 3313.** ACTION ON A PLAN OF FOR-PROFIT CONVERSION. In the case of a conversion of a domestic nonprofit corporation to a domestic or foreign for-profit corporation:

(1) The plan of for-profit conversion must be adopted by the board.

(2) If there are no members entitled to vote on the plan, then the plan must be adopted by a vote of the majority of directors then in office. If a membership corporation has no members entitled to vote on the plan, then the corporation shall deliver notice of the proposed for-profit conversion to all members of the corporation at least ten days before the meeting at which the board is to adopt the plan.

(3) After adopting the plan of for-profit conversion, the board shall submit the plan to the members for their approval if there are members entitled to vote on the plan. The board shall also deliver to the members a recommendation that the members approve the plan, unless the board determines that because of conflicts of interest or other special circumstances, it should not make such a recommendation, in which case the board shall deliver to the members the basis for that determination.

(4) The board may condition its submission of the plan of for-profit conversion to the members on any basis.

(5) If the approval of the members is to be given at a meeting, then the corporation shall notify each member of the meeting of members at which the plan of for-profit conversion is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. The notice shall include a copy of the articles as they will be in effect immediately after the for-profit conversion. If a summary is provided in lieu of a copy of the plan, then a copy of the plan must be available to members upon request and this fact must be stated in the notice.

(6) Unless the articles or bylaws, or the board acting pursuant to subsection (4) of this section, require a greater vote or a greater number of votes to be present, the approval of the plan of for-profit conversion by the members entitled to vote thereon requires approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan of for-profit conversion, the approval of a majority of the members of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(7) If any provision of the articles, bylaws, or an agreement to which any of the directors or members are parties, adopted or entered into before January 1, 2022, applies to a merger of the corporation and the document does not refer to a for-profit conversion of the corporation, then the provision is deemed to apply to a for-profit conversion of the corporation until the provision is later amended.

NEW SECTION. **Sec. 3314.** ARTICLES OF FOR-PROFIT CONVERSION. (1) Articles of for-profit conversion must be executed on behalf of the converting corporation by an officer of the corporation. The articles shall set forth:

(a) If the surviving corporation is a domestic business corporation, the name of the corporation immediately before the filing of the articles of for-profit conversion and if that name does not satisfy the requirements of RCW 23B.04.010, or the corporation desires to change its name in connection with the conversion, a name that satisfies the requirements of RCW 23B.04.010;

(b) Whether the corporation is holding assets for charitable purposes;

(c) If the corporation is holding assets for charitable purposes, that the attorney general has approved, or is deemed to have approved, the for-profit conversion pursuant to section 3304(4) of this act;

(d) If the surviving corporation is a foreign for-profit corporation, its name after the conversion and its jurisdiction of incorporation;

(e) If the nonprofit corporation has members with voting rights with respect to the for-profit conversion, a statement that the plan of for-profit conversion was approved by the members in the manner required by this chapter and the articles or bylaws; and

(f) Where there are no members or no members having voting rights with respect to the for-profit conversion, a statement to that effect, the date of the meeting of the board at which the amendment was adopted, and a statement that the amendment received the vote of a majority of directors in office.

(2) If the surviving corporation is a domestic for-profit corporation, then the articles of for-profit conversion shall either contain all of the

provisions that RCW 23B.02.020 requires to be set forth in articles of incorporation of a domestic for-profit corporation and any other desired provisions permitted under Title 23B RCW, or have attached articles of incorporation that satisfy the requirements of RCW 23B.02.020. In either case, provisions that would not be required to be included in restated articles of incorporation of a domestic for-profit corporation may be omitted, except that the name and address of the initial registered agent of the for-profit corporation must be included.

(3) The articles of for-profit conversion and articles of incorporation, if a separate document, must be delivered to the secretary of state for filing, and take effect at the effective time provided in RCW 23.95.210.

NEW SECTION. **Sec. 3315.** EFFECT OF FOR-PROFIT CONVERSION. (1) Except as provided in section 3304 of this act, when a conversion of a domestic nonprofit corporation to a domestic or foreign for-profit corporation becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the corporation remains in the corporation without reversion or impairment;

(b) The liabilities of the corporation remain the liabilities of the corporation;

(c) An action or proceeding pending against the corporation continues against the corporation as if the conversion had not occurred;

(d) The articles of the domestic or foreign for-profit corporation become effective;

(e) The memberships of the corporation are reclassified into shares or other securities, obligations, rights to acquire shares or other securities, or into cash or other property in accordance with the plan of conversion, and the members are entitled only to the rights provided in the plan of for-profit conversion;

(f) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made to or for the corporation before or after the for-profit conversion, continues to inure to the corporation, subject to the express terms of the will or other instrument; and

(g) The corporation is deemed to:

(i) Be a domestic or foreign for-profit corporation for all purposes; and

(ii) Be the same corporation without interruption as the nonprofit corporation.

(2) The interest holder liability of a member in a domestic nonprofit corporation that converts to a domestic for-profit corporation is as follows:

(a) The conversion does not discharge any interest holder liability of the member as a member of the nonprofit corporation to the extent the interest holder liability arose before the effective time of the articles of for-profit conversion.

(b) The member does not have interest holder liability for any debt, obligation, or liability of the for-profit corporation that arises after the effective time of the articles of for-profit conversion.

(c) The laws of this state continue to apply to the collection or discharge of any interest holder liability preserved by (a) of this subsection, as if the conversion had not occurred.

(d) The member has whatever rights of contribution from other members are provided by the laws of this state with respect to any interest holder liability preserved by (a) of this subsection, as if the conversion had not occurred.

(3) A member who becomes subject to interest holder liability for some or all of the debts, obligations, or liabilities of the for-profit corporation has interest holder liability only for those debts, obligations, or liabilities of the for-profit corporation that arise after the effective time of the articles of for-profit conversion.

NEW SECTION. **Sec. 3316.** ABANDONMENT OF FOR-PROFIT CONVERSION. (1) Unless otherwise provided in a plan of for-profit conversion of a domestic nonprofit corporation, after the plan has been adopted and approved as required by sections 3301 through 3326 of this act, and at any time before the for-profit conversion has become effective, it may be abandoned by the members if there are members entitled to vote on the for-

profit conversion, or by the board without action by members.

(2) If a for-profit conversion is abandoned under subsection (1) of this section after articles of for-profit conversion have been filed by the secretary of state but before the for-profit conversion has become effective, then a statement that the for-profit conversion has been abandoned in accordance with this section, executed by an officer of the corporation, must be delivered to the secretary of state for filing before the effective date of the for-profit conversion. The statement takes effect upon filing and the for-profit conversion is abandoned and does not become effective.

NEW SECTION. **Sec. 3317.** FOR-PROFIT DOMESTICATION AND CONVERSION. A foreign for-profit corporation may become a domestic nonprofit corporation if the domestication and conversion is permitted by the law of the foreign jurisdiction.

NEW SECTION. **Sec. 3318.** ARTICLES OF DOMESTICATION AND CONVERSION. (1) Articles of domestication and conversion must be executed on behalf of the domesticating and converting corporation by an officer or other authorized representative. The articles shall set forth:

(a) The name of the corporation immediately before the filing of the articles of domestication and conversion and, if that name is unavailable for use in Washington state or the corporation desires to change its name in connection with the domestication and conversion, a name that satisfies the requirements of section 1302 of this act;

(b) The jurisdiction of incorporation of the corporation immediately before the filing of the articles of domestication and conversion and the date the corporation was incorporated in that jurisdiction; and

(c) A statement that the domestication and conversion of the corporation in this state was authorized as required by the laws of the jurisdiction in which the corporation was incorporated immediately before its domestication and conversion in Washington state.

(2) The articles of domestication and conversion shall either contain all of the provisions that section 1303(1) of this act requires to be set forth in articles of incorporation and any other desired provisions that section 1303 (2) and (3) of this act permit to be included in articles of incorporation, or have attached articles of incorporation that comply with this chapter. In either case, provisions that would not be required to be included in restated articles of incorporation may be omitted, except that the name and address of the initial registered agent of the domestic nonprofit corporation must be included.

(3) If the domesticating corporation is a foreign corporation, then the domesticating corporation must, simultaneously with the delivery of the articles of domestication and conversion, deliver articles of incorporation that comply with this chapter to the secretary of state for filing and the secretary of state shall file the articles. Provisions that would not be required to be included in restated articles of incorporation may be omitted, except that the name and address of the initial registered agent of the corporation must be included and the name of the corporation must satisfy the requirements of section 1302 of this act.

(4) If the foreign for-profit corporation is authorized to transact business in Washington state under chapter 23B.01 RCW, then its registration shall be terminated automatically on the effective date of its domestication and conversion and the secretary of state shall record the termination of registration.

NEW SECTION. **Sec. 3319.** EFFECT OF FOR-PROFIT DOMESTICATION AND CONVERSION. (1) When a domestication and conversion of a foreign for-profit corporation to a domestic nonprofit corporation becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the corporation remains in the corporation without reversion or impairment;

(b) The liabilities of the corporation remain the liabilities of the corporation;

(c) An action or proceeding pending against the corporation continues against the corporation as if the domestication and conversion had not occurred;

(d) The articles of domestication and conversion, or the articles attached to

the articles of domestication and conversion, constitute the articles of incorporation of the corporation;

(e) Memberships, securities, obligations, rights to acquire memberships or securities of the corporation, or cash or other property must be issued or paid as provided pursuant to the laws of the foreign jurisdiction;

(f) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made to or for the foreign for-profit corporation before or after the domestication and conversion, inures to the domestic nonprofit corporation, subject to the express terms of the will or other instrument and to applicable law of the foreign jurisdiction; and

(g) The corporation is deemed to be:

(i) A domestic corporation for all purposes; and

(ii) The same corporation without interruption as the foreign for-profit corporation.

(2) The interest holder liability of a shareholder of the foreign for-profit corporation who becomes a member of the domestic nonprofit corporation in the domestication and conversion is as follows:

(a) The domestication and conversion does not discharge any interest holder liability under the laws of the foreign jurisdiction to the extent the interest holder liability arose before the effective time of the articles of domestication and conversion.

(b) The member does not have interest holder liability under the laws of the foreign jurisdiction for any debt, obligation, or liability of the corporation that arises after the effective time of the articles of domestication and conversion.

(c) The provisions of the laws of the foreign jurisdiction continue to apply to the collection or discharge of any interest holder liability preserved by (a) of this subsection, as if the domestication and conversion had not occurred.

(d) The member has whatever rights of contribution from other members are provided by the laws of the foreign jurisdiction with respect to any interest holder liability preserved by (a) of this subsection, as if the domestication and conversion had not occurred.

(3) A shareholder of a foreign for-profit corporation who becomes subject to interest holder liability for some or all of the debts, obligations, or liabilities of the corporation as a result of its domestication and conversion in this state has interest holder liability only for those debts, obligations, or liabilities of the corporation that arise after the effective time of the articles of domestication and conversion.

NEW SECTION. **Sec. 3320.** ABANDONMENT OF FOR-PROFIT DOMESTICATION AND CONVERSION. If the domestication and conversion of a foreign for-profit corporation to a domestic nonprofit corporation is abandoned in accordance with the laws of the foreign jurisdiction after articles of domestication and conversion have been filed by the secretary of state, then a statement that the domestication and conversion has been abandoned, executed by an officer or other authorized representative, must be delivered to the secretary of state for filing. The statement takes effect upon filing and the domestication and conversion is abandoned and does not become effective.

NEW SECTION. **Sec. 3321.** ENTITY CONVERSION FOR NONCHARITABLE CORPORATIONS. (1) A domestic nonprofit corporation, other than a charitable corporation, may become a domestic unincorporated entity pursuant to a plan of entity conversion only if the entity conversion is permitted under the organic law governing the entity that would survive the entity conversion.

(2) A domestic nonprofit corporation, other than a charitable corporation, may become a foreign unincorporated entity if the entity conversion is permitted by the laws of the foreign jurisdiction.

(3) A domestic unincorporated entity may be converted into a domestic nonprofit corporation only if applicable Washington state law provides procedures for the approval of an entity conversion into a domestic nonprofit corporation.

(4) A foreign unincorporated entity may become a domestic nonprofit corporation if the law of the foreign jurisdiction authorizes it to become a nonprofit corporation in another jurisdiction.

(5) If any provision of a debt security, note, or similar evidence of indebtedness for money borrowed, whether secured or unsecured, or a contract of any kind, issued, incurred, or executed by a domestic nonprofit corporation before January 1, 2022, applies to a merger of the corporation and the document does not refer to an entity conversion of the corporation, then the provision is deemed to apply to an entity conversion of the corporation until the provision is later amended.

NEW SECTION. **Sec. 3322.** PLAN OF ENTITY CONVERSION. (1) A plan of entity conversion shall include:

(a) A statement of the type of unincorporated entity the surviving entity will be and, if it will be a foreign unincorporated entity, its jurisdiction of organization;

(b) The terms and conditions of the conversion;

(c) The manner and basis of converting the memberships in the domestic nonprofit corporation following its conversion into interests or other securities, obligations, rights to acquire interests or other securities, cash, other property, or any combination of the foregoing;

(d) If the corporation is holding assets for charitable purposes, a plan setting forth how the corporation will comply with section 3304 (1) through (3) of this act; and

(e) The full text, as they will be in effect immediately following the conversion, of the organic documents of the surviving entity.

(2) The plan of entity conversion may also include a provision that the plan may be amended before filing articles of entity conversion, except that after approval of the plan by the members the plan may not be amended to change:

(a) The amount or kind of memberships or other securities, interests, obligations, rights to acquire memberships, securities, or interests, cash, or other property to be received under the plan by the members;

(b) The organic documents that will be in effect immediately following the conversion, except for changes permitted by a provision of the organic law of the surviving entity comparable to section 3104(2) of this act; or

(c) Any of the other terms or conditions of the plan if the change would adversely affect any of the members in any material respect.

(3) Terms of a plan of entity conversion may be made dependent upon facts objectively ascertainable outside the plan in accordance with section 1202(3) of this act.

NEW SECTION. **Sec. 3323.** ACTION ON A PLAN OF ENTITY CONVERSION. In the case of an entity conversion of a domestic nonprofit corporation to a domestic or foreign unincorporated entity:

(1) The plan of entity conversion must be adopted by a vote of the majority of the directors in office.

(2) If there are no members entitled to vote on the plan, then the plan must be adopted by a vote of the majority of directors then in office. If a membership corporation has no members entitled to vote on the plan, then the corporation shall deliver notice of the proposed entity conversion to all members of the corporation at least ten days before the meeting at which the board is to adopt the plan.

(3) After adopting the plan of entity conversion, the board shall submit the plan to the members for their approval if there are members entitled to vote on the plan. The board shall also deliver to the members a recommendation that the members approve the plan, unless the board determines that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board shall deliver to the members the basis for that determination.

(4) The board may condition its submission of the plan of entity conversion to the members on any basis.

(5) If the approval of the members is to be given at a meeting, then the corporation shall notify each member, whether or not entitled to vote, of the meeting of members at which the plan of entity conversion is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. The notice shall include a copy of the organic documents as they will be in effect immediately after the entity conversion. The notice may additionally be accompanied by a

summary of the required materials. If a summary is provided in lieu of a copy of the plan, then a copy of the plan must be available to members upon request and this fact must be stated in the notice. Such copy of the plan may be made available to members electronically.

(6) Unless the articles, or the board acting pursuant to subsection (3) of this section, requires a greater vote or a greater number of votes to be present, the approval of the plan of entity conversion by the members entitled to vote thereon requires the approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan of entity conversion, the approval of a majority of the members of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(7) If any provision of the articles, bylaws, or an agreement to which any of the directors or members are parties, adopted or entered into before January 1, 2022, applies to a merger of the corporation and the document does not refer to an entity conversion of the corporation, then the provision is deemed to apply to an entity conversion of the corporation until the provision is later amended.

(8) If, as a result of the conversion, one or more members of the corporation would become subject to interest holder liability for the debts, obligations, or liabilities of any other person or entity, then approval of the plan of conversion requires the execution, by each affected member, of a separate written consent to become subject to interest holder liability.

NEW SECTION. **Sec. 3324.** ARTICLES OF ENTITY CONVERSION. (1) After the conversion of a domestic nonprofit corporation to a domestic or foreign unincorporated entity has been adopted and approved as required under sections 3301 through 3326 of this act, articles of entity conversion must be executed on behalf of the converting corporation by an officer of the corporation. The articles must:

(a) Set forth the name of the corporation immediately before the filing of the articles of entity conversion and the name to which the name of the corporation is to be changed, which must be a name that satisfies the organic law of the surviving entity if the surviving entity is a domestic entity;

(b) State whether the corporation is holding assets for charitable purposes;

(c) If the corporation is holding assets for charitable purposes, state that the attorney general has approved, or is deemed to have approved, the entity conversion pursuant to section 3304(4) of this act;

(d) State the type of unincorporated entity that the surviving entity will be and its jurisdiction of organization;

(e) State that the plan of entity conversion was approved in the manner required by this chapter; and

(f) If the surviving entity is a domestic filing entity, either contain all of the provisions required to be set forth in its public organic record and any other desired provisions that are permitted, or have attached a public organic record.

(2) After the conversion of a domestic unincorporated entity to a domestic nonprofit corporation has been adopted and approved as required by the organic law of the unincorporated entity, articles of entity conversion must be executed on behalf of the unincorporated entity by an officer or other authorized representative. The articles must:

(a) Set forth the name of the unincorporated entity immediately before the filing of the articles of entity conversion and the name to which the name of the unincorporated entity is to be changed, which must be a name that satisfies the requirements of section 1302 of this act;

(b) Set forth a statement that the plan of entity conversion was approved in accordance with the organic law of the unincorporated entity; and

(c) Either contain all of the provisions that section 1303(1) of this act requires to be set forth in articles of incorporation and any other desired provisions that section 1303 (2) and (3) of this act permit to be included in articles of incorporation, or have attached articles of incorporation that comply with this act.

(3) After the conversion of a foreign unincorporated entity to a domestic nonprofit corporation has been

authorized as required by the laws of the foreign jurisdiction, articles of entity conversion must be executed on behalf of the foreign unincorporated entity by an officer or other authorized representative. The articles must:

(a) Set forth the name of the unincorporated entity immediately before the filing of the articles of entity conversion and the name to which the name of the unincorporated entity is to be changed, which must be a name that satisfies the requirements of section 1302 of this act;

(b) Set forth the jurisdiction under the laws of which the unincorporated entity was organized immediately before the filing of the articles of entity conversion and the date on which the unincorporated entity was organized in that jurisdiction;

(c) Set forth a statement that the conversion of the unincorporated entity was approved in the manner required by the law of the foreign jurisdiction; and

(d) Either contain all of the provisions that section 1303(1) of this act requires to be set forth in articles of incorporation and any other desired provisions that section 1303 (2) and (3) of this act permit to be included in articles of incorporation, or have attached articles of incorporation that comply with this act; except that, in either case, provisions that would not be required to be included in restated articles of incorporation of a domestic nonprofit corporation may be omitted.

(4) The articles of entity conversion and articles of incorporation must be simultaneously delivered to the secretary of state for filing. The articles of entity conversion and articles of incorporation take effect at the effective time provided in RCW 23.95.210. Articles of entity conversion filed under subsection (1) or (2) of this section may be combined with any required conversion filing under the organic law of the domestic unincorporated entity if the combined filing satisfies the requirements of both this section and the other organic law.

(5) If the converting entity is a foreign unincorporated entity that is registered to do business in this state under chapter 23.95 RCW, then its registration statement is canceled automatically on the effective date of its conversion.

NEW SECTION. **Sec. 3325.** EFFECT OF ENTITY CONVERSION. (1) Except as provided in section 3304 of this act, when a conversion under sections 3301 through 3326 of this act becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the converting entity remains in the surviving entity without reversion or impairment;

(b) The liabilities of the converting entity remain the liabilities of the surviving entity;

(c) An action or proceeding pending against the converting entity continues against the surviving entity as if the conversion had not occurred;

(d) In the case of a surviving entity that is a filing entity, its articles or public organic record and its private organic rules become effective;

(e) In the case of a surviving entity that is a nonfiling entity, its private organic rules become effective;

(f) The memberships or interests of the converting entity are reclassified into memberships, interests, other securities, obligations, rights to acquire memberships, interests, or securities, or into cash or other property in accordance with the plan of conversion; and the members or interest holders of the converting entity are entitled only to the rights provided to them under the terms of the conversion and to any appraisal rights they may have under the organic law of the converting entity;

(g) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made to or for the converting entity before or after the conversion, inures to the surviving entity, subject to the express terms of the will or other instrument; and

(h) The surviving entity is deemed to be:

(i) Incorporated or organized under and subject to the organic law of the converting entity for all purposes; and

(ii) The same nonprofit corporation or unincorporated entity without interruption as the converting entity.

(2) A member who becomes subject to interest holder liability for some or all

of the debts, obligations, or liabilities of the surviving entity has interest holder liability only for those debts, obligations, or liabilities of the surviving entity that arise after the effective time of the articles of entity conversion.

(3) The interest holder liability of an interest holder in an unincorporated entity that converts to a domestic nonprofit corporation is as follows:

(a) The conversion does not discharge any interest holder liability under the organic law of the unincorporated entity to the extent the interest holder liability arose before the effective time of the articles of entity conversion.

(b) The interest holder does not have interest holder liability under the organic law of the unincorporated entity for any debt, obligation, or liability of the corporation that arises after the effective time of the articles of entity conversion.

(c) The provisions of the organic law of the unincorporated entity continue to apply to the collection or discharge of any interest holder liability preserved by (a) of this subsection, as if the conversion had not occurred.

(d) The interest holder has whatever rights of contribution from other interest holders are provided by the organic law of the unincorporated entity with respect to any interest holder liability preserved by (a) of this subsection, as if the conversion had not occurred.

NEW SECTION. **Sec. 3326.** ABANDONMENT OF ENTITY CONVERSION. (1) Unless otherwise provided in a plan of entity conversion of a domestic nonprofit corporation, after the plan has been adopted and approved as required by sections 3301 through 3326 of this act, and at any time before the entity conversion has become effective, it may be abandoned by the members if there are members entitled to vote, or by the board without action by the members.

(2) If an entity conversion is abandoned after articles of entity conversion have been filed by the secretary of state but before the entity conversion has become effective, then a statement that the entity conversion has been abandoned in accordance with this section, executed by an officer of the corporation, must be delivered to the secretary of state for filing before the effective date of the entity conversion. Upon filing, the statement takes effect and the entity conversion is abandoned and does not become effective.

ARTICLE 4

DISPOSITION OF ASSETS

NEW SECTION. **Sec. 3401.** DISPOSITIONS NOT REQUIRING MEMBER APPROVAL. Unless the articles or bylaws otherwise provide, approval of the members of a nonprofit corporation is not required:

(1) To sell, lease, exchange, or otherwise dispose of any or all of the corporation's assets:

(a) In the usual and regular course of its activities; or

(b) If the assets disposed of represent less than fifty percent of the total assets of the corporation and its consolidated subsidiaries, determined as of the end of the most recently completed fiscal year;

(2) To mortgage, pledge, dedicate to the repayment of indebtedness whether with or without recourse, or otherwise encumber any or all of the corporation's assets, whether or not in the usual and regular course of business its activities; or

(3) To transfer any or all of the corporation's assets to one or more corporations or other entities all of the memberships or interests of which are owned by the corporation.

NEW SECTION. **Sec. 3402.** DISPOSITIONS REQUIRING MEMBER APPROVAL. (1) A sale, lease, exchange, or other disposition of assets, other than a disposition described in section 3401 of this act, requires approval of the corporation's members that are entitled to vote on the disposition, unless the articles or bylaws otherwise provide.

(2) A disposition that requires approval of the members must be initiated by a resolution by the board authorizing the disposition. After adoption of the resolution, the board shall submit the proposed disposition to the members for their approval. The board shall also deliver to the members a recommendation that the members approve the proposed disposition, unless the board makes a determination that because of conflicts of interest or other special circumstances it should not make a

recommendation, in which case the board shall deliver to the members the basis for that determination.

(3) The board may condition its submission of a disposition to the members under subsection (2) of this section on any basis.

(4) If a disposition is required to be approved by the members, and if the approval is to be given at a meeting, then the nonprofit corporation shall give notice to each member, whether or not entitled to vote, of the meeting of members at which the disposition is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the disposition and must contain a description of the disposition, including the terms and conditions thereof and the consideration to be received by the corporation.

(5) Unless the articles, bylaws, or the board acting pursuant to subsection (3) of this section requires a greater vote, or a greater number of votes to be present, the approval of a disposition by the members entitled to vote thereon requires the approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the disposition, the approval of a majority of the members of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(6) If a membership corporation has no members entitled to vote on a disposition, then the corporation shall deliver notice of a proposed disposition to all members of the corporation at least ten days before the meeting at which the board is to act upon the disposition.

(7) After a disposition has been approved by the members under subsection (5) of this section, and at any time before the disposition has been consummated, it may be abandoned by the nonprofit corporation without action by the members, subject to any contractual rights of other parties to the disposition.

(8) In addition to the approval of a disposition of assets by the board and members as required by this section, the disposition must also be approved in the form of a record by any person or group of persons whose approval is required under section 3114 of this act to amend the articles or bylaws.

(9) The assets of a direct or indirect consolidated subsidiary are deemed the assets of the parent nonprofit corporation for the purposes of this section.

(10) A disposition of assets in the course of a dissolution governed by sections 3501 through 3512 of this act is not governed by sections 3401 through 3405 of this act.

NEW SECTION. **Sec. 3403.** EFFECT OF DISPOSITIONS. Unless a domestic entity that is a party to a disposition of assets obtains an appropriate order of the court or approval from the attorney general under the law of this state, a disposition of assets under sections 3401 through 3405 of this act may not affect:

(1) Any restriction imposed upon the entity by its organic documents or other governing authority that may not be amended by its directors, members, or interest holders; or

(2) The existing rights of persons other than members, shareholders, or interest holders of the entity.

NEW SECTION. **Sec. 3404.** PROPERTY HELD FOR CHARITABLE PURPOSES. (1) In a disposition of assets under sections 3401 through 3405 of this act, property held for charitable purposes by a nonprofit corporation may not be diverted from charitable purposes.

(2) Property held by a nonprofit corporation and restricted to charitable purposes by a gift instrument may not be diverted from the restricted charitable purpose by a disposition of assets under sections 3401 through 3405 of this act unless modified in accordance with section 1503 of this act.

(3) Property held for charitable purposes pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary may not be diverted from the charitable purposes specified in the trust instrument unless those purposes are modified by the court or pursuant to an agreement between all interested parties, including the attorney general, under chapter 11.96A RCW.

(4) Property held by a nonprofit corporation for charitable purposes upon condition requiring return, transfer, or conveyance, which condition occurs by

reason of a disposition of assets under sections 3401 through 3405 of this act, must be returned, transferred, or conveyed in accordance with that condition.

(5) A charitable corporation or a corporation holding property for charitable purposes shall deliver to the attorney general of its intent to consummate a disposition, other than a disposition described in section 3401 of this act. The notice must be delivered to the attorney general in the form of a record at least twenty days before the meeting at which the proposed disposition is to be approved. Such a disposition may not be implemented without the approval of the attorney general, or the approval of the court in a proceeding to which the attorney general is made a party. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the disposition, approval of the disposition is deemed to have been given.

(6) The notice described in subsection (5) of this section shall include:

(a) A statement specifying how the disposition will comply with subsections (1) through (4) of this section; and

(b) A brief description of:

(i) Real property held for charitable purposes that will be included in the disposition, and its nature and location;

(ii) Cash, bank deposits, brokerage accounts, or other financial assets held for charitable purposes that will be included in the disposition in full or in part, and their approximate total fair market value;

(iii) Other personal property held for charitable purposes that will be included in the disposition, and its nature and approximate total fair market value; and

(iv) Any gift restrictions applicable to any property described in (b)(i) through (iii) of this subsection, and the nature of those restrictions.

NEW SECTION. **Sec. 3405.** PROHIBITION OF FINANCIAL BENEFIT. A person who is a member or otherwise affiliated with a charitable corporation may not receive a direct or indirect financial benefit in connection with a disposition of assets governed by sections 3401 through 3405 of this act unless the person is a charitable corporation, the federal government, a tribal government, a state or local government, a governmental subdivision, or an unincorporated entity that has charitable purposes. This section does not apply to the receipt of reasonable compensation for services rendered.

ARTICLE 5

VOLUNTARY DISSOLUTION

NEW SECTION. **Sec. 3501.** AUTHORIZATION OF VOLUNTARY DISSOLUTION. (1) Unless the articles or bylaws require a greater vote, a majority of the directors in office of a nonprofit corporation may authorize the dissolution of any nonprofit corporation that is not a membership corporation or is a membership corporation but has no members entitled to vote on its dissolution.

(2) If a membership corporation has no members entitled to vote on dissolution, then the corporation shall deliver notice of the proposed dissolution to all members of the corporation at least ten days before the meeting at which the board is to authorize the dissolution.

(3) For a membership corporation that has members that are entitled to vote on its dissolution:

(a) The board may propose dissolution for submission to the members entitled to vote, and for such a proposal to dissolve to be authorized:

(i) The board shall recommend dissolution to the members entitled to vote on the dissolution, unless the board determines that because of conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the members entitled to vote on the dissolution;

(ii) The board may condition its submission of the proposal for dissolution on any basis, including approval of the proposed plan of distribution if required under section 3502 of this act;

(iii) The nonprofit corporation shall give notice to each member, whether or not entitled to vote, of the proposed meeting of members that includes the following statements:

(A) That the purpose, or one of the purposes, of the meeting is to consider dissolving the corporation; and

(B) How the assets of the corporation will be distributed after all creditors have been paid or how the distribution of assets will be determined; and

(iv) The members entitled to vote on the dissolution shall approve the proposal to dissolve as provided in (b) of this subsection.

(b) Unless the articles, the bylaws, or the board acting pursuant to (a)(ii) of this subsection requires a greater vote or a greater number of members to be present, the adoption of the proposal to dissolve by the members entitled to vote thereon requires the approval of at least a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the proposal, the approval by a majority of the members in each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

NEW SECTION. **Sec. 3502.** DISTRIBUTION OF ASSETS ON DISSOLUTION. The assets of a corporation in the process of dissolution shall be applied and distributed in the following order:

(1) All known liabilities and obligations of the corporation must be paid, satisfied, and discharged, or adequate provision must be made to pay, satisfy, and discharge those liabilities.

(2) All property held for charitable purposes by the corporation, including all assets of a charitable corporation remaining after satisfaction of subsection (1) of this section, must be applied and distributed consistently with the corporation's articles, such that property is not diverted from charitable purposes, and as follows:

(a) Property held for charitable purposes pursuant to a trust instrument in which the nonprofit corporation is a trustee or a beneficiary must be governed by and distributed in accordance with the trust instrument and chapter 11.110 RCW, and any modification of restrictions imposed through the trust instrument accomplished through an appropriate order of the court or the agreement of all interested parties, including the attorney general, pursuant to chapter 11.96A RCW.

(b) Property owned outright and held for charitable purposes, but not held upon a condition requiring return, transfer, or conveyance by reason of the dissolution and not subject to any gift restriction, must be transferred or conveyed:

(i) To one or more entities operated exclusively for one or more charitable purposes;

(ii) To the federal government, a tribal government, or a state or local government for a public purpose; or

(iii) Subject to one or more gift restrictions requiring the property to be used exclusively for the same charitable purposes for which the dissolving corporation holds the property.

(c) Property that is subject to charitable purpose or management or investment restrictions that do not require modification at the time of dissolution and is not held upon a condition requiring return, transfer, or conveyance by reason of the dissolution must be transferred or conveyed subject to all restrictions applicable to the property, except to the extent restrictions are modified pursuant to section 1503 of this act before distribution, pursuant to a plan of distribution adopted by the board and as provided by sections 3501 through 3512 of this act.

(d) Property subject to charitable purpose or management or investment restrictions that require modification at the time of dissolution and are not held upon a condition requiring return, transfer, or conveyance by reason of dissolution, must be modified pursuant to section 1503 of this act before the gifts can be distributed, pursuant to a plan of distribution adopted by the board and as provided by sections 3501 through 3512 of this act.

(e) Property held for charitable purposes by the nonprofit corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution, must be returned, transferred, or conveyed in accordance with those requirements.

(3) Property held by a corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution, must be returned, transferred, or conveyed in

accordance with the requirements of the condition.

(4) Other assets of a corporation other than a charitable corporation, if any, must be distributed:

(a) To members or other persons in accordance with the articles or bylaws, to the extent that the articles or bylaws determine the rights of members to distributions upon dissolution, or provide for distribution to other persons or classes of persons; and

(b) To the extent that the articles or bylaws do not govern distribution of assets on dissolution, to any persons the board may select.

NEW SECTION. **Sec. 3503.** CORPORATIONS HOLDING PROPERTY FOR CHARITABLE PURPOSES. (1) A nonprofit corporation holding property for charitable purposes, including any charitable corporation, may not deliver articles of dissolution to the secretary of state for filing pursuant to section 3504 of this act until it has complied with all of the requirements of this section.

(2) A nonprofit corporation described in subsection (1) of this section shall adopt a plan for the distribution of assets for the purpose of authorizing any transfer or conveyance of property held for charitable purposes, which shall:

(a) Be consistent with sections 3502 and 3506 of this act; and

(b) Include a brief description of the following:

(i) Real property held for charitable purposes, and its nature and location;

(ii) Cash, bank deposits, brokerage accounts, or other financial assets held for charitable purposes, and their approximate total fair market value;

(iii) Other personal property held for charitable purposes, and its nature and approximate total fair market value; and

(iv) Any gift restrictions applicable to any property described in (b)(i) through (iii) of this subsection, and the nature of those restrictions.

(3) A plan of distribution shall be adopted in the following manner:

(a) Where there are no members, or no members having voting rights, a plan of distribution is adopted at a meeting of the board upon receiving a vote of a majority of the directors in office.

(b) Where there are members having voting rights, the board shall adopt a resolution recommending a plan of distribution and directing the submission thereof to a vote at a meeting of members having voting rights. Such vote may take place at the same meeting during which members having voting rights vote upon dissolution of the nonprofit corporation. Notice in the form of a record setting forth the proposed plan of distribution or a summary thereof must be given to each member, whether or not entitled to vote at the meeting, within the time and in the manner provided in this chapter for the giving of notice of meetings of members. Such plan of distribution is adopted upon receiving votes from a majority of the members entitled to vote at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan, the approval by a majority of the members in each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present. If the members entitled to vote on the dissolution approve the proposal to dissolve but do not approve the proposed plan of distribution in all material respects, then the board may either accept the plan of distribution, as approved by the members, or propose a new plan of distribution to the members for approval. This process shall continue until a plan of distribution acceptable to the board has been approved by the members. If successive votes take place at the same meeting of members, then no further notices or meetings are required.

(4) A nonprofit corporation described in subsection (1) of this section shall give the attorney general notice that it intends to dissolve. The notice shall include:

(a) A copy of the plan of distribution proposed to be adopted in accordance with subsection (3) of this section; and

(b) The names and phone numbers of individuals available to answer questions regarding the dissolution and proposed plan of distribution.

(5) Notice required under subsection (4) of this section must be delivered to the attorney general in the form of a record at least twenty days before the meeting at which the proposed plan is to be adopted. No plan of distribution for

a corporation described in subsection (1) of this section may be implemented without the approval of the attorney general, or the approval of the court in a proceeding to which the attorney general is made a party. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the plan, approval of the plan is deemed to have been given.

NEW SECTION. **Sec. 3504.** ARTICLES OF DISSOLUTION. (1) At any time after dissolution is authorized, the nonprofit corporation may dissolve by filing with the secretary of state articles of dissolution, accompanied by a revenue clearance certificate issued pursuant to RCW 82.32.260. The articles of dissolution shall set forth:

(a) The name of the corporation;

(b) The date of its incorporation;

(c) The effective date of the dissolution, which may be the date on which the articles of dissolution are filed or any date and time up to thirty days thereafter;

(d) Whether it is a membership corporation and, if it is a membership corporation, whether it has members that have a right to vote on its dissolution;

(e) If the corporation is not a membership corporation or has no members that have a right to vote on its dissolution, that the dissolution was authorized by the requisite number of directors;

(f) If the corporation is a membership corporation that has members that have a right to vote on its dissolution, that the requisite number of members has approved the proposal to dissolve;

(g) Whether the corporation is a charitable corporation or is holding property for charitable purposes;

(h) If the corporation is a charitable corporation or is holding property for charitable purposes, that the attorney general has approved, or is deemed to have approved, the corporation's plan of distribution pursuant to section 3503 of this act; and

(i) That the net assets of the corporation remaining after winding up have been, or will be, distributed in accordance with the corporation's articles and bylaws and the corporation's adopted plan of distribution.

(2) A nonprofit corporation is dissolved upon the effective date of its articles of dissolution.

(3) For purposes of sections 3501 through 3512 of this act, "dissolved corporation" means a nonprofit corporation whose articles of dissolution have become effective and includes a liquidating trust, if any, or other acquirer entity to which the remaining assets of the corporation are transferred subject to its liabilities for purposes of liquidation.

NEW SECTION. **Sec. 3505.** REVOCATION OF DISSOLUTION. (1) A nonprofit corporation may revoke its dissolution within one hundred twenty days of the effective date of the dissolution.

(2) Revocation of dissolution must be authorized in the same manner as the dissolution was authorized unless that authorization permitted revocation by action of the board alone, in which event the board may revoke the dissolution without action by the members.

(3) Except as provided in subsection (4) of this section, after the revocation of dissolution is authorized, the nonprofit corporation may revoke the dissolution by delivering to the secretary of state for filing articles of revocation of dissolution, together with a copy of its articles of dissolution, that set forth:

(a) The name of the corporation;

(b) The effective date of the dissolution that was revoked;

(c) The date that the revocation of dissolution was authorized; and

(d) That the revocation of dissolution was approved in the manner required by this chapter and by the articles and bylaws.

(4) A charitable corporation or a nonprofit corporation holding property restricted to charitable purposes shall not deliver articles of revocation of dissolution to the secretary of state for filing without the approval of the attorney general. Such a corporation shall give the attorney general notice in the form of a record that it intends to revoke its dissolution, to which notice a copy of the articles of revocation of

dissolution adopted in accordance with subsection (2) of this section must be attached. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the revocation of dissolution, approval of the revocation of dissolution is deemed to have been given.

(5) Revocation of dissolution is effective upon the effective date of the articles of revocation of dissolution.

(6) When the revocation of dissolution is effective, it relates back to and takes effect as of the effective date of the dissolution and the nonprofit corporation resumes carrying on its activities as if dissolution had never occurred.

NEW SECTION. **Sec. 3506.** EFFECT OF DISSOLUTION. (1) A nonprofit corporation, the dissolution of which has been authorized, continues its corporate existence but may not carry on any activities except those appropriate to wind up and liquidate its affairs, including:

(a) Collecting its assets;

(b) Disposing of its properties that will not be distributed in kind;

(c) Discharging or making provision for discharging its liabilities;

(d) Distributing its remaining property as required by the plan of distribution; and

(e) Doing every other act necessary to wind up and liquidate its activities and affairs.

(2) Dissolution of or authorization to dissolve a nonprofit corporation does not:

(a) Transfer title to the corporation's property;

(b) Subject its directors or officers to standards of conduct different from those prescribed in sections 2402 and 2602 of this act;

(c) Change quorum or voting requirements for its board or members; change provisions for selection, resignation, or removal of its directors or officers or both; or change provisions for amending its bylaws;

(d) Prevent commencement of a proceeding by or against the corporation in its corporate name;

(e) Abate or suspend a proceeding pending by or against the corporation on the effective date of dissolution;

(f) Terminate the authority of the registered agent of the corporation; or

(g) Modify any gift restriction, unless the restriction is modified in accordance with section 1503 of this act.

NEW SECTION. **Sec. 3507.** PROHIBITION OF FINANCIAL BENEFIT. No person may receive a direct or indirect financial benefit in connection with the dissolution of a charitable corporation unless the person is an entity operated exclusively for one or more charitable purposes, the federal government, a tribal government, a state or local government, or an unincorporated entity that has charitable purposes. This section does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. **Sec. 3508.** KNOWN CLAIMS AGAINST DISSOLVED CORPORATION. (1) A dissolved nonprofit corporation shall deliver notice of the dissolution in the form of a record to all of the corporation's known claimants within thirty days of the date when the corporation delivered articles of dissolution to the secretary of state for filing.

(2) A dissolved nonprofit corporation may dispose of the known claims against it by delivering a notice in the form of a record that meets the requirements listed in subsection (3) of this section to its known claimants at any time after the date when the corporation delivered articles of dissolution to the secretary of state for filing. Delivery of a notice under this subsection shall satisfy the requirement of subsection (1) of this section if the notice is delivered to all known claimants within thirty days of the date when the corporation delivered articles of dissolution to the secretary of state for filing.

(3) A notice to claimants under subsection (2) of this section must:

(a) Describe information that must be included in a claim;

(b) Provide a mailing address where a claim may be sent;

(c) State the deadline, which may not be fewer than one hundred twenty days from the effective date of the notice, by which the dissolved nonprofit corporation must receive the claim; and

(d) State that the claim will be barred if not received by the deadline.

(4) A claim against the dissolved nonprofit corporation is barred:

(a) If a claimant who was given notice under subsection (2) of this section does not deliver the claim to the dissolved corporation by the deadline; or

(b) If a claimant whose claim was rejected by the dissolved corporation does not commence a proceeding to enforce the claim within ninety days from the effective date of the rejection notice.

(5) For purposes of this section, "claim" does not include a contingent liability or a claim based on an event occurring after the effective date of dissolution.

NEW SECTION. **Sec. 3509.** OTHER CLAIMS AGAINST DISSOLVED CORPORATION. (1) A dissolved nonprofit corporation may publish notice of its dissolution and request that persons with claims against the dissolved corporation present them in accordance with the notice.

(2) The notice must:

(a) Be published three times during three successive weeks in a newspaper of general circulation in the county where the principal office of the dissolved nonprofit corporation or, if none in this state, its registered office is or was last located;

(b) Describe the information that must be included in a claim and provide a mailing address where the claim shall be sent; and

(c) State that a claim against the dissolved corporation will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication of the notice.

(3) If the dissolved nonprofit corporation publishes a newspaper notice in accordance with subsection (2) of this section, then the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within three years after the last publication date of the newspaper notice:

(a) A claimant who was not given notice under section 3508 of this act;

(b) A claimant whose claim was timely sent to the dissolved corporation but not acted on; or

(c) A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

NEW SECTION. **Sec. 3510.** ENFORCEMENT OF CLAIMS. A claim that is not barred by section 3508(4) or 3509(3) of this act may be enforced:

(1) Against the dissolved nonprofit corporation, to the extent of its undistributed assets; or

(2) Except as provided in section 3511(4) of this act, if the assets have been distributed in liquidation, against any person, other than a creditor of the dissolved corporation, to whom the corporation distributed its property, subject to the following restrictions:

(a) Recovery is limited to the amount of the distributee's pro rata share of the claim or the corporate assets distributed to the distributee in liquidation, whichever is less;

(b) A distributee's total liability for all claims under this section may not exceed the total amount of assets distributed to the distributee; and

(c) A distributee is only liable to the extent permitted by existing common law or statutory remedies, and nothing in this section creates a separate cause of action against a distributee.

NEW SECTION. **Sec. 3511.** COURT PROCEEDINGS. (1) A dissolved nonprofit corporation that has published a notice under section 3508 of this act may file an application with the court for a determination of the amount and form of security to be provided for payment of claims that are contingent or have not been made known to the dissolved corporation or that are based on an event occurring after the effective date of dissolution but that, based on the facts known to the dissolved corporation, are reasonably estimated to be presented after the effective date of dissolution. Provision need not be made for any claim that is or is reasonably anticipated to be barred under section 3508(3) of this act.

(2) Within ten days after the filing of the application, the dissolved

corporation shall give notice of the proceeding to each claimant holding a contingent claim whose contingent claim is shown on the records of the dissolved corporation.

(3) The court may appoint a special representative to represent the interests of all claimants whose identities are unknown in any proceeding brought under this section. The dissolved corporation shall pay reasonable fees and expenses of the special representative, including all reasonable expert witness fees.

(4) Provision by the dissolved nonprofit corporation for security in the amount and the form ordered by the court under this section satisfies the dissolved corporation's obligations with respect to claims that are contingent, have not been made known to the dissolved corporation, or are based on an event occurring after the effective date of dissolution. Such claims may not be enforced against a person who received assets in liquidation.

NEW SECTION. **Sec. 3512.** DIRECTORS' DUTIES. (1) Directors shall cause the dissolved corporation to discharge or make reasonable provision for the payment of claims and make distributions of assets in accordance with the plan of distribution after payment or provision for claims.

(2) Directors of a dissolved corporation that has disposed of claims under section 3508, 3509, or 3511 of this act are not liable for breach of subsection (1) of this section with respect to claims against the dissolved corporation that are barred or satisfied under section 3508, 3509, or 3511 of this act.

(3) Failure to dispose of claims under section 3508, 3509, or 3511 of this act is not, in and of itself, a violation of this section.

ARTICLE 6

ADMINISTRATIVE AND JUDICIAL DISSOLUTION

NEW SECTION. **Sec. 3601.** ADMINISTRATIVE DISSOLUTION. The secretary of state may commence a proceeding under RCW 23.95.610 to administratively dissolve a nonprofit corporation for any reason set forth in RCW 23.95.605.

NEW SECTION. **Sec. 3602.** PROCEDURE AND EFFECT OF ADMINISTRATIVE DISSOLUTION. (1) Administrative dissolution does not terminate, bar, or otherwise modify any claim against the administratively dissolved corporation.

(2) A person is not liable in contract, tort, or otherwise solely by reason of being a director, officer, or member of a nonprofit corporation that was dissolved under sections 3601 through 3608 of this act, with respect to the activities or affairs of the corporation that have been continued, without knowledge of the dissolution.

NEW SECTION. **Sec. 3603.** PROPERTY HELD FOR CHARITABLE PURPOSES. (1) If a charitable corporation, or a corporation holding property for charitable purposes, has been administratively dissolved and has not been reinstated, then neither the corporation nor any other person may transfer or distribute to any other person any property held for charitable purposes by the corporation unless the corporation has:

(a) Adopted a plan of distribution satisfying the requirements of section 3503(2) of this act and following the procedure set out in section 3503(3) of this act; and

(b) Obtained the approval or deemed approval of the attorney general of the plan of distribution, following the procedure set out in section 3503 (4) and (5) of this act.

(2) A corporation that has been administratively dissolved is not required to apply for reinstatement if its only activities will consist of adopting a plan of distribution, obtaining the approval or deemed approval of the attorney general of the plan of distribution, and distributing assets in accordance with the plan of distribution.

NEW SECTION. **Sec. 3604.** REINSTATEMENT OF ADMINISTRATIVELY DISSOLVED CORPORATION. A nonprofit corporation administratively dissolved under RCW 23.95.610 may apply to the secretary of state for reinstatement by following the procedure and meeting the requirements set forth in RCW 23.95.615. A nonprofit corporation denied reinstatement may obtain judicial review of the denial within the time specified in RCW 23.95.620.

NEW SECTION. **Sec. 3605.** JUDICIAL DISSOLUTION. The court may dissolve a nonprofit corporation:

(1) In a proceeding by the attorney general, if it is established that:

(a) The corporation obtained its articles through fraud; or

(b) The corporation has exceeded or abused, and is continuing to exceed or abuse, the authority conferred upon it by law; or

(c) The directors are deadlocked in the management of the corporate affairs; the members, if any, are unable to break the deadlock; and irreparable injury to the corporation or its purposes is threatened or being suffered because of the deadlock; or

(d) The corporation is misapplying or wasting property held for charitable purposes;

(2) Except as provided in the articles or bylaws, in a proceeding by fifty members or members holding at least five percent of the voting power, whichever is less, or by a director, if it is established that:

(a) The directors are deadlocked in the management of the corporate affairs; the members, if any, are unable to break the deadlock; and irreparable injury to the corporation or its mission is threatened or being suffered because of the deadlock;

(b) The directors or those in control of the corporation have acted, are acting, or have expressed intent to act in a manner that is illegal, oppressive, or fraudulent;

(c) The members are deadlocked in voting power and have failed, for a period that includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have, or otherwise would have, expired;

(d) The corporate assets are being misapplied or wasted; or

(e) The corporation has insufficient assets to continue its activities and it is no longer able to assemble a quorum of directors or members;

(3) In a proceeding by a creditor, if it is established that:

(a) The creditor's claim has been reduced to judgment, the execution on the judgment returned unsatisfied, and the corporation is insolvent; or

(b) The corporation has admitted in a record that the creditor's claim is due and owing and the corporation is insolvent; or

(4) In a proceeding by the corporation to have its voluntary dissolution continued under court supervision.

NEW SECTION. **Sec. 3606.** PROCEDURE FOR JUDICIAL DISSOLUTION. (1) It is not necessary to make directors or members parties to a proceeding to dissolve a nonprofit corporation unless relief is sought against them individually.

(2) A person commencing a proceeding to dissolve a nonprofit corporation shall notify the attorney general of the proceeding in the form of a record if:

(a) The corporation is recognized by the internal revenue service as an organization described in section 501(c)(3) of the Internal Revenue Code; or

(b) The person bringing the proceeding knows that the nonprofit corporation is a charitable corporation or has property held for charitable purposes.

(3) The court in a proceeding brought to dissolve a nonprofit corporation may issue injunctions, take other action required to preserve the corporate assets wherever located, and carry on the activities of the corporation until a full hearing can be held.

NEW SECTION. **Sec. 3607.** RECEIVERSHIP. The court in a judicial proceeding brought to dissolve a nonprofit corporation may appoint one or more receivers to wind up and liquidate, or to manage, the affairs of the corporation, pursuant to chapter 7.60 RCW.

NEW SECTION. **Sec. 3608.** DECREE OF DISSOLUTION. (1) If, after a hearing, the court determines that one or more grounds for judicial dissolution described in section 3605 of this act exist, then it may enter a decree dissolving the nonprofit corporation and specifying the effective date of the dissolution, and the clerk of the court shall deliver a certified copy of the decree to the secretary of state, who shall file it.

(2) After entering a decree of dissolution, the court shall direct the

winding up and liquidation of the nonprofit corporation's affairs in accordance with section 3506 of this act and the notification of claimants in accordance with sections 3508 and 3509 of this act.

PART IV

ACTIONS INVOLVING NONPROFIT CORPORATIONS

ARTICLE 1

SUPERVISION OF PROPERTY HELD FOR CHARITABLE PURPOSES

NEW SECTION. **Sec. 4101.** NOTICE TO ATTORNEY GENERAL. (1) Every notice to the attorney general required under this chapter must be served upon the attorney general. Service upon the attorney general must be via United States mail, postage prepaid, or by other means as authorized by the attorney general.

(2) Every notice to the attorney general under this chapter shall identify the provisions of this chapter relevant to the subject matter of the notice.

(3) Any person that has commenced any proceeding which this chapter authorizes the attorney general to bring, including but not limited to any proceeding involving a charitable corporation or property held for charitable purposes brought under section 1502, 1505, 2702, 3510, 3605, or 4203 of this act, shall serve notice of the commencement of the proceeding upon the attorney general. Any other party to such a proceeding may serve notice of the commencement of the proceeding upon the attorney general. To be valid, the notice must identify that it is being given pursuant to this subsection. The attorney general may waive this notice at any time.

(4) Notice to the attorney general is effective:

(a) Five days after its deposit in the United States mail, only if the postage is paid and the notice is correctly addressed; or

(b) When given, if the notice is delivered in any other manner that the attorney general has authorized.

NEW SECTION. **Sec. 4102.** ACTIONS TO SECURE PROPERTY HELD FOR CHARITABLE PURPOSES. The attorney general may commence in the court described in section 1105 of this act any action or proceeding to:

(1) Ensure compliance by a nonprofit corporation, or its members, directors, officers, employees, or agents, with any provision of this chapter that governs the distribution, disposition, management, or expenditure of, or reporting obligations relating to, any property held for charitable purposes;

(2) Secure the proper administration of a charitable corporation, or of property held for charitable purposes by a nonprofit corporation, when reasonably necessary to protect property held for charitable purposes; and

(3) Restrain and prevent any act that violates any provision of this chapter that governs the distribution, disposition, management, or expenditure of, or reporting obligations relating to, any property held for charitable purposes.

NEW SECTION. **Sec. 4103.** ATTORNEY GENERAL'S RIGHT TO INTERVENE. The attorney general, as of right, may intervene in any proceeding that has been commenced by a person other than the attorney general if the attorney general is otherwise authorized to bring such a proceeding under this chapter.

NEW SECTION. **Sec. 4104.** ATTORNEY GENERAL'S INVESTIGATIVE POWER. Upon reasonable suspicion that there has been a violation of any provision of this chapter that governs the distribution, disposition, management, or expenditure of, or reporting obligations relating to, any property held for charitable purposes, or that a charitable corporation or property held for charitable purposes by a nonprofit corporation has been improperly administered, the attorney general may institute an investigation for the purpose of determining whether there has been such a violation or improper administration.

NEW SECTION. **Sec. 4105.** CIVIL INVESTIGATIVE DEMANDS. (1) The attorney general may, before the institution of a civil proceeding arising from an investigation instituted under section 4104 of this act, execute in writing and cause to be served upon a person a civil investigative demand requiring the person to produce documentary material and permit inspection and copying, to answer in writing written interrogatories, to give oral testimony, or any combination of those demands,

whenever the attorney general believes that the person:

(a) May be in possession, custody, or control of any original or copy of any record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other document or recording, wherever situated, which the attorney general reasonably believes to be relevant to the subject matter of any investigation instituted under section 4104 of this act; or

(b) May have knowledge of any information which the attorney general reasonably believes to be relevant to the subject matter of any such investigation.

(2) The provisions of RCW 19.86.110 (2) through (9) except for RCW 19.86.110(7) (b) and (c), shall apply to every civil investigative demand issued under this section.

(3) With respect to a civil investigative demand issued under this section, the venue for filing a petition to extend a return date under RCW 19.86.110(8) or a petition for an order of enforcement under RCW 19.86.110(9) shall include any court described in section 1105 of this act.

(4) The attorney general may provide copies of documentary material, answers to written interrogatories, or transcripts of oral testimony provided under this section to an official of this state, another state, or the federal government who is charged with the enforcement of state or federal laws related to the protection or regulation of property held for charitable purposes, provided that before the disclosure the receiving official agrees in the form of a record that the information may not be disclosed to anyone other than that official or the official's authorized employees or agents. Material provided under this subsection is subject to the limitations on disclosure contained in RCW 19.86.110(7)(a), and, where applicable, Title 5 U.S.C. Sec. 552, and may not be introduced as evidence in a criminal prosecution.

(5) The attorney general may use such copies of documentary material, answers to written interrogatories, or transcripts of oral testimony as the attorney general determines necessary in the enforcement of any provision of this chapter that governs the distribution, disposition, management, or expenditure of, or reporting obligations relating to, any property held for charitable purposes, including presentation before any court, provided, however, that any such material, answers to written interrogatories, or transcripts of oral testimony which contain trade secrets shall not be presented except with the approval of the court in which the action is pending after adequate notice to the person furnishing such material, answers to written interrogatories, or oral testimony.

NEW SECTION. **Sec. 4106.** RELIGIOUS CORPORATIONS. The attorney general shall not commence any action under section 4102 of this act against a religious corporation; intervene in any action under section 4103 of this act involving a religious corporation; institute any investigation under section 4104 of this act, the subject of which is a religious corporation; or serve any civil investigative demand under section 4105 of this act on a religious corporation, unless for the purposes of this section only:

(1) The basis for the action, investigation, or civil investigative demand is the attorney general's knowledge of facts, circumstances, or results that property held by the religious corporation for charitable purposes has been, is threatened to be, or is about to be distributed in violation of section 1406 of this act;

(2) The board of directors of the religious corporation has adopted a resolution in the form of a record requesting the attorney general's involvement in the action or investigation; or

(3) The attorney general has knowledge of facts, circumstances, or results indicating that the religious corporation has no directors in office, in which case the attorney general may investigate the issue of whether the religious corporation has directors in office, and, if necessary, appoint one or more directors of the religious corporation following the procedure set out in section 2410(4) of this act.

NEW SECTION. **Sec. 4107.** ASSURANCES OF DISCONTINUANCE. In the enforcement of the provisions of this chapter that govern the distribution, disposition, or expenditure of, or reporting obligations relating to, property held for charitable purposes, the attorney general may accept

an assurance of discontinuance of any act or practice deemed in violation of such provision, from any person engaging in, or who has engaged in, such act or practice. Any such assurance must be in writing and be filed with and subject to the approval of the court. Such assurance of discontinuance is not an admission of a violation for any purpose, but proof of failure to comply with the assurance of discontinuance is prima facie evidence of a violation of this chapter.

NEW SECTION. **Sec. 4108.** CIVIL PENALTIES, COSTS, AND FEES. (1) Pursuant to an action by the attorney general, a person shall forfeit and pay a civil penalty of not more than five thousand dollars for each violation if such person:

(a) Engages in conduct that violates any provision of this chapter governing the distribution, disposition, management, or expenditure of, or reporting obligations relating to, property held for charitable purposes, intending or knowing that such conduct was in violation of this chapter;

(b) As a director or officer of a corporation, votes for or assents to a distribution of property held for charitable purposes that would give rise to liability under section 2702 of this act; or

(c) Receives any portion of a distribution described in (b) of this subsection knowing that the distribution was made in violation of this chapter.

(2) Any person who shall violate the terms of any injunction issued pursuant to an action by the attorney general under section 4102 of this act shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars for each violation.

(3) At the discretion of the court, the attorney general is entitled to recovery of its costs and fees incurred in securing compliance with the provisions of this chapter governing the distribution, disposition, management, or expenditure of, or reporting obligations relating to, property held for charitable purposes.

NEW SECTION. **Sec. 4109.** CHARITABLE ASSET PROTECTION ACCOUNT. (1) The Washington state attorney general charitable asset protection account is created in the custody of the state treasurer. Only the attorney general or the attorney general's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for:

(a) The costs associated with the attorney general's enforcement of the provisions of this chapter governing the distribution, disposition, management, or expenditure of, or reporting obligations relating to, property held for charitable purposes, or the proper administration of a charitable corporation or property held for charitable purposes;

(b) The costs associated with the attorney general's review and handling of notices and requests submitted to the attorney general under the provisions of this chapter including, but not limited to, binding agreements described in section 1504 of this act, major changes in purposes or programs reported under section 1205 of this act, and notices of proposed transactions under sections 3101 through 3608 of this act;

(c) The costs associated with the attorney general's review and handling of notices and requests submitted to the attorney general in connection with the release or modification under RCW 24.55.045 of restrictions applicable to institutional funds;

(d) The costs associated with the attorney general's supervision of charitable trusts under the authority granted in chapter 11.110 RCW, including review and handling of binding agreements under chapter 11.96A RCW, involving assets held in charitable trust; and

(e) The charitable solicitation education program.

An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW.

(2)(a) The secretary of state shall collect a charitable asset protection fee, in addition to fees that the secretary of state may set under section 1207 of this act, for filing:

(i) Annual reports under section 1204 of this act;

(ii) Articles of incorporation of newly formed corporations under section 1303 of this act;

(iii) Articles of domestication under section 3309 of this act; and

(iv) Articles of domestication and conversion under section 3318 of this act.

(b) The charitable asset protection fee is fifty dollars per year, reduced to ten dollars if the corporation certifies that its total gross revenue in the most recent fiscal year was less than five hundred thousand dollars.

(c) Revenue generated from the charitable asset protection fee must be distributed as follows:

(i) Ninety-five percent of the revenue must be deposited into the Washington state attorney general charitable asset protection account created in subsection (1) of this section; and

(ii) Five percent of the revenue must be deposited into the secretary of state's revolving fund to cover the administrative costs of assessing the fee.

ARTICLE 2

CONTESTED CORPORATE ACTION

NEW SECTION. **Sec. 4201.** DEFINITIONS. This section and sections 4202 and 4203 of this act apply to, and the term "corporate action" in this section and sections 4202 and 4203 of this act means, any of the following actions:

(1) The election, appointment, designation, or other selection and the suspension, removal, or expulsion of members, delegates, directors, or officers of a nonprofit corporation;

(2) The taking of any action on any matter that:

(a) Is required under this chapter or any other provision of law to be submitted for approval of or adoption by the members, delegates, directors, or officers of a nonprofit corporation;

(b) Under the articles or bylaws may be submitted for approval of or adoption by the members, delegates, directors, or officers of a nonprofit corporation; or

(c) Is in fact approved or adopted by the members, delegates, directors, or officers of a nonprofit corporation.

NEW SECTION. **Sec. 4202.** PROCEEDINGS PRIOR TO CORPORATE ACTION. (1) Where under applicable law or the articles or bylaws of a nonprofit corporation there has been a failure to hold a meeting to take corporate action and the failure has continued for thirty days after the date designated or appropriate therefor, the court may summarily order a meeting to be held upon the application of any person entitled, either alone or in conjunction with other persons similarly seeking relief under this section, to call a meeting to consider the corporate action in issue, and, in the case of a charitable corporation, upon the application of the attorney general.

(2) The court may determine the right to vote at the meeting of persons claiming that right, may appoint an individual to hold the meeting under such orders and powers as the court may deem proper, and may take such action as may be required to give due notice of the meeting and convene and conduct the meeting in the interests of justice.

NEW SECTION. **Sec. 4203.** REVIEW OF CONTESTED CORPORATE ACTION. (1) Except as provided in subsection (3) of this section, upon petition of a person whose status as, or whose rights or duties as, a member, delegate, director, or officer of a corporation are or may be affected by any corporate action, or, in the case of a charitable corporation, the attorney general, the court may hear and determine the validity of the corporate action. The petitioner shall provide notice of the proceeding to every other person the petitioner knows, or should reasonably know, to be affected by the proceeding.

(2) The court may make such orders in any such case as may be just and proper, with power to enforce the production of any books, papers, and records of the corporation and other evidence that may relate to the issue, and may provide for notice of the proceeding to other parties if necessary. If it is determined that no valid corporate action has been taken, the court may order a meeting to be held in accordance with section 4202 of this act.

(3) If a nonprofit corporation has provided in its articles or bylaws for a means of resolving a challenge to a corporate action, then subsection (1) of this section shall not apply, except in the case of actions brought by the attorney general with respect to corporate actions of charitable corporations. The court may enforce provisions of the articles or bylaws if appropriate.

PART V

REVISIONS TO EXISTING STATUTES

ARTICLE 1

SUBSTANTIVE AMENDMENTS

Sec. 5101. RCW 11.110.020 and 1985 c 30 s 114 are each amended to read as follows:

((~~When used in~~)) The definitions in this section apply throughout this chapter((~~,~~)) unless the context clearly requires otherwise ((~~requires:~~)).

(1) "Person" means an individual, organization, group, association, partnership, corporation, or any combination of them.

(2)(a) "Trustee" means ((~~(1)~~)):

(i) Any person holding property in trust for a public charitable purpose; except the United States, its states, territories, and possessions, the District of Columbia, Puerto Rico, and their agencies and subdivisions; ((~~and (2)~~))

(ii) A corporation formed for the administration of a charitable trust ((~~or~~)); and

(iii) Any person holding assets subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes((~~: PROVIDED, That~~)).

(b) Unless they are described in (a)(i) or (ii) of this subsection, the term "trustee" does not apply to ((~~(a)~~)):

(i) Washington nonprofit corporations incorporated under chapter 24.-- RCW (the new chapter created in section 6101 of this act) or to which chapter 24.-- RCW (the new chapter created in section 6101 of this act) applies through operation of section 1107 of this act;

(ii) Religious corporations duly organized and operated in good faith as religious organizations, which have received a declaration of current tax exempt status from the government of the United States; their duly organized branches or chapters; and charities, agencies, and organizations affiliated with and forming an integral part of said organization, or operated, supervised, or controlled directly by such religious corporations nor any officer of any such religious organization who holds property for religious purposes((~~: PROVIDED, That~~)). However, if such organization has not received from the United States government a declaration of current tax exempt status prior to the time it receives property under the terms of a charitable trust, this exemption shall be applicable for two years only from the time of receiving such property, or until such tax exempt status is finally declared, whichever is sooner; or ((~~(b)~~))

(iii) An educational institution which is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts.

Sec. 5102. RCW 23.95.255 and 2017 c 31 s 2 are each amended to read as follows:

(1) A domestic entity other than a limited liability partnership or nonprofit corporation shall, within one hundred twenty days of the date on which its public organic record became effective, deliver to the secretary of state for filing an initial report that states the information required under subsection (2) of this section.

(2) A domestic entity or registered foreign entity shall deliver to the secretary of state for filing an annual report that states:

(a) The name of the entity and its jurisdiction of formation;

(b) The name and street and mailing addresses of the entity's registered agent in this state;

(c) The street and mailing addresses of the entity's principal office;

(d) In the case of a registered foreign entity, the street and mailing address of the entity's principal office in the state or country under the laws of which it is incorporated;

(e) The names of the entity's governors;

(f) A brief description of the nature of the entity's business; ((~~and~~))

(g) The entity's unified business identifier number;

(h) In the case of a nonprofit corporation, the corporation's federal employer identification number; and

(i) In the case of a nonprofit corporation, any information required under section 1205 of this act.

(3) Information in an initial or annual report must be current as of the date the report is executed by the entity.

(4) Annual reports must be delivered to the secretary of state on a date determined by the secretary of state and at such additional times as the entity elects.

(5) If an initial or annual report does not contain the information required by this section, the secretary of state promptly shall notify the reporting entity in a record and return the report for correction.

(6) If an initial or annual report contains the name or address of a registered agent that differs from the information shown in the records of the secretary of state immediately before the annual report becomes effective, the differing information in the initial or annual report is considered a statement of change under RCW 23.95.430.

(7) The secretary of state shall send to each domestic entity and registered foreign entity, not less than thirty or more than ninety days prior to the expiration date of the entity's annual renewal, a notice that the entity's annual report must be filed as required by this chapter and that any applicable annual renewal fee must be paid, and stating that if the entity fails to file its annual report or pay the annual renewal fee it will be administratively dissolved. The notice may be sent by postal or email as elected by the entity, addressed to its registered agent within the state, or to an electronic address designated by the entity in a record retained by the secretary of state. Failure of the secretary of state to provide any such notice does not relieve a domestic entity or registered foreign entity from its obligations to file the annual report required by this chapter or to pay any applicable annual renewal fee. The option to receive the notice provided under this section by email may be selected only when the secretary of state makes the option available.

Sec. 5103. RCW 23.95.305 and 2019 c 37 s 1402 are each amended to read as follows:

(1)(a) The name of a business corporation:

(i)(A) Except in the case of a social purpose corporation, must contain the word "corporation," "incorporated," "company," or "limited," or the abbreviation "Corp.," "Inc.," "Co.," or "Ltd.," or words or abbreviations of similar import in another language; or

(B) In the case of a social purpose corporation, must contain the words "social purpose corporation" or the abbreviation "SPC" or "S.P.C."; and

(ii) Must not contain any of the following words or phrases: "Bank," "banking," "banker," "trust," "cooperative," or any combination of the words "industrial" and "loan," or any combination of any two or more of the words "building," "savings," "loan," "home," "association," and "society," or any other words or phrases prohibited by any statute of this state.

(b) The name of a professional service corporation must contain either the words "professional service" or "professional corporation" or the abbreviation "P.S." or "P.C." The name may also contain either the words "corporation," "incorporated," "company," or "limited," or the abbreviation "Corp.," "Inc.," "Co.," or "Ltd." The name of a professional service corporation organized to render dental services must contain the full names or surnames of all shareholders and no other word than "chartered" or the words "professional services" or the abbreviation "P.S." or "P.C."

(2) The name of a nonprofit corporation:

(a) May include "club," "league," "association," "services," "committee," "fund," "society," "foundation," "guild," ". . . . . ., a nonprofit corporation," ". . . . . ., a nonprofit mutual corporation," or any name of like import;

(b) Except for nonprofit corporations formed prior to January 1, 1969, must not include or end with "incorporated," "company," "corporation," "partnership," "limited partnership," or "Ltd.," or any abbreviation thereof; ((~~and~~))

(c) May not be deceptively similar to the name of an existing domestic entity which is not then administratively dissolved; and

(d) May only include the term "public benefit" or names of like import if the nonprofit corporation has been designated as a public benefit nonprofit

corporation by the secretary of state in accordance with chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act).

(3) The name of a limited partnership may contain the name of any partner. The name of a partnership that is not a limited liability limited partnership must contain the words "limited partnership" or the abbreviation "LP" or "L.P." and may not contain the words "limited liability limited partnership" or the abbreviation "LLLP" or "L.L.L.P." If the limited partnership is a limited liability limited partnership, the name must contain the words "limited liability limited partnership" or the abbreviation "LLLP" or "L.L.L.P." and may not contain the abbreviation "LP" or "L.P."

(4) The name of a limited liability partnership must contain the words "limited liability partnership" or the abbreviation "LLP" or "L.L.P." If the name of a foreign limited liability partnership contains the words "registered limited liability partnership" or the abbreviation "R.L.L.P." or "RLLP," it may include those words or abbreviations in its foreign registration statement.

(5)(a) The name of a limited liability company:

(i) Must contain the words "limited liability company," the words "limited liability" and abbreviation "Co.," or the abbreviation "L.L.C." or "LLC"; and

(ii) May not contain any of the following words or phrases: "Cooperative," "partnership," "corporation," "incorporated," or the abbreviations "Corp.," "Ltd.," or "Inc.," or "LP," "L.P.," "LLP," "L.L.P.," "LLLP," "L.L.L.P," or any words or phrases prohibited by any statute of this state.

(b) The name of a professional limited liability company must contain either the words "professional limited liability company," or the words "professional limited liability" and the abbreviation "Co.," or the abbreviation "P.L.L.C." or "PLLC," provided that the name of a professional limited liability company organized to render dental services must contain the full names or surnames of all members and no other word than "chartered" or the words "professional services" or the abbreviation "P.L.L.C." or "PLLC."

(6) The name of a cooperative association organized under chapter 23.86 RCW may contain the words "corporation," "incorporated," or "limited," or the abbreviation "Corp.," "Inc.," or "Ltd."

(7) The name of a limited cooperative association must contain the phrase "limited cooperative association" or "limited cooperative" or the abbreviation "L.C.A." or "LCA." "Limited" may be abbreviated as "Ltd." "Cooperative" may be abbreviated as "Co-op." or "Coop." "Association" may be abbreviated as "Assoc." or "Assn."

NEW SECTION. **Sec. 5104.** A new section is added to chapter 74.15 RCW to read as follows:

(1) A host home program must register with the secretary of state's office. This registration may occur when the secretary of state files articles of incorporation of the host home program under chapter 24.-- RCW (the new chapter created in section 6101 of this act).

(2) The host home program registration must include a notarized statement by the host home program that it meets all of the requirements set out in RCW 74.15.020(2)(o).

(3) The secretary of state has no duty to confirm that a host home program is meeting its statutory requirements. A filing under this section does not imply an endorsement by the secretary of state.

(4) The secretary of state may adopt rules necessary to carry out its duties under this section.

ARTICLE 2

AMENDMENTS TO UPDATE REFERENCES

Sec. 5201. RCW 7.60.025 and 2019 c 389 s 1 are each amended to read as follows:

(1) A receiver may be appointed by the superior court of this state in the following instances, but except in any case in which a receiver's appointment is expressly required by statute, or any case in which a receiver's appointment is sought by a state agent whose authority to seek the appointment of a receiver is expressly conferred by statute, or any case in which a receiver's appointment with respect to real property is sought under (b)(ii) of this subsection, a receiver shall be appointed only if the court additionally determines that the

appointment of a receiver is reasonably necessary and that other available remedies either are not available or are inadequate:

(a) On application of any party, when the party is determined to have a probable right to or interest in property that is a subject of the action and in the possession of an adverse party, or when the property or its revenue-producing potential is in danger of being lost or materially injured or impaired. A receiver may be appointed under this subsection (1)(a) whether or not the application for appointment of a receiver is combined with, or is ancillary to, an action seeking a money judgment or other relief;

(b) Provisionally, after commencement of any judicial action or nonjudicial proceeding to foreclose upon any lien against or for forfeiture of any interest in real or personal property, on application of any person, when the interest in the property that is the subject of such an action or proceeding of the person seeking the receiver's appointment is determined to be probable and either:

(i) The property or its revenue-producing potential is in danger of being lost or materially injured or impaired; or

(ii) The appointment of a receiver with respect to the real or personal property that is the subject of the action or proceeding is provided for by agreement or is reasonably necessary to effectuate or enforce an assignment of rents or other revenues from the property. For purposes of this subsection (1)(b), a judicial action is commenced as provided in superior court civil rule 3(a), a nonjudicial proceeding is commenced under chapter 61.24 RCW upon the service of notice of default described in RCW 61.24.030(8), and a proceeding for forfeiture is commenced under chapter 61.30 RCW upon the recording of the notice of intent to forfeit described in RCW 61.30.060;

(c) After judgment, in order to give effect to the judgment;

(d) To dispose of property according to provisions of a judgment dealing with its disposition;

(e) To the extent that property is not exempt from execution, at the instance of a judgment creditor either before or after the issuance of any execution, to preserve or protect it, or prevent its transfer;

(f) If and to the extent that property is subject to execution to satisfy a judgment, to preserve the property during the pendency of an appeal, or when an execution has been returned unsatisfied, or when an order requiring a judgment debtor to appear for proceedings supplemental to judgment has been issued and the judgment debtor fails to submit to examination as ordered;

(g) Upon an attachment of real or personal property when the property attached is of a perishable nature or is otherwise in danger of waste, impairment, or destruction, or where the abandoned property's owner has absconded with, secreted, or abandoned the property, and it is necessary to collect, conserve, manage, control, or protect it, or to dispose of it promptly, or when the court determines that the nature of the property or the exigency of the case otherwise provides cause for the appointment of a receiver;

(h) In an action by a transferor of real or personal property to avoid or rescind the transfer on the basis of fraud, or in an action to subject property or a fund to the payment of a debt;

(i) In an action against any person who is not an individual if the object of the action is the dissolution of that person, or if that person has been dissolved, or if that person is insolvent or is not generally paying the person's debts as those debts become due unless they are the subject of bona fide dispute, or if that person is in imminent danger of insolvency;

(j) In accordance with RCW 7.08.030 (4) and (6), in cases in which a general assignment for the benefit of creditors has been made;

(k) In quo warranto proceedings under chapter 7.56 RCW;

(l) As provided under RCW 11.64.022;

(m) In an action by the department of licensing under RCW 18.35.220(3) with respect to persons engaged in the business of dispensing of hearing aids, RCW 18.85.430 in the case of persons engaged in the business of a real estate broker, associate real estate broker, or real estate salesperson, or RCW

19.105.470 with respect to persons engaged in the business of camping resorts;

(n) In an action under RCW 18.44.470 or 18.44.490 in the case of persons engaged in the business of escrow agents;

(o) Upon a petition with respect to a nursing home in accordance with and subject to receivership provisions under chapter 18.51 RCW;

(p) In connection with a proceeding for relief with respect to a voidable transfer as to a present or future creditor under RCW 19.40.041 or a present creditor under RCW 19.40.051;

(q) Under RCW 19.100.210(1), in an action by the attorney general or director of financial institutions to restrain any actual or threatened violation of the franchise investment protection act;

(r) In an action by the attorney general or by a prosecuting attorney under RCW 19.110.160 with respect to a seller of business opportunities;

(s) In an action by the director of financial institutions under RCW 21.20.390 in cases involving actual or threatened violations of the securities act of Washington or under RCW 21.30.120 in cases involving actual or threatened violations of chapter 21.30 RCW with respect to certain businesses and transactions involving commodities;

(t) In an action for or relating to dissolution of a business corporation under RCW 23B.14.065, 23B.14.300, 23B.14.310, or 23B.14.320, for dissolution of a nonprofit corporation under ((~~RCW 24.03.271~~)) section 3605 of this act, for dissolution of a mutual corporation under RCW 24.06.305, or in any other action for the dissolution or winding up of any other entity provided for by Title 23, 23B, 24, or 25 RCW;

(u) In any action in which the dissolution of any public or private entity is sought, in any action involving any dispute with respect to the ownership or governance of such an entity, or upon the application of a person having an interest in such an entity when the appointment is reasonably necessary to protect the property of the entity or its business or other interests;

(v) Under RCW 25.05.215, in aid of a charging order with respect to a partner's interest in a partnership;

(w) Under and subject to RCW 30A.44.100, 30A.44.270, and 30A.56.030, in the case of a state commercial bank, RCW 30B.44B.100, in the case of a state trust company, RCW 32.24.070, 32.24.073, 32.24.080, and 32.24.090, in the case of a state savings bank;

(x) Under and subject to RCW 31.12.637 and 31.12.671 through 31.12.724, in the case of credit unions;

(y) Upon the application of the director of financial institutions under RCW 31.35.090 in actions to enforce chapter 31.35 RCW applicable to agricultural lenders, under RCW 31.40.120 in actions to enforce chapter 31.40 RCW applicable to entities engaged in federally guaranteed small business loans, under RCW 31.45.160 in actions to enforce chapter 31.45 RCW applicable to persons licensed as check cashers or check sellers, or under RCW 19.230.230 in actions to enforce chapter 19.230 RCW applicable to persons licensed under the uniform money services act;

(z) Under RCW 35.82.090 or 35.82.180, with respect to a housing project;

(aa) Under RCW 39.84.160 or 43.180.360, in proceedings to enforce rights under any revenue bonds issued for the purpose of financing industrial development facilities or bonds of the Washington state housing finance commission, or any financing document securing any such bonds;

(bb) Under and subject to RCW 43.70.195, in an action by the secretary of health or by a local health officer with respect to a public water system;

(cc) As contemplated by RCW 61.24.030, with respect to real property that is the subject of nonjudicial foreclosure proceedings under chapter 61.24 RCW;

(dd) As contemplated by RCW 61.30.030(3), with respect to real property that is the subject of judicial or nonjudicial forfeiture proceedings under chapter 61.30 RCW;

(ee) Under RCW 64.32.200(2), in an action or proceeding commenced under chapter 61.12 or 61.24 RCW to foreclose upon a lien for common expenses against a dwelling unit subject to the horizontal property regimes act, chapter 64.32 RCW. For purposes of this subsection (1)(ee), a judicial action is commenced as provided in superior court civil rule 3(a) and a nonjudicial proceeding is

commenced under chapter 61.24 RCW upon the service of notice of default described in RCW 61.24.030(8);

(ff) Under RCW 64.34.364(10), in an action or proceeding commenced under chapter 61.12 or 61.24 RCW by a unit owners' association to foreclose a lien for nonpayment of delinquent assessments against condominium units. For purposes of this subsection (1)(ff), a judicial action is commenced as provided in superior court civil rule (3)(a) and a nonjudicial proceeding is commenced under chapter 61.24 RCW upon the service of notice of default described in RCW 61.24.030(8);

(gg) Upon application of the attorney general under RCW 64.36.220(3), in aid of any writ or order restraining or enjoining violations of chapter 64.36 RCW applicable to timeshares;

(hh) Under RCW ((~~70.95A.050~~)) 70A.210.070(3), in aid of the enforcement of payment or performance of municipal bonds issued with respect to facilities used to abate, control, or prevent pollution;

(ii) Upon the application of the department of social and health services under RCW 74.42.580, in cases involving nursing homes;

(jj) Upon the application of the utilities and transportation commission under RCW 80.28.040, with respect to a water company or wastewater company that has failed to comply with an order of such commission within the time deadline specified therein;

(kk) Under RCW 87.56.065, in connection with the dissolution of an irrigation district;

(ll) Upon application of the attorney general or the department of licensing, in any proceeding that either of them are authorized by statute to bring to enforce Title 18 or 19 RCW; the securities act of Washington, chapter 21.20 RCW; the Washington commodities act, chapter 21.30 RCW; the land development act, chapter 58.19 RCW; or under chapter 64.36 RCW relating to the regulation of timeshares;

(mm) Upon application of the director of financial institutions in any proceeding that the director of financial institutions is authorized to bring to enforce chapters 31.35, 31.40, and 31.45 RCW; or

(nn) In such other cases as may be provided for by law, or when, in the discretion of the court, it may be necessary to secure ample justice to the parties.

(2) The superior courts of this state shall appoint as receiver of property located in this state a person who has been appointed by a federal or state court located elsewhere as receiver with respect to the property specifically or with respect to the owner's property generally, upon the application of the person or of any party to that foreign proceeding, and following the appointment shall give effect to orders, judgments, and decrees of the foreign court affecting the property in this state held by the receiver, unless the court determines that to do so would be manifestly unjust or inequitable. The venue of such a proceeding may be any county in which the person resides or maintains any office, or any county in which any property over which the receiver is to be appointed is located at the time the proceeding is commenced.

(3) At least seven days' notice of any application for the appointment of a receiver must be given to the owner of property to be subject thereto and to all other parties in the action, and to other parties in interest as the court may require. If any execution by a judgment creditor under Title 6 RCW or any application by a judgment creditor for the appointment of a receiver, with respect to property over which the receiver's appointment is sought, is pending in any other action at the time the application is made, then notice of the application for the receiver's appointment also must be given to the judgment creditor in the other action. The court may shorten or expand the period for notice of an application for the appointment of a receiver upon good cause shown.

(4) The order appointing a receiver in all cases must reasonably describe the property over which the receiver is to take charge, by category, individual items, or both if the receiver is to take charge of less than all of the owner's property. If the order appointing a receiver does not expressly limit the receiver's authority to designated property or categories of property of the owner, the receiver is a general receiver with the authority to take charge over

all of the owner's property, wherever located.

(5) The court may condition the appointment of a receiver upon the giving of security by the person seeking the receiver's appointment, in such amount as the court may specify, for the payment of costs and damages incurred or suffered by any person should it later be determined that the appointment of the receiver was wrongfully obtained.

Sec. 5202. RCW 9.46.0209 and 2020 c 150 s 1 are each amended to read as follows:

(1)(a) "Bona fide charitable or nonprofit organization," as used in this chapter, means:

(i) Any organization duly existing under the provisions of chapter 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapter((~~s~~)) 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 19.09 or ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, religious, scientific, social, fraternal, athletic, or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or

(ii) Any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(b) An organization defined under (a) of this subsection must:

(i) Have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required; and

(ii) Demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the internal revenue code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

(c) Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(2) For the purposes of RCW 9.46.0315 and 9.46.110, a bona fide nonprofit organization can be licensed by the commission and includes:

(a) A credit union organized and operating under state or federal law. All revenue less prizes and expenses received from raffles conducted by credit unions must be devoted to purposes authorized under this section for charitable and nonprofit organizations; and

(b) A group of executive branch state employees that:

(i) Has requested and received revocable approval from the agency's chief executive official, or such official's designee, to conduct one or more raffles in compliance with this section;

(ii) Conducts a raffle solely to raise funds for either the state combined fund drive, created under RCW 41.04.033; an entity approved to receive funds from the state combined fund drive; or a charitable or benevolent entity, including but not limited to a person or

family in need, as determined by a majority vote of the approved group of employees. No person or other entity may receive compensation in any form from the group for services rendered in support of this purpose;

(iii) Promptly provides such information about the group's receipts, expenditures, and other activities as the agency's chief executive official or designee may periodically require, and otherwise complies with this section and RCW 9.46.0315; and

(iv) Limits the participation in the raffle such that raffle tickets are sold only to, and winners are determined only from, the employees of the agency.

(3) For the purposes of RCW 9.46.0277, a bona fide nonprofit organization also includes a county, city, or town, provided that all revenue less prizes and expenses from raffles conducted by the county, city, or town must be used for community activities or tourism promotion activities.

Sec. 5203. RCW 15.105.020 and 2004 c 26 s 3 are each amended to read as follows:

(1) The department may cooperate with other agencies, boards, commissions, and associations in the state of Washington to establish a private, nonprofit corporation for the purpose of carrying out the program. The nonprofit corporation must be organized under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and has the powers granted under that chapter. However, this chapter does not prohibit the department or other agencies, boards, commissions, and associations from separately continuing to promote Washington products under their existing authorities.

(2) The department may contract with the successor organization to carry out the program. The contract must require the successor organization to aggressively seek to fund its continued operation from nonstate funding sources.

(3) The successor organization must report to the department each January 1st on the amounts it has secured from both nonstate and state funding sources, its operations, and its programs.

(4) Debts and other liabilities of the successor organization are successor organization debts and liabilities only and may be satisfied only from the resources of the successor organization. The state of Washington is not liable for the debts or liabilities of the successor organization.

Sec. 5204. RCW 18.100.050 and 2020 c 80 s 21 are each amended to read as follows:

(1) An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of Title 23B RCW for the purpose of rendering professional service. One or more of the legally authorized individuals shall be the incorporators of the professional corporation.

(2) Notwithstanding any other provision of this chapter, registered architects and registered engineers may own stock in and render their individual professional services through one professional service corporation.

(3) Licensed health care professionals, providing services to enrolled participants either directly or through arrangements with a health maintenance organization registered under chapter 48.46 RCW or federally qualified health maintenance organization, may own stock in and render their individual professional services through one professional service corporation.

(4) Professionals may organize a nonprofit nonstock corporation under this chapter and chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) to provide professional services, and the provisions of this chapter relating to stock and referring to Title 23B RCW shall not apply to any such corporation.

(5)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, 18.225, 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.57, 18.64, 18.71, 18.71A, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may own stock in and render their individual professional services through one professional service corporation and are to be considered, for the purpose of forming a professional service

corporation, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are regulated under chapters 18.59 and 18.74 RCW may own stock in and render their individual professional services through one professional service corporation formed for the sole purpose of providing professional services within their respective scope of practice.

(c) Formation of a professional service corporation under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential.

Sec. 5205. RCW 18.100.130 and 1991 c 72 s 5 are each amended to read as follows:

(1) For a professional service corporation organized for pecuniary profit under this chapter, the provisions of Title 23B RCW shall be applicable except to the extent that any of the provisions of this chapter are interpreted to be in conflict with the provisions thereof, and in such event the provisions and sections of this chapter shall take precedence with respect to a corporation organized pursuant to the provisions of this chapter.

(2) For a professional service corporation organized under this chapter and chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) as a nonprofit ((~~nonstock~~)) corporation, the provisions of chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) shall be applicable except to the extent that any of the provisions of this chapter are interpreted to be in conflict with the provisions thereof, and in such event the provisions and sections of this chapter shall take precedence with respect to a corporation organized under the provisions of this chapter.

Sec. 5206. RCW 18.100.134 and 1991 c 72 s 7 are each amended to read as follows:

A professional corporation may amend its articles of incorporation to delete from its stated purposes the rendering of professional services and to conform to the requirements of Title 23B RCW, or to the requirements of chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) if organized pursuant to RCW 18.100.050 as a nonprofit ((~~nonstock~~)) corporation. Upon the effective date of such amendment, the corporation shall no longer be subject to the provisions of this chapter and shall continue in existence as a corporation under Title 23B RCW or chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act).

Sec. 5207. RCW 19.142.010 and 1990 c 55 s 1 and 1990 c 33 s 556 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Business day" means any day except a Sunday or a legal holiday.

(2) "Buyer" or "member" means a person who purchases health studio services.

(3) "Health studio" includes any person or entity engaged in the sale of instruction, training, assistance or use of facilities which purport to assist patrons to improve their physical condition or appearance through physical exercise, body building, weight loss, figure development, the martial arts, or any other similar activity. For the purposes of this chapter, "health studio" does not include: (a) Public common schools, private schools approved under RCW 28A.195.010, and public or private institutions of higher education; (b) persons providing professional services within the scope of a person's license under Title 18 RCW; (c) bona fide nonprofit organizations which have been granted tax-exempt status by the Internal Revenue Service, the functions of which as health studios are only incidental to their overall functions and purposes; (d) a person or entity which offers physical exercise, body building, figure development or similar activities as incidental features of a plan of instruction or assistance relating to diet or control of eating habits; (e) bona fide nonprofit corporations organized under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) which have members and whose members have meaningful

voting rights to elect and remove a board of directors which is responsible for the operation of the health club and corporation; and (f) a preexisting facility primarily offering aerobic classes, where the initiation fee is less than fifty dollars and no memberships are sold which exceed one year in duration. For purposes of this subsection, "preexisting facility" means an existing building used for health studio services covered by the fees collected.

(4) "Health studio services" means instruction, services, privileges, or rights offered for sale by a health studio. "Health studio services" do not include: (a) Instruction or assistance relating to diet or control of eating habits not involving substantial on-site physical exercise, body building, figure development, or any other similar activity; or (b) recreational or social programs which either involve no physical exercise or exercise only incidental to the program.

(5) "Initiation or membership fee" means a fee paid either in a lump sum or in installments within twelve months of execution of the health studio services contract on a one-time basis when a person first joins a health studio for the privilege of belonging to the health studio.

(6) "Special offer or discount" means any offer of health studio services at a reduced price or without charge to a prospective member.

(7) "Use fees or dues" means fees paid on a regular periodic basis for use of a health studio. This does not preclude prepayment of use fees at the buyer's option.

Sec. 5208. RCW 23.95.105 and 2020 c 57 s 29 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise or as set forth in RCW 23.95.400 or 23.95.600.

(1) "Annual report" means the report required by RCW 23.95.255.

(2) "Business corporation" means a domestic business corporation incorporated under or subject to Title 23B RCW or a foreign business corporation.

(3) "Commercial registered agent" means a person listed under RCW 23.95.420.

(4) "Domestic," with respect to an entity, means governed as to its internal affairs by the law of this state.

(5) "Electronic transmission" means an electronic communication:

(a) Not directly involving the physical transfer of a record in a tangible medium; and

(b) That may be retained, retrieved, and reviewed by the sender and the recipient thereof, and that may be directly reproduced in a tangible medium by such a sender and recipient.

(6) "Entity" means:

(a) A business corporation;

(b) A nonprofit corporation;

(c) A limited liability partnership;

(d) A limited partnership;

(e) A limited liability company;

(f) A general cooperative association; or

(g) A limited cooperative association.

(7) "Entity filing" means a record delivered to the secretary of state for filing pursuant to this chapter.

(8) "Execute," "executes," or "executed" means with present intent to authenticate or adopt a record:

(a) To sign or adopt a tangible symbol;

(b) To attach to or logically associate with the record an electronic symbol, sound, or process; or

(c) With respect to a record to be filed with the secretary of state, in compliance with the standards for filing with the office of the secretary of state as prescribed by the secretary of state.

(9) "Filed record" means a record filed by the secretary of state pursuant to this chapter.

(10) "Foreign," with respect to an entity, means governed as to its internal affairs by the law of a jurisdiction other than this state.

(11) "General cooperative association" means a domestic general cooperative association formed under or subject to chapter 23.86 RCW.

(12) "Governor" means:

(a) A director of a business corporation;

(b) A director of a nonprofit corporation;

(c) A partner of a limited liability partnership;

(d) A general partner of a limited partnership;

(e) A manager of a manager-managed limited liability company;

(f) A member of a member-managed limited liability company;

(g) A director of a general cooperative association;

(h) A director of a limited cooperative association; or

(i) Any other person under whose authority the powers of an entity are exercised and under whose direction the activities and affairs of the entity are managed pursuant to the organic law and organic rules of the entity.

(13) "Interest" means:

(a) A share in a business corporation;

(b) A membership in a nonprofit corporation;

(c) A share in a nonprofit corporation formed under chapter 24.06 RCW;

(d) A partnership interest in a limited liability partnership;

(e) A partnership interest in a limited partnership;

(f) A limited liability company interest;

(g) A share or membership in a general cooperative association; or

(h) A member's interest in a limited cooperative association.

(14) "Interest holder" means:

(a) A shareholder of a business corporation;

(b) A member of a nonprofit corporation;

(c) A shareholder of a nonprofit corporation formed under chapter 24.06 RCW;

(d) A partner of a limited liability partnership;

(e) A general partner of a limited partnership;

(f) A limited partner of a limited partnership;

(g) A member of a limited liability company;

(h) A shareholder or member of a general cooperative association; or

(i) A member of a limited cooperative association.

(15) "Jurisdiction," when used to refer to a political entity, means the United States, a state, a foreign country, or a political subdivision of a foreign country.

(16) "Jurisdiction of formation" means the jurisdiction whose law includes the organic law of an entity.

(17) "Limited cooperative association" means a domestic limited cooperative association formed under or subject to chapter 23.100 RCW or a foreign limited cooperative association.

(18) "Limited liability company" means a domestic limited liability company formed under or subject to chapter 25.15 RCW or a foreign limited liability company.

(19) "Limited liability limited partnership" means a domestic limited liability limited partnership formed under or subject to chapter 25.10 RCW or a foreign limited liability limited partnership.

(20) "Limited liability partnership" means a domestic limited liability partnership registered under or subject to chapter 25.05 RCW or a foreign limited liability partnership.

(21) "Limited partnership" means a domestic limited partnership formed under or subject to chapter 25.10 RCW or a foreign limited partnership. "Limited partnership" includes a limited liability limited partnership.

(22) "Noncommercial registered agent" means a person that is not a commercial registered agent and is:

(a) An individual or domestic or foreign entity that serves in this state as the registered agent of an entity;

(b) An individual who holds the office or other position in an entity which is designated as the registered agent pursuant to RCW 23.95.415(1)(b)(ii); or

(c) A government, governmental subdivision, agency, or instrumentality, or a separate legal entity comprised of two or more of these entities, that serves as the registered agent of an entity.

(23) "Nonprofit corporation" means a domestic nonprofit corporation incorporated under or subject to chapter ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act) or 24.06 RCW or a foreign nonprofit corporation.

(24) "Nonregistered foreign entity" means a foreign entity that is not registered to do business in this state pursuant to a statement of registration filed by the secretary of state.

(25) "Organic law" means the law of an entity's jurisdiction of formation governing the internal affairs of the entity.

(26) "Organic rules" means the public organic record and private organic rules of an entity.

(27) "Person" means an individual, business corporation, nonprofit corporation, partnership, limited partnership, limited liability company, general cooperative association, limited cooperative association, unincorporated nonprofit association, statutory trust, business trust, common-law business trust, estate, trust, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(28) "Principal office" means the principal executive office of an entity, whether or not the office is located in this state.

(29) "Private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an entity, are binding on all its interest holders, and are not part of its public organic record, if any. "Private organic rules" includes:

(a) The bylaws of a business corporation and any agreement among shareholders pursuant to RCW 23B.07.320;

(b) The bylaws of a nonprofit corporation;

(c) The partnership agreement of a limited liability partnership;

(d) The partnership agreement of a limited partnership;

(e) The limited liability company agreement;

(f) The bylaws of a general cooperative association; and

(g) The bylaws of a limited cooperative association.

(30) "Proceeding" means civil suit and criminal, administrative, and investigatory action.

(31) "Property" means all property, whether real, personal, or mixed or tangible or intangible, or any right or interest therein.

(32) "Public organic record" means the record the filing of which by the secretary of state is required to form an entity and any amendment to or restatement of that record. The term includes:

(a) The articles of incorporation of a business corporation;

(b) The articles of incorporation of a nonprofit corporation;

(c) The certificate of limited partnership of a limited partnership;

(d) The certificate of formation of a limited liability company;

(e) The articles of incorporation of a general cooperative association;

(f) The articles of organization of a limited cooperative association; and

(g) The document under the laws of another jurisdiction that is equivalent to a document listed in this subsection.

(33) "Receipt," as used in this chapter, means actual receipt. "Receive" has a corresponding meaning.

(34) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(35) "Registered agent" means an agent of an entity which is authorized to receive service of any process, notice, or demand required or permitted by law to be served on the entity. The term includes a commercial registered agent and a noncommercial registered agent.

(36) "Registered foreign entity" means a foreign entity that is registered to do business in this state pursuant to a certificate of registration filed by the secretary of state.

(37) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(38) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

(39) "Transfer" includes:

(a) An assignment;

(b) A conveyance;

(c) A sale;

(d) A lease;

(e) An encumbrance, including a mortgage or security interest;

(f) A change of record owner of interest;

(g) A gift; and

(h) A transfer by operation of law.

(40) "Type of entity" means a generic form of entity:

(a) Recognized at common law; or

(b) Formed under an organic law, whether or not some entities formed under that law are subject to provisions of that law that create different categories of the form of entity.

Sec. 5209. RCW 24.50.010 and 2011 c 310 s 1 are each amended to read as follows:

(1) Washington manufacturing services is organized as a private, nonprofit corporation in accordance with chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and this section. The mission of the corporation is to operate a modernization extension system, coordinate a network of public and private modernization resources, and stimulate the competitiveness of small and midsize manufacturers in Washington.

(2) The corporation must be governed by a board of directors. A majority of the board of directors shall be representatives of small and medium-sized manufacturing firms and industry associations, networks, or consortia. The board must also include at least one member representing labor unions or labor councils and, as ex officio members, the director of the department of commerce, the executive director of the state board for community and technical colleges, and the director of the workforce training and education coordinating board, or their respective designees.

(3) The corporation may be known as impact Washington and may:

(a) Charge fees for services, make and execute contracts with any individual, corporation, association, public agency, or any other entity, and employ all other legal instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter; and

(b) Receive funds from federal, state, or local governments, private businesses, foundations, or any other source for purposes consistent with this chapter.

(4) The corporation must:

(a) Develop policies, plans, and programs to assist in the modernization of businesses in targeted sectors of Washington's economy and coordinate the delivery of modernization services;

(b) Provide information about the advantages of modernization and the modernization services available in the state to federal, state, and local economic development officials, state colleges and universities, and private providers;

(c) Collaborate with the Washington quality initiative in the development of manufacturing quality standards and quality certification programs;

(d) Collaborate with industry sector and cluster associations to inform import-impacted manufacturers about federal trade adjustment assistance funding;

(e) Serve as an information clearinghouse and provide access for users to the federal manufacturing extension partnership national research and information system; and

(f) Provide, either directly or through contracts, assistance to industry or cluster associations, networks, or consortia, that would be of value to their member firms in:

(i) Adopting advanced business management practices such as strategic planning and total quality management;

(ii) Developing mechanisms for interfirm collaboration and cooperation;

(iii) Appraising, purchasing, installing, and effectively using equipment, technologies, and processes that improve the quality of goods and services and the productivity of the firm;

(iv) Improving human resource systems and workforce training in a manner that moves firms toward flexible, high-performance work organizations;

(v) Developing new products;

(vi) Conducting market research, analysis, and development of new sales channels and export markets;

(vii) Improving processes to enhance environmental, health, and safety compliance; and

(viii) Improving credit, capital management, and business finance skills.

(5) Between thirty-five and sixty-five percent of the funds received by the corporation from the state must be used by the corporation for carrying out the duties under subsection (4)(f) of this section, consistent with the intent of RCW 24.50.005(2).

Sec. 5210. RCW 28A.710.010 and 2016 c 241 s 101 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a nonprofit corporation that has submitted an application to an authorizer. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, or a nonprofit corporation ((~~as defined in RCW 24.03.005~~)) organized under chapter 24.-- RCW (the new chapter created in section 6101 of this act) that has applied for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under RCW 28A.710.220.

(2) "At-risk student" means a student who has an academic or economic disadvantage that requires assistance or special services to succeed in educational programs. The term includes, but is not limited to, students who do not meet minimum standards of academic proficiency, students who are at risk of dropping out of high school, students in chronically low-performing schools, students with higher than average disciplinary sanctions, students with lower participation rates in advanced or gifted programs, students who are limited in English proficiency, students who are members of economically disadvantaged families, and students who are identified as having special educational needs.

(3) "Authorizer" means the commission established in RCW 28A.710.070 or a school district approved under RCW 28A.710.090 to review, approve, or reject charter school applications; enter into, renew, or revoke charter contracts with applicants; and oversee the charter schools the entity has authorized.

(4) "Charter contract" means a fixed term, renewable contract between a charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(5) "Charter school" or "charter public school" means a public school that is established in accordance with this chapter, governed by a charter school board, and operated according to the terms of a charter contract executed under this chapter.

(6) "Charter school board" means the board of directors appointed or selected under the terms of a charter application to manage and operate the charter school.

(7) "Commission" means the Washington state charter school commission established in RCW 28A.710.070.

(8) "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

(9) "Student" means a child eligible to attend a public school in the state.

Sec. 5211. RCW 35.67.020 and 2003 c 394 s 1 are each amended to read as follows:

(1) Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without

its limits. Every city and town has full jurisdiction and authority to manage, regulate, and control them and, except as provided in subsection (3) of this section, to fix, alter, regulate, and control the rates and charges for their use.

(2) Subject to subsection (3) of this section, the rates charged under this section must be uniform for the same class of customers or service and facilities furnished. In classifying customers served or service and facilities furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors:

(a) The difference in cost of service and facilities to the various customers;

(b) The location of the various customers within and without the city or town;

(c) The difference in cost of maintenance, operation, repair, and replacement of the various parts of the system;

(d) The different character of the service and facilities furnished various customers;

(e) The quantity and quality of the sewage delivered and the time of its delivery;

(f) The achievement of water conservation goals and the discouragement of wasteful water use practices;

(g) Capital contributions made to the system, including but not limited to, assessments;

(h) The ((~~nonprofit~~)) public benefit nonprofit corporation status, as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, of the land user; and

(i) Any other matters which present a reasonable difference as a ground for distinction.

(3) The rate a city or town may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

(5) A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter.

(6) Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

(7) Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

(8) A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law.

Sec. 5212. RCW 35.67.190 and 1995 c 124 s 4 are each amended to read as follows:

(1) The legislative body of such city or town may provide by ordinance for revenues by fixing rates and charges for

the furnishing of service to those served by its system of sewerage or system for refuse collection and disposal, which rates and charges shall be uniform for the same class of customer or service. In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: ((~~(1)~~)) (a) The difference in cost of service to the various customers; ((~~(2)~~)) (b) the location of the various customers within and without the city or town; ((~~(3)~~)) (c) the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; ((~~(4)~~)) (d) the different character of the service furnished various customers; ((~~(5)~~)) (e) the quantity and quality of the sewage delivered and the time of its delivery; ((~~(6)~~)) (f) capital contributions made to the system, including but not limited to, assessments; ((~~(7)~~)) (g) the ((~~nonprofit~~)) public benefit nonprofit corporation status, as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, of the land user; and ((~~(8)~~)) (h) any other matters which present a reasonable difference as a ground for distinction.

(2) If special indebtedness bonds or warrants are issued against the revenues, the legislative body shall by ordinance fix charges at rates which will be sufficient to take care of the costs of maintenance and operation, bond and warrant principal and interest, sinking fund requirements, and all other expenses necessary for efficient and proper operation of the system.

(3) All property owners within the area served by such sewerage system shall be compelled to connect their private drains and sewers with such city or town system, under such penalty as the legislative body of such city or town may by ordinance direct. Such penalty may in the discretion of such legislative body be an amount equal to the charge that would be made for sewer service if the property was connected to such system. All penalties collected shall be considered revenue of the system.

Sec. 5213. RCW 35.92.020 and 2020 c 20 s 1014 are each amended to read as follows:

(1) A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate systems, plants, sites, or other facilities of sewerage as defined in RCW 35.67.010, or solid waste handling as defined by RCW 70A.205.015. A city or town shall have full authority to manage, regulate, operate, control, and, except as provided in subsection (3) of this section, to fix the price of service and facilities of those systems, plants, sites, or other facilities within and without the limits of the city or town.

(2) Subject to subsection (3) of this section, the rates charged shall be uniform for the same class of customers or service and facilities. In classifying customers served or service and facilities furnished by a system or systems of sewerage, the legislative authority of the city or town may in its discretion consider any or all of the following factors:

(a) The difference in cost of service and facilities to customers;

(b) The location of customers within and without the city or town;

(c) The difference in cost of maintenance, operation, repair, and replacement of the parts of the system;

(d) The different character of the service and facilities furnished to customers;

(e) The quantity and quality of the sewage delivered and the time of its delivery;

(f) Capital contributions made to the systems, plants, sites, or other facilities, including but not limited to, assessments;

(g) The ((~~nonprofit~~)) public benefit nonprofit corporation status, as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, of the land user; and

(h) Any other factors that present a reasonable difference as a ground for distinction.

(3) The rate a city or town may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate

reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

(5) A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter.

(6) Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

(7) Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

(8) A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law.

Sec. 5214. RCW 36.89.080 and 2003 c 394 s 3 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, any county legislative authority may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits or to be served or to receive benefits from any stormwater control facility or contributing to an increase of surface water runoff. In fixing rates and charges, the county legislative authority may in its discretion consider:

(a) Services furnished or to be furnished;

(b) Benefits received or to be received;

(c) The character and use of land or its water runoff characteristics;

(d) The ((~~nonprofit~~)) public benefit nonprofit corporation status, as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, of the land user;

(e) Income level of persons served or provided benefits under this chapter, including senior citizens and ((~~disabled persons~~)) individuals with disabilities; or

(f) Any other matters which present a reasonable difference as a ground for distinction.

(2) The rate a county may charge under this section for stormwater control facilities shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(3) Rates and charges authorized under this section may not be imposed on lands taxed as forestland under chapter 84.33 RCW or as timberland under chapter 84.34 RCW.

(4) The service charges and rates collected shall be deposited in a special fund or funds in the county treasury to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating stormwater control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving any of such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

Sec. 5215. RCW 36.94.140 and 2005 c 324 s 2 are each amended to read as follows:

(1) Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate, and control it. Except as provided in subsection (3) of this section, every county shall have full jurisdiction and authority to fix, alter, regulate, and control the rates and charges for the service and facilities to those to whom such service and facilities are available, and to levy charges for connection to the system.

(2) The rates for availability of service and facilities, and connection charges so charged must be uniform for the same class of customers or service and facility. In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the county legislative authority may consider any or all of the following factors:

(a) The difference in cost of service to the various customers within or without the area;

(b) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;

(c) The different character of the service and facilities furnished various customers;

(d) The quantity and quality of the sewage and/or water delivered and the time of its delivery;

(e) Capital contributions made to the system or systems, including, but not limited to, assessments;

(f) The cost of acquiring the system or portions of the system in making system improvements necessary for the public health and safety;

(g) The ((~~nonprofit~~)) public benefit nonprofit corporation status, as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, of the land user; and

(h) Any other matters which present a reasonable difference as a ground for distinction.

(3) The rate a county may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) A county may provide assistance to aid low-income persons in connection with services provided under this chapter.

(5) The service charges and rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system.

(6) A connection charge under this section for service to a manufactured housing community, as defined in RCW 59.20.030, applies to an individual lot within that community only if the system of water or sewerage provides and maintains the connection.

Sec. 5216. RCW 39.34.030 and 2019 c 91 s 1 are each amended to read as follows:

(1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this chapter, except that any such joint or cooperative action by public agencies which are educational service districts and/or school districts shall comply with the provisions of RCW 28A.320.080. Appropriate action by ordinance,

resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

(a) Its duration;

(b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created. Such entity may include a nonprofit corporation organized pursuant to chapter ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act) or 24.06 RCW whose membership is limited solely to the participating public agencies or a partnership organized pursuant to chapter 25.04 or 25.05 RCW whose partners are limited solely to participating public agencies, or a limited liability company organized under chapter 25.15 RCW whose membership is limited solely to participating public agencies, and the funds of any such corporation, partnership, or limited liability company shall be subject to audit in the manner provided by law for the auditing of public funds;

(c) Its purpose or purposes;

(d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;

(e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination; and

(f) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall contain, in addition to provisions specified in subsection (3)(a), (c), (d), (e), and (f) of this section, the following:

(a) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies that are party to the agreement shall be represented; and

(b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking. Any joint board is authorized to establish a special fund with a state, county, city, or district treasurer servicing an involved public agency designated "Operating fund of . . . . . joint board."

(5) No agreement made pursuant to this chapter relieves any public agency of any obligation or responsibility imposed upon it by law except that:

(a) To the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made pursuant to this chapter, the performance may be offered in satisfaction of the obligation or responsibility; and

(b) With respect to one or more public agencies purchasing or otherwise contracting through a bid, proposal, or contract awarded by another public agency or by a group of public agencies, any obligation with respect to competitive bids or proposals that applies to the public agencies involved is satisfied if the public agency or group of public agencies that awarded the bid, proposal, or contract complied with its own statutory requirements and either (i) posted the bid or solicitation notice on a web site established and maintained by a public agency, purchasing cooperative, or similar service provider, for purposes of posting public notice of bid or proposal solicitations, or (ii) provided an access link on the state's web portal to the notice.

(6)(a) Any two or more public agencies may enter into a contract providing for the joint utilization of architectural or engineering services if:

(i) The agency contracting with the architectural or engineering firm complies with the requirements for contracting for such services under chapter 39.80 RCW; and

(ii) The services to be provided to the other agency or agencies are related to, and within the general scope of, the services the architectural or engineering firm was selected to perform.

(b) Any agreement providing for the joint utilization of architectural or

engineering services under this subsection must be executed for a scope of work specifically detailed in the agreement and must be entered into prior to commencement of procurement of such services under chapter 39.80 RCW.

(7) Financing of joint projects by agreement shall be as provided by law.

Sec. 5217. RCW 39.34.055 and 2011 1st sp.s. c 43 s 246 are each amended to read as follows:

The department of enterprise services may enter into an agreement with a public benefit nonprofit corporation to allow the public benefit nonprofit corporation to participate in state contracts for purchases administered by the department. Such agreement must comply with the requirements of RCW 39.34.030 through 39.34.050. For the purposes of this section "public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in ((~~RCW 24.03.005~~)) section 1701 of this act that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or a political subdivision of another state.

Sec. 5218. RCW 41.04.382 and 1993 c 194 s 4 are each amended to read as follows:

In order to qualify for services under RCW 41.04.380, state employee child care organizations shall be organized as nonprofit under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act).

Sec. 5219. RCW 43.06.335 and 2004 c 245 s 1 are each amended to read as follows:

(1) The Washington quality award council shall be organized as a private, nonprofit corporation, in accordance with chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and this section.

(2) The council shall oversee the governor's Washington state quality award program. The purpose of the program is to improve the overall competitiveness of the state's economy by stimulating Washington state industries, business, and organizations to bring about measurable success through setting standards of organizational excellence, encouraging organizational self-assessment, identifying successful organizations as role models, and providing a valuable mechanism for promoting and strengthening a commitment to continuous quality improvement in all sectors of the state's economy. The governor shall annually present the award to organizations that improve the quality of their products and services and are noteworthy examples of high-performing work organizations, as determined by the council in consultation with the governor or appointed representative.

(3) The governor shall appoint a representative to serve on the board of directors of the council.

(4) The council shall establish a board of examiners, a recognition committee, and such other committees or subgroups as it deems appropriate to carry out its responsibilities.

(5) The council may conduct such public information, research, education, and assistance programs as it deems appropriate to further quality improvement in organizations operating in the state of Washington.

(6) The council shall:

(a) Approve and announce award recipients;

(b) Approve guidelines to examine applicant organizations;

(c) Approve appointment of board of examiners; and

(d) Arrange appropriate annual awards and recognition for recipients.

Sec. 5220. RCW 43.07.120 and 2019 c 132 s 3 are each amended to read as follows:

(1) The secretary of state must establish by rule and collect the fees in this subsection:

(a) For a copy of any law, resolution, record, or other document or paper on file in the secretary's office;

(b) For any certificate under seal;

(c) For filing and recording trademark;

(d) For each deed or patent of land issued by the governor;

(e) For recording miscellaneous records, papers, or other documents.

(2) The secretary of state may adopt rules under chapter 34.05 RCW establishing reasonable fees for the following services rendered under

chapter 23.95 RCW, Title 23B RCW, chapter 18.100, 19.09, 19.77, 23.86, 23.90, ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act), 24.06, 24.12, 24.20, 24.24, 24.28, 24.36, 25.04, 25.15, 25.10, 25.05, or 26.60 RCW:

(a) Any service rendered in-person at the secretary of state's office;

(b) Any expedited service;

(c) The electronic or facsimile transmittal of information from corporation records or copies of documents;

(d) The providing of information by micrographic or other reduced-format compilation;

(e) The handling of checks, drafts, or credit or debit cards upon adoption of rules authorizing their use for which sufficient funds are not on deposit; and

(f) Special search charges.

(3) To facilitate the collection of fees, the secretary of state may establish accounts for deposits by persons who may frequently be assessed such fees to pay the fees as they are assessed. The secretary of state may make whatever arrangements with those persons as may be necessary to carry out this section.

(4) The secretary of state may adopt rules for the use of credit or debit cards for payment of fees.

(5) No member of the legislature, state officer, justice of the supreme court, judge of the court of appeals, or judge of the superior court may be charged for any search relative to matters pertaining to the duties of his or her office; nor may such official be charged for a certified copy of any law or resolution passed by the legislature relative to his or her official duties, if such law has not been published as a state law.

Sec. 5221. RCW 43.07.190 and 2016 c 202 s 62 are each amended to read as follows:

Where the secretary of state determines that a summary face sheet or cover sheet would expedite review of any documents made under Title 23B RCW, or chapter 18.100, 23.86, 23.90, ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act), 24.06, 24.12, 24.20, 24.24, 24.36, 25.10, or 25.15 RCW, the secretary of state may require the use of a summary face sheet or cover sheet that accurately reflects the contents of the attached document. The secretary of state may, by rule adopted under chapter 34.05 RCW, specify the required contents of any summary face sheet and the type of document or documents in which the summary face sheet will be required, in addition to any other filing requirements which may be applicable.

Sec. 5222. RCW 43.15.030 and 2020 c 114 s 18 are each amended to read as follows:

(1) The Washington state leadership board is organized as a private, nonprofit, nonpartisan corporation in accordance with chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and this section.

(2) The purpose of the Washington state leadership board is to:

(a) Provide the state a means of extending formal recognition for an individual's outstanding services to the state;

(b) Bring together those individuals to serve the state as ambassadors of trade, tourism, and international goodwill; and

(c) Expand educational, sports, leadership, and/or employment opportunities for youth, veterans, and people with disabilities in Washington state.

(3) The Washington state leadership board may conduct activities in support of their mission.

(4) The Washington state leadership board is governed by a board of directors. The board of directors is composed of the governor, the lieutenant governor, and the secretary of state, who serve as ex officio, nonvoting members, and other officers and members as the Washington state leadership board designates. In addition, four legislators may be appointed to the board of directors as ex officio members in the following manner: One legislator from each of the two largest caucuses of the senate, appointed by the president of the senate, and one legislator from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(5) The board of directors shall adopt bylaws and establish governance and transparency policies.

(6) The lieutenant governor's office may provide technical and financial assistance for the Washington state leadership board, where the work of the board aligns with the mission of the office. Assistance from the lieutenant governor's office may include, but is not limited to:

(a) Collaboration with the Washington state leadership board on the Washington world fellows program, a college readiness and study abroad fellowship administered by the office of the lieutenant governor;

(b) Beginning January 1, 2019, collaboration with the Washington state leadership board to administer the sports mentoring program as established under RCW 43.15.100, a mentoring program to encourage underserved youth to join sports or otherwise participate in the area of sports. If approved by the board, boundless Washington, an outdoor leadership program for young people with disabilities, shall satisfy the terms of the sports mentoring program; and

(c) The compilation of a yearly financial report, which shall be made available to the legislature no later than January 15th of each year, detailing all revenues and expenditures associated with the Washington world fellows program and the sports mentoring program. Any expenditures made by the Washington state leadership board in support of the Washington world fellows program and the sports mentoring program shall be made available to the office of the lieutenant governor for the purpose of inclusion in the annual financial report.

(7) The legislature may make appropriations in support of the Washington state leadership board subject to the availability of funds.

(8) The office of the lieutenant governor must post on its web site detailed information on all funds received by the Washington state leadership board and all expenditures by the Washington state leadership board.

Sec. 5223. RCW 43.105.020 and 2017 c 92 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means the consolidated technology services agency.

(2) "Board" means the technology services board.

(3) "Customer agencies" means all entities that purchase or use information technology resources, telecommunications, or services from the consolidated technology services agency.

(4) "Director" means the state chief information officer, who is the director of the consolidated technology services agency.

(5) "Enterprise architecture" means an ongoing activity for translating business vision and strategy into effective enterprise change. It is a continuous activity. Enterprise architecture creates, communicates, and improves the key principles and models that describe the enterprise's future state and enable its evolution.

(6) "Equipment" means the machines, devices, and transmission facilities used in information processing, including but not limited to computers, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment.

(7) "Information" includes, but is not limited to, data, text, voice, and video.

(8) "Information security" means the protection of communication and information resources from unauthorized access, use, disclosure, disruption, modification, or destruction in order to:

(a) Prevent improper information modification or destruction;

(b) Preserve authorized restrictions on information access and disclosure;

(c) Ensure timely and reliable access to and use of information; and

(d) Maintain the confidentiality, integrity, and availability of information.

(9) "Information technology" includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data,

computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, radio technologies, and all related interactions between people and machines.

(10) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments.

(11) "K-20 network" means the network established in RCW 43.41.391.

(12) "Local governments" includes all municipal and quasi-municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

(13) "Office" means the office of the state chief information officer within the consolidated technology services agency.

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications.

(15) "Proprietary software" means that software offered for sale or license.

(16) "Public agency" means any agency of this state or another state; any political subdivision or unit of local government of this state or another state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any public benefit nonprofit corporation; any agency of the United States; and any Indian tribe recognized as such by the federal government.

(17) "Public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in ((~~RCW 24.03.005~~)) section 1701 of this act that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or political subdivision of another state.

(18) "Public record" has the definitions in RCW 42.56.010 and chapter 40.14 RCW and includes legislative records and court records that are available for public inspection.

(19) "Public safety" refers to any entity or services that ensure the welfare and protection of the public.

(20) "Security incident" means an accidental or deliberative event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of communication and information resources.

(21) "State agency" means every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official.

(22) "Telecommunications" includes, but is not limited to, wireless or wired systems for transport of voice, video, and data communications, network systems, requisite facilities, equipment, system controls, simulation, electronic commerce, and all related interactions between people and machines.

(23) "Utility-based infrastructure services" includes personal computer and portable device support, servers and server administration, security administration, network administration, telephony, email, and other information technology services commonly used by state agencies.

Sec. 5224. RCW 43.210.020 and 1998 c 109 s 1 are each amended to read as follows:

A nonprofit corporation, to be known as the small business export finance assistance center, and branches subject to its authority, may be formed under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) for the following public purposes:

(1) To assist small and medium-sized businesses in both urban and rural areas in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information and assistance to these businesses about export opportunities and financing alternatives.

Sec. 5225. RCW 43.210.040 and 2010 c 166 s 1 are each amended to read as follows:

(1) The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 has the powers granted under chapter ((~~24.03 RCW~~)) 24.-

- RCW (the new chapter created in section 6101 of this act). In exercising such powers, the center may:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other sources to carry out its purposes;

(b) Make loans or provide loan guarantees on loans made by financial institutions to Washington businesses with annual sales of two hundred million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries and for the purpose of financing business growth to accommodate increased export sales. Loans or loan guarantees made under the authority of this section may only be considered upon a financial institution's assurance that such loan or loan guarantee is otherwise not available;

(c) Provide assistance to businesses with annual sales of two hundred million dollars or less in obtaining loans and guarantees of loans made by financial institutions for the purpose of financing export of goods or services from the state of Washington;

(d) Provide export finance and risk mitigation counseling to Washington exporters with annual sales of two hundred million dollars or less, provided that such counseling is not practicably available from a Washington for-profit business. For such counseling, the center may charge reasonable fees as it determines are necessary;

(e) Provide assistance in obtaining export credit insurance or alternate forms of foreign risk mitigation to facilitate the export of goods and services from the state of Washington;

(f) Be available as a teaching resource to both public and private sponsors of workshops and programs relating to the financing and risk mitigation aspects of exporting products and services from the state of Washington;

(g) Develop a comprehensive inventory of export-financing resources, both public and private, including information on resource applicability to specific countries and payment terms;

(h) Contract with the federal government and its agencies to become a program administrator for federally provided loan guarantee and export credit insurance programs; and

(i) Take whatever action may be necessary to accomplish the purposes set forth in this chapter.

(2) The center may not use any Washington state funds or funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(3) The small business export finance assistance center shall make every effort to seek nonstate funds for its continued operation.

(4) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the small business export finance assistance center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 5226. RCW 43.330.135 and 2009 c 565 s 8 are each amended to read as follows:

(1) The department of commerce shall distribute such funds as are appropriated for the statewide technical support, development, and enhancement of court-appointed special advocate programs.

(2) In order to receive money under subsection (1) of this section, an organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must meet all of the following requirements:

(a) The organization must provide statewide support, development, and enhancement of court-appointed special advocate programs that offer guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and 13.34.100;

(b) All guardians ad litem working under court-appointed special advocate

programs supported, developed, or enhanced by the organization must be volunteers and may not receive payment for services rendered pursuant to the program. The organization may include paid positions that are exclusively administrative in nature, in keeping with the scope and purpose of this section; and

(c) The organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must be a public benefit nonprofit corporation as defined in ((~~RCW 24.03.490~~)) section 1701 of this act.

(3) If more than one organization is eligible to receive money under this section, the department shall develop criteria for allocation of appropriated money among the eligible organizations.

Sec. 5227. RCW 46.19.020 and 2017 c 151 s 1 are each amended to read as follows:

(1) The following organizations may apply for special parking privileges:

(a) Public transportation authorities;

(b) Nursing homes licensed under chapter 18.51 RCW;

(c) Assisted living facilities licensed under chapter 18.20 RCW;

(d) Senior citizen centers;

(e) Accessible van rental companies registered with the department;

(f) Private nonprofit corporations((~~, as defined in RCW 24.03.005~~)) organized under chapter 24.-- RCW (the new chapter created in section 6101 of this act);

(g) Cabulance companies that regularly transport persons with disabilities who have been determined eligible for special parking privileges under this section and who are registered with the department under chapter 46.72 RCW; and

(h) Companies that dispatch taxicab vehicles under chapter 81.72 RCW or vehicles for hire under chapter 46.72 RCW, for such vehicles that are equipped with wheelchair accessible lifts or ramps for the transport of persons with disabilities and that are regularly dispatched and used in the transport of such persons. However, qualifying vehicles under this subsection (1)(h) may utilize special parking privileges only while in service. For the purposes of this subsection (1)(h), "in service" means while in the process of picking up, transporting, or discharging a passenger.

(2) An organization that qualifies for special parking privileges may receive, upon application, special license plates or parking placards, or both, for persons with disabilities as defined by the department.

(3) An organization that qualifies for special parking privileges under subsection (1) of this section and receives parking placards or special license plates under subsection (2) of this section is responsible for ensuring that the parking placards and special license plates are not used improperly and is responsible for all fines and penalties for improper use.

(4) The department shall adopt rules to determine organization eligibility.

Sec. 5228. RCW 48.30.135 and 2015 c 272 s 4 are each amended to read as follows:

(1) An insurance producer may sponsor events for, or make contributions to a bona fide charitable or nonprofit organization, if the sponsorship or contribution is not conditioned upon the organization applying for or obtaining insurance through the insurance producer.

(2) For purposes of this section, a bona fide charitable or nonprofit organization is:

(a) Any nonprofit corporation duly existing under the provisions of chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, cultural, athletic, scientific, agricultural, or horticultural purposes;

(b) Any professional, commercial, industrial, or trade association;

(c) Any organization duly existing under the provisions of chapter 24.12, 24.20, or 24.28 RCW;

(d) Any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW; or

(e) Any nonprofit organization, whether incorporated or otherwise, when determined by the commissioner to be organized and operated for one or more of

the purposes described in (a) through (d) of this subsection.

(3) RCW 48.30.140 and 48.30.150 do not apply to sponsorships or charitable contributions that are provided or given in compliance with subsection (1) of this section.

Sec. 5229. RCW 48.62.021 and 2015 c 109 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Health and welfare benefits" means a plan or program established by a local government entity or entities for the purpose of providing its employees and their dependents, and in the case of school districts, its district employees, students, directors, or any of their dependents, with health care, accident, disability, death, and salary protection benefits.

(2) "Local government entity" or "entity" means every unit of local government, both general purpose and special purpose, and includes, but is not limited to, counties, cities, towns, port districts, public utility districts, water-sewer districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other political subdivisions, governmental subdivisions, municipal corporations, quasi-municipal corporations, nonprofit corporations comprised of only units of local government, or a group comprised of local governments joined by an interlocal agreement authorized by chapter 39.34 RCW.

(3) "Nonprofit corporation" or "corporation" has the same meaning as defined in ((~~RCW 24.03.005(3)~~)) section 1102 of this act or a similar statute with similar intent within the entity's state of domicile.

(4) "Property and liability risks" includes the risk of property damage or loss sustained by a local government entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the local government entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the local government entity.

(5) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(6) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(7) "State risk manager" means the risk manager of the office of risk management within the department of enterprise services.

Sec. 5230. RCW 48.180.010 and 2015 c 109 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Nonprofit corporation" or "corporation" has the same meaning as defined in ((~~RCW 24.03.005~~)) section 1102 of this act.

(2) "Property and liability risks" includes the risk of property damage or loss sustained by a nonprofit corporation and the risk of claims arising from the tortious or negligent conduct or any error or omission of the entity, its officers, employees, agents, or volunteers as a result of a claim that may be made against the entity.

(3) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(4) "State risk manager" means the risk manager of the office of risk management within the department of enterprise services.

Sec. 5231. RCW 64.34.300 and 1992 c 220 s 14 are each amended to read as follows:

A unit owners' association shall be organized no later than the date the first unit in the condominium is conveyed. The membership of the association at all times shall consist exclusively of all the unit owners. Following termination of the condominium, the membership of the association shall consist of all of the unit owners at the time of termination

entitled to distributions of proceeds under RCW 64.34.268 or their heirs, successors, or assigns. The association shall be organized as a profit or nonprofit corporation. In case of any conflict between Title 23B RCW, the business corporation act, chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act), the nonprofit corporation act, or chapter 24.06 RCW, the nonprofit miscellaneous and mutual corporations act, and this chapter, this chapter shall control.

Sec. 5232. RCW 64.38.025 and 2019 c 238 s 222 are each amended to read as follows:

(1) Except as provided in the association's governing documents or this chapter, the board of directors shall act in all instances on behalf of the association. In the performance of their duties, the officers and members of the board of directors shall exercise the degree of care and loyalty required of an officer or director of a corporation organized under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act).

(2) The board of directors shall not act on behalf of the association to amend the articles of incorporation, to take any action that requires the vote or approval of the owners, to terminate the association, to elect members of the board of directors, or to determine the qualifications, powers, and duties, or terms of office of members of the board of directors; but the board of directors may fill vacancies in its membership of the unexpired portion of any term.

(3) Except as provided in RCW 64.90.080, 64.90.405(1) (b) and (c), and 64.90.525, within thirty days after adoption by the board of directors of any proposed regular or special budget of the association, the board shall set a date for a meeting of the owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the owners of a majority of the votes in the association are allocated or any larger percentage specified in the governing documents reject the budget, in person or by proxy, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the owners shall be continued until such time as the owners ratify a subsequent budget proposed by the board of directors.

(4) As part of the summary of the budget provided to all owners, the board of directors shall disclose to the owners:

(a) The current amount of regular assessments budgeted for contribution to the reserve account, the recommended contribution rate from the reserve study, and the funding plan upon which the recommended contribution rate is based;

(b) If additional regular or special assessments are scheduled to be imposed, the date the assessments are due, the amount of the assessments per each owner per month or year, and the purpose of the assessments;

(c) Based upon the most recent reserve study and other information, whether currently projected reserve account balances will be sufficient at the end of each year to meet the association's obligation for major maintenance, repair, or replacement of reserve components during the next thirty years;

(d) If reserve account balances are not projected to be sufficient, what additional assessments may be necessary to ensure that sufficient reserve account funds will be available each year during the next thirty years, the approximate dates assessments may be due, and the amount of the assessments per owner per month or year;

(e) The estimated amount recommended in the reserve account at the end of the current fiscal year based on the most recent reserve study, the projected reserve account cash balance at the end of the current fiscal year, and the percent funded at the date of the latest reserve study;

(f) The estimated amount recommended in the reserve account based upon the most recent reserve study at the end of each of the next five budget years, the projected reserve account cash balance in each of those years, and the projected percent funded for each of those years; and

(g) If the funding plan approved by the association is implemented, the projected reserve account cash balance in each of the next five budget years and the percent funded for each of those years.

(5) The owners by a majority vote of the voting power in the association present, in person or by proxy, and entitled to vote at any meeting of the owners at which a quorum is present, may remove any member of the board of directors with or without cause.

Sec. 5233. RCW 64.90.400 and 2018 c 277 s 301 are each amended to read as follows:

(1) A unit owners association must be organized no later than the date the first unit in the common interest community is conveyed to a purchaser.

(2) The membership of the association at all times consists exclusively of all unit owners or, following termination of the common interest community, of all former unit owners entitled to distributions of proceeds under RCW 64.90.290 or their heirs, successors, or assigns.

(3) The association must have a board and be organized as a for-profit or nonprofit corporation or limited liability company.

(4) In case of any conflict between Title 23B RCW or chapter 23.86, ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act), 24.06, or 25.15 RCW and this chapter, this chapter controls.

Sec. 5234. RCW 66.24.495 and 1997 c 321 s 33 are each amended to read as follows:

(1) There shall be a license to be designated as a nonprofit arts organization license. This shall be a special license to be issued to any nonprofit arts organization which sponsors and presents productions or performances of an artistic or cultural nature in a specific theater or other appropriate designated indoor premises approved by the board. The license shall permit the licensee to sell liquor to patrons of productions or performances for consumption on the premises at these events. The fee for the license shall be two hundred fifty dollars per annum.

(2) For the purposes of this section, the term "nonprofit arts organization" means an organization which is organized and operated for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (3) of this section, for viewing or attendance by the general public. The organization must be a not-for-profit corporation under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, the corporation must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the license is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The proceeds derived from sales of liquor, except for reasonable operating costs, must be used in furtherance of the purposes of the organization;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The liquor ((~~control~~)) and cannabis board shall have access to its books in order to determine whether the corporation is entitled to a license.

(3) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

Sec. 5235. RCW 66.24.680 and 2014 c 78 s 1 are each amended to read as follows:

(1) There shall be a license to be designated as a senior center license. This shall be a license issued to a nonprofit organization whose primary service is providing recreational and social activities for seniors on the licensed premises. This license shall permit the licensee to sell spirits by the individual glass, including mixed drinks and cocktails mixed on the premises only, beer and wine, at retail for consumption on the premises.

(2) To qualify for this license, the applicant entity must:

(a) Be a nonprofit organization under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act);

(b) Be open at times and durations established by the board; and

(c) Provide limited food service as defined by the board.

(3) All alcohol servers must have a valid mandatory alcohol server training permit.

(4) The board shall adopt rules to implement this section.

(5) The annual fee for this license shall be seven hundred twenty dollars.

Sec. 5236. RCW 68.20.020 and 1983 c 3 s 167 are each amended to read as follows:

Any private corporation authorized by its articles so to do, may establish, maintain, manage, improve, or operate a cemetery, and conduct any or all of the businesses of a cemetery, either for or without profit to its members or stockholders. A nonprofit cemetery corporation may be organized in the manner provided in chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act). A profit corporation may be organized in the manner provided in the general corporation laws of the state of Washington.

Sec. 5237. RCW 70.45.070 and 1997 c 332 s 7 are each amended to read as follows:

The department shall only approve an application if the parties to the acquisition have taken the proper steps to safeguard the value of charitable assets and ensure that any proceeds from the acquisition are used for appropriate charitable health purposes. To this end, the department may not approve an application unless, at a minimum, it determines that:

(1) The acquisition is permitted under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act), the Washington nonprofit corporation act, and other laws governing nonprofit entities, trusts, or charities;

(2) The nonprofit corporation that owns the hospital being acquired has exercised due diligence in authorizing the acquisition, selecting the acquiring person, and negotiating the terms and conditions of the acquisition;

(3) The procedures used by the nonprofit corporation's board of trustees and officers in making its decision fulfilled their fiduciary duties, that the board and officers were sufficiently informed about the proposed acquisition and possible alternatives, and that they used appropriate expert assistance;

(4) No conflict of interest exists related to the acquisition, including, but not limited to, conflicts of interest related to board members of, executives of, and experts retained by the nonprofit corporation, acquiring person, or other parties to the acquisition;

(5) The nonprofit corporation will receive fair market value for its assets. The attorney general or the department may employ, at the expense of the acquiring person, reasonably necessary expert assistance in making this determination. This expense must be in addition to the fees charged under RCW 70.45.030;

(6) Charitable funds will not be placed at unreasonable risk, if the acquisition is financed in part by the nonprofit corporation;

(7) Any management contract under the acquisition will be for fair market value;

(8) The proceeds from the acquisition will be controlled as charitable funds independently of the acquiring person or parties to the acquisition, and will be used for charitable health purposes consistent with the nonprofit corporation's original purpose, including providing health care to the disadvantaged, the uninsured, and the underinsured and providing benefits to promote improved health in the affected community;

(9) Any charitable entity established to hold the proceeds of the acquisition will be broadly based in and representative of the community where the hospital to be acquired is located, taking into consideration the structure and governance of such entity; and

(10) A right of first refusal to repurchase the assets by a successor nonprofit corporation or foundation has been retained if the hospital is subsequently sold to, acquired by, or merged with another entity.

Sec. 5238. RCW 70.290.030 and 2013 c 144 s 48 are each amended to read as follows:

(1) The association is comprised of all health carriers issuing or renewing health benefit plans in Washington state and all third-party administrators conducting business on behalf of residents of Washington state or Washington health care providers and facilities. Third-party administrators are subject to registration under RCW 70.290.075.

(2) The association is a nonprofit corporation under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and has the powers granted under that chapter.

(3) The board of directors includes the following voting members:

(a) Four members, selected from health carriers or third-party administrators, excluding health maintenance organizations, that have the most fully insured and self-funded covered lives in Washington state. The count of total covered lives includes enrollment in all companies included in their holding company system. Each health carrier or third-party administrator is entitled to no more than a single position on the board to represent all entities under common ownership or control.

(b) One member selected from the health maintenance organization having the most fully insured and self-insured covered lives in Washington state. The count of total lives includes enrollment in all companies included in its holding company system. Each health maintenance organization is entitled to no more than a single position on the board to represent all entities under common ownership or control.

(c) One member, representing health carriers not otherwise represented on the board under (a) or (b) of this subsection, who is elected from among the health carrier members not designated under (a) or (b) of this subsection.

(d) One member, representing Taft Hartley plans, appointed by the secretary from a list of nominees submitted by the Northwest administrators association.

(e) One member representing Washington state employers offering self-funded health coverage, appointed by the secretary from a list of nominees submitted by the Puget Sound health alliance.

(f) Two physician members appointed by the secretary, including at least one board certified pediatrician.

(g) The secretary, or a designee of the secretary with expertise in childhood immunization purchasing and distribution.

(4) The directors' terms and appointments must be specified in the plan of operation adopted by the association.

(5) The board of directors of the association must:

(a) Prepare and adopt articles of association and bylaws;

(b) Prepare and adopt a plan of operation. The plan of operation must include a dispute mechanism through which a carrier or third-party administrator can challenge an assessment determination by the board under RCW 70.290.040. The board must include a means to bring unresolved disputes to an impartial decision maker as a component of the dispute mechanism;

(c) Submit the plan of operation to the secretary for approval;

(d) Conduct all activities in accordance with the approved plan of operation;

(e) Enter into contracts as necessary or proper to collect and disburse the assessment;

(f) Enter into contracts as necessary or proper to administer the plan of operation;

(g) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessment for, on behalf of, or against members of the association or other participating person;

(h) Appoint, from among its directors, committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent consultants as necessary;

(i) Obtain such liability and other insurance coverage for the benefit of the association, its directors, officers, employees, and agents as may in the judgment of the board of directors be helpful or necessary for the operation of the association;

(j) On an annual basis, beginning no later than November 1, 2010, and by November 1st of each year thereafter, establish the estimated amount of the assessment;

(k) Notify, in writing, each health carrier and third-party administrator of the health carrier's or third-party administrator's estimated total assessment by November 15th of each year;

(l) Submit a periodic report to the secretary listing those health carriers or third-party administrators that failed to remit their assessments and audit health carrier and third-party administrator books and records for accuracy of assessment payment submission;

(m) Allow each health carrier or third-party administrator no more than ninety days after the notification required by (k) of this subsection to remit any amounts in arrears or submit a payment plan, subject to approval by the association and initial payment under an approved payment plan;

(n) Deposit annual assessments collected by the association, less the association's administrative costs, with the state treasurer to the credit of the universal vaccine purchase account established in RCW 43.70.720;

(o) Borrow and repay such working capital, reserve, or other funds as, in the judgment of the board of directors, may be helpful or necessary for the operation of the association; and

(p) Perform any other functions as may be necessary or proper to carry out the plan of operation and to affect any or all of the purposes for which the association is organized.

(6) The secretary must convene the initial meeting of the association board of directors.

Sec. 5239. RCW 74.15.020 and 2020 c 331 s 10 and 2020 c 265 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency

and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high-quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o)(i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state

((~~as provided in RCW 24.03.550~~)) under section 5104 of this act.

(ii) For purposes of this section, a "host home" is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

(iii) For purposes of this section, a "host home program" is a program that provides support to individual host homes and meets the requirements of (o)(i) of this subsection.

(iv) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 5240. RCW 79A.30.030 and 2013 c 31 s 2 are each amended to read as follows:

(1) A nonprofit corporation may be formed under the nonprofit corporation provisions of chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) to carry out the purposes of this chapter. Except as provided in RCW 79A.30.040, the corporation shall have all the powers and be subject to the same restrictions as are permitted or prescribed to nonprofit corporations and shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The nonprofit corporation shall be known as

the Washington state horse park authority. The articles of incorporation shall provide that it is the responsibility of the authority to develop, promote, operate, manage, and maintain the Washington state horse park. The articles of incorporation shall provide for appointment of directors and other conduct of business consistent with the requirements of this chapter.

(2)(a) The articles of incorporation shall provide for an eleven-member board of directors for the authority, all appointed by the commission. Board members shall serve three-year terms, except that two of the original appointees shall serve one-year terms, and two of the original appointees shall serve two-year terms. Of the board members appointed pursuant to chapter 31, Laws of 2013, one shall serve an initial one-year term, one shall serve an initial two-year term, and two shall serve an initial term of three years. A board member may serve consecutive terms.

(b) The articles of incorporation shall provide that the commission appoint board members as follows:

(i) One board member shall represent the interests of the commission;

(ii) One board member shall represent the interests of the county in which the park is located. In making this appointment, the commission shall solicit recommendations from the county legislative authority; and

(iii) Nine board members shall represent the geographic and sports discipline diversity of equestrian interests in the state, and at least three of these members shall have business experience relevant to the organization of horse shows or operation of a horse show facility. In making these appointments, the commission shall solicit recommendations from a variety of active horse-related organizations in the state.

(3) The articles of incorporation shall include a policy that provides for the preferential use of a specific area of the horse park facilities at nominal cost for horse groups associated with youth groups and individuals with disabilities.

(4) The commission shall make appointments to fill board vacancies for positions authorized under subsection (2) of this section, upon additional solicitation of recommendations from the board of directors.

(5) The board of directors shall perform their duties in the best interests of the authority, consistent with the standards applicable to directors of nonprofit corporations under ((~~RCW 24.03.127~~)) section 2402 of this act.

Sec. 5241. RCW 79A.30.040 and 1995 c 200 s 5 are each amended to read as follows:

To meet its responsibility for developing, promoting, operating, managing, and maintaining the state horse park, the authority is empowered to do the following:

(1) Exercise the general powers authorized for any nonprofit corporation as specified in ((~~RCW 24.03.035~~)) section 1403 of this act. All debts of the authority shall be in the name of the authority and shall not be debts of the state of Washington for which the state or any state agency shall have any obligation to pay; and the authority may not issue bonds. Neither the full faith and credit of the state nor the state's taxing power is pledged for any indebtedness of the authority;

(2) Employ and discharge at its discretion employees, agents, advisors, and other personnel;

(3) Apply for or solicit, accept, administer, and dispose of grants, gifts, and bequests of money, services, securities, real estate, or other property. However, if the authority accepts a donation designated for a specific purpose, the authority shall use the donation for the designated purpose;

(4) Establish, revise, collect, manage, and expend such fees and charges at the state horse park as the authority deems necessary to accomplish its responsibilities;

(5) Make such expenditures as are appropriate for paying the administrative costs and expenses of the authority and the state horse park;

(6) Authorize use of the state horse park facilities by the general public and by and for compatible nonequestrian events as the authority deems reasonable, so long as the primacy of the center for horse-related purposes is not compromised;

(7) Insure its obligations and potential liability;

(8) Enter into cooperative agreements with and provide for private nonprofit groups to use the state horse park facilities and property to raise money to contribute gifts, grants, and support to the authority for the purposes of this chapter;

(9) Grant concessions or leases at the state horse park upon such terms and conditions as the authority deems appropriate, but in no event shall the term of a concession or lease exceed twenty-five years. Concessions and leases shall be consistent with the purposes of this chapter and may be renegotiated at least every five years; and

(10) Generally undertake any and all lawful acts necessary or appropriate to carry out the purposes for which the authority and the state horse park are created.

Sec. 5242. RCW 79A.35.130 and 2011 c 56 s 1 are each amended to read as follows:

Participants in conservation corps programs offered by a nonprofit organization affiliated with a national service organization established under the authority of the national and community service trust act of 1993, P.L. 103-82, are exempt from provisions related to rates of compensation while performing environmental and trail maintenance work provided:

(1) The nonprofit organization must be registered as a nonprofit corporation pursuant to chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act);

(2) The nonprofit organization's management and administrative headquarters must be located in Washington;

(3) Participants in the program spend at least fifteen percent of their time in the program on education and training activities; and

(4) Participants in the program receive a stipend or living allowance as authorized by federal or state law.

Participants are exempt from provisions related to rates of compensation only for environmental and trail maintenance work conducted pursuant to the conservation corps program.

Sec. 5243. RCW 79A.70.030 and 2014 c 86 s 8 are each amended to read as follows:

(1) By September 1, 2000, the commission shall file articles of incorporation in accordance with the Washington nonprofit corporation act, chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act), to establish the Washington state parks foundation. The foundation shall not be an agency, instrumentality, or political subdivision of the state and shall not disburse public funds.

(2) The foundation shall have a board of directors consisting of up to fifteen members, whose terms, method of appointment, and authority must be in accordance with the Washington nonprofit corporation act, chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act).

Sec. 5244. RCW 82.04.4251 and 2006 c 310 s 1 are each amended to read as follows:

This chapter does not apply to amounts received by a nonprofit corporation organized under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) as payments or contributions from the state or any county, city, town, municipal corporation, quasi-municipal corporation, federally recognized Indian tribe, port district, or public corporation for the promotion of conventions and tourism.

Sec. 5245. RCW 82.04.4264 and 2012 c 10 s 71 are each amended to read as follows:

(1) This chapter does not apply to amounts received by a nonprofit assisted living facility licensed under chapter 18.20 RCW for providing room and domiciliary care to residents of the assisted living facility.

(2) As used in this section:

(a) "Domiciliary care" has the meaning provided in RCW 18.20.020.

(b) "Nonprofit assisted living facility" means an assisted living facility that is operated as a religious or charitable organization, is exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3), is incorporated under

chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act), is operated as part of a nonprofit hospital, or is operated as part of a public hospital district.

Sec. 5246. RCW 82.04.431 and 2011 1st sp.s. c 19 s 3 are each amended to read as follows:

(1) The term "health or social welfare organization" means an organization, including any community action council, which renders health or social welfare services as defined in subsection (2) of this section, which is a domestic or foreign ((~~not-for-profit~~)) nonprofit corporation under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and which is managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or which is a corporation sole under chapter 24.12 RCW. Health or social welfare organization does not include a corporation providing professional services as authorized in chapter 18.100 RCW. In addition a corporation in order to be exempt under RCW 82.04.4297 must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public service of the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(e) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue must have access to its books in order to determine whether the corporation is exempt from taxes within the intent of RCW 82.04.4297 and this section.

(2) The term "health or social welfare services" includes and is limited to:

(a) Mental health, drug, or alcoholism counseling or treatment;

(b) Family counseling;

(c) Health care services;

(d) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically, developmentally, or emotionally-disabled individuals;

(e) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(f) Care of orphans or foster children;

(g) Day care of children;

(h) Employment development, training, and placement;

(i) Legal services to the indigent;

(j) Weatherization assistance or minor home repair for low-income homeowners or renters;

(k) Assistance to low-income homeowners and renters to offset the cost of home heating energy, through direct benefits to eligible households or to fuel vendors on behalf of eligible households;

(l) Community services to low-income individuals, families, and groups, which are designed to have a measurable and potentially major impact on causes of poverty in communities of the state; and

(m) Temporary medical housing, as defined in RCW 82.08.997, if the housing is provided only:

(i) While the patient is receiving medical treatment at a hospital required to be licensed under RCW 70.41.090 or at an outpatient clinic associated with such hospital, including any period of recuperation or observation immediately following such medical treatment; and

(ii) By a person that does not furnish lodging or related services to the general public.

Sec. 5247. RCW 82.04.4328 and 2020 c 139 s 9 are each amended to read as follows:

(1) For the purposes of RCW 82.04.4327, 82.08.031, and 82.12.031, the term "artistic or cultural organization" means an organization that is organized and operated exclusively for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (2) of this section, for viewing or attendance by the general public. The organization must be a ((~~not-for-profit~~)) nonprofit corporation under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, to qualify for deduction or exemption from taxation under RCW 82.04.4327, 82.08.031, and 82.12.031, the corporation must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The amounts received that qualify for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue must have access to its books in order to determine whether the corporation is exempt from taxes.

(2) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

Sec. 5248. RCW 82.08.0203 and 2008 c 260 s 1 are each amended to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales of trail grooming services to the state of Washington or nonprofit corporations organized under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act). For the purposes of this section, "trail grooming" means the activity of snow compacting, snow redistribution, or snow removal on state-owned or privately owned trails.

Sec. 5249. RCW 82.08.0293 and 2019 c 8 s 401 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include:

(a) "Alcoholic beverages," which means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;

(b) "Tobacco," which means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco; and

(c) Marijuana, useable marijuana, or marijuana-infused products.

(2) The exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, bottled water, or dietary supplements. The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Bottled water" means water that is placed in a safety sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: (i) Antimicrobial agents; (ii) fluoride; (iii) carbonation; (iv) vitamins, minerals, and electrolytes; (v) oxygen; (vi) preservatives; and (vii) only those flavors, extracts, or essences derived from a spice or fruit. "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(b) "Dietary supplement" means any product, other than tobacco, intended to supplement the diet that:

(i) Contains one or more of the following dietary ingredients:

(A) A vitamin;

(B) A mineral;

(C) An herb or other botanical;

(D) An amino acid;

(E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or

(F) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subsection;

(ii) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(iii) Is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label as required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered as of January 1, 2003.

(c)(i) "Prepared food" means:

(A) Food sold in a heated state or heated by the seller;

(B) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; or

(C) Two or more food ingredients mixed or combined by the seller for sale as a single item, except:

(I) Food that is only cut, repackaged, or pasteurized by the seller; or

(II) Raw eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal food and drug administration in chapter 3, part 401.11 of The Food Code, published by the food and drug administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness.

(ii) Food is "sold with eating utensils provided by the seller" if:

(A) The seller's customary practice for that item is to physically deliver or hand a utensil to the customer with the food or food ingredient as part of the sales transaction. If the food or food ingredient is prepackaged with a utensil, the seller is considered to have physically delivered a utensil to the customer unless the food and utensil are prepackaged together by a food manufacturer classified under sector 311 of the North American industry classification system (NAICS);

(B) A plate, glass, cup, or bowl is necessary to receive the food or food ingredient, and the seller makes those utensils available to its customers; or

(C)(I) The seller makes utensils available to its customers, and the seller has more than seventy-five percent prepared food sales. For purposes of this subsection (2)(c)(ii)(C), a seller has more than seventy-five percent prepared food sales if the seller's gross retail sales of prepared food under (c)(i)(A), (c)(i)(C), and (c)(ii)(B) of this subsection equal more than seventy-five percent of the seller's gross retail sales of all food and food ingredients, including prepared food, soft drinks, and dietary supplements.

(II) However, even if a seller has more than seventy-five percent prepared food sales, four servings or more of food or

food ingredients packaged for sale as a single item and sold for a single price are not "sold with utensils provided by the seller" unless the seller's customary practice for the package is to physically hand or otherwise deliver a utensil to the customer as part of the sales transaction. Whenever available, the number of servings included in a package of food or food ingredients must be determined based on the manufacturer's product label. If no label is available, the seller must reasonably determine the number of servings.

(III) The seller must determine a single prepared food sales percentage annually for all the seller's establishments in the state based on the prior year of sales. The seller may elect to determine its prepared food sales percentage based either on the prior calendar year or on the prior fiscal year. A seller may not change its elected method for determining its prepared food percentage without the written consent of the department. The seller must determine its annual prepared food sales percentage as soon as possible after accounting records are available, but in no event later than ninety days after the beginning of the seller's calendar or fiscal year. A seller may make a good faith estimate of its first annual prepared food sales percentage if the seller's records for the prior year are not sufficient to allow the seller to calculate the prepared food sales percentage. The seller must adjust its good faith estimate prospectively if its relative sales of prepared foods in the first ninety days of operation materially depart from the seller's estimate.

(iii) "Prepared food" does not include the following items, if sold without eating utensils provided by the seller:

(A) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries), as provided in the "North American industry classification system—United States, 2002";

(B) Food sold in an unheated state by weight or volume as a single item; or

(C) Bakery items. The term "bakery items" includes bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, or tortillas.

(d) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain: Milk or milk products; soy, rice, or similar milk substitutes; or greater than fifty percent of vegetable or fruit juice by volume.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section applies to food and food ingredients that are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) That are provided to senior citizens, individuals with disabilities, or low-income persons by a ((~~not-for-profit~~)) nonprofit organization organized under chapter ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act) or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" means a facility:

(i) That meets the definition of a qualified low-income housing project under 26 U.S.C. Sec. 42 of the federal internal revenue code, as existing on August 1, 2009;

(ii) That has been partially funded under 42 U.S.C. Sec. 1485; and

(iii) For which the lessor or operator has at any time been entitled to claim a federal income tax credit under 26 U.S.C. Sec. 42 of the federal internal revenue code.

(4)(a) Subsection (1) of this section notwithstanding, the retail sale of food and food ingredients is subject to sales tax under RCW 82.08.020 if the food and food ingredients are sold through a vending machine. Except as provided in

(b) of this subsection, the selling price of food and food ingredients sold through a vending machine for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

(b) For soft drinks, bottled water, and hot prepared food and food ingredients, other than food and food ingredients which are heated after they have been dispensed from the vending machine, the selling price is the total gross receipts of such sales divided by the sum of one plus the sales tax rate expressed as a decimal.

(c) For tax collected under this subsection (4), the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

Sec. 5250. RCW 82.12.0293 and 2017 3rd sp.s. c 28 s 102 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of food and food ingredients for human consumption. "Food and food ingredients" has the same meaning as in RCW 82.08.0293.

(2) The exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, bottled water, or dietary supplements. "Prepared food," "soft drinks," "bottled water," and "dietary supplements" have the same meanings as in RCW 82.08.0293.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section applies to food and food ingredients which are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) Which are provided to senior citizens, individuals with disabilities, or low-income persons by a ((~~not-for-profit~~)) nonprofit organization organized under chapter ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act) or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" has the same meaning as in RCW 82.08.0293.

Sec. 5251. RCW 88.46.065 and 1994 sp.s. c 9 s 853 are each amended to read as follows:

A nonprofit corporation established for the sole purpose of providing contingency plan coverage for any vessel in compliance with RCW 88.46.060 is entitled to liability protection as provided in this section. Obligations incurred by the corporation and any other liabilities or claims against the corporation may be enforced only against the assets of the corporation, and no liability for the debts or actions of the corporation exists against a director, officer, member, employee, incident commander, agent, contractor, or subcontractor of the corporation in his or her individual or representative capacity. Except as otherwise provided in this chapter, neither the directors, officers, members, employees, incident ((~~commander[s]~~)) commanders, or agents of the corporation, nor the business entities by whom they are regularly employed may be held individually responsible for discretionary decisions, errors in judgment, mistakes, or other acts, either of commission or omission, that are directly related to the operation or implementation of contingency plans, other than for acts of gross negligence or willful or wanton misconduct. The corporation may insure and defend and indemnify the directors, officers, members, employees, incident commanders, and agents to the extent permitted by chapters 23B.08 and ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act) RCW. This section does not alter or limit the responsibility or liability of any person for the operation of a motor vehicle.

Sec. 5252. RCW 89.08.405 and 2015 c 88 s 1 are each amended to read as follows:

(1) Any county legislative authority may approve by resolution revenues to a conservation district by fixing rates and charges. The county legislative

authority may provide for this system of rates and charges as an alternative to, but not in addition to, a special assessment provided by RCW 89.08.400. In fixing rates and charges, the county legislative authority may in its discretion consider the information proposed to the county legislative authority by a conservation district consistent with this section.

(2) A conservation district, in proposing a system of rates and charges, may consider:

(a) Services furnished, to be furnished, or available to the landowner;

(b) Benefits received, to be received, or available to the property;

(c) The character and use of land;

(d) The ((~~nonprofit~~)) public benefit nonprofit corporation status, as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, of the land user;

(e) The income level of persons served or provided benefits under this chapter, including senior citizens and disabled persons; or

(f) Any other matters that present a reasonable difference as a ground for distinction, including the natural resource needs within the district and the capacity of the district to provide either services or improvements, or both.

(3)(a) The system of rates and charges may include an annual per acre amount, an annual per parcel amount, or an annual per parcel amount plus an annual per acre amount. If included in the system of rates and charges, the maximum annual per acre rate or charge shall not exceed ten cents per acre. The maximum annual per parcel rate shall not exceed five dollars, except that for counties with a population of over four hundred eighty thousand persons, the maximum annual per parcel rate shall not exceed ten dollars, and for counties with a population of over one million five hundred thousand persons, the maximum annual per parcel rate shall not exceed fifteen dollars.

(b) Public land, including lands owned or held by the state, shall be subject to rates and charges to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the rates and charges of a conservation district.

(c) Forestlands used solely for the planting, growing, or harvesting of trees may be subject to rates and charges if such lands are served by the activities of the conservation district. However, if the system of rates and charges includes an annual per acre amount or an annual per parcel amount plus an annual per acre amount, the per acre rate or charge on such forestlands shall not exceed one-tenth of the weighted average per acre rate or charge on all other lands within the conservation district that are subject to rates and charges. The calculation of the weighted average per acre shall be a ratio calculated as follows: (i) The numerator shall be the total amount of money estimated to be derived from the per acre special rates and charges on the nonforestlands in the conservation district; and (ii) the denominator shall be the total number of nonforestland acres in the conservation district that are served by the activities of the conservation district and that are subject to the rates or charges of the conservation district. No more than ten thousand acres of such forestlands that is both owned by the same person or entity and is located in the same conservation district may be subject to the rates and charges that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forestland parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forestland owner may be imposed on each owner of forestlands whose forestlands are subject to a per acre rate or charge.

(4) The consideration, development, adoption, and implementation of a system of rates and charges shall follow the same public notice and hearing process and be subject to the same procedure and authority of RCW 89.08.400(2).

(5)(a) Following the adoption of a system of rates and charges, the conservation district board of supervisors shall establish by resolution a process providing for landowner appeals of the individual rates and charges as applicable to a parcel or parcels.

(b) Any appeal must be filed by the landowner with the conservation district no later than twenty-one days after the date property taxes are due. The decision of the board of supervisors regarding any appeal shall be final and conclusive.

(c) Any appeal of the decision of the board shall be to the superior court of the county in which the district is located, and served and filed within twenty-one days of the date of the board's written decision.

(6) A conservation district shall prepare a roll that implements the system of rates and charges approved by the county legislative authority. The rates and charges from the roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of the rates and charges shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, and collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest and penalty as for delinquent property taxes. The county treasurer shall deduct an amount from the collected rates and charges, as established by the county legislative authority, to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the rates and charges, but not to exceed the actual costs of such work. All remaining funds collected under this section shall be transferred to the conservation district and used by the conservation district in accordance with this section.

(7) The rates and charges for a conservation district shall not be spread on the tax rolls and shall not be allocated with property tax collections in the following year if, after the system of rates and charges has been approved by the county legislative authority but before the fifteenth day of December in that year, a petition has been filed with the county legislative authority objecting to the imposition of such rates and charges, which petition has been signed by at least twenty percent of the owners of land that would be subject to the rate or charge to be imposed for a conservation district.

ARTICLE 3

REPEALER

NEW SECTION. **Sec. 5301.** The following acts or parts of acts are each repealed:

(1)RCW 24.03.005 (Definitions) and 2020 c 57 s 80, 2015 c 176 s 3101, 2004 c 265 s 1, 2002 c 74 s 4, 1989 c 291 s 3, 1986 c 240 s 1, 1982 c 35 s 72, & 1967 c 235 s 2;

(2)RCW 24.03.009 (Notice by electronic transmission—Consent required—When effective) and 2004 c 265 s 4;

(3)RCW 24.03.010 (Applicability) and 1971 ex.s. c 53 s 1 & 1967 c 235 s 3;

(4)RCW 24.03.015 (Purposes) and 1986 c 240 s 2, 1983 c 106 s 22, & 1967 c 235 s 4;

(5)RCW 24.03.017 (Corporation may elect to have chapter apply to it—Procedure) and 2015 c 176 s 3102, 2004 c 265 s 5, 1982 c 35 s 73, & 1971 ex.s. c 53 s 2;

(6)RCW 24.03.020 (Incorporators) and 2004 c 265 s 6, 1986 c 240 s 3, 1982 c 35 s 74, & 1967 c 235 s 5;

(7)RCW 24.03.025 (Articles of incorporation) and 1987 c 212 s 703, 1982 c 35 s 75, & 1967 c 235 s 6;

(8)RCW 24.03.027 (Filing false statements—Penalty);

(9)RCW 24.03.030 (Limitations) and 1986 c 240 s 4 & 1967 c 235 s 7;

(10)RCW 24.03.035 (General powers) and 1991 c 72 s 42, 1986 c 240 s 5, & 1967 c 235 s 8;

(11)RCW 24.03.040 (Defense of ultra vires) and 1967 c 235 s 9;

(12)RCW 24.03.043 (Indemnification of agents of any corporation authorized);

(13)RCW 24.03.045 (Corporate name) and 2015 c 176 s 3103, 2004 c 265 s 7, 1998 c 102 s 3, 1994 c 211 s 1305, 1989 c 291 s 10, 1987 c 55 s 39, 1986 c 240 s 6, 1982 c 35 s 76, & 1967 c 235 s 10;

(14)RCW 24.03.046 (Reservation of exclusive right to use a corporate name) and 2015 c 176 s 3104, 1993 c 356 s 1, & 1982 c 35 s 77;

(15)RCW 24.03.047 (Registration of corporate name) and 2015 c 176 s 3105, 1994 c 211 s 1306, 1993 c 356 s 2, 1987 c 55 s 40, 1986 c 240 s 7, & 1982 c 35 s 78;

(16)RCW 24.03.048 (Renewal of registration of corporate name) and 2015 c 176 s 3106, 1986 c 240 s 8, & 1982 c 35 s 79;

(17)RCW 24.03.050 (Registered agent) and 2015 c 176 s 3107, 2009 c 202 s 1, 2004 c 265 s 8, 1986 c 240 s 9, 1982 c 35 s 80, 1969 ex.s. c 163 s 1, & 1967 c 235 s 11;

(18)RCW 24.03.055 (Change of registered agent) and 2015 c 176 s 3108, 2004 c 265 s 9, 1993 c 356 s 3, 1986 c 240 s 10, 1982 c 35 s 81, & 1967 c 235 s 12;

(19)RCW 24.03.060 (Service of process on corporation) and 2015 c 176 s 3109, 1986 c 240 s 11, 1982 c 35 s 82, & 1967 c 235 s 13;

(20)RCW 24.03.065 (Members—Member committees) and 2004 c 98 s 1, 1986 c 240 s 12, & 1967 c 235 s 14;

(21)RCW 24.03.070 (Bylaws) and 1991 c 72 s 43, 1986 c 240 s 13, & 1967 c 235 s 15;

(22)RCW 24.03.075 (Meetings of members and committees of members) and 2004 c 98 s 2, 1986 c 240 s 14, & 1967 c 235 s 16;

(23)RCW 24.03.080 (Notice of members' meetings) and 2004 c 265 s 10, 1969 ex.s. c 115 s 1, & 1967 c 235 s 17;

(24)RCW 24.03.085 (Voting) and 2004 c 265 s 11, 1969 ex.s. c 115 s 2, & 1967 c 235 s 18;

(25)RCW 24.03.090 (Quorum) and 1967 c 235 s 19;

(26)RCW 24.03.095 (Board of directors) and 1967 c 235 s 20;

(27)RCW 24.03.100 (Number and election or appointment of directors) and 1986 c 240 s 15 & 1967 c 235 s 21;

(28)RCW 24.03.103 (Removal of directors) and 1986 c 240 s 16;

(29)RCW 24.03.1031 (Judicial removal of directors) and 1999 c 32 s 1;

(30)RCW 24.03.105 (Vacancies) and 2011 c 336 s 655, 1986 c 240 s 17, & 1967 c 235 s 22;

(31)RCW 24.03.110 (Quorum of directors) and 1986 c 240 s 18 & 1967 c 235 s 23;

(32)RCW 24.03.113 (Assent presumed—Procedures for dissent or abstention) and 2004 c 265 s 12 & 1986 c 240 s 19;

(33)RCW 24.03.115 (Committees) and 2011 c 336 s 656, 1986 c 240 s 20, & 1967 c 235 s 24;

(34)RCW 24.03.120 (Place and notice of directors' meetings) and 2004 c 265 s 13, 1986 c 240 s 21, & 1967 c 235 s 25;

(35)RCW 24.03.125 (Officers) and 1986 c 240 s 22 & 1967 c 235 s 26;

(36)RCW 24.03.127 (Duties of a director) and 1986 c 240 s 23;

(37)RCW 24.03.130 (Removal of officers) and 1967 c 235 s 27;

(38)RCW 24.03.135 (Required documents in the form of a record—Inspection—Copying) and 2004 c 265 s 14, 1986 c 240 s 24, & 1967 c 235 s 28;

(39)RCW 24.03.140 (Loans to directors and officers prohibited) and 1967 c 235 s 29;

(40)RCW 24.03.145 (Filing of articles of incorporation) and 2015 c 176 s 3110, 2002 c 74 s 7, 1982 c 35 s 83, & 1967 c 235 s 30;

(41)RCW 24.03.150 (Effect of filing the articles of incorporation) and 1986 c 240 s 25, 1982 c 35 s 84, & 1967 c 235 s 31;

(42)RCW 24.03.155 (Organization meetings) and 2004 c 265 s 15, 1986 c 240 s 26, & 1967 c 235 s 32;

(43)RCW 24.03.160 (Right to amend articles of incorporation) and 1967 c 235 s 33;

(44)RCW 24.03.165 (Procedure to amend articles of incorporation) and 2004 c 265 s 16, 1986 c 240 s 27, & 1967 c 235 s 34;

(45)RCW 24.03.170 (Articles of amendment) and 2004 c 265 s 17, 1982 c 35 s 85, & 1967 c 235 s 35;

(46)RCW 24.03.175 (Filing of articles of amendment) and 2015 c 176 s 3111, 2002 c 74 s 8, 1982 c 35 s 86, & 1967 c 235 s 36;

(47)RCW 24.03.180 (Effect of filing of articles of amendment) and 2015 c 176 s 3112, 1986 c 240 s 28, 1982 c 35 s 87, & 1967 c 235 s 37;

(48)RCW 24.03.183 (Restated articles of incorporation) and 2015 c 176 s 3113, 2004 c 265 s 18, 2002 c 74 s 9, 1986 c 240 s 29, & 1982 c 35 s 88;

(49)RCW 24.03.185 (Procedure for merger) and 1986 c 240 s 30 & 1967 c 235 s 38;

(50)RCW 24.03.190 (Procedure for consolidation) and 1986 c 240 s 31 & 1967 c 235 s 39;

(51)RCW 24.03.195 (Approval of merger or consolidation) and 2004 c 265 s 19, 1986 c 240 s 32, & 1967 c 235 s 40;

(52)RCW 24.03.200 (Articles of merger or consolidation) and 2015 c 176 s 3114,

2004 c 265 s 20, 2002 c 74 s 10, 1986 c 240 s 33, 1982 c 35 s 89, & 1967 c 235 s 41;

(53)RCW 24.03.205 (Merger or consolidation—When effective) and 2015 c 176 s 3115, 1986 c 240 s 34, 1982 c 35 s 90, & 1967 c 235 s 42;

(54)RCW 24.03.207 (Merger or consolidation of domestic and foreign corporation) and 2015 c 176 s 3116, 2004 c 265 s 21, 1986 c 240 s 35, & 1982 c 35 s 91;

(55)RCW 24.03.210 (Effect of merger or consolidation) and 1967 c 235 s 43;

(56)RCW 24.03.215 (Sale, lease, exchange, or other disposition of assets not in the ordinary course of business) and 2004 c 265 s 22, 1986 c 240 s 36, & 1967 c 235 s 44;

(57)RCW 24.03.217 (Sale, lease, exchange, or disposition of assets in course of business—Mortgage and pledge of assets) and 1986 c 240 s 37;

(58)RCW 24.03.220 (Voluntary dissolution) and 2004 c 265 s 23, 1986 c 240 s 38, 1982 c 35 s 92, & 1967 c 235 s 45;

(59)RCW 24.03.225 (Distribution of assets) and 1967 c 235 s 46;

(60)RCW 24.03.230 (Plan of distribution) and 2011 c 336 s 657, 2004 c 265 s 24, 1969 ex.s. c 115 s 3, & 1967 c 235 s 47;

(61)RCW 24.03.235 (Revocation of voluntary dissolution proceedings) and 2004 c 265 s 25 & 1967 c 235 s 48;

(62)RCW 24.03.240 (Articles of dissolution) and 2004 c 265 s 26, 1993 c 356 s 4, 1982 c 35 s 93, & 1967 c 235 s 49;

(63)RCW 24.03.245 (Filing of articles of dissolution) and 2015 c 176 s 3117, 2002 c 74 s 11, 1982 c 35 s 94, & 1967 c 235 s 50;

(64)RCW 24.03.250 (Involuntary dissolution) and 1969 ex.s. c 163 s 2 & 1967 c 235 s 51;

(65)RCW 24.03.255 (Notification to attorney general) and 1982 c 35 s 95, 1969 ex.s. c 163 s 3, & 1967 c 235 s 52;

(66)RCW 24.03.260 (Venue and process) and 1967 c 235 s 53;

(67)RCW 24.03.266 (Dissolution of a nonprofit corporation—Superior courts) and 2010 c 212 s 1;

(68)RCW 24.03.271 (Dissolution of a nonprofit corporation—Venue—Proceedings—Court's authority—Distribution of assets) and 2010 c 212 s 2;

(69)RCW 24.03.276 (Dissolution of a nonprofit corporation—Decree) and 2010 c 212 s 3;

(70)RCW 24.03.295 (Filing of decree of dissolution) and 1986 c 240 s 40 & 1967 c 235 s 60;

(71)RCW 24.03.300 (Survival of remedy after dissolution—Extension of duration of corporation) and 2015 c 176 s 3118, 1986 c 240 s 41, 1982 c 35 s 96, & 1967 c 235 s 61;

(72)RCW 24.03.302 (Administrative dissolution—Reinstatement—Survival of actions) and 2015 c 176 s 3119, 1994 c 287 s 8, 1993 c 356 s 5, 1987 c 117 s 3, 1986 c 240 s 42, 1982 c 35 s 97, 1971 ex.s. c 128 s 1, & 1969 ex.s. c 163 s 9;

(73)RCW 24.03.305 (Registration of foreign corporation—Authority to conduct affairs) and 2015 c 176 s 3120, 1993 c 181 s 12, 1986 c 240 s 43, & 1967 c 235 s 62;

(74)RCW 24.03.310 (Powers of foreign corporation—Effect of registration—Governing law) and 2015 c 176 s 3121 & 1967 c 235 s 63;

(75)RCW 24.03.315 (Corporate name of foreign corporation—Fictitious name) and 2015 c 176 s 3122, 1982 c 35 s 98, & 1967 c 235 s 64;

(76)RCW 24.03.325 (Foreign registration statement) and 2015 c 176 s 3123, 2002 c 74 s 12, 1986 c 240 s 45, & 1967 c 235 s 66;

(77)RCW 24.03.332 (Certificate of authority as insurance company—Filing of records) and 2004 c 265 s 28 & 1998 c 23 s 12;

(78)RCW 24.03.334 (Certificate of authority as insurance company—Registration or reservation of name) and 1998 c 23 s 13;

(79)RCW 24.03.335 (Effect of foreign registration statement—Right of state to terminate registration) and 2015 c 176 s 3124, 1982 c 35 s 100, & 1967 c 235 s 68;

(80)RCW 24.03.340 (Registered agent of foreign corporation) and 2015 c 176 s

3125, 2004 c 265 s 29, 1982 c 35 s 101, & 1967 c 235 s 69;

(81)RCW 24.03.345 (Change of registered agent of foreign corporation) and 2015 c 176 s 3126, 2004 c 265 s 30, 1993 c 356 s 6, 1986 c 240 s 47, 1982 c 35 s 102, & 1967 c 235 s 70;

(82)RCW 24.03.350 (Service on foreign corporation) and 2015 c 176 s 3127, 2011 c 336 s 658, 1986 c 240 s 48, 1982 c 35 s 103, & 1967 c 235 s 71;

(83)RCW 24.03.360 (Merger of foreign corporation authorized to conduct affairs in this state) and 1986 c 240 s 49 & 1967 c 235 s 73;

(84)RCW 24.03.365 (Amended foreign registration statement) and 2015 c 176 s 3128, 2004 c 265 s 31, & 1967 c 235 s 74;

(85)RCW 24.03.370 (Withdrawal of foreign corporation) and 2015 c 176 s 3129, 1993 c 356 s 7, 1982 c 35 s 104, & 1967 c 235 s 75;

(86)RCW 24.03.380 (Termination of registration) and 2015 c 176 s 3130, 2004 c 265 s 32, 1986 c 240 s 50, 1982 c 35 s 106, & 1967 c 235 s 77;

(87)RCW 24.03.390 (Conducting affairs without registering) and 2015 c 176 s 3131, 1986 c 240 s 52, & 1967 c 235 s 79;

(88)RCW 24.03.395 (Annual report of domestic and foreign corporations) and 2015 c 176 s 3132, 1993 c 356 s 10, 1989 c 291 s 2, 1987 c 117 s 4, 1986 c 240 s 53, 1982 c 35 s 108, & 1967 c 235 s 80;

(89)RCW 24.03.405 (Applicable fees, charges, and penalties) and 2015 c 176 s 3133, 2010 1st sp.s. c 29 s 3, 1993 c 269 s 5, 1991 c 223 s 1, 1987 c 117 s 5, 1986 c 240 s 55, 1982 c 35 s 110, 1981 c 230 s 5, 1969 ex.s. c 163 s 5, & 1967 c 235 s 82;

(90)RCW 24.03.417 (Fees for services by secretary of state);

(91)RCW 24.03.420 (Penalties imposed upon corporation) and 1969 ex.s. c 163 s 7 & 1967 c 235 s 85;

(92)RCW 24.03.425 (Penalties imposed upon directors and officers) and 2015 c 176 s 3134, 2004 c 265 s 34, & 1967 c 235 s 86.

(93)RCW 24.03.430 (Interrogatories by secretary of state) and 2004 c 265 s 35, 1982 c 35 s 112, & 1967 c 235 s 87;

(94)RCW 24.03.435 (Confidential nature of information disclosed by interrogatories) and 1982 c 35 s 113 & 1967 c 235 s 88;

(95)RCW 24.03.440 (Power and authority of secretary of state) and 1982 c 35 s 114 & 1967 c 235 s 89;

(96)RCW 24.03.445 (Duty of secretary of state to file—Review of refusal to file) and 2015 c 176 s 3135, 2004 c 265 s 36, 1986 c 240 s 56, 1982 c 35 s 115, & 1967 c 235 s 90;

(97)RCW 24.03.455 (Greater voting requirements) and 1967 c 235 s 92;

(98)RCW 24.03.460 (Waiver of notice) and 2004 c 265 s 38 & 1967 c 235 s 93;

(99)RCW 24.03.465 (Action by members or directors without a meeting) and 2004 c 265 s 39 & 1967 c 235 s 94;

(100)RCW 24.03.470 (Unauthorized assumption of corporate powers) and 1967 c 235 s 95;

(101)RCW 24.03.480 (Postsecondary education loans—Interest rates) and 1989 c 166 s 1;

(102)RCW 24.03.490 (Public benefit nonprofit corporation designation established) and 1989 c 291 s 4;

(103)RCW 24.03.500 (Public benefit nonprofit corporations—Temporary designation) and 1989 c 291 s 5;

(104)RCW 24.03.510 (Public benefit nonprofit corporations—Application) and 1989 c 291 s 6;

(105)RCW 24.03.520 (Public benefit nonprofit corporations—Renewal) and 1989 c 291 s 7;

(106)RCW 24.03.530 (Public benefit nonprofit corporations—Fees) and 1989 c 291 s 8;

(107)RCW 24.03.540 (Public benefit nonprofit corporations—Removal of status) and 1989 c 291 s 9;

(108)RCW 24.03.550 (Host home programs—Registration) and 2016 c 166 s 3;

(109)RCW 24.03.900 (Short title) and 1967 c 235 s 1;

(110)RCW 24.03.905 (Savings—1967 c 235) and 1967 c 235 s 96;

(111)RCW 24.03.915 (Notice to existing corporations) and 1982 c 35 s 117, 1969 ex.s. c 163 s 8, & 1967 c 235 s 98;

(112)RCW 24.03.920 (Repealer—Exception) and 1967 c 235 s 100; and

(113)RCW 24.03.925 (Effective date—1967 c 235) and 1967 c 235 s 99.

PART VI

IMPLEMENTATION

NEW SECTION. **Sec. 6101.** CODIFICATION. Sections 1101 through 4203 of this act constitute a new chapter in Title 24 RCW.

NEW SECTION. **Sec. 6102.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 6103.** EFFECTIVE DATE. Except for section 5204 of this act, this act takes effect January 1, 2022.

NEW SECTION. **Sec. 6104.** EFFECTIVE DATE. Section 5204 of this act takes effect July 1, 2022."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Appropriations.

March 19, 2021

ESSB 5097 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Expanding coverage of the paid family and medical leave program. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

March 18, 2021

ESSB 5118 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Supporting successful reentry. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.98.010 and 2011 c 336 s 345 are each amended to read as follows:

(1) Whenever a person has entered upon a term of imprisonment in a penal ((~~or~~)), correctional, or juvenile rehabilitation institution of this state, and whenever during the continuance of the term of imprisonment there is pending in this state any untried indictment, information, or complaint against the ((~~prisoner~~)) person, he or she shall be brought to trial within ((~~one hundred twenty~~)) 120 days after he or she shall have caused to be delivered to the prosecuting attorney and the ((~~superior~~)) court ((~~of the county~~)) in which the indictment, information, or complaint is pending written notice of the place of his or her imprisonment and his or her request for a final disposition to be made of the indictment, information, or complaint((~~: PROVIDED, That for~~)). The following time periods shall be excluded from the 120-day calculation:

(a) Arraignment, pretrial proceedings, trial, and sentencing on an unrelated charge in a different county than the court where the charge is pending;

(b) Proceedings related to competency to stand trial on the pending charge, from the entry of an evaluation order to the entry of a court order finding the person competent to proceed; and

(c) Time during which the person is detained in a federal jail or prison and subject to conditions of release not imposed by the state of Washington.

(2) The superintendent or the superintendent's designee who provides the certificate under subsection (4) of this section shall inform any prosecuting attorney or court requesting transportation of the person to resolve an untried indictment, information, or complaint of the person's current location and availability for trial. If the person is unavailable for

transportation due to court proceedings in another county, the superintendent shall inform the prosecuting attorney or court when the person becomes available for transportation and provide a new certificate containing the information under subsection (4) of this section.

(3) For good cause shown in open court, with the ((~~prisoner~~)) person or his or her counsel ((~~shall have~~)) having the right to be present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(4) The request of the ((~~prisoner~~)) person shall be accompanied by a certificate of the superintendent or the superintendent's designee having custody of the ((~~prisoner~~)) person, stating the term of commitment under which the ((~~prisoner~~)) person is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the ((~~time of parole eligibility~~)) earned release date of the ((~~prisoner~~)) person, and any decisions of the indeterminate sentence review board relating to the ((~~prisoner~~)) person.

((~~(2)~~)) (5) The written notice and request for final disposition referred to in subsection (1) of this section shall be given or sent by the ((~~prisoner~~)) person to the superintendent or the superintendent's designee having custody of him or her, who shall promptly forward it together with the certificate to the appropriate prosecuting attorney and superior, district, municipal, or juvenile court by certified mail, return receipt requested.

((~~(3)~~)) (6) The superintendent or the superintendent's designee having custody of the ((~~prisoner~~)) person shall promptly inform him or her in writing of the source and contents of any untried indictment, information, or complaint against him or her concerning which the superintendent or the superintendent's designee has knowledge and of his or her right to make a request for final disposition thereof.

((~~(4)~~)) (7) Escape from custody by the ((~~prisoner~~)) person subsequent to his or her execution of the request for final disposition referred to in subsection (1) of this section shall void the request.

Sec. 2. RCW 36.70A.200 and 2020 c 128 s 1 and 2020 c 20 s 1027 are each reenacted and amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 (6) or (15) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary

to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40 RCW to read as follows:

(1) At least 30 days before release from a residential facility, the secretary shall send written notice of the planned release to the person's health care insurance provider. The notice shall include the person's current location and contact information as well as the person's expected location and contact information upon release. The notice shall not disclose the person's incarceration status unless their consent is given.

(2) If the person is not enrolled in a health insurance program, the secretary and the health care authority shall assist the person in obtaining coverage for which they are eligible in accordance with the time frames specified in subsection (1) of this section.

(3) The secretary may share with the health insurance provider additional health information related to the person to assist with care coordination and continuity of care consistent with RCW 70.02.230(2)(u) and other provisions of chapter 70.02 RCW."

Correct the title.

Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Eslick.

Referred to Committee on Appropriations.

March 18, 2021

ESSB 5122 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning the jurisdiction of juvenile court. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the goal of the juvenile justice system should be to protect public safety, connect youth with age-appropriate services that reduce the risk of recidivism, and provide meaningful rehabilitation so all youth can have the opportunity for success in life. The legislature declares that responses to problematic behaviors of youth should be guided by evidence-based practices and that policy changes to the system should be strongly rooted in eliminating racial inequities.

The legislature recognizes that a scientific consensus has developed that demonstrates that youth continue to develop neurologically until age 26. The legislature finds that youth ages eight through 12 are less capable of making fully informed decisions and youth ages 18 and 19 are particularly susceptible to outside factors influencing their decision making.

The legislature recognizes that on January 18, 2021, the Washington state board of health released a review regarding the health impacts of raising the age of the juvenile court's jurisdiction to likely decrease the juvenile criminal legal system's involvement for some youth ages eight through 12 and to likely decrease the adult criminal legal system's involvement for some emerging adults ages 18 and 19. The board further found very strong evidence that this would decrease juvenile recidivism and improve health outcomes, access to employment opportunities, housing access, and economic stability.

The legislature intends to amend jurisdiction of juvenile court to include youth ages 13 through 19, with certain exceptions, and consider expanding juvenile court jurisdiction to include individuals over age 19. The legislature recognizes the important role that local governments play in ensuring access to justice in the juvenile court system. The legislature recognizes that amended jurisdiction in juvenile court may increase expenses for juvenile court systems despite significant offset savings in the adult system through reduced adult caseloads. The legislature intends to partner with local governments, courts, and other stakeholders to ensure successful expansion of juvenile court jurisdiction. The legislature therefore resolves to convene the raise the age juvenile justice task force to examine and plan for implementation of expanded juvenile court jurisdiction.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216 RCW to read as follows:

(1) The raise the age juvenile justice task force is established, with members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint one member as follows unless specified representing the:

(i) Juvenile rehabilitation administration;

(ii) Department of corrections;

(iii) Washington association of sheriffs and police chiefs;

(iv) Office of public defense;

(v) Washington association of prosecuting attorneys;

(vi) District and municipal court judges' association;

(vii) Administrative office of the courts;

(viii) Washington state association of counties, with one member representing the Washington state association of counties generally and one member representing the Washington state association of counties having expertise in county facilities;

(ix) Association of Washington cities;

(x) Washington state council of county and city employees;

(xi) Office of the superintendent of public instruction;

(xii) Minority and justice commission;

(xiii) Superior court judges' association, one member representing western Washington and one representing eastern Washington;

(xiv) Washington association of juvenile court administrators, one member representing western Washington and one representing eastern Washington;

(xv) Washington state school directors' association, a member representing a school district that provides education services to a juvenile rehabilitation residential facility;

(xvi) Department of health;

(xvii) Statewide organization representing public defense attorneys;

(xviii) Department of children, youth, and families;

(xix) Communities who have been impacted or served by the juvenile justice system, with two members from these communities;

(xx) Medical community with expertise in adolescent brain development;

(xxi) Organizations representing the interests of incarcerated persons, with two representatives each representing different programs and serving different constituencies; and

(xxii) Organizations representing the interests of youth involved in the juvenile justice system, with three representatives from different regions of the state or representing different programs.

(2) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2021. The task force shall choose its chair from among its legislative membership.

(3) Staff support for the task force must be provided by the office of juvenile justice.

(4) Taking into consideration research and case law regarding adolescent brain development, the task force shall consider and provide recommendations regarding:

(a) Implementation of juvenile jurisdiction expansion to encompass persons 18 years old and 19 years old; and

(b) Expansion of juvenile court jurisdiction to include ages above 19 years of age.

(5) On or before December 1, 2022, the task force shall report to the governor and appropriate committees of the legislature on the status and plan for the expansion, including necessary funding, essential personnel and programmatic resources, measures necessary to avoid a negative impact on the state's child protection response, and specific milestones related to operations and policy, including:

(a) A timeline for structural and systemic changes within the juvenile justice system for the juvenile rehabilitation division, the department of children, youth, and families, the department of corrections, and the juvenile court pursuant to chapter 13.04 RCW;

(b) An operations and business plan that defines benchmarks, including possible changes to resource allocations;

(c) Review of the estimated costs avoided by local and state governments with the reduction of recidivism and an analysis of cost savings reinvestment options;

(d) Anticipated county and state facility changes and modifications, including a timeline or planning needed to successfully expand juvenile court jurisdiction;

(e) Estimated new costs incurred to provide juvenile justice services to persons 18 years old and 19 years old; and

(f) A clearly defined path for geographic consistency given varying local resources, staff, physical plant limitations, training, services, and partnering needs.

(6)(a) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Except as provided in (b) of this subsection, nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(b) Nonlegislative members of the task force who demonstrate financial hardship must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as other expenses as needed for each day a nonlegislative task force member attends a task force meeting to provide consultative assistance.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The task force must hold at least one meeting a month. The task force may form work groups and may consult experts in fields that will inform and assist the work of the task force.

(9) This section expires January 1, 2023.

Sec. 3. RCW 9A.04.050 and 2011 c 336 s 347 are each amended to read as follows:

Children under the age of ((~~eight~~)) 13 years are incapable of committing crime. Children of eight ((~~and under~~)) through twelve years of age who are charged with murder in the first or second degree are presumed to be incapable of committing crime, but this presumption may be ((~~removed by proof~~)) rebutted by clear and convincing evidence that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he or she may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his or her examination by one or more physicians, whose opinion shall be competent evidence upon the question of his or her age.

Sec. 4. RCW 13.40.590 and 2002 c 237 s 10 are each amended to read as follows:

(1) The administrative office of the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(a) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(b) Target offenders age ((~~eight~~)) 13 through ((~~seventeen~~)) 17; and

(c) Emphasize the following principles:

(i) Youth must be held accountable for their problem behavior;

(ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(iii) Youth must develop skills to resolve problems with their peers more effectively; and

(iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs under this section may be established by private nonprofit organizations and schools, upon prior approval and under the supervision of juvenile court.

Sec. 5. RCW 13.40.600 and 2002 c 237 s 11 are each amended to read as follows:

(1) Youth courts have authority over juveniles ages ((~~eight~~)) 13 through ((~~seventeen~~)) 17 who:

(a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;

(b) Admit they have committed the offense they are referred for;

(c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and

(d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.

(2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.

(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.

(4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.

(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

NEW SECTION. **Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Klippert and Young.

Referred to Committee on Appropriations.

March 19, 2021

SSB 5127 Prime Sponsor, Committee on Law & Justice: Concerning courthouse facility dogs. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

March 18, 2021

E2SSB 5128 Prime Sponsor, Committee on Ways & Means: Concerning student transportation funding during a local, state, or national emergency. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that the COVID-19 pandemic has significantly changed the delivery of education across the state, as school districts transition to remote learning environments to protect the health of students and staff. The legislature also recognizes that the role of transportation services has evolved alongside remote learning programs to help students equitably access the instructional program of basic education. As permitted by emergency proclamation, many school districts have adapted to remote learning by transporting meals, learning materials, and technology supports directly to students' homes or neighborhoods. Other school districts have used transportation resources to bring students to learning centers or other agencies where support services are provided.

This flexibility has allowed school districts to creatively use the resources at their disposal to equitably address the needs of students during an ongoing emergency.

With this act, the legislature intends to preserve this principle of flexibility for qualifying transportation services during a future local, state, or national emergency.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.160 RCW to read as follows:

(1) If a school or school district is providing full remote or partial remote instruction under the authority of RCW 28A.150.290 due to a local, state, or national emergency that causes a substantial disruption to full in-person instruction then, in addition to the transportation services allowed under this chapter, the district may use student transportation allocations to provide the following expanded services to students, regardless of whether those students would qualify as eligible students under RCW 28A.160.160:

(a) Delivery of educational services necessary to provide students with the opportunity to equitably access educational services during the period of remote instruction. Delivery of educational services include the transportation of materials, hardware, and other supports that assist students in accessing remote instruction, internet connectivity, or the curriculum;

(b) Delivery of meals to students;

(c) Providing for the transportation of students to and from learning centers or other public or private agencies where educational and support services are being provided to students during the period of remote instruction. "Providing for" includes the provision of payments to allow students to use public transit to access the educational and support services; and

(d) Providing for the transportation of students to and from interscholastic and extracurricular activities.

(2) Nothing in this section is intended to limit a district's ability to use transportation allocations to pay for fixed transportation costs, such as school bus maintenance and basic

administrative, regulatory, safety, or operational expenses.

(3) If a district provides expanded services under subsection (1) of this section, the district must track by a separate accounting code the expenditures incurred by the district in providing such services. This data must be included in the report required under RCW 28A.160.170(2).

Sec. 3. RCW 28A.160.160 and 2009 c 548 s 305 are each amended to read as follows:

For purposes of RCW 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.160.030 whose route stop is outside the walk area for a student's school, except if the student to be transported is disabled under RCW 28A.155.020 and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies.

(2) "Superintendent" means the superintendent of public instruction.

(3) "To and from school" means the transportation of students for the following purposes:

(a) Transportation to and from route stops and schools;

(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.335.160;

(c) Transportation of students between schools and learning centers for instruction specifically required by statute; ((~~and~~))

(d) Transportation of students with disabilities to and from schools and agencies for special education services; and

(e) Transportation of students to and from interscholastic and extracurricular activities under section 2 of this act.

Academic extended day transportation for the instructional program of basic education under RCW 28A.150.220 shall be considered part of transportation of students "to and from school" for the purposes of this section. Transportation for field trips may not be considered part of transportation of students "to and from school" under this section.

(4) "Transportation services" for students living within the walk area includes the coordination of walk-to-school programs, the funding of crossing guards, and matching funds for local and state transportation projects intended to mitigate hazardous walking conditions. Priority for transportation services shall be given to students in grades kindergarten through five.

(5) As used in this section, "walk area" means that area around a school with an adequate roadway configuration to provide students access to school with a walking distance of less than one mile. Mileage must be measured along the shortest roadway or maintained public walkway where hazardous conditions do not exist. The hazardous conditions must be documented by a process established in rule by the superintendent of public instruction and must include roadway, environmental, and social conditions. Each elementary school shall identify walk routes within the walk area.

Sec. 4. RCW 28A.160.170 and 2009 c 548 s 306 are each amended to read as follows:

Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the following:

(1)(a) The number of eligible students transported to and from school as provided for in RCW 28A.160.150, along with identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined by RCW 28A.160.160(3) ((~~from~~)), non-to-and-from-school pupil

transportation costs, and costs to provide expanded services under section 2(1) of this act in the annual financial statement. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.710 RCW to read as follows:

Section 2 of this act governs school operation and management under RCW 28A.710.040 and applies to charter schools established under this chapter.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.715 RCW to read as follows:

Section 2 of this act governs school operation and management under RCW 28A.715.020 and applies to state-tribal compact schools established under this chapter.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and McEntire.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5133 Prime Sponsor, Senator Conway: Concerning the definition of confidential employee for the purposes of state collective bargaining. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Mosbrucker, Assistant Ranking Minority Member; Bronoske and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representative Hoff, Ranking Minority Member.

Referred to Committee on Appropriations.

March 19, 2021

SB 5146 Prime Sponsor, Senator Van De Wege: Authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Capital Budget.

March 19, 2021

SSB 5185 Prime Sponsor, Committee on Law & Justice: Concerning capacity to provide informed consent for health care decisions. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.70.065 and 2020 c 312 s 705 are each amended to read as follows:

(1) Informed consent for health care for a patient who ((~~is a minor or, to consent~~)) does not have the capacity to make a health care decision may be obtained from a person authorized to consent on behalf of such patient. For purposes of this section, a person who is of the age of consent to make a particular health care decision is presumed to have capacity, unless a health care provider reasonably determines the person lacks capacity to make the health care decision due to the person's demonstrated inability to understand and appreciate the nature and consequences of a health condition, the

proposed treatment, including the anticipated results, benefits, risks, and alternatives to the proposed treatment, including nontreatment, and reach an informed decision as a result of cognitive impairment; and the health care provider documents the basis for the determination in the medical record.

(a) Persons authorized to provide informed consent to health care on behalf of ((~~a~~)) an adult patient who ((~~has been placed under a guardianship under RCW 11.130.265 a minor or,~~)) does not have the capacity to make a health care decision shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The patient's spouse or state registered domestic partner;

(iv) Children of the patient who are at least eighteen years of age;

(v) Parents of the patient;

(vi) Adult brothers and sisters of the patient;

(vii) Adult grandchildren of the patient who are familiar with the patient;

(viii) Adult nieces and nephews of the patient who are familiar with the patient;

(ix) Adult aunts and uncles of the patient who are familiar with the patient; and

(x)(A) An adult who:

(I) Has exhibited special care and concern for the patient;

(II) Is familiar with the patient's personal values;

(III) Is reasonably available to make health care decisions;

(IV) Is not any of the following: A physician to the patient or an employee of the physician; the owner, administrator, or employee of a health care facility, nursing home, or long-term care facility where the patient resides or receives care; or a person who receives compensation to provide care to the patient; and

(V) Provides a declaration under (a)(x)(B) of this subsection.

(B) An adult who meets the requirements of (a)(x)(A) of this subsection shall provide a declaration, which is effective for up to six months from the date of the declaration, signed and dated under penalty of perjury pursuant to chapter 5.50 RCW, that recites facts and circumstances demonstrating that he or she is familiar with the patient and that he or she:

(I) Meets the requirements of (a)(x)(A) of this subsection;

(II) Is a close friend of the patient;

(III) Is willing and able to become involved in the patient's health care;

(IV) Has maintained such regular contact with the patient as to be familiar with the patient's activities, health, personal values, and morals; and

(V) Is not aware of a person in a higher priority class willing and able to provide informed consent to health care on behalf of the patient.

(C) A health care provider may, but is not required to, rely on a declaration provided under (a)(x)(B) of this subsection. The health care provider or health care facility where services are rendered is immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration provided in compliance with (a)(x)(B) of this subsection.

(b) If the health care provider seeking informed consent for proposed health care of the patient who ((~~has been placed under a guardianship under RCW 11.130.265,~~)) does not have the capacity to make a particular health care decision, other than a person who is under the age of consent for the particular health care decision, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient who ((~~has been placed under a guardianship under RCW 11.130.265,~~)) does not have the capacity to make a health care decision exercises that authority, the person must first determine in good faith that that patient, if ((~~competent~~)) he or she had the capacity to make the health care decision, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests. This subsection (1)(c) does not apply to informed consent provided on behalf of a patient who has not reached the age of consent required to make a particular health care decision.

(d) No rights under Washington's death with dignity act, chapter 70.245 RCW, may be exercised through a person authorized to provide informed consent to health care on behalf of a patient who ((~~is a minor or has been placed under a guardianship under RCW 11.130.265~~)) does not have the capacity to make a health care decision.

(2) Informed consent for health care, including mental health care, for a patient who is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2)(b) and the person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care

provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2)(b).

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2)(b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to chapter 5.50 RCW stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b)(i) of this subsection. The declaration must also include written notice of the exemption from liability under (b)(ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

(d) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

(e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

(4) A person who knowingly provides a false declaration under this section shall be subject to criminal penalties under chapter 9A.72 RCW.

Sec. 2. RCW 7.70.050 and 2011 c 336 s 252 are each amended to read as follows:

(1) The following shall be necessary elements of proof that injury resulted from health care in a civil negligence case or arbitration involving the issue of the alleged breach of the duty to secure an informed consent by a patient or his or her representatives against a health care provider:

(a) That the health care provider failed to inform the patient of a material fact or facts relating to the treatment;

(b) That the patient consented to the treatment without being aware of or fully informed of such material fact or facts;

(c) That a reasonably prudent patient under similar circumstances would not have consented to the treatment if informed of such material fact or facts;

(d) That the treatment in question proximately caused injury to the patient.

(2) Under the provisions of this section a fact is defined as or considered to be a material fact, if a reasonably prudent person in the position of the patient or his or her representative would attach significance to it deciding whether or not to submit to the proposed treatment.

(3) Material facts under the provisions of this section which must be established by expert testimony shall be either:

(a) The nature and character of the treatment proposed and administered;

(b) The anticipated results of the treatment proposed and administered;

(c) The recognized possible alternative forms of treatment; or

(d) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment administered and in the recognized possible alternative forms of treatment, including nontreatment.

(4) If a recognized health care emergency exists and the patient ((~~is not legally competent~~)) does not have the capacity to give an informed consent and/or a person legally authorized to consent on behalf of the patient is not readily available, his or her consent to required treatment will be implied.

Sec. 3. RCW 7.70.060 and 2012 c 101 s 1 are each amended to read as follows:

(1) If a patient ((~~while legally competent~~)) who has capacity to make health a care decision, or his or her representative if he or she ((~~is not competent~~)) does not have the capacity to make a health care decision, signs a consent form which sets forth the following, the signed consent form shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by a preponderance of the evidence:

(a) A description, in language the patient could reasonably be expected to understand, of:

(i) The nature and character of the proposed treatment;

(ii) The anticipated results of the proposed treatment;

(iii) The recognized possible alternative forms of treatment; and

(iv) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment;

(b) Or as an alternative, a statement that the patient elects not to be informed of the elements set forth in (a) of this subsection.

(2) If a patient ((~~while legally competent~~)) who has capacity to make a health care decision, or his or her representative if he or she ((~~is not competent~~)) does not have the capacity to make a health care decision, signs an acknowledgment of shared decision making as described in this section, such acknowledgment shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by clear and convincing evidence. An acknowledgment of shared decision making shall include:

(a) A statement that the patient, or his or her representative, and the health care provider have engaged in shared decision making as an alternative means of meeting the informed consent requirements set forth by laws, accreditation standards, and other mandates;

(b) A brief description of the services that the patient and provider jointly have agreed will be furnished;

(c) A brief description of the patient decision aid or aids that have been used by the patient and provider to address the needs for (i) high-quality, up-to-date information about the condition, including risk and benefits of available options and, if appropriate, a discussion of the limits of scientific knowledge about outcomes; (ii) values clarification to help patients sort out their values and preferences; and (iii) guidance or coaching in deliberation, designed to improve the patient's involvement in the decision process;

(d) A statement that the patient or his or her representative understands: The risk or seriousness of the disease or condition to be prevented or treated; the available treatment alternatives, including nontreatment; and the risks, benefits, and uncertainties of the treatment alternatives, including nontreatment; and

(e) A statement certifying that the patient or his or her representative has had the opportunity to ask the provider questions, and to have any questions answered to the patient's satisfaction, and indicating the patient's intent to receive the identified services.

(3) As used in this section, "shared decision making" means a process in which the physician or other health care practitioner discusses with the patient or his or her representative the information specified in subsection (2) of this section with the use of a patient decision aid and the patient shares with the provider such relevant personal information as might make one treatment or side effect more or less tolerable than others.

(4)(a) As used in this section, "patient decision aid" means a written, audiovisual, or online tool that provides a balanced presentation of the condition and treatment options, benefits, and harms, including, if appropriate, a discussion of the limits of scientific

knowledge about outcomes, for any medical condition or procedure, including abortion as defined in RCW 9.02.170 and:

(i)(A) That is certified by one or more national certifying organizations recognized by the medical director of the health care authority; or

(B) That has been evaluated based on the international patient decision aid standards by an organization located in the United States or Canada and has a current overall score satisfactory to the medical director of the health care authority; or

(ii) That, if a current evaluation is not available from an organization located in the United States or Canada, the medical director of the health care authority has independently assessed and certified based on the international patient decision aid standards.

(b) The health care authority may charge a fee to the certification applicant to defray the costs of the assessment and certification under this subsection.

(5) Failure to use a form or to engage in shared decision making, with or without the use of a patient decision aid, shall not be admissible as evidence of failure to obtain informed consent. There shall be no liability, civil or otherwise, resulting from a health care provider choosing either the signed consent form set forth in subsection (1)(a) of this section or the signed acknowledgment of shared decision making as set forth in subsection (2) of this section.

Sec. 4. RCW 69.50.317 and 2019 c 314 s 17 are each amended to read as follows:

(1) Any practitioner who writes the first prescription for an opioid during the course of treatment to any patient must, under professional rules, discuss the following with the patient:

(a) The risks of opioids, including risk of dependence and overdose;

(b) Pain management alternatives to opioids, including nonopioid pharmacological treatments, and nonpharmacological treatments available to the patient, at the discretion of the practitioner and based on the medical condition of the patient; and

(c) A written copy of the warning language provided by the department under RCW 43.70.765.

(2) If the patient is under eighteen years old or ((~~is not competent~~)) does not have the capacity to make a health care decision, the discussion required by subsection (1) of this section must include the patient's parent, guardian, or the person identified in RCW 7.70.065, unless otherwise provided by law.

(3) The practitioner shall document completion of the requirements in subsection (1) of this section in the patient's health care record.

(4) To fulfill the requirements of subsection (1) of this section, a practitioner may designate any individual who holds a credential issued by a disciplining authority under RCW 18.130.040 to conduct the discussion.

(5) Violation of this section constitutes unprofessional conduct under chapter 18.130 RCW.

(6) This section does not apply to:

(a) Opioid prescriptions issued for the treatment of pain associated with terminal cancer or other terminal diseases, or for palliative, hospice, or other end-of-life care of where the practitioner determines the health, well-being, or care of the patient would be compromised by the requirements of this section and documents such basis for the determination in the patient's health care record; or

(b) Administration of an opioid in an inpatient or outpatient treatment setting.

(7) This section does not apply to practitioners licensed under chapter 18.92 RCW.

(8) The department shall review this section by March 31, 2026, and report to the appropriate committees of the legislature on whether this section should be retained, repealed, or amended.

Sec. 5. RCW 70.02.220 and 2017 3rd sp.s. c 6 s 332 are each amended to read as follows:

(1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

(2) No person may disclose or be compelled to disclose information and records related to sexually transmitted diseases, except as authorized by this section, RCW 70.02.210, 70.02.205, or chapter 70.24 RCW. A person may disclose information related to sexually transmitted diseases about a patient without the patient's authorization, to the extent a recipient needs to know the information, if the disclosure is to:

(a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor fourteen years of age or over and otherwise ((~~competent~~)) capable of making health care decisions;

(b) The state ((~~public~~)) health officer as defined in RCW 70.24.017, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease;

(c) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that was provided prior to March 23, 1988, for the purpose of artificial insemination; or (iii) blood specimens;

(d) Any state or local public health officer conducting an investigation pursuant to RCW 70.24.024, so long as the record was obtained by means of court-ordered HIV testing pursuant to RCW 70.24.340 or 70.24.024;

(e) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure must: (i) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services;

(f) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in RCW 70.24.022, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary;

(g) A law enforcement officer, firefighter, health care provider, health care facility staff person, department of correction's staff person, jail staff person, or other persons as defined by the board of health in rule pursuant to RCW 70.24.340((~~(4)~~)), who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to RCW 70.24.340((~~(4)~~)), if a state or local public health officer performs the test;

(h) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection must be confidential and may not be released or available to persons who are not involved in handling or determining medical claims payment; and

(i) A department of children, youth, and families worker, a child-placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than fourteen years of age, has a sexually transmitted disease, and is in the custody of the department of children, youth, and families or a licensed child-placing agency. This information may also be received by a person responsible for providing

residential care for such a child when the department of social and health services, the department of children, youth, and families, or a licensed child-placing agency determines that it is necessary for the provision of child care services.

(3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as authorized by that subsection.

(4) The release of sexually transmitted disease information regarding an offender or detained person, except as provided in subsection (2)(d) of this section, is governed as follows:

(a) The sexually transmitted disease status of a department of corrections offender who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available by department of corrections health care providers and local public health officers to the department of corrections health care administrator or infection control coordinator of the facility in which the offender is housed. The information made available to the health care administrator or the infection control coordinator under this subsection (4)(a) may be used only for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of corrections' jurisdiction according to the provisions of (d) and (e) of this subsection.

(b) The sexually transmitted disease status of a person detained in a jail who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the local public health officer to a jail health care administrator or infection control coordinator. The information made available to a health care administrator under this subsection (4)(b) may be used only for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. The information may be submitted to transporting officers and receiving facilities according to the provisions of (d) and (e) of this subsection.

(c) Information regarding the sexually transmitted disease status of an offender or detained person is confidential and may be disclosed by a correctional health care administrator or infection control coordinator or local jail health care administrator or infection control coordinator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law.

(d) Notwithstanding the limitations on disclosure contained in (a), (b), and (c) of this subsection, whenever any member of a jail staff or department of corrections staff has been substantially exposed to the bodily fluids of an offender or detained person, then the results of any tests conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370, must be immediately disclosed to the staff person in accordance with the Washington Administrative Code rules governing employees' occupational exposure to blood-borne pathogens. Disclosure must be accompanied by appropriate counseling for the staff member, including information regarding follow-up testing and treatment. Disclosure must also include notice that subsequent disclosure of the information in violation of this chapter or use of the information to harass or discriminate against the offender or detainee may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080, and imposition of other penalties prescribed by law.

(e) The staff member must also be informed whether the offender or detained person had any other communicable disease, as defined in RCW 72.09.251(3), when the staff person was substantially exposed to the offender's or detainee's bodily fluids.

(f) The test results of voluntary and anonymous HIV testing or HIV-related condition, as defined in RCW 70.24.017, may not be disclosed to a staff person except as provided in this section and RCW 70.02.050(1)(d) and 70.24.340((~~(4)~~)). A health care administrator or infection control coordinator may provide the staff member

with information about how to obtain the offender's or detainee's test results under this section and RCW 70.02.050(1)(d) and 70.24.340((~~(4)~~)).

(5) The requirements of this section do not apply to the customary methods utilized for the exchange of medical information among health care providers in order to provide health care services to the patient, nor do they apply within health care facilities where there is a need for access to confidential medical information to fulfill professional duties.

(6) Upon request of the victim, disclosure of test results under this section to victims of sexual offenses under chapter 9A.44 RCW must be made if the result is negative or positive. The county prosecuting attorney shall notify the victim of the right to such disclosure. The disclosure must be accompanied by appropriate counseling, including information regarding follow-up testing.

(7) A person, including a health care facility or health care provider, shall disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease and information and records related to sexually transmitted diseases to federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal certification or registration rules or laws; or when needed to protect the public health. Any health care information obtained under this subsection is exempt from public inspection and copying pursuant to chapter 42.56 RCW.

NEW SECTION. **Sec. 6.** This act takes effect January 1, 2022."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

March 19, 2021

ESSB 5190 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Providing health care workers with presumptive benefits during a public health emergency. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.04.294 and 2006 c 13 s 9 are each amended to read as follows:

With respect to claims that have an effective date on or after January 4, 2004:

(1) "Misconduct" includes, but is not limited to, the following conduct by a claimant:

(a) Willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee;

(b) Deliberate violations or disregard of standards of behavior which the employer has the right to expect of an employee;

(c) Carelessness or negligence that causes or would likely cause serious bodily harm to the employer or a fellow employee; or

(d) Carelessness or negligence of such degree or recurrence to show an intentional or substantial disregard of the employer's interest.

(2) The following acts are considered misconduct because the acts signify a willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee. These acts include, but are not limited to:

(a) Insubordination showing a deliberate, willful, or purposeful refusal to follow the reasonable directions or instructions of the employer;

(b) Repeated inexcusable tardiness following warnings by the employer;

(c) Dishonesty related to employment, including but not limited to deliberate falsification of company records, theft, deliberate deception, or lying;

(d) Repeated and inexcusable absences, including absences for which the employee was able to give advance notice and failed to do so;

(e) Deliberate acts that are illegal, provoke violence or violation of laws, or violate the collective bargaining agreement. However, an employee who engages in lawful union activity may not be disqualified due to misconduct;

(f) Violation of a company rule if the rule is reasonable and if the claimant knew or should have known of the existence of the rule; or

(g) Violations of law by the claimant while acting within the scope of employment that substantially affect the claimant's job performance or that substantially harm the employer's ability to do business.

(3) "Misconduct" does not include:

(a) Inefficiency, unsatisfactory conduct, or failure to perform well as the result of inability or incapacity;

(b) Inadvertence or ordinary negligence in isolated instances; ((~~or~~))

(c) Good faith errors in judgment or discretion; or

(d)(i) A health care worker who left work for the period of quarantine consistent with the recommended guidance from the United States centers for disease control and prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(ii) For purposes of this subsection, "health care worker" means an individual who worked at a health care facility as defined in RCW 9A.50.010, and was directly involved in the delivery of health services.

(4) "Gross misconduct" means a criminal act in connection with an individual's work for which the individual has been convicted in a criminal court, or has admitted committing, or conduct connected with the individual's work that demonstrates a flagrant and wanton disregard of and for the rights, title, or interest of the employer or a fellow employee.

Sec. 2. RCW 50.20.010 and 2021 c 2 s 8 are each amended to read as follows:

(1) An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(a) The individual has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(b) The individual has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(c) The individual is able to work, and is available for work in any trade, occupation, profession, or business for which the individual is reasonably fitted.

(i) To be available for work, an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules.

(ii) Until June 30, 2021, an individual under quarantine or isolation, as defined by the department of health, as directed by a public health official during the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020, will meet the requirements of this subsection (1)(c) if the individual is able to perform, available to perform, and actively seeking work which can be performed while under quarantine or isolation.

(iii) For the purposes of this subsection, "customary trade practices" includes compliance with an electrical apprenticeship training program that includes a recognized referral system under apprenticeship program standards approved by the Washington state apprenticeship and training council;

(d) The individual has been unemployed for a waiting period of one week;

(e) The individual participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under RCW 50.20.011, unless the commissioner determines that:

(i) The individual has completed such services; or

(ii) There is justifiable cause for the claimant's failure to participate in such services; and

(f) As to weeks which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

(3)(a) For any weeks of unemployment insurance benefits when the one week waiting period is fully paid or fully reimbursed by the federal government, subsection (1)(d) of this section is waived.

(b) For any weeks of unemployment insurance benefits when the one week waiting period is partially paid or partially reimbursed by the federal government, the department may, by rule, elect to waive subsection (1)(d) of this section.

(4) During the weeks of a public health emergency, an unemployed individual may also meet the requirements of subsection (1)(c) of this section if:

(a) The unemployed individual is able to perform, available to perform, and actively seeking suitable work which can be performed for an employer from the individual's home; and

(b) The unemployed individual or another individual residing with the unemployed individual is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(i) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by:

(A) The federal centers for disease control and prevention;

(B) The department of health; or

(C) The equivalent agency in the state where the individual resides; or

(ii) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency by:

(A) The federal centers for disease control and prevention;

(B) The department of health; or

(C) The equivalent agency in the state where the individual resides.

(5)(a) During the weeks of a public health emergency, an unemployed health care worker may also meet the requirements of subsection (1)(c) of this section if the unemployed health care worker described in RCW 50.20.050(3) and 50.29.021(1)(c)(iii) is able to perform, available to perform, and actively seeking suitable work which will commence after quarantine or which can be performed for an employer from the individual's home.

(b) For purposes of this subsection, "health care worker" means an individual who worked at a health care facility as defined in RCW 9A.50.010, and was directly involved in the delivery of health services.

Sec. 3. RCW 50.20.050 and 2021 c 2 s 10 are each amended to read as follows:

(1) With respect to separations that occur on or after September 6, 2009, and for separations that occur before April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant obtains bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of ((~~the~~)) the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the claimant's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs; or

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant has left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant made reasonable efforts to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs;

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program; or

(xii) During a public health emergency:

(A) The claimant was unable to perform the claimant's work for the employer from the claimant's home;

(B) The claimant is able to perform, available to perform, and can actively seek suitable work which can be performed for an employer from the claimant's home; and

(C) The claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(I) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides; or

(II) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the

subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides.

(3) With respect to claims that occur on or after July 4, 2021, a claimant has good cause and is not disqualified from benefits under subsection (2)(a) of this section under the following circumstances, in addition to those listed under subsection (2)(b) of this section, if, during a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and left work for the period of quarantine consistent with the recommended guidance from the United States centers for disease control and prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(4) Notwithstanding subsection (1) of this section, a claimant who was simultaneously employed in full-time employment and part-time employment and is otherwise eligible for benefits from the loss of the full-time employment shall not be disqualified from benefits because the claimant:

(a) Voluntarily quit the part-time employment before the loss of the full-time employment; and

(b) Did not have prior knowledge that the claimant would be separated from full-time employment.

Sec. 4. RCW 50.29.021 and 2021 c 2 s 16 are each amended to read as follows:

(1)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; ((~~or~~))

(ii) RCW 50.20.050 (1)(b) (v) through (x) or (2)(b) (v) through (x); or

(iii) During a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and was terminated from work due to entering quarantine because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer, except as provided in subsection (4) of this section.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Benefits paid to an individual who qualifies for benefits under RCW 50.20.050 (1)(b) (iv) or (xi) ((~~or~~)), (2)(b) (iv), (xi), or (xii), or (3), as applicable, shall not be charged to the experience rating account of any contribution paying employer.

(f) Benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer. This subsection (2)(f) does not apply to the calculation of contribution rates under RCW 50.29.025 for rate year 2010 and thereafter.

(g) Upon approval of an individual's training benefits plan submitted in accordance with RCW 50.22.155(2), an individual is considered enrolled in training, and regular benefits beginning with the week of approval shall not be charged to the experience rating account of any contribution paying employer.

(h) Training benefits paid to an individual under RCW 50.22.155 shall not be charged to the experience rating account of any contribution paying employer.

(i)(i) Benefits paid during the one week waiting period when the one week waiting period is fully paid or fully reimbursed by the federal government shall not be charged to the experience rating account of any contribution paying employer.

(ii) In the event the one week waiting period is partially paid or partially reimbursed by the federal government, the department may, by rule, elect to not charge, in full or in part, benefits paid during the one week waiting period to the experience rating account of any contribution paying employer.

(j) Benefits paid for all weeks starting with the week ending March 28, 2020, and ending with the week ending May 30, 2020, shall not be charged to the experience rating account of any contribution paying employer.

(3)(a) A contribution paying base year employer, except employers as provided in subsection (5) of this section, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster, or to the presence of any dangerous, contagious, or infectious disease that is the subject of a public health emergency at the employer's plant, building, worksite, or other facility;

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW;

(v) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who qualified for two consecutive unemployment claims where wages were attributable to at least one employer who employed the individual in both base years. Benefit charge relief ceases when the employment relationship between the

employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW;

(vi) Was hired to replace an employee who is a member of the military reserves or National Guard and was called to federal active military service by the president of the United States and is subsequently laid off when that employee is reemployed by their employer upon release from active duty within the time provided for reemployment in RCW 73.16.035;

(vii) Worked for an employer for ((~~twenty~~)) 20 weeks or less, and was laid off at the end of temporary employment when that employee temporarily replaced a permanent employee receiving family or medical leave benefits under Title 50A RCW, and the layoff is due to the return of that permanent employee. This subsection (3)(a)(vii) applies to claims with an effective date on or after January 1, 2020; or

(viii) Was discharged because the individual was unable to satisfy a job prerequisite required by law or administrative rule.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

(4) When a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports.

(5) An employer's experience rating account may not be relieved of charges for a benefit payment and an employer who reimburses the trust fund for benefit payments may not be credited for a benefit payment if a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to the claim or claims without establishing good cause for the failure and the employer or employer's agent has a pattern of such failures. The commissioner has the authority to determine whether the employer has good cause under this subsection.

(a) For the purposes of this subsection, "adequately" means providing accurate information of sufficient quantity and quality that would allow a reasonable person to determine eligibility for benefits.

(b)(i) For the purposes of this subsection, "pattern" means a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to a claim or claims without establishing good cause for the failure, if the greater of the following calculations for an employer is met:

(A) At least three times in the previous two years; or

(B) Twenty percent of the total current claims against the employer.

(ii) If an employer's agent is utilized, a pattern is established based on each individual client employer that the employer's agent represents.

NEW SECTION. **Sec. 5.** If any part of sections 1 through 4 of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of sections 1 through 4 of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of sections 1 through 4 of this act. Rules adopted under sections 1 through 4 of this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the

granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 6.** A new section is added to chapter 51.32 RCW to read as follows:

(1) For health care employees who are covered under this title, there exists a prima facie presumption that any infectious or contagious diseases which are the subject of a public health emergency are occupational diseases under RCW 51.08.140 during a public health emergency.

(2) The health care employee must provide verification, as required by the department by rule, to the department or the self-insurer that the employee is in quarantine or has contracted the disease after exposure to the infectious or contagious disease that is the subject of the public health emergency.

(3) This presumption of occupational disease may be rebutted by clear and convincing evidence that:

(a) The exposure to the infectious or contagious disease which is the subject of the public health emergency occurred from other employment or nonemployment activities; or

(b) The employee was working from the employee's home or other location not under the employer's control, on leave from the employee's employment, or some combination thereof, for the period of quarantine outlined for the disease immediately prior to the employee's date of disease contraction or period of incapacity resulting from exposure to the disease which is the subject of the public health emergency.

(4)(a) RCW 51.32.090(7) does not apply to an occupational disease under this section except that no worker shall receive compensation for or during the day on which the occupational disease was contracted. For the purposes of this subsection (4), the day on which the occupational disease was contracted is whichever date occurs first of the following:

(i) The date that the worker first missed work due to symptoms of the infectious or contagious disease;

(ii) The date the worker was quarantined by a medical provider or public health official; or

(iii) The date the worker received a positive test result confirming contraction of the infectious or contagious disease.

(b) If leave or similar benefits are paid to the worker as part of a federal or state program for these employees during the public health emergency, total temporary disability benefits are not payable for the same period of time covered by this federal or state program.

(5)(a) When a determination involving the presumption established under this section is appealed to the board of industrial insurance appeals and the final decision allows the claim of benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the worker or the worker's beneficiary by the opposing party. If the opposing party is a state fund employer or retrospective rating group, the costs and fees are paid by the employer or retrospective rating group.

(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of appeal, including attorneys' fees and witness fees, be paid to the worker or the worker's beneficiary by the opposing party. If the opposing party is a state fund employer or retrospective rating group, the costs and fees are paid by the employer or retrospective rating group.

(c) When reasonable costs of the appeal must be paid by the department as the opposing party in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

(6) Costs of claims allowed under this section shall not affect the experience rating of employers insured by the state fund. When calculating assessments due to the department for which total claim costs are the basis, self-insured employers and self-insurance hospital groups formed under RCW 51.14.150 and 51.14.160 may deduct the cost of payments made under this section from the total of all claim costs reported.

(7) For purposes of this section:

(a) "Health care employee" means an employee of any health care facility or

other organization that provides emergency or medical services who has or likely has had direct contact with any person who has been exposed to or tested positive for any infectious or contagious diseases which are the subject of a public health emergency.

(b) "Health care facility" has the same meaning as in RCW 9A.50.010.

(c) "Public health emergency" means a declaration or order that covers the jurisdiction where the employee was working on the date of exposure concerning any dangerous, contagious, or infectious diseases, including a pandemic, and is issued as follows:

(i) The president of the United States has declared a national or regional emergency; or

(ii) The governor of Washington declared a state of emergency under RCW 43.06.010(12).

(8) The presumption in subsection (1) of this section takes effect on the day the national, regional, or state emergency is declared and continues until this declaration is revoked.

(9) The provisions of RCW 51.28.055 concerning time limits for filing claims for occupational disease apply to claims covered under this section.

Sec. 7. RCW 51.52.130 and 2007 c 490 s 4 are each amended to read as follows:

(1) If, on appeal to the superior or appellate court from the decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained, a reasonable fee for the services of the worker's or beneficiary's attorney shall be fixed by the court.

(a) In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may be, in addition to the fee fixed for the services in the court.

(b) If in a worker or beneficiary appeal the decision and order of the board is reversed or modified and if the accident fund or medical aid fund is affected by the litigation, or if in an appeal by the department or employer the worker or beneficiary's right to relief is sustained, or in an appeal by a worker involving a state fund employer with twenty-five employees or less, in which the department does not appear and defend, and the board order in favor of the employer is sustained, the attorney's fee fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the department.

(c) In the case where the employer or other person or persons aggrieved by the decision of the board appeal and the worker or beneficiary's right to relief is sustained, the attorneys' fees fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable directly by the person or persons filing the appeal.

(d) In the case of self-insured employers, the attorney fees fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable directly by the self-insured employer.

(2) In an appeal to the superior or appellate court involving the presumption established under RCW 51.32.185, the attorney's fee and costs shall be payable as set forth under RCW 51.32.185.

(3) In an appeal to the superior or appellate court involving the presumption established under section 6 of this act, the attorneys' fees and costs shall be payable as set forth under section 6 of this act.

NEW SECTION. **Sec. 8.** A new section is added to chapter 51.32 RCW to read as follows:

(1) Where an appealing party, other than the department or a self-insured employer, is ordered to pay attorneys' fees and costs and that party fails, refuses, or neglects to comply with the award, which has become final and is not subject to review or appeal, the director or any person entitled to compensation

under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the claimant resides, or, if the claimant is not then a resident of this state, in the superior court for the county in which that party may be served with process.

(2) The court shall ensure compliance to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order. The court may issue such writs and processes as are necessary to carry out its orders.

(3) A proceeding under this section does not preclude other methods of enforcement provided for in this title.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Sells, Chair; Berry, Vice Chair; Mosbrucker, Assistant Ranking Minority Member; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representative Hoff, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Appropriations.

March 19, 2021

ESSB 5193 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds with roughly $4,700,000,000 in the state unemployment insurance trust fund, Washington entered the COVID-19 pandemic with one of the strongest and best-funded trust funds in the nation. During an unprecedented time, the state's unemployment insurance trust fund provided critical economic support to Washington workers and businesses through unemployment benefits and helped bolster the state's economy.

The legislature recognizes that the employment security department maintains a recession readiness team that prepares the agency to respond to economic changes, helping employers and employees plan for the future. Based on experience with past recessions, the employment security department's readiness team prepared contingency plans for a possible economic crisis. During the great recession, there were approximately 61,000 continued unemployment insurance claims in September 2008, rising to a high of approximately 173,000 claims in January of 2010, a period of 16 months. During the first three months of COVID-19, unemployment insurance claims were more than double those filed during the great recession, a time period that was seven times longer. From February 2020 to April 2020, unemployment insurance claims went from approximately 62,000 to approximately 447,000 claims. The sudden magnitude of claimants overwhelmed the system; contributing to Washingtonians waiting months for their earned benefits and facing deep economic insecurity.

The legislature finds that, despite conscientious economic emergency planning by the employment security department, claims processing issues are central problems encumbering the employment security department's ability to timely meet a suddenly increased demand for benefits. Immediate additional measures to facilitate rapid and equitable provision of unemployment benefits now, and enhanced preparation to do so in future economic downturns or emergencies, are critically important.

The legislature further finds that a federal retroactive funding model that looks back instead of preparing for potential economic shocks ahead was a major contributing factor to the challenges faced by all states during the COVID-19 pandemic in quickly paying benefits to unemployed workers. Our employment security department cannot quickly scale up for increased workloads and new programs if its administrative funding is based on funding that looks backward instead of forward.

Amid an unprecedented need for benefits and stresses on our unemployment insurance program, the legislature intends to create a pool of qualified unemployment insurance claim adjudicators, reduce claimants' need for assistance, assure transparency of claims processing performance measures, and make other system enhancements. Together, these systems enhancements will ensure quicker claim resolution and benefit payment; thus providing critical economic support during future unemployment crises.

NEW SECTION. **Sec. 2.** A new section is added to chapter 50.12 RCW to read as follows:

(1) The employment security department must create a training program to prepare a reserve force of skilled unemployment insurance claim adjudicators who can be available quickly when claims volume demands.

(2) The program must:

(a) Be open to both state and other public employees and private citizens;

(b) Be of sufficient quality that persons completing the training and any required continuing education would be ready to work as an unemployment insurance claim adjudicator within one week of commencing employment with the employment security department; and

(c) Provide a certification of completion to participants who complete the program.

(3) The office of financial management must collaborate with the employment security department to assist the department in identifying agencies with current state employees who meet the minimum qualifications for unemployment insurance claims' adjudicator. Employees at other agencies, who meet the minimum qualifications of the unemployment insurance claims' adjudicator classification, may, upon approval of their agency, attend required training provided by the department. In designated times of high unemployment claims, current state employees who have completed required training and who are otherwise qualified may be selected to assist the department in processing unemployment insurance claims or related activities. The office of financial management may adopt rules or issue guidance to assist in the implementation of this provision.

(4) By October 1, 2021, and each year thereafter, the employment security department must provide a report to the house of representatives committee on labor and workplace standards and the senate committee on labor, commerce, and tribal affairs, or successor committees, on the number of persons with current certifications under subsection (2)(c) of this section, the number of people employed by the department and over what period of time, and the adjudicator training and hiring costs.

NEW SECTION. **Sec. 3.** A new section is added to chapter 50.12 RCW to read as follows:

(1) The department must designate department employees to assure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and tested on claimants before they are approved for use. Criteria for approval must include comprehensibility, clarity, and readability. If the messaging of any letter, alert, or notice falls short of those criteria, manual methods of producing a comprehensible version shall be considered while the department waits for their unemployment insurance technology system to incorporate required modifications.

(2) Determinations and redeterminations must clearly convey applicable statute numbers, a brief explanation of pertinent law, outline of relevant facts, reasoning, decision, and result.

(3) The department will work with an unemployment insurance advisory committee comprised of business and worker advocates to explore:

(a) Establishing thresholds that will trigger automatic adjustments in department staffing assignments and phone agent staffing levels;

(b) Establishing a pilot to provide a caseworker approach to the claims of a group of claimants with that casework carrying over to reemployment services;

(c) Increasing language access, including by providing translation of notices sent to claimants as part of their unemployment insurance claims; and

(d) Frequency of the initial and continuing training to meet the needs of section 2 of this act.

(4) Dedicated toll-free phone lines must be established for claimants who lack computer skills or access to computers, claimants with disabilities, and claimants with limited English proficiency.

NEW SECTION. **Sec. 4.** A new section is added to chapter 50.12 RCW to read as follows:

The department must:

(1) Maintain an online data dashboard.

(2) Provide quarterly reports with performance metrics that include:

(a) Updates of unemployment rates;

(b) Total numbers of claims paid, amount compensated, claims denied, claims pending in adjudication, claims on which payment has been halted for review, pending appeals, appeals redetermined by the department, and appeals sent to the office of administrative hearings;

(c) Claims center phone statistics including call volume, hold times, abandoned calls, repeat calls, and all-circuits-busy messages for both claimants and employers;

(d) Ratio of staff phone agents to employers and ratio of staff phone agents to claimants;

(e) Number and dollar total of overpayments imposed and overpayment waiver approval rate; and

(f) The percentage of unemployed persons in the state receiving benefits (recipiency rate).

NEW SECTION. **Sec. 5.** (1) By September 1, 2021, and at least quarterly through September 1, 2022, the employment security department must provide a report to the house of representatives committee on labor and workplace standards and the senate committee on labor, commerce, and tribal affairs, or successor committees, that includes:

(a) The department's progress in implementing this act;

(b) Updates on any new federal programs or funds received by the department for unemployment compensation and administration and the use of such funds;

(c) Any software or technology issues related to claims processing, including any issues causing claim delays or inaccurate automated notifications;

(d) Updates on the department's protocols and process for protecting sensitive data; and

(e) Any other relevant unemployment issues, or information related to enhancing the unemployment insurance system, as determined by the department.

(2) This section expires December 1, 2022."

Correct the title.

Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5201 Prime Sponsor, Senator Van De Wege: Concerning department of natural resources' timber and land sales. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.11.130 and 2003 c 381 s 4 and 2003 c 334 s 346 are each reenacted and amended to read as follows:

(1) The department shall give notice of the sale by advertisement published not fewer than two times during a four-week period prior to the time of sale in at least one newspaper of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold is situated, and by posting a copy of the notice ((~~in a conspicuous place in the department's Olympia office,~~)) on the department's public website and in the region headquarters administering such sale((~~, and in the office of the county auditor of such county~~)). The notice shall specify the place, date, and time of sale, the appraised value of the land, describe with particularity each parcel of land to be sold, and specify that the terms of sale will be available in the region headquarters and the department's ((~~Olympia office~~)) public website.

(2) The advertisement is for informational purposes only, and under no circumstances does the information in the notice of sale constitute a warranty that

the purchaser will receive the stated values, volumes, or acreage. All purchasers are expected to make their own measurements, evaluations, and appraisals.

(3) The department shall print a list of all public lands and the appraised value thereof, that are to be sold. This list should be ((~~published in a pamphlet form to be issued~~)) made available at least four weeks prior to the date of any sale of the lands. The list should be organized by county and by alphabetical order, and provide sale information to prospective buyers. The department shall retain for free distribution in the ((~~Olympia office and the~~)) region offices sufficient copies of the ((~~pamphlet~~)) list, to be kept in a conspicuous place, and, when requested so to do, shall mail copies of the ((~~pamphlet~~)) list as issued to any requesting applicant. The department may seek additional means of publishing the information in the ((~~pamphlet~~)) list, such as on the internet, to increase the number of prospective buyers.

((~~(4) The sale of valuable materials appraised at an amount not exceeding two hundred fifty thousand dollars, as described in RCW 79.01.200 and as authorized by the board of natural resources, are exempt from the requirements of subsection (3) of this section.~~))

Sec. 2. RCW 79.15.070 and 2003 c 334 s 350 are each amended to read as follows:

It is the duty of the department to fix the date, time, and place of sale.

(1) All valuable materials shall have been appraised prior to the date fixed for sale as prescribed in RCW 79.15.060.

(2) No sale may be conducted on any day that is a legal holiday.

(3) Sales must be held between the hours of 10:00 a.m. and 4:00 p.m. If all sales cannot be offered within this time period, the sale must continue on the following day between the hours of 10:00 a.m. and 4:00 p.m.

(4) Sales must take place((~~:~~

~~(a) At~~)) at the department's ((~~regional office~~)) region headquarters having jurisdiction over the respective sale((~~:~~)) or

((~~(b) On county property designated by the board of county commissioners or county legislative authority of the county in which the whole or majority of valuable materials are situated~~)) at an alternate location designated by the department.

Sec. 3. RCW 79.15.080 and 2006 c 42 s 2 are each amended to read as follows:

(1) Sales, other than direct sales, appraised at an amount not exceeding two hundred fifty thousand dollars, when such sales have been authorized by the board ((~~for sale~~)), shall be advertised by publishing not less than ten days prior to sale a notice of such sale in either a newspaper of general circulation ((~~located nearest to the property from which the valuable material is to be sold~~)), the department's public website, or another method deemed most practical by the department.

(2) Except as provided in RCW 79.15.050, all other proposed sales of valuable materials must be advertised through individual notice of sale and publication of a statewide list of sales.

(a) The notice of sale:

(i) Must specify the place, date, and time of sale, the appraised value thereof, and describe with particularity each parcel of land from which valuable materials are to be sold. The estimated volume will be identified and the terms of sale will be available in the region headquarters and the department's Olympia office;

(ii) May prescribe that the bid deposit required in RCW 79.15.110 be considered an opening bid;

(iii) May be advertised by newspaper or by other means of publishing the information such as on the ((~~internet~~)) department's public website; and

(iv) Must be posted in a conspicuous place in ((~~the department's Olympia office and in~~)) the region headquarters administering the sale((~~, and in the office of the county auditor of the county where the material is located~~)).

(b) The department shall ((~~print~~)) make available a list of all valuable material on public lands that are to be sold. The list should be organized by county and by alphabetical order.

(i) The list should be ((~~published in a pamphlet form, issued~~)) made available

at least four weeks prior to the date of any sale and provide sale information to prospective buyers.

(ii) The department must retain for free distribution in ((~~the Olympia office and~~)) the region headquarters offices sufficient copies of the ((~~pamphlet~~)) list, to be kept in a conspicuous place, and((~~, when requested to do so, must mail copies of the pamphlet as issued to any requesting applicant~~)) made available upon request.

(iii) The department may seek additional means of publishing the information in the ((~~pamphlet~~)) list, such as on the ((~~internet~~)) department's public website and other means of communication, to increase the number of prospective buyers.

(3) The department is authorized to expend any sum in additional advertising of the sales as it deems necessary.

Sec. 4. RCW 79.15.150 and 2003 c 334 s 351 are each amended to read as follows:

A sale of valuable materials that has been offered, and for which there are no bids received, ((~~shall not be reoffered until it has been readvertised as prescribed in RCW 79.11.130~~)) may be reoffered consistent with RCW 79.15.060 and 79.15.080(2)(a).

Sec. 5. RCW 79.11.340 and 2003 c 334 s 399 are each amended to read as follows:

(1) Except as provided in RCW 79.10.030(2), the department shall manage and control all lands acquired by the state by escheat, deed of sale, gift, devise, or under RCW 79.19.010 through 79.19.110, except such lands that are conveyed or devised to the state for a particular purpose.

(2) When the department determines to sell the lands, they shall initially be offered for sale either at public auction or direct sale to public agencies as provided in this chapter((~~.~~

~~(3) If the lands are not sold at public auction,~~)) or the department may, with approval of the board, market the lands through persons licensed under chapter 18.85 RCW or through other commercially feasible means at a price not lower than the land's appraised value.

((~~(4)~~)) (3) Necessary marketing costs may be paid from the sale proceeds. For the purpose of this subsection, necessary marketing costs include reasonable costs associated with advertising the property and paying commissions.

((~~(5)~~)) (4) Proceeds of the sale shall be deposited into the appropriate fund in the state treasury unless the grantor in any deed or the testator in case of a devise specifies that the proceeds of the sale be devoted to a particular purpose.

Sec. 6. RCW 79.11.120 and 2003 c 334 s 344 are each amended to read as follows:

When the department decides to sell any state lands, or with the consent of the board of regents of the University of Washington, or by legislative directive, decides to sell any lot, block, tract, or tracts of university lands, it is the duty of the department to fix the date, place, and time of sale.

(1) No sale may be conducted on any day that is a legal holiday.

(2) Sales must be held between the hours of 10:00 a.m. and 4:00 p.m. If all sales cannot be offered within this time period, the sale must continue on the following day between the hours of 10:00 a.m. and 4:00 p.m.

(3) Sales must take place((~~:~~

~~(a) At~~)) at the department's ((~~regional office~~)) region headquarters administering the respective sale((~~; or~~

~~(b) On county property designated by the board of county commissioners or county legislative authority of the county in which the whole or majority of state lands are situated~~)) or at an alternate location designated by the department."

Correct the title.

Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

March 18, 2021

E2SSB 5227 Prime Sponsor, Committee on Ways & Means: Concerning diversity, equity, inclusion, and antiracism training and assessments at institutions of higher

education. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that a postsecondary credential such as a degree, apprenticeship, or certificate is increasingly necessary to obtain a job that offers a good salary and advancement opportunities and that increasing the number of students in Washington who obtain such a credential is essential to the state's economic success. The legislature also recognizes that equity gaps remain among postsecondary students and that those gaps particularly impact students from historically marginalized communities.

The legislature finds that developing and maintaining a culture of belonging and support for students, faculty, and staff at institutions of higher education is essential to student success, and that faculty and staff play a key role. The legislature therefore seeks to ensure that public institutions of higher education provide faculty and staff, as well as students, with training to give them tools to address matters related to antiracism, diversity, equity, and inclusion.

The legislature further finds it necessary to regularly analyze the impact of that training on the campus community and to identify any measures needed to increase diversity, equity, and inclusion. Accordingly, the legislature intends that each public institution of higher education assess the learning, working, and living environment on campus that students, faculty, and staff experience to better understand the evolving state of diversity, equity, and inclusion.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education must:

(a) Provide professional development, either existing or new, focused on diversity, equity, inclusion, and antiracism for faculty and staff. This program must be developed in partnership with the institution's administration, faculty, staff, and student leadership groups. Efforts must be made to ensure the program is developed and delivered by individuals with innate and acquired experience and expertise in the field of diversity, equity, and inclusion. The content framework for professional development must be posted on each institution's public website for parents and community members. The professional development must begin in the 2022-23 academic year;

(b) Create an evaluation for professional development participants. The evaluations must, at minimum, capture a participant's level of satisfaction with the professional development opportunity, the degree to which the learning objectives were achieved, and how the knowledge gained may be applied to their work;

(c)(i) Share completed evaluations of program participants annually with either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education, depending on the institution; and (ii) submit curriculum and other pertinent information regarding the program beginning July 1, 2023, and, subsequently, if there is a meaningful change or by request of the reporting entity.

(2) The purpose of each professional development program curriculum must be rooted in eliminating structural racism against all races and promoting diversity, equity, and inclusion while improving academic, social, and health and wellness outcomes for students from historically marginalized communities. Institutions of higher education may further develop a curriculum that is reflective of the needs of the campus community.

(3)(a) Beginning with the 2022-23 academic year, every new faculty and staff member at an institution of higher education must participate in the program, regardless of whether they are a full-time or part-time employee. All faculty and staff participating in the professional development program must complete an evaluation. Other faculty and staff may participate in the professional development program as needed or required by their institution. Each institution must develop a goal of at least 80 percent of their total faculty and staff completing the professional development program every two years and report on

their goal's progress in the report established in section 5 of this act. Each institution may determine how to show progress towards their goal. Part-time faculty and staff who are employed at more than one institution of higher education are only required to complete the professional development program at one institution if they provide proof of completion to their other institution of higher education employers to receive credit for participation.

(b) Beginning with the 2024-25 academic year, 35 percent of tenured faculty and 35 percent of administrators at each institution of higher education must complete the professional development program every two years, regardless of whether they are a full-time or part-time employee.

(4) The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education may conduct further analysis of the professional development programs through participant evaluation data, use of focus groups, or other methods to determine promising practices. The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education must post a list of model standards and promising practices for professional development on their public websites for parents and community members.

(5) The institutions of higher education shall adopt rules as necessary or appropriate for effecting the provisions of this section, not in conflict with this chapter, and in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

(1)(a) The institutions of higher education as defined in RCW 28B.10.016 shall each conduct a campus climate assessment to understand the current state of diversity, equity, and inclusion in the learning, working, and living environment on campus for students, faculty, and staff. The assessment shall occur, at minimum, every five years. Institutions of higher education shall use the results of the campus climate assessment to inform the professional development, established in section 2 of this act, and program, established in section 4 of this act. Institutions may use an existing campus climate assessment to meet this requirement.

(b) The state board for community and technical colleges shall develop a model campus climate assessment for the community and technical colleges that the colleges may use or modify to meet the requirements of this section.

(2) The design of an existing or new campus climate assessment must involve, at minimum, students, college and university diversity officers, faculty, and staff. The campus climate assessment must include, at minimum, an evaluation of student and employee attitudes and awareness of campus diversity, equity, and inclusion issues. The campus climate assessment may also include questions evaluating the prevalence of discrimination, sexual assault, harassment, and retaliation on and off campus, in addition to student, faculty, and staff knowledge of campus policies and procedures addressing discrimination, sexual assault, harassment, and retaliation. College and university diversity officers and students must be consulted in the development of recommendations.

(3) Institutions of higher education must, at minimum, conduct annual listening and feedback sessions for diversity, equity, and inclusion for the entire campus community during periods between campus climate assessments. Institutions of higher education must, to the maximum extent practicable, compensate students for their participation in the annual listening and feedback sessions.

(4) Beginning July 1, 2022, the institutions of higher education shall report findings or progress in completing their campus climate assessment and, when applicable, information on their listening and feedback sessions annually to either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education. The institutions of higher education must also publish annually on the institution's public website the results of either the campus climate assessment or listening and feedback sessions.

(5) The state board for community and technical colleges may require colleges to repeat their campus climate assessment. An organization representing the presidents of the public four-year institutions of higher education may also request state universities, regional universities, and The Evergreen State College to repeat their campus climate assessment.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education must:

(a) Provide a program, either existing or new, on diversity, equity, inclusion, and antiracism to students beginning with the 2024-25 academic year. Institutions of higher education may expand the focus of its program to reflect the needs of the campus community. This program must be developed in partnership with the institution's administration, faculty, staff, and student leadership groups. Efforts should be made to ensure the program is developed and delivered by individuals with innate and acquired experience and expertise in the field of diversity, equity, and inclusion. The content framework for each program must be posted on each institution's public website for parents and community members; and

(b) Create an evaluation for program participants. The evaluation must, at minimum, capture a participant's level of satisfaction with the program and how they will apply the program to their education.

(2) The purpose of each program must be rooted in eliminating structural racism against all races and promoting diversity, equity, and inclusion while improving outcomes for students from historically marginalized communities. Institutions of higher education may further develop a curriculum that is reflective of the needs of the campus community.

(3) During the 2024-25 academic year, all degree-seeking students at institutions of higher education must participate in the program, regardless of whether they are a full-time or part-time student. Beginning with the 2025-26 academic year, the program is only required for degree-seeking students who are new or have transferred to the institution and have not yet participated in a required diversity, equity, inclusion, and antiracism program at an institution of higher education. Students must be allowed to opt out of participation in the program if they self-attest to taking a diversity, equity, inclusion, and antiracism training at an institution of higher education within the previous five years.

(4) The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education may conduct further analysis of the programs, through participant evaluation data, use of focus groups, or other methods to determine promising practices. The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education must post a list of model standards and promising practices for programs on their public websites for parents and community members.

(5) The institutions of higher education shall adopt rules as necessary or appropriate for effecting the provisions of this section, not in conflict with this chapter, and in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

(6) For purposes of this section, "student" or "students" does not include nonmatriculated students.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.10 RCW to read as follows:

By December 31, 2024, and biennially thereafter, the state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education shall each submit a report to the higher education committees of the legislature in accordance with RCW 43.01.036 for their respective institutions of higher education. The reports must include the following:

(1) Information on the professional development programs implemented by each institution of higher education, including updates on progress towards meeting the goal outlined in section 1 of this act;

(2) A summary of results of the campus climate assessments and other relevant

information received by the institutions of higher education; and

(3) By December 31, 2026, and biennially thereafter, the reports must also include information on the student diversity, equity, inclusion, and antiracism programs implemented by each institution of higher education.

NEW SECTION. **Sec. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representatives Hoff and Sutherland.

Referred to Committee on Appropriations.

March 19, 2021

SSB 5254 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning the use of protective devices and equipment during a public health emergency. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Appropriations.

March 19, 2021

SSB 5267 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Requiring electrical licensing for electrical work associated with flipping property. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske; Harris and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Hoff, Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 19, 2021

SSB 5271 Prime Sponsor, Committee on Law & Justice: Amending the necessary elements of proof of injury during the state of emergency declared due to the COVID-19 pandemic. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

March 19, 2021

ESSB 5275 Prime Sponsor, Committee on Housing & Local Government: Enhancing opportunity in limited areas of more intense rural development. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

March 19, 2021

ESSB 5284 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Eliminating subminimum wage certificates for persons with disabilities. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5300 Prime Sponsor, Senator Van De Wege: Prohibiting the feeding of garbage to swine. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

March 19, 2021

SSB 5384 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning volunteer firefighters. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5385 Prime Sponsor, Senator Keiser: Concerning the size of the airport a municipality must control or operate for that municipality to enact minimum labor standards for employees at the airport. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 19, 2021

SSB 5403 Prime Sponsor, Committee on State Government & Elections: Concerning the interagency, multijurisdictional system improvement team. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Corry; Frame; Jacobsen; Johnson, J.; Lovick; Rule and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase, Assistant Ranking Minority Member; Kraft and Sutherland.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 23, 2021, the 72nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTY SECOND DAY

House Chamber, Olympia, Tuesday, March 23, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4611, by Representatives Sells, Dent, Klippert, Jacobsen, Leavitt, Lekanoff, Ybarra, Pollet, and Chambers

WHEREAS, In June of this year, James L. Gaudino will conclude twelve and one-half very successful years of service to the state as president of Central Washington University; and

WHEREAS, President Gaudino's leadership has been instrumental in overcoming some of the most challenging times of the 129-year history of CWU; and

WHEREAS, During the Great Recession President Gaudino's budget management avoided mass layoffs and actually increased financial stability of the university; and

WHEREAS, He led the modernization and digitization of 14 business processes, from procurement to human resources, reducing the time and cost of administrative processes; and

WHEREAS, His intense focus on creating a welcoming and inclusive campus climate has resulted in CWU being the most diverse public university in the state, and the only university to earn the Higher Education Excellence in Diversity award in six of the past seven years; and

WHEREAS, The overhaul of campus technology and data management systems has given CWU the ability to better inform planning and decisions; and

WHEREAS, President Gaudino has modernized budget and management processes, and shifted the planning horizon from one to six years in order to ensure sustainable and accountable university management; and

WHEREAS, His modernization of enrollment management allowed CWU to recover from Great Recession enrollment drops and become one of the fastest growing institutions in the country; and

WHEREAS, He has expanded educational opportunity by launching online degree programs and establishing instructional sites in Sammamish and at Joint Base Lewis - McChord; and

WHEREAS, President Gaudino's insistence on science-informed pandemic strategies and close partnerships with local public health officials created a safe, low-transmission learning environment and has resulted in no serious illnesses to date from COVID-19;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives extend to Dr. James L. Gaudino their sincere thanks for his service to the people of Washington and his work to expand educational opportunity for the citizens of our state; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the House of Representatives to Dr. James L. Gaudino and the Board of Trustees of Central Washington University.

There being no objection, HOUSE RESOLUTION NO. 4611 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4612, by Representatives Eslick, Ryu, Pollet, Valdez, Thai, Taylor, Lovick, Senn, Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, Young, Dolan, Shewmake, Wicks, Duerr, Sells, Leavitt, Paul, Rule, and Slatter

WHEREAS, Boys and Girls Clubs in Washington state serve more than 76,000 kids and teens annually; and

WHEREAS, The mission of Boys and Girls Clubs in Washington state is to enable all young people, especially those who need it most, to reach their full potential as productive, caring, responsible citizens; and

WHEREAS, Boys and Girls Clubs work to ensure each member reaches three priority outcomes: Succeed academically, graduation from high school ready for college, trade school, military service, or full-time employment; demonstrate good character and citizenship, engage in their communities, register to vote, and model strong character; and commit to healthy lifestyles, adopting a healthy diet, practicing healthy lifestyle choices, and making a lifelong commitment to fitness; and

WHEREAS, Boys and Girls Clubs provide leadership opportunities to over 300 student leaders annually through the Youth of the Year program, and Keystone Summit; and

WHEREAS, Boys and Girls Clubs in Washington state have mentored and supported three National Youth of the

Year winners: Dr. Tony Agtarap, Dr. Liberty Franklin, and Snohomish County Prosecuting Attorney Adam Cornell, all representing the greatness of Washington's youth on the national stage; and

WHEREAS, Boys and Girls Clubs serve an additional 50,000 youth through community outreach, including sports leagues, leadership development summits, juvenile rehabilitation engagement, STEM, and other enrichment events; and

WHEREAS, Boys and Girls Clubs in Washington led other clubs across the country in remaining open and accessible to youth and families when it was needed most during the COVID-19 pandemic; and

WHEREAS, Club organizations stepped in immediately to fill gaps for communities, including serving more than 400,000 snacks and meals in the first four months of the crisis; and

WHEREAS, When schools closed a year ago, clubs became learning centers for children overnight and staff went from planning activities to teaching algebra and the ABCs; and

WHEREAS, Boys and Girls Club staff are unsung heroes to countless families and communities across Washington state; and

WHEREAS, Boys and Girls Clubs continue to provide remote learning hubs, child care supports, academic tutoring and assistance with in-person and virtual, social-emotional learning opportunities, and important connections with caring, supportive adults; and

WHEREAS, Boys and Girls Clubs have been in Washington state for more than 80 years serving communities large and small;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Boys and Girls Clubs throughout Washington for their outstanding commitment to children, teens, and families, and commend the efforts of over 1,400 staff in more than 150 Club locations for ensuring that young people have a safe, fun, and positive place to go, especially during times of crisis.

There being no objection, HOUSE RESOLUTION NO. 4612 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4613, by Representatives Young, Thai, Stonier, Boehnke, Chase, Schmick, Jacobsen, Graham, Eslick, Sutherland, Walsh, Dent, Gregerson, Orwall, Duerr, Ryu, Chandler, Corry, McCaslin, Callan, Chambers, Dufault, Bronoske, Robertson, Shewmake, Simmons, Santos, Wicks, Leavitt, Barkis, and Mosbrucker

WHEREAS, The people of the state of Washington share a historical, technological, cultural, and economic relationship with the people of Taiwan and the more than 100,000 Taiwanese Americans from Taiwan living and working in Washington state, and we cherish the common values of freedom and democracy; and

WHEREAS, Taiwanese immigrants and their descendants have made a profound impact by furthering the proud democratic values that have defined the United States and made our country a beacon of liberty and progress to the world; and

WHEREAS, The people of Taiwan and the people of the state of Washington have enjoyed a long and mutually beneficial commercial, cultural, and economic relationship with the prospect of further growth in trade, jobs, manufacturing, and technology; and

WHEREAS, The people of Washington state value the importance of Taiwanese companies' investment in the Pacific Northwest, including WaferTech, Eva Air, Evergreen Marine, Yang Mine Marine Transport, and Lightel Technologies, and others, that have helped to create more than 15,000 jobs in this state; and

WHEREAS, Taiwanese American frontline personnel have made profound contributions during the pandemic, and the Taiwanese people donated more than 150,000 surgical masks to the citizens of Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives acknowledge the strong and deepening relationship between the people of Taiwan and the people of Washington state, and welcome opportunities for even closer economic ties to create greater benefits for all Washingtonians.

There being no objection, HOUSE RESOLUTION NO. 4613 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4614, by Representatives Vick and Ryu

WHEREAS, The Washington State House of Representatives recognizes excellence in all fields of endeavor; and

WHEREAS, On February 21, 2020, the Camas High School Papermakers became the 2020 4A gymnastics champions; and

WHEREAS, The Camas Papermakers showed immense dedication and hard work to defend their 2018 and 2019 state championship titles; and

WHEREAS, The Camas Papermakers finished the state finals with an overall team score of 182.45; and

WHEREAS, Alyssa Shibata finished third in the All-Around category with a score of 37.675, and finished second in the Bars with a score of 9.625; and

WHEREAS, Shea McGee finished fourth in the All-Around category with a score of 37.575, first in the Beam category with a score of 9.6, second in the Individual Floor category with a score of 9.750, and third in the Individual Beam category with a score of 9.450; and

WHEREAS, Seniors Annika Affleck, Amber Harris, and Kaitlyn Blair end their time at Camas High School as state champions; and

WHEREAS, Lili Ford, Peyton Cody, Siena Brophy, Olivia Beane, Morgan MacIntyre, Ali Hubbard, and Lizzy Wing all had at least one performance that added to the team's final score; and

WHEREAS, The Camas Papermaker girls gymnastics team was coached by Carol Willson;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the Camas High School gymnastics team on their state championship, and commend fans, supportive alumni, and the entire Camas community for this remarkable accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Camas High School Papermakers gymnastics team and to Head Coach Carol Willson.

There being no objection, HOUSE RESOLUTION NO. 4614 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4615, by Representatives Ryu, Griffey, Kloba, Pollet, Walen, Duerr, Callan, Shewmake, Dufault, Taylor, Orwall, Boehnke, Ramel, Simmons, and Bronoske

WHEREAS, Long-term care facilities, such as nursing homes, have experienced a disproportionate share of deaths during the COVID-19 pandemic, with recent data for Washington state showing COVID-19 cases in long-term care facilities account for five percent of the state's total COVID-19 cases, but nearly 50 percent of all COVID-19 deaths in the state; and

WHEREAS, Overall, COVID-19 has taken a disproportionate toll on communities of color, with increased risk for infection, death, and hospitalization; and

WHEREAS, Nursing homes with relatively high shares of Black or Hispanic residents are more likely to have experienced COVID-19 deaths than nursing homes with lower shares of Black or Hispanic residents; and

WHEREAS, Fall prevention strategies and timely bone health screening, diagnosis, and treatment may help prevent fractures leading to hospitalization and nursing home stays; and

WHEREAS, Osteoporosis-related bone fractures are responsible for more hospitalizations than heart attacks, strokes, and breast cancer combined; and

WHEREAS, Each year, about 75,000 Americans move from the hospital to a nursing home following a fracture and never return "home"; and

WHEREAS, Approximately 54,000,000 Americans age 50 and over have osteoporosis or low bone mass, placing them at increased risk for fractures; and

WHEREAS, One in every two women and one in every four men over the age of 50 will break a bone due to osteoporosis in his or her lifetime; and

WHEREAS, Annual osteoporosis costs for America's health care system top $19,000,000,000 and will double by 2050 as America's population ages; and

WHEREAS, Substantial risk of osteoporosis has been reported in persons of all ethnic backgrounds; and

WHEREAS, Osteoporosis is a preventable and treatable disease; and

WHEREAS, Building strong bones throughout childhood and adolescence can be the best defense against developing osteoporosis later in life; and

WHEREAS, Only one in three Americans receives enough calcium in his or her daily diet, a problem which is especially severe for children and adolescents in critical years of bone development; and

WHEREAS, Optimum bone health and prevention of osteoporosis can be maximized by a balanced diet rich in calcium and vitamin D, weight bearing and muscle strengthening exercise, and a healthy lifestyle with no smoking or excessive alcohol intake; and

WHEREAS, A bone mineral density test can be performed to identify osteoporosis and determine the risk for fractures and the severity of the disease; and

WHEREAS, The month of May has been designated as National Osteoporosis Month;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and appreciate the ideals, goals, and activities of National Osteoporosis Month and encourage observation of appropriate good health programs and activities with respect to preventing and controlling osteoporosis.

There being no objection, HOUSE RESOLUTION NO. 4615 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4616, by Representatives Vick and Hoff

WHEREAS, The House of Representatives recognizes excellence in every field and endeavor; and

WHEREAS, Trey Knight of Ridgefield High School set the national high school record in the hammer throw, with a toss of 261 feet and seven inches; and

WHEREAS, Trey is a four-time Class 2A state champion, holding two discus and shot put titles and in addition, holds the 2A discus state record; and

WHEREAS, Trey was named Gatorade Washington Boys Athlete in Track and Field for three consecutive years; and

WHEREAS, Trey was anticipated to win two more titles at the 2020 state championship in discus and shot put but the meet was canceled due to the COVID-19 pandemic; and

WHEREAS, The hammer throw is not sanctioned by the Washington Interscholastic Activities Association, instead Trey won the Washington State Hammer Championships in 2017, 2018, and 2019; and

WHEREAS, Trey was named All-League defensive end and helped Ridgefield Football earn their first state playoff bid since 2005; and

WHEREAS, Trey has a 3.65 grade-point average and volunteers his time at Daybreak Youth Services along with coaching youth track and field; and

WHEREAS, Trey will further his education at the University of Southern California on a full scholarship where he will specialize in the hammer throw;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate Trey Knight on setting the national high school record in the hammer throw, and commend his family, friends, and fans for this outstanding accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Trey Knight and to Coach John Gambill.

There being no objection, HOUSE RESOLUTION NO. 4616 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4617, by Representatives Leavitt, Harris-Talley, Taylor, Ryu, and Bronoske

WHEREAS, The House of Representatives recognize the life and work of Bishop Leo Charles Brown Jr., a man who dedicated his life to his faith, to the improvement of the economic and social conditions of the underrepresented and most vulnerable among us, and to the Black communities of Washington state; and

WHEREAS, Bishop Brown was born June 17, 1942, in Washington D.C. In 1961, after completing high school, Bishop Brown moved to Washington State and served as a member of the Armed Services at Fort Lewis. It was there that he found and embraced his faith. In 1965, Bishop Brown joined the ministry and began his life's calling; and

WHEREAS, Bishop Brown transformed his faith into an instrument of hope for struggling members of the community, particularly those facing incarceration. His outreach and support began in 1968 when he formed the Emmanuel Temple Prison Ministry, providing spiritual guidance to persons inside prison. This began a lifelong commitment to helping many individuals who entered our prisons; and

WHEREAS, Bishop Brown was a co-founder of Operation Longthrust, a summer camp held at Camp Moran on Orcas Island. This summer camp program provides 100 poverty-stricken children a year with the opportunity to engage in a weeklong trip filled with learning and recreational activities; and

WHEREAS, Bishop Brown founded the Progress House Association in 1972. The Progress House serves as a work release program, providing opportunities for those exiting our prisons. Bishop Brown held fast to this calling, and successfully launched work release programs across many communities. Since its founding, the Progress House Association has expanded to open facilities in Seattle, Port Orchard, and Portland, providing more than 13,000 former inmates with work-release opportunities; and

WHEREAS, Bishop Brown founded the True Vine Community Church of God in Christ, a predominately Black Pentecostal church on August 24, 1975, in Tacoma, Washington. He spent 40 years building his congregation and expanding the church to offer services including kitchens, rest areas, and classrooms. The True Vine Community Church of God in Christ has expanded to numerous ministries and auxiliaries offering services and programs to community members of all ages. Bishop Brown mentored 22 former ministers who have gone on to start their own ministries and provide services to their own communities; and

WHEREAS, Bishop Brown has been recognized on numerous occasions for his many contributions to the betterment of Washington State communities, and for championing the pursuit of improving the opportunities for the underrepresented and vulnerable members of these communities. He is a recipient of the Key to the City of Tacoma, honoree for the Rockefeller Foundation Humanity Award, and was honored by Governor John Spellman and both houses of the Legislature who declared February 6, 1982, as "Leo Charles Brown Jr. Day"; and

WHEREAS, Above all, Leo Charles Brown Jr. was a dedicated family man. He was a father and stepfather to 14 children, as well as a grandfather and great-grandfather;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the service, life, and achievements of Bishop Leo Charles Brown Jr.

There being no objection, HOUSE RESOLUTION NO. 4617 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4619, by Representatives Chambers, Robertson, Barkis, Jacobsen, Ryu, Bronoske, and Stokesbary

WHEREAS, For 88 years the annual Daffodil Festival has been a cherished tradition for the people of Pierce County; and

WHEREAS, The Daffodil Festival has been an anticipated event that continues to bring communities together to celebrate unity within our diverse community; and

WHEREAS, Since its inception in the 1920s as a modest garden party, it has grown into the festival that we all know and love today; and

WHEREAS, There has been a parade every year, with the exception of 1943, 1944, and 1945 (due to war), and 2020 (due to the pandemic); and

WHEREAS, Each year, 23 young women pass through a rigorous selection process to represent their schools as well as Pierce County communities through ambassadorship, community service, and civic pride; and

WHEREAS, Members of the Daffodil Festival royal court serve as role models for youth around our region. Their volunteerism, civic responsibility, and willingness to be ambassadors for Pierce County serve as a light for youth to look up to; and

WHEREAS, This year's Daffodil Festival royal court includes: Angelina Mireles-Mazz, Eatonville High School; Kelsey Monaghan-Bergson, Wilson High School; Haley Isom, Rogers High School; Lucy Dysart, Graham-Kapowsin High School; Liberty Tucker, White River High School; Guadalupe Perez-Delores, Sumner High School; Kayala Purdie, Clover Park High School; Roslyn Addy, Franklin Pierce High School; Lura Shultis, Lakes High School; Joie Goninan, Stadium High School; Annabelle Pepin, Curtis High School; Ashley Anita-Barriga, Mount Tahoma High School; Szoi Stevens, Chief Leschi High School; Ava Fritz, Orting High School; Karah Ritter, Fife High School; Katie Rose Abegglen, Puyallup High School; Annie McAuliffe, Washington High School; Brynne Spicer, Bonney Lake High School; Jewlieanna Granberry, Lincoln High School; and Makesha Conzuelo, Foss High School;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the many contributions made to our state by the Daffodil Festival, its organizers, and its royal court for the past 88 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 2021 Daffodil Festival officers and to the Daffodil Festival royalty.

There being no objection, HOUSE RESOLUTION NO. 4619 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4620, by Representatives Graham, Chambers, Jacobsen, Robertson, Dufault, Eslick, MacEwen, Abbarno, McCaslin, Mosbrucker, Klippert, Dye, Walsh, Ybarra, Fitzgibbon, Boehnke, Leavitt, Bronoske, Schmick, Barkis, Riccelli, Lovick, Sells, Corry, Orwall, Shewmake, Dent, Chandler, Kraft, Ryu, Goehner, Walen, Klicker, Callan, Caldier, and Chase

WHEREAS, Firefighters in the State of Washington risk their lives every day to protect the lives, property, and well-being of our citizens; and

WHEREAS, There are over 8,000 men and women who serve as firefighters and over 10,000 who have served as volunteer firefighters in the State of Washington; and

WHEREAS, 16 of Washington state's firefighters, both active and retired, have died since 2019, as well as two volunteer firefighters; and

WHEREAS, Firefighters have continued fulfilling their sworn duties, despite the threat of COVID-19 in our state; and

WHEREAS, We recognize the additional risks firefighters have faced as first responders on the frontlines of the pandemic in our nation; and

WHEREAS, Last year, our state experienced some of the worst wildfires in the nation, and the Washington wildfire season saw more individual fires than any prior year, causing the air quality in our state to reach unprecedented dangerous levels; and

WHEREAS, Firefighters braved these wildfires and COVID-19 concurrently, with their hard work and sacrifice undoubtedly saving countless lives; and

WHEREAS, Washington's firefighters deserve to be honored for their unwavering dedication to ensuring the well-being of our citizens amidst the wildfires and the pandemic;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its utmost gratitude to the courageous firefighters of our state for their diligent service and perseverance in the face of wildfires and the coronavirus pandemic; and

BE IT FURTHER RESOLVED, That copies of this resolution be transferred by the Chief Clerk of the House of Representatives to the Washington State Fire Fighters' Association, the Washington State Council of Fire Fighters, the Washington State Association of Fire Chiefs, the Spokane Firefighters Union 29, the Cheney Firefighters Union 1919, the Medical Lake Volunteer Firefighters Association, the Airway Heights Volunteer Firefighters Association, and the Washington State Board for Volunteer Fire Fighters and Reserve Officers.

There being no objection, HOUSE RESOLUTION NO. 4620 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4621, by Representatives Volz, Riccelli, Orwall, Harris, Robertson, Jacobsen, Lovick, Walen, Chase, Gilday, Chambers, Pollet, Dye, Chandler, Schmick, Ormsby, Graham, MacEwen, Cody, Hoff, Orcutt, Eslick, Ryu, Boehnke, Dent, and Callan

WHEREAS, It is with fond memories and heavy hearts that members of this august body honor one of their own on this solemn occasion, former State Representative John Edward Ahern; and

WHEREAS, John dutifully and faithfully served the citizens of the 6th legislative district from 2001 to 2013; and

WHEREAS, In the conduct of his legislative service, John sponsored Washington's first Felony, Driving Under the Influence (DUI) statute receiving national recognition from the National Highway Transportation Safety Administration (NHTSA); and

WHEREAS, John's commitment and recognition to our nation's veterans made him instrumental in creating the Spokane Veterans Home, Eastern Washington's first home for veterans; and

WHEREAS, John contributed to the Spokane business community and the local economy in owning and operating JANCO Products Incorporated for nearly 40 years; and

WHEREAS, John's devotion to God, family, and country was demonstrably shown in his marriage of nearly 60 years to wife Nancy, his commitment to his local parish, and community involvement in both civic and government organizations;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives demonstrate its deep respect and appreciation in honoring the life and accomplishments of John Edward Ahern; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the faithful support and commitment of John's family in all his endeavors: Wife Nancy, sons Michael and Brian, and daughter Carolyn; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to wife Nancy Ahern, sons Michael and Brian, and daughter Carolyn.

There being no objection, HOUSE RESOLUTION NO. 4621 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4622, by Representatives Robertson, Hoff, Thai, Abbarno, Barkis, Bronoske, Eslick, Ybarra, Jacobsen, Goehner, Cody, Dent, Ryu, Dufault, Chambers, Orcutt, Orwall, MacEwen, Graham, Walen, Leavitt, Schmick, Young, Boehnke, Chandler, and Ramos

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in service to this great state of Washington; and

WHEREAS, The occasion of June 8, 2021, marks 100 years of excellence in service to the great state of Washington by the Washington State Patrol and its direct predecessor, the Highway Patrol Division, of the Department of Efficiency, created on June 8, 1921; and

WHEREAS, The Washington State Patrol traces its distinguished history to the dawn of the automobile era and the commissioning of a small number of highway patrolmen on September 1, 1921, as motorcycle officers of the Highway Patrol, whose broad responsibilities included enforcement of all motor vehicle and transportation laws; and

WHEREAS, In the early part of this century, the leaders of Washington state had the insight and foresight to recognize the increasing and indispensable role that intrastate and interstate transportation would have on the economic well-being of this great state and nation; and as such, the state of Washington was the eighth state in these United States to establish and create a state patrol; and

WHEREAS, The Washington State Patrol's duties and service to the citizens of Washington state have increased dramatically since its founding to include many diverse facets of law enforcement, such as commercial vehicle enforcement, narcotics enforcement, seven crime laboratories, fire protection and training services, cybercrime investigation, homeland security, ferry vessel and terminal safety, capitol campus security, and executive protection, as well as antiterrorism coordination with all local, state, federal, and international law enforcement partners; and

WHEREAS, The Washington State Patrol has now grown to be one of the largest and most respected law enforcement agencies in the United States with over 2,200 commissioned and civilian employees, 43 canine officers, a response fleet of more than 1,600 vehicles, as well as airplanes, the country's largest unmanned aerial vehicle fleet, and a host of other specialized response units patrolling and protecting over 18,000 lane miles of Washington roadway every day; and

WHEREAS, The Washington State Patrol members, current and retired, who have come to be known as "troopers" and are easily distinguishable with their award-winning winter uniforms dating to the mid-1930's, which include a bow tie and campaign hat, are first and foremost the highest quality law enforcement officers, who by their selfless and courageous service risk their very lives so that our homes, families, and communities will be safe; and

WHEREAS, In addition to Washington's troopers, there are hundreds of technical professionals who deliver outstanding, comprehensive services in support of troopers in the field, as well as directly to citizens in their time of need; notably, the communications officers, crime scene response team members, crime laboratory personnel, vehicle mechanics, communications technicians, facility repair personnel, records custodians, deputy fire marshals, and many other professionals in their field; and

WHEREAS, In 1995, Washington State Patrol's Annette M. Sandberg made history when she was appointed the first female chief of a state police organization in the nation. Today, the Washington State Patrol is led by Chief John R. Batiste, who is the 21st chief and first Black appointee, who continues the tradition of innovation, excellence, and courageous "service with humility" to the citizens of Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the highest level of excellence in service to this great state of Washington by the troopers and employees alike, current and retired, of the Washington State Patrol; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Chief of the Washington State Patrol.

There being no objection, HOUSE RESOLUTION NO. 4622 was adopted.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1558 by Representatives Griffey, Jacobsen, Robertson, Eslick, Abbarno, Gilday, Caldier, Corry, Barkis, Chambers, Walsh and Hoff

AN ACT Relating to promoting recovery and improving public safety by providing behavioral health system responses to individuals with substance use disorder and providing training to law enforcement personnel; adding new sections to chapter 41.05 RCW; adding a new section to chapter 43.101 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1559 by Representatives Mosbrucker, Jacobsen, Eslick, Abbarno, Robertson, Gilday, Caldier, Corry, Barkis, Chambers, Walsh and Hoff

AN ACT Relating to providing a behavioral health response to juveniles consuming controlled substances; and amending RCW 43.185C.260.

Referred to Committee on Children, Youth & Families.

HB 1560 by Representatives Young, Dufault, Eslick, Abbarno, Robertson, Gilday, Caldier, Corry, Barkis, Jacobsen, Chambers, Walsh and Hoff

AN ACT Relating to the mens rea element of offenses related to possession of controlled substances, counterfeit substances, and legend drugs; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, and 69.41.030; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1561 by Representatives Graham, Robertson, Eslick, Abbarno, Gilday, Caldier, Corry, Barkis, Jacobsen, Chambers, Walsh and Hoff

AN ACT Relating to expanding offenses and penalties for manufacture, sale, distribution, and other conduct involving controlled substances and counterfeit substances; amending RCW 9A.42.100, 9.94A.518, 69.50.406, 69.50.4011, 69.50.410, and 69.50.4015; and prescribing penalties.

Referred to Committee on Public Safety.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 22, 2021

HB 1157 Prime Sponsor, Representative Bateman: Increasing housing supply through the growth management act and housing density tax incentives for local governments. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 19, 2021

ESSB 5038 Prime Sponsor, Committee on Law & Justice: Prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007 are each reenacted and amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she

knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slungshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility licensed or certified by the department of health for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;

(d) That portion of an establishment classified by the state liquor and cannabis board as off-limits to persons under ((~~twenty-one~~)) 21 years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2)(a) Except as provided in (c) of this subsection, it is unlawful for any person to openly carry a firearm or other weapon at any permitted demonstration. This subsection (2)(a) applies whether the person carries the firearm or other weapon on his or her person or in a vehicle.

(b) It is unlawful for any person to openly carry a firearm or other weapon within 250 feet of a permitted demonstration after a duly authorized state or local law enforcement officer advises the person of the permitted demonstration and directs the person to leave until he or she no longer possesses or controls the firearm or other weapon. This subsection (2)(b) does not apply to any person possessing or controlling any firearm or other weapon on private property owned or leased by that person.

(c) Duly authorized federal, state, and local law enforcement officers and personnel are exempt from the provisions of this subsection (2) when carrying a

firearm or other weapon in conformance with their employing agency's policy. Members of the armed forces of the United States or the state of Washington are exempt from the provisions of this subsection (2) when carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty.

(d) For purposes of this subsection, the following definitions apply:

(i) "Permitted demonstration" means either: (A) A gathering for which a permit has been issued by a federal agency, state agency, or local government; or (B) a gathering of 15 or more people who are assembled for a single event at a public place that has been declared as permitted by the chief executive, sheriff, or chief of police of a local government in which the gathering occurs. A "gathering" means a demonstration, march, rally, vigil, sit-in, protest, picketing, or similar public assembly.

(ii) "Public place" means any site accessible to the general public for business, entertainment, or another lawful purpose. A "public place" includes, but is not limited to, the front, immediate area, or parking lot of any store, shop, restaurant, tavern, shopping center, or other place of business; any public building, its grounds, or surrounding area; or any public parking lot, street, right-of-way, sidewalk, public park, or other public grounds.

(iii) "Weapon" has the same meaning given in subsection (1)(b) of this section.

(3) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

((~~(3)~~)) (4)(a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than ((~~five hundred~~)) 500 feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection ((~~(3)~~)) (4)(b) shall be grandfathered according to existing law.

((~~(4)~~)) (5) Violations of local ordinances adopted under subsection ((~~(2)~~)) (3) of this section must have the same penalty as provided for by state law.

((~~(5)~~)) (6) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

((~~(6)~~)) (7) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer

who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010; or

(c) Security personnel while engaged in official duties.

((~~(7)~~)) (8) Subsection (1)(a), (b), (c), and (e) of this section does not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection (1)(b) of this section does apply to a correctional employee or community corrections officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010.

((~~(8)~~)) (9) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

((~~(9)~~)) (10) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

((~~(10)~~)) (11) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

((~~(11)~~)) (12) Government-sponsored law enforcement firearms training must be training that correctional personnel and community corrections officers receive as part of their job requirement and reference to such training does not constitute a mandate that it be provided by the correctional facility.

((~~(12)~~)) (13) Any person violating subsection (1) or (2) of this section is guilty of a gross misdemeanor.

((~~(13)~~)) (14) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW to read as follows:

(1) Unless exempt under subsection (4) of this section, it is unlawful for any person to knowingly open carry a firearm or other weapon, as defined in RCW 9.41.300(1)(b), on the west state capitol campus grounds, in any buildings on the state capitol grounds, in any state legislative office, or at any location of a public legislative hearing or meeting during the hearing or meeting.

(2) "Buildings on the state capitol grounds" means the following buildings located on the state capitol grounds, commonly known as Legislative, Temple of Justice, John L. O'Brien, John A. Cherberg, Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, Insurance, Governor's mansion, Visitor Information Center, Carlyon House, Ayer House, General Administration, 1500 Jefferson, James M. Dolliver, Old Capitol, Capitol Court, State Archives, Natural Resources, Office Building #2, Highway-License, Transportation, Employment Security, Child Care Center, Union Avenue, Washington Street, Professional Arts, State Farm, and Powerhouse buildings.

(3) "West state capitol campus grounds" means areas of the campus south of Powerhouse Rd. SW, south of Union Avenue SW as extended westward to Powerhouse Rd. SW, west of Capitol Way, north of 15th Avenue SW between Capitol Way S. and Water Street SW, west of Water Street between 15th Avenue SW and 16th Avenue SW, north of 16th Avenue SW between Water Street SW and the east banks of Capitol Lake, and east of the banks of Capitol Lake.

(4) Duly authorized federal, state, or local law enforcement officers or personnel are exempt from this section when carrying a firearm or other weapon in conformance with their employing agency's policy. Members of the armed forces of the United States or the state of Washington are exempt from this section when carrying a firearm or other

weapon in the discharge of official duty or traveling to or from official duty.

(5) A person violating this section is guilty of a gross misdemeanor.

NEW SECTION. **Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

March 18, 2021

SSB 5066 Prime Sponsor, Committee on Law & Justice: Concerning a peace officer's duty to intervene. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 10.93 RCW to read as follows:

(1) Any identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. A peace officer shall also render aid at the earliest safe opportunity in accordance with RCW 36.28A.445, to any person injured as a result of the use of force.

(2) Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace officer, or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or other supervisory peace officer in accordance with the witnessing peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer.

(3) A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening in good faith or for reporting wrongdoing in good faith as required by this section.

(4) A law enforcement agency shall send notice to the criminal justice training commission of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report as required by this section to determine whether the officer's conduct may be grounds for suspension or revocation of certification under RCW 43.101.105.

(5) For purposes of this section:

(a) "Excessive force" means force that exceeds the force permitted by law or policy of the witnessing officer's agency.

(b) "Peace officer" refers to any general authority Washington peace officer.

(c) "Wrongdoing" means conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101 RCW to read as follows:

(1) By December 1, 2021, the Washington state criminal justice training commission, in consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs, and organizations representing state and local law enforcement officers, shall develop a written model policy on the duty to intervene, consistent with the provisions of section 1 of this act.

(2) By June 1, 2022, every state, county, and municipal law enforcement agency shall adopt and implement a written duty to intervene policy. The policy adopted may be the model policy developed under subsection (1) of this section. However, any policy adopted must, at a minimum, be consistent with the provisions of section 1 of this act.

(3) By January 31, 2022, the commission shall incorporate training on the duty to intervene in the basic law enforcement training curriculum. Peace officers who completed basic law enforcement training prior to January 31, 2022, must receive training on the duty to intervene by December 31, 2023."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham and Young.

Referred to Committee on Appropriations.

March 18, 2021

ESSB 5119 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning individuals in custody. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Klippert, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 19, 2021

ESSB 5235 Prime Sponsor, Committee on Housing & Local Government: Increasing housing unit inventory by removing arbitrary limits on housing options. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that local zoning laws can contribute to limiting the housing available for Washingtonians. The legislature finds that reducing these barriers can increase affordable housing options. The legislature finds that accessory dwelling units can be one way to add affordable long-term housing and to provide a needed increase in housing density. The legislature finds that owner-occupancy requirements may provide an appropriate means for local governments to ensure community impacts of accessory dwelling units are mitigated, allow for relaxation of other requirements, and may provide an appropriate mechanism to reduce short-term rental of accessory dwelling units, which has been shown to increase displacement and decrease affordability. Some accessory dwelling units, however, are removed from the market due to owner-occupancy requirements when an owner, due to a hardship, is forced to move from the primary residence. In these circumstances, these requirements may then remove a rental property from the housing stock and impose an undue hardship on an owner that wishes to retain the primary residence but who may no longer be able to comfortably and safely reside there. It is the intent of the legislature with this act to provide an exemption for owners suffering from such hardship. The legislature also intends to remove barriers and limitations on the number of unrelated occupants living together, which will provide additional affordable housing options.

Sec. 2. RCW 36.70A.696 and 2020 c 217 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 36.70A.697 and 36.70A.698 unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "County" means any county planning under RCW 36.70A.040.

(5) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a

single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

((~~(5)~~)) (6) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

((~~(6)~~)) (7) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

(8) "Nonprofit entity" means any entity that is exempt from income tax under section 501(c) of the federal internal revenue code.

(9) "Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

(10) "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

Sec. 3. RCW 36.70A.697 and 2020 c 217 s 3 are each amended to read as follows:

(1)(a) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698(1) to take effect by July 1, 2021.

((~~(2)~~)) (b) Beginning July 1, 2021, the requirements of RCW 36.70A.698(1):

((~~(a)~~)) (i) Apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

((~~(b)~~)) (ii) Supersede, preempt, and invalidate any local development regulations that conflict with RCW 36.70A.698(1).

(2)(a) Cities and counties must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698(2)(a) to take effect within two years of the next applicable deadline for its comprehensive plan to be reviewed under RCW 36.70A.130 after July 1, 2021.

(b) Beginning two years after the next applicable deadline for the review of a county's or city's comprehensive plan under RCW 36.70A.130 after July 1, 2021, and until such time as a city or county has complied with the requirements of RCW 36.70A.698(2)(a), the requirements of RCW 36.70A.698(2)(b):

(i) Apply and take effect in any city or county that has not adopted or amended ordinances, regulations, or other official controls as required in RCW 36.70A.698(2)(a); and

(ii) Supersede, preempt, and invalidate any local development regulations that conflict with RCW 36.70A.698(2)(b).

Sec. 4. RCW 36.70A.698 and 2020 c 217 s 4 are each amended to read as follows:

(1)(a) Except as provided in ((~~subsection[s] (2) and (3) of this section~~)) (b) and (c) of this subsection, through ordinances, development regulations, zoning regulations, and other official controls as required under RCW 36.70A.697 (1)(a), cities may not require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop.

((~~(2)~~)) (b) A city may require the provision of off-street parking for an accessory dwelling unit located within one-quarter mile of a major transit stop if the city has determined that the accessory dwelling unit is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.

((~~(3)~~)) (c) A city that has adopted or substantively amended accessory dwelling

unit regulations within the four years previous to June 11, 2020, is not subject to the requirements of this ((~~section~~)) subsection (1).

(2)(a) Through ordinances, development regulations, and other official controls adopted or amended as required under RCW 36.70A.697(2)(a), cities and counties that impose owner-occupancy requirements on lots containing accessory dwelling units must provide for a hardship exemption from any owner-occupancy requirements applicable to a housing or dwelling unit on the same lot as an accessory dwelling unit. Such an exemption must allow an owner to offer for rental for periods of 30-days or longer a dwelling unit or housing unit as if a dwelling or housing unit on the property was owner occupied, when the owner no longer occupies the primary residence due to age, illness, financial hardship due to the death of a spouse, domestic partner, or co-owner of the property, disability status, the deployment, activation, mobilization, or temporary duty, as those terms are defined in RCW 26.09.004, of a service member of the armed forces, or other such reason that would make the owner-occupancy requirement an undue hardship on the owner. A city or county shall develop and implement a process for the review of hardship applications.

(b) Any city or county that imposes an owner-occupancy requirement on lots containing accessory dwelling units and has not provided a hardship exemption from the requirement through ordinances, development regulations, or other official controls as required by (a) of this subsection within two years of the next applicable deadline for its comprehensive plan to be reviewed under RCW 36.70A.130 after July 1, 2021, may not impose or enforce an owner-occupancy requirement on any lot containing an accessory dwelling unit until such time as the city or county has adopted the required hardship exemption, except that an owner-occupancy requirement may be imposed and enforced if the owner of the lot offers an accessory dwelling unit for short-term rental within the state or if the owner of the lot owns more than three accessory dwelling units within the county.

NEW SECTION. **Sec. 5.** A new section is added to chapter 35.21 RCW to read as follows:

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a city or town may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.

NEW SECTION. **Sec. 6.** A new section is added to chapter 35A.21 RCW to read as follows:

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a code city may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.

NEW SECTION. **Sec. 7.** A new section is added to chapter 36.01 RCW to read as follows:

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or county ordinance, a county may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit."

Correct the title.

Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

March 18, 2021

ESSB 5245 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning the safety of crime victims. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis;

Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5312 Prime Sponsor, Senator Mullet: Facilitating transit-oriented development and increasing housing inventory. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.500 and 2012 1st sp.s. c 1 s 310 are each amended to read as follows:

(1) The department of commerce shall provide management services for the growth management planning and environmental review fund created by RCW 36.70A.490. The department shall establish procedures for fund management. The department shall encourage participation in the grant or loan program by other public agencies. The department shall develop the grant or loan criteria, monitor the grant or loan program, and select grant or loan recipients in consultation with state agencies participating in the grant or loan program through the provision of grant or loan funds or technical assistance.

(2) A grant or loan may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant or loan shall be provided to assist a county or city in paying for the cost of preparing an environmental analysis under chapter 43.21C RCW, that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulation, monitoring program, or other planning activity adopted under or implementing this chapter that:

(a) Improves the process for project permit review while maintaining environmental quality; or

(b) Encourages use of plans and information developed for purposes of complying with this chapter to satisfy requirements of other state programs.

(3) In order to qualify for a grant or loan, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW and subsection (2) of this section that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulations, monitoring program, or other planning activity adopted under or implementing this chapter;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan;

(c) Demonstrate that procedures for review of development permit applications will be based on the integrated plans and environmental analysis;

(d) Include mechanisms to monitor the consequences of growth as it occurs in the plan area and to use the resulting data to update the plan, policy, or implementing mechanisms and associated environmental analysis;

(e) Demonstrate substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(f) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants or loans, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Identification and monitoring of system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Coordination with state, federal, and tribal governments in project review;

(d) Furtherance of important state objectives related to economic development, protection of areas of

statewide significance, and siting of essential public facilities;

(e) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans and prospective environmental analysis;

(f) Programs for effective citizen and neighborhood involvement that contribute to greater likelihood that planning decisions can be implemented with community support;

(g) Programs to identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans; or

(h) Environmental review that addresses the impacts of increased density or intensity of comprehensive plans, subarea plans, or receiving areas designated by a city or town under the regional transfer of development rights program in chapter 43.362 RCW.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

(6) State agencies shall work with grant or loan recipients to facilitate state and local project review processes that will implement the projects receiving grants or loans under this section.

(7)(a) Appropriations to the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of grants to cities to facilitate transit-oriented development may be used to pay for the costs associated with the preparation of state environmental policy act environmental impact statements, planned action ordinances, subarea plans, costs associated with the utilization of other tools under the state environmental policy act, and the costs of local code adoption and implementation of such efforts.

(b) Grant awards may only fund efforts that address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan.

(8) The department shall prioritize applications for grants to facilitate transit-oriented development that maximize the following policy objectives in the area covered by a proposal:

(a) The total number of housing units authorized for new development;

(b) The proximity and quality of transit access in the area;

(c) Plans that authorize up to six stories of building height;

(d) Plans that authorize ground floor retail with housing above;

(e) Plans in areas that minimize or eliminate on-site parking requirements;

(f) Existence or establishment of incentive zoning, mandatory affordability, or other tools to promote low-income housing in the area;

(g) Plans that include dedicated policies to support public or nonprofit funded low-income or workforce housing; and

(h) Plans designed to maximize and increase the variety of allowable housing types and expected sale or rental rates.

(9) For purposes of this section, "transit access" includes walkable access to:

(a) Light rail and other fixed guideway rail systems;

(b) Bus rapid transit;

(c) High frequency bus service; or

(d) Park and ride lots.

Sec. 2. RCW 36.70A.600 and 2020 c 173 s 1 are each amended to read as follows:

(1) A city planning pursuant to RCW 36.70A.040 is encouraged to take the following actions in order to increase its residential building capacity:

(a) Authorize development in one or more areas of not fewer than five hundred acres that include at least one train station served by commuter rail or light rail with an average of at least fifty residential units per acre that require no more than an average of one on-site parking space per two bedrooms in the portions of multifamily zones that are located within the areas;

(b) Authorize development in one or more areas of not fewer than two hundred acres in cities with a population greater than forty thousand or not fewer than one hundred acres in cities with a population less than forty thousand that include at least one bus stop served by scheduled bus service of at least four times per hour for twelve or more hours per day with an average of at least twenty-five residential units per acre that require no more than an average of one on-site parking space per two bedrooms in portions of the multifamily zones that are located within the areas;

(c) Authorize at least one duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences unless a city documents a specific infrastructure of physical constraint that would make this requirement unfeasible for a particular parcel;

(d) Authorize a duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on one or more parcels for which they are not currently authorized;

(e) Authorize cluster zoning or lot size averaging in all zoning districts that permit single-family residences;

(f) Adopt a subarea plan pursuant to RCW 43.21C.420;

(g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii), except that an environmental impact statement pursuant to RCW 43.21C.030 is not required for such an action;

(h) Adopt increases in categorical exemptions pursuant to RCW 43.21C.229 for residential or mixed-use development;

(i) Adopt a form-based code in one or more zoning districts that permit residential uses. "Form-based code" means a land development regulation that uses physical form, rather than separation of use, as the organizing principle for the code;

(j) Authorize a duplex on each corner lot within all zoning districts that permit single-family residences;

(k) Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW;

(l) Authorize a minimum net density of six dwelling units per acre in all residential zones, where the residential development capacity will increase within the city. For purposes of this subsection, the calculation of net density does not include the square footage of areas that are otherwise prohibited from development, such as critical areas, the area of buffers around critical areas, and the area of roads and similar features;

(m) Create one or more zoning districts of medium density in which individual lots may be no larger than three thousand five hundred square feet and single-family residences may be no larger than one thousand two hundred square feet;

(n) Authorize accessory dwelling units in one or more zoning districts in which they are currently prohibited;

(o) Remove minimum residential parking requirements related to accessory dwelling units;

(p) Remove owner occupancy requirements related to accessory dwelling units;

(q) Adopt new square footage requirements related to accessory dwelling units that are less restrictive than existing square footage requirements related to accessory dwelling units;

(r) Adopt maximum allowable exemption levels in WAC 197-11-800(1) as it existed on June 11, 2020, or such subsequent date as may be provided by the department of ecology by rule, consistent with the purposes of this section;

(s) Adopt standards for administrative approval of final plats pursuant to RCW 58.17.100;

(t) Adopt ordinances authorizing administrative review of preliminary plats pursuant to RCW 58.17.095;

(u) Adopt other permit process improvements where it is demonstrated that the code, development regulation, or ordinance changes will result in a more efficient permit process for customers;

(v) Update use matrices and allowable use tables that eliminate conditional use permits and administrative conditional use permits for all housing types, including single-family homes, townhomes, multifamily housing, low-

income housing, and senior housing, but excluding essential public facilities;

(w) Allow off-street parking to compensate for lack of on-street parking when private roads are utilized or a parking demand study shows that less parking is required for the project;

(x) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to build accessory dwelling units. A city may condition this program on a requirement to provide the unit for affordable home ownership or rent the accessory dwelling unit for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement under the program, it must provide additional incentives, such as:

(i) Density bonuses;

(ii) Height and bulk bonuses;

(iii) Fee waivers or exemptions;

(iv) Parking reductions; or

(v) Expedited permitting; and

(y) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to convert a single-family home into a duplex, triplex, or quadplex where those housing types are authorized. A local government may condition this program on a requirement to provide a certain number of units for affordable home ownership or to rent a certain number of the newly created units for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement, it must provide additional incentives, such as:

(i) Density bonuses;

(ii) Height and bulk bonuses;

(iii) Fee waivers or exemptions;

(iv) Parking reductions; or

(v) Expedited permitting.

(2) A city planning pursuant to RCW 36.70A.040 may adopt a housing action plan as described in this subsection. The goal of any such housing plan must be to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market. A housing action plan may utilize data compiled pursuant to RCW 36.70A.610. The housing action plan should:

(a) Quantify existing and projected housing needs for all income levels, including extremely low-income households, with documentation of housing and household characteristics, and cost-burdened households;

(b) Develop strategies to increase the supply of housing, and variety of housing types, needed to serve the housing needs identified in (a) of this subsection;

(c) Analyze population and employment trends, with documentation of projections;

(d) Consider strategies to minimize displacement of low-income residents resulting from redevelopment;

(e) Review and evaluate the current housing element adopted pursuant to RCW 36.70A.070, including an evaluation of success in attaining planned housing types and units, achievement of goals and policies, and implementation of the schedule of programs and actions;

(f) Provide for participation and input from community members, community groups, local builders, local realtors, nonprofit housing advocates, and local religious groups; and

(g) Include a schedule of programs and actions to implement the recommendations of the housing action plan.

(3) If adopted by April 1, 2023, ordinances, amendments to development regulations, and other nonproject actions taken by a city to implement the actions specified in subsection (1) of this section, with the exception of the action specified in subsection (1)(f) of this section, are not subject to administrative or judicial appeal under chapter 43.21C RCW.

(4) Any action taken by a city prior to April 1, 2023, to amend their comprehensive plan, or adopt or amend ordinances or development regulations, solely to enact provisions under subsection (1) of this section is not

subject to legal challenge under this chapter.

(5) In taking action under subsection (1) of this section, cities are encouraged to utilize strategies that increase residential building capacity in areas with frequent transit service and with the transportation and utility infrastructure that supports the additional residential building capacity.

(6) A city that is planning to take at least two actions under subsection (1) of this section, and that action will occur between July 28, 2019, and April 1, ((~~2021~~)) 2025, is eligible to apply to the department for planning grant assistance of up to one hundred thousand dollars, subject to the availability of funds appropriated for that purpose. The department shall develop grant criteria to ensure that grant funds awarded are proportionate to the level of effort proposed by a city, and the potential increase in housing supply or regulatory streamlining that could be achieved. Funding may be provided in advance of, and to support, adoption of policies or ordinances consistent with this section. A city can request, and the department may award, more than one hundred thousand dollars for applications that demonstrate extraordinary potential to increase housing supply or regulatory streamlining.

(7) A city seeking to develop a housing action plan under subsection (2) of this section is eligible to apply to the department for up to one hundred thousand dollars.

(8) The department shall establish grant award amounts under subsections (6) and (7) of this section based on the expected number of cities that will seek grant assistance, to ensure that all cities can receive some level of grant support. If funding capacity allows, the department may consider accepting and funding applications from cities with a population of less than twenty thousand if the actions proposed in the application will create a significant amount of housing capacity or regulatory streamlining and are consistent with the actions in this section.

(9) In implementing chapter 348, Laws of 2019, cities are encouraged to prioritize the creation of affordable, inclusive neighborhoods and to consider the risk of residential displacement, particularly in neighborhoods with communities at high risk of displacement."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representative Dye, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Boehnke.

Referred to Committee on Appropriations.

March 19, 2021

ESSB 5408 Prime Sponsor, Committee on Law & Justice: Concerning the homestead exemption. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the homestead exemption is intended to protect the homeowner's equity in a home against unsecured creditors. The legislature finds that changes to the homestead exemption are necessary to modernize the law and to address the case of *Wilson v. Rigby*, 909 F.3d 306 (2018) and to adopt the reasoning in *In re Good*, 588 B.R. 573 (Bankr. W.D. Wash. 2018).

Sec. 2. RCW 6.13.010 and 1999 c 403 s 1 are each amended to read as follows:

(1) The homestead consists of real or personal property that the owner or a dependent of the owner uses as a residence. In the case of a dwelling house or mobile home, the homestead consists of the dwelling house or the mobile home in which the owner resides or intends to reside, with appurtenant buildings, and the land on which the same are situated and by which the same are surrounded, or improved or unimproved land, regardless of area, owned with the intention of placing a house or mobile home thereon and residing thereon. A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed

upon a lot owned by the mobile home owner or a dependent of the owner. Property included in the homestead must be actually intended or used as the principal home for the owner.

(2) As used in this chapter((~~, the term "owner"~~)):

(a) "Owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

((~~(3) As used in this chapter, the term "net~~)) (b) "Net value" means market value less all liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon.

(c) "Forced sale" includes any sale of homestead property in a bankruptcy proceeding under Title 11 of the United States Code. The reinvestment provisions of RCW 6.13.070 do not apply to the proceeds.

(d) "Dependent" has the meaning given in Title 11 U.S.C. Sec. 522(a)(1).

Sec. 3. RCW 6.13.030 and 2007 c 429 s 1 are each amended to read as follows:

((~~A homestead may consist of lands, as described in RCW 6.13.010, regardless of area, but the homestead exemption amount shall not exceed the lesser of (1) the total net value of the lands, manufactured homes, mobile home, improvements, and other personal property, as described in RCW 6.13.010, or (2) the sum of one hundred twenty-five thousand dollars in the case of lands, manufactured homes, mobile home, and improvements, or the sum of fifteen thousand dollars in the case of other personal property described in RCW 6.13.010, except where~~)) (1) The homestead exemption amount is the greater of:

(a) $125,000;

(b) The county median sale price of a single-family home in the preceding calendar year; or

(c) Where the homestead is subject to execution, attachment, or seizure by or under any legal process whatever to satisfy a judgment in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, ((~~in which event there shall be~~)) no dollar limit ((~~on the value of the exemption~~)).

(2) In determining the county median sale price of a single-family home in the preceding year, a court shall use data from the Runstad department of real estate at the University of Washington or, if the Runstad department no longer provides the data, a successor entity designated by the office of financial management.

Sec. 4. RCW 6.13.060 and 2008 c 6 s 634 are each amended to read as follows:

The homestead of a spouse or domestic partner cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both spouses or both domestic partners, except that either spouse or both or either domestic partner or both jointly may make and execute powers of attorney for the conveyance or encumbrance of the homestead. The conveyance or encumbrance of the homestead does not require that any dependent of the owner who is not a spouse or domestic partner execute and acknowledge the instrument by which it is conveyed or encumbered.

Sec. 5. RCW 6.13.070 and 1987 c 442 s 207 are each amended to read as follows:

(1) Except as provided in RCW 6.13.080, the homestead is exempt from attachment and from execution or forced sale for the debts of the owner up to the amount specified in RCW 6.13.030.

(2) In a bankruptcy case, the debtor's exemption shall be determined on the date the bankruptcy petition is filed. If the value of the debtor's interest in homestead property on the petition date is less than or equal to the amount that can be exempted under RCW 6.13.030, then the debtor's entire interest in the property, including the debtor's right to possession and interests of no monetary value, is exempt. Any appreciation in the value of the debtor's exempt interest in the property during the bankruptcy case is also exempt, even if in excess of the amounts in RCW 6.13.030(1).

(3) The proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, and proceeds from insurance covering destruction of homestead property held for use in restoring or replacing the homestead property, up to the amount specified in RCW 6.13.030, shall likewise be exempt for one year from receipt, and also such new homestead acquired with such proceeds.

((~~(2)~~)) (4) Every homestead created under this chapter is presumed to be valid to the extent of all the property claimed exempt, until the validity thereof is contested in a court of general jurisdiction in the county or district in which the homestead is situated.

Sec. 6. RCW 6.13.080 and 2019 c 238 s 215 are each amended to read as follows:

The homestead exemption is not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, construction, maritime, automobile repair, material supplier's, or vendor's liens arising out of and against the particular property claimed as a homestead;

(2) On debts secured:

(a) ((~~by~~)) By security agreements describing as collateral the property that is claimed as a homestead; or

(b) ((~~by~~)) By mortgages or deeds of trust on the premises that have been executed and acknowledged by both spouses or both domestic partners or by any claimant not married or in a state registered domestic partnership. The execution and acknowledgment of a mortgage or deed of trust by a dependent who is not a spouse or domestic partner is not required;

(3) On one spouse's or one domestic partner's or the community's debts existing at the time of that spouse's or that domestic partner's bankruptcy filing where (a) bankruptcy is filed by both spouses or both domestic partners within a six-month period, other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse or other domestic partner exempts property from property of the estate under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay maintenance;

(5) On debts owing to the state of Washington for recovery of medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p;

(6) On debts secured by a condominium, homeowners', or common interest community association's lien; or

(7) On debts owed for taxes collected under chapters 82.08, 82.12, and 82.14 RCW but not remitted to the department of revenue.

Sec. 7. RCW 61.24.100 and 1998 c 295 s 12 are each amended to read as follows:

(1) Except to the extent permitted in this section for deeds of trust securing commercial loans, a deficiency judgment shall not be obtained on the obligations secured by a deed of trust against any borrower, grantor, or guarantor after a trustee's sale under that deed of trust.

(2)(a) Nothing in this chapter precludes an action against any person liable on the obligations secured by a deed of trust or any guarantor prior to a notice of trustee's sale being given pursuant to this chapter or after the discontinuance of the trustee's sale.

(b) No action under (a) of this subsection precludes the beneficiary from commencing a judicial foreclosure or trustee's sale under the deed of trust after the completion or dismissal of that action.

(3) This chapter does not preclude any one or more of the following after a trustee's sale under a deed of trust securing a commercial loan executed after June 11, 1998:

(a)(i) To the extent the fair value of the property sold at the trustee's sale to the beneficiary or an affiliate of the beneficiary is less than the unpaid obligation secured by the deed of trust immediately prior to the trustee's sale, an action for a deficiency judgment against the borrower or grantor, if such person or persons was timely given the notices under RCW 61.24.040, for (A) any decrease in the fair value of the property caused by waste to the property committed by the borrower or grantor, respectively, after the deed of trust is granted, and (B) the wrongful retention of any rents, insurance proceeds, or condemnation awards by the borrower or grantor, respectively, that are otherwise owed to the beneficiary.

(ii) This subsection (3)(a) does not apply to any property that is occupied by the borrower as its principal residence as of the date of the trustee's sale;

(b) Any judicial or nonjudicial foreclosures of any other deeds of trust, mortgages, security agreements, or other security interests or liens covering any real or personal property granted to secure the obligation that was secured by the deed of trust foreclosed; or

(c) Subject to this section, an action for a deficiency judgment against a guarantor if the guarantor is timely given the notices under RCW 61.24.042.

(4) Any action referred to in subsection (3)(a) and (c) of this section shall be commenced within one year after the date of the trustee's sale, or a later date to which the liable party otherwise agrees in writing with the beneficiary after the notice of foreclosure is given, plus any period during which the action is prohibited by a bankruptcy, insolvency, moratorium, or other similar debtor protection statute. If there occurs more than one trustee's sale under a deed of trust securing a commercial loan or if trustee's sales are made pursuant to two or more deeds of trust securing the same commercial loan, the one-year limitation in this section begins on the date of the last of those trustee's sales.

(5) In any action against a guarantor following a trustee's sale under a deed of trust securing a commercial loan, the guarantor may request the court or other appropriate adjudicator to determine, or the court or other appropriate adjudicator may in its discretion determine, the fair value of the property sold at the sale and the deficiency judgment against the guarantor shall be for an amount equal to the sum of the total amount owed to the beneficiary by the guarantor as of the date of the trustee's sale, less the fair value of the property sold at the trustee's sale or the sale price paid at the trustee's sale, whichever is greater, plus interest on the amount of the deficiency from the date of the trustee's sale at the rate provided in the guaranty, the deed of trust, or in any other contracts evidencing the debt secured by the deed of trust, as applicable, and any costs, expenses, and fees that are provided for in any contract evidencing the guarantor's liability for such a judgment. If any other security is sold to satisfy the same debt prior to the entry of a deficiency judgment against the guarantor, the fair value of that security, as calculated in the manner applicable to the property sold at the trustee's sale, shall be added to the fair value of the property sold at the trustee's sale as of the date that additional security is foreclosed. This section is in lieu of any right any guarantor would otherwise have to establish an upset price pursuant to RCW 61.12.060 prior to a trustee's sale.

(6) A guarantor granting a deed of trust to secure its guaranty of a commercial loan shall be subject to a deficiency judgment following a trustee's sale under that deed of trust only to the extent stated in subsection (3)(a)(i) of this section. If the deed of trust encumbers the guarantor's principal residence, the guarantor shall be entitled to receive an amount up to ((~~the homestead exemption set forth in RCW 6.13.030~~)) $125,000, without regard to the effect of RCW 6.13.080(2), from the bid at the foreclosure or trustee's sale accepted by the sheriff or trustee prior to the application of the bid to the guarantor's obligation.

(7) A beneficiary's acceptance of a deed in lieu of a trustee's sale under a deed of trust securing a commercial loan exonerates the guarantor from any liability for the debt secured thereby except to the extent the guarantor otherwise agrees as part of the deed in lieu transaction.

(8) This chapter does not preclude a beneficiary from foreclosing a deed of trust in the same manner as a real property mortgage and this section does not apply to such a foreclosure.

(9) Any contract, note, deed of trust, or guaranty may, by its express language, prohibit the recovery of any portion or all of a deficiency after the property encumbered by the deed of trust securing a commercial loan is sold at a trustee's sale.

(10) A trustee's sale under a deed of trust securing a commercial loan does not preclude an action to collect or enforce any obligation of a borrower or guarantor if that obligation, or the substantial equivalent of that obligation, was not secured by the deed of trust.

(11) Unless the guarantor otherwise agrees, a trustee's sale shall not impair any right or agreement of a guarantor to be reimbursed by a borrower or grantor for a deficiency judgment against the guarantor.

(12) Notwithstanding anything in this section to the contrary, the rights and obligations of any borrower, grantor, and guarantor following a trustee's sale under a deed of trust securing a commercial loan or any guaranty of such a loan executed prior to June 11, 1998, shall be determined in accordance with the laws existing prior to June 11, 1998."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Graham, Assistant Ranking Minority Member; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Abbarno and Ybarra.

Referred to Committee on Finance.

March 19, 2021

SSB 5417 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The COVID-19 pandemic that arrived in Washington in 2020 led to historic economic disruptions and devastating health impacts in the state. In an effort to assist businesses and employees whose assets and livelihoods have been impacted by the strategies used to protect the public's health, the legislature finds that steps must be taken in the public interest to support the most severely impacted industries. The hospitality industry has suffered some of the most devastating impacts of any sector of the state's economy. The legislature finds that assisting this sector of the state's economy to survive and recover from the effects of the pandemic and the steps taken to combat its spread are an urgent priority that is in the best interests of the state and its residents.

NEW SECTION. **Sec. 2.** (1) The board must implement the provisions of this section as expeditiously as possible. Liquor licensees may conduct activities authorized under this section before completion by the board of actions the board plans to take in order to implement this act, such as adoption of rules or completion of information system changes necessary to allow licensees to apply for required endorsements. However, licensees must comply with board rules when they take effect.

(2) The following licensees may sell alcohol products at retail for curbside and takeout service or delivery or both under liquor and cannabis board licenses and endorsements: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; nonprofit arts licensees; and caterers.

(3) Spirits, beer, and wine restaurant licensees may sell premixed servings of spirits containing other alcohol authorized to be sold under the terms of their license or nonalcoholic mixers, or both for takeout or curbside service and for delivery. Spirits, beer, and wine restaurant licensees may also sell kits containing bottled or packaged spirits, other alcohol authorized to be sold under the terms of their license, or nonalcoholic mixers, or both for takeout or curbside service and for delivery. The board may establish by rule the manner in which alcohol products for off-premises consumption must be provided. This subsection does not authorize sale of full bottles of spirits by licensees for off-premises consumption, with the exception of mini-bottles as part of kits containing bottled or packaged spirits. Mini-bottle sales authorized under this subsection as part of kits containing bottled or packaged spirits are exempt from the spirits license issuance fee under RCW 66.24.630(4)(a) and the tax on each retail sale of spirits under RCW 82.08.150.

(4) Spirits, beer, and wine restaurant licensees may sell wine by the glass or premixed servings of wine containing other alcohol authorized to be sold under the terms of the license or nonalcoholic mixers, or both for takeout or curbside service and delivery. Beer and wine restaurant licensees may sell wine or premixed wine drinks by the glass for takeout or curbside service and for delivery. The board may establish by rule the manner in which wine by the glass for

off-premises consumption must be provided.

(5) Distillery and craft distillery licensees may sell premixed servings of spirits containing other alcohol authorized to be sold under the terms of their license or nonalcoholic mixers, or both for takeout or curbside service and for delivery. Distillery and craft distillery licensees may also sell kits containing bottled or packaged spirits, other alcohol authorized to be sold under the terms of their license or nonalcoholic mixers, or both for takeout or curbside service and for delivery. The board may establish by rule the manner in which spirits, other alcohol, and nonalcoholic mixers sold for off-premises consumption must be provided under this subsection, so long as such requirements do not increase the underlying food service obligations for distillers and craft distillers provided in chapter 66.24 RCW. This subsection does not alter the authorizations or privileges contained in chapter 66.24 RCW for distillers or craft distillers to sell full bottles of spirits for off-premises consumption.

(6) Licensees that were authorized by statute or rule before January 1, 2020, to sell growlers for on-premises consumption may sell growlers for off-premises consumption through curbside, takeout, or delivery service. Sale of growlers under this subsection must meet federal alcohol and tobacco tax and trade bureau requirements.

(7) Licensees must obtain from the board an endorsement to their license in order to conduct activities authorized under subsections (2) through (6) of this section. The board may adopt rules governing the manner in which the activities authorized under this section must be conducted. Licensees must not be charged a fee in order to obtain an endorsement required under this section.

(8) Beer and wine specialty shops licensed under RCW 66.24.371 and domestic breweries and microbreweries may sell prefilled growlers for off-premises consumption through takeout or curbside service and delivery, provided that prefilled growlers are sold the same day they are prepared for sale and not stored overnight for sale on future days.

(9) The board must adopt or revise current rules to allow for outdoor service of alcohol by on-premises licensees holding licenses issued by the board for the following license types: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; and private clubs licensed under RCW 66.24.450 and 66.24.452. The board may adopt requirements providing for clear accountability at locations where multiple licensees use a shared space for serving customers.

(10) Upon delivery of any alcohol product authorized to be delivered under this section, the signature of the person age 21 or over receiving the delivery must be obtained.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Board" means the liquor and cannabis board.

(b) "Growlers" means sanitary containers brought to the premises by the purchaser or furnished by the licensee and filled by the retailer at the time of sale.

(c) "Mini-bottles" means original factory-sealed containers holding not more than 50 milliliters of a spirituous beverage.

(12) This section expires July 1, 2023.

NEW SECTION. **Sec. 3.** A new section is added to chapter 66.08 RCW to read as follows:

The board must consider revising current rules in order to provide greater flexibility regarding food service menu requirements that businesses holding a license issued by the board under Title 66 RCW must provide in conjunction with alcohol sales. This section does not apply to licensees that were not required to provide food service under rules in effect on January 1, 2020. The purpose of this section is to ease food menu requirements to make it more feasible financially for licensees to comply with the board's food service requirements but not replace food safety requirements in rule adopted by the department of health in chapter 246-215 WAC.

NEW SECTION. **Sec. 4.** (1) The liquor and cannabis board must contract with an independent entity to conduct a study of the impacts of privileges granted by this

act to businesses licensed by the board under Title 66 RCW. The study must examine relevant issues including, but not limited to, the following:

(a) Quantitative measures of impact such as liquor sales data, licensee locations, enforcement activity, hospital and other health provider visits for alcohol-related causes, underage drinking, alcohol dependence treatment, alcohol-related traffic violations, and motor vehicle crash deaths or injuries;

(b) Qualitative investigation of relevant impacts using methods such as key informant interviews and supplemental data collection with licensees, law enforcement, behavioral health service providers, youth prevention and intervention specialists, and revenue stakeholders; and

(c) Additional issues deemed relevant to the goals and results of this act.

(2) The study authorized by this section must be started by January 1, 2022. A report with findings and any recommendations must be provided to the legislature and the governor by December 1, 2022.

(3) This section expires July 1, 2023.

Sec. 5. RCW 66.24.630 and 2020 c 238 s 9 are each amended to read as follows:

(1) There is a spirits retail license to: Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders; sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses, although no single sale may exceed twenty-four liters, unless the sale is by a licensee that was a contract liquor store manager of a contract liquor store at the location of its spirits retail licensed premises from which it makes such sales; and export spirits.

(2) For the purposes of this title, a spirits retail license is a retail license, and a sale by a spirits retailer is a retail sale only if not for resale. Nothing in this title authorizes sales by on-sale licensees to other retail licensees. The board must establish by rule an obligation of on-sale spirits retailers to:

(a) Maintain a schedule by stock-keeping unit of all their purchases of spirits from spirits retail licensees, including combination spirits, beer, and wine licensees holding a license issued pursuant to RCW 66.24.035, indicating the identity of the seller and the quantities purchased; and

(b) Provide, not more frequently than quarterly, a report for each scheduled item containing the identity of the purchasing on-premises licensee and the quantities of that scheduled item purchased since any preceding report to:

(i) A distributor authorized by the distiller to distribute a scheduled item in the on-sale licensee's geographic area; or

(ii) A distiller acting as distributor of the scheduled item in the area.

(3)(a) Except as otherwise provided in (c) of this subsection, the board may issue spirits retail licenses only for premises comprising at least ten thousand square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only to applicants that the board determines will maintain systems for inventory management, employee training, employee supervision, and physical security of the product substantially as effective as those of stores currently operated by the board with respect to preventing sales to or pilferage by underage or inebriated persons.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations adopted thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing grocery premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits retail licenses.

(c) The board may not deny a spirits retail license to an otherwise qualified contract liquor store at its contract location or to the holder of former state liquor store operating rights sold at auction under RCW 66.24.620 on the grounds of location, nature, or size of the premises to be licensed. The board

may not deny a spirits retail license to applicants that are not contract liquor stores or operating rights holders on the grounds of the size of the premises to be licensed, if such applicant is otherwise qualified and the board determines that:

(i) There is no spirits retail license holder in the trade area that the applicant proposes to serve;

(ii) The applicant meets, or upon licensure will meet, the operational requirements established by the board by rule; and

(iii) The licensee has not committed more than one public safety violation within the three years preceding application.

(d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises, at another licensed premises as designated by the retailer, or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section:

(i) To other retailer premises licensed to sell spirits for consumption on the licensed premises;

(ii) To other registered facilities; or

(iii) To lawful purchasers outside the state. The facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.

(e) For purposes of negotiating volume discounts, a group of individual retailers authorized to sell spirits for consumption off the licensed premises may accept delivery of spirits at their individual licensed premises or at any one of the individual licensee's premises, or at a warehouse facility registered with the board.

(4)(a) Except as otherwise provided in RCW 66.24.632, section 2 of this act, or in (b) of this subsection, each spirits retail licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to seventeen percent of all spirits sales revenues under the license, exclusive of taxes collected by the licensee and of sales of items on which a license fee payable under this section has otherwise been incurred. The board must establish rules setting forth the timing of such payments and reporting of sales dollar volume by the licensee, with payments required quarterly in arrears. The first payment is due October 1, 2012.

(b) This subsection (4) does not apply to craft distilleries for sales of spirits of the craft distillery's own production.

(5) In addition to the payment required under subsection (4) of this section, each licensee must pay an annual license renewal fee of one hundred sixty-six dollars. The board must periodically review and adjust the renewal fee as may be required to maintain it as comparable to annual license renewal fees for licenses to sell beer and wine not for consumption on the licensed premises. If required by law at the time, any increase of the annual renewal fee becomes effective only upon ratification by the legislature.

(6) As a condition to receiving and renewing a spirits retail license the licensee must provide training as prescribed by the board by rule for individuals who sell spirits or who manage others who sell spirits regarding compliance with laws and regulations regarding sale of spirits, including without limitation the prohibitions against sale of spirits to individuals who are underage or visibly intoxicated. The training must be provided before the individual first engages in the sale of spirits and must be renewed at least every five years. The licensee must maintain records documenting the nature and frequency of the training provided. An employee training program is presumptively sufficient if it incorporates a "responsible vendor program" adopted by the board.

(7) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by spirits retail licensees.

(8)(a) The board must adopt regulations concerning the adoption and administration of a compliance training program for spirits retail licensees, to be known as a "responsible vendor program," to reduce underage drinking,

encourage licensees to adopt specific best practices to prevent sales to minors, and provide licensees with an incentive to give their employees ongoing training in responsible alcohol sales and service.

(b) Licensees who join the responsible vendor program under this section and maintain all of the program's requirements are not subject to the doubling of penalties provided in this section for a single violation in any period of twelve calendar months.

(c) The responsible vendor program must be free, voluntary, and self-monitoring.

(d) To participate in the responsible vendor program, licensees must submit an application form to the board. If the application establishes that the licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(e) A licensee participating in the responsible vendor program must at a minimum:

(i) Provide ongoing training to employees;

(ii) Accept only certain forms of identification for alcohol sales;

(iii) Adopt policies on alcohol sales and checking identification;

(iv) Post specific signs in the business; and

(v) Keep records verifying compliance with the program's requirements.

(f)(i) A spirits retail licensee that also holds a grocery store license under RCW 66.24.360 or a beer and/or wine specialty shop license under RCW 66.24.371 may, upon board approval and pursuant to board rules, transition to a combination spirits, beer, and wine license pursuant to RCW 66.24.035.

(ii) An applicant that would qualify for a spirits retail license under this section and that qualifies for a combination spirits, beer, and wine license pursuant to RCW 66.24.035 may apply for a license pursuant to RCW 66.24.035 instead of applying for a spirits retail license under this section.

Sec. 6. RCW 82.08.150 and 2012 c 2 s 106 are each amended to read as follows:

(1) There is levied and collected a tax upon each retail sale of spirits in the original package at the rate of fifteen percent of the selling price.

(2) There is levied and collected a tax upon each sale of spirits in the original package at the rate of ten percent of the selling price on sales by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to restaurant spirits retailers.

(3) There is levied and collected an additional tax upon each sale of spirits in the original package by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to a restaurant spirits retailer and upon each retail sale of spirits in the original package by a licensee of the board at the rate of one dollar and seventy-two cents per liter.

(4) An additional tax is imposed equal to fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) An additional tax is imposed upon each sale of spirits in the original package by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to a restaurant spirits retailer and upon each retail sale of spirits in the original package by a licensee of the board at the rate of seven cents per liter. All revenues collected during any month from this additional tax must be deposited in the state general fund by the twenty-fifth day of the following month.

(6)(a) An additional tax is imposed upon retail sale of spirits in the original package at the rate of three and four-tenths percent of the selling price.

(b) An additional tax is imposed upon retail sale of spirits in the original package to a restaurant spirits retailer at the rate of two and three-tenths percent of the selling price.

(c) An additional tax is imposed upon each sale of spirits in the original package by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to a restaurant spirits retailer and upon each retail sale of spirits in the original package by a licensee of the board at the rate of forty-one cents per liter.

(d) All revenues collected during any month from additional taxes under this subsection must be deposited in the state general fund by the twenty-fifth day of the following month.

(7)(a) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of one dollar and thirty-three cents per liter.

(b) All revenues collected during any month from additional taxes under this subsection must be deposited by the twenty-fifth day of the following month into the general fund.

(8) The tax imposed in RCW 82.08.020 does not apply to sales of spirits in the original package.

(9) The taxes imposed in this section must be paid by the buyer to the seller, and each seller must collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller must be stated separately from the selling price, and for purposes of determining the tax due from the buyer to the seller, it is conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section. Sellers must report and return all taxes imposed in this section in accordance with rules adopted by the department.

(10) ((~~As used in this section~~)) (a) Except as otherwise provided in this subsection, the terms, "spirits" and "package" have the same meaning as provided in chapter 66.04 RCW.

(b) Until July 1, 2023, for the purposes of the taxes imposed under this section, the term "spirits" does not include mini-bottles of spirits sold by a person who possesses a valid endorsement under section 2(7) of this act and is licensed as a spirits, beer, and wine restaurant under RCW 66.24.400.

(c) For the purposes of this subsection, "mini-bottles of spirits" means an original factory-sealed container holding not more than 50 milliliters of spirits.

NEW SECTION. **Sec. 7.** (1) This act contains a temporary tax exemption for restaurants which sell kits containing mini-bottles of spirits. This temporary tax exemption is intended to avoid administrative costs for the state which are expected to exceed the value of the tax collected during the time until the exemption expires on July 1, 2023.

(2) This act is exempt from the provisions of RCW 82.32.805 and 82.32.808.

NEW SECTION. **Sec. 8.** Except as provided in section 2(10) of this act, any temporary authorization or relaxation of requirements provided by the Washington state liquor and cannabis board, in effect on the effective date of this section, related to authorizing the photographing or scanning of customer identification in lieu of obtaining a physical signature to document liquor product delivery or verify the age of customers, expires at the end of the governor's proclamation of emergency related to COVID-19.

NEW SECTION. **Sec. 9.** Any temporary authorization or relaxation of statutory requirements provided by the Washington state liquor and cannabis board related to food requirements associated with wine and beer sampling at farmers markets expires at the end of the governor's proclamation of emergency related to COVID-19.

NEW SECTION. **Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1277
SUBSTITUTE SENATE BILL NO. 5013

SENATE BILL NO. 5021
ENGROSSED SENATE BILL NO. 5026
SUBSTITUTE SENATE BILL NO. 5055
SENATE BILL NO. 5058
SENATE BILL NO. 5077
SENATE BILL NO. 5101
SUBSTITUTE SENATE BILL NO. 5140
SUBSTITUTE SENATE BILL NO. 5179
SENATE BILL NO. 5198
ENGROSSED SUBSTITUTE SENATE BILL NO. 5229
SUBSTITUTE SENATE BILL NO. 5236
SUBSTITUTE SENATE BILL NO. 5273
ENGROSSED SUBSTITUTE SENATE BILL NO. 5275
SECOND SUBSTITUTE SENATE BILL NO. 5313
SENATE BILL NO. 5322
SENATE BILL NO. 5338
SUBSTITUTE SENATE BILL NO. 5423

There being no objection, the House adjourned until 9:55 a.m., March 24, 2021, the 73rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTY THIRD DAY

House Chamber, Olympia, Wednesday, March 24, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1562 by Representatives Klippert, Mosbrucker, Dufault, Corry, Abbarno, Dye, Graham, Boehnke, Barkis, Jacobsen and Sutherland

AN ACT Relating to allowing local governments to enact laws and ordinances relating to possession of controlled substances and counterfeit substances; and amending RCW 69.50.608.

Referred to Committee on Public Safety.

HB 1563 by Representatives Young, Barkis, Sutherland and Dent

AN ACT Relating to declaratory and other relief in actions to determine the validity of certain gubernatorial orders; amending RCW 7.24.020 and 7.24.100; adding a new section to chapter 7.24 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House reverted to the first order of business.

The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Brad Klippert, 8th Legislative District, Washington.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 22, 2021

SB 5015 Prime Sponsor, Senator Hunt: Concerning fraudulent portrayal of ballot drop boxes. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5051 Prime Sponsor, Committee on Ways & Means: Concerning state oversight and accountability of peace officers and corrections officers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.101.010 and 2020 c 119 s 2 are each amended to read as follows:

When used in this chapter:

(1) ((~~The term "commission"~~)) "Applicant" means an individual who has received a conditional offer of employment with a law enforcement or corrections agency.

(2) "Commission" means the Washington state criminal justice training commission.

((~~(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.~~))

(3) ((~~The term "criminal~~)) "Criminal justice personnel" means any person who serves ((~~in a county, city, state, or~~

~~port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law~~)) as a peace officer, reserve officer, or corrections officer.

(4) ((~~The term "law~~)) "Law enforcement personnel" means any ((~~public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made~~)) person elected, appointed, or employed as a general authority Washington peace officer as defined in RCW 10.93.020.

(5) ((~~The term "correctional~~)) "Correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) "Chief for a day program" means a program in which commissioners and staff partner with local, state, and federal law enforcement agencies, hospitals, and the community to provide a day of special attention to chronically ill children. Each child is selected and sponsored by a law enforcement agency. The event, "chief for a day," occurs on one day, annually or every other year and may occur on the grounds and in the facilities of the commission. The program may include any appropriate honoring of the child as a "chief," such as a certificate swearing them in as a chief, a badge, a uniform, and donated gifts such as games, puzzles, and art supplies.

(7) ((~~A peace officer or corrections officer is "convicted"~~)) "Convicted" means at the time a plea of guilty , nolo contendere, or deferred sentence has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes ((~~a deferral of sentence~~)) all instances in which a plea of guilty or nolo contendere is the basis for conviction, all proceedings in which there is a case disposition agreement, and ((~~also includes the~~)) any equivalent disposition by a court in a jurisdiction other than the state of Washington.

(8)((~~(a) "Discharged for disqualifying misconduct" has the following meanings:~~

~~(i) A peace officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a peace officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), (III) the unlawful use or possession of a controlled substance, or (IV) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; (B) conduct that would constitute any of the crimes addressed in (a)(i)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination; or~~

~~(ii) A corrections officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a corrections officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), or (III) the unlawful use or possession of a controlled substance; (B) conduct that would constitute any of the crimes addressed in (a)(ii)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.~~

~~(b) A peace officer or corrections officer is "discharged for disqualifying misconduct" within the meaning of this subsection (8) under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of this subsection (8).~~

~~(9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer or corrections officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.~~

~~(10)~~)) "Peace officer" ((~~means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200~~)) has the same meaning as a general authority Washington peace officer as defined in RCW 10.93.020. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter.

((~~(11)~~)) (9) "Corrections officer" means any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult ((~~prisoners~~)) persons in jails and detention facilities ((~~and who is subject to the basic corrections training requirement of RCW 43.101.220 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.220. For the purpose of RCW 43.101.080, 43.101.096, 43.101.106, 43.101.116, 43.101.121, 43.101.126, 43.101.136, 43.101.146, 43.101.156, 43.101.380, and 43.101.400, "corrections~~)) in the state. "Corrections officer" does not include individuals employed by state agencies.

(10) "Finding" means a determination based on a preponderance of the evidence whether alleged misconduct occurred; did not occur; occurred, but was consistent with law and policy; or could neither be proven or disproven.

(11) "Reserve officer" means any person who does not serve as a peace officer of this state on a full-time basis, but who, when called by an agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state and includes:

(a) Specially commissioned Washington peace officers as defined in RCW 10.93.020;

(b) Limited authority Washington peace officers as defined in RCW 10.93.020;

(c) Persons employed as security by public institutions of higher education as defined in RCW 28B.10.016; and

(d) Persons employed for the purpose of providing security in the K-12 Washington state public school system as defined in RCW 28A.150.010 and who are authorized to use force in fulfilling their responsibilities.

(12) "Tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.

Sec. 2. RCW 43.101.020 and 1974 ex.s. c 94 s 2 are each amended to read as follows:

(1) There is hereby created and established a state commission to be known and designated as the Washington state criminal justice training commission.

(2) The purpose of ((~~such~~)) the commission shall be to ((~~provide programs and standards for the training of criminal justice personnel~~)) establish and administer standards and processes for certification, suspension, and decertification of peace officers and corrections officers. The commission shall provide programs and training that enhance the integrity, effectiveness, and professionalism of peace officers and corrections officers while helping to ensure that law enforcement and correctional services are delivered to the people of Washington in a manner that fully complies with the Constitutions and laws of this state and United States. In carrying out its duties, the commission shall strive to promote public trust and

confidence in every aspect of the criminal justice system.

Sec. 3. RCW 43.101.030 and 2020 c 44 s 1 are each amended to read as follows:

The commission shall consist of ((~~sixteen~~)) 21 members((~~, who shall be selected~~)) as follows:

(1) The governor shall appoint ((~~two~~)):

(a) One incumbent sheriff((~~s~~)) and ((~~two~~)) one incumbent chief((~~s~~)) of police.

((~~(2) The governor shall appoint one officer~~)) The governor shall additionally appoint an alternate incumbent chief of police who may perform commission duties in place of the appointed incumbent chief if that person is unavailable;

(b) Two officers at or below the level of first line supervisor who:

(i) Have at least ten years' experience as law enforcement officers;

(ii) Are from ((~~a county~~)) two different law enforcement ((~~agency and one officer at or below the level of first line supervisor from a municipal law enforcement agency. Each appointee under this subsection (2) shall have at least ten years experience as a law enforcement officer.~~

~~(3) The governor shall appoint one~~)) agencies that each have at least 15 officers and are different than the agencies with which the members in (a) of this subsection are affiliated; and

(iii) Are affiliated with different labor organizations;

(c) One tribal police officer at or below the level of first line supervisor who has at least 10 years' experience as a law enforcement officer;

(d) One person employed ((~~in a county correctional system and one person employed in the state correctional system.~~

~~(4) The governor shall appoint one~~)) in a state or county corrections agency;

(e) One incumbent county prosecuting attorney or municipal attorney((~~.~~

~~(5) The governor shall appoint one~~)) and one public defender;

(f) One licensed attorney with background in investigating, advocating, teaching, training, or presiding over matters related to enhancing law enforcement practices and accountability, who has not been employed in law enforcement;

(g) One elected official of a local government((~~.~~

~~(6) The governor shall appoint two private citizens~~)) who is not a sheriff or police chief and has not been employed in the last 10 years as a peace officer or prosecutor in any jurisdiction;

(h) One person with civilian oversight or auditing experience over law enforcement agencies;

(i) Seven community members who are not employed in law enforcement, ((~~one from~~)) including at least two who reside east of the crest of the Cascade mountains and ((~~one from west of the crest of the Cascade mountains. At~~)) at least ((~~one of the private citizens must be~~)) three who are from a historically underrepresented community or communities((~~.~~

~~(7) The governor shall appoint one~~)); and

(j) One tribal chair, board member, councilmember, or ((~~designee~~)) enrolled member from a federally recognized tribe with an active certification agreement under RCW 43.101.157((~~.~~

~~(8) The three remaining members shall be:~~

~~(a)~~)) who is not a sheriff and has not been employed in the last 10 years as a peace officer or prosecutor in any jurisdiction;

(2) The attorney general or the attorney general's designee;

((~~(b) The special agent in charge of the Seattle office of the federal bureau of investigation; and~~

~~(c)~~)) (3) The chief of the state patrol or the chief's designee.

Sec. 4. RCW 43.101.040 and 2009 c 549 s 5167 are each amended to read as follows:

All members appointed to the commission by the governor shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth((~~: PROVIDED, That of the~~)). However, for members first appointed ((~~three shall be appointed for~~

~~two year terms, three shall be appointed for four year terms, and three shall be appointed for six year terms: PROVIDED, FURTHER, That the terms of the two members appointed as incumbent police chiefs shall not expire in the same year nor shall the terms of the two members appointed as representing correctional systems expire in the same year nor shall the terms of the two members appointed as incumbent sheriffs expire in the same year~~)) as a result of chapter . . ., Laws of 2021 (this act), the governor shall appoint members to terms ranging from two years to six years in order to stagger future appointments. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member ((~~he or she~~)) the appointee is to succeed. Any member may be reappointed for additional terms.

Sec. 5. RCW 43.101.060 and 1999 c 97 s 2 are each amended to read as follows:

The commission shall elect a chair and a vice chair from among its members. ((~~Seven~~)) Nine members of the commission shall constitute a quorum. ((~~The governor shall summon the commission to its first meeting.~~

~~Meetings~~)) The commission shall meet at least quarterly. Additional meetings may be called by the chair and shall be called by ((~~him or her~~)) the chair upon the written request of six members.

Sec. 6. RCW 43.101.080 and 2020 c 119 s 13 are each amended to read as follows:

The commission shall have all of the following powers:

(1) ((~~To meet at such times and places as it may deem proper;~~

~~(2) To adopt any rules and regulations as it may deem necessary;~~

~~(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;~~

~~(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;~~

~~(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;~~

~~(6) To select and employ an executive director, and to empower him or her to perform such duties and responsibilities as it may deem necessary;~~

~~(7) To~~)) Conduct training, including the basic law enforcement academy and in-service training, and assume legal, fiscal, and program responsibility for all training conducted by the commission;

((~~(8) To establish~~)) (2) Grant, deny, suspend, or revoke certification of, or require remedial training for, peace officers and corrections officers under the provisions of this chapter;

(3) Grant, deny, suspend, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process;

(4) Related to its duties under subsections (2) and (3) of this section, provide for the comprehensive and timely investigation of complaints where necessary to ensure adherence to law and agency policy, strengthen the integrity and accountability of peace officers and corrections officers, and maintain public trust and confidence in the criminal justice system in this state;

(5) Establish, by rule and regulation, curricula and standards for the training of criminal justice personnel where such curricula and standards are not prescribed by statute;

((~~(9) To own~~)) (6) Own, establish, and operate, or ((~~to~~)) contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel ((~~and to purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities necessary to the conducting of such programs;~~

~~(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;~~

~~(11) To review~~));

(7) Review and approve or reject standards for instructors of training programs for criminal justice personnel, and ((~~to~~)) employ personnel from law enforcement agencies on a temporary basis as instructors without any loss of employee benefits to those instructors from those agencies;

((~~(12) To direct~~)) (8) Direct the development of alternative, innovative, and interdisciplinary training techniques;

((~~(13) To review~~)) (9) Review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards ((~~recommended by the training standards and education boards~~)), including continuing education;

((~~(14) To allocate~~)) (10) Allocate financial resources among training and education programs conducted by the commission;

((~~(15) To~~)) (11) Purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities and allocate training facility space among training and education programs conducted by the commission;

((~~(16) To issue~~)) (12) Issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

((~~(17) To provide~~)) (13) Provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

((~~(18) To establish~~)) (14) Establish rules and regulations ((~~recommended by the training standards and education boards~~)) prescribing minimum standards relating to physical, mental, and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

((~~(19) To require~~)) (15) Require county, city, port, or state law enforcement and corrections agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer, a reserve officer, or a corrections officer to administer a background investigation ((~~including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, a psychological examination, and a polygraph test or similar assessment to each applicant, the results of which shall be used by the employer to determine the applicant's suitability for employment as a fully commissioned peace officer, a reserve officer, or a corrections officer. The background investigation, psychological examination, and the polygraph examination shall be administered in accordance with the requirements of RCW 43.101.095(2) for peace officers, and RCW 43.101.096 for corrections officers. The employing county, city, or state law enforcement agency may require that each peace officer, reserve officer, or corrections officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer, reserve officer, or corrections officer does not readily have the means to pay for his or her portion of the testing fee. This subsection does not apply to corrections officers employed by state agencies;~~

~~(20) To promote~~)) in accordance with the requirements of RCW 43.101.095 to determine the applicant's suitability for employment as a fully commissioned peace officer, reserve officer, or corrections officer;

(16) Appoint members of a hearings panel as provided under RCW 43.101.380;

(17) Issue public recommendations to the governing body of a law enforcement agency regarding the agency's command decisions, inadequacy of policy or training, investigations or disciplinary decisions regarding misconduct, potential systemic violations of law or policy, unconstitutional policing, or other matters;

(18) Promote positive relationships between law enforcement and the ((~~citizens~~)) residents of the state of Washington ((~~by allowing~~)) through commissioners and staff ((~~to participate~~)) participation in the "chief for a day program." The executive director shall designate staff who may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with

chapter 42.52 RCW and chapter 292-110 WAC((~~.~~

~~All~~));

(19) Adopt, amend, repeal, and administer rules and regulations ((~~adopted by the commission shall be adopted and administered~~)) pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

Sec. 7. RCW 43.101.085 and 2020 c 119 s 1 are each amended to read as follows:

In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) ((~~Adopt, amend, or repeal rules as necessary to carry out this chapter;~~

~~(2)~~)) Contract for services as it deems necessary in order to carry out its duties and responsibilities;

(2) Cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(3) Select and employ an executive director, and empower the director to perform such duties and responsibilities as the commission may deem necessary;

(4) Issue subpoenas and statements of charges, and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter, or designate individuals to do so;

((~~(3)~~)) (5) Employ such staff as necessary for the implementation and enforcement of this chapter;

(6) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

((~~(4) Appoint members of a hearings board as provided under RCW 43.101.380;~~

~~(5)~~)) (7) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;

((~~(6) Grant, deny, or revoke certification of peace officers and corrections officers under the provisions of this chapter;~~

~~(7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter;~~

~~(8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter; and~~

~~(9) Grant, deny, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process~~)) and

(8) Exercise lawful actions necessary to enable the commission to fully and adequately perform its duties and to exercise the lawful powers granted to the commission.

Sec. 8. RCW 43.101.095 and 2018 c 32 s 5 are each amended to read as follows:

(1) As a condition of ((~~continuing~~)) employment ((~~as peace officers~~)), all Washington peace officers((~~: (a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter~~)) and corrections officers are required to obtain certification as a peace officer or corrections officer or exemption therefrom and maintain certification as required by this chapter and the rules of the commission.

(2)(a) ((~~As a condition of continuing employment for any~~)) Any applicant who has been offered a conditional offer of employment as a ((~~fully commissioned~~)) peace officer or ((~~a~~)) reserve officer ((~~after July 24, 2005~~)) or offered a conditional offer of employment as a corrections officer after July 1, 2021, including any person whose certification has lapsed as a result of a break of more than ((~~twenty-four~~)) 24 consecutive months in the officer's service ((~~as a fully commissioned peace officer or reserve officer, the applicant shall~~)) for a reason other than being recalled to military service, must submit to a background investigation ((~~including a~~)) to determine the applicant's suitability for employment. Employing agencies may only make a conditional offer of employment pending completion of the background check and shall verify in

writing to the commission that they have complied with all background check requirements prior to making any nonconditional offer of employment.

(b) The background check must include:

(i) A check of criminal history, ((~~verification~~)) any national decertification index, commission records, and all disciplinary records by any previous law enforcement or correctional employer, including complaints or investigations of misconduct and the reason for separation from employment. Law enforcement or correctional agencies that previously employed the applicant shall disclose employment information within 30 days of receiving a written request from the employing agency conducting the background investigation, including the reason for the officer's separation from the agency. Complaints or investigations of misconduct must be disclosed regardless of the result of the investigation or whether the complaint was unfounded;

(ii) Inquiry to the local prosecuting authority in any jurisdiction in which the applicant has served as to whether the applicant is on any potential impeachment disclosure list;

(iii) Inquiry into whether the applicant has any past or present affiliations with extremist organizations, as defined by the commission;

(iv) A review of the applicant's social media accounts;

(v) Verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident((~~, a~~));

(vi) A psychological examination((~~, and a~~)) administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission;

(vii) A polygraph or similar assessment ((~~as~~)) administered by ((~~the county, city, or state law enforcement agency, the results of which shall be used to determine the applicant's suitability for employment as a fully commissioned peace officer or a reserve officer.~~

~~(i) The background investigation including a check of criminal history shall be administered by the county, city, or state law enforcement agency that made the conditional offer of employment in compliance with standards established in the rules of the commission.~~

~~(ii) The psychological examination shall be administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission.~~

~~(iii) The polygraph test shall be administered by an experienced polygrapher who is a graduate of a polygraph school accredited by the American polygraph association and in compliance with standards established in rules of the commission.~~

~~(iv)~~)) an experienced professional with appropriate training and in compliance with standards established in rules of the commission; and

(viii) Any other test or assessment ((~~to be administered as part of the background investigation shall be administered in compliance with standards established in rules of~~)) that may be required in rule by the commission.

((~~(b)~~)) (c) The commission may establish standards for the background check requirements in this section and any other preemployment background check requirement that may be imposed by an employing agency or the commission.

(d) The employing ((~~county, city, or state~~)) law enforcement agency may require that each ((~~peace officer or reserve officer~~)) person who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or ((~~four hundred dollars~~)) $400, whichever is less. ((~~County, city, and state law enforcement~~)) Employing agencies may establish a payment plan if they determine that the ((~~peace officer or reserve officer~~)) person does not readily have the means to pay ((~~for his or her portion of~~)) the testing fee.

(3) ((~~The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule~~

~~from, the basic training requirements of RCW 43.101.200 on or before January 1, 2002. Thereafter, the commission may revoke certification pursuant to this chapter.~~

~~(4)~~)) The commission shall allow a peace officer or corrections officer to retain status as a certified peace officer or corrections officer as long as the officer: (a) Timely meets the basic ((~~law enforcement~~)) training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) timely meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification suspended or revoked by the commission.

((~~(5)~~)) (4) As a ((~~prerequisite to~~)) condition of certification, ((~~as well as a prerequisite to pursuit of a hearing under RCW 43.101.155,~~)) a peace officer or corrections officer must, on a form devised or adopted by the commission, authorize the release to the employing agency and commission of ((~~his or her~~)) the officer's personnel files, including disciplinary, termination ((~~papers~~)), civil or criminal investigation ((~~files~~)), or other ((~~files, papers,~~)) records or information that are directly related to a certification matter or decertification matter before the commission. The peace officer or corrections officer must also consent to and facilitate a review of the officer's social media accounts, however, consistent with RCW 49.44.200, the officer is not required to provide login information. The release of information may not be delayed, limited, or precluded by any agreement or contract between the officer, or the officer's union, and the entity responsible for the records or information.

((~~(6)~~)) (5) The employing agency and commission ((~~is~~)) are authorized to receive criminal history record information that includes nonconviction data for any purpose associated with employment ((~~by the commission~~)) or ((~~peace officer~~)) certification under this chapter. Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited.

((~~(7)~~)) (6) For a national criminal history records check, the commission shall require fingerprints be submitted and searched through the Washington state patrol identification and criminal history section. The Washington state patrol shall forward the fingerprints to the federal bureau of investigation.

(7) Prior to certification, the employing agency shall certify to the commission that the agency has completed the background check, no information has been found that would disqualify the applicant from certification, and the applicant is suitable for employment as a peace officer or corrections officer.

Sec. 9. RCW 43.101.105 and 2011 c 234 s 3 are each amended to read as follows:

(1) ((~~Upon~~)) To help prevent misconduct, enhance peace officer and corrections officer accountability through the imposition of sanctions commensurate to the wrongdoing when misconduct occurs, and enhance public trust and confidence in the criminal justice system, upon request by ((~~a peace~~)) an officer's employer or on its own initiative, the commission may deny, suspend, or revoke certification of ((~~any peace~~)), or require remedial training for, an officer((~~, after~~)) as provided in this section. The commission shall provide the officer with written notice and a hearing, if a hearing is timely requested by the ((~~peace~~)) officer under RCW 43.101.155((~~, based upon a finding of one or more of the following conditions:~~

~~(a) The peace officer has failed to timely meet all requirements for obtaining a certificate of basic law enforcement training, a certificate of basic law enforcement training equivalency, or a certificate of exemption from the training;~~

~~(b) The peace officer has knowingly falsified or omitted material information on an application for training or certification to the commission;~~

~~(c) The peace officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified peace officer was convicted of a felony before being employed as a peace officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before~~

~~being hired, the commission may revoke certification only with the agreement of the employing law enforcement agency;~~

~~(d) The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after January 1, 2002;~~

~~(e) The peace officer's certificate was previously issued by administrative error on the part of the commission; or~~

~~(f) The peace officer has interfered with an investigation or action for denial or revocation of certificate by: (i) Knowingly making a materially false statement to the commission; or (ii) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness~~)). Notice and hearing are not required when a peace officer voluntarily surrenders certification.

(2) ((~~After July 24, 2005, the~~)) The commission must deny or revoke the certification of an applicant or officer if the applicant or officer:

(a)(i) Has been convicted of:

(A) A felony offense;

(B) A gross misdemeanor domestic violence offense;

(C) An offense with sexual motivation as defined in RCW 9.94A.030;

(D) An offense under chapter 9A.44 RCW; or

(E) A federal or out-of-state offense comparable to an offense listed in (a)(i)(A) through (D) of this subsection (2); and

(ii)(A) The offense was not disclosed at the time of application for initial certification; or

(B) The officer was a certified peace officer or corrections officer at the time of the offense; and

(iii) The offense is not one for which the officer was granted a full and unconditional pardon; and

(iv) The offense was not adjudicated as a juvenile and the record sealed;

(b) Has been terminated by the employing agency or otherwise separated from the employing agency after engaging in, or was found by a court to have engaged in, the use of force which resulted in death or serious injury and the use of force violated the law;

(c) Has been terminated by the employing agency or otherwise separated from the employing agency after witnessing, or found by a court to have witnessed, another officer's use of excessive force and:

(i) Was in a position to intervene to end the excessive use of force and failed to do so; or

(ii) Failed to report the use of excessive force in accordance with agency policy or law;

(d) Has been terminated by the employing agency or otherwise separated from the employing agency after knowingly making, or found by a court to have knowingly made, misleading, deceptive, untrue, or fraudulent representations in the practice of being a peace officer or corrections officer including, but not limited to, committing perjury, filing false reports, hiding evidence, or failing to report exonerating information. This subsection (2)(d) does not apply to representations made in the course and for the purposes of an undercover investigation or other lawful law enforcement purpose; or

(e) Is prohibited from possessing weapons by state or federal law or by a permanent court order entered after a hearing.

(3) The commission may deny, suspend, or revoke certification or require remedial training of an applicant or officer if the applicant or officer:

(a) Failed to timely meet all requirements for obtaining a certificate of basic law enforcement or corrections training, a certificate of basic law enforcement or corrections training equivalency, or a certificate of exemption from the training;

(b) Was previously issued a certificate through administrative error on the part of the commission;

(c) Knowingly falsified or omitted material information on an application to the employer or for training or certification to the commission;

(d) Interfered with an investigation or action for denial or revocation of certification by:

(i) Knowingly making a materially false statement to the commission;

(ii) Failing to timely and accurately report information to the commission as required by law or policy; or

(iii) In any matter under review or investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness;

(e) Engaged in a use of force that could reasonably be expected to cause physical injury, and the use of force violated the law or policy of the officer's employer;

(f) Committed sexual harassment as defined by state law;

(g) Through fraud or misrepresentation, has used the position of peace officer or corrections officer for personal gain;

(h) Engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religion, creed, color, national origin, immigration status, disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status;

(i) Has affiliation with one or more extremist organizations;

(j) Whether occurring on or off duty, has:

(i) Been found to have committed a felony, without regard to conviction;

(ii) Engaged in a pattern of acts showing an intentional or reckless disregard for the rights of others, including but not limited to violation of an individual's constitutional rights under the state or federal constitution or a violation of RCW 10.93.160;

(iii) Engaged in unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property; or

(iv) Engaged in any conduct or pattern of conduct that: Fails to meet the ethical and professional standards required of a peace officer or corrections officer; disrupts, diminishes, or otherwise jeopardizes public trust or confidence in the law enforcement profession and correctional system; or demonstrates an inability or unwillingness to uphold the officer's sworn oath to enforce the constitution and laws of the United States and the state of Washington;

(k) Has been suspended or discharged, has resigned or retired in lieu of discharge, or has separated from the agency after the alleged misconduct occurred, for any conduct listed in this section; or

(l) Has voluntarily surrendered the person's certification as a peace officer or corrections officer.

(4) In addition to the penalties set forth in subsection (3) of this section, the commission may require mandatory retraining or placement on probation for up to two years, or both. In determining the appropriate penalty or sanction, the commission shall consider: The findings and conclusions, and the basis for the findings and conclusions, of any due process hearing or disciplinary appeals hearing following an investigation by a law enforcement agency regarding the alleged misconduct, if such hearing has occurred prior to the commission's action; any sanctions or training ordered by the employing agency regarding the alleged misconduct; and whether the employing agency bears any responsibility for the situation.

(5) The commission shall deny certification to any applicant who ((~~has~~)) lost ((~~his or her~~)) certification as a result of a break in service of more than ((~~twenty-four~~)) 24 consecutive months if that applicant failed to comply with the requirements set forth in RCW 43.101.080((~~(19)~~)) (15) and 43.101.095(2).

(6) The fact that the commission has suspended an officer's certification is not, in and of itself, a bar to the employing agency's maintenance of the officer's health and retirement benefits.

(7) Any suspension or period of probation imposed by the commission shall run concurrently to any leave or discipline imposed by the employing agency for the same incident.

(8) A law enforcement agency may not terminate a peace officer based solely on imposition of suspension or probation by

the commission. This subsection does not prohibit a law enforcement agency from terminating a peace officer based on the underlying acts or omissions for which the commission took such action.

(9) Any of the misconduct listed in subsections (2) and (3) of this section is grounds for denial, suspension, or revocation of certification of a reserve officer to the same extent as applied to a peace officer, if the reserve officer is certified pursuant to RCW 43.101.095.

Sec. 10. RCW 43.101.115 and 2001 c 167 s 4 are each amended to read as follows:

(1) A person denied a certification based upon dismissal or withdrawal from a basic law enforcement academy ((~~for any reason not also involving discharge for disqualifying misconduct~~)) or basic corrections academy under RCW 43.101.105(3)(a) is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, ((~~rules which may~~)) which rules shall provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is mandatorily denied or revoked ((~~based upon a felony criminal conviction~~)) pursuant to RCW 43.101.105(2) is not eligible for certification at any time.

(4) A ((~~peace officer~~)) person whose certification is denied or revoked ((~~based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction,~~)) for reasons other than provided in subsections (1) through (3) of this section may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission ((~~shall~~)) may hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission ((~~may~~)) shall establish a probationary period of certification.

(5) A ((~~peace officer~~)) person whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission ((~~may~~)) shall establish a probationary period of certification.

(6) The commission's rules and decisions regarding reinstatement shall align with its responsibilities to enhance public trust and confidence in the law enforcement profession and correctional system.

Sec. 11. RCW 43.101.135 and 2001 c 167 s 6 are each amended to read as follows:

(1)(a) Upon ((~~termination~~)) separation of a peace officer or corrections officer from an employing agency for any reason, including termination, resignation, or retirement, the agency ((~~of termination~~)) shall((~~, within fifteen days of the termination,~~)) notify the commission within 15 days of the separation date on a personnel action report form provided by the commission. ((~~The agency of termination shall, upon~~))

(b) If the employer accepts an officer's resignation or retirement in lieu of termination, the employing agency shall report the reasons and rationale in the information provided to the commission, including the findings from any internal or external investigations into alleged misconduct.

(2) In addition to those circumstances under subsection (1) of this section and whether or not disciplinary proceedings have been concluded, the employing agency shall:

(a) Notify the commission within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer or any time an officer has been charged with a crime. Employing agencies must have a policy requiring officers to report any pending criminal charges and any conviction,

plea, or other case disposition immediately to their agency; and

(b) Notify the commission within 15 days of an initial disciplinary decision by an employing agency for alleged behavior or conduct by an officer that is noncriminal and may result in revocation of certification pursuant to RCW 43.101.105.

(3) To better enable the commission to act swiftly and comprehensively when misconduct has occurred that may undermine public trust and confidence in law enforcement or the correctional system, if the totality of the circumstances support a conclusion that the officer resigned or retired in anticipation of discipline, whether or not the misconduct was discovered at the time, and when such discipline, if carried forward, would more likely than not have led to discharge, or if the officer was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the officer's suspension or discharge, the employing agency shall conduct and complete the investigation and provide all relevant information to the commission as if the officer were still employed by the agency.

(4) Upon request of the commission, the employing agency shall provide such additional documentation or information as the commission deems necessary to determine whether the ((~~termination~~)) separation or event provides grounds for suspension or revocation ((~~under RCW 43.101.105~~)).

(5) At its discretion, the commission may:

(a) Initiate decertification proceedings upon conclusion of any investigation or disciplinary proceedings initiated by the employing agency;

(b) Separately pursue action against the officer's certification under RCW 43.101.105; or

(c) Wait to proceed until any investigation, disciplinary proceedings, or appeals through the employing agency are final before taking action. Where a decertification decision requires a finding that the officer's conduct violated policy and the employing agency has begun its investigation into the underlying event, the commission shall await notification of a finding by the employing agency before beginning the decertification process.

(6) No action or failure to act by an employing agency or decision resulting from an appeal of that action precludes action by the commission to suspend or revoke an officer's certification.

(7) An employing agency may not enter into any agreement or contract with an officer, or union:

(a) Not to report conduct, delay reporting, or preclude disclosure of any relevant information, including a promise not to check the box on a commission notice that indicates the officer may have committed misconduct, in exchange for allowing an officer to resign or retire or for any other reason; or

(b) That allows the agency to destroy or remove any personnel record while the officer is employed and for 10 years thereafter. Such records must include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, investigatory files, and other disciplinary appeals and litigation records.

(8) The commission shall maintain ((~~these notices~~)) all information provided pursuant to this section in a permanent file((~~, subject to RCW 43.101.400~~)).

(9) In addition to disciplinary action authorized in RCW 43.101.105, the commission may impose a civil penalty not to exceed $10,000 for the failure by an officer or an employing agency to timely and accurately report information pursuant to this section.

Sec. 12. RCW 43.101.145 and 2001 c 167 s 8 are each amended to read as follows:

((~~A law enforcement officer or duly authorized representative of a law enforcement agency~~)) (1) Any individual may submit a written complaint to the commission ((~~charging~~)) stating that ((~~a peace~~)) an officer's certificate should be denied, suspended, or revoked, and specifying the grounds for the ((~~charge~~)) complaint. Filing a complaint does not make a complainant a party to the commission's action.

(2) The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. All complaints must be resolved with a written determination, regardless of the decision to investigate.

(3) The commission may initiate an investigation in any instance where there is a pattern of complaints or other actions that may not have resulted in a formal adjudication of wrongdoing, but when considered together demonstrate conduct that would constitute a violation of RCW 43.101.105 (2) or (3). The commission must consider the agency's policies and procedures and the officer's job duties and assignment in determining what constitutes a pattern.

(4) A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

Sec. 13. RCW 43.101.155 and 2001 c 167 s 9 are each amended to read as follows:

(1) If the commission determines, upon investigation, that there is ((~~probable~~)) cause to believe that a peace officer's or corrections officer's certification should be denied, suspended, or revoked under RCW 43.101.105, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer unless the officer has consented to service in some other manner, including electronic notification. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of ((~~termination~~)) separation and any current ((~~law enforcement~~)) agency employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within ((~~sixty~~)) 60 days of ((~~communication of~~)) the statement of charges, request a hearing before the hearings ((~~board~~)) panel appointed under RCW 43.101.380. Failure of the officer to request a hearing within the ((~~sixty-day~~)) 60-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the officer is required to provide an email address that constitutes the officer's legal address for purposes of any subsequent communication from the commission. Unless otherwise agreed to by the mutual agreement of the parties or for good cause, within two weeks of receipt of the officer's request for a hearing, the commission shall set a date ((~~of~~)) for the hearing, which must be ((~~scheduled not earlier than ninety days nor later than one hundred eighty days after communication of the statement of charges to the officer; the one hundred eighty-day period may be extended on mutual agreement of the parties or for good cause~~)) held within 90 days thereafter. ((~~The~~)) On the date the hearing is set, the commission shall ((~~give~~)) transmit electronic and written notice of the hearing ((~~at least twenty days prior to the hearing~~)) to the officer, and provide public notice on the commission website, specifying the time, date, and place of hearing.

Sec. 14. RCW 43.101.157 and 2006 c 22 s 2 are each amended to read as follows:

(1) Tribal governments may voluntarily request certification for their police officers. Tribal governments requesting certification for their police officers must enter into a written agreement with the commission. The agreement must require the tribal law enforcement agency and its officers to comply with all of the requirements for granting, denying, and revoking certification as those requirements are applied to peace officers certified under this chapter and the rules of the commission.

(2) Officers making application for certification as tribal police officers shall meet the requirements of this chapter and the rules of the commission as those requirements are applied to certification of peace officers. Application for certification as a tribal police officer shall be accepted and processed in the same manner as those for certification of peace officers.

((~~(3) For purposes of certification, "tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.~~))

Sec. 15. RCW 43.101.230 and 1981 c 134 s 1 are each amended to read as follows:

((~~Indian tribe~~)) Tribal police officers and employees who are engaged in law enforcement activities and who do not qualify as "criminal justice personnel" or "law enforcement personnel" under RCW 43.101.010((~~, as now law or hereafter amended, may~~)) shall be provided training under this chapter if: (a) The tribe is recognized by the federal government, and (b) the tribe pays to the commission the full cost of providing such training. The commission shall place all money received under this section into the criminal justice training account.

Sec. 16. RCW 43.101.390 and 2001 c 167 s 11 are each amended to read as follows:

(1) The commission((~~, its boards,~~)) and individuals acting on behalf of the commission ((~~and its boards~~)) are immune from suit in any civil or criminal action contesting or based upon proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

(2) Without limiting the generality of the foregoing, the commission and individuals acting on behalf of the commission are immune from suit in any civil action based on the certification, denial of certification, suspension, or other action regarding decertification of peace officers, reserve officers, or corrections officers.

Sec. 17. RCW 43.101.420 and 2009 c 19 s 1 are each amended to read as follows:

(1) The commission shall offer a training session on personal crisis recognition and crisis intervention services to criminal justice, ((~~correctional personnel~~)) corrections, and other public safety employees. The training shall be implemented by the commission in consultation with appropriate public and private organizations that have expertise in crisis referral services and in the underlying conditions leading to the need for crisis referral.

(2) The training shall consist of a minimum of one hour of classroom or internet instruction, and shall include instruction on the following subjects:

(a) The description and underlying causes of problems that may have an impact on the personal and professional lives of public safety employees, including mental health issues, chemical dependency, domestic violence, financial problems, and other personal crises;

(b) Techniques by which public safety employees may recognize the conditions listed in (a) of this subsection and understand the need to seek assistance and obtain a referral for consultation and possible treatment; and

(c) A listing of examples of public and private crisis referral agencies available to public safety employees.

(3) The training developed by the commission shall be made available by the commission to all employees of state and local agencies that perform public safety duties. The commission may charge a reasonable fee to defer the cost of making the training available.

Sec. 18. RCW 34.12.035 and 1984 c 141 s 6 are each amended to read as follows:

The chief administrative law judge shall designate an administrative law judge with subject matter expertise to serve, as the need arises, as presiding officer in ((~~state~~)):

(1) State patrol disciplinary hearings conducted under RCW 43.43.090; and

(2) Decertification hearings conducted under RCW 43.101.380.

Sec. 19. RCW 40.14.070 and 2011 c 60 s 18 are each amended to read as follows:

(1)(a) ((~~County~~)) Other than those records detailed in subsection (4) of this section, county, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

(b) A local government agency, as an alternative to submitting lists, may elect to establish a records control

program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

(2)(a) Except as otherwise provided by law, and other than the law enforcement records detailed in subsection (4) of this section, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

(i) The records are six or more years old;

(ii) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or

(iii) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

(b)(i) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

(ii) Any sealed record transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval, including records sealed after transfer, shall be electronically retained in such a way that the record is clearly marked as sealed.

(iii) The Washington association of sheriffs and police chiefs shall be permitted to destroy both the paper copy and electronic record of any offender verified as deceased.

(c) Any record transferred to the Washington association of sheriffs and police chiefs pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.56.010 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW and the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420.

Electronic records marked as sealed shall only be accessible by criminal

justice agencies as defined in RCW 10.97.030 who would otherwise have access to a sealed paper copy of the document, the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420, and the system administrator for the purposes of system administration and maintenance.

(3) Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying noncurrent public records having no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization.

Public records may not be donated under this subsection unless:

(a) The records are seventy years old or more;

(b) The local records committee has approved the destruction of the public records; and

(c) The state archivist has determined that the public records have no historic interest.

(4) Personnel records for any peace officer or corrections officer must be retained for the duration of the officer's employment and a minimum of 10 years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.095 and 43.101.135.

Sec. 20. RCW 43.101.380 and 2020 c 119 s 10 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is ((~~clear, cogent, and convincing~~)) a preponderance of the evidence.

(2) In all hearings requested under RCW 43.101.155 ((~~or 43.101.156~~)), an administrative law judge appointed under chapter 34.12 RCW shall be the presiding officer, shall make all necessary rulings in the course of the hearing, and shall issue a proposed recommendation, but is not entitled to vote. In addition, a five-member hearings panel shall ((~~both~~)) hear the case and make the commission's final administrative decision. ((~~Members of the commission may, but need not, be appointed to the hearings panels.~~))

(3) The commission shall appoint ((~~as follows two or more panels~~)) a panel to hear certification actions as follows:

(a) When a hearing is requested in relation to a certification action of a Washington peace officer ((~~who is not a peace officer of the Washington state patrol~~)), the commission shall appoint to the panel: (i) One police chief((~~, (ii) one~~)) or sheriff from an agency not a current or past employer of the peace officer; ((~~(iii) two~~)) (ii) one certified Washington peace officer((~~s~~)) who ((~~are~~)) is at or below the level of first line supervisor((~~, one of whom is from a city or county law enforcement agency,~~)) and who ((~~have~~)) has at least ten years' experience as a peace officer((~~s~~)); ((~~and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university~~)) (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

(b) ((~~When a hearing is requested in relation to a certification action of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, who is not a state patrol officer, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not~~

~~currently a peace officer and who represents a community college or four-year college or university.~~

~~(c)~~)) When a hearing is requested in relation to a certification action of a Washington corrections officer, the commission shall appoint to the panel: (i) ((~~Two heads of~~)) A person who heads either a city or county corrections agency or facility or of a Washington state department of corrections facility; (ii) ((~~two~~)) one corrections officer((~~s~~)) who ((~~are~~)) is at or below the level of first line supervisor((~~, who are from city, county, or state corrections agencies,~~)) and who ((~~have~~)) has at least ten years' experience as a corrections officer((~~s~~)); (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and ((~~(iii)~~)) (v) one person with expertise and background in police accountability who is not ((~~currently~~)) a current or former peace officer or corrections officer ((~~and who represents a community college or four-year college or university~~)).

((~~(d)~~)) (c) When a hearing is requested in relation to a certification action of a tribal police officer, the commission shall appoint to the panel (i) ((~~either one police chief or one sheriff; (ii)~~)) one tribal police chief; ((~~(iii) one certified Washington peace officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; (iv)~~)) (ii) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; ((~~and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university~~)) (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

((~~(e)~~)) (d) Persons appointed to hearings panels by the commission shall, in relation to any certification action on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

((~~(3) Where the charge upon which revocation or denial is based is that a peace officer or corrections officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(1)(d) or 43.101.106(4), and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct;~~)) (4) In decertification matters where there was a due process hearing or a disciplinary appeals hearing following an investigation by a law enforcement agency, or a criminal hearing regarding the alleged misconduct, the hearings panel need not redetermine the underlying facts but may make ((~~this~~)) its determination based solely on review of the records and decision relating to ((~~the employment separation~~)) those proceedings and any investigative or summary materials from the administrative law judge, legal counsel, and commission staff. However, the hearings panel may, in its discretion, consider additional evidence to determine whether ((~~such a discharge~~)) misconduct occurred ((~~and was based on such disqualifying misconduct~~)). The hearings panel shall, upon written request by the subject peace officer or corrections officer, allow the peace officer or corrections officer to present additional evidence of extenuating circumstances.

((~~Where the charge upon which revocation or denial of certification is based is that a peace officer or corrections officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(1)(c) or 43.101.106(3), the hearings panel shall revoke or deny certification if it determines that the peace officer or corrections officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon~~

~~the panel's determination of relevancy, consider additional evidence to determine whether the peace officer or corrections officer was convicted of a felony.~~

~~Where the charge upon which revocation or denial is based is under RCW 43.101.105(1) (a), (b), (c), or (f) or 43.101.106 (1), (2), (5), or (6), the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.~~

~~(4)~~)) (5) The commission is authorized to proceed regardless of whether an arbitrator or other appellate decision maker overturns the discipline imposed by the officer's employing agency or whether the agency settles an appeal. No action or failure to act by a law enforcement agency or corrections agency or decision resulting from an appeal of that action precludes action by the commission to suspend or revoke an officer's certificate, to place on probation, or to require remedial training for the officer.

(6) The hearings, but not the deliberations of the hearings panel, are open to the public. The transcripts, admitted evidence, and written decisions of the hearings panel on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(7) Summary records of hearing dispositions must be made available on an annual basis on a public website.

(8) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

Sec. 21. RCW 43.101.400 and 2020 c 119 s 12 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, ((~~the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under RCW 43.101.135 or 43.101.136; (b)~~)) all files, papers, and other information obtained by the commission as part of an initial background investigation pursuant to RCW 43.101.095((~~(5) or 43.101.096; and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter~~)) (2) and (4) are confidential and exempt from public disclosure. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in ((~~subsection (5) of this section~~)) RCW 43.101.380(6) or which become part of the record in a suspension or decertification matter.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement or corrections agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement or corrections agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) ((~~Upon a determination that a complaint is without merit, that a personnel action report filed under RCW 43.101.135 does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.~~

~~(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject~~

~~to subpoena and discovery proceedings in civil actions.~~

~~(6)~~)) The commission shall maintain a database that is publicly searchable, machine readable, and exportable, and accompanied by a complete, plain-language data dictionary describing the names of officers and employing agencies, all conduct investigated, certifications denied, notices and accompanying information provided by law enforcement or correctional agencies, including the reasons for separation from the agency, decertification or suspension actions pursued, and final disposition and the reasons therefor for at least 30 years after final disposition of each incident. The dates for each material step of the process must be included. Any decertification must be reported to the national decertification index.

(5) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

NEW SECTION. **Sec. 22.** A new section is added to chapter 43.101 RCW to read as follows:

The commission must develop policies, procedures, and rules to ensure that the goals of this act are fully implemented as intended and in a timely manner, and to provide appropriate clarity to affected persons and entities as to how the commission will process complaints, investigations, and hearings, and impose sanctions, related to officer decertification. The commission must work in collaboration with interested parties and entities in developing the policies, procedures, and rules, and must take into account issues regarding when and how the commission may appropriately exercise authority in relation to simultaneous investigations and disciplinary processes, and how the commission may exercise available remedies in a manner that is appropriate to case circumstances and consistent with the goals of this act. The policies, procedures, and rules must be completed by June 30, 2022.

Sec. 23. RCW 41.56.905 and 1983 c 287 s 5 are each amended to read as follows:

The provisions of this chapter are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. Except as provided in RCW 53.18.015, 43.101.095, and 43.101.135, if any provision of this chapter conflicts with any other statute, ordinance, rule or regulation of any public employer, the provisions of this chapter shall control.

Sec. 24. RCW 49.44.200 and 2013 c 330 s 1 are each amended to read as follows:

(1) An employer may not:

(a) Request, require, or otherwise coerce an employee or applicant to disclose login information for the employee's or applicant's personal social networking account;

(b) Request, require, or otherwise coerce an employee or applicant to access his or her personal social networking account in the employer's presence in a manner that enables the employer to observe the contents of the account;

(c) Compel or coerce an employee or applicant to add a person, including the employer, to the list of contacts associated with the employee's or applicant's personal social networking account;

(d) Request, require, or cause an employee or applicant to alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account; or

(e) Take adverse action against an employee or applicant because the employee or applicant refuses to disclose his or her login information, access his or her personal social networking account in the employer's presence, add a person to the list of contacts associated with his or her personal social networking account, or alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account.

(2) This section does not apply to an employer's request or requirement that an employee share content from his or her personal social networking account if the following conditions are met:

(a) The employer requests or requires the content to make a factual determination in the course of conducting an investigation;

(b) The employer undertakes the investigation in response to receipt of information about the employee's

activity on his or her personal social networking account;

(c) The purpose of the investigation is to: (i) Ensure compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct; or (ii) investigate an allegation of unauthorized transfer of an employer's proprietary information, confidential information, or financial data to the employee's personal social networking account; and

(d) The employer does not request or require the employee to provide his or her login information.

(3) This section does not:

(a) Apply to a social network, intranet, or other technology platform that is intended primarily to facilitate work-related information exchange, collaboration, or communication by employees or other workers;

(b) Prohibit an employer from requesting or requiring an employee to disclose login information for access to: (i) An account or service provided by virtue of the employee's employment relationship with the employer; or (ii) an electronic communications device or online account paid for or supplied by the employer;

(c) Prohibit an employer from enforcing existing personnel policies that do not conflict with this section; ((~~or~~))

(d) Prevent an employer from complying with the requirements of state or federal statutes, rules or regulations, case law, or rules of self-regulatory organizations; or

(e) Apply to a background investigation in accordance with RCW 43.101.095. However, the officer must not be required to provide login information.

(4) If, through the use of an employer-provided electronic communications device or an electronic device or program that monitors an employer's network, an employer inadvertently receives an employee's login information, the employer is not liable for possessing the information but may not use the login information to access the employee's personal social networking account.

(5) For the purposes of this section and RCW 49.44.205:

(a) "Adverse action" means: Discharging, disciplining, or otherwise penalizing an employee; threatening to discharge, discipline, or otherwise penalize an employee; and failing or refusing to hire an applicant.

(b) "Applicant" means an applicant for employment.

(c) "Electronic communications device" means a device that uses electronic signals to create, transmit, and receive information, including computers, telephones, personal digital assistants, and other similar devices.

(d) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or other activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation. "Employer" includes an agent, a representative, or a designee of the employer.

(e) "Login information" means a user name and password, a password, or other means of authentication that protects access to a personal social networking account.

Sec. 25. RCW 41.06.040 and 1969 ex.s. c 36 s 22 are each amended to read as follows:

The provisions of this chapter apply to:

(1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers;

(2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of RCW 41.06.070 or otherwise excluded or exempted in this chapter.

NEW SECTION. **Sec. 26.** A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter do not apply in the Washington state criminal justice training commission to two confidential secretaries involved in managing the confidential records under RCW 43.101.135 and 43.101.400.

NEW SECTION. **Sec. 27.** No later than December 1, 2022, the criminal justice training commission shall submit a written report to the governor and the appropriate committees of the legislature detailing progress of implementation of this act.

NEW SECTION. **Sec. 28.** The following acts or parts of acts are each repealed:

(1)RCW 43.101.096 (Corrections officer certification) and 2020 c 119 s 3;

(2)RCW 43.101.106 (Denial or revocation of corrections officer certification) and 2020 c 119 s 4;

(3)RCW 43.101.116 (Denial or revocation of corrections officer certification—Readmission to academy—Reinstatement) and 2020 c 119 s 5;

(4)RCW 43.101.136 (Termination of corrections officer—Notification to commission) and 2020 c 119 s 7;

(5)RCW 43.101.146 (Written complaint by corrections officer or corrections agency to deny or revoke corrections officer certification—Immunity of complainant) and 2020 c 119 s 8;

(6)RCW 43.101.156 (Denial or revocation of corrections officer certification—Statement of charges—Notice—Hearing) and 2020 c 119 s 9; and

(7)RCW 43.101.180 (Priorities) and 1981 c 136 s 27 & 1974 ex.s. c 94 s 18.

NEW SECTION. **Sec. 29.** A new section is added to chapter 10.93 RCW to read as follows:

A general authority Washington law enforcement agency or limited authority Washington law enforcement agency is prohibited from considering the application for any office, place, position, or employment within the agency if the applicant has not provided the agency a document, voluntarily and knowingly signed by the applicant, that authorizes each prior employer to release any and all information relating to the applicant's employment, and further releasing and holding harmless the agency and each prior employer from any and all liability that may potentially result from the release and use of such information provided.

Sec. 30. RCW 43.101.200 and 2019 c 415 s 969 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as ((~~otherwise~~)) provided in ((~~this chapter~~)) RCW 43.101.170, the commission shall provide the aforementioned training ((~~together with~~)) and shall have the sole authority to do so. The commission shall provide necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the 2017-2019 and 2019-2021 fiscal biennia when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff and Jacobsen.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

March 23, 2021

SB 5054 Prime Sponsor, Senator Padden: Concerning impaired driving. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham; Griffey; Hackney; Lovick; Orwall and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Davis, Ramos and Simmons.

Referred to Committee on Appropriations.

March 22, 2021

SSB 5068 Prime Sponsor, Committee on Ways & Means: Improving maternal health outcomes by extending coverage during the postpartum period. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 31, 2021

SSB 5082 Prime Sponsor, Committee on Ways & Means: Reestablishing the productivity board. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan, Graham and Gregerson.

Referred to Committee on Appropriations.

March 23, 2021

SB 5184 Prime Sponsor, Senator Nobles: Establishing a building point of contact in all K-12 public schools for students in foster care. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

March 23, 2021

SSB 5230 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Concerning agreements for allocation of groundwater resulting from bureau of reclamation project operations. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

March 23, 2021

2SSB 5241 Prime Sponsor, Committee on Ways & Means: Promoting economic inclusion. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

Referred to Committee on Appropriations.

April 1, 2021

SSB 5249 Prime Sponsor, Committee on Early Learning & K-12 Education: Supporting mastery-based learning. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Appropriations.

April 1, 2021

2SSB 5331 Prime Sponsor, Committee on Ways & Means: Establishing an early childhood court program for young children and their families involved in Washington's child welfare system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

March 22, 2021

2SSB 5362 Prime Sponsor, Committee on Ways & Means: Ensuring the funding of agricultural fairs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature found in 1961 that it is in the public interest to hold agricultural fairs to train youth, to educate the public about the production of food and fiber, and to promote the welfare of farm people and rural living. The legislature finds that the fair fund was created for the purpose of encouraging agricultural fairs and training rural youth. The legislature finds that despite the original expectations, the fair fund has not increased, and this lack of increased support has made it difficult to maintain youth programs. Research has shown that youth who participate in fairs are more likely to get better grades, attend college, and positively contribute to their families and communities.

(2) The legislature finds that fairs also contribute to economic vitality and cultural heritage by: (a) Providing an opportunity for small businesses to reach a larger customer base; (b) providing agricultural suppliers a platform to showcase new technology; (c) creating numerous seasonal jobs; (d) playing a vital role in fund-raising for nonprofit organizations; and (e) providing a venue for community and cultural events.

(3) The legislature further finds that events held on fairgrounds support both the cultural and economic development of rural communities. The legislature finds that connecting the fair fund to revenue generated on fairgrounds encourages fairs to work with local businesses to increase economic opportunity. Thirty-seven counties have a fair. Benton and Franklin counties share a fair. Mason county currently does not have a fair.

Sec. 2. RCW 15.76.115 and 2018 c 280 s 3 are each amended to read as follows:

(1) The fair fund is created in the custody of the state treasury.

(2) All moneys received by the department of agriculture for the purposes of this fund and from RCW 67.16.105 shall be deposited into the fund. Each fiscal year, the state treasurer shall transfer into the fair fund from the general fund ((~~the sum of two million dollars~~)) an amount appropriated in the omnibus operating appropriations act equal to:

(a) $2,000,000 for fiscal year 2021;

(b) $2,750,000 in each fiscal year 2022 and 2023;

(c) $3,500,000 in each fiscal year 2024 and 2025; and

(d) $4,000,000 in fiscal year 2026 and each fiscal year thereafter.

(e) To support inclusiveness at fair events, a portion of the additional funds provided to fairs as a result of this act must be prioritized to be spent on educational programs and outreach that

are reflective of the diversity within a fair's local population.

(3) Expenditures from the fund may be used only for assisting fairs in the manner provided in this chapter. Only the director of agriculture or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures."

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

April 1, 2021

2SSB 5368 Prime Sponsor, Committee on Ways & Means: Encouraging rural economic development. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Local Government.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 35A.14 RCW to read as follows:

(1) A code city as provided in RCW 35A.14.296(2) may collaborate with the county or counties where the code city is located to form an interlocal agreement regarding annexation of unincorporated territory within the urban growth area boundary. The interlocal agreement formation process must include procedures for public participation. The procedures must provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, and consideration of and response to public comments. The interlocal agreement may only be executed after notice of availability of the agreement is posted on the website of each legislative body for four weeks and a public hearing by each legislative body, separately or jointly. This method of annexation shall be an alternative method and is additional to all other methods provided for in this chapter.

(2) An interlocal agreement under this section may include use of a sales tax credit for annexed areas should such a credit be reinstated by the legislature.

(3) The agreement or plan under this section must address the following:

(a) A balancing of annexations of commercial, industrial, and residential properties so that any potential loss or gain is considered and distributed fairly as determined by tax revenue;

(b) Development, ownership, and maintenance of infrastructure;

(c) The potential for revenue-sharing agreements.

(4) In addressing the items in subsection (3)(a) through (c) of this section, the parties must also address the balancing of factors and objectives for annexation review in RCW 36.93.170 and 36.93.180.

(5) By December 1, 2021, the association of Washington cities and the Washington state association of counties shall report to the legislature, in compliance with RCW 43.01.036, on how a sales tax credit may be utilized to encourage appropriate annexations and what limits should be associated with such a credit if reinstated.

Sec. 2. RCW 36.70A.330 and 1997 c 429 s 21 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(3)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter and with any compliance schedule established by the board in its final order. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the

petitioner and the state agency, county, or city. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board. The board shall issue any order necessary to make adjustments to the compliance schedule and set additional hearings as provided in subsection (5) of this section.

(3) If the board after a compliance hearing finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. ((~~The~~))

(a) The board may refer a finding of noncompliance to the department. The purpose of the referral is for the department to provide technical assistance to facilitate speedy resolution of the finding of noncompliance and to provide training pursuant to section 3 of this act as necessary.

(b) Alternatively, the board may recommend to the governor that the sanctions authorized by this chapter be imposed. The board shall take into consideration the county's or city's efforts to meet its compliance schedule in making the decision to recommend sanctions to the governor.

(4) In a compliance hearing upon petition of a party, the board shall also reconsider its final order and decide, if no determination of invalidity has been made, whether one now should be made under RCW 36.70A.302.

(5) The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department shall offer training to assist local governments in understanding findings of noncompliance from the growth management hearings board pursuant to RCW 36.70A.300 and 36.70A.330 and applying prior decisions of the board to ongoing planning efforts to avoid findings of noncompliance.

(2) The department may award grants to a public agency with appropriate expertise and funded by local governments to provide the training required in subsection (1) of this section.

(3) The training provided in subsection (1) of this section is limited to counties that are largely rural.

Sec. 4. RCW 43.155.070 and 2017 3rd sp.s. c 10 s 9 are each amended to read as follows:

(1) To qualify for financial assistance under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, and except as provided in subsection (12) of this section, a county, city, or town planning under RCW 36.70A.040 may not receive financial assistance under this chapter unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving financial assistance under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 that has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 may apply for and receive financial assistance under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before executing a contractual agreement for financial assistance with the board.

(3) In considering awarding financial assistance for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW

36.70A.040, the board must consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4)(a) The board must develop a process to prioritize applications and funding of loans and grants for public works projects submitted by local governments. The board must consider, at a minimum and in any order, the following factors in prioritizing projects:

(i) Whether the project is critical in nature and would affect the health and safety of many people;

(ii) The extent to which the project leverages other funds;

(iii) The extent to which the project is ready to proceed to construction;

(iv) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(v) Whether the project promotes the sustainable use of resources and environmental quality, as applicable;

(vi) Whether the project consolidates or regionalizes systems;

(vii) Whether the project encourages economic development through mixed-use and mixed income development consistent with chapter 36.70A RCW;

(viii) Whether the system is being well-managed in the present and for long-term sustainability;

(ix) Achieving equitable distribution of funds by geography and population;

(x) The extent to which the project meets the following state policy objectives:

(A) Efficient use of state resources;

(B) Preservation and enhancement of health and safety;

(C) Abatement of pollution and protection of the environment;

(D) Creation of new, family-wage jobs, and avoidance of shifting existing jobs from one Washington state community to another;

(E) Fostering economic development consistent with chapter 36.70A RCW;

(F) Efficiency in delivery of goods and services and transportation; and

(G) Reduction of the overall cost of public infrastructure;

(xi) Whether the applicant sought or is seeking funding for the project from other sources; and

(xii) Other criteria that the board considers necessary to achieve the purposes of this chapter.

(b) Before September 1, 2018, and each year thereafter, the board must develop and submit a report regarding the construction loans and grants to the office of financial management and appropriate fiscal committees of the senate and house of representatives. The report must include:

(i) The total number of applications and amount of funding requested for public works projects;

(ii) A list and description of projects approved in the preceding fiscal year with project scores against the board's prioritization criteria;

(iii) The total amount of loan and grants disbursements made from the public works assistance account in the preceding fiscal year;

(iv) The total amount of loan repayments in the preceding fiscal year for outstanding loans from the public works assistance account;

(v) The total amount of loan repayments due for outstanding loans for each fiscal year over the following ten-year period; and

(vi) The total amount of funds obligated and timing of when the funds were obligated in the preceding fiscal year.

(c) The maximum amount of funding that the board may provide for any jurisdiction is ten million dollars per biennium.

(5) Existing debt or financial obligations of local governments may not be refinanced under this chapter. Each local government applicant must provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before September 1st of each year, the board must develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans and grants made under RCW 43.155.065 and 43.155.068.

(7) The board may not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds to the board for the purpose of funding public works projects under this chapter.

(8) To qualify for loans, grants, or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

(9) After January 1, 2010, any project designed to address the effects of stormwater or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(10) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its public works assistance account program loan or grant.

(11) The board must implement policies and procedures designed to maximize local government consideration of other funds to finance local infrastructure.

(12) The provisions in subsection (2) of this section do not apply to a county, city, or town applying for grants and loans under this chapter for projects that support broadband services where such grants and loans will assist the county, city, or town with economic development, disaster resiliency and response, adaptation to public health emergencies such as pandemics, and emergency management.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.160 RCW to read as follows:

The board is prohibited from considering whether a county, city, or town is compliant with chapter 36.70A RCW when considering applications for broadband funding.

NEW SECTION. **Sec. 6.** A new section is added to chapter 80.36 RCW to read as follows:

The commission is prohibited form considering whether a county, city, or town is compliant with chapter 36.70A RCW when considering applications for broadband funding.

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.330 RCW to read as follows:

The department is prohibited from considering whether a county, city, or town is compliant with chapter 36.70A RCW when considering applications for broadband funding."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

March 22, 2021

SSB 5378 Prime Sponsor, Committee on Business, Financial Services & Trade: Concerning real estate brokers and managing brokers license renewal requirements. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Corry; Ryu and Santos.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5395 Prime Sponsor, Committee on Ways & Means: Concerning use of state resources during periods where state employees are required to work from home. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on State Government & Tribal Relations.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that during the COVID-19 pandemic, state employees have incurred personal expenses and utilized their own resources serving the public. The state needs to provide state employees the tools necessary to serve the public while working from home.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.04 RCW to read as follows:

(1) When state employees are required to work from home or are allowed to work from home, agencies may provide or purchase office supplies, services, and other materials necessary for the employees to effectively perform their work.

(2)(a) Subject to appropriation, a state agency may reimburse a state employee for necessary additional expenditures incurred by the employee within the employee's scope of employment and directly related to services performed for the agency. As used in this section, "necessary expenditures" includes, but is not limited to:

(i) Desks, computer stands, computers, computer supplies, and chairs;

(ii) Upgraded internet service that is necessary for the employees to do their jobs, which may include reimbursement to the employees to support the increased costs of the service;

(iii) Equipment and services that assist employees with disabilities or special needs to conduct their jobs remotely; and

(iv) Other items or services determined by the head of the agency, based on guidance provided by the office of financial management except as provided in subsection (6) of this section, to be necessary for employees to perform their jobs.

(b) Following the process established by the agency, an employee shall submit a request for a reimbursement of any necessary additional expenditure with appropriate supporting documentation. An agency may provide additional time for submitting requests for reimbursement in a written expense reimbursement policy.

(c) An employee may be reimbursed for expenses incurred after April 1, 2020.

(d) An employee may not request a payment to cover the cost of purchasing equipment if the agency has made, or will make, the same type of equipment available to the employee.

(3) Except as provided under subsection (6) of this section, approval of purchases and reimbursements must be done within the policies and procedures established by the office of financial management.

(4) Use of materials and supplies when approved by the agency is not considered use of state resources for private gain.

(5) For the purpose of this section, "agency" or "state agency" means any branch, department, or unit of the state government, however designated or constituted. It is intended that the provisions of this section be followed uniformly.

(6) The director of the office of financial management shall adopt necessary policies and procedures to implement this section, including the percentage of time necessary for an employee working from home to qualify for coverage, qualifying guidelines for employee reimbursement, and establishment of thresholds for when equipment is required to be returned to the agency when an employee returns full-time to the office or leaves state service. Depreciation of items over time must be considered in developing the policies and procedures. Except for the legislative and judicial branches, all state agencies must use the policies and procedures established by the office of financial management. The legislative and judicial branches are encouraged to use the policies and procedures established by the office of financial management to create uniformity in the application of this section across all of state government.

NEW SECTION. **Sec. 3.** (1) During the COVID-19 emergency, state employees may use state internet resources outside

normal business hours for social gatherings to enable them to maintain communication and gather socially. Such activities may include, but not be limited to, sharing ideas and tips for working remotely, lunch time gatherings, guest speakers, and open microphone sessions. These activities must be done at no expense to the state and will be considered de minimis activities. Participation in such activities will not result in the payment of overtime or accrual of compensatory time.

(2) This section expires upon the termination of the state of emergency under proclamation 20-05 and any subsequent state of emergency issued pertaining to COVID-19 in accordance with RCW 43.06.210. The governor shall provide written notice of the termination date of the state of emergency under proclamation 20-05 and any subsequent state of emergency issued pertaining to COVID-19 to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the governor.

NEW SECTION. **Sec. 4.** (1) The office of financial management must establish and chair a remote working environment work group to review the issues related to working in a remote environment and prepare a report with recommendations for law and policy in order to more effectively allow state employees to work remotely.

(2) The work group must be composed of representatives of large, medium, and small-sized agencies, and labor organizations. The work group must include representatives of institutions of higher education.

(3) The work group must review issues including, but not limited to:

(a) Scheduling;

(b) The provision of equipment, supplies, and other services needed to perform the duties of employment;

(c) Ways to cover additional expenses incurred by employees for remote work;

(d) Ergonomic issues;

(e) Other potential areas of liability;

(f) Cybersecurity and privacy; and

(g) Ways to assist and facilitate state employees in their work.

(4) The work group must submit an initial report to the governor and appropriate committees of the legislature by November 1, 2021, and a final report by June 30, 2022.

(5) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Schmick.

Referred to Committee on Appropriations.

April 1, 2021

ESSB 5405 Prime Sponsor, Committee on Ways & Means: Instructing the joint legislative audit and review committee to perform racial equity analyses. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

March 23, 2021

ESSB 5452 Prime Sponsor, Committee on Transportation: Concerning electric-assisted bicycles. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The department of natural resources and the department of fish and wildlife shall each undergo a public process to collect information related to electric-assisted bicycle use on nonmotorized natural surface trails and closed roads open to bicycles to determine where such use may occur, and which classes of electric-assisted bicycles are acceptable on such trails and roads under the agencies' management. The public processes must also include a consideration of opportunities to improve awareness of applicable trail rules and trail etiquette among all classes of trail users.

(2) The public processes shall include, but not be limited to, input from tribes, individuals with disabilities, representatives of natural resource conservation organizations, and representatives of outdoor recreation interests representing horseback riding, traditional and electric-assisted mountain biking, hiking, and hunting. The department of natural resources and the department of fish and wildlife must report their findings to the appropriate committees of the legislature by September 30, 2022.

(3) Until June 30, 2023, or until legislation is enacted or rules are adopted related to the use of electric-assisted bicycles on nonmotorized natural surface trails and closed roads on lands managed by the department of natural resources and by the department of fish and wildlife, whichever is earlier, the department of natural resources and the department of fish and wildlife must allow persons who possess a current parking placard for persons with disabilities, issued by the department of transportation pursuant to RCW 46.19.030, to use class 1 and class 2 electric-assisted bicycles, as defined in RCW 46.04.169, on all nonmotorized natural surface trails and closed roads on which bicycles are allowed."

Correct the title.

Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5179, by Senate Committee on Health & Long Term Care (originally sponsored by Liias, Rivers, Das, Randall, Wilson and C.)

Concerning blood donation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bateman and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5179.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5179, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5179, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5198, by Senators Schoesler, Dozier, Honeyford, King, Short and Warnick

Easing ambulance restrictions in rural areas.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5198.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5198, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5198, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5013, by Senate Committee on State Government & Elections (originally sponsored by Hunt, Kuderer, Wilson and C.)

Concerning local redistricting deadlines.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Relations was adopted. (For Committee amendment, see Journal, Day 66, March 17, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Valdez and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5013, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5013, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5013, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5021, by Senators Hunt, Conway, Saldaña, Wilson and C.

Concerning the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Senn spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Duerr was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5021.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5021, and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Schmick, Stokesbary, Sutherland, Vick, Walsh, Wilcox and Young.

Excused: Representative Duerr.

SENATE BILL NO. 5021, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5140, by Senate Committee on Health & Long Term Care (originally sponsored by Kuderer, Frockt, Conway, Das, Dhingra, Hasegawa, Hunt, Lovelett, Randall, Saldaña, Stanford, Wellman, Wilson and C.)

Protecting pregnancy and miscarriage-related patient care.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 67, March 18, 2021).

With the consent of the House, amendment (451) was withdrawn.

Representative Caldier moved the adoption of amendment (455) to the committee amendment:

On page 1, after line 11 of the striking amendment, insert the following:

"(4) "Complications of pregnancy" means health care services related to miscarriage management, treatment for ectopic pregnancies, and treatment for sepsis or infection related to a miscarriage or ectopic pregnancy."

On page 1, beginning on line 17 of the striking amendment, after "pregnancy" strike all material through "pregnancies," on line 19

On page 1, beginning on line 25 of the striking amendment, after "irreversible" strike all material through "part" on line 26 and insert ", severe disability"

Representative Caldier and Caldier (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representative Macri spoke against the adoption of the amendment to the committee amendment.

Amendment (455) to the committee amendment was not adopted.

Representative Caldier moved the adoption of amendment (453) to the committee amendment:

On page 1, line 12 of the striking amendment, after "subsection" strike "(2)" and insert "(3)"

On page 1, line 27 of the striking amendment, after "(2)" insert "For pregnancies that have reached 20 weeks or greater of gestation, a health care provider providing health care services under this section must consider the unborn child a priority when providing health care services and must provide the patient with treatment options to preserve the life of the unborn child to the extent possible.

(3)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representative Caldier spoke in favor of the adoption of the amendment to the committee amendment.

Representative Bateman spoke against the adoption of the amendment to the committee amendment.

Amendment (453) to the committee amendment was not adopted.

Representative Caldier moved the adoption of amendment (452) to the committee amendment:

On page 2, beginning on line 4 of the striking amendment, after "(3)" strike all material through "section" on line 6 and insert "If a patient presents with complications of pregnancy that do not meet the thresholds listed in subsection (1) of this section and the health care entity does not provide health care services to the patient, the health care entity must refer the patient to an appropriate health care entity that is able to provide the patient the necessary care"

On page 2, beginning on line 7 of the striking amendment, strike all of section 3

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Caldier spoke in favor of the adoption of the amendment to the committee amendment.

Representative Simmons spoke against the adoption of the amendment to the committee amendment.

Amendment (452) to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Macri, Shewmake and Harris-Talley spoke in favor of the passage of the bill.

Representatives Schmick, Caldier and Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5140, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5140, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE SENATE BILL NO. 5140, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5055, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Nguyen, Saldaña, Billig, Darneille, Das, Hunt, Keiser, Kuderer, Liias, Lovelett, Nobles, Stanford, Wilson and C.)

Concerning law enforcement personnel collective bargaining. Revised for 1st Substitute: Establishing a statewide roster for arbitrating law enforcement personnel disciplinary grievances and publishing their decisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ramos spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5055.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5055, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE SENATE BILL NO. 5055, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5058, by Senators Rolfes and Van De Wege

Making technical changes to certain natural resources-related accounts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5058.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5058, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5058, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5229, by Senate Committee on Health & Long Term Care (originally sponsored by Randall, Das, Keiser, Lovelett, Nobles, Wilson, C., Dhingra, Hasegawa, Kuderer, Nguyen and Stanford)

Concerning health equity continuing education for health care professionals.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 67, March 18, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Stonier spoke in favor of the passage of the bill.

Representatives Schmick and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5229, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5229, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5229, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5322, by Senators Robinson, Wilson and C.

Prohibiting dual enrollment between school employees' benefits board and public employees' benefits board programs.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bergquist and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5322.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5322, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5322, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5077, by Senators Dozier, Mullet, Brown, Das, Warnick, Wilson and C.

Providing authority to licensed companies to allow licensed mortgage loan originators to work from their residences without the company licensing the residence as a branch office of the company.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5077.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5077, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5077, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5101, by Senators Stanford, Conway, Dhingra, Hasegawa, Hunt, Nguyen, Randall, Saldaña, Wagoner, Wilson and C.

Establishing tribal representation on the emergency management council.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Community & Economic Development was adopted. (For Committee amendment, see Journal Day 67, March 18, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ryu and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5101, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5101, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5101, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5313, by Senate Committee on Ways & Means (originally sponsored by Liias, Randall, Darneille, Das, Dhingra, Frockt, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Stanford, Van De Wege, Wilson and C.)

Concerning health insurance discrimination.

The bill was read the second time.

Representative Cody moved the adoption of striking amendment (456):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 49.60.178 and 2020 c 52 s 9 are each amended to read as follows:

(1) It is an unfair practice for any person whether acting for himself, herself, or another in connection with an insurance transaction or transaction with a health maintenance organization to cancel or fail or refuse to issue or renew insurance or a health maintenance agreement to any person because of sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with disabilities: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, ((~~or~~)) 48.46.370, or 48.43.0128 does not constitute an unfair practice for the purposes of this section. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060, health maintenance agreement is defined in RCW 48.46.020, and "health maintenance organization" is defined in RCW 48.46.020.

(2) The fact that such unfair practice may also be a violation of chapter 48.30, 48.43, 48.44, or 48.46 RCW does not constitute a defense to an action brought under this section.

(3) The insurance commissioner, under RCW 48.30.300 and 48.43.0128, and the human rights commission, under chapter 49.60 RCW, shall have concurrent jurisdiction under this section and shall enter into a working agreement as to procedure to be followed in complaints under this section.

Sec. 2. RCW 41.05.017 and 2019 c 427 s 21 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545, 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128, and chapter 48.49 RCW.

Sec. 3. RCW 48.43.0128 and 2020 c 228 s 9 are each amended to read as follows:

(1) A health carrier offering a nongrandfathered health plan or a plan deemed by the commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular, full-time undergraduate student at an accredited higher education institution may not:

(a) In its benefit design or implementation of its benefit design, discriminate against individuals because of their age, expected length of life, present or predicted disability, degree of medical dependency, quality of life, or other health conditions; and

(b) With respect to the health plan or plan deemed by the commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular, full-time undergraduate student at an accredited higher education institution, discriminate on the basis of race, color, national origin, disability, age, sex, gender identity, or sexual orientation.

(2) Nothing in this section may be construed to prevent ((~~an issuer~~)) a carrier from appropriately utilizing reasonable medical management techniques.

(3) For health plans issued or renewed on or after January 1, 2022:

(a) A health carrier may not deny or limit coverage for gender affirming treatment when that treatment is prescribed to an individual because of, related to, or consistent with a person's gender expression or identity, as defined in RCW 49.60.040, is medically necessary, and is prescribed in accordance with accepted standards of care.

(b) A health carrier may not apply categorical cosmetic or blanket exclusions to gender affirming treatment. When prescribed as medically necessary gender affirming treatment, a health carrier may not exclude as

cosmetic services facial feminization surgeries and other facial gender affirming treatment, such as tracheal shaves, hair electrolysis, and other care such as mastectomies, breast reductions, breast implants, or any combination of gender affirming procedures, including revisions to prior treatment.

(c) A health carrier may not issue an adverse benefit determination denying or limiting access to gender affirming services, unless a health care provider with experience prescribing or delivering gender affirming treatment has reviewed and confirmed the appropriateness of the adverse benefit determination.

(d) Health carriers must comply with all network access rules and requirements established by the commissioner.

(4) For the purposes of this section, "gender affirming treatment" means a service or product that a health care provider, as defined in RCW 70.02.010, prescribes to an individual to treat any condition related to the individual's gender identity and is prescribed in accordance with generally accepted standards of care. Gender affirming treatment must be covered in a manner compliant with the federal mental health parity and addiction equity act of 2008 and the federal affordable care act. Gender affirming treatment can be prescribed to two spirit, transgender, nonbinary, intersex, and other gender diverse individuals.

(5) Nothing in this section may be construed to mandate coverage of a service that is not medically necessary.

(6) By December 1, 2022, the commissioner, in consultation with the health care authority and the department of health, must issue a report on geographic access to gender affirming treatment across the state. The report must include the number of gender affirming providers offering care in each county, the carriers and medicaid managed care organizations those providers have active contracts with, and the types of services provided by each provider in each region. The commissioner must update the report biannually and post the report on its website.

(7) The commissioner shall adopt any rules necessary to implement subsections (3), (4), and (5) of this section.

(8) Unless preempted by federal law, the commissioner shall adopt any rules necessary to implement subsections (1) and (2) of this section, consistent with federal rules and guidance in effect on January 1, 2017, implementing the patient protection and affordable care act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) In the provision of gender affirming care services through programs under this chapter, the authority, managed care plans, and providers that administer or deliver such services may not discriminate in the delivery of a service provided through a program of the authority based on the covered person's gender identity or expression.

(2) Beginning January 1, 2022:

(a) The authority and any managed care plans delivering or administering services purchased or contracted for by the authority may not apply categorical cosmetic or blanket exclusions to gender affirming treatment.

(b) Facial feminization surgeries and facial gender affirming treatment, such as tracheal shaves, hair electrolysis, and other care such as mastectomies, breast reductions, breast implants, or any combination of gender affirming procedures, including revisions to prior treatment, when prescribed as gender affirming treatment, may not be excluded as cosmetic.

(c) The authority and managed care plans administering services purchased or contracted for by the authority may not issue an adverse benefit determination denying or limiting access to gender affirming treatment, unless a health care provider with experience prescribing or delivering gender affirming treatment has reviewed and confirmed the appropriateness of the adverse benefit determination.

(d) If the authority and managed care plans administering services purchased or contracted for by the authority do not have an adequate network for gender affirming treatment, they shall ensure the delivery of timely and geographically accessible medically necessary gender affirming treatment at no greater expense than if they had an in-network, geographically accessible provider available. This includes, but is not limited to, providing case management

services to secure out-of-network gender affirming treatment options that are available to the enrollee in a timely manner within their geographic region. The enrollee shall pay no more than the same cost sharing that the enrollee would pay for the same covered services received from an in-network provider.

(3) For the purposes of this section, "gender affirming treatment" means a service or product that a health care provider, as defined in RCW 70.02.010, prescribes to an individual to support and affirm the individual's gender identity. Gender affirming treatment includes, but is not limited to, treatment for gender dysphoria. Gender affirming treatment can be prescribed to two spirit, transgender, nonbinary, and other gender diverse individuals.

(4) Nothing in this section may be construed to mandate coverage of a service that is not medically necessary.

(5) The authority shall adopt rules necessary to implement this section.

NEW SECTION. **Sec. 5.** This act shall be known and cited as the Gender Affirming Treatment Act."

Correct the title.

Representative Caldier moved the adoption of amendment (458) to the striking amendment:

On page 2, line 37 of the striking amendment, after "to" strike "gender affirming treatment" and insert "cosmetic procedures if the procedures will improve the overall mental health of the enrollee"

On page 2, line 38 of the striking amendment, after "necessary" strike "gender affirming"

On page 2, line 39 of the striking amendment, after "facial" strike "feminization"

On page 3, line 1 of the striking amendment, after "facial" strike "gender affirming"

On page 3, line 3 of the striking amendment, after "of" strike "gender affirming"

On page 3, line 4 of the striking amendment, after "treatment" insert ", for an enrollee of any gender, if the treatment or services will improve the overall mental health of the enrollee"

On page 4, beginning on line 12 of the striking amendment, after "to" strike "gender affirming treatment" and insert "cosmetic procedures if the procedures will improve the overall mental health of the enrollee"

On page 4, line 14 of the striking amendment, after "(b) Facial" strike "feminization surgeries and facial gender affirming" and insert "surgeries and facial"

On page 4, line 17 of the striking amendment, after "of" strike "gender affirming"

On page 4, line 18 of the striking amendment, after "prescribed" strike "as gender affirming treatment" and insert "for an enrollee of any gender, if the treatment or services will improve the overall mental health of the enrollee"

Representative Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representative Macri spoke against the adoption of the amendment to the striking amendment.

Amendment (458) to the striking amendment was not adopted.

Representative Caldier moved the adoption of amendment (457) to the striking amendment:

On page 3, beginning on line 10 of the striking amendment, after "(d)" strike all material through "commissioner" on line 11 and insert "Insurance commissioner rules on network adequacy do not apply to any covered cosmetic service required under subsection (3)(b) of this section"

On page 4, beginning on line 26 of the striking amendment, after "(d)" strike all material through "provider" on line 37 and insert "Authority rules on network adequacy do not apply to any covered cosmetic service required under subsections (2) or (3) of this section"

Representative Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representative Macri spoke against the adoption of the amendment to the striking amendment.

Amendment (457) to the striking amendment was not adopted.

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

Striking amendment (456) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Macri and Bateman spoke in favor of the passage of the bill.

Representatives Rude, Jacobsen, Caldier and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5313, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5313, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SECOND SUBSTITUTE SENATE BILL NO. 5313, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5423, by Senate Committee on Health & Long Term Care (originally sponsored by Rivers, Cleveland and Holy)

Concerning telemedicine consultations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal Day 61, March 12, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schmick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5423, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5423, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5423, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5338, by Senators Wilson, L., Randall and Rivers

Concerning fire protection districts and education.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goehner and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5338.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5338, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5338, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., March 25, 2021, the 74th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTY FOURTH DAY

House Chamber, Olympia, Thursday, March 25, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 23, 2021

E2SSB 5022 Prime Sponsor, Committee on Ways & Means: Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and requiring recycled content in plastic beverage containers. (REVISED FOR ENGROSSED: Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and addressing plastic packaging.) Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS—INTENT. (1) The legislature finds that minimum recycled content requirements for plastic beverage containers, trash bags, and household cleaning and personal care product containers, bans on problematic and unnecessary plastic packaging, and standards for customer opt-in for food service packaging and accessories are among actions needed to improve the state's recycling system as well as reduce litter.

(2) By implementing a minimum recycled content requirement for plastic beverage containers, trash bags, and household cleaning and personal care product containers; prohibiting the sale and distribution of certain expanded polystyrene products; and establishing optional serviceware requirements as provided for in this chapter; the legislature intends to take another step towards ensuring plastic packaging and other packaging materials are reduced, recycled, and reused.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Beverage" means beverages identified in (a) through (f) of this subsection, intended for human or animal consumption, and in a quantity more than or equal to two fluid ounces and less than or equal to one gallon:

(a) Water and flavored water;

(b) Beer or other malt beverages;

(c) Wine;

(d) Distilled spirits;

(e) Mineral water, soda water, and similar carbonated soft drinks; and

(f) Any beverage other than those specified in (a) through (e) of this subsection, except infant formula as defined in 21 U.S.C. Sec. 321(z), medical food as defined in 21 U.S.C. Sec. 360ee(b)(3), or fortified oral nutritional supplements used for persons who require supplemental or sole source nutritional needs due to special dietary needs directly related to cancer, chronic kidney disease, diabetes, or other medical conditions as determined by the department.

(2) "Beverage manufacturing industry" means an association that represents beverage producers.

(3) "Condiment packaging" means packaging used to deliver single-serving condiments to customers. Condiment packaging includes, but is not limited to, single-serving packaging for ketchup, mustard, relish, mayonnaise, hot sauce, coffee creamer, salad dressing, jelly, jam, and soy sauce.

(4) "Covered product" means an item in one of the following categories subject

to minimum postconsumer recycled content requirements:

(a) Plastic trash bags;

(b) Household cleaning and personal care products that use plastic household cleaning and personal care product containers; and

(c) Beverages that use plastic beverage containers.

(5) "Dairy milk" means a beverage that designates milk as the predominant (first) ingredient in the ingredient list on the container's label.

(6) "Department" means the department of ecology.

(7) "Expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

(8) "Food service business" means a business selling or providing food for consumption on or off the premises, and includes full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, home delivery services, delivery services provided through an online application, and business or institutional cafeterias.

(9) "Food service product" means a product intended for one-time use and used for food or drink offered for sale or use. Food service products include, but are not limited to, containers, plates, bowls, cups, lids, beverage containers, meat trays, deli rounds, utensils, sachets, straws, condiment packaging, clamshells and other hinged or lidded containers, wrap, and portion cups.

(10) "Household cleaning and personal care product" means any of the following:

(a) Laundry detergents, softeners, and stain removers;

(b) Household cleaning products;

(c) Liquid soap;

(d) Shampoo, conditioner, styling sprays and gels, and other hair care products; or

(e) Lotion, moisturizer, facial toner, and other skin care products.

(11) "Household cleaning and personal care product manufacturing industry" means an association that represents companies that manufacture household cleaning and personal care products.

(12) "Licensee" means a manufacturer or entity who licenses a brand and manufactures a covered product under that brand.

(13) "Oral nutritional supplement" means a manufactured liquid, powder capable of being reconstituted, or solid product that contains a combination of carbohydrates, proteins, fats, fiber, vitamins, and minerals intended to supplement a portion of a patient's nutrition intake.

(14) "Plastic beverage container" means a bottle or other rigid container that is capable of maintaining its shape when empty, comprised solely of one or multiple plastic resins designed to contain a beverage. Plastic beverage container does not include:

(a) Refillable beverage containers, such as containers that are sufficiently durable for multiple rotations of their original or similar purpose and are intended to function in a system of reuse;

(b) Rigid plastic containers or plastic bottles that are or are used for medical devices, medical products that are required to be sterile, nonprescription and prescription drugs, or dietary supplements as defined in RCW 82.08.0293;

(c) Bladders or pouches that contain wine; or

(d) Liners, caps, corks, closures, labels, and other items added externally or internally but otherwise separate from the structure of the bottle or container.

(15)(a) "Plastic household cleaning and personal care product container" means a bottle, jug, or other rigid container with a neck or mouth narrower than the base, and:

(i) A minimum capacity of eight fluid ounces or its equivalent volume;

(ii) A maximum capacity of five fluid gallons or its equivalent volume;

(iii) That is capable of maintaining its shape when empty;

(iv) Comprised solely of one or multiple plastic resins; and

(v) Containing a household cleaning or personal care product.

(b) "Plastic household cleaning and personal care product container" does not include:

(i) Refillable household cleaning and personal care product containers (i.e., containers that are sufficiently durable for multiple rotations of their original or similar purpose and are intended to function in a system of reuse); and

(ii) Rigid plastic containers or plastic bottles that are medical devices, medical products that are required to be sterile, and nonprescription and prescription drugs, dietary supplements as defined in RCW 82.08.0293, and packaging used for those products.

(16) "Plastic trash bag" means a bag that is made of noncompostable plastic, is at least 0.70 mils thick, and is designed and manufactured for use as a container to hold, store, or transport materials to be discarded or recycled, and includes, but is not limited to, a garbage bag, recycling bag, lawn or leaf bag, can liner bag, kitchen bag, or compactor bag. "Plastic trash bag" does not include any compostable bags meeting the requirements of chapter 70A.455 RCW.

(17) "Plastic trash bag manufacturing industry" means an association that represents companies that manufacture plastic trash bags.

(18) "Postconsumer recycled content" means the content of a covered product made of recycled materials derived specifically from recycled material generated by households or by commercial, industrial, and institutional facilities in their role as end users of a product that can no longer be used for its intended purpose. "Postconsumer recycled content" includes returns of material from the distribution chain.

(19)(a) "Producer" means the following person responsible for compliance with minimum postconsumer recycled content requirements under this chapter for a covered product sold, offered for sale, or distributed in or into this state:

(i) If the covered product is sold under the manufacturer's own brand or lacks identification of a brand, the producer is the person who manufactures the covered product;

(ii) If the covered product is manufactured by a person other than the brand owner, the producer is the person who is the licensee of a brand or trademark under which a covered product is sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state, unless the manufacturer or brand owner of the covered product has agreed to accept responsibility under this chapter; or

(iii) If there is no person described in (a)(i) and (ii) of this subsection within the United States, the producer is the person who imports the covered product into the United States to be sold, offered for sale, or distributed in or into this state.

(b) "Producer" does not include:

(i) Government agencies, municipalities, or other political subdivisions of the state;

(ii) Registered 501(c)(3) charitable organizations and 501(c)(4) social welfare organizations; or

(iii) De minimis producers that annually sell, offer for sale, distribute, or import in or into the country for sale in Washington:

(A) Less than one ton of a single category of plastic beverage containers, plastic household cleaning and personal care containers, or plastic trash bags each year; or

(B) A single category of a covered product that in aggregate generates less than $1,000,000 each year in revenue.

(20)(a) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer.

(b) "Retail establishment" includes, but is not limited to, food service businesses, grocery stores, department stores, hardware stores, home delivery services, pharmacies, liquor stores, restaurants, catering trucks, convenience stores, or other retail stores or vendors, including temporary

stores or vendors at farmers markets, street fairs, and festivals.

(21)(a) "Utensil" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers.

(b) "Utensil" does not include plates, bowls, cups, and other products used to contain food or beverages.

NEW SECTION. **Sec. 3.** POSTCONSUMER RECYCLED CONTENT. (1)(a) Beginning January 1, 2023, producers that offer for sale, sell, or distribute in or into Washington:

(i) Beverages other than wine in 187 milliliter plastic beverage containers and dairy milk in plastic beverage containers must meet minimum postconsumer recycled content requirements established under subsection (4) of this section; and

(ii) Plastic trash bags must meet minimum postconsumer recycled content requirements established under subsection (6) of this section.

(b) Beginning January 1, 2025, producers that offer for sale, sell, or distribute in or into Washington household cleaning and personal care products in plastic household cleaning and personal care product containers must meet minimum postconsumer recycled content as required under subsection (5) of this section.

(c) Beginning January 1, 2028, producers that offer for sale, sell, or distribute in or into Washington wine in 187 milliliter plastic beverage containers or dairy milk in plastic beverage containers must meet minimum postconsumer recycled content as required under subsection (4) of this section.

(2)(a) On or before April 1, 2022, and annually thereafter, a producer that offers for sale, sells, or distributes in or into Washington covered products must register with the department individually or through a third-party representative registering on behalf of a group of producers.

(b) The registration information submitted to the department under this section must include a list of the producers and the brand names of the covered products represented in the registration submittal. Beginning April 1, 2024, for plastic trash bags and plastic beverage containers other than dairy milk and wine in 187 milliliter plastic beverage containers, April 1, 2026, for plastic household and personal care product containers, and April 1, 2027, for wine in 187 milliliter plastic beverage containers and dairy milk, a producer may submit registration information at the same time as the information submitted through the annual reporting required under section 4 of this act.

(3)(a) By January 31, 2022, and every January 31st thereafter, the department must identify the annual costs it expects to incur to implement this section and sections 4 through 7 and 12 of this act in the next fiscal year for each category of covered products, including rule making, and submit invoices of costs to producers or their third-party representatives. The department must determine an annual payment by producers or their third-party representative for each category of covered products that is adequate to cover, but not exceed, the department's full costs to implement, administer, and enforce this chapter in the next fiscal year, including rule making, for that category of covered product. The department must equitably determine payment amounts for an individual producer and third-party representatives within each category of covered products.

(b) The department must:

(i) Apply any remaining annual payment funds from the current year to the annual payment for the coming year, if the collected annual payment exceeds the department's costs for a given year; and

(ii) Increase annual payments for the coming year to cover the department's costs, if the collected annual payment was less than the department's costs for a given year.

(c) By April 1, 2022, and every April 1st thereafter, producers or their third-party representative must submit a payment as determined by the department under (a) of this subsection.

(4) A producer of a beverage in a plastic beverage container must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of plastic beverage containers, by weight, that are sold, offered for sale, or distributed in

or into Washington by the producer effective:

(a) For beverages except dairy milk and wine in 187 milliliter plastic beverage containers:

(i) January 1, 2023, through December 31, 2025: No less than 15 percent postconsumer recycled content plastic by weight;

(ii) January 1, 2026, through December 31, 2030: No less than 25 percent postconsumer recycled content plastic by weight; and

(iii) On and after January 1, 2031: No less than 50 percent postconsumer recycled content plastic by weight.

(b) For wine in 187 milliliter plastic beverage containers and dairy milk:

(i) January 1, 2028, through December 31, 2030: No less than 15 percent postconsumer recycled content plastic by weight;

(ii) January 1, 2031, through December 31, 2035: No less than 25 percent postconsumer recycled content plastic by weight; and

(iii) On and after January 1, 2036: No less than 50 percent postconsumer recycled content plastic by weight.

(5) A producer of household cleaning and personal care products in plastic containers must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of plastic containers, by weight, that are sold, offered for sale, or distributed in or into Washington by the producer effective:

(a) January 1, 2025, through December 31, 2027: No less than 15 percent postconsumer recycled content plastic by weight;

(b) January 1, 2028, through December 31, 2030: No less than 25 percent postconsumer recycled content plastic by weight; and

(c) On and after January 1, 2031: No less than 50 percent postconsumer recycled content plastic by weight.

(6) A producer of plastic trash bags must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of plastic trash bags, by weight, that are sold, offered for sale, or distributed in or into Washington by the producer effective:

(a) January 1, 2023, through December 31, 2024: No less than 10 percent postconsumer recycled content plastic by weight;

(b) January 1, 2025, through December 31, 2026: No less than 15 percent postconsumer recycled content plastic by weight; and

(c) On and after January 1, 2027: No less than 20 percent postconsumer recycled content plastic by weight.

(7)(a) Beginning January 1, 2025, the department may, on an annual basis, review and determine for the following year whether to adjust the minimum postconsumer recycled content percentage required for a type of container or product or category of covered products pursuant to subsection (4), (5), or (6) of this section. The department's review may be initiated by the department or at the petition of a producer or a producer manufacturing industry not more than once annually. In making a determination pursuant to this subsection, the department must consider, at a minimum, all of the following factors:

(i) Changes in market conditions, including supply and demand for postconsumer recycled content plastics, collection rates, and bale availability both domestically and globally;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements pursuant to subsection (4), (5), or (6) of this section, including the availability of high quality recycled plastic, and food-grade recycled plastic from recycling programs;

(iv) The capacity of recycling or processing infrastructure;

(v) The technical feasibility of achieving the minimum postconsumer recycled content requirements in covered products that are regulated under 21 C.F.R., chapter I, subchapter G, 7 U.S.C. Sec. 136, 15 U.S.C. Sec. 1471-1477, 49 C.F.R. Sec. 178.33b, 49 C.F.R. Sec. 173, 40 C.F.R. Sec. 152.10, 15 U.S.C. Sec. 1261-1278, 49 U.S.C. 5101 et seq., 49 C.F.R. Sec. 178.509, 49 C.F.R. Sec. 179.522, 49 C.F.R. Sec. 178.600-609, and other federal laws; and

(vi) The progress made by producers in achieving the goals of this section.

(b) Under (a) of this subsection:

(i) The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages for the year under review required pursuant to subsection (4), (5), or (6) of this section.

(ii) For plastic household cleaning and personal care product containers, the department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages for the year under review required pursuant to subsection (5) of this section or below a minimum of 10 percent.

(iii) For plastic trash bags, the department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages for the year under review required pursuant to subsection (6) of this section or below the minimum percentage required in subsection (6)(a) of this section.

(c) The manufacturing industry for a covered product or a producer may appeal a decision by the department to adjust postconsumer recycled content percentages under (a) of this subsection to the pollution control hearings board within 30 days of the department's determination.

(8) A producer that does not achieve the postconsumer recycled content requirements established under this section is subject to penalties established in section 5 of this act.

(9)(a) A city, town, county, or municipal corporation may not implement local recycled content requirements for a covered product that is subject to minimum postconsumer recycled content requirements established in this section.

(b) A city, town, county, or municipal corporation may establish local purchasing requirements that include recycled content standards that exceed the minimum recycled content requirements established by this chapter for plastic household cleaning and personal care product containers or plastic trash bags purchased by a city, town, or municipal corporation, or its contractor.

(10) The department may enter into contracts for the services required to implement this chapter and related duties of the department.

NEW SECTION. **Sec. 4.** PRODUCER REPORTING REQUIREMENTS. (1)(a) Except as provided in (b) and (c) of this subsection, beginning April 1, 2024, each producer of covered products, individually or through a third party representing a group of producers, must provide an annual report to the department that includes the amount in pounds of virgin plastic and the amount in pounds of postconsumer recycled content by resin type used for each category of covered products that are sold, offered for sale, or distributed in or into Washington state, including the total postconsumer recycled content resins as a percentage of total weight. The report must be submitted in a format and manner prescribed by the department. A manufacturer may submit national data allocated on a per capita basis for Washington to approximate the information required in this subsection if the producer demonstrates to the department that state level data are not available or feasible to generate.

(b) The requirements of (a) of this subsection apply to household cleaning and personal care products in plastic containers beginning April 1, 2026.

(c) The requirements of (a) of this subsection apply to wine in 187 milliliter plastic beverage containers and dairy milk in plastic containers beginning April 1, 2028.

(d) The department must post the information reported under this subsection on its website, except as provided in subsection (2) of this section.

(2) A producer that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director, or the appropriate division of the department. The director of the department must give consideration to the request and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director must

grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

NEW SECTION. **Sec. 5.** PENALTIES FOR POSTCONSUMER RECYCLED CONTENT REQUIREMENTS. (1)(a) A producer that does not meet the minimum postconsumer recycled content requirements pursuant to section 3 of this act is subject to a penalty pursuant to this section. Beginning June 1st of the year following the first year that minimum postconsumer recycled product content requirements apply to a category of covered product, the penalty must be calculated consistent with subsection (2) of this section unless a penalty reduction or corrective action plan has been approved pursuant to subsection (3) of this section, and calculated in accordance with subsection (2) of this section.

(b) A producer that is assessed a penalty pursuant to this section may pay the penalty to the department in one payment, in quarterly installments, or arrange an alternative payment schedule subject to the approval of the department, not to exceed a 12-month payment plan unless an extension is needed due to unforeseen circumstances, such as a public health emergency, state of emergency, or natural disaster.

(2) Beginning June 1st of the year following the first year that minimum postconsumer recycled product content requirements apply to a category of covered product, and annually thereafter, the department shall determine the penalty for the previous calendar year based on the postconsumer recycled content requirement of the previous calendar year. The department shall calculate the amount of the penalty based upon the amounts in pounds in the aggregate of virgin plastic, postconsumer recycled content plastic, and any other plastic per category used by the producer to produce covered products sold or offered for sale in or into Washington state, in accordance with the following:

(a)(i) The annual penalty amount assessed to a producer must equal the product of both of the following: The total pounds of plastic used per category multiplied by the relevant minimum postconsumer recycled plastic target percentage, less the pounds of total plastic multiplied by the percent of postconsumer recycled plastic used; multiplied by 20 cents.

(ii) Example: [(Total pounds of plastic used x minimum postconsumer recycled plastic target percentage) – (Total pounds of plastic used x postconsumer recycled plastic percentage used)] x 20 cents.

(b) For the purposes of (a) of this subsection, both of the following apply:

(i) The total pounds of plastic used must equal the sum of the amount of virgin plastic, postconsumer recycled content plastic, and any other plastic used by the producer, as reported pursuant to section 4 of this act.

(ii) If the product calculated pursuant to (a) of this subsection is equal to or less than zero, a penalty may not be assessed.

(3)(a)(i) The department shall consider granting a reduction of penalties assessed pursuant to this section for the purpose of meeting the minimum postconsumer recycled content requirements required pursuant to section 3 of this act.

(ii) In determining whether to grant the reduction pursuant to (a)(i) of this subsection, the department shall consider, at a minimum, all of the following factors:

(A) Anomalous market conditions;

(B) Disruption in, or lack of supply of, recycled plastics; and

(C) Other factors that have prevented a producer from meeting the requirements.

(b) In lieu of or in addition to assessing a penalty under this section, the department may require a producer to submit a corrective action plan detailing how the producer plans to come into compliance with section 3 of this act.

(4) A producer shall pay the penalty assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 4 of this act in the form and manner prescribed by the department.

(5) A producer may appeal the penalty assessed under this section to the pollution control hearings board within 30 days of assessment.

NEW SECTION. **Sec. 6.** PENALTIES FOR REGISTRATION, LABELING, AND REPORTING. (1) For producers out of compliance with the registration, reporting, or labeling requirements of section 3, 4, or 7 of

this act, the department shall provide written notification and offer information to producers. For the purposes of this section, written notification serves as notice of the violation. The department must issue at least two notices of violation by certified mail prior to assessing a penalty.

(2) A producer in violation of the registration, reporting, or labeling requirements in section 3, 4, or 7 of this act is subject to a civil penalty for each day of violation in an amount not to exceed $1,000.

(3) Penalties collected under this section must be deposited in the recycling enhancement account created in section 13 of this act.

(4) Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

NEW SECTION. **Sec. 7.** TRASH BAG LABELING REQUIREMENTS. (1) Beginning January 1, 2023, producers shall label each container of plastic trash bags sold, offered for sale, or distributed in or into Washington with:

(a) The name of the producer and the city, state, and country where the producer is located, which may be designated as the location of the producer's corporate headquarters; or

(b) A uniform resource locator or quick response code to an internet website that contains the information required pursuant to (a) of this subsection.

(2)(a) The provisions of subsection (1) of this section do not apply to a plastic bag that is designed and manufactured to hold, store, or transport dangerous waste or biomedical waste.

(b) For the purposes of this subsection:

(i) "Biomedical waste" means any waste defined as that term under RCW 70A.228.010; and

(ii) "Dangerous waste" means any waste defined as dangerous wastes under RCW 70A.300.010.

NEW SECTION. **Sec. 8.** A new section is added to chapter 39.26 RCW to read as follows:

POSTCONSUMER RECYCLED CONTENT IN PLASTIC TRASH BAGS—PURCHASING PRIORITY.

(1) Beginning July 1, 2024, all state agencies may only purchase plastic trash bags manufactured by producers that comply with the minimum recycled content requirements pursuant to section 3 of this act.

(2) By July 1, 2024, the department of ecology shall provide to the department a list of the plastic trash bag producer brands that comply with the minimum recycled content requirements pursuant to section 3 of this act, in order for state agencies to purchase compliant products, updated annually.

NEW SECTION. **Sec. 9.** (1)(a) By July 1, 2021, the departments of commerce and ecology shall jointly select an impartial, third-party facilitator to convene a stakeholder advisory committee housed within the recycling development center. The advisory committee shall make recommendations to the appropriate committees of the legislature on the development of mandatory postconsumer recycled content requirements for types of plastic packaging not subject to the minimum postconsumer recycled content requirements established in this act, but that are present in the municipal solid waste material stream or are regularly received by facilities that process recyclable materials from residential curbside recycling programs. The recommendations may include rates of mandatory postconsumer recycled content required by material type, target implementation dates, and potential exemptions or alternate compliance pathways for some materials.

(b) The facilitator must:

(i) Work with the recycling development center to subcontract for any relevant information regarding recycled plastic market conditions and barriers to the use of recycled content to the stakeholder advisory committee to aid in the development of recommendations, to the extent practicable;

(ii) Provide staff and support to the stakeholder advisory committee meetings; and

(iii) Draft reports and other materials for review by the stakeholder advisory committee.

(2) The facilitator identified in subsection (1) of this section must be selected based on the following criteria:

(a) Impartiality regarding policy outcomes;

(b) Professional qualifications, relevant experience, and degrees; and

(c) The facilitator must be an environmental conflict resolution specialist recognized by a national center for environmental conflict resolution.

(3) By December 1, 2021, the facilitator shall submit a report to the legislature containing the recommendations of the stakeholder advisory committee after review and approval by the facilitator and committee. The stakeholder advisory committee shall make recommendations using consensus-based decision making. The report must include recommendations where general stakeholder consensus has been achieved and note dissenting opinions where stakeholder consensus has not been achieved.

(4) The stakeholder advisory committee shall consider information and findings by a variety of authoritative bodies related to recycled content, including mechanical and advanced recycling technologies.

(5) The facilitator shall select at least one member to the stakeholder advisory committee from each of the following:

(a) The department of commerce;

(b) The department of ecology;

(c) The utilities and transportation commission;

(d) Cities, including both small and large cities and cities located in urban and rural counties;

(e) Counties, including both small and large counties and urban and rural counties;

(f) Municipal collectors;

(g) A representative from the private sector waste and recycling industry that owns or operates a curbside recycling program and a material recovery facility;

(h) A solid waste collection company regulated under chapter 81.77 RCW that provides curbside recycling services;

(i) A material recovery facility operator that processes municipal solid waste from curbside recycling programs;

(j) A company that provides curbside recycling service pursuant to a municipal contract under RCW 81.77.020;

(k) A trade association that represents the private sector solid waste industry;

(l) Recycled plastic feedstock users;

(m) A trade association representing the plastics recycling industry;

(n) A recycled content certification organization;

(o) An environmental justice organization;

(p) An environmental nonprofit organization;

(q) An environmental nonprofit organization that specializes in waste and recycling issues;

(r) Plastic converters/manufacturers of resins;

(s) A manufacturer of plastic packaging;

(t) A statewide general business trade association;

(u) Associations that represent consumer brand companies;

(v) Representatives of consumer brands;

(w) A consumer-oriented organization;

(x) Representatives of the state's most marginalized communities;

(y) A retailer or representative of the retail association;

(z) A representative of an advanced recycling technology provider that processes plastic material;

(aa) An association that represents cities;

(bb) An association that represents county solid waste managers;

(cc) A representative from a retail grocery association; and

(dd) A representative from a Washington headquartered online retailer.

(6) The definitions in section 2 of this act apply throughout this section

unless the context clearly requires otherwise.

(7) This section expires January 1, 2022.

NEW SECTION. **Sec. 10.** EXPANDED POLYSTYRENE PROHIBITIONS. (1)(a) Beginning June 1, 2024, the sale and distribution of the following expanded polystyrene products in or into Washington state is prohibited:

(i) A portable container that is designed or intended to be used for cold storage, except for expanded polystyrene containers used for drugs, medical devices, and biological materials as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or shipping perishable commodities from a wholesale or retail establishment; and

(ii) Food service products that include food containers, plates, clam shell-style containers, and hot and cold beverage cups. For the purposes of this subsection (1)(a)(ii), food service products do not include: Packaging for raw, uncooked, or butchered meat, fish, poultry, or seafood, vegetables, fruit, or egg cartons.

(b) Beginning June 1, 2023, the sale and distribution of void filling packaging products, which means loose fill packaging material, also referred to as packing peanuts, in or into Washington state is prohibited.

(2)(a) The department must provide technical assistance and guidance to manufacturers of prohibited expanded polystyrene products, as requested. For manufacturers out of compliance with the requirements of this section, the department shall provide written notification and offer information to manufacturers that sell prohibited expanded polystyrene products who are in violation of this section. For the purposes of this section, written notification serves as notice of the violation. The department must issue at least two notices of violation by certified mail prior to assessing a penalty.

(b) A manufacturer of products in violation of this section is subject to a civil penalty for each violation in an amount not to exceed:

(i) $250 if it is the manufacturer's first penalty; and

(ii) $1,000 if the manufacturer has previously been issued a civil penalty under this section.

(c) Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(d) Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(3) A city, town, county, or municipal corporation may not implement a local ordinance restricting products prohibited under subsection (1) of this section unless the ordinance was filed by April 1, 2021, and enacted by June 1, 2021. An ordinance restricting products specified under subsection (1) of this section that was not enacted as of June 1, 2021, is preempted by this section.

(4) For the purposes of this section, "manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that:

(a) Produces the products subject to restrictions in subsection (1) of this section; or

(b) Is an importer or domestic distributor of a product subject to restrictions in subsection (1) of this section sold or offered for sale in or into the state.

NEW SECTION. **Sec. 11.** OPTIONAL SERVICEWARE. (1) Beginning January 1, 2022:

(a) Except as provided in (b) of this subsection, a food service business may provide the following only after affirming that the customer wants the single-use food service product:

(i) Utensils;

(ii) Straws;

(iii) Condiment packaging; and

(iv) Beverage cup lids.

(b) A food service business may provide beverage cup lids without customer affirmation for:

(i) Hot beverages;

(ii) Beverages provided through delivery service or curbside pickup; and

(iii) Beverages served to customers via a drive-through or at large,

permanent, multistory, enclosed venues that are designed to hold professional sport or music events and that have a capacity of at least 5,000 customers.

(c) The requirements of this subsection do not apply to food service products provided to a patient, resident, or customer in:

(i) A health care facility or a health care provider as defined in RCW 70.02.010;

(ii) Long-term care facilities identified in RCW 18.51.010, 18.20.020, 70.128.010, 70.97.010, or 18.390.010;

(iii) Senior nutrition programs authorized under 45 C.F.R. Sec. 1321, and home delivered meals offered under chapters 74.39 and 74.39A RCW;

(iv) Services to individuals with developmental disabilities under Title 71A RCW and chapter 74.39A RCW; and

(v) State hospitals as defined in RCW 72.23.010.

(d) The requirements of this subsection (1) apply to the activities of the department of corrections and the department of children, youth, and families only to the extent operationally feasible and practicable.

(2) Nothing in this section prohibits a food service business from making utensils, straws, condiments, and beverage cup lids available to customers using cylinders, bins, dispensers, containers, or other means of allowing for single-use utensils, straws, condiments, and beverage cup lids to be obtained at the affirmative volition of the customer. Utensils provided by a food service business for use by customers may not be bundled or packaged in plastic in such a way that a customer is unable to take only the type of single-use utensil or utensils desired without also taking a different type or types of utensil.

(3)(a) The department may issue a civil penalty of no less than $150 per day and no more than $2,000 per day to the owner or operator of a food service business for each day single-use food service products are provided in violation of this section.

(b) The department must issue at least two notices of violation by certified mail prior to assessing a penalty.

(c) Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(d) A food service business may appeal penalties assessed under this subsection to the pollution control hearings board within 30 days of assessment.

(4) All food service businesses are encouraged, but not required, to take actions in addition to the requirements of this section that support a goal of reducing the use of and waste generated by single-use food service products.

(5) Beginning July 1, 2021, a city, town, county, or municipal corporation may not enact an ordinance to reduce pollution from single-use food service products by requiring affirmation that a customer wants single-use food service products from the customer of the food service business or other retail establishment.

NEW SECTION. **Sec. 12.** DEPARTMENT DUTIES. (1) The department may conduct audits and investigations for the purpose of ensuring compliance with sections 3 and 5 of this act based on the information reported under section 4 of this act.

(2) The department shall annually publish a list of registered producers of covered products and associated brand names, their compliance status, and other information the department deems appropriate on the department's website.

(3) To assist with the requirements specified under sections 10 and 11 of this act, the department:

(a) Must prepare and post on its website information regarding the prohibitions on the sale and distribution of expanded polystyrene products as specified under section 10 of this act and optional serviceware under section 11 of this act;

(b) For education and outreach to help implement sections 10 and 11 of this act, may develop culturally appropriate and translated educational materials and resources for the state's diverse ethnic populations from existing materials used by local jurisdictions and other states.

(4) The department may adopt rules as necessary to administer, implement, and enforce this chapter.

NEW SECTION. **Sec. 13.** RECYCLING ENHANCEMENT ACCOUNT. The recycling enhancement account is created in the

custody of the state treasurer. All penalties collected by the department pursuant to sections 5 and 6 of this act must be deposited in the account. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used by the department only for providing grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

NEW SECTION. **Sec. 14.** RECYCLED CONTENT ACCOUNT. The recycled content account is created in the custody of the state treasurer. All receipts received by the department under section 3 of this act must be deposited in the account. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used by the department only for implementing, administering, and enforcing the requirements of sections 3 through 7 of this act.

NEW SECTION. **Sec. 15.** MARKET STUDY. (1) Subject to the availability of amounts appropriated for this specific purpose prior to January 1, 2028, the department shall contract with a research university or an independent third-party consultant to study the plastic resin markets for all of the following:

(a) Analyzing market conditions and opportunities in the state's recycling industry for meeting the minimum postconsumer recycled content requirements for covered products pursuant to sections 3 and 4 of this act; and

(b) Determining the data needs and tracking opportunities to increase the transparency and support of a more effective, fact-based public understanding of the recycling industry.

(2) If funding is provided pursuant to subsection (1) of this section and the department undertakes the study, the study must be completed by May 1, 2029.

Sec. 16. RCW 43.21B.110 and 2020 c 138 s 11 and 2020 c 20 s 1035 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, sections 5, 6, 10, and 11 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, section 3 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan;

conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under section 3 of this act, to set recycled minimum postconsumer content for covered products.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 17. RCW 43.21B.300 and 2020 c 20 s 1038 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, sections 5, 6, 10, and 11 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within thirty days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

Sec. 18. RCW 70A.220.020 and 2020 c 20 s 1228 are each amended to read as follows:

((~~(1) The provisions of this section and any rules adopted under this section shall be interpreted to conform with nationwide plastics industry standards.~~

~~(2)~~)) Except as provided in RCW 70A.220.030(2), after January 1, 1992, no person may distribute, sell, or offer for sale in this state a plastic bottle or rigid plastic container unless the container is labeled with a code identifying the appropriate resin type used to produce the structure of the container. ((~~The code shall consist of a number placed within three triangulated arrows and letters placed below the triangle of arrows. The triangulated arrows shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number.~~)) The numbers and letters used shall be as follows:

(a) 1.= PETE (polyethylene terephthalate)

(b) 2.= HDPE (high density polyethylene)

(c) 3.= V (vinyl) or PVC (polyvinyl chloride)

(d) 4.= LDPE (low density polyethylene)

(e) 5.= PP (polypropylene)

(f) 6.= PS (polystyrene)

(g) 7.= OTHER

NEW SECTION. **Sec. 19.** Sections 2 through 7 and 9 through 15 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 20.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Appropriations.

March 24, 2021

SB 5063 Prime Sponsor, Senator Honeyford: Concerning the expiration date of the invasive species council. Reported by

Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

March 24, 2021

SB 5145 Prime Sponsor, Senator Van De Wege: Concerning the prevention of seabed mining of hard minerals. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

March 23, 2021

ESB 5158 Prime Sponsor, Senator Hawkins: Concerning the utility wildland fire prevention advisory committee. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.04.780 and 2019 c 77 s 1 are each amended to read as follows:

(1) The commissioner shall convene a utility wildland fire prevention ((~~task force~~)) advisory committee with electrical power distribution utilities by ((~~July 1, 2019, and no less than quarterly thereafter until December 1, 2020~~)) August 1, 2021. The duties of the ((~~task force~~)) advisory committee are to advise the department on issues including, but not limited to:

(a) ((~~Developing, for consideration by the department and individual electric utilities, a model agreement for managing danger trees and other vegetation that pose a risk of wildland fire and associated utility liability due to the proximity to electrical transmission wires and other utility equipment;~~

(b) ~~Developing communication protocols and educational exchanges between the department and electric utilities for identifying and addressing issues relating to utility infrastructure to reduce the risks of wildland fires;~~

(c) ~~Developing protocols, including thresholds, for implementing the relevant provisions of RCW 76.04.015 when the department's investigation involves electric utility infrastructure or potential electric utility liability;~~

(d) ~~Creating rosters of certified wildland fire investigation firms or persons and third-party qualified utility operations personnel who may be called upon by the parties as appropriate; and~~

(e) ~~Other issues brought forward by task force members.~~

(2) ~~In consultation with the task force created in subsection (1) of this section, the department must:~~

(a) ~~Make available the form of communication protocols and educational exchanges between the department and electric utilities;~~

(b) ~~With the assistance of the task force, distribute a voluntary model danger tree management agreement to utilities for their consideration for execution with the department;~~

(c) ~~Publish the protocols and thresholds described in subsection (1)(c) of this section;~~

(d) ~~Issue a roster of third-party certified wildland fire investigators and qualified utility personnel that may assist the department or utility in understanding and reducing risks and liabilities from wildland fire. The department must update the roster of third-party certified wildland fire investigators and qualified utility personnel no less than every four years.~~

(3) ~~The department must submit, in compliance with RCW 43.01.036, a preliminary report to the legislature by December 1, 2019, and a final report to the legislature by December 1, 2020, on the results of tasks identified in subsections (1) and (2) of this section and identification of legislation, if any, necessary to implement the recommendations of the task force~~)) Matters related to the ongoing implementation of the relevant recommendations of the electric utility

wildland fire prevention task force established in chapter 77, Laws of 2019, and by August 1, 2021:

(i) Finalizing a model agreement for managing danger trees and other vegetation adjacent to utility rights-of-way on state uplands managed by the department;

(ii) Implementing recommendations of the task force related to communications and information exchanges between the department and utilities;

(iii) Implementing recommendations of the task force related to protocols and thresholds when implementing provisions of RCW 76.04.015; and

(iv) Implementing recommendations of the task force related to creating rosters of certified wildland fire investigator firms or persons and qualified utility operations personnel who may be called upon as appropriate;

(b) Providing a forum for electric utilities, the department, and other fire suppression organizations of the state to identify and develop solutions to issues of wildfire prevention and risk mitigation specifically related to electric utilities transmission and distribution networks, identification of best management practices, electric utility infrastructure protection, and wildland fire suppression and response;

(c) Establishing joint public communications protocols among members of the advisory committee, and other entities, to inform residents of the state of potential critical fire weather events and the potential for power outages or disruptions;

(d) Providing comment to the wildland fire advisory committee established in RCW 76.04.179 through an annual presentation addressing policies and priorities of the utility wildland fire prevention advisory committee; and

(e) All other related issues deemed necessary by the commissioner.

(2) By August 1, 2021, the department must post on its website and update quarterly as necessary:

(a) Communication protocols and educational exchanges between the department and electric utilities;

(b) A voluntary model danger tree management agreement to utilities for their consideration for execution with the department;

(c) Protocols and thresholds that may be utilized when the department's investigation involves electric utility infrastructure or potential electric utility liability; and

(d) A roster of third-party certified wildland fire investigators and qualified utility personnel that may assist the department or utility in understanding and reducing risks and liabilities from wildland fire.

(3) Beginning July 1, 2022, and at the beginning of each subsequent biennium thereafter, the department must submit, in compliance with RCW 43.01.036, a report describing the prior biennium proceedings of the advisory committee, including identification of recommended legislation, if any, necessary to prevent wildfires related to electric utilities.

(4) The commissioner or the commissioner's designee must chair the ((~~task force~~)) advisory committee created in subsection (1) of this section and must appoint ((~~task force~~)) advisory committee members. ((~~Task force~~)) Advisory committee membership should include:

(a) Entities providing retail electric service, including:

(i) One person representing each investor-owned utility;

(ii) Two persons representing municipal utilities;

(iii) Two persons representing public utility districts;

(iv) Two persons representing rural electric cooperatives;

(v) One person representing small forestland owners;

(vi) One person representing industrial forestland owners; ((~~and~~))

(b) Other persons with expertise in wildland fire risk reduction and prevention; and

(c) No more than two other persons designated by the commissioner.

(5) In addition to the advisory committee membership established in subsection (4) of this section, the commissioner shall designate two additional advisory committee members

representing historically marginalized or underrepresented communities.

(6) The commissioner or the commissioner's designee shall convene the initial meeting of the ((~~task force~~)) advisory committee.

((~~(6)~~)) (7) The members of the advisory committee, or individuals acting on their behalf, are immune from civil liability for official acts performed in the course of their duties specifically related to the advisory committee.

(8) Participation on the ((~~task force~~)) advisory committee created in subsection (1) of this section is strictly voluntary and without compensation.

(9) Any requirements in this section are subject to the availability of amounts appropriated for the specific purposes described."

Correct the title.

Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Chandler, Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 24, 2021

SB 5159 Prime Sponsor, Senator Warnick: Concerning payments in lieu of real property taxes by the department of the fish and wildlife. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

March 23, 2021

ESSB 5180 Prime Sponsor, Committee on Law & Justice: Vacating certain convictions. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.030 and 2020 c 296 s 2, 2020 c 252 s 4, and 2020 c 137 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW

and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640((~~(3)~~)) (4)(b) and 9.96.060((~~(6)~~)) (7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable

obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the

laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanant or gross misdemeanant probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or

older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, ((~~26.10,~~)) 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but

is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

((~~(56)~~)) (59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

((~~(57)~~)) (60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

((~~(58)~~)) (61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 2. RCW 9.94A.640 and 2019 c 331 s 3 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.637 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of

guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if:

(a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court;

(b) The offense was a violent offense as defined in RCW 9.94A.030 or crime against persons as defined in RCW 43.43.830, except the following offenses may be vacated if the conviction did not include a firearm, deadly weapon, or sexual motivation enhancement: (i) Assault in the second degree under RCW 9A.36.021; (ii) assault in the third degree under RCW 9A.36.031 when not committed against a law enforcement officer or peace officer; and (iii) robbery in the second degree under RCW 9A.56.210;

(c) The offense is a class B felony and the offender has been convicted of a new crime in this state, another state, or federal court in the ten years prior to the application for vacation;

(d) The offense is a class C felony and the offender has been convicted of a new crime in this state, another state, or federal court in the five years prior to the application for vacation;

(e) The offense is a class B felony and less than ten years have passed since the later of: (i) The applicant's release from community custody; (ii) the applicant's release from full and partial confinement; or (iii) the applicant's sentencing date;

(f) The offense was a class C felony, other than a class C felony described in RCW 46.61.502(6) or 46.61.504(6), and less than five years have passed since the later of: (i) The applicant's release from community custody; (ii) the applicant's release from full and partial confinement; or (iii) the applicant's sentencing date; or

(g) The offense was a felony described in RCW 46.61.502 or 46.61.504.

(3) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, the victim or the prosecutor of the county in which the victim was sentenced may apply to the sentencing court or the sentencing court's successor to vacate the victim's record of conviction for a class B or class C felony offense using the process in section 3 of this act. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in section 3 of this act is subject to subsection (4) of this section.

(4)(a) Except as otherwise provided, once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution, and nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040.

(b) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense occurring on or after July 28, 2019, and may be used to establish an ongoing pattern of abuse for purposes of RCW 9.94A.535.

NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A RCW to read as follows:

(1)(a) A victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030 may apply to the sentencing court or the sentencing court's successor to vacate

the victim's record of conviction for a class B or class C felony offense.

(b) The prosecutor of a county in which a victim of sex trafficking, prostitution, commercial sexual abuse of a minor; sexual assault; or domestic violence was sentenced for a class B or class C felony offense may exercise discretion to apply to the court on behalf of the state recommending that the court vacate the victim's record of conviction by submitting the information required in subsection (2) of this section. If the court finds the application meets the requirements of subsection (2) of this section, the court may decide whether to grant the application to vacate the record.

(2) In order to vacate a record of conviction for a class B or class C felony offense committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; domestic violence; or sexual assault, the applicant must meet the following requirements:

(a) Provide an affidavit under penalty of perjury stating the specific facts and circumstances proving, by a preponderance of evidence, that the offense was committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; domestic violence; or sexual assault;

(b) There are no criminal charges against the applicant pending in any court of this state or another state, or in any federal court for any offense other than prostitution;

(c) If the victim's offense is a class C felony, the offender has not been convicted of a new offense in this state, another state, or federal or tribal court in the five years prior to the vacation application;

(d) If the victim's offense is a class B felony, the offender has not been convicted of a new offense in this state, another state, or federal or tribal court in the 10 years prior to the vacation application;

(e) Provide proof that the crime victim penalty assessment, RCW 7.68.035, has been paid in full; and

(f) If applicable, restitution owed to any victim, excluding restitution owed to any insurance provider under Title 48 RCW, has been paid in full.

(3) An applicant may not have a record of conviction for a class B or class C felony offense vacated if:

(a) The offense was a violent offense as defined in RCW 9.94A.030 or crime against persons as defined in RCW 43.43.830, except the following offenses may be vacated if the conviction did not include a firearm, deadly weapon, or sexual motivation enhancement: (i) Assault in the second degree under RCW 9A.36.021; (ii) assault in the third degree under RCW 9A.36.031 when not committed against a law enforcement officer or peace officer; and (iii) robbery in the second degree under RCW 9A.56.210;

(b) The offense was a felony described in RCW 46.61.502, 46.61.504, or 46.61.5055; or

(c) The offense was promoting prostitution in the first or second degree as described in RCW 9A.88.070 and 9A.88.080.

Sec. 4. RCW 9.96.060 and 2020 c 29 s 18 are each amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), and (5) of this section, an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) The applicant has not completed all of the terms of the sentence for the offense;

(b) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

(c) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(d) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(e) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(f) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family or household member against another or by one intimate partner against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(g) For any offense other than those described in (f) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(h) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

(i) The applicant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) ((~~Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:~~

~~(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or~~

~~(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction. The limitation in this subsection (3)(b) does not apply to convictions where the offender proves by a preponderance of the evidence that he or she committed the crime as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., according to the requirements provided in RCW 9.96.070 for each respective conviction~~)) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, or the prosecutor applies on behalf of the state, the sentencing court may vacate the record of conviction if the application satisfies the requirements of section 5 of this act. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in section 5 of this act is subject to subsections (6) and (7) of this section.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Every person convicted of a misdemeanor marijuana offense, who was twenty-one years of age or older at the time of the offense, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. A misdemeanor marijuana offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance. If an applicant qualifies under this subsection, the court shall vacate the record of conviction.

(6) A person who is a family member of a homicide victim may apply to the sentencing court on the behalf of the victim for vacation of the victim's record of conviction for prostitution under RCW 9A.88.030. If an applicant qualifies under this subsection, the court shall vacate the victim's record of conviction.

(7)(a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section

affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, ((~~26.10.220,~~)) 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); or (ii) stalking (RCW 9A.46.110). A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

((~~(7)~~)) (8) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

NEW SECTION. **Sec. 5.** A new section is added to chapter 9.96 RCW to read as follows:

(1)(a) A victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence, as defined in RCW 9.94A.030 may apply to the sentencing court or the sentencing court's successor to vacate the applicant's record of conviction for the offense; or

(b) The prosecutor of a county or municipality in which a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence was sentenced for a misdemeanor or gross misdemeanor offense may exercise discretion to apply to the court on behalf of the state recommending that the court vacate the victim's record of conviction by submitting the information required in subsection (2) of this section. If the court finds the application meets the requirements of subsection (2) of this section, the court may decide whether to grant the application to vacate the record.

(2) In order to vacate a record of conviction for a gross misdemeanor or misdemeanor offense committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, the applicant must meet the following requirements:

(a) Provide an affidavit, under penalty of perjury, stating the specific facts and circumstances proving, by a preponderance of evidence that the offense was committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030;

(b) There are no criminal charges against the applicant pending in any court of this state or another state, or in any federal court for any crime other than prostitution;

(c) If the offense is a misdemeanor, the offender has not been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application;

(d) Except where the conviction to be vacated is for the crime of prostitution, prostitution loitering, or stay out of area of prostitution, provide proof that the crime victim penalty assessment, RCW 7.68.035, has been paid in full;

(e) If applicable, restitution owed to any victim, excluding restitution owed to any insurance provider under Title 48 RCW, has been paid in full.

(3) An applicant may not have a record of conviction for a gross misdemeanor or misdemeanor offense vacated if:

(a) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(b) The offense was a conviction as described in RCW 46.61.5055; or

(c) The offense was patronizing a prostitute as described in RCW 9A.88.110.

NEW SECTION. **Sec. 6.** RCW 9.96.070 (Vacating records of conviction—Prostitution offenses) and 2017 c 128 s 2 & 2014 c 109 s 2 are each repealed."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

MINORITY recommendation: Do not pass. Signed by Representative Klippert, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 23, 2021

2SSB 5183 Prime Sponsor, Committee on Ways & Means: Concerning victims of nonfatal strangulation. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that nonfatal strangulation is among the most dangerous acts of domestic violence and sexual assault. Strangulation involves external compression of the victim's airway and blood vessels, causing reduced air and blood flow to the brain. Victims may show no or minimal external signs of injury despite having life-threatening internal injuries including traumatic brain injury. Injuries may present after the assault or much later and may persist for months and even years postassault. Victims who are strangled multiple times face a greater risk of traumatic brain injury. Traumatic brain injury symptoms are often not recognized as assault-related and may include cognitive difficulties such as decreased ability to concentrate, make decisions, and solve problems. Traumatic brain injury symptoms may also include behavior and personality changes such as irritability, impulsivity, and mood swings.

Domestic violence victims who have been nonfatally strangled are eight times more likely to become a subsequent victim of homicide at the hands of the same abusive partner. Research shows that previous acts of strangulation are a unique and substantial predictor of attempted and completed homicide against an intimate partner.

For years, forensic nurses in Washington have provided high-level care to sexual assault victims. Forensic nurses are also trained in medical evaluation of nonfatal strangulation, but only provide this evaluation in cases of sexual assault involving strangulation, as crime victims' compensation will not reimburse in nonsexual assault cases. Strangulation affects victims physically and psychologically. These victims deserve a higher standard of response and medical care. Allowing crime victims' compensation to reimburse for forensic nurse examinations for victims of domestic violence strangulation will provide a better, more victim-centered response in the most dangerous of domestic violence felony cases.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.280 RCW to read as follows:

(1) The office of crime victims advocacy shall develop best practices that local communities may use on a voluntary basis to create more access to forensic nurse examiners in cases of nonfatal strangulation assault including, but not limited to, partnerships to serve multiple facilities, mobile nurse examiner teams, and multidisciplinary teams to serve victims in local communities.

(a) When developing the best practices, the office of crime victims advocacy shall consult with:

(i) The Washington association of sheriffs and police chiefs;

(ii) The Washington association of prosecuting attorneys;

(iii) The Washington state coalition against domestic violence;

(iv) The Harborview abuse and trauma center;

(v) The Washington state hospital association;

(vi) The Washington state association of counties;

(vii) The association of Washington cities;

(viii) The Washington coalition of sexual assault programs;

(ix) The schools of nursing at Washington State University and the University of Washington;

(x) Collective bargaining representatives of frontline nurse examiners; and

(xi) Other organizations deemed appropriate by the office of crime victims advocacy.

(b) The office of crime victims advocacy shall complete the best practices no later than January 1, 2022, and publish them on its website.

(2) The office of crime victims advocacy shall develop strategies to make forensic nurse examiner training available to nurses in all regions of the state without requiring the nurses to travel unreasonable distances and without requiring medical facilities or the nurses to incur unreasonable expenses. Among other important factors deemed relevant and appropriate by the office of crime victims advocacy, the strategies should take into account the unique challenges faced by medical facilities and nurses operating in rural areas.

(a) When developing the strategies, the office of crime victims advocacy shall consult with:

(i) The Harborview abuse and trauma center;

(ii) The department of health;

(iii) The nursing care quality assurance commission;

(iv) The Washington state nurses association;

(v) The Washington state hospital association;

(vi) The schools of nursing at Washington State University and the University of Washington;

(vii) Forensic nurse practitioners; and

(viii) Other organizations deemed appropriate by the office of crime victims advocacy.

(b) The office of crime victims advocacy shall report the strategies to the governor and the appropriate committees of the legislature no later than October 1, 2022.

(3) This section expires June 30, 2023.

NEW SECTION. **Sec. 3.** A new section is added to chapter 7.68 RCW to read as follows:

(1) No costs incurred by a hospital or other emergency medical facility for the examination of the victim of domestic violence assault involving nonfatal strangulation, when such examination is performed for the purposes of gathering evidence for possible prosecution, shall be billed or charged directly or indirectly to the victim of such assault. Such costs shall be paid by the state pursuant to this chapter.

(2) The department must notify the office of financial management and the fiscal committees of the legislature if it projects that the cost of services provided under this section exceeds the amount of funding provided by the legislature solely for the purposes of this section.

(3) No later than October 1, 2022, the department shall report to the legislature the following information for fiscal year 2022:

(a) The number, type, and amount of claims received by victims of suspected nonfatal strangulation, with a subtotal of claims that also involved sexual assault;

(b) The number, type, and amount of claims paid for victims of suspected nonfatal strangulation, with a subtotal of claims that also involved sexual assault; and

(c) The number of police reports filed by victims of suspected nonfatal

strangulation who received services under this section.

(4) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

Referred to Committee on Appropriations.

March 24, 2021

2SSB 5195 Prime Sponsor, Committee on Ways & Means: Concerning opioid overdose reversal medication. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Macri; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member; Harris; Maycumber and Ybarra.

Referred to Committee on Appropriations.

March 23, 2021

SB 5202 Prime Sponsor, Senator Schoesler: Establishing school district depreciation subfunds for the purposes of preventative maintenance. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.320.330 and 2019 c 411 s 3 and 2019 c 410 s 3 are each reenacted and amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide the supplemental expenditure schedule under (c) of this subsection, and any other supplemental expenditure schedules required by the superintendent of public instruction or state auditor, for purposes of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year, the superintendent of public instruction must require school districts to provide a supplemental expenditure schedule by revenue source that identifies the amount expended by object for each of the following supplementary enrichment activities beyond the state funded amount:

(i) Minimum instructional offerings under RCW 28A.150.220 or 28A.150.260 not otherwise included on other lines;

(ii) Staffing ratios or program components under RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components under RCW 28A.150.200, 28A.150.220, or 28A.150.260, not otherwise included on other lines;

(iv) Program components to support students in the program of special education;

(v) Program components of professional learning, as defined by RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended school year;

(viii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(ix) Activities associated with early learning programs;

(x) Activities associated with providing the student transportation program;

(xi) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under RCW 28A.150.276;

(xii) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under RCW 28A.150.276; and

(xiii) All other costs not otherwise identified in other line items.

(d) For any salary and related benefit costs identified in (c)(xi), (xii), and (xiii) of this subsection, the school district shall maintain a record describing how these expenditures are documented and demonstrated enrichment of the state's statutory program of basic education. School districts shall maintain these records until the state auditor has completed the audit under RCW 43.09.2856.

(e) A depreciation subfund of its general fund for the school district to reserve moneys for future facility and equipment needs, including preventative maintenance and emergency facility needs. Up to two percent of a school district's general fund may be deposited each fiscal year into the depreciation subfund. The preventative maintenance must be necessary to realize the originally anticipated useful life of a building or facility and includes: Exterior painting of facilities; replacement or renovation of roofing, exterior walls, windows, heating, air conditioning and ventilation systems, floor coverings in classrooms and common areas, and electrical and plumbing systems; and renovation of playfields, athletic facilities, and other school district real property. School districts, subject to applicable public works bid limits, may use school district employees to perform preventative maintenance with moneys from the depreciation subfund, but moneys from the depreciation subfund may not be used for employee compensation that is unrelated to this subsection (1)(e).

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(h) During the 2019-2021 fiscal biennium, renovation and replacement of facilities and systems, purchase or installation of items of equipment and furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bergquist; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Berg and Callan.

Referred to Committee on Rules for second reading.

March 24, 2021

ESSB 5203 Prime Sponsor, Committee on Health & Long Term Care: Producing, distributing, and purchasing generic prescription drugs. (REVISED FOR ENGROSSED: Producing, distributing, and purchasing generic prescription drugs and distribution or purchase of insulin.) Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.14 RCW to read as follows:

(1)(a) The authority may enter into partnership agreements with another state, a group of states, a state agency, a nonprofit organization, or any other entity to produce, distribute, or purchase generic prescription drugs and distribute and purchase insulin. Partnership agreements with governmental entities are exempt from competitive solicitation requirements in accordance with RCW 39.26.125(10). However, the authority must comply with state procurement laws related to competitive procurement when purchasing or entering into purchasing agreements with nongovernmental entities.

(b) The generic prescription drugs and insulin must be produced or distributed by a drug company or generic drug manufacturer that is registered with the United States food and drug administration.

(2) The authority shall only enter into partnerships, in consultation with other state agencies as necessary, to produce, distribute, or purchase a generic prescription drug or insulin at a price that results in savings to public and private purchasers and consumers.

(3) For generic prescription drugs and insulin that the authority has entered into a partnership under this section:

(a) State purchased health care programs must purchase the generic prescription drugs and insulin through the partnership, unless the state purchased health care program can obtain the generic prescription drug or insulin at a cost savings through another purchasing mechanism; and

(b) Local governments, private entities, health carriers, and others may choose to voluntarily purchase the generic prescription drugs and insulin from the authority as available quantities allow.

(4) All information and documents obtained or created under this section is exempt from disclosure under chapter 42.56 RCW.

(5) For purposes of this section, the following definitions apply:

(a) "Authority" means the health care authority.

(b) "Eligible prescription drug" means a prescription drug or biological product, as defined in 42 U.S.C. Sec. 262(i), that is not under patent.

(c) "Generic drug" means a drug that is approved pursuant to an application referencing an eligible prescription drug that is submitted under section 505(j) of the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.), or section 351(k) of the federal public health service act (42 U.S.C. Sec. 262).

(d) "Purchase" means the acquisition of generic drugs and insulin. "Purchase" includes, but is not limited to, entering into contracts with manufacturers on behalf of those dispensing drugs and other innovative purchasing strategies to help increase access for Washington citizens to the best price available for insulin and generic prescription drugs. This subsection should be interpreted broadly to provide the authority flexibility in how it procures generic drugs and insulin in order to obtain the best price.

(e) "State purchased health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, department of health, state health care authority, department of labor and industries, department of corrections, and department of veterans affairs. State purchased health care does not include prescription drugs purchased

for medical assistance program clients under chapter 74.09 RCW.

Sec. 2. RCW 70.14.060 and 2020 c 346 s 4 are each amended to read as follows:

(1)(a) The ((~~administrator [director]~~)) director of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. ((~~State~~)) Except as provided in section 1 of this act or exempted under (b) of this subsection, state purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies((~~, unless exempted under (b) of this subsection~~)). The ((~~administrator [director]~~)) director shall not require any supplemental rebate offered to the health care authority by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The ((~~administrator [director]~~)) director shall explore joint purchasing opportunities with other states.

(b) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the ((~~administrator [director]~~)) director of the state health care authority that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, health carriers as provided in RCW 48.43.005, state purchased health care services from or through health carriers as provided in RCW 48.43.005, and for individuals who lack or are underinsured for prescription drug coverage. The ((~~administrator [director]~~)) director may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

(3) The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.

NEW SECTION. **Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

March 23, 2021

2SSB 5214 Prime Sponsor, Committee on Ways & Means: Concerning economic assistance programs. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.08A.010 and 2020 c 320 s 1 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the

household or married to the head of the household.

(3) The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.

(4) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

(5)(a) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

(i) By reason of hardship, including when ((~~the~~)):

(A) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020; or

(B) The recipient received temporary assistance for needy families during a month on or after March 1, 2020, when Washington state's unemployment rate as published by the Washington employment security department was equal to or greater than seven percent, and the recipient is otherwise eligible for temporary assistance for needy families except that they have exceeded 60 months. The extension provided for under this subsection (5)(a)(i)(B) is equal to the number of months that the recipient received temporary assistance for needy families during a month after March 1, 2020, when the unemployment rate was equal to or greater than seven percent, and is applied sequentially to any other hardship extensions that may apply under this subsection (5) or in rule; or

(ii) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

(b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

(6) The department shall not exempt a recipient and his or her family from the application of subsection (1) or (3) of this section until after the recipient has received fifty-two months of assistance under this chapter.

(7) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

NEW SECTION. **Sec. 2.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 3.** This act applies prospectively and retroactively beginning March 1, 2020."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier, Ranking Minority Member.

Referred to Committee on Appropriations.

March 24, 2021

SSB 5258 Prime Sponsor, Committee on Ways & Means: Concerning consumer directed

employers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 23, 2021

E2SSB 5259 Prime Sponsor, Committee on Ways & Means: Concerning law enforcement data collection. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that law enforcement transparency and accountability are vital in maintaining public trust. Data collection is one essential tool to allow the public, law enforcement, and policymakers to analyze the effectiveness of existing police practices, determine which policies and training work and do not work, and avoid unintended consequences by supporting policy decisions with clear and relevant data.

The legislature finds that creating a statewide data collection program that creates a publicly accessible database to track metrics will help to promote openness, transparency, and accountability, build stronger police-community relations, improve trust and confidence in policing services, evaluate specific areas of concern such as biased policing and excessive force, and ultimately improve the quality of policing services.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Contractor" means the institution of higher education contracted with the office of the attorney general to implement the statewide use of force data program as provided in this chapter.

(2) "Great bodily harm" has the same meaning as in RCW 9A.04.110.

(3) "Institution of higher education" has the same meaning as in RCW 28B.92.030.

(4) "Law enforcement agency" or "agency" means any general authority Washington law enforcement agency and limited authority Washington law enforcement agency as those terms are defined in RCW 10.93.020.

(5) "Substantial bodily harm" has the same meaning as in RCW 9A.04.110.

NEW SECTION. **Sec. 3.** (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the attorney general's office shall establish an advisory group to assist with the office's design, development, and implementation of a statewide use of force data program. Members are appointed by the attorney general's office and must consist of:

(i) At least three representatives from local nongovernmental organizations or advocacy groups that have a focus on or expertise in the use and role of data as it relates to interactions between law enforcement and the community;

(ii) At least three representatives from law enforcement agencies or organizations representing the interests of law enforcement in interacting and utilizing this data; and

(iii) At least one representative from the private sector or the public sector with experience in data collection programs, preferably law enforcement data collection.

(b) To ensure the advisory group has diverse and inclusive representation of those affected by its work, advisory group members whose participation in the advisory group may be hampered by financial hardship may apply for a stipend in an amount not to exceed $100 for each day during which the member attends an official meeting of the advisory group or performs prescribed duties approved by the attorney general's office.

(2) By April 1, 2022, the advisory group shall submit to the attorney

general its recommendations on the following elements:

(a) How to prioritize the implementation of the reporting, collection, and publication of the use of force data reports required in section 4(2) of this act;

(b) Additional incidents and data to be collected from law enforcement agencies on interactions between officers and the public, such as traffic stops, pedestrian stops, calls for services, arrests, vehicle pursuits, and disciplinary actions, as well as demographic information including race, ethnicity, and gender of a crime victim or victims. This recommendation should consider phased implementation, if necessary, based on current practices and available data as compared to additional practices and new data that would need to be implemented by law enforcement agencies;

(c) Recommend practices for law enforcement agencies to collect and report data to the contractor. To the greatest extent feasible, the reporting mechanisms for the program must include the opportunity for law enforcement agencies to submit the required data elements through incident reports or any other electronic means. The advisory group may also work to develop a standardized incident report that meets the data and reporting requirements of the statewide use of force data program for voluntary use by law enforcement agencies;

(d) Recommend practices for the public to report relevant information to the contractor directly, or its successor, including correcting misreported and otherwise incorrect data;

(e) Recommend practices for public, law enforcement, and academic access and use of program data that must include, at a minimum:

(i) Public access to deidentified raw and/or refined incident based data using an established open data standard, available online at no cost in a downloadable, machine-readable, nonproprietary format, redacted only as necessary to comply with the public records act (chapter 42.56 RCW) and the Washington state criminal records privacy act (chapter 10.97 RCW);

(ii) Publicly accessible online data dashboards that summarize and analyze the data, excluding personally identifiable information;

(iii) Interactive data visualization tools designed for law enforcement agencies and other entities to use the data for research, professional development, training, and management;

(iv) The ability to extract data from incident reports, or other electronic means, and officer narratives in order to standardize data across multiple agencies;

(v) Ensure protection and removal of all personally identifiable information of officers, subjects, and victims in any data or analyses that are publicly released; and

(vi) Semiannual reports, summarizing the data collected and any related analysis, published on the website and submitted to the legislature and governor by June 1st and December 1st of each year;

(f) Recommend practices for quality improvement, including periodically obtaining input from stakeholders about how the program can better meet the needs of the public and law enforcement;

(g) Recommend practices in the following areas:

(i) Analytical dashboards with individual officer details for use by law enforcement agencies as a risk management tool;

(ii) Agency level comparative dashboards for all law enforcement agencies in the state;

(iii) Incorporating available historical data to identify long-term trends and patterns; and

(iv) Analysis of data, using methodologies based in best practices or tested and validated in other jurisdictions, if possible, including, but not limited to, analysis of the data using legal algorithms based on available and applicable legal standards.

(3)(a) The office of the attorney general shall review the recommendations of the advisory group and approve or reject, in whole or in part, the recommendations. In reviewing the program recommendations, the office of the attorney general shall consider:

(i) Available funding to achieve the recommendations;

(ii) Prioritizing the implementation of the reporting, collection, and publication of the use of force data reports in section 4(2) of this act;

(iii) The interests of the public in accessing information in a transparent and expedient manner. In considering the interests of the public, the advisory board shall accept and consider comments from impacted family members or their designees;

(iv) The institutional operations and demands of law enforcement agencies through input and comments from the criminal justice training center and local law enforcement agencies.

(b) For any recommendation that was rejected, in part or in full, the advisory group may submit revised recommendations for consideration by the office of the attorney general in accordance with any deadlines established by the office. The office of the attorney general may also approve recommendations subject to the legislature appropriating the funding necessary for their implementation.

(c) The office of the attorney general may not approve any recommendation that requires any law enforcement agency to disclose information that would jeopardize an active criminal investigation, confidential informant, or intelligence information.

(4) The approved recommendations and the requirements contained in section 4 of this act constitute the statewide use of force data program.

(5) This section expires January 1, 2023.

NEW SECTION. **Sec. 4.** (1) Each law enforcement agency in the state is required to report each incident where a law enforcement officer employed by the agency used force and:

(a) A fatality occurred in connection with the use of force;

(b) Great bodily harm occurred in connection with the use of force;

(c) Substantial bodily harm occurred in connection with the use of force; or

(d) A law enforcement officer:

(i) Discharged a firearm at or in the direction of a person;

(ii) Pointed a firearm at a person;

(iii) Used a chokehold or vascular neck restraint;

(iv) Used an electronic control weapon including, but not limited to, a taser, against a person;

(v) Used oleoresin capsicum spray against a person;

(vi) Discharged a less lethal shotgun or other impact munitions at or in the direction of a person;

(vii) Struck a person using an impact weapon or instrument including, but not limited to, a club, baton, or flashlight;

(viii) Used any part of their body to physically strike a person including, but not limited to, punching, kicking, slapping, or using closed fists or feet;

(ix) Used a vehicle to intentionally strike a person or vehicle; or

(x) Deployed a canine by releasing it from the physical control of the law enforcement officer or had under the law enforcement officer's control a canine that bites a person.

(2) Each report required in subsection (1) of this section must include the following information:

(a) The date and time of the incident;

(b) The location of the incident;

(c) The agency or agencies employing the law enforcement officers;

(d) The type of force used by the law enforcement officer;

(e) The type of injury to the person against whom force was used, if any;

(f) The type of injury to the law enforcement officer, if any;

(g) Whether the person against whom force was used was armed or unarmed;

(h) Whether the person against whom force was used was believed to be armed;

(i) The type of weapon the person against whom force was used was armed with, if any;

(j) The age, gender, race, and ethnicity of the person against whom force was used, if known;

(k) The tribal affiliation of the person against whom force was used, if applicable and known;

(l) Whether the person against whom force was used exhibited any signs associated with a potential mental health condition or use of a controlled substance or alcohol based on the observation of the law enforcement officer;

(m) The name, age, gender, race, and ethnicity of the law enforcement officer;

(n) The law enforcement officer's years of service;

(o) The reason for the initial contact between the person against whom force was used and the law enforcement officer;

(p) Whether any minors were present at the scene of the incident, if known;

(q) The entity conducting the independent investigation of the incident, if applicable;

(r) Whether dashboard or body worn camera footage was recorded for an incident;

(s) The number of officers who were present when force was used; and

(t) The number of suspects who were present when force was used.

(3) Each law enforcement agency must also report any additional incidents and data required by the statewide use of force data program developed in section 3 of this act.

(4) All law enforcement agencies shall submit the reports required by this section in accordance with the requirements of the statewide use of force data program no later than three months after the office of the attorney general determines that the system procured in section 5 of this act can accept law enforcement agency reports. Reports must be made in the format and time frame established in the statewide use of force data program.

(5) Notwithstanding any other provision of this act, except as otherwise mutually agreed to between the contractor and the law enforcement agency, a law enforcement agency has satisfied its reporting obligations pursuant to this act by submitting relevant information to the contractor. Nothing in this section prohibits the contractor from contacting the law enforcement agency to seek additional information or clarification of relevant data.

NEW SECTION. **Sec. 5.** (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the attorney general must engage in a competitive procurement to contract with an institution of higher education to implement the statewide use of force data program. The primary purpose of the contract is to develop a system for law enforcement agencies to report, collect, and publish the use of force data reports required in section 4 of this act.

(2) The request for proposal or other procurement method should encourage collaboration with other public and private institutions, businesses, and organizations with significant expertise and experience in collecting, tracking, and reporting data on law enforcement interactions with the public.

(3) Members and representatives of entities participating in the advisory group established in section 3 of this act may not participate or bid in the competitive procurement.

(4) The advisory group, or designated members of the group, may participate in the procurement process through the development of the request for proposal and the review and evaluation of responsive bidders.

(5) The contract must require the successful bidder to provide appropriate training to its staff and subcontractor staff, including training on racial equity issues.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 10 RCW."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

Referred to Committee on Appropriations.

March 23, 2021

ESSB 5268 Prime Sponsor, Committee on Health & Long Term Care: Transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities.

Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Part 1: Increase the Capabilities of Community Residential Settings and Services

NEW SECTION. **Sec. 1.** (1) The legislature finds that the recommendations in the December 2019 report, "Rethinking Intellectual and Developmental Disability Policy to Empower Clients, Develop Providers, and Improve Services" and recommendations in the 2021 preliminary report of the joint executive and legislative task force established in chapter 317, Laws of 2020 are the product of deliberations among a diverse and dedicated group of stakeholders and are critical to advancing the continuum of care for individuals with developmental disabilities.

(2) The legislature intends to continue efforts to expand community residential settings and supports with the goals of reducing the risk of federal divestment from Washington's intermediate care facilities and delivering appropriate care to clients of the developmental disabilities administration. To that end, the legislature finds that a reliable network of community providers is critical to meeting these goals and that community residential rates must be established at appropriate levels to ensure that individuals with intellectual and developmental disabilities have community residential options that appropriately address their needs and ensure stable, permanent outcomes.

(3) The legislature also finds that it is imperative that internal processes within the department of social and health services, including those that guide eligibility determinations, assess hours of service delivery, and measure quality of providers, be examined to ensure that these systems function in the most streamlined and efficient manner with the goal of achieving a system that has greater consistency with regard to expectations and requirements of providers and that is structured to be more person-centered and user-friendly at interface.

Sec. 2. RCW 43.88C.010 and 2020 c 352 s 1 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses

in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) ((~~The~~)) By January 1, 2023, the caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) Beginning with the official forecast submitted in November 2022 and subject to the availability of amounts appropriated for this specific purpose, the caseload forecast council shall forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an individual and family services waiver, and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(11) As a courtesy and for planning purposes only, beginning with the official forecast submitted in November 2022, the caseload forecast council shall forecast the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration.

(12) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

((~~(11)~~)) (13) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

((~~(12)~~)) (14) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

NEW SECTION. **Sec. 3.** A new section is added to chapter 71A.18 RCW to read as follows:

(1) Expenditures for the individual and family services waiver and the basic plus waiver as referenced in RCW 43.88C.010 must be considered by the governor and the legislature for inclusion in maintenance level budgets beginning with the governor's budget proposal submitted in December 2022 and funding for these expenditures are subject to amounts appropriated for this specific purpose. The department of social and health services must annually submit a budget request for these expenditures.

(2) Beginning with the governor's budget proposal submitted in December 2022 and within the department's existing appropriations, the department of social and health services must annually submit a budget request for expenditures for the number of individuals who are expected to reside in state-operated living

alternatives administered by the developmental disabilities administration as referenced in RCW 43.88C.010.

NEW SECTION. **Sec. 4.** (1) With consideration to legislative intent to expand community residential settings, and within the department's existing appropriations, the department of social and health services shall examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. No later than October 1, 2022, the department of social and health services must submit a preliminary report to the governor and the legislature that estimates the number of beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for these beds, provides options for utilizing existing intermediate care facilities to meet these needs, includes the average length of stay for clients residing in state-operated intermediate care facilities, and recommends whether or not an increase to respite hours is needed. A progress report is due October 1, 2023, and a final report of this information shall be submitted no later than October 1, 2024.

(2) This section expires January 1, 2025.

NEW SECTION. **Sec. 5.** (1) The department of social and health services must contract with a private vendor for a study of medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(a) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(b) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(c) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring.

(2) This section expires January 31, 2024.

NEW SECTION. **Sec. 6.** (1) With consideration to legislative intent to expand community residential settings and within the department's existing appropriations, the department of social and health services shall submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(a) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(b) Identification of any necessary changes to these procedures to ensure a more efficient and timely process for hiring and training staff; and

(c) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan.

(2) This section expires January 31, 2024.

NEW SECTION. **Sec. 7.** (1) Within the department's existing appropriations, and no later than June 30, 2023, the department of social and health services in collaboration with appropriate stakeholders shall develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities. The department of social and health services must submit a report of these activities to the governor and the legislature no later than June 30, 2023.

(2) This section expires July 31, 2023.

NEW SECTION. **Sec. 8.** (1) The joint legislative audit and review committee shall:

(a) Review the developmental disabilities administration's existing processes and staffing methodology used for determining eligibility, assessing for eligibility, delivering services, and managing individuals who are waiting for services;

(b) Review best practices from other states regarding eligibility

determination, eligibility assessment, service delivery, management of individuals who are waiting for services, and staffing models; and

(c) Identity options for streamlining the eligibility, assessment, service delivery, and management of individuals who are waiting for services processes and the potential staffing impacts.

(2) The joint legislative audit and review committee shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2022.

(3) This section expires January 31, 2023.

Part 2: Improve Cross-System Coordination

NEW SECTION. **Sec. 9.** An individual's disability will often overshadow other medical or functional needs which can result in missed connections and poor outcomes. It is the intent of the legislature that cross-system coordination involving individuals with intellectual and developmental disabilities be improved to ensure that these individuals receive the appropriate types of services and supports when they are needed to adequately address mental health conditions, medical conditions, individual preferences, and the natural aging process.

NEW SECTION. **Sec. 10.** (1) Within the department's existing appropriations, the department of social and health services shall work with the developmental disabilities council to:

(a) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with co-occurring intellectual and developmental disabilities and mental health conditions;

(b) Work with Washington state's apprenticeship and training council, colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(c) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(d) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision-making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate.

(2) Within the department's existing appropriations, the department of social and health services shall work with the health care authority and Washington state's managed care organizations to establish the necessary agreements for intellectual and developmental disabilities clients who live in the community to access intermediate care facility-based professionals to receive care covered under the state plan. The department of social and health services must consider methods to deliver these services at mobile or brick-and-mortar clinical settings in the community.

(3) No later than October 1, 2022, the department of social and health services shall submit a report describing the efforts outlined in subsections (1) and (2) of this section and any recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2023 legislative session.

(4) This section expires January 31, 2023.

Part 3: Redesign State-Operated Intermediate Care Facilities to Function as Short-Term Crisis Stabilization and Intervention

NEW SECTION. **Sec. 11.** It is the intent of the legislature that intermediate care facilities be redesigned from long-term care settings to settings that support short-term crisis stabilization and intervention and that, in order to achieve stable, permanent placements in the least restrictive settings possible, an

infrastructure of procedures be developed to ensure that individuals placed in intermediate care settings remain in that setting no longer than is absolutely necessary.

NEW SECTION. **Sec. 12.** (1) Within the department of social and health services' existing appropriations, the developmental disabilities administration must develop procedures that ensure that:

(a) Clear, written, and verbal information is provided to the individual and their family member that explains:

(i) That placement in the intermediate care facility is temporary; and

(ii) What constitutes continuous aggressive active treatment and its eligibility implications;

(b) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(c) When stabilization services are available in the community, the individual is presented with the option to receive those services in the community prior to being offered services in a state-operated intermediate care facility; and

(d) When the individual has not achieved crisis stabilization after 60 consecutive days in the state-operated intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's care plan.

(2) Subject to funding appropriated specifically for this purpose, the department of social and health services must expand the number of family mentors and establish peer mentors to connect each client in an intermediate care facility with a mentor to assist in their transition planning.

(3) Subject to funding appropriated specifically for this purpose, the department of social and health services must make every effort to ensure the individual does not lose their community residential services while the individual is receiving stabilization services in a state-operated intermediate care facility. The department of social and health services must:

(a) Work with community residential service providers to provide a 90-day vacancy payment for individuals who are transferred from the community residential service provider to a state-operated intermediate care facility for stabilization services; and

(b) Utilize client resources or other resources to pay the rent for individuals who are facing eviction due to failure to pay the rent caused by the transfer to a state-operated intermediate care facility for stabilization services.

(4) No later than November 1, 2021, the department of social and health services must submit a report describing the efforts outlined in subsections (1) through (3) of this section and make any necessary recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2022 legislative session.

(5) This section expires January 31, 2022."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

Referred to Committee on Appropriations.

March 23, 2021

SB 5291 Prime Sponsor, Senator Conway: Concerning the report deadline for the defense community compatibility account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

March 24, 2021

2SSB 5315 Prime Sponsor, Committee on Ways & Means: Concerning captive insurance. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Finance.

March 23, 2021

ESB 5356 Prime Sponsor, Senator Short: Concerning prime contractor bidding submission requirements on public works contracts. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

March 24, 2021

ESSB 5370 Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Updating mental health advance directive laws. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Gilday, Assistant Ranking Minority Member Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member and Klippert.

Referred to Committee on Rules for second reading.

March 23, 2021

SSB 5376 Prime Sponsor, Committee on Early Learning & K-12 Education: Promoting awareness of the governor's office of the education ombuds. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the office of the education ombuds within the office of the governor was established by the legislature in 2006 to reduce educational opportunity gaps by supporting families, students, educators, and communities in understanding the K-12 school system and resolving concerns collaboratively. The legislature recognizes that it placed the education ombuds within the office of the governor to ensure independence and impartiality.

(2) The legislature recognizes that the education ombuds provides services including:

(a) Informing students, parents or guardians, employees, and members of the public about the state's public elementary and secondary education system;

(b) Identifying obstacles and recommending strategies to help students and community members to participate effectively in schools;

(c) Identifying and recommending strategies for improving student success;

(d) Referring individuals and families to appropriate resources, agencies, or departments;

(e) Facilitating the resolution of informal complaints made by parents and students with regard to the state's public elementary and secondary education system; and

(f) Serving as the lead agency to provide resources and tools to parents and families about public school antiharassment policies and strategies.

(3) The legislature intends for public schools to annually notify parents or guardians, students, and school employees about these services.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Beginning August 1, 2021, at the time of enrollment or admission in a public school, school district, or institutional education facility, a student and the parent or guardian of the

student must be provided with information about the services available through the office of the education ombuds within the office of the governor established under chapter 43.06B RCW.

(2)(a) Beginning August 1, 2021, each public school must:

(i) Include a link on its website to the education ombuds website with a description of the services provided under chapter 43.06B RCW; or

(ii) Provide a description of the services provided under chapter 43.06B RCW and the contact information for the education ombuds in existing materials that are shared annually with families, students, and school employees, such as welcome packets, orientation guides, and newsletters.

(b) Public schools are encouraged to comply with both (a)(i) and (ii) of this subsection (2).

(3) The education ombuds must annually develop and make a template of the notification information required in this section available upon request. The education ombuds must translate this template into Spanish and include other languages as resources allow.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Institutional education facility" means residential habilitation and child study and treatment centers operated by the department of social and health services, state long-term juvenile institutions operated by the department of children, youth, and families, state-operated community facilities, county juvenile detention centers, and facilities of the department of corrections that incarcerate juveniles committed as adults.

(b) "Public school" has the same meaning as in RCW 28A.150.010."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

March 24, 2021

SB 5430 Prime Sponsor, Senator Mullet: Concerning the advanced college tuition payment program. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.95.030 and 2018 c 188 s 2 are each amended to read as follows:

(1) The Washington advanced college tuition payment program shall be administered by the committee on advanced tuition payment which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2)(a) The Washington advanced college tuition payment program shall consist of the sale of tuition units, which may be redeemed by the beneficiary at a future date for an equal number of tuition units regardless of any increase in the price of tuition, that may have occurred in the interval, except as provided in subsections ((~~(7)~~)) (9) and ((~~(8)~~)) (10) of this section.

(b) Each purchase shall be worth a specific number of or fraction of tuition units at each state institution of higher education as determined by the governing body, except as provided in subsections ((~~(7)~~)) (9) and ((~~(8)~~)) (10) of this section.

(c) The number of tuition units necessary to pay for a full year's, full-time undergraduate tuition and fee charges at a state institution of higher education shall be set by the governing body at the time a purchaser enters into a tuition unit contract, except as provided in subsections ((~~(7)~~)) (9) and ((~~(8)~~)) (10) of this section.

(d) The governing body may limit the number of tuition units purchased by any one purchaser or on behalf of any one beneficiary, however, no limit may be imposed that is less than that necessary to achieve four years of full-time, undergraduate tuition charges at a state institution of higher education. The governing body also may, at its discretion, limit the number of participants, if needed, to ensure the actuarial soundness and integrity of the program.

(e) While the Washington advanced college tuition payment program is designed to help all citizens of the state of Washington, the governing body may determine residency requirements for eligible purchasers and eligible beneficiaries to ensure the actuarial soundness and integrity of the program.

(3)(a) No tuition unit may be redeemed until two years after the purchase of the unit.

(b) Units may be redeemed for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter 529 of the internal revenue code. Units may also be redeemed to pay for dual credit fees.

(c) Units redeemed at a nonstate institution of higher education or for graduate enrollment shall be redeemed at the rate for state public institutions in effect at the time of redemption.

(4) The governing body shall determine the conditions under which the tuition benefit may be transferred to another family member. In permitting such transfers, the governing body may not allow the tuition benefit to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(5) The governing body shall administer the Washington advanced college tuition payment program in a manner reasonably designed to be actuarially sound, such that the assets of the trust will be sufficient to defray the obligations of the trust including the costs of administration. The governing body may, at its discretion, discount the minimum purchase price for certain kinds of purchases such as those from families with young children, as long as the actuarial soundness of the account is not jeopardized.

(6) The governing body shall annually determine current value of a tuition unit.

(7) The governing body shall adopt a unit price of no more than 10 percent, including administrative fees, above the current unit payout value if:

(a) The best estimate funded status of the program provided by the state actuary is in excess of at least 120 percent as of July 1st of each year; and

(b) Tuition and fee increases for the academic year immediately following the July 1st best estimate funded status will be no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous 14 years as the wage is determined by the federal bureau of labor statistics.

(8) For units purchased at the 2020-21 unit price, the governing body shall grant additional units to each account holder equivalent to the difference between the 2020-21 unit price and the 2020-21 unit payout value, after adjusting the unit payout value 10 percent above the current price, including administrative fees, as determined by the governing body.

(9) For the 2015-16 and 2016-17 academic years only, the governing body shall set the payout value for units redeemed during that academic year only at one hundred seventeen dollars and eighty-two cents per unit. For academic years after the 2016-17 academic year, the governing body shall make program adjustments it deems necessary and appropriate to ensure that the total payout value of each account on October 9, 2015, is not decreased or diluted as a result of the initial application of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess. In the event the committee or governing body provides additional units under chapter 36, Laws of 2015 3rd sp. sess., the committee and governing body shall also increase the maximum number of units that can be redeemed in any year to mitigate the reduction in available account value during any year as a result of chapter 36, Laws of 2015 3rd sp. sess. The governing body must notify holders of tuition units after the adjustment in this subsection is made and must include a statement concerning the adjustment.

((~~(8)~~)) (10) The governing body shall allow account owners who purchased units before July 1, 2015, to redeem such units at the unit cash value price provided that all the redeemed funds are deposited immediately into an eligible Washington college savings program account established by the governing body. Within ninety days of April 15, 2018, the committee, in consultation with the state actuary and state investment board, shall:

(a) Establish a period that is not less than ninety days during which eligible

purchasers may redeem units at the unit cash value price for the purposes of this subsection and provide at least thirty days' notice prior to the ninety-day window to all eligible account holders about the redemption option; and

(b) Establish the unit cash value price. The committee, in consultation with the state actuary and the state investment board, may revalue the unit cash value price established in this subsection ((~~(8)~~)) (10)(b) up to three times during the ninety-day period in which eligible purchasers may redeem units for the unit cash value price.

((~~(9)~~)) (11)(a) After the governing body completes the requirements of subsection ((~~(8)~~)) (10) of this section, the governing body shall adjust, by March 1, 2019, all remaining unredeemed units purchased before July 1, 2015, as follows:

(i) First, the governing body shall take the difference between the average unit purchase price in each individual's account and the 2016-17 unit payout value and increase the number of units in each individual's account by a number of units of equivalent total value at the 2017-18 unit purchase price, if the average unit purchase price is more than the 2016-17 unit payout value; and

(ii) Second, after (a)(i) of this subsection is completed, the governing body, with assistance from the state actuary, shall grant an additional number of units to each account holder with unredeemed and purchased units before July 1, 2015, in order to lower the best-estimate funded status of the program to one hundred twenty-five percent, subject to a limit of an increase of fifteen percent of unredeemed and purchased units per account holder. The state actuary shall select the measurement date, assumptions, and methods necessary to perform an actuarial measurement consistent with the purpose of this subsection.

(b) For the purpose of this subsection ((~~(9)~~)) (11), and for account holders with uncompleted custom monthly contracts, the governing body shall only include purchased and unredeemed units before July 1, 2015.

((~~(10)~~)) (12) The governing body shall collect an amortization fee as a component of each future unit sold whenever the governing body determines amortization fees are necessary to increase the best-estimate funded status of the program.

((~~(11)~~)) (13) The governing body shall promote, advertise, and publicize the Washington advanced college tuition payment program. Materials and online publications advertising the Washington advanced college tuition payment program shall include a disclaimer that the Washington advanced college tuition payment program's guarantee is that one hundred tuition units will equal one year of full-time, resident, undergraduate tuition at the most expensive state institution of higher education, and that if resident, undergraduate tuition is reduced, a tuition unit may lose monetary value.

((~~(12)~~)) (14) In addition to any other powers conferred by this chapter, the governing body may:

(a) Impose reasonable limits on the number of tuition units or units that may be used in any one year;

(b) Determine and set any time limits, if necessary, for the use of benefits under this chapter;

(c) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(d) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;

(e) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(f) Consider the addition of an advanced payment program for room and board contracts and also consider a college savings program;

(g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities or to further insure the value of the tuition units;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;

(i) Contract for the provision for all or part of the services necessary for the management and operation of the program with other state or nonstate entities authorized to do business in the state;

(j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;

(k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(l) Solicit and accept cash donations and grants from any person, governmental agency, private business, or organization; and

(m) Perform all acts necessary and proper to carry out the duties and responsibilities of this program under this chapter."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hansen; Hoff; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 26, 2021, the 75th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

HOUSE JOURNAL

OF THE
SIXTY-SEVENTH LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2021 Regular Session
Convened January 11, 2021
Adjourned Sine Die April 25, 2021

VOLUME 2

Laurie Jinkins, Speaker
Tina Orwall, Speaker Pro Tempore
Bernard Dean, Chief Clerk

Compiled and edited by Gary Holt, House Journal Clerk

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SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTY FIFTH DAY

House Chamber, Olympia, Friday, March 26, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1157
SENATE BILL NO. 5016
SENATE BILL NO. 5015
SENATE BILL NO. 5018
SENATE BILL NO. 5027
ENGROSSED SUBSTITUTE SENATE BILL NO. 5038
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ENGROSSED SUBSTITUTE SENATE BILL NO. 5193
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SUBSTITUTE SENATE BILL NO. 5267
ENGROSSED SUBSTITUTE SENATE BILL NO. 5284
SENATE BILL NO. 5296
SENATE BILL NO. 5303
SENATE BILL NO. 5347
SENATE BILL NO. 5385

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 25, 2021

2SSB 5000 Prime Sponsor, Committee on Ways & Means: Concerning hydrogen fuel cell electric vehicles. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Walen, Vice Chair and Stokesbary.

Referred to Committee on Transportation.

March 25, 2021

SSB 5003 Prime Sponsor, Committee on Health & Long Term Care: Enacting the living donor act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.02 RCW to read as follows:

(1) Notwithstanding any other provision of law, all insurers, fraternal benefit societies, health carriers including disability, health maintenance organizations, health care service contractors, and limited licensed carriers may not:

(a) Decline or limit coverage of a person under a policy or contract solely due to the status of the person as a living organ donor;

(b) Preclude a person from donating all or part of an organ as a condition of receiving or continuing to receive a policy or contract; or

(c) Otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price, or any other condition of a policy or contract for a person based solely and without any additional actuarial risks upon the status of the person as a living organ donor. Except as provided in RCW 48.43.0128, 48.44.220, or 48.46.370, this subsection does not prohibit fair

discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

(2) The commissioner shall make educational materials available to the health plans and the public on the access of living organ donors to insurance.

(3) The commissioner may adopt rules to implement this section.

(4) For purposes of this section, "living organ donor" means an individual who has donated all or part of an organ and is not deceased."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 25, 2021

SSB 5004 Prime Sponsor, Committee on Ways & Means: Providing a tax exemption for medical marijuana patients. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

On page 1, line 20, after "Until" strike "January 1" and insert "June 30"

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 24, 2021

SSB 5009 Prime Sponsor, Committee on Law & Justice: Enacting the uniform public expression protection act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** SHORT TITLE. This chapter may be known and cited as the uniform public expression protection act.

NEW SECTION. **Sec. 2.** SCOPE. (1) In this section:

(a) "Goods or services" does not include the creation, dissemination, exhibition, or advertisement or similar promotion of a dramatic, literary, musical, political, journalistic, or artistic work.

(b) "Governmental unit" means a public corporation or government or governmental subdivision, agency, or instrumentality.

(c) "Person" means an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity.

(2) Except as otherwise provided in subsection (3) of this section, this chapter applies to a cause of action asserted in a civil action against a person based on the person's:

(a) Communication in a legislative, executive, judicial, administrative, or other governmental proceeding;

(b) Communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding;

(c) Exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or Washington state Constitution, on a matter of public concern.

(3)(a) Except when (b) of this subsection applies, this chapter does not apply to a cause of action asserted:

(i) Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;

(ii) By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety;

(iii) Against a person primarily engaged in the business of selling or

leasing goods or services if the cause of action arises out of a communication related to the person's sale or lease of the goods or services;

(iv) Against a person named in a civil suit brought by a victim of a crime against a perpetrator;

(v) Against a person named in a civil suit brought to establish or declare real property possessory rights, use of real property, recovery of real property, quiet title to real property, or related claims relating to real property;

(vi) Seeking recovery for bodily injury, wrongful death, or survival or to statements made regarding that legal action, unless the claims involve damage to reputation;

(vii) Brought under the insurance code or arising out of an insurance contract;

(viii) Based on a common law fraud claim;

(ix) Brought under Title 26 RCW, or counterclaims based on a criminal no-contact order pursuant to chapter 10.99 RCW, for or based on an antiharassment order under chapter 10.14 RCW or RCW 9A.46.050, for or based on a sexual assault protection order under chapter 7.90 RCW, or for or based on a vulnerable adult protection order under chapter 74.34 RCW;

(x) Brought under Title 49 RCW; negligent supervision, retention, or infliction of emotional distress unless the claims involve damage to reputation; wrongful discharge in violation of public policy; whistleblowing, including chapters 42.40 and 42.41 RCW; or enforcement of employee rights under civil service, collective bargaining, or handbooks and policies;

(xi) Brought under the consumer protection act, chapter 19.86 RCW; or

(xii) Any claim brought under federal law.

(b) This chapter applies to a cause of action asserted under (a)(iii), (viii), or (xi) of this subsection when the cause of action is:

(i) A legal action against a person arising from any act of that person, whether public or private, related to the gathering, receiving, posting, or processing of information for communication to the public, whether or not the information is actually communicated to the public, for the creation, dissemination, exhibition, or advertisement or other similar promotion of a dramatic, literary, musical, political, journalistic, or otherwise artistic work, including audio-visual work regardless of the means of distribution, a motion picture, a television or radio program, or an article published in a newspaper, website, magazine, or other platform, no matter the method or extent of distribution; or

(ii) A legal action against a person related to the communication, gathering, receiving, posting, or processing of consumer opinions or commentary, evaluations of consumer complaints, or reviews or ratings of businesses.

NEW SECTION. **Sec. 3.** SPECIAL MOTION FOR EXPEDITED RELIEF. (1) Prior to filing a special motion for expedited relief under subsection (2) of this section, the moving party shall provide written notice to the responding party of its intent to file the motion at least 14 days prior to filing the motion. During that time, the responding party may withdraw or amend the pleading in accordance with applicable court rules, but shall otherwise comply with the stay obligations listed in section 4 of this act. If the moving party fails to provide the notice required under this subsection, such failure shall not affect the moving party's right to relief under this act, but the moving party shall not be entitled to recover reasonable attorneys' fees under section 10 of this act.

(2) Not later than sixty days after a party is served with a complaint, cross-claim, counterclaim, third-party claim, or other pleading that asserts a cause of action to which this chapter applies, or at a later time on a showing of good cause, the party may file a special motion for expedited relief to dismiss the cause of action or part of the cause of action.

NEW SECTION. **Sec. 4.** STAY. (1) Except as otherwise provided in subsections (4) through (7) of this section, on the earlier of the giving of notice of intent to file a motion under section 3(1) of this act or the filing of a motion under section 3(2) of this act:

(a) All other proceedings between the moving party and responding party,

including discovery and a pending hearing or motion, are stayed; and

(b) On motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the motion under section 3 of this act.

(2) A stay under subsection (1) of this section remains in effect until entry of an order ruling on the motion under section 3 of this act and expiration of the time under section 9 of this act for the moving party to appeal the order.

(3) Except as otherwise provided in subsections (5), (6), and (7) of this section, if a party appeals from an order ruling on a motion under section 3 of this act, all proceedings between all parties in the action are stayed. The stay remains in effect until the conclusion of the appeal.

(4) During a stay under subsection (1) of this section, the court may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden under section 7(1) of this act and the information is not reasonably available unless discovery is allowed.

(5) A motion under section 10 of this act for costs, attorneys' fees, and expenses is not subject to a stay under this section.

(6) A stay under this section does not affect a party's ability voluntarily to dismiss a cause of action or part of a cause of action or move to sever a cause of action.

(7) During a stay under this section, the court for good cause may hear and rule on:

(a) A motion unrelated to the motion under section 3 of this act; and

(b) A motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

NEW SECTION. **Sec. 5.** HEARING. (1) The court shall hear a motion under section 3 of this act not later than sixty days after filing of the motion, unless the court orders a later hearing:

(a) To allow discovery under section 4(4) of this act; or

(b) For other good cause.

(2) If the court orders a later hearing under subsection (1)(a) of this section, the court shall hear the motion under section 3 of this act not later than sixty days after the court order allowing the discovery, unless the court orders a later hearing under subsection (1)(b) of this section.

NEW SECTION. **Sec. 6.** PROOF. In ruling on a motion under section 3 of this act, the court shall consider the pleadings, the motion, any reply or response to the motion, and any evidence that could be considered in ruling on a motion for summary judgment under superior court civil rule 56.

NEW SECTION. **Sec. 7.** DISMISSAL OF CAUSE OF ACTION IN WHOLE OR PART. (1) In ruling on a motion under section 3 of this act, the court shall dismiss with prejudice a cause of action, or part of a cause of action, if:

(a) The moving party establishes under section 2(2) of this act that this chapter applies;

(b) The responding party fails to establish under section 2(3) of this act that this chapter does not apply; and

(c) Either:

(i) The responding party fails to establish a prima facie case as to each essential element of the cause of action; or

(ii) The moving party establishes that:

(A) The responding party failed to state a cause of action upon which relief can be granted; or

(B) There is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.

(2) A voluntary dismissal without prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under section 3 of this act does not affect a moving party's right to obtain a ruling on the motion and seek costs, attorneys' fees, and expenses under section 10 of this act.

(3) A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under section 3 of this act establishes for the purpose of section 10 of this act that the moving party prevailed on the motion.

NEW SECTION. **Sec. 8.** RULING. The court shall rule on a motion under section 3 of this act not later than sixty days after a hearing under section 5 of this act.

NEW SECTION. **Sec. 9.** APPEAL. A moving party may appeal as a matter of right from an order denying, in whole or in part, a motion under section 3 of this act. The appeal must be filed not later than twenty-one days after entry of the order.

NEW SECTION. **Sec. 10.** COSTS, ATTORNEYS' FEES, AND EXPENSES. On a motion under section 3 of this act, the court shall award court costs, reasonable attorneys' fees, and reasonable litigation expenses related to the motion:

(1) To the moving party if the moving party prevails on the motion; or

(2) To the responding party if the responding party prevails on the motion and the court finds that the motion was not substantially justified or filed solely with intent to delay the proceeding.

NEW SECTION. **Sec. 11.** CONSTRUCTION. This chapter must be broadly construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, guaranteed by the United States Constitution or the Washington state Constitution.

NEW SECTION. **Sec. 12.** UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. **Sec. 13.** TRANSITIONAL PROVISION. This chapter applies to a civil action filed or cause of action asserted in a civil action on or after the effective date of this section.

NEW SECTION. **Sec. 14.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 15.** RCW 4.24.525 (Public participation lawsuits—Special motion to strike claim—Damages, costs, attorneys' fees, other relief—Definitions) and 2010 c 118 s 2 are each repealed.

NEW SECTION. **Sec. 16.** Sections 1 through 13 of this act constitute a new chapter in Title 4 RCW."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

March 24, 2021

ESSB 5115 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Establishing health emergency labor standards. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32 RCW to read as follows:

(1) For frontline employees who are covered under this title, there exists a prima facie presumption that any infectious or contagious diseases that are transmitted through respiratory droplets or aerosols, or through contact with contaminated surfaces and are the subject of a public health emergency are occupational diseases under RCW 51.08.140 during a public health emergency.

(2) The frontline employee must provide verification, as required by the department by rule, to the department and the self-insured employer that the employee has contracted the infectious or contagious disease that is the subject of the public health emergency.

(3) This presumption of occupational disease may be rebutted by a preponderance of the evidence that:

(a) The exposure to the infectious or contagious disease which is the subject of the public health emergency occurred from other employment or nonemployment activities; or

(b) The employee was working from the employee's home, on leave from the employee's employment, or some combination thereof, for the period of quarantine consistent with recommended guidance from state and federal health officials for the disease immediately prior to the employee's injury, occupational disease, or period of incapacity that resulted from exposure to the disease which is the subject of the public health emergency.

(4)(a) RCW 51.32.090(7) does not apply to an occupational disease under this section except that no worker shall receive compensation for or during the day on which the occupational disease was contracted. For the purposes of this subsection (4), the day on which the occupational disease was contracted is whichever date occurs first of the following:

(i) The date that the worker first missed work due to symptoms of the infectious or contagious disease;

(ii) The date the worker was quarantined by a medical provider or public health official; or

(iii) The date the worker received a positive test result confirming contraction of the infectious or contagious disease.

(b) If leave or similar benefits are paid to the frontline employee as part of a federal or state program for these employees during the public health emergency, temporary total disability benefits are not payable for the same period of time covered by the federal or state program.

(5)(a) When a determination involving the presumption established in this section is appealed to the board of industrial insurance appeals and the final decision allows the claim of benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the worker or the worker's beneficiary by the opposing party. If the opposing party is a state fund employer or retrospective rating group, the costs and fees are paid by the employer or retrospective rating group.

(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of appeal, including attorneys' fees and witness fees, be paid to the worker or the worker's beneficiary by the opposing party. If the opposing party is a state fund employer or retrospective rating group, the costs and fees are paid by the employer or retrospective rating group.

(c) When reasonable costs of the appeal must be paid by the department under this section in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

(d) When calculating assessments due to the department for which total claim costs are the basis, self-insured employers and self-insurance hospital groups formed under RCW 51.14.150 and 51.14.160 may deduct the cost of payments made under this section from the total of all claim costs reported.

(6) Costs of the payments under this section shall not affect the experience rating of employers insured by the state fund.

(7) As used in this section:

(a) "Assisted living facility" has the same meaning as in RCW 18.20.020.

(b) "Farm work" means work performed on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment. For the purposes of this subsection, "farm work" includes floriculture.

(c) "Food distribution work" means work where the primary duties include

transporting food from food producers or manufacturers to food warehouses or food service operators and retailers.

(d) "Food manufacturing work" means work performed for an employer whose North American industry classification code is within "311."

(e) "Food processing work" means work handling or processing of any food in any manner of preparation for sale for an employer required to be licensed by the department of agriculture under chapter 69.07 RCW.

(f) "Frontline employee" includes the following employees:

(i) First responders, including law enforcement officers, firefighters, emergency medical service providers, paramedics, and ambulance drivers. "Firefighters" includes wildland firefighters when performing wildfire suppression or other emergency duties under the incident command system if the firefighter has in-person interaction with the general public or other firefighters as part of their job duties;

(ii) Employees performing food processing, food manufacturing, food distribution, farm, and meat packing work;

(iii) Maintenance, janitorial, and food service workers at any facility treating patients diagnosed with the infectious or contagious disease that is the subject of the public health emergency;

(iv) Drivers and operators employed by a transit agency or any other public entity authorized under state law to provide mass transportation services to the general public;

(v) Employees working at a child care facility licensed by the department of children, youth, and families under chapter 43.216 RCW, if the employee has in-person interaction with children or other members of the general public as part of their job duties;

(vi) Employees employed by a retail store that remains open to the general public during the public health emergency, if the employee has in-person interaction with the general public as part of their job duties or has in-person interaction with other employees. For the purposes of this subsection, "retail store" means a business whose North American industry classification code is within "44-45";

(vii) Employees employed by a hotel, motel, or other transient accommodation licensed under chapter 70.62 RCW that remains open to the general public during the public health emergency, if the employee has in-person interaction with the general public as part of their job duties or has in-person interaction with other employees;

(viii) Employees employed by a restaurant, if the employee has in-person interaction with the general public as part of their job duties or works in the kitchen of the restaurant and has in-person interaction with other employees. For the purposes of this subsection, "restaurant" has the same meaning as in RCW 66.04.010;

(ix) Home care aides certified under chapter 18.88B RCW and home health aides that provide services under chapter 70.126 RCW that primarily work in the home of the individual receiving care;

(x)(A) Corrections officers and correctional support employees working at a correctional institution.

(B) For the purposes of this subsection (7)(f)(x):

(I) "Correctional institution" has the same meaning as in RCW 9.94.049.

(II) "Corrections officer" means any corrections agency employee whose primary job function is to provide custody, safety, and security of prisoners in jails and detention facilities.

(III) "Correctional support employee" means any employee who provides food services or janitorial services in a correctional institution;

(xi) Educational employees, including classroom teachers, paraeducators, principals, librarians, school bus drivers, and other educational support staff, of any school district, or a contractor of a school district, that are required to be physically present at a school or on the grounds of a school where classes are being taught in person, in a transportation vehicle necessary for school operations, or in the home of a student as part of their job duties, if the employee has in-person interaction with students, a student's family members, or other employees as part of their job duties;

(xii) Employees of institutions of higher education that are required to be physically present on campus when classes are being taught in person, if the employee has in-person interaction with students or the general public as part of their job duties. For the purposes of this subsection, "institution of higher education" has the same meaning as in RCW 28B.10.016;

(xiii) Employees employed by a public library that remains open to the general public during the public health emergency, if the employee has in-person interaction with the general public as part of their job duties or has in-person interaction with other employees. For the purposes of this subsection, "public library" means a library covered by chapter 27.12 RCW.

(g) "Meat packing work" means work slaughtering animals and processing and packaging meat products for sale and the rendering of animal by-products.

(h) "Nursing home" means a nursing home licensed under chapter 18.51 RCW.

(i) "Public health emergency" means a declaration or order concerning any infectious or contagious diseases, including a pandemic and is issued as follows:

(i) The president of the United States has declared a national or regional emergency that covers every county in the state of Washington; or

(ii) The governor of Washington has declared a state of emergency under RCW 43.06.010(12).

(j) "School" has the same meaning as in RCW 28A.210.070.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17 RCW to read as follows:

(1) During a public health emergency:

(a) An employer with more than 50 employees at a workplace or worksite, within 24 hours of confirming that 10 or more of their employees at the workplace or worksite in this state have tested positive for the infectious or contagious disease that is the subject of the public health emergency, must report the positive tests to the department in a form prescribed by the department.

(b) The department must consult with the department of health on the infectious or contagious disease that is the subject of the public health emergency:

(i) Before issuing regulatory guidance, rules, directives, or orders for health care facilities under this section; and

(ii) When investigating health care entities and issuing citations under this section.

(c) The report required in (a) of this subsection may not include any employee names or personal identifying information.

(2) The department may use the reports in subsection (1) of this section to identify potential clusters of infections at specific workplaces or industries and investigate workplaces for violations of this chapter.

(3) During a public health emergency, the name, email and residential addresses, license plate number, and other personally identifiable information regarding employees of the department are exempt from disclosure under chapter 42.56 RCW to the extent that the disclosure would violate their right to privacy or pose a risk to their personal safety or security.

(4) This section does not require an employee to disclose any medical condition or diagnosis to their employer.

(5) This section does not alter or eliminate any other reporting obligations an employer has under state or federal law.

(6)(a) During a public health emergency, no employer may discharge, permanently replace, or in any manner discriminate against an employee who is high risk as a result of the employee:

(i) Seeking accommodation that protects them from the risk of exposure to the infectious or contagious disease; or

(ii) If no accommodation is reasonable, utilizing all available leave options, including but not limited to leave without pay and unemployment insurance, until completion of the public health emergency or accommodation is made available.

(b) This subsection (6) does not alter or diminish any existing remedy available to the worker under current state or federal law.

(c) For the purposes of this subsection (6), "an employee who is high risk" means an employee who:

(i) Due to age or an underlying health condition, is at a high risk of severe illness from the disease that is the subject of the public health emergency, as defined by the centers for disease control and prevention; or

(ii) A medical provider has recommended the employee's removal from the workforce because of their high risk of severe illness.

(7) For the purposes of this section, "public health emergency" means a declaration or order concerning any infectious or contagious diseases, including a pandemic and is issued as follows:

(a) The president of the United States has declared a national or regional emergency that covers every county in the state of Washington; or

(b) The governor of Washington has declared a state of emergency under RCW 43.06.010(12) in every county in the state.

NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17 RCW to read as follows:

(1) During a public health emergency, if an employer receives a notice of potential exposure to the infectious or contagious disease that is the subject of the public health emergency, the employer must, within one business day of potential exposure:

(a) Provide written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual that they may have been exposed to the infectious or contagious disease. The written notice must be made in a manner the employer normally uses to communicate employment-related information. Written notice may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending and must be in both English and the language understood by the majority of the employees; and

(b) Provide a written notice to the exclusive representative, if any, of employees under this subsection (1).

(2) The written notice under subsection (1) of this section may not include any employee names or personal identifying information.

(3) This section does not alter or eliminate any other reporting obligations an employer has under state or federal law.

(4) This section does not require an employee to disclose any medical condition or diagnosis to their employer.

(5) This section does not apply to employers who are health care facilities as defined in RCW 9A.50.010. For employees of health care facilities with known or suspected high-risk exposure, notification to the employee, and with the employee's authorization, to their union representative, if any, by the facility must occur within 24 hours of confirmed exposure.

(6) For the purposes of this section:

(a) "Notice of potential exposure" means any of the following:

(i) Notification to the employer from a public health official or licensed medical provider that an employee was exposed to a qualifying individual at the worksite;

(ii) Notification to the employer from an employee, or their emergency contact, that the employee is a qualifying individual;

(iii) Notification through a testing protocol of the employer that the employee is a qualifying individual.

(b) "Public health emergency" means a declaration or order concerning any infectious or contagious diseases, including a pandemic and is issued as follows:

(i) The president of the United States has declared a national or regional emergency that covers every county in the state of Washington; or

(ii) The governor of Washington has declared a state of emergency under RCW 43.06.010(12) in every county in the state.

(c) "Qualifying individual" means any person who has:

(i) A positive laboratory test for the infectious or contagious disease that is the subject of the public health emergency;

(ii) A positive diagnosis of the infectious or contagious disease that is the subject of the public health emergency by a licensed health care provider;

(iii) An order to isolate by a public health official related to the infectious or contagious disease that is the subject of the public health emergency; or

(iv) Died due to the infectious or contagious disease that is the subject of the public health emergency, in the determination of a local health department.

(d) "Worksite" means the building, store, facility, agricultural field, or other location where the qualifying individual worked. "Worksite" does not include any buildings, floors, or other locations of the employer that the qualifying individual did not enter.

NEW SECTION. **Sec. 4.** This act may be known and cited as the health emergency labor standards act.

NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 25, 2021

SB 5124 Prime Sponsor, Senator Cleveland: Concerning the practice of colon hydrotherapy. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 25, 2021

SSB 5157 Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Providing incentives to reduce involvement by persons with behavioral disorders in the criminal justice system. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that in 2013 the legislature adopted outcome expectations for entities that contract with the state to provide health services in order to guide purchasing strategies by the health care authority and department of social and health services. Since then, the health care authority has established a performance measures coordinating committee and implemented performance terms in managed care contracts including, but not limited to, performance measurement requirements, mandatory performance improvement projects, and value-based purchasing terms.

The legislature finds that two outcomes established by chapter 320, Laws of 2013 (Engrossed Substitute House Bill No. 1519) and chapter 338, Laws of 2013 (Second Substitute Senate Bill No. 5732) which are key to the integration of behavioral health into primary health networks are (1) reduction in client involvement with the criminal justice system; and (2) reduction in avoidable costs in jails and prisons. These outcomes reflect Washington's priorities to incentivize cross-system collaboration between health networks, government entities, and the criminal justice system; to emphasize prevention over crisis response; and to remove individuals whose offending is driven primarily by health status instead of criminality from the criminal justice system.

The legislature further finds that indicators since 2013 show worsening trends for interaction between persons with behavioral health disorders and the criminal justice system. According to data presented in October 2018 by the research and data administration of the department of social and health services, arrests of persons enrolled in public health with an identified mental health

or substance use disorder condition increased by 67 percent during this five-year period, while the overall rate of arrest declined by 11 percent. According to the same data source, referrals for state mental health services related to competency to stand trial have increased by 64 percent, incurring substantial liability for the state in the case of *Trueblood v. Department of Social and Health Services*. The purpose of this act is to focus the health care authority's purchasing efforts on providing incentives to its contractors to reverse these trends and achieve the outcome of reduced criminal justice system involvement for public health system clients with behavioral health disorders.

Sec. 2. RCW 70.320.020 and 2017 c 226 s 8 are each amended to read as follows:

(1) The authority and the department shall base contract performance measures developed under RCW 70.320.030 on the following outcomes when contracting with service contracting entities: Improvements in client health status and wellness; increases in client participation in meaningful activities; reductions in client involvement with criminal justice systems; reductions in avoidable costs in hospitals, emergency rooms, crisis services, and jails and prisons; increases in stable housing in the community; improvements in client satisfaction with quality of life; and reductions in population-level health disparities.

(2) The performance measures must demonstrate the manner in which the following principles are achieved within each of the outcomes under subsection (1) of this section:

(a) Maximization of the use of evidence-based practices will be given priority over the use of research-based and promising practices, and research-based practices will be given priority over the use of promising practices. The agencies will develop strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities and community organizations that serve diverse communities;

(b) The maximization of the client's independence, recovery, and employment;

(c) The maximization of the client's participation in treatment decisions; and

(d) The collaboration between consumer-based support programs in providing services to the client.

(3) In developing performance measures under RCW 70.320.030, the authority and the department shall consider expected outcomes relevant to the general populations that each agency serves. The authority and the department may adapt the outcomes to account for the unique needs and characteristics of discrete subcategories of populations receiving services, including ethnically diverse communities.

(4) The authority and the department shall coordinate the establishment of the expected outcomes and the performance measures between each agency as well as each program to identify expected outcomes and performance measures that are common to the clients enrolled in multiple programs and to eliminate conflicting standards among the agencies and programs.

(5)(a) The authority and the department shall establish timelines and mechanisms for service contracting entities to report data related to performance measures and outcomes, including phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance measures and levels of improvement between geographic regions of Washington.

(b) The authority and the department may not release any public reports of client outcomes unless the data has been deidentified and aggregated in such a way that the identity of individual clients cannot be determined through directly identifiable data or the combination of multiple data elements.

(6)(a) The ((~~authority and department~~)) performance measures coordinating committee must establish ((~~a~~)): (i) A performance measure to be integrated into the statewide common measure set which tracks effective integration practices of behavioral health services in primary care settings; (ii) performance measures which track rates of criminal justice system involvement among public health system clients with an identified behavioral health need including, but not limited

to, rates of arrest and incarceration; and (iii) improvement targets related to these measures.

(b) The performance measures coordinating committee must report to the governor and appropriate committees of the legislature regarding the implementation of this subsection by July 1, 2022.

(c) For purposes of establishing performance measures as specified in (a)(ii) and (iii) of this subsection, the performance measures coordinating committee shall convene a work group of stakeholders including the authority, medicaid managed care organizations, the department of corrections, and others with expertise in criminal justice and behavioral health. The work group shall review current performance measures that have been adopted in other states or nationally to inform this effort.

(7) The authority must report to the governor and appropriate committees of the legislature by October 1, 2022, regarding options and recommendations for integrating value-based purchasing terms and a performance improvement project into managed health care contracts relating to the criminal justice outcomes specified under subsection (1) of this section.

Sec. 3. RCW 70.320.030 and 2015 c 209 s 1 are each amended to read as follows:

((~~By September 1, 2014:~~))

(1) The authority shall adopt performance measures to determine whether service contracting entities are achieving the outcomes described in RCW 70.320.020 and 41.05.690 for clients enrolled in medical managed care programs operated according to Title XIX or XXI of the federal social security act.

(2) The ((~~department~~)) authority shall adopt performance measures to determine whether service contracting entities are achieving the outcomes described in RCW 70.320.020 for clients receiving mental health, long-term care, or chemical dependency services."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 25, 2021

ESSB 5178 Prime Sponsor, Committee on Health & Long Term Care: Establishing automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency. (REVISED FOR ENGROSSED: Establishing timely considerations of waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency.) Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.06 RCW to read as follows:

(1)(a) If when declaring or amending a statewide state of emergency pursuant to RCW 43.06.010, the governor determines that the emergency demands immediate action by hospitals to prevent critical health system failures and ensure hospitals' ability to work with emergency management in responding to the emergency, the governor shall, either simultaneously or within five days of that determination, specify within the emergency order or amended emergency order which of the following health care related statutes and substantially equivalent regulations shall be waived or suspended based on the nature of the declared emergency:

(i) RCW 70.38.105(4) (a), (e), and (h);

(ii) RCW 70.41.110, the following language only: "premises and";

(iii) RCW 70.41.230;

(iv) RCW 70.41.090 (3), (4), and (5);

(v) RCW 18.64.043(1), the following language only: "of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve,";

(vi) RCW 18.64.043(2)(a), the following language only: "of location";

(vii) RCW 18.64.043(3), the following language only: "and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.";

(viii) RCW 43.70.280(2), the following language only: "Such extension, reduction, or other modification of a licensing, certification, or registration period shall be by rule or regulation of the department of health adopted in accordance with the provisions of chapter 34.05 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended or modified period."; and

(ix) RCW 18.360.010(11), the following language only: "physically present and is" and "in the facility. The health care practitioner does not need to be present during procedures to withdraw blood, but must be immediately available.".

(b) Hospitals that rely on waiver or suspension under (a) of this subsection shall notify the department within 14 days of initiating such reliance.

(c) Nothing in this section prevents the governor from waiving or suspending any statutes and substantially equivalent regulations outside the time frames established in this section. Additionally, the governor may waive or suspend any additional statutes, without limitation, as the governor deems necessary to address the emergency.

(2) Waivers and suspensions in subsection (1) of this section do not apply except to projects undertaken to provide or respond to surge capacity, including temporary increases in bed capacity, during the governor's declaration of a statewide state of emergency. Such projects and increases in bed capacity must comply with these statutory and regulatory provisions after the termination of the state of emergency."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Harris; Macri; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member; Maycumber and Ybarra.

Referred to Committee on Rules for second reading.

March 25, 2021

E2SSB 5188 Prime Sponsor, Committee on Ways & Means: Concerning creation of the Washington state public financial cooperative. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. The legislature finds that there exists in the state of Washington billions of dollars of critical local projects for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, storm and sanitary sewage systems, solid waste handling, communications systems, housing, and other public infrastructure and economic development projects. But while some local governments successfully borrow for infrastructure and economic development capital projects through private sector lenders and the bond markets, other government entities do not have the same access to capital at attractive rates to be used in building out public infrastructure.

It is the policy of the state of Washington to encourage self-reliance by local and tribal governments in meeting their public works and economic development needs, and to assist in the financing of critical public works and economic development projects by providing effective mechanisms for making and financing loans and providing financing guarantees that do not create state debt. It is also the policy of the state to provide technical assistance to government entities for these projects.

It is further the policy of the state to foster and promote by all reasonable means the provision of adequate capital markets and facilities for borrowing money by local governments in the state to finance infrastructure improvements, and to the greatest extent possible to reduce costs of borrowed money to taxpayers and residents of the state.

The legislature finds that a Washington state public financial cooperative would provide opportunities for local and tribal government entities

to competitively finance a broad array of public infrastructure and economic development projects, including housing, at competitive rates with low administrative costs. A state public financial cooperative will complement the existing banking system by filling gaps that the system cannot or will not fill, and it will be uniquely positioned to provide specialized technical assistance to the diverse needs of local and tribal government entities.

It is the purpose of this chapter to establish a Washington state public financial cooperative to act as a financial conduit that, without creating state debt, can receive funds from state, local, and tribal government entities, issue and make loans to those entities, and issue bonds in a manner that does not create state debt, to help facilitate access to needed capital by local and tribal government entities on reasonable terms and rates.

The state public financial cooperative will have full powers to borrow money and to issue its bonds and notes in a manner that does not create state debt in order to make capital funds available for borrowing by local and tribal government entities, and those powers will enable the state public financial cooperative to carry out the declared policies of this act, which are in the public interest of the state and its taxpayers and residents.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the operating board of the cooperative established in section 3 of this act.

(2) "Bonds" means any bonds, notes, debentures, interim certificates, conditional sales or lease financing agreements, lines of credit, forward purchase agreements, investment agreements, and other banking or financial arrangements, guaranties, or other obligations issued by or entered into by the cooperative, which does not create state debt. Such bonds may be issued on either a tax-exempt or taxable basis.

(3) "Borrower" means one or more local or tribal governments.

(4) "Cooperative" means the Washington state public financial cooperative established in section 3 of this act, or any board, body, commission, department, or officer succeeding to the principal functions of the cooperative or to whom the powers conferred upon the cooperative are given by law.

(5) "Financial assistance" means the infusion of capital to a borrower for use in the planning, acquisition, construction, repair, replacement, rehabilitation, development, and expansion of infrastructure and economic development projects.

(6) "Financing agreements" means, and includes without limitation, a contractual arrangement with a borrower whereby the cooperative obtains rights from a borrower in exchange for the granting of financial assistance to the borrower.

(7) "Financing document" means an instrument executed by the cooperative and one or more borrowers pertaining to the issuance of or security for bonds, or the application of the proceeds of bonds or other funds of, or payable to, the cooperative. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement or indenture, security agreement, letter or line of credit, reimbursement agreement, insurance policy, guaranty agreement, or currency or interest rate swap agreement. A financing document also may be an agreement between the cooperative and an eligible banking organization which has agreed to make a loan to a borrower.

(8) "Infrastructure projects" means undertakings for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, storm and sanitary sewage systems, solid waste handling, pollution control facilities, schools, communications systems, docks and wharves, mass transportation facilities and equipment, public housing, fire suppressing and emergency services equipment and facilities, energy generating, conservation, or transmission facilities, and other public infrastructure deemed eligible by the board.

(9) "Local government" means any Washington city, town, county, special purpose district, authority, instrumentality, or other local

municipal or interlocal entity created pursuant to Washington law.

(10) "Member" means the state government, a local government, or a tribal government that has joined the cooperative consistent with section 4 of this act.

(11) "Project costs" means costs of:

(a) Acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of land, rights to land, buildings, structures, docks, wharves, fixtures, machinery, equipment, excavations, paving, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities, and any other real or personal property included in an infrastructure project;

(b) Architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of an infrastructure project, including costs of studies assessing the feasibility of an infrastructure project;

(c) Finance costs, including the costs of credit enhancement and discounts, if any, the costs of issuing revenue bonds, and the costs incurred in carrying out any financing document;

(d) Start-up costs, working capital, capitalized research and development costs, capitalized interest during construction and during the 18 months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves;

(e) The refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and

(f) Other costs incidental to any of the costs listed in this subsection.

(12) "State" means the state of Washington and any department, agency, or instrumentality thereof other than the cooperative.

(13) "Tribal government" means the governing body of a federally recognized Indian tribe.

NEW SECTION. **Sec. 3.** ESTABLISHMENT. (1) The Washington state public financial cooperative is established as a public body corporate and politic, with perpetual corporate succession, constituting an instrumentality of the state of Washington exercising essential governmental functions. The cooperative is a public body within the meaning of RCW 39.53.010.

(2)(a) The cooperative is activated when:

(i) The state treasurer completes a study that provides recommendations on staffing and operational needs for the cooperative to be administered by the Washington state housing finance commission. The state treasurer shall contract with a consultant with expertise in developing detailed operating plans for financial institutions using an appropriation from the general fund to complete the study. The study must ensure that the administration of the cooperative does not interfere with the core mission of the Washington state housing finance commission;

(ii) An appropriation that is sufficient to capitalize the cooperative so that it can issue debt with a competitive rating is provided; and

(iii) Executed articles of activation in a form approved by the state finance committee are filed with the secretary of state.

(b) The cooperative is deemed to have been formed as of the date of filing articles of activation under (a)(iii) of this subsection. The articles of activation must be approved by the legislative authority of each of the member local or tribal governments that subsequently becomes a member. Each member local or tribal government must provide to the cooperative a contribution of an amount approved by the state finance committee, and the board may subsequently adjust the minimum contribution level for current and new members. Any amendments to the articles of activation must be filed with the secretary of state and will become effective on the date of filing.

(3) A duplicate of the original articles of activation and amended articles of activation must be filed with the department of financial institutions. The filing of amended articles of activation must include the text of each amendment adopted and the

date of its adoption. The cooperative must also file the following with the department of financial institutions:

(a) The address of the location of the main office of the cooperative;

(b) The names and places of residence of the persons who are directors under this section;

(c) The name and place of residence of the executive director hired by the board in accordance with this section;

(d) Bylaws and regulations adopted and amended by the board under section 4 of this act; and

(e) Any other information the director of the department of financial institutions deems necessary to perform a review of the funds placed with the cooperative and the accounts and transactions of the cooperative in carrying out the cooperative's duties, as provided in this section.

(4)(a) The operating board of the cooperative consists of nine directors. Terms of directors are four years, with half of the initial directors other than the initial chair serving two-year terms as determined by lot, with those positions being filled for four-year terms thereafter.

(b) Five member-appointed directors must be selected by a majority of the members of the cooperative. Member-appointed directors must be elected local or tribal government officials. Three public directors must be appointed by the governor and confirmed by the senate. The public directors must be residents of the state appointed by the governor on the basis of their interest and expertise in finance, accounting, budgeting, economic development, infrastructure planning, design, construction, or project management. The state treasurer shall serve as an ex officio director.

(c) One of the public members shall be appointed by the governor as chair of the board and shall serve as chair at the pleasure of the governor. The initial chair must serve a full four-year term. The cooperative may select from its membership such other officers of the cooperative as it deems appropriate, including without limitation a secretary and a treasurer.

(d) In the event of a vacancy on the board due to death, resignation, lack of qualification to serve as a director, or otherwise, a successor for the remainder of the unexpired term shall be selected in the same manner as the selection of the director whose position has become vacant. Any independent member of the cooperative may be removed by the governor for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless such notice and hearing are expressly waived in writing by the affected public member.

(e) The state treasurer may designate an employee to act on his or her behalf in all respects with regard to any matter to come before the cooperative. Such designation must be made in writing in such manner as is specified by the rules of the cooperative.

(f) A majority of the directors constitutes a quorum.

(g) The directors of the cooperative serve without compensation but are entitled to reimbursement, solely from the funds of the cooperative, for expenses incurred in the discharge of their duties under this chapter.

(5) The state finance committee serves as the oversight board of the cooperative. In that capacity, the state finance committee must carry out the responsibilities specified in this chapter. In addition, the state finance committee may at its discretion require independent audits of the accounts and transactions of the cooperative and the methods, procedures, and operation of the cooperative in carrying out its duties.

(6) The cooperative is a state agency subject to audit by the state auditor under chapter 43.09 RCW. In addition, the department of financial institutions may, at the discretion of the director of financial institutions, review the funds placed with the cooperative and the accounts and transactions of the cooperative in carrying out the cooperative's duties. Nothing in this subsection establishes that the cooperative is an institution or entity otherwise subject to the jurisdiction of the department of financial institutions.

(7) The board has the authority to hire and fire an executive director. The executive director shall be funded in the Washington state housing finance commission budget and shall administer and operate the Washington state public financial cooperative.

(8) The cooperative's administration and operation must be performed by employees of the Washington state housing finance commission, subject to the terms of one or more agreements between the cooperative and the commission concerning responsibilities of the commission's staff and compensation of the commission.

(9) The board must approve the budget of the cooperative annually.

(10) The board shall establish an internal audit committee.

(11) The cooperative shall have a goal of providing 35 percent of the amount it lends on an annual basis to support housing in low to moderate-income areas, beginning five years after the cooperative has been activated as provided in this section.

(12) The cooperative must not be or constitute a bank or trust company within the jurisdiction or under the control of the director of financial institutions, the comptroller of the currency of the United States of America, or the United States department of the treasury.

(13) The cooperative must not be or constitute a bank, broker, or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange, or securities dealers' law of the United States of America or this state.

(14) The cooperative is not a public depositary for any purpose under chapter 39.58 RCW.

(15) The cooperative may not issue bonds in a manner that would create state debt.

NEW SECTION. **Sec. 4.** POWERS. The cooperative is authorized to:

(1) Sue and be sued in its own name, and plead and be impleaded;

(2) Adopt and alter an official seal;

(3) Make and enforce bylaws and regulations for the conduct of its business and for the use of its services and facilities;

(4) Engage such independent consultants, attorneys, and advisers as the cooperative deems necessary, useful, or convenient to accomplish its purposes, and, subject to section 5(6) of this act, contract with federal, state, and local or tribal governmental entities for services;

(5) Make and execute all manner of contracts, agreements, and instruments and financing documents with public and private parties as the cooperative deems necessary, useful, or convenient to accomplish its purposes;

(6) Acquire, hold, use, and dispose of real or personal property, or any interest therein, in the name of the cooperative, and to sell, assign, lease, encumber, mortgage, or otherwise dispose of the same in such manner as the cooperative deems necessary, useful, or convenient to accomplish its purposes;

(7) Acquire, hold, use, and dispose of its income, revenues, funds, and money;

(8) Receive funds from state, local, or tribal governments, invest those moneys in lawful funds, including without limitation investments in loans made by the cooperative to borrowers;

(9) Open and maintain accounts in qualified public depositaries; in the federal reserve bank of San Francisco, in the national cooperative bank, in a federal home loan bank, or in any other federal financing entity, and otherwise provide for the investment of any funds not required for immediate disbursement and provide for the selection of investments. The cooperative may participate in and use the federal reserve banks payments systems and account services;

(10) Appear in its own behalf before boards, commissions, departments, or agencies of federal, state, local, or tribal governments;

(11) Procure such insurance of such types, in such amounts, and from such insurers as the cooperative deems desirable including, but not limited to, insurance against any loss or damage to its property or other assets, public liability insurance for injuries to persons or property, and directors and officers liability insurance;

(12) Accept gifts or grants from the United States, or from any governmental unit or person, firm, or corporation, carry out the terms or provisions or make agreements with respect to the gifts or grants, and do all things necessary, useful, desirable, or convenient in connection with procuring, accepting, or disposing of the gifts or grants;

(13) Apply for and accept grants, loans, advances, and contributions from any source of money, property, labor, or other things of value, to be held, used, and applied as the cooperative deems necessary, useful, or convenient to accomplish its purposes;

(14) Borrow money and issue its bonds consistent with this chapter and provide for and secure their payment, provide for the rights of bond owners and purchasers, and hold and dispose of any of its bonds;

(15) For the purpose of facilitating the financing of infrastructure and economic development activity in the state of Washington by the state or local or tribal governments, develop and conduct a program or programs to make loans to borrowers for project costs of infrastructure and economic development projects. Those loans may be made from the proceeds of bonds issued by the cooperative, from funds held by the cooperative, and from other assets of the cooperative including contributions. The cooperative may develop and conduct a program that will stimulate and encourage the development of infrastructure and economic development projects by the infusion of financial assistance for state, local, or tribal governments;

(16) Establish guidelines for the engagement by state, local, or tribal governments in programs conducted by the cooperative under this chapter. The cooperative may prescribe the form of application or procedure required of a borrower for a loan, fix the terms and conditions of the loan or purchase, and enter into financing agreements and other financing documents with borrowers with respect to loans and other forms of financial assistance;

(17) Establish, revise, and collect such member contributions and such fees and charges as the cooperative deems necessary, useful, or convenient to accomplish its purposes. Members are authorized to make such contributions, and state, local, and tribal governments are authorized to pay such fees and charges;

(18) Make such expenditures as are appropriate for paying the administrative costs and expenses of the cooperative in carrying out the provisions of this chapter;

(19) Establish such reserves and special funds, including but not limited to debt service and sinking funds, reserve funds, project funds, and such other special funds as the cooperative deems necessary, useful, or convenient, and controls on funds to and from them, as the cooperative deems necessary, useful, or convenient to accomplish its purposes;

(20) Provide financial assistance and other forms of assistance to state, local, or tribal governments by providing information, advice, guidelines, forms, and procedures for implementing their financing programs;

(21) When authorized by not less than two-thirds of the members of the board, make distributions to members of amounts that the board deems surplus to the needs of the cooperative;

(22) Engage outside legal counsel, while receiving counsel on a routine basis from the office of the attorney general;

(23) Adopt rules concerning its exercise of the powers authorized by this chapter; and

(24) Exercise any other power the cooperative deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

NEW SECTION. **Sec. 5.** FINANCING POWERS. (1) Bonds issued under this chapter must be issued in the name of the cooperative. The bonds are not obligations of the state of Washington, may not create state debt, and are obligations only of the cooperative payable from the special fund or funds created by the cooperative for their payment. Such funds are not public moneys or funds of the state of Washington and at all times must be kept segregated and set apart from other funds.

(2) Bonds issued under this chapter must contain a recital on their face to the effect that payment of the principal of, interest on, and prepayment premium, if any, on the bonds, is a valid claim only as against the special fund or funds relating thereto, that neither the faith and credit nor the taxing power of the state or any municipal corporation, subdivision, or agency of the state, other than the cooperative as set forth in this chapter, is pledged to the payment of the principal of, interest on, and prepayment premium, if any, on the bonds. Contracts entered into by the cooperative must be entered into in the

name of the cooperative and not in the name of the state of Washington. The obligations of the cooperative under the contracts must be obligations only of the cooperative and are not in any way obligations of the state of Washington.

(3) The cooperative's bonds must bear such date or dates, mature at such time or times, be in such denominations, be in such form, be registered or registrable in such manner, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, bear such fixed or variable rate or rates of interest, be payable at such time or times, and be sold in such manner and at such price or prices, as the cooperative determines. The bonds shall be executed by the chair, by either its duly elected secretary or its treasurer, and by the trustee or paying agent if the cooperative determines to use a trustee or paying agent for the bonds. Execution of the bonds may be by manual or facsimile signature. The bonds of the cooperative may be negotiable instruments under Title 62A RCW.

(4) The bonds of the cooperative are subject to such terms, conditions, covenants, and protective provisions as are found necessary or desirable by the cooperative including, but not limited to, pledges of the cooperative's assets, setting aside of reserves, limitations on additional forms of indebtedness, and the mortgaging of all or any part of the cooperative's real or personal property, then owned or thereafter acquired, and other provisions the cooperative finds are necessary or desirable for the security of bond owners.

(5) Any bonds issued under this chapter may be secured by a financing document between the cooperative and the purchasers or owners of such bonds or between the cooperative and a corporate trustee appointed by the cooperative, which may be any trust company or bank having the powers of a trust company within or without the state. The financing document may pledge or assign, in whole or in part, the revenues and funds held or to be received by the cooperative, any present or future contract or other rights to receive the same, and the proceeds thereof. The financing document must contain such provisions for protecting and enforcing the rights, security, and remedies of bond owners as may be reasonable and proper including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event of default which may include the acceleration of maturities, restrictions on the individual rights of action by bond owners, and covenants setting forth duties of and limitations on the cooperative in conduct of its programs and the management of its property. In addition to other security provided in this chapter or otherwise by law, bonds issued by the cooperative may be secured, in whole or in part, by a pledge of the assets of the cooperative, including contributions of the members, or by financial guaranties, insurance or letters of credit issued to the cooperative or a trustee or any other person, by any bank, trust company, insurance or surety company, or other financial institution, within or without the state. The cooperative may pledge or assign, in whole or in part, the revenues and funds held or to be received by the cooperative, any present or future contract or other rights to receive the same, and the proceeds thereof, as security for such guaranties or insurance or for the reimbursement by the cooperative to any issuer of such letter of credit of any payments made under such letter of credit. No individual member is liable to the cooperative, to the cooperative's trustee, or to any other person in amounts exceeding the member's contribution unless authorized by a majority of the members of the cooperative.

(6) The cooperative may enter into financing documents with borrowers regarding bonds issued by the cooperative that may provide for the payment by each borrower of amounts sufficient, together with other revenues available to the cooperative, if any, to:

(a) Pay the borrower's share of the fees established by the cooperative;

(b) Pay the principal of, premium, if any, and interest on outstanding bonds of the cooperative issued in respect of such borrower as the same shall become due and payable; and

(c) Create and maintain reserves required or provided for by the cooperative in connection with the issuance of such bonds. The payments are not subject to supervision or regulation by any department, committee, board,

body, bureau, or agency of the state other than the cooperative.

(7) Any security interest created in the unexpended bond proceeds and in the special funds created by the cooperative must be immediately valid and binding against such moneys and any securities in which such moneys may be invested without cooperative or trustee possession thereof, and the security interest is prior to any party having any competing claim in such moneys or securities, without filing or recording pursuant to chapter 62A.9A RCW and regardless of whether the party has notice of the security interest.

(8) When issuing bonds, the cooperative may provide for the future issuance of additional bonds or parity debt on a parity with outstanding bonds, and the terms and conditions of their issuance. The cooperative may refund or advance refund any bond of the cooperative in accordance with chapter 39.53 RCW or issue bonds with a subordinate lien against the fund or funds securing outstanding bonds. Bonds issued for refunding purposes may be combined with bonds issued for the financing or refinancing of new projects. Pending the application of the proceeds of the refunding bonds to the redemption of the bonds to be redeemed, the cooperative may enter into an agreement or agreements with a corporate trustee regarding the interim investment of the proceeds and the application of the proceeds and the earnings on the proceeds to the payment of the principal of and interest on, and the redemption of, the bonds to be redeemed.

(9) All money received by or on behalf of the cooperative with respect to this issuance of its bonds are trust funds to be held and applied solely as provided in this chapter. The cooperative, in lieu of receiving and applying the moneys itself, may enter into a trust agreement or indenture with one or more banks, including the national cooperative bank, or trust companies having the power and bank to conduct trust business in the state to:

(a) Perform all or any part of the obligations of the cooperative with respect to: (i) Bonds issued by it; (ii) the receipt, investment, and application of the proceeds of the bonds and money paid by a participant or available from other sources for the payment of the bonds; (iii) the enforcement of the obligations of a borrower in connection with the financing or refinancing of any project; and (iv) other matters relating to the exercise of the cooperative's powers under this chapter;

(b) Receive, hold, preserve, and enforce any security interest or evidence of security interest granted by a participant for purposes of securing the payment of the bonds; and

(c) Act on behalf of the cooperative or the owners of bonds of the cooperative for purposes of assuring or enforcing the payment of the bonds, when due.

(10) The cooperative may purchase its bonds with any of its funds available for the purchase. The cooperative may hold, pledge, cancel, or resell the bonds subject to and in accordance with agreements with bond owners.

(11) The chair of the state finance cooperative or the chair's designee must be notified in advance of the issuance of bonds by the cooperative in order to promote the orderly offering of obligations in the financial markets.

(12) Neither the members of the cooperative, nor its directors or agents, nor employees of the Washington state housing finance commission, nor any person executing the bonds, is personally liable on the bonds or subject to any personal liability or accountability by reason of the issuance of the bonds.

(13) The cooperative may, out of any fund available therefor, purchase its bonds in the open market.

(14) Any owner of bonds of the cooperative issued under this chapter, and the trustee under any trust agreement or indenture, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any of their respective rights, and may become the purchaser at any foreclosure sale if the person is the highest bidder, except to the extent the rights given are restricted by the cooperative in any bond resolution or trust agreement or indenture authorizing the issuance of the bonds.

(15) The cooperative may charge for its costs and services in review or consideration of a proposed loan to a state, local, or tribal government, whether or not the loan is made.

(16) To the extent permitted under its contracts with the owners of bonds of the

cooperative, the cooperative may consent to modification of the rate of interest, time and payment of installment of principal or interest, security, or any other term of a bond or note, loan to a state, local, or tribal government, contract, or agreement of any kind to which the cooperative authority is a party.

(17) The bonds of the cooperative are securities in which all public officers and bodies of this state and all counties, cities, municipal corporations, and political subdivisions, all banks, eligible banking organizations, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, insurance companies and associations, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control.

(18) This section provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and shall be regarded as supplemental and additional to powers conferred by other laws. The issuance of bonds and refunding bonds under this chapter need not comply with the requirements of any other law applicable to the issuance of bonds. Insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, or parts thereof, the provisions of this chapter are controlling.

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.190 RCW to read as follows:

Employees of the Washington state housing finance commission shall primarily administer and operate the Washington state public financial cooperative, as provided by section 3(8) of this act. The cooperative may consult with other state agencies at its discretion and without the approval of the Washington state housing finance commission.

Sec. 7. RCW 39.59.040 and 2016 c 152 s 11 are each amended to read as follows:

Any local government in the state of Washington may invest in:

(1) Bonds of the state of Washington and any local government in the state of Washington;

(2) General obligation bonds of a state and general obligation bonds of a local government of a state, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;

(3) Subject to compliance with RCW 39.56.030, registered warrants of a local government in the same county as the government making the investment;

(4) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States; or United States dollar denominated bonds, notes, or other obligations that are issued or guaranteed by supranational institutions, provided that, at the time of investment, the institution has the United States government as its largest shareholder;

(5) Federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(6) Bankers' acceptances purchased on the secondary market;

(7) Commercial paper purchased in the secondary market, provided that any local government of the state of Washington that invests in such commercial paper must adhere to the investment policies and procedures adopted by the state investment board; ((~~and~~))

(8) Corporate notes purchased on the secondary market, provided that any local government of the state of Washington that invests in such notes must adhere to the investment policies and procedures adopted by the state investment board; and

(9) A cooperative as defined in section 2 of this act and bonds issued by such cooperative.

Sec. 8. RCW 42.56.270 and 2020 c 238 s 11 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, 43.--- (the new chapter created in section 15 of this act), and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed marijuana business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and

provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter ((~~70.95N~~)) 70A.500 RCW to implement chapter ((~~70.95N~~)) 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW ((~~70.95N.190~~)) 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the

possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter ((~~70.375~~)) 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW ((~~70.375.130~~)) 70A.515.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW.

Sec. 9. RCW 42.56.400 and 2020 c 243 s 4 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state

purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from chapter 43.--- RCW (the new chapter created in section 15 of this act), from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained or provided by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and 48.31B.036, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW;

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2)(b) and (c), and 48.74.120 to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065;

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in RCW 48.02.068;

(27) Data, information, and documents obtained by the insurance commissioner under RCW 48.02.230;

(28) Documents, materials, or other information, including the corporate annual disclosure obtained by the insurance commissioner under RCW 48.195.020;

(29) Findings and orders disapproving acquisition of a trust institution under RCW 30B.53.100(3); and

(30) All claims data, including health care and financial related data received under RCW 41.05.890, received and held by the health care authority.

Sec. 10. RCW 42.56.400 and 2020 c 243 s 4 and 2020 c 240 s 9 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from chapter 43.--- RCW (the new chapter created in section 15 of this act), from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained or provided by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and 48.31B.036, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW;

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2)(b) and (c), and 48.74.120 to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065;

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in RCW 48.02.068;

(27) Data, information, and documents obtained by the insurance commissioner under RCW 48.02.230;

(28) Documents, materials, or other information, including the corporate annual disclosure obtained by the insurance commissioner under RCW 48.195.020;

(29) Findings and orders disapproving acquisition of a trust institution under RCW 30B.53.100(3);

(30) All claims data, including health care and financial related data received under RCW 41.05.890, received and held by the health care authority; and

(31) Contracts not subject to public disclosure under RCW 48.200.040 and 48.43.731.

Sec. 11. RCW 43.10.067 and 1997 c 41 s 9 are each amended to read as follows:

No officer, director, administrative agency, board, or commission of the state, other than the attorney general, shall employ, appoint or retain in employment any attorney for any

administrative body, department, commission, agency, or tribunal or any other person to act as attorney in any legal or quasi legal capacity in the exercise of any of the powers or performance of any of the duties specified by law to be performed by the attorney general, except where it is provided by law to be the duty of the judge of any court or the prosecuting attorney of any county to employ or appoint such persons: PROVIDED, That RCW 43.10.040, and 43.10.065 through 43.10.080 shall not apply to the administration of the commission on judicial conduct, the state law library, the law school of the state university, the administration of the state bar act by the Washington State Bar Association, ((~~or~~)) the representation of an estate administered by the director of the department of revenue or the director's designee pursuant to chapter 11.28 RCW, or the state public financial cooperative to the extent provided in section 4(22) of this act.

The authority granted by chapter 1.08 RCW, RCW 44.28.065, and 47.01.061 shall not be affected hereby.

Sec. 12. RCW 43.84.080 and 2016 c 152 s 18 are each amended to read as follows:

Wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state treasurer may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following:

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States or United States dollar denominated bonds, notes, or other obligations that are issued or guaranteed by supranational institutions, provided that, at the time of investment, the institution has the United States government as its largest shareholder;

(2) In state, county, municipal, or school district bonds, notes, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state treasurer may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

(3) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(4) Bankers' acceptances purchased on the secondary market;

(5) Commercial paper purchased on the secondary market, provided that the state treasurer adheres to the investment policies and procedures adopted by the state investment board;

(6) General obligation bonds of any state and general obligation bonds of local governments of other states, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency; ((~~and~~))

(7) Corporate notes purchased on the secondary market, provided that the state treasurer adheres to the investment policies and procedures adopted by the state investment board; and

(8) Contributions to a cooperative as defined in section 2 of this act.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

NEW SECTION. **Sec. 15.** Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 16.** Section 9 of this act expires January 1, 2022.

NEW SECTION. **Sec. 17.** Section 10 of this act takes effect January 1, 2022."

Correct the title.

Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Appropriations.

March 24, 2021

ESSB 5191 Prime Sponsor, Committee on Law & Justice: Regulating unfair business practices and prohibiting predatory price increases during states of emergency. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes the need to protect Washingtonians from excessive and unjustified price increases implemented during or shortly after a declared state of emergency for essential goods and services that are vital and necessary for the health, safety, and welfare of consumers.

The legislature also recognizes the need to support businesses providing these goods in understanding their obligations to consumers during times of potential chaos and uncertainty in the marketplace.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Building materials" means lumber, construction tools, windows, and anything else used in the building or rebuilding of property.

(2) "Consumer food item" means any article used or intended for use for food, drink, confection, or condiment by a person or animal.

(3) "Emergency supplies" includes, but is not limited to, water, flashlights, radios, batteries, candles, heating and cooking fuel, blankets, soap, diapers, temporary shelters, tape, toiletries, personal hygiene products, plywood, nails, and hammers.

(4) "Excessive price" means a price more than 15 percent greater than the price at which the person sold, rented, or offered for sale or rent the same product or service immediately prior to the state of emergency defined in subsection (13) of this section. If the seller did not sell, rent, or offer for sale or rent the product or service immediately prior to the onset of the state of emergency defined in subsection (13) of this section, or if the price charged by the person for the product or service prior to the onset of the state of emergency cannot be determined, an excessive price shall be presumed where the price is more than 15 percent greater than the price of the same product or service offered for sale or rent by other similarly situated sellers prior to the state of emergency defined in subsection (13) of this section. If a state of emergency as defined in subsection (13) of this section continues for more than one year, the price of the product or service on the anniversary of the state of emergency as defined in subsection (13) of this section must be the new baseline price for determining whether a price is excessive.

(5) "Gasoline" means any fuel used to power any motor vehicle or power tool.

(6) "Health care services" means services necessary to provide medical care that are provided or arranged by a temporary staffing services company including, but not limited to, services provided by physicians, physician assistants, nurses, and nursing assistants.

(7) "Housing" means a short-term stay commercial enterprise including, but not limited to, a hotel or motel. Housing does not mean any residence governed by the residential landlord-tenant act, chapter 59.18 RCW, or the manufactured/mobile home landlord-tenant act, chapter 59.20 RCW.

(8) "Medical supplies" includes, but is not limited to, prescription and nonprescription medications, pain relievers, infection control and prevention products, bandages, gauze, isopropyl alcohol, and antibacterial products.

(9) "Person" means any natural person, proprietorship, company, firm, corporation, limited liability company, partnership, independent contractor, group, unincorporated association,

trust, estate, community, agency, institution, joint venture, other business or government organization, or any other legal entity.

(10) "Personal protective equipment" means any protective equipment that protects against physical, electrical, heat, chemicals, biohazards, and airborne particulate matter including, but not limited to, clothing, helmets, goggles, or other garments or equipment designed to protect the wearer's body from injury or infection.

(11) "Repair or reconstruction services" means work, labor, or services performed by any person for repairs to residential or commercial property of any type that is damaged as a result of a natural or human-induced disaster or emergency resulting from an event described in subsection (13) of this section.

(12) "Seller" includes any person within the chain of distribution with authority or permission to adjust, set, or regulate a price of any product or service offered for sale or rent subject to section 3 of this act.

(13) "State of emergency" means an event for which a state of emergency has been declared by the governor of the state of Washington.

(14) "Temporary staffing services company" has the same meaning as set forth in RCW 50.04.245.

(15) "Transportation, freight, and storage services" means any service that is performed by a person that contracts to move, store, or transport personal or business property, or rents equipment for those purposes.

NEW SECTION. **Sec. 3.** (1) This section shall be automatically implemented when the governor declares a state of emergency pursuant to RCW 43.06.010 and 43.06.200 through 43.06.220. In the event of a state of emergency as defined in section 2 of this act, no person in the county or counties for which an emergency has been declared shall sell, rent, or offer to sell or rent, regardless of whether an actual sale or rental occurs, a good or service listed in this section at an excessive price. Goods and services to which this section applies are:

(a) Building materials;

(b) Consumer food items;

(c) Goods or services used for emergency cleanup, regardless of whether the goods or services are listed in this subsection;

(d) Emergency supplies;

(e) Gasoline;

(f) Health care services;

(g) Housing;

(h) Medical supplies;

(i) Repair or reconstruction services;

(j) Transportation, freight, and storage services; and

(k) Personal protective equipment.

(2) The governor shall have the authority to modify the list of goods and services under subsection (1) of this section in an executive order pursuant to RCW 43.06.220 where appropriate in the context of a particular emergency.

(3) A person who increases a price does not violate this section if the price increase is attributable to an additional cost imposed by a supplier of a good or service, or other costs of providing the good or service, including an additional cost for labor or materials used to provide a product or service.

(4) A person with authority or permission to adjust or regulate a price does not violate this section if that person undertakes commercially reasonable efforts to prevent or remove offers to sell or rent a good or service listed in this section at an excessive price.

(5) If, in the 60 days prior to the governor's implementation of this section, a person sold, rented, or offered for sale or rent a good or service listed in subsection (3) of this section at a reduced price which was lower than the price at which the person ordinarily sells, rents, or offers for sale or rent the good or service in the area for which the declaration was issued, then the price at which that person ordinarily sells, rents, or offers for sale or rent the good or service in the area for which the declaration was issued shall be used in determining if the person is in violation of this section.

(6) If the 60 days prior to the governor's implementation reflects quarter 4, November through January,

holiday pricing, then the price at which the person ordinarily sells, rents, or offers for sale or rent the good or service in the area in which the declaration was issued shall be based on quarter 3, August through October.

(7)(a) The restrictions imposed by this chapter expire upon termination of the state of emergency or 60 days after the state of emergency is declared, whichever comes first.

(b) Once restrictions are imposed under this chapter to respond to a specific emergency, the restrictions may only be extended, renewed, or reimposed with legislative approval through concurrent resolution. If the legislature is not in session, restrictions imposed under this chapter may be extended, renewed, or reimposed in writing by the leadership of the senate and the house of representatives until the legislature can extend the restrictions through concurrent resolution. For purposes of this section, "leadership of the senate and the house of representatives" means the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives.

(c) If restrictions imposed under this chapter expire and are not extended, renewed, or reimposed, this section does not affect any rights or remedies provided in the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec. 4.** (1) The attorney general may investigate violations of this chapter. The attorney general may issue subpoenas or civil investigative demands pursuant to RCW 19.86.110 to any person that the attorney general has reason to believe has violated this chapter or has information or knowledge pertaining to a violation of this chapter.

(2) The attorney general may issue a cease and desist letter to any person to restrain and prevent violations of this chapter. If the recipient of a cease and desist letter does not comply within five calendar days of receipt of the letter, the attorney general may file an action in superior court at any time thereafter to enforce the cease and desist letter. If the court finds that the person violated this chapter and failed to comply with a cease and desist letter, the court shall enjoin the person from engaging in conduct that violates this chapter and shall impose a civil penalty of not more than $10,000 per violation of the cease and desist letter. In any successful action to enforce a cease and desist letter under this chapter, the court shall award the attorney general the costs of bringing the action, including reasonable investigative costs and reasonable attorneys' fees. The remedies under this subsection are in addition to any other remedies a court may order under subsection (3) of this section.

(3) Every person who violates this chapter shall forfeit and pay a civil penalty of no more than $25,000 per violation. No additional civil penalty shall be assessed for the same violation under the consumer protection act pursuant to RCW 19.86.140.

(4) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest. A violation of this chapter, including, but not limited to, a violation of a cease and desist letter issued pursuant to subsection (2) of this section, is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act.

(5) The remedies provided by this chapter are in addition to any other remedies provided by law.

NEW SECTION. **Sec. 5.** Upon application of this act, the office of the attorney general shall produce and maintain on its website translated versions of this act in the top 10 languages spoken in Washington state and, at the discretion of the office of the attorney general, other languages as requested or needed to support small businesses that are either owned or operated, or both, by individuals who have limited English language proficiency. The notice must be made available upon request in printed form on one letter size paper, eight and one-half by 11 inches, and in an easily readable font size.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and

its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Kirby, Chair; Walen, Vice Chair; Corry; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 24, 2021

E2SSB 5194 Prime Sponsor, Committee on Ways & Means: Providing for equity and access in the community and technical colleges. (REVISED FOR ENGROSSED: Concerning equity and access in higher education.) Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** INTENT. The legislature recognizes that student completion rates for workforce training certification and degree programs at community and technical colleges are far lower than desirable to ensure that students may utilize the opportunities of postsecondary education to lift themselves and their families out of poverty and to meet our state's student achievement council road map goals, including for 70 percent of Washington residents to have a postsecondary certification or degree to meet workforce needs. The legislature recognizes that first-generation college-attending students, students with disabilities, and underrepresented minority students face far greater obstacles to apply, remain in school, and complete programs. This disparate impact greatly affects our state's commitment to equity.

The legislature recognizes that offering tuition financial support to first-generation and underrepresented minority students is necessary for students to enroll and attend college but must also be accompanied by proven supports for them to complete their degrees or workforce training programs.

The legislature recognizes that there are mentorship and advising programs based on strong evidence that have been proven to be successful in greatly increasing retention and degree or workforce training completion rates for first-generation students, underrepresented minority students, students with disabilities, and for all students at community and technical colleges. It is the legislature's intent that successful programs such as guided pathways be implemented at all community and technical colleges with the goal of doubling completion rates (as measured by completion in six years) for students in the next eight years. To accomplish this goal, the legislature intends to achieve full implementation of research-based programs to improve student outcomes, such as guided pathways. The legislature affirms that all students receiving Washington college grants, college bound scholarships, or federal Pell grants should receive the supports, including mentoring, that have been proven to increase completion rates.

The legislature further finds that research establishes that students from underrepresented minorities are far more likely to complete degrees or workforce training certification programs if the faculty and staff of the college reflect the diversity of the student body. Therefore, the legislature intends for the state's community and technical colleges to develop and implement plans to increase faculty and staff diversity.

NEW SECTION. **Sec. 2.** FINDINGS. The legislature finds that there is a need to expand investments in community and technical colleges for the purpose of guaranteeing both equitable access and educational success for all residents of the state, particularly for students from communities of color and low-income communities. The legislature finds further that equality of opportunity for all students requires investments to support services that are critical to: The success of students of color and low-income students; provide systemwide equity initiatives intended to make community and technical college campuses welcoming, benevolent places; overcome the digital divide for all students; and provide qualified and available counseling throughout the community and technical college system. The legislature also finds that a more full-time, stable, fairly compensated, and diverse community and technical college faculty is necessary to enhance student success and to improve the mentoring available for a diverse student body. The

legislature also finds that resources for student aid and workforce investment need to be adequate to meet the needs of all students in the state, particularly those from families of color and low-income families.

NEW SECTION. **Sec. 3.** DIVERSITY, EQUITY, AND INCLUSION STRATEGIC PLAN. (1) Beginning July 30, 2022, all community and technical colleges must submit, on a biennial basis, strategic plans to the state board for community and technical colleges for achieving diversity, equity, and inclusion of all races on their campuses.

(2) Colleges must create their strategic plans using an inclusive process of stakeholders including, but not limited to, classified staff, faculty, administrative exempt staff, students, and community organizations. Colleges are encouraged to use campus climate surveys to develop and update strategic plans for diversity, equity, and inclusion of all races.

(3) In addition to planning, each community and technical college shall include in its diversity program opportunities for students from historically marginalized communities to form student-based organizations, and to use community-based organizations, that permit students to work together to mentor and assist one another in navigating the educational system and to access trained mentors using evidence-based mentoring strategies.

(4) Each community and technical college shall establish a culturally appropriate outreach program. The outreach program may include communities of color, students with disabilities, neurodiverse communities, and low-income communities and be designed to assist potential students to understand the opportunities available in the community and technical college system. The outreach program may assist students with navigating the student aid system. Outreach programs may include partnerships with appropriate community-based organizations and use research and supports from the student achievement council.

(5) The state board for community and technical colleges shall develop a model faculty diversity program designed to provide for the retention and recruitment of faculty from all racial, ethnic, and cultural backgrounds. The faculty diversity program must be based on proven practices in diversity hiring processes.

(6) Each community and technical college shall conspicuously post on its website and include in the strategic plans, programs, and reports definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations.

NEW SECTION. **Sec. 4.** STUDENT SUCCESS SUPPORT PROGRAMS AND GUIDED PATHWAYS IMPLEMENTATION. (1) Subject to availability of amounts appropriated for this specific purpose, each community and technical college shall fully implement guided pathways. At a minimum, guided pathways implementation must include:

(a) Comprehensive mapping of student educational pathways with student end goals in mind. These must include transparent and clear career paths that are tightly aligned to the skills sought by employers. Pathways must align course sequences to show clear paths for students, alignment with K-12 and university curriculum, and skill sets needed to enter the workforce;

(b) Dedicated advising and career counseling that helps students make informed program choices and develop completion plans. Advising services may include processes that help students explore possible career and educational choices while also emphasizing early planning. Advising must be culturally competent and with an emphasis on helping historically underserved, low-income, and students of color navigate their education;

(c) Data analysis of student learning as well as program and service outcomes. Data must be used to inform program development, the creation and further refinement of student pathways, and to provide opportunities for early intervention to help students succeed; and

(d) A student success support infrastructure using programs that the state board for community and technical colleges finds have been effective in closing equity gaps among historically underserved student populations and improve student completion rates. The student success support program must be based on research or documented evidence of success. In tandem with guided

pathways implementation, student success support programs may include evidence-based elements such as:

(i) Equity competent academic advising services;

(ii) Equity competent career development programming;

(iii) Clear information regarding financial aid and financial literacy; and

(iv) Inclusive curriculum and teaching practices.

(2) Each community and technical college shall post on its website and include in the guided pathways program documentation and reports definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations.

(3)(a) The Washington state institute for public policy, in consultation with the workforce education investment accountability and oversight board under RCW 28C.18.200, shall complete an evaluation of the guided pathways model. To the extent possible, the institute shall complete a preliminary report that evaluates the effect of the guided pathways model on early student outcomes including, but not limited to, student retention and persistence, college level English and math within the first year, and graduation and transfer rates. The preliminary report must review the implementation of the guided pathways model in Washington and any available evidence of the effectiveness of the guided pathways model. The preliminary report must be submitted by December 15, 2023.

(b) The Washington state institute for public policy shall complete a final report that evaluates the effect of the guided pathways on longer-term student outcomes including, but not limited to, degree completion, time to degree, transfer to four-year institutions, employment, and earnings, to the extent possible. The final report must be submitted by December 15, 2029.

(c) Both the preliminary and final reports must consider differences in outcomes by racial and ethnic subgroups and socioeconomic status.

NEW SECTION. **Sec. 5.** TENURE-TRACK FACULTY. (1) The legislature recognizes that student outcomes and success, especially for first generation, underserved students, may be significantly improved by increasing the number of full-time faculty at community and technical colleges.

(a) The legislature's goal is that community and technical colleges increase the numbers of full-time tenured positions by adding 200 new full-time tenure-track positions in the 2021-2023 fiscal biennium.

(b) This goal is best accomplished through converting part-time faculty positions to full-time tenure-track positions and by hiring new full-time faculty through processes identified in each college's diversity, equity, and inclusion of all races strategic plan described in section 3 of this act. If specific funding for the purpose of conversion assignments proposed in this section is not provided in the omnibus appropriations act, the conversion assignments proposed must be delayed until such time as specific funding is provided.

(c) The college board must collect data and assess the impact of the 200 additional full-time tenure-track faculty on student completion rates. The college board must convene representatives of faculty, staff, and administration to report on outcomes as a result of increasing full-time tenure-track faculty. In consultation with representatives of faculty, staff, and administration, the college board must make recommendations about future steps to increase full-time tenure-track faculty that incorporate faculty diversity and historically underserved communities. The college board must report the results of its assessment, along with next step recommendations, to the legislature by December 15, 2023. The college board shall conspicuously post on its website and include in the report definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations.

(2) This section expires July 1, 2024.

NEW SECTION. **Sec. 6.** MENTAL HEALTH COUNSELOR PILOT PROGRAM. (1) Subject to the availability of amounts appropriated for this specific purpose, the college

board shall administer a pilot program to increase student access to mental health counseling and services.

(2) The college board, in collaboration with the selection committee, shall select community or technical colleges to participate in the pilot program. At least half of the participating colleges must be located outside of the Puget Sound area. For purposes of this section, "Puget Sound area" means Snohomish, King, Pierce, and Thurston counties. Each participating college must receive a grant to implement one or more strategies to increase student access to mental health counseling and services, including substance use disorder counseling and services.

(3)(a) A selection committee consisting of the following shall assist with the application selection process:

(i) One community or technical college president;

(ii) One community or technical college vice president for student services or student instruction;

(iii) Two faculty counselors employed at a community or technical college; and

(iv) One community or technical college student.

(b) The selection committee may consult with representatives of an entity within a college or university that has expertise in suicide prevention and the department of health in developing selection criteria.

(4) Community and technical colleges wishing to participate in the pilot program shall apply to the college board. Applicants must identify opportunities for expanding on-campus mental health counseling and services. Applicants must also show a commitment to further develop partnerships by engaging external community providers, including those who provide crisis services and substance use disorder treatment and counseling. Applications that demonstrate plans to include one or more of the following strategies recommended by the community and technical college counselors task force must be prioritized:

(a) Improve equity, diversity, and inclusion of all races in counseling services, such as by diversifying the counselor workforce by adopting equity-centered recruiting, training, and retention practices or by providing equity training and awareness for all counselors;

(b) Meet mental health needs of students through an all-campus effort;

(c) Engage students to help increase mental health and counseling awareness and promote help-seeking behavior through student groups and other methods;

(d) Increase the visibility of counseling services on campus;

(e) Increase or expand external partnerships with community service providers;

(f) Adopt the use of telebehavioral health, especially in under resourced communities;

(g) Develop an assessment of counseling services to inform improvements and ensure counseling services are meeting student needs; or

(h) Implement counseling approaches grounded in theory that have evidence of being effective.

(5) Colleges selected to participate in the pilot program that use grant funding to hire additional mental health counselors must hire counselors who have specific graduate-level training for meeting the mental and behavioral health needs of students.

(6) Colleges selected to participate in the pilot program shall submit a joint report to the appropriate committees of the legislature and in accordance with RCW 43.01.036 by November 1, 2023. The report must include:

(a) Information on which colleges were selected for the pilot program, how much grant funding was received per college, and what strategies each implemented to increase student access to mental health counseling and services;

(b) Demographic data of students accessing mental health counseling and services, including those students who are considered underrepresented or traditionally have limited access to mental health counseling and services;

(c) Whether the mental health counseling and services provided are meeting the demand of students in terms of type and availability, and whether the various types of mental health counseling and services are being provided by

community providers versus on-campus services;

(d) Information and data on the effectiveness, including cost-effectiveness, of each strategy used to increase student access to mental health counseling and services, including substance use disorder counseling and services, such as the number of additional students served, reduced wait times for counseling appointments, or other data that reflects expanded access; and

(e) Lessons learned and recommendations for improving student access to mental health counseling and services at community and technical colleges and to community providers, including whether there were any strategies implemented that proved more effective than others in increasing access.

(7) Colleges selected for the pilot program shall conspicuously post on their websites and include in the report to the legislature the definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations.

(8) The pilot program expires July 1, 2025.

(9) This section expires January 1, 2026.

NEW SECTION. **Sec. 7.** MINIMUM COUNSELOR STANDARDS. (1) It is the intent of the legislature to provide clear minimum standards to ensure qualified faculty counselors while also providing flexibility to allow for differences in criteria required by hiring institutions. Within existing resources, and beginning September 1, 2021, the college board shall adopt rules regarding the minimum hiring standards for a faculty counselor. At a minimum, these must include:

(a) A graduate or professional degree in a related field;

(b) Completion of appropriate graduate coursework; and

(c) Standards established by the state board for community and technical colleges.

(2) The requirements and standards imposed through this section do not apply to an individual employed by a college district as a counselor before September 1, 2021. Counselors who began employment at one college district prior to September 1, 2021, and moved employment to a different college district after that date may carry the exemptions from the requirements and standards imposed through this section to their new place of employment.

Sec. 8. RCW 28B.96.010 and 2020 c 326 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Eligible student" means a student who:

(a) Is a resident student;

(b) Demonstrates financial need as defined in RCW 28B.92.030;

(c) Has indicated they will attend an institution of higher education or is making satisfactory progress in a program, as defined in rule by the office, at an institution of higher education;

(d) Fills out the Washington application for state financial aid; and

(e) Does not qualify for federally funded student financial aid because of their citizenship status.

(2) "Institution of higher education" has the same meaning as in RCW 28B.92.030.

(3) "Office" means the office of student financial assistance created in RCW 28B.76.090.

(4) "Participant" means an eligible student who has received an undocumented student support loan.

(5) "Resident student" means:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal

guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) Any student:

(i) Who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state;

(ii) Whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school; and

(iii) Who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(d) Any person((~~:~~

~~(i) Who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma;~~

~~(ii) Who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent;~~

~~(iii) Who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education; and~~

~~(iv) Who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses~~)) who meets the requirements under RCW 28B.15.012(2)(e).

Sec. 9. RCW 28B.15.012 and 2020 c 232 s 1 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "institution" shall mean a public university, college, or community or technical college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed ((~~the full senior year of high school~~)) and obtained a high school diploma, ((~~both at a Washington public high school or private high school approved under chapter 28A.195 RCW,~~)) or a person who has received the equivalent of a diploma; ((~~who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent;~~)) who has continuously lived in the state of Washington ((~~after receiving the diploma or its equivalent and until such time as~~)) for at least a year before the individual is admitted to an institution of higher education under

subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) Any person who has lived in Washington, primarily for purposes other than educational, for at least one year immediately before the date on which the person has enrolled in an institution, and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15)(E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(h) A student who is on active military duty or a member of the Washington national guard who meets the following conditions:

(i) Entered service as a Washington resident;

(ii) Has maintained a Washington domicile; and

(iii) Is stationed out-of-state;

(i) A student who is the spouse or a dependent of a person defined in (g) of this subsection. If the person defined in (g) of this subsection is reassigned out-of-state, the student maintains the status as a resident student so long as the student is either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or

(ii) Enrolled in an institution and remains continuously enrolled at the institution;

(j) A student who is the spouse or a dependent of a person defined in (h) of this subsection;

(k) A student who is eligible or entitled to transferred federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.) benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services;

(l) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;

(m) A student who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service; is eligible for educational assistance benefits under Title 38 U.S.C.; and enters an institution of higher education in Washington within three years of the date of separation;

(n) A student who is on terminal, transition, or separation leave pending separation, or release from active duty, from the uniformed services with any period of honorable service after at least ninety days of active duty service and is eligible for educational assistance benefits under Title 38 U.S.C.;

(o) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

(p) A student who is the spouse or child to an individual who has separated from the uniformed services with at least ten years of honorable service and at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

(q) A student who has separated from the uniformed services who was discharged due to the student's sexual orientation or gender identity or expression;

(r) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship with a deceased member of the uniformed services who died in the line of duty;

(s) A student who is entitled to federal vocational rehabilitation and employment services for veterans with service-connected disabilities under 38 U.S.C. Sec. 3102(a);

(t) A student who is defined as a covered individual in 38 U.S.C. Sec. 3679(c)(2) as it existed on July 28, 2019, or such subsequent date as the student achievement council may determine by rule;

(u) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;

(v) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(w) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or

(x) A student who resides in Washington and is the spouse or a dependent of a person defined in (w) of this subsection. If the person defined in (w) of this subsection moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or

(ii) Enrolled in an institution and remains continuously enrolled at the institution.

(3)(a) A student who qualifies under subsection (2)(k), (m), (n), (o), (p), (q), (r), (s), or (t) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.

(b) Nothing in subsection (2)(k), (m), (n), (o), (p), (q), (r), (s), or (t) of this section applies to students who have a dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has had a dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.

(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2)(e) or (u) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America, unless the person meets and complies with all applicable requirements in this section and RCW 28B.15.013 and is one of the following:

(i) A lawful permanent resident;

(ii) A temporary resident;

(iii) A person who holds "refugee-parolee," "conditional entrant," or U or T nonimmigrant status with the United States citizenship and immigration services;

(iv) A person who has been issued an employment authorization document by the United States citizenship and immigration services that is valid as of the date the person's residency status is determined;

(v) A person who has been granted deferred action for childhood arrival

status before, on, or after June 7, 2018, regardless of whether the person is no longer or will no longer be granted deferred action for childhood arrival status due to the termination, suspension, or modification of the deferred action for childhood arrival program; or

(vi) A person who is otherwise permanently residing in the United States under color of law, including deferred action status.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The Washington national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps.

NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act are each added to chapter 28B.50 RCW.

NEW SECTION. **Sec. 11.** This act may be known and cited as the our colleges our future act of 2021."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Chandler; Hoff; Kraft and Sutherland.

Referred to Committee on Rules for second reading.

March 25, 2021

ESB 5220 Prime Sponsor, Senator Van De Wege: Concerning the taxation of salmon recovery grants by updating the state business and occupation tax deduction for these grants, creating a sales and use tax exemption for grant proceeds received by recipients of these grants, and clarifying the sales and use tax obligations for goods and services purchased by recipients of these grants. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

March 25, 2021

SSB 5228 Prime Sponsor, Committee on Higher Education & Workforce Development: Addressing disproportionate health outcomes by building a foundation of equity in medical training. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member and Caldier.

Referred to Committee on Appropriations.

March 24, 2021

E2SSB 5237 Prime Sponsor, Committee on Ways & Means: Expanding accessible, affordable child care and early childhood development programs. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and cited as the fair start for kids act.

NEW SECTION. **Sec. 2.** INTENT. (1) The legislature finds that high quality child care and early learning is critical to a child's success in school and life. The legislature recognizes that COVID-19 has devastated the existing child care industry, making it unduly burdensome for families to find care. The legislature recognizes that without immediate action to support child care providers, and without expanded access to affordable child care, especially infant and school-age care, parents will not be able to return to work while children lose valuable learning opportunities. In order to bolster a full economic recovery, the legislature finds that every child deserves a fair start.

(2) The legislature finds that access to affordable child care increases economic growth and labor force participation. The legislature further finds that an affordable, accessible system of high quality child care is necessary to the health of Washington's economy because employers benefit when parents have safe, stable, and appropriate care for their children. The legislature recognizes that too many working parents are forced to reduce their hours, decline promotional opportunities, or leave the workforce completely due to a lack of affordable and appropriate child care. The legislature finds that a report commissioned by the department of commerce in 2019 found that working parents in Washington forego $14,000,000,000 each year directly due to child care scarcity. The legislature recognizes that this disproportionally impacts women in the workforce and that in September 2020 alone, 78,000 men left the workforce, compared to 600,000 women.

(3) The legislature recognizes that quality child care can be a stabilizing factor for children experiencing homelessness, and is a proven protective factor against the impacts of trauma they may experience. Access to child care is also a necessary support for families with young children in resolving homelessness and securing employment.

(4) The legislature finds that the scarcity of child care, exacerbated by COVID-19, most significantly impacts families furthest from opportunity. The legislature recognizes that there are additional barriers to accessing this foundational support for immigrant communities and families whose first language is not English, families who have children with disabilities, rural communities, or other child care deserts. The legislature recognizes that high quality, inclusive child care and early learning programs have been shown to reduce the opportunity gap for low-income children and black, indigenous, and children of color while consistently improving outcomes for all children both inside and outside of the classroom.

(5) The legislature finds that without access to comprehensive, high quality prenatal to five services, children often enter kindergarten without the social-emotional, physical, cognitive, and language skills they need to be successful and fall behind their peers,

facing compounding developmental challenges throughout their K-12 education. The legislature finds that cascading impacts of inaccessible child care and early learning programs create systemic barriers for children and their families that result in higher special education needs, greater likelihood of needing to repeat grades, increased child welfare and juvenile justice involvement, reduced high school graduation rates, limited postsecondary education attainment, and greater barriers to employment in adulthood.

(6) The legislature finds the vast majority of child care providers are small businesses and nonprofit organizations. In addition to adhering to federal, state, and local regulations to ensure healthy and safe environments for children, the legislature recognizes that child care providers must ensure their employees are adequately compensated and supported. However, the legislature acknowledges that the reduced staffing ratios for health and safety, additional cost of personal protective equipment and extra cleaning supplies, increased use of substitutes needed during COVID-19-related absences, and increased technology demands during school closures from the pandemic are further straining the viability of the child care business model in Washington state.

(7) The legislature finds that the health and stability of the early learning workforce is pivotal to any expansion of child care in Washington state. The legislature recognizes that the child care workforce, predominantly comprised of women of color, is structurally afflicted by low wages, limited or no health care, and a severe lack of retirement benefits. The legislature further recognizes that the threat of COVID-19 compounds these underlying issues, forcing providers to navigate increased stress, anxiety, and behavioral issues all while risking their lives to care for children. The legislature recognizes that families, friends, and neighbors who provide care are a critical component of the child care system. The legislature finds that child care workers are essential and deserve to be compensated and benefited accordingly.

(8) Therefore, the legislature resolves to respond to the COVID-19 crisis by first stabilizing the child care industry and then expanding access to a comprehensive continuum of high quality early childhood development programs, including infant and school-age child care, preschool, parent and family supports, and prenatal to three services. The legislature recognizes this continuum as critical to meeting different families' needs and offering every child in Washington access to a fair start.

(9) The legislature recognizes the strengths that multilingual, diverse early learning providers and caregivers contribute to early learning across the state. Therefore, the legislature intends to expand language access services to create an inclusive early learning system that specifically supports underserved providers.

(10) The legislature intends to expand eligibility for existing child care and preschool programs to increase access. The legislature recognizes that expansion must be accompanied by an investment to make child care more affordable. Therefore, the legislature intends to eliminate copayments for low-income families and limit copayments for any family on subsidy to no more than seven percent of their income.

(11) The legislature further intends to stabilize, support, and grow the diverse early learning workforce by funding living wages and affordable health benefits while providing training, infant and early childhood mental health consultation, shared business services, and a variety of other supports that recognize the critical role that early learning providers serve for all Washington children.

(12) The legislature intends to accelerate Washington's economic recovery from the devastating impacts of COVID-19 by dramatically expanding access to affordable, high quality child care and preschool, in order to get parents back to work and provide every child with a fair start.

PART I

INVESTING IN CHILD CARE AND EARLY LEARNING

NEW SECTION. **Sec. 101.** FAIR START FOR KIDS ACCOUNT. (1) The fair start for kids account is created in the state treasury. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used only for child care and early learning purposes.

NEW SECTION. **Sec. 102.** FAIR START FOR KIDS SPENDING GOALS AND STRATEGIES. (1) The spending goals and strategies for the fair start for kids account created under section 101 of this act include, but are not limited to:

(a) Increasing child care subsidy rates, with the goal of moving toward the full cost of providing high quality child care;

(b) Expanding health care coverage through state sponsorship of child care workers on the Washington health benefit exchange and providing consumer assistance through navigators, as well as any other expansions of access to affordable health care for staff in child care centers, family home providers, outdoor nature-based care, and early childhood education and assistance program staff;

(c) Increasing child care and early learning providers' compensation;

(d) Implementing the provisions of collective bargaining agreements for family child care providers negotiated pursuant to RCW 41.56.028;

(e) Supporting and expanding access to the early childhood education and assistance program to reach state-funded entitlement required in RCW 43.216.556;

(f) Making child care affordable for families;

(g) Providing resources and supports for family, friend, and neighbor caregivers that better reflect the full cost of care;

(h) Providing child care subsidies for families working to resolve homelessness;

(i) Providing professional development opportunities for child care and early learning providers;

(j) Delivering infant and early childhood mental health consultation services;

(k) Establishing prekindergarten through third grade systems coordinators at educational service districts;

(l) Supporting youth development programs serving children and youth ages birth through 12 including, but not limited to, expanded learning opportunities, mentoring, school-age child care, and wraparound supports or integrated student supports;

(m) Awarding grants and loans through the early learning facilities grant and loan program established under chapter 43.31 RCW;

(n) Funding special designations in the working connections child care programs, early childhood education and assistance programs, and birth to three early childhood education and assistance programs including designations established in sections 302, 304, 305, and 404 of this act;

(o) Supporting costs for transparent data collection and information technology systems operated by the department and department contractors, in particular, to ensure equitable systemic service provision and outcomes;

(p) Providing access to learning technology;

(q) Providing child care resource and referral services;

(r) Conducting quality rating and improvement system activities through the early achievers program;

(s) Expanding prenatal to three services and supports, including the birth to three early childhood education and assistance program and the in-home parent skill-based programs established in RCW 43.216.130;

(t) Building and delivering a family resource and referral linkage system;

(u) Allowing the exploration of options to provide regulatory relief and make licensing more affordable for child care providers;

(v) Administering comprehensive shared services hubs to allow the ongoing pooling and shared use of services by licensed or certified child care centers and family home providers;

(w) Training department staff to ensure consistent and equitable application of child care licensing and quality standards across the state including antibias and antiracist training;

(x) Providing incentives and supports for child care providers to become licensed;

(y) Studying and evaluating options to incentivize business participation in child care and early learning systems;

(z) Providing start-up grants to eligible organizations as described in RCW 43.31.575 who provide or commit to providing the early childhood education and assistance program or working connections child care. Start-up grants must be used for one-time start-up costs associated with the start-up of a new child care or early childhood education and assistance program site; and

(aa) Recognizing the benefits of the diverse workforce and facilitating communication in the three most commonly spoken languages by developing a language access plan that centers on equity and access for immigrants, multilingual providers, caregivers, and families.

(2) This section does not interfere with, impede, or in any way diminish the right of family child care providers to bargain collectively with the state through the exclusive bargaining representatives as provided for under RCW 41.56.028.

Sec. 103. RCW 43.88.055 and 2020 c 218 s 2 are each amended to read as follows:

LEGISLATIVE BALANCED BUDGET REQUIREMENT.

(1) The legislature must adopt a four-year balanced budget as follows:

(a) Beginning in the 2013-2015 fiscal biennium, the legislature shall enact a balanced omnibus operating appropriations bill that leaves, in total, a positive ending fund balance in the general fund and related funds.

(b) Beginning in the 2013-2015 fiscal biennium, the projected maintenance level of the omnibus appropriations bill enacted by the legislature shall not exceed the available fiscal resources for the next ensuing fiscal biennium.

(2) For purposes of this section:

(a) "Available fiscal resources" means the beginning general fund and related fund balances and any fiscal resources estimated for the general fund and related funds, adjusted for enacted legislation, and with forecasted revenues adjusted to the greater of (i) the official general fund and related funds revenue forecast for the ensuing biennium, or (ii) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium;

(b) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in that appropriations bill or mandated by other state or federal law, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution;

(c) "Related funds," as used in this section, means the Washington opportunity pathways account, the workforce education investment account, the fair start for kids account, and the education legacy trust account.

(3) Subsection (1)(a) and (b) of this section does not apply to an appropriations bill that makes net reductions in general fund and related funds appropriations and is enacted between July 1st and February 15th of any fiscal year.

(4) Subsection (1)(b) of this section does not apply in a fiscal biennium in which money is appropriated from the budget stabilization account pursuant to Article VII, section 12(d)(ii) of the state Constitution.

Sec. 104. RCW 43.216.075 and 2020 c 262 s 4 are each amended to read as follows:

INVESTMENT ACCOUNTABILITY AND OVERSIGHT.

(1) The early learning advisory council is established to advise the department on statewide early learning issues that contribute to the ongoing efforts of building a comprehensive system of quality early learning programs and services for Washington's young children and families.

(2) The council shall work in conjunction with the department to ((~~assist~~)):

(a) Assist in policy development and implementation that ((~~assist the department in promoting~~)) promotes alignment of private and public sector actions, objectives, and resources, ((~~ensuring~~)) with the overall goal of promoting school readiness for all children;

(b) Provide recommendations annually to the governor and the legislature, beginning August 31, 2022, regarding the phased implementation of strategies and priorities identified in section 102 of this act;

(c) Maintain a focus on racial equity and inclusion in order to dismantle systemic racism at its core and contribute to statewide efforts to break the cycle of intergenerational poverty;

(d) Maintain a focus on inclusionary practices for children with disabilities;

(e) Partner with nonprofit organizations to collect and analyze data and measure progress; and

(f) Assist the department in monitoring and ensuring that the investments funded by the fair start for kids account created in section 101 of this act are designed to support the following objectives:

(i) Advance racial equity and strengthen families by recognizing and responding to the growing diversity of our state's population;

(ii) Promote access to affordable, high quality child care and early learning opportunities for all families, paying particular attention to the needs of rural and other underserved communities;

(iii) Promote kindergarten readiness by enhancing child development, including development of social-emotional skills, and eliminating exclusionary admissions practices and disproportionate removals in child care and early learning programs; and

(iv) Contribute to efforts to strengthen and grow our state's economy by supporting working parents as well as stabilizing and supporting the child care and early learning workforce.

(3) In collaboration with the council, the department shall consult with its advisory groups and other interested stakeholders and shall submit a biennial report to the governor and legislature describing how the investments funded by the fair start for kids act have impacted the policy objectives stated in subsection (2)(f) of this section. The first report under this section is due September 15, 2023. The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall include critical partners in service delivery and reflect regional, racial, and cultural diversity to adequately represent the ((~~needs~~)) interests of all children and families in the state.

(4) Councilmembers shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(5) The council shall consist of members essential to coordinating services statewide prenatal through age ((~~five~~)) 12, as follows:

(a) In addition to being staffed and supported by the department, the governor shall appoint one representative from each of the following: The department of commerce and the department of health((~~, the student achievement council, and the state board for community and technical colleges~~));

(b) One representative from the student achievement council, to be appointed by the student achievement council;

(c) The military spouse liaison created within the department of veterans affairs under RCW 43.60A.245;

(d) One representative from the state board for community and technical colleges, to be appointed by the state board for community and technical colleges;

(e) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

((~~(c) The governor shall appoint leaders in early childhood education to represent critical service delivery and support sectors, with at least one individual representing each of the following:~~

~~(i) The head start state collaboration office director or the director's designee;~~

~~(ii) A representative of a head start, early head start, or migrant/seasonal head start program;~~

~~(iii) A representative of a local education agency;~~

~~(iv) A representative of the state agency responsible for programs under section 619 or part C of the federal individuals with disabilities education act;~~

~~(v) A representative of the early childhood education and assistance program;~~

~~(vi) A representative of licensed family day care providers;~~

~~(vii) A representative of child day care centers; and~~

~~(viii) A representative from the home visiting advisory committee established in RCW 43.216.130;~~

~~(d)~~)) (f) Two members of the house of representatives, one from each caucus, to be appointed by the speaker of the house of representatives and two members of the senate, one from each caucus, to be appointed by the majority leader in the senate and the minority leader in the senate;

((~~(e)~~)) (g) Two parents, one of whom serves on the department's parent advisory group, to be appointed by the ((~~governor~~)) parent advisory group;

((~~(f)~~)) (h) One representative of the private-public partnership created in RCW 43.216.065, to be appointed by the partnership board;

((~~(g)~~)) (i) One representative from the developmental disabilities community representing children and families involved in part C of the federal individuals with disabilities education act and one representative from the developmental disabilities community representing children and families involved in part B of the federal individuals with disabilities education act;

((~~(h)~~)) (j) Two representatives from early learning regional coalitions;

((~~(i) Representatives~~)) (k) Up to five representatives of underserved communities who have a special expertise or interest in high quality early learning, one to be appointed by each of the following commissions:

(i) The Washington state commission on Asian Pacific American affairs established under chapter 43.117 RCW;

(ii) The Washington state commission on African American affairs established under chapter 43.113 RCW; ((~~and~~))

(iii) The Washington state commission on Hispanic affairs established under chapter 43.115 RCW;

(iv) The Washington state women's commission established under chapter 43.119 RCW; and

(v) The Washington state office of equity established under chapter 43.06D RCW;

((~~(j)~~)) (l) Two representatives designated by sovereign tribal governments, one of whom must be a representative of a tribal early childhood education assistance program or head start program;

((~~(k)~~)) (m) One representative from the Washington federation of independent schools;

((~~(l)~~)) (n) One representative from the Washington library association; ((~~and~~

~~(m)~~)) (o) One representative from a statewide advocacy coalition of organizations that focuses on early learning;

(p) One representative from an association representing statewide business interests, to be appointed by the association and one representative from a regional business coalition;

(q) One representative of an advocacy organization for immigrants and refugees;

(r) One representative of an organization advocating for expanded learning opportunities and school-age child care programs;

(s) One representative from the largest union representing child care providers;

(t) A representative of a head start, early head start, or migrant and seasonal head start program, to be appointed by the head start collaboration office;

(u) A representative of educational service districts, to be appointed by a statewide association of educational service district board members;

(v) A provider responsible for programs under section 619 of the federal individuals with disabilities education act, to be appointed by the superintendent of public instruction;

(w) A representative of the state agency responsible for part C of the federal individuals with disabilities education act, to be appointed by the department;

(x) A representative of the early childhood education and assistance program, to be appointed by an association representing early childhood education and assistance programs;

(y) A representative of licensed family home providers, to be appointed by the largest union representing child care providers;

(z) A representative of child care centers, to be appointed by an association representing child care centers;

(aa) A representative from the home visiting advisory committee established in RCW 43.216.130, to be appointed by the committee;

(bb) An infant or early childhood mental health expert, to be appointed by the Barnard center for infant and early childhood mental health at the University of Washington;

(cc) A family, friend, and neighbor caregiver, to be appointed by the largest union representing child care providers;

(dd) A representative from prenatal to three services;

(ee) A pediatrician, to be appointed by the state chapter of the American academy of pediatrics; and

(ff) A representative of the statewide child care resource and referral organization, to be appointed by the statewide child care resource and referral organization.

(6) The council shall be cochaired by two members, to be elected by the council for two-year terms and not more than one cochair may represent a state agency.

(7) At the direction of the cochairs, the council may convene advisory groups, such as a parent caucus, to evaluate specific issues and report related findings and recommendations to the full council.

(8) The council shall appoint two members and stakeholders with expertise in early learning to sit on the technical working group created in section 2, chapter 234, Laws of 2010.

((~~(8)~~)) (9) Each member of the ((~~board~~)) council shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the ((~~board~~)) council in accordance with RCW 43.03.050 and 43.03.060.

((~~(9)~~)) (10)(a) The council shall convene an early achievers review subcommittee to provide feedback and guidance on strategies to improve the quality of instruction and environment for early learning and provide input and recommendations on the implementation and refinement of the early achievers program. The subcommittee shall at a minimum provide feedback and guidance to the department and the council on the following:

(i) Adequacy of data collection procedures;

(ii) Coaching and technical assistance standards;

(iii) Progress in reducing barriers to participation for low-income providers and providers from diverse cultural backgrounds, including a review of the early achievers program's rating tools, quality standard areas, and components, and how they are applied;

(iv) Strategies in response to data on the effectiveness of early achievers program standards in relation to providers and children from diverse cultural backgrounds;

(v) Status of the life circumstance exemption protocols; ((~~and~~))

(vi) Analysis of early achievers program data trends; and

(vii) Other relevant early learning data including progress in serving students with disabilities ages birth to five and least restrictive environment data.

(b) The subcommittee must include consideration of cultural linguistic responsiveness when analyzing the areas for review required by (a) of this subsection.

(c) The subcommittee shall include representatives from child care centers, family child care, the early childhood

education and assistance program, contractors for early achievers program technical assistance and coaching, tribal governments, the organization responsible for conducting early achievers program ratings, and parents of children participating in early learning programs, including working connections child care and early childhood education and assistance programs. The subcommittee shall include representatives from diverse cultural and linguistic backgrounds.

((~~(10)~~)) (11) The council shall convene a temporary licensing subcommittee to provide feedback and recommendations on improvement to the statewide licensing process. The subcommittee shall examine strategies to increase the number of licensed child care providers in the state, including meeting with prospective licensees to explain the licensure requirements and inspect and provide feedback on the physical space that is contemplated for licensure. The subcommittee shall develop model policies for licensed child care providers to implement licensing standards including, but not limited to, completing the child care and early learning licensing guidebook, to be made available to support providers with compliance. The subcommittee shall also develop recommendations regarding incentives and financial supports to help prospective providers navigate the licensing process. The subcommittee shall provide feedback and recommendations to the department of children, youth, and families pursuant to this subsection (11) by December 1, 2022.

(12) The department shall provide staff support to the council.

Sec. 105. RCW 83.100.230 and 2019 c 415 s 990 are each amended to read as follows:

The education legacy trust account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for support of the common schools, and for expanding access to higher education through funding for new enrollments and financial aid, early learning and child care programs, and other educational improvement efforts. ((~~During the 2015-2017, 2017-2019, and 2019-2021 fiscal biennia appropriations from the account may be made for support of early learning programs. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.~~))

NEW SECTION. **Sec. 106.** INFLATIONARY ADJUSTMENTS. Beginning July 1, 2023, and subject to the availability of amounts appropriated for this specific purpose, rates paid under sections 302, 305, and 404 of this act and RCW 43.216.578 must be adjusted every two years according to an inflationary increase. The inflationary increase must be calculated by applying the rate of the increase in the inflationary adjustment index to the rates established in sections 302, 305, and 404 of this act and RCW 43.216.578. Any funded inflationary increase must be included in the rate used to determine inflationary increases in subsequent years. For the purposes of this section, "inflationary adjustment index" means the implicit price deflator averaged for each fiscal year, using the official current base rate, compiled by the bureau of economic analysis, United States department of commerce.

PART II

EXPANDING ACCESS TO CHILD CARE AND EARLY LEARNING PROGRAMS

NEW SECTION. **Sec. 201.** WORKING CONNECTIONS CHILD CARE PROGRAM ELIGIBILITY AND COPAYMENT. (1) It is the intent of the legislature to increase working families' access to affordable, high quality child care and to support the expansion of the workforce to support businesses and the statewide economy.

(2) Beginning July 1, 2025, a family is eligible for working connections child care when the household's annual income is at or below 75 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Aged 13 years or younger; or (ii) aged 19 years or younger and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(3) Beginning July 1, 2025, and subject to the availability of amounts appropriated for this specific purpose, a family is eligible for working connections child care when the household's annual income is above 75 percent of the state median income and is at or below 100 percent of the state

median income adjusted for family size and:

(a) The child receiving care is: (i) Aged 13 years or younger; or (ii) aged 19 years or younger and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(4)(a) The department must calculate a monthly copayment according to the following phased-in schedule:

Beginning date:	If the household's income is:	Then the household's copayment is:
Beginning July 1, 2021	At or below 36 percent of the state median income	Waived to the extent allowable under federal law
Beginning July 1, 2021	Above 36 percent and at or below 50 percent of the state median income	$65
Beginning July 1, 2023	Above 50 percent and at or below 60 percent of the state median income	$165
Beginning July 1, 2025	Above 60 percent and at or below 75 percent of the state median income	$215

(b) The department shall adopt a copayment model based on available revenue for households with annual incomes above 75 percent of the state median income and at or below 100 percent of the state median income. The model must calculate a copayment for each household that is no greater than seven percent of the household's countable income within this income range.

(c) The department may adjust the copayment schedule to comply with federal law.

(5) The department must adopt rules, including phase-out eligibility, to implement this section.

Sec. 202. RCW 43.216.136 and 2020 c 279 s 2 are each amended to read as follows:

WORKING CONNECTIONS CHILD CARE FOR STUDENT PARENTS.

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by P.L. 113-186, authorizations for the working connections child care subsidy are effective for twelve months beginning July 1, 2016((~~, unless an earlier date is provided in the omnibus appropriations act~~)).

(a) A household's 12-month authorization begins on the date that child care is expected to begin.

(b) If a newly eligible household does not begin care within 12 months of being determined eligible by the department, the household must reapply in order to qualify for subsidy.

(3)(a) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(i) In the last six months have:

(A) Received child protective services as defined and used by chapters 26.44 and 74.13 RCW;

(B) Received child welfare services as defined and used by chapter 74.13 RCW; or

(C) Received services through a family assessment response as defined and used by chapter 26.44 RCW;

(ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(iii) Are residing with a biological parent or guardian.

(b) ((~~Children~~)) Families who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services identified in this subsection to maintain twelve-month authorization.

(4)(a) Beginning ((~~August 1, 2020~~)) July 1, 2021, and subject to the availability of amounts appropriated for this specific purpose, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is((~~:~~

~~(i) A single parent;~~

~~(ii) A~~)) a full-time student of a community, technical, or tribal college((~~,~~)) and ((~~(iii) Pursuing~~)) is enrolled in: (i) A vocational education program that leads to a degree or certificate in a specific occupation((~~, not to result in a bachelor's or advanced degree~~));

(ii) An associate degree program; or

(iii) A registered apprenticeship program.

(b) An applicant or consumer is a full-time student for the purposes of this subsection if he or she meets the college's definition of a full-time student. ((~~The student must maintain passing grades and be in good standing pursuant to college attendance requirements.~~))

(c) Nothing in this subsection is intended to change how applicants or consumers are prioritized when applicants or consumers are placed on a waitlist for working connections child care benefits.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department may extend the provisions of this subsection (4) to full-time students who are enrolled in a bachelor's degree program or applied baccalaureate degree program.

(5)(a) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a twelve-month grace period.

(b) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

(6) For purposes of this section, "authorization" means a transaction created by the department that allows a child care provider to claim payment for care. The department may adjust an authorization based on a household's eligibility status.

NEW SECTION. **Sec. 203.** EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM INTENT. (1) The legislature finds that eligibility guidelines for the national school lunch program require free meals for children with household incomes at or below 130 percent of the federal poverty level and that this income level is approximately equivalent to 36 percent of the state median income for a household of three. The legislature further finds that eligibility guidelines require reduced-price meals for children with household incomes at or below 185 percent of the federal poverty level and that this income level is approximately equivalent to 50 percent of the state median income for a household of three.

(2) Therefore, the legislature intends to raise the maximum family income for children entitled to enroll in the early childhood education and assistance program to 36 percent of the state median income beginning July 1, 2026. Beginning in the 2030-31 school year, the legislature intends to raise the maximum family income for children entitled to enroll in this program to 50 percent of the state median income. It is the intent of the legislature to standardize income eligibility levels for assistance programs in order to help families and social workers better understand the benefits for which families qualify and to simplify and align state systems wherever feasible.

(3) The legislature further intends to support educational service districts to help school districts partner with early childhood education and assistance program contractors and providers to expand access.

Sec. 204. RCW 43.216.505 and 2019 c 408 s 2 are each amended to read as follows:

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM ENTITLEMENT ELIGIBILITY.

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.216.500 through 43.216.559, 43.216.900, and 43.216.901.

(1) "Advisory committee" means the advisory committee under RCW 43.216.520.

(2) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and 43.216.901 and are designated as eligible for funding by the department under RCW 43.216.530 and 43.216.540.

(3) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(4) "Eligible child" means a three to five-year old child who is not age-eligible for kindergarten, is not a participant in a federal or state program providing comprehensive services, and who:

(a) Has a family ((~~income at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services~~)) with financial need;

(b) Is experiencing homelessness;

(c) Has participated in early head start or a successor federal program providing comprehensive services for children from birth through two years of age, the early support for infants and toddlers program or received class C developmental services, the birth to three early childhood education and assistance program, or the early childhood intervention and prevention services program;

(d) Is eligible for special education due to disability under RCW 28A.155.020; ((~~or~~

~~(c)~~)) (e) Is Indian as defined in rule by the department after consultation and agreement with Washington state's federally recognized tribes pursuant to section 207 of this act and is at or below 100 percent of the state median income adjusted for family size; or

(f) Meets criteria under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Preference for enrollment in this group shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(5) "Family support services" means providing opportunities for parents to:

(a) Actively participate in their child's early childhood program;

(b) Increase their knowledge of child development and parenting skills;

(c) Further their education and training;

(d) Increase their ability to use needed services in the community;

(e) Increase their self-reliance; and

(f) Connect with culturally competent, disability positive therapists and supports where appropriate.

(6) "Experiencing homelessness" means a child without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C., Chapter 119, Subchapter VI, Part B) as it existed on January 1, 2021.

(7) "Family with financial need" means families with incomes at or below 36 percent of the state median income adjusted for family size until the 2030-31 school year. Beginning in the 2030-31 school year, "family with financial need" means families with incomes at or below 50 percent of the state median income adjusted for family size.

Sec. 205. RCW 43.216.512 and 2019 c 409 s 2 are each amended to read as follows:

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM EXPANDED ENROLLMENT.

(1) The department shall adopt rules that allow the enrollment of children in the early childhood education and assistance program, as space is available, if the number of such children equals not more than ((~~twenty-five~~)) 25 percent of total statewide enrollment, when the child is not eligible under RCW

43.216.505 and whose family income level is((~~:~~

~~(a) Above one hundred ten percent but less than or equal to one hundred thirty percent of the federal poverty level; or~~

~~(b) Above one hundred thirty percent but less than or equal to two hundred percent of the federal poverty level if~~)) above 36 percent of the state median income but at or below 50 percent of the state median income adjusted for family size and the child meets at least one of the risk factor criterion described in subsection (2) of this section.

(2) Children enrolled in the early childhood education and assistance program pursuant to ((~~subsection (1)(b) of~~)) this section must be prioritized for available funded slots according to a prioritization system adopted in rule by the department that considers risk factors that have a disproportionate effect on kindergarten readiness and school performance, including:

(a) Family income as a percent of the ((~~federal poverty level~~)) state median income;

(b) ((~~Homelessness;~~

~~(c)~~)) Child welfare system involvement;

((~~(d) Developmental delay or disability that does not meet the eligibility criteria for special education described in RCW 28A.155.020~~)) (c) Eligible for services under part C of the federal individuals with disabilities education act but not eligible for services under part B of the federal individuals with disabilities education act;

((~~(e)~~)) (d) Domestic violence;

((~~(f)~~)) (e) English as a second language;

((~~(g)~~)) (f) Expulsion from an early learning setting;

((~~(h)~~)) (g) A parent who is incarcerated;

((~~(i)~~)) (h) A parent with a ((~~substance use disorder or mental~~)) behavioral health treatment need; and

((~~(j)~~)) (i) Other risk factors determined by the department to be linked by research to school performance.

(3) ((~~The department shall adopt rules that allow a child to enroll in the early childhood education and assistance program, as space is available, when the child is not eligible under RCW 43.216.505 and the child turns three years old at any time during the school year when the child:~~

~~(a) Has a family income at or below two hundred percent of the federal poverty level or meets at least one risk factor criterion adopted by the department in rule; and~~

~~(b) Has received services from or participated in:~~

~~(i) The early support for infants and toddlers program;~~

~~(ii) The early head start or a successor federal program providing comprehensive services for children from birth through two years of age; or~~

~~(iii) The birth to three early childhood education and assistance program, if such a program is established.~~

~~(4)~~)) Children enrolled in the early childhood education and assistance program under this section are not considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

(4) This section expires August 1, 2030.

NEW SECTION. **Sec. 206.** EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM EARLY ENTRY. (1) The department shall adopt rules that allow a child to enroll in the early childhood education and assistance program, as space is available, when the child is not eligible under RCW 43.216.505 and the child turns three years old at any time during the school year when the child:

(a) Has a family income at or below 50 percent of the state median income or meets at least one risk factor criterion adopted by the department in rule; and

(b) Has received services from or participated in:

(i) The early head start or a successor federal program providing comprehensive services for children from birth through two years of age;

(ii) The early support for infants and toddlers program or received class C developmental services;

(iii) The birth to three early childhood education and assistance program; or

(iv) The early childhood intervention and prevention services program.

(2) Children enrolled in the early childhood education and assistance program under this section are not eligible children as defined in RCW 43.216.505 and are not part of the state-funded entitlement required in RCW 43.216.556.

NEW SECTION. **Sec. 207.** INDIAN CHILD DEFINITION. (1) The department must consult, and obtain the advice and consent of, the governing bodies of the state's federally recognized tribes in developing an agreed-upon definition of the term "Indian" for the purposes of RCW 43.216.505 and, by July 1, 2024, must adopt the definition in rule.

(2) This section expires December 1, 2030.

Sec. 208. RCW 43.216.556 and 2019 c 408 s 3 are each amended to read as follows:

(1) Funding for the program of early learning established under this chapter must be appropriated to the department. The department shall distribute funding to approved early childhood education and assistance program contractors on the basis of eligible children enrolled.

(2) The program shall be implemented in phases, so that full implementation is achieved in the ((~~2022-23~~)) 2026-27 school year.

(3) Funding shall continue to be phased in each year until full statewide implementation of the early learning program is achieved in the ((~~2022-23~~)) 2026-27 school year, at which time any eligible child is entitled to be enrolled in the program. Entitlement under this section is voluntary enrollment.

(4) School districts and approved community-based early learning providers may contract with the department to provide services under the program. The department shall collaborate with school districts, community-based providers, and educational service districts to promote an adequate supply of approved providers.

PART III

SUPPORTING CHILD CARE AND EARLY LEARNING PROVIDERS

Sec. 301. RCW 43.216.749 and 2019 c 368 s 7 are each amended to read as follows:

CHILD CARE SUBSIDY RATES.

(1) ((~~By January 1, 2025, the department of children, youth, and families must~~)) It is the intent of the legislature to systemically increase child care subsidy rates over time until rates are equal to the full cost of providing high quality child care.

(2) Beginning July 1, 2021, child care subsidy base rates must achieve the 85th percentile of market for licensed or certified child care providers. The state and the exclusive representative for family child care providers must enter bargaining over the implementation of the subsidy rate increase under this subsection.

(3)(a) The department shall build upon the work of the child care collaborative task force to develop and implement a child care cost estimate model and use the completed child care cost model ((~~developed under RCW 43.330.527 to determine child care subsidy rates.~~

~~(2) This section expires January 30, 2025~~)) to recommend subsidy rates at levels that are sufficient to compensate licensed or certified child care providers for the full costs of providing high quality child care. The department shall consider:

(i) Adjusting rates to reflect cost of living such as area median income, cost of living by zip code, and grouping by categories such as rural, suburban, or urban; and

(ii) Incorporating the rate model for nonstandard child care hours developed under section 306 of this act.

(b) The department shall build upon the work of the child care collaborative task force to evaluate options to support access to affordable health care insurance coverage for licensed or certified child care providers.

(4) This section does not interfere with, impede, or in any way diminish the right of family child care providers to bargain collectively with the state through the exclusive bargaining representatives as provided for under RCW 41.56.028.

NEW SECTION. **Sec. 302.** EARLY CHILDHOOD EDUCATION AND ASSISTANCE

PROGRAM RATES. (1) For the 2021-22 school year, rates for the early childhood education and assistance program must be set at a level at least 10 percent higher than the rates established in section 225, chapter 415, Laws of 2019.

(2) It is the intent of the legislature that rate increases shall be informed by the department's 2020 early childhood education and assistance program rate study.

(3) This section expires June 30, 2027.

NEW SECTION. **Sec. 303.** COMPLEX NEEDS FUNDS. (1) The department shall administer two complex needs funds to promote inclusive, least restrictive environments and to support contractors and providers serving children who have developmental delays, disabilities, behavioral needs, or other unique needs. The department shall work collaboratively with the office of the superintendent of public instruction and providers so that the funds best serve the children. One fund must support early childhood education and assistance program contractors and providers and birth to three early childhood education and assistance program contractors and providers, and one fund must support licensed or certified child care providers and license-exempt child care programs.

(2) Support may include staffing, programming, therapeutic services, and equipment or technology support. Additional support may include activities to assist families with children expelled or at risk of expulsion from child care, and to help families transition in and out of child care.

NEW SECTION. **Sec. 304.** TRAUMA-INFORMED CARE SUPPORTS. (1) Beginning July 1, 2022, the department shall provide supports to aid eligible providers in providing trauma-informed care. Trauma-informed care supports may be used by eligible providers for the following purposes:

(a) Additional compensation for individual staff who have an infant and early childhood mental health or other child development specialty credential;

(b) Trauma-informed professional development and training;

(c) The purchase of screening tools and assessment materials;

(d) Supportive services for children with complex needs that are offered as fee-for-service within local communities; or

(e) Other related expenses.

(2) The department must adopt rules to implement this section.

(3) For the purposes of this section, "eligible provider" means: (a) An employee or owner of a licensed or certified child care center or outdoor nature-based care accepting state subsidy; (b) an employee or owner of a licensed family home provider accepting state subsidy; (c) a contractor or provider of the early childhood education and assistance program or birth to three early childhood education and assistance program; (d) a license-exempt child care program; or (e) an early achievers coach.

NEW SECTION. **Sec. 305.** DUAL LANGUAGE RATE ENHANCEMENT. (1) Beginning July 1, 2022, the department shall establish a dual language designation and provide subsidy rate enhancements or site-specific grants for licensed or certified child care providers who are accepting state subsidy; early childhood education and assistance program contractors; or birth to three early childhood education and assistance program contractors. It is the intent of the legislature to allow uses of the rate enhancements or site-specific grants to include increased wages for individual staff who provide bilingual instruction, professional development training, the purchase of dual language and culturally appropriate curricula and accompanying training programs, instructional materials, or other related expenses.

(2) The department must consult with a culturally and linguistically diverse stakeholder advisory group to develop criteria for the dual language designation.

(3) The department must adopt rules to implement this section.

NEW SECTION. **Sec. 306.** NONSTANDARD HOURS RATE MODEL. (1) In order to expand the supply of critically needed after-hours care to meet the needs of parents and caregivers and a round-the-clock economy, the department of children, youth, and families, in consultation with diverse stakeholders, must develop a rate

model for nonstandard child care hours and submit the model to the governor and the appropriate committees of the legislature by January 1, 2022.

(2) This section expires June 30, 2022.

NEW SECTION. **Sec. 307.** EARLY CHILDHOOD EQUITY GRANTS. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall distribute early childhood equity grants to eligible applicants. Eligible applicants include play and learn groups, licensed or certified child care centers and family home providers, license-exempt child care programs, and early childhood education and assistance program contractors. The equity grants are intended to serve as a step toward expanding access to early learning statewide and transforming Washington's early learning system to make it more inclusive and equitable. The department shall administer the early childhood equity grants to support inclusive and culturally and linguistically specific early learning and early childhood and parent support programs across the state.

(2) The department must conduct an equitable process to prioritize grant applications for early childhood equity grant assistance. An eligible applicant may receive an early childhood equity grant once every two years. When conducting the equitable grant process, the department must:

(a) Solicit project applications from a racially and geographically diverse pool of eligible applicants statewide;

(b) Provide application materials in the five most commonly spoken languages in the state and broadly communicate using a variety of strategies to reach diverse communities;

(c) Require applicants to demonstrate their proposed uses of early childhood equity grant funds to incorporate either inclusive practices or culturally and linguistically supportive and relevant practices, or both, into early learning program design, delivery, education, training, and evaluation; and

(d) Provide technical assistance to any applicant who needs it.

NEW SECTION. **Sec. 308.** A new section is added to chapter 43.330 RCW to read as follows:

EMPLOYER-SUPPORTED CHILD CARE.

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, in collaboration with the department of children, youth, and families, shall provide or contract to provide remote or in-person technical assistance to employers interested in supporting their employees' access to high quality child care.

(2) Technical assistance may include guidance related to:

(a) Operating a licensed child care center at or near the workplace for the benefit of employees;

(b) Financing and construction of a licensed child care center at or near the workplace for the benefit of employees;

(c) Providing financial assistance to employees for licensed or certified child care providers and license-exempt child care program expenses;

(d) Encouraging access and support for low-wage employees;

(e) Sponsoring dependent care flexible spending accounts for employees; and

(f) Developing a "bring your infant to work" program and other family-friendly work policies for employees.

NEW SECTION. **Sec. 309.** INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION. (1) The department shall administer or contract for infant and early childhood mental health consultation services to child care providers and early learning providers participating in the early achievers program.

(2) Infant and early childhood mental health consultation services must be delivered in coordination with the consultants provided under RCW 43.216.090.

(3) The department shall provide, or contract with an entity to provide, reflective supervision and professional development for infant and early childhood mental health consultants to meet national competency standards.

(4) As capacity allows, the department may provide access to infant and early childhood mental health consultation services to caregivers and licensed or certified, military, and tribal early learning providers, license-exempt family, friend, and neighbor care providers, and families with children

expelled or at risk of expulsion from child care.

Sec. 310. RCW 43.216.090 and 2019 c 360 s 7 are each amended to read as follows:

INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION.

((~~The~~)) Beginning July 1, 2021, the department of children, youth, and families must have or contract for one infant and early childhood mental health consultation coordinator and must enter into a contractual agreement with an organization providing coaching services to early achievers program participants to hire ((~~one~~)) at least 12 qualified infant and early childhood mental health consultants ((~~for each of the six department-designated regions~~)). The department shall determine, in collaboration with the statewide child care resource and referral network, where the additional consultants should be sited based on factors such as the total provider numbers overlaid with indicators of highest need. The infant and early childhood mental health consultants must support early achievers program coaches and child care providers by providing resources, information, and guidance regarding challenging behavior and expulsions and may travel to assist providers in serving families and children with severe behavioral needs. ((~~In coordination with the contractor, the department of children, youth, and families must report on the services provided and the outcomes of the consultant activities to the governor and the appropriate policy and fiscal committees of the legislature by June 30, 2021.~~))

NEW SECTION. **Sec. 311.** PLAY AND LEARN GROUPS. Subject to the availability of amounts appropriated for this specific purpose, the department, in consultation with community-based programs, shall provide or contract to provide, or both, resources and supports for inclusive and culturally and linguistically relevant play and learn groups. Play and learn groups offer parents and other caregivers culturally responsive opportunities to support their children's early learning, build relationships that reduce isolation and encourage socialization, and promote kindergarten readiness.

NEW SECTION. **Sec. 312.** PROFESSIONAL DEVELOPMENT. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall provide professional development supports to aid eligible providers in reaching the professional education and training standards adopted by the department. Professional development supports may include:

(a) Department-required trainings for child care providers conducted by department-approved trainers;

(b) Trainings for license-exempt family, friend, and neighbor child care providers conducted by department-approved trainers;

(c) Early achievers scholarships;

(d) Community-based training pathways and systems developed under RCW 43.216.755;

(e) Supporting a nonprofit organization that provides relationship-based professional development support to family, friend, and neighbor caregivers, child care centers, and licensed family home providers, and their work to help providers start their businesses; and

(f) Other professional development activities such as updating training content, data collection and reporting, trainer recruitment, retention, program monitoring, and trainings delivered by department-approved trainers on topics such as small business management, antibias and antiracist training, providing care for children with developmental disabilities, social-emotional learning, implementing inclusionary practices in early learning environments, infant and toddler care, dual language program development, and providing trauma-informed care.

(2) For the purposes of this section, "eligible provider" means: (a) An owner of a licensed or certified child care center, licensed or certified outdoor nature-based care, or licensed family home provider accepting state subsidy; (b) an employee of a licensed or certified child care center, licensed or certified outdoor nature-based care, or a licensed family home provider; (c) a contractor or provider of the early childhood education and assistance program or birth to three early childhood education and assistance program; or (d) an early achievers coach.

NEW SECTION. **Sec. 313.** NEGOTIATED RULE MAKING WITH CHILD CARE CENTERS.

When the secretary elects to engage in negotiated rule making pursuant to RCW 34.05.310(2)(a), the department must include the largest organization representing child care center owners and directors; the largest organization representing supervisors, teachers, and aides; and other affected interests before adopting requirements that affect child care center licensees.

NEW SECTION. **Sec. 314.** CAPACITY FLEXIBILITY FOR FAMILY HOME PROVIDERS. The department may waive the limit, as established in RCW 43.216.010(1)(c), that restricts family home providers from serving not more than 12 children. The department must establish conditions for such waivers by rule and must assess, at minimum, the provider's available square footage and staffing capabilities prior to issuing any waiver of the limit of 12 children.

PART IV

STRENGTHENING PRENATAL TO THREE SUPPORTS

NEW SECTION. **Sec. 401.** PRENATAL TO THREE INTENT. (1) The legislature finds that parental relationships and healthy interactions in the first few years of life help shape the development of babies' and toddlers' brains and bodies. Eighty percent of the brain is developed by the age of three and parents are a child's first teachers.

(2) The legislature finds that the federal family first prevention services act (P.L. 115-123) offers the state the opportunity to leverage federal funding for certain programs, including in-home parent skill-based programs, substance use disorder support, and mental health interventions. Culturally relevant, evidence-based programs that may qualify for these federal funds are limited. Therefore, state support may be necessary to serve traditionally underrepresented communities and increase positive engagement from parents and caregivers of children from before birth to age three.

(3) The legislature finds that small teacher-child ratios for infant and toddler care, as well as the existence of child care deserts with low levels of access to care for the birth to three age group, contribute to higher expenses for providers and families with babies and young children.

(4) Therefore, the legislature intends to expand parent and family education and support, incentivize the provision of infant and toddler care, and make early therapeutic and preventative services more readily available to families and young children.

NEW SECTION. **Sec. 402.** EDUCATION AND SUPPORT FOR PARENTS AND FAMILY, FRIEND, AND NEIGHBOR CAREGIVERS. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a prenatal to three family engagement strategy to support expectant parents, babies and toddlers from birth to three years of age, and their caregivers.

(2) Components of the prenatal to three family engagement strategy must include supports and services to improve maternal and infant health outcomes, reduce and mitigate trauma, promote attachment and other social-emotional assets, strengthen parenting skills, and provide early supports to help maximize healthy and robust childhood development and reduce isolation. Services and supports may include:

(a) In-home parent skill-based programs and training established in RCW 43.216.130;

(b) Facilitated play and learn groups;

(c) Parent peer-support groups, including groups designed for families with children with complex needs; families whose primary home language is not English; incarcerated parents; families coping with substance use disorder or mental health support needs; black, indigenous, and families of color; or other specific needs; and

(d) Other prenatal to age three programs and services.

(3) Continuity of services for babies and toddlers are important for early childhood brain development. Therefore, the services and supports described in this section may be made available to biological parents, foster parents, kinship care providers, and other family, friend, and neighbor caregivers.

Sec. 403. RCW 43.216.578 and 2019 c 408 s 8 are each amended to read as follows:

BIRTH TO THREE EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM.

(1) ((~~Within resources available under the federal preschool development grant birth to five grant award received in~~

~~December 2018,~~)) Subject to the availability of amounts appropriated for this specific purpose, the department shall ((~~develop a plan for phased implementation of~~)) administer a birth to three early childhood education and assistance program ((~~pilot project~~)) for eligible children under thirty-six months old. Funds to implement the ((~~pilot project~~)) program may include a combination of federal, state, or private sources.

(2) The department may adopt rules to implement the ((~~pilot project~~)) program and may waive or adapt early childhood education and assistance program requirements when necessary to allow for the operation of the birth to three early childhood education and assistance program. The department shall consider early head start rules and regulations when developing the provider and family eligibility requirements and program requirements. ((~~Any deviations from early head start standards, rules, or regulations must be identified and explained by the department in its annual report under subsection (6) of this section.~~))

(3)(a) ((~~Upon securing adequate funds to begin implementation, the pilot project~~)) The birth to three early childhood education and assistance program((~~s~~)) must be delivered through child care centers and family home providers who meet minimum licensing standards and are enrolled in the early achievers program.

(b) The department must determine minimum early achievers ratings scores for ((~~programs~~)) participating ((~~in the pilot project~~)) contractors.

(4) ((~~When selecting pilot project locations for service delivery, the department may allow each pilot project location to have up to three classrooms per location. When selecting and approving pilot project locations, the department shall attempt to select a combination of rural, urban, and suburban locations. The department shall prioritize locations with programs currently operating early head start, head start, or the early childhood education and assistance program.~~

~~(5)~~)) To be eligible for the birth to three early childhood education and assistance program, a child's family income must be at or below ((~~one hundred thirty~~)) 50 percent of the ((~~federal poverty level~~)) state median income and the child must be under thirty-six months old.

((~~(6) Beginning November 1, 2020, and each November 1st thereafter during pilot project activity, the department shall submit an annual report to the governor and legislature that includes a status update that describes the planning work completed, the status of funds secured, and any implementation activities of the pilot project. Implementation activity reports must include a description of the participating programs and number of children and families served.~~))

NEW SECTION. **Sec. 404.** INFANT CARE INCENTIVES. (1) The legislature finds that our state suffers from an extreme shortage of infant child care, impacting the ability of parents to participate in the workforce. Further, parents returning to work after using paid family leave to care for a new child struggle to find readily available, high quality care during a time of critical growth and brain development for young children. Therefore, the legislature intends to incentivize the provision of high quality infant care.

(2) Beginning July 1, 2022, the department shall provide an infant rate enhancement for licensed or certified child care providers and birth to three early childhood education and assistance program contractors who are:

(a) Accepting state subsidy;

(b) In good standing with the early achievers quality rating and improvement system; and

(c) Caring for a child between the ages of birth and 11 months.

(3) The department must adopt rules to implement this section.

NEW SECTION. **Sec. 405.** EARLY THERAPEUTIC AND PREVENTATIVE SERVICES. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer early therapeutic and preventative services and programs, such as the early childhood intervention and prevention services program, and other related services for children who are:

(a) Between the ages of birth and five years; and

(b) Referred by a child welfare worker, a department of social and health

services social worker, a primary care physician, a behavioral health provider, or a public health nurse due to: (i) Risk of child abuse or neglect; (ii) exposure to complex trauma; or (iii) significant developmental delays.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall make all reasonable efforts to deliver early therapeutic and preventative services and programs statewide. These services and programs must focus first on children and families furthest from opportunity as defined by income and be delivered by programs that emphasize greater racial equity.

PART V

CONFORMING AMENDMENTS

Sec. 501. RCW 43.216.010 and 2020 c 270 s 11 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" and "child care center" mean((~~s~~)) an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" and "family home provider" mean((~~s~~)) a child care provider who regularly provides early childhood education and early learning services for not more than twelve children at any given time in the provider's home in the family living quarters except as provided in section 314 of this act;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools that are engaged primarily in early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic

curriculum, and accept only school age children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) Any entity that provides recreational or educational programming for school age children only and the entity meets all of the following requirements:

(i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;

(ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;

(iii) The entity is a local affiliate of a national nonprofit; and

(iv) The entity is in compliance with all safety and quality standards set by the associated national agency;

(j) A program operated by any unit of local, state, or federal government;

(k) A program located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(l) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(m) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Certificate of parental improvement" means a certificate issued under RCW 74.13.720 to an individual who has a founded finding of physical abuse or negligent treatment or maltreatment, or a court finding that the individual's child was dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b).

(5) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(6) "Department" means the department of children, youth, and families.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early childhood education and assistance program contractor" means an organization that provides early childhood education and assistance program services under a signed contract with the department.

(9) "Early childhood education and assistance program provider" means an organization that provides site level, direct, and high quality early childhood education and assistance program services under the direction of an early childhood education and assistance program contractor.

(10) ((~~"Early start" means an integrated high quality continuum of early learning programs for children birth-to-five years of age. Components of early start include, but are not limited to, the following:~~

~~(a) Home visiting and parent education and support programs;~~

~~(b) The early achievers program described in RCW 43.216.085;~~

~~(c) Integrated full-day and part-day high quality early learning programs; and~~

~~(d) High quality preschool for children whose family income is at or below one hundred ten percent of the federal poverty level.~~

~~(11)~~)) "Education data center" means the education data center established in RCW 43.41.400, commonly referred to as the education research and data center.

((~~(12)~~)) (11) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

((~~(13)~~)) (12) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.216.325(1) or assessment of civil monetary penalties pursuant to RCW 43.216.325(3).

((~~(14)~~)) (13) "Extended day program" means an early childhood education and assistance program that offers early learning education for at least ten hours per day, a minimum of two thousand hours per year, at least four days per week, and operates year-round.

(14) "Family resource and referral linkage system" means a system that connects families to resources, services, and programs for which families are eligible and uses a database that is developed and maintained in partnership with communities, health care providers, and early learning providers.

(15) "Full day program" means an early childhood education and assistance program that offers early learning education for a minimum of one thousand hours per year.

(16) "Low-income child care provider" means a person who administers a child care program that consists of at least eighty percent of children receiving working connections child care subsidy.

(17) "Low-income neighborhood" means a district or community where more than twenty percent of households are below the federal poverty level.

(18) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

(19) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

(20) "Nonschool age child" means a child who is age six years or younger and who is not enrolled in a public or private school.

(21) "Part day program" means an early childhood education and assistance program that offers early learning education for at least two and one-half hours per class session, at least three hundred twenty hours per year, for a minimum of thirty weeks per year.

(22) "Private school" means a private school approved by the state under chapter 28A.195 RCW.

(23) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(24) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(25) "School age child" means a child who is five years of age through ((~~twelve~~)) 13 years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

(26) "Secretary" means the secretary of the department.

(27) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

Sec. 502. RCW 28B.50.248 and 2020 c 355 s 4 and 2020 c 279 s 3 are each reenacted and amended to read as follows:

Nothing in RCW 43.216.135((~~,~~)) or 43.216.136((~~, or 43.216.1365~~)) requires a community or technical college to expand any of its existing child care facilities. Any additional child care services provided by a community or technical college as a result of RCW 43.216.135((~~,~~)) or 43.216.136((~~, or 43.216.1365~~)) must be provided within existing resources and existing facilities.

Sec. 503. RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community ((~~trust~~)) services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund,

the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent

fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 504. RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 505. RCW 43.84.092 and 2020 c 221 s 5, 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

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(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 506. RCW 43.216.710 and 2017 3rd sp.s. c 6 s 213 are each amended to read as follows:

The department shall:

(1) Work in conjunction with the statewide child care resource and referral network as well as local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(2) Actively seek public and private money for distribution as grants to the statewide child care resource and referral network and to existing or potential local child care resource and referral organizations;

(3) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs, including training under RCW 74.25.040;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care;

(f) Provide technical assistance to employers regarding employee child care services; and

(g) Serve recipients of temporary assistance for needy families and working parents with household incomes at or below ((~~household incomes of two hundred~~)) 100 percent of the ((~~federal poverty line~~)) state median income;

(4) Provide staff support and technical assistance to the statewide child care resource and referral network and local child care resource and referral organizations;

(5) Maintain a statewide child care licensing data bank and work with department licensors to provide information to local child care resource and referral organizations about licensed or certified child care providers in the state;

(6) Through the statewide child care resource and referral network and local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(7) Coordinate with the statewide child care resource and referral network and local child care resource and referral organizations for the provision of training and technical assistance to child care providers;

(8) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services;

(9) Subject to the availability of amounts appropriated for this specific purpose, increase the base rate for all child care providers by ten percent;

(10) Subject to the availability of amounts appropriated for this specific purpose, provide tiered subsidy rate enhancements to child care providers if the provider meets the following requirements:

(a) The provider enrolls in quality rating and improvement system levels 2, 3, 4, or 5;

(b) The provider is actively participating in the early achievers program;

(c) The provider continues to advance towards level 5 of the early achievers program; and

(d) The provider must complete level 2 within thirty months or the reimbursement rate returns the level 1 rate; and

(11) Require exempt providers to participate in continuing education, if adequate funding is available.

Sec. 507. RCW 43.216.514 and 2020 c 343 s 3 are each amended to read as follows:

(1)(a) The department shall prioritize children for enrollment in the early childhood education and assistance program who are eligible pursuant to RCW 43.216.505.

(b) A child who is eligible at the time of enrollment in the early childhood education and assistance program maintains program eligibility until the child begins kindergarten.

(2) As space is available, children may be included in the early childhood education and assistance program pursuant to RCW 43.216.512. ((~~Priority within this group must be given first to children with incomes up to one hundred thirty percent of the federal poverty level.~~))

PART VI

MISCELLANEOUS

NEW SECTION. **Sec. 601.** Nothing in this act changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d).

NEW SECTION. **Sec. 602.** RCW 43.216.1365 (Working connections child care program—Eligibility) and 2020 c 355 s 3 are each repealed.

NEW SECTION. **Sec. 603.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 604.** Sections 204 through 206 and 403 of this act take effect July 1, 2026.

NEW SECTION. **Sec. 605.** Sections 101, 102, 106, 201, 206, 207, 302 through 307, 309, 311 through 314, 402, 404, 405, and 601 of this act are each added to chapter 43.216 RCW.

NEW SECTION. **Sec. 606.** Section 503 of this act expires July 1, 2021.

NEW SECTION. **Sec. 607.** Sections 201, 202, 301, 310, and 504 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2021.

NEW SECTION. **Sec. 608.** Section 504 of this act expires July 1, 2024.

NEW SECTION. **Sec. 609.** Section 505 of this act takes effect July 1, 2024.

NEW SECTION. **Sec. 610.** Sections 105 and 503 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Klippert and Young.

Referred to Committee on Appropriations.

March 25, 2021

ESSB 5251 Prime Sponsor, Committee on Ways & Means: Modifying tax and revenue laws in a manner that is not estimated to affect state or local tax collections, by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

March 24, 2021

2SSB 5253 Prime Sponsor, Committee on Ways & Means: Implementing the recommendations of the pollinator health task force. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The purpose of this act is to implement the recommendations of the pollinator health task force created by section 3, chapter 353, Laws of 2019, entitled "Recommendations of the Pollinator Health Task Force - for Pollinator Health in Washington" (November 2020).

(2) The task force provided recommendations to help prioritize and enact policy changes for pollinators in Washington. The recommendations are organized under five broad categories: (a) Habitat; (b) pesticides; (c) education; (d) managed pollinators; and (e) research.

(3) The task force met for the first time the same week that the Asian giant hornet was first discovered in Washington and the week after the Houdini fly was also reported for the first time in Washington. Asian giant hornets primarily hunt honey bees and destroy entire honey bee hives. The Houdini fly threatens native mason bee populations as well as managed mason bees. Washington is home to over 400 different species of native bees, 65 species of butterflies, as well as moths, wasps, beetles, flies, and hummingbirds. The loss of pollinators, managed and unmanaged, can lead to decreased yields of many fruits, nuts, and vegetables. Washington is currently the top producer in the United States of apples, sweet cherries, alfalfa, blueberries, and pears. In Washington state, honey bees and other pollinators are responsible for the production of tree fruits, small fruits, and other crops.

(4) The legislature intends by this act to implement various recommendations from the pollinator health task force to protect and expand the habitat upon which pollinators depend, by providing technical and financial assistance to public and private landowners, and by coordinating with state agencies and local governments in promoting practices to ensure sustainable, healthy populations of managed and native pollinators.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.23 RCW to read as follows:

(1) The department shall create and chair a pollinator health task force. The department shall appoint the members of the task force, which must include, but is not limited to, representatives of the following interests, organizations, and state agencies:

(a) The conservation commission;

(b) The department of natural resources;

(c) The department of fish and wildlife;

(d) The state parks and recreation commission;

(e) The Washington state department of transportation;

(f) The state noxious weed control board;

(g) The tree fruit industry;

(h) The seed industry;

(i) The berry industry;

(j) Other agricultural industries dependent upon pollinators;

(k) Washington State University;

(l) Pesticide distributors and applicators;

(m) Conservation organizations;

(n) Organizations representing beekeepers or apiarists;

(o) A member of the public from west of the crest of the Cascade mountains; and

(p) A member of the public from east of the crest of the Cascade mountains.

(2) One or more representatives of Washington tribes must also be invited to participate on the task force.

(3) One youth representative from an organization that encourages students to engage in agricultural education must also be invited to participate on the task force when available.

(4) The task force shall build upon existing pollinator research and pollinator habitat plans at the national and state level including, but not limited to, the state-managed pollinator plan, to assist with the development of an implementation plan to implement the state pollinator health strategy.

(5) The task force shall assist, as practicable, with implementation of the recommendations of the task force submitted to the legislature in November 2020.

(6) The department shall provide the implementation plan to the appropriate committees of the senate and house of representatives by December 31, 2021, in compliance with RCW 43.01.036. The implementation plan must include the task force's evaluation and development of protocols that would increase communications between beekeepers, farmers and growers, and pesticide applicators including, but not limited to, education and outreach to beekeepers, farmers and growers, and pesticide applicators.

(7) The department shall provide information related to implementation of the state pollinator health strategy and a recommendation of whether to extend the task force beyond January 1, 2024, to the appropriate committees of the senate and house of representatives by December 1, 2022, in compliance with RCW 43.01.036.

(8) This section expires January 1, 2024.

Sec. 3. RCW 43.23.300 and 2019 c 353 s 2 are each amended to read as follows:

(1) The department shall establish a program to promote and protect pollinator habitat and the health and sustainability of pollinator species. As funds are made available, the program must provide technical and financial assistance to state agencies, local governments, and private landowners to implement practices that promote habitat for ((~~managed~~)) all pollinators, including native species, as well as beekeeper and grower best management practices. The program must be administered in coordination with the apiary program established in chapter 15.60 RCW, the honey bee commission authorized in chapter 15.62 RCW, and programs administered by the conservation commission and conservation districts.

(2) Subject to the availability of funds appropriated for this specific purpose, and in consultation with the department of fish and wildlife, the department must:

(a) Review, in consultation with Washington State University, education needs related to pollinator education and develop a plan that outlines the goals related to pollinator education and the necessary partners, personnel, and other resources;

(b) Evaluate and complete an analysis of critical impacts and needed best management practices for managed and wild pollinators. The department shall lead this effort in partnership with Washington State University, and in collaboration with the department of fish and wildlife and the state conservation commission. The effort must utilize the framework established in the state's managed pollinator protection plan as a guide for formal recommendations and education opportunities. The analysis must address food insecurities, habitat loss, virus and disease, pests, and pesticides, which may play a role in pollinator health decline. The

department shall make the resources produced pursuant to this subsection available to the public on the department's website, as well as through Washington State University and the state's conservation districts;

(c) Document, in consultation with Washington State University, the bee species within the state and map their distributions as practicable;

(d) Provide economic and environmental impacts of weed listing and categorization on pollinator health to county noxious weed control boards in consultation with the state noxious weed control board and annually submit a report to the noxious weed control board describing pollinator health issues;

(e) Provide materials, where practicable and in consultation with Washington State University, about certification programs that support pollinator health, biodiversity, and low-impact pesticide application to the public;

(f) Educate the public through plant nurseries about the necessity for blooming nectar plants to be available to wild and managed pollinators throughout their respective active seasons;

(g) Survey registered beekeepers to determine whether the current apiary program should be expanded to include apiary inspections or registration of apiary yards;

(h) Continue and maintain partnership with federal agencies and neighboring states to promote and enhance the implementation of the national strategy to promote the health of honey bees and improve pollinator health;

(i) Increase the availability of pollinator-related resources on the department's website, as practicable, and other state agencies' websites as appropriate;

(j) Review guidelines on state-managed lands to protect native pollinators and improve transparency for state-managed land areas which may permit managed honey bees so that impacts to wild pollinators from honey bees may be minimized; and

(k) In consultation with the department of revenue, review the open space taxation act and provide recommendations to the legislature, in compliance with RCW 43.01.036, on options to include pollinator habitat in the current open space property tax classification.

NEW SECTION. **Sec. 4.** A new section is added to chapter 17.21 RCW to read as follows:

(1) The department shall continue to evaluate and update, as necessary, pesticide regulatory and education programs focused on measures to protect pollinator health. This work by the department, when appropriate, must be coordinated with Washington State University pesticide education programs to limit duplication and ensure consistent information sharing.

(2) Subject to the availability of amounts appropriated for this specific purpose, and in consultation with the department of fish and wildlife with regard to considerations for native pollinator species, the department must:

(a) Evaluate and adapt pesticide training and drift reduction technical assistance programs to include up-to-date protection measures for pollinators;

(b) Support Washington State University's pesticide education programs continued incorporation of pollinator protection measures during their training and certification classes, and coordinate on presented research, new protection measures, technological advancements, and any other significant science-based information;

(c) Coordinate with pollinator health staff in the department and at Washington State University to conduct investigations and share annual findings from pesticide-related investigations with the pollinator health task force;

(d) Evaluate and, if necessary, update the pesticide civil penalty matrix related to pollinator death or damage due to the misuse of pesticides and ensure pollinator health protections are included;

(e) When possible, the department must provide credits for pesticide courses focused on pollinator protection measures.

(3) By December 31, 2021, the department shall provide a report to the appropriate committees of the senate and house of representatives, in compliance with RCW 43.01.036, that includes recommendations for measures to mitigate

the risks of harm to bees and other pollinators from the use of neonicotinoid pesticides and treated seeds. The department shall evaluate and incorporate the reviews scheduled for completion by the United States environmental protection agency during 2021, including recommended mitigation measures from that agency. The department shall also review neonicotinoid pesticide use restrictions and labeling requirements adopted in other states and include in the report any recommendations for adoption of similar requirements in this state.

Sec. 5. RCW 17.24.081 and 1991 c 257 s 12 are each amended to read as follows:

It shall be unlawful for a person to:

(1) Sell, offer for sale, or distribute a noxious weed or a plant or plant product or regulated article infested or infected with a plant pest declared by rule to be a threat to the state's forest, agricultural, horticultural, floricultural, or beekeeping industries or environment;

(2) Knowingly receive a noxious weed, or a plant, plant product, bees, bee hive or appliances, or regulated article sold, given away, carried, shipped, or delivered for carriage or shipment within this state, in violation of the provisions of this chapter or the rules adopted under this chapter;

(3) Fail to immediately notify the department and isolate and hold the noxious weed, bees, bee hives or appliances, plants or plant products, or other thing unopened or unused subject to inspection or other disposition as may be provided by the department, where the item has been received without knowledge of the violation and the receiver has become subsequently aware of the potential problem;

(4) Knowingly conceal or willfully withhold available information regarding an infected or infested plant, plant product, regulated article, or noxious weed;

(5) Introduce or move into this state, or to move or dispose of in this state, a plant, plant product, or other item included in a quarantine, except under rules as may be prescribed by the department, after a quarantine order has been adopted under this chapter against a place, nursery, orchard, vineyard, apiary, other agricultural establishment, county of this state, another state, territory, or a foreign country as to a plant pest, bee pest, or noxious weed or genetically engineered plant or plant pest organism, until such quarantine is removed;

(6) Introduce or move nonnative managed bumble bees into this state to be used in open-field agricultural use.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.30 RCW to read as follows:

The Washington State University extension program must develop a pollinator extension education and outreach program and develop a statewide, science-based, pollinator education plan to educate beekeepers, agricultural producers, land managers, licensed pesticide applicators, other professionals, and the public. The plan should emphasize pollinator best management practices for both native and managed species.

NEW SECTION. **Sec. 7.** A new section is added to chapter 39.04 RCW to read as follows:

If a public works project includes landscaping, at least 25 percent of the planted area must be pollinator habitat to the extent practicable. For purposes of this section, "pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators, including honey bees. The department of agriculture, in consultation with the conservation commission and the department of fish and wildlife, must develop a list of native forage plants that are pollen-rich or nectar-rich and beneficial for all pollinators, including honey bees.

Sec. 8. RCW 77.12.058 and 2019 c 353 s 8 are each amended to read as follows:

(1) The department must implement practices necessary to maintain pollinator habitat on department-owned and managed agricultural and grazing lands where practicable. ((~~For the purposes of this section, "pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators, including honey bees, as determined by the department.~~))

(2) The department must evaluate various restoration techniques with the goal of improving habitat for native pollinators. The department must update its riparian habitat recommendations to encourage development of pollinator habitat where practicable when making habitat improvements or for riparian restoration.

(3) For the purposes of this section, "pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators, including honey bees, as determined by the department.

Sec. 9. RCW 89.08.620 and 2020 c 351 s 4 are each amended to read as follows:

(1) When prioritizing grant recipients, the commission, in consultation with the department of agriculture, Washington State University, the department of fish and wildlife, and the United States department of agriculture natural resources conservation service, shall seek to maximize the benefits of the grant program by leveraging other state, nonstate, public, and private sources of money. The primary metrics used to rank grant applications must be made public by the commission.

(2) The grant program must prioritize or weight projects based on consideration of the individual project's ability to:

(a) Increase the quantity of organic carbon in topsoil through practices including, but not limited to, cover cropping, no-till and minimum tillage conservation practices, crop rotations, manure application, biochar application, compost application, and changes in grazing management;

(b) Increase the quantity of organic carbon in aquatic soils;

(c) Intentionally integrate trees, shrubs, seaweed, or other vegetation into management of agricultural and aquacultural lands, with preference for native vegetation where practicable and appropriate;

(d) Reduce or avoid carbon dioxide equivalent emissions in or from soils;

(e) Reduce nitrous oxide and methane emissions through changes to livestock or soil management; and

(f) Increase usage of precision agricultural practices.

(3) The commission shall develop and approve a prioritization metric to guide the distribution of funds appropriated by the legislature for this purpose, with the goal of producing cost-effective carbon dioxide equivalent impact benefits.

(4) Applicants that create riparian buffers along waterways, or otherwise benefit fish habitat, must receive an enhanced prioritization compared to other grant applications that perform similarly under the prioritization metrics developed by the commission.

(5)(a) Applicants that create or maintain pollinator habitat must receive an enhanced prioritization compared to other grant applications that perform similarly under the prioritization metrics developed by the commission.

(b) For the purposes of this subsection, "pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators, including honey bees, as determined by the department of agriculture.

(6) The commission shall downgrade a specific grant proposal within its prioritization metric if the proposal is expected to cause significant environmental damage to fish and wildlife habitat.

NEW SECTION. **Sec. 10.** A new section is added to chapter 89.08 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission is authorized to develop an ongoing small grants program to provide funding to the conservation districts to educate residents and community groups in urban, suburban, and rural nonfarm areas about the value of habitat for both managed and native pollinators, and to provide the necessary technical and financial assistance and materials to create it.

(2) Educational efforts should include the benefits of habitat diversity, especially pollen-rich and nectar-rich flowering forbs and shrubs. Preference for pollinator plants should be given to native plants or noninvasive, nonnative plants.

(3) Planting projects should provide diverse native or nonnative, noninvasive plants of high quality for pollinator foraging, nesting, and overwintering, as determined by site suitability. Options may include, but are not limited to, bee or eco-lawns, flowering meadow gardens, xeriscaping, shrub plantings, tree plantings, rain gardens, riparian restoration, and other pollinator-friendly landscaping.

(4) Criteria to rank applicants should include a detailed budget demonstrating funding needs, resource concerns addressed, value to at-risk native pollinators, multiple-use benefits of habitat, planned project longevity, and plans for long-term maintenance."

Correct the title.

Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

March 25, 2021

E2SSB 5304 Prime Sponsor, Committee on Ways & Means: Providing reentry services to persons releasing from state and local institutions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that when considering releasing persons from state and local institutions, realizing the safety of the public is the primary concern. The legislature also finds that the success of persons with behavioral health needs being released from confinement in a prison, jail, juvenile rehabilitation facility, state hospital, and other state and local institutions can be increased with access to continuity of medical assistance, supportive services, and other targeted assistance. The legislature finds that this act provides strategies to prevent interruption of medical assistance benefits and to allow for a seamless transfer between systems of care. The legislature further finds that this act removes stigmatizing language from the program created under RCW 72.09.370 and 71.24.470 and creates a work group to study how to expand the cost-effective strategies of this program to other populations and settings to enhance recovery, reduce recidivism, and improve safety.

Sec. 2. RCW 74.09.670 and 2016 c 154 s 2 are each amended to read as follows:

((~~The~~)) When the authority receives information that a person enrolled in medical assistance is confined in a setting in which federal financial participation is disallowed by the state's agreements with the federal government, the authority ((~~is directed to~~)) shall suspend, rather than terminate, medical assistance benefits ((~~by July 1, 2017,~~)) for these persons, including those who are incarcerated in a correctional institution as defined in RCW 9.94.049, or committed to a state hospital or other treatment facility. ((~~This must include the ability for a~~)) A person who is not currently enrolled in medical assistance must be allowed to apply for medical assistance in suspense status during ((~~incarceration~~)) confinement, and the ability to apply may not depend upon knowledge of the release or discharge date of the person. ((~~The authority must provide a progress report describing program design and a detailed fiscal estimate to the governor and relevant committees of the legislature by December 1, 2016.~~))

Sec. 3. RCW 74.09.555 and 2019 c 325 s 4005 are each amended to read as follows:

(1) The authority shall adopt rules and policies providing that when persons ((~~with a mental disorder,~~)) who were enrolled in medical assistance immediately prior to confinement, or who become enrolled in medical assistance in suspense status during the period of confinement, are released from confinement, their medical assistance coverage ((~~will~~)) shall be fully reinstated ((~~on the day~~)) no later than at the moment of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law. The authority may reinstate medical assistance prior to the day of release provided that no federal funds are expended for any purpose that is not authorized by the state's agreements with the federal government.

(2) The authority, in collaboration with the Washington association of sheriffs and police chiefs, the department of corrections, the department of children, youth, and families, managed care organizations, and behavioral health administrative services organizations, shall establish procedures for coordination between the authority and department field offices, institutions for mental disease, and correctional institutions, as defined in RCW 9.94.049, that result in prompt reinstatement of eligibility and speedy eligibility determinations for ((~~persons who are likely to be eligible for~~)) medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expeditious review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance services identity cards to persons eligible for medical assistance services ((~~immediately upon~~)) before their release from confinement; ((~~and~~))

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits, including federal acceptance of applications on behalf of confined persons; and

(e) Assuring that notification of the person's release date, current location, and other appropriate information is provided to the person's managed care organization before the person's scheduled release from confinement, or as soon as practicable thereafter.

(3) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution or institution for mental diseases shall provide the authority with that information for purposes of making medical assistance eligibility and enrollment determinations prior to the person's release from confinement. The authority shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional institution, as defined in RCW 9.94.049, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

(5) ((~~For purposes of this section, "likely to be eligible" means that a person:~~

~~(a) Was enrolled in medicaid or supplemental security income or the medical care services program immediately before he or she was confined and his or her enrollment was terminated during his or her confinement; or~~

~~(b) Was enrolled in medicaid or supplemental security income or the medical care services program at any time during the five years before his or her confinement, and medical or psychiatric examinations during the person's confinement indicate that the person continues to be disabled and the disability is likely to last at least twelve months following release.~~

~~(6)~~)) The economic services administration within the department shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined person ((~~who is likely to be eligible~~)) for medicaid.

NEW SECTION. **Sec. 4.** (1) The health care authority shall apply for a waiver allowing the state to provide medicaid services to persons who are confined in a correctional institution as defined in RCW 9.94.049 or confined in a state hospital or other treatment facility up to 30 days prior to the person's release or discharge to the community. The purpose is to create continuity of care and provide reentry services.

(2) The health care authority shall consult with the work group established under section 9 of this act about how to optimize the waiver application and its chance of success, including by limiting its scope if deemed appropriate.

(3) The health care authority shall inform the governor and relevant committees of the legislature in writing

when the waiver application is submitted and update them as to progress of the waiver at appropriate points.

(4) No provision of this section may be interpreted to require the health care authority to provide medicaid services to persons who are confined in a correctional institution, state hospital, or other treatment facility up to 30 days prior to the person's release or discharge unless the health care authority obtains final approval for its waiver application from the centers for medicare and medicaid services.

Sec. 5. RCW 9.94.049 and 1995 c 314 s 6 are each amended to read as follows:

(1) For the purposes of this chapter, the term "correctional institution" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, juvenile detention centers, and other facilities operated by the department of corrections, department of children, youth, and families, or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction or adjudication of a criminal offense.

(2) For the purposes of RCW 9.94.043 and 9.94.045, "state correctional institution" means all state correctional facilities under the supervision of the secretary of the department of corrections used solely for the purpose of confinement of convicted felons.

Sec. 6. RCW 72.09.370 and 2019 c 325 s 5025 are each amended to read as follows:

(1) The ((~~offender~~)) reentry community ((~~safety~~)) services program is established to provide intensive services to ((~~offenders~~)) persons identified under this subsection and to thereby promote successful reentry, public safety, and recovery. The secretary shall identify ((~~offenders~~)) persons in confinement or partial confinement who: (a) Are reasonably believed to ((~~be dangerous~~)) present a danger to themselves or others if released to the community without supportive services; and (b) have a mental disorder. In ((~~determining an offender's dangerousness~~)) evaluating these criteria, the secretary shall consider behavior known to the department and factors, based on research, that are linked to ((~~an increased~~)) risk ((~~for~~)) of dangerousness ((~~of offenders~~)) for persons with mental illnesses within the criminal justice system and shall include consideration of ((~~an offender's~~)) the person's history of substance use disorder or abuse.

(2) Prior to release of ((~~an offender~~)) a person identified under this section, a team consisting of representatives of the department of corrections, the health care authority, and, as necessary, the indeterminate sentence review board, divisions or administrations within the department of social and health services, specifically including the division of developmental disabilities, the appropriate managed care organization ((~~contracted with the health care authority, the appropriate~~)) or behavioral health administrative services organization, and ((~~the~~)) reentry community services providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the ((~~offender~~)) person upon release. In developing the plan, the ((~~offender~~)) person shall be offered assistance in executing a mental health advance directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for ((~~offenders~~)) persons under the age of ((~~twenty-one~~)) 21. The team shall consult with the ((~~offender's~~)) person's counsel, if any, and, as appropriate, the ((~~offender's~~)) person's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific ((~~offender~~)) person. The team may recommend: (a) That the ((~~offender~~)) person be evaluated by ((~~the~~)) a designated crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or substance use disorder or abuse treatment.

(3) Prior to release of ((~~an offender~~)) a person identified under this section, the team shall determine whether or not an evaluation by a designated crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated crisis responder. The supporting documentation shall include the ((~~offender's~~)) person's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the ((~~offender's~~)) person's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the ((~~offender~~)) person only to a state hospital or to a consenting evaluation and treatment facility or secure withdrawal management and stabilization facility. The department shall arrange transportation of the ((~~offender~~)) person to the hospital or facility.

(7) If the designated crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the ((~~offender~~)) person to appear at an evaluation and treatment facility or secure withdrawal management and stabilization facility. If a summons is issued, the ((~~offender~~)) person shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified ((~~evaluation and treatment~~)) facility.

(8) The secretary shall adopt rules to implement this section.

Sec. 7. RCW 71.24.470 and 2019 c 325 s 1030 are each amended to read as follows:

(1) The director shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the director deems necessary to assist ((~~offenders~~)) persons identified under RCW 72.09.370 for participation in the ((~~offender~~)) reentry community ((~~safety~~)) services program. The contracts may be with any qualified and appropriate entities. The director shall ensure the authority has coverage in all counties of the state for the purposes of providing reentry community services program services.

(2) The case manager has the authority to assist these ((~~offenders~~)) persons in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, assistance obtaining substance use disorder treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, peer services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The ((~~offender~~)) reentry community ((~~safety~~)) services program was formerly known as the community integration assistance program.

Sec. 8. RCW 71.24.480 and 2019 c 325 s 1031 are each amended to read as follows:

(1) A licensed or certified behavioral health agency acting in the course of the ((~~provider's~~)) agency's duties under this chapter((~~, is~~)) and its individual employees are not liable for civil damages resulting from the injury or death of another caused by a participant

in the ((~~offender~~)) reentry community ((~~safety~~)) services program who is a client of the ((~~provider or organization~~)) agency, unless the act or omission of the ((~~provider or organization~~)) agency or employee constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed or certified behavioral health agency shall report ((~~an offender's~~)) a reentry community services program participant's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed or certified behavioral health agency's mere act of treating a participant in the ((~~offender~~)) reentry community ((~~safety~~)) services program is not negligence. Nothing in this subsection alters the licensed or certified behavioral health agency's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed or certified behavioral health agencies and their employees and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the ((~~offender~~)) reentry community ((~~safety~~)) services program" means a person who has been identified under RCW 72.09.370 as ((~~an offender~~)) a person who: (a) Is reasonably believed to ((~~be dangerous~~)) present a danger to himself or herself or others if released to the community without supportive services; and (b) has a mental disorder.

NEW SECTION. **Sec. 9.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a reentry services work group to consider ways to improve reentry services for persons with an identified behavioral health services need. The work group shall:

(a) Advise the authority on its waiver application under section 4 of this act;

(b) Develop a plan to assure notifications of the person's release date, current location, and other appropriate information are provided to the person's managed care organization before the person's scheduled release from confinement, or as soon as practicable thereafter, in accordance with RCW 74.09.555;

(c) Consider the value of expanding, replicating, or adapting the essential elements of the reentry community services program under RCW 72.09.370 and 71.24.470 to benefit new populations, such as:

(i) A larger group of incarcerated persons in the department of corrections than those who currently have the opportunity to participate;

(ii) State hospital patients committed under criminal insanity laws under chapter 10.77 RCW;

(iii) Involuntary treatment patients committed under chapter 71.05 RCW;

(iv) Persons committed to juvenile rehabilitation;

(v) Persons confined in jail; and

(vi) Other populations recommended by the work group;

(d) Consider whether modifications should be made to the reentry community services program;

(e) Identify potential costs and savings for the state and local governments which could be realized through the use of telehealth technology to provide behavioral health services, expansion or replication of the reentry community services program, or other reentry programs which are supported by evidence;

(f) Consider the sustainability of reentry or diversion services provided by pilot programs funded by contempt fines in *Trueblood, et al., v. Washington State DSHS*, No. 15-35462;

(g) Recommend a means of funding expanded reentry services; and

(h) Consider incorporation of peer services into the reentry community services programs.

(2) The authority shall invite participation in the work group by stakeholders including but not limited to representatives from: Disability rights Washington; behavioral health advocacy organizations; behavioral health peers; reentry community services providers; community behavioral health agencies; advocates for persons with developmental disabilities; the department of corrections; the department of children, youth, and families; the Washington association of sheriffs and police chiefs; prosecutors; defense attorneys; the Washington state association of counties; King county behavioral health and recovery division; the department of social and health services; state hospital employees who serve patients committed under chapters 10.77 and 71.05 RCW; the public safety review panel under RCW 10.77.270; managed care organizations; behavioral health administrative services organizations; jail administrators; the Washington statewide reentry council; the Washington state senate; the Washington state house of representatives; and the Washington state institute for public policy.

(3) The work group must provide a progress report to the governor and appropriate committees of the legislature by July 1, 2022, and a final report by December 1, 2023.

NEW SECTION. **Sec. 10.** The Washington state institute for public policy shall update its previous evaluations of the reentry community services program under RCW 72.09.370 and 71.24.470, and broaden its cost-benefit analysis to include impacts on the use of public services, and other factors. The institute shall collaborate with the work group established under section 9 of this act to determine research parameters and help the work group answer additional research questions including, but not limited to, the potential cost, benefit, and risks involved in expanding or replicating the reentry community services program; and what modifications to the program are most likely to prove advantageous based on the current state of knowledge about evidence-based, research-based, and promising programs. The department of corrections, health care authority, administrative office of the courts, King county, and department of social and health services must cooperate with the institute to facilitate access to data or other resources necessary to complete this work. The institute must provide a preliminary report by July 1, 2022, and a final report by November 1, 2023, to the governor and relevant committees of the legislature.

Sec. 11. RCW 72.09.270 and 2008 c 231 s 48 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every ((~~offender~~)) person who is committed to the jurisdiction of the department except:

(a) ((~~Offenders~~)) Persons who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) ((~~Offenders~~)) Persons who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all ((~~offenders~~)) persons using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each ((~~offender~~)) person. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the ((~~offender~~)) person, including any learning disabilities, substance abuse or mental health issues, and social or behavior deficits.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than ((~~forty-five~~)) 45 days of being sentenced to the jurisdiction of the department of corrections.

(b) The ((~~offender's~~)) person's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than ((~~sixty~~)) 60 days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the ((~~offender's~~)) person's children and family;

(b) An individualized portfolio for each ((~~offender~~)) person that includes the ((~~offender's~~)) person's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the ((~~offender~~)) person during the period of incarceration through reentry into the community that addresses the needs of the ((~~offender~~)) person including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) Prior to discharge of any ((~~offender~~)) person, the department shall:

(i) Evaluate the ((~~offender's~~)) person's needs and, to the extent possible, connect the ((~~offender~~)) person with existing services and resources that meet those needs; and

(ii) Connect the ((~~offender~~)) person with a community justice center and/or community transition coordination network in the area in which the ((~~offender~~)) person will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in ((~~an offender's~~)) a person's individual reentry plan, the department shall maximize the period of partial confinement for the ((~~offender~~)) person as allowed pursuant to RCW 9.94A.728 to facilitate the ((~~offender's~~)) person's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the ((~~offender's~~)) person's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for ((~~an offender~~)) a person released to community custody, the department may ((~~not~~)) approve a residence location that is not in the ((~~offender's~~)) person's county of origin ((~~unless it is determined by the~~)) if the department determines that the ((~~offender's return to his or her county of origin would be inappropriate considering~~)) residence location would be appropriate based on any court-ordered condition of the ((~~offender's~~)) person's sentence, victim safety concerns, ((~~negative influences on the offender in the community, or the~~)) and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the ((~~offender~~)) person, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the person in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the ((~~offender~~)) person is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the ((~~offender~~)) person is placed with a written explanation.

((~~(c)~~)) (d)(i) For purposes of this section, except as provided in (d)(ii) of this subsection, the ((~~offender's~~)) person's county of origin means the county of the ((~~offender's~~)) person's residence at the time of the person's first felony conviction in Washington state.

(ii) If the person is a homeless person as defined in RCW 43.185C.010, or the person's residence is unknown, then the person's county of origin means the county of the person's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services.

Sec. 12. RCW 43.380.020 and 2019 c 415 s 976 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific

purpose, the Washington statewide reentry council is created and located within the department for the purpose of promoting successful reentry of offenders after incarceration.

(2) Through the executive director that may be appointed by the council, the department shall administer the council by:

(a) Providing the council and its executive director use of the department's facilities; and

(b) Managing grants and other funds received, used, and disbursed by the council.

((~~(3) Except during the 2019-2021 fiscal biennium, the department may not designate additional full-time staff to the administration of the council beyond the executive director.~~))"

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member Caldier, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 24, 2021

ESSB 5321 Prime Sponsor, Committee on Higher Education & Workforce Development: Expanding access to the college bound scholarship. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature enacted the college bound scholarship program in 2007 to encourage all Washington students to dream big by creating a guaranteed four-year tuition scholarship program for students from low-income families. The legislature finds the program has been successful in achieving this goal. A report by the Washington state institute for public policy found that the scholarship increases high school graduation rates, probability of on-time college enrollment, college persistence, and college graduation rates. However, more than one quarter of eligible students are unable to access the scholarship by failing to sign the pledge required by the program. The legislature finds that the pledge has become an unintended barrier to entry, a problem made more acute as students are receiving their education remotely during the COVID-19 pandemic and have less access to school teachers, counselors, and peers. Therefore, the legislature intends with this act to remove the pledge as an eligibility requirement while retaining the requirement that students maintain a "C" average for direct admittance to a public or private four-year higher education institution and avoid serious interactions with the criminal justice system for four years. In order to ensure that the legislature will fulfill its promise to provide a scholarship upon graduation, the legislature intends by this act to create a statutory contractual right for students who fulfill scholarship requirements that vests when the student becomes first eligible for the scholarship.

Sec. 2. RCW 28B.118.010 and 2019 c 406 s 44 and 2019 c 298 s 1 are each reenacted and amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the Washington college grant program in chapter 28B.92 RCW unless otherwise provided in this section. The right of an eligible student to receive a college bound scholarship vests upon enrollment in the program that is earned by meeting the requirements of this section as it exists at the time of the student's enrollment under subsection (2) of this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches or are enrolled at schools using provision 2 of the national school lunch act or the community eligibility provision under section 104(a) of the federal health, hunger-free kids act of 2010.

(i) If a student qualifies in the seventh ((~~or~~)), eighth, or ninth grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter or if the

student is no longer enrolled at a school using provision 2 of the national school lunch act or the community eligibility provision under section 104(a) of the federal health, hunger-free kids act of 2010.

(ii) Beginning in the ((~~2019-20~~)) 2021-22 academic year, if a student qualifies for free or reduced-price lunches in the ((~~ninth~~)) 10th grade and was previously ineligible during the seventh ((~~or~~)), eighth, or ninth grade while he or she was a student in Washington, the student is eligible for the college bound scholarship program;

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school; or

(c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of fourteen and eighteen with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW 74.13A.025.

(2) ((~~Eligible students and the students' parents or guardians shall be notified of the student's eligibility for the Washington college bound scholarship program. Students and the students' parents or guardians shall also be notified of the requirements for award of the scholarship.~~

~~(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a)(i) of this section must sign a pledge during seventh or eighth grade or a student eligible under subsection (1)(a)(ii) of this section must sign a pledge during ninth grade. The pledge must include a commitment to graduate from high school with at least a C average and with no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.~~

~~(b)(i) Beginning in the 2018-19 academic year, the office of student financial assistance shall make multiple attempts to secure the signature of the student's parent or guardian for the purpose of witnessing the pledge.~~

~~(ii) If the signature of the student's parent or guardian is not obtained, the office of student financial assistance may partner with the school counselor or administrator to secure the parent's or guardian's signature to witness the pledge. The school counselor or administrator shall make multiple attempts via all phone numbers, email addresses, and mailing addresses on record to secure the parent's or guardian's signature. All attempts to contact the parent or guardian must be documented and maintained in the student's official file.~~

~~(iii) If a parent's or guardian's signature is still not obtained, the school counselor or administrator shall indicate to the office of student financial assistance the nature of the unsuccessful efforts to contact the student's parent or guardian and the reasons the signature is not available. Then the school counselor or administrator may witness the pledge unless the parent or guardian has indicated that he or she does not wish for the student to participate in the program.~~

~~(c) A~~)) (a) Every eligible student ((~~eligible under subsection (1)(b) of this section~~)) shall be automatically enrolled by the office of student financial assistance, with no action necessary by the student ((~~or the~~)), student's family, ((~~and the enrollment form must be forwarded by the department of social and health services to the office of student financial assistance by mail or electronically, as indicated on the form~~)) or student's guardians.

(b) Eligible students and the students' parents or guardians shall be notified of the student's enrollment in the Washington college bound scholarship program and the requirements for award of the scholarship by the office of student financial assistance. To the maximum extent practicable, an eligible student must acknowledge enrollment in the college bound scholarship program and receipt of the requirements for award of the scholarship.

(c) The office of the superintendent of public instruction and the department of children, youth, and families must provide the office of student financial assistance with a list of eligible

students when requested. The office of student financial assistance must determine the most effective methods, including timing and frequency, to notify eligible students of enrollment in the Washington college bound scholarship program. The office of student financial assistance must take reasonable steps to ensure that eligible students acknowledge enrollment in the college bound scholarship program and receipt of the requirements for award of the scholarship. The office of student financial assistance shall also make available to every school district information, brochures, and posters to increase awareness and to enable school districts to notify eligible students directly or through school teachers, counselors, or school activities.

((~~(4)(a) Scholarships shall be awarded to~~)) (3) Except as provided in subsection (4) of this section, an eligible student((~~s graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.~~

~~(b)(i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average~~)) must:

(a) Graduate from a public high school ((~~or~~)) under RCW 28A.150.010, an approved private high school under chapter 28A.195 RCW in Washington, or have received home-based instruction under chapter 28A.200 RCW((~~, must have~~)) and:

(i) For direct admittance to a public or private four-year institution of higher education, graduate with at least a "C" average; or

(ii) Enroll directly into a community or technical college with the opportunity to transfer to a public or private four-year institution of higher education;

(b) Have no felony convictions((~~, and must be~~));

(c) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e)((~~. A~~));

(d) Have a family income that does not exceed 65 percent of the state median family income at the time of high school graduation.

(4)(a) An eligible student who ((~~is eligible to receive the Washington college bound scholarship because the student~~)) is a resident student under RCW 28B.15.012(2)(e) must also provide the institution, as defined in RCW 28B.15.012, an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses.

((~~(ii)~~)) (b) For eligible ((~~children~~)) students as defined in subsection (1)(b) and (c) of this section, ((~~to receive the Washington college bound scholarship,~~)) a student ((~~must have received~~)) may also meet the requirement in subsection (3)(a) of this section by receiving a high school equivalency certificate as provided in RCW 28B.50.536 ((~~or have graduated with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (e)~~)).

(c) For a student who does not meet the "C" average requirement, and who completes fewer than two quarters in the running start program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining ((~~their eligibility to receive the scholarship~~)) if the requirement in subsection (3)(a) of this section is met.

(5) ((~~A student's family income will be assessed upon graduation before awarding the scholarship. If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.~~

~~(6)~~))(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher

education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

((~~(7) Recipients~~)) (6) Eligible students must enroll no later than the fall term, as defined by the institution of higher education, one academic year following high school graduation. Eligible students may receive no more than four full-time years' worth of scholarship awards within a five-year period.

((~~(8)~~)) (7) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

((~~(9)~~)) (8) The first scholarships shall be awarded to students graduating in 2012.

(9) For eligible students who are divested of a college bound scholarship because they are unable to meet the requirement in subsection (3)(d) of this section, those students with a family income of less than 100 percent of the state median family income are entitled to a stipend of $500 for books, materials, and other scholastic expenses annually, renewable for no more than four full-time years.

(10) The eligible student has a property right in the award, but the state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

Sec. 3. RCW 28B.118.040 and 2019 c 298 s 2 are each amended to read as follows:

The office of student financial assistance shall:

(1) With the assistance of the office of the superintendent of public instruction, implement and administer the Washington college bound scholarship program;

(2) Develop ((~~and distribute, to all schools with students enrolled in grades seven through nine, a pledge form that can be completed and returned electronically or by mail by the student or the school to the office of student financial assistance~~)) effective methods to notify eligible students of their enrollment in the Washington college bound scholarship program and the requirements of RCW 28B.118.010;

(3) Develop and implement a ((~~student application, selection, and notification~~)) process for ((~~scholarships~~)) verifying eligibility, which includes working with other state agencies, law enforcement, or the court system to verify that eligible students do not have felony convictions;

(4) Annually in March, with the assistance of the office of the superintendent of public instruction, distribute to ((~~tenth~~)) 11th grade ((~~college bound scholarship~~)) eligible students and their families: (a) Notification that, to qualify for the scholarship, a student's family income may not exceed sixty-five percent of the state median family income at graduation from high school; (b) the current year's value for sixty-five percent of the state median family income; and (c) a statement that a student should consult their school counselor if their family makes, or is projected to make, more than this value before the student graduates;

(5) Develop comprehensive social media outreach with grade-level specific information designed to keep students on track to graduate and leverage current tools such as the high school and beyond plan required by the state board of education and the ready set grad website maintained by the student achievement council;

(6) Track scholarship recipients to ensure continued eligibility and determine student compliance for awarding of scholarships;

(7) Within existing resources, collaborate with college access providers and K-12, postsecondary, and youth-serving organizations to map and coordinate mentoring and advising resources across the state;

(8) Subject to appropriation, deposit funds into the state educational trust fund;

(9) Purchase tuition units under the advanced college tuition payment program in chapter 28B.95 RCW to be owned and held in trust by the office of student financial assistance, for the purpose of scholarship awards as provided for in this section; and

(10) Distribute scholarship funds, in the form of tuition units purchased under the advanced college tuition payment program in chapter 28B.95 RCW or through direct payments from the state educational trust fund, to institutions of higher education on behalf of scholarship recipients identified by the office, as long as recipients maintain satisfactory academic progress.

Sec. 4. RCW 28B.118.090 and 2019 c 406 s 45 and 2019 c 298 s 3 are each reenacted and amended to read as follows:

(1) Beginning January 1, 2015, and at a minimum every year thereafter, the student achievement council and all institutions of higher education eligible to participate in the college bound scholarship program shall ensure data needed to analyze and evaluate the effectiveness of the college bound scholarship program is promptly transmitted to the education data center created in RCW 43.41.400 so that it is available and easily accessible. The data to be reported should include but not be limited to:

(a) The number of enrolled students ((~~who sign up~~)) for the college bound scholarship program in seventh, eighth, ((~~or~~)) ninth, or 10th grade;

(b) The number of college bound scholarship students who graduate from high school;

(c) The number of college bound scholarship students who enroll in postsecondary education;

(d) Persistence and completion rates of college bound scholarship recipients disaggregated by institutions of higher education;

(e) College bound scholarship recipient grade point averages;

(f) The number of college bound scholarship recipients who did not remain eligible and reasons for ineligibility;

(g) College bound scholarship program costs; and

(h) Impacts to the Washington college grant program.

(2) Beginning May 12, 2015, and at a minimum every December 1st thereafter, the student achievement council shall submit student unit record data for the college bound scholarship program applicants and recipients to the education data center.

NEW SECTION. **Sec. 5.** This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. **Sec. 6.** The legislature intends this act to be curative, remedial, and retroactively apply to seventh grade students beginning with the 2019-20 school year.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet; Sells and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member;

Jacobsen, Assistant Ranking Minority Member; Chandler; Hoff and Kraft.

Referred to Committee on Appropriations.

March 25, 2021

SSB 5325 Prime Sponsor, Committee on Health & Long Term Care: Concerning telemedicine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 24, 2021

2SSB 5327 Prime Sponsor, Committee on Ways & Means: Creating a confidential youth safety and well-being tip line. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 74.09 RCW to read as follows:

(1)(a) The children and youth behavioral health work group established under RCW 74.09.4951 shall convene a youth safety and well-being statewide reporting tool advisory group to review the youth safety and well-being statewide reporting tool work group report completed by the attorney general in 2020.

(b) The youth safety and well-being statewide reporting tool advisory group shall first determine how a new youth safety and well-being reporting tool would increase youth access to services. If the youth safety and well-being statewide reporting tool advisory group finds that creation of a new youth safety and well-being reporting tool is needed to increase youth access to services, the advisory group shall consider the following elements related to implementing the reporting tool:

(i) To what extent the youth safety and well-being statewide tool would provide added support or duplicative efforts alongside other reporting mechanisms, such as the:

(A) Universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline, also known as the 988 crisis hotline;

(B) National youth safety related hotlines;

(C) State child abuse reporting hotline; and

(D) Other national, state, or local youth safety and well-being related hotlines;

(ii) If this youth safety and well-being reporting tool is implemented, which state agency should be responsible for implementation and whether that agency should allow for a private contractor to manage the reporting tool;

(iii) How this reporting tool will be integrated with existing services to support the safety and well-being of children;

(iv) What resources are needed to implement the reporting tool and the cost-benefit of spending resources on a reporting tool or expanding the services available to support youth safety and well-being;

(v) How the reporting tool could focus on supporting youth safety and well-being and limit a criminal justice response for the youth who are subjects of the reporting tool;

(vi) The appropriate criteria used by the reporting tool to determine referral of persons to service providers;

(vii) The threat assessment criteria used by the reporting tool to determine immediate referral to law enforcement, child protective services, behavioral health professionals, or other first responders;

(viii) The appropriate communication with education institutions, local crisis services, law enforcement, and other entities;

(ix) Expected services needed, existing capacity, and who would provide and pay for these services;

(x) The appropriate warm hand off protocols between the reporting tool and service providers;

(xi) Appropriate confidentiality protections for the person making the report and the subject of the report, including protections related to the public records act, data retention schedules, and data management;

(xii) State liability concerns related to creation and operation of a reporting tool and the response or lack of a response provided by the reporting tool;

(xiii) Integration with K-12 and higher education institutions;

(xiv) Evaluation mechanisms to review appropriateness of law enforcement responses, behavioral health services, education responses, and other responses;

(xv) The training needed for individuals operating the reporting tool and the service providers and first responders contacted by the reporting tool; and

(xvi) Marketing and outreach needed to inform the public about the reporting tool.

(c) Staff support for the youth safety and well-being statewide reporting tool advisory group, including administration of work group meetings and preparation of full work group recommendations and reports required under this section, must be provided by the health care authority.

(d) The youth safety and well-being statewide reporting tool advisory group shall choose a chair who is a member of the legislature or from among the members of the children and youth behavioral health work group established under RCW 74.09.4951.

(2) By November 1, 2022, and in compliance with RCW 43.01.036, the youth safety and well-being statewide reporting tool advisory group to the children and youth behavioral health work group established under RCW 74.09.4951 shall submit a report to the governor and the appropriate committees of the legislature that details the review required under subsection (1) of this section and includes recommendations regarding a youth safety and well-being tip line based on that review.

(3) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Klippert and Young.

Referred to Committee on Rules for second reading.

March 24, 2021

E2SSB 5377 Prime Sponsor, Committee on Ways & Means: Increasing affordability of standardized plans on the individual market. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.71 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a premium assistance program is hereby established to be administered by the exchange.

(2) Assistance amounts must be established through the omnibus appropriations act.

(3) The exchange must establish, consistent with the omnibus appropriations act:

(a) Procedural requirements for eligibility and continued participation in any premium assistance program or cost-sharing program established under this section, including participant documentation requirements that are necessary to administer the program; and

(b) Procedural requirements for facilitating payments to carriers.

(4) Subject to the availability of amounts appropriated for this specific purpose, an individual is eligible for premium assistance and cost-sharing reductions under this section if the individual:

(a)(i) Is a resident of the state;

(ii) Has income that is up to 500 percent of the federal poverty level, or a lower income threshold determined through appropriation;

(iii) Is enrolled in a silver or gold standard plan offered in the enrollee's county of residence;

(iv) Applies for and accepts all federal advance premium tax credits for which they may be eligible before receiving any state premium assistance;

(v) Applies for and accepts all federal cost-sharing reductions for which they may be eligible before receiving any state cost-sharing reductions; and

(vi) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; or

(b) Meets alternate eligibility criteria as established in the omnibus appropriations act.

(5)(a) The exchange may disqualify an individual from receiving premium assistance or cost-sharing reductions under this section if the individual:

(i) No longer meets the eligibility criteria in subsection (4) of this section;

(ii) Fails, without good cause, to comply with any procedural or documentation requirements established by the exchange in accordance with subsection (3) of this section;

(iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an issuer rescinds the individual's policy for the qualified health plan.

(b) The exchange must develop a process for an individual to appeal a premium assistance or cost-sharing assistance eligibility determination from the exchange.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Advance premium tax credit" means the premium assistance amount determined in accordance with the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(b) "Income" means the modified adjusted gross income attributed to an individual for purposes of determining his or her eligibility for advance premium tax credits.

(c) "Standard plan" means a standardized health plan under RCW 43.71.095.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.71 RCW to read as follows:

(1) The exchange, in close consultation with the authority and the office of the insurance commissioner, must explore all opportunities to apply to the secretary of health and human services under 42 U.S.C. Sec. 18052 for a waiver or other available federal flexibilities to:

(a) Receive federal funds for the implementation of the premium assistance or cost-sharing reduction programs established under section 1 of this act;

(b) Increase access to qualified health plans; and

(c) Implement or expand other exchange programs that increase affordability of or access to health insurance coverage in Washington state.

(2) If, through the process described in subsection (1) of this section an opportunity to submit a waiver is identified, the exchange, in collaboration with the office of the insurance commissioner and the health care authority, may develop an application under this section to be submitted by the health care authority. If an application is submitted, the health care authority must notify the chairs and ranking minority members of the appropriate policy and fiscal committees of the legislature.

(3) Any application submitted under this section must meet all federal public notice and comment requirements under 42 U.S.C. Sec. 18052(a)(4)(B), including public hearings to ensure a meaningful level of public input.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.71 RCW to read as follows:

(1) The state health care affordability account is created in the state treasury. Expenditures from the account may only be used for premium and cost-sharing assistance programs established in section 1 of this act.

(2) The following funds must be deposited in the account:

(a) Any grants, donations, or contributions of money collected for purposes of the premium assistance or cost-sharing reduction programs established in section 4 of this act;

(b) Any federal funds received by the health benefit exchange pursuant to section 2 of this act; and

(c) Any additional funding specifically appropriated to the account.

NEW SECTION. **Sec. 4.** A new section is added to chapter 48.43 RCW to read as follows:

For qualified health plans offered on the exchange, a carrier shall:

(1) Accept payments for enrollee premiums or cost-sharing assistance under section 1 of this act or as part of a sponsorship program under RCW 43.71.030(4). Nothing in this subsection expands or restricts the types of sponsorship programs authorized under state and federal law;

(2) Clearly communicate premium assistance amounts to enrollees as part of the invoicing and payment process; and

(3) Accept and process enrollment and payment data transferred by the exchange in a timely manner.

NEW SECTION. **Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1)(a) For plan years 2022 and later, except as provided in (b) of this subsection, a hospital system that owns or operates at least four hospitals licensed under chapter 70.41 RCW must contract with at least two public option plans of the hospital system's choosing in each county in which the hospital system has at least one hospital licensed under chapter 70.41 RCW to provide in-network services to the enrollees of that plan.

(b) A hospital is not required to contract with two public option plans in a county pursuant to (a) of this subsection unless it receives an offer from at least two health carriers to provide in-network services as part of a public option plan in that county for the following plan year. If a hospital receives only one offer from a health carrier to participate in a public option plan in a county, it is only required to contract with one public option plan in that county.

(2) Health carriers and hospitals may not condition negotiations or participation of a hospital licensed under chapter 70.41 RCW in any health plan offered by the health carrier on the hospital's negotiations or participation in a public option plan.

(3) By December 1st of the plan year during which enrollment in public option plans statewide is greater than 10,000 covered lives:

(a) The health benefit exchange, in consultation with the insurance commissioner and the authority, shall analyze public option plan rates paid to hospitals for in-network services and whether they have impacted hospital financial sustainability. The analysis must include any impact on hospitals' operating margins during the years public option health plans have been offered in the state and the estimated impact on operating margins in future years if enrollment in public option plans increases. The analysis may examine a sample of hospitals of various sizes and located in various counties. In conducting its analysis, the exchange must give substantial weight to any available reporting of health care provider and health system costs under RCW 70.390.050; and

(b) The health care cost transparency board established under chapter 70.390 RCW shall analyze the effect that enrollment in public option plans has had on consumers, including an analysis of the benefits provided to, and premiums and cost-sharing amounts paid by, consumers enrolled in public option plans compared to other standardized and nonstandardized qualified health plans.

(4) The authority may adopt program rules, in consultation with the office of the insurance commissioner, to ensure compliance with this section, including levying fines and taking other contract

actions it deems necessary to enforce compliance with this section.

(5) For the purposes of this section, "public option plan" means a qualified health plan contracted by the authority under RCW 41.05.410.

Sec. 6. RCW 41.05.410 and 2019 c 364 s 3 are each amended to read as follows:

(1) The authority, in consultation with the health benefit exchange, must contract with one or more health carriers to offer qualified health plans on the Washington health benefit exchange for plan years beginning in 2021. A health carrier contracting with the authority under this section must offer at least one bronze, one silver, and one gold qualified health plan in a single county or in multiple counties. The goal of the procurement conducted under this section is to have a choice of qualified health plans under this section offered in every county in the state. The authority may not execute a contract with an apparently successful bidder under this section until after the insurance commissioner has given final approval of the health carrier's rates and forms pertaining to the health plan to be offered under this section and certification of the health plan under RCW 43.71.065.

(2) A qualified health plan offered under this section must meet the following criteria:

(a) The qualified health plan must be a standardized health plan established under RCW 43.71.095;

(b) The qualified health plan must meet all requirements for qualified health plan certification under RCW 43.71.065 including, but not limited to, requirements relating to rate review and network adequacy;

(c) The qualified health plan must incorporate recommendations of the Robert Bree collaborative and the health technology assessment program;

(d) The qualified health plan may use an integrated delivery system or a managed care model that includes care coordination or care management to enrollees as appropriate;

(e) The qualified health plan must meet additional participation requirements to reduce barriers to maintaining and improving health and align to state agency value-based purchasing. These requirements may include, but are not limited to, standards for population health management; high-value, proven care; health equity; primary care; care coordination and chronic disease management; wellness and prevention; prevention of wasteful and harmful care; and patient engagement;

(f) To reduce administrative burden and increase transparency, the qualified health plan's utilization review processes must:

(i) Be focused on care that has high variation, high cost, or low evidence of clinical effectiveness; and

(ii) Meet national accreditation standards;

(g)((~~(i)~~)) The total amount the qualified health plan reimburses providers and facilities for all covered benefits in the statewide aggregate, excluding pharmacy benefits, may not exceed one hundred sixty percent of the total amount medicare would have reimbursed providers and facilities for the same or similar services in the statewide aggregate;

((~~(ii) Beginning in calendar year 2023, if the authority determines that selective contracting will result in actuarially sound premium rates that are no greater than the qualified health plan's previous plan year rates adjusted for inflation using the consumer price index, the director may, in consultation with the health benefit exchange, waive (g)(i) of this subsection as a requirement of the contracting process under this section;~~))

(h) For services provided by rural hospitals certified by the centers for medicare and medicaid services as critical access hospitals or sole community hospitals, the rates may not be less than one hundred one percent of allowable costs as defined by the United States centers for medicare and medicaid services for purposes of medicare cost reporting;

(i) Reimbursement for primary care services, as defined by the authority, provided by a physician with a primary specialty designation of family medicine, general internal medicine, or pediatric medicine, may not be less than one hundred thirty-five percent of the amount that would have been reimbursed under the medicare program for the same or similar services; and

(j) The qualified health plan must comply with any requirements established by the authority to address amounts expended on pharmacy benefits including, but not limited to, increasing generic utilization and use of evidence-based formularies.

(3)(a) At the request of the authority for monitoring, enforcement, or program and quality improvement activities, a qualified health plan offered under this section must provide cost and quality of care information and data to the authority, and may not enter into an agreement with a provider or third party that would restrict the qualified health plan from providing this information or data.

(b) Pursuant to RCW 42.56.650, any cost or quality information or data submitted to the authority is exempt from public disclosure.

(4) Nothing in this section prohibits a health carrier offering qualified health plans under this section from offering other health plans in the individual market.

Sec. 7. RCW 43.71.095 and 2019 c 364 s 1 are each amended to read as follows:

(1) The exchange, in consultation with the commissioner, the authority, an independent actuary, and other stakeholders, must establish up to three standardized health plans for each of the bronze, silver, and gold levels.

(a) The standardized health plans must be designed to reduce deductibles, make more services available before the deductible, provide predictable cost sharing, maximize subsidies, limit adverse premium impacts, reduce barriers to maintaining and improving health, and encourage choice based on value, while limiting increases in health plan premium rates.

(b) The exchange may update the standardized health plans annually.

(c) The exchange must provide a notice and public comment period before finalizing each year's standardized health plans.

(d) The exchange must provide written notice of the standardized health plans to licensed health carriers by January 31st before the year in which the health plans are to be offered on the exchange. The exchange may make modifications to the standardized plans after January 31st to comply with changes to state or federal law or regulations.

(2)(a) Beginning January 1, 2021, any health carrier offering a qualified health plan on the exchange must offer ((~~one~~)) the silver ((~~standardized health plan~~)) and ((~~one~~)) gold standardized health plans established under this section on the exchange in each county where the carrier offers a qualified health plan. If a health carrier offers a bronze health plan on the exchange, it must offer ((~~one~~)) the bronze standardized health plans established under this section on the exchange in each county where the carrier offers a qualified health plan.

(b)(i) ((~~A~~)) Until December 31, 2022, a health ((~~plan~~)) carrier offering a standardized health plan under this section may also offer nonstandardized health plans on the exchange. Beginning January 1, 2023, a health carrier offering a standardized health plan under this section may also offer up to two nonstandardized gold health plans, two nonstandardized bronze health plans, one nonstandardized silver health plan, one nonstandardized platinum health plan, and one nonstandardized catastrophic health plan in each county where the carrier offers a qualified health plan.

(ii) The exchange, in consultation with the office of the insurance commissioner, shall analyze the impact to exchange consumers of offering only standard plans beginning in 2025 and submit a report to the appropriate committees of the legislature by December 1, 2023. The report must include an analysis of how plan choice and affordability will be impacted for exchange consumers across the state, including an analysis of offering a bronze standardized high deductible health plan compatible with a health savings account, and a gold standardized health plan closer in actuarial value to the silver standardized health plan.

(iii) The actuarial value of nonstandardized silver health plans offered on the exchange may not be less than the actuarial value of the standardized silver health plan with the lowest actuarial value.

(c) A health carrier offering a standardized health plan on the exchange under this section must continue to meet all requirements for qualified health plan certification under RCW 43.71.065

including, but not limited to, requirements relating to rate review and network adequacy."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member; Harris; Maycumber and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and Rude.

Referred to Committee on Appropriations.

March 24, 2021

E2SSB 5399 Prime Sponsor, Committee on Ways & Means: Concerning the creation of a universal health care commission. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Healthy Washingtonians contribute to the economic well-being of their families and communities, and access to appropriate health services and improved health outcomes allow all Washingtonian families to enjoy productive and satisfying lives;

(b) Washington and the United States are experiencing the deepest economic crisis since the Great Depression, caused by a public health crisis;

(c) Skyrocketing unemployment rates due to COVID-19 have exposed the frailties and inequalities of the current health care system while causing unsustainable strain to the state's medicaid system;

(d) Thousands of union and nonunion workers are unemployed and without health insurance;

(e) Approximately 125,000 undocumented people live in the state with no access to health care during a global pandemic;

(f) Multiple economic analyses show that a universal system is less expensive, more equitable, and will produce billions in savings per year; and

(g) While a unified health care financing system can provide universal coverage, increase access to care, decrease costs, and improve quality, implementing such a system in the state is dependent on foundational legal, financial, and programmatic changes from the federal government.

(2) The legislature intends to create a permanent universal health care commission to:

(a) Implement immediate and impactful changes in the state's current health care system to increase access to quality, affordable health care by streamlining access to coverage, reducing fragmentation of health care financing across multiple public and private health insurance entities, reducing unnecessary administrative costs, reducing health disparities, and establishing mechanisms to expeditiously link residents with their chosen providers; and

(b) Establish the preliminary infrastructure to position the state to be prepared to establish a universal health system, including a unified financing system, that controls health care spending so that the system is affordable to the state, employers, and individuals, once the necessary federal authorities have been realized.

(3) The legislature further intends that the state, in collaboration with all communities, health plans, and providers, should take steps to improve health outcomes for all residents of the state.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The universal health care commission is established to create immediate and impactful changes in the health care access and delivery system in Washington and to prepare the state for the creation of a health care system that provides coverage and access through a universal financing system, including a unified financing system, for all Washingtonians, once the necessary federal authority has been acquired.

(2) The commission includes the following voting members:

(a) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(b) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(c) The secretary of the department of health, or the secretary's designee;

(d) The director of the health care authority, or the director's designee, who shall serve as chair of the commission;

(e) The chief executive officer of the Washington health benefit exchange, or the chief executive officer's designee;

(f) The insurance commissioner, or the commissioner's designee;

(g) The director of the office of equity, or the director's designee; and

(h) Six members appointed by the governor with knowledge and experience regarding health care coverage, access, and financing, or other relevant expertise, including at least one invitation to an individual representing tribal governments with knowledge of the Indian health care delivery in the state.

(3) A majority of the voting members of the commission shall constitute a quorum for any votes of the commission.

(4) The health care authority shall staff the commission.

(5) Members of the commission shall serve without compensation but must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060.

(6) The commission may establish advisory committees that include members of the public with knowledge and experience in health care, in order to support stakeholder engagement and an analytical process by which key design options are developed. A member of an advisory committee need not be a member of the commission.

(7) By November 1, 2022, the commission shall submit a baseline report to the legislature and the governor, and post it on the authority's website. The report must include:

(a) A complete synthesis of analyses done on Washington's existing health care finance and delivery system, including cost, quality, workforce, and provider consolidation trends and how they impact the state's ability to provide all Washingtonians with timely access to high quality, affordable health care;

(b) A strategy for developing implementable changes to the state's health care financing and delivery system to increase access to health care services and health coverage, reduce health care costs, reduce health disparities, improve quality, and prepare for the transition to a unified health care financing system by actively examining data and reports from sources that are monitoring the health care system. Such sources shall include data or reports from the health care cost transparency board under RCW 70.390.070, the public health advisory board, the governor's interagency coordinating council on health disparities under RCW 43.20.275, the all-payer health care claims database established under chapter 43.371 RCW, prescription drug price data, performance measure data under chapter 70.320 RCW, and other health care cost containment programs;

(c) An inventory of the key design elements of a universal health care system including:

(i) A unified financing system including, but not limited to, a single-payer financing system;

(ii) Eligibility and enrollment processes and requirements;

(iii) Covered benefits and services;

(iv) Provider participation;

(v) Effective and efficient provider payments, including consideration of global budgets and health plan payments;

(vi) Cost containment and savings strategies that are designed to assure that total health care expenditures do not exceed the health care cost growth benchmark established under chapter 70.390 RCW;

(vii) Quality improvement strategies;

(viii) Participant cost sharing, if appropriate;

(ix) Quality monitoring and disparities reduction;

(x) Initiatives for improving culturally appropriate health services within public and private health-related agencies;

(xi) Home and community-based services;

(xii) Strategies to reduce health disparities including, but not limited to, mitigating structural racism and other determinants of health as set forth by the office of equity;

(xiii) Information technology systems and financial management systems;

(xiv) Data sharing and transparency; and

(xv) Governance and administration structure, including integration of federal funding sources;

(d) An assessment of the state's current level of preparedness to meet the elements of (c) of this subsection and steps Washington should take to prepare for a just transition to a unified health care financing system, including a single-payer financing system. Recommendations must include, but are not limited to, administrative changes, reorganization of state programs, retraining programs for displaced workers, federal waivers, and statutory and constitutional changes;

(e) Recommendations for implementing reimbursement rates for health care providers serving medical assistance clients who are enrolled in programs under chapter 74.09 RCW at a rate that is no less than 80 percent of the rate paid by medicare for similar services;

(f) Recommendations for coverage expansions to be implemented prior to and consistent with a universal health care system, including potential funding sources; and

(g) Recommendations for the creation of a finance committee to develop a financially feasible model to implement universal health care coverage using state and federal funds.

(8) Following the submission of the baseline report on November 1, 2022, the commission must structure its work to continue to further identify opportunities to implement reforms consistent with subsection (7)(b) of this section and to implement structural changes to prepare the state for a transition to a unified health care financing system. The commission must submit annual reports to the governor and the legislature each November 1st, beginning in 2023. The reports must detail the work of the commission, the opportunities identified to advance the goals under subsection (7) of this section, which, if any, of the opportunities a state agency is implementing, which, if any, opportunities should be pursued with legislative policy or fiscal authority, and which opportunities have been identified as beneficial, but lack federal authority to implement.

(9) Subject to sufficient existing agency authority, state agencies may implement specific elements of any report issued under this section. This section shall not be construed to authorize the commission to implement a universal health care system through a unified financing system until there is further action by the legislature and the governor.

(10) The commission must hold its first meeting within 90 days of the effective date of this section."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and Rude.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member; Maycumber and Ybarra.

Referred to Committee on Appropriations.

March 24, 2021

SSB 5425 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning extended benefits in the unemployment insurance system. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

March 25, 2021

ESSB 5432 Prime Sponsor, Committee on Environment, Energy & Technology: Concerning cybersecurity and data sharing in Washington state government. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on State Government & Tribal Relations.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.105 RCW to read as follows:

(1) The office of cybersecurity is created within the office of the chief information officer.

(2) The director shall appoint a state chief information security officer, who is the director of the office of cybersecurity.

(3) The primary duties of the office of cybersecurity are:

(a) To establish security standards and policies to protect the state's information technology systems and infrastructure, to provide appropriate governance and application of the standards and policies across information technology resources used by the state, and to ensure the confidentiality, availability, and integrity of the information transacted, stored, or processed in the state's information technology systems and infrastructure;

(b) To develop a centralized cybersecurity protocol for protecting and managing state information technology assets and infrastructure;

(c) To detect and respond to security incidents consistent with information security standards and policies;

(d) To create a model incident response plan for agency adoption, with the office of cybersecurity as the incident response coordinator for incidents that: (i) Impact multiple agencies; (ii) impact more than 10,000 citizens; (iii) involve a nation state actor; or (iv) are likely to be in the public domain;

(e) To ensure the continuity of state business and information resources that support the operations and assets of state agencies in the event of a security incident;

(f) To provide formal guidance to agencies on leading practices and applicable standards to ensure a whole government approach to cybersecurity, which shall include, but not be limited to, guidance regarding: (i) The configuration and architecture of agencies' information technology systems, infrastructure, and assets; (ii) governance, compliance, and oversight; and (iii) incident investigation and response;

(g) To serve as a resource for local and municipal governments in Washington in the area of cybersecurity;

(h) To develop a service catalog of cybersecurity services to be offered to state and local governments;

(i) To collaborate with state agencies in developing standards, functions, and services in order to ensure state agency regulatory environments are understood and considered as part of an enterprise cybersecurity response;

(j) To define core services that must be managed by agency information technology security programs; and

(k) To perform all other matters and things necessary to carry out the purposes of this chapter.

(4) In performing its duties, the office of cybersecurity must address the highest levels of security required to protect confidential information transacted, stored, or processed in the state's information technology systems and infrastructure that is specifically protected from disclosure by state or federal law and for which strict handling requirements are required.

(5) In executing its duties under subsection (3) of this section, the office of cybersecurity shall use or rely upon existing, industry standard, widely adopted cybersecurity standards, with a preference for United States federal standards.

(6) Each state agency, institution of higher education, the legislature, and the judiciary must develop an information technology security program consistent with the office of cybersecurity's standards and policies.

(7)(a) Each state agency information technology security program must adhere

to the office of cybersecurity's security standards and policies. Each state agency must review and update its program annually, certify to the office of cybersecurity that its program is in compliance with the office of cybersecurity's security standards and policies, and provide the office of cybersecurity with a list of the agency's cybersecurity business needs and agency program metrics.

(b) The office of cybersecurity shall require a state agency to obtain an independent compliance audit of its information technology security program and controls at least once every three years to determine whether the state agency's information technology security program is in compliance with the standards and policies established by the agency and that security controls identified by the state agency in its security program are operating efficiently.

(c) If a review or an audit conducted under (a) or (b) of this subsection identifies any failure to comply with the standards and policies of the office of cybersecurity or any other material cybersecurity risk, the office of cybersecurity must require the state agency to formulate and implement a plan to resolve the failure or risk. On an annual basis, the office of cybersecurity must provide a confidential report to the governor and appropriate committees of the legislature identifying and describing the cybersecurity risk or failure to comply with the office of cybersecurity's security policy or implementing cybersecurity standards and policies, as well as the agency's plan to resolve such failure or risk. Risks that are not mitigated are to be tracked by the office of cybersecurity and reviewed with the governor and the chair and ranking member of the appropriate committees of the legislature on a quarterly basis.

(d) The reports produced, and information compiled, pursuant to this subsection (7) are confidential and may not be disclosed under chapter 42.56 RCW.

(8) In the case of institutions of higher education, the judiciary, and the legislature, each information technology security program must be comparable to the intended outcomes of the office of cybersecurity's security standards and policies.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.105 RCW to read as follows:

(1) By July 1, 2022, the office of cybersecurity, in collaboration with state agencies, shall develop a catalog of cybersecurity services and functions for the office of cybersecurity to perform and submit a report to the legislature and governor. The report must include, but not be limited to:

(a) Cybersecurity services and functions to include in the office of cybersecurity's catalog of services that should be performed by the office of cybersecurity;

(b) Core capabilities and competencies of the office of cybersecurity;

(c) Security functions which should remain within agency information technology security programs;

(d) A recommended model for accountability of agency security programs to the office of cybersecurity; and

(e) The cybersecurity services and functions required to protect confidential information transacted, stored, or processed in the state's information technology systems and infrastructure that is specifically protected from disclosure by state or federal law and for which strict handling requirements are required.

(2) The office of cybersecurity shall update and publish its catalog of services and performance metrics on a biennial basis. The office of cybersecurity shall use data and information provided from agency security programs to inform the updates to its catalog of services and performance metrics.

(3) To ensure alignment with enterprise information technology security strategy, the office of cybersecurity shall develop a process for reviewing and evaluating agency proposals for additional cybersecurity services consistent with RCW 43.105.255.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.105 RCW to read as follows:

(1) In the event of a major cybersecurity incident, as defined in policy established by the office of cybersecurity in accordance with section

1 of this act, state agencies must report that incident to the office of cybersecurity within 24 hours of discovery of the incident.

(2) State agencies must provide the office of cybersecurity with contact information for any external parties who may have material information related to the cybersecurity incident.

(3) Once a cybersecurity incident is reported to the office of cybersecurity, the office of cybersecurity must investigate the incident to determine the degree of severity and facilitate any necessary incident response measures that need to be taken to protect the enterprise.

(4) The chief information security officer or the chief information security officer's designee shall serve as the state's point of contact for all major cybersecurity incidents.

(5) The office of cybersecurity must create policy to implement this section.

NEW SECTION. **Sec. 4.** (1) The office of cybersecurity, in collaboration with the office of privacy and data protection and the office of the attorney general, shall research and examine existing best practices for data governance, data protection, the sharing of data relating to cybersecurity, and the protection of state and local governments' information technology systems and infrastructure including, but not limited to, model terms for data-sharing contracts and adherence to privacy principles.

(2) The office of cybersecurity must submit a report of its findings and identify specific recommendations to the governor and the appropriate committees of the legislature by December 1, 2021.

(3) This section expires December 31, 2021.

NEW SECTION. **Sec. 5.** A new section is added to chapter 39.26 RCW to read as follows:

(1) Before an agency shares with a contractor category 3 or higher data, as defined in policy established in accordance with RCW 43.105.054, a written data-sharing agreement must be in place. Such agreements shall conform to the policies for data sharing specified by the office of cybersecurity under the authority of RCW 43.105.054.

(2) Nothing in this section shall be construed as limiting audit authorities under chapter 43.09 RCW.

NEW SECTION. **Sec. 6.** A new section is added to chapter 39.34 RCW to read as follows:

(1) If a public agency is requesting from another public agency category 3 or higher data, as defined in policy established in accordance with RCW 43.105.054, the requesting agency shall provide for a written agreement between the agencies that conforms to the policies of the office of cybersecurity.

(2) Nothing in this section shall be construed as limiting audit authorities under chapter 43.09 RCW.

NEW SECTION. **Sec. 7.** (1) The office of cybersecurity shall contract for an independent security assessment of the state agency information technology security program audits, required under section 1 of this act, that have been conducted since July 1, 2015. The independent assessment must be conducted in accordance with subsection (2) of this section. To the greatest extent practicable, the office of cybersecurity must contract for the independent security assessment using a department of enterprise services master contract or the competitive solicitation process described under chapter 39.26 RCW. If the office of cybersecurity conducts a competitive solicitation, the office of cybersecurity shall work with the department of enterprise services, office of minority and women's business enterprises, and the department of veterans affairs to engage in outreach to Washington small businesses, as defined in RCW 39.26.010, and certified veteran-owned businesses, as described in RCW 43.60A.190, and encourage these entities to submit a bid.

(2) The assessment must, at a minimum:

(a) Review the state agency information technology security program audits, required under section 1 of this act, performed since July 1, 2015;

(b) Assess the content of any audit findings and evaluate the findings relative to industry standards at the time of the audit;

(c) Evaluate the state's performance in taking action upon audit findings and implementing recommendations from the audit;

(d) Evaluate the policies and standards established by the office of cybersecurity pursuant to section 1 of this act and provide recommendations for ways to improve the policies and standards; and

(e) Include recommendations, based on best practices, for both short-term and long-term programs and strategies designed to implement audit findings.

(3) A report detailing the elements of the assessment described under subsection (2) of this section must be submitted to the governor and appropriate committees of the legislature by August 31, 2022. The report is confidential and may not be disclosed under chapter 42.56 RCW.

NEW SECTION. **Sec. 8.** A new section is added to chapter 42.56 RCW to read as follows:

The reports and information compiled pursuant to sections 1 and 7 of this act are confidential and may not be disclosed under this chapter.

Sec. 9. RCW 43.105.054 and 2016 c 237 s 3 are each amended to read as follows:

(1) The director shall establish standards and policies to govern information technology in the state of Washington.

(2) The office shall have the following powers and duties related to information services:

(a) To develop statewide standards and policies governing the:

(i) Acquisition of equipment, software, and technology-related services;

(ii) Disposition of equipment;

(iii) Licensing of the radio spectrum by or on behalf of state agencies; and

(iv) Confidentiality of computerized data;

(b) To develop statewide and interagency technical policies, standards, and procedures;

(c) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services;

(d) With input from the legislature and the judiciary, to provide direction concerning strategic planning goals and objectives for the state;

(e) To establish policies for the periodic review by the director of state agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education;

(iii) Project management; and

(iv) Cybersecurity, in coordination with the office of cybersecurity;

(f) To coordinate with state agencies with an annual information technology expenditure that exceeds ten million dollars to implement a technology business management program to identify opportunities for savings and efficiencies in information technology expenditures and to monitor ongoing financial performance of technology investments;

(g) In conjunction with the consolidated technology services agency, to develop statewide standards for agency purchases of technology networking equipment and services;

(h) To implement a process for detecting, reporting, and responding to security incidents consistent with the information security standards, policies, and guidelines adopted by the director;

(i) To develop plans and procedures to ensure the continuity of commerce for information resources that support the operations and assets of state agencies in the event of a security incident; and

(j) To work with the office of cybersecurity, department of commerce, and other economic development stakeholders to facilitate the development of a strategy that includes key local, state, and federal assets that will create Washington as a national leader in cybersecurity. The office shall collaborate with, including but not limited to, community colleges, universities, the national guard, the department of defense, the department of energy, and national laboratories to develop the strategy.

(3) Statewide technical standards to promote and facilitate electronic information sharing and access are an

essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The office shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems; and

(b) Require agencies to include an evaluation of electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the office is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

NEW SECTION. **Sec. 10.** RCW 43.105.215 (Security standards and policies—State agencies' information technology security programs) and 2015 3rd sp.s. c 1 s 202 & 2013 2nd sp.s. c 33 s 8 are each repealed."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris and Jacobsen.

Referred to Committee on Rules for second reading.

1st SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 25, 2021

HB 1135 Prime Sponsor, Representative Fey: Making transportation appropriations for the 2021-2023 fiscal biennium. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Griffey; Hackney; Klicker; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner; McCaslin; Orcutt; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

March 26, 2021

ESSB 5024 Prime Sponsor, Committee on Law & Justice: Reducing barriers to condominium construction. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.55.040 and 2005 c 456 s 5 are each amended to read as follows:

(1) A qualified building enclosure inspector:

(a) Must be ((~~a~~)) the architect or engineer of record or another person with substantial and verifiable training and experience in building enclosure design and construction;

(b) Shall be free from improper interference or influence relating to the inspections; and

(c) May not be an employee, officer, or director of, nor have any pecuniary interest in, the declarant, developer, association, or any party providing services or materials for the project, or any of their respective affiliates, except that the qualified inspector may be the architect or engineer who approved the building enclosure design documents or the architect or engineer of record. The qualified inspector may, but is not required to, assist with the preparation of such design documents.

(2) Nothing in this section alters requirements for licensure of any architect, engineer, or other professional, or alters the jurisdiction, authority, or scope of practice of architects, engineers, other professionals, or general contractors.

Sec. 2. RCW 64.90.645 and 2018 c 277 s 410 are each amended to read as follows:

((~~Any earnest money deposit, as defined in RCW 64.04.005, or any reservation~~)) (1) Except as provided in subsection (2) of this section, any deposit made in connection with the right to purchase a unit from a person required to deliver a public offering statement pursuant to RCW 64.90.605(3) must be placed in escrow and held in this state in an escrow or trust account designated solely for that purpose by a licensed title insurance company or agent, a licensed attorney, a real estate broker or independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until: ((~~(1)~~)) (a) Delivered to the declarant at closing, ((~~(2)~~)) (b) delivered to the declarant because of the purchaser's default under a contract to purchase the unit, ((~~(3)~~)) (c) refunded to the purchaser, or ((~~(4)~~)) (d) delivered to a court in connection with the filing of an interpleader action.

(2)(a) If a purchase agreement for the sale of a unit provides that deposit funds may be used for construction costs and the declarant obtains and maintains a surety bond as required by this section, the declarant may withdraw escrow funds when construction of improvements has begun. The funds may be used only for actual building and construction costs of the project in which the unit is located.

(b) The bond must be issued by a surety insurer licensed in this state in favor of the purchaser in an amount adequate to cover the amount of the deposit to be withdrawn. The declarant may not withdraw more than the face amount of the bond. The bond must be payable to the purchaser if the purchaser obtains a final judgment against the declarant requiring the declarant to return the deposit pursuant to the purchase agreement. The bond may be either in the form of an individual bond for each deposit accepted by the declarant or in the form of a blanket bond assuring the return of all deposits received by the declarant.

(c) The party holding escrow funds who releases all or any portion of the funds to the declarant has no obligation to monitor the progress of construction or the expenditure of the funds by the declarant and is not liable to any purchaser for the release of funds pursuant to this section.

(3) A deposit under this section may not exceed five percent of the purchase price."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

March 25, 2021

SB 5040 Prime Sponsor, Senator Fortunato: Enhancing litter control along state highways. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70A.200.170 and 2020 c 20 s 1078 are each amended to read as follows:

(1) The department is the coordinating and administrative agency working with the departments of natural resources, revenue, transportation, and corrections, and the parks and recreation commission in developing a biennial budget request for funds for the various agencies' litter collection programs.

(2) Funds may be used to meet the needs of efficient and effective litter collection and illegal dumping programs identified by the various agencies. The department shall develop criteria for evaluating the effectiveness and efficiency of the waste reduction, litter control, and recycling programs being administered by the various agencies listed in RCW 70A.200.140, and shall distribute funds according to the effectiveness and efficiency of those programs. In addition, the department shall approve funding requests for efficient and effective waste reduction, litter control, and recycling programs, provide funds, and monitor the results of all agency programs.

(3) All agencies are responsible for reporting information on their litter

collection programs as requested by the department.

(4) The department shall contract with the department of transportation to schedule litter prevention messaging and coordination of litter emphasis patrols with the Washington state patrol. Additionally, the department of transportation may coordinate with the department to conduct litter pickup during scheduled maintenance closures as situations allow.

Sec. 2. RCW 70A.200.190 and 2020 c 20 s 1079 are each amended to read as follows:

(1) The department shall provide funding to local units of government to establish, conduct, and evaluate community restitution and other programs for waste reduction, litter and illegal dump cleanup, and recycling. Programs eligible for funding under this section shall include, but not be limited to, programs established pursuant to RCW 72.09.260.

(2) Funds may be offered for costs associated with community waste reduction, litter cleanup and prevention, and recycling activities. The funding program must be flexible, allowing local governments to use funds broadly to meet their needs to reduce waste, control litter and illegal dumping, and promote recycling. Local governments are required to contribute resources or in-kind services. The department shall evaluate funding requests from local government according to the same criteria as those developed in RCW 70A.200.170, provide funds according to the effectiveness and efficiency of local government litter control programs, and monitor the results of all local government programs under this section.

(3) Local governments may initiate and apply to the department for reimbursement of litter clean-up activities on state highway ramps located within the jurisdiction of the local government.

(4) Local governments shall report information as requested by the department in funding agreements entered into by the department and a local government.

NEW SECTION. **Sec. 3.** This act may be known and cited as the welcome to Washington act."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

March 25, 2021

SB 5043 Prime Sponsor, Senator Salomon: Providing housing to school district employees. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Many communities throughout Washington recognize that a lack of affordable housing significantly undermines the ability to attract candidates to work in the public service. Firefighters, police officers, and teachers, for example, must often resort to living far from the communities they serve and must contend with traffic and transportation pressures getting to and from work. In the field of education, the inability to find affordable housing in neighborhoods and communities where schools are located contributes to the acute educator workforce shortage. Some school districts are exploring ways to provide teacher housing as a potential strategy to attract and retain these essential public servants. The intent of the legislature is to enable communities to determine the success and value of supporting housing for public servants by first expanding to all school districts an existing authority to provide teacher housing currently available only to second-class districts. In so doing, the legislature encourages school districts that wish to pursue this strategy to partner with local housing authorities and other local governments to finance, build, and manage affordable housing for public servants.

Sec. 2. RCW 28A.335.240 and 2004 c 6 s 1 are each amended to read as follows:

(1) The board of directors of a ((~~second-class~~)) school district ((~~shall~~)) may build schoolhouses and teachers' cottages, or other single or

multifamily housing for school district employees, when directed by a vote of the qualified electors of the school district to do so pursuant to RCW 28A.530.010, and may purchase real property for any school district purpose.

(2) The board of directors of a second-class nonhigh school district that is totally surrounded by water and serves fewer than forty students also may authorize the construction of teachers' cottages without a vote of the district using funds from the district's capital projects fund or general fund.

(3) Rental and other income from the cottages or other housing, including sale of the cottages or other housing, may be deposited, in whole or in part, into the school district's general fund to be used for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property and for other district purposes including costs related to operating and maintaining school facilities, debt service fund, or capital projects fund as determined by the board of directors.

(4) The board of directors of any district may find the provision of housing for school district employees to be necessary or proper to recruit or retain qualified school district employees or otherwise necessary or proper to carry out the functions of the district, and upon such finding the provision of such housing is in furtherance of the district's fundamental governmental purpose.

(5) Any school district may enter into an agreement with any municipality, taxing district, or municipal corporation regarding the conveying or leasing of any lands, properties, or facilities for the development of single or multifamily housing for school district employees or to provide for the joint use of such lands, properties, or facilities, or to participate in the financing of all or any part of the lands, properties, or facilities for these purposes on terms as may be fixed by agreement between the respective legislative bodies.

Sec. 3. RCW 28A.335.250 and 1975 c 43 s 16 are each amended to read as follows:

((~~School boards in each district of the second class~~)) The board of directors of any school district may provide for the free, comfortable and convenient use of the school property to promote and facilitate frequent meetings and association of the people in discussion, study, improvement, recreation and other community purposes, and may acquire, assemble and house material for the dissemination of information of use and interest to the farm, the home and the community, and facilities for experiment and study, especially in matters pertaining to the growing of crops, the improvement and handling of livestock, the marketing of farm products, the planning and construction of farm buildings, the subjects of household economies, home industries, good roads, and community vocations and industries; and may call meetings for the consideration and discussion of any such matters((~~,~~)) and employ a special supervisor, or leader, if need be((~~, and~~)). School districts may provide suitable dwellings and accommodations for ((~~teachers, supervisors and necessary assistants~~)) school district employees for these purposes and for any other district purposes determined by the board of directors of any district under RCW 28A.335.240.

Sec. 4. RCW 28A.335.130 and 2004 c 6 s 2 are each amended to read as follows:

Except as provided in RCW 28A.335.240((~~(1)~~)) (3), the proceeds from any sale of school district real property by a board of directors shall be deposited to the debt service fund and/or the capital projects fund, except for amounts required to be expended for the costs associated with the sale of such property, which moneys may be deposited into the fund from which the expenditure was incurred.

Sec. 5. RCW 82.29A.130 and 2019 c 335 s 1 are each amended to read as follows:

The following leasehold interests are exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility that is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, school district, college or university which leasehold provides housing for students or school district employees and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions. However, this exemption does not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States. However, this exemption applies only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(g).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor are deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee are deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest is deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for persons with disabilities of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 must be imposed and must be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include

ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

(15) All leasehold interests in the public or entertainment areas of a stadium and exhibition center, as defined in RCW 36.102.010, that is constructed on or after January 1, 1998. For the purposes of this subsection, "public or entertainment areas" has the same meaning as in subsection (14) of this section, and includes exhibition areas.

(16) All leasehold interests in public facilities districts, as provided in chapter 36.100 or 35.57 RCW.

(17) All leasehold interests in property that is: (a) Owned by the United States government or a municipal corporation; (b) listed on any federal or state register of historical sites; and (c) wholly contained within a designated national historic reserve under 16 U.S.C. Sec. 461.

(18) All leasehold interests in the public or entertainment areas of an amphitheater if a private entity is responsible for one hundred percent of the cost of constructing the amphitheater which is not reimbursed by the public owner, both the public owner and the private lessee sponsor events at the facility on a regular basis, the lessee is responsible under the lease or agreement to operate and maintain the facility, and the amphitheater has a seating capacity of over seventeen thousand reserved and general admission seats and is in a county that had a population of over three hundred fifty thousand, but less than four hundred twenty-five thousand when the amphitheater first opened to the public.

For the purposes of this subsection, "public or entertainment areas" include box offices or other ticket sales areas, entrance gates, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas including lawn seating areas and suites, stages, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include office areas used predominately by the lessee.

(19) All leasehold interests in real property used for the placement of military housing meeting the requirements of RCW 84.36.665.

(20) All leasehold interests in facilities owned or used by a community college or technical college, which leasehold interest provides:

(a) Food services for students, faculty, and staff;

(b) The operation of a bookstore on campus; or

(c) Maintenance, operational, or administrative services to the community college or technical college.

(21)(a) All leasehold interests in the public or entertainment areas of an arena if it:

(i) Has a seating capacity of more than two thousand;

(ii) Is located on city-owned land; and

(iii) Is owned by a city with a population over two hundred thousand within a county with a population of less than one million five hundred thousand.

(b) For the purposes of this subsection (21), "public or entertainment areas" has the same meaning as provided in subsection (18) of this section.

NEW SECTION. **Sec. 6.** RCW 28A.335.270 (School property used for public purposes—Special state commission to pass on plans) and 1990 c 33 s 364 & 1975-'76 2nd ex.s. c 15 s 12 are each repealed.

NEW SECTION. **Sec. 7.** Section 5 of this act expires January 1, 2032."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McEntire; Rude and Steele.

Referred to Committee on Capital Budget.

March 26, 2021

2SSB 5045 Prime Sponsor, Committee on Ways & Means: Expanding opportunities for meat and poultry processing and inspection. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Klicker; Kloba; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Fitzgibbon.

Referred to Committee on Appropriations.

March 26, 2021

2SSB 5062 Prime Sponsor, Committee on Ways & Means: Concerning the management, oversight, and use of data. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and cited as the Washington privacy act.

NEW SECTION. **Sec. 2.** LEGISLATIVE FINDINGS AND INTENT. (1) The legislature finds that the people of Washington regard their privacy as a fundamental right and an essential element of their individual freedom. Washington's Constitution explicitly provides the right to privacy, and fundamental privacy rights have long been and continue to be integral to protecting Washingtonians and to safeguarding our democratic republic.

(2) Ongoing advances in technology have produced an exponential growth in the volume and variety of personal data being generated, collected, stored, and analyzed, which presents both promise and potential peril. The ability to harness and use data in positive ways is driving innovation and brings beneficial technologies to society. However, it has also created risks to privacy and freedom. The unregulated and unauthorized use and disclosure of personal information and loss of privacy can have devastating impacts, ranging from financial fraud, identity theft, and unnecessary costs, to personal time and finances, to destruction of property, harassment, reputational damage, emotional distress, and physical harm.

(3) Given that technological innovation and new uses of data can help solve societal problems, protect public health associated with global pandemics, and improve quality of life, the legislature seeks to shape responsible public policies where innovation and protection of individual privacy coexist. The legislature notes that our federal authorities have not developed or adopted into law regulatory or legislative solutions that give consumers control over their privacy. In contrast, the European Union's general data protection regulation has continued to influence data privacy policies and practices of those businesses competing in global markets. In the absence of federal standards, Washington and other states across the United States are analyzing elements of the European Union's general data protection regulation to enact state-based data privacy regulatory protections.

(4) Responding to COVID-19 illustrates the need for public policies that protect individual privacy while fostering technological innovation. For years, contact tracing best practices have been used by public health officials to securely process high value individual data and have effectively stopped the prolific spread of infectious diseases. However, the scale of COVID-19 is unprecedented. Contact tracing is

evolving in a manner that necessitates the use of technology to rapidly collect and process data from multiple data sets, many of which are unanticipated, to protect public health as well as to facilitate the continued safe operation of the economy. The benefits of such technology, however, should not supersede the potential privacy risks to individuals.

(5) Exposure notification applications have already been deployed throughout the country and the world. However, contact tracing technology is rapidly evolving. Applications may be integrated in a manner that facilitates the aggregation and sharing of individual data that in effect generate profiles of individuals. Artificial intelligence may be used for the extrapolation of data to analyze and interpret data for public health purposes. Moreover, the potential government use of exposure notification applications poses additional potential privacy risks to individuals due to the types of sensitive data it has access to and processes. Much of that processing may have legal effects, including access to services or establishments. The capabilities of next generation contact tracing technologies are unknown and policies must be in place to provide privacy protections for current uses as well as potential future uses.

(6) With this act, the legislature intends to: Provide a modern privacy regulatory framework with data privacy guardrails to protect individual privacy; establish mechanisms for consumers to exercise control over their data; instill public confidence on the processing of their personal and public health data during any global pandemic; and require companies to be responsible custodians of data as technological innovations emerge.

(7) This act gives consumers the ability to protect their own rights to privacy by explicitly providing consumers the right to access, correct, and delete personal data, as well as the rights to obtain data in a portable format and to opt out of the collection and use of personal data for certain purposes. These rights will add to, and not subtract from, the consumer protection rights that consumers already have under Washington state law.

(8) This act also imposes affirmative obligations upon companies to safeguard personal data, and provide clear, understandable, and transparent information to consumers about how their personal data is used. It strengthens compliance and accountability by requiring data protection assessments in the collection and use of personal data. Finally, it exclusively empowers the state attorney general to obtain and evaluate a company's data protection assessments, to conduct investigations, while preserving consumers' rights under the consumer protection act to impose penalties where violations occur, and to prevent against future violations.

(9) Lastly, the legislature encourages the state office of privacy and data protection to monitor (1) the development of universal privacy controls that communicate a consumer's affirmative, freely given, and unambiguous choice to opt out of the processing of their personal data, and (2) the effectiveness of allowing a consumer to designate a third party to exercise a consumer right on their behalf as authorized in other privacy laws.

PART 1

Personal Data Privacy Regulations—Private Sector

NEW SECTION. **Sec. 101.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" means a legal entity that controls, is controlled by, or is under common control with, that other legal entity. For these purposes, "control" or "controlled" means: Ownership of, or the power to vote, more than 50 percent of the outstanding shares of any class of voting security of a company; control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or the power to exercise a controlling influence over the management of a company.

(2) "Air carriers" has the same meaning as defined in the federal aviation act (49 U.S.C. Sec. 40101, et seq.), including the airline deregulation act (49 U.S.C. 41713).

(3) "Authenticate" means to use reasonable means to determine that a request to exercise any of the rights in section 103 (1) through (4) of this act is being made by the consumer who is entitled to exercise such rights with respect to the personal data at issue.

(4) "Business associate" has the same meaning as in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996.

(5) "Child" has the same meaning as defined in the children's online privacy protection act, Title 15 U.S.C. Sec. 6501 through 6506.

(6) "Consent" means any freely given, specific, informed, and unambiguous indication of the consumer's wishes by which the consumer signifies agreement to the processing of personal data relating to the consumer for a narrowly defined particular purpose. Acceptance of a general or broad terms of use or similar document that contains descriptions of personal data processing along with other, unrelated information, does not constitute consent. Hovering over, muting, pausing, or closing a given piece of content does not constitute consent. Likewise, agreement obtained through dark patterns does not constitute consent.

(7) "Consumer" means a natural person who is a Washington resident acting only in an individual or household context. It does not include a natural person acting in a commercial or employment context.

(8) "Controller" means the natural or legal person that, alone or jointly with others, determines the purposes and means of the processing of personal data.

(9) "Covered entity" has the same meaning as defined in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996.

(10) "Dark pattern" means a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision making, or choice.

(11) "Decisions that produce legal effects concerning a consumer or similarly significant effects concerning a consumer" means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities, such as food and water.

(12) "Deidentified data" means data that cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable natural person, or a device linked to such person, provided that the controller that possesses the data: (a) Takes reasonable measures to ensure that the data cannot be associated with a natural person, household, or device; (b) publicly commits to maintain and use the data only in a deidentified fashion and not attempt to reidentify the data; and (c) contractually obligates any recipients of the information to comply with all provisions of this subsection.

(13) "Health care facility" has the same meaning as defined in RCW 70.02.010.

(14) "Health care information" has the same meaning as defined in RCW 70.02.010.

(15) "Health care provider" has the same meaning as defined in RCW 70.02.010.

(16) "Identified or identifiable natural person" means a person who can be readily identified, directly or indirectly.

(17) "Institutions of higher education" has the same meaning as in RCW 28B.92.030.

(18) "Judicial branch" means any court, agency, commission, or department provided in Title 2 RCW.

(19) "Known child" means a child under circumstances where a controller has actual knowledge of, or willfully disregards, the child's age.

(20) "Legislative agencies" has the same meaning as defined in RCW 44.80.020.

(21) "Local government" has the same meaning as in RCW 39.46.020.

(22) "Minor" means an individual who is at least 13 and under 16 years of age under circumstances where a controller has actual knowledge of, or willfully disregards, the minor's age.

(23) "Nonprofit corporation" has the same meaning as in RCW 24.03.005.

(24) "Personal data" means any information, including pseudonymous data, that is linked or reasonably linkable to an identified or identifiable natural person. "Personal data" does not include deidentified data or publicly available information.

(25) "Process" or "processing" means any operation or set of operations which are performed on personal data or on sets

of personal data, whether or not by automated means, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

(26) "Processor" means a natural or legal person who processes personal data on behalf of a controller.

(27) "Profiling" means any form of automated processing of personal data to evaluate, analyze, or predict personal aspects concerning an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

(28) "Protected health information" has the same meaning as defined in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996.

(29) "Pseudonymous data" means personal data that cannot be attributed to a specific natural person without the use of additional information, provided that such additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.

(30) "Publicly available information" means information that is lawfully made available from federal, state, or local government records.

(31)(a) "Sale," "sell," or "sold" means the exchange of personal data for monetary or other valuable consideration by the controller to a third party.

(b) "Sale" does not include the following: (i) The disclosure of personal data to a processor who processes the personal data on behalf of the controller; (ii) the disclosure of personal data to a third party with whom the consumer has a direct relationship for purposes of providing a product or service requested by the consumer; (iii) the disclosure or transfer of personal data to an affiliate of the controller; (iv) the disclosure of information that the consumer (A) intentionally made available to the general public via a channel of mass media, and (B) did not restrict to a specific audience; or (v) the disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets.

(32) "Sensitive data" means (a) personal data revealing racial or ethnic origin, religious beliefs, mental or physical health condition or diagnosis, sexual orientation, or citizenship or immigration status; (b) the processing of genetic or biometric data for the purpose of uniquely identifying a natural person; (c) the personal data from a known child; or (d) specific geolocation data. "Sensitive data" is a form of personal data.

(33) "Specific geolocation data" means information derived from technology including, but not limited to, global positioning system level latitude and longitude coordinates or other mechanisms that directly identifies the specific location of a natural person within a geographic area that is equal to or less than the area of a circle with a radius of 1,850 feet. Specific geolocation data excludes the content of communications.

(34) "State agency" has the same meaning as in RCW 43.105.020.

(35) "Targeted advertising" means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained from a consumer's activities over time and across one or more distinctly branded websites or online applications to predict the consumer's preferences or interests. It does not include advertising: (a) Based on activities within a controller's own commonly branded websites or online applications; (b) based on the context of a consumer's current search query or visit to a website or online application; or (c) to a consumer in response to the consumer's request for information or feedback.

(36) "Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

NEW SECTION. **Sec. 102.** JURISDICTIONAL SCOPE. (1) This chapter applies to legal entities that conduct business in Washington or produce products or services that are targeted to residents of Washington, and that satisfy one or more of the following thresholds:

(a) During a calendar year, controls or processes personal data of 100,000 consumers or more; or

(b) Derives over 25 percent of gross revenue from the sale of personal data and processes or controls personal data of 25,000 consumers or more.

(2) This chapter does not apply to:

(a) State agencies, legislative agencies, the judicial branch, local governments, or tribes;

(b) Municipal corporations;

(c) Air carriers;

(d) Nonprofit organizations that:

(i) Are registered with the secretary of state under the charities program pursuant to chapter 19.09 RCW;

(ii) Collect personal data during legitimate activities related to the organization's tax-exempt purpose; and

(iii) Do not sell personal data collected by the organization;

(e) Information that meets the definition of:

(i) Protected health information for purposes of the federal health insurance portability and accountability act of 1996 and related regulations;

(ii) Health care information for purposes of chapter 70.02 RCW;

(iii) Patient identifying information for purposes of 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2;

(iv) Identifiable private information for purposes of the federal policy for the protection of human subjects, 45 C.F.R. Part 46; identifiable private information that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the international council for harmonization; the protection of human subjects under 21 C.F.R. Parts 50 and 56; or personal data used or shared in research conducted in accordance with one or more of the requirements set forth in this subsection;

(v) Information and documents created specifically for, and collected and maintained by:

(A) A quality improvement committee for purposes of RCW 43.70.510, 70.230.080, or 70.41.200;

(B) A peer review committee for purposes of RCW 4.24.250;

(C) A quality assurance committee for purposes of RCW 74.42.640 or 18.20.390;

(D) A hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections for purposes of RCW 43.70.056, a notification of an incident for purposes of RCW 70.56.040(5), or reports regarding adverse events for purposes of RCW 70.56.020(2)(b);

(vi) Information and documents created for purposes of the federal health care quality improvement act of 1986, and related regulations;

(vii) Patient safety work product for purposes of 42 C.F.R. Part 3, established pursuant to 42 U.S.C. Sec. 299b-21 through 299b-26; or

(viii) Information that is (A) deidentified in accordance with the requirements for deidentification set forth in 45 C.F.R. Part 164, and (B) derived from any of the health care-related information listed in this subsection (2)(e);

(f) Information originating from, and intermingled to be indistinguishable with, information under (e) of this subsection that is maintained by:

(i) A covered entity or business associate as defined by the health insurance portability and accountability act of 1996 and related regulations;

(ii) A health care facility or health care provider as defined in RCW 70.02.010; or

(iii) A program or a qualified service organization as defined by 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2;

(g) Information used only for public health activities and purposes as described in 45 C.F.R. Sec. 164.512;

(h)(i) An activity involving the collection, maintenance, disclosure, sale, communication, or use of any personal data bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, as defined in Title 15 U.S.C.

Sec. 1681a(f), by a furnisher of information, as set forth in Title 15 U.S.C. Sec. 1681s-2, who provides information for use in a consumer report, as defined in Title 15 U.S.C. Sec. 1681a(d), and by a user of a consumer report, as set forth in Title 15 U.S.C. Sec. 1681b.

(ii) (h)(i) of this subsection applies only to the extent that such an activity involving the collection, maintenance, disclosure, sale, communication, or use of such personal data by that agency, furnisher, or user is subject to regulation under the fair credit reporting act, Title 15 U.S.C. Sec. 1681 et seq., and the personal data is not collected, maintained, used, communicated, disclosed, or sold except as authorized by the fair credit reporting act;

(i) Personal data collected and maintained for purposes of chapter 43.71 RCW;

(j) Personal data collected, processed, sold, or disclosed pursuant to the federal Gramm-Leach-Bliley act (P.L. 106-102), and implementing regulations, if the collection, processing, sale, or disclosure is in compliance with that law;

(k) Personal data collected, processed, sold, or disclosed pursuant to the federal driver's privacy protection act of 1994 (18 U.S.C. Sec. 2721 et seq.), if the collection, processing, sale, or disclosure is in compliance with that law;

(l) Personal data regulated by the federal family education rights and privacy act, 20 U.S.C. Sec. 1232g and its implementing regulations;

(m) Personal data regulated by the student user privacy in education rights act, chapter 28A.604 RCW;

(n) Personal data collected, maintained, disclosed, or otherwise used in connection with the gathering, dissemination, or reporting of news or information to the public by news media as defined in RCW 5.68.010(5);

(o) Personal data collected, processed, sold, or disclosed pursuant to the federal farm credit act of 1971 (as amended in 12 U.S.C. Sec. 2001-2279cc) and its implementing regulations (12 C.F.R. Part 600 et seq.) if the collection, processing, sale, or disclosure is in compliance with that law; or

(p) Data collected or maintained: (i) In the course of an individual acting as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or contractor of that business to the extent that it is collected and used solely within the context of that role; (ii) as the emergency contact information of an individual under (p)(i) of this subsection used solely for emergency contact purposes; or (iii) that is necessary for the business to retain to administer benefits for another individual relating to the individual under (p)(i) of this subsection is used solely for the purposes of administering those benefits.

(3) Controllers that are in compliance with the children's online privacy protection act, Title 15 U.S.C. Sec. 6501 through 6506 and its implementing regulations, shall be deemed compliant with any obligation to obtain parental consent under this chapter.

(4) Payment-only credit, check, or cash transactions where no data about consumers are retained do not count as "consumers" for purposes of subsection (1) of this section.

NEW SECTION. **Sec. 103.** CONSUMER RIGHTS. (1) A consumer has the right to confirm whether or not a controller is processing personal data concerning the consumer and access the personal data the controller is processing.

(2) A consumer has the right to correct inaccurate personal data concerning the consumer, taking into account the nature of the personal data and the purposes of the processing of the personal data.

(3) A consumer has the right to delete personal data concerning the consumer.

(4) A consumer has the right to obtain personal data concerning the consumer, which the consumer previously provided to the controller, in a portable and, to the extent technically feasible, readily usable format that allows the individual to transmit the data to another controller without hindrance, where the processing is carried out by automated means.

(5) A consumer has the right to opt out of the processing of personal data concerning such a consumer for the

purposes of (a) targeted advertising; (b) the sale of personal data; or (c) profiling in furtherance of decisions that produce legal effects concerning a consumer or similarly significant effects concerning a consumer.

NEW SECTION. **Sec. 104.** EXERCISING CONSUMER RIGHTS. (1) A consumer may exercise the rights set forth in section 103 of this act by submitting a request, at any time, to a controller specifying which rights the consumer wishes to exercise.

(2) Beginning July 31, 2023, a consumer may exercise the rights under section 103(5) (a) and (b) of this act:

(a) By designating an authorized agent who may exercise the rights on behalf of the consumer; or

(b) Via user-enabled global privacy controls, such as a browser plug-in or privacy setting, device setting, or other mechanism, that communicates or signals the consumer's choice to opt out.

(3) In the case of processing personal data of a known child, the parent or legal guardian of the known child may exercise the rights of this chapter on the child's behalf.

(4) In the case of processing personal data concerning a consumer subject to guardianship, conservatorship, or other protective arrangement under chapter 11.88, 11.92, or 11.130 RCW, the guardian or the conservator of the consumer may exercise the rights of this chapter on the consumer's behalf.

NEW SECTION. **Sec. 105.** RESPONDING TO REQUESTS. (1) Except as provided in this chapter, the controller must comply with a request to exercise the rights pursuant to section 103 of this act.

(2)(a) Controllers must provide one or more secure and reliable means for consumers to submit a request to exercise their rights under this chapter. These means must take into account the ways in which consumers interact with the controller and the need for secure and reliable communication of the requests.

(b) Controllers may not require a consumer to create a new account in order to exercise a right, but a controller may require a consumer to use an existing account to exercise the consumer's rights under this chapter.

(3) A controller must comply with a request to exercise the right in section 103(5) of this act as soon as feasibly possible, but no later than 15 days of receipt of the request.

(4)(a) A controller must inform a consumer of any action taken on a request to exercise any of the rights in section 103 (1) through (4) of this act without undue delay and in any event within 45 days of receipt of the request. That period may be extended once by 45 additional days where reasonably necessary, taking into account the complexity and number of the requests. The controller must inform the consumer of any such extension within 45 days of receipt of the request, together with the reasons for the delay.

(b) If a controller does not take action on the request of a consumer, the controller must inform the consumer without undue delay and at the latest within 45 days of receipt of the request of the reasons for not taking action and instructions for how to appeal the decision with the controller as described in subsection (5) of this section.

(c) Information provided under this section must be provided by the controller to the consumer free of charge, up to twice annually. Where requests from a consumer are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either: (i) Charge a reasonable fee to cover the administrative costs of complying with the request; or (ii) refuse to act on the request. The controller bears the burden of demonstrating the manifestly unfounded or excessive character of the request.

(d) A controller is not required to comply with a request to exercise any of the rights under section 103 (1) through (4) of this act if the controller is unable to authenticate the request using commercially reasonable efforts. In such a case, the controller may request the provision of additional information reasonably necessary to authenticate the request.

(5)(a) A controller must establish an internal process whereby a consumer may appeal a refusal to take action on a request to exercise any of the rights under section 103 of this act within a reasonable period of time after the

controller refuses to take action on such request.

(b) The appeal process must be conspicuously available and as easy to use as the process for submitting such a request under this section.

(c) Within 30 days of receipt of an appeal, a controller must inform the consumer of any action taken or not taken in response to the appeal, along with a written explanation of the reasons in support thereof. That period may be extended by 60 additional days where reasonably necessary, taking into account the complexity and number of the requests serving as the basis for the appeal. The controller must inform the consumer of such an extension within 30 days of receipt of the appeal, together with the reasons for the delay. The controller must also provide the consumer with an email address or other online mechanism through which the consumer may submit the appeal, along with any action taken or not taken by the controller in response to the appeal and the controller's written explanation of the reasons in support thereof, to the attorney general.

(d) When informing a consumer of any action taken or not taken in response to an appeal pursuant to (c) of this subsection, the controller must clearly and prominently provide the consumer with information about how to file a complaint with the consumer protection division of the attorney general's office. The controller must maintain records of all such appeals and how it responded to them for at least 24 months and shall, upon request, compile and provide a copy of such records to the attorney general.

NEW SECTION. **Sec. 106.** RESPONSIBILITY ACCORDING TO ROLE. (1) Controllers and processors are responsible for meeting their respective obligations established under this chapter.

(2) Processors are responsible under this chapter for adhering to the instructions of the controller and assisting the controller to meet its obligations under this chapter. This assistance includes the following:

(a) Taking into account the nature of the processing, the processor shall assist the controller by appropriate technical and organizational measures, insofar as this is possible, for the fulfillment of the controller's obligation to respond to consumer requests to exercise their rights pursuant to section 103 of this act; and

(b) Taking into account the nature of processing and the information available to the processor, the processor shall: Assist the controller in meeting the controller's obligations in relation to the security of processing the personal data and in relation to the notification of a breach of the security of the system pursuant to RCW 19.255.010; and provide information to the controller necessary to enable the controller to conduct and document any data protection assessments required by section 109 of this act. The controller and processor are each responsible for only the measures allocated to them.

(3) Notwithstanding the instructions of the controller, a processor shall:

(a) Ensure that each person processing the personal data is subject to a duty of confidentiality with respect to the data; and

(b) Engage a subcontractor only after providing the controller with an opportunity to object and pursuant to a written contract in accordance with subsection (5) of this section that requires the subcontractor to meet the obligations of the processor with respect to the personal data.

(4) Taking into account the context of processing, the controller and the processor shall implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk and establish a clear allocation of the responsibilities between them to implement such measures.

(5) Processing by a processor must be governed by a contract between the controller and the processor that is binding on both parties and that sets out the processing instructions to which the processor is bound, including the nature and purpose of the processing, the type of personal data subject to the processing, the duration of the processing, and the obligations and rights of both parties. In addition, the contract must include the requirements imposed by this subsection and subsections (3) and (4) of this section, as well as the following requirements:

(a) At the choice of the controller, the processor shall delete or return all personal data to the controller as

requested at the end of the provision of services, unless retention of the personal data is required by law;

(b)(i) The processor shall make available to the controller all information necessary to demonstrate compliance with the obligations in this chapter; and

(ii) The processor shall allow for, and contribute to, reasonable audits and inspections by the controller or the controller's designated auditor. Alternatively, the processor may, with the controller's consent, arrange for a qualified and independent auditor to conduct, at least annually and at the processor's expense, an audit of the processor's policies and technical and organizational measures in support of the obligations under this chapter using an appropriate and accepted control standard or framework and audit procedure for the audits as applicable, and provide a report of the audit to the controller upon request.

(6) In no event may any contract relieve a controller or a processor from the liabilities imposed on them by virtue of its role in the processing relationship as defined by this chapter.

(7) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which personal data are to be processed. A person that is not limited in its processing of personal data pursuant to a controller's instructions, or that fails to adhere to such instructions, is a controller and not a processor with respect to a specific processing of data. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal data remains a processor. If a processor begins, alone or jointly with others, determining the purposes and means of the processing of personal data, it is a controller with respect to the processing.

NEW SECTION. **Sec. 107.** RESPONSIBILITIES OF CONTROLLERS. (1)(a) Controllers shall provide consumers with a reasonably accessible, clear, and meaningful privacy notice that includes:

(i) The categories of personal data processed by the controller;

(ii) The purposes for which the categories of personal data are processed;

(iii) How and where consumers may exercise the rights contained in section 103 of this act, including how a consumer may appeal a controller's action with regard to the consumer's request;

(iv) The categories of personal data that the controller shares with third parties, if any; and

(v) The categories of third parties, if any, with whom the controller shares personal data.

(b) If a controller sells personal data to third parties or processes personal data for targeted advertising, the controller must clearly and conspicuously disclose the processing, as well as the manner in which a consumer may exercise the right to opt out of the processing, in a clear and conspicuous manner.

(c) The privacy notice required under this subsection must:

(i) Use clear and plain language;

(ii) Be in English and any other language in which a controller communicates with the consumer to whom the information pertains; and

(iii) Be understandable to the least sophisticated consumer.

(2) A controller's collection of personal data must be limited to what is reasonably necessary in relation to the purposes for which the data is processed.

(3) A controller's collection of personal data must be adequate, relevant, and limited to what is reasonably necessary in relation to the purposes for which the data is processed.

(4) Except as provided in this chapter, a controller may not process personal data for purposes that are not reasonably necessary to, or compatible with, the purposes for which the personal data is processed unless the controller obtains the consumer's consent.

(5) A controller shall establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data. The data security practices must be appropriate to

the volume and nature of the personal data at issue.

(6) A controller shall not process personal data on the basis of a consumer's or a class of consumers' actual or perceived race, color, ethnicity, religion, national origin, sex, gender, gender identity, sexual orientation, familial status, lawful source of income, or disability, in a manner that unlawfully discriminates against the consumer or class of consumers with respect to the offering or provision of: (a) Housing; (b) employment; (c) credit; (d) education; or (e) the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.

(7) A controller may not discriminate against a consumer for exercising any of the rights contained in this chapter, including denying goods or services to the consumer, charging different prices or rates for goods or services, and providing a different level of quality of goods and services to the consumer. This subsection does not prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the offering is in connection with a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program. If a consumer exercises their right pursuant to section 103(5) of this act, a controller may not sell personal data to a third-party controller as part of such a program unless: (a) The sale is reasonably necessary to enable the third party to provide a benefit to which the consumer is entitled; (b) the sale of personal data to third parties is clearly disclosed in the terms of the program; and (c) the third party uses the personal data only for purposes of facilitating such a benefit to which the consumer is entitled and does not retain or otherwise use or disclose the personal data for any other purpose.

(8) Except as otherwise provided in this chapter, a controller may not process sensitive data concerning a consumer without obtaining the consumer's consent or, in the case of the processing of sensitive data of a known child, without obtaining consent from the child's parent or lawful guardian, in accordance with the children's online privacy protection act requirements.

(9) Except as otherwise provided in this chapter, a controller may not process the personal data of a minor for the purposes of targeted advertising or the sale of personal data without obtaining consent from the minor.

(10) Any provision of a contract or agreement of any kind that purports to waive or limit in any way a consumer's rights under this chapter is deemed contrary to public policy and is void and unenforceable.

NEW SECTION. **Sec. 108.** PROCESSING DEIDENTIFIED DATA OR PSEUDONYMOUS DATA. (1) This chapter does not require a controller or processor to do any of the following solely for purposes of complying with this chapter:

(a) Reidentify deidentified data;

(b) Comply with an authenticated consumer request to access, correct, delete, or port personal data pursuant to section 103 (1) through (4) of this act, if all of the following are true:

(i)(A) The controller is not reasonably capable of associating the request with the personal data; or (B) it would be unreasonably burdensome for the controller to associate the request with the personal data;

(ii) The controller does not use the personal data to recognize or respond to the specific consumer who is the subject of the personal data, or associate the personal data with other personal data about the same specific consumer; and

(iii) The controller does not sell the personal data to any third party or otherwise voluntarily disclose the personal data to any third party other than a processor, except as otherwise permitted in this section; or

(c) Maintain data in identifiable form, or collect, obtain, retain, or access any data or technology, in order to be capable of associating an authenticated consumer request with personal data.

(2) The rights contained in section 103 (1) through (4) of this act do not apply to pseudonymous data in cases where the controller is able to demonstrate any information necessary to identify the consumer is kept separately and is subject to effective technical and

organizational controls that prevent the controller from accessing such information.

(3) A controller that uses pseudonymous data or deidentified data must exercise reasonable oversight to monitor compliance with any contractual commitments to which the pseudonymous data or deidentified data are subject and must take appropriate steps to address any breaches of contractual commitments.

NEW SECTION. **Sec. 109.** DATA PROTECTION ASSESSMENTS. (1) Controllers must conduct and document a data protection assessment of each of the following processing activities involving personal data:

(a) The processing of personal data for purposes of targeted advertising;

(b) The processing of personal data for the purposes of the sale of personal data;

(c) The processing of personal data for purposes of profiling, where such profiling presents a reasonably foreseeable risk of: (i) Unfair or deceptive treatment of, or disparate impact on, consumers; (ii) financial, physical, or reputational injury to consumers; (iii) a physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where such intrusion would be offensive to a reasonable person; or (iv) other substantial injury to consumers;

(d) The processing of sensitive data; and

(e) Any processing activities involving personal data that present a heightened risk of harm to consumers.

Such data protection assessments must take into account the type of personal data to be processed by the controller, including the extent to which the personal data are sensitive data, and the context in which the personal data are to be processed.

(2) Data protection assessments conducted under subsection (1) of this section must identify and weigh the benefits that may flow directly and indirectly from the processing to the controller, consumer, other stakeholders, and the public against the potential risks to the rights of the consumer associated with such processing, as mitigated by safeguards that can be employed by the controller to reduce such risks. The use of deidentified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal data will be processed, must be factored into this assessment by the controller.

(3) The attorney general may request, in writing, that a controller disclose any data protection assessment that is relevant to an investigation conducted by the attorney general. The controller must make a data protection assessment available to the attorney general upon such a request. The attorney general may evaluate the data protection assessments for compliance with the responsibilities contained in section 107 of this act and, if it serves a civil investigative demand, with RCW 19.86.110. Data protection assessments are confidential and exempt from public inspection and copying under chapter 42.56 RCW. The disclosure of a data protection assessment pursuant to a request from the attorney general under this subsection does not constitute a waiver of the attorney-client privilege or work product protection with respect to the assessment and any information contained in the assessment unless otherwise subject to case law regarding the applicability of attorney-client privilege or work product protections.

(4) Data protection assessments conducted by a controller for the purpose of compliance with other laws or regulations may qualify under this section if they have a similar scope and effect.

NEW SECTION. **Sec. 110.** LIMITATIONS AND APPLICABILITY. (1) The obligations imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to:

(a) Comply with federal, state, or local laws, rules, or regulations;

(b) Comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, local, or other governmental authorities;

(c) Cooperate with law enforcement agencies concerning conduct or activity that the controller or processor reasonably and in good faith believes may violate federal, state, or local laws, rules, or regulations;

(d) Investigate, establish, exercise, prepare for, or defend legal claims;

(e) Provide a product or service specifically requested by a consumer, perform a contract to which the consumer is a party, or take steps at the request of the consumer prior to entering into a contract;

(f) Take immediate steps to protect an interest that is essential for the life of the consumer or of another natural person, and where the processing cannot be manifestly based on another legal basis;

(g) Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for any such action;

(h) Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board, human subjects research ethics review board, or a similar independent oversight entity that determines: (i) If the research is likely to provide substantial benefits that do not exclusively accrue to the controller; (ii) the expected benefits of the research outweigh the privacy risks; and (iii) if the controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with reidentification; or

(i) Assist another controller, processor, or third party with any of the obligations under this subsection.

(2) The obligations imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to collect, use, or retain data to:

(a) Identify and repair technical errors that impair existing or intended functionality; or

(b) Perform solely internal operations that are reasonably aligned with the expectations of the consumer based on the consumer's existing relationship with the controller, or are otherwise compatible with processing in furtherance of the provision of a product or service specifically requested by a consumer or the performance of a contract to which the consumer is a party when those internal operations are performed during, and not following, the consumer's relationship with the controller.

(3) The obligations imposed on controllers or processors under this chapter do not apply where compliance by the controller or processor with this chapter would violate an evidentiary privilege under Washington law and do not prevent a controller or processor from providing personal data concerning a consumer to a person covered by an evidentiary privilege under Washington law as part of a privileged communication.

(4) A controller or processor that discloses personal data to a third-party controller or processor in compliance with the requirements of this chapter is not in violation of this chapter if the recipient processes such personal data in violation of this chapter, provided that, at the time of disclosing the personal data, the disclosing controller or processor did not have actual knowledge that the recipient intended to commit a violation. A third-party controller or processor receiving personal data from a controller or processor in compliance with the requirements of this chapter is likewise not in violation of this chapter for the obligations of the controller or processor from which it receives such personal data.

(5) Obligations imposed on controllers and processors under this chapter shall not:

(a) Adversely affect the rights or freedoms of any persons, such as exercising the right of free speech pursuant to the First Amendment to the United States Constitution; or

(b) Apply to the processing of personal data by a natural person in the course of a purely personal or household activity.

(6) Processing personal data solely for the purposes expressly identified in subsection (1)(a) through (g) of this section does not, by itself, make an entity a controller with respect to the processing.

(7) If a controller processes personal data pursuant to an exemption in this section, the controller bears the burden

of demonstrating that the processing qualifies for the exemption and complies with the requirements in subsection (8) of this section.

(8)(a) Personal data that is processed by a controller pursuant to this section must not be processed for any purpose other than those expressly listed in this section.

(b) Personal data that is processed by a controller pursuant to this section may be processed solely to the extent that such processing is: (i) Necessary, reasonable, and proportionate to the purposes listed in this section; (ii) adequate, relevant, and limited to what is necessary in relation to the specific purpose or purposes listed in this section; and (iii) insofar as possible, taking into account the nature and purpose of processing the personal data, subjected to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal data, and to reduce reasonably foreseeable risks of harm to consumers.

NEW SECTION. **Sec. 111.** PRIVATE RIGHT OF ACTION. (1) Except as provided in subsection (2) of this section, nothing in this chapter creates an independent cause of action, except for the actions brought by the attorney general to enforce this chapter. Except as provided in subsection (2) of this section, no person, except for the attorney general, may enforce the rights and protections created by this chapter in any action. However, nothing in this chapter limits any other independent causes of action enjoyed by any person, including any constitutional, statutory, administrative, or common law rights or causes of action. The rights and protections in this chapter are not exclusive, and to the extent that a person has the rights and protections in this chapter because of another law other than this chapter, the person continues to have those rights and protections notwithstanding the existence of this chapter.

(2) A consumer alleging a violation of section 103 or 107 (6), (8), or (9) of this act may bring a civil action in any court of competent jurisdiction. Remedies shall be limited to appropriate injunctive relief. The court shall also award reasonable attorneys' fees and costs to any prevailing plaintiff.

NEW SECTION. **Sec. 112.** ENFORCEMENT. (1) Except as provided in section 111 of this act, chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

(2) In actions brought by the attorney general, the legislature finds: (a) The practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW, and (b) a violation of this chapter is not reasonable in relation to the development and preservation of business, is an unfair or deceptive act in trade or commerce, and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(3) The legislative declarations in this section shall not apply to any claim or action by any party other than the attorney general alleging that conduct regulated by this chapter violates chapter 19.86 RCW, and this chapter does not incorporate RCW 19.86.093.

(4) Until July 31, 2023, in the event of a controller's or processor's violation under this chapter, prior to filing a complaint, the attorney general must provide the controller or processor with a warning letter identifying the specific provisions of this chapter the attorney general alleges have been or are being violated. If, after 30 days of issuance of the warning letter, the attorney general believes the controller or processor has failed to cure any alleged violation, the attorney general may bring an action against the controller or processor as provided under this chapter.

(5) Beginning July 31, 2023, in determining a civil penalty under this chapter, the court must consider, as mitigating factors, a controller's or processor's good faith efforts to comply with the requirements of this chapter and any actions to cure or remedy the violations before an action is filed.

(6) All receipts from the imposition of civil penalties under this chapter must be deposited into the consumer privacy account created in section 113 of this act.

NEW SECTION. **Sec. 113.** CONSUMER PRIVACY ACCOUNT. The consumer privacy account is created in the state treasury. All receipts from the imposition of civil

penalties under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account may only be used for the purposes of recovery of costs and attorneys' fees accrued by the attorney general in enforcing this chapter and for the office of privacy and data protection as created in RCW 43.105.369. Moneys may not be used to supplant general fund appropriations to either agency.

NEW SECTION. **Sec. 114.** PREEMPTION. (1) Except as provided in this section, this chapter supersedes and preempts laws, ordinances, regulations, or the equivalent adopted by any local entity regarding the processing of personal data by controllers or processors.

(2) Laws, ordinances, or regulations regarding the processing of personal data by controllers or processors that are adopted by any local entity prior to July 1, 2020, are not superseded or preempted.

NEW SECTION. **Sec. 115.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 116.** PRIVACY OFFICE REPORT. (1) The state office of privacy and data protection, in collaboration with the office of the attorney general, shall research and examine existing analysis on the development of technology, such as a browser setting, browser extension, or global device setting, indicating a consumer's affirmative, freely given, and unambiguous choice to opt out of the processing of personal data for the purposes of targeted advertising, the sale of personal data, or profiling in furtherance of decisions that produce legal effects concerning consumers or similarly significant effects concerning consumers, and the effectiveness of allowing a consumer to designate a third party to exercise a consumer right on their behalf. A contracted study is not required.

(2) The office of privacy and data protection shall submit a report of its findings and will identify specific recommendations to the governor and the appropriate committees of the legislature by December 1, 2022.

NEW SECTION. **Sec. 117.** A new section is added to chapter 42.56 RCW to read as follows:

Data protection assessments submitted by a controller to the attorney general in accordance with requirements under section 109 of this act are exempt from disclosure under this chapter.

NEW SECTION. **Sec. 118.** A new section is added to chapter 44.28 RCW to read as follows:

(1) By December 1, 2023, the joint committee must review the efficacy of the attorney general providing controllers and processors with warning letters and 30 days to cure alleged violations in the warning letters pursuant to section 112 of this act and report its findings to the governor and the appropriate committees of the legislature.

(2) The report must include, but not be limited to:

(a) The number of warning letters the attorney general sent to controllers and processors;

(b) A list of the controller and processor names that received the warning letters;

(c) The categories of violations and the number of violations per category;

(d) The number of actions brought by the attorney general as authorized in this act due to a controller or processor not curing the alleged violations within 30 days;

(e) The types of resources, including associated costs, expended when providing warning letters and tracking compliance; and

(f) A recommendation on whether the warning letters provided by the attorney general should be continued.

(3) The office of the attorney general shall provide the joint committee any data within their purview that the joint committee considers necessary to conduct the review.

(4) This section expires June 30, 2024.

PART 2

Data Privacy Regarding Public Health Emergency—Private Sector

NEW SECTION. **Sec. 201.** The definitions in this section apply

throughout this chapter unless the context clearly requires otherwise.

(1) "Authenticate" means to use reasonable means to determine that a request to exercise any of the rights in section 203 of this act is being made by the consumer who is entitled to exercise the rights with respect to the covered data at issue.

(2) "Business associate" has the same meaning as in Title 45 C.F.R. Part 160, established pursuant to the federal health insurance portability and accountability act of 1996.

(3) "Child" has the same meaning as defined in the children's online privacy protection act, Title 15 U.S.C. Sec. 6501 through 6506.

(4) "Consent" means any freely given, specific, informed, and unambiguous indication of the consumer's wishes by which the consumer signifies agreement to the processing of personal data relating to the consumer for a narrowly defined particular purpose. Acceptance of a general or broad terms of use or similar document that contains descriptions of personal data processing along with other, unrelated information, does not constitute consent. Hovering over, muting, pausing, or closing a given piece of content does not constitute consent. Likewise, agreement obtained through dark patterns does not constitute consent.

(5)(a) "Consumer" means a natural person who is a Washington resident acting only in an individual or household context.

(b) "Consumer" does not include a natural person acting in a commercial or employment context.

(6) "Controller" means the natural or legal person that, alone or jointly with others, determines the purposes and means of the processing of covered data.

(7) "Covered data" includes personal data and one or more of the following: Specific geolocation data; proximity data; or personal health data.

(8) "Covered entity" has the same meaning as defined in Title 45 C.F.R. Part 160, established pursuant to the federal health insurance portability and accountability act of 1996.

(9) "Covered purpose" means processing of covered data concerning a consumer for the purposes of detecting symptoms of an infectious disease, enabling the tracking of a consumer's contacts with other consumers, or with specific locations to identify in an automated fashion whom consumers have come into contact with, or digitally notifying, in an automated manner, a consumer who may have become exposed to an infectious disease, or other similar purposes directly related to a state of emergency declared by the governor pursuant to RCW 43.06.010 and any restrictions imposed under the state of emergency declared by the governor pursuant to RCW 43.06.200 through 43.06.270.

(10) "Deidentified data" means data that cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable natural person, or a device linked to such a person, provided that the controller that possesses the data: (a) Takes reasonable measures to ensure that the data cannot be associated with a natural person, household, or device; (b) publicly commits to maintain and use the data only in a deidentified fashion and not attempt to reidentify the data; and (c) contractually obligates any recipients of the information to comply with all provisions of this subsection.

(11) "Delete" means to remove or destroy information such that it is not maintained in human or machine-readable form and cannot be retrieved or utilized in the course of business.

(12) "Health care facility" has the same meaning as defined in RCW 70.02.010.

(13) "Health care information" has the same meaning as defined in RCW 70.02.010.

(14) "Health care provider" has the same meaning as defined in RCW 70.02.010.

(15) "Identified or identifiable natural person" means a consumer who can be readily identified, directly or indirectly.

(16) "Known child" means a child under circumstances where a controller has actual knowledge of, or willfully disregards, the child's age.

(17) "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person.

"Personal data" does not include deidentified data or publicly available information.

(18) "Personal health data" means information relating to the past, present, or future diagnosis or treatment of a consumer regarding an infectious disease.

(19) "Process," "processed," or "processing" means any operation or set of operations that are performed on covered data or on sets of covered data by automated means, such as the collection, use, storage, disclosure, analysis, deletion, or modification of covered data.

(20) "Processor" means a natural or legal person that processes covered data on behalf of a controller.

(21) "Protected health information" has the same meaning as defined in Title 45 C.F.R. Sec. 160.103, established pursuant to the federal health insurance portability and accountability act of 1996.

(22) "Proximity data" means technologically derived information that identifies past or present proximity of one consumer to another, or the proximity of natural persons to other locations or objects.

(23) "Publicly available information" means information that is lawfully made available from federal, state, or local government records.

(24) "Secure" means encrypted in a manner that meets or exceeds the national institute of standards and technology standard or is otherwise modified so that the covered data is rendered unreadable, unusable, or undecipherable by an unauthorized person.

(25) "Sell" means the exchange of covered data for monetary or other valuable consideration by the controller to a third party.

(26) "Specific geolocation data" means information derived from technology including, but not limited to, global positioning system level latitude and longitude coordinates or other mechanisms that directly identifies the specific location of a natural person within a geographic area that is equal to or less than the area of a circle with a radius of 1,850 feet. Specific geolocation data excludes the content of communications.

(27) "Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

NEW SECTION. **Sec. 202.** PROHIBITIONS. Except as provided in this chapter, it is unlawful for a controller or processor to:

(1) Process covered data for a covered purpose unless:

(a) The controller or processor provides the consumer with a privacy notice as required in section 207 of this act prior to or at the time of the processing; and

(b) The consumer provides consent for the processing;

(2) Disclose any covered data processed for a covered purpose to federal, state, or local law enforcement;

(3) Sell any covered data processed for a covered purpose; or

(4) Share any covered data processed for a covered purpose with another controller, processor, or third party unless the sharing is governed by contract pursuant to section 206 of this act and is disclosed to a consumer in the notice required in section 207 of this act.

NEW SECTION. **Sec. 203.** CONSUMER RIGHTS. (1) A consumer has the right to opt out of the processing of covered data concerning the consumer for a covered purpose.

(2) A consumer has the right to confirm whether or not a controller is processing covered data concerning the consumer for a covered purpose and access the covered data.

(3) A consumer has the right to request correction of inaccurate covered data concerning the consumer processed for a covered purpose.

(4) A consumer has the right to request deletion of covered data concerning the consumer processed for a covered purpose.

NEW SECTION. **Sec. 204.** EXERCISING CONSUMER RIGHTS. (1) A consumer may exercise the rights set forth in section 203 of this act by submitting a request, at any time, to a controller specifying which rights the consumer wishes to exercise.

(2) In the case of processing personal data of a known child, the parent or legal guardian of the known child may

exercise the rights of this chapter on the child's behalf.

(3) In the case of processing personal data concerning a consumer subject to guardianship, conservatorship, or other protective arrangement under chapter 11.88, 11.92, or 11.130 RCW, the guardian or the conservator of the consumer may exercise the rights of this chapter on the consumer's behalf.

NEW SECTION. **Sec. 205.** RESPONDING TO REQUESTS. (1) Except as provided in this chapter, controllers that process covered data for a covered purpose must comply with a request to exercise the rights pursuant to section 203 of this act.

(2)(a) Controllers must provide one or more secure and reliable means for consumers to submit a request to exercise their rights under this chapter. These means must take into account the ways in which consumers interact with the controller and the need for secure and reliable communication of the requests.

(b) Controllers may not require a consumer to create a new account in order to exercise a right, but a controller may require a consumer to use an existing account to exercise the consumer's rights under this chapter.

(3) A controller must comply with a request to exercise the right in section 203(1) of this act as soon as feasibly possible, but no later than 15 days of receipt of the request.

(4)(a) A controller must inform a consumer of any action taken on a request to exercise any of the rights in section 203 (2) through (4) of this act without undue delay and in any event within 45 days of receipt of the request. That period may be extended once by 45 additional days where reasonably necessary, taking into account the complexity and number of the requests. The controller must inform the consumer of any such extension within 45 days of receipt of the request, together with the reasons for the delay.

(b) If a controller does not take action on the request of a consumer, the controller must inform the consumer without undue delay and within 45 days of receipt of the request, of the reasons for not taking action and instructions for how to appeal the decision with the controller as described in subsection (5) of this section.

(c) Information provided under this section must be provided by the controller to the consumer free of charge, up to twice annually. Where requests from a consumer are manifestly unfounded or excessive, because of their repetitive character, the controller may either: (i) Charge a reasonable fee to cover the administrative costs of complying with the request; or (ii) refuse to act on the request. The controller bears the burden of demonstrating the manifestly unfounded or excessive character of the request.

(d) A controller is not required to comply with a request to exercise any of the rights under section 203 (1) through (4) of this act if the controller is unable to authenticate the request using commercially reasonable efforts. In such a case, the controller may request the provision of additional information reasonably necessary to authenticate the request.

(5)(a) Controllers must establish an internal process whereby consumers may appeal a refusal to take action on a request to exercise any of the rights under section 203 of this act within a reasonable period of time after the consumer's receipt of the notice sent by the controller under subsection (4)(b) of this section.

(b) The appeal process must be conspicuously available and as easy to use as the process for submitting such a request under this section.

(c) Within 30 days of receipt of an appeal, a controller must inform the consumer of any action taken or not taken in response to the appeal, along with a written explanation of the reasons in support thereof. That period may be extended by 60 additional days where reasonably necessary, taking into account the complexity and number of the requests serving as the basis for the appeal. The controller must inform the consumer of such an extension within 30 days of receipt of the appeal, together with the reasons for the delay. The controller must also provide the consumer with an email address or other online mechanism through which the consumer may submit the appeal, along with any action taken or not taken by the controller in response to the appeal and the controller's written explanation of the reasons in support thereof, to the attorney general.

(d) When informing a consumer of any action taken or not taken in response to an appeal pursuant to (c) of this subsection, the controller must clearly and prominently provide the consumer with information about how to file a complaint with the consumer protection division of the attorney general's office. The controller must maintain records of all such appeals and how it responded to them for at least 24 months and shall, upon request, compile and provide a copy of such records to the attorney general.

NEW SECTION. **Sec. 206.** RESPONSIBILITY ACCORDING TO ROLE. (1) Controllers and processors are responsible for meeting their respective obligations established under this chapter.

(2) Processors are responsible under this chapter for adhering to the instructions of the controller and assisting the controller to meet their obligations under this chapter. This assistance includes the following:

(a) Taking into account the nature of the processing, the processor shall assist the controller by appropriate technical and organizational measures, insofar as this is possible, for the fulfillment of the controller's obligation to respond to consumer requests to exercise their rights pursuant to section 203 of this act; and

(b) Taking into account the nature of processing and the information available to the processor, the processor shall assist the controller in meeting the controller's obligations in relation to the security of processing the personal data and in relation to the notification of a breach of the security of the system pursuant to RCW 19.255.010.

(3) Notwithstanding the instructions of the controller, a processor shall:

(a) Ensure that each person processing the personal data is subject to a duty of confidentiality with respect to the data; and

(b) Engage a subcontractor only after providing the controller with an opportunity to object and pursuant to a written contract in accordance with subsection (5) of this section that requires the subcontractor to meet the obligations of the processor with respect to the personal data.

(4) Taking into account the context of processing, the controller and the processor shall implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk and establish a clear allocation of the responsibilities between them to implement such measures.

(5) Processing by a processor must be governed by a contract between the controller and the processor that is binding on both parties and that sets out the processing instructions to which the processor is bound, including the nature and purpose of the processing, the type of personal data subject to the processing, the duration of the processing, and the obligations and rights of both parties. In addition, the contract must include the requirements imposed by this subsection and subsections (3) and (4) of this section, as well as the following requirements:

(a) At the choice of the controller, the processor shall delete or return all personal data to the controller as requested at the end of the provision of services, unless retention of the personal data is required by law;

(b)(i) The processor shall make available to the controller all information necessary to demonstrate compliance with the obligations in this chapter; and

(ii) The processor shall allow for, and contribute to, reasonable audits and inspections by the controller or the controller's designated auditor. Alternatively, the processor may, with the controller's consent, arrange for a qualified and independent auditor to conduct, at least annually and at the processor's expense, an audit of the processor's policies and technical and organizational measures in support of the obligations under this chapter using an appropriate and accepted control standard or framework and audit procedure for the audits as applicable, and provide a report of the audit to the controller upon request.

(6) In no event may any contract relieve a controller or a processor from the liabilities imposed on them by virtue of its role in the processing relationship as defined by this chapter.

(7) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that

depends upon the context in which personal data is to be processed. A person that is not limited in its processing of personal data pursuant to a controller's instructions, or that fails to adhere to such instructions, is a controller and not a processor with respect to a specific processing of data. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal data remains a processor. If a processor begins, alone or jointly with others, determining the purposes and means of the processing of personal data, it is a controller with respect to the processing.

NEW SECTION. **Sec. 207.** RESPONSIBILITIES OF CONTROLLERS. (1) Controllers that process covered data for a covered purpose must provide consumers with a clear and conspicuous privacy notice that includes, at a minimum:

(a) How a consumer may exercise the rights contained in section 203 of this act, including how a consumer may appeal a controller's action with regard to the consumer's request;

(b) The categories of covered data processed by the controller;

(c) The purposes for which the categories of covered data are processed;

(d) The categories of covered data that the controller shares with third parties, if any; and

(e) The categories of third parties, if any, with whom the controller shares covered data.

(2) A controller's collection of covered data must be limited to what is reasonably necessary in relation to the covered purpose~~s~~ for which the data is processed.

(3) A controller's collection of covered data must be adequate, relevant, and limited to what is reasonably necessary in relation to the covered purpose for which the data is processed.

(4) Except as provided in this chapter, a controller may not process covered data for purposes that are not reasonably necessary to, or compatible with, the covered purposes for which the personal data is processed unless the controller obtains the consumer's consent. Controllers may not process covered data or deidentified data that was processed for a covered purpose for purposes of marketing, developing new products or services, or engaging in commercial product or market research.

(5) A controller shall establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of covered data. The data security practices must be appropriate to the volume and nature of the personal data at issue.

(6) A controller must delete or deidentify all covered data processed for a covered purpose when the data is no longer being used for the covered purpose.

(7) A controller may not process personal data on the basis of a consumer's or a class of consumers' actual or perceived race, color, ethnicity, religion, national origin, sex, gender, gender identity, sexual orientation, familial status, lawful source of income, or disability, in a manner that unlawfully discriminates against the consumer or class of consumers with respect to the offering or provision of: (a) Housing; (b) employment; (c) credit; (d) education; or (e) the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.

(8) Any provision of a contract or agreement of any kind that purports to waive or limit in any way a consumer's rights under this chapter is deemed contrary to public policy and is void and unenforceable.

NEW SECTION. **Sec. 208.** LIMITATIONS AND APPLICABILITY. (1) The obligations imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to:

(a) Comply with federal, state, or local laws, rules, or regulations; or

(b) Process deidentified information to engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board, human subjects research ethics review board, or a similar independent oversight entity that determines: (i) If the research is likely to provide substantial benefits

that do not exclusively accrue to the controller; (ii) the expected benefits of the research outweigh the privacy risks; and (iii) if the controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with reidentification.

(2) This chapter does not apply to:

(a) Information that meets the definition of:

(i) Protected health information for purposes of the federal health insurance portability and accountability act of 1996 and health insurance portability and accountability act of 1996 and related regulations;

(ii) Health care information for purposes of chapter 70.02 RCW;

(iii) Identifiable private information for purposes of the federal policy for the protection of human subjects, 45 C.F.R. Part 46; identifiable private information that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the international council for harmonization; the protection of human subjects under 21 C.F.R. Parts 50 and 56; or personal data used or shared in research conducted in accordance with one or more of the requirements set forth in this subsection; or

(iv) Information that is (A) deidentified in accordance with the requirements for deidentification set forth in 45 C.F.R. Sec. 164, and (B) derived from any of the health care-related information listed in this subsection (2)(a);

(b) Information originating from, and intermingled to be indistinguishable with, information under (a) of this subsection that is maintained by:

(i) A covered entity or business associate as defined by the health insurance portability and accountability act of 1996 and related regulations;

(ii) A health care facility or health care provider as defined in RCW 70.02.010; or

(iii) A program or a qualified service organization as defined by 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2;

(c) Information used only for public health activities and purposes as described in 45 C.F.R. Sec. 164.512; or

(d) Data maintained for employment records purposes.

(3) Processing covered data solely for the purposes expressly identified in subsection (1) of this section does not, by itself, make an entity a controller with respect to the processing.

(4) If a controller processes covered data pursuant to an exemption in subsection (1) of this section, the controller bears the burden of demonstrating that the processing qualifies for the exemption and complies with the requirements in subsection (2) of this section.

(5)(a) Covered data that is processed by a controller pursuant to this section must not be processed for any purpose other than those expressly listed in this section.

(b) Covered data that is processed by a controller pursuant to this section may be processed solely to the extent that such processing is: (i) Necessary, reasonable, and proportionate to the purposes listed in this section; (ii) adequate, relevant, and limited to what is necessary in relation to the specific purpose or purposes listed in this section; and (iii) insofar as possible, taking into account the nature and purpose of processing the personal data, subjected to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal data, and to reduce reasonably foreseeable risks of harm to consumers.

NEW SECTION. **Sec. 209.** PRIVATE RIGHT OF ACTION. (1) Except as provided in subsection (2) of this section, nothing in this chapter creates an independent cause of action, except for the actions brought by the attorney general to enforce this chapter. Except as provided in subsection (2) of this section, no person, except for the attorney general, may enforce the rights and protections created by this chapter in any action. However, nothing in this chapter limits any other causes of action enjoyed by any person, including any constitutional, statutory, administrative, or common law rights or causes of action. The rights and protections in this chapter are not exclusive, and to the extent that a person has the rights and protections in

this chapter because of another law other than this chapter, the person continues to have those rights and protections notwithstanding the existence of this chapter.

(2) A consumer alleging a violation of section 203 or 207(7) of this act may bring a civil action in any court of competent jurisdiction. Remedies shall be limited to appropriate injunctive relief. The court shall also award reasonable attorneys' fees and costs to any prevailing plaintiff.

NEW SECTION. **Sec. 210.** ENFORCEMENT. (1) Except as provided in section 209 of this act, this chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

(2) In actions brought by the attorney general, the legislature finds: (a) The practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW, and (b) a violation of this chapter is not reasonable in relation to the development and preservation of business, is an unfair or deceptive act in trade or commerce, and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(3) The legislative declarations in this section shall not apply to any claim or action by any party other than the attorney general alleging that conduct regulated by this chapter violates chapter 19.86 RCW, and this chapter does not incorporate RCW 19.86.093.

(4) Until July 31, 2023, in the event of a controller's or processor's violation under this chapter, prior to filing a complaint, the attorney general must provide the controller or processor with a warning letter identifying the specific provisions of this chapter the attorney general alleges have been or are being violated. If, after 30 days of issuance of the warning letter, the attorney general believes the controller or processor has failed to cure any alleged violation, the attorney general may bring an action against the controller or processor as provided under this chapter.

(5) Beginning July 31, 2023, in determining a civil penalty under this chapter, the court must consider, as mitigating factors, a controller's or processor's good faith efforts to comply with the requirements of this chapter and any actions to cure or remedy the violations before an action is filed.

(6) All receipts from the imposition of civil penalties under this chapter must be deposited into the consumer privacy account created in section 113 of this act.

NEW SECTION. **Sec. 211.** PREEMPTION. (1) Except as provided in this section, this chapter supersedes and preempts laws, ordinances, regulations, or the equivalent adopted by any local entity regarding the processing of covered data for a covered purpose by controllers or processors.

(2) Laws, ordinances, or regulations regarding the processing of covered data for a covered purpose by controllers or processors that are adopted by any local entity prior to July 1, 2020, are not superseded or preempted.

NEW SECTION. **Sec. 212.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

PART 3

Data Privacy Regarding Public Health Emergency—Public Sector

NEW SECTION. **Sec. 301.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Consent" means any freely given, specific, informed, and unambiguous indication of the consumer's wishes by which the consumer signifies agreement to the processing of personal data relating to the consumer for a narrowly defined particular purpose. Acceptance of a general or broad terms of use or similar document that contains descriptions of personal data processing along with other, unrelated information, does not constitute consent. Hovering over, muting, pausing, or closing a given piece of content does not constitute consent. Likewise, agreement obtained through dark patterns does not constitute consent.

(2) "Controller" means the local government, state agency, or institutions of higher education that, alone or jointly with others, determines the purposes and means of the processing

of technology-assisted contact tracing information.

(3)(a) "Deidentified data" means data that cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable natural person, or a device linked to such a person, provided that the controller that possesses the data: (i) Takes reasonable measures to ensure that the data cannot be associated with a natural person, household, or device; (ii) publicly commits to maintain and use the data only in a deidentified fashion and not attempt to reidentify the data; and (iii) except as provided in (b) of this subsection, contractually obligates any recipients of the information to comply with all provisions of this subsection.

(b) For the purposes of this subsection, the obligations imposed under (a)(iii) of this subsection do not apply when a controller discloses deidentified data to the public pursuant to chapter 42.56 RCW or other state disclosure laws.

(4) "Delete" means to remove or destroy information such that it is not maintained in human or machine-readable form and cannot be retrieved or utilized in the course of business.

(5) "Identified or identifiable natural person" means an individual who can be readily identified, directly or indirectly.

(6) "Individual" means a natural person who is a Washington resident acting only in an individual or household context. "Individual" does not include a natural person acting in a commercial or employment context.

(7) "Institutions of higher education" has the same meaning as defined in RCW 28B.92.030.

(8) "Local government" has the same meaning as in RCW 39.46.020.

(9) "Local health departments" has the same meaning as in RCW 70.05.010.

(10)(a) "Process," "processed," or "processing" means any operation or set of operations that are performed on technology-assisted contact tracing information by automated means, such as the collection, use, storage, disclosure, analysis, deletion, or modification of technology-assisted contact tracing information.

(b) "Processing" does not include means such as recognized investigatory measures intended to gather information to facilitate investigations including, but not limited to, traditional in-person, email, or telephonic activities used as of the effective date of this section by the department of health, created under chapter 43.70 RCW, or local health departments to provide for the control and prevention of any dangerous, contagious, or infectious disease.

(11) "Processor" means a natural or legal person, local government, state agency, or institutions of higher education that processes technology-assisted contact tracing information on behalf of a controller.

(12) "Secure" means encrypted in a manner that meets or exceeds the national institute of standards and technology standard or is otherwise modified so that the technology-assisted contact tracing information is rendered unreadable, unusable, or undecipherable by an unauthorized person.

(13) "Sell" means the exchange of technology-assisted contact tracing information for monetary or other valuable consideration by the controller to a third party. For the purposes of this subsection, "sell" does not include the recovery of fees by a controller.

(14) "State agency" has the same meaning as defined in RCW 43.105.020.

(15) "Technology-assisted contact tracing" means the use of a digital application or other electronic or digital platform that is capable of independently transmitting information and is offered to individuals for the purpose of notifying individuals who may have had contact with an infectious person through data collection and analysis as a means of controlling the spread of a communicable disease.

(16) "Technology-assisted contact tracing information" means any information, data, or metadata received through technology-assisted contact tracing.

(17) "Third party" means a natural or legal person, public authority, agency, or body other than the individual, controller, processor, or an affiliate of the processor or the controller.

NEW SECTION. **Sec. 302.** PROHIBITIONS. Except as provided in this chapter, it is

unlawful for a controller or processor to:

(1) Process technology-assisted contact tracing information unless:

(a) The controller or processor provides the individual with a privacy notice prior to or at the time of the processing; and

(b) The individual provides consent for the processing;

(2) Disclose any technology-assisted contact tracing information to federal, state, or local law enforcement;

(3) Sell any technology-assisted contact tracing information; or

(4) Share any technology-assisted contact tracing information with another controller, processor, or third party unless the sharing is governed by a contract or data-sharing agreement as prescribed in section 303 of this act and is disclosed to an individual in the notice required in section 304 of this act.

NEW SECTION. **Sec. 303.** RESPONSIBILITY ACCORDING TO ROLE. (1) Controllers and processors are responsible for meeting their respective obligations established under this chapter.

(2) Processors are responsible under this chapter for adhering to the instructions of the controller and assisting the controller to meet its obligations under this chapter. This assistance must include the processor assisting the controller in meeting the controller's obligations in relation to the security of processing technology-assisted contact tracing information and in relation to the notification of a breach of the security of the system pursuant to RCW 42.56.590.

(3) Notwithstanding the instructions of the controller, a processor shall:

(a) Ensure that each person processing the technology-assisted contact tracing information is subject to a duty of confidentiality with respect to the information; and

(b) Engage a subcontractor only after providing the controller with an opportunity to object and pursuant to a written contract in accordance with subsection (5) of this section that requires the subcontractor to meet the obligations of the processor with respect to the technology-assisted contact tracing information.

(4) Taking into account the context of processing, the controller and the processor shall implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk and establish a clear allocation of the responsibilities between them to implement such measures.

(5) Processing by a processor must be governed by a contract or data-sharing agreement between the controller and the processor that is binding on both parties and that sets out the processing instructions to which the processor is bound, including the nature and purpose of the processing, the type of data subject to the processing, the duration of the processing, and the obligations and rights of both parties. In addition, the contract or data-sharing agreement must include the requirements imposed by this subsection and subsections (3) and (4) of this section, as well as the following requirements:

(a) At the choice of the controller, the processor shall delete or return all technology-assisted contact tracing information to the controller as requested at the end of the provision of services, unless retention of the technology-assisted contact tracing information is required by law;

(b)(i) The processor shall make available to the controller all information necessary to demonstrate compliance with the obligations in this chapter; and

(ii) The processor shall allow for, and contribute to, reasonable audits and inspections by the controller or the controller's designated auditor. Alternatively, the processor may, with the controller's consent, arrange for a qualified and independent auditor to conduct, at least annually and at the processor's expense, an audit of the processor's policies and technical and organizational measures in support of the obligations under this chapter using an appropriate and accepted control standard or framework and audit procedure for the audits as applicable, and provide a report of the audit to the controller upon request.

(6) In no event may any contract or data-sharing agreement relieve a controller or a processor from the liabilities imposed on them by virtue of

its role in the processing relationship as defined in this chapter.

(7) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which technology-assisted contact tracing information is to be processed. A person that is not limited in its processing of technology-assisted contact tracing information pursuant to a controller's instructions, or that fails to adhere to such instructions, is a controller and not a processor with respect to processing of technology-assisted contact tracing information. A processor that continues to adhere to a controller's instructions with respect to processing of technology-assisted contact tracing information remains a processor. If a processor begins, alone or jointly with others, determining the purposes and means of the processing of technology-assisted contact tracing information, it is a controller with respect to the processing.

NEW SECTION. **Sec. 304.** RESPONSIBILITIES OF CONTROLLERS. (1) Controllers that process technology-assisted contact tracing information must provide individuals with a clear and conspicuous privacy notice that includes, at a minimum:

(a) The categories of technology-assisted contact tracing information processed by the controller;

(b) The purposes for which the categories of technology-assisted contact tracing information are processed;

(c) The categories of technology-assisted contact tracing information that the controller shares with third parties, if any; and

(d) The categories of third parties, if any, with whom the controller shares technology-assisted contact tracing information.

(2) A controller's collection of technology-assisted contact tracing information must be limited to what is reasonably necessary in relation to the technology-assisted contact tracing purpose for which the information is processed.

(3) A controller's collection of technology-assisted contact tracing information must be adequate, relevant, and limited to what is reasonably necessary in relation to the technology-assisted contact tracing purposes for which the information is processed.

(4) Except as provided in this chapter, a controller may not process technology-assisted contact tracing information for purposes that are not reasonably necessary to, or compatible with, the technology-assisted contact tracing purposes for which the technology-assisted contact tracing information is processed unless the controller obtains the individual's consent. Controllers may not process technology-assisted contact tracing information or deidentified data that was processed for a technology-assisted contact tracing purpose for purposes of marketing, developing new products or services, or engaging in commercial product or market research.

(5) A controller shall establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of technology-assisted contact tracing information. These data security practices must be appropriate to the volume and nature of the data at issue.

(6) A controller must delete or deidentify all technology-assisted contact tracing information when the information is no longer being used for a technology-assisted contact tracing purpose and has met records retention as required by federal or state law.

(7) A controller may not process technology-assisted contact tracing information on the basis of an individual's or a class of individuals' actual or perceived race, color, ethnicity, religion, national origin, sex, gender, gender identity, sexual orientation, familial status, lawful source of income, or disability, in a manner that unlawfully discriminates against the individual or class of individuals with respect to the offering or provision of: (a) Housing; (b) employment; (c) credit; (d) education; or (e) the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.

NEW SECTION. **Sec. 305.** LIMITATIONS AND APPLICABILITY. (1) The obligations

imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to:

(a) Comply with federal, state, or local laws, rules, or regulations; or

(b) Process deidentified information to engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board, human subjects research ethics review board, or a similar independent oversight entity that determines: (i) If the research is likely to provide substantial benefits that do not exclusively accrue to the controller; (ii) the expected benefits of the research outweigh the privacy risks; and (iii) the controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with reidentification.

(2) Processing technology-assisted contact tracing information solely for the purposes expressly identified in this section does not, by itself, make an entity a controller with respect to such processing.

(3) If a controller processes technology-assisted contact tracing information pursuant to an exemption in this section, the controller bears the burden of demonstrating that the processing qualifies for the exemption and complies with the requirements in subsection (4) of this section.

(4)(a) Technology-assisted contact tracing information that is processed by a controller pursuant to this section must not be processed for any purpose other than those expressly listed in this section.

(b) Technology-assisted contact tracing information that is processed by a controller pursuant to this section may be processed solely to the extent that such processing is: (i) Necessary, reasonable, and proportionate to the purposes listed in this section; (ii) adequate, relevant, and limited to what is necessary in relation to the specific purpose or purposes listed in this section; and (iii) insofar as possible, taking into account the nature and purpose of processing the technology-assisted contact tracing information, subjected to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal data, and to reduce reasonably foreseeable risks of harm to consumers.

NEW SECTION. **Sec. 306.** LIABILITY. Where more than one controller or processor, or both a controller and a processor, involved in the same processing, is in violation of this chapter, the liability must be allocated among the parties according to principles of comparative fault.

NEW SECTION. **Sec. 307.** ENFORCEMENT. (1) Any waiver of the provisions of this chapter is contrary to public policy and is void and unenforceable.

(2)(a) Any individual injured by a violation of this chapter may institute a civil action to recover damages.

(b) Any controller that violates, proposes to violate, or has violated this chapter may be enjoined.

(c) The rights and remedies available under this chapter are cumulative to each other and to any other rights and remedies available under law.

NEW SECTION. **Sec. 308.** EXPIRATION. This chapter expires June 30, 2024.

NEW SECTION. **Sec. 309.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

PART 4

Miscellaneous

NEW SECTION. **Sec. 401.** (1) Sections 101 through 114 of this act constitute a new chapter in Title 19 RCW.

(2) Sections 201 through 211 of this act constitute a new chapter in Title 19 RCW.

(3) Sections 301 through 308 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 402.** Sections 1, 2, and 101 through 118 of this act take effect July 31, 2022.

NEW SECTION. **Sec. 403.** Sections 101 through 114 of this act do not apply to institutions of higher education or nonprofit corporations until July 31, 2026.

NEW SECTION. **Sec. 404.** Except for sections 1, 2, and 101 through 118 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Appropriations.

March 26, 2021

ESSB 5065 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Safeguarding the public safety by protecting railroad workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

March 26, 2021

E2SSB 5071 Prime Sponsor, Committee on Ways & Means: Creating transition teams to assist specified persons under civil commitment. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.77.150 and 2010 c 263 s 5 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered the person's commitment the person's application for conditional release as well as the secretary's recommendations concerning the application and any proposed terms and conditions upon which the secretary reasonably believes the person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) In instances in which persons examined pursuant to RCW 10.77.140 have not made application to the secretary for conditional release, but the secretary, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, reasonably believes the person may be conditionally released, the secretary may submit a recommendation for release to the court of the county that ordered the person's commitment. The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person may be conditionally released. Conditional release may also include partial release for work, training, or educational purposes. Notice of the secretary's recommendation under this subsection must be provided to the person for whom the secretary has made the recommendation for release and to his or her attorney.

(3)(a) The court of the county which ordered the person's commitment, upon receipt of an application or recommendation for conditional release with the secretary's recommendation for conditional release terms and conditions, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary.

(b) The prosecuting attorney shall represent the state at such hearings and shall have the right to have the ((~~patient~~)) person examined by an expert or professional person of the prosecuting attorney's choice. If the committed person is indigent, and he or she so requests, the court shall appoint a qualified expert or professional person to examine the person on his or her behalf.

(c) The issue to be determined at such a hearing is whether or not the person

may be released conditionally to less restrictive alternative treatment under the supervision of a multidisciplinary transition team under conditions imposed by the court, including access to services under section 4 of this act without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security.

(d) ((~~The court, after the hearing, shall rule on the secretary's recommendations, and if it disapproves of conditional release, may do so~~)) In cases that come before the court under subsection (1) or (2) of this section, the court may deny conditional release to a less restrictive alternative only on the basis of substantial evidence. The court may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary.

(4) If the order of conditional release ((~~includes a~~)) provides for the conditional release of the person to a less restrictive alternative, including residential treatment or treatment in the community, the conditional release order must also include:

(a) A requirement for the committed person to ((~~report to a~~)) be supervised by a multidisciplinary transition team, including a specially trained community corrections officer, ((~~the order shall also specify that the conditionally released person shall be under the supervision of the secretary of corrections or such person as the secretary of corrections may designate and shall follow explicitly the instructions of the secretary of corrections including~~)) a representative of the department of social and health services, and a representative of the community behavioral health agency providing treatment to the person under section 4 of this act.

(i) The court may omit appointment of the representative of the community behavioral health agency if the conditional release order does not require participation in behavioral health treatment;

(ii) The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community;

(b) A requirement for the person to comply with conditions of supervision established by the court which shall include at a minimum reporting as directed to a ((~~community corrections officer~~)) designated member of the transition team, remaining within prescribed geographical boundaries, and notifying the ((~~community corrections officer~~)) transition team prior to making any change in the ((~~offender's~~)) person's address or employment. If the ((~~order of conditional release includes a requirement for the committed person to report to a community corrections officer, the community corrections officer shall notify the secretary or the secretary's designee, if the~~)) person is not in compliance with the court-ordered conditions of release((~~.~~)), the community corrections officer or another designated transition team member shall notify the secretary or the secretary's designee; and

((~~(4)~~)) (c) If the court ((~~determines that receiving regular or periodic medication or other medical treatment shall be a condition of the committed person's release, then the court shall require him or her to report to a physician or other medical or mental health practitioner for the medication or treatment. In addition to submitting any report required by RCW 10.77.160, the physician or other medical or mental health practitioner shall immediately upon the released person's failure to appear for the~~)) requires participation in behavioral health treatment, the name of the licensed or certified behavioral health agency responsible for identifying the services the person will receive under section 4 of this act, and a requirement that the person cooperate with the services planned by the licensed or certified behavioral health agency. The licensed or certified behavioral health agency must comply with the reporting requirements of RCW 10.77.160, and must immediately report to the court, prosecutor, and defense counsel any substantial withdrawal or disengagement from medication or treatment, or ((~~upon a~~)) any change in the person's mental health condition that renders ((~~the patient~~)) him or her a potential risk to the public ((~~report to the court, to the~~

~~prosecuting attorney of the county in which the released person was committed, to the secretary, and to the supervising community corrections officer~~)).

(5) The role of the transition team appointed under subsection (4) of this section shall be to facilitate the success of the person on the conditional release order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances that may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan that may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(6) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a conditional release order. Another community corrections officer may be appointed if no specially trained officer is available.

(7) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial, or sooner with the support of the department.

(8) A person examined under RCW 10.77.140 or the department may make a motion for limited conditional release under this section, on the grounds that there is insufficient evidence that the person may be released conditionally to less restrictive alternative treatment under subsection (3)(c) of this section, but the person would benefit from the opportunity to exercise increased privileges while remaining under the custody and supervision of the department and with the supervision of the department these increased privileges can be exercised without substantial danger to other persons or substantial likelihood of committing criminal acts jeopardizing public safety or security. The department may respond to a person's application for conditional release by instead supporting limited conditional release.

Sec. 2. RCW 71.05.320 and 2020 c 302 s 45 are each amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court has made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team as provided in subsection (6)(a)(i) of this section. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and

provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an

order for inpatient treatment. An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(i) In cases where the court has ordered less restrictive alternative treatment and has previously made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team to supervise and assist the person on the order for less restrictive treatment, which shall include a representative of the community behavioral health agency providing treatment under RCW 71.05.585, and a specially trained supervising community corrections officer. The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community under (a)(ii) of this subsection.

(ii) The role of the transition team shall be to facilitate the success of the person on the less restrictive alternative order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances which may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan which may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(iii) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a less restrictive alternative order.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

Sec. 3. RCW 71.05.320 and 2020 c 302 s 46 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day

treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court has made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team as provided in subsection (6)(a)(i) of this section. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(i) In cases where the court has ordered less restrictive alternative treatment and has previously made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team to supervise and assist the person on the order for less restrictive treatment, which shall include a representative of the community behavioral health agency providing treatment under RCW 71.05.585, and a specially trained supervising community corrections officer. The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community under (a)(ii) of this subsection.

(ii) The role of the transition team shall be to facilitate the success of the person on the less restrictive alternative order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances which may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan which may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(iii) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a less restrictive alternative order.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 10.77 RCW to read as follows:

(1) Conditional release planning should start at admission and proceed in coordination between the department and the person's managed care organization, or behavioral health administrative services organization if the person is not eligible for medical assistance under chapter 74.09 RCW. If needed, the department shall assist the person to enroll in medical assistance in suspense status under RCW 74.09.670. The state hospital liaison for the managed care organization or behavioral health administrative services organization shall facilitate conditional release planning in collaboration with the department.

(2) Less restrictive alternative treatment pursuant to a conditional release order, at a minimum, includes the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the conditional treatment;

(c) A psychiatric evaluation or a substance use disorder evaluation, or both;

(d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan;

(g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and

(h) Appointment of a transition team under RCW 10.77.150;

(i) Notification to the care coordinator assigned in (a) of this subsection and to the transition team as provided in RCW 10.77.150 if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(3) Less restrictive alternative treatment pursuant to a conditional release order may additionally include requirements to participate in the following services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance use disorder counseling;

(e) Residential treatment;

(f) Support for housing, benefits, education, and employment; and

(g) Periodic court review.

(4) Nothing in this section prohibits items in subsection (2) of this section from beginning before the conditional release of the individual.

(5) If the person was provided with involuntary medication under RCW 10.77.094 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment pursuant to the conditional release order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(6) Less restrictive alternative treatment pursuant to a conditional release order must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(7) The care coordinator assigned to a person ordered to less restrictive alternative treatment pursuant to a conditional release order must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(8) A care coordinator may disclose information and records related to mental health treatment under RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment pursuant to a conditional release order.

(9) For the purpose of this section, "care coordinator" means a representative from the department of social and health services who coordinates the activities of less restrictive alternative treatment pursuant to a conditional release order. The care coordinator coordinates activities with the person's transition team that are necessary for enforcement and continuation of the conditional release order and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 5. RCW 10.77.060 and 2016 sp.s. c 29 s 408 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional.

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

(e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

(f) When a defendant is ordered to be ((~~committed for inpatient evaluation~~)) evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

Sec. 6. RCW 70.02.230 and 2020 c 256 s 402 are each amended to read as follows:

(1) ((~~Except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030, the~~)) The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies ((~~must be confidential~~)) may not be disclosed except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed ((~~only~~)):

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

(ii) Who has medical responsibility for the patient's care;

(iii) Who is a designated crisis responder;

(iv) Who is providing services under chapter 71.24 RCW;

(v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) By a care coordinator under RCW 71.05.585 or section 4 of this act assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.05 or 10.77 RCW;

(l) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

((~~(l)~~)) (m) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

((~~(m)~~)) (n) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iv). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iv);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

((~~(n)~~)) (o) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

((~~(o)~~)) (p) Pursuant to lawful order of a court, including a tribal court;

((~~(p)~~)) (q) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

((~~(q)~~)) (r) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

((~~(r)~~)) (s) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or substance use disorder of persons who are under the supervision of the department;

((~~(s)~~)) (t) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

((~~(t)~~)) (u) To a licensed physician or psychiatric advanced registered nurse

practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

((~~(u)~~)) (v)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)((~~(u)~~)) (v) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the patient who is the subject of the request for release of information;

((~~(v)~~)) (w) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in ((~~(u)~~)) (v) of this subsection;

((~~(w)~~)) (x) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

((~~(x)~~)) (y) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

((~~(y)~~)) (z) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

((~~(z)~~)) (aa) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling,

inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

((~~(aa)~~)) (bb)(i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary, or director, where applicable;

((~~(bb)~~)) (cc) To any person if the conditions in RCW 70.02.205 are met;

((~~(cc)~~)) (dd) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450;

((~~(dd)~~)) (ee) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150(7).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 7. RCW 70.02.240 and 2019 c 381 s 20 are each amended to read as follows:

The fact of admission and all information and records related to mental health services obtained through inpatient or outpatient treatment of a minor under chapter 71.34 RCW must be kept confidential, except as authorized by this section or under RCW 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265. Confidential information under this section may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To the minor, the minor's parent, including those acting as a parent as defined in RCW 71.34.020 for purposes of family-initiated treatment, and the minor's attorney, subject to RCW 13.50.100;

(4) To the courts as necessary to administer chapter 71.34 RCW;

(5) By a care coordinator under RCW 71.34.755 or section 4 of this act assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 or 10.77 RCW;

(6) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

((~~(6)~~)) (7) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

((~~(7)~~)) (8) To the secretary of social and health services and the director of the health care authority for assistance in data collection and program evaluation or research so long as the secretary or director, where applicable, adopts rules for the conduct of such evaluation and research. The rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/ . . . . . ";

((~~(8)~~)) (9) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

((~~(9)~~)) (10) To appropriate law enforcement agencies and to a person, when the identity of the person is known

to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

((~~(10)~~)) (11) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

((~~(11)~~)) (12) Upon the death of a minor, to the minor's next of kin;

((~~(12)~~)) (13) To a facility in which the minor resides or will reside;

((~~(13)~~)) (14) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iv). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iv);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

((~~(14)~~)) (15) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the director of the health care authority or the secretary of the department of social and health services, where applicable. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

((~~(15)~~)) (16) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

((~~(16)~~)) (17) Pursuant to a lawful order of a court.

Sec. 8. RCW 71.24.035 and 2020 c 256 s 202 are each amended to read as follows:

(1) The authority is designated as the state behavioral health authority which includes recognition as the single state authority for substance use disorders and state mental health authority.

(2) The director shall provide for public, client, tribal, and licensed or certified behavioral health agency participation in developing the state behavioral health program, developing related contracts, and any waiver request to the federal government under medicaid.

(3) The director shall provide for participation in developing the state behavioral health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state behavioral health program.

(4) The authority shall be designated as the behavioral health administrative services organization for a regional service area if a behavioral health administrative services organization fails to meet the authority's contracting requirements or refuses to exercise the responsibilities under its contract or state law, until such time as a new behavioral health administrative services organization is designated.

(5) The director shall:

(a) Assure that any behavioral health administrative services organization, managed care organization, or community behavioral health program provides medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the authority;

(b) Develop contracts in a manner to ensure an adequate network of inpatient services, evaluation and treatment services, and facilities under chapter 71.05 RCW to ensure access to treatment, resource management services, and community support services;

(c) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for behavioral health services;

(d) Define administrative costs and ensure that the behavioral health administrative services organization does not exceed an administrative cost of ten percent of available funds;

(e) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork requirements. The audit procedure shall focus on the outcomes of service as provided in RCW 71.24.435, 70.320.020, and 71.36.025;

(f) Develop and maintain an information system to be used by the state and behavioral health administrative services organizations and managed care organizations that includes a tracking method which allows the authority to identify behavioral health clients' participation in any behavioral health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(g) Monitor and audit behavioral health administrative services organizations as needed to assure compliance with contractual agreements authorized by this chapter;

(h) Monitor and audit access to behavioral health services for individuals eligible for medicaid who are not enrolled in a managed care organization;

(i) Adopt such rules as are necessary to implement the authority's responsibilities under this chapter;

(j) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(k) Require the behavioral health administrative services organizations and the managed care organizations to develop agreements with tribal, city, and county jails and the department of corrections to accept referrals for enrollment on behalf of a confined person, prior to the person's release;

(l) Require behavioral health administrative services organizations and managed care organizations, as applicable, to provide services as identified in RCW 71.05.585 and section 4 of this act to individuals committed for involuntary ((~~commitment~~)) treatment under less restrictive alternative court orders when:

(i) The individual is enrolled in the medicaid program; or

(ii) The individual is not enrolled in medicaid, does not have other insurance which can pay for the services, and the behavioral health administrative services organization has adequate available resources to provide the services; and

(m) Coordinate with the centers for medicare and medicaid services to provide that behavioral health aide services are eligible for federal funding of up to one hundred percent.

(6) The director shall use available resources only for behavioral health administrative services organizations and managed care organizations, except:

(a) To the extent authorized, and in accordance with any priorities or

conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 71.24.435, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each behavioral health administrative services organization, managed care organization, and licensed or certified behavioral health agency shall file with the secretary of the department of health or the director, on request, such data, statistics, schedules, and information as the secretary of the department of health or the director reasonably requires. A behavioral health administrative services organization, managed care organization, or licensed or certified behavioral health agency which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the contractual remedies in RCW 74.09.871 or may have its service provider certification or license revoked or suspended.

(8) The superior court may restrain any behavioral health administrative services organization, managed care organization, or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(9) Upon petition by the secretary of the department of health or the director, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary of the department of health or the director authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any behavioral health administrative services organization, managed care organization, or service provider refusing to consent to inspection or examination by the authority.

(10) Notwithstanding the existence or pursuit of any other remedy, the secretary of the department of health or the director may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a behavioral health administrative services organization, managed care organization, or service provider without a contract, certification, or a license under this chapter.

(11) The authority shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(12) The authority, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities licensed under chapter 71.12 RCW or certified under chapter 71.05 RCW. The authority shall periodically share the results of its efforts with the appropriate committees of the senate and the house of representatives.

(13) The authority may:

(a) Plan, establish, and maintain substance use disorder prevention and substance use disorder treatment programs as necessary or desirable;

(b) Coordinate its activities and cooperate with behavioral programs in this and other states, and make contracts and other joint or cooperative arrangements with state, tribal, local, or private agencies in this and other states for behavioral health services and for the common advancement of substance use disorder programs;

(c) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(d) Keep records and engage in research and the gathering of relevant statistics; and

(e) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide substance use disorder treatment programs.

Sec. 9. RCW 10.77.010 and 2019 c 325 s 5005 are each amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(4) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(5) "Department" means the state department of social and health services.

(6) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(9) "Developmental disability" means the condition as defined in RCW 71A.10.020(5).

(10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(14) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(15) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(16) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(17) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged

criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(18) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(19) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(20) "Secretary" means the secretary of the department of social and health services or his or her designee.

(21) "Treatment" means any currently standardized medical or mental health procedure including medication.

(22) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

(23) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

(24) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

Sec. 10. RCW 10.77.195 and 2010 c 263 s 9 are each amended to read as follows:

For persons who have received court approval for conditional release, the secretary or the secretary's designee shall supervise the person's compliance with the court-ordered conditions of release in coordination with the multidisciplinary transition team appointed under RCW 10.77.150. The level of supervision provided by the secretary shall correspond to the level of the person's public safety risk. In undertaking supervision of persons under this section, the secretary shall coordinate with any treatment providers ((~~designated pursuant to RCW 10.77.150(3), any~~)) or department of corrections staff designated pursuant to RCW 10.77.150((~~(2)~~)), and local law enforcement, if appropriate. The secretary shall adopt rules to implement this section.

Sec. 11. RCW 71.05.020 and 2020 c 302 s 3, 2020 c 256 s 301, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of

serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in

part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(54) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(55) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(56) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(57) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(58) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(59) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database.

(60) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

Sec. 12. RCW 71.05.020 and 2020 c 302 s 3, 2020 c 256 s 301, 2020 c 80 s 51, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(54) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(55) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if

the notes or records are not available to others;

(56) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(57) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(58) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(59) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database.

(60) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

Sec. 13. RCW 71.05.020 and 2020 c 302 s 4, 2020 c 302 s 3, 2020 c 256 s 301, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional

facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as

evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of

a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(60) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database.

(61) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

Sec. 14. RCW 71.05.020 and 2020 c 302 s 4, 2020 c 302 s 3, 2020 c 256 s 301, 2020 c 80 s 51, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of

unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary

behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is

associated with significant impairment of judgment, reason, or behavior;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(60) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database.

(61) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

Sec. 15. RCW 71.05.740 and 2020 c 302 s 58 are each amended to read as follows:

(1) All behavioral health administrative services organizations in the state of Washington must forward historical behavioral health involuntary commitment information retained by the organization, including identifying information and dates of commitment to the authority. As soon as feasible, the behavioral health administrative services organizations must arrange to report new commitment data to the authority within twenty-four hours. Commitment information under this section does not need to be resent if it

is already in the possession of the authority. Behavioral health administrative services organizations and the authority shall be immune from liability related to the sharing of commitment information under this section.

(2) The clerk of the court must share hearing outcomes in all hearings under this chapter with the local behavioral health administrative services organization that serves the region where the superior court is located, including in cases in which the designated crisis responder investigation occurred outside the region. The hearing outcome data must include the name of the facility to which a person has been committed.

Sec. 16. RCW 71.24.035 and 2020 c 256 s 202 are each amended to read as follows:

(1) The authority is designated as the state behavioral health authority which includes recognition as the single state authority for substance use disorders and state mental health authority.

(2) The director shall provide for public, client, tribal, and licensed or certified behavioral health agency participation in developing the state behavioral health program, developing related contracts, and any waiver request to the federal government under medicaid.

(3) The director shall provide for participation in developing the state behavioral health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state behavioral health program.

(4) The authority shall be designated as the behavioral health administrative services organization for a regional service area if a behavioral health administrative services organization fails to meet the authority's contracting requirements or refuses to exercise the responsibilities under its contract or state law, until such time as a new behavioral health administrative services organization is designated.

(5) The director shall:

(a) Assure that any behavioral health administrative services organization, managed care organization, or community behavioral health program provides medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the authority;

(b) Develop contracts in a manner to ensure an adequate network of inpatient services, evaluation and treatment services, and facilities under chapter 71.05 RCW to ensure access to treatment, resource management services, and community support services;

(c) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for behavioral health services;

(d) Define administrative costs and ensure that the behavioral health administrative services organization does not exceed an administrative cost of ten percent of available funds;

(e) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork requirements. The audit procedure shall focus on the outcomes of service as provided in RCW 71.24.435, 70.320.020, and 71.36.025;

(f) Develop and maintain an information system to be used by the state and behavioral health administrative services organizations and managed care organizations that includes a tracking method which allows the authority to identify behavioral health clients' participation in any behavioral health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(g) Monitor and audit behavioral health administrative services organizations as needed to assure compliance with contractual agreements authorized by this chapter;

(h) Monitor and audit access to behavioral health services for

individuals eligible for medicaid who are not enrolled in a managed care organization;

(i) Adopt such rules as are necessary to implement the authority's responsibilities under this chapter;

(j) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(k) Require the behavioral health administrative services organizations and the managed care organizations to develop agreements with tribal, city, and county jails and the department of corrections to accept referrals for enrollment on behalf of a confined person, prior to the person's release;

(l) Require behavioral health administrative services organizations and managed care organizations, as applicable, to provide services as identified in RCW 71.05.585 to individuals committed for involuntary commitment under less restrictive alternative court orders when:

(i) The individual is enrolled in the medicaid program; or

(ii) The individual is not enrolled in medicaid((~~,~~)) and does not have other insurance which can pay for the services((~~, and the behavioral health administrative services organization has adequate available resources to provide the services~~)); and

(m) Coordinate with the centers for medicare and medicaid services to provide that behavioral health aide services are eligible for federal funding of up to one hundred percent.

(6) The director shall use available resources only for behavioral health administrative services organizations and managed care organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 71.24.435, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each behavioral health administrative services organization, managed care organization, and licensed or certified behavioral health agency shall file with the secretary of the department of health or the director, on request, such data, statistics, schedules, and information as the secretary of the department of health or the director reasonably requires. A behavioral health administrative services organization, managed care organization, or licensed or certified behavioral health agency which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the contractual remedies in RCW 74.09.871 or may have its service provider certification or license revoked or suspended.

(8) The superior court may restrain any behavioral health administrative services organization, managed care organization, or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(9) Upon petition by the secretary of the department of health or the director, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary of the department of health or the director authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any behavioral health administrative services organization, managed care organization, or service provider refusing to consent to inspection or examination by the authority.

(10) Notwithstanding the existence or pursuit of any other remedy, the secretary of the department of health or the director may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a behavioral health

administrative services organization, managed care organization, or service provider without a contract, certification, or a license under this chapter.

(11) The authority shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(12) The authority, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities licensed under chapter 71.12 RCW or certified under chapter 71.05 RCW. The authority shall periodically share the results of its efforts with the appropriate committees of the senate and the house of representatives.

(13) The authority may:

(a) Plan, establish, and maintain substance use disorder prevention and substance use disorder treatment programs as necessary or desirable;

(b) Coordinate its activities and cooperate with behavioral programs in this and other states, and make contracts and other joint or cooperative arrangements with state, tribal, local, or private agencies in this and other states for behavioral health services and for the common advancement of substance use disorder programs;

(c) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(d) Keep records and engage in research and the gathering of relevant statistics; and

(e) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide substance use disorder treatment programs.

Sec. 17. RCW 71.24.045 and 2019 c 325 s 1008 are each amended to read as follows:

(1) The behavioral health administrative services organization contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services twenty-four hours a day, seven days a week, three hundred sixty-five days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Tracking of less restrictive alternative orders issued within the region by superior courts, and providing notification to a managed care organization in the region when one of its enrollees receives a less restrictive alternative order so that the managed care organization may ensure that the person is connected to services and that the requirements of RCW 71.05.585 are complied with. If the person receives a less restrictive alternative order and is returning to another region, the behavioral health administrative services organization shall notify the behavioral health administrative services organization in the home region of the less restrictive alternative order so that the home behavioral health administrative services organization may notify the person's managed care organization or provide services if the person is not enrolled in medicaid and does not have other insurance which can pay for those services.

(v) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

((~~(v)~~)) (vi) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce

rehospitalization and utilization of crisis services, as required by the authority in contract; and

((~~(vi)~~)) (vii) Regional coordination, cross-system and cross-jurisdiction coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board, the behavioral health ombuds, and efforts to support access to services or to improve the behavioral health system;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local government entities to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

NEW SECTION. **Sec. 18.** A new section is added to chapter 71.24 RCW to read as follows:

The authority shall coordinate with the department of social and health services to offer contracts to community behavioral health agencies to support the nonmedicaid costs entailed in fulfilling the agencies' role as transition team members for a person recommended for conditional release to a less restrictive alternative under RCW 10.77.150, or for a person who qualifies for multidisciplinary transition team services under RCW 71.05.320(6)(a)(i). The authority may establish requirements, provide technical assistance, and provide training as appropriate and within available funding.

NEW SECTION. **Sec. 19.** The Washington state health care authority shall revise its behavioral health data system for tracking involuntary commitment orders to distinguish less restrictive alternative orders from other types of involuntary commitment orders, including being able to distinguish between initial orders and extensions.

NEW SECTION. **Sec. 20.** The provisions of this act apply to persons who are committed for inpatient treatment under chapter 10.77 or 71.05 RCW as of the effective date of this section.

Sec. 21. 2020 c 302 s 110 (uncodified) is amended to read as follows:

(1) Sections 4 and 28 ((~~of this act~~)), chapter 302, Laws of 2020 and sections 13 and 14 of this act take effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months.

(2) The health care authority must provide written notice of the effective

date of sections 4 and 28 ((~~of this act~~)), chapter 302, Laws of 2020 and sections 13 and 14 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

NEW SECTION. **Sec. 22.** Section 2 of this act expires July 1, 2026.

NEW SECTION. **Sec. 23.** Section 3 of this act takes effect July 1, 2026.

NEW SECTION. **Sec. 24.** Sections 11 and 13 of this act expire July 1, 2022.

NEW SECTION. **Sec. 25.** Sections 12 and 14 of this act take effect July 1, 2022."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno; Klippert and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member Graham, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 26, 2021

SSB 5073 Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Concerning involuntary commitment. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Gilday, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member Graham, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 25, 2021

ESSB 5121 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Expanding eligibility for the graduated reentry program. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.733 and 2018 c 166 s 1 are each amended to read as follows:

(1) ((~~No more than the final six months of the offender's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department. However, an offender may not participate in the graduated reentry program under this section unless he or she has served at least twelve months in total confinement in a state correctional facility.~~)) (a) Except as provided in (b) of this subsection, an offender may not participate in the graduated reentry program under this subsection unless he or she has served at least six months in total confinement in a state correctional facility.

(i) An offender subject to (a) of this subsection may serve no more than the final five months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.

(ii) Home detention under (a) of this subsection may not be imposed for individuals subject to a deportation order, civil commitment, or the interstate compact for adult offender supervision under RCW 9.94A.745.

(b) For offenders who meet the requirements of (b)(iii) of this subsection, an offender may not participate in the graduated reentry program unless he or she has served at least four months in total confinement in a state correctional facility.

(i) An offender under this subsection (1)(b) may serve no more than the final 18 months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.

(ii) Home detention under this subsection (1)(b) may not be imposed for

individuals subject to a deportation order or subject to the jurisdiction of the indeterminate sentence review board.

(iii) Home detention under this subsection (1)(b) may not be imposed for offenders currently serving a term of confinement for the following offenses:

(A) Any sex offense;

(B) Any violent offense; or

(C) Any crime against a person offense in accordance with the categorization of crimes against persons outlined in RCW 9.94A.411(2).

(2) The secretary of the department may transfer an offender from a department correctional facility to home detention in the community if it is determined that the graduated reentry program is an appropriate placement and must assist the offender's transition from confinement to the community.

(3) The department and its officers, agents, and employees are not liable for the acts of offenders participating in the graduated reentry program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

(4) All offenders placed on home detention as part of the graduated reentry program must provide an approved residence and living arrangement prior to transfer to home detention.

(5) While in the community on home detention as part of the graduated reentry program, the department must:

(a) Require the offender to be placed on electronic home monitoring;

(b) Require the offender to participate in programming and treatment that the department shall assign based on an offender's assessed need; and

(c) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements.

(6) The department retains the authority to return any offender serving partial confinement in the graduated reentry program to total confinement for any reason including, but not limited to, the offender's noncompliance with any sentence requirement.

(7) The department may issue rental vouchers for a period not to exceed six months for those transferring to partial confinement under this section if an approved address cannot be obtained without the assistance of a voucher.

(8) In the selection of offenders to participate in the graduated reentry program, and in setting, modifying, and enforcing the requirements of the graduated ((~~release [reentry]~~)) reentry program, the department is deemed to be performing a quasi-judicial function.

(9) The department shall publish a monthly report on its website with the number of offenders who were transferred during the month to home detention as part of the graduated reentry program. The department shall submit an annual report by December 1st to the appropriate committees of the legislature with the number of offenders who were transferred to home detention as part of the graduated reentry program during the prior year.

Sec. 2. RCW 9.94A.728 and 2018 c 166 s 2 are each amended to read as follows:

(1) No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(a) An offender may earn early release time as authorized by RCW 9.94A.729;

(b) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(c)(i) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(A) The offender has a medical condition that is serious and is expected to require costly care or treatment;

(B) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and

(C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(ii) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(iii) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(iv) The secretary may revoke an extraordinary medical placement under this subsection (1)(c) at any time.

(v) Persistent offenders are not eligible for extraordinary medical placement;

(d) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(e) No more than the final twelve months of the offender's term of confinement may be served in partial confinement for aiding the offender with: Finding work as part of the work release program under chapter 72.65 RCW; or reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(f) ((~~No more than the final six months~~)) (i) No more than the final five months of the offender's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department under RCW 9.94A.733(1)(a);

(ii) For eligible offenders under RCW 9.94A.733(1)(b), after serving at least four months in total confinement in a state correctional facility, an offender may serve no more than the final 18 months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department;

(g) The governor may pardon any offender;

(h) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(i) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870;

(j) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540; and

(k) Any person convicted of one or more crimes committed prior to the person's eighteenth birthday may be released from confinement pursuant to RCW 9.94A.730.

(2) Offenders residing in a juvenile correctional facility placement pursuant to RCW 72.01.410(1)(a) are not subject to the limitations in this section.

NEW SECTION. **Sec. 3.** The changes to restrictions on partial confinement and the graduated reentry program under sections 1 and 2 of this act apply prospectively and retroactively to persons currently serving a sentence in any facility or institution either operated by the state or utilized under contract."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member and Graham.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey and Young.

Referred to Committee on Appropriations.

March 26, 2021

ESB 5135 Prime Sponsor, Senator Das: Concerning unlawfully summoning a police officer. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

March 25, 2021

E2SSB 5141 Prime Sponsor, Committee on Ways & Means: Reducing environmental and health disparities and improving the health of all Washington state residents by implementing the recommendations of the environmental justice task force. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The purpose of this chapter is to reduce environmental and health disparities in Washington state and improve the health of all Washington state residents. This chapter implements the recommendations of the environmental justice task force established in section 221(48), chapter 415, Laws of 2019 entitled "Report to the Washington state governor and legislature, *Environmental Justice Task Force: Recommendations for Prioritizing EJ in Washington State Government* (October 2020)."

(2) As conveyed in the task force report, Washington state studies and national studies found that people of color and low-income people continue to be disproportionately exposed to environmental harms in their communities. As a result, there is a higher risk of adverse health outcomes for those communities. This risk is amplified when overlaid on communities with preexisting social and economic barriers and environmental risks, and creates cumulative environmental health impacts, which this act seeks to prevent and mitigate.

This chapter also seeks to reduce exposure to environmental hazards within Indian country, as defined in 18 U.S.C. Sec. 1151, due to off-reservation activities within the state, and to improve state practices to reduce contamination of traditional foods wherever they occur. Exposure to such hazards can result in generational health and ecological problems, particularly on small reservations where it is impossible to move away from a hazard.

(3) Accordingly, the state has a compelling interest in preventing and addressing such environmental health disparities in the administration of ongoing and new environmental programs, including allocation of funds, and in administering these programs so as to remedy the effects of past disparate treatment of overburdened communities and vulnerable populations.

(4) The task force provided recommendations to state agencies for measurable goals and model policies to reduce environmental health inequities in Washington, equitable practices for meaningful community involvement, and how to use the environmental health disparities map to identify and promote the equitable distribution of environmental benefits to overburdened communities. In order for all communities in Washington state to be healthy and thriving, state government should aim to concentrate government actions to benefit communities that currently have the greatest environmental and health burdens.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Council" means the environmental justice council established in section 20 of this act.

(2) "Covered agency" means the departments of ecology, health, natural resources, commerce, agriculture, and transportation, the Puget Sound partnership, and any agency that opts to

assume all of the obligations of this act pursuant to section 11 of this act.

(3) "Cumulative environmental health impact" means the combined, multiple environmental impacts and health impacts on a vulnerable population or overburdened community.

(4) "Environmental benefits" means activities that:

(a) Prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts;

(b) Prevent or mitigate impacts to overburdened communities or vulnerable populations from, or support community response to, the impacts of environmental harm; or

(c) Meet a community need identified by an overburdened community or vulnerable population that is consistent with the intent of this chapter.

(5) "Environmental harm" means the individual or cumulative environmental health impacts and risks to communities caused by historic, current, and projected:

(a) Exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land;

(b) Adverse environmental effects, including exposure to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes or create vulnerabilities to the impacts of climate change;

(c) Loss or impairment of ecosystem functions or traditional food resources and loss of access to gather cultural resources or harvest traditional foods; and

(d) Health and economic impacts from climate change.

(6) "Environmental health disparities map" means the data and information developed pursuant to section 19 of this act.

(7) "Environmental impacts" means environmental benefits or environmental harms, or the combination of environmental benefits and harms, resulting or expected to result from a proposed action.

(8) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, equitably distributing resources and benefits, and eliminating harm.

(9) "Equitable distribution" means a fair and just, but not necessarily equal, allocation intended to mitigate disparities in benefits and burdens, and based on current conditions, including existing legacy and cumulative impacts, that are informed by cumulative environmental health impact analysis.

(10) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.

(11) "Significant agency action" means:

(a) The process of developing and adopting significant legislative rules as defined in RCW 34.05.328;

(b) The development and adoption of any covered agency new grant or loan program;

(c) The allocation of more than $25,000,000 in a single funding round through a grant or loan program administered by a covered agency;

(d) Major capital and transportation projects of at least $5,000,000;

(e) The development of agency request legislation; and

(f) Any other agency actions deemed significant by a covered agency consistent with section 14 of this act.

(12) "Tribal lands" has the same meaning as "Indian country" as provided in 18 U.S.C. Sec. 1151, and also includes sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law.

(13)(a) "Vulnerable populations" means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

(b) "Vulnerable populations" includes, but is not limited to:

(i) Racial or ethnic minorities;

(ii) Low-income populations;

(iii) Populations disproportionately impacted by environmental harms; and

(iv) Populations of workers experiencing environmental harms.

NEW SECTION. **Sec. 3.** ENVIRONMENTAL JUSTICE OBLIGATIONS FOR ALL AGENCIES. Covered agencies are required to comply with all provisions of this chapter. All other state agencies should strive to apply the laws of the state of Washington, and the rules and policies of the agency, in accordance with the policies of this chapter including, to the extent feasible, incorporating the principles of environmental justice assessment processes set forth in section 14 of this act into agency decisions.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF HEALTH.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.21A RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF ECOLOGY.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.23 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF AGRICULTURE.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.30 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF NATURAL RESOURCES.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 8.** A new section is added to chapter 43.31 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF COMMERCE.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 9.** A new section is added to chapter 47.01 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF TRANSPORTATION.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 10.** A new section is added to chapter 90.71 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE PUGET SOUND PARTNERSHIP.

The partnership must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 11.** AUTHORITY OF OTHER AGENCIES TO OPT IN TO ENVIRONMENTAL

JUSTICE OBLIGATIONS. (1) Any state agency, as the term "agency" is defined in RCW 34.05.010, including the governor's office and the office of the attorney general but excluding local governmental entities, may opt in to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.--- RCW (the new chapter created in section 24 of this act) at any time by notifying the council established in section 20 of this act.

(2) An agency that opts in to assume all of the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act) is not subject to the deadlines or timelines established in sections 12, 13, 14, 16, and 20 of this act.

NEW SECTION. **Sec. 12.** INCORPORATING ENVIRONMENTAL JUSTICE INTO AGENCY STRATEGIC PLANS. (1) By January 1, 2023, each covered agency shall include an environmental justice implementation plan within its strategic plan. A covered agency may additionally incorporate an environmental justice implementation plan into other significant agency planning documents. The plan must describe how the covered agency plans to apply the principles of environmental justice to the agency's activities and guide the agency in its implementation of its obligations under this chapter.

(2) In its environmental justice implementation plan, each covered agency must include:

(a) Agency-specific goals and deliverables to reduce environmental and health disparities and for otherwise achieving environmental justice in the agency's programs;

(b) Metrics to track and measure accomplishments of the agency goals and deliverables;

(c) Methods to embed equitable community engagement with, and equitable participation from, members of the public, into agency practices for soliciting and receiving public comment;

(d) Strategies to ensure compliance with existing federal and state laws and policies relating to environmental justice, including Title VI of the civil rights act of 1964, 42 U.S.C. Sec. 2000d-2000d-4, Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1683, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794, and the age discrimination act of 1975, 42 U.S.C. Sec. 6101-6107;

(e) The plan for community engagement required under section 13 of this act; and

(f) Specific plans and timelines for incorporating environmental justice considerations into agency activities as required under this chapter.

(3) In developing and updating its plan, each covered agency must consider any guidance developed by the council pursuant to section 20 of this act.

NEW SECTION. **Sec. 13.** EQUITABLE COMMUNITY ENGAGEMENT AND PUBLIC PARTICIPATION. (1) By July 1, 2022, each covered agency must create and adopt a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs. This plan must describe how the agency plans to facilitate equitable participation and support meaningful and direct involvement of vulnerable populations and overburdened communities. The plan must include:

(a) How the covered agency will identify and prioritize overburdened communities for purposes of this chapter;

(b) Best practices for outreach and communication to overcome barriers to engagement with overburdened communities and vulnerable populations;

(c) Use of special screening tools that integrate environmental, demographic, and health disparities data, such as the environmental health disparities map, to evaluate and understand the nature and needs of the people who the agency expects to be impacted by significant agency actions under section 14 of this act and processes under section 16 of this act to overcome barriers to participation;

(d) Processes that facilitate and support the inclusion of members of communities affected by agency decision making including, to the extent legal and practicable, but not limited to, child care, and reimbursement for travel and other expenses; and

(e) Methods for outreach and communication with those who face barriers, language or otherwise, to participation.

(2) Covered agencies must regularly review their compliance with existing laws and policies that guide community engagement and must comply with the following:

(a) Title VI of the civil rights act, prohibiting discrimination based on race, color, or national origin and requiring meaningful access to people with limited English proficiency, and disability;

(b) Executive Order 05-03, requiring plain talk when communicating with the public; and

(c) Guidance related to Executive Order 13166, requiring meaningful access to agency programs and services for people with limited English proficiency.

(3) In developing and updating its plan, each covered agency must consider any guidance developed by the council pursuant to section 20 of this act.

(4) A covered agency may coordinate with the office of equity to identify policy and system barriers to meaningful engagement with communities as conducted by the office under RCW 43.06D.040(1)(b).

NEW SECTION. **Sec. 14.** ENVIRONMENTAL JUSTICE ASSESSMENT. (1) When considering a significant agency action initiated after July 1, 2023, a covered agency must conduct an environmental justice assessment in accordance with this section to inform and support the agency's consideration of overburdened communities and vulnerable populations when making decisions and to assist the agency with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of environmental and health disparities.

(2)(a) Consistent with section 2(11)(f) of this act, for the purpose of preparing environmental justice assessments, a covered agency may deem actions significant that are additional to the significant agency actions identified in section 2(11) (a) through (e) of this act, in iterative consultation with the council and interagency work group established under section 20 of this act. By July 1, 2025, each covered agency must consider their agency's activities and identify and begin applying environmental justice assessments to any actions that the agency identifies as significant that are in addition to the significant agency actions identified in section 2(11) (a) through (e) of this act. Significant agency actions designated by a covered agency under this subsection must be actions that may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.

(b) In the identification of significant agency actions, covered agencies shall consider guidance issued by the council established in section 20 of this act. Each covered agency must periodically review and update its identified types of significant agency actions for which an environmental justice assessment is required under this section, and the relevant factors to the agency's environmental justice assessments that result from the unique mission, authorities, and priorities of the agency.

(3) By July 1, 2023, and periodically thereafter, after an opportunity for public comment on its determinations, each covered agency must:

(a) Publish on its website the types of agency actions that the agency has determined are significant agency actions that require an environmental justice assessment under this section, including any significant agency actions identified under subsection (2)(a) of this section;

(b) Provide notification of the determination of the types of significant agency actions in the Washington State Register; and

(c) Prepare an environmental justice assessment when considering a listed action, after publication of the list of any additional significant agency actions identified under (a) of this subsection.

(4) At a minimum, environmental justice assessments must:

(a) Consider guidance prepared by the council under section 20 of this act relating to best practices on environmental justice assessments and when and how to use cumulative environmental health impact analysis;

(b) Use cumulative environmental health impact analysis, such as the environmental health disparities map or other data that considers the effects of

a proposed action on overburdened communities and vulnerable populations;

(c) Identify overburdened communities and vulnerable populations who are expected to be affected by the proposed action and the potential environmental and health impacts;

(d) Identify if the proposed action is expected to have any local or regional impacts to federally reserved tribal rights and resources including, but not limited to, those protected by treaty, executive order, or federal law;

(e) Summarize community input and describe how the covered agency can further involve overburdened communities, vulnerable populations, affected tribes, and indigenous populations in development of the proposed action; and

(f) Describe options and, where practicable, related cost projections for the agency to reduce, mitigate, or eliminate identified probable impacts on overburdened communities and vulnerable populations, or provide a justification for not reducing, mitigating, or eliminating identified probable impacts.

(5) To obtain information for the purposes of assessments, a covered agency must solicit feedback from members of overburdened communities and vulnerable populations to assist in the accurate assessment of the potential impact of the action and in developing the means to reduce or eliminate the impact on overburdened communities and vulnerable populations.

(6) Based on the environmental justice assessment, each covered agency must seek, to the extent legal and feasible and consistent with the underlying statute being implemented, to reduce or eliminate the environmental harms and maximize the environmental benefits created by the significant agency action on overburdened communities and vulnerable populations. Consistent with agency authority, mission, and statutory responsibilities, the covered agency must consider each of the following methods for reducing environmental harms or equitably distributing environmental benefits:

(a) Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations;

(b) Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations;

(c) Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations;

(d) Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action;

(e) Prioritizing equitable distribution of resources and benefits to overburdened communities;

(f) Promoting positive workforce and job outcomes for overburdened communities;

(g) Meeting community needs identified by the affected overburdened community;

(h) Modifying substantive regulatory or policy requirements; and

(i) Any other mitigation techniques, including those suggested by the council, the office of equity, or representatives of overburdened communities and vulnerable populations.

(7) If the covered agency determines it does not have the ability or authority to avoid or reduce any estimated environmental harm of the significant agency action on overburdened communities and vulnerable populations or address the distribution of environmental and health benefits, the agency must provide a clear explanation of why it has made that determination and provide notice of that explanation to members of the public who participated in the environmental justice assessment process for the significant agency action and who provided contact information to the agency.

(8) In developing a process for conducting environmental justice assessments, each covered agency must consider any guidance developed by the council pursuant to section 20 of this act.

(9) The issuance of forest practices permits under chapter 76.09 RCW or sale of timber from state lands and state forestlands as defined in RCW 79.02.010 do not require an environmental justice assessment under this section.

NEW SECTION. **Sec. 15.** The obligation of a covered agency to conduct an

environmental justice assessment pursuant to section 14 of this act for significant agency actions does not, by itself, trigger requirements in chapter 43.21C RCW.

NEW SECTION. **Sec. 16.** ENVIRONMENTAL JUSTICE OBLIGATIONS OF AGENCIES RELATING TO BUDGETS AND FUNDING. (1) With consideration of the guidelines issued by the council in section 20 of this act, and in iterative consultation with the council, each covered agency must incorporate environmental justice principles into its decision processes for budget development, making expenditures, and granting or withholding benefits. Through the incorporation of environmental justice principles into its decision processes, including by conducting environmental justice assessments where required under section 14 of this act, each covered agency, to the extent allowed by law and consistent with legislative appropriations, must equitably distribute funding and expenditures towards overburdened communities and vulnerable populations.

(2) Beginning on or before July 1, 2023, each covered agency must, where practicable, take the following actions when making expenditure decisions or developing budget requests to the office of financial management and the legislature:

(a) Focus applicable expenditures on creating environmental benefits, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations;

(b) Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions;

(c) Clearly articulate environmental justice goals and assessment metrics to communicate the basis for agency expenditures;

(d) Consider a broad scope of grants and contracting opportunities that effectuate environmental justice principles, including:

(i) Community grants to monitor pollution;

(ii) Grants focused on building capacity and providing training for community scientists and other staff;

(iii) Making technical assistance available for communities that may be new to receiving agency grant funding; and

(iv) Education and work readiness youth programs focused on infrastructure or utility-related internships to develop career paths and leadership skills for youth; and

(e) Establish a goal of directing 40 percent of grants and expenditures that create environmental benefits to vulnerable populations and overburdened communities.

(3) A covered agency may adopt rules for criteria and procedures applicable to incorporating environmental justice principles in expenditure decisions under this section.

(4) In incorporating environmental justice principles into its decision processes for budget development, making expenditures, and granting or withholding benefits, each covered agency must consider any guidance developed by the council pursuant to section 20 of this act.

(5) A covered agency may not take actions or make expenditures under this section that are inconsistent with or conflict with other statutes or with conditions or limitations on the agency's appropriations.

NEW SECTION. **Sec. 17.** REPORTING REQUIREMENTS. (1) By September 1st of each year, each covered agency must annually update the council on the development and implementation of environmental justice in agency strategic plans pursuant to section 12 of this act, budgeting and funding criteria for making budgeting and funding decisions pursuant to section 16 of this act, and community engagement plans pursuant to section 13 of this act.

(2)(a) Beginning in 2024, as part of each covered agency's annual update to the council under subsection (1) of this section, each covered agency must include updates on the agency's implementation status with respect to the environmental justice assessments under section 14 of this act.

(b) By September 1st of each year beginning in 2024, each covered agency must publish or update a dashboard

report, in a uniform dashboard format on the office of financial management's website, describing the agency's progress on:

(i) Environmental justice in its strategic plan;

(ii) The obligations of agencies relating to budgets and funding under section 16 of this act; and

(iii) Its environmental justice assessments of proposed significant agency actions.

NEW SECTION. **Sec. 18.** TRIBAL CONSULTATION. (1) Covered agencies must offer consultation with federally recognized Indian tribes on decisions that affect federally recognized Indian tribes' rights and interests in their tribal lands. The consultation must occur in accordance with chapter 43.376 RCW and must be independent of any public participation process required by state law, or by a state agency, and regardless of whether the agency receives a request for consultation from an Indian tribe. Covered agencies collaboration should include protocols for communication and development of best practices in consultation.

(2) Nothing in this chapter is intended to direct, authorize, or encourage covered agencies to collect, maintain, or provide data related to sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law.

NEW SECTION. **Sec. 19.** A new section is added to chapter 43.70 RCW to read as follows:

ENVIRONMENTAL HEALTH DISPARITIES MAP.

(1) In consultation with the environmental justice council established in section 20 of this act, the department must continue to develop and maintain an environmental health disparities map with the most current available information necessary to identify cumulative environmental health impacts and overburdened communities. The department may also consult with other interested partners, such as the University of Washington department of environmental and occupational health sciences, other academic partners, members of overburdened communities and vulnerable populations, and other agencies. The environmental health disparities map must include tools to:

(a) Track changes in environmental health disparities over time in an interactive, regularly updated display; and

(b) Measure the link between overall environmental health disparity map ranks, environmental data, vulnerable populations characteristics, such as race and income, and human health data.

(2) In further developing and maintaining the environmental health disparities map, the department must solicit feedback by representatives from overburdened communities and vulnerable populations through community engagement and listening sessions in all regions of the state and provide opportunities for public comment.

(3) The department may request assistance from:

(a) The University of Washington;

(b) Other academic researchers to perform modeling and create evidence-based indicators and with conducting sensitivity analyses to assess the impact of new indicators on communities and determination of an overburdened community; and

(c) Other state agencies to provide applicable statewide environmental and sampling data for air, water, soil, polluted sites, toxic waste, pesticides, toxic chemicals, and other applicable media.

(4) The department must:

(a) Document and publish a summary of the regular updates and revisions to the environmental health disparities map that happen over time as the new data becomes available, in order to help the public understand different versions of the map as they are published;

(b) At least every three years, perform a comprehensive evaluation of the map to ensure that the most current modeling and methods available to evaluate cumulative environmental health impacts are being used to develop and update the environmental health disparities map's indicators;

(c) Develop technical guidance for agencies that includes an online training video detailing a description of how to use the environmental health disparities map's features, access source data, and

explanation of map and indicator limitations; and

(d) Provide support and consultation to agencies on the use of the environmental health disparities map by Washington tracking network staff.

NEW SECTION. **Sec. 20.** ENVIRONMENTAL JUSTICE COUNCIL. (1) The environmental justice council is established to advise covered agencies on incorporating environmental justice into agency activities.

(2) The council consists of 12 members appointed by the governor. The councilmembers must be persons who are well-informed regarding and committed to the principles of environmental justice and who, to the greatest extent practicable, represent diversity in race, ethnicity, age, and gender, urban and rural areas, and different regions of the state. The members of the council shall elect two members to serve as cochairs for two-year terms. The council must include:

(a) Seven community representatives, including one youth representative, the nominations of which are based upon applied and demonstrated work and focus on environmental justice or a related field, such as racial or economic justice, and accountability to vulnerable populations and overburdened communities;

(i) The youth representative must be between the ages of 18 and 25 at the time of appointment;

(ii) The youth representative serves a two-year term. All other community representatives serve four-year terms, with six representatives initially being appointed to four-year terms and five being initially appointed to two-year terms, after which they will be appointed to four-year terms;

(b) Two members representing tribal communities, one from eastern Washington and one from western Washington, appointed by the governor. The governor shall solicit and consider nominees from each of the federally recognized tribes in Washington state. The governor shall collaborate with federally recognized tribes on the selection of tribal representatives. The tribal representatives serve four-year terms. One representative must be initially appointed for a four-year term. The other representative must be initially appointed for a two-year term, after which, that representative must be appointed for a four-year term;

(c) Two representatives who are environmental justice practitioners or academics to serve as environmental justice experts, the nominations of which are based upon applied and demonstrated work and focus on environmental justice; and

(d) One representative at large, the nomination of which is based upon applied and demonstrated work and focus on environmental justice.

(3) Covered agencies shall serve as nonvoting, ex officio liaisons to the council. Each covered agency must identify an executive team level staff person to participate on behalf of the agency.

(4) Nongovernmental members of the council must be compensated and reimbursed in accordance with RCW 43.03.050, 43.03.060, and 43.03.220.

(5) The department of health must:

(a) Hire a manager who is responsible for overseeing all staffing and administrative duties in support of the council; and

(b) Provide all administrative and staff support for the council.

(6) In collaboration with the office of equity, the office of financial management, the council, and covered agencies, the department of health must:

(a) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities;

(b) Create statewide and agency-specific process and outcome measures to show performance:

(i) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing environmental disparities; and

(ii) Taking into consideration community feedback from the council on whether the performance measures established accurately measure the effectiveness of covered agency programs and services in the communities served; and

(c) Create an online performance dashboard to publish performance measures and outcomes as referenced in section 17 of this act for the state and each covered agency.

(7) The department of health must coordinate with the consolidated technology services agency to address cybersecurity and data protection for all data collected by the department.

(8)(a) With input and assistance from the council, the department of health must establish an interagency work group to assist covered agencies in incorporating environmental justice into agency decision making. The work group must include staff from each covered agency directed to implement environmental justice provisions under this chapter and may include members from the council. The department of health shall provide assistance to the interagency work group by:

(i) Facilitating information sharing among covered agencies on environmental justice issues and between agencies and the council;

(ii) Developing and providing assessment tools for covered agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iii) Providing technical assistance and compiling and creating resources for covered agencies to use; and

(iv) Training covered agency staff on effectively using data and tools for environmental justice assessments.

(b) The duties of the interagency work group include:

(i) Providing technical assistance to support agency compliance with the implementation of environmental justice into their strategic plans, environmental justice obligations for budgeting and funding criteria and decisions, environmental justice assessments, and community engagement plans;

(ii) Assisting the council in developing a suggested schedule and timeline for sequencing the types of: (A) Funding and expenditure decisions subject to rules; and (B) criteria incorporating environmental justice principles;

(iii) Identifying other policies, priorities, and projects for the council's review and guidance development;

(iv) Identifying goals and metrics that the council may use to assess agency performance in meeting the requirements of this act for purposes of communicating progress to the public, the governor, and the legislature; and

(v) Developing the guidance under subsection (9)(c) of this section in coordination with the council.

(9) The council has the following powers and duties:

(a) To provide a forum for the public to:

(i) Provide written or oral testimony on their environmental justice concerns;

(ii) Assist the council in understanding environmental justice priorities across the state in order to develop council recommendations to agencies for issues to prioritize; and

(iii) Identify which agencies to contact with their specific environmental justice concerns and questions;

(b)(i) The council shall work in an iterative fashion with the interagency work group to develop guidance for environmental justice implementation into covered agency strategic plans pursuant to section 12 of this act, environmental justice assessments pursuant to section 14 of this act, budgeting and funding criteria for making budgeting and funding decisions pursuant to section 16 of this act, and community engagement plans pursuant to section 13 of this act;

(ii) The council and interagency work group shall regularly update its guidance;

(c) In consultation with the interagency work group, the council:

(i) Shall provide guidance to covered agencies on developing environmental assessments for the following significant agency actions: The development and adoption of any agency grant or loan program, rule making, major capital projects, and agency request legislation;

(ii) Shall make recommendations to covered agencies on which agency actions

may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population and therefore should be considered significant agency actions that require an environmental justice assessment under section 14 of this act;

(iii) Shall make recommendations to covered agencies on the identification and prioritization of overburdened communities under this chapter, and related to the use by covered agencies of the environmental and health disparities map in agency efforts to identify and prioritize overburdened communities;

(iv) May make recommendations to a covered agency on the timing and sequencing of a covered agencies' efforts to implement sections 12 through 16 of this act; and

(v) May make recommendations to the governor and the legislature regarding ways to improve agency compliance with the requirements of this chapter;

(d) By December 1, 2023, and biennially thereafter, and with consideration of the information shared on September 1st each year in covered agencies' annual updates to the council required under section 17 of this act the council must:

(i) Evaluate progress of each agency in applying council guidance, and update guidance as needed; and

(ii) Communicate each covered agency's progress to the public, the governor, and the legislature. This communication is not required to be a report and may take the form of a presentation or other format that communicates the progress of the state and its agencies in meeting the state's environmental justice goals in compliance with this act, and summarizing the work of the council pursuant to (a) through (d) of this subsection, and subsection (11) of this section.

(10) By November 30, 2022, and in compliance with RCW 43.01.036, the council must submit a report to the governor and the appropriate committees of the house of representatives and the senate on:

(a) The council's recommendations to covered agencies on the identification of significant agency actions requiring an environmental justice assessment under subsection (9)(c)(ii) of this section;

(b) The summary of covered agency progress reports provided to the council under section 17(1) of this act, including the status of agency plans for performing environmental justice assessments required by section 14 of this act; and

(c) Guidance for environmental justice implementation into covered agency strategic plans, environmental justice assessments, budgeting and funding criteria, and community engagement plans under subsection (9)(c)(i) of this section.

(11) The council may:

(a) Review incorporation of environmental justice implementation plans into covered agency strategic plans pursuant to section 12 of this act, environmental justice assessments pursuant to section 14 of this act, budgeting and funding criteria for making budgeting and funding decisions pursuant to section 16 of this act, and community engagement plans pursuant to section 13 of this act;

(b) Make recommendations for amendments to this chapter or other legislation to promote and achieve the environmental justice goals of the state;

(c) Review existing laws and make recommendations for amendments that will further environmental justice;

(d) Recommend to specific agencies that they create environmental justice-focused, agency-requested legislation; and

(e) Recommend funding strategies and allocations to build capacity in vulnerable populations and overburdened communities to address environmental justice.

(12) The role of the council is purely advisory and council decisions are not binding on an agency, individual, or organization.

(13) The department of health must convene the first meeting of the council by January 1, 2022.

(14) All council meetings are subject to the open public meetings requirements of chapter 42.30 RCW and a public comment period must be provided at every meeting of the council.

NEW SECTION. **Sec. 21.** LEGAL OBLIGATIONS. (1) Nothing in this act prevents state agencies that are not

covered agencies from adopting environmental justice policies and processes consistent with this act.

(2) The head of a covered agency may, on a case-by-case basis, exempt a significant agency action or decision process from the requirements of sections 14 and 16 of this act upon determining that:

(a) Any delay in the significant agency action poses a potentially significant threat to human health or the environment, or causes serious harm to the public interest;

(b) An assessment would delay a significant agency decision concerning the assessment, collection, or administration of any tax, tax program, debt, revenue, receipt, a regulated entity's financial filings, or insurance rate or form filing;

(c) The requirements of sections 14 and 16 of this act are in conflict with:

(i) Federal law or federal program requirements;

(ii) The requirements for eligibility of employers in this state for federal unemployment tax credits; or

(iii) Constitutional limitations, including those applicable to the management of state lands and state forestlands as defined in RCW 79.02.010.

NEW SECTION. **Sec. 22.** APPEALS. (1) Agency actions, as defined in chapter 34.05 RCW, that are subject to or result from the requirements of this chapter may be appealed as provided in chapter 34.05 RCW.

(2) Nothing in this act shall be construed to create a new private right of action on the part of any individual, entity, or agency against any state agency.

Sec. 23. RCW 43.376.020 and 2012 c 122 s 2 are each amended to read as follows:

In establishing a government-to-government relationship with Indian tribes, state agencies must:

(1) Make reasonable efforts to collaborate with Indian tribes in the development of policies, agreements, and program implementation that directly affect Indian tribes and develop a consultation process that is used by the agency for issues involving specific Indian tribes. Covered agencies, as defined in section 2 of this act, subject to the requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act), must offer consultation with Indian tribes on decisions that affect Indian tribes' rights and interests in their tribal lands, as required in section 18 of this act;

(2) Designate a tribal liaison who reports directly to the head of the state agency;

(3) Ensure that tribal liaisons who interact with Indian tribes and the executive directors of state agencies receive training as described in RCW 43.376.040; and

(4) Submit an annual report to the governor on activities of the state agency involving Indian tribes and on implementation of this chapter.

NEW SECTION. **Sec. 24.** Sections 1 through 3, 11 through 18, and 20 through 22 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 25.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 26.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Appropriations.

March 25, 2021

E2SSB 5160 Prime Sponsor, Committee on Ways & Means: Addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington state with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce. Many of the state's workforce has been impacted by these layoffs and substantially reduced work hours and have suffered economic hardship, disproportionately affecting low and moderate-income workers resulting in lost wages and the inability to pay for basic household expenses, including rent. Hundreds of thousands of tenants in Washington are unable to consistently pay their rent, reflecting the continued financial precariousness of many renters in the state. Before the COVID-19 pandemic, nonpayment of rent was the leading cause of evictions within the state. Because the COVID-19 pandemic has led to an inability for tenants to consistently pay rent, the likelihood of evictions has increased, as well as life, health, and safety risks to a significant percentage of the state's tenants. As a result, the governor has issued a temporary moratorium on evictions as of March 2020, with multiple extensions and other related actions, to reduce housing instability and enable tenants to stay in their homes.

Therefore, it is the intent of the legislature with this act to increase tenant protections during the public health emergency, provide legal representation for qualifying tenants in eviction cases, establish an eviction resolution pilot program to address nonpayment of rent eviction cases before any court filing, and ensure tenants and landlords have adequate opportunities to access state and local rental assistance programs to reimburse landlords for unpaid rent and preserve tenancies.

NEW SECTION. **Sec. 2.** A new section is added to chapter 59.18 RCW to read as follows:

The definitions in this section apply to sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Dwelling unit" has the same meaning as defined in RCW 59.18.030, and includes a manufactured/mobile home or a mobile home lot as defined in RCW 59.20.030.

(2) "Eviction moratorium" refers to the governor of the state of Washington's proclamation 20-19.6, proclaiming a moratorium on certain evictions for all counties throughout Washington state on March 18, 2021, and any subsequent orders extending or amending such proclamation until it expires or is terminated by the governor of the state of Washington.

(3) "Landlord" has the same meaning as defined in RCW 59.18.030 and 59.20.030.

(4) "Prospective landlord" has the same meaning as defined in RCW 59.18.030.

(5) "Public health emergency" refers to the governor of the state of Washington's proclamation 20-05, proclaiming a state of emergency for all counties throughout Washington state on February 29, 2020, and any subsequent orders extending or amending such proclamation due to COVID-19 until the proclamation expires or is terminated by the governor of the state of Washington.

(6) "Rent" has the same meaning as defined in RCW 59.18.030.

(7) "Tenant" refers to any individual renting a dwelling unit or lot primarily for living purposes, including any individual with a tenancy subject to this chapter or chapter 59.20 RCW or any individual residing in transient lodging, such as a hotel or motel or camping area as their primary dwelling, for 30 days or more prior to March 1, 2020. "Tenant" does not include any individual residing in a hotel or motel or camping area as their primary dwelling for more than 30 days after March 1, 2020, if the hotel or motel or camping area has provided the individual with a seven-day eviction notice, which must include the following language: "For no-

cost legal assistance, please call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. – 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). You may find additional resource information at http://www.washingtonlawhelp.org." "Tenant" also does not include occupants of homeless mitigation sites or a person entering onto land without permission of the landowner or lessor. For purposes of this subsection, any local government provision of solid waste or hygiene services to unsanctioned encampments does not constitute permission to occupy land.

TENANT PROTECTIONS

NEW SECTION. **Sec. 3.** A new section is added to chapter 59.18 RCW to read as follows:

(1) A landlord may not charge or impose any late fees or other charges against any tenant for the nonpayment of rent that became due between March 1, 2020, and six months following the expiration of the eviction moratorium.

(2) For rent that accrued between March 1, 2020, and the six months following the expiration of the eviction moratorium expiration date:

(a) A landlord may not report to a prospective landlord:

(i) A tenant's nonpayment of rent that accrued between March 1, 2020, and the six months following the expiration of the eviction moratorium; or

(ii) An unlawful detainer action pursuant to RCW 59.12.030(3) that resulted from a tenant's nonpayment of rent between March 1, 2020, and the six months following the expiration of the eviction moratorium.

(b) A prospective landlord may not take an adverse action based on a prospective tenant's nonpayment of rent that occurred between March 1, 2020, and the six months following the expiration of the eviction moratorium.

(3)(a) A landlord or prospective landlord may not deny, discourage application for, or otherwise make unavailable any rental dwelling unit based on a tenant's or prospective tenant's medical history including, but not limited to, the tenant's or prospective tenant's prior or current exposure or infection to the COVID-19 virus.

(b) A landlord or prospective landlord may not inquire about, consider, or require disclosure of a tenant's or prospective tenant's medical records or history, unless such disclosure is necessary to evaluate a reasonable accommodation request or reasonable modification request under RCW 49.60.222.

(4) A landlord or prospective landlord in violation of this section is liable in a civil action for up to four and one-half times the monthly rent of the real property at issue, as well as court costs and reasonable attorneys' fees. A court must impose this penalty in an amount necessary to deter future violations, payable to the tenant bringing the action.

REPAYMENT PLANS

NEW SECTION. **Sec. 4.** A new section is added to chapter 59.18 RCW to read as follows:

(1) If a tenant has remaining unpaid rent that accrued between March 1, 2020, and six months following the expiration of the eviction moratorium or the end of the public health emergency, whichever is greater, the landlord must offer the tenant a reasonable schedule for repayment of the unpaid rent that does not exceed monthly payments equal to one-third of the monthly rental charges during the period of accrued debt. If a tenant fails to accept the terms of a reasonable repayment plan within 14 days of the landlord's offer, the landlord may proceed with an unlawful detainer action as set forth in RCW 59.12.030(3) but subject to any requirements under the eviction resolution pilot program established under section 7 of this act. If the tenant defaults on any rent owed under a repayment plan, the landlord may apply for reimbursement from the landlord mitigation program as authorized under RCW 43.31.605(1)(d) or proceed with an unlawful detainer action as set forth in RCW 59.12.030(3) but subject to any requirements under the eviction resolution pilot program established under section 7 of this act. The court must consider the tenant's circumstances, including decreased income or increased expenses due to COVID-19, and the repayment plan terms offered during any unlawful detainer proceeding.

(2) Any repayment plan entered into under this section must:

(a) Not require payment until 30 days after the repayment plan is offered to the tenant;

(b) Cover rent only and not any late fees, attorneys' fees, or any other fees and charges;

(c) Allow for payments from any source of income as defined in RCW 59.18.255(5) or from pledges by nonprofit organizations, churches, religious institutions, or governmental entities;

(d) Not include provisions or be conditioned on: The tenant's compliance with the rental agreement, payment of attorneys' fees, court costs, or other costs related to litigation if the tenant defaults on the rental agreement; a requirement that the tenant apply for governmental benefits or provide proof of receipt of governmental benefits; or the tenant's waiver of any rights to a notice under RCW 59.12.030 or related provisions before a writ of restitution is issued.

(3) It is a defense to an eviction under RCW 59.12.030(3) that a landlord did not offer a repayment plan in conformity with this section.

(4) To the extent available funds exist for rental assistance from a federal, state, local, private, or nonprofit program, the tenant or landlord may continue to seek rental assistance to reduce and/or eliminate the unpaid rent balance.

Sec. 5. RCW 43.31.605 and 2020 c 315 s 8 and 2020 c 169 s 2 are each reenacted and amended to read as follows:

(1)(a) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program.

(b) The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(i) Up to one thousand dollars for improvements identified in RCW 59.18.255(1)(a). In order to be eligible for reimbursement under this subsection (1)(b)(i), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(b)(i) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(ii) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(iii) Reimbursement for damages established pursuant to subsection (2) of this section; and

(iv) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(c) Claims related to landlord mitigation for an unpaid judgment for rent, unpaid judgments resulting from the tenant's failure to comply with an installment payment agreement identified in RCW 59.18.610, late fees, attorneys' fees, and costs after a court order pursuant to RCW 59.18.410(3), including any unpaid portion of the judgment after the tenant defaults on the payment plan pursuant to RCW 59.18.410(3)(c), are eligible for reimbursement from the landlord mitigation program account and are exempt from any postjudgment interest required under RCW 4.56.110. Any claim for reimbursement made pursuant to RCW 59.18.410(3)(e)(ii) must be accompanied by a court order staying the writ of restitution pursuant to RCW 59.18.410(3). Any claim for reimbursement under this subsection (1)(c) is not an entitlement.

(i) The department shall provide for a form on its website for tenants and landlords to apply for reimbursement funds for the landlord pursuant to this subsection (1)(c).

(ii) The form must include: (A) Space for the landlord and tenant to provide names, mailing addresses, phone numbers, date of birth for the tenant, and any other identifying information necessary for the department to process payment; (B) the landlord's statewide vendor

identification number and how to obtain one; (C) name and address to whom payment must be made; (D) the amount of the judgment with instructions to include any other supporting documentation the department may need to process payment; (E) instructions for how the tenant is to reimburse the department under (c)(iii) of this subsection; (F) a description of the consequences if the tenant does not reimburse the department as provided in this subsection (1)(c); (G) a signature line for the landlord and tenant to confirm that they have read and understood the contents of the form and program; and (H) any other information necessary for the operation of the program. If the tenant has not signed the form after the landlord has made good faith efforts to obtain the tenant's signature, the landlord may solely submit the form but must attest to the amount of money owed and sign the form under penalty of perjury.

(iii) When a landlord has been reimbursed pursuant to this subsection (1)(c), the tenant for whom payment was made shall reimburse the department by depositing the amount disbursed from the landlord mitigation program account into the court registry of the superior court in which the judgment was entered. The tenant or other interested party may seek an ex parte order of the court under the unlawful detainer action to order such funds to be disbursed by the court. Upon entry of the order, the court clerk shall disburse the funds and include a case number with any payment issued to the department. If directed by the court, a clerk shall issue any payments made by a tenant to the department without further court order.

(iv) The department may deny an application made by a tenant who has failed to reimburse the department for prior payments issued pursuant to this subsection (1)(c).

(v) With any disbursement from the account to the landlord, the department shall notify the tenant at the address provided within the application that a disbursement has been made to the landlord on the tenant's behalf and that failure to reimburse the account for the payment through the court registry may result in a denial of a future application to the account pursuant to this subsection (1)(c). The department may include any other additional information about how to reimburse the account it deems necessary to fully inform the tenant.

(vi) The department's duties with respect to obtaining reimbursement from the tenant to the account are limited to those specified within this subsection (1)(c).

(vii) If at any time funds do not exist in the landlord mitigation program account to reimburse claims submitted under this subsection (1)(c), the department must create and maintain a waitlist and distribute funds in the order the claims are received pursuant to subsection (6) of this section. Payment of any claims on the waitlist shall be made only from the landlord mitigation program account. The department shall not be civilly or criminally liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds for reimbursement.

(d)(i) Claims related to landlord mitigation for:

(A) Up to $15,000 in unpaid rent that accrued between March 1, 2020, and six months following the expiration of the eviction moratorium and the tenant being low-income, limited resourced or experiencing hardship, voluntarily vacated or abandoned the tenancy; or

(B) Up to $15,000 in remaining unpaid rent if a tenant defaults on a repayment plan entered into under section 4 of this act are eligible for reimbursement from the landlord mitigation program account subject to the program requirements under this section, provided the tenancy has not been terminated at the time of reimbursement.

(ii) A landlord is ineligible for reimbursement under this subsection (1)(d) where the tenant vacated the tenancy because of an unlawful detainer action under RCW 59.12.030(3).

(iii) A landlord in receipt of reimbursement from the program pursuant to this subsection (1)(d) is prohibited from:

(A) Taking legal action against the tenant for damages or any remaining unpaid rent accrued between March 1, 2020, and six months following the expiration of the eviction moratorium attributable to the same tenancy; or

(B) Pursuing collection, or authorizing another entity to pursue

collection on the landlord's behalf, of a judgment against the tenant for damages or any remaining unpaid rent accrued between March 1, 2020, and six months following the expiration of the eviction moratorium attributable to the same tenancy.

(2) In order for a claim under subsection (1)(b)(iii) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim pursuant to subsection (1)(b) of this section, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims pursuant to subsection (1)(b) of this section related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program pursuant to subsection (1)(b) and (d) of this section is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(b)(iii) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a website that advertises the landlord mitigation program, the availability of

reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

Sec. 6. RCW 43.31.615 and 2019 c 356 s 13 are each amended to read as follows:

(1) The landlord mitigation program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments, private contributions, and all other sources must be deposited into the account. Expenditures from the account may only be used for the landlord mitigation program under this chapter to reimburse landlords for eligible claims related to private market rental units during the time of their rental to low-income tenants using housing subsidy programs as defined in RCW 43.31.605, for any unpaid judgment issued within an unlawful detainer action after a court order pursuant to RCW 59.18.410(3) as described in RCW 43.31.605(1)(c), for any unpaid rent as described in RCW 43.31.605(1)(d), and for the administrative costs identified in subsection (2) of this section. Only the director or the director's designee may

authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Administrative costs associated with application, distribution, and other program activities of the department may not exceed twenty percent of the annual funds available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

(3) Funds deposited into the landlord mitigation program account shall be prioritized by the department for allowable costs under RCW 43.31.605(1)(b), and may only be used for other allowable costs when funding available in the account exceeds the amount needed to pay claims under RCW 43.31.605(1)(b).

EVICTION RESOLUTION PILOT PROGRAM

NEW SECTION. **Sec. 7.** A new section is added to chapter 59.18 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the administrative office of the courts shall contract with dispute resolution centers as described under chapter 7.75 RCW within or serving each county to establish a court-based eviction resolution pilot program operated in accordance with Washington supreme court order no. 25700-B-639 and any standing judicial order of the individual superior court.

(2) The eviction resolution pilot program must be used to facilitate the resolution of nonpayment of rent cases between a landlord and tenant before the landlord files an unlawful detainer action.

(3) Prior to filing an unlawful detainer action for nonpayment of rent, the landlord must provide a notice as required under RCW 59.12.030(3) and an additional notice to the tenant informing them of the eviction resolution pilot program. The landlord must retain proof of service or mailing of the additional notice. The additional notice to the tenant must provide at least the following information regarding the eviction resolution pilot program:

(a) Contact information for the local dispute resolution center;

(b) Contact information for the county's housing justice project or, if none, a statewide organization providing housing advocacy services for low-income residents;

(c) The following statement: "The Washington state office of the attorney general has this notice in multiple languages on its website. You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help you pay your rent. Alternatively, you may find additional information to help you at http://www.washingtonlawhelp.org";

(d) The name and contact information of the landlord, the landlord's attorney, if any, and the tenant; and

(e) The following statement: "Failure to respond to this notice within 14 days may result in the filing of a summons and complaint for an unlawful detainer action with the court."

(4) At the time of service or mailing of the pay or vacate notice and additional notice to the tenant, a landlord must also send copies of these notices to the local dispute resolution center serving the area where the property is located.

(5) A landlord must secure a certification of participation with the eviction resolution program by the appropriate dispute resolution center before an unlawful detainer action for nonpayment of rent may be heard by the court.

(6) The administrative office of the courts may also establish and produce any other notice forms and requirements as necessary to implement the eviction resolution pilot program.

(7) Any superior court, in collaboration with the dispute resolution center that is located within or serving the same county, participating in the eviction resolution pilot program must report annually to the administrative office of the courts beginning January 1, 2022, until January 1, 2023, on the following:

(a) The number of unlawful detainer actions for nonpayment of rent that were subject to program requirements;

(b) The number of referrals made to dispute resolution centers;

(c) The number of nonpayment of rent cases resolved by the program;

(d) How many instances the tenant had legal representation either at the conciliation stage or formal mediation stage;

(e) The number of certifications issued by dispute resolution centers and filed by landlords with the court; and

(f) Any other information that relates to the efficacy of the pilot program.

(8) By July 1, 2022, until July 1, 2023, the administrative office of the courts must provide a report to the legislature summarizing the report data shared by the superior courts and dispute resolution centers under subsection (7) of this section.

(9) This section expires July 1, 2023.

RIGHT TO COUNSEL

NEW SECTION. **Sec. 8.** A new section is added to chapter 59.18 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the court must appoint an attorney for an indigent tenant in an unlawful detainer proceeding under chapters 59.12, 59.18, and 59.20 RCW. The office of civil legal aid is responsible for implementation of this subsection as provided in section 9 of this act, and the state shall pay the costs of legal services provided by an attorney appointed pursuant to this subsection. In implementing this section, the office of civil legal aid shall assign priority to providing legal representation to indigent tenants in those counties in which the most evictions occur and to indigent tenants who are disproportionately at risk of eviction.

(2) For purposes of this section, "indigent" means any person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Receiving an annual income, after taxes, of 200 percent or less of the current federally established poverty level.

NEW SECTION. **Sec. 9.** A new section is added to chapter 2.53 RCW to read as follows:

(1) Moneys appropriated by the legislature for legal services provided by an attorney appointed pursuant to section 8 of this act must be administered by the office of civil legal aid established under RCW 2.53.020. The office of civil legal aid must enter into contracts with attorneys and agencies for the provision of legal services under section 8 of this act to remain within appropriated amounts.

(2) The legislature recognizes that the office of civil legal aid needs time to properly implement the right to attorney legal representation for indigent tenants under and consistent with section 8 of this act. Within 90 days after the effective date of this section, the office of civil legal aid must submit to the appropriate legislative committees a plan to fully implement the tenant representation program under and consistent with section 8 of this act within 12 months of the effective date of this section.

Sec. 10. RCW 59.18.057 and 2020 c 315 s 2 are each amended to read as follows:

(1) Every ((~~fourteen-day~~)) 14-day notice served pursuant to RCW 59.12.030(3) must be in substantially the following form:

"TO: _____

AND TO: _____

ADDRESS: _____

FOURTEEN-DAY NOTICE TO PAY RENT OR VACATE THE PREMISES

You are receiving this notice because the landlord alleges you are not in compliance with the terms of the lease agreement by failing to pay rent and/or utilities and/or recurring or periodic charges that are past due.

(1) Monthly rent due for (list month(s)): $ (dollar amount)

AND/OR

(2) Utilities due for (list month(s)): $ (dollar amount)

AND/OR

(3) Other recurring or periodic charges identified in the lease for (list month(s)): $ (dollar amount)

TOTAL AMOUNT DUE: $ (dollar amount)

Note - payment must be made pursuant to the terms of the rental agreement or by nonelectronic means including, but not limited to, cashier's check, money order, or other certified funds.

You must pay the total amount due to your landlord within fourteen (14) days after service of this notice or you must vacate the premises. Any payment you make to the landlord must first be applied to the total amount due as shown on this notice. Any failure to comply with this notice within fourteen (14) days after service of this notice may result in a judicial proceeding that leads to your eviction from the premises.

The Washington state Office of the Attorney General has this notice in multiple languages as well as information on available resources to help you pay your rent, including state and local rental assistance programs, on its website at www.atg.wa.gov/landlord-tenant. ((~~**You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help you pay your rent.**~~

~~**Alternatively, for no-cost legal assistance for low-income renters**~~)) **State law provides you the right to legal representation and the court may be able to appoint a lawyer to represent you without cost to you if you are a qualifying low-income renter. If you believe you are a qualifying low-income renter and would like an attorney appointed to represent you, please contact the Eviction Defense Screening Line at 855-657-8387 or apply online at https://nwjustice.org/apply-online. For additional resources, call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. - 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). You may find additional information to help you at http://www.washingtonlawhelp.org. Free or low-cost mediation services to assist in nonpayment of rent disputes before any judicial proceedings occur are also available at dispute resolution centers throughout the state. You can find your nearest dispute resolution center at https://www.resolutionwa.org.**

State law also provides you the right to receive interpreter services at court.

OWNER/LANDLORD:_____DATE:_____

_____

WHERE TOTAL AMOUNT DUE IS TO BE PAID: ___(owner/landlord name)___

_____(address)_____"

(2) Upon expiration of the eviction resolution pilot program established under section 7 of this act:

(a) The landlord must also provide the notice required in this section to the dispute resolution center located within or serving the county in which the dwelling unit is located. It is a defense to an eviction under RCW 59.12.030 that a landlord did not provide additional notice under this subsection.

(b) Dispute resolution centers are encouraged to notify the housing justice project or northwest justice project located within or serving the county in which the dispute resolution center is located, as appropriate, once notice is received from the landlord under this subsection.

(3) The form required in this section does not abrogate any additional notice requirements to tenants as required by federal, state, or local law.

Sec. 11. RCW 59.18.365 and 2020 c 315 s 4 are each amended to read as follows:

(1) The summons must contain the names of the parties to the proceeding, the attorney or attorneys if any, the court in which the same is brought, the nature of the action, in concise terms, and the relief sought, and also the return day; and must notify the defendant to appear and answer within the time designated or that the relief sought will be taken against him or her. The summons must contain a street address for service of the notice of appearance or answer and, if available, a facsimile number for the plaintiff or the plaintiff's attorney, if represented. The summons must be served and returned in the same manner as a summons in other actions is served and returned.

(2) A defendant may serve a copy of an answer or notice of appearance by any of the following methods:

(a) By delivering a copy of the answer or notice of appearance to the person who signed the summons at the street address listed on the summons;

(b) By mailing a copy of the answer or notice of appearance addressed to the person who signed the summons to the street address listed on the summons;

(c) By facsimile to the facsimile number listed on the summons. Service by facsimile is complete upon successful transmission to the facsimile number listed upon the summons;

(d) As otherwise authorized by the superior court civil rules.

(3) The summons for unlawful detainer actions for tenancies covered by this chapter shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE

STATE OF WASHINGTON

IN AND

FOR . . . . . COUNTY

Plaintiff/ Landlord/ Owner, vs. Defendant/ Tenant/ Occupant.	NO. EVICTION SUMMONS (Residential)

THIS IS AN IMPORTANT LEGAL DOCUMENT TO EVICT YOU.

YOUR **WRITTEN**

RESPONSE MUST BE RECEIVED BY: 5:00 p.m., on . . . . . .

TO: . . . . . (Defendant's Name)

. . . . . (Defendant's Address)

GET HELP: If you do not respond by the deadline above, you will lose your right to defend yourself or be represented by a lawyer if you cannot afford one in court and could be evicted. ((~~If you cannot afford a lawyer~~)) The court may be able to appoint a lawyer to represent you without cost to you if you are low-income and are unable to afford a lawyer. If you believe you are a qualifying low-income renter and would like an attorney appointed to represent you, please contact the Eviction Defense Screening Line at 855-657-8387 or apply online at https://nwjustice.org/apply-online. For additional resources, you may call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. - 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). ((~~They can refer you to free or low-cost legal help.~~)) You may find additional information to help you at http://www.washingtonlawhelp.org. Free or low-cost mediation services to assist in nonpayment of rent disputes before any judicial proceedings occur are also available at dispute resolution centers throughout the state. You can find your nearest dispute resolution center at https://www.resolutionwa.org.

HOW TO RESPOND: Phone calls to your Landlord or your Landlord's lawyer are not a response. You may respond with a "notice of appearance." This is a letter that includes the following:

(1) A statement that you are appearing in the court case

(2) Names of the landlord(s) and the tenant(s) (as listed above)

(3) Your name, your address where legal documents may be sent, your signature, phone number (if any), and case number (if the case is filed)

This case ☐ is / ☐ is not filed with the court. If this case is filed, you need to also file your response with the court by delivering a copy to the clerk of the court at: . . . . . (Clerk's Office/Address/Room number/Business hours of court clerk)

WHERE TO RESPOND: You must mail, fax, or hand deliver your response letter to your Landlord's lawyer, or if no lawyer is named in the complaint, to your Landlord. If you mail the response letter, you must do it 3 days before the deadline above. Request receipt of a proof of mailing from the post office. If you hand deliver or fax it, you must do it by the deadline above. The address is:

. . . . . (Attorney/Landlord Name)

. . . . . (Address)

. . . . . (Fax - required if available)

COURT DATE: If you respond to this Summons, you will be notified of your hearing date in a document called an "Order to Show Cause." This is usually mailed to you. If you get notice of a hearing, **you must go to the hearing**. If you do not show up, your landlord can evict you. Your landlord might also charge you more money. If you move before the court date, you must tell your landlord or the landlord's attorney.

LANDLORD ACCESS TO RENTAL ASSISTANCE PROGRAMS

NEW SECTION. **Sec. 12.** A new section is added to chapter 43.185C RCW to read as follows:

The department must authorize landlords an opportunity to apply to the following programs, if feasible, and establish application and eligibility requirements and any conditions on the receipt of funds as the department deems appropriate:

(1) Rental assistance provided through the consolidated homeless grant program;

(2) Rental assistance provided through the emergency solutions grant program; and

(3) Any rental assistance program funded through receipt of any federal COVID-19 relief funds.

OTHER TENANT PROTECTIONS

Sec. 13. RCW 59.12.040 and 2010 c 8 s 19007 are each amended to read as follows:

Any notice provided for in this chapter shall be served either (1) by delivering a copy personally to the person entitled thereto; or (2) if he or she be absent from the premises unlawfully held, by leaving there a copy, with some person of suitable age and discretion, and sending a copy through the mail addressed to the person entitled thereto at his or her place of residence; or (3) if the person to be notified be a tenant, or an unlawful holder of premises, and his or her place of residence is not known, or if a person of suitable age and discretion there cannot be found then by affixing a copy of the notice in a conspicuous place on the premises unlawfully held, and also delivering a copy to a person there residing, if such a person can be found, and also sending a copy through the mail addressed to the tenant, or unlawful occupant, at the place where the premises unlawfully held are situated. Service upon a subtenant may be made in the same manner: PROVIDED, That in cases where the tenant or unlawful occupant, shall be conducting a hotel, inn, lodging house, boarding house, or shall be renting rooms while still retaining control of the premises as a whole, that the guests, lodgers, boarders, or persons renting such rooms shall not be considered as subtenants within the meaning of this chapter, but all such persons may be served by affixing a copy of the notice to be served in two conspicuous places upon the premises unlawfully held; and such persons shall not be necessary parties defendant in an action to recover possession of said premises. Service of any notice provided for in this chapter may be had upon a corporation by delivering a copy thereof to any officer, agent, or person having charge of the business of such corporation, at the premises unlawfully held, and in case no such officer, agent, or person can be found upon such premises, then service may be had by affixing a copy of such notice in a conspicuous place upon said premises and by sending a copy through the mail addressed to such corporation at the place where said premises are situated. Proof of any service under this section may be made by the affidavit of the person making the same in like manner and with like effect as the proof of service of summons in civil actions. When a copy of notice is sent through the mail, as provided in this section, service shall be deemed complete when such copy is deposited in the United States mail in the county in which the property is situated properly addressed with postage prepaid: PROVIDED, HOWEVER, That when service is made by mail one additional day shall be allowed before the commencement of an action based upon such notice. ((~~RCW 59.18.375 may also apply to notice given under this chapter.~~))

Sec. 14. RCW 59.18.230 and 2020 c 315 s 6 and 2020 c 177 s 2 are each reenacted and amended to read as follows:

(1)(a) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect

other provisions of the agreement which can be given effect without them.

(b) Any agreement, whether oral or written, between a landlord and tenant, or their representatives, and entered into pursuant to an unlawful detainer action under this chapter that requires the tenant to pay any amount in violation of RCW 59.18.283 or the statutory judgment amount limits under RCW 59.18.410 (1) or (2), or waives any rights of the tenant under RCW 59.18.410 or any other rights afforded under this chapter except as provided in RCW 59.18.360 is void and unenforceable. A landlord may not threaten a tenant with eviction for failure to pay nonpossessory charges limited under RCW 59.18.283.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forgo rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorneys' fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into; or

(f) Agrees to pay late fees for rent that is paid within five days following its due date. If rent is more than five days past due, the landlord may charge late fees commencing from the first day after the due date until paid. Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by him or her to be prohibited, the tenant may recover actual damages sustained by him or her, statutory damages not to exceed ((~~five hundred dollars~~)) $500, costs of suit, and reasonable attorneys' fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant without the specific written consent of the tenant to such incident of taking or detention, and who, after written demand by the tenant for the return of his or her personal property, refuses to return the same promptly shall be liable to the tenant for the value of the property retained, actual damages, and if the refusal is intentional, may also be liable for damages of up to ((~~five hundred dollars~~)) $500 per day but not to exceed ((~~five thousand dollars~~)) $5,000, for each day or part of a day that the tenant is deprived of his or her property. The prevailing party may recover his or her costs of suit and a reasonable attorneys' fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his or her personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property.

Sec. 15. RCW 59.20.040 and 1999 c 359 s 3 are each amended to read as follows:

This chapter shall regulate and determine legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot and including specified amenities within the mobile home park, mobile home park cooperative, or mobile home park subdivision, where the tenant has no ownership interest in the property or in the association which owns the property, whose uses are referred to as a part of the rent structure paid by the tenant. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall be applicable only in implementation of the provisions of this

chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable: PROVIDED, That the provision of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental agreement included under the provisions of this chapter. RCW 59.18.055 ((~~and 59.18.370~~)), section 8 of this act, 59.18.365, 59.18.370, and 59.18.380 through 59.18.410 shall be applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under the provisions of this chapter, except when a mobile home, manufactured home, or park model or a tenancy in a mobile home lot is abandoned. Rentals of mobile homes, manufactured homes, or park models themselves are governed by the residential landlord-tenant act, chapter 59.18 RCW.

Sec. 16. RCW 59.18.410 and 2020 c 315 s 5 are each amended to read as follows:

(1) If at trial the verdict of the jury or, if the case is tried without a jury, the finding of the court is in favor of the landlord and against the tenant, judgment shall be entered for the restitution of the premises; and if the proceeding is for unlawful detainer after neglect or failure to perform any condition or covenant of a lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease, agreement, or tenancy. The jury, or the court, if the proceedings are tried without a jury, shall also assess the damages arising out of the tenancy occasioned to the landlord by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved at trial, and, if the alleged unlawful detainer is based on default in the payment of rent, find the amount of any rent due, and the judgment shall be rendered against the tenant liable for the forcible entry, forcible detainer, or unlawful detainer for the amount of damages thus assessed, for the rent, if any, found due, and late fees if such fees are due under the lease and do not exceed seventy-five dollars in total. The court may award statutory costs. The court may also award reasonable attorneys' fees as provided in RCW 59.18.290.

(2) When the tenant is liable for unlawful detainer after a default in the payment of rent, execution upon the judgment shall not occur until the expiration of five court days after the entry of the judgment. Before entry of a judgment or until five court days have expired after entry of the judgment, the tenant or any subtenant, or any mortgagee of the term, or other party interested in the continuance of the tenancy, may pay into court or to the landlord the amount of the rent due, any court costs incurred at the time of payment, late fees if such fees are due under the lease and do not exceed seventy-five dollars in total, and attorneys' fees if awarded, in which event any judgment entered shall be satisfied and the tenant restored to his or her tenancy. If the tenant seeks to restore his or her tenancy after entry of a judgment, the tenant may tender the amount stated within the judgment as long as that amount does not exceed the amount authorized under subsection (1) of this section. If a tenant seeks to restore his or her tenancy and pay the amount set forth in this subsection with funds acquired through an emergency rental assistance program provided by a governmental or nonprofit entity, the tenant shall provide a copy of the pledge of emergency rental assistance provided from the appropriate governmental or nonprofit entity and have an opportunity to exercise such rights under this subsection, which may include a stay of judgment and provision by the landlord of documentation necessary for processing the assistance. The landlord shall accept any pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity before the expiration of any pay or vacate notice for nonpayment of rent for the full amount of the rent owing under the rental agreement. The landlord shall accept any written pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity after the expiration of the pay or vacate notice if the pledge will contribute to the total payment of both the amount of rent due, including any current rent, and other amounts if required under this subsection. The landlord shall suspend any court action for seven court days after providing necessary payment information to the nonprofit or governmental entity to allow for payment of the emergency rental assistance funds. By accepting such pledge of emergency rental assistance, the landlord is not required to enter into any additional conditions not related to the provision of necessary payment information and documentation.

If a judgment has been satisfied, the landlord shall file a satisfaction of judgment with the court. A tenant seeking to exercise rights under this subsection shall pay an additional fifty dollars for each time the tenant was reinstated after judgment pursuant to this subsection within the previous twelve months prior to payment. If payment of the amount specified in this subsection is not made within five court days after the entry of the judgment, the judgment may be enforced for its full amount and for the possession of the premises.

(3)(a) Following the entry of a judgment in favor of the landlord and against the tenant for the restitution of the premises and forfeiture of the tenancy due to nonpayment of rent, the court, at the time of the show cause hearing or trial, or upon subsequent motion of the tenant but before the execution of the writ of restitution, may stay the writ of restitution upon good cause and on such terms that the court deems fair and just for both parties. In making this decision, the court shall consider evidence of the following factors:

(i) The tenant's willful or intentional default or intentional failure to pay rent;

(ii) Whether nonpayment of the rent was caused by exigent circumstances that were beyond the tenant's control and that are not likely to recur;

(iii) The tenant's ability to timely pay the judgment;

(iv) The tenant's payment history;

(v) Whether the tenant is otherwise in substantial compliance with the rental agreement;

(vi) Hardship on the tenant if evicted; and

(vii) Conduct related to other notices served within the last six months.

(b) The burden of proof for such relief under this subsection (3) shall be on the tenant. If the tenant seeks relief pursuant to this subsection (3) at the time of the show cause hearing, the court shall hear the matter at the time of the show cause hearing or as expeditiously as possible so as to avoid unnecessary delay or hardship on the parties.

(c) In any order issued pursuant to this subsection (3):

(i) The court shall not stay the writ of restitution more than ninety days from the date of order, but may order repayment of the judgment balance within such time. If the payment plan is to exceed thirty days, the total cumulative payments for each thirty-day period following the order shall be no less than one month of the tenant's share of the rent, and the total amount of the judgment and all additional rent that is due shall be paid within ninety days.

(ii) Within any payment plan ordered by the court, the court shall require the tenant to pay to the landlord or to the court one month's rent within five court days of issuance of the order. If the date of the order is on or before the fifteenth of the month, the tenant shall remain current with ongoing rental payments as they become due for the duration of the payment plan; if the date of the order is after the fifteenth of the month, the tenant shall have the option to apportion the following month's rental payment within the payment plan, but monthly rental payments thereafter shall be paid according to the rental agreement.

(iii) The sheriff may serve the writ of restitution upon the tenant before the expiration of the five court days of issuance of the order; however, the sheriff shall not execute the writ of restitution until after expiration of the five court days in order for payment to be made of one month's rent as required by (c)(ii) of this subsection. In the event payment is made as provided in (c)(ii) of this subsection for one month's rent, the court shall stay the writ of restitution ex parte without prior notice to the landlord upon the tenant filing and presenting a motion to stay with a declaration of proof of payment demonstrating full compliance with the required payment of one month's rent. Any order staying the writ of restitution under this subsection (3)(c)(iii) shall require the tenant to serve a copy of the order on the landlord by personal delivery, first-class mail, facsimile, or email if agreed to by the parties.

(A) If the tenant has satisfied (c)(ii) of this subsection by paying one month's rent within five court days, but defaults on a subsequent payment required by the court pursuant to this subsection (3)(c), the landlord may enforce the writ of restitution after serving a notice of

default in accordance with RCW 59.12.040 informing the tenant that he or she has defaulted on rent due under the lease agreement or payment plan entered by the court. Upon service of the notice of default, the tenant shall have three calendar days from the date of service to vacate the premises before the sheriff may execute the writ of restitution.

(B) If the landlord serves the notice of default described under this subsection (3)(c)(iii), an additional day is not included in calculating the time before the sheriff may execute the writ of restitution. The notice of default must be in substantially the following form:

NOTICE OF DEFAULT FOR RENT AND/OR PAYMENT PLAN ORDERED BY COURT

NAME(S)

ADDRESS

CITY, STATE, ZIP

THIS IS NOTICE THAT YOU ARE IN DEFAULT OF YOUR RENT AND/OR PAYMENT PLAN ORDERED BY THE COURT. YOUR LANDLORD HAS RECEIVED THE FOLLOWING PAYMENTS:

DATE

AMOUNT

DATE

AMOUNT

DATE

AMOUNT

THE LANDLORD MAY SCHEDULE YOUR PHYSICAL EVICTION WITHIN THREE CALENDAR DAYS OF SERVICE OF THIS NOTICE. TO STOP A PHYSICAL EVICTION, YOU ARE REQUIRED TO PAY THE BALANCE OF YOUR RENT AND/OR PAYMENT PLAN IN THE AMOUNT OF $. . . . ..

PAYMENT MAY BE MADE TO THE COURT OR TO THE LANDLORD. IF YOU FAIL TO PAY THE BALANCE WITHIN THREE CALENDAR DAYS, THE LANDLORD MAY PROCEED WITH A PHYSICAL EVICTION FOR POSSESSION OF THE UNIT THAT YOU ARE RENTING.

DATE

SIGNATURE

LANDLORD/AGENT

NAME

ADDRESS

PHONE

(iv) If a tenant seeks to satisfy a condition of this subsection (3)(c) by relying on an emergency rental assistance program provided by a government or nonprofit entity and provides an offer of proof, the court shall stay the writ of restitution as necessary to afford the tenant an equal opportunity to comply.

(v) The court shall extend the writ of restitution as necessary to enforce the order issued pursuant to this subsection (3)(c) in the event of default.

(d) A tenant who has been served with three or more notices to pay or vacate for failure to pay rent as set forth in RCW 59.12.040 within twelve months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief under this subsection (3).

(e)(i) In any application seeking relief pursuant to this subsection (3) by either the tenant or landlord, the court shall issue a finding as to whether the tenant is low-income, limited resourced, or experiencing hardship to determine if the parties would be eligible for disbursement through the landlord mitigation program account established within RCW 43.31.605(1)(c). In making this finding, the court may include an inquiry regarding the tenant's income relative to area median income, household composition, any extenuating circumstances, or other factors, and may rely on written declarations or oral testimony by the parties at the hearing.

(ii) After a finding that the tenant is low-income, limited resourced, or experiencing hardship, the court may issue an order: (A) Finding that the landlord is eligible to receive on behalf of the tenant and may apply for reimbursement from the landlord mitigation program; and (B) directing the clerk to remit, without further order of the court, any future payments made by the tenant in order to reimburse the department of commerce pursuant to RCW 43.31.605(1)(c)(iii). In accordance with RCW 43.31.605(1)(c), such an order must be accompanied by a copy of the order staying the writ of restitution. Nothing in this subsection (3)(e) shall be deemed to obligate the department of commerce to provide assistance in claim reimbursement through the landlord mitigation program if there are not sufficient funds.

(iii) If the department of commerce fails to disburse payment to the landlord

for the judgment pursuant to this subsection (3)(e) within thirty days from submission of the application, the landlord may renew an application for a writ of restitution pursuant to RCW 59.18.370 and for other rent owed by the tenant since the time of entry of the prior judgment. In such event, the tenant may exercise rights afforded under this section.

(iv) Upon payment by the department of commerce to the landlord for the remaining or total amount of the judgment, as applicable, the judgment is satisfied and the landlord shall file a satisfaction of judgment with the court.

(v) Nothing in this subsection (3)(e) prohibits the landlord from otherwise applying for reimbursement for an unpaid judgment pursuant to RCW 43.31.605(1)(c) after the tenant defaults on a payment plan ordered pursuant to (c) of this subsection.

(vi) For the period extending one year beyond the expiration of the eviction moratorium, a tenant may demonstrate ability to pay in order to reinstate the tenancy by means of disbursement through the account established under RCW 43.31.605(1)(c); in such a case:

(A) Any restrictions imposed by subsection (3)(d) of this section shall not apply in determining if a tenant is eligible for reinstatement under subsection (3) of this section.

(B) Reimbursement on behalf of the tenant to the landlord may include up to three months of prospective rent to stabilize the tenancy as determined by the court.

(4) If a tenant seeks to stay a writ of restitution issued pursuant to this chapter, the court may issue an ex parte stay of the writ of restitution provided the tenant or tenant's attorney submits a declaration indicating good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted. The court shall require service of the order and motion to stay the writ of restitution by personal delivery, mail, facsimile, or other means most likely to afford all parties notice of the court date.

(5) In all other cases the judgment may be enforced immediately. If a writ of restitution shall have been executed prior to judgment no further writ or execution for the premises shall be required.

(6) This section also applies if the writ of restitution is issued pursuant to a final judgment entered after a show cause hearing conducted in accordance with RCW 59.18.380.

NEW SECTION. **Sec. 17.** This act does not apply to assisted living facilities licensed under chapter 18.20 RCW, to nursing homes licensed under chapter 18.51 RCW, to adult family homes licensed under chapter 70.128 RCW, or to continuing care retirement communities registered under chapter 18.390 RCW.

NEW SECTION. **Sec. 18.** RCW 59.18.375 (Forcible entry or detainer or unlawful detainer actions—Payment of rent into court registry—Writ of restitution—Notice) and 2008 c 75 s 2, 2006 c 51 s 2, & 1983 c 264 s 13 are each repealed.

NEW SECTION. **Sec. 19.** Sections 2 through 4 of this act supersede any other provisions within chapter 59.18 or 59.12 RCW, or chapter 59.20 RCW as applicable, that conflict with sections 2 through 4 of this act.

NEW SECTION. **Sec. 20.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Barkis; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Ranking Minority Member Gilday, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 25, 2021

E2SSB 5163 Prime Sponsor, Committee on Ways & Means: Concerning the placement and treatment of conditionally released sexually violent predators. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that in 2008, the sex offender policy board was established to provide a more coordinated and integrated response to sex offender management in Washington state. The legislature further finds that in March 2020, the board was convened to review policies and practices related to sexually violent predators. The legislature recognizes that the board released a report and a series of recommendations regarding improvement to the current practice in order to ensure a successful transition for individuals convicted of sex offenses from total confinement back into the community. The legislature resolves to increase community safety through successful transition by enacting the recommendations of the board and other related policies.

Sec. 2. RCW 71.09.020 and 2015 c 278 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Fair share principles" and "fair share principles of release" means that each county has adequate options for conditional release housing placements in a number generally equivalent to the number of residents from that county who are subject to total confinement pursuant to this chapter.

(3) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility, or federally approved blood bank.

((~~(3)~~)) (4) "Health care practitioner" means an individual or firm licensed or certified to engage actively in a regulated health profession.

((~~(4)~~)) (5) "Health care services" means those services provided by health professionals licensed pursuant to RCW 18.120.020(4).

((~~(5)~~)) (6) "Health profession" means those licensed or regulated professions set forth in RCW 18.120.020(4).

((~~(6)~~)) (7) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092. A less restrictive alternative may not include placement in the community protection program as pursuant to RCW 71A.12.230.

((~~(7)~~)) (8) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

((~~(8)~~)) (9) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

((~~(9)~~)) (10) "Personality disorder" means an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has onset in adolescence or early adulthood, is stable over time and leads to distress or impairment. Purported evidence of a personality disorder must be supported by testimony of a licensed forensic psychologist or psychiatrist.

((~~(10)~~)) (11) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.

((~~(11)~~)) (12) "Prosecuting agency" means the prosecuting attorney of the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney, as provided in RCW 71.09.030.

((~~(12)~~)) (13) "Recent overt act" means any act, threat, or combination thereof

that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act or behaviors.

((~~(13)~~)) (14) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

((~~(14)~~)) (15) "Secretary" means the secretary of social and health services or the secretary's designee.

((~~(15)~~)) (16) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

((~~(16)~~)) (17) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

((~~(17)~~)) (18) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

((~~(18)~~)) (19) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

((~~(19)~~)) (20) "Total confinement facility" means a secure facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a total confinement facility by the secretary.

((~~(20)~~)) (21) "Treatment" means the sex offender specific treatment program at the special commitment center or a specific course of sex offender treatment pursuant to RCW 71.09.092 (1) and (2).

Sec. 3. RCW 71.09.080 and 2012 c 257 s 6 are each amended to read as follows:

(1) Any person subjected to restricted liberty as a sexually violent predator pursuant to this chapter shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided in this chapter, or as otherwise authorized by law.

(2)(a) Any person committed or detained pursuant to this chapter shall be prohibited from possessing or accessing a personal computer if the resident's individualized treatment plan states that access to a computer is harmful to bringing about a positive response to a specific and certain phase or course of treatment.

(b) A person who is prohibited from possessing or accessing a personal computer under (a) of this subsection shall be permitted to access a limited functioning personal computer capable of word processing and limited data storage on the computer only that does not have: (i) Internet access capability; (ii) an optical drive, external drive, universal serial bus port, or similar drive capability; or (iii) the capability to display photographs, images, videos, or motion pictures, or similar display capability from any drive or port capability listed under (b)(ii) of this subsection.

(3) Any person committed pursuant to this chapter has the right to adequate care ((~~and~~)), individualized treatment, and the development of an ongoing, clinically appropriate discharge plan as part of the treatment process. The department of social and health services shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations made pursuant to this chapter. All such records and reports shall be made available upon request only to: The committed person, his or her attorney, the prosecuting agency, the court, the protection and advocacy agency, or another expert or professional person who, upon proper showing, demonstrates a need for access to such records.

(4) The right to the development of a discharge plan under subsection (3) of this section does not guarantee that any particular person will be determined appropriate for discharge at any particular time. Nothing in this section precludes the department from expressing professional judgment regarding the suitability of discharge for the protection of a resident's safety or community safety. Individualized and ongoing discharge planning requires, at a minimum, and as part of a person's treatment plan, the following are addressed based on information known to the department and in accordance with policies developed by the department to implement this subsection:

(a) The resident's known physical health, functioning, and any need for health aid devices;

(b) The resident's known intellectual or cognitive level of functioning and need for specialized programming;

(c) The resident's known history of substance use and abuse;

(d) The resident's known history of risky or impulsive behaviors, criminogenic needs, and treatment interventions to address them;

(e) The resident's known ability to perform life skills and activities of daily living independently and the resident's known need for any disability accommodations;

(f) A summary of the known community services and supports the resident needs for a safe life in the community and the type of providers of such services and support; and

(g) A plan to mitigate the needs identified in this subsection that also addresses ways to develop or increase social supports, recreation opportunities, gainful employment, and if applicable, spiritual opportunities.

(5) At the time a person is taken into custody or transferred into a facility pursuant to a petition under this chapter, the professional person in charge of such facility or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the persons detained or transferred. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this subsection,

"responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without consent of the patient or order of the court.

((~~(5)~~)) (6) Nothing in this chapter prohibits a person presently committed from exercising a right presently available to him or her for the purpose of obtaining release from confinement, including the right to petition for a writ of habeas corpus.

((~~(6)~~)) (7) No indigent person may be conditionally released or unconditionally discharged under this chapter without suitable clothing, and the secretary shall furnish the person with such sum of money as is required by RCW 72.02.100 for persons without ample funds who are released from correctional institutions. As funds are available, the secretary may provide payment to the indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules to do so.

((~~(7)~~)) (8) If a civil commitment petition is dismissed, or a trier of fact determines that a person does not meet civil commitment criteria, the person shall be released within twenty-four hours of service of the release order on the superintendent of the special commitment center, or later by agreement of the person who is the subject of the petition.

Sec. 4. RCW 71.09.090 and 2018 c 131 s 2 are each amended to read as follows:

(1)(a) If the secretary determines that the person's condition has so changed that ((~~either: (a) The~~)) the person no longer meets the definition of a sexually violent predator((~~; or (b) conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that adequately protect the community~~)), the secretary shall authorize the person to petition the court for ((~~conditional release to a less restrictive alternative or~~)) unconditional discharge. The petition shall be filed with the court and served upon the prosecuting agency responsible for the initial commitment. The court, upon receipt of the petition for ((~~conditional release to a less restrictive alternative or~~)) unconditional discharge, shall within ((~~forty-five~~)) 45 days order a hearing.

(b) If the secretary determines that the person's condition has so changed that conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that adequately protect the community, then the secretary shall authorize the person to petition the court for conditional release to a less restrictive alternative. Upon receipt of the petition, the court shall order the department to identify a less restrictive alternative placement that satisfies RCW 71.09.092 (1) through (4). Once identified, notice of the placement shall be filed with the court and served upon the prosecuting agency responsible for the initial commitment as well as the person and his or her counsel. If the department cannot identify a placement available to the person that satisfies RCW 71.09.092 (1) through (4) within 90 days, the department shall provide a written certification to the court, the prosecuting agency responsible for the initial commitment, and the person and his or her counsel, detailing the efforts of the department to identify a qualifying placement. Upon the department's certification, the person may propose a placement that satisfies RCW 71.09.092 (1) through (3). After a less restrictive placement has been proposed by either the department or the person, the court shall within 45 days order a hearing.

(2)(a) Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for conditional release to a less restrictive alternative or unconditional discharge without the secretary's approval. The secretary shall provide the committed person with an annual written notice of the person's right to petition the court for conditional release to a less restrictive alternative or unconditional discharge over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall file the notice and waiver form and the annual report with the court. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether probable cause exists to warrant a hearing on whether the person's condition has so changed that: (i) He or she no longer meets the definition of a sexually

violent predator; or (ii) conditional release to a proposed less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community.

(b)(i) The committed person shall have a right to have an attorney represent him or her at the show cause hearing, which may be conducted solely on the basis of affidavits or declarations, but the person is not entitled to be present at the show cause hearing. At the show cause hearing, the prosecuting agency shall present prima facie evidence establishing: (A) That the committed person continues to meet the definition of a sexually violent predator; and (B) that a less restrictive alternative is not in the best interest of the person and conditions cannot be imposed that adequately protect the community.

(ii)(A) If the state produces prima facie evidence that the committed person continues to be a sexually violent predator, then the state's burden under (b)(i)(A) of this subsection is met and an unconditional release trial may not be ordered unless the committed person produces evidence satisfying: Subsection (4)(a) of this section; and subsection (4)(b) (i) or (ii) of this section.

(B) If the state produces prima facie evidence that a less restrictive alternative is not appropriate for the committed person, then the state's burden under (b)(i)(B) of this subsection is met, and a conditional release trial may not be ordered unless the committed person:

(I) Produces evidence satisfying: Subsection (4)(a) of this section; and subsection (4)(b) (i) or (ii) of this section; and

(II) Presents the court with a specific placement satisfying the requirements of RCW 71.09.092.

(iii) In making the showing required under (b)(i) of this subsection, the state may rely exclusively upon the annual report prepared pursuant to RCW 71.09.070. The committed person may present responsive affidavits or declarations to which the state may reply.

(c)(i) If the court at the show cause hearing determines that either: ((~~(i)~~)) (A) The state has failed to present prima facie evidence that the committed person continues to meet the definition of a sexually violent predator ((~~and that no proposed less restrictive alternative is in the best interest of the person and conditions cannot be imposed that would adequately protect the community~~)); or ((~~(ii)~~)) (B) probable cause exists to believe that the person's condition has so changed that((~~: (A) The~~)) the person no longer meets the definition of a sexually violent predator((~~; or (B) release to a proposed less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community~~)), then the court shall set a hearing on ((~~either or both issues~~)) the issue of unconditional discharge.

(ii) If the court at the show cause hearing determines that the state has failed to present prima facie evidence that no proposed less restrictive alternative is in the best interest of the person and conditions cannot be imposed that would adequately protect the community, the court shall enter an order directing the department to propose a less restrictive alternative that satisfies RCW 71.09.092 (1) through (4). If the department cannot identify a placement available to the person that satisfies RCW 71.09.092 (1) through (4) within 90 days, the department shall provide a written certification to the court, the prosecuting agency responsible for the initial commitment, and the person and his or her counsel, detailing the efforts of the department to identify a qualifying placement. Upon the department's certification, the person may propose a placement that satisfies RCW 71.09.092 (1) through (3). After a less restrictive placement has been proposed by either the department or the person, the court shall set a hearing on the issue of conditional release.

(iii) If the court at the show cause hearing determines, based on the evidence submitted by the person, that probable cause exists to believe that release to a less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community, the court shall set a hearing on the issue of conditional release if the person presents the court with a specific placement that satisfies the requirements of RCW 71.09.092.

(d) If the court has not previously considered the issue of release to a less

restrictive alternative, either through a trial on the merits or through the procedures set forth in RCW 71.09.094(1), or if an immediately preceding less restrictive alternative was revoked due to the loss of adequate housing or treatment for reasons other than noncompliance with housing requirements, treatment, or other conditions of the less restrictive alternative, the court shall consider whether release to a less restrictive alternative would be in the best interests of the person and conditions can be imposed that would adequately protect the community, without considering whether the person's condition has changed. ((~~The court may not find probable cause for a trial addressing less restrictive alternatives unless a proposed less restrictive alternative placement meeting the conditions of RCW 71.09.092 is presented to the court at the show cause hearing.~~))

(3)(a) At the hearing resulting from subsection (1) or (2) of this section, the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The prosecuting agency shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. The prosecuting agency shall have a right to a current evaluation of the person by experts chosen by the state. The judge may require the person to complete any or all of the following procedures or tests if requested by the evaluator: (i) A clinical interview; (ii) psychological testing; (iii) plethysmograph testing; and (iv) polygraph testing. The judge may order the person to complete any other procedures and tests relevant to the evaluation. The state is responsible for the costs of the evaluation. The committed person shall also have the right to a jury trial and the right to have experts evaluate him or her on his or her behalf and the court shall appoint an expert if the person is indigent and requests an appointment.

(b) Whenever any indigent person is subjected to an evaluation under (a) of this subsection, the office of public defense is responsible for the cost of one expert or professional person conducting an evaluation on the person's behalf. When the person wishes to be evaluated by a qualified expert or professional person of his or her own choice, such expert or professional person must be permitted to have reasonable access to the person for the purpose of such evaluation, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an evaluation or participate in the hearing on the person's behalf. Nothing in this chapter precludes the person from paying for additional expert services at his or her own expense.

(c) If the issue at the hearing is whether the person should be unconditionally discharged, the burden of proof shall be upon the state to prove beyond a reasonable doubt that the committed person's condition remains such that the person continues to meet the definition of a sexually violent predator. Evidence of the prior commitment trial and disposition is admissible. The recommitment proceeding shall otherwise proceed as set forth in RCW 71.09.050 and 71.09.060.

(d) If the issue at the hearing is whether the person should be conditionally released to a less restrictive alternative, the burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that conditional release to any proposed less restrictive alternative either: (i) Is not in the best interest of the committed person; or (ii) does not include conditions that would adequately protect the community. Evidence of the prior commitment trial and disposition is admissible.

(4)(a) Probable cause exists to believe that a person's condition has "so changed," under subsection (2) of this section, only when evidence exists, since the person's last commitment trial, or less restrictive alternative revocation proceeding, of a substantial change in the person's physical or mental condition such that the person either no longer meets the definition of a sexually violent predator or that a conditional release to a less restrictive alternative is in the person's best interest and conditions can be imposed to adequately protect the community.

(b) A new trial proceeding under subsection (3) of this section may be ordered, or a trial proceeding may be held, only when there is current evidence

from a licensed professional of one of the following and the evidence presents a change in condition since the person's last commitment trial proceeding:

(i) An identified physiological change to the person, such as paralysis, stroke, or dementia, that renders the committed person unable to commit a sexually violent act and this change is permanent; or

(ii) A change in the person's mental condition brought about through positive response to continuing participation in treatment which indicates that the person meets the standard for conditional release to a less restrictive alternative or that the person would be safe to be at large if unconditionally released from commitment.

(c) For purposes of this section, a change in a single demographic factor, without more, does not establish probable cause for a new trial proceeding under subsection (3) of this section. As used in this section, a single demographic factor includes, but is not limited to, a change in the chronological age, marital status, or gender of the committed person.

(5) When the court enters an order for unconditional discharge of a person from an immediately preceding less restrictive placement, the court must direct the clerk to transmit a copy of the order to the department of corrections for discharge process and termination of cause.

(6) The jurisdiction of the court over a person civilly committed pursuant to this chapter continues until such time as the person is unconditionally discharged.

((~~(6)~~)) (7) During any period of confinement pursuant to a criminal conviction, or for any period of detention awaiting trial on criminal charges, this section is suspended.

Sec. 5. RCW 71.09.092 and 2009 c 409 s 9 are each amended to read as follows:

Before the court may enter an order directing conditional release to a less restrictive alternative, it must find the following: (1) The person will be treated by a treatment provider who is qualified to provide such treatment in the state of Washington under chapter 18.155 RCW; (2) the treatment provider has presented a specific course of treatment and has agreed to assume responsibility for such treatment and will report progress to the court on a regular basis, and will report violations immediately to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center; (3) housing exists in Washington that complies with distance restrictions, is sufficiently secure to protect the community, and the person or agency providing housing to the conditionally released person has agreed in writing to accept the person, to provide the level of security required by the court, and immediately to report to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center if the person leaves the housing to which he or she has been assigned without authorization; (4) if the department has proposed housing that is outside of the county of commitment, a documented effort was made by the department to ensure that placement is consistent with fair share principles of release; (5) the person is willing to comply with the treatment provider and all requirements imposed by the treatment provider and by the court; and ((~~(5)~~)) (6) the person will be under the supervision of the department of corrections and is willing to comply with supervision requirements imposed by the department of corrections.

Sec. 6. RCW 71.09.096 and 2015 c 278 s 3 are each amended to read as follows:

(1) If the court or jury determines that conditional release to a less restrictive alternative is in the best interest of the person and includes conditions that would adequately protect the community, and the court determines that the minimum conditions set forth in RCW 71.09.092 and in this section are met, the court shall enter judgment and direct a conditional release.

(2) The court shall impose any additional conditions necessary to ensure compliance with treatment and to protect the community. If the court finds that conditions do not exist that will both ensure the person's compliance with treatment and protect the community, then the person shall be remanded to the custody of the department of social and health services for control, care, and treatment in a secure facility as designated in RCW 71.09.060(1).

(3) If the service provider designated by the court to provide inpatient or outpatient treatment or to monitor or supervise any other terms and conditions of a person's placement in a less restrictive alternative is other than the department of social and health services or the department of corrections, then the service provider so designated must agree in writing to provide such treatment, monitoring, or supervision in accord with this section. Any person providing or agreeing to provide treatment, monitoring, or supervision services pursuant to this chapter may be compelled to testify and any privilege with regard to such person's testimony is deemed waived.

(4)(a) Prior to authorizing any release to a less restrictive alternative, the court shall impose such conditions upon the person as are necessary to ensure the safety of the community. In imposing conditions, the court must impose a restriction on the proximity of the person's residence to public or private schools providing instruction to kindergarten or any grades one through 12 in accordance with RCW 72.09.340. Courts shall require a minimum distance restriction of 500 feet on the proximity of the person's residence to child care facilities and public or private schools providing instruction to kindergarten or any grades one through 12. The court shall order the department of corrections to investigate the less restrictive alternative and, within 60 days of the order to investigate, recommend any additional conditions to the court. These conditions shall be individualized to address the person's specific risk factors and criminogenic needs and may include, but are not limited to the following: Specification of residence or restrictions on residence including distance restrictions, specification of contact with a reasonable number of individuals upon the person's request who are verified by the department of corrections to be appropriate social contacts, prohibition of contact with potential or past victims, prohibition of alcohol and other drug use, participation in a specific course of inpatient or outpatient treatment that may include monitoring by the use of polygraph and plethysmograph, monitoring through the use of global positioning ((~~satellite [global positioning system]~~)) system technology, supervision by a department of corrections community corrections officer, a requirement that the person remain within the state unless the person receives prior authorization by the court, and any other conditions that the court determines are in the best interest of the person or others. A copy of the conditions of release shall be given to the person and to any designated service providers.

(b) To the greatest extent possible, the person, person's counsel, prosecuting agency responsible for the initial commitment, treatment provider, supervising community corrections officer, and appropriate clinical staff of the special commitment center shall meet and collaborate to craft individualized, narrowly tailored, and empirically based conditions to present to the court to help facilitate the person's successful transition to the community.

(5)(a) Prior to authorizing release to a less restrictive alternative proposed by the department, the court shall consider whether ((~~it is appropriate to release the person to the person's county of commitment~~)) the person's less restrictive alternative placement is in accordance with fair share principles. To ensure equitable distribution of releases, and prevent the disproportionate grouping of persons subject to less restrictive orders in any one county, or in any one jurisdiction or community within a county, the legislature finds it is appropriate for releases to a less restrictive alternative to occur in ((~~the person's county of commitment, unless~~)) a manner that adheres to fair share principles. The legislature recognizes that there may be reasons why the department may not recommend that a person be released to his or her county of commitment, including availability of individualized resources, the person's support needs, or when the court determines that the person's return to his or her county of commitment would be inappropriate considering any court-issued protection orders, victim safety concerns that cannot be addressed through use of global positioning system technology, the ((~~availability~~)) unavailability of appropriate treatment or facilities that would adequately protect the community, negative influences on the person, ((~~or~~)) and the location of family or other persons or organizations offering support to the person. If the court

authorizes conditional release based on the department's proposal to a county other than the county of commitment, the court shall enter specific findings regarding its decision and identify whether the release remains in line with fair share principles.

(b)(i) When the department ((~~or court assists in developing a~~)) develops a less restrictive alternative placement under this section ((~~which is outside of the county of commitment, and there are two or more options for placement, it shall endeavor to develop the placement in a manner that does not have a disproportionate effect on a single county~~)), it shall attempt to identify a placement satisfying the requirements of RCW 71.09.092 that is aligned with fair share principles. The department shall document its rationale for the recommended placement.

(ii) If the department does not support or recommend conditional release to a less restrictive alternative due to a clinical determination, the department shall document its objection and certify that the department is developing the less restrictive alternative pursuant to a court order and not because of a clinical determination.

(iii) When the department develops or proposes a less restrictive alternative placement under this chapter, it shall be considered a predisposition recommendation.

(iv) In developing, modifying, and enforcing less restrictive alternatives, the department shall be deemed to be performing a quasi-judicial function.

((~~(b)~~)) (c) If the committed person is not conditionally released to his or her county of commitment, the department shall provide the law and justice council of the county in which the person is conditionally released with notice and a written explanation, including whether the department remains in compliance with fair share principles regarding releases under this chapter.

((~~(c)~~)) (d) For purposes of this section, the person's county of commitment means the county of the court which ordered the person's commitment.

((~~(d)~~)) (e) This subsection (5) does not apply to releases to a secure community transition facility under RCW 71.09.250.

(6)(a) When ordered by the court, the department must provide less restrictive alternative treatment that includes, at a minimum:

(i) The services identified in the person's discharge plan as outlined in RCW 71.09.080(4);

(ii) The assignment of a community care coordinator;

(iii) Regular contacts with providers of court-ordered treatment services;

(iv) Community escorts, if needed;

(v) A transition plan that addresses the person's access to continued services upon unconditional discharge;

(vi) Financial support for necessary housing;

(vii) Life skills training and disability accommodations, if needed; and

(viii) Assistance in pursuing benefits, education, and employment.

(b) At the time the department of corrections is ordered to investigate a proposed less restrictive alternative placement, subject to the availability of amounts appropriated for this specific purpose, the department shall assign a social worker to assist the person with discharge planning, pursuing benefits, and coordination of care prior to release.

(i) The social worker shall assist the person with completing applications for benefits prior to the person's release from total confinement.

(ii) To promote continuity of care and the individual's success in the community, the department social worker shall be responsible for initiating a clinical transition of care between the last treating clinician at the special commitment center and the person's designated community treatment provider. This transition between one clinical setting to another shall occur no later than 15 days before an individual's release from the special commitment center.

(iii) If applicable, the social worker shall assist the person with locating any needed disability accommodations in the community and with obtaining resources to help address the person's identified life skills needs prior to release from total confinement.

(7) Any service provider designated to provide inpatient or outpatient treatment shall monthly, or as otherwise directed by the court, submit to the court, to the department of social and health services facility from which the person was released, to the prosecuting agency, and to the supervising community corrections officer, a report stating whether the person is complying with the terms and conditions of the conditional release to a less restrictive alternative.

((~~(7)~~)) (8) Each person released to a less restrictive alternative shall have his or her case reviewed by the court that released him or her no later than one year after such release and annually thereafter until the person is unconditionally discharged. Review may occur in a shorter time or more frequently, if the court, in its discretion on its own motion, or on motion of the person, the secretary, or the prosecuting agency so determines. The ((~~sole question~~)) questions to be determined by the court ((~~is~~)) are whether the person shall continue to be conditionally released to a less restrictive alternative, and if so, whether a modification to the person's less restrictive alternative order is appropriate to ensure the conditional release remains in the best interest of the person and adequate to protect the community. The court in making its determination shall be aided by the periodic reports filed pursuant to subsection ((~~(6)~~)) (7) of this section and the opinions of the secretary and other experts or professional persons.

Sec. 7. RCW 71.09.130 and 1995 c 216 s 16 are each amended to read as follows:

(1) In the event of an escape by a person committed under this chapter from a state institution or the disappearance of such a person while on conditional release, the superintendent or community corrections officer shall notify the following as appropriate: Local law enforcement officers, other governmental agencies, the person's relatives, and any other appropriate persons about information necessary for the public safety or to assist in the apprehension of the person.

(2) If a person committed under this chapter disappears while on conditional release, the department of corrections may enter a warrant for the person's arrest for up to 72 hours pending entry of a bench warrant by the court.

(3) The department of corrections, its officers, agents, and employees are not liable for the acts of individuals on conditional release unless the department of corrections, its officers, agency, and employees acted with gross negligence.

(4) The department, its officers, agents, and employees are not liable for the acts of individuals on conditional release unless the department, its officers, agents, and employees acted with gross negligence.

Sec. 8. RCW 71.09.140 and 2012 c 257 s 12 are each amended to read as follows:

(1)(a) At the earliest possible date, and in no event later than ((~~thirty~~)) 30 days before conditional release, change of address for a person on conditional release, or unconditional discharge, except in the event of escape, the department of social and health services shall send written notice of conditional release, unconditional discharge, or escape, to the following:

((~~(a)~~)) (i) The chief of police of the city, if any, in which the person will reside or in which placement will be made under a less restrictive alternative;

((~~(b)~~)) (ii) The sheriff of the county in which the person will reside or in which placement will be made under a less restrictive alternative; and

((~~(c)~~)) (iii) The sheriff of the county where the person was last convicted of a sexually violent offense, if the department does not know where the person will reside.

The department shall notify the state patrol of the release of all sexually violent predators and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(b) A return to total confinement or to a secure community transition facility pending revocation or modification proceedings is not considered a change of address for purposes of (a) of this subsection, and an additional community notification process is not required, unless conditional release is revoked under RCW 71.09.098 or the return lasts longer than 90 days.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific person found to be a sexually violent predator under this chapter:

(a) The victim or victims of any sexually violent offenses for which the person was convicted in the past or the victim's next of kin if the crime was a homicide. "Next of kin" as used in this section means a person's spouse, parents, siblings, and children;

(b) Any witnesses who testified against the person in his or her commitment trial under RCW 71.09.060; and

(c) Any person specified in writing by the prosecuting agency.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting agency to receive the notice, and the notice are confidential and shall not be available to the committed person.

(3) If a person committed as a sexually violent predator under this chapter escapes from a department of social and health services facility, the department shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the committed person resided immediately before his or her commitment as a sexually violent predator, or immediately before his or her incarceration for his or her most recent offense. If previously requested, the department shall also notify the witnesses and the victims of the sexually violent offenses for which the person was convicted in the past or the victim's next of kin if the crime was a homicide. If the person is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(4) If the victim or victims of any sexually violent offenses for which the person was convicted in the past or the victim's next of kin, or any witness is under the age of ((~~sixteen~~)) 16, the notice required by this section shall be sent to the parents or legal guardian of the child.

(5) The department of social and health services shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(6) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

Sec. 9. RCW 71.09.250 and 2003 c 216 s 3 are each amended to read as follows:

(1)(a) The secretary is authorized to site, construct, occupy, and operate (i) a secure community transition facility on McNeil Island for persons authorized to petition for a less restrictive alternative under RCW 71.09.090(1) and who are conditionally released; and (ii) a special commitment center on McNeil Island with up to four hundred four beds as a total confinement facility under this chapter, subject to appropriated funding for those purposes. The secure community transition facility shall be authorized for the number of beds needed to ensure compliance with the orders of the superior courts under this chapter and the federal district court for the western district of Washington. The total number of beds in the secure community transition facility shall be limited to ((~~twenty-four~~)) 24, consisting of up to ((~~fifteen~~)) 15 transitional beds and up to nine pretransitional beds. The residents occupying the transitional beds shall be the only residents eligible for transitional services occurring in Pierce county. In no event shall more than ((~~fifteen~~)) 15 residents of the secure community transition facility be participating in off-island transitional, educational, or employment activity at the same time in Pierce county. The department shall provide the Pierce county sheriff, or his or her designee, with a list of the ((~~fifteen~~)) 15 residents so designated, along with their photographs and physical descriptions, and the list shall be immediately updated whenever a residential change occurs. The Pierce county sheriff, or his or her designee, shall be provided an opportunity to confirm the residential status of each resident leaving McNeil Island.

(b) For purposes of this subsection, "transitional beds" means beds only for

residents who are judged by a qualified expert to be suitable to leave the island for treatment, education, and employment.

(2)(a) The secretary is authorized to site, either within the secure community transition facility established pursuant to subsection (1)(a)(i) of this section, or within the special commitment center, up to nine pretransitional beds.

(b) Residents assigned to pretransitional beds shall not be permitted to leave McNeil Island for education, employment, treatment, or community activities in Pierce county.

(c) For purposes of this subsection, "pretransitional beds" means beds for residents whose progress toward a less secure residential environment and transition into more complete community involvement is projected to take substantially longer than a typical resident of the special commitment center.

(3) Notwithstanding RCW 36.70A.103 or any other law, this statute preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and all other laws as necessary to enable the secretary to site, construct, occupy, and operate a secure community transition facility on McNeil Island and a total confinement facility on McNeil Island.

(4) To the greatest extent possible, until June 30, 2003, persons who were not civilly committed from the county in which the secure community transition facility established pursuant to subsection (1) of this section is located may not be conditionally released to a setting in that same county less restrictive than that facility.

(5) As of June 26, 2001, the state shall immediately cease any efforts in effect on such date to site secure community transition facilities, other than the facility authorized by subsection (1) of this section, and shall instead site such facilities in accordance with the provisions of this section.

(6) The department must:

(a) Identify the minimum and maximum number of secure community transition facility beds in addition to the facility established under subsection (1) of this section that may be necessary for the period of May 2004 through May 2007 and provide notice of these numbers to all counties by August 31, 2001; and

(b) Develop and publish policy guidelines for the siting and operation of secure community transition facilities.

(7)(a) The total number of secure community transition facility beds that may be required to be sited in a county between June 26, 2001, and June 30, 2008, may be no greater than the total number of persons civilly committed from that county, or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made on April 1, 2001. The total number of secure community transition facility beds required to be sited in each county between July 1, 2008, and June 30, 2015, may be no greater than the total number of persons civilly committed from that county or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made as of July 1, 2008.

(b) Counties and cities that provide secure community transition facility beds above the maximum number that they could be required to site under this subsection are eligible for a bonus grant under the incentive provisions in RCW 71.09.255. The county where the special commitment center is located shall receive this bonus grant for the number of beds in the facility established in subsection (1) of this section in excess of the maximum number established by this subsection.

(c) No secure community transition facilities in addition to the one established in subsection (1) of this section may be required to be sited in the county where the special commitment center is located until after June 30, 2008, provided however, that the county and its cities may elect to site additional secure community transition facilities and shall be eligible under the incentive provisions of RCW 71.09.255 for any additional facilities meeting the requirements of that section.

(8) After the department demonstrates the need for additional bed capacity to the appropriate committees of the legislature, and receives approval and funding from the appropriate committees of the legislature to build additional

bed capacity, the state is authorized to site and operate secure community transition facilities and other conditional release and transitional facilities in any county in the state in accordance with RCW 71.09.315. In identifying potential counties and sites within a county for the location of a secure community transition facility or other conditional release and transitional facilities, the department shall work with and assist local governments to provide for the equitable distribution of such facilities. In coordinating and deciding upon the siting of secure community transition facilities or other conditional release and transitional facilities within a county, great weight shall be given by the county and cities within the county to:

(a) The number and location of existing residential facility beds operated by the department of corrections or the mental health division of the department of social and health services in each jurisdiction in the county; and

(b) The number of registered sex offenders classified as level II or level III and the number of sex offenders registered as homeless residing in each jurisdiction in the county.

(9)(a) "Equitable distribution" means siting or locating secure community transition facilities and other conditional release and transitional facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one county, or in any one jurisdiction or community within a county, as relevant; and

(b) "Jurisdiction" means a city, town, or geographic area of a county in which distinct political or judicial authority may be exercised.

NEW SECTION. **Sec. 10.** A new section is added to chapter 71.09 RCW to read as follows:

To facilitate the primary role of the department in identifying less restrictive alternative placements under RCW 71.09.090 and discharge planning under RCW 71.09.080, subject to the availability of amounts appropriated for this specific purpose, the department shall conduct a study to explore the development of conditional release and transition facilities, which may include community-based state-operated living alternatives similar to the state-operated living alternative program operated by the developmental disabilities administration. Any facilities or placements developed under this section may be identified through a request for proposal process or through direct state acquisition and development. Any contracts with facilities or placements entered into under this section shall include a provision requiring oversight by the department to ensure the programs are operating appropriately.

NEW SECTION. **Sec. 11.** A new section is added to chapter 71.09 RCW to read as follows:

(1) In accordance with RCW 71.09.090 and 71.09.096, the department shall have the primary responsibility for developing a less restrictive alternative placement. To ensure the department has sufficient less restrictive alternative placements to choose from that satisfy the requirements of RCW 71.09.092, subject to the availability of amounts appropriated for this specific purpose, the department shall use a request for proposal process to solicit and contract with housing and treatment providers from across the state and facilitate fair share principles among the counties. In order to increase the number of housing options for individuals qualifying for a less restrictive alternative, the department shall have oversight of the vendors and providers who contract with the state, including the authority to inspect and ensure compliance, negotiate the rates charged for services, ensure adequate living conditions of housing locations, and terminate contracts. The department shall maintain a statewide accounting of the contracted community housing and treatment providers in each county and provide a biannual report to the legislature and governor by December 1st on the availability and adequacy of less restrictive alternative placements and the department's compliance with fair share principles.

(2) To facilitate its duties required under this section, the department shall use the following housing matrix and considerations as a guide to planning and developing less restrictive alternative placements. The following considerations may not be used as a reason to deny a less restrictive alternative placement.

(a) Considerations for evaluating a proposed vendor's application for less restrictive alternative housing services shall include applicable state and local zoning and building codes, general housing requirements, availability of public services, and other considerations identified in accordance with RCW 71.09.315. The department shall require the housing provider to provide proof that the facility is in compliance with all local zoning and building codes.

(i) General housing requirements include running water, electricity, bedroom and living space of adequate size, and no mold or infestations.

(ii) Availability of public services include availability of chaperones and whether the placement is within a reasonable distance to a grocery store, bank, public transportation options, and offices for public services and benefits.

(iii) Other considerations include whether the placement is consistent with fair share principles across the counties, whether the placement is within reasonable distance to other current or planned components of the less restrictive alternative, whether the placement is within reasonable distance to employment opportunities, and the reliability of global positioning system technology.

(b) Factors for evaluating less restrictive alternative options for a specific individual include sex offender treatment considerations, criminogenic needs and risk factors, protective factors, and the specific needs of the client.

(i) Sex offender treatment considerations include whether the housing is within a reasonable distance from the treatment provider, whether the treatment provider is a good therapeutic match with the client, and whether the treatment provider has relevant experience and background to treat the client if the client has special needs.

(ii) Criminogenic needs and risk factors include consideration of the person's specific needs and risk factors in evaluating less restrictive alternative options.

(iii) Protective factors include whether housing is within a reasonable distance of family, friends, potential hobbies, potential employment, and educational opportunities.

(iv) Consideration of the client's specific needs includes assessing the availability of personal care assistance and in-home care assistance, and whether housing is within a reasonable distance of mental health, medical treatment options, and substance use disorder treatment options.

NEW SECTION. **Sec. 12.** A new section is added to chapter 71.09 RCW to read as follows:

(1) The department shall enter into a memorandum of understanding with the department of licensing to allow residents in total confinement at the special commitment center to obtain a state identification card through a written identification verification letter completed by the special commitment center and delivered to the department of licensing.

(2) The process shall occur upon the person's initial detention at the special commitment center. The process shall reoccur when the person's state identification card expires.

NEW SECTION. **Sec. 13.** A new section is added to chapter 71.09 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, the sex offender policy board, and department of health shall convene a work group to develop recommendations to increase the availability and quality of sex offender treatment providers to meet the growing number of persons qualifying for conditional release to a less restrictive alternative. The work group shall gather data on best practices in other states and make recommendations whether sex offender treatment providers should be required to contract with the department; whether annual or biannual trainings by the department should be mandatory for prospective and existing sex offender treatment providers; whether the department should provide competitive wages for services or pay that is commensurate with the years of experience or education level of the treatment provider; and whether the department should provide other incentives such as a cost-of-living pay increase or compensating providers for the cost of mandated trainings associated with the sex offender treatment provider license under chapter 18.155 RCW. A report shall

be submitted to the legislature by December 1, 2021.

(2) This section expires June 30, 2022.

NEW SECTION. **Sec. 14.** A new section is added to chapter 71.09 RCW to read as follows:

(1) In accordance with RCW 9.94A.8673, the sex offender policy board shall meet quarterly during the 2021-2023 biennium to continue its review of sexually violent predators and less restrictive alternative policies and best practices, collaborate with stakeholders and the department, provide outreach to providers and stakeholders, and monitor implementation of this act. The board shall also explore and make recommendations whether to continue or remove the prohibition on a less restrictive alternative from including a placement in the community protection program pursuant to RCW 71A.12.230. The board shall provide semiannual updates to the appropriate committees of the legislature during the 2021-2023 biennium.

(2) This section expires June 30, 2023.

NEW SECTION. **Sec. 15.** A new section is added to chapter 9.94A RCW to read as follows:

(1) In accordance with section 14 of this act, the sex offender policy board shall meet quarterly during the 2021-2023 biennium to continue its review of sexually violent predators and less restrictive alternative policies and best practices, collaborate with stakeholders and the department, provide outreach to providers and stakeholders, and monitor implementation of this act. The board shall provide semiannual updates to the appropriate committees of the legislature during the 2021-2023 biennium.

(2) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Assistant Ranking Minority Member and Graham.

Referred to Committee on Appropriations.

March 25, 2021

ESB 5164 Prime Sponsor, Senator Darneille: Resentencing of individuals sentenced as a persistent offender due to a robbery in the second degree conviction. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representative Klippert, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Graham; Griffey and Young.

Referred to Committee on Rules for second reading.

March 26, 2021

ESSB 5172 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning the retroactivity of overtime claims in exceptional cases. (REVISED FOR ENGROSSED: Providing overtime standards for the agricultural workforce.) Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 25, 2021

SB 5177 Prime Sponsor, Senator Cleveland: Eliminating proof of nonmarriage as an element of a sex offense. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice

Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

Referred to Committee on Rules for second reading.

March 26, 2021

SSB 5210 Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Concerning updates to competency restoration order requirements. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

March 25, 2021

SB 5242 Prime Sponsor, Senator Liias: Supporting media literacy and digital citizenship. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member and McEntire.

Referred to Committee on Appropriations.

March 26, 2021

ESSB 5263 Prime Sponsor, Committee on Law & Justice: Concerning defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

March 25, 2021

2SSB 5293 Prime Sponsor, Committee on Ways & Means: Addressing mental health sentencing alternatives. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

Referred to Committee on Rules for second reading.

March 25, 2021

SB 5299 Prime Sponsor, Senator Wellman: Allowing the use of computer science credits for the purpose of graduation requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.230.300 and 2019 c 180 s 2 are each amended to read as follows:

(1) Beginning no later than the 2022-23 school year, each school district that operates a high school must, at a minimum, provide an opportunity to access an elective computer science course that is available to all high school students. School districts are encouraged to consider community-based or public-private partnerships in establishing and administering a course, but any course offered in accordance with this section must be aligned to the state learning standards for computer science or mathematics.

(2) In accordance with the requirements of this section, beginning in the 2019-20 school year, school districts may award academic credit for computer science to students based on student completion of a competency examination that is aligned with the state learning standards for computer science or mathematics and course equivalency requirements adopted by the office of the superintendent of public instruction to implement this section. Each school district board of directors

in districts that award credit under this subsection shall develop a written policy for awarding such credit that includes:

(a) A course equivalency approval procedure;

(b) Procedures for awarding competency-based credit for skills learned partially or wholly outside of a course; and

(c) An approval process for computer science courses taken before attending high school under RCW 28A.230.090 (4) and (5).

(3) Prior to the use of any competency examination under this section that may be used to award academic credit to students, the office of the superintendent of public instruction must review the examination to ensure its alignment with:

(a) The state learning standards for computer science or mathematics; and

(b) Course equivalency requirements adopted by the office of the superintendent of public instruction to implement this section.

(4)(a) For purposes of meeting graduation requirements under RCW 28A.230.090, a student may substitute a computer science course aligned to state computer science learning standards as an alternative to a third year mathematics or third year science course if:

(i) Prior to the substitution, the school counselor provides the student and the student's parent or guardian with written notification of the consequences of the substitution on postsecondary opportunities;

(ii) The student, the student's parent or guardian, and the student's school counselor or principal agree to the substitution; and

(iii) The substitution is aligned with the student's high school and beyond plan.

(b) A substitution permitted under this subsection (4) may only be used once per student.

Sec. 2. RCW 28A.230.090 and 2020 c 307 s 6 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except as provided in RCW 28A.230.122 and 28A.655.250 and except those equivalencies established by local high schools or school districts under RCW 28A.230.097. The purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) Except as provided otherwise in this subsection, the certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation. The requirement to earn a certificate of academic achievement to qualify for graduation from a public high school concludes with the graduating class of 2019. The obligation of qualifying students to earn a certificate of individual achievement as a prerequisite for graduation from a public high school concludes with the graduating class of 2021.

(c)(i) Each student must have a high school and beyond plan to guide the student's high school experience and inform course taking that is aligned with the student's goals for education or training and career after high school.

(ii)(A) A high school and beyond plan must be initiated for each student during the seventh or eighth grade. In preparation for initiating that plan, each student must first be administered a career interest and skills inventory.

(B) For students with an individualized education program, the high school and beyond plan must be developed in alignment with their individualized education program. The high school and beyond plan must be developed in a similar manner and with similar school personnel as for all other students.

(iii)(A) The high school and beyond plan must be updated to reflect high school assessment results in RCW

28A.655.070(3)(b) and to review transcripts, assess progress toward identified goals, and revised as necessary for changing interests, goals, and needs. The plan must identify available interventions and academic support, courses, or both, that are designed for students who are not on track to graduate, to enable them to fulfill high school graduation requirements. Each student's high school and beyond plan must be updated to inform junior year course taking.

(B) For students with an individualized education program, the high school and beyond plan must be updated in alignment with their school to postschool transition plan. The high school and beyond plan must be updated in a similar manner and with similar school personnel as for all other students.

(iv) School districts are encouraged to involve parents and guardians in the process of developing and updating the high school and beyond plan, and the plan must be provided to the students' parents or guardians in their native language if that language is one of the two most frequently spoken non-English languages of students in the district. Nothing in this subsection (1)(c)(iv) prevents districts from providing high school and beyond plans to parents and guardians in additional languages that are not required by this subsection.

(v) All high school and beyond plans must, at a minimum, include the following elements:

(A) Identification of career goals, aided by a skills and interest assessment;

(B) Identification of educational goals;

(C) Identification of dual credit programs and the opportunities they create for students, including eligibility for automatic enrollment in advanced classes under RCW 28A.320.195, career and technical education programs, running start programs, AP courses, international baccalaureate programs, and college in the high school programs;

(D) Information about the college bound scholarship program established in chapter 28B.118 RCW;

(E) A four-year plan for course taking that:

(I) Includes information about options for satisfying state and local graduation requirements;

(II) Satisfies state and local graduation requirements;

(III) Aligns with the student's secondary and postsecondary goals, which can include education, training, and career;

(IV) Identifies course sequences to inform academic acceleration, as described in RCW 28A.320.195 that include dual credit courses or programs and are aligned with the student's goals; and

(V) Includes information about the college bound scholarship program, the Washington college grant, and other scholarship opportunities;

(F) Evidence that the student has received the following information on federal and state financial aid programs that help pay for the costs of a postsecondary program:

(I) Information about the documentation necessary for completing the applications; application timeliness and submission deadlines; the importance of submitting applications early; information specific to students who are or have been in foster care; information specific to students who are, or are at risk of being, homeless; information specific to students whose family member or guardians will be required to provide financial and tax information necessary to complete applications; and

(II) Opportunities to participate in sessions that assist students and, when necessary, their family members or guardians, fill out financial aid applications; and

(G) By the end of the twelfth grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, and any community service and how the school district has recognized the community service pursuant to RCW 28A.320.193.

(d) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level. Effective with the graduating class of 2015, the state board of education may not establish a requirement for students to complete a culminating project for graduation. A district may

establish additional, local requirements for a high school and beyond plan to serve the needs and interests of its students and the purposes of this section.

(e)(i) The state board of education shall adopt rules to implement the career and college ready graduation requirement proposal adopted under board resolution on November 10, 2010, and revised on January 9, 2014, to take effect beginning with the graduating class of 2019 or as otherwise provided in this subsection (1)(e). The rules must include authorization for a school district to waive up to two credits for individual students based on a student's circumstances, provided that none of the waived credits are identified as mandatory core credits by the state board of education. School districts must adhere to written policies authorizing the waivers that must be adopted by each board of directors of a school district that grants diplomas. The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on the student's interests and high school and beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal, or as provided in RCW 28A.230.300(4).

(ii) School districts may apply to the state board of education for a waiver to implement the career and college ready graduation requirement proposal beginning with the graduating class of 2020 or 2021 instead of the graduating class of 2019. In the application, a school district must describe why the waiver is being requested, the specific impediments preventing timely implementation, and efforts that will be taken to achieve implementation with the graduating class proposed under the waiver. The state board of education shall grant a waiver under this subsection (1)(e) to an applying school district at the next subsequent meeting of the board after receiving an application.

(iii) A school district must update the high school and beyond plans for each student who has not earned a score of level 3 or level 4 on the middle school mathematics assessment identified in RCW 28A.655.070 by ninth grade, to ensure that the student takes a mathematics course in both ninth and tenth grades. This course may include career and technical education equivalencies in mathematics adopted pursuant to RCW 28A.230.097.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements.

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) Unless requested otherwise by the student and the student's family, a student who has completed high school

courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McEntire; Rude and Steele.

Referred to Committee on Rules for second reading.

March 26, 2021

SSB 5317 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Concerning pesticide registration and pesticide licensing fees. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 15.58.070 and 2008 c 285 s 15 are each amended to read as follows:

(1) All registrations issued by the department expire December 31st of the following year except that registrations issued by the department to a registrant who is applying to register an additional pesticide during the second year of the registrant's registration period shall expire December 31st of that year.

(2) An application for registration must be accompanied by a fee of ((~~three~~)) six hundred ((~~ninety~~)) fifty dollars for each pesticide, except that a registrant who is applying to register an additional pesticide during the year the registrant's registration expires shall pay a fee of ((~~one~~)) three hundred ((~~ninety-five~~)) twenty-five dollars for each additional pesticide.

(3) Fees must be deposited in the agricultural local fund to support the activities of the pesticide program within the department.

(4) Any registration approved by the director and in effect on the last day of the registration period, for which a renewal application has been made and the proper fee paid, continues in full force and effect until the director notifies the applicant that the registration has been renewed, or otherwise denied in accord with the provision of RCW 15.58.110.

(5) The department must complete and post on its website a timeline for processing completed pesticide registrations.

Sec. 2. RCW 15.58.180 and 2013 c 144 s 10 are each amended to read as follows:

(1) Except as provided in subsections (4) and (5) of this section, it is unlawful for any person to act in the capacity of a pesticide dealer or advertise as or assume to act as a pesticide dealer without first having obtained an annual license from the director. The license expires on the business license expiration date. A license is required for each location or outlet located within this state from which pesticides are distributed. A manufacturer, registrant, or distributor who has no pesticide dealer outlet licensed within this state and who distributes pesticides directly into this state must obtain a pesticide dealer license for his or her principal out-of-state location or outlet, but such a licensed out-of-state pesticide dealer is exempt from the pesticide dealer manager requirements.

(2) Application for a license must be accompanied by a fee of ((~~sixty-seven~~)) eighty-eight dollars and must be made through the business licensing system and must include the full name of the person applying for the license and the name of the individual within the state designated as the pesticide dealer manager. If the applicant is a partnership, association, corporation, or organized group of persons, the full name of each member of the firm or partnership or the names of the officers of the association or corporation must be given on the application. The application must state the principal business address of the applicant in the state and elsewhere, the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director.

(3) It is unlawful for any licensed dealer outlet to operate without a pesticide dealer manager who has a license of qualification.

(4) This section does not apply to (a) a licensed pesticide applicator who sells pesticides only as an integral part of the applicator's pesticide application service when pesticides are dispensed only through apparatuses used for pesticide application, or (b) any federal, state, county, or municipal agency that provides pesticides only for its own programs.

(5) A user of a pesticide may distribute a properly labeled pesticide to another user who is legally entitled to use that pesticide without obtaining a pesticide dealer's license if the exclusive purpose of distributing the pesticide is keeping it from becoming a hazardous waste as defined in chapter ((~~70.105~~)) 70A.300 RCW.

Sec. 3. RCW 15.58.200 and 2008 c 285 s 17 are each amended to read as follows:

The director shall require each pesticide dealer manager to demonstrate to the director knowledge of pesticide laws and rules; pesticide hazards; and the safe distribution, use and application, and disposal of pesticides by satisfactorily passing a written examination after which the director shall issue a license of qualification. Application for a license must be accompanied by a fee of ((~~thirty-three~~)) thirty-eight dollars. The pesticide dealer manager license expires annually on a date set by rule by the director.

Sec. 4. RCW 15.58.205 and 2008 c 285 s 18 are each amended to read as follows:

(1) No individual may perform services as a structural pest inspector or advertise that they perform services of a structural pest inspector without obtaining a structural pest inspector license from the director. The license expires annually on a date set by rule by the director. Application for a license must be on a form prescribed by the director and must be accompanied by a fee of ((~~sixty~~)) seventy-eight dollars.

(2) The following are exempt from the application fee requirement of this section when acting within the authorities of their existing licenses issued under this chapter or chapter 17.21 RCW: Licensed pest control consultants; licensed commercial pesticide applicators and operators; licensed private-commercial applicators; and licensed demonstration and research applicators.

(3) The following are exempt from the structural pest inspector licensing requirement: Individuals inspecting for damage caused by wood destroying organisms if the inspections are solely for the purpose of: (a) Repairing or making specific recommendations for the repair of the damage, or (b) assessing a monetary value for the structure inspected. Individuals performing wood destroying organism inspections that incorporate but are not limited to the activities described in (a) or (b) of this subsection are not exempt from the structural pest inspector licensing requirement.

(4) A structural pest inspector license is not valid for conducting a complete wood destroying organism inspection unless the inspector owns or is employed by a business with a structural pest inspection company license.

Sec. 5. RCW 15.58.210 and 2008 c 285 s 19 are each amended to read as follows:

(1) No individual may perform services as a pest control consultant without obtaining a license from the director. The license expires annually on a date set by rule by the director. Application for a license must be on a form prescribed by the director and must be

accompanied by a fee of ((~~sixty~~)) sixty-eight dollars.

(2) The following are exempt from the licensing requirements of this section when acting within the authorities of their existing licenses issued under chapter 17.21 RCW: Licensed commercial pesticide applicators and operators; licensed private-commercial applicators; and licensed demonstration and research applicators. The following are also exempt from the licensing requirements of this section: Employees of federal, state, county, or municipal agencies when acting in their official governmental capacities; and pesticide dealer managers and employees working under the direct supervision of the pesticide dealer manager and only at a licensed pesticide dealer's outlet.

Sec. 6. RCW 15.58.220 and 2008 c 285 s 20 are each amended to read as follows:

For the purpose of this section public pest control consultant means any individual who is employed by a governmental agency or unit to act as a pest control consultant. No person may act as a public pest control consultant without first obtaining a license from the director. The license expires annually on a date set by rule by the director. Application for a license must be on a form prescribed by the director and must be accompanied by a fee of ((~~thirty-three~~)) forty-three dollars. Federal and state employees whose principal responsibilities are in pesticide research, the jurisdictional health officer or a duly authorized representative, public pest control consultants licensed and working in the health vector field, and public operators licensed under RCW 17.21.220 shall be exempt from this licensing provision.

Sec. 7. RCW 15.58.411 and 1997 c 242 s 8 are each amended to read as follows:

((~~All~~)) (1) Except as otherwise provided for in this section, all license fees collected under this chapter shall be paid to the director for use exclusively in the enforcement of this chapter.

(2) In addition to any other fees the department may collect under this chapter, the department shall collect a fee of seven dollars for each license issued by the department under this chapter. The department shall transmit the seven dollar fee required by this subsection to Washington State University for the purpose of providing a pesticide safety education program to educate and train pesticide licensees and prospective licensees.

(3) The department shall engage with the regulated community on the status of license fees established in this chapter, including consideration of future increases, in coordination with a stakeholder work group.

(4) All moneys collected for civil penalties levied under this chapter shall be deposited in the state general fund.

Sec. 8. RCW 17.21.070 and 2008 c 285 s 21 are each amended to read as follows:

It is unlawful for any person to engage in the business of applying pesticides to the land of another without a commercial pesticide applicator license. Application for a commercial applicator license must be accompanied by a fee of two hundred ((~~fifteen~~)) forty-three dollars and in addition a fee of twenty-seven dollars for each apparatus, exclusive of one, used by the applicant in the application of pesticides.

Sec. 9. RCW 17.21.110 and 2008 c 285 s 22 are each amended to read as follows:

It is unlawful for any person to act as an employee of a commercial pesticide applicator and apply pesticides manually or as the operator directly in charge of any apparatus which is licensed or should be licensed under this chapter for the application of any pesticide, without having obtained a commercial pesticide operator license from the director. The commercial pesticide operator license is in addition to any other license or permit required by law for the operation or use of any such apparatus. Application for a commercial operator license must be accompanied by a fee of ((~~sixty-seven~~)) seventy-eight dollars. This section does not apply to any individual who is a licensed commercial pesticide applicator.

Sec. 10. RCW 17.21.122 and 2008 c 285 s 23 are each amended to read as follows:

It is unlawful for any person to act as a private-commercial pesticide applicator without having obtained a private-commercial pesticide applicator license from the director. Application for a private-commercial pesticide applicator license must be accompanied by a fee of ((~~thirty-three~~)) thirty-eight dollars.

Sec. 11. RCW 17.21.126 and 2008 c 285 s 24 are each amended to read as follows:

It is unlawful for any person to act as a private applicator, limited private applicator, or rancher private applicator without first complying with requirements determined by the director as necessary to prevent unreasonable adverse effects on the environment, including injury to the pesticide applicator or other persons, for each specific pesticide use.

(1) Certification standards to determine the individual's competency with respect to the use and handling of the pesticide or class of pesticides for which the private applicator, limited private applicator, or rancher private applicator is certified must be relative to hazards of the particular type of application, class of pesticides, or handling procedure. In determining these standards the director must take into consideration standards of the EPA and is authorized to adopt these standards by rule.

(2) Application for a private applicator ((~~or a limited private applicator~~)) license must be accompanied by a fee of ((~~thirty-three~~)) thirty-eight dollars. Application for a limited private applicator license must be accompanied by a fee of thirty-three dollars. Application for a rancher private applicator license must be accompanied by a fee of one hundred three dollars. Individuals with a valid certified applicator license, pest control consultant license, or dealer manager license who qualify in the appropriate statewide or agricultural license categories are exempt from the private applicator, limited private applicator, or rancher private applicator fee requirements. However, licensed public pesticide operators, otherwise exempted from the public pesticide operator license fee requirement, are not also exempted from the fee requirements under this subsection.

Sec. 12. RCW 17.21.129 and 2008 c 285 s 25 are each amended to read as follows:

Except as provided in RCW 17.21.203, it is unlawful for a person to use or supervise the use of any experimental use pesticide or any restricted use pesticide on small experimental plots for research purposes when no charge is made for the pesticide and its application without a demonstration and research applicator's license.

(1) Application for a demonstration and research license must be accompanied by a fee of ((~~thirty-three~~)) forty-three dollars.

(2) Persons licensed under this section are exempt from the requirements of RCW 17.21.160, 17.21.170, and 17.21.180.

Sec. 13. RCW 17.21.220 and 2008 c 285 s 26 are each amended to read as follows:

(1) All state agencies, municipal corporations, and public utilities or any other governmental agencies are subject to this chapter and its rules.

(2) It is unlawful for any employee of a state agency, municipal corporation, public utility, or any other government agency to use or to supervise the use of any restricted use pesticide, or any pesticide by means of an apparatus, without having obtained a public operator license from the director. Application for a public operator license must be accompanied by a fee of ((~~thirty-three~~)) forty-three dollars. The fee does not apply to public operators licensed and working in the health vector field. The public operator license is valid only when the operator is acting as an employee of a government agency.

(3) The jurisdictional health officer or his or her duly authorized representative is exempt from this licensing provision when applying pesticides that are not restricted use pesticides to control pests other than weeds.

(4) Agencies, municipal corporations, and public utilities are subject to legal recourse by any person damaged by such application of any pesticide, and action may be brought in the county where the damage or some part of the damage occurred.

Sec. 14. RCW 17.21.280 and 1997 c 242 s 18 are each amended to read as follows:

(1) Except as provided in subsections (2) and (4) of this section, all moneys collected under the provisions of this chapter shall be paid to the director and deposited in the agricultural local fund, RCW 43.23.230, for use exclusively in the enforcement of this chapter.

(2) In addition to any other fees the department may collect under this

chapter, the department shall collect a fee of seven dollars for each license issued by the department under this chapter. The department shall transmit the seven dollar fee required by this subsection to Washington State University for the purpose of providing a pesticide safety education program to educate and train pesticide licensees and prospective licensees.

(3) The department shall engage with the regulated community on the status of license fees established in this chapter, including consideration of future increases, in coordination with a stakeholder work group.

(4) All moneys collected for civil penalties levied under RCW 17.21.315 shall be deposited in the state general fund. All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW.

NEW SECTION. **Sec. 15.** By December 31, 2022, the department of agriculture shall report to the legislature, in accordance with RCW 43.01.036, on the status of the fee structure for pesticide licenses. At a minimum, the report must include an outlook for potential future fee needs and describe how the department of agriculture has engaged with the regulated community on the topic of pesticide license fees in coordination with a stakeholder work group."

Correct the title.

Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

March 26, 2021

SSB 5318 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Concerning fertilizer fees. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

March 26, 2021

ESSB 5355 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Establishing wage liens. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

March 25, 2021

ESB 5372 Prime Sponsor, Senator Stanford: Concerning a hemp processor registration process. (REVISED FOR ENGROSSED: Concerning hemp processor registration and a hemp extract certification.) Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Appropriations.

March 25, 2021

SSB 5381 Prime Sponsor, Committee on Transportation: Addressing fish passage project permit streamlining. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.55.181 and 2020 c 166 s 1 are each amended to read as follows:

(1)(a) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under this section and must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made or caused fish passage barriers, including:

(A) Culvert repair and replacement; and

(B) Fish passage barrier removal projects that comply with the forest practices rules, as the term "forest practices rules" is defined in RCW 76.09.020;

(ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water;

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks; or

(iv) Restoration of native kelp and eelgrass beds and restoring native oysters.

(b) The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety.

(c) A fish habitat enhancement project must be approved in one of the following ways in order to receive the permit review and approval process created in this section:

(i) By the department pursuant to chapter 77.95 or 77.100 RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) By conservation districts as conservation district-sponsored fish habitat enhancement or restoration projects;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration;

(vii) By federally recognized tribes as tribally sponsored fish habitat enhancement projects or restoration projects;

(viii) Through the department of transportation's environmental retrofit program as a stand-alone fish passage barrier correction project, or the fish passage barrier correction portion of a larger transportation project;

((~~(viii)~~)) (ix) Through a local, state, or federally approved fish barrier removal grant program designed to assist local governments in implementing stand-alone fish passage barrier corrections;

((~~(ix)~~)) (x) By a city or county for a stand-alone fish passage barrier correction project funded by the city or county;

((~~(x)~~)) (xi) Through the approval process established for forest practices hydraulic projects in chapter 76.09 RCW; or

((~~(xi)~~)) (xii) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3)(a) A permit is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. The department of transportation shall use the department's online permit application system or a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government. Applicants for a forest practices hydraulic project that are not otherwise required to submit a joint aquatic resource permit application must

submit a copy of their forest practices application to the appropriate local government on the same day that they submit the forest practices application to the department of natural resources.

(b) Local governments shall accept the application identified in this section as notice of the proposed project. A local government shall be provided with a ((~~fifteen-day~~)) 15-day comment period during which it may transmit comments regarding environmental impacts to the department or, for forest practices hydraulic projects, to the department of natural resources.

(c)(i) Except for forest practices hydraulic projects, the department shall, within 45 days, either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project ((~~within forty-five days~~)). The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. Permitting decisions over forest practices hydraulic approvals must be made consistent with chapter 76.09 RCW.

(ii) For department of transportation fish passage barrier correction projects, the department of fish and wildlife shall, within 30 days, either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project.

(d) If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(e) Any person aggrieved by the approval, denial, conditioning, or modification of a permit other than a forest practices hydraulic project under this section may appeal the decision as provided in RCW 77.55.021(8). Appeals of a forest practices hydraulic project may be made as provided in chapter 76.09 RCW.

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section, except that, pursuant to chapter 86.16 RCW, a local government may impose such requirements, or charge such fees, or both, only as may be necessary in order for the local government to administer the national flood insurance program regulation requirements.

(5) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from a fish enhancement project permitted by the department or the department of natural resources under the criteria of this section except upon proof of gross negligence or willful or wanton misconduct.

Sec. 2. RCW 90.58.147 and 2019 c 150 s 2 are each amended to read as follows:

(1) A public or private project that is designed to improve fish or wildlife habitat or fish passage shall be exempt from the substantial development permit requirements of this chapter when all of the following apply:

(a) The project has been approved by the department of fish and wildlife or, for forest practices hydraulic projects within the scope of RCW 77.55.181, the department of natural resources if the local government notification provisions of RCW 77.55.181 are satisfied;

(b) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 77.55 RCW or approval of a forest practices hydraulic project within the scope of RCW 77.55.181 from the department of natural resources if the local government notification provisions of RCW 77.55.181 are satisfied; and

(c) The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

(2) Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs.

(3) Public projects for the primary purpose of fish passage improvement or fish passage barrier removal are exempt

from the substantial development permit requirements of this chapter.

Sec. 3. RCW 47.85.020 and 2015 3rd sp.s. c 17 s 3 are each amended to read as follows:

The department must streamline the permitting process by developing and maintaining positive relationships with the regulatory agencies and the Indian tribes. The department can reduce the time it takes to obtain permits by incorporating impact avoidance and minimization measures into project design and by developing complete permit applications. To streamline the permitting process, the department must:

(1) Implement a multiagency permit program, commensurate with program funding levels, consisting of appropriate regulatory agency staff with oversight and management from the department.

(a) The multiagency permit program must provide early project coordination, expedited project review, project status updates, technical and regulatory guidance, and construction support to ensure compliance.

(b) The multiagency permit program staff must assist department project teams with developing complete biological assessments and permit applications, provide suggestions for how the project can avoid and minimize impacts, and provide input regarding mitigation for unavoidable impacts;

(2) Establish, implement, and maintain programmatic agreements and permits with federal and state agencies to expedite the process of ensuring compliance with the endangered species act, section 106 of the national historic preservation act, hydraulic project approvals, the clean water act, and other federal acts as appropriate;

(3) Collaborate with permitting staff from the United States army corps of engineers, Seattle district, department of ecology, and department of fish and wildlife to develop, implement, and maintain complete permit application guidance. The guidance must identify the information that is required for agencies to consider a permit application complete; ((~~and~~))

(4) Perform internal quality assurance and quality control to ensure that permit applications are complete before submitting them to the regulatory agencies; and

(5) Implement a multiagency effort, in coordination with the department of ecology and the department of fish and wildlife, and work with the relevant federal environmental permitting agencies to streamline the acquisition of commonly needed environmental permits and approvals for department of transportation fish passage barrier correction projects. Expected results include developing programmatic permit options that simplify the application process, reduce paperwork, and reduce the amount of time and cost it takes to acquire these permits and approvals."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

March 26, 2021

2SSB 5383 Prime Sponsor, Committee on Ways & Means: Authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the COVID-19 pandemic has made it clear that equitable access to education can only happen with equitable access to reliable broadband. Increasing broadband access to unserved areas of the state is of vital importance to increasing quality of life, broadening educational opportunities, and promoting economic inclusion in the parts of our state that, without broadband access, cannot fully participate in modern society. The legislature further finds that one of the most effective tools to ensure all Washingtonians have an opportunity to equitably access education, the job market, and health care resources is to allow our public utility districts and port districts to

provide retail telecommunications services.

Sec. 2. RCW 54.16.330 and 2019 c 365 s 9 are each amended to read as follows:

(1)(a) A public utility district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(i) For the district's internal telecommunications needs; and

(ii) For the provision of wholesale telecommunications services ((~~within~~)) as follows:

(A) Within the district and by contract with another public utility district;

(B) Within an area in an adjoining county that is already provided electrical services by the district; or

(C) Within an adjoining county that does not have a public utility district providing electrical or telecommunications services headquartered within the county's boundaries, but only if the district providing telecommunications services is not authorized to provide electrical services.

(b) Except as provided in subsections (8) and (10) of this section, nothing in this section shall be construed to authorize public utility districts to provide telecommunications services to end users.

(2) A public utility district providing wholesale or retail telecommunications services shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a public utility district offering rates, terms, and conditions to an entity for wholesale or retail telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) A public utility district providing wholesale or retail telecommunications services shall not be required to, but may, establish a separate utility system or function for such purpose. In either case, a public utility district providing wholesale or retail telecommunications services shall separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title. Any revenues received from the provision of wholesale or retail telecommunications services must be dedicated to costs incurred to build and maintain any telecommunications facilities constructed, installed, or acquired to provide such services, including payments on debt issued to finance such services, until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance such telecommunications facilities are discharged or retired.

(4) When a public utility district provides wholesale or retail telecommunications services, all telecommunications services rendered to the district for the district's internal telecommunications needs shall be allocated or charged at its true and full value. A public utility district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale or retail telecommunications services.

(5) If a person or entity receiving retail telecommunications services from a public utility district under this section has a complaint regarding the reasonableness of the rates, terms, conditions, or services provided, the person or entity may file a complaint with the district commission.

(6) A public utility district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(7) Except as otherwise specifically provided, a public utility district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a public utility district under this title.

(8)(a) If an internet service provider operating on telecommunications facilities of a public utility district that provides wholesale telecommunications services but does not provide retail telecommunications services, ceases to provide access to the internet to its end-use customers, and no other retail service providers are willing to provide service, the public utility district may provide retail telecommunications services to the end-use customers of the defunct internet service provider in order for end-use customers to maintain access to the internet until a replacement internet service provider is, or providers are, in operation.

(b) Within thirty days of an internet service provider ceasing to provide access to the internet, the public utility district must initiate a process to find a replacement internet service provider or providers to resume providing access to the internet using telecommunications facilities of a public utility district.

(c) For a maximum period of five months, following initiation of the process begun in (b) of this section, or, if earlier than five months, until a replacement internet service provider is, or providers are, in operation, the district commission may establish a rate for providing access to the internet and charge customers to cover expenses necessary to provide access to the internet.

(9) The tax treatment of the retail telecommunications services provided by a public utility district to the end-use customers during the period specified in subsection (8) of this section must be the same as if those retail telecommunications services were provided by the defunct internet service provider.

(10)(a) A public utility district may provide retail telecommunications services to end users in unserved areas.

(b) A public utility district must notify and consult with the governor's statewide broadband office within 30 days of its decision to provide retail telecommunications services to unserved areas. The governor's statewide broadband office must post notices received from a public utility district pursuant to this subsection on its public website.

(c) Any public utility district that intends to provide retail telecommunications services to unserved areas must submit a telecommunications infrastructure and service plan to the governor's statewide broadband office that will be published on the office's website. Submission of plans will enable the governor's statewide broadband office: (i) To better understand infrastructure deployment; (ii) to potentially allocate funding for unserved areas; (iii) to advance the state policy objectives; (iv) to determine whether the plan aligns with state policy objectives and broadband priorities; and (v) to measure progress toward serving those in unserved areas. The telecommunications infrastructure and service plans shall include, but not be limited to, the following:

(A) Map and description of how the deployment of proposed broadband infrastructure will achieve at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed and then increases to be consistent with the stated long-term state broadband speed goals for unserved areas;

(B) Project timeline prioritization of unserved areas; and

(C) Description of potential state and federal funding available to provide service to the unserved area.

(d)(i) Except as provided in (d)(ii) of this subsection (10), a retail telecommunications project developed by a district to serve unserved areas may not provide retail telecommunications services in an area where an existing provider meets or exceeds at a minimum 100 megabits per second download speed and 20 megabits per second upload speed and then increases to be consistent with the stated long-term state broadband speed goals for unserved areas.

(ii) When building in served areas to reach the unserved area, the district may provide retail telecommunications services to residential locations. These additional locations may not include businesses and anchor institutions which include, but are not limited to, libraries, educational institutions, public safety facilities, and health care facilities.

(e) A public utility district providing retail telecommunications

services under this subsection must operate an open access network.

(f) This section does not apply to retail internet services provided by a public utility district under RCW 54.16.420.

(g) Provisions in this subsection do not apply to the provision of wholesale telecommunications services authorized in this section.

(h) For the purposes of this subsection:

(i) "Broadband service" has the same meaning as defined in RCW 43.330.530.

(ii) "Open access network" means a network that, during the useful life of the infrastructure, ensures service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employs accountable interconnection arrangements published and available publicly.

(iii) "Unserved areas" means areas of Washington in which households and businesses lack access to broadband service of speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload.

Sec. 3. RCW 53.08.370 and 2019 c 365 s 10 are each amended to read as follows:

(1) A port district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's own use; and

(b) For the provision of wholesale telecommunications services within or without the district's limits. ((~~Nothing~~)) Except as provided in subsection (10) of this section, nothing in this subsection shall be construed to authorize port districts to provide telecommunications services to end users.

(2) Except as provided in subsection (9) of this section, a port district providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a port district establishes a separate utility function for the provision of wholesale telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a port district establishes a separate utility function for the provision of wholesale telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A port district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws

of 2000 limits any existing authority of a port district under this title.

(7) A port district that has not exercised the authorities provided in this section prior to June 7, 2018, must develop a business case plan before exercising the authorities provided in this section. The port district must procure an independent qualified consultant to review the business case plan, including the use of public funds in the provision of wholesale telecommunications services. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the port commission in an open meeting.

(8) A port district with telecommunications facilities for use in the provision of wholesale telecommunications in accordance with subsection (1)(b) of this section may be subject to local leasehold excise taxes under RCW 82.29A.040.

(9)(a) A port district under this section may select a telecommunications company to operate all or a portion of the port district's telecommunications facilities.

(b) For the purposes of this section "telecommunications company" means any for-profit entity owned by investors that sells telecommunications services to end users.

(c) Nothing in this subsection (9) is intended to limit or otherwise restrict any other authority provided by law.

(10)(a) A port district may provide retail telecommunications services to end users in unserved areas.

(b) A port district must notify and consult with the governor's statewide broadband office within 30 days of its decision to provide retail telecommunications services to unserved areas. The governor's statewide broadband office must post notices received from a port district pursuant to this subsection on its public website.

(c) Any port district that intends to provide retail telecommunications services to unserved areas must submit a telecommunications infrastructure and service plan to the governor's statewide broadband office that will be published on the office's website. Submission of plans will enable the governor's statewide broadband office: (i) To better understand infrastructure deployment; (ii) to potentially allocate funding for unserved areas; (iii) to advance the state policy objectives; (iv) to determine whether the plan aligns with state policy objectives and broadband priorities; and (v) to measure progress toward serving those in unserved areas. The telecommunications infrastructure and service plans shall include, but not be limited to, the following:

(A) Map and description of how the deployment of proposed broadband infrastructure will achieve at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed and then increases to be consistent with the stated long-term state broadband speed goals for unserved areas;

(B) Project timeline prioritization of unserved areas; and

(C) Description of potential state and federal funding available to provide service to the unserved area.

(d)(i) Except as provided in (d)(ii) of this subsection (10), a retail telecommunications project developed by a port district to serve unserved areas may not provide retail telecommunications services in an area where an existing provider meets or exceeds at a minimum 100 megabits per second download speed and 20 megabits per second upload speed and then increases to be consistent with the stated long-term state broadband speed goals for unserved areas.

(ii) When building in served areas to reach the unserved area, the district may provide retail telecommunications services to residential locations. These additional locations may not include businesses and anchor institutions which include, but are not limited to, libraries, educational institutions, public safety facilities, and health care facilities.

(e) A port district providing retail telecommunications services under this subsection must operate an open access network.

(f) Provisions in this subsection do not apply to the provision of wholesale telecommunications services authorized in this section.

(g) For the purposes of this subsection:

(i) "Broadband service" has the same meaning as defined in RCW 43.330.530.

(ii) "Open access network" means a network that, during the useful life of the infrastructure, ensures service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employs accountable interconnection arrangements published and available publicly.

(iii) "Unserved areas" means areas of Washington in which households and businesses lack access to broadband service of speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload.

Sec. 4. RCW 43.330.538 and 2019 c 365 s 6 are each amended to read as follows:

(1)(a) Beginning January 1, 2021, and biennially thereafter, the office shall report to the legislative committees with jurisdiction over broadband policy and finance on the office's activities during the previous two years.

((~~(2)~~)) (b) The report must, at a minimum, contain:

((~~(a)~~)) (i) An analysis of the current availability and use of broadband, including average broadband speeds, within the state;

((~~(b)~~)) (ii) Information gathered from schools, libraries, hospitals, and public safety facilities across the state, determining the actual speed and capacity of broadband currently in use and the need, if any, for increases in speed and capacity to meet current or anticipated needs;

((~~(c)~~)) (iii) An overview of incumbent broadband infrastructure within the state;

((~~(d)~~)) (iv) A summary of the office's activities in coordinating broadband infrastructure development with the public works board, including a summary of funds awarded under RCW 43.155.160;

((~~(e)~~)) (v) Suggested policies, incentives, and legislation designed to accelerate the achievement of the goals under RCW 43.330.536; and

((~~(f)~~)) (vi) Any proposed legislative and policy initiatives.

(2)(a) By December 31, 2022, the office must submit a report to the governor and the appropriate committees of the legislature regarding the provision of retail telecommunications services to unserved areas by public utility districts and port districts as provided in RCW 54.16.330(10) and 53.08.370(10).

(b) The report must, at a minimum, contain:

(i) The number of public utility districts and port districts providing retail telecommunications services in an unserved area authorized in RCW 54.16.330(10) and 53.08.370(10); and

(ii) Any recommendations to improve the provision of retail telecommunications services in unserved areas.

NEW SECTION. **Sec. 5.** This act expires June 30, 2023.

NEW SECTION. **Sec. 6.** This act takes effect only if Engrossed Substitute House Bill No. 1336 is enacted by July 25, 2021."

Correct the title.

Signed by Representatives Ryu, Chair; Paul, Vice Chair; Frame; Johnson, J.; Lovick; Rule and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Corry; Jacobsen and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Appropriations.

March 25, 2021

SB 5431 Prime Sponsor, Senator Randall: Creating the Rosa Franklin legislative internship program scholarship. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude;

Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

2nd SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 26, 2021

E2SSB 5036 Prime Sponsor, Committee on Ways & Means: Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.030 and 2020 c 296 s 2, 2020 c 252 s 4, and 2020 c 137 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(3)(b) and 9.96.060(6)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not

include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate

nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanant or gross misdemeanant probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender," ((~~and~~)) "defendant," and "individual" are used interchangeably, unless the context indicates otherwise.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, ((~~26.10,~~)) 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(56) "Work crew" means a program of partial confinement consisting of civic

improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(57) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(58) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 2. RCW 9.94A.501 and 2020 c 275 s 1 are each amended to read as follows:

(1) The department shall supervise the following ((~~offenders~~)) individuals who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) ((~~Offenders~~)) Individuals convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) ((~~Offenders~~)) Individuals who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) ((~~Misdemeanor~~)) Individuals convicted of misdemeanor and gross misdemeanor ((~~offenders~~)) offenses supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every individual convicted of a felony ((~~offender~~)) and sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the ((~~offender~~)) individual as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an ((~~offender~~)) individual sentenced to community custody regardless of risk classification if the ((~~offender~~)) individual:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an ((~~offender~~)) individual under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, or 9.94A.711;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any ((~~offender who is~~)) individual released by the indeterminate sentence review board ((~~and~~)) who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department shall supervise any individual granted conditional commutation pursuant to RCW 9.94A.885.

(7) The department is not authorized to, and may not, supervise any ((~~offender~~)) individual sentenced to a term of community custody or any probationer unless the ((~~offender~~)) individual or probationer is one for whom supervision is required under this section ((~~or RCW 9.94A.5011~~)).

((~~(7)~~)) (8) The department shall conduct a risk assessment for every individual convicted of a felony ((~~offender~~)) and sentenced to a term of community custody who may be subject to supervision under this section ((~~or RCW 9.94A.5011~~)).

((~~(8)~~)) (9) The period of time the department is authorized to supervise an ((~~offender~~)) individual under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (8), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

((~~(9)~~)) (10) The period of time the department is authorized to supervise an ((~~offender~~)) individual under this section may be reduced by the earned award of supervision compliance credit pursuant to RCW 9.94A.717.

Sec. 3. RCW 9.94A.565 and 1994 c 1 s 5 are each amended to read as follows:

(1) Nothing in this chapter ((~~1, Laws of 1994~~)) or chapter 10.95 RCW shall ever be interpreted or construed as to reduce or eliminate the power of the governor to grant a pardon or clemency to any ((~~offender~~)) individual on an individual case-by-case basis. However, the people recommend that ((~~any offender~~)):

(a) Any individual subject to total confinement for life without the possibility of parole not be considered for release until the ((~~offender~~)) individual has ((~~reached the age of at least sixty years old and has~~)) been judged to ((~~be~~)) no longer be a threat to society((~~. The people further recommend that sex offenders~~)) and has served at least 20 years in total confinement or 25 years in total confinement if the individual was sentenced pursuant to chapter 10.95 RCW;

(b) Individuals who have been convicted of a sex offense be held to the utmost scrutiny under this subsection regardless of age; and

(c) Release take the form of a conditional commutation that includes a period of law-abiding behavior in the community.

(2) Nothing in this section shall ever be interpreted or construed to grant any release for the purpose of reducing prison overcrowding. Furthermore, the governor shall provide twice yearly reports on the activities and progress of ((~~offenders~~)) individuals subject to total confinement for life without the possibility of parole who are released through executive action during his or her tenure. These reports shall continue for not less than ((~~ten~~)) 10 years after the release of the ((~~offender~~)) individual or upon the death of the released ((~~offender~~)) individual.

Sec. 4. RCW 9.94A.633 and 2012 1st sp.s. c 6 s 2 are each amended to read as follows:

(1)(a) An ((~~offender~~)) individual who violates any condition or requirement of a sentence may be sanctioned by the court with up to ((~~sixty~~)) 60 days' confinement for each violation or by the department with up to ((~~thirty~~)) 30 days' confinement as provided in RCW 9.94A.737.

(b) In lieu of confinement, an ((~~offender~~)) individual may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other community-based sanctions.

(2) If an ((~~offender~~)) individual was under community custody pursuant to one of the following statutes, the ((~~offender~~)) individual may be sanctioned as follows:

(a) If the ((~~offender~~)) individual was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the ((~~offender~~)) individual may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the ((~~offender~~)) individual was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the ((~~offender~~)) individual may be sanctioned in accordance with that section.

(c) If the ((~~offender~~)) individual was sentenced under the parenting sentencing alternative set out in RCW 9.94A.655, the ((~~offender~~)) individual may be sanctioned in accordance with that section.

(d) If the ((~~offender~~)) individual was sentenced under the special sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the ((~~offender~~)) individual committed to serve the original sentence of confinement.

(e) If the ((~~offender~~)) individual was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the ((~~offender~~)) individual may be reclassified to serve the unexpired term of his or her sentence in total confinement.

(f) If ((~~a~~)) an individual convicted of a sex ((~~offender~~)) offense was sentenced pursuant to RCW 9.94A.507, the ((~~offender~~)) individual may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(g) If the individual was granted conditional commutation pursuant to RCW 9.94A.885, the individual may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an ((~~offender~~)) individual who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) The parole or probation of an ((~~offender~~)) individual who is charged with a new felony offense may be suspended and the ((~~offender~~)) individual placed in total confinement pending disposition of the new criminal charges if:

(a) The ((~~offender~~)) individual is on parole pursuant to RCW 9.95.110(1); or

(b) The ((~~offender~~)) individual is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.

Sec. 5. RCW 9.94A.728 and 2018 c 166 s 2 are each amended to read as follows:

(1) No ((~~person~~)) individual serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(a) An ((~~offender~~)) individual may earn early release time as authorized by RCW 9.94A.729;

(b) An ((~~offender~~)) individual may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, ((~~offenders~~)) individuals may leave a correctional facility when in the custody of a corrections officer or officers;

(c)(i) The secretary may authorize an extraordinary medical placement for an ((~~offender~~)) individual when all of the following conditions exist:

(A) The ((~~offender~~)) individual has a medical condition that is chronic or serious and is expected to require costly care or treatment;

(B) The ((~~offender poses a~~)) individual has been assessed as low risk to the community ((~~because he or she is~~

~~currently physically incapacitated due to age or the medical condition or is expected to be so~~)) at the time of release; and

(C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(ii) An ((~~offender~~)) individual sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(iii) The secretary shall require electronic monitoring for all ((~~offenders~~)) individuals in extraordinary medical placement unless the electronic monitoring equipment is detrimental to the individual's health, interferes with the function of the ((~~offender's~~)) individual's medical equipment, or results in the loss of funding for the ((~~offender's~~)) individual's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed. The requirement for electronic monitoring shall be waived if the medical condition as certified by the individual's treating physician prevents the individual from being independently mobile.

(iv) The secretary may revoke an extraordinary medical placement under this subsection (1)(c) at any time.

(v) Persistent offenders are not eligible for extraordinary medical placement;

(d) The governor, upon recommendation from the clemency and pardons board, may grant ((~~an extraordinary~~)):

(i) Extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances; or

(ii) Conditional commutation pursuant to section 8 of this act;

(e) No more than the final ((~~twelve~~)) 12 months of the ((~~offender's~~)) individual's term of confinement may be served in partial confinement for aiding the ((~~offender~~)) individual with: Finding work as part of the work release program under chapter 72.65 RCW; or reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(f) No more than the final six months of the ((~~offender's~~)) individual's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department under RCW 9.94A.733;

(g) The governor may pardon any ((~~offender~~)) individual;

(h) The department may release an ((~~offender~~)) individual from confinement any time within ((~~ten~~)) 10 days before a release date calculated under this section;

(i) An ((~~offender~~)) individual may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870;

(j) Notwithstanding any other provisions of this section, an ((~~offender~~)) individual sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540; and

(k) Any ((~~person~~)) individual convicted of one or more crimes committed prior to the person's ((~~eighteenth~~)) 18th birthday may be released from confinement pursuant to RCW 9.94A.730.

(2) ((~~Offenders~~)) Individuals residing in a juvenile correctional facility placement pursuant to RCW 72.01.410(1)(a) are not subject to the limitations in this section.

Sec. 6. RCW 9.94A.880 and 2011 c 336 s 335 are each amended to read as follows:

(1) The clemency and pardons board is established as a board within the office of the governor. The board consists of ((~~five~~)) 10 members appointed by the governor, subject to confirmation by the senate.

(2) Board membership must consist of the following:

(a) A representative of a statewide or local organization representing communities of color or race equity;

(b) A representative of an agency representing crime victims;

(c) A representative of an association, community organization, or advocacy group with experience or interest in the formerly incarcerated with successful community reentry;

(d) A representative of a faith-based organization with interest and experience in successful community reentry;

(e) A representative of a statewide organization representing criminal defense lawyers;

(f) A law enforcement professional;

(g) A representative of a statewide organization representing prosecuting attorneys;

(h) A person with experience and interest in tribal affairs;

(i) A behavioral health professional; and

(j) A retired superior court judge.

(3) Board members must understand the principles of racial equity and restorative justice. Board members must also be knowledgeable about the impact of crime upon victims and communities.

(4) Members of the board shall serve terms of ((~~four~~)) five years ((~~and~~)), but may serve more than one term until their successors are appointed and confirmed. ((~~However, the~~)) The governor shall stagger the initial terms ((~~by appointing one of the initial members for a term of one year, one for a term of two years, one for a term of three years, and two for terms of four years~~)) so that no more than three members are up for appointment in any given year.

((~~(3)~~)) (5) The board shall elect a chair from among its members and shall adopt bylaws governing the operation of the board.

((~~(4)~~)) (6) Members of the board shall ((~~receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended~~)) each severally receive salaries fixed by the governor in accordance with the provisions of RCW 43.03.040, unless waived by the member. All members shall receive travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

(7) The board shall be funded adequate personnel to implement and maintain functional operations such as support, records, victim liaisons, and information technology.

((~~(5)~~)) (8) The attorney general shall provide ((~~a staff as needed for the operation of~~)) legal counsel to the board.

Sec. 7. RCW 9.94A.885 and 2009 c 325 s 6 and 2009 c 138 s 4 are each reenacted and amended to read as follows:

(1) The clemency and pardons board shall receive petitions from individuals, organizations, and the department and make recommendations to the governor for ((~~review and commutation~~)):

(a) Commutation of sentences and pardoning of ((~~offenders~~)) individuals in extraordinary cases((~~,~~)); and ((~~shall make recommendations thereon to the governor~~))

(b) Conditional commutation of sentences pursuant to section 8 of this act.

(2) The board shall receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies. The board may issue certificates of restoration limited to engaging in political office. Any certifications granted by the board must be filed with the secretary of state to be effective. In all other cases, the board shall make recommendations to the governor.

(3) The board shall not recommend that the governor grant clemency or conditional commutation under subsection (1) of this section until a public hearing has been held on the petition. The board shall consider statements of victims and survivors of victims presented as set forth in RCW 7.69.032, as well as any statements from the law enforcement agency or agencies that conducted the investigation.

(4)(a) The prosecuting attorney of the county where the conviction was obtained shall be notified at least ((~~thirty~~)) 90

days prior to the scheduled hearing that a petition has been filed and the date and place at which the hearing on the petition will be held. The board may waive the ((~~thirty-day~~)) 90-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the petition shall be sent to the prosecuting attorney. ((~~The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing.~~))

(b) To facilitate victim and survivor of victim involvement, county prosecutor's offices shall make reasonable efforts to ensure that any victim impact statements and known contact information for victims of record and survivors of victims are forwarded as part of the judgment and sentence. In the event that no known victim or survivor of the victim is known or identified for the panel, the county prosecutor's office shall be given reasonable time to certify to the panel that it has exhausted all reasonable efforts in locating and providing contact information to the panel. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the ((~~offender~~)) individual seeking clemency or commutation. ((~~The board shall consider statements presented as set forth in RCW 7.69.032.~~))

(c) This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

(5)(a) The board may recommend conditions of commutation for any individual released pursuant to this section, including a term of community custody up to the length of the court-imposed term of incarceration, partial confinement up to six months, restrictions on travel, no contact with certain persons or classes of persons, restrictions on the type of employment and any other restrictions that the board determines to be reasonable and appropriate, or any other condition which provides for community protection from the released individual.

(b) The department shall monitor the released individual's compliance with conditions of community custody imposed by the court or recommended by the board. Any violation of conditions of community custody is subject to the provisions of this chapter.

(6) Once granted, the governor may not revoke an order granting conditional commutation.

(7) Members of the board are not civilly liable for decisions made while performing their duties.

NEW SECTION. **Sec. 8.** A new section is added to chapter 9.94A RCW to read as follows:

(1) Notwithstanding any other provision of this chapter, an individual may petition the board for conditional commutation if the individual:

(a) Is not subject to the jurisdiction of the indeterminate sentence review board pursuant to RCW 9.94A.730 or 9.94A.507, or the individual's offense was committed prior to July 1, 1984;

(b) Has served at least 20 consecutive years of total confinement except:

(i) An individual who was sentenced as a persistent offender that included a conviction for robbery in the second degree as their third conviction towards being designated as a persistent offender may petition after serving 15 consecutive years of total confinement; and

(ii) An individual sentenced pursuant to chapter 10.95 RCW may petition only after serving 25 consecutive years of total confinement;

(c) Consents to a review of all of his or her medical, mental

health, and department files by the board; and

(d) Does not have any current appeals pending or collateral attacks pending on the case for which the individual is seeking conditional commutation.

(2) No later than five years prior to the date the individual will be eligible to petition for release, the department shall:

(a) Notify the individual regarding his or her eligibility under this section; and

(b) Conduct an assessment of the individual and identify programming and

services that would be appropriate to prepare the individual for return to the community. To the extent possible, the department shall make programming available as identified by the assessment.

(3) If the individual has a prior known or diagnosed decreased cognitive function or developmental disability, or a decreased cognitive function or developmental disability is determined during the assessment process as outlined in subsection (2)(b) of this section, the department shall assist the individual with the process of applying for review by the board or refer to additional services for such assistance.

(4) No later than 180 days from the date that the individual submits his or her petition for conditional commutation to the board, the department shall conduct, and the individual shall participate in, an examination of the individual, incorporating methodologies that are evidence-based, normed on the specific gender of the individual, and recognized by experts in the prediction of dangerousness, and including a prediction of the probability that the individual will engage in future criminal behavior if released on conditions to be set by the board. The board may consider an individual's failure to participate in an evaluation under this subsection in determining whether to release the individual.

(5) The board shall recommend the individual be released under such affirmative and other conditions as the panel determines appropriate, unless the panel determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the individual will commit new criminal law violations if released.

(6) The board may take any of the following actions: Deny a petition without a hearing because the individual does not meet the initial criteria for filing a petition; or conduct a hearing in accordance with RCW 9.94A.885 to consider additional information, and then deny the petition or recommend conditional commutation to the governor.

(7) In making its decision, the board shall consider, if available, the following factors and information:

(a) Public safety;

(b) The individual's criminal history;

(c) The nature and circumstances of the offenses committed, including the current and past offenses;

(d) The individual's social and medical history;

(e) The individual's acceptance of responsibility, remorse, and atonement. If the individual submitted an Alford plea, the impact that may have on an individual's ability to provide evidence of remorse, atonement, and self-reflection in relation to the offense committed;

(f) Evidence of the individual's rehabilitation, including behavior while incarcerated, job history, education participation in available rehabilitative program and treatment, and infraction history;

(g) Statements of correctional staff, program supervisors, and volunteer facilitators regarding the individual;

(h) Input from the victims of the crime;

(i) Input from the police and prosecutors in the jurisdictions where the individual's crimes were committed;

(j) Input from persons in the community pledging their support of the individual, if released;

(k) The available resources in the community to help the individual transition to life outside of prison;

(l) A risk assessment and psychological evaluation provided by the department;

(m) The sentencing judge's analysis in imposing an exceptional sentence, if any; and

(n) Any other relevant factors.

(8) Further, the board shall consider a release plan presented by the individual showing where the individual will reside and how he or she will support himself or herself during the first year after his or her release. The department shall independently review the proposed release plan and make an independent evaluation to ensure the individual is not released to an area where the victim resides or that impacts community safety.

(9) If the board recommends commutation or denies the petition, it

shall specify the reasons for the decision.

(10) The conditions for conditional commutation may include: Partial confinement for up to six months, regular drug and/or alcohol testing, no violations of law, restrictions on travel, no contact with certain individuals or classes of individuals, restrictions on the type of employment and any other restrictions that the board determines to be reasonable and appropriate, or any other condition which provides for community protection from the released individual.

(11) An individual whose petition for conditional commutation is denied may file a new petition for conditional commutation three years from the date of denial or at an earlier date as may be set by the board.

(12) The individual does not have a right to appointed counsel. Both lawyers and nonlawyers may assist the individual in the preparation of his or her petition and at the hearing.

(13) All information contained in a petition or that is submitted to the board is subject to public disclosure.

(14) The board may adopt rules setting out criteria and procedures for the review of petitions under this section and RCW 9.94A.885 as appropriate.

(15) For purposes of this section, "board" means the clemency and pardons board.

NEW SECTION. **Sec. 9.** (1) Chapter 187, Laws of 2019 removed robbery in the second degree as a most serious offense in sentencing an individual as a persistent offender. At that time, the legislature declined to require resentencing of individuals serving a life sentence as the result of a conviction for robbery in the second degree. The legislature recognizes the need to balance considerations that may have gone into the original charging decision and the inequities that may have resulted from including robbery in the second degree as a third strike offense.

(2) In exercising its duties under RCW 9.94A.885 and section 8 of this act, the clemency and pardons board shall give priority consideration to individuals who petition for conditional commutation and who have a current or past conviction for robbery in the second degree that was used as a basis for a finding that the individual was a persistent offender.

(3) This section expires December 31, 2024."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey.

Referred to Committee on Appropriations.

March 26, 2021

ESSB 5044 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning professional learning, equity, cultural competency, and dismantling institutional racism in the public school system. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that state resources have been invested to: (a) Identify model standards for cultural competency; (b) incorporate these cultural competency standards into both the standards for effective teaching and the standards of practice for paraeducators; (c) develop cultural competency training programs for school district staff from paraeducators to administrators; and (d) develop a plan for the creation and delivery of cultural competency training for school board directors and superintendents.

(2) The legislature plans to continue the important work of dismantling institutional racism in public schools and recognizes the importance of increasing equity, diversity, inclusion, antiracism, and cultural competency training throughout the entire public school system by providing training programs for classified staff, certificated instructional staff, certificated administrative staff, superintendents, and school directors

that will be provided in an ongoing manner.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.415 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 7 of this act and RCW 28A.415.445 unless the context clearly requires otherwise.

(1) "Cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

(2) "Diversity" describes the presence of similarities and differences within a given setting, collective, or group based on multiple factors including race and ethnicity, gender identity, sexual orientation, disability status, age, educational status, religion, geography, primary language, culture, and other characteristics and experiences.

(3) "Equity" includes developing, strengthening, and supporting procedural and outcome fairness in systems, procedures, and resource distribution mechanisms to create equitable opportunities for all individuals. The term also includes eliminating barriers that prevent the full participation of individuals and groups.

(4) "Inclusion" describes intentional efforts and consistent sets of actions to create and sustain a sense of respect, belonging, safety, and attention to individual needs and backgrounds that ensure the full access to engagement and participation in available activities and opportunities.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association shall:

(a) Develop cultural competency, diversity, equity, and inclusion standards for school director governance;

(b) Collaborate with the Washington professional educator standards board to compare and align the standards for school director governance developed under (a) of this subsection with the standards of practice developed under section 4 of this act. The review must include the educational opportunity gap oversight and accountability committee and may include the office of equity established under RCW 43.06D.020; and

(c) Maintain the final cultural competency, diversity, equity, and inclusion standards for school director governance on its website at no cost to school districts.

(2) By November 1, 2030, and every 10 years thereafter, the Washington state school directors' association shall review the definitions in section 2 of this act and the cultural competency, diversity, equity, and inclusion standards for school director governance developed under subsection (1) of this section and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature with any recommendations for revising the definitions in section 2 of this act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) The Washington professional educator standards board shall:

(a) Develop or update cultural competency, diversity, equity, and inclusion standards of practice for preparation, continuing education, and other training of school district staff;

(b) Collaborate with the Washington state school directors' association to compare and align the standards of practice developed under (a) of this subsection with the standards of governance developed under section 3 of this act. The review must include the educational opportunity gap oversight and accountability committee and may include the office of equity established under RCW 43.06D.020; and

(c) Post on its public website the cultural competency, diversity, equity, and inclusion standards of practice for school district staff.

(2) By November 1, 2030, and every 10 years thereafter, the Washington professional educator standards board shall review the definitions in section 2 of this act and the cultural competency, diversity, equity, and inclusion standards of practice for

school district staff developed under subsection (1) of this section and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature any recommendations for revising the definitions in section 2 of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association shall identify or develop and periodically update governance training programs that align with the cultural competency, diversity, equity, and inclusion standards for school director governance developed under section 3 of this act. The governance training programs must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. Governance training programs may be developed in collaboration with other entities.

(2) Beginning with the 2022 calendar year, the Washington state school directors' association shall provide a governance training program identified or developed under subsection (1) of this section at the frequency necessary for school directors to meet the requirement in section 7 of this act.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) The Washington professional educator standards board shall identify, or develop and periodically update, training programs for school district staff and superintendents that align with the cultural competency, diversity, equity, and inclusion standards of practice developed under section 4 of this act. These training programs must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. Training programs may be developed in collaboration with other entities.

(2) In establishing policies and requirements for the preparation and certification of educators under RCW 28A.410.210, the Washington professional educator standards board shall require that the programs of courses, requirements, and other activities leading to educator certification align with the cultural competency, diversity, equity, and inclusion standards of practice developed under section 4 of this act.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.343 RCW to read as follows:

Beginning with the 2022 calendar year, each member of a board of directors shall complete a governance training program provided by the Washington state school directors' association as required by section 5 of this act once per term of elected office, except that newly elected directors must complete a governance training program within two years of election.

Sec. 8. RCW 28A.415.445 and 2019 c 360 s 3 are each amended to read as follows:

(1) Beginning in the 2020-21 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Social-emotional learning, trauma-informed practices, using the model plan developed under RCW 28A.320.1271 related to recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices.

(2)(a) In the 2021-22 school year, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Cultural competency; diversity; equity; or inclusion.

(b) Beginning in the 2023-24 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to provide to school district staff a training program identified or developed under section 6 of this act.

(3) For the purposes of this section, "school district staff" includes classified staff, certificated instructional staff, certificated

administrative staff, and superintendents.

Sec. 9. RCW 28A.405.106 and 2016 c 72 s 202 are each amended to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

(a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;

(b) Orientation to and use of instructional frameworks;

(c) Orientation to and use of the leadership frameworks;

(d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;

(e) Strategies for achieving maximum rater agreement;

(f) Evaluator feedback protocols in the evaluation systems;

(g) Examples of high quality teaching and leadership; and

(h) Methods to link the evaluation process to ongoing educator professional development.

(3) The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards ((~~for cultural competence~~)) of practice developed by the Washington professional educator standards board under ((~~RCW 28A.410.270~~)) section 4 of this act. The office of the superintendent of public instruction, in consultation with the Washington professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must integrate the content for cultural competence into the overall training for principals, administrators, and teachers to support the revised evaluation systems.

(4) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

(5) The professional development program must be developed in modules that allow:

(a) Access to material over a reasonable number of training sessions;

(b) Delivery in person or online; and

(c) Use in a self-directed manner.

(6) The office of the superintendent of public instruction must maintain a website that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

(7) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of RCW 28A.415.020.

(8) The office of the superintendent of public instruction shall periodically

update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

(9) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria.

Sec. 10. RCW 28A.410.270 and 2019 c 386 s 3 are each amended to read as follows:

(1)(a) The Washington professional educator standards board shall adopt a set of articulated teacher knowledge, skill, and performance standards for effective teaching that are evidence-based, measurable, meaningful, and documented in high quality research as being associated with improved student learning. The standards shall be calibrated for each level along the entire career continuum.

(b) ((~~In developing the standards, the board shall, to the extent possible, incorporate standards for cultural competency along the entire continuum. For the purposes of this subsection, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.~~

~~(c)~~)) By January 1, 2020, in order to ensure that teachers can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the Washington professional educator standards board shall incorporate along the entire continuum the social-emotional learning standards and benchmarks recommended by the social-emotional learning benchmarks work group in its October 1, 2016, final report titled, "addressing social emotional learning in Washington's K-12 public schools." In incorporating the social-emotional learning standards and benchmarks, the Washington professional educator standards board must include related competencies, such as trauma-informed practices, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices.

(2) The Washington professional educator standards board shall adopt a definition of master teacher, with a comparable level of increased competency between professional certification level and master level as between professional certification level and national board certification. Within the definition established by the Washington professional educator standards board, teachers certified through the national board for professional teaching standards shall be considered master teachers.

(3) The Washington professional educator standards board shall maintain a uniform, statewide, valid, and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure at the preservice level that is to be used during the student-teaching field experience. This assessment shall include multiple measures of teacher performance in classrooms, evidence of positive impact on student learning, and shall include review of artifacts, such as use of a variety of assessment and instructional strategies, and student work.

(4) Award of a professional certificate shall be based on a minimum of two years of successful teaching experience as defined by the board, and may not require candidates to enroll in a professional certification program.

(5) Educator preparation programs approved to offer the residency teaching certificate shall be required to demonstrate how the program produces effective teachers as evidenced by the measures established under this section and other criteria established by the Washington professional educator standards board.

Sec. 11. RCW 28A.413.050 and 2019 c 386 s 5 are each amended to read as follows:

(1) The board shall adopt state standards of practice for paraeducators that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014. These standards must include:

(a) Supporting instructional opportunities;

(b) Demonstrating professionalism and ethical practices;

(c) Supporting a positive and safe learning environment;

(d) Communicating effectively and participating in the team process; and

(e) ((~~Demonstrating cultural competency aligned with~~)) The standards of practice developed by the Washington professional educator standards board under ((~~RCW 28A.410.270~~)) section 4 of this act.

(2) By January 1, 2020, in order to ensure that paraeducators can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the board shall incorporate into the standards of practice for paraeducators adopted under subsection (1) of this section the social-emotional learning standards, benchmarks, and related competencies described in RCW 28A.410.270.

Sec. 12. RCW 28B.50.891 and 2017 c 237 s 20 are each amended to read as follows:

Beginning with the 2015-16 academic year, any community or technical college that offers an apprenticeship program or certificate program for paraeducators must provide candidates the opportunity to earn transferable course credits within the program. The programs must also incorporate the standards ((~~for cultural competence, including~~)) of practice developed by the Washington professional educator standards board under section 4 of this act and include multicultural education and principles of language acquisition((~~, developed by the professional educator standards board under RCW 28A.410.270~~)). Subject to the availability of amounts appropriated for this specific purpose, by September 1, 2018, the paraeducator apprenticeship and certificate programs must also incorporate the state paraeducator standards of practice adopted by the paraeducator board under RCW 28A.413.050.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

(1)RCW 28A.345.100 (Cultural competency training for school board directors and superintendents) and 2016 c 72 s 201;

(2)RCW 28A.410.260 (Washington professional educator standards board—Model standards for cultural competency—Recommendations) and 2009 c 468 s 5;

(3)RCW 28A.415.420 (Cultural competence professional development and training) and 2016 c 72 s 204; and

(4)RCW 28A.415.440 (Professional learning days—Social-emotional learning) and 2019 c 386 s 7."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McCaslin and McEntire.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Rude and Steele.

Referred to Committee on Appropriations.

March 26, 2021

2SSB 5265 Prime Sponsor, Committee on Ways & Means: Creating a bridge year pilot program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the ongoing COVID-19 pandemic has created an unprecedented disruption to the education of students throughout the state, and uniquely impacted students who are or were nearing the completion of graduation requirements.

(2) Although remote and hybrid instruction, supported by the exceptional efforts of teachers and other education professionals, has proven satisfactory for many students, some courses, subjects, and critical attributes of in-person learning experiences cannot be replicated through highly modified learning environments. Additionally, some education experiences, including full course offerings and extracurricular

activities, were reduced or eliminated in response to the pandemic.

(3) The legislature, therefore, in recognition of the extraordinary impacts of an ongoing pandemic, intends to establish a temporary two-year program to provide an opportunity for students in the graduating classes of 2021 and 2022 to complete up to one additional school year to pursue academic and experiential opportunities that were diminished or eliminated as a result of the COVID-19 pandemic. The legislature also intends for the program to be, in part, offered to students as an alternative to the individual student emergency waiver program established in chapter 7, Laws of 2021.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.630 RCW to read as follows:

(1)(a) The bridge year program is established to provide an opportunity for students in the graduating classes of 2021 and 2022 to complete up to one additional school year to pursue academic and experiential opportunities that were identified in their high school and beyond plans but diminished or eliminated as a result of the COVID-19 pandemic. The program is temporary, expires as provided in section 8 of this act, and shall be administered by the state board of education.

(b) The objective of a bridge year is for qualifying students, with the support of the applicable high school, to remedy or otherwise address:

(i) Learning loss, including learning loss that may be attributable to fewer opportunities for in-person instruction during the 2020-21 school year, learning loss evidenced by academic performances that were inconsistent with previous efforts of the student, and the loss of opportunity to learn in the manner traditionally accessed by the student;

(ii) Unmet graduation requirements, including opportunities for meeting graduation requirements that were not available during the 2020-21 school year;

(iii) Fewer opportunities to access and earn 24 credits;

(iv) Fewer opportunities to access courses traditionally offered to students, including career and technical education courses and dual credit courses;

(v) Fewer or significantly modified opportunities for mastering academic skills, including diminished opportunities for accessing: Applied learning experiences and learning experiences traditionally associated with the synchronous efforts of other students, such as music and drama, and services provided to students in accordance with individualized education programs; and

(vi) Fewer or significantly modified opportunities for social-emotional learning, and extracurricular and cocurricular activities.

(2)(a) Each public school and school district that applied to the state board of education for authorization to grant individual student emergency waivers under section 2, chapter 7, Laws of 2021 must offer the bridge year program to requesting students of the applicable public school or school district in the graduating classes of 2021 and 2022.

(b) Private schools subject to requirements under chapter 28A.195 RCW may participate in the applicable provisions of the program, as determined by rule of the state board of education.

(3)(a) Each public high school participating in the program shall designate a school staff member as a program liaison to assist students and families with the implementation of the program. Nothing in this section requires a school or school district to hire an individual to serve as a program liaison.

(b) The program liaison shall provide individual student advising to help students determine whether the program is appropriate for their needs and, if so, assist each student in developing an addendum to their high school and beyond plan. The addendum must define the academic goals and objectives to be achieved during the student's bridge year, examples of which include increased mastery of academic concepts, completion of dual credit courses, career and technical education courses, or both, and additional experiences in applied learning environments. The addendum also must detail activities and strategies for accomplishing the goals and objectives, including counseling, academic support, coursework, and extracurricular and cocurricular activities.

(4) Each high school participating in the program shall maintain records as necessary and as required by rule of the

state board of education to demonstrate compliance with this section.

(5) Students, with the written permission of their parent or guardian, may participate in the program for up to one academic year. Student participation in the program is voluntary and may not be mandated by a school or school district. In addition to other requirements established by this section and the state board of education, participating students must either:

(a) Have met all applicable graduation requirements without having received an emergency waiver authorized by sections 2 and 3, chapter 7, Laws of 2021 and elect to defer graduation for one year as required by the program; or

(b) Have not met all applicable graduation requirements and not be in receipt or pursuit of an emergency waiver authorized by sections 2 and 3, chapter 7, Laws of 2021. Students who participate in the program in accordance with this subsection (5)(b) must:

(i) Have had their ability to complete one or more graduation requirements impeded by the COVID-19 pandemic;

(ii) Have been reasonably expected to graduate in the academic year prior to their participation in the program; and

(iii) Provide the applicable school with a written proposal that aligns with their high school and beyond plan and demonstrates a reasonable and achievable plan for meeting defined learning goals and objectives by the conclusion of their bridge year.

(6)(a) Except as provided in (b) of this subsection (6), students who are eligible to participate in the program must be 19 years of age or younger and must not turn 20 years of age at any time during their bridge year.

(b) Students who receive services pursuant to an individualized education program and will turn 20 years of age during their bridge year are eligible to participate in the program.

(7) Schools and school districts participating in the program shall expunge any "D" or "F" grades, or their equivalent, from a participating student's transcript if the student completes the course with a higher grade during their bridge year.

(8)(a) Students participating in the program who elect to defer graduation for one year in accordance with subsection (5)(a) of this section may participate in graduation ceremonies with the graduating class of 2021 or 2022, as applicable, but the high school may not issue diplomas to those students until the conclusion of the bridge year or upon a student's withdrawal from the program.

(b) Students who have met all graduation requirements have graduated with their initial graduation cohort for purposes of calculating the four-year graduation rate for that cohort.

(9) A student who withdraws from the program or meets the goals and objectives of the high school and beyond plan addendum before completing the academic year is, upon withdrawal or completion of the goals and objectives, ineligible to participate in interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social, or recreational nature authorized under section 3 of this act.

(10) For purposes of funding allocations and student enrollment, students participating in the program who enroll in running start courses count as running start students for time spent in running start courses.

(11) School districts, charter schools, and state-tribal education compact schools participating in the program are eligible for funds provided in accordance with chapters 28A.150, 28A.710, and 28A.715 RCW, as applicable.

(12) The state board of education shall adopt, and may amend as necessary, rules to implement this section.

(13) For the purposes of this section:

(a) "Bridge year" means the full or partial academic year during which a student is participating in the program; and

(b) "Program" means the bridge year program established by this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) A student who pursues a bridge year pursuant to section 2 of this act may participate in activities sanctioned by the Washington interscholastic activities association and

extracurricular activities at the student's host high school.

(2) A student participating in a sport or extracurricular activity during the student's bridge year shall pay applicable student athletic and activities fees and be subject to the host high school's student code of conduct, athletic code of conduct, and any other applicable codes, rules, or policies required for student participation in these activities.

(3) Except as provided in subsection (4) of this section, nothing in this section or section 2 of this act supersedes the governance or eligibility rules established by a local, state, or national organization with bona fide authority over a particular extracurricular activity.

(4) For students participating in an interscholastic activity under this section, the Washington interscholastic activities association shall make all participating students aware of the eligibility appeal process related to season limitations.

(5) Notwithstanding the provisions of any law, rule, or regulation to the contrary, an insurer doing business in the state and issuing liability insurance policies to school districts must provide coverage for students participating in a sport or extracurricular activity under this section as part of a school or school district's liability insurance policy.

(6) For purposes of this section, "host high school," for persons who have met all applicable graduation requirements prior to participating in the program established in section 2 of this act, means the high school that the student attended at the beginning of grade 12. For persons who have not met all applicable graduation requirements prior to participating in the program established in section 2 of this act, "host high school" means the high school the student is enrolled in at the beginning of grade 12.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) The state board of education, in accordance with RCW 43.01.036, shall report its finding and recommendations regarding the bridge year program established in section 2 of this act to the governor, the superintendent of public instruction, and the education committees of the legislature by February 1, 2023.

(2) The report required by this section must include:

(a) The number of students, schools, and school districts that participated in the program, by school year;

(b) Reasons identified by students for participating in the program, by school year;

(c) The number and percentage of students who completed the requirements of the program, by school year;

(d) The average number of high school and postsecondary credits earned by students participating in the program, by school year;

(e) The number and percentage of students who did not complete the requirements of the program and the reasons identified by students for not doing so, by school year; and

(f) Any other information deemed relevant by the state board of education.

(3) Student-level data required by this section for participating students must be disaggregated in a manner that is consistent with RCW 28A.300.042(3).

(4) The office of the superintendent of public instruction shall collect the data necessary for the report required by this section and provide the data to the state board of education by December 31, 2022.

Sec. 5. RCW 28A.600.290 and 2015 c 202 s 3 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose and commencing with the 2015-16 school year, funding may be allocated at an amount per college credit for eleventh and twelfth grade students ((~~or~~)), students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grade, and students participating in a bridge year under section 2 of this act, who are enrolled in college in the high school courses under this section as specified in the omnibus appropriations act and adjusted for inflation from the 2015-16 school year. The maximum annual number of allocated credits per participating student shall be specified

in the omnibus appropriations act, which must not exceed ten credits. Funding shall be prioritized in the following order:

(i) High schools offering a running start in the high school program in school year 2014-15. These schools shall only receive prioritized funding in school year 2015-16;

(ii) Students whose residence or the high school in which they are enrolled is located twenty driving miles or more as measured by the most direct route from the nearest eligible institution of higher education offering a running start program, whichever is greater; and

(iii) High schools eligible for the small school funding enhancement in the omnibus appropriations act.

(b)(i) Subject to the availability of amounts appropriated for this specific purpose and commencing with the 2015-16 school year, and only after the programs in (a) of this subsection are funded, a subsidy may be provided per college credit for eleventh and twelfth grade students ((~~or~~)), students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grade, and students participating in a bridge year under section 2 of this act, who have been deemed eligible for free or reduced-price lunch and are enrolled in college in the high school courses under this section as specified in the omnibus appropriations act and adjusted for inflation from the 2015-16 school year. The maximum annual number of subsidized credits per participating student shall be specified in the omnibus appropriations act, which must not exceed five credits.

(ii) Districts wishing to participate in the subsidy program must apply to the office of the superintendent of public instruction by July 1st of each year and report the preliminary estimate of eligible students to receive the subsidy and the total number of projected credit hours.

(iii) The office of the superintendent of public instruction shall notify districts by September 1st of each school year if the district's students will receive the subsidy. If more districts apply than funding is available, the office of the superintendent of public instruction shall prioritize the district applications. The superintendent shall develop factors to determine priority including, but not limited to, the number of dual credit opportunities available for low-income students in the districts.

(c) Districts shall remit any allocations or subsidies on behalf of participating students under (a) and (b) of this subsection to the participating institution of higher education and those students shall not be required to pay for the credits.

(d) The minimum allocation and subsidy under this section is sixty-five dollars per quarter credit for credit-bearing postsecondary coursework. The office of the superintendent of public instruction, the student achievement council, the state board for community and technical colleges, and the public baccalaureate institutions shall review funding levels for the program every four years beginning in 2017 and recommend changes.

(e) Students may pay college in the high school fees with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

(2) For the purposes of funding students enrolled in the college in the high school program in accordance with subsection (1) of this section, college in the high school is defined as a dual credit program located on a high school campus or in a high school environment in which a high school student, or a student participating in a bridge year under section 2 of this act, is able to earn both high school and postsecondary credit by completing postsecondary level courses with a passing grade.

(3) College in the high school programs may include both academic and career and technical education.

(4) College in the high school programs shall each be governed by a local contract between the district and the participating institution of higher education, in compliance with the rules adopted by the superintendent of public instruction under this section.

(5) The college in the high school program must include the provisions in this subsection.

(a) The high school and participating institution of higher education together shall define the criteria for student

eligibility. The institution of higher education may charge tuition fees to participating students. If specific funding is provided in the omnibus appropriations act for the per credit allocations and per credit subsidies under subsection (1) of this section, the maximum per credit fee charged to any enrolled student may not exceed the amount of the per credit allocation or subsidy.

(b) The funds received by the participating institution of higher education may not be deemed tuition or operating fees and may be retained by the institution of higher education.

(c) Enrollment information on persons registered under this section must be maintained by the institution of higher education separately from other enrollment information and may not be included in official enrollment reports, nor may such persons be considered in any enrollment statistics that would affect higher education budgetary determinations.

(d) A school district must grant high school credit to a student enrolled in a program course if the student successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the student enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of successful completion of each program course shall be included in the student's secondary school records and transcript.

(e) A participating institution of higher education must grant college credit to a student enrolled in a program course if the student successfully completes the course. The college credit shall be applied toward general education requirements or degree requirements at institutions of higher education. Evidence of successful completion of each program course must be included in the student's college transcript.

(f) Tenth, eleventh, and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the tenth, eleventh, or twelfth grades, and students participating in a bridge year under section 2 of this act, may participate in the college in the high school program.

(g) Participating school districts must provide general information about the college in the high school program to all students in grades nine through twelve and to the parents and guardians of those students.

(h) Full-time and part-time faculty at institutions of higher education, including adjunct faculty, are eligible to teach program courses.

(6) The superintendent of public instruction shall adopt rules for the administration of this section. The rules shall be jointly developed by the superintendent of public instruction, the state board for community and technical colleges, the student achievement council, and the public baccalaureate institutions. The association of Washington school principals must be consulted during the rules development. The rules must outline quality and eligibility standards that are informed by nationally recognized standards or models. In addition, the rules must encourage the maximum use of the program and may not narrow or limit the enrollment options.

(7) The definitions in this subsection apply throughout this section.

(a) "Institution of higher education" has the definition in RCW 28B.10.016, and also includes a public tribal college located in Washington and accredited by the Northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(b) "Program course" means a college course offered in a high school under the college in the high school program.

Sec. 6. RCW 28A.600.310 and 2019 c 252 s 115 and 2019 c 176 s 2 are each reenacted and amended to read as follows:

(1)(a) Eleventh and twelfth grade students ((~~or~~)), students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the eleventh or twelfth grades, and students participating in a bridge year under section 2 of this act, may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education.

(b) The course sections and programs offered as running start courses must also be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus.

(c) A student receiving home-based instruction enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals or to learn the state learning standards. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program. Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students. If the institution of higher education accepts a secondary school pupil for enrollment under this section, the institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2)(a) In lieu of tuition and fees, as defined in RCW 28B.15.020 and 28B.15.041:

(i) Running start students shall pay to the community or technical college all other mandatory fees as established by each community or technical college and, in addition, the state board for community and technical colleges may authorize a fee of up to ten percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041; and

(ii) All other institutions of higher education operating a running start program may charge running start students a fee of up to ten percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041 in addition to technology fees.

(b) The fees charged under this subsection (2) shall be prorated based on credit load.

(c) Students may pay fees under this subsection with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

(3)(a) The institutions of higher education must make available fee waivers for low-income running start students. A student shall be considered low income and eligible for a fee waiver upon proof that the student is currently qualified to receive free or reduced-price lunch. Acceptable documentation of low-income status may also include, but is not limited to, documentation that a student has been deemed eligible for free or reduced-price lunches in the last five years, or other criteria established in the institution's policy.

(b)(i) By the beginning of the 2020-21 school year, school districts, upon knowledge of a low-income student's enrollment in running start, must provide documentation of the student's low-income status, under (a) of this subsection, directly to institutions of higher education.

(ii) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with the Washington student achievement council, shall develop a centralized process for school districts to provide students' low-income status to institutions of higher education to meet the requirements of (b)(i) of this subsection.

(c) Institutions of higher education, in collaboration with relevant student associations, shall aim to have students who can benefit from fee waivers take advantage of these waivers. Institutions shall make every effort to communicate to students and their families the benefits of the waivers and provide assistance to students and their families on how to apply. Information about waivers shall, to the greatest extent possible, be

incorporated into financial aid counseling, admission information, and individual billing statements. Institutions also shall, to the greatest extent possible, use all means of communication, including but not limited to web sites, online catalogues, admission and registration forms, mass email messaging, social media, and outside marketing to ensure that information about waivers is visible, compelling, and reaches the maximum number of students and families that can benefit.

(4) The pupil's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, participating institutions of higher education, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall be counted for the purpose of meeting enrollment targets in accordance with terms and conditions specified in the omnibus appropriations act.

Sec. 7. RCW 28A.600.330 and 1994 c 205 s 4 are each amended to read as follows:

(1) A pupil who enrolls in an institution of higher education in grade eleven may not enroll in postsecondary courses under RCW 28A.600.300 through 28A.600.390 for high school credit and postsecondary credit for more than the equivalent of the coursework for two academic years. A pupil who first enrolls in an institution of higher education in grade twelve may not enroll in postsecondary courses under this section for high school credit and postsecondary credit for more than the equivalent of the coursework for one academic year.

(2) The credit limitations in this section do not apply to students participating in the bridge year program created in section 2 of this act.

NEW SECTION. **Sec. 8.** This act expires July 31, 2023.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; McEntire; Ortiz-Self and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude and Steele.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member and McCaslin.

Referred to Committee on Appropriations.

March 26, 2021

ESSB 5295 Prime Sponsor, Committee on Environment, Energy & Technology: Transforming the regulation of gas and electrical companies toward multiyear rate plans and performance-based rate making. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) To provide clarity and certainty to stakeholders on the details of performance-based regulation, the utilities and transportation commission is directed to conduct a proceeding to develop a policy statement addressing alternatives to traditional cost of service rate making, including performance measures or goals, targets, performance incentives, and

penalty mechanisms. As part of such a proceeding, the utilities and transportation commission must consider factors including, but not limited to, lowest reasonable cost planning, affordability, increases in energy burden, cost of service, customer satisfaction and engagement, service reliability, clean energy or renewable procurement, conservation acquisition, demand side management expansion, rate stability, timely execution of competitive procurement practices, attainment of state energy and emissions reduction policies, rapid integration of renewable energy resources, and fair compensation of utility employees.

(2) In developing its policy statement, the utilities and transportation commission must in its proceeding allow for participation and consultation with regulated utilities, the attorney general's office, and other interested stakeholders including, but not limited to, residential, industrial, commercial, and low-income customers and organizations, as well as environmental or community organizations and stakeholders.

(3) By January 1, 2022, the utilities and transportation commission shall notify the chairs and ranking members of the appropriate committees of the legislature of the process to date, the expected duration of, and work plan associated with this proceeding.

NEW SECTION. **Sec. 2.** A new section is added to chapter 80.28 RCW to read as follows:

(1) Beginning January 1, 2022, every general rate case filing of a gas or electrical company must include a proposal for a multiyear rate plan as provided in this chapter. The commission may, by order after an adjudicative proceeding as provided by chapter 34.05 RCW, approve, approve with conditions, or reject, a multiyear rate plan proposal made by a gas or electrical company or an alternative proposal made by one or more parties, or any combination thereof. The commission's consideration of a proposal for a multiyear rate plan is subject to the same standards applicable to other rate filings made under this title, including the public interest and fair, just, reasonable, and sufficient rates. In determining the public interest, the commission may consider such factors including, but not limited to, environmental health and greenhouse gas emissions reductions, health and safety concerns, economic development, and equity, to the extent such factors affect the rates, services, and practices of a gas or electrical company regulated by the commission.

(2) The commission may approve, disapprove, or approve with modifications any proposal to recover from ratepayers up to five percent of the total revenue requirement approved by the commission for each year of a multiyear rate plan for tariffs that reduce the energy burden of low-income residential customers including, but not limited to: (a) Bill assistance programs; or (b) one or more special rates. For any multiyear rate plan approved under this section resulting in a rate increase, the commission must approve an increase in the amount of low-income bill assistance to take effect in each year of the rate plan where there is a rate increase. At a minimum, the amount of such low-income assistance increase must be equal to double the percentage increase, if any, in the residential base rates approved for each year of the rate plan. The commission may approve a larger increase to low-income bill assistance based on an appropriate record.

(3)(a) If it approves a multiyear rate plan, the commission shall separately approve rates for each of the initial rate year, the second rate year and, if applicable, the third rate year, and the fourth rate year.

(b) The commission shall ascertain and determine the fair value for rate-making purposes of the property of any gas or electrical company that is or will be used and useful under RCW 80.04.250 for service in this state by or during each rate year of the multiyear rate plan. For the initial rate year, the commission shall, at a minimum, ascertain and determine the fair value for rate-making purposes of the property of any gas or electrical company that is used and useful for service in this state as of the rate effective date. The commission may order refunds to customers if property expected to be used and useful by the rate effective date when the commission approves a multiyear rate plan is in fact not used and useful by such a date.

(c) The commission shall ascertain and determine the revenues and operating expenses for rate-making purposes of any

gas or electrical company for each rate year of the multiyear rate plan.

(d) In ascertaining and determining the fair value of property of a gas or electrical company pursuant to (b) of this subsection and projecting the revenues and operating expenses of a gas or electrical company pursuant to (c) of this subsection, the commission may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at fair, just, reasonable, and sufficient rates.

(e) If the commission approves a multiyear rate plan with a duration of three or four years, then the electrical company must update its power costs as of the rate effective date of the third rate year. The proceeding to update the electrical company's power costs is subject to the same standards that apply to other rate filings made under this title.

(4) Subject to subsection (5) of this section, the commission may by order establish terms, conditions, and procedures for a multiyear rate plan and ensure that rates remain fair, just, reasonable, and sufficient during the course of the plan.

(5) Notwithstanding subsection (4) of this section, a gas or electrical company is bound by the terms of the multiyear rate plan approved by the commission for each of the initial rate year and the second rate year. A gas or electrical company may file a new multiyear rate plan in accordance with this section for the third rate year and fourth rate year, if any, of a multiyear rate plan.

(6) If the annual commission basis report for a gas or electrical company demonstrates that the reported rate of return on rate base of the company for the 12-month period ending as of the end of the period for which the annual commission basis report is filed is more than .5 percent higher than the rate of return authorized by the commission in the multiyear rate plan for such a company, the company shall defer all revenues that are in excess of .5 percent higher than the rate of return authorized by the commission for refunds to customers or another determination by the commission in a subsequent adjudicative proceeding. If a multistate electrical company with fewer than 250,000 customers in Washington files a multiyear rate plan that provides for no increases in base rates in consecutive years beyond the initial rate year, the commission shall waive the requirements of this subsection provided that such a waiver results in just and reasonable rates.

(7) The commission must, in approving a multiyear rate plan, determine a set of performance measures that will be used to assess a gas or electrical company operating under a multiyear rate plan. These performance measures may be based on proposals made by the gas or electrical company in its initial application, by any other party to the proceeding in its response to the company's filing, or in the testimony and evidence admitted in the proceeding. In developing performance measures, incentives, and penalty mechanisms, the commission may consider factors including, but not limited to, lowest reasonable cost planning, affordability, increases in energy burden, cost of service, customer satisfaction and engagement, service reliability, clean energy or renewable procurement, conservation acquisition, demand side management expansion, rate stability, timely execution of competitive procurement practices, attainment of state energy and emissions reduction policies, rapid integration of renewable energy resources, and fair compensation of utility employees.

(8) Nothing in this section precludes any gas or electrical company from making filings required or permitted by the commission.

(9) The commission shall align, to the extent practical, the timing of approval of a multiyear rate plan of an electrical company submitted pursuant to this section with the clean energy implementation plan of the electrical company filed pursuant to RCW 19.405.060.

(10) The provisions of this section may not be construed to limit the existing rate-making authority of the commission.

Sec. 3. RCW 80.28.068 and 2009 c 32 s 1 are each amended to read as follows:

((~~Upon~~)) (1) Upon its own motion, or upon request by an electrical or gas company, or other party to a general rate case hearing, or other proceeding to set rates, the commission may approve rates, charges, services, and/or physical facilities at a discount, or through grants, for low-income senior customers

and low-income customers. Expenses and lost revenues as a result of these discounts or grants shall be included in the company's cost of service and recovered in rates to other customers. Each gas or electrical company must propose a discount rate for low-income senior customers and low-income customers. The commission shall approve or approve with modifications each gas or electrical company's discount rate proposal for low-income senior customers and low-income customers. The gas or electrical company must use reasonable and good faith efforts to seek approval for low-income program design, eligibility, operation, outreach, and funding proposals from its low-income and equity advisory groups in advance of filing such proposals with the commission. In order to remove barriers and to expedite assistance, low-income discounts or grants approved under this section must be provided in coordination with community-based organizations in the gas or electrical company's service territory including, but not limited to, grantees of the department of commerce, community action agencies, and community-based nonprofit organizations. Nothing in this section may be construed as limiting the commission's authority to approve or modify tariffs authorizing low-income discounts or grants.

(2) Eligibility for a low-income discount rate or grant established in this section may be established upon verification of a low-income customer's receipt of any means-tested public benefit, or verification of eligibility for the low-income home energy assistance program, or its successor program, for which eligibility does not exceed the low-income definition set by the commission pursuant to RCW 19.405.020. The public benefits may include, but are not limited to, assistance that provides cash, housing, food, or medical care including, but not limited to, temporary assistance for needy families, supplemental security income, emergency assistance to elders, disabled, and children, supplemental nutrition assistance program benefits, public housing, federally subsidized or state-subsidized housing, the low-income home energy assistance program, veterans' benefits, and similar benefits.

(3) Each gas or electrical company shall conduct substantial outreach efforts to make the low-income discounts or grants available to eligible customers and must provide annual reports to the commission as to the gas or electrical company's outreach activities and results. Such outreach: (a) Shall be made at least semiannually to inform customers of available rebates, discounts, credits, and other cost-saving mechanisms that can help them lower their monthly bills for gas or electrical service; and (b) may be in the form of any customary and usual methods of communication or distribution including, without limitation, widely broadcast communications with customers, direct mailing, telephone calls, electronic communications, social media postings, in-person contacts, websites of the gas or electrical company, press releases, and print and electronic media, that are designed to increase access to and participation in bill assistance programs.

(4) Outreach may include establishing an automated program of matching customer accounts with lists of recipients of the means-tested public benefit programs and, based on the results of the matching program, to presumptively offer a low-income discount rate or grant to eligible customers so identified. However, the gas or electrical company must within 60 days of the presumptive enrollment inform such a low-income customer of the presumptive enrollment and all rights and obligations of a customer under the program, including the right to withdraw from the program without penalty.

(5) A residential customer eligible for a low-income discount rate must receive the service on demand.

(6) A residential customer may not be charged for initiating or terminating low-income discount rates, grants, or any other form of energy assistance.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Energy burden" has the same meaning as defined in RCW 19.405.020.

(b) "Low-income" has the same meaning as defined in RCW 19.405.020.

(c) "Physical facilities" includes, but may not be limited to, a community solar project as defined in RCW 80.28.370.

NEW SECTION. **Sec. 4.** A new section is added to chapter 80.28 RCW to read as follows:

(1) A gas company or electrical company shall, upon request, enter into one or more written agreements with organizations that represent broad customer interests in regulatory proceedings conducted by the commission, subject to commission approval in accordance with subsection (2) of this section, including but not limited to organizations representing low-income, commercial, and industrial customers, vulnerable populations, or highly impacted communities. The agreement must govern the manner in which financial assistance may be provided to the organization. More than one gas company, electrical company, or organization representing customer interests may join in a single agreement. Any agreement entered into under this section must be approved, approved with modifications, or rejected by the commission. The commission must consider whether the agreement is consistent with a reasonable allocation of financial assistance provided to organizations pursuant to this section among classes of customers of the gas or electrical company.

(2) Before administering an agreement entered into under subsection (1) of this section, the commission shall, by rule or order, determine:

(a) The amount of financial assistance, if any, that may be provided to any organization;

(b) The manner in which the financial assistance is distributed;

(c) The manner in which the financial assistance is recovered in the rates of the gas company or electrical company under subsection (3) of this section; and

(d) Other matters necessary to administer the agreement.

(3) The commission shall allow a gas company or electrical company that provides financial assistance under this section to recover the amounts provided in rates. The commission shall allow a gas company or electrical company to defer inclusion of those amounts in rates if the gas company or electrical company so elects. An agreement under this section may not provide for payment of any amounts to the commission.

(4) Organizations representing vulnerable populations or highly impacted communities must be prioritized for funding under this section.

Sec. 5. RCW 80.28.074 and 1988 c 166 s 1 are each amended to read as follows:

The legislature declares it is the policy of the state to:

(1) Preserve affordable ((~~natural gas and electric~~)) energy services to the residents of the state;

(2) Maintain and advance the efficiency and availability of ((~~natural gas and electric~~)) energy services to the residents of the state of Washington;

(3) Ensure that customers pay only reasonable charges for ((~~natural gas and electric service~~)) energy services;

(4) Permit flexible pricing of ((~~natural gas and electric~~)) energy services.

NEW SECTION. **Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

March 26, 2021

SB 5345 Prime Sponsor, Senator Brown: Establishing a statewide industrial waste coordination program. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that industrial symbiosis networks create valuable collaborative opportunities where the underutilized resources of one company, such as waste, by-products, residues, energy, water, logistics, capacity, expertise, equipment, and materials may be used by another. The legislature further finds that many existing businesses and organizations in the state have the potential to partner in the establishment

of these networks, and the formation of industrial symbiosis innovation hubs at the state and local level would facilitate a systems approach that identifies business opportunities to improve resource utilization and productivity for a more sustainable and integrated industrial economy.

Therefore, the legislature intends to establish a statewide industrial waste coordination program in order to nurture and coordinate existing industrial symbiosis efforts and to catalyze new industrial symbiosis opportunities. Furthermore, the legislature intends to establish the program in order to: Find ways of turning waste and by-products into valued resource inputs; reduce waste management costs; generate new business opportunities; increase the size and diversity of business networks; identify means of improving environmental performance; achieve environmental justice in goals and policies; incentivize pathways to family-wage, green jobs; expand the regional circular economy; and drive innovation.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31 RCW to read as follows:

(1) An industrial waste coordination program is established in order to provide expertise, technical assistance, and best practices to support local industrial symbiosis projects.

(2) The industrial waste coordination program must be administered by the department of commerce and administered regionally, with each region provided with a dedicated facilitator and technical and administrative support.

(3) The industrial waste coordination program must facilitate waste exchange by:

(a) Developing inventories of industrial waste innovation currently in operation;

(b) Generating a material flow data collection system in order to capture and manage data on resource availability and potential synergies;

(c) Establishing guidance and best practices for emerging local industrial resource hubs, which must include a consideration of steps to avoid creating or worsening negative impacts to overburdened communities as identified by tools such as the department of health's environmental health disparities map;

(d) Identifying access to capital in order to fund projects, including federal, state, local, and private funding;

(e) Developing economic, environmental, and health disparities metrics to measure the results of industrial or commercial hubs;

(f) Hosting workshops and connecting regional businesses, governments, utilities, research institutions, and other organizations in order to identify opportunities for resource collaboration;

(g) Assisting entities throughout the entire life cycle of industrial symbiosis projects, from identification of opportunities to full project implementation;

(h) Developing economic cluster initiatives in order to spur growth and innovation; and

(i) Making any additional recommendations to the legislature in order to incentivize and facilitate industrial symbiosis.

(4) The department of commerce may coordinate with other agencies, representatives of business and manufacturing networks, and other entities in order to develop material flow generation data and increase multisectoral outreach.

(5) In generating the material flow data collection system under subsections (3)(b) and (4) of this section, the department of commerce may only use publicly available data or data voluntarily provided by program participants. No entity may be required to disclose material flow data. The department of commerce must keep any proprietary business information confidential and such information is exempt from public disclosure, as provided in RCW 42.56.270.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.31 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a competitive industrial symbiosis grant program is established in order to provide grants for the research,

development, and deployment of local waste coordination projects.

(2) Grants may go towards:

(a) Existing industrial symbiosis efforts by public or private sector organizations;

(b) Emerging industrial symbiosis opportunities involving public or private sector organizations, including projects arising from:

(i) The industrial waste coordination program established in section 2 of this act;

(ii) Conceptual work completed by public utilities to redirect their wastes to productive use; or

(iii) Existing inventories or project concepts involving specific biobased wastes converted to renewable natural gas;

(c) Research on product development using a specific waste flow;

(d) Feasibility studies to evaluate potential biobased resources;

(e) Feasibility studies for publicly owned utilities to evaluate business models to transform to multiutility operations or for the evaluation of potential symbiosis connections with other regional businesses; or

(f) Other local waste coordination projects as determined by the department of commerce.

(3) The department of commerce must develop a method and criteria for the allocation of grants, subject to the following:

(a) Project allocation should reflect geographic diversity, with grants being distributed equally in western and eastern parts of the state, urban and rural areas, and small towns and large cities;

(b) Project allocation should consider factors such as time to implementation and scale of economic or environmental benefits;

(c) Grants must require a one-to-one nonstate to state match;

(d) Individual grant awards may not exceed $500,000; and

(e) Project allocation should avoid creating or worsening environmental health disparities and should make use of tools such as the department of health's environmental health disparities map.

Sec. 4. RCW 42.56.270 and 2020 c 238 s 11 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed marijuana business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); ((~~and~~))

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business; and

(iii) Financial or proprietary information collected from any person and provided to the department of commerce pursuant to section 2 (3)(b) and (4) of this act;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter ((~~70.95N~~)) 70A.500 RCW to implement chapter ((~~70.95N~~)) 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form

that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW ((~~70.95N.190(4)~~)) 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical

and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter ((~~70.375~~)) 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW ((~~70.375.130~~)) 70A.515.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW.

NEW SECTION. **Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member Klicker, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 26, 2021

ESSB 5353 Prime Sponsor, Committee on Law & Justice: Creating a partnership model that facilitates community engagement with law enforcement. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that community engagement is a foundational principle of successful community policing practices. When individuals and neighborhood groups are encouraged to partner with law enforcement, a powerful alliance can be built on mutual trust and respect and mitigate polarization between police departments and community groups. A successful community-police partnership leads to the achievement of shared goals of improving safety and quality of life and ensuring that public safety services are tailored to the needs of local communities.

The legislature recognizes current efforts in Washington to mobilize communities to insist on equitable and accountable practices that will result in community participation in public safety efforts as well as establish cooperative lines of communication between civilians and law enforcement. Laudable community engagement models such as the safe streets campaign in Pierce county, safe Yakima in Yakima county, and the Okanogan county community coalition are recognized to mitigate crime trends by engaging the community and law enforcement in cooperative efforts to improve public safety.

The department of commerce intends to foster community engagement with law enforcement officers through the creation of a community engagement project in 15 communities across the state of Washington with a mix of urban, rural, and suburban areas to facilitate community-law enforcement partnerships and improve police-community relations. The department will implement a project evaluation to measure and examine the

impact of local initiatives on community engagement, neighborhood safety, and positive community-police relations.

The funded projects will facilitate the empowerment of communities to engage in crime prevention efforts through neighborhood organizing, law enforcement-community partnerships, youth mobilization, and business engagement.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a project is created in the department to foster community engagement through neighborhood organizing, law enforcement-community partnerships, youth mobilization, and business engagement. The department shall administer the project. The project must include 12 to 15 grant awards in those counties that have demonstrated their commitment to programs that promote community engagement in public safety including the following counties: Spokane, Pierce, King, Okanogan, Yakima, Cowlitz, Clark, Chelan-Douglas, Walla-Walla, Benton-Franklin, Grant, and Snohomish.

(2) The department shall adopt policies and procedures necessary to administer the project including: (a) An application process; (b) disbursement of the grant award to selected applicants; (c) tracking compliance and proper use of funds; and (d) measuring outcomes.

(3) Eligible applicants must:

(a) Be a public agency or nongovernmental organization, that is not a law enforcement agency;

(b) Have demonstrated experience with community engagement initiatives that impact public safety;

(c) Have community engagement;

(d) Have established or be willing to establish a coordinated effort with committed partners, which must include law enforcement and organizations committed to diversity, equity, and inclusion of community members, including organizations whose leadership specifically reflects the communities most impacted by racism; and

(e) Have established priorities, policies, and measurable goals in compliance with the requirements of the project as provided in subsection (4) of this section.

(4) The grant recipient shall:

(a) Lead and facilitate neighborhood organizing initiatives, including:

(i) Empowering community members with tools, skills, confidence, and connections to identify, eradicate, and prevent illegal activity;

(ii) Making neighborhood improvements to deter future criminal activity; and

(iii) Educating community members regarding how to connect with city, county, and law enforcement resources;

(b) Build substantive law enforcement-community partnerships, including:

(i) Building trust between community members and law enforcement by facilitating purposeful antiracist practices and the development of policies that lead to equal treatment under the law;

(ii) Establishing clear expectations for law enforcement to be competent to practice fair and equitable treatment including facilitating dialogue between law enforcement and community members to increase understanding of the impact of historical racist practices and current conflicts;

(iii) Community members regularly informing law enforcement, through presentations, workshops, or forums, on community perceptions of law enforcement and public safety issues;

(iv) Educating community members on the role and function of law enforcement in the community;

(v) Clarifying expectations of law enforcement and of the role of the community in crime prevention;

(vi) Educating community members on the best practices for reporting emergency and nonemergency activities;

(vii) Recognizing community members for effective engagement and community leadership; and

(viii) Recognizing law enforcement officials for efforts to engage underrepresented communities, improve community engagement and empowerment, and reform law enforcement practices;

(c) Mobilize youth to partner with neighborhood groups and law enforcement to prevent violence by:

(i) Helping them develop knowledge and skills to serve as leaders in their communities;

(ii) Focusing on prevention of violence and substance abuse; and

(iii) Empowering youth to bring their voice to community issues that impact healthy police-community relations;

(d) Engage businesses to help prevent crimes, such as vandalism and burglaries, through safety training and other prevention initiatives;

(e) Provide training and technical assistance on how to implement community engagement, improving law enforcement and community partnership, youth engagement, and business engagement;

(f) Identify and maintain consistent, experienced, and committed leadership for managing the grant, including an administrator who acts as an available point of contact with the department; and

(g) Collect and report data and information required by the department.

(5) The department shall, in consultation with the Washington state institute for public policy, develop reporting guidelines for the grant recipient in order to measure whether the safe streets pilot project had an impact on crime rates and community engagement with, and perceptions of, law enforcement. The department shall submit a preliminary report to the legislature with details on the selected grant recipients and the reporting guidelines by January 1, 2022. The department shall submit a final report on the safe streets pilot project, including an analysis of the reported data required under this subsection, by December 1, 2023.

(6) This section expires January 1, 2024."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Graham; Griffey and Young.

MINORITY recommendation: Do not pass. Signed by Representative Klippert, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 26, 2021

SSB 5361 Prime Sponsor, Committee on Law & Justice: Concerning the resentencing of persons convicted of drug offenses. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.519 and 2020 c 55 s 1 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, any offender sentenced for a violation of chapter 69.50 or 69.52 RCW that was committed prior to July 1, 2004, and who is serving a ((~~term of incarceration~~)) current sentence under custody of the department of corrections for that offense on June 11, 2020, is entitled to a resentencing hearing. The prosecuting attorney for the county in which any offender was sentenced and to whom this section applies must review the sentencing documents. If the offender is serving a term of incarceration for a violation of chapter 69.50 or 69.52 RCW that was committed prior to July 1, 2004, the prosecuting attorney shall, or the offender may, make a motion for relief from sentence to the original sentencing court.

(2) The sentencing court shall grant the motion if it finds that the offender is serving a sentence for a violation of chapter 69.50 or 69.52 RCW that was committed prior to July 1, 2004, and shall immediately set an expedited date for resentencing. At resentencing, the court shall sentence the offender as if the offender had not previously been sentenced, provided the new sentence is no greater than the initial sentence. Notwithstanding the provisions of RCW 9.94A.345, the court shall sentence the offender based on the sentencing guidelines in effect on the effective date of this section.

(3) An offender is not entitled to resentencing under this section if the offender has been convicted of a ((~~most~~

~~serious offense or violent offense~~)) violent offense or sex offense involving a child.

(4) This section expires July 1, ((~~2021~~)) 2022.

Sec. 2. RCW 9.94A.345 and 2000 c 26 s 2 are each amended to read as follows:

((~~Any~~)) Except as otherwise provided in this chapter, any sentence imposed under this chapter shall be determined in accordance with the law in effect when the current offense was committed.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports and supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 12:00 p.m., March 28, 2021, the 77th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTY SEVENTH DAY

House Chamber, Olympia, Sunday, March 28, 2021

The House was called to order at 12:00 p.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Keith Goehner, 12th Legislative District, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

March 24, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078,
SUBSTITUTE HOUSE BILL NO. 1114,
SUBSTITUTE HOUSE BILL NO. 1151,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 26, 2021

Mme. SPEAKER:

The President has signed:

SENATE BILL NO. 5021,
SUBSTITUTE SENATE BILL NO. 5055,
SENATE BILL NO. 5058,
SENATE BILL NO. 5077,
SUBSTITUTE SENATE BILL NO. 5179,
SENATE BILL NO. 5198,
SENATE BILL NO. 5322,
SENATE BILL NO. 5338,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1151

The Speaker called upon Representative Orwall to preside.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1277, by House Committee on Appropriations (originally sponsored by Ormsby, Macri, Ramel, Bateman, Fitzgibbon, Ryu, Senn, Chopp, Berry, Peterson, Davis, Santos, Valdez, Hackney, Thai, Kloba, Sells, Frame, Gregerson, J. Johnson, Pollet, Harris-Talley, Stonier, Taylor and Wicks)

Providing for an additional revenue source for eviction prevention and housing stability services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1277 was substituted for House Bill No. 1277 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1277 was read the second time.

Representative Dufault moved the adoption of amendment (462):

On page 1, beginning on line 12, after "deposited" strike all material through "to" on page 2, line 1, and insert "into"

On page 2, line 2, after "account" strike ", with the majority of funds"

On page 2, beginning on line 4, after "act." strike all material through "assistance." on line 8

On page 7, beginning on line 1, strike all of section 5.

Correct the title.

Representatives Dufault and Walsh spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (462) was not adopted.

Representative Dufault moved the adoption of amendment (463):

On page 2, line 26, after "participants." insert the following:

"(2)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, beginning on line 27, after "for" strike all material through "Rental" on line 28 and insert "rental"

On page 2, beginning on line 30, after "eviction" strike all material through "department" on line 34

On page 3, beginning on line 18, after "populations" strike all material through "costs" on line 22 and insert "for rent assistance payments"

Representatives Dufault, Barkis and Dufault (again) spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (463) was not adopted.

Representative Young moved the adoption of amendment (459):

On page 3, line 13, after "(3)" insert "A landlord may assist an eligible household in applying for assistance through the eviction prevention rental assistance program or may apply for assistance on an eligible household's behalf.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Young and Peterson spoke in favor of the adoption of the amendment.

Amendment (459) was adopted.

Representative Dufault moved the adoption of amendment (464):

On page 7, after line 10, insert the following:

"NEW SECTION. **Sec. 6.** This act expires December 31, 2022."

Correct the title.

Representatives Dufault and Graham spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (464) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ormsby and Caldier spoke in favor of the passage of the bill.

Representatives Dufault and Barkis spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Volz was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1277.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1277, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox and Ybarra.

Excused: Representative Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1157, by House Committee on Finance (originally sponsored by Bateman, Gilday, Taylor, Eslick, Robertson, Simmons, Ormsby, Lekanoff, Hackney, Ryu, Walen, Vick, Wicks, Berg, Fitzgibbon, Barkis, Harris-Talley and Dolan)

Increasing housing supply through the growth management act and housing density tax incentives for local governments.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1157 was substituted for House Bill No. 1157 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1157 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bateman and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1157.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1157, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dufault, Dye and Kraft.

Excused: Representative Volz.

SECOND SUBSTITUTE HOUSE BILL NO. 1157, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5273, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Salomon, Rolfes, Pedersen, Das, Lovelett and Nobles)

Concerning the replacement of shoreline armoring.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Rural Development, Agriculture & Natural Resources was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 67, March 18, 2021).

Representative Fitzgibbon moved the adoption of amendment (454) to the committee amendment:

Beginning on page 1, line 3, after **"Sec.1."** strike all material through "project." on page 2, line 32 and insert "The legislature finds that the state of Washington will continue to be negatively impacted by the effects of climate change, including reduced winter snowpack, drought, increased frequencies of forest fires, and acidifying oceans that disrupt marine ecosystem viability. In the nearshore environment, climate change contributes to the rise in average sea-surface temperatures and rising sea levels. Hardened shoreline structures are not always well-suited for their intended purpose and may have unintended consequences in the nearshore environment. Soft shorelines or natural shorelines may protect and restore shoreline ecosystems through the use of natural plants and materials, and the legislature finds that landowners must consider alternatives to hardening shorelines to restore ecosystem function and recover threatened and endangered species to help address the impacts of climate change in the nearshore environment.

Sec. 2. RCW 77.55.231 and 2012 1st sp.s. c 1 s 106 are each amended to read as follows:

(1)(a) Conditions imposed upon a permit must be reasonably related to the project. The permit conditions must ensure that the project provides proper protection for fish life, but the department may not impose conditions that attempt to optimize conditions for fish life that are out of proportion to the impact of the proposed project.

(b) In the event that any person desires to replace residential marine shoreline stabilization or armoring, a person must use the least impacting technically feasible bank protection alternative for the protection of fish life. Unless the department provides an exemption depending on the scale and nature of the project, a person that desires to replace residential marine shoreline stabilization or armoring must conduct a site assessment to consider the least impactful alternatives. A person should propose a hard armor technique only after considering site characteristics such as the threat to major improvements, wave energy, and other factors in an analysis of alternatives. The common alternatives identified in (b)(i) through (vii) of this subsection are in order from most preferred to least preferred:

(i) Remove the structure and restore the beach;

(ii) Remove the structure and install native vegetation;

(iii) Remove the structure and control upland drainage;

(iv) Remove the structure and replace it with a soft structure constructed of natural materials, including bioengineering;

(v) Remove the hard structure and construct upland retaining walls;

(vi) Remove the hard structure and replace it with a hard structure located landward of the existing structure, preferably at or above the ordinary high water line; or

(vii) Remove the hard structure and replace it with hard shoreline structure in the same footprint as the existing structure.

(c) For the purposes of this subsection, "feasible" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

(2) The permit must contain provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit.

(3) The permit must contain provisions that allow for minor modifications to the required work timing without requiring the reissuance of the permit. "Minor modifications to the required work timing" means a minor deviation from the timing window set forth in the permit when there are no spawning or incubating fish present within the vicinity of the project.""

Representative Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (454) to the committee amendment was adopted.

The committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5273, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5273, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Volz.

SUBSTITUTE SENATE BILL NO. 5273, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5267, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Saldaña, Stanford, Conway, Das, Hasegawa, Keiser, Kuderer, Wilson and C.)

Requiring electrical licensing for electrical work associated with flipping property.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sells spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5267.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5267, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Walsh, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, McCaslin, McEntire, Mosbrucker, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Wilcox, Ybarra and Young.

Excused: Representative Volz.

SUBSTITUTE SENATE BILL NO. 5267, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5236, by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Warnick, Dhingra, Nguyen and Wagoner)

Extending certificate of need exemptions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 61, March 12, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5236, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5236, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

SUBSTITUTE SENATE BILL NO. 5236, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5038, by Senate Committee on Law & Justice (originally sponsored by Kuderer, Das, Carlyle, Darneille, Dhingra, Hunt, Liias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Wellman, Wilson and C.)

Prohibiting the open carry of certain weapons at public demonstrations and the state capitol. Revised for 1st Substitute: Prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 72, March 23, 2021).

Representative Gilday moved the adoption of amendment (472) to the committee amendment:

On page 1, after line 2 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that protection of an individual's right to life, liberty, and property is of the utmost importance of government. No one should feel unsafe or be threatened by others while exercising their rights. People of all backgrounds should be welcome to exist in all public places without fear of harm to themselves or their property. True equity cannot be achieved until there is equitable application of law for all.

Therefore, the legislature intends to make every effort to prohibit the actions of those who use violence or the threat of violence to achieve their goals in order to create a more equal and just society."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Gilday and Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (472) was not adopted.

Representative Klippert moved the adoption of amendment (481) to the committee amendment:

On page 2, line 32 of the striking amendment, after "(a)" insert "(i)"

On page 2, line 34 of the striking amendment, after "demonstration" strike "." and insert "if:

(A) A duly authorized state or local law enforcement officer has advised the person of the permitted demonstration and directed the person to leave until he or she no longer possesses or controls the firearm or other weapon; and

(B) The person does not leave the location within a reasonable time after the notice and direction from the law enforcement officer.

(ii)"

On page 2, line 37 of the striking amendment, after "(b)" insert "(i)"

On page 2, beginning on line 38 of the striking amendment, after "demonstration" strike all material through "weapon." on page 3, line 2 and insert "if:

(A) A duly authorized state or local law enforcement officer has advised the person of the permitted demonstration and directed the person to leave until he or she no longer possesses or controls the firearm or other weapon; and

(B) The person does not leave the location within a reasonable time after the notice and direction from the law enforcement officer.

(ii)"

On page 6, line 6 of the striking amendment, after "the hearing or meeting" insert "if:

(a) A duly authorized state or local law enforcement officer has advised the person of the location and directed the person to leave until he or she no longer possesses or controls the firearm or other weapon; and

(b) The person does not leave the location within a reasonable time after the notice and direction from the law enforcement officer"

Representatives Klippert, Walsh, Sutherland, Walsh (again), Graham, Klippert (again) and Stokesbary spoke in favor of the adoption of the amendment.

Representatives Hansen and Taylor spoke against the adoption of the amendment.

Amendment (481) to the committee amendment was not adopted.

Representative Hansen moved the adoption of amendment (469) to the committee amendment:

On page 2, line 33 of the striking amendment, after "to" strike "openly carry a firearm or other weapon" and insert "knowingly open carry a firearm or other weapon while knowingly"

On page 2, beginning on line 37 of the striking amendment, after "to" strike "openly carry a firearm or other weapon" and insert "knowingly open carry a firearm or other weapon while knowingly"

On page 6, beginning on line 3 of the striking amendment, after "9.41.300(1)(b)," strike all material through "at" on line 5 and insert "while

knowingly being in the following locations: the west state capitol campus grounds; any buildings on the state capitol grounds; any state legislative office; or"

Representative Hansen spoke in favor of the adoption of the amendment.

Representative Walsh spoke against the adoption of the amendment.

Amendment (469) to the committee amendment was adopted.

Representative Hoff moved the adoption of amendment (478) to the committee amendment:

On page 2, line 34 of the striking amendment, after "applies" strike "whether" and insert "when"

On page 2, at the beginning of line 36 of the striking amendment, strike "or in a vehicle"

Representatives Hoff, Klippert, Hoff (again) and Walsh spoke in favor of the adoption of the amendment.

Representatives Hansen and Hackney spoke against the adoption of the amendment.

Amendment (478) to the committee amendment was not adopted.

Representative Ybarra moved the adoption of amendment (477) to the committee amendment:

On page 2, line 38 of the striking amendment, after "within" strike "250" and insert "25"

Representatives Ybarra, Caldier, Sutherland, Dent and Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (477) to the committee amendment was not adopted.

Representative Abbarno moved the adoption of amendment (471) to the committee amendment:

On page 2, line 38 of the striking amendment, after "feet" insert "of the perimeter"

Representatives Abbarno and Hansen spoke in favor of the adoption of the amendment.

Amendment (471) to the committee amendment was adopted.

Representative Young moved the adoption of amendment (476) to the committee amendment:

On page 3, beginning on line 2 of the striking amendment, after "weapon." strike all material through "person." on line 4

On page 3, line 12 of the striking amendment, after "duty." insert "A person is exempt from the provisions of this subsection (2) if the person possesses or controls any firearm or other weapon on private property owned or leased by that person or within 100 yards of the boundaries of such property."

On page 6, line 30 of the striking amendment, after "duty." insert "A person is exempt from the provisions of this section if the person possesses or controls any firearm or other weapon on private property owned or leased by that person or within 100 yards of the boundaries of such property."

Representatives Young, Walsh, Young (again) and Sutherland spoke in favor of the adoption of the amendment.

Representatives Hansen and Hackney spoke against the adoption of the amendment.

Amendment (476) to the committee amendment was not adopted.

Representative Young moved the adoption of amendment (475) to the committee amendment:

On page 3, line 4 of the striking amendment, after "person" insert "or on any private property where the person is present on the private property at the invitation of or with the permission of the person who owns or leases the private property"

Representatives Young and Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (475) to the committee amendment was not adopted.

Representative Abbarno moved the adoption of amendment (468) to the committee amendment:

On page 2, beginning on line 37 of the striking amendment, strike all of subsection (b)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Abbarno, Sutherland and Kraft spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (468) to the committee amendment was not adopted.

Representative McEntire moved the adoption of amendment (474) to the committee amendment:

On page 2, after line 31 of the striking amendment, strike all material through "(d)" on page 3, line 13 and insert the following:

"(2)(a) Except as provided in (b) of this subsection, it is unlawful for any person to openly carry a weapon at or within 250 feet of a permitted demonstration in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(b) This subsection shall not apply to or affect the following:

(i) Any act committed by a person while in his or her place of abode or fixed place of business;

(ii) Any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;

(iii) Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;

(iv) Any person making or assisting in making a lawful arrest for the commission of a felony; or

(v) Any person engaged in military activities sponsored by the federal or state governments.

(c)"

On page 3, beginning on line 30 of the striking amendment, strike all of subsection (iii) and insert the following:

"(iii) "Weapon" means any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm."

On page 6, beginning on line 1 of the striking amendment, strike all of subsection (1) and insert:

"(1) Except as provided in subsection (2) of this section, it is unlawful for any person to knowingly open carry a weapon, as defined in section 1(2) of this act, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons, in any of the following locations: on the west state capitol campus grounds; in any buildings on the state capitol grounds; in any state legislative office; or at any location of a public legislative hearing or meeting during the hearing or meeting.

(2) This section shall not apply to or affect the following:

(a) Any act committed by a person while in his or her place of abode or fixed place of business;

(b) Any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;

(c) Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;

(d) Any person making or assisting in making a lawful arrest for the commission of a felony; or

(e) Any person engaged in military activities sponsored by the federal or state governments."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, beginning on line 24 of the striking amendment, strike all of subsection (4)

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives McEntire, Walsh and McEntire (again) spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (474) to the committee amendment was not adopted.

Representative Klippert moved the adoption of amendment (480) to the committee amendment:

On page 3, line 17 of the striking amendment, after "government;" strike "or"

On page 3, line 20 of the striking amendment, after "occurs" insert "; or (C) any autonomous zone in which individuals declare the right to self-govern any territory within a town, city, or county and that is not disbanded by local, state, or federal authorities within 24 hours of the declaration of the autonomous zone"

Representatives Klippert and Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (480) to the committee amendment was not adopted.

Representative Graham moved the adoption of amendment (482) to the committee amendment:

On page 3, beginning on line 30 of the striking amendment, strike all of subsection (iii) and insert the following:

"(iii) "Weapon" means any knife, sword, dagger, or other cutting or stabbing implement, bat, pipe, club, hammer, cudgel, brick, rock, frozen water bottle, cement-filled water bottle, Molotov cocktail, kerosene, gasoline, explosive, firework, stun gun, laser pointer, or any other object or device that is capable of producing bodily harm."

On page 6, line 3 of the striking amendment, after "weapon" strike ", as defined in RCW 9.41.300(1)(b),"

On page 6, after line 23 of the striking amendment, insert the following:

"(4) "Weapon" means any knife, sword, dagger, or other cutting or stabbing implement, bat, pipe, club, hammer, cudgel, brick, rock, frozen water bottle, cement-filled water bottle, Molotov cocktail, kerosene, gasoline, explosive, firework, stun gun, laser pointer, or any other object or device that is capable of producing bodily harm."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Graham and Graham (again) spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (482) to the committee amendment was not adopted.

Representative Graham moved the adoption of amendment (483) to the committee amendment:

On page 3, after line 31 of the striking amendment, insert the following:

"(e) Nothing in this subsection applies to the lawful concealed carry of a firearm by a person who has a valid concealed pistol license."

On page 6, after line 32 of the striking amendment, insert the following:

"(6) Nothing in this section applies to the lawful concealed carry of a firearm by a person who has a valid concealed pistol license."

Representatives Graham and Hansen spoke in favor of the adoption of the amendment.

Amendment (483) to the committee amendment was adopted.

Representative Dufault moved the adoption of amendment (470) to the committee amendment:

On page 5, beginning on line 32 of the striking amendment, after "(13)" strike all material through "misdemeanor" on line 33 and insert "(a) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(b) Any person violating subsection (2) of this section is guilty of a misdemeanor."

On page 6, line 31 of the striking amendment, after "of a" strike "gross"

Representatives Dufault, Walsh, Sutherland, Graham, Corry, Caldier, Sutherland (again) and Graham (again) spoke in favor of the adoption of the amendment.

Representatives Hansen and Taylor spoke against the adoption of the amendment.

Amendment (470) to the committee amendment was not adopted.

Representative Boehnke moved the adoption of amendment (479) to the committee amendment:

On page 1, beginning on line 3 of the striking amendment, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Boehnke and Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (479) to the committee amendment was not adopted.

Representative Walsh moved the adoption of amendment (473) to the committee amendment:

On page 5, beginning on line 37 of the striking amendment, strike all of section 2

Renumber the remaining section consecutively and correct any internal references accordingly.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (473) to the committee amendment was not adopted.

Representative Hansen moved the adoption of amendment (467) to the committee amendment:

On page 6, after line 36 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representative Hansen spoke in favor of the adoption of the amendment.

Representatives Walsh, Corry, Boehnke and Kraft spoke against the adoption of the amendment.

Amendment (467) to the committee amendment was adopted.

The committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen, Berry, Berg, Senn, Harris-Talley and Riccelli spoke in favor of the passage of the bill.

Representatives Walsh, Klippert, Griffey, Gilday, Dent, Chase, Graham, Sutherland, Chambers, Orcutt, Dye, Young, Caldier, Jacobsen, Dufault, Stokesbary and Mosbrucker spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5038, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5038, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5038, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

My vote on ENGROSSED SUBSTITUTE SENATE BILL NO. 5038 (Sunday, March 28, 2021) was recorded as "NAY," but I did not actually cast any vote – AYE or NAY – on that bill.

Representative Walsh, 19th Legislative District

**In accordance with House Rule 20(B), "every member who was in the house when the question was put shall vote unless, for special reason, excused by the house."*

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078
SUBSTITUTE HOUSE BILL NO. 1114
SENATE BILL NO. 5021
SUBSTITUTE SENATE BILL NO. 5055
SENATE BILL NO. 5058
SENATE BILL NO. 5077
SUBSTITUTE SENATE BILL NO. 5179
SENATE BILL NO. 5198
SENATE BILL NO. 5322
SENATE BILL NO. 5338

There being no objection, the House advanced to the eighth order of business.

MOTIONS

There being no objection, the Committee on Rules was relieved of ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Appropriations was relieved of SUBSTITUTE SENATE BILL NO. 5228 and ENGROSSED SENATE BILL NO. 5372 and the bills were referred to the Committee on Rules.

There being no objection, the House adjourned until 9:55 a.m., March 29, 2021, the 78th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTY EIGHTH DAY

House Chamber, Olympia, Monday, March 29, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House adjourned until 9:55 a.m., March 30, 2021, the 79th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTY NINTH DAY

House Chamber, Olympia, Tuesday, March 30, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

March 29, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078,
SUBSTITUTE HOUSE BILL NO. 1114,
SUBSTITUTE HOUSE BILL NO. 1151,

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

March 29, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068,
SUBSTITUTE HOUSE BILL NO. 1206,
HOUSE BILL NO. 1237,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1274,
HOUSE BILL NO. 1393,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1480,
HOUSE BILL NO. 1491,

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

March 29, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5165,
ENGROSSED SENATE BILL NO. 5232,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1565 by Representative J. Johnson

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.40.1987 and 41.32.4992; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 29, 2021

2SSB 5396 Prime Sponsor, Committee on Ways & Means: Expanding the sales and use tax exemption for farmworker housing. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

There being no objection, the House adjourned until 9:55 a.m., March 31, 2021, the 80th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTIETH DAY

House Chamber, Olympia, Wednesday, March 31, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1566 by Representatives Pollet and Frame

AN ACT Relating to access and representation for individuals with disabilities in the legislative process; adding new sections to chapter 44.04 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

SSB 5165 by Senate Committee on Transportation (originally sponsored by Hobbs, King, Nobles, Saldaña, Wilson and C.)

AN ACT Relating to transportation funding and appropriations; amending RCW 43.19.642, 46.20.745, 82.21.030, 46.68.060, 47.12.370, 46.68.325, 47.56.876, 46.68.370, 46.68.300, 47.60.322, 46.68.290, 82.44.135, 46.68.395, 46.68.063, 46.68.396, 47.01.480, 47.60.530, 47.60.315, 34.05.350, and 70A.205.425; amending 2019 c 416 ss 101, 106, and 302 (uncodified), and 2020 c 219 ss 101, 102, 104, 105, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, and 408 (uncodified); adding a new section to 2019 c 416 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; providing a contingent effective date; providing an expiration date; and declaring an emergency.

ESB 5232 by Senator King

AN ACT Relating to limiting bonding toll revenues on certain state highway facilities; amending RCW 47.56.830, 47.10.905, 47.10.906, 47.10.907, 47.56.880, 47.56.884, 47.56.895, and 47.56.897; repealing RCW 47.10.896, 47.10.897, 47.10.898, 47.10.899, 47.10.900, and 47.10.901; and declaring an emergency.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SUBSTITUTE SENATE BILL NO. 5165 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 29, 2021

SSB 5152 Prime Sponsor, Committee on Transportation: Enhancing data stewardship and privacy protections for vehicle and driver data. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

March 29, 2021

SSB 5332 Prime Sponsor, Committee on Transportation: Concerning off-road and wheeled all-terrain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., April 1, 2021, the 81st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTY FIRST DAY

House Chamber, Olympia, Thursday, April 1, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

March 30, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5083,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1567 by Representative Chase

AN ACT Relating to improving emergency preparedness through establishment of a critical supplies stockpile; creating a new section; and providing an expiration date.

Referred to Committee on Community & Economic Development.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 29, 2021

HB 1094 Prime Sponsor, Representative Ormsby: Making 2021-2023 fiscal biennium operating appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

March 31, 2021

HB 1494 Prime Sponsor, Representative Harris-Talley: Providing housing safety, security, and protection for Washington families by creating the antidisplacement property tax exemption. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary and Vick.

Referred to Committee on Appropriations.

March 31, 2021

HB 1539 Prime Sponsor, Representative Frame: Narrowing the business and occupation tax deduction, and sales and use tax credit and refund, for bad debts available to sellers. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Springer; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

March 31, 2021

HJR 4204 Prime Sponsor, Representative Harris-Talley: Concerning a constitutional amendment providing for a residential real property exemption from property taxes levied for state purposes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase and Vick.

Referred to Committee on Appropriations.

March 31, 2021

2SSB 5315 Prime Sponsor, Committee on Ways & Means: Concerning captive insurance. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

Referred to Committee on Rules for second reading.

March 31, 2021

ESSB 5408 Prime Sponsor, Committee on Law & Justice: Concerning the homestead exemption. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Civil Rights & Judiciary.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the homestead exemption is intended to protect the homeowner's equity in a home against unsecured creditors. The legislature finds that changes to the homestead exemption are necessary to modernize the law and to address the case of *Wilson v. Rigby*, 909 F.3d 306 (2018) and to adopt the reasoning in *In re Good*, 588 B.R. 573 (Bankr. W.D. Wash. 2018).

Sec. 2. RCW 6.13.010 and 1999 c 403 s 1 are each amended to read as follows:

(1) The homestead consists of real or personal property that the owner or a dependent of the owner uses as a residence. In the case of a dwelling house or mobile home, the homestead consists of the dwelling house or the mobile home in which the owner resides or intends to reside, with appurtenant buildings, and the land on which the same are situated and by which the same are surrounded, or improved or unimproved land, regardless of area, owned with the intention of placing a house or mobile home thereon and residing thereon. A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner or a dependent of the owner. Property included in the homestead must be actually intended or used as the principal home for the owner.

(2) As used in this chapter((~~, the term "owner"~~)):

(a) "Owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

((~~(3) As used in this chapter, the term "net~~)) (b) "Net value" means market value less all liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon.

(c) "Forced sale" includes any sale of homestead property in a bankruptcy proceeding under Title 11 of the United States Code. The reinvestment provisions of RCW 6.13.070 do not apply to the proceeds.

(d) "Dependent" has the meaning given in Title 11 U.S.C. Sec. 522(a)(1).

Sec. 3. RCW 6.13.030 and 2007 c 429 s 1 are each amended to read as follows:

((~~A homestead may consist of lands, as described in RCW 6.13.010, regardless of area, but the homestead exemption amount shall not exceed the lesser of (1) the total net value of the lands, manufactured homes, mobile home, improvements, and other personal property, as described in RCW 6.13.010, or (2) the sum of one hundred twenty-five thousand dollars in the case of lands, manufactured homes, mobile home, and improvements, or the sum of fifteen thousand dollars in the case of other personal property described in RCW 6.13.010, except where~~)) (1) The homestead exemption amount is the greater of:

(a) $125,000;

(b) The county median sale price of a single-family home in the preceding calendar year; or

(c) Where the homestead is subject to execution, attachment, or seizure by or under any legal process whatever to satisfy a judgment in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, ((~~in which event there shall be~~)) no dollar limit ((~~on the value of the exemption~~)).

(2) In determining the county median sale price of a single-family home in the preceding year, a court shall use data from the Runstad department of real estate at the University of Washington or, if the Runstad department no longer provides the data, a successor entity designated by the office of financial management.

Sec. 4. RCW 6.13.060 and 2008 c 6 s 634 are each amended to read as follows:

The homestead of a spouse or domestic partner cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both spouses or both domestic partners, except that either spouse or both or either domestic partner or both jointly may make and execute powers of attorney for the conveyance or encumbrance of the homestead. The conveyance or encumbrance of the homestead does not require that any dependent of the owner who is not a spouse or domestic partner execute and acknowledge the instrument by which it is conveyed or encumbered.

Sec. 5. RCW 6.13.070 and 1987 c 442 s 207 are each amended to read as follows:

(1) Except as provided in RCW 6.13.080, the homestead is exempt from attachment and from execution or forced sale for the debts of the owner up to the amount specified in RCW 6.13.030.

(2) In a bankruptcy case, the debtor's exemption shall be determined on the date the bankruptcy petition is filed. If the value of the debtor's interest in homestead property on the petition date is less than or equal to the amount that can be exempted under RCW 6.13.030, then the debtor's entire interest in the property, including the debtor's right to possession and interests of no monetary value, is exempt. Any appreciation in the value of the debtor's exempt interest in the property during the bankruptcy case is also exempt, even if in excess of the amounts in RCW 6.13.030(1).

(3) The proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, and proceeds from insurance covering destruction of homestead property held for use in restoring or replacing the homestead property, up to the amount specified in RCW 6.13.030, shall likewise be exempt for one year from receipt, and also such new homestead acquired with such proceeds.

((~~(2)~~)) (4) Every homestead created under this chapter is presumed to be valid to the extent of all the property claimed exempt, until the validity thereof is contested in a court of general jurisdiction in the county or district in which the homestead is situated.

Sec. 6. RCW 6.13.080 and 2019 c 238 s 215 are each amended to read as follows:

The homestead exemption is not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, construction, maritime, automobile repair, material supplier's, or vendor's liens arising out of and against the particular property claimed as a homestead;

(2) On debts secured:

(a) ((~~by~~)) By security agreements describing as collateral the property that is claimed as a homestead; or

(b) ((~~by~~)) By mortgages or deeds of trust on the premises that have been executed and acknowledged by both spouses or both domestic partners or by any claimant not married or in a state registered domestic partnership. The execution and acknowledgment of a mortgage or deed of trust by a dependent who is not a spouse or domestic partner is not required;

(3) On one spouse's or one domestic partner's or the community's debts existing at the time of that spouse's or that domestic partner's bankruptcy filing where (a) bankruptcy is filed by both spouses or both domestic partners within a six-month period, other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse or other domestic partner exempts property from property of the estate under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay maintenance;

(5) On debts owing to the state of Washington for recovery of medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p;

(6) On debts secured by a condominium, homeowners', or common interest community association's lien; or

(7) On debts owed for taxes collected under chapters 82.08, 82.12, and 82.14 RCW but not remitted to the department of revenue.

Sec. 7. RCW 61.24.100 and 1998 c 295 s 12 are each amended to read as follows:

(1) Except to the extent permitted in this section for deeds of trust securing commercial loans, a deficiency judgment shall not be obtained on the obligations secured by a deed of trust against any borrower, grantor, or guarantor after a trustee's sale under that deed of trust.

(2)(a) Nothing in this chapter precludes an action against any person liable on the obligations secured by a deed of trust or any guarantor prior to a notice of trustee's sale being given pursuant to this chapter or after the discontinuance of the trustee's sale.

(b) No action under (a) of this subsection precludes the beneficiary from commencing a judicial foreclosure or trustee's sale under the deed of trust after the completion or dismissal of that action.

(3) This chapter does not preclude any one or more of the following after a trustee's sale under a deed of trust securing a commercial loan executed after June 11, 1998:

(a)(i) To the extent the fair value of the property sold at the trustee's sale to the beneficiary or an affiliate of the beneficiary is less than the unpaid obligation secured by the deed of trust immediately prior to the trustee's sale, an action for a deficiency judgment against the borrower or grantor, if such person or persons was timely given the notices under RCW 61.24.040, for (A) any decrease in the fair value of the property caused by waste to the property committed by the borrower or grantor, respectively, after the deed of trust is granted, and (B) the wrongful retention of any rents, insurance proceeds, or condemnation awards by the borrower or grantor, respectively, that are otherwise owed to the beneficiary.

(ii) This subsection (3)(a) does not apply to any property that is occupied by the borrower as its principal residence as of the date of the trustee's sale;

(b) Any judicial or nonjudicial foreclosures of any other deeds of trust, mortgages, security agreements, or other security interests or liens covering any real or personal property granted to secure the obligation that was secured by the deed of trust foreclosed; or

(c) Subject to this section, an action for a deficiency judgment against a guarantor if the guarantor is timely given the notices under RCW 61.24.042.

(4) Any action referred to in subsection (3)(a) and (c) of this section shall be commenced within one year after the date of the trustee's sale, or a later date to which the liable party otherwise agrees in writing with the beneficiary after the notice of foreclosure is given, plus any period during which the action is prohibited by a bankruptcy, insolvency, moratorium, or other similar debtor protection statute. If there occurs more than one trustee's sale under a deed of trust securing a commercial loan or if trustee's sales are made pursuant to two or more deeds of trust securing the same commercial loan, the one-year limitation in this section

begins on the date of the last of those trustee's sales.

(5) In any action against a guarantor following a trustee's sale under a deed of trust securing a commercial loan, the guarantor may request the court or other appropriate adjudicator to determine, or the court or other appropriate adjudicator may in its discretion determine, the fair value of the property sold at the sale and the deficiency judgment against the guarantor shall be for an amount equal to the sum of the total amount owed to the beneficiary by the guarantor as of the date of the trustee's sale, less the fair value of the property sold at the trustee's sale or the sale price paid at the trustee's sale, whichever is greater, plus interest on the amount of the deficiency from the date of the trustee's sale at the rate provided in the guaranty, the deed of trust, or in any other contracts evidencing the debt secured by the deed of trust, as applicable, and any costs, expenses, and fees that are provided for in any contract evidencing the guarantor's liability for such a judgment. If any other security is sold to satisfy the same debt prior to the entry of a deficiency judgment against the guarantor, the fair value of that security, as calculated in the manner applicable to the property sold at the trustee's sale, shall be added to the fair value of the property sold at the trustee's sale as of the date that additional security is foreclosed. This section is in lieu of any right any guarantor would otherwise have to establish an upset price pursuant to RCW 61.12.060 prior to a trustee's sale.

(6) A guarantor granting a deed of trust to secure its guaranty of a commercial loan shall be subject to a deficiency judgment following a trustee's sale under that deed of trust only to the extent stated in subsection (3)(a)(i) of this section. If the deed of trust encumbers the guarantor's principal residence, the guarantor shall be entitled to receive an amount up to ((~~the homestead exemption set forth in RCW 6.13.030~~)) $125,000, without regard to the effect of RCW 6.13.080(2), from the bid at the foreclosure or trustee's sale accepted by the sheriff or trustee prior to the application of the bid to the guarantor's obligation.

(7) A beneficiary's acceptance of a deed in lieu of a trustee's sale under a deed of trust securing a commercial loan exonerates the guarantor from any liability for the debt secured thereby except to the extent the guarantor otherwise agrees as part of the deed in lieu transaction.

(8) This chapter does not preclude a beneficiary from foreclosing a deed of trust in the same manner as a real property mortgage and this section does not apply to such a foreclosure.

(9) Any contract, note, deed of trust, or guaranty may, by its express language, prohibit the recovery of any portion or all of a deficiency after the property encumbered by the deed of trust securing a commercial loan is sold at a trustee's sale.

(10) A trustee's sale under a deed of trust securing a commercial loan does not preclude an action to collect or enforce any obligation of a borrower or guarantor if that obligation, or the substantial equivalent of that obligation, was not secured by the deed of trust.

(11) Unless the guarantor otherwise agrees, a trustee's sale shall not impair any right or agreement of a guarantor to be reimbursed by a borrower or grantor for a deficiency judgment against the guarantor.

(12) Notwithstanding anything in this section to the contrary, the rights and obligations of any borrower, grantor, and guarantor following a trustee's sale under a deed of trust securing a commercial loan or any guaranty of such a loan executed prior to June 11, 1998, shall be determined in accordance with the laws existing prior to June 11, 1998.

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Stokesbary.

Referred to Committee on Rules for second reading.

March 31, 2021

ESB 5454 Prime Sponsor, Senator Schoesler: Providing property tax relief to Washington citizens who lost their homes in the labor day fires. (REVISED FOR ENGROSSED: Creating a property tax exemption for homes damaged by natural disasters.) Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Walen, Vice Chair.

Referred to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., April 2, 2021, the 82nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

EIGHTY SECOND DAY

House Chamber, Olympia, Friday, April 2, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4623, by Representatives Gregerson and Entenman

WHEREAS, The State of Washington helped start Western Governors University (WGU) in 1998 to provide access to affordable education and training opportunities through online, competency-based programs and pledged, along with member states of Western Governors Association, to take appropriate actions to create policies that support the goals of WGU; and

WHEREAS, Ten years ago this spring, the State of Washington enacted policy expanding access to affordable bachelor's and master's degrees for Washington residents through online, competency-based offerings at Western Governors University Washington (WGU Washington); and

WHEREAS, WGU Washington offers high quality, career-focused degree programs in fields vital to the state's economy, including business, health professions, teaching, and information technology; and

WHEREAS, WGU Washington contributes to Washington's educational attainment goal of at least 70 percent of Washington adults achieving a postsecondary credential by 2023; and

WHEREAS, WGU Washington has demonstrated success in providing affordable education and training opportunities for Washington adult learners; improving education quality; expanding access to underserved populations, including veterans; graduating students; and meeting workforce needs; and

WHEREAS, WGU Washington has experienced an enrollment increase from its beginning 850 students in 2011, growing to more than 14,000 full-time students and making Washington home to more WGU students than in any other state in the nation; and

WHEREAS, WGU Washington has awarded more than 25,000 degrees to hard-working, motivated men and women, helping develop the business leaders, nurses, teachers, and information technology professionals needed to keep Washington's economy strong; and

WHEREAS, WGU Washington is committed to helping Washingtonians achieve their dreams for a university degree and career success;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulate Western Governors University on its 10th anniversary in serving the students of Washington State.

There being no objection, HOUSE RESOLUTION NO. 4623 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4624, by Representatives Chambers, Boehnke, Mosbrucker, Leavitt, Schmick, Jacobsen, Walsh, Ryu, Wicks, Fitzgibbon, Lovick, Slatter, Caldier, Robertson, Walen, Graham, Klippert, Dolan, Barkis, Dent, and Hoff

WHEREAS, The Washington State House of Representatives, on behalf of a grateful people, recognize our unsung heroes, Long-Term Care Providers, a group of committed individuals who in the face of great adversity, the COVID pandemic, have dedicated their life's work to our most vulnerable populations, those who reside in long-term care settings or receive long-term care services. Long-Term Care Providers serve in varying capacities and provide care and relief in our nursing homes, adult family homes, in-home care, assisted and independent living facilities throughout our State; and

WHEREAS, When the world shut down, some settled in to work from the security of their homes, Long-Term Care Providers suited up for duty and through great acts of inventiveness, created safety gear, took on other duties as assigned, and committed to care for those who could no longer care for themselves. We salute the thousands of loyal health care providers in Washington State and throughout our country; and

WHEREAS, Despite the fear of peril, personal safety, and well-being, Long-Term Care Workers went into the very epicenter of the COVID pandemic and nurtured those who were affected by COVID-19 and those most vulnerable and protected the defenseless from contracting the virus; and

WHEREAS, Despite the uncertainty posed by a novel and virulent Coronavirus, Long-Term Care Workers continued to selflessly report for duty to care for our most vulnerable, often working in less than desirable conditions and encountering long hours and working conditions never before imagined; and

WHEREAS, Long-Term Care Providers courageously provided emotional support to frightened residents and family members alike, quelling their fears in the face of adversity, standing in the gap when they could not see their loved ones all the while quietly fighting their own personal battles with the fallout of the pandemic; and

WHEREAS, Long-Term Care Providers are a shining example of selfless caring and devotion for those they serve and support. Counting others needs greater than their own,

they are driven by knowing that they fight for a work and for a cause that is sometimes lost and forgotten; and

WHEREAS, Washington state, our country, and the world are better places for having Long-Term Care Providers here, loving and caring for those in Long-Term Care settings, they are a shining example for those who might follow in their footsteps;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of the State of Washington, recognize and honor the life, work, and sacrifice of Long-Term Care Providers.

There being no objection, HOUSE RESOLUTION NO. 4624 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4625, by Representatives Dufault, Corry, Dent, Ybarra, and Mosbrucker

WHEREAS, Norman (Norm) Wayne Childress was born on August 19, 1958, in Yakima, Washington; and

WHEREAS, Norm attended Outlook Elementary School and Sunnyside Junior High School; and

WHEREAS, After his father died, Norm and his family moved to Naches where he participated in three sports at Naches High School, where he graduated in 1976; and

WHEREAS, Norm attended Yakima Valley College; and

WHEREAS, In October 1978, Norm began a 37-year career with the Public Works Department, then called the Benton County Road Department; and

WHEREAS, Norm married his wife, Sandy, on November 2, 1979, and they enjoyed more than 40 years of marriage together; and

WHEREAS, Norm and Sandy had a daughter, Cara Lee, in 1981, and a son, Joshua Wayne, in 1983; and

WHEREAS, Norm was a dedicated father and involved in his children's activities and sports; and

WHEREAS, Norm was a loving grandfather to his grandson, Sebastian; and

WHEREAS, Norm was elected to the Grandview City Council in 1993 and served on that council until 2005 when he was elected Mayor of Grandview, a position he held until 2018; and

WHEREAS, Norm enjoyed many activities, including church league softball and racquetball; and

WHEREAS, Norm retired in 2015, spending time in his workshop and playing poker; and

WHEREAS, Each year, Norm would travel to Las Vegas to play in the World Series of Poker and connect with friends; and

WHEREAS, Norm was elected as Yakima County Commissioner for District 3 in 2018, a position he held until his unfortunate passing; and

WHEREAS, Norm passed away peacefully from pancreatic cancer on September 15, 2020; and

WHEREAS, Norm leaves behind a legacy of public service and enhanced the communities for which he served; and

WHEREAS, Norm is greatly missed by his family, friends, and the people of Yakima County;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Norman Wayne Childress for his devoted service to the people of Benton County, Grandview, and Yakima County; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Norman Wayne Childress.

There being no objection, HOUSE RESOLUTION NO. 4625 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4626, by Representative Vick

WHEREAS, Federal, state, local, and tribal police officers across the state of Washington serve with valor, dignity, and integrity; and

WHEREAS, Law enforcement officers throughout Washington State conduct themselves in a manner that supports, maintains, and defends the Constitution of the United States and the Constitution of the State of Washington; and

WHEREAS, Law enforcement officers throughout Washington State risk their own lives to protect the lives of others; and

WHEREAS, Law enforcement is an honorable profession that diligently seeks to make our communities safe and prosperous; and

WHEREAS, Law enforcement officers selflessly run toward emergency situations without concern for their personal well-being; and

WHEREAS, There is no greater sacrifice a law enforcement officer can make for their community than to give their life; and

WHEREAS, Since Washington became an incorporated territory of the United States in 1853, 331 law enforcement officers have been killed in the line of duty in service to the people of Washington State; and

WHEREAS, The family members and friends of fallen law enforcement officers bear the most immediate and profound burden of the absence of their loved ones;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives extend the deepest condolences to the families and loved ones of fallen law enforcement officers and stand in solidarity with the people of Washington State as they celebrate the lives and mourn the loss of these remarkable and selfless heroes who represented the best of their community and whose memory will serve as an inspiration for future generations; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives honor the commitment and sacrifice of all law enforcement officers currently serving our communities and the State of Washington.

There being no objection, HOUSE RESOLUTION NO. 4626 was adopted.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1568 by Representatives Bergquist, Gregerson, Ormsby, Leavitt, Berry, Macri, Santos, Duerr, Kloba, Paul and Sullivan

AN ACT Relating to unemployment insurance relief for small businesses; adding a new section to chapter 50.16 RCW; adding new sections to chapter 50.29 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 31, 2021

HB 1080 Prime Sponsor, Representative Tharinger: Concerning the capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

March 31, 2021

HB 1081 Prime Sponsor, Representative Tharinger: Concerning state general obligation bonds and related accounts. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

March 31, 2021

HB 1406 Prime Sponsor, Representative Frame: Improving the equity of Washington state's tax code by creating the Washington state wealth tax and taxing extraordinary financial intangible assets. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary and Vick.

MINORITY recommendation: Without recommendation. Signed by Representatives Berg, Vice Chair and Springer.

Referred to Committee on Appropriations.

March 31, 2021

2SSB 5000 Prime Sponsor, Committee on Ways & Means: Concerning hydrogen fuel cell electric vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representative McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Rules for second reading.

March 31, 2021

SB 5017 Prime Sponsor, Senator Wellman: Clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that school construction procurement processes must comply with the requirements of public works laws specified in chapter 39.04 RCW. Competitive bidding requirements under chapter 39.04 RCW apply to construction contracts by registered contractors. Procurement requirements in RCW 28A.335.190 for public works by school districts are not well defined and may be interpreted as being inconsistent with the requirements of chapter 39.04 RCW and with the authority to contract for personal services under RCW 28A.320.035. The purpose of this act is to make retroactive, remedial, curative, and technical amendments to clarify the intent of RCW 28A.335.190.

Sec. 2. RCW 28A.335.190 and 2013 c 223 s 1 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, ((~~or~~)) other construction work by a contractor who meets the criteria in RCW 39.04.350, or other purchases, except books, will equal or exceed the threshold levels specified in subsections (2) and (4) of this section, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids and that specifications and other information may be examined at the office of the board or any other officially designated location. The cost of any public work, improvement, or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment, or supplies, except books, the cost of which is estimated to be in excess of forty thousand dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from forty thousand dollars up to seventy-five thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of seventy-five thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Any school district may purchase goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections pursuant to RCW 72.09.100, including but not limited to furniture, equipment, or supplies. School districts are encouraged to set as a target to contract, beginning after June 30, 2006, to purchase up to one percent of the total goods required by the school districts each year, goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(4) The board may make improvements or repairs to the property of the district through a department within the district without following the public bidding process provided in subsection (1) of this section when the total of such improvements or repairs does not exceed the sum of seventy-five thousand dollars. Whenever the estimated cost of a building, improvement, repair, or other public works project is one hundred thousand dollars or more, the public

bidding process provided in subsection (1) of this section shall be followed unless the contract is let using the small works roster process in RCW 39.04.155 or under any other procedure authorized for school districts. One or more school districts may authorize an educational service district to establish and operate a small works roster for the school district under the provisions of RCW 39.04.155.

(5) The contract for the work or purchase shall be awarded to the lowest responsible bidder as described in RCW 39.26.160(2) but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

(6) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency," for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

(7) This section does not apply to the direct purchase of school buses by school districts and educational services in accordance with RCW 28A.160.195.

(8) This section does not apply to the purchase of Washington grown food.

(9) At the discretion of the board, a school district may develop and implement policies and procedures to facilitate and maximize to the extent practicable, purchases of Washington grown food including, but not limited to, policies that permit a percentage price preference for the purpose of procuring Washington grown food.

(10) As used in this section, "Washington grown" has the definition in RCW 15.64.060.

(11) As used in this section, "price percentage preference" means the percent by which a responsive bid from a responsible bidder whose product is a Washington grown food may exceed the lowest responsive bid submitted by a responsible bidder whose product is not a Washington grown food.

(12) For purposes of this section, "construction work" does not include the following services: (a) Construction management services; (b) value engineering; (c) constructability review; (d) building commissioning; and (e) other construction-related professional and personal services.

(13) Requests for proposals or qualifications, advertisements, bids, or calls for bids pursuant to this section for the services listed under subsection (12) of this section, must include the standard clauses required under RCW 39.19.050.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Bateman; Kloba; Leavitt; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Dye; Eslick; Gilday; Kraft; MacEwen; Maycumber and Mosbrucker.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Assistant Ranking Minority Member McEntire, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 31, 2021

SB 5031 Prime Sponsor, Senator Honeyford: Concerning a community aviation revitalization loan program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

Referred to Committee on Rules for second reading.

March 31, 2021

SB 5146 Prime Sponsor, Senator Van De Wege: Authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

Referred to Committee on Rules for second reading.

March 31, 2021

E2SSB 5287 Prime Sponsor, Committee on Ways & Means: Concerning affordable housing incentives. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.14.005 and 2007 c 430 s 1 are each amended to read as follows:

(1) The legislature finds:

((~~(1)~~)) (a) That in many of Washington's urban centers there is insufficient availability of desirable and convenient residential units, including affordable housing units, to meet the needs of a growing number of the public who would live in these urban centers if these desirable, convenient, attractive, affordable, and livable places to live were available;

((~~(2)~~)) (b) That the development of additional and desirable residential units, including affordable housing units, in these urban centers that will attract and maintain a significant increase in the number of permanent residents in these areas will help to alleviate the detrimental conditions and social liability that tend to exist in the absence of a viable mixed income residential population and will help to achieve the planning goals mandated by the growth management act under RCW 36.70A.020; and

((~~(3)~~)) (c) That planning solutions to solve the problems of urban sprawl often lack incentive and implementation techniques needed to encourage residential redevelopment in those urban centers lacking a sufficient variety of residential opportunities, and it is in the public interest and will benefit, provide, and promote the public health, safety, and welfare to stimulate new or enhanced residential opportunities, including affordable housing opportunities, within urban centers through a tax incentive as provided by this chapter.

(2) Therefore, the legislature intends to achieve multiple goals by incentivizing the development of multiple-unit housing including creating additional affordable housing, encouraging urban development and density, increasing market rate workforce housing, developing permanently affordable housing opportunities, promoting economic investment and recovery, and creating family-wage jobs.

Sec. 2. RCW 84.14.010 and 2017 c 52 s 16 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.

(2) "Campus facilities master plan" means the area that is defined by the University of Washington as necessary for the future growth and development of its campus facilities for campuses authorized under RCW 28B.45.020.

(3) "City" means either (a) a city or town with a population of at least fifteen thousand, (b) the largest city or town, if there is no city or town with a population of at least fifteen thousand, located in a county planning under the growth management act, ((~~or~~)) (c) a city or town with a population of at least five thousand located in a county subject to the provisions of RCW 36.70A.215, or (d) any city that otherwise does not meet

the qualifications under (a) through (c) of this subsection, until December 31, 2031, that complies with RCW 84.14.020(1)(a)(iii) or section 7(1)(b) of this act.

(4) "County" means a county with an unincorporated population of at least ((~~three hundred fifty thousand~~)) 170,000.

(5) "Governing authority" means the local legislative authority of a city or a county having jurisdiction over the property for which an exemption may be applied for under this chapter.

(6) "Growth management act" means chapter 36.70A RCW.

(7) ((~~"High cost area" means a county where the third quarter median house price for the previous year as reported by the Washington center for real estate research at Washington State University is equal to or greater than one hundred thirty percent of the statewide median house price published during the same time period.~~

~~(8)~~)) "Household" means a single person, family, or unrelated persons living together.

((~~(9)~~)) (8) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development. ((~~For cities located in high-cost areas, "low-income household" means a household that has an income at or below one hundred percent of the median family income adjusted for family size, for the county where the project is located.~~

~~(10)~~)) (9) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than eighty percent but is at or below one hundred fifteen percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development. ((~~For cities located in high-cost areas, "moderate-income household" means a household that has an income that is more than one hundred percent, but at or below one hundred fifty percent, of the median family income adjusted for family size, for the county where the project is located.~~

~~(11)~~)) (10) "Multiple-unit housing" means a building or a group of buildings having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

((~~(12)~~)) (11) "Owner" means the property owner of record.

((~~(13)~~)) (12) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

((~~(14)~~)) (13) "Rehabilitation improvements" means modifications to existing structures, that are vacant for twelve months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

((~~(15)~~)) (14) "Residential targeted area" means an area within an urban center or urban growth area that has been designated by the governing authority as a residential targeted area in accordance with this chapter. With respect to designations after July 1, 2007, "residential targeted area" may not include a campus facilities master plan.

((~~(16)~~)) (15) "Rural county" means a county with a population between fifty thousand and seventy-one thousand and bordering Puget Sound.

((~~(17)~~)) (16) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

((~~(18)~~)) (17) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

Sec. 3. RCW 84.14.020 and 2020 c 237 s 2 are each amended to read as follows:

(1)(a) The value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation, as follows:

(i) For properties for which applications for certificates of tax exemption eligibility are submitted under this chapter before July 22, 2007, the value is exempt for ten successive years beginning January 1 of the year immediately following the calendar year of issuance of the certificate; ((~~and~~))

(ii) For properties for which applications for certificates of tax exemption eligibility are submitted under this chapter on or after July 22, 2007, the value is exempt:

(A) For eight successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate; ((~~or~~))

(B) For twelve successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under this chapter and meets the conditions in this subsection (1)(a)(ii)(B). For the property to qualify for the twelve-year exemption under this subsection, the applicant must commit to renting or selling at least twenty percent of the multifamily housing units as affordable housing units to low and moderate-income households, and the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the local government under this chapter. In the case of projects intended exclusively for owner occupancy, the minimum requirement of this subsection (1)(a)(ii)(B) may be satisfied solely through housing affordable to moderate-income households; or

(C) For 20 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under this chapter and meets the conditions in this subsection (1)(a)(ii)(C). For the property to qualify for the 20-year exemption under this subsection, the project must be located within one mile of high capacity transit of at least 15 minute scheduled frequency, in a city that has implemented, as of the effective date of this section, a mandatory inclusionary zoning requirement for affordable housing that ensures affordability of housing units for a period of at least 99 years and that has a population of no more than 65,000 as measured on the effective date of this section. To qualify for the exemption provided in this subsection (1)(a)(ii)(C), the applicant must commit to renting at least 20 percent of the dwelling units as affordable to low-income households for a term of at least 99 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions adopted by the local government under this chapter. A city must require the applicant to record a covenant or deed restriction that ensures the continuing rental of units subject to these affordability requirements consistent with the conditions in this subsection (1)(a)(ii)(C) for a period of no less than 99 years. The covenant or deed restriction must also address criteria and policies to maintain public benefit if the property is converted to a use other than which continues to provide for permanently affordable low-income housing consistent with this subsection (1)(a)(ii)(C); and

(iii) Until December 31, 2026, for a city as defined in RCW 84.14.010(3)(d), for 12 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under this chapter and meets the conditions in this subsection (1)(a)(iii). For the property to qualify for the 12-year exemption under this subsection, the applicant must commit to renting or selling at least 20

percent of the multifamily housing units as affordable housing units to low and moderate-income households, the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the local government under this chapter, and the area must be zoned to have an average minimum density equivalent to 15 dwelling units or more per gross acre, or for cities with a population over 20,000, the area must be zoned to have an average minimum density equivalent to 25 dwelling units or more per gross acre. In the case of projects intended exclusively for owner occupancy, the minimum requirement of this subsection (1)(a)(iii) may be satisfied solely through housing affordable to low-income or moderate-income households.

(b) The exemptions provided in (a)(i) ((~~and (ii)~~)) through (iii) of this subsection do not include the value of land or nonhousing-related improvements not qualifying under this chapter.

(c) For properties receiving an exemption as provided in (a)(ii)(B) of this subsection that are in compliance with existing contracts and where the certificate of tax exemption is set to expire after June 11, 2020, but before December 31, 2021, the exemption is extended until December 31, 2021, provided that the property must satisfy any eligibility criteria or limitations provided in this chapter as a condition to the existing exemption for a given property continue to be met. For all properties eligible to receive an extension pursuant to this subsection (1)(c), the city or county that issued the initial certificate of tax exemption, as required in RCW 84.14.090, must notify the county assessor and the applicant of the extension of the certificate of tax exemption.

(2) When a local government adopts guidelines pursuant to RCW 84.14.030(2) and includes conditions that must be satisfied with respect to individual dwelling units, rather than with respect to the multiple-unit housing as a whole or some minimum portion thereof, the exemption may, at the local government's discretion, be limited to the value of the qualifying improvements allocable to those dwelling units that meet the local guidelines.

(3) In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to the submission of the application required under this chapter. The incentive provided by this chapter is in addition to any other incentives, tax credits, grants, or other incentives provided by law.

(4) This chapter does not apply to increases in assessed valuation made by the assessor on nonqualifying portions of building and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

(5) At the conclusion of the exemption period, the ((~~new or rehabilitated housing cost shall~~)) value of the new housing construction, conversion, or rehabilitation improvements must be considered as new construction for the purposes of ((~~chapter 84.55 RCW~~)) chapters 84.55 and 36.21 RCW as though the property was not exempt under this chapter.

(6) For properties that qualified for, satisfied the conditions of, and utilized the exemption under subsection (1)(a)(ii)(A) or (B) of this section, following the initial exemption period or the extension period authorized in subsection (1)(c) of this section, the exemption period may be extended for an additional 12 years for projects that are within 18 months of expiration contingent on city or county approval. For the property to qualify for an extension under this subsection (6), the applicant must meet at a minimum the locally adopted requirements for the property to qualify for an exemption under subsection (1)(a)(ii)(B) of this section as applicable at the time of the extension application, and the applicant commits to renting or selling at least 20 percent of the multifamily housing units as affordable housing units for low-income households.

(7) At the end of both the tenth and eleventh years of an extension, for twelve-year extensions of the exemption, applicants must provide tenants of rent-restricted units with notification of intent to provide the tenant with rental relocation assistance as provided in subsection (8) of this section.

(8)(a) Except as provided in (b) of this subsection, for any 12-year

exemption authorized under subsection (1)(a)(ii)(B) or (iii) of this section after the effective date of this section, or for any 12-year exemption extension authorized under subsection (6) of this section, at the expiration of the exemption the applicant must provide tenant relocation assistance in an amount equal to one month's rent to a qualified tenant within the final month of the qualified tenant's lease. To be eligible for tenant relocation assistance under this subsection, the tenant must occupy an income-restricted unit at the time the exemption expires and must qualify as a low-income household under this chapter at the time relocation assistance is sought.

(b) If affordability requirements consistent, at a minimum, with those required under subsection (1)(a)(ii)(B) or (iii) of this section remain in place for the unit after the expiration of the exemption, relocation assistance in an amount equal to one month's rent must be provided to a qualified tenant within the final month of a qualified tenant's lease who occupies an income-restricted unit at the time those additional affordability requirements cease to apply to the unit.

(9) No new exemptions may be provided under this section beginning on or after January 1, 2032. No extensions may be granted under subsection (6) of this section on or after January 1, 2046.

Sec. 4. RCW 84.14.040 and 2014 c 96 s 4 are each amended to read as follows:

(1) The following criteria must be met before an area may be designated as a residential targeted area:

(a) The area must be within an urban center, as determined by the governing authority;

(b) The area must lack, as determined by the governing authority, sufficient available, desirable, and convenient residential housing, including affordable housing, to meet the needs of the public who would be likely to live in the urban center, if the affordable, desirable, attractive, and livable places to live were available;

(c) The providing of additional housing opportunity, including affordable housing, in the area, as determined by the governing authority, will assist in achieving one or more of the stated purposes of this chapter; ((~~and~~))

(d) If the residential targeted area is designated by a county, the area must be located in an unincorporated area of the county that is within an urban growth area under RCW 36.70A.110 and the area must be: (i) In a rural county, served by a sewer system and designated by a county prior to January 1, 2013; or (ii) in a county that includes a campus of an institution of higher education, as defined in RCW 28B.92.030, where at least one thousand two hundred students live on campus during the academic year; and (iii) until July 15, 2024, in a county seeking to promote transit supportive densities and efficient land use in an area that is located within a designated urban growth area and within .25 miles of a corridor where bus service is scheduled at least every thirty minutes for no less than 10 hours per weekday and is in service or is planned for service to begin within five years of designation; and

(e) For a residential targeted area designated by a county after the effective date of this section, the county governing authority must conduct an evaluation of the risk of potential displacement of residents currently living in the area if the tax incentives authorized in this chapter were to be used in the area. The county may use an existing analysis if one exists. An area may not be designated as a residential targeted area unless: (i) The evaluation finds that the risk of displacement is minimal; or (ii) the governing authority mitigates the risk of displacement with locally adopted mitigation measures such as, but not limited to, ensuring that those directly or indirectly displaced have a first right of refusal to occupy the newly created dwelling units receiving an exemption under this chapter, including the affordable units if they otherwise meet the qualifications.

(2) For the purpose of designating a residential targeted area or areas, the governing authority may adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the designation of the area and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of the action intended.

(3) The governing authority must give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than thirty days before the date of the hearing in a paper having a general circulation in the city or county where the proposed residential targeted area is located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a residential targeted area.

(4) Following the hearing, or a continuance of the hearing, the governing authority may designate all or a portion of the area described in the resolution of intent as a residential targeted area if it finds, in its sole discretion, that the criteria in subsections (1) through (3) of this section have been met.

(5) After designation of a residential targeted area, the governing authority must adopt and implement standards and guidelines to be utilized in considering applications and making the determinations required under RCW 84.14.060. The standards and guidelines must establish basic requirements for both new construction and rehabilitation, which must include:

(a) Application process and procedures;

(b) Income and rent standards for affordable units;

(c) Requirements that address demolition of existing structures and site utilization; and

((~~(c)~~)) (d) Building requirements that may include elements addressing parking, height, density, environmental impact, and compatibility with the existing surrounding property and such other amenities as will attract and keep permanent residents and that will properly enhance the livability of the residential targeted area in which they are to be located.

(6)(a) The governing authority may adopt and implement, either as conditions to eight-year exemptions or as conditions to an extended exemption period under RCW 84.14.020(1)(a)(ii) (B) or (C), or ((~~both~~)) as conditions to any combination of exemptions authorized under this chapter, more stringent income eligibility, rent, or sale price limits, including limits that apply to a higher percentage of units, than the minimum conditions for an extended exemption period under RCW 84.14.020(1)(a)(ii) (B) or (C).

(b) Additionally, a governing authority may adopt and implement as a contractual prerequisite to any exemption granted pursuant to RCW 84.14.020:

(i) A requirement that applicants pay at least the prevailing rate of hourly wage established under chapter 39.12 RCW for journey level and apprentice workers on residential and commercial construction;

(ii) Payroll record requirements consistent with RCW 39.12.120(1);

(iii) Apprenticeship utilization requirements consistent with RCW 39.04.310; and

(iv) A contracting inclusion plan developed in consultation with the office of minority and women's business enterprises.

(7) For any multiunit housing located in an unincorporated area of a county, a property owner seeking tax incentives under this chapter must commit to renting or selling at least twenty percent of the multifamily housing units as affordable housing units to low and moderate-income households. In the case of multiunit housing intended exclusively for owner occupancy, the minimum requirement of this subsection ((~~(6)~~)) (7) may be satisfied solely through housing affordable to moderate-income households.

(8) Nothing in this section prevents a governing authority from adopting and implementing additional requirements to any exemption granted under RCW 84.14.020.

Sec. 5. RCW 84.14.100 and 2012 c 194 s 9 are each amended to read as follows:

(1) Thirty days after the anniversary of the date of the certificate of tax exemption and each year for the tax exemption period, the owner of the rehabilitated or newly constructed property, or the qualified nonprofit or local government that will assure permanent affordable homeownership for at least 25 percent of the units for properties receiving an exemption under section 7 of this act, must file with a designated authorized representative of

the city or county an annual report indicating the following:

(a) A statement of occupancy and vacancy of the rehabilitated or newly constructed property during the twelve months ending with the anniversary date;

(b) A certification by the owner that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in RCW 84.14.020 since the date of the certificate approved by the city or county;

(c) A description of changes or improvements constructed after issuance of the certificate of tax exemption; and

(d) Any additional information requested by the city or county in regards to the units receiving a tax exemption.

(2) All cities or counties, which issue certificates of tax exemption for multiunit housing that conform to the requirements of this chapter, must report annually by ((~~December 31st~~)) April 1st of each year, beginning in 2007, to the department of commerce. A city or county must be in compliance with the reporting requirements of this section to offer certificates of tax exemption for multiunit housing authorized in this chapter. The report must include the following information:

(a) The number of tax exemption certificates granted;

(b) The total number and type of units produced or to be produced;

(c) The number, size, and type of units produced or to be produced meeting affordable housing requirements;

(d) The actual development cost of each unit produced;

(e) The total monthly rent or total sale amount of each unit produced;

(f) The annual household income ((~~of each renter household at the time of initial occupancy and the income of each initial purchaser of owner-occupied units at the time of purchase~~)) and household size for each of the affordable units receiving a tax exemption and a summary of these figures for the city or county; and

(g) The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted.

(3) The department of commerce must provide guidance to cities and counties, which issue certificates of tax exemption for multiunit housing that conform to the requirements of this chapter, on best practices in managing and reporting for the exemption programs authorized under this chapter, including guidance for cities and counties to collect and report demographic information for tenants of units receiving a tax exemption under this chapter.

(4) This section expires January 1, 2058.

NEW SECTION. **Sec. 6.** (1) This section is the tax preference performance statement for the tax preferences contained in section 3, chapter . . ., Laws of 2021 (section 3 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to:

(a) Incentivize developers to construct or rehabilitate multifamily housing;

(b) Incentivize local governments and multifamily housing owners to maintain or expand existing income-restricted unit stock that have been incentivized through the tax exemption provided under chapter 84.14 RCW via new authority to renew the property tax abatement in exchange for continued or additional affordability; and

(c) Further encourage multifamily construction in cities and certain unincorporated urban growth areas by expanding access to the multifamily tax exemption program to a broader set of jurisdictions.

(4) It is the legislature's intent to provide the value of new housing construction, conversion, and rehabilitation improvements qualifying under chapter 84.14 RCW an exemption from

ad valorem property taxation for eight to 12 years or more, as provided for in RCW 84.14.020, in order to provide incentives to developers to construct or rehabilitate multifamily housing thereby increasing the number of affordable housing units, or preserving the state's stock of income-restricted units, for low-income to moderate-income residents in certain urban growth areas.

(5) The legislature intends to extend the expiration date of the tax preferences in section 3, chapter . . ., Laws of 2021 (section 3 of this act), if a review finds that:

(a) Projects receiving an initial eight-year or 12-year exemption regularly enter into subsequent 12-year extensions in exchange for continued or increased income restrictions on affordable units; and

(b) At least 20 percent of the new housing is developed and occupied by households earning:

(i) At or below 80 percent of the area median income, at the time of occupancy, adjusted for family size for the county in which the project is located; or

(ii) Where the housing is intended exclusively for owner occupancy, up to 115 percent of the area median income, at the time of sale, adjusted for family size for the county in which the project is located.

(6) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee must refer to the annual reports compiled by the department of commerce under RCW 84.14.100 and may refer to data provided by counties or cities in which persons are utilizing the preferences, the office of financial management, the department of commerce, the United States department of housing and urban development, and any other data sources, as needed by the joint legislative audit and review committee.

NEW SECTION. **Sec. 7.** A new section is added to chapter 84.14 RCW to read as follows:

(1)(a) The value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation, as follows: For 20 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under this chapter and meets the conditions in this section. For the property to qualify for the 20-year exemption under this section, at least 25 percent of the units must be built by or sold to a qualified nonprofit or local government that will assure permanent affordable homeownership. The remaining 75 percent of units may be rented or sold at market rates.

(b) Until December 31, 2031, for a city as defined in RCW 84.14.010(3)(d), in any city the value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation, as follows: For 20 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under this chapter and meets the conditions in this section. For the property to qualify for the 20-year exemption under this section, at least 25 percent of the units must be sold to a qualified nonprofit or local government partner that will assure permanent affordable homeownership. The remaining 75 percent of units may be rented or sold at market rates. The area must be zoned to have an average minimum density equivalent to 15 dwelling units or more per gross acre, or for cities with a population over 20,000, the area must be zoned to have an average minimum density equivalent to 25 dwelling units or more per gross acre.

(2) Permanently affordable homeownership units or permanently affordable rental units must be sold or rented to households earning no more than 80 percent of the average median income for the city or local jurisdiction in which the unit is located.

(3) A local jurisdiction may assign and collect an administration fee at each point of sale to cover the administrative costs for oversight of the program to maintain permanently affordable housing units consistent with this section.

(4) The exemptions in this section do not include the value of land or nonhousing-related improvements not qualifying under this chapter.

(5) At the conclusion of the exemption period, the value of the new housing

construction, conversion, or rehabilitation improvements must be considered as new construction for the purposes of chapters 84.55 and 36.21 RCW as though the property was not exempt under this chapter.

(6) For purposes of this section, "permanently affordable homeownership" means homeownership that, in addition to meeting the definition of "affordable housing" in RCW 43.185A.010, is:

(a) Sponsored by a nonprofit organization or governmental entity;

(b) Subject to a ground lease or deed restriction that includes:

(i) A resale restriction designed to provide affordability for future low and moderate-income homebuyers;

(ii) A right of first refusal for the sponsor organization to purchase the home at resale; and

(iii) A requirement that the sponsor must approve any refinancing, including home equity lines of credit; and

(c) Sponsored by a nonprofit organization or governmental entity and the sponsor organization:

(i) Executes a new ground lease or deed restriction with a duration of at least 99 years at the initial sale and with each successive sale; and

(ii) Supports homeowners and enforces the ground lease or deed restriction.

(7) The department of commerce must develop a template for permanent affordability for home or condo ownership through deed restrictions that can be used by a city or local government to ensure compliance with this section.

(8) No new exemptions may be provided under this section beginning on or after January 1, 2032.

NEW SECTION. **Sec. 8.** (1) This section is the tax preference performance statement for the tax preference contained in section 7, chapter . . ., Laws of 2021 (section 7 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to incentivize developers to construct or rehabilitate permanently affordable homeownership units.

(4) It is the legislature's intent to provide the value of new housing construction, conversion, and rehabilitation improvements qualifying under chapter 84.14 RCW an exemption from ad valorem property taxation for 20 years, as provided for in section 7 of this act, in order to provide incentives to developers to construct or rehabilitate multifamily housing thereby increasing the number of permanently affordable homeownership units.

(5) The legislature intends to extend the expiration date of the tax preferences in section 7, chapter . . ., Laws of 2021 (section 7 of this act), if a review finds that:

(a) The number of local governments utilizing the permanently affordable homeownership tax exemption program authorized in section 7 of this act increases over time;

(b) The number of permanently affordable homeownership units increases; and

(c) The income level of those households benefiting from the permanently affordable homeownership units is consistent with the requirements of section 7 of this act.

(6) In order to obtain the data necessary to perform the review in subsection (5) of this section, the joint legislative audit and review committee must refer to the annual reports compiled by the department of commerce under RCW 84.14.100 and may refer to data provided by counties or cities in which persons are utilizing the preferences, the office of financial management, the department of commerce, the United States department of housing and urban development, and any other data sources, as needed by the joint legislative audit and review committee.

Sec. 9. RCW 84.14.030 and 2012 c 194 s 3 are each amended to read as follows:

An owner of property making application under this chapter must meet the following requirements:

(1) The new or rehabilitated multiple-unit housing must be located in a residential targeted area as designated by the city or county;

(2) The multiple-unit housing must meet guidelines as adopted by the governing authority that may include height, density, public benefit features, number and size of proposed development, parking, income limits for occupancy, limits on rents or sale prices, and other adopted requirements indicated necessary by the city or county. The required amenities should be relative to the size of the project and tax benefit to be obtained;

(3) The new, converted, or rehabilitated multiple-unit housing must provide for a minimum of fifty percent of the space for permanent residential occupancy. In the case of existing occupied multifamily development, the multifamily housing must also provide for a minimum of four additional multifamily units. Existing multifamily vacant housing that has been vacant for twelve months or more does not have to provide additional multifamily units;

(4) New construction multifamily housing and rehabilitation improvements must be completed within three years from the date of approval of the application, plus any extension authorized under RCW 84.14.090(5);

(5) Property proposed to be rehabilitated must fail to comply with one or more standards of the applicable state or local building or housing codes on or after July 23, 1995. If the property proposed to be rehabilitated is not vacant, an applicant must provide each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate; and

(6) The applicant must enter into a contract with the city or county approved by the governing authority, or an administrative official or commission authorized by the governing authority, under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority.

Sec. 10. RCW 84.14.090 and 2012 c 194 s 8 are each amended to read as follows:

(1) Upon completion of rehabilitation or new construction for which an application for a limited tax exemption under this chapter has been approved and after issuance of the certificate of occupancy, the owner must file with the city or county the following:

(a) A statement of the amount of rehabilitation or construction expenditures made with respect to each housing unit and the composite expenditures made in the rehabilitation or construction of the entire property;

(b) A description of the work that has been completed and a statement that the rehabilitation improvements or new construction on the owner's property qualify the property for limited exemption under this chapter;

(c) If applicable, a statement that the project meets the affordable housing requirements as described in RCW 84.14.020; and

(d) A statement that the work has been completed within three years of the issuance of the conditional certificate of tax exemption.

(2) Within thirty days after receipt of the statements required under subsection (1) of this section, the authorized representative of the city or county must determine whether the work completed, and the affordability of the units, is consistent with the application and the contract approved by the city or county and is qualified for a limited tax exemption under this chapter. The city or county must also determine which specific improvements completed meet the requirements and required findings.

(3) If the rehabilitation, conversion, or construction is completed within three years of the date the application for a limited tax exemption is filed under this chapter, or within an authorized extension of this time limit, and the authorized representative of the city or county determines that improvements were constructed consistent with the application and other applicable requirements, including if applicable, affordable housing requirements, and the owner's property is qualified for a limited tax exemption under this chapter, the city or county must file the certificate of tax exemption with the county assessor within ten days of the expiration of the thirty-day period provided under subsection (2) of this section.

(4) The authorized representative of the city or county must notify the applicant that a certificate of tax exemption is not going to be filed if the authorized representative determines that:

(a) The rehabilitation or new construction was not completed within three years of the application date, or within any authorized extension of the time limit;

(b) The improvements were not constructed consistent with the application or other applicable requirements;

(c) If applicable, the affordable housing requirements as described in RCW 84.14.020 were not met; or

(d) The owner's property is otherwise not qualified for limited exemption under this chapter.

(5) If the authorized representative of the city or county finds that construction or rehabilitation of multiple-unit housing was not completed within the required time period due to circumstances beyond the control of the owner and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the governing authority or the city or county official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed twenty-four consecutive months. For preliminary or final applications submitted on or before February 15, 2020, with any outstanding application requirements, such as obtaining a temporary certificate of occupancy, the city or county may choose to extend the deadline for completion for an additional five years. The five-year extension begins immediately following the completion of any outstanding applications or previously authorized extensions, whichever is later.

(6) The governing authority may provide by ordinance for an appeal of a decision by the deciding officer or authority that an owner is not entitled to a certificate of tax exemption to the governing authority, a hearing examiner, or other city or county officer authorized by the governing authority to hear the appeal in accordance with such reasonable procedures and time periods as provided by ordinance of the governing authority. The owner may appeal a decision by the deciding officer or authority that is not subject to local appeal or a decision by the local appeal authority that the owner is not entitled to a certificate of tax exemption in superior court under RCW 34.05.510 through 34.05.598, if the appeal is filed within thirty days of notification by the city or county to the owner of the decision being challenged."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Harris-Talley; Morgan; Orwall; Ramel; Stokesbary; Thai; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member; Chopp and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Chase.

Referred to Committee on Rules for second reading.

March 31, 2021

SSB 5460 Prime Sponsor, Committee on Transportation: Implementing recommendations of the autonomous vehicle work group. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; McCaslin and Walsh.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exceptions of HOUSE BILL NO. 1080 and HOUSE BILL NO. 1081 which were placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1532
HOUSE BILL NO. 1546
SENATE BILL NO. 5005
SUBSTITUTE SENATE BILL NO. 5011
SUBSTITUTE SENATE BILL NO. 5025
SUBSTITUTE SENATE BILL NO. 5030
SENATE BILL NO. 5040
SENATE BILL NO. 5046
SENATE BILL NO. 5106
ENGROSSED SUBSTITUTE SENATE BILL NO. 5115
ENGROSSED SENATE BILL NO. 5135
SUBSTITUTE SENATE BILL NO. 5152
SUBSTITUTE SENATE BILL NO. 5157
ENGROSSED SENATE BILL NO. 5158
SUBSTITUTE SENATE BILL NO. 5169
ENGROSSED SUBSTITUTE SENATE BILL NO. 5180
SENATE BILL NO. 5184
SUBSTITUTE SENATE BILL NO. 5228
SENATE BILL NO. 5299
SUBSTITUTE SENATE BILL NO. 5230
ENGROSSED SUBSTITUTE SENATE BILL NO. 5245
ENGROSSED SUBSTITUTE SENATE BILL NO. 5251
ENGROSSED SUBSTITUTE SENATE BILL NO. 5295
SUBSTITUTE SENATE BILL NO. 5325
SUBSTITUTE SENATE BILL NO. 5332
ENGROSSED SUBSTITUTE SENATE BILL NO. 5355
ENGROSSED SENATE BILL NO. 5356
SECOND SUBSTITUTE SENATE BILL NO. 5362
ENGROSSED SUBSTITUTE SENATE BILL NO. 5370
SUBSTITUTE SENATE BILL NO. 5384
SUBSTITUTE SENATE BILL NO. 5425
SENATE BILL NO. 5430
SENATE BILL NO. 5431
ENGROSSED SUBSTITUTE SENATE BILL NO. 5432
ENGROSSED SENATE BILL NO. 5372
SUBSTITUTE SENATE BILL NO. 5381

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the first order of business.

The House was called to order by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Mari Leavitt, 28th Legislative District.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

March 30, 2021

Mme. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5267,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 30, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5083,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 30, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1007,
SUBSTITUTE HOUSE BILL NO. 1037,
HOUSE BILL NO. 1055,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,
ENGROSSED HOUSE BILL NO. 1090,
HOUSE BILL NO. 1104,
ENGROSSED HOUSE BILL NO. 1199,
HOUSE BILL NO. 1378,
HOUSE BILL NO. 1437,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 1, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

SUPPLEMENTAL INTRODUCTION & FIRST READING

ESSB 5083 by Senate Committee on Ways & Means (originally sponsored by Frockt, Mullet, Wilson and C.)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.19.501, 28B.15.210, 28B.15.310, 28B.20.725, 28B.30.750, 28B.35.370, 28B.50.360, 28B.77.070, 43.63A.750, 39.35D.030, 43.88D.010, and 43.185.050; amending 2019 c 413 ss 1004, 1007, 1010, 1012, 1014, 1058, 1060, 1074, 1079, 1066, 1097, 1098, 1108, 1109, 2034, 2088, 2089, 3020, 3091, 3217, 3235, 3278, 3301, 4002, 4004, 5011, 5020, and 5047, and 2020 c 356 ss 6002, 1003, 1006, 1011, 1013, 1009, 1022, 1027, 3025, 5002, and 5011 (uncodified); reenacting and amending RCW 43.155.050; creating new sections; repealing 2019 c 413 ss 1059 and 1107 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Rules.

ESSB 5092 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Wilson, L., Wilson and C.)

AN ACT Relating to fiscal matters; amending RCW 38.52.105, 41.06.280, 41.45.230, 41.80.010, 43.08.190, 43.09.475, 43.43.839, 43.79.195, 43.79.270, 43.79.280, 43.88C.010, 43.99N.060, 43.101.200, 43.101.220, 43.185C.060, 43.320.110, 43.380.020, 46.09.520, 67.16.100, 70A.200.140, 71.24.580, 74.46.561, 76.04.610, 79.64.040, 79.105.150, 79A.25.210, 82.14.310, 83.100.230, 43.70.---, 41.26.450, and 43.88.058; amending 2020 c 127 s 14, 2019 c 415 ss 729, 508, and 1, and 2020 c 357 ss 101, 102, 103, 104, 105, 106, 107, 108, 113, 115, 116, 117, 118, 119, 120, 121, 122, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 503, 505, 506, 507, 508, 509, 510, 511, 513, 514, 515, 516, 517, 518, 519, 520, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 701, 702, 703, 704, 706, 707, 801, and 804 (uncodified); reenacting and amending RCW 28B.115.070, 43.155.050, 69.50.540, and 79.64.110; adding new sections to chapter 43.79 RCW; adding a new section to chapter 70.48 RCW; adding new sections to 2020 c 357 (uncodified); creating new sections; making appropriations; providing an expiration date; and declaring an emergency.

There being no objection, the bills listed on the day's supplemental introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5092 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5165, by Senate Committee on Transportation (originally sponsored by Hobbs, King, Nobles, Saldaña, Wilson and C.)

Making transportation appropriations for the 2021-2023 fiscal biennium.

The bill was read the second time.

With the consent of the House, amendment (492) was withdrawn.

Representative Fey moved the adoption of striking amendment (488):

Strike everything after the enacting clause and insert the following:

"2021-2023 FISCAL BIENNIUM

NEW SECTION. **Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2023.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

(b) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES—OPERATING

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account—State Appropriation $546,000

NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account—State Appropriation $504,000

Pilotage Account—State Appropriation $150,000

Multimodal Transportation Account—State Appropriation $1,832,000

TOTAL APPROPRIATION $2,486,000

The appropriations in this section are subject to the following conditions and limitations: $1,832,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1418), Laws of 2021 (enhancing rail safety governance). If chapter . . . (Engrossed Substitute House Bill No. 1418), Laws of 2021 is not enacted by June 30, 2021, the multimodal transportation account—state appropriation of $1,832,000 provided in this section lapses.

NEW SECTION. **Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account—State Appropriation $1,441,000

Puget Sound Ferry Operations Account—State Appropriation $126,000

TOTAL APPROPRIATION $1,567,000

NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account—State Appropriation $1,186,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. **Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account—State Appropriation $1,358,000

NEW SECTION. **Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account—State Appropriation $668,000

NEW SECTION. **Sec. 107. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

Motor Vehicle Account—State Appropriation $2,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for increasing the number of certified women and minority-owned contractors outside of the Puget Sound area in the transportation sector and supporting these contractors to successfully compete and earn more transportation contracting opportunities. This shall be done through various programs including but not limited to: (1) Outreach to women and minority business communities and individuals; (2) technical assistance as needed in areas such as financing, accounting, contracting, procurement, and resolution of disputes and grievances; (3) language access programs for those with limited English proficiency; and (4) other programs that aim to increase the number of women and minority contractors that are successful in obtaining contracts in the transportation sector either directly with state agencies such as the department, with local jurisdictions, or as subcontractors for prime contractors.

NEW SECTION. **Sec. 108. FOR THE WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY**

Motor Vehicle Account—State Appropriation $150,000

The appropriation in this section is subject to the following conditions and limitations: The total appropriation in this section is provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future transportation contracts and subcontracts authorized in the transportation budget. This cost-benefit analysis must, to the extent feasible, (1) compare existing types and uses of steel to made in America steel alternatives including evaluation of quality, (2) examine benefits to Washington workers and the Washington economy, (3) examine lifecycle and embodied carbon greenhouse gas emissions, (4) identify requirements for purchasing American steel that minimize costs and maximize benefits, and (5) evaluate American steel requirements or preferences in other states. The Washington state institute for public policy may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies. A final report is due to the legislature by December 1, 2021.

NEW SECTION. **Sec. 109. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account—State Appropriation $5,776,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $2,926,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

(b) Assessing a self-insurance premium surcharge of sixteen dollars per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2019, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

NEW SECTION. **Sec. 110. FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account—State Appropriation $3,210,000

NEW SECTION. **Sec. 111. FOR THE SENATE**

Motor Vehicle Account—State Appropriation $3,085,000

NEW SECTION. **Sec. 112. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Motor Vehicle Account—State Appropriation $400,000

The appropriation in this section is subject to the following conditions and limitations: $400,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to contract with the association of Washington cities to inventory and assess fish passage barriers associated with city roads located in the *U.S. v. Washington* case area, water resource inventory area numbers one through 23. The study is a continuation of previous inventories, and must finalize a complete inventory of city-owned fish passage barriers in water resource inventory area numbers one through 23. The inventories and assessments must be conducted using the methods described in the department's fish passage, inventory, assessment, and prioritization manual. A report of the study must be provided to the office of financial management and the transportation committees of the legislature by July 1, 2023.

NEW SECTION. **Sec. 113. FOR THE DEPARTMENT OF ECOLOGY**

(1) When distributing funds for litter control the department shall give priority to litter control along state highways.

(2) The department shall contract with the department of transportation to schedule litter prevention messaging and coordination of litter emphasis patrols with the Washington state patrol. The department of transportation may coordinate with the department to conduct litter pickup during scheduled maintenance closures as situations allow.

TRANSPORTATION AGENCIES—OPERATING

NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation $4,601,000

Highway Safety Account—Federal Appropriation $27,198,000

Highway Safety Account—Private/Local Appropriation $60,000

School Zone Safety Account—State Appropriation $850,000

TOTAL APPROPRIATION $32,709,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, 2022.

(2) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in RCW 46.63.170, chapter 224, Laws of 2020 to provide the transportation committees of the legislature with the following information by June 30, 2023:

(a) The number of warnings and infractions issued to first-time violators under the pilot program;

(b) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(c) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

(3) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, 2022.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the

equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall install two signs facing opposite directions within two hundred feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must post information on the city website and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (3); and

(vii) By June 30, 2023, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

NEW SECTION. **Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation $1,134,000

Motor Vehicle Account—State Appropriation $7,743,000

County Arterial Preservation Account—State

Appropriation $1,669,000

TOTAL APPROPRIATION $10,546,000

The appropriations in this section are subject to the following conditions and limitations: $5,000,000 of the motor vehicle account—state appropriation is provided solely for deposit into the county road administration board emergency loan account—state account.

NEW SECTION. **Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State

Appropriation $4,495,000

NEW SECTION. **Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account—State Appropriation $2,660,000

Multimodal Transportation Account—State Appropriation $770,000

TOTAL APPROPRIATION $3,430,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $220,000 of the multimodal transportation account—state appropriation is provided solely for overseeing a consultant study to provide recommendations related to the Washington state department of transportation's role in broadband service expansion efforts as directed in

chapter . . . (Engrossed Substitute House Bill No. 1457), Laws of 2021 (broadband and highway rights-of-way). If chapter . . . (Engrossed Substitute House Bill No. 1457), Laws of 2021 (broadband and highway rights-of-way) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(2) $250,000 of the motor vehicle account—state appropriation is provided solely for the joint transportation committee to convene a study on the impacts of current and historical city transportation investments on designated populations, including communities of color, low-income households, vulnerable populations, and displaced communities. The study must identify and measure the true costs of underinvestment of accessible transportation for designated populations, including the secondary impacts to public health, economic opportunity, educational access, and environmental risk factors. The assessment must include specific approaches to addressing existing inequities within cities, as well as recommendations to develop best practices to improve, diversify, and expand city transportation investments. A report must be provided to the office of financial management and the transportation committees of the legislature by December 20, 2022.

(3) $400,000 of the motor vehicle account—state appropriation is provided for the development of a workforce plan for the Washington state ferries which addresses recruitment, retention, diversity, training needs, leadership development, succession planning and other elements needed to ensure sufficient and cost-effective crewing and staffing of the ferry system. In developing the scope of work for the plan and throughout plan development, the joint transportation committee must solicit input from representatives of the Washington state ferries division and the human resources division of the Washington state department of transportation. Represented employee groups must also be consulted as part of plan development. The plan must include a roadmap for Washington state ferries to comprehensively address persistent staffing challenges and strategically position itself for its future workforce needs. The joint transportation committee must issue an interim report identifying short-term strategies to reduce reliance on overtime for staffing day-to-day ferry service. The interim report is due to the transportation committees of the legislature by January 1, 2022. The final report is due to the transportation committees of the legislature by December 20, 2022.

(4) $250,000 of the motor vehicle account—state appropriation is provided for the joint transportation committee to examine best practices from other states for insuring highway facilities. The joint transportation committee shall report to the legislature on findings and include recommendations for best practices for Washington state by December 15, 2021.

(5) $150,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to update the Washington State Short Line Rail Inventory and Needs Assessment, prepared in 2015, and to facilitate a stakeholder process to assess the effectiveness of state support for short line rail infrastructure based on current and future short line rail infrastructure needs. This assessment must include consideration of current state grant and loan programs, including state investment in nonstate owned short lines, the state's role and investments in the Palouse River and Coulee City (PCC) rail system, and any other ongoing state activities related to short line rail infrastructure. The joint transportation committee must solicit input from all regions of the state from representatives of: Short line rail infrastructure owners, short line rail operators, short line rail customers from representative industries, ports served by short line rail infrastructure, the Washington state department of transportation, the utilities and transportation commission, and other relevant stakeholders as identified by the joint transportation committee. A report with recommendations to enhance the state's support for short line rail infrastructure is due to the transportation committees of the legislature by January 1, 2022.

(6)(a) $200,000 of the motor vehicle account—state appropriation is for the joint transportation committee to develop a truck parking action plan with recommendations for immediate next steps for near-term and lasting change in the availability of truck parking for short-haul and long-distance commercial vehicle drivers who require reasonable

accommodations for parking commercial motor vehicles, obtaining adequate services, and complying with federal rest requirements. For each opportunity identified, the action plan must:

(i) Assess the magnitude of potential impact;

(ii) Assess the potential difficulty level of implementation; and

(iii) Explain barriers to success and specific steps required to overcome them.

(b) The action plan must focus on approaches that would be most impactful and feasible and may include, but not be limited to:

(i) Specific cooperative private sector and government actions;

(ii) Legal and regulatory frameworks at the state level to drive private and/or public-sector action;

(iii) Incentive-based government programs to spur private sector innovation and investment; and

(iv) Direct government action at the state, regional, and/or local level.

(c) The action plan must identify specific, promising projects and approaches, and provide a clear roadmap to what is needed to drive real, substantial improvements in truck parking.

(d) Outreach for action plan input, including on the feasibility of each opportunity evaluated, must include outreach to representatives of: The trucking industry; truck labor organizations; the shipping industry; truck stop owners; commercial freight delivery recipients, including warehouse and retail recipients; the association of Washington cities; the Washington state association of counties; the Washington state department of transportation; the Washington state patrol; and an academic or research institution that can provide input on technical components of the plan.

(e) A concise action plan with specific recommended next steps is due to the transportation committees of the legislature by January 1, 2022.

(7) $400,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to evaluate options for providing connectivity in the Pacific Northwest region from Portland, Oregon to Vancouver, British Columbia in light of new trends impacting the transportation system to determine how updated forecasts of future highway volumes and changes to future transportation mobility needs impact earlier assessments of options for facilitating mobility in the region, including ultra high speed rail. The assessment must consider and update relevant information provided in past Washington state department of transportation long range plans for the Cascades corridor. A comparative assessment of the potential benefits and costs of each option evaluated must be included. A report is due to the legislature by December 1, 2022.

NEW SECTION. **Sec. 205. FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation $2,332,000

Interstate 405 and state Route Number 167 Express Toll Lanes Account—State Appropriation $127,000

State Route Number 520 Corridor Account—State Appropriation $276,000

Tacoma Narrows Toll Bridge Account—State Appropriation $180,000

Alaskan Way Viaduct Replacement Project Account—State Appropriation $172,000

TOTAL APPROPRIATION $3,087,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $127,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $276,000 of the state route number 520 corridor account—state appropriation, $180,000 of the Tacoma Narrows toll bridge account—state appropriation, and $172,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(2) The commission shall identify and measure how a road usage charge could be adjusted so that vehicles of comparable efficiency pay the same rate regardless of their means of propulsion and examine options for indexing to stabilize revenue as vehicle fleets become more efficient over time.

NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State

Appropriation $831,000

NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation $523,697,000

State Patrol Highway Account—Federal Appropriation $16,157,000

State Patrol Highway Account—Private/Local

Appropriation $4,261,000

Highway Safety Account—State Appropriation $1,224,000

Ignition Interlock Device Revolving Account—State

Appropriation $5,053,000

Multimodal Transportation Account—State

Appropriation $288,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $1,348,000

State Route Number 520 Corridor Account—State

Appropriation $433,000

Tacoma Narrows Toll Bridge Account—State Appropriation $77,000

TOTAL APPROPRIATION $552,538,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) $510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) $16,099,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six-month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(4) $493,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(5) $786,000 of the state patrol highway account—state appropriation is provided solely for one-time costs associated with establishing the second toxicology laboratory and addressing the backlog of toxicology cases from impaired driving and death investigations.

(6) $580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern

Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than $625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406(18) of this act.

(7) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(8) $4,180,000 of the state patrol highway account—state appropriation is provided solely for an additional arming and trooper basic training class. The cadet class is expected to graduate in June 2023.

(9) By December 1st of each year during the 2021-2023 biennium, the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

(a) A summary of recruitment and retention strategies;

(b) The number of transportation funded staff vacancies by major category;

(c) The number of applicants for each of the positions by these categories;

(d) The composition of workforce; and

(e) Other relevant outcome measures with comparative information with recent comparable months in prior years.

(10) $1,348,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $433,000 of the state route number 520 corridor account—state appropriation, and $77,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(11) $289,000 of the state patrol highway account—state appropriation is provided solely for the replacement of 911 workstations.

(12) $35,000 of the state patrol highway account—state appropriation is provided solely for the replacement of bomb response equipment.

(13) $713,000 of the state patrol highway account—state appropriation is provided solely for information technology infrastructure maintenance.

(14) The Washington state patrol must provide a report to the office of financial management and the house and senate transportation committees on its plan for implementing a transition to cloud computing and storage with its 2023-2025 budget submittal.

(15) $945,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Substitute House Bill No. 1223), Laws of 2021 (custodial interrogations). If chapter . . . (Substitute House Bill No. 1223), Laws of 2021 (custodial interrogations) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(16) $92,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute House Bill No. 1054), Laws of 2021 (peace officer tactics). If chapter . . . (Engrossed Substitute House Bill No. 1054), Laws of 2021 (peace officer tactics) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(17) $92,000 of the state patrol highway account—state appropriation is provided solely for implementation of

chapter . . . (Second Substitute House Bill No. 1310), Laws of 2021 (use of force by officers). If chapter . . . (Second Substitute House Bill No. 1310), Laws of 2021 (use of force by officers) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(18)(a) The Washington state patrol is directed to terminate its "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" with the city of Shelton, executed on June 12, 2017, subject to the city of Shelton's consent to terminate the agreement. The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension.

(b) $2,220,000 of the transfer from the waste tire removal account—state appropriation to the motor vehicle account—state appropriation in this act, as required under RCW 70A.205.425, reimburses the motor vehicle account—state appropriation for the portion of the water project costs assigned by the agreement to properties, other than the Washington state patrol academy, that make use of the water connection while the agreement remains in effect. This reimbursement to the motor vehicle fund is intended to address any possibility that the termination of this agreement could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the constitution of the state of Washington; however, this transfer is not intended to indicate that the incidental use of this infrastructure by these properties necessarily requires such reimbursement under the state Constitution.

NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account—State Appropriation $34,000

Motorcycle Safety Education Account—State

Appropriation $4,928,000

Highway Safety Account—State Appropriation $242,488,000

Highway Safety Account—Federal Appropriation $1,294,000

Motor Vehicle Account—State Appropriation $79,421,000

Motor Vehicle Account—Federal Appropriation $150,000

Ignition Interlock Device Revolving Account—State

Appropriation $4,099,000

Department of Licensing Services Account—State

Appropriation $8,189,000

License Plate Technology Account—State

Appropriation $4,250,000

Abandoned Recreational Vehicle Account—State

Appropriation $3,074,000

Limousine Carriers Account—State Appropriation $110,000

Electric Vehicle Account—State Appropriation $417,000

DOL Technology Improvement & Data Management

Account—State Appropriation $816,000

Agency Financial Transaction Account—State

Appropriation $21,257,000

Limited Fish and Wildlife Account—State Appropriation $916,000

TOTAL APPROPRIATION $371,443,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $12,000 of the motorcycle safety education account—state appropriation, $2,000 of the limited fish and wildlife account—state appropriation, $728,000 of the highway safety account—state

appropriation, $238,000 of the motor vehicle account—state appropriation, $10,000 of the ignition interlock device revolving account—state appropriation, and $10,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) $28,636,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(3)(a) The department must implement cost recovery mechanisms to recoup at least a portion of credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. The department must develop a method of tracking the amount of credit card and other financial cost-recovery revenues. The department must notify the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account on a quarterly basis. If chapter . . . (House Bill No. 1115), Laws of 2021 (cost recovery of state agency credit card and transaction fees) is enacted by June 30, 2021, this subsection (3)(a) lapses.

(b) The appropriations in this section assume implementation by the department of cost recovery mechanisms to recoup at least $21,257,000 during the 2021-2023 biennium in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(4) $3,074,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(5) $1,550,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(6) $500,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) $23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter

. . . (Engrossed Substitute House Bill No. 1078), Laws of 2021 (restoring voter eligibility after felony conviction). If chapter . . . (Engrossed Substitute House Bill No. 1078), Laws of 2021 (restoring voter eligibility after felony conviction) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(8) $523,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1207), Laws of 2021 (department of licensing issued documents). If chapter . . . (Substitute House Bill No. 1207), Laws of 2021 (department of licensing issued documents) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(9) $57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1322), Laws of 2021 (off-road vehicle enforcement). If chapter . . . (Substitute House Bill No. 1322), Laws of 2021 (off-road vehicle enforcement) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(10)(a) $54,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established elsewhere in this act. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent, is required to collect a $5 fee when issuing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal may not be renewed and expires upon the termination of the pilot program established elsewhere in this act. The status as an exempt vehicle continues until suspended or revoked for misuse, or when the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or when the pilot program established elsewhere in this act is terminated.

(h) The department may adopt rules to implement this subsection.

(11) The department must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(12) The department must work with any regional transit authority pursuant to RCW 82.44.135 to determine cost allocations that are based on actual costs and that would result in full cost recovery for administration and collection of the taxes. The department must report actual cost allocations to the transportation committees of the legislature by January 1, 2022.

NEW SECTION. **Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B**

State Route Number 520 Corridor Account—State

Appropriation $53,747,000

State Route Number 520 Civil Penalties Account—State

Appropriation $4,150,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $29,809,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation $20,933,000

Interstate 405 and State Route Number 167 Express Toll Lanes Account—State

Appropriation $23,984,000

TOTAL APPROPRIATION $132,623,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and $12,483,846 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide semiannual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3) The department shall make detailed semiannual reports to the transportation committees of the legislature and the public on the department's website on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(4) During the 2021-2023 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(5) $20,001,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility stabilizes and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(6)(a) $1,651,000 of the state route number 520 corridor account—state appropriation, $709,000 of the Tacoma Narrows toll bridge account—state appropriation, $932,000 of the Alaskan Way viaduct replacement project account—state appropriation, and $708,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2019-2021 biennium, and are subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(c) The office of financial management shall place the amounts provided in this subsection in unallotted status until the department submits a detailed progress report on the progress of the new tolling back office system. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(7) Out of funding appropriated in this section, the department shall contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

(8) $1,516,000 of the state route number 520 corridor account—state appropriation is provided solely for the increased costs of insurance for the state route number 520 floating bridge. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the department shall report to the legislature on the results of this evaluation.

(9) As part of the department's 2023-2025 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State Appropriation $1,437,000

Motor Vehicle Account—State Appropriation $102,671,000

Puget Sound Ferry Operations Account—State

Appropriation $263,000

Multimodal Transportation Account—State

Appropriation $2,831,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $1,441,000

TOTAL APPROPRIATION $108,643,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $8,546,000 of the motor vehicle account—state appropriation is provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) The capital systems replacement or modernization project is subject to the

conditions, limitations, and review requirements of section 701 of this act.

NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation $35,771,000

State Route Number 520 Corridor Account—State

Appropriation $34,000

TOTAL APPROPRIATION $35,805,000

NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation $8,480,000

Aeronautics Account—Federal Appropriation $3,916,000

Aeronautics Account—Private/Local Appropriation $60,000

TOTAL APPROPRIATION $12,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) $505,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1198), Laws of 2021 (aviation coordinating commission). If chapter . . . (House Bill No. 1198), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(3) $280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1379), Laws of 2021 (unpiloted aircraft system state coordinator). If chapter . . . (Substitute House Bill No. 1379), Laws of 2021 (unpiloted aircraft system state coordinator) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation $60,273,000

Motor Vehicle Account—Federal Appropriation $500,000

Multimodal Transportation Account—State Appropriation $258,000

TOTAL APPROPRIATION $61,031,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first

opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) During the 2021-2023 biennium, if the department takes possession of the property situated in the City of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the City of Edmonds with the right of first purchase in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(4) The department shall report to the transportation committees of the legislature by December 1, 2021, on the status of its efforts to consolidate franchises for broadband facilities across the state, including plans for increasing the number of consolidated franchises in the future.

NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation $675,000

Electric Vehicle Account—State Appropriation $3,900,000

Multimodal Transportation Account—State Appropriation $12,533,000

TOTAL APPROPRIATION $17,108,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public private partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) $2,400,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under RCW 47.04.355, to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards.

(3)(a)(i) $133,000 of the multimodal transportation account—state appropriation is provided solely for the purpose of conducting an assessment of options for the development, including potential features and costs, for a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state as described in chapter . . . (Engrossed Substitute House Bill No. 1287), Laws of 2021 (preparedness for a zero emissions transportation future).

(ii) The assessment must include a review of existing infrastructure needs assessments, mapping and forecasting tools, environmental health disparity resources, and related modeling. It must be performed in consultation with the department of ecology, department of commerce, and office of equity, and include a stakeholder process to address community, public agency, and relevant public and private utility needs to determine the resources needed to facilitate statewide and local transportation electrification efforts to drive emission reductions consistent with RCW 70A.45.020.

(iii) A report summarizing the findings of the assessment and the options recommended by the department for the tool's development is due to the transportation committees of the legislature by December 31, 2021.

(b) $10,000,000 of the multimodal transportation account—state appropriation is provided solely for a clean alternative fuel vehicle infrastructure grant program for clean alternative fuel vehicle charging and refueling infrastructure that will

provide public benefits for the state's network of charging infrastructure to facilitate state zero emission vehicle requirements under RCW 70A.30.010 and greenhouse gas emission reduction goals under RCW 70A.45.020. The department must develop a strategy for grant award selection based on maximizing public benefits by: Facilitating residents' and businesses' ability to purchase and lease clean alternative fuel vehicles through increased access to public electric vehicle charging and refueling, facilitating a decline in vehicle emissions that would otherwise contribute to pollution and greenhouse gas emissions, and increasing equity of access to clean alternative fuel vehicles. The department shall use proposed grant matching funds as a criterion for selecting grant award recipients. When the publicly available mapping and forecasting tool in (a) of this subsection has been developed and is available to be used for this purpose, strategy development for grant award selection must include analysis of the information provided by the tool.

NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation $505,498,000

Motor Vehicle Account—Federal Appropriation $7,000,000

State Route Number 520 Corridor Account—State

Appropriation $4,222,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $1,529,000

Alaskan Way Viaduct Replacement Project

Account—State Appropriation $8,443,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $2,573,000

TOTAL APPROPRIATION $529,265,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $7,529,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(2) $5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(3) $1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019. The department must contract out or hire a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(4) $1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. $570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to $445,000 of the city's expenses for clean-up crews and landfill costs.

(5) The department must continue a pilot program for the 2021-2023 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

(6) $686,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(7) $4,145,000 of the motor vehicle account—state appropriation is provided solely for increased costs of highway maintenance materials.

(8) $5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9) $5,000,000 of the motor vehicle account—state appropriation is provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations to provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights of way. The department may hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist. The department may request assistance from the Washington state patrol as necessary to provide enhanced safety-related activities along state highway rights-of-way.

(10) $623,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1355), Laws of 2021 (noxious weeds). If chapter . . . (Substitute House Bill No. 1355), Laws of 2021 (noxious weeds) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Motor Vehicle Account—State Appropriation $76,142,000

Motor Vehicle Account—Federal Appropriation $2,050,000

Motor Vehicle Account—Private/Local Appropriation $250,000

State Route Number 520 Corridor Account—State

Appropriation $224,000

Tacoma Narrows Toll Bridge Account—State Appropriation $40,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $1,112,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $20,000

TOTAL APPROPRIATION $79,838,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2021-2023 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high

occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described elsewhere in this act. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet the requirements identified elsewhere in this act must be authorized to use the reserved portion of the highway.

(f) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(4) The department must make signage for low-height bridges a high priority.

NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

Motor Vehicle Account—State Appropriation $43,973,000

Motor Vehicle Account—Federal Appropriation $780,000

Motor Vehicle Account—Private/Local Appropriation $500,000

Multimodal Transportation Account—State

Appropriation $1,129,000

State Route Number 520 Corridor Account—State

Appropriation $185,000

Tacoma Narrows Toll Bridge Account—State Appropriation $150,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $121,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $77,000

TOTAL APPROPRIATION $46,915,000

The appropriations in this section are subject to the following conditions and limitations: $6,000,000 of the motor vehicle account—state appropriation is provided solely for efforts to increase diversity in the transportation construction workforce through: (1) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; (2) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, $1,000,000 of the total appropriation in this subsection shall be directed towards the efforts outlined in this subsection. Of the total appropriation in this subsection, up to one full time position can be created to support all this work. The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Motor Vehicle Account—State Appropriation $26,776,000

Motor Vehicle Account—Federal Appropriation $34,865,000

Motor Vehicle Account—Private/Local Appropriation $400,000

State Route Number 520 Corridor Account—State

Appropriation $406,000

Multimodal Transportation Account—State Appropriation $1,669,000

Multimodal Transportation Account—Federal

Appropriation $2,809,000

Multimodal Transportation Account—Private/Local

Appropriation $100,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $2,879,000

TOTAL APPROPRIATION $69,904,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,879,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for completion of updating the state route number 167 master plan.

(2) $406,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the

legislature and the governor by March 1, 2022.

(3) $5,900,000 of the motor vehicle account—federal appropriation and $400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development.

(4) $4,080,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(5) $500,000 of the multimodal transportation account—state appropriation is provided for the department to partner with the department of commerce in developing vehicle miles traveled targets for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management. Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(6) $500,0000 of the multimodal transportation account—state appropriation is provided solely for implementation of a state route number 161 corridor study to be conducted in consultation with Pierce Transit, Sound Transit, and other regional entities. The department must study practical solutions to address high vehicle volumes and delays in the corridor. The study should develop short-, mid-, and long-term strategies and identify potential improvements for the corridor or improvements to nearby roads that could help address the traffic congestion on state route number 161.

(7) $800,000 of the motor vehicle account—state appropriation is provided solely for WSDOT to do a corridor study of SR 302 (Victor Area) to recommend safety and infrastructure improvements to address current damage and prevent future roadway collapse and landslides that have caused road closures.

NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Motor Vehicle Account—State Appropriation $77,093,000

Multimodal Transportation Account—State

Appropriation $3,045,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $6,000

State Route Number 520 Corridor Account—State

Appropriation $4,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $2,000

Aeronautics Account—State Appropriation $1,000

Transportation Partnership Account—State Appropriation $23,000

Puget Sound Ferry Operations Account—State Appropriation $220,000

Connecting Washington Account—State Appropriation $184,000

TOTAL APPROPRIATION $80,578,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds $5,000,000, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2021, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2021, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation $784,000

Regional Mobility Grant Program Account—State

Appropriation $104,478,000

Rural Mobility Grant Program Account—State

Appropriation $33,168,000

Multimodal Transportation Account—State

Appropriation $146,827,000

Multimodal Transportation Account—Federal

Appropriation $3,574,000

Multimodal Transportation Account—Local

Appropriation $100,000

TOTAL APPROPRIATION $288,931,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $72,698,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) $16,526,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on

need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Fuel type may not be a factor in the grant selection process.

(b) $56,172,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) $33,168,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3) $2,000,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) $26,800,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2021-2 ALL PROJECTS as developed March 22, 2021, Program - Public Transportation Program (V), except for the King County Metro Eastlake Off-Street Layover Facility project, for which $4,524,000 is reappropriated, and the King County Metro Transit Speed & Reliability Hot Spot Imp Program project, for which $950,000 is reappropriated.

(5)(a) $77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2021-2 ALL PROJECTS as developed March 22, 2021, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2021-2023 fiscal biennium, a transit agency must establish a process

for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) $6,500,000 of the multimodal transportation account—state appropriation and $784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

(a) $30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(b) $800,000 of the multimodal transportation account—state appropriation is provided solely for a first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, $28,263,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document 2021-2 ALL PROJECTS as developed March 22, 2021. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(10) $375,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(11) $31,993,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(12) $555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2021.

NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Puget Sound Ferry Operations Account—State

Appropriation $421,103,000

Puget Sound Ferry Operations Account—Federal

Appropriation $124,000,000

Puget Sound Ferry Operations Account—Private/Local

Appropriation $121,000

TOTAL APPROPRIATION $545,224,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2021-2023 supplemental and 2023-2025 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) For the 2021-2023 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) $70,794,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) $500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(5) $336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for evacuation slide training.

(6) $336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for fall restraint labor and industries inspections.

(7) $2,400,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime expenses incurred by engine and deck crew members.

(8) $735,000 of the Puget Sound ferry operations account—state appropriation is provided solely for familiarization for new assignments of engine crew and terminal staff.

(9) $160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for electronic navigation training.

(10) $200,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a cost benefit study of a second shift at the Eagle Harbor maintenance facility.

(11) $688,000 of the Puget Sound ferry operations account—state appropriation is provided solely for new employee training.

(12) $1,978,000 of the Puget Sound ferry operations account—state appropriation is provided solely for restoration of service to reflect increased ridership, availability of crewing, and available revenues. Expenditures may be made to resume service to Sidney British Columbia, including any service to the San Juans; to provide Saturday service on the Fauntleroy-Vashon-Southworth route; and to resume late night service on other routes in the system.

(13) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Multimodal Transportation Account—State

Appropriation $80,307,000

Multimodal Transportation Account—Private/Local

Appropriation $46,000

Multimodal Transportation Account—Federal

Appropriation $500,000

TOTAL APPROPRIATION $80,853,000

The appropriations in this section are subject to the following conditions and limitations: The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation $12,465,000

Motor Vehicle Account—Federal Appropriation $2,567,000

Multiuse Roadway Safety Account—State Appropriation $900,000

TOTAL APPROPRIATION $15,932,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,448,000 of the motor vehicle account—state appropriation from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3) and $350,000 of the motor vehicle account—state appropriation are provided solely for the department to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, and assess which barriers share the same stream system as state-owned fish passage barriers.

(b) Streamline and update the county road administration board's data dashboard, county reporting systems, and program management software to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties.

(c) A study of the use of county road right-of-way as a potential source of revenue for county road operating and maintenance needs with recommendations on their feasibility statewide.

(2) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less;

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (b) of this subsection may receive more than sixty thousand dollars in total grants.

(3)(a) By October 1, 2021, the department must report to the office of financial management and the transportation committees with recommendations regarding:

(i) Modifications to the agreement with Wahkiakum county regarding future state reimbursement for the Wahkiakum ferry operating and maintenance deficit; and

(ii) Cost-sharing models for operating and maintenance costs, which recognize the benefit of the ferry route to both Washington and Oregon.

(b) The reimbursement recommendations must reflect a mutual agreement with Wahkiakum county, which considers future county ferry operating loss projections. The report may address the importance of the ferry route to the state highway system and whether there is a need for an increased role for the state department

of transportation in the finance or operation of the ferry route.

TRANSPORTATION AGENCIES—CAPITAL

NEW SECTION. **Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State

Appropriation $16,577,000

Freight Mobility Multimodal Account—State

Appropriation $15,195,000

TOTAL APPROPRIATION $31,772,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document 2021-2 ALL PROJECTS as developed March 22, 2021, Program - FMSIB.

(2) Until directed by the legislature, the board may not initiate a new call for projects.

(3)(a) For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects as listed in the LEAP transportation document 2021-2 ALL PROJECTS as developed March 22, 2021, Program - FMSIB project list in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on the FMSIB LEAP list;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3)(a), provided that the transfer amount does not exceed $250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and

(iv) Transfers may only be made in fiscal year 2023.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

NEW SECTION. **Sec. 302. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation $4,196,000

(1) $695,000 of the state patrol highway account—state appropriation is provided solely for roof replacement.

(2) $3,501,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) $250,000 for emergency repairs;

(b) $350,000 for fuel tank decommissioning;

(c) $750,000 for generator and electrical replacement;

(d) $195,000 for the exterior envelope of the Yakima office;

(e) $466,000 for the snow cat shelter;

(f) $325,000 for the weatherization of the Bow Hill inspection station;

(g) $325,000 for the weatherization of the Sea-Tac north inspection station;

(h) $200,000 for roof replacements originally authorized in the 2019-2021 biennium; and

(i) $640,000 for the Marysville water and fire suppression project originally authorized in the 2019-2021 biennium.

The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements. If a project specified in this subsection is completed for less than the amount provided, the remainder may be transferred to another project specified in this subsection not to exceed the total appropriation provided in this subsection.

NEW SECTION. **Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation $55,028,000

Motor Vehicle Account—State Appropriation $1,456,000

County Arterial Preservation Account—State

Appropriation $37,379,000

TOTAL APPROPRIATION $93,863,000

NEW SECTION. **Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account—State

Appropriation $4,100,000

Transportation Improvement Account—State

Appropriation $201,000,000

Complete Streets Grant Program Account—State

Appropriation $14,670,000

TOTAL APPROPRIATION $219,770,000

The appropriations in this section are subject to the following conditions and limitations: $7,500,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program. Of this amount, $5,000,000 is for cities with an assessed value of over $2,000,000,000 that can demonstrate a sustainable return on investment when converting to energy efficient LED streetlights.

NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

Motor Vehicle Account—State Appropriation $10,852,000

Connecting Washington Account—State Appropriation $2,000,000

TOTAL APPROPRIATION $12,852,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,000,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) $4,325,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract for the department facility located at 15700 Dayton Ave N in Shoreline.

(b) Payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract in (a) of this subsection must be deposited into the motor vehicle account.

NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Transportation Partnership Account—State

Appropriation $128,053,000

Motor Vehicle Account—State Appropriation $91,517,000

Motor Vehicle Account—Federal Appropriation $269,338,000

Motor Vehicle Account—Private/Local Appropriation $57,092,000

State Route Number 520 Corridor Account—State

Appropriation $15,940,000

Connecting Washington Account—State

Appropriation $2,658,654,000

Special Category C Account—State Appropriation $105,363,000

Multimodal Transportation Account—State

Appropriation $3,284,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $149,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $30,308,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $340,000,000

TOTAL APPROPRIATION $3,699,698,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2021-1 as developed March 22, 2021, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2021-2 ALL PROJECTS as developed March 22, 2021, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to $2,375,216,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to $87,659,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to $47,226,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) $69,450,000 of the transportation partnership account—state appropriation, $2,258,000 of the motor vehicle account—private/local appropriation, and $984,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds.

(8) $193,699,000 of the connecting Washington account—state appropriation is provided solely for the US 395 North Spokane Corridor project (M00800R).

(9) $14,827,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(10)(a) $492,349,000 of the connecting Washington account—state appropriation and $355,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), WSDOT shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(11) $359,522,000 of the connecting Washington account—state appropriation, $105,523,000 of the motor vehicle account—federal appropriation, $15,369,000 of the motor vehicle account—private/local appropriation, $2,300,000 of the multimodal transportation account—state appropriation, and $2,500,000 of the motor vehicle account—state appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) It is the legislature's intent that the department shall construct a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two full single-point urban interchanges.

(d) Of the amounts provided in this subsection, $2,300,000 of the multimodal transportation account—state appropriation is provided solely for the design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(12) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(13) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

(14) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for

recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

(15)(a) $26,928,000 of the motor vehicle account—state appropriation and $1,671,000 of the motor vehicle account—private/local appropriation are provided solely for supporting a project office and the continued work towards replacement of the Interstate 5 bridge across the Columbia river (G2000088).

(b) The work of this project office includes, but is not limited to, the reevaluation of the purpose and need identified for the project previously known as the Columbia river crossing, the reevaluation of permits and development of a finance plan, the reengagement of key stakeholders and the public, and the reevaluation of scope, schedule, and budget for a reinvigorated bistate effort for replacement of the Interstate 5 Columbia river bridge. When reevaluating the finance plan for the project, the department shall assume that some costs of the new facility may be covered by tolls. The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(c) During the 2021-2023 biennium the department shall have as a goal to:

(i) Conduct all work necessary to prepare and publish a draft SEIS;

(ii) Coordinate with regulatory agencies to begin the process of obtaining environmental approvals and permits;

(iii) Identify a locally preferred alternative; and

(iv) Begin preparing a final SEIS.

The department shall aim to provide progress reports on these activities to the governor and the transportation committees of the legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

(16) $1,000,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting and construction of the I-5/North Lewis county Interchange project (L2000204).

(17)(a) $332,500,000 of the connecting Washington account—state appropriation, $52,036,000 of the motor vehicle account—federal appropriation, and $1,849,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (0BI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030.

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach to maximize habitat gain by replacing both state and local culverts. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, ability to leverage investments by others, presence of other barriers, project readiness, other transportation projects in the area, and transportation impacts.

(c) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(18) $340,000,000 of the Coronavirus State Fiscal Recovery Account—federal appropriation is provided solely for water infrastructure projects that remove fish passage barriers that are impeding state streams, rivers, and other waterways (0BI4001), as permitted under the federal American rescue plan act of 2021. Once available, these amounts must be applied prior to other amounts provided for this purpose (0BI4001). These water infrastructure projects are

intended to meet compliance requirements with the federal *U.S. v. Washington* court injunction by 2030.

(19)(a) The Washington state department of transportation is directed to pursue compliance with the *U.S. v. Washington* permanent injunction by delivering culvert corrections within the injunction area guided by the principle of providing the greatest fisheries habitat gain at the earliest time and considering the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert condition, other transportation projects in the area, and transportation impacts.

(b) The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2021, and June 1, 2022.

(20) $14,669,000 of the connecting Washington account—state appropriation and $3,037,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard - Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the $20,900,000 of state appropriation provided for the total project in LEAP Transportation Document 2021-1 as developed March 22, 2021, Program - Highway Improvements (I).

(21) $15,189,000 of the motor vehicle account—federal appropriation, $259,000 of the motor vehicle account—state appropriation, and $15,481,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(22) $18,914,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

(23) $1,090,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

(24) $12,139,000 of the motor vehicle account—state appropriation and $9,104,000 of the connecting Washington account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(25) $1,378,000 of the motor vehicle account—federal appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

(26) $915,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

(27)(a) $6,581,000 of the connecting Washington account—state appropriation is provided solely for the US Hwy 2 Safety project (N00200R).

(b) Of the amounts provided in this subsection, $2,000,000 of the connecting Washington account—state appropriation is for the department to conduct a Highway 2 Safety-Capacity study.

(28) The department may advance the I-405/SR 522 to I-5 Capacity Improvements (L2000234) project and construct the project earlier than is scheduled in the LEAP list if funding is identified by September 1, 2021. The department shall explore alternatives to toll revenue funding including but not limited to federal loan and grant programs. The department shall explore phasing and modifying the project to align as best as possible with the anticipated deployment of bus rapid transit on the corridor in 2023-25. The department shall report back to the transportation committees of the legislature on this work prior to September 2021.

NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

Recreational Vehicle Account—State Appropriation $1,520,000

Transportation Partnership Account—State

Appropriation $16,394,000

Motor Vehicle Account—State Appropriation $85,444,000

Motor Vehicle Account—Federal Appropriation $465,871,000

Motor Vehicle Account—Private/Local

Appropriation $10,792,000

State Route Number 520 Corridor Account—State

Appropriation $1,891,000

Connecting Washington Account—State Appropriation $182,780,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $9,730,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation $314,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $26,039,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $49,105,000

TOTAL APPROPRIATION $849,880,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2021-1 as developed March 22, 2021, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act. The department may not convene a Washington freight advisory committee. When submitting its 2021-2023 supplemental and 2023-2025 biennial budget requests, the department shall provide a prioritized freight project list for the national highway freight program funds that first addresses shortfalls in funding for connecting Washington act projects. The freight project list must describe how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 could be invested and matched.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2021-2 ALL PROJECTS as developed March 22, 2021, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) $5,166,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 of this act. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide

quarterly reports to the technology services board on project progress.

(5) $5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(7) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(8) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation $8,273,000

Motor Vehicle Account—Federal Appropriation $5,289,000

Motor Vehicle Account—Private/Local Appropriation $500,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $900,000

TOTAL APPROPRIATION $14,962,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $579,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) $1,000,000 of the motor vehicle account—state appropriation is provided solely for the Challenge Seattle project (000009Q). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Puget Sound Capital Construction Account—State

Appropriation $128,759,000

Puget Sound Capital Construction Account—Federal

Appropriation $139,188,000

Puget Sound Capital Construction Account—Private/Local

Appropriation $312,000

Transportation Partnership Account—State

Appropriation $8,410,000

Connecting Washington Account—State Appropriation $75,640,000

Capital Vessel Replacement Account—State

Appropriation $152,453,000

TOTAL APPROPRIATION $504,762,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2021-2 ALL PROJECTS as developed March 22, 2021, Program - Washington State Ferries Capital Program (W).

(2) No additional funding may be allocated or expended for terminal electrification purposes.

(3) $28,097,000 of the Puget Sound capital construction account—federal appropriation, $71,293,000 of the connecting Washington account—state appropriation, and $809,000 of the Puget Sound capital construction account—state appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) $5,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) $1,277,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6) $4,200,000 of the connecting Washington account—state appropriation and $2,200,000 of the Puget Sound operating account—federal appropriation are provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs before shifting funding from other preservation projects.

(7) $24,750,000 of the Puget Sound capital construction account—state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(8) $152,453,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(9) The capital vessel replacement account—state appropriation includes up to $152,453,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(10) For the 2021-2023 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

(a) On a semiannual basis the report must include a status update on projects with funding provided in (a)(i) through (iii) of this subsection including, but not limited to, the following:

(i) Anticipated cost increases and cost savings;

(ii) Anticipated cash flow and schedule changes; and

(iii) Explanations for the changes.

(b) On an annual basis the report must include a status update on vessel and terminal preservation and improvement plans including, but not limited to, the following:

(i) What work has been done;

(ii) How have schedules shifted; and

(iii) Associated changes in funding among projects, accompanied by explanations for the changes.

(c) On an annual basis the report must include an update on the implementation of the maintenance management system with recommendations for using the system to improve the efficiency of project reporting under this subsection.

NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Essential Rail Assistance Account—State Appropriation $550,000

Transportation Infrastructure Account—State

Appropriation $5,456,000

Multimodal Transportation Account—State

Appropriation $79,754,000

Multimodal Transportation Account—Federal

Appropriation $41,219,000

TOTAL APPROPRIATION $126,979,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2021-2 ALL PROJECTS as developed March 22, 2021, Program - Rail Program (Y).

(2) $5,089,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) $7,040,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) $367,000 of the transportation infrastructure account—state appropriation and $1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full $7,337,000 cost of this project is reimbursed.

(5)(a) $550,000 of the essential rail assistance account—state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail

assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2022, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) $12,077,000 of the multimodal transportation account—state appropriation is provided solely as expenditure authority for any insurance proceeds received by the state for Passenger Rail Equipment Replacement (project 700010C.) The department must use this expenditure authority only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to $6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed $6,696,000 of a grant award.

NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

Highway Infrastructure Account—State Appropriation $793,000

Highway Infrastructure Account—Federal Appropriation $1,600,000

Transportation Partnership Account—State

Appropriation $750,000

Motor Vehicle Account—State Appropriation $17,564,000

Motor Vehicle Account—Federal Appropriation $43,698,000

Motor Vehicle Account—Private/Local Appropriation $6,600,000

Connecting Washington Account—State Appropriation $116,792,000

Multimodal Transportation Account—State

Appropriation $88,145,000

TOTAL APPROPRIATION $275,942,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2021-2 ALL PROJECTS as developed March 22, 2021, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) $36,760,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. $9,233,000 of the multimodal transportation account—state appropriation is reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) $11,400,000 of the motor vehicle account—federal appropriation and $26,900,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. $7,944,000 of the motor vehicle account—federal appropriation and $4,647,000 of the multimodal transportation account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees

of the legislature by December 1, 2021, and December 1, 2022, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2021, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(4) $6,561,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) $10,097,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104).

(6)(a) $12,500,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016.

(b) $11,679,000 of the motor vehicle account—federal appropriation is for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

NEW SECTION. **Sec. 312. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

(1) As part of its annual budget submittal, the department of transportation shall provide an update to the report provided to the legislature in the prior fiscal year that: (a) Compares the original project cost estimates approved in the 2003, 2005, and 2015 revenue package project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; (e) identifies risk reserves and contingency amounts allocated to projects; and (f) lists the nickel, TPA, and connecting Washington projects charging to the Nickel/TPA/CWA Environmental Mitigation Reserve (OBI4ENV) and the Nickel/TPA Projects Completed with Minor Ongoing Expenditures project (0BI100B), and the amount each project is charging.

(2) As part of its annual budget submittal, the department of transportation shall provide: (a) An annual report on the number of toll credits the department has accumulated and how the department has used the toll credits, and (b) a status report on the projects funded using federal national highway freight program funds.

NEW SECTION. **Sec. 313. QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all capital projects, except for ferry projects subject to the reporting requirements established elsewhere in this act, that must include: (1) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget; (2) anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget; (3) the award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget; (4) risk reserves and contingency amounts for all projects consistent with the structure of the most recently enacted budget.

NEW SECTION. **Sec. 314. FEDERAL FUNDS RECEIVED FOR CAPITAL PROJECT EXPENDITURES**

To the greatest extent practicable, the department of transportation shall

expend federal funds received for capital project expenditures before state funds.

NEW SECTION. **Sec. 315. NOTIFICATION REQUIREMENTS FOR PAUSES AND CANCELLATIONS**

(1) The department shall notify the transportation committees of the legislature when it intends to pause for a significant length of time or not proceed with operating items or capital projects included as budget provisos or on project lists. When feasible, this notification shall be provided prior to the pause or cancellation and at least seven days in advance of any public announcement related to such a pause or cancellation.

(2) At the time of notification, the department shall provide an explanation for the reason or reasons for the pause or cancellation for each operating budget item and capital project. The explanation shall include specific reasons for each pause or cancellation, in addition to a statement of the broad rationale for the pause or cancellation.

(3) When feasible, the department shall make best efforts to keep the transportation committees of the legislature informed of an evaluation process underway for selecting operating budget items and capital projects to be paused or cancelled, providing updates as its selection efforts proceed.

(4) When exigent circumstances prevent prior notice of a pause or cancellation from being provided to the transportation committees of the legislature, the department shall provide the information required under this section to the transportation committees of the legislature as soon as is practicable.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. **Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Transportation Partnership Account—State Appropriation $743,000

Connecting Washington Account—State Appropriation $10,548,000

Special Category C Account—State Appropriation $438,000

Highway Bond Retirement Account—State Appropriation $1,462,779,000

Ferry Bond Retirement Account—State Appropriation $17,150,000

Transportation Improvement Board Bond Retirement Account—State Appropriation $11,770,000

Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation $29,323,000

Toll Facility Bond Retirement Account—State Appropriation $76,376,000

TOTAL APPROPRIATION $1,609,127,000

NEW SECTION. **Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State Appropriation $149,000

Connecting Washington Account—State Appropriation $2,110,000

Special Category C Account—State Appropriation $88,000

TOTAL APPROPRIATION $2,347,000

NEW SECTION. **Sec. 403. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax distributions to cities and counties $467,390,000

NEW SECTION. **Sec. 404. FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and statutory transfers $1,974,599,000

NEW SECTION. **Sec. 405. FOR THE STATE TREASURER—STATUTORY TRANSFERS**

Waste Tire Removal Account—State Appropriation:

For transfer to the Motor Vehicle Account—State $8,771,000

NEW SECTION. **Sec. 406. FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and transfers $235,675,000

NEW SECTION. **Sec. 407. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) Highway Safety Account—State Appropriation:

For transfer to the State Patrol Highway Account—State $27,000,000

(2)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Capital Vessel Replacement Account—State $152,453,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

(3)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State $46,000,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

(4) Motor Vehicle Account—State Appropriation:

For transfer to the Alaskan Way Viaduct Replacement Project Account—State $6,269,000

(5) Motor Vehicle Account—State Appropriation:

For transfer to the County Arterial Preservation Account—State $7,666,000

(6) Motor Vehicle Account—State Appropriation:

For transfer to the Freight Mobility Investment Account—State $5,511,000

(7) Motor Vehicle Account—State Appropriation:

For transfer to the Rural Arterial Trust Account—State $9,331,000

(8) Motor Vehicle Account—State Appropriation:

For transfer to the Transportation Improvement Account—State $18,688,000

(9) Motor Vehicle Account—State Appropriation:

For transfer to the Transportation 2003 Account (Nickel Account)—State $20,000,000

(10) Motor Vehicle Account—State Appropriation:

For transfer to the County Road Administration Board Emergency Loan Account—State $5,000,000

(11) Rural Mobility Grant Program Account—State

Appropriation: For transfer to the Multimodal Transportation Account—State $3,000,000

(12) State Route Number 520 Civil Penalties

Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State $1,532,000

(13) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Connecting Washington Account—State $35,000,000

(14) Multimodal Transportation Account—State

Appropriation: For transfer to the Aeronautics

Account—State $550,000

(15) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Transportation

Partnership Account—State $9,138,000

(16) Multimodal Transportation Account—State

Appropriation: For transfer to the Complete Streets

Grant Program Account—State $14,670,000

(17) Multimodal Transportation Account—State

Appropriation: For transfer to the Freight Mobility

Multimodal Account—State $4,011,000

(18) Multimodal Transportation Account—State

Appropriation: For transfer to the Pilotage

Account—State $1,500,000

(19) Multimodal Transportation Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State $50,000,000

(20) Multimodal Transportation Account—State

Appropriation: For transfer to the Regional Mobility

Grant Program Account—State $27,679,000

(21) Multimodal Transportation Account—State

Appropriation: For transfer to the Rural Mobility

Grant Program Account—State $15,223,000

(22)(a) Alaskan Way Viaduct Replacement Project

Account—State Appropriation: For transfer to the

Transportation Partnership Account—State $28,660,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(23) Tacoma Narrows Toll Bridge Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State $950,000

(24) Puget Sound Ferry Operations Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State $35,000,000

(25) Connecting Washington Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State $100,000,000

(26)(a) General Fund Account—State

Appropriation: For transfer to the State Patrol

Highway Account—State $625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(6) of this act.

NEW SECTION. **Sec. 408. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Multimodal Transportation Account—State

Appropriation: For distribution to cities and

counties $26,786,000

Motor Vehicle Account—State Appropriation: For

distribution to cities and counties $23,438,000

TOTAL APPROPRIATION $50,224,000

NEW SECTION. **Sec. 409. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—Federal

Appropriation $199,129,000

Toll Facility Bond Retirement Account—State

Appropriation $25,372,000

TOTAL APPROPRIATION $224,501,000

NEW SECTION. **Sec. 410. FOR THE OFFICE OF FINANCIAL MANAGEMENT—AMERICAN RESCUE PLAN ACT REVENUE LOSS DEPOSITS**

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $144,134,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for expenditure into accounts in the amounts specified in subsection (2) of this section. These amounts reflect projected revenue losses to state transportation accounts in state fiscal year 2021 relative to revenues collected in state fiscal year 2019 and shall be used to maintain government services pursuant to the federal American rescue plan act of 2021.

(2) The appropriation must be distributed to the following accounts in the amounts designated:

Aeronautics Account—State $448,000

Puget Sound Capital Construction Account—State $2,101,000

Transportation Partnership Account—State $23,016,000

Puget Sound Ferry Operations Account—State $55,224,000

Connecting Washington Account—State $45,828,000

Special Category C Account—State $2,380,000

Transportation 2003 Account (Nickel Account)—State $15,137,000

COMPENSATION

NEW SECTION. **Sec. 501. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED**

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. **Sec. 502. COLLECTIVE BARGAINING AGREEMENTS**

Sections 503 through 520 of this act represent the results of the 2021-2023 collective bargaining process required under chapters 41.80, 47.64, and 41.56 RCW. Provisions of the collective bargaining agreements contained in sections 503 through 520 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 503 through 520 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. **Sec. 503. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—OPEIU**

An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium. In addition, the following positions are not subject to the furlough requirement: Bid administrator, dispatch, dispatch coordinator, and relief positions.

NEW SECTION. **Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—FASPAA**

An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

NEW SECTION. **Sec. 505. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—SEIU LOCAL 6**

An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

NEW SECTION. **Sec. 506. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—CARPENTERS**

An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

NEW SECTION. **Sec. 507. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—METAL TRADES**

An agreement has been reached between the governor and the Puget Sound metal trades council through an interest arbitration award pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. The arbitration award imposed and funding is provided to implement a 1.9% general wage decrease from July 1, 2021, through June 30, 2022, and exempted these employees from the furlough requirement.

NEW SECTION. **Sec. 508. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-UL**

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

NEW SECTION. **Sec. 509. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-L**

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

NEW SECTION. **Sec. 510. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA—PORT ENGINEERS**

An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

NEW SECTION. **Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P MATES**

An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes a two percent wage increase for second mates and does not include the furlough requirement.

NEW SECTION. **Sec. 512. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P MASTERS**

An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

NEW SECTION. **Sec. 513. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P WATCH CENTER SUPERVISORS**

An agreement has been reached between the governor and the masters, mates, and

pilots - watch center supervisors pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs only for the following positions: Fleet facility security officers and workforce development leads.

NEW SECTION. **Sec. 514. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—IBU**

An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW through an interest arbitration award for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. **Sec. 515. COLLECTIVE BARGAINING AGREEMENT—WFSE**

An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in position that do not require the position to be backfilled.

NEW SECTION. **Sec. 516. COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17**

An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in position that do not require the position to be backfilled.

NEW SECTION. **Sec. 517. COLLECTIVE BARGAINING AGREEMENT—WPEA**

An agreement has not been reached between the governor and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

NEW SECTION. **Sec. 518. COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

An agreement has been reached for the 2019-2021 biennium between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes 24 furlough days for employees in position that do not require the position to be backfilled. The agreement includes and funding is provided for a 2.5 percent wage increase for fiscal year 2022 and a 2.5 percent wage increase for fiscal year 2023 for the department of corrections marine vessel operators.

NEW SECTION. **Sec. 519. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

NEW SECTION. **Sec. 520. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

NEW SECTION. **Sec. 521. COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE—COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the 2019-2021

agreement, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $988 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed $1018 per eligible employee.

The board shall collect a $25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than $50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

NEW SECTION. **Sec. 522. COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE HEALTH CARE COALITION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed $988 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed $1018 per eligible employee.

NEW SECTION. **Sec. 523. COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations: The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $988 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed $1018 per eligible employee.

NEW SECTION. **Sec. 524. COMPENSATION—REVISE PENSION CONTRIBUTION RATES**

The appropriations in this act for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

NEW SECTION. **Sec. 525. JUNETEENTH HOLIDAY**

Funding is provided within the amounts appropriated for the cost to agencies of additional staff necessary to provide coverage in positions that require continual presence, as a result of implementing chapter . . . (House Bill No. 1016), Laws of 2021 (making Juneteenth a legal holiday). If chapter . . . (House Bill No. 1016), Laws of 2021 is not enacted by June 30, 2021, this section does not take effect.

NEW SECTION. **Sec. 526. COLLECTIVE BARGAINING AGREEMENTS—ELIMINATING FURLOUGH DAYS**

Appropriations in this act provide sufficient funding to eliminate the furlough days required in the following collective bargaining agreements for the 2021-2023 biennium:

(1) Office and professional employees international union local 8;

(2) Ferry agents, supervisors, and project administrators association;

(3) Service employees international union local 6;

(4) Pacific Northwest regional council of carpenters;

(5) Marine engineers' beneficial association port engineers;

(6) Masters, mates, and pilots - watch center supervisors;

(7) Inlandboatmen's union of the Pacific;

(8) Washington public employees association general government;

(9) Washington federation of state employees;

(10) Professional and technical employees local 17; and

(11) The coalition of unions.

Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section.

NEW SECTION. **Sec. 527. COLLECTIVE BARGAINING AGREEMENTS—ELIMINATING GENERAL WAGE DECREASE**

Appropriations in this act provide sufficient funding solely for the purpose of eliminating the 1.9 percent wage reduction from July 1, 2021, to June 30, 2022, provided in the arbitration award for the Puget Sound metal trades council. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate modification of the agreement between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section.

NEW SECTION. **Sec. 528. FORGONE GENERAL WAGE INCREASES**

Appropriations in this act for state agencies, including institutions of higher education, are sufficient to provide a three percent or two percent general wage increase, effective July 1, 2021, for employees that were scheduled to receive a general wage increase of either of those amounts on July 1, 2020, that was forgone due to COVID-19 emergency.

IMPLEMENTING PROVISIONS

NEW SECTION. **Sec. 601. FUND TRANSFERS**

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document 2021-1 as developed March 22, 2021, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2019-2021 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;

(f) Transfers may not be made while the legislature is in session;

(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(h) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature;

(i) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount to a single project does not exceed two

hundred fifty thousand dollars or ten percent of the total project per biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees;

(j) Transfers may only be made in fiscal year 2023;

(k) The total amount of transfers to projects in fiscal year 2023 may not exceed $50,000,000; and

(l) The total amount transferred to a single project may not exceed $20,000,000.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current biennium.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current biennium.

NEW SECTION. **Sec. 602. BOND REIMBURSEMENT**

To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, connecting Washington account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made before the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. **Sec. 603. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. **Sec. 604. REAPPROPRIATIONS REPORTING**

(1) As part of its 2020 supplemental budget submittal, the department of transportation shall provide a report to the legislature and the office of financial management that:

(a) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2017-2019 fiscal biennium into the 2019-2021 fiscal biennium; and

(b) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2017 enacted omnibus transportation appropriations act.

(2) As part of the agency request for capital programs, the department shall load reappropriations separately from funds that were assumed to be required

for the 2019-2021 fiscal biennium into budgeting systems.

NEW SECTION. **Sec. 605. WEB SITE REPORTING REQUIREMENTS**

(1) The department of transportation shall post on its web site every report that is due from the department to the legislature during the 2019-2021 fiscal biennium on one web page. The department must post both completed reports and planned reports on a single web page.

(2) The department shall provide a web link for each change order that is more than five hundred thousand dollars on the affected project web page.

NEW SECTION. **Sec. 606. TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document 2021-2 ALL PROJECTS as developed March 22, 2021. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

NEW SECTION. **Sec. 607. PROJECT SCOPE CHANGES**

(1) During the 2019-2021 fiscal biennium, while the legislature is not in session, the director of the office of financial management may approve project scope change requests to connecting Washington projects in the highway improvements program, provided that the requests meet the criteria outlined in RCW 47.01.480 and are subject to the limitations in this section.

(2) At the time the department of transportation submits a request for a project scope change under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested project scope changes.

(4) No fewer than ten days after the receipt of a scope change request, the director of the office of financial management must provide written notification to the department of any decision regarding project scope changes, with copies submitted to the transportation committees of the legislature.

(5) As part of its annual budget submittal, the department of transportation must report on all approved scope change requests from the prior year, including a comparison of the scope before and after the requested change.

NEW SECTION. **Sec. 608. TOLL CREDITS**

The department of transportation may provide up to three million dollars in toll credits to Kitsap transit for its role in passenger-only ferry service and ferry corridor-related projects. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

MISCELLANEOUS 2021-2023 FISCAL BIENNIUM

NEW SECTION. **Sec. 701. INFORMATION TECHNOLOGY OVERSIGHT**

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discrete stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

(i) Fund sources;

(ii) Full-time equivalent staffing level to include job classification assumptions;

(iii) Discrete financial budget codes to include at least the appropriation index and program index;

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables;

(vi) Historical budget and expenditure detail by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete financial coding for the project.

(4) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document, and when it was completed;

(iii) Financial status of information technology projects under oversight;

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2021;

(viii) Budget and expenditures each fiscal month;

(ix) Estimated annual maintenance and operations costs by fiscal year; and

(x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:

(A) Office of the chief information officer;

(B) Agency project team; and

(C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(6) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(9) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1st and December 1st each calendar year any suspension or termination of a project in the previous six-month period to the legislative fiscal committees.

(10) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1st and December 1st each calendar year any additional projects to be subjected to this section that were identified in the previous six-month period to the legislative fiscal committees.

(11) The following transportation projects are subject to the conditions, limitations, and review provided in this section:

(a) For the Washington state patrol: Aerial criminal investigation tools;

(b) For the department of licensing: Website accessibility and usability; and

(c) For the department of transportation: Maintenance management system, land mobile radio system replacement, new CSC system and operator, PROPEL – WSDOT support of one Washington, and capital systems replacement.

NEW SECTION. **Sec. 702. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS**

The department of transportation is authorized, subject to the conditions in section 305(2) of this act, to enter into a financing contract pursuant to chapter 39.94 RCW through the state treasurer's lease-purchase program for the purposes indicated. The department may use any funds, appropriated or nonappropriated, in not more than the principal amounts indicated, plus financing expenses and required reserves, if any. Expenditures made by the department of transportation for the indicated purposes before the issue date of the authorized financing contract and any certificates of participation therein may be reimbursed from proceeds of the financing contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

Sec. 703. RCW 43.19.642 and 2019 c 416 s 703 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2016, file annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia, the Washington state ferries is required to use a minimum of ((~~five~~)) 10 percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a ((~~B5 or~~)) B10 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

Sec. 704. RCW 46.20.745 and 2019 c 416 s 704 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the ((~~2019-2021~~)) 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

Sec. 705. RCW 47.66.120 and 2019 c 287 s 18 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose through the 2023-2025 biennium, the department's public transportation division shall establish a green transportation capital grant program. The purpose of the grant program is to aid any transit authority in funding cost-effective capital projects to reduce the carbon intensity of the Washington transportation system, examples of which include: Electrification of vehicle fleets, including battery and fuel cell electric vehicles; modification or replacement of capital facilities in order to facilitate fleet electrification and/or hydrogen refueling; necessary upgrades to electrical transmission and distribution systems; and construction of charging and fueling stations. The department's public transportation division shall identify projects and shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each even-numbered year.

(b) The department's public transportation division shall select projects based on a competitive process that considers the following criteria:

(i) The cost-effectiveness of the reductions in carbon emissions provided by the project; and

(ii) The benefit provided to transitioning the entire state to a transportation system with lower carbon intensity.

(2) The department's public transportation division must establish an advisory committee to assist in identifying projects under subsection (1) of this section. The advisory committee must include representatives from the department of ecology, the department of commerce, the utilities and transportation commission, and at least one transit authority.

(3) In order to receive green transportation capital grant program funding for a project, a transit authority must provide matching funding for that project that is at least equal to twenty percent of the total cost of the project.

(4) The department's public transportation division must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For purposes of this section, "transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transit authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

(6) During the 2021-2023 fiscal biennium, the department may provide green transportation capital grant program funding for zero emissions capital transition planning projects.

Sec. 706. RCW 46.68.063 and 2019 c 416 s 712 are each amended to read as follows:

The department of licensing technology improvement and data management account is created in the highway safety fund. All receipts from fees collected under RCW 46.12.630(5) must be deposited into the account. Expenditures from the account may be used only for investments in technology and data management at the department. During the 2019-2021 ((~~biennium~~)) and 2021-2023 biennia, the account may also be used for responding to public records requests. Moneys in the account may be spent only after appropriation.

Sec. 707. RCW 46.68.370 and 2019 c 416 s 713 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.17.015 must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle ((~~account~~)) fund for any appropriation made to implement the digital license plate system. During the 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the license plate technology account to the highway safety ((~~account [fund]~~)) fund such amounts as reflect the excess fund balance of the license plate technology account. During the 2019-2021 ((~~biennium~~)) and 2021-2023 biennia, the account may also be used for the maintenance of recently modernized information technology systems for vehicle registrations.

Sec. 708. RCW 46.68.300 and 2019 c 416 s 714 are each amended to read as follows:

The freight mobility investment account is hereby created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects that have been approved by the freight mobility strategic investment board in RCW 47.06A.020 and may include any principal and interest on bonds authorized for the projects or improvements. During the ((~~2019-2021~~)) 2021-2023 fiscal biennium, the expenditures from the account may also be used for the administrative expenses of the freight mobility strategic investment board.

NEW SECTION. **Sec. 709.** (1) The agency financial transaction account is created in the state treasury. Designated receipts from cost-recovery charges for credit card and other financial transaction fees pursuant to this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for paying credit card and financial transaction fees, and other related costs incurred by state agencies.

(2) This section expires June 30, 2023.

Sec. 710. RCW 47.12.370 and 2003 c 187 s 1 are each amended to read as follows:

(1) The department may enter into exchange agreements with local, state, or federal agencies, tribal governments, or private nonprofit nature conservancy corporations as defined in RCW 64.04.130, to convey properties under the jurisdiction of the department that serve as environmental mitigation sites, as full or part consideration for the grantee assuming all future maintenance and operation obligations and costs required to maintain and operate the environmental mitigation site in perpetuity.

(2) ((~~Tribal~~)) (a) Except as provided in (b) of this subsection, tribal governments shall only be eligible to participate in an exchange agreement if they:

((~~(a)~~)) (i) Provide the department with a valid waiver of their tribal sovereign immunity from suit. The waiver must allow the department to enforce the terms of the exchange agreement or quitclaim deed in state court; and

((~~(b)~~)) (ii) Agree that the property shall not be placed into trust status.

(b) During the 2021-2023 fiscal biennium, the restrictions in (a) of this subsection do not apply to any exchange agreement with a tribal government for the acquisition of real property required by the department for the SR 167/SR 509 Puget Sound Gateway project.

(3) The conveyances must be by quitclaim deed, or other form of conveyance, executed by the secretary of transportation, and must expressly restrict the use of the property to a mitigation site consistent with preservation of the functions and values of the site, and must provide for the automatic reversion to the department if the property is not used as a mitigation site or is not maintained in a manner that complies with applicable permits, laws, and regulations pertaining to the maintenance and operation of the mitigation site.

Sec. 711. RCW 47.60.530 and 2017 c 313 s 714 are each amended to read as follows:

(1) The Puget Sound ferry operations account is created in the motor vehicle fund.

(2) The following funds must be deposited into the account:

(a) All moneys directed by law;

(b) All revenues generated from ferry fares; and

(c) All revenues generated from commercial advertising, concessions, parking, and leases as allowed under RCW 47.60.140.

(3) Moneys in the account may be spent only after appropriation.

(4) Expenditures from the account may be used only for the maintenance, administration, and operation of the Washington state ferry system.

(5) During the 2015-2017 fiscal biennium, the legislature may transfer from the Puget Sound ferry operations account to the connecting Washington account such amounts as reflect the excess fund balance of the Puget Sound ferry operations account.

(6) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the connecting Washington account.

(7) During the 2021-23 fiscal biennium, the legislature may transfer from the Puget Sound ferry operations account to the Puget Sound capital construction account such amounts as reflect the excess fund balance of the Puget Sound ferry operations account.

Sec. 712. RCW 47.60.315 and 2019 c 431 s 3 are each amended to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) By September 1st of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) ((~~Fare~~)) Except for the 2021-2023 fiscal biennium, fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare.

(6) The commission may not raise fares until the fare rules contain pricing policies developed under RCW 47.60.290, or September 1, 2009, whichever is later.

(7) The commission shall impose a vessel replacement surcharge of twenty-five cents on every one-way and round-trip ferry fare sold, including multiride and monthly pass fares. This surcharge must be clearly indicated to ferry passengers and drivers and, if possible, on the fare media itself.

(8) Except as provided in subsection (10) of this section, beginning May 1, 2020, the commission shall impose an additional vessel replacement surcharge in an amount sufficient to fund twenty-five year debt service on one 144-auto hybrid vessel taking into account funds provided in chapter 417, Laws of 2019 or chapter . . . (SSB 5419), Laws of 2019. The department of transportation shall provide to the commission vessel and debt service cost estimates. Information on

vessels constructed or purchased with revenue from the surcharges must be publicly posted including, but not limited to, the commission web site.

(9) The vessel replacement surcharges imposed in this section may only be used for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of new ferry vessels.

(10) The commission shall not impose the additional vessel replacement surcharge in subsection (8) of this section if doing so would increase fares by more than ten percent.

Sec. 713. RCW 34.05.350 and 2011 1st sp.s. c 2 s 1 are each amended to read as follows:

(1) If an agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest;

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule; or

(c) In order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, or in an omnibus transportation appropriations act for the 2021-2023 biennium related to setting toll rates, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency,

the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the rules review committee.

(2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

(3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any sanction imposed based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule.

Sec. 714. RCW 46.68.060 and 2019 c 416 s 705 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, and chapters 46.72 and 46.72A RCW. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund

balance of the highway safety fund. During the ((~~2017-2019 and the~~)) 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account.

Sec. 715. RCW 46.68.325 and 2019 c 416 s 708 are each amended to read as follows:

(1) The rural mobility grant program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.100.

(2) Beginning September 2011, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the rural mobility grant program account two million five hundred thousand dollars.

(3) During the 2015-2017 fiscal biennium, the legislature may transfer from the rural mobility grant program account to the multimodal transportation account such amounts as reflect the excess fund balance of the rural mobility grant program account.

(4) During the ((~~2017-2019 and the~~)) 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the rural mobility grant program account to the multimodal transportation account.

Sec. 716. RCW 47.56.876 and 2019 c 416 s 710 are each amended to read as follows:

A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the state route number 520 civil penalties account to the state route number 520 corridor account such amounts as reflect the excess fund balance of the state route number 520 civil penalties account. Funds transferred must be used solely for capital expenditures for the state route number 520 bridge replacement and HOV project. During the ((~~2017-2019 and the~~)) 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the state route number 520 civil penalties account to the state route number 520 corridor account.

Sec. 717. RCW 47.60.322 and 2019 c 416 s 716 are each amended to read as follows:

(1) The capital vessel replacement account is created in the motor vehicle fund. All revenues generated from the vessel replacement surcharge under RCW 47.60.315(7) and service fees collected by the department of licensing or county auditor or other agent appointed by the director under RCW 46.17.040, 46.17.050, and 46.17.060 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of ferry vessels. However, expenditures from the account must first be used to support the construction or purchase, including any applicable financing costs, of a ferry vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The state treasurer may transfer moneys from the capital vessel replacement account to the transportation 2003 account (nickel account) for debt service on bonds issued for the construction of 144-car class ferry vessels.

(3) The legislature may transfer from the capital vessel replacement account to the connecting Washington account created under RCW 46.68.395 such amounts as reflect the excess fund balance of the capital vessel replacement account to be used for ferry terminal construction and preservation.

(4) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the legislature may direct the state treasurer to make transfers of moneys in the capital vessel replacement account to the transportation partnership account.

Sec. 718. RCW 46.68.395 and 2020 c 219 s 707 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle fund. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the motor vehicle fund.

2019-2021 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 801. 2019 c 416 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation ((~~$545,000~~))

$536,000

Sec. 802. 2020 c 219 s 101 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation ((~~$1,419,000~~))

$1,388,000

Multimodal Transportation Account—State Appropriation $300,000

Puget Sound Ferry Operations Account—State Appropriation $121,000

TOTAL APPROPRIATION ((~~$1,840,000~~))

$1,809,000

The appropriations in this section are subject to the following conditions and limitations: $300,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in direct coordination with the office of state treasurer, to evaluate, coordinate, and assist in efforts by state agencies in developing cost recovery mechanisms for credit card and other financial transaction fees currently paid from state funds. This may include disbursing interagency reimbursements for the implementation costs incurred by the affected agencies. As part of the first phase of this effort, the office of financial management, with the assistance of relevant agencies, must develop implementation plans and take all necessary steps to ensure that the actual cost-recovery mechanisms will be in place by January 1, 2020, for the vehicles and drivers programs of the department of licensing. By November 1, 2019, the office of financial management must provide a report to the joint transportation committee on the phase 1 implementation plan and options to expand similar cost recovery mechanisms to other state agencies and programs, including the ferries division.

Sec. 803. 2019 c 416 s 106 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State Appropriation ((~~$652,000~~))

$647,000

TRANSPORTATION AGENCIES—OPERATING

Sec. 901. 2020 c 219 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation ((~~$4,675,000~~))

$4,647,000

Highway Safety Account—Federal Appropriation ((~~$27,051,000~~))

$26,943,000

Highway Safety Account—Private/Local Appropriation $118,000

School Zone Safety Account—State Appropriation $850,000

TOTAL APPROPRIATION
((~~$32,694,000~~))

$32,558,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $150,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 54, Laws of 2019 (Cooper Jones Active Transportation Safety Council). If chapter 54, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, ((~~2020~~)) 2022.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall install two signs facing opposite directions within two hundred feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must post information on the city web site and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2021, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger

violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, 2021.

(4)(a) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in chapter 224, Laws of 2020 (automated traffic safety cameras) or chapter . . . (Substitute Senate Bill No. 5789), Laws of 2020 (automated traffic safety cameras) to provide the transportation committees of the legislature with the following information by June 30, 2021:

(i) The number of warnings and infractions issued to first-time violators under the pilot program;

(ii) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(iii) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

(b) If neither chapter 224, Laws of 2020 nor chapter . . . (Substitute Senate Bill No. 5789), Laws of 2020 is enacted by June 30, 2020, the conditions of this subsection (4) have no force and effect.

Sec. 902. 2020 c 219 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation $1,137,000

Motor Vehicle Account—State Appropriation ((~~$2,920,000~~))

$3,042,000

County Arterial Preservation Account—State

Appropriation $1,677,000

TOTAL APPROPRIATION ((~~$5,734,000~~))

$5,856,000

The appropriations in this section are subject to the following conditions and limitations: $58,000 of the motor vehicle account—state appropriation is provided solely for succession planning and training.

Sec. 903. 2020 c 219 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account—State Appropriation ((~~$2,187,000~~))

$2,173,000

Multimodal Transportation Account—State Appropriation ((~~$917,000~~))

$895,000

Highway Safety Account—State Appropriation $275,000

TOTAL APPROPRIATION ((~~$3,379,000~~))

$3,343,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $400,000 of the motor vehicle account—state appropriation and $50,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a comprehensive assessment of statewide transportation needs and priorities, and existing and potential transportation funding mechanisms to address those needs and priorities. The

assessment must include: (a) Recommendations on the critical state and local transportation projects, programs, and services needed to achieve an efficient, effective, statewide transportation system over the next ten years; (b) a comprehensive menu of funding options for the legislature to consider to address the identified transportation system investments; (c) recommendations on whether a revision to the statewide transportation policy goals in RCW 47.04.280 is warranted in light of the recommendations and options identified in (a) and (b) of this subsection; and (d) an analysis of the economic impacts of a range of future transportation investments. The assessment must be submitted to the transportation committees of the legislature by June 30, 2020. Starting July 1, 2020, and concluding by December 31, 2020, a committee-appointed commission or panel shall review the assessment and make final recommendations to the legislature for consideration during the 2021 legislative session on a realistic, achievable plan for funding transportation programs, projects, and services over the next ten years including a timeline for legislative action on funding the identified transportation system needs shortfall.

(2)(a) $382,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct an analysis of the electrification of public fleets in Washington state. The study must include the following:

(i) An inventory of existing public fleets for the state of Washington, counties, a sampling of cities, and public transit agencies. The inventory must differentiate among battery and fuel cell electric vehicles, hybrid vehicles, gasoline powered vehicles, and any other functional categories. Three cities from each of the following population ranges must be selected for the analysis:

(A) Population up to and including twenty-five thousand;

(B) Population greater than twenty-five thousand and up to and including fifty thousand;

(C) Population greater than fifty thousand and up to and including one hundred thousand;

(D) Population greater than one hundred thousand;

(ii) A review of currently available battery and fuel cell electric vehicle alternatives to the vehicle types most commonly used by the state, counties, cities, and public transit agencies. The review must include:

(A) The average vehicle cost differential among the commercially available fuel options;

(B) A cost benefit analysis of the conversion of different vehicle classes; and

(C) Recommendations for the types of vehicles that should be excluded from consideration due to insufficient alternatives, unreliable technology, or excessive cost;

(iii) The projected costs of achieving substantial conversion to battery and/or fuel cell electric fleets by 2025, 2030, and 2035 for the state, counties, cities, and public transit agencies. This cost estimate must include:

(A) Vehicle acquisition costs, charging and refueling infrastructure costs, and other associated costs;

(B) Financial constraints of each type of entity to transition to an electric vehicle fleet; and

(C) Any other identified barriers to transitioning to a battery and/or fuel cell electric vehicle fleet;

(iv) Identification and analysis of financing mechanisms that could be used to finance the transition of publicly owned vehicles to battery and fuel cell electric vehicles. These mechanisms include, but are not limited to: Energy or carbon savings performance contracting, utility grants and rebates, revolving loan funds, state grant programs, private third-party financing, fleet management services, leasing, vehicle use optimization, and vehicle to grid technology; and

(v) The predicted number and location profile of electric vehicle fueling stations needed statewide to provide fueling for the fleets of the state, counties, cities, and public transit agencies.

(b) In developing and implementing the study, the joint transportation committee must solicit input from representatives of the department of

enterprise services, the department of transportation, the department of licensing, the department of commerce, the Washington state association of counties, the association of Washington cities, the Washington state transit association, transit agencies, and others as deemed appropriate.

(c) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(3)(a) $250,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of an east-west intercity passenger rail system. The study must include the following elements:

(i) Projections of potential ridership;

(ii) Review of relevant planning studies;

(iii) Establishment of an advisory group and associated meetings;

(iv) Development of a Stampede Pass corridor alignment to maximize ridership, revenue, and rationale, considering service to population centers: Auburn, Cle Elum, Yakima, Tri-Cities, Ellensburg, Toppenish, and Spokane;

(v) Assessment of current infrastructure conditions, including station stop locations;

(vi) Identification of equipment needs; and

(vii) Identification of operator options.

(b) A report of the study findings and recommendations is due to the transportation committees of the legislature by June 30, 2020.

(4)(a) $275,000 of the highway safety fund—state appropriation is for a study of vehicle subagents in Washington state. The study must consider and include recommendations, as necessary, on the following:

(i) The relevant statutes, rules, and/or regulations authorizing vehicle subagents and any changes made to the relevant statutes, rules, and/or regulations;

(ii) The current process of selecting and authorizing a vehicle subagent, including the change of ownership process and the identification of any barriers to entry into the vehicle subagent market;

(iii) The annual business expenditures borne by each of the vehicle subagent businesses since fiscal year 2010 and identification of any materials, including office equipment and supplies, provided by the department of licensing to each vehicle subagent since fiscal year 2010. To accomplish this task, each vehicle subagent must provide expenditure data to the joint transportation committee for the purposes of this study;

(iv) The oversight provided by the county auditors and/or the department of licensing over the vehicle subagent businesses;

(v) The history of service fees, how increases to the service fee rate are made, and how the requested fee increase is determined;

(vi) The online vehicle registration renewal process and any potential improvements to the online process;

(vii) The department of licensing's ability to provide more vehicle licensing services directly, particularly taking into account the increase in online vehicle renewal transactions;

(viii) The potential expansion of services that can be performed by vehicle subagents; and

(ix) The process by which the geographic locations of vehicle subagents are determined.

(b) In conducting the study, the joint transportation committee must consult with the department of licensing, a representative of county auditors, and a representative of vehicle subagents.

(c) The joint transportation committee may collect any data from the department of licensing, county auditors, and vehicle subagents that is necessary to conduct the study.

(d) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(5)(a) $235,000 of the multimodal transportation account—state

appropriation is for the joint transportation committee to oversee a consultant study on rail safety governance best practices, by class of rail where applicable, and recommendations for the implementation of these best practices in Washington state. The study must assess rail safety governance for passenger and freight rail, including rail transit services, and must consider recommendations made by the national transportation safety board in its 2017 Amtrak passenger train 501 derailment accident report that are relevant to rail safety governance.

(b) The study must include the following components:

(i)(A) An assessment of rail safety oversight in Washington state that includes: (I) The rail safety oversight roles of federal, state, regional, and local agencies, including the extent to which federal and state laws govern these roles and the extent to which these roles would be modified should the suspended federal rules in 49 C.F.R. Part 270 take effect; (II) federal, state, regional, and local agency organizational structures and processes utilized to conduct rail safety oversight; and (III) coordination activities by federal, state, regional, and local agencies in conducting rail safety oversight;

(B) An examination of rail safety governance best practices by other states for the items identified in (a) of this subsection; and

(C) Recommendations for the implementation of best practices for rail safety governance in Washington state.

(ii) The study must address the extent to which additional safety oversight of rail project design and construction is used in other states and would be a recommended best practice for Washington state.

(c) The joint transportation committee shall consult with the Washington state department of transportation, the Washington state utilities and transportation commission, sound transit, the national transportation safety board, Amtrak, the federal railroad administration, BNSF railway company, one or more representatives of short line railroads, one or more representatives of labor, and other entities with rail safety expertise as necessary.

(d) The joint transportation committee must issue a report of its findings and recommendations on rail safety governance to the transportation committees of the legislature by January 6, 2021.

(6)(a) $250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of a private auto ferry between the state of Washington and British Columbia, Canada. The study must include the following elements:

(i) Expected impacts to ridership, revenue, and expenditures for Washington state ferries;

(ii) Expected impacts to ferry service provided to the San Juan Islands;

(iii) Possible terminal locations on Fidalgo Island;

(iv) Economic impacts to the Anacortes area if ferry service between the area and Vancouver Island ceases;

(v) Economic impacts to the San Juan Islands if ferry service or ferry tourism is reduced;

(vi) Expected impacts to family wage jobs in the marine industry for Washingtonians;

(vii) Expected impacts to ferry fares between the state of Washington and British Columbia, Canada;

(viii) Legal analysis of all state, federal, or Canadian laws or rules, including the Jones act and rules of the board of pilotage commissioners, that may apply to initiation of private service or cessation of state service; and

(ix) Options for encouraging private auto ferry service between the state of Washington and Vancouver Island, Canada.

(b) In conducting the study, the joint transportation committee must consult with the department of transportation, a representative of San Juan county, a representative of the city of Anacortes, a representative of the inland boatman's union, a representative of Puget Sound pilots, a representative of the port of Anacortes, a representative of the economic development alliance of Skagit county, and interested private ferry operators in Washington state.

(c) A report of the study findings and options is due to the transportation

committees of the legislature by February 15, 2021.

Sec. 904. 2020 c 219 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation ((~~$2,324,000~~))

$1,861,000

Interstate 405 and State Route Number 167 Express Toll Lanes

Account—State Appropriation ((~~$410,000~~))

$406,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$271,000~~))

$262,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$158,000~~))

$152,000

Alaskan Way Viaduct Replacement Project

Account—State Appropriation ((~~$136,000~~))

$132,000

TOTAL APPROPRIATION ((~~$3,299,000~~))

$2,813,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall report at least once every three months to the steering committee with updates on report development for the completed road usage charge pilot project until the final report is submitted. The commission shall also report to the steering committee on any other activities undertaken in accordance with this subsection (1) as necessary to keep it apprised of new developments and to obtain input on its efforts. The final report on the road usage charge pilot project is due to the transportation committees of the legislature by January 1, 2020, and should include recommendations for necessary next steps to consider impacts to communities of color, low-income households, vulnerable populations, and displaced communities. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b)(i) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal surface transportation system funding alternatives grant program, applying toll credits for meeting match requirements. One or more grant applications shall be developed that propose to:

(A) Create a framework for modeling the effects of a road usage charge on passenger and light-duty vehicles including, but not limited to, plug-in electric vehicles, autonomous vehicles, state fleets, and transportation network companies on a road usage charge system;

(B) Identify and measure potential disparate impacts of a road usage charge on designated populations, including communities of color, low-income households, vulnerable populations, and displaced communities;

(C) Incorporate emerging approaches to mileage reporting, such as in-vehicle telematics, improved smartphone apps, and use of private businesses to provide odometer verification and mileage reporting services, into a road usage charge system;

(D) Conduct a series of facilitated work sessions with other states and private sector firms to identify opportunities to reduce the cost of collections for a road usage charge;

(E) Develop a road usage charge phase-in plan that incorporates findings from (b)(i)(A) through (D) of this subsection;

(F) Carry out a limited scale demonstration to test new mileage reporting methods; equity policies; cost reduction techniques; and collecting a road usage charge from passenger and light-duty vehicles including, but not limited to, plug-in electric vehicles, autonomous vehicles, state fleets, transportation network companies, and other new mobility services; and

(G) Produce a final report with recommendations and a recommended roadmap that details how a road usage charge could be appropriately scaled to fit state circumstances and that includes a framework for evaluating policy choices related to the use of road usage charge revenue.

(ii) A year-end report on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2020, and by January 1, 2021.

(c) $150,000 of the motor vehicle account—state appropriation is provided solely for analysis of potential impacts of a road usage charge on communities of color, low-income households, vulnerable populations, and displaced communities. The analysis must include an assessment of potential mitigation measures to address these potential impacts. These funds must be held in unallotted status during the 2019-2021 fiscal biennium, and may only be used after the commission has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal surface transportation system funding alternatives grant program under (b) of this subsection without successfully securing federal funding for the further study of a road usage charge. A year-end update on the status of this effort, if undertaken prior to the end of calendar year 2020, must be provided to the governor's office and the transportation committees of the legislature by January 1, 2021.

(2)(a) $250,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the transportation commission to conduct a study, applicable to the Interstate 405 express toll lanes, of discounted tolls and other similar programs for low-income drivers that are provided by other states, countries, or other entities and how such a program could be implemented in the state of Washington. The transportation commission may contract with a consultant to conduct all or a portion of this study.

(b) In conducting this study, the transportation commission shall consult with both the department of transportation and the department of social and health services.

(c) The transportation commission shall, at a minimum, consider the following issues when conducting the study of discounted tolls and other similar programs for low-income drivers:

(i) The benefits, requirements, and any potential detriments to the users of a program;

(ii) The most cost-effective way to implement a program given existing financial commitments, shared cost requirements across facilities, and technical requirements to execute and maintain a program;

(iii) The implications of a program for tolling policies, revenues, costs, operations, and enforcement; and

(iv) Any implications to tolled facilities based on the type of tolling implemented on a particular facility.

(d) The transportation commission shall provide a report detailing the findings of this study and recommendations for implementing a discounted toll or other appropriate program in the state of Washington to the transportation committees of the legislature by June 30, 2021.

(3) $160,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $271,000 of the state route number 520 corridor account—state appropriation, $158,000 of the Tacoma Narrows toll bridge account—state appropriation, and $136,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(4) The legislature requests that the commission commence proceedings to name state route number 165 as The Glacier Highway to commemorate the significance of glaciers to the state of Washington.

Sec. 905. 2020 c 219 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation ((~~$501,294,000~~))

$498,197,000

State Patrol Highway Account—Federal Appropriation ((~~$16,081,000~~))

$16,079,000

State Patrol Highway Account—Private/Local

Appropriation $4,258,000

Highway Safety Account—State Appropriation $1,188,000

Ignition Interlock Device Revolving Account—State

Appropriation $7,010,000

Multimodal Transportation Account—State

Appropriation $286,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $1,182,000

State Route Number 520 Corridor Account—State

Appropriation $1,988,000

Tacoma Narrows Toll Bridge Account—State Appropriation $1,158,000

Alaskan Way Viaduct Replacement Project

Account—State Appropriation $996,000

TOTAL APPROPRIATION ((~~$535,441,000~~))

$532,342,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) $510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) $1,424,000 of the state patrol highway account—state appropriation is provided solely to enter into an agreement for upgraded land mobile software, hardware, and equipment.

(4) $2,582,000 of the state patrol highway account—state appropriation is provided solely for the replacement of radios and other related equipment.

(5) $343,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification.

(6) $2,342,000 of the state patrol highway account—state appropriation is provided solely to address the increase in the number of toxicology cases from impaired driving and death investigations.

(7) $580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2019, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2017, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than $625,000 in state sales and use taxes have been remitted to the state since July 1, 2017, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406, chapter 416, Laws of 2019.

(8) $18,000 of the state patrol highway account—state appropriation is provided solely for the license investigation unit to procure an additional license plate reader and related costs.

(9) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(10) $4,210,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2021.

(11) $65,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 440, Laws of 2019 (immigrants in the workplace). If chapter 440, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(12)(a) The Washington state patrol must report quarterly to the house and senate transportation committees on the status of recruitment and retention activities as follows:

(i) A summary of recruitment and retention strategies;

(ii) The number of transportation funded staff vacancies by major category;

(iii) The number of applicants for each of the positions by these categories;

(iv) The composition of workforce; and

(v) Other relevant outcome measures with comparative information with recent comparable months in prior years.

(b) By January 1, 2020, the Washington state patrol must submit to the transportation committees of the legislature and the governor a workforce diversity plan. The plan must identify ongoing, and both short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(13) $1,182,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $1,988,000 of the state route number 520 corridor account—state appropriation, $1,158,000 of the Tacoma Narrows toll bridge account—state appropriation, and $996,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(14) $100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of ((~~Senate Bill No. 6218~~)) chapter 97, Laws of 2020 (Washington state patrol retirement definition of salary), which reflects an increase in the Washington state patrol retirement system pension contribution rate of 0.15 percent for changes to the definition of salary. If ((~~Senate Bill No. 6218~~)) chapter 97, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(16)~~)) (15) $975,000 of the state patrol highway account—state appropriation is provided solely for communications officers at the King county public safety answering point.

((~~(17)~~)) (16) $830,000 of the state patrol highway account—state appropriation is provided solely for information technology security enhancements.

((~~(18)~~)) (17) $150,000 of the state patrol highway account is provided solely for the Washington state patrol to work with the department of enterprise services and office of minority and women's business enterprises to contract for a workforce diversity strategic action plan. The successful consultant must have demonstrated expertise in workforce diversity research and an established record of assisting organizations in implementing diversity initiatives. The plan must include:

(a) Current and past employment data on the composition of the state patrol workforce generally and of its protective service workers;

(b) Research into the reasons for underrepresentation of minorities and women in the state patrol workforce;

(c) Research on best practices for recruiting across the state and from communities historically underrepresented in the Washington state patrol workforce;

(d) Case studies of law enforcement and other agencies that have successfully diversified their workforce; and

(e) A strategic plan with recommendations that will address disparities in the Washington state patrol employment ranks in both commissioned and noncommissioned personnel, with a focus on executive, command, and supervisory employees.

Sec. 906. 2020 c 219 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State Appropriation $34,000

Motorcycle Safety Education Account—State

Appropriation ((~~$5,052,000~~))

$5,023,000

State Wildlife Account—State Appropriation ((~~$511,000~~))

$510,000

Highway Safety Account—State Appropriation ((~~$242,965,000~~))

$221,941,000

Highway Safety Account—Federal Appropriation $1,294,000

Motor Vehicle Account—State Appropriation ((~~$71,447,000~~))

$65,416,000

Motor Vehicle Account—Federal Appropriation $186,000

Motor Vehicle Account—Private/Local Appropriation $10,008,000

Ignition Interlock Device Revolving Account—State

Appropriation ((~~$5,779,000~~))

$4,687,000

Department of Licensing Services Account—State

Appropriation ((~~$7,696,000~~))

$7,685,000

License Plate Technology Account—State

Appropriation $4,250,000

Abandoned Recreational Vehicle Account—State

Appropriation $2,925,000

Limousine Carriers Account—State Appropriation $113,000

Electric Vehicle Account—State Appropriation $264,000

DOL Technology Improvement & Data Management

Account—State Appropriation $2,250,000

Agency Financial Transaction Account—State

Appropriation $11,903,000

TOTAL APPROPRIATION ((~~$366,677,000~~))

$338,489,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $139,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter 65, Laws of 2019 (motorcycle safety). If chapter 65, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) $25,000 of the motorcycle safety education account—state appropriation, $4,000 of the state wildlife account—state appropriation, $1,708,000 of the highway safety account—state appropriation, $576,000 of the motor vehicle account—state appropriation, $22,000 of the ignition interlock device revolving account—state appropriation, and $28,000 of the department of licensing services account—state appropriation are provided solely for the department to fund the appropriate staff and necessary equipment and software for data management, data analytics, and data compliance activities. The department must, in consultation with the office of the chief information officer, construct a framework with goals for providing better data stewardship and a plan to achieve those goals. The department must

provide the framework and plan to the transportation committees of the legislature by December 31, 2019, and an update by May 1, 2020.

(3) Appropriations provided for the cloud continuity of operations project in this section are subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 219, Laws of 2020.

(4) $24,028,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(5) $507,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 (vehicle service fees) or chapter 417, Laws of 2019 (vehicle service fees). If neither chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 or chapter 417, Laws of 2019 are enacted by June 30, 2019, the amount provided in this subsection lapses.

(6) $25,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 177, Laws of 2019 (San Juan Islands license plate). If chapter 177, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(7) $24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 384, Laws of 2019 (Seattle Storm license plate). If chapter 384, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(8) $65,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 440, Laws of 2019 (immigrants in the workplace). If chapter 440, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(9) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least $11,903,000 in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions beginning January 1, 2020. At the direction of the office of financial management, the department must develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department must notify the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in section 717, chapter 416, Laws of 2019 on a quarterly basis.

(10) $1,281,000 of the department of licensing service account—state appropriation is provided solely for savings from the implementation of chapter 417, Laws of 2019 (vehicle service fees). If chapter 417, Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection lapses.

(11) $2,650,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account.

(12) $20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 210, Laws of 2019 (Gold Star license plate). If chapter 210, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(13) $31,000 of the motor vehicle account—state appropriation is provided

solely for the implementation of chapter 262, Laws of 2019 (snow bikes). If chapter 262, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(14) $24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 139, Laws of 2019 (Purple Heart license plate). If chapter 139, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(15) $24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 278, Laws of 2019 (vehicle and vessel owner information). If chapter 278, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(16) $600,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(17) The department must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(18) $91,000 of the highway safety account—state appropriation is provided solely for the department's costs related to the one Washington project.

(19) ((~~$1,674,000~~)) $1,174,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally-responsive fashion.

(20) Due to the passage of chapter 1 (Initiative Measure No. 976), Laws of 2020, the department, working with the office of financial management, shall provide a monthly report on the number of registrations involved and differences between actual collections and collections if the initiative was not subject to a temporary injunction as of December 5, 2019.

(21) The appropriations in this section assume full cost recovery for the administration and collection of a motor vehicle excise tax on behalf of any regional transit authority pursuant to section 706 ((~~of this act~~)), chapter 219, Laws of 2020.

((~~(26)~~)) (22) $107,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 78, Laws of 2020 (military veterans commercial driver's license waivers) or chapter . . . (Second Substitute Senate Bill No. 5544), Laws of 2020 (military veterans commercial driver's license waivers). If neither chapter 78, Laws of 2020 nor chapter . . . (Second Substitute Senate Bill No. 5544), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(28)~~)) (23) $114,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 124, Laws of 2020 (homeless youth identicards) or chapter . . . (Senate Bill No. 6304), Laws of 2020 (homeless youth identicards). If neither chapter 124, Laws of 2020 nor chapter . . . (Senate Bill No. 6304), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(29)~~)) (24) $24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 129, Laws of 2020 (Seattle national hockey league special license plate) or chapter . . . (Senate Bill No.

6562), Laws of 2020 (Seattle national hockey league special license plate). If neither chapter 129, Laws of 2020 nor chapter . . . (Senate Bill No. 6562), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(30)~~)) (25) $14,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 (off-road vehicle enforcement) or chapter . . . (Senate Bill No. 6115), Laws of 2020 (off-road vehicle enforcement). If neither chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 nor chapter . . . (Senate Bill No. 6115), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(31)~~)) (26) $105,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 118, Laws of 2020 (tribal vehicles compact) or chapter . . . (Senate Bill No. 6251), Laws of 2020 (tribal vehicles compact). If neither chapter 118, Laws of 2020 nor chapter . . . (Senate Bill No. 6251), Laws of 2020 (tribal vehicles compact) is enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(32)~~)) (27) $57,000 of the state wildlife account—state appropriation is provided solely for the implementation of chapter 148, Laws of 2020 (state wildlife account). If chapter 148, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(33)~~)) (28) $19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 93, Laws of 2020 (apples special license plate). If chapter 93, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(34)~~)) (29) $19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 239, Laws of 2020 (stolen vehicle check). If chapter 239, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(36)~~)) (30) $40,000 of the department of licensing services account—state appropriation is provided solely for the department to report to the governor and chairs of the transportation committees of the legislature by December 1, 2020, with a proposed plan to allow the registered owner of a vehicle, or the registered owner's authorized representative, to voluntarily enter into either a quarterly or monthly payment plan with the department to pay vehicle fees or taxes due at the time of application for renewal vehicle registration. The plan must include: (a) An analysis of the administrative costs associated with allowing the payment plans; (b) the estimated revenue impact by fund or account, including impacts to local governments; and (c) the recommended method to achieve the greatest level of customer payment compliance.

((~~(37)~~)) (31)(a) Within available resources, and in collaboration with the department of revenue, the department of licensing shall evaluate the effectiveness of chapter 218, Laws of 2017, in improving compliance with state laws relating to the registration of off-road vehicles, including the payment of retail sales and use tax. The department of licensing shall recommend any statutory, administrative, or other changes needed to optimize and further strengthen the compliance, including an implementation timeline and corresponding resource requirements. Among its recommendations, the department of licensing must address potential changes to the process under RCW 46.93.210 by which the department notifies persons whose vehicles may not be properly registered in the state. The department shall submit a report to the governor and the transportation committees of the legislature by December 15, 2020.

(b) If chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 is enacted by June 30, 2020, this subsection has no force and effect.

Sec. 907. 2020 c 219 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B

State Route Number 520 Corridor Account—State

Appropriation ((~~$59,059,000~~))

$36,506,000

State Route Number 520 Civil Penalties Account—State

Appropriation ((~~$4,145,000~~))

$20,231,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$33,806,000~~))

$34,075,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation ((~~$21,616,000~~))

$19,858,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$27,457,000~~))

$23,638,000

TOTAL APPROPRIATION ((~~$146,083,000~~))

$134,308,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and $11,034,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3)(a) $2,114,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $4,920,000 of the state route number 520 corridor account—state appropriation, $2,116,000 of the Tacoma Narrows toll bridge account—state appropriation, and $2,776,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to finish implementing a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 219, Laws of 2020.

(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(4) The department shall make detailed quarterly reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(5) ((~~$24,735,000~~)) $20,914,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for operational costs related to the express toll lane facility.

(6) In calendar year 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2019-2021 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) ((~~$18,840,000~~)) $17,082,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility commences and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other

toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) $608,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for increased levels of service from the Washington state patrol for enforcement of toll lane violations on the Interstate 405 and state route number 167 express toll lanes. The department shall compile monthly data on the number of Washington state patrol enforcement hours on each facility and the percentage of time during peak hours that speeds are at or above forty-five miles per hour on each facility. The department shall provide this data in a report to the transportation committees of the legislature on at least a calendar quarterly basis.

(9) The department shall develop an ongoing cost allocation method to assign appropriate costs to each of the toll funds for services provided by each Washington state department of transportation program and all relevant transportation agencies, including the Washington state patrol and the transportation commission. This method should update the toll cost allocation method used in the 2020 supplemental transportation appropriations act. By December 1, 2020, a report with the recommended method and any changes or potential impacts to toll rates shall be submitted to the transportation committees of the legislature and the office of financial management.

Sec. 908. 2020 c 219 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C

Transportation Partnership Account—State Appropriation $1,460,000

Motor Vehicle Account—State Appropriation ((~~$96,331,000~~))

$93,032,000

Puget Sound Ferry Operations Account—State

Appropriation $263,000

Multimodal Transportation Account—State

Appropriation ((~~$2,878,000~~))

$2,665,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $1,460,000

TOTAL APPROPRIATION ((~~$102,392,000~~))

$98,880,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $8,114,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 219, Laws of 2020. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly. The department shall provide a report to the transportation committees of the legislature by December 31, 2019, detailing the project timeline as of July 1, 2019, an updated project timeline if necessary, expenditures made to date for the purposes of this project, and expenditures projected through the remainder of the project timeline.

(2) $1,375,000 of the motor vehicle account—state appropriation is provided solely for the department's cost related to the one Washington project.

(3) $21,500,000 of the motor vehicle account—state appropriation is provided solely for the activities of the information technology program in developing and maintaining information systems that support the operations and

program delivery of the department, ensuring compliance with section 701 ((~~of this act~~)), chapter 219, Laws of 2020, and the requirements of the office of the chief information officer under RCW 43.88.092 to evaluate and prioritize any new financial and capital systems replacement or modernization project and any other information technology project. During the 2019-2021 fiscal biennium, the department may use the distributed direct program support or other cost allocation method to fund a new capital systems replacement or modernization project. The department shall submit a decision package for implementation of a new capital systems replacement project to the governor and the transportation committees of the legislature as part of the normal budget process for the 2021-2023 biennium.

Sec. 909. 2020 c 219 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING

Motor Vehicle Account—State Appropriation ((~~$34,807,000~~))

$33,819,000

State Route Number 520 Corridor Account—State

Appropriation $34,000

TOTAL APPROPRIATION ((~~$34,841,000~~))

$33,853,000

Sec. 910. 2020 c 219 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

Aeronautics Account—State Appropriation ((~~$7,743,000~~))

$6,773,000

Aeronautics Account—Federal Appropriation $3,043,000

Aeronautics Account—Private/Local Appropriation $60,000

TOTAL APPROPRIATION ((~~$10,846,000~~))

$9,876,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$2,862,000~~)) $2,505,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) ((~~$268,000~~)) $218,000 of the aeronautics account—state appropriation is provided solely for one FTE dedicated to planning aviation emergency services and addressing emerging aeronautics requirements.

(3) $200,000 of the aeronautics account—state appropriation is provided solely for the department to convene an electric aircraft work group to study the state of the electrically powered aircraft industry and assess infrastructure needs related to the deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The chair of the work group may be a consultant specializing in aeronautics. The work group must include, but is not limited to, representation from the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The study must include, but is not limited to:

(i) Infrastructure requirements necessary to facilitate electric aircraft operations at airports;

(ii) Potential economic and public benefits including, but not limited to, the direct and indirect impact on the number of manufacturing and service jobs and the wages from those jobs in Washington state;

(iii) Potential incentives for industry in the manufacturing and operation of electric aircraft for regional air travel;

(iv) Educational and workforce requirements for manufacturing and maintaining electric aircraft;

(v) Demand and forecast for electric aircraft use to include expected timeline of the aircraft entering the market given federal aviation administration certification requirements;

(vi) Identification of up to six airports in Washington state that may benefit from a pilot program once an electrically propelled aircraft for commercial use becomes available; and

(vii) Recommendations to further the advancement of the electrification of aircraft for regional commercial use within Washington state, including specific, measurable goals for the years 2030, 2040, and 2050 that reflect progressive and substantial increases in the utilization of electric and hybrid-electric commercial aircraft.

(c) The work group must submit a report and accompanying recommendations to the transportation committees of the legislature by November 15, 2020.

(4) ((~~$350,000~~)) $193,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 396, Laws of 2019 (aviation coordinating commission).

(5) Within amounts appropriated in this section, the aviation division of the department shall assist and consult with the department of revenue in their efforts to update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department of revenue, in consultation with the aviation division of the Washington state department of transportation, is tasked with developing and recommending a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department of revenue is directed to submit a report, including the recommended methodology, to the fiscal committees of the house of representatives and the senate by January 11, 2021.

Sec. 911. 2020 c 219 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H

Motor Vehicle Account—State Appropriation ((~~$59,788,000~~))
$58,643,000

Motor Vehicle Account—Federal Appropriation $500,000

Multimodal Transportation Account—State Appropriation $258,000

TOTAL APPROPRIATION ((~~$60,546,000~~))
$59,401,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining

property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) $1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2019-2021 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4)(a) $100,000 of the motor vehicle account—state appropriation is provided solely for the department to:

(i) Determine the real property owned by the state of Washington and under the jurisdiction of the department in King county that is surplus property located in an area encompassing south of Dearborn Street in Seattle, south of Newcastle, west of SR 515, and north of South 216th to SR 515; and

(ii) Use any remaining funds after (a)(i) of this subsection is completed to identify additional real property across the state owned by the state of Washington and under the jurisdiction of the department that is surplus property.

(b) The department shall provide a report to the transportation committees of the legislature describing the properties it has identified as surplus property under (a) of this subsection by October 1, 2020.

Sec. 912. 2020 c 219 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Motor Vehicle Account—State Appropriation $670,000

Electric Vehicle Account—State Appropriation ((~~$2,000,000~~))

$100,000

Multimodal Transportation Account—State Appropriation ((~~$1,634,000~~))

$350,000

TOTAL APPROPRIATION ((~~$4,304,000~~))

$1,120,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) $350,000 of the multimodal transportation account—state appropriation is provided solely for the department to execute a transit oriented development pilot project at Kingsgate park and ride in Kirkland intended to be completed by December 31, 2023. The purpose of the pilot project is to demonstrate how appropriate department properties may be used to provide multiple public benefits such as affordable and market rate housing, commercial development, and institutional facilities in addition to transportation purposes. To accomplish the pilot project, the department is authorized to exercise all legal and administrative powers authorized in statute that may include, but is not limited to, the transfer, lease, or sale of some or all of the property to another governmental agency, public development authority, or nonprofit developer approved by the department and partner agencies. The department may also partner with sound transit, King county, the city of Kirkland, and any other federal, regional, or local jurisdiction on any policy changes necessary from those jurisdictions to facilitate the pilot project. By December 1, 2019, the department must report to the legislature on any legislative actions necessary to facilitate the pilot project and future transit oriented development projects.

(3) ((~~$2,000,000~~)) $100,000 of the electric vehicle account—state appropriation is provided solely for the

clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(4) ((~~$1,200,000 of the multimodal transportation account-state appropriation is provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards.~~

~~(5) $84,000 of the multimodal transportation account-state appropriation is provided solely for an interagency transfer to the department of commerce for the purpose of conducting a study as described in chapter 287, Laws of 2019 (advancing green transportation adoption) to identify opportunities to reduce barriers to electric vehicle adoption by lower income residents of the state through the use of vehicle and infrastructure financing assistance.~~

~~(6)~~)) Building on the information and experience gained from the transit oriented development project at the Kingsgate park and ride, the department must identify a pilot park and ride with future public-private partnership development potential in Pierce county and report back to the transportation committees of the legislature by June 30, 2021, with a proposal for moving forward with a pilot project.

Sec. 913. 2020 c 219 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State Appropriation ((~~$486,514,000~~))

$461,472,000

Motor Vehicle Account—Federal Appropriation $7,000,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$4,447,000~~))

$4,422,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$1,549,000~~))

$1,539,000

Alaskan Way Viaduct Replacement Project

Account—State Appropriation ((~~$9,537,000~~))

$8,844,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $4,528,000

TOTAL APPROPRIATION ((~~$513,575,000~~))

$487,805,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) $6,170,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(b) Pursuant to RCW 90.03.525(3), the department and the utilities imposing charges to the department shall negotiate with the goal of agreeing to rates such that the total charges to the department for the 2019-2021 fiscal biennium do not exceed the amount provided in this subsection. The department shall report to the transportation committees of the legislature on the amount of funds requested, the funds granted, and the strategies used to keep costs down, by January 17, 2021. If chapter 435, Laws of 2019 (local stormwater charges) is enacted by June 30, 2019, this subsection (1)(b) does not take effect.

(2) ((~~$4,447,000~~)) $4,422,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) ((~~$1,549,000~~)) $1,539,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) $2,050,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely to maintain the Interstate 405 and state route number 167 express toll lanes between Lynnwood and Bellevue, and Renton and the southernmost point of the express toll lanes. These funds must be used in accordance with RCW 47.56.830(3).

(5) $2,478,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for maintenance for the 2019-2021 fiscal biennium only on the Interstate 405 roadway between Renton and Bellevue.

(6) $5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(7) $1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019. The department must contract out or hire a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(8) $1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. $570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to $445,000 of the city's expenses for clean-up crews and landfill costs.

(9) The department must commence a pilot program for the 2019-2021 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2020, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

Sec. 914. 2020 c 219 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING

Motor Vehicle Account—State Appropriation ((~~$76,211,000~~))
$73,602,000

Motor Vehicle Account—Federal Appropriation $2,050,000

Motor Vehicle Account—Private/Local Appropriation $250,000

State Route Number 520 Corridor Account—State
Appropriation $53,000

Tacoma Narrows Toll Bridge Account—State Appropriation $31,000

Alaskan Way Viaduct Replacement Project Account—
State Appropriation $26,000

Interstate 405 and State Route Number 167 Express
Toll Lanes Account—State Appropriation $32,000

TOTAL APPROPRIATION ((~~$78,653,000~~))

$76,044,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2019-2021 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(4) The department must make signage for low-height bridges a high priority.

(5) $32,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $53,000 of the state route number 520 corridor account—state appropriation, $31,000 of the Tacoma Narrows toll bridge account—state appropriation, and $26,000 of the

Alaskan Way viaduct replacement project account—state appropriation are provided solely for the traffic operations program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

Sec. 915. 2020 c 219 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

Motor Vehicle Account—State Appropriation ((~~$38,251,000~~))

$35,920,000

Motor Vehicle Account—Federal Appropriation $1,380,000

Motor Vehicle Account—Private/Local Appropriation $500,000

Multimodal Transportation Account—State

Appropriation $1,129,000

State Route Number 520 Corridor Account—State

Appropriation $199,000

Tacoma Narrows Toll Bridge Account—State Appropriation $116,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $100,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $119,000

TOTAL APPROPRIATION ((~~$41,794,000~~))

$39,463,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,000,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1st each year. If moneys are provided in the omnibus operating appropriations act for a career connected learning grant program, defined in chapter . . . (Substitute House Bill No. 1336), Laws of 2019, or otherwise, the amount provided in this subsection lapses.

(2) $150,000 of the motor vehicle account—state appropriation is provided solely for a user-centered and mobile-compatible web site redesign using estimated web site ad revenues.

(3) From the revenues generated by the five dollar per studded tire fee under RCW 46.37.427, $250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Whatcom county, and to continue the existing pilot information campaign in Spokane county. The reason for the geographic selection of Spokane and Whatcom counties is based on the high utilization of studded tires in these jurisdictions. The public information campaigns must primarily focus on making the consumer aware of the safety implications for other drivers, road deterioration, financial impact for taxpayers, and, secondarily, the alternatives to studded tires. The Whatcom county pilot media-based public information campaign must begin by September 1, 2020. By January 14, 2021, the department must provide the transportation committees of the legislature an update on the Spokane and Whatcom county pilot media-based public information campaigns.

(4) $119,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $199,000 of the state route number 520 corridor account—state appropriation, $116,000 of the Tacoma Narrows toll bridge account—state appropriation, and $100,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation management and support program's proportional share of time spent supporting tolling

operations for the respective tolling facilities.

Sec. 916. 2020 c 219 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T

Interstate 405 and State Route Number 167 Express Toll Lanes

Account—State Appropriation ((~~$3,123,000~~))

$121,000

Motor Vehicle Account—State Appropriation ((~~$26,587,000~~))

$24,097,000

Motor Vehicle Account—Federal Appropriation ((~~$35,385,000~~))

$32,508,000

Motor Vehicle Account—Private/Local Appropriation $1,200,000

Multimodal Transportation Account—State Appropriation $710,000

Multimodal Transportation Account—Federal

Appropriation $2,809,000

Multimodal Transportation Account—Private/Local

Appropriation $100,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$763,000~~))

$150,000

((~~Tacoma Narrows Toll Bridge Account—State Appropriation $121,000~~

~~Alaskan Way Viaduct Replacement Project Account—~~

~~State Appropriation $104,000~~))

TOTAL APPROPRIATION ((~~$70,902,000~~))

$61,695,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $130,000 of the motor vehicle account—state appropriation is provided solely for completion of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(2) The study on state route number 518 referenced in section 218(5), chapter 297, Laws of 2018 must be submitted to the transportation committees of the legislature by November 30, 2019.

(3) $100,000 of the motor vehicle account—state appropriation is provided solely to complete the Tacoma mall direct access feasibility study.

(4) ((~~$4,600,000~~)) $672,900 of the motor vehicle account—federal appropriation is provided solely to complete the road usage charge pilot project overseen by the transportation commission using the remaining unspent amount of the federal grant award. The purpose of the road usage charge pilot project is to explore the viability of a road usage charge as a possible replacement for the gas tax.

(5) $3,000,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for updating the state route number 167 master plan. If chapter 421, Laws of 2019 (addressing tolling) is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(6) $123,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $207,000 of the state route number 520 corridor account—state appropriation, $121,000 of the Tacoma Narrows toll bridge account—state appropriation, and $104,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation planning, data, and research program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(7) By December 31, 2020, the department shall provide to the governor and the transportation committees of the legislature a report examining the feasibility of doing performance-based

evaluations for projects. The department must incorporate feedback from stakeholder groups, including traditionally underserved and historically disadvantaged populations, and the report shall include the project evaluation procedures that would be used for the performance-based evaluation.

(8) ((~~$556,000~~)) $150,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the legislature and the governor by ((~~December 1, 2021~~)) March 1, 2022.

(9) $5,900,000 of the motor vehicle account—federal appropriation and $400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development.

(10) $1,050,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

Sec. 917. 2020 c 219 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Motor Vehicle Account—State Appropriation ((~~$79,474,000~~))

$86,974,000

Multimodal Transportation Account—State

Appropriation $2,833,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $122,000

State Route Number 520 Corridor Account—State

Appropriation $205,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $120,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation $102,000

TOTAL APPROPRIATION ((~~$82,856,000~~))

$90,356,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and

settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) $122,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $205,000 of the state route number 520 corridor account—state appropriation, $120,000 of the Tacoma Narrows toll bridge account—state appropriation, and $102,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the charges from other agencies' program's proportional share of supporting tolling operations for the respective tolling facilities.

(5) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

Sec. 918. 2020 c 219 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

State Vehicle Parking Account—State
Appropriation $784,000

Regional Mobility Grant Program Account—State
Appropriation ((~~$88,698,000~~))
$78,159,000

Rural Mobility Grant Program Account—State
Appropriation $32,223,000

Multimodal Transportation Account—State
Appropriation ((~~$122,355,000~~))
$122,349,000

Multimodal Transportation Account—Federal
Appropriation $3,574,000

Multimodal Transportation Account—Local
Appropriation $100,000

TOTAL APPROPRIATION
((~~$247,734,000~~))
$237,189,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $62,698,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) $14,297,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Fuel type may not be a factor in the grant selection process.

(b) $48,401,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the

amount expended for demand response service and route deviated service in calendar year 2017 as reported in the "Summary of Public Transportation - 2017" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) $32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3)(a) $10,539,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(b) At least $1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) $27,483,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021, Program - Public Transportation Program (V).

(5)(a) ((~~$61,215,000~~)) $50,676,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2019, and December 15, 2020, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2021-2023 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2019-2021 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) $7,670,000 of the multimodal transportation account—state appropriation and $784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

(a) $1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to continue a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until proof of purchase or a contract has been provided to the department.

(ii) The department shall update the transportation committees of the legislature on the impact of the program by January 31, 2020, and may adopt rules to administer the program.

(b) $30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(c) $1,000,000 of the multimodal transportation account—state appropriation is provided solely for a first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, $33,370,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) $1,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants. Fuel type may not be a factor in the grant selection process.

(10) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(11)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Mason Transit Park & Ride Development (G2000042); or

(iv) Pierce Transit - SR 7 Express Service (G2000045).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(12) $750,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(13)(a) $485,000 of the multimodal transportation account—state appropriation is provided solely for King county for:

(i) An expanded pilot program to provide certain students in the Highline, Tukwila, and Lake Washington school districts with an ORCA card during these school districts' summer vacations. In order to be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer; and

(ii) Providing administrative support to other interested school districts in King county to prepare for implementing similar programs for their students.

(b) King county must provide a report to the department and the transportation committees of the legislature by December 15, 2021, regarding:

(i) The annual student usage of the pilot program;

(ii) Available ridership data;

(iii) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to other King county school districts;

(iv) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to student populations other than high school or eligible for free and reduced-price lunches;

(v) Opportunities for subsidized ORCA cards or local grant or matching funds; and

(vi) Any additional information that would help determine if the pilot program should be extended or expanded.

(14) $12,000,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(15) $555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles.

((~~(17)~~)) (16) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) No allotment modifications may be made to amounts provided solely for the special needs transportation grant program;

(b) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(c) Allotment modifications authorized under this subsection may not result in

increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021;

(d) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the multimodal transportation account—state; and

(e) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

((~~(18)~~)) (17)(a) The Washington state department of transportation public transportation division, working with the Thurston regional planning council, shall provide state agency management, the office of financial management, and the transportation committees of the legislature with results of their regional mobility grant program demonstration project I-5/US 101 Practical Solutions: State Capitol Campus Transportation Demand Management - Mobile Work. This includes reporting after the 2020 legislative session on the measurable results of an early pilot initiative, "Telework Tuesday," beginning in January 2020.

(b) Capitol campus state agency management is directed to fully participate in this work, which aims to reduce greenhouse gases, require less office space and parking investments; provide low cost congestion relief on I-5 during peak periods, US 101, and the local transportation network; and improve retention and recruitment of public employees. The agencies should actively: Encourage employees qualified to telework to participate in this program and increase the number of employees who qualify for mobile work and schedule shifts.

(c) If measurable success is achieved, the capitol campus state agencies shall provide options to expand the project to other jurisdictions concentrated with large employers. Expansion and encouragement of telework will help reduce demand on the transportation system, reduce traffic during peak hours, and reduce greenhouse gas emissions.

Sec. 919. 2020 c 219 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Motor Vehicle Account—State Appropriation $250,000

Puget Sound Ferry Operations Account—State

Appropriation ((~~$545,997,000~~))

$487,445,000

Puget Sound Ferry Operations Account—Federal

Appropriation ((~~$7,932,000~~))

$47,169,000

Puget Sound Ferry Operations Account—Private/Local

Appropriation $121,000

TOTAL APPROPRIATION ((~~$554,300,000~~))

$534,985,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2019-2021 supplemental and 2021-2023 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2019-2021 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) ((~~$73,161,000~~)) $67,052,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2019-2021 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and,

therefore, is contingent upon the enactment of section 703, chapter 416, Laws of 2019. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) $650,000 of the Puget sound ferry operations account—state appropriation is provided solely for increased staffing at Washington ferry terminals to meet increased workload and customer expectations. Within the amount provided in this subsection, the department shall contract with uniformed officers for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(5) $254,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a dedicated inventory logistics manager on a one-time basis.

(6) $500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(7) By January 1, 2020, the ferries division must submit a workforce plan for reducing overtime due to shortages of staff available to fill vacant crew positions. The plan must include numbers of crew positions being filled by staff working overtime, strategies for filling these positions with straight time employees, progress toward implementing those strategies, and a forecast for when overtime expenditures will return to historical averages.

(8) $160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a ferry fleet baseline noise study, conducted by a consultant, for the purpose of establishing plans and data-driven goals to reduce ferry noise when Southern resident orca whales are present. In addition, the study must establish prioritized strategies to address vessels serving routes with the greatest exposure to orca whale movements.

(9)(a) $250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the Washington state transportation center, to develop a plan for service on the triangle route with a goal of providing maximum sailings moving the most passengers to all stops in the least travel time, including waits between sailings, within budget and resource constraints.

(b) The Washington state transportation center must use new traffic management models and scheduling tools to examine proposed improvements for the triangle route. The department shall report to the standing transportation committees of the legislature by January 15, 2021. The report must include:

(i) Implementation and status of data collection, modeling, scheduling, capital investments, and procedural improvements to allow Washington state ferries to schedule more sailings to and from all stops on the triangle route with minimum time between sailings;

(ii) Recommendations for emergency boat allocations, regular schedule policies, and emergency schedule policies based on all customers alternative travel options to ensure that any dock with no road access is prioritized in scheduling and scheduled service is provided based on population size, demographics, and local medical services;

(iii) Triangle route pilot economic analysis of Washington state ferries fare revenue and fuel cost impact of offering additional, better spaced sailings;

(iv) Results of an economic analysis of the return on investment of potentially acquiring and using traffic control infrastructure, technology, walk on loading bridges, and Good-to-Go and ORCA replacement of current fare sales, validation, collections, accounting, and all associated labor and benefits costs that can be saved via those capital investments; and

(v) Recommendation on policies, procedures, or agency interpretations of statute that may be adopted to mitigate

any delays or disruptions to scheduled sailings.

(10) $15,139,000 of the Puget Sound ferry operations account—state appropriation is provided solely for training. Of the amount provided in this subsection:

(a) $2,500,000 is for training for new employees.

(b) $160,000 is for electronic chart display and information system training.

(c) $379,000 is for marine evacuation slide training.

(11) $1,600,000 of the Puget Sound ferry operations account—state appropriation is provided solely for naval architecture staff support for the marine maintenance program.

(12) $336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for inspections of fall restraint systems.

(13) $4,361,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime expenses incurred by engine and deck crew members.

(14) $1,200,000 of the Puget Sound ferry operations account—state appropriation is provided solely for familiarization for new assignments of engine crew and terminal staff.

(15) $100,000 of the Puget Sound ferry operations account—state appropriation is provided solely to develop a plan for upgrading a second vessel to meet the international convention for the safety of life at sea standards. The plan must identify the option with the lowest impacts to sailing schedules.

(16) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

Sec. 920. 2020 c 219 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State

Appropriation ((~~$70,244,000~~))

$46,851,000

Multimodal Transportation Account—Private/Local

Appropriation $717,000

((~~Multimodal Transportation Account—Federal~~

~~Appropriation~~ ~~$500,000~~))

TOTAL APPROPRIATION ((~~$71,461,000~~))

$47,568,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a)(i) $224,000 of the multimodal transportation account—state appropriation and $671,000 of the multimodal transportation account—private/local appropriation are provided solely for continued analysis of the ultra high-speed ground transportation corridor in a new study, with participation from Washington, Oregon, and British Columbia. No funds may be expended until the department is in receipt of $671,000 in private/local funding provided solely for this purpose.

(ii) The ultra high-speed ground transportation corridor advisory group must include legislative membership.

(iii) "Ultra high-speed" means a maximum testing speed of at least two hundred fifty miles per hour.

(b) The study must consist of the following:

(i) Development of proposed corridor governance, general powers, operating structure, legal instruments, and contracting requirements, in the context of the roles of relevant jurisdictions, including federal, state, provincial, and local governments;

(ii) Development of a long-term funding and financing strategy for project initiation, development, construction, and program administration of the high-speed corridor, building on the funding and financing chapter of the 2019 business case analysis and aligned with the recommendations of (b)(i) of this subsection; and

(iii) Development of recommendations for a department-led ultra-high speed corridor engagement plan for policy leadership from elected officials.

(c) This study must build on the results of the 2018 Washington state ultra high-speed ground transportation business case analysis and the 2019 Washington state ultra high-speed ground transportation study findings report. The department shall consult with the transportation committees of the legislature regarding all issues related to proposed corridor governance.

(d) The development work referenced in (b) of this subsection is intended to identify and make recommendations related to specific entities, including interjurisdictional entities, policies, and processes required for the purposes of furthering preliminary analysis efforts for the ultra high-speed ground transportation corridor. This development work is not intended to authorize one or more entities to assume decision making authority for the design, construction, or operation of an ultra high-speed rail corridor.

(e) By December 1, 2020, the department shall provide to the governor and the transportation committees of the legislature a report of the study's findings regarding the three elements noted in this subsection. As applicable, the report should also be sent to the executive and legislative branches of government in the state of Oregon and appropriate government bodies in the province of British Columbia.

(2) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

Sec. 921. 2020 c 219 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle Account—State Appropriation ((~~$12,187,000~~))
$12,441,000

Motor Vehicle Account—Federal Appropriation $2,567,000

Multiuse Roadway Safety Account—State Appropriation $450,000

Multimodal Transportation Account—State
Appropriation $350,000

TOTAL APPROPRIATION ((~~$15,554,000~~))
$15,808,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $350,000 of the multimodal transportation account—state appropriation is provided solely for a study by the Puget Sound regional council of new passenger ferry service to better connect communities throughout the twelve county Puget Sound region. The study must assess potential new routes, identify future terminal locations, and provide recommendations to accelerate the electrification of the ferry fleet. The study must identify future passenger only demand throughout Western Washington, analyze potential routes and terminal locations on Puget Sound, Lake Washington, and Lake Union with an emphasis on preserving waterfront opportunities in public ownership and opportunities for partnership. The study must determine whether and when the passenger ferry service achieves a net reduction in carbon emissions including an analysis of the emissions of modes that passengers would otherwise have used. The study must estimate capital and operating costs for routes and terminals. The study must include early and continuous outreach with all interested stakeholders and a report to the legislature and all interested parties by January 31, 2021.

(2) $1,142,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, with priority given to barriers that share the same stream system as state-owned fish passage barriers. The study must identify, map, and provide a preliminary assessment of county-owned barriers that need correction, and provide, where possible, preliminary costs estimates for each barrier correction. The study must provide recommendations on:

(i) How to prioritize county-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and

(ii) How future state six-year construction plans should incorporate county-owned barriers;

(b) Update the local agency guidelines manual, including exploring alternatives within the local agency guidelines manual on county priorities;

(c) Study the current state of county transportation funding, identify emerging issues, and identify potential future alternative transportation fuel funding sources to meet current and future needs.

(3) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less;

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (b) of this subsection may receive more than sixty thousand dollars in total grants.

(4) $260,000 of the motor vehicle account—state appropriation is provided solely for the Wahkiakum county ferry operating deficit.

TRANSPORTATION AGENCIES—CAPITAL

Sec. 1001. 2020 c 219 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State

Appropriation ((~~$23,015,000~~))

$17,344,000

Highway Safety Account—State Appropriation $81,000

Motor Vehicle Account—State Appropriation ((~~$4,907,000~~))

$3,165,000

Freight Mobility Multimodal Account—State

Appropriation ((~~$4,992,000~~))

$4,454,000

Motor Vehicle Account—Federal Appropriation $1,899,000

Freight Mobility Multimodal Account—Private/Local

Appropriation $1,250,000

TOTAL APPROPRIATION ((~~$36,144,000~~))

$28,193,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((~~2020-3~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021, ((~~Conference~~)) Program - FMSIB ((~~Project List~~)).

(2) Until directed by the legislature, the board may not initiate a new call for projects. By January 1, 2020, the board must report to the legislature on alternative proposals to revise its project award and obligation process, which result in lower reappropriations.

((~~(4)~~)) (3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities.

Sec. 1002. 2020 c 219 s 302 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation ((~~$62,884,000~~))

$51,184,000

Motor Vehicle Account—State Appropriation $1,456,000

County Arterial Preservation Account—State

Appropriation $39,590,000

TOTAL APPROPRIATION ((~~$103,930,000~~))

$92,230,000

Sec. 1003. 2020 c 219 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation ((~~$51,187,000~~))

$49,717,000

Connecting Washington Account—State Appropriation ((~~$51,523,000~~))

$50,746,000

TOTAL APPROPRIATION ((~~$102,710,000~~))

$100,463,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$51,523,000~~)) $50,746,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) ((~~$43,297,000~~)) $41,827,000 of the motor vehicle account—state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in Shoreline. This appropriation is contingent upon the department of ecology signing a not less than twenty-year agreement to pay a share of any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed $46,500,000.

(3) $1,565,000 from the motor vehicle account—state appropriation is provided solely for furniture for the renovated Northwest Region Headquarters at Dayton Avenue. The department must efficiently furnish the renovated building.

Sec. 1004. 2020 c 219 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Transportation Partnership Account—State

Appropriation ((~~$385,619,000~~))

$395,725,000

Motor Vehicle Account—State Appropriation ((~~$102,543,000~~))

$63,435,000

Motor Vehicle Account—Federal Appropriation ((~~$151,857,000~~))

$156,149,000

Motor Vehicle Account—Private/Local Appropriation ((~~$70,404,000~~))

$64,126,000

State Route Number 520 Corridor Account—State

Appropriation $1,000

State Route Number 520 Corridor Account—Federal

Appropriation $1,000

Connecting Washington Account—State

Appropriation ((~~$2,355,205,000~~))

$1,631,186,000

Special Category C Account—State Appropriation ((~~$36,134,000~~))

$19,123,000

Multimodal Transportation Account—State

Appropriation ((~~$3,853,000~~))

$3,855,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation $77,956,000

Transportation 2003 Account (Nickel Account)—State

Appropriation ((~~$10,429,000~~))

$9,403,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$90,027,000~~))

$33,742,000

TOTAL APPROPRIATION ((~~$3,284,027,000~~))

$2,454,702,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2020~~)) 2021-1 as developed March ((~~11, 2020~~)) 22, 2021, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ((~~of this act~~)), chapter 219, Laws of 2020.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to ((~~$1,835,325,000~~)) $1,085,325,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to ((~~$24,910,000~~)) $19,123,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to ((~~$162,658,000~~)) $175,140,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) The Alaskan Way viaduct replacement project account—state appropriation includes up to $77,956,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) ((~~$168,757,000~~)) $162,005,000 of the transportation partnership account—state appropriation, ((~~$19,790,000~~)) $17,898,000 of the motor vehicle account—private/local appropriation, $3,384,000 of the transportation 2003 account (nickel account)—state appropriation, $77,956,000 of the Alaskan Way viaduct replacement project account—state appropriation, and ((~~$1,838,000~~)) $854,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that the $25,000,000 increase in funding provided in the 2021-2023 fiscal biennium be covered by any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project. The legislature intends that the $25,000,000 of the transportation partnership account—state funds be repaid when those damages are recovered.

(9) $3,000,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

(10) ((~~$168,655,000~~)) $148,097,000 of the connecting Washington account—state appropriation, $1,052,000 of the special category C account—state appropriation, and ((~~$738,000~~)) $1,338,000 of the motor vehicle account—private/local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R).

(11) ((~~$82,991,000~~)) $29,187,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(12)(a) ((~~$422,099,000~~)) $356,007,000 of the connecting Washington account—state appropriation and ((~~$456,000~~)) $400,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Recognizing that the department of transportation requires full possession of parcel number 1-23190 to complete the Montlake Phase of the West End project, the department is directed to:

(i) Work with the operator of the Montlake boulevard market located on parcel number 1-23190 to negotiate a lease allowing continued operations up to January 1, 2020. After that time, the department shall identify an area in the vicinity of the Montlake property for a temporary market or other food service to be provided during the period of project construction. Should the current operator elect not to participate in providing that temporary service, the department shall then develop an outreach plan with the city to solicit community input on the food services provided, and then advertise the opportunity to other potential vendors. Further, the department shall work with the city of Seattle and existing permit processes to facilitate vendor access to and use of the area in the vicinity of the Montlake property.

(ii) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), WSDOT shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) $60,000 of the motor vehicle account—state appropriation is provided solely for grants to nonprofit organizations located in a city with a population exceeding six hundred thousand persons and that empower artists through equitable access to vital expertise, opportunities, and business services. Funds may be used only for the purpose of preserving, commemorating, and sharing the history of the city of Seattle's freeway protests and making the history of activism around the promotion of more integrated transportation and land use planning accessible to current and future generations through the preservation of Bent 2 of the R. H. Thompson freeway ramp.

(13) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue $50,000,000 in federal funds to pay for this project to supplant state funds in the future. $50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

(14) ((~~$310,469,000~~)) $172,911,000 of the connecting Washington account—state appropriation ((~~is~~)), $12,599,000 of the motor vehicle account—private/local appropriation, $2,500,000 of the motor vehicle account—state appropriation, and $1,500,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

(c) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(d) It is the legislature's intent that the department shall construct a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two full single-point urban interchanges.

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

(f) The department shall explore the development of a multiuse trail for bicyclists, pedestrians, skateboarders, and similar users along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(g) If sufficient bonding authority to complete this project is not provided within chapter 421, Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421, Laws of 2019 by June 30, 2019, it is the intent of the legislature to return the Puget Sound Gateway project (M00600R) to its previously identified construction schedule by moving $128,900,000 in connecting Washington account—state appropriation back to the 2027-2029 biennium from the 2023-2025 biennium on the list referenced in subsection (2) of this section. If sufficient bonding authority is provided, it is the intent of the legislature to advance the project to allow for earlier completion and inflationary savings.

(15) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

(16) ((~~$1,029,000~~)) $1,030,000 of the transportation partnership account—state appropriation is provided solely for the U.S. 2 Trestle IJR project (L1000158).

(17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(18) Any advisory group that the department convenes during the 2019-2021 fiscal biennium must consider the interests of the entire state of Washington.

(19) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2021, the department

shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

(20)(a) For connecting Washington projects that have already begun and are eligible for the authority granted in section 601 ((~~of this act~~)), chapter 219, Laws of 2020, the department shall prioritize advancing the following projects if expected reappropriations become available:

(i) SR 14/I-205 to SE 164th Ave - Auxiliary Lanes (L2000102);

(ii) SR 305 Construction - Safety Improvements (N30500R);

(iii) SR 14/Bingen Underpass (L2220062);

(iv) I-405/NE 132nd Interchange - Totem Lake (L1000110);

(v) US Hwy 2 Safety (N00200R);

(vi) US-12/Walla Walla Corridor Improvements (T20900R);

(vii) I-5 JBLM Corridor Improvements (M00100R);

(viii) I-5/Slater Road Interchange - Improvements (L1000099);

(ix) SR 510/Yelm Loop Phase 2 (T32700R); or

(x) SR 520/124th St Interchange (Design and Right of Way) (L1000098).

(b) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

(c) The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(21) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

(22)(a) ((~~$17,500,000~~)) $8,072,000 of the motor vehicle account—state appropriation ((~~is~~)) and $7,329,000 of the motor vehicle account—private/local appropriation are provided solely for staffing of a project office to replace the Interstate 5 bridge across the Columbia river (G2000088). If at least a $9,000,000 transfer is not authorized in section 406(29), chapter 416, Laws of 2019, then $9,000,000 of the motor vehicle account—state appropriation lapses.

(b) ((~~Of the amount provided in this subsection, $7,780,000 of the motor vehicle account state appropriation must be placed in unallotted status by the office of financial management until the department develops a detailed plan for the work of this project office in consultation with the chairs and ranking members of the transportation committees of the legislature. The director of the office of financial management shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.~~

~~(c)~~)) The work of this project office includes, but is not limited to, the reevaluation of the purpose and need identified for the project previously known as the Columbia river crossing, the reevaluation of permits and development of a finance plan, the reengagement of key stakeholders and the public, and the reevaluation of scope, schedule, and budget for a reinvigorated bistate effort for replacement of the Interstate 5 Columbia river bridge. When reevaluating the finance plan for the project, the department shall assume that some costs of the new facility may be covered by tolls. The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

((~~(d)~~)) (c) Within the amount provided in this subsection, the department must implement chapter 137, Laws of 2019 (projects of statewide significance).

((~~(e)~~)) (d) The department shall have as a goal to:

(i) Reengage project stakeholders and reevaluate the purpose and need and environmental permits by July 1, 2020;

(ii) Develop a finance plan by December 1, 2020; and

(iii) Have made significant progress toward beginning the supplemental environmental impact statement process by June 30, 2021. The department shall aim to provide a progress report on these activities to the governor and the transportation committees of the legislature by December 1, 2019, and a final report to the governor and the transportation committees of the legislature by December 1, 2020.

(23) ((~~$17,500,000 of the motor vehicle account state appropriation is provided solely to begin the pre-design phase on the I-5/Columbia River Bridge project (G2000088).~~

~~(24)~~))(a) $191,360,000 of the connecting Washington account—state appropriation, $47,655,000 of the motor vehicle account—federal appropriation, $11,179,000 of the motor vehicle account—private/local appropriation, $6,100,000 of the motor vehicle account—state appropriation, and $18,706,000 of the transportation partnership account—state appropriation are provided solely for the Fish Passage Barrier Removal project (0BI4001) with the intent of fully complying with the court injunction by 2030.

(b) Of the amounts provided in this subsection, $320,000 of the connecting Washington account—state appropriation is provided solely to remove the fish passage barrier on state route number 6 that interfaces with Boistfort Valley water utilities near milepost 46.6.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach to maximize habitat gain by replacing both state and local culverts. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, ability to leverage investments by others, presence of other barriers, project readiness, other transportation projects in the area, and transportation impacts.

(d) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(e) It is the intent of the legislature that for the amount listed for the 2021-2023 biennium for the Fish Passage Barrier Removal project (0BI4001) on the LEAP list referenced in subsection (1) of this section, that accrued practical design savings deposited in the transportation future funding program account be used to help fund the cost of fully complying with the court injunction by 2030.

((~~(25)~~)) (24)(a) The Washington state department of transportation is directed to pursue compliance with the *U.S. v. Washington* permanent injunction by delivering culvert corrections within the injunction area guided by the principle of providing the greatest fisheries habitat gain at the earliest time and considering the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert

condition, other transportation projects in the area, and transportation impacts.

(b) The department and Brian Abbott fish barrier removal board, while providing the opportunity for stakeholders, tribes, and government agencies to give input on a statewide culvert remediation plan, must provide updates on the development of the statewide culvert remediation plan to the capital budget, ways and means, and transportation committees of the legislature by November 1, 2020, and March 15, 2021. The first update must include a project timeline and plan to ensure that all state agencies with culvert correction programs are involved in the creation of the comprehensive plan. The department and Brian Abbott fish barrier removal board must submit the final comprehensive statewide culvert remediation plan and the process by which it will be adaptively managed over time to the governor and the legislative fiscal committees by June 30, 2021.

((~~(26) $16,649,000~~)) (25) $4,880,000 of the connecting Washington account—state appropriation, $373,000 of the motor vehicle account—state appropriation, and ((~~$6,000,000~~)) $113,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard - Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the $20,900,000 of state appropriation provided for the total project in LEAP Transportation Document ((~~2020~~)) 2021-1 as developed March ((~~11, 2020~~)) 22, 2021, Program - Highway Improvements (I).

((~~(27)~~)) (26)(a) ((~~$6,799,000~~)) $3,901,000 of the motor vehicle account—federal appropriation, ((~~$31,000~~)) $34,000 of the motor vehicle account—state appropriation((~~, $3,812,000 of the transportation partnership account—state appropriation~~)), and ((~~$7,000,000~~)) $4,519,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(b) If sufficient bonding authority to complete this project is not provided within chapter 421, Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421, Laws of 2019 by June 30, 2019, it is the intent of the legislature to remove the $100,000,000 in toll funding from this project on the list referenced in subsection (2) of this section.

((~~(28)~~)) (27) For the I-405/North 8th Street Direct Access Ramp in Renton project (L1000280), if sufficient bonding authority to begin this project is not provided within chapter 421, Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421, Laws of 2019, it is the intent of the legislature to remove the project from the list referenced in subsection (2) of this section.

((~~(29) $7,985,000~~)) (28) $7,071,000 of the Special Category C account—state appropriation ((~~and $1,000,000 of the motor vehicle account—private/local appropriation are~~)) is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

((~~(30)~~)) (29) $2,250,000 of the motor vehicle account—state appropriation is provided solely for the I-5 Corridor from Mounts Road to Tumwater project (L1000231) for completing a National and State Environmental Policy Act (NEPA/SEPA) analysis to identify mid- and long-term environmental impacts associated with future improvements along the I-5 corridor from Tumwater to DuPont.

((~~(31) $622,000~~)) (30) $200,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

((~~(32) $12,916,000~~)) (31) $777,000 of the motor vehicle account—state appropriation is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

((~~(33) $1,000,000~~)) (32) $1,001,000 of the motor vehicle account—state appropriation ((~~is~~)) and $1,227,000 of the motor vehicle account—federal appropriation are provided solely for the

US 101/Morse Creek Safety Barrier project (L1000247).

((~~(34) $1,000,000~~)) (33) $85,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

((~~(36)~~)) (34) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Multimodal transportation account—state, transportation partnership account—state, connecting Washington account—state, and special category C account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

Sec. 1005. 2020 c 219 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

Recreational Vehicle Account—State Appropriation $2,971,000

Transportation Partnership Account—State

Appropriation ((~~$20,248,000~~)) $20,566,000

Highway Safety Account—State Appropriation $1,000

Motor Vehicle Account—State Appropriation ((~~$82,447,000~~)) $87,866,000

Motor Vehicle Account—Federal Appropriation ((~~$490,744,000~~)) $498,257,000

Motor Vehicle Account—Private/Local

Appropriation ((~~$7,408,000~~)) $7,660,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$326,000~~)) $395,000

Connecting Washington Account—State Appropriation ((~~$204,630,000~~)) $178,738,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$8,350,000~~)) $1,078,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation ((~~$10,000~~)) $79,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$3,018,000~~)) $1,457,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $17,892,000

TOTAL APPROPRIATION ((~~$838,044,000~~)) $816,960,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2020~~)) 2021-1 as developed March ((~~11, 2020~~)) 22, 2021, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ((~~of this act~~)), chapter 219, Laws of 2020.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) ((~~$26,683,000~~)) $21,517,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 219, Laws of 2020. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) ((~~$4,000,000~~)) $5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(7) $21,289,000 of the motor vehicle account—federal appropriation and $840,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient (L1000068). These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its annual agency budget request.

(8) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(9) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2019-2021 fiscal biennium, the department must add dug-in reflectors.

(10) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

Sec. 1006. 2020 c 219 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL

Motor Vehicle Account—State Appropriation ((~~$7,746,000~~))

$6,296,000

Motor Vehicle Account—Federal Appropriation ((~~$6,137,000~~))

$5,039,000

Motor Vehicle Account—Private/Local Appropriation $579,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$100,000~~))

$189,000

TOTAL APPROPRIATION ((~~$14,562,000~~))

$12,103,000

The appropriations in this section are subject to the following conditions and limitations:

((~~(1) $700,000~~)) $121,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

Sec. 1007. 2020 c 219 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

Puget Sound Capital Construction Account—State

Appropriation ((~~$116,253,000~~))

$85,297,000

Puget Sound Capital Construction Account—Federal

Appropriation ((~~$198,688,000~~))

$177,352,000

Puget Sound Capital Construction Account—Private/Local

Appropriation ((~~$4,779,000~~))

$4,575,000

Transportation Partnership Account—State

Appropriation ((~~$6,582,000~~))

$2,312,000

Connecting Washington Account—State Appropriation $112,426,000

Capital Vessel Replacement Account—State

Appropriation ((~~$96,030,000~~))

$35,547,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $986,000

TOTAL APPROPRIATION ((~~$535,744,000~~))

$418,495,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in

LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021, Program - Washington State Ferries Capital Program (W).

(2) $2,857,000 of the Puget Sound capital construction account—state appropriation, ((~~$17,832,000~~)) $18,818,000 of the Puget Sound capital construction account—federal appropriation, and $63,789,000 of the connecting Washington account—state appropriation, are provided solely for the Mukilteo ferry terminal (952515P). To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) ((~~$102,641,000~~)) $94,643,000 of the Puget Sound capital construction account—federal appropriation, $47,819,000 of the connecting Washington account—state appropriation, and $4,355,000 of the Puget Sound capital construction account—local appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) $5,357,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) ((~~$2,300,000~~)) $2,224,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA acceptance project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6) $495,000 of the Puget Sound capital construction account—state appropriation is provided solely for an electric ferry planning team (G2000087) to develop ten-year and twenty-year implementation plans to efficiently deploy hybrid-electric vessels, including a cost-benefit analysis of construction and operation of hybrid-electric vessels with and without charging infrastructure. The plan includes, but is not limited to, vessel technology and feasibility, vessel and terminal deployment schedules, project financing, and workforce requirements. The plan shall be submitted to the office of financial management and the transportation committees of the legislature by June 30, 2020.

(7) ((~~$35,000,000~~)) $10,776,000 of the Puget Sound capital construction account—state appropriation and $8,000,000 of the Puget Sound capital construction account—federal appropriation are provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(8) $400,000 of the Puget Sound capital construction account—state appropriation is provided solely for a request for proposals for a new maintenance management system (project L2000301) and is subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 219, Laws of 2020.

(9) ((~~$96,030,000~~)) $35,547,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel. The vendor must present to the joint transportation committee and the office of financial management, by September 15, 2019, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without a penalty. It is the intent of the legislature to provide an additional $88,000,000 in funding in the 2021-23 biennium. The reduction provided in this subsection is an assumed underrun pursuant to subsection (11) of this section. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and

shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(10) The capital vessel replacement account—state appropriation includes up to ((~~$96,030,000~~)) $35,547,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

((~~(12)~~)) (11) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Puget Sound capital construction account—state, transportation partnership account—state, and capital vessel replacement account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

Sec. 1008. 2020 c 219 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Motor Vehicle Account—State Appropriation ((~~$3,300,000~~))
$2,300,000

Essential Rail Assistance Account—State Appropriation $851,000

Transportation Infrastructure Account—State
Appropriation ((~~$7,554,000~~))
$7,465,000

Multimodal Transportation Account—State
Appropriation $74,876,000

Multimodal Transportation Account—Federal
Appropriation $8,601,000

Multimodal Transportation Account—Local
Appropriation $336,000

TOTAL APPROPRIATION ((~~$95,518,000~~))
$94,429,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021, Program - Rail Program (Y).

(2) ((~~$7,136,000~~)) $7,047,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the

office of financial management on all FRIB loans issued.

(3) $7,782,000 of the multimodal transportation account—state appropriation, $51,000 of the transportation infrastructure account—state appropriation, and $135,000 of the essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) $367,000 of the transportation infrastructure account—state appropriation and $1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full $7,337,000 cost of this project is reimbursed.

(5)(a) $716,000 of the essential rail assistance account—state appropriation and $82,000 of the multimodal transportation account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2020, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) ((~~$10,000,000~~)) $4,031,000 of the multimodal transportation account—state appropriation is provided solely as expenditure authority for any insurance proceeds received by the state for Passenger Rail Equipment Replacement (project 700010C.) The department must use this expenditure authority only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) $898,000 of the multimodal transportation account—federal appropriation and $8,000 of the multimodal transportation account—state appropriation are provided solely for the Ridgefield Rail Overpass (project 725910A). Total costs for this project may not exceed $909,000 across fiscal biennia.

(9)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147).

(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(10) ((~~The multimodal transportation account—state appropriation includes up to $25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.~~

~~(11)~~)) The department must report to the joint transportation committee on the progress made on freight rail investment bank projects and freight rail assistance projects funded during this biennium by January 1, 2020.

((~~(12)~~)) (11) $1,500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad roadbed rehabilitation project (L1000233).

((~~(13)~~)) (12) $250,000 of the multimodal transportation account—state appropriation is provided solely for the Port of Moses Lake Northern Columbia Basin railroad feasibility study (L1000235).

((~~(14)~~)) (13) $500,000 of the multimodal transportation account—state appropriation is provided solely for the Spokane airport transload facility project (L1000242).

((~~(15) $1,000,000 of the motor vehicle account—state appropriation is provided solely for the grade separation at Bell road project (L1000239).~~

~~(16)~~)) (14) $750,000 of the motor vehicle account—state appropriation and $399,000 of the multimodal transportation account—state appropriation are provided solely for the rail crossing improvements at 6th Ave. and South 19th St. project (L2000289).

((~~(18)~~)) (15) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the multimodal transportation account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

Sec. 1009. 2020 c 219 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Highway Infrastructure Account—State Appropriation $1,276,000

Highway Infrastructure Account—Federal Appropriation $1,337,000

Transportation Partnership Account—State

Appropriation ((~~$2,380,000~~))

$1,630,000

Highway Safety Account—State Appropriation $1,314,000

Motor Vehicle Account—State Appropriation ((~~$35,607,000~~))

$24,543,000

Motor Vehicle Account—Federal Appropriation ((~~$41,420,000~~))

$52,267,000

Motor Vehicle Account—Private/Local Appropriation ((~~$24,600,000~~))

$18,000,000

Connecting Washington Account—State Appropriation ((~~$155,550,000~~))

$130,708,000

Multimodal Transportation Account—State

Appropriation ((~~$77,469,000~~))

$74,351,000

TOTAL APPROPRIATION ((~~$340,953,000~~))

$305,426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) ((~~$18,380,000~~)) $8,361,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. ((~~$18,577,000~~)) $19,363,000 of the multimodal transportation account—state appropriation and $1,380,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) ((~~$11,400,000~~)) $4,066,000 of the motor vehicle account—federal appropriation and ((~~$7,750,000~~)) $4,668,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. ((~~$11,354,000~~)) $10,744,000 of the motor vehicle account—federal appropriation, ((~~$4,640,000~~)) $3,075,000 of the multimodal transportation account—state appropriation, and $1,314,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2019, and December 1, 2020, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) ((~~$37,537,000~~)) $32,976,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) ((~~$23,926,000~~)) $13,829,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full $24,000,000 cost of this project.

(6)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an

appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) I-5/Port of Tacoma Road Interchange (L1000087);

(ii) SR 99 Revitalization in Edmonds (NEDMOND); or

(iii) SR 523 145th Street (L1000148);

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(7) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for $7,000,000 in federal funds during the 2019-2021 fiscal biennium.

(8)(a) ((~~$15,213,000~~)) $22,500,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016.

(b) The department shall convene a stakeholder group for the purpose of developing a recommendation for a Washington freight advisory committee. The recommendations must include, but are not limited to, defining the committee's purpose and goals, roles and responsibilities, reporting structure, and proposed activities. Stakeholders must include representation from, but not limited to, the trucking industry, the maritime industry, the rail industry, cities, tribal governments, counties, ports, and representatives from key industrial associations important to the state's economic vitality and other relevant public and private interests. In developing the recommendation, the stakeholder group must review practices used by other states. The proposed committee must conform with requirements of the fixing America's surface transportation act and other relevant federal legislation. The recommendations must include how the committee can address improving freight mobility including, but not limited to, addressing insufficient truck parking in Washington state, examining the link between preservation investments and freight mobility, and enhancing freight logistics through the application of technology. The stakeholder group shall make recommendations to the governor and the transportation committees of the legislature by December 1, 2020.

(9) $1,000,000 of the motor vehicle account—state appropriation is provided solely for the Beech Street Extension project (L1000222).

(10) ((~~$3,900,000~~)) $2,000,000 of the motor vehicle account—state appropriation is provided solely for the Dupont-Steilacoom road improvements project (L1000224).

(11) ((~~$650,000~~)) $100,000 of the motor vehicle account—state appropriation is provided solely for the SR 104/40th place northeast roundabout project (L1000244).

(12) ((~~$860,000~~)) $360,000 of the multimodal transportation account—state appropriation is provided solely for the Clinton to Ken's corner trail project (L1000249).

(13) ((~~$210,000 of the motor vehicle account state appropriation is provided solely for the I-405/44th gateway signage and green-scaping improvements project (L1000250).~~

~~(14) $650,000~~)) $50,000 of the motor vehicle account—state appropriation is provided solely for the Wallace Kneeland and Shelton springs road intersection improvements project (L1000260).

((~~(15)~~)) (14) $1,000,000 of the motor vehicle account—state appropriation and $500,000 of the multimodal transportation account—state appropriation are provided solely for the complete 224th Phase two project (L1000270).

((~~(16)~~)) (15) $60,000 of the multimodal transportation account—state appropriation is provided solely for the installation of an updated meteorological station at the Colville airport (L1000279).

((~~(17)~~)) (16)(a) $700,000 of the motor vehicle account—state appropriation is provided solely for the Ballard-Interbay Regional Transportation system plan project (L1000281).

(b) Funding in this subsection is provided solely for the city of Seattle to develop a plan and report for the Ballard-Interbay Regional Transportation System project to improve mobility for people and freight. The plan must be developed in coordination and partnership with entities including but not limited to the city of Seattle, King county, the Port of Seattle, Sound Transit, the Washington state military department for the Seattle armory, and the Washington state department of transportation. The plan must examine replacement of the Ballard bridge and the Magnolia bridge, which was damaged in the 2001 Nisqually earthquake. The city must provide a report on the plan that includes recommendations to the Seattle city council, King county council, and the transportation committees of the legislature by November 1, 2020. The report must include recommendations on how to maintain the current and future capacities of the Magnolia and Ballard bridges, an overview and analysis of all plans between 2010 and 2020 that examine how to replace the Magnolia bridge, and recommendations on a timeline for constructing new Magnolia and Ballard bridges.

((~~(18)~~)) (17) $750,000 of the motor vehicle account—state appropriation is provided solely for the Mickelson Parkway project (L1000282).

((~~(19) $300,000~~)) (18) $175,000 of the motor vehicle account—state appropriation is provided solely for the South 314th Street Improvements project (L1000283).

((~~(20) $250,000~~)) (19) $200,000 of the motor vehicle account—state appropriation is provided solely for the Ridgefield South I-5 Access Planning project (L1000284).

((~~(21) $300,000~~)) (20) $50,000 of the motor vehicle account—state appropriation is provided solely for the Washougal 32nd Street Underpass Design and Permitting project (L1000285).

((~~(22) $600,000 of the connecting Washington account state appropriation, $150,000~~)) (21) $25,000 of the motor vehicle account—state appropriation, and $267,000 of the multimodal transportation account—state appropriation are provided solely for the Bingen Walnut Creek and Maple Railroad Crossing (L2000328).

((~~(23) $1,500,000~~)) (22) $200,000 of the motor vehicle account—state appropriation is provided solely for the SR 303 Warren Avenue Bridge Pedestrian Improvements project (L2000339).

((~~(24) $1,000,000~~)) (23) $150,000 of the motor vehicle account—state appropriation is provided solely for the 72nd/Washington Improvements in Yakima project (L2000341).

((~~(25) $650,000~~)) (24) $150,000 of the motor vehicle account—state appropriation is provided solely for the 48th/Washington Improvements in Yakima project (L2000342).

((~~(27)~~)) (25) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed March ((~~11, 2020~~)) 22, 2021;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state and multimodal transportation account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the

legislature regarding the actions taken under this subsection.

(26) $11,679,000 of the motor vehicle account—federal appropriation is provided solely to accelerate local preservation projects that ensure the reliable movement of freight on the national highway freight system. The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021.

TRANSFERS AND DISTRIBUTIONS

Sec. 1101. 2020 c 219 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Special Category C Account—State Appropriation ((~~$105,000~~))

$21,000

((~~Multimodal Transportation Account—State Appropriation $125,000~~))

Transportation Partnership Account—State Appropriation ((~~$1,407,000~~))

$182,000

Connecting Washington Account—State Appropriation ((~~$7,723,000~~))

$2,455,000

Highway Bond Retirement Account—State Appropriation ((~~$1,378,835,000~~))

$1,308,311,000

Ferry Bond Retirement Account—State Appropriation ((~~$25,078,000~~))

$25,079,000

Transportation Improvement Board Bond Retirement Account—State Appropriation ((~~$12,452,000~~))

$12,062,000

Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation ((~~$31,253,000~~))

$29,514,000

Toll Facility Bond Retirement Account—State Appropriation ((~~$86,483,000~~))

$69,407,000

TOTAL APPROPRIATION ((~~$1,543,461,000~~))

$1,447,031,000

Sec. 1102. 2020 c 219 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

((~~Multimodal Transportation Account—State Appropriation $25,000~~))

Transportation Partnership Account—State Appropriation ((~~$281,000~~))

$68,000

Connecting Washington Account—State Appropriation ((~~$1,599,000~~))

$640,000

Special Category C Account—State Appropriation ((~~$21,000~~))

$9,000

TOTAL APPROPRIATION ((~~$1,926,000~~))

$717,000

Sec. 1103. 2020 c 219 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax distributions to cities and counties ((~~$508,276,000~~))

$456,823,000

Sec. 1104. 2020 c 219 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and statutory transfers ((~~$2,146,790,000~~))

$1,921,901,000

Sec. 1105. 2020 c 219 s 405 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and transfers ((~~$235,788,000~~))

$240,415,000

Sec. 1106. 2020 c 219 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) ((~~Highway Safety Account State Appropriation:~~

~~For transfer to the Multimodal Transportation~~

~~Account State $54,000,000~~

~~(2) Transportation Partnership Account State~~

~~Appropriation: For transfer to the Motor Vehicle~~

~~Account State $45,000,000~~

~~(3)~~)) Motor Vehicle Account—State Appropriation:

For transfer to the State Patrol Highway

Account—State ((~~$57,000,000~~))

$22,000,000

((~~(4)~~)) (2) Motor Vehicle Account—State Appropriation:

For transfer to the Freight Mobility Investment

Account—State $8,070,000

((~~(5)~~)) (3) Motor Vehicle Account—State Appropriation:

For transfer to the Rural Arterial Trust

Account—State $1,732,000

((~~(6)~~)) (4) Motor Vehicle Account—State Appropriation:

For transfer to the Transportation Improvement

Account—State ((~~$5,067,000~~))

$34,067,000

((~~(7)~~)) (5) Motor Vehicle Account—State Appropriation:

For transfer to the Puget Sound Capital Construction

Account—State ((~~$52,000,000~~))

$43,000,000

((~~(8) Motor Vehicle~~)) (6) Multimodal Transportation

Account—State Appropriation: For transfer to the

Puget Sound Ferry Operations Account—State ((~~$55,000,000~~))

$50,000,000

((~~(9)~~)) (7) Rural Mobility Grant Program Account—State

Appropriation: For transfer to the Multimodal

Transportation Account—State $3,000,000

((~~(10)~~)) (8) State Route Number 520 Civil Penalties

Account—State Appropriation: For transfer to

the State Route Number 520 Corridor

Account—State $1,434,000

((~~(11)~~)) (9) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Connecting

Washington Account—State $60,000,000

((~~(12)~~)) (10) Multimodal Transportation Account—State

Appropriation: For transfer to the Regional

Mobility Grant Program Account—State $11,215,000

((~~(13)~~)) (11) Multimodal Transportation Account—State

Appropriation: For transfer to the Rural

Mobility Grant Program Account—State $15,223,000

((~~(14) Transportation 2003 Account (Nickel~~

~~Account)~~)) (12) Multimodal Transportation Account—

State Appropriation: For transfer to the Puget

Sound Capital Construction Account—State ((~~$15,000,000~~))

$20,000,000

((~~(15)(a) Alaskan Way Viaduct Replacement Project~~

~~Account State Appropriation: For transfer to the~~

~~Motor Vehicle Account State $9,992,000~~

~~(b) The transfer identified in this subsection is provided solely to repay in full the motor vehicle account state appropriation loan from section 1005(21), chapter 416, Laws of 2019.~~

~~(16)~~)) (13)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Alaskan Way Viaduct

Replacement Project Account—State $77,956,000

(b) The amount transferred in this subsection represents that portion of the up to $200,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z), and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

((~~(17)~~)) (14) Motor Vehicle Account—State Appropriation:

For transfer to the County Arterial Preservation

Account—State ((~~$4,829,000~~))

$9,902,000

((~~(18)~~)) (15)(a) General Fund Account—State Appropriation:

For transfer to the State Patrol Highway

Account—State $625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(7), chapter 416, Laws of 2019.

((~~(19)~~)) (16) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Transportation

Partnership Account—State ((~~$2,312,000~~))

$1,167,000

((~~(20)~~)) (17)(a) Alaskan Way Viaduct Replacement Project

Account—State Appropriation: For transfer to the

Transportation Partnership Account—State $15,858,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

((~~(21)~~)) (18) Tacoma Narrows Toll Bridge Account—State

Appropriation: For transfer to the Motor

Vehicle Account—State $950,000

((~~(22)~~)) (19)(a) Tacoma Narrows Toll Bridge Account—State Appropriation:

For transfer to the Motor Vehicle

Account—State $5,000,000

(b) A transfer in the amount of $5,000,000 was made from the Motor Vehicle Account to the Tacoma Narrows Toll Bridge Account in April 2019. It is the intent of the legislature that this transfer was to be temporary, for the purpose of minimizing the impact of toll increases, and this is an equivalent reimbursing transfer to occur in November 2019.

((~~(23)~~)) (20)(a) Transportation ((~~2003 Account (Nickel Account)~~)) Partnership Account

—State Appropriation: For transfer to the Tacoma

Narrows Toll Bridge Account—State $12,543,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

((~~(24)~~)) (21) Transportation Infrastructure Account—State

Appropriation: For transfer to the multimodal

Transportation Account—State $9,000,000

((~~(25)~~)) (22) Multimodal Transportation Account—State

Appropriation: For transfer to the Pilotage

Account—State $2,500,000

((~~(26)~~)) (23)(a) Motor Vehicle Account—State

Appropriation: For transfer to the County Road

Administration Board Emergency Loan Account—State $1,000,000

(b) If chapter 157, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((~~(27)~~)) (24)(a) Advanced Environmental Mitigation

Revolving Account—State Appropriation: For transfer

to the Motor Vehicle Account—State $9,000,000

(b) The amount transferred in this subsection is contingent on at least a $9,000,000 transfer to the advanced environmental mitigation revolving account authorized by June 30, 2019, in the omnibus capital appropriations act.

((~~(28)~~)) (25) Multimodal Transportation Account—State

Appropriation: For transfer to the Electric Vehicle

Charging Infrastructure Account—State $1,000,000

((~~(29)~~)) (26) Multimodal Transportation Account—State

Appropriation: For transfer to the Complete Streets

Grant Program Account—State $10,200,000

((~~(30)~~)) (27)(a) Transportation Partnership

Account—State Appropriation: For transfer to the Capital Vessel Replacement Account—State ((~~$96,030,000~~))

$35,547,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

((~~(31)~~)) (28) Freight Mobility Multimodal Account—State

Appropriation: For transfer to the Multimodal Transportation

Account—State $7,296,000

((~~(32)~~)) (29) Connecting Washington Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State $115,000,000

(30) Motor Vehicle Account—State Appropriation:

For transfer to the Alaskan Way Viaduct Replacement

Project Account—State $11,783,000

(31) Motor Vehicle Account—State Appropriation:

For transfer to the 520 Civil Penalties Account—State $6,000,000

(32) Motor Vehicle Account—State Appropriation:

For transfer to the Transportation 2003 Account

(Nickel Account)—State $13,000,000

NEW SECTION. **Sec. 1107.** A new section is added to 2020 c 219 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—AMERICAN RESCUE PLAN ACT OF 2021—REVENUE LOSS DEPOSITS**

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $315,866,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for expenditure into accounts in the amounts specified in subsection (2) of this section. These amounts reflect revenue losses to state transportation accounts in state fiscal year 2020 relative to revenues collected in state fiscal year 2019 and shall be used to maintain government services pursuant to the federal American rescue plan act of 2021.

(2) The appropriation must be distributed to the following accounts in the amounts designated:

Aeronautics Account—State $328,000

State Patrol Highway Account—State $12,358,000

Puget Sound Capital Construction Account—State $790,000

Transportation Partnership Account—State $16,530,000

Highway Safety Account—State $8,218,000

Motor Vehicle Account—State $99,416,000

Puget Sound Ferry Operations Account—State $30,742,000

Connecting Washington Account—State $17,246,000

Special Category C Account—State $1,086,000

Multimodal Transportation Account—State $115,609,000

Transportation 2003 Account (Nickel Account)—State $13,543,000

MISCELLANEOUS

NEW SECTION. **Sec. 1201.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1202.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Fey moved the adoption of amendment (500) to the striking amendment (488):

On page 4, line 27, after "1," strike "2019" and insert "2021"

On page 51, line 28, strike "$57,092,000" and insert "$47,092,000"

On page 52, line 5, correct the total

On page 73, line 6, after "(15)" insert "(a)"

On page 73, after line 8, insert the following:

"(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the Hybrid Electric Olympic Class (144-auto) Vessel #5 project (L2000329)."

On page 73, line 29, strike "$28,660,000" and insert "$22,884,000"

On page 86, line 32, after "During the" strike "2019-2021" and insert "2021-2023"

On page 115, beginning on line 8, strike all of subsection (c) and insert the following:

"((~~(c) $150,000 of the motor vehicle account state appropriation is provided solely for analysis of potential impacts of a road usage charge on communities of color, low-income households, vulnerable populations, and displaced communities. The analysis must include an assessment of potential mitigation measures to address these potential impacts. These funds must be held in unallotted status during the 2019-2021 fiscal biennium, and may only be used after the commission has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal surface transportation system funding alternatives grant program under (b) of this subsection without successfully securing federal funding for the further study of a road usage charge. A year-end update on the status of this effort, if undertaken prior to the end of calendar year 2020, must be provided to the governor's office and the transportation committees of the legislature by January 1, 2021.~~))"

On page 146, line 34, after "(5)" strike "$3,000,000" and insert "((~~$3,000,000~~)) $121,000"

On page 147, beginning on line 1, after "(6)" strike all material through "(7)" on line 9 and insert "((~~$123,000 of the Interstate 405 and state route number 167 express toll lanes account state appropriation, $207,000 of the state route number 520 corridor account state appropriation, $121,000 of the Tacoma Narrows toll bridge account state appropriation, and $104,000 of the Alaskan Way viaduct replacement project account state appropriation are provided solely for the transportation planning, data, and research program's proportional share of time spent supporting tolling operations for the respective tolling facilities.~~

~~(7)~~))"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 166, line 17, strike "$64,126,000" and insert "$74,126,000"

On page 167, line 1, correct the total

On page 167, line 38, after "((~~$24,910,000~~))" strike "$19,123,000" and insert "$19,911,000"

On page 197, line 27, strike "$22,000,000" and insert "$29,000,000"

On page 198, line 16, strike "$1,434,000" and insert "((~~$1,434,000~~)) $1,666,000"

On page 199, beginning on line 18 of the striking amendment, strike all material through "(17)" on line 22 and insert "((~~(19) Capital Vessel Replacement~~

~~Account-State Appropriation: For transfer to the~~

~~Transportation Partnership Account-State $2,312,000~~

~~(20)~~)) (16)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 199, line 24, strike "$15,858,000" and insert "((~~$15,858,000~~)) $15,577,000"

FISCAL IMPACT: No net change to appropriated levels.

Representatives Fey and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (500) to the striking amendment (488) was adopted.

Representative Kraft moved the adoption of amendment (490) to the striking amendment (488):

On page 12, after line 3 of the striking amendment, insert the following:

"(8) $400,000 of the motor vehicle account--state appropriation is for a consultant study to evaluate options for an additional bridge or other connection (non-transit related) west of Interstate 5 between southwest Washington and northwest Oregon to facilitate movement of commuter vehicles and freight trucks. The study must provide high-level conceptual designs of the options put forth and include a cost estimate for each option. A report on the study is due to the transportation committees of the legislature and the Joint Oregon-Washington Legislative Action Committee by December 1, 2022."

Representative Kraft spoke in favor of the adoption of the amendment to the striking amendment.

Representative Wylie spoke against the adoption of the amendment to the striking amendment.

Amendment (490) to the striking amendment (488) was not adopted.

Representative Goehner moved the adoption of amendment (491) to the striking amendment (488):

On page 12, after line 29 of the striking amendment, insert the following:

"(3)(a) The transportation budget is currently reliant on vehicle and driver related fees. Motor vehicle registrations, driver licenses, tolls, and the motor vehicle fuel tax provide the primary revenues for the transportation budget. These user revenues no longer adequately support the transportation system's needs. Many of the transportation modes have no or little ability to generate revenue, yet are important elements of a functioning transportation network. Providing transportation options that do not involve passenger vehicles is critical. The tax burden in the transportation

budget falls on people that own and drive vehicles. It fails to provide the money needed for the system quality that the people of Washington want.

(b) Therefore, the commission is directed to evaluate, identify, and consider agencies, programs, and activities that are currently funded in the transportation budget that provide a public good that might be paid for using other revenues. The commission is directed to make recommendations for potential changes to funding sources for the transportation system with the goal of providing funding to maintain existing transportation assets in a state of good repair without exclusively relying on vehicle owners or drivers as the revenue source. Preliminary findings must be presented to the Joint Transportation Committee by September 30, 2022, and a final report issued to the appropriate committees of the legislature by December 1, 2022."

Representatives Goehner and Slatter spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (491) to the striking amendment (488) was adopted.

Representative Fey moved the adoption of amendment (498) to the striking amendment (488):

On page 36, line 32 of the striking amendment, increase the motor vehicle account-state appropriation by $1,500,000

On page 37, line 6 of the striking amendment, correct the total.

On page 39, after line 3 of the striking amendment, insert the following:

"(8) $1,500,000 of the motor vehicle account—state appropriation is provided solely for a study on the need for additional connectivity in the area between SR 161, SR 7, SR 507, and I-5 in South Pierce County."

Representatives Fey and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (498) to the striking amendment (488) was adopted.

Representative Barkis moved the adoption of amendment (497) to the striking amendment (488):

On page 46, line 14 of the striking amendment, increase the multimodal transportation account-state appropriation by $500,000

On page 46, line 19 of the striking amendment, correct the total.

On page 46, line 21 of the striking amendment, after "limitations:" insert "(1)"

On page 46, after line 31 of the striking amendment, insert the following:

"(2) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, $500,000 of the multimodal transportation account-state is provided solely for the Cascades service development plan. This funding is to be used to analyze current and future market conditions and to develop a structured assessment of service options and goals based on anticipated demand and the results of the state and federally required 2019 state rail plan, including identifying implementation alternatives to meet the future service goals for the Amtrak Cascades route. The work must be consistent with federal railroad administration guidance and direction on developing service development plans. It must also leverage the $500,000 in federal funding appropriated for development of a service development plan and comply with the planning and grant award obligations of the consolidated rail infrastructure and safety improvements (CRISI) program. A status report must be provided to the transportation committees of the legislature by June 30, 2022."

Representatives Barkis and Bronoske spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (497) to the striking amendment (488) was adopted.

Representative Walsh moved the adoption of amendment (503) to the striking amendment (488):

On page 51, line 35 of the striking amendment, increase the multimodal transportation account-state appropriation by $224,000,000

On page 52, line 5 of the striking amendment, correct the total.

On page 57, after line 9 of the striking amendment, insert the following:

"(19) $224,000,000 of the multimodal transportation account-state appropriation is provided solely for the Fish Passage Barrier Removal project (0BI4001) with the intent of increasing the total funding to this project to $1 billion in the 2021-2023 fiscal biennium without additional bonding."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Walsh, Orcutt and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ramos spoke against the adoption of the amendment to the striking amendment.

Amendment (503) to the striking amendment (488) was not adopted.

Representative Fey moved the adoption of amendment (510) to the striking amendment (488):

On page 51, line 35 of the striking amendment, increase the multimodal transportation account-state appropriation by $2,500,000

On page 52, line 5 of the striking amendment, correct the total.

On page 53, line 39 of the striking amendment, after "appropriation," strike "$2,300,000" and insert "$4,800,000"

On page 54, after line 29 of the striking amendment, insert the following:

"(e) Of the amounts provided in this subsection, $2,500,000 of the multimodal transportation account-state appropriation is provided solely for segment 2 of the state route 167 completion project shared-use path to provide connections to the interchange of state route 167 at 54th to the intersection of state route 509 and Taylor way in Tacoma."

Representatives Fey and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (510) to the striking amendment (488) was adopted.

Representative Barkis moved the adoption of amendment (489) to the striking amendment (488):

On page 59, after line 17 of the striking amendment, insert the following:

"Transportation Preservation and Maintenance Account--State Appropriation…$360,000,000"

On page 59, line 18 of the striking amendment, correct the total.

On page 61, after line 23 of the striking amendment, insert the following:

"(9) $360,000,000 of the transportation preservation and maintenance account-state appropriation is provided solely for preservation activities in accordance with chapter . . . (House Bill No. 1010), Laws of 2021 (motor vehicle sales tax). If chapter . . . (House Bill No. 1010), Laws of 2021 (motor vehicle sales tax) is not enacted by June 30, 2021, the entire transportation preservation and maintenance account-state appropriation provided in this section lapses."

Representatives Barkis, MacEwen and McCaslin spoke in favor of the adoption of the amendment to the striking amendment.

Representative Riccelli spoke against the adoption of the amendment to the striking amendment.

Amendment (489) to the striking amendment (488) was not adopted.

Representative Fey moved the adoption of amendment (511) to the striking amendment (488):

On page 68, after line 21 of the striking amendment, insert the following:

"(7) $6,500,000 of the motor vehicle account--state appropriation designated for the Edmonds street waterfront connector project (L1000177) in LEAP Transportation Document 2012-2 ALL PROJECTS as developed March 22, 2021, Program Local Programs Program (z) is redesignated and provided solely for the SR 99 revitalization in Edmonds project (NEDMOND)."

Representatives Fey and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (511) to the striking amendment (488) was adopted.

Representative Caldier moved the adoption of amendment (504) to the striking amendment (488):

On page 72, beginning on line 4 of the striking amendment, strike all of subsection (3) and insert the following:

"(3) (a) Motor Vehicle Account-State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account-State…$51,000,000

(b) It is the intent of the legislature that the transfer provided in this subsection, which represents a portion of the federal coronavirus response and relief supplemental appropriations act funds that were deposited into the state motor vehicle account, is used to:

(i) provide sufficient resources to make up for toll revenue losses during the COVID-19 pandemic,

(ii) replace a transfer of funds from the transportation partnership account that would otherwise be a state contribution loan, and

(iii) avoid the necessity of a twenty-five cent toll rate increase for the Tacoma Narrows Bridge during the 2021-2023 fiscal biennium."

Representatives Caldier, Caldier (again) and Young spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fey spoke against the adoption of the amendment to the striking amendment.

Amendment (504) to the striking amendment (488) was not adopted.

Representative Caldier moved the adoption of amendment (505) to the striking amendment (488):

On page 72, line 6 of the striking amendment, decrease the transportation partnership account-state appropriation transfer by $32,748,000

On page 72, after line 12 of the striking amendment, insert the following:

"(4) (a) Motor Vehicle Account-State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account-State…$32,748,000

(b) It is the intent of the legislature that the transfer provided in this subsection, which represents a portion of the federal coronavirus response and relief supplemental appropriations act funds that were deposited into the state motor vehicle account, is used to:

(i) provide sufficient resources to make up for toll revenue losses during the the COVID-19 pandemic, and

(ii) replace a transfer of funds from the transportation partnership account that would otherwise be a state contribution loan."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fey spoke against the adoption of the amendment to the striking amendment.

Amendment (505) to the striking amendment (488) was not adopted.

Representative Orcutt moved the adoption of amendment (493) to the striking amendment (488):

On page 103, after line 2, insert the following:

"Sec. 719. RCW 46.17.350 and 2019 c 44 s 4 are each amended to read as follows:

(1) ((~~Before~~)) Except as provided in subsection (3) of this section, before accepting an application for a vehicle registration, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following vehicle license fee by vehicle type:

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	$ 30.00	$ 30.00	RCW 46.68.030
(b) Camper	$ 4.90	$ 3.50	RCW 46.68.030
(c) Commercial trailer	$ 34.00	$ 34.00	RCW 46.68.035
(d) For hire vehicle, six seats or less	$ 30.00	$ 30.00	RCW 46.68.030

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(e) Mobile home (if registered)	$ 30.00	$ 30.00	RCW 46.68.030
(f) Moped	$ 30.00	$ 30.00	RCW 46.68.030
(g) Motor home	$ 30.00	$ 30.00	RCW 46.68.030
(h) Motorcycle	$ 30.00	$ 30.00	RCW 46.68.030
(i) Off-road vehicle	$ 18.00	$ 18.00	RCW 46.68.045
(j) Passenger car	$ 30.00	$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	$ 15.00	$ 15.00	RCW 46.68.035
(l) Snowmobile	$ 50.00	$ 50.00	RCW 46.68.350
(m) Snowmobile, vintage	$ 12.00	$ 12.00	RCW 46.68.350
(n) Sport utility vehicle	$ 30.00	$ 30.00	RCW 46.68.030
(o) Tow truck	$ 30.00	$ 30.00	RCW 46.68.030
(p) Trailer, over 2000 pounds	$ 30.00	$ 30.00	RCW 46.68.030
(q) Travel trailer	$ 30.00	$ 30.00	RCW 46.68.030
(r) Wheeled all-terrain vehicle, on-road use	$ 12.00	$ 12.00	RCW 46.09.540
(s) Wheeled all-terrain vehicle, off-road use	$ 18.00	$ 18.00	RCW 46.09.510

(2) The vehicle license fee required in subsection (1) of this section is in addition to the filing fee required under RCW 46.17.005, and any other fee or tax required by law.

(3) For the 2021-2023 fiscal biennium, no vehicle license fee imposed under this section shall exceed $16.75.

Sec. 720. RCW 46.17.355 and 2015 3rd sp.s. c 44 s 201 are each amended to read as follows:

(1)(a) For vehicle registrations that are due or become due before July 1, 2016, in lieu of the vehicle license fee required under RCW 46.17.350 and before accepting an application for a vehicle registration for motor vehicles described in RCW 46.16A.455, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following license fee by weight:

WEIGHT	SCHEDULE A	SCHEDULE B
4,000 pounds	$ 38.00	$ 38.00
6,000 pounds	$ 48.00	$ 48.00
8,000 pounds	$ 58.00	$ 58.00
10,000 pounds	$ 60.00	$ 60.00
12,000 pounds	$ 77.00	$ 77.00
14,000 pounds	$ 88.00	$ 88.00
16,000 pounds	$ 100.00	$ 100.00
18,000 pounds	$ 152.00	$ 152.00
20,000 pounds	$ 169.00	$ 169.00
22,000 pounds	$ 183.00	$ 183.00
24,000 pounds	$ 198.00	$ 198.00
26,000 pounds	$ 209.00	$ 209.00
28,000 pounds	$ 247.00	$ 247.00
30,000 pounds	$ 285.00	$ 285.00

WEIGHT	SCHEDULE A	SCHEDULE B
32,000 pounds	$ 344.00	$ 344.00
34,000 pounds	$ 366.00	$ 366.00
36,000 pounds	$ 397.00	$ 397.00
38,000 pounds	$ 436.00	$ 436.00
40,000 pounds	$ 499.00	$ 499.00
42,000 pounds	$ 519.00	$ 609.00
44,000 pounds	$ 530.00	$ 620.00
46,000 pounds	$ 570.00	$ 660.00
48,000 pounds	$ 594.00	$ 684.00
50,000 pounds	$ 645.00	$ 735.00
52,000 pounds	$ 678.00	$ 768.00
54,000 pounds	$ 732.00	$ 822.00
56,000 pounds	$ 773.00	$ 863.00
58,000 pounds	$ 804.00	$ 894.00
60,000 pounds	$ 857.00	$ 947.00
62,000 pounds	$ 919.00	$ 1,009.00
64,000 pounds	$ 939.00	$ 1,029.00
66,000 pounds	$ 1,046.00	$ 1,136.00
68,000 pounds	$ 1,091.00	$ 1,181.00
70,000 pounds	$ 1,175.00	$ 1,265.00
72,000 pounds	$ 1,257.00	$ 1,347.00
74,000 pounds	$ 1,366.00	$ 1,456.00
76,000 pounds	$ 1,476.00	$ 1,566.00
78,000 pounds	$ 1,612.00	$ 1,702.00
80,000 pounds	$ 1,740.00	$ 1,830.00
82,000 pounds	$ 1,861.00	$ 1,951.00
84,000 pounds	$ 1,981.00	$ 2,071.00
86,000 pounds	$ 2,102.00	$ 2,192.00
88,000 pounds	$ 2,223.00	$ 2,313.00
90,000 pounds	$ 2,344.00	$ 2,434.00
92,000 pounds	$ 2,464.00	$ 2,554.00
94,000 pounds	$ 2,585.00	$ 2,675.00
96,000 pounds	$ 2,706.00	$ 2,796.00
98,000 pounds	$ 2,827.00	$ 2,917.00
100,000 pounds	$ 2,947.00	$ 3,037.00
102,000 pounds	$ 3,068.00	$ 3,158.00

WEIGHT	SCHEDULE A	SCHEDULE B
104,000 pounds	$ 3,189.00	$ 3,279.00
105,500 pounds	$ 3,310.00	$ 3,400.00

(b)(i) For vehicle registrations that are due or become due on or after July 1, 2016, in lieu of the vehicle license fee required under RCW 46.17.350 and before accepting an application for a vehicle registration for motor vehicles described in RCW 46.16A.455, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following license fee by weight:

WEIGHT	SCHEDULE A	SCHEDULE B
4,000 pounds	$ 53.00	$ 53.00
6,000 pounds	$ 73.00	$ 73.00
8,000 pounds	$ 93.00	$ 93.00
10,000 pounds	$ 93.00	$ 93.00
12,000 pounds	$ 81.00	$ 81.00
14,000 pounds	$ 88.00	$ 88.00
16,000 pounds	$ 100.00	$ 100.00
18,000 pounds	$ 152.00	$ 152.00
20,000 pounds	$ 169.00	$ 169.00
22,000 pounds	$ 183.00	$ 183.00
24,000 pounds	$ 198.00	$ 198.00
26,000 pounds	$ 209.00	$ 209.00
28,000 pounds	$ 247.00	$ 247.00
30,000 pounds	$ 285.00	$ 285.00
32,000 pounds	$ 344.00	$ 344.00
34,000 pounds	$ 366.00	$ 366.00
36,000 pounds	$ 397.00	$ 397.00
38,000 pounds	$ 436.00	$ 436.00
40,000 pounds	$ 499.00	$ 499.00
42,000 pounds	$ 519.00	$ 609.00
44,000 pounds	$ 530.00	$ 620.00
46,000 pounds	$ 570.00	$ 660.00
48,000 pounds	$ 594.00	$ 684.00
50,000 pounds	$ 645.00	$ 735.00
52,000 pounds	$ 678.00	$ 768.00
54,000 pounds	$ 732.00	$ 822.00
56,000 pounds	$ 773.00	$ 863.00
58,000 pounds	$ 804.00	$ 894.00
60,000 pounds	$ 857.00	$ 947.00

WEIGHT	SCHEDULE A	SCHEDULE B
62,000 pounds	$ 919.00	$ 1,009.00
64,000 pounds	$ 939.00	$ 1,029.00
66,000 pounds	$ 1,046.00	$ 1,136.00
68,000 pounds	$ 1,091.00	$ 1,181.00
70,000 pounds	$ 1,175.00	$ 1,265.00
72,000 pounds	$ 1,257.00	$ 1,347.00
74,000 pounds	$ 1,366.00	$ 1,456.00
76,000 pounds	$ 1,476.00	$ 1,566.00
78,000 pounds	$ 1,612.00	$ 1,702.00
80,000 pounds	$ 1,740.00	$ 1,830.00
82,000 pounds	$ 1,861.00	$ 1,951.00
84,000 pounds	$ 1,981.00	$ 2,071.00
86,000 pounds	$ 2,102.00	$ 2,192.00
88,000 pounds	$ 2,223.00	$ 2,313.00
90,000 pounds	$ 2,344.00	$ 2,434.00
92,000 pounds	$ 2,464.00	$ 2,554.00
94,000 pounds	$ 2,585.00	$ 2,675.00
96,000 pounds	$ 2,706.00	$ 2,796.00
98,000 pounds	$ 2,827.00	$ 2,917.00
100,000 pounds	$ 2,947.00	$ 3,037.00
102,000 pounds	$ 3,068.00	$ 3,158.00
104,000 pounds	$ 3,189.00	$ 3,279.00
105,500 pounds	$ 3,310.00	$ 3,400.00

(ii) For vehicle registrations of vehicles in the weight classes up to and including 10,000 pounds that are due or become due during the 2021-2023 fiscal biennium, the license fee by weight is $16.75.

(2) Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(3) If the resultant gross weight is not listed in the table provided in subsection (1) of this section, it must be increased to the next higher weight.

(4) The license fees provided in subsection (1) of this section and the freight project fee provided in subsection (6) of this section are in addition to the filing fee required under RCW 46.17.005 and any other fee or tax required by law.

(5) The license fee based on declared gross weight as provided in subsection (1) of this section must be distributed under RCW 46.68.035.

(6) For vehicle registrations that are due or become due on or after July 1, 2016, in addition to the license fee based on declared gross weight as provided in subsection (1) of this section, the department, county auditor or other agent, or subagent appointed by the director must require an applicant with a vehicle with a declared gross weight of more than 10,000 pounds, unless specifically exempt, to pay a freight project fee equal to fifteen percent of the license fee provided in subsection (1) of this section, rounded to the

nearest whole dollar, which must be distributed under RCW 46.68.035.

(7) For vehicle registrations that are due or become due on or after July 1, 2022, in addition to the license fee based on declared gross weight as provided in subsection (1) of this section, the department, county auditor or other agent, or subagent appointed by the director must require an applicant with a vehicle with a declared gross weight of less than or equal to 12,000 pounds, unless specifically exempt, to pay an additional weight fee of ten dollars, which must be distributed under RCW 46.68.035, except that during the 2021-2023 fiscal biennium, the additional weight fee of $10 imposed in this subsection is not required.

Sec. 721. RCW 46.17.365 and 2015 3rd sp.s. c 44 s 202 are each amended to read as follows:

(1) ((~~A~~)) Except for the 2021-2023 fiscal biennium, a person applying for a motor vehicle registration and paying the vehicle license fee required in RCW 46.17.350(1) (a), (d), (e), (h), (j), (n), and (o) shall pay a motor vehicle weight fee in addition to all other fees and taxes required by law.

(a) For vehicle registrations that are due or become due before July 1, 2016, the motor vehicle weight fee:

(i) Must be based on the motor vehicle scale weight;

(ii) Is the difference determined by subtracting the vehicle license fee required in RCW 46.17.350 from the license fee in Schedule B of RCW 46.17.355, plus two dollars; and

(iii) Must be distributed under RCW 46.68.415.

(b) For vehicle registrations that are due or become due on or after July 1, 2016, the motor vehicle weight fee:

(i) Must be based on the motor vehicle scale weight as follows:

WEIGHT	FEE
4,000 pounds	$ 25.00
6,000 pounds	$ 45.00
8,000 pounds	$ 65.00
16,000 pounds and over	$ 72.00;

(ii) If the resultant motor vehicle scale weight is not listed in the table provided in (b)(i) of this subsection, must be increased to the next highest weight; and

(iii) Must be distributed under RCW 46.68.415 unless prior to July 1, 2023, the actions described in (b)(iii)(A) or (B) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in this subsection must be distributed to the connecting Washington account created under RCW 46.68.395.

(A) Any state agency files a notice of rule making under chapter 34.05 RCW for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(B) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(C) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(2) A person applying for a motor home vehicle registration shall, in lieu of the motor vehicle weight fee required in subsection (1) of this section, pay a motor home vehicle weight fee of seventy-five dollars in addition to all other fees and taxes required by law. The motor home vehicle weight fee must be distributed under RCW 46.68.415.

(3) Beginning July 1, 2022, in addition to the motor vehicle weight fee as provided in subsection (1) of this section, the department, county auditor or other agent, or subagent appointed by the director must require an applicant to pay an additional weight fee of ten dollars, which must be distributed to the multimodal transportation account under RCW 47.66.070 unless prior to July 1,

2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in this subsection must be distributed to the connecting Washington account created under RCW 46.68.395, except that during the 2021-2023 fiscal biennium, the additional weight fee of $10 imposed in this subsection is not required.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(4) The department shall:

(a) Rely on motor vehicle empty scale weights provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each motor vehicle; and

(b) Adopt rules for determining weight for vehicles without manufacturer empty scale weights."

Correct the title.

FISCAL IMPACT: (1) No net change to appropriated levels.

(2) Reduces biennial transportation revenues by an estimated $780,000,000.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (493).

SPEAKER'S RULING

"The bill before us is the omnibus transportation budget for the 2021-23 biennium.

The amendment changes the amount of statutorily established individual vehicle registration fees that may be collected during the biennium.

There is frequently a relationship between fee revenue and the amount of funding that a budget must provide to operate a regulatory program. Here, however, the legislature has established a comprehensive fee structure in statute that establishes fees at specific dollar amounts for vehicle registrations. A wholesale suspension of that statutory scheme, even for the biennium, is outside the scope and object of a budget bill.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Striking amendment (488) as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fey, Robertson, Wylie, Eslick, Ramos and Barkis spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5165, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5165, as amended by the House, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Chase, Corry, Dufault, Kraft, McCaslin, McEntire, Orcutt, Walsh and Young.

SUBSTITUTE SENATE BILL NO. 5165, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1080, by Representatives Tharinger, Leavitt, Wylie, Callan and Hackney

Concerning the capital budget.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1080 was substituted for House Bill No. 1080 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1080 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger, Steele, Callan and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1080.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1080, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1080, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

SUPPLEMENTAL
REPORTS OF STANDING COMMITTEES

April 1, 2021

E2SSB 5022 Prime Sponsor, Committee on Ways & Means: Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and requiring recycled content in plastic beverage containers. (REVISED FOR ENGROSSED: Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and addressing plastic packaging.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS—INTENT. (1) The legislature finds that minimum recycled content requirements for plastic beverage containers, trash bags, and household cleaning and personal care product containers, bans on problematic and unnecessary plastic packaging, and standards for customer opt-in for food service packaging and accessories are among actions needed to improve the state's recycling system as well as reduce litter.

(2) By implementing a minimum recycled content requirement for plastic beverage containers, trash bags, and household cleaning and personal care product containers; prohibiting the sale and distribution of certain expanded polystyrene products; and establishing optional serviceware requirements as provided for in this chapter; the legislature intends to take another step towards ensuring plastic packaging and other packaging materials are reduced, recycled, and reused.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Beverage" means beverages identified in (a) through (f) of this subsection, intended for human or animal consumption, and in a quantity more than or equal to two fluid ounces and less than or equal to one gallon:

(a) Water and flavored water;

(b) Beer or other malt beverages;

(c) Wine;

(d) Distilled spirits;

(e) Mineral water, soda water, and similar carbonated soft drinks; and

(f) Any beverage other than those specified in (a) through (e) of this subsection, except infant formula as

defined in 21 U.S.C. Sec. 321(z), medical food as defined in 21 U.S.C. Sec. 360ee(b)(3), or fortified oral nutritional supplements used for persons who require supplemental or sole source nutritional needs due to special dietary needs directly related to cancer, chronic kidney disease, diabetes, or other medical conditions as determined by the department.

(2) "Beverage manufacturing industry" means an association that represents beverage producers.

(3) "Condiment packaging" means packaging used to deliver single-serving condiments to customers. Condiment packaging includes, but is not limited to, single-serving packaging for ketchup, mustard, relish, mayonnaise, hot sauce, coffee creamer, salad dressing, jelly, jam, and soy sauce.

(4)(a) "Covered product" means an item in one of the following categories subject to minimum postconsumer recycled content requirements:

(i) Plastic trash bags;

(ii) Household cleaning and personal care products that use plastic household cleaning and personal care product containers; and

(iii) Beverages that use plastic beverage containers.

(b) "Covered product" does not include any type of container or bag for which the state is preempted from regulating content of the container material or bag material under federal law.

(5) "Dairy milk" means a beverage that designates milk as the predominant (first) ingredient in the ingredient list on the container's label.

(6) "Department" means the department of ecology.

(7) "Expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

(8) "Food service business" means a business selling or providing food for consumption on or off the premises, and includes full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, home delivery services, delivery services provided through an online application, and business or institutional cafeterias.

(9) "Food service product" means a product intended for one-time use and used for food or drink offered for sale or use. Food service products include, but are not limited to, containers, plates, bowls, cups, lids, beverage containers, meat trays, deli rounds, utensils, sachets, straws, condiment packaging, clamshells and other hinged or lidded containers, wrap, and portion cups.

(10) "Household cleaning and personal care product" means any of the following:

(a) Laundry detergents, softeners, and stain removers;

(b) Household cleaning products;

(c) Liquid soap;

(d) Shampoo, conditioner, styling sprays and gels, and other hair care products; or

(e) Lotion, moisturizer, facial toner, and other skin care products.

(11) "Household cleaning and personal care product manufacturing industry" means an association that represents companies that manufacture household cleaning and personal care products.

(12) "Licensee" means a manufacturer or entity who licenses a brand and manufactures a covered product under that brand.

(13) "Oral nutritional supplement" means a manufactured liquid, powder capable of being reconstituted, or solid product that contains a combination of carbohydrates, proteins, fats, fiber, vitamins, and minerals intended to supplement a portion of a patient's nutrition intake.

(14) "Plastic beverage container" means a bottle or other rigid container that is capable of maintaining its shape when empty, comprised solely of one or multiple plastic resins designed to contain a beverage. Plastic beverage container does not include:

(a) Refillable beverage containers, such as containers that are sufficiently durable for multiple rotations of their

original or similar purpose and are intended to function in a system of reuse;

(b) Rigid plastic containers or plastic bottles that are or are used for medical devices, medical products that are required to be sterile, nonprescription and prescription drugs, or dietary supplements as defined in RCW 82.08.0293;

(c) Bladders or pouches that contain wine; or

(d) Liners, caps, corks, closures, labels, and other items added externally or internally but otherwise separate from the structure of the bottle or container.

(15)(a) "Plastic household cleaning and personal care product container" means a bottle, jug, or other rigid container with a neck or mouth narrower than the base, and:

(i) A minimum capacity of eight fluid ounces or its equivalent volume;

(ii) A maximum capacity of five fluid gallons or its equivalent volume;

(iii) That is capable of maintaining its shape when empty;

(iv) Comprised solely of one or multiple plastic resins; and

(v) Containing a household cleaning or personal care product.

(b) "Plastic household cleaning and personal care product container" does not include:

(i) Refillable household cleaning and personal care product containers, such as containers that are sufficiently durable for multiple rotations of their original or similar purpose and are intended to function in a system of reuse; and

(ii) Rigid plastic containers or plastic bottles that are medical devices, medical products that are required to be sterile, and nonprescription and prescription drugs, dietary supplements as defined in RCW 82.08.0293, and packaging used for those products.

(16) "Plastic trash bag" means a bag that is made of noncompostable plastic, is at least 0.70 mils thick, and is designed and manufactured for use as a container to hold, store, or transport materials to be discarded or recycled, and includes, but is not limited to, a garbage bag, recycling bag, lawn or leaf bag, can liner bag, kitchen bag, or compactor bag. "Plastic trash bag" does not include any compostable bags meeting the requirements of chapter 70A.455 RCW.

(17) "Plastic trash bag manufacturing industry" means an association that represents companies that manufacture plastic trash bags.

(18) "Postconsumer recycled content" means the content of a covered product made of recycled materials derived specifically from recycled material generated by households or by commercial, industrial, and institutional facilities in their role as end users of a product that can no longer be used for its intended purpose. "Postconsumer recycled content" includes returns of material from the distribution chain.

(19)(a) "Producer" means the following person responsible for compliance with minimum postconsumer recycled content requirements under this chapter for a covered product sold, offered for sale, or distributed in or into this state:

(i) If the covered product is sold under the manufacturer's own brand or lacks identification of a brand, the producer is the person who manufactures the covered product;

(ii) If the covered product is manufactured by a person other than the brand owner, the producer is the person who is the licensee of a brand or trademark under which a covered product is sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state, unless the manufacturer or brand owner of the covered product has agreed to accept responsibility under this chapter; or

(iii) If there is no person described in (a)(i) and (ii) of this subsection over whom the state can constitutionally exercise jurisdiction, the producer is the person who imports or distributes the covered product in or into the state.

(b) "Producer" does not include:

(i) Government agencies, municipalities, or other political subdivisions of the state;

(ii) Registered 501(c)(3) charitable organizations and 501(c)(4) social welfare organizations; or

(iii) De minimis producers that annually sell, offer for sale,

distribute, or import in or into the country for sale in Washington:

(A) Less than one ton of a single category of plastic beverage containers, plastic household cleaning and personal care containers, or plastic trash bags each year; or

(B) A single category of a covered product that in aggregate generates less than $1,000,000 each year in revenue.

(20)(a) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer.

(b) "Retail establishment" includes, but is not limited to, food service businesses, grocery stores, department stores, hardware stores, home delivery services, pharmacies, liquor stores, restaurants, catering trucks, convenience stores, or other retail stores or vendors, including temporary stores or vendors at farmers markets, street fairs, and festivals.

(21)(a) "Utensil" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers.

(b) "Utensil" does not include plates, bowls, cups, and other products used to contain food or beverages.

NEW SECTION. **Sec. 3.** POSTCONSUMER RECYCLED CONTENT. (1)(a) Beginning January 1, 2023, producers that offer for sale, sell, or distribute in or into Washington:

(i) Beverages other than wine in 187 milliliter plastic beverage containers and dairy milk in plastic beverage containers must meet minimum postconsumer recycled content requirements established under subsection (4) of this section; and

(ii) Plastic trash bags must meet minimum postconsumer recycled content requirements established under subsection (6) of this section.

(b) Beginning January 1, 2025, producers that offer for sale, sell, or distribute in or into Washington household cleaning and personal care products in plastic household cleaning and personal care product containers must meet minimum postconsumer recycled content as required under subsection (5) of this section.

(c) Beginning January 1, 2028, producers that offer for sale, sell, or distribute in or into Washington wine in 187 milliliter plastic beverage containers or dairy milk in plastic beverage containers must meet minimum postconsumer recycled content as required under subsection (4) of this section.

(2)(a) On or before April 1, 2022, and annually thereafter, a producer that offers for sale, sells, or distributes in or into Washington covered products must register with the department individually or through a third-party representative registering on behalf of a group of producers.

(b) The registration information submitted to the department under this section must include a list of the producers of covered products and the brand names of the covered products represented in the registration submittal. Beginning April 1, 2024, for plastic trash bags and plastic beverage containers other than wine in 187 milliliter plastic beverage containers and dairy milk in plastic beverage containers, April 1, 2026, for plastic household and personal care product containers, and April 1, 2027, for wine in 187 milliliter plastic beverage containers and dairy milk, a producer may submit registration information at the same time as the information submitted through the annual reporting required under section 4 of this act.

(3)(a) By January 31, 2022, and every January 31st thereafter, the department must:

(i) Identify the annual costs it expects to incur to implement this section and sections 4 through 7 and 12(1), (2), and (4) of this act in the next fiscal year for each category of covered products, including rule making;

(ii) Submit invoices of costs to producers or their third-party representatives; and

(iii) Determine an annual payment by producers or their third-party representative for each category of covered products that is adequate to cover, but not exceed, the department's full costs to implement, administer, and enforce this chapter in the next fiscal

year, including rule making, for that category of covered product. In a general order directed to all entities falling within the definition of a producer, the department must equitably determine payment amounts for individual producers or third-party representatives within each category of covered products.

(b) The department must:

(i) Apply any remaining annual payment funds from the current year to the annual payment for the coming year, if the collected annual payment exceeds the department's costs for a given year; and

(ii) Increase annual payments for the coming year to cover the department's costs, if the collected annual payment was less than the department's costs for a given year.

(c) By April 1, 2022, and every April 1st thereafter, producers or their third-party representative must submit a payment as determined by the department under (a) of this subsection.

(4) A producer of a beverage in a plastic beverage container must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of plastic beverage containers, by weight, that are sold, offered for sale, or distributed in or into Washington by the producer effective:

(a) For beverages except wine in 187 milliliter plastic beverage containers and dairy milk:

(i) January 1, 2023, through December 31, 2025: No less than 15 percent postconsumer recycled content plastic by weight;

(ii) January 1, 2026, through December 31, 2030: No less than 25 percent postconsumer recycled content plastic by weight; and

(iii) On and after January 1, 2031: No less than 50 percent postconsumer recycled content plastic by weight.

(b) For wine in 187 milliliter plastic beverage containers and dairy milk:

(i) January 1, 2028, through December 31, 2030: No less than 15 percent postconsumer recycled content plastic by weight;

(ii) January 1, 2031, through December 31, 2035: No less than 25 percent postconsumer recycled content plastic by weight; and

(iii) On and after January 1, 2036: No less than 50 percent postconsumer recycled content plastic by weight.

(5) A producer of household cleaning and personal care products in plastic containers must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of plastic containers, by weight, that are sold, offered for sale, or distributed in or into Washington by the producer effective:

(a) January 1, 2025, through December 31, 2027: No less than 15 percent postconsumer recycled content plastic by weight;

(b) January 1, 2028, through December 31, 2030: No less than 25 percent postconsumer recycled content plastic by weight; and

(c) On and after January 1, 2031: No less than 50 percent postconsumer recycled content plastic by weight.

(6) A producer of plastic trash bags must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of plastic trash bags, by weight, that are sold, offered for sale, or distributed in or into Washington by the producer effective:

(a) January 1, 2023, through December 31, 2024: No less than 10 percent postconsumer recycled content plastic by weight;

(b) January 1, 2025, through December 31, 2026: No less than 15 percent postconsumer recycled content plastic by weight; and

(c) On and after January 1, 2027: No less than 20 percent postconsumer recycled content plastic by weight.

(7)(a) Beginning January 1, 2024, or when rule making is complete, whichever is sooner, the department may, on an annual basis on January 1st, review and determine for the following year whether to adjust the minimum postconsumer recycled content percentage required for a type of container or product or category of covered products pursuant to subsection (4), (5), or (6) of this section. The department's review may be initiated by the department or at the petition of a producer or a covered

product manufacturing industry not more than once annually. When submitting a petition, producers or a producer manufacturing industry must provide necessary information that will allow the department to make a determination under (b) of this subsection.

(b) In making a determination pursuant to this subsection, the department must consider, at a minimum, all of the following factors:

(i) Changes in market conditions, including supply and demand for postconsumer recycled content plastics, collection rates, and bale availability both domestically and globally;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements pursuant to subsection (4), (5), or (6) of this section, including the availability of high quality recycled plastic, and food-grade recycled plastic from recycling programs;

(iv) The capacity of recycling or processing infrastructure;

(v) The technical feasibility of achieving the minimum postconsumer recycled content requirements in covered products that are regulated under 21 C.F.R., chapter I, subchapter G, 7 U.S.C. Sec. 136, 15 U.S.C. Sec. 1471-1477, 49 C.F.R. Sec. 178.33b, 49 C.F.R. Sec. 173, 40 C.F.R. Sec. 152.10, 15 U.S.C. Sec. 1261-1278, 49 U.S.C. 5101 et seq., 49 C.F.R. Sec. 178.509, 49 C.F.R. Sec. 179.522, 49 C.F.R. Sec. 178.600-609, and other federal laws; and

(vi) The progress made by producers in achieving the goals of this section.

(c) Under (a) of this subsection:

(i) The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages for the year under review required pursuant to subsection (4), (5), or (6) of this section.

(ii) For plastic household cleaning and personal care product containers, the department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages for the year under review required pursuant to subsection (5) of this section or below a minimum of 10 percent.

(iii) For plastic trash bags, the department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages for the year under review required pursuant to subsection (6) of this section or below the minimum percentage required in subsection (6)(a) of this section.

(d) A producer or the manufacturing industry for a covered product may appeal a decision by the department to adjust postconsumer recycled content percentages under (a) of this subsection to the pollution control hearings board within 30 days of the department's determination.

(8) A producer that does not achieve the postconsumer recycled content requirements established under this section is subject to penalties established in section 5 of this act.

(9)(a) A city, town, county, or municipal corporation may not implement local recycled content requirements for a covered product that is subject to minimum postconsumer recycled content requirements established in this section.

(b) A city, town, county, or municipal corporation may establish local purchasing requirements that include recycled content standards that exceed the minimum recycled content requirements established by this chapter for plastic household cleaning and personal care product containers or plastic trash bags purchased by a city, town, or municipal corporation, or its contractor.

(10) The department may enter into contracts for the services required to implement this chapter and related duties of the department.

(11) In-state distributors, wholesalers, and retailers in possession of covered products manufactured before the date that postconsumer recycled content requirements become effective may exhaust their existing stock through sales to the public.

NEW SECTION. **Sec. 4.** PRODUCER REPORTING REQUIREMENTS. (1)(a) Except as provided in (b) and (c) of this subsection, beginning April 1, 2024, each

producer of covered products, individually or through a third party representing a group of producers, must provide an annual report to the department that includes the amount in pounds of virgin plastic and the amount in pounds of postconsumer recycled content by resin type used for each category of covered products that are sold, offered for sale, or distributed in or into Washington state, including the total postconsumer recycled content resins as a percentage of total weight. The report must be submitted in a format and manner prescribed by the department. A manufacturer may submit national data allocated on a per capita basis for Washington to approximate the information required in this subsection if the producer or third-party representative demonstrates to the department that state level data are not available or feasible to generate.

(b) The requirements of (a) of this subsection apply to household cleaning and personal care products in plastic containers beginning April 1, 2026.

(c) The requirements of (a) of this subsection apply to wine in 187 milliliter plastic beverage containers and dairy milk in plastic beverage containers beginning April 1, 2029.

(d) The department must post the information reported under this subsection on its website, except as provided in subsection (2) of this section.

(2) A producer that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director, or the appropriate division of the department. The director of the department must give consideration to the request and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director must grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

NEW SECTION. **Sec. 5.** PENALTIES FOR POSTCONSUMER RECYCLED CONTENT REQUIREMENTS. (1)(a) A producer that does not meet the minimum postconsumer recycled content requirements pursuant to section 3 of this act is subject to a penalty pursuant to this section. Beginning June 1st of the year following the first year that minimum postconsumer recycled product content requirements apply to a category of covered product, the penalty must be calculated consistent with subsection (2) of this section unless a penalty reduction or corrective action plan has been approved pursuant to subsection (3) of this section.

(b) A producer that is assessed a penalty pursuant to this section may pay the penalty to the department in one payment, in quarterly installments, or arrange an alternative payment schedule subject to the approval of the department, not to exceed a 12-month payment schedule unless the department determines an extension is needed due to unforeseen circumstances, such as a public health emergency, state of emergency, or natural disaster.

(2) Beginning June 1st of the year following the first year that minimum postconsumer recycled product content requirements apply to a category of covered product, and annually thereafter, the department shall determine the penalty for the previous calendar year based on the postconsumer recycled content requirement of the previous calendar year. The department shall calculate the amount of the penalty based upon the amounts in pounds in the aggregate of virgin plastic, postconsumer recycled content plastic, and any other plastic per category used by the producer to produce covered products sold or offered for sale in or into Washington state, in accordance with the following:

(a)(i) The annual penalty amount assessed to a producer must equal the product of both of the following: The total pounds of plastic used per category multiplied by the relevant minimum postconsumer recycled plastic target percentage, less the pounds of total plastic multiplied by the percent of postconsumer recycled plastic used; multiplied by 20 cents.

(ii) Example: [(Total pounds of plastic used x minimum postconsumer recycled plastic target percentage) – (Total pounds of plastic used x postconsumer recycled plastic percentage used)] x 20 cents.

(b) For the purposes of (a) of this subsection, both of the following apply:

(i) The total pounds of plastic used must equal the sum of the amount of

virgin plastic, postconsumer recycled content plastic, and any other plastic used by the producer, as reported pursuant to section 4 of this act.

(ii) If the product calculated pursuant to (a) of this subsection is equal to or less than zero, the department may not assess a penalty.

(3)(a)(i) The department shall consider granting a reduction of penalties assessed pursuant to this section for the purpose of meeting the minimum postconsumer recycled content requirements required pursuant to section 3 of this act.

(ii) In determining whether to grant the reduction pursuant to (a)(i) of this subsection, the department shall consider, at a minimum, all of the following factors:

(A) Anomalous market conditions;

(B) Disruption in, or lack of supply of, recycled plastics; and

(C) Other factors that have prevented a producer from meeting the requirements.

(b) In lieu of or in addition to assessing a penalty under this section, the department may require a producer to submit a corrective action plan detailing how the producer plans to come into compliance with section 3 of this act.

(4) A producer shall pay the penalty assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 4 of this act in the form and manner prescribed by the department.

(5) A producer may appeal the penalty assessed under this section to the pollution control hearings board within 30 days of assessment.

(6) Penalties collected under this section must be deposited in the recycling enhancement account created in section 13 of this act.

NEW SECTION. **Sec. 6.** PENALTIES FOR REGISTRATION, LABELING, AND REPORTING. (1) For producers out of compliance with the registration, reporting, or labeling requirements of section 3, 4, or 7 of this act, the department shall provide written notification and offer information to producers. For the purposes of this section, written notification serves as notice of the violation. The department must issue at least two notices of violation by certified mail prior to assessing a penalty under subsection (2) of this section.

(2) A producer in violation of the registration, reporting, or labeling requirements in section 3, 4, or 7 of this act is subject to a civil penalty for each day of violation in an amount not to exceed $1,000.

(3) Penalties collected under this section must be deposited in the recycling enhancement account created in section 13 of this act.

(4) Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

NEW SECTION. **Sec. 7.** TRASH BAG LABELING REQUIREMENTS. (1) Beginning January 1, 2023, producers shall label each package containing plastic trash bags sold, offered for sale, or distributed in or into Washington with:

(a) The name of the producer and the city, state, and country where the producer is located, which may be designated as the location of the producer's corporate headquarters; or

(b) A uniform resource locator or quick response code to an internet website that contains the information required pursuant to (a) of this subsection.

(2)(a) The provisions of subsection (1) of this section do not apply to a plastic bag that is designed and manufactured to hold, store, or transport dangerous waste or biomedical waste.

(b) For the purposes of this subsection:

(i) "Biomedical waste" means any waste defined as that term under RCW 70A.228.010; and

(ii) "Dangerous waste" means any waste defined as dangerous wastes under RCW 70A.300.010.

NEW SECTION. **Sec. 8.** A new section is added to chapter 39.26 RCW to read as follows:

POSTCONSUMER RECYCLED CONTENT IN PLASTIC TRASH BAGS—PURCHASING PRIORITY.

(1) Beginning July 1, 2024, all state agencies may only purchase plastic trash bags manufactured by producers that comply with the minimum recycled content

requirements established in section 3 of this act.

(2) By July 1, 2024, the department of ecology shall provide to the department a list of the plastic trash bag producer brands that comply with the minimum recycled content requirements established in section 3 of this act, in order for state agencies to purchase compliant products, updated annually.

NEW SECTION. **Sec. 9.** (1)(a) By July 1, 2021, the departments of commerce and ecology shall jointly select an impartial, third-party facilitator to convene a stakeholder advisory committee housed within the recycling development center. The advisory committee shall make recommendations to the appropriate committees of the legislature on the development of mandatory postconsumer recycled content requirements for types of plastic packaging not subject to the minimum postconsumer recycled content requirements established in this act, and that are present in the municipal solid waste material stream or are regularly received by facilities that process recyclable materials from residential curbside recycling programs. The recommendations may include rates of mandatory postconsumer recycled content required by material type, target implementation dates, and potential exemptions or alternate compliance pathways for some materials.

(b) The facilitator must:

(i) Work with the recycling development center to subcontract for any relevant information regarding recycled plastic market conditions and barriers to the use of recycled content to provide to the stakeholder advisory committee to aid in the development of recommendations, to the extent practicable;

(ii) Provide staff and support to the stakeholder advisory committee meetings; and

(iii) Draft reports and other materials for review by the stakeholder advisory committee.

(2) The facilitator identified in subsection (1) of this section must be selected based on the following criteria:

(a) Impartiality regarding policy outcomes;

(b) Professional qualifications, relevant experience, and degrees; and

(c) The facilitator must be an environmental conflict resolution specialist recognized by a national center for environmental conflict resolution.

(3) By December 1, 2021, the facilitator shall submit a report to the legislature containing the recommendations of the stakeholder advisory committee after review and approval by the facilitator and committee. The stakeholder advisory committee shall make recommendations using consensus-based decision making. The report must include recommendations where general stakeholder consensus has been achieved and note dissenting opinions where stakeholder consensus has not been achieved.

(4) The stakeholder advisory committee shall consider information and findings by a variety of authoritative bodies related to recycled content, including mechanical and advanced recycling technologies.

(5) The facilitator shall select at least one member to the stakeholder advisory committee from each of the following:

(a) The department of commerce;

(b) The department of ecology;

(c) The utilities and transportation commission;

(d) Cities, including both small and large cities and cities located in urban and rural counties;

(e) Counties, including both small and large counties and urban and rural counties;

(f) Municipal collectors;

(g) A representative from the private sector waste and recycling industry that owns or operates a curbside recycling program and a material recovery facility;

(h) A solid waste collection company regulated under chapter 81.77 RCW that provides curbside recycling services;

(i) A material recovery facility operator that processes municipal solid waste from curbside recycling programs;

(j) A company that provides curbside recycling service pursuant to a municipal contract under RCW 81.77.020;

(k) A trade association that represents the private sector solid waste industry;

(l) Recycled plastic feedstock users;

(m) A trade association representing the plastics recycling industry;

(n) A recycled content certification organization;

(o) An environmental justice organization;

(p) An environmental nonprofit organization;

(q) An environmental nonprofit organization that specializes in waste and recycling issues;

(r) Plastic converters/manufacturers of resins;

(s) A manufacturer of plastic packaging;

(t) A statewide general business trade association;

(u) Associations that represent consumer brand companies;

(v) Representatives of consumer brands;

(w) A consumer-oriented organization;

(x) Representatives of the state's most marginalized communities;

(y) A retailer or representative of the retail association;

(z) A representative of an advanced recycling technology provider that processes plastic material;

(aa) An association that represents cities;

(bb) An association that represents county solid waste managers;

(cc) A representative from a retail grocery association; and

(dd) A representative from a Washington headquartered online retailer.

(6) The definitions in section 2 of this act apply throughout this section unless the context clearly requires otherwise.

(7) This section expires January 1, 2022.

NEW SECTION. **Sec. 10.** EXPANDED POLYSTYRENE PROHIBITIONS. (1)(a) Beginning June 1, 2024, the sale and distribution of the following expanded polystyrene products in or into Washington state is prohibited:

(i) A portable container that is designed or intended to be used for cold storage, except for expanded polystyrene containers used for drugs, medical devices, and biological materials as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or shipping perishable commodities from a wholesale or retail establishment; and

(ii) Food service products that include food containers, plates, clam shell-style containers, and hot and cold beverage cups. For the purposes of this subsection (1)(a)(ii), food service products do not include: Packaging for raw, uncooked, or butchered meat, fish, poultry, or seafood, vegetables, fruit, or egg cartons.

(b) Beginning June 1, 2023, the sale and distribution of void filling packaging products, which means loose fill packaging material, also referred to as packing peanuts, in or into Washington state is prohibited.

(2)(a) The department must provide technical assistance and guidance to manufacturers of prohibited expanded polystyrene products, upon request. For manufacturers out of compliance with the requirements of this section, the department shall provide written notification and offer information to manufacturers that sell prohibited expanded polystyrene products who are in violation of this section. For the purposes of this section, written notification serves as notice of the violation. The department must issue at least two notices of violation by certified mail prior to assessing a penalty.

(b) A manufacturer of products in violation of this section is subject to a civil penalty for each violation in an amount not to exceed:

(i) $250 if it is the manufacturer's first penalty; and

(ii) $1,000 if the manufacturer has previously been issued a civil penalty under this section.

(c) Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(d) Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(3) A city, town, county, or municipal corporation may not implement a local ordinance restricting products prohibited under subsection (1) of this section unless the ordinance was filed by April 1, 2021, and enacted by June 1, 2021. An ordinance restricting products prohibited under subsection (1) of this section that was not enacted as of June 1, 2021, is preempted by this section.

(4) For the purposes of this section, "manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that:

(a) Produces the products subject to restrictions in subsection (1) of this section; or

(b) Is an importer or domestic distributor of a product subject to restrictions in subsection (1) of this section sold or offered for sale in or into the state.

NEW SECTION. **Sec. 11.** OPTIONAL SERVICEWARE. (1) Beginning January 1, 2022:

(a) Except as provided in (b) of this subsection, a food service business may provide the following single use food service products only after affirming that the customer wants the item or items:

(i) Utensils;

(ii) Straws;

(iii) Condiment packaging; and

(iv) Beverage cup lids.

(b) A food service business may provide beverage cup lids without customer affirmation for:

(i) Hot beverages;

(ii) Beverages provided through delivery service or curbside pickup; and

(iii) Beverages served to customers via a drive through or at large, permanent, venues that are designed for professional sport or music events and that have a fixed-seat capacity of at least 2,500 customers and are enclosed or are surrounded by a perimeter fence.

(c) The requirements of this section do not apply to food service products provided to a patient, resident, or customer in:

(i) A health care facility or a health care provider as defined in RCW 70.02.010;

(ii) Long-term care facilities identified in RCW 18.51.010, 18.20.020, 70.128.010, 70.97.010, or 18.390.010;

(iii) Senior nutrition programs authorized under 45 C.F.R. Sec. 1321, and home delivered meals offered under chapters 74.39 and 74.39A RCW;

(iv) Services to individuals with developmental disabilities under Title 71A RCW and chapter 74.39A RCW; and

(v) State hospitals as defined in RCW 72.23.010.

(d) The requirements of this subsection (1) apply to the activities of the department of corrections and the department of children, youth, and families only to the extent operationally feasible and practicable.

(2)(a) Nothing in this section prohibits a food service business from making utensils, straws, condiments, and beverage cup lids available to customers using cylinders, bins, dispensers, containers, or other means of allowing for single-use utensils, straws, condiments, and beverage cup lids to be obtained at the affirmative volition of the customer.

(b) Utensils provided by a food service business for use by customers may not be bundled or packaged in plastic in such a way that a customer is unable to take only the type of single-use utensil or utensils desired without also taking a different type or types of utensil.

(3)(a) The department may issue a civil penalty of no less than $150 per day and no more than $2,000 per day to the owner or operator of a food service business for each day single-use food service products are provided in violation of this section.

(b) The department must issue at least two notices of violation by certified mail prior to assessing a penalty.

(c) Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(d) A food service business may appeal penalties assessed under this subsection to the pollution control hearings board within 30 days of assessment.

(4) All food service businesses are encouraged, but not required, to take actions in addition to the requirements of this section that support a goal of reducing the use of and waste generated by single-use food service products.

(5) Beginning July 1, 2021, a city, town, county, or municipal corporation may not enact an ordinance to reduce pollution from single-use food service products by requiring affirmation that a customer wants single-use food service products from the customer of the food service business or other retail establishment.

NEW SECTION. **Sec. 12.** DEPARTMENT DUTIES. (1) The department may conduct audits and investigations for the purpose of ensuring compliance with sections 3 and 5 of this act based on the information reported under section 4 of this act.

(2) The department shall annually publish a list of registered producers of covered products and associated brand names, their compliance status, and other information the department deems appropriate on the department's website.

(3) To assist regulated parties with the requirements specified under sections 10 and 11 of this act, the department:

(a) Must prepare and post on its website information regarding the prohibitions on the sale and distribution of expanded polystyrene products as specified under section 10 of this act and optional serviceware under section 11 of this act;

(b) For education and outreach to help implement sections 10 and 11 of this act, may develop culturally appropriate and translated educational materials and resources for the state's diverse ethnic populations from existing materials used by local jurisdictions and other states.

(4) The department may adopt rules as necessary to administer, implement, and enforce this chapter.

NEW SECTION. **Sec. 13.** RECYCLING ENHANCEMENT ACCOUNT. The recycling enhancement account is created in the custody of the state treasurer. All penalties collected by the department pursuant to sections 5 and 6 of this act must be deposited in the account. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used by the department only for providing grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

NEW SECTION. **Sec. 14.** RECYCLED CONTENT ACCOUNT. The recycled content account is created in the custody of the state treasurer. All receipts received by the department under section 3 of this act must be deposited in the account. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used by the department only for implementing, administering, and enforcing the requirements of sections 3 through 7 and 12(1), (2), and (4) of this act.

NEW SECTION. **Sec. 15.** MARKET STUDY. (1) Subject to the availability of amounts appropriated for this specific purpose prior to January 1, 2028, the department shall contract with a research university or an independent third-party consultant to study the plastic resin markets for all of the following:

(a) Analyzing market conditions and opportunities in the state's recycling industry for meeting the minimum postconsumer recycled content requirements for covered products pursuant to sections 3 and 4 of this act; and

(b) Determining the data needs and tracking opportunities to increase the transparency and support of a more effective, fact-based public understanding of the recycling industry.

(2) If funding is provided pursuant to subsection (1) of this section and the department undertakes the study, the study must be completed by May 1, 2029.

Sec. 16. RCW 43.21B.110 and 2020 c 138 s 11 and 2020 c 20 s 1035 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, sections 5, 6, 10, and 11 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, section 3 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under section 3 of this act to set recycled minimum postconsumer content for covered products.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 17. RCW 43.21B.300 and 2020 c 20 s 1038 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, sections 5, 6, 10, and 11 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within thirty days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

Sec. 18. RCW 70A.220.020 and 2020 c 20 s 1228 are each amended to read as follows:

((~~(1) The provisions of this section and any rules adopted under this section shall be interpreted to conform with nationwide plastics industry standards.~~

~~(2)~~)) Except as provided in RCW 70A.220.030(2), after January 1, 1992, no person may distribute, sell, or offer for sale in this state a plastic bottle or rigid plastic container unless the container is labeled with a code identifying the appropriate resin type used to produce the structure of the container. ((~~The code shall consist of a~~

~~number placed within three triangulated arrows and letters placed below the triangle of arrows. The triangulated arrows shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number.~~)) The numbers and letters used shall be as follows:

(a) 1.= PETE (polyethylene terephthalate)

(b) 2.= HDPE (high density polyethylene)

(c) 3.= V (vinyl) or PVC (polyvinyl chloride)

(d) 4.= LDPE (low density polyethylene)

(e) 5.= PP (polypropylene)

(f) 6.= PS (polystyrene)

(g) 7.= OTHER

NEW SECTION. **Sec. 19.** Sections 2 through 7 and 9 through 15 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 20.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

March 31, 2021

SB 5032 Prime Sponsor, Senator Hasegawa: Concerning the reauthorization and improvements to alternative public works contracting procedures. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.10.210 and 2019 c 212 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build, general contractor/construction manager, and job order contracting procedures authorized in RCW 39.10.300, 39.10.340, and 39.10.420, respectively.

(2) "Board" means the capital projects advisory review board.

(3) "Budget contingencies" means contingencies established by a public body outside of the design-build or general contractor/construction manager contract for payment of project costs that are not the responsibility of the design-builder or general contractor/construction manager under the respective contract.

(4) "Certified public body" means a public body certified to use design-build or general contractor/construction manager contracting procedures, or both, under RCW 39.10.270.

((~~(4)~~)) (5) "Coefficient" means the job order contractor's competitively bid numerical factor applied to the public body's prices as published in the unit price book.

(6) "Committee," unless otherwise noted, means the project review committee.

((~~(5)~~)) (7) "Design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

((~~(6)~~)) (8) "Disadvantaged business enterprise" means any business entity certified with the office of minority and women's business enterprises under chapter 39.19 RCW.

((~~(7)~~)) (9) "General contractor/construction manager" means a firm with which a public body has selected to provide services during the design phase and negotiated a maximum allowable construction cost to act as construction manager and general contractor during the construction phase.

((~~(8)~~)) (10) "Heavy civil construction project" means a civil engineering project, the predominant features of which are infrastructure improvements.

((~~(9)~~)) (11) "Job order contract" means a contract in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of ((~~negotiated, definitive~~)) work orders for public works as defined in RCW 39.04.010.

((~~(10)~~)) (12) "Job order contractor" means a registered or licensed contractor awarded a job order contract.

((~~(11)~~)) (13) "Maximum allowable construction cost" means the maximum cost of the work to construct the project including a percentage for risk contingency, negotiated support services, and approved change orders.

((~~(12)~~)) (14) "Negotiated support services" means items a general contractor would normally manage or perform on a construction project including, but not limited to surveying, hoisting, safety enforcement, provision of toilet facilities, temporary heat, cleanup, and trash removal, and that are negotiated as part of the maximum allowable construction cost.

((~~(13)~~)) (15) "Percent fee" means the percentage amount to be earned by the general contractor/construction manager as overhead and profit.

((~~(14)~~)) (16) "Price-related factor" means an evaluation factor that impacts costs which may include, but is not limited to overhead and profit, lump sum or guaranteed maximum price for the entire or a portion of the project, operating costs, or other similar factors that may apply to the project.

((~~(15)~~)) (17) "Public body" means any general or special purpose government in the state of Washington, including but not limited to state agencies, institutions of higher education, counties, cities, towns, ports, school districts, and special purpose districts.

((~~(16)~~)) (18) "Public works project" means any work for a public body within the definition of "public work" in RCW 39.04.010.

((~~(17)~~)) (19) "Risk contingency" means a contingency for use as defined in the contract and established as part of the maximum allowable construction cost for unexpected cost of work items that have not otherwise been included or addressed in the maximum allowable construction cost.

(20) "Small business entity" means a small business as defined in RCW 39.26.010.

((~~(18)~~)) (21) "Total contract cost" means the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, and the percent fee on the negotiated maximum allowable construction cost.

((~~(19)~~)) (22) "Total project cost" means the cost of the project less financing and land acquisition costs.

((~~(20)~~)) (23) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. ((~~The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work. The unit prices for labor must be at the rates in effect at the time the individual work order is issued.~~

~~(21)~~)) (24) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

Sec. 2. RCW 39.10.220 and 2013 c 222 s 2 are each amended to read as follows:

(1) The board is created in the department of enterprise services to provide an evaluation of public capital projects construction processes, including the impact of contracting methods on project outcomes, and to advise the legislature on policies related to public works delivery methods.

(2) Members of the board identified in (a) through (f) of this subsection must be knowledgeable or have experience in

public works procurement and contracting, including state and federal laws, rules, and best practices concerning public contracting for minority, women, and veteran-owned businesses and small businesses, and are appointed as follows:

(a) Two representatives from construction general contracting; one representative from the architectural profession; one representative from the engineering profession; two representatives from construction specialty subcontracting; two representatives from construction trades labor organizations; one representative from the office of minority and women's business enterprises; one representative from a higher education institution; one representative from the department of enterprise services; one individual representing Washington cities; two representatives from private industry; one individual from the private sector representing the interests of the disadvantaged business enterprises community; and one representative of a domestic insurer authorized to write surety bonds for contractors in Washington state, each appointed by the governor. ((~~All appointed members must be knowledgeable about public works contracting procedures.~~)) The board must reflect the gender, racial, ethnic, and geographic diversity of the state, including the interests of persons with disabilities. If a vacancy occurs, the governor shall fill the vacancy for the unexpired term;

(b) One member representing counties, selected by the Washington state association of counties;

(c) One member representing public ports, selected by the Washington public ports association;

(d) One member representing public hospital districts, selected by the association of Washington public hospital districts;

(e) One member representing school districts, selected by the Washington state school directors' association; ((~~and~~))

(f) One member representing transit, selected by the Washington state transit association; and

(g) Two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives, and two members of the senate, one from each major caucus, appointed by the president of the senate. Legislative members are nonvoting.

(3) Members selected under subsection (2)(a) of this section shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term.

(4) The board chair is selected from among the appointed members by the majority vote of the voting members.

(5) Legislative members of the board shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the board, project review committee members, and committee chairs shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) Vacancies are filled in the same manner as appointed. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(7) The board shall meet as often as necessary.

(8) Board members are expected to consistently attend board meetings. The chair of the board may ask the governor to remove any member who misses more than two meetings in any calendar year without cause.

(9) The department of enterprise services shall provide staff support as may be required for the proper discharge of the function of the board.

(10) The board may establish committees as it desires and may invite nonmembers of the board to serve as committee members.

(11) ((~~The board shall encourage participation from persons and entities not represented on the board~~)) The board shall provide opportunities for persons and entities not represented on the board to participate and provide insights on matters of interest to the board, particularly with respect to the experiences of minority, women, and veteran-owned businesses and small businesses.

Sec. 3. RCW 39.10.230 and 2013 c 222 s 3 are each amended to read as follows:

The board has the following powers and duties:

(1) Develop and recommend to the legislature policies to encourage competition and to further enhance the quality, efficiency, and accountability of and equitable participation by disadvantaged business enterprises in capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding best practices, expansion, continuation, elimination, or modification of the alternative public works contracting methods, including specific recommendations for reducing barriers for and increasing participation by disadvantaged business enterprises;

(2) Evaluate the use of existing contracting procedures and the potential future use of other alternative contracting procedures including competitive negotiation contracts;

(3) Submit recommendations to the appropriate committees of the legislature evaluating alternative contracting procedures that are not authorized under this chapter;

(4) Appoint members of committees; and

(5) ((~~Develop and administer questionnaires designed to provide~~)) Collect quantitative and qualitative data on alternative public works contracting procedures ((~~on which evaluations are based.~~

~~The capital projects advisory review board is directed to review current statutes regarding life-cycle cost analysis and energy efficiency as related to the design-build procurement method performed under chapter 39.10 RCW. Capital projects advisory review board shall report to the appropriate committees of the legislature by December 31, 2013, with recommendations for statutory changes that promote energy efficiency and reduce the total cost to construct, operate and maintain public buildings. Recommendation must include provisions for postoccupancy validation of estimated energy efficiency measures, and operating and maintenance cost estimates. Life-cycle estimates of energy use must include estimates of energy consumptions for materials used in construction~~)) to support the board's work in meeting the purpose established in RCW 39.10.220(1).

Sec. 4. RCW 39.10.240 and 2013 c 222 s 4 are each amended to read as follows:

(1) The board shall establish a project review committee to review and approve public works projects using the design-build and general contractor/construction manager contracting procedures authorized in RCW 39.10.300 and 39.10.340 and to certify public bodies as provided in RCW 39.10.270.

(2) The board shall, by a majority vote of the board, appoint persons to the committee who are knowledgeable in the use of the design-build and general contractor/construction manager contracting procedures. Appointments must represent a balance ((~~among the industries and public owners on the board~~)) of public and private sector representatives of the board listed in RCW 39.10.220, and must include at least one member representing the interests of disadvantaged business enterprises.

(a) Each member of the committee shall be appointed for a term of three years. However, for initial appointments, the board shall stagger the appointment of committee members so that the first members are appointed to serve terms of one, two, or three years from the date of appointment. Appointees may be reappointed to serve more than one term.

(b) The committee shall, by a majority vote, elect a chair and vice chair for the committee.

(c) The committee chair may select a person or persons on a temporary basis as a nonvoting member if project specific expertise is needed to assist in a review.

(3) The chair of the committee, in consultation with the vice chair, may appoint one or more panels of at least six committee members to carry out the duties of the committee. Each panel shall have balanced representation of the private and public sector representatives serving on the committee, and shall include a member representing the interests of disadvantaged business enterprises.

(4) Any member of the committee directly or indirectly affiliated with a submittal before the committee must recuse himself or herself from the committee consideration of that submittal.

(5) Any person who sits on the committee or panel is not precluded from subsequently bidding on or participating in projects that have been reviewed by the committee.

(6) The committee shall meet as often as necessary to ensure that certification and approvals are completed in a timely manner.

Sec. 5. RCW 39.10.250 and 2019 c 212 s 2 are each amended to read as follows:

The committee shall:

(1) Certify, or renew certification for, public bodies to use design-build or general contractor/construction manager contracting procedures, or both;

(2) Review and approve the use of the design-build or general contractor/construction manager contracting procedures on a project by project basis for public bodies that are not certified under RCW 39.10.270;

(3) Review and approve the use of alternative subcontractor selection under RCW 39.10.385 on a project-by-project basis for public bodies that are not certified under RCW 39.10.270, which review and approval may be concurrent with project approval; and

(4) Review and approve not more than two design-build demonstration projects that include procurement of operations and maintenance services for a period longer than three years.

Sec. 6. RCW 39.10.300 and 2019 c 212 s 4 are each amended to read as follows:

(1) Subject to the requirements in RCW 39.10.250, 39.10.270, or 39.10.280, public bodies may utilize the design-build procedure, including progressive design-build, for public works projects in which the total project cost is over ((~~two million dollars~~)) $2,000,000 and where:

(a) The construction activities are highly specialized and a design-build approach is critical in developing the construction methodology; or

(b) The projects selected provide opportunity for greater innovation or efficiencies between the designer and the builder; or

(c) Significant savings in project delivery time would be realized.

(2) Subject to the process in RCW 39.10.270 or 39.10.280, public bodies may use the design-build procedure, including progressive design-build, for parking garages and preengineered metal buildings, regardless of cost.

(3) The design-build procedure may be used for the construction or erection of portable facilities as defined in WAC 392-343-018, ((~~preengineered metal buildings,~~)) or not more than ((~~ten~~)) 10 prefabricated modular buildings per installation site, regardless of cost and is not subject to approval by the committee.

(4) Except for utility projects and approved demonstration projects, the design-build procedure may not be used to procure operations and maintenance services for a period longer than three years. State agency projects that propose to use the design-build-operate-maintain procedure shall submit cost estimates for the construction portion of the project consistent with the office of financial management's capital budget requirements. Operations and maintenance costs must be shown separately and must not be included as part of the capital budget request.

(5) Subject to the process in RCW 39.10.280, a public body may seek committee approval for a design-build demonstration project that includes procurement of operations and maintenance services for a period longer than three years.

(6) Washington State University may perform design-build demonstration projects with a total project cost under $2,000,000 to develop best practices in encouraging participation of small business entities and of minority, women, and veteran-owned businesses, and in managing capital projects under $2,000,000. Washington State University shall provide reports to the board every other year, starting with two years after the effective date of this section. Such reports shall include information on the type of projects performed, the initial and final project cost and schedule of the projects, participation of small business entities and of minority, women, and veteran-owned businesses, and the best practices derived from the projects. The report shall include outreach measures developed in concert with the office of minority and women's business enterprises.

Sec. 7. RCW 39.10.330 and 2019 c 212 s 6 are each amended to read as follows:

(1) Contracts for design-build services shall be awarded through a competitive process using public solicitation of proposals for design-build services. ((~~The~~)) At a minimum, the public body shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the public work will be done, a notice of its request for qualifications from proposers for design-build services, and the availability and location of the request for proposal documents. The public body is encouraged to post the design-build opportunity in additional areas, such as websites for business associations or the office of minority and women's business enterprises, to further publicize the opportunity for qualified design-build teams. The request for qualifications documents shall include:

(a) A description of the project including the estimated design-build contract value and the intended use of the project;

(b) The reasons for using the design-build procedure;

(c) A description of the qualifications to be required of the proposer;

(d) A description of the process the public body will use to evaluate qualifications and finalists' proposals, including evaluation factors and the relative weight of factors and any specific forms to be used by the proposers;

(i) Evaluation factors for qualifications shall include technical qualifications, such as specialized experience and technical competence of the firms and the key design and construction personnel; capacity to perform; the proposer's past performance in utilization of ((~~the office of minority and women's business enterprises certified businesses~~)) disadvantaged business enterprises, to the extent permitted by law; ability to provide a performance and payment bond for the project; and other appropriate factors. Evaluation factors ((~~may~~)) must also include, but are not limited to, the proposer's past performance in utilization of small business entities and the inclusion plan for small business entities and disadvantaged business enterprises as subconsultants, subcontractors, and suppliers for the project. Cost or price-related factors are not permitted in the request for qualifications phase;

(ii) Evaluation factors for finalists' proposals shall include the management plan to meet time and budget requirements and one or more price-related factors. Evaluation factors may also include, but not be limited to, the technical approach((~~, design concept, and the outreach plan to include small business entities and disadvantaged business enterprises as subconsultants, subcontractors, and suppliers for the project~~)) or the design concept;

(e) Protest procedures including time limits for filing a protest, which in no event may limit the time to file a protest to fewer than four business days from the date the proposer was notified of the selection decision;

(f) The proposed contract;

(g) The honorarium to be paid to finalists submitting responsive proposals and who are not awarded a design-build contract;

(h) The schedule for the procurement process and the project; and

(i) Other information relevant to the project.

(2) The public body shall establish an evaluation committee to evaluate the responses to the request for qualifications based solely on the factors, weighting, and process identified in the request for qualifications and any addenda issued by the public body. Based on the evaluation committee's findings, the public body shall select not more than five responsive and responsible finalists to submit proposals. The public body may, in its sole discretion, reject all proposals and shall provide its reasons for rejection in writing to all proposers.

(3) The public body must notify all proposers of the finalists selected to move to the next phase of the selection process. The process may not proceed to the next phase until two business days after all proposers are notified of the committee's selection decision. At the request of a proposer not selected as a finalist, the public body must provide the requesting proposer with a scoring

summary of the evaluation factors for its proposal. Proposers filing a protest on the selection of the finalists must file the protest in accordance with the published protest procedures. The selection process may not advance to the next phase of selection until two business days after the final protest decision is transmitted to the protestor.

(4) Upon selection of the finalists, the public body shall issue a request for proposals to the finalists. The request for proposal documents shall include:

(a) Any specific forms to be used by the finalists; and

(b) Submission of a summary of the finalist's accident prevention program and an overview of its implementation.

(5) The public body shall establish an evaluation committee to evaluate the proposals submitted by the finalists. The finalists' proposals shall be evaluated and scored based solely on the factors, weighting, and process identified in the request for qualifications, the request for proposals, and in any addenda published by the public body. Public bodies may request best and final proposals from finalists. The public body may initiate negotiations with the finalist submitting the highest scored proposal. If the public body is unable to execute a contract with the finalist submitting the highest scored proposal, negotiations with that finalist may be suspended or terminated and the public body may proceed to negotiate with the next highest scored finalist. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(6) The public body shall notify all finalists of the selection decision and make a selection summary of the final proposals available to all proposers within two business days of such notification. If the public body receives a timely written protest from a finalist firm, the public body may not execute a contract until two business days after the final protest decision is transmitted to the protestor. The protestor must submit its protest in accordance with the published protest procedures.

(7) The firm awarded the contract shall provide a performance and payment bond for the contracted amount.

(8) Any contract must require the firm awarded the contract to track and report to the public body and to the office of minority and women's business enterprises its utilization of the office of minority and women's business enterprises certified businesses and veteran certified businesses.

(9) The public body shall provide appropriate honorarium payments to finalists submitting responsive proposals that are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects. In determining the amount of the honorarium, the public body shall recognize the level of effort required to meet the selection criteria.

Sec. 8. RCW 39.10.350 and 2014 c 42 s 4 are each amended to read as follows:

(1) A public body using the general contractor/construction manager contracting procedure shall provide for:

(a) The preparation of appropriate, complete, and coordinated design documents;

(b) Confirmation that a constructability analysis of the design documents has been performed prior to solicitation of a subcontract bid package;

(c) Reasonable budget contingencies totaling not less than five percent of the anticipated contract value;

(d) To the extent appropriate, on-site architectural or engineering representatives during major construction or installation phases;

(e) Employment of staff or consultants with expertise and prior experience in the management of comparable projects, critical path method schedule review and analysis, and the administration, pricing, and negotiation of change orders;

(f) Contract documents that include alternative dispute resolution procedures to be attempted before the initiation of litigation;

(g) Contract documents that: (i) Obligate the public owner to, in writing, accept, dispute, or reject a request for equitable adjustment, change order request, or claim within a specified time period but no later than ((~~sixty~~)) 30

calendar days after the receipt by the public body of related documentation; ((~~and~~)) (ii) provide that, if the request is disputed or rejected, the public owner shall state in writing why part or all of the request is disputed or rejected; and (iii) provide that if the public owner does not respond in writing to a request for equitable adjustment, change order request, or claim within the specified time period, the ((~~request is deemed denied~~)) contractor shall not be deemed to have waived any right to the claims process;

(h) Submission of project information, as required by the board; and

(i) Contract documents that require the contractor, subcontractors, and designers to submit project information required by the board.

(2) A public body using the general contractor/construction manager contracting procedure may include an incentive clause for early completion, cost savings, or other performance goals if such incentives are identified in the request for proposals. No incentives granted may exceed five percent of the maximum allowable construction cost. No incentives may be paid from any contingency fund established for coordination of the construction documents or coordination of the work.

(3) If the construction is completed for less than the maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the construction is completed for more than the maximum allowable construction cost, the additional cost is the responsibility of the general contractor/construction manager.

(4) If the public body and the general contractor/construction manager agree, in writing, on a price for additional work, the public body must issue a change order within ((~~thirty~~)) 30 days of the written agreement. If the public body does not issue a change order within the ((~~thirty~~)) 30 days, interest shall accrue on the dollar amount of the additional work satisfactorily completed until a change order is issued. The public body shall pay this interest at a rate of one percent per month.

((~~(5) For a project procured as a heavy civil construction project, an independent audit, paid for by the public body, must be conducted to confirm the proper accrual of costs as outlined in the contract.~~))

Sec. 9. RCW 39.10.360 and 2014 c 42 s 5 are each amended to read as follows:

(1) Public bodies should select general contractor/construction managers ((~~early in the life of public works projects, and in most situations no later than the completion of schematic design~~)) at a time in the project when the general contractor/construction manager's participation provides value.

(2) Contracts for the services of a general contractor/ construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. At a minimum, the public body shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the public work will be performed, a notice of its request for qualifications from proposers for general contractor/construction manager services, and the availability and location of the request for proposal documents. The public body is encouraged to post the general contractor/construction manager opportunity in additional areas, such as websites for business associations or the office of minority and women's business enterprises, to further publicize the opportunity for qualified general contractors/construction managers. The public solicitation of proposals shall include:

(a) A description of the project, including programmatic, performance, and technical requirements and specifications when available;

(b) The reasons for using the general contractor/construction manager procedure ((~~including, if applicable, a clear statement that the public body is electing to procure the project as a heavy civil construction project, in which case the solicitation must additionally:~~

~~(i) Indicate the minimum percentage of the cost of the work to construct the project that will constitute the negotiated self-perform portion of the project;~~

~~(ii) Indicate whether the public body will allow the price to be paid for the negotiated self-perform portion of the project to be deemed a cost of the work to which the general contractor/construction manager's percent fee applies; and~~

~~(iii) Require proposals to indicate the proposer's fee for the negotiated self-perform portion of the project~~));

(c) A description of the qualifications to be required of the firm, including submission of the firm's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors, the relative weight of factors, and protest procedures including time limits for filing a protest, which in no event may limit the time to file a protest to fewer than four business days from the date the proposer was notified of the selection decision;

(e) The form of the contract, including any contract for preconstruction services, to be awarded;

(f) The estimated maximum allowable construction cost; and

(g) The bid instructions to be used by the general contractor/construction manager finalists.

(3)((~~(a)~~)) Evaluation factors for ((~~selection~~)) qualifications of the general contractor/construction manager shall include, but not be limited to:

((~~(i) Ability of the firm's professional~~)) (a) Experience and technical competence of key personnel;

((~~(ii)~~)) (b) The ((~~firm's~~)) proposer's past performance ((~~in~~)) with negotiated ((~~and~~)) or similarly complex projects;

((~~(iii)~~)) (c) The ((~~firm's ability to meet time and budget requirements~~)) proposer's capacity to perform the work;

((~~(iv)~~)) (d) The scope of work the firm proposes to self-perform and its ((~~ability to perform~~)) past performance of that scope of work;

((~~(v) The firm's proximity to the project location;~~

~~(vi) Recent, current, and projected workloads of the firm; and~~

~~(vii)~~)) (e) The ((~~firm's~~)) proposer's approach to executing the project, including ability to meet the project time and budget requirements; and

(f) The proposer's past performance in utilization of disadvantaged business enterprises and small business entities and the inclusion plan for small business entities and disadvantaged business enterprises as subconsultants, subcontractors, and suppliers for the project.

((~~(b) An agency may also consider the firm's outreach plan to include small business entities and disadvantaged business enterprises, and the firm's past performance in the utilization of such firms as an evaluation factor.~~))

(4) A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, at the time specified by the public body, these finalists shall submit final proposals, ((~~including~~)) which must include sealed bids for the percent fee on the estimated maximum allowable construction cost and ((~~the fixed amount for the general conditions work specified~~)) which may include other price-related factors identified in the request for proposal. In no event shall a price-related factor include a request for overall project budget, estimate, or bid. The public body shall establish a time and place for the opening of sealed bids ((~~for the percent fee on the estimated maximum allowable construction cost and the fixed amount for the general conditions work specified in the request for proposal~~)). At the time and place named, these bids must be publicly opened and read and the public body shall make all previous scoring available to the public. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals. A public body shall not evaluate or disqualify a proposal based on the terms of a collective bargaining agreement.

(5) The public body shall notify all finalists of the selection decision and make a selection summary of the final proposals available to all proposers within two business days of such notification. If the public body receives a timely written protest from a proposer, the public body may not execute a contract until two business days after the final protest decision is transmitted to the protestor. The protestor must

submit its protest in accordance with the published protest procedures.

(6) Public bodies may contract with the selected firm to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

Sec. 10. RCW 39.10.370 and 2014 c 42 s 6 are each amended to read as follows:

(1) The maximum allowable construction cost shall be used to establish a total contract cost for which the general contractor/construction manager shall provide a performance and payment bond. The maximum allowable construction cost shall be negotiated between the public body and the selected firm when the construction documents and specifications are at least ninety percent complete.

(2) Major bid packages may be bid in accordance with RCW 39.10.380 before agreement on the maximum allowable construction cost between the public body and the selected general contractor/construction manager. The general contractor/construction manager may issue an intent to award to the responsible bidder submitting the lowest responsive bid.

(3) The public body may, at its option, authorize the general contractor/construction manager to proceed with the bidding and award of bid packages and construction before receipt of complete project plans and specifications. Any contracts awarded under this subsection shall be incorporated in the negotiated maximum allowable construction cost.

(4) The total contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the negotiated support services, and the percent fee on the negotiated maximum allowable construction cost. ((~~Negotiated support services may be included in the specified general conditions at the discretion of the public body.~~)) Unless portions or all are converted to lump sum, negotiated support services shall be treated as a contractual allowance, subject to reconciliation at the conclusion of work.

(5) If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated.

(6) If the maximum allowable construction cost varies more than ((~~fifteen~~)) 15 percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

((~~(7) As part of the negotiation of the maximum allowable construction cost under subsection (1) of this section, on a project that the public body has elected to procure as a heavy civil construction project:~~

~~(a) The general contractor/construction manager shall submit a proposed construction management and contracting plan, which must include, at a minimum:~~

~~(i) The scope of work and cost estimates for each bid package;~~

~~(ii) A proposed price and scope of work for the negotiated self-perform portion of the project;~~

~~(iii) The bases used by the general contractor/construction manager to develop all cost estimates, including the negotiated self-perform portion of the project; and~~

~~(iv) The general contractor/construction manager's updated outreach plan to include small business entities, disadvantaged business entities, and any other disadvantaged or underutilized businesses as the public body may designate in the public solicitation of proposals, as subcontractors and suppliers for the project;~~

~~(b) The public body and general contractor/construction manager may negotiate the scopes of work to be procured by bid and the price and scope of work for the negotiated self-perform portion of the project, if any;~~

~~(c) The negotiated self-perform portion of the project must not exceed fifty percent of the cost of the work to construct the project;~~

~~(d) Subject to the limitation of RCW 39.10.390(4), the public body may additionally negotiate with the general contractor/construction manager to determine on which scopes of work the general contractor/construction manager will be permitted to bid, if any;~~

~~(e) The public body and general contractor/construction manager shall negotiate, to the public body's satisfaction, a fair and reasonable outreach plan;~~

~~(f) If the public body is unable to negotiate to its reasonable satisfaction a component of this subsection (7), negotiations with the firm must be terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated.~~))

Sec. 11. RCW 39.10.380 and 2013 c 222 s 14 are each amended to read as follows:

(1) All subcontract work and equipment and material purchases shall be competitively bid with public bid openings and require the public solicitation of the bid documents. At a minimum, the general contractor/construction manager shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the subcontract work will be performed, a notice of its request for bid, and the availability and location of the bid documents. The general contractor/construction manager is encouraged to post the subcontract opportunity in additional areas beyond the legal newspaper as required by this subsection, such as websites for business associations, the office of minority and women's business enterprises, and other locations and mediums that will further publicize the opportunity for qualified subcontractors. Subcontract bid packages and equipment and materials purchases shall be awarded to the responsible bidder submitting the lowest responsive bid. In preparing subcontract bid packages, the general contractor/construction manager shall not be required to violate or waive terms of a collective bargaining agreement. Individual bid packages are to be prepared with trades separated in the manner consistent with industry practice to maximize participation and competition across all trades. Bundling of trades not normally combined into one bid package is not allowed without justification and specific approval by the public body. Bid packages must be prepared to reduce barriers for and increase participation by disadvantaged business enterprises.

(2) All subcontract bid packages in which bidder eligibility was not determined in advance shall include the specific objective criteria that will be used by the general contractor/construction manager and the public body to evaluate bidder responsibility. If the lowest bidder submitting a responsive bid is determined by the general contractor/construction manager and the public body not to be responsible, the general contractor/construction manager and the public body must provide written documentation to that bidder explaining their intent to reject the bidder as not responsible and afford the bidder the opportunity to establish that it is a responsible bidder. Responsibility shall be determined in accordance with criteria listed in the bid documents. Protests concerning bidder responsibility determination by the general contractor/construction manager and the public body shall be in accordance with subsection (4) of this section.

(3) All subcontractors who bid work over ((~~three hundred thousand dollars~~)) $300,000 shall post a bid bond. All subcontractors who are awarded a contract over ((~~three hundred thousand dollars~~)) $300,000 shall provide a performance and payment bond for the contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager.

(4) If the general contractor/construction manager receives a written protest from a subcontractor bidder or an equipment or material supplier, the general contractor/construction manager shall not execute a contract for the subcontract bid package or equipment or material purchase order with anyone other than the protesting bidder without first providing at least two full business days' written notice to all bidders of the intent to execute a contract for the

subcontract bid package. The protesting bidder must submit written notice of its protest no later than two full business days following the bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted.

(5) A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

(6) The general contractor/construction manager may negotiate with the lowest responsible and responsive bidder to negotiate an adjustment to the lowest bid or proposal price to reduce cost based upon agreed changes to the contract plans and specifications under the following conditions:

(a) All responsive bids or proposal prices exceed the ((~~available funds~~)) published bid package estimates; and

(b) The apparent low responsive bid or proposal does not exceed the ((~~available funds by the greater of one hundred twenty-five thousand dollars or two percent for projects valued over ten million dollars; and~~

~~(c) The negotiated adjustment will bring the bid or proposal price within the amount of available funds~~)) published bid package estimates by more than 10 percent.

(7) If the negotiation is unsuccessful, the subcontract work or equipment or material purchases must be rebid.

(8) The general contractor/construction manager must provide a written explanation to the public body if all bids are rejected.

Sec. 12. RCW 39.10.385 and 2013 c 222 s 15 are each amended to read as follows:

The selection process in this section may be used by public bodies certified under RCW 39.10.270. It may also be used by noncertified public bodies if this selection process has been approved for the project by the project review committee. As an alternative to the subcontractor selection process outlined in RCW 39.10.380, a general contractor/construction manager may, with the approval of the public body, select ((~~mechanical subcontractors, electrical~~)) one or more subcontractors((~~, or both,~~)) using the process outlined in this section. This alternative selection process may only be used when the anticipated value of the subcontract will exceed three million dollars. When using the alternative selection process, the general contractor/construction manager should select the subcontractor early in the life of the public works project.

(1) In order to use this alternative selection process, the general contractor/construction manager and the public body must determine that it is in the best interest of the public. In making this determination the general contractor/construction manager and the public body must:

(a) Publish a notice of intent to use this alternative selection process in ((~~a~~)) the same legal newspaper where the public solicitation of proposals is published ((~~in or as near as possible to that part of the county where the public work will be constructed~~)). The general contractor/construction manager and public body are encouraged to post the notice in additional areas beyond the legal newspaper as required under this subsection, such as websites for business associations, the office of minority and women's business enterprises, and other locations and mediums that will further publicize the intent to use this alternative selection process. Notice must be published at least fourteen calendar days before conducting a public hearing. The notice must include the date, time, and location of the hearing; a statement justifying the basis and need for the alternative selection process; how interested parties may, prior to the hearing, obtain the following: (i) The evaluation criteria and applicable weight given to each criteria that will be used for evaluation, including clear definitions of what should be considered specified general conditions work and what should be considered the fee; and (ii) protest procedures including time limits for filing a protest, which may, in no event, limit the time to file a protest to fewer than four business days from the date the proposer was notified of the selection decision. The evaluation criteria, weights assigned to each criteria, and justification for using this selection process must be made available upon request at least seven calendar days before the public hearing;

(b) Conduct a hearing and provide an opportunity for any interested party to

submit written and verbal comments regarding the justification for using this selection process, the evaluation criteria, weights for each criteria, and protest procedures;

(c) After the public hearing, consider the written and verbal comments received and determine if using this alternative selection process is in the best interests of the public; and

(d) Issue a written final determination to all interested parties. ((~~All protests of the decision to use the alternative selection process must be in writing and submitted to the public body within seven calendar days of the final determination.~~)) The final determination shall state the reasons the alternative selection process is determined to be in the best interests of the public and shall reasonably address the comments received regarding the criteria and weights for each criterion. Any modifications to the criteria, weights, and protest procedures based on comments received during the public hearing process must be included in the final determination. All protests of the decision to use the alternative selection process must be in writing and submitted to the public body within seven calendar days of the final determination. The public body shall not proceed with the selection process until after responding in writing to the protest.

(2) Contracts for the services of a subcontractor under this section must be awarded through a competitive process requiring a public solicitation of proposals. Notice of the public solicitation of proposals must be provided to the office of minority and women's business enterprises. The public solicitation of proposals must include:

(a) A description of the project, including programmatic, performance, and technical requirements and specifications when available, along with a description of the project's unique aspects, complexities, and challenges;

(b) The reasons for using the alternative selection process;

(c) A description of the minimum qualifications required of the firm;

(d) A description of the process used to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors;

(e) Protest procedures;

(f) The form of the contract, including any contract for preconstruction services, to be awarded;

(g) The estimated maximum allowable subcontract cost; and

(h) The bid instructions to be used by the finalists.

(3) Evaluation factors for selection of the subcontractor must include, but not be limited to:

(a) Ability of the firm's professional personnel to deliver projects similar in size, scope, or complexity;

(b) The firm's past performance on ((~~similar~~)) projects similar in size, scope, or complexity;

(c) The firm's ability to meet time and budget requirements on projects similar in size, scope, or complexity;

(d) The scope of work the firm proposes to perform with its own forces and its ability to perform that work;

(e) The firm's plan for ((~~outreach to minority and women-owned businesses~~)) inclusion of disadvantaged business enterprises, to the extent permitted by law;

(f) The firm's proximity to the project location;

(g) ((~~The firm's capacity to successfully complete the project;~~

~~(h)~~)) The firm's approach to executing the project based on its delivery of other projects similar in size, scope, or complexity;

((~~(i)~~)) (h) The firm's approach to safety on the project;

((~~(j)~~)) (i) The firm's safety history;

(j) If interviews are part of the selection process, the solicitation shall describe how interviews will be scored or evaluated, and evaluations shall be included in the written selection summary; and

(k) If the firm is selected as one of the most qualified finalists, the firm's fee and cost proposal.

(4) The general contractor/construction manager shall establish a committee to evaluate the proposals. At least one representative from the public body shall serve on the

committee. Final proposals, including sealed bids for the percent fee on the estimated maximum allowable subcontract cost, and the fixed amount for the subcontract general conditions work specified in the request for proposal, will be requested from the most qualified firms.

(5) The general contractor/construction manager must notify all proposers of the most qualified firms that will move to the next phase of the selection process. The process may not proceed to the next phase until two business days after all proposers are notified of the committee's selection decision. At the request of a proposer, the general contractor/construction manager must provide the requesting proposer with a scoring summary of the evaluation factors for its proposal. Proposers filing a protest on the selection of the most qualified finalists must file the protest with the public body in accordance with the published protest procedures. The selection process may not advance to the next phase of selection until two business days after the final protest decision issued by the public body is transmitted to the protestor.

(6) The general contractor/construction manager and the public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors identified in the solicitation of proposals. Scoring of the nonprice factors shall be added to the scoring of the fee and cost proposals to determine the highest scored firm. The scoring of the nonprice factors must be made available at the public opening of the fee and cost proposals. The general contractor/construction manager shall notify all proposers of the selection decision and make a selection summary of the final proposals, which shall be available to all proposers within two business days of such notification. The general contractor/construction manager may not evaluate or disqualify a proposal based on the terms of a collective bargaining agreement.

(7) If the public body receives a timely written protest from a "most qualified firm," the general contractor/construction manager may not execute a contract for the protested subcontract work until two business days after the final protest decision issued by the public body is transmitted to the protestor. The protestor must submit its protest in accordance with the published protest procedures.

(8) If the general contractor/construction manager is unable to negotiate a satisfactory maximum allowable subcontract cost with the firm selected deemed by public body and the general contractor/construction manager to be fair, reasonable, and within the available funds, negotiations with that firm must be formally terminated and the general contractor/construction manager may negotiate with the next highest scored firm until an agreement is reached or the process is terminated.

(9) With the approval of the public body, the general contractor/construction manager may contract with the selected firm to provide preconstruction services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work; and to act as the ((~~mechanical or electrical~~)) subcontractor during the construction phase.

(10) The maximum allowable subcontract cost must be used to establish a total subcontract cost for purposes of a performance and payment bond. Total subcontract cost means the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable subcontract cost, and the percent fee on the negotiated maximum allowable subcontract cost. Maximum allowable subcontract cost means the maximum cost to complete the work specified for the subcontract, including the estimated cost of work to be performed by the subcontractor's own forces, a percentage for risk contingency, negotiated support services, and approved change orders. The maximum allowable subcontract cost must be negotiated between the general contractor/construction manager and the selected firm when the construction documents and specifications are at least ninety percent complete. Final agreement on the maximum allowable subcontract cost is subject to the approval of the public body.

(11) If the work of the ((~~mechanical contractor or electrical contractor~~))

subcontractor is completed for less than the maximum allowable subcontract cost, any savings not otherwise negotiated as part of an incentive clause becomes part of the risk contingency included in the general contractor/construction manager's maximum allowable construction cost. If the work of the ((~~mechanical contractor or the electrical contractor~~)) subcontractor is completed for more than the maximum allowable subcontract cost, the additional cost is the responsibility of that subcontractor. An independent audit, paid for by the public body, must be conducted to confirm the proper accrual of costs ((~~as outlined in the contract~~)). The public body or general contractor/construction manager shall define the scope of the audit in the contract.

(12) A ((~~mechanical or electrical contractor~~)) subcontractor selected under this section may perform work with its own forces. In the event it elects to subcontract some of its work, it must select a subcontractor utilizing the procedure outlined in RCW 39.10.380.

Sec. 13. RCW 39.10.390 and 2014 c 42 s 7 are each amended to read as follows:

(1) Except as provided in this section, bidding on subcontract work or for the supply of equipment or materials by the general contractor/construction manager or its subsidiaries is prohibited.

(2) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work or for the supply of equipment or materials if:

(a) The work within the subcontract bid package or equipment or materials is customarily performed or supplied by the general contractor/construction manager;

(b) The bid opening is managed by the public body and is in compliance with RCW 39.10.380; and

(c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package or for the equipment or materials.

(3) In no event may the general contractor/construction manager or its subsidiaries assign warranty responsibility or the terms of its contract or purchase order with vendors for equipment or material purchases to subcontract bid package bidders or subcontractors who have been awarded a contract. The value of subcontract work performed and equipment and materials supplied by the general contractor/construction manager may not exceed ((~~thirty~~)) 30 percent of the negotiated maximum allowable construction cost, unless procured as a heavy civil construction project under this chapter. Negotiated support services performed by the general contractor/construction manager shall not be considered subcontract work for purposes of this subsection.

((~~(4) Notwithstanding any contrary provision of this chapter, for a project that a public body has elected to procure as a heavy civil construction project under this chapter, at least thirty percent of the cost of the work to construct the project included in the negotiated maximum allowable construction cost must be procured through competitive sealed bidding in which bidding by the general contractor/construction manager or its subsidiaries is prohibited.~~))

Sec. 14. RCW 39.10.400 and 2013 c 222 s 17 are each amended to read as follows:

(1) If determination of subcontractor eligibility prior to seeking bids is in the best interest of the project and critical to the successful completion of a subcontract bid package, the general contractor/construction manager and the public body may determine subcontractor eligibility to bid. The general contractor/construction manager and the public body must:

(a) Conduct a hearing and provide an opportunity for any interested party to submit written and verbal comments regarding the justification for conducting bidder eligibility, the evaluation criteria, and weights for each criteria and subcriteria;

(b) Publish a notice of intent to evaluate and determine bidder eligibility in a legal newspaper published in or as near as possible to that part of the county where the public work will be constructed at least ((~~fourteen~~)) 14 calendar days before conducting a public hearing. The general contractor/construction manager and public body are encouraged to post the notice in additional areas beyond the

legal newspaper as required under this subsection, such as websites for business associations, the office of minority and women's business enterprises, and other locations and mediums that will further publicize the intent to use subcontractor eligibility prior to seeking bids;

(c) Ensure the public hearing notice includes the date, time, and location of the hearing, a statement justifying the basis and need for performing eligibility analysis before bid opening, and how interested parties may, at least five days before the hearing, obtain the specific eligibility criteria and applicable weights given to each criteria and subcriteria that will be used during evaluation;

(d) After the public hearing, consider written and verbal comments received and determine if establishing bidder eligibility in advance of seeking bids is in the best interests of the project and critical to the successful completion of a subcontract bid package; and

(e) Issue a written final determination to all interested parties. All protests of the decision to establish bidder eligibility before issuing a subcontractor bid package must be filed with the superior court within seven calendar days of the final determination. Any modifications to the eligibility criteria and weights shall be based on comments received during the public hearing process and shall be included in the final determination.

(2) Determinations of bidder eligibility shall be in accordance with the evaluation criteria and weights for each criteria established in the final determination and shall be provided to interested persons upon request. Any potential bidder determined not to meet eligibility criteria must be afforded one opportunity to establish its eligibility. Protests concerning bidder eligibility determinations shall be in accordance with subsection (1) of this section.

Sec. 15. RCW 39.10.430 and 2019 c 212 s 8 are each amended to read as follows:

(1) Job order contracts shall be awarded through a competitive process using public requests for proposals.

(2) The public body shall ((~~make an effort~~)) prioritize efforts to solicit proposals from certified minority or certified woman-owned contractors to the extent permitted by the Washington state civil rights act, RCW 49.60.400.

(3) The public body shall publish, at least once in a statewide publication and legal newspaper of general circulation published in every county in which the public works project is anticipated, a request for proposals for job order contracts and the availability and location of the request for proposal documents. The public body is encouraged to post the request for proposals for job order contracts and the availability and location of the request for proposal documents in other areas, such as websites for business associations, the office of minority and women's business enterprises, and other locations and mediums that will further publicize the opportunities. The public body shall ensure that the request for proposal documents at a minimum includes:

(a) A detailed description of the scope of the job order contract including performance, technical requirements and specifications, functional and operational elements, minimum and maximum work order amounts, duration of the contract, and options to extend the job order contract;

(b) The reasons for using job order contracts;

(c) A description of the qualifications required of the proposer;

(d) The identity of the specific unit price book to be used and a description of which elements shall be included in the coefficient as necessary to establish a firm fixed price on work orders to be awarded under the job order contract;

(e) The minimum contracted amount committed to the selected job order contractor;

(f) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. The public body shall ensure that evaluation factors include, but are not limited to, ((~~proposal price~~)) the coefficient and the ability of the proposer to perform the job order contract. In evaluating the ability of the proposer to perform the job order contract, the public body may consider: The ability of the professional personnel who will work on the job order contract; past performance on similar contracts; ability to meet time and budget

requirements; past performance on approved subcontractor inclusion plans; ability to provide a performance and payment bond for the job order contract; recent, current, and projected workloads of the proposer; location; and the concept of the proposal;

(g) The form of the contract to be awarded;

(h) The method for pricing renewals of or extensions to the job order contract;

(i) A notice that the proposals are subject to RCW 39.10.470; and

(j) Other relevant information ((~~relevant to the project~~)).

(4) A public body shall establish a committee, including a member with knowledge and experience in state and federal laws, rules, and best practices concerning public contracting for minority, women, and veteran-owned businesses and small businesses, to evaluate the proposals. After the committee has selected the most qualified finalists, the finalists shall submit ((~~final proposals, including sealed bids based upon the identified unit price book~~)) a sealed bid including, but not limited to, coefficient(s). Such bids may be in the form of coefficient ((~~markups from~~)) adjustments to the listed unit price book ((~~costs~~)). The public body shall award the contract to the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public request for proposals and will notify the board of the award of the contract.

(5) The public body shall provide a protest period of at least ten business days following the day of the announcement of the apparent successful proposal to allow a protester to file a detailed statement of the grounds of the protest. The public body shall promptly make a determination on the merits of the protest and provide to all proposers a written decision of denial or acceptance of the protest. The public body shall not execute the contract until two business days following the public body's decision on the protest.

(6) The requirements of RCW 39.30.060 do not apply to requests for proposals for job order contracts.

Sec. 16. RCW 39.10.440 and 2019 c 212 s 9 are each amended to read as follows:

(1) The maximum total dollar amount that may be awarded under a job order contract is ((~~four million dollars~~)) $4,000,000 per year for a maximum of three years. Any unused capacity from the previous year may be carried over for one year and added to the immediate following year's limit. The maximum annual volume including unused capacity shall not exceed the limit of two years. The maximum total dollar amount that may be awarded under a job order contract for the department of enterprise services, counties with a population of more than ((~~one million~~)) 1,000,000, and cities with a population of more than ((~~four hundred thousand~~)) 400,000 is ((~~six million dollars~~)) $6,000,000 per year for a maximum of three years. The maximum total dollar amounts are exclusive of Washington state sales and use tax.

(2) Job order contracts may be executed for an initial contract term of not to exceed two years, with the option of extending or renewing the job order contract for one year. All extensions or renewals must be priced as provided in the request for proposals. The extension or renewal must be mutually agreed to by the public body and the job order contractor.

(3) A public body may have no more than three job order contracts in effect at any one time, with the exception of the department of enterprise services, which may have six job order contracts in effect at any one time.

(4) At least ((~~ninety~~)) 90 percent of work contained in a job order contract must be subcontracted to entities other than the job order contractor. The job order contractor must distribute contracts as equitably as possible among qualified and available subcontractors including certified minority and woman-owned subcontractors to the extent permitted by law as demonstrated on the subcontractor and supplier project submission, and shall limit subcontractor bonding requirements to the greatest extent possible.

(5) The job order contractor shall publish notification of intent to perform public works projects at the beginning of each contract year in a statewide publication and in a legal newspaper of general circulation in every county in which the public works projects are anticipated. The job order contractor is encouraged to post the notification of intent to perform public works projects

in other areas, such as websites for business associations, the office of minority and women's business enterprises, and other locations and mediums that will further publicize subcontractor opportunities.

(6) Job order contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the rates in effect at the time the individual work order is issued.

(7) If, in the initial contract term, the public body, at no fault of the job order contractor, fails to issue the minimum amount of work orders stated in the public request for proposals, the public body shall pay the contractor an amount equal to the difference between the minimum work order amount and the actual total of the work orders issued multiplied by an appropriate percentage for overhead and profit contained in the contract award coefficient for services as specified in the request for proposals. This is the contractor's sole remedy.

(8) All job order contracts awarded under this section must be signed before July 1, ((~~2021~~)) 2031; however the job order contract may be extended or renewed as provided for in this section.

((~~(9) Public bodies may amend job order contracts awarded prior to July 1, 2007, in accordance with this chapter.~~))

Sec. 17. RCW 39.10.460 and 2012 c 102 s 3 are each amended to read as follows:

Each ((~~year, a~~)) public body shall ((~~provide to the board~~)) maintain and make available the following information for each job order contract ((~~for the period July 1st through June 30th~~)):

(1) A list of work orders issued;

(2) The cost of each work order;

(3) A list of subcontractors hired under each work order, including whether those subcontractors were certified small, minority, women, or veteran-owned businesses; and

(4) ((~~If requested by the board, a~~)) A copy of the intent to pay prevailing wage and the affidavit of wages paid for each work order subcontract((~~; and~~

~~(5) Any other information requested by the board~~)).

Sec. 18. RCW 39.10.490 and 2013 c 222 s 20 are each amended to read as follows:

The alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1, ((~~2021~~)) 2031. Methods of public works contracting authorized under this chapter shall remain in full force and effect until completion of contracts signed before July 1, ((~~2021~~)) 2031.

NEW SECTION. **Sec. 19.** A new section is added to chapter 39.10 RCW to read as follows:

In addition to the general contractor/construction manager requirements established in this chapter, public bodies utilizing the general contractor/construction manager method for a heavy civil construction project must also comply with the following requirements:

(1) The heavy civil construction general contractor/construction manager contract solicitation must:

(a) Provide the reasons for using the general contractor/construction manager procedure, including a clear statement that the public body is electing to procure the project as a heavy civil construction project;

(b) Indicate the minimum percentage of the cost of the work to construct the project that will constitute the negotiated self-perform portion of the project;

(c) Indicate whether the public body will allow the price to be paid for the negotiated self-perform portion of the project to be deemed a cost of the work to which the general contractor/construction manager's percent fee applies; and

(d) Require proposals to indicate the proposer's fee for the negotiated self-perform portion of the project;

(2) As part of the negotiation of the maximum allowable construction cost established in RCW 39.10.370(1), the general contractor/construction manager shall submit a proposed construction management and contracting plan, which must include, at a minimum:

(a) The scope of work and cost estimates for each bid package;

(b) A proposed price and scope of work for the negotiated self-perform portion of the project;

(c) The bases used by the general contractor/construction manager to develop all cost estimates, including the negotiated self-perform portion of the project; and

(d) The general contractor/construction manager's updated inclusion plan for small business entities, disadvantaged business enterprises, and any other disadvantaged or underutilized businesses as the public body may designate in the public solicitation of proposals, as subcontractors and suppliers for the project;

(3) The public body and general contractor/construction manager may negotiate the scopes of work to be procured by bid and the price and scope of work for the negotiated self-perform portion of the project, if any;

(4) The negotiated self-perform portion of the project must not exceed 50 percent of the cost of the work to construct the project;

(5) Notwithstanding any contrary provision of this chapter, for a project that a public body has elected to procure as a heavy civil construction project under this chapter, at least 30 percent of the cost of the work to construct the project included in the negotiated maximum allowable construction cost must be procured through competitive sealed bidding in which bidding by the general contractor/construction manager or its subsidiaries is prohibited;

(6) Subject to the limitation of subsection (5) of this section, the public body may additionally negotiate with the general contractor/construction manager to determine on which scopes of work the general contractor/construction manager will be permitted to bid, if any;

(7) The public body and general contractor/construction manager shall negotiate, to the public body's satisfaction, a fair and reasonable inclusion plan;

(8) If the public body is unable to negotiate to its reasonable satisfaction a component of this section, negotiations with the firm must be terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated; and

(9) For a project procured as a heavy civil construction project, an independent audit, paid for by the public body, must be conducted to confirm the proper accrual of costs as outlined in the contract. The public body shall define the scope of the audit in the contract.

NEW SECTION. **Sec. 20.** (1) The capital projects advisory review board shall coordinate and consult with the office of minority and women's business enterprises, the department of enterprise services, the office of equity, community stakeholders and advocates, and subject matter experts to create best practices guidelines for increasing and sustaining access to contracting opportunities in alternative public works for minority, women, and veteran-owned businesses, and small businesses. In creating the guidelines, the board shall take into consideration the barriers to participation identified in the local government contracting report produced pursuant to section 16, chapter 434, Laws of 2019, information and recommendations from the 2019 Washington state disparity study and disparity studies of any other public body in Washington state, and successful diversity and inclusion policies being implemented by state and local governmental agencies. The best practices shall address, at a minimum, guidelines for use of race-neutral and race-conscious programs, elements of successful inclusion plans, the use of aspirational inclusion goals, evaluation of inclusion plans in the contract award process, and the evaluation of inclusion plans and past performance in public body certification and project approval processes under RCW 39.10.270 and 39.10.280. The board shall make the best practices guidelines available on its website by June 30, 2022, and should have a plan to update the practices to keep them relevant for use. Additionally, by June 30, 2022, the board shall report to the appropriate committees of the legislature regarding any recommendations for changes to state law that are advisable based upon the best practices guidelines.

(2) This section expires July 1, 2023.

Sec. 21. RCW 43.131.407 and 2013 c 222 s 21 are each amended to read as follows:

The alternative public works contracting procedures under chapter 39.10 RCW shall be terminated June 30, ((~~2021~~)) 2031, as provided in RCW 43.131.408.

Sec. 22. RCW 43.131.408 and 2019 c 212 s 13 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ((~~2022~~)) 2032:

(1) RCW 39.10.200 and 2010 1st sp.s. c 21 s 2, 2007 c 494 s 1, & 1994 c 132 s 1;

(2) RCW 39.10.210 and 2021 c ... s 1 (section 1 of this act), 2019 c 212 s 1, 2014 c 42 s 1, & 2013 c 222 s 1;

(3) RCW 39.10.220 and 2021 c ... s 2 (section 2 of this act), 2013 c 222 s 2, 2007 c 494 s 102, & 2005 c 377 s 1;

(4) RCW 39.10.230 and 2021 c ... s 3 (section 3 of this act), 2013 c 222 s 3, 2010 1st sp.s. c 21 s 3, 2009 c 75 s 1, 2007 c 494 s 103, & 2005 c 377 s 2;

(5) RCW 39.10.240 and 2021 c ... s 4 (section 4 of this act), 2013 c 222 s 4, & 2007 c 494 s 104;

(6) RCW 39.10.250 and 2021 c ... s 5 (section 5 of this act), 2019 c 212 s 2, 2013 c 222 s 5, 2009 c 75 s 2, & 2007 c 494 s 105;

(7) RCW 39.10.260 and 2013 c 222 s 6 & 2007 c 494 s 106;

(8) RCW 39.10.270 and 2019 c 212 s 3, 2017 c 211 s 1, 2013 c 222 s 7, 2009 c 75 s 3, & 2007 c 494 s 107;

(9) RCW 39.10.280 and 2014 c 42 s 2, 2013 c 222 s 8, & 2007 c 494 s 108;

(10) RCW 39.10.290 and 2007 c 494 s 109;

(11) RCW 39.10.300 and 2021 c ... s 6 (section 6 of this act), 2019 c 212 s 4, 2013 c 222 s 9, 2009 c 75 s 4, & 2007 c 494 s 201;

(12) RCW 39.10.320 and 2019 c 212 s 5, 2013 c 222 s 10, 2007 c 494 s 203, & 1994 c 132 s 7;

(13) RCW 39.10.330 and 2021 c ... s 7 (section 7 of this act), 2019 c 212 s 6, 2014 c 19 s 1, 2013 c 222 s 11, 2009 c 75 s 5, & 2007 c 494 s 204;

(14) RCW 39.10.340 and 2014 c 42 s 3, 2013 c 222 s 12, & 2007 c 494 s 301;

(15) RCW 39.10.350 and 2021 c ... s 8 (section 8 of this act), 2014 c 42 s 4, & 2007 c 494 s 302;

(16) RCW 39.10.360 and 2021 c ... s 9 (section 9 of this act), 2014 c 42 s 5, 2013 c 222 s 13, 2009 c 75 s 6, & 2007 c 494 s 303;

(17) RCW 39.10.370 and 2021 c ... s 10 (section 10 of this act), 2014 c 42 s 6, & 2007 c 494 s 304;

(18) RCW 39.10.380 and 2021 c ... s 11 (section 11 of this act), 2013 c 222 s 14, & 2007 c 494 s 305;

(19) RCW 39.10.385 and 2021 c ... s 12 (section 12 of this act), 2013 c 222 s 15, & 2010 c 163 s 1;

(20) RCW 39.10.390 and 2021 c ... s 13 (section 13 of this act), 2014 c 42 s 7, 2013 c 222 s 16, & 2007 c 494 s 306;

(21) RCW 39.10.400 and 2021 c ... s 14 (section 14 of this act), 2013 c 222 s 17, & 2007 c 494 s 307;

(22) RCW 39.10.410 and 2007 c 494 s 308;

(23) RCW 39.10.420 and 2019 c 212 s 7, 2017 c 136 s 1, & 2016 c 52 s 1;

(24) RCW 39.10.430 and 2021 c ... s 15 (section 15 of this act), 2019 c 212 s 8, & 2007 c 494 s 402;

(25) RCW 39.10.440 and 2021 c ... s 16 (section 16 of this act), 2019 c 212 s 9, 2015 c 173 s 1, 2013 c 222 s 19, & 2007 c 494 s 403;

(26) RCW 39.10.450 and 2019 c 212 s 10, 2012 c 102 s 2, & 2007 c 494 s 404;

(27) RCW 39.10.460 and 2021 c ... s 17 (section 17 of this act), 2012 c 102 s 3, & 2007 c 494 s 405;

(28) RCW 39.10.470 and 2019 c 212 s 11, 2014 c 19 s 2, 2005 c 274 s 275, & 1994 c 132 s 10;

(29) RCW 39.10.480 and 1994 c 132 s 9;

(30) RCW 39.10.490 and 2021 c ... s 18 (section 18 of this act), 2013 c 222 s 20, 2007 c 494 s 501, & 2001 c 328 s 5;

(31) RCW 39.10.900 and 1994 c 132 s 13;

(32) RCW 39.10.901 and 1994 c 132 s 14;

(33) RCW 39.10.903 and 2007 c 494 s 510;

(34) RCW 39.10.904 and 2007 c 494 s 512; ((~~and~~))

(35) RCW 39.10.905 and 2007 c 494 s 513; and

(36) RCW 39.10.--- and 2021 c ... s 19 (section 19 of this act).

NEW SECTION. **Sec. 23.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

Referred to Committee on Rules for second reading.

March 31, 2021

SSB 5034 Prime Sponsor, Committee on Law & Justice: Concerning nonprofit corporations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Civil Rights & Judiciary.

Strike everything after the enacting clause and insert the following:

"PART I

FORMATION AND GENERAL CONDITIONS

ARTICLE 1

GENERAL PROVISIONS

NEW SECTION. **Sec. 1101.** SHORT TITLE. This chapter may be known and cited as the Washington nonprofit corporation act.

NEW SECTION. **Sec. 1102.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Address," unless otherwise specified, means either a physical mailing address or an electronic address.

(2) "Articles" or "articles of incorporation" means the original articles of incorporation as modified by all amendments thereof, as filed by the secretary of state. If any record filed under this chapter restates the articles in their entirety, thenceforth the articles shall not include any prior filings.

(3) "Board" or "board of directors" means the team or body of individuals ultimately responsible for the management of the activities and affairs of the nonprofit corporation, regardless of the name used to refer to the team or body.

(4) "Bylaws" means the code or codes of rules, other than the articles, adopted for the regulation and governance of the internal affairs of the nonprofit corporation, regardless of the name or names used to refer to those rules, excluding separate policies or procedures adopted by the board.

(5) "Charitable corporation" means a domestic nonprofit corporation that is operated primarily or exclusively for one or more charitable purposes.

(6) "Charitable purpose" means a purpose that:

(a) Would make a corporation organized and operated exclusively for that purpose eligible to be exempt from taxation under section 501(c)(3) of the Internal Revenue Code; or

(b) Is considered charitable under applicable law other than this chapter or the Internal Revenue Code.

(7) "Contribution" means the payment, donation, or promise, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation.

(8) "Corporation" means a domestic nonprofit corporation, unless otherwise specified.

(9) "Delegate" means a person elected or appointed to vote in a representative capacity for the election of directors or on other matters.

(10) "Deliver" or "delivery" of a record means delivery by hand, United States mail, private courier service, electronic transmission, or other methods of delivery used in conventional commercial practice, except that delivery to the secretary of state means actual receipt by the secretary of state.

(11) "Director" means an individual designated, elected, or appointed, by

that or any other name or title, to act as a member of the board of directors, while the individual is holding that position.

(12) "Domestic," with respect to an entity, means governed as to its internal affairs by the law of this state.

(13) "Domestic corporation" or "domestic nonprofit corporation" means a domestic corporation incorporated under or subject to this chapter.

(14) "Domestic unincorporated entity" means an unincorporated entity whose internal affairs are governed by the laws of this state.

(15) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(16) "Electronic transmission" means an electronic communication:

(a) Not directly involving the physical transfer of a record in a tangible medium; and

(b) That may be retained, retrieved, and reviewed by the sender and the recipient thereof, and that may be directly reproduced in a tangible medium by such a sender and recipient.

(17) "Electronically transmitted" means that the sender of an electronic transmission initiated the electronic transmission.

(18) "Eligible entity" means a domestic or foreign unincorporated entity, a domestic nonprofit corporation incorporated under a corporations statute other than this chapter or its predecessor statutes, or a domestic or foreign for-profit corporation.

(19) "Employee" does not include an individual serving as an officer or director who is not otherwise employed by the corporation.

(20) "Entitled to vote" means entitled to vote on the matter under consideration pursuant to the articles or bylaws of the nonprofit corporation or any applicable controlling provision of law.

(21) "Entity" means an organization or artificial legal person that either has a separate legal existence or has the power to acquire an estate in real property in its own name and includes, but is not limited to:

(a) A domestic or foreign for-profit corporation;

(b) A domestic or foreign nonprofit corporation;

(c) A domestic or foreign general or limited partnership;

(d) A domestic or foreign limited liability partnership;

(e) A domestic or foreign limited liability company;

(f) Any other domestic or foreign unincorporated entity;

(g) A domestic or foreign estate or trust;

(h) The federal government;

(i) A tribal government; and

(j) A state or local government, foreign government, or governmental subdivision.

(22) "Ex officio director" means an individual who becomes a member of the board of directors not through the regular elections process but by virtue of another position that he or she holds. Unless the articles or bylaws specifically state that an ex officio director does not have the right to vote, such a director has the same right to vote as any other director.

(23) "Execute" or "executed" means:

(a) Signed, with respect to a written record;

(b) Electronically transmitted along with sufficient information to determine the sender's identity and intent to execute; or

(c) With respect to a record to be filed by the secretary of state, in compliance with the standards for filing as prescribed by this chapter; chapter 23.95 RCW; or the secretary of state.

(24) "Federal government" includes a district, authority, bureau, commission, department, and any other agency of the federal government of the United States.

(25) "Filing entity" means an unincorporated entity that is created by filing a public organic record.

(26) "For-profit corporation" or "domestic for-profit corporation" means a domestic business corporation incorporated under or subject to Title 23B RCW or any successor provisions.

(27) "Foreign," with respect to an entity, means governed as to its internal affairs by the law of a jurisdiction other than this state.

(28) "Foreign for-profit corporation" means a foreign corporation that would be a for-profit corporation if incorporated under the law of this state.

(29) "Foreign corporation" or "foreign nonprofit corporation" means a foreign corporation that would be a nonprofit corporation if incorporated under the law of this state.

(30) "Foreign unincorporated entity" means an unincorporated entity whose internal affairs are governed by an organic law of a jurisdiction other than this state.

(31) "Fundamental transaction" means an amendment of the articles or bylaws, merger, sale of all or substantially all of the assets, domestication, conversion, or dissolution of a nonprofit corporation.

(32) "Gift instrument" means a record or records under which property is donated to, transferred to, granted to, or held by the corporation. A solicitation constitutes a gift instrument with respect to a donation, transfer, or grant of property made in response to the solicitation only if:

(a) The solicitation was in the form of a record, including but not limited to, invitations made by electronic transmission or in electronic media, or was documented in the form of a record created no later than ninety days after the solicitation was made; and

(b) The donation, transfer, or grant of property was made within one year of the solicitation.

(33) "Governmental subdivision" includes an authority, county, district, and municipality formed or authorized by any federal, state, or local government.

(34) "Includes" denotes a partial definition.

(35) "Individual" means a natural person.

(36) "Interest" means either or both of the following rights under the organic law of an unincorporated entity:

(a) The right to receive distributions from the entity either in the ordinary course or upon liquidation; or

(b) The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy, or person responsible for managing its business, activities, or affairs.

(37) "Interest holder" means a person who holds of record an interest.

(38) "Interest holder liability" means personal liability for a debt, obligation, or liability of a domestic or foreign for-profit or nonprofit corporation or unincorporated entity that is imposed on a person:

(a) Solely by reason of the person's status as a shareholder, interest holder, or member; or

(b) By the articles, bylaws, or an organic record pursuant to a provision of the organic law authorizing the articles, bylaws, or an organic record to make one or more specified shareholders, interest holders, or members liable in their capacity as shareholders, interest holders, or members for all or specified debts, obligations, or liabilities of the entity.

(39) "Internal Revenue Code" means Title 26 U.S.C., the federal Internal Revenue Code of 1986, as amended, or any successor statute.

(40) "Jurisdiction," when used to refer to a political entity, means the United States, a state, a foreign country, or a political subdivision of a foreign country.

(41) "Jurisdiction of formation" means the jurisdiction whose law includes the organic law of an entity.

(42) "Material interest" means an actual or potential benefit or detriment, other than one that would devolve on the nonprofit corporation or the members generally, that would reasonably be expected to impair the objectivity of an individual's judgment when participating in the action to be taken.

(43) "Material relationship" means a familial, financial, professional, employment, or other relationship that would reasonably be expected to impair the objectivity of an individual's judgment when participating in the action to be taken.

(44) "Means" denotes an exhaustive definition.

(45) "Member" means:

(a) Where the articles state that the corporation has members, a person who has a right set forth in the articles or bylaws, not as a delegate, to select or vote for the election of directors or delegates or to vote on at least one type of fundamental transaction.

(b) For a corporation formed before January 1, 2022, the articles of which do not state that the corporation has members, a person who:

(i) Is defined as a member in the bylaws; and

(ii) Has a right provided in the bylaws, not as a delegate, to select or vote for the election of directors or delegates or to vote on at least one type of fundamental transaction.

(c) A delegate or group of delegates, to the extent:

(i) The powers, functions, or authority of the members have been vested in, or are exercised by, such a delegate or group of delegates; and

(ii) The provision of this chapter in which the term appears is relevant to the discharge by the delegate or group of delegates of its powers, functions, or authority.

(46) "Membership" means the rights and any obligations of a member in a nonprofit corporation.

(47) "Membership corporation" means a nonprofit corporation whose articles provide that it has members, or that has members as defined in subsection (45) of this section.

(48) "Nonfiling entity" means an unincorporated entity that is not created by filing a public organic record.

(49) "Nonmembership corporation" means a nonprofit corporation whose articles do not provide that it has members and that does not have members as defined in subsection (45)(b) of this section.

(50) "Nonprofit corporation" means a domestic nonprofit corporation, unless otherwise specified.

(51) "Notice" has the same meaning as described in section 1103 of this act.

(52) "Notify" means to provide notice as defined in section 1103 of this act.

(53) "Officer" includes:

(a) A person who is an officer as defined in section 2601 of this act; and

(b) If a nonprofit corporation is in the hands of a custodian, receiver, trustee, or other court-appointed fiduciary, that fiduciary or any person appointed by that fiduciary to act as an officer for any purpose under this chapter.

(54) "Organic law" means the law of an entity's jurisdiction of formation governing the internal affairs of the entity.

(55) "Organic record" means a public organic record or the private organic rules.

(56) "Person" includes an individual or an entity.

(57) "Principal office" means the office designated in the annual report required under RCW 23.95.255 as the location of the principal executive office of a domestic or foreign nonprofit corporation, whether or not in this state.

(58) "Private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an unincorporated entity, are binding on all of its interest holders, and are not part of its public organic record, if any.

(59) "Proceeding" means any civil suit or criminal, administrative, or investigatory action.

(60) "Property" means all property, whether real, personal, or mixed or tangible or intangible, including cash, securities, or real property, or any right or interest therein.

(61) "Property held for charitable purposes" is as defined in section 1408 of this act.

(62) "Public organic record" means the record, if any, that is filed as a public record to create an unincorporated entity and any amendment to or restatement of that record.

(63) "Record" means information inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. An electronic transmission not directly involving the physical transfer of a record in a tangible medium is a record only if:

(a) It may be retained, retrieved, and reviewed by the sender and the recipient thereof; and

(b) It may be directly reproduced in a tangible medium by the sender and the recipient thereof.

(64) "Record date" means the date established under section 2307 of this act on which a nonprofit corporation determines the identity of its members and the membership rights they hold for purposes of this chapter. The determinations shall be made as of 12:01 a.m. on the record date unless another time for doing so is specified when the record date is fixed.

(65) "Registered foreign nonprofit corporation" means a foreign nonprofit corporation registered to do business in this state.

(66) "Religious corporation" means a charitable corporation including, but not limited to, a church, mosque, synagogue, temple, nondenominational ministry, interdenominational or ecumenical organization, or faith-based social service agency, that is:

(a) Organized primarily for religious purposes;

(b) Operated primarily, in good faith, to carry out religious purposes;

(c) Held out to the public as carrying out religious purposes; and

(d) Not engaged primarily or substantially in the exchange of goods or services for consideration, unless the consideration does not exceed nominal amounts.

(67) "Shareholder" means the person in whose name shares are registered in the records of a domestic or foreign for-profit corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with such a corporation.

(68) "Shares" means the units into which the proprietary interests in a domestic or foreign for-profit corporation, or a nonprofit corporation incorporated under organic law other than this chapter that permits proprietary interests in such a corporation, are divided.

(69) "Solicitation" means any oral or written request for a contribution, including an offer or attempt by the solicitor to sell any property, rights, services, or other thing, in connection with which:

(a) Any appeal is made for any charitable purpose;

(b) The name of any charitable corporation, or any foreign nonprofit corporation that would be a charitable corporation if it were incorporated under this chapter, is used as an inducement for making the contribution or consummating the sale; or

(c) Any statement is made that implies that the whole or any part of the contribution or the proceeds from the sale will be applied toward any charitable purpose or donated to any entity organized or operated for charitable purposes.

(70) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, and any agency or governmental subdivision of any of the foregoing.

(71) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

(72) "Unincorporated entity" means an entity that is not any of the following: A domestic or foreign for-profit or nonprofit corporation, an estate, a trust, a governmental subdivision, the federal government, a tribal government, a state or local government, a municipal corporation, a foreign government, or a governmental subdivision. The term includes a general partnership, limited liability company, limited partnership, cooperative association, limited cooperative association, business or statutory trust, joint stock association, and unincorporated nonprofit association.

(73) "Vote," "voting," or "casting a vote" includes voting occurring at a meeting; voting of members by ballot or proxy; and the giving of consent in the form of a record without a meeting by a person entitled to vote. Whether or not the person entitled to vote characterizes such conduct as voting or casting a vote, the term does not include either recording the fact of abstention or failing to vote for:

(a) A candidate; or

(b) Approval or disapproval of a matter.

(74) "Voting group" means one or more classes of members that under the articles, bylaws, or this chapter are entitled to vote and be counted together collectively on a matter at a meeting of members. All members entitled by the articles, bylaws, or this chapter to vote generally on that matter are for that purpose a single voting group.

(75) "Voting power" means the current power to vote in the election of directors or delegates, or to vote on approval of any type of fundamental transaction.

NEW SECTION. **Sec. 1103.** NOTICE. (1) Notice under this chapter must be in the form of a record unless this chapter or the articles or bylaws allow oral notice.

(2) Notice may be communicated in person or by delivery. If these forms of communication are impracticable, notice may be communicated by a newspaper of general circulation in the area where published, or by radio, television, or other form of public broadcast communication.

(3) Notice, other than notice described in subsection (4) of this section, is effective at the earliest of the following:

(a) When received;

(b) When left at the recipient's residence or usual place of business;

(c) Five days after its deposit in the United States mail or with a commercial delivery service, if the postage or delivery charge is paid and the notice is correctly addressed; or

(d) On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, or by commercial delivery service.

(4) Notice in the form of a record by a membership corporation to a member is effective:

(a) Five days after its deposit in the United States mail or with a commercial delivery service, if the postage or delivery charge is paid and the notice is correctly addressed to the member's address shown in the corporation's current record of members;

(b) When given, if the notice is delivered by electronic transmission to the member's address shown in the corporation's current record of members; or

(c) When given, if the notice is delivered in any other manner that the member has authorized.

(5) Notice to a domestic or registered foreign nonprofit corporation may be delivered to its registered agent or to the corporation or its secretary at its principal office shown in its most recent annual report or, in the case of a foreign corporation that has not yet delivered an annual report, in its registration statement.

(6) Where oral notice is permitted, it is effective when communicated, if communicated in a comprehensible manner.

(7) If this chapter prescribes notice requirements for particular circumstances, those requirements govern. If the articles or bylaws prescribe notice requirements, not inconsistent with this section or other provisions of this chapter, those requirements govern.

(8) With respect to electronic transmissions:

(a) Unless otherwise provided in the articles or bylaws, or otherwise agreed between the sender and the recipient, an electronic transmission is received when:

(i) It enters an electronic system that the recipient has designated or currently uses for the purpose of receiving electronic transmissions of the type sent; and

(ii) It is in a form capable of being processed by that system.

(b) An electronic transmission is received under (a)(i) of this subsection even if no individual is aware of its receipt.

(c) Receipt of an electronic acknowledgment from an electronic system described in (a)(i) of this subsection establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received, and is not necessary for the record to be received.

(9) A member may revoke in the form of a record a corporation's express or implied authorization to deliver notices

or communications by electronic transmission to the member. Such authorization is deemed revoked with respect to a member if:

(a) The corporation cannot deliver two consecutive notices or other communications to the member's address shown in the corporation's current record of members; and

(b) The inability becomes known to the secretary or other person responsible for giving the notice or other communication; but the failure to treat the inability as a revocation does not invalidate any meeting or other action.

NEW SECTION. **Sec. 1104.** SERVICE ON CORPORATIONS. (1) Service upon a nonprofit corporation of any process, notice, or demand required or permitted by law may be made by serving the nonprofit corporation's registered agent.

(2) Service upon a nonprofit corporation made by serving the nonprofit corporation's registered agent, or service on the nonprofit corporation in the absence of a registered agent, is governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1105.** VENUE FOR ACTIONS. Except as provided under federal or state law or in specific provisions of this chapter, every action arising under this chapter shall be tried in, and "the court" throughout this chapter refers to, the superior court:

(1) In the county where the corporation's principal office in this state is located;

(2) If the corporation has no principal office in this state, in the county where the corporation's registered agent in this state is located;

(3) Of King county; or

(4) Of Thurston county.

NEW SECTION. **Sec. 1106.** APPLICATION TO EXISTING NONPROFIT CORPORATIONS. (1) This chapter applies to every domestic nonprofit corporation in existence on January 1, 2022, that was incorporated under chapter 24.03 RCW or filed a statement of election through which it elected to have chapter 24.03 RCW apply to it.

(2) Any corporation or association organized under any other chapter of Title 24 RCW may be reorganized under this chapter by adopting and filing amendments to its articles in accordance with this chapter. The articles as amended shall conform to this chapter, and shall state that the corporation accepts the benefits of and will be bound by this chapter.

NEW SECTION. **Sec. 1107.** APPLICATION TO REGISTERED FOREIGN CORPORATIONS. A foreign nonprofit corporation registered as of December 31, 2021, is subject to this chapter but is not required to obtain a new statement of registration to transact business in this state.

NEW SECTION. **Sec. 1108.** RELATIONSHIP TO PRIOR STATUTES. (1) Except as provided in subsection (2) of this section, the repeal of chapter 24.03 RCW by this act does not affect:

(a) The operation of the repealed chapter or any action taken under it before its repeal;

(b) Any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the repealed chapter before its repeal;

(c) Any violation of the repealed chapter, or any penalty, forfeiture, or punishment incurred because of the violation, before its repeal; or

(d) Any proceeding, reorganization, or dissolution commenced under the repealed chapter before its repeal, and the proceeding, reorganization, or dissolution may be completed in accordance with the repealed chapter as if it had not been repealed.

(2) If a penalty or punishment imposed for violation of chapter 24.03 RCW repealed by this act is reduced by this chapter, then the penalty or punishment if not already imposed shall be imposed in accordance with this chapter.

NEW SECTION. **Sec. 1109.** RELATIONSHIP TO OTHER LAWS. (1) Unless displaced by particular provisions of this chapter, the principles of law and equity supplement this chapter.

(2) This chapter does not authorize an act prohibited by, and does not affect the application or requirements of, law other than this chapter.

(3) This chapter modifies, limits, or supersedes the federal electronic signatures in global and national commerce act, Title 15 U.S.C. Sec. 7001 et seq., but this chapter does not

modify, limit, or supersede section 101(c) of that act or authorize delivery by electronic transmission of any of the notices described in section 103(b) of that act.

NEW SECTION. **Sec. 1110.** SUBORDINATION TO CANON LAW. To the extent religious doctrine or canon law governing the internal affairs of a nonprofit corporation is inconsistent with this chapter, the religious doctrine or canon law controls to the extent required by the United States Constitution, the state Constitution, or both.

ARTICLE 2

FILING DOCUMENTS—SECRETARY OF STATE

NEW SECTION. **Sec. 1201.** APPLICABILITY OF UNIFORM BUSINESS ORGANIZATIONS CODE. Filing of documents under this chapter by the secretary of state is governed by this chapter and chapter 23.95 RCW.

NEW SECTION. **Sec. 1202.** FILING REQUIREMENTS. (1) To be entitled to filing by the secretary of state, a record delivered for filing under this chapter must:

(a) Satisfy the requirements set forth in RCW 23.95.200;

(b) Contain all information required under this chapter and chapter 23.95 RCW;

(c) Be executed on behalf of the domestic or foreign entity as follows:

(i) If the entity is a domestic or foreign nonprofit corporation, by an officer;

(ii) If the entity is not a domestic or foreign nonprofit corporation, by a person with authority to sign for the entity; or

(iii) If the entity is in the hands of a custodian, receiver, trustee, or other court-appointed fiduciary, by that fiduciary; and

(d) Satisfy the requirements of any other provision of this chapter or chapter 23.95 RCW that adds to or varies any of the requirements in this section.

(2) A filed record may include additional information not in conflict with the requirements of subsection (1) of this section.

(3)(a) Whenever a provision of this chapter permits any of the terms of a plan or a filed record to be dependent on facts objectively ascertainable outside the plan or filed record, the following provisions apply:

(i) The plan or filed record shall set forth the manner in which the facts will operate upon the terms of the plan or filed record.

(ii) The facts may include:

(A) Any of the following that is available in a nationally recognized news or information medium either in print or electronically: Statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data;

(B) A determination or action by any person or body, including the nonprofit corporation or any other party to a plan or filed record; or

(C) The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or record.

(d) As used in this subsection:

(i) "Filed record" means a record filed by the secretary of state under any provision of the Uniform Business Organizations Code or any provision of this chapter except sections 1801 through 1811 of this act, except an annual report filed pursuant to section 1204 of this act; and

(ii) "Plan" means a plan of domestication, business conversion, entity conversion, distribution, or merger.

NEW SECTION. **Sec. 1203.** ELECTRONIC FILINGS. Any rules governing electronic filing adopted by the secretary of state under RCW 23.95.115(2) apply to all filings required or permitted under this chapter unless such rules, this chapter, or chapter 23.95 RCW specify otherwise.

NEW SECTION. **Sec. 1204.** ANNUAL REPORT. Each domestic nonprofit corporation, and each registered foreign nonprofit corporation, shall deliver to the secretary of state for filing an annual report as required under RCW 23.95.255(2).

NEW SECTION. **Sec. 1205.** MAJOR CHANGES BY CHARITABLE CORPORATIONS. (1) A charitable corporation shall report any

action described in subsection (2) of this section on the next annual report that the charitable corporation delivers to the secretary of state for filing under section 1204 of this act, except as provided in subsection (3) of this section.

(2) The actions that create a reporting requirement under this section are:

(a) Amendment of the charitable corporation's articles to include one or more purposes of the corporation substantially different from any purpose stated in the charitable corporation's articles in effect before the amendment; or

(b) Operation of a significant program or activity that is substantially different from both:

(i) Programs or activities the charitable corporation has previously operated; and

(ii) Programs or activities described in the most recent application for recognition of exemption from federal income tax that the charitable corporation has filed with the internal revenue service and in response to which the internal revenue service has issued a determination letter of tax-exempt status to the charitable corporation.

(3) A charitable corporation is not required to report actions described in subsection (2) of this section:

(a) If the charitable corporation was a religious corporation both before and after it took the action;

(b) Within the charitable corporation's first three years of existence, if all programs or activities the charitable corporation operates are consistent with the purposes set forth in the charitable corporation's articles; or

(c) When the charitable corporation operates a program or activity described in subsection (2)(b) of this section, if all funds expended to conduct such a program or activity are derived only from one or more of the following sources:

(i) Contributions or sales in response to one or more solicitations in which:

(A) The program or activity was clearly described; and

(B) A statement was made that implies that the corporation will apply any contribution, or proceeds from any sale, in connection with those solicitations toward the program or activity;

(ii) Admissions, performance of services, or furnishing of facilities;

(iii) Sales of goods not in connection with any solicitation;

(iv) Income from investments of the charitable corporation that is not subject to any gift restriction; or

(v) Revenue from any source that is recognized after the program or activity has been in continuous operation and disclosed to the general public for a period of at least three years.

(4) The secretary of state shall deliver to the attorney general a copy of every annual report filed by the secretary of state that includes a report described in this section.

NEW SECTION. **Sec. 1206.** POWERS OF SECRETARY OF STATE. The secretary of state has the powers reasonably necessary to perform the duties required by this chapter, including adoption, amendment, or repeal of rules under chapter 34.05 RCW for the efficient administration of this chapter.

NEW SECTION. **Sec. 1207.** FEES. The secretary of state may adopt rules in accordance with chapter 34.05 RCW setting fees for any services provided by the secretary of state under this chapter.

ARTICLE 3

INCORPORATION

NEW SECTION. **Sec. 1301.** INCORPORATORS. One or more individuals may act as the incorporators of a nonprofit corporation by delivering articles of incorporation to the secretary of state for filing. Individuals acting as incorporators must be at least eighteen years old.

NEW SECTION. **Sec. 1302.** CORPORATE NAME. The name or any reserved name of a nonprofit corporation is governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1303.** ARTICLES OF INCORPORATION. (1) The articles of incorporation shall set forth:

(a) A name for the nonprofit corporation that satisfies the requirements of section 1302 of this act;

(b) The name and address of the corporation's initial registered agent;

(c) That the corporation is incorporated under this chapter;

(d) The purpose or purposes for which the corporation is organized;

(e) The number of directors constituting the initial board of directors, and the names and mailing addresses of the persons who are to serve as the initial directors;

(f) If the corporation will have members as defined in section 1102 of this act, a statement that the corporation will have members;

(g) The distribution of assets upon dissolution;

(h) The name and mailing address of each incorporator; and

(i) The signature of each incorporator.

(2) The articles of incorporation may set forth:

(a) A statement that the corporation has no members as defined in this chapter (whether or not the corporation uses the term "member" to define one or more classes of persons who are not members as defined in this chapter);

(b) The names of the initial members, if any;

(c) Provisions not inconsistent with law regarding:

(i) Managing the business and regulating the affairs of the corporation;

(ii) Defining, limiting, and regulating the powers of the corporation, its board of directors, and the members, if any;

(iii) The characteristics, qualifications, rights, limitations, and obligations attaching to each or any class of members;

(d) A provision permitting or making obligatory indemnification of any individual made a party to a proceeding because the individual is or was a director against liability incurred in the proceeding, subject to the limitations set forth in section 2706 of this act;

(e) Provisions required if the corporation is to be exempt from taxation under federal, state, or local law; or

(f) Any other provision that this chapter specifically permits to be set forth in the articles or bylaws.

(3) The articles of incorporation need not set forth any of the corporate powers enumerated in this chapter.

(4) Provisions of the articles may be made dependent upon facts objectively ascertainable outside the articles in accordance with section 1202(3) of this act.

NEW SECTION. **Sec. 1304.** EFFECTIVENESS OF INCORPORATION. (1) Unless a delayed effective date is specified, the corporate existence begins on the date the articles are filed by the secretary of state.

(2) The filing of the articles by the secretary of state is conclusive proof that the incorporators satisfied all conditions precedent to incorporation except in a proceeding by this state to cancel or revoke the incorporation or involuntarily dissolve the nonprofit corporation.

NEW SECTION. **Sec. 1305.** REQUIREMENT OF REGISTERED AGENT. (1) Each nonprofit corporation shall designate and maintain a registered agent in this state.

(2) The designation and maintenance of a nonprofit corporation's registered agent are governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1306.** LIABILITY FOR PREINCORPORATION TRANSACTIONS. All persons purporting to act as or on behalf of a nonprofit corporation, knowing there was no incorporation under this chapter, are jointly and severally liable for all liabilities created while so acting.

NEW SECTION. **Sec. 1307.** ORGANIZATION OF CORPORATIONS. (1) After incorporation:

(a) The initial directors shall hold an organizational meeting at the call of a majority of the initial directors to complete the organization of the nonprofit corporation by appointing officers, adopting bylaws, and carrying on any other business brought before the meeting; and

(b) If the initial directors resign or refuse to meet, then the incorporator or incorporators shall hold a meeting at the call of a majority of the incorporators

to elect a board of directors who shall complete the organization of the corporation.

(2) An organizational meeting may be held in or out of this state.

(3) The directors or incorporators may take organizational action without a meeting if the action taken is evidenced by one or more consents in the form of a record describing the action taken and executed by each director or incorporator.

NEW SECTION. **Sec. 1308.** BYLAWS. (1) The board shall adopt initial bylaws for the corporation.

(2) The bylaws may contain any provision for managing the activities and regulating the affairs of the corporation that is not inconsistent with law or the articles. Whenever a provision of the bylaws is inconsistent with a provision of the articles, the provision of the articles controls.

ARTICLE 4

PURPOSES, POWERS, AND LIMITATIONS

NEW SECTION. **Sec. 1401.** PURPOSES. (1) Nonprofit corporations may be organized under this chapter for the purpose of engaging in any lawful activity. A nonprofit corporation may set forth a more limited purpose or purposes in its articles.

(2) A charitable corporation formed on or after January 1, 2022, must be organized under this chapter, unless incorporating under this chapter is prohibited by another statute of this state.

(3) A corporation engaging in an activity that is subject to regulation under another statute of this state may incorporate under this chapter only if incorporating under this chapter is not prohibited by the other statute. The corporation is subject to all the limitations of the other statute. Organizations subject to any provision of the banking or insurance laws of this state may not be organized under this chapter, except that any nonprofit corporation heretofore organized under any act hereby repealed and existing for the purpose of providing health care services as defined in RCW 48.44.010 or 48.46.020, as now or hereafter amended, continues to be organized under this chapter.

NEW SECTION. **Sec. 1402.** POWER TO MODIFY PURPOSES. (1) Unless otherwise prohibited by its articles or bylaws, a nonprofit corporation, including a charitable corporation, may modify its purposes by:

(a) Amending its articles or bylaws in accordance with this chapter and with those documents; and

(b) Making provision for any gift restrictions as defined in section 1502 of this act, either by ensuring continued adherence to those restrictions or by obtaining modification as provided in section 1503 of this act.

(2) A decision to modify the corporation's purposes is subject to judicial review only with respect to violations of this chapter or other applicable law.

NEW SECTION. **Sec. 1403.** GENERAL POWERS. Unless its articles provide otherwise, every nonprofit corporation has perpetual duration and has the same powers as an individual to do all things necessary or convenient to carry out its affairs including, without limitation, power to:

(1) Sue and be sued, complain and defend in its corporate name;

(2) Have a corporate seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it or in any other manner reproducing it;

(3) Make and amend bylaws and policies, not inconsistent with its articles or with the laws of this state, for managing and regulating the affairs of the corporation;

(4) Purchase, receive, lease, or otherwise acquire, and own, hold, improve, use, and otherwise deal with, real or personal property, or any legal or equitable interest in property, wherever located;

(5) Sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property;

(6) Purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of, and deal in and with shares or other interests in, or obligations of, any other entity;

(7) Make contracts; make guarantees that may reasonably be expected to

benefit, directly or indirectly, the guarantor corporation; incur liabilities; borrow money; issue notes, bonds, and other obligations; and secure any of its obligations by mortgage or pledge of any of its property or income;

(8) Lend money, invest and reinvest its funds, and receive and hold real and personal property as security for repayment, except as limited by section 2701 of this act;

(9) Be a promoter, partner, shareholder, member, trustee, associate, or manager of any partnership, joint venture, trust, or other entity;

(10) Conduct its activities, locate offices, and exercise the powers granted by this chapter within or without this state;

(11) Elect directors and appoint officers, employees, and agents of the corporation, define their duties, fix their compensation, and lend them money and credit, except as limited by sections 2701 and 2702 of this act;

(12) Pay pensions and establish pension plans, pension trusts, and benefit or incentive plans for any or all of its current or former directors, officers, employees, and agents, except as limited by section 2702 of this act;

(13) Make donations for charitable purposes;

(14) Impose dues, assessments, admission, and transfer fees on its members;

(15) Establish conditions for admission or removal of members, admit or remove members, and issue memberships;

(16) Carry on a business, and, subject to the requirements of sections 1406 and 2702 of this act, make net profits and accumulate reserves; and

(17) Make payments or donations, or do any other acts, not inconsistent with law, that further the purposes, activities, and affairs of the corporation.

NEW SECTION. **Sec. 1404.** EMERGENCY POWERS. (1) For purposes of this section, an emergency exists if a quorum of the directors cannot readily be assembled because of some catastrophic event. A catastrophic event is a sudden, natural or man-made situation where rapid change or destruction has occurred that has limited normal functions in daily living including communications and travel.

(2) In anticipation of and for the duration of an emergency, the board of a nonprofit corporation may:

(a) Modify lines of succession to accommodate the incapacity of any director, officer, employee, or agent; and

(b) Take those actions necessary to preserve the corporation and ensure that it acts in accordance with its purposes.

(3) During an emergency, unless the articles or bylaws provide otherwise:

(a) Notice of a meeting of the board need be given only to those directors it is practicable to reach and may be given in any practicable manner;

(b) The quorum required under section 2504 of this act or the articles or bylaws need not be established at such a meeting; and

(c) One or more officers of the nonprofit corporation present at a meeting of the board may be deemed to be directors for purposes of the meeting.

(4) In anticipation of and for the duration of an emergency, any meeting of the membership or of the board of directors may be conducted through one or more means of remote communication through which members or directors not physically present may simultaneously participate with each other during the meeting, notwithstanding any provision of the articles or bylaws that provides otherwise. A member or director participating in a meeting through such means in anticipation of and for the duration of an emergency is considered present in person at the meeting.

(5) Corporate action taken in good faith during an emergency to further the purposes and the ordinary affairs of the nonprofit corporation:

(a) Binds the corporation; and

(b) May not be used to impose liability on a director, officer, employee, or agent.

NEW SECTION. **Sec. 1405.** ULTRA VIRES ACTION. (1) Except as provided in subsection (2) of this section, the validity of corporate action may not be challenged on the ground that the nonprofit corporation lacks or lacked power to act.

(2) The power of a nonprofit corporation to act may be challenged:

(a) In a proceeding by the corporation, directly or through a receiver, trustee, or other legal representative, against an incumbent or former director, officer, employee, or agent of the corporation; or

(b) In a proceeding by the attorney general under section 3605 of this act.

NEW SECTION. **Sec. 1406.** DISTRIBUTIONS PROHIBITED. (1) A nonprofit corporation shall not distribute any property held for charitable purposes to its members, directors, officers, or other persons who are in a position to exercise substantial influence over the affairs of the corporation, except:

(a) As permitted under section 1407 of this act;

(b) To another entity that is a charitable corporation or is organized and operated exclusively for one or more charitable purposes; or

(c) To the federal government, a tribal government, or a state or local government for a public purpose.

(2) A nonprofit corporation shall not pay dividends or make distributions of any part of its assets, income, or profits to its members, directors, officers, or other persons who are in a position to exercise substantial influence over the affairs of the corporation, except as permitted under:

(a) Subsection (1)(b) or (c) of this section;

(b) Subsection (3) of this section;

(c) Section 1407 of this act; or

(d) Section 3502 of this act.

(3) A nonprofit corporation other than a charitable corporation may confer benefits upon or make transfers to members or nonmembers in conformity with its purposes, repurchase its memberships only to the extent provided in section 2114 of this act, or repay capital contributions, subject to the following conditions:

(a) Property held for charitable purposes may not be used to confer benefits upon or make transfers to members or nonmembers, repurchase memberships, or repay capital contributions;

(b) The nonprofit corporation may not be insolvent, and conferral of benefits, making of transfers, repurchase of memberships, or repayment of capital contributions shall not render the corporation insolvent or unable to carry out its purposes; and

(c) The fair value of the corporation's assets remaining after the conferring of benefits, making of transfers, repurchase, or repayment must be sufficient to meet the corporation's liabilities.

NEW SECTION. **Sec. 1407.** REASONABLE COMPENSATION PERMITTED. A nonprofit corporation, including a charitable corporation, may pay reasonable compensation to members, directors, or officers for services rendered, or reimburse reasonable expenses incurred by members, directors, or officers in connection with services rendered.

NEW SECTION. **Sec. 1408.** PROPERTY HELD FOR CHARITABLE PURPOSES. (1) Property owned by a nonprofit corporation is held for charitable purposes if:

(a) The corporation is a charitable corporation;

(b) The property is subject to restrictions contained in a gift instrument that limit its use only to one or more charitable purposes; or

(c) The property is subject to restrictions contained in the corporation's articles, bylaws, or any record adopted by the corporation's board, or to other limitations in the form of a record, that limit its use only to one or more charitable purposes.

(2) In no event may property held for charitable purposes be distributed in a manner inconsistent with sections 1406, 3404, or 3502 of this act.

NEW SECTION. **Sec. 1409.** DEBT AND SECURITY INTERESTS. (1) A nonprofit corporation shall not issue bonds or other evidences of indebtedness except for cash or other property, tangible or intangible, or labor or services actually received by or performed for the corporation or for its benefit or in its formation or reorganization, or a combination thereof.

(2) The board may authorize a mortgage or pledge of, or the creation of a

security interest in, all or any part of the property of the nonprofit corporation, or any interest therein. Unless otherwise provided in the articles or bylaws, the vote or consent of the members is not required to make effective such an action by the board.

NEW SECTION. **Sec. 1410.** PRIVATE FOUNDATIONS. (1) Except as provided in subsection (2) of this section, a nonprofit corporation that is a private foundation as defined in section 509(a) of the Internal Revenue Code shall:

(a) Distribute sufficient amounts for each taxable year at a time and in a manner so as not to subject the corporation to tax under section 4942 of the Internal Revenue Code;

(b) Not engage in any act of self-dealing as defined in section 4941(d) of the Internal Revenue Code;

(c) Not retain any excess business holdings as defined in section 4943(c) of the Internal Revenue Code;

(d) Not make any investments in a manner that subjects the corporation to tax under section 4944 of the Internal Revenue Code; and

(e) Not make any taxable expenditures as defined in section 4945(d) of the Internal Revenue Code.

(2) Subsection (1) of this section does not apply to a nonprofit corporation incorporated before January 1, 1970, that has been properly relieved from the requirements of section 508(e)(1) of the Internal Revenue Code by a timely judicial proceeding.

ARTICLE 5

GIFT RESTRICTIONS

NEW SECTION. **Sec. 1501.** UNRESTRICTED GIFTS. Giving a gift to a nonprofit corporation, including a charitable corporation, without a gift instrument transfers complete ownership of the gift to the nonprofit corporation. A restricted gift to a nonprofit corporation is created only by a gift instrument.

NEW SECTION. **Sec. 1502.** RESTRICTED GIFTS. (1) This section distinguishes between:

(a) Enforceable trusts held by a nonprofit corporation, including a charitable corporation, governed under chapter 11.110 RCW; and

(b) Gift restrictions whose terms may be enforced and are subject to modification under this chapter or other applicable law.

(2) A gift to a nonprofit corporation, including a charitable corporation, does not create a charitable trust unless:

(a) The donor expresses an intent to create a charitable trust; and

(b) The trustee, which may be a charitable corporation, agrees in the form of a record to act as trustee of that trust according to its terms.

(3) Giving a gift to a nonprofit corporation, including a charitable corporation, that is: (a) Accepted by the corporation; (b) not in trust; and (c) subject to material restrictions or requirements contained in a gift instrument transfers complete ownership to the nonprofit corporation. The nonprofit corporation is bound by the material restrictions or requirements contained in the gift instrument.

(4) A nonprofit corporation complies with a term contained in a gift instrument if the nonprofit corporation reasonably complies with all material restrictions or requirements contained in the term, or, when appropriate under the facts and circumstances, seeks modification in accordance with section 1503 of this act.

(5) If the nonprofit corporation fails to comply with any material restriction or requirement contained in a gift instrument and fails to seek a modification in accordance with section 1503 of this act, then the attorney general may bring a proceeding to enforce the terms of the gift instrument.

NEW SECTION. **Sec. 1503.** MODIFICATION OR RELEASE OF GIFT RESTRICTIONS. (1) A term of a gift instrument that binds a nonprofit corporation may be modified or released, in whole or in part:

(a) If the donor consents in a record;

(b) As set forth in subsection (2) of this section, if the term is unlawful, impracticable, impossible to achieve, or wasteful;

(c) For gift instruments limiting the use of property to one or more charitable purposes, through a binding agreement executed by the nonprofit corporation, the attorney general, and other interested parties, and filed with or

approved by the court in accordance with section 1504 of this act;

(d) By approval of the court in accordance with section 1505 of this act; or

(e) As provided by other applicable law including, but not limited to, chapter 24.55 RCW.

(2) If a nonprofit corporation, including a charitable corporation, determines that a restriction contained in a gift instrument on the management, investment, or purpose of a gift is unlawful, impracticable, impossible to achieve, or wasteful, then the nonprofit corporation, sixty days after notification to the attorney general, may modify the restriction, in whole or part, if:

(a) The gift subject to the restriction has a total value consistent with RCW 24.55.045(4)(a) or any successor provision;

(b) More than twenty years have elapsed since the gift was given; and

(c) The nonprofit corporation uses the gift in a manner consistent with any charitable purposes expressed in the gift instrument.

(3) Application of sections 1501 through 1506 of this act to existing gifts:

(a) Before January 1, 2023, sections 1501 through 1506 of this act apply to gifts existing on December 31, 2021, only if the nonprofit corporation's board elects to apply sections 1501 through 1506 of this act to existing gifts before January 1, 2023.

(b) On or after January 1, 2023, sections 1501 through 1506 of this act apply to all gifts.

(c) As applied to gifts existing on December 31, 2021, sections 1501 through 1506 of this act govern only decisions made or actions taken on or after January 1, 2023, except that in the case of a nonprofit corporation that makes the election under (a) of this subsection sections 1501 through 1506 of this act govern decisions made or actions taken on or after the date the nonprofit corporation elects to be covered by sections 1501 through 1506 of this act.

NEW SECTION. **Sec. 1504.** BINDING AGREEMENT TO MODIFY OR RELEASE RESTRICTIONS. (1) If a gift instrument limits the use of the gift to one or more charitable purposes, and the conditions set forth in subsection (3) or (4) of this section are satisfied, then the gift instrument may be modified by agreement of the nonprofit corporation, the attorney general, and all other interested parties.

(2) For purposes of this section, an "interested party" does not include:

(a) The donor; or

(b) Any member of any charitable class that the gift would benefit, either before or after the modifications to be made by the agreement.

(3) A restriction related to a gift's management or investment may be modified by an agreement described in subsection (1) of this section if:

(a) Because of circumstances not anticipated by the donor, modification will further the charitable purpose of the gift;

(b) Enforcement of the restriction has become impracticable or wasteful; or

(c) Enforcement of the restriction impairs the management or investment of the gift.

(4) A restriction on the use of a gift relating to the gift's charitable purpose, rather than its management or investment, may be modified by an agreement described in subsection (1) of this section if the purpose becomes unlawful, impracticable, impossible to achieve, or wasteful.

(5) An agreement described in subsection (1) of this section must:

(a) Be in writing and executed by all of the parties;

(b) Be binding and conclusive on the nonprofit corporation and all other parties with a beneficial interest in the gift;

(c) Identify the gift instrument and the term or terms of the gift instrument that it modifies;

(d) Describe completely the modifications that it would make;

(e) Set forth the reasons why the modifications would comply with subsection (3) or (4) of this section; and

(f) State changes to the charitable purposes to which the use of the gift is limited, if any, resulting from the modifications.

(6) The nonprofit corporation or its legal representative may file the executed agreement with the court within thirty days of the agreement's execution by all parties. Upon filing of the executed agreement with the court:

(a) The agreement becomes effective and equivalent to a final court order binding on the nonprofit corporation and all other parties with a beneficial interest in the use of the gift, and

(b) The modifications are deemed approved by the court, and have the same effect as if the court ordered them pursuant to section 1505 of this act.

(7) The nonprofit corporation or its legal representative may, as an alternative to the procedure described in subsection (6) of this section, petition the court for a hearing for presentation of an agreement entered under this section to the court within twenty-one days of the agreement's execution by all parties. The nonprofit corporation shall (a) provide notice of the time and date of the hearing to each party to the agreement unless that party has waived notice in the form of a record, and (b) file proof of mailing or delivery of the notice or waiver with the court. At the hearing, the court shall review the agreement on behalf of all the parties. The court shall determine whether the agreement adequately represents and protects the interests of the parties and the public interest, and enter an order declaring its determination. If the court determines that the agreement does not adequately represent and protect those interests, then the agreement is void.

NEW SECTION. **Sec. 1505.** JUDICIAL MODIFICATION OR RELEASE OF RESTRICTIONS. (1) Upon application by a corporation subject to a restriction related to a gift's management or investment, rather than to its charitable purpose, the court may modify the restriction if:

(a) Because of circumstances not anticipated by the donor, modification will further the charitable purpose of the gift;

(b) Enforcement of the restriction has become impracticable or wasteful; or

(c) Enforcement of the restriction impairs the management or investment of the gift.

(2) Upon application by a corporation subject to a restriction on the use of a gift relating to the charitable purpose of the gift, rather than its management or investment, the court may modify the restriction if the purpose becomes unlawful, impracticable, impossible to achieve, or wasteful.

(3) If the gift instrument provides for a forfeiture or gift-over to an alternative beneficiary, then the court may modify one or more restrictions under the procedure set out in subsection (1) of this section if a management or investment provision fails. The court may not, however, modify any restriction under the procedure set out in subsection (2) of this section to defeat the interest of an alternate beneficiary unless the beneficiary would also be subject to, and unable to perform, the term requiring modification. The alternative beneficiary is entitled to notice and may participate in the determination of whether to grant modification.

(4) Any modification made by the court must, to the extent possible, be made in a manner consistent with the charitable purposes as expressed in the gift instrument.

(5) A nonprofit corporation shall notify the attorney general whenever it seeks to modify a charitable gift restriction under this section and the court shall offer the attorney general an opportunity to be heard.

NEW SECTION. **Sec. 1506.** CHARITABLE PURPOSE SURVIVES. Modification or release of a gift restriction shall not allow a gift to be used for a purpose other than a charitable purpose.

ARTICLE 6

BOOKS AND RECORDS

NEW SECTION. **Sec. 1601.** CORPORATE RECORDS. (1) A nonprofit corporation shall keep permanently a copy of the following records:

(a) Minutes of all meetings of its members and of its board of directors;

(b) A record of all actions taken by the members and board of directors by unanimous written consent; and

(c) A record of all actions taken on behalf of the corporation by a committee of the board.

(2) A nonprofit corporation shall keep a current copy of the following records:

(a) Its articles of incorporation or restated articles of incorporation and all amendments to them currently in effect;

(b) Its bylaws or restated bylaws and all amendments to them currently in effect;

(c) All communications in the form of a record to members generally within the past six years, including the financial statements furnished for the past six years under section 1604 of this act;

(d) A list of the names and business addresses of its current directors and officers; and

(e) Its most recent annual report delivered to the secretary of state under section 1204 of this act.

(3) A nonprofit corporation shall maintain appropriate accounting records.

(4) A membership corporation or its agent shall maintain a record of its members, in a form that permits preparation of a list of the names and addresses of all members, in alphabetical order by class, showing the number of votes each member is entitled to cast.

(5) A nonprofit corporation shall maintain its records in written form or in any other form of a record.

(6) All records required to be maintained by a nonprofit corporation may be maintained at any location within or without this state.

NEW SECTION. **Sec. 1602.** INSPECTION BY MEMBERS. (1) A member of a nonprofit corporation may inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the records the corporation is required to maintain under section 1601(2) of this act, if the member delivers to the corporation an executed notice in the form of a record at least five business days before the date on which the member wishes to inspect and copy the records.

(2) Subject to the limitations set forth in subsections (3) and (4) of this section, a member of a nonprofit corporation may inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation, if the member delivers to the corporation an executed notice in the form of a record at least five business days before the date on which the member wishes to inspect and copy the records:

(a) Excerpts from those minutes and records required to be maintained under section 1601(1) of this act;

(b) Accounting records of the corporation described in section 1601(3) of this act; and

(c) Subject to section 1607 of this act, the membership list described in section 1601(4) of this act.

(3) A nonprofit corporation may withhold from inspection under this section:

(a) Those portions of records that contain information protected by the attorney-client privilege or related work product;

(b) The address of any member who is known to the corporation to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar program established by law;

(c) Those portions of records, which, if disclosed, would be reasonably likely to result in harm to the corporation or a third party, such as disciplinary actions involving nondirector members, identities of job applicants, discussions of strategic acquisitions, records that are required to be kept confidential under obligations to a third party, etc.; or

(d) Any information that a nonprofit corporation is required to keep confidential under any other law.

(4) A member may inspect and copy the records described in subsection (2) of this section only if the:

(a) Member's demand is made in good faith and for a proper purpose;

(b) Member describes with reasonable particularity the purpose and the records the member desires to inspect;

(c) Member agrees in the form of a record to reasonable restrictions required by the board on the use or distribution of the records; and

(d) Records are directly connected with this purpose.

(5) The right of inspection granted by this section may not be abolished or limited by a nonprofit corporation's articles or bylaws.

(6) This section does not affect the:

(a) Right of a member to inspect records as part of discovery in connection with litigation; or

(b) Power of any court of competent jurisdiction, independently of this chapter, to compel the production of corporate records for examination.

NEW SECTION. **Sec. 1603.** SCOPE OF MEMBER'S INSPECTION RIGHT. (1) A member's agent or attorney has the same inspection and copying rights as the member represented.

(2) The right to copy records under section 1602 of this act includes, if reasonable, the right to receive copies. Copies may be provided through electronic transmission unless the member requests otherwise in the form of a record.

(3) The nonprofit corporation may comply with a member's demand to inspect and copy the list of members under section 1602(2)(c) of this act by providing the member for a reasonable charge as described in subsection (4) of this section with a list of members that was compiled no earlier than the date of the member's demand.

(4) The nonprofit corporation shall provide a copy of its articles and bylaws at no cost to a member on request. The nonprofit corporation may impose a reasonable charge, covering the costs of labor and material, for copies of any other documents provided to the member. The charge may not exceed the estimated cost of production, reproduction, or transmission of the records.

NEW SECTION. **Sec. 1604.** FINANCIAL STATEMENTS FOR MEMBERS. (1) Except as provided in the articles or bylaws of a nonprofit corporation engaged in religious activity, upon a demand in the form of a record from a member, a corporation shall furnish that member with its latest annual financial statements, which may be consolidated or combined statements of the corporation and one or more of its subsidiaries, as appropriate, that include a balance sheet as of the end of the fiscal year and a statement of operations for the year. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, then the annual financial statements must also be prepared on that basis.

(2) If the annual financial statements are reported upon by a certified public accountant, then the accountant's report shall accompany them. If not, then the statements must be accompanied by a statement of the president or the person responsible for the nonprofit corporation's accounting records:

(a) Stating the reasonable belief of the president or other person as to whether the statements were prepared on the basis of generally accepted accounting principles and, if not, describing the basis of preparation; and

(b) Describing any respects in which the statements were not prepared on a basis of accounting consistent with the statements prepared for the preceding year.

NEW SECTION. **Sec. 1605.** COURT-ORDERED INSPECTION. (1) If a nonprofit corporation does not allow a member who complies with section 1602(1) of this act to inspect and copy any records required by that subsection to be available for inspection, then the court may summarily order inspection and copying of the records demanded at the corporation's expense upon application of the member.

(2) If a nonprofit corporation does not within a reasonable time allow a member to inspect and copy any other record to which the member is entitled under section 1602(2) of this act, then the member who complies with section 1602 (3) and (4) of this act may apply to the court for an order to permit inspection and copying of the records demanded. The court may inspect the records in question *in camera* and determine the extent of required disclosure, if any, in light of section 1602 of this act. In making that determination, the court shall consider the probability and extent of potential harm to the corporation or any third party that may result from inspection, and the probability and extent of benefit to the corporation or the member.

(3) If the court orders inspection and copying of the records demanded, then it shall also order the nonprofit corporation to pay the member's costs, including reasonable attorneys' fees, incurred to obtain the order, unless the corporation proves that it refused

inspection in good faith because it had a reasonable basis for doubt about the right of the member to inspect the records demanded. If the court denies the majority of the request for inspection and copying, it may order the member to pay part or all of the nonprofit corporation's costs, including reasonable attorneys' fees.

(4) If the court orders inspection and copying of the records demanded, then it may impose reasonable restrictions on the use or distribution of the records by the demanding member.

NEW SECTION. **Sec. 1606.** INSPECTION BY DIRECTORS. (1) A director of a nonprofit corporation may inspect and copy the books, records, and documents of the corporation at any reasonable time to the extent reasonably related to the performance of the director's duties as a director, including duties as a member of a committee, but not for any other purpose or in any manner that would violate any duty to the corporation or law other than this chapter.

(2) The court may order inspection and copying of the books, records, and documents at the corporation's expense, upon application of a director who has been refused the inspection rights set out in subsection (1) of this section, unless the corporation establishes that the director is not entitled to those inspection rights.

(3) If an order is issued, then the court may include provisions protecting the nonprofit corporation from undue burden or expense, and prohibiting the director from using information obtained upon exercise of the inspection rights in a manner that would violate a duty to the corporation, and may also order the corporation to reimburse the director for the director's costs, including reasonable attorneys' fees, incurred in connection with the application.

NEW SECTION. **Sec. 1607.** USE OF MEMBERSHIP LIST. (1) Without the consent of the board, a membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a member's interest as a member. Without limiting the generality of the foregoing, without the consent of the board, a membership list or any part thereof may not be:

(a) Used to solicit cash or other property unless the cash or other property will be used solely to solicit the votes of the members in an election to be held by the nonprofit corporation;

(b) Used for any commercial purpose; or

(c) Sold to or purchased by any person.

(2) Instead of making a membership list available for inspection and copying under sections 1601 through 1607 of this act, a nonprofit corporation may elect to proceed under the procedures set forth in section 2304(6) of this act.

ARTICLE 7

PUBLIC BENEFIT CORPORATIONS

NEW SECTION. **Sec. 1701.** PUBLIC BENEFIT DESIGNATION. (1) There is hereby established the special designation of "public benefit nonprofit corporation." A corporation may be designated as a public benefit nonprofit corporation if it meets the following requirements:

(a) The corporation complies with this chapter; and

(b) The corporation is currently recognized by the internal revenue service as an organization described in section 501(c)(3) of the Internal Revenue Code or is exempt from applying for that recognition under section 508(c) of the Internal Revenue Code.

(2) A temporary designation as a public benefit nonprofit corporation may be provided to a corporation that has applied to the internal revenue service for recognition of its status as an organization described in section 501(c)(3) of the Internal Revenue Code. The temporary designation is valid for up to one year and may be renewed at the discretion of the secretary of state.

(3) Designation of a corporation as a public benefit nonprofit corporation does not alter the applicability to the corporation of any other provision of this chapter.

NEW SECTION. **Sec. 1702.** APPLICATION AND RENEWAL. (1) The secretary of state shall develop an application process for new and existing corporations to apply for public benefit nonprofit corporation status.

(2) Public benefit nonprofit corporation status must be renewed annually. The secretary of state may schedule renewals in conjunction with the corporation's annual report.

NEW SECTION. **Sec. 1703.** REMOVAL OF STATUS. The secretary of state may remove a corporation's public benefit nonprofit corporation designation if the corporation does not comply with this chapter or the internal revenue service revokes recognition of the corporation's status as an organization described in section 501(c)(3) of the Internal Revenue Code.

ARTICLE 8

FOREIGN CORPORATIONS

NEW SECTION. **Sec. 1801.** REGISTRATION TO DO BUSINESS. A foreign nonprofit corporation may not do business in this state until it registers with the secretary of state pursuant to chapter 23.95 RCW.

NEW SECTION. **Sec. 1802.** EFFECT OF REGISTRATION. (1) A foreign nonprofit corporation with a valid foreign registration statement has the same but no greater rights and has the same but no greater privileges as, and except as provided by this chapter is subject to the same duties, restrictions, penalties, and liabilities now or later imposed on, a domestic nonprofit corporation of like character.

(2) This chapter does not authorize this state to regulate the organization or internal affairs of a registered foreign nonprofit corporation.

(3) For those corporations that have a certificate of authority, are applying for, or intend to apply for a certificate of authority from the insurance commissioner as an insurance company under chapter 48.05 RCW, whenever under this chapter corporate records are required to be delivered to the secretary of state for filing, the records must be delivered to the insurance commissioner rather than the secretary of state.

NEW SECTION. **Sec. 1803.** NAME OF FOREIGN CORPORATION. (1) The name of a registered foreign nonprofit corporation, any name reserved by a registered foreign nonprofit corporation, or any alternate name adopted under RCW 23.95.525 is governed by chapter 23.95 RCW.

(2) A foreign nonprofit corporation not registered to do business in this state may register its name, or an alternate name adopted pursuant to RCW 23.95.525, under RCW 23.95.315.

NEW SECTION. **Sec. 1804.** REGISTERED AGENT OF FOREIGN CORPORATION. (1) Each registered foreign nonprofit corporation in this state shall designate and maintain a registered agent in this state.

(2) The designation and maintenance of a foreign nonprofit corporation's registered agent are governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1805.** SERVICE ON FOREIGN CORPORATION. (1) A registered foreign nonprofit corporation may be served with any process, notice, or demand required or permitted by law by serving its registered agent.

(2) Service upon a registered foreign nonprofit corporation made by serving its registered agent, or service on the registered foreign nonprofit corporation in the absence of a registered agent, is governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1806.** WITHDRAWAL OF REGISTRATION. A registered foreign nonprofit corporation may withdraw its registration by delivering a statement of withdrawal to the secretary of state for filing under RCW 23.95.530.

NEW SECTION. **Sec. 1807.** WITHDRAWAL UPON CONVERSION OR DISSOLUTION. (1) A registered foreign nonprofit corporation that converts to any type of domestic entity automatically is deemed to have withdrawn its registration on the effective date of the conversion.

(2) A registered foreign nonprofit corporation that has dissolved and completed winding up or has converted to a domestic or foreign entity not required to register under chapter 23.95 RCW or other law of this state shall deliver a statement of withdrawal to the secretary of state for filing under RCW 23.95.540.

(3) After the withdrawal of a foreign nonprofit corporation under this section is effective, service of process in any action or proceeding based on a cause of action arising during the time the foreign nonprofit corporation was registered to do business in this state may be made pursuant to RCW 23.95.450.

NEW SECTION. **Sec. 1808.** AMENDMENT TO REGISTRATION UPON CONVERSION. A registered foreign nonprofit corporation that converts to a foreign for-profit corporation or to any form of foreign unincorporated entity that is required to register with the secretary of state to

do business in this state shall deliver to the secretary of state for filing an amendment to its foreign registration statement under RCW 23.95.515.

NEW SECTION. **Sec. 1809.** TRANSFER OF REGISTRATION. (1) If a registered foreign nonprofit corporation merges into a nonregistered foreign entity or converts to a different type of foreign entity required to register to do business in this state, the foreign entity shall deliver to the secretary of state for filing an application for transfer of registration under RCW 23.95.545.

(2) If a registered foreign nonprofit corporation is a party to a statutory merger permitted by the laws of the jurisdiction where it is incorporated, and the corporation is the surviving corporation, it is not necessary for the corporation to register to do business or to amend its registration unless the corporation's name is changed.

NEW SECTION. **Sec. 1810.** TERMINATION OF REGISTRATION. The secretary of state may terminate the registration of a registered foreign nonprofit corporation under RCW 23.95.550:

(1) For any reason set forth in RCW 23.95.550(1);

(2) If the secretary of state receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or did not survive a merger; or

(3) If the corporation has continued to exceed or abuse the authority conferred upon it by this chapter.

NEW SECTION. **Sec. 1811.** JUDICIAL REVIEW OF TERMINATION. (1) A foreign nonprofit corporation may appeal the secretary of state's termination of its registration to the superior court of Thurston county within ninety days after service of the statement of termination is perfected. The foreign nonprofit corporation shall appeal by petitioning the court to set aside the termination and attaching to the petition copies of its statement of registration and the secretary of state's statement of termination.

(2) The court may summarily order the secretary of state to reinstate the registration or may take any other action the court considers appropriate.

(3) The court's final decision may be appealed as in other civil proceedings.

PART II

GOVERNANCE

ARTICLE 1

MEMBERS AND MEMBERSHIPS

NEW SECTION. **Sec. 2101.** MEMBERS. (1) A nonprofit corporation may have one or more classes of members or may have no members.

(2) For corporations formed on or after January 1, 2022, notwithstanding anything to the contrary in the bylaws, where the articles of a nonprofit corporation do not provide that it has members, the nonprofit corporation does not have members.

(3) For organizations formed before January 1, 2022, where the articles of a nonprofit corporation do not provide that it has members, the corporation has members only if the bylaws:

(a) Provide that the corporation has members; and

(b) Provide that members of at least one class have the right to select or vote for the election of directors or delegates or to vote on at least one type of fundamental transaction.

(4) Where a nonprofit corporation does not have members under this section, or where a corporation has no members entitled to vote on a given matter, any provision of this chapter or any other provision of law requiring notice to, the presence of, or the vote, consent, or other action by members in connection with that matter is satisfied by notice to, the presence of, or the vote, consent, or other action by the board.

NEW SECTION. **Sec. 2102.** SCOPE OF MEMBERSHIP. A person is not a member of a nonprofit corporation for purposes of any provision of this chapter unless the person meets the definition of "member" in section 1102 of this act, regardless of whether the corporation refers to or designates the person as a member.

NEW SECTION. **Sec. 2103.** ADMISSION OF MEMBERS. (1) The articles or bylaws of a membership corporation may establish criteria or procedures for admission of members.

(2) A person may not be admitted as a member without the person's consent. Consent may be express or implied and need not be in the form of a record.

(3) If a membership corporation provides certificates of membership to the members, then the certificates shall not be registered or transferable except as provided in the articles or bylaws or by resolution of the board.

NEW SECTION. **Sec. 2104.** CONSIDERATION FOR ADMISSION. Except as provided in its articles or bylaws, a membership corporation may admit members for no consideration or for consideration determined by the board, which may take any form, including promissory notes, intangible property, or past or future services. Payment of the consideration may be made at those times and upon those terms as are set forth in or authorized by the articles, bylaws, or a resolution of the board.

NEW SECTION. **Sec. 2105.** CAPITAL CONTRIBUTIONS. (1) A membership corporation that is not a charitable corporation may provide in its articles or bylaws that members, upon or after admission, shall make capital contributions. Except as provided in the articles or bylaws, the board shall fix the amount. The requirement of a capital contribution may apply to all members, or to the members of a single class, or to members of different classes in different amounts or proportions.

(2) The adoption or amendment of a capital contribution requirement, whether or not approved by the members, shall not apply to, or be an obligation of, a member who did not vote in favor of the adoption or amendment until thirty days after the member has been given notice of the adoption or amendment.

NEW SECTION. **Sec. 2106.** RIGHTS AND OBLIGATIONS. (1) The members of a membership corporation have only those rights, privileges, powers, or obligations specifically given or assigned to members in the articles, the bylaws, or section 2313 of this act.

(2) A member shall not have the right to vote on any matter unless the articles, the bylaws, or section 2313(1) of this act provides expressly that the class of members to which that member belongs has the right to vote on that particular matter.

NEW SECTION. **Sec. 2107.** DIFFERENCES IN RIGHTS AND OBLIGATIONS. (1) Except as provided in the articles or bylaws, each member of a membership corporation has the same rights and obligations as every other member with respect to voting, dissolution, membership transfer, and other matters.

(2) If the corporation has one or more classes of members, then the designation of the class or classes, the articles, or the bylaws shall set forth the manner of election or appointment and the qualifications and rights of the members of each class.

NEW SECTION. **Sec. 2108.** TRANSFERS OF MEMBERSHIP. (1) Except as provided in the articles or bylaws or by resolution of the board, a member of a membership corporation may not transfer a membership or any right arising therefrom.

(2) Where the right to transfer a membership has been provided, a restriction on that right shall not be binding with respect to a member holding a membership issued before the adoption of the restriction unless the affected member consents to the restriction in the form of a record.

NEW SECTION. **Sec. 2109.** MEMBER'S LIABILITY FOR CORPORATE OBLIGATIONS. A member of a membership corporation is not personally liable for the acts, debts, liabilities, or obligations of the corporation.

NEW SECTION. **Sec. 2110.** MEMBER'S LIABILITY FOR DUES, FEES, AND ASSESSMENTS. (1) A membership corporation may levy dues, assessments, and fees on its members to the extent authorized in the articles or bylaws. Particular dues, assessments, and fees may be imposed in the articles or bylaws or by resolution of the board, subject to any membership approval required under section 3112(1) of this act, on members of the same class either alike or in different amounts or proportions, and may be imposed on a different basis on different classes of members. Members of a class may be made exempt from dues, assessments, and fees to the extent provided in the articles or bylaws or by resolution of the board.

(2) The amount and method of collection of dues, assessments, and fees may be fixed in the articles or bylaws, or the articles or bylaws may authorize the board or members to fix the amount and method of collection, with or without

approval of the class or classes of members affected.

(3) The articles or bylaws may provide reasonable means, such as termination and reinstatement of membership, to enforce the collection of dues, assessments, and fees.

NEW SECTION. **Sec. 2111.** CREDITOR'S ACTION AGAINST MEMBER. (1) A proceeding may not be brought by a creditor of a membership corporation to reach the liability, if any, of a member to the corporation unless final judgment has been rendered in favor of the creditor against the corporation and execution has been returned unsatisfied in whole or in part.

(2) All creditors of a membership corporation, with or without reducing their claims to judgment, may intervene in any creditor's proceeding brought under subsection (1) of this section to reach and apply unpaid amounts due the corporation. Any or all members who owe amounts to the corporation may be joined in the proceeding.

NEW SECTION. **Sec. 2112.** RESIGNATION OF MEMBER. (1) A member of a membership corporation may resign at any time.

(2) The resignation of a member does not relieve the member from any obligations incurred or commitments made before resignation.

NEW SECTION. **Sec. 2113.** TERMINATION AND SUSPENSION OF MEMBER. (1) A membership in a membership corporation may be terminated or suspended for the reasons and in the manner provided in the articles or bylaws.

(2) A membership in a membership corporation may also be terminated, regardless of the procedure set forth in the articles or bylaws, if:

(a) The corporation has had no contact from the member for at least three years; and

(b) Either:

(i) The member fails to respond within ninety days to a request from the corporation to update the member's contact information that includes a statement that failure to respond could result in termination of membership, delivered to that member by means reasonably likely to reach that member; or

(ii) A request from the corporation to update the member's contact information that includes a statement that failure to respond could result in termination of membership, sent to that member by first-class forwardable mail, with postage prepaid, is returned as undeliverable; or

(iii) If members, or a class of members, are not identified individually on the records of the corporation, a request from the corporation for members to provide contact information that includes a statement that failure to respond could result in termination of membership is published once a week for six consecutive weeks in a newspaper of general circulation in the county in which the corporation's principal office is located.

(3) Unless otherwise provided in the articles or bylaws, if the articles or bylaws allow the board or any other body to admit members, the affirmative vote of two-thirds of that body may terminate a member.

(4) Irrespective of anything to the contrary in the articles or bylaws, in any proceeding involving a corporation or upon application from the corporation, the court may order termination of a member of the corporation in the best interests of the corporation.

(5) A proceeding challenging a termination or suspension for any reason must be commenced within one year after the effective date of the termination or suspension.

(6) The termination or suspension of a member does not relieve the member from any obligations incurred or commitments made before the termination or suspension.

NEW SECTION. **Sec. 2114.** REPURCHASE OF MEMBERSHIPS. A membership corporation that is not a charitable corporation may repurchase any of its memberships or any right arising therefrom only if it is so provided in the articles or bylaws. A membership corporation that is a charitable corporation may not repurchase any of its memberships or any right arising therefrom.

ARTICLE 2

DELEGATES

NEW SECTION. **Sec. 2201.** DELEGATES. (1) A membership corporation may provide in its articles or bylaws for delegates.

(2) The articles or bylaws may set forth provisions relating to:

(a) The characteristics, qualifications, rights, limitations, and obligations of delegates including their selection and removal;

(b) Calling, noticing, holding, and conducting meetings of delegates; and

(c) Carrying on activities during and between meetings of delegates.

(3) If the articles or bylaws provide for delegates, then, unless otherwise provided in the articles or bylaws:

(a) The power to appoint, remove, or modify any provision of the articles or bylaws governing the appointment or removal of delegates is reserved to the members.

(b) All other powers of members including, but not limited to, the right to vote on other amendments to articles or bylaws, may be exercised by delegates.

ARTICLE 3

MEMBERSHIP MEETINGS AND VOTING

NEW SECTION. **Sec. 2301.** ANNUAL AND REGULAR MEETINGS. (1) A membership corporation shall hold an annual meeting of members once during each fiscal year at a time stated in or fixed in accordance with the articles or bylaws.

(2) A membership corporation may hold regular meetings on a regional or other basis at times stated in or fixed in accordance with the articles or bylaws.

(3) Except as provided in subsection (5) of this section, annual and regular meetings of the members may be held in or out of this state at the place stated in or fixed in accordance with the articles or bylaws. If no place is stated in or fixed in accordance with the articles or bylaws, then annual and regular meetings shall be held at the membership corporation's principal office.

(4) The failure to hold an annual or regular meeting at the time stated in or fixed in accordance with the articles or bylaws does not affect the validity of any corporate action.

(5) The articles or bylaws may provide that an annual or regular meeting of members may be held in a specified location and, if so provided under the articles or bylaws, through one or more means of remote communication through which members not physically present may participate in the meeting substantially concurrently, vote on matters submitted to the members, pose questions, and make comments. For any meeting at which one or more members may participate by means of remote communication, the corporation shall deliver notice of the meeting to each member by a means which the member has authorized and provide complete instructions for participating in the meeting by remote communication.

NEW SECTION. **Sec. 2302.** SPECIAL MEETINGS. (1) A membership corporation shall hold a special meeting of members:

(a) At the call of its board of directors, the president, or the persons authorized to do so by the articles or bylaws; or

(b) Upon the execution and delivery to the corporation of one or more demands for a special meeting, in the form of a record, describing the purpose for which the meeting is to be held, by either:

(i) The number or proportion of members entitled under the articles or bylaws to call a meeting on the subject matter proposed to be considered at the proposed special meeting, which shall not represent more than twenty-five percent of all the votes entitled to be cast on that subject matter; or

(ii) In the absence of a provision fixing the number or proportion of members entitled to call a meeting, the number or proportion of members representing five percent of all the votes entitled to be cast on the subject matter proposed to be considered at the proposed special meeting.

(2) Unless otherwise provided in the articles or bylaws, a demand for a special meeting may be revoked by notice to that effect received by the membership corporation from the members calling the meeting before the receipt by the corporation of demands sufficient in number to require the holding of a special meeting.

(3) If not otherwise fixed under section 2303 or 2307 of this act, the record date for determining members entitled to demand a special meeting is the date the first member executes a demand.

(4) Only business within the purpose or purposes described in the meeting notice required by section 2305(3) of

this act may be conducted at a special meeting of the members.

(5) Except as provided in subsection (6) of this section, special meetings of the members may be held in or out of this state at the place stated in or fixed in accordance with the articles or bylaws. If no place is stated or fixed in accordance with the articles or bylaws, then special meetings shall be held at the corporation's principal office.

(6) The articles or bylaws may provide that a special meeting of members be held at a specified location and, unless otherwise provided under the articles or bylaws, through means of remote communication through which members not physically present may participate in the meeting substantially concurrently, vote on matters submitted to the members, pose questions, and make comments. Notice of meetings at which one or more members may participate by means of remote communication must be delivered by a means which the member has authorized and provide complete instructions for participating in the meeting from a remote location.

NEW SECTION. **Sec. 2303.** COURT-ORDERED MEETING. (1) The court may summarily order a meeting to be held:

(a) On application of any member entitled to participate in an annual or regular meeting if an annual meeting was not held within eighteen months after the last annual meeting; or

(b) On application of a member who executed a demand for a special meeting under section 2302 of this act that was executed by a sufficient number of members to call a meeting, if:

(i) Notice of the special meeting was not given within thirty days after the date the demand was delivered to the corporation's secretary; or

(ii) The special meeting was not held in accordance with the notice.

(2) The court may fix the time and place of a court-ordered meeting, determine the members entitled to participate in the meeting, specify a record date for determining members entitled to notice of and to vote at the meeting, prescribe the form and content of the meeting notice, fix the quorum required for specific matters to be considered at the meeting or direct that the votes represented at the meeting constitute a quorum for action on those matters, and enter other orders necessary to accomplish the purpose or purposes of the court-ordered meeting.

NEW SECTION. **Sec. 2304.** LIST OF MEMBERS FOR MEETING. (1) After fixing a record date for a meeting, a membership corporation shall prepare an alphabetical list of the names of all its members who are entitled to notice of that meeting of the members. The list of members shall show the address of and number of votes each member is entitled to cast at the meeting, except that the address of any member who is known to the corporation to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar law may be omitted.

(2) The list of members must be available for inspection by any member, beginning two business days after notice of the meeting is given for which the list was prepared and continuing through the meeting, at the membership corporation's principal office or at a place identified in the meeting notice in the city where the meeting will be held. A member or the member's agent, on demand in the form of a record, may inspect and, subject to the requirements of section 1602(4) of this act, copy the list, during regular business hours and at the member's expense, during the period it is available for inspection.

(3) The membership corporation shall make the list of members available at the meeting, and a member or the member's agent may inspect the list at any time during the meeting or any adjournment.

(4) If a membership corporation refuses to allow a member or the member's agent to inspect the list of members before or at the meeting or copy the list as permitted by subsection (2) of this section, then the court, on application of the member, may:

(a) Summarily order the inspection or copying at the corporation's expense;

(b) Postpone the meeting for which the list was prepared until the inspection or copying is complete;

(c) Order the corporation to pay the member's costs including reasonable attorneys' fees incurred to obtain the order; and

(d) Order other appropriate relief.

(5) Refusal or failure to prepare or make available the list of members does not affect the validity of action taken at the meeting.

(6) Instead of making the list of members available as provided in subsection (2) of this section, a membership corporation may state in a notice of meeting that the corporation has elected to proceed under this subsection. A member of a corporation that has elected to proceed under this subsection shall state in the member's demand for inspection a proper purpose for inspection. Within ten business days after receiving a demand under this subsection, the corporation shall deliver to the member making the demand an offer of a reasonable alternative method of achieving the purpose identified in the demand without providing access to or a copy of the list of members. An alternative method that reasonably and in a timely manner accomplishes the proper purpose set forth in the demand relieves the corporation from making the list of members available under subsection (4)(b) of this section, unless within a reasonable time after acceptance of the offer the corporation fails to do the things it offered to do. Any rejection of the corporation's offer must be in the form of a record and indicate the reasons the alternative proposed by the corporation does not meet the proper purpose of the demand.

NEW SECTION. **Sec. 2305.** NOTICE OF MEMBERSHIP MEETING. (1) A membership corporation shall give notice to the members of the date, time, and place of each annual, regular, or special meeting of the members. Except as provided under subsection (6) of this section, the notice must be given in the form of a record no fewer than ten nor more than sixty days before the meeting date. Except as provided in this chapter, the articles, or the bylaws, the corporation is only required to give notice to members entitled to vote at the meeting.

(2) Unless this chapter, the articles, or the bylaws require otherwise, notice of an annual or regular meeting need not include a description of the purpose for which the meeting is called.

(3) Notice of a special meeting shall include a description of the purpose for which the meeting is called.

(4) If not otherwise fixed under section 2303 or 2307 of this act, the record date for determining members entitled to notice of and to vote at an annual or special meeting of the members is the day before the first notice is given to members.

(5) Unless the articles or bylaws require otherwise, if an annual, regular, or special meeting of the members is adjourned to a different date, time, or place, notice need not be given of the new date, time, or place if the new date, time, or place is announced at the meeting before adjournment. If a new record date for the adjourned meeting is or is required to be fixed under section 2307 of this act, then the corporation shall give notice of the adjourned meeting to the members entitled to vote on the new record date.

(6) Notice of regular meetings other than the annual meeting may be made by providing each member with the adopted schedule of regular meetings for the ensuing year in the form of a record at any time after the annual meeting and ten days before the next succeeding regular meeting and at any time requested by a member or by any other notice prescribed by the bylaws.

(7) Whenever notice would otherwise be required to be given under any provision of this chapter to a member, the notice need not be given if notice of two consecutive annual meetings, and all notices of meetings during the period between those two consecutive annual meetings, have been returned undeliverable or could not be delivered. If a member delivers to the nonprofit corporation a notice setting forth the member's then current address, then the requirement that notice be given to that member is reinstated.

NEW SECTION. **Sec. 2306.** WAIVER OF NOTICE. (1) A member may waive any notice required by this chapter, the articles, or the bylaws no more than sixty days before or sixty days after the date and time stated in the notice or of the meeting or action. The waiver must be in the form of a record, be executed by the member entitled to the notice, and be delivered to the membership corporation for inclusion in the minutes or filing with the corporate records.

(2) The attendance of a member at a meeting:

(a) Waives objection to lack of notice or defective notice of the meeting, unless the member at the beginning of the

meeting or immediately upon arrival at the meeting objects to holding the meeting or transacting business at the meeting; and

(b) Waives objection to consideration of a particular matter at the meeting that is not within the purpose described in the meeting notice, unless the member objects at the meeting to considering the matter.

NEW SECTION. **Sec. 2307.** RECORD DATE. (1) The articles or bylaws may fix or provide the manner of fixing the record date to determine the members entitled to notice of a meeting of the members, to demand a special meeting, to vote, or to take any other action. If the articles or bylaws do not fix or provide for fixing a record date, then the board of the membership corporation may fix a future date as the record date.

(2) A record date fixed under this section may not be more than seventy days before the meeting or action requiring a determination of members.

(3) A determination of members entitled to notice of or to vote at a meeting of the members is effective for any adjournment of the meeting unless the board fixes a new record date, which it shall do if the meeting is adjourned to a date more than one hundred twenty days after the date fixed for the original meeting.

(4) If the court orders a meeting adjourned to a date more than one hundred twenty days after the date fixed for the original meeting, then it may provide that the original record date continues in effect or it may fix a new record date.

NEW SECTION. **Sec. 2308.** CONDUCT OF MEETING. (1) At each meeting of members, an individual shall preside as chair. The chair is appointed and may be removed:

(a) As provided in the articles or bylaws;

(b) In the absence of a provision in the articles or bylaws, by the board; or

(c) In the absence of both a provision in the articles or bylaws and an appointment by the board, by the members at the meeting.

(2) Except as provided in the articles or bylaws or by resolution of the board, the chair determines the order of business and has the authority to establish rules for the order and conduct of the meeting.

(3) Any rules established for the order and conduct of the meeting pursuant to subsection (2) of this section must be fair to the members.

(4) Except as provided in the articles or bylaws or by resolution of the board:

(a) The chair of the meeting shall announce at the meeting when the polls close for each matter voted upon.

(b) If no announcement is made, then the polls are deemed to have closed upon the final adjournment of the meeting.

(c) After the polls close, no ballots, proxies, or votes, nor any otherwise permissible revocations or changes thereto may be accepted.

NEW SECTION. **Sec. 2309.** PROXIES. (1) Except as provided in the articles or bylaws, a member may not vote by proxy.

(2) If the articles or bylaws allow members to vote by proxy, then the following procedure applies unless the articles or bylaws provide otherwise:

(a) A member or the member's agent or attorney-in-fact may appoint a proxy to vote or otherwise act for the member by executing an appointment form in the form of a record. An appointment form must contain or be accompanied by information from which it can be determined that the member or the member's agent or attorney-in-fact authorized the appointment of the proxy.

(b) An appointment of a proxy is effective when an executed appointment in the form of a record is received by the inspectors of election, the officer or agent of the membership corporation authorized to tabulate votes, or the secretary. An appointment is valid for eleven months unless a shorter or longer period is expressly provided in the appointment form.

(c) The death or incapacity of the member appointing a proxy does not affect the right of the membership corporation to accept the proxy's authority unless notice of the death or incapacity is received by the inspectors of election, the officer or agent authorized to tabulate votes, or the secretary before the proxy exercises his or her authority under the appointment.

(d) A membership corporation may accept the proxy's vote or other action

as that of the member making the appointment, subject to section 2314 of this act and to any express limitation on the proxy's authority stated in the appointment form.

(e) A proxy may be revoked by a member by delivering notice in the form of a record to the corporation before the corporation has relied upon the proxy.

NEW SECTION. **Sec. 2310.** VOTING ENTITLEMENT OF MEMBERS. Except as provided in the articles or bylaws, each member is entitled to one vote on each matter on which the articles or bylaws entitle the members of the class of members to which the member belongs to vote.

NEW SECTION. **Sec. 2311.** MEMBERSHIP QUORUM AND VOTING REQUIREMENTS. (1) Members may take action at a meeting on matters with respect to which all of the members are entitled to vote only if a quorum of the members is present. Except as provided in the articles or the bylaws, ten percent of the votes entitled to be cast at a meeting of the members constitutes a quorum with respect to those matters.

(2) Members entitled to vote as a separate voting group may take action on a matter at a meeting only if a quorum of those members is present with respect to that matter. Except as provided in the articles or bylaws, ten percent of the votes entitled to be cast on the matter by the voting group constitutes a quorum of that voting group for action on that matter.

(3) Once a member is represented for any purpose at a meeting, the member is deemed present for quorum purposes for the remainder of the meeting and for any adjournment of that meeting unless a new record date is or is required to be set for that adjourned meeting.

(4) If a quorum is present, then action on a matter other than the election of directors by a voting group is approved if the votes cast within the voting group favoring the action exceed the votes cast opposing the action, unless the articles, bylaws, or applicable law require a greater number of affirmative votes.

(5) An amendment of the articles or bylaws adding, changing, or deleting a quorum or voting requirement for a voting group greater than specified in subsection (2) or (4) of this section is governed by section 2312 of this act.

(6) If a meeting cannot be organized because a quorum of members entitled to vote is not present, then those members present may adjourn the meeting to such a time and place as they may determine. When a meeting that has been adjourned for lack of a quorum is reconvened, those members present, although less than a quorum as fixed in this section, the articles, or the bylaws, nonetheless constitute a quorum, if notice of the time and place of the reconvened meeting is provided by electronic transmission or in person to the members entitled to vote at least twenty-four hours before the reconvened meeting, or by other methods pursuant to the requirements and procedures set forth in section 2305 of this act. The articles or the bylaws may, however, permit the reconvening of a meeting without notice, by means of a provision that makes explicit reference to elimination of the notice requirement that would otherwise apply under this section.

(7) The election of directors is governed by section 2313 of this act.

NEW SECTION. **Sec. 2312.** DIFFERING QUORUM AND VOTING REQUIREMENTS. (1) The articles or bylaws may provide for a higher or lower quorum or higher voting requirement for members or voting groups of members than is provided for by this chapter, either generally or with respect to specific matters.

(2) An amendment to the articles or bylaws that adds, changes, or deletes a greater quorum or voting requirement must meet the same quorum requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect.

NEW SECTION. **Sec. 2313.** VOTING FOR DIRECTORS. (1) Except as provided in the articles or bylaws, directors of a membership corporation are elected by a plurality of the votes cast by the members entitled to vote in the election at a meeting at which a quorum is present.

(2) Except as provided in the articles or bylaws, or under subsection (3) of this section, members do not have a right to cumulate their votes for directors.

(3) Members of a nonprofit corporation who were entitled to cumulate their votes for the election of directors on the effective date of this chapter continue to be entitled to cumulate their votes

for the election of directors until otherwise provided in the articles or bylaws of the corporation.

NEW SECTION. **Sec. 2314.** ACCEPTANCE OF BALLOTS, CONSENTS, WAIVERS, OR PROXIES. (1) If the name signed on a ballot, consent, waiver, or proxy appointment corresponds to the name of a member, then the membership corporation if acting in good faith may accept the ballot, consent, waiver, or proxy appointment and give it effect as the act of the member.

(2) If the name signed on a ballot, consent, waiver, or proxy appointment does not correspond to the name of its member, then the membership corporation if acting in good faith is nevertheless entitled to accept the ballot, consent, waiver, or proxy appointment and give it effect as the act of the member if:

(a) The member is an entity and the name signed purports to be that of an officer or agent of the entity;

(b) The name signed purports to be that of an administrator, executor, guardian, or conservator representing the member and, if the corporation requests, evidence of fiduciary status acceptable to the corporation has been presented with respect to the ballot, consent, waiver, or proxy appointment;

(c) The name signed purports to be that of a receiver or trustee in bankruptcy of the member and, if the corporation requests, evidence of this status acceptable to the corporation has been presented with respect to the ballot, consent, waiver, or proxy appointment;

(d) The name signed purports to be that of a beneficial owner or attorney-in-fact of the member and, if the corporation requests, evidence acceptable to the corporation of the signatory's authority to sign for the member has been presented with respect to the ballot, consent, waiver, or proxy appointment; and

(e) Two or more persons are the member as cotenants or fiduciaries and the name signed purports to be the name of at least one of the co-owners and the person signing appears to be acting on behalf of all the co-owners.

(3) The membership corporation may reject a ballot, consent, waiver, or proxy appointment if the secretary or other officer or agent authorized to tabulate votes, acting in good faith, has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the member.

(4) The membership corporation and its officer or agent who accepts or rejects a ballot, consent, waiver, or proxy appointment in good faith and in accordance with the standards of this section or section 2309(2) of this act are not liable in damages to the member for the consequences of the acceptance or rejection.

(5) Corporate action based on the acceptance or rejection of a ballot, consent, waiver, or proxy appointment under this section is valid unless the court determines otherwise.

NEW SECTION. **Sec. 2315.** INSPECTORS OF ELECTION. (1) A membership corporation may appoint one or more inspectors to act at a meeting of members and make a report in the form of a record of the inspectors' determinations. Each inspector shall execute the duties of inspector impartially and according to the best of the inspector's ability.

(2) The inspectors must:

(a) Ascertain the number of members and delegates, and their voting power;

(b) Determine the members and delegates present at a meeting;

(c) Determine the validity of proxies and ballots;

(d) Count all votes; and

(e) Determine the result.

(3) An inspector may, but need not, be a director, member, officer, or employee of the membership corporation. A person who is a candidate for office to be filled at the meeting may not be an inspector.

NEW SECTION. **Sec. 2316.** ACTION BY VOTING GROUPS. (1) If this chapter, the articles, or the bylaws provide for voting by a single voting group on a matter, then action on that matter is taken when voted upon by that voting group as provided in section 2311 or 2318 of this act.

(2) If this chapter, the articles, or the bylaws provide for voting by two or more voting groups on a matter, then action on that matter is taken only when voted upon by each of those voting groups

counted separately as provided in section 2311 or 2318 of this act.

NEW SECTION. **Sec. 2317.** VOTING AGREEMENTS. (1) If the articles or bylaws allow voting agreements, then two or more members may provide for the manner in which they will vote by executing an agreement in the form of a record for that purpose, to the extent allowed under the articles or bylaws.

(2) A voting agreement is specifically enforceable if:

(a) The voting agreement is allowed under the articles or bylaws; or

(b) The effective date of the voting agreement is before the effective date of this section.

(3) Notwithstanding subsection (2) of this section, no voting agreement is enforceable to the extent that enforcement of the agreement would violate the purposes of the membership corporation.

NEW SECTION. **Sec. 2318.** ACTION WITHOUT MEETING BY UNANIMOUS WRITTEN CONSENT. (1) Except as provided in the articles or bylaws, action required or permitted by this chapter to be taken at a meeting of the members may be taken without a meeting if the action is taken by all the members entitled to vote on the action. The action must be evidenced by one or more consents in the form of a record bearing the date of execution and describing the action taken, executed by all the members entitled to vote on the action, and delivered to the membership corporation for inclusion in the minutes or filing with the corporate records.

(2) If not otherwise fixed under section 2303 or 2307 of this act, the record date for determining members entitled to take action without a meeting is the date the first member executes the consent under subsection (1) of this section. A consent shall not be effective to take the corporate action referred to therein unless, within sixty days after the earliest date appearing on a consent delivered to the membership corporation in the manner required by this section, consents executed by all members entitled to vote on the action are received by the corporation. A consent may be revoked by an executed notice in the form of a record to that effect received by the corporation before receipt by the corporation of unrevoked consents sufficient in number to take corporate action.

(3) A consent executed under this section has the same force and effect as a unanimous vote at a meeting duly called and held, and may be described as such.

(4) If this chapter, the articles, or the bylaws require that prior notice of any proposed action be given to members not entitled to vote on the action and the action is to be taken by consent of the members entitled to vote, then the membership corporation shall deliver to the members not entitled to vote notice of the proposed action at least ten days before taking the action by consent. The notice must contain or be accompanied by the same material that would have been required to be delivered to members not entitled to vote in a notice of meeting at which the proposed action would have been submitted to the members for action.

NEW SECTION. **Sec. 2319.** ACTION WITHOUT MEETING BY BALLOT. (1) Except as otherwise restricted by the articles or bylaws, any action that may be taken at any annual, regular, or special meeting of members may be taken without a meeting if the membership corporation delivers a ballot to every member entitled to vote on the matter.

(2) A ballot must:

(a) Be in the form of a record;

(b) Set forth each proposed action;

(c) Provide an opportunity to vote, or withhold a vote, separately for each candidate for a director position; and

(d) Provide an opportunity to vote for or against each other proposed action.

(3) Approval by ballot pursuant to this section of action other than election of directors is valid only when the number of ballots returned equals or exceeds the quorum required to be present at a meeting authorizing the action, and the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot.

(4) All requests for votes by ballot must:

(a) Indicate the number of responses needed to meet the quorum requirements;

(b) State the percentage of approvals necessary to approve each matter other than election of directors; and

(c) Specify the time by which a ballot must be received by the membership corporation to be counted, which shall not be less than ten days after the ballot is delivered to the member.

(5) Except as provided in the articles or bylaws, a ballot may not be revoked.

NEW SECTION. **Sec. 2320.** PROCEDURE FOR REMOTE MEETINGS. When provided for in the articles or bylaws, meetings of the members held by remote communication must follow the provisions of sections 2301 through 2319 of this act to the greatest practicable extent.

ARTICLE 4

BOARD OF DIRECTORS

NEW SECTION. **Sec. 2401.** BOARD OF DIRECTORS—AUTHORITY. (1) A nonprofit corporation shall have a board of directors.

(2) All corporate powers shall be exercised by or under the authority of the board of directors, and the activities and affairs of the corporation shall be managed by or under the direction, and subject to the oversight, of the board of directors, subject only to any powers expressly reserved to the corporation's membership or other persons in the articles or bylaws.

NEW SECTION. **Sec. 2402.** STANDARDS OF CONDUCT FOR DIRECTORS. (1) Each director, when discharging the duties of a director, shall act:

(a) In good faith;

(b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(c) In a manner the director reasonably believes to be in the best interests of the nonprofit corporation.

(2) In discharging board or committee duties a director shall disclose, or cause to be disclosed, to the other board or committee members information not already known by them but known by the director to be material to the discharge of their decision-making or oversight functions, except that disclosure is not required to the extent that the director reasonably believes that doing so would violate a duty imposed by law, a legally enforceable obligation of confidentiality, or a professional ethics rule.

(3) In discharging the duties of a director, a director may rely on information, opinions, reports, or statements, including financial statements or other financial data, if prepared or presented by:

(a) One or more officers, employees, or volunteers of the nonprofit corporation whom the director reasonably believes to be reliable and competent in the functions performed or the matters presented;

(b) Legal counsel, public accountants, or other persons retained by the corporation as to matters involving skills or expertise the director reasonably believes are matters:

(i) Within the particular person's professional or expert competence; or

(ii) As to which the particular person merits confidence; or

(c) A committee of the board of which the director is not a member, designated in accordance with provisions of the articles or bylaws, as to matters within its designated authority, if the director reasonably believes the committee merits confidence.

(4) A director is not a trustee with respect to the nonprofit corporation or with respect to any property held or administered by the corporation, including property that may be subject to restrictions imposed by the donor or transferor of the property.

NEW SECTION. **Sec. 2403.** QUALIFICATION OF DIRECTORS. A director of a nonprofit corporation must be an individual. The articles or bylaws may prescribe other qualifications for directors. A director need not be a resident of this state or a member of the corporation unless the articles or bylaws so prescribe.

NEW SECTION. **Sec. 2404.** NUMBER OF DIRECTORS. (1) A board of directors shall consist of one or more directors, with the number specified in or fixed in accordance with the articles or bylaws.

(2) The board of directors of any corporation shall consist of three or more directors if:

(a) The internal revenue service has determined the corporation to be a public

charity described in section 509(a)(1) through (4) of the Internal Revenue Code;

(b) The corporation has applied to the internal revenue service for a determination of exempt status through an application representing that the corporation is described in section 509(a)(1) through (4) of the Internal Revenue Code; or

(c) The corporation has applied to the internal revenue service for classification as an organization described in section 509(a)(1) through (4) of the Internal Revenue Code.

(3) The number of directors on a board of directors who are under 18 years of age may not exceed three or one-third of the total number of directors then in office, whichever is fewer.

(4) A corporation described in subsection (2) of this section may have fewer than three directors if the death, incapacity, resignation, or removal of a director causes the corporation to have fewer than three directors, provided that the entity, body, or person with the power to elect or appoint directors makes reasonable and prompt efforts to elect or appoint additional directors.

(5) The number of directors may be increased or decreased but to no fewer than one from time to time by amendment to, or in the manner provided in, the articles or bylaws.

(6) A decrease in the number of directors may not shorten an incumbent director's term.

NEW SECTION. **Sec. 2405.** SELECTION OF DIRECTORS. (1) The members of a membership corporation shall elect the directors, other than the initial directors named in the articles, at the annual meetings of members, unless the articles or bylaws provide some other time or method of election, or provide that some other person or persons shall appoint some or all of the directors, or designate some other manner of appointment, for example, ex officio directors.

(2) The directors of a nonmembership corporation shall elect the directors, other than the initial directors named in the articles, at the annual meeting of directors, unless the articles or bylaws provide some other time or method of election, or provide that some other person or persons shall appoint some or all of the directors, or designate some other manner of appointment, for example, ex officio directors.

NEW SECTION. **Sec. 2406.** TERMS OF DIRECTORS, GENERALLY. (1) The articles or bylaws may specify the terms of directors. If a term is not specified in the articles or bylaws, then the term of a director is one year. Each term of a director elected by the members or directors, or by some other method provided in the articles or bylaws, may not exceed five years except as provided in subsection (2) of this section. Terms of directors appointed by some other person or persons, or designated in some other manner, may be of any length.

(2) For a corporation formed before the effective date of this section, if the articles or bylaws current as of the effective date of this section provided for terms of elected directors longer than five years, then the terms for elected directors provided in those articles or bylaws may continue in effect until and unless the articles or bylaws are amended to shorten those terms.

(3) The initial directors named in the articles hold office until the first annual election of directors or for any other period specified in the articles.

(4) A reduction in directors' terms of office does not shorten an incumbent director's term.

(5) Except as provided in the articles or bylaws, the term of a director elected to fill a vacancy expires at the end of the unexpired term that the director is filling.

(6) Despite the expiration of a director's term, the director continues to serve until the director's successor is elected, appointed, or designated and until the director's successor takes office, unless otherwise provided in the articles or bylaws.

NEW SECTION. **Sec. 2407.** STAGGERED TERMS FOR DIRECTORS. The articles or bylaws may provide for staggering the terms of directors by dividing the total number of directors into groups of one or more directors. The terms of office and number of directors in each group do not need to be uniform.

NEW SECTION. **Sec. 2408.** RESIGNATION OF DIRECTOR. (1) A director may resign at any time by delivering an executed notice in the form of a record to the

president, the secretary of the corporation, or another officer designated for that purpose in the articles or bylaws. A director may also resign by giving oral notice to the board at a meeting of the board.

(2) A resignation is effective when the notice is delivered unless the notice specifies a later effective time.

(3) If the resignation of a director of a charitable corporation results in the charitable corporation having no directors in office, then the resigning director shall notify the attorney general that the charitable corporation has no directors in office. Such notice must be in the form of a record delivered to the attorney general within ten calendar days after the effective date of the director's resignation.

NEW SECTION. **Sec. 2409.** REMOVAL OF DIRECTORS. (1) Removal of directors of a membership corporation is subject to the following provisions:

(a) The members may remove, with or without cause, one or more directors who have been elected by the members, unless the articles or bylaws provide that directors may be removed only for cause. The articles or bylaws may specify what constitutes cause for removal.

(b) The board of a membership corporation may not remove a director who has been elected by the members except as provided in subsection (5) of this section or in the articles or bylaws.

(c) The directors may remove, with or without cause, one or more directors who have been elected by the directors, unless the articles or bylaws provide that directors may be removed only for cause. The articles or bylaws may specify what constitutes cause for removal.

(d) Except as provided in the articles or bylaws, if a director is elected by a voting group of members, or by a chapter or other organizational unit, or by a region or other geographic grouping, then only the members of that voting group or chapter, unit, region, or grouping may participate in the vote to remove the director.

(e) The notice of a meeting of members at which removal of a director is to be considered shall state that the purpose, or one of the purposes, of the meeting is removal of the director.

(2) The board may remove a director of a nonmembership corporation who was elected by the directors:

(a) With or without cause, unless the articles or bylaws provide that directors may be removed only for cause. The articles or bylaws may specify what constitutes cause for removal.

(b) A nonprofit corporation shall give notice of any meeting of directors at which removal of a director is to be considered in accordance with the articles or bylaws governing notice for special meetings, but in no event less than forty-eight hours before the meeting. Such notice shall state that the purpose, or one of the purposes, of the meeting is removal of a director.

(c) As provided in subsection (5) of this section.

(3) A director who is designated by name in the articles or bylaws may be removed by an amendment to the articles or bylaws deleting or changing the designation.

(4) Except as provided in the articles or bylaws, a director who is appointed by persons other than the members or the directors may be removed with or without cause only by those persons.

(5) Notwithstanding anything else to the contrary in this section or the articles or bylaws, the board of a membership corporation or nonmembership corporation may remove a director:

(a) Who has been appointed a guardian under RCW 11.130.185 or 11.130.265;

(b) Who has been appointed a conservator under RCW 11.130.360;

(c) Who is subject to a written certification by his or her attending physician that in the physician's opinion the director is substantially unable to manage his or her financial resources or resist fraud or undue influence;

(d) Who has been convicted of a felony;

(e) Who has been found by a final order of any court of competent jurisdiction to have breached a duty as a director under section 2402 of this act;

(f) Who has missed the number of board meetings specified in the articles or bylaws, if the articles or bylaws at the beginning of the director's current term provided that a director may be removed

for missing the specified number of board meetings; or

(g) Who does not satisfy any of the qualifications for directors set forth in the articles or bylaws at the beginning of the director's current term, if the decision that the director fails to satisfy a qualification is made by the vote of a majority of the directors who meet all of the required qualifications.

(6) Notwithstanding anything else to the contrary in this section or the articles or bylaws, the board of a charitable corporation that is a membership corporation or a nonmembership corporation may remove a director if the director's continued service would cause the charitable corporation to be prohibited from soliciting charitable funds under RCW 19.09.100(13).

NEW SECTION. **Sec. 2410.** VACANCY ON BOARD OF DIRECTORS. (1) Except as provided in subsection (2) of this section, the articles, or the bylaws, if a vacancy occurs on the board, including a vacancy resulting from an increase in the number of directors, then the vacancy may be filled by a majority of the directors remaining in office even if they constitute less than a quorum. For purposes of section 2409 of this act, any director so elected is deemed to have been elected by the members, voting group, or persons who would elect that director at a regular election.

(2) Except as provided in the articles or bylaws, a vacancy in the position of a director who is:

(a) Appointed by persons other than the members, may be filled only by those persons; or

(b) Designated by name in the articles or bylaws, may not be filled by action of the board.

(3) A vacancy that will occur at a specific later time, by reason of a resignation effective at a later time under section 2408(2) of this act, or otherwise, may be filled before the vacancy occurs but the new director may not take office until the vacancy occurs.

(4) If no directors remain in office, and there are no members with the right to elect directors, then the attorney general has the power to appoint one or more directors selected for their interest and ability to carry out the purposes of the corporation, unless the articles or bylaws provide a different method for electing, appointing, or designating at least one director.

NEW SECTION. **Sec. 2411.** LIABILITY OF DIRECTORS. (1) A director of a nonprofit corporation is not liable to the nonprofit corporation for any action taken, or any failure to take any action, as a director, except as provided in subsection (2) or (3) of this section or in the articles or bylaws.

(2) Notwithstanding any provision to the contrary in the articles or bylaws, a director is liable to the corporation for:

(a) The value of any benefit in cash, other property, or services received by the director to which the director is not legally entitled; or

(b) Intentional misconduct or a knowing violation of law, including but not limited to criminal law or this chapter, by the director.

(3) A director is liable to the corporation for a violation of any additional standard of conduct specified in the nonprofit corporation's articles as an exception to the limitation on director's liability.

(4) A director of a nonprofit corporation is not liable to any member of the nonprofit corporation for any action taken, or any failure to take action, as a director, except as provided in subsection (5) of this section.

(5) A director is liable to a member of the corporation only for:

(a) A knowing infliction of harm upon the member; or

(b) An intentional violation of criminal law or this chapter that results in harm or loss to the member.

(6) The party seeking to establish the director's liability to the corporation or any member of the corporation:

(a) For money damages, also has the burden of establishing that:

(i) Harm to the nonprofit corporation or its members has been suffered; and

(ii) The harm suffered was proximately caused by the director's challenged conduct; or

(b) For other money payment under a legal remedy, such as compensation for

the unauthorized use of corporate assets, also has whatever burden of persuasion may be called for to establish that the payment sought is appropriate in the circumstances; or

(c) For other money payment under an equitable remedy, such as profit recovery by or disgorgement to the corporation, also has whatever burden of persuasion may be called for to establish that the equitable remedy sought is appropriate in the circumstances.

(7) Nothing contained in this section:

(a) In any instance where fairness is at issue, such as consideration of the fairness of a transaction to the nonprofit corporation under section 2703(1)(c) of this act, alters the burden of proving the fact or lack of fairness otherwise applicable;

(b) Alters the fact or lack of liability of a director to the nonprofit corporation under another section of this chapter, such as the provisions governing the consequences of an unlawful distribution under section 2702 of this act, a conflicting interest transaction under section 2703 of this act, or taking advantage of a business opportunity under section 2704 of this act;

(c) Affects any rights to which the corporation or a director or member may be entitled under another statute of this state or the United States; or

(d) Affects the authority of the attorney general to take any action against a director under this chapter or other applicable Washington state law.

NEW SECTION. **Sec. 2412.** COMPENSATION OF DIRECTORS. Unless the articles or bylaws provide otherwise, the board may fix the compensation of directors.

ARTICLE 5

MEETINGS AND ACTION OF THE BOARD

NEW SECTION. **Sec. 2501.** MEETINGS OF THE BOARD. (1) The board may hold regular or special meetings in or out of this state.

(2) Unless the articles or bylaws provide otherwise, the board may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, one or more means of remote communication through which all of the directors may simultaneously participate with each other during the meeting. A director participating in a meeting by this means is considered present in person at the meeting. For any meeting at which one or more directors may participate by means of remote communication, notice of the meeting must be delivered to each director by a means which the director has authorized and provide complete instructions for participating in the meeting by remote communication.

NEW SECTION. **Sec. 2502.** NOTICE OF BOARD MEETINGS. (1) Regular meetings of the board may be held with or without notice as prescribed in the articles or bylaws, unless notice is required by section 2409(2) of this act or other provisions of this chapter.

(2) Unless the articles or bylaws provide for a longer or shorter period, special meetings of the board must be preceded by at least forty-eight hours' notice of the date, time, and place of the meeting. The notice need not describe the purpose of the special meeting, except as required by section 2409(2) of this act, other provisions of this chapter, or the articles or bylaws.

(3) Unless the articles or bylaws provide otherwise, the president, the secretary, or twenty percent of the directors then in office may call and give, or cause to be given, notice of a meeting of the board.

(4) Oral notice of meetings of the board may be given, unless oral notice is not permitted by a corporation's articles or bylaws.

NEW SECTION. **Sec. 2503.** WAIVER OF NOTICE. (1) A director may waive any notice required by this chapter, the articles, or the bylaws before or after the date and time stated in the notice. Except as provided by subsection (2) of this section, the waiver must be in the form of a record, executed by the director entitled to the notice, and filed with the minutes or corporate records.

(2) A director's attendance at or participation in a meeting waives any required notice to the director of the meeting, unless the director at the beginning of the meeting or promptly upon arrival objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting.

NEW SECTION. **Sec. 2504.** BOARD QUORUM AND VOTING REQUIREMENTS. (1) Except as

provided in subsection (2) or (3) of this section, the articles, or the bylaws, a quorum of the board consists of a majority of the directors in office before a meeting begins.

(2) The articles or bylaws may authorize a quorum of the board to consist of no fewer than one-third of the number of directors in office.

(3) A quorum shall not be present at any time during a meeting unless a majority of the directors present are at least 18 years of age.

(4) If a quorum is present when a vote is taken, then the affirmative vote of a majority of directors present is the act of the board unless a greater vote is required by the articles or bylaws or this chapter.

(5) No proxy for a director, however appointed, may:

(a) Participate in any vote of the board or of any board committee;

(b) Be counted for the purpose of determining whether a quorum is present at a meeting; or

(c) Execute any written consent on behalf of the director.

(6) A director who is present at a meeting of the board when corporate action is taken is considered to have assented to the action taken unless:

(a) The director objects at the beginning of the meeting or promptly upon arrival to holding it or transacting business at the meeting;

(b) The director dissents or abstains from the action; or

(c) The director delivers notice in the form of a record of the director's dissent or abstention to the president or secretary of the corporation or another officer of the corporation designated in the bylaws before or during the meeting or before the approval of the minutes of the meeting.

(7) The right of dissent or abstention is not available to a director who votes in favor of the action taken.

NEW SECTION. **Sec. 2505.** ACTION WITHOUT MEETING BY UNANIMOUS WRITTEN CONSENT. (1) Unless the articles or bylaws prohibit action without a meeting, action required or permitted by this chapter to be taken by the board may be taken without a meeting if each director entitled to vote with respect to the subject matter thereof executes a consent in the form of a record describing the action to be taken and delivers it to the nonprofit corporation.

(2) For purposes of this section only, "each director entitled to vote" does not include an "interested director" who abstains in writing from providing consent, where:

(a) The board has determined that:

(i) The corporation is entering into the transaction for its own benefit; and

(ii) The transaction is fair and reasonable to the corporation when it enters into the transaction or the noninterested directors determine in good faith after reasonable investigation that the corporation cannot obtain a more advantageous arrangement with reasonable effort under the circumstances, at or before execution of the written consent;

(b) That determination of the board is included in the written consent executed by the noninterested directors or in other records of the corporation; and

(c) All of the noninterested directors approve the action.

(3) Action taken under this section is the act of the board when one or more consents executed by all the directors entitled to vote are delivered to the nonprofit corporation. In no event may the period between the date of the first signature by a director on such a consent and the date on which all directors have executed the consent be more than sixty days. The consent may specify the time at which the action taken in the consent is to be effective. A director's consent may be withdrawn by a revocation in the form of a record executed by the director and delivered to the president, secretary, or other officer of the corporation specified by the board for that purpose before delivery to the corporation of unrevoked consents executed by all the directors.

(4) A written consent executed under this section has the effect of action taken at a meeting of the board and may be described as such in any document.

NEW SECTION. **Sec. 2506.** BOARD AND ADVISORY COMMITTEES. (1) Unless this chapter, the articles, or the bylaws provide otherwise, a board may create one

or more committees of the board that consist of two or more directors. A committee of the board shall not include as voting members persons who are not directors, except:

(a) As provided in Title 48 RCW or the regulations promulgated thereunder;

(b) If the only powers delegated to the committee are those necessary for the committee to serve in any fiduciary capacity with respect to one or more employee benefit plans established under the federal employee retirement income security act of 1974, or any successor statute; or

(c) Unless without the inclusion of persons who are not directors it is impossible or impracticable for the corporation to comply with applicable law other than this chapter.

(2) Unless this chapter otherwise provides, the creation of a committee of the board and appointment of directors to it shall be approved by the greater of:

(a) A majority of all the directors in office when the action is taken; or

(b) The number of directors required by the articles or bylaws to take action under section 2504 of this act.

(3) Sections 2501 through 2505 of this act apply to both committees of the board and their members to the greatest practicable extent.

(4) To the extent specified by the board or in the articles or bylaws, each committee of the board may exercise the powers of the board granted through section 2401(2) of this act, except as limited by subsection (5) of this section.

(5) A committee of the board may not:

(a) Authorize distributions;

(b) Adopt, amend, alter, or repeal bylaws;

(c) In the case of a membership corporation, approve or propose to members action that must be approved by members under the articles or bylaws;

(d) Elect, appoint or remove any member of any committee of the board or any director or officer of the corporation;

(e) Amend the articles;

(f) Adopt a plan of merger with another corporation;

(g) Adopt a plan of domestication, for-profit conversion, or entity conversion;

(h) Authorize the sale, lease, or exchange of all or substantially all of the property and assets of the corporation not in the ordinary course of business;

(i) Authorize the voluntary dissolution of the corporation or revoke proceedings therefor;

(j) Adopt a plan for the distribution of the assets of the corporation; or

(k) Amend, alter, or repeal any resolution of the board, unless the resolution provides by its terms that it may be amended, altered, or repealed by a committee.

(6) The creation of, delegation of authority to, or action by a committee of the board does not alone constitute compliance by a director with the standards of conduct described in section 2402 of this act.

(7) A nonprofit corporation may create or authorize the creation of one or more advisory committees whose members need not be directors or meet the qualification requirements for directors. The board shall not delegate any of its authority to an advisory committee. An advisory committee:

(a) Is not a committee of the board; and

(b) May not exercise any of the powers of the board.

NEW SECTION. **Sec. 2507.** PROCEDURE FOR REMOTE MEETINGS. Unless otherwise provided in the articles or bylaws, meetings of the board or any committee held by remote communication must follow the provisions of sections 2501 through 2506 of this act to the greatest practicable extent.

ARTICLE 6

OFFICERS

NEW SECTION. **Sec. 2601.** OFFICERS—DUTIES. (1) The officers of a nonprofit corporation consist of a president, secretary, and treasurer, and other officers as may be authorized by the articles, the bylaws, or the board.

(2) Unless the articles or bylaws provide otherwise, the board shall elect or appoint all officers annually, and officers shall serve until their respective successors have been elected or appointed or until their earlier removal or resignation.

(3) The same individual may simultaneously hold more than one office in a nonprofit corporation, except that the same individual may not hold the offices of president and secretary.

(4) Each officer has the authority and shall perform the duties set forth in the articles or bylaws or, to the extent consistent with the articles and bylaws, the duties prescribed by the board or by direction of an officer authorized by the board to prescribe the duties of other officers.

NEW SECTION. **Sec. 2602.** STANDARDS OF CONDUCT FOR OFFICERS. (1) An officer with discretionary authority shall discharge his or her duties under that authority:

(a) In good faith;

(b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(c) In a manner the officer reasonably believes to be in the best interests of the corporation.

(2) The duty of an officer includes the obligation to convey to his or her superior officer, the board, a board committee, or another appropriate person within the nonprofit corporation:

(a) Information about the affairs of the nonprofit corporation within the scope of the officer's functions, and known to the officer to be material to the superior officer, board, or committee thereof; and

(b) Information regarding any actual or probable material violation of law involving the corporation or material breach of duty to the corporation by an officer, director, employee, agent, or vendor of the corporation, that the officer believes has occurred or is likely to occur.

(3) In discharging his or her duties, an officer who does not have knowledge that makes reliance unwarranted may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(a) One or more officers or employees of the nonprofit corporation whom the officer reasonably believes to be reliable and competent in the functions performed or the information, opinions, reports, or statements provided;

(b) Legal counsel, public accountants, or other persons retained by the corporation as to matters involving skills or expertise the officer reasonably believes are matters:

(i) Within the particular person's professional or expert competence; or

(ii) As to which the particular person merits confidence.

(4) An officer is not a trustee with respect to the nonprofit corporation or with respect to any property held or administered by the corporation, including property that may be subject to restrictions imposed by the donor or transferor of the property.

NEW SECTION. **Sec. 2603.** RESIGNATION AND REMOVAL OF OFFICERS. (1) An officer may resign at any time by delivering notice to the nonprofit corporation. A resignation is effective when the notice is delivered unless the notice specifies a later effective time. If a resignation is made effective at a later time and the board or the appointing officer accepts the future effective time, then the board or the appointing officer may designate a successor before the effective time if the board or the appointing officer provides that the successor does not take office until the effective time.

(2) Except as provided in the articles or bylaws, an officer may be removed at any time with or without cause by:

(a) The board;

(b) The officer who appointed the officer being removed, unless the board provides otherwise; or

(c) Any other officer authorized by the articles, the bylaws, or the board to remove the officer being removed.

(3) In this section, "appointing officer" means the officer, including any successor to that officer who appointed the officer resigning or being removed.

NEW SECTION. **Sec. 2604.** CONTRACT RIGHTS OF OFFICERS. (1) The appointment

or election of an officer does not itself create contract rights.

(2) An officer's removal does not affect the officer's contract rights, if any, with the nonprofit corporation. An officer's resignation does not affect the corporation's contract rights, if any, with the officer.

ARTICLE 7

PROVISIONS COMMON TO DIRECTORS AND OFFICERS

NEW SECTION. **Sec. 2701.** LOANS OR GUARANTEES. (1) A nonprofit corporation may not lend money to, advance credit to, or guarantee the obligation of a director or officer of the corporation.

(2) Subsection (1) of this section does not apply to:

(a) An advance to pay reimbursable expenses reasonably expected to be incurred within a time period that is reasonable under the circumstances by a director or officer;

(b) Advances pursuant to section 2706 of this act;

(c) Loans or advances pursuant to employee benefit plans; or

(d) A loan to pay reasonable relocation expenses of an officer.

(3) The fact that a loan or guarantee is made in violation of this section does not affect the borrower's liability on the loan.

(4) The directors who vote for or assent to any loan, advance, or guarantee in violation of subsection (1) of this section, and any officer materially participating in the making of such a loan, advance, or guarantee, are personally liable on a joint and several basis to the nonprofit corporation on the loan, advance, or guarantee. Liability under this subsection terminates upon the repayment of any funds advanced by the nonprofit corporation in violation of subsection (1) of this section or, if no funds have been advanced under a guarantee, upon the termination of the guarantee.

(5) A director or officer held liable under subsection (4) of this section for any unlawful loan or guarantee is entitled to contribution from every other director or officer who could be held liable under subsection (4) of this section for the unlawful loan or guarantee.

(6) A proceeding to enforce contribution or recoupment under subsection (5) of this section is barred unless it is commenced within one year after the liability of the claimant has been finally adjudicated under subsection (4) of this section.

NEW SECTION. **Sec. 2702.** LIABILITY FOR UNLAWFUL DISTRIBUTIONS. (1) A director or officer is personally liable to the nonprofit corporation for the amount of any distribution that exceeds the amount the corporation could have distributed without violating section 1406 of this act if:

(a) The nature or amount of the distribution was material to the interests of the corporation for any reason under all of the facts and circumstances including, but not limited to, federal excise tax liability or federal tax penalties imposed on the corporation as a result of the distribution;

(b) The director or officer voted for or assented to that distribution as a director, or participated beyond the level of a ministerial function in making that distribution as an officer; and

(c) The party asserting liability establishes that, when taking the action, the director or officer violated the standard of conduct set forth in subsection (2) of this section.

(2) A director or officer may be held liable under this section:

(a) For a distribution by a charitable corporation, or a distribution of assets held for charitable purposes, if the director did not comply with section 2402 of this act or the officer did not comply with section 2602 of this act; or

(b) If the conduct of the director or officer with respect to the distribution constitutes gross negligence.

(3) A director or officer held liable under this section for an unlawful distribution is entitled to:

(a) Contribution from every other director or officer who could be held liable under this section for the unlawful distribution; and

(b) Recoupment from each person of the pro rata portion of the amount of the

unlawful distribution the person received:

(i) Whether or not the person knew the distribution was made in violation of this chapter, for a distribution by a charitable corporation or of property held for charitable purposes; or

(ii) Knowing the distribution was made in violation of this chapter, for a distribution of property not held for charitable purposes.

(4) A proceeding to enforce:

(a) The liability of a director or officer under this section is barred, unless it is commenced within three years after the date on which the distribution was made; or

(b) Contribution or recoupment under subsection (3) of this section is barred, unless it is commenced within one year after the liability of the claimant under this section has been finally adjudicated.

NEW SECTION. **Sec. 2703.** CONFLICTING INTEREST TRANSACTIONS—VOIDABILITY. (1) A contract or transaction between a nonprofit corporation and one or more of its members, directors, or officers; or between a nonprofit corporation and any other entity in which one or more of its directors or officers are directors or officers, hold a similar position, or have a financial interest is not void or voidable solely for that reason, or solely because the member, director, or officer is present at or participates in the meeting of the board that authorizes the contract or transaction or solely because his or her or their votes are counted for that purpose, if:

(a) The material facts as to the relationship or interest and as to the contract or transaction are disclosed or are known to the board and the board in good faith authorizes the contract or transaction by the affirmative vote of a majority of the disinterested directors even though the disinterested directors are less than a quorum;

(b) The material facts as to the relationship or interest of the member, director, or officer and as to the contract or transaction are disclosed or are known to the members entitled to vote thereon, if any, and the contract or transaction is specifically approved in good faith by vote of those members; or

(c) The contract or transaction is fair as to the corporation as of the time the board or the members authorize, approve, or ratify the transaction.

(2) Interested directors or directors holding a similar position in the other entity involved in a contract or transaction specified in subsection (1) of this section may be counted in determining the presence of a quorum at a meeting of the board that authorizes the contract or transaction.

(3) This section is applicable except as provided in the articles or bylaws.

NEW SECTION. **Sec. 2704.** BUSINESS OPPORTUNITIES. (1) The taking advantage, directly or indirectly, by a director or officer of a business opportunity may not be the subject of equitable relief, or give rise to an award of damages or other sanctions against the director or officer, in a proceeding by or in the right of the nonprofit corporation on the ground that the opportunity should have first been offered to the corporation, if before becoming legally obligated or entitled respecting the opportunity the director or officer brings it to the attention of the corporation and action by the members or the directors disclaiming the corporation's interest in the opportunity is taken in compliance with the procedures set forth in section 2703 of this act, as if the decision being made concerned a conflicting interest transaction.

(2) In any proceeding seeking equitable relief or other remedies, based upon an alleged improper taking advantage of a business opportunity by a director or officer, the fact that the director or officer did not employ the procedure described in subsection (1) of this section before taking advantage of the opportunity does not support an inference that the opportunity should have been first presented to the nonprofit corporation or alter the burden of proof otherwise applicable to establish that the director or officer breached a duty to the corporation in the circumstances.

NEW SECTION. **Sec. 2705.** REMOVAL BY JUDICIAL PROCEEDING. (1) The court may remove a director or officer from office in a proceeding commenced by or in the right of the corporation if the court finds that:

(a) The director or officer engaged in fraudulent conduct with respect to the corporation or its members, knowingly

inflicted harm on the corporation, or engaged in acts or omissions constituting gross negligence with respect to the director's or officer's duties; and

(b) Considering the course of conduct of the director or officer and the inadequacy of other available remedies, removal would be in the best interest of the corporation.

(2) An action under this section may be commenced by a member, individual director, or delegate. The attorney general may also commence an action under this section if the corporation holds property for charitable purposes.

(3) The court, in addition to removing the director or officer, may bar the director or officer from being reelected, redesignated, or reappointed as a director, an officer, or both for a period prescribed by the court.

(4) Nothing in this section limits the equitable powers of the court to order other relief.

(5) If a proceeding is commenced under this section to remove a director or officer of a charitable corporation, then the plaintiff shall give the attorney general notice in the form of a record of the commencement of the proceeding.

NEW SECTION. **Sec. 2706.** INDEMNIFICATION AND ADVANCE FOR EXPENSES. The provisions of RCW 23B.08.500 through 23B.08.603, or their successors, apply to any corporation to which this chapter applies. For purposes of this chapter:

(1) All references in those provisions to shares of a corporation are deemed to refer to membership interests in the nonprofit corporation.

(2) All references in those provisions to shareholders are deemed to refer to members of the nonprofit corporation.

(3) All references in those provisions to a shareholders meeting are deemed to refer to a meeting of the members of the nonprofit corporation.

(4) All references in those provisions to transactions from which directors or officers will personally receive a benefit to which they are not entitled are deemed to include transactions approved or implemented by a director or officer knowing them to be in violation of section 1406 of this act.

(5) This section does not limit a nonprofit corporation's power to indemnify, advance expenses to, or provide or maintain insurance on behalf of an employee, agent, or volunteer.

NEW SECTION. **Sec. 2707.** DIRECTORS AND OFFICERS UNDER 18 YEARS OF AGE. No director or officer of a corporation who is under 18 years of age shall have authority to execute any document on behalf of the corporation, or otherwise to bind the corporation with respect to any other party, without the written concurrence of one or more other directors or officers of the corporation who are at least 18 years of age and would, between them, have independent authority to execute the same document or to bind the corporation in the same way.

PART III

FUNDAMENTAL TRANSACTIONS

ARTICLE 1

AMENDMENT OF ARTICLES OR BYLAWS

NEW SECTION. **Sec. 3101.** AUTHORITY TO AMEND. (1) A nonprofit corporation may amend its articles of incorporation, from time to time, so long as its articles as amended contain only provisions that are lawful under this chapter.

(2) Amendments to the articles of a charitable corporation to include one or more purposes of the corporation substantially different from the corporation's purposes before the amendment are subject to the reporting requirement set out in section 1205 of this act.

NEW SECTION. **Sec. 3102.** AMENDMENT OF ARTICLES BY NONMEMBERSHIP CORPORATION. (1) Except as provided in the articles, the board of a nonmembership corporation may adopt amendments to the corporation's articles by the vote of a majority of the directors in office.

(2) Except as provided in subsection (3) of this section, an amendment adopted by the board under this subsection must also be approved, if the amendment changes or deletes a provision regarding the appointment of a director by persons other than the board, by those persons as if they constituted a voting group.

(3) Unless the articles provide otherwise, the board of a nonmembership corporation may adopt amendments to the corporation's articles without approval

of any of the other persons identified in subsection (2) of this section to:

(a) Extend the duration of the corporation if it was incorporated at a time when limited duration was required by law;

(b) Delete the names and addresses of the initial directors;

(c) Notwithstanding section 1303(1) of this act, delete the name of each incorporator and the name and address of the initial registered agent or registered office, if a statement of change is on file with the secretary of state; and

(d) Restate without change all of the then operative provisions of the articles.

NEW SECTION. **Sec. 3103.** AMENDMENT BEFORE ADMISSION OF MEMBERS. If a membership corporation has not yet admitted members, then its board may adopt one or more amendments to the articles.

NEW SECTION. **Sec. 3104.** AMENDMENT AFTER ADMISSION OF MEMBERS. (1) An amendment to the articles of a membership corporation must be adopted in the following manner:

(a) Except as provided in (e) of this subsection, a proposed amendment must be adopted by the board.

(b) Except as provided in sections 3107 and 3108 of this act, a proposed amendment must be submitted to the members entitled to vote on the amendment, if any, for their approval.

(c) The board shall deliver to all members a recommendation that the members approve an amendment, unless the board makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board shall deliver to the members the basis for that determination.

(d) The board may condition its submission of an amendment to the members on any basis. Such a condition is in addition to any approval requirements set forth in the corporation's articles or bylaws or in this chapter.

(e) If the articles or bylaws so permit, an amendment may be proposed by ten percent or more of the members entitled to vote on the amendment, or by a greater number of members if the articles or bylaws so specify. The provisions of (a), (c), and (d) of this subsection do not apply to an amendment proposed by the members under this subsection.

(f) If an amendment is required to be approved by the members, including under (e) of this subsection, and the approval is to be given at a meeting, then the corporation shall give notice to each member, whether or not entitled to vote on the amendment, of the meeting of members at which the amendment is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the amendment and must contain or be accompanied by a copy or summary of the amendment. If a summary is provided in lieu of a copy of the amendment, then a copy must be available to members upon request and the notice shall state that fact.

(g) At a meeting described in (f) of this subsection, those members entitled to vote on the amendment may:

(i) Approve or reject the amendment exactly as provided or summarized in the notice of the meeting; or

(ii) Approve revisions to the amendment at the meeting, if the subject matter of the revisions is within the scope of the subject matter of the amendment as provided or summarized in the notice of the meeting.

(h) The board shall determine whether the subject matter of any revisions approved by members remains within the scope of the subject matter of the amendment as provided or summarized in the notice of the meeting. If the board determines that the revisions approved by the members are not within that scope, then the amendment is deemed rejected by the membership. If the board determines that the revisions by members are within scope, then the board may:

(i) Accept the amendment incorporating the revisions approved by the members; or

(ii) Propose a further revised amendment to the members for approval.

This process may continue until an amendment acceptable to the board has been approved by the members. If successive votes take place at the same meeting of members, then no further notices or meetings are required.

(i) Unless the articles or bylaws, or the board acting pursuant to (d) of this subsection, requires a greater vote or a greater number of votes to be present, the approval of an amendment by the members entitled to vote thereon requires the approval of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the amendment, the approval of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(j) Except as provided in subsection (2) of this section, an amendment adopted by the board under this subsection must also be approved, if the amendment changes or deletes a provision regarding the appointment of a director by persons other than the board, by those persons as if they constituted a voting group.

(k) If a membership corporation has no members entitled to vote on the amendment, then the corporation shall deliver notice of the approval of the amendment by the board to all members of the corporation at least five days before filing articles of amendment or restated articles of incorporation with the secretary of state.

(2) Unless the articles provide otherwise, the board of a membership corporation may adopt amendments to the corporation's articles without approval of the members to:

(a) Delete the names and addresses of the initial directors;

(b) Notwithstanding section 1303(2) of this act, delete the name of each incorporator and the name and address of the initial registered agent or registered office, if a statement of change is on file with the secretary of state; or

(c) Restate without change all of the then operative provisions of the articles.

NEW SECTION. **Sec. 3105.** VOTING ON AMENDMENTS BY VOTING GROUPS. (1) If a nonprofit corporation has more than one class of members entitled to vote on an amendment to the articles, then the articles or bylaws may provide that the members of each class entitled to vote on the amendment are entitled to vote as a separate voting group if the amendment would change the rights, powers, preferences, or limitations of the class.

(2) If a class of members will be divided into two or more classes by an amendment to the articles, then the amendment must be approved by a majority of the members of each class that will be created.

NEW SECTION. **Sec. 3106.** ARTICLES OF AMENDMENT. After an amendment to the articles has been adopted and approved in the manner required by sections 3101 through 3114 of this act and by the articles, the nonprofit corporation shall deliver to the secretary of state for filing articles of amendment, which must be executed by an officer or other authorized representative and set forth:

(1) The name of the corporation;

(2) The text of the amendment adopted;

(3) The date of the amendment's adoption; and

(4) If the amendment:

(a) Was adopted by the board without member approval, a statement that the amendment was adopted by the board of directors, and that member approval was not required; or

(b) Required approval by the members, a statement that the amendment was approved by the members in the manner required by this chapter and by the articles and bylaws.

NEW SECTION. **Sec. 3107.** RESTATED ARTICLES OF INCORPORATION. (1) The board of a nonprofit corporation may restate its articles of incorporation at any time, without approval by the members or any other person, to consolidate all amendments into a single document without substantive change.

(2) A restatement of the articles may include one or more amendments to the articles. If restated articles of incorporation of a nonmembership corporation include one or more new amendments, then these amendments must have been adopted and approved as provided in section 3102 of this act. If restated articles of incorporation of a membership corporation include one or more new amendments that require member approval, then the amendments must have been adopted and approved as provided in section 3103 or 3104 of this act, as appropriate.

(3) A nonprofit corporation that restates its articles of incorporation shall deliver to the secretary of state

for filing articles of restatement setting forth the name of the nonprofit corporation and the text of the restated articles of incorporation together with a certificate setting forth:

(a) If the restatement does not include any amendments to the articles, a statement of that fact;

(b) If the restatement contains one or more amendments to the articles, the information required by section 3106 (1) through (4) of this act.

(4) The articles of restatement and the certificate must be executed by an officer or other authorized representative.

(5) Duly adopted restated articles of incorporation supersede the original articles and all amendments thereto.

(6) The secretary of state shall certify restated articles of incorporation as the articles currently in effect.

NEW SECTION. **Sec. 3108.** AMENDMENT OF ARTICLES PURSUANT TO REORGANIZATION. (1) A nonprofit corporation's articles of incorporation may be amended without action by the board or the members to carry out a plan of reorganization ordered or decreed by any court of competent jurisdiction in a proceeding relating to the corporation.

(2) An individual designated by the court shall deliver to the secretary of state for filing articles of amendment setting forth:

(a) The name of the corporation;

(b) The text of each amendment approved by the court;

(c) The date of the court's order or decree approving the articles of amendment;

(d) The title of the reorganization proceeding in which the order or decree was entered; and

(e) A statement that the court had jurisdiction of the proceeding.

(3) This section does not apply after entry of a final decree in the reorganization proceeding even though the court retains jurisdiction of the proceeding for limited purposes unrelated to consummation of the reorganization plan.

NEW SECTION. **Sec. 3109.** EFFECTIVE DATE. Unless a delayed effective date is specified, articles of amendment or restated articles of incorporation become effective on the date the articles of amendment or restated articles of incorporation are filed by the secretary of state.

NEW SECTION. **Sec. 3110.** EFFECT OF ARTICLES OF AMENDMENT. (1) Except as provided in subsection (2) of this section, an amendment to the articles does not affect a cause of action existing against or in favor of the nonprofit corporation, a proceeding to which the corporation is a party, or the existing rights of persons other than members of the corporation or persons referred to in the articles. An amendment changing a corporation's name does not abate a proceeding brought by or against the corporation in its former name.

(2) No amendment to the articles shall modify any restriction imposed through any means upon property held for charitable purposes unless, before the delivery of the amendment to the secretary of state for filing, the restriction is modified:

(a) In the case of a restriction imposed pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary, through an appropriate order of the court or the agreement of all interested parties, including the attorney general, under chapter 11.96A RCW; or

(b) In the case of any other restriction, pursuant to section 1503 of this act.

(3) A person who is a member or otherwise affiliated with a charitable corporation may not receive a direct or indirect financial benefit in connection with an amendment of the articles unless the person is itself a charitable corporation, the federal government, a state, a governmental subdivision, or an unincorporated entity that has charitable purposes. This subsection does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. **Sec. 3111.** POWER TO AMEND BYLAWS. The power to alter, amend, or repeal the bylaws or adopt new bylaws is vested in the board unless otherwise provided in the articles, the bylaws, or this chapter.

NEW SECTION. **Sec. 3112.** BYLAW AMENDMENTS REQUIRING MEMBER APPROVAL. (1) Except as provided in the articles or bylaws, the board of a membership corporation that has one or more members may not, without approval of the class or classes of members affected, adopt or amend a provision of the bylaws:

(a) That would eliminate any existing right, power, or privilege of membership contained in the bylaws;

(b) Under section 2107 of this act, providing that some of the members have different rights or obligations than other members with respect to voting, dissolution, transfer of memberships or other matters;

(c) Under section 2110 of this act, levying dues, assessments, or fees on some or all of the members;

(d) Under section 2113 of this act, relating to the termination or suspension of members; or

(e) Under section 2114 of this act, authorizing the purchase of memberships.

(2) The board of a membership corporation that has members may not amend the articles or bylaws without approval of every class or classes of members affected to vary the application of subsection (1) of this section to the corporation.

(3) If a nonprofit corporation has more than one class of members, then the members of a class are entitled to vote as a separate voting group on an amendment to the bylaws that:

(a) Is described in subsection (1) of this section, if the amendment would affect the members of that class differently than the members of another class; or

(b) Has any of the effects described in section 3104(1)(j) of this act.

(4) If a class of members will be divided into two or more classes by an amendment to the bylaws, then the amendment must be approved by a majority of the members of each class that will be created.

NEW SECTION. **Sec. 3113.** EFFECT OF BYLAW AMENDMENT. (1) No amendment to the bylaws shall modify any restriction imposed through any means upon property held for charitable purposes unless, before or simultaneously with the adoption of the bylaws amendment, the restriction is modified:

(a) In the case of a restriction imposed pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary, through an appropriate order of the court or the agreement of all interested parties, including the attorney general, under chapter 11.96A RCW; or

(b) In the case of any other restriction, pursuant to section 1503 of this act.

(2) A person who is a member or otherwise affiliated with a charitable corporation may not receive a direct or indirect financial benefit in connection with an amendment of the bylaws unless the person is itself a charitable corporation, the federal government, a state, a governmental subdivision, or an unincorporated entity that has charitable purposes. This subsection does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. **Sec. 3114.** APPROVAL OF AMENDMENTS BY THIRD PARTIES. (1) The articles of incorporation may require that an amendment to the articles be approved in the form of a record by a specified person or group of persons in addition to the board or members.

(2) The articles or bylaws may require that an amendment to the bylaws be approved in the form of a record by a specified person or group of persons in addition to the board or members.

(3) A requirement in the articles or bylaws described in subsection (1) or (2) of this section may only be amended with the approval in the form of a record of the specified person or group of persons.

ARTICLE 2

MERGER

NEW SECTION. **Sec. 3201.** DEFINITIONS. The definitions in this section apply throughout this section and sections 3202 through 3209 of this act unless the context clearly requires otherwise.

(1) "Eligible interests" means interests or shares.

(2) "Interests" means either or both of the following rights under the organic law of an unincorporated entity:

(a) The right to receive distributions from the entity either in the ordinary course or upon liquidation; or

(b) The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy, or person responsible for managing its business, activities, or affairs.

(3) "Merger" means a transaction pursuant to section 3205 of this act.

(4) "Party to a merger" means any domestic or foreign nonprofit corporation or eligible entity that will merge under a plan of merger.

(5) "Shares" means the units into which the proprietary interests in a domestic or foreign for-profit corporation are divided.

(6) "Survivor" in a merger means the corporation or eligible entity into which one or more other corporations or eligible entities are merged. A survivor of a merger may preexist the merger or be created by the merger.

NEW SECTION. **Sec. 3202.** PROPERTY HELD FOR CHARITABLE PURPOSES. (1) In a merger under sections 3201 through 3209 of this act, property held for charitable purposes by a nonprofit corporation may not be diverted from charitable purposes.

(2) The survivor of any merger under sections 3201 through 3209 of this act remains bound by any restriction imposed through any means upon property held for charitable purposes by any party to the merger including, but not limited to, any restriction that affects existing rights of persons other than members, shareholders, or interest holders of the other party, unless the restriction is modified:

(a) In the case of a restriction imposed pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary, through an appropriate order of the court or the agreement of all interested parties, including the attorney general, under chapter 11.96A RCW; or

(b) In the case of any other restriction, pursuant to section 1503 of this act.

(3) Property held by a nonprofit corporation for charitable purposes upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the merger, must be returned, transferred, or conveyed in accordance with that condition.

(4) A corporation that is not a charitable corporation but holds property for charitable purposes shall deliver to the attorney general notice of its intent to consummate a merger, unless the survivor of the merger is a charitable corporation. The notice must be delivered to the attorney general in the form of a record at least twenty days before the meeting at which the proposed transaction is to be approved. Such a merger may not be implemented without the approval of the attorney general, or the approval of the court in a proceeding to which the attorney general is made a party. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the transaction, approval of the transaction is deemed to have been given.

(5) The notice described in subsection (4) of this section shall include:

(a) A statement specifying how the merger will comply with subsections (1) through (3) of this section; and

(b) A brief description of:

(i) Real property held by the corporation for charitable purposes, and its nature and location;

(ii) Cash, bank deposits, brokerage accounts, or other financial assets held by the corporation for charitable purposes, and their approximate total fair market value;

(iii) Other personal property held by the corporation for charitable purposes, and its nature and approximate total fair market value; and

(iv) All gift restrictions applicable to any property described in (b)(i) through (iii) of this subsection, and the nature of those restrictions.

NEW SECTION. **Sec. 3203.** PROHIBITION OF FINANCIAL BENEFIT. A person who is a member, director, officer, interest holder, or otherwise affiliated with a charitable corporation or any other eligible entity with a charitable purpose may not receive a direct or indirect financial benefit in connection with a merger governed by sections 3201 through 3209 of this act to which the charitable

corporation or unincorporated entity is a party unless the person is itself a charitable corporation, the federal government, a tribal government, a state or local government, a governmental subdivision, or an eligible entity that is organized exclusively for charitable purposes. This section does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. **Sec. 3204.** LIMITATIONS ON CHARITABLE CORPORATIONS. (1) A charitable corporation may merge only with:

(a) Another charitable corporation;

(b) A foreign corporation that, if it were a domestic corporation, would qualify under this chapter as a charitable corporation; or

(c) A foreign or domestic for-profit or nonprofit corporation, or unincorporated entity, only if the charitable corporation is the surviving corporation and continues to qualify as a charitable corporation after the merger.

(2) No member of a charitable corporation may receive or keep anything as a result of a merger other than a membership in the surviving charitable corporation, unless:

(a) The attorney general, or the court in a proceeding in which the attorney general has been given notice, has provided prior written consent; or

(b) The member is a charitable corporation, another entity that is organized and operated exclusively for one or more charitable purposes, the federal government, or a tribal, state, or local government.

NEW SECTION. **Sec. 3205.** MERGER. (1) Subject to the restrictions in sections 3202 through 3204 of this act, one or more domestic nonprofit corporations may merge with one or more domestic or foreign nonprofit corporations or eligible entities pursuant to a plan of merger or two or more foreign nonprofit corporations or domestic or foreign eligible entities may merge into a new domestic nonprofit corporation to be created in the merger in the manner provided in sections 3201 through 3209 of this act.

(2) A foreign nonprofit corporation, or a foreign eligible entity, may be a party to a merger with a domestic nonprofit corporation, or may be created by the terms of the plan of merger, only if the merger is permitted by the organic law of the corporation or eligible entity.

(3) If the law of this state, other than this chapter, permits the merger of a domestic eligible entity with a nonprofit corporation but does not provide procedures for the approval of such a merger, then a plan of merger may be adopted and approved, and the merger may be effectuated, in accordance with the procedures in sections 3201 through 3209 of this act. For the purposes of applying sections 3201 through 3209 of this act, as the context may require:

(a) The eligible entity is treated as a domestic nonprofit corporation, its interest holders are treated as members, eligible interests are treated as memberships, and organic records are treated as articles and bylaws; and

(b) If there is no board of directors and the business and affairs of the eligible entity are managed by a team or body of persons that is not identical to the interest holders, that team or body is deemed to be the board of directors.

(4) The plan of merger must be in the form of a record and include:

(a) The name of each domestic or foreign nonprofit corporation or eligible entity that will merge and the name of the domestic or foreign nonprofit corporation or eligible entity that will be the survivor of the merger;

(b) The terms and conditions of the merger;

(c) The manner and basis of converting the memberships of each merging domestic or foreign nonprofit membership corporation and the eligible interests of each merging domestic or foreign eligible entity into memberships, eligible interests, securities, or obligations; rights to acquire memberships, eligible interests, securities, or obligations; cash; other property or other consideration; or any combination of the foregoing;

(d) The articles and bylaws of any corporation, or the organic records of any eligible entity, to be created by the merger; or if a new corporation or eligible entity is not to be created by the merger, any changes to the survivor's articles or bylaws or organic records;

(e) Whether the corporation is a charitable corporation or is holding assets for charitable purposes;

(f) If the corporation is a charitable corporation or is holding assets for charitable purposes, a plan setting forth how the merging entities will comply with sections 3202 and 3204 of this act; and

(g) Any other provisions relating to the merger that the parties desire be included in the plan of merger.

(5) The plan of merger may also include a provision that the plan may be amended before filing articles of merger, but if the members of a domestic corporation that is a party to the merger are required or entitled to vote on the plan, then the plan shall provide that after approval of the plan by those members the plan may not be amended to change:

(a) The amount or kind of memberships, eligible interests, securities, or obligations; rights to acquire memberships, eligible interests, securities, or obligations; cash; or other property or other consideration to be received by the members of or owners of eligible interests in any party to the merger;

(b) The articles or bylaws of any corporation, or the organic records of any unincorporated entity, that will survive or be created as a result of the merger, except for changes permitted by section 3104(2) of this act or by comparable provisions of the organic law of a foreign nonprofit or for-profit corporation or domestic or foreign unincorporated entity; or

(c) Any of the other terms or conditions of the plan, if the change would adversely affect those members in any material respect.

(6) Terms of a plan of merger may be made dependent on facts objectively ascertainable outside the plan in accordance with section 1202(3) of this act.

NEW SECTION. **Sec. 3206.** ADOPTION OF PLAN OF MERGER. In the case of a nonprofit corporation that is a party to a merger:

(1) The plan of merger must be adopted by the board.

(2) Except as provided in subsection (9) of this section, section 3205 of this act, or the articles or bylaws, after adopting the plan of merger, the board shall submit the plan to those members entitled to vote on the plan for their approval. The board shall also deliver to the members a recommendation that the members approve the plan, unless the board makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board shall deliver to the members the basis for that determination.

(3) The board may condition its submission of the plan of merger to the members on any basis.

(4) If the plan of merger is required to be approved by the members, and if the approval is to be given at a meeting, then the nonprofit corporation shall give notice to each member, whether or not entitled to vote on the merger, of the meeting of members at which the plan is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. If the corporation is to be merged into an existing corporation or eligible entity, then the notice shall also include a copy or summary of the articles and bylaws or organic records of that corporation or eligible entity. If the corporation is to be merged into a corporation or eligible entity that is to be created pursuant to the merger, then the notice shall include a copy or a summary of the articles and bylaws or organic records of the new corporation or eligible entity. If a summary is provided in lieu of a copy of the plan or of the articles and bylaws, then a copy of the plan and articles and bylaws, as applicable, must be available to members upon request and this fact must be stated in the notice. Such copy of the plan and articles and bylaws, as applicable, may be made available in electronic format.

(5) Unless the articles or bylaws, or the board acting pursuant to subsection (3) of this section, requires a greater vote or a greater number of votes to be present, the approval of the plan of merger by the members entitled to vote thereon requires the approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan of merger, the approval of a majority of the members of each voting group entitled to vote at

a meeting at which a quorum of the voting group is present.

(6) Separate voting on a plan of merger is required:

(a) By each class of members:

(i) Whose memberships are to be converted into eligible interests, securities, or obligations; rights to acquire eligible interests, securities, or obligations; cash; other property or other consideration; or any combination of the foregoing;

(ii) Which is to experience a change in the rights, powers, preferences, or limitations of the class as a result of the merger; or

(iii) That would be entitled to vote as a separate group on a provision in the plan that, if contained in a proposed amendment to articles of incorporation, would require action by separate voting groups under the articles or bylaws.

(b) By a voting group, if the voting group is entitled under the articles or bylaws to vote as a voting group to approve a plan of merger.

(7) If a plan of merger would affect in the same or a substantially similar way two or more classes of members entitled to vote separately on the plan of merger under subsection (6)(a) of this section, then, instead of voting separately, all similarly affected classes of members shall vote together as a single voting group on the plan of merger, unless otherwise provided in the articles or as a condition imposed by the board under subsection (3) of this section.

(8) If as a result of a merger one or more members of a domestic nonprofit corporation would become subject to owner liability for the debts, obligations or liabilities of any other person or entity, then approval of the plan of merger requires the execution, by each member who would become subject to owner liability, of a separate record consenting to become subject to owner liability.

(9) If a domestic nonprofit corporation that is a party to a merger does not have any members entitled to vote on the merger, then a plan of merger is deemed adopted by the corporation when it has been adopted by the board pursuant to subsection (1) of this section. If a membership corporation has no members entitled to vote on the merger, then the corporation shall deliver notice of the proposed merger to all members of the corporation at least five days before the meeting at which the board is to adopt the plan of merger.

(10) In addition to the adoption and approval of the plan of merger by the board and members as required by this section, the plan of merger must also be approved in the form of a record by any person or group of persons whose approval is required under section 3114 of this act to amend the articles or bylaws.

(11) Adoption and approval of a plan of merger by all required persons under the procedures set forth in this section constitutes adoption and approval of all changes to the approving party's articles, bylaws, or other organic documents contained within the plan of merger.

NEW SECTION. **Sec. 3207.** ARTICLES OF MERGER. (1) After a plan of merger has been adopted and approved as required by sections 3201 through 3209 of this act, articles of merger must be executed on behalf of each party to the merger by an officer or other authorized representative of the party. The articles of merger shall set forth:

(a) The names of the parties to the merger;

(b) If the articles of the surviving domestic nonprofit corporation are being changed, or if a new domestic nonprofit corporation is created as a result of a merger, the changes to the articles of the surviving corporation or the articles of the new corporation;

(c) If the plan of merger required approval by the members of a domestic nonprofit corporation that was a party to the merger, a statement that the plan was approved by the members and, if voting by any separate voting group was required, by each separate voting group entitled to vote, in the manner required by this chapter and the articles or bylaws;

(d) If the plan of merger did not require approval by the members of a domestic nonprofit corporation that was a party to the merger, a statement to that effect;

(e) If a party to the merger is a noncharitable corporation holding property for charitable purposes, and the survivor is not a charitable corporation,

a statement that the attorney general has approved, or is deemed to have approved, the merger pursuant to section 3202 of this act; and

(f) As to each foreign nonprofit corporation or eligible entity that was a party to the merger, a statement that the participation of the foreign corporation or eligible entity was authorized as required by the organic law of the corporation or eligible entity.

(2) Terms of articles of merger may be made dependent on facts objectively ascertainable outside the articles in accordance with section 1202(3) of this act.

(3) Articles of merger must be delivered to the secretary of state for filing by the surviving entity of the merger and shall take effect at the effective time provided in RCW 23.95.210. Articles of merger filed under this section may be combined with any filing required under the organic law of any domestic eligible entity involved in the transaction if the combined filing satisfies the requirements of both this section and the other organic law.

NEW SECTION. **Sec. 3208.** EFFECT OF MERGER. (1) Subject to sections 3202 and 3203 of this act, if the surviving entity is a domestic nonprofit corporation when a merger becomes effective:

(a) The domestic nonprofit corporation that is designated in the plan of merger as the surviving corporation continues or comes into existence, as the case may be;

(b) The separate existence of every domestic or foreign nonprofit corporation or eligible entity that is merged into the survivor ceases;

(c) All property owned by, and every contract and other right possessed by, each domestic or foreign nonprofit corporation or eligible entity that merges into the surviving corporation is vested in the surviving corporation without reversion or impairment;

(d) All liabilities of each domestic or foreign nonprofit corporation or eligible entity that is merged into the survivor are vested in the surviving corporation;

(e) The name of the surviving corporation may, but need not be, substituted in any pending proceeding for the name of any party to the merger whose separate existence ceased in the merger;

(f) The articles and bylaws or organic records of the surviving corporation are amended to the extent of the changes provided in the plan of merger;

(g) The articles and bylaws of a surviving corporation that is created by the merger become effective; and

(h) The memberships of each corporation that is a party to the merger, and the eligible interests in an eligible entity that is a party to a merger, that are to be converted under the plan of merger into memberships, eligible interests, securities, or obligations; rights to acquire memberships, eligible interests, securities, or obligations; cash; other property or other consideration; or any combination of the foregoing; are converted.

(2) A person who becomes subject to owner liability for some or all of the debts, obligations, or liabilities of any entity as a result of a merger has owner liability only to the extent provided in the organic law of the entity and only for those debts, obligations, and liabilities that arise after the effective time of the articles of merger, except to the extent that the person consented to become subject to liability under section 3206(8) of this act.

(3) The effect of a merger on the owner liability of a person who had owner liability for some or all of the debts, obligations, or liabilities of a party to the merger is as follows:

(a) The merger does not discharge any owner liability under the organic law of the entity in which the person was a member, shareholder, or interest holder to the extent that owner liability arose before the effective time of the articles of merger.

(b) The person does not have owner liability under the organic law of the entity in which the person was a member, shareholder, or interest holder before the merger for any debt, obligation, or liability that arises after the effective time of the articles of merger.

(c) The provisions of the organic law of any entity for which the person had owner liability before the merger continue to apply to the collection or discharge of any owner liability

preserved by subsection (1) of this section, as if the merger had not occurred.

(d) The person has whatever rights of contribution from other persons are provided by the organic law of the entity for which the person had owner liability with respect to any owner liability preserved by (a) of this subsection, as if the merger had not occurred.

(4) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made before or after a merger, to or for any of the parties to the merger, inures to the survivor, subject to the express terms of the will or other instrument.

NEW SECTION. **Sec. 3209.** ABANDONMENT OF MERGER. (1) Unless otherwise provided in a plan of merger or in the organic law of a foreign nonprofit corporation or a domestic or foreign eligible entity that is a party to a merger, after the plan has been adopted and approved as required by sections 3201 through 3209 of this act, and at any time before the merger has become effective, it may be abandoned by a domestic nonprofit corporation that is a party thereto without action by its members, in accordance with any procedures set forth in the plan of merger or, if no procedures are set forth in the plan, in the manner determined by the board, subject to any contractual rights of other parties to the merger.

(2) If a merger is abandoned under subsection (1) of this section after articles of merger have been filed by the secretary of state but before the merger has become effective, then a statement that the merger has been abandoned in accordance with this section, executed on behalf of a party to the merger by an officer or other authorized representative, must be delivered to the secretary of state for filing before the effective date of the merger. Upon filing by the secretary of state, the statement takes effect and the merger is deemed abandoned and shall not become effective.

ARTICLE 3

DOMESTICATION AND CONVERSION

NEW SECTION. **Sec. 3301.** DEFINITIONS. The definitions in this section apply throughout this section and sections 3302 through 3326 of this act unless the context clearly requires otherwise.

(1) "Conversion" means a transaction authorized by section 3312, 3317, or 3321 of this act.

(2) "Converting corporation" means the domestic or foreign nonprofit or for-profit corporation that approves a conversion pursuant to sections 3301 through 3326 of this act or its organic law.

(3) "Converting entity" means the domestic or foreign entity that approves a conversion pursuant to section 3321 of this act or its organic law.

(4) "Domesticated corporation" means the domesticating corporation as it continues in existence after a domestication.

(5) "Domesticating corporation" means the domestic nonprofit corporation that adopts a plan of domestication pursuant to section 3308 of this act or the foreign nonprofit corporation that approves a domestication pursuant to its organic law.

(6) "Domestication" means a transaction authorized by section 3307 of this act.

(7) "Surviving corporation" means the corporation as it continues in existence immediately after consummation of a for-profit conversion pursuant to section 3312 of this act, a foreign for-profit conversion and domestication pursuant to section 3317 of this act, or an entity conversion pursuant to section 3321 of this act.

(8) "Surviving entity" means the unincorporated entity as it continues in existence immediately after consummation of an entity conversion pursuant to section 3321 of this act.

NEW SECTION. **Sec. 3302.** EXCLUDED TRANSACTIONS. Sections 3301 through 3326 of this act may not be used to effect a transaction that:

(1) Converts a nonprofit or mutual insurance company to a for-profit stock corporation; or

(2) Is governed by chapter 70.45 RCW.

NEW SECTION. **Sec. 3303.** REQUIRED APPROVALS. If a domestic or foreign nonprofit corporation or eligible entity may not be a party to a merger or sale of its assets without the approval of a federal or state agency other than the secretary of state, then the corporation or eligible entity shall not be a party

to a transaction under sections 3301 through 3326 of this act without the prior approval of that agency.

NEW SECTION. **Sec. 3304.** PROPERTY HELD FOR CHARITABLE PURPOSES. (1) In any transaction under sections 3301 through 3326 of this act, property held for charitable purposes by a nonprofit corporation may not be diverted from charitable purposes.

(2) No transaction under sections 3301 through 3326 of this act shall modify any restriction imposed through any means upon property held for charitable purposes by any entity involved in the transaction, including but not limited to a restriction that affects existing rights of persons other than members, shareholders, or interest holders of the entity, unless the restriction is modified:

(a) In the case of a restriction imposed pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary, through an appropriate order of the court or the agreement of all interested parties, including the attorney general, under chapter 11.96A RCW; or

(b) In the case of any other restriction, pursuant to section 1503 of this act.

(3) Property held by a nonprofit corporation for charitable purposes upon condition requiring return, transfer or conveyance, which condition occurs by reason of a transaction under sections 3301 through 3326 of this act, must be returned, transferred, or conveyed in accordance with that condition.

(4) A corporation holding property for charitable purposes shall deliver to the attorney general notice of its intent to consummate any transaction under sections 3301 through 3326 of this act. The notice must be delivered to the attorney general in the form of a record at least forty-five days before the meeting at which the proposed transaction is to be approved. Such a transaction may not be implemented without the approval of the attorney general, or the approval of the court in a proceeding to which the attorney general is made a party. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the transaction, approval of the transaction is deemed to have been given.

(5) The notice described in subsection (4) of this section shall include:

(a) A statement specifying how the transaction will comply with subsections (1) through (3) of this section, as applicable; and

(b) A brief description of:

(i) Real property held for charitable purposes by the corporation, and its nature and location;

(ii) Cash, bank deposits, brokerage accounts, or other financial assets held for charitable purposes by the corporation, and their approximate total fair market value;

(iii) Other personal property held for charitable purposes by the corporation, and its nature and approximate total fair market value; and

(iv) Any gift restrictions applicable to any property described in (b)(i) through (iii) of this subsection, and the nature of those restrictions.

(6) An event of domestication or conversion does not affect the applicability of chapter 11.110, 19.09, or 24.55 RCW to any entity.

NEW SECTION. **Sec. 3305.** PROHIBITION ON FINANCIAL BENEFIT. A person who is a member, interest holder, or otherwise affiliated with a charitable corporation or an unincorporated entity with charitable purposes may not receive a direct or indirect financial benefit in connection with a transaction governed by sections 3301 through 3326 of this act to which the charitable corporation or unincorporated entity is a party unless the person is itself a charitable corporation, the federal government, a tribal, state, or local government, a governmental subdivision, or an unincorporated entity that has charitable purposes. This section does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. **Sec. 3306.** VOTING RIGHTS IN EXISTING CORPORATIONS. For any corporation formed before January 1, 2022, any member or other person who is entitled under the articles or bylaws to vote on or approve a merger transaction involving the corporation is deemed entitled, to the same extent, to vote on or approve any transaction under sections

3301 through 3326 of this act involving the corporation.

NEW SECTION. **Sec. 3307.** DOMESTICATION. (1) A foreign nonprofit corporation may become a domestic nonprofit corporation only if the law of the foreign jurisdiction allows the domestication.

(2) A domestic nonprofit corporation may become a foreign nonprofit corporation if the law of the foreign jurisdiction allows the domestication.

(3) Regardless of whether the laws of the foreign jurisdiction require the adoption of a plan of domestication, the domestication must be approved by the corporation's adoption of a plan of domestication in the manner provided in sections 3301 through 3326 of this act.

(4) The plan of domestication shall include:

(a) A statement of the jurisdiction in which the corporation is to be domesticated;

(b) The terms and conditions of the domestication;

(c) The manner and basis of canceling or reclassifying the memberships of the corporation following its domestication into memberships, obligations, rights to acquire memberships, cash, other property, or any combination of the foregoing;

(d) If the corporation is a charitable corporation or is holding assets for charitable purposes, a plan setting forth how the corporation will comply with section 3304 (1) through (3) of this act; and

(e) Any desired changes to the articles or bylaws of the corporation in connection with its domestication.

(5) The plan of domestication may also include a provision that the plan may be amended before filing the document required by the laws of this state or the other jurisdiction to consummate the domestication; except that, after approval of the plan by the members, the plan may not be amended without the approval of the members entitled to vote thereon to change:

(a) The amount or kind of memberships, obligations, rights to acquire memberships, cash, or other property to be received by the members under the plan;

(b) The articles as they will be in effect immediately following the domestication, except for changes permitted by section 3104 of this act or by comparable provisions of the laws of the other jurisdiction; or

(c) Any of the other terms or conditions of the plan if the change would adversely affect any of the members in any material respect.

(6) Terms of a plan of domestication may be made dependent upon facts objectively ascertainable outside the plan in accordance with section 1202(3) of this act.

(7) If any debt security, note, or similar evidence of indebtedness for money borrowed, whether secured or unsecured, or a contract of any kind, issued, incurred or executed by a domestic nonprofit corporation before January 1, 2022, contains a provision applying to a merger of the corporation and the document does not refer to a domestication of the corporation, then the provision is deemed to apply to a domestication of the corporation until the provision is amended after that date.

NEW SECTION. **Sec. 3308.** ACTION ON A PLAN OF DOMESTICATION. In the case of a domestication of a domestic nonprofit corporation in a foreign jurisdiction:

(1) The plan of domestication must be adopted by the board.

(2) If there are no members entitled to vote on the plan, then the plan must be adopted by a vote of the majority of directors then in office. If a membership corporation has no members entitled to vote on the plan, then the corporation shall deliver notice of the proposed domestication to all members of the corporation at least ten days before the meeting at which the board is to adopt the plan.

(3) After adopting the plan of domestication, the board shall submit the plan to the members for their approval, if there are members entitled to vote on the plan. The board shall also transmit to the members a recommendation that the members approve the plan, unless the board determines that, because of conflicts of interest or other special circumstances, it should not make such a recommendation, in which case the board shall transmit to the members the basis for that determination.

(4) The board may condition its submission of the plan of domestication to the members on any basis.

(5) If the approval of the members is to be given at a meeting, then the corporation shall notify each member, whether or not entitled to vote, of the meeting of members at which the plan of domestication is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. The notice shall include a copy of the articles and bylaws as they will be in effect immediately after the domestication. If a summary is provided in lieu of a copy of the plan, then a copy of the plan must be available to members upon request and this fact must be stated in the notice.

(6) Unless the articles or bylaws, or the board acting pursuant to subsection (4) of this section, requires a greater vote or a greater number of votes to be present, the approval of the plan of domestication by the members entitled to vote thereon requires the approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan, the approval of a majority of the members of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(7) A separate voting by voting groups is required by each class of members that:

(a) Is to be reclassified under the plan of domestication into a different class of members, or into obligations, rights to acquire memberships, cash, other property, or any combination of the foregoing;

(b) Would be entitled to vote as a separate group on a provision of the plan that, if contained in a proposed amendment to articles of incorporation, would require action by separate voting groups under section 3105 of this act; or

(c) Is entitled under the articles or bylaws to vote as a voting group to approve an amendment of the articles.

(8) If any provision of the articles, bylaws, or an agreement to which any of the directors or members are parties, adopted or entered into before January 1, 2022, applies to a merger of the corporation and that document does not refer to a domestication of the corporation, then the provision is deemed to apply to a domestication of the corporation until the provision is later amended.

NEW SECTION. **Sec. 3309.** ARTICLES OF DOMESTICATION. (1) Articles of domestication must be executed on behalf of the domesticating corporation by an officer or other authorized representative. The articles shall set forth:

(a) The name and jurisdiction of incorporation of the domesticating corporation;

(b) The name and jurisdiction of incorporation of the domesticated entity; and

(c) If the domesticating corporation is a domestic nonprofit corporation, a statement that the plan of domestication was approved in accordance with sections 3301 through 3326 of this act or, if the domesticating corporation is a foreign nonprofit corporation, a statement that the domestication was approved in accordance with the law of its jurisdiction of incorporation.

(2) The articles of domestication must be delivered to the secretary of state for filing, and take effect at the effective time provided in RCW 23.95.210.

(3) If the domesticating corporation is a foreign corporation, then the domesticating corporation must, simultaneously with the delivery of the articles of domestication, deliver articles of incorporation that comply with this title to the secretary of state for filing and the secretary of state shall file the articles. Provisions that would not be required to be included in restated articles of incorporation may be omitted, except that the name and address of the initial registered agent of the corporation must be included and the name of the corporation must satisfy the requirements of section 1302 of this act.

(4) If the domesticating corporation is a registered foreign corporation, then its registration is terminated automatically on the effective date of its domestication, and the secretary of state shall record the termination of the registration.

NEW SECTION. **Sec. 3310.** EFFECT OF DOMESTICATION. (1) Except as provided in

section 3304 of this act, when a domestication becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the domesticating corporation remains in the domesticated corporation without reversion or impairment;

(b) The liabilities of the domesticating corporation remain the liabilities of the domesticated corporation;

(c) An action or proceeding pending against the domesticating corporation continues against the domesticated corporation as if the domestication had not occurred;

(d) The articles of incorporation filed pursuant to section 3309(3) of this act constitute the articles of a foreign corporation domesticating in Washington state;

(e) The memberships in the domesticating corporation are reclassified into memberships, obligations, rights to acquire memberships, or cash or other property in accordance with the terms of the domestication, and the members are entitled only to the rights provided by those terms;

(f) Gift restrictions binding the domestic corporation remain in place as if the domestication had not occurred, unless modified in accordance with section 1503 of this act;

(g) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made to or for the domesticating corporation before or after the domestication, inures to the domesticated corporation, subject to the express terms of the will or other instrument; and

(h) The domesticating corporation is deemed to be:

(i) Incorporated under and subject to the organic law of the domesticated corporation for all purposes; and

(ii) The same corporation without interruption as the domesticating corporation.

(2) The interest holder liability of a member in a foreign nonprofit corporation that is domesticated in the state of Washington is as follows:

(a) The domestication does not discharge any interest holder liability under the laws of the foreign jurisdiction to the extent the interest holder liability arose before the effective time of the articles of domestication.

(b) The member does not have interest holder liability under the laws of the foreign jurisdiction for any debt, obligation, or liability of the corporation that arises after the effective time of the articles of domestication.

(c) The provisions of the laws of the foreign jurisdiction continue to apply to the collection or discharge of any interest holder liability preserved by (a) of this subsection, as if the domestication had not occurred.

(d) The domestication has no effect on any member's rights of contribution from other members provided by the laws of the foreign jurisdiction with respect to any interest holder liability preserved by (a) of this subsection.

NEW SECTION. **Sec. 3311.** ABANDONMENT OF DOMESTICATION. (1) Unless otherwise provided in a plan of domestication of a domestic nonprofit corporation, after the plan has been adopted and approved as required by sections 3301 through 3326 of this act, and at any time before the domestication has become effective, it may be abandoned by the members if there are members entitled to vote on the plan of domestication, or by the board without action by members.

(2) If a domestication is abandoned under subsection (1) of this section after articles of domestication have been filed by the secretary of state but before the domestication has become effective, then a statement that the domestication has been abandoned in accordance with this section, executed by an officer or other authorized representative, must be delivered to the secretary of state for filing before the effective date of the domestication. The statement takes effect upon filing and the domestication is abandoned and does not become effective.

(3) If the domestication of a foreign nonprofit corporation in Washington state is abandoned in accordance with the laws of the foreign jurisdiction after articles of domestication have been filed by the secretary of state, then a statement that the domestication has been

abandoned, executed by an officer or other authorized representative, must be delivered to the secretary of state for filing. The statement takes effect upon filing and the domestication is abandoned and does not become effective.

NEW SECTION. **Sec. 3312.** FOR-PROFIT CONVERSION OF NONCHARITABLE CORPORATIONS. (1) A domestic nonprofit corporation, other than a charitable corporation, may become a domestic for-profit corporation pursuant to a plan of for-profit conversion if the for-profit conversion is permitted under Title 23B RCW.

(2) A domestic nonprofit corporation, other than a charitable corporation, may become a foreign for-profit corporation if the for-profit conversion is permitted by the laws of the foreign jurisdiction. Regardless of whether the laws of the foreign jurisdiction require the adoption of a plan of for-profit conversion, the foreign for-profit conversion must be approved by the adoption by the domestic nonprofit corporation of a plan of for-profit conversion in the manner provided in sections 3301 through 3326 of this act.

(3) The plan of for-profit conversion shall include:

(a) The terms and conditions of the conversion;

(b) The manner and basis of:

(i) Issuing at least one share in the corporation following its conversion; and

(ii) Otherwise reclassifying the memberships in the corporation, if any, following its conversion into shares and other securities, obligations, rights to acquire shares or other securities, cash, other property, or any combination of the foregoing;

(c) If the corporation is holding assets for charitable purposes, a plan setting forth how the corporation will comply with section 3304 (1) through (3) of this act;

(d) Any desired changes to the articles or bylaws of the corporation following its conversion; and

(e) If the domestic nonprofit corporation is to be converted to a foreign for-profit corporation, a statement of the jurisdiction in which the corporation will be incorporated after the conversion.

(4) The plan of for-profit conversion may also include a provision that the plan may be amended before filing articles of for-profit conversion, except that after approval of the plan by the members the plan may not be amended without the approval of the members to change:

(a) The amount or kind of shares and other securities, obligations, rights to acquire shares or other securities, cash, or other property to be received by the members under the plan;

(b) The articles of incorporation as they will be in effect immediately following the conversion, except for changes permitted by section 3104 of this act; or

(c) Any of the other terms or conditions of the plan if the change would adversely affect any of the members in any material respect.

(5) Terms of a plan of for-profit conversion may be made dependent upon facts objectively ascertainable outside the plan in accordance with section 1202(3) of this act.

(6) If any debt security, note, or similar evidence of indebtedness for money borrowed, whether secured or unsecured, or a contract of any kind, issued, incurred, or executed by a domestic nonprofit corporation before January 1, 2022, contains a provision applying to a merger of the corporation and the document does not refer to a for-profit conversion of the corporation, then the provision is deemed to apply to a for-profit conversion of the corporation until the provision is later amended.

NEW SECTION. **Sec. 3313.** ACTION ON A PLAN OF FOR-PROFIT CONVERSION. In the case of a conversion of a domestic nonprofit corporation to a domestic or foreign for-profit corporation:

(1) The plan of for-profit conversion must be adopted by the board.

(2) If there are no members entitled to vote on the plan, then the plan must be adopted by a vote of the majority of directors then in office. If a membership corporation has no members entitled to vote on the plan, then the corporation shall deliver notice of the proposed for-profit conversion to all members of the

corporation at least ten days before the meeting at which the board is to adopt the plan.

(3) After adopting the plan of for-profit conversion, the board shall submit the plan to the members for their approval if there are members entitled to vote on the plan. The board shall also deliver to the members a recommendation that the members approve the plan, unless the board determines that because of conflicts of interest or other special circumstances, it should not make such a recommendation, in which case the board shall deliver to the members the basis for that determination.

(4) The board may condition its submission of the plan of for-profit conversion to the members on any basis.

(5) If the approval of the members is to be given at a meeting, then the corporation shall notify each member of the meeting of members at which the plan of for-profit conversion is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. The notice shall include a copy of the articles as they will be in effect immediately after the for-profit conversion. If a summary is provided in lieu of a copy of the plan, then a copy of the plan must be available to members upon request and this fact must be stated in the notice.

(6) Unless the articles or bylaws, or the board acting pursuant to subsection (4) of this section, require a greater vote or a greater number of votes to be present, the approval of the plan of for-profit conversion by the members entitled to vote thereon requires approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan of for-profit conversion, the approval of a majority of the members of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(7) If any provision of the articles, bylaws, or an agreement to which any of the directors or members are parties, adopted or entered into before January 1, 2022, applies to a merger of the corporation and the document does not refer to a for-profit conversion of the corporation, then the provision is deemed to apply to a for-profit conversion of the corporation until the provision is later amended.

NEW SECTION. **Sec. 3314.** ARTICLES OF FOR-PROFIT CONVERSION. (1) Articles of for-profit conversion must be executed on behalf of the converting corporation by an officer of the corporation. The articles shall set forth:

(a) If the surviving corporation is a domestic business corporation, the name of the corporation immediately before the filing of the articles of for-profit conversion and if that name does not satisfy the requirements of RCW 23B.04.010, or the corporation desires to change its name in connection with the conversion, a name that satisfies the requirements of RCW 23B.04.010;

(b) Whether the corporation is holding assets for charitable purposes;

(c) If the corporation is holding assets for charitable purposes, that the attorney general has approved, or is deemed to have approved, the for-profit conversion pursuant to section 3304(4) of this act;

(d) If the surviving corporation is a foreign for-profit corporation, its name after the conversion and its jurisdiction of incorporation;

(e) If the nonprofit corporation has members with voting rights with respect to the for-profit conversion, a statement that the plan of for-profit conversion was approved by the members in the manner required by this chapter and the articles or bylaws; and

(f) Where there are no members or no members having voting rights with respect to the for-profit conversion, a statement to that effect, the date of the meeting of the board at which the amendment was adopted, and a statement that the amendment received the vote of a majority of directors in office.

(2) If the surviving corporation is a domestic for-profit corporation, then the articles of for-profit conversion shall either contain all of the provisions that RCW 23B.02.020 requires to be set forth in articles of incorporation of a domestic for-profit corporation and any other desired provisions permitted under Title 23B RCW, or have attached articles of incorporation that satisfy the

requirements of RCW 23B.02.020. In either case, provisions that would not be required to be included in restated articles of incorporation of a domestic for-profit corporation may be omitted, except that the name and address of the initial registered agent of the for-profit corporation must be included.

(3) The articles of for-profit conversion and articles of incorporation, if a separate document, must be delivered to the secretary of state for filing, and take effect at the effective time provided in RCW 23.95.210.

NEW SECTION. **Sec. 3315.** EFFECT OF FOR-PROFIT CONVERSION. (1) Except as provided in section 3304 of this act, when a conversion of a domestic nonprofit corporation to a domestic or foreign for-profit corporation becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the corporation remains in the corporation without reversion or impairment;

(b) The liabilities of the corporation remain the liabilities of the corporation;

(c) An action or proceeding pending against the corporation continues against the corporation as if the conversion had not occurred;

(d) The articles of the domestic or foreign for-profit corporation become effective;

(e) The memberships of the corporation are reclassified into shares or other securities, obligations, rights to acquire shares or other securities, or into cash or other property in accordance with the plan of conversion, and the members are entitled only to the rights provided in the plan of for-profit conversion;

(f) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made to or for the corporation before or after the for-profit conversion, continues to inure to the corporation, subject to the express terms of the will or other instrument; and

(g) The corporation is deemed to:

(i) Be a domestic or foreign for-profit corporation for all purposes; and

(ii) Be the same corporation without interruption as the nonprofit corporation.

(2) The interest holder liability of a member in a domestic nonprofit corporation that converts to a domestic for-profit corporation is as follows:

(a) The conversion does not discharge any interest holder liability of the member as a member of the nonprofit corporation to the extent the interest holder liability arose before the effective time of the articles of for-profit conversion.

(b) The member does not have interest holder liability for any debt, obligation, or liability of the for-profit corporation that arises after the effective time of the articles of for-profit conversion.

(c) The laws of this state continue to apply to the collection or discharge of any interest holder liability preserved by (a) of this subsection, as if the conversion had not occurred.

(d) The member has whatever rights of contribution from other members are provided by the laws of this state with respect to any interest holder liability preserved by (a) of this subsection, as if the conversion had not occurred.

(3) A member who becomes subject to interest holder liability for some or all of the debts, obligations, or liabilities of the for-profit corporation has interest holder liability only for those debts, obligations, or liabilities of the for-profit corporation that arise after the effective time of the articles of for-profit conversion.

NEW SECTION. **Sec. 3316.** ABANDONMENT OF FOR-PROFIT CONVERSION. (1) Unless otherwise provided in a plan of for-profit conversion of a domestic nonprofit corporation, after the plan has been adopted and approved as required by sections 3301 through 3326 of this act, and at any time before the for-profit conversion has become effective, it may be abandoned by the members if there are members entitled to vote on the for-profit conversion, or by the board without action by members.

(2) If a for-profit conversion is abandoned under subsection (1) of this section after articles of for-profit conversion have been filed by the secretary of state but before the for-

profit conversion has become effective, then a statement that the for-profit conversion has been abandoned in accordance with this section, executed by an officer of the corporation, must be delivered to the secretary of state for filing before the effective date of the for-profit conversion. The statement takes effect upon filing and the for-profit conversion is abandoned and does not become effective.

NEW SECTION. **Sec. 3317.** FOR-PROFIT DOMESTICATION AND CONVERSION. A foreign for-profit corporation may become a domestic nonprofit corporation if the domestication and conversion is permitted by the law of the foreign jurisdiction.

NEW SECTION. **Sec. 3318.** ARTICLES OF DOMESTICATION AND CONVERSION. (1) Articles of domestication and conversion must be executed on behalf of the domesticating and converting corporation by an officer or other authorized representative. The articles shall set forth:

(a) The name of the corporation immediately before the filing of the articles of domestication and conversion and, if that name is unavailable for use in Washington state or the corporation desires to change its name in connection with the domestication and conversion, a name that satisfies the requirements of section 1302 of this act;

(b) The jurisdiction of incorporation of the corporation immediately before the filing of the articles of domestication and conversion and the date the corporation was incorporated in that jurisdiction; and

(c) A statement that the domestication and conversion of the corporation in this state was authorized as required by the laws of the jurisdiction in which the corporation was incorporated immediately before its domestication and conversion in Washington state.

(2) The articles of domestication and conversion shall either contain all of the provisions that section 1303(1) of this act requires to be set forth in articles of incorporation and any other desired provisions that section 1303 (2) and (3) of this act permit to be included in articles of incorporation, or have attached articles of incorporation that comply with this chapter. In either case, provisions that would not be required to be included in restated articles of incorporation may be omitted, except that the name and address of the initial registered agent of the domestic nonprofit corporation must be included.

(3) If the domesticating corporation is a foreign corporation, then the domesticating corporation must, simultaneously with the delivery of the articles of domestication and conversion, deliver articles of incorporation that comply with this chapter to the secretary of state for filing and the secretary of state shall file the articles. Provisions that would not be required to be included in restated articles of incorporation may be omitted, except that the name and address of the initial registered agent of the corporation must be included and the name of the corporation must satisfy the requirements of section 1302 of this act.

(4) If the foreign for-profit corporation is authorized to transact business in Washington state under chapter 23B.01 RCW, then its registration shall be terminated automatically on the effective date of its domestication and conversion and the secretary of state shall record the termination of registration.

NEW SECTION. **Sec. 3319.** EFFECT OF FOR-PROFIT DOMESTICATION AND CONVERSION. (1) When a domestication and conversion of a foreign for-profit corporation to a domestic nonprofit corporation becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the corporation remains in the corporation without reversion or impairment;

(b) The liabilities of the corporation remain the liabilities of the corporation;

(c) An action or proceeding pending against the corporation continues against the corporation as if the domestication and conversion had not occurred;

(d) The articles of domestication and conversion, or the articles attached to the articles of domestication and conversion, constitute the articles of incorporation of the corporation;

(e) Memberships, securities, obligations, rights to acquire memberships or securities of the corporation, or cash or other property

must be issued or paid as provided pursuant to the laws of the foreign jurisdiction;

(f) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made to or for the foreign for-profit corporation before or after the domestication and conversion, inures to the domestic nonprofit corporation, subject to the express terms of the will or other instrument and to applicable law of the foreign jurisdiction; and

(g) The corporation is deemed to be:

(i) A domestic corporation for all purposes; and

(ii) The same corporation without interruption as the foreign for-profit corporation.

(2) The interest holder liability of a shareholder of the foreign for-profit corporation who becomes a member of the domestic nonprofit corporation in the domestication and conversion is as follows:

(a) The domestication and conversion does not discharge any interest holder liability under the laws of the foreign jurisdiction to the extent the interest holder liability arose before the effective time of the articles of domestication and conversion.

(b) The member does not have interest holder liability under the laws of the foreign jurisdiction for any debt, obligation, or liability of the corporation that arises after the effective time of the articles of domestication and conversion.

(c) The provisions of the laws of the foreign jurisdiction continue to apply to the collection or discharge of any interest holder liability preserved by (a) of this subsection, as if the domestication and conversion had not occurred.

(d) The member has whatever rights of contribution from other members are provided by the laws of the foreign jurisdiction with respect to any interest holder liability preserved by (a) of this subsection, as if the domestication and conversion had not occurred.

(3) A shareholder of a foreign for-profit corporation who becomes subject to interest holder liability for some or all of the debts, obligations, or liabilities of the corporation as a result of its domestication and conversion in this state has interest holder liability only for those debts, obligations, or liabilities of the corporation that arise after the effective time of the articles of domestication and conversion.

NEW SECTION. **Sec. 3320.** ABANDONMENT OF FOR-PROFIT DOMESTICATION AND CONVERSION. If the domestication and conversion of a foreign for-profit corporation to a domestic nonprofit corporation is abandoned in accordance with the laws of the foreign jurisdiction after articles of domestication and conversion have been filed by the secretary of state, then a statement that the domestication and conversion has been abandoned, executed by an officer or other authorized representative, must be delivered to the secretary of state for filing. The statement takes effect upon filing and the domestication and conversion is abandoned and does not become effective.

NEW SECTION. **Sec. 3321.** ENTITY CONVERSION FOR NONCHARITABLE CORPORATIONS. (1) A domestic nonprofit corporation, other than a charitable corporation, may become a domestic unincorporated entity pursuant to a plan of entity conversion only if the entity conversion is permitted under the organic law governing the entity that would survive the entity conversion.

(2) A domestic nonprofit corporation, other than a charitable corporation, may become a foreign unincorporated entity if the entity conversion is permitted by the laws of the foreign jurisdiction.

(3) A domestic unincorporated entity may be converted into a domestic nonprofit corporation only if applicable Washington state law provides procedures for the approval of an entity conversion into a domestic nonprofit corporation.

(4) A foreign unincorporated entity may become a domestic nonprofit corporation if the law of the foreign jurisdiction authorizes it to become a nonprofit corporation in another jurisdiction.

(5) If any provision of a debt security, note, or similar evidence of indebtedness for money borrowed, whether secured or unsecured, or a contract of any kind, issued, incurred, or executed by a domestic nonprofit corporation before January 1, 2022, applies to a merger of the corporation and the

document does not refer to an entity conversion of the corporation, then the provision is deemed to apply to an entity conversion of the corporation until the provision is later amended.

NEW SECTION. **Sec. 3322.** PLAN OF ENTITY CONVERSION. (1) A plan of entity conversion shall include:

(a) A statement of the type of unincorporated entity the surviving entity will be and, if it will be a foreign unincorporated entity, its jurisdiction of organization;

(b) The terms and conditions of the conversion;

(c) The manner and basis of converting the memberships in the domestic nonprofit corporation following its conversion into interests or other securities, obligations, rights to acquire interests or other securities, cash, other property, or any combination of the foregoing;

(d) If the corporation is holding assets for charitable purposes, a plan setting forth how the corporation will comply with section 3304 (1) through (3) of this act; and

(e) The full text, as they will be in effect immediately following the conversion, of the organic documents of the surviving entity.

(2) The plan of entity conversion may also include a provision that the plan may be amended before filing articles of entity conversion, except that after approval of the plan by the members the plan may not be amended to change:

(a) The amount or kind of memberships or other securities, interests, obligations, rights to acquire memberships, securities, or interests, cash, or other property to be received under the plan by the members;

(b) The organic documents that will be in effect immediately following the conversion, except for changes permitted by a provision of the organic law of the surviving entity comparable to section 3104(2) of this act; or

(c) Any of the other terms or conditions of the plan if the change would adversely affect any of the members in any material respect.

(3) Terms of a plan of entity conversion may be made dependent upon facts objectively ascertainable outside the plan in accordance with section 1202(3) of this act.

NEW SECTION. **Sec. 3323.** ACTION ON A PLAN OF ENTITY CONVERSION. In the case of an entity conversion of a domestic nonprofit corporation to a domestic or foreign unincorporated entity:

(1) The plan of entity conversion must be adopted by a vote of the majority of the directors in office.

(2) If there are no members entitled to vote on the plan, then the plan must be adopted by a vote of the majority of directors then in office. If a membership corporation has no members entitled to vote on the plan, then the corporation shall deliver notice of the proposed entity conversion to all members of the corporation at least ten days before the meeting at which the board is to adopt the plan.

(3) After adopting the plan of entity conversion, the board shall submit the plan to the members for their approval if there are members entitled to vote on the plan. The board shall also deliver to the members a recommendation that the members approve the plan, unless the board determines that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board shall deliver to the members the basis for that determination.

(4) The board may condition its submission of the plan of entity conversion to the members on any basis.

(5) If the approval of the members is to be given at a meeting, then the corporation shall notify each member, whether or not entitled to vote, of the meeting of members at which the plan of entity conversion is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. The notice shall include a copy of the organic documents as they will be in effect immediately after the entity conversion. The notice may additionally be accompanied by a summary of the required materials. If a summary is provided in lieu of a copy of the plan, then a copy of the plan must be available to members upon request and this fact must be stated in the notice. Such copy of the plan may be made available to members electronically.

(6) Unless the articles, or the board acting pursuant to subsection (3) of this section, requires a greater vote or a greater number of votes to be present, the approval of the plan of entity conversion by the members entitled to vote thereon requires the approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan of entity conversion, the approval of a majority of the members of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(7) If any provision of the articles, bylaws, or an agreement to which any of the directors or members are parties, adopted or entered into before January 1, 2022, applies to a merger of the corporation and the document does not refer to an entity conversion of the corporation, then the provision is deemed to apply to an entity conversion of the corporation until the provision is later amended.

(8) If, as a result of the conversion, one or more members of the corporation would become subject to interest holder liability for the debts, obligations, or liabilities of any other person or entity, then approval of the plan of conversion requires the execution, by each affected member, of a separate written consent to become subject to interest holder liability.

NEW SECTION. **Sec. 3324.** ARTICLES OF ENTITY CONVERSION. (1) After the conversion of a domestic nonprofit corporation to a domestic or foreign unincorporated entity has been adopted and approved as required under sections 3301 through 3326 of this act, articles of entity conversion must be executed on behalf of the converting corporation by an officer of the corporation. The articles must:

(a) Set forth the name of the corporation immediately before the filing of the articles of entity conversion and the name to which the name of the corporation is to be changed, which must be a name that satisfies the organic law of the surviving entity if the surviving entity is a domestic entity;

(b) State whether the corporation is holding assets for charitable purposes;

(c) If the corporation is holding assets for charitable purposes, state that the attorney general has approved, or is deemed to have approved, the entity conversion pursuant to section 3304(4) of this act;

(d) State the type of unincorporated entity that the surviving entity will be and its jurisdiction of organization;

(e) State that the plan of entity conversion was approved in the manner required by this chapter; and

(f) If the surviving entity is a domestic filing entity, either contain all of the provisions required to be set forth in its public organic record and any other desired provisions that are permitted, or have attached a public organic record.

(2) After the conversion of a domestic unincorporated entity to a domestic nonprofit corporation has been adopted and approved as required by the organic law of the unincorporated entity, articles of entity conversion must be executed on behalf of the unincorporated entity by an officer or other authorized representative. The articles must:

(a) Set forth the name of the unincorporated entity immediately before the filing of the articles of entity conversion and the name to which the name of the unincorporated entity is to be changed, which must be a name that satisfies the requirements of section 1302 of this act;

(b) Set forth a statement that the plan of entity conversion was approved in accordance with the organic law of the unincorporated entity; and

(c) Either contain all of the provisions that section 1303(1) of this act requires to be set forth in articles of incorporation and any other desired provisions that section 1303 (2) and (3) of this act permit to be included in articles of incorporation, or have attached articles of incorporation that comply with this act.

(3) After the conversion of a foreign unincorporated entity to a domestic nonprofit corporation has been authorized as required by the laws of the foreign jurisdiction, articles of entity conversion must be executed on behalf of the foreign unincorporated entity by an officer or other authorized representative. The articles must:

(a) Set forth the name of the unincorporated entity immediately before

the filing of the articles of entity conversion and the name to which the name of the unincorporated entity is to be changed, which must be a name that satisfies the requirements of section 1302 of this act;

(b) Set forth the jurisdiction under the laws of which the unincorporated entity was organized immediately before the filing of the articles of entity conversion and the date on which the unincorporated entity was organized in that jurisdiction;

(c) Set forth a statement that the conversion of the unincorporated entity was approved in the manner required by the law of the foreign jurisdiction; and

(d) Either contain all of the provisions that section 1303(1) of this act requires to be set forth in articles of incorporation and any other desired provisions that section 1303 (2) and (3) of this act permit to be included in articles of incorporation, or have attached articles of incorporation that comply with this act; except that, in either case, provisions that would not be required to be included in restated articles of incorporation of a domestic nonprofit corporation may be omitted.

(4) The articles of entity conversion and articles of incorporation must be simultaneously delivered to the secretary of state for filing. The articles of entity conversion and articles of incorporation take effect at the effective time provided in RCW 23.95.210. Articles of entity conversion filed under subsection (1) or (2) of this section may be combined with any required conversion filing under the organic law of the domestic unincorporated entity if the combined filing satisfies the requirements of both this section and the other organic law.

(5) If the converting entity is a foreign unincorporated entity that is registered to do business in this state under chapter 23.95 RCW, then its registration statement is canceled automatically on the effective date of its conversion.

NEW SECTION. **Sec. 3325.** EFFECT OF ENTITY CONVERSION. (1) Except as provided in section 3304 of this act, when a conversion under sections 3301 through 3326 of this act becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the converting entity remains in the surviving entity without reversion or impairment;

(b) The liabilities of the converting entity remain the liabilities of the surviving entity;

(c) An action or proceeding pending against the converting entity continues against the surviving entity as if the conversion had not occurred;

(d) In the case of a surviving entity that is a filing entity, its articles or public organic record and its private organic rules become effective;

(e) In the case of a surviving entity that is a nonfiling entity, its private organic rules become effective;

(f) The memberships or interests of the converting entity are reclassified into memberships, interests, other securities, obligations, rights to acquire memberships, interests, or securities, or into cash or other property in accordance with the plan of conversion; and the members or interest holders of the converting entity are entitled only to the rights provided to them under the terms of the conversion and to any appraisal rights they may have under the organic law of the converting entity;

(g) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made to or for the converting entity before or after the conversion, inures to the surviving entity, subject to the express terms of the will or other instrument; and

(h) The surviving entity is deemed to be:

(i) Incorporated or organized under and subject to the organic law of the converting entity for all purposes; and

(ii) The same nonprofit corporation or unincorporated entity without interruption as the converting entity.

(2) A member who becomes subject to interest holder liability for some or all of the debts, obligations, or liabilities of the surviving entity has interest holder liability only for those debts, obligations, or liabilities of the surviving entity that arise after the

effective time of the articles of entity conversion.

(3) The interest holder liability of an interest holder in an unincorporated entity that converts to a domestic nonprofit corporation is as follows:

(a) The conversion does not discharge any interest holder liability under the organic law of the unincorporated entity to the extent the interest holder liability arose before the effective time of the articles of entity conversion.

(b) The interest holder does not have interest holder liability under the organic law of the unincorporated entity for any debt, obligation, or liability of the corporation that arises after the effective time of the articles of entity conversion.

(c) The provisions of the organic law of the unincorporated entity continue to apply to the collection or discharge of any interest holder liability preserved by (a) of this subsection, as if the conversion had not occurred.

(d) The interest holder has whatever rights of contribution from other interest holders are provided by the organic law of the unincorporated entity with respect to any interest holder liability preserved by (a) of this subsection, as if the conversion had not occurred.

NEW SECTION. **Sec. 3326.** ABANDONMENT OF ENTITY CONVERSION. (1) Unless otherwise provided in a plan of entity conversion of a domestic nonprofit corporation, after the plan has been adopted and approved as required by sections 3301 through 3326 of this act, and at any time before the entity conversion has become effective, it may be abandoned by the members if there are members entitled to vote, or by the board without action by the members.

(2) If an entity conversion is abandoned after articles of entity conversion have been filed by the secretary of state but before the entity conversion has become effective, then a statement that the entity conversion has been abandoned in accordance with this section, executed by an officer of the corporation, must be delivered to the secretary of state for filing before the effective date of the entity conversion. Upon filing, the statement takes effect and the entity conversion is abandoned and does not become effective.

ARTICLE 4

DISPOSITION OF ASSETS

NEW SECTION. **Sec. 3401.** DISPOSITIONS NOT REQUIRING MEMBER APPROVAL. Unless the articles or bylaws otherwise provide, approval of the members of a nonprofit corporation is not required:

(1) To sell, lease, exchange, or otherwise dispose of any or all of the corporation's assets:

(a) In the usual and regular course of its activities; or

(b) If the assets disposed of represent less than fifty percent of the total assets of the corporation and its consolidated subsidiaries, determined as of the end of the most recently completed fiscal year;

(2) To mortgage, pledge, dedicate to the repayment of indebtedness whether with or without recourse, or otherwise encumber any or all of the corporation's assets, whether or not in the usual and regular course of business its activities; or

(3) To transfer any or all of the corporation's assets to one or more corporations or other entities all of the memberships or interests of which are owned by the corporation.

NEW SECTION. **Sec. 3402.** DISPOSITIONS REQUIRING MEMBER APPROVAL. (1) A sale, lease, exchange, or other disposition of assets, other than a disposition described in section 3401 of this act, requires approval of the corporation's members that are entitled to vote on the disposition, unless the articles or bylaws otherwise provide.

(2) A disposition that requires approval of the members must be initiated by a resolution by the board authorizing the disposition. After adoption of the resolution, the board shall submit the proposed disposition to the members for their approval. The board shall also deliver to the members a recommendation that the members approve the proposed disposition, unless the board makes a determination that because of conflicts of interest or other special circumstances it should not make a recommendation, in which case the board shall deliver to the members the basis for that determination.

(3) The board may condition its submission of a disposition to the

members under subsection (2) of this section on any basis.

(4) If a disposition is required to be approved by the members, and if the approval is to be given at a meeting, then the nonprofit corporation shall give notice to each member, whether or not entitled to vote, of the meeting of members at which the disposition is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the disposition and must contain a description of the disposition, including the terms and conditions thereof and the consideration to be received by the corporation.

(5) Unless the articles, bylaws, or the board acting pursuant to subsection (3) of this section requires a greater vote, or a greater number of votes to be present, the approval of a disposition by the members entitled to vote thereon requires the approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the disposition, the approval of a majority of the members of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(6) If a membership corporation has no members entitled to vote on a disposition, then the corporation shall deliver notice of a proposed disposition to all members of the corporation at least ten days before the meeting at which the board is to act upon the disposition.

(7) After a disposition has been approved by the members under subsection (5) of this section, and at any time before the disposition has been consummated, it may be abandoned by the nonprofit corporation without action by the members, subject to any contractual rights of other parties to the disposition.

(8) In addition to the approval of a disposition of assets by the board and members as required by this section, the disposition must also be approved in the form of a record by any person or group of persons whose approval is required under section 3114 of this act to amend the articles or bylaws.

(9) The assets of a direct or indirect consolidated subsidiary are deemed the assets of the parent nonprofit corporation for the purposes of this section.

(10) A disposition of assets in the course of a dissolution governed by sections 3501 through 3512 of this act is not governed by sections 3401 through 3405 of this act.

NEW SECTION. **Sec. 3403.** EFFECT OF DISPOSITIONS. Unless a domestic entity that is a party to a disposition of assets obtains an appropriate order of the court or approval from the attorney general under the law of this state, a disposition of assets under sections 3401 through 3405 of this act may not affect:

(1) Any restriction imposed upon the entity by its organic documents or other governing authority that may not be amended by its directors, members, or interest holders; or

(2) The existing rights of persons other than members, shareholders, or interest holders of the entity.

NEW SECTION. **Sec. 3404.** PROPERTY HELD FOR CHARITABLE PURPOSES. (1) In a disposition of assets under sections 3401 through 3405 of this act, property held for charitable purposes by a nonprofit corporation may not be diverted from charitable purposes.

(2) Property held by a nonprofit corporation and restricted to charitable purposes by a gift instrument may not be diverted from the restricted charitable purpose by a disposition of assets under sections 3401 through 3405 of this act unless modified in accordance with section 1503 of this act.

(3) Property held for charitable purposes pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary may not be diverted from the charitable purposes specified in the trust instrument unless those purposes are modified by the court or pursuant to an agreement between all interested parties, including the attorney general, under chapter 11.96A RCW.

(4) Property held by a nonprofit corporation for charitable purposes upon condition requiring return, transfer, or conveyance, which condition occurs by reason of a disposition of assets under sections 3401 through 3405 of this act, must be returned, transferred, or conveyed in accordance with that condition.

(5) A charitable corporation or a corporation holding property for charitable purposes shall deliver to the attorney general of its intent to consummate a disposition, other than a disposition described in section 3401 of this act. The notice must be delivered to the attorney general in the form of a record at least twenty days before the meeting at which the proposed disposition is to be approved. Such a disposition may not be implemented without the approval of the attorney general, or the approval of the court in a proceeding to which the attorney general is made a party. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the disposition, approval of the disposition is deemed to have been given.

(6) The notice described in subsection (5) of this section shall include:

(a) A statement specifying how the disposition will comply with subsections (1) through (4) of this section; and

(b) A brief description of:

(i) Real property held for charitable purposes that will be included in the disposition, and its nature and location;

(ii) Cash, bank deposits, brokerage accounts, or other financial assets held for charitable purposes that will be included in the disposition in full or in part, and their approximate total fair market value;

(iii) Other personal property held for charitable purposes that will be included in the disposition, and its nature and approximate total fair market value; and

(iv) Any gift restrictions applicable to any property described in (b)(i) through (iii) of this subsection, and the nature of those restrictions.

NEW SECTION. **Sec. 3405.** PROHIBITION OF FINANCIAL BENEFIT. A person who is a member or otherwise affiliated with a charitable corporation may not receive a direct or indirect financial benefit in connection with a disposition of assets governed by sections 3401 through 3405 of this act unless the person is a charitable corporation, the federal government, a tribal government, a state or local government, a governmental subdivision, or an unincorporated entity that has charitable purposes. This section does not apply to the receipt of reasonable compensation for services rendered.

ARTICLE 5

VOLUNTARY DISSOLUTION

NEW SECTION. **Sec. 3501.** AUTHORIZATION OF VOLUNTARY DISSOLUTION. (1) Unless the articles or bylaws require a greater vote, a majority of the directors in office of a nonprofit corporation may authorize the dissolution of any nonprofit corporation that is not a membership corporation or is a membership corporation but has no members entitled to vote on its dissolution.

(2) If a membership corporation has no members entitled to vote on dissolution, then the corporation shall deliver notice of the proposed dissolution to all members of the corporation at least ten days before the meeting at which the board is to authorize the dissolution.

(3) For a membership corporation that has members that are entitled to vote on its dissolution:

(a) The board may propose dissolution for submission to the members entitled to vote, and for such a proposal to dissolve to be authorized:

(i) The board shall recommend dissolution to the members entitled to vote on the dissolution, unless the board determines that because of conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the members entitled to vote on the dissolution;

(ii) The board may condition its submission of the proposal for dissolution on any basis, including approval of the proposed plan of distribution if required under section 3502 of this act;

(iii) The nonprofit corporation shall give notice to each member, whether or not entitled to vote, of the proposed meeting of members that includes the following statements:

(A) That the purpose, or one of the purposes, of the meeting is to consider dissolving the corporation; and

(B) How the assets of the corporation will be distributed after all creditors have been paid or how the distribution of assets will be determined; and

(iv) The members entitled to vote on the dissolution shall approve the proposal to dissolve as provided in (b) of this subsection.

(b) Unless the articles, the bylaws, or the board acting pursuant to (a)(ii) of this subsection requires a greater vote or a greater number of members to be present, the adoption of the proposal to dissolve by the members entitled to vote thereon requires the approval of at least a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the proposal, the approval by a majority of the members in each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

NEW SECTION. **Sec. 3502.** DISTRIBUTION OF ASSETS ON DISSOLUTION. The assets of a corporation in the process of dissolution shall be applied and distributed in the following order:

(1) All known liabilities and obligations of the corporation must be paid, satisfied, and discharged, or adequate provision must be made to pay, satisfy, and discharge those liabilities.

(2) All property held for charitable purposes by the corporation, including all assets of a charitable corporation remaining after satisfaction of subsection (1) of this section, must be applied and distributed consistently with the corporation's articles, such that property is not diverted from charitable purposes, and as follows:

(a) Property held for charitable purposes pursuant to a trust instrument in which the nonprofit corporation is a trustee or a beneficiary must be governed by and distributed in accordance with the trust instrument and chapter 11.110 RCW, and any modification of restrictions imposed through the trust instrument accomplished through an appropriate order of the court or the agreement of all interested parties, including the attorney general, pursuant to chapter 11.96A RCW.

(b) Property owned outright and held for charitable purposes, but not held upon a condition requiring return, transfer, or conveyance by reason of the dissolution and not subject to any gift restriction, must be transferred or conveyed:

(i) To one or more entities operated exclusively for one or more charitable purposes;

(ii) To the federal government, a tribal government, or a state or local government for a public purpose; or

(iii) Subject to one or more gift restrictions requiring the property to be used exclusively for the same charitable purposes for which the dissolving corporation holds the property.

(c) Property that is subject to charitable purpose or management or investment restrictions that do not require modification at the time of dissolution and is not held upon a condition requiring return, transfer, or conveyance by reason of the dissolution must be transferred or conveyed subject to all restrictions applicable to the property, except to the extent restrictions are modified pursuant to section 1503 of this act before distribution, pursuant to a plan of distribution adopted by the board and as provided by sections 3501 through 3512 of this act.

(d) Property subject to charitable purpose or management or investment restrictions that require modification at the time of dissolution and are not held upon a condition requiring return, transfer, or conveyance by reason of dissolution, must be modified pursuant to section 1503 of this act before the gifts can be distributed, pursuant to a plan of distribution adopted by the board and as provided by sections 3501 through 3512 of this act.

(e) Property held for charitable purposes by the nonprofit corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution, must be returned, transferred, or conveyed in accordance with those requirements.

(3) Property held by a corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution, must be returned, transferred, or conveyed in accordance with the requirements of the condition.

(4) Other assets of a corporation other than a charitable corporation, if any, must be distributed:

(a) To members or other persons in accordance with the articles or bylaws,

to the extent that the articles or bylaws determine the rights of members to distributions upon dissolution, or provide for distribution to other persons or classes of persons; and

(b) To the extent that the articles or bylaws do not govern distribution of assets on dissolution, to any persons the board may select.

NEW SECTION. **Sec. 3503.** CORPORATIONS HOLDING PROPERTY FOR CHARITABLE PURPOSES. (1) A nonprofit corporation holding property for charitable purposes, including any charitable corporation, may not deliver articles of dissolution to the secretary of state for filing pursuant to section 3504 of this act until it has complied with all of the requirements of this section.

(2) A nonprofit corporation described in subsection (1) of this section shall adopt a plan for the distribution of assets for the purpose of authorizing any transfer or conveyance of property held for charitable purposes, which shall:

(a) Be consistent with sections 3502 and 3506 of this act; and

(b) Include a brief description of the following:

(i) Real property held for charitable purposes, and its nature and location;

(ii) Cash, bank deposits, brokerage accounts, or other financial assets held for charitable purposes, and their approximate total fair market value;

(iii) Other personal property held for charitable purposes, and its nature and approximate total fair market value; and

(iv) Any gift restrictions applicable to any property described in (b)(i) through (iii) of this subsection, and the nature of those restrictions.

(3) A plan of distribution shall be adopted in the following manner:

(a) Where there are no members, or no members having voting rights, a plan of distribution is adopted at a meeting of the board upon receiving a vote of a majority of the directors in office.

(b) Where there are members having voting rights, the board shall adopt a resolution recommending a plan of distribution and directing the submission thereof to a vote at a meeting of members having voting rights. Such vote may take place at the same meeting during which members having voting rights vote upon dissolution of the nonprofit corporation. Notice in the form of a record setting forth the proposed plan of distribution or a summary thereof must be given to each member, whether or not entitled to vote at the meeting, within the time and in the manner provided in this chapter for the giving of notice of meetings of members. Such plan of distribution is adopted upon receiving votes from a majority of the members entitled to vote at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan, the approval by a majority of the members in each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present. If the members entitled to vote on the dissolution approve the proposal to dissolve but do not approve the proposed plan of distribution in all material respects, then the board may either accept the plan of distribution, as approved by the members, or propose a new plan of distribution to the members for approval. This process shall continue until a plan of distribution acceptable to the board has been approved by the members. If successive votes take place at the same meeting of members, then no further notices or meetings are required.

(4) A nonprofit corporation described in subsection (1) of this section shall give the attorney general notice that it intends to dissolve. The notice shall include:

(a) A copy of the plan of distribution proposed to be adopted in accordance with subsection (3) of this section; and

(b) The names and phone numbers of individuals available to answer questions regarding the dissolution and proposed plan of distribution.

(5) Notice required under subsection (4) of this section must be delivered to the attorney general in the form of a record at least twenty days before the meeting at which the proposed plan is to be adopted. No plan of distribution for a corporation described in subsection (1) of this section may be implemented without the approval of the attorney general, or the approval of the court in a proceeding to which the attorney general is made a party. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the

attorney general of notice of the plan, approval of the plan is deemed to have been given.

NEW SECTION. **Sec. 3504.** ARTICLES OF DISSOLUTION. (1) At any time after dissolution is authorized, the nonprofit corporation may dissolve by filing with the secretary of state articles of dissolution, accompanied by a revenue clearance certificate issued pursuant to RCW 82.32.260. The articles of dissolution shall set forth:

(a) The name of the corporation;

(b) The date of its incorporation;

(c) The effective date of the dissolution, which may be the date on which the articles of dissolution are filed or any date and time up to thirty days thereafter;

(d) Whether it is a membership corporation and, if it is a membership corporation, whether it has members that have a right to vote on its dissolution;

(e) If the corporation is not a membership corporation or has no members that have a right to vote on its dissolution, that the dissolution was authorized by the requisite number of directors;

(f) If the corporation is a membership corporation that has members that have a right to vote on its dissolution, that the requisite number of members has approved the proposal to dissolve;

(g) Whether the corporation is a charitable corporation or is holding property for charitable purposes;

(h) If the corporation is a charitable corporation or is holding property for charitable purposes, that the attorney general has approved, or is deemed to have approved, the corporation's plan of distribution pursuant to section 3503 of this act; and

(i) That the net assets of the corporation remaining after winding up have been, or will be, distributed in accordance with the corporation's articles and bylaws and the corporation's adopted plan of distribution.

(2) A nonprofit corporation is dissolved upon the effective date of its articles of dissolution.

(3) For purposes of sections 3501 through 3512 of this act, "dissolved corporation" means a nonprofit corporation whose articles of dissolution have become effective and includes a liquidating trust, if any, or other acquirer entity to which the remaining assets of the corporation are transferred subject to its liabilities for purposes of liquidation.

NEW SECTION. **Sec. 3505.** REVOCATION OF DISSOLUTION. (1) A nonprofit corporation may revoke its dissolution within one hundred twenty days of the effective date of the dissolution.

(2) Revocation of dissolution must be authorized in the same manner as the dissolution was authorized unless that authorization permitted revocation by action of the board alone, in which event the board may revoke the dissolution without action by the members.

(3) Except as provided in subsection (4) of this section, after the revocation of dissolution is authorized, the nonprofit corporation may revoke the dissolution by delivering to the secretary of state for filing articles of revocation of dissolution, together with a copy of its articles of dissolution, that set forth:

(a) The name of the corporation;

(b) The effective date of the dissolution that was revoked;

(c) The date that the revocation of dissolution was authorized; and

(d) That the revocation of dissolution was approved in the manner required by this chapter and by the articles and bylaws.

(4) A charitable corporation or a nonprofit corporation holding property restricted to charitable purposes shall not deliver articles of revocation of dissolution to the secretary of state for filing without the approval of the attorney general. Such a corporation shall give the attorney general notice in the form of a record that it intends to revoke its dissolution, to which notice a copy of the articles of revocation of dissolution adopted in accordance with subsection (2) of this section must be attached. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the revocation of dissolution, approval of the revocation of dissolution is deemed to have been given.

(5) Revocation of dissolution is effective upon the effective date of the articles of revocation of dissolution.

(6) When the revocation of dissolution is effective, it relates back to and takes effect as of the effective date of the dissolution and the nonprofit corporation resumes carrying on its activities as if dissolution had never occurred.

NEW SECTION. **Sec. 3506.** EFFECT OF DISSOLUTION. (1) A nonprofit corporation, the dissolution of which has been authorized, continues its corporate existence but may not carry on any activities except those appropriate to wind up and liquidate its affairs, including:

(a) Collecting its assets;

(b) Disposing of its properties that will not be distributed in kind;

(c) Discharging or making provision for discharging its liabilities;

(d) Distributing its remaining property as required by the plan of distribution; and

(e) Doing every other act necessary to wind up and liquidate its activities and affairs.

(2) Dissolution of or authorization to dissolve a nonprofit corporation does not:

(a) Transfer title to the corporation's property;

(b) Subject its directors or officers to standards of conduct different from those prescribed in sections 2402 and 2602 of this act;

(c) Change quorum or voting requirements for its board or members; change provisions for selection, resignation, or removal of its directors or officers or both; or change provisions for amending its bylaws;

(d) Prevent commencement of a proceeding by or against the corporation in its corporate name;

(e) Abate or suspend a proceeding pending by or against the corporation on the effective date of dissolution;

(f) Terminate the authority of the registered agent of the corporation; or

(g) Modify any gift restriction, unless the restriction is modified in accordance with section 1503 of this act.

NEW SECTION. **Sec. 3507.** PROHIBITION OF FINANCIAL BENEFIT. No person may receive a direct or indirect financial benefit in connection with the dissolution of a charitable corporation unless the person is an entity operated exclusively for one or more charitable purposes, the federal government, a tribal government, a state or local government, or an unincorporated entity that has charitable purposes. This section does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. **Sec. 3508.** KNOWN CLAIMS AGAINST DISSOLVED CORPORATION. (1) A dissolved nonprofit corporation shall deliver notice of the dissolution in the form of a record to all of the corporation's known claimants within thirty days of the date when the corporation delivered articles of dissolution to the secretary of state for filing.

(2) A dissolved nonprofit corporation may dispose of the known claims against it by delivering a notice in the form of a record that meets the requirements listed in subsection (3) of this section to its known claimants at any time after the date when the corporation delivered articles of dissolution to the secretary of state for filing. Delivery of a notice under this subsection shall satisfy the requirement of subsection (1) of this section if the notice is delivered to all known claimants within thirty days of the date when the corporation delivered articles of dissolution to the secretary of state for filing.

(3) A notice to claimants under subsection (2) of this section must:

(a) Describe information that must be included in a claim;

(b) Provide a mailing address where a claim may be sent;

(c) State the deadline, which may not be fewer than one hundred twenty days from the effective date of the notice, by which the dissolved nonprofit corporation must receive the claim; and

(d) State that the claim will be barred if not received by the deadline.

(4) A claim against the dissolved nonprofit corporation is barred:

(a) If a claimant who was given notice under subsection (2) of this section does not deliver the claim to the dissolved corporation by the deadline; or

(b) If a claimant whose claim was rejected by the dissolved corporation does not commence a proceeding to enforce the claim within ninety days from the effective date of the rejection notice.

(5) For purposes of this section, "claim" does not include a contingent liability or a claim based on an event occurring after the effective date of dissolution.

NEW SECTION. **Sec. 3509.** OTHER CLAIMS AGAINST DISSOLVED CORPORATION. (1) A dissolved nonprofit corporation may publish notice of its dissolution and request that persons with claims against the dissolved corporation present them in accordance with the notice.

(2) The notice must:

(a) Be published three times during three successive weeks in a newspaper of general circulation in the county where the principal office of the dissolved nonprofit corporation or, if none in this state, its registered office is or was last located;

(b) Describe the information that must be included in a claim and provide a mailing address where the claim shall be sent; and

(c) State that a claim against the dissolved corporation will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication of the notice.

(3) If the dissolved nonprofit corporation publishes a newspaper notice in accordance with subsection (2) of this section, then the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within three years after the last publication date of the newspaper notice:

(a) A claimant who was not given notice under section 3508 of this act;

(b) A claimant whose claim was timely sent to the dissolved corporation but not acted on; or

(c) A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

NEW SECTION. **Sec. 3510.** ENFORCEMENT OF CLAIMS. A claim that is not barred by section 3508(4) or 3509(3) of this act may be enforced:

(1) Against the dissolved nonprofit corporation, to the extent of its undistributed assets; or

(2) Except as provided in section 3511(4) of this act, if the assets have been distributed in liquidation, against any person, other than a creditor of the dissolved corporation, to whom the corporation distributed its property, subject to the following restrictions:

(a) Recovery is limited to the amount of the distributee's pro rata share of the claim or the corporate assets distributed to the distributee in liquidation, whichever is less;

(b) A distributee's total liability for all claims under this section may not exceed the total amount of assets distributed to the distributee; and

(c) A distributee is only liable to the extent permitted by existing common law or statutory remedies, and nothing in this section creates a separate cause of action against a distributee.

NEW SECTION. **Sec. 3511.** COURT PROCEEDINGS. (1) A dissolved nonprofit corporation that has published a notice under section 3508 of this act may file an application with the court for a determination of the amount and form of security to be provided for payment of claims that are contingent or have not been made known to the dissolved corporation or that are based on an event occurring after the effective date of dissolution but that, based on the facts known to the dissolved corporation, are reasonably estimated to be presented after the effective date of dissolution. Provision need not be made for any claim that is or is reasonably anticipated to be barred under section 3508(3) of this act.

(2) Within ten days after the filing of the application, the dissolved corporation shall give notice of the proceeding to each claimant holding a contingent claim whose contingent claim is shown on the records of the dissolved corporation.

(3) The court may appoint a special representative to represent the interests of all claimants whose identities are unknown in any proceeding

brought under this section. The dissolved corporation shall pay reasonable fees and expenses of the special representative, including all reasonable expert witness fees.

(4) Provision by the dissolved nonprofit corporation for security in the amount and the form ordered by the court under this section satisfies the dissolved corporation's obligations with respect to claims that are contingent, have not been made known to the dissolved corporation, or are based on an event occurring after the effective date of dissolution. Such claims may not be enforced against a person who received assets in liquidation.

NEW SECTION. **Sec. 3512.** DIRECTORS' DUTIES. (1) Directors shall cause the dissolved corporation to discharge or make reasonable provision for the payment of claims and make distributions of assets in accordance with the plan of distribution after payment or provision for claims.

(2) Directors of a dissolved corporation that has disposed of claims under section 3508, 3509, or 3511 of this act are not liable for breach of subsection (1) of this section with respect to claims against the dissolved corporation that are barred or satisfied under section 3508, 3509, or 3511 of this act.

(3) Failure to dispose of claims under section 3508, 3509, or 3511 of this act is not, in and of itself, a violation of this section.

ARTICLE 6

ADMINISTRATIVE AND JUDICIAL DISSOLUTION

NEW SECTION. **Sec. 3601.** ADMINISTRATIVE DISSOLUTION. The secretary of state may commence a proceeding under RCW 23.95.610 to administratively dissolve a nonprofit corporation for any reason set forth in RCW 23.95.605.

NEW SECTION. **Sec. 3602.** PROCEDURE AND EFFECT OF ADMINISTRATIVE DISSOLUTION. (1) Administrative dissolution does not terminate, bar, or otherwise modify any claim against the administratively dissolved corporation.

(2) A person is not liable in contract, tort, or otherwise solely by reason of being a director, officer, or member of a nonprofit corporation that was dissolved under sections 3601 through 3608 of this act, with respect to the activities or affairs of the corporation that have been continued, without knowledge of the dissolution.

NEW SECTION. **Sec. 3603.** PROPERTY HELD FOR CHARITABLE PURPOSES. (1) If a charitable corporation, or a corporation holding property for charitable purposes, has been administratively dissolved and has not been reinstated, then neither the corporation nor any other person may transfer or distribute to any other person any property held for charitable purposes by the corporation unless the corporation has:

(a) Adopted a plan of distribution satisfying the requirements of section 3503(2) of this act and following the procedure set out in section 3503(3) of this act; and

(b) Obtained the approval or deemed approval of the attorney general of the plan of distribution, following the procedure set out in section 3503 (4) and (5) of this act.

(2) A corporation that has been administratively dissolved is not required to apply for reinstatement if its only activities will consist of adopting a plan of distribution, obtaining the approval or deemed approval of the attorney general of the plan of distribution, and distributing assets in accordance with the plan of distribution.

NEW SECTION. **Sec. 3604.** REINSTATEMENT OF ADMINISTRATIVELY DISSOLVED CORPORATION. A nonprofit corporation administratively dissolved under RCW 23.95.610 may apply to the secretary of state for reinstatement by following the procedure and meeting the requirements set forth in RCW 23.95.615. A nonprofit corporation denied reinstatement may obtain judicial review of the denial within the time specified in RCW 23.95.620.

NEW SECTION. **Sec. 3605.** JUDICIAL DISSOLUTION. The court may dissolve a nonprofit corporation:

(1) In a proceeding by the attorney general, if it is established that:

(a) The corporation obtained its articles through fraud; or

(b) The corporation has exceeded or abused, and is continuing to exceed or abuse, the authority conferred upon it by law; or

(c) The directors are deadlocked in the management of the corporate affairs; the members, if any, are unable to break the deadlock; and irreparable injury to the corporation or its purposes is threatened or being suffered because of the deadlock; or

(d) The corporation is misapplying or wasting property held for charitable purposes;

(2) Except as provided in the articles or bylaws, in a proceeding by fifty members or members holding at least five percent of the voting power, whichever is less, or by a director, if it is established that:

(a) The directors are deadlocked in the management of the corporate affairs; the members, if any, are unable to break the deadlock; and irreparable injury to the corporation or its mission is threatened or being suffered because of the deadlock;

(b) The directors or those in control of the corporation have acted, are acting, or have expressed intent to act in a manner that is illegal, oppressive, or fraudulent;

(c) The members are deadlocked in voting power and have failed, for a period that includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have, or otherwise would have, expired;

(d) The corporate assets are being misapplied or wasted; or

(e) The corporation has insufficient assets to continue its activities and it is no longer able to assemble a quorum of directors or members;

(3) In a proceeding by a creditor, if it is established that:

(a) The creditor's claim has been reduced to judgment, the execution on the judgment returned unsatisfied, and the corporation is insolvent; or

(b) The corporation has admitted in a record that the creditor's claim is due and owing and the corporation is insolvent; or

(4) In a proceeding by the corporation to have its voluntary dissolution continued under court supervision.

NEW SECTION. **Sec. 3606.** PROCEDURE FOR JUDICIAL DISSOLUTION. (1) It is not necessary to make directors or members parties to a proceeding to dissolve a nonprofit corporation unless relief is sought against them individually.

(2) A person commencing a proceeding to dissolve a nonprofit corporation shall notify the attorney general of the proceeding in the form of a record if:

(a) The corporation is recognized by the internal revenue service as an organization described in section 501(c)(3) of the Internal Revenue Code; or

(b) The person bringing the proceeding knows that the nonprofit corporation is a charitable corporation or has property held for charitable purposes.

(3) The court in a proceeding brought to dissolve a nonprofit corporation may issue injunctions, take other action required to preserve the corporate assets wherever located, and carry on the activities of the corporation until a full hearing can be held.

NEW SECTION. **Sec. 3607.** RECEIVERSHIP. The court in a judicial proceeding brought to dissolve a nonprofit corporation may appoint one or more receivers to wind up and liquidate, or to manage, the affairs of the corporation, pursuant to chapter 7.60 RCW.

NEW SECTION. **Sec. 3608.** DECREE OF DISSOLUTION. (1) If, after a hearing, the court determines that one or more grounds for judicial dissolution described in section 3605 of this act exist, then it may enter a decree dissolving the nonprofit corporation and specifying the effective date of the dissolution, and the clerk of the court shall deliver a certified copy of the decree to the secretary of state, who shall file it.

(2) After entering a decree of dissolution, the court shall direct the winding up and liquidation of the nonprofit corporation's affairs in accordance with section 3506 of this act and the notification of claimants in accordance with sections 3508 and 3509 of this act.

PART IV

ACTIONS INVOLVING NONPROFIT CORPORATIONS

ARTICLE 1

SUPERVISION OF PROPERTY HELD FOR CHARITABLE PURPOSES

NEW SECTION. **Sec. 4101.** NOTICE TO ATTORNEY GENERAL. (1) Every notice to the attorney general required under this chapter must be served upon the attorney general. Service upon the attorney general must be via United States mail, postage prepaid, or by other means as authorized by the attorney general.

(2) Every notice to the attorney general under this chapter shall identify the provisions of this chapter relevant to the subject matter of the notice.

(3) Any person that has commenced any proceeding which this chapter authorizes the attorney general to bring, including but not limited to any proceeding involving a charitable corporation or property held for charitable purposes brought under section 1502, 1505, 2702, 3510, 3605, or 4203 of this act, shall serve notice of the commencement of the proceeding upon the attorney general. Any other party to such a proceeding may serve notice of the commencement of the proceeding upon the attorney general. To be valid, the notice must identify that it is being given pursuant to this subsection. The attorney general may waive this notice at any time.

(4) Notice to the attorney general is effective:

(a) Five days after its deposit in the United States mail, only if the postage is paid and the notice is correctly addressed; or

(b) When given, if the notice is delivered in any other manner that the attorney general has authorized.

NEW SECTION. **Sec. 4102.** ACTIONS TO SECURE PROPERTY HELD FOR CHARITABLE PURPOSES. The attorney general may commence in the court described in section 1105 of this act any action or proceeding to:

(1) Ensure compliance by a nonprofit corporation, or its members, directors, officers, employees, or agents, with any provision of this chapter that governs the distribution, disposition, management, or expenditure of, or reporting obligations relating to, any property held for charitable purposes;

(2) Secure the proper administration of a charitable corporation, or of property held for charitable purposes by a nonprofit corporation, when reasonably necessary to protect property held for charitable purposes; and

(3) Restrain and prevent any act that violates any provision of this chapter that governs the distribution, disposition, management, or expenditure of, or reporting obligations relating to, any property held for charitable purposes.

NEW SECTION. **Sec. 4103.** ATTORNEY GENERAL'S RIGHT TO INTERVENE. The attorney general, as of right, may intervene in any proceeding that has been commenced by a person other than the attorney general if the attorney general is otherwise authorized to bring such a proceeding under this chapter.

NEW SECTION. **Sec. 4104.** ATTORNEY GENERAL'S INVESTIGATIVE POWER. Upon reasonable suspicion that there has been a violation of any provision of this chapter that governs the distribution, disposition, management, or expenditure of, or reporting obligations relating to, any property held for charitable purposes, or that a charitable corporation or property held for charitable purposes by a nonprofit corporation has been improperly administered, the attorney general may institute an investigation for the purpose of determining whether there has been such a violation or improper administration.

NEW SECTION. **Sec. 4105.** CIVIL INVESTIGATIVE DEMANDS. (1) The attorney general may, before the institution of a civil proceeding arising from an investigation instituted under section 4104 of this act, execute in writing and cause to be served upon a person a civil investigative demand requiring the person to produce documentary material and permit inspection and copying, to answer in writing written interrogatories, to give oral testimony, or any combination of those demands, whenever the attorney general believes that the person:

(a) May be in possession, custody, or control of any original or copy of any record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other document or recording, wherever situated, which the attorney general reasonably believes to be relevant to the subject matter of any investigation instituted under section 4104 of this act; or

(b) May have knowledge of any information which the attorney general

reasonably believes to be relevant to the subject matter of any such investigation.

(2) The provisions of RCW 19.86.110 (2) through (9) except for RCW 19.86.110(7) (b) and (c), shall apply to every civil investigative demand issued under this section.

(3) With respect to a civil investigative demand issued under this section, the venue for filing a petition to extend a return date under RCW 19.86.110(8) or a petition for an order of enforcement under RCW 19.86.110(9) shall include any court described in section 1105 of this act.

(4) The attorney general may provide copies of documentary material, answers to written interrogatories, or transcripts of oral testimony provided under this section to an official of this state, another state, or the federal government who is charged with the enforcement of state or federal laws related to the protection or regulation of property held for charitable purposes, provided that before the disclosure the receiving official agrees in the form of a record that the information may not be disclosed to anyone other than that official or the official's authorized employees or agents. Material provided under this subsection is subject to the limitations on disclosure contained in RCW 19.86.110(7)(a), and, where applicable, Title 5 U.S.C. Sec. 552, and may not be introduced as evidence in a criminal prosecution.

(5) The attorney general may use such copies of documentary material, answers to written interrogatories, or transcripts of oral testimony as the attorney general determines necessary in the enforcement of any provision of this chapter that governs the distribution, disposition, management, or expenditure of, or reporting obligations relating to, any property held for charitable purposes, including presentation before any court, provided, however, that any such material, answers to written interrogatories, or transcripts of oral testimony which contain trade secrets shall not be presented except with the approval of the court in which the action is pending after adequate notice to the person furnishing such material, answers to written interrogatories, or oral testimony.

NEW SECTION. **Sec. 4106.** RELIGIOUS CORPORATIONS. The attorney general shall not commence any action under section 4102 of this act against a religious corporation; intervene in any action under section 4103 of this act involving a religious corporation; institute any investigation under section 4104 of this act, the subject of which is a religious corporation; or serve any civil investigative demand under section 4105 of this act on a religious corporation, unless for the purposes of this section only:

(1) The basis for the action, investigation, or civil investigative demand is the attorney general's knowledge of facts, circumstances, or results that property held by the religious corporation for charitable purposes has been, is threatened to be, or is about to be distributed in violation of section 1406 of this act;

(2) The board of directors of the religious corporation has adopted a resolution in the form of a record requesting the attorney general's involvement in the action or investigation; or

(3) The attorney general has knowledge of facts, circumstances, or results indicating that the religious corporation has no directors in office, in which case the attorney general may investigate the issue of whether the religious corporation has directors in office, and, if necessary, appoint one or more directors of the religious corporation following the procedure set out in section 2410(4) of this act.

NEW SECTION. **Sec. 4107.** ASSURANCES OF DISCONTINUANCE. In the enforcement of the provisions of this chapter that govern the distribution, disposition, or expenditure of, or reporting obligations relating to, property held for charitable purposes, the attorney general may accept an assurance of discontinuance of any act or practice deemed in violation of such provision, from any person engaging in, or who has engaged in, such act or practice. Any such assurance must be in writing and be filed with and subject to the approval of the court. Such assurance of discontinuance is not an admission of a violation for any purpose, but proof of failure to comply with the assurance of discontinuance is prima facie evidence of a violation of this chapter.

NEW SECTION. **Sec. 4108.** CIVIL PENALTIES, COSTS, AND FEES. (1) Pursuant to an action by the attorney general, a

person shall forfeit and pay a civil penalty of not more than five thousand dollars for each violation if such person:

(a) Engages in conduct that violates any provision of this chapter governing the distribution, disposition, management, or expenditure of, or reporting obligations relating to, property held for charitable purposes, intending or knowing that such conduct was in violation of this chapter;

(b) As a director or officer of a corporation, votes for or assents to a distribution of property held for charitable purposes that would give rise to liability under section 2702 of this act; or

(c) Receives any portion of a distribution described in (b) of this subsection knowing that the distribution was made in violation of this chapter.

(2) Any person who shall violate the terms of any injunction issued pursuant to an action by the attorney general under section 4102 of this act shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars for each violation.

(3) At the discretion of the court, the attorney general is entitled to recovery of its costs and fees incurred in securing compliance with the provisions of this chapter governing the distribution, disposition, management, or expenditure of, or reporting obligations relating to, property held for charitable purposes.

NEW SECTION. **Sec. 4109.** CHARITABLE ASSET PROTECTION ACCOUNT. (1) The Washington state attorney general charitable asset protection account is created in the custody of the state treasurer. Only the attorney general or the attorney general's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for:

(a) The costs associated with the attorney general's enforcement of the provisions of this chapter governing the distribution, disposition, management, or expenditure of, or reporting obligations relating to, property held for charitable purposes, or the proper administration of a charitable corporation or property held for charitable purposes;

(b) The costs associated with the attorney general's review and handling of notices and requests submitted to the attorney general under the provisions of this chapter including, but not limited to, binding agreements described in section 1504 of this act, major changes in purposes or programs reported under section 1205 of this act, and notices of proposed transactions under sections 3101 through 3608 of this act;

(c) The costs associated with the attorney general's review and handling of notices and requests submitted to the attorney general in connection with the release or modification under RCW 24.55.045 of restrictions applicable to institutional funds;

(d) The costs associated with the attorney general's supervision of charitable trusts under the authority granted in chapter 11.110 RCW, including review and handling of binding agreements under chapter 11.96A RCW, involving assets held in charitable trust; and

(e) The charitable solicitation education program.

An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW.

(2)(a) The secretary of state shall collect a charitable asset protection fee, in addition to fees that the secretary of state may set under section 1207 of this act, for filing:

(i) Annual reports under section 1204 of this act;

(ii) Articles of incorporation of newly formed corporations under section 1303 of this act;

(iii) Articles of domestication under section 3309 of this act; and

(iv) Articles of domestication and conversion under section 3318 of this act.

(b) The charitable asset protection fee is fifty dollars per year, reduced to ten dollars if the corporation certifies that its total gross revenue in the most recent fiscal year was less than five hundred thousand dollars.

(c) Revenue generated from the charitable asset protection fee must be distributed as follows:

(i) Ninety-five percent of the revenue must be deposited into the Washington state attorney general charitable asset protection account created in subsection (1) of this section; and

(ii) Five percent of the revenue must be deposited into the secretary of state's revolving fund to cover the administrative costs of assessing the fee.

ARTICLE 2

CONTESTED CORPORATE ACTION

NEW SECTION. **Sec. 4201.** DEFINITIONS. This section and sections 4202 and 4203 of this act apply to, and the term "corporate action" in this section and sections 4202 and 4203 of this act means, any of the following actions:

(1) The election, appointment, designation, or other selection and the suspension, removal, or expulsion of members, delegates, directors, or officers of a nonprofit corporation;

(2) The taking of any action on any matter that:

(a) Is required under this chapter or any other provision of law to be submitted for approval of or adoption by the members, delegates, directors, or officers of a nonprofit corporation;

(b) Under the articles or bylaws may be submitted for approval of or adoption by the members, delegates, directors, or officers of a nonprofit corporation; or

(c) Is in fact approved or adopted by the members, delegates, directors, or officers of a nonprofit corporation.

NEW SECTION. **Sec. 4202.** PROCEEDINGS PRIOR TO CORPORATE ACTION. (1) Where under applicable law or the articles or bylaws of a nonprofit corporation there has been a failure to hold a meeting to take corporate action and the failure has continued for thirty days after the date designated or appropriate therefor, the court may summarily order a meeting to be held upon the application of any person entitled, either alone or in conjunction with other persons similarly seeking relief under this section, to call a meeting to consider the corporate action in issue, and, in the case of a charitable corporation, upon the application of the attorney general.

(2) The court may determine the right to vote at the meeting of persons claiming that right, may appoint an individual to hold the meeting under such orders and powers as the court may deem proper, and may take such action as may be required to give due notice of the meeting and convene and conduct the meeting in the interests of justice.

NEW SECTION. **Sec. 4203.** REVIEW OF CONTESTED CORPORATE ACTION. (1) Except as provided in subsection (3) of this section, upon petition of a person whose status as, or whose rights or duties as, a member, delegate, director, or officer of a corporation are or may be affected by any corporate action, or, in the case of a charitable corporation, the attorney general, the court may hear and determine the validity of the corporate action. The petitioner shall provide notice of the proceeding to every other person the petitioner knows, or should reasonably know, to be affected by the proceeding.

(2) The court may make such orders in any such case as may be just and proper, with power to enforce the production of any books, papers, and records of the corporation and other evidence that may relate to the issue, and may provide for notice of the proceeding to other parties if necessary. If it is determined that no valid corporate action has been taken, the court may order a meeting to be held in accordance with section 4202 of this act.

(3) If a nonprofit corporation has provided in its articles or bylaws for a means of resolving a challenge to a corporate action, then subsection (1) of this section shall not apply, except in the case of actions brought by the attorney general with respect to corporate actions of charitable corporations. The court may enforce provisions of the articles or bylaws if appropriate.

PART V

REVISIONS TO EXISTING STATUTES

ARTICLE 1

SUBSTANTIVE AMENDMENTS

Sec. 5101. RCW 11.110.020 and 1985 c 30 s 114 are each amended to read as follows:

((~~When used in~~)) The definitions in this section apply throughout this chapter((~~,~~)) unless the context clearly requires otherwise ((~~requires:~~)).

(1) "Person" means an individual, organization, group, association,

partnership, corporation, or any combination of them.

(2)(a) "Trustee" means ((~~(1)~~)):

(i) Any person holding property in trust for a public charitable purpose; except the United States, its states, territories, and possessions, the District of Columbia, Puerto Rico, and their agencies and subdivisions; ((~~and (2)~~))

(ii) A corporation formed for the administration of a charitable trust ((~~or~~)); and

(iii) Any person holding assets subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes((~~: PROVIDED, That~~)).

(b) Unless they are described in (a)(i) or (ii) of this subsection, the term "trustee" does not apply to ((~~(a)~~)):

(i) Washington nonprofit corporations incorporated under chapter 24.-- RCW (the new chapter created in section 6101 of this act) or to which chapter 24.-- RCW (the new chapter created in section 6101 of this act) applies through operation of section 1107 of this act;

(ii) Religious corporations duly organized and operated in good faith as religious organizations, which have received a declaration of current tax exempt status from the government of the United States; their duly organized branches or chapters; and charities, agencies, and organizations affiliated with and forming an integral part of said organization, or operated, supervised, or controlled directly by such religious corporations nor any officer of any such religious organization who holds property for religious purposes((~~: PROVIDED, That~~)). However, if such organization has not received from the United States government a declaration of current tax exempt status prior to the time it receives property under the terms of a charitable trust, this exemption shall be applicable for two years only from the time of receiving such property, or until such tax exempt status is finally declared, whichever is sooner; or ((~~(b)~~))

(iii) An educational institution which is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts.

Sec. 5102. RCW 23.95.255 and 2017 c 31 s 2 are each amended to read as follows:

(1) A domestic entity other than a limited liability partnership or nonprofit corporation shall, within one hundred twenty days of the date on which its public organic record became effective, deliver to the secretary of state for filing an initial report that states the information required under subsection (2) of this section.

(2) A domestic entity or registered foreign entity shall deliver to the secretary of state for filing an annual report that states:

(a) The name of the entity and its jurisdiction of formation;

(b) The name and street and mailing addresses of the entity's registered agent in this state;

(c) The street and mailing addresses of the entity's principal office;

(d) In the case of a registered foreign entity, the street and mailing address of the entity's principal office in the state or country under the laws of which it is incorporated;

(e) The names of the entity's governors;

(f) A brief description of the nature of the entity's business; ((~~and~~))

(g) The entity's unified business identifier number;

(h) In the case of a nonprofit corporation, the corporation's federal employer identification number; and

(i) In the case of a nonprofit corporation, any information required under section 1205 of this act.

(3) Information in an initial or annual report must be current as of the date the report is executed by the entity.

(4) Annual reports must be delivered to the secretary of state on a date determined by the secretary of state and at such additional times as the entity elects.

(5) If an initial or annual report does not contain the information required by

this section, the secretary of state promptly shall notify the reporting entity in a record and return the report for correction.

(6) If an initial or annual report contains the name or address of a registered agent that differs from the information shown in the records of the secretary of state immediately before the annual report becomes effective, the differing information in the initial or annual report is considered a statement of change under RCW 23.95.430.

(7) The secretary of state shall send to each domestic entity and registered foreign entity, not less than thirty or more than ninety days prior to the expiration date of the entity's annual renewal, a notice that the entity's annual report must be filed as required by this chapter and that any applicable annual renewal fee must be paid, and stating that if the entity fails to file its annual report or pay the annual renewal fee it will be administratively dissolved. The notice may be sent by postal or email as elected by the entity, addressed to its registered agent within the state, or to an electronic address designated by the entity in a record retained by the secretary of state. Failure of the secretary of state to provide any such notice does not relieve a domestic entity or registered foreign entity from its obligations to file the annual report required by this chapter or to pay any applicable annual renewal fee. The option to receive the notice provided under this section by email may be selected only when the secretary of state makes the option available.

Sec. 5103. RCW 23.95.305 and 2019 c 37 s 1402 are each amended to read as follows:

(1)(a) The name of a business corporation:

(i)(A) Except in the case of a social purpose corporation, must contain the word "corporation," "incorporated," "company," or "limited," or the abbreviation "Corp.," "Inc.," "Co.," or "Ltd.," or words or abbreviations of similar import in another language; or

(B) In the case of a social purpose corporation, must contain the words "social purpose corporation" or the abbreviation "SPC" or "S.P.C."; and

(ii) Must not contain any of the following words or phrases: "Bank," "banking," "banker," "trust," "cooperative," or any combination of the words "industrial" and "loan," or any combination of any two or more of the words "building," "savings," "loan," "home," "association," and "society," or any other words or phrases prohibited by any statute of this state.

(b) The name of a professional service corporation must contain either the words "professional service" or "professional corporation" or the abbreviation "P.S." or "P.C." The name may also contain either the words "corporation," "incorporated," "company," or "limited," or the abbreviation "Corp.," "Inc.," "Co.," or "Ltd." The name of a professional service corporation organized to render dental services must contain the full names or surnames of all shareholders and no other word than "chartered" or the words "professional services" or the abbreviation "P.S." or "P.C."

(2) The name of a nonprofit corporation:

(a) May include "club," "league," "association," "services," "committee," "fund," "society," "foundation," "guild," ". . . . . ., a nonprofit corporation," ". . . . . ., a nonprofit mutual corporation," or any name of like import;

(b) Except for nonprofit corporations formed prior to January 1, 1969, must not include or end with "incorporated," "company," "corporation," "partnership," "limited partnership," or "Ltd.," or any abbreviation thereof; ((~~and~~))

(c) May not be deceptively similar to the name of an existing domestic entity which is not then administratively dissolved; and

(d) May only include the term "public benefit" or names of like import if the nonprofit corporation has been designated as a public benefit nonprofit corporation by the secretary of state in accordance with chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act).

(3) The name of a limited partnership may contain the name of any partner. The name of a partnership that is not a limited liability limited partnership must contain the words "limited partnership" or the abbreviation "LP" or "L.P." and may not contain the words "limited liability limited partnership"

or the abbreviation "LLLP" or "L.L.L.P." If the limited partnership is a limited liability limited partnership, the name must contain the words "limited liability limited partnership" or the abbreviation "LLLP" or "L.L.L.P." and may not contain the abbreviation "LP" or "L.P."

(4) The name of a limited liability partnership must contain the words "limited liability partnership" or the abbreviation "LLP" or "L.L.P." If the name of a foreign limited liability partnership contains the words "registered limited liability partnership" or the abbreviation "R.L.L.P." or "RLLP," it may include those words or abbreviations in its foreign registration statement.

(5)(a) The name of a limited liability company:

(i) Must contain the words "limited liability company," the words "limited liability" and abbreviation "Co.," or the abbreviation "L.L.C." or "LLC"; and

(ii) May not contain any of the following words or phrases: "Cooperative," "partnership," "corporation," "incorporated," or the abbreviations "Corp.," "Ltd.," or "Inc.," or "LP," "L.P.," "LLP," "L.L.P.," "LLLP," "L.L.L.P," or any words or phrases prohibited by any statute of this state.

(b) The name of a professional limited liability company must contain either the words "professional limited liability company," or the words "professional limited liability" and the abbreviation "Co.," or the abbreviation "P.L.L.C." or "PLLC," provided that the name of a professional limited liability company organized to render dental services must contain the full names or surnames of all members and no other word than "chartered" or the words "professional services" or the abbreviation "P.L.L.C." or "PLLC."

(6) The name of a cooperative association organized under chapter 23.86 RCW may contain the words "corporation," "incorporated," or "limited," or the abbreviation "Corp.," "Inc.," or "Ltd."

(7) The name of a limited cooperative association must contain the phrase "limited cooperative association" or "limited cooperative" or the abbreviation "L.C.A." or "LCA." "Limited" may be abbreviated as "Ltd." "Cooperative" may be abbreviated as "Co-op." or "Coop." "Association" may be abbreviated as "Assoc." or "Assn."

NEW SECTION. **Sec. 5104.** A new section is added to chapter 74.15 RCW to read as follows:

(1) A host home program must register with the secretary of state's office. This registration may occur when the secretary of state files articles of incorporation of the host home program under chapter 24.-- RCW (the new chapter created in section 6101 of this act).

(2) The host home program registration must include a notarized statement by the host home program that it meets all of the requirements set out in RCW 74.15.020(2)(o).

(3) The secretary of state has no duty to confirm that a host home program is meeting its statutory requirements. A filing under this section does not imply an endorsement by the secretary of state.

(4) The secretary of state may adopt rules necessary to carry out its duties under this section.

ARTICLE 2

AMENDMENTS TO UPDATE REFERENCES

Sec. 5201. RCW 7.60.025 and 2019 c 389 s 1 are each amended to read as follows:

(1) A receiver may be appointed by the superior court of this state in the following instances, but except in any case in which a receiver's appointment is expressly required by statute, or any case in which a receiver's appointment is sought by a state agent whose authority to seek the appointment of a receiver is expressly conferred by statute, or any case in which a receiver's appointment with respect to real property is sought under (b)(ii) of this subsection, a receiver shall be appointed only if the court additionally determines that the appointment of a receiver is reasonably necessary and that other available remedies either are not available or are inadequate:

(a) On application of any party, when the party is determined to have a probable right to or interest in property that is a subject of the action and in the possession of an adverse party, or when the property or its revenue-producing potential is in danger of being lost or materially injured or impaired.

A receiver may be appointed under this subsection (1)(a) whether or not the application for appointment of a receiver is combined with, or is ancillary to, an action seeking a money judgment or other relief;

(b) Provisionally, after commencement of any judicial action or nonjudicial proceeding to foreclose upon any lien against or for forfeiture of any interest in real or personal property, on application of any person, when the interest in the property that is the subject of such an action or proceeding of the person seeking the receiver's appointment is determined to be probable and either:

(i) The property or its revenue-producing potential is in danger of being lost or materially injured or impaired; or

(ii) The appointment of a receiver with respect to the real or personal property that is the subject of the action or proceeding is provided for by agreement or is reasonably necessary to effectuate or enforce an assignment of rents or other revenues from the property. For purposes of this subsection (1)(b), a judicial action is commenced as provided in superior court civil rule 3(a), a nonjudicial proceeding is commenced under chapter 61.24 RCW upon the service of notice of default described in RCW 61.24.030(8), and a proceeding for forfeiture is commenced under chapter 61.30 RCW upon the recording of the notice of intent to forfeit described in RCW 61.30.060;

(c) After judgment, in order to give effect to the judgment;

(d) To dispose of property according to provisions of a judgment dealing with its disposition;

(e) To the extent that property is not exempt from execution, at the instance of a judgment creditor either before or after the issuance of any execution, to preserve or protect it, or prevent its transfer;

(f) If and to the extent that property is subject to execution to satisfy a judgment, to preserve the property during the pendency of an appeal, or when an execution has been returned unsatisfied, or when an order requiring a judgment debtor to appear for proceedings supplemental to judgment has been issued and the judgment debtor fails to submit to examination as ordered;

(g) Upon an attachment of real or personal property when the property attached is of a perishable nature or is otherwise in danger of waste, impairment, or destruction, or where the abandoned property's owner has absconded with, secreted, or abandoned the property, and it is necessary to collect, conserve, manage, control, or protect it, or to dispose of it promptly, or when the court determines that the nature of the property or the exigency of the case otherwise provides cause for the appointment of a receiver;

(h) In an action by a transferor of real or personal property to avoid or rescind the transfer on the basis of fraud, or in an action to subject property or a fund to the payment of a debt;

(i) In an action against any person who is not an individual if the object of the action is the dissolution of that person, or if that person has been dissolved, or if that person is insolvent or is not generally paying the person's debts as those debts become due unless they are the subject of bona fide dispute, or if that person is in imminent danger of insolvency;

(j) In accordance with RCW 7.08.030 (4) and (6), in cases in which a general assignment for the benefit of creditors has been made;

(k) In quo warranto proceedings under chapter 7.56 RCW;

(l) As provided under RCW 11.64.022;

(m) In an action by the department of licensing under RCW 18.35.220(3) with respect to persons engaged in the business of dispensing of hearing aids, RCW 18.85.430 in the case of persons engaged in the business of a real estate broker, associate real estate broker, or real estate salesperson, or RCW 19.105.470 with respect to persons engaged in the business of camping resorts;

(n) In an action under RCW 18.44.470 or 18.44.490 in the case of persons engaged in the business of escrow agents;

(o) Upon a petition with respect to a nursing home in accordance with and subject to receivership provisions under chapter 18.51 RCW;

(p) In connection with a proceeding for relief with respect to a voidable transfer as to a present or future creditor under RCW 19.40.041 or a present creditor under RCW 19.40.051;

(q) Under RCW 19.100.210(1), in an action by the attorney general or director of financial institutions to restrain any actual or threatened violation of the franchise investment protection act;

(r) In an action by the attorney general or by a prosecuting attorney under RCW 19.110.160 with respect to a seller of business opportunities;

(s) In an action by the director of financial institutions under RCW 21.20.390 in cases involving actual or threatened violations of the securities act of Washington or under RCW 21.30.120 in cases involving actual or threatened violations of chapter 21.30 RCW with respect to certain businesses and transactions involving commodities;

(t) In an action for or relating to dissolution of a business corporation under RCW 23B.14.065, 23B.14.300, 23B.14.310, or 23B.14.320, for dissolution of a nonprofit corporation under ((~~RCW 24.03.271~~)) section 3605 of this act, for dissolution of a mutual corporation under RCW 24.06.305, or in any other action for the dissolution or winding up of any other entity provided for by Title 23, 23B, 24, or 25 RCW;

(u) In any action in which the dissolution of any public or private entity is sought, in any action involving any dispute with respect to the ownership or governance of such an entity, or upon the application of a person having an interest in such an entity when the appointment is reasonably necessary to protect the property of the entity or its business or other interests;

(v) Under RCW 25.05.215, in aid of a charging order with respect to a partner's interest in a partnership;

(w) Under and subject to RCW 30A.44.100, 30A.44.270, and 30A.56.030, in the case of a state commercial bank, RCW 30B.44B.100, in the case of a state trust company, RCW 32.24.070, 32.24.073, 32.24.080, and 32.24.090, in the case of a state savings bank;

(x) Under and subject to RCW 31.12.637 and 31.12.671 through 31.12.724, in the case of credit unions;

(y) Upon the application of the director of financial institutions under RCW 31.35.090 in actions to enforce chapter 31.35 RCW applicable to agricultural lenders, under RCW 31.40.120 in actions to enforce chapter 31.40 RCW applicable to entities engaged in federally guaranteed small business loans, under RCW 31.45.160 in actions to enforce chapter 31.45 RCW applicable to persons licensed as check cashers or check sellers, or under RCW 19.230.230 in actions to enforce chapter 19.230 RCW applicable to persons licensed under the uniform money services act;

(z) Under RCW 35.82.090 or 35.82.180, with respect to a housing project;

(aa) Under RCW 39.84.160 or 43.180.360, in proceedings to enforce rights under any revenue bonds issued for the purpose of financing industrial development facilities or bonds of the Washington state housing finance commission, or any financing document securing any such bonds;

(bb) Under and subject to RCW 43.70.195, in an action by the secretary of health or by a local health officer with respect to a public water system;

(cc) As contemplated by RCW 61.24.030, with respect to real property that is the subject of nonjudicial foreclosure proceedings under chapter 61.24 RCW;

(dd) As contemplated by RCW 61.30.030(3), with respect to real property that is the subject of judicial or nonjudicial forfeiture proceedings under chapter 61.30 RCW;

(ee) Under RCW 64.32.200(2), in an action or proceeding commenced under chapter 61.12 or 61.24 RCW to foreclose upon a lien for common expenses against a dwelling unit subject to the horizontal property regimes act, chapter 64.32 RCW. For purposes of this subsection (1)(ee), a judicial action is commenced as provided in superior court civil rule 3(a) and a nonjudicial proceeding is commenced under chapter 61.24 RCW upon the service of notice of default described in RCW 61.24.030(8);

(ff) Under RCW 64.34.364(10), in an action or proceeding commenced under chapter 61.12 or 61.24 RCW by a unit owners' association to foreclose a lien for nonpayment of delinquent assessments against condominium units. For purposes of this subsection (1)(ff), a judicial action is commenced as provided in

superior court civil rule (3)(a) and a nonjudicial proceeding is commenced under chapter 61.24 RCW upon the service of notice of default described in RCW 61.24.030(8);

(gg) Upon application of the attorney general under RCW 64.36.220(3), in aid of any writ or order restraining or enjoining violations of chapter 64.36 RCW applicable to timeshares;

(hh) Under RCW ((~~70.95A.050~~)) 70A.210.070(3), in aid of the enforcement of payment or performance of municipal bonds issued with respect to facilities used to abate, control, or prevent pollution;

(ii) Upon the application of the department of social and health services under RCW 74.42.580, in cases involving nursing homes;

(jj) Upon the application of the utilities and transportation commission under RCW 80.28.040, with respect to a water company or wastewater company that has failed to comply with an order of such commission within the time deadline specified therein;

(kk) Under RCW 87.56.065, in connection with the dissolution of an irrigation district;

(ll) Upon application of the attorney general or the department of licensing, in any proceeding that either of them are authorized by statute to bring to enforce Title 18 or 19 RCW; the securities act of Washington, chapter 21.20 RCW; the Washington commodities act, chapter 21.30 RCW; the land development act, chapter 58.19 RCW; or under chapter 64.36 RCW relating to the regulation of timeshares;

(mm) Upon application of the director of financial institutions in any proceeding that the director of financial institutions is authorized to bring to enforce chapters 31.35, 31.40, and 31.45 RCW; or

(nn) In such other cases as may be provided for by law, or when, in the discretion of the court, it may be necessary to secure ample justice to the parties.

(2) The superior courts of this state shall appoint as receiver of property located in this state a person who has been appointed by a federal or state court located elsewhere as receiver with respect to the property specifically or with respect to the owner's property generally, upon the application of the person or of any party to that foreign proceeding, and following the appointment shall give effect to orders, judgments, and decrees of the foreign court affecting the property in this state held by the receiver, unless the court determines that to do so would be manifestly unjust or inequitable. The venue of such a proceeding may be any county in which the person resides or maintains any office, or any county in which any property over which the receiver is to be appointed is located at the time the proceeding is commenced.

(3) At least seven days' notice of any application for the appointment of a receiver must be given to the owner of property to be subject thereto and to all other parties in the action, and to other parties in interest as the court may require. If any execution by a judgment creditor under Title 6 RCW or any application by a judgment creditor for the appointment of a receiver, with respect to property over which the receiver's appointment is sought, is pending in any other action at the time the application is made, then notice of the application for the receiver's appointment also must be given to the judgment creditor in the other action. The court may shorten or expand the period for notice of an application for the appointment of a receiver upon good cause shown.

(4) The order appointing a receiver in all cases must reasonably describe the property over which the receiver is to take charge, by category, individual items, or both if the receiver is to take charge of less than all of the owner's property. If the order appointing a receiver does not expressly limit the receiver's authority to designated property or categories of property of the owner, the receiver is a general receiver with the authority to take charge over all of the owner's property, wherever located.

(5) The court may condition the appointment of a receiver upon the giving of security by the person seeking the receiver's appointment, in such amount as the court may specify, for the payment of costs and damages incurred or suffered by any person should it later be determined that the appointment of the receiver was wrongfully obtained.

Sec. 5202. RCW 9.46.0209 and 2020 c 150 s 1 are each amended to read as follows:

(1)(a) "Bona fide charitable or nonprofit organization," as used in this chapter, means:

(i) Any organization duly existing under the provisions of chapter 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapter((~~s~~)) 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 19.09 or ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, religious, scientific, social, fraternal, athletic, or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or

(ii) Any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(b) An organization defined under (a) of this subsection must:

(i) Have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required; and

(ii) Demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the internal revenue code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

(c) Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(2) For the purposes of RCW 9.46.0315 and 9.46.110, a bona fide nonprofit organization can be licensed by the commission and includes:

(a) A credit union organized and operating under state or federal law. All revenue less prizes and expenses received from raffles conducted by credit unions must be devoted to purposes authorized under this section for charitable and nonprofit organizations; and

(b) A group of executive branch state employees that:

(i) Has requested and received revocable approval from the agency's chief executive official, or such official's designee, to conduct one or more raffles in compliance with this section;

(ii) Conducts a raffle solely to raise funds for either the state combined fund drive, created under RCW 41.04.033; an entity approved to receive funds from the state combined fund drive; or a charitable or benevolent entity, including but not limited to a person or family in need, as determined by a majority vote of the approved group of employees. No person or other entity may receive compensation in any form from the group for services rendered in support of this purpose;

(iii) Promptly provides such information about the group's receipts, expenditures, and other activities as the agency's chief executive official or designee may periodically require, and

otherwise complies with this section and RCW 9.46.0315; and

(iv) Limits the participation in the raffle such that raffle tickets are sold only to, and winners are determined only from, the employees of the agency.

(3) For the purposes of RCW 9.46.0277, a bona fide nonprofit organization also includes a county, city, or town, provided that all revenue less prizes and expenses from raffles conducted by the county, city, or town must be used for community activities or tourism promotion activities.

Sec. 5203. RCW 15.105.020 and 2004 c 26 s 3 are each amended to read as follows:

(1) The department may cooperate with other agencies, boards, commissions, and associations in the state of Washington to establish a private, nonprofit corporation for the purpose of carrying out the program. The nonprofit corporation must be organized under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and has the powers granted under that chapter. However, this chapter does not prohibit the department or other agencies, boards, commissions, and associations from separately continuing to promote Washington products under their existing authorities.

(2) The department may contract with the successor organization to carry out the program. The contract must require the successor organization to aggressively seek to fund its continued operation from nonstate funding sources.

(3) The successor organization must report to the department each January 1st on the amounts it has secured from both nonstate and state funding sources, its operations, and its programs.

(4) Debts and other liabilities of the successor organization are successor organization debts and liabilities only and may be satisfied only from the resources of the successor organization. The state of Washington is not liable for the debts or liabilities of the successor organization.

Sec. 5204. RCW 18.100.050 and 2020 c 80 s 21 are each amended to read as follows:

(1) An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of Title 23B RCW for the purpose of rendering professional service. One or more of the legally authorized individuals shall be the incorporators of the professional corporation.

(2) Notwithstanding any other provision of this chapter, registered architects and registered engineers may own stock in and render their individual professional services through one professional service corporation.

(3) Licensed health care professionals, providing services to enrolled participants either directly or through arrangements with a health maintenance organization registered under chapter 48.46 RCW or federally qualified health maintenance organization, may own stock in and render their individual professional services through one professional service corporation.

(4) Professionals may organize a nonprofit nonstock corporation under this chapter and chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) to provide professional services, and the provisions of this chapter relating to stock and referring to Title 23B RCW shall not apply to any such corporation.

(5)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, 18.225, 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.57, 18.64, 18.71, 18.71A, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may own stock in and render their individual professional services through one professional service corporation and are to be considered, for the purpose of forming a professional service corporation, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are regulated under chapters 18.59 and 18.74 RCW may own stock in and render their individual professional services through one professional service corporation formed for the sole purpose of providing

professional services within their respective scope of practice.

(c) Formation of a professional service corporation under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential.

Sec. 5205. RCW 18.100.130 and 1991 c 72 s 5 are each amended to read as follows:

(1) For a professional service corporation organized for pecuniary profit under this chapter, the provisions of Title 23B RCW shall be applicable except to the extent that any of the provisions of this chapter are interpreted to be in conflict with the provisions thereof, and in such event the provisions and sections of this chapter shall take precedence with respect to a corporation organized pursuant to the provisions of this chapter.

(2) For a professional service corporation organized under this chapter and chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) as a nonprofit ((~~nonstock~~)) corporation, the provisions of chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) shall be applicable except to the extent that any of the provisions of this chapter are interpreted to be in conflict with the provisions thereof, and in such event the provisions and sections of this chapter shall take precedence with respect to a corporation organized under the provisions of this chapter.

Sec. 5206. RCW 18.100.134 and 1991 c 72 s 7 are each amended to read as follows:

A professional corporation may amend its articles of incorporation to delete from its stated purposes the rendering of professional services and to conform to the requirements of Title 23B RCW, or to the requirements of chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) if organized pursuant to RCW 18.100.050 as a nonprofit ((~~nonstock~~)) corporation. Upon the effective date of such amendment, the corporation shall no longer be subject to the provisions of this chapter and shall continue in existence as a corporation under Title 23B RCW or chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act).

Sec. 5207. RCW 19.142.010 and 1990 c 55 s 1 and 1990 c 33 s 556 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Business day" means any day except a Sunday or a legal holiday.

(2) "Buyer" or "member" means a person who purchases health studio services.

(3) "Health studio" includes any person or entity engaged in the sale of instruction, training, assistance or use of facilities which purport to assist patrons to improve their physical condition or appearance through physical exercise, body building, weight loss, figure development, the martial arts, or any other similar activity. For the purposes of this chapter, "health studio" does not include: (a) Public common schools, private schools approved under RCW 28A.195.010, and public or private institutions of higher education; (b) persons providing professional services within the scope of a person's license under Title 18 RCW; (c) bona fide nonprofit organizations which have been granted tax-exempt status by the Internal Revenue Service, the functions of which as health studios are only incidental to their overall functions and purposes; (d) a person or entity which offers physical exercise, body building, figure development or similar activities as incidental features of a plan of instruction or assistance relating to diet or control of eating habits; (e) bona fide nonprofit corporations organized under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) which have members and whose members have meaningful voting rights to elect and remove a board of directors which is responsible for the operation of the health club and corporation; and (f) a preexisting facility primarily offering aerobic classes, where the initiation fee is less than fifty dollars and no memberships are sold which exceed one year in duration. For purposes of this subsection, "preexisting facility" means an existing building used for health studio services covered by the fees collected.

(4) "Health studio services" means instruction, services, privileges, or rights offered for sale by a health studio. "Health studio services" do not include: (a) Instruction or assistance relating to diet or control of eating habits not involving substantial on-site physical exercise, body building, figure development, or any other similar activity; or (b) recreational or social programs which either involve no physical exercise or exercise only incidental to the program.

(5) "Initiation or membership fee" means a fee paid either in a lump sum or in installments within twelve months of execution of the health studio services contract on a one-time basis when a person first joins a health studio for the privilege of belonging to the health studio.

(6) "Special offer or discount" means any offer of health studio services at a reduced price or without charge to a prospective member.

(7) "Use fees or dues" means fees paid on a regular periodic basis for use of a health studio. This does not preclude prepayment of use fees at the buyer's option.

Sec. 5208. RCW 23.95.105 and 2020 c 57 s 29 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise or as set forth in RCW 23.95.400 or 23.95.600.

(1) "Annual report" means the report required by RCW 23.95.255.

(2) "Business corporation" means a domestic business corporation incorporated under or subject to Title 23B RCW or a foreign business corporation.

(3) "Commercial registered agent" means a person listed under RCW 23.95.420.

(4) "Domestic," with respect to an entity, means governed as to its internal affairs by the law of this state.

(5) "Electronic transmission" means an electronic communication:

(a) Not directly involving the physical transfer of a record in a tangible medium; and

(b) That may be retained, retrieved, and reviewed by the sender and the recipient thereof, and that may be directly reproduced in a tangible medium by such a sender and recipient.

(6) "Entity" means:

(a) A business corporation;

(b) A nonprofit corporation;

(c) A limited liability partnership;

(d) A limited partnership;

(e) A limited liability company;

(f) A general cooperative association; or

(g) A limited cooperative association.

(7) "Entity filing" means a record delivered to the secretary of state for filing pursuant to this chapter.

(8) "Execute," "executes," or "executed" means with present intent to authenticate or adopt a record:

(a) To sign or adopt a tangible symbol;

(b) To attach to or logically associate with the record an electronic symbol, sound, or process; or

(c) With respect to a record to be filed with the secretary of state, in compliance with the standards for filing with the office of the secretary of state as prescribed by the secretary of state.

(9) "Filed record" means a record filed by the secretary of state pursuant to this chapter.

(10) "Foreign," with respect to an entity, means governed as to its internal affairs by the law of a jurisdiction other than this state.

(11) "General cooperative association" means a domestic general cooperative association formed under or subject to chapter 23.86 RCW.

(12) "Governor" means:

(a) A director of a business corporation;

(b) A director of a nonprofit corporation;

(c) A partner of a limited liability partnership;

(d) A general partner of a limited partnership;

(e) A manager of a manager-managed limited liability company;

(f) A member of a member-managed limited liability company;

(g) A director of a general cooperative association;

(h) A director of a limited cooperative association; or

(i) Any other person under whose authority the powers of an entity are exercised and under whose direction the activities and affairs of the entity are managed pursuant to the organic law and organic rules of the entity.

(13) "Interest" means:

(a) A share in a business corporation;

(b) A membership in a nonprofit corporation;

(c) A share in a nonprofit corporation formed under chapter 24.06 RCW;

(d) A partnership interest in a limited liability partnership;

(e) A partnership interest in a limited partnership;

(f) A limited liability company interest;

(g) A share or membership in a general cooperative association; or

(h) A member's interest in a limited cooperative association.

(14) "Interest holder" means:

(a) A shareholder of a business corporation;

(b) A member of a nonprofit corporation;

(c) A shareholder of a nonprofit corporation formed under chapter 24.06 RCW;

(d) A partner of a limited liability partnership;

(e) A general partner of a limited partnership;

(f) A limited partner of a limited partnership;

(g) A member of a limited liability company;

(h) A shareholder or member of a general cooperative association; or

(i) A member of a limited cooperative association.

(15) "Jurisdiction," when used to refer to a political entity, means the United States, a state, a foreign country, or a political subdivision of a foreign country.

(16) "Jurisdiction of formation" means the jurisdiction whose law includes the organic law of an entity.

(17) "Limited cooperative association" means a domestic limited cooperative association formed under or subject to chapter 23.100 RCW or a foreign limited cooperative association.

(18) "Limited liability company" means a domestic limited liability company formed under or subject to chapter 25.15 RCW or a foreign limited liability company.

(19) "Limited liability limited partnership" means a domestic limited liability limited partnership formed under or subject to chapter 25.10 RCW or a foreign limited liability limited partnership.

(20) "Limited liability partnership" means a domestic limited liability partnership registered under or subject to chapter 25.05 RCW or a foreign limited liability partnership.

(21) "Limited partnership" means a domestic limited partnership formed under or subject to chapter 25.10 RCW or a foreign limited partnership. "Limited partnership" includes a limited liability limited partnership.

(22) "Noncommercial registered agent" means a person that is not a commercial registered agent and is:

(a) An individual or domestic or foreign entity that serves in this state as the registered agent of an entity;

(b) An individual who holds the office or other position in an entity which is designated as the registered agent pursuant to RCW 23.95.415(1)(b)(ii); or

(c) A government, governmental subdivision, agency, or instrumentality, or a separate legal entity comprised of two or more of these entities, that serves as the registered agent of an entity.

(23) "Nonprofit corporation" means a domestic nonprofit corporation incorporated under or subject to chapter ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act) or 24.06 RCW or a foreign nonprofit corporation.

(24) "Nonregistered foreign entity" means a foreign entity that is not registered to do business in this state pursuant to a statement of registration filed by the secretary of state.

(25) "Organic law" means the law of an entity's jurisdiction of formation governing the internal affairs of the entity.

(26) "Organic rules" means the public organic record and private organic rules of an entity.

(27) "Person" means an individual, business corporation, nonprofit corporation, partnership, limited partnership, limited liability company, general cooperative association, limited cooperative association, unincorporated nonprofit association, statutory trust, business trust, common-law business trust, estate, trust, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(28) "Principal office" means the principal executive office of an entity, whether or not the office is located in this state.

(29) "Private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an entity, are binding on all its interest holders, and are not part of its public organic record, if any. "Private organic rules" includes:

(a) The bylaws of a business corporation and any agreement among shareholders pursuant to RCW 23B.07.320;

(b) The bylaws of a nonprofit corporation;

(c) The partnership agreement of a limited liability partnership;

(d) The partnership agreement of a limited partnership;

(e) The limited liability company agreement;

(f) The bylaws of a general cooperative association; and

(g) The bylaws of a limited cooperative association.

(30) "Proceeding" means civil suit and criminal, administrative, and investigatory action.

(31) "Property" means all property, whether real, personal, or mixed or tangible or intangible, or any right or interest therein.

(32) "Public organic record" means the record the filing of which by the secretary of state is required to form an entity and any amendment to or restatement of that record. The term includes:

(a) The articles of incorporation of a business corporation;

(b) The articles of incorporation of a nonprofit corporation;

(c) The certificate of limited partnership of a limited partnership;

(d) The certificate of formation of a limited liability company;

(e) The articles of incorporation of a general cooperative association;

(f) The articles of organization of a limited cooperative association; and

(g) The document under the laws of another jurisdiction that is equivalent to a document listed in this subsection.

(33) "Receipt," as used in this chapter, means actual receipt. "Receive" has a corresponding meaning.

(34) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(35) "Registered agent" means an agent of an entity which is authorized to receive service of any process, notice, or demand required or permitted by law to be served on the entity. The term includes a commercial registered agent and a noncommercial registered agent.

(36) "Registered foreign entity" means a foreign entity that is registered to do business in this state pursuant to a certificate of registration filed by the secretary of state.

(37) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(38) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

(39) "Transfer" includes:

(a) An assignment;

(b) A conveyance;

(c) A sale;

(d) A lease;

(e) An encumbrance, including a mortgage or security interest;

(f) A change of record owner of interest;

(g) A gift; and

(h) A transfer by operation of law.

(40) "Type of entity" means a generic form of entity:

(a) Recognized at common law; or

(b) Formed under an organic law, whether or not some entities formed under that law are subject to provisions of that law that create different categories of the form of entity.

Sec. 5209. RCW 24.50.010 and 2011 c 310 s 1 are each amended to read as follows:

(1) Washington manufacturing services is organized as a private, nonprofit corporation in accordance with chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and this section. The mission of the corporation is to operate a modernization extension system, coordinate a network of public and private modernization resources, and stimulate the competitiveness of small and midsize manufacturers in Washington.

(2) The corporation must be governed by a board of directors. A majority of the board of directors shall be representatives of small and medium-sized manufacturing firms and industry associations, networks, or consortia. The board must also include at least one member representing labor unions or labor councils and, as ex officio members, the director of the department of commerce, the executive director of the state board for community and technical colleges, and the director of the workforce training and education coordinating board, or their respective designees.

(3) The corporation may be known as impact Washington and may:

(a) Charge fees for services, make and execute contracts with any individual, corporation, association, public agency, or any other entity, and employ all other legal instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter; and

(b) Receive funds from federal, state, or local governments, private businesses, foundations, or any other source for purposes consistent with this chapter.

(4) The corporation must:

(a) Develop policies, plans, and programs to assist in the modernization of businesses in targeted sectors of Washington's economy and coordinate the delivery of modernization services;

(b) Provide information about the advantages of modernization and the modernization services available in the state to federal, state, and local economic development officials, state colleges and universities, and private providers;

(c) Collaborate with the Washington quality initiative in the development of manufacturing quality standards and quality certification programs;

(d) Collaborate with industry sector and cluster associations to inform import-impacted manufacturers about federal trade adjustment assistance funding;

(e) Serve as an information clearinghouse and provide access for users to the federal manufacturing extension partnership national research and information system; and

(f) Provide, either directly or through contracts, assistance to industry or cluster associations, networks, or consortia, that would be of value to their member firms in:

(i) Adopting advanced business management practices such as strategic planning and total quality management;

(ii) Developing mechanisms for interfirm collaboration and cooperation;

(iii) Appraising, purchasing, installing, and effectively using equipment, technologies, and processes that improve the quality of goods and services and the productivity of the firm;

(iv) Improving human resource systems and workforce training in a manner that

moves firms toward flexible, high-performance work organizations;

(v) Developing new products;

(vi) Conducting market research, analysis, and development of new sales channels and export markets;

(vii) Improving processes to enhance environmental, health, and safety compliance; and

(viii) Improving credit, capital management, and business finance skills.

(5) Between thirty-five and sixty-five percent of the funds received by the corporation from the state must be used by the corporation for carrying out the duties under subsection (4)(f) of this section, consistent with the intent of RCW 24.50.005(2).

Sec. 5210. RCW 28A.710.010 and 2016 c 241 s 101 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a nonprofit corporation that has submitted an application to an authorizer. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, or a nonprofit corporation ((~~as defined in RCW 24.03.005~~)) organized under chapter 24.-- RCW (the new chapter created in section 6101 of this act) that has applied for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under RCW 28A.710.220.

(2) "At-risk student" means a student who has an academic or economic disadvantage that requires assistance or special services to succeed in educational programs. The term includes, but is not limited to, students who do not meet minimum standards of academic proficiency, students who are at risk of dropping out of high school, students in chronically low-performing schools, students with higher than average disciplinary sanctions, students with lower participation rates in advanced or gifted programs, students who are limited in English proficiency, students who are members of economically disadvantaged families, and students who are identified as having special educational needs.

(3) "Authorizer" means the commission established in RCW 28A.710.070 or a school district approved under RCW 28A.710.090 to review, approve, or reject charter school applications; enter into, renew, or revoke charter contracts with applicants; and oversee the charter schools the entity has authorized.

(4) "Charter contract" means a fixed term, renewable contract between a charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(5) "Charter school" or "charter public school" means a public school that is established in accordance with this chapter, governed by a charter school board, and operated according to the terms of a charter contract executed under this chapter.

(6) "Charter school board" means the board of directors appointed or selected under the terms of a charter application to manage and operate the charter school.

(7) "Commission" means the Washington state charter school commission established in RCW 28A.710.070.

(8) "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

(9) "Student" means a child eligible to attend a public school in the state.

Sec. 5211. RCW 35.67.020 and 2003 c 394 s 1 are each amended to read as follows:

(1) Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits. Every city and town has full jurisdiction and authority to manage, regulate, and control them and, except as provided in subsection (3) of this section, to fix, alter, regulate, and control the rates and charges for their use.

(2) Subject to subsection (3) of this section, the rates charged under this section must be uniform for the same

class of customers or service and facilities furnished. In classifying customers served or service and facilities furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors:

(a) The difference in cost of service and facilities to the various customers;

(b) The location of the various customers within and without the city or town;

(c) The difference in cost of maintenance, operation, repair, and replacement of the various parts of the system;

(d) The different character of the service and facilities furnished various customers;

(e) The quantity and quality of the sewage delivered and the time of its delivery;

(f) The achievement of water conservation goals and the discouragement of wasteful water use practices;

(g) Capital contributions made to the system, including but not limited to, assessments;

(h) The ((~~nonprofit~~)) public benefit nonprofit corporation status, as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, of the land user; and

(i) Any other matters which present a reasonable difference as a ground for distinction.

(3) The rate a city or town may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

(5) A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter.

(6) Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

(7) Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

(8) A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law.

Sec. 5212. RCW 35.67.190 and 1995 c 124 s 4 are each amended to read as follows:

(1) The legislative body of such city or town may provide by ordinance for revenues by fixing rates and charges for the furnishing of service to those served by its system of sewerage or system for refuse collection and disposal, which rates and charges shall be uniform for the same class of customer or service. In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: ((~~(1)~~)) (a) The

difference in cost of service to the various customers; ((~~(2)~~)) (b) the location of the various customers within and without the city or town; ((~~(3)~~)) (c) the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; ((~~(4)~~)) (d) the different character of the service furnished various customers; ((~~(5)~~)) (e) the quantity and quality of the sewage delivered and the time of its delivery; ((~~(6)~~)) (f) capital contributions made to the system, including but not limited to, assessments; ((~~(7)~~)) (g) the ((~~nonprofit~~)) public benefit nonprofit corporation status, as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, of the land user; and ((~~(8)~~)) (h) any other matters which present a reasonable difference as a ground for distinction.

(2) If special indebtedness bonds or warrants are issued against the revenues, the legislative body shall by ordinance fix charges at rates which will be sufficient to take care of the costs of maintenance and operation, bond and warrant principal and interest, sinking fund requirements, and all other expenses necessary for efficient and proper operation of the system.

(3) All property owners within the area served by such sewerage system shall be compelled to connect their private drains and sewers with such city or town system, under such penalty as the legislative body of such city or town may by ordinance direct. Such penalty may in the discretion of such legislative body be an amount equal to the charge that would be made for sewer service if the property was connected to such system. All penalties collected shall be considered revenue of the system.

Sec. 5213. RCW 35.92.020 and 2020 c 20 s 1014 are each amended to read as follows:

(1) A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate systems, plants, sites, or other facilities of sewerage as defined in RCW 35.67.010, or solid waste handling as defined by RCW 70A.205.015. A city or town shall have full authority to manage, regulate, operate, control, and, except as provided in subsection (3) of this section, to fix the price of service and facilities of those systems, plants, sites, or other facilities within and without the limits of the city or town.

(2) Subject to subsection (3) of this section, the rates charged shall be uniform for the same class of customers or service and facilities. In classifying customers served or service and facilities furnished by a system or systems of sewerage, the legislative authority of the city or town may in its discretion consider any or all of the following factors:

(a) The difference in cost of service and facilities to customers;

(b) The location of customers within and without the city or town;

(c) The difference in cost of maintenance, operation, repair, and replacement of the parts of the system;

(d) The different character of the service and facilities furnished to customers;

(e) The quantity and quality of the sewage delivered and the time of its delivery;

(f) Capital contributions made to the systems, plants, sites, or other facilities, including but not limited to, assessments;

(g) The ((~~nonprofit~~)) public benefit nonprofit corporation status, as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, of the land user; and

(h) Any other factors that present a reasonable difference as a ground for distinction.

(3) The rate a city or town may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

(5) A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter.

(6) Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

(7) Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

(8) A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law.

Sec. 5214. RCW 36.89.080 and 2003 c 394 s 3 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, any county legislative authority may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits or to be served or to receive benefits from any stormwater control facility or contributing to an increase of surface water runoff. In fixing rates and charges, the county legislative authority may in its discretion consider:

(a) Services furnished or to be furnished;

(b) Benefits received or to be received;

(c) The character and use of land or its water runoff characteristics;

(d) The ((~~nonprofit~~)) public benefit nonprofit corporation status, as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, of the land user;

(e) Income level of persons served or provided benefits under this chapter, including senior citizens and ((~~disabled persons~~)) individuals with disabilities; or

(f) Any other matters which present a reasonable difference as a ground for distinction.

(2) The rate a county may charge under this section for stormwater control facilities shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(3) Rates and charges authorized under this section may not be imposed on lands taxed as forestland under chapter 84.33 RCW or as timberland under chapter 84.34 RCW.

(4) The service charges and rates collected shall be deposited in a special fund or funds in the county treasury to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating stormwater control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving any of such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

Sec. 5215. RCW 36.94.140 and 2005 c 324 s 2 are each amended to read as follows:

(1) Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate, and control it. Except as provided in subsection (3) of this section, every county shall have full jurisdiction and authority to fix, alter,

regulate, and control the rates and charges for the service and facilities to those to whom such service and facilities are available, and to levy charges for connection to the system.

(2) The rates for availability of service and facilities, and connection charges so charged must be uniform for the same class of customers or service and facility. In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the county legislative authority may consider any or all of the following factors:

(a) The difference in cost of service to the various customers within or without the area;

(b) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;

(c) The different character of the service and facilities furnished various customers;

(d) The quantity and quality of the sewage and/or water delivered and the time of its delivery;

(e) Capital contributions made to the system or systems, including, but not limited to, assessments;

(f) The cost of acquiring the system or portions of the system in making system improvements necessary for the public health and safety;

(g) The ((~~nonprofit~~)) public benefit nonprofit corporation status, as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, of the land user; and

(h) Any other matters which present a reasonable difference as a ground for distinction.

(3) The rate a county may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) A county may provide assistance to aid low-income persons in connection with services provided under this chapter.

(5) The service charges and rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system.

(6) A connection charge under this section for service to a manufactured housing community, as defined in RCW 59.20.030, applies to an individual lot within that community only if the system of water or sewerage provides and maintains the connection.

Sec. 5216. RCW 39.34.030 and 2019 c 91 s 1 are each amended to read as follows:

(1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this chapter, except that any such joint or cooperative action by public agencies which are educational service districts and/or school districts shall comply with the provisions of RCW 28A.320.080. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

(a) Its duration;

(b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created. Such entity may include a nonprofit corporation organized pursuant to chapter ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act) or 24.06 RCW whose membership is limited solely to the participating public agencies or a partnership organized pursuant to chapter 25.04 or 25.05 RCW whose partners are limited solely to participating public agencies, or a limited liability company organized under chapter 25.15 RCW whose membership is limited solely to participating public agencies, and the funds of any such corporation, partnership, or limited liability company shall be subject to audit in the manner provided by law for the auditing of public funds;

(c) Its purpose or purposes;

(d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;

(e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination; and

(f) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall contain, in addition to provisions specified in subsection (3)(a), (c), (d), (e), and (f) of this section, the following:

(a) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies that are party to the agreement shall be represented; and

(b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking. Any joint board is authorized to establish a special fund with a state, county, city, or district treasurer servicing an involved public agency designated "Operating fund of . . . . . joint board."

(5) No agreement made pursuant to this chapter relieves any public agency of any obligation or responsibility imposed upon it by law except that:

(a) To the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made pursuant to this chapter, the performance may be offered in satisfaction of the obligation or responsibility; and

(b) With respect to one or more public agencies purchasing or otherwise contracting through a bid, proposal, or contract awarded by another public agency or by a group of public agencies, any obligation with respect to competitive bids or proposals that applies to the public agencies involved is satisfied if the public agency or group of public agencies that awarded the bid, proposal, or contract complied with its own statutory requirements and either (i) posted the bid or solicitation notice on a web site established and maintained by a public agency, purchasing cooperative, or similar service provider, for purposes of posting public notice of bid or proposal solicitations, or (ii) provided an access link on the state's web portal to the notice.

(6)(a) Any two or more public agencies may enter into a contract providing for the joint utilization of architectural or engineering services if:

(i) The agency contracting with the architectural or engineering firm complies with the requirements for contracting for such services under chapter 39.80 RCW; and

(ii) The services to be provided to the other agency or agencies are related to, and within the general scope of, the services the architectural or engineering firm was selected to perform.

(b) Any agreement providing for the joint utilization of architectural or engineering services under this subsection must be executed for a scope of work specifically detailed in the agreement and must be entered into prior to commencement of procurement of such services under chapter 39.80 RCW.

(7) Financing of joint projects by agreement shall be as provided by law.

Sec. 5217. RCW 39.34.055 and 2011 1st sp.s. c 43 s 246 are each amended to read as follows:

The department of enterprise services may enter into an agreement with a public benefit nonprofit corporation to allow the public benefit nonprofit corporation to participate in state contracts for purchases administered by the department. Such agreement must comply with the requirements of RCW 39.34.030 through 39.34.050. For the purposes of this section "public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in ((~~RCW 24.03.005~~)) section 1701 of this act that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or a political subdivision of another state.

Sec. 5218. RCW 41.04.382 and 1993 c 194 s 4 are each amended to read as follows:

In order to qualify for services under RCW 41.04.380, state employee child care organizations shall be organized as nonprofit under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act).

Sec. 5219. RCW 43.06.335 and 2004 c 245 s 1 are each amended to read as follows:

(1) The Washington quality award council shall be organized as a private, nonprofit corporation, in accordance with chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and this section.

(2) The council shall oversee the governor's Washington state quality award program. The purpose of the program is to improve the overall competitiveness of the state's economy by stimulating Washington state industries, business, and organizations to bring about measurable success through setting standards of organizational excellence, encouraging organizational self-assessment, identifying successful organizations as role models, and providing a valuable mechanism for promoting and strengthening a commitment to continuous quality improvement in all sectors of the state's economy. The governor shall annually present the award to organizations that improve the quality of their products and services and are noteworthy examples of high-performing work organizations, as determined by the council in consultation with the governor or appointed representative.

(3) The governor shall appoint a representative to serve on the board of directors of the council.

(4) The council shall establish a board of examiners, a recognition committee, and such other committees or subgroups as it deems appropriate to carry out its responsibilities.

(5) The council may conduct such public information, research, education, and assistance programs as it deems appropriate to further quality improvement in organizations operating in the state of Washington.

(6) The council shall:

(a) Approve and announce award recipients;

(b) Approve guidelines to examine applicant organizations;

(c) Approve appointment of board of examiners; and

(d) Arrange appropriate annual awards and recognition for recipients.

Sec. 5220. RCW 43.07.120 and 2019 c 132 s 3 are each amended to read as follows:

(1) The secretary of state must establish by rule and collect the fees in this subsection:

(a) For a copy of any law, resolution, record, or other document or paper on file in the secretary's office;

(b) For any certificate under seal;

(c) For filing and recording trademark;

(d) For each deed or patent of land issued by the governor;

(e) For recording miscellaneous records, papers, or other documents.

(2) The secretary of state may adopt rules under chapter 34.05 RCW establishing reasonable fees for the following services rendered under chapter 23.95 RCW, Title 23B RCW, chapter 18.100, 19.09, 19.77, 23.86, 23.90, ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act), 24.06, 24.12, 24.20, 24.24, 24.28, 24.36, 25.04, 25.15, 25.10, 25.05, or 26.60 RCW:

(a) Any service rendered in-person at the secretary of state's office;

(b) Any expedited service;

(c) The electronic or facsimile transmittal of information from corporation records or copies of documents;

(d) The providing of information by micrographic or other reduced-format compilation;

(e) The handling of checks, drafts, or credit or debit cards upon adoption of rules authorizing their use for which sufficient funds are not on deposit; and

(f) Special search charges.

(3) To facilitate the collection of fees, the secretary of state may establish accounts for deposits by persons who may frequently be assessed such fees to pay the fees as they are assessed. The secretary of state may make whatever arrangements with those persons as may be necessary to carry out this section.

(4) The secretary of state may adopt rules for the use of credit or debit cards for payment of fees.

(5) No member of the legislature, state officer, justice of the supreme court, judge of the court of appeals, or judge of the superior court may be charged for any search relative to matters pertaining to the duties of his or her office; nor may such official be charged for a certified copy of any law or resolution passed by the legislature relative to his or her official duties, if such law has not been published as a state law.

Sec. 5221. RCW 43.07.190 and 2016 c 202 s 62 are each amended to read as follows:

Where the secretary of state determines that a summary face sheet or cover sheet would expedite review of any documents made under Title 23B RCW, or chapter 18.100, 23.86, 23.90, ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act), 24.06, 24.12, 24.20, 24.24, 24.36, 25.10, or 25.15 RCW, the secretary of state may require the use of a summary face sheet or cover sheet that accurately reflects the contents of the attached document. The secretary of state may, by rule adopted under chapter 34.05 RCW, specify the required contents of any summary face sheet and the type of document or documents in which the summary face sheet will be required, in addition to any other filing requirements which may be applicable.

Sec. 5222. RCW 43.15.030 and 2020 c 114 s 18 are each amended to read as follows:

(1) The Washington state leadership board is organized as a private, nonprofit, nonpartisan corporation in accordance with chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and this section.

(2) The purpose of the Washington state leadership board is to:

(a) Provide the state a means of extending formal recognition for an individual's outstanding services to the state;

(b) Bring together those individuals to serve the state as ambassadors of trade, tourism, and international goodwill; and

(c) Expand educational, sports, leadership, and/or employment opportunities for youth, veterans, and people with disabilities in Washington state.

(3) The Washington state leadership board may conduct activities in support of their mission.

(4) The Washington state leadership board is governed by a board of directors. The board of directors is composed of the governor, the lieutenant governor, and the secretary of state, who serve as ex officio, nonvoting members, and other officers and members as the Washington state leadership board designates. In addition, four legislators may be appointed to the board of directors as ex officio members in the following manner: One legislator from each of the two largest caucuses of the senate, appointed by the president of the senate, and one legislator from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(5) The board of directors shall adopt bylaws and establish governance and transparency policies.

(6) The lieutenant governor's office may provide technical and financial assistance for the Washington state leadership board, where the work of the board aligns with the mission of the office. Assistance from the lieutenant

governor's office may include, but is not limited to:

(a) Collaboration with the Washington state leadership board on the Washington world fellows program, a college readiness and study abroad fellowship administered by the office of the lieutenant governor;

(b) Beginning January 1, 2019, collaboration with the Washington state leadership board to administer the sports mentoring program as established under RCW 43.15.100, a mentoring program to encourage underserved youth to join sports or otherwise participate in the area of sports. If approved by the board, boundless Washington, an outdoor leadership program for young people with disabilities, shall satisfy the terms of the sports mentoring program; and

(c) The compilation of a yearly financial report, which shall be made available to the legislature no later than January 15th of each year, detailing all revenues and expenditures associated with the Washington world fellows program and the sports mentoring program. Any expenditures made by the Washington state leadership board in support of the Washington world fellows program and the sports mentoring program shall be made available to the office of the lieutenant governor for the purpose of inclusion in the annual financial report.

(7) The legislature may make appropriations in support of the Washington state leadership board subject to the availability of funds.

(8) The office of the lieutenant governor must post on its web site detailed information on all funds received by the Washington state leadership board and all expenditures by the Washington state leadership board.

Sec. 5223. RCW 43.105.020 and 2017 c 92 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means the consolidated technology services agency.

(2) "Board" means the technology services board.

(3) "Customer agencies" means all entities that purchase or use information technology resources, telecommunications, or services from the consolidated technology services agency.

(4) "Director" means the state chief information officer, who is the director of the consolidated technology services agency.

(5) "Enterprise architecture" means an ongoing activity for translating business vision and strategy into effective enterprise change. It is a continuous activity. Enterprise architecture creates, communicates, and improves the key principles and models that describe the enterprise's future state and enable its evolution.

(6) "Equipment" means the machines, devices, and transmission facilities used in information processing, including but not limited to computers, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment.

(7) "Information" includes, but is not limited to, data, text, voice, and video.

(8) "Information security" means the protection of communication and information resources from unauthorized access, use, disclosure, disruption, modification, or destruction in order to:

(a) Prevent improper information modification or destruction;

(b) Preserve authorized restrictions on information access and disclosure;

(c) Ensure timely and reliable access to and use of information; and

(d) Maintain the confidentiality, integrity, and availability of information.

(9) "Information technology" includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, radio technologies, and all related interactions between people and machines.

(10) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions

and information technology and telecommunications investments.

(11) "K-20 network" means the network established in RCW 43.41.391.

(12) "Local governments" includes all municipal and quasi-municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

(13) "Office" means the office of the state chief information officer within the consolidated technology services agency.

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications.

(15) "Proprietary software" means that software offered for sale or license.

(16) "Public agency" means any agency of this state or another state; any political subdivision or unit of local government of this state or another state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any public benefit nonprofit corporation; any agency of the United States; and any Indian tribe recognized as such by the federal government.

(17) "Public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in ((~~RCW 24.03.005~~)) section 1701 of this act that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or political subdivision of another state.

(18) "Public record" has the definitions in RCW 42.56.010 and chapter 40.14 RCW and includes legislative records and court records that are available for public inspection.

(19) "Public safety" refers to any entity or services that ensure the welfare and protection of the public.

(20) "Security incident" means an accidental or deliberative event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of communication and information resources.

(21) "State agency" means every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official.

(22) "Telecommunications" includes, but is not limited to, wireless or wired systems for transport of voice, video, and data communications, network systems, requisite facilities, equipment, system controls, simulation, electronic commerce, and all related interactions between people and machines.

(23) "Utility-based infrastructure services" includes personal computer and portable device support, servers and server administration, security administration, network administration, telephony, email, and other information technology services commonly used by state agencies.

Sec. 5224. RCW 43.210.020 and 1998 c 109 s 1 are each amended to read as follows:

A nonprofit corporation, to be known as the small business export finance assistance center, and branches subject to its authority, may be formed under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) for the following public purposes:

(1) To assist small and medium-sized businesses in both urban and rural areas in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information and assistance to these businesses about export opportunities and financing alternatives.

Sec. 5225. RCW 43.210.040 and 2010 c 166 s 1 are each amended to read as follows:

(1) The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 has the powers granted under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act). In exercising such powers, the center may:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other sources to carry out its purposes;

(b) Make loans or provide loan guarantees on loans made by financial

institutions to Washington businesses with annual sales of two hundred million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries and for the purpose of financing business growth to accommodate increased export sales. Loans or loan guarantees made under the authority of this section may only be considered upon a financial institution's assurance that such loan or loan guarantee is otherwise not available;

(c) Provide assistance to businesses with annual sales of two hundred million dollars or less in obtaining loans and guarantees of loans made by financial institutions for the purpose of financing export of goods or services from the state of Washington;

(d) Provide export finance and risk mitigation counseling to Washington exporters with annual sales of two hundred million dollars or less, provided that such counseling is not practicably available from a Washington for-profit business. For such counseling, the center may charge reasonable fees as it determines are necessary;

(e) Provide assistance in obtaining export credit insurance or alternate forms of foreign risk mitigation to facilitate the export of goods and services from the state of Washington;

(f) Be available as a teaching resource to both public and private sponsors of workshops and programs relating to the financing and risk mitigation aspects of exporting products and services from the state of Washington;

(g) Develop a comprehensive inventory of export-financing resources, both public and private, including information on resource applicability to specific countries and payment terms;

(h) Contract with the federal government and its agencies to become a program administrator for federally provided loan guarantee and export credit insurance programs; and

(i) Take whatever action may be necessary to accomplish the purposes set forth in this chapter.

(2) The center may not use any Washington state funds or funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(3) The small business export finance assistance center shall make every effort to seek nonstate funds for its continued operation.

(4) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the small business export finance assistance center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 5226. RCW 43.330.135 and 2009 c 565 s 8 are each amended to read as follows:

(1) The department of commerce shall distribute such funds as are appropriated for the statewide technical support, development, and enhancement of court-appointed special advocate programs.

(2) In order to receive money under subsection (1) of this section, an organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must meet all of the following requirements:

(a) The organization must provide statewide support, development, and enhancement of court-appointed special advocate programs that offer guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and 13.34.100;

(b) All guardians ad litem working under court-appointed special advocate programs supported, developed, or enhanced by the organization must be volunteers and may not receive payment for services rendered pursuant to the program. The organization may include paid positions that are exclusively administrative in nature, in keeping with the scope and purpose of this section; and

(c) The organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must be a public benefit nonprofit corporation as defined in ((~~RCW 24.03.490~~)) section 1701 of this act.

(3) If more than one organization is eligible to receive money under this section, the department shall develop criteria for allocation of appropriated money among the eligible organizations.

Sec. 5227. RCW 46.19.020 and 2017 c 151 s 1 are each amended to read as follows:

(1) The following organizations may apply for special parking privileges:

(a) Public transportation authorities;

(b) Nursing homes licensed under chapter 18.51 RCW;

(c) Assisted living facilities licensed under chapter 18.20 RCW;

(d) Senior citizen centers;

(e) Accessible van rental companies registered with the department;

(f) Private nonprofit corporations((~~, as defined in RCW 24.03.005~~)) organized under chapter 24.-- RCW (the new chapter created in section 6101 of this act);

(g) Cabulance companies that regularly transport persons with disabilities who have been determined eligible for special parking privileges under this section and who are registered with the department under chapter 46.72 RCW; and

(h) Companies that dispatch taxicab vehicles under chapter 81.72 RCW or vehicles for hire under chapter 46.72 RCW, for such vehicles that are equipped with wheelchair accessible lifts or ramps for the transport of persons with disabilities and that are regularly dispatched and used in the transport of such persons. However, qualifying vehicles under this subsection (1)(h) may utilize special parking privileges only while in service. For the purposes of this subsection (1)(h), "in service" means while in the process of picking up, transporting, or discharging a passenger.

(2) An organization that qualifies for special parking privileges may receive, upon application, special license plates or parking placards, or both, for persons with disabilities as defined by the department.

(3) An organization that qualifies for special parking privileges under subsection (1) of this section and receives parking placards or special license plates under subsection (2) of this section is responsible for ensuring that the parking placards and special license plates are not used improperly and is responsible for all fines and penalties for improper use.

(4) The department shall adopt rules to determine organization eligibility.

Sec. 5228. RCW 48.30.135 and 2015 c 272 s 4 are each amended to read as follows:

(1) An insurance producer may sponsor events for, or make contributions to a bona fide charitable or nonprofit organization, if the sponsorship or contribution is not conditioned upon the organization applying for or obtaining insurance through the insurance producer.

(2) For purposes of this section, a bona fide charitable or nonprofit organization is:

(a) Any nonprofit corporation duly existing under the provisions of chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, cultural, athletic, scientific, agricultural, or horticultural purposes;

(b) Any professional, commercial, industrial, or trade association;

(c) Any organization duly existing under the provisions of chapter 24.12, 24.20, or 24.28 RCW;

(d) Any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW; or

(e) Any nonprofit organization, whether incorporated or otherwise, when determined by the commissioner to be organized and operated for one or more of the purposes described in (a) through (d) of this subsection.

(3) RCW 48.30.140 and 48.30.150 do not apply to sponsorships or charitable contributions that are provided or given in compliance with subsection (1) of this section.

Sec. 5229. RCW 48.62.021 and 2015 c 109 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Health and welfare benefits" means a plan or program established by a local government entity or entities for the purpose of providing its employees and their dependents, and in the case of school districts, its district employees, students, directors, or any of their dependents, with health care, accident, disability, death, and salary protection benefits.

(2) "Local government entity" or "entity" means every unit of local government, both general purpose and special purpose, and includes, but is not limited to, counties, cities, towns, port districts, public utility districts, water-sewer districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other political subdivisions, governmental subdivisions, municipal corporations, quasi-municipal corporations, nonprofit corporations comprised of only units of local government, or a group comprised of local governments joined by an interlocal agreement authorized by chapter 39.34 RCW.

(3) "Nonprofit corporation" or "corporation" has the same meaning as defined in ((~~RCW 24.03.005(3)~~)) section 1102 of this act or a similar statute with similar intent within the entity's state of domicile.

(4) "Property and liability risks" includes the risk of property damage or loss sustained by a local government entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the local government entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the local government entity.

(5) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(6) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(7) "State risk manager" means the risk manager of the office of risk management within the department of enterprise services.

Sec. 5230. RCW 48.180.010 and 2015 c 109 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Nonprofit corporation" or "corporation" has the same meaning as defined in ((~~RCW 24.03.005~~)) section 1102 of this act.

(2) "Property and liability risks" includes the risk of property damage or loss sustained by a nonprofit corporation and the risk of claims arising from the tortious or negligent conduct or any error or omission of the entity, its officers, employees, agents, or volunteers as a result of a claim that may be made against the entity.

(3) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(4) "State risk manager" means the risk manager of the office of risk management within the department of enterprise services.

Sec. 5231. RCW 64.34.300 and 1992 c 220 s 14 are each amended to read as follows:

A unit owners' association shall be organized no later than the date the first unit in the condominium is conveyed. The membership of the association at all times shall consist exclusively of all the unit owners. Following termination of the condominium, the membership of the association shall consist of all of the unit owners at the time of termination entitled to distributions of proceeds under RCW 64.34.268 or their heirs, successors, or assigns. The association shall be organized as a profit or nonprofit corporation. In case of any conflict between Title 23B RCW, the business corporation act, chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act), the

nonprofit corporation act, or chapter 24.06 RCW, the nonprofit miscellaneous and mutual corporations act, and this chapter, this chapter shall control.

Sec. 5232. RCW 64.38.025 and 2019 c 238 s 222 are each amended to read as follows:

(1) Except as provided in the association's governing documents or this chapter, the board of directors shall act in all instances on behalf of the association. In the performance of their duties, the officers and members of the board of directors shall exercise the degree of care and loyalty required of an officer or director of a corporation organized under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act).

(2) The board of directors shall not act on behalf of the association to amend the articles of incorporation, to take any action that requires the vote or approval of the owners, to terminate the association, to elect members of the board of directors, or to determine the qualifications, powers, and duties, or terms of office of members of the board of directors; but the board of directors may fill vacancies in its membership of the unexpired portion of any term.

(3) Except as provided in RCW 64.90.080, 64.90.405(1) (b) and (c), and 64.90.525, within thirty days after adoption by the board of directors of any proposed regular or special budget of the association, the board shall set a date for a meeting of the owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the owners of a majority of the votes in the association are allocated or any larger percentage specified in the governing documents reject the budget, in person or by proxy, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the owners shall be continued until such time as the owners ratify a subsequent budget proposed by the board of directors.

(4) As part of the summary of the budget provided to all owners, the board of directors shall disclose to the owners:

(a) The current amount of regular assessments budgeted for contribution to the reserve account, the recommended contribution rate from the reserve study, and the funding plan upon which the recommended contribution rate is based;

(b) If additional regular or special assessments are scheduled to be imposed, the date the assessments are due, the amount of the assessments per each owner per month or year, and the purpose of the assessments;

(c) Based upon the most recent reserve study and other information, whether currently projected reserve account balances will be sufficient at the end of each year to meet the association's obligation for major maintenance, repair, or replacement of reserve components during the next thirty years;

(d) If reserve account balances are not projected to be sufficient, what additional assessments may be necessary to ensure that sufficient reserve account funds will be available each year during the next thirty years, the approximate dates assessments may be due, and the amount of the assessments per owner per month or year;

(e) The estimated amount recommended in the reserve account at the end of the current fiscal year based on the most recent reserve study, the projected reserve account cash balance at the end of the current fiscal year, and the percent funded at the date of the latest reserve study;

(f) The estimated amount recommended in the reserve account based upon the most recent reserve study at the end of each of the next five budget years, the projected reserve account cash balance in each of those years, and the projected percent funded for each of those years; and

(g) If the funding plan approved by the association is implemented, the projected reserve account cash balance in each of the next five budget years and the percent funded for each of those years.

(5) The owners by a majority vote of the voting power in the association present, in person or by proxy, and entitled to vote at any meeting of the owners at which a quorum is present, may remove any member of the board of directors with or without cause.

Sec. 5233. RCW 64.90.400 and 2018 c 277 s 301 are each amended to read as follows:

(1) A unit owners association must be organized no later than the date the first unit in the common interest community is conveyed to a purchaser.

(2) The membership of the association at all times consists exclusively of all unit owners or, following termination of the common interest community, of all former unit owners entitled to distributions of proceeds under RCW 64.90.290 or their heirs, successors, or assigns.

(3) The association must have a board and be organized as a for-profit or nonprofit corporation or limited liability company.

(4) In case of any conflict between Title 23B RCW or chapter 23.86, ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act), 24.06, or 25.15 RCW and this chapter, this chapter controls.

Sec. 5234. RCW 66.24.495 and 1997 c 321 s 33 are each amended to read as follows:

(1) There shall be a license to be designated as a nonprofit arts organization license. This shall be a special license to be issued to any nonprofit arts organization which sponsors and presents productions or performances of an artistic or cultural nature in a specific theater or other appropriate designated indoor premises approved by the board. The license shall permit the licensee to sell liquor to patrons of productions or performances for consumption on the premises at these events. The fee for the license shall be two hundred fifty dollars per annum.

(2) For the purposes of this section, the term "nonprofit arts organization" means an organization which is organized and operated for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (3) of this section, for viewing or attendance by the general public. The organization must be a not-for-profit corporation under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, the corporation must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the license is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The proceeds derived from sales of liquor, except for reasonable operating costs, must be used in furtherance of the purposes of the organization;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The liquor ((~~control~~)) and cannabis board shall have access to its books in order to determine whether the corporation is entitled to a license.

(3) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

Sec. 5235. RCW 66.24.680 and 2014 c 78 s 1 are each amended to read as follows:

(1) There shall be a license to be designated as a senior center license. This shall be a license issued to a nonprofit organization whose primary service is providing recreational and social activities for seniors on the licensed premises. This license shall permit the licensee to sell spirits by the individual glass, including mixed drinks and cocktails mixed on the premises only, beer and wine, at retail for consumption on the premises.

(2) To qualify for this license, the applicant entity must:

(a) Be a nonprofit organization under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act);

(b) Be open at times and durations established by the board; and

(c) Provide limited food service as defined by the board.

(3) All alcohol servers must have a valid mandatory alcohol server training permit.

(4) The board shall adopt rules to implement this section.

(5) The annual fee for this license shall be seven hundred twenty dollars.

Sec. 5236. RCW 68.20.020 and 1983 c 3 s 167 are each amended to read as follows:

Any private corporation authorized by its articles so to do, may establish, maintain, manage, improve, or operate a cemetery, and conduct any or all of the businesses of a cemetery, either for or without profit to its members or stockholders. A nonprofit cemetery corporation may be organized in the manner provided in chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act). A profit corporation may be organized in the manner provided in the general corporation laws of the state of Washington.

Sec. 5237. RCW 70.45.070 and 1997 c 332 s 7 are each amended to read as follows:

The department shall only approve an application if the parties to the acquisition have taken the proper steps to safeguard the value of charitable assets and ensure that any proceeds from the acquisition are used for appropriate charitable health purposes. To this end, the department may not approve an application unless, at a minimum, it determines that:

(1) The acquisition is permitted under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act), the Washington nonprofit corporation act, and other laws governing nonprofit entities, trusts, or charities;

(2) The nonprofit corporation that owns the hospital being acquired has exercised due diligence in authorizing the acquisition, selecting the acquiring person, and negotiating the terms and conditions of the acquisition;

(3) The procedures used by the nonprofit corporation's board of trustees and officers in making its decision fulfilled their fiduciary duties, that the board and officers were sufficiently informed about the proposed acquisition and possible alternatives, and that they used appropriate expert assistance;

(4) No conflict of interest exists related to the acquisition, including, but not limited to, conflicts of interest related to board members of, executives of, and experts retained by the nonprofit corporation, acquiring person, or other parties to the acquisition;

(5) The nonprofit corporation will receive fair market value for its assets. The attorney general or the department may employ, at the expense of the acquiring person, reasonably necessary expert assistance in making this determination. This expense must be in addition to the fees charged under RCW 70.45.030;

(6) Charitable funds will not be placed at unreasonable risk, if the acquisition is financed in part by the nonprofit corporation;

(7) Any management contract under the acquisition will be for fair market value;

(8) The proceeds from the acquisition will be controlled as charitable funds independently of the acquiring person or parties to the acquisition, and will be used for charitable health purposes consistent with the nonprofit

corporation's original purpose, including providing health care to the disadvantaged, the uninsured, and the underinsured and providing benefits to promote improved health in the affected community;

(9) Any charitable entity established to hold the proceeds of the acquisition will be broadly based in and representative of the community where the hospital to be acquired is located, taking into consideration the structure and governance of such entity; and

(10) A right of first refusal to repurchase the assets by a successor nonprofit corporation or foundation has been retained if the hospital is subsequently sold to, acquired by, or merged with another entity.

Sec. 5238. RCW 70.290.030 and 2013 c 144 s 48 are each amended to read as follows:

(1) The association is comprised of all health carriers issuing or renewing health benefit plans in Washington state and all third-party administrators conducting business on behalf of residents of Washington state or Washington health care providers and facilities. Third-party administrators are subject to registration under RCW 70.290.075.

(2) The association is a nonprofit corporation under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and has the powers granted under that chapter.

(3) The board of directors includes the following voting members:

(a) Four members, selected from health carriers or third-party administrators, excluding health maintenance organizations, that have the most fully insured and self-funded covered lives in Washington state. The count of total covered lives includes enrollment in all companies included in their holding company system. Each health carrier or third-party administrator is entitled to no more than a single position on the board to represent all entities under common ownership or control.

(b) One member selected from the health maintenance organization having the most fully insured and self-insured covered lives in Washington state. The count of total lives includes enrollment in all companies included in its holding company system. Each health maintenance organization is entitled to no more than a single position on the board to represent all entities under common ownership or control.

(c) One member, representing health carriers not otherwise represented on the board under (a) or (b) of this subsection, who is elected from among the health carrier members not designated under (a) or (b) of this subsection.

(d) One member, representing Taft Hartley plans, appointed by the secretary from a list of nominees submitted by the Northwest administrators association.

(e) One member representing Washington state employers offering self-funded health coverage, appointed by the secretary from a list of nominees submitted by the Puget Sound health alliance.

(f) Two physician members appointed by the secretary, including at least one board certified pediatrician.

(g) The secretary, or a designee of the secretary with expertise in childhood immunization purchasing and distribution.

(4) The directors' terms and appointments must be specified in the plan of operation adopted by the association.

(5) The board of directors of the association must:

(a) Prepare and adopt articles of association and bylaws;

(b) Prepare and adopt a plan of operation. The plan of operation must include a dispute mechanism through which a carrier or third-party administrator can challenge an assessment determination by the board under RCW 70.290.040. The board must include a means to bring unresolved disputes to an impartial decision maker as a component of the dispute mechanism;

(c) Submit the plan of operation to the secretary for approval;

(d) Conduct all activities in accordance with the approved plan of operation;

(e) Enter into contracts as necessary or proper to collect and disburse the assessment;

(f) Enter into contracts as necessary or proper to administer the plan of operation;

(g) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessment for, on behalf of, or against members of the association or other participating person;

(h) Appoint, from among its directors, committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent consultants as necessary;

(i) Obtain such liability and other insurance coverage for the benefit of the association, its directors, officers, employees, and agents as may in the judgment of the board of directors be helpful or necessary for the operation of the association;

(j) On an annual basis, beginning no later than November 1, 2010, and by November 1st of each year thereafter, establish the estimated amount of the assessment;

(k) Notify, in writing, each health carrier and third-party administrator of the health carrier's or third-party administrator's estimated total assessment by November 15th of each year;

(l) Submit a periodic report to the secretary listing those health carriers or third-party administrators that failed to remit their assessments and audit health carrier and third-party administrator books and records for accuracy of assessment payment submission;

(m) Allow each health carrier or third-party administrator no more than ninety days after the notification required by (k) of this subsection to remit any amounts in arrears or submit a payment plan, subject to approval by the association and initial payment under an approved payment plan;

(n) Deposit annual assessments collected by the association, less the association's administrative costs, with the state treasurer to the credit of the universal vaccine purchase account established in RCW 43.70.720;

(o) Borrow and repay such working capital, reserve, or other funds as, in the judgment of the board of directors, may be helpful or necessary for the operation of the association; and

(p) Perform any other functions as may be necessary or proper to carry out the plan of operation and to affect any or all of the purposes for which the association is organized.

(6) The secretary must convene the initial meeting of the association board of directors.

Sec. 5239. RCW 74.15.020 and 2020 c 331 s 10 and 2020 c 265 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four

hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high-quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o)(i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state ((~~as provided in RCW 24.03.550~~)) under section 5104 of this act.

(ii) For purposes of this section, a "host home" is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

(iii) For purposes of this section, a "host home program" is a program that provides support to individual host homes and meets the requirements of (o)(i) of this subsection.

(iv) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 5240. RCW 79A.30.030 and 2013 c 31 s 2 are each amended to read as follows:

(1) A nonprofit corporation may be formed under the nonprofit corporation provisions of chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) to carry out the purposes of this chapter. Except as provided in RCW 79A.30.040, the corporation shall have all the powers and be subject to the same restrictions as are permitted or prescribed to nonprofit corporations and shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The nonprofit corporation shall be known as the Washington state horse park authority. The articles of incorporation shall provide that it is the responsibility of the authority to develop, promote, operate, manage, and maintain the Washington state horse park. The articles of incorporation shall provide for appointment of directors and

other conduct of business consistent with the requirements of this chapter.

(2)(a) The articles of incorporation shall provide for an eleven-member board of directors for the authority, all appointed by the commission. Board members shall serve three-year terms, except that two of the original appointees shall serve one-year terms, and two of the original appointees shall serve two-year terms. Of the board members appointed pursuant to chapter 31, Laws of 2013, one shall serve an initial one-year term, one shall serve an initial two-year term, and two shall serve an initial term of three years. A board member may serve consecutive terms.

(b) The articles of incorporation shall provide that the commission appoint board members as follows:

(i) One board member shall represent the interests of the commission;

(ii) One board member shall represent the interests of the county in which the park is located. In making this appointment, the commission shall solicit recommendations from the county legislative authority; and

(iii) Nine board members shall represent the geographic and sports discipline diversity of equestrian interests in the state, and at least three of these members shall have business experience relevant to the organization of horse shows or operation of a horse show facility. In making these appointments, the commission shall solicit recommendations from a variety of active horse-related organizations in the state.

(3) The articles of incorporation shall include a policy that provides for the preferential use of a specific area of the horse park facilities at nominal cost for horse groups associated with youth groups and individuals with disabilities.

(4) The commission shall make appointments to fill board vacancies for positions authorized under subsection (2) of this section, upon additional solicitation of recommendations from the board of directors.

(5) The board of directors shall perform their duties in the best interests of the authority, consistent with the standards applicable to directors of nonprofit corporations under ((~~RCW 24.03.127~~)) section 2402 of this act.

Sec. 5241. RCW 79A.30.040 and 1995 c 200 s 5 are each amended to read as follows:

To meet its responsibility for developing, promoting, operating, managing, and maintaining the state horse park, the authority is empowered to do the following:

(1) Exercise the general powers authorized for any nonprofit corporation as specified in ((~~RCW 24.03.035~~)) section 1403 of this act. All debts of the authority shall be in the name of the authority and shall not be debts of the state of Washington for which the state or any state agency shall have any obligation to pay; and the authority may not issue bonds. Neither the full faith and credit of the state nor the state's taxing power is pledged for any indebtedness of the authority;

(2) Employ and discharge at its discretion employees, agents, advisors, and other personnel;

(3) Apply for or solicit, accept, administer, and dispose of grants, gifts, and bequests of money, services, securities, real estate, or other property. However, if the authority accepts a donation designated for a specific purpose, the authority shall use the donation for the designated purpose;

(4) Establish, revise, collect, manage, and expend such fees and charges at the state horse park as the authority deems necessary to accomplish its responsibilities;

(5) Make such expenditures as are appropriate for paying the administrative costs and expenses of the authority and the state horse park;

(6) Authorize use of the state horse park facilities by the general public and by and for compatible nonequestrian events as the authority deems reasonable, so long as the primacy of the center for horse-related purposes is not compromised;

(7) Insure its obligations and potential liability;

(8) Enter into cooperative agreements with and provide for private nonprofit groups to use the state horse park facilities and property to raise money to contribute gifts, grants, and support to

the authority for the purposes of this chapter;

(9) Grant concessions or leases at the state horse park upon such terms and conditions as the authority deems appropriate, but in no event shall the term of a concession or lease exceed twenty-five years. Concessions and leases shall be consistent with the purposes of this chapter and may be renegotiated at least every five years; and

(10) Generally undertake any and all lawful acts necessary or appropriate to carry out the purposes for which the authority and the state horse park are created.

Sec. 5242. RCW 79A.35.130 and 2011 c 56 s 1 are each amended to read as follows:

Participants in conservation corps programs offered by a nonprofit organization affiliated with a national service organization established under the authority of the national and community service trust act of 1993, P.L. 103-82, are exempt from provisions related to rates of compensation while performing environmental and trail maintenance work provided:

(1) The nonprofit organization must be registered as a nonprofit corporation pursuant to chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act);

(2) The nonprofit organization's management and administrative headquarters must be located in Washington;

(3) Participants in the program spend at least fifteen percent of their time in the program on education and training activities; and

(4) Participants in the program receive a stipend or living allowance as authorized by federal or state law.

Participants are exempt from provisions related to rates of compensation only for environmental and trail maintenance work conducted pursuant to the conservation corps program.

Sec. 5243. RCW 79A.70.030 and 2014 c 86 s 8 are each amended to read as follows:

(1) By September 1, 2000, the commission shall file articles of incorporation in accordance with the Washington nonprofit corporation act, chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act), to establish the Washington state parks foundation. The foundation shall not be an agency, instrumentality, or political subdivision of the state and shall not disburse public funds.

(2) The foundation shall have a board of directors consisting of up to fifteen members, whose terms, method of appointment, and authority must be in accordance with the Washington nonprofit corporation act, chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act).

Sec. 5244. RCW 82.04.4251 and 2006 c 310 s 1 are each amended to read as follows:

This chapter does not apply to amounts received by a nonprofit corporation organized under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) as payments or contributions from the state or any county, city, town, municipal corporation, quasi-municipal corporation, federally recognized Indian tribe, port district, or public corporation for the promotion of conventions and tourism.

Sec. 5245. RCW 82.04.4264 and 2012 c 10 s 71 are each amended to read as follows:

(1) This chapter does not apply to amounts received by a nonprofit assisted living facility licensed under chapter 18.20 RCW for providing room and domiciliary care to residents of the assisted living facility.

(2) As used in this section:

(a) "Domiciliary care" has the meaning provided in RCW 18.20.020.

(b) "Nonprofit assisted living facility" means an assisted living facility that is operated as a religious or charitable organization, is exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3), is incorporated under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act), is operated as part of a nonprofit hospital, or is operated as part of a public hospital district.

Sec. 5246. RCW 82.04.431 and 2011 1st sp.s. c 19 s 3 are each amended to read as follows:

(1) The term "health or social welfare organization" means an organization, including any community action council, which renders health or social welfare services as defined in subsection (2) of this section, which is a domestic or foreign ((~~not-for-profit~~)) nonprofit corporation under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and which is managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or which is a corporation sole under chapter 24.12 RCW. Health or social welfare organization does not include a corporation providing professional services as authorized in chapter 18.100 RCW. In addition a corporation in order to be exempt under RCW 82.04.4297 must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public service of the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(e) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue must have access to its books in order to determine whether the corporation is exempt from taxes within the intent of RCW 82.04.4297 and this section.

(2) The term "health or social welfare services" includes and is limited to:

(a) Mental health, drug, or alcoholism counseling or treatment;

(b) Family counseling;

(c) Health care services;

(d) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically, developmentally, or emotionally-disabled individuals;

(e) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(f) Care of orphans or foster children;

(g) Day care of children;

(h) Employment development, training, and placement;

(i) Legal services to the indigent;

(j) Weatherization assistance or minor home repair for low-income homeowners or renters;

(k) Assistance to low-income homeowners and renters to offset the cost of home heating energy, through direct benefits to eligible households or to fuel vendors on behalf of eligible households;

(l) Community services to low-income individuals, families, and groups, which are designed to have a measurable and potentially major impact on causes of poverty in communities of the state; and

(m) Temporary medical housing, as defined in RCW 82.08.997, if the housing is provided only:

(i) While the patient is receiving medical treatment at a hospital required to be licensed under RCW 70.41.090 or at an outpatient clinic associated with such hospital, including any period of recuperation or observation immediately following such medical treatment; and

(ii) By a person that does not furnish lodging or related services to the general public.

Sec. 5247. RCW 82.04.4328 and 2020 c 139 s 9 are each amended to read as follows:

(1) For the purposes of RCW 82.04.4327, 82.08.031, and 82.12.031, the term "artistic or cultural organization" means an organization that is organized and operated exclusively for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (2) of this section, for viewing or attendance by the general public. The organization must be a ((~~not-for-profit~~)) nonprofit corporation under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, to qualify for deduction or exemption from taxation under RCW 82.04.4327, 82.08.031, and 82.12.031, the corporation must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The amounts received that qualify for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue must have access to its books in order to determine whether the corporation is exempt from taxes.

(2) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

Sec. 5248. RCW 82.08.0203 and 2008 c 260 s 1 are each amended to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales of trail grooming services to the state of Washington or nonprofit corporations organized under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act). For the purposes of this section, "trail grooming" means the activity of snow compacting, snow redistribution, or snow removal on state-owned or privately owned trails.

Sec. 5249. RCW 82.08.0293 and 2019 c 8 s 401 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include:

(a) "Alcoholic beverages," which means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;

(b) "Tobacco," which means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco; and

(c) Marijuana, useable marijuana, or marijuana-infused products.

(2) The exemption of "food and food ingredients" provided for in subsection

(1) of this section does not apply to prepared food, soft drinks, bottled water, or dietary supplements. The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Bottled water" means water that is placed in a safety sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: (i) Antimicrobial agents; (ii) fluoride; (iii) carbonation; (iv) vitamins, minerals, and electrolytes; (v) oxygen; (vi) preservatives; and (vii) only those flavors, extracts, or essences derived from a spice or fruit. "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(b) "Dietary supplement" means any product, other than tobacco, intended to supplement the diet that:

(i) Contains one or more of the following dietary ingredients:

(A) A vitamin;

(B) A mineral;

(C) An herb or other botanical;

(D) An amino acid;

(E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or

(F) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subsection;

(ii) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(iii) Is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label as required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered as of January 1, 2003.

(c)(i) "Prepared food" means:

(A) Food sold in a heated state or heated by the seller;

(B) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; or

(C) Two or more food ingredients mixed or combined by the seller for sale as a single item, except:

(I) Food that is only cut, repackaged, or pasteurized by the seller; or

(II) Raw eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal food and drug administration in chapter 3, part 401.11 of The Food Code, published by the food and drug administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness.

(ii) Food is "sold with eating utensils provided by the seller" if:

(A) The seller's customary practice for that item is to physically deliver or hand a utensil to the customer with the food or food ingredient as part of the sales transaction. If the food or food ingredient is prepackaged with a utensil, the seller is considered to have physically delivered a utensil to the customer unless the food and utensil are prepackaged together by a food manufacturer classified under sector 311 of the North American industry classification system (NAICS);

(B) A plate, glass, cup, or bowl is necessary to receive the food or food ingredient, and the seller makes those utensils available to its customers; or

(C)(I) The seller makes utensils available to its customers, and the seller has more than seventy-five percent prepared food sales. For purposes of this subsection (2)(c)(ii)(C), a seller has more than seventy-five percent prepared food sales if the seller's gross retail sales of prepared food under (c)(i)(A), (c)(i)(C), and (c)(ii)(B) of this subsection equal more than seventy-five percent of the seller's gross retail sales of all food and food ingredients, including prepared food, soft drinks, and dietary supplements.

(II) However, even if a seller has more than seventy-five percent prepared food sales, four servings or more of food or food ingredients packaged for sale as a single item and sold for a single price are not "sold with utensils provided by the seller" unless the seller's customary

practice for the package is to physically hand or otherwise deliver a utensil to the customer as part of the sales transaction. Whenever available, the number of servings included in a package of food or food ingredients must be determined based on the manufacturer's product label. If no label is available, the seller must reasonably determine the number of servings.

(III) The seller must determine a single prepared food sales percentage annually for all the seller's establishments in the state based on the prior year of sales. The seller may elect to determine its prepared food sales percentage based either on the prior calendar year or on the prior fiscal year. A seller may not change its elected method for determining its prepared food percentage without the written consent of the department. The seller must determine its annual prepared food sales percentage as soon as possible after accounting records are available, but in no event later than ninety days after the beginning of the seller's calendar or fiscal year. A seller may make a good faith estimate of its first annual prepared food sales percentage if the seller's records for the prior year are not sufficient to allow the seller to calculate the prepared food sales percentage. The seller must adjust its good faith estimate prospectively if its relative sales of prepared foods in the first ninety days of operation materially depart from the seller's estimate.

(iii) "Prepared food" does not include the following items, if sold without eating utensils provided by the seller:

(A) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries), as provided in the "North American industry classification system—United States, 2002";

(B) Food sold in an unheated state by weight or volume as a single item; or

(C) Bakery items. The term "bakery items" includes bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, or tortillas.

(d) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain: Milk or milk products; soy, rice, or similar milk substitutes; or greater than fifty percent of vegetable or fruit juice by volume.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section applies to food and food ingredients that are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) That are provided to senior citizens, individuals with disabilities, or low-income persons by a ((~~not-for-profit~~)) nonprofit organization organized under chapter ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act) or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" means a facility:

(i) That meets the definition of a qualified low-income housing project under 26 U.S.C. Sec. 42 of the federal internal revenue code, as existing on August 1, 2009;

(ii) That has been partially funded under 42 U.S.C. Sec. 1485; and

(iii) For which the lessor or operator has at any time been entitled to claim a federal income tax credit under 26 U.S.C. Sec. 42 of the federal internal revenue code.

(4)(a) Subsection (1) of this section notwithstanding, the retail sale of food and food ingredients is subject to sales tax under RCW 82.08.020 if the food and food ingredients are sold through a vending machine. Except as provided in (b) of this subsection, the selling price of food and food ingredients sold through a vending machine for purposes of RCW

82.08.020 is fifty-seven percent of the gross receipts.

(b) For soft drinks, bottled water, and hot prepared food and food ingredients, other than food and food ingredients which are heated after they have been dispensed from the vending machine, the selling price is the total gross receipts of such sales divided by the sum of one plus the sales tax rate expressed as a decimal.

(c) For tax collected under this subsection (4), the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

Sec. 5250. RCW 82.12.0293 and 2017 3rd sp.s. c 28 s 102 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of food and food ingredients for human consumption. "Food and food ingredients" has the same meaning as in RCW 82.08.0293.

(2) The exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, bottled water, or dietary supplements. "Prepared food," "soft drinks," "bottled water," and "dietary supplements" have the same meanings as in RCW 82.08.0293.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section applies to food and food ingredients which are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) Which are provided to senior citizens, individuals with disabilities, or low-income persons by a ((~~not-for-profit~~)) nonprofit organization organized under chapter ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act) or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" has the same meaning as in RCW 82.08.0293.

Sec. 5251. RCW 88.46.065 and 1994 sp.s. c 9 s 853 are each amended to read as follows:

A nonprofit corporation established for the sole purpose of providing contingency plan coverage for any vessel in compliance with RCW 88.46.060 is entitled to liability protection as provided in this section. Obligations incurred by the corporation and any other liabilities or claims against the corporation may be enforced only against the assets of the corporation, and no liability for the debts or actions of the corporation exists against a director, officer, member, employee, incident commander, agent, contractor, or subcontractor of the corporation in his or her individual or representative capacity. Except as otherwise provided in this chapter, neither the directors, officers, members, employees, incident ((~~commander[s]~~)) commanders, or agents of the corporation, nor the business entities by whom they are regularly employed may be held individually responsible for discretionary decisions, errors in judgment, mistakes, or other acts, either of commission or omission, that are directly related to the operation or implementation of contingency plans, other than for acts of gross negligence or willful or wanton misconduct. The corporation may insure and defend and indemnify the directors, officers, members, employees, incident commanders, and agents to the extent permitted by chapters 23B.08 and ((~~24.03~~)) 24.-- (the new chapter created in section 6101 of this act) RCW. This section does not alter or limit the responsibility or liability of any person for the operation of a motor vehicle.

Sec. 5252. RCW 89.08.405 and 2015 c 88 s 1 are each amended to read as follows:

(1) Any county legislative authority may approve by resolution revenues to a conservation district by fixing rates and charges. The county legislative authority may provide for this system of rates and charges as an alternative to, but not in addition to, a special

assessment provided by RCW 89.08.400. In fixing rates and charges, the county legislative authority may in its discretion consider the information proposed to the county legislative authority by a conservation district consistent with this section.

(2) A conservation district, in proposing a system of rates and charges, may consider:

(a) Services furnished, to be furnished, or available to the landowner;

(b) Benefits received, to be received, or available to the property;

(c) The character and use of land;

(d) The ((~~nonprofit~~)) public benefit nonprofit corporation status, as defined in ((~~RCW 24.03.490~~)) section 1701 of this act, of the land user;

(e) The income level of persons served or provided benefits under this chapter, including senior citizens and disabled persons; or

(f) Any other matters that present a reasonable difference as a ground for distinction, including the natural resource needs within the district and the capacity of the district to provide either services or improvements, or both.

(3)(a) The system of rates and charges may include an annual per acre amount, an annual per parcel amount, or an annual per parcel amount plus an annual per acre amount. If included in the system of rates and charges, the maximum annual per acre rate or charge shall not exceed ten cents per acre. The maximum annual per parcel rate shall not exceed five dollars, except that for counties with a population of over four hundred eighty thousand persons, the maximum annual per parcel rate shall not exceed ten dollars, and for counties with a population of over one million five hundred thousand persons, the maximum annual per parcel rate shall not exceed fifteen dollars.

(b) Public land, including lands owned or held by the state, shall be subject to rates and charges to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the rates and charges of a conservation district.

(c) Forestlands used solely for the planting, growing, or harvesting of trees may be subject to rates and charges if such lands are served by the activities of the conservation district. However, if the system of rates and charges includes an annual per acre amount or an annual per parcel amount plus an annual per acre amount, the per acre rate or charge on such forestlands shall not exceed one-tenth of the weighted average per acre rate or charge on all other lands within the conservation district that are subject to rates and charges. The calculation of the weighted average per acre shall be a ratio calculated as follows: (i) The numerator shall be the total amount of money estimated to be derived from the per acre special rates and charges on the nonforestlands in the conservation district; and (ii) the denominator shall be the total number of nonforestland acres in the conservation district that are served by the activities of the conservation district and that are subject to the rates or charges of the conservation district. No more than ten thousand acres of such forestlands that is both owned by the same person or entity and is located in the same conservation district may be subject to the rates and charges that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forestland parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forestland owner may be imposed on each owner of forestlands whose forestlands are subject to a per acre rate or charge.

(4) The consideration, development, adoption, and implementation of a system of rates and charges shall follow the same public notice and hearing process and be subject to the same procedure and authority of RCW 89.08.400(2).

(5)(a) Following the adoption of a system of rates and charges, the conservation district board of supervisors shall establish by resolution a process providing for landowner appeals of the individual rates and charges as applicable to a parcel or parcels.

(b) Any appeal must be filed by the landowner with the conservation district no later than twenty-one days after the date property taxes are due. The decision of the board of supervisors regarding any appeal shall be final and conclusive.

(c) Any appeal of the decision of the board shall be to the superior court of the county in which the district is located, and served and filed within

twenty-one days of the date of the board's written decision.

(6) A conservation district shall prepare a roll that implements the system of rates and charges approved by the county legislative authority. The rates and charges from the roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of the rates and charges shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, and collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest and penalty as for delinquent property taxes. The county treasurer shall deduct an amount from the collected rates and charges, as established by the county legislative authority, to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the rates and charges, but not to exceed the actual costs of such work. All remaining funds collected under this section shall be transferred to the conservation district and used by the conservation district in accordance with this section.

(7) The rates and charges for a conservation district shall not be spread on the tax rolls and shall not be allocated with property tax collections in the following year if, after the system of rates and charges has been approved by the county legislative authority but before the fifteenth day of December in that year, a petition has been filed with the county legislative authority objecting to the imposition of such rates and charges, which petition has been signed by at least twenty percent of the owners of land that would be subject to the rate or charge to be imposed for a conservation district.

ARTICLE 3

REPEALER

NEW SECTION. **Sec. 5301.** The following acts or parts of acts are each repealed:

(1)RCW 24.03.005 (Definitions) and 2020 c 57 s 80, 2015 c 176 s 3101, 2004 c 265 s 1, 2002 c 74 s 4, 1989 c 291 s 3, 1986 c 240 s 1, 1982 c 35 s 72, & 1967 c 235 s 2;

(2)RCW 24.03.009 (Notice by electronic transmission—Consent required—When effective) and 2004 c 265 s 4;

(3)RCW 24.03.010 (Applicability) and 1971 ex.s. c 53 s 1 & 1967 c 235 s 3;

(4)RCW 24.03.015 (Purposes) and 1986 c 240 s 2, 1983 c 106 s 22, & 1967 c 235 s 4;

(5)RCW 24.03.017 (Corporation may elect to have chapter apply to it—Procedure) and 2015 c 176 s 3102, 2004 c 265 s 5, 1982 c 35 s 73, & 1971 ex.s. c 53 s 2;

(6)RCW 24.03.020 (Incorporators) and 2004 c 265 s 6, 1986 c 240 s 3, 1982 c 35 s 74, & 1967 c 235 s 5;

(7)RCW 24.03.025 (Articles of incorporation) and 1987 c 212 s 703, 1982 c 35 s 75, & 1967 c 235 s 6;

(8)RCW 24.03.027 (Filing false statements—Penalty);

(9)RCW 24.03.030 (Limitations) and 1986 c 240 s 4 & 1967 c 235 s 7;

(10)RCW 24.03.035 (General powers) and 1991 c 72 s 42, 1986 c 240 s 5, & 1967 c 235 s 8;

(11)RCW 24.03.040 (Defense of ultra vires) and 1967 c 235 s 9;

(12)RCW 24.03.043 (Indemnification of agents of any corporation authorized);

(13)RCW 24.03.045 (Corporate name) and 2015 c 176 s 3103, 2004 c 265 s 7, 1998 c 102 s 3, 1994 c 211 s 1305, 1989 c 291 s 10, 1987 c 55 s 39, 1986 c 240 s 6, 1982 c 35 s 76, & 1967 c 235 s 10;

(14)RCW 24.03.046 (Reservation of exclusive right to use a corporate name) and 2015 c 176 s 3104, 1993 c 356 s 1, & 1982 c 35 s 77;

(15)RCW 24.03.047 (Registration of corporate name) and 2015 c 176 s 3105, 1994 c 211 s 1306, 1993 c 356 s 2, 1987 c 55 s 40, 1986 c 240 s 7, & 1982 c 35 s 78;

(16)RCW 24.03.048 (Renewal of registration of corporate name) and 2015 c 176 s 3106, 1986 c 240 s 8, & 1982 c 35 s 79;

(17)RCW 24.03.050 (Registered agent) and 2015 c 176 s 3107, 2009 c 202 s 1, 2004 c 265 s 8, 1986 c 240 s 9, 1982 c 35 s 80, 1969 ex.s. c 163 s 1, & 1967 c 235 s 11;

(18)RCW 24.03.055 (Change of registered agent) and 2015 c 176 s 3108, 2004 c 265 s 9, 1993 c 356 s 3, 1986 c

240 s 10, 1982 c 35 s 81, & 1967 c 235 s 12;

(19)RCW 24.03.060 (Service of process on corporation) and 2015 c 176 s 3109, 1986 c 240 s 11, 1982 c 35 s 82, & 1967 c 235 s 13;

(20)RCW 24.03.065 (Members—Member committees) and 2004 c 98 s 1, 1986 c 240 s 12, & 1967 c 235 s 14;

(21)RCW 24.03.070 (Bylaws) and 1991 c 72 s 43, 1986 c 240 s 13, & 1967 c 235 s 15;

(22)RCW 24.03.075 (Meetings of members and committees of members) and 2004 c 98 s 2, 1986 c 240 s 14, & 1967 c 235 s 16;

(23)RCW 24.03.080 (Notice of members' meetings) and 2004 c 265 s 10, 1969 ex.s. c 115 s 1, & 1967 c 235 s 17;

(24)RCW 24.03.085 (Voting) and 2004 c 265 s 11, 1969 ex.s. c 115 s 2, & 1967 c 235 s 18;

(25)RCW 24.03.090 (Quorum) and 1967 c 235 s 19;

(26)RCW 24.03.095 (Board of directors) and 1967 c 235 s 20;

(27)RCW 24.03.100 (Number and election or appointment of directors) and 1986 c 240 s 15 & 1967 c 235 s 21;

(28)RCW 24.03.103 (Removal of directors) and 1986 c 240 s 16;

(29)RCW 24.03.1031 (Judicial removal of directors) and 1999 c 32 s 1;

(30)RCW 24.03.105 (Vacancies) and 2011 c 336 s 655, 1986 c 240 s 17, & 1967 c 235 s 22;

(31)RCW 24.03.110 (Quorum of directors) and 1986 c 240 s 18 & 1967 c 235 s 23;

(32)RCW 24.03.113 (Assent presumed—Procedures for dissent or abstention) and 2004 c 265 s 12 & 1986 c 240 s 19;

(33)RCW 24.03.115 (Committees) and 2011 c 336 s 656, 1986 c 240 s 20, & 1967 c 235 s 24;

(34)RCW 24.03.120 (Place and notice of directors' meetings) and 2004 c 265 s 13, 1986 c 240 s 21, & 1967 c 235 s 25;

(35)RCW 24.03.125 (Officers) and 1986 c 240 s 22 & 1967 c 235 s 26;

(36)RCW 24.03.127 (Duties of a director) and 1986 c 240 s 23;

(37)RCW 24.03.130 (Removal of officers) and 1967 c 235 s 27;

(38)RCW 24.03.135 (Required documents in the form of a record—Inspection—Copying) and 2004 c 265 s 14, 1986 c 240 s 24, & 1967 c 235 s 28;

(39)RCW 24.03.140 (Loans to directors and officers prohibited) and 1967 c 235 s 29;

(40)RCW 24.03.145 (Filing of articles of incorporation) and 2015 c 176 s 3110, 2002 c 74 s 7, 1982 c 35 s 83, & 1967 c 235 s 30;

(41)RCW 24.03.150 (Effect of filing the articles of incorporation) and 1986 c 240 s 25, 1982 c 35 s 84, & 1967 c 235 s 31;

(42)RCW 24.03.155 (Organization meetings) and 2004 c 265 s 15, 1986 c 240 s 26, & 1967 c 235 s 32;

(43)RCW 24.03.160 (Right to amend articles of incorporation) and 1967 c 235 s 33;

(44)RCW 24.03.165 (Procedure to amend articles of incorporation) and 2004 c 265 s 16, 1986 c 240 s 27, & 1967 c 235 s 34;

(45)RCW 24.03.170 (Articles of amendment) and 2004 c 265 s 17, 1982 c 35 s 85, & 1967 c 235 s 35;

(46)RCW 24.03.175 (Filing of articles of amendment) and 2015 c 176 s 3111, 2002 c 74 s 8, 1982 c 35 s 86, & 1967 c 235 s 36;

(47)RCW 24.03.180 (Effect of filing of articles of amendment) and 2015 c 176 s 3112, 1986 c 240 s 28, 1982 c 35 s 87, & 1967 c 235 s 37;

(48)RCW 24.03.183 (Restated articles of incorporation) and 2015 c 176 s 3113, 2004 c 265 s 18, 2002 c 74 s 9, 1986 c 240 s 29, & 1982 c 35 s 88;

(49)RCW 24.03.185 (Procedure for merger) and 1986 c 240 s 30 & 1967 c 235 s 38;

(50)RCW 24.03.190 (Procedure for consolidation) and 1986 c 240 s 31 & 1967 c 235 s 39;

(51)RCW 24.03.195 (Approval of merger or consolidation) and 2004 c 265 s 19, 1986 c 240 s 32, & 1967 c 235 s 40;

(52)RCW 24.03.200 (Articles of merger or consolidation) and 2015 c 176 s 3114, 2004 c 265 s 20, 2002 c 74 s 10, 1986 c

240 s 33, 1982 c 35 s 89, & 1967 c 235 s 41;

(53)RCW 24.03.205 (Merger or consolidation—When effective) and 2015 c 176 s 3115, 1986 c 240 s 34, 1982 c 35 s 90, & 1967 c 235 s 42;

(54)RCW 24.03.207 (Merger or consolidation of domestic and foreign corporation) and 2015 c 176 s 3116, 2004 c 265 s 21, 1986 c 240 s 35, & 1982 c 35 s 91;

(55)RCW 24.03.210 (Effect of merger or consolidation) and 1967 c 235 s 43;

(56)RCW 24.03.215 (Sale, lease, exchange, or other disposition of assets not in the ordinary course of business) and 2004 c 265 s 22, 1986 c 240 s 36, & 1967 c 235 s 44;

(57)RCW 24.03.217 (Sale, lease, exchange, or disposition of assets in course of business—Mortgage and pledge of assets) and 1986 c 240 s 37;

(58)RCW 24.03.220 (Voluntary dissolution) and 2004 c 265 s 23, 1986 c 240 s 38, 1982 c 35 s 92, & 1967 c 235 s 45;

(59)RCW 24.03.225 (Distribution of assets) and 1967 c 235 s 46;

(60)RCW 24.03.230 (Plan of distribution) and 2011 c 336 s 657, 2004 c 265 s 24, 1969 ex.s. c 115 s 3, & 1967 c 235 s 47;

(61)RCW 24.03.235 (Revocation of voluntary dissolution proceedings) and 2004 c 265 s 25 & 1967 c 235 s 48;

(62)RCW 24.03.240 (Articles of dissolution) and 2004 c 265 s 26, 1993 c 356 s 4, 1982 c 35 s 93, & 1967 c 235 s 49;

(63)RCW 24.03.245 (Filing of articles of dissolution) and 2015 c 176 s 3117, 2002 c 74 s 11, 1982 c 35 s 94, & 1967 c 235 s 50;

(64)RCW 24.03.250 (Involuntary dissolution) and 1969 ex.s. c 163 s 2 & 1967 c 235 s 51;

(65)RCW 24.03.255 (Notification to attorney general) and 1982 c 35 s 95, 1969 ex.s. c 163 s 3, & 1967 c 235 s 52;

(66)RCW 24.03.260 (Venue and process) and 1967 c 235 s 53;

(67)RCW 24.03.266 (Dissolution of a nonprofit corporation—Superior courts) and 2010 c 212 s 1;

(68)RCW 24.03.271 (Dissolution of a nonprofit corporation—Venue—Proceedings—Court's authority—Distribution of assets) and 2010 c 212 s 2;

(69)RCW 24.03.276 (Dissolution of a nonprofit corporation—Decree) and 2010 c 212 s 3;

(70)RCW 24.03.295 (Filing of decree of dissolution) and 1986 c 240 s 40 & 1967 c 235 s 60;

(71)RCW 24.03.300 (Survival of remedy after dissolution—Extension of duration of corporation) and 2015 c 176 s 3118, 1986 c 240 s 41, 1982 c 35 s 96, & 1967 c 235 s 61;

(72)RCW 24.03.302 (Administrative dissolution—Reinstatement—Survival of actions) and 2015 c 176 s 3119, 1994 c 287 s 8, 1993 c 356 s 5, 1987 c 117 s 3, 1986 c 240 s 42, 1982 c 35 s 97, 1971 ex.s. c 128 s 1, & 1969 ex.s. c 163 s 9;

(73)RCW 24.03.305 (Registration of foreign corporation—Authority to conduct affairs) and 2015 c 176 s 3120, 1993 c 181 s 12, 1986 c 240 s 43, & 1967 c 235 s 62;

(74)RCW 24.03.310 (Powers of foreign corporation—Effect of registration—Governing law) and 2015 c 176 s 3121 & 1967 c 235 s 63;

(75)RCW 24.03.315 (Corporate name of foreign corporation—Fictitious name) and 2015 c 176 s 3122, 1982 c 35 s 98, & 1967 c 235 s 64;

(76)RCW 24.03.325 (Foreign registration statement) and 2015 c 176 s 3123, 2002 c 74 s 12, 1986 c 240 s 45, & 1967 c 235 s 66;

(77)RCW 24.03.332 (Certificate of authority as insurance company—Filing of records) and 2004 c 265 s 28 & 1998 c 23 s 12;

(78)RCW 24.03.334 (Certificate of authority as insurance company—Registration or reservation of name) and 1998 c 23 s 13;

(79)RCW 24.03.335 (Effect of foreign registration statement—Right of state to terminate registration) and 2015 c 176 s 3124, 1982 c 35 s 100, & 1967 c 235 s 68;

(80)RCW 24.03.340 (Registered agent of foreign corporation) and 2015 c 176 s 3125, 2004 c 265 s 29, 1982 c 35 s 101, & 1967 c 235 s 69;

(81)RCW 24.03.345 (Change of registered agent of foreign corporation) and 2015 c 176 s 3126, 2004 c 265 s 30, 1993 c 356 s 6, 1986 c 240 s 47, 1982 c 35 s 102, & 1967 c 235 s 70;

(82)RCW 24.03.350 (Service on foreign corporation) and 2015 c 176 s 3127, 2011 c 336 s 658, 1986 c 240 s 48, 1982 c 35 s 103, & 1967 c 235 s 71;

(83)RCW 24.03.360 (Merger of foreign corporation authorized to conduct affairs in this state) and 1986 c 240 s 49 & 1967 c 235 s 73;

(84)RCW 24.03.365 (Amended foreign registration statement) and 2015 c 176 s 3128, 2004 c 265 s 31, & 1967 c 235 s 74;

(85)RCW 24.03.370 (Withdrawal of foreign corporation) and 2015 c 176 s 3129, 1993 c 356 s 7, 1982 c 35 s 104, & 1967 c 235 s 75;

(86)RCW 24.03.380 (Termination of registration) and 2015 c 176 s 3130, 2004 c 265 s 32, 1986 c 240 s 50, 1982 c 35 s 106, & 1967 c 235 s 77;

(87)RCW 24.03.390 (Conducting affairs without registering) and 2015 c 176 s 3131, 1986 c 240 s 52, & 1967 c 235 s 79;

(88)RCW 24.03.395 (Annual report of domestic and foreign corporations) and 2015 c 176 s 3132, 1993 c 356 s 10, 1989 c 291 s 2, 1987 c 117 s 4, 1986 c 240 s 53, 1982 c 35 s 108, & 1967 c 235 s 80;

(89)RCW 24.03.405 (Applicable fees, charges, and penalties) and 2015 c 176 s 3133, 2010 1st sp.s. c 29 s 3, 1993 c 269 s 5, 1991 c 223 s 1, 1987 c 117 s 5, 1986 c 240 s 55, 1982 c 35 s 110, 1981 c 230 s 5, 1969 ex.s. c 163 s 5, & 1967 c 235 s 82;

(90)RCW 24.03.417 (Fees for services by secretary of state);

(91)RCW 24.03.420 (Penalties imposed upon corporation) and 1969 ex.s. c 163 s 7 & 1967 c 235 s 85;

(92)RCW 24.03.425 (Penalties imposed upon directors and officers) and 2015 c 176 s 3134, 2004 c 265 s 34, & 1967 c 235 s 86.

(93)RCW 24.03.430 (Interrogatories by secretary of state) and 2004 c 265 s 35, 1982 c 35 s 112, & 1967 c 235 s 87;

(94)RCW 24.03.435 (Confidential nature of information disclosed by interrogatories) and 1982 c 35 s 113 & 1967 c 235 s 88;

(95)RCW 24.03.440 (Power and authority of secretary of state) and 1982 c 35 s 114 & 1967 c 235 s 89;

(96)RCW 24.03.445 (Duty of secretary of state to file—Review of refusal to file) and 2015 c 176 s 3135, 2004 c 265 s 36, 1986 c 240 s 56, 1982 c 35 s 115, & 1967 c 235 s 90;

(97)RCW 24.03.455 (Greater voting requirements) and 1967 c 235 s 92;

(98)RCW 24.03.460 (Waiver of notice) and 2004 c 265 s 38 & 1967 c 235 s 93;

(99)RCW 24.03.465 (Action by members or directors without a meeting) and 2004 c 265 s 39 & 1967 c 235 s 94;

(100)RCW 24.03.470 (Unauthorized assumption of corporate powers) and 1967 c 235 s 95;

(101)RCW 24.03.480 (Postsecondary education loans—Interest rates) and 1989 c 166 s 1;

(102)RCW 24.03.490 (Public benefit nonprofit corporation designation established) and 1989 c 291 s 4;

(103)RCW 24.03.500 (Public benefit nonprofit corporations—Temporary designation) and 1989 c 291 s 5;

(104)RCW 24.03.510 (Public benefit nonprofit corporations—Application) and 1989 c 291 s 6;

(105)RCW 24.03.520 (Public benefit nonprofit corporations—Renewal) and 1989 c 291 s 7;

(106)RCW 24.03.530 (Public benefit nonprofit corporations—Fees) and 1989 c 291 s 8;

(107)RCW 24.03.540 (Public benefit nonprofit corporations—Removal of status) and 1989 c 291 s 9;

(108)RCW 24.03.550 (Host home programs—Registration) and 2016 c 166 s 3;

(109)RCW 24.03.900 (Short title) and 1967 c 235 s 1;

(110)RCW 24.03.905 (Savings—1967 c 235) and 1967 c 235 s 96;

(111)RCW 24.03.915 (Notice to existing corporations) and 1982 c 35 s 117, 1969 ex.s. c 163 s 8, & 1967 c 235 s 98;

(112)RCW 24.03.920 (Repealer—Exception) and 1967 c 235 s 100; and

(113)RCW 24.03.925 (Effective date—1967 c 235) and 1967 c 235 s 99.

PART VI

IMPLEMENTATION

NEW SECTION. **Sec. 6101.** CODIFICATION. Sections 1101 through 4203 of this act constitute a new chapter in Title 24 RCW.

NEW SECTION. **Sec. 6102.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 6103.** EFFECTIVE DATE. Except for section 5204 of this act, this act takes effect January 1, 2022.

NEW SECTION. **Sec. 6104.** EFFECTIVE DATE. Section 5204 of this act takes effect July 1, 2022."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5036 Prime Sponsor, Committee on Ways & Means: Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.030 and 2020 c 296 s 2, 2020 c 252 s 4, and 2020 c 137 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall

not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(3)(b) and 9.96.060(6)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to

report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-

accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanant or gross misdemeanant probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender," ((~~and~~)) "defendant," and "individual" are used interchangeably, unless the context indicates otherwise.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a

significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, ((~~26.10,~~)) 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(56) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(57) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(58) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 2. RCW 9.94A.501 and 2020 c 275 s 1 are each amended to read as follows:

(1) The department shall supervise the following ((~~offenders~~)) individuals who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) ((~~Offenders~~)) Individuals convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) ((~~Offenders~~)) Individuals who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) ((~~Misdemeanor~~)) Individuals convicted of misdemeanor and gross misdemeanor ((~~offenders~~)) offenses supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every individual convicted of a felony ((~~offender~~)) and sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the ((~~offender~~)) individual as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an ((~~offender~~)) individual sentenced to community custody regardless of risk classification if the ((~~offender~~)) individual:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an ((~~offender~~)) individual under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, or 9.94A.711;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any ((~~offender who is~~)) individual released by the indeterminate sentence review board ((~~and~~)) who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department shall supervise any individual granted conditional commutation pursuant to RCW 9.94A.885.

(7) The department is not authorized to, and may not, supervise any ((~~offender~~)) individual sentenced to a term of community custody or any probationer unless the ((~~offender~~)) individual or probationer is one for whom supervision is required under this section ((~~or RCW 9.94A.5011~~)).

((~~(7)~~)) (8) The department shall conduct a risk assessment for every individual convicted of a felony ((~~offender~~)) and sentenced to a term of community custody who may be subject to supervision under this section ((~~or RCW 9.94A.5011~~)).

((~~(8)~~)) (9) The period of time the department is authorized to supervise an ((~~offender~~)) individual under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (8), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

((~~(9)~~)) (10) The period of time the department is authorized to supervise an ((~~offender~~)) individual under this section may be reduced by the earned award of supervision compliance credit pursuant to RCW 9.94A.717.

Sec. 3. RCW 9.94A.565 and 1994 c 1 s 5 are each amended to read as follows:

(1) Nothing in this chapter ((~~1, Laws of 1994~~)) or chapter 10.95 RCW shall ever be interpreted or construed as to reduce or eliminate the power of the governor to grant a pardon or clemency to any ((~~offender~~)) individual on an individual case-by-case basis. However, the people recommend that ((~~any offender~~)):

(a) Any individual subject to total confinement for life without the possibility of parole not be considered for release until the ((~~offender~~)) individual has ((~~reached the age of at least sixty years old and has~~)) been judged to ((~~be~~)) no longer be a threat to society((~~. The people further recommend that sex offenders~~)) and has served at least 20 years in total confinement or 25 years in total confinement if the individual was sentenced pursuant to chapter 10.95 RCW;

(b) Individuals who have been convicted of a sex offense be held to the utmost scrutiny under this subsection regardless of age; and

(c) Release take the form of a conditional commutation that includes a period of law-abiding behavior in the community.

(2) Nothing in this section shall ever be interpreted or construed to grant any release for the purpose of reducing prison overcrowding. Furthermore, the governor shall provide twice yearly reports on the activities and progress of ((~~offenders~~)) individuals subject to total confinement for life without the possibility of parole who are released through executive action during his or

her tenure. These reports shall continue for not less than ((~~ten~~)) 10 years after the release of the ((~~offender~~)) individual or upon the death of the released ((~~offender~~)) individual.

Sec. 4. RCW 9.94A.633 and 2012 1st sp.s. c 6 s 2 are each amended to read as follows:

(1)(a) An ((~~offender~~)) individual who violates any condition or requirement of a sentence may be sanctioned by the court with up to ((~~sixty~~)) 60 days' confinement for each violation or by the department with up to ((~~thirty~~)) 30 days' confinement as provided in RCW 9.94A.737.

(b) In lieu of confinement, an ((~~offender~~)) individual may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other community-based sanctions.

(2) If an ((~~offender~~)) individual was under community custody pursuant to one of the following statutes, the ((~~offender~~)) individual may be sanctioned as follows:

(a) If the ((~~offender~~)) individual was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the ((~~offender~~)) individual may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the ((~~offender~~)) individual was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the ((~~offender~~)) individual may be sanctioned in accordance with that section.

(c) If the ((~~offender~~)) individual was sentenced under the parenting sentencing alternative set out in RCW 9.94A.655, the ((~~offender~~)) individual may be sanctioned in accordance with that section.

(d) If the ((~~offender~~)) individual was sentenced under the special sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the ((~~offender~~)) individual committed to serve the original sentence of confinement.

(e) If the ((~~offender~~)) individual was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the ((~~offender~~)) individual may be reclassified to serve the unexpired term of his or her sentence in total confinement.

(f) If ((~~a~~)) an individual convicted of a sex ((~~offender~~)) offense was sentenced pursuant to RCW 9.94A.507, the ((~~offender~~)) individual may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(g) If the individual was granted conditional commutation pursuant to RCW 9.94A.885, the individual may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an ((~~offender~~)) individual who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) The parole or probation of an ((~~offender~~)) individual who is charged with a new felony offense may be suspended and the ((~~offender~~)) individual placed in total confinement pending disposition of the new criminal charges if:

(a) The ((~~offender~~)) individual is on parole pursuant to RCW 9.95.110(1); or

(b) The ((~~offender~~)) individual is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.

Sec. 5. RCW 9.94A.728 and 2018 c 166 s 2 are each amended to read as follows:

(1) No ((~~person~~)) individual serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(a) An ((~~offender~~)) individual may earn early release time as authorized by RCW 9.94A.729;

(b) An ((~~offender~~)) individual may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, ((~~offenders~~)) individuals may leave a correctional facility when in the custody of a corrections officer or officers;

(c)(i) The secretary may authorize an extraordinary medical placement for an ((~~offender~~)) individual when all of the following conditions exist:

(A) The ((~~offender~~)) individual has a medical condition that is chronic or serious and is expected to require costly care or treatment;

(B) The ((~~offender poses a~~)) individual has been assessed as low risk to the community ((~~because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so~~)) at the time of release; and

(C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(ii) An ((~~offender~~)) individual sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(iii) The secretary shall require electronic monitoring for all ((~~offenders~~)) individuals in extraordinary medical placement unless the electronic monitoring equipment is detrimental to the individual's health, interferes with the function of the ((~~offender's~~)) individual's medical equipment, or results in the loss of funding for the ((~~offender's~~)) individual's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed. The requirement for electronic monitoring shall be waived if the medical condition as certified by the individual's treating physician prevents the individual from being independently mobile.

(iv) The secretary may revoke an extraordinary medical placement under this subsection (1)(c) at any time.

(v) Persistent offenders are not eligible for extraordinary medical placement;

(d) The governor, upon recommendation from the clemency and pardons board, may grant ((~~an extraordinary~~)):

(i) Extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances; or

(ii) Conditional commutation pursuant to section 8 of this act;

(e) No more than the final ((~~twelve~~)) 12 months of the ((~~offender's~~)) individual's term of confinement may be served in partial confinement for aiding the ((~~offender~~)) individual with: Finding work as part of the work release program under chapter 72.65 RCW; or reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(f) No more than the final six months of the ((~~offender's~~)) individual's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department under RCW 9.94A.733;

(g) The governor may pardon any ((~~offender~~)) individual;

(h) The department may release an ((~~offender~~)) individual from confinement any time within ((~~ten~~)) 10 days before a release date calculated under this section;

(i) An ((~~offender~~)) individual may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870;

(j) Notwithstanding any other provisions of this section, an ((~~offender~~)) individual sentenced for a felony crime listed in RCW 9.94A.540 as

subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540; and

(k) Any ((~~person~~)) individual convicted of one or more crimes committed prior to the person's ((~~eighteenth~~)) 18th birthday may be released from confinement pursuant to RCW 9.94A.730.

(2) ((~~Offenders~~)) Individuals residing in a juvenile correctional facility placement pursuant to RCW 72.01.410(1)(a) are not subject to the limitations in this section.

Sec. 6. RCW 9.94A.880 and 2011 c 336 s 335 are each amended to read as follows:

(1) The clemency and pardons board is established as a board within the office of the governor. The board consists of ((~~five~~)) 10 members appointed by the governor, subject to confirmation by the senate.

(2) Board membership must consist of the following:

(a) A representative of a statewide or local organization representing communities of color or race equity;

(b) A representative of an agency representing crime victims;

(c) A representative of an association, community organization, or advocacy group with experience or interest in the formerly incarcerated with successful community reentry;

(d) A representative of a faith-based organization with interest and experience in successful community reentry;

(e) A representative of a statewide organization representing criminal defense lawyers;

(f) A law enforcement professional;

(g) A representative of a statewide organization representing prosecuting attorneys;

(h) A person with experience and interest in tribal affairs;

(i) A behavioral health professional; and

(j) A retired superior court judge.

(3) Board members must understand the principles of racial equity and restorative justice. Board members must also be knowledgeable about the impact of crime upon victims and communities.

(4) Members of the board shall serve terms of ((~~four~~)) five years ((~~and~~)), but may serve more than one term until their successors are appointed and confirmed. ((~~However, the~~)) The governor shall stagger the initial terms ((~~by appointing one of the initial members for a term of one year, one for a term of two years, one for a term of three years, and two for terms of four years~~)) so that no more than three members are up for appointment in any given year.

((~~(3)~~)) (5) The board shall elect a chair from among its members and shall adopt bylaws governing the operation of the board.

((~~(4)~~)) (6) Members of the board shall ((~~receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended~~)) each severally receive salaries fixed by the governor in accordance with the provisions of RCW 43.03.040, unless waived by the member. All members shall receive travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

(7) The board shall be funded adequate personnel to implement and maintain functional operations such as support, records, victim liaisons, and information technology.

((~~(5)~~)) (8) The attorney general shall provide ((~~a staff as needed for the operation of~~)) legal counsel to the board.

Sec. 7. RCW 9.94A.885 and 2009 c 325 s 6 and 2009 c 138 s 4 are each reenacted and amended to read as follows:

(1) The clemency and pardons board shall receive petitions from individuals, organizations, and the department and make recommendations to the governor for ((~~review and commutation~~)):

(a) Commutation of sentences and pardoning of ((~~offenders~~)) individuals in extraordinary cases((~~,~~)); and ((~~shall make recommendations thereon to the governor~~))

(b) Conditional commutation of sentences pursuant to section 8 of this act.

(2) The board shall receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies. The board may issue certificates of restoration limited to engaging in political office. Any certifications granted by the board must be filed with the secretary of state to be effective. In all other cases, the board shall make recommendations to the governor.

(3) The board shall not recommend that the governor grant clemency or conditional commutation under subsection (1) of this section until a public hearing has been held on the petition. The board shall consider statements of victims and survivors of victims presented as set forth in RCW 7.69.032, as well as any statements from the law enforcement agency or agencies that conducted the investigation.

(4)(a) The prosecuting attorney of the county where the conviction was obtained shall be notified at least ((~~thirty~~)) 90 days prior to the scheduled hearing that a petition has been filed and the date and place at which the hearing on the petition will be held. The board may waive the ((~~thirty-day~~)) 90-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the petition shall be sent to the prosecuting attorney. ((~~The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing.~~))

(b) To facilitate victim and survivor of victim involvement, county prosecutor's offices shall make reasonable efforts to ensure that any victim impact statements and known contact information for victims of record and survivors of victims are forwarded as part of the judgment and sentence. In the event that no known victim or survivor of the victim is known or identified for the panel, the county prosecutor's office shall be given reasonable time to certify to the panel that it has exhausted all reasonable efforts in locating and providing contact information to the panel. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the ((~~offender~~)) individual seeking clemency or commutation. ((~~The board shall consider statements presented as set forth in RCW 7.69.032.~~))

(c) This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

(5)(a) The board may recommend conditions of commutation for any individual released pursuant to this section, including a term of community custody up to the length of the court-imposed term of incarceration, partial confinement up to six months, restrictions on travel, no contact with certain persons or classes of persons, restrictions on the type of employment and any other restrictions that the board determines to be reasonable and appropriate, or any other condition which provides for community protection from the released individual.

(b) The department shall monitor the released individual's compliance with conditions of community custody imposed by the court or recommended by the board. Any violation of conditions of community custody is subject to the provisions of this chapter.

(6) Once granted, the governor may not revoke an order granting conditional commutation.

(7) Members of the board are not civilly liable for decisions made while performing their duties.

NEW SECTION. **Sec. 8.** A new section is added to chapter 9.94A RCW to read as follows:

(1) Notwithstanding any other provision of this chapter, an individual may petition the board for conditional commutation if the individual:

(a) Is not subject to the jurisdiction of the indeterminate sentence review board pursuant to RCW 9.94A.730 or 9.94A.507, or the individual's offense was committed prior to July 1, 1984;

(b) Has served at least 20 consecutive years of total confinement except:

(i) An individual who was sentenced as a persistent offender that included a conviction for robbery in the second degree as their third conviction towards being designated as a persistent offender may petition after serving 15 consecutive years of total confinement; and

(ii) An individual sentenced pursuant to chapter 10.95 RCW may petition only after serving 25 consecutive years of total confinement;

(c) Consents to a review of all of his or her medical, mental

health, and department files by the board; and

(d) Does not have any current appeals pending or collateral attacks pending on the case for which the individual is seeking conditional commutation.

(2) No later than five years prior to the date the individual will be eligible to petition for release, the department shall:

(a) Notify the individual regarding his or her eligibility under this section; and

(b) Conduct an assessment of the individual and identify programming and services that would be appropriate to prepare the individual for return to the community. To the extent possible, the department shall make programming available as identified by the assessment.

(3) If the individual has a prior known or diagnosed decreased cognitive function or developmental disability, or a decreased cognitive function or developmental disability is determined during the assessment process as outlined in subsection (2)(b) of this section, the department shall assist the individual with the process of applying for review by the board or refer to additional services for such assistance.

(4) No later than 180 days from the date that the individual submits his or her petition for conditional commutation to the board, the department shall conduct, and the individual shall participate in, an examination of the individual, incorporating methodologies that are evidence-based, normed on the specific gender of the individual, and recognized by experts in the prediction of dangerousness, and including a prediction of the probability that the individual will engage in future criminal behavior if released on conditions to be set by the board. The board may consider an individual's failure to participate in an evaluation under this subsection in determining whether to release the individual.

(5) The board shall recommend the individual be released under such affirmative and other conditions as the panel determines appropriate, unless the panel determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the individual will commit new criminal law violations if released.

(6) The board may take any of the following actions: Deny a petition without a hearing because the individual does not meet the initial criteria for filing a petition; or conduct a hearing in accordance with RCW 9.94A.885 to consider additional information, and then deny the petition or recommend conditional commutation to the governor.

(7) In making its decision, the board shall consider, if available, the following factors and information:

(a) Public safety;

(b) The individual's criminal history;

(c) The nature and circumstances of the offenses committed, including the current and past offenses;

(d) The individual's social and medical history;

(e) The individual's acceptance of responsibility, remorse, and atonement. If the individual submitted an Alford plea, the impact that may have on an individual's ability to provide evidence of remorse, atonement, and self-reflection in relation to the offense committed;

(f) Evidence of the individual's rehabilitation, including behavior while incarcerated, job history, education participation in available rehabilitative program and treatment, and infraction history;

(g) Statements of correctional staff, program supervisors, and volunteer facilitators regarding the individual;

(h) Input from the victims of the crime;

(i) Input from the police and prosecutors in the jurisdictions where the individual's crimes were committed;

(j) Input from persons in the community pledging their support of the individual, if released;

(k) The available resources in the community to help the individual transition to life outside of prison;

(l) A risk assessment and psychological evaluation provided by the department;

(m) The sentencing judge's analysis in imposing an exceptional sentence, if any; and

(n) Any other relevant factors.

(8) Further, the board shall consider a release plan presented by the individual showing where the individual will reside and how he or she will support himself or herself during the first year after his or her release. The department shall independently review the proposed release plan and make an independent evaluation to ensure the individual is not released to an area where the victim resides or that impacts community safety.

(9) If the board recommends commutation or denies the petition, it shall specify the reasons for the decision.

(10) The conditions for conditional commutation may include: Partial confinement for up to six months, regular drug and/or alcohol testing, no violations of law, restrictions on travel, no contact with certain individuals or classes of individuals, restrictions on the type of employment and any other restrictions that the board determines to be reasonable and appropriate, or any other condition which provides for community protection from the released individual.

(11) An individual whose petition for conditional commutation is denied may file a new petition for conditional commutation three years from the date of denial or at an earlier date as may be set by the board.

(12) The individual does not have a right to appointed counsel. Both lawyers and nonlawyers may assist the individual in the preparation of his or her petition and at the hearing.

(13) All information contained in a petition or that is submitted to the board is subject to public disclosure.

(14) The board may adopt rules setting out criteria and procedures for the review of petitions under this section and RCW 9.94A.885 as appropriate.

(15) For purposes of this section, "board" means the clemency and pardons board.

NEW SECTION. **Sec. 9.** (1) Chapter 187, Laws of 2019 removed robbery in the second degree as a most serious offense in sentencing an individual as a persistent offender. At that time, the legislature declined to require resentencing of individuals serving a life sentence as the result of a conviction for robbery in the second degree. The legislature recognizes the need to balance considerations that may have gone into the original charging decision and the inequities that may have resulted from including robbery in the second degree as a third strike offense.

(2) In exercising its duties under RCW 9.94A.885 and section 8 of this act, the clemency and pardons board shall give priority consideration to individuals who petition for conditional commutation and who have a current or past conviction for robbery in the second degree that was used as a basis for a finding that the individual was a persistent offender.

(3) This section expires December 31, 2024."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

April 1, 2021

ESSB 5044 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning professional learning, equity, cultural competency, and dismantling institutional racism in the public school system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that state resources have been invested to: (a) Identify model standards for cultural competency; (b) incorporate these cultural competency standards into both the standards for effective teaching and the standards of practice for paraeducators; (c) develop cultural competency training programs for school district staff from paraeducators to administrators; and (d) develop a plan for the creation and delivery of cultural competency training for school board directors and superintendents.

(2) The legislature plans to continue the important work of dismantling institutional racism in public schools and recognizes the importance of increasing equity, diversity, inclusion, antiracism, and cultural competency training throughout the entire public school system by providing training programs for classified staff, certificated instructional staff, certificated administrative staff, superintendents, and school directors that will be provided in an ongoing manner.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.415 RCW to read as follows:

The definitions in this section apply throughout sections 3 and 5 through 7 of this act and RCW 28A.410.260 and 28A.415.445 unless the context clearly requires otherwise.

(1) "Cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

(2) "Diversity" describes the presence of similarities and differences within a given setting, collective, or group based on multiple factors including race and ethnicity, gender identity, sexual orientation, disability status, age, educational status, religion, geography, primary language, culture, and other characteristics and experiences.

(3) "Equity" includes developing, strengthening, and supporting procedural and outcome fairness in systems, procedures, and resource distribution mechanisms to create equitable opportunities for all individuals. The term also includes eliminating barriers that prevent the full participation of individuals and groups.

(4) "Inclusion" describes intentional efforts and consistent sets of actions to create and sustain a sense of respect, belonging, safety, and attention to individual needs and backgrounds that ensure the full access to engagement and participation in available activities and opportunities.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association shall:

(a) Develop cultural competency, diversity, equity, and inclusion standards for school director governance;

(b) Collaborate with the Washington professional educator standards board to compare and align the standards for school director governance developed under (a) of this subsection with the standards of practice developed under RCW 28A.410.260. The review must include the educational opportunity gap oversight and accountability committee and may include the office of equity established under RCW 43.06D.020; and

(c) Maintain the final cultural competency, diversity, equity, and inclusion standards for school director governance on its website at no cost to school districts.

(2) By November 1, 2030, and every 10 years thereafter, the Washington state school directors' association shall review the definitions in section 2 of this act and the cultural competency, diversity, equity, and inclusion standards for school director governance developed under subsection (1) of this section and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature with any

recommendations for revising the definitions in section 2 of this act.

(3) For purposes of this section, "cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in section 2 of this act.

Sec. 4. RCW 28A.410.260 and 2009 c 468 s 5 are each amended to read as follows:

(1) ((~~The professional educator standards board, in consultation and collaboration with the achievement gap oversight and accountability committee established under RCW 28A.300.136, shall identify a list of model standards for cultural competency and make recommendations to the education committees of the legislature on the strengths and weaknesses of those standards.~~

~~(2)~~)) The Washington professional educator standards board shall:

(a) Develop or update cultural competency, diversity, equity, and inclusion standards of practice for preparation, continuing education, and other training of school district staff;

(b) Collaborate with the Washington state school directors' association to compare and align the standards of practice developed under (a) of this subsection with the standards of governance developed under section 3 of this act. The review must include the educational opportunity gap oversight and accountability committee and may include the office of equity established under RCW 43.06D.020; and

(c) Post on its public website the cultural competency, diversity, equity, and inclusion standards of practice for school district staff.

(2) The Washington professional educator standards board shall develop and periodically update rubrics to evaluate the alignment of training and professional development programs and related materials with the cultural competency, diversity, equity, and inclusion standards of practice for school district staff developed under subsection (1) of this section.

(3) By November 1, 2030, and every 10 years thereafter, the Washington professional educator standards board shall review the definitions in section 2 of this act and the cultural competency, diversity, equity, and inclusion standards of practice for school district staff developed under subsection (1) of this section and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature any recommendations for revising the definitions in section 2 of this act.

(4) For ((~~the~~)) purposes of this section, "cultural ((~~competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students~~)) competency," "diversity," "equity," and "inclusion" have the same meaning as in section 2 of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association shall identify or develop and periodically update governance training programs that align with the cultural competency, diversity, equity, and inclusion standards for school director governance developed under section 3 of this act. The governance training programs must also include building government-to-government relationships with federally recognized tribes, multicultural education, and principles of English language acquisition. Governance training programs may be developed in collaboration with other entities.

(2) Beginning with the 2022 calendar year, the Washington state school directors' association shall provide a governance training program identified or developed under subsection (1) of this section at the frequency necessary for school directors to meet the requirement in section 7 of this act.

(3) For purposes of this section, "cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in section 2 of this act.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) In establishing policies and requirements for the preparation and certification of educators under RCW

28A.410.210, the Washington professional educator standards board shall require that the programs of courses, requirements, and other activities leading to educator certification incorporate the cultural competency, diversity, equity, and inclusion standards of practice developed under RCW 28A.410.260 and include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum.

(2) For purposes of this section, "cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in section 2 of this act.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.343 RCW to read as follows:

(1) Except as provided otherwise by this subsection (1), beginning with the 2022 calendar year, each member of a board of directors shall complete a governance training program once per term of elected office. If the director is appointed or elected to a first term of office, the director must complete a governance training required by this subsection (1) within two years of appointment or certification of the election in which they were elected.

(2) Governance training programs completed by directors in accordance with subsection (1) of this section must be aligned with the cultural competency, diversity, equity, and inclusion standards for school director governance developed under section 3 of this act and provided by the Washington state school directors' association.

(3) For purposes of this section, "cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in section 2 of this act.

Sec. 8. RCW 28A.415.445 and 2019 c 360 s 3 are each amended to read as follows:

(1) Beginning in the 2020-21 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Social-emotional learning, trauma-informed practices, using the model plan developed under RCW 28A.320.1271 related to recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices.

(2)(a) In the 2021-22 school year, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff in one or more of the following topics: Cultural competency, diversity, equity, or inclusion.

(b) Beginning in the 2023-24 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to provide to school district staff a variety of opportunities for training, professional development, and professional learning aligned with the cultural competency, equity, diversity, and inclusion standards of practice developed by the Washington professional educator standards board under RCW 28A.410.260. Alignment with the standards of practice must be evaluated using the rubrics developed under RCW 28A.410.260. The opportunities must also include training on multicultural education and principles of English language acquisition.

(3) For the purposes of this section:

(a) "Cultural competency," "diversity," "equity," and "inclusion" have the same meaning as in section 2 of this act.

(b) "School district staff" includes classified staff, certificated instructional staff, certificated administrative staff, and superintendents.

NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.710 RCW to read as follows:

Sections 7 and 8 of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under chapter 28A.710 RCW.

Sec. 10. RCW 28A.405.106 and 2016 c 72 s 202 are each amended to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to

support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

(a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;

(b) Orientation to and use of instructional frameworks;

(c) Orientation to and use of the leadership frameworks;

(d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;

(e) Strategies for achieving maximum rater agreement;

(f) Evaluator feedback protocols in the evaluation systems;

(g) Examples of high quality teaching and leadership; and

(h) Methods to link the evaluation process to ongoing educator professional development.

(3) The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards ((~~for cultural competence~~)) of practice developed by the Washington professional educator standards board under ((~~RCW 28A.410.270~~)) RCW 28A.410.260. The office of the superintendent of public instruction, in consultation with the Washington professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must integrate the content for cultural competence into the overall training for principals, administrators, and teachers to support the revised evaluation systems.

(4) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

(5) The professional development program must be developed in modules that allow:

(a) Access to material over a reasonable number of training sessions;

(b) Delivery in person or online; and

(c) Use in a self-directed manner.

(6) The office of the superintendent of public instruction must maintain a website that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

(7) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of RCW 28A.415.020.

(8) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

(9) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of

professional development opportunities for teachers and principals that align with performance evaluation criteria.

Sec. 11. RCW 28A.410.270 and 2019 c 386 s 3 are each amended to read as follows:

(1)(a) The Washington professional educator standards board shall adopt a set of articulated teacher knowledge, skill, and performance standards for effective teaching that are evidence-based, measurable, meaningful, and documented in high quality research as being associated with improved student learning. The standards shall be calibrated for each level along the entire career continuum.

(b) ((~~In developing the standards, the board shall, to the extent possible, incorporate standards for cultural competency along the entire continuum. For the purposes of this subsection, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.~~)) The Washington professional educator standards board shall incorporate along the entire continuum the standards of practice developed under RCW 28A.410.260.

(c) By January 1, 2020, in order to ensure that teachers can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the Washington professional educator standards board shall incorporate along the entire continuum the social-emotional learning standards and benchmarks recommended by the social-emotional learning benchmarks work group in its October 1, 2016, final report titled, "addressing social emotional learning in Washington's K-12 public schools." In incorporating the social-emotional learning standards and benchmarks, the Washington professional educator standards board must include related competencies, such as trauma-informed practices, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices.

(2) The Washington professional educator standards board shall adopt a definition of master teacher, with a comparable level of increased competency between professional certification level and master level as between professional certification level and national board certification. Within the definition established by the Washington professional educator standards board, teachers certified through the national board for professional teaching standards shall be considered master teachers.

(3) The Washington professional educator standards board shall maintain a uniform, statewide, valid, and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure at the preservice level that is to be used during the student-teaching field experience. This assessment shall include multiple measures of teacher performance in classrooms, evidence of positive impact on student learning, and shall include review of artifacts, such as use of a variety of assessment and instructional strategies, and student work.

(4) Award of a professional certificate shall be based on a minimum of two years of successful teaching experience as defined by the board, and may not require candidates to enroll in a professional certification program.

(5) Educator preparation programs approved to offer the residency teaching certificate shall be required to demonstrate how the program produces effective teachers as evidenced by the measures established under this section and other criteria established by the Washington professional educator standards board.

Sec. 12. RCW 28A.413.050 and 2019 c 386 s 5 are each amended to read as follows:

(1) The board shall adopt state standards of practice for paraeducators that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014. These standards must include:

(a) Supporting instructional opportunities;

(b) Demonstrating professionalism and ethical practices;

(c) Supporting a positive and safe learning environment;

(d) Communicating effectively and participating in the team process; and

(e) ((~~Demonstrating cultural competency aligned with~~)) The standards of practice developed by the Washington professional educator standards board under ((~~RCW 28A.410.270~~)) RCW 28A.410.260.

(2) By January 1, 2020, in order to ensure that paraeducators can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the board shall incorporate into the standards of practice for paraeducators adopted under subsection (1) of this section the social-emotional learning standards, benchmarks, and related competencies described in RCW 28A.410.270.

Sec. 13. RCW 28B.50.891 and 2017 c 237 s 20 are each amended to read as follows:

Beginning with the 2015-16 academic year, any community or technical college that offers an apprenticeship program or certificate program for paraeducators must provide candidates the opportunity to earn transferable course credits within the program. The programs must also incorporate the standards ((~~for cultural competence, including~~)) of practice developed by the Washington professional educator standards board under RCW 28A.410.260 and include multicultural education and principles of language acquisition((~~, developed by the professional educator standards board under RCW 28A.410.270~~)). Subject to the availability of amounts appropriated for this specific purpose, by September 1, 2018, the paraeducator apprenticeship and certificate programs must also incorporate the state paraeducator standards of practice adopted by the paraeducator board under RCW 28A.413.050.

NEW SECTION. **Sec. 14.** The following acts or parts of acts are each repealed:

(1)RCW 28A.345.100 (Cultural competency training for school board directors and superintendents) and 2016 c 72 s 201;

(2)RCW 28A.415.420 (Cultural competence professional development and training) and 2016 c 72 s 204;

(3)RCW 28A.415.440 (Professional learning days—Social-emotional learning) and 2019 c 386 s 7; and

(4)RCW 28A.657.140 (Cultural competence professional development and training) and 2016 c 72 s 205."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5051 Prime Sponsor, Committee on Ways & Means: Concerning state oversight and accountability of peace officers and corrections officers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.101.010 and 2020 c 119 s 2 are each amended to read as follows:

When used in this chapter:

(1) ((~~The term "commission"~~)) "Applicant" means an individual who has received a conditional offer of employment with a law enforcement or corrections agency.

(2) "Commission" means the Washington state criminal justice training commission.

((~~(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.~~))

(3) ((~~The term "criminal~~)) "Criminal justice personnel" means any person who serves ((~~in a county, city, state, or port commission agency engaged in crime~~

~~prevention, crime reduction, or enforcement of the criminal law~~)) as a peace officer, reserve officer, or corrections officer.

(4) ((~~The term "law~~)) "Law enforcement personnel" means any ((~~public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made~~)) person elected, appointed, or employed as a general authority Washington peace officer as defined in RCW 10.93.020.

(5) ((~~The term "correctional~~)) "Correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) "Chief for a day program" means a program in which commissioners and staff partner with local, state, and federal law enforcement agencies, hospitals, and the community to provide a day of special attention to chronically ill children. Each child is selected and sponsored by a law enforcement agency. The event, "chief for a day," occurs on one day, annually or every other year and may occur on the grounds and in the facilities of the commission. The program may include any appropriate honoring of the child as a "chief," such as a certificate swearing them in as a chief, a badge, a uniform, and donated gifts such as games, puzzles, and art supplies.

(7) ((~~A peace officer or corrections officer is "convicted"~~)) "Convicted" means at the time a plea of guilty , nolo contendere, or deferred sentence has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes ((~~a deferral of sentence~~)) all instances in which a plea of guilty or nolo contendere is the basis for conviction, all proceedings in which there is a case disposition agreement, and ((~~also includes the~~)) any equivalent disposition by a court in a jurisdiction other than the state of Washington.

(8)((~~(a) "Discharged for disqualifying misconduct" has the following meanings:~~

~~(i) A peace officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a peace officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), (III) the unlawful use or possession of a controlled substance, or (IV) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; (B) conduct that would constitute any of the crimes addressed in (a)(i)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination; or~~

~~(ii) A corrections officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a corrections officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), or (III) the unlawful use or possession of a controlled substance; (B) conduct that would constitute any of the crimes addressed in (a)(ii)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.~~

~~(b) A peace officer or corrections officer is "discharged for disqualifying misconduct" within the meaning of this subsection (8) under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of this subsection (8).~~

~~(9) When used in context of proceedings referred to in this chapter,~~

~~"final" means that the peace officer or corrections officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.~~

~~(10)~~)) "Peace officer" ((~~means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200~~)) has the same meaning as a general authority Washington peace officer as defined in RCW 10.93.020. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter.

((~~(11)~~)) (9) "Corrections officer" means any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult ((~~prisoners~~)) persons in jails and detention facilities ((~~and who is subject to the basic corrections training requirement of RCW 43.101.220 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.220. For the purpose of RCW 43.101.080, 43.101.096, 43.101.106, 43.101.116, 43.101.121, 43.101.126, 43.101.136, 43.101.146, 43.101.156, 43.101.380, and 43.101.400, "corrections~~)) in the state. "Corrections officer" does not include individuals employed by state agencies.

(10) "Finding" means a determination based on a preponderance of the evidence whether alleged misconduct occurred; did not occur; occurred, but was consistent with law and policy; or could neither be proven or disproven.

(11) "Reserve officer" means any person who does not serve as a peace officer of this state on a full-time basis, but who, when called by an agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state and includes:

(a) Specially commissioned Washington peace officers as defined in RCW 10.93.020;

(b) Limited authority Washington peace officers as defined in RCW 10.93.020;

(c) Persons employed as security by public institutions of higher education as defined in RCW 28B.10.016; and

(d) Persons employed for the purpose of providing security in the K-12 Washington state public school system as defined in RCW 28A.150.010 and who are authorized to use force in fulfilling their responsibilities.

(12) "Tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.

Sec. 2. RCW 43.101.020 and 1974 ex.s. c 94 s 2 are each amended to read as follows:

(1) There is hereby created and established a state commission to be known and designated as the Washington state criminal justice training commission.

(2) The purpose of ((~~such~~)) the commission shall be to ((~~provide programs and standards for the training of criminal justice personnel~~)) establish and administer standards and processes for certification, suspension, and decertification of peace officers and corrections officers. The commission shall provide programs and training that enhance the integrity, effectiveness, and professionalism of peace officers and corrections officers while helping to ensure that law enforcement and correctional services are delivered to the people of Washington in a manner that fully complies with the Constitutions and laws of this state and United States. In carrying out its duties, the commission shall strive to promote public trust and confidence in every aspect of the criminal justice system.

Sec. 3. RCW 43.101.030 and 2020 c 44 s 1 are each amended to read as follows:

The commission shall consist of ((~~sixteen~~)) 21 members((~~, who shall be selected~~)) as follows:

(1) The governor shall appoint ((~~two~~)):

(a) One incumbent sheriff((~~s~~)) and ((~~two~~)) one incumbent chief((~~s~~)) of police.

((~~(2) The governor shall appoint one officer~~)) The governor shall additionally appoint an alternate incumbent chief of police who may perform commission duties in place of the appointed incumbent chief if that person is unavailable;

(b) Two officers at or below the level of first line supervisor who:

(i) Have at least ten years' experience as law enforcement officers;

(ii) Are from ((~~a county~~)) two different law enforcement ((~~agency and one officer at or below the level of first line supervisor from a municipal law enforcement agency. Each appointee under this subsection (2) shall have at least ten years experience as a law enforcement officer.~~

~~(3) The governor shall appoint one~~)) agencies that each have at least 15 officers and are different than the agencies with which the members in (a) of this subsection are affiliated; and

(iii) Are affiliated with different labor organizations;

(c) One tribal police officer at or below the level of first line supervisor who has at least 10 years' experience as a law enforcement officer;

(d) One person employed ((~~in a county correctional system and one person employed in the state correctional system.~~

~~(4) The governor shall appoint one~~)) in a state or county corrections agency;

(e) One incumbent county prosecuting attorney or municipal attorney((~~.~~

~~(5) The governor shall appoint one~~)) and one public defender;

(f) One licensed attorney with background in investigating, advocating, teaching, training, or presiding over matters related to enhancing law enforcement practices and accountability, who has not been employed in law enforcement;

(g) One elected official of a local government((~~.~~

~~(6) The governor shall appoint two private citizens~~)) who is not a sheriff or police chief and has not been employed in the last 10 years as a peace officer or prosecutor in any jurisdiction;

(h) One person with civilian oversight or auditing experience over law enforcement agencies;

(i) Seven community members who are not employed in law enforcement, ((~~one from~~)) including at least two who reside east of the crest of the Cascade mountains and ((~~one from west of the crest of the Cascade mountains. At~~)) at least ((~~one of the private citizens must be~~)) three who are from a historically underrepresented community or communities((~~.~~

~~(7) The governor shall appoint one~~));and

(j) One tribal chair, board member, councilmember, or ((~~designee~~)) enrolled member from a federally recognized tribe with an active certification agreement under RCW 43.101.157((~~.~~

~~(8) The three remaining members shall be:~~

~~(a)~~)) who is not a sheriff and has not been employed in the last 10 years as a peace officer or prosecutor in any jurisdiction;

(2) The attorney general or the attorney general's designee;

((~~(b) The special agent in charge of the Seattle office of the federal bureau of investigation; and~~

~~(c)~~)) (3) The chief of the state patrol or the chief's designee.

Sec. 4. RCW 43.101.040 and 2009 c 549 s 5167 are each amended to read as follows:

All members appointed to the commission by the governor shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth((~~: PROVIDED, That of the~~)). However, for members first appointed ((~~three shall be appointed for two year terms, three shall be appointed for four year terms, and three shall be~~

~~appointed for six year terms: PROVIDED, FURTHER, That the terms of the two members appointed as incumbent police chiefs shall not expire in the same year nor shall the terms of the two members appointed as representing correctional systems expire in the same year nor shall the terms of the two members appointed as incumbent sheriffs expire in the same year~~)) as a result of chapter . . ., Laws of 2021 (this act), the governor shall appoint members to terms ranging from two years to six years in order to stagger future appointments. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member ((~~he or she~~)) the appointee is to succeed. Any member may be reappointed for additional terms.

Sec. 5. RCW 43.101.060 and 1999 c 97 s 2 are each amended to read as follows:

The commission shall elect a chair and a vice chair from among its members. ((~~Seven~~)) Nine members of the commission shall constitute a quorum. ((~~The governor shall summon the commission to its first meeting.~~

~~Meetings~~)) The commission shall meet at least quarterly. Additional meetings may be called by the chair and shall be called by ((~~him or her~~)) the chair upon the written request of six members.

Sec. 6. RCW 43.101.080 and 2020 c 119 s 13 are each amended to read as follows:

The commission shall have all of the following powers:

(1) ((~~To meet at such times and places as it may deem proper;~~

~~(2) To adopt any rules and regulations as it may deem necessary;~~

~~(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;~~

~~(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;~~

~~(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;~~

~~(6) To select and employ an executive director, and to empower him or her to perform such duties and responsibilities as it may deem necessary;~~

~~(7) To~~)) Conduct training, including the basic law enforcement academy and in-service training, and assume legal, fiscal, and program responsibility for all training conducted by the commission;

((~~(8) To establish~~)) (2) Grant, deny, suspend, or revoke certification of, or require remedial training for, peace officers and corrections officers under the provisions of this chapter;

(3) Grant, deny, suspend, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process;

(4) Related to its duties under subsections (2) and (3) of this section, provide for the comprehensive and timely investigation of complaints where necessary to ensure adherence to law and agency policy, strengthen the integrity and accountability of peace officers and corrections officers, and maintain public trust and confidence in the criminal justice system in this state;

(5) Establish, by rule and regulation, curricula and standards for the training of criminal justice personnel where such curricula and standards are not prescribed by statute;

((~~(9) To own~~)) (6) Own, establish, and operate, or ((~~to~~)) contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel ((~~and to purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities necessary to the conducting of such programs;~~

~~(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;~~

~~(11) To review~~));

(7) Review and approve or reject standards for instructors of training programs for criminal justice personnel, and ((~~to~~)) employ personnel from law enforcement agencies on a temporary basis as instructors without any loss of employee benefits to those instructors from those agencies;

((~~(12) To direct~~)) (8) Direct the development of alternative, innovative, and interdisciplinary training techniques;

((~~(13) To review~~)) (9) Review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards ((~~recommended by the training standards and education boards~~)), including continuing education;

((~~(14) To allocate~~)) (10) Allocate financial resources among training and education programs conducted by the commission;

((~~(15) To~~)) (11) Purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities and allocate training facility space among training and education programs conducted by the commission;

((~~(16) To issue~~)) (12) Issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

((~~(17) To provide~~)) (13) Provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

((~~(18) To establish~~)) (14) Establish rules and regulations ((~~recommended by the training standards and education boards~~)) prescribing minimum standards relating to physical, mental, and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

((~~(19) To require~~)) (15) Require county, city, port, or state law enforcement and corrections agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer, a reserve officer, or a corrections officer to administer a background investigation ((~~including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, a psychological examination, and a polygraph test or similar assessment to each applicant, the results of which shall be used by the employer to determine the applicant's suitability for employment as a fully commissioned peace officer, a reserve officer, or a corrections officer. The background investigation, psychological examination, and the polygraph examination shall be administered in accordance with the requirements of RCW 43.101.095(2) for peace officers, and RCW 43.101.096 for corrections officers. The employing county, city, or state law enforcement agency may require that each peace officer, reserve officer, or corrections officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer, reserve officer, or corrections officer does not readily have the means to pay for his or her portion of the testing fee. This subsection does not apply to corrections officers employed by state agencies;~~

~~(20) To promote~~)) in accordance with the requirements of RCW 43.101.095 to determine the applicant's suitability for employment as a fully commissioned peace officer, reserve officer, or corrections officer;

(16) Appoint members of a hearings panel as provided under RCW 43.101.380;

(17) Issue public recommendations to the governing body of a law enforcement agency regarding the agency's command decisions, inadequacy of policy or training, investigations or disciplinary decisions regarding misconduct, potential systemic violations of law or policy, unconstitutional policing, or other matters;

(18) Promote positive relationships between law enforcement and the ((~~citizens~~)) residents of the state of Washington ((~~by allowing~~)) through commissioners and staff ((~~to participate~~)) participation in the "chief for a day program." The executive director shall designate staff who may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with

chapter 42.52 RCW and chapter 292-110 WAC((~~.~~

~~All~~));

(19) Adopt, amend, repeal, and administer rules and regulations ((~~adopted by the commission shall be adopted and administered~~)) pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

Sec. 7. RCW 43.101.085 and 2020 c 119 s 1 are each amended to read as follows:

In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) ((~~Adopt, amend, or repeal rules as necessary to carry out this chapter;~~

~~(2)~~)) Contract for services as it deems necessary in order to carry out its duties and responsibilities;

(2) Cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(3) Select and employ an executive director, and empower the director to perform such duties and responsibilities as the commission may deem necessary;

(4) Issue subpoenas and statements of charges, and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter, or designate individuals to do so;

((~~(3)~~)) (5) Employ such staff as necessary for the implementation and enforcement of this chapter;

(6) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

((~~(4) Appoint members of a hearings board as provided under RCW 43.101.380;~~

~~(5)~~)) (7) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;

((~~(6) Grant, deny, or revoke certification of peace officers and corrections officers under the provisions of this chapter;~~

~~(7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter;~~

~~(8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter; and~~

~~(9) Grant, deny, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process~~)) and

(8) Exercise lawful actions necessary to enable the commission to fully and adequately perform its duties and to exercise the lawful powers granted to the commission.

Sec. 8. RCW 43.101.095 and 2018 c 32 s 5 are each amended to read as follows:

(1) As a condition of ((~~continuing~~)) employment ((~~as peace officers~~)), all Washington peace officers((~~: (a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter~~)) and corrections officers are required to obtain certification as a peace officer or corrections officer or exemption therefrom and maintain certification as required by this chapter and the rules of the commission.

(2)(a) ((~~As a condition of continuing employment for any~~)) Any applicant who has been offered a conditional offer of employment as a ((~~fully commissioned~~)) peace officer or ((~~a~~)) reserve officer ((~~after July 24, 2005~~)) or offered a conditional offer of employment as a corrections officer after July 1, 2021, including any person whose certification has lapsed as a result of a break of more than ((~~twenty-four~~)) 24 consecutive months in the officer's service ((~~as a fully commissioned peace officer or reserve officer, the applicant shall~~)) for a reason other than being recalled to military service, must submit to a background investigation ((~~including a~~)) to determine the applicant's suitability for employment. Employing agencies may only make a conditional offer of employment pending completion of the background check and shall verify in

writing to the commission that they have complied with all background check requirements prior to making any nonconditional offer of employment.

(b) The background check must include:

(i) A check of criminal history, ((~~verification~~)) any national decertification index, commission records, and all disciplinary records by any previous law enforcement or correctional employer, including complaints or investigations of misconduct and the reason for separation from employment. Law enforcement or correctional agencies that previously employed the applicant shall disclose employment information within 30 days of receiving a written request from the employing agency conducting the background investigation, including the reason for the officer's separation from the agency. Complaints or investigations of misconduct must be disclosed regardless of the result of the investigation or whether the complaint was unfounded;

(ii) Inquiry to the local prosecuting authority in any jurisdiction in which the applicant has served as to whether the applicant is on any potential impeachment disclosure list;

(iii) Inquiry into whether the applicant has any past or present affiliations with extremist organizations, as defined by the commission;

(iv) A review of the applicant's social media accounts;

(v) Verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident((~~, a~~));

(vi) A psychological examination((~~, and a~~)) administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission;

(vii) A polygraph or similar assessment ((~~as~~)) administered by ((~~the county, city, or state law enforcement agency, the results of which shall be used to determine the applicant's suitability for employment as a fully commissioned peace officer or a reserve officer.~~

~~(i) The background investigation including a check of criminal history shall be administered by the county, city, or state law enforcement agency that made the conditional offer of employment in compliance with standards established in the rules of the commission.~~

~~(ii) The psychological examination shall be administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission.~~

~~(iii) The polygraph test shall be administered by an experienced polygrapher who is a graduate of a polygraph school accredited by the American polygraph association and in compliance with standards established in rules of the commission.~~

~~(iv)~~)) an experienced professional with appropriate training and in compliance with standards established in rules of the commission; and

(viii) Any other test or assessment ((~~to be administered as part of the background investigation shall be administered in compliance with standards established in rules of~~)) that may be required in rule by the commission.

((~~(b)~~)) (c) The commission may establish standards for the background check requirements in this section and any other preemployment background check requirement that may be imposed by an employing agency or the commission.

(d) The employing ((~~county, city, or state~~)) law enforcement agency may require that each ((~~peace officer or reserve officer~~)) person who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or ((~~four hundred dollars~~)) $400, whichever is less. ((~~County, city, and state law enforcement~~)) Employing agencies may establish a payment plan if they determine that the ((~~peace officer or reserve officer~~)) person does not readily have the means to pay ((~~for his or her portion of~~)) the testing fee.

(3) ((~~The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule~~

~~from, the basic training requirements of RCW 43.101.200 on or before January 1, 2002. Thereafter, the commission may revoke certification pursuant to this chapter.~~

~~(4)~~)) The commission shall allow a peace officer or corrections officer to retain status as a certified peace officer or corrections officer as long as the officer: (a) Timely meets the basic ((~~law enforcement~~)) training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) timely meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification suspended or revoked by the commission.

((~~(5)~~)) (4) As a ((~~prerequisite to~~)) condition of certification, ((~~as well as a prerequisite to pursuit of a hearing under RCW 43.101.155,~~)) a peace officer or corrections officer must, on a form devised or adopted by the commission, authorize the release to the employing agency and commission of ((~~his or her~~)) the officer's personnel files, including disciplinary, termination ((~~papers~~)), civil or criminal investigation ((~~files~~)), or other ((~~files, papers,~~)) records or information that are directly related to a certification matter or decertification matter before the commission. The peace officer or corrections officer must also consent to and facilitate a review of the officer's social media accounts, however, consistent with RCW 49.44.200, the officer is not required to provide login information. The release of information may not be delayed, limited, or precluded by any agreement or contract between the officer, or the officer's union, and the entity responsible for the records or information.

((~~(6)~~)) (5) The employing agency and commission ((~~is~~)) are authorized to receive criminal history record information that includes nonconviction data for any purpose associated with employment ((~~by the commission~~)) or ((~~peace officer~~)) certification under this chapter. Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited.

((~~(7)~~)) (6) For a national criminal history records check, the commission shall require fingerprints be submitted and searched through the Washington state patrol identification and criminal history section. The Washington state patrol shall forward the fingerprints to the federal bureau of investigation.

(7) Prior to certification, the employing agency shall certify to the commission that the agency has completed the background check, no information has been found that would disqualify the applicant from certification, and the applicant is suitable for employment as a peace officer or corrections officer.

Sec. 9. RCW 43.101.105 and 2011 c 234 s 3 are each amended to read as follows:

(1) ((~~Upon~~)) To help prevent misconduct, enhance peace officer and corrections officer accountability through the imposition of sanctions commensurate to the wrongdoing when misconduct occurs, and enhance public trust and confidence in the criminal justice system, upon request by ((~~a peace~~)) an officer's employer or on its own initiative, the commission may deny, suspend, or revoke certification of ((~~any peace~~)), or require remedial training for, an officer((~~, after~~)) as provided in this section. The commission shall provide the officer with written notice and a hearing, if a hearing is timely requested by the ((~~peace~~)) officer under RCW 43.101.155((~~, based upon a finding of one or more of the following conditions:~~

~~(a) The peace officer has failed to timely meet all requirements for obtaining a certificate of basic law enforcement training, a certificate of basic law enforcement training equivalency, or a certificate of exemption from the training;~~

~~(b) The peace officer has knowingly falsified or omitted material information on an application for training or certification to the commission;~~

~~(c) The peace officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified peace officer was convicted of a felony before being employed as a peace officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before~~

~~being hired, the commission may revoke certification only with the agreement of the employing law enforcement agency;~~

~~(d) The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after January 1, 2002;~~

~~(e) The peace officer's certificate was previously issued by administrative error on the part of the commission; or~~

~~(f) The peace officer has interfered with an investigation or action for denial or revocation of certificate by: (i) Knowingly making a materially false statement to the commission; or (ii) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness~~)). Notice and hearing are not required when a peace officer voluntarily surrenders certification.

(2) ((~~After July 24, 2005, the~~)) The commission must deny or revoke the certification of an applicant or officer if the applicant or officer:

(a)(i) Has been convicted of:

(A) A felony offense;

(B) A gross misdemeanor domestic violence offense;

(C) An offense with sexual motivation as defined in RCW 9.94A.030;

(D) An offense under chapter 9A.44 RCW; or

(E) A federal or out-of-state offense comparable to an offense listed in (a)(i)(A) through (D) of this subsection (2); and

(ii)(A) The offense was not disclosed at the time of application for initial certification; or

(B) The officer was a certified peace officer or corrections officer at the time of the offense; and

(iii) The offense is not one for which the officer was granted a full and unconditional pardon; and

(iv) The offense was not adjudicated as a juvenile and the record sealed;

(b) Has been terminated by the employing agency or otherwise separated from the employing agency after engaging in, or was found by a court to have engaged in, the use of force which resulted in death or serious injury and the use of force violated the law;

(c) Has been terminated by the employing agency or otherwise separated from the employing agency after witnessing, or found by a court to have witnessed, another officer's use of excessive force and:

(i) Was in a position to intervene to end the excessive use of force and failed to do so; or

(ii) Failed to report the use of excessive force in accordance with agency policy or law;

(d) Has been terminated by the employing agency or otherwise separated from the employing agency after knowingly making, or found by a court to have knowingly made, misleading, deceptive, untrue, or fraudulent representations in the practice of being a peace officer or corrections officer including, but not limited to, committing perjury, filing false reports, hiding evidence, or failing to report exonerating information. This subsection (2)(d) does not apply to representations made in the course and for the purposes of an undercover investigation or other lawful law enforcement purpose; or

(e) Is prohibited from possessing weapons by state or federal law or by a permanent court order entered after a hearing.

(3) The commission may deny, suspend, or revoke certification or require remedial training of an applicant or officer if the applicant or officer:

(a) Failed to timely meet all requirements for obtaining a certificate of basic law enforcement or corrections training, a certificate of basic law enforcement or corrections training equivalency, or a certificate of exemption from the training;

(b) Was previously issued a certificate through administrative error on the part of the commission;

(c) Knowingly falsified or omitted material information on an application to the employer or for training or certification to the commission;

(d) Interfered with an investigation or action for denial or revocation of certification by:

(i) Knowingly making a materially false statement to the commission;

(ii) Failing to timely and accurately report information to the commission as required by law or policy; or

(iii) In any matter under review or investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness;

(e) Engaged in a use of force that could reasonably be expected to cause physical injury, and the use of force violated the law or policy of the officer's employer;

(f) Committed sexual harassment as defined by state law;

(g) Through fraud or misrepresentation, has used the position of peace officer or corrections officer for personal gain;

(h) Engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religion, creed, color, national origin, immigration status, disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status;

(i) Has affiliation with one or more extremist organizations;

(j) Whether occurring on or off duty, has:

(i) Been found to have committed a felony, without regard to conviction;

(ii) Engaged in a pattern of acts showing an intentional or reckless disregard for the rights of others, including but not limited to violation of an individual's constitutional rights under the state or federal constitution or a violation of RCW 10.93.160;

(iii) Engaged in unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property; or

(iv) Engaged in any conduct or pattern of conduct that: Fails to meet the ethical and professional standards required of a peace officer or corrections officer; disrupts, diminishes, or otherwise jeopardizes public trust or confidence in the law enforcement profession and correctional system; or demonstrates an inability or unwillingness to uphold the officer's sworn oath to enforce the constitution and laws of the United States and the state of Washington;

(k) Has been suspended or discharged, has resigned or retired in lieu of discharge, or has separated from the agency after the alleged misconduct occurred, for any conduct listed in this section; or

(l) Has voluntarily surrendered the person's certification as a peace officer or corrections officer.

(4) In addition to the penalties set forth in subsection (3) of this section, the commission may require mandatory retraining or placement on probation for up to two years, or both. In determining the appropriate penalty or sanction, the commission shall consider: The findings and conclusions, and the basis for the findings and conclusions, of any due process hearing or disciplinary appeals hearing following an investigation by a law enforcement agency regarding the alleged misconduct, if such hearing has occurred prior to the commission's action; any sanctions or training ordered by the employing agency regarding the alleged misconduct; and whether the employing agency bears any responsibility for the situation.

(5) The commission shall deny certification to any applicant who ((~~has~~)) lost ((~~his or her~~)) certification as a result of a break in service of more than ((~~twenty-four~~)) 24 consecutive months if that applicant failed to comply with the requirements set forth in RCW 43.101.080((~~(19)~~)) (15) and 43.101.095(2).

(6) The fact that the commission has suspended an officer's certification is not, in and of itself, a bar to the employing agency's maintenance of the officer's health and retirement benefits.

(7) Any suspension or period of probation imposed by the commission shall run concurrently to any leave or discipline imposed by the employing agency for the same incident.

(8) A law enforcement agency may not terminate a peace officer based solely on imposition of suspension or probation by

the commission. This subsection does not prohibit a law enforcement agency from terminating a peace officer based on the underlying acts or omissions for which the commission took such action.

(9) Any of the misconduct listed in subsections (2) and (3) of this section is grounds for denial, suspension, or revocation of certification of a reserve officer to the same extent as applied to a peace officer, if the reserve officer is certified pursuant to RCW 43.101.095.

Sec. 10. RCW 43.101.115 and 2001 c 167 s 4 are each amended to read as follows:

(1) A person denied a certification based upon dismissal or withdrawal from a basic law enforcement academy ((~~for any reason not also involving discharge for disqualifying misconduct~~)) or basic corrections academy under RCW 43.101.105(3)(a) is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, ((~~rules which may~~)) which rules shall provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is mandatorily denied or revoked ((~~based upon a felony criminal conviction~~)) pursuant to RCW 43.101.105(2) is not eligible for certification at any time.

(4) A ((~~peace officer~~)) person whose certification is denied or revoked ((~~based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction,~~)) for reasons other than provided in subsections (1) through (3) of this section may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission ((~~shall~~)) may hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission ((~~may~~)) shall establish a probationary period of certification.

(5) A ((~~peace officer~~)) person whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission ((~~may~~)) shall establish a probationary period of certification.

(6) The commission's rules and decisions regarding reinstatement shall align with its responsibilities to enhance public trust and confidence in the law enforcement profession and correctional system.

Sec. 11. RCW 43.101.135 and 2001 c 167 s 6 are each amended to read as follows:

(1)(a) Upon ((~~termination~~)) separation of a peace officer or corrections officer from an employing agency for any reason, including termination, resignation, or retirement, the agency ((~~of termination~~)) shall((~~, within fifteen days of the termination,~~)) notify the commission within 15 days of the separation date on a personnel action report form provided by the commission. ((~~The agency of termination shall, upon~~))

(b) If the employer accepts an officer's resignation or retirement in lieu of termination, the employing agency shall report the reasons and rationale in the information provided to the commission, including the findings from any internal or external investigations into alleged misconduct.

(2) In addition to those circumstances under subsection (1) of this section and whether or not disciplinary proceedings have been concluded, the employing agency shall:

(a) Notify the commission within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer or any time an officer has been charged with a crime. Employing agencies must have a policy requiring officers to report any pending criminal charges and any conviction,

plea, or other case disposition immediately to their agency; and

(b) Notify the commission within 15 days of an initial disciplinary decision by an employing agency for alleged behavior or conduct by an officer that is noncriminal and may result in revocation of certification pursuant to RCW 43.101.105.

(3) To better enable the commission to act swiftly and comprehensively when misconduct has occurred that may undermine public trust and confidence in law enforcement or the correctional system, if the totality of the circumstances support a conclusion that the officer resigned or retired in anticipation of discipline, whether or not the misconduct was discovered at the time, and when such discipline, if carried forward, would more likely than not have led to discharge, or if the officer was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the officer's suspension or discharge, the employing agency shall conduct and complete the investigation and provide all relevant information to the commission as if the officer were still employed by the agency.

(4) Upon request of the commission, the employing agency shall provide such additional documentation or information as the commission deems necessary to determine whether the ((~~termination~~)) separation or event provides grounds for suspension or revocation ((~~under RCW 43.101.105~~)).

(5) At its discretion, the commission may:

(a) Initiate decertification proceedings upon conclusion of any investigation or disciplinary proceedings initiated by the employing agency;

(b) Separately pursue action against the officer's certification under RCW 43.101.105; or

(c) Wait to proceed until any investigation, disciplinary proceedings, or appeals through the employing agency are final before taking action. Where a decertification decision requires a finding that the officer's conduct violated policy and the employing agency has begun its investigation into the underlying event, the commission shall await notification of a finding by the employing agency before beginning the decertification process.

(6) No action or failure to act by an employing agency or decision resulting from an appeal of that action precludes action by the commission to suspend or revoke an officer's certification.

(7) An employing agency may not enter into any agreement or contract with an officer, or union:

(a) Not to report conduct, delay reporting, or preclude disclosure of any relevant information, including a promise not to check the box on a commission notice that indicates the officer may have committed misconduct, in exchange for allowing an officer to resign or retire or for any other reason; or

(b) That allows the agency to destroy or remove any personnel record while the officer is employed and for 10 years thereafter. Such records must include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, investigatory files, and other disciplinary appeals and litigation records.

(8) The commission shall maintain ((~~these notices~~)) all information provided pursuant to this section in a permanent file((~~, subject to RCW 43.101.400~~)).

(9) In addition to disciplinary action authorized in RCW 43.101.105, the commission may impose a civil penalty not to exceed $10,000 for the failure by an officer or an employing agency to timely and accurately report information pursuant to this section.

Sec. 12. RCW 43.101.145 and 2001 c 167 s 8 are each amended to read as follows:

((~~A law enforcement officer or duly authorized representative of a law enforcement agency~~)) (1) Any individual may submit a written complaint to the commission ((~~charging~~)) stating that ((~~a peace~~)) an officer's certificate should be denied, suspended, or revoked, and specifying the grounds for the ((~~charge~~)) complaint. Filing a complaint does not make a complainant a party to the commission's action.

(2) The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. All complaints must be resolved with a written determination, regardless of the decision to investigate.

(3) The commission may initiate an investigation in any instance where there is a pattern of complaints or other actions that may not have resulted in a formal adjudication of wrongdoing, but when considered together demonstrate conduct that would constitute a violation of RCW 43.101.105 (2) or (3). The commission must consider the agency's policies and procedures and the officer's job duties and assignment in determining what constitutes a pattern.

(4) A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

Sec. 13. RCW 43.101.155 and 2001 c 167 s 9 are each amended to read as follows:

(1) If the commission determines, upon investigation, that there is ((~~probable~~)) cause to believe that a peace officer's or corrections officer's certification should be denied, suspended, or revoked under RCW 43.101.105, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer unless the officer has consented to service in some other manner, including electronic notification. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of ((~~termination~~)) separation and any current ((~~law enforcement~~)) agency employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within ((~~sixty~~)) 60 days of ((~~communication of~~)) the statement of charges, request a hearing before the hearings ((~~board~~)) panel appointed under RCW 43.101.380. Failure of the officer to request a hearing within the ((~~sixty-day~~)) 60-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the officer is required to provide an email address that constitutes the officer's legal address for purposes of any subsequent communication from the commission. Unless otherwise agreed to by the mutual agreement of the parties or for good cause, within two weeks of receipt of the officer's request for a hearing, the commission shall set a date ((~~of~~)) for the hearing, which must be ((~~scheduled not earlier than ninety days nor later than one hundred eighty days after communication of the statement of charges to the officer; the one hundred eighty-day period may be extended on mutual agreement of the parties or for good cause~~)) held within 90 days thereafter. ((~~The~~)) On the date the hearing is set, the commission shall ((~~give~~)) transmit electronic and written notice of the hearing ((~~at least twenty days prior to the hearing~~)) to the officer, and provide public notice on the commission website, specifying the time, date, and place of hearing.

Sec. 14. RCW 43.101.157 and 2006 c 22 s 2 are each amended to read as follows:

(1) Tribal governments may voluntarily request certification for their police officers. Tribal governments requesting certification for their police officers must enter into a written agreement with the commission. The agreement must require the tribal law enforcement agency and its officers to comply with all of the requirements for granting, denying, and revoking certification as those requirements are applied to peace officers certified under this chapter and the rules of the commission.

(2) Officers making application for certification as tribal police officers shall meet the requirements of this chapter and the rules of the commission as those requirements are applied to certification of peace officers. Application for certification as a tribal police officer shall be accepted and processed in the same manner as those for certification of peace officers.

((~~(3) For purposes of certification, "tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.~~))

Sec. 15. RCW 43.101.230 and 1981 c 134 s 1 are each amended to read as follows:

((~~Indian tribe~~)) Tribal police officers and employees who are engaged in law enforcement activities and who do not qualify as "criminal justice personnel" or "law enforcement personnel" under RCW 43.101.010((~~, as now law or hereafter amended, may~~)) shall be provided training under this chapter if: (a) The tribe is recognized by the federal government, and (b) the tribe pays to the commission the full cost of providing such training. The commission shall place all money received under this section into the criminal justice training account.

Sec. 16. RCW 43.101.390 and 2001 c 167 s 11 are each amended to read as follows:

(1) The commission((~~, its boards,~~)) and individuals acting on behalf of the commission ((~~and its boards~~)) are immune from suit in any civil or criminal action contesting or based upon proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

(2) Without limiting the generality of the foregoing, the commission and individuals acting on behalf of the commission are immune from suit in any civil action based on the certification, denial of certification, suspension, or other action regarding decertification of peace officers, reserve officers, or corrections officers.

Sec. 17. RCW 43.101.420 and 2009 c 19 s 1 are each amended to read as follows:

(1) The commission shall offer a training session on personal crisis recognition and crisis intervention services to criminal justice, ((~~correctional personnel~~)) corrections, and other public safety employees. The training shall be implemented by the commission in consultation with appropriate public and private organizations that have expertise in crisis referral services and in the underlying conditions leading to the need for crisis referral.

(2) The training shall consist of a minimum of one hour of classroom or internet instruction, and shall include instruction on the following subjects:

(a) The description and underlying causes of problems that may have an impact on the personal and professional lives of public safety employees, including mental health issues, chemical dependency, domestic violence, financial problems, and other personal crises;

(b) Techniques by which public safety employees may recognize the conditions listed in (a) of this subsection and understand the need to seek assistance and obtain a referral for consultation and possible treatment; and

(c) A listing of examples of public and private crisis referral agencies available to public safety employees.

(3) The training developed by the commission shall be made available by the commission to all employees of state and local agencies that perform public safety duties. The commission may charge a reasonable fee to defer the cost of making the training available.

Sec. 18. RCW 34.12.035 and 1984 c 141 s 6 are each amended to read as follows:

The chief administrative law judge shall designate an administrative law judge with subject matter expertise to serve, as the need arises, as presiding officer in ((~~state~~)):

(1) State patrol disciplinary hearings conducted under RCW 43.43.090; and

(2) Decertification hearings conducted under RCW 43.101.380.

Sec. 19. RCW 40.14.070 and 2011 c 60 s 18 are each amended to read as follows:

(1)(a) ((~~County~~)) Other than those records detailed in subsection (4) of this section, county, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

(b) A local government agency, as an alternative to submitting lists, may elect to establish a records control

program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

(2)(a) Except as otherwise provided by law, and other than the law enforcement records detailed in subsection (4) of this section, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

(i) The records are six or more years old;

(ii) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or

(iii) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

(b)(i) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

(ii) Any sealed record transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval, including records sealed after transfer, shall be electronically retained in such a way that the record is clearly marked as sealed.

(iii) The Washington association of sheriffs and police chiefs shall be permitted to destroy both the paper copy and electronic record of any offender verified as deceased.

(c) Any record transferred to the Washington association of sheriffs and police chiefs pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.56.010 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW and the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420.

Electronic records marked as sealed shall only be accessible by criminal

justice agencies as defined in RCW 10.97.030 who would otherwise have access to a sealed paper copy of the document, the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420, and the system administrator for the purposes of system administration and maintenance.

(3) Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying noncurrent public records having no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization.

Public records may not be donated under this subsection unless:

(a) The records are seventy years old or more;

(b) The local records committee has approved the destruction of the public records; and

(c) The state archivist has determined that the public records have no historic interest.

(4) Personnel records for any peace officer or corrections officer must be retained for the duration of the officer's employment and a minimum of 10 years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.095 and 43.101.135.

Sec. 20. RCW 43.101.380 and 2020 c 119 s 10 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is ((~~clear, cogent, and convincing~~)) a preponderance of the evidence.

(2) In all hearings requested under RCW 43.101.155 ((~~or 43.101.156~~)), an administrative law judge appointed under chapter 34.12 RCW shall be the presiding officer, shall make all necessary rulings in the course of the hearing, and shall issue a proposed recommendation, but is not entitled to vote. In addition, a five-member hearings panel shall ((~~both~~)) hear the case and make the commission's final administrative decision. ((~~Members of the commission may, but need not, be appointed to the hearings panels.~~))

(3) The commission shall appoint ((~~as follows two or more panels~~)) a panel to hear certification actions as follows:

(a) When a hearing is requested in relation to a certification action of a Washington peace officer ((~~who is not a peace officer of the Washington state patrol~~)), the commission shall appoint to the panel: (i) One police chief((~~, (ii) one~~)) or sheriff from an agency not a current or past employer of the peace officer; ((~~(iii) two~~)) (ii) one certified Washington peace officer((~~s~~)) who ((~~are~~)) is at or below the level of first line supervisor((~~, one of whom is from a city or county law enforcement agency,~~)) and who ((~~have~~)) has at least ten years' experience as a peace officer((~~s~~)); ((~~and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university~~)) (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

(b) ((~~When a hearing is requested in relation to a certification action of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, who is not a state patrol officer, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not~~

~~currently a peace officer and who represents a community college or four-year college or university.~~

~~(c)~~)) When a hearing is requested in relation to a certification action of a Washington corrections officer, the commission shall appoint to the panel: (i) ((~~Two heads of~~)) A person who heads either a city or county corrections agency or facility or of a Washington state department of corrections facility; (ii) ((~~two~~)) one corrections officer((~~s~~)) who ((~~are~~)) is at or below the level of first line supervisor((~~, who are from city, county, or state corrections agencies,~~)) and who ((~~have~~)) has at least ten years' experience as a corrections officer((~~s~~)); (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and ((~~(iii)~~)) (v) one person with expertise and background in police accountability who is not ((~~currently~~)) a current or former peace officer or corrections officer ((~~and who represents a community college or four-year college or university~~)).

((~~(d)~~)) (c) When a hearing is requested in relation to a certification action of a tribal police officer, the commission shall appoint to the panel (i) ((~~either one police chief or one sheriff; (ii)~~)) one tribal police chief; ((~~(iii) one certified Washington peace officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; (iv)~~)) (ii) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; ((~~and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university~~)) (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

((~~(e)~~)) (d) Persons appointed to hearings panels by the commission shall, in relation to any certification action on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

((~~(3) Where the charge upon which revocation or denial is based is that a peace officer or corrections officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(1)(d) or 43.101.106(4), and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct;~~)) (4) In decertification matters where there was a due process hearing or a disciplinary appeals hearing following an investigation by a law enforcement agency, or a criminal hearing regarding the alleged misconduct, the hearings panel need not redetermine the underlying facts but may make ((~~this~~)) its determination based solely on review of the records and decision relating to ((~~the employment separation~~)) those proceedings and any investigative or summary materials from the administrative law judge, legal counsel, and commission staff. However, the hearings panel may, in its discretion, consider additional evidence to determine whether ((~~such a discharge~~)) misconduct occurred ((~~and was based on such disqualifying misconduct~~)). The hearings panel shall, upon written request by the subject peace officer or corrections officer, allow the peace officer or corrections officer to present additional evidence of extenuating circumstances.

((~~Where the charge upon which revocation or denial of certification is based is that a peace officer or corrections officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(1)(c) or 43.101.106(3), the hearings panel shall revoke or deny certification if it determines that the peace officer or corrections officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon~~

~~the panel's determination of relevancy, consider additional evidence to determine whether the peace officer or corrections officer was convicted of a felony.~~

~~Where the charge upon which revocation or denial is based is under RCW 43.101.105(1) (a), (b), (c), or (f) or 43.101.106 (1), (2), (5), or (6), the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.~~

~~(4)~~)) (5) The commission is authorized to proceed regardless of whether an arbitrator or other appellate decision maker overturns the discipline imposed by the officer's employing agency or whether the agency settles an appeal. No action or failure to act by a law enforcement agency or corrections agency or decision resulting from an appeal of that action precludes action by the commission to suspend or revoke an officer's certificate, to place on probation, or to require remedial training for the officer.

(6) The hearings, but not the deliberations of the hearings panel, are open to the public. The transcripts, admitted evidence, and written decisions of the hearings panel on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(7) Summary records of hearing dispositions must be made available on an annual basis on a public website.

(8) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

Sec. 21. RCW 43.101.400 and 2020 c 119 s 12 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, ((~~the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under RCW 43.101.135 or 43.101.136; (b)~~)) all files, papers, and other information obtained by the commission as part of an initial background investigation pursuant to RCW 43.101.095((~~(5) or 43.101.096; and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter~~)) (2) and (4) are confidential and exempt from public disclosure. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in ((~~subsection (5) of this section~~)) RCW 43.101.380(6) or which become part of the record in a suspension or decertification matter.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement or corrections agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement or corrections agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) ((~~Upon a determination that a complaint is without merit, that a personnel action report filed under RCW 43.101.135 does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.~~

~~(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject~~

~~to subpoena and discovery proceedings in civil actions.~~

~~(6)~~)) The commission shall maintain a database that is publicly searchable, machine readable, and exportable, and accompanied by a complete, plain-language data dictionary describing the names of officers and employing agencies, all conduct investigated, certifications denied, notices and accompanying information provided by law enforcement or correctional agencies, including the reasons for separation from the agency, decertification or suspension actions pursued, and final disposition and the reasons therefor for at least 30 years after final disposition of each incident. The dates for each material step of the process must be included. Any decertification must be reported to the national decertification index.

(5) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

NEW SECTION. **Sec. 22.** A new section is added to chapter 43.101 RCW to read as follows:

The commission must develop policies, procedures, and rules to ensure that the goals of this act are fully implemented as intended and in a timely manner, and to provide appropriate clarity to affected persons and entities as to how the commission will process complaints, investigations, and hearings, and impose sanctions, related to officer decertification. The commission must work in collaboration with interested parties and entities in developing the policies, procedures, and rules, and must take into account issues regarding when and how the commission may appropriately exercise authority in relation to simultaneous investigations and disciplinary processes, and how the commission may exercise available remedies in a manner that is appropriate to case circumstances and consistent with the goals of this act. The policies, procedures, and rules must be completed by June 30, 2022.

Sec. 23. RCW 41.56.905 and 1983 c 287 s 5 are each amended to read as follows:

The provisions of this chapter are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. Except as provided in RCW 53.18.015, 43.101.095, and 43.101.135, if any provision of this chapter conflicts with any other statute, ordinance, rule or regulation of any public employer, the provisions of this chapter shall control.

Sec. 24. RCW 49.44.200 and 2013 c 330 s 1 are each amended to read as follows:

(1) An employer may not:

(a) Request, require, or otherwise coerce an employee or applicant to disclose login information for the employee's or applicant's personal social networking account;

(b) Request, require, or otherwise coerce an employee or applicant to access his or her personal social networking account in the employer's presence in a manner that enables the employer to observe the contents of the account;

(c) Compel or coerce an employee or applicant to add a person, including the employer, to the list of contacts associated with the employee's or applicant's personal social networking account;

(d) Request, require, or cause an employee or applicant to alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account; or

(e) Take adverse action against an employee or applicant because the employee or applicant refuses to disclose his or her login information, access his or her personal social networking account in the employer's presence, add a person to the list of contacts associated with his or her personal social networking account, or alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account.

(2) This section does not apply to an employer's request or requirement that an employee share content from his or her personal social networking account if the following conditions are met:

(a) The employer requests or requires the content to make a factual determination in the course of conducting an investigation;

(b) The employer undertakes the investigation in response to receipt of information about the employee's

activity on his or her personal social networking account;

(c) The purpose of the investigation is to: (i) Ensure compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct; or (ii) investigate an allegation of unauthorized transfer of an employer's proprietary information, confidential information, or financial data to the employee's personal social networking account; and

(d) The employer does not request or require the employee to provide his or her login information.

(3) This section does not:

(a) Apply to a social network, intranet, or other technology platform that is intended primarily to facilitate work-related information exchange, collaboration, or communication by employees or other workers;

(b) Prohibit an employer from requesting or requiring an employee to disclose login information for access to: (i) An account or service provided by virtue of the employee's employment relationship with the employer; or (ii) an electronic communications device or online account paid for or supplied by the employer;

(c) Prohibit an employer from enforcing existing personnel policies that do not conflict with this section; ((~~or~~))

(d) Prevent an employer from complying with the requirements of state or federal statutes, rules or regulations, case law, or rules of self-regulatory organizations; or

(e) Apply to a background investigation in accordance with RCW 43.101.095. However, the officer must not be required to provide login information.

(4) If, through the use of an employer-provided electronic communications device or an electronic device or program that monitors an employer's network, an employer inadvertently receives an employee's login information, the employer is not liable for possessing the information but may not use the login information to access the employee's personal social networking account.

(5) For the purposes of this section and RCW 49.44.205:

(a) "Adverse action" means: Discharging, disciplining, or otherwise penalizing an employee; threatening to discharge, discipline, or otherwise penalize an employee; and failing or refusing to hire an applicant.

(b) "Applicant" means an applicant for employment.

(c) "Electronic communications device" means a device that uses electronic signals to create, transmit, and receive information, including computers, telephones, personal digital assistants, and other similar devices.

(d) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or other activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation. "Employer" includes an agent, a representative, or a designee of the employer.

(e) "Login information" means a user name and password, a password, or other means of authentication that protects access to a personal social networking account.

Sec. 25. RCW 41.06.040 and 1969 ex.s. c 36 s 22 are each amended to read as follows:

The provisions of this chapter apply to:

(1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers;

(2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of RCW 41.06.070 or otherwise excluded or exempted in this chapter.

NEW SECTION. **Sec. 26.** A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter do not apply in the Washington state criminal justice training commission to two confidential secretaries involved in managing the confidential records under RCW 43.101.135 and 43.101.400.

NEW SECTION. **Sec. 27.** No later than December 1, 2022, the criminal justice training commission shall submit a written report to the governor and the appropriate committees of the legislature detailing progress of implementation of this act.

NEW SECTION. **Sec. 28.** The following acts or parts of acts are each repealed:

(1)RCW 43.101.096 (Corrections officer certification) and 2020 c 119 s 3;

(2)RCW 43.101.106 (Denial or revocation of corrections officer certification) and 2020 c 119 s 4;

(3)RCW 43.101.116 (Denial or revocation of corrections officer certification—Readmission to academy—Reinstatement) and 2020 c 119 s 5;

(4)RCW 43.101.136 (Termination of corrections officer—Notification to commission) and 2020 c 119 s 7;

(5)RCW 43.101.146 (Written complaint by corrections officer or corrections agency to deny or revoke corrections officer certification—Immunity of complainant) and 2020 c 119 s 8;

(6)RCW 43.101.156 (Denial or revocation of corrections officer certification—Statement of charges—Notice—Hearing) and 2020 c 119 s 9; and

(7)RCW 43.101.180 (Priorities) and 1981 c 136 s 27 & 1974 ex.s. c 94 s 18.

NEW SECTION. **Sec. 29.** A new section is added to chapter 10.93 RCW to read as follows:

A general authority Washington law enforcement agency or limited authority Washington law enforcement agency is prohibited from considering the application for any office, place, position, or employment within the agency if the applicant has not provided the agency a document, voluntarily and knowingly signed by the applicant, that authorizes each prior employer to release any and all information relating to the applicant's employment, and further releasing and holding harmless the agency and each prior employer from any and all liability that may potentially result from the release and use of such information provided.

Sec. 30. RCW 43.101.200 and 2019 c 415 s 969 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as ((~~otherwise~~)) provided in ((~~this chapter~~)) RCW 43.101.170, the commission shall provide the aforementioned training ((~~together with~~)) and shall have the sole authority to do so. The commission shall provide necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the 2017-2019 and 2019-2021 fiscal biennia when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff and Jacobsen.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

March 31, 2021

E2SSB 5052 Prime Sponsor, Committee on Ways & Means: Concerning the creation of health equity zones. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature finds that people of color, Indian, people experiencing poverty, and immigrant populations experience significant health disparities compared to the general population, including more limited access to health care and poorer health outcomes. The legislature finds that these circumstances result in higher rates of morbidity and mortality for persons of color and immigrant populations than observed in the general population.

(2) Therefore, the legislature intends to create health equity zones to address significant health disparities identified by health outcome data. The state intends to work with community leaders within the health equity zones to share information and coordinate efforts with the goal of addressing the most urgent needs. Health equity zone partners shall develop, expand, and maintain positive relationships with communities of color, Indian communities, communities experiencing poverty, and immigrant communities within the zone to develop effective and sustainable programs to address health inequity.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, in coordination with the governor's interagency council on health disparities, local health jurisdictions, and accountable communities of health, must share and review population health data, which may be related to chronic and infectious diseases, maternal birth complications, preterm births and other newborn health complications, and any other relevant health data, including hospital community health needs assessments, to identify, or allow communities to self-identify, potential health equity zones in the state and develop projects to meet the unique needs of each zone. The department must provide technical support to communities in the use of data to facilitate self-identification of health equity zones.

(2) Communities' uses of data must align with projects and outcomes to be measured in self-identified zones.

(3) The department must use the first 12 months following the effective date of this section to develop a plan and process to allow communities to implement health equity zone programs statewide. The department has authority to determine the number of health equity zones and projects based on available resources.

(4) Communities that self-identify zones or the department must notify relevant community organizations in the zones of the health equity zone designation and allow those organizations to identify projects to address the zone's most urgent needs related to health disparities. Community organizations may include, but are not limited to:

(a) Community health clinics;

(b) Local health providers;

(c) Federally qualified health centers;

(d) Health systems;

(e) Local government;

(f) Public school districts;

(g) Recognized American Indian organizations and Indian health organizations;

(h) Local health jurisdictions; and

(i) Any other nonprofit organization working to address health disparities in the zone.

(5) Local organizations working within zones may form coalitions to identify the needs of the zone, design projects to address those needs, and develop an action plan to implement the projects. Local organizations may partner with state or national organizations outside the specific zone designation. Projects may include, but are not limited to:

(a) Addressing health care provider access and health service delivery;

(b) Improving information sharing and community trust in providers and services;

(c) Conducting outreach and education efforts; and

(d) Recommending systems and policy changes that will improve population health.

(6) The department must provide:

(a) Support to the coalitions in identifying and applying for resources to support projects within the zones;

(b) Technical assistance related to project management and developing health outcome and other measures to evaluate project success; and

(c) Subject to availability, funding to implement projects.

(7) Subject to the availability of amounts appropriated for this specific purpose, by December 1, 2023, and every two years thereafter, the department must submit a report to the legislature detailing the projects implemented in each zone and the outcome measures, including year-over-year health data, to demonstrate project success.

(8) For the purposes of this section "health equity zone" or "zone" means a contiguous geographic area that demonstrates measurable and documented health disparities and poor health outcomes, which may include but are not limited to high rates of maternal complications, newborn health complications, and chronic and infectious disease, is populated by communities of color, Indian communities, communities experiencing poverty, or immigrant communities, and is small enough for targeted interventions to have a significant impact on health outcomes and health disparities. Documented health disparities must be documented or identified by the department or the centers for disease control and prevention."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

April 1, 2021

2SSB 5062 Prime Sponsor, Committee on Ways & Means: Concerning the management, oversight, and use of data. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Civil Rights & Judiciary.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and cited as the Washington privacy act.

NEW SECTION. **Sec. 2.** LEGISLATIVE FINDINGS AND INTENT. (1) The legislature finds that the people of Washington regard their privacy as a fundamental right and an essential element of their individual freedom. Washington's Constitution explicitly provides the right to privacy, and fundamental privacy rights have long been and continue to be integral to protecting Washingtonians and to safeguarding our democratic republic.

(2) Ongoing advances in technology have produced an exponential growth in the volume and variety of personal data being generated, collected, stored, and analyzed, which presents both promise and potential peril. The ability to harness and use data in positive ways is driving innovation and brings beneficial technologies to society. However, it has also created risks to privacy and

freedom. The unregulated and unauthorized use and disclosure of personal information and loss of privacy can have devastating impacts, ranging from financial fraud, identity theft, and unnecessary costs, to personal time and finances, to destruction of property, harassment, reputational damage, emotional distress, and physical harm.

(3) Given that technological innovation and new uses of data can help solve societal problems, protect public health associated with global pandemics, and improve quality of life, the legislature seeks to shape responsible public policies where innovation and protection of individual privacy coexist. The legislature notes that our federal authorities have not developed or adopted into law regulatory or legislative solutions that give consumers control over their privacy. In contrast, the European Union's general data protection regulation has continued to influence data privacy policies and practices of those businesses competing in global markets. In the absence of federal standards, Washington and other states across the United States are analyzing elements of the European Union's general data protection regulation to enact state-based data privacy regulatory protections.

(4) Responding to COVID-19 illustrates the need for public policies that protect individual privacy while fostering technological innovation. For years, contact tracing best practices have been used by public health officials to securely process high value individual data and have effectively stopped the prolific spread of infectious diseases. However, the scale of COVID-19 is unprecedented. Contact tracing is evolving in a manner that necessitates the use of technology to rapidly collect and process data from multiple data sets, many of which are unanticipated, to protect public health as well as to facilitate the continued safe operation of the economy. The benefits of such technology, however, should not supersede the potential privacy risks to individuals.

(5) Exposure notification applications have already been deployed throughout the country and the world. However, contact tracing technology is rapidly evolving. Applications may be integrated in a manner that facilitates the aggregation and sharing of individual data that in effect generate profiles of individuals. Artificial intelligence may be used for the extrapolation of data to analyze and interpret data for public health purposes. Moreover, the potential government use of exposure notification applications poses additional potential privacy risks to individuals due to the types of sensitive data it has access to and processes. Much of that processing may have legal effects, including access to services or establishments. The capabilities of next generation contact tracing technologies are unknown and policies must be in place to provide privacy protections for current uses as well as potential future uses.

(6) With this act, the legislature intends to: Provide a modern privacy regulatory framework with data privacy guardrails to protect individual privacy; establish mechanisms for consumers to exercise control over their data; instill public confidence on the processing of their personal and public health data during any global pandemic; and require companies to be responsible custodians of data as technological innovations emerge.

(7) This act gives consumers the ability to protect their own rights to privacy by explicitly providing consumers the right to access, correct, and delete personal data, as well as the rights to obtain data in a portable format and to opt out of the collection and use of personal data for certain purposes. These rights will add to, and not subtract from, the consumer protection rights that consumers already have under Washington state law.

(8) This act also imposes affirmative obligations upon companies to safeguard personal data, and provide clear, understandable, and transparent information to consumers about how their personal data is used. It strengthens compliance and accountability by requiring data protection assessments in the collection and use of personal data. Finally, it exclusively empowers the state attorney general to obtain and evaluate a company's data protection assessments, to conduct investigations, while preserving consumers' rights under the consumer protection act to impose penalties where violations occur, and to prevent against future violations.

(9) Lastly, the legislature encourages the state office of privacy and data protection to monitor (1) the development

of universal privacy controls that communicate a consumer's affirmative, freely given, and unambiguous choice to opt out of the processing of their personal data, and (2) the effectiveness of allowing a consumer to designate a third party to exercise a consumer right on their behalf as authorized in other privacy laws.

PART 1

Personal Data Privacy Regulations—Private Sector

NEW SECTION. **Sec. 101.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" means a legal entity that controls, is controlled by, or is under common control with, that other legal entity. For these purposes, "control" or "controlled" means: Ownership of, or the power to vote, more than 50 percent of the outstanding shares of any class of voting security of a company; control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or the power to exercise a controlling influence over the management of a company.

(2) "Air carriers" has the same meaning as defined in the federal aviation act (49 U.S.C. Sec. 40101, et seq.), including the airline deregulation act (49 U.S.C. 41713).

(3) "Authenticate" means to use reasonable means to determine that a request to exercise any of the rights in section 103 (1) through (4) of this act is being made by the consumer who is entitled to exercise such rights with respect to the personal data at issue.

(4) "Business associate" has the same meaning as in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996.

(5) "Child" has the same meaning as defined in the children's online privacy protection act, Title 15 U.S.C. Sec. 6501 through 6506.

(6) "Consent" means any freely given, specific, informed, and unambiguous indication of the consumer's wishes by which the consumer signifies agreement to the processing of personal data relating to the consumer for a narrowly defined particular purpose. Acceptance of a general or broad terms of use or similar document that contains descriptions of personal data processing along with other, unrelated information, does not constitute consent. Hovering over, muting, pausing, or closing a given piece of content does not constitute consent. Likewise, agreement obtained through dark patterns does not constitute consent.

(7) "Consumer" means a natural person who is a Washington resident acting only in an individual or household context. It does not include a natural person acting in a commercial or employment context.

(8) "Controller" means the natural or legal person that, alone or jointly with others, determines the purposes and means of the processing of personal data.

(9) "Covered entity" has the same meaning as defined in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996.

(10) "Dark pattern" means a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision making, or choice.

(11) "Decisions that produce legal effects concerning a consumer or similarly significant effects concerning a consumer" means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities, such as food and water.

(12) "Deidentified data" means data that cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable natural person, or a device linked to such person, provided that the controller that possesses the data: (a) Takes reasonable measures to ensure that the data cannot be associated with a natural person, household, or device; (b) publicly commits to maintain and use the data only in a deidentified fashion and not attempt to reidentify the data; and (c) contractually obligates any recipients of the information to comply with all provisions of this subsection.

(13) "Health care facility" has the same meaning as defined in RCW 70.02.010.

(14) "Health care information" has the same meaning as defined in RCW 70.02.010.

(15) "Health care provider" has the same meaning as defined in RCW 70.02.010.

(16) "Identified or identifiable natural person" means a person who can be readily identified, directly or indirectly.

(17) "Institutions of higher education" has the same meaning as in RCW 28B.92.030.

(18) "Judicial branch" means any court, agency, commission, or department provided in Title 2 RCW.

(19) "Known child" means a child under circumstances where a controller has actual knowledge of, or willfully disregards, the child's age.

(20) "Legislative agencies" has the same meaning as defined in RCW 44.80.020.

(21) "Local government" has the same meaning as in RCW 39.46.020.

(22) "Minor" means an individual who is at least 13 and under 16 years of age under circumstances where a controller has actual knowledge of, or willfully disregards, the minor's age.

(23) "Nonprofit corporation" has the same meaning as in RCW 24.03.005.

(24) "Personal data" means any information, including pseudonymous data, that is linked or reasonably linkable to an identified or identifiable natural person. "Personal data" does not include deidentified data or publicly available information.

(25) "Process" or "processing" means any operation or set of operations which are performed on personal data or on sets of personal data, whether or not by automated means, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

(26) "Processor" means a natural or legal person who processes personal data on behalf of a controller.

(27) "Profiling" means any form of automated processing of personal data to evaluate, analyze, or predict personal aspects concerning an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

(28) "Protected health information" has the same meaning as defined in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996.

(29) "Pseudonymous data" means personal data that cannot be attributed to a specific natural person without the use of additional information, provided that such additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.

(30) "Publicly available information" means information that is lawfully made available from federal, state, or local government records.

(31)(a) "Sale," "sell," or "sold" means the exchange of personal data for monetary or other valuable consideration by the controller to a third party.

(b) "Sale" does not include the following: (i) The disclosure of personal data to a processor who processes the personal data on behalf of the controller; (ii) the disclosure of personal data to a third party with whom the consumer has a direct relationship for purposes of providing a product or service requested by the consumer; (iii) the disclosure or transfer of personal data to an affiliate of the controller; (iv) the disclosure of information that the consumer (A) intentionally made available to the general public via a channel of mass media, and (B) did not restrict to a specific audience; or (v) the disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets.

(32) "Sensitive data" means (a) personal data revealing racial or ethnic origin, religious beliefs, mental or physical health condition or diagnosis, sexual orientation, or citizenship or immigration status; (b) the processing of genetic or biometric data for the purpose of uniquely identifying a natural person; (c) the personal data from a known child; or (d) specific geolocation data. "Sensitive data" is a form of personal data.

(33) "Specific geolocation data" means information derived from technology including, but not limited to, global

positioning system level latitude and longitude coordinates or other mechanisms that directly identifies the specific location of a natural person within a geographic area that is equal to or less than the area of a circle with a radius of 1,850 feet. Specific geolocation data excludes the content of communications.

(34) "State agency" has the same meaning as in RCW 43.105.020.

(35) "Targeted advertising" means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained from a consumer's activities over time and across one or more distinctly branded websites or online applications to predict the consumer's preferences or interests. It does not include advertising: (a) Based on activities within a controller's own commonly branded websites or online applications; (b) based on the context of a consumer's current search query or visit to a website or online application; or (c) to a consumer in response to the consumer's request for information or feedback.

(36) "Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

NEW SECTION. **Sec. 102.** JURISDICTIONAL SCOPE. (1) This chapter applies to legal entities that conduct business in Washington or produce products or services that are targeted to residents of Washington, and that satisfy one or more of the following thresholds:

(a) During a calendar year, controls or processes personal data of 100,000 consumers or more; or

(b) Derives over 25 percent of gross revenue from the sale of personal data and processes or controls personal data of 25,000 consumers or more.

(2) This chapter does not apply to:

(a) State agencies, legislative agencies, the judicial branch, local governments, or tribes;

(b) Municipal corporations;

(c) Air carriers;

(d) Nonprofit organizations that:

(i) Are registered with the secretary of state under the charities program pursuant to chapter 19.09 RCW;

(ii) Collect personal data during legitimate activities related to the organization's tax-exempt purpose; and

(iii) Do not sell personal data collected by the organization;

(e) Information that meets the definition of:

(i) Protected health information for purposes of the federal health insurance portability and accountability act of 1996 and related regulations;

(ii) Health care information for purposes of chapter 70.02 RCW;

(iii) Patient identifying information for purposes of 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2;

(iv) Identifiable private information for purposes of the federal policy for the protection of human subjects, 45 C.F.R. Part 46; identifiable private information that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the international council for harmonization; the protection of human subjects under 21 C.F.R. Parts 50 and 56; or personal data used or shared in research conducted in accordance with one or more of the requirements set forth in this subsection;

(v) Information and documents created specifically for, and collected and maintained by:

(A) A quality improvement committee for purposes of RCW 43.70.510, 70.230.080, or 70.41.200;

(B) A peer review committee for purposes of RCW 4.24.250;

(C) A quality assurance committee for purposes of RCW 74.42.640 or 18.20.390;

(D) A hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections for purposes of RCW 43.70.056, a notification of an incident for purposes of RCW 70.56.040(5), or reports regarding adverse events for purposes of RCW 70.56.020(2)(b);

(vi) Information and documents created for purposes of the federal health care

quality improvement act of 1986, and related regulations;

(vii) Patient safety work product for purposes of 42 C.F.R. Part 3, established pursuant to 42 U.S.C. Sec. 299b-21 through 299b-26; or

(viii) Information that is (A) deidentified in accordance with the requirements for deidentification set forth in 45 C.F.R. Part 164, and (B) derived from any of the health care-related information listed in this subsection (2)(e);

(f) Information originating from, and intermingled to be indistinguishable with, information under (e) of this subsection that is maintained by:

(i) A covered entity or business associate as defined by the health insurance portability and accountability act of 1996 and related regulations;

(ii) A health care facility or health care provider as defined in RCW 70.02.010; or

(iii) A program or a qualified service organization as defined by 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2;

(g) Information used only for public health activities and purposes as described in 45 C.F.R. Sec. 164.512;

(h)(i) An activity involving the collection, maintenance, disclosure, sale, communication, or use of any personal data bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, as defined in Title 15 U.S.C. Sec. 1681a(f), by a furnisher of information, as set forth in Title 15 U.S.C. Sec. 1681s-2, who provides information for use in a consumer report, as defined in Title 15 U.S.C. Sec. 1681a(d), and by a user of a consumer report, as set forth in Title 15 U.S.C. Sec. 1681b.

(ii) (h)(i) of this subsection applies only to the extent that such an activity involving the collection, maintenance, disclosure, sale, communication, or use of such personal data by that agency, furnisher, or user is subject to regulation under the fair credit reporting act, Title 15 U.S.C. Sec. 1681 et seq., and the personal data is not collected, maintained, used, communicated, disclosed, or sold except as authorized by the fair credit reporting act;

(i) Personal data collected and maintained for purposes of chapter 43.71 RCW;

(j) Personal data collected, processed, sold, or disclosed pursuant to the federal Gramm-Leach-Bliley act (P.L. 106-102), and implementing regulations, if the collection, processing, sale, or disclosure is in compliance with that law;

(k) Personal data collected, processed, sold, or disclosed pursuant to the federal driver's privacy protection act of 1994 (18 U.S.C. Sec. 2721 et seq.), if the collection, processing, sale, or disclosure is in compliance with that law;

(l) Personal data regulated by the federal family education rights and privacy act, 20 U.S.C. Sec. 1232g and its implementing regulations;

(m) Personal data regulated by the student user privacy in education rights act, chapter 28A.604 RCW;

(n) Personal data collected, maintained, disclosed, or otherwise used in connection with the gathering, dissemination, or reporting of news or information to the public by news media as defined in RCW 5.68.010(5);

(o) Personal data collected, processed, sold, or disclosed pursuant to the federal farm credit act of 1971 (as amended in 12 U.S.C. Sec. 2001-2279cc) and its implementing regulations (12 C.F.R. Part 600 et seq.) if the collection, processing, sale, or disclosure is in compliance with that law; or

(p) Data collected or maintained: (i) In the course of an individual acting as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or contractor of that business to the extent that it is collected and used solely within the context of that role; (ii) as the emergency contact information of an individual under (p)(i) of this subsection used solely for emergency contact purposes; or (iii) that is necessary for the business to retain to administer benefits for another individual relating to the individual under (p)(i) of this subsection is used

solely for the purposes of administering those benefits.

(3) Controllers that are in compliance with the children's online privacy protection act, Title 15 U.S.C. Sec. 6501 through 6506 and its implementing regulations, shall be deemed compliant with any obligation to obtain parental consent under this chapter.

(4) Payment-only credit, check, or cash transactions where no data about consumers are retained do not count as "consumers" for purposes of subsection (1) of this section.

NEW SECTION. **Sec. 103.** CONSUMER RIGHTS. (1) A consumer has the right to confirm whether or not a controller is processing personal data concerning the consumer and access the personal data the controller is processing.

(2) A consumer has the right to correct inaccurate personal data concerning the consumer, taking into account the nature of the personal data and the purposes of the processing of the personal data.

(3) A consumer has the right to delete personal data concerning the consumer.

(4) A consumer has the right to obtain personal data concerning the consumer, which the consumer previously provided to the controller, in a portable and, to the extent technically feasible, readily usable format that allows the individual to transmit the data to another controller without hindrance, where the processing is carried out by automated means.

(5) A consumer has the right to opt out of the processing of personal data concerning such a consumer for the purposes of (a) targeted advertising; (b) the sale of personal data; or (c) profiling in furtherance of decisions that produce legal effects concerning a consumer or similarly significant effects concerning a consumer.

NEW SECTION. **Sec. 104.** EXERCISING CONSUMER RIGHTS. (1) A consumer may exercise the rights set forth in section 103 of this act by submitting a request, at any time, to a controller specifying which rights the consumer wishes to exercise.

(2) Beginning July 31, 2023, a consumer may exercise the rights under section 103(5) (a) and (b) of this act:

(a) By designating an authorized agent who may exercise the rights on behalf of the consumer; or

(b) Via user-enabled global privacy controls, such as a browser plug-in or privacy setting, device setting, or other mechanism, that communicates or signals the consumer's choice to opt out.

(3) In the case of processing personal data of a known child, the parent or legal guardian of the known child may exercise the rights of this chapter on the child's behalf.

(4) In the case of processing personal data concerning a consumer subject to guardianship, conservatorship, or other protective arrangement under chapter 11.88, 11.92, or 11.130 RCW, the guardian or the conservator of the consumer may exercise the rights of this chapter on the consumer's behalf.

NEW SECTION. **Sec. 105.** RESPONDING TO REQUESTS. (1) Except as provided in this chapter, the controller must comply with a request to exercise the rights pursuant to section 103 of this act.

(2)(a) Controllers must provide one or more secure and reliable means for consumers to submit a request to exercise their rights under this chapter. These means must take into account the ways in which consumers interact with the controller and the need for secure and reliable communication of the requests.

(b) Controllers may not require a consumer to create a new account in order to exercise a right, but a controller may require a consumer to use an existing account to exercise the consumer's rights under this chapter.

(3) A controller must comply with a request to exercise the right in section 103(5) of this act as soon as feasibly possible, but no later than 15 days of receipt of the request.

(4)(a) A controller must inform a consumer of any action taken on a request to exercise any of the rights in section 103 (1) through (4) of this act without undue delay and in any event within 45 days of receipt of the request. That period may be extended once by 45 additional days where reasonably necessary, taking into account the complexity and number of the requests. The controller must inform the consumer of any such extension within 45 days of

receipt of the request, together with the reasons for the delay.

(b) If a controller does not take action on the request of a consumer, the controller must inform the consumer without undue delay and at the latest within 45 days of receipt of the request of the reasons for not taking action and instructions for how to appeal the decision with the controller as described in subsection (5) of this section.

(c) Information provided under this section must be provided by the controller to the consumer free of charge, up to twice annually. Where requests from a consumer are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either: (i) Charge a reasonable fee to cover the administrative costs of complying with the request; or (ii) refuse to act on the request. The controller bears the burden of demonstrating the manifestly unfounded or excessive character of the request.

(d) A controller is not required to comply with a request to exercise any of the rights under section 103 (1) through (4) of this act if the controller is unable to authenticate the request using commercially reasonable efforts. In such a case, the controller may request the provision of additional information reasonably necessary to authenticate the request.

(5)(a) A controller must establish an internal process whereby a consumer may appeal a refusal to take action on a request to exercise any of the rights under section 103 of this act within a reasonable period of time after the controller refuses to take action on such request.

(b) The appeal process must be conspicuously available and as easy to use as the process for submitting such a request under this section.

(c) Within 30 days of receipt of an appeal, a controller must inform the consumer of any action taken or not taken in response to the appeal, along with a written explanation of the reasons in support thereof. That period may be extended by 60 additional days where reasonably necessary, taking into account the complexity and number of the requests serving as the basis for the appeal. The controller must inform the consumer of such an extension within 30 days of receipt of the appeal, together with the reasons for the delay. The controller must also provide the consumer with an email address or other online mechanism through which the consumer may submit the appeal, along with any action taken or not taken by the controller in response to the appeal and the controller's written explanation of the reasons in support thereof, to the attorney general.

(d) When informing a consumer of any action taken or not taken in response to an appeal pursuant to (c) of this subsection, the controller must clearly and prominently provide the consumer with information about how to file a complaint with the consumer protection division of the attorney general's office. The controller must maintain records of all such appeals and how it responded to them for at least 24 months and shall, upon request, compile and provide a copy of such records to the attorney general.

NEW SECTION. **Sec. 106.** RESPONSIBILITY ACCORDING TO ROLE. (1) Controllers and processors are responsible for meeting their respective obligations established under this chapter.

(2) Processors are responsible under this chapter for adhering to the instructions of the controller and assisting the controller to meet its obligations under this chapter. This assistance includes the following:

(a) Taking into account the nature of the processing, the processor shall assist the controller by appropriate technical and organizational measures, insofar as this is possible, for the fulfillment of the controller's obligation to respond to consumer requests to exercise their rights pursuant to section 103 of this act; and

(b) Taking into account the nature of processing and the information available to the processor, the processor shall: Assist the controller in meeting the controller's obligations in relation to the security of processing the personal data and in relation to the notification of a breach of the security of the system pursuant to RCW 19.255.010; and provide information to the controller necessary to enable the controller to conduct and document any data protection assessments required by section 109 of this act. The controller and processor are each

responsible for only the measures allocated to them.

(3) Notwithstanding the instructions of the controller, a processor shall:

(a) Ensure that each person processing the personal data is subject to a duty of confidentiality with respect to the data; and

(b) Engage a subcontractor only after providing the controller with an opportunity to object and pursuant to a written contract in accordance with subsection (5) of this section that requires the subcontractor to meet the obligations of the processor with respect to the personal data.

(4) Taking into account the context of processing, the controller and the processor shall implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk and establish a clear allocation of the responsibilities between them to implement such measures.

(5) Processing by a processor must be governed by a contract between the controller and the processor that is binding on both parties and that sets out the processing instructions to which the processor is bound, including the nature and purpose of the processing, the type of personal data subject to the processing, the duration of the processing, and the obligations and rights of both parties. In addition, the contract must include the requirements imposed by this subsection and subsections (3) and (4) of this section, as well as the following requirements:

(a) At the choice of the controller, the processor shall delete or return all personal data to the controller as requested at the end of the provision of services, unless retention of the personal data is required by law;

(b)(i) The processor shall make available to the controller all information necessary to demonstrate compliance with the obligations in this chapter; and

(ii) The processor shall allow for, and contribute to, reasonable audits and inspections by the controller or the controller's designated auditor. Alternatively, the processor may, with the controller's consent, arrange for a qualified and independent auditor to conduct, at least annually and at the processor's expense, an audit of the processor's policies and technical and organizational measures in support of the obligations under this chapter using an appropriate and accepted control standard or framework and audit procedure for the audits as applicable, and provide a report of the audit to the controller upon request.

(6) In no event may any contract relieve a controller or a processor from the liabilities imposed on them by virtue of its role in the processing relationship as defined by this chapter.

(7) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which personal data are to be processed. A person that is not limited in its processing of personal data pursuant to a controller's instructions, or that fails to adhere to such instructions, is a controller and not a processor with respect to a specific processing of data. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal data remains a processor. If a processor begins, alone or jointly with others, determining the purposes and means of the processing of personal data, it is a controller with respect to the processing.

NEW SECTION. **Sec. 107.** RESPONSIBILITIES OF CONTROLLERS. (1)(a) Controllers shall provide consumers with a reasonably accessible, clear, and meaningful privacy notice that includes:

(i) The categories of personal data processed by the controller;

(ii) The purposes for which the categories of personal data are processed;

(iii) How and where consumers may exercise the rights contained in section 103 of this act, including how a consumer may appeal a controller's action with regard to the consumer's request;

(iv) The categories of personal data that the controller shares with third parties, if any; and

(v) The categories of third parties, if any, with whom the controller shares personal data.

(b) If a controller sells personal data to third parties or processes

personal data for targeted advertising, the controller must clearly and conspicuously disclose the processing, as well as the manner in which a consumer may exercise the right to opt out of the processing, in a clear and conspicuous manner.

(c) The privacy notice required under this subsection must:

(i) Use clear and plain language;

(ii) Be in English and any other language in which a controller communicates with the consumer to whom the information pertains; and

(iii) Be understandable to the least sophisticated consumer.

(2) A controller's collection of personal data must be limited to what is reasonably necessary in relation to the purposes for which the data is processed.

(3) A controller's collection of personal data must be adequate, relevant, and limited to what is reasonably necessary in relation to the purposes for which the data is processed.

(4) Except as provided in this chapter, a controller may not process personal data for purposes that are not reasonably necessary to, or compatible with, the purposes for which the personal data is processed unless the controller obtains the consumer's consent.

(5) A controller shall establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data. The data security practices must be appropriate to the volume and nature of the personal data at issue.

(6) A controller shall not process personal data on the basis of a consumer's or a class of consumers' actual or perceived race, color, ethnicity, religion, national origin, sex, gender, gender identity, sexual orientation, familial status, lawful source of income, or disability, in a manner that unlawfully discriminates against the consumer or class of consumers with respect to the offering or provision of: (a) Housing; (b) employment; (c) credit; (d) education; or (e) the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.

(7) A controller may not discriminate against a consumer for exercising any of the rights contained in this chapter, including denying goods or services to the consumer, charging different prices or rates for goods or services, and providing a different level of quality of goods and services to the consumer. This subsection does not prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the offering is in connection with a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program. If a consumer exercises their right pursuant to section 103(5) of this act, a controller may not sell personal data to a third-party controller as part of such a program unless: (a) The sale is reasonably necessary to enable the third party to provide a benefit to which the consumer is entitled; (b) the sale of personal data to third parties is clearly disclosed in the terms of the program; and (c) the third party uses the personal data only for purposes of facilitating such a benefit to which the consumer is entitled and does not retain or otherwise use or disclose the personal data for any other purpose.

(8) Except as otherwise provided in this chapter, a controller may not process sensitive data concerning a consumer without obtaining the consumer's consent or, in the case of the processing of sensitive data of a known child, without obtaining consent from the child's parent or lawful guardian, in accordance with the children's online privacy protection act requirements.

(9) Except as otherwise provided in this chapter, a controller may not process the personal data of a minor for the purposes of targeted advertising or the sale of personal data without obtaining consent from the minor.

(10) Any provision of a contract or agreement of any kind that purports to waive or limit in any way a consumer's rights under this chapter is deemed contrary to public policy and is void and unenforceable.

NEW SECTION. **Sec. 108.** PROCESSING DEIDENTIFIED DATA OR PSEUDONYMOUS DATA. (1) This chapter does not require a controller or processor to do any of the following solely for purposes of complying with this chapter:

(a) Reidentify deidentified data;

(b) Comply with an authenticated consumer request to access, correct, delete, or port personal data pursuant to section 103 (1) through (4) of this act, if all of the following are true:

(i)(A) The controller is not reasonably capable of associating the request with the personal data; or (B) it would be unreasonably burdensome for the controller to associate the request with the personal data;

(ii) The controller does not use the personal data to recognize or respond to the specific consumer who is the subject of the personal data, or associate the personal data with other personal data about the same specific consumer; and

(iii) The controller does not sell the personal data to any third party or otherwise voluntarily disclose the personal data to any third party other than a processor, except as otherwise permitted in this section; or

(c) Maintain data in identifiable form, or collect, obtain, retain, or access any data or technology, in order to be capable of associating an authenticated consumer request with personal data.

(2) The rights contained in section 103 (1) through (4) of this act do not apply to pseudonymous data in cases where the controller is able to demonstrate any information necessary to identify the consumer is kept separately and is subject to effective technical and organizational controls that prevent the controller from accessing such information.

(3) A controller that uses pseudonymous data or deidentified data must exercise reasonable oversight to monitor compliance with any contractual commitments to which the pseudonymous data or deidentified data are subject and must take appropriate steps to address any breaches of contractual commitments.

NEW SECTION. **Sec. 109.** DATA PROTECTION ASSESSMENTS. (1) Controllers must conduct and document a data protection assessment of each of the following processing activities involving personal data:

(a) The processing of personal data for purposes of targeted advertising;

(b) The processing of personal data for the purposes of the sale of personal data;

(c) The processing of personal data for purposes of profiling, where such profiling presents a reasonably foreseeable risk of: (i) Unfair or deceptive treatment of, or disparate impact on, consumers; (ii) financial, physical, or reputational injury to consumers; (iii) a physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where such intrusion would be offensive to a reasonable person; or (iv) other substantial injury to consumers;

(d) The processing of sensitive data; and

(e) Any processing activities involving personal data that present a heightened risk of harm to consumers.

Such data protection assessments must take into account the type of personal data to be processed by the controller, including the extent to which the personal data are sensitive data, and the context in which the personal data are to be processed.

(2) Data protection assessments conducted under subsection (1) of this section must identify and weigh the benefits that may flow directly and indirectly from the processing to the controller, consumer, other stakeholders, and the public against the potential risks to the rights of the consumer associated with such processing, as mitigated by safeguards that can be employed by the controller to reduce such risks. The use of deidentified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal data will be processed, must be factored into this assessment by the controller.

(3) The attorney general may request, in writing, that a controller disclose any data protection assessment that is relevant to an investigation conducted by the attorney general. The controller must make a data protection assessment available to the attorney general upon such a request. The attorney general may evaluate the data protection assessments for compliance with the responsibilities contained in section 107 of this act and, if it serves a civil investigative demand, with RCW 19.86.110. Data

protection assessments are confidential and exempt from public inspection and copying under chapter 42.56 RCW. The disclosure of a data protection assessment pursuant to a request from the attorney general under this subsection does not constitute a waiver of the attorney-client privilege or work product protection with respect to the assessment and any information contained in the assessment unless otherwise subject to case law regarding the applicability of attorney-client privilege or work product protections.

(4) Data protection assessments conducted by a controller for the purpose of compliance with other laws or regulations may qualify under this section if they have a similar scope and effect.

NEW SECTION. **Sec. 110.** LIMITATIONS AND APPLICABILITY. (1) The obligations imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to:

(a) Comply with federal, state, or local laws, rules, or regulations;

(b) Comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, local, or other governmental authorities;

(c) Cooperate with law enforcement agencies concerning conduct or activity that the controller or processor reasonably and in good faith believes may violate federal, state, or local laws, rules, or regulations;

(d) Investigate, establish, exercise, prepare for, or defend legal claims;

(e) Provide a product or service specifically requested by a consumer, perform a contract to which the consumer is a party, or take steps at the request of the consumer prior to entering into a contract;

(f) Take immediate steps to protect an interest that is essential for the life of the consumer or of another natural person, and where the processing cannot be manifestly based on another legal basis;

(g) Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for any such action;

(h) Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board, human subjects research ethics review board, or a similar independent oversight entity that determines: (i) If the research is likely to provide substantial benefits that do not exclusively accrue to the controller; (ii) the expected benefits of the research outweigh the privacy risks; and (iii) if the controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with reidentification; or

(i) Assist another controller, processor, or third party with any of the obligations under this subsection.

(2) The obligations imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to collect, use, or retain data to:

(a) Identify and repair technical errors that impair existing or intended functionality; or

(b) Perform solely internal operations that are reasonably aligned with the expectations of the consumer based on the consumer's existing relationship with the controller, or are otherwise compatible with processing in furtherance of the provision of a product or service specifically requested by a consumer or the performance of a contract to which the consumer is a party when those internal operations are performed during, and not following, the consumer's relationship with the controller.

(3) The obligations imposed on controllers or processors under this chapter do not apply where compliance by the controller or processor with this chapter would violate an evidentiary privilege under Washington law and do not prevent a controller or processor from providing personal data concerning a consumer to a person covered by an evidentiary privilege under Washington law as part of a privileged communication.

(4) A controller or processor that discloses personal data to a third-party

controller or processor in compliance with the requirements of this chapter is not in violation of this chapter if the recipient processes such personal data in violation of this chapter, provided that, at the time of disclosing the personal data, the disclosing controller or processor did not have actual knowledge that the recipient intended to commit a violation. A third-party controller or processor receiving personal data from a controller or processor in compliance with the requirements of this chapter is likewise not in violation of this chapter for the obligations of the controller or processor from which it receives such personal data.

(5) Obligations imposed on controllers and processors under this chapter shall not:

(a) Adversely affect the rights or freedoms of any persons, such as exercising the right of free speech pursuant to the First Amendment to the United States Constitution; or

(b) Apply to the processing of personal data by a natural person in the course of a purely personal or household activity.

(6) Processing personal data solely for the purposes expressly identified in subsection (1)(a) through (g) of this section does not, by itself, make an entity a controller with respect to the processing.

(7) If a controller processes personal data pursuant to an exemption in this section, the controller bears the burden of demonstrating that the processing qualifies for the exemption and complies with the requirements in subsection (8) of this section.

(8)(a) Personal data that is processed by a controller pursuant to this section must not be processed for any purpose other than those expressly listed in this section.

(b) Personal data that is processed by a controller pursuant to this section may be processed solely to the extent that such processing is: (i) Necessary, reasonable, and proportionate to the purposes listed in this section; (ii) adequate, relevant, and limited to what is necessary in relation to the specific purpose or purposes listed in this section; and (iii) insofar as possible, taking into account the nature and purpose of processing the personal data, subjected to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal data, and to reduce reasonably foreseeable risks of harm to consumers.

NEW SECTION. **Sec. 111.** PRIVATE RIGHT OF ACTION. (1) Except as provided in subsection (2) of this section, nothing in this chapter creates an independent cause of action, except for the actions brought by the attorney general to enforce this chapter. Except as provided in subsection (2) of this section, no person, except for the attorney general, may enforce the rights and protections created by this chapter in any action. However, nothing in this chapter limits any other independent causes of action enjoyed by any person, including any constitutional, statutory, administrative, or common law rights or causes of action. The rights and protections in this chapter are not exclusive, and to the extent that a person has the rights and protections in this chapter because of another law other than this chapter, the person continues to have those rights and protections notwithstanding the existence of this chapter.

(2) A consumer alleging a violation of section 103 or 107 (6), (8), or (9) of this act may bring a civil action in any court of competent jurisdiction. Remedies shall be limited to appropriate injunctive relief. The court shall also award reasonable attorneys' fees and costs to any prevailing plaintiff.

NEW SECTION. **Sec. 112.** ENFORCEMENT. (1) Except as provided in section 111 of this act, chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

(2) In actions brought by the attorney general, the legislature finds: (a) The practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW, and (b) a violation of this chapter is not reasonable in relation to the development and preservation of business, is an unfair or deceptive act in trade or commerce, and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(3) The legislative declarations in this section shall not apply to any claim or action by any party other than the attorney general alleging that conduct regulated by this chapter violates chapter 19.86 RCW, and this chapter does not incorporate RCW 19.86.093.

(4) Until July 31, 2023, in the event of a controller's or processor's violation under this chapter, prior to filing a complaint, the attorney general must provide the controller or processor with a warning letter identifying the specific provisions of this chapter the attorney general alleges have been or are being violated. If, after 30 days of issuance of the warning letter, the attorney general believes the controller or processor has failed to cure any alleged violation, the attorney general may bring an action against the controller or processor as provided under this chapter.

(5) Beginning July 31, 2023, in determining a civil penalty under this chapter, the court must consider, as mitigating factors, a controller's or processor's good faith efforts to comply with the requirements of this chapter and any actions to cure or remedy the violations before an action is filed.

(6) All receipts from the imposition of civil penalties under this chapter must be deposited into the consumer privacy account created in section 113 of this act.

NEW SECTION. **Sec. 113.** CONSUMER PRIVACY ACCOUNT. The consumer privacy account is created in the state treasury. All receipts from the imposition of civil penalties under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account may only be used for the purposes of recovery of costs and attorneys' fees accrued by the attorney general in enforcing this chapter and for the office of privacy and data protection as created in RCW 43.105.369. Moneys may not be used to supplant general fund appropriations to either agency.

NEW SECTION. **Sec. 114.** PREEMPTION. (1) Except as provided in this section, this chapter supersedes and preempts laws, ordinances, regulations, or the equivalent adopted by any local entity regarding the processing of personal data by controllers or processors.

(2) Laws, ordinances, or regulations regarding the processing of personal data by controllers or processors that are adopted by any local entity prior to July 1, 2020, are not superseded or preempted.

NEW SECTION. **Sec. 115.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 116.** PRIVACY OFFICE REPORT. (1) The state office of privacy and data protection, in collaboration with the office of the attorney general, shall research and examine existing analysis on the development of technology, such as a browser setting, browser extension, or global device setting, indicating a consumer's affirmative, freely given, and unambiguous choice to opt out of the processing of personal data for the purposes of targeted advertising, the sale of personal data, or profiling in furtherance of decisions that produce legal effects concerning consumers or similarly significant effects concerning consumers, and the effectiveness of allowing a consumer to designate a third party to exercise a consumer right on their behalf. A contracted study is not required.

(2) The office of privacy and data protection shall submit a report of its findings and will identify specific recommendations to the governor and the appropriate committees of the legislature by December 1, 2022.

NEW SECTION. **Sec. 117.** A new section is added to chapter 42.56 RCW to read as follows:

Data protection assessments submitted by a controller to the attorney general in accordance with requirements under section 109 of this act are exempt from disclosure under this chapter.

NEW SECTION. **Sec. 118.** A new section is added to chapter 44.28 RCW to read as follows:

(1) By December 1, 2023, the joint committee must review the efficacy of the attorney general providing controllers and processors with warning letters and 30 days to cure alleged violations in the warning letters pursuant to section 112 of this act and report its findings to the governor and the appropriate committees of the legislature.

(2) The report must include, but not be limited to:

(a) The number of warning letters the attorney general sent to controllers and processors;

(b) A list of the controller and processor names that received the warning letters;

(c) The categories of violations and the number of violations per category;

(d) The number of actions brought by the attorney general as authorized in this act due to a controller or processor not curing the alleged violations within 30 days;

(e) The types of resources, including associated costs, expended when providing warning letters and tracking compliance; and

(f) A recommendation on whether the warning letters provided by the attorney general should be continued.

(3) The office of the attorney general shall provide the joint committee any data within their purview that the joint committee considers necessary to conduct the review.

(4) This section expires June 30, 2024.

PART 2

Data Privacy Regarding Public Health Emergency—Private Sector

NEW SECTION. **Sec. 201.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authenticate" means to use reasonable means to determine that a request to exercise any of the rights in section 203 of this act is being made by the consumer who is entitled to exercise the rights with respect to the covered data at issue.

(2) "Business associate" has the same meaning as in Title 45 C.F.R. Part 160, established pursuant to the federal health insurance portability and accountability act of 1996.

(3) "Child" has the same meaning as defined in the children's online privacy protection act, Title 15 U.S.C. Sec. 6501 through 6506.

(4) "Consent" means any freely given, specific, informed, and unambiguous indication of the consumer's wishes by which the consumer signifies agreement to the processing of personal data relating to the consumer for a narrowly defined particular purpose. Acceptance of a general or broad terms of use or similar document that contains descriptions of personal data processing along with other, unrelated information, does not constitute consent. Hovering over, muting, pausing, or closing a given piece of content does not constitute consent. Likewise, agreement obtained through dark patterns does not constitute consent.

(5)(a) "Consumer" means a natural person who is a Washington resident acting only in an individual or household context.

(b) "Consumer" does not include a natural person acting in a commercial or employment context.

(6) "Controller" means the natural or legal person that, alone or jointly with others, determines the purposes and means of the processing of covered data.

(7) "Covered data" includes personal data and one or more of the following: Specific geolocation data; proximity data; or personal health data.

(8) "Covered entity" has the same meaning as defined in Title 45 C.F.R. Part 160, established pursuant to the federal health insurance portability and accountability act of 1996.

(9) "Covered purpose" means processing of covered data concerning a consumer for the purposes of detecting symptoms of an infectious disease, enabling the tracking of a consumer's contacts with other consumers, or with specific locations to identify in an automated fashion whom consumers have come into contact with, or digitally notifying, in an automated manner, a consumer who may have become exposed to an infectious disease, or other similar purposes directly related to a state of emergency declared by the governor pursuant to RCW 43.06.010 and any restrictions imposed under the state of emergency declared by the governor pursuant to RCW 43.06.200 through 43.06.270.

(10) "Deidentified data" means data that cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable natural person, or a device linked to such a person, provided that the controller that

possesses the data: (a) Takes reasonable measures to ensure that the data cannot be associated with a natural person, household, or device; (b) publicly commits to maintain and use the data only in a deidentified fashion and not attempt to reidentify the data; and (c) contractually obligates any recipients of the information to comply with all provisions of this subsection.

(11) "Delete" means to remove or destroy information such that it is not maintained in human or machine-readable form and cannot be retrieved or utilized in the course of business.

(12) "Health care facility" has the same meaning as defined in RCW 70.02.010.

(13) "Health care information" has the same meaning as defined in RCW 70.02.010.

(14) "Health care provider" has the same meaning as defined in RCW 70.02.010.

(15) "Identified or identifiable natural person" means a consumer who can be readily identified, directly or indirectly.

(16) "Known child" means a child under circumstances where a controller has actual knowledge of, or willfully disregards, the child's age.

(17) "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person.

"Personal data" does not include deidentified data or publicly available information.

(18) "Personal health data" means information relating to the past, present, or future diagnosis or treatment of a consumer regarding an infectious disease.

(19) "Process," "processed," or "processing" means any operation or set of operations that are performed on covered data or on sets of covered data by automated means, such as the collection, use, storage, disclosure, analysis, deletion, or modification of covered data.

(20) "Processor" means a natural or legal person that processes covered data on behalf of a controller.

(21) "Protected health information" has the same meaning as defined in Title 45 C.F.R. Sec. 160.103, established pursuant to the federal health insurance portability and accountability act of 1996.

(22) "Proximity data" means technologically derived information that identifies past or present proximity of one consumer to another, or the proximity of natural persons to other locations or objects.

(23) "Publicly available information" means information that is lawfully made available from federal, state, or local government records.

(24) "Secure" means encrypted in a manner that meets or exceeds the national institute of standards and technology standard or is otherwise modified so that the covered data is rendered unreadable, unusable, or undecipherable by an unauthorized person.

(25) "Sell" means the exchange of covered data for monetary or other valuable consideration by the controller to a third party.

(26) "Specific geolocation data" means information derived from technology including, but not limited to, global positioning system level latitude and longitude coordinates or other mechanisms that directly identifies the specific location of a natural person within a geographic area that is equal to or less than the area of a circle with a radius of 1,850 feet. Specific geolocation data excludes the content of communications.

(27) "Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

NEW SECTION. **Sec. 202.** PROHIBITIONS. Except as provided in this chapter, it is unlawful for a controller or processor to:

(1) Process covered data for a covered purpose unless:

(a) The controller or processor provides the consumer with a privacy notice as required in section 207 of this act prior to or at the time of the processing; and

(b) The consumer provides consent for the processing;

(2) Disclose any covered data processed for a covered purpose to federal, state, or local law enforcement;

(3) Sell any covered data processed for a covered purpose; or

(4) Share any covered data processed for a covered purpose with another controller, processor, or third party unless the sharing is governed by contract pursuant to section 206 of this act and is disclosed to a consumer in the notice required in section 207 of this act.

NEW SECTION. **Sec. 203.** CONSUMER RIGHTS. (1) A consumer has the right to opt out of the processing of covered data concerning the consumer for a covered purpose.

(2) A consumer has the right to confirm whether or not a controller is processing covered data concerning the consumer for a covered purpose and access the covered data.

(3) A consumer has the right to request correction of inaccurate covered data concerning the consumer processed for a covered purpose.

(4) A consumer has the right to request deletion of covered data concerning the consumer processed for a covered purpose.

NEW SECTION. **Sec. 204.** EXERCISING CONSUMER RIGHTS. (1) A consumer may exercise the rights set forth in section 203 of this act by submitting a request, at any time, to a controller specifying which rights the consumer wishes to exercise.

(2) In the case of processing personal data of a known child, the parent or legal guardian of the known child may exercise the rights of this chapter on the child's behalf.

(3) In the case of processing personal data concerning a consumer subject to guardianship, conservatorship, or other protective arrangement under chapter 11.88, 11.92, or 11.130 RCW, the guardian or the conservator of the consumer may exercise the rights of this chapter on the consumer's behalf.

NEW SECTION. **Sec. 205.** RESPONDING TO REQUESTS. (1) Except as provided in this chapter, controllers that process covered data for a covered purpose must comply with a request to exercise the rights pursuant to section 203 of this act.

(2)(a) Controllers must provide one or more secure and reliable means for consumers to submit a request to exercise their rights under this chapter. These means must take into account the ways in which consumers interact with the controller and the need for secure and reliable communication of the requests.

(b) Controllers may not require a consumer to create a new account in order to exercise a right, but a controller may require a consumer to use an existing account to exercise the consumer's rights under this chapter.

(3) A controller must comply with a request to exercise the right in section 203(1) of this act as soon as feasibly possible, but no later than 15 days of receipt of the request.

(4)(a) A controller must inform a consumer of any action taken on a request to exercise any of the rights in section 203 (2) through (4) of this act without undue delay and in any event within 45 days of receipt of the request. That period may be extended once by 45 additional days where reasonably necessary, taking into account the complexity and number of the requests. The controller must inform the consumer of any such extension within 45 days of receipt of the request, together with the reasons for the delay.

(b) If a controller does not take action on the request of a consumer, the controller must inform the consumer without undue delay and within 45 days of receipt of the request, of the reasons for not taking action and instructions for how to appeal the decision with the controller as described in subsection (5) of this section.

(c) Information provided under this section must be provided by the controller to the consumer free of charge, up to twice annually. Where requests from a consumer are manifestly unfounded or excessive, because of their repetitive character, the controller may either: (i) Charge a reasonable fee to cover the administrative costs of complying with the request; or (ii) refuse to act on the request. The controller bears the burden of demonstrating the manifestly unfounded or excessive character of the request.

(d) A controller is not required to comply with a request to exercise any of the rights under section 203 (1) through (4) of this act if the controller is unable to authenticate the request using commercially reasonable efforts. In such a case, the controller may request the

provision of additional information reasonably necessary to authenticate the request.

(5)(a) Controllers must establish an internal process whereby consumers may appeal a refusal to take action on a request to exercise any of the rights under section 203 of this act within a reasonable period of time after the consumer's receipt of the notice sent by the controller under subsection (4)(b) of this section.

(b) The appeal process must be conspicuously available and as easy to use as the process for submitting such a request under this section.

(c) Within 30 days of receipt of an appeal, a controller must inform the consumer of any action taken or not taken in response to the appeal, along with a written explanation of the reasons in support thereof. That period may be extended by 60 additional days where reasonably necessary, taking into account the complexity and number of the requests serving as the basis for the appeal. The controller must inform the consumer of such an extension within 30 days of receipt of the appeal, together with the reasons for the delay. The controller must also provide the consumer with an email address or other online mechanism through which the consumer may submit the appeal, along with any action taken or not taken by the controller in response to the appeal and the controller's written explanation of the reasons in support thereof, to the attorney general.

(d) When informing a consumer of any action taken or not taken in response to an appeal pursuant to (c) of this subsection, the controller must clearly and prominently provide the consumer with information about how to file a complaint with the consumer protection division of the attorney general's office. The controller must maintain records of all such appeals and how it responded to them for at least 24 months and shall, upon request, compile and provide a copy of such records to the attorney general.

NEW SECTION. **Sec. 206.** RESPONSIBILITY ACCORDING TO ROLE. (1) Controllers and processors are responsible for meeting their respective obligations established under this chapter.

(2) Processors are responsible under this chapter for adhering to the instructions of the controller and assisting the controller to meet their obligations under this chapter. This assistance includes the following:

(a) Taking into account the nature of the processing, the processor shall assist the controller by appropriate technical and organizational measures, insofar as this is possible, for the fulfillment of the controller's obligation to respond to consumer requests to exercise their rights pursuant to section 203 of this act; and

(b) Taking into account the nature of processing and the information available to the processor, the processor shall assist the controller in meeting the controller's obligations in relation to the security of processing the personal data and in relation to the notification of a breach of the security of the system pursuant to RCW 19.255.010.

(3) Notwithstanding the instructions of the controller, a processor shall:

(a) Ensure that each person processing the personal data is subject to a duty of confidentiality with respect to the data; and

(b) Engage a subcontractor only after providing the controller with an opportunity to object and pursuant to a written contract in accordance with subsection (5) of this section that requires the subcontractor to meet the obligations of the processor with respect to the personal data.

(4) Taking into account the context of processing, the controller and the processor shall implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk and establish a clear allocation of the responsibilities between them to implement such measures.

(5) Processing by a processor must be governed by a contract between the controller and the processor that is binding on both parties and that sets out the processing instructions to which the processor is bound, including the nature and purpose of the processing, the type of personal data subject to the processing, the duration of the processing, and the obligations and rights of both parties. In addition, the contract must include the requirements imposed by this subsection and subsections (3) and (4) of this section, as well as the following requirements:

(a) At the choice of the controller, the processor shall delete or return all personal data to the controller as requested at the end of the provision of services, unless retention of the personal data is required by law;

(b)(i) The processor shall make available to the controller all information necessary to demonstrate compliance with the obligations in this chapter; and

(ii) The processor shall allow for, and contribute to, reasonable audits and inspections by the controller or the controller's designated auditor. Alternatively, the processor may, with the controller's consent, arrange for a qualified and independent auditor to conduct, at least annually and at the processor's expense, an audit of the processor's policies and technical and organizational measures in support of the obligations under this chapter using an appropriate and accepted control standard or framework and audit procedure for the audits as applicable, and provide a report of the audit to the controller upon request.

(6) In no event may any contract relieve a controller or a processor from the liabilities imposed on them by virtue of its role in the processing relationship as defined by this chapter.

(7) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which personal data is to be processed. A person that is not limited in its processing of personal data pursuant to a controller's instructions, or that fails to adhere to such instructions, is a controller and not a processor with respect to a specific processing of data. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal data remains a processor. If a processor begins, alone or jointly with others, determining the purposes and means of the processing of personal data, it is a controller with respect to the processing.

NEW SECTION. **Sec. 207.** RESPONSIBILITIES OF CONTROLLERS. (1) Controllers that process covered data for a covered purpose must provide consumers with a clear and conspicuous privacy notice that includes, at a minimum:

(a) How a consumer may exercise the rights contained in section 203 of this act, including how a consumer may appeal a controller's action with regard to the consumer's request;

(b) The categories of covered data processed by the controller;

(c) The purposes for which the categories of covered data are processed;

(d) The categories of covered data that the controller shares with third parties, if any; and

(e) The categories of third parties, if any, with whom the controller shares covered data.

(2) A controller's collection of covered data must be limited to what is reasonably necessary in relation to the covered purpose~~s~~ for which the data is processed.

(3) A controller's collection of covered data must be adequate, relevant, and limited to what is reasonably necessary in relation to the covered purpose for which the data is processed.

(4) Except as provided in this chapter, a controller may not process covered data for purposes that are not reasonably necessary to, or compatible with, the covered purposes for which the personal data is processed unless the controller obtains the consumer's consent. Controllers may not process covered data or deidentified data that was processed for a covered purpose for purposes of marketing, developing new products or services, or engaging in commercial product or market research.

(5) A controller shall establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of covered data. The data security practices must be appropriate to the volume and nature of the personal data at issue.

(6) A controller must delete or deidentify all covered data processed for a covered purpose when the data is no longer being used for the covered purpose.

(7) A controller may not process personal data on the basis of a consumer's or a class of consumers' actual or perceived race, color, ethnicity, religion, national origin,

sex, gender, gender identity, sexual orientation, familial status, lawful source of income, or disability, in a manner that unlawfully discriminates against the consumer or class of consumers with respect to the offering or provision of: (a) Housing; (b) employment; (c) credit; (d) education; or (e) the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.

(8) Any provision of a contract or agreement of any kind that purports to waive or limit in any way a consumer's rights under this chapter is deemed contrary to public policy and is void and unenforceable.

NEW SECTION. **Sec. 208.** LIMITATIONS AND APPLICABILITY. (1) The obligations imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to:

(a) Comply with federal, state, or local laws, rules, or regulations; or

(b) Process deidentified information to engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board, human subjects research ethics review board, or a similar independent oversight entity that determines: (i) If the research is likely to provide substantial benefits that do not exclusively accrue to the controller; (ii) the expected benefits of the research outweigh the privacy risks; and (iii) if the controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with reidentification.

(2) This chapter does not apply to:

(a) Information that meets the definition of:

(i) Protected health information for purposes of the federal health insurance portability and accountability act of 1996 and health insurance portability and accountability act of 1996 and related regulations;

(ii) Health care information for purposes of chapter 70.02 RCW;

(iii) Identifiable private information for purposes of the federal policy for the protection of human subjects, 45 C.F.R. Part 46; identifiable private information that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the international council for harmonization; the protection of human subjects under 21 C.F.R. Parts 50 and 56; or personal data used or shared in research conducted in accordance with one or more of the requirements set forth in this subsection; or

(iv) Information that is (A) deidentified in accordance with the requirements for deidentification set forth in 45 C.F.R. Sec. 164, and (B) derived from any of the health care-related information listed in this subsection (2)(a);

(b) Information originating from, and intermingled to be indistinguishable with, information under (a) of this subsection that is maintained by:

(i) A covered entity or business associate as defined by the health insurance portability and accountability act of 1996 and related regulations;

(ii) A health care facility or health care provider as defined in RCW 70.02.010; or

(iii) A program or a qualified service organization as defined by 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2;

(c) Information used only for public health activities and purposes as described in 45 C.F.R. Sec. 164.512; or

(d) Data maintained for employment records purposes.

(3) Processing covered data solely for the purposes expressly identified in subsection (1) of this section does not, by itself, make an entity a controller with respect to the processing.

(4) If a controller processes covered data pursuant to an exemption in subsection (1) of this section, the controller bears the burden of demonstrating that the processing qualifies for the exemption and complies with the requirements in subsection (2) of this section.

(5)(a) Covered data that is processed by a controller pursuant to this section must not be processed for any purpose

other than those expressly listed in this section.

(b) Covered data that is processed by a controller pursuant to this section may be processed solely to the extent that such processing is: (i) Necessary, reasonable, and proportionate to the purposes listed in this section; (ii) adequate, relevant, and limited to what is necessary in relation to the specific purpose or purposes listed in this section; and (iii) insofar as possible, taking into account the nature and purpose of processing the personal data, subjected to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal data, and to reduce reasonably foreseeable risks of harm to consumers.

NEW SECTION. **Sec. 209.** PRIVATE RIGHT OF ACTION. (1) Except as provided in subsection (2) of this section, nothing in this chapter creates an independent cause of action, except for the actions brought by the attorney general to enforce this chapter. Except as provided in subsection (2) of this section, no person, except for the attorney general, may enforce the rights and protections created by this chapter in any action. However, nothing in this chapter limits any other causes of action enjoyed by any person, including any constitutional, statutory, administrative, or common law rights or causes of action. The rights and protections in this chapter are not exclusive, and to the extent that a person has the rights and protections in this chapter because of another law other than this chapter, the person continues to have those rights and protections notwithstanding the existence of this chapter.

(2) A consumer alleging a violation of section 203 or 207(7) of this act may bring a civil action in any court of competent jurisdiction. Remedies shall be limited to appropriate injunctive relief. The court shall also award reasonable attorneys' fees and costs to any prevailing plaintiff.

NEW SECTION. **Sec. 210.** ENFORCEMENT. (1) Except as provided in section 209 of this act, this chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

(2) In actions brought by the attorney general, the legislature finds: (a) The practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW, and (b) a violation of this chapter is not reasonable in relation to the development and preservation of business, is an unfair or deceptive act in trade or commerce, and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(3) The legislative declarations in this section shall not apply to any claim or action by any party other than the attorney general alleging that conduct regulated by this chapter violates chapter 19.86 RCW, and this chapter does not incorporate RCW 19.86.093.

(4) Until July 31, 2023, in the event of a controller's or processor's violation under this chapter, prior to filing a complaint, the attorney general must provide the controller or processor with a warning letter identifying the specific provisions of this chapter the attorney general alleges have been or are being violated. If, after 30 days of issuance of the warning letter, the attorney general believes the controller or processor has failed to cure any alleged violation, the attorney general may bring an action against the controller or processor as provided under this chapter.

(5) Beginning July 31, 2023, in determining a civil penalty under this chapter, the court must consider, as mitigating factors, a controller's or processor's good faith efforts to comply with the requirements of this chapter and any actions to cure or remedy the violations before an action is filed.

(6) All receipts from the imposition of civil penalties under this chapter must be deposited into the consumer privacy account created in section 113 of this act.

NEW SECTION. **Sec. 211.** PREEMPTION. (1) Except as provided in this section, this chapter supersedes and preempts laws, ordinances, regulations, or the equivalent adopted by any local entity regarding the processing of covered data for a covered purpose by controllers or processors.

(2) Laws, ordinances, or regulations regarding the processing of covered data for a covered purpose by controllers or processors that are adopted by any local

entity prior to July 1, 2020, are not superseded or preempted.

NEW SECTION. **Sec. 212.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

PART 3

Data Privacy Regarding Public Health Emergency—Public Sector

NEW SECTION. **Sec. 301.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Consent" means any freely given, specific, informed, and unambiguous indication of the consumer's wishes by which the consumer signifies agreement to the processing of personal data relating to the consumer for a narrowly defined particular purpose. Acceptance of a general or broad terms of use or similar document that contains descriptions of personal data processing along with other, unrelated information, does not constitute consent. Hovering over, muting, pausing, or closing a given piece of content does not constitute consent. Likewise, agreement obtained through dark patterns does not constitute consent.

(2) "Controller" means the local government, state agency, or institutions of higher education that, alone or jointly with others, determines the purposes and means of the processing of technology-assisted contact tracing information.

(3)(a) "Deidentified data" means data that cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable natural person, or a device linked to such a person, provided that the controller that possesses the data: (i) Takes reasonable measures to ensure that the data cannot be associated with a natural person, household, or device; (ii) publicly commits to maintain and use the data only in a deidentified fashion and not attempt to reidentify the data; and (iii) except as provided in (b) of this subsection, contractually obligates any recipients of the information to comply with all provisions of this subsection.

(b) For the purposes of this subsection, the obligations imposed under (a)(iii) of this subsection do not apply when a controller discloses deidentified data to the public pursuant to chapter 42.56 RCW or other state disclosure laws.

(4) "Delete" means to remove or destroy information such that it is not maintained in human or machine-readable form and cannot be retrieved or utilized in the course of business.

(5) "Identified or identifiable natural person" means an individual who can be readily identified, directly or indirectly.

(6) "Individual" means a natural person who is a Washington resident acting only in an individual or household context. "Individual" does not include a natural person acting in a commercial or employment context.

(7) "Institutions of higher education" has the same meaning as defined in RCW 28B.92.030.

(8) "Local government" has the same meaning as in RCW 39.46.020.

(9) "Local health departments" has the same meaning as in RCW 70.05.010.

(10)(a) "Process," "processed," or "processing" means any operation or set of operations that are performed on technology-assisted contact tracing information by automated means, such as the collection, use, storage, disclosure, analysis, deletion, or modification of technology-assisted contact tracing information.

(b) "Processing" does not include means such as recognized investigatory measures intended to gather information to facilitate investigations including, but not limited to, traditional in-person, email, or telephonic activities used as of the effective date of this section by the department of health, created under chapter 43.70 RCW, or local health departments to provide for the control and prevention of any dangerous, contagious, or infectious disease.

(11) "Processor" means a natural or legal person, local government, state agency, or institutions of higher education that processes technology-assisted contact tracing information on behalf of a controller.

(12) "Secure" means encrypted in a manner that meets or exceeds the national institute of standards and technology

standard or is otherwise modified so that the technology-assisted contact tracing information is rendered unreadable, unusable, or undecipherable by an unauthorized person.

(13) "Sell" means the exchange of technology-assisted contact tracing information for monetary or other valuable consideration by the controller to a third party. For the purposes of this subsection, "sell" does not include the recovery of fees by a controller.

(14) "State agency" has the same meaning as defined in RCW 43.105.020.

(15) "Technology-assisted contact tracing" means the use of a digital application or other electronic or digital platform that is capable of independently transmitting information and is offered to individuals for the purpose of notifying individuals who may have had contact with an infectious person through data collection and analysis as a means of controlling the spread of a communicable disease.

(16) "Technology-assisted contact tracing information" means any information, data, or metadata received through technology-assisted contact tracing.

(17) "Third party" means a natural or legal person, public authority, agency, or body other than the individual, controller, processor, or an affiliate of the processor or the controller.

NEW SECTION. **Sec. 302.** PROHIBITIONS. Except as provided in this chapter, it is unlawful for a controller or processor to:

(1) Process technology-assisted contact tracing information unless:

(a) The controller or processor provides the individual with a privacy notice prior to or at the time of the processing; and

(b) The individual provides consent for the processing;

(2) Disclose any technology-assisted contact tracing information to federal, state, or local law enforcement;

(3) Sell any technology-assisted contact tracing information; or

(4) Share any technology-assisted contact tracing information with another controller, processor, or third party unless the sharing is governed by a contract or data-sharing agreement as prescribed in section 303 of this act and is disclosed to an individual in the notice required in section 304 of this act.

NEW SECTION. **Sec. 303.** RESPONSIBILITY ACCORDING TO ROLE. (1) Controllers and processors are responsible for meeting their respective obligations established under this chapter.

(2) Processors are responsible under this chapter for adhering to the instructions of the controller and assisting the controller to meet its obligations under this chapter. This assistance must include the processor assisting the controller in meeting the controller's obligations in relation to the security of processing technology-assisted contact tracing information and in relation to the notification of a breach of the security of the system pursuant to RCW 42.56.590.

(3) Notwithstanding the instructions of the controller, a processor shall:

(a) Ensure that each person processing the technology-assisted contact tracing information is subject to a duty of confidentiality with respect to the information; and

(b) Engage a subcontractor only after providing the controller with an opportunity to object and pursuant to a written contract in accordance with subsection (5) of this section that requires the subcontractor to meet the obligations of the processor with respect to the technology-assisted contact tracing information.

(4) Taking into account the context of processing, the controller and the processor shall implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk and establish a clear allocation of the responsibilities between them to implement such measures.

(5) Processing by a processor must be governed by a contract or data-sharing agreement between the controller and the processor that is binding on both parties and that sets out the processing instructions to which the processor is bound, including the nature and purpose of the processing, the type of data subject to the processing, the duration of the processing, and the obligations and rights of both parties. In addition,

the contract or data-sharing agreement must include the requirements imposed by this subsection and subsections (3) and (4) of this section, as well as the following requirements:

(a) At the choice of the controller, the processor shall delete or return all technology-assisted contact tracing information to the controller as requested at the end of the provision of services, unless retention of the technology-assisted contact tracing information is required by law;

(b)(i) The processor shall make available to the controller all information necessary to demonstrate compliance with the obligations in this chapter; and

(ii) The processor shall allow for, and contribute to, reasonable audits and inspections by the controller or the controller's designated auditor. Alternatively, the processor may, with the controller's consent, arrange for a qualified and independent auditor to conduct, at least annually and at the processor's expense, an audit of the processor's policies and technical and organizational measures in support of the obligations under this chapter using an appropriate and accepted control standard or framework and audit procedure for the audits as applicable, and provide a report of the audit to the controller upon request.

(6) In no event may any contract or data-sharing agreement relieve a controller or a processor from the liabilities imposed on them by virtue of its role in the processing relationship as defined in this chapter.

(7) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which technology-assisted contact tracing information is to be processed. A person that is not limited in its processing of technology-assisted contact tracing information pursuant to a controller's instructions, or that fails to adhere to such instructions, is a controller and not a processor with respect to processing of technology-assisted contact tracing information. A processor that continues to adhere to a controller's instructions with respect to processing of technology-assisted contact tracing information remains a processor. If a processor begins, alone or jointly with others, determining the purposes and means of the processing of technology-assisted contact tracing information, it is a controller with respect to the processing.

NEW SECTION. **Sec. 304.** RESPONSIBILITIES OF CONTROLLERS. (1) Controllers that process technology-assisted contact tracing information must provide individuals with a clear and conspicuous privacy notice that includes, at a minimum:

(a) The categories of technology-assisted contact tracing information processed by the controller;

(b) The purposes for which the categories of technology-assisted contact tracing information are processed;

(c) The categories of technology-assisted contact tracing information that the controller shares with third parties, if any; and

(d) The categories of third parties, if any, with whom the controller shares technology-assisted contact tracing information.

(2) A controller's collection of technology-assisted contact tracing information must be limited to what is reasonably necessary in relation to the technology-assisted contact tracing purpose for which the information is processed.

(3) A controller's collection of technology-assisted contact tracing information must be adequate, relevant, and limited to what is reasonably necessary in relation to the technology-assisted contact tracing purposes for which the information is processed.

(4) Except as provided in this chapter, a controller may not process technology-assisted contact tracing information for purposes that are not reasonably necessary to, or compatible with, the technology-assisted contact tracing purposes for which the technology-assisted contact tracing information is processed unless the controller obtains the individual's consent. Controllers may not process technology-assisted contact tracing information or deidentified data that was processed for a technology-assisted contact tracing purpose for purposes of marketing, developing new products or

services, or engaging in commercial product or market research.

(5) A controller shall establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of technology-assisted contact tracing information. These data security practices must be appropriate to the volume and nature of the data at issue.

(6) A controller must delete or deidentify all technology-assisted contact tracing information when the information is no longer being used for a technology-assisted contact tracing purpose and has met records retention as required by federal or state law.

(7) A controller may not process technology-assisted contact tracing information on the basis of an individual's or a class of individuals' actual or perceived race, color, ethnicity, religion, national origin, sex, gender, gender identity, sexual orientation, familial status, lawful source of income, or disability, in a manner that unlawfully discriminates against the individual or class of individuals with respect to the offering or provision of: (a) Housing; (b) employment; (c) credit; (d) education; or (e) the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.

NEW SECTION. **Sec. 305.** LIMITATIONS AND APPLICABILITY. (1) The obligations imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to:

(a) Comply with federal, state, or local laws, rules, or regulations; or

(b) Process deidentified information to engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board, human subjects research ethics review board, or a similar independent oversight entity that determines: (i) If the research is likely to provide substantial benefits that do not exclusively accrue to the controller; (ii) the expected benefits of the research outweigh the privacy risks; and (iii) the controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with reidentification.

(2) Processing technology-assisted contact tracing information solely for the purposes expressly identified in this section does not, by itself, make an entity a controller with respect to such processing.

(3) If a controller processes technology-assisted contact tracing information pursuant to an exemption in this section, the controller bears the burden of demonstrating that the processing qualifies for the exemption and complies with the requirements in subsection (4) of this section.

(4)(a) Technology-assisted contact tracing information that is processed by a controller pursuant to this section must not be processed for any purpose other than those expressly listed in this section.

(b) Technology-assisted contact tracing information that is processed by a controller pursuant to this section may be processed solely to the extent that such processing is: (i) Necessary, reasonable, and proportionate to the purposes listed in this section; (ii) adequate, relevant, and limited to what is necessary in relation to the specific purpose or purposes listed in this section; and (iii) insofar as possible, taking into account the nature and purpose of processing the technology-assisted contact tracing information, subjected to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal data, and to reduce reasonably foreseeable risks of harm to consumers.

NEW SECTION. **Sec. 306.** LIABILITY. Where more than one controller or processor, or both a controller and a processor, involved in the same processing, is in violation of this chapter, the liability must be allocated among the parties according to principles of comparative fault.

NEW SECTION. **Sec. 307.** ENFORCEMENT. (1) Any waiver of the provisions of this chapter is contrary to public policy and is void and unenforceable.

(2)(a) Any individual injured by a violation of this chapter may institute a civil action to recover damages.

(b) Any controller that violates, proposes to violate, or has violated this chapter may be enjoined.

(c) The rights and remedies available under this chapter are cumulative to each other and to any other rights and remedies available under law.

NEW SECTION. **Sec. 308.** EXPIRATION. This chapter expires June 30, 2024.

NEW SECTION. **Sec. 309.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

PART 4

Miscellaneous

NEW SECTION. **Sec. 401.** (1) Sections 101 through 114 of this act constitute a new chapter in Title 19 RCW.

(2) Sections 201 through 211 of this act constitute a new chapter in Title 19 RCW.

(3) Sections 301 through 308 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 402.** Sections 1, 2, and 101 through 118 of this act take effect July 31, 2022.

NEW SECTION. **Sec. 403.** Sections 101 through 114 of this act do not apply to institutions of higher education or nonprofit corporations until July 31, 2026.

NEW SECTION. **Sec. 404.** Except for sections 1, 2, and 101 through 118 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Rude.

Referred to Committee on Rules for second reading.

April 1, 2021

SB 5063 Prime Sponsor, Senator Honeyford: Concerning the expiration date of the invasive species council. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 31, 2021

SSB 5066 Prime Sponsor, Committee on Law & Justice: Concerning a peace officer's duty to intervene. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 10.93 RCW to read as follows:

(1) Any identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. A peace officer shall also render aid at the earliest safe opportunity in accordance with RCW 36.28A.445, to any person injured as a result of the use of force.

(2) Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace officer, or has a good faith reasonable belief that

another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or other supervisory peace officer in accordance with the witnessing peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer.

(3) A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening in good faith or for reporting wrongdoing in good faith as required by this section.

(4) A law enforcement agency shall send notice to the criminal justice training commission of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report as required by this section to determine whether the officer's conduct may be grounds for suspension or revocation of certification under RCW 43.101.105.

(5) For purposes of this section:

(a) "Excessive force" means force that exceeds the force permitted by law or policy of the witnessing officer's agency.

(b) "Peace officer" refers to any general authority Washington peace officer.

(c) "Wrongdoing" means conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101 RCW to read as follows:

(1) By December 1, 2021, the Washington state criminal justice training commission, in consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs, and organizations representing state and local law enforcement officers, shall develop a written model policy on the duty to intervene, consistent with the provisions of section 1 of this act.

(2) By June 1, 2022, every state, county, and municipal law enforcement agency shall adopt and implement a written duty to intervene policy. The policy adopted may be the model policy developed under subsection (1) of this section. However, any policy adopted must, at a minimum, be consistent with the provisions of section 1 of this act.

(3) By January 31, 2022, the commission shall incorporate training on the duty to intervene in the basic law enforcement training curriculum. Peace officers who completed basic law enforcement training prior to January 31, 2022, must receive training on the duty to intervene by December 31, 2023."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Jacobsen; Rude and Steele.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5071 Prime Sponsor, Committee on Ways & Means: Creating transition teams to assist specified persons under civil commitment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Civil Rights & Judiciary.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.77.150 and 2010 c 263 s 5 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered the person's commitment the person's application for conditional release as well as the secretary's recommendations concerning the application and any proposed terms and conditions upon which the secretary reasonably believes the

person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) In instances in which persons examined pursuant to RCW 10.77.140 have not made application to the secretary for conditional release, but the secretary, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, reasonably believes the person may be conditionally released, the secretary may submit a recommendation for release to the court of the county that ordered the person's commitment. The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person may be conditionally released. Conditional release may also include partial release for work, training, or educational purposes. Notice of the secretary's recommendation under this subsection must be provided to the person for whom the secretary has made the recommendation for release and to his or her attorney.

(3)(a) The court of the county which ordered the person's commitment, upon receipt of an application or recommendation for conditional release with the secretary's recommendation for conditional release terms and conditions, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary.

(b) The prosecuting attorney shall represent the state at such hearings and shall have the right to have the ((~~patient~~)) person examined by an expert or professional person of the prosecuting attorney's choice. If the committed person is indigent, and he or she so requests, the court shall appoint a qualified expert or professional person to examine the person on his or her behalf.

(c) The issue to be determined at such a hearing is whether or not the person may be released conditionally to less restrictive alternative treatment under the supervision of a multidisciplinary transition team under conditions imposed by the court, including access to services under section 4 of this act without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security.

(d) ((~~The court, after the hearing, shall rule on the secretary's recommendations, and if it disapproves of conditional release, may do so~~)) In cases that come before the court under subsection (1) or (2) of this section, the court may deny conditional release to a less restrictive alternative only on the basis of substantial evidence. The court may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary.

(4) If the order of conditional release ((~~includes a~~)) provides for the conditional release of the person to a less restrictive alternative, including residential treatment or treatment in the community, the conditional release order must also include:

(a) A requirement for the committed person to ((~~report to a~~)) be supervised by a multidisciplinary transition team, including a specially trained community corrections officer, ((~~the order shall also specify that the conditionally released person shall be under the supervision of the secretary of corrections or such person as the secretary of corrections may designate and shall follow explicitly the instructions of the secretary of corrections including~~)) a representative of the department of social and health services, and a representative of the community behavioral health agency providing treatment to the person under section 4 of this act.

(i) The court may omit appointment of the representative of the community behavioral health agency if the conditional release order does not require participation in behavioral health treatment;

(ii) The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community;

(b) A requirement for the person to comply with conditions of supervision established by the court which shall

include at a minimum reporting as directed to a ((~~community corrections officer~~)) designated member of the transition team, remaining within prescribed geographical boundaries, and notifying the ((~~community corrections officer~~)) transition team prior to making any change in the ((~~offender's~~)) person's address or employment. If the ((~~order of conditional release includes a requirement for the committed person to report to a community corrections officer, the community corrections officer shall notify the secretary or the secretary's designee, if the~~)) person is not in compliance with the court-ordered conditions of release((~~.~~)), the community corrections officer or another designated transition team member shall notify the secretary or the secretary's designee; and

((~~(4)~~)) (c) If the court ((~~determines that receiving regular or periodic medication or other medical treatment shall be a condition of the committed person's release, then the court shall require him or her to report to a physician or other medical or mental health practitioner for the medication or treatment. In addition to submitting any report required by RCW 10.77.160, the physician or other medical or mental health practitioner shall immediately upon the released person's failure to appear for the~~)) requires participation in behavioral health treatment, the name of the licensed or certified behavioral health agency responsible for identifying the services the person will receive under section 4 of this act, and a requirement that the person cooperate with the services planned by the licensed or certified behavioral health agency. The licensed or certified behavioral health agency must comply with the reporting requirements of RCW 10.77.160, and must immediately report to the court, prosecutor, and defense counsel any substantial withdrawal or disengagement from medication or treatment, or ((~~upon a~~)) any change in the person's mental health condition that renders ((~~the patient~~)) him or her a potential risk to the public ((~~report to the court, to the prosecuting attorney of the county in which the released person was committed, to the secretary, and to the supervising community corrections officer~~)).

(5) The role of the transition team appointed under subsection (4) of this section shall be to facilitate the success of the person on the conditional release order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances that may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan that may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(6) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a conditional release order. Another community corrections officer may be appointed if no specially trained officer is available.

(7) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial, or sooner with the support of the department.

(8) A person examined under RCW 10.77.140 or the department may make a motion for limited conditional release under this section, on the grounds that there is insufficient evidence that the person may be released conditionally to less restrictive alternative treatment under subsection (3)(c) of this section, but the person would benefit from the opportunity to exercise increased privileges while remaining under the custody and supervision of the department and with the supervision of the department these increased privileges can be exercised without substantial danger to other persons or substantial likelihood of committing criminal acts jeopardizing public safety or security. The department may respond to a person's application for conditional release by instead supporting limited conditional release.

Sec. 2. RCW 71.05.320 and 2020 c 302 s 45 are each amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive

treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court has made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team as provided in subsection (6)(a)(i) of this section. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has

so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(i) In cases where the court has ordered less restrictive alternative treatment and has previously made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team to supervise and assist the person on the order for less restrictive treatment, which shall include a representative of the community behavioral health agency providing treatment under RCW 71.05.585, and a specially trained supervising community corrections officer. The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community under (a)(ii) of this subsection.

(ii) The role of the transition team shall be to facilitate the success of the person on the less restrictive alternative order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances which may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan which may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(iii) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a less restrictive alternative order.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the

original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

Sec. 3. RCW 71.05.320 and 2020 c 302 s 46 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court has made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team as provided in subsection (6)(a)(i) of this section. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the

person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(i) In cases where the court has ordered less restrictive alternative treatment and has previously made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team to supervise and assist the person on the order for less restrictive treatment, which shall include a representative of the community behavioral health agency providing treatment under RCW 71.05.585, and a specially trained supervising community corrections officer. The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community under (a)(ii) of this subsection.

(ii) The role of the transition team shall be to facilitate the success of the person on the less restrictive alternative order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances which may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan which may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(iii) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under

this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a less restrictive alternative order.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 10.77 RCW to read as follows:

(1) Conditional release planning should start at admission and proceed in coordination between the department and the person's managed care organization, or behavioral health administrative services organization if the person is not eligible for medical assistance under chapter 74.09 RCW. If needed, the department shall assist the person to enroll in medical assistance in suspense status under RCW 74.09.670. The state hospital liaison for the managed care organization or behavioral health administrative services organization shall facilitate conditional release planning in collaboration with the department.

(2) Less restrictive alternative treatment pursuant to a conditional release order, at a minimum, includes the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the conditional treatment;

(c) A psychiatric evaluation or a substance use disorder evaluation, or both;

(d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan;

(g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and

(h) Appointment of a transition team under RCW 10.77.150;

(i) Notification to the care coordinator assigned in (a) of this subsection and to the transition team as provided in RCW 10.77.150 if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(3) Less restrictive alternative treatment pursuant to a conditional release order may additionally include requirements to participate in the following services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance use disorder counseling;

(e) Residential treatment;

(f) Support for housing, benefits, education, and employment; and

(g) Periodic court review.

(4) Nothing in this section prohibits items in subsection (2) of this section from beginning before the conditional release of the individual.

(5) If the person was provided with involuntary medication under RCW 10.77.094 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment pursuant to the conditional release order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication

by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(6) Less restrictive alternative treatment pursuant to a conditional release order must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(7) The care coordinator assigned to a person ordered to less restrictive alternative treatment pursuant to a conditional release order must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(8) A care coordinator may disclose information and records related to mental health treatment under RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment pursuant to a conditional release order.

(9) For the purpose of this section, "care coordinator" means a representative from the department of social and health services who coordinates the activities of less restrictive alternative treatment pursuant to a conditional release order. The care coordinator coordinates activities with the person's transition team that are necessary for enforcement and continuation of the conditional release order and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 5. RCW 10.77.060 and 2016 sp.s. c 29 s 408 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional.

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

(e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the

opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

(f) When a defendant is ordered to be ((~~committed for inpatient evaluation~~)) evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

Sec. 6. RCW 70.02.230 and 2020 c 256 s 402 are each amended to read as follows:

(1) ((~~Except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030, the~~)) The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies ((~~must be confidential~~)) may not be disclosed except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed ((~~only~~)):

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

(ii) Who has medical responsibility for the patient's care;

(iii) Who is a designated crisis responder;

(iv) Who is providing services under chapter 71.24 RCW;

(v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to

the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) By a care coordinator under RCW 71.05.585 or section 4 of this act assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.05 or 10.77 RCW;

(l) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

((~~(l)~~)) (m) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

((~~(m)~~)) (n) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iv). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iv);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

((~~(n)~~)) (o) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law

enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

((~~(o)~~)) (p) Pursuant to lawful order of a court, including a tribal court;

((~~(p)~~)) (q) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

((~~(q)~~)) (r) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

((~~(r)~~)) (s) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or substance use disorder of persons who are under the supervision of the department;

((~~(s)~~)) (t) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

((~~(t)~~)) (u) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

((~~(u)~~)) (v)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)((~~(u)~~)) (v) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the patient who is the subject of the request for release of information;

((~~(v)~~)) (w) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in ((~~(u)~~)) (v) of this subsection;

((~~(w)~~)) (x) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

((~~(x)~~)) (y) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention,

admission, commitment, or patient's rights under chapter 71.05 RCW;

((~~(y)~~)) (z) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

((~~(z)~~)) (aa) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

((~~(aa)~~)) (bb)(i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary, or director, where applicable;

((~~(bb)~~)) (cc) To any person if the conditions in RCW 70.02.205 are met;

((~~(cc)~~)) (dd) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450;

((~~(dd)~~)) (ee) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150(7).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3)

and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 7. RCW 70.02.240 and 2019 c 381 s 20 are each amended to read as follows:

The fact of admission and all information and records related to mental health services obtained through inpatient or outpatient treatment of a minor under chapter 71.34 RCW must be kept confidential, except as authorized by this section or under RCW 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265. Confidential information under this section may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To the minor, the minor's parent, including those acting as a parent as defined in RCW 71.34.020 for purposes of family-initiated treatment, and the minor's attorney, subject to RCW 13.50.100;

(4) To the courts as necessary to administer chapter 71.34 RCW;

(5) By a care coordinator under RCW 71.34.755 or section 4 of this act assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 or 10.77 RCW;

(6) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

((~~(6)~~)) (7) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an

evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

((~~(7)~~)) (8) To the secretary of social and health services and the director of the health care authority for assistance in data collection and program evaluation or research so long as the secretary or director, where applicable, adopts rules for the conduct of such evaluation and research. The rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/ . . . . . ";

((~~(8)~~)) (9) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

((~~(9)~~)) (10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

((~~(10)~~)) (11) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

((~~(11)~~)) (12) Upon the death of a minor, to the minor's next of kin;

((~~(12)~~)) (13) To a facility in which the minor resides or will reside;

((~~(13)~~)) (14) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iv). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iv);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

((~~(14)~~)) (15) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the director of the health care authority or the secretary of the department of social and health services,

where applicable. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

((~~(15)~~)) (16) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

((~~(16)~~)) (17) Pursuant to a lawful order of a court.

Sec. 8. RCW 71.24.035 and 2020 c 256 s 202 are each amended to read as follows:

(1) The authority is designated as the state behavioral health authority which includes recognition as the single state authority for substance use disorders and state mental health authority.

(2) The director shall provide for public, client, tribal, and licensed or certified behavioral health agency participation in developing the state behavioral health program, developing related contracts, and any waiver request to the federal government under medicaid.

(3) The director shall provide for participation in developing the state behavioral health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state behavioral health program.

(4) The authority shall be designated as the behavioral health administrative services organization for a regional service area if a behavioral health administrative services organization fails to meet the authority's contracting requirements or refuses to exercise the responsibilities under its contract or state law, until such time as a new behavioral health administrative services organization is designated.

(5) The director shall:

(a) Assure that any behavioral health administrative services organization, managed care organization, or community behavioral health program provides medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the authority;

(b) Develop contracts in a manner to ensure an adequate network of inpatient services, evaluation and treatment services, and facilities under chapter 71.05 RCW to ensure access to treatment, resource management services, and community support services;

(c) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for behavioral health services;

(d) Define administrative costs and ensure that the behavioral health administrative services organization does not exceed an administrative cost of ten percent of available funds;

(e) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork requirements. The audit procedure shall focus on the outcomes of service as provided in RCW 71.24.435, 70.320.020, and 71.36.025;

(f) Develop and maintain an information system to be used by the state and behavioral health administrative services organizations and managed care organizations that includes a tracking method which allows the authority to identify behavioral health clients' participation in any behavioral health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(g) Monitor and audit behavioral health administrative services organizations as needed to assure compliance with contractual agreements authorized by this chapter;

(h) Monitor and audit access to behavioral health services for individuals eligible for medicaid who are

not enrolled in a managed care organization;

(i) Adopt such rules as are necessary to implement the authority's responsibilities under this chapter;

(j) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(k) Require the behavioral health administrative services organizations and the managed care organizations to develop agreements with tribal, city, and county jails and the department of corrections to accept referrals for enrollment on behalf of a confined person, prior to the person's release;

(l) Require behavioral health administrative services organizations and managed care organizations, as applicable, to provide services as identified in RCW 71.05.585 and section 4 of this act to individuals committed for involuntary ((~~commitment~~)) treatment under less restrictive alternative court orders when:

(i) The individual is enrolled in the medicaid program; or

(ii) The individual is not enrolled in medicaid, does not have other insurance which can pay for the services, and the behavioral health administrative services organization has adequate available resources to provide the services; and

(m) Coordinate with the centers for medicare and medicaid services to provide that behavioral health aide services are eligible for federal funding of up to one hundred percent.

(6) The director shall use available resources only for behavioral health administrative services organizations and managed care organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 71.24.435, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each behavioral health administrative services organization, managed care organization, and licensed or certified behavioral health agency shall file with the secretary of the department of health or the director, on request, such data, statistics, schedules, and information as the secretary of the department of health or the director reasonably requires. A behavioral health administrative services organization, managed care organization, or licensed or certified behavioral health agency which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the contractual remedies in RCW 74.09.871 or may have its service provider certification or license revoked or suspended.

(8) The superior court may restrain any behavioral health administrative services organization, managed care organization, or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(9) Upon petition by the secretary of the department of health or the director, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary of the department of health or the director authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any behavioral health administrative services organization, managed care organization, or service provider refusing to consent to inspection or examination by the authority.

(10) Notwithstanding the existence or pursuit of any other remedy, the secretary of the department of health or the director may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a behavioral health

administrative services organization, managed care organization, or service provider without a contract, certification, or a license under this chapter.

(11) The authority shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(12) The authority, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities licensed under chapter 71.12 RCW or certified under chapter 71.05 RCW. The authority shall periodically share the results of its efforts with the appropriate committees of the senate and the house of representatives.

(13) The authority may:

(a) Plan, establish, and maintain substance use disorder prevention and substance use disorder treatment programs as necessary or desirable;

(b) Coordinate its activities and cooperate with behavioral programs in this and other states, and make contracts and other joint or cooperative arrangements with state, tribal, local, or private agencies in this and other states for behavioral health services and for the common advancement of substance use disorder programs;

(c) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(d) Keep records and engage in research and the gathering of relevant statistics; and

(e) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide substance use disorder treatment programs.

Sec. 9. RCW 10.77.010 and 2019 c 325 s 5005 are each amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(4) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(5) "Department" means the state department of social and health services.

(6) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(9) "Developmental disability" means the condition as defined in RCW 71A.10.020(5).

(10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody,

care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(14) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(15) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(16) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(17) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(18) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(19) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(20) "Secretary" means the secretary of the department of social and health services or his or her designee.

(21) "Treatment" means any currently standardized medical or mental health procedure including medication.

(22) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records

do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

(23) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

(24) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

Sec. 10. RCW 10.77.195 and 2010 c 263 s 9 are each amended to read as follows:

For persons who have received court approval for conditional release, the secretary or the secretary's designee shall supervise the person's compliance with the court-ordered conditions of release in coordination with the multidisciplinary transition team appointed under RCW 10.77.150. The level of supervision provided by the secretary shall correspond to the level of the person's public safety risk. In undertaking supervision of persons under this section, the secretary shall coordinate with any treatment providers ((~~designated pursuant to RCW 10.77.150(3), any~~)) or department of corrections staff designated pursuant to RCW 10.77.150((~~(2)~~)), and local law enforcement, if appropriate. The secretary shall adopt rules to implement this section.

Sec. 11. RCW 71.05.020 and 2020 c 302 s 3, 2020 c 256 s 301, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section,

secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving

such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a

person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals

involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(54) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(55) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(56) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(57) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(58) "Violent act" means behavior that resulted in homicide, attempted suicide,

injury, or substantial loss or damage to property;

(59) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database.

(60) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

Sec. 12. RCW 71.05.020 and 2020 c 302 s 3, 2020 c 256 s 301, 2020 c 80 s 51, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment

from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the

preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(54) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(55) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(56) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(57) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(58) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(59) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database.

(60) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

Sec. 13. RCW 71.05.020 and 2020 c 302 s 4, 2020 c 302 s 3, 2020 c 256 s 301, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse

practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services

for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(60) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database.

(61) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

Sec. 14. RCW 71.05.020 and 2020 c 302 s 4, 2020 c 302 s 3, 2020 c 256 s 301, 2020 c 80 s 51, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health,

substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any

federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be

structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(60) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database.

(61) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

Sec. 15. RCW 71.05.740 and 2020 c 302 s 58 are each amended to read as follows:

(1) All behavioral health administrative services organizations in the state of Washington must forward historical behavioral health involuntary commitment information retained by the organization, including identifying information and dates of commitment to the authority. As soon as feasible, the behavioral health administrative services organizations must arrange to report new commitment data to the authority within twenty-four hours. Commitment information under this section does not need to be resent if it is already in the possession of the authority. Behavioral health administrative services organizations and the authority shall be immune from liability related to the sharing of commitment information under this section.

(2) The clerk of the court must share hearing outcomes in all hearings under this chapter with the local behavioral health administrative services organization that serves the region where the superior court is located, including in cases in which the designated crisis responder investigation occurred outside the region. The hearing outcome data must include the name of the facility to which a person has been committed.

Sec. 16. RCW 71.24.035 and 2020 c 256 s 202 are each amended to read as follows:

(1) The authority is designated as the state behavioral health authority which includes recognition as the single state authority for substance use disorders and state mental health authority.

(2) The director shall provide for public, client, tribal, and licensed or certified behavioral health agency participation in developing the state behavioral health program, developing related contracts, and any waiver request to the federal government under medicaid.

(3) The director shall provide for participation in developing the state behavioral health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state behavioral health program.

(4) The authority shall be designated as the behavioral health administrative services organization for a regional service area if a behavioral health administrative services organization fails to meet the authority's contracting requirements or refuses to exercise the responsibilities under its contract or state law, until such time as a new behavioral health administrative services organization is designated.

(5) The director shall:

(a) Assure that any behavioral health administrative services organization, managed care organization, or community behavioral health program provides medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the authority;

(b) Develop contracts in a manner to ensure an adequate network of inpatient

services, evaluation and treatment services, and facilities under chapter 71.05 RCW to ensure access to treatment, resource management services, and community support services;

(c) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for behavioral health services;

(d) Define administrative costs and ensure that the behavioral health administrative services organization does not exceed an administrative cost of ten percent of available funds;

(e) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork requirements. The audit procedure shall focus on the outcomes of service as provided in RCW 71.24.435, 70.320.020, and 71.36.025;

(f) Develop and maintain an information system to be used by the state and behavioral health administrative services organizations and managed care organizations that includes a tracking method which allows the authority to identify behavioral health clients' participation in any behavioral health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(g) Monitor and audit behavioral health administrative services organizations as needed to assure compliance with contractual agreements authorized by this chapter;

(h) Monitor and audit access to behavioral health services for individuals eligible for medicaid who are not enrolled in a managed care organization;

(i) Adopt such rules as are necessary to implement the authority's responsibilities under this chapter;

(j) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(k) Require the behavioral health administrative services organizations and the managed care organizations to develop agreements with tribal, city, and county jails and the department of corrections to accept referrals for enrollment on behalf of a confined person, prior to the person's release;

(l) Require behavioral health administrative services organizations and managed care organizations, as applicable, to provide services as identified in RCW 71.05.585 to individuals committed for involuntary commitment under less restrictive alternative court orders when:

(i) The individual is enrolled in the medicaid program; or

(ii) The individual is not enrolled in medicaid((~~,~~)) and does not have other insurance which can pay for the services((~~, and the behavioral health administrative services organization has adequate available resources to provide the services~~)); and

(m) Coordinate with the centers for medicare and medicaid services to provide that behavioral health aide services are eligible for federal funding of up to one hundred percent.

(6) The director shall use available resources only for behavioral health administrative services organizations and managed care organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 71.24.435, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each behavioral health administrative services organization, managed care organization, and licensed or certified behavioral health agency shall file with the secretary of the

department of health or the director, on request, such data, statistics, schedules, and information as the secretary of the department of health or the director reasonably requires. A behavioral health administrative services organization, managed care organization, or licensed or certified behavioral health agency which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the contractual remedies in RCW 74.09.871 or may have its service provider certification or license revoked or suspended.

(8) The superior court may restrain any behavioral health administrative services organization, managed care organization, or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(9) Upon petition by the secretary of the department of health or the director, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary of the department of health or the director authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any behavioral health administrative services organization, managed care organization, or service provider refusing to consent to inspection or examination by the authority.

(10) Notwithstanding the existence or pursuit of any other remedy, the secretary of the department of health or the director may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a behavioral health administrative services organization, managed care organization, or service provider without a contract, certification, or a license under this chapter.

(11) The authority shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(12) The authority, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities licensed under chapter 71.12 RCW or certified under chapter 71.05 RCW. The authority shall periodically share the results of its efforts with the appropriate committees of the senate and the house of representatives.

(13) The authority may:

(a) Plan, establish, and maintain substance use disorder prevention and substance use disorder treatment programs as necessary or desirable;

(b) Coordinate its activities and cooperate with behavioral programs in this and other states, and make contracts and other joint or cooperative arrangements with state, tribal, local, or private agencies in this and other states for behavioral health services and for the common advancement of substance use disorder programs;

(c) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(d) Keep records and engage in research and the gathering of relevant statistics; and

(e) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide substance use disorder treatment programs.

Sec. 17. RCW 71.24.045 and 2019 c 325 s 1008 are each amended to read as follows:

(1) The behavioral health administrative services organization contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services twenty-four hours a day, seven days a week, three hundred sixty-five days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Tracking of less restrictive alternative orders issued within the region by superior courts, and providing notification to a managed care organization in the region when one of its enrollees receives a less restrictive alternative order so that the managed care organization may ensure that the person is connected to services and that the requirements of RCW 71.05.585 are complied with. If the person receives a less restrictive alternative order and is returning to another region, the behavioral health administrative services organization shall notify the behavioral health administrative services organization in the home region of the less restrictive alternative order so that the home behavioral health administrative services organization may notify the person's managed care organization or provide services if the person is not enrolled in medicaid and does not have other insurance which can pay for those services.

(v) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

((~~(v)~~)) (vi) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce rehospitalization and utilization of crisis services, as required by the authority in contract; and

((~~(vi)~~)) (vii) Regional coordination, cross-system and cross-jurisdiction coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board, the behavioral health ombuds, and efforts to support access to services or to improve the behavioral health system;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local government entities to ensure that policies do not result in an adverse shift of persons

with mental illness into state and local correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

NEW SECTION. **Sec. 18.** A new section is added to chapter 71.24 RCW to read as follows:

The authority shall coordinate with the department of social and health services to offer contracts to community behavioral health agencies to support the nonmedicaid costs entailed in fulfilling the agencies' role as transition team members for a person recommended for conditional release to a less restrictive alternative under RCW 10.77.150, or for a person who qualifies for multidisciplinary transition team services under RCW 71.05.320(6)(a)(i). The authority may establish requirements, provide technical assistance, and provide training as appropriate and within available funding.

NEW SECTION. **Sec. 19.** The Washington state health care authority shall revise its behavioral health data system for tracking involuntary commitment orders to distinguish less restrictive alternative orders from other types of involuntary commitment orders, including being able to distinguish between initial orders and extensions.

NEW SECTION. **Sec. 20.** The provisions of this act apply to persons who are committed for inpatient treatment under chapter 10.77 or 71.05 RCW as of the effective date of this section.

Sec. 21. 2020 c 302 s 110 (uncodified) is amended to read as follows:

(1) Sections 4 and 28 ((~~of this act~~)), chapter 302, Laws of 2020 and sections 13 and 14 of this act take effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months.

(2) The health care authority must provide written notice of the effective date of sections 4 and 28 ((~~of this act~~)), chapter 302, Laws of 2020 and sections 13 and 14 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

NEW SECTION. **Sec. 22.** Section 2 of this act expires July 1, 2026.

NEW SECTION. **Sec. 23.** Section 3 of this act takes effect July 1, 2026.

NEW SECTION. **Sec. 24.** Sections 11 and 13 of this act expire July 1, 2022.

NEW SECTION. **Sec. 25.** Sections 12 and 14 of this act take effect July 1, 2022."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Chandler; Hoff; Jacobsen and Rude.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Boehnke; Caldier and Dye.

Referred to Committee on Rules for second reading.

April 1, 2021

SSB 5073 Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Concerning involuntary commitment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.150 and 2020 c 302 s 13, 2020 c 256 s 302, and 2020 c 5 s 2 are each reenacted and amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the

reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A ((~~written order of apprehension~~)) superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment((~~, may be issued by a judge of the superior court~~)) upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of ((~~a~~)) the judge ((~~of the superior court~~)) that:

(i) ((~~That there~~)) There is probable cause to support the petition; and

(ii) ((~~That the~~)) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(e) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) An Indian tribe shall have jurisdiction exclusive to the state as to any involuntary commitment of an American Indian or Alaska Native to an evaluation and treatment facility located within the boundaries of that tribe, unless the tribe has consented to the state's concurrent jurisdiction, or the tribe has expressly declined to exercise its exclusive jurisdiction.

(6) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(7) In any investigation and evaluation of an individual under RCW 71.05.150 or 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe or Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230 (2)((~~(dd)~~)) (ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

Sec. 2. RCW 71.05.150 and 2020 c 302 s 14, 2020 c 256 s 303, and 2020 c 5 s 3 are each reenacted and amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A ((~~written order of apprehension~~)) superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment((~~, may be issued by a judge of the superior court~~)) upon request of a designated crisis responder whenever it appears to the satisfaction of ((~~a~~)) the judge ((~~of the superior court~~)) that:

(i) ((~~That there~~)) There is probable cause to support the petition; and

(ii) ((~~That the~~)) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) An Indian tribe shall have jurisdiction exclusive to the state as to any involuntary commitment of an American Indian or Alaska Native to an evaluation and treatment facility located within the boundaries of that tribe, unless the tribe has consented to the state's concurrent jurisdiction, or the tribe has expressly declined to exercise its exclusive jurisdiction.

(6) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(7) In any investigation and evaluation of an individual under RCW 71.05.150 or 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe or Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230 (2)((~~(dd)~~)) (ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

Sec. 3. RCW 71.05.153 and 2020 c 302 s 16 and 2020 c 5 s 4 are each reenacted and amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a behavioral health disorder, presents an imminent

likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility, secure withdrawal management and stabilization facility if available with adequate space for the person, or approved substance use disorder treatment program if available with adequate space for the person, for not more than one hundred twenty hours as described in RCW 71.05.180.

(2)(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(i) Pursuant to subsection (1) of this section; or

(ii) When he or she has reasonable cause to believe that such person is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(4) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

Sec. 4. RCW 71.05.153 and 2020 c 302 s 17 and 2020 c 5 s 5 are each reenacted and amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the

information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, for not more than one hundred twenty hours as described in RCW 71.05.180.

(2) A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(a) Pursuant to subsection (1) of this section; or

(b) When he or she has reasonable cause to believe that such person is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(4) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

Sec. 5. RCW 71.05.210 and 2020 c 302 s 26 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician, physician assistant, or advanced registered nurse practitioner; and

(ii) One mental health professional. If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a substance use disorder professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or

71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to one hundred twenty hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for one hundred twenty hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, ((~~after~~)) at any time during the involuntary treatment hold and following the initial examination and evaluation, the mental health professional or substance use disorder professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement for the remainder of the current commitment period without any need for further court review; however, a person may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(3) An evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 6. RCW 71.05.210 and 2020 c 302 s 27 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician, physician assistant, or advanced registered nurse practitioner; and

(ii) One mental health professional. If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a substance use disorder professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to one hundred twenty hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for one hundred twenty hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or

detained pursuant to court order for further treatment as provided in this chapter.

(2) If, ((~~after~~)) at any time during the involuntary treatment hold and following the initial examination and evaluation, the mental health professional or substance use disorder professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement for the remainder of the current commitment period without any need for further court review.

(3) An evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 7. RCW 71.05.240 and 2020 c 302 s 39 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within one hundred twenty hours of the initial detention of such person as determined in RCW 71.05.180, or at a time determined under RCW 71.05.148.

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) A court may only order commitment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available facility with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for up to ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a behavioral health disorder, is in need of assisted outpatient behavioral health treatment, and that the person does not present a likelihood of serious harm and is not gravely disabled, the court shall order an appropriate less restrictive alternative course of treatment for up to ninety days.

(5) An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the treatment recommendations of the behavioral health service provider.

(6) The court shall notify the person orally and in writing that if involuntary treatment is sought beyond the fourteen-day inpatient or ninety-day less restrictive treatment period, the person has the right to a full hearing or jury trial under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also notify the person orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain a person under this section, the court shall issue an order to dismiss the petition.

(8) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

Sec. 8. RCW 71.05.240 and 2020 c 302 s 40 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within one hundred twenty hours of the initial detention of such person as determined in RCW 71.05.180, or at a time determined under RCW 71.05.148.

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for up to ninety days.

(c) If the court finds by a preponderance of the evidence that such person, as the result of a behavioral health disorder, is in need of assisted outpatient behavioral health treatment, and that the person does not present a likelihood of serious harm and is not gravely disabled, the court shall order an appropriate less restrictive

alternative course of treatment for up to ninety days.

(5) An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the treatment recommendations of the behavioral health service provider.

(6) The court shall notify the person orally and in writing that if involuntary treatment is sought beyond the fourteen-day inpatient or ninety-day less restrictive treatment period, such person has the right to a full hearing or jury trial under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also notify the person orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain a person under this section, the court shall issue an order to dismiss the petition.

(8) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

Sec. 9. RCW 71.05.320 and 2020 c 302 s 45 are each amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of

this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

(9) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

Sec. 10. RCW 71.05.320 and 2020 c 302 s 46 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW

71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

(9) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

Sec. 11. RCW 71.05.340 and 2018 c 201 s 3017 are each amended to read as follows:

(1)(a) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient treatment prior to or at the expiration of the period of commitment, then such outpatient care may be required as a term of conditional release for a period which, when ((~~added to the~~)) combined with the number of days the person has spent in inpatient treatment ((~~period~~)),

shall not exceed ((~~the period of commitment~~)) 90 days if the underlying commitment was for a period of 14 or 90 days, or 180 days if the underlying commitment was for a period of 180 days. If the facility or agency designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the terms of conditional release shall be given to the patient, the designated crisis responder in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(b) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(4)(c) is conditionally released under (a) of this subsection, the superintendent or professional person in charge of the hospital or facility providing involuntary treatment shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision to conditionally release the person. Notice and a copy of the terms of conditional release shall be provided at least thirty days before the person is released from inpatient care. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county that issued the commitment order to hold a hearing to determine whether the person may be conditionally released and the terms of the conditional release. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and guardian or conservator of the committed person, and the court of original commitment. If the county in which the committed person is to receive outpatient treatment is the same county in which the criminal charges against the committed person were dismissed, then the court shall, upon the motion of the prosecuting attorney, transfer the proceeding to the court in that county. The court shall conduct a hearing on the petition within ten days of the filing of the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be conditionally released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the conditional release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the conditional release of the person shall be approved by the court on the same or modified conditions or the person shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

(2) The facility or agency designated to provide outpatient care or the secretary of the department of social and health services may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions. Enforcement or revocation proceedings related to a conditional release ((~~order~~)) may occur as provided under RCW 71.05.590.

Sec. 12. RCW 71.05.585 and 2020 c 302 s 53 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the less restrictive alternative treatment;

(c) A psychiatric evaluation, a substance use disorder evaluation, or both;

(d) A schedule of regular contacts with the provider of the ((~~less restrictive alternative~~)) treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan; ((~~and~~))

(g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and

(h) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance ((~~abuse~~)) use disorder counseling;

(e) Residential treatment; ((~~and~~))

(f) Support for housing, benefits, education, and employment; and

(g) Periodic court review.

(3) If the person was provided with involuntary medication under RCW 71.05.215 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) A care coordinator may disclose information and records related to mental health services pursuant to RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment.

(7) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 13. RCW 71.05.590 and 2020 c 302 s 55 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release ((~~order~~)), or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release ((~~order~~)). The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to or by the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection ((~~(4)~~)) (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection ((~~(4)~~)) (5) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection ((~~(6)~~)) (7) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

((~~(4)~~)) (5)(a) Except as provided in subsection ((~~(6)~~)) (7) of this section, a designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility, an available secure withdrawal management and stabilization facility with adequate space, or an available approved substance use disorder treatment program with adequate space, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection ((~~(4)~~)) (5) may be initiated without

ordering the apprehension and detention of the person.

(b) Except as provided in subsection ((~~(6)~~)) (7) of this section, a person detained under this subsection ((~~(4)~~)) (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection ((~~(6)~~)) (7) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release ((~~order~~)) or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for fourteen days from the revocation hearing if the outpatient order was based on a petition under RCW 71.05.160 or 71.05.230. If the court orders detention for inpatient treatment and the outpatient order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the outpatient order must be converted to days of inpatient treatment authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

((~~(5)~~)) (6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

((~~(6)~~)) (7)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this

subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to one hundred twenty hours, excluding weekends and holidays, pending a court hearing. If the person is not detained, the hearing must be scheduled within one hundred twenty hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the one hundred twenty hour period, the court must find that the person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

Sec. 14. RCW 71.05.590 and 2020 c 302 s 56 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release ((~~order~~)), or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release ((~~order~~)). The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to or by the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to

determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection ((~~(4)~~)) (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection ((~~(4)~~)) (5) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initial inpatient detention procedures under subsection ((~~(6)~~)) (7) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

((~~(4)~~)) (5)(a) Except as provided in subsection ((~~(6)~~)) (7) of this section, a designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility, in a secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection ((~~(4)~~)) (5) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection ((~~(6)~~)) (7) of this section, a person detained under this subsection ((~~(4)~~)) (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection ((~~(6)~~)) (7) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the

person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release ((~~order~~)) or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for fourteen days from the revocation hearing if the outpatient order was based on a petition under RCW 71.05.160 or 71.05.230. If the court orders detention for inpatient treatment and the outpatient order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the outpatient order must be converted to days of inpatient treatment authorized in the original court order.

((~~(5)~~)) (6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

((~~(6)~~)) (7)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility, in a secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to one hundred twenty hours, excluding weekends and holidays, pending a court hearing. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the one hundred twenty hour period, the court must find that the person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

Sec. 15. RCW 71.34.755 and 2020 c 302 s 96 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, must include the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the less restrictive alternative treatment;

(c) A psychiatric evaluation, a substance use disorder evaluation, or both;

(d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan; and

(g) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce

substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may include the following additional services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance ((~~abuse~~)) use disorder counseling;

(e) Residential treatment; ((~~and~~))

(f) Support for housing, benefits, education, and employment; and

(g) Periodic court review.

(3) If the minor was provided with involuntary medication during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a minor ordered to less restrictive alternative treatment must submit an individualized plan for the minor's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) A care coordinator may disclose information and records related to mental health services pursuant to RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment.

(7) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative treatment orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 16. RCW 70.02.230 and 2020 c 256 s 402 are each amended to read as follows:

(1) ((~~Except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030, the~~)) The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies ((~~must be confidential~~)) may not be disclosed except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or under a valid authorization under RCW 70.02.030.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed ((~~only~~)):

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

(ii) Who has medical responsibility for the patient's care;

(iii) Who is a designated crisis responder;

(iv) Who is providing services under chapter 71.24 RCW;

(v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is

pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) By a care coordinator under RCW 71.05.585 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.05 RCW;

(l) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

((~~(l)~~)) (m) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

((~~(m)~~)) (n) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iv). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iv);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

((~~(n)~~)) (o) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

((~~(o)~~)) (p) Pursuant to lawful order of a court, including a tribal court;

((~~(p)~~)) (q) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

((~~(q)~~)) (r) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

((~~(r)~~)) (s) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, ((~~alcoholism,~~)) or substance use disorder of persons who are under the supervision of the department;

((~~(s)~~)) (t) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, ((~~alcoholism, or drug abuse~~)) or substance use disorder of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

((~~(t)~~)) (u) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

((~~(u)~~)) (v)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)((~~(u)~~)) (v) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the patient who is the subject of the request for release of information;

((~~(v)~~)) (w) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in ((~~(u)~~)) (v) of this subsection;

((~~(w)~~)) (x) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

((~~(x)~~)) (y) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

((~~(y)~~)) (z) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the

patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

((~~(z)~~)) (aa) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

((~~(aa)~~)) (bb)(i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary, or director, where applicable;

((~~(bb)~~)) (cc) To any person if the conditions in RCW 70.02.205 are met;

((~~(cc)~~)) (dd) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450; or

((~~(dd)~~)) (ee) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150(7).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a

minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 17. RCW 70.02.240 and 2019 c 381 s 20 are each amended to read as follows:

The fact of admission and all information and records related to mental health services obtained through inpatient or outpatient treatment of a minor under chapter 71.34 RCW must be kept confidential, except as authorized by this section or under RCW 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265. Confidential information under this section may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To the minor, the minor's parent, including those acting as a parent as defined in RCW 71.34.020 for purposes of family-initiated treatment, and the minor's attorney, subject to RCW 13.50.100;

(4) To the courts as necessary to administer chapter 71.34 RCW;

(5) By a care coordinator under RCW 71.34.755 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 RCW;

(6) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

((~~(6)~~)) (7) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

((~~(7)~~)) (8) To the secretary of social and health services and the director of the health care authority for assistance in data collection and program evaluation or research so long as the secretary or director, where applicable, adopts rules for the conduct of such evaluation and research. The rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/ . . . . . ";

((~~(8)~~)) (9) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

((~~(9)~~)) (10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

((~~(10)~~)) (11) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

((~~(11)~~)) (12) Upon the death of a minor, to the minor's next of kin;

((~~(12)~~)) (13) To a facility in which the minor resides or will reside;

((~~(13)~~)) (14) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iv). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iv);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

((~~(14)~~)) (15) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the director of the health care authority or the secretary of the department of social and health services, where applicable. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

((~~(15)~~)) (16) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

((~~(16)~~)) (17) Pursuant to a lawful order of a court.

Sec. 18. RCW 71.05.425 and 2018 c 201 s 3019 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the

earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4) to the following:

(i) The chief of police of the city, if any, in which the person will reside;

(ii) The sheriff of the county in which the person will reside; and

(iii) The prosecuting attorney of the county in which the criminal charges against the committed person were dismissed.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(4)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings;

(iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter; and

(iv) The chief of police of the city, if any, and the sheriff of the county, if any, which had jurisdiction of the person on the date of the applicable offense.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person escaped and in which the person resided immediately before the person's arrest and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(4) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 70.02.230(2)((~~(n)~~)) (o). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department of social and health services learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department of social and health services by the requesting party. The requesting party shall furnish the department of social and health services with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, state registered domestic

partner, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 19. RCW 71.05.020 and 2020 c 302 s 3, 2020 c 256 s 301, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to((~~, hospitals~~)): Hospitals licensed under chapter 70.41 RCW((~~,~~)); evaluation and treatment facilities as defined in this section((~~,~~)); community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025((~~,~~)); licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW((~~,~~)); approved substance use disorder treatment programs as defined in this section((~~,~~)); secure withdrawal management and stabilization facilities as defined in this section((~~,~~)); and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional

appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to

benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient behavioral health treatment order under RCW 71.05.148;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(54) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(55) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(56) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(57) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(58) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property((~~;~~

~~(59) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database~~)).

Sec. 20. RCW 71.05.020 and 2020 c 302 s 3, 2020 c 256 s 301, 2020 c 80 s 51, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not

limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to((~~, hospitals~~)): Hospitals licensed under chapter 70.41 RCW((~~,~~)); evaluation and treatment facilities as defined in this section((~~,~~)); community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025((~~,~~)); licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW((~~,~~)); approved substance use disorder treatment programs as defined in this section((~~,~~)); secure withdrawal management and stabilization facilities as defined in this section((~~,~~)); and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The

commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient behavioral health treatment order under RCW 71.05.148;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted

by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(54) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(55) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the

department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(56) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(57) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(58) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property((~~.~~

~~(59) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database~~)).

Sec. 21. RCW 71.05.020 and 2020 c 302 s 4, 2020 c 302 s 3, 2020 c 256 s 301, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to((~~, hospitals~~)): Hospitals licensed under chapter 70.41 RCW((~~,~~)); evaluation and treatment

facilities as defined in this section((~~,~~)); community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025((~~,~~)); licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW((~~,~~)); approved substance use disorder treatment programs as defined in this section((~~,~~)); secure withdrawal management and stabilization facilities as defined in this section((~~,~~)); and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall

be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient

treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient behavioral health treatment order under RCW 71.05.148;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is

operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department,

which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property((~~;~~

~~(60) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database~~)).

Sec. 22. RCW 71.05.020 and 2020 c 302 s 4, 2020 c 302 s 3, 2020 c 256 s 301, 2020 c 80 s 51, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to((~~, hospitals~~)): Hospitals licensed under chapter 70.41 RCW((~~,~~)); evaluation and treatment facilities as defined in this section((~~,~~)); community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025((~~,~~)); licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW((~~,~~)); approved substance use disorder treatment programs as defined in this section((~~,~~)); secure withdrawal management and stabilization facilities as defined in this section((~~,~~)); and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person

being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient behavioral health treatment order under RCW 71.05.148;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable

fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide,

injury, or substantial loss or damage to property((~~.~~

~~(60) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database~~)).

Sec. 23. 2020 c 302 s 110 (uncodified) is amended to read as follows:

(1) Sections 4 and 28 ((~~of this act~~)), chapter 302, Laws of 2020 and, until July 1, 2022, section 21 of this act and, beginning July 1, 2022, section 22 of this act take effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months.

(2) The health care authority must provide written notice of the effective date of sections 4 and 28 ((~~of this act~~)), chapter 302, Laws of 2020 and sections 21 and 22 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

Sec. 24. RCW 71.34.020 and 2020 c 302 s 63, 2020 c 274 s 50, and 2020 c 185 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment,

which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term ((~~alcoholism or drug~~)) substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31)(a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor ((~~who is not residing in a facility providing inpatient treatment as defined in this chapter~~)) as a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.34.755, including residential treatment.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(61) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(62) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(63) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

((~~(63)~~)) (64) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

((~~(64)~~)) (65) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

((~~(65)~~)) (66) "Treatment records" include registration and all other

records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

((~~(66)~~)) (67) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

((~~(67)~~)) (68) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

(69) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

((~~(68) "Written order of apprehension" means an order of the court for a peace officer to deliver the named minor in the order to a facility or emergency room as determined by the designated crisis responder. Such orders must be entered into the Washington crime information center database.~~))

Sec. 25. RCW 71.34.020 and 2020 c 302 s 63, 2020 c 274 s 50, 2020 c 185 s 2, and 2020 c 80 s 54 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board

eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning

evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term ((~~alcoholism or drug~~)) substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31)(a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor ((~~who is not residing in a facility providing inpatient treatment as defined in this chapter~~)) as a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.34.755, including residential treatment.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a

minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(61) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(62) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(63) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

((~~(63)~~)) (64) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

((~~(64)~~)) (65) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

((~~(65)~~)) (66) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

((~~(66)~~)) (67) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

((~~(67)~~)) (68) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

(69) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

((~~(68) "Written order of apprehension" means an order of the court for a peace officer to deliver the named minor in the order to a facility or emergency room as determined by the designated crisis responder. Such orders must be entered into the Washington crime information center database.~~))

Sec. 26. RCW 71.34.020 and 2020 c 302 s 64, 2020 c 302 s 63, 2020 c 274 s 50, and 2020 c 185 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health

as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and

separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term ((~~alcoholism or drug~~)) substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31)(a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor

offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor ((~~who is not residing in a facility providing inpatient treatment as defined in this chapter~~)) as a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.34.755, including residential treatment.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior.

(61) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(62) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(63) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(64) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

((~~(64)~~)) (65) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

((~~(65)~~)) (66) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

((~~(66)~~)) (67) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

((~~(67)~~)) (68) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

((~~(68)~~)) (69) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

(70) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

((~~(69) "Written order of apprehension" means an order of the court for a peace officer to deliver the named minor in the order to a facility or emergency room as determined by the designated crisis responder. Such orders must be entered into the Washington crime information center database.~~))

Sec. 27. RCW 71.34.020 and 2020 c 302 s 64, 2020 c 302 s 63, 2020 c 274 s 50, 2020 c 185 s 2, and 2020 c 80 s 54 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term ((~~alcoholism or drug~~)) substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31)(a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor ((~~who is not residing in a facility providing inpatient treatment as defined in this chapter~~)) as a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.34.755, including residential treatment.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private

agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior.

(61) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

((~~(61)~~)) (62) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

((~~(62)~~)) (63) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(64) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

((~~(63)~~)) (65) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

((~~(64) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior.~~

~~(65)~~)) (66) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

((~~(66)~~)) (67) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health

organizations, or a treatment facility if the notes or records are not available to others.

((~~(67)~~)) (68) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

((~~(68)~~)) (69) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

(70) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

((~~(69) "Written order of apprehension" means an order of the court for a peace officer to deliver the named minor in the order to a facility or emergency room as determined by the designated crisis responder. Such orders must be entered into the Washington crime information center database.~~))

Sec. 28. 2020 c 302 s 111 (uncodified) is amended to read as follows:

(1) Sections 64 and 81 ((~~of this act~~)), chapter 302, Laws of 2020 and, until July 1, 2022, section 26 of this act and, beginning July 1, 2022, section 27 of this act take effect when the average wait time for children's long-term inpatient placement admission is 30 days or less for two consecutive quarters.

(2) The health care authority must provide written notice of the effective date of sections 64 and 81 ((~~of this act~~)), chapter 302, Laws of 2020 and sections 26 and 27 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

Sec. 29. RCW 71.34.710 and 2020 c 302 s 83 are each amended to read as follows:

(1)(a) When a designated crisis responder receives information that an adolescent as a result of a behavioral health disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing inpatient treatment.

A secure withdrawal management and stabilization facility or approved substance use disorder treatment program must be available and have adequate space for the adolescent.

(b) If a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.

(c) The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) Within twelve hours of the adolescent's arrival at the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the designated crisis responder shall serve or cause to be served on the adolescent

a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the adolescent's parent and the adolescent's attorney as soon as possible following the initial detention.

(b) ((~~If the adolescent is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the adolescent was initially detained, the~~)) The facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.

(3)(a) At the time of initial detention, the designated crisis responder shall advise the adolescent both orally and in writing that if admitted to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within one hundred twenty hours of the adolescent's provisional acceptance to determine whether probable cause exists to commit the adolescent for further treatment.

(b) The adolescent shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the adolescent is indigent.

(4) Subject to subsection (5) of this section, whenever the designated crisis responder petitions for detention of an adolescent under this chapter, an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing one hundred twenty hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the adolescent's arrival, the facility must evaluate the adolescent's condition and either admit or release the adolescent in accordance with this chapter.

(5) A designated crisis responder may not petition for detention of an adolescent to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and that has adequate space for the adolescent.

(6) If an adolescent is not approved for admission by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the adolescent as necessary.

(7) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

Sec. 30. RCW 71.34.710 and 2020 c 302 s 84 are each amended to read as follows:

(1)(a) When a designated crisis responder receives information that an adolescent as a result of a behavioral health disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing inpatient treatment.

(b) If a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.

(c) The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) Within twelve hours of the adolescent's arrival at the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the designated crisis responder shall serve or cause to be served on the adolescent a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the adolescent's parent and the adolescent's attorney as soon as possible following the initial detention.

(b) ((~~If the adolescent is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the adolescent was initially detained, the~~)) The facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.

(3)(a) At the time of initial detention, the designated crisis responder shall advise the adolescent both orally and in writing that if admitted to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within one hundred twenty hours of the adolescent's provisional acceptance to determine whether probable cause exists to commit the adolescent for further treatment.

(b) The adolescent shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the adolescent is indigent.

(4) Whenever the designated crisis responder petitions for detention of an adolescent under this chapter, an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing one hundred twenty hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the adolescent's arrival, the facility must evaluate the adolescent's condition and either admit or release the adolescent in accordance with this chapter.

(5) If an adolescent is not approved for admission by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the adolescent as necessary.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff

or the designated crisis responder have totally disregarded the requirements of this section.

Sec. 31. RCW 71.34.720 and 2020 c 302 s 86 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, ((~~after~~)) at any time during the involuntary treatment hold and following the initial examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement for the remainder of the current commitment period without any need for further court review; however a minor may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial one hundred twenty hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. A minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others.

(5) If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed one hundred twenty hours from the time of provisional acceptance. The computation of such one hundred twenty hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed one hundred twenty hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 32. RCW 71.34.720 and 2020 c 302 s 87 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, ((~~after~~)) at any time during the involuntary treatment hold and following the initial examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician

assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement for the remainder of the current commitment period without any need for further court review.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial one hundred twenty hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. A minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others.

(5) If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed one hundred twenty hours from the time of provisional acceptance. The computation of such one hundred twenty hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed one hundred twenty hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

NEW SECTION. **Sec. 33.** Sections 1, 3, 5, 7, 9, 13, 29, and 31 of this act expire July 1, 2026.

NEW SECTION. **Sec. 34.** Sections 2, 4, 6, 8, 10, 14, 30, and 32 of this act take effect July 1, 2026.

NEW SECTION. **Sec. 35.** Sections 19 and 24 of this act expire July 1, 2022.

NEW SECTION. **Sec. 36.** Sections 20 and 25 of this act take effect July 1, 2022.

NEW SECTION. **Sec. 37.** Sections 24, 26, and 29 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 38.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Jacobsen and Rude.

Referred to Committee on Rules for second reading.

March 31, 2021

ESSB 5097 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Expanding coverage of the paid family and medical leave program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends to prevent impacts, based on this act, to the family and medical leave insurance account or the application of a solvency surcharge.

Sec. 2. RCW 50A.05.010 and 2020 c 125 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1)(a) "Casual labor" means work that:

(i) Is performed infrequently and irregularly; and

(ii) If performed for an employer, does not promote or advance the employer's customary trade or business.

(b) For purposes of casual labor:

(i) "Infrequently" means work performed twelve or fewer times per calendar quarter; and

(ii) "Irregularly" means work performed not on a consistent cadence.

(2) "Child" includes a biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(3) "Commissioner" means the commissioner of the department or the commissioner's designee.

(4) "Department" means the employment security department.

(5)(a) "Employee" means an individual who is in the employment of an employer.

(b) "Employee" does not include employees of the United States of America.

(6) "Employee's average weekly wage" means the quotient derived by dividing the employee's total wages during the two quarters of the employee's qualifying period in which total wages were highest by twenty-six. If the result is not a multiple of one dollar, the department must round the result to the next lower multiple of one dollar.

(7)(a) "Employer" means: (i) Any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title; (ii) the state, state institutions, and state agencies; and (iii) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

(b) "Employer" does not include the United States of America.

(8)(a) "Employment" means personal service, of whatever nature, unlimited by the relationship of master and servant as known to the common law or any other legal relationship performed for wages or under any contract calling for the performance of personal services, written or oral, express or implied. The term "employment" includes an individual's entire service performed within or without or both within and without this state, if:

(i) The service is localized in this state; or

(ii) The service is not localized in any state, but some of the service is performed in this state; and

(A) The base of operations of the employee is in the state, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or

(B) The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(b) "Employment" does not include:

(i) Self-employed individuals;

(ii) Casual labor;

(iii) Services for remuneration when it is shown to the satisfaction of the commissioner that:

(A)(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or

business, of the same nature as that involved in the contract of service; or

(B) As a separate alternative:

(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(IV) On the effective date of the contract of service, such individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(V) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(VI) On the effective date of the contract of service, such individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting; or

(iv) Services that require registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW rendered by an individual when:

(A) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact;

(B) The service is either outside the usual course of business for which the service is performed, or the service is performed outside of all the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed;

(C) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes, other than that furnished by the employer for which the business has contracted to furnish services;

(D) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting;

(E) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has an active and valid certificate of registration with the department of revenue, and an active and valid account with any other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington;

(F) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business that the individual is conducting; and

(G) On the effective date of the contract of service, the individual has a valid contractor registration pursuant to chapter 18.27 RCW or an electrical contractor license pursuant to chapter 19.28 RCW.

(9) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.

(10) "Family leave" means any leave taken by an employee from work:

(a) To participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member;

(b) To bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of a child under the age of eighteen with the employee; or

(c) Because of any qualifying exigency as permitted under the federal family and medical leave act, 29 U.S.C. Sec. 2612(a)(1)(E) and 29 C.F.R. Sec. 825.126(b)(1) through (9), as they existed on October 19, 2017, for family members as defined in subsection ((~~(10)~~)) (11) of this section.

(11) "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual.

(12) "Grandchild" means a child of the employee's child.

(13) "Grandparent" means a parent of the employee's parent.

(14) "Health care provider" means: (a) A person licensed as a physician under chapter 18.71 RCW or an osteopathic physician and surgeon under chapter 18.57 RCW; (b) a person licensed as an advanced registered nurse practitioner under chapter 18.79 RCW; or (c) any other person determined by the commissioner to be capable of providing health care services.

(15) "Medical leave" means any leave taken by an employee from work made necessary by the employee's own serious health condition.

(16) "Paid time off" includes vacation leave, personal leave, medical leave, sick leave, compensatory leave, or any other paid leave offered by an employer under the employer's established policy.

(17) "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.

(18) "Period of incapacity" means an inability to work, attend school, or perform other regular daily activities because of a serious health condition, treatment of that condition or recovery from it, or subsequent treatment in connection with such inpatient care.

(19) "Premium" or "premiums" means the payments required by RCW 50A.10.030 and paid to the department for deposit in the family and medical leave insurance account under RCW 50A.05.070.

(20) "Qualifying period" means the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately preceding the application for leave.

(21)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, is considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Remuneration also includes settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an individual written employment contract prior to its expiration date. The proceeds are deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Remuneration does not include:

(i) The payment of tips;

(ii) Supplemental benefit payments made by an employer to an employee in addition to any paid family or medical leave benefits received by the employee; or

(iii) Payments to members of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

(22)(a) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

(i) Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or

(ii) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(A) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(I) Treatment two or more times, within thirty days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services, such as a physical therapist, under orders of, or on referral by, a health care provider; or

(II) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

(B) Any period of incapacity due to pregnancy, or for prenatal care;

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(I) Requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(II) Continues over an extended period of time, including recurring episodes of a single underlying condition; and

(III) May cause episodic rather than a continuing period of incapacity, including asthma, diabetes, and epilepsy;

(D) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider, including Alzheimer's, a severe stroke, or the terminal stages of a disease; or

(E) Any period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for: (I) Restorative surgery after an accident or other injury; or (II) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

(b) The requirement in (a)(i) and (ii) of this subsection for treatment by a health care provider means an in-person visit to a health care provider. The first, or only, in-person treatment visit must take place within seven days of the first day of incapacity.

(c) Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty-day period shall be determined by the health care provider.

(d) The term extenuating circumstances in (a)(ii)(A)(I) of this subsection means circumstances beyond the employee's

control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the thirty-day period, but the health care provider does not have any available appointments during that time period.

(e) Treatment for purposes of (a) of this subsection includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under (a)(ii)(A)(II) of this subsection, a regimen of continuing treatment includes, but is not limited to, a course of prescription medication, such as an antibiotic, or therapy requiring special equipment to resolve or alleviate the health condition, such as oxygen. A regimen of continuing treatment that includes taking over-the-counter medications, such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of this title.

(f) Conditions for which cosmetic treatments are administered, such as most treatments for acne or plastic surgery, are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease are examples of conditions that are not serious health conditions and do not qualify for leave under this title. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this section are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

(g)(i) Substance abuse may be a serious health condition if the conditions of this section are met. However, leave may only be taken for treatment for substance abuse by a health care provider or by a licensed substance abuse treatment provider. Absence because of the employee's use of the substance, rather than for treatment, does not qualify for leave under this title.

(ii) Treatment for substance abuse does not prevent an employer from taking employment action against an employee. The employer may not take action against the employee because the employee has exercised his or her right to take medical leave for treatment. However, if the employer has an established policy, applied in a nondiscriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking medical leave. An employee may also take family leave to care for a covered family member who is receiving treatment for substance abuse. The employer may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

(h) Absences attributable to incapacity under (a)(ii)(B) or (C) of this subsection qualify for leave under this title even though the employee or the family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

(23) "Service is localized in this state" has the same meaning as described in RCW 50.04.120.

(24) "Spouse" means a husband or wife, as the case may be, or state registered domestic partner.

(25) "State average weekly wage" means the most recent average weekly wage calculated under RCW 50.04.355 and available on January 1st of each year.

(26) "Supplemental benefit payments" means payments made by an employer to an employee as salary continuation or as paid time off. Such payments must be in addition to any paid family or medical leave benefits the employee is receiving.

(27) "Typical workweek hours" means:

(a) For an hourly employee, the average number of hours worked per week by an employee within the qualifying period; and

(b) Forty hours for a salaried employee, regardless of the number of hours the salaried employee typically works.

(28) "Wage" or "wages" means:

(a) For the purpose of premium assessment, the remuneration paid by an employer to an employee. The maximum wages subject to a premium assessment are those wages as set by the commissioner under RCW 50A.10.030;

(b) For the purpose of payment of benefits, the remuneration paid by one or more employers to an employee for employment during the employee's qualifying period. At the request of an employee, wages may be calculated on the basis of remuneration payable. The department shall notify each employee that wages are calculated on the basis of remuneration paid, but at the employee's request a redetermination may be performed and based on remuneration payable; and

(c) For the purpose of a self-employed person electing coverage under RCW 50A.10.010, the meaning is defined by rule.

NEW SECTION. **Sec. 3.** (1) The employment security department must collect and analyze disaggregated data relating to employment protections under Title 50A RCW. The employment security department must develop the proposed plan for data collection and analysis in consultation with the paid family and medical leave advisory committee.

(2) By December 1, 2021, the employment security department must submit a report to the appropriate committees of the legislature with the following information:

(a) Program utilization by employees covered under approved voluntary plans compared to employees covered under the state plan; and

(b) Program utilization by employees working for employers with 50 or more employees compared to employees working for employers with fewer than 50 employees.

(3) By June 30, 2022, and June 30, 2023, the employment security department must submit a report to the appropriate committees of the legislature with the following information:

(a) The number of individuals who used leave under Title 50A RCW in the preceding 12 months as a result of the amended definition of family member in this act; and

(b) The effects, if any, on the family and medical leave insurance account as a result of the amended definition of family member in this act.

(4) The employment security department must provide members of the paid family and medical leave advisory committee opportunity for comment on the reports under subsections (2) and (3) of this section. Comments provided through this process must be included in a separate section of each final report.

NEW SECTION. **Sec. 4.** If the number of individuals utilizing leave under Title 50A RCW as a result of the amended definition of family member in this act exceeds 500 individuals in any calendar year before July 1, 2023, the expenses of the additional leave must be paid by the general fund into the family and medical leave insurance account created in RCW 50A.05.070."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

March 31, 2021

ESSB 5118 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation:

Supporting successful reentry. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Children, Youth & Families.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.98.010 and 2011 c 336 s 345 are each amended to read as follows:

(1) Whenever a person has entered upon a term of imprisonment in a penal ((~~or~~)), correctional, or juvenile rehabilitation institution of this state, and whenever during the continuance of the term of imprisonment there is pending in this state any untried indictment, information, or complaint against the ((~~prisoner~~)) person, he or she shall be brought to trial within ((~~one hundred twenty~~)) 120 days after he or she shall have caused to be delivered to the prosecuting attorney and the ((~~superior~~)) court ((~~of the county~~)) in which the indictment, information, or complaint is pending written notice of the place of his or her imprisonment and his or her request for a final disposition to be made of the indictment, information, or complaint((~~: PROVIDED, That for~~)). The following time periods shall be excluded from the 120-day calculation:

(a) Arraignment, pretrial proceedings, trial, and sentencing on an unrelated charge in a different county than the court where the charge is pending;

(b) Proceedings related to competency to stand trial on the pending charge, from the entry of an evaluation order to the entry of a court order finding the person competent to proceed; and

(c) Time during which the person is detained in a federal jail or prison and subject to conditions of release not imposed by the state of Washington.

(2) The superintendent or the superintendent's designee who provides the certificate under subsection (4) of this section shall inform any prosecuting attorney or court requesting transportation of the person to resolve an untried indictment, information, or complaint of the person's current location and availability for trial. If the person is unavailable for transportation due to court proceedings in another county, the superintendent shall inform the prosecuting attorney or court when the person becomes available for transportation and provide a new certificate containing the information under subsection (4) of this section.

(3) For good cause shown in open court, with the ((~~prisoner~~)) person or his or her counsel ((~~shall have~~)) having the right to be present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(4) The request of the ((~~prisoner~~)) person shall be accompanied by a certificate of the superintendent or the superintendent's designee having custody of the ((~~prisoner~~)) person, stating the term of commitment under which the ((~~prisoner~~)) person is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the ((~~time of parole eligibility~~)) earned release date of the ((~~prisoner~~)) person, and any decisions of the indeterminate sentence review board relating to the ((~~prisoner~~)) person.

((~~(2)~~)) (5) The written notice and request for final disposition referred to in subsection (1) of this section shall be given or sent by the ((~~prisoner~~)) person to the superintendent or the superintendent's designee having custody of him or her, who shall promptly forward it together with the certificate to the appropriate prosecuting attorney and superior, district, municipal, or juvenile court by certified mail, return receipt requested.

((~~(3)~~)) (6) The superintendent or the superintendent's designee having custody of the ((~~prisoner~~)) person shall promptly inform him or her in writing of the source and contents of any untried indictment, information, or complaint against him or her concerning which the superintendent or the superintendent's designee has knowledge and of his or her right to make a request for final disposition thereof.

((~~(4)~~)) (7) Escape from custody by the ((~~prisoner~~)) person subsequent to his or her execution of the request for final disposition referred to in subsection (1) of this section shall void the request.

Sec. 2. RCW 36.70A.200 and 2020 c 128 s 1 and 2020 c 20 s 1027 are each reenacted and amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process

for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 (6) or (15) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40 RCW to read as follows:

(1) At least 30 days before release from a residential facility, the secretary shall send written notice of the planned release to the person's health care insurance provider. The notice shall include the person's current location and contact information as well as the person's expected location and contact information upon release. The notice shall not disclose the person's incarceration status unless their consent is given.

(2) If the person is not enrolled in a health insurance program, the secretary and the health care authority shall assist the person in obtaining coverage for which they are eligible in accordance with the time frames specified in subsection (1) of this section.

(3) The secretary may share with the health insurance provider additional health information related to the person to assist with care coordination and continuity of care consistent with RCW 70.02.230(2)(u) and other provisions of chapter 70.02 RCW."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

March 31, 2021

ESSB 5119 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning individuals in custody. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Dye; Jacobsen and Schmick.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Rules for second reading.

April 1, 2021

ESSB 5121 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Expanding eligibility for the graduated reentry program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.733 and 2018 c 166 s 1 are each amended to read as follows:

(1) ((~~No more than the final six months of the offender's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department. However, an offender may not participate in the graduated reentry program under this section unless he or she has served at least twelve months in total confinement in a state correctional facility.~~)) (a) Except as provided in (b) of this subsection, an offender may not participate in the graduated reentry program under this subsection unless he or she has served at least six months in total confinement in a state correctional facility.

(i) An offender subject to (a) of this subsection may serve no more than the final five months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.

(ii) Home detention under (a) of this subsection may not be imposed for individuals subject to a deportation order, civil commitment, or the interstate compact for adult offender supervision under RCW 9.94A.745.

(b) For offenders who meet the requirements of (b)(iii) of this subsection, an offender may not participate in the graduated reentry program unless he or she has served at least four months in total confinement in a state correctional facility.

(i) An offender under this subsection (1)(b) may serve no more than the final 18 months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.

(ii) Home detention under this subsection (1)(b) may not be imposed for

individuals subject to a deportation order or subject to the jurisdiction of the indeterminate sentence review board.

(iii) Home detention under this subsection (1)(b) may not be imposed for offenders currently serving a term of confinement for the following offenses:

(A) Any sex offense;

(B) Any violent offense; or

(C) Any crime against a person offense in accordance with the categorization of crimes against persons outlined in RCW 9.94A.411(2).

(2) The secretary of the department may transfer an offender from a department correctional facility to home detention in the community if it is determined that the graduated reentry program is an appropriate placement and must assist the offender's transition from confinement to the community.

(3) The department and its officers, agents, and employees are not liable for the acts of offenders participating in the graduated reentry program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

(4) All offenders placed on home detention as part of the graduated reentry program must provide an approved residence and living arrangement prior to transfer to home detention.

(5) While in the community on home detention as part of the graduated reentry program, the department must:

(a) Require the offender to be placed on electronic home monitoring;

(b) Require the offender to participate in programming and treatment that the department shall assign based on an offender's assessed need; and

(c) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements.

(6) The department retains the authority to return any offender serving partial confinement in the graduated reentry program to total confinement for any reason including, but not limited to, the offender's noncompliance with any sentence requirement.

(7) The department may issue rental vouchers for a period not to exceed six months for those transferring to partial confinement under this section if an approved address cannot be obtained without the assistance of a voucher.

(8) In the selection of offenders to participate in the graduated reentry program, and in setting, modifying, and enforcing the requirements of the graduated ((~~release [reentry]~~)) reentry program, the department is deemed to be performing a quasi-judicial function.

(9) The department shall publish a monthly report on its website with the number of offenders who were transferred during the month to home detention as part of the graduated reentry program. The department shall submit an annual report by December 1st to the appropriate committees of the legislature with the number of offenders who were transferred to home detention as part of the graduated reentry program during the prior year.

Sec. 2. RCW 9.94A.728 and 2018 c 166 s 2 are each amended to read as follows:

(1) No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(a) An offender may earn early release time as authorized by RCW 9.94A.729;

(b) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(c)(i) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(A) The offender has a medical condition that is serious and is expected to require costly care or treatment;

(B) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and

(C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(ii) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(iii) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(iv) The secretary may revoke an extraordinary medical placement under this subsection (1)(c) at any time.

(v) Persistent offenders are not eligible for extraordinary medical placement;

(d) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(e) No more than the final twelve months of the offender's term of confinement may be served in partial confinement for aiding the offender with: Finding work as part of the work release program under chapter 72.65 RCW; or reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(f) ((~~No more than the final six months~~)) (i) No more than the final five months of the offender's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department under RCW 9.94A.733(1)(a);

(ii) For eligible offenders under RCW 9.94A.733(1)(b), after serving at least four months in total confinement in a state correctional facility, an offender may serve no more than the final 18 months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department;

(g) The governor may pardon any offender;

(h) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(i) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870;

(j) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540; and

(k) Any person convicted of one or more crimes committed prior to the person's eighteenth birthday may be released from confinement pursuant to RCW 9.94A.730.

(2) Offenders residing in a juvenile correctional facility placement pursuant to RCW 72.01.410(1)(a) are not subject to the limitations in this section.

NEW SECTION. **Sec. 3.** The changes to restrictions on partial confinement and the graduated reentry program under sections 1 and 2 of this act apply prospectively and retroactively to persons currently serving a sentence in any facility or institution either operated by the state or utilized under contract."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier;

Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

April 1, 2021

ESSB 5122 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning the jurisdiction of juvenile court. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Children, Youth & Families.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the goal of the juvenile justice system should be to protect public safety, connect youth with age-appropriate services that reduce the risk of recidivism, and provide meaningful rehabilitation so all youth can have the opportunity for success in life. The legislature declares that responses to problematic behaviors of youth should be guided by evidence-based practices and that policy changes to the system should be strongly rooted in eliminating racial inequities.

The legislature recognizes that a scientific consensus has developed that demonstrates that youth continue to develop neurologically until age 26. The legislature finds that youth ages eight through 12 are less capable of making fully informed decisions and youth ages 18 and 19 are particularly susceptible to outside factors influencing their decision making.

The legislature recognizes that on January 18, 2021, the Washington state board of health released a review regarding the health impacts of raising the age of the juvenile court's jurisdiction to likely decrease the juvenile criminal legal system's involvement for some youth ages eight through 12 and to likely decrease the adult criminal legal system's involvement for some emerging adults ages 18 and 19. The board further found very strong evidence that this would decrease juvenile recidivism and improve health outcomes, access to employment opportunities, housing access, and economic stability.

The legislature intends to amend jurisdiction of juvenile court to include youth ages 13 through 19, with certain exceptions, and consider expanding juvenile court jurisdiction to include individuals over age 19. The legislature recognizes the important role that local governments play in ensuring access to justice in the juvenile court system. The legislature recognizes that amended jurisdiction in juvenile court may increase expenses for juvenile court systems despite significant offset savings in the adult system through reduced adult caseloads. The legislature intends to partner with local governments, courts, and other stakeholders to ensure successful expansion of juvenile court jurisdiction. The legislature therefore resolves to convene the raise the age juvenile justice task force to examine and plan for implementation of expanded juvenile court jurisdiction.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216 RCW to read as follows:

(1) The raise the age juvenile justice task force is established, with members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint one member as follows unless specified representing the:

(i) Juvenile rehabilitation administration;

(ii) Department of corrections;

(iii) Washington association of sheriffs and police chiefs;

(iv) Office of public defense;

(v) Washington association of prosecuting attorneys;

(vi) District and municipal court judges' association;

(vii) Administrative office of the courts;

(viii) Washington state association of counties, with one member representing the Washington state association of counties generally and one member representing the Washington state association of counties having expertise in county facilities;

(ix) Association of Washington cities;

(x) Washington state council of county and city employees;

(xi) Office of the superintendent of public instruction;

(xii) Minority and justice commission;

(xiii) Superior court judges' association, one member representing western Washington and one representing eastern Washington;

(xiv) Washington association of juvenile court administrators, one member representing western Washington and one representing eastern Washington;

(xv) Washington state school directors' association, a member representing a school district that provides education services to a juvenile rehabilitation residential facility;

(xvi) Department of health;

(xvii) Statewide organization representing public defense attorneys;

(xviii) Department of children, youth, and families;

(xix) Communities who have been impacted or served by the juvenile justice system, with two members from these communities;

(xx) Medical community with expertise in adolescent brain development;

(xxi) Organizations representing the interests of incarcerated persons, with two representatives each representing different programs and serving different constituencies; and

(xxii) Organizations representing the interests of youth involved in the juvenile justice system, with three representatives from different regions of the state or representing different programs.

(2) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2021. The task force shall choose its chair from among its legislative membership.

(3) Staff support for the task force must be provided by the office of juvenile justice.

(4) Taking into consideration research and case law regarding adolescent brain development, the task force shall consider and provide recommendations regarding:

(a) Implementation of juvenile jurisdiction expansion to encompass persons 18 years old and 19 years old; and

(b) Expansion of juvenile court jurisdiction to include ages above 19 years of age.

(5) On or before December 1, 2022, the task force shall report to the governor and appropriate committees of the legislature on the status and plan for the expansion, including necessary funding, essential personnel and programmatic resources, measures necessary to avoid a negative impact on the state's child protection response, and specific milestones related to operations and policy, including:

(a) A timeline for structural and systemic changes within the juvenile justice system for the juvenile rehabilitation division, the department of children, youth, and families, the department of corrections, and the juvenile court pursuant to chapter 13.04 RCW;

(b) An operations and business plan that defines benchmarks, including possible changes to resource allocations;

(c) Review of the estimated costs avoided by local and state governments with the reduction of recidivism and an analysis of cost savings reinvestment options;

(d) Anticipated county and state facility changes and modifications, including a timeline or planning needed to successfully expand juvenile court jurisdiction;

(e) Estimated new costs incurred to provide juvenile justice services to persons 18 years old and 19 years old; and

(f) A clearly defined path for geographic consistency given varying local resources, staff, physical plant limitations, training, services, and partnering needs.

(6)(a) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Except as provided in (b) of this subsection, nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(b) Nonlegislative members of the task force who demonstrate financial hardship must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as other expenses as needed for each day a nonlegislative task force member attends a task force meeting to provide consultative assistance.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The task force must hold at least one meeting a month. The task force may form work groups and may consult experts in fields that will inform and assist the work of the task force.

(9) This section expires January 1, 2023.

Sec. 3. RCW 9A.04.050 and 2011 c 336 s 347 are each amended to read as follows:

Children under the age of ((~~eight~~)) 13 years are incapable of committing crime. Children of eight ((~~and under~~)) through twelve years of age who are charged with murder in the first or second degree are presumed to be incapable of committing crime, but this presumption may be ((~~removed by proof~~)) rebutted by clear and convincing evidence that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he or she may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his or her examination by one or more physicians, whose opinion shall be competent evidence upon the question of his or her age.

Sec. 4. RCW 13.40.590 and 2002 c 237 s 10 are each amended to read as follows:

(1) The administrative office of the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(a) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(b) Target offenders age ((~~eight~~)) 13 through ((~~seventeen~~)) 17; and

(c) Emphasize the following principles:

(i) Youth must be held accountable for their problem behavior;

(ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(iii) Youth must develop skills to resolve problems with their peers more effectively; and

(iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs under this section may be established by private nonprofit organizations and schools, upon prior approval and under the supervision of juvenile court.

Sec. 5. RCW 13.40.600 and 2002 c 237 s 11 are each amended to read as follows:

(1) Youth courts have authority over juveniles ages ((~~eight~~)) 13 through ((~~seventeen~~)) 17 who:

(a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;

(b) Admit they have committed the offense they are referred for;

(c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and

(d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.

(2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.

(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.

(4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.

(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

NEW SECTION. **Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

March 31, 2021

SB 5133 Prime Sponsor, Senator Conway: Concerning the definition of confidential employee for the purposes of state collective bargaining. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Caldier; Harris and Rude.

Referred to Committee on Rules for second reading.

March 31, 2021

E2SSB 5141 Prime Sponsor, Committee on Ways & Means: Reducing environmental and health disparities and improving the health of all Washington state residents by implementing the recommendations of the environmental justice task force. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The purpose of this chapter is to reduce environmental and health disparities in Washington state and improve the health of all Washington state residents. This chapter implements the recommendations of the environmental justice task force established in section 221(48), chapter 415, Laws of 2019 entitled "Report to the Washington state governor and legislature, *Environmental Justice Task Force: Recommendations for Prioritizing EJ in Washington State Government* (October 2020)."

(2) As conveyed in the task force report, Washington state studies and national studies found that people of color and low-income people continue to be disproportionately exposed to environmental harms in their communities. As a result, there is a higher risk of adverse health outcomes for those communities. This risk is amplified when overlaid on communities with preexisting social and economic barriers and environmental risks, and creates cumulative environmental health impacts, which this act seeks to prevent and mitigate.

This chapter also seeks to reduce exposure to environmental hazards within

Indian country, as defined in 18 U.S.C. Sec. 1151, due to off-reservation activities within the state, and to improve state practices to reduce contamination of traditional foods wherever they occur. Exposure to such hazards can result in generational health and ecological problems, particularly on small reservations where it is impossible to move away from a hazard.

(3) Accordingly, the state has a compelling interest in preventing and addressing such environmental health disparities in the administration of ongoing and new environmental programs, including allocation of funds, and in administering these programs so as to remedy the effects of past disparate treatment of overburdened communities and vulnerable populations.

(4) The task force provided recommendations to state agencies for measurable goals and model policies to reduce environmental health inequities in Washington, equitable practices for meaningful community involvement, and how to use the environmental health disparities map to identify and promote the equitable distribution of environmental benefits to overburdened communities. In order for all communities in Washington state to be healthy and thriving, state government should aim to concentrate government actions to benefit communities that currently have the greatest environmental and health burdens.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Council" means the environmental justice council established in section 20 of this act.

(2) "Covered agency" means the departments of ecology, health, natural resources, commerce, agriculture, and transportation, the Puget Sound partnership, and any agency that opts to assume all of the obligations of this act pursuant to section 11 of this act.

(3) "Cumulative environmental health impact" means the combined, multiple environmental impacts and health impacts on a vulnerable population or overburdened community.

(4) "Environmental benefits" means activities that:

(a) Prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts;

(b) Prevent or mitigate impacts to overburdened communities or vulnerable populations from, or support community response to, the impacts of environmental harm; or

(c) Meet a community need identified by an overburdened community or vulnerable population that is consistent with the intent of this chapter.

(5) "Environmental harm" means the individual or cumulative environmental health impacts and risks to communities caused by historic, current, and projected:

(a) Exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land;

(b) Adverse environmental effects, including exposure to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes or create vulnerabilities to the impacts of climate change;

(c) Loss or impairment of ecosystem functions or traditional food resources and loss of access to gather cultural resources or harvest traditional foods; and

(d) Health and economic impacts from climate change.

(6) "Environmental health disparities map" means the data and information developed pursuant to section 19 of this act.

(7) "Environmental impacts" means environmental benefits or environmental harms, or the combination of environmental benefits and harms, resulting or expected to result from a proposed action.

(8) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all

laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, equitably distributing resources and benefits, and eliminating harm.

(9) "Equitable distribution" means a fair and just, but not necessarily equal, allocation intended to mitigate disparities in benefits and burdens, and based on current conditions, including existing legacy and cumulative impacts, that are informed by cumulative environmental health impact analysis.

(10) "Evidence-based" means a process that is conducted by a systematic review of available data based on a well-established and widely used hierarchy of data in current use by other state and national programs, selected by the departments of ecology and health. The environmental justice council may provide input on the development of the process.

(11) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.

(12) "Significant agency action" means the following actions when reasonably evident, at the beginning of a covered agency's consideration of the significant agency action or at the time when an environmental justice assessment would normally be initiated in conjunction with an agency action, that the action may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population:

(a) The process of developing and adopting significant legislative rules as defined in RCW 34.05.328;

(b) The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out;

(c) Transportation projects that increase the capacity of the state transportation system, such as system capacity expansion projects and new state highway, ferry, or freight facilities;

(d) Major capital projects of at least $12,000,000;

(e) The submission of agency request legislation to the office of the governor or the office of financial management for approval; and

(f) Any other agency actions deemed significant by a covered agency consistent with section 14 of this act.

(13) "Tribal lands" has the same meaning as "Indian country" as provided in 18 U.S.C. Sec. 1151, and also includes sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law.

(14)(a) "Vulnerable populations" means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

(b) "Vulnerable populations" includes, but is not limited to:

(i) Racial or ethnic minorities;

(ii) Low-income populations;

(iii) Populations disproportionately impacted by environmental harms; and

(iv) Populations of workers experiencing environmental harms.

NEW SECTION. **Sec. 3.** ENVIRONMENTAL JUSTICE OBLIGATIONS FOR ALL AGENCIES. Covered agencies are required to comply with all provisions of this chapter. All other state agencies should strive to apply the laws of the state of Washington, and the rules and policies of the agency, in accordance with the policies of this chapter including, to the extent feasible, incorporating the principles of environmental justice assessment processes set forth in section 14 of this act into agency decisions.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF HEALTH.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.21A RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF ECOLOGY.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.23 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF AGRICULTURE.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.30 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF NATURAL RESOURCES.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 8.** A new section is added to chapter 43.330 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF COMMERCE.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 9.** A new section is added to chapter 47.01 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF TRANSPORTATION.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 10.** A new section is added to chapter 90.71 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE PUGET SOUND PARTNERSHIP.

The partnership must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act).

NEW SECTION. **Sec. 11.** AUTHORITY OF OTHER AGENCIES TO OPT IN TO ENVIRONMENTAL JUSTICE OBLIGATIONS. (1) Any state agency, as the term "agency" is defined in RCW 34.05.010, including the governor's office and the office of the attorney general but excluding local governmental entities, may opt in to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.--- RCW (the new chapter created in section 24 of this act) at any time by notifying the council established in section 20 of this act.

(2) An agency that opts in to assume all of the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act) is not subject to the deadlines or timelines established in sections 12, 13, 14, 16, and 20 of this act.

NEW SECTION. **Sec. 12.** INCORPORATING ENVIRONMENTAL JUSTICE INTO AGENCY STRATEGIC PLANS. (1) By January 1, 2023, each covered agency shall include an environmental justice implementation plan within its strategic plan. A covered agency may additionally incorporate an environmental justice implementation plan into other significant agency planning documents. The plan must describe how the covered agency plans to apply the principles of environmental justice to the agency's activities and guide the agency in its implementation of its obligations under this chapter.

(2) In its environmental justice implementation plan, each covered agency must include:

(a) Agency-specific goals and deliverables to reduce environmental and health disparities and for otherwise achieving environmental justice in the agency's programs;

(b) Metrics to track and measure accomplishments of the agency goals and deliverables;

(c) Methods to embed equitable community engagement with, and equitable participation from, members of the public, into agency practices for soliciting and receiving public comment;

(d) Strategies to ensure compliance with existing federal and state laws and policies relating to environmental justice, including Title VI of the civil rights act of 1964, 42 U.S.C. Sec. 2000d-2000d-4, Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1683, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794, and the age discrimination act of 1975, 42 U.S.C. Sec. 6101-6107;

(e) The plan for community engagement required under section 13 of this act; and

(f) Specific plans and timelines for incorporating environmental justice considerations into agency activities as required under this chapter.

(3) In developing and updating its plan, each covered agency must consider any guidance developed by the council pursuant to section 20 of this act.

NEW SECTION. **Sec. 13.** EQUITABLE COMMUNITY ENGAGEMENT AND PUBLIC PARTICIPATION. (1) By July 1, 2022, each covered agency must create and adopt a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs. This plan must describe how the agency plans to facilitate equitable participation and support meaningful and direct involvement of vulnerable populations and overburdened communities. The plan must include:

(a) How the covered agency will identify and prioritize overburdened communities for purposes of this chapter;

(b) Best practices for outreach and communication to overcome barriers to engagement with overburdened communities and vulnerable populations;

(c) Use of special screening tools that integrate environmental, demographic, and health disparities data, such as the environmental health disparities map, to evaluate and understand the nature and needs of the people who the agency expects to be impacted by significant agency actions under section 14 of this act and processes under section 16 of this act to overcome barriers to participation;

(d) Processes that facilitate and support the inclusion of members of communities affected by agency decision making including, to the extent legal and practicable, but not limited to, child care, and reimbursement for travel and other expenses; and

(e) Methods for outreach and communication with those who face barriers, language or otherwise, to participation.

(2) Covered agencies must regularly review their compliance with existing laws and policies that guide community engagement and must comply with the following:

(a) Title VI of the civil rights act, prohibiting discrimination based on race, color, or national origin and requiring meaningful access to people with limited English proficiency, and disability;

(b) Executive Order 05-03, requiring plain talk when communicating with the public; and

(c) Guidance related to Executive Order 13166, requiring meaningful access to agency programs and services for people with limited English proficiency.

(3) In developing and updating its plan, each covered agency must consider any guidance developed by the council pursuant to section 20 of this act.

(4) A covered agency may coordinate with the office of equity to identify policy and system barriers to meaningful engagement with communities as conducted by the office under RCW 43.06D.040(1)(b).

NEW SECTION. **Sec. 14.** ENVIRONMENTAL JUSTICE ASSESSMENT. (1)(a) When considering a significant agency action initiated after July 1, 2023, a covered agency must conduct an environmental justice assessment in accordance with this section to inform and support the agency's consideration of overburdened communities and vulnerable populations when making decisions and to assist the agency with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of environmental and health disparities.

(b) A covered agency must aspire to complete the environmental justice assessment for a significant agency action within 15 business days of initiating the assessment. A failure to achieve this aspirational 15-day deadline does not make an associated agency action subject to appeal under section 22 of this act.

(2)(a) Consistent with section 2(12)(f) of this act, for the purpose of preparing environmental justice assessments, a covered agency may deem actions significant that are additional to the significant agency actions identified in section 2(12) (a) through (e) of this act, in iterative consultation with the council and interagency work group established under section 20 of this act. By July 1, 2025, each covered agency must consider their agency's activities and identify and begin applying environmental justice assessments to any actions that the agency identifies as significant that are in addition to the significant agency actions identified in section 2(12) (a) through (e) of this act. Significant agency actions designated by a covered agency under this subsection must be actions that may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.

(b) In the identification of significant agency actions, covered agencies shall consider guidance issued by the council established in section 20 of this act. Each covered agency must periodically review and update its identified types of significant agency actions for which an environmental justice assessment is required under this section, and the relevant factors to the agency's environmental justice assessments that result from the unique mission, authorities, and priorities of the agency.

(3) By July 1, 2023, and periodically thereafter, after an opportunity for public comment on its determinations, each covered agency must:

(a) Publish on its website the types of agency actions that the agency has determined are significant agency actions that require an environmental justice assessment under this section, including any significant agency actions identified under subsection (2)(a) of this section;

(b) Provide notification of the determination of the types of significant agency actions in the Washington State Register; and

(c) Prepare an environmental justice assessment when considering a listed action, after publication of the list of any additional significant agency actions identified under (a) of this subsection.

(4) At a minimum, environmental justice assessments must:

(a) Consider guidance prepared by the council under section 20 of this act relating to best practices on environmental justice assessments and when and how to use cumulative environmental health impact analysis;

(b) Use cumulative environmental health impact analysis, such as the environmental health disparities map or other data that considers the effects of a proposed action on overburdened communities and vulnerable populations;

(c) Identify overburdened communities and vulnerable populations who are expected to be affected by the proposed action and the potential environmental and health impacts;

(d) Identify if the proposed action is expected to have any local or regional impacts to federally reserved tribal rights and resources including, but not limited to, those protected by treaty, executive order, or federal law;

(e) Summarize community input and describe how the covered agency can further involve overburdened communities, vulnerable populations, affected tribes, and indigenous populations in development of the proposed action; and

(f) Describe options and, where practicable, related cost projections for the agency to reduce, mitigate, or eliminate identified probable impacts on overburdened communities and vulnerable populations, or provide a justification for not reducing, mitigating, or eliminating identified probable impacts.

(5) To obtain information for the purposes of assessments, a covered agency must solicit feedback from members of overburdened communities and vulnerable populations to assist in the accurate assessment of the potential impact of the action and in developing the means to reduce or eliminate the impact on

overburdened communities and vulnerable populations.

(6) Based on the environmental justice assessment, each covered agency must seek, to the extent legal and feasible and consistent with the underlying statute being implemented, to reduce or eliminate the environmental harms and maximize the environmental benefits created by the significant agency action on overburdened communities and vulnerable populations. Consistent with agency authority, mission, and statutory responsibilities, the covered agency must consider each of the following methods for reducing environmental harms or equitably distributing environmental benefits:

(a) Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations;

(b) Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations;

(c) Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations;

(d) Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action;

(e) Prioritizing equitable distribution of resources and benefits to overburdened communities;

(f) Promoting positive workforce and job outcomes for overburdened communities;

(g) Meeting community needs identified by the affected overburdened community;

(h) Modifying substantive regulatory or policy requirements; and

(i) Any other mitigation techniques, including those suggested by the council, the office of equity, or representatives of overburdened communities and vulnerable populations.

(7) If the covered agency determines it does not have the ability or authority to avoid or reduce any estimated environmental harm of the significant agency action on overburdened communities and vulnerable populations or address the distribution of environmental and health benefits, the agency must provide a clear explanation of why it has made that determination and provide notice of that explanation to members of the public who participated in the environmental justice assessment process for the significant agency action and who provided contact information to the agency.

(8) In developing a process for conducting environmental justice assessments, each covered agency must consider any guidance developed by the council pursuant to section 20 of this act.

(9) The issuance of forest practices permits under chapter 76.09 RCW or sale of timber from state lands and state forestlands as defined in RCW 79.02.010 do not require an environmental justice assessment under this section.

NEW SECTION. **Sec. 15.** The obligation of a covered agency to conduct an environmental justice assessment pursuant to section 14 of this act for significant agency actions does not, by itself, trigger requirements in chapter 43.21C RCW.

NEW SECTION. **Sec. 16.** ENVIRONMENTAL JUSTICE OBLIGATIONS OF AGENCIES RELATING TO BUDGETS AND FUNDING. (1) With consideration of the guidelines issued by the council in section 20 of this act, and in iterative consultation with the council, each covered agency must incorporate environmental justice principles into its decision processes for budget development, making expenditures, and granting or withholding environmental benefits. Through the incorporation of environmental justice principles into its decision processes, including by conducting environmental justice assessments where required under section 14 of this act, each covered agency, to the extent allowed by law and consistent with legislative appropriations, must equitably distribute funding and expenditures related to programs that address or may cause environmental harms or provide environmental benefits towards overburdened communities and vulnerable populations.

(2) Beginning on or before July 1, 2023, each covered agency must, where practicable, take the following actions when making expenditure decisions or developing budget requests to the office of financial management and the legislature for programs that address or

may cause environmental harms or provide environmental benefits:

(a) Focus applicable expenditures on creating environmental benefits, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations;

(b) Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions;

(c) Clearly articulate environmental justice goals and assessment metrics to communicate the basis for agency expenditures;

(d) Consider a broad scope of grants and contracting opportunities that effectuate environmental justice principles, including:

(i) Community grants to monitor pollution;

(ii) Grants focused on building capacity and providing training for community scientists and other staff;

(iii) Making technical assistance available for communities that may be new to receiving agency grant funding; and

(iv) Education and work readiness youth programs focused on infrastructure or utility-related internships to develop career paths and leadership skills for youth; and

(e) Establish a goal of directing 40 percent of grants and expenditures that create environmental benefits to vulnerable populations and overburdened communities.

(3) A covered agency may adopt rules or guidelines for criteria and procedures applicable to incorporating environmental justice principles in expenditure decisions under this section.

(4) In incorporating environmental justice principles into its decision processes for budget development, making expenditures, and granting or withholding benefits, each covered agency must consider any guidance developed by the council pursuant to section 20 of this act.

(5) A covered agency may not take actions or make expenditures under this section that are inconsistent with or conflict with other statutes or with conditions or limitations on the agency's appropriations.

(6) If a covered agency, due to the breadth of its programs and funding opportunities, determines it is not practicable to take the actions listed in subsection (2) of this section for all applicable expenditure decisions and budget requests developed, the covered agency is encouraged to prioritize taking the actions listed in subsection (2) of this section for those budget requests and expenditure decisions that are primarily directed at addressing environmental impacts. By July 1, 2023, each covered agency must publish on its website the types of decision processes for budget development, making expenditures, and granting or withholding environmental benefits for which the agency will take the actions listed in subsection (2) of this section.

NEW SECTION. **Sec. 17.** REPORTING REQUIREMENTS. (1) By September 1st of each year, each covered agency must annually update the council on the development and implementation of environmental justice in agency strategic plans pursuant to section 12 of this act, budgeting and funding criteria for making budgeting and funding decisions pursuant to section 16 of this act, and community engagement plans pursuant to section 13 of this act.

(2)(a) Beginning in 2024, as part of each covered agency's annual update to the council under subsection (1) of this section, each covered agency must include updates on the agency's implementation status with respect to the environmental justice assessments under section 14 of this act.

(b) By September 1st of each year beginning in 2024, each covered agency must publish or update a dashboard report, in a uniform dashboard format on the office of financial management's website, describing the agency's progress on:

(i) Environmental justice in its strategic plan;

(ii) The obligations of agencies relating to budgets and funding under section 16 of this act; and

(iii) Its environmental justice assessments of proposed significant agency actions, including its success rate in meeting the aspirational timeline

for the completion of environmental justice assessments.

(3) Each covered agency must file a notice with the office of financial management of significant agency actions for which the agency is initiating an environmental justice assessment under section 14 of this act. The office of financial management must prepare a list of all filings received from covered agencies each week and must post the list on its website and make it available to any interested parties. The list of filings must include a brief description of the significant agency action and the methods for providing public comment for agency consideration as part of the environmental justice assessment.

NEW SECTION. **Sec. 18.** TRIBAL CONSULTATION. (1) Covered agencies must offer consultation with federally recognized Indian tribes on decisions that affect federally recognized Indian tribes' rights and interests in their tribal lands. The consultation must occur in accordance with chapter 43.376 RCW and must be independent of any public participation process required by state law, or by a state agency, and regardless of whether the agency receives a request for consultation from an Indian tribe. A covered agency's collaboration should include protocols for communication and development of best practices in consultation.

(2) Nothing in this chapter is intended to direct, authorize, or encourage covered agencies to collect, maintain, or provide data related to sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law.

NEW SECTION. **Sec. 19.** A new section is added to chapter 43.70 RCW to read as follows:

ENVIRONMENTAL HEALTH DISPARITIES MAP.

(1) In consultation with the environmental justice council established in section 20 of this act, the department must continue to develop and maintain an environmental health disparities map with the most current available information necessary to identify cumulative environmental health impacts and overburdened communities. The department may also consult with other interested partners, such as the University of Washington department of environmental and occupational health sciences, other academic partners, members of overburdened communities and vulnerable populations, and other agencies. The environmental health disparities map must include tools to:

(a) Track changes in environmental health disparities over time in an interactive, regularly updated display; and

(b) Measure the link between overall environmental health disparity map ranks, environmental data, vulnerable populations characteristics, such as race and income, and human health data.

(2) In further developing and maintaining the environmental health disparities map, the department must:

(a) Solicit feedback from representatives from overburdened communities and vulnerable populations through community engagement and listening sessions in all regions of the state and provide opportunities for public comment; and

(b) Request assistance from:

(i) State universities;

(ii) Other academic researchers, such as the Washington state institute for public policy, to perform modeling and create evidence-based indicators and to conduct sensitivity analyses to assess the impact of new indicators on communities and determinations of overburdened communities; and

(iii) Other state agencies to provide applicable statewide environmental and sampling data for air, water, soil, polluted sites, toxic waste, pesticides, toxic chemicals, and other applicable media.

(3) The department must:

(a) Document and publish a summary of the regular updates and revisions to the environmental health disparities map that happen over time as the new data becomes available, in order to help the public understand different versions of the map as they are published;

(b) At least every three years, perform a comprehensive evaluation of the map to ensure that the most current modeling and methods available to evaluate cumulative environmental health impacts are being used to develop and update the environmental health disparities map's indicators;

(c) Develop technical guidance for agencies that includes an online training video detailing a description of how to use the environmental health disparities map's features, access source data, and explanation of map and indicator limitations; and

(d) Provide support and consultation to agencies on the use of the environmental health disparities map by Washington tracking network staff.

(4)(a) By July 1, 2022, the Washington state institute for public policy must conduct a technical review of the measures and methods used in the environmental health disparities map. The review must, to the extent possible, address the following:

(i) Identify how the measures used in the map compare to measures used in other similar tools that aim to identify communities that are disproportionately impacted as a result of environmental justice issues;

(ii) Compare characteristics such as the reliability, validity, and clinical importance of individual and composite measures included in the map and other similar tools; and

(iii) Compare methodologies used in the map to statistical methodologies used in other similar tools.

(b) The department of health and the University of Washington must provide technical documentation regarding current methods to the Washington state institute for public policy and must consult with the institute as needed to ensure that the institute has adequate information to complete the technical review.

(c) By November 1, 2022, the Washington state institute for public policy must complete the review and submit a report on their findings to the office of the governor, the appropriate committees of the legislature, and the environmental justice council.

NEW SECTION. **Sec. 20.** ENVIRONMENTAL JUSTICE COUNCIL. (1) The environmental justice council is established to advise covered agencies on incorporating environmental justice into agency activities.

(2) The council consists of 14 members appointed by the governor. The councilmembers must be persons who are well-informed regarding and committed to the principles of environmental justice and who, to the greatest extent practicable, represent diversity in race, ethnicity, age, and gender, urban and rural areas, and different regions of the state. The members of the council shall elect two members to serve as cochairs for two-year terms. The council must include:

(a) Seven community representatives, including one youth representative, the nominations of which are based upon applied and demonstrated work and focus on environmental justice or a related field, such as racial or economic justice, and accountability to vulnerable populations and overburdened communities;

(i) The youth representative must be between the ages of 18 and 25 at the time of appointment;

(ii) The youth representative serves a two-year term. All other community representatives serve four-year terms, with six representatives initially being appointed to four-year terms and five being initially appointed to two-year terms, after which they will be appointed to four-year terms;

(b) Two members representing tribal communities, one from eastern Washington and one from western Washington, appointed by the governor. The governor shall solicit and consider nominees from each of the federally recognized tribes in Washington state. The governor shall collaborate with federally recognized tribes on the selection of tribal representatives. The tribal representatives serve four-year terms. One representative must be initially appointed for a four-year term. The other representative must be initially appointed for a two-year term, after which, that representative must be appointed for a four-year term;

(c) Two representatives who are environmental justice practitioners or academics to serve as environmental justice experts, the nominations of which are based upon applied and demonstrated work and focus on environmental justice;

(d)(i) One representative of a business that is regulated by a covered agency and whose ordinary business conditions are significantly affected by the actions of at least one other covered agency; and

(ii) One representative who is a member or officer of a union representing workers in the building and construction trades; and

(e) One representative at large, the nomination of which is based upon applied and demonstrated work and focus on environmental justice.

(3) Covered agencies shall serve as nonvoting, ex officio liaisons to the council. Each covered agency must identify an executive team level staff person to participate on behalf of the agency.

(4) Nongovernmental members of the council must be compensated and reimbursed in accordance with RCW 43.03.050, 43.03.060, and 43.03.220.

(5) The department of health must:

(a) Hire a manager who is responsible for overseeing all staffing and administrative duties in support of the council; and

(b) Provide all administrative and staff support for the council.

(6) In collaboration with the office of equity, the office of financial management, the council, and covered agencies, the department of health must:

(a) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities;

(b) Create statewide and agency-specific process and outcome measures to show performance:

(i) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing environmental disparities; and

(ii) Taking into consideration community feedback from the council on whether the performance measures established accurately measure the effectiveness of covered agency programs and services in the communities served; and

(c) Create an online performance dashboard to publish performance measures and outcomes as referenced in section 17 of this act for the state and each covered agency.

(7) The department of health must coordinate with the consolidated technology services agency to address cybersecurity and data protection for all data collected by the department.

(8)(a) With input and assistance from the council, the department of health must establish an interagency work group to assist covered agencies in incorporating environmental justice into agency decision making. The work group must include staff from each covered agency directed to implement environmental justice provisions under this chapter and may include members from the council. The department of health shall provide assistance to the interagency work group by:

(i) Facilitating information sharing among covered agencies on environmental justice issues and between agencies and the council;

(ii) Developing and providing assessment tools for covered agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iii) Providing technical assistance and compiling and creating resources for covered agencies to use; and

(iv) Training covered agency staff on effectively using data and tools for environmental justice assessments.

(b) The duties of the interagency work group include:

(i) Providing technical assistance to support agency compliance with the implementation of environmental justice into their strategic plans, environmental justice obligations for budgeting and funding criteria and decisions, environmental justice assessments, and community engagement plans;

(ii) Assisting the council in developing a suggested schedule and timeline for sequencing the types of: (A) Funding and expenditure decisions subject to rules; and (B) criteria incorporating environmental justice principles;

(iii) Identifying other policies, priorities, and projects for the council's review and guidance development;

(iv) Identifying goals and metrics that the council may use to assess agency performance in meeting the requirements of this act for purposes of communicating

progress to the public, the governor, and the legislature; and

(v) Developing the guidance under subsection (9)(c) of this section in coordination with the council.

(9) The council has the following powers and duties:

(a) To provide a forum for the public to:

(i) Provide written or oral testimony on their environmental justice concerns;

(ii) Assist the council in understanding environmental justice priorities across the state in order to develop council recommendations to agencies for issues to prioritize; and

(iii) Identify which agencies to contact with their specific environmental justice concerns and questions;

(b)(i) The council shall work in an iterative fashion with the interagency work group to develop guidance for environmental justice implementation into covered agency strategic plans pursuant to section 12 of this act, environmental justice assessments pursuant to section 14 of this act, budgeting and funding criteria for making budgeting and funding decisions pursuant to section 16 of this act, and community engagement plans pursuant to section 13 of this act;

(ii) The council and interagency work group shall regularly update its guidance;

(c) In consultation with the interagency work group, the council:

(i) Shall provide guidance to covered agencies on developing environmental justice assessments pursuant to section 14 of this act for significant agency actions;

(ii) Shall make recommendations to covered agencies on which agency actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population and therefore should be considered significant agency actions that require an environmental justice assessment under section 14 of this act;

(iii) Shall make recommendations to covered agencies on the identification and prioritization of overburdened communities under this chapter, and related to the use by covered agencies of the environmental and health disparities map in agency efforts to identify and prioritize overburdened communities;

(iv) May make recommendations to a covered agency on the timing and sequencing of a covered agencies' efforts to implement sections 12 through 16 of this act; and

(v) May make recommendations to the governor and the legislature regarding ways to improve agency compliance with the requirements of this chapter;

(d) By December 1, 2023, and biennially thereafter, and with consideration of the information shared on September 1st each year in covered agencies' annual updates to the council required under section 17 of this act the council must:

(i) Evaluate progress of each agency in applying council guidance, and update guidance as needed; and

(ii) Communicate each covered agency's progress to the public, the governor, and the legislature. This communication is not required to be a report and may take the form of a presentation or other format that communicates the progress of the state and its agencies in meeting the state's environmental justice goals in compliance with this act, and summarizing the work of the council pursuant to (a) through (d) of this subsection, and subsection (11) of this section.

(10) By November 30, 2022, and in compliance with RCW 43.01.036, the council must submit a report to the governor and the appropriate committees of the house of representatives and the senate on:

(a) The council's recommendations to covered agencies on the identification of significant agency actions requiring an environmental justice assessment under subsection (9)(c)(ii) of this section;

(b) The summary of covered agency progress reports provided to the council under section 17(1) of this act, including the status of agency plans for performing environmental justice assessments required by section 14 of this act; and

(c) Guidance for environmental justice implementation into covered agency strategic plans, environmental justice assessments, budgeting and funding

criteria, and community engagement plans under subsection (9)(c)(i) of this section.

(11) The council may:

(a) Review incorporation of environmental justice implementation plans into covered agency strategic plans pursuant to section 12 of this act, environmental justice assessments pursuant to section 14 of this act, budgeting and funding criteria for making budgeting and funding decisions pursuant to section 16 of this act, and community engagement plans pursuant to section 13 of this act;

(b) Make recommendations for amendments to this chapter or other legislation to promote and achieve the environmental justice goals of the state;

(c) Review existing laws and make recommendations for amendments that will further environmental justice;

(d) Recommend to specific agencies that they create environmental justice-focused, agency-requested legislation; and

(e) Recommend funding strategies and allocations to build capacity in vulnerable populations and overburdened communities to address environmental justice.

(12) The role of the council is purely advisory and council decisions are not binding on an agency, individual, or organization.

(13) The department of health must convene the first meeting of the council by January 1, 2022.

(14) All council meetings are subject to the open public meetings requirements of chapter 42.30 RCW and a public comment period must be provided at every meeting of the council.

NEW SECTION. **Sec. 21.** LEGAL OBLIGATIONS. (1) Nothing in this act prevents state agencies that are not covered agencies from adopting environmental justice policies and processes consistent with this act.

(2) The head of a covered agency may, on a case-by-case basis, exempt a significant agency action or decision process from the requirements of sections 14 and 16 of this act upon determining that:

(a) Any delay in the significant agency action poses a potentially significant threat to human health or the environment, or causes serious harm to the public interest;

(b) An assessment would delay a significant agency decision concerning the assessment, collection, or administration of any tax, tax program, debt, revenue, receipt, a regulated entity's financial filings, or insurance rate or form filing;

(c) The requirements of sections 14 and 16 of this act are in conflict with:

(i) Federal law or federal program requirements;

(ii) The requirements for eligibility of employers in this state for federal unemployment tax credits; or

(iii) Constitutional limitations or fiduciary obligations, including those applicable to the management of state lands and state forestlands as defined in RCW 79.02.010.

NEW SECTION. **Sec. 22.** APPEALS. (1) Agency actions, as defined in chapter 34.05 RCW, that are subject to or result from the requirements of this chapter may be appealed as provided in chapter 34.05 RCW.

(2) Appeals of significant agency actions under this chapter must be of the environmental justice assessment together with the accompanying agency action, as defined in RCW 34.05.010, for all environmental justice assessments for which there is an associated agency action that is appealable under chapter 34.05 RCW.

(3) Nothing in this act may be construed to create a new private right of action, other than as provided in the appeal process set forth in chapter 34.05 RCW, on the part of any individual, entity, or agency against any state agency.

(4) Nothing in this act may be construed to expand, contract, or otherwise modify any rights of appeal, or procedures for appeal, under other laws other than the availability of the appeal process described in this section.

Sec. 23. RCW 43.376.020 and 2012 c 122 s 2 are each amended to read as follows:

In establishing a government-to-government relationship with Indian tribes, state agencies must:

(1) Make reasonable efforts to collaborate with Indian tribes in the development of policies, agreements, and program implementation that directly affect Indian tribes and develop a consultation process that is used by the agency for issues involving specific Indian tribes. Covered agencies, as defined in section 2 of this act, subject to the requirements of chapter 70A.--- RCW (the new chapter created in section 24 of this act), must offer consultation with Indian tribes on decisions that affect Indian tribes' rights and interests in their tribal lands, as required in section 18 of this act;

(2) Designate a tribal liaison who reports directly to the head of the state agency;

(3) Ensure that tribal liaisons who interact with Indian tribes and the executive directors of state agencies receive training as described in RCW 43.376.040; and

(4) Submit an annual report to the governor on activities of the state agency involving Indian tribes and on implementation of this chapter.

NEW SECTION. **Sec. 24.** Sections 1 through 3, 11 through 18, and 20 through 22 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 25.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 26.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Caldier; Harris and Steele.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude and Schmick.

Referred to Committee on Rules for second reading.

March 31, 2021

SSB 5151 Prime Sponsor, Committee on Ways & Means: Concerning foster care and child care licensing by the department of children, youth, and families. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Children, Youth & Families.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.030 and 2020 c 312 s 114 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" mean:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of children, youth, and families.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the department of social and health services to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Guardianship" means a guardianship pursuant to chapter 13.36 RCW or a limited guardianship of a minor pursuant to RCW 11.130.215 or equivalent laws of another state or a federally recognized Indian tribe.

(14) "Housing assistance" means appropriate referrals by the department or other agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or family reunification service as described in RCW 13.34.025(2).

(15) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(16) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(17) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(18) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26A.100, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(19) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(20) "Prevention services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child. Prevention services include, but are not limited to, prevention and family services and programs as defined in this section.

(21) "Qualified residential treatment program" means a program that meets the requirements provided in RCW 13.34.420, qualifies for funding under the family first prevention services act under 42 U.S.C. Sec. 672(k), and, if located within Washington state, is licensed as a group care facility under chapter 74.15 RCW ((~~that also qualifies for funding under the federal family first prevention services act under 42 U.S.C. Sec. 672(k) and meets the requirements provided in RCW 13.34.420~~)).

(22) "Relative" includes persons related to a child in the following ways:

(a) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(b) Stepfather, stepmother, stepbrother, and stepsister;

(c) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(d) Spouses of any persons named in (a), (b), or (c) of this subsection, even after the marriage is terminated;

(e) Relatives, as named in (a), (b), (c), or (d) of this subsection, of any half sibling of the child; or

(f) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

(23) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(24) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(25) "Social study" means a written evaluation of matters relevant to the disposition of the case that contains the information required by RCW 13.34.430.

(26) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the department or the court.

(27) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 2. RCW 43.216.010 and 2020 c 270 s 11 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child care provider who regularly provides early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Outdoor nature-based child care" means an agency or an agency-offered program that:

(i) Enrolls preschool or school-age children;

(ii) Provides early learning services to the enrolled children in an outdoor natural space approved by the department for not less than four hours per day or fifty percent of the daily program hours, whichever is less; and

(iii) Teaches a nature-based curriculum to enrolled children;

(f) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as

the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools that are engaged primarily in early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, and accept only school age children;

(g) Seasonal camps ((~~of three months' or less duration engaged primarily in recreational or educational activities~~)). For purposes of this chapter, "seasonal camp" means a program that:

(i) Operates for three months or less within a period of twelve consecutive months;

(ii) Is engaged primarily in recreational or educational activities conducted on a closely supervised basis; and

(iii) Is owned by any person, organization, association, or corporation, or is operated by a federal, state, county, or municipal government;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) Any entity that provides recreational or educational programming for school age children only and the entity meets all of the following requirements:

(i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;

(ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;

(iii) The entity is a local affiliate of a national nonprofit; and

(iv) The entity is in compliance with all safety and quality standards set by the associated national agency;

(j) A program operated by any unit of local, state, or federal government;

(k) A program located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(l) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(m) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Certificate of parental improvement" means a certificate issued under RCW 74.13.720 to an individual who has a founded finding of physical abuse or negligent treatment or maltreatment, or a court finding that the individual's child was dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b).

(5) "Conviction information" means criminal history record information

relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(6) "Department" means the department of children, youth, and families.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early childhood education and assistance program contractor" means an organization that provides early childhood education and assistance program services under a signed contract with the department.

(9) "Early childhood education and assistance program provider" means an organization that provides site level, direct, and high quality early childhood education and assistance program services under the direction of an early childhood education and assistance program contractor.

(10) "Early start" means an integrated high quality continuum of early learning programs for children birth-to-five years of age. Components of early start include, but are not limited to, the following:

(a) Home visiting and parent education and support programs;

(b) The early achievers program described in RCW 43.216.085;

(c) Integrated full-day and part-day high quality early learning programs; and

(d) High quality preschool for children whose family income is at or below one hundred ten percent of the federal poverty level.

(11) "Education data center" means the education data center established in RCW 43.41.400, commonly referred to as the education research and data center.

(12) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

(13) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.216.325(1) or assessment of civil monetary penalties pursuant to RCW 43.216.325(3).

(14) "Extended day program" means an early childhood education and assistance program that offers early learning education for at least ten hours per day, a minimum of two thousand hours per year, at least four days per week, and operates year-round.

(15) "Full day program" means an early childhood education and assistance program that offers early learning education for a minimum of one thousand hours per year.

(16) "Inspection report" means a written or digital record or report created by the department that identifies or describes licensing violations or conditions within an agency. An inspection report does not include a child care facility licensing compliance agreement as defined in RCW 43.216.395.

(17) "Low-income child care provider" means a person who administers a child care program that consists of at least eighty percent of children receiving working connections child care subsidy.

((~~(17)~~)) (18) "Low-income neighborhood" means a district or community where more than twenty percent of households are below the federal poverty level.

((~~(18)~~)) (19) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

((~~(19)~~)) (20) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

((~~(20)~~)) (21) "Nonschool age child" means a child who is age six years or younger and who is not enrolled in a public or private school.

((~~(21)~~)) (22) "Part day program" means an early childhood education and assistance program that offers early learning education for at least two and one-half hours per class session, at least three hundred twenty hours per year, for a minimum of thirty weeks per year.

((~~(22)~~)) (23) "Private school" means a private school approved by the state under chapter 28A.195 RCW.

((~~(23)~~)) (24) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

((~~(24)~~)) (25) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

((~~(25)~~)) (26) "School age child" means a child who is five years of age through twelve years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

((~~(26)~~)) (27) "Secretary" means the secretary of the department.

((~~(27)~~)) (28) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

Sec. 3. RCW 43.216.015 and 2020 c 262 s 1 and 2020 c 90 s 9 are each reenacted and amended to read as follows:

(1)(a) The department of children, youth, and families is created as an executive branch agency. The department is vested with all powers and duties transferred to it under chapter 6, Laws of 2017 3rd sp. sess. and such other powers and duties as may be authorized by law. The vision for the department is that Washington state's children and youth grow up safe and healthy—thriving physically, emotionally, and academically, nurtured by family and community.

(b) The department, in partnership with state and local agencies, tribes, and communities, shall protect children and youth from harm and promote healthy development with effective, high quality prevention, intervention, and early education services delivered in an equitable manner. An important role for the department shall be to provide preventative services to help secure and preserve families in crisis. The department shall partner with the federally recognized Indian tribes to develop effective services for youth and families while respecting the sovereignty of those tribes and the government-to-government relationship. Nothing in chapter 6, Laws of 2017 3rd sp. sess. alters the duties, requirements, and policies of the federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963, as amended, or the Indian child welfare act, chapter 13.38 RCW.

(2) Beginning July 1, 2018, the department must develop definitions for, work plans to address, and metrics to measure the outcomes for children, youth, and families served by the department and must work with state agencies to ensure services for children, youth, and families are science-based, outcome-driven, data-informed, and collaborative.

(3)(a) Beginning July 1, 2018, the department must establish short and long-term population level outcome measure goals, including metrics regarding reducing disparities by family income, race, and ethnicity in each outcome.

(b) In addition to transparent, frequent reporting of the outcome measures in (c)(i) through (viii) of this subsection, the department must report to the legislature an examination of engagement, resource utilization, and outcomes for clients receiving department services and youth participating in juvenile court alternative programs funded by the department, no less than annually and beginning September 1, 2020. The data in this report must be disaggregated by race, ethnicity, and geography. This report must identify areas of focus to advance equity that will inform department strategies so that all children, youth, and families are

thriving. Metrics detailing progress towards eliminating disparities and disproportionality over time must also be included. The report must also include information on department outcome measures, actions taken, progress toward these goals, and plans for the future year.

(c) The outcome measures must include, but are not limited to:

(i) Improving child development and school readiness through voluntary, high quality early learning opportunities as measured by: (A) Increasing the number and proportion of children kindergarten-ready as measured by the Washington kindergarten inventory of developing skills (WAKids) assessment including mathematics; (B) increasing the proportion of children in early learning programs that have achieved the level 3 or higher early achievers quality standard; and (C) increasing the available supply of licensed child care in ((~~both~~)) child care centers, outdoor nature-based child care, and family homes, including providers not receiving state subsidy;

(ii) Preventing child abuse and neglect;

(iii) Improving child and youth safety, permanency, and well-being as measured by: (A) Reducing the number of children entering out-of-home care; (B) reducing a child's length of stay in out-of-home care; (C) reducing maltreatment of youth while in out-of-home care; (D) licensing more foster homes than there are children in foster care; (E) reducing the number of children that reenter out-of-home care within twelve months; (F) increasing the stability of placements for children in out-of-home care; and (G) developing strategies to demonstrate to foster families that their service and involvement is highly valued by the department, as demonstrated by the development of strategies to consult with foster families regarding future placement of a foster child currently placed with a foster family;

(iv) Improving reconciliation of children and youth with their families as measured by: (A) Increasing family reunification; and (B) increasing the number of youth who are reunified with their family of origin;

(v) In collaboration with county juvenile justice programs, improving adolescent outcomes including reducing multisystem involvement and homelessness; and increasing school graduation rates and successful transitions to adulthood for youth involved in the child welfare and juvenile justice systems;

(vi) Reducing future demand for mental health and substance use disorder treatment for youth involved in the child welfare and juvenile justice systems;

(vii) In collaboration with county juvenile justice programs, reducing criminal justice involvement and recidivism as measured by: (A) An increase in the number of youth who successfully complete the terms of diversion or alternative sentencing options; (B) a decrease in the number of youth who commit subsequent crimes; and (C) eliminating the discharge of youth from institutional settings into homelessness; and

(viii) Eliminating racial and ethnic disproportionality and disparities in system involvement and across child and youth outcomes in collaboration with other state agencies.

(4) Beginning July 1, 2018, the department must:

(a) Lead ongoing collaborative work to minimize or eliminate systemic barriers to effective, integrated services in collaboration with state agencies serving children, youth, and families;

(b) Identify necessary improvements and updates to statutes relevant to their responsibilities and proposing legislative changes to the governor no less than biennially;

(c) Help create a data-focused environment in which there are aligned outcomes and shared accountability for achieving those outcomes, with shared, real-time data that is accessible to authorized persons interacting with the family, child, or youth to identify what is needed and which services would be effective;

(d) Lead the provision of state services to adolescents, focusing on key transition points for youth, including exiting foster care and institutions, and coordinating with the office of homeless youth prevention and protection programs to address the unique needs of homeless youth; and

(e) Create and annually update a list of the rights and responsibilities of

foster parents in partnership with foster parent representatives. The list of foster parent rights and responsibilities must be posted on the department's web site, provided to individuals participating in a foster parent orientation before licensure, provided to foster parents in writing at the time of licensure, and provided to foster parents applying for license renewal.

(5) The department is accountable to the public. To ensure transparency, beginning December 30, 2018, agency performance data for the services provided by the department, including outcome data for contracted services, must be available to the public, consistent with confidentiality laws, federal protections, and individual rights to privacy. Publicly available data must include budget and funding decisions, performance-based contracting data, including data for contracted services, and performance data on metrics identified in this section. The board must work with the secretary and director to develop the most effective and cost-efficient ways to make department data available to the public, including making this data readily available on the department's web site.

(6) Except as provided in section 8, chapter 90, Laws of 2020, the department shall ensure that all new and renewed contracts for services are performance-based.

(7) The department must execute all new and renewed contracts for services in accordance with this section and consistent with RCW 74.13B.020. When contracted services are managed through a network administrator or other third party, the department must execute data-sharing agreements with the entities managing the contracts to track provider performance measures. Contracts with network administrators or other third parties must provide the contract administrator the ability to shift resources from one provider to another, to evaluate individual provider performance, to add or delete services in consultation with the department, and to reinvest savings from increased efficiencies into new or improved services in their catchment area. Whenever possible, contractor performance data must be made available to the public, consistent with confidentiality laws and individual rights to privacy.

(8)(a) The board shall begin its work and call the first meeting of the board on or after July 1, 2018. The board shall immediately assume the duties of the legislative children's oversight committee, as provided for in RCW 74.13.570 and assume the full functions of the board as provided for in this section by July 1, 2019. The office of innovation, alignment, and accountability shall provide quarterly updates regarding the implementation of the department to the board between July 1, 2018, and July 1, 2019.

(b) The office of the family and children's ombuds shall establish the board. The board is authorized for the purpose of monitoring and ensuring that the department achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with administrative acts, relevant statutes, rules, and policies pertaining to early learning, juvenile rehabilitation, juvenile justice, and children and family services.

(9)(a) The board shall consist of the following members:

(i) Two senators and two representatives from the legislature with one member from each major caucus;

(ii) One nonvoting representative from the governor's office;

(iii) One subject matter expert in early learning;

(iv) One subject matter expert in child welfare;

(v) One subject matter expert in juvenile rehabilitation and justice;

(vi) One subject matter expert in eliminating disparities in child outcomes by family income and race and ethnicity;

(vii) One tribal representative from west of the crest of the Cascade mountains;

(viii) One tribal representative from east of the crest of the Cascade mountains;

(ix) One current or former foster parent representative;

(x) One representative of an organization that advocates for the best interest of the child;

(xi) One parent stakeholder group representative;

(xii) One law enforcement representative;

(xiii) One child welfare caseworker representative;

(xiv) One early childhood learning program implementation practitioner;

(xv) One current or former foster youth under age twenty-five;

(xvi) One individual under age twenty-five with current or previous experience with the juvenile justice system;

(xvii) One physician with experience working with children or youth; and

(xviii) One judicial representative presiding over child welfare court proceedings or other children's matters.

(b) The senate members of the board shall be appointed by the leaders of the two major caucuses of the senate. The house of representatives members of the board shall be appointed by the leaders of the two major caucuses of the house of representatives. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(c) The remaining board members shall be nominated by the governor, subject to the approval of the appointed legislators by majority vote, and serve four-year terms. When nominating and approving members after July 28, 2019, the governor and appointed legislators must ensure that at least five of the board members reside east of the crest of the Cascade mountains.

(10) The board has the following powers, which may be exercised by majority vote of the board:

(a) To receive reports of the office of the family and children's ombuds;

(b) To obtain access to all relevant records in the possession of the office of the family and children's ombuds, except as prohibited by law;

(c) To select its officers and adoption of rules for orderly procedure;

(d) To request investigations by the office of the family and children's ombuds of administrative acts;

(e) To request and receive information, outcome data, documents, materials, and records from the department relating to children and family welfare, juvenile rehabilitation, juvenile justice, and early learning;

(f) To determine whether the department is achieving the performance measures;

(g) If final review is requested by a licensee, to review whether department licensors appropriately and consistently applied agency rules in ((~~child care facility licensing compliance agreements as defined in RCW 43.216.395~~)) inspection reports that do not involve a violation of health and safety standards as defined in RCW 43.216.395 in cases that have already been reviewed by the internal review process described in RCW 43.216.395 with the authority to overturn, change, or uphold such decisions;

(h) To conduct annual reviews of a sample of department contracts for services from a variety of program and service areas to ensure that those contracts are performance-based and to assess the measures included in each contract; and

(i) Upon receipt of records or data from the office of the family and children's ombuds or the department, the board is subject to the same confidentiality restrictions as the office of the family and children's ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also apply to the board.

(11) The board has general oversight over the performance and policies of the department and shall provide advice and input to the department and the governor.

(12) The board must no less than twice per year convene stakeholder meetings to allow feedback to the board regarding contracting with the department, departmental use of local, state, private, and federal funds, and other matters as relating to carrying out the duties of the department.

(13) The board shall review existing surveys of providers, customers, parent groups, and external services to assess whether the department is effectively

delivering services, and shall conduct additional surveys as needed to assess whether the department is effectively delivering services.

(14) The board is subject to the open public meetings act, chapter 42.30 RCW, except to the extent disclosure of records or information is otherwise confidential under state or federal law.

(15) Records or information received by the board is confidential to the extent permitted by state or federal law. This subsection does not create an exception for records covered by RCW 13.50.100.

(16) The board members shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while conducting business of the board when authorized by the board and within resources allocated for this purpose, except appointed legislators who shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(17) The board shall select, by majority vote, an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director is exempt from the provisions of the state civil service law, chapter 41.06 RCW, and shall serve at the pleasure of the board established in this section.

(18) The board shall maintain a staff not to exceed one full-time equivalent employee. The board-selected executive director of the board is responsible for coordinating staff appointments.

(19) The board shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2019. The report must review the department's progress towards meeting stated performance measures and desired performance outcomes, and must also include a review of the department's strategic plan, policies, and rules.

(20) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Board" means the oversight board for children, youth, and families established in subsection (8) of this section.

(b) "Director" means the director of the office of innovation, alignment, and accountability.

(c) "Performance-based contract" means results-oriented contracting that focuses on the quality or outcomes that tie at least a portion of the contractor's payment, contract extensions, or contract renewals to the achievement of specific measurable performance standards and requirements.

Sec. 4. RCW 43.216.015 and 2020 c 262 s 1 are each amended to read as follows:

(1)(a) The department of children, youth, and families is created as an executive branch agency. The department is vested with all powers and duties transferred to it under chapter 6, Laws of 2017 3rd sp. sess. and such other powers and duties as may be authorized by law. The vision for the department is that Washington state's children and youth grow up safe and healthy—thriving physically, emotionally, and academically, nurtured by family and community.

(b) The department, in partnership with state and local agencies, tribes, and communities, shall protect children and youth from harm and promote healthy development with effective, high quality prevention, intervention, and early education services delivered in an equitable manner. An important role for the department shall be to provide preventative services to help secure and preserve families in crisis. The department shall partner with the federally recognized Indian tribes to develop effective services for youth and families while respecting the sovereignty of those tribes and the government-to-government relationship. Nothing in chapter 6, Laws of 2017 3rd sp. sess. alters the duties, requirements, and policies of the federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963, as amended, or the Indian child welfare act, chapter 13.38 RCW.

(2) Beginning July 1, 2018, the department must develop definitions for, work plans to address, and metrics to measure the outcomes for children, youth, and families served by the department and must work with state agencies to ensure services for children, youth, and families are science-based, outcome-driven, data-informed, and collaborative.

(3)(a) Beginning July 1, 2018, the department must establish short and long-term population level outcome measure goals, including metrics regarding reducing disparities by family income, race, and ethnicity in each outcome.

(b) In addition to transparent, frequent reporting of the outcome measures in (c)(i) through (viii) of this subsection, the department must report to the legislature an examination of engagement, resource utilization, and outcomes for clients receiving department services and youth participating in juvenile court alternative programs funded by the department, no less than annually and beginning September 1, 2020. The data in this report must be disaggregated by race, ethnicity, and geography. This report must identify areas of focus to advance equity that will inform department strategies so that all children, youth, and families are thriving. Metrics detailing progress towards eliminating disparities and disproportionality over time must also be included. The report must also include information on department outcome measures, actions taken, progress toward these goals, and plans for the future year.

(c) The outcome measures must include, but are not limited to:

(i) Improving child development and school readiness through voluntary, high quality early learning opportunities as measured by: (A) Increasing the number and proportion of children kindergarten-ready as measured by the Washington kindergarten inventory of developing skills (WAKids) assessment including mathematics; (B) increasing the proportion of children in early learning programs that have achieved the level 3 or higher early achievers quality standard; and (C) increasing the available supply of licensed child care in ((~~both~~)) child care centers, outdoor nature-based child care, and family homes, including providers not receiving state subsidy;

(ii) Preventing child abuse and neglect;

(iii) Improving child and youth safety, permanency, and well-being as measured by: (A) Reducing the number of children entering out-of-home care; (B) reducing a child's length of stay in out-of-home care; (C) reducing maltreatment of youth while in out-of-home care; (D) licensing more foster homes than there are children in foster care; (E) reducing the number of children that reenter out-of-home care within twelve months; (F) increasing the stability of placements for children in out-of-home care; and (G) developing strategies to demonstrate to foster families that their service and involvement is highly valued by the department, as demonstrated by the development of strategies to consult with foster families regarding future placement of a foster child currently placed with a foster family;

(iv) Improving reconciliation of children and youth with their families as measured by: (A) Increasing family reunification; and (B) increasing the number of youth who are reunified with their family of origin;

(v) In collaboration with county juvenile justice programs, improving adolescent outcomes including reducing multisystem involvement and homelessness; and increasing school graduation rates and successful transitions to adulthood for youth involved in the child welfare and juvenile justice systems;

(vi) Reducing future demand for mental health and substance use disorder treatment for youth involved in the child welfare and juvenile justice systems;

(vii) In collaboration with county juvenile justice programs, reducing criminal justice involvement and recidivism as measured by: (A) An increase in the number of youth who successfully complete the terms of diversion or alternative sentencing options; (B) a decrease in the number of youth who commit subsequent crimes; and (C) eliminating the discharge of youth from institutional settings into homelessness; and

(viii) Eliminating racial and ethnic disproportionality and disparities in system involvement and across child and youth outcomes in collaboration with other state agencies.

(4) Beginning July 1, 2018, the department must:

(a) Lead ongoing collaborative work to minimize or eliminate systemic barriers to effective, integrated services in collaboration with state agencies serving children, youth, and families;

(b) Identify necessary improvements and updates to statutes relevant to their responsibilities and proposing legislative changes to the governor no less than biennially;

(c) Help create a data-focused environment in which there are aligned outcomes and shared accountability for achieving those outcomes, with shared, real-time data that is accessible to authorized persons interacting with the family, child, or youth to identify what is needed and which services would be effective;

(d) Lead the provision of state services to adolescents, focusing on key transition points for youth, including exiting foster care and institutions, and coordinating with the office of homeless youth prevention and protection programs to address the unique needs of homeless youth; and

(e) Create and annually update a list of the rights and responsibilities of foster parents in partnership with foster parent representatives. The list of foster parent rights and responsibilities must be posted on the department's web site, provided to individuals participating in a foster parent orientation before licensure, provided to foster parents in writing at the time of licensure, and provided to foster parents applying for license renewal.

(5) The department is accountable to the public. To ensure transparency, beginning December 30, 2018, agency performance data for the services provided by the department, including outcome data for contracted services, must be available to the public, consistent with confidentiality laws, federal protections, and individual rights to privacy. Publicly available data must include budget and funding decisions, performance-based contracting data, including data for contracted services, and performance data on metrics identified in this section. The board must work with the secretary and director to develop the most effective and cost-efficient ways to make department data available to the public, including making this data readily available on the department's web site.

(6) The department shall ensure that all new and renewed contracts for services are performance-based.

(7) The department must execute all new and renewed contracts for services in accordance with this section and consistent with RCW 74.13B.020. When contracted services are managed through a network administrator or other third party, the department must execute data-sharing agreements with the entities managing the contracts to track provider performance measures. Contracts with network administrators or other third parties must provide the contract administrator the ability to shift resources from one provider to another, to evaluate individual provider performance, to add or delete services in consultation with the department, and to reinvest savings from increased efficiencies into new or improved services in their catchment area. Whenever possible, contractor performance data must be made available to the public, consistent with confidentiality laws and individual rights to privacy.

(8)(a) The board shall begin its work and call the first meeting of the board on or after July 1, 2018. The board shall immediately assume the duties of the legislative children's oversight committee, as provided for in RCW 74.13.570 and assume the full functions of the board as provided for in this section by July 1, 2019. The office of innovation, alignment, and accountability shall provide quarterly updates regarding the implementation of the department to the board between July 1, 2018, and July 1, 2019.

(b) The office of the family and children's ombuds shall establish the board. The board is authorized for the purpose of monitoring and ensuring that the department achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with administrative acts, relevant statutes, rules, and policies pertaining to early learning, juvenile rehabilitation, juvenile justice, and children and family services.

(9)(a) The board shall consist of the following members:

(i) Two senators and two representatives from the legislature with one member from each major caucus;

(ii) One nonvoting representative from the governor's office;

(iii) One subject matter expert in early learning;

(iv) One subject matter expert in child welfare;

(v) One subject matter expert in juvenile rehabilitation and justice;

(vi) One subject matter expert in eliminating disparities in child outcomes by family income and race and ethnicity;

(vii) One tribal representative from west of the crest of the Cascade mountains;

(viii) One tribal representative from east of the crest of the Cascade mountains;

(ix) One current or former foster parent representative;

(x) One representative of an organization that advocates for the best interest of the child;

(xi) One parent stakeholder group representative;

(xii) One law enforcement representative;

(xiii) One child welfare caseworker representative;

(xiv) One early childhood learning program implementation practitioner;

(xv) One current or former foster youth under age twenty-five;

(xvi) One individual under age twenty-five with current or previous experience with the juvenile justice system;

(xvii) One physician with experience working with children or youth; and

(xviii) One judicial representative presiding over child welfare court proceedings or other children's matters.

(b) The senate members of the board shall be appointed by the leaders of the two major caucuses of the senate. The house of representatives members of the board shall be appointed by the leaders of the two major caucuses of the house of representatives. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(c) The remaining board members shall be nominated by the governor, subject to the approval of the appointed legislators by majority vote, and serve four-year terms. When nominating and approving members after July 28, 2019, the governor and appointed legislators must ensure that at least five of the board members reside east of the crest of the Cascade mountains.

(10) The board has the following powers, which may be exercised by majority vote of the board:

(a) To receive reports of the office of the family and children's ombuds;

(b) To obtain access to all relevant records in the possession of the office of the family and children's ombuds, except as prohibited by law;

(c) To select its officers and adoption of rules for orderly procedure;

(d) To request investigations by the office of the family and children's ombuds of administrative acts;

(e) To request and receive information, outcome data, documents, materials, and records from the department relating to children and family welfare, juvenile rehabilitation, juvenile justice, and early learning;

(f) To determine whether the department is achieving the performance measures;

(g) If final review is requested by a licensee, to review whether department licensors appropriately and consistently applied agency rules in ((~~child care facility licensing compliance agreements as defined in RCW 43.216.395~~)) inspection reports that do not involve a violation of health and safety standards as defined in RCW 43.216.395 in cases that have already been reviewed by the internal review process described in RCW 43.216.395 with the authority to overturn, change, or uphold such decisions;

(h) To conduct annual reviews of a sample of department contracts for services from a variety of program and service areas to ensure that those contracts are performance-based and to assess the measures included in each contract; and

(i) Upon receipt of records or data from the office of the family and children's ombuds or the department, the board is subject to the same confidentiality restrictions as the office of the family and children's ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also apply to the board.

(11) The board has general oversight over the performance and policies of the department and shall provide advice and input to the department and the governor.

(12) The board must no less than twice per year convene stakeholder meetings to allow feedback to the board regarding contracting with the department, departmental use of local, state, private, and federal funds, and other matters as relating to carrying out the duties of the department.

(13) The board shall review existing surveys of providers, customers, parent groups, and external services to assess whether the department is effectively delivering services, and shall conduct additional surveys as needed to assess whether the department is effectively delivering services.

(14) The board is subject to the open public meetings act, chapter 42.30 RCW, except to the extent disclosure of records or information is otherwise confidential under state or federal law.

(15) Records or information received by the board is confidential to the extent permitted by state or federal law. This subsection does not create an exception for records covered by RCW 13.50.100.

(16) The board members shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while conducting business of the board when authorized by the board and within resources allocated for this purpose, except appointed legislators who shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(17) The board shall select, by majority vote, an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director is exempt from the provisions of the state civil service law, chapter 41.06 RCW, and shall serve at the pleasure of the board established in this section.

(18) The board shall maintain a staff not to exceed one full-time equivalent employee. The board-selected executive director of the board is responsible for coordinating staff appointments.

(19) The board shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2019. The report must review the department's progress towards meeting stated performance measures and desired performance outcomes, and must also include a review of the department's strategic plan, policies, and rules.

(20) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Board" means the oversight board for children, youth, and families established in subsection (8) of this section.

(b) "Director" means the director of the office of innovation, alignment, and accountability.

(c) "Performance-based contract" means results-oriented contracting that focuses on the quality or outcomes that tie at least a portion of the contractor's payment, contract extensions, or contract renewals to the achievement of specific measurable performance standards and requirements.

Sec. 5. RCW 43.216.020 and 2020 c 262 s 5 and 2020 c 90 s 4 are each reenacted and amended to read as follows:

(1) The department shall implement state early learning policy and coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide such care;

(f) To apply data already collected comparing the following factors and make recommendations to the legislature in a time frame which corresponds to the child care and development fund federal reporting requirements, regarding working connections subsidy and state-funded preschool rates and compensation models that would attract and retain high quality early learning professionals:

(i) State-funded early learning subsidy rates and market rates of licensed early learning homes ((~~and~~)), centers, and outdoor nature-based child care;

(ii) Compensation of early learning educators in licensed centers ((~~and~~)), homes, and outdoor nature-based child care, and early learning teachers at state higher education institutions;

(iii) State-funded preschool program compensation rates and Washington state head start program compensation rates; and

(iv) State-funded preschool program compensation to compensation in similar comprehensive programs in other states;

(g) To administer the early support for infants and toddlers program in RCW 43.216.580, serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA), and develop and adopt rules that establish minimum requirements for the services offered through Part C programs, including allowable allocations and expenditures for transition into Part B of the federal individuals with disabilities education act (IDEA);

(h) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(i) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(j) To work cooperatively and in coordination with the early learning council;

(k) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

(l) To develop and adopt rules for administration of the program of early learning established in RCW 43.216.555;

(m) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; and

(n) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(2) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(3) Home visiting services must include programs that serve families involved in the child welfare system.

(4) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

Sec. 6. RCW 43.216.085 and 2019 c 369 s 2 are each amended to read as follows:

(1) The department, in collaboration with tribal governments and community and statewide partners, shall implement a

quality rating and improvement system, called the early achievers program. The early achievers program provides a foundation of quality for the early care and education system. The early achievers program is applicable to licensed or certified child care centers ((~~and homes~~)), family home child care, outdoor nature-based child care, and early learning programs such as working connections child care and early childhood education and assistance programs.

(2) The objectives of the early achievers program are to:

(a) Improve short-term and long-term educational outcomes for children as measured by assessments including, but not limited to, the Washington kindergarten inventory of developing skills in RCW 28A.655.080;

(b) Give parents clear and easily accessible information about the quality of child care and early education programs;

(c) Support improvement in early learning and child care programs throughout the state;

(d) Increase the readiness of children for school;

(e) Close the disparities in access to quality care;

(f) Provide professional development and coaching opportunities to early child care and education providers; and

(g) Establish a common set of expectations and standards that define, measure, and improve the quality of early learning and child care settings.

(3)(a) Licensed or certified child care centers ((~~and homes~~)), family home child care, and outdoor nature-based child care, serving nonschool-age children and receiving state subsidy payments, must participate in the early achievers program by the required deadlines established in RCW 43.216.135.

(b) Approved early childhood education and assistance program providers receiving state-funded support must participate in the early achievers program by the required deadlines established in RCW 43.216.515.

(c) Participation in the early achievers program is voluntary for:

(i) Licensed or certified child care centers ((~~and homes~~)), family home child care, and outdoor nature-based child care, not receiving state subsidy payments; and

(ii) Early learning programs not receiving state funds.

(d) School-age child care providers are exempt from participating in the early achievers program. By July 1, 2017, the department and the office of the superintendent of public instruction shall jointly design a plan to incorporate school-age child care providers into the early achievers program or other appropriate quality improvement system. To test implementation of the early achievers system for school-age child care providers the department and the office of the superintendent of public instruction shall implement a pilot program.

(4)(a) There are five primary levels in the early achievers program.

(b) In addition to the primary levels, the department must establish an intermediate level that is between level 3 and level 4 and serves to assist participants in transitioning to level 4.

(c) Participants are expected to actively engage and continually advance within the program.

(5) The department has the authority to determine the rating cycle for the early achievers program. The department shall streamline and eliminate duplication between early achievers standards and state child care rules in order to reduce costs associated with the early achievers rating cycle and child care licensing.

(a) Early achievers program participants may request to be rated at any time after the completion of all level 2 activities.

(b) The department shall provide an early achievers program participant an update on the participant's progress toward completing level 2 activities after the participant has been enrolled in the early achievers program for fifteen months.

(c) The first rating is free for early achievers program participants.

(d) Each subsequent rating within the established rating cycle is free for early achievers program participants.

(6)(a) Early achievers program participants may request to be rerated outside the established rating cycle. A rerating shall reset the rating cycle timeline for participants.

(b) The department may charge a fee for optional rerating requests made by program participants that are outside the established rating cycle.

(c) Fees charged are based on, but may not exceed, the cost to the department for activities associated with the early achievers program.

(7)(a) The department must create a single source of information for parents and caregivers to access details on a provider's early achievers program rating level, licensing history, and other indicators of quality and safety that will help parents and caregivers make informed choices. The licensing history that the department must provide for parents and caregivers pursuant to this subsection shall only include license suspension, surrender, revocation, denial, stayed suspension, or reinstatement. No unfounded child abuse or neglect reports may be provided to parents and caregivers pursuant to this subsection.

(b) The department shall publish to the department's web site, or offer a link on its web site to, the following information:

(i) Early achievers program rating levels 1 through 5 for all child care programs that receive state subsidy, early childhood education and assistance programs, and federal head start programs in Washington; and

(ii) New early achievers program ratings within thirty days after a program becomes licensed or certified, or receives a rating.

(c) The early achievers program rating levels shall be published in a manner that is easily accessible to parents and caregivers and takes into account the linguistic needs of parents and caregivers.

(d) The department must publish early achievers program rating levels for child care programs that do not receive state subsidy but have voluntarily joined the early achievers program.

(e) Early achievers program participants who have published rating levels on the department's web site or on a link on the department's web site may include a brief description of their program, contingent upon the review and approval by the department, as determined by established marketing standards.

(8)(a) The department shall create a professional development pathway for early achievers program participants to obtain a high school diploma or equivalency or higher education credential in early childhood education, early childhood studies, child development, or an academic field related to early care and education.

(b) The professional development pathway must include opportunities for scholarships and grants to assist early achievers program participants with the costs associated with obtaining an educational degree.

(c) The department shall address cultural and linguistic diversity when developing the professional development pathway.

(9) The early achievers quality improvement awards shall be reserved for participants offering programs to an enrollment population consisting of at least five percent of children receiving a state subsidy.

(10) In collaboration with tribal governments, community and statewide partners, and the early achievers review subcommittee created in RCW 43.216.075, the department shall develop a protocol for granting early achievers program participants an extension in meeting rating level requirement timelines outlined for the working connections child care program and the early childhood education and assistance program.

(a) The department may grant extensions only under exceptional circumstances, such as when early achievers program participants experience an unexpected life circumstance.

(b) Extensions shall not exceed six months, and early achievers program participants are only eligible for one extension in meeting rating level requirement timelines.

(c) Extensions may only be granted to early achievers program participants who

have demonstrated engagement in the early achievers program.

(11)(a) The department shall accept national accreditation that meets the requirements of this subsection (11) as a qualification for the early achievers program ratings.

(b) Each national accreditation agency will be allowed to submit its most current standards of accreditation to establish potential credit earned in the early achievers program. The department shall grant credit to accreditation bodies that can demonstrate that their standards meet or exceed the current early achievers program standards. By December 1, 2019, and subject to the availability of amounts appropriated for this specific purpose, the department must submit a detailed plan to the governor and the legislature to implement a robust cross-accreditation process with multiple pathways that allows a provider to earn equivalent early achievers credit resulting from accreditation by high quality national organizations.

(c) Licensed child care centers ((~~and~~)), child care home providers, and outdoor nature-based child care must meet national accreditation standards approved by the department for the early achievers program in order to be granted credit for the early achievers program standards. Eligibility for the early achievers program is not subject to bargaining, mediation, or interest arbitration under RCW 41.56.028, consistent with the legislative reservation of rights under RCW 41.56.028(4)(d).

(12) The department shall explore the use of alternative quality assessment tools that meet the culturally specific needs of the federally recognized tribes in the state of Washington.

(13) A child care or early learning program that is operated by a federally recognized tribe and receives state funds shall participate in the early achievers program. The tribe may choose to participate through an interlocal agreement between the tribe and the department. The interlocal agreement must reflect the government-to-government relationship between the state and the tribe, including recognition of tribal sovereignty. The interlocal agreement must provide that:

(a) Tribal child care facilities and early learning programs may volunteer, but are not required, to be licensed by the department;

(b) Tribal child care facilities and early learning programs are not required to have their early achievers program rating level published to the department's web site or through a link on the department's web site; and

(c) Tribal child care facilities and early learning programs must provide notification to parents or guardians who apply for or have been admitted into their program that early achievers program rating level information is available and provide the parents or guardians with the program's early achievers program rating level upon request.

(14) The department shall consult with the early achievers review subcommittee on all substantial policy changes to the early achievers program.

(15) Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs under RCW 41.56.028(4)(d).

Sec. 7. RCW 43.216.087 and 2019 c 369 s 5 are each amended to read as follows:

(1)(a) The department shall, in collaboration with tribal governments and community and statewide partners, implement a protocol to maximize and encourage participation in the early achievers program for culturally diverse and low-income center ((~~and~~)), family home, and outdoor nature-based child care providers. Amounts appropriated for the encouragement of culturally diverse and low-income center ((~~and~~)), family home, and outdoor nature-based child care provider participation shall be appropriated separately from the other funds appropriated for the department, are the only funds that may be used for the protocol, and may not be used for any other purposes. Funds appropriated for the protocol shall be considered an ongoing program for purposes of future departmental budget requests.

(b) The department shall prioritize the resources authorized in this section to assist providers in the early achievers program to help them reach a

rating of level 3 or higher wherever access to subsidized care is at risk.

(2) The protocol should address barriers to early achievers program participation and include at a minimum the following:

(a) The creation of a substitute pool;

(b) The development of needs-based grants for providers in the early achievers program who demonstrate a need for assistance to improve program quality. Needs-based grants may be used for environmental improvements of early learning facilities; purchasing curriculum development, instructional materials, supplies, and equipment; and focused infant-toddler improvements. Priority for the needs-based grants shall be given to culturally diverse and low-income providers;

(c) The development of materials and assessments in a timely manner, and to the extent feasible, in the provider and family home languages; and

(d) The development of flexibility in technical assistance and coaching structures to provide differentiated types and amounts of support to providers based on individual need and cultural context.

Sec. 8. RCW 43.216.089 and 2020 c 262 s 3 are each amended to read as follows:

(1) By December 15, 2020, the department, in consultation with the statewide child care resource and referral network, and the early achievers review subcommittee of the early learning advisory council, shall submit, in compliance with RCW 43.01.036, a final report to the governor and the legislature regarding providers' progress in the early achievers program. The report must include the following elements:

(a) The number, and relative percentage, of family child care, outdoor nature-based child care, and center providers who have enrolled in the early achievers program and who have:

(i) Completed the level 2 activities;

(ii) Completed rating readiness consultation and are waiting to be rated;

(iii) Achieved the required rating level to remain eligible for state-funded support under the early childhood education and assistance program or a subsidy under the working connections child care subsidy program;

(iv) Not achieved the required rating level initially but qualified for and are working through intensive targeted support in preparation for a partial rerate outside the standard rating cycle;

(v) Not achieved the required rating level initially and engaged in remedial activities before successfully achieving the required rating level;

(vi) Not achieved the required rating level after completing remedial activities; or

(vii) Received an extension from the department based on exceptional circumstances pursuant to RCW 43.216.085;

(b) A review of the services available to providers and children from diverse racial, ethnic, and cultural backgrounds;

(c) An examination of the effectiveness of efforts to increase successful participation by providers serving children and families from diverse racial, ethnic, and cultural backgrounds and providers who serve children from low-income households;

(d) A description of the primary obstacles and challenges faced by providers who have not achieved the required rating level to remain eligible to receive:

(i) A subsidy under the working connections child care program; or

(ii) State-funded support under the early childhood education and assistance program;

(e) A summary of the types of exceptional circumstances for which the department has granted an extension pursuant to RCW 43.216.085;

(f) The average amount of time required for providers to achieve local level milestones within each level of the early achievers program;

(g) To the extent data is available, an analysis of the distribution of early achievers program-rated facilities in relation to child and provider demographics, including but not limited to race and ethnicity, home language, and geographical location;

(h) Recommendations for improving access for children from diverse racial, ethnic, and cultural backgrounds to providers rated at a level 3 or higher in the early achievers program;

(i) Recommendations for improving the early achievers program standards;

(j) An analysis of any impact from quality strengthening efforts on the availability and quality of infant and toddler care;

(k) The number of contracted slots that use both early childhood education and assistance program funding and working connections child care program funding;

(l) An analysis of the impact of increased regulations on the cost of child care; and

(m) A description of the early childhood education and assistance program implementation to include the following:

(i) Progress on early childhood education and assistance program implementation as required pursuant to RCW 43.216.515, 43.216.525, and 43.216.555;

(ii) An examination of the regional distribution of new preschool programming by school district;

(iii) An analysis of the impact of preschool expansion on low-income neighborhoods and communities;

(iv) Recommendations to address any identified barriers to access to quality preschool for children living in low-income neighborhoods;

(v) An analysis of any impact of extended day early care and education opportunities directives;

(vi) An examination of any identified barriers for providers to offer extended day early care and education opportunities;

(vii) An analysis of the demand for full-day programming for early childhood education and assistance program providers required under RCW 43.216.515; and

(viii) To the extent data is available, an analysis of the racial, ethnic, and cultural diversity of early childhood education and assistance program providers and participants.

(2) The elements required to be reported under subsection (1)(a) of this section must be reported at the county level, and for those counties with a population of five hundred thousand and higher, the data must be reported at the zip code level.

(3) If, based on information in an annual report submitted in 2018 or later under this section, fifteen percent or more of the licensed or contracted providers who are participating in the early achievers program in a county or in a single zip code have not achieved the rating levels under RCW 43.216.135 and 43.216.515, the department must:

(a) Analyze the reasons providers in the affected counties or zip codes have not attained the required rating levels; and

(b) Develop a plan to mitigate the effect on the children and families served by these providers. The plan must be submitted to the legislature as part of the final report described in subsection (1) of this section along with any recommendations for legislative action to address the needs of the providers and the children and families they serve.

(4)(a) Beginning December 1, 2020, the department, in collaboration with the statewide child care resource and referral network, shall make available on its public web site, in a consumer-friendly format, the following elements:

(i) The number, and relative percentage, of family child care and center child care providers who have enrolled in the early achievers program and who have:

(A) Submitted their request for on-site evaluation and are waiting to be rated; and

(B) Achieved the required rating level to remain eligible for state-funded support under the early childhood education and assistance program or a subsidy under the working connections child care subsidy program;

(ii) The distribution of early childhood education and assistance program programming by school district; and

(iii) Indicators of supply and demand at the local level, as well as identification of regions or areas in which there are insufficient numbers of

child care facilities using nationally developed methodology.

(b) The elements required to be made available under (a)(i) of this subsection (4) must be made available at the county level, and for those counties with a population of five hundred thousand and higher, the data must be reported at the zip code level.

(c) To the extent data are available, the elements required to be reported under (a)(ii) and (iii) of this subsection (4) must be updated at a minimum of a quarterly basis on the department's public web site.

(d) If in any individual state fiscal year, based on information reported in (a)(ii) and (iii) of this subsection (4), fifteen percent or more of the licensed or contracted providers who are participating in the early achievers program in a county or in a single zip code have not achieved the rating levels required under RCW 43.216.135 and 43.216.515, the department must:

(i) Analyze the reasons providers in the affected counties or zip codes have not attained the required rating levels; and

(ii) Develop a plan to mitigate the effect on the children and families served by these providers. The plan must be submitted to the legislature by November 1st of the year following the state fiscal year in question, along with any recommendations for legislative action to address the needs of the providers and the children and families they serve.

(5) Beginning September 15, 2021, and each odd-numbered year thereafter, the department shall submit a report to the governor and the legislature outlining the availability and quality of services available to early learning providers and children from diverse racial, ethnic, and cultural backgrounds and from low-income neighborhoods and communities. The report must include the following elements:

(a) To the extent data is available, an analysis of the racial, ethnic, and linguistic diversity of early childhood education and assistance program providers and participants, and the providers and participants of working connections child care;

(b) A review of the services available to providers and children from diverse racial, ethnic, and cultural backgrounds;

(c) An examination of the effectiveness of efforts to increase and maintain successful participation by providers serving children and families from diverse racial, ethnic, and linguistic backgrounds and providers who serve children from low-income households;

(d) To the extent data is available, the distribution of early achievers program-rated facilities by child and provider demographics, including but not limited to race and ethnicity, home language, and geographical location;

(e) Recommendations for improving and maintaining access for children from diverse racial, ethnic, and cultural backgrounds to providers rated at a level 3 or higher in the early achievers program;

(f) Recommendations to address any identified barriers to access to high-quality preschool for children living in low-income neighborhoods;

(g) An examination of expulsion rates of children from diverse racial, ethnic, and diverse cultural backgrounds and from low-income neighborhoods and communities; and

(h) An analysis of how early learning providers and families from diverse racial, ethnic, and cultural backgrounds and from low-income neighborhoods and communities have influenced or participated in the department's early learning plans and implementation strategies.

(6) Beginning September 15, 2022, and each even-numbered year thereafter, the department shall submit a report to the governor and the legislature on the availability of supports to providers and their effectiveness at improving quality. The report must include the following elements:

(a) An analysis of the effectiveness of recruitment efforts for new and returning high-quality early learning providers and programs;

(b) An analysis of the effectiveness of quality improvement tools and incentives on the retention and quality improvement of early learning professionals;

(c) An analysis of the supply of high-quality subsidized early learning. This analysis must include:

(i) An examination of the trend in supply of early learning providers and workers;

(ii) A description of the primary obstacles and challenges faced by providers who have not achieved the required early achievers rating level to remain eligible to receive a subsidy under the working connections child care program or state-funded support under the early childhood education and assistance program;

(iii) The number, and relative percentage, of family child care and center providers who have enrolled in the early achievers program and who have:

(A) Not achieved the required rating level initially but qualified for and are working through intensive targeted support in preparation for a partial rerate outside the standard rating cycle;

(B) Not achieved the required rating level initially and engaged in remedial activities before successfully achieving the required rating level;

(C) Not achieved the required rating level after completing remedial activities; or

(D) Received an extension from the department based on exceptional circumstances pursuant to RCW 43.216.085; and

(iv) Recommendations for improving retention and reducing barriers to entry for early learning providers;

(d) The average amount of time required for providers to achieve local level milestones within each level of the early achievers program;

(e) A summary of the types of exceptional circumstances for which the department has granted an extension to early achievers rating milestones pursuant to RCW 43.216.085;

(f) An analysis of the availability and quality of infant and toddler care; and

(g) An examination of any identified barriers that discourage providers from offering extended day early care and education opportunities.

(7) The information to be disclosed or shared under this section must not include sensitive personal information of in-home caregivers for vulnerable populations as defined in RCW 42.56.640, and must not include any other information protected from disclosure under state or federal law.

Sec. 9. RCW 43.216.250 and 2018 c 58 s 70 are each amended to read as follows:

It shall be the secretary's duty with regard to licensing under this chapter:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities or outdoor locations for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2)(a) In consultation with the state fire marshal's office, the secretary shall use an interagency process to address health and safety requirements for child care programs that serve school-age children and are operated in buildings that contain public or private schools that safely serve children during times in which school is in session;

(b) Any requirements in (a) of this subsection as they relate to the physical facility, including outdoor playgrounds, do not apply to before-school and after-school programs that serve only school-age children and operate in the same facilities used by public or private schools;

(3) In consultation and with the advice and assistance of parents or guardians, and persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter;

(4) In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in child care;

(5) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person;

(6) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of child care that an agency is authorized to render and the ages and number of children to be served;

(7) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

(8) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

(9) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child care requirements; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

Sec. 10. RCW 43.216.255 and 2015 3rd sp.s. c 7 s 3 are each amended to read as follows:

(1) No later than November 1, 2016, the department shall implement a single set of licensing standards for child care and the early childhood education and assistance program. The department shall produce the single set of licensing standards within the department's available appropriations. The new licensing standards must:

(a) Provide minimum ((~~health and safety standards~~)) licensing requirements for child care and preschool programs;

(b) Rely on the standards established in the early achievers program to address quality issues in participating early childhood programs;

(c) Take into account the separate needs of family care providers, outdoor nature-based child care providers, and child care centers; and

(d) Promote the continued safety of child care settings.

(2) Private schools that operate early learning programs and do not receive state subsidy payments shall be subject ((~~only~~)) to the minimum health and safety standards ((~~in subsection (1)(a) of this section~~)) as defined in RCW 43.216.395(2)(b), the health and safety requirements under chapter 28A.195 RCW, and the requirements necessary to assure a sufficient early childhood education to meet usual requirements needed for transition into elementary school. The state, and any agency thereof, shall not restrict or dictate any specific educational or other programs for early learning programs operated by private schools except for programs that receive state subsidy payments.

Sec. 11. RCW 43.216.260 and 2007 c 415 s 4 are each amended to read as follows:

Applications for licensure shall require, at a minimum, the following information:

(1) The size and suitability of a facility or location for an outdoor nature-based child care program, and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(2) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children;

(3) The number of qualified persons required to render the type of care for which an agency seeks a license;

(4) ((~~The~~)) To provide for the comfort, care, and well-being of children, information about the health, safety, cleanliness, and general adequacy of the premises ((~~to provide for the comfort, care, and well-being of children~~)), including the real property and premises for an outdoor nature-based child care program;

(5) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;

(6) The financial ability of an agency to comply with minimum requirements established under this chapter; and

(7) The maintenance of records pertaining to the care of children.

Sec. 12. RCW 43.216.271 and 2017 3rd sp.s. c 6 s 207 are each amended to read as follows:

Subject to appropriation, the department shall maintain an individual-based or portable background check clearance registry. Any individual seeking a child care license or employment in any child care facility or outdoor nature-based child care program licensed or regulated under current law shall submit a background application on a form prescribed by the department in rule.

Sec. 13. RCW 43.216.280 and 2006 c 265 s 303 are each amended to read as follows:

Licensed child day care centers and outdoor nature-based child care providers shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW.

Sec. 14. RCW 43.216.305 and 2020 c 343 s 5 are each amended to read as follows:

(1) Each agency shall make application for a license or the continuation of a full license to the department ((~~on forms~~)) using a method prescribed by the department. Upon receipt of such application, the department shall either grant or deny a license or continuation of a full license within ninety days. A license or continuation shall be granted if the agency meets the minimum requirements set forth in this chapter and the departmental requirements consistent with this chapter, except that an initial license may be issued as provided in RCW 43.216.315. The department shall consider whether an agency is in good standing, as defined in subsection (4)(b) of this section, before granting a continuation of a full license. Full licenses provided for in this chapter shall continue to remain valid so long as the licensee meets the requirements for a nonexpiring license in subsection (2) of this section and may be transferred to a new licensee in the event of a transfer of ownership of a child care operation. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter applies only to the licensee and the location stated in the application. For licensed family day care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move.

(2) In order to qualify for a nonexpiring full license, a licensee must meet the following requirements on an annual basis as established from the date of initial licensure:

(a) Submit the annual licensing fee;

(b) Submit a declaration to the department indicating the licensee's intent to continue operating a licensed child care program, or the intent to cease operation on a date certain;

(c) Submit a declaration of compliance with all licensing rules; and

(d) ((~~Submit~~)) For all current employees of the agency and as defined by department rule, submit background check applications into the department's electronic workforce registry on the schedule established by the department.

(3) If a licensee fails to meet the requirements in subsection (2) of this section for continuation of a full license the license expires and the licensee must submit a new application for licensure under this chapter.

(4)(a) Nothing about the nonexpiring license process may interfere with the department's established monitoring practice.

(b) For the purpose of this section, an agency is considered to be in good standing if in the intervening period between monitoring visits the agency does not have any of the following:

(i) Valid complaints;

(ii) A history of noncompliance related to those valid complaints or pending from prior monitoring visits; or

(iii) Other information that when evaluated would result in a finding of noncompliance with this section.

(c) The department shall consider whether an agency is in good standing when determining the most appropriate approach and process for monitoring visits, for the purposes of administrative efficiency while protecting children, consistent with this chapter. If the department determines that an agency is not in good standing, the department may issue a probationary license, as provided in RCW 43.216.320.

Sec. 15. RCW 43.216.325 and 2018 c 58 s 38 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to this chapter may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of this chapter or the requirements adopted pursuant to this chapter; or (b) that the conditions required for the issuance of a license under this chapter have ceased to exist with respect to such licenses. RCW 43.216.327 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(3)(a) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under this chapter or that an agency subject to licensing under this chapter is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home.

(b) Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance.

(c) Civil monetary penalties shall not exceed one hundred fifty dollars per violation for a family day care home and two hundred fifty dollars per violation for child day care centers or outdoor nature-based child care programs. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(d) The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period.

(e) The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. RCW 43.216.335 governs notice of a civil monetary penalty and provides the right to an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

(4)(a) In addition to or in lieu of an enforcement action being taken, the department may place a child day care center, outdoor nature-based child care provider, or family day care provider on nonreferral status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status may continue until the department determines that: (i) No enforcement action is appropriate; or (ii) a corrective action plan has been successfully concluded.

(b) Whenever a child day care center, outdoor nature-based child care provider, or family day care provider is placed on nonreferral status, the department shall provide written notification to the child day care center, outdoor nature-based child care provider, or family day care provider.

(5) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to: (a) Take an enforcement action against a child day care center, outdoor nature-based child care provider, or family day care provider; or (b) place or remove a child day care center, outdoor nature-based child care provider, or family day care provider on nonreferral status.

Sec. 16. RCW 43.216.340 and 2014 c 9 s 1 are each amended to read as follows:

(1) Before requiring any alterations to a child care facility due to inconsistencies with requirements in chapter 19.27 RCW, the department shall:

(a) Consult with the city or county enforcement official; and

(b) Receive written verification from the city or county enforcement official that the alteration is required.

(2) The department's consultation with the city or county enforcement official is limited to licensed child care space.

(3) Unless there is imminent danger to children or staff, the department may not modify, suspend, or revoke a child care license or business activities while the department is waiting to:

(a) Consult with the city or county enforcement official under subsection (1)(a) of this section; or

(b) Receive written verification from the city or county enforcement official that the alteration is required under subsection (1)(b) of this section.

(4) For the purposes of this section, "child care facility" means a family day care home, school-age care, outdoor nature-based child care, and child day care center.

Sec. 17. RCW 43.216.360 and 2011 c 296 s 3 are each amended to read as follows:

When the department suspects that an agency is providing child care services without a license, it shall send notice to that agency within ten days. The notice shall include, but not be limited to, the following information:

(1) That a license is required and the reasons why;

(2) That the agency is suspected of providing child care without a license;

(3) That the agency must immediately stop providing child care until the agency becomes licensed;

(4) That the department can issue a penalty of one hundred fifty dollars per day for each day a family day care home provided care without being licensed and two hundred fifty dollars for each day a child day care center or outdoor nature-based child care provider provided care without being licensed;

(5) That if the agency does not initiate the licensing process within thirty days of the date of the notice, the department will post on its web site that the agency is providing child care without a license.

Sec. 18. RCW 43.216.395 and 2017 3rd sp.s. c 6 s 114 are each amended to read as follows:

(1) The department shall develop an internal review process to determine whether department licensors have appropriately and consistently applied agency rules in ((~~child care facility licensing compliance agreements~~)) inspection reports that do not involve a violation of health and safety standards. Adverse licensing decisions including license denial, suspension, revocation, modification, or nonrenewal pursuant to RCW 43.216.325 or imposition of civil fines pursuant to RCW 43.216.335 are not subject to the internal review process in this section, but may be appealed using the administrative procedure act, chapter 34.05 RCW.

(2) The definitions in this subsection apply throughout this section.

(a) "Child care facility licensing compliance agreement" means an agreement issued by the department in lieu of the department taking enforcement action against a child care provider that contains: (i) A description of the violation and the rule or law that was violated; (ii) a statement from the licensee regarding the proposed plan to comply with the rule or law; (iii) the date the violation must be corrected; (iv) information regarding other licensing action that may be imposed if compliance does not occur by the required date; and (v) the signature of the licensor and licensee or the licensee's delegate.

(b) "Health and safety standards" means rules or requirements developed by the department to protect the health and safety of children against ((~~substantial~~)) risk of bodily, mental, or psychological injury, harm, illness, or death.

(3) The internal review process shall be conducted by the following six individuals:

(a) Three department employees who may include child care licensors; and

(b) Three child care providers selected by the department from names submitted by the oversight board for children, youth, and families established in RCW 43.216.015.

(4) The internal review process established in this section may overturn, change, or uphold a department licensing decision by majority vote. In the event that the six individuals conducting the internal review process are equally divided, the secretary or the secretary's designee shall make the decision of the internal review process. The internal review process must provide the parties with a written decision of the outcome after completion of the internal review process. A licensee must request a review under the internal review process within ten days of the development of ((~~a child care facility licensing compliance agreement~~)) an inspection report and the internal review process must be completed within ((~~thirty~~)) sixty days after the request from the licensee to initiate the internal review process is received.

(5) A licensee may request a final review by the oversight board for children, youth, and families after completing the internal review process established in this section by giving notice to the department and the oversight board for children, youth, and families within ten days of receiving the written decision produced by the internal review process.

((~~(6) The department shall not develop a child care facility licensing compliance agreement with a child care provider for first-time violations of rules that do not relate to health and safety standards and that can be corrected on the same day that the violation is identified. The department shall develop a procedure for providing a warning and offering technical assistance to providers in response to these first-time violations.~~))

Sec. 19. RCW 43.216.515 and 2020 c 321 s 1 are each amended to read as follows:

(1) Approved early childhood education and assistance programs shall receive state-funded support through the department. Public or private organizations including, but not limited to, school districts, educational service districts, community and technical colleges, local governments, or nonprofit organizations, are eligible to participate as providers of the state early childhood education and assistance program.

(2) Funds obtained by providers through voluntary grants or contributions from individuals, agencies, corporations, or organizations may be used to expand or enhance preschool programs so long as program standards established by the department are maintained.

(3) Persons applying to conduct the early childhood education and assistance program shall identify targeted groups and the number of children to be served, program components, the qualifications of instructional and special staff, the source and amount of grants or contributions from sources other than state funds, facilities and equipment support, and transportation and personal care arrangements.

(4) A new early childhood education and assistance program provider must complete the requirements in this subsection to be eligible to receive state-funded support under the early childhood education and assistance program:

(a) Enroll in the early achievers program within thirty days of the start date of the early childhood education and assistance program contract;

(b)(i) Except as provided in (b)(ii) of this subsection, rate at a level 4 or 5 in the early achievers program within twenty-four months of enrollment. If an early childhood education and assistance program provider rates below a level 4 within twenty-four months of enrollment, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 4 or 5 within twelve months of beginning remedial activities.

(ii) Licensed or certified child care centers ((~~and homes~~)), family home providers, and outdoor nature-based child care providers that administer an early childhood education and assistance program shall rate at a level 4 or 5 in the early achievers program within twenty-four months of the start date of the early childhood education and assistance program contract. If an early childhood education and assistance program provider rates below a level 4 within twenty-four months, the provider must complete remedial activities with the department, and must rate at or

request to be rated at a level 4 or 5 within twelve months of beginning remedial activities.

(5)(a) If an early childhood education and assistance program provider has successfully completed all of the required early achievers program activities and is waiting to be rated by the deadline provided in this section, the provider may continue to participate in the early achievers program as an approved early childhood education and assistance program provider and receive state subsidy pending the successful completion of a level 4 or 5 rating.

(b) To avoid disruption, the department may allow for early childhood education and assistance program providers who have rated below a level 4 after completion of the twelve-month remedial period to continue to provide services until the current school year is finished.

(c)(i) If the early childhood education and assistance program provider described under subsection (4)(b)(i) or (ii) of this section does not rate or request to be rated at a level 4 or 5 following the remedial period, the provider is not eligible to receive state-funded support under the early childhood education and assistance program under this section.

(ii) If the early childhood education and assistance program provider described under subsection (4)(b)(i) or (ii) of this section does not rate at a level 4 or 5 when the rating is released following the remedial period, the provider is not eligible to receive state-funded support under the early childhood education and assistance program under this section.

(6)(a) When an early childhood education and assistance program in good standing changes classroom locations to a comparable or improved space within the same facility, or to a comparable or improved outdoor location for an outdoor nature-based child care, a rerating is not required outside of the regular rerating and renewal cycle.

(b) When an early childhood education and assistance program in good standing moves to a new facility, or to a new outdoor location for an outdoor nature-based child care, the provider must notify the department of the move within six months of changing locations in order to retain their existing rating. The early achievers program must conduct an observational visit to ensure the new classroom space is of comparable or improved environmental quality. If a provider fails to notify the department within six months of a move, the early achievers rating must be changed from the posted rated level to "Participating, Not Yet Rated" and the provider will cease to receive tiered reimbursement incentives until a new rating is completed.

(7) The department shall collect data periodically to determine the demand for full-day programming for early childhood education and assistance program providers. The department shall analyze this demand by geographic region and shall include the findings in the annual report required under RCW 43.216.089.

(8) The department shall develop multiple pathways for licensed or certified child care centers and homes to administer an early childhood education and assistance program. The pathways shall include an accommodation for these providers to rate at a level 4 or 5 in the early achievers program according to the timelines and standards established in subsection (4)(b)(ii) of this section. The department must consider using the intermediate level that is between level 3 and level 4 as described in RCW 43.216.085, incentives, and front-end funding in order to encourage providers to participate in the pathway.

Sec. 20. RCW 43.216.530 and 2015 3rd sp.s. c 7 s 10 are each amended to read as follows:

The department shall review applications from public or private organizations for state funding of early childhood education and assistance programs. The department shall consider local community needs, demonstrated capacity, and the need to support a mixed delivery system of early learning that includes alternative models for delivery including licensed centers, outdoor nature-based child care providers, and licensed family child care providers when reviewing applications.

Sec. 21. RCW 43.216.650 and 2015 c 199 s 1 are each amended to read as follows:

(1) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition.

(2)(a) The department shall conduct a child fatality review if a child fatality occurs in an early learning program described in RCW ((~~43.215.400 through 43.215.450~~)) 43.216.500 through 43.216.550 or a licensed child care center, licensed outdoor nature-based child care, or a licensed child care home.

(b) The department shall convene a child fatality review committee and determine the membership of the review committee. The committee shall comprise individuals with appropriate expertise, including but not limited to experts from outside the department with knowledge of early learning licensing requirements and program standards, a law enforcement officer with investigative experience, a representative from a county or state health department, and a child advocate with expertise in child fatalities. The department shall invite one parent or guardian for membership on the child fatality review committee who has had a child die in a child care setting. The department shall ensure that the fatality review team is made up of individuals who had no previous involvement in the case.

(c) The department shall allow the parents or guardians whose child's death is being reviewed to testify before the child fatality review committee.

(d) The primary purpose of the fatality review shall be the development of recommendations to the department and legislature regarding changes in licensing requirements, practice, or policy to prevent fatalities and strengthen safety and health protections for children.

(e) Upon conclusion of a child fatality review required pursuant to this section, the department shall, within one hundred eighty days following the fatality, issue a report on the results of the review, unless an extension has been granted by the governor. Reports must be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section must be posted and maintained. A child fatality review report completed pursuant to this section is subject to public disclosure and must be posted on the public web site, except that confidential information may be redacted by the department consistent with the requirements of RCW 13.50.100, 68.50.105, and 74.13.500 through 74.13.525, chapter 42.56 RCW, and other applicable state and federal laws.

(3) The department shall consult with the office of the family and children's ombuds to determine if a review should be conducted in the case of a near child fatality that occurs in an early learning program described in RCW ((~~43.215.400 through 43.215.450~~)) 43.216.500 through 43.216.550 or licensed child care center, licensed outdoor nature-based child care, or licensed child care home.

(4) In any review of a child fatality or near fatality, the department and the fatality review team must have access to all records and files regarding the child or that are otherwise relevant to the review and that have been produced or retained by the early education and assistance program provider or licensed child care center, licensed outdoor nature-based child care, or licensed family home provider.

(5) The child fatality review committee shall coordinate with local law enforcement to ensure that the fatality or near fatality review does not interfere with any ongoing or potential criminal investigation.

(6)(a) A child fatality or near fatality review completed pursuant to this section is subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting a child fatality or near fatality review, or member of a child fatality or near fatality review team, may not be examined in a civil or administrative proceeding regarding the following:

(i) The work of the child fatality or near fatality review team;

(ii) The incident under review;

(iii) The employee's or member's statements, deliberations, thoughts, analyses, or impressions relating to the work of the child fatality or near fatality review team or the incident under review; or

(iv) Statements, deliberations, thoughts, analyses, or impressions of any other member of the child fatality or near fatality review team, or any person

who provided information to the child fatality or near fatality review team, relating to the work of the child fatality or near fatality review team or the incident under review.

(c) Documents prepared by or for a child fatality or near fatality review team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a child fatality or near fatality review, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by a child fatality or near fatality review team. A person is not unavailable as a witness merely because the person has been interviewed by or has provided a statement for a child fatality or near fatality review, but if called as a witness, a person may not be examined regarding the person's interactions with the child fatality or near fatality review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section may not be construed as restricting a person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(d) The restrictions in this section do not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with a minor's death or near fatality reviewed by a child fatality or near fatality review team.

(7) The department shall develop and implement procedures to carry out the requirements of this section.

(8) Nothing in this section creates a duty for the office of the family and children's ombuds under RCW 43.06A.030 as related to children in the care of an early learning program described in RCW ((~~43.215.400 through 43.215.450~~)) 43.216.500 through 43.216.550, a licensed child care center, a licensed outdoor nature-based child care, or a licensed child care home.

Sec. 22. RCW 43.216.660 and 2017 3rd sp.s. c 6 s 212 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. The availability of quality, affordable child care is a concern for working parents, the costs of care are often beyond the resources of working parents, and child care facilities are not located conveniently to workplaces and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, ((~~mini-centers~~)) outdoor nature-based child care, centers, and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry through the department.

Sec. 23. RCW 43.216.685 and 2013 c 23 s 99 are each amended to read as follows:

(1) The department shall establish and maintain a toll-free telephone number, and an interactive web-based system through which persons may obtain information regarding child day care centers, outdoor nature-based child care providers, and family day care providers. This number shall be available twenty-four hours a day for persons to request information. The department shall respond to recorded messages left at the

number within two business days. The number shall be published in reasonably available printed and electronic media. The number shall be easily identifiable as a number through which persons may obtain information regarding child day care centers and family day care providers as set forth in this section.

(2) Through the toll-free telephone line established by this section, the department shall provide information to callers about: (a) Whether a day care provider is licensed; (b) whether a day care provider's license is current; (c) the general nature of any enforcement against the providers; (d) how to report suspected or observed noncompliance with licensing requirements; (e) how to report alleged abuse or neglect in a day care; (f) how to report health, safety, and welfare concerns in a day care; (g) how to receive follow-up assistance, including information on the office of the family and children's ombuds; and (h) how to receive referral information on other agencies or entities that may be of further assistance to the caller.

(3) ((~~Beginning in January 2006, the~~)) The department shall print the toll-free number established by this section on the face of new licenses issued to child day care centers, outdoor nature-based child care providers, and family day care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

Sec. 24. RCW 43.216.687 and 2007 c 415 s 6 are each amended to read as follows:

(1) Every child day care center, outdoor nature-based child care provider, and family day care provider shall prominently post the following items, clearly visible to parents and staff:

(a) The license issued under this chapter;

(b) The department's toll-free telephone number established by RCW ((~~43.215.520~~)) 43.216.685;

(c) The notice of any pending enforcement action. The notice must be posted immediately upon receipt. The notice must be posted for at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(d) A notice that inspection reports and any notices of enforcement actions for the previous three years are available from the licensee and the department; and

(e) Any other information required by the department.

(2) The department shall disclose the receipt, general nature, and resolution or current status of all complaints on record with the department after July 24, 2005, against a child day care center or family day care provider that result in an enforcement action. Information may be posted:

(a) On a web site; or

(b) In a physical location that is easily accessed by parents and potential employers.

(3) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

Sec. 25. RCW 43.216.689 and 2007 c 415 s 7 are each amended to read as follows:

(1) Every child day care center, outdoor nature-based child care provider, and family day care provider shall have readily available for review by the department, parents, and the public a copy of each inspection report and notice of enforcement action received by the center or provider from the department for the past three years. This subsection only applies to reports and notices received on or after July 24, 2005.

(2) The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day care centers, outdoor nature-based child care providers, and family day care providers. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(3) The department may make available on a publicly accessible web site all inspection reports and notices of licensing actions, including the corrective measures required or taken, involving child day care centers, outdoor

nature-based child care providers, and family day care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

Sec. 26. RCW 43.216.690 and 2019 c 362 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, ((~~a~~)) child day care ((~~center~~)) centers and outdoor nature-based child care providers licensed under this chapter may not allow on the premises an employee or volunteer, who has not provided the child day care center or outdoor nature-based child care provider with:

(a) Immunization records indicating that he or she has received the measles, mumps, and rubella vaccine; or

(b) Proof of immunity from measles through documentation of laboratory evidence of antibody titer or a health care provider's attestation of the person's history of measles sufficient to provide immunity against measles.

(2)(a) The child day care center and outdoor nature-based child care provider may allow a person to be employed or volunteer on the premises for up to thirty calendar days if he or she signs a written attestation that he or she has received the measles, mumps, and rubella vaccine or is immune from measles, but requires additional time to obtain and provide the records required in subsection (1)(a) or (b) of this section.

(b) The child day care center and outdoor nature-based child care provider may allow a person to be employed or volunteer on the premises if the person provides the child day care center or outdoor nature-based child care provider with a written certification signed by a health care practitioner, as defined in RCW 28A.210.090, that the measles, mumps, and rubella vaccine is, in the practitioner's judgment, not advisable for the person. This subsection (2)(b) does not apply if it is determined that the measles, mumps, and rubella vaccine is no longer contraindicated.

(3) The child day care center and outdoor nature-based child care provider shall maintain the documents required in subsection (1) or (2) of this section in the person's personnel record maintained by the child day care center.

(4) For purposes of this section, "volunteer" means a nonemployee who provides care and supervision to children at the child day care center or outdoor nature-based child care program.

Sec. 27. RCW 43.216.700 and 2007 c 415 s 10 are each amended to read as follows:

(1) Every licensed child day care center and outdoor nature-based child care provider shall, at the time of licensure or renewal and at any inspection, provide to the department proof that the licensee has day care insurance as defined in RCW 48.88.020, or is self-insured pursuant to chapter 48.90 RCW.

(a) Every licensed child day care center and outdoor nature-based child care provider shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day care center or outdoor nature-based child care location, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(b) Liability limits under this subsection shall be the same as set forth in RCW 48.88.050.

(c) The department may take action as provided in RCW ((~~43.215.300~~)) 43.216.325 if the licensee fails to maintain in full force and effect the insurance required by this subsection.

(d) This subsection applies to child day care centers and outdoor nature-based child care providers holding licenses, initial licenses, and probationary licenses under this chapter.

(e) A child day care center holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(2)(a) Every licensed family day care provider shall, at the time of licensure or renewal either:

(i) Provide to the department proof that the licensee has day care insurance as defined in RCW 48.88.020, or other applicable insurance; or

(ii) Provide written notice of their insurance status on a standard form developed by the department to parents with a child enrolled in family day care and keep a copy of the notice to each parent on file. Family day care providers may choose to opt out of the requirement to have day care or other applicable insurance but must provide written notice of their insurance status to parents with a child enrolled and shall not be subject to the requirements of (b) or (c) of this subsection.

(b) Any licensed family day care provider that provides to the department proof that the licensee has insurance as provided under (a)(i) of this subsection shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day care home, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(c) Liability limits under (a)(i) of this subsection shall be the same as set forth in RCW 48.88.050.

(d) The department may take action as provided in RCW ((~~43.215.300~~)) 43.216.325 if the licensee fails to comply with the requirements of this subsection.

(e) A family day care provider holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(3) Noncompliance or compliance with the provisions of this section shall not constitute evidence of liability or nonliability in any injury litigation.

NEW SECTION. **Sec. 28.** A new section is added to chapter 43.216 RCW to read as follows:

(1) The department shall establish a licensed outdoor nature-based child care program.

(2) The department shall adopt rules to implement the outdoor nature-based child care program and may waive or adapt licensing requirements when necessary to allow for the operation of outdoor classrooms.

(3) The department shall apply the early achievers program to the outdoor nature-based child care program to assess quality in outdoor learning environments and may waive or adapt early achievers requirements when necessary to allow for the operation of outdoor classrooms.

(4) A child care or early learning program operated by a federally recognized tribe may participate in the outdoor nature-based child care program through an interlocal agreement between the tribe and the department. The interlocal agreement must reflect the government-to-government relationship between the state and the tribe, including recognition of tribal sovereignty.

(5) Subject to the availability of funds, the department may convene an advisory group of outdoor, nature-based early learning practitioners to inform and support implementation of the outdoor nature-based child care program.

Sec. 29. RCW 43.216.300 and 2018 c 58 s 41 are each amended to read as follows:

((~~(1)~~)) The secretary ((~~shall~~)) may not charge fees to the licensee for obtaining a child care license. ((~~The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.~~

~~(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.~~

~~(3) The secretary shall establish the fees charged by rule.~~))

Sec. 30. RCW 74.15.125 and 1995 c 302 s 7 are each amended to read as follows:

(1) The department may issue a probationary license to a licensee who has had a license but is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance if:

(a) The noncompliance does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue; and

(b) The licensee has a plan approved by the department to correct the area of noncompliance within the probationary period.

(2) A probationary license may be issued for up to six months, and at the discretion of the department it may be extended for an additional six months. The department shall immediately terminate the probationary license, if at any time the noncompliance for which the probationary license was issued presents an immediate threat to the health or well-being of the children.

(3) The department may, at any time, issue a probationary license for due cause that states the conditions of probation.

(4) An existing license is invalidated when a probationary license is issued.

(5) At the expiration of the probationary license, the department shall reinstate the original license for the remainder of its term, issue a new license, or revoke the original license.

(6) A right to an adjudicative proceeding shall not accrue to the licensee whose license has been placed on probationary status unless the licensee does not agree with the placement on probationary status and the department then suspends, revokes, or modifies the license.

(7)(a) The department may issue a child-specific license to a relative, as defined in RCW 13.36.020, or a suitable person, as defined in RCW 13.36.020, who opts to become licensed for placement of a specific child and that child's siblings or relatives in the department's care, custody, and control.

(b) Such individuals must meet all minimum licensing requirements for foster family homes established pursuant to RCW 74.15.030 and are subject to child-specific license criteria, which the department is authorized to establish by rule.

(c) For purposes of federal funding, a child-specific license is considered a full license with all of the rights and responsibilities of a foster family home license, except that at the discretion of the department the licensee may only receive placement of specific children pursuant to (a) of this subsection.

(d) A child-specific license does not confer upon the licensee a right to placement of a particular child, nor does it confer party status in any proceeding under chapter 13.34 RCW.

(e) The department shall seek input from the following stakeholders during the development and adoption of rules necessary to implement this section: Representatives from the kinship care oversight committee, an organization that represents current and former foster youth, an organization that represents child placing agencies, and a statewide advisory group of foster youth and alumni of foster care. The department shall seek tribal input as outlined in the department's government-to-government policy, per RCW 43.376.020.

NEW SECTION. **Sec. 31.** Section 3 of this act expires December 31, 2021.

NEW SECTION. **Sec. 32.** Section 4 of this act takes effect December 31, 2021.

NEW SECTION. **Sec. 33.** If specific funding for the purposes of section 29 of this act, referencing section 29 of this act by bill or chapter number and section number, is not provided by June 30, 2021, in the omnibus appropriations act, section 29 of this act is null and void.

NEW SECTION. **Sec. 34.** Section 29 of this act expires June 30, 2023."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye and Schmick.

Referred to Committee on Rules for second reading.

March 31, 2021

SB 5159 Prime Sponsor, Senator Warnick: Concerning payments in lieu of real

property taxes by the department of the fish and wildlife. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5160 Prime Sponsor, Committee on Ways & Means: Addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Housing, Human Services & Veterans.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington state with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce. Many of the state's workforce has been impacted by these layoffs and substantially reduced work hours and have suffered economic hardship, disproportionately affecting low and moderate-income workers resulting in lost wages and the inability to pay for basic household expenses, including rent. Hundreds of thousands of tenants in Washington are unable to consistently pay their rent, reflecting the continued financial precariousness of many renters in the state. Before the COVID-19 pandemic, nonpayment of rent was the leading cause of evictions within the state. Because the COVID-19 pandemic has led to an inability for tenants to consistently pay rent, the likelihood of evictions has increased, as well as life, health, and safety risks to a significant percentage of the state's tenants. As a result, the governor has issued a temporary moratorium on evictions as of March 2020, with multiple extensions and other related actions, to reduce housing instability and enable tenants to stay in their homes.

Therefore, it is the intent of the legislature with this act to increase tenant protections during the public health emergency, provide legal representation for qualifying tenants in eviction cases, establish an eviction resolution pilot program to address nonpayment of rent eviction cases before any court filing, and ensure tenants and landlords have adequate opportunities to access state and local rental assistance programs to reimburse landlords for unpaid rent and preserve tenancies.

NEW SECTION. **Sec. 2.** A new section is added to chapter 59.18 RCW to read as follows:

The definitions in this section apply to sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Dwelling unit" has the same meaning as defined in RCW 59.18.030, and includes a manufactured/mobile home or a mobile home lot as defined in RCW 59.20.030.

(2) "Eviction moratorium" refers to the governor of the state of Washington's proclamation 20-19.6, proclaiming a moratorium on certain evictions for all counties throughout Washington state on March 18, 2021, and any subsequent orders extending or amending such proclamation until it expires or is terminated by the governor of the state of Washington.

(3) "Landlord" has the same meaning as defined in RCW 59.18.030 and 59.20.030.

(4) "Prospective landlord" has the same meaning as defined in RCW 59.18.030.

(5) "Public health emergency" refers to the governor of the state of Washington's proclamation 20-05, proclaiming a state of emergency for all counties throughout Washington state on February 29, 2020, and any subsequent orders extending or amending such proclamation due to COVID-19 until the proclamation expires or is terminated by the governor of the state of Washington.

(6) "Rent" has the same meaning as defined in RCW 59.18.030.

(7) "Tenant" refers to any individual renting a dwelling unit or lot primarily for living purposes, including any individual with a tenancy subject to this chapter or chapter 59.20 RCW or any individual residing in transient lodging, such as a hotel or motel or camping area as their primary dwelling, for 30 days or more prior to March 1, 2020. "Tenant" does not include any individual residing in a hotel or motel or camping area as their primary dwelling for more than 30 days after March 1, 2020, if the hotel or motel or camping area has provided the individual with a seven-day eviction notice, which must include the following language: "For no-cost legal assistance, please call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. - 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). You may find additional resource information at http://www.washingtonlawhelp.org." "Tenant" also does not include occupants of homeless mitigation sites or a person entering onto land without permission of the landowner or lessor. For purposes of this subsection, any local government provision of solid waste or hygiene services to unsanctioned encampments does not constitute permission to occupy land.

TENANT PROTECTIONS

NEW SECTION. **Sec. 3.** A new section is added to chapter 59.18 RCW to read as follows:

(1) A landlord may not charge or impose any late fees or other charges against any tenant for the nonpayment of rent that became due between March 1, 2020, and six months following the expiration of the eviction moratorium.

(2) For rent that accrued between March 1, 2020, and the six months following the expiration of the eviction moratorium expiration date:

(a) A landlord may not report to a prospective landlord:

(i) A tenant's nonpayment of rent that accrued between March 1, 2020, and the six months following the expiration of the eviction moratorium; or

(ii) An unlawful detainer action pursuant to RCW 59.12.030(3) that resulted from a tenant's nonpayment of rent between March 1, 2020, and the six months following the expiration of the eviction moratorium.

(b) A prospective landlord may not take an adverse action based on a prospective tenant's nonpayment of rent that occurred between March 1, 2020, and the six months following the expiration of the eviction moratorium.

(3)(a) A landlord or prospective landlord may not deny, discourage application for, or otherwise make unavailable any rental dwelling unit based on a tenant's or prospective tenant's medical history including, but not limited to, the tenant's or prospective tenant's prior or current exposure or infection to the COVID-19 virus.

(b) A landlord or prospective landlord may not inquire about, consider, or require disclosure of a tenant's or prospective tenant's medical records or history, unless such disclosure is necessary to evaluate a reasonable accommodation request or reasonable modification request under RCW 49.60.222.

(4) A landlord or prospective landlord in violation of this section is liable in a civil action for up to four and one-half times the monthly rent of the real property at issue, as well as court costs and reasonable attorneys' fees. A court must impose this penalty in an amount necessary to deter future violations, payable to the tenant bringing the action.

REPAYMENT PLANS

NEW SECTION. **Sec. 4.** A new section is added to chapter 59.18 RCW to read as follows:

(1) If a tenant has remaining unpaid rent that accrued between March 1, 2020, and six months following the expiration of the eviction moratorium or the end of the public health emergency, whichever is greater, the landlord must offer the tenant a reasonable schedule for repayment of the unpaid rent that does not exceed monthly payments equal to one-third of the monthly rental charges during the period of accrued debt. If a tenant fails to accept the terms of a reasonable repayment plan within 14 days of the landlord's offer, the landlord may proceed with an unlawful detainer action as set forth in RCW 59.12.030(3) but subject to any requirements under the eviction resolution pilot program

established under section 7 of this act. If the tenant defaults on any rent owed under a repayment plan, the landlord may apply for reimbursement from the landlord mitigation program as authorized under RCW 43.31.605(1)(d) or proceed with an unlawful detainer action as set forth in RCW 59.12.030(3) but subject to any requirements under the eviction resolution pilot program established under section 7 of this act. The court must consider the tenant's circumstances, including decreased income or increased expenses due to COVID-19, and the repayment plan terms offered during any unlawful detainer proceeding.

(2) Any repayment plan entered into under this section must:

(a) Not require payment until 30 days after the repayment plan is offered to the tenant;

(b) Cover rent only and not any late fees, attorneys' fees, or any other fees and charges;

(c) Allow for payments from any source of income as defined in RCW 59.18.255(5) or from pledges by nonprofit organizations, churches, religious institutions, or governmental entities;

(d) Not include provisions or be conditioned on: The tenant's compliance with the rental agreement, payment of attorneys' fees, court costs, or other costs related to litigation if the tenant defaults on the rental agreement; a requirement that the tenant apply for governmental benefits or provide proof of receipt of governmental benefits; or the tenant's waiver of any rights to a notice under RCW 59.12.030 or related provisions before a writ of restitution is issued.

(3) It is a defense to an eviction under RCW 59.12.030(3) that a landlord did not offer a repayment plan in conformity with this section.

(4) To the extent available funds exist for rental assistance from a federal, state, local, private, or nonprofit program, the tenant or landlord may continue to seek rental assistance to reduce and/or eliminate the unpaid rent balance.

Sec. 5. RCW 43.31.605 and 2020 c 315 s 8 and 2020 c 169 s 2 are each reenacted and amended to read as follows:

(1)(a) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program.

(b) The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(i) Up to one thousand dollars for improvements identified in RCW 59.18.255(1)(a). In order to be eligible for reimbursement under this subsection (1)(b)(i), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(b)(i) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(ii) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(iii) Reimbursement for damages established pursuant to subsection (2) of this section; and

(iv) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(c) Claims related to landlord mitigation for an unpaid judgment for rent, unpaid judgments resulting from the tenant's failure to comply with an installment payment agreement identified in RCW 59.18.610, late fees, attorneys' fees, and costs after a court order pursuant to RCW 59.18.410(3), including any unpaid portion of the judgment after the tenant defaults on the payment plan pursuant to RCW 59.18.410(3)(c), are eligible for reimbursement from the landlord mitigation program account and are exempt from any postjudgment interest required under RCW 4.56.110. Any claim for reimbursement made pursuant to RCW 59.18.410(3)(e)(ii) must be accompanied by a court order staying the writ of

restitution pursuant to RCW 59.18.410(3). Any claim for reimbursement under this subsection (1)(c) is not an entitlement.

(i) The department shall provide for a form on its website for tenants and landlords to apply for reimbursement funds for the landlord pursuant to this subsection (1)(c).

(ii) The form must include: (A) Space for the landlord and tenant to provide names, mailing addresses, phone numbers, date of birth for the tenant, and any other identifying information necessary for the department to process payment; (B) the landlord's statewide vendor identification number and how to obtain one; (C) name and address to whom payment must be made; (D) the amount of the judgment with instructions to include any other supporting documentation the department may need to process payment; (E) instructions for how the tenant is to reimburse the department under (c)(iii) of this subsection; (F) a description of the consequences if the tenant does not reimburse the department as provided in this subsection (1)(c); (G) a signature line for the landlord and tenant to confirm that they have read and understood the contents of the form and program; and (H) any other information necessary for the operation of the program. If the tenant has not signed the form after the landlord has made good faith efforts to obtain the tenant's signature, the landlord may solely submit the form but must attest to the amount of money owed and sign the form under penalty of perjury.

(iii) When a landlord has been reimbursed pursuant to this subsection (1)(c), the tenant for whom payment was made shall reimburse the department by depositing the amount disbursed from the landlord mitigation program account into the court registry of the superior court in which the judgment was entered. The tenant or other interested party may seek an ex parte order of the court under the unlawful detainer action to order such funds to be disbursed by the court. Upon entry of the order, the court clerk shall disburse the funds and include a case number with any payment issued to the department. If directed by the court, a clerk shall issue any payments made by a tenant to the department without further court order.

(iv) The department may deny an application made by a tenant who has failed to reimburse the department for prior payments issued pursuant to this subsection (1)(c).

(v) With any disbursement from the account to the landlord, the department shall notify the tenant at the address provided within the application that a disbursement has been made to the landlord on the tenant's behalf and that failure to reimburse the account for the payment through the court registry may result in a denial of a future application to the account pursuant to this subsection (1)(c). The department may include any other additional information about how to reimburse the account it deems necessary to fully inform the tenant.

(vi) The department's duties with respect to obtaining reimbursement from the tenant to the account are limited to those specified within this subsection (1)(c).

(vii) If at any time funds do not exist in the landlord mitigation program account to reimburse claims submitted under this subsection (1)(c), the department must create and maintain a waitlist and distribute funds in the order the claims are received pursuant to subsection (6) of this section. Payment of any claims on the waitlist shall be made only from the landlord mitigation program account. The department shall not be civilly or criminally liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds for reimbursement.

(d)(i) Claims related to landlord mitigation for:

(A) Up to $15,000 in unpaid rent that accrued between March 1, 2020, and six months following the expiration of the eviction moratorium and the tenant being low-income, limited resourced or experiencing hardship, voluntarily vacated or abandoned the tenancy; or

(B) Up to $15,000 in remaining unpaid rent if a tenant defaults on a repayment plan entered into under section 4 of this act are eligible for reimbursement from the landlord mitigation program account subject to the program requirements under this section, provided the tenancy has not been terminated at the time of reimbursement.

(ii) A landlord is ineligible for reimbursement under this subsection

(1)(d) where the tenant vacated the tenancy because of an unlawful detainer action under RCW 59.12.030(3).

(iii) A landlord in receipt of reimbursement from the program pursuant to this subsection (1)(d) is prohibited from:

(A) Taking legal action against the tenant for damages or any remaining unpaid rent accrued between March 1, 2020, and six months following the expiration of the eviction moratorium attributable to the same tenancy; or

(B) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages or any remaining unpaid rent accrued between March 1, 2020, and six months following the expiration of the eviction moratorium attributable to the same tenancy.

(2) In order for a claim under subsection (1)(b)(iii) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim pursuant to subsection (1)(b) of this section, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims pursuant to subsection (1)(b) of this section related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program pursuant to subsection (1)(b) and (d) of this section is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(b)(iii) of this section may seek to obtain a judgment

from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a website that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

Sec. 6. RCW 43.31.615 and 2019 c 356 s 13 are each amended to read as follows:

(1) The landlord mitigation program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments, private contributions, and

all other sources must be deposited into the account. Expenditures from the account may only be used for the landlord mitigation program under this chapter to reimburse landlords for eligible claims related to private market rental units during the time of their rental to low-income tenants using housing subsidy programs as defined in RCW 43.31.605, for any unpaid judgment issued within an unlawful detainer action after a court order pursuant to RCW 59.18.410(3) as described in RCW 43.31.605(1)(c), for any unpaid rent as described in RCW 43.31.605(1)(d), and for the administrative costs identified in subsection (2) of this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Administrative costs associated with application, distribution, and other program activities of the department may not exceed twenty percent of the annual funds available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

(3) Funds deposited into the landlord mitigation program account shall be prioritized by the department for allowable costs under RCW 43.31.605(1)(b), and may only be used for other allowable costs when funding available in the account exceeds the amount needed to pay claims under RCW 43.31.605(1)(b).

EVICTION RESOLUTION PILOT PROGRAM

NEW SECTION. **Sec. 7.** A new section is added to chapter 59.18 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the administrative office of the courts shall contract with dispute resolution centers as described under chapter 7.75 RCW within or serving each county to establish a court-based eviction resolution pilot program operated in accordance with Washington supreme court order no. 25700-B-639 and any standing judicial order of the individual superior court.

(2) The eviction resolution pilot program must be used to facilitate the resolution of nonpayment of rent cases between a landlord and tenant before the landlord files an unlawful detainer action.

(3) Prior to filing an unlawful detainer action for nonpayment of rent, the landlord must provide a notice as required under RCW 59.12.030(3) and an additional notice to the tenant informing them of the eviction resolution pilot program. The landlord must retain proof of service or mailing of the additional notice. The additional notice to the tenant must provide at least the following information regarding the eviction resolution pilot program:

(a) Contact information for the local dispute resolution center;

(b) Contact information for the county's housing justice project or, if none, a statewide organization providing housing advocacy services for low-income residents;

(c) The following statement: "The Washington state office of the attorney general has this notice in multiple languages on its website. You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help you pay your rent. Alternatively, you may find additional information to help you at http://www.washingtonlawhelp.org";

(d) The name and contact information of the landlord, the landlord's attorney, if any, and the tenant; and

(e) The following statement: "Failure to respond to this notice within 14 days may result in the filing of a summons and complaint for an unlawful detainer action with the court."

(4) At the time of service or mailing of the pay or vacate notice and additional notice to the tenant, a landlord must also send copies of these notices to the local dispute resolution center serving the area where the property is located.

(5) A landlord must secure a certification of participation with the eviction resolution program by the appropriate dispute resolution center before an unlawful detainer action for nonpayment of rent may be heard by the court.

(6) The administrative office of the courts may also establish and produce any other notice forms and requirements as

necessary to implement the eviction resolution pilot program.

(7) Any superior court, in collaboration with the dispute resolution center that is located within or serving the same county, participating in the eviction resolution pilot program must report annually to the administrative office of the courts beginning January 1, 2022, until January 1, 2023, on the following:

(a) The number of unlawful detainer actions for nonpayment of rent that were subject to program requirements;

(b) The number of referrals made to dispute resolution centers;

(c) The number of nonpayment of rent cases resolved by the program;

(d) How many instances the tenant had legal representation either at the conciliation stage or formal mediation stage;

(e) The number of certifications issued by dispute resolution centers and filed by landlords with the court; and

(f) Any other information that relates to the efficacy of the pilot program.

(8) By July 1, 2022, until July 1, 2023, the administrative office of the courts must provide a report to the legislature summarizing the report data shared by the superior courts and dispute resolution centers under subsection (7) of this section.

(9) This section expires July 1, 2023.

RIGHT TO COUNSEL

NEW SECTION. **Sec. 8.** A new section is added to chapter 59.18 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the court must appoint an attorney for an indigent tenant in an unlawful detainer proceeding under chapters 59.12, 59.18, and 59.20 RCW. The office of civil legal aid is responsible for implementation of this subsection as provided in section 9 of this act, and the state shall pay the costs of legal services provided by an attorney appointed pursuant to this subsection. In implementing this section, the office of civil legal aid shall assign priority to providing legal representation to indigent tenants in those counties in which the most evictions occur and to indigent tenants who are disproportionately at risk of eviction.

(2) For purposes of this section, "indigent" means any person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Receiving an annual income, after taxes, of 200 percent or less of the current federally established poverty level.

NEW SECTION. **Sec. 9.** A new section is added to chapter 2.53 RCW to read as follows:

(1) Moneys appropriated by the legislature for legal services provided by an attorney appointed pursuant to section 8 of this act must be administered by the office of civil legal aid established under RCW 2.53.020. The office of civil legal aid must enter into contracts with attorneys and agencies for the provision of legal services under section 8 of this act to remain within appropriated amounts.

(2) The legislature recognizes that the office of civil legal aid needs time to properly implement the right to attorney legal representation for indigent tenants under and consistent with section 8 of this act. Within 90 days after the effective date of this section, the office of civil legal aid must submit to the appropriate legislative committees a plan to fully implement the tenant representation program under and consistent with section 8 of this act within 12 months of the effective date of this section.

Sec. 10. RCW 59.18.057 and 2020 c 315 s 2 are each amended to read as follows:

(1) Every ((~~fourteen-day~~)) 14-day notice served pursuant to RCW 59.12.030(3) must be in substantially the following form:

"TO: _____

AND TO: _____

ADDRESS:

FOURTEEN-DAY NOTICE TO PAY RENT OR VACATE THE PREMISES

You are receiving this notice because the landlord alleges you are not in compliance with the terms of the lease agreement by failing to pay rent and/or utilities and/or recurring or periodic charges that are past due.

(1) Monthly rent due for (list month(s)): $ (dollar amount)

AND/OR

(2) Utilities due for (list month(s)): $ (dollar amount)

AND/OR

(3) Other recurring or periodic charges identified in the lease for (list month(s)): $ (dollar amount)

TOTAL AMOUNT DUE: $ (dollar amount)

Note - payment must be made pursuant to the terms of the rental agreement or by nonelectronic means including, but not limited to, cashier's check, money order, or other certified funds.

You must pay the total amount due to your landlord within fourteen (14) days after service of this notice or you must vacate the premises. Any payment you make to the landlord must first be applied to the total amount due as shown on this notice. Any failure to comply with this notice within fourteen (14) days after service of this notice may result in a judicial proceeding that leads to your eviction from the premises.

The Washington state Office of the Attorney General has this notice in multiple languages as well as information on available resources to help you pay your rent, including state and local rental assistance programs, on its website at www.atg.wa.gov/landlord-tenant. ((~~**You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help you pay your rent.**~~

~~**Alternatively, for no-cost legal assistance for low-income renters**~~)) **State law provides you the right to legal representation and the court may be able to appoint a lawyer to represent you without cost to you if you are a qualifying low-income renter. If you believe you are a qualifying low-income renter and would like an attorney appointed to represent you, please contact the Eviction Defense Screening Line at 855-657-8387 or apply online at https://nwjustice.org/apply-online. For additional resources, call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. – 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). You may find additional information to help you at http://www.washingtonlawhelp.org. Free or low-cost mediation services to assist in nonpayment of rent disputes before any judicial proceedings occur are also available at dispute resolution centers throughout the state. You can find your nearest dispute resolution center at https://www.resolutionwa.org.**

State law also provides you the right to receive interpreter services at court.

OWNER/LANDLORD:_____DATE:_____

_____

WHERE TOTAL AMOUNT DUE IS TO BE PAID: ___(owner/landlord name)___

_____(address)_____"

(2) Upon expiration of the eviction resolution pilot program established under section 7 of this act:

(a) The landlord must also provide the notice required in this section to the dispute resolution center located within or serving the county in which the dwelling unit is located. It is a defense to an eviction under RCW 59.12.030 that a landlord did not provide additional notice under this subsection.

(b) Dispute resolution centers are encouraged to notify the housing justice project or northwest justice project located within or serving the county in which the dispute resolution center is located, as appropriate, once notice is received from the landlord under this subsection.

(3) The form required in this section does not abrogate any additional notice requirements to tenants as required by federal, state, or local law.

Sec. 11. RCW 59.18.365 and 2020 c 315 s 4 are each amended to read as follows:

(1) The summons must contain the names of the parties to the proceeding, the attorney or attorneys if any, the court

in which the same is brought, the nature of the action, in concise terms, and the relief sought, and also the return day; and must notify the defendant to appear and answer within the time designated or that the relief sought will be taken against him or her. The summons must contain a street address for service of the notice of appearance or answer and, if available, a facsimile number for the plaintiff or the plaintiff's attorney, if represented. The summons must be served and returned in the same manner as a summons in other actions is served and returned.

(2) A defendant may serve a copy of an answer or notice of appearance by any of the following methods:

(a) By delivering a copy of the answer or notice of appearance to the person who signed the summons at the street address listed on the summons;

(b) By mailing a copy of the answer or notice of appearance addressed to the person who signed the summons to the street address listed on the summons;

(c) By facsimile to the facsimile number listed on the summons. Service by facsimile is complete upon successful transmission to the facsimile number listed upon the summons;

(d) As otherwise authorized by the superior court civil rules.

(3) The summons for unlawful detainer actions for tenancies covered by this chapter shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE

STATE OF WASHINGTON

IN AND

FOR . . . . . COUNTY

Plaintiff / Landlord/ Owner,	NO.
vs.	EVICTION SUMMONS
Defendant / Tenant/ Occupant.	(Residential)

THIS IS AN IMPORTANT LEGAL DOCUMENT TO EVICT YOU.

YOUR **WRITTEN**

RESPONSE MUST BE RECEIVED BY: 5:00 p.m., on . . . . . .

TO: . . . . . (Defendant's Name)

. . . . . (Defendant's Address)

GET HELP: If you do not respond by the deadline above, you will lose your right to defend yourself or be represented by a lawyer if you cannot afford one in court and could be evicted. ((~~If you cannot afford a lawyer~~)) The court may be able to appoint a lawyer to represent you without cost to you if you are low-income and are unable to afford a lawyer. If you believe you are a qualifying low-income renter and would like an attorney appointed to represent you, please contact the Eviction Defense Screening Line at 855-657-8387 or apply online at https://nwjustice.org/apply-online. For additional resources, you may call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. - 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). ((~~They can refer you to free or low-cost legal help.~~)) You may find additional information to help you at http://www.washingtonlawhelp.org. Free or low-cost mediation services to assist in nonpayment of rent disputes before any judicial proceedings occur are also available at dispute resolution centers throughout the state. You can find your nearest dispute resolution center at https://www.resolutionwa.org.

HOW TO RESPOND: Phone calls to your Landlord or your Landlord's lawyer are not a response. You may respond with a "notice of appearance." This is a letter that includes the following:

(1) A statement that you are appearing in the court case

(2) Names of the landlord(s) and the tenant(s) (as listed above)

(3) Your name, your address where legal documents may be sent, your signature, phone number (if any), and case number (if the case is filed)

This case ☐ is / ☐ is not filed with the court. If this case is filed, you need to also file your response with the court by delivering a copy to the clerk

of the court at: . . . . . (Clerk's Office/Address/Room number/Business hours of court clerk)

WHERE TO RESPOND: You must mail, fax, or hand deliver your response letter to your Landlord's lawyer, or if no lawyer is named in the complaint, to your Landlord. If you mail the response letter, you must do it 3 days before the deadline above. Request receipt of a proof of mailing from the post office. If you hand deliver or fax it, you must do it by the deadline above. The address is:

. . . . . (Attorney/Landlord Name)

. . . . . (Address)

. . . . . (Fax - required if available)

COURT DATE: If you respond to this Summons, you will be notified of your hearing date in a document called an "Order to Show Cause." This is usually mailed to you. If you get notice of a hearing, **you must go to the hearing**. If you do not show up, your landlord can evict you. Your landlord might also charge you more money. If you move before the court date, you must tell your landlord or the landlord's attorney.

LANDLORD ACCESS TO RENTAL ASSISTANCE PROGRAMS

NEW SECTION. **Sec. 12.** A new section is added to chapter 43.185C RCW to read as follows:

The department must authorize landlords an opportunity to apply to the following programs, if feasible, and establish application and eligibility requirements and any conditions on the receipt of funds as the department deems appropriate:

(1) Rental assistance provided through the consolidated homeless grant program;

(2) Rental assistance provided through the emergency solutions grant program; and

(3) Any rental assistance program funded through receipt of any federal COVID-19 relief funds.

OTHER TENANT PROTECTIONS

Sec. 13. RCW 59.12.040 and 2010 c 8 s 19007 are each amended to read as follows:

Any notice provided for in this chapter shall be served either (1) by delivering a copy personally to the person entitled thereto; or (2) if he or she be absent from the premises unlawfully held, by leaving there a copy, with some person of suitable age and discretion, and sending a copy through the mail addressed to the person entitled thereto at his or her place of residence; or (3) if the person to be notified be a tenant, or an unlawful holder of premises, and his or her place of residence is not known, or if a person of suitable age and discretion there cannot be found then by affixing a copy of the notice in a conspicuous place on the premises unlawfully held, and also delivering a copy to a person there residing, if such a person can be found, and also sending a copy through the mail addressed to the tenant, or unlawful occupant, at the place where the premises unlawfully held are situated. Service upon a subtenant may be made in the same manner: PROVIDED, That in cases where the tenant or unlawful occupant, shall be conducting a hotel, inn, lodging house, boarding house, or shall be renting rooms while still retaining control of the premises as a whole, that the guests, lodgers, boarders, or persons renting such rooms shall not be considered as subtenants within the meaning of this chapter, but all such persons may be served by affixing a copy of the notice to be served in two conspicuous places upon the premises unlawfully held; and such persons shall not be necessary parties defendant in an action to recover possession of said premises. Service of any notice provided for in this chapter may be had upon a corporation by delivering a copy thereof to any officer, agent, or person having charge of the business of such corporation, at the premises unlawfully held, and in case no such officer, agent, or person can be found upon such premises, then service may be had by affixing a copy of such notice in a conspicuous place upon said premises and by sending a copy through the mail addressed to such corporation at the place where said premises are situated. Proof of any service under this section may be made by the affidavit of the person making the same in like manner and with like effect as the proof of service of summons in civil actions. When a copy of notice is sent through the mail, as provided in this section, service shall be deemed complete when such copy is deposited in the United States mail in the county in which the property is situated properly addressed

with postage prepaid: PROVIDED, HOWEVER, That when service is made by mail one additional day shall be allowed before the commencement of an action based upon such notice. ((~~RCW 59.18.375 may also apply to notice given under this chapter.~~))

Sec. 14. RCW 59.18.230 and 2020 c 315 s 6 and 2020 c 177 s 2 are each reenacted and amended to read as follows:

(1)(a) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(b) Any agreement, whether oral or written, between a landlord and tenant, or their representatives, and entered into pursuant to an unlawful detainer action under this chapter that requires the tenant to pay any amount in violation of RCW 59.18.283 or the statutory judgment amount limits under RCW 59.18.410 (1) or (2), or waives any rights of the tenant under RCW 59.18.410 or any other rights afforded under this chapter except as provided in RCW 59.18.360 is void and unenforceable. A landlord may not threaten a tenant with eviction for failure to pay nonpossessory charges limited under RCW 59.18.283.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forgo rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorneys' fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into; or

(f) Agrees to pay late fees for rent that is paid within five days following its due date. If rent is more than five days past due, the landlord may charge late fees commencing from the first day after the due date until paid. Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by him or her to be prohibited, the tenant may recover actual damages sustained by him or her, statutory damages not to exceed ((~~five hundred dollars~~)) $500, costs of suit, and reasonable attorneys' fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant without the specific written consent of the tenant to such incident of taking or detention, and who, after written demand by the tenant for the return of his or her personal property, refuses to return the same promptly shall be liable to the tenant for the value of the property retained, actual damages, and if the refusal is intentional, may also be liable for damages of up to ((~~five hundred dollars~~)) $500 per day but not to exceed ((~~five thousand dollars~~)) $5,000, for each day or part of a day that the tenant is deprived of his or her property. The prevailing party may recover his or her costs of suit and a reasonable attorneys' fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his or her personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property.

Sec. 15. RCW 59.20.040 and 1999 c 359 s 3 are each amended to read as follows:

This chapter shall regulate and determine legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot and including specified amenities within the mobile home park, mobile home park cooperative, or mobile home park subdivision, where the tenant has no ownership interest in the property or in the association which owns the property, whose uses are referred to as a part of the rent structure paid by the tenant. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall be applicable only in implementation of the provisions of this chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable: PROVIDED, That the provision of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental agreement included under the provisions of this chapter. RCW 59.18.055 ((~~and 59.18.370~~)), section 8 of this act, 59.18.365, 59.18.370, and 59.18.380 through 59.18.410 shall be applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under the provisions of this chapter, except when a mobile home, manufactured home, or park model or a tenancy in a mobile home lot is abandoned. Rentals of mobile homes, manufactured homes, or park models themselves are governed by the residential landlord-tenant act, chapter 59.18 RCW.

Sec. 16. RCW 59.18.410 and 2020 c 315 s 5 are each amended to read as follows:

(1) If at trial the verdict of the jury or, if the case is tried without a jury, the finding of the court is in favor of the landlord and against the tenant, judgment shall be entered for the restitution of the premises; and if the proceeding is for unlawful detainer after neglect or failure to perform any condition or covenant of a lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease, agreement, or tenancy. The jury, or the court, if the proceedings are tried without a jury, shall also assess the damages arising out of the tenancy occasioned to the landlord by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved at trial, and, if the alleged unlawful detainer is based on default in the payment of rent, find the amount of any rent due, and the judgment shall be rendered against the tenant liable for the forcible entry, forcible detainer, or unlawful detainer for the amount of damages thus assessed, for the rent, if any, found due, and late fees if such fees are due under the lease and do not exceed seventy-five dollars in total. The court may award statutory costs. The court may also award reasonable attorneys' fees as provided in RCW 59.18.290.

(2) When the tenant is liable for unlawful detainer after a default in the payment of rent, execution upon the judgment shall not occur until the expiration of five court days after the entry of the judgment. Before entry of a judgment or until five court days have expired after entry of the judgment, the tenant or any subtenant, or any mortgagee of the term, or other party interested in the continuance of the tenancy, may pay into court or to the landlord the amount of the rent due, any court costs incurred at the time of payment, late fees if such fees are due under the lease and do not exceed seventy-five dollars in total, and attorneys' fees if awarded, in which event any judgment entered shall be satisfied and the tenant restored to his or her tenancy. If the tenant seeks to restore his or her tenancy after entry of a judgment, the tenant may tender the amount stated within the judgment as long as that amount does not exceed the amount authorized under subsection (1) of this section. If a tenant seeks to restore his or her tenancy and pay the amount set forth in this subsection with funds acquired through an emergency rental assistance program provided by a governmental or nonprofit entity, the tenant shall provide a copy of the pledge of emergency rental assistance provided from the appropriate governmental or nonprofit entity and have an opportunity to exercise such rights under this subsection, which may include a stay of judgment and provision by the landlord of documentation necessary for processing the assistance. The landlord shall accept any pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity before the expiration of any pay or vacate notice for nonpayment of rent for the full amount of the rent owing under the rental agreement. The landlord shall accept any written pledge of emergency rental assistance funds provided to the

tenant from a governmental or nonprofit entity after the expiration of the pay or vacate notice if the pledge will contribute to the total payment of both the amount of rent due, including any current rent, and other amounts if required under this subsection. The landlord shall suspend any court action for seven court days after providing necessary payment information to the nonprofit or governmental entity to allow for payment of the emergency rental assistance funds. By accepting such pledge of emergency rental assistance, the landlord is not required to enter into any additional conditions not related to the provision of necessary payment information and documentation. If a judgment has been satisfied, the landlord shall file a satisfaction of judgment with the court. A tenant seeking to exercise rights under this subsection shall pay an additional fifty dollars for each time the tenant was reinstated after judgment pursuant to this subsection within the previous twelve months prior to payment. If payment of the amount specified in this subsection is not made within five court days after the entry of the judgment, the judgment may be enforced for its full amount and for the possession of the premises.

(3)(a) Following the entry of a judgment in favor of the landlord and against the tenant for the restitution of the premises and forfeiture of the tenancy due to nonpayment of rent, the court, at the time of the show cause hearing or trial, or upon subsequent motion of the tenant but before the execution of the writ of restitution, may stay the writ of restitution upon good cause and on such terms that the court deems fair and just for both parties. In making this decision, the court shall consider evidence of the following factors:

(i) The tenant's willful or intentional default or intentional failure to pay rent;

(ii) Whether nonpayment of the rent was caused by exigent circumstances that were beyond the tenant's control and that are not likely to recur;

(iii) The tenant's ability to timely pay the judgment;

(iv) The tenant's payment history;

(v) Whether the tenant is otherwise in substantial compliance with the rental agreement;

(vi) Hardship on the tenant if evicted; and

(vii) Conduct related to other notices served within the last six months.

(b) The burden of proof for such relief under this subsection (3) shall be on the tenant. If the tenant seeks relief pursuant to this subsection (3) at the time of the show cause hearing, the court shall hear the matter at the time of the show cause hearing or as expeditiously as possible so as to avoid unnecessary delay or hardship on the parties.

(c) In any order issued pursuant to this subsection (3):

(i) The court shall not stay the writ of restitution more than ninety days from the date of order, but may order repayment of the judgment balance within such time. If the payment plan is to exceed thirty days, the total cumulative payments for each thirty-day period following the order shall be no less than one month of the tenant's share of the rent, and the total amount of the judgment and all additional rent that is due shall be paid within ninety days.

(ii) Within any payment plan ordered by the court, the court shall require the tenant to pay to the landlord or to the court one month's rent within five court days of issuance of the order. If the date of the order is on or before the fifteenth of the month, the tenant shall remain current with ongoing rental payments as they become due for the duration of the payment plan; if the date of the order is after the fifteenth of the month, the tenant shall have the option to apportion the following month's rental payment within the payment plan, but monthly rental payments thereafter shall be paid according to the rental agreement.

(iii) The sheriff may serve the writ of restitution upon the tenant before the expiration of the five court days of issuance of the order; however, the sheriff shall not execute the writ of restitution until after expiration of the five court days in order for payment to be made of one month's rent as required by (c)(ii) of this subsection. In the event payment is made as provided in (c)(ii) of this subsection for one month's rent, the court shall stay the writ of restitution ex parte without prior notice to the landlord upon the tenant filing and presenting a motion to stay with a declaration of proof of

payment demonstrating full compliance with the required payment of one month's rent. Any order staying the writ of restitution under this subsection (3)(c)(iii) shall require the tenant to serve a copy of the order on the landlord by personal delivery, first-class mail, facsimile, or email if agreed to by the parties.

(A) If the tenant has satisfied (c)(ii) of this subsection by paying one month's rent within five court days, but defaults on a subsequent payment required by the court pursuant to this subsection (3)(c), the landlord may enforce the writ of restitution after serving a notice of default in accordance with RCW 59.12.040 informing the tenant that he or she has defaulted on rent due under the lease agreement or payment plan entered by the court. Upon service of the notice of default, the tenant shall have three calendar days from the date of service to vacate the premises before the sheriff may execute the writ of restitution.

(B) If the landlord serves the notice of default described under this subsection (3)(c)(iii), an additional day is not included in calculating the time before the sheriff may execute the writ of restitution. The notice of default must be in substantially the following form:

NOTICE OF DEFAULT FOR RENT AND/OR PAYMENT PLAN ORDERED BY COURT

NAME(S)

ADDRESS

CITY, STATE, ZIP

THIS IS NOTICE THAT YOU ARE IN DEFAULT OF YOUR RENT AND/OR PAYMENT PLAN ORDERED BY THE COURT. YOUR LANDLORD HAS RECEIVED THE FOLLOWING PAYMENTS:

DATE

AMOUNT

DATE

AMOUNT

DATE

AMOUNT

THE LANDLORD MAY SCHEDULE YOUR PHYSICAL EVICTION WITHIN THREE CALENDAR DAYS OF SERVICE OF THIS NOTICE. TO STOP A PHYSICAL EVICTION, YOU ARE REQUIRED TO PAY THE BALANCE OF YOUR RENT AND/OR PAYMENT PLAN IN THE AMOUNT OF $. . . . ..

PAYMENT MAY BE MADE TO THE COURT OR TO THE LANDLORD. IF YOU FAIL TO PAY THE BALANCE WITHIN THREE CALENDAR DAYS, THE LANDLORD MAY PROCEED WITH A PHYSICAL EVICTION FOR POSSESSION OF THE UNIT THAT YOU ARE RENTING.

DATE

SIGNATURE

LANDLORD/AGENT

NAME

ADDRESS

PHONE

(iv) If a tenant seeks to satisfy a condition of this subsection (3)(c) by relying on an emergency rental assistance program provided by a government or nonprofit entity and provides an offer of proof, the court shall stay the writ of restitution as necessary to afford the tenant an equal opportunity to comply.

(v) The court shall extend the writ of restitution as necessary to enforce the order issued pursuant to this subsection (3)(c) in the event of default.

(d) A tenant who has been served with three or more notices to pay or vacate for failure to pay rent as set forth in RCW 59.12.040 within twelve months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief under this subsection (3).

(e)(i) In any application seeking relief pursuant to this subsection (3) by either the tenant or landlord, the court shall issue a finding as to whether the tenant is low-income, limited resourced, or experiencing hardship to determine if the parties would be eligible for disbursement through the landlord mitigation program account established within RCW 43.31.605(1)(c). In making this finding, the court may include an inquiry regarding the tenant's income relative to area median income, household composition, any extenuating circumstances, or other factors, and may rely on written declarations or oral testimony by the parties at the hearing.

(ii) After a finding that the tenant is low-income, limited resourced, or experiencing hardship, the court may issue an order: (A) Finding that the landlord is eligible to receive on behalf of the tenant and may apply for reimbursement from the landlord mitigation program; and (B) directing the clerk to remit, without further order of

the court, any future payments made by the tenant in order to reimburse the department of commerce pursuant to RCW 43.31.605(1)(c)(iii). In accordance with RCW 43.31.605(1)(c), such an order must be accompanied by a copy of the order staying the writ of restitution. Nothing in this subsection (3)(e) shall be deemed to obligate the department of commerce to provide assistance in claim reimbursement through the landlord mitigation program if there are not sufficient funds.

(iii) If the department of commerce fails to disburse payment to the landlord for the judgment pursuant to this subsection (3)(e) within thirty days from submission of the application, the landlord may renew an application for a writ of restitution pursuant to RCW 59.18.370 and for other rent owed by the tenant since the time of entry of the prior judgment. In such event, the tenant may exercise rights afforded under this section.

(iv) Upon payment by the department of commerce to the landlord for the remaining or total amount of the judgment, as applicable, the judgment is satisfied and the landlord shall file a satisfaction of judgment with the court.

(v) Nothing in this subsection (3)(e) prohibits the landlord from otherwise applying for reimbursement for an unpaid judgment pursuant to RCW 43.31.605(1)(c) after the tenant defaults on a payment plan ordered pursuant to (c) of this subsection.

(vi) For the period extending one year beyond the expiration of the eviction moratorium, a tenant may demonstrate ability to pay in order to reinstate the tenancy by means of disbursement through the account established under RCW 43.31.605(1)(c); in such a case:

(A) Any restrictions imposed by subsection (3)(d) of this section shall not apply in determining if a tenant is eligible for reinstatement under subsection (3) of this section.

(B) Reimbursement on behalf of the tenant to the landlord may include up to three months of prospective rent to stabilize the tenancy as determined by the court.

(4) If a tenant seeks to stay a writ of restitution issued pursuant to this chapter, the court may issue an ex parte stay of the writ of restitution provided the tenant or tenant's attorney submits a declaration indicating good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted. The court shall require service of the order and motion to stay the writ of restitution by personal delivery, mail, facsimile, or other means most likely to afford all parties notice of the court date.

(5) In all other cases the judgment may be enforced immediately. If a writ of restitution shall have been executed prior to judgment no further writ or execution for the premises shall be required.

(6) This section also applies if the writ of restitution is issued pursuant to a final judgment entered after a show cause hearing conducted in accordance with RCW 59.18.380.

NEW SECTION. **Sec. 17.** This act does not apply to assisted living facilities licensed under chapter 18.20 RCW, to nursing homes licensed under chapter 18.51 RCW, to adult family homes licensed under chapter 70.128 RCW, or to continuing care retirement communities registered under chapter 18.390 RCW.

NEW SECTION. **Sec. 18.** RCW 59.18.375 (Forcible entry or detainer or unlawful detainer actions—Payment of rent into court registry—Writ of restitution—Notice) and 2008 c 75 s 2, 2006 c 51 s 2, & 1983 c 264 s 13 are each repealed.

NEW SECTION. **Sec. 19.** Sections 2 through 4 of this act supersede any other provisions within chapter 59.18 or 59.12 RCW, or chapter 59.20 RCW as applicable, that conflict with sections 2 through 4 of this act.

NEW SECTION. **Sec. 20.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5163 Prime Sponsor, Committee on Ways & Means: Concerning the placement and treatment of conditionally released sexually violent predators. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that in 2008, the sex offender policy board was established to provide a more coordinated and integrated response to sex offender management in Washington state. The legislature further finds that in March 2020, the board was convened to review policies and practices related to sexually violent predators. The legislature recognizes that the board released a report and a series of recommendations regarding improvement to the current practice in order to ensure a successful transition for individuals convicted of sex offenses from total confinement back into the community. The legislature resolves to increase community safety through successful transition by enacting the recommendations of the board and other related policies.

Sec. 2. RCW 71.09.020 and 2015 c 278 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Fair share principles" and "fair share principles of release" means that each county has adequate options for conditional release housing placements in a number generally equivalent to the number of residents from that county who are subject to total confinement pursuant to this chapter.

(3) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility, or federally approved blood bank.

((~~(3)~~)) (4) "Health care practitioner" means an individual or firm licensed or certified to engage actively in a regulated health profession.

((~~(4)~~)) (5) "Health care services" means those services provided by health professionals licensed pursuant to RCW 18.120.020(4).

((~~(5)~~)) (6) "Health profession" means those licensed or regulated professions set forth in RCW 18.120.020(4).

((~~(6)~~)) (7) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092. A less restrictive alternative may not include placement in the community protection program as pursuant to RCW 71A.12.230.

((~~(7)~~)) (8) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

((~~(8)~~)) (9) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

((~~(9)~~)) (10) "Personality disorder" means an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has onset in adolescence or

early adulthood, is stable over time and leads to distress or impairment. Purported evidence of a personality disorder must be supported by testimony of a licensed forensic psychologist or psychiatrist.

((~~(10)~~)) (11) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.

((~~(11)~~)) (12) "Prosecuting agency" means the prosecuting attorney of the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney, as provided in RCW 71.09.030.

((~~(12)~~)) (13) "Recent overt act" means any act, threat, or combination thereof that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act or behaviors.

((~~(13)~~)) (14) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

((~~(14)~~)) (15) "Secretary" means the secretary of social and health services or the secretary's designee.

((~~(15)~~)) (16) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

((~~(16)~~)) (17) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

((~~(17)~~)) (18) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

((~~(18)~~)) (19) "Sexually violent predator" means any person who has been

convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

((~~(19)~~)) (20) "Total confinement facility" means a secure facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a total confinement facility by the secretary.

((~~(20)~~)) (21) "Treatment" means the sex offender specific treatment program at the special commitment center or a specific course of sex offender treatment pursuant to RCW 71.09.092 (1) and (2).

Sec. 3. RCW 71.09.080 and 2012 c 257 s 6 are each amended to read as follows:

(1) Any person subjected to restricted liberty as a sexually violent predator pursuant to this chapter shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided in this chapter, or as otherwise authorized by law.

(2)(a) Any person committed or detained pursuant to this chapter shall be prohibited from possessing or accessing a personal computer if the resident's individualized treatment plan states that access to a computer is harmful to bringing about a positive response to a specific and certain phase or course of treatment.

(b) A person who is prohibited from possessing or accessing a personal computer under (a) of this subsection shall be permitted to access a limited functioning personal computer capable of word processing and limited data storage on the computer only that does not have: (i) Internet access capability; (ii) an optical drive, external drive, universal serial bus port, or similar drive capability; or (iii) the capability to display photographs, images, videos, or motion pictures, or similar display capability from any drive or port capability listed under (b)(ii) of this subsection.

(3) Any person committed pursuant to this chapter has the right to adequate care ((~~and~~)), individualized treatment, and the development of an ongoing, clinically appropriate discharge plan as part of the treatment process. The department of social and health services shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations made pursuant to this chapter. All such records and reports shall be made available upon request only to: The committed person, his or her attorney, the prosecuting agency, the court, the protection and advocacy agency, or another expert or professional person who, upon proper showing, demonstrates a need for access to such records.

(4) The right to the development of a discharge plan under subsection (3) of this section does not guarantee that any particular person will be determined appropriate for discharge at any particular time. Nothing in this section precludes the department from expressing professional judgment regarding the suitability of discharge for the protection of a resident's safety or community safety. Individualized and ongoing discharge planning requires, at a minimum, and as part of a person's treatment plan, the following are addressed based on information known to the department and in accordance with policies developed by the department to implement this subsection:

(a) The resident's known physical health, functioning, and any need for health aid devices;

(b) The resident's known intellectual or cognitive level of functioning and need for specialized programming;

(c) The resident's known history of substance use and abuse;

(d) The resident's known history of risky or impulsive behaviors, criminogenic needs, and treatment interventions to address them;

(e) The resident's known ability to perform life skills and activities of daily living independently and the resident's known need for any disability accommodations;

(f) A summary of the known community services and supports the resident needs for a safe life in the community and the type of providers of such services and support; and

(g) A plan to mitigate the needs identified in this subsection that also addresses ways to develop or increase social supports, recreation opportunities, gainful employment, and if applicable, spiritual opportunities.

(5) At the time a person is taken into custody or transferred into a facility pursuant to a petition under this chapter, the professional person in charge of such facility or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the persons detained or transferred. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this subsection, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without consent of the patient or order of the court.

((~~(5)~~)) (6) Nothing in this chapter prohibits a person presently committed from exercising a right presently available to him or her for the purpose of obtaining release from confinement, including the right to petition for a writ of habeas corpus.

((~~(6)~~)) (7) No indigent person may be conditionally released or unconditionally discharged under this chapter without suitable clothing, and the secretary shall furnish the person with such sum of money as is required by RCW 72.02.100 for persons without ample funds who are released from correctional institutions. As funds are available, the secretary may provide payment to the indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules to do so.

((~~(7)~~)) (8) If a civil commitment petition is dismissed, or a trier of fact determines that a person does not meet civil commitment criteria, the person shall be released within twenty-four hours of service of the release order on the superintendent of the special commitment center, or later by agreement of the person who is the subject of the petition.

Sec. 4. RCW 71.09.090 and 2018 c 131 s 2 are each amended to read as follows:

(1)(a) If the secretary determines that the person's condition has so changed that ((~~either: (a) The~~)) the person no longer meets the definition of a sexually violent predator((~~; or (b) conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that adequately protect the community~~)), the secretary shall authorize the person to petition the court for ((~~conditional release to a less restrictive alternative or~~)) unconditional discharge. The petition shall be filed with the court and served upon the prosecuting agency responsible for the initial commitment. The court, upon receipt of the petition for ((~~conditional release to a less restrictive alternative or~~)) unconditional discharge, shall within ((~~forty-five~~)) 45 days order a hearing.

(b) If the secretary determines that the person's condition has so changed that conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that adequately protect the community, then the secretary shall authorize the person to petition the court for conditional release to a less restrictive alternative. Upon receipt of the petition, the court shall order the department to identify a less restrictive alternative placement that satisfies RCW 71.09.092 (1) through (4). Once identified, notice of the placement shall be filed with the court and served upon the prosecuting agency responsible for the initial commitment as well as the person and his or her counsel. If the department cannot identify a placement available to the person that satisfies RCW 71.09.092 (1) through (4) within 90 days, the department shall provide a written certification to the court, the prosecuting agency responsible for the initial commitment, and the person and his or her counsel, detailing the efforts of the department to identify a qualifying placement. Upon the department's certification, the person may propose a placement that satisfies RCW 71.09.092 (1) through (3). After a less restrictive placement has been proposed by either the department or the person, the court shall within 45 days order a hearing.

(2)(a) Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for conditional release to a less restrictive alternative or unconditional discharge without the secretary's approval. The secretary shall provide the committed person with an annual written notice of the person's right to petition the court for conditional release to a less restrictive alternative or unconditional discharge over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall file the notice and waiver form and the annual report with the court. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether probable cause exists to warrant a hearing on whether the person's condition has so changed that: (i) He or she no longer meets the definition of a sexually violent predator; or (ii) conditional release to a proposed less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community.

(b)(i) The committed person shall have a right to have an attorney represent him or her at the show cause hearing, which may be conducted solely on the basis of affidavits or declarations, but the person is not entitled to be present at the show cause hearing. At the show cause hearing, the prosecuting agency shall present prima facie evidence establishing: (A) That the committed person continues to meet the definition of a sexually violent predator; and (B) that a less restrictive alternative is not in the best interest of the person and conditions cannot be imposed that adequately protect the community.

(ii)(A) If the state produces prima facie evidence that the committed person continues to be a sexually violent predator, then the state's burden under (b)(i)(A) of this subsection is met and an unconditional release trial may not be ordered unless the committed person produces evidence satisfying: Subsection (4)(a) of this section; and subsection (4)(b) (i) or (ii) of this section.

(B) If the state produces prima facie evidence that a less restrictive alternative is not appropriate for the committed person, then the state's burden under (b)(i)(B) of this subsection is met, and a conditional release trial may not be ordered unless the committed person:

(I) Produces evidence satisfying: Subsection (4)(a) of this section; and subsection (4)(b) (i) or (ii) of this section; and

(II) Presents the court with a specific placement satisfying the requirements of RCW 71.09.092.

(iii) In making the showing required under (b)(i) of this subsection, the state may rely exclusively upon the annual report prepared pursuant to RCW 71.09.070. The committed person may present responsive affidavits or declarations to which the state may reply.

(c)(i) If the court at the show cause hearing determines that either: ((~~(i)~~)) (A) The state has failed to present prima facie evidence that the committed person continues to meet the definition of a sexually violent predator ((~~and that no proposed less restrictive alternative is in the best interest of the person and conditions cannot be imposed that would adequately protect the community~~)); or ((~~(ii)~~)) (B) probable cause exists to believe that the person's condition has so changed that((~~: (A) The~~)) the person no longer meets the definition of a sexually violent predator((~~; or (B) release to a proposed less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community~~)), then the court shall set a hearing on ((~~either or both issues~~)) the issue of unconditional discharge.

(ii) If the court at the show cause hearing determines that the state has failed to present prima facie evidence that no proposed less restrictive alternative is in the best interest of the person and conditions cannot be imposed that would adequately protect the community, the court shall enter an order directing the department to propose a less restrictive alternative that satisfies RCW 71.09.092 (1) through (4). If the department cannot identify a placement available to the person that satisfies RCW 71.09.092 (1) through (4) within 90 days, the department shall provide a written certification to the court, the prosecuting agency responsible for the initial commitment, and the person and his or her counsel, detailing the efforts of the department to identify a qualifying placement. Upon

the department's certification, the person may propose a placement that satisfies RCW 71.09.092 (1) through (3). After a less restrictive placement has been proposed by either the department or the person, the court shall set a hearing on the issue of conditional release.

(iii) If the court at the show cause hearing determines, based on the evidence submitted by the person, that probable cause exists to believe that release to a less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community, the court shall set a hearing on the issue of conditional release if the person presents the court with a specific placement that satisfies the requirements of RCW 71.09.092.

(d) If the court has not previously considered the issue of release to a less restrictive alternative, either through a trial on the merits or through the procedures set forth in RCW 71.09.094(1), or if an immediately preceding less restrictive alternative was revoked due to the loss of adequate housing or treatment for reasons other than noncompliance with housing requirements, treatment, or other conditions of the less restrictive alternative, the court shall consider whether release to a less restrictive alternative would be in the best interests of the person and conditions can be imposed that would adequately protect the community, without considering whether the person's condition has changed. ((~~The court may not find probable cause for a trial addressing less restrictive alternatives unless a proposed less restrictive alternative placement meeting the conditions of RCW 71.09.092 is presented to the court at the show cause hearing.~~))

(3)(a) At the hearing resulting from subsection (1) or (2) of this section, the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The prosecuting agency shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. The prosecuting agency shall have a right to a current evaluation of the person by experts chosen by the state. The judge may require the person to complete any or all of the following procedures or tests if requested by the evaluator: (i) A clinical interview; (ii) psychological testing; (iii) plethysmograph testing; and (iv) polygraph testing. The judge may order the person to complete any other procedures and tests relevant to the evaluation. The state is responsible for the costs of the evaluation. The committed person shall also have the right to a jury trial and the right to have experts evaluate him or her on his or her behalf and the court shall appoint an expert if the person is indigent and requests an appointment.

(b) Whenever any indigent person is subjected to an evaluation under (a) of this subsection, the office of public defense is responsible for the cost of one expert or professional person conducting an evaluation on the person's behalf. When the person wishes to be evaluated by a qualified expert or professional person of his or her own choice, such expert or professional person must be permitted to have reasonable access to the person for the purpose of such evaluation, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an evaluation or participate in the hearing on the person's behalf. Nothing in this chapter precludes the person from paying for additional expert services at his or her own expense.

(c) If the issue at the hearing is whether the person should be unconditionally discharged, the burden of proof shall be upon the state to prove beyond a reasonable doubt that the committed person's condition remains such that the person continues to meet the definition of a sexually violent predator. Evidence of the prior commitment trial and disposition is admissible. The recommitment proceeding shall otherwise proceed as set forth in RCW 71.09.050 and 71.09.060.

(d) If the issue at the hearing is whether the person should be conditionally released to a less restrictive alternative, the burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that conditional release to any proposed less restrictive alternative either: (i) Is not in the best interest of the committed person; or (ii) does not

include conditions that would adequately protect the community. Evidence of the prior commitment trial and disposition is admissible.

(4)(a) Probable cause exists to believe that a person's condition has "so changed," under subsection (2) of this section, only when evidence exists, since the person's last commitment trial, or less restrictive alternative revocation proceeding, of a substantial change in the person's physical or mental condition such that the person either no longer meets the definition of a sexually violent predator or that a conditional release to a less restrictive alternative is in the person's best interest and conditions can be imposed to adequately protect the community.

(b) A new trial proceeding under subsection (3) of this section may be ordered, or a trial proceeding may be held, only when there is current evidence from a licensed professional of one of the following and the evidence presents a change in condition since the person's last commitment trial proceeding:

(i) An identified physiological change to the person, such as paralysis, stroke, or dementia, that renders the committed person unable to commit a sexually violent act and this change is permanent; or

(ii) A change in the person's mental condition brought about through positive response to continuing participation in treatment which indicates that the person meets the standard for conditional release to a less restrictive alternative or that the person would be safe to be at large if unconditionally released from commitment.

(c) For purposes of this section, a change in a single demographic factor, without more, does not establish probable cause for a new trial proceeding under subsection (3) of this section. As used in this section, a single demographic factor includes, but is not limited to, a change in the chronological age, marital status, or gender of the committed person.

(5) When the court enters an order for unconditional discharge of a person from an immediately preceding less restrictive placement, the court must direct the clerk to transmit a copy of the order to the department of corrections for discharge process and termination of cause.

(6) The jurisdiction of the court over a person civilly committed pursuant to this chapter continues until such time as the person is unconditionally discharged.

((~~(6)~~)) (7) During any period of confinement pursuant to a criminal conviction, or for any period of detention awaiting trial on criminal charges, this section is suspended.

Sec. 5. RCW 71.09.092 and 2009 c 409 s 9 are each amended to read as follows:

Before the court may enter an order directing conditional release to a less restrictive alternative, it must find the following: (1) The person will be treated by a treatment provider who is qualified to provide such treatment in the state of Washington under chapter 18.155 RCW; (2) the treatment provider has presented a specific course of treatment and has agreed to assume responsibility for such treatment and will report progress to the court on a regular basis, and will report violations immediately to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center; (3) housing exists in Washington that complies with distance restrictions, is sufficiently secure to protect the community, and the person or agency providing housing to the conditionally released person has agreed in writing to accept the person, to provide the level of security required by the court, and immediately to report to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center if the person leaves the housing to which he or she has been assigned without authorization; (4) if the department has proposed housing that is outside of the county of commitment, a documented effort was made by the department to ensure that placement is consistent with fair share principles of release; (5) the person is willing to comply with the treatment provider and all requirements imposed by the treatment provider and by the court; and ((~~(5)~~)) (6) the person will be under the supervision of the department of corrections and is willing to comply with supervision requirements imposed by the department of corrections.

Sec. 6. RCW 71.09.096 and 2015 c 278 s 3 are each amended to read as follows:

(1) If the court or jury determines that conditional release to a less restrictive alternative is in the best interest of the person and includes conditions that would adequately protect the community, and the court determines that the minimum conditions set forth in RCW 71.09.092 and in this section are met, the court shall enter judgment and direct a conditional release.

(2) The court shall impose any additional conditions necessary to ensure compliance with treatment and to protect the community. If the court finds that conditions do not exist that will both ensure the person's compliance with treatment and protect the community, then the person shall be remanded to the custody of the department of social and health services for control, care, and treatment in a secure facility as designated in RCW 71.09.060(1).

(3) If the service provider designated by the court to provide inpatient or outpatient treatment or to monitor or supervise any other terms and conditions of a person's placement in a less restrictive alternative is other than the department of social and health services or the department of corrections, then the service provider so designated must agree in writing to provide such treatment, monitoring, or supervision in accord with this section. Any person providing or agreeing to provide treatment, monitoring, or supervision services pursuant to this chapter may be compelled to testify and any privilege with regard to such person's testimony is deemed waived.

(4)(a) Prior to authorizing any release to a less restrictive alternative, the court shall impose such conditions upon the person as are necessary to ensure the safety of the community. In imposing conditions, the court must impose a restriction on the proximity of the person's residence to public or private schools providing instruction to kindergarten or any grades one through 12 in accordance with RCW 72.09.340. Courts shall require a minimum distance restriction of 500 feet on the proximity of the person's residence to child care facilities and public or private schools providing instruction to kindergarten or any grades one through 12. The court shall order the department of corrections to investigate the less restrictive alternative and, within 60 days of the order to investigate, recommend any additional conditions to the court. These conditions shall be individualized to address the person's specific risk factors and criminogenic needs and may include, but are not limited to the following: Specification of residence or restrictions on residence including distance restrictions, specification of contact with a reasonable number of individuals upon the person's request who are verified by the department of corrections to be appropriate social contacts, prohibition of contact with potential or past victims, prohibition of alcohol and other drug use, participation in a specific course of inpatient or outpatient treatment that may include monitoring by the use of polygraph and plethysmograph, monitoring through the use of global positioning ((~~satellite [global positioning system]~~)) system technology, supervision by a department of corrections community corrections officer, a requirement that the person remain within the state unless the person receives prior authorization by the court, and any other conditions that the court determines are in the best interest of the person or others. A copy of the conditions of release shall be given to the person and to any designated service providers.

(b) To the greatest extent possible, the person, person's counsel, prosecuting agency responsible for the initial commitment, treatment provider, supervising community corrections officer, and appropriate clinical staff of the special commitment center shall meet and collaborate to craft individualized, narrowly tailored, and empirically based conditions to present to the court to help facilitate the person's successful transition to the community.

(5)(a) Prior to authorizing release to a less restrictive alternative proposed by the department, the court shall consider whether ((~~it is appropriate to release the person to the person's county of commitment~~)) the person's less restrictive alternative placement is in accordance with fair share principles. To ensure equitable distribution of releases, and prevent the disproportionate grouping of persons subject to less restrictive orders in any one county, or in any one jurisdiction or community within a county, the legislature finds it is appropriate for releases to a less restrictive

alternative to occur in ((~~the person's county of commitment, unless~~)) a manner that adheres to fair share principles. The legislature recognizes that there may be reasons why the department may not recommend that a person be released to his or her county of commitment, including availability of individualized resources, the person's support needs, or when the court determines that the person's return to his or her county of commitment would be inappropriate considering any court-issued protection orders, victim safety concerns that cannot be addressed through use of global positioning system technology, the ((~~availability~~)) unavailability of appropriate treatment or facilities that would adequately protect the community, negative influences on the person, ((~~or~~)) and the location of family or other persons or organizations offering support to the person. If the court authorizes conditional release based on the department's proposal to a county other than the county of commitment, the court shall enter specific findings regarding its decision and identify whether the release remains in line with fair share principles.

(b)(i) When the department ((~~or court assists in developing a~~)) develops a less restrictive alternative placement under this section ((~~which is outside of the county of commitment, and there are two or more options for placement, it shall endeavor to develop the placement in a manner that does not have a disproportionate effect on a single county~~)), it shall attempt to identify a placement satisfying the requirements of RCW 71.09.092 that is aligned with fair share principles. The department shall document its rationale for the recommended placement.

(ii) If the department does not support or recommend conditional release to a less restrictive alternative due to a clinical determination, the department shall document its objection and certify that the department is developing the less restrictive alternative pursuant to a court order and not because of a clinical determination.

(iii) When the department develops or proposes a less restrictive alternative placement under this chapter, it shall be considered a predisposition recommendation.

(iv) In developing, modifying, and enforcing less restrictive alternatives, the department shall be deemed to be performing a quasi-judicial function.

((~~(b)~~)) (c) If the committed person is not conditionally released to his or her county of commitment, the department shall provide the law and justice council of the county in which the person is conditionally released with notice and a written explanation, including whether the department remains in compliance with fair share principles regarding releases under this chapter.

((~~(c)~~)) (d) For purposes of this section, the person's county of commitment means the county of the court which ordered the person's commitment.

((~~(d)~~)) (e) This subsection (5) does not apply to releases to a secure community transition facility under RCW 71.09.250.

(6)(a) When ordered by the court, the department must provide less restrictive alternative treatment that includes, at a minimum:

(i) The services identified in the person's discharge plan as outlined in RCW 71.09.080(4);

(ii) The assignment of a community care coordinator;

(iii) Regular contacts with providers of court-ordered treatment services;

(iv) Community escorts, if needed;

(v) A transition plan that addresses the person's access to continued services upon unconditional discharge;

(vi) Financial support for necessary housing;

(vii) Life skills training and disability accommodations, if needed; and

(viii) Assistance in pursuing benefits, education, and employment.

(b) At the time the department of corrections is ordered to investigate a proposed less restrictive alternative placement, subject to the availability of amounts appropriated for this specific purpose, the department shall assign a social worker to assist the person with discharge planning, pursuing benefits, and coordination of care prior to release.

(i) The social worker shall assist the person with completing applications for

benefits prior to the person's release from total confinement.

(ii) To promote continuity of care and the individual's success in the community, the department social worker shall be responsible for initiating a clinical transition of care between the last treating clinician at the special commitment center and the person's designated community treatment provider. This transition between one clinical setting to another shall occur no later than 15 days before an individual's release from the special commitment center.

(iii) If applicable, the social worker shall assist the person with locating any needed disability accommodations in the community and with obtaining resources to help address the person's identified life skills needs prior to release from total confinement.

(7) Any service provider designated to provide inpatient or outpatient treatment shall monthly, or as otherwise directed by the court, submit to the court, to the department of social and health services facility from which the person was released, to the prosecuting agency, and to the supervising community corrections officer, a report stating whether the person is complying with the terms and conditions of the conditional release to a less restrictive alternative.

((~~(7)~~)) (8) Each person released to a less restrictive alternative shall have his or her case reviewed by the court that released him or her no later than one year after such release and annually thereafter until the person is unconditionally discharged. Review may occur in a shorter time or more frequently, if the court, in its discretion on its own motion, or on motion of the person, the secretary, or the prosecuting agency so determines. The ((~~sole question~~)) questions to be determined by the court ((~~is~~)) are whether the person shall continue to be conditionally released to a less restrictive alternative, and if so, whether a modification to the person's less restrictive alternative order is appropriate to ensure the conditional release remains in the best interest of the person and adequate to protect the community. The court in making its determination shall be aided by the periodic reports filed pursuant to subsection ((~~(6)~~)) (7) of this section and the opinions of the secretary and other experts or professional persons.

Sec. 7. RCW 71.09.130 and 1995 c 216 s 16 are each amended to read as follows:

(1) In the event of an escape by a person committed under this chapter from a state institution or the disappearance of such a person while on conditional release, the superintendent or community corrections officer shall notify the following as appropriate: Local law enforcement officers, other governmental agencies, the person's relatives, and any other appropriate persons about information necessary for the public safety or to assist in the apprehension of the person.

(2) If a person committed under this chapter disappears while on conditional release, the department of corrections may enter a warrant for the person's arrest for up to 72 hours pending entry of a bench warrant by the court.

(3) The department of corrections, its officers, agents, and employees are not liable for the acts of individuals on conditional release unless the department of corrections, its officers, agency, and employees acted with gross negligence.

(4) The department, its officers, agents, and employees are not liable for the acts of individuals on conditional release unless the department, its officers, agents, and employees acted with gross negligence.

Sec. 8. RCW 71.09.140 and 2012 c 257 s 12 are each amended to read as follows:

(1)(a) At the earliest possible date, and in no event later than ((~~thirty~~)) 30 days before conditional release, change of address for a person on conditional release, or unconditional discharge, except in the event of escape, the department of social and health services shall send written notice of conditional release, unconditional discharge, or escape, to the following:

((~~(a)~~)) (i) The chief of police of the city, if any, in which the person will reside or in which placement will be made under a less restrictive alternative;

((~~(b)~~)) (ii) The sheriff of the county in which the person will reside or in which placement will be made under a less restrictive alternative; and

((~~(c)~~)) (iii) The sheriff of the county where the person was last convicted of a sexually violent offense, if the department does not know where the person will reside.

The department shall notify the state patrol of the release of all sexually violent predators and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(b) A return to total confinement or to a secure community transition facility pending revocation or modification proceedings is not considered a change of address for purposes of (a) of this subsection, and an additional community notification process is not required, unless conditional release is revoked under RCW 71.09.098 or the return lasts longer than 90 days.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific person found to be a sexually violent predator under this chapter:

(a) The victim or victims of any sexually violent offenses for which the person was convicted in the past or the victim's next of kin if the crime was a homicide. "Next of kin" as used in this section means a person's spouse, parents, siblings, and children;

(b) Any witnesses who testified against the person in his or her commitment trial under RCW 71.09.060; and

(c) Any person specified in writing by the prosecuting agency.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting agency to receive the notice, and the notice are confidential and shall not be available to the committed person.

(3) If a person committed as a sexually violent predator under this chapter escapes from a department of social and health services facility, the department shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the committed person resided immediately before his or her commitment as a sexually violent predator, or immediately before his or her incarceration for his or her most recent offense. If previously requested, the department shall also notify the witnesses and the victims of the sexually violent offenses for which the person was convicted in the past or the victim's next of kin if the crime was a homicide. If the person is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(4) If the victim or victims of any sexually violent offenses for which the person was convicted in the past or the victim's next of kin, or any witness is under the age of ((~~sixteen~~)) 16, the notice required by this section shall be sent to the parents or legal guardian of the child.

(5) The department of social and health services shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(6) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

Sec. 9. RCW 71.09.250 and 2003 c 216 s 3 are each amended to read as follows:

(1)(a) The secretary is authorized to site, construct, occupy, and operate (i) a secure community transition facility on McNeil Island for persons authorized to petition for a less restrictive alternative under RCW 71.09.090(1) and who are conditionally released; and (ii) a special commitment center on McNeil Island with up to four hundred four beds as a total confinement facility under this chapter, subject to appropriated funding for those purposes. The secure community transition facility shall be authorized for the number of beds needed to ensure compliance with the orders of the superior courts under this chapter and the federal district court for the western district of Washington. The total number of beds in the secure community transition facility shall be limited to ((~~twenty-four~~)) 24, consisting of up to ((~~fifteen~~)) 15 transitional beds and up to nine pretransitional beds. The residents occupying the transitional

beds shall be the only residents eligible for transitional services occurring in Pierce county. In no event shall more than ((~~fifteen~~)) 15 residents of the secure community transition facility be participating in off-island transitional, educational, or employment activity at the same time in Pierce county. The department shall provide the Pierce county sheriff, or his or her designee, with a list of the ((~~fifteen~~)) 15 residents so designated, along with their photographs and physical descriptions, and the list shall be immediately updated whenever a residential change occurs. The Pierce county sheriff, or his or her designee, shall be provided an opportunity to confirm the residential status of each resident leaving McNeil Island.

(b) For purposes of this subsection, "transitional beds" means beds only for residents who are judged by a qualified expert to be suitable to leave the island for treatment, education, and employment.

(2)(a) The secretary is authorized to site, either within the secure community transition facility established pursuant to subsection (1)(a)(i) of this section, or within the special commitment center, up to nine pretransitional beds.

(b) Residents assigned to pretransitional beds shall not be permitted to leave McNeil Island for education, employment, treatment, or community activities in Pierce county.

(c) For purposes of this subsection, "pretransitional beds" means beds for residents whose progress toward a less secure residential environment and transition into more complete community involvement is projected to take substantially longer than a typical resident of the special commitment center.

(3) Notwithstanding RCW 36.70A.103 or any other law, this statute preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and all other laws as necessary to enable the secretary to site, construct, occupy, and operate a secure community transition facility on McNeil Island and a total confinement facility on McNeil Island.

(4) To the greatest extent possible, until June 30, 2003, persons who were not civilly committed from the county in which the secure community transition facility established pursuant to subsection (1) of this section is located may not be conditionally released to a setting in that same county less restrictive than that facility.

(5) As of June 26, 2001, the state shall immediately cease any efforts in effect on such date to site secure community transition facilities, other than the facility authorized by subsection (1) of this section, and shall instead site such facilities in accordance with the provisions of this section.

(6) The department must:

(a) Identify the minimum and maximum number of secure community transition facility beds in addition to the facility established under subsection (1) of this section that may be necessary for the period of May 2004 through May 2007 and provide notice of these numbers to all counties by August 31, 2001; and

(b) Develop and publish policy guidelines for the siting and operation of secure community transition facilities.

(7)(a) The total number of secure community transition facility beds that may be required to be sited in a county between June 26, 2001, and June 30, 2008, may be no greater than the total number of persons civilly committed from that county, or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made on April 1, 2001. The total number of secure community transition facility beds required to be sited in each county between July 1, 2008, and June 30, 2015, may be no greater than the total number of persons civilly committed from that county or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made as of July 1, 2008.

(b) Counties and cities that provide secure community transition facility beds above the maximum number that they could be required to site under this subsection are eligible for a bonus grant under the incentive provisions in RCW 71.09.255. The county where the special commitment center is located shall receive this bonus grant for the number of beds in the facility established in subsection (1) of this section in excess

of the maximum number established by this subsection.

(c) No secure community transition facilities in addition to the one established in subsection (1) of this section may be required to be sited in the county where the special commitment center is located until after June 30, 2008, provided however, that the county and its cities may elect to site additional secure community transition facilities and shall be eligible under the incentive provisions of RCW 71.09.255 for any additional facilities meeting the requirements of that section.

(8) After the department demonstrates the need for additional bed capacity to the appropriate committees of the legislature, and receives approval and funding from the appropriate committees of the legislature to build additional bed capacity, the state is authorized to site and operate secure community transition facilities and other conditional release and transitional facilities in any county in the state in accordance with RCW 71.09.315. In identifying potential counties and sites within a county for the location of a secure community transition facility or other conditional release and transitional facilities, the department shall work with and assist local governments to provide for the equitable distribution of such facilities. In coordinating and deciding upon the siting of secure community transition facilities or other conditional release and transitional facilities within a county, great weight shall be given by the county and cities within the county to:

(a) The number and location of existing residential facility beds operated by the department of corrections or the mental health division of the department of social and health services in each jurisdiction in the county; and

(b) The number of registered sex offenders classified as level II or level III and the number of sex offenders registered as homeless residing in each jurisdiction in the county.

(9)(a) "Equitable distribution" means siting or locating secure community transition facilities and other conditional release and transitional facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one county, or in any one jurisdiction or community within a county, as relevant; and

(b) "Jurisdiction" means a city, town, or geographic area of a county in which distinct political or judicial authority may be exercised.

NEW SECTION. **Sec. 10.** A new section is added to chapter 71.09 RCW to read as follows:

To facilitate the primary role of the department in identifying less restrictive alternative placements under RCW 71.09.090 and discharge planning under RCW 71.09.080, subject to the availability of amounts appropriated for this specific purpose, the department shall conduct a study to explore the development of conditional release and transition facilities, which may include community-based state-operated living alternatives similar to the state-operated living alternative program operated by the developmental disabilities administration. Any facilities or placements developed under this section may be identified through a request for proposal process or through direct state acquisition and development. Any contracts with facilities or placements entered into under this section shall include a provision requiring oversight by the department to ensure the programs are operating appropriately.

NEW SECTION. **Sec. 11.** A new section is added to chapter 71.09 RCW to read as follows:

(1) In accordance with RCW 71.09.090 and 71.09.096, the department shall have the primary responsibility for developing a less restrictive alternative placement. To ensure the department has sufficient less restrictive alternative placements to choose from that satisfy the requirements of RCW 71.09.092, subject to the availability of amounts appropriated for this specific purpose, the department shall use a request for proposal process to solicit and contract with housing and treatment providers from across the state and facilitate fair share principles among the counties. In order to increase the number of housing options for individuals qualifying for a less restrictive alternative, the department shall have oversight of the vendors and providers who contract with the state, including the authority to inspect and

ensure compliance, negotiate the rates charged for services, ensure adequate living conditions of housing locations, and terminate contracts. The department shall maintain a statewide accounting of the contracted community housing and treatment providers in each county and provide a biannual report to the legislature and governor by December 1st on the availability and adequacy of less restrictive alternative placements and the department's compliance with fair share principles.

(2) To facilitate its duties required under this section, the department shall use the following housing matrix and considerations as a guide to planning and developing less restrictive alternative placements. The following considerations may not be used as a reason to deny a less restrictive alternative placement.

(a) Considerations for evaluating a proposed vendor's application for less restrictive alternative housing services shall include applicable state and local zoning and building codes, general housing requirements, availability of public services, and other considerations identified in accordance with RCW 71.09.315. The department shall require the housing provider to provide proof that the facility is in compliance with all local zoning and building codes.

(i) General housing requirements include running water, electricity, bedroom and living space of adequate size, and no mold or infestations.

(ii) Availability of public services include availability of chaperones and whether the placement is within a reasonable distance to a grocery store, bank, public transportation options, and offices for public services and benefits.

(iii) Other considerations include whether the placement is consistent with fair share principles across the counties, whether the placement is within reasonable distance to other current or planned components of the less restrictive alternative, whether the placement is within reasonable distance to employment opportunities, and the reliability of global positioning system technology.

(b) Factors for evaluating less restrictive alternative options for a specific individual include sex offender treatment considerations, criminogenic needs and risk factors, protective factors, and the specific needs of the client.

(i) Sex offender treatment considerations include whether the housing is within a reasonable distance from the treatment provider, whether the treatment provider is a good therapeutic match with the client, and whether the treatment provider has relevant experience and background to treat the client if the client has special needs.

(ii) Criminogenic needs and risk factors include consideration of the person's specific needs and risk factors in evaluating less restrictive alternative options.

(iii) Protective factors include whether housing is within a reasonable distance of family, friends, potential hobbies, potential employment, and educational opportunities.

(iv) Consideration of the client's specific needs includes assessing the availability of personal care assistance and in-home care assistance, and whether housing is within a reasonable distance of mental health, medical treatment options, and substance use disorder treatment options.

NEW SECTION. **Sec. 12.** A new section is added to chapter 71.09 RCW to read as follows:

(1) The department shall enter into a memorandum of understanding with the department of licensing to allow residents in total confinement at the special commitment center to obtain a state identification card through a written identification verification letter completed by the special commitment center and delivered to the department of licensing.

(2) The process shall occur upon the person's initial detention at the special commitment center. The process shall reoccur when the person's state identification card expires.

NEW SECTION. **Sec. 13.** A new section is added to chapter 71.09 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, the sex offender policy board, and department of health shall convene a work group to develop recommendations to increase the availability and quality of sex offender treatment providers to meet the growing

number of persons qualifying for conditional release to a less restrictive alternative. The work group shall gather data on best practices in other states and make recommendations whether sex offender treatment providers should be required to contract with the department; whether annual or biannual trainings by the department should be mandatory for prospective and existing sex offender treatment providers; whether the department should provide competitive wages for services or pay that is commensurate with the years of experience or education level of the treatment provider; and whether the department should provide other incentives such as a cost-of-living pay increase or compensating providers for the cost of mandated trainings associated with the sex offender treatment provider license under chapter 18.155 RCW. A report shall be submitted to the legislature by December 1, 2021.

(2) This section expires June 30, 2022.

NEW SECTION. **Sec. 14.** A new section is added to chapter 71.09 RCW to read as follows:

(1) In accordance with RCW 9.94A.8673, the sex offender policy board shall meet quarterly during the 2021-2023 biennium to continue its review of sexually violent predators and less restrictive alternative policies and best practices, collaborate with stakeholders and the department, provide outreach to providers and stakeholders, and monitor implementation of this act. The board shall also explore and make recommendations whether to continue or remove the prohibition on a less restrictive alternative from including a placement in the community protection program pursuant to RCW 71A.12.230. The board shall provide semiannual updates to the appropriate committees of the legislature during the 2021-2023 biennium.

(2) This section expires June 30, 2023.

NEW SECTION. **Sec. 15.** A new section is added to chapter 9.94A RCW to read as follows:

(1) In accordance with section 14 of this act, the sex offender policy board shall meet quarterly during the 2021-2023 biennium to continue its review of sexually violent predators and less restrictive alternative policies and best practices, collaborate with stakeholders and the department, provide outreach to providers and stakeholders, and monitor implementation of this act. The board shall provide semiannual updates to the appropriate committees of the legislature during the 2021-2023 biennium.

(2) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Schmick and Steele.

Referred to Committee on Rules for second reading.

April 1, 2021

ESSB 5172 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning the retroactivity of overtime claims in exceptional cases. (REVISED FOR ENGROSSED: Providing overtime standards for the agricultural workforce.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Jacobsen; Rude and Schmick.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Dye and Steele.

Referred to Committee on Rules for second reading.

April 1, 2021

2SSB 5183 Prime Sponsor, Committee on Ways & Means: Concerning victims of nonfatal strangulation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that nonfatal strangulation is among the most dangerous acts of domestic violence and sexual assault. Strangulation involves external compression of the victim's airway and blood vessels, causing reduced air and blood flow to the brain. Victims may show no or minimal external signs of injury despite having life-threatening internal injuries including traumatic brain injury. Injuries may present after the assault or much later and may persist for months and even years postassault. Victims who are strangled multiple times face a greater risk of traumatic brain injury. Traumatic brain injury symptoms are often not recognized as assault-related and may include cognitive difficulties such as decreased ability to concentrate, make decisions, and solve problems. Traumatic brain injury symptoms may also include behavior and personality changes such as irritability, impulsivity, and mood swings.

Domestic violence victims who have been nonfatally strangled are eight times more likely to become a subsequent victim of homicide at the hands of the same abusive partner. Research shows that previous acts of strangulation are a unique and substantial predictor of attempted and completed homicide against an intimate partner.

For years, forensic nurses in Washington have provided high-level care to sexual assault victims. Forensic nurses are also trained in medical evaluation of nonfatal strangulation, but only provide this evaluation in cases of sexual assault involving strangulation, as crime victims' compensation will not reimburse in nonsexual assault cases. Strangulation affects victims physically and psychologically. These victims deserve a higher standard of response and medical care. Allowing crime victims' compensation to reimburse for forensic nurse examinations for victims of domestic violence strangulation will provide a better, more victim-centered response in the most dangerous of domestic violence felony cases.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.280 RCW to read as follows:

(1) The office of crime victims advocacy shall develop best practices that local communities may use on a voluntary basis to create more access to forensic nurse examiners in cases of nonfatal strangulation assault including, but not limited to, partnerships to serve multiple facilities, mobile nurse examiner teams, and multidisciplinary teams to serve victims in local communities.

(a) When developing the best practices, the office of crime victims advocacy shall consult with:

(i) The Washington association of sheriffs and police chiefs;

(ii) The Washington association of prosecuting attorneys;

(iii) The Washington state coalition against domestic violence;

(iv) The Harborview abuse and trauma center;

(v) The Washington state hospital association;

(vi) The Washington state association of counties;

(vii) The association of Washington cities;

(viii) The Washington coalition of sexual assault programs;

(ix) The schools of nursing at Washington State University and the University of Washington;

(x) Collective bargaining representatives of frontline nurse examiners; and

(xi) Other organizations deemed appropriate by the office of crime victims advocacy.

(b) The office of crime victims advocacy shall complete the best practices no later than January 1, 2022, and publish them on its website.

(2) The office of crime victims advocacy shall develop strategies to make forensic nurse examiner training available to nurses in all regions of the

state without requiring the nurses to travel unreasonable distances and without requiring medical facilities or the nurses to incur unreasonable expenses. Among other important factors deemed relevant and appropriate by the office of crime victims advocacy, the strategies should take into account the unique challenges faced by medical facilities and nurses operating in rural areas.

(a) When developing the strategies, the office of crime victims advocacy shall consult with:

(i) The Harborview abuse and trauma center;

(ii) The department of health;

(iii) The nursing care quality assurance commission;

(iv) The Washington state nurses association;

(v) The Washington state hospital association;

(vi) The schools of nursing at Washington State University and the University of Washington;

(vii) Forensic nurse practitioners; and

(viii) Other organizations deemed appropriate by the office of crime victims advocacy.

(b) The office of crime victims advocacy shall report the strategies to the governor and the appropriate committees of the legislature no later than October 1, 2022.

(3) This section expires June 30, 2023.

NEW SECTION. **Sec. 3.** A new section is added to chapter 7.68 RCW to read as follows:

(1) No costs incurred by a hospital or other emergency medical facility for the examination of the victim of domestic violence assault involving nonfatal strangulation, when such examination is performed for the purposes of gathering evidence for possible prosecution, shall be billed or charged directly or indirectly to the victim of such assault. Such costs shall be paid by the state pursuant to this chapter.

(2) The department must notify the office of financial management and the fiscal committees of the legislature if it projects that the cost of services provided under this section exceeds the amount of funding provided by the legislature solely for the purposes of this section.

(3) No later than October 1, 2022, the department shall report to the legislature the following information for fiscal year 2022:

(a) The number, type, and amount of claims received by victims of suspected nonfatal strangulation, with a subtotal of claims that also involved sexual assault;

(b) The number, type, and amount of claims paid for victims of suspected nonfatal strangulation, with a subtotal of claims that also involved sexual assault; and

(c) The number of police reports filed by victims of suspected nonfatal strangulation who received services under this section.

(4) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 31, 2021

E2SSB 5188 Prime Sponsor, Committee on Ways & Means: Concerning creation of the Washington state public financial cooperative. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Consumer Protection & Business.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. The legislature finds that there exists in the state of Washington billions of dollars of critical local projects for the planning, acquisition,

construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, storm and sanitary sewage systems, solid waste handling, communications systems, housing, and other public infrastructure and economic development projects. But while some local governments successfully borrow for infrastructure and economic development capital projects through private sector lenders and the bond markets, other government entities do not have the same access to capital at attractive rates to be used in building out public infrastructure.

It is the policy of the state of Washington to encourage self-reliance by local and tribal governments in meeting their public works and economic development needs, and to assist in the financing of critical public works and economic development projects by providing effective mechanisms for making and financing loans and providing financing guarantees that do not create state debt. It is also the policy of the state to provide technical assistance to government entities for these projects.

It is further the policy of the state to foster and promote by all reasonable means the provision of adequate capital markets and facilities for borrowing money by local governments in the state to finance infrastructure improvements, and to the greatest extent possible to reduce costs of borrowed money to taxpayers and residents of the state.

The legislature finds that a Washington state public financial cooperative would provide opportunities for local and tribal government entities to competitively finance a broad array of public infrastructure and economic development projects, including housing, at competitive rates with low administrative costs. A state public financial cooperative will complement the existing banking system by filling gaps that the system cannot or will not fill, and it will be uniquely positioned to provide specialized technical assistance to the diverse needs of local and tribal government entities.

It is the purpose of this chapter to establish a Washington state public financial cooperative to act as a financial conduit that, without creating state debt, can receive funds from state, local, and tribal government entities, issue and make loans to those entities, and issue bonds in a manner that does not create state debt, to help facilitate access to needed capital by local and tribal government entities on reasonable terms and rates.

The state public financial cooperative will have full powers to borrow money and to issue its bonds and notes in a manner that does not create state debt in order to make capital funds available for borrowing by local and tribal government entities, and those powers will enable the state public financial cooperative to carry out the declared policies of this act, which are in the public interest of the state and its taxpayers and residents.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the operating board of the cooperative established in section 3 of this act.

(2) "Bonds" means any bonds, notes, debentures, interim certificates, conditional sales or lease financing agreements, lines of credit, forward purchase agreements, investment agreements, and other banking or financial arrangements, guaranties, or other obligations issued by or entered into by the cooperative, which does not create state debt. Such bonds may be issued on either a tax-exempt or taxable basis.

(3) "Borrower" means one or more local or tribal governments.

(4) "Cooperative" means the Washington state public financial cooperative established in section 3 of this act, or any board, body, commission, department, or officer succeeding to the principal functions of the cooperative or to whom the powers conferred upon the cooperative are given by law.

(5) "Financial assistance" means the infusion of capital to a borrower for use in the planning, acquisition, construction, repair, replacement, rehabilitation, development, and expansion of infrastructure and economic development projects.

(6) "Financing agreements" means, and includes without limitation, a contractual arrangement with a borrower whereby the cooperative obtains rights from a borrower in exchange for the

granting of financial assistance to the borrower.

(7) "Financing document" means an instrument executed by the cooperative and one or more borrowers pertaining to the issuance of or security for bonds, or the application of the proceeds of bonds or other funds of, or payable to, the cooperative. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement or indenture, security agreement, letter or line of credit, reimbursement agreement, insurance policy, guaranty agreement, or currency or interest rate swap agreement. A financing document also may be an agreement between the cooperative and an eligible banking organization which has agreed to make a loan to a borrower.

(8) "Infrastructure projects" means undertakings for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, storm and sanitary sewage systems, solid waste handling, pollution control facilities, schools, communications systems, docks and wharves, mass transportation facilities and equipment, public housing, fire suppressing and emergency services equipment and facilities, energy generating, conservation, or transmission facilities, and other public infrastructure deemed eligible by the board.

(9) "Local government" means any Washington city, town, county, special purpose district, authority, instrumentality, or other local municipal or interlocal entity created pursuant to Washington law.

(10) "Member" means the state government, a local government, or a tribal government that has joined the cooperative consistent with section 4 of this act.

(11) "Project costs" means costs of:

(a) Acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of land, rights to land, buildings, structures, docks, wharves, fixtures, machinery, equipment, excavations, paving, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities, and any other real or personal property included in an infrastructure project;

(b) Architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of an infrastructure project, including costs of studies assessing the feasibility of an infrastructure project;

(c) Finance costs, including the costs of credit enhancement and discounts, if any, the costs of issuing revenue bonds, and the costs incurred in carrying out any financing document;

(d) Start-up costs, working capital, capitalized research and development costs, capitalized interest during construction and during the 18 months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves;

(e) The refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and

(f) Other costs incidental to any of the costs listed in this subsection.

(12) "State" means the state of Washington and any department, agency, or instrumentality thereof other than the cooperative.

(13) "Tribal government" means the governing body of a federally recognized Indian tribe.

NEW SECTION. **Sec. 3.** ESTABLISHMENT. (1) The Washington state public financial cooperative is established as a public body corporate and politic, with perpetual corporate succession, constituting an instrumentality of the state of Washington exercising essential governmental functions. The cooperative is a public body within the meaning of RCW 39.53.010.

(2)(a) The cooperative is activated when:

(i) The state treasurer completes a study that provides recommendations on staffing and operational needs for the cooperative to be administered by the Washington state housing finance commission. The state treasurer shall contract with a consultant with expertise

in developing detailed operating plans for financial institutions using an appropriation from the general fund to complete the study. The study must ensure that the administration of the cooperative does not interfere with the core mission of the Washington state housing finance commission;

(ii) An appropriation that is sufficient to capitalize the cooperative so that it can issue debt with a competitive rating is provided; and

(iii) Executed articles of activation in a form approved by the state finance committee are filed with the secretary of state.

(b) The cooperative is deemed to have been formed as of the date of filing articles of activation under (a)(iii) of this subsection. The articles of activation must be approved by the legislative authority of each of the member local or tribal governments that subsequently becomes a member. Each member local or tribal government must provide to the cooperative a contribution of an amount approved by the state finance committee, and the board may subsequently adjust the minimum contribution level for current and new members. Any amendments to the articles of activation must be filed with the secretary of state and will become effective on the date of filing.

(3) A duplicate of the original articles of activation and amended articles of activation must be filed with the department of financial institutions. The filing of amended articles of activation must include the text of each amendment adopted and the date of its adoption. The cooperative must also file the following with the department of financial institutions:

(a) The address of the location of the main office of the cooperative;

(b) The names and places of residence of the persons who are directors under this section;

(c) The name and place of residence of the executive director hired by the board in accordance with this section;

(d) Bylaws and regulations adopted and amended by the board under section 4 of this act; and

(e) Any other information the director of the department of financial institutions deems necessary to perform a review of the funds placed with the cooperative and the accounts and transactions of the cooperative in carrying out the cooperative's duties, as provided in this section.

(4)(a) The operating board of the cooperative consists of nine directors. Terms of directors are four years, with half of the initial directors other than the initial chair serving two-year terms as determined by lot, with those positions being filled for four-year terms thereafter.

(b) Five member-appointed directors must be selected by a majority of the members of the cooperative. Member-appointed directors must be elected local or tribal government officials. Three public directors must be appointed by the governor and confirmed by the senate. The public directors must be residents of the state appointed by the governor on the basis of their interest and expertise in finance, accounting, budgeting, economic development, infrastructure planning, design, construction, or project management. The state treasurer shall serve as an ex officio director.

(c) One of the public members shall be appointed by the governor as chair of the board and shall serve as chair at the pleasure of the governor. The initial chair must serve a full four-year term. The cooperative may select from its membership such other officers of the cooperative as it deems appropriate, including without limitation a secretary and a treasurer.

(d) In the event of a vacancy on the board due to death, resignation, lack of qualification to serve as a director, or otherwise, a successor for the remainder of the unexpired term shall be selected in the same manner as the selection of the director whose position has become vacant. Any independent member of the cooperative may be removed by the governor for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless such notice and hearing are expressly waived in writing by the affected public member.

(e) The state treasurer may designate an employee to act on his or her behalf in all respects with regard to any matter to come before the cooperative. Such designation must be made in writing in such manner as is specified by the rules of the cooperative.

(f) A majority of the directors constitutes a quorum.

(g) The directors of the cooperative serve without compensation but are entitled to reimbursement, solely from the funds of the cooperative, for expenses incurred in the discharge of their duties under this chapter.

(5) The state finance committee serves as the oversight board of the cooperative. In that capacity, the state finance committee must carry out the responsibilities specified in this chapter. In addition, the state finance committee may at its discretion require independent audits of the accounts and transactions of the cooperative and the methods, procedures, and operation of the cooperative in carrying out its duties.

(6) The cooperative is a state agency subject to audit by the state auditor under chapter 43.09 RCW. In addition, the department of financial institutions may, at the discretion of the director of financial institutions, review the funds placed with the cooperative and the accounts and transactions of the cooperative in carrying out the cooperative's duties. Nothing in this subsection establishes that the cooperative is an institution or entity otherwise subject to the jurisdiction of the department of financial institutions.

(7) The board has the authority to hire and fire an executive director. The executive director shall be funded in the Washington state housing finance commission budget and shall administer and operate the Washington state public financial cooperative.

(8) The cooperative's administration and operation must be performed by employees of the Washington state housing finance commission, subject to the terms of one or more agreements between the cooperative and the commission concerning responsibilities of the commission's staff and compensation of the commission.

(9) The board must approve the budget of the cooperative annually.

(10) The board shall establish an internal audit committee.

(11) The cooperative shall have a goal of providing 35 percent of the amount it lends on an annual basis to support housing in low to moderate-income areas, beginning five years after the cooperative has been activated as provided in this section.

(12) The cooperative must not be or constitute a bank or trust company within the jurisdiction or under the control of the director of financial institutions, the comptroller of the currency of the United States of America, or the United States department of the treasury.

(13) The cooperative must not be or constitute a bank, broker, or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange, or securities dealers' law of the United States of America or this state.

(14) The cooperative is not a public depositary for any purpose under chapter 39.58 RCW.

(15) The cooperative may not issue bonds in a manner that would create state debt.

NEW SECTION. **Sec. 4.** POWERS. The cooperative is authorized to:

(1) Sue and be sued in its own name, and plead and be impleaded;

(2) Adopt and alter an official seal;

(3) Make and enforce bylaws and regulations for the conduct of its business and for the use of its services and facilities;

(4) Engage such independent consultants, attorneys, and advisers as the cooperative deems necessary, useful, or convenient to accomplish its purposes, and, subject to section 5(6) of this act, contract with federal, state, and local or tribal governmental entities for services;

(5) Make and execute all manner of contracts, agreements, and instruments and financing documents with public and private parties as the cooperative deems necessary, useful, or convenient to accomplish its purposes;

(6) Acquire, hold, use, and dispose of real or personal property, or any interest therein, in the name of the cooperative, and to sell, assign, lease, encumber, mortgage, or otherwise dispose of the same in such manner as the cooperative deems necessary, useful, or convenient to accomplish its purposes;

(7) Acquire, hold, use, and dispose of its income, revenues, funds, and money;

(8) Receive funds from state, local, or tribal governments, invest those moneys in lawful funds, including without limitation investments in loans made by the cooperative to borrowers;

(9) Open and maintain accounts in qualified public depositaries; in the federal reserve bank of San Francisco, in the national cooperative bank, in a federal home loan bank, or in any other federal financing entity, and otherwise provide for the investment of any funds not required for immediate disbursement and provide for the selection of investments. The cooperative may participate in and use the federal reserve banks payments systems and account services;

(10) Appear in its own behalf before boards, commissions, departments, or agencies of federal, state, local, or tribal governments;

(11) Procure such insurance of such types, in such amounts, and from such insurers as the cooperative deems desirable including, but not limited to, insurance against any loss or damage to its property or other assets, public liability insurance for injuries to persons or property, and directors and officers liability insurance;

(12) Accept gifts or grants from the United States, or from any governmental unit or person, firm, or corporation, carry out the terms or provisions or make agreements with respect to the gifts or grants, and do all things necessary, useful, desirable, or convenient in connection with procuring, accepting, or disposing of the gifts or grants;

(13) Apply for and accept grants, loans, advances, and contributions from any source of money, property, labor, or other things of value, to be held, used, and applied as the cooperative deems necessary, useful, or convenient to accomplish its purposes;

(14) Borrow money and issue its bonds consistent with this chapter and provide for and secure their payment, provide for the rights of bond owners and purchasers, and hold and dispose of any of its bonds;

(15) For the purpose of facilitating the financing of infrastructure and economic development activity in the state of Washington by the state or local or tribal governments, develop and conduct a program or programs to make loans to borrowers for project costs of infrastructure and economic development projects. Those loans may be made from the proceeds of bonds issued by the cooperative, from funds held by the cooperative, and from other assets of the cooperative including contributions. The cooperative may develop and conduct a program that will stimulate and encourage the development of infrastructure and economic development projects by the infusion of financial assistance for state, local, or tribal governments;

(16) Establish guidelines for the engagement by state, local, or tribal governments in programs conducted by the cooperative under this chapter. The cooperative may prescribe the form of application or procedure required of a borrower for a loan, fix the terms and conditions of the loan or purchase, and enter into financing agreements and other financing documents with borrowers with respect to loans and other forms of financial assistance;

(17) Establish, revise, and collect such member contributions and such fees and charges as the cooperative deems necessary, useful, or convenient to accomplish its purposes. Members are authorized to make such contributions, and state, local, and tribal governments are authorized to pay such fees and charges;

(18) Make such expenditures as are appropriate for paying the administrative costs and expenses of the cooperative in carrying out the provisions of this chapter;

(19) Establish such reserves and special funds, including but not limited to debt service and sinking funds, reserve funds, project funds, and such other special funds as the cooperative deems necessary, useful, or convenient, and controls on funds to and from them, as the cooperative deems necessary, useful, or convenient to accomplish its purposes;

(20) Provide financial assistance and other forms of assistance to state, local, or tribal governments by providing information, advice, guidelines, forms, and procedures for implementing their financing programs;

(21) When authorized by not less than two-thirds of the members of the board, make distributions to members of amounts that the board deems surplus to the needs of the cooperative;

(22) Engage outside legal counsel, while receiving counsel on a routine basis from the office of the attorney general;

(23) Adopt rules concerning its exercise of the powers authorized by this chapter; and

(24) Exercise any other power the cooperative deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

NEW SECTION. **Sec. 5.** FINANCING POWERS. (1) Bonds issued under this chapter must be issued in the name of the cooperative. The bonds are not obligations of the state of Washington, may not create state debt, and are obligations only of the cooperative payable from the special fund or funds created by the cooperative for their payment. Such funds are not public moneys or funds of the state of Washington and at all times must be kept segregated and set apart from other funds.

(2) Bonds issued under this chapter must contain a recital on their face to the effect that payment of the principal of, interest on, and prepayment premium, if any, on the bonds, is a valid claim only as against the special fund or funds relating thereto, that neither the faith and credit nor the taxing power of the state or any municipal corporation, subdivision, or agency of the state, other than the cooperative as set forth in this chapter, is pledged to the payment of the principal of, interest on, and prepayment premium, if any, on the bonds. Contracts entered into by the cooperative must be entered into in the name of the cooperative and not in the name of the state of Washington. The obligations of the cooperative under the contracts must be obligations only of the cooperative and are not in any way obligations of the state of Washington.

(3) The cooperative's bonds must bear such date or dates, mature at such time or times, be in such denominations, be in such form, be registered or registrable in such manner, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, bear such fixed or variable rate or rates of interest, be payable at such time or times, and be sold in such manner and at such price or prices, as the cooperative determines. The bonds shall be executed by the chair, by either its duly elected secretary or its treasurer, and by the trustee or paying agent if the cooperative determines to use a trustee or paying agent for the bonds. Execution of the bonds may be by manual or facsimile signature. The bonds of the cooperative may be negotiable instruments under Title 62A RCW.

(4) The bonds of the cooperative are subject to such terms, conditions, covenants, and protective provisions as are found necessary or desirable by the cooperative including, but not limited to, pledges of the cooperative's assets, setting aside of reserves, limitations on additional forms of indebtedness, and the mortgaging of all or any part of the cooperative's real or personal property, then owned or thereafter acquired, and other provisions the cooperative finds are necessary or desirable for the security of bond owners.

(5) Any bonds issued under this chapter may be secured by a financing document between the cooperative and the purchasers or owners of such bonds or between the cooperative and a corporate trustee appointed by the cooperative, which may be any trust company or bank having the powers of a trust company within or without the state. The financing document may pledge or assign, in whole or in part, the revenues and funds held or to be received by the cooperative, any present or future contract or other rights to receive the same, and the proceeds thereof. The financing document must contain such provisions for protecting and enforcing the rights, security, and remedies of bond owners as may be reasonable and proper including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event of default which may include the acceleration of maturities, restrictions on the individual rights of action by bond owners, and covenants setting forth duties of and limitations on the cooperative in conduct of its programs and the management of its property. In addition to other security provided in this chapter or otherwise by law, bonds issued by the cooperative may be secured, in whole or in part, by a pledge of the assets of the cooperative, including contributions of the members, or by financial guaranties, insurance or letters of credit issued to the

cooperative or a trustee or any other person, by any bank, trust company, insurance or surety company, or other financial institution, within or without the state. The cooperative may pledge or assign, in whole or in part, the revenues and funds held or to be received by the cooperative, any present or future contract or other rights to receive the same, and the proceeds thereof, as security for such guaranties or insurance or for the reimbursement by the cooperative to any issuer of such letter of credit of any payments made under such letter of credit. No individual member is liable to the cooperative, to the cooperative's trustee, or to any other person in amounts exceeding the member's contribution unless authorized by a majority of the members of the cooperative.

(6) The cooperative may enter into financing documents with borrowers regarding bonds issued by the cooperative that may provide for the payment by each borrower of amounts sufficient, together with other revenues available to the cooperative, if any, to:

(a) Pay the borrower's share of the fees established by the cooperative;

(b) Pay the principal of, premium, if any, and interest on outstanding bonds of the cooperative issued in respect of such borrower as the same shall become due and payable; and

(c) Create and maintain reserves required or provided for by the cooperative in connection with the issuance of such bonds. The payments are not subject to supervision or regulation by any department, committee, board, body, bureau, or agency of the state other than the cooperative.

(7) Any security interest created in the unexpended bond proceeds and in the special funds created by the cooperative must be immediately valid and binding against such moneys and any securities in which such moneys may be invested without cooperative or trustee possession thereof, and the security interest is prior to any party having any competing claim in such moneys or securities, without filing or recording pursuant to chapter 62A.9A RCW and regardless of whether the party has notice of the security interest.

(8) When issuing bonds, the cooperative may provide for the future issuance of additional bonds or parity debt on a parity with outstanding bonds, and the terms and conditions of their issuance. The cooperative may refund or advance refund any bond of the cooperative in accordance with chapter 39.53 RCW or issue bonds with a subordinate lien against the fund or funds securing outstanding bonds. Bonds issued for refunding purposes may be combined with bonds issued for the financing or refinancing of new projects. Pending the application of the proceeds of the refunding bonds to the redemption of the bonds to be redeemed, the cooperative may enter into an agreement or agreements with a corporate trustee regarding the interim investment of the proceeds and the application of the proceeds and the earnings on the proceeds to the payment of the principal of and interest on, and the redemption of, the bonds to be redeemed.

(9) All money received by or on behalf of the cooperative with respect to this issuance of its bonds are trust funds to be held and applied solely as provided in this chapter. The cooperative, in lieu of receiving and applying the moneys itself, may enter into a trust agreement or indenture with one or more banks, including the national cooperative bank, or trust companies having the power and bank to conduct trust business in the state to:

(a) Perform all or any part of the obligations of the cooperative with respect to: (i) Bonds issued by it; (ii) the receipt, investment, and application of the proceeds of the bonds and money paid by a participant or available from other sources for the payment of the bonds; (iii) the enforcement of the obligations of a borrower in connection with the financing or refinancing of any project; and (iv) other matters relating to the exercise of the cooperative's powers under this chapter;

(b) Receive, hold, preserve, and enforce any security interest or evidence of security interest granted by a participant for purposes of securing the payment of the bonds; and

(c) Act on behalf of the cooperative or the owners of bonds of the cooperative for purposes of assuring or enforcing the payment of the bonds, when due.

(10) The cooperative may purchase its bonds with any of its funds available for the purchase. The cooperative may hold, pledge, cancel, or resell the bonds

subject to and in accordance with agreements with bond owners.

(11) The chair of the state finance cooperative or the chair's designee must be notified in advance of the issuance of bonds by the cooperative in order to promote the orderly offering of obligations in the financial markets.

(12) Neither the members of the cooperative, nor its directors or agents, nor employees of the Washington state housing finance commission, nor any person executing the bonds, is personally liable on the bonds or subject to any personal liability or accountability by reason of the issuance of the bonds.

(13) The cooperative may, out of any fund available therefor, purchase its bonds in the open market.

(14) Any owner of bonds of the cooperative issued under this chapter, and the trustee under any trust agreement or indenture, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any of their respective rights, and may become the purchaser at any foreclosure sale if the person is the highest bidder, except to the extent the rights given are restricted by the cooperative in any bond resolution or trust agreement or indenture authorizing the issuance of the bonds.

(15) The cooperative may charge for its costs and services in review or consideration of a proposed loan to a state, local, or tribal government, whether or not the loan is made.

(16) To the extent permitted under its contracts with the owners of bonds of the cooperative, the cooperative may consent to modification of the rate of interest, time and payment of installment of principal or interest, security, or any other term of a bond or note, loan to a state, local, or tribal government, contract, or agreement of any kind to which the cooperative authority is a party.

(17) The bonds of the cooperative are securities in which all public officers and bodies of this state and all counties, cities, municipal corporations, and political subdivisions, all banks, eligible banking organizations, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, insurance companies and associations, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control.

(18) This section provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and shall be regarded as supplemental and additional to powers conferred by other laws. The issuance of bonds and refunding bonds under this chapter need not comply with the requirements of any other law applicable to the issuance of bonds. Insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, or parts thereof, the provisions of this chapter are controlling.

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.190 RCW to read as follows:

Employees of the Washington state housing finance commission shall primarily administer and operate the Washington state public financial cooperative, as provided by section 3(8) of this act. The cooperative may consult with other state agencies at its discretion and without the approval of the Washington state housing finance commission.

Sec. 7. RCW 39.59.040 and 2016 c 152 s 11 are each amended to read as follows:

Any local government in the state of Washington may invest in:

(1) Bonds of the state of Washington and any local government in the state of Washington;

(2) General obligation bonds of a state and general obligation bonds of a local government of a state, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;

(3) Subject to compliance with RCW 39.56.030, registered warrants of a local government in the same county as the government making the investment;

(4) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States; or

United States dollar denominated bonds, notes, or other obligations that are issued or guaranteed by supranational institutions, provided that, at the time of investment, the institution has the United States government as its largest shareholder;

(5) Federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(6) Bankers' acceptances purchased on the secondary market;

(7) Commercial paper purchased in the secondary market, provided that any local government of the state of Washington that invests in such commercial paper must adhere to the investment policies and procedures adopted by the state investment board; ((~~and~~))

(8) Corporate notes purchased on the secondary market, provided that any local government of the state of Washington that invests in such notes must adhere to the investment policies and procedures adopted by the state investment board; and

(9) A cooperative as defined in section 2 of this act and bonds issued by such cooperative.

Sec. 8. RCW 42.56.270 and 2020 c 238 s 11 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, 43.--- (the new chapter created in section 15 of this act), and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license,

gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed marijuana business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter ((~~70.95N~~)) 70A.500 RCW to implement chapter ((~~70.95N~~)) 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to

result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW ((~~70.95N.190~~)) 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter ((~~70.375~~)) 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW ((~~70.375.130~~)) 70A.515.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW.

Sec. 9. RCW 42.56.400 and 2020 c 243 s 4 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from chapter 43.--- RCW (the new chapter created in section 15 of this act), from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained or provided by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and 48.31B.036, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW;

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2)(b) and (c), and 48.74.120 to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065;

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in RCW 48.02.068;

(27) Data, information, and documents obtained by the insurance commissioner under RCW 48.02.230;

(28) Documents, materials, or other information, including the corporate annual disclosure obtained by the insurance commissioner under RCW 48.195.020;

(29) Findings and orders disapproving acquisition of a trust institution under RCW 30B.53.100(3); and

(30) All claims data, including health care and financial related data received under RCW 41.05.890, received and held by the health care authority.

Sec. 10. RCW 42.56.400 and 2020 c 243 s 4 and 2020 c 240 s 9 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from chapter 43.--- RCW (the new chapter created in section 15 of this act), from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained or provided by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and 48.31B.036, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW;

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2) (b) and (c), and 48.74.120 to the extent such documents, materials, or

information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065;

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in RCW 48.02.068;

(27) Data, information, and documents obtained by the insurance commissioner under RCW 48.02.230;

(28) Documents, materials, or other information, including the corporate annual disclosure obtained by the insurance commissioner under RCW 48.195.020;

(29) Findings and orders disapproving acquisition of a trust institution under RCW 30B.53.100(3);

(30) All claims data, including health care and financial related data received under RCW 41.05.890, received and held by the health care authority; and

(31) Contracts not subject to public disclosure under RCW 48.200.040 and 48.43.731.

Sec. 11. RCW 43.10.067 and 1997 c 41 s 9 are each amended to read as follows:

No officer, director, administrative agency, board, or commission of the state, other than the attorney general, shall employ, appoint or retain in employment any attorney for any administrative body, department, commission, agency, or tribunal or any other person to act as attorney in any legal or quasi legal capacity in the exercise of any of the powers or performance of any of the duties specified by law to be performed by the attorney general, except where it is provided by law to be the duty of the judge of any court or the prosecuting attorney of any county to employ or appoint such persons: PROVIDED, That RCW 43.10.040, and 43.10.065 through 43.10.080 shall not apply to the administration of the commission on judicial conduct, the state law library, the law school of the state university, the administration of the state bar act by the Washington State Bar Association, ((~~or~~)) the representation of an estate administered by the director of the department of revenue or the director's designee pursuant to chapter 11.28 RCW, or the state public financial cooperative to the extent provided in section 4(22) of this act.

The authority granted by chapter 1.08 RCW, RCW 44.28.065, and 47.01.061 shall not be affected hereby.

Sec. 12. RCW 43.84.080 and 2016 c 152 s 18 are each amended to read as follows:

Wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state treasurer may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following:

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States or United States dollar denominated bonds, notes, or other obligations that are issued or guaranteed by supranational institutions, provided that, at the time of investment, the institution has the United States government as its largest shareholder;

(2) In state, county, municipal, or school district bonds, notes, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state treasurer may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

(3) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(4) Bankers' acceptances purchased on the secondary market;

(5) Commercial paper purchased on the secondary market, provided that the state

treasurer adheres to the investment policies and procedures adopted by the state investment board;

(6) General obligation bonds of any state and general obligation bonds of local governments of other states, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency; ((~~and~~))

(7) Corporate notes purchased on the secondary market, provided that the state treasurer adheres to the investment policies and procedures adopted by the state investment board; and

(8) Contributions to a cooperative as defined in section 2 of this act.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

NEW SECTION. **Sec. 15.** Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 16.** Section 9 of this act expires January 1, 2022.

NEW SECTION. **Sec. 17.** Section 10 of this act takes effect January 1, 2022."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

March 31, 2021

ESSB 5190 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Providing health care workers with presumptive benefits during a public health emergency. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Labor & Workplace Standards.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.04.294 and 2006 c 13 s 9 are each amended to read as follows:

With respect to claims that have an effective date on or after January 4, 2004:

(1) "Misconduct" includes, but is not limited to, the following conduct by a claimant:

(a) Willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee;

(b) Deliberate violations or disregard of standards of behavior which the employer has the right to expect of an employee;

(c) Carelessness or negligence that causes or would likely cause serious bodily harm to the employer or a fellow employee; or

(d) Carelessness or negligence of such degree or recurrence to show an intentional or substantial disregard of the employer's interest.

(2) The following acts are considered misconduct because the acts signify a willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee. These acts include, but are not limited to:

(a) Insubordination showing a deliberate, willful, or purposeful refusal to follow the reasonable directions or instructions of the employer;

(b) Repeated inexcusable tardiness following warnings by the employer;

(c) Dishonesty related to employment, including but not limited to deliberate falsification of company records, theft, deliberate deception, or lying;

(d) Repeated and inexcusable absences, including absences for which the employee was able to give advance notice and failed to do so;

(e) Deliberate acts that are illegal, provoke violence or violation of laws, or violate the collective bargaining

agreement. However, an employee who engages in lawful union activity may not be disqualified due to misconduct;

(f) Violation of a company rule if the rule is reasonable and if the claimant knew or should have known of the existence of the rule; or

(g) Violations of law by the claimant while acting within the scope of employment that substantially affect the claimant's job performance or that substantially harm the employer's ability to do business.

(3) "Misconduct" does not include:

(a) Inefficiency, unsatisfactory conduct, or failure to perform well as the result of inability or incapacity;

(b) Inadvertence or ordinary negligence in isolated instances; ((~~or~~))

(c) Good faith errors in judgment or discretion; or

(d)(i) A health care worker who left work for the period of quarantine consistent with the recommended guidance from the United States centers for disease control and prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(ii) For purposes of this subsection, "health care worker" means an individual who worked at a health care facility as defined in RCW 9A.50.010, and was directly involved in the delivery of health services.

(4) "Gross misconduct" means a criminal act in connection with an individual's work for which the individual has been convicted in a criminal court, or has admitted committing, or conduct connected with the individual's work that demonstrates a flagrant and wanton disregard of and for the rights, title, or interest of the employer or a fellow employee.

Sec. 2. RCW 50.20.010 and 2021 c 2 s 8 are each amended to read as follows:

(1) An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(a) The individual has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(b) The individual has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(c) The individual is able to work, and is available for work in any trade, occupation, profession, or business for which the individual is reasonably fitted.

(i) To be available for work, an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules.

(ii) Until June 30, 2021, an individual under quarantine or isolation, as defined by the department of health, as directed by a public health official during the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020, will meet the requirements of this subsection (1)(c) if the individual is able to perform, available to perform, and actively seeking work which can be performed while under quarantine or isolation.

(iii) For the purposes of this subsection, "customary trade practices" includes compliance with an electrical apprenticeship training program that includes a recognized referral system under apprenticeship program standards approved by the Washington state apprenticeship and training council;

(d) The individual has been unemployed for a waiting period of one week;

(e) The individual participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under RCW 50.20.011, unless the commissioner determines that:

(i) The individual has completed such services; or

(ii) There is justifiable cause for the claimant's failure to participate in such services; and

(f) As to weeks which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

(3)(a) For any weeks of unemployment insurance benefits when the one week waiting period is fully paid or fully reimbursed by the federal government, subsection (1)(d) of this section is waived.

(b) For any weeks of unemployment insurance benefits when the one week waiting period is partially paid or partially reimbursed by the federal government, the department may, by rule, elect to waive subsection (1)(d) of this section.

(4) During the weeks of a public health emergency, an unemployed individual may also meet the requirements of subsection (1)(c) of this section if:

(a) The unemployed individual is able to perform, available to perform, and actively seeking suitable work which can be performed for an employer from the individual's home; and

(b) The unemployed individual or another individual residing with the unemployed individual is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(i) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by:

(A) The federal centers for disease control and prevention;

(B) The department of health; or

(C) The equivalent agency in the state where the individual resides; or

(ii) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency by:

(A) The federal centers for disease control and prevention;

(B) The department of health; or

(C) The equivalent agency in the state where the individual resides.

(5)(a) During the weeks of a public health emergency, an unemployed health care worker may also meet the requirements of subsection (1)(c) of this section if the unemployed health care worker described in RCW 50.20.050(3) and 50.29.021(1)(c)(iii) is able to perform, available to perform, and actively seeking suitable work which will commence after quarantine or which can be performed for an employer from the individual's home.

(b) For purposes of this subsection, "health care worker" means an individual who worked at a health care facility as defined in RCW 9A.50.010, and was directly involved in the delivery of health services.

Sec. 3. RCW 50.20.050 and 2021 c 2 s 10 are each amended to read as follows:

(1) With respect to separations that occur on or after September 6, 2009, and for separations that occur before April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant obtains bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of ((~~the~~)) the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the claimant's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs; or

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant has left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant made reasonable efforts to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs;

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program; or

(xii) During a public health emergency:

(A) The claimant was unable to perform the claimant's work for the employer from the claimant's home;

(B) The claimant is able to perform, available to perform, and can actively seek suitable work which can be performed for an employer from the claimant's home; and

(C) The claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(I) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides; or

(II) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the

subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides.

(3) With respect to claims that occur on or after July 4, 2021, a claimant has good cause and is not disqualified from benefits under subsection (2)(a) of this section under the following circumstances, in addition to those listed under subsection (2)(b) of this section, if, during a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and left work for the period of quarantine consistent with the recommended guidance from the United States centers for disease control and prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(4) Notwithstanding subsection (1) of this section, a claimant who was simultaneously employed in full-time employment and part-time employment and is otherwise eligible for benefits from the loss of the full-time employment shall not be disqualified from benefits because the claimant:

(a) Voluntarily quit the part-time employment before the loss of the full-time employment; and

(b) Did not have prior knowledge that the claimant would be separated from full-time employment.

Sec. 4. RCW 50.29.021 and 2021 c 2 s 16 are each amended to read as follows:

(1)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; ((~~or~~))

(ii) RCW 50.20.050 (1)(b) (v) through (x) or (2)(b) (v) through (x); or

(iii) During a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and was terminated from work due to entering quarantine because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer, except as provided in subsection (4) of this section.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Benefits paid to an individual who qualifies for benefits under RCW 50.20.050 (1)(b) (iv) or (xi) ((~~or~~)), (2)(b) (iv), (xi), or (xii), or (3), as applicable, shall not be charged to the experience rating account of any contribution paying employer.

(f) Benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer. This subsection (2)(f) does not apply to the calculation of contribution rates under RCW 50.29.025 for rate year 2010 and thereafter.

(g) Upon approval of an individual's training benefits plan submitted in accordance with RCW 50.22.155(2), an individual is considered enrolled in training, and regular benefits beginning with the week of approval shall not be charged to the experience rating account of any contribution paying employer.

(h) Training benefits paid to an individual under RCW 50.22.155 shall not be charged to the experience rating account of any contribution paying employer.

(i)(i) Benefits paid during the one week waiting period when the one week waiting period is fully paid or fully reimbursed by the federal government shall not be charged to the experience rating account of any contribution paying employer.

(ii) In the event the one week waiting period is partially paid or partially reimbursed by the federal government, the department may, by rule, elect to not charge, in full or in part, benefits paid during the one week waiting period to the experience rating account of any contribution paying employer.

(j) Benefits paid for all weeks starting with the week ending March 28, 2020, and ending with the week ending May 30, 2020, shall not be charged to the experience rating account of any contribution paying employer.

(3)(a) A contribution paying base year employer, except employers as provided in subsection (5) of this section, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster, or to the presence of any dangerous, contagious, or infectious disease that is the subject of a public health emergency at the employer's plant, building, worksite, or other facility;

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW;

(v) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who qualified for two consecutive unemployment claims where wages were attributable to at least one employer who employed the individual in both base years. Benefit charge relief ceases when the employment relationship between the

employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW;

(vi) Was hired to replace an employee who is a member of the military reserves or National Guard and was called to federal active military service by the president of the United States and is subsequently laid off when that employee is reemployed by their employer upon release from active duty within the time provided for reemployment in RCW 73.16.035;

(vii) Worked for an employer for ((~~twenty~~)) 20 weeks or less, and was laid off at the end of temporary employment when that employee temporarily replaced a permanent employee receiving family or medical leave benefits under Title 50A RCW, and the layoff is due to the return of that permanent employee. This subsection (3)(a)(vii) applies to claims with an effective date on or after January 1, 2020; or

(viii) Was discharged because the individual was unable to satisfy a job prerequisite required by law or administrative rule.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

(4) When a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports.

(5) An employer's experience rating account may not be relieved of charges for a benefit payment and an employer who reimburses the trust fund for benefit payments may not be credited for a benefit payment if a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to the claim or claims without establishing good cause for the failure and the employer or employer's agent has a pattern of such failures. The commissioner has the authority to determine whether the employer has good cause under this subsection.

(a) For the purposes of this subsection, "adequately" means providing accurate information of sufficient quantity and quality that would allow a reasonable person to determine eligibility for benefits.

(b)(i) For the purposes of this subsection, "pattern" means a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to a claim or claims without establishing good cause for the failure, if the greater of the following calculations for an employer is met:

(A) At least three times in the previous two years; or

(B) Twenty percent of the total current claims against the employer.

(ii) If an employer's agent is utilized, a pattern is established based on each individual client employer that the employer's agent represents.

NEW SECTION. **Sec. 5.** If any part of sections 1 through 4 of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of sections 1 through 4 of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of sections 1 through 4 of this act. Rules adopted under sections 1 through 4 of this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the

granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 6.** A new section is added to chapter 51.32 RCW to read as follows:

(1) For health care employees who are covered under this title, there exists a prima facie presumption that any infectious or contagious diseases which are the subject of a public health emergency are occupational diseases under RCW 51.08.140 during a public health emergency.

(2) The health care employee must provide verification, as required by the department by rule, to the department or the self-insurer that the employee is in quarantine or has contracted the disease after exposure to the infectious or contagious disease that is the subject of the public health emergency.

(3) This presumption of occupational disease may be rebutted by clear and convincing evidence that:

(a) The exposure to the infectious or contagious disease which is the subject of the public health emergency occurred from other employment or nonemployment activities; or

(b) The employee was working from the employee's home or other location not under the employer's control, on leave from the employee's employment, or some combination thereof, for the period of quarantine outlined for the disease immediately prior to the employee's date of disease contraction or period of incapacity resulting from exposure to the disease which is the subject of the public health emergency.

(4)(a) RCW 51.32.090(7) does not apply to an occupational disease under this section except that no worker shall receive compensation for or during the day on which the occupational disease was contracted. For the purposes of this subsection (4), the day on which the occupational disease was contracted is whichever date occurs first of the following:

(i) The date that the worker first missed work due to symptoms of the infectious or contagious disease;

(ii) The date the worker was quarantined by a medical provider or public health official; or

(iii) The date the worker received a positive test result confirming contraction of the infectious or contagious disease.

(b) If leave or similar benefits are paid to the worker as part of a federal or state program for these employees during the public health emergency, total temporary disability benefits are not payable for the same period of time covered by this federal or state program.

(5)(a) When a determination involving the presumption established under this section is appealed to the board of industrial insurance appeals and the final decision allows the claim of benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the worker or the worker's beneficiary by the opposing party. If the opposing party is a state fund employer or retrospective rating group, the costs and fees are paid by the employer or retrospective rating group.

(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of appeal, including attorneys' fees and witness fees, be paid to the worker or the worker's beneficiary by the opposing party. If the opposing party is a state fund employer or retrospective rating group, the costs and fees are paid by the employer or retrospective rating group.

(c) When reasonable costs of the appeal must be paid by the department as the opposing party in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

(6) Costs of claims allowed under this section shall not affect the experience rating of employers insured by the state fund. When calculating assessments due to the department for which total claim costs are the basis, self-insured employers and self-insurance hospital groups formed under RCW 51.14.150 and 51.14.160 may deduct the cost of payments made under this section from the total of all claim costs reported.

(7) For purposes of this section:

(a) "Health care employee" means an employee of any health care facility or

other organization that provides emergency or medical services who has or likely has had direct contact with any person who has been exposed to or tested positive for any infectious or contagious diseases which are the subject of a public health emergency.

(b) "Health care facility" has the same meaning as in RCW 9A.50.010.

(c) "Public health emergency" means a declaration or order that covers the jurisdiction where the employee was working on the date of exposure concerning any dangerous, contagious, or infectious diseases, including a pandemic, and is issued as follows:

(i) The president of the United States has declared a national or regional emergency; or

(ii) The governor of Washington declared a state of emergency under RCW 43.06.010(12).

(8) The presumption in subsection (1) of this section takes effect on the day the national, regional, or state emergency is declared and continues until this declaration is revoked.

(9) The provisions of RCW 51.28.055 concerning time limits for filing claims for occupational disease apply to claims covered under this section.

Sec. 7. RCW 51.52.130 and 2007 c 490 s 4 are each amended to read as follows:

(1) If, on appeal to the superior or appellate court from the decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained, a reasonable fee for the services of the worker's or beneficiary's attorney shall be fixed by the court.

(a) In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may be, in addition to the fee fixed for the services in the court.

(b) If in a worker or beneficiary appeal the decision and order of the board is reversed or modified and if the accident fund or medical aid fund is affected by the litigation, or if in an appeal by the department or employer the worker or beneficiary's right to relief is sustained, or in an appeal by a worker involving a state fund employer with twenty-five employees or less, in which the department does not appear and defend, and the board order in favor of the employer is sustained, the attorney's fee fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the department.

(c) In the case where the employer or other person or persons aggrieved by the decision of the board appeal and the worker or beneficiary's right to relief is sustained, the attorneys' fees fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable directly by the person or persons filing the appeal.

(d) In the case of self-insured employers, the attorney fees fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable directly by the self-insured employer.

(2) In an appeal to the superior or appellate court involving the presumption established under RCW 51.32.185, the attorney's fee and costs shall be payable as set forth under RCW 51.32.185.

(3) In an appeal to the superior or appellate court involving the presumption established under section 6 of this act, the attorneys' fees and costs shall be payable as set forth under section 6 of this act.

NEW SECTION. **Sec. 8.** A new section is added to chapter 51.32 RCW to read as follows:

(1) Where an appealing party, other than the department or a self-insured employer, is ordered to pay attorneys' fees and costs and that party fails, refuses, or neglects to comply with the award, which has become final and is not subject to review or appeal, the director or any person entitled to compensation

under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the claimant resides, or, if the claimant is not then a resident of this state, in the superior court for the county in which that party may be served with process.

(2) The court shall ensure compliance to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order. The court may issue such writs and processes as are necessary to carry out its orders.

(3) A proceeding under this section does not preclude other methods of enforcement provided for in this title.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff; Jacobsen and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude and Steele.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5194 Prime Sponsor, Committee on Ways & Means: Providing for equity and access in the community and technical colleges. (REVISED FOR ENGROSSED: Concerning equity and access in higher education.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on College & Workforce Development.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** INTENT. The legislature recognizes that student completion rates for workforce training certification and degree programs at community and technical colleges are far lower than desirable to ensure that students may utilize the opportunities of postsecondary education to lift themselves and their families out of poverty and to meet our state's student achievement council road map goals, including for 70 percent of Washington residents to have a postsecondary certification or degree to meet workforce needs. The legislature recognizes that first-generation college-attending students, students with disabilities, and underrepresented minority students face far greater obstacles to apply, remain in school, and complete programs. This disparate impact greatly affects our state's commitment to equity.

The legislature recognizes that offering tuition financial support to first-generation and underrepresented minority students is necessary for students to enroll and attend college but must also be accompanied by proven supports for them to complete their degrees or workforce training programs.

The legislature recognizes that there are mentorship and advising programs based on strong evidence that have been proven to be successful in greatly increasing retention and degree or workforce training completion rates for first-generation students, underrepresented minority students, students with disabilities, and for all students at community and technical colleges. It is the legislature's intent that successful programs such as guided pathways be implemented at all community and technical colleges with the goal of doubling completion rates (as measured by completion in six years) for students in the next eight years. To accomplish this goal, the legislature intends to achieve full implementation of research-based programs to improve student outcomes, such as guided pathways. The legislature affirms that all students receiving Washington college grants, college bound scholarships, or federal Pell grants should receive the supports, including mentoring, that have been proven to increase completion rates.

The legislature further finds that research establishes that students from

underrepresented minorities are far more likely to complete degrees or workforce training certification programs if the faculty and staff of the college reflect the diversity of the student body. Therefore, the legislature intends for the state's community and technical colleges to develop and implement plans to increase faculty and staff diversity.

NEW SECTION. **Sec. 2.** FINDINGS. The legislature finds that there is a need to expand investments in community and technical colleges for the purpose of guaranteeing both equitable access and educational success for all residents of the state, particularly for students from communities of color and low-income communities. The legislature finds further that equality of opportunity for all students requires investments to support services that are critical to: The success of students of color and low-income students; provide systemwide equity initiatives intended to make community and technical college campuses welcoming, benevolent places; overcome the digital divide for all students; and provide qualified and available counseling throughout the community and technical college system. The legislature also finds that a more full-time, stable, fairly compensated, and diverse community and technical college faculty is necessary to enhance student success and to improve the mentoring available for a diverse student body. The legislature also finds that resources for student aid and workforce investment need to be adequate to meet the needs of all students in the state, particularly those from families of color and low-income families.

NEW SECTION. **Sec. 3.** DIVERSITY, EQUITY, AND INCLUSION STRATEGIC PLAN. (1) Beginning July 30, 2022, all community and technical colleges must submit, on a biennial basis, strategic plans to the state board for community and technical colleges for achieving diversity, equity, and inclusion of all races on their campuses.

(2) Colleges must create their strategic plans using an inclusive process of stakeholders including, but not limited to, classified staff, faculty, administrative exempt staff, students, and community organizations. Colleges are encouraged to use campus climate surveys to develop and update strategic plans for diversity, equity, and inclusion of all races.

(3) In addition to planning, each community and technical college shall include in its diversity program opportunities for students from historically marginalized communities to form student-based organizations, and to use community-based organizations, that permit students to work together to mentor and assist one another in navigating the educational system and to access trained mentors using evidence-based mentoring strategies.

(4) Each community and technical college shall establish a culturally appropriate outreach program. The outreach program may include communities of color, students with disabilities, neurodiverse communities, and low-income communities and be designed to assist potential students to understand the opportunities available in the community and technical college system. The outreach program may assist students with navigating the student aid system. Outreach programs may include partnerships with appropriate community-based organizations and use research and supports from the student achievement council.

(5) The state board for community and technical colleges shall develop a model faculty diversity program designed to provide for the retention and recruitment of faculty from all racial, ethnic, and cultural backgrounds. The faculty diversity program must be based on proven practices in diversity hiring processes.

(6) Each community and technical college shall conspicuously post on its website and include in the strategic plans, programs, and reports definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations.

NEW SECTION. **Sec. 4.** STUDENT SUCCESS SUPPORT PROGRAMS AND GUIDED PATHWAYS IMPLEMENTATION. (1) Subject to availability of amounts appropriated for this specific purpose, each community and technical college shall fully implement guided pathways. At a minimum, guided pathways implementation must include:

(a) Comprehensive mapping of student educational pathways with student end goals in mind. These must include transparent and clear career paths that are tightly aligned to the skills sought

by employers. Pathways must align course sequences to show clear paths for students, alignment with K-12 and university curriculum, and skill sets needed to enter the workforce;

(b) Dedicated advising and career counseling that helps students make informed program choices and develop completion plans. Advising services may include processes that help students explore possible career and educational choices while also emphasizing early planning. Advising must be culturally competent and with an emphasis on helping historically underserved, low-income, and students of color navigate their education;

(c) Data analysis of student learning as well as program and service outcomes. Data must be used to inform program development, the creation and further refinement of student pathways, and to provide opportunities for early intervention to help students succeed; and

(d) A student success support infrastructure using programs that the state board for community and technical colleges finds have been effective in closing equity gaps among historically underserved student populations and improve student completion rates. The student success support program must be based on research or documented evidence of success. In tandem with guided pathways implementation, student success support programs may include evidence-based elements such as:

(i) Equity competent academic advising services;

(ii) Equity competent career development programming;

(iii) Clear information regarding financial aid and financial literacy; and

(iv) Inclusive curriculum and teaching practices.

(2) Each community and technical college shall post on its website and include in the guided pathways program documentation and reports definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations.

(3)(a) The Washington state institute for public policy, in consultation with the workforce education investment accountability and oversight board under RCW 28C.18.200, shall complete an evaluation of the guided pathways model. To the extent possible, the institute shall complete a preliminary report that evaluates the effect of the guided pathways model on early student outcomes including, but not limited to, student retention and persistence, college level English and math within the first year, and graduation and transfer rates. The preliminary report must review the implementation of the guided pathways model in Washington and any available evidence of the effectiveness of the guided pathways model. The preliminary report must be submitted by December 15, 2023.

(b) The Washington state institute for public policy shall complete a final report that evaluates the effect of the guided pathways on longer-term student outcomes including, but not limited to, degree completion, time to degree, transfer to four-year institutions, employment, and earnings, to the extent possible. The final report must be submitted by December 15, 2029.

(c) Both the preliminary and final reports must consider differences in outcomes by racial and ethnic subgroups and socioeconomic status.

NEW SECTION. **Sec. 5.** TENURE-TRACK FACULTY. (1) The legislature recognizes that student outcomes and success, especially for first generation, underserved students, may be significantly improved by increasing the number of full-time faculty at community and technical colleges.

(a) The legislature's goal is that community and technical colleges increase the numbers of full-time tenured positions by adding 200 new full-time tenure-track positions in the 2021-2023 fiscal biennium.

(b) This goal is best accomplished through converting part-time faculty positions to full-time tenure-track positions and by hiring new full-time faculty through processes identified in each college's diversity, equity, and inclusion of all races strategic plan described in section 3 of this act. If specific funding for the purpose of conversion assignments proposed in this section is not provided in the omnibus appropriations act, the conversion assignments proposed must be delayed

until such time as specific funding is provided.

(c) The college board must collect data and assess the impact of the 200 additional full-time tenure-track faculty on student completion rates. The college board must convene representatives of faculty, staff, and administration to report on outcomes as a result of increasing full-time tenure-track faculty. In consultation with representatives of faculty, staff, and administration, the college board must make recommendations about future steps to increase full-time tenure-track faculty that incorporate faculty diversity and historically underserved communities. The college board must report the results of its assessment, along with next step recommendations, to the legislature by December 15, 2023. The college board shall conspicuously post on its website and include in the report definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations.

(2) This section expires July 1, 2024.

NEW SECTION. **Sec. 6.** MENTAL HEALTH COUNSELOR PILOT PROGRAM. (1) Subject to the availability of amounts appropriated for this specific purpose, the college board shall administer a pilot program to increase student access to mental health counseling and services.

(2) The college board, in collaboration with the selection committee, shall select community or technical colleges to participate in the pilot program. At least half of the participating colleges must be located outside of the Puget Sound area. For purposes of this section, "Puget Sound area" means Snohomish, King, Pierce, and Thurston counties. Each participating college must receive a grant to implement one or more strategies to increase student access to mental health counseling and services, including substance use disorder counseling and services.

(3)(a) A selection committee consisting of the following shall assist with the application selection process:

(i) One community or technical college president;

(ii) One community or technical college vice president for student services or student instruction;

(iii) Two faculty counselors employed at a community or technical college; and

(iv) One community or technical college student.

(b) The selection committee may consult with representatives of an entity within a college or university that has expertise in suicide prevention and the department of health in developing selection criteria.

(4) Community and technical colleges wishing to participate in the pilot program shall apply to the college board. Applicants must identify opportunities for expanding on-campus mental health counseling and services. Applicants must also show a commitment to further develop partnerships by engaging external community providers, including those who provide crisis services and substance use disorder treatment and counseling. Applications that demonstrate plans to include one or more of the following strategies recommended by the community and technical college counselors task force must be prioritized:

(a) Improve equity, diversity, and inclusion of all races in counseling services, such as by diversifying the counselor workforce by adopting equity-centered recruiting, training, and retention practices or by providing equity training and awareness for all counselors;

(b) Meet mental health needs of students through an all-campus effort;

(c) Engage students to help increase mental health and counseling awareness and promote help-seeking behavior through student groups and other methods;

(d) Increase the visibility of counseling services on campus;

(e) Increase or expand external partnerships with community service providers;

(f) Adopt the use of telebehavioral health, especially in under resourced communities;

(g) Develop an assessment of counseling services to inform improvements and ensure counseling services are meeting student needs; or

(h) Implement counseling approaches grounded in theory that have evidence of being effective.

(5) Colleges selected to participate in the pilot program that use grant funding to hire additional mental health counselors must hire counselors who have specific graduate-level training for meeting the mental and behavioral health needs of students.

(6) Colleges selected to participate in the pilot program shall submit a joint report to the appropriate committees of the legislature and in accordance with RCW 43.01.036 by November 1, 2023. The report must include:

(a) Information on which colleges were selected for the pilot program, how much grant funding was received per college, and what strategies each implemented to increase student access to mental health counseling and services;

(b) Demographic data of students accessing mental health counseling and services, including those students who are considered underrepresented or traditionally have limited access to mental health counseling and services;

(c) Whether the mental health counseling and services provided are meeting the demand of students in terms of type and availability, and whether the various types of mental health counseling and services are being provided by community providers versus on-campus services;

(d) Information and data on the effectiveness, including cost-effectiveness, of each strategy used to increase student access to mental health counseling and services, including substance use disorder counseling and services, such as the number of additional students served, reduced wait times for counseling appointments, or other data that reflects expanded access; and

(e) Lessons learned and recommendations for improving student access to mental health counseling and services at community and technical colleges and to community providers, including whether there were any strategies implemented that proved more effective than others in increasing access.

(7) Colleges selected for the pilot program shall conspicuously post on their websites and include in the report to the legislature the definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations.

(8) The pilot program expires July 1, 2025.

(9) This section expires January 1, 2026.

NEW SECTION. **Sec. 7.** MINIMUM COUNSELOR STANDARDS. (1) It is the intent of the legislature to provide clear minimum standards to ensure qualified faculty counselors while also providing flexibility to allow for differences in criteria required by hiring institutions. Within existing resources, and beginning September 1, 2021, the college board shall adopt rules regarding the minimum hiring standards for a faculty counselor. At a minimum, these must include:

(a) A graduate or professional degree in a related field;

(b) Completion of appropriate graduate coursework; and

(c) Standards established by the state board for community and technical colleges.

(2) The requirements and standards imposed through this section do not apply to an individual employed by a college district as a counselor before September 1, 2021. Counselors who began employment at one college district prior to September 1, 2021, and moved employment to a different college district after that date may carry the exemptions from the requirements and standards imposed through this section to their new place of employment.

Sec. 8. RCW 28B.96.010 and 2020 c 326 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Eligible student" means a student who:

(a) Is a resident student;

(b) Demonstrates financial need as defined in RCW 28B.92.030;

(c) Has indicated they will attend an institution of higher education or is making satisfactory progress in a program, as defined in rule by the office, at an institution of higher education;

(d) Fills out the Washington application for state financial aid; and

(e) Does not qualify for federally funded student financial aid because of their citizenship status.

(2) "Institution of higher education" has the same meaning as in RCW 28B.92.030.

(3) "Office" means the office of student financial assistance created in RCW 28B.76.090.

(4) "Participant" means an eligible student who has received an undocumented student support loan.

(5) "Resident student" means:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) Any student:

(i) Who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state;

(ii) Whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school; and

(iii) Who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(d) Any person((~~:~~

~~(i) Who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma;~~

~~(ii) Who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent;~~

~~(iii) Who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education; and~~

~~(iv) Who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses~~)) who meets the requirements under RCW 28B.15.012(2)(e).

Sec. 9. RCW 28B.15.012 and 2020 c 232 s 1 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "institution" shall mean a public university, college, or community or technical college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on

or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed ((~~the full senior year of high school~~)) and obtained a high school diploma, ((~~both at a Washington public high school or private high school approved under chapter 28A.195 RCW,~~)) or a person who has received the equivalent of a diploma; ((~~who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent;~~)) who has continuously lived in the state of Washington ((~~after receiving the diploma or its equivalent and until such time as~~)) for at least a year before the individual is admitted to an institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) Any person who has lived in Washington, primarily for purposes other than educational, for at least one year immediately before the date on which the person has enrolled in an institution, and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15)(E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(h) A student who is on active military duty or a member of the Washington national guard who meets the following conditions:

(i) Entered service as a Washington resident;

(ii) Has maintained a Washington domicile; and

(iii) Is stationed out-of-state;

(i) A student who is the spouse or a dependent of a person defined in (g) of this subsection. If the person defined in (g) of this subsection is reassigned out-of-state, the student maintains the status as a resident student so long as the student is either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or

(ii) Enrolled in an institution and remains continuously enrolled at the institution;

(j) A student who is the spouse or a dependent of a person defined in (h) of this subsection;

(k) A student who is eligible or entitled to transferred federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.) benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services;

(l) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;

(m) A student who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service; is eligible for educational assistance benefits under Title 38 U.S.C.; and enters an institution of higher education in Washington within three years of the date of separation;

(n) A student who is on terminal, transition, or separation leave pending separation, or release from active duty,

from the uniformed services with any period of honorable service after at least ninety days of active duty service and is eligible for educational assistance benefits under Title 38 U.S.C.;

(o) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

(p) A student who is the spouse or child to an individual who has separated from the uniformed services with at least ten years of honorable service and at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

(q) A student who has separated from the uniformed services who was discharged due to the student's sexual orientation or gender identity or expression;

(r) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship with a deceased member of the uniformed services who died in the line of duty;

(s) A student who is entitled to federal vocational rehabilitation and employment services for veterans with service-connected disabilities under 38 U.S.C. Sec. 3102(a);

(t) A student who is defined as a covered individual in 38 U.S.C. Sec. 3679(c)(2) as it existed on July 28, 2019, or such subsequent date as the student achievement council may determine by rule;

(u) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;

(v) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(w) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or

(x) A student who resides in Washington and is the spouse or a dependent of a person defined in (w) of this subsection. If the person defined in (w) of this subsection moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or

(ii) Enrolled in an institution and remains continuously enrolled at the institution.

(3)(a) A student who qualifies under subsection (2)(k), (m), (n), (o), (p), (q), (r), (s), or (t) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.

(b) Nothing in subsection (2)(k), (m), (n), (o), (p), (q), (r), (s), or (t) of this section applies to students who have a dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has had a dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.

(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW

28B.15.013. Except for students qualifying under subsection (2)(e) or (u) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America, unless the person meets and complies with all applicable requirements in this section and RCW 28B.15.013 and is one of the following:

(i) A lawful permanent resident;

(ii) A temporary resident;

(iii) A person who holds "refugee-parolee," "conditional entrant," or U or T nonimmigrant status with the United States citizenship and immigration services;

(iv) A person who has been issued an employment authorization document by the United States citizenship and immigration services that is valid as of the date the person's residency status is determined;

(v) A person who has been granted deferred action for childhood arrival status before, on, or after June 7, 2018, regardless of whether the person is no longer or will no longer be granted deferred action for childhood arrival status due to the termination, suspension, or modification of the deferred action for childhood arrival program; or

(vi) A person who is otherwise permanently residing in the United States under color of law, including deferred action status.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The Washington national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps.

NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act are each added to chapter 28B.50 RCW.

NEW SECTION. **Sec. 11.** This act may be known and cited as the our colleges our future act of 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Harris; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Jacobsen; Rude and Steele.

Referred to Committee on Rules for second reading.

March 31, 2021

2SSB 5195 Prime Sponsor, Committee on Ways & Means: Concerning opioid overdose reversal medication. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member and Jacobsen.

Referred to Committee on Rules for second reading.

March 31, 2021

ESSB 5203 Prime Sponsor, Committee on Health & Long Term Care: Producing, distributing, and purchasing generic prescription drugs. (REVISED FOR ENGROSSED: Producing, distributing, and purchasing generic prescription drugs and distribution or purchase of insulin.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.14 RCW to read as follows:

(1)(a) The authority may enter into partnership agreements with another state, a group of states, a state agency, a nonprofit organization, or any other entity to produce, distribute, or purchase generic prescription drugs and distribute and purchase insulin. Partnership agreements with governmental entities are exempt from competitive solicitation requirements in accordance with RCW 39.26.125(10). However, the authority must comply with state procurement laws related to competitive procurement when purchasing or entering into purchasing agreements with nongovernmental entities.

(b) The generic prescription drugs and insulin must be produced or distributed by a drug company or generic drug manufacturer that is registered with the United States food and drug administration.

(2) The authority shall only enter into partnerships, in consultation with other state agencies as necessary, to produce, distribute, or purchase a generic prescription drug or insulin at a price that results in savings to public and private purchasers and consumers.

(3) For generic prescription drugs and insulin that the authority has entered into a partnership under this section:

(a) State purchased health care programs must purchase the generic prescription drugs and insulin through the partnership, unless the state purchased health care program can obtain the generic prescription drug or insulin at a cost savings through another purchasing mechanism; and

(b) Local governments, private entities, health carriers, and others may choose to voluntarily purchase the generic prescription drugs and insulin from the authority as available quantities allow.

(4) All information and documents obtained or created under this section is exempt from disclosure under chapter 42.56 RCW.

(5) For purposes of this section, the following definitions apply:

(a) "Authority" means the health care authority.

(b) "Eligible prescription drug" means a prescription drug or biological product, as defined in 42 U.S.C. Sec. 262(i), that is not under patent.

(c) "Generic drug" means a drug that is approved pursuant to an application referencing an eligible prescription drug that is submitted under section 505(j) of the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.), or section 351(k) of the federal public health service act (42 U.S.C. Sec. 262).

(d) "Purchase" means the acquisition of generic drugs and insulin. "Purchase" includes, but is not limited to, entering into contracts with manufacturers on behalf of those dispensing drugs and other innovative purchasing strategies to help increase access for Washington citizens to the best price available for insulin and generic prescription drugs. This subsection should be interpreted broadly to provide the authority flexibility in how it procures generic drugs and insulin in order to obtain the best price.

(e) "State purchased health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, department of health, state health care authority, department of labor and industries, department of corrections, and department of veterans affairs. State purchased health care does not include prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW.

Sec. 2. RCW 70.14.060 and 2020 c 346 s 4 are each amended to read as follows:

(1)(a) The ((~~administrator [director]~~)) director of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. ((~~State~~)) Except as provided in section 1 of this act or exempted under (b) of this subsection, state purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies((~~, unless exempted under (b) of this subsection~~)). The ((~~administrator [director]~~)) director shall not require any supplemental rebate offered to the health care authority by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The ((~~administrator [director]~~)) director shall explore joint purchasing opportunities with other states.

(b) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the ((~~administrator [director]~~)) director of the state health care authority that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, health carriers as provided in RCW 48.43.005, state purchased health care services from or through health carriers as provided in RCW 48.43.005, and for individuals who lack or are underinsured for prescription drug coverage. The ((~~administrator [director]~~)) director may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

(3) The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.

NEW SECTION. **Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member;

Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member MacEwen, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

April 1, 2021

2SSB 5214 Prime Sponsor, Committee on Ways & Means: Concerning economic assistance programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Housing, Human Services & Veterans.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.08A.010 and 2020 c 320 s 1 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

(3) The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.

(4) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

(5)(a) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

(i) By reason of hardship, including when ((~~the~~)):

(A) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020; or

(B) The recipient received temporary assistance for needy families during a month on or after March 1, 2020, when Washington state's unemployment rate as published by the Washington employment security department was equal to or greater than seven percent, and the recipient is otherwise eligible for temporary assistance for needy families except that they have exceeded 60 months. The extension provided for under this subsection (5)(a)(i)(B) is equal to the number of months that the recipient received temporary assistance for needy families during a month after March 1, 2020, when the unemployment rate was equal to or greater than seven percent, and is applied sequentially to any other hardship extensions that may apply under this subsection (5) or in rule; or

(ii) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

(b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

(6) The department shall not exempt a recipient and his or her family from the application of subsection (1) or (3) of this section until after the recipient has received fifty-two months of assistance under this chapter.

(7) The department shall provide transitional food assistance for a period

of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

NEW SECTION. **Sec. 2.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.08A RCW to read as follows:

All families who have received temporary assistance for needy families since March 1, 2020, are eligible for the extension under RCW 74.08A.010(5)(a)(i)(B), regardless of whether they are current recipients. Eligible families shall only receive temporary assistance for needy families benefits that accrue after the effective date of this act.

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2023, only if specific funding for extending the 60-month time limit through the 2021-2023 biennium, is provided by June 30, 2021, in the omnibus appropriations act. If specific funding for extending the 60-month time limit through the 2021-2023 biennium is not provided by June 30, 2021, in the omnibus appropriations act, this act takes effect 90 days after final adjournment of the legislative session in which it is enacted."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Dye; Jacobsen and Schmick.

MINORITY recommendation: Do not pass. Signed by Representative Rude.

Referred to Committee on Rules for second reading.

April 2, 2021

ESSB 5226 Prime Sponsor, Committee on Law & Justice: Concerning the suspension of licenses for traffic infractions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.63.060 and 2013 c 170 s 1 are each amended to read as follows:

(1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; ((~~that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial;~~)) that the penalty for a traffic infraction related to standing, stopping, or parking may include nonrenewal of the vehicle registration;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e)(i) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(ii) One of the options must allow a person to admit responsibility for the infraction and attest that the person does not have the current ability to pay the infraction in full. The person must receive information on how to submit evidence of inability to pay, obtain a payment plan pursuant to section 4 of this act, and be informed that failure to pay or enter into a payment plan may result in collection action, including garnishment of wages or other assets;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses; and

(h) A statement that the person must respond to the notice as provided in this chapter within ((~~fifteen~~)) 30 days or the person's driver's license or driving privilege may be suspended by the department until any penalties imposed pursuant to this chapter have been satisfied; and

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances may result in the suspension of the person's driver's license or driving privilege, or in the case of a standing, stopping, or parking violation, refusal of the department to renew the vehicle registration, until any penalties imposed pursuant to this chapter have been satisfied.

((~~(3)(a) A form for a notice of traffic infraction printed after July 22, 2011, must include a statement that the person may be able to enter into a payment plan with the court under RCW 46.63.110.~~

~~(b) The forms for a notice of traffic infraction must include the changes in section 1, chapter 170, Laws of 2013 by July 1, 2015.~~))

Sec. 2. RCW 46.63.070 and 2011 c 372 s 3 are each amended to read as follows:

(1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within ((~~fifteen~~)) 30 days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response, unless the person selects the option attesting that the person does not have the current ability to pay the infraction in full. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(5)(a) Except as provided in (b), (c), and (d) of this subsection, in hearings conducted pursuant to subsections (3) and (4) of this section, the court may defer findings, or in a hearing to explain mitigating circumstances may defer entry of its order, for up to one year and impose conditions upon the defendant the court deems appropriate. Upon deferring

findings, the court may assess costs as the court deems appropriate for administrative processing. If at the end of the deferral period the defendant has met all conditions and has not been determined to have committed another traffic infraction, the court may dismiss the infraction.

(b) A person may not receive more than one deferral within a seven-year period for traffic infractions for moving violations and more than one deferral within a seven-year period for traffic infractions for nonmoving violations.

(c) A person who is the holder of a commercial driver's license or who was operating a commercial motor vehicle at the time of the violation may not receive a deferral under this section.

(d) A person who commits negligent driving in the second degree with a vulnerable user victim may not receive a deferral for this infraction under this section.

(6) If any person issued a notice of traffic infraction:

(a) Fails to respond to the notice of traffic infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section;

the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by this chapter and shall notify the department in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing.

Sec. 3. RCW 46.63.110 and 2019 c 467 s 4, 2019 c 403 s 13, 2019 c 181 s 1, and 2019 c 65 s 7 are each reenacted and amended to read as follows:

(1)(a) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(b) The court may waive or remit any monetary penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction unless the specific monetary obligation in question is prohibited from being waived or remitted by state law.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter, it is immediately payable and is enforceable as a civil judgment under Title 6 RCW. If the court determines((~~, in its discretion,~~)) that a person is not able to pay a monetary obligation in full((~~, and not more than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable~~)), the court shall enter into a payment plan with the person((~~, unless the person has previously been granted a~~

~~payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion, implement a payment plan. If the court has notified the department that the person has failed to pay or comply and the person has subsequently entered into a payment plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.~~

~~(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation for civil enforcement until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the court has entered into a new time payment or community restitution agreement with the person. For those infractions subject to suspension under RCW 46.20.289, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privileges.~~

~~(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation to a collections agency until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section. For those infractions subject to suspension under RCW 46.20.289, the court shall notify the department of the person's delinquency, and the department shall suspend the person's driver's license or driving privileges.~~

~~(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.~~

~~(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.~~

~~(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments~~)) in accordance with section 4 of this act and standards that may be set out in court rule.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

(b) A fee of ten dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the Washington auto theft prevention authority account; and

(c) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue

from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of ((~~twenty dollars~~)) $24. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) ((~~Eight dollars and fifty cents~~)) $12.50 of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as follows: $8.50 in the state general fund and $4 in the driver licensing technology support account created under section 15 of this act. The moneys deposited into the driver licensing technology support account must be used to support information technology systems used by the department to communicate with the judicial information system, manage driving records, and implement court orders. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the ((~~court may, at its discretion, enter into~~)) person may request a payment plan pursuant to section 4 of this act.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) Two hundred fifty dollars for the first violation; (b) five hundred dollars for the second violation; and (c) seven hundred fifty dollars for each violation thereafter.

(11) The additional monetary penalty for a violation of RCW 46.20.500 is not subject to assessments or fees provided under this section.

(12) The additional monetary fine for a violation of RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205 is not subject to assessments or fees provided under this section.

(13) The additional monetary penalties for a violation of RCW 46.61.165 are not subject to assessments or fees provided under this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.63 RCW to read as follows:

(1)(a) A person may request a payment plan at any time for the payment of any monetary penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction. If the person does not have the ability to pay the monetary obligation in full, the person has not previously been granted a payment plan for the same monetary obligation, and the court has not authorized its collections agency to take civil legal enforcement action, the court shall enter into a payment plan with the individual. Where the court has authorized its collections agency to take civil legal enforcement action, the court may, at its discretion, enter into a payment plan.

(b) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(2) The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(3) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court may refer the unpaid monetary penalty, fee, cost,

assessment, or other monetary obligation for civil enforcement until all monetary obligations have been paid and court authorized community restitution has been completed, or until the court has entered into a new payment plan or community restitution agreement with the person.

(4)(a) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full, no sooner than 90 days from the date of the infraction the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation to a collections agency until all monetary obligations have been paid or until the person has entered into a payment plan under this section.

(b) If a person responded to a traffic infraction for a moving violation attesting that the person did not have the ability to pay the infraction in full, the court must attempt to enter into a payment plan with the person prior to referring the monetary obligation to a collections agency.

(5) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed $10 per infraction or $25 per payment plan, whichever is less.

(6) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(7) The court may modify a payment plan at any time.

(8) The court may require a person who fails to make payment as required under a payment plan to appear and provide evidence of ability to pay.

(9) For the purposes of this section, "payment plan" means a plan that requires reasonable payments based on the financial ability of the person to pay as determined by court rule.

Sec. 5. RCW 46.20.289 and 2019 c 467 s 2 are each amended to read as follows:

(1) Except for traffic violations committed under RCW 46.61.165, the department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a ((~~requested~~)) hearing for a moving violation, ((~~violated a written promise to appear in court for a notice of infraction for a moving violation, or has~~)) or failed to comply with the terms of a ((~~notice of traffic infraction,~~)) criminal complaint((~~,~~)) or criminal citation for a moving violation((~~, or~~)).

(2) The department shall suspend all driving privileges of a person when the department receives notice from another state under Article IV of the nonresident violator compact under RCW 46.23.010 or from a jurisdiction that has entered into an agreement with the department under RCW 46.23.020, other than for a standing, stopping, or parking violation, provided that the traffic infraction or traffic offense is committed on or after July 1, 2005.

(3) A suspension under this section takes effect pursuant to the provisions of RCW 46.20.245, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. ((~~In the case of failure to respond to a traffic infraction issued under RCW 46.55.105, the department shall suspend all driving privileges until the person provides evidence from the court that all penalties and restitution have been paid.~~))

(4) A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case ((~~has~~)) or cases have been adjudicated.

Sec. 6. RCW 46.20.291 and 2016 c 203 s 5 are each amended to read as follows:

The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;

(4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

(5) Has failed to respond to a notice of traffic infraction, failed to appear at a ((~~requested~~)) hearing, ((~~violated a written promise to appear in court,~~)) or has failed to comply with the terms of a ((~~notice of traffic infraction,~~)) criminal complaint((~~,~~)) or criminal citation for a moving violation, as provided in RCW 46.20.289;

(6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

(7) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.0921; or

(8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a residential or visitation order as provided in RCW 74.20A.320.

NEW SECTION. **Sec. 7.** A new section is added to chapter 46.20 RCW to read as follows:

(1) Whenever the official records of the department show that a person has committed a traffic infraction for a moving violation on three or more occasions within a one-year period, or on four or more occasions within a two-year period, the department must suspend the license of the driver for a period of 60 days and establish a period of probation for one calendar year to begin when the suspension ends. Prior to reinstatement of a license, the person must complete a safe driving course as recommended by the department. During the period of probation, the person must not be convicted of any additional traffic infractions for moving violations. Any traffic infraction for a moving violation committed during the period of probation shall result in an additional 30-day suspension to run consecutively with any suspension already being served.

(2) When a person has committed a traffic infraction for a moving violation on two occasions within a one-year period or three occasions within a two-year period, the department shall send the person a notice that an additional infraction will result in suspension of the person's license for a period of 60 days.

(3) The department may not charge a reissue fee at the end of the term of suspension under this section.

(4) For purposes of this section, multiple traffic infractions issued during or as the result of a single traffic stop constitute one occasion.

Sec. 8. RCW 46.20.311 and 2020 c 330 s 7 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency required under RCW

46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) ((~~The~~)) Except as provided in section 7(3) of this act, the department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred seventy dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) Except as provided in subsection (4) of this section, if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred seventy dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon

written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred seventy dollars.

(4) When the department reinstates a person's driver's license following a suspension, revocation, or denial under RCW 46.20.3101 or 46.61.5055, and the person is entitled to full day-for-day credit under RCW 46.20.3101(4) or 46.61.5055(9)(b)(ii) for an additional restriction arising from the same incident, the department shall impose no additional reissue fees under subsection (1)(e)(ii), (2)(b)(ii), or (3)(b) of this section associated with the additional restriction.

Sec. 9. RCW 46.20.342 and 2015 c 149 s 1 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be a habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is

guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, a temporary restricted driver's license, or an ignition interlock driver's license;

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.212((~~(4)~~)) (5), relating to reckless endangerment of emergency zone workers;

(ix) A conviction of RCW 46.61.500, relating to reckless driving;

(x) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

(xi) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xii) A conviction of RCW 46.61.522, relating to vehicular assault;

(xiii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiv) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xvi) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

(xvii) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xviii) An administrative action taken by the department under chapter 46.20 RCW;

(xix) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection; or

(xx) A finding that a person has committed a traffic infraction under RCW 46.61.526 and suspension of driving privileges pursuant to RCW 46.61.526 (4)(b) or (7)(a)(ii).

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because:

(i) ((~~the~~)) The person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program((~~,~~));

(ii) ((~~the~~)) The person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW((~~,~~));

(iii) ((~~the~~)) The person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents((~~,~~));

(iv) ((~~the~~)) The person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a ((~~requested~~)) hearing for a moving violation, ((~~violated a written promise to appear in court,~~)) or ((~~has~~)) failed to comply with the terms of a ((~~notice of traffic infraction~~)) criminal complaint or criminal citation for a moving

violation, as provided in RCW 46.20.289((~~,~~))(1);

(v) ((~~the~~)) The person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license((~~,~~));

(vi) ((~~the~~)) The person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation((~~,~~));

(vii) ((~~the~~)) The person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses((~~,~~)); or

(viii) ((~~the~~)) The person has been certified by the department of social and health services as a person who is not in compliance with a child support order as provided in RCW 74.20A.320, or any combination of (c)(i) through (viii) of this subsection, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(d) For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Sec. 10. RCW 46.20.391 and 2012 c 82 s 2 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide, vehicular assault, driving while under the influence of intoxicating liquor or any drug, or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, may submit to the department an application for a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue a temporary restricted driver's license and may set definite restrictions as provided in RCW 46.20.394.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or ((~~pay a traffic ticket under~~)) respond pursuant to RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license.

(b) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation.

(3) An applicant for an occupational or temporary restricted driver's license who qualifies under subsection (1) or (2) of this section is eligible to receive such license only if:

(a) Within seven years immediately preceding the date of the offense that

gave rise to the present conviction or incident, the applicant has not committed vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522; and

(b) The applicant demonstrates that it is necessary for him or her to operate a motor vehicle because he or she:

(i) Is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle;

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the applicant;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

(iv) Is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous that requires the petitioner to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect for no longer than fourteen days; and

(c) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first-class mail to the driver that the occupational driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and

(e) The department shall not issue an occupational driver's license under (b)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (b)(iv) of this subsection.

(4) A person aggrieved by the decision of the department on the application for an occupational or temporary restricted driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an occupational or temporary restricted driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose occupational or temporary restricted driver's license has been canceled under this section may reapply for a new occupational or temporary restricted driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

NEW SECTION. **Sec. 11.** A new section is added to chapter 46.20 RCW to read as follows:

(1) The department is authorized to administratively reinstate the license of a person suspended pursuant to RCW 46.20.289(1) prior to the effective date of this section because the person:

(a) Failed to respond to a notice of traffic infraction for a moving violation;

(b) Failed to appear at a requested hearing for a moving violation;

(c) Violated a written promise to appear in court for a notice of infraction for a moving violation; or

(d) Failed to comply with the terms of a notice of traffic infraction.

(2) No later than 90 days after the effective date of this section, the department shall:

(a) Take reasonable steps to publicize the availability of relief to reinstate a suspended license as provided in this section; and

(b) Create an online application process for persons whose licenses are suspended and may be eligible for reinstatement as provided in this section. The online application process shall allow a person to determine whether the person is eligible to have his or her license reinstated and explain the process for reinstatement. A reissue fee as provided in RCW 46.20.311 shall apply.

(3) A reissue fee as provided in RCW 46.20.311 shall apply to any license reinstated under this section.

Sec. 12. RCW 46.64.025 and 2017 c 336 s 11 are each amended to read as follows:

Whenever any person ((~~served with, or provided notice of, a traffic infraction or a traffic-related criminal complaint willfully~~)) fails to respond to a notice of traffic infraction for a moving violation, fails to appear at a ((~~requested~~)) hearing for a moving violation, or fails to comply with the terms of a ((~~notice of infraction for a moving violation or a traffic-related~~)) criminal complaint or criminal citation for a moving violation, the court with jurisdiction over the traffic infraction, or traffic-related criminal complaint or criminal citation shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear or comply is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated.

For the purposes of this section, "moving violation" is defined by rule pursuant to RCW 46.20.2891.

NEW SECTION. **Sec. 13.** A new section is added to chapter 46.20 RCW to read as follows:

(1) An additional $1 fee shall be imposed on each application for an original or renewal of a regular driver's license, regular identicard, enhanced driver's license, or enhanced identicard. The entire amount of the fee shall be used to pay for processing costs for driver's license issuance and reinstatements, and information technology upgrades and the ongoing costs to maintain the driver's license and identicard record and issuance system.

(2) The department shall forward all funds accruing under this section to the state treasurer who shall deposit the moneys to the credit of the highway safety fund.

Sec. 14. RCW 2.68.040 and 2019 c 467 s 6, 2019 c 403 s 12, and 2019 c 65 s 6 are each reenacted and amended to read as follows:

(1) To support the judicial information system account provided for in RCW 2.68.020, the supreme court may provide by rule for an increase in fines, penalties, and assessments, and the increased amount shall be forwarded to the state treasurer for deposit in the account:

(a) Pursuant to the authority of RCW 46.63.110(3), the sum of ten dollars to any penalty collected by a court pursuant to supreme court infraction rules for courts of limited jurisdiction;

(b) Pursuant to RCW 3.62.060, a mandatory appearance cost in the initial sum of ten dollars to be assessed on all defendants; and

(c) Pursuant to RCW 46.63.110(6), a ten-dollar assessment for each account for which a person requests a time payment schedule.

(2) Notwithstanding a provision of law or rule to the contrary, the assessments provided for in this section may not be waived or suspended and shall be immediately due and payable upon forfeiture, conviction, deferral of prosecution, or request for time payment, as each shall occur.

(3) The supreme court is requested to adjust these assessments for inflation.

(4) This section does not apply to the additional monetary penalty under RCW 46.20.500.

(5) This section does not apply to the additional monetary fine under RCW

46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205.

(6) This section does not apply to the additional monetary penalties under RCW 46.61.165.

(7) In addition to any amount prescribed by rule under subsection (1)(a) of this section as an assessment on traffic infractions dedicated for the judicial information system, there shall be assessed $2 on each traffic infraction. The additional $2 shall be forwarded to the state treasurer for deposit in the driver licensing technology support account, created under section 15 of this act, to be used to support information technology systems used by the department of licensing to communicate with the judicial information system, manage driving records, and implement court orders.

NEW SECTION. **Sec. 15.** A new section is added to chapter 46.68 RCW to read as follows:

The driver licensing technology support account is created as a subaccount in the highway safety fund under RCW 46.68.060. Moneys in the subaccount may be spent only after appropriation. Expenditures from the subaccount may be used only for supporting information technology systems used by the department to communicate with the judicial information system, manage driving records, and implement court orders.

NEW SECTION. **Sec. 16.** This act takes effect January 1, 2023."

Correct the title.

Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member; Dent and McCaslin.

Referred to Committee on Rules for second reading.

March 31, 2021

E2SSB 5227 Prime Sponsor, Committee on Ways & Means: Concerning diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on College & Workforce Development.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that a postsecondary credential such as a degree, apprenticeship, or certificate is increasingly necessary to obtain a job that offers a good salary and advancement opportunities and that increasing the number of students in Washington who obtain such a credential is essential to the state's economic success. The legislature also recognizes that equity gaps remain among postsecondary students and that those gaps particularly impact students from historically marginalized communities.

The legislature finds that developing and maintaining a culture of belonging and support for students, faculty, and staff at institutions of higher education is essential to student success, and that faculty and staff play a key role. The legislature therefore seeks to ensure that public institutions of higher education provide faculty and staff, as well as students, with training to give them tools to address matters related to antiracism, diversity, equity, and inclusion.

The legislature further finds it necessary to regularly analyze the impact of that training on the campus community and to identify any measures needed to increase diversity, equity, and inclusion. Accordingly, the legislature intends that each public institution of higher education assess the learning, working, and living environment on campus that students, faculty, and staff experience to better understand the evolving state of diversity, equity, and inclusion.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education must:

(a) Provide professional development, either existing or new, focused on diversity, equity, inclusion, and antiracism for faculty and staff. This program must be developed in partnership with the institution's administration, faculty, staff, and student leadership groups. Efforts must be made to ensure the program is developed and delivered by individuals with innate and acquired experience and expertise in the field of diversity, equity, and inclusion. The content framework for professional development must be posted on each institution's public website for parents and community members. The professional development must begin in the 2022-23 academic year;

(b) Create an evaluation for professional development participants. The evaluations must, at minimum, capture a participant's level of satisfaction with the professional development opportunity, the degree to which the learning objectives were achieved, and how the knowledge gained may be applied to their work;

(c)(i) Share completed evaluations of program participants annually with either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education, depending on the institution; and (ii) submit curriculum and other pertinent information regarding the program beginning July 1, 2023, and, subsequently, if there is a meaningful change or by request of the reporting entity.

(2) The purpose of each professional development program curriculum must be rooted in eliminating structural racism against all races and promoting diversity, equity, and inclusion while improving academic, social, and health and wellness outcomes for students from historically marginalized communities. Institutions of higher education may further develop a curriculum that is reflective of the needs of the campus community.

(3)(a) Beginning with the 2022-23 academic year, every new faculty and staff member at an institution of higher education must participate in the program, regardless of whether they are a full-time or part-time employee. All faculty and staff participating in the professional development program must complete an evaluation. Other faculty and staff may participate in the professional development program as needed or required by their institution. Each institution must develop a goal of at least 80 percent of their total faculty and staff completing the professional development program every two years and report on their goal's progress in the report established in section 5 of this act. Each institution may determine how to show progress towards their goal. Part-time faculty and staff who are employed at more than one institution of higher education are only required to complete the professional development program at one institution if they provide proof of completion to their other institution of higher education employers to receive credit for participation.

(b) Beginning with the 2024-25 academic year, 35 percent of tenured faculty and 35 percent of administrators at each institution of higher education must complete the professional development program every two years, regardless of whether they are a full-time or part-time employee.

(4) The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education may conduct further analysis of the professional development programs through participant evaluation data, use of focus groups, or other methods to determine promising practices. The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education must post a list of model standards and promising practices for professional development on their public websites for parents and community members.

(5) The institutions of higher education shall adopt rules as necessary or appropriate for effecting the provisions of this section, not in conflict with this chapter, and in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

(1)(a) The institutions of higher education as defined in RCW 28B.10.016 shall each conduct a campus climate assessment to understand the current

state of diversity, equity, and inclusion in the learning, working, and living environment on campus for students, faculty, and staff. The assessment shall occur, at minimum, every five years. Institutions of higher education shall use the results of the campus climate assessment to inform the professional development, established in section 2 of this act, and program, established in section 4 of this act. Institutions may use an existing campus climate assessment to meet this requirement.

(b) The state board for community and technical colleges shall develop a model campus climate assessment for the community and technical colleges that the colleges may use or modify to meet the requirements of this section.

(2) The design of an existing or new campus climate assessment must involve, at minimum, students, college and university diversity officers, faculty, and staff. The campus climate assessment must include, at minimum, an evaluation of student and employee attitudes and awareness of campus diversity, equity, and inclusion issues. The campus climate assessment may also include questions evaluating the prevalence of discrimination, sexual assault, harassment, and retaliation on and off campus, in addition to student, faculty, and staff knowledge of campus policies and procedures addressing discrimination, sexual assault, harassment, and retaliation. College and university diversity officers and students must be consulted in the development of recommendations.

(3) Institutions of higher education must, at minimum, conduct annual listening and feedback sessions for diversity, equity, and inclusion for the entire campus community during periods between campus climate assessments. Institutions of higher education must, to the maximum extent practicable, compensate students for their participation in the annual listening and feedback sessions.

(4) Beginning July 1, 2022, the institutions of higher education shall report findings or progress in completing their campus climate assessment and, when applicable, information on their listening and feedback sessions annually to either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education. The institutions of higher education must also publish annually on the institution's public website the results of either the campus climate assessment or listening and feedback sessions.

(5) The state board for community and technical colleges may require colleges to repeat their campus climate assessment. An organization representing the presidents of the public four-year institutions of higher education may also request state universities, regional universities, and The Evergreen State College to repeat their campus climate assessment.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education must:

(a) Provide a program, either existing or new, on diversity, equity, inclusion, and antiracism to students beginning with the 2024-25 academic year. Institutions of higher education may expand the focus of its program to reflect the needs of the campus community. This program must be developed in partnership with the institution's administration, faculty, staff, and student leadership groups. Efforts should be made to ensure the program is developed and delivered by individuals with innate and acquired experience and expertise in the field of diversity, equity, and inclusion. The content framework for each program must be posted on each institution's public website for parents and community members; and

(b) Create an evaluation for program participants. The evaluation must, at minimum, capture a participant's level of satisfaction with the program and how they will apply the program to their education.

(2) The purpose of each program must be rooted in eliminating structural racism against all races and promoting diversity, equity, and inclusion while improving outcomes for students from historically marginalized communities. Institutions of higher education may further develop a curriculum that is reflective of the needs of the campus community.

(3) During the 2024-25 academic year, all degree-seeking students at institutions of higher education must

participate in the program, regardless of whether they are a full-time or part-time student. Beginning with the 2025-26 academic year, the program is only required for degree-seeking students who are new or have transferred to the institution and have not yet participated in a required diversity, equity, inclusion, and antiracism program at an institution of higher education. Students must be allowed to opt out of participation in the program if they self-attest to taking a diversity, equity, inclusion, and antiracism training at an institution of higher education within the previous five years.

(4) The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education may conduct further analysis of the programs, through participant evaluation data, use of focus groups, or other methods to determine promising practices. The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education must post a list of model standards and promising practices for programs on their public websites for parents and community members.

(5) The institutions of higher education shall adopt rules as necessary or appropriate for effecting the provisions of this section, not in conflict with this chapter, and in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

(6) For purposes of this section, "student" or "students" does not include nonmatriculated students.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.10 RCW to read as follows:

By December 31, 2024, and biennially thereafter, the state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education shall each submit a report to the higher education committees of the legislature in accordance with RCW 43.01.036 for their respective institutions of higher education. The reports must include the following:

(1) Information on the professional development programs implemented by each institution of higher education, including updates on progress towards meeting the goal outlined in section 1 of this act;

(2) A summary of results of the campus climate assessments and other relevant information received by the institutions of higher education; and

(3) By December 31, 2026, and biennially thereafter, the reports must also include information on the student diversity, equity, inclusion, and antiracism programs implemented by each institution of higher education.

NEW SECTION. **Sec. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5237 Prime Sponsor, Committee on Ways & Means: Expanding accessible, affordable child care and early childhood development programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Children, Youth & Families.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and cited as the fair start for kids act.

NEW SECTION. **Sec. 2.** INTENT. (1) The legislature finds that high quality child care and early learning is critical to a child's success in school and life. The legislature recognizes that COVID-19 has devastated the existing child care industry, making it unduly burdensome for families to find care. The legislature recognizes that without immediate action to support child care providers, and without expanded access to affordable child care, especially infant and school-age care, parents will not be able to return to work while children lose valuable learning opportunities. In order to bolster a full economic recovery, the legislature finds that every child deserves a fair start.

(2) The legislature finds that access to affordable child care increases economic growth and labor force participation. The legislature further finds that an affordable, accessible system of high quality child care is necessary to the health of Washington's economy because employers benefit when parents have safe, stable, and appropriate care for their children. The legislature recognizes that too many working parents are forced to reduce their hours, decline promotional opportunities, or leave the workforce completely due to a lack of affordable and appropriate child care. The legislature finds that a report commissioned by the department of commerce in 2019 found that working parents in Washington forego $14,000,000,000 each year directly due to child care scarcity. The legislature recognizes that this disproportionally impacts women in the workforce and that in September 2020 alone, 78,000 men left the workforce, compared to 600,000 women.

(3) The legislature recognizes that quality child care can be a stabilizing factor for children experiencing homelessness, and is a proven protective factor against the impacts of trauma they may experience. Access to child care is also a necessary support for families with young children in resolving homelessness and securing employment.

(4) The legislature finds that the scarcity of child care, exacerbated by COVID-19, most significantly impacts families furthest from opportunity. The legislature recognizes that there are additional barriers to accessing this foundational support for immigrant communities and families whose first language is not English, families who have children with disabilities, rural communities, or other child care deserts. The legislature recognizes that high quality, inclusive child care and early learning programs have been shown to reduce the opportunity gap for low-income children and black, indigenous, and children of color while consistently improving outcomes for all children both inside and outside of the classroom.

(5) The legislature finds that without access to comprehensive, high quality prenatal to five services, children often enter kindergarten without the social-emotional, physical, cognitive, and language skills they need to be successful and fall behind their peers, facing compounding developmental challenges throughout their K-12 education. The legislature finds that cascading impacts of inaccessible child care and early learning programs create systemic barriers for children and their families that result in higher special education needs, greater likelihood of needing to repeat grades, increased child welfare and juvenile justice involvement, reduced high school graduation rates, limited postsecondary education attainment, and greater barriers to employment in adulthood.

(6) The legislature finds the vast majority of child care providers are small businesses and nonprofit organizations. In addition to adhering to federal, state, and local regulations to ensure healthy and safe environments for children, the legislature recognizes that child care providers must ensure their employees are adequately compensated and supported. However, the legislature acknowledges that the reduced staffing ratios for health and safety, additional cost of personal protective equipment and extra cleaning supplies, increased use of substitutes needed during COVID-19-related absences, and increased technology demands during school closures from the pandemic are further straining the viability of the child care business model in Washington state.

(7) The legislature finds that the health and stability of the early learning workforce is pivotal to any expansion of child care in Washington state. The legislature recognizes that

the child care workforce, predominantly comprised of women of color, is structurally afflicted by low wages, limited or no health care, and a severe lack of retirement benefits. The legislature further recognizes that the threat of COVID-19 compounds these underlying issues, forcing providers to navigate increased stress, anxiety, and behavioral issues all while risking their lives to care for children. The legislature recognizes that families, friends, and neighbors who provide care are a critical component of the child care system. The legislature finds that child care workers are essential and deserve to be compensated and benefited accordingly.

(8) Therefore, the legislature resolves to respond to the COVID-19 crisis by first stabilizing the child care industry and then expanding access to a comprehensive continuum of high quality early childhood development programs, including infant and school-age child care, preschool, parent and family supports, and prenatal to three services. The legislature recognizes this continuum as critical to meeting different families' needs and offering every child in Washington access to a fair start.

(9) The legislature recognizes the strengths that multilingual, diverse early learning providers and caregivers contribute to early learning across the state. Therefore, the legislature intends to expand language access services to create an inclusive early learning system that specifically supports underserved providers.

(10) The legislature intends to expand eligibility for existing child care and preschool programs to increase access. The legislature recognizes that expansion must be accompanied by an investment to make child care more affordable. Therefore, the legislature intends to eliminate copayments for low-income families and limit copayments for any family on subsidy to no more than seven percent of their income.

(11) The legislature further intends to stabilize, support, and grow the diverse early learning workforce by funding living wages and affordable health benefits while providing training, infant and early childhood mental health consultation, shared business services, and a variety of other supports that recognize the critical role that early learning providers serve for all Washington children.

(12) The legislature intends to accelerate Washington's economic recovery from the devastating impacts of COVID-19 by dramatically expanding access to affordable, high quality child care and preschool, in order to get parents back to work and provide every child with a fair start.

PART I

INVESTING IN CHILD CARE AND EARLY LEARNING

NEW SECTION. **Sec. 101.** FAIR START FOR KIDS ACCOUNT. (1) The fair start for kids account is created in the state treasury. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used only for child care and early learning purposes.

NEW SECTION. **Sec. 102.** FAIR START FOR KIDS SPENDING GOALS AND STRATEGIES. (1) The spending goals and strategies for the fair start for kids account created under section 101 of this act include, but are not limited to:

(a) Increasing child care subsidy rates, with the goal of moving toward the full cost of providing high quality child care;

(b) Expanding health care coverage through state sponsorship of child care workers on the Washington health benefit exchange and providing consumer assistance through navigators, as well as any other expansions of access to affordable health care for staff in child care centers, family home providers, outdoor nature-based care, and early childhood education and assistance program staff;

(c) Increasing child care and early learning providers' compensation;

(d) Implementing the provisions of collective bargaining agreements for family child care providers negotiated pursuant to RCW 41.56.028;

(e) Supporting and expanding access to the early childhood education and assistance program to reach state-funded entitlement required in RCW 43.216.556;

(f) Making child care affordable for families;

(g) Providing resources and supports for family, friend, and neighbor caregivers that better reflect the full cost of care;

(h) Providing child care subsidies for families working to resolve homelessness;

(i) Providing professional development opportunities for child care and early learning providers;

(j) Delivering infant and early childhood mental health consultation services;

(k) Establishing prekindergarten through third grade systems coordinators at educational service districts;

(l) Supporting youth development programs serving children and youth ages birth through 12 including, but not limited to, expanded learning opportunities, mentoring, school-age child care, and wraparound supports or integrated student supports;

(m) Awarding grants and loans through the early learning facilities grant and loan program established under chapter 43.31 RCW;

(n) Funding special designations in the working connections child care programs, early childhood education and assistance programs, and birth to three early childhood education and assistance programs including designations established in sections 302, 304, 305, and 404 of this act;

(o) Supporting costs for transparent data collection and information technology systems operated by the department and department contractors, in particular, to ensure equitable systemic service provision and outcomes;

(p) Providing access to learning technology;

(q) Providing child care resource and referral services;

(r) Conducting quality rating and improvement system activities through the early achievers program;

(s) Expanding prenatal to three services and supports, including the birth to three early childhood education and assistance program and the in-home parent skill-based programs established in RCW 43.216.130;

(t) Building and delivering a family resource and referral linkage system;

(u) Allowing the exploration of options to provide regulatory relief and make licensing more affordable for child care providers;

(v) Administering comprehensive shared services hubs to allow the ongoing pooling and shared use of services by licensed or certified child care centers and family home providers;

(w) Training department staff to ensure consistent and equitable application of child care licensing and quality standards across the state including antibias and antiracist training;

(x) Providing incentives and supports for child care providers to become licensed;

(y) Studying and evaluating options to incentivize business participation in child care and early learning systems;

(z) Providing start-up grants to eligible organizations as described in RCW 43.31.575 who provide or commit to providing the early childhood education and assistance program or working connections child care. Start-up grants must be used for one-time start-up costs associated with the start-up of a new child care or early childhood education and assistance program site; and

(aa) Recognizing the benefits of the diverse workforce and facilitating communication in the three most commonly spoken languages by developing a language access plan that centers on equity and access for immigrants, multilingual providers, caregivers, and families.

(2) This section does not interfere with, impede, or in any way diminish the right of family child care providers to bargain collectively with the state through the exclusive bargaining representatives as provided for under RCW 41.56.028.

Sec. 103. RCW 43.88.055 and 2020 c 218 s 2 are each amended to read as follows:

LEGISLATIVE BALANCED BUDGET REQUIREMENT.

(1) The legislature must adopt a four-year balanced budget as follows:

(a) Beginning in the 2013-2015 fiscal biennium, the legislature shall enact a

balanced omnibus operating appropriations bill that leaves, in total, a positive ending fund balance in the general fund and related funds.

(b) Beginning in the 2013-2015 fiscal biennium, the projected maintenance level of the omnibus appropriations bill enacted by the legislature shall not exceed the available fiscal resources for the next ensuing fiscal biennium.

(2) For purposes of this section:

(a) "Available fiscal resources" means the beginning general fund and related fund balances and any fiscal resources estimated for the general fund and related funds, adjusted for enacted legislation, and with forecasted revenues adjusted to the greater of (i) the official general fund and related funds revenue forecast for the ensuing biennium, or (ii) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium;

(b) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in that appropriations bill or mandated by other state or federal law, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution;

(c) "Related funds," as used in this section, means the Washington opportunity pathways account, the workforce education investment account, the fair start for kids account, and the education legacy trust account.

(3) Subsection (1)(a) and (b) of this section does not apply to an appropriations bill that makes net reductions in general fund and related funds appropriations and is enacted between July 1st and February 15th of any fiscal year.

(4) Subsection (1)(b) of this section does not apply in a fiscal biennium in which money is appropriated from the budget stabilization account pursuant to Article VII, section 12(d)(ii) of the state Constitution.

Sec. 104. RCW 43.216.075 and 2020 c 262 s 4 are each amended to read as follows:

INVESTMENT ACCOUNTABILITY AND OVERSIGHT.

(1) The early learning advisory council is established to advise the department on statewide early learning issues that contribute to the ongoing efforts of building a comprehensive system of quality early learning programs and services for Washington's young children and families.

(2) The council shall work in conjunction with the department to ((~~assist~~)):

(a) Assist in policy development and implementation that ((~~assist the department in promoting~~)) promotes alignment of private and public sector actions, objectives, and resources, ((~~ensuring~~)) with the overall goal of promoting school readiness for all children;

(b) Provide recommendations annually to the governor and the legislature, beginning August 31, 2022, regarding the phased implementation of strategies and priorities identified in section 102 of this act;

(c) Maintain a focus on racial equity and inclusion in order to dismantle systemic racism at its core and contribute to statewide efforts to break the cycle of intergenerational poverty;

(d) Maintain a focus on inclusionary practices for children with disabilities;

(e) Partner with nonprofit organizations to collect and analyze data and measure progress; and

(f) Assist the department in monitoring and ensuring that the investments funded by the fair start for kids account created in section 101 of this act are designed to support the following objectives:

(i) Advance racial equity and strengthen families by recognizing and responding to the growing diversity of our state's population;

(ii) Promote access to affordable, high quality child care and early learning opportunities for all families, paying particular attention to the needs of rural and other underserved communities;

(iii) Promote kindergarten readiness by enhancing child development, including development of social-

emotional skills, and eliminating exclusionary admissions practices and disproportionate removals in child care and early learning programs; and

(iv) Contribute to efforts to strengthen and grow our state's economy by supporting working parents as well as stabilizing and supporting the child care and early learning workforce.

(3) In collaboration with the council, the department shall consult with its advisory groups and other interested stakeholders and shall submit a biennial report to the governor and legislature describing how the investments funded by the fair start for kids act have impacted the policy objectives stated in subsection (2)(f) of this section. The first report under this section is due September 15, 2023. The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall include critical partners in service delivery and reflect regional, racial, and cultural diversity to adequately represent the ((~~needs~~)) interests of all children and families in the state.

(4) Councilmembers shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(5) The council shall consist of members essential to coordinating services statewide prenatal through age ((~~five~~)) 12, as follows:

(a) In addition to being staffed and supported by the department, the governor shall appoint one representative from each of the following: The department of commerce and the department of health((~~, the student achievement council, and the state board for community and technical colleges~~));

(b) One representative from the student achievement council, to be appointed by the student achievement council;

(c) The military spouse liaison created within the department of veterans affairs under RCW 43.60A.245;

(d) One representative from the state board for community and technical colleges, to be appointed by the state board for community and technical colleges;

(e) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

((~~(c) The governor shall appoint leaders in early childhood education to represent critical service delivery and support sectors, with at least one individual representing each of the following:~~

~~(i) The head start state collaboration office director or the director's designee;~~

~~(ii) A representative of a head start, early head start, or migrant/seasonal head start program;~~

~~(iii) A representative of a local education agency;~~

~~(iv) A representative of the state agency responsible for programs under section 619 or part C of the federal individuals with disabilities education act;~~

~~(v) A representative of the early childhood education and assistance program;~~

~~(vi) A representative of licensed family day care providers;~~

~~(vii) A representative of child day care centers; and~~

~~(viii) A representative from the home visiting advisory committee established in RCW 43.216.130;~~

~~(d)~~)) (f) Two members of the house of representatives, one from each caucus, to be appointed by the speaker of the house of representatives and two members of the senate, one from each caucus, to be appointed by the majority leader in the senate and the minority leader in the senate;

((~~(e)~~)) (g) Two parents, one of whom serves on the department's parent advisory group, to be appointed by the ((~~governor~~)) parent advisory group;

((~~(f)~~)) (h) One representative of the private-public partnership created in

RCW 43.216.065, to be appointed by the partnership board;

((~~(g)~~)) (i) One representative from the developmental disabilities community representing children and families involved in part C of the federal individuals with disabilities education act and one representative from the developmental disabilities community representing children and families involved in part B of the federal individuals with disabilities education act;

((~~(h)~~)) (j) Two representatives from early learning regional coalitions;

((~~(i) Representatives~~)) (k) Up to five representatives of underserved communities who have a special expertise or interest in high quality early learning, one to be appointed by each of the following commissions:

(i) The Washington state commission on Asian Pacific American affairs established under chapter 43.117 RCW;

(ii) The Washington state commission on African American affairs established under chapter 43.113 RCW; ((~~and~~))

(iii) The Washington state commission on Hispanic affairs established under chapter 43.115 RCW;

(iv) The Washington state women's commission established under chapter 43.119 RCW; and

(v) The Washington state office of equity established under chapter 43.06D RCW;

((~~(j)~~)) (l) Two representatives designated by sovereign tribal governments, one of whom must be a representative of a tribal early childhood education assistance program or head start program;

((~~(k)~~)) (m) One representative from the Washington federation of independent schools;

((~~(l)~~)) (n) One representative from the Washington library association; ((~~and~~

~~(m)~~)) (o) One representative from a statewide advocacy coalition of organizations that focuses on early learning;

(p) One representative from an association representing statewide business interests, to be appointed by the association and one representative from a regional business coalition;

(q) One representative of an advocacy organization for immigrants and refugees;

(r) One representative of an organization advocating for expanded learning opportunities and school-age child care programs;

(s) One representative from the largest union representing child care providers;

(t) A representative of a head start, early head start, or migrant and seasonal head start program, to be appointed by the head start collaboration office;

(u) A representative of educational service districts, to be appointed by a statewide association of educational service district board members;

(v) A provider responsible for programs under section 619 of the federal individuals with disabilities education act, to be appointed by the superintendent of public instruction;

(w) A representative of the state agency responsible for part C of the federal individuals with disabilities education act, to be appointed by the department;

(x) A representative of the early childhood education and assistance program, to be appointed by an association representing early childhood education and assistance programs;

(y) A representative of licensed family home providers, to be appointed by the largest union representing child care providers;

(z) A representative of child care centers, to be appointed by an association representing child care centers;

(aa) A representative from the home visiting advisory committee established in RCW 43.216.130, to be appointed by the committee;

(bb) An infant or early childhood mental health expert, to be appointed by the Barnard center for infant and early childhood mental health at the University of Washington;

(cc) A family, friend, and neighbor caregiver, to be appointed by the largest union representing child care providers;

(dd) A representative from prenatal to three services;

(ee) A pediatrician, to be appointed by the state chapter of the American academy of pediatrics; and

(ff) A representative of the statewide child care resource and referral organization, to be appointed by the statewide child care resource and referral organization.

(6) The council shall be cochaired by two members, to be elected by the council for two-year terms and not more than one cochair may represent a state agency.

(7) At the direction of the cochairs, the council may convene advisory groups, such as a parent caucus, to evaluate specific issues and report related findings and recommendations to the full council.

(8) The council shall appoint two members and stakeholders with expertise in early learning to sit on the technical working group created in section 2, chapter 234, Laws of 2010.

((~~(8)~~)) (9) Each member of the ((~~board~~)) council shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the ((~~board~~)) council in accordance with RCW 43.03.050 and 43.03.060.

((~~(9)~~)) (10)(a) The council shall convene an early achievers review subcommittee to provide feedback and guidance on strategies to improve the quality of instruction and environment for early learning and provide input and recommendations on the implementation and refinement of the early achievers program. The subcommittee shall at a minimum provide feedback and guidance to the department and the council on the following:

(i) Adequacy of data collection procedures;

(ii) Coaching and technical assistance standards;

(iii) Progress in reducing barriers to participation for low-income providers and providers from diverse cultural backgrounds, including a review of the early achievers program's rating tools, quality standard areas, and components, and how they are applied;

(iv) Strategies in response to data on the effectiveness of early achievers program standards in relation to providers and children from diverse cultural backgrounds;

(v) Status of the life circumstance exemption protocols; ((~~and~~))

(vi) Analysis of early achievers program data trends; and

(vii) Other relevant early learning data including progress in serving students with disabilities ages birth to five and least restrictive environment data.

(b) The subcommittee must include consideration of cultural linguistic responsiveness when analyzing the areas for review required by (a) of this subsection.

(c) The subcommittee shall include representatives from child care centers, family child care, the early childhood education and assistance program, contractors for early achievers program technical assistance and coaching, tribal governments, the organization responsible for conducting early achievers program ratings, and parents of children participating in early learning programs, including working connections child care and early childhood education and assistance programs. The subcommittee shall include representatives from diverse cultural and linguistic backgrounds.

((~~(10)~~)) (11) The council shall convene a temporary licensing subcommittee to provide feedback and recommendations on improvement to the statewide licensing process. The subcommittee shall examine strategies to increase the number of licensed child care providers in the state, including meeting with prospective licensees to explain the licensure requirements and inspect and provide feedback on the physical space that is contemplated for licensure. The subcommittee shall develop model policies for licensed child care providers to implement licensing standards including, but not limited to, completing the child care and early learning licensing guidebook, to be made available to support providers with compliance. The subcommittee shall also develop recommendations regarding incentives and financial supports to help prospective providers navigate the licensing process. The subcommittee shall provide feedback and recommendations to the department of

children, youth, and families pursuant to this subsection (11) by December 1, 2022.

(12) The department shall provide staff support to the council.

Sec. 105. RCW 83.100.230 and 2019 c 415 s 990 are each amended to read as follows:

The education legacy trust account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for support of the common schools, and for expanding access to higher education through funding for new enrollments and financial aid, early learning and child care programs, and other educational improvement efforts. ((~~During the 2015-2017, 2017-2019, and 2019-2021 fiscal biennia appropriations from the account may be made for support of early learning programs. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.~~))

NEW SECTION. **Sec. 106.** INFLATIONARY ADJUSTMENTS. Beginning July 1, 2023, and subject to the availability of amounts appropriated for this specific purpose, rates paid under sections 302, 305, and 404 of this act and RCW 43.216.578 must be adjusted every two years according to an inflationary increase. The inflationary increase must be calculated by applying the rate of the increase in the inflationary adjustment index to the rates established in sections 302, 305, and 404 of this act and RCW 43.216.578. Any funded inflationary increase must be included in the rate used to determine inflationary increases in subsequent years. For the purposes of this section, "inflationary adjustment index" means the implicit price deflator averaged for each fiscal year, using the official current base rate, compiled by the bureau of economic analysis, United States department of commerce.

PART II

EXPANDING ACCESS TO CHILD CARE AND EARLY LEARNING PROGRAMS

NEW SECTION. **Sec. 201.** WORKING CONNECTIONS CHILD CARE PROGRAM ELIGIBILITY AND COPAYMENT. (1) It is the intent of the legislature to increase working families' access to affordable, high quality child care and to support the expansion of the workforce to support businesses and the statewide economy.

(2) Beginning July 1, 2025, a family is eligible for working connections child care when the household's annual income is at or below 75 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Aged 13 years or younger; or (ii) aged 19 years or younger and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(3) Beginning July 1, 2025, and subject to the availability of amounts appropriated for this specific purpose, a family is eligible for working connections child care when the household's annual income is above 75 percent of the state median income and is at or below 100 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Aged 13 years or younger; or (ii) aged 19 years or younger and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(4)(a) The department must calculate a monthly copayment according to the following phased-in schedule:

Beginning date:	If the household's income is:	Then the household's copayment is:
Beginning July 1, 2021	At or below 36 percent of the state median income	Waived to the extent allowable under federal law
Beginning July 1, 2021	Above 36 percent and at or below 50 percent of the state median income	$65

Beginning July 1, 2023	Above 50 percent and at or below 60 percent of the state median income	$165
Beginning July 1, 2025	Above 60 percent and at or below 75 percent of the state median income	$215

(b) The department shall adopt a copayment model based on available revenue for households with annual incomes above 75 percent of the state median income and at or below 100 percent of the state median income. The model must calculate a copayment for each household that is no greater than seven percent of the household's countable income within this income range.

(c) The department may adjust the copayment schedule to comply with federal law.

(5) The department must adopt rules, including phase-out eligibility, to implement this section.

Sec. 202. RCW 43.216.136 and 2020 c 279 s 2 are each amended to read as follows:

WORKING CONNECTIONS CHILD CARE FOR STUDENT PARENTS.

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by P.L. 113-186, authorizations for the working connections child care subsidy are effective for twelve months beginning July 1, 2016((~~, unless an earlier date is provided in the omnibus appropriations act~~)).

(a) A household's 12-month authorization begins on the date that child care is expected to begin.

(b) If a newly eligible household does not begin care within 12 months of being determined eligible by the department, the household must reapply in order to qualify for subsidy.

(3)(a) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(i) In the last six months have:

(A) Received child protective services as defined and used by chapters 26.44 and 74.13 RCW;

(B) Received child welfare services as defined and used by chapter 74.13 RCW; or

(C) Received services through a family assessment response as defined and used by chapter 26.44 RCW;

(ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(iii) Are residing with a biological parent or guardian.

(b) ((~~Children~~)) Families who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services identified in this subsection to maintain twelve-month authorization.

(4)(a) Beginning ((~~August 1, 2020~~)) July 1, 2021, and subject to the availability of amounts appropriated for this specific purpose, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is((~~:~~

~~(i) A single parent;~~

~~(ii) A~~)) a full-time student of a community, technical, or tribal college((~~,~~)) and ((~~(iii) Pursuing~~)) is enrolled in: (i) A vocational education program that leads to a degree or certificate in a specific occupation((~~, not to result in a bachelor's or advanced degree~~));

(ii) An associate degree program; or

(iii) A registered apprenticeship program.

(b) An applicant or consumer is a full-time student for the purposes of this subsection if he or she meets the college's definition of a full-time student. ((~~The student must maintain passing grades and be in good standing pursuant to college attendance requirements.~~))

(c) Nothing in this subsection is intended to change how applicants or consumers are prioritized when applicants or consumers are placed on a waitlist for working connections child care benefits.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department may extend the provisions of this subsection (4) to full-time students who are enrolled in a bachelor's degree program or applied baccalaureate degree program.

(5)(a) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a twelve-month grace period.

(b) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

(6) For purposes of this section, "authorization" means a transaction created by the department that allows a child care provider to claim payment for care. The department may adjust an authorization based on a household's eligibility status.

NEW SECTION. **Sec. 203.** EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM INTENT. (1) The legislature finds that eligibility guidelines for the national school lunch program require free meals for children with household incomes at or below 130 percent of the federal poverty level and that this income level is approximately equivalent to 36 percent of the state median income for a household of three. The legislature further finds that eligibility guidelines require reduced-price meals for children with household incomes at or below 185 percent of the federal poverty level and that this income level is approximately equivalent to 50 percent of the state median income for a household of three.

(2) Therefore, the legislature intends to raise the maximum family income for children entitled to enroll in the early childhood education and assistance program to 36 percent of the state median income beginning July 1, 2026. Beginning in the 2030-31 school year, the legislature intends to raise the maximum family income for children entitled to enroll in this program to 50 percent of the state median income. It is the intent of the legislature to standardize income eligibility levels for assistance programs in order to help families and social workers better understand the benefits for which families qualify and to simplify and align state systems wherever feasible.

(3) The legislature further intends to support educational service districts to help school districts partner with early childhood education and assistance program contractors and providers to expand access.

Sec. 204. RCW 43.216.505 and 2019 c 408 s 2 are each amended to read as follows:

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM ENTITLEMENT ELIGIBILITY.

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.216.500 through 43.216.559, 43.216.900, and 43.216.901.

(1) "Advisory committee" means the advisory committee under RCW 43.216.520.

(2) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and 43.216.901 and are designated as eligible for funding by the department under RCW 43.216.530 and 43.216.540.

(3) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(4) "Eligible child" means a three to five-year old child who is not age-

eligible for kindergarten, is not a participant in a federal or state program providing comprehensive services, and who:

(a) Has a family ((~~income at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services~~)) with financial need;

(b) Is experiencing homelessness;

(c) Has participated in early head start or a successor federal program providing comprehensive services for children from birth through two years of age, the early support for infants and toddlers program or received class C developmental services, the birth to three early childhood education and assistance program, or the early childhood intervention and prevention services program;

(d) Is eligible for special education due to disability under RCW 28A.155.020; ((~~or~~

~~(c)~~)) (e) Is Indian as defined in rule by the department after consultation and agreement with Washington state's federally recognized tribes pursuant to section 207 of this act and is at or below 100 percent of the state median income adjusted for family size; or

(f) Meets criteria under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Preference for enrollment in this group shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(5) "Family support services" means providing opportunities for parents to:

(a) Actively participate in their child's early childhood program;

(b) Increase their knowledge of child development and parenting skills;

(c) Further their education and training;

(d) Increase their ability to use needed services in the community;

(e) Increase their self-reliance; and

(f) Connect with culturally competent, disability positive therapists and supports where appropriate.

(6) "Experiencing homelessness" means a child without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C., Chapter 119, Subchapter VI, Part B) as it existed on January 1, 2021.

(7) "Family with financial need" means families with incomes at or below 36 percent of the state median income adjusted for family size until the 2030-31 school year. Beginning in the 2030-31 school year, "family with financial need" means families with incomes at or below 50 percent of the state median income adjusted for family size.

Sec. 205. RCW 43.216.512 and 2019 c 409 s 2 are each amended to read as follows:

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM EXPANDED ENROLLMENT.

(1) The department shall adopt rules that allow the enrollment of children in the early childhood education and assistance program, as space is available, if the number of such children equals not more than ((~~twenty-five~~)) 25 percent of total statewide enrollment, when the child is not eligible under RCW 43.216.505 and whose family income level is((~~:~~

~~(a) Above one hundred ten percent but less than or equal to one hundred thirty percent of the federal poverty level; or~~

~~(b) Above one hundred thirty percent but less than or equal to two hundred percent of the federal poverty level if~~)) above 36 percent of the state median income but at or below 50 percent of the state median income adjusted for family size and the child meets at least one of the risk factor criterion described in subsection (2) of this section.

(2) Children enrolled in the early childhood education and assistance program pursuant to ((~~subsection (1)(b) of~~)) this section must be prioritized for available funded slots according to a prioritization system adopted in rule by the department that considers risk factors that have a disproportionate effect on kindergarten readiness and school performance, including:

(a) Family income as a percent of the ((~~federal poverty level~~)) state median income;

(b) ((~~Homelessness;~~

((~~(c)~~)) Child welfare system involvement;

((~~(d) Developmental delay or disability that does not meet the eligibility criteria for special education described in RCW 28A.155.020~~)) (c) Eligible for services under part C of the federal individuals with disabilities education act but not eligible for services under part B of the federal individuals with disabilities education act;

((~~(e)~~)) (d) Domestic violence;

((~~(f)~~)) (e) English as a second language;

((~~(g)~~)) (f) Expulsion from an early learning setting;

((~~(h)~~)) (g) A parent who is incarcerated;

((~~(i)~~)) (h) A parent with a ((~~substance use disorder or mental~~)) behavioral health treatment need; and

((~~(j)~~)) (i) Other risk factors determined by the department to be linked by research to school performance.

(3) ((~~The department shall adopt rules that allow a child to enroll in the early childhood education and assistance program, as space is available, when the child is not eligible under RCW 43.216.505 and the child turns three years old at any time during the school year when the child:~~

~~(a) Has a family income at or below two hundred percent of the federal poverty level or meets at least one risk factor criterion adopted by the department in rule; and~~

~~(b) Has received services from or participated in:~~

~~(i) The early support for infants and toddlers program;~~

~~(ii) The early head start or a successor federal program providing comprehensive services for children from birth through two years of age; or~~

~~(iii) The birth to three early childhood education and assistance program, if such a program is established.~~

~~(4)~~)) Children enrolled in the early childhood education and assistance program under this section are not considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

(4) This section expires August 1, 2030.

NEW SECTION. **Sec. 206.** EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM EARLY ENTRY. (1) The department shall adopt rules that allow a child to enroll in the early childhood education and assistance program, as space is available, when the child is not eligible under RCW 43.216.505 and the child turns three years old at any time during the school year when the child:

(a) Has a family income at or below 50 percent of the state median income or meets at least one risk factor criterion adopted by the department in rule; and

(b) Has received services from or participated in:

(i) The early head start or a successor federal program providing comprehensive services for children from birth through two years of age;

(ii) The early support for infants and toddlers program or received class C developmental services;

(iii) The birth to three early childhood education and assistance program; or

(iv) The early childhood intervention and prevention services program.

(2) Children enrolled in the early childhood education and assistance program under this section are not eligible children as defined in RCW 43.216.505 and are not part of the state-funded entitlement required in RCW 43.216.556.

NEW SECTION. **Sec. 207.** INDIAN CHILD DEFINITION. (1) The department must consult, and obtain the advice and consent of, the governing bodies of the state's federally recognized tribes in developing an agreed-upon definition of the term "Indian" for the purposes of RCW 43.216.505 and, by July 1, 2024, must adopt the definition in rule.

(2) This section expires December 1, 2030.

Sec. 208. RCW 43.216.556 and 2019 c 408 s 3 are each amended to read as follows:

(1) Funding for the program of early learning established under this chapter

must be appropriated to the department. The department shall distribute funding to approved early childhood education and assistance program contractors on the basis of eligible children enrolled.

(2) The program shall be implemented in phases, so that full implementation is achieved in the ((~~2022-23~~)) 2026-27 school year.

(3) Funding shall continue to be phased in each year until full statewide implementation of the early learning program is achieved in the ((~~2022-23~~)) 2026-27 school year, at which time any eligible child is entitled to be enrolled in the program. Entitlement under this section is voluntary enrollment.

(4) School districts and approved community-based early learning providers may contract with the department to provide services under the program. The department shall collaborate with school districts, community-based providers, and educational service districts to promote an adequate supply of approved providers.

PART III

SUPPORTING CHILD CARE AND EARLY LEARNING PROVIDERS

Sec. 301. RCW 43.216.749 and 2019 c 368 s 7 are each amended to read as follows:

CHILD CARE SUBSIDY RATES.

(1) ((~~By January 1, 2025, the department of children, youth, and families must~~)) It is the intent of the legislature to systemically increase child care subsidy rates over time until rates are equal to the full cost of providing high quality child care.

(2) Beginning July 1, 2021, child care subsidy base rates must achieve the 85th percentile of market for licensed or certified child care providers. The state and the exclusive representative for family child care providers must enter bargaining over the implementation of the subsidy rate increase under this subsection.

(3)(a) The department shall build upon the work of the child care collaborative task force to develop and implement a child care cost estimate model and use the completed child care cost model ((~~developed under RCW 43.330.527 to determine child care subsidy rates.~~

~~(2) This section expires January 30, 2025~~)) to recommend subsidy rates at levels that are sufficient to compensate licensed or certified child care providers for the full costs of providing high quality child care. The department shall consider:

(i) Adjusting rates to reflect cost of living such as area median income, cost of living by zip code, and grouping by categories such as rural, suburban, or urban; and

(ii) Incorporating the rate model for nonstandard child care hours developed under section 306 of this act.

(b) The department shall build upon the work of the child care collaborative task force to evaluate options to support access to affordable health care insurance coverage for licensed or certified child care providers.

(4) This section does not interfere with, impede, or in any way diminish the right of family child care providers to bargain collectively with the state through the exclusive bargaining representatives as provided for under RCW 41.56.028.

NEW SECTION. **Sec. 302.** EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM RATES. (1) For the 2021-22 school year, rates for the early childhood education and assistance program must be set at a level at least 10 percent higher than the rates established in section 225, chapter 415, Laws of 2019.

(2) It is the intent of the legislature that rate increases shall be informed by the department's 2020 early childhood education and assistance program rate study.

(3) This section expires June 30, 2027.

NEW SECTION. **Sec. 303.** COMPLEX NEEDS FUNDS. (1) The department shall administer two complex needs funds to promote inclusive, least restrictive environments and to support contractors and providers serving children who have developmental delays, disabilities, behavioral needs, or other unique needs. The department shall work collaboratively with the office of the superintendent of public instruction and providers so that the funds best serve the children. One fund must support early childhood education and assistance

program contractors and providers and birth to three early childhood education and assistance program contractors and providers, and one fund must support licensed or certified child care providers and license-exempt child care programs.

(2) Support may include staffing, programming, therapeutic services, and equipment or technology support. Additional support may include activities to assist families with children expelled or at risk of expulsion from child care, and to help families transition in and out of child care.

NEW SECTION. **Sec. 304.** TRAUMA-INFORMED CARE SUPPORTS. (1) Beginning July 1, 2022, the department shall provide supports to aid eligible providers in providing trauma-informed care. Trauma-informed care supports may be used by eligible providers for the following purposes:

(a) Additional compensation for individual staff who have an infant and early childhood mental health or other child development specialty credential;

(b) Trauma-informed professional development and training;

(c) The purchase of screening tools and assessment materials;

(d) Supportive services for children with complex needs that are offered as fee-for-service within local communities; or

(e) Other related expenses.

(2) The department must adopt rules to implement this section.

(3) For the purposes of this section, "eligible provider" means: (a) An employee or owner of a licensed or certified child care center or outdoor nature-based care accepting state subsidy; (b) an employee or owner of a licensed family home provider accepting state subsidy; (c) a contractor or provider of the early childhood education and assistance program or birth to three early childhood education and assistance program; (d) a license-exempt child care program; or (e) an early achievers coach.

NEW SECTION. **Sec. 305.** DUAL LANGUAGE RATE ENHANCEMENT. (1) Beginning July 1, 2022, the department shall establish a dual language designation and provide subsidy rate enhancements or site-specific grants for licensed or certified child care providers who are accepting state subsidy; early childhood education and assistance program contractors; or birth to three early childhood education and assistance program contractors. It is the intent of the legislature to allow uses of the rate enhancements or site-specific grants to include increased wages for individual staff who provide bilingual instruction, professional development training, the purchase of dual language and culturally appropriate curricula and accompanying training programs, instructional materials, or other related expenses.

(2) The department must consult with a culturally and linguistically diverse stakeholder advisory group to develop criteria for the dual language designation.

(3) The department must adopt rules to implement this section.

NEW SECTION. **Sec. 306.** NONSTANDARD HOURS RATE MODEL. (1) In order to expand the supply of critically needed after-hours care to meet the needs of parents and caregivers and a round-the-clock economy, the department of children, youth, and families, in consultation with diverse stakeholders, must develop a rate model for nonstandard child care hours and submit the model to the governor and the appropriate committees of the legislature by January 1, 2022.

(2) This section expires June 30, 2022.

NEW SECTION. **Sec. 307.** EARLY CHILDHOOD EQUITY GRANTS. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall distribute early childhood equity grants to eligible applicants. Eligible applicants include play and learn groups, licensed or certified child care centers and family home providers, license-exempt child care programs, and early childhood education and assistance program contractors. The equity grants are intended to serve as a step toward expanding access to early learning statewide and transforming Washington's early learning system to make it more inclusive and equitable. The department shall administer the early childhood equity grants to support inclusive and culturally and linguistically specific early learning and early childhood and parent support programs across the state.

(2) The department must conduct an equitable process to prioritize grant

applications for early childhood equity grant assistance. An eligible applicant may receive an early childhood equity grant once every two years. When conducting the equitable grant process, the department must:

(a) Solicit project applications from a racially and geographically diverse pool of eligible applicants statewide;

(b) Provide application materials in the five most commonly spoken languages in the state and broadly communicate using a variety of strategies to reach diverse communities;

(c) Require applicants to demonstrate their proposed uses of early childhood equity grant funds to incorporate either inclusive practices or culturally and linguistically supportive and relevant practices, or both, into early learning program design, delivery, education, training, and evaluation; and

(d) Provide technical assistance to any applicant who needs it.

NEW SECTION. **Sec. 308.** A new section is added to chapter 43.330 RCW to read as follows:

EMPLOYER-SUPPORTED CHILD CARE.

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, in collaboration with the department of children, youth, and families, shall provide or contract to provide remote or in-person technical assistance to employers interested in supporting their employees' access to high quality child care.

(2) Technical assistance may include guidance related to:

(a) Operating a licensed child care center at or near the workplace for the benefit of employees;

(b) Financing and construction of a licensed child care center at or near the workplace for the benefit of employees;

(c) Providing financial assistance to employees for licensed or certified child care providers and license-exempt child care program expenses;

(d) Encouraging access and support for low-wage employees;

(e) Sponsoring dependent care flexible spending accounts for employees; and

(f) Developing a "bring your infant to work" program and other family-friendly work policies for employees.

NEW SECTION. **Sec. 309.** INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION. (1) The department shall administer or contract for infant and early childhood mental health consultation services to child care providers and early learning providers participating in the early achievers program.

(2) Infant and early childhood mental health consultation services must be delivered in coordination with the consultants provided under RCW 43.216.090.

(3) The department shall provide, or contract with an entity to provide, reflective supervision and professional development for infant and early childhood mental health consultants to meet national competency standards.

(4) As capacity allows, the department may provide access to infant and early childhood mental health consultation services to caregivers and licensed or certified, military, and tribal early learning providers, license-exempt family, friend, and neighbor care providers, and families with children expelled or at risk of expulsion from child care.

Sec. 310. RCW 43.216.090 and 2019 c 360 s 7 are each amended to read as follows:

INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION.

((~~The~~)) Beginning July 1, 2021, the department of children, youth, and families must have or contract for one infant and early childhood mental health consultation coordinator and must enter into a contractual agreement with an organization providing coaching services to early achievers program participants to hire ((~~one~~)) at least 12 qualified infant and early childhood mental health consultants ((~~for each of the six department-designated regions~~)). The department shall determine, in collaboration with the statewide child care resource and referral network, where the additional consultants should be sited based on factors such as the total provider numbers overlaid with indicators of highest need. The infant and early childhood mental health consultants must support early achievers

program coaches and child care providers by providing resources, information, and guidance regarding challenging behavior and expulsions and may travel to assist providers in serving families and children with severe behavioral needs. ((~~In coordination with the contractor, the department of children, youth, and families must report on the services provided and the outcomes of the consultant activities to the governor and the appropriate policy and fiscal committees of the legislature by June 30, 2021.~~))

NEW SECTION. **Sec. 311.** PLAY AND LEARN GROUPS. Subject to the availability of amounts appropriated for this specific purpose, the department, in consultation with community-based programs, shall provide or contract to provide, or both, resources and supports for inclusive and culturally and linguistically relevant play and learn groups. Play and learn groups offer parents and other caregivers culturally responsive opportunities to support their children's early learning, build relationships that reduce isolation and encourage socialization, and promote kindergarten readiness.

NEW SECTION. **Sec. 312.** PROFESSIONAL DEVELOPMENT. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall provide professional development supports to aid eligible providers in reaching the professional education and training standards adopted by the department. Professional development supports may include:

(a) Department-required trainings for child care providers conducted by department-approved trainers;

(b) Trainings for license-exempt family, friend, and neighbor child care providers conducted by department-approved trainers;

(c) Early achievers scholarships;

(d) Community-based training pathways and systems developed under RCW 43.216.755;

(e) Supporting a nonprofit organization that provides relationship-based professional development support to family, friend, and neighbor caregivers, child care centers, and licensed family home providers, and their work to help providers start their businesses; and

(f) Other professional development activities such as updating training content, data collection and reporting, trainer recruitment, retention, program monitoring, and trainings delivered by department-approved trainers on topics such as small business management, antibias and antiracist training, providing care for children with developmental disabilities, social-emotional learning, implementing inclusionary practices in early learning environments, infant and toddler care, dual language program development, and providing trauma-informed care.

(2) For the purposes of this section, "eligible provider" means: (a) An owner of a licensed or certified child care center, licensed or certified outdoor nature-based care, or licensed family home provider accepting state subsidy; (b) an employee of a licensed or certified child care center, licensed or certified outdoor nature-based care, or a licensed family home provider; (c) a contractor or provider of the early childhood education and assistance program or birth to three early childhood education and assistance program; or (d) an early achievers coach.

NEW SECTION. **Sec. 313.** NEGOTIATED RULE MAKING WITH CHILD CARE CENTERS. When the secretary elects to engage in negotiated rule making pursuant to RCW 34.05.310(2)(a), the department must include the largest organization representing child care center owners and directors; the largest organization representing supervisors, teachers, and aides; and other affected interests before adopting requirements that affect child care center licensees.

NEW SECTION. **Sec. 314.** CAPACITY FLEXIBILITY FOR FAMILY HOME PROVIDERS. The department may waive the limit, as established in RCW 43.216.010(1)(c), that restricts family home providers from serving not more than 12 children. The department must establish conditions for such waivers by rule and must assess, at minimum, the provider's available square footage and staffing capabilities prior to issuing any waiver of the limit of 12 children.

PART IV

STRENGTHENING PRENATAL TO THREE SUPPORTS

NEW SECTION. **Sec. 401.** PRENATAL TO THREE INTENT. (1) The legislature finds that parental relationships and healthy

interactions in the first few years of life help shape the development of babies' and toddlers' brains and bodies. Eighty percent of the brain is developed by the age of three and parents are a child's first teachers.

(2) The legislature finds that the federal family first prevention services act (P.L. 115-123) offers the state the opportunity to leverage federal funding for certain programs, including in-home parent skill-based programs, substance use disorder support, and mental health interventions. Culturally relevant, evidence-based programs that may qualify for these federal funds are limited. Therefore, state support may be necessary to serve traditionally underrepresented communities and increase positive engagement from parents and caregivers of children from before birth to age three.

(3) The legislature finds that small teacher-child ratios for infant and toddler care, as well as the existence of child care deserts with low levels of access to care for the birth to three age group, contribute to higher expenses for providers and families with babies and young children.

(4) Therefore, the legislature intends to expand parent and family education and support, incentivize the provision of infant and toddler care, and make early therapeutic and preventative services more readily available to families and young children.

NEW SECTION. **Sec. 402.** EDUCATION AND SUPPORT FOR PARENTS AND FAMILY, FRIEND, AND NEIGHBOR CAREGIVERS. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a prenatal to three family engagement strategy to support expectant parents, babies and toddlers from birth to three years of age, and their caregivers.

(2) Components of the prenatal to three family engagement strategy must include supports and services to improve maternal and infant health outcomes, reduce and mitigate trauma, promote attachment and other social-emotional assets, strengthen parenting skills, and provide early supports to help maximize healthy and robust childhood development and reduce isolation. Services and supports may include:

(a) In-home parent skill-based programs and training established in RCW 43.216.130;

(b) Facilitated play and learn groups;

(c) Parent peer-support groups, including groups designed for families with children with complex needs; families whose primary home language is not English; incarcerated parents; families coping with substance use disorder or mental health support needs; black, indigenous, and families of color; or other specific needs; and

(d) Other prenatal to age three programs and services.

(3) Continuity of services for babies and toddlers are important for early childhood brain development. Therefore, the services and supports described in this section may be made available to biological parents, foster parents, kinship care providers, and other family, friend, and neighbor caregivers.

Sec. 403. RCW 43.216.578 and 2019 c 408 s 8 are each amended to read as follows:

BIRTH TO THREE EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM.

(1) ((~~Within resources available under the federal preschool development grant birth to five grant award received in December 2018,~~)) Subject to the availability of amounts appropriated for this specific purpose, the department shall ((~~develop a plan for phased implementation of~~)) administer a birth to three early childhood education and assistance program ((~~pilot project~~)) for eligible children under thirty-six months old. Funds to implement the ((~~pilot project~~)) program may include a combination of federal, state, or private sources.

(2) The department may adopt rules to implement the ((~~pilot project~~)) program and may waive or adapt early childhood education and assistance program requirements when necessary to allow for the operation of the birth to three early childhood education and assistance program. The department shall consider early head start rules and regulations when developing the provider and family eligibility requirements and program requirements. ((~~Any deviations from early head start standards, rules, or regulations must be identified and explained by the department in its annual report under subsection (6) of this section.~~))

(3)(a) ((~~Upon securing adequate funds to begin implementation, the pilot project~~)) The birth to three early childhood education and assistance program((~~s~~)) must be delivered through child care centers and family home providers who meet minimum licensing standards and are enrolled in the early achievers program.

(b) The department must determine minimum early achievers ratings scores for ((~~programs~~)) participating ((~~in the pilot project~~)) contractors.

(4) ((~~When selecting pilot project locations for service delivery, the department may allow each pilot project location to have up to three classrooms per location. When selecting and approving pilot project locations, the department shall attempt to select a combination of rural, urban, and suburban locations. The department shall prioritize locations with programs currently operating early head start, head start, or the early childhood education and assistance program.~~

~~(5)~~)) To be eligible for the birth to three early childhood education and assistance program, a child's family income must be at or below ((~~one hundred thirty~~)) 50 percent of the ((~~federal poverty level~~)) state median income and the child must be under thirty-six months old.

((~~(6) Beginning November 1, 2020, and each November 1st thereafter during pilot project activity, the department shall submit an annual report to the governor and legislature that includes a status update that describes the planning work completed, the status of funds secured, and any implementation activities of the pilot project. Implementation activity reports must include a description of the participating programs and number of children and families served.~~))

NEW SECTION. **Sec. 404.** INFANT CARE INCENTIVES. (1) The legislature finds that our state suffers from an extreme shortage of infant child care, impacting the ability of parents to participate in the workforce. Further, parents returning to work after using paid family leave to care for a new child struggle to find readily available, high quality care during a time of critical growth and brain development for young children. Therefore, the legislature intends to incentivize the provision of high quality infant care.

(2) Beginning July 1, 2022, the department shall provide an infant rate enhancement for licensed or certified child care providers and birth to three early childhood education and assistance program contractors who are:

(a) Accepting state subsidy;

(b) In good standing with the early achievers quality rating and improvement system; and

(c) Caring for a child between the ages of birth and 11 months.

(3) The department must adopt rules to implement this section.

NEW SECTION. **Sec. 405.** EARLY THERAPEUTIC AND PREVENTATIVE SERVICES. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer early therapeutic and preventative services and programs, such as the early childhood intervention and prevention services program, and other related services for children who are:

(a) Between the ages of birth and five years; and

(b) Referred by a child welfare worker, a department of social and health services social worker, a primary care physician, a behavioral health provider, or a public health nurse due to: (i) Risk of child abuse or neglect; (ii) exposure to complex trauma; or (iii) significant developmental delays.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall make all reasonable efforts to deliver early therapeutic and preventative services and programs statewide. These services and programs must focus first on children and families furthest from opportunity as defined by income and be delivered by programs that emphasize greater racial equity.

PART V

CONFORMING AMENDMENTS

Sec. 501. RCW 43.216.010 and 2020 c 270 s 11 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation,

or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" and "child care center" mean((~~s~~)) an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" and "family home provider" mean((~~s~~)) a child care provider who regularly provides early childhood education and early learning services for not more than twelve children at any given time in the provider's home in the family living quarters except as provided in section 314 of this act;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools that are engaged primarily in early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, and accept only school age children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) Any entity that provides recreational or educational programming for school age children only and the entity meets all of the following requirements:

(i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;

(ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;

(iii) The entity is a local affiliate of a national nonprofit; and

(iv) The entity is in compliance with all safety and quality standards set by the associated national agency;

(j) A program operated by any unit of local, state, or federal government;

(k) A program located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(l) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(m) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Certificate of parental improvement" means a certificate issued under RCW 74.13.720 to an individual who has a founded finding of physical abuse or negligent treatment or maltreatment, or a court finding that the individual's child was dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b).

(5) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(6) "Department" means the department of children, youth, and families.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early childhood education and assistance program contractor" means an organization that provides early childhood education and assistance program services under a signed contract with the department.

(9) "Early childhood education and assistance program provider" means an organization that provides site level, direct, and high quality early childhood education and assistance program services under the direction of an early childhood education and assistance program contractor.

(10) ((~~"Early start" means an integrated high quality continuum of early learning programs for children birth-to-five years of age. Components of early start include, but are not limited to, the following:~~

~~(a) Home visiting and parent education and support programs;~~

~~(b) The early achievers program described in RCW 43.216.085;~~

~~(c) Integrated full-day and part-day high quality early learning programs; and~~

~~(d) High quality preschool for children whose family income is at or below one hundred ten percent of the federal poverty level.~~

~~(11)~~)) "Education data center" means the education data center established in RCW 43.41.400, commonly referred to as the education research and data center.

((~~(12)~~)) (11) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

((~~(13)~~)) (12) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.216.325(1) or assessment of civil monetary penalties pursuant to RCW 43.216.325(3).

((~~(14)~~)) (13) "Extended day program" means an early childhood education and assistance program that offers early learning education for at least ten hours per day, a minimum of two thousand hours per year, at least four days per week, and operates year-round.

(14) "Family resource and referral linkage system" means a system that connects families to resources, services, and programs for which families are eligible and uses a database that is developed and maintained in partnership with communities, health care providers, and early learning providers.

(15) "Full day program" means an early childhood education and assistance program that offers early learning

education for a minimum of one thousand hours per year.

(16) "Low-income child care provider" means a person who administers a child care program that consists of at least eighty percent of children receiving working connections child care subsidy.

(17) "Low-income neighborhood" means a district or community where more than twenty percent of households are below the federal poverty level.

(18) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

(19) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

(20) "Nonschool age child" means a child who is age six years or younger and who is not enrolled in a public or private school.

(21) "Part day program" means an early childhood education and assistance program that offers early learning education for at least two and one-half hours per class session, at least three hundred twenty hours per year, for a minimum of thirty weeks per year.

(22) "Private school" means a private school approved by the state under chapter 28A.195 RCW.

(23) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(24) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(25) "School age child" means a child who is five years of age through ((~~twelve~~)) 13 years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

(26) "Secretary" means the secretary of the department.

(27) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

Sec. 502. RCW 28B.50.248 and 2020 c 355 s 4 and 2020 c 279 s 3 are each reenacted and amended to read as follows:

Nothing in RCW 43.216.135((~~,~~)) or 43.216.136((~~, or 43.216.1365~~)) requires a community or technical college to expand any of its existing child care facilities. Any additional child care services provided by a community or technical college as a result of RCW 43.216.135((~~,~~)) or 43.216.136((~~, or 43.216.1365~~)) must be provided within existing resources and existing facilities.

Sec. 503. RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings

required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community ((~~trust~~)) services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension

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(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 504. RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 505. RCW 43.84.092 and 2020 c 221 s 5, 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

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(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall

receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 506. RCW 43.216.710 and 2017 3rd sp.s. c 6 s 213 are each amended to read as follows:

The department shall:

(1) Work in conjunction with the statewide child care resource and referral network as well as local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(2) Actively seek public and private money for distribution as grants to the statewide child care resource and referral network and to existing or potential local child care resource and referral organizations;

(3) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs, including training under RCW 74.25.040;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care;

(f) Provide technical assistance to employers regarding employee child care services; and

(g) Serve recipients of temporary assistance for needy families and working parents with household incomes at or below ((~~household incomes of two hundred~~)) 100 percent of the ((~~federal poverty line~~)) state median income;

(4) Provide staff support and technical assistance to the statewide child care resource and referral network and local child care resource and referral organizations;

(5) Maintain a statewide child care licensing data bank and work with department licensors to provide information to local child care resource and referral organizations about licensed or certified child care providers in the state;

(6) Through the statewide child care resource and referral network and local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(7) Coordinate with the statewide child care resource and referral network and local child care resource and referral organizations for the provision of training and technical assistance to child care providers;

(8) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services;

(9) Subject to the availability of amounts appropriated for this specific purpose, increase the base rate for all child care providers by ten percent;

(10) Subject to the availability of amounts appropriated for this specific purpose, provide tiered subsidy rate enhancements to child care providers if the provider meets the following requirements:

(a) The provider enrolls in quality rating and improvement system levels 2, 3, 4, or 5;

(b) The provider is actively participating in the early achievers program;

(c) The provider continues to advance towards level 5 of the early achievers program; and

(d) The provider must complete level 2 within thirty months or the reimbursement rate returns the level 1 rate; and

(11) Require exempt providers to participate in continuing education, if adequate funding is available.

Sec. 507. RCW 43.216.514 and 2020 c 343 s 3 are each amended to read as follows:

(1)(a) The department shall prioritize children for enrollment in the early childhood education and assistance program who are eligible pursuant to RCW 43.216.505.

(b) A child who is eligible at the time of enrollment in the early childhood education and assistance program maintains program eligibility until the child begins kindergarten.

(2) As space is available, children may be included in the early childhood education and assistance program pursuant to RCW 43.216.512. ((~~Priority within this group must be given first to children with incomes up to one hundred thirty percent of the federal poverty level.~~))

PART VI

MISCELLANEOUS

NEW SECTION. **Sec. 601.** Nothing in this act changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d).

NEW SECTION. **Sec. 602.** RCW 43.216.1365 (Working connections child care program—Eligibility) and 2020 c 355 s 3 are each repealed.

NEW SECTION. **Sec. 603.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 604.** Sections 204 through 206 and 403 of this act take effect July 1, 2026.

NEW SECTION. **Sec. 605.** Sections 101, 102, 106, 201, 206, 207, 302 through 307, 309, 311 through 314, 402, 404, 405, and 601 of this act are each added to chapter 43.216 RCW.

NEW SECTION. **Sec. 606.** Section 503 of this act expires July 1, 2021.

NEW SECTION. **Sec. 607.** Sections 201, 202, 301, 310, and 504 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2021.

NEW SECTION. **Sec. 608.** Section 504 of this act expires July 1, 2024.

NEW SECTION. **Sec. 609.** Section 505 of this act takes effect July 1, 2024.

NEW SECTION. **Sec. 610.** Sections 105 and 503 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Jacobsen and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Rude and Steele.

Referred to Committee on Rules for second reading.

April 1, 2021

SSB 5249 Prime Sponsor, Committee on Early Learning & K-12 Education: Supporting mastery-based learning. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Rules for second reading.

April 1, 2021

2SSB 5253 Prime Sponsor, Committee on Ways & Means: Implementing the recommendations of the pollinator health task force. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Rural Development, Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The purpose of this act is to implement the recommendations of the pollinator health task force created by section 3, chapter 353, Laws of 2019, entitled "Recommendations of the Pollinator Health Task Force - for Pollinator Health in Washington" (November 2020).

(2) The task force provided recommendations to help prioritize and enact policy changes for pollinators in Washington. The recommendations are organized under five broad categories: (a) Habitat; (b) pesticides; (c) education; (d) managed pollinators; and (e) research.

(3) The task force met for the first time the same week that the Asian giant hornet was first discovered in Washington and the week after the Houdini fly was also reported for the first time in Washington. Asian giant hornets primarily hunt honey bees and destroy entire honey bee hives. The Houdini fly threatens native mason bee populations as well as managed mason bees. Washington is home to over 400 different species of native bees, 65 species of butterflies, as well as moths, wasps, beetles, flies, and hummingbirds. The loss of pollinators, managed and unmanaged, can lead to decreased yields of many fruits, nuts, and vegetables. Washington is currently the top producer in the United States of apples, sweet cherries, alfalfa, blueberries, and pears. In Washington state, honey bees and other pollinators are responsible for the production of tree fruits, small fruits, and other crops.

(4) The legislature intends by this act to implement various recommendations from the pollinator health task force to protect and expand the habitat upon which pollinators depend, by providing technical and financial assistance to public and private landowners, and by coordinating with state agencies and local governments in promoting practices to ensure sustainable, healthy populations of managed and native pollinators.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.23 RCW to read as follows:

(1) The department shall create and chair a pollinator health task force. The department shall appoint the members of the task force, which must include, but is not limited to, representatives of the following interests, organizations, and state agencies:

(a) The conservation commission;

(b) The department of natural resources;

(c) The department of fish and wildlife;

(d) The state parks and recreation commission;

(e) The Washington state department of transportation;

(f) The state noxious weed control board;

(g) The tree fruit industry;

(h) The seed industry;

(i) The berry industry;

(j) Other agricultural industries dependent upon pollinators;

(k) Washington State University;

(l) Pesticide distributors and applicators;

(m) Conservation organizations;

(n) Organizations representing beekeepers or apiarists;

(o) A member of the public from west of the crest of the Cascade mountains; and

(p) A member of the public from east of the crest of the Cascade mountains.

(2) One or more representatives of Washington tribes must also be invited to participate on the task force.

(3) One youth representative from an organization that encourages students to engage in agricultural education must also be invited to participate on the task force when available.

(4) The task force shall build upon existing pollinator research and pollinator habitat plans at the national and state level including, but not limited to, the state-managed pollinator plan, to assist with the development of an implementation plan to implement the state pollinator health strategy.

(5) The task force shall assist, as practicable, with implementation of the recommendations of the task force submitted to the legislature in November 2020.

(6) The department shall provide the implementation plan to the appropriate committees of the senate and house of representatives by December 31, 2021, in compliance with RCW 43.01.036. The implementation plan must include the task force's evaluation and development of protocols that would increase communications between beekeepers, farmers and growers, and pesticide applicators including, but not limited to, education and outreach to beekeepers, farmers and growers, and pesticide applicators.

(7) The department shall provide information related to implementation of the state pollinator health strategy and a recommendation of whether to extend the task force beyond January 1, 2024, to the appropriate committees of the senate and house of representatives by December 1, 2022, in compliance with RCW 43.01.036.

(8) This section expires January 1, 2024.

Sec. 3. RCW 43.23.300 and 2019 c 353 s 2 are each amended to read as follows:

(1) The department shall establish a program to promote and protect pollinator habitat and the health and sustainability of pollinator species. As funds are made available, the program must provide technical and financial assistance to state agencies, local governments, and private landowners to implement practices that promote habitat for ((~~managed~~)) all pollinators, including native species, as well as beekeeper and grower best management practices. The program must be administered in coordination with the apiary program established in chapter 15.60 RCW, the honey bee commission authorized in chapter 15.62 RCW, and programs administered by the conservation commission and conservation districts.

(2) Subject to the availability of funds appropriated for this specific purpose, and in consultation with the department of fish and wildlife, the department must:

(a) Review, in consultation with Washington State University, education needs related to pollinator education and develop a plan that outlines the goals related to pollinator education and the necessary partners, personnel, and other resources;

(b) Evaluate and complete an analysis of critical impacts and needed best management practices for managed and wild pollinators. The department shall lead this effort in partnership with Washington State University, and in collaboration with the department of fish and wildlife and the state conservation commission. The effort must utilize the framework established in the state's managed pollinator protection plan as a guide for formal recommendations and education opportunities. The analysis must address food insecurities, habitat loss, virus and disease, pests, and pesticides, which may play a role in pollinator health decline. The department shall make the resources produced pursuant to this subsection available to the public on the department's website, as well as through Washington State University and the state's conservation districts;

(c) Document, in consultation with Washington State University, the bee species within the state and map their distributions as practicable;

(d) Provide economic and environmental impacts of weed listing and categorization on pollinator health to county noxious weed control boards in consultation with the state noxious weed

control board and annually submit a report to the noxious weed control board describing pollinator health issues;

(e) Provide materials, where practicable and in consultation with Washington State University, about certification programs that support pollinator health, biodiversity, and low-impact pesticide application to the public;

(f) Educate the public through plant nurseries about the necessity for blooming nectar plants to be available to wild and managed pollinators throughout their respective active seasons;

(g) Survey registered beekeepers to determine whether the current apiary program should be expanded to include apiary inspections or registration of apiary yards;

(h) Continue and maintain partnership with federal agencies and neighboring states to promote and enhance the implementation of the national strategy to promote the health of honey bees and improve pollinator health;

(i) Increase the availability of pollinator-related resources on the department's website, as practicable, and other state agencies' websites as appropriate;

(j) Review guidelines on state-managed lands to protect native pollinators and improve transparency for state-managed land areas which may permit managed honey bees so that impacts to wild pollinators from honey bees may be minimized; and

(k) In consultation with the department of revenue, review the open space taxation act and provide recommendations to the legislature, in compliance with RCW 43.01.036, on options to include pollinator habitat in the current open space property tax classification.

NEW SECTION. **Sec. 4.** A new section is added to chapter 17.21 RCW to read as follows:

(1) The department shall continue to evaluate and update, as necessary, pesticide regulatory and education programs focused on measures to protect pollinator health. This work by the department, when appropriate, must be coordinated with Washington State University pesticide education programs to limit duplication and ensure consistent information sharing.

(2) Subject to the availability of amounts appropriated for this specific purpose, and in consultation with the department of fish and wildlife with regard to considerations for native pollinator species, the department must:

(a) Evaluate and adapt pesticide training and drift reduction technical assistance programs to include up-to-date protection measures for pollinators;

(b) Support Washington State University's pesticide education programs continued incorporation of pollinator protection measures during their training and certification classes, and coordinate on presented research, new protection measures, technological advancements, and any other significant science-based information;

(c) Coordinate with pollinator health staff in the department and at Washington State University to conduct investigations and share annual findings from pesticide-related investigations with the pollinator health task force;

(d) Evaluate and, if necessary, update the pesticide civil penalty matrix related to pollinator death or damage due to the misuse of pesticides and ensure pollinator health protections are included;

(e) When possible, the department must provide credits for pesticide courses focused on pollinator protection measures.

(3) By December 31, 2021, the department shall provide a report to the appropriate committees of the senate and house of representatives, in compliance with RCW 43.01.036, that includes recommendations for measures to mitigate the risks of harm to bees and other pollinators from the use of neonicotinoid pesticides and treated seeds. The department shall evaluate and incorporate the reviews scheduled for completion by the United States environmental protection agency during 2021, including recommended mitigation measures from that agency. The department shall also review neonicotinoid pesticide use restrictions and labeling requirements adopted in other states and include in the report any recommendations for adoption of similar requirements in this state.

Sec. 5. RCW 17.24.081 and 1991 c 257 s 12 are each amended to read as follows:

It shall be unlawful for a person to:

(1) Sell, offer for sale, or distribute a noxious weed or a plant or plant product or regulated article infested or infected with a plant pest declared by rule to be a threat to the state's forest, agricultural, horticultural, floricultural, or beekeeping industries or environment;

(2) Knowingly receive a noxious weed, or a plant, plant product, bees, bee hive or appliances, or regulated article sold, given away, carried, shipped, or delivered for carriage or shipment within this state, in violation of the provisions of this chapter or the rules adopted under this chapter;

(3) Fail to immediately notify the department and isolate and hold the noxious weed, bees, bee hives or appliances, plants or plant products, or other thing unopened or unused subject to inspection or other disposition as may be provided by the department, where the item has been received without knowledge of the violation and the receiver has become subsequently aware of the potential problem;

(4) Knowingly conceal or willfully withhold available information regarding an infected or infested plant, plant product, regulated article, or noxious weed;

(5) Introduce or move into this state, or to move or dispose of in this state, a plant, plant product, or other item included in a quarantine, except under rules as may be prescribed by the department, after a quarantine order has been adopted under this chapter against a place, nursery, orchard, vineyard, apiary, other agricultural establishment, county of this state, another state, territory, or a foreign country as to a plant pest, bee pest, or noxious weed or genetically engineered plant or plant pest organism, until such quarantine is removed;

(6) Introduce or move nonnative managed bumble bees into this state to be used in open-field agricultural use.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.30 RCW to read as follows:

The Washington State University extension program must develop a pollinator extension education and outreach program and develop a statewide, science-based, pollinator education plan to educate beekeepers, agricultural producers, land managers, licensed pesticide applicators, other professionals, and the public. The plan should emphasize pollinator best management practices for both native and managed species.

NEW SECTION. **Sec. 7.** A new section is added to chapter 39.04 RCW to read as follows:

If a public works project includes landscaping, at least 25 percent of the planted area must be pollinator habitat to the extent practicable. For purposes of this section, "pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators, including honey bees. The department of agriculture, in consultation with the conservation commission and the department of fish and wildlife, must develop a list of native forage plants that are pollen-rich or nectar-rich and beneficial for all pollinators, including honey bees.

Sec. 8. RCW 77.12.058 and 2019 c 353 s 8 are each amended to read as follows:

(1) The department must implement practices necessary to maintain pollinator habitat on department-owned and managed agricultural and grazing lands where practicable. ((~~For the purposes of this section, "pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators, including honey bees, as determined by the department.~~))

(2) The department must evaluate various restoration techniques with the goal of improving habitat for native pollinators. The department must update its riparian habitat recommendations to encourage development of pollinator habitat where practicable when making habitat improvements or for riparian restoration.

(3) For the purposes of this section, "pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators, including honey bees, as determined by the department.

Sec. 9. RCW 89.08.620 and 2020 c 351 s 4 are each amended to read as follows:

(1) When prioritizing grant recipients, the commission, in consultation with the department of agriculture, Washington State University, the department of fish and wildlife, and the United States department of agriculture natural resources conservation service, shall seek to maximize the benefits of the grant program by leveraging other state, nonstate, public, and private sources of money. The primary metrics used to rank grant applications must be made public by the commission.

(2) The grant program must prioritize or weight projects based on consideration of the individual project's ability to:

(a) Increase the quantity of organic carbon in topsoil through practices including, but not limited to, cover cropping, no-till and minimum tillage conservation practices, crop rotations, manure application, biochar application, compost application, and changes in grazing management;

(b) Increase the quantity of organic carbon in aquatic soils;

(c) Intentionally integrate trees, shrubs, seaweed, or other vegetation into management of agricultural and aquacultural lands, with preference for native vegetation where practicable and appropriate;

(d) Reduce or avoid carbon dioxide equivalent emissions in or from soils;

(e) Reduce nitrous oxide and methane emissions through changes to livestock or soil management; and

(f) Increase usage of precision agricultural practices.

(3) The commission shall develop and approve a prioritization metric to guide the distribution of funds appropriated by the legislature for this purpose, with the goal of producing cost-effective carbon dioxide equivalent impact benefits.

(4) Applicants that create riparian buffers along waterways, or otherwise benefit fish habitat, must receive an enhanced prioritization compared to other grant applications that perform similarly under the prioritization metrics developed by the commission.

(5)(a) Applicants that create or maintain pollinator habitat must receive an enhanced prioritization compared to other grant applications that perform similarly under the prioritization metrics developed by the commission.

(b) For the purposes of this subsection, "pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators, including honey bees, as determined by the department of agriculture.

(6) The commission shall downgrade a specific grant proposal within its prioritization metric if the proposal is expected to cause significant environmental damage to fish and wildlife habitat.

NEW SECTION. **Sec. 10.** A new section is added to chapter 89.08 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission is authorized to develop an ongoing small grants program to provide funding to the conservation districts to educate residents and community groups in urban, suburban, and rural nonfarm areas about the value of habitat for both managed and native pollinators, and to provide the necessary technical and financial assistance and materials to create it.

(2) Educational efforts should include the benefits of habitat diversity, especially pollen-rich and nectar-rich flowering forbs and shrubs. Preference for pollinator plants should be given to native plants or noninvasive, nonnative plants.

(3) Planting projects should provide diverse native or nonnative, noninvasive plants of high quality for pollinator foraging, nesting, and overwintering, as determined by site suitability. Options may include, but are not limited to, bee or eco-lawns, flowering meadow gardens, xeriscaping, shrub plantings, tree plantings, rain gardens, riparian restoration, and other pollinator-friendly landscaping.

(4) Criteria to rank applicants should include a detailed budget demonstrating funding needs, resource concerns addressed, value to at-risk native pollinators, multiple-use benefits of

habitat, planned project longevity, and plans for long-term maintenance."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

April 1, 2021

SSB 5254 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning the use of protective devices and equipment during a public health emergency. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

April 1, 2021

SSB 5258 Prime Sponsor, Committee on Ways & Means: Concerning consumer directed employers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Caldier and Dye.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler and Schmick.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5259 Prime Sponsor, Committee on Ways & Means: Concerning law enforcement data collection. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that law enforcement transparency and accountability are vital in maintaining public trust. Data collection is one essential tool to allow the public, law enforcement, and policymakers to analyze the effectiveness of existing police practices, determine which policies and training work and do not work, and avoid unintended consequences by supporting policy decisions with clear and relevant data.

The legislature finds that creating a statewide data collection program that creates a publicly accessible database to track metrics will help to promote openness, transparency, and accountability, build stronger police-community relations, improve trust and confidence in policing services, evaluate specific areas of concern such as biased policing and excessive force, and ultimately improve the quality of policing services.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Contractor" means the institution of higher education contracted with the office of the attorney general to implement the statewide use of force data program as provided in this chapter.

(2) "Great bodily harm" has the same meaning as in RCW 9A.04.110.

(3) "Institution of higher education" has the same meaning as in RCW 28B.92.030.

(4) "Law enforcement agency" or "agency" means any general authority

Washington law enforcement agency and limited authority Washington law enforcement agency as those terms are defined in RCW 10.93.020.

(5) "Substantial bodily harm" has the same meaning as in RCW 9A.04.110.

NEW SECTION. **Sec. 3.** (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the attorney general's office shall establish an advisory group to assist with the office's design, development, and implementation of a statewide use of force data program. Members are appointed by the attorney general's office and must consist of:

(i) At least three representatives from local nongovernmental organizations or advocacy groups that have a focus on or expertise in the use and role of data as it relates to interactions between law enforcement and the community;

(ii) At least three representatives from law enforcement agencies or organizations representing the interests of law enforcement in interacting and utilizing this data; and

(iii) At least one representative from the private sector or the public sector with experience in data collection programs, preferably law enforcement data collection.

(b) To ensure the advisory group has diverse and inclusive representation of those affected by its work, advisory group members whose participation in the advisory group may be hampered by financial hardship may apply for a stipend in an amount not to exceed $100 for each day during which the member attends an official meeting of the advisory group or performs prescribed duties approved by the attorney general's office.

(2) By April 1, 2022, the advisory group shall submit to the attorney general its recommendations on the following elements:

(a) How to prioritize the implementation of the reporting, collection, and publication of the use of force data reports required in section 4(2) of this act;

(b) Additional incidents and data to be collected from law enforcement agencies on interactions between officers and the public, such as traffic stops, pedestrian stops, calls for services, arrests, vehicle pursuits, and disciplinary actions, as well as demographic information including race, ethnicity, and gender of a crime victim or victims. This recommendation should consider phased implementation, if necessary, based on current practices and available data as compared to additional practices and new data that would need to be implemented by law enforcement agencies;

(c) Recommend practices for law enforcement agencies to collect and report data to the contractor. To the greatest extent feasible, the reporting mechanisms for the program must include the opportunity for law enforcement agencies to submit the required data elements through incident reports or any other electronic means. The advisory group may also work to develop a standardized incident report that meets the data and reporting requirements of the statewide use of force data program for voluntary use by law enforcement agencies;

(d) Recommend practices for the public to report relevant information to the contractor directly, or its successor, including correcting misreported and otherwise incorrect data;

(e) Recommend practices for public, law enforcement, and academic access and use of program data that must include, at a minimum:

(i) Public access to deidentified raw and/or refined incident based data using an established open data standard, available online at no cost in a downloadable, machine-readable, nonproprietary format, redacted only as necessary to comply with the public records act (chapter 42.56 RCW) and the Washington state criminal records privacy act (chapter 10.97 RCW);

(ii) Publicly accessible online data dashboards that summarize and analyze the data, excluding personally identifiable information;

(iii) Interactive data visualization tools designed for law enforcement agencies and other entities to use the data for research, professional development, training, and management;

(iv) The ability to extract data from incident reports, or other electronic means, and officer narratives in order to standardize data across multiple agencies;

(v) Ensure protection and removal of all personally identifiable information of officers, subjects, and victims in any data or analyses that are publicly released; and

(vi) Semiannual reports, summarizing the data collected and any related analysis, published on the website and submitted to the legislature and governor by June 1st and December 1st of each year;

(f) Recommend practices for quality improvement, including periodically obtaining input from stakeholders about how the program can better meet the needs of the public and law enforcement;

(g) Recommend practices in the following areas:

(i) Analytical dashboards with individual officer details for use by law enforcement agencies as a risk management tool;

(ii) Agency level comparative dashboards for all law enforcement agencies in the state;

(iii) Incorporating available historical data to identify long-term trends and patterns; and

(iv) Analysis of data, using methodologies based in best practices or tested and validated in other jurisdictions, if possible, including, but not limited to, analysis of the data using legal algorithms based on available and applicable legal standards.

(3)(a) The office of the attorney general shall review the recommendations of the advisory group and approve or reject, in whole or in part, the recommendations. In reviewing the program recommendations, the office of the attorney general shall consider:

(i) Available funding to achieve the recommendations;

(ii) Prioritizing the implementation of the reporting, collection, and publication of the use of force data reports in section 4(2) of this act;

(iii) The interests of the public in accessing information in a transparent and expedient manner. In considering the interests of the public, the advisory board shall accept and consider comments from impacted family members or their designees;

(iv) The institutional operations and demands of law enforcement agencies through input and comments from the criminal justice training center and local law enforcement agencies.

(b) For any recommendation that was rejected, in part or in full, the advisory group may submit revised recommendations for consideration by the office of the attorney general in accordance with any deadlines established by the office. The office of the attorney general may also approve recommendations subject to the legislature appropriating the funding necessary for their implementation.

(c) The office of the attorney general may not approve any recommendation that requires any law enforcement agency to disclose information that would jeopardize an active criminal investigation, confidential informant, or intelligence information.

(4) The approved recommendations and the requirements contained in section 4 of this act constitute the statewide use of force data program.

(5) This section expires January 1, 2023.

NEW SECTION. **Sec. 4.** (1) Each law enforcement agency in the state is required to report each incident where a law enforcement officer employed by the agency used force and:

(a) A fatality occurred in connection with the use of force;

(b) Great bodily harm occurred in connection with the use of force;

(c) Substantial bodily harm occurred in connection with the use of force; or

(d) A law enforcement officer:

(i) Discharged a firearm at or in the direction of a person;

(ii) Pointed a firearm at a person;

(iii) Used a chokehold or vascular neck restraint;

(iv) Used an electronic control weapon including, but not limited to, a taser, against a person;

(v) Used oleoresin capsicum spray against a person;

(vi) Discharged a less lethal shotgun or other impact munitions at or in the direction of a person;

(vii) Struck a person using an impact weapon or instrument including, but not limited to, a club, baton, or flashlight;

(viii) Used any part of their body to physically strike a person including, but not limited to, punching, kicking, slapping, or using closed fists or feet;

(ix) Used a vehicle to intentionally strike a person or vehicle; or

(x) Deployed a canine by releasing it from the physical control of the law enforcement officer or had under the law enforcement officer's control a canine that bites a person.

(2) Each report required in subsection (1) of this section must include the following information:

(a) The date and time of the incident;

(b) The location of the incident;

(c) The agency or agencies employing the law enforcement officers;

(d) The type of force used by the law enforcement officer;

(e) The type of injury to the person against whom force was used, if any;

(f) The type of injury to the law enforcement officer, if any;

(g) Whether the person against whom force was used was armed or unarmed;

(h) Whether the person against whom force was used was believed to be armed;

(i) The type of weapon the person against whom force was used was armed with, if any;

(j) The age, gender, race, and ethnicity of the person against whom force was used, if known;

(k) The tribal affiliation of the person against whom force was used, if applicable and known;

(l) Whether the person against whom force was used exhibited any signs associated with a potential mental health condition or use of a controlled substance or alcohol based on the observation of the law enforcement officer;

(m) The name, age, gender, race, and ethnicity of the law enforcement officer;

(n) The law enforcement officer's years of service;

(o) The reason for the initial contact between the person against whom force was used and the law enforcement officer;

(p) Whether any minors were present at the scene of the incident, if known;

(q) The entity conducting the independent investigation of the incident, if applicable;

(r) Whether dashboard or body worn camera footage was recorded for an incident;

(s) The number of officers who were present when force was used; and

(t) The number of suspects who were present when force was used.

(3) Each law enforcement agency must also report any additional incidents and data required by the statewide use of force data program developed in section 3 of this act.

(4) All law enforcement agencies shall submit the reports required by this section in accordance with the requirements of the statewide use of force data program no later than three months after the office of the attorney general determines that the system procured in section 5 of this act can accept law enforcement agency reports. Reports must be made in the format and time frame established in the statewide use of force data program.

(5) A law enforcement agency has satisfied its reporting obligations pursuant to this act by submitting the reports and data required under this section. The contractor shall provide technical assistance to any law enforcement agency in gathering, compiling, and submitting the required reports and data for each incident.

NEW SECTION. **Sec. 5.** (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the attorney general must engage in a competitive procurement to contract with an institution of higher education to implement the statewide use of force data program. The primary purpose of the contract is to develop a system for law enforcement agencies to report, collect, and publish the use of force data reports required in section 4 of this act.

(2) The request for proposal or other procurement method should encourage collaboration with other public and private institutions, businesses, and

organizations with significant expertise and experience in collecting, tracking, and reporting data on law enforcement interactions with the public.

(3) Members and representatives of entities participating in the advisory group established in section 3 of this act may not participate or bid in the competitive procurement.

(4) The advisory group, or designated members of the group, may participate in the procurement process through the development of the request for proposal and the review and evaluation of responsive bidders.

(5) The contract must require the successful bidder to provide appropriate training to its staff and subcontractor staff, including training on racial equity issues.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 10 RCW."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member and Chandler.

Referred to Committee on Rules for second reading.

April 1, 2021

2SSB 5265 Prime Sponsor, Committee on Ways & Means: Creating a bridge year pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the ongoing COVID-19 pandemic has created an unprecedented disruption to the education of students throughout the state, and uniquely impacted students who are or were nearing the completion of graduation requirements.

(2) Although remote and hybrid instruction, supported by the exceptional efforts of teachers and other education professionals, has proven satisfactory for many students, some courses, subjects, and critical attributes of in-person learning experiences cannot be replicated through highly modified learning environments. Additionally, some education experiences, including full course offerings and extracurricular activities, were reduced or eliminated in response to the pandemic.

(3) The legislature, therefore, in recognition of the extraordinary impacts of an ongoing pandemic, intends to establish a temporary two-year program to provide an opportunity for students in the graduating classes of 2021 and 2022 to complete up to one additional school year to pursue academic and experiential opportunities that were diminished or eliminated as a result of the COVID-19 pandemic.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.630 RCW to read as follows:

(1)(a) The bridge year program is established to provide an opportunity for students in the graduating classes of 2021 and 2022 to complete up to one additional school year to pursue academic and experiential opportunities that were diminished or eliminated as a result of the COVID-19 pandemic. The program is temporary, expires as provided in section 8 of this act, and shall be administered by the state board of education.

(b) The objective of a bridge year is for students, with the support of the applicable high school, to remedy or otherwise address:

(i) Learning loss, including learning loss that may be attributable to fewer opportunities for in-person instruction during the 2020-21 school year, learning loss evidenced by academic performances that were inconsistent with previous efforts of the student, and the loss of opportunity to learn in the manner traditionally accessed by the student;

(ii) Unmet graduation requirements, including opportunities for meeting graduation requirements that were not available during the 2020-21 school year;

(iii) Fewer opportunities to access and earn 24 credits;

(iv) Fewer opportunities to access courses traditionally offered to students, including career and technical education courses and dual credit courses;

(v) Fewer or significantly modified opportunities for mastering academic skills, including diminished opportunities for accessing: Applied learning experiences and learning experiences traditionally associated with the synchronous efforts of other students, such as music and drama, and services provided to students in accordance with individualized education programs; and

(vi) Fewer or significantly modified opportunities for social-emotional learning, and extracurricular and cocurricular activities.

(2)(a) Each public school and school district that applied to the state board of education for authorization to grant individual student emergency waivers under section 2, chapter 7, Laws of 2021 must offer the bridge year program to students of the applicable public school or school district in the graduating classes of 2021 and 2022.

(b) Private schools subject to requirements under chapter 28A.195 RCW may participate in the applicable provisions of the program, as determined by rule of the state board of education.

(3)(a) Each public high school participating in the program shall designate a school staff member as a program liaison to assist students and families with the implementation of the program. Nothing in this section requires a school or school district to hire an individual to serve as a program liaison.

(b) The program liaison shall provide individual student advising to help students determine whether the program is appropriate for their needs and, if so, assist each student in developing an addendum to their high school and beyond plan. The addendum must define the academic goals and objectives to be achieved during the student's bridge year, examples of which include increased mastery of academic concepts, completion of dual credit courses, career and technical education courses, or both, and additional experiences in applied learning environments. The addendum also must detail activities and strategies for accomplishing the goals and objectives, including counseling, academic support, coursework, and extracurricular and cocurricular activities.

(4) Each high school participating in the program shall maintain records as necessary and as required by rule of the state board of education to demonstrate compliance with this section.

(5) Students in the graduating classes of 2021 and 2022 may participate in the program for up to one academic year. Student participation in the program is voluntary and may not be mandated by a school or school district. If a student has met all applicable graduation requirements and elects to participate in the program, the student must defer graduation for the duration of the bridge year. Students who participate in the program must:

(a) Have had their ability to complete one or more graduation requirements impeded by the COVID-19 pandemic; and

(b) Have been reasonably expected to graduate in the academic year prior to their participation in the program.

(6) Schools and school districts participating in the program shall expunge marks or grades from a participating student's transcript if the student completes the course with a higher mark or grade during their bridge year.

(7)(a) Students participating in the program who defer graduation for one year in accordance with subsection (5) of this section may participate in graduation ceremonies with the graduating class of 2021 or 2022, as applicable, but the high school may not issue diplomas to those students until the conclusion of the bridge year or upon a student's withdrawal from the program.

(b) Participating students who have met all graduation requirements have graduated with their initial graduation cohort for purposes of calculating the four-year graduation rate for that cohort.

(8) A student who withdraws from the program or meets the goals and objectives of the high school and beyond plan addendum before completing the academic year is, upon withdrawal or completion of the goals and objectives, ineligible to participate in interscholastic and

extracurricular activities of an athletic, cultural, social, or recreational nature authorized under section 3 of this act.

(9) For purposes of funding allocations and student enrollment, students participating in the program who enroll in running start courses count as running start students for time spent in running start courses.

(10) School districts, charter schools, and state-tribal education compact schools participating in the program are eligible for funds provided in accordance with chapters 28A.150, 28A.710, and 28A.715 RCW, as applicable.

(11) The state board of education shall adopt, and may amend as necessary, rules to implement this section.

(12) For the purposes of this section and section 3 of this act:

(a) "Bridge year" means the full or partial academic year during which a student is participating in the program; and

(b) "Program" means the bridge year program established by this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) A student participating in a program pursuant to section 2 of this act shall be, for purposes of eligibility for activities sanctioned by the Washington interscholastic activities association and extracurricular activities, considered in their fourth year of eligibility after entering the ninth grade.

(2) A student participating in a sport or extracurricular activity during the student's bridge year shall pay applicable student athletic and activities fees and be subject to the applicable high school's student code of conduct, athletic code of conduct, and any other applicable codes, rules, or policies required for student participation in these activities.

(3) Notwithstanding the provisions of any law, rule, or regulation to the contrary, an insurer doing business in the state and issuing liability insurance policies to school districts must provide coverage for students participating in a sport or extracurricular activity under this section as part of a school or school district's liability insurance policy.

(4) For purposes of this section, "bridge year" and "program" have the same meaning as in section 2 of this act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) The state board of education, in accordance with RCW 43.01.036, shall report its finding and recommendations regarding the bridge year program established in section 2 of this act to the governor, the superintendent of public instruction, and the education committees of the legislature by April 1, 2023.

(2) The report required by this section must include:

(a) The number of students, schools, and school districts that participated in the program, by school year;

(b) Reasons identified by students for participating in the program, by school year;

(c) The number and percentage of students who completed the requirements of the program, by school year;

(d) The average number of high school and postsecondary credits earned by students participating in the program, by school year;

(e) The number and percentage of students who did not complete the requirements of the program and the reasons identified by students for not doing so, by school year; and

(f) Any other information deemed relevant by the state board of education.

(3) Student-level data required by this section for participating students must be disaggregated in a manner that is consistent with RCW 28A.300.042(3).

(4) The office of the superintendent of public instruction shall collect the data necessary for the report required by this section and provide the data to the state board of education by December 31, 2022.

Sec. 5. RCW 28A.600.290 and 2015 c 202 s 3 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose and commencing with the 2015-16

school year, funding may be allocated at an amount per college credit for eleventh and twelfth grade students ((~~or~~)), students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grade, and students participating in a bridge year under section 2 of this act, who are enrolled in college in the high school courses under this section as specified in the omnibus appropriations act and adjusted for inflation from the 2015-16 school year. The maximum annual number of allocated credits per participating student shall be specified in the omnibus appropriations act, which must not exceed ten credits. Funding shall be prioritized in the following order:

(i) High schools offering a running start in the high school program in school year 2014-15. These schools shall only receive prioritized funding in school year 2015-16;

(ii) Students whose residence or the high school in which they are enrolled is located twenty driving miles or more as measured by the most direct route from the nearest eligible institution of higher education offering a running start program, whichever is greater; and

(iii) High schools eligible for the small school funding enhancement in the omnibus appropriations act.

(b)(i) Subject to the availability of amounts appropriated for this specific purpose and commencing with the 2015-16 school year, and only after the programs in (a) of this subsection are funded, a subsidy may be provided per college credit for eleventh and twelfth grade students ((~~or~~)), students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grade, and students participating in a bridge year under section 2 of this act, who have been deemed eligible for free or reduced-price lunch and are enrolled in college in the high school courses under this section as specified in the omnibus appropriations act and adjusted for inflation from the 2015-16 school year. The maximum annual number of subsidized credits per participating student shall be specified in the omnibus appropriations act, which must not exceed five credits.

(ii) Districts wishing to participate in the subsidy program must apply to the office of the superintendent of public instruction by July 1st of each year and report the preliminary estimate of eligible students to receive the subsidy and the total number of projected credit hours.

(iii) The office of the superintendent of public instruction shall notify districts by September 1st of each school year if the district's students will receive the subsidy. If more districts apply than funding is available, the office of the superintendent of public instruction shall prioritize the district applications. The superintendent shall develop factors to determine priority including, but not limited to, the number of dual credit opportunities available for low-income students in the districts.

(c) Districts shall remit any allocations or subsidies on behalf of participating students under (a) and (b) of this subsection to the participating institution of higher education and those students shall not be required to pay for the credits.

(d) The minimum allocation and subsidy under this section is sixty-five dollars per quarter credit for credit-bearing postsecondary coursework. The office of the superintendent of public instruction, the student achievement council, the state board for community and technical colleges, and the public baccalaureate institutions shall review funding levels for the program every four years beginning in 2017 and recommend changes.

(e) Students may pay college in the high school fees with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

(2) For the purposes of funding students enrolled in the college in the high school program in accordance with subsection (1) of this section, college in the high school is defined as a dual credit program located on a high school campus or in a high school environment in which a high school student, or a student participating in a bridge year under section 2 of this act, is able to earn both high school and postsecondary credit by completing postsecondary level courses with a passing grade.

(3) College in the high school programs may include both academic and career and technical education.

(4) College in the high school programs shall each be governed by a local contract between the district and the participating institution of higher education, in compliance with the rules adopted by the superintendent of public instruction under this section.

(5) The college in the high school program must include the provisions in this subsection.

(a) The high school and participating institution of higher education together shall define the criteria for student eligibility. The institution of higher education may charge tuition fees to participating students. If specific funding is provided in the omnibus appropriations act for the per credit allocations and per credit subsidies under subsection (1) of this section, the maximum per credit fee charged to any enrolled student may not exceed the amount of the per credit allocation or subsidy.

(b) The funds received by the participating institution of higher education may not be deemed tuition or operating fees and may be retained by the institution of higher education.

(c) Enrollment information on persons registered under this section must be maintained by the institution of higher education separately from other enrollment information and may not be included in official enrollment reports, nor may such persons be considered in any enrollment statistics that would affect higher education budgetary determinations.

(d) A school district must grant high school credit to a student enrolled in a program course if the student successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the student enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of successful completion of each program course shall be included in the student's secondary school records and transcript.

(e) A participating institution of higher education must grant college credit to a student enrolled in a program course if the student successfully completes the course. The college credit shall be applied toward general education requirements or degree requirements at institutions of higher education. Evidence of successful completion of each program course must be included in the student's college transcript.

(f) Tenth, eleventh, and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the tenth, eleventh, or twelfth grades, and students participating in a bridge year under section 2 of this act, may participate in the college in the high school program.

(g) Participating school districts must provide general information about the college in the high school program to all students in grades nine through twelve and to the parents and guardians of those students.

(h) Full-time and part-time faculty at institutions of higher education, including adjunct faculty, are eligible to teach program courses.

(6) The superintendent of public instruction shall adopt rules for the administration of this section. The rules shall be jointly developed by the superintendent of public instruction, the state board for community and technical colleges, the student achievement council, and the public baccalaureate institutions. The association of Washington school principals must be consulted during the rules development. The rules must outline quality and eligibility standards that are informed by nationally recognized standards or models. In addition, the rules must encourage the maximum use of the program and may not narrow or limit the enrollment options.

(7) The definitions in this subsection apply throughout this section.

(a) "Institution of higher education" has the definition in RCW 28B.10.016, and also includes a public tribal college located in Washington and accredited by the Northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(b) "Program course" means a college course offered in a high school under the college in the high school program.

Sec. 6. RCW 28A.600.310 and 2019 c 252 s 115 and 2019 c 176 s 2 are each reenacted and amended to read as follows:

(1)(a) Eleventh and twelfth grade students ((~~or~~)), students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the eleventh or twelfth grades, and students participating in a bridge year under section 2 of this act, may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education.

(b) The course sections and programs offered as running start courses must also be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus.

(c) A student receiving home-based instruction enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals or to learn the state learning standards. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program. Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students. If the institution of higher education accepts a secondary school pupil for enrollment under this section, the institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2)(a) In lieu of tuition and fees, as defined in RCW 28B.15.020 and 28B.15.041:

(i) Running start students shall pay to the community or technical college all other mandatory fees as established by each community or technical college and, in addition, the state board for community and technical colleges may authorize a fee of up to ten percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041; and

(ii) All other institutions of higher education operating a running start program may charge running start students a fee of up to ten percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041 in addition to technology fees.

(b) The fees charged under this subsection (2) shall be prorated based on credit load.

(c) Students may pay fees under this subsection with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

(3)(a) The institutions of higher education must make available fee waivers for low-income running start students. A student shall be considered low income and eligible for a fee waiver upon proof that the student is currently qualified to receive free or reduced-price lunch. Acceptable documentation of low-income status may also include, but is not limited to, documentation that a student has been deemed eligible for free or reduced-price lunches in the last five years, or other criteria established in the institution's policy.

(b)(i) By the beginning of the 2020-21 school year, school districts, upon knowledge of a low-income student's enrollment in running start, must provide documentation of the student's low-income status, under (a) of this subsection, directly to institutions of higher education.

(ii) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with the Washington student achievement council, shall develop a centralized process for school districts to provide

students' low-income status to institutions of higher education to meet the requirements of (b)(i) of this subsection.

(c) Institutions of higher education, in collaboration with relevant student associations, shall aim to have students who can benefit from fee waivers take advantage of these waivers. Institutions shall make every effort to communicate to students and their families the benefits of the waivers and provide assistance to students and their families on how to apply. Information about waivers shall, to the greatest extent possible, be incorporated into financial aid counseling, admission information, and individual billing statements. Institutions also shall, to the greatest extent possible, use all means of communication, including but not limited to web sites, online catalogues, admission and registration forms, mass email messaging, social media, and outside marketing to ensure that information about waivers is visible, compelling, and reaches the maximum number of students and families that can benefit.

(4) The pupil's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, participating institutions of higher education, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall be counted for the purpose of meeting enrollment targets in accordance with terms and conditions specified in the omnibus appropriations act.

Sec. 7. RCW 28A.600.330 and 1994 c 205 s 4 are each amended to read as follows:

(1) A pupil who enrolls in an institution of higher education in grade eleven may not enroll in postsecondary courses under RCW 28A.600.300 through 28A.600.390 for high school credit and postsecondary credit for more than the equivalent of the coursework for two academic years. A pupil who first enrolls in an institution of higher education in grade twelve may not enroll in postsecondary courses under this section for high school credit and postsecondary credit for more than the equivalent of the coursework for one academic year.

(2) The credit limitations in this section do not apply to students participating in the bridge year program created in section 2 of this act.

NEW SECTION. **Sec. 8.** This act expires July 31, 2023.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Hoff and Schmick.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5304 Prime Sponsor, Committee on Ways & Means: Providing reentry services to persons releasing from state and local institutions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that when considering releasing persons from state and local institutions, realizing the safety of the public is the primary concern. The legislature also finds that the success of persons with behavioral health needs being released from confinement in a prison, jail, juvenile rehabilitation facility, state hospital, and other state and local institutions can be increased with access to continuity of medical assistance, supportive services, and other targeted assistance. The legislature finds that this act provides strategies to prevent interruption of medical assistance benefits and to allow for a seamless transfer between systems of care. The legislature further finds that this act removes stigmatizing language from the program created under RCW 72.09.370 and 71.24.470 and creates a work group to study how to expand the cost-effective strategies of this program to other populations and settings to enhance recovery, reduce recidivism, and improve safety.

Sec. 2. RCW 74.09.670 and 2016 c 154 s 2 are each amended to read as follows:

((~~The~~)) When the authority receives information that a person enrolled in medical assistance is confined in a setting in which federal financial participation is disallowed by the state's agreements with the federal government, the authority ((~~is directed to~~)) shall suspend, rather than terminate, medical assistance benefits ((~~by July 1, 2017,~~)) for these persons, including those who are incarcerated in a correctional institution as defined in RCW 9.94.049, or committed to a state hospital or other treatment facility. ((~~This must include the ability for a~~)) A person who is not currently enrolled in medical assistance must be allowed to apply for medical assistance in suspense status during ((~~incarceration~~)) confinement, and the ability to apply may not depend upon knowledge of the release or discharge date of the person. ((~~The authority must provide a progress report describing program design and a detailed fiscal estimate to the governor and relevant committees of the legislature by December 1, 2016.~~))

Sec. 3. RCW 74.09.555 and 2019 c 325 s 4005 are each amended to read as follows:

(1) The authority shall adopt rules and policies providing that when persons ((~~with a mental disorder,~~)) who were enrolled in medical assistance immediately prior to confinement, or who become enrolled in medical assistance in suspense status during the period of confinement, are released from confinement, their medical assistance coverage ((~~will~~)) shall be fully reinstated ((~~on the day~~)) no later than at the moment of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law. The authority may reinstate medical assistance prior to the day of release provided that no federal funds are expended for any purpose that is not authorized by the state's agreements with the federal government.

(2) The authority, in collaboration with the Washington association of sheriffs and police chiefs, the department of corrections, the department of children, youth, and families, managed care organizations, and behavioral health administrative services organizations, shall establish procedures for coordination between the authority and department field offices, institutions for mental disease, and correctional institutions, as defined in RCW 9.94.049, that result in prompt reinstatement of eligibility and speedy eligibility determinations for ((~~persons who are likely to be eligible for~~)) medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expeditious review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance services identity cards to persons eligible for medical assistance

services ((~~immediately upon~~)) before their release from confinement; ((~~and~~))

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits, including federal acceptance of applications on behalf of confined persons; and

(e) Assuring that notification of the person's release date, current location, and other appropriate information is provided to the person's managed care organization before the person's scheduled release from confinement, or as soon as practicable thereafter.

(3) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution or institution for mental diseases shall provide the authority with that information for purposes of making medical assistance eligibility and enrollment determinations prior to the person's release from confinement. The authority shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional institution, as defined in RCW 9.94.049, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

(5) ((~~For purposes of this section, "likely to be eligible" means that a person:~~

~~(a) Was enrolled in medicaid or supplemental security income or the medical care services program immediately before he or she was confined and his or her enrollment was terminated during his or her confinement; or~~

~~(b) Was enrolled in medicaid or supplemental security income or the medical care services program at any time during the five years before his or her confinement, and medical or psychiatric examinations during the person's confinement indicate that the person continues to be disabled and the disability is likely to last at least twelve months following release.~~

~~(6)~~)) The economic services administration within the department shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined person ((~~who is likely to be eligible~~)) for medicaid.

NEW SECTION. **Sec. 4.** (1) The health care authority shall apply for a waiver allowing the state to provide medicaid services to persons who are confined in a correctional institution as defined in RCW 9.94.049 or confined in a state hospital or other treatment facility up to 30 days prior to the person's release or discharge to the community. The purpose is to create continuity of care and provide reentry services.

(2) The health care authority shall consult with the work group established under section 9 of this act about how to optimize the waiver application and its chance of success, including by limiting its scope if deemed appropriate.

(3) The health care authority shall inform the governor and relevant committees of the legislature in writing when the waiver application is submitted and update them as to progress of the waiver at appropriate points.

(4) No provision of this section may be interpreted to require the health care authority to provide medicaid services to persons who are confined in a correctional institution, state hospital, or other treatment facility up to 30 days prior to the person's release or discharge unless the health care authority obtains final approval for its waiver application from the centers for medicare and medicaid services.

Sec. 5. RCW 9.94.049 and 1995 c 314 s 6 are each amended to read as follows:

(1) For the purposes of this chapter, the term "correctional institution" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, juvenile detention centers, and other facilities operated by the department of corrections, department of children, youth, and families, or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction or adjudication of a criminal offense.

(2) For the purposes of RCW 9.94.043 and 9.94.045, "state correctional

institution" means all state correctional facilities under the supervision of the secretary of the department of corrections used solely for the purpose of confinement of convicted felons.

Sec. 6. RCW 72.09.370 and 2019 c 325 s 5025 are each amended to read as follows:

(1) The ((~~offender~~)) reentry community ((~~safety~~)) services program is established to provide intensive services to ((~~offenders~~)) persons identified under this subsection and to thereby promote successful reentry, public safety, and recovery. The secretary shall identify ((~~offenders~~)) persons in confinement or partial confinement who: (a) Are reasonably believed to ((~~be dangerous~~)) present a danger to themselves or others if released to the community without supportive services; and (b) have a mental disorder. In ((~~determining an offender's dangerousness~~)) evaluating these criteria, the secretary shall consider behavior known to the department and factors, based on research, that are linked to ((~~an increased~~)) risk ((~~for~~)) of dangerousness ((~~of offenders~~)) for persons with mental illnesses within the criminal justice system and shall include consideration of ((~~an offender's~~)) the person's history of substance use disorder or abuse.

(2) Prior to release of ((~~an offender~~)) a person identified under this section, a team consisting of representatives of the department of corrections, the health care authority, and, as necessary, the indeterminate sentence review board, divisions or administrations within the department of social and health services, specifically including the division of developmental disabilities, the appropriate managed care organization ((~~contracted with the health care authority, the appropriate~~)) or behavioral health administrative services organization, and ((~~the~~)) reentry community services providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the ((~~offender~~)) person upon release. In developing the plan, the ((~~offender~~)) person shall be offered assistance in executing a mental health advance directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for ((~~offenders~~)) persons under the age of ((~~twenty-one~~)) 21. The team shall consult with the ((~~offender's~~)) person's counsel, if any, and, as appropriate, the ((~~offender's~~)) person's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific ((~~offender~~)) person. The team may recommend: (a) That the ((~~offender~~)) person be evaluated by ((~~the~~)) a designated crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or substance use disorder or abuse treatment.

(3) Prior to release of ((~~an offender~~)) a person identified under this section, the team shall determine whether or not an evaluation by a designated crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated crisis responder. The supporting documentation shall include the ((~~offender's~~)) person's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the ((~~offender's~~)) person's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the

department shall release the ((~~offender~~)) person only to a state hospital or to a consenting evaluation and treatment facility or secure withdrawal management and stabilization facility. The department shall arrange transportation of the ((~~offender~~)) person to the hospital or facility.

(7) If the designated crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the ((~~offender~~)) person to appear at an evaluation and treatment facility or secure withdrawal management and stabilization facility. If a summons is issued, the ((~~offender~~)) person shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified ((~~evaluation and treatment~~)) facility.

(8) The secretary shall adopt rules to implement this section.

Sec. 7. RCW 71.24.470 and 2019 c 325 s 1030 are each amended to read as follows:

(1) The director shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the director deems necessary to assist ((~~offenders~~)) persons identified under RCW 72.09.370 for participation in the ((~~offender~~)) reentry community ((~~safety~~)) services program. The contracts may be with any qualified and appropriate entities. The director shall ensure the authority has coverage in all counties of the state for the purposes of providing reentry community services program services.

(2) The case manager has the authority to assist these ((~~offenders~~)) persons in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, assistance obtaining substance use disorder treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, peer services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The ((~~offender~~)) reentry community ((~~safety~~)) services program was formerly known as the community integration assistance program.

Sec. 8. RCW 71.24.480 and 2019 c 325 s 1031 are each amended to read as follows:

(1) A licensed or certified behavioral health agency acting in the course of the ((~~provider's~~)) agency's duties under this chapter((~~, is~~)) and its individual employees are not liable for civil damages resulting from the injury or death of another caused by a participant in the ((~~offender~~)) reentry community ((~~safety~~)) services program who is a client of the ((~~provider or organization~~)) agency, unless the act or omission of the ((~~provider or organization~~)) agency or employee constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed or certified behavioral health agency shall report ((~~an offender's~~)) a reentry community services program participant's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed or certified behavioral health agency's mere act of treating a

participant in the ((~~offender~~)) reentry community ((~~safety~~)) services program is not negligence. Nothing in this subsection alters the licensed or certified behavioral health agency's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed or certified behavioral health agencies and their employees and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the ((~~offender~~)) reentry community ((~~safety~~)) services program" means a person who has been identified under RCW 72.09.370 as ((~~an offender~~)) a person who: (a) Is reasonably believed to ((~~be dangerous~~)) present a danger to himself or herself or others if released to the community without supportive services; and (b) has a mental disorder.

NEW SECTION. **Sec. 9.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a reentry services work group to consider ways to improve reentry services for persons with an identified behavioral health services need. The work group shall:

(a) Advise the authority on its waiver application under section 4 of this act;

(b) Develop a plan to assure notifications of the person's release date, current location, and other appropriate information are provided to the person's managed care organization before the person's scheduled release from confinement, or as soon as practicable thereafter, in accordance with RCW 74.09.555;

(c) Consider the value of expanding, replicating, or adapting the essential elements of the reentry community services program under RCW 72.09.370 and 71.24.470 to benefit new populations, such as:

(i) A larger group of incarcerated persons in the department of corrections than those who currently have the opportunity to participate;

(ii) State hospital patients committed under criminal insanity laws under chapter 10.77 RCW;

(iii) Involuntary treatment patients committed under chapter 71.05 RCW;

(iv) Persons committed to juvenile rehabilitation;

(v) Persons confined in jail; and

(vi) Other populations recommended by the work group;

(d) Consider whether modifications should be made to the reentry community services program;

(e) Identify potential costs and savings for the state and local governments which could be realized through the use of telehealth technology to provide behavioral health services, expansion or replication of the reentry community services program, or other reentry programs which are supported by evidence;

(f) Consider the sustainability of reentry or diversion services provided by pilot programs funded by contempt fines in *Trueblood, et al., v. Washington State DSHS*, No. 15-35462;

(g) Recommend a means of funding expanded reentry services; and

(h) Consider incorporation of peer services into the reentry community services programs.

(2) The authority shall invite participation in the work group by stakeholders including but not limited to representatives from: Disability rights Washington; behavioral health advocacy organizations; behavioral health peers; reentry community services providers; community behavioral health agencies; advocates for persons with developmental disabilities; the department of corrections; the department of children, youth, and families; the Washington association of sheriffs and police chiefs; prosecutors; defense attorneys; the Washington state association of counties; King county behavioral health and recovery division; the department of social and health services; state hospital employees who serve patients committed under chapters 10.77 and 71.05 RCW; the public safety review panel under RCW 10.77.270; managed care organizations; behavioral health administrative services organizations; jail administrators; the Washington statewide reentry council; the Washington state senate; the Washington state house of representatives; and the Washington state institute for public policy.

(3) The work group must provide a progress report to the governor and appropriate committees of the legislature by July 1, 2022, and a final report by December 1, 2023.

NEW SECTION. **Sec. 10.** The Washington state institute for public policy shall update its previous evaluations of the reentry community services program under RCW 72.09.370 and 71.24.470, and broaden its cost-benefit analysis to include impacts on the use of public services, and other factors. The institute shall collaborate with the work group established under section 9 of this act to determine research parameters and help the work group answer additional research questions including, but not limited to, the potential cost, benefit, and risks involved in expanding or replicating the reentry community services program; and what modifications to the program are most likely to prove advantageous based on the current state of knowledge about evidence-based, research-based, and promising programs. The department of corrections, health care authority, administrative office of the courts, King county, and department of social and health services must cooperate with the institute to facilitate access to data or other resources necessary to complete this work. The institute must provide a preliminary report by July 1, 2022, and a final report by November 1, 2023, to the governor and relevant committees of the legislature.

Sec. 11. RCW 72.09.270 and 2008 c 231 s 48 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every ((~~offender~~)) person who is committed to the jurisdiction of the department except:

(a) ((~~Offenders~~)) Persons who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) ((~~Offenders~~)) Persons who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all ((~~offenders~~)) persons using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each ((~~offender~~)) person. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the ((~~offender~~)) person, including any learning disabilities, substance abuse or mental health issues, and social or behavior deficits.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than ((~~forty-five~~)) 45 days of being sentenced to the jurisdiction of the department of corrections.

(b) The ((~~offender's~~)) person's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than ((~~sixty~~)) 60 days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the ((~~offender's~~)) person's children and family;

(b) An individualized portfolio for each ((~~offender~~)) person that includes the ((~~offender's~~)) person's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the ((~~offender~~)) person during the period of incarceration through reentry into the community that addresses the needs of the ((~~offender~~)) person including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) Prior to discharge of any ((~~offender~~)) person, the department shall:

(i) Evaluate the ((~~offender's~~)) person's needs and, to the extent possible, connect the ((~~offender~~))

person with existing services and resources that meet those needs; and

(ii) Connect the ((~~offender~~)) person with a community justice center and/or community transition coordination network in the area in which the ((~~offender~~)) person will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in ((~~an offender's~~)) a person's individual reentry plan, the department shall maximize the period of partial confinement for the ((~~offender~~)) person as allowed pursuant to RCW 9.94A.728 to facilitate the ((~~offender's~~)) person's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the ((~~offender's~~)) person's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for ((~~an offender~~)) a person released to community custody, the department may ((~~not~~)) approve a residence location that is not in the ((~~offender's~~)) person's county of origin ((~~unless it is determined by the~~)) if the department determines that the ((~~offender's return to his or her county of origin would be inappropriate considering~~)) residence location would be appropriate based on any court-ordered condition of the ((~~offender's~~)) person's sentence, victim safety concerns, ((~~negative influences on the offender in the community, or the~~)) and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the ((~~offender~~)) person, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the person in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the ((~~offender~~)) person is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the ((~~offender~~)) person is placed with a written explanation.

((~~(c)~~)) (d)(i) For purposes of this section, except as provided in (d)(ii) of this subsection, the ((~~offender's~~)) person's county of origin means the county of the ((~~offender's~~)) person's residence at the time of the person's first felony conviction in Washington state.

(ii) If the person is a homeless person as defined in RCW 43.185C.010, or the person's residence is unknown, then the person's county of origin means the county of the person's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services.

Sec. 12. RCW 43.380.020 and 2019 c 415 s 976 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington statewide reentry council is created and located within the department for the purpose of promoting successful reentry of offenders after incarceration.

(2) Through the executive director that may be appointed by the council, the department shall administer the council by:

(a) Providing the council and its executive director use of the department's facilities; and

(b) Managing grants and other funds received, used, and disbursed by the council.

((~~(3) Except during the 2019-2021 fiscal biennium, the department may not designate additional full-time staff to the administration of the council beyond the executive director.~~))"

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Chandler and Dye.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude and Schmick.

Referred to Committee on Rules for second reading.

March 31, 2021

SB 5312 Prime Sponsor, Senator Mullet: Facilitating transit-oriented development and increasing housing inventory. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.500 and 2012 1st sp.s. c 1 s 310 are each amended to read as follows:

(1) The department of commerce shall provide management services for the growth management planning and environmental review fund created by RCW 36.70A.490. The department shall establish procedures for fund management. The department shall encourage participation in the grant or loan program by other public agencies. The department shall develop the grant or loan criteria, monitor the grant or loan program, and select grant or loan recipients in consultation with state agencies participating in the grant or loan program through the provision of grant or loan funds or technical assistance.

(2) A grant or loan may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant or loan shall be provided to assist a county or city in paying for the cost of preparing an environmental analysis under chapter 43.21C RCW, that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulation, monitoring program, or other planning activity adopted under or implementing this chapter that:

(a) Improves the process for project permit review while maintaining environmental quality; or

(b) Encourages use of plans and information developed for purposes of complying with this chapter to satisfy requirements of other state programs.

(3) In order to qualify for a grant or loan, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW and subsection (2) of this section that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulations, monitoring program, or other planning activity adopted under or implementing this chapter;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan;

(c) Demonstrate that procedures for review of development permit applications will be based on the integrated plans and environmental analysis;

(d) Include mechanisms to monitor the consequences of growth as it occurs in the plan area and to use the resulting data to update the plan, policy, or implementing mechanisms and associated environmental analysis;

(e) Demonstrate substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(f) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants or loans, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Identification and monitoring of system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Coordination with state, federal, and tribal governments in project review;

(d) Furtherance of important state objectives related to economic development, protection of areas of statewide significance, and siting of essential public facilities;

(e) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans and prospective environmental analysis;

(f) Programs for effective citizen and neighborhood involvement that contribute to greater likelihood that planning decisions can be implemented with community support;

(g) Programs to identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans; or

(h) Environmental review that addresses the impacts of increased density or intensity of comprehensive plans, subarea plans, or receiving areas designated by a city or town under the regional transfer of development rights program in chapter 43.362 RCW.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

(6) State agencies shall work with grant or loan recipients to facilitate state and local project review processes that will implement the projects receiving grants or loans under this section.

(7)(a) Appropriations to the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of grants to cities to facilitate transit-oriented development may be used to pay for the costs associated with the preparation of state environmental policy act environmental impact statements, planned action ordinances, subarea plans, costs associated with the utilization of other tools under the state environmental policy act, and the costs of local code adoption and implementation of such efforts.

(b) Grant awards may only fund efforts that address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan.

(8) The department shall prioritize applications for grants to facilitate transit-oriented development that maximize the following policy objectives in the area covered by a proposal:

(a) The total number of housing units authorized for new development;

(b) The proximity and quality of transit access in the area;

(c) Plans that authorize up to six stories of building height;

(d) Plans that authorize ground floor retail with housing above;

(e) Plans in areas that minimize or eliminate on-site parking requirements;

(f) Existence or establishment of incentive zoning, mandatory affordability, or other tools to promote low-income housing in the area;

(g) Plans that include dedicated policies to support public or nonprofit funded low-income or workforce housing; and

(h) Plans designed to maximize and increase the variety of allowable housing types and expected sale or rental rates.

(9) For purposes of this section, "transit access" includes walkable access to:

(a) Light rail and other fixed guideway rail systems;

(b) Bus rapid transit;

(c) High frequency bus service; or

(d) Park and ride lots.

Sec. 2. RCW 36.70A.600 and 2020 c 173 s 1 are each amended to read as follows:

(1) A city planning pursuant to RCW 36.70A.040 is encouraged to take the following actions in order to increase its residential building capacity:

(a) Authorize development in one or more areas of not fewer than five hundred acres that include at least one train station served by commuter rail or light rail with an average of at least fifty residential units per acre that require no more than an average of one on-site

parking space per two bedrooms in the portions of multifamily zones that are located within the areas;

(b) Authorize development in one or more areas of not fewer than two hundred acres in cities with a population greater than forty thousand or not fewer than one hundred acres in cities with a population less than forty thousand that include at least one bus stop served by scheduled bus service of at least four times per hour for twelve or more hours per day with an average of at least twenty-five residential units per acre that require no more than an average of one on-site parking space per two bedrooms in portions of the multifamily zones that are located within the areas;

(c) Authorize at least one duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences unless a city documents a specific infrastructure of physical constraint that would make this requirement unfeasible for a particular parcel;

(d) Authorize a duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on one or more parcels for which they are not currently authorized;

(e) Authorize cluster zoning or lot size averaging in all zoning districts that permit single-family residences;

(f) Adopt a subarea plan pursuant to RCW 43.21C.420;

(g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii), except that an environmental impact statement pursuant to RCW 43.21C.030 is not required for such an action;

(h) Adopt increases in categorical exemptions pursuant to RCW 43.21C.229 for residential or mixed-use development;

(i) Adopt a form-based code in one or more zoning districts that permit residential uses. "Form-based code" means a land development regulation that uses physical form, rather than separation of use, as the organizing principle for the code;

(j) Authorize a duplex on each corner lot within all zoning districts that permit single-family residences;

(k) Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW;

(l) Authorize a minimum net density of six dwelling units per acre in all residential zones, where the residential development capacity will increase within the city. For purposes of this subsection, the calculation of net density does not include the square footage of areas that are otherwise prohibited from development, such as critical areas, the area of buffers around critical areas, and the area of roads and similar features;

(m) Create one or more zoning districts of medium density in which individual lots may be no larger than three thousand five hundred square feet and single-family residences may be no larger than one thousand two hundred square feet;

(n) Authorize accessory dwelling units in one or more zoning districts in which they are currently prohibited;

(o) Remove minimum residential parking requirements related to accessory dwelling units;

(p) Remove owner occupancy requirements related to accessory dwelling units;

(q) Adopt new square footage requirements related to accessory dwelling units that are less restrictive than existing square footage requirements related to accessory dwelling units;

(r) Adopt maximum allowable exemption levels in WAC 197-11-800(1) as it existed on June 11, 2020, or such subsequent date as may be provided by the department of ecology by rule, consistent with the purposes of this section;

(s) Adopt standards for administrative approval of final plats pursuant to RCW 58.17.100;

(t) Adopt ordinances authorizing administrative review of preliminary plats pursuant to RCW 58.17.095;

(u) Adopt other permit process improvements where it is demonstrated that the code, development regulation, or ordinance changes will result in a more efficient permit process for customers;

(v) Update use matrices and allowable use tables that eliminate conditional use permits and administrative conditional use permits for all housing types, including single-family homes, townhomes, multifamily housing, low-income housing, and senior housing, but excluding essential public facilities;

(w) Allow off-street parking to compensate for lack of on-street parking when private roads are utilized or a parking demand study shows that less parking is required for the project;

(x) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to build accessory dwelling units. A city may condition this program on a requirement to provide the unit for affordable home ownership or rent the accessory dwelling unit for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement under the program, it must provide additional incentives, such as:

(i) Density bonuses;

(ii) Height and bulk bonuses;

(iii) Fee waivers or exemptions;

(iv) Parking reductions; or

(v) Expedited permitting; and

(y) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to convert a single-family home into a duplex, triplex, or quadplex where those housing types are authorized. A local government may condition this program on a requirement to provide a certain number of units for affordable home ownership or to rent a certain number of the newly created units for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement, it must provide additional incentives, such as:

(i) Density bonuses;

(ii) Height and bulk bonuses;

(iii) Fee waivers or exemptions;

(iv) Parking reductions; or

(v) Expedited permitting.

(2) A city planning pursuant to RCW 36.70A.040 may adopt a housing action plan as described in this subsection. The goal of any such housing plan must be to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market. A housing action plan may utilize data compiled pursuant to RCW 36.70A.610. The housing action plan should:

(a) Quantify existing and projected housing needs for all income levels, including extremely low-income households, with documentation of housing and household characteristics, and cost-burdened households;

(b) Develop strategies to increase the supply of housing, and variety of housing types, needed to serve the housing needs identified in (a) of this subsection;

(c) Analyze population and employment trends, with documentation of projections;

(d) Consider strategies to minimize displacement of low-income residents resulting from redevelopment;

(e) Review and evaluate the current housing element adopted pursuant to RCW 36.70A.070, including an evaluation of success in attaining planned housing types and units, achievement of goals and policies, and implementation of the schedule of programs and actions;

(f) Provide for participation and input from community members, community groups, local builders, local realtors, nonprofit housing advocates, and local religious groups; and

(g) Include a schedule of programs and actions to implement the recommendations of the housing action plan.

(3) If adopted by April 1, 2023, ordinances, amendments to development regulations, and other nonproject actions taken by a city to implement the actions specified in subsection (1) of this section, with the exception of the action specified in subsection (1)(f) of this section, are not subject to administrative or judicial appeal under chapter 43.21C RCW.

(4) Any action taken by a city prior to April 1, 2023, to amend their comprehensive plan, or adopt or amend ordinances or development regulations, solely to enact provisions under subsection (1) of this section is not subject to legal challenge under this chapter.

(5) In taking action under subsection (1) of this section, cities are encouraged to utilize strategies that increase residential building capacity in areas with frequent transit service and with the transportation and utility infrastructure that supports the additional residential building capacity.

(6) A city that is planning to take at least two actions under subsection (1) of this section, and that action will occur between July 28, 2019, and April 1, ((~~2021~~)) 2025, is eligible to apply to the department for planning grant assistance of up to one hundred thousand dollars, subject to the availability of funds appropriated for that purpose. The department shall develop grant criteria to ensure that grant funds awarded are proportionate to the level of effort proposed by a city, and the potential increase in housing supply or regulatory streamlining that could be achieved. Funding may be provided in advance of, and to support, adoption of policies or ordinances consistent with this section. A city can request, and the department may award, more than one hundred thousand dollars for applications that demonstrate extraordinary potential to increase housing supply or regulatory streamlining.

(7) A city seeking to develop a housing action plan under subsection (2) of this section is eligible to apply to the department for up to one hundred thousand dollars.

(8) The department shall establish grant award amounts under subsections (6) and (7) of this section based on the expected number of cities that will seek grant assistance, to ensure that all cities can receive some level of grant support. If funding capacity allows, the department may consider accepting and funding applications from cities with a population of less than twenty thousand if the actions proposed in the application will create a significant amount of housing capacity or regulatory streamlining and are consistent with the actions in this section.

(9) In implementing chapter 348, Laws of 2019, cities are encouraged to prioritize the creation of affordable, inclusive neighborhoods and to consider the risk of residential displacement, particularly in neighborhoods with communities at high risk of displacement."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Hoff; Rude and Steele.

Referred to Committee on Rules for second reading.

April 1, 2021

SSB 5317 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Concerning pesticide registration and pesticide licensing fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Rural Development, Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 15.58.070 and 2008 c 285 s 15 are each amended to read as follows:

(1) All registrations issued by the department expire December 31st of the following year except that registrations issued by the department to a registrant who is applying to register an additional pesticide during the second year of the registrant's registration period shall expire December 31st of that year.

(2) An application for registration must be accompanied by a fee of ((~~three~~)) six hundred ((~~ninety~~)) fifty dollars for each pesticide, except that a registrant who is applying to register an additional pesticide during the year the

registrant's registration expires shall pay a fee of ((~~one~~)) three hundred ((~~ninety-five~~)) twenty-five dollars for each additional pesticide.

(3) Fees must be deposited in the agricultural local fund to support the activities of the pesticide program within the department.

(4) Any registration approved by the director and in effect on the last day of the registration period, for which a renewal application has been made and the proper fee paid, continues in full force and effect until the director notifies the applicant that the registration has been renewed, or otherwise denied in accord with the provision of RCW 15.58.110.

(5) The department must complete and post on its website a timeline for processing completed pesticide registrations.

Sec. 2. RCW 15.58.180 and 2013 c 144 s 10 are each amended to read as follows:

(1) Except as provided in subsections (4) and (5) of this section, it is unlawful for any person to act in the capacity of a pesticide dealer or advertise as or assume to act as a pesticide dealer without first having obtained an annual license from the director. The license expires on the business license expiration date. A license is required for each location or outlet located within this state from which pesticides are distributed. A manufacturer, registrant, or distributor who has no pesticide dealer outlet licensed within this state and who distributes pesticides directly into this state must obtain a pesticide dealer license for his or her principal out-of-state location or outlet, but such a licensed out-of-state pesticide dealer is exempt from the pesticide dealer manager requirements.

(2) Application for a license must be accompanied by a fee of ((~~sixty-seven~~)) eighty-eight dollars and must be made through the business licensing system and must include the full name of the person applying for the license and the name of the individual within the state designated as the pesticide dealer manager. If the applicant is a partnership, association, corporation, or organized group of persons, the full name of each member of the firm or partnership or the names of the officers of the association or corporation must be given on the application. The application must state the principal business address of the applicant in the state and elsewhere, the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director.

(3) It is unlawful for any licensed dealer outlet to operate without a pesticide dealer manager who has a license of qualification.

(4) This section does not apply to (a) a licensed pesticide applicator who sells pesticides only as an integral part of the applicator's pesticide application service when pesticides are dispensed only through apparatuses used for pesticide application, or (b) any federal, state, county, or municipal agency that provides pesticides only for its own programs.

(5) A user of a pesticide may distribute a properly labeled pesticide to another user who is legally entitled to use that pesticide without obtaining a pesticide dealer's license if the exclusive purpose of distributing the pesticide is keeping it from becoming a hazardous waste as defined in chapter ((~~70.105~~)) 70A.300 RCW.

Sec. 3. RCW 15.58.200 and 2008 c 285 s 17 are each amended to read as follows:

The director shall require each pesticide dealer manager to demonstrate to the director knowledge of pesticide laws and rules; pesticide hazards; and the safe distribution, use and application, and disposal of pesticides by satisfactorily passing a written examination after which the director shall issue a license of qualification. Application for a license must be accompanied by a fee of ((~~thirty-three~~)) thirty-eight dollars. The pesticide dealer manager license expires annually on a date set by rule by the director.

Sec. 4. RCW 15.58.205 and 2008 c 285 s 18 are each amended to read as follows:

(1) No individual may perform services as a structural pest inspector or advertise that they perform services of a structural pest inspector without obtaining a structural pest inspector license from the director. The license expires annually on a date set by rule by the director. Application for a license must be on a form prescribed by the

director and must be accompanied by a fee of ((~~sixty~~)) seventy-eight dollars.

(2) The following are exempt from the application fee requirement of this section when acting within the authorities of their existing licenses issued under this chapter or chapter 17.21 RCW: Licensed pest control consultants; licensed commercial pesticide applicators and operators; licensed private-commercial applicators; and licensed demonstration and research applicators.

(3) The following are exempt from the structural pest inspector licensing requirement: Individuals inspecting for damage caused by wood destroying organisms if the inspections are solely for the purpose of: (a) Repairing or making specific recommendations for the repair of the damage, or (b) assessing a monetary value for the structure inspected. Individuals performing wood destroying organism inspections that incorporate but are not limited to the activities described in (a) or (b) of this subsection are not exempt from the structural pest inspector licensing requirement.

(4) A structural pest inspector license is not valid for conducting a complete wood destroying organism inspection unless the inspector owns or is employed by a business with a structural pest inspection company license.

Sec. 5. RCW 15.58.210 and 2008 c 285 s 19 are each amended to read as follows:

(1) No individual may perform services as a pest control consultant without obtaining a license from the director. The license expires annually on a date set by rule by the director. Application for a license must be on a form prescribed by the director and must be accompanied by a fee of ((~~sixty~~)) sixty-eight dollars.

(2) The following are exempt from the licensing requirements of this section when acting within the authorities of their existing licenses issued under chapter 17.21 RCW: Licensed commercial pesticide applicators and operators; licensed private-commercial applicators; and licensed demonstration and research applicators. The following are also exempt from the licensing requirements of this section: Employees of federal, state, county, or municipal agencies when acting in their official governmental capacities; and pesticide dealer managers and employees working under the direct supervision of the pesticide dealer manager and only at a licensed pesticide dealer's outlet.

Sec. 6. RCW 15.58.220 and 2008 c 285 s 20 are each amended to read as follows:

For the purpose of this section public pest control consultant means any individual who is employed by a governmental agency or unit to act as a pest control consultant. No person may act as a public pest control consultant without first obtaining a license from the director. The license expires annually on a date set by rule by the director. Application for a license must be on a form prescribed by the director and must be accompanied by a fee of ((~~thirty-three~~)) forty-three dollars. Federal and state employees whose principal responsibilities are in pesticide research, the jurisdictional health officer or a duly authorized representative, public pest control consultants licensed and working in the health vector field, and public operators licensed under RCW 17.21.220 shall be exempt from this licensing provision.

Sec. 7. RCW 15.58.411 and 1997 c 242 s 8 are each amended to read as follows:

((~~All~~)) (1) Except as otherwise provided for in this section, all license fees collected under this chapter shall be paid to the director for use exclusively in the enforcement of this chapter.

(2) In addition to any other fees the department may collect under this chapter, the department shall collect a fee of seven dollars for each license issued by the department under this chapter. The department shall transmit the seven dollar fee required by this subsection to Washington State University for the purpose of providing a pesticide safety education program to educate and train pesticide licensees and prospective licensees.

(3) The department shall engage with the regulated community on the status of license fees established in this chapter, including consideration of future increases, in coordination with a stakeholder work group.

(4) All moneys collected for civil penalties levied under this chapter shall be deposited in the state general fund.

Sec. 8. RCW 17.21.070 and 2008 c 285 s 21 are each amended to read as follows:

It is unlawful for any person to engage in the business of applying pesticides to the land of another without a commercial pesticide applicator license. Application for a commercial applicator license must be accompanied by a fee of two hundred ((~~fifteen~~)) forty-three dollars and in addition a fee of twenty-seven dollars for each apparatus, exclusive of one, used by the applicant in the application of pesticides.

Sec. 9. RCW 17.21.110 and 2008 c 285 s 22 are each amended to read as follows:

It is unlawful for any person to act as an employee of a commercial pesticide applicator and apply pesticides manually or as the operator directly in charge of any apparatus which is licensed or should be licensed under this chapter for the application of any pesticide, without having obtained a commercial pesticide operator license from the director. The commercial pesticide operator license is in addition to any other license or permit required by law for the operation or use of any such apparatus. Application for a commercial operator license must be accompanied by a fee of ((~~sixty-seven~~)) seventy-eight dollars. This section does not apply to any individual who is a licensed commercial pesticide applicator.

Sec. 10. RCW 17.21.122 and 2008 c 285 s 23 are each amended to read as follows:

It is unlawful for any person to act as a private-commercial pesticide applicator without having obtained a private-commercial pesticide applicator license from the director. Application for a private-commercial pesticide applicator license must be accompanied by a fee of ((~~thirty-three~~)) thirty-eight dollars.

Sec. 11. RCW 17.21.126 and 2008 c 285 s 24 are each amended to read as follows:

It is unlawful for any person to act as a private applicator, limited private applicator, or rancher private applicator without first complying with requirements determined by the director as necessary to prevent unreasonable adverse effects on the environment, including injury to the pesticide applicator or other persons, for each specific pesticide use.

(1) Certification standards to determine the individual's competency with respect to the use and handling of the pesticide or class of pesticides for which the private applicator, limited private applicator, or rancher private applicator is certified must be relative to hazards of the particular type of application, class of pesticides, or handling procedure. In determining these standards the director must take into consideration standards of the EPA and is authorized to adopt these standards by rule.

(2) Application for a private applicator ((~~or a limited private applicator~~)) license must be accompanied by a fee of ((~~thirty-three~~)) thirty-eight dollars. Application for a limited private applicator license must be accompanied by a fee of thirty-three dollars. Application for a rancher private applicator license must be accompanied by a fee of one hundred three dollars. Individuals with a valid certified applicator license, pest control consultant license, or dealer manager license who qualify in the appropriate statewide or agricultural license categories are exempt from the private applicator, limited private applicator, or rancher private applicator fee requirements. However, licensed public pesticide operators, otherwise exempted from the public pesticide operator license fee requirement, are not also exempted from the fee requirements under this subsection.

Sec. 12. RCW 17.21.129 and 2008 c 285 s 25 are each amended to read as follows:

Except as provided in RCW 17.21.203, it is unlawful for a person to use or supervise the use of any experimental use pesticide or any restricted use pesticide on small experimental plots for research purposes when no charge is made for the pesticide and its application without a demonstration and research applicator's license.

(1) Application for a demonstration and research license must be accompanied by a fee of ((~~thirty-three~~)) forty-three dollars.

(2) Persons licensed under this section are exempt from the requirements of RCW 17.21.160, 17.21.170, and 17.21.180.

Sec. 13. RCW 17.21.220 and 2008 c 285 s 26 are each amended to read as follows:

(1) All state agencies, municipal corporations, and public utilities or any other governmental agencies are subject to this chapter and its rules.

(2) It is unlawful for any employee of a state agency, municipal corporation, public utility, or any other government agency to use or to supervise the use of any restricted use pesticide, or any pesticide by means of an apparatus, without having obtained a public operator license from the director. Application for a public operator license must be accompanied by a fee of ((~~thirty-three~~)) forty-three dollars. The fee does not apply to public operators licensed and working in the health vector field. The public operator license is valid only when the operator is acting as an employee of a government agency.

(3) The jurisdictional health officer or his or her duly authorized representative is exempt from this licensing provision when applying pesticides that are not restricted use pesticides to control pests other than weeds.

(4) Agencies, municipal corporations, and public utilities are subject to legal recourse by any person damaged by such application of any pesticide, and action may be brought in the county where the damage or some part of the damage occurred.

Sec. 14. RCW 17.21.280 and 1997 c 242 s 18 are each amended to read as follows:

(1) Except as provided in subsections (2) and (4) of this section, all moneys collected under the provisions of this chapter shall be paid to the director and deposited in the agricultural local fund, RCW 43.23.230, for use exclusively in the enforcement of this chapter.

(2) In addition to any other fees the department may collect under this chapter, the department shall collect a fee of seven dollars for each license issued by the department under this chapter. The department shall transmit the seven dollar fee required by this subsection to Washington State University for the purpose of providing a pesticide safety education program to educate and train pesticide licensees and prospective licensees.

(3) The department shall engage with the regulated community on the status of license fees established in this chapter, including consideration of future increases, in coordination with a stakeholder work group.

(4) All moneys collected for civil penalties levied under RCW 17.21.315 shall be deposited in the state general fund. All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW.

NEW SECTION. **Sec. 15.** By December 31, 2022, the department of agriculture shall report to the legislature, in accordance with RCW 43.01.036, on the status of the fee structure for pesticide licenses. At a minimum, the report must include an outlook for potential future fee needs and describe how the department of agriculture has engaged with the regulated community on the topic of pesticide license fees in coordination with a stakeholder work group.

NEW SECTION. **Sec. 16.** This act takes effect November 1, 2021. All new or renewal applications for licensure, certification, or registration under chapter 17.21 or 15.58 RCW received on or after the effective date of this section are subject to the provisions of this act, including all fees required by this act."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

April 1, 2021

SSB 5318 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Concerning fertilizer fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 15.54.275 and 2013 c 144 s 8 are each amended to read as follows:

(1) No person may distribute a bulk fertilizer in this state until a license to distribute has been obtained by that person. An annual license is required for each out-of-state or in-state location that distributes bulk fertilizer in Washington state. An application for each location must be filed on forms provided by the business licensing system established under chapter 19.02 RCW and must be accompanied by an annual fee of ((~~twenty-five~~)) fifty dollars per location. The license expires on the business license expiration date.

(2) An application for license must include the following:

(a) The name and address of licensee.

(b) Any other information required by the department by rule.

(3) The name and address shown on the license must be shown on all labels, pertinent invoices, and storage facilities for fertilizer distributed by the licensee in this state.

(4) If an application for license renewal provided for in this section is not filed prior to the business license expiration date, a delinquency fee of ((~~twenty-five~~)) fifty dollars must be assessed and added to the original fee and must be paid by the applicant before the renewal license is issued. The assessment of this delinquency fee does not prevent the department from taking any other action as provided for in this chapter. ~~The penalty does not apply if the applicant furnishes an affidavit that he or she has not distributed this commercial fertilizer subsequent to the expiration of his or her prior license.~~))

Sec. 2. RCW 15.54.325 and 2020 c 20 s 1002 are each amended to read as follows:

(1) No person may distribute in this state a commercial fertilizer until it has been registered with the department by the producer, importer, or packager of that product.

(2) An application for registration must be made on a form furnished by the department and must include the following:

(a) The product name;

(b) The brand and grade;

(c) The guaranteed analysis;

(d) Name, address, and phone number of the registrant;

(e) A label for each product being registered;

(f) Identification of those products that are (i) waste-derived fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer materials containing phosphate;

(g) The concentration of each metal, for which standards are established under RCW 15.54.800, in each product being registered, unless the product is (i) anhydrous ammonia or a solution derived solely from dissolving anhydrous ammonia in water, (ii) a customer-formula fertilizer containing only registered commercial fertilizers, or (iii) a packaged commercial fertilizer whose plant nutrient content is present in the form of a single chemical compound which is registered in compliance with this chapter and the product is not blended with any other material. The provisions of (g)(i) of this subsection do not apply if the anhydrous ammonia is derived in whole or in part from waste such that the fertilizer is a "waste-derived fertilizer" as defined in RCW 15.54.270. Verification of a registration relied on by an applicant under (g)(iii) of this subsection must be submitted with the application;

(h) If a waste-derived fertilizer or micronutrient fertilizer, information to ensure the product complies with chapter 70A.300 RCW and the resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq.; and

(i) Any other information required by the department by rule.

(3) All companies planning to mix customer-formula fertilizers shall include the statement "customer-formula grade mixes" under the column headed "product name" on the product registration application form. All customer-formula fertilizers sold under one brand name shall be considered one product.

(4) Registrations are issued by the department for a two-year period beginning on July 1st of a given year and ending twenty-four months later on July 1st, except that registrations issued to a registrant who applies to register an additional product during the last twelve months of the registrant's period expire on the next July 1st.

(5) An application for a new registration must be accompanied by a fee

of one hundred fifty dollars for each product.

(6) Application for renewal of registration is due July 1st of each registration period and must be accompanied by a renewal fee of one hundred twenty dollars for each product. If an application for renewal is not received by the department by the due date, a late fee of ((~~ten~~)) fifty dollars per product is added to the original fee and must be paid by the applicant before the renewal registration may be issued. ((~~A late fee does not apply if the applicant furnishes an affidavit that he or she has not distributed this commercial fertilizer subsequent to the expiration of the prior registration.~~)) Payment of a late fee does not prevent the department from taking any action authorized by this chapter for the violation.

Sec. 3. RCW 15.54.350 and 1993 c 183 s 6 are each amended to read as follows:

(1) There shall be paid to the department for all commercial fertilizers distributed in this state to nonregistrants or nonlicensees an inspection fee of ((~~fifteen~~)) twenty cents per ton of lime and ((~~thirty~~)) thirty-five cents per ton of all other commercial fertilizer distributed during the year beginning July 1st and ending June 30th.

(2) Distribution of commercial fertilizers for shipment to points outside this state may be excluded.

(3) When more than one distributor is involved in the distribution of a commercial fertilizer, the last registrant or licensee who distributes to a nonregistrant or nonlicensee is responsible for paying the inspection fee, unless the payment of fees has been made by a prior distributor of the fertilizer.

Sec. 4. RCW 15.54.362 and 2008 c 292 s 3 are each amended to read as follows:

(1) Every registrant or licensee who distributes commercial fertilizer in this state must file a semiannual report on forms provided by the department stating the number of net tons of each commercial fertilizer distributed in this state.

(a) For the period January 1st through June 30th of each year, the report is due on July 31st of that year; and

(b) For the period July 1st through December 31st of each year, the report is due on January 31st of the following year.

(2) Upon permission of the department, a person distributing in the state less than one hundred tons for each six-month period during any annual reporting period of July 1st through June 30th may submit an annual report on a form provided by the department that is due on the July 31st following the period. The department may accept sales records or other records accurately reflecting the tonnage sold and verifying such reports.

((~~(2)~~)) (3) Each person responsible for the payment of inspection fees for commercial fertilizer distributed in this state must include the inspection fees with each semiannual or annual report. If in an annual reporting period a registrant or licensee distributes less than ((~~eighty-three~~)) one hundred forty-three tons of commercial fertilizer or less than ((~~one hundred sixty-seven~~)) two hundred fifty tons of commercial lime or equivalent combination of the two, the registrant or licensee must pay the minimum inspection fee of ((~~twenty-five~~)) fifty dollars.

((~~(3)~~)) (4) The department may, upon request, require registrants or licensees to furnish information setting forth the net tons of commercial fertilizer distributed to each location in this state.

((~~(4)~~)) (5) If the semiannual or annual report indicates that zero tons of commercial fertilizer were distributed during the reporting period, the person responsible for completing the report must pay a filing fee of twelve dollars and fifty cents for a semiannual report or twenty-five dollars for an annual report.

(6)(a) If a complete report is not received by the due date, the person responsible for filing the report must pay a late fee of ((~~twenty-five~~)) fifty dollars.

(b) If the appropriate inspection fees are not received by the due date, the person responsible for paying the inspection fee must pay a late fee equal to ten percent of the inspection fee owed or ((~~twenty-five~~)) fifty dollars, whichever is greater.

((~~(c) Payment of a late fee does not prevent the department from taking any~~

~~other action authorized by this chapter for the violation.~~

~~(5)~~)) (7) It is a misdemeanor for any person to divulge any information provided under this section that would reveal the business operation of the person making the report. However, nothing contained in this subsection may be construed to prevent or make unlawful the use of information concerning the business operations of a person in any action, suit, or proceeding instituted under the authority of this chapter, including any civil action for the collection of unpaid inspection fees, which action is authorized and which shall be as an action at law in the name of the director of the department.

(8) Payment of late fees or filing fees provided for under this section does not prevent the department from taking any other action authorized by this chapter for the violation.

NEW SECTION. **Sec. 5.** All new or renewal applications for registration under this act received on or after the effective date of this section are subject to the provisions of this act, including all fees required by this act.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

April 1, 2021

ESSB 5321 Prime Sponsor, Committee on Higher Education & Workforce Development: Expanding access to the college bound scholarship. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on College & Workforce Development.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature enacted the college bound scholarship program in 2007 to encourage all Washington students to dream big by creating a guaranteed four-year tuition scholarship program for students from low-income families. The legislature finds the program has been successful in achieving this goal. A report by the Washington state institute for public policy found that the scholarship increases high school graduation rates, probability of on-time college enrollment, college persistence, and college graduation rates. However, more than one quarter of eligible students are unable to access the scholarship by failing to sign the pledge required by the program. The legislature finds that the pledge has become an unintended barrier to entry, a problem made more acute as students are receiving their education remotely during the COVID-19 pandemic and have less access to school teachers, counselors, and peers. Therefore, the legislature intends with this act to remove the pledge as an eligibility requirement while retaining the requirement that students maintain a "C" average for consideration of admission to a public or private four-year higher education institution and avoid serious interactions with the criminal justice system for four years. In order to ensure that the legislature will fulfill its promise to provide a scholarship upon graduation, the legislature intends by this act to create a statutory contractual right for students who fulfill scholarship requirements that vests when the student becomes first eligible for the scholarship.

Sec. 2. RCW 28B.118.010 and 2019 c 406 s 44 and 2019 c 298 s 1 are each reenacted and amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the Washington college grant program in chapter 28B.92 RCW unless otherwise provided in this section. The right of an eligible student to receive a college bound scholarship

vests upon enrollment in the program that is earned by meeting the requirements of this section as it exists at the time of the student's enrollment under subsection (2) of this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches or are enrolled at schools using provision 2 of the national school lunch act or the community eligibility provision under section 104(a) of the federal health, hunger-free kids act of 2010.

(i) If a student qualifies in the seventh ((~~or~~)), eighth, or ninth grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter or if the student is no longer enrolled at a school using provision 2 of the national school lunch act or the community eligibility provision under section 104(a) of the federal health, hunger-free kids act of 2010.

(ii) Beginning in the ((~~2019-20~~)) 2021-22 academic year, if a student qualifies for free or reduced-price lunches in the ((~~ninth~~)) 10th grade and was previously ineligible during the seventh ((~~or~~)), eighth, or ninth grade while he or she was a student in Washington, the student is eligible for the college bound scholarship program;

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school; or

(c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of fourteen and eighteen with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW 74.13A.025.

(2) ((~~Eligible students and the students' parents or guardians shall be notified of the student's eligibility for the Washington college bound scholarship program. Students and the students' parents or guardians shall also be notified of the requirements for award of the scholarship.~~

~~(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a)(i) of this section must sign a pledge during seventh or eighth grade or a student eligible under subsection (1)(a)(ii) of this section must sign a pledge during ninth grade. The pledge must include a commitment to graduate from high school with at least a C average and with no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.~~

~~(b)(i) Beginning in the 2018-19 academic year, the office of student financial assistance shall make multiple attempts to secure the signature of the student's parent or guardian for the purpose of witnessing the pledge.~~

~~(ii) If the signature of the student's parent or guardian is not obtained, the office of student financial assistance may partner with the school counselor or administrator to secure the parent's or guardian's signature to witness the pledge. The school counselor or administrator shall make multiple attempts via all phone numbers, email addresses, and mailing addresses on record to secure the parent's or guardian's signature. All attempts to contact the parent or guardian must be documented and maintained in the student's official file.~~

~~(iii) If a parent's or guardian's signature is still not obtained, the school counselor or administrator shall indicate to the office of student financial assistance the nature of the unsuccessful efforts to contact the student's parent or guardian and the reasons the signature is not available. Then the school counselor or administrator may witness the pledge unless the parent or guardian has indicated that he or she does not wish for the student to participate in the program.~~

~~(c) A~~)) (a) Every eligible student ((~~eligible under subsection (1)(b) of this section~~)) shall be automatically enrolled by the office of student financial assistance, with no action necessary by the student ((~~or the~~)), student's family, ((~~and the enrollment form must be forwarded by the department of social and health services to the office of student financial assistance by~~

~~mail or electronically, as indicated on the form~~)) or student's guardians.

(b) Eligible students and the students' parents or guardians shall be notified of the student's enrollment in the Washington college bound scholarship program and the requirements for award of the scholarship by the office of student financial assistance. To the maximum extent practicable, an eligible student must acknowledge enrollment in the college bound scholarship program and receipt of the requirements for award of the scholarship.

(c) The office of the superintendent of public instruction and the department of children, youth, and families must provide the office of student financial assistance with a list of eligible students when requested. The office of the superintendent of public instruction shall also provide school districts with a list of eligible students from that school district to implement the requirements of chapter 13, Laws of 2020.

(d) The office of student financial assistance must determine the most effective methods, including timing and frequency, to notify eligible students of enrollment in the Washington college bound scholarship program. The office of student financial assistance must take reasonable steps to ensure that eligible students acknowledge enrollment in the college bound scholarship program and receipt of the requirements for award of the scholarship. The office of student financial assistance shall also make available to every school district information, brochures, and posters to increase awareness and to enable school districts to notify eligible students directly or through school teachers, counselors, or school activities.

((~~(4)(a) Scholarships shall be awarded to~~)) (3) Except as provided in subsection (4) of this section, an eligible student((~~s graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.~~

~~(b)(i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average~~)) must:

(a)(i) Graduate from a public high school ((~~or~~)) under RCW 28A.150.010, an approved private high school under chapter 28A.195 RCW in Washington, or have received home-based instruction under chapter 28A.200 RCW((~~, must have~~));

and

(ii) Beginning with eligible students enrolling in a postsecondary education institution for the first time during the 2021-22 academic year, graduate with at least a "C" average for consideration of admission to a public or private four-year institution of higher education;

(b) Have no felony convictions((~~, and must be~~));

(c) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e)((~~. A~~)); and

(d) Have a family income that does not exceed 65 percent of the state median family income at the time of high school graduation.

(4)(a) An eligible student who ((~~is eligible to receive the Washington college bound scholarship because the student~~)) is a resident student under RCW 28B.15.012(2)(e) must also provide the institution, as defined in RCW 28B.15.012, an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses.

((~~(ii)~~)) (b) For eligible ((~~children~~)) students as defined in subsection (1)(b) and (c) of this section, ((~~to receive the Washington college bound scholarship,~~)) a student ((~~must have received~~)) may also meet the requirement in subsection (3)(a) of this section by receiving a high school equivalency certificate as provided in RCW 28B.50.536 ((~~or have graduated with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (e)~~)).

(c) For a student who does not meet the "C" average requirement, and who completes fewer than two quarters in the running start program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining

((~~their eligibility to receive the scholarship~~)) if the requirement in subsection (3)(a) of this section is met.

(5) ((~~A student's family income will be assessed upon graduation before awarding the scholarship. If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.~~

~~(6)~~))(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

((~~(7) Recipients~~)) (6) Eligible students must enroll no later than the fall term, as defined by the institution of higher education, one academic year following high school graduation. Eligible students may receive no more than four full-time years' worth of scholarship awards within a five-year period.

((~~(8)~~)) (7) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

((~~(9)~~)) (8) The first scholarships shall be awarded to students graduating in 2012.

(9) Beginning with eligible students enrolling in a postsecondary education institution for the first time during the 2021-22 academic year, those eligible students who are divested of a college bound scholarship because they are unable to meet the requirement in subsection (3)(d) of this section, but whose family income is less than 100 percent of the state median family income, are entitled to a stipend of $500 for books, materials, and other scholastic expenses annually, renewable for no more than four full-time years.

(10) The eligible student has a property right in the award, but the state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

Sec. 3. RCW 28B.118.040 and 2019 c 298 s 2 are each amended to read as follows:

The office of student financial assistance shall:

(1) With the assistance of the office of the superintendent of public instruction, implement and administer the Washington college bound scholarship program;

(2) Develop ((~~and distribute, to all schools with students enrolled in grades seven through nine, a pledge form that can be completed and returned electronically or by mail by the student or the school to the office of student financial assistance~~)) effective methods to notify eligible students of their enrollment in the Washington college

bound scholarship program and the requirements of RCW 28B.118.010;

(3) Develop and implement a ((~~student application, selection, and notification~~)) process for ((~~scholarships~~)) verifying eligibility, which includes working with other state agencies, law enforcement, or the court system to verify that eligible students do not have felony convictions;

(4) Annually in March, with the assistance of the office of the superintendent of public instruction, distribute to ((~~tenth~~)) 11th grade ((~~college bound scholarship~~)) eligible students and their families: (a) Notification that, to qualify for the scholarship, a student's family income may not exceed sixty-five percent of the state median family income at graduation from high school; (b) the current year's value for sixty-five percent of the state median family income; and (c) a statement that a student should consult their school counselor if their family makes, or is projected to make, more than this value before the student graduates;

(5) Develop comprehensive social media outreach with grade-level specific information designed to keep students on track to graduate and leverage current tools such as the high school and beyond plan required by the state board of education and the ready set grad website maintained by the student achievement council;

(6) Track scholarship recipients to ensure continued eligibility and determine student compliance for awarding of scholarships;

(7) Within existing resources, collaborate with college access providers and K-12, postsecondary, and youth-serving organizations to map and coordinate mentoring and advising resources across the state;

(8) Subject to appropriation, deposit funds into the state educational trust fund;

(9) Purchase tuition units under the advanced college tuition payment program in chapter 28B.95 RCW to be owned and held in trust by the office of student financial assistance, for the purpose of scholarship awards as provided for in this section; and

(10) Distribute scholarship funds, in the form of tuition units purchased under the advanced college tuition payment program in chapter 28B.95 RCW or through direct payments from the state educational trust fund, to institutions of higher education on behalf of scholarship recipients identified by the office, as long as recipients maintain satisfactory academic progress.

Sec. 4. RCW 28B.118.090 and 2019 c 406 s 45 and 2019 c 298 s 3 are each reenacted and amended to read as follows:

(1) Beginning January 1, 2015, and at a minimum every year thereafter, the student achievement council and all institutions of higher education eligible to participate in the college bound scholarship program shall ensure data needed to analyze and evaluate the effectiveness of the college bound scholarship program is promptly transmitted to the education data center created in RCW 43.41.400 so that it is available and easily accessible. The data to be reported should include but not be limited to:

(a) The number of enrolled students ((~~who sign up~~)) for the college bound scholarship program in seventh, eighth, ((~~or~~)) ninth, or 10th grade;

(b) The number of college bound scholarship students who graduate from high school;

(c) The number of college bound scholarship students who enroll in postsecondary education;

(d) Persistence and completion rates of college bound scholarship recipients disaggregated by institutions of higher education;

(e) College bound scholarship recipient grade point averages;

(f) The number of college bound scholarship recipients who did not remain eligible and reasons for ineligibility;

(g) College bound scholarship program costs; and

(h) Impacts to the Washington college grant program.

(2) Beginning May 12, 2015, and at a minimum every December 1st thereafter, the student achievement council shall submit student unit record data for the college bound scholarship program applicants and recipients to the education data center.

NEW SECTION. **Sec. 5.** This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

April 1, 2021

2SSB 5331 Prime Sponsor, Committee on Ways & Means: Establishing an early childhood court program for young children and their families involved in Washington's child welfare system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

April 1, 2021

SB 5345 Prime Sponsor, Senator Brown: Establishing a statewide industrial waste coordination program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that industrial symbiosis networks create valuable collaborative opportunities where the underutilized resources of one company, such as waste, by-products, residues, energy, water, logistics, capacity, expertise, equipment, and materials may be used by another. The legislature further finds that many existing businesses and organizations in the state have the potential to partner in the establishment of these networks, and the formation of industrial symbiosis innovation hubs at the state and local level would facilitate a systems approach that identifies business opportunities to improve resource utilization and productivity for a more sustainable and integrated industrial economy.

Therefore, the legislature intends to establish a statewide industrial waste coordination program in order to nurture and coordinate existing industrial symbiosis efforts and to catalyze new industrial symbiosis opportunities. Furthermore, the legislature intends to establish the program in order to: Find ways of turning waste and by-products into valued resource inputs; reduce waste management costs; generate new business opportunities; increase the size and diversity of business networks; identify means of improving environmental performance; achieve environmental justice in goals and policies; incentivize pathways to family-wage, green jobs; expand the regional circular economy; and drive innovation.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31 RCW to read as follows:

(1) An industrial waste coordination program is established in order to provide expertise, technical assistance, and best practices to support local industrial symbiosis projects.

(2) The industrial waste coordination program must be administered by the department of commerce and administered

regionally, with each region provided with a dedicated facilitator and technical and administrative support.

(3) The industrial waste coordination program must facilitate waste exchange by:

(a) Developing inventories of industrial waste innovation currently in operation;

(b) Generating a material flow data collection system in order to capture and manage data on resource availability and potential synergies;

(c) Establishing guidance and best practices for emerging local industrial resource hubs, which must include a consideration of steps to avoid creating or worsening negative impacts to overburdened communities as identified by tools such as the department of health's environmental health disparities map;

(d) Identifying access to capital in order to fund projects, including federal, state, local, and private funding;

(e) Developing economic, environmental, and health disparities metrics to measure the results of industrial or commercial hubs;

(f) Hosting workshops and connecting regional businesses, governments, utilities, research institutions, and other organizations in order to identify opportunities for resource collaboration;

(g) Assisting entities throughout the entire life cycle of industrial symbiosis projects, from identification of opportunities to full project implementation;

(h) Developing economic cluster initiatives in order to spur growth and innovation; and

(i) Making any additional recommendations to the legislature in order to incentivize and facilitate industrial symbiosis.

(4) The department of commerce may coordinate with other agencies, representatives of business and manufacturing networks, and other entities in order to develop material flow generation data and increase multisectoral outreach.

(5) In generating the material flow data collection system under subsections (3)(b) and (4) of this section, the department of commerce may only use publicly available data or data voluntarily provided by program participants. No entity may be required to disclose material flow data. The department of commerce must keep any proprietary business information confidential and such information is exempt from public disclosure, as provided in RCW 42.56.270.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.31 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a competitive industrial symbiosis grant program is established in order to provide grants for the research, development, and deployment of local waste coordination projects.

(2) Grants may go towards:

(a) Existing industrial symbiosis efforts by public or private sector organizations;

(b) Emerging industrial symbiosis opportunities involving public or private sector organizations, including projects arising from:

(i) The industrial waste coordination program established in section 2 of this act;

(ii) Conceptual work completed by public utilities to redirect their wastes to productive use; or

(iii) Existing inventories or project concepts involving specific biobased wastes converted to renewable natural gas;

(c) Research on product development using a specific waste flow;

(d) Feasibility studies to evaluate potential biobased resources;

(e) Feasibility studies for publicly owned utilities to evaluate business models to transform to multiutility operations or for the evaluation of potential symbiosis connections with other regional businesses; or

(f) Other local waste coordination projects as determined by the department of commerce.

(3) The department of commerce must develop a method and criteria for the allocation of grants, subject to the following:

(a) Project allocation should reflect geographic diversity, with grants being distributed equally in western and eastern parts of the state, urban and rural areas, and small towns and large cities;

(b) Project allocation should consider factors such as time to implementation and scale of economic or environmental benefits;

(c) Grants must require a one-to-one nonstate to state match;

(d) Individual grant awards may not exceed $500,000; and

(e) Project allocation should avoid creating or worsening environmental health disparities and should make use of tools such as the department of health's environmental health disparities map.

Sec. 4. RCW 42.56.270 and 2020 c 238 s 11 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information

records received during a consultative visit or while providing consultative services to a licensed marijuana business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); ((~~and~~))

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business; and

(iii) Financial or proprietary information collected from any person and provided to the department of commerce pursuant to section 2 (3)(b) and (4) of this act;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter ((~~70.95N~~)) 70A.500 RCW to implement chapter ((~~70.95N~~)) 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by

the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW ((~~70.95N.190(4)~~)) 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter ((~~70.375~~)) 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW ((~~70.375.130~~)) 70A.515.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor

and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW.

NEW SECTION. **Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

April 1, 2021

ESSB 5353 Prime Sponsor, Committee on Law & Justice: Creating a partnership model that facilitates community engagement with law enforcement. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that community engagement is a foundational principle of successful community policing practices. When individuals and neighborhood groups are encouraged to partner with law enforcement, a powerful alliance can be built on mutual trust and respect and mitigate polarization between police departments and community groups. A successful community-police partnership leads to the achievement of shared goals of improving safety and quality of life and ensuring that public safety services are tailored to the needs of local communities.

The legislature recognizes current efforts in Washington to mobilize communities to insist on equitable and accountable practices that will result in community participation in public safety efforts as well as establish cooperative lines of communication between civilians and law enforcement. Laudable community engagement models such as the safe streets campaign in Pierce county, safe Yakima in Yakima county, and the Okanogan county community coalition are recognized to mitigate crime trends by engaging the community and law enforcement in cooperative efforts to improve public safety.

The department of commerce intends to foster community engagement with law enforcement officers through the creation of a community engagement project in 15 communities across the state of Washington with a mix of urban, rural, and suburban areas to facilitate community-law enforcement partnerships and improve police-community relations. The department will implement a project evaluation to measure and examine the impact of local initiatives on community engagement, neighborhood safety, and positive community-police relations.

The funded projects will facilitate the empowerment of communities to engage in crime prevention efforts through neighborhood organizing, law enforcement-community partnerships, youth mobilization, and business engagement.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a project is created in the department to foster community engagement through neighborhood organizing, law enforcement-community partnerships, youth mobilization, and business engagement. The department shall administer the project. The project must include 12 to 15 grant awards in those counties that have demonstrated their commitment to programs that promote community engagement in public safety including the following counties: Spokane, Pierce, King, Okanogan, Yakima, Cowlitz, Clark, Chelan-Douglas, Walla-Walla, Benton-Franklin, Grant, and Snohomish.

(2) The department shall adopt policies and procedures necessary to administer the project including: (a) An application process; (b) disbursement of the grant award to selected applicants;

(c) tracking compliance and proper use of funds; and (d) measuring outcomes.

(3) Eligible applicants must:

(a) Be a public agency or nongovernmental organization, that is not a law enforcement agency;

(b) Have demonstrated experience with community engagement initiatives that impact public safety;

(c) Have community engagement;

(d) Have established or be willing to establish a coordinated effort with committed partners, which must include law enforcement and organizations committed to diversity, equity, and inclusion of community members, including organizations whose leadership specifically reflects the communities most impacted by racism; and

(e) Have established priorities, policies, and measurable goals in compliance with the requirements of the project as provided in subsection (4) of this section.

(4) The grant recipient shall:

(a) Lead and facilitate neighborhood organizing initiatives, including:

(i) Empowering community members with tools, skills, confidence, and connections to identify, eradicate, and prevent illegal activity;

(ii) Making neighborhood improvements to deter future criminal activity; and

(iii) Educating community members regarding how to connect with city, county, and law enforcement resources;

(b) Build substantive law enforcement-community partnerships, including:

(i) Building trust between community members and law enforcement by facilitating purposeful antiracist practices and the development of policies that lead to equal treatment under the law;

(ii) Establishing clear expectations for law enforcement to be competent to practice fair and equitable treatment including facilitating dialogue between law enforcement and community members to increase understanding of the impact of historical racist practices and current conflicts;

(iii) Community members regularly informing law enforcement, through presentations, workshops, or forums, on community perceptions of law enforcement and public safety issues;

(iv) Educating community members on the role and function of law enforcement in the community;

(v) Clarifying expectations of law enforcement and of the role of the community in crime prevention;

(vi) Educating community members on the best practices for reporting emergency and nonemergency activities;

(vii) Recognizing community members for effective engagement and community leadership; and

(viii) Recognizing law enforcement officials for efforts to engage underrepresented communities, improve community engagement and empowerment, and reform law enforcement practices;

(c) Mobilize youth to partner with neighborhood groups and law enforcement to prevent violence by:

(i) Helping them develop knowledge and skills to serve as leaders in their communities;

(ii) Focusing on prevention of violence and substance abuse; and

(iii) Empowering youth to bring their voice to community issues that impact healthy police-community relations;

(d) Engage businesses to help prevent crimes, such as vandalism and burglaries, through safety training and other prevention initiatives;

(e) Provide training and technical assistance on how to implement community engagement, improving law enforcement and community partnership, youth engagement, and business engagement;

(f) Identify and maintain consistent, experienced, and committed leadership for managing the grant, including an administrator who acts as an available point of contact with the department; and

(g) Collect and report data and information required by the department.

(5) The department shall, in consultation with the Washington state institute for public policy, develop reporting guidelines for the grant recipient in order to measure whether the safe streets pilot project had an impact on crime rates and community engagement with, and perceptions of, law

enforcement. The department shall submit a preliminary report to the legislature with details on the selected grant recipients and the reporting guidelines by January 1, 2022. The department shall submit a final report on the safe streets pilot project, including an analysis of the reported data required under this subsection, by December 1, 2023.

(6) This section expires January 1, 2024."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Jacobsen and Schmick.

Referred to Committee on Rules for second reading.

April 1, 2021

2SSB 5368 Prime Sponsor, Committee on Ways & Means: Encouraging rural economic development. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Local Government.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 35A.14 RCW to read as follows:

(1) A code city as provided in RCW 35A.14.296(2) may collaborate with the county or counties where the code city is located to form an interlocal agreement regarding annexation of unincorporated territory within the urban growth area boundary. The interlocal agreement formation process must include procedures for public participation. The procedures must provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, and consideration of and response to public comments. The interlocal agreement may only be executed after notice of availability of the agreement is posted on the website of each legislative body for four weeks and a public hearing by each legislative body, separately or jointly. This method of annexation shall be an alternative method and is additional to all other methods provided for in this chapter.

(2) An interlocal agreement under this section may include use of a sales tax credit for annexed areas should such a credit be reinstated by the legislature.

(3) The agreement or plan under this section must address the following:

(a) A balancing of annexations of commercial, industrial, and residential properties so that any potential loss or gain is considered and distributed fairly as determined by tax revenue;

(b) Development, ownership, and maintenance of infrastructure;

(c) The potential for revenue-sharing agreements.

(4) In addressing the items in subsection (3)(a) through (c) of this section, the parties must also address the balancing of factors and objectives for annexation review in RCW 36.93.170 and 36.93.180.

(5) By December 1, 2021, the association of Washington cities and the Washington state association of counties shall report to the legislature, in compliance with RCW 43.01.036, on how a sales tax credit may be utilized to encourage appropriate annexations and what limits should be associated with such a credit if reinstated.

Sec. 2. RCW 36.70A.330 and 1997 c 429 s 21 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(3)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter and with any compliance

schedule established by the board in its final order. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, county, or city. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board. The board shall issue any order necessary to make adjustments to the compliance schedule and set additional hearings as provided in subsection (5) of this section.

(3) If the board after a compliance hearing finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. ((~~The~~))

(a) The board may refer a finding of noncompliance to the department. The purpose of the referral is for the department to provide technical assistance to facilitate speedy resolution of the finding of noncompliance and to provide training pursuant to section 3 of this act as necessary.

(b) Alternatively, the board may recommend to the governor that the sanctions authorized by this chapter be imposed. The board shall take into consideration the county's or city's efforts to meet its compliance schedule in making the decision to recommend sanctions to the governor.

(4) In a compliance hearing upon petition of a party, the board shall also reconsider its final order and decide, if no determination of invalidity has been made, whether one now should be made under RCW 36.70A.302.

(5) The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department shall offer training to assist local governments in understanding findings of noncompliance from the growth management hearings board pursuant to RCW 36.70A.300 and 36.70A.330 and applying prior decisions of the board to ongoing planning efforts to avoid findings of noncompliance.

(2) The department may award grants to a public agency with appropriate expertise and funded by local governments to provide the training required in subsection (1) of this section.

(3) The training provided in subsection (1) of this section is limited to counties that are largely rural.

Sec. 4. RCW 43.155.070 and 2017 3rd sp.s. c 10 s 9 are each amended to read as follows:

(1) To qualify for financial assistance under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, and except as provided in subsection (12) of this section, a county, city, or town planning under RCW 36.70A.040 may not receive financial assistance under this chapter unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving financial assistance under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 that has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 may apply for and receive financial assistance under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before executing a contractual agreement for financial assistance with the board.

(3) In considering awarding financial assistance for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board must consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4)(a) The board must develop a process to prioritize applications and funding of loans and grants for public works projects submitted by local governments. The board must consider, at a minimum and in any order, the following factors in prioritizing projects:

(i) Whether the project is critical in nature and would affect the health and safety of many people;

(ii) The extent to which the project leverages other funds;

(iii) The extent to which the project is ready to proceed to construction;

(iv) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(v) Whether the project promotes the sustainable use of resources and environmental quality, as applicable;

(vi) Whether the project consolidates or regionalizes systems;

(vii) Whether the project encourages economic development through mixed-use and mixed income development consistent with chapter 36.70A RCW;

(viii) Whether the system is being well-managed in the present and for long-term sustainability;

(ix) Achieving equitable distribution of funds by geography and population;

(x) The extent to which the project meets the following state policy objectives:

(A) Efficient use of state resources;

(B) Preservation and enhancement of health and safety;

(C) Abatement of pollution and protection of the environment;

(D) Creation of new, family-wage jobs, and avoidance of shifting existing jobs from one Washington state community to another;

(E) Fostering economic development consistent with chapter 36.70A RCW;

(F) Efficiency in delivery of goods and services and transportation; and

(G) Reduction of the overall cost of public infrastructure;

(xi) Whether the applicant sought or is seeking funding for the project from other sources; and

(xii) Other criteria that the board considers necessary to achieve the purposes of this chapter.

(b) Before September 1, 2018, and each year thereafter, the board must develop and submit a report regarding the construction loans and grants to the office of financial management and appropriate fiscal committees of the senate and house of representatives. The report must include:

(i) The total number of applications and amount of funding requested for public works projects;

(ii) A list and description of projects approved in the preceding fiscal year with project scores against the board's prioritization criteria;

(iii) The total amount of loan and grants disbursements made from the public works assistance account in the preceding fiscal year;

(iv) The total amount of loan repayments in the preceding fiscal year for outstanding loans from the public works assistance account;

(v) The total amount of loan repayments due for outstanding loans for each fiscal year over the following ten-year period; and

(vi) The total amount of funds obligated and timing of when the funds were obligated in the preceding fiscal year.

(c) The maximum amount of funding that the board may provide for any jurisdiction is ten million dollars per biennium.

(5) Existing debt or financial obligations of local governments may not be refinanced under this chapter. Each local government applicant must provide documentation of attempts to secure additional local or other sources of

funding for each public works project for which financial assistance is sought under this chapter.

(6) Before September 1st of each year, the board must develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans and grants made under RCW 43.155.065 and 43.155.068.

(7) The board may not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds to the board for the purpose of funding public works projects under this chapter.

(8) To qualify for loans, grants, or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

(9) After January 1, 2010, any project designed to address the effects of stormwater or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(10) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its public works assistance account program loan or grant.

(11) The board must implement policies and procedures designed to maximize local government consideration of other funds to finance local infrastructure.

(12) The provisions in subsection (2) of this section do not apply to a county, city, or town applying for grants and loans under this chapter for projects that support broadband services where such grants and loans will assist the county, city, or town with economic development, disaster resiliency and response, adaptation to public health emergencies such as pandemics, and emergency management.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.160 RCW to read as follows:

The board is prohibited from considering whether a county, city, or town is compliant with chapter 36.70A RCW when considering applications for broadband funding.

NEW SECTION. **Sec. 6.** A new section is added to chapter 80.36 RCW to read as follows:

The commission is prohibited form considering whether a county, city, or town is compliant with chapter 36.70A RCW when considering applications for broadband funding.

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.330 RCW to read as follows:

The department is prohibited from considering whether a county, city, or town is compliant with chapter 36.70A RCW when considering applications for broadband funding."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5377 Prime Sponsor, Committee on Ways & Means: Increasing affordability of standardized plans on the individual market. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.71 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a premium assistance program is hereby established to be administered by the exchange.

(2) Assistance amounts must be established through the omnibus appropriations act.

(3) The exchange must establish, consistent with the omnibus appropriations act:

(a) Procedural requirements for eligibility and continued participation in any premium assistance program or cost-sharing program established under this section, including participant documentation requirements that are necessary to administer the program; and

(b) Procedural requirements for facilitating payments to carriers.

(4) Subject to the availability of amounts appropriated for this specific purpose, an individual is eligible for premium assistance and cost-sharing reductions under this section if the individual:

(a)(i) Is a resident of the state;

(ii) Has income that is up to 500 percent of the federal poverty level, or a lower income threshold determined through appropriation;

(iii) Is enrolled in a silver or gold standard plan offered in the enrollee's county of residence;

(iv) Applies for and accepts all federal advance premium tax credits for which they may be eligible before receiving any state premium assistance;

(v) Applies for and accepts all federal cost-sharing reductions for which they may be eligible before receiving any state cost-sharing reductions; and

(vi) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; or

(b) Meets alternate eligibility criteria as established in the omnibus appropriations act.

(5)(a) The exchange may disqualify an individual from receiving premium assistance or cost-sharing reductions under this section if the individual:

(i) No longer meets the eligibility criteria in subsection (4) of this section;

(ii) Fails, without good cause, to comply with any procedural or documentation requirements established by the exchange in accordance with subsection (3) of this section;

(iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an issuer rescinds the individual's policy for the qualified health plan.

(b) The exchange must develop a process for an individual to appeal a premium assistance or cost-sharing assistance eligibility determination from the exchange.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Advance premium tax credit" means the premium assistance amount determined in accordance with the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(b) "Income" means the modified adjusted gross income attributed to an individual for purposes of determining his or her eligibility for advance premium tax credits.

(c) "Standard plan" means a standardized health plan under RCW 43.71.095.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.71 RCW to read as follows:

(1) The exchange, in close consultation with the authority and the office of the insurance commissioner, must explore all opportunities to apply to the secretary of health and human services under 42 U.S.C. Sec. 18052 for a waiver or other available federal flexibilities to:

(a) Receive federal funds for the implementation of the premium assistance or cost-sharing reduction programs established under section 1 of this act;

(b) Increase access to qualified health plans; and

(c) Implement or expand other exchange programs that increase affordability of or access to health insurance coverage in Washington state.

(2) If, through the process described in subsection (1) of this section an opportunity to submit a waiver is identified, the exchange, in collaboration with the office of the insurance commissioner and the health care authority, may develop an application under this section to be submitted by the health care authority. If an application is submitted, the health care authority must notify the chairs and ranking minority members of the appropriate policy and fiscal committees of the legislature.

(3) Any application submitted under this section must meet all federal public notice and comment requirements under 42 U.S.C. Sec. 18052(a)(4)(B), including public hearings to ensure a meaningful level of public input.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.71 RCW to read as follows:

(1) The state health care affordability account is created in the state treasury. Expenditures from the account may only be used for premium and cost-sharing assistance programs established in section 1 of this act.

(2) The following funds must be deposited in the account:

(a) Any grants, donations, or contributions of money collected for purposes of the premium assistance or cost-sharing reduction programs established in section 4 of this act;

(b) Any federal funds received by the health benefit exchange pursuant to section 2 of this act; and

(c) Any additional funding specifically appropriated to the account.

NEW SECTION. **Sec. 4.** A new section is added to chapter 48.43 RCW to read as follows:

For qualified health plans offered on the exchange, a carrier shall:

(1) Accept payments for enrollee premiums or cost-sharing assistance under section 1 of this act or as part of a sponsorship program under RCW 43.71.030(4). Nothing in this subsection expands or restricts the types of sponsorship programs authorized under state and federal law;

(2) Clearly communicate premium assistance amounts to enrollees as part of the invoicing and payment process; and

(3) Accept and process enrollment and payment data transferred by the exchange in a timely manner.

NEW SECTION. **Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1)(a) For plan years 2022 and later, except as provided in (b) of this subsection, a hospital system that owns or operates at least four hospitals licensed under chapter 70.41 RCW must contract with at least two public option plans of the hospital system's choosing in each county in which the hospital system has at least one hospital licensed under chapter 70.41 RCW to provide in-network services to the enrollees of that plan.

(b) A hospital is not required to contract with two public option plans in a county pursuant to (a) of this subsection unless it receives an offer from at least two health carriers to provide in-network services as part of a public option plan in that county for the following plan year. If a hospital receives only one offer from a health carrier to participate in a public option plan in a county, it is only required to contract with one public option plan in that county.

(2) Health carriers and hospitals may not condition negotiations or participation of a hospital licensed under chapter 70.41 RCW in any health plan offered by the health carrier on the hospital's negotiations or participation in a public option plan.

(3) By December 1st of the plan year during which enrollment in public option plans statewide is greater than 10,000 covered lives:

(a) The health benefit exchange, in consultation with the insurance commissioner and the authority, shall

analyze public option plan rates paid to hospitals for in-network services and whether they have impacted hospital financial sustainability. The analysis must include any impact on hospitals' operating margins during the years public option health plans have been offered in the state and the estimated impact on operating margins in future years if enrollment in public option plans increases. The analysis may examine a sample of hospitals of various sizes and located in various counties. In conducting its analysis, the exchange must give substantial weight to any available reporting of health care provider and health system costs under RCW 70.390.050; and

(b) The health care cost transparency board established under chapter 70.390 RCW shall analyze the effect that enrollment in public option plans has had on consumers, including an analysis of the benefits provided to, and premiums and cost-sharing amounts paid by, consumers enrolled in public option plans compared to other standardized and nonstandardized qualified health plans.

(4) The authority may adopt program rules, in consultation with the office of the insurance commissioner, to ensure compliance with this section, including levying fines and taking other contract actions it deems necessary to enforce compliance with this section.

(5) For the purposes of this section, "public option plan" means a qualified health plan contracted by the authority under RCW 41.05.410.

Sec. 6. RCW 41.05.410 and 2019 c 364 s 3 are each amended to read as follows:

(1) The authority, in consultation with the health benefit exchange, must contract with one or more health carriers to offer qualified health plans on the Washington health benefit exchange for plan years beginning in 2021. A health carrier contracting with the authority under this section must offer at least one bronze, one silver, and one gold qualified health plan in a single county or in multiple counties. The goal of the procurement conducted under this section is to have a choice of qualified health plans under this section offered in every county in the state. The authority may not execute a contract with an apparently successful bidder under this section until after the insurance commissioner has given final approval of the health carrier's rates and forms pertaining to the health plan to be offered under this section and certification of the health plan under RCW 43.71.065.

(2) A qualified health plan offered under this section must meet the following criteria:

(a) The qualified health plan must be a standardized health plan established under RCW 43.71.095;

(b) The qualified health plan must meet all requirements for qualified health plan certification under RCW 43.71.065 including, but not limited to, requirements relating to rate review and network adequacy;

(c) The qualified health plan must incorporate recommendations of the Robert Bree collaborative and the health technology assessment program;

(d) The qualified health plan may use an integrated delivery system or a managed care model that includes care coordination or care management to enrollees as appropriate;

(e) The qualified health plan must meet additional participation requirements to reduce barriers to maintaining and improving health and align to state agency value-based purchasing. These requirements may include, but are not limited to, standards for population health management; high-value, proven care; health equity; primary care; care coordination and chronic disease management; wellness and prevention; prevention of wasteful and harmful care; and patient engagement;

(f) To reduce administrative burden and increase transparency, the qualified health plan's utilization review processes must:

(i) Be focused on care that has high variation, high cost, or low evidence of clinical effectiveness; and

(ii) Meet national accreditation standards;

(g)((~~(i)~~)) The total amount the qualified health plan reimburses providers and facilities for all covered benefits in the statewide aggregate, excluding pharmacy benefits, may not exceed one hundred sixty percent of the total amount medicare would have reimbursed providers and facilities for

the same or similar services in the statewide aggregate;

((~~(ii) Beginning in calendar year 2023, if the authority determines that selective contracting will result in actuarially sound premium rates that are no greater than the qualified health plan's previous plan year rates adjusted for inflation using the consumer price index, the director may, in consultation with the health benefit exchange, waive (g)(i) of this subsection as a requirement of the contracting process under this section;~~))

(h) For services provided by rural hospitals certified by the centers for medicare and medicaid services as critical access hospitals or sole community hospitals, the rates may not be less than one hundred one percent of allowable costs as defined by the United States centers for medicare and medicaid services for purposes of medicare cost reporting;

(i) Reimbursement for primary care services, as defined by the authority, provided by a physician with a primary specialty designation of family medicine, general internal medicine, or pediatric medicine, may not be less than one hundred thirty-five percent of the amount that would have been reimbursed under the medicare program for the same or similar services; and

(j) The qualified health plan must comply with any requirements established by the authority to address amounts expended on pharmacy benefits including, but not limited to, increasing generic utilization and use of evidence-based formularies.

(3)(a) At the request of the authority for monitoring, enforcement, or program and quality improvement activities, a qualified health plan offered under this section must provide cost and quality of care information and data to the authority, and may not enter into an agreement with a provider or third party that would restrict the qualified health plan from providing this information or data.

(b) Pursuant to RCW 42.56.650, any cost or quality information or data submitted to the authority is exempt from public disclosure.

(4) Nothing in this section prohibits a health carrier offering qualified health plans under this section from offering other health plans in the individual market.

Sec. 7. RCW 43.71.095 and 2019 c 364 s 1 are each amended to read as follows:

(1) The exchange, in consultation with the commissioner, the authority, an independent actuary, and other stakeholders, must establish up to three standardized health plans for each of the bronze, silver, and gold levels.

(a) The standardized health plans must be designed to reduce deductibles, make more services available before the deductible, provide predictable cost sharing, maximize subsidies, limit adverse premium impacts, reduce barriers to maintaining and improving health, and encourage choice based on value, while limiting increases in health plan premium rates.

(b) The exchange may update the standardized health plans annually.

(c) The exchange must provide a notice and public comment period before finalizing each year's standardized health plans.

(d) The exchange must provide written notice of the standardized health plans to licensed health carriers by January 31st before the year in which the health plans are to be offered on the exchange. The exchange may make modifications to the standardized plans after January 31st to comply with changes to state or federal law or regulations.

(2)(a) Beginning January 1, 2021, any health carrier offering a qualified health plan on the exchange must offer ((~~one~~)) the silver ((~~standardized health plan~~)) and ((~~one~~)) gold standardized health plans established under this section on the exchange in each county where the carrier offers a qualified health plan. If a health carrier offers a bronze health plan on the exchange, it must offer ((~~one~~)) the bronze standardized health plans established under this section on the exchange in each county where the carrier offers a qualified health plan.

(b)(i) ((~~A~~)) Until December 31, 2022, a health ((~~plan~~)) carrier offering a standardized health plan under this section may also offer nonstandardized health plans on the exchange. Beginning January 1, 2023, a health carrier offering a standardized health plan under this section may also offer up to two

nonstandardized gold health plans, two nonstandardized bronze health plans, one nonstandardized silver health plan, one nonstandardized platinum health plan, and one nonstandardized catastrophic health plan in each county where the carrier offers a qualified health plan.

(ii) The exchange, in consultation with the office of the insurance commissioner, shall analyze the impact to exchange consumers of offering only standard plans beginning in 2025 and submit a report to the appropriate committees of the legislature by December 1, 2023. The report must include an analysis of how plan choice and affordability will be impacted for exchange consumers across the state, including an analysis of offering a bronze standardized high deductible health plan compatible with a health savings account, and a gold standardized health plan closer in actuarial value to the silver standardized health plan.

(iii) The actuarial value of nonstandardized silver health plans offered on the exchange may not be less than the actuarial value of the standardized silver health plan with the lowest actuarial value.

(c) A health carrier offering a standardized health plan on the exchange under this section must continue to meet all requirements for qualified health plan certification under RCW 43.71.065 including, but not limited to, requirements relating to rate review and network adequacy."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

April 1, 2021

2SSB 5383 Prime Sponsor, Committee on Ways & Means: Authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Community & Economic Development.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the COVID-19 pandemic has made it clear that equitable access to education can only happen with equitable access to reliable broadband. Increasing broadband access to unserved areas of the state is of vital importance to increasing quality of life, broadening educational opportunities, and promoting economic inclusion in the parts of our state that, without broadband access, cannot fully participate in modern society. The legislature further finds that one of the most effective tools to ensure all Washingtonians have an opportunity to equitably access education, the job market, and health care resources is to allow our public utility districts and port districts to provide retail telecommunications services.

Sec. 2. RCW 54.16.330 and 2019 c 365 s 9 are each amended to read as follows:

(1)(a) A public utility district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(i) For the district's internal telecommunications needs; and

(ii) For the provision of wholesale telecommunications services ((~~within~~)) as follows:

(A) Within the district and by contract with another public utility district;

(B) Within an area in an adjoining county that is already provided electrical services by the district; or

(C) Within an adjoining county that does not have a public utility district providing electrical or telecommunications services headquartered within the county's boundaries, but only if the district providing telecommunications services is not authorized to provide electrical services.

(b) Except as provided in subsections (8) and (10) of this section, nothing in this section shall be construed to authorize public utility districts to provide telecommunications services to end users.

(2) A public utility district providing wholesale or retail telecommunications services shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a public utility district offering rates, terms, and conditions to an entity for wholesale or retail telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) A public utility district providing wholesale or retail telecommunications services shall not be required to, but may, establish a separate utility system or function for such purpose. In either case, a public utility district providing wholesale or retail telecommunications services shall separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title. Any revenues received from the provision of wholesale or retail telecommunications services must be dedicated to costs incurred to build and maintain any telecommunications facilities constructed, installed, or acquired to provide such services, including payments on debt issued to finance such services, until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance such telecommunications facilities are discharged or retired.

(4) When a public utility district provides wholesale or retail telecommunications services, all telecommunications services rendered to the district for the district's internal telecommunications needs shall be allocated or charged at its true and full value. A public utility district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale or retail telecommunications services.

(5) If a person or entity receiving retail telecommunications services from a public utility district under this section has a complaint regarding the reasonableness of the rates, terms, conditions, or services provided, the person or entity may file a complaint with the district commission.

(6) A public utility district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(7) Except as otherwise specifically provided, a public utility district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a public utility district under this title.

(8)(a) If an internet service provider operating on telecommunications facilities of a public utility district that provides wholesale telecommunications services but does not provide retail telecommunications services, ceases to provide access to the internet to its end-use customers, and no other retail service providers are willing to provide service, the public utility district may provide retail telecommunications services to the end-use customers of the defunct internet service provider in order for end-use customers to maintain access to the internet until a replacement internet service provider is, or providers are, in operation.

(b) Within thirty days of an internet service provider ceasing to provide access to the internet, the public utility district must initiate a process to find a replacement internet service provider or providers to resume providing access to the internet using telecommunications facilities of a public utility district.

(c) For a maximum period of five months, following initiation of the process begun in (b) of this section, or, if earlier than five months, until a replacement internet service provider is, or providers are, in operation, the district commission may establish a rate for providing access to the internet and charge customers to cover expenses necessary to provide access to the internet.

(9) The tax treatment of the retail telecommunications services provided by a public utility district to the end-use customers during the period specified in subsection (8) of this section must be the same as if those retail telecommunications services were provided by the defunct internet service provider.

(10)(a) A public utility district may provide retail telecommunications services to end users in unserved areas.

(b) A public utility district must notify and consult with the governor's statewide broadband office within 30 days of its decision to provide retail telecommunications services to unserved areas. The governor's statewide broadband office must post notices received from a public utility district pursuant to this subsection on its public website.

(c) Any public utility district that intends to provide retail telecommunications services to unserved areas must submit a telecommunications infrastructure and service plan to the governor's statewide broadband office that will be published on the office's website. Submission of plans will enable the governor's statewide broadband office: (i) To better understand infrastructure deployment; (ii) to potentially allocate funding for unserved areas; (iii) to advance the state policy objectives; (iv) to determine whether the plan aligns with state policy objectives and broadband priorities; (v) to measure progress toward serving those in unserved areas; (vi) to report on the feasibility and sustainability of the project; and (vii) to confirm that the project is within an unserved area. The telecommunications infrastructure and service plans shall include, but not be limited to, the following:

(A) Map and description of how the deployment of proposed broadband infrastructure will achieve at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed and then increases to be consistent with the stated long-term state broadband speed goals for unserved areas;

(B) Project timeline prioritization of unserved areas; and

(C) Description of potential state and federal funding available to provide service to the unserved area.

(d) A public utility district that exercises its authority under (a) of this subsection to provide retail telecommunications services may use state funds, federal funds appropriated through the state, or federal funds dedicated for projects in unserved areas to fund projects identified in the submitted telecommunications infrastructure and service plan required in (c) of this subsection.

(e) A public utility district providing retail telecommunications services under this subsection must operate an open access network.

(f) This section does not apply to retail internet services provided by a public utility district under RCW 54.16.420.

(g) Provisions in this subsection do not apply to the provision of wholesale telecommunications services authorized in this section.

(h) For the purposes of this subsection:

(i) "Open access network" means a network that, during the useful life of the infrastructure, ensures service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employs accountable interconnection arrangements published and available publicly.

(ii) "Unserved areas" means areas of Washington in which households and businesses lack access to broadband service of speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload.

Sec. 3. RCW 53.08.370 and 2019 c 365 s 10 are each amended to read as follows:

(1) A port district in existence on June 8, 2000, may construct, purchase,

acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's own use; and

(b) For the provision of wholesale telecommunications services within or without the district's limits. ((~~Nothing~~)) Except as provided in subsection (10) of this section, nothing in this subsection shall be construed to authorize port districts to provide telecommunications services to end users.

(2) Except as provided in subsection (9) of this section, a port district providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a port district establishes a separate utility function for the provision of wholesale telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a port district establishes a separate utility function for the provision of wholesale telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A port district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a port district under this title.

(7) A port district that has not exercised the authorities provided in this section prior to June 7, 2018, must develop a business case plan before exercising the authorities provided in this section. The port district must procure an independent qualified consultant to review the business case plan, including the use of public funds in the provision of wholesale telecommunications services. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the port commission in an open meeting.

(8) A port district with telecommunications facilities for use in the provision of wholesale telecommunications in accordance with subsection (1)(b) of this section may be subject to local leasehold excise taxes under RCW 82.29A.040.

(9)(a) A port district under this section may select a telecommunications company to operate all or a portion of the port district's telecommunications facilities.

(b) For the purposes of this section "telecommunications company" means any for-profit entity owned by investors that sells telecommunications services to end users.

(c) Nothing in this subsection (9) is intended to limit or otherwise restrict any other authority provided by law.

(10)(a) A port district may provide retail telecommunications services to end users in unserved areas.

(b) A port district must notify and consult with the governor's statewide broadband office within 30 days of its decision to provide retail telecommunications services to unserved areas. The governor's statewide broadband office must post notices received from a port district pursuant to this subsection on its public website.

(c) Any port district that intends to provide retail telecommunications services to unserved areas must submit a telecommunications infrastructure and service plan to the governor's statewide broadband office that will be published on the office's website. Submission of plans will enable the governor's statewide broadband office: (i) To better understand infrastructure deployment; (ii) to potentially allocate funding for unserved areas; (iii) to advance the state policy objectives; (iv) to determine whether the plan aligns with state policy objectives and broadband priorities; (v) to measure progress toward serving those in unserved areas; (vi) to report on the feasibility and sustainability of the project; and (vii) to confirm that the project is within an unserved area. The telecommunications infrastructure and service plans shall include, but not be limited to, the following:

(A) Map and description of how the deployment of proposed broadband infrastructure will achieve at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed and then increases to be consistent with the stated long-term state broadband speed goals for unserved areas;

(B) Project timeline prioritization of unserved areas; and

(C) Description of potential state and federal funding available to provide service to the unserved area.

(d) A port district that exercises its authority under (a) of this subsection to provide retail telecommunications services may use state funds, federal funds appropriated through the state, or federal funds dedicated for projects in unserved areas to fund projects identified in the submitted telecommunications infrastructure and service plan required in (c) of this subsection.

(e) A port district providing retail telecommunications services under this subsection must operate an open access network.

(f) Provisions in this subsection do not apply to the provision of wholesale telecommunications services authorized in this section.

(g) For the purposes of this subsection:

(i) "Open access network" means a network that, during the useful life of the infrastructure, ensures service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employs accountable interconnection arrangements published and available publicly.

(ii) "Unserved areas" means areas of Washington in which households and businesses lack access to broadband service of speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload.

Sec. 4. RCW 43.330.538 and 2019 c 365 s 6 are each amended to read as follows:

(1)(a) Beginning January 1, 2021, and biennially thereafter, the office shall report to the legislative committees with jurisdiction over broadband policy and finance on the office's activities during the previous two years.

((~~(2)~~)) (b) The report must, at a minimum, contain:

((~~(a)~~)) (i) An analysis of the current availability and use of broadband, including average broadband speeds, within the state;

((~~(b)~~)) (ii) Information gathered from schools, libraries, hospitals, and public safety facilities across the state, determining the actual speed and capacity of broadband currently in use and the need, if any, for increases in speed and capacity to meet current or anticipated needs;

((~~(c)~~)) (iii) An overview of incumbent broadband infrastructure within the state;

((~~(d)~~)) (iv) A summary of the office's activities in coordinating broadband infrastructure development with the public works board, including a summary of funds awarded under RCW 43.155.160;

((~~(e)~~)) (v) Suggested policies, incentives, and legislation designed to accelerate the achievement of the goals under RCW 43.330.536; and

((~~(f)~~)) (vi) Any proposed legislative and policy initiatives.

(2)(a) By December 31, 2022, the office must submit a report to the governor and the appropriate committees of the legislature regarding the provision of retail telecommunications services to unserved areas by public utility districts and port districts as provided in RCW 54.16.330(10) and 53.08.370(10).

(b) The report must, at a minimum, contain:

(i) The number of public utility districts and port districts providing retail telecommunications services in an unserved area authorized in RCW 54.16.330(10) and 53.08.370(10); and

(ii) Any recommendations to improve the provision of retail telecommunications services in unserved areas."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Dye; Harris; Jacobsen; Rude and Springer.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5395 Prime Sponsor, Committee on Ways & Means: Concerning use of state resources during periods where state employees are required to work from home. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on State Government & Tribal Relations.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that during the COVID-19 pandemic, state employees have incurred personal expenses and utilized their own resources serving the public. The state needs to provide state employees the tools necessary to serve the public while working from home.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.04 RCW to read as follows:

(1) When state employees are required to work from home or are allowed to work from home, agencies may provide or purchase office supplies, services, and other materials necessary for the employees to effectively perform their work.

(2)(a) Subject to appropriation, a state agency may reimburse a state employee for necessary additional expenditures incurred by the employee within the employee's scope of employment and directly related to services performed for the agency. As used in this section, "necessary expenditures" includes, but is not limited to:

(i) Desks, computer stands, computers, computer supplies, and chairs;

(ii) Upgraded internet service that is necessary for the employees to do their jobs, which may include reimbursement to the employees to support the increased costs of the service;

(iii) Equipment and services that assist employees with disabilities or special needs to conduct their jobs remotely; and

(iv) Other items or services determined by the head of the agency, based on guidance provided by the office of financial management except as provided in subsection (6) of this section, to be necessary for employees to perform their jobs.

(b) Following the process established by the agency, an employee shall submit a request for a reimbursement of any necessary additional expenditure with appropriate supporting documentation. An

agency may provide additional time for submitting requests for reimbursement in a written expense reimbursement policy.

(c) An employee may be reimbursed for expenses incurred after April 1, 2020.

(d) An employee may not request a payment to cover the cost of purchasing equipment if the agency has made, or will make, the same type of equipment available to the employee.

(3) Except as provided under subsection (6) of this section, approval of purchases and reimbursements must be done within the policies and procedures established by the office of financial management.

(4) Use of materials and supplies when approved by the agency is not considered use of state resources for private gain.

(5) For the purpose of this section, "agency" or "state agency" means any branch, department, or unit of the state government, however designated or constituted. It is intended that the provisions of this section be followed uniformly.

(6) The director of the office of financial management shall adopt necessary policies and procedures to implement this section, including the percentage of time necessary for an employee working from home to qualify for coverage, qualifying guidelines for employee reimbursement, and establishment of thresholds for when equipment is required to be returned to the agency when an employee returns full-time to the office or leaves state service. Depreciation of items over time must be considered in developing the policies and procedures. Except for the legislative and judicial branches, all state agencies must use the policies and procedures established by the office of financial management. The legislative and judicial branches are encouraged to use the policies and procedures established by the office of financial management to create uniformity in the application of this section across all of state government.

NEW SECTION. **Sec. 3.** (1) During the COVID-19 emergency, state employees may use state internet resources outside normal business hours for social gatherings to enable them to maintain communication and gather socially. Such activities may include, but not be limited to, sharing ideas and tips for working remotely, lunch time gatherings, guest speakers, and open microphone sessions. These activities must be done at no expense to the state and will be considered de minimis activities. Participation in such activities will not result in the payment of overtime or accrual of compensatory time.

(2) This section expires upon the termination of the state of emergency under proclamation 20-05 and any subsequent state of emergency issued pertaining to COVID-19 in accordance with RCW 43.06.210. The governor shall provide written notice of the termination date of the state of emergency under proclamation 20-05 and any subsequent state of emergency issued pertaining to COVID-19 to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the governor.

NEW SECTION. **Sec. 4.** (1) The office of financial management must establish and chair a remote working environment work group to review the issues related to working in a remote environment and prepare a report with recommendations for law and policy in order to more effectively allow state employees to work remotely.

(2) The work group must be composed of representatives of large, medium, and small-sized agencies, and labor organizations. The work group must include representatives of institutions of higher education.

(3) The work group must review issues including, but not limited to:

(a) Scheduling;

(b) The provision of equipment, supplies, and other services needed to perform the duties of employment;

(c) Ways to cover additional expenses incurred by employees for remote work;

(d) Ergonomic issues;

(e) Other potential areas of liability;

(f) Cybersecurity and privacy; and

(g) Ways to assist and facilitate state employees in their work.

(4) The work group must submit an initial report to the governor and appropriate committees of the

legislature by November 1, 2021, and a final report by June 30, 2022.

(5) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Schmick.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5399 Prime Sponsor, Committee on Ways & Means: Concerning the creation of a universal health care commission. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Healthy Washingtonians contribute to the economic well-being of their families and communities, and access to appropriate health services and improved health outcomes allow all Washingtonian families to enjoy productive and satisfying lives;

(b) Washington and the United States are experiencing the deepest economic crisis since the Great Depression, caused by a public health crisis;

(c) Skyrocketing unemployment rates due to COVID-19 have exposed the frailties and inequalities of the current health care system while causing unsustainable strain to the state's medicaid system;

(d) Thousands of union and nonunion workers are unemployed and without health insurance;

(e) Approximately 125,000 undocumented people live in the state with no access to health care during a global pandemic;

(f) Multiple economic analyses show that a universal system is less expensive, more equitable, and will produce billions in savings per year; and

(g) While a unified health care financing system can provide universal coverage, increase access to care, decrease costs, and improve quality, implementing such a system in the state is dependent on foundational legal, financial, and programmatic changes from the federal government.

(2) The legislature intends to create a permanent universal health care commission to:

(a) Implement immediate and impactful changes in the state's current health care system to increase access to quality, affordable health care by streamlining access to coverage, reducing fragmentation of health care financing across multiple public and private health insurance entities, reducing unnecessary administrative costs, reducing health disparities, and establishing mechanisms to expeditiously link residents with their chosen providers; and

(b) Establish the preliminary infrastructure to create a universal health system, including a unified financing system, that controls health care spending so that the system is affordable to the state, employers, and individuals, once the necessary federal authorities have been realized.

(3) The legislature further intends that the state, in collaboration with all communities, health plans, and providers, should take steps to improve health outcomes for all residents of the state.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The universal health care commission is established to create immediate and impactful changes in the health care access and delivery system in Washington and to prepare the state for the creation of a health care system that provides coverage and access for all Washington residents through a unified financing system once the necessary federal authority has become available.

The authority must begin any necessary federal application process within 60 days of its availability.

(2) The commission includes the following voting members:

(a) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(b) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(c) The secretary of the department of health, or the secretary's designee;

(d) The director of the health care authority, or the director's designee;

(e) The chief executive officer of the Washington health benefit exchange, or the chief executive officer's designee;

(f) The insurance commissioner, or the commissioner's designee;

(g) The director of the office of equity, or the director's designee; and

(h) Six members appointed by the governor, using an equity lens, with knowledge and experience regarding health care coverage, access, and financing, or other relevant expertise, including at least one consumer representative and at least one invitation to an individual representing tribal governments with knowledge of the Indian health care delivery in the state.

(3)(a) The governor must appoint the chair of the commission from any of the members identified in subsection (2) of this section for a term of no more than three years. A majority of the voting members of the commission shall constitute a quorum for any votes of the commission.

(b) The commission's meetings shall be open to the public pursuant to chapter 42.30 RCW. The authority must publish on its website the dates and locations of commission meetings, agendas of prior and upcoming commission meetings, and meeting materials for prior and upcoming commission meetings.

(4) The health care authority shall staff the commission.

(5) Members of the commission shall serve without compensation but must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060.

(6) The commission may establish advisory committees that include members of the public with knowledge and experience in health care, in order to support stakeholder engagement and an analytical process by which key design options are developed. A member of an advisory committee need not be a member of the commission.

(7) By November 1, 2022, the commission shall submit a baseline report to the legislature and the governor, and post it on the authority's website. The report must include:

(a) A complete synthesis of analyses done on Washington's existing health care finance and delivery system, including cost, quality, workforce, and provider consolidation trends and how they impact the state's ability to provide all Washingtonians with timely access to high quality, affordable health care;

(b) A strategy for developing implementable changes to the state's health care financing and delivery system to increase access to health care services and health coverage, reduce health care costs, reduce health disparities, improve quality, and prepare for the transition to a unified health care financing system by actively examining data and reports from sources that are monitoring the health care system. Such sources shall include data or reports from the health care cost transparency board under RCW 70.390.070, the public health advisory board, the governor's interagency coordinating council on health disparities under RCW 43.20.275, the all-payer health care claims database established under chapter 43.371 RCW, prescription drug price data, performance measure data under chapter 70.320 RCW, and other health care cost containment programs;

(c) An inventory of the key design elements of a universal health care system including:

(i) A unified financing system including, but not limited to, a single-payer financing system;

(ii) Eligibility and enrollment processes and requirements;

(iii) Covered benefits and services;

(iv) Provider participation;

(v) Effective and efficient provider payments, including consideration of global budgets and health plan payments;

(vi) Cost containment and savings strategies that are designed to assure that total health care expenditures do not exceed the health care cost growth benchmark established under chapter 70.390 RCW;

(vii) Quality improvement strategies;

(viii) Participant cost sharing, if appropriate;

(ix) Quality monitoring and disparities reduction;

(x) Initiatives for improving culturally appropriate health services within public and private health-related agencies;

(xi) Strategies to reduce health disparities including, but not limited to, mitigating structural racism and other determinants of health as set forth by the office of equity;

(xii) Information technology systems and financial management systems;

(xiii) Data sharing and transparency; and

(xiv) Governance and administration structure, including integration of federal funding sources;

(d) An assessment of the state's current level of preparedness to meet the elements of (c) of this subsection and steps Washington should take to prepare for a just transition to a unified health care financing system, including a single-payer financing system. Recommendations must include, but are not limited to, administrative changes, reorganization of state programs, retraining programs for displaced workers, federal waivers, and statutory and constitutional changes;

(e) Recommendations for implementing reimbursement rates for health care providers serving medical assistance clients who are enrolled in programs under chapter 74.09 RCW at a rate that is no less than 80 percent of the rate paid by medicare for similar services;

(f) Recommendations for coverage expansions to be implemented prior to and consistent with a universal health care system, including potential funding sources; and

(g) Recommendations for the creation of a finance committee to develop a financially feasible model to implement universal health care coverage using state and federal funds.

(8) Following the submission of the baseline report on November 1, 2022, the commission must structure its work to continue to further identify opportunities to implement reforms consistent with subsection (7)(b) of this section and to implement structural changes to prepare the state for a transition to a unified health care financing system. The commission must submit annual reports to the governor and the legislature each November 1st, beginning in 2023. The reports must detail the work of the commission, the opportunities identified to advance the goals under subsection (7) of this section, which, if any, of the opportunities a state agency is implementing, which, if any, opportunities should be pursued with legislative policy or fiscal authority, and which opportunities have been identified as beneficial, but lack federal authority to implement.

(9) Subject to sufficient existing agency authority, state agencies may implement specific elements of any report issued under this section. This section shall not be construed to authorize the commission to implement a universal health care system through a unified financing system until there is further action by the legislature and the governor.

(10) The commission must hold its first meeting within 90 days of the effective date of this section."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

March 31, 2021

SSB 5401 Prime Sponsor, Committee on Higher Education & Workforce Development: Authorizing community and technical colleges to offer bachelor degrees in computer science. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Dye; Rude and Schmick.

Referred to Committee on Rules for second reading.

April 1, 2021

ESSB 5405 Prime Sponsor, Committee on Ways & Means: Instructing the joint legislative audit and review committee to perform racial equity analyses. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

April 2, 2021

SSB 5406 Prime Sponsor, Committee on Transportation: Providing compensation for tow truck operators for keeping the public roadways clear. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.44.110 and 2009 c 393 s 1 are each amended to read as follows:

(1) Any person operating any vehicle or moving any object or conveyance upon any public highway in this state or upon any bridge or elevated structure that is a part of any such public highway is liable for all damages that the public highway, bridge, elevated structure, or other state property may sustain, as well as payment for vehicle recovery, impound, and storage charges to any registered tow truck operator dispatched by law enforcement or other agency, as a result of any illegal operation of the vehicle or the moving of any such object or conveyance or as a result of the operation or moving of any vehicle, object, or conveyance weighing in excess of the legal weight limits allowed by law.

(2) This section applies to any person operating any vehicle or moving any object or contrivance in any illegal or negligent manner or without a special permit as provided by law for vehicles, objects, or contrivances that are overweight, overwidth, overheight, or overlength. Any person operating any vehicle is liable for any damage to any public highway, bridge, elevated structure, or other state property sustained, as well as payment for vehicle recovery, impound, and storage charges to any registered tow truck operator dispatched by law enforcement or other agency, as the result of any negligent operation thereof. When the operator is not the owner of the vehicle, object, or contrivance but is operating or moving it with the express or implied permission of the owner, the owner and the operator are jointly and severally liable for any such damage.

(3)(a) Such damage to any state highway, structure, or other state property may be recovered in a civil action instituted in the name of the state of Washington by the department of transportation or other affected state agency. Any measure of damage determined by the department of transportation to its highway, bridge, elevated structure, or other property under this section is prima facie the amount of damage caused thereby and is presumed to be the amount recoverable in any civil action therefor. The damages available under this section

include the incident response costs, including traffic control, incurred by the department of transportation.

(b) Costs attributable to vehicle recovery, impound, and storage charges for any registered tow truck operator dispatched by law enforcement or other state or local agency may be recovered in a civil action instituted by the registered tow truck operator. The amount of nonpayment for vehicle recovery, impound, and storage charges to any registered tow truck operator dispatched by law enforcement or other agency, under this section is presumed to be the amount recoverable in any civil action therefor and must not exceed the amounts established under the fee schedule adopted pursuant to RCW 46.55.118."

Correct the title.

Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Ramos, 2nd Vice Chair and Ramel.

Referred to Committee on Rules for second reading.

March 31, 2021

ESSB 5439 Prime Sponsor, Committee on Transportation: Facilitating the coordinated installation of broadband along state highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Increasing broadband access to unserved areas of the state provides an increasingly essential public benefit to the citizens of Washington by allowing full participation in society and the modern economy, and enabling access to health care, education, the use of other technologies, and essential services, including public safety;

(b) Facilitating and accelerating affordable and quality statewide broadband access for all Washingtonians will require sustained investment, research, local and community participation, and the formation of strategic partnerships between private, public, and nonprofit entities;

(c) Providing for additional coordination and removal of barriers across sectors to increase broadband access in unserved areas is in the best interest of the state;

(d) Maximizing the use of rights-of-way during construction or repair of transportation systems offers cost-effective opportunities for extending and improving broadband and high-speed internet connections throughout the state; and

(e) Expanding broadband access, especially broadband conduit along roadways, provides commensurate benefits to the transportation system and motor vehicle users in terms of reducing the use of roads and alleviating congestion by allowing for more telework, and laying the foundation for a transportation system increasingly more reliant on autonomous vehicles.

(2) The legislature also finds that there is a need to utilize near-term options and opportunities along state highway rights-of-way to drive broadband network expansion and for undertaking longer-term planning of activities to develop additional paths to facilitate the expansion of broadband networks along state highway rights-of-way.

(3) Therefore, the legislature intends to expedite the expansion of broadband access to unserved areas throughout the state by increasing broadband infrastructure coordination, including through collaboration between the statewide broadband office and the department of transportation; proactively facilitating installation and improvement of infrastructure during state road construction projects; and studying recommendations related to the department of transportation's role in broadband service expansion efforts.

Sec. 2. RCW 43.330.532 and 2019 c 365 s 3 are each amended to read as follows:

(1) The governor's statewide broadband office is established. The director of the office must be appointed by the governor. The office may employ staff

necessary to carry out the office's duties as prescribed by chapter 365, Laws of 2019, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to encourage, foster, develop, and improve affordable, quality broadband within the state in order to:

(a) Drive job creation, promote innovation, improve economic vitality, and expand markets for Washington businesses;

(b) Serve the ongoing and growing needs of Washington's education systems, health care systems, public safety systems, transportation systems, industries and business, governmental operations, and citizens; and

(c) Improve broadband accessibility for unserved communities and populations.

Sec. 3. RCW 43.330.534 and 2019 c 365 s 4 are each amended to read as follows:

(1) The office has the power and duty to:

(a) Serve as the central broadband planning body for the state of Washington;

(b) Coordinate with local governments, tribes, public and private entities, nonprofit organizations, and consumer-owned and investor-owned utilities to develop strategies and plans promoting deployment of broadband infrastructure and greater broadband access, while protecting proprietary information;

(c) Review existing broadband initiatives, policies, and public and private investments;

(d) Develop, recommend, and implement a statewide plan to encourage cost-effective broadband access and to make recommendations for increased usage, particularly in rural and other unserved areas;

(e) Update the state's broadband goals and definitions for broadband service in unserved areas as technology advances, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload; and

(f) Encourage public-private partnerships to increase deployment and adoption of broadband services and applications.

(2) When developing plans or strategies for broadband deployment, the office must consider:

(a) Partnerships between communities, tribes, nonprofit organizations, local governments, consumer-owned and investor-owned utilities, and public and private entities;

(b) Funding opportunities that provide for the coordination of public, private, state, and federal funds for the purposes of making broadband infrastructure or broadband services available to rural and unserved areas of the state;

(c) Barriers to the deployment, adoption, and utilization of broadband service, including affordability of service and project coordination logistics; and

(d) Requiring minimum broadband service of twenty-five megabits per second download and three megabits per second upload speed, that is scalable to faster service.

(3) The office may assist applicants for the grant and loan program created in RCW 43.155.160 with seeking federal funding or matching grants and other grant opportunities for deploying broadband services.

(4) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the statewide broadband account created in RCW 43.155.165.

(5) In carrying out its purpose, the office may collaborate with the utilities and transportation commission, the office of the chief information officer, the department of commerce, the community economic revitalization board, the department of transportation, the public works board, the state librarian, and all other relevant state agencies.

Sec. 4. RCW 43.330.538 and 2019 c 365 s 6 are each amended to read as follows:

(1) Beginning January 1, 2021, and biennially thereafter, the office shall report to the legislative committees with jurisdiction over broadband policy and finance on the office's activities during the previous two years.

(2) The report must, at a minimum, contain:

(a) An analysis of the current availability and use of broadband, including average broadband speeds, within the state;

(b) Information gathered from schools, libraries, hospitals, and public safety facilities across the state, determining the actual speed and capacity of broadband currently in use and the need, if any, for increases in speed and capacity to meet current or anticipated needs;

(c) An overview of incumbent broadband infrastructure within the state;

(d) A summary of the office's activities in coordinating broadband infrastructure development with the department of transportation and the public works board, including a summary of funds awarded under RCW 43.155.160;

(e) Suggested policies, incentives, and legislation designed to accelerate the achievement of the goals under RCW 43.330.536; and

(f) Any proposed legislative and policy initiatives.

NEW SECTION. **Sec. 5.** A new section is added to chapter 47.44 RCW to read as follows:

(1) The department is directed to adopt and maintain an agency policy that requires the department to proactively provide broadband facility owners with information about planned state highway projects to enable collaboration between broadband facility owners and the department to identify opportunities for the installation of broadband facilities during the appropriate phase of these projects when such opportunities exist.

(2) If no owners are ready or able to participate in coordination of the installation of broadband infrastructure concurrently with state highway projects, the department may enlist its contractors to install broadband conduit as part of road construction projects in order to directly benefit the transportation system and motor vehicle users by:

(a) Reducing future traffic impacts to the traveling public on the roadway;

(b) Supporting the vehicle miles traveled reduction and congestion management goals of the state by allowing for more telework; or

(c) Proactively preparing the transportation system for the widespread development and use of autonomous vehicles.

(3) Broadband facility owners must first obtain a franchise granted by the department pursuant to RCW 47.44.010 and 47.44.020 before installing broadband facilities within the department's conduit. The costs for installation and maintenance of such broadband facilities shall be the responsibility of the broadband facility owner. The department may adopt rules establishing a fee schedule for occupancy of broadband facilities within the department's conduit consistent with federal law.

(4) As used in this section:

(a) "Broadband conduit" means a conduit used to support broadband infrastructure, including fiber optic cables.

(b) "Broadband infrastructure" has the same meaning as in RCW 43.330.530.

Sec. 6. RCW 47.52.001 and 2004 c 131 s 1 are each amended to read as follows:

(1) Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed.

(2) ((~~Personal wireless service~~)) Broadband, which includes a range of high-speed transmission technologies, including fiber optic lines and personal wireless service facilities, is a critical part of the state's infrastructure. The rapid deployment of ((~~personal wireless service~~)) broadband facilities is critical to ensure public safety, network access, quality of service, and rural economic development.

(3) It is, therefore, the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities, and to ((~~assure~~)) ensure that the use of rights-of-way of limited access facilities accommodate the deployment of ((~~personal wireless service~~)) broadband facilities

consistent with these interests. In furtherance of this policy, the department is directed to adopt and maintain an agency policy that requires the department to proactively provide broadband facility owners with information about planned limited access highway projects to enable collaboration between broadband facility owners and the department to identify opportunities for the installation of broadband facilities during the appropriate phase of these projects when such opportunities exist. Coordination between the department and broadband facility owners under this section must comply with applicable state and federal law including, but not limited to, chapter 47.44 RCW and RCW 47.04.045.

NEW SECTION. **Sec. 7.** (1) Subject to the availability of amounts appropriated for this specific purpose in the omnibus transportation appropriations act, the joint transportation committee shall oversee a consultant study to recommend:

(a) An effective department of transportation strategy, and specific highway corridors, that could be used to address missing fiber connections and inadequate broadband service in parts of the state unserved and underserved by broadband facilities while also aiding the achievement of the state broadband goals specified in RCW 43.330.536. As part of this recommendation, the following areas must also be addressed:

(i) What the appropriate taxonomy to apply to areas unserved or underserved by broadband is to better prioritize and contextualize the urgency of the need for broadband infrastructure in a given area; and

(ii) When the inclusion of broadband conduit installation in a transportation project is recommended as the most effective means of facilitating broadband access, rather than an alternative broadband facility placement, taking into account potential costs, and subject to any limitations in understanding potential costs of installation as part of a transportation project not yet undertaken;

(b) The role of the Washington state department of transportation and the statewide broadband office in a coordinated approach for broadband development statewide on highway rights-of-way that includes the adaptation of existing programs and activities to further a state initiative to expand and improve access to broadband;

(c) The most promising planning and financing tools that could be used by the department of transportation to provide the state with greater ability to install conduit in anticipation of future broadband fiber occupancy by others;

(d) Opportunities for mutually beneficial partnerships between the department of transportation and broadband service providers that could provide broadband services for transportation purposes such as intelligent transportation systems, cooperative automated transportation/autonomous vehicles, transportation demand management, and highway maintenance activities; and

(e) Strategies for the mitigation of potential safety, operations, and preservation impacts to transportation related to the recommendations made in (a) through (d) of this subsection.

(2) The study must consider the most relevant best practices in other states and their potential application in Washington.

(3) The study must also include an examination of any state and federal laws and regulations that could prevent or limit the implementation of these recommendations, as well as recommendations for modifications to the applicable state laws and regulations and recommended federal actions that could be requested by Washington state legislators.

(4) The joint transportation committee shall consult with the department of transportation, the Washington statewide broadband office, other state agencies and local jurisdictions, public and private utility providers, and public and private broadband providers, as necessary, during development of the study's recommendations to ensure the relevance and applicability of the recommendations to the state.

(5) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by January 1, 2022.

Sec. 8. RCW 47.44.010 and 2001 c 201 s 5 are each amended to read as follows:

(1) The department of transportation may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas, oil or coal pipes, telephone, telegraph ((~~and~~)), fiber optic, electric light and power lines and conduits, trams or railways, and any structures or facilities that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department of transportation, and any other such facilities. In order to minimize the disruption to traffic and damage to the roadway, the department is encouraged to develop a joint trenching policy with other affected jurisdictions so that all permittees and franchisees requiring access to ground under the roadway may do so at one time.

(2) All applications for the franchise must be made in writing and subscribed by the applicant, and describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. The application must also include the identification of all jurisdictions affected by the franchise and the names of other possible franchisees who should receive notice of the application for a franchise.

(3) The department of transportation shall adopt rules providing for a hearing or an opportunity for a hearing with reasonable public notice thereof with respect to any franchise application involving the construction and maintenance of utilities or other facilities within the highway right-of-way which the department determines may (a) during construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right-of-way, or (b) during or following construction, cause a significant and adverse effect upon the surrounding environment."

Correct the title.

Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative McCaslin.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 10:00 a.m., April 3, 2021, the 83rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

HOUSE JOURNAL

OF THE
SIXTY-SEVENTH LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2021 Regular Session
Convened January 11, 2021
Adjourned Sine Die April 25, 2021

VOLUME 3

Laurie Jinkins, Speaker
Tina Orwall, Speaker Pro Tempore
Bernard Dean, Chief Clerk

Compiled and edited by Gary Holt, House Journal Clerk

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SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTY THIRD DAY

House Chamber, Olympia, Saturday, April 3, 2021

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Lauren Davis, 32nd Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1569 by Representatives Ramel, Orcutt, Ryu, Boehnke, Slatter, Shewmake, Paul and Berry

AN ACT Relating to green electrolytic hydrogen; and amending RCW 82.08.816, 82.12.816, 82.29A.125, and 54.04.190.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092, by Senate Committee on Ways & Means (originally sponsored by Rolfes, L. Wilson and C. Wilson)

Making 2021-2023 fiscal biennium operating appropriations. Revised for 1st Substitute: Making 2021-2023 fiscal biennium operating appropriations and 2019-2021 fiscal biennium second supplemental operating appropriations.

The bill was read the second time.

Representative Ormsby moved the adoption of striking amendment (494):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2021, and ending June 30, 2023, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "ARPA-CSFRF" means funds attributable to the American rescue plan act of 2021, P.L. 117-2, division M.

(b) "CRF" means funds attributable to the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A.

(b) "CRRSA" means funds attributable to the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c) "CRRSA/ESSER" means funds attributable to the elementary and secondary school emergency relief fund, as modified by the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(d) "ESSER III" means funds attributable to the elementary and secondary school emergency relief fund, American rescue plan act of 2021, P.L. 117-2, subtitle A.

(e) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

(f) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

(g) "FTE" means full time equivalent.

(h) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(i) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

PART I

GENERAL GOVERNMENT

NEW SECTION. **Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2022) $45,686,000

General Fund—State Appropriation (FY 2023) $46,361,000

TOTAL APPROPRIATION $92,047,000

NEW SECTION. **Sec. 102. FOR THE SENATE**

General Fund—State Appropriation (FY 2022) $32,769,000

General Fund—State Appropriation (FY 2023) $35,206,000

TOTAL APPROPRIATION $67,975,000

NEW SECTION. **Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund—State Appropriation (FY 2022) $79,000

General Fund—State Appropriation (FY 2023) $14,000

Performance Audits of Government Account—State

Appropriation $9,331,000

TOTAL APPROPRIATION $9,424,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, JLARC may adjust the due dates for projects included on the committee's 2021-2023 work plan as necessary to efficiently manage workload.

(2) $37,000 of general fund—state appropriation for fiscal year 2022 and $8,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(3) $20,000 of general fund—state appropriation for fiscal year 2022 and $2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement House Bill No. 1296 (behavioral health service organizations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(4) $10,000 of general fund—state appropriation for fiscal year 2022 and $2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Second Substitute House Bill No. 1033 (employment training program). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) $12,000 of general fund—state appropriation for fiscal year 2022 and $2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Substitute House Bill No. 1330 (electric bicycles sales tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State

Appropriation $4,640,000

TOTAL APPROPRIATION $4,640,000

NEW SECTION. **Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2022) $14,165,000

General Fund—State Appropriation (FY 2023) $14,161,000

TOTAL APPROPRIATION $28,326,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support,

including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

NEW SECTION. **Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2022) $368,000

General Fund—State Appropriation (FY 2023) $381,000

State Health Care Authority Administrative Account—

State Appropriation $249,000

School Employees' Insurance Administrative Account—

State Appropriation $250,000

Department of Retirement Systems Expense Account—

State Appropriation $6,071,000

TOTAL APPROPRIATION $7,319,000

NEW SECTION. **Sec. 107. FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2022) $5,366,000

General Fund—State Appropriation (FY 2023) $5,716,000

TOTAL APPROPRIATION $11,082,000

NEW SECTION. **Sec. 108. FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**

General Fund—State Appropriation (FY 2022) $4,568,000

General Fund—State Appropriation (FY 2023) $4,971,000

TOTAL APPROPRIATION $9,539,000

NEW SECTION. **Sec. 109. FOR THE REDISTRICTING COMMISSION**

General Fund—State Appropriation (FY 2022) $1,633,000

General Fund—State Appropriation (FY 2023) $22,000

TOTAL APPROPRIATION $1,655,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation for fiscal year 2023 is provided solely for the payment of expenses associated with the cessation of the commission's operations. The secretary of the senate and chief clerk of the house of representatives may jointly authorize the expenditure of these funds.

NEW SECTION. **Sec. 110. LEGISLATIVE AGENCIES**

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, joint transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, and office of legislative support services.

NEW SECTION. **Sec. 111. FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2022) $9,675,000

General Fund—State Appropriation (FY 2023) $9,690,000

TOTAL APPROPRIATION $19,365,000

NEW SECTION. **Sec. 112. FOR THE LAW LIBRARY**

General Fund—State Appropriation (FY 2022) $1,781,000

General Fund—State Appropriation (FY 2023) $1,781,000

TOTAL APPROPRIATION $3,562,000

NEW SECTION. **Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2022) $1,631,000

General Fund—State Appropriation (FY 2023) $1,626,000

TOTAL APPROPRIATION $3,257,000

NEW SECTION. **Sec. 114. FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2022) $21,706,000

General Fund—State Appropriation (FY 2023) $21,907,000

TOTAL APPROPRIATION $43,613,000

NEW SECTION. **Sec. 115. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2022) $141,615,000

General Fund—State Appropriation (FY 2023) $73,004,000

General Fund—Federal Appropriation $2,209,000

General Fund—Private/Local Appropriation $681,000

Judicial Stabilization Trust Account—State

Appropriation $6,692,000

Judicial Information Systems Account—State

Appropriation $60,985,000

TOTAL APPROPRIATION $285,186,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $7,000,000 of the general fund—state appropriation for fiscal year 2022 and $7,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to county juvenile court administrators for the costs associated with processing and case management of truancy, children in need of services, and at-risk youth referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it penalize counties with lower than average per-petition/referral processing costs.

(2) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for providing all courts with an electronic demographic survey for jurors who begin a jury term. The survey must collect data on each juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. This electronic data gathering must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall provide this demographic data in a report to the governor and the appropriate committees of the legislature, and publish a copy of the report on a publicly available internet address by June 30, 2023.

(3)(a) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the center for court research at the administrative office of the courts to review the number and types of young individuals placed on electronic home monitoring over a 10 year time period. The center for court research shall work in collaboration with the Washington state partnership council on juvenile justice and the juvenile block grant proviso committee (which includes a representative from the juvenile rehabilitation administration, the office of the administrator of the courts, the office of financial management, and the juvenile courts) to identify the number of individuals under the age of 26 that have been placed on electronic home monitoring by the department of children, youth, and families and the number of individuals placed on electronic home monitoring by or through juvenile courts from the year 2010 through 2020. At a minimum, the study must identify:

(i) How electronic home monitoring is defined and used by each entity;

(ii) The various types of electronic home monitoring services and the equipment used by each entity;

(iii) Whether the type of electronic home monitoring equipment used is different depending upon the age or type of the offender;

(iv) Whether the state or local entity provides the supervision and monitoring of individuals placed on electronic home monitoring or whether the supervision and monitoring are contracted services;

(v) By age, demographics, ethnicity, and race, the number of individuals that participated on electronic home monitoring each year;

(vi) By age, the offense committed that resulted in the individual being placed on electronic home monitoring, and the average duration of time individuals spent on electronic home monitoring; and

(vii) Whether electronic home monitoring was used as an alternative to or in lieu of incarceration or whether electronic home monitoring was used in addition to incarceration.

(b) The center for court research must complete a preliminary report by June 30, 2022, and submit a final report to the appropriate committees of the legislature by June 30, 2023.

(4) $44,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to assist counties with costs of resentencing and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision. Subject to the availability of amounts provided in this section, the office must provide grants to counties that demonstrate extraordinary judicial, prosecution, or defense expenses for those purposes. The office must establish an application process for county clerks to seek funding and an equitable prioritization process for distributing the funding.

(5) $23,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to establish a legal financial obligation aid pool to assist counties that are obligated to refund legal financial obligations previously paid by defendants whose convictions or sentences were affected by the *State v. Blake* ruling. County clerks may apply to the administrative office of the courts for a grant from the pool to assist with extraordinary costs of these refunds. State aid payments made to a county from the pool must first be attributed to any legal financial obligations refunded by the county on behalf of the state. The office must establish an application process for county clerks to seek funding and an equitable prioritization process for distributing the funding.

(6) $1,748,000 of the general fund—state appropriation for fiscal year 2022 and $749,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1320 (civil protection orders). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(7) $68,000 of the general fund—state appropriation for fiscal year 2022 and $60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) $110,000 of the general fund—state appropriation for fiscal year 2022 and $165,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1167 (Thurston county superior court judge). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(9) $500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the information networking HUB enterprise data repository and is subject to the conditions, limitations, and review provided in section 701 of this act.

(10) $7,987,000 of the general fund—state appropriation for fiscal year 2022 and $8,848,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the case management system for courts of limited jurisdiction and probation offices and is subject to the conditions, limitations, and review provided in section 701 of this act.

NEW SECTION. **Sec. 116. FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2022) $48,490,000

General Fund—State Appropriation (FY 2023) $48,677,000

General Fund—Federal Appropriation $362,000

General Fund—Private/Local Appropriation $30,000

Judicial Stabilization Trust Account—State

Appropriation $3,870,000

TOTAL APPROPRIATION $101,429,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of public defense to contract with a free legal

clinic that has a medical-legal partnership and that currently provides parent representation to at-risk clients in dependency cases in Snohomish, Skagit, and King counties. Within amounts appropriated, the clinic must provide legal representation to parents who are pregnant or recently postpartum who are at risk of child abuse or neglect reports or investigations.

(2) $5,000 of the general fund—state appropriation for fiscal year 2022 and $14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(3) $443,000 of the general fund—state appropriation for fiscal year 2022 and $683,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1140 (juvenile access to attorneys). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 117. FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2022) $29,907,000

General Fund—State Appropriation (FY 2023) $30,963,000

General Fund—Federal Appropriation $461,000

Judicial Stabilization Trust Account—State

Appropriation $1,464,000

TOTAL APPROPRIATION $62,795,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed $40,000 of the general fund—state appropriation for fiscal year 2022 and an amount not to exceed $40,000 of the general fund—state appropriation for fiscal year 2023 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) $568,000 of the biennial general fund—state appropriations are appropriated solely to continue and expand civil legal representation for tenants in eviction cases.

(3) Up to $165,000 of the general fund—state appropriation for fiscal year 2022 may be used to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp. sess.

(4) $5,440,000 of the general fund—state appropriation for fiscal year 2022 and $5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue civil legal assistance to individuals and families directly and indirectly affected by the COVID-19 pandemic and its related health, social, economic, legal, and related consequences.

(5) $159,000 of the general fund—state appropriation for fiscal year 2022 and $1,873,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 118. FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2022) $20,279,000

General Fund—State Appropriation (FY 2023) $25,427,000

Economic Development Strategic Reserve Account—State

Appropriation $6,912,000

TOTAL APPROPRIATION $52,618,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $703,000 of the general fund—state appropriation for fiscal year 2022 and $803,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the education ombuds.

(2) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the cost to support

the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems that will be established in the governor's executive order 21-02.

(3) $2,500,000 of the general fund—state appropriation for fiscal year 2022 and $2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion and professionalization of the clemency and pardons board as required by Engrossed Second Substitute Senate Bill No. 5036 (professionalizing the clemency and pardons board).

(4) $33,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the education ombudsman to support the workgroup reconvened and expanded in section 501(3)(g) of this act.

(5) Within amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum, as provided in section 129(76) of this act, with the statewide broadband office.

(6) $7,063,416 of the general fund—state appropriation for fiscal year 2022 and $12,657,480 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (police use of force). If the bill is not enacted by July 31, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 119. FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2022) $1,553,000

General Fund—State Appropriation (FY 2023) $1,570,000

General Fund—Private/Local Appropriation $90,000

TOTAL APPROPRIATION $3,213,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided to continue to develop new pathways for the complete Washington program, to include the health care industry.

NEW SECTION. **Sec. 120. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2022) $5,653,000

General Fund—State Appropriation (FY 2023) $5,428,000

Public Disclosure Transparency Account—State

Appropriation $1,014,000

TOTAL APPROPRIATION $12,095,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $424,000 of the public disclosure transparency account—state appropriation is provided solely for staff for business analysis and project management of information technology projects.

(2) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

NEW SECTION. **Sec. 121. FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2022) $20,573,000

General Fund—State Appropriation (FY 2023) $30,994,000

General Fund—Federal Appropriation $8,072,000

Public Records Efficiency, Preservation, and Access

Account—State Appropriation $9,991,000

Charitable Organization Education Account—State

Appropriation $901,000

Washington State Library Operations Account—State

Appropriation $11,540,000

Local Government Archives Account—State

Appropriation $9,846,000

Election Account—Federal Appropriation $4,365,000

TOTAL APPROPRIATION $96,282,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,498,000 of the general fund—state appropriation for fiscal year 2022 and $12,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2)(a) $3,051,500 of the general fund—state appropriation for fiscal year 2022 and $3,051,500 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2021-2023 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) $75,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for humanities Washington speaker's bureau community conversations.

(5) $114,000 of the general fund—state appropriation for fiscal year 2022 and $114,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted on July 31, 2022, and July 31, 2023, to legislative policy and fiscal committees. The annual report must include reasons for ballot rejection and an analysis of the ways ballots are received, counted, and rejected that can be used by policymakers to better understand election administration.

(6) $546,000 of the general fund—state appropriation for fiscal year 2022 and $546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(7) $626,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staff to pack, catalog, and move the states archival collection in preparation for

the move to the new library archives building that will be located in Tumwater.

(8) $14,000 of the general fund—state appropriation for fiscal year 2022 and $49,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1357 (voters' pamphlets overseas). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9) Within the amounts provided in this subsection, sufficient funding is provided for the office of the secretary of state to implement Engrossed House Bill No. 1453 (voters' pamphlets).

NEW SECTION. **Sec. 122. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2022) $899,000

General Fund—State Appropriation (FY 2023) $396,000

TOTAL APPROPRIATION $1,295,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) $500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the governor's office of Indian affairs to engage in a process to develop recommendations on improving executive and legislative tribal relationships. In developing the recommendations, the governor's office of Indian affairs may contract with a third party facilitator.

(a) The governor's office of Indian affairs or the contracted third party must host and facilitate discussions between the executive branch, the legislative branch, and Indian tribes as defined in RCW 43.376.010 to develop the recommendations.

(b) By December 20, 2021, the governor's office of Indian affairs must submit a report of recommendations to the Governor and legislature in accordance with RCW 43.01.036. At a minimum, the report should include recommendations on:

(i) An examination of government-to-government relationship with Indian tribes as in chapter 43.376 RCW;

(ii) The consultation processes; and

(iii) Training to be provided to state agencies and the legislature.

NEW SECTION. **Sec. 123. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022) $444,000

General Fund—State Appropriation (FY 2023) $456,000

TOTAL APPROPRIATION $900,000

NEW SECTION. **Sec. 124. FOR THE STATE TREASURER**

State Treasurer's Service Account—State

Appropriation $20,075,000

TOTAL APPROPRIATION $20,075,000

NEW SECTION. **Sec. 125. FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2022) $613,000

General Fund—State Appropriation (FY 2023) $1,062,000

Auditing Services Revolving Account—State

Appropriation $14,335,000

Performance Audits of Government Account—State

Appropriation $1,668,000

TOTAL APPROPRIATION $17,678,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,585,000 of the performance audit of government account—state appropriation is provided solely for

staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within amounts provided in this section from the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) $585,196 of the general fund—state appropriation for fiscal year 2022 and $1,029,848 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits). If the bill is not enacted by July 31, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 126. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2022) $249,000

General Fund—State Appropriation (FY 2023) $276,000

TOTAL APPROPRIATION $525,000

NEW SECTION. **Sec. 127. FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2022) $20,933,000

General Fund—State Appropriation (FY 2023) $17,979,000

General Fund—Federal Appropriation $18,619,000

Public Service Revolving Account—State Appropriation $4,212,000

New Motor Vehicle Arbitration Account—State

Appropriation $1,740,000

Medicaid Fraud Penalty Account—State Appropriation $2,981,000

Child Rescue Fund—State Appropriation $80,000

Legal Services Revolving Account—State Appropriation $305,464,000

Local Government Archives Account—State

Appropriation $1,022,000

Tobacco Prevention and Control Account—State

Appropriation $273,000

TOTAL APPROPRIATION $373,303,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) $161,000 of the general fund—state appropriation for fiscal year 2022

and $161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(5) $8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(6) $617,000 of the general fund—state appropriation for fiscal year 2022 and $617,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(7) $1,600,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(8) $225,000 of the general fund—state appropriation for fiscal year 2022 and $275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to fund the Washington state missing and murdered indigenous women and people task force created in section 985 of this act. Of these amounts:

(a) $75,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to one tribal organization, one urban Indian organization, the American Indian health commission, and the Seattle Indian health board, that participate on the task force and perform work on behalf of the task force including but not limited to providing a collaborative report on missing and murdered indigenous women.

(b) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for stipends for participants, and to fund consultant services, managed and overseen by the office, for managing, coordinating, and reporting on behalf of the task force meetings and summit, including but not limited to providing data analysis, research, and other services as deemed necessary by the office and the task force facilitators.

(c) $50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the costs associated with staffing and facilitating, and the support costs relating to the implementation of, the annual task force summit. The office may contract for these services.

(9) $38,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(10) $294,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1259 (women & minority contracting). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(11) $1,207,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(12) $80,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1099 (comprehensive planning). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(13) $28,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(14) $93,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(15) $2,080,000 of the legal services revolving account—state appropriation is

provided solely for implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(16) $121,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(17) $247,000 of the general fund—state appropriation for fiscal year 2022 and $247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(18) $1,492,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1076 (workplace violations/qui tam). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(19) $25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 128. FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2022) $1,969,000

General Fund—State Appropriation (FY 2023) $1,956,000

General Fund—Federal Appropriation $160,000

Workforce Education Investment Account—State

Appropriation $326,000

TOTAL APPROPRIATION $4,411,000

The appropriations in this section are subject to the following conditions and limitations: $314,000 of the workforce education investment account—state appropriation is provided solely to forecast the caseload for the Washington college grant program.

NEW SECTION. **Sec. 129. FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2022) $213,577,000

General Fund—State Appropriation (FY 2023) $214,360,000

General Fund—Federal Appropriation $1,338,834,000

General Fund—Private/Local Appropriation $8,966,000

Public Works Assistance Account—State Appropriation $8,177,000

Lead Paint Account—State Appropriation $110,000

Building Code Council Account—State Appropriation $17,000

Liquor Excise Tax Account—State Appropriation $1,279,000

Home Security Fund Account—State Appropriation $375,945,000

Affordable Housing for All Account—State

Appropriation $24,437,000

Financial Fraud and Identity Theft Crimes

Investigation and Prosecution Account—State

Appropriation $2,674,000

Low-Income Weatherization and Structural

Rehabilitation Assistance Account—State

Appropriation $1,400,000

Statewide Tourism Marketing Account—State

Appropriation $3,034,000

Community and Economic Development Fee Account—State

Appropriation $4,155,000

Growth Management Planning and Environmental Review

Fund—State Appropriation $5,794,000

Liquor Revolving Account—State Appropriation $5,919,000

Washington Housing Trust Account—State Appropriation $10,532,000

Prostitution Prevention and Intervention Account—

State Appropriation $26,000

Public Facility Construction Loan Revolving Account—

State Appropriation $1,244,000

Model Toxics Control Stormwater Account—State

Appropriation $100,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $1,813,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $1,809,000

Andy Hill Cancer Research Endowment Fund Match

Transfer Account—State Appropriation $10,471,000

Community Preservation and Development Authority

Account—State Appropriation $500,000

Economic Development Strategic Reserve Account—State

Appropriation $2,798,000

Energy Efficiency Account—State Appropriation $6,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $927,610,000

TOTAL APPROPRIATION $3,165,587,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) $3,000,000 of the general fund—state appropriation for fiscal year 2022 and $3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) $375,000 of the general fund—state appropriation for fiscal year 2022 and $375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) $375,000 of the general fund—state appropriation for fiscal year 2022 and $375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) $3,304,000 of the general fund—state appropriation for fiscal year 2022 and $3,304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for associate development organizations. During the 2021-2023 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) $5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or

conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the northwest agriculture business center.

(11) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) $643,000 of the general fund—state appropriation for fiscal year 2022 and $643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) $1,000,000 of the home security fund—state appropriation, $2,000,000 of the Washington housing trust account—state appropriation, and $1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) $2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16) $1,980,000 of the general fund—state appropriation for fiscal year 2022 and $1,980,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) $557,000 of the general fund—state appropriation for fiscal year 2022 and $557,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than $1,000,000 per year.

(19) $1,070,000 of the general fund—state appropriation for fiscal year 2022 $1,070,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of

Seattle for purposes of assisting rural businesses with export strategies.

(20) $60,000 of the general fund—state appropriation for fiscal year 2022 and $60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) $2,000,000 of the general fund—state appropriation for fiscal year 2022 and $2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) $18,500,000 of the general fund—state appropriation for fiscal year 2022 and $18,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

(i) Is dedicated as permanent supportive housing units;

(ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23) $7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

(a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(24) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to fund program models that prevent youth from exiting public systems into homelessness.

(25) $3,000,000 of the general fund—state appropriation for fiscal year 2022 and $5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(26) $2,125,000 of the general fund—state appropriation for fiscal year 2022 and $2,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case

management for young adults ages 18 to 24.

(27) $62,720,000 of the general fund—state appropriation for fiscal year 2022, $65,330,000 of the general fund—state appropriation for fiscal year 2023, and $2,610,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds provided in this subsection to continue the pilot program established in section 127(106) of chapter 357, Laws of 2020, by providing grants to participating counties who request additional funding in order to continue serving participating and eligible clients.

(28) $1,436,000 of the general fund—state appropriation for fiscal year 2022 and $1,436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(29) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(30) $198,000 of the general fund—state appropriation for fiscal year 2022 and $198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(31) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(32) $11,500,000 of the general fund—state appropriation for fiscal year 2022, $11,500,000 of the general fund—state appropriation for fiscal year 2023 and $4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, $4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023

are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(c) Of the amounts provided in this subsection, $10,000,000 of the general fund—state appropriation for fiscal year 2022 and $10,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for hotel and motel vouchers, rapid rehousing, and supportive services for individuals and families accessing vouchers and rapid rehousing.

(33) $10,471,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(34) $550,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operations of the long-term care ombudsman program.

(35) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(36) $35,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) The department shall not reimburse more than $56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding. Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than $10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(37) $1,007,000 of the general fund—state appropriation for fiscal year 2022 and $1,007,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(38) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(39) $80,000 of the general fund—state appropriation for fiscal year 2022 and $80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(40) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(41) $100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(42) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(43) $500,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(44) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of commerce to contract with a nonprofit organization to establish and operate a center for child care retention and expansion. The nonprofit organization must be a Bellingham, Washington-based nonprofit community action agency with fifty years of experience serving homeless and low-income families and individuals.

(a) Funding provided in this subsection may be used for, but is not limited to, the following purposes:

(i) Creating a rapid response team trained to help child care businesses whose continuity of operations is threatened;

(ii) Developing business model prototypes for new child care settings; and

(iii) Assisting existing or new child care businesses in assessing readiness for expansion or acquisition.

(b) Of the amounts provided in this subsection:

(i) $120,000 of the general fund—state appropriation for fiscal year 2022 and $120,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staffing at the center for child care; and

(ii) $380,000 of the general fund—state appropriation for fiscal year 2022 and $380,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the nonprofit organization to distribute grants to third party child care providers and nongovernmental organizations. Nonprofit entities applying for funding as a statewide network must:

(A) Have an existing infrastructure or network of academic, innovation, and mentoring program grant-eligible entities;

(B) Provide after-school and summer programs with youth development services; and

(C) Provide proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age.

(45) $230,000,000 of the general fund—federal appropriation (CRRSA), $255,000,000 of the general fund—federal appropriation (ARPA), and $665,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for the department to administer an emergency rental assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as consider any funding that jurisdiction, including cities within each county, received directly from the federal government for emergency rental assistance. The amounts provided in this subsection are subject to the following conditions and limitations:

(a) $230,000,000 of the general fund—federal appropriation (CRRSA) is provided solely for grants to provide emergency rental and utility assistance pursuant to P.L. 116-260. A provider may use up to 9.5 percent of the grant award provided under this subsection for administrative costs and the remainder must be used for financial assistance as defined in P.L. 116-260. An eligible household may receive up to 80 percent of the total rent, rental arrears, utility assistance, and utility arrears that a provider determines they are eligible to receive under this subsection.

(b) $255,000,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to provide emergency rental and utility assistance pursuant to P.L. 117-2. A provider may use up to 14.5 percent of the grant award provided under this subsection for administrative costs and the remainder must be used for financial assistance as defined in P.L. 117-2. An eligible household may receive up to 80 percent of the total rent, rental arrears, utility assistance, and utility arrears that a provider determines they are eligible to receive under this subsection.

(c)(i) $665,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants to provide emergency rental assistance, subject to (c)(ii) of this subsection. Providers must make rental payments directly to landlords. To be eligible for assistance under this subsection, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance. An eligible household may receive up to 80 percent of the total rent and rental arrears a provider determines they are eligible to receive under this subsection.

(ii) From the amount provided in (c) of this subsection, each local housing provider must subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under (a), (b), and (c) of this subsection. The amount of the subgrant must be at least

five percent of the total funding each provider received under (a), (b), and (c) of this subsection.

(d) The department may retain up to 0.5 percent of the amounts provided in this subsection for administration of the program.

(46) $7,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide grants to entities that provide digital navigator services, devices, and subscriptions. These services must include but are not limited to one-on-one assistance for people with limited access to services, including individuals seeking work, families supporting students, English language learners, medicaid clients, people experiencing poverty, and elders. Of the amounts provided in this subsection, the department must prioritize allocating $1,500,000 as grants or portions of grants that serve medicaid clients.

(47) $240,000 of the general fund—state appropriation for fiscal year 2022 and $240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operations of the Central district community preservation and development authority established in RCW 43.167.070.

(48) $607,000 of the general fund—state appropriation for fiscal year 2022, $607,000 of the general fund—state appropriation for fiscal year 2023, and $13,400,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW and P.L. 117-2. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(49) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.

(50)(a) $21,990,000 of the general fund—federal appropriation (CRF) is provided solely for the department to administer an eviction rental assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider. To be eligible for the program, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. Rental payments made through the program will be provided directly to landlords. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance.

(b) Of the amounts provided in this subsection, $11,800,000 of the general fund—federal appropriation (CRF) is provided solely for local housing providers to subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under this subsection and subsection (1) of this section.

(51) $3,000,000 of the general fund—federal appropriation (CRF) is provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding must be used for activities to prevent mortgage or tax lien foreclosures, housing counselors, foreclosure prevention hotlines, low-income legal services, mediation, and other activities that promote homeownership. The department may contract with other state agencies to carry out these activities.

(52) $1,140,000 of the general fund—federal appropriation (CRF) is provided solely for a contract with resolution Washington for alternative dispute

resolution centers and dispute resolution programs to provide citizens with low-cost resolution as an alternative to litigation. This funding must be prioritized for resolution services relating to evictions.

(53) $1,125,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the office of civil legal aid to provide services relating to evictions, housing, and utilities.

(54) $750,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the office of the attorney general for legal work relating to the eviction moratorium extended in the governor's proclamation 20-19.5.

(55)(a) $1,250,000 of the general fund—federal appropriation (CRF) is provided solely for a program to provide grants to eligible landlords who have encountered a significant financial hardship due to loss of rental income from elective nonpayor tenants during the state's eviction moratorium pursuant to the governor's proclamation.

(b) To be eligible for a grant under this subsection, a landlord must:

(i) Apply for a grant;

(ii) Be the sole investor in the property from which they are seeking rental arrears;

(iii) Be the owner of no more than four dwelling units from which they receive rental payments;

(iv) Not contract with a property manager or property management company for duties or activities related to the tenancy or dwelling unit; and

(v) Have an elective nonpayor tenant who is in arrears in rent or utilities or both.

(c) Eligible landlords may receive a grant of up to 80 percent of the total amount of rent in arrears. The department must prioritize landlords who have an income at or below 100 percent of the area median income and who demonstrate a loss of rental income, to the extent that funds are available.

(d) The department may inspect the property and the landlord's records related to an application under the program, including the use of a third-party inspector as needed to investigate fraud, to assist in making its application review, and to determine eligibility.

(e) A landlord who receives a grant under this section is prohibited from:

(i) Taking any legal action against the tenant for damages attributable to the same tenancy; or

(ii) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, against the tenant for damages attributable to the same tenancy.

(f) For the purposes of this subsection, the following definitions apply:

(i) "Dwelling unit," "landlord," "owner," "rent," and "tenant" have the meanings defined in RCW 59.18.030.

(ii) "Elective nonpayor" means a tenant who has been determined to not be eligible for the federal or state emergency rental assistance program or has not applied for the federal or state emergency rental assistance program.

(56) $1,602,000 of the general fund—state appropriation for fiscal year 2022 and $1,174,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office established in RCW 43.330.532.

(57) $450,000 of the general fund—state appropriation for fiscal year 2022 and $450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land. The department must award the grant to an organization with an office located in the city of Seattle that has experience in catalyzing early learning and affordable housing developments. The grant recipient must use the funding to:

(a) Implement strategies to accelerate development of affordable housing projects with space for early learning centers or community space on underutilized tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space through completing due diligence,

conceptual design, and financial analysis activities;

(c) Organize community partners and build capacity to develop these sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space; and

(e) Catalyze the redevelopment of at least 10 sites to create approximately 1,500 affordable homes.

(58) $2,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization located in King county to operate a hunger relief response program serving individuals living in permanent supportive housing.

(59) $75,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization located in the city of Federal Way that conducts collaborative policy development and provides access to resources and consultation to historically disadvantaged communities. The grant funding must be used for capacity-building activities to support community-based organizations serving youth and young adults in the city of Federal Way.

(60) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture and becoming proficient in civic education to overcoming barriers to social, political, racial, economic, and cultural community development. The grant must be used to provide civic education through a public policy fellowship program that offers training in grassroots organizing, leadership development, civic engagement, and policy engagement focused on Latino and indigenous community members.

(61) $100,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization within the city of Tacoma that provides social services and educational programming to Latino and indigenous communities. The grant must be used for activities to build a statewide network of farmworkers conducting peer-to-peer training on preventing workplace sexual harassment and assault in the Washington agricultural industry, including but not limited to developing and evaluating a peer-to-peer sexual harassment prevention training curriculum and providing training to farmworker leaders.

(62) $400,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(63) $10,000,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the department to contract with a statewide nonprofit organization existing on June 7, 2018, whose sole purpose is marketing Washington to tourists, for tourism recovery and marketing services. The contract must be used to assist the economic recovery of tourism-related businesses, generate tourism demand for Washington communities and businesses, and sustain the recovery of Washington's tourism market share with competing Western states. The department and the nonprofit must report to the legislature on the use of contract funds by June 30, 2022.

(64) $354,000 of the general fund—state appropriation for fiscal year 2022 and $354,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Port Gamble S'Klallam tribe for a reentry program providing tailored support services to moderate-needs and high-needs individuals leaving local or tribal incarceration, with the goals of reducing criminal recidivism and fostering community wellbeing. Services may be provided to clients pre-release and post-release.

(65) $347,000 of the general fund—state appropriation for fiscal year 2022

and $347,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county serving criminal justice-involved individuals who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including but not limited to legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(66) $50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the city of Kent to contract with one or more nonprofit organizations to serve community immersion law enforcement trainees through mentorship or community-based placement, or both.

(67) $400,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis.

(68) $950,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit located in King county that develops training and support for low-income individuals, with a focus on women and people of color, to move into the construction industry for living wage jobs. The grant funding must be used to develop a pre-apprenticeship program that, through the construction of units, integrates housing and workforce development in service of the following goals:

(a) Creating a blueprint to integrating workforce development and housing for local jurisdictions;

(b) Providing construction training to underserved populations;

(c) Creating a pathway for trainees to enter construction careers; and

(d) Addressing the systemic effects of sexism and racism in housing, wealth, education, training, employment, and career development.

(69) $50,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating an emergency shelter located in the Yakima valley for case management, outreach, and other homeless services.

(70) $350,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for activities to advance affordable housing. The grant recipient must be an organization that partners in equitable, transit-oriented development. The grant recipient must use the funding to:

(a) Facilitate partnerships to enable equitable transit-oriented development across the Puget Sound region that builds housing at scale; and

(b) Assist the cities of Tacoma, Renton, and Everett, as well as other cities, in:

(i) Creating or updating local subarea plans to be consistent with the regional growth strategy for future population growth to be near high capacity transit and to facilitate development within the station area that will produce a mix of affordable housing;

(ii) Ensuring equitable transit-oriented development processes and outcomes that minimize displacement; and

(iii) Identifying strategies for land acquisition and assembly around high capacity transit stations that will result in a mix of housing.

(71) $350,000 of the general fund—state appropriation for fiscal year 2022 and $350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to assist people with limited incomes start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(72) $1,175,000 of the general fund—state appropriation for fiscal year 2022 and $175,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the department to support implementation of the 2021 state energy strategy as it pertains to emissions from energy use in new and existing buildings, including measures to support local government emission reductions, workforce measures, and utility electrification benefits.

(73) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and develop effective interventions and responses to primary and secondary workplace trauma experienced by direct service staff who work in homeless shelters, homeless outreach, and permanent supportive housing. The department must collect data through methods such as surveys, interviews, and small group conversations, and engage interested parties, including but not limited to direct service staff. The department may contract with a third party to complete the work required in this subsection. By June 1, 2023, the department shall submit a report identifying interventions and providing recommendations to the appropriate committees of the legislature.

(74)(a) $340,000 of the general fund—state appropriation for fiscal year 2022 and $85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the University of Washington college of built environments to create a database and reporting system for promoting transparency on procurement of building materials that make up the primary structure and enclosure used for state-funded construction projects. The department and university may use publicly available information and data sources as well as consult with outside experts to create the database. The database may include fields for environmental product declarations, product quantity, manufacturer location, global warming potential, health certifications, supplier codes of conduct, and working conditions.

(b) When developing the reporting system required under (a) of this subsection, the department and the University of Washington must conduct a case study analysis. In conducting the analysis, the department and the university must identify up to 10 case studies of publicly funded projects and analyze considerations including but not limited to cost impacts, materials procured, embodied carbon contribution to reducing greenhouse gas emissions, and supply chain considerations. By January 1, 2022, the department and the university shall submit a progress report on the case study analysis to the legislature. By November 1, 2022, the department and the university shall submit a final report to the legislature with findings from the case study analysis and recommendations for the reporting system based on lessons learned.

(75) $175,000 of the general fund—state appropriation for fiscal year 2022 and $175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide job readiness skills and training to traditionally underrepresented populations to support the transition to a registered apprenticeship, trade training, or employment. The grant recipient must be a nonprofit organization serving traditionally underrepresented populations in King and Pierce counties, with a focus on youth development programs. The grant funding must be used for activities including but not limited to counseling and training in support of the goals of:

(a) Minimizing barriers to transitioning to an apprenticeship, trade training program, or employment for participants;

(b) Increasing participants' workforce and life balance skills; and

(c) Increasing participants' specialized skills and knowledge in targeted industries, including construction, urban agriculture, and maritime trades.

(76)(a) $51,000 of the general fund—state appropriation for fiscal year 2022 and $51,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office to cofacilitate the Washington digital equity forum with the Washington state office of equity. The purpose of the forum is to develop recommendations to advance digital connectivity in Washington state. In developing its recommendations, the forum must:

(i) Develop goals that are consistent with the goals of the governor's statewide broadband office, as provided in RCW 43.330.536;

(ii) Strengthen public-private partnerships;

(iii) Solicit public input through public hearings or informational sessions;

(iv) Work to increase collaboration and communication between local, state, and federal governments and agencies; and

(v) Recommend reforms to universal service mechanisms.

(b) The directors of the governor's statewide broadband office and the Washington state office of equity are responsible for appointing participating members of the forum, and appointments require the approval of both directors. In making appointments, the directors must prioritize appointees representing:

(i) Federally recognized tribes;

(ii) State agencies involved in digital equity; and

(iii) Underserved and unserved communities, including historically disadvantaged communities.

(c) The director of the governor's statewide broadband office, or the director's designee, and the director of the Washington state office of equity, or the director's designee, shall serve as administrative cochairs of the forum.

(d) In addition to members appointed by the directors, four legislators may serve on the digital equity forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The president of the senate must appoint one member from each of the two largest caucuses of the senate.

(e) Each member of the digital equity forum shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. Legislative members of the forum are reimbursed for travel expenses in accordance with RCW 44.04.120. (f) The statewide broadband office must provide staff support for the digital equity forum. By January 1, 2023, the statewide broadband office must transmit the recommendations of the digital equity forum developed under (a) of this subsection to the legislature, consistent with RCW 43.01.036.

(77) $500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. In selecting the sites, the department must give priority to sites meeting these criteria that also can leverage existing local or federal resources.

(78) $350,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a contract for a business recovery program serving the city of Federal Way and surrounding area. The contract recipient must be a nongovernmental organization located in the city of Federal Way whose primary focus is the economic development of the city of Federal Way and surrounding area. The contract funding must be used for:

(a) Business development training and education for small businesses located in or serving the city of Federal Way and surrounding area, with a focus on Black, indigenous, and people of color-owned, women-owned, and veteran-owned businesses;

(b) Workforce programming for skill set development, especially as related to business retention and expansion; and

(c) Research and collection of economic baseline data for the city of Federal Way and surrounding area for the development of data-driven programming, with a focus on key economic recovery indicators.

(79) $202,000 of the general fund—state appropriation for fiscal year 2022 and $89,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for a grant to a nonprofit organization to provide emergency housing, permanent supportive housing, and wraparound services focusing on Black transgender and nonbinary individuals who are currently experiencing or at risk of homelessness. The grant recipient must be a nonprofit organization with locations in the cities of Seattle and Tacoma that provides legal and other services for LGBTQ individuals in Washington. The grant recipient may subgrant or subcontract with other organizations to provide emergency housing, permanent supportive housing, and wraparound services.

(80) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(81) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish a sector lead position for the creative industries, including but not limited to the performing arts, literary arts, music, and film. The sector lead must work with interested parties to further the goals of creating economic development opportunities, retaining and growing jobs, and supporting small business development and expansion within the creative industries.

(82) $271,560,000 of the home security fund—state appropriation and $14,600,000 of the affordable housing for all account—state appropriation are provided solely for implementation of Substitute House Bill No. 1277 (housing/revenue source). Of the amounts provided in this subsection, $150,000,000 of the home security fund—state appropriation is provided solely for implementation of the eviction prevention rental assistance program created in the bill. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(83) $59,000 of the general fund—state appropriation for fiscal year 2022 and $696,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(84) $163,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and $159,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(85) $214,000 of the general fund—state appropriation for fiscal year 2022 and $206,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(86) $162,000 of the general fund—state appropriation for fiscal year 2022 and $163,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1220 (emergency shelters & housing). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(87) $1,415,000 of the general fund—state appropriation for fiscal year 2022 and $4,958,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1099 (comprehensive planning). Amounts provided in this subsection include funding sufficient for local governments that are subject to the requirements of that bill to implement the bill. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(88) $276,000 of the general fund—state appropriation for fiscal year 2022 and $16,988,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1117 (comp. planning/salmon). Amounts provided in this subsection include funding sufficient for local governments that are subject to the requirements of that bill to implement the bill. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(89) $306,000 of the general fund—state appropriation for fiscal year 2022 and $483,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1213 (child care & early dev. exp.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(90) $21,000 of the general fund—state appropriation for fiscal year 2022 and $42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(91) $42,000 of the general fund—state appropriation for fiscal year 2022 and $42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1168 (long-term forest health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(92) $2,798,000 of the economic development strategic reserve account—state/manufacturing cluster acceleration appropriation is provided solely for implementation of Substitute House Bill No. 1170 (manufacturing). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(93) $166,600,000 of the general fund—federal appropriation (ARPA) is provided solely for a homeowner assistance program to provide mortgage, foreclosure, and other assistance to eligible homeowners pursuant to P.L. 117-2. The department may subgrant or contract with other entities to provide assistance under the program.

(94) $9,864,000 of the general fund—state appropriation for fiscal year 2022 and $9,864,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the department must submit a report identifying the expenditures and number of individuals receiving long-term rental supports through the agency budget broken out by region, treatment need, and the demographics of those served during the prior fiscal year.

(95)(a) $4,800,000 of the general fund—federal appropriation (CRF) and $250,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for the department to provide grants to small businesses through the working Washington grant program.

(b) Of the amount provided in this subsection, $3,000,000 of the general fund—federal appropriation (CRF) and $150,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely to assist businesses maintain their operations. To be eligible for a grant under this subsection, the business must:

(i) Apply for or have applied for the grant;

(ii) Have reported annual gross receipts of $5,000,000 or less to the department of revenue for calendar year 2019;

(iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iv) Self-attest that the expense is not funded by any other government or private entity;

(v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(c) Of the amount provided in this subsection, $1,800,000 of the general fund—federal appropriation (CRF) and $100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely to assist the reopening of businesses that temporarily totally closed their operations. To be eligible for a grant under this subsection, the business must:

(i) Apply for the grant;

(ii) Have reported annual gross receipts of $5,000,000 or less to the department of revenue for calendar year 2019;

(iii) Demonstrate the business was actively engaged in business, and as a result of the governor's proclamations 20-25.8, issued on November 15, 2020, through 20-25.12 ("stay safe-stay healthy"), temporarily totally closed operations. Demonstration of active engagement in business can be given through but is not limited to taxable activity reported to the department of revenue. The department may use other methods to determine if this criterion has been met;

(iv) Have expenses that are necessary to reopen business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(v) Self-attest that the expense is not funded by any other government or private entity; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(d) Grant awards are subject to the availability of amounts appropriated in this subsection. The department must conduct outreach to underrepresented and unserved communities observed from prior rounds of awards. The department must ensure equitable distributions of grant funding, including considerations for geographic location and businesses owned by members of historically disadvantaged communities.

(e)(i) Eligible businesses may receive up to a $75,000 grant.

(ii) If a business received one or more working Washington small business grants before July 1, 2021, including grants provided pursuant to chapter 3, Laws of 2021, the grant awarded under this subsection must be reduced to reflect the amounts received from previous working Washington small business grants.

(f) For purposes of this subsection, reopening costs include, but are not limited to:

(i) Upgrading physical workplaces to adhere to new safety or sanitation standards;

(ii) Procuring required personal protective supplies for employees and business patrons and clients;

(iii) Updating business plans;

(iv) Employee costs, including payroll, training, and onboarding;

(v) Rent, lease, mortgage, insurance, and utility payments; and

(vi) Securing inventory, supplies, and services for operations.

(g) Nonprofit organizations are eligible to receive funding under (b) or (c) of this subsection if they have a primary business activity that has been impacted as described in (b)(v) or (c)(iii) of this subsection.

(h) The department is authorized to shift funding among the purposes in (b) and (c) of this subsection based on overutilization or underutilization of the different types of grants.

(i) Of the total amounts provided in this subsection, the department must prioritize allocating $25,000,000 for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations in the arts, heritage, and science sectors, including those that operate live entertainment venues.

(96) $138,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to implement small business capital access

and other credit support programs under the state small business credit initiative, pursuant to P.L. 117-2. The department may contract with other entities to implement the capital access program and other credit support programs. The department must ensure businesses owned and controlled by socially and economically disadvantaged individuals, as defined in P.L. 117-2, have equitable access to program services.

(97)(a) $6,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to create a grant program to reimburse local governments for eligible costs of providing emergency noncongregate sheltering during the COVID-19 public health emergency.

(b) A city or county is eligible to apply for grant funding if it:

(i) Applies to the federal emergency management agency public assistance program for reimbursement of costs to provide emergency non-congregate sheltering; and

(ii) Incurs eligible costs.

(c) Eligible costs are costs to provide emergency noncongregate sheltering that:

(i) Were deemed eligible for reimbursement in the federal emergency management agency policy 104-009-18, version 3, titled *FEMA emergency non-congregate sheltering during the COVID-19 public health emergency (interim)* and dated January 29, 2021; and

(ii) Are incurred by the applicant beginning January 21, 2021, through September 30, 2021.

(d) The department must give priority to applicants who demonstrate use of funds received under P.L. 117-2 for the acquisition, development, and operation of noncongregate sheltering.

(e) The department must coordinate with the military department to confirm that grant recipients have applied to the federal emergency management agency public assistance program for costs identified in their grant application.

(f) For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy such as hotels, motels, or dormitories.

(98)(a) $187,000 of the general fund—state appropriation for fiscal year 2022 and $188,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to conduct a comprehensive equity review of state capital grant programs administered by the department. The department may, in consultation with interested parties identified in subsection (d) of this section, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are: To reduce barriers to historically underserved populations' participation in the capital grant programs; to redress inequities in existing capital grant policies and programs; and to improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the department shall: (i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection; (ii) identify new investments and programs that prioritize populations and communities that have been historically underserved by capital grant policies and programs; and (iii) include consideration of historic and systemic barriers that may arise due to any of the following factors: (A) Race; (B) ethnicity; (C) religion; (D) income; (E) geography; (F) disability; and (G) educational attainment.

(d) The department must collaborate with the Washington state commission on African American affairs; the Washington state commission on Asian Pacific American affairs; the Washington state commission on Hispanic affairs; the governor's office of Indian affairs; the governor's committee on disability issues and employment; the office of equity; the office of minority and women's business enterprises; the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The department shall complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(99) $23,280,000 of the general fund—federal appropriation (ARPA) is provided solely for the HOME investment partnerships program pursuant to P.L. 117-2. Of the amount provided in this subsection, $18,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 for the acquisition and development of noncongregate shelter units, subject to the following conditions and limitations:

(a) Grants provided under this subsection may be used to acquire real property for quick conversion into noncongregate shelter units or for renovation and building update costs associated with establishment of the acquired facilities. Grants provided under this subsection may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service. For the purposes of this subsection, "noncongregate" shelter units means units provided in locations where each individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.

(b) Units acquired or developed under this subsection must serve qualifying individuals or families as defined in P.L. 117-2.

(c) The department must establish criteria for the issuance of the grants, which must follow the guidelines and compliance requirements of the housing trust fund program and the federal HOME investment partnership program. The criteria must include:

(i) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(ii) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(iii) A detailed estimate of the costs associated with opening the units; and

(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.

(d) The department must provide a progress report on its website by November 1, 2022. The report must include:

(i) The total number of applications and amount of funding requested; and

(ii) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.

(e) The funding in this subsection is not subject to the 90 day application periods in RCW 43.185.070 or 43.185A.050.

(100) $391,000 of the general fund—state appropriation for fiscal year 2022 and $391,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

(101) $150,000 of the general fund—state appropriation is provided for a grant to a nonprofit organization providing housing services in western Washington to conduct a master planning process for the development of a family-centered drug treatment and housing program. The grant recipient must be a nonprofit organization that has experience administering a comparable program in another region of the state. The program must provide housing units for families with members who have substance use disorders and who are involved in the child welfare system, and services including but not limited to case management, counseling, substance use disorder treatment, and parenting skills classes. The program site must be located within or in close proximity to King county, and include living quarters for families, space for services, and childcare and play areas for children. The nonprofit must include housing developers, service providers, and other interested parties in the master planning process. By December 31, 2021, the nonprofit must submit the plan to the department, the senate ways and means

committee, and the house capital budget committee.

(102) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with the department of corrections to support offender betterment projects and the department of social and health services to provide access and visitation services.

(103) $7,500,000 of the general fund—state appropriation for fiscal year 2022 and $2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to community organizations that serve historically disadvantaged populations to conduct outreach and assist community members in applying for state and federal assistance programs, including but not limited to those administered by the departments of social and health services; commerce; and children, youth, and families.

(104) $375,000 of the general fund—state appropriation for fiscal year 2022 and $375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to accelerate implementation of the low-income rural home rehabilitation program by contracting with up to seven home rehabilitation agencies, as defined under WAC 365-175-030, in a variety of regions of the state. Funding provided in this subsection may be used by home rehabilitation agencies for program support in order to increase the number of households participating in the program. Home rehabilitation agencies receiving funding under this subsection must provide the department with a summary of their direct and indirect costs associated with implementing the program.

(105) $5,000,000 of the general fund—state appropriation for fiscal year 2022 and $5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to administer a direct cash assistance program for homeless and at-risk youth and young adults to help them meet immediate housing and other basic needs. The office of homeless youth may partner with community-based organizations to administer the program.

(106) $450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for pre-development activities for state-operated or contracted residential or supportive housing facilities at the Pacific hospital preservation and development authority buildings three through ten in Seattle, to help carry out Washington state's plans for new community-based residential facilities, including supportive housing. The facilities may be used for behavioral health, long-term care, developmentally disabled community housing, recovery residences, state-operated living alternatives, group homes, or family-centered substance use disorder recovery housing. The amounts provided in this subsection may be used for concept development, planning, lease payments, and other related expenses for pre-development of state- or nonprofit-operated residential facilities identified by the health care authority or the departments of social and health services, children, youth, and families, and commerce. The department is authorized to enter into a short-term lease, with an option to enter into a multiyear extension, for the Pacific hospital preservation and development authority quarters buildings three through ten.

(107) $80,000 of the general fund—state appropriation for fiscal year 2022 and $80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization dedicated to supporting forest health restoration located in Okanogan county for work toward a biochar research and demonstration project and initial efforts toward full-size operation of an industrial-sized facility in the Methow valley.

(108) $6,800,000 of the general fund—state appropriation for fiscal year 2022 and $8,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to crime victim services providers for victim assistance programs. The department must distribute the funds in accordance with the methodologies used to distribute federal victims of crime act victim assistance funding.

(109)(a) $225,000 of the general fund—state appropriation for fiscal year 2022 and $225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to appoint and maintain an aviation and aerospace advisory committee to generally advise the director of the department and the secretary of the department of transportation on matters related to aviation and aerospace in Washington state. The advisory committee must develop recommendations regarding operating budget and capital budget requests relating to aviation and aerospace needs, and strategies to enhance the safe and effective use of public use airports and aerospace facilities in Washington state. The aviation and aerospace advisory committee must also advise the director and secretary, or their designees, and make recommendations on the following matters:

(i) Employment of emerging aviation and aerospace technologies to include unmanned, autonomous, and alternative propulsion systems;

(ii) New, changed, or proposed federal regulations;

(iii) Industry needs to remain nationally and internationally competitive;

(iv) Policy considerations;

(v) Funding priorities and capital project needs;

(vi) Methods to reduce greenhouse gas emissions;

(vii) Workforce development needs and opportunities;

(viii) Multimodal requirements; and

(ix) Other matters pertaining to the aviation and aerospace industries as the aviation and aerospace advisory committee deems appropriate.

(b) The director of the department of commerce, or the director's designee, shall appoint members to the aviation and aerospace advisory committee including, at a minimum:

(i) Two county commissioners, one from east of the crest of the Cascade mountains and one from west of the crest of the Cascade mountains;

(ii) An owner of an aviation company and an owner of an aerospace company or their representatives;

(iii) The director of the aviation division of the department of transportation, or the director's designee;

(iv) Two individuals who are top executive officials of a commercial service airport, typically with the title of chief executive officer, airport director, or executive director, one from an airport located east of the crest of the Cascade mountains and one from an airport located west of the crest of the Cascade mountains;

(v) Advisory members from the federal aviation administration;

(vi) The aerospace lead from the department of commerce or a representative of the department;

(vii) A representative of a statewide environmental organization;

(viii) A representative of the military department;

(ix) A representative of the state board for community and technical colleges;

(x) Representatives from airport associations;

(xi) Representatives from an aviation and aerospace educational program; and

(xii) Representatives from both aviation and aerospace associations.

(c) The director of the department and the secretary of the department of transportation, or their designees, shall serve as the administrative cochairs of the aviation and aerospace advisory committee.

(d) The department must provide staff support for all aviation and aerospace advisory committee meetings.

(e) The aviation and aerospace advisory committee must meet at the call of the administrative cochairs for any purpose that directly relates to the duties set forth in (a) of this subsection, or as otherwise requested by the director, secretary, or their designees as the administrative cochairs.

(f) In consultation with the aviation and aerospace advisory committee, the department must develop a strategic plan

for the department's aerospace, aviation, and airport economic development program. The strategic plan should identify: (i) Changing market conditions in the aerospace industry; (ii) emerging opportunities to diversify and grow Washington's aerospace sector; and (iii) strategies and action steps to build on the state's core strengths in aerospace infrastructure and workforce expertise to diversify and grow employment in Washington's aerospace sector. The department must submit the strategic plan to the appropriate committees of the legislature by June 30, 2023.

(g) The cochairs may seek recommendations and input from the aviation and aerospace advisory committee to inform the legislature on aviation and aerospace issues.

(110)(a) $275,000 of the general fund—state appropriation for fiscal year 2022 and $25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group on reducing racial disparities in Washington state homeownership rates. The goals of the work group are to assess perspectives on housing and lending laws, policies, and practices; facilitate discussion among interested parties; and develop budgetary, administrative policy, and legislative recommendations.

(b) The director of the department, or the director's designee, must chair the work group. The department must, in consultation with the Washington state office of equity and the governor's office of Indian affairs, appoint a minimum of twelve members to the work group representing groups including but not limited to:

(i) Organizations and state entities led by and serving Black, indigenous, and people of color;

(ii) State or local government agencies with expertise in housing and lending laws;

(iii) Associations representing cities and housing authorities; and

(iv) Professionals from private-sector industries including but not limited to banks, credit unions, mortgage brokers, and housing developers.

(c) The department must convene the first meeting of the work group by August 1, 2021. The department must submit a final report to the governor and appropriate committees of the legislature by August 1, 2022. The final report must:

(i) Evaluate the distribution of state affordable housing funds and its impact on the creation of homeownership units serving Black, indigenous, and people of color;

(ii) Evaluate the eligibility requirements, access, and use of state-funded down payment assistance funds, and their impact on homeownership rate disparities;

(iii) Review barriers preventing Black, indigenous, and people of color from accessing credit and loans through traditional banks for residential loans; and

(iv) Provide budgetary, administrative policy, and legislative recommendations to increase ownership unit development and access to credit.

NEW SECTION. **Sec. 130. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2022) $900,000

General Fund—State Appropriation (FY 2023) $958,000

Lottery Administrative Account—State Appropriation $50,000

TOTAL APPROPRIATION $1,908,000

NEW SECTION. **Sec. 131. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2022) $15,635,000

General Fund—State Appropriation (FY 2023) $15,376,000

General Fund—Federal Appropriation $32,502,000

General Fund—Private/Local Appropriation $531,000

Economic Development Strategic Reserve Account—State

Appropriation $329,000

Workforce Education Investment Account—State

Appropriation $100,000

Personnel Service Account—State Appropriation $35,961,000

Higher Education Personnel Services Account—State

Appropriation $1,497,000

Statewide Information Technology System Development

Maintenance and Operations Revolving Account—

State Appropriation $136,636,000

Office of Financial Management Central Service

Account—State Appropriation $21,968,000

Performance Audits of Government Account—State

Appropriation $670,000

TOTAL APPROPRIATION $261,205,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(2)(a) $319,000 of the personnel service account—state appropriation, $136,477,000 of the statewide information technology system development revolving account—state appropriation, and $319,000 of the office of financial management central service account—state appropriation are provided solely for the one Washington program. Of the amounts provided in this subsection:

(i) $91,581,000 of the statewide information technology system development revolving account—state appropriation is provided solely for phase 1a core financials.

(ii) $44,896,000 of the statewide information technology system development revolving account—state appropriation is provided solely for phase 1b expanded financials and procurement.

(b) Beginning September 30, 2021, the office of financial management shall provide written quarterly reports on the one Washington program to the legislative fiscal committees and the legislative evaluation and accountability program committee to include:

(i) How funding was spent for the prior quarter by fiscal month;

(ii) The budget for the ensuing quarter by fiscal month; and

(iii) A list of quantifiable deliverables accomplished and the expenditures by deliverable by fiscal month.

(c) Prior to spending any funds, the director of the office of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) $100,000 of the workforce education investment account—state appropriation is provided solely to the office of financial management to implement career connected learning.

(4) $90,000 of the general fund—state appropriation for fiscal year 2022 and $166,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to complete the following activities:

(a) By December 1, 2022, and consistent with RCW 43.01.036, the office

of financial management must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act (chapter 90.58 RCW), the growth management act (chapter 36.70A RCW), construction projects in state waters (chapter 77.55 RCW), and the model toxics control act.

(b) In developing the report under this section, the office of financial management must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including but not limited to cities, counties, ports, the department of ecology, the department of fish and wildlife, and the department of commerce.

(c) The report must include:

(i) Development of a definition, objectives, and goals for the standard of net ecological gain;

(ii) An assessment and comparison analysis of opportunities and challenges, including legal issues and costs on state and local governments to achievement of overall net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, development, and land use law or rule; and

(iv) An assessment of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co-benefits.

(5) $158,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the work of the office of financial management to conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records in section 984 of this act.

(6)(a) $150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of financial management to provide recommendations, as described in (b) of this subsection, on the procedure for providing an equity impact statement for legislative proposals, and content and format requirements for the equity impact statement.

(b) By July 1, 2022, the office of financial management must submit a report to the governor, appropriate committees of the legislature, and statutory commissions that details recommendations on:

(i) The procedure for providing an equity impact statement for legislative proposals;

(ii) The format and content requirements for the equity impact statement;

(iii) A plan, including information technology additions or revisions, necessary to provide equity impact statements;

(iv) Recommendations on which office or agency should be principally responsible for coordinating the provision of equity impact statements with state agencies; and

(v) Recommendations on any policy changes needed to implement the provision of equity impact statements.

(c) For the purpose of implementing this subsection, the office of financial management may contract with an entity or entities that have expertise in equity impact assessments.

(d) The office of financial management must consult with the governor's

interagency council on health disparities and the office of equity in developing the procedures, and content and format requirements.

(e) For purposes of this subsection, "statutory commission" means the Washington state commission on African American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, the Washington state women's commission established in chapter 43.119 RCW, the Washington state LGBTQ commission established in chapter 43.114 RCW, and the human rights commission established in chapter 49.60 RCW.

(7) $250,000 of the office of financial management central service—state appropriation is provided solely for a dedicated budget staff for the work associated with the information technology investment pool projects. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology investment revolving account;

(b) Amount by project of funding approved to date and for the last fiscal month;

(c) Amount by agency of funding approved to date and for the last fiscal month;

(d) Total amount approved to date and for the last fiscal month; and

(e) Amount of expenditure on each project by the agency to date and for the last fiscal month.

(8) $785,000 of the general fund—state appropriation for fiscal year 2022 and $960,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1267 (police use of force). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9) $172,000 of the general fund—state appropriation for fiscal year 2022 and $167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(10) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of financial management to assist the health care authority, the department of social and health services, and the department of health in coordinating efforts to transform the behavioral health system and improve the collection and availability of data. Within these amounts, the office must provide direction and ensure coordination between state agencies in the forecasting of forensic and long-term civil commitment beds, transition of civil long-term inpatient capacity from state hospital to community settings, and efforts to improve the behavioral health crisis response system. Sufficient funding within this section is provided for the staff support and other costs related to the crisis response improvement strategy committee established in section 104 of Engrossed Second Substitute House Bill No. 1477 (national 988 system).

NEW SECTION. **Sec. 132. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State

Appropriation $70,896,000

Administrative Hearings Revolving Account—Local

Appropriation $12,000

TOTAL APPROPRIATION $70,908,000

The appropriations in this section are subject to the following conditions and limitations: $19,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 133. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation $29,753,000

TOTAL APPROPRIATION $29,753,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

NEW SECTION. **Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2022) $436,000

General Fund—State Appropriation (FY 2023) $454,000

TOTAL APPROPRIATION $890,000

NEW SECTION. **Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022) $417,000

General Fund—State Appropriation (FY 2023) $425,000

TOTAL APPROPRIATION $842,000

NEW SECTION. **Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense Account—

State Appropriation $68,925,000

TOTAL APPROPRIATION $68,925,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to $6,238,000 of the department of retirement systems expense account—state appropriation is provided for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) $286,000 of the department of retirement systems expense account—state appropriation is provided solely for the department to implement Senate Bill No. 5021 (retirement benefits/furlough). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 137. FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2022) $169,802,000

General Fund—State Appropriation (FY 2023) $295,076,000

Timber Tax Distribution Account—State Appropriation $7,418,000

Business License Account—State Appropriation $20,574,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation $168,000

Model Toxics Control Operating Account—State

Appropriation $118,000

Financial Services Regulation Account—State

Appropriation $5,000,000

Taxpayer Fairness Account—State Appropriation $126,000,000

TOTAL APPROPRIATION $624,156,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,056,000 of the general fund—state appropriation for fiscal year 2022 and $409,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2022 revenue legislation.

(2) $2,490,000 of the general fund—state appropriation for fiscal year 2022 and $4,189,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(3) $97,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1480 (liquor licensee privileges). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(4) $292,000 of the general fund—state appropriation for fiscal year 2022 and $163,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for implementation of chapter 4, Laws of 2021.

(5) $212,000 of the general fund—state appropriation for fiscal year 2022 and $33,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1477 (national 988 system). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(6) $5,083,000 of the general fund—state appropriation for fiscal year 2022, $137,128,000 of the general fund—state appropriation for fiscal year 2023, and $126,000,000 of the taxpayer fairness account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1297 (working families tax exempt). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(7)(a) $1,303,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(b)(i) Members serving on the tax structure work group as of the effective date of this section may continue serving on the work group. Any member not wishing to continue serving on the tax structure work group must provide written notice to the work group and the vacancy must be filled as provided in (c) of this subsection.

(ii) The work group must include the following voting members:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department of revenue;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(c) Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within 60 days of notice of the vacancy. The work group must choose a chair or cochairs from among its legislative membership. The chair is, or cochairs are, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(d) The duties of the work group are to:

(i) By December 1, 2019, convene no less than one meeting to elect a chair, or cochairs, and conduct other business of the work group;

(ii) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (f) of this subsection;

(iii) By May 31, 2021, the work group must:

(A) Hold no less than one meeting in Olympia or virtually to review the preliminary findings described in (f) of this subsection. At least one meeting must engage stakeholder groups, as described in (e)(i) of this subsection;

(B) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (f) of this subsection;

(C) Present the summary report described in (d)(ii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(D) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (e)(ii) of this subsection; and

(E) Finalize the logistics of the engagement strategies described in (d)(iv) of this subsection;

(iv) After the conclusion of the 2021 legislative session, the work group must:

(A) Hold no less than five public meetings organized by geographic region (in person or online) with special consideration for regional geographies throughout the state, rural areas, and border communities;

(B) Participate in no less than 10 existing meetings of various associations, community-based organizations, nonprofits, and similar groups in order to engage low-income and middle-income taxpayers, communities of color, senior citizens, and people with disabilities;

(C) Participate in no less than 10 existing meetings of various business and agricultural associations, chambers of commerce, ports, associate development organizations, and similar groups in order to engage small, start-up, and low-margin businesses, and other businesses;

(D) Hold no less than three listening sessions in a language other than English to engage taxpayers who speak languages including, but not limited to, Spanish, Vietnamese, Russian, and Somali;

(E) Present the findings described in (f) of this subsection and alternatives to the state's current tax structure at the public meetings utilizing a range of methods that account for different learning styles including, but not limited to, written documents, videos, animations, and graphics;

(F) Provide an opportunity at the public and other meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(G) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(H) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts (whether in person or online);

(I) Inform local elected officials about the public meetings that occur within and near their communities (whether in person or online);

(J) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (d)(ii) of this subsection; and

(K) To the degree it is practicable, conduct analysis of the current tax structure and proposed alternatives to estimate the impact on taxpayers, including tax paid as a share of household income for various racial and ethnic groups as reported in the most current census data available, American community survey, or other similar data sources;

(v) During the 2022 legislative session, the work group must:

(A) Present the findings and reports described in (d)(ii) of this subsection to the appropriate committees of the legislature; and

(B) Be available to deliver a presentation to or participate in a work session for the appropriate committees of the legislature, or both;

(vi) Between the conclusion of the 2022 legislative session and December 31, 2022, the work group is directed to finalize policy recommendations and develop legislation to implement modifications to the tax structure, informed by the findings described in (d)(ii) of this subsection and the

feedback received from taxpayers as reflected in the report described in (d)(iv) of this subsection. Legislative proposals recommended by the work group may not collectively result in a loss of revenue to the state as compared to the November 2022 biennial revenue forecast published by the economic and revenue forecast council. In making the recommendations, the work group must be guided by the following principles for a well designed tax system: Equity, adequacy, stability, and transparency;

(vii) During the 2023 legislative session, it is the intent of the legislature to consider the proposal described in (d)(vi) of this subsection;

(viii) If the proposal is not adopted during the 2023 legislative session, the work group is directed to host no less than three public meetings to collect feedback on the legislation proposed in the 2023 session, and may also collect feedback on other proposals under consideration by the work group, subject to the availability of funds in the 2023-2025 biennial budget. The work group is directed to modify the proposal to address the feedback collected during the public meetings;

(ix) During the 2024 legislative session, it is the intent of the legislature to consider the modified proposal described in (d)(iv) of this subsection; and

(x) By December 31, 2024, subject to the availability of funds in the 2023-2025 biennial budget, the work group is directed to submit a final report that is a compilation of all other reports previously submitted since July 1, 2019, and may include additional content to summarize final activities of the tax structure work group and related legislation, in compliance with RCW 43.01.036, to the appropriate committees of the legislature.

(e)(i) The stakeholder groups referenced by (d)(iii)(A) of this subsection must include, at a minimum, organizations and individuals representing the following:

(A) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(B) Individual taxpayers with income at or below 100 percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(ii) The presentation referenced in (d)(iii)(D) of this subsection must include the following elements:

(A) The findings and alternatives included in the summary report described in (d)(ii) of this subsection; and

(B) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure, including presenting the findings described in (f) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(f) The duties of the department, with assistance of one or more technical advisory groups, are to:

(i) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(A) Update the data and research that informed the recommendations and other analysis contained in the final report;

(B) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(C) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(D) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (f)(i)(B) and (C) of this subsection; and

(E) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any

recommendations implemented before May 21, 2019;

(ii) With respect to the recommendations in the final report of the 2018 tax structure work group:

(A) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(iii) Analyze our economic competitiveness with border states:

(A) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (f)(iii)(A) of this subsection;

(iv) Analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(v) Conduct, to the degree it is practicable, tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(vi) Present findings and alternatives, to the degree it is practicable, by geographic area, in addition to statewide; and

(vii) Conduct other analysis as directed by the work group.

NEW SECTION. **Sec. 138. FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2022) $2,603,000

General Fund—State Appropriation (FY 2023) $2,611,000

TOTAL APPROPRIATION $5,214,000

NEW SECTION. **Sec. 139. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2022) $1,991,000

General Fund—State Appropriation (FY 2023) $1,700,000

Minority and Women's Business Enterprises Account—

State Appropriation $4,512,000

TOTAL APPROPRIATION $8,203,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of minority and women's business enterprises shall consult with the Washington state office of equity on the Washington state toolkit for equity in public spending.

(2) $851,003 of the general fund—state appropriation for fiscal year 2022 and $674,855 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1259 (women and minority contracting). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 140. FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation $4,658,000

Insurance Commissioner's Regulatory Account—State

Appropriation $67,156,000

Insurance Commissioner's Fraud Account—State

Appropriation $3,586,000

TOTAL APPROPRIATION $75,400,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $457,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(2) $642,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1160 (health provider contracts). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3)(a) $75,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for a service utilization, cost, and implementation analysis of requiring coverage for the hearing instruments benefit described in House Bill No. 1047 (hearing instruments/children) for children who are 18 years of age or younger and for children and adults.

(b) The commissioner must contract with one or more consultants to:

(i) Obtain projected utilization and cost data from Washington state health carriers for health plans, as defined in RCW 48.43.005, to provide an estimate of aggregate statewide utilization and cost impacts of the coverage described in House Bill No. 1047 (hearing instruments/children) separately for children who are 18 years of age or younger and for children and adults, expressed as total annual cost and as a per member per month cost;

(ii) Assess the impact of federal and state health care nondiscrimination laws on the scope of the benefit described in House Bill No. 1047 (hearing instruments/children); and

(iii) Provide recommendations for distributing state payments to defray the cost of the benefit coverage described in House Bill No. 1047 (hearing instruments/children) for health carriers.

(c) The commissioner must report the findings of the analysis to the appropriate committees of the legislature by December 15, 2021.

NEW SECTION. **Sec. 141. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State

Appropriation $64,935,000

TOTAL APPROPRIATION $64,935,000

The appropriation in this section is subject to the following conditions and limitations: During the 2021-2023 fiscal biennium, the Washington state investment board shall provide the law enforcement officers' and firefighters' retirement board use of the investment board main conference room. The law enforcement officers' and firefighters' retirement board must be allowed to use the board room for at least five hours one day per month during regular business hours. Any additional direct costs incurred by the investment board due solely to the use of the conference room by the retirement board may be reimbursed by the law enforcement officers' and firefighters' retirement board, consistent with any investment board policies on reimbursement for this facility applied to other major clients and investment partners.

NEW SECTION. **Sec. 142. FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2022) $404,000

General Fund—State Appropriation (FY 2023) $426,000

General Fund—Federal Appropriation $3,043,000

General Fund—Private/Local Appropriation $75,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $11,774,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $11,664,000

Liquor Revolving Account—State Appropriation $82,755,000

TOTAL APPROPRIATION $110,141,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) Of the liquor revolving account—state appropriation, $4,939,000 for fiscal year 2022 and $2,065,000 for fiscal year 2023 are provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) $20,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(4) $1,441,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1480 (liquor licensee privileges). If the bill is not enacted by June 30, 2021, the amount provided in this section shall lapse.

(5) Within the amounts provided in this subsection, sufficient funding is provided for the liquor and cannabis board to implement Second Substitute House Bill No. 1359 (liquor license fees).

(6) $38,000 of the dedicated marijuana account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). If the bill is not enacted by June 30, 2021, the amount provided in this section shall lapse.

NEW SECTION. **Sec. 143. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2022) $201,000

General Fund—State Appropriation (FY 2023) $149,000

General Fund—Private/Local Appropriation $16,609,000

Public Service Revolving Account—State Appropriation $42,549,000

Public Service Revolving Account—Federal

Appropriation $100,000

Pipeline Safety Account—State Appropriation $3,467,000

Pipeline Safety Account—Federal Appropriation $3,196,000

TOTAL APPROPRIATION $66,271,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to $800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) $201,000 of the general fund—state appropriation for fiscal year 2022 and $149,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the utilities and transportation commission to conduct research and stakeholder outreach to develop emission reduction strategies related to regulated natural gas distribution companies, associated ratepayer protections, and other related measures.

(3) $38,000 of the public service revolving account—state appropriation for fiscal year 2022 and $38,000 of the public service revolving account—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 144. FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2022) $9,464,000

General Fund—State Appropriation (FY 2023) $9,417,000

General Fund—Federal Appropriation $118,944,000

Enhanced 911 Account—State Appropriation $53,938,000

Disaster Response Account—State Appropriation $42,651,000

Disaster Response Account—Federal Appropriation $920,144,000

Military Department Rent and Lease Account—State

Appropriation $993,000

Military Department Active State Service Account—

State Appropriation $400,000

Oil Spill Prevention Account—State Appropriation $1,040,000

Worker and Community Right to Know Fund—State

Appropriation $1,877,000

TOTAL APPROPRIATION $1,158,868,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2021-2023 biennium based on current revenue and expenditure patterns.

(2) $40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) $11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(4) $784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) $200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staff.

(6) $3,808,000 of the disaster response account—state appropriation and $46,039,000 of the disaster response account—federal appropriation are provided solely for agency costs for acquiring personal protective equipment as listed in LEAP omnibus document 2021-FEMA PPE, dated March 26, 2021. The department must coordinate with the agencies who have costs listed in LEAP omnibus document 2021-FEMA PPE, dated March 26, 2021, to ensure application to the federal emergency management agency for reimbursement.

(7)(a) $251,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the military department to facilitate a task force to conduct a comprehensive after-action review of the statewide pandemic response and recovery.

(b) The task force is composed of the following members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(iii) The secretary of the department of health, or the secretary's designee;

(iv) The adjutant general of the military department, or the adjutant general's designee;

(v) The commissioner of the employment security department, or the commissioner's designee;

(vi) The director of the department of financial institutions, or the director's designee;

(vii) The insurance commissioner, or the commissioner's designee;

(viii) The secretary of the department of social and health services, or the secretary's designee;

(ix) The superintendent of public instruction, or the superintendent's designee;

(x) The director of the department of labor and industries, or the director's designee;

(xi) The director of the department of commerce, or the director's designee;

(xii) The director of the department of enterprise services, or the director's designee;

(xiii) The secretary of the department of transportation, or the secretary's designee;

(xiv) The director of the department of licensing, or the director's designee;

(xv) The director of the office of financial management, or the director's designee;

(xvi) The director of the health care authority, or the director's designee;

(xvii) The executive director of the pharmacy quality assurance commission, or the executive director's designee;

(xviii) One member representing the Washington association of sheriffs and police chiefs;

(xix) One member representing the association of Washington businesses; and

(xx) Additional members to be appointed by the governor, as follows:

(A) One member representing the office of the governor;

(B) One member representing the association of Washington cities;

(C) One member representing the Washington state association of counties;

(D) One member representing emergency and transitional housing providers;

(E) One member representing a statewide association representing physicians;

(F) One member representing a statewide association representing nurses;

(G) One member representing a statewide association representing hospitals;

(H) One member representing community health centers;

(I) Two members representing local public health officials;

(J) Two members representing local emergency management agencies, one member located west of the crest of the Cascade mountains and one member located east of the crest of the Cascade mountains;

(K) At least one member representing federally recognized tribes;

(L) Up to 10 members representing demographic groups that have been disproportionately impacted by the COVID-19 pandemic, that include, but are not limited to, individuals of different race, class, gender, ethnicity, and immigration status;

(M) One member representing leisure and hospitality industries;

(N) One member representing education services; and

(O) One member representing manufacturing and trade industries.

(c) The adjutant general, or the adjutant general's designee, and the secretary of the department of health, or the secretary's designee, shall cochair the task force and convene its initial meeting.

(d)(i) The task force shall conduct the comprehensive after-action review of the COVID-19 pandemic response in accordance with established national standards for emergency or disaster after-action reviews. In order to improve the response to and recovery from future pandemics, the task force shall develop lessons learned and make recommendations that include, but are not limited to, the following:

(A) Aspects of the COVID-19 response that may inform future pandemic and all-hazards responses;

(B) Emergency responses that would benefit the business community and workers during a pandemic;

(C) Standards regarding flexible rent and repayment plans for residential and commercial tenants during a pandemic;

(D) Whether establishing regional emergency management agencies would benefit Washington state emergency response to future pandemics;

(E) Gaps and needs for volunteers to support medical professionals in

performing their pandemic emergency response functions within Washington state;

(F) Gaps and needs for tools to measure the scale of an impact caused by a pandemic and tailoring the pandemic response to affected regions based on the scale of the impact in those regions;

(G) Gaps and needs in health care system capacity and case tracking, monitoring, control, isolation and quarantine, and deploying medical supplies and personnel; and

(H) Implementing guidelines for school closures during a pandemic.

(ii) The topics identified in (i) of this subsection (7)(d) are intended to be illustrative but not exhaustive. The task force should consider issues relating to equity, disparities, and discrimination in each topic it studies and for which it makes recommendations.

(e) The military department must provide staff support for the task force. The military department may employ staff and contracted support to fulfill the requirements of this subsection.

(f) The task force shall consult with owners of small businesses, epidemiologists, and representatives of immigrant communities.

(g) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(h) The task force shall report its initial findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2022. The task force shall report its final findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2023.

(8) $14,000 of the general fund—state appropriation for fiscal year 2022 and $14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1099 (comprehensive planning). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9)(a) Within amounts appropriated in this act, the department must coordinate with the department of commerce in the administration of the grant program created in section 129(97) of this act.

(b) If the federal emergency management agency provides reimbursement for any portion of the costs incurred by a city or county that were paid for using state grant funding provided under section 129(97) of this act, the military department shall remit the reimbursed funds to the state general fund.

(c) The department must provide technical assistance for the public assistance program application process to applicants to the grant program created in section 129(97) of this act.

NEW SECTION. **Sec. 145. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2022) $2,345,000

General Fund—State Appropriation (FY 2023) $2,343,000

Personnel Service Account—State Appropriation $4,360,000

Higher Education Personnel Services Account—State

Appropriation $1,402,000

TOTAL APPROPRIATION $10,450,000

NEW SECTION. **Sec. 146. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State

Appropriation $4,414,000

TOTAL APPROPRIATION $4,414,000

NEW SECTION. **Sec. 147. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation $4,953,000

TOTAL APPROPRIATION $4,953,000

The appropriation in this section is subject to the following conditions and limitations: Up to $3,930,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation in this section is for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

NEW SECTION. **Sec. 148. FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation $752,000

TOTAL APPROPRIATION $752,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) $210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

NEW SECTION. **Sec. 149. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2022) $5,865,000

General Fund—State Appropriation (FY 2023) $5,638,000

General Fund—Private/Local Appropriation $102,000

Building Code Council Account—State Appropriation $1,818,000

TOTAL APPROPRIATION $13,423,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $5,219,000 of the general fund—state appropriation for fiscal year 2022 and $4,989,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2022 and 2023 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments $1,500,000 in fiscal year 2022 and $1,300,000 in fiscal year 2023.

(5)(a) Within existing resources, the department, in collaboration with the consolidated technology services agency, must provide a report to fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30th of that calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year, and type of service delivered. The list of contracts must be provided electronically in Excel and sortable by all fields.

(b) In determining the type of service delivered, groupings must include agreed-upon items by the department, the office of the chief information officer, senate fiscal staff, and house fiscal staff.

(6) $69,000 of the building code council account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water quality standards). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 150. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2022) $2,687,000

General Fund—State Appropriation (FY 2023) $2,731,000

General Fund—Federal Appropriation $3,945,000

General Fund—Private/Local Appropriation $14,000

TOTAL APPROPRIATION $9,377,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $103,000 of the general fund—state appropriation for fiscal year 2022 and $103,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) $500,000 of the general fund—state appropriation for fiscal year 2022 and $550,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington main street program, including $150,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 provided solely for a pilot project grant program for affiliate main street programs. From the amount provided in this subsection, the department may provide grants of up to $40,000 to the affiliate main street programs for staffing costs, capacity building, and other costs associated with establishing a local nonprofit organization focused solely on downtown revitalization. The department must prioritize affiliate main street programs in locations with a population under 20,000.

NEW SECTION. **Sec. 151. FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2022) $569,000

General Fund—State Appropriation (FY 2023) $531,000

Consolidated Technology Services Revolving Account—

State Appropriation $51,344,000

TOTAL APPROPRIATION $52,444,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $11,540,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount $2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

(a) Provide master level project management guidance to agency IT stakeholders;

(b) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least quarterly; and

(c) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects.

(2) $12,154,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state

electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) $4,307,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

(10) $23,150,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies.

(11) $81,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1274 (cloud computing solutions). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(12)(a) $381,000 of the general fund—state appropriation for fiscal year 2022 and $343,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the chief information officer to provide a common platform for hosting existing state data on natural hazards risks into a comprehensive, multihazard, statewide, geospatial data portal to assist with state hazard risk and resilience mapping and analysis. In performing this work, the office of the chief information officer will:

(i) Coordinate with the state emergency management division, office of the insurance commissioner, University of Washington climate impacts group and Washington sea grant, Washington State University water research center, and the state departments of ecology, health, natural resources, and transportation on the project scope, user needs, and deliverables;

(ii) Organize data in standardized and compatible formats including temporal data, where able; and

(iii) Address credentialing for secure access to protect sensitive data needed for risk analyses.

(b) By December 1, 2022, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a progress report to the relevant legislative committees on the development of the platform and data sharing agreements.

(c) By June 1, 2023, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a final report with recommendations for further enhancing natural hazards resiliency by using data to inform the development of a statewide resilience strategy.

(d) This subsection is subject to the conditions, limitations, and review of section 701 of this act.

NEW SECTION. **Sec. 152. FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation $4,182,000

TOTAL APPROPRIATION $4,182,000

PART II

HUMAN SERVICES

NEW SECTION. **Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a

reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

NEW SECTION. **Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

(1) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022) $442,255,000

General Fund—State Appropriation (FY 2023) $446,737,000

General Fund—Federal Appropriation $140,193,000

General Fund—Private/Local Appropriation $21,540,000

TOTAL APPROPRIATION $1,050,725,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) $311,000 of the general fund—state appropriation for fiscal year 2022 and $310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) $45,000 of the general fund—state appropriation for fiscal year 2022 and $45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) $19,000 of the general fund—state appropriation for fiscal year 2022 and $19,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(e) $135,000 of the general fund—state appropriation for fiscal year 2022 and $135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2021, and December 1, 2022.

(g) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) By the first day of each December during the biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature which summarizes how the predictive modeling tool has been implemented and includes the following: (A) The numbers of individuals identified by the tool as having a high risk of future criminal justice involvement; (B) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care organizations and behavioral health administrative services organizations;

(C) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (D) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(ii) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and November during the biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast based on the caseload forecast council's schedule for entitlement program forecasts.

(h) $5,049,000 of the general fund—state appropriation for fiscal year 2022 and $5,075,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(i) $7,147,000 of the general fund—state appropriation for fiscal year 2022 and $7,147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) $71,690,000 of the general fund—state appropriation for fiscal year 2022, $77,825,000 of the general fund—state appropriation for fiscal year 2023, and $2,541,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2021-2023 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(k) Within the amounts provided in this section, the department shall continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing

committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(i) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(ii) By December 1, 2021, and December 1, 2022, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels, overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(iii) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(l) $10,581,000 of the general fund—state appropriation for fiscal year 2022 and $10,581,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for continuing to implement a new intensive care model program at western state hospital and maintaining prior investments in training and other safety-related staff support at both hospitals. A report must be submitted by December 1, 2021, and December 1, 2022, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and outcomes associated with the program. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(m) $2,593,000 of the general fund—state appropriation for fiscal year 2022 and $2,593,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

(n) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and

performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per ten thousand patient bed days; (iv) monthly dollar expenditures per ten thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per 10,000 bed days; (x) rate of patient assaults per 10,000 bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by the first day of each December of the biennium.

(o) $3,846,000 of the general fund—state appropriation for fiscal year 2022, $3,846,000 of the general fund—state appropriation for fiscal year 2023, and $7,692,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to 18 children.

(p) $14,227,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate a 48 bed facility to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

(q) $1,382,000 of the general fund—state appropriation for fiscal year 2022, $5,092,000 of the general fund—state appropriation for fiscal year 2023, and $5,092,000 of the general fund—federal appropriation is provided solely for the department to operate a 16 bed facility to provide long-term inpatient care beds as defined in RCW 71.24.025. The facility must have the capacity to provide treatment services to individuals committed under chapter 71.05 RCW including individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, providing a description of the protocol and a status update on progress toward opening the new facility.

(r) $4,316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the Columbia cottage at maple lane as a 30 bed facility to serve individuals who have been acquitted of a crime by reason of insanity and subsequently ordered to receive treatment services under RCW 10.77.120. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must plan for converting the Cascade cottage at maple lane to provide an additional 30 beds for serving this population after the facility is no longer being used for competency restoration patients pursuant to the *Trueblood* settlement agreement. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward the opening of Columbia cottage and the conversion of Cascade cottage.

(s) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(i) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2022 and fiscal year 2023.

(ii) Funding for civil beds at western state hospital is reduced during this period to allow for a phased reduction of six wards from 467 to 287 civil beds.

(iii) The closure of western state hospital civil wards shall be implemented according to the following schedule: (A) First ward closure by July 1, 2021; (B) second ward closure by November 1, 2021; (C) third ward closure by March 1, 2022; (D) fourth ward closure by July 1, 2022; (E) fifth ward closure by November 1, 2022; and (F) sixth ward closure by April 1, 2023.

(iv) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(v) The department shall coordinate with the health care authority toward development of the plan for increasing community capacity for long-term inpatient services required under section 215(67) of this act.

(vi) It is the intent of the legislature to close additional civil wards at western state hospital during the 2023-2025 fiscal biennium.

(vii) It is the intent of the legislature to stop using western state hospital buildings 17, 19, 20, and 21, which were built before the 1950s, for patient care by fiscal year 2027.

(t) $360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). The amount in this subsection is provided solely for the department's costs associated with providing access to and following up on referrals from behavioral health consumer advocates in state operated mental health facilities. The department must track the number of monthly cases in which access to behavioral health consumer advocates was provided for patients in state operated mental health facilities and the number of these which resulted in subsequent follow-up investigation by the department. The department must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the number of monthly cases and follow-up investigations by December 1, 2022, and a final report by June 30, 2023. If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022) $6,026,000

General Fund—State Appropriation (FY 2023) $5,938,000

General Fund—Federal Appropriation $371,000

TOTAL APPROPRIATION $12,335,000

NEW SECTION. **Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2022) $779,562,000

General Fund—State Appropriation (FY 2023) $943,963,000

General Fund—Federal Appropriation $2,125,780,000

General Fund—Private/Local Appropriation $4,058,000

Developmental Disabilities Community Services Account—State Appropriation $2,000,000

TOTAL APPROPRIATION $3,855,363,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is $225 per bed beginning in fiscal year 2022 and $225 per bed beginning in fiscal year 2023. A processing fee of $2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of $700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is $116 per bed beginning in fiscal year 2022 and $116 per bed beginning in fiscal year 2023.

(iii) The current annual renewal license fee for nursing facilities is $359 per bed beginning in fiscal year 2022 and $359 per bed beginning in fiscal year 2023.

(c) $2,648,000 of the general fund—state appropriation for fiscal year 2022, $8,946,000 of the general fund—state appropriation for fiscal year 2023, and $16,665,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(d) $291,000 of the general fund—state appropriation for fiscal year 2022, $992,000 of the general fund—state appropriation for fiscal year 2023, and $1,844,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) $540,000 of the general fund—state appropriation for fiscal year 2022, $860,000 of the general fund—state appropriation for fiscal year 2023, and $1,881,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(f) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(g) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(h) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the

expectation that, in most cases, staffing ratios in all community alternative placement options described in (h)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (h)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(i) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) $4,000 of the general fund—state appropriation for fiscal year 2022, $17,000 of the general fund—state appropriation for fiscal year 2023, and $23,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(k) The department will work with the health care authority and Washington state's managed care organizations to establish recommendations for clients who live in the community to access the developmental disabilities administration's facility-based professionals to receive care covered under the state plan. If feasible, these recommendations should detail how to enable facility-based professionals to deliver services at mobile or brick-and-mortar clinical settings in the community. The department must submit its recommendations to the appropriate legislative committees no later than December 1, 2021.

(l) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(m) $300,000 of the general fund—state appropriation for fiscal year 2023 and $226,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(n) $408,000 of the general fund—state appropriation for fiscal year 2022, $416,000 of the general fund—state appropriation for fiscal year 2023, and $474,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(o) $3,474,000 of the general fund—state appropriation for fiscal year 2022, $11,423,000 of the general fund—state appropriation for fiscal year 2023, and $15,262,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, group training home, and licensed staff residential services to individuals with developmental disabilities. The amounts provided in this subsection (o) include funding to increase the provider rate by 2.0 percent effective January 1, 2022, and by an additional 2.0 percent effective January 1, 2023. Both 2.0 percent rate increases must be used to support providers' ability to maintain direct care staff wages above the statewide minimum wage.

(p) The annual certification renewal fee for community residential service businesses is $859 per client in fiscal year 2022 and $859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(q) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of $485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(r) $39,000 of the general fund—state appropriation for fiscal year 2022, $49,000 of the general fund—state appropriation for fiscal year 2023, and $131,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(s) $1,705,000 of the general fund—state appropriation for fiscal year 2022, $1,688,000 of the general fund—state appropriation for fiscal year 2023, and $1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of 13 enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(t) $2,025,000 of the general fund—state appropriation for fiscal year 2022 and $2,006,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(u) $46,143,000 of the general fund—state appropriation for fiscal year 2022 and $84,006,000 of the general fund—federal appropriation are provided solely to continue providing rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022) $117,426,000

General Fund—State Appropriation (FY 2023) $124,422,000

General Fund—Federal Appropriation $241,852,000

General Fund—Private/Local Appropriation $27,043,000

TOTAL APPROPRIATION $510,743,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) $495,000 of the general fund—state appropriation for fiscal year 2022 and $495,000 of the general fund—state appropriation for fiscal year 2023 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital

group purchasing organizations when it is cost-effective to do so.

(d) $3,000 of the general fund—state appropriation for fiscal year 2022 and $10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a cost of living increase adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022) $2,711,000

General Fund—State Appropriation (FY 2023) $2,712,000

General Fund—Federal Appropriation $3,190,000

TOTAL APPROPRIATION $8,613,000

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2022) $400,000

General Fund—State Appropriation (FY 2023) $61,000

General Fund—Federal Appropriation $1,363,000

TOTAL APPROPRIATION $1,824,000

NEW SECTION. **Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) $1,498,184,000

General Fund—State Appropriation (FY 2023) $1,777,281,000

General Fund—Federal Appropriation $4,603,477,000

General Fund—Private/Local Appropriation $37,804,000

Traumatic Brain Injury Account—State Appropriation $4,544,000

Skilled Nursing Facility Safety Net Trust Account—

State Appropriation $133,360,000

Long-Term Services and Supports Trust Account—State

Appropriation $10,873,000

TOTAL APPROPRIATION $8,065,523,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed $258.70 for fiscal year 2022 and may not exceed $268.39 for fiscal year 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is $225 per bed beginning in fiscal year 2022 and $225 per bed beginning in fiscal year 2023. A processing fee of $2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of $700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is $116 per bed beginning in fiscal year 2022 and $116 per bed beginning in fiscal year 2023.

(c) The current annual renewal license fee for nursing facilities is $359 per bed beginning in fiscal year 2022 and $359 per bed beginning in fiscal year 2023.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) $6,113,000 of the general fund—state appropriation for fiscal year 2022, $19,799,000 of the general fund—state appropriation for fiscal year 2023, and $37,161,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(5) $1,941,000 of the general fund—state appropriation for fiscal year 2022, $6,439,000 of the general fund—state appropriation for fiscal year 2023, and $12,064,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(6) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(7) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be $900 for each facility.

(8) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(9) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(10) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(11) The department shall continue to administer initiative 2 of the medicaid transformation waiver that provides tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. This initiative will be funded by the health care authority with the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.

(12) $3,378,000 of the general fund—state appropriation for fiscal year 2022, $5,561,000 of the general fund—state appropriation for fiscal year 2023, and $11,980,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(13) $1,761,000 of the general fund—state appropriation for fiscal year 2022, $1,761,000 of the general fund—state appropriation for fiscal year 2023, and $4,162,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(14) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The

toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(15) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(16) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary

if the federal government approves the request.

(17) The annual certification renewal fee for community residential service businesses is $859 per client in fiscal year 2022 and $859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(18) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of $485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(19) $261,000 of the general fund—state appropriation for fiscal year 2022, $320,000 of the general fund—state appropriation for fiscal year 2023, and $861,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(20) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(21) $1,458,000 of the general fund—state appropriation for fiscal year 2022 and $1,646,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide personal care services for up to 20 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(22) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based dementia education and support activities in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(23) $179,000 of the general fund—state appropriation for fiscal year 2022, $171,000 of the general fund—state appropriation for fiscal year 2023, and $430,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1218 (long-term care residents). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(24) $345,000 of the general fund—state appropriation for fiscal year 2022, $50,000 of the general fund—state appropriation for fiscal year 2023, and $336,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(25) $5,094,000 of the general fund—state appropriation for fiscal year 2022 and $5,094,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(26) $108,327,000 of the general fund—state appropriation for fiscal year 2022 and $197,214,000 of the general fund—federal appropriation are provided solely to continue providing rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic. The department must provide COVID-19 rate add-on parity between adult family homes and assisted living providers.

(27) $11,609,000 of the general fund—state appropriation for fiscal year 2023 and $11,609,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for skilled nursing facility medicaid direct care to one hundred and five percent of statewide case mix neutral median costs.

NEW SECTION. **Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) $418,038,000

General Fund—State Appropriation (FY 2023) $419,905,000

General Fund—Federal Appropriation $1,512,601,000

General Fund—Private/Local Appropriation $5,274,000

Domestic Violence Prevention Account—State

Appropriation $2,404,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $340,000,000

TOTAL APPROPRIATION $2,698,222,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) $78,187,000 of the general fund—state appropriation for fiscal year 2022, $86,573,000 of the general fund—state appropriation for fiscal year 2023, $859,678,000 of the general fund—federal appropriation, and $2,525,000 of the general fund—federal appropriation (ARPA) are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b)(i) $316,975,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(ii) Of the amounts in (a)(i) of this subsection, $180,000 of the general fund—state appropriation for fiscal year 2022 and $853,000 of the general fund—federal appropriation are provided solely for the temporary suspension of mid-certification reviews and extension of eligibility reviews between November 2020 and June 2021 for the temporary assistance for needy families program.

(c)(i) $172,237,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(ii) $2,474,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(d)(i) Of the amounts in (a) of this subsection, $353,402,000 of the general fund—federal appropriation is for working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families.

(ii) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families

program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective September 30, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, $68,496,000 of the general fund—federal appropriation is provided solely for child welfare services within the department of children, youth, and families.

(f) $115,853,000 of the amounts in (a) of this subsection is for WorkFirst administration and overhead.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to ten percent of funding between budget units identified in (a) through (e) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) $421,000 of the general fund—state appropriation for fiscal year 2022 and $611,000 of the general fund—state appropriation for fiscal year 2023 of the amounts in (a) of this subsection are provided solely for the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(i) $748,000 of the general fund—state appropriation for fiscal year 2022, $760,000 of the general fund—state appropriation for fiscal year 2023, and $2,921,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(j) $1,928,000 of the general fund—state appropriation for fiscal year 2022, $1,227,000 of the general fund—state appropriation for fiscal year 2023, and $22,841,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the expansion of the 60 month time limit in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(k) $2,800,000 of the general fund—state appropriation for fiscal year 2022 and $2,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a monthly benefit of $80 for each family that has children under the age of three and is a participant in either the temporary assistance for needy families program or the state family assistance program. The additional benefit is for the assistance in the purchase of diapers. The benefit provided under this provision is in addition to the grant amount for which the family is eligible under the program.

(l) $340,000,000 of the general fund—federal appropriation (CSF-2) is provided solely for the Washington immigrant relief fund, a disaster assistance program to provide grants to eligible persons. Administrative costs may not exceed 10 percent of the funding in this subsection.

(i) A person is eligible for a grant who:

(A) Lives in Washington state;

(B) Is at least 18 years of age;

(C) After January 1, 2021, and before June 30, 2023, has been significantly affected by the coronavirus pandemic, such as loss of employment or significant reduction in work hours, contracting the coronavirus, having to self-quarantine as a result of exposure to the coronavirus, caring for a family member who contracted the coronavirus, or being unable to access childcare for children impacted by school or childcare closures; and

(D) Is not eligible to receive federal economic impact (stimulus) payments or unemployment insurance benefits due to the person's immigration status.

(ii) The department may not deny a grant to a person on the basis that another adult in the household is eligible for federal economic impact (stimulus) payments or unemployment insurance benefits or that the person previously received a grant under the program. However, a person may not receive more than three grants.

(iii) The department's duty to provide grants is subject to the availability of the amounts specified in this subsection, and the department must prioritize grants to persons who are most in need of financial assistance using factors that include, but are not limited to: (A) Having an income at or below 250 percent of the federal poverty level; (B) being the primary or sole income earner of household; (C) experiencing housing instability; and (D) having contracted or being at high risk of contracting the coronavirus.

(iv) The department may contract with one or more nonprofit organizations to administer the program. If the department engages in a competitive contracting process for administration of the program, experience in administering similar programs must be given weight in the selection process to expedite the delivery of benefits to eligible applicants.

(m) $17,224,000 of the general fund—state appropriation for fiscal year 2022 and $17,605,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase the cash assistance grant in the temporary assistance for needy families program by 10 percent.

(n) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(o) In the 2021-2023 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) $2,545,000 of the general fund—state appropriation for fiscal year 2022 and $2,546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for naturalization services.

(3) $2,366,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for employment services for refugees and immigrants, of which $1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and $2,366,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for employment services for refugees and immigrants, of which $1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2022, and January 1, 2023, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) $1,500,000 of the general fund—state appropriation for fiscal year 2022 and $1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operational support of the Washington information network 211 organization.

(9) $609,000 of the general fund—state appropriation for fiscal year 2022 and $380,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of section 2 of Substitute House Bill No. 1151 (public assistance), a state-funded cash benefit program and transitional food assistance program for households with children that are recipients of the supplemental nutrition assistance program of the food assistance program but are not recipients of the temporary assistance for needy families program. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(10) $77,000 of the general fund—state appropriation is provided solely for the department to conduct a study, jointly with the poverty reduction work group, on the feasibility of implementing a universal basic income pilot program. The study must include research of other universal basic income programs, recommendations for a pilot in Washington, a cost-benefit analysis, operational costs, and an implementation plan. The department shall submit recommendations required by this section to the governor and appropriate legislative committees no later than June 1, 2022.

(11)(a) $77,000 of the general fund—state appropriation is provided solely for the department to conduct a study, jointly with the employment security department, on the feasibility of replicating the unemployment insurance program for and expanding other social net programs to individuals regardless of their citizenship status.

(b) In conducting the study required under this section, the department shall meet at least three times with a representative of an organization representing the interests of immigrants in Washington state to discuss the

information gathered by the department. The study shall analyze existing programs to assess the legality of expansion to serve undocumented individuals and families, identify programmatic changes that would mitigate barriers to access and reduce fear of participation, and identify the operational and caseload costs associated with replication or expansion. If existing program expansion is not feasible or in compliance with federal law, the study shall assess the creation of similar programs and identify the associated operational and caseload costs.

(c) The departments shall develop recommendations to expand existing programs or create similar programs to serve undocumented individuals.

(d) The departments shall jointly submit recommendations required by this section to the governor and appropriate legislative committees no later than January 15, 2022.

(12) $236,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the aged, blind, or disabled program.

(13) $391,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the food assistance program.

(14) $41,000 of the general fund—state appropriation for fiscal year 2022, $81,000 of the general fund—state appropriation for fiscal year 2023, and $237,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1416 (insurers/child support coll.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) $204,000 of the general fund—state appropriation for fiscal year 2022 and $20,251,000 of the general fund—federal appropriation (ARPA) are provided solely for a one-time benefit for families with children who are recipients under the temporary assistance for needy families program and the supplemental assistance for needy families program.

NEW SECTION. **Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022) $17,653,000

General Fund—State Appropriation (FY 2023) $17,166,000

General Fund—Federal Appropriation $109,595,000

TOTAL APPROPRIATION $144,414,000

The appropriations in this section are subject to the following conditions and limitations: $40,000 of the general fund—state appropriation for fiscal year 2022 and $40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1061 (child welfare/dev disability). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2022) $57,562,000

General Fund—State Appropriation (FY 2023) $57,078,000

TOTAL APPROPRIATION $114,640,000

The appropriations in this section are subject to the following conditions and limitations: The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) $40,785,000

General Fund—State Appropriation (FY 2023) $39,399,000

General Fund—Federal Appropriation $51,820,000

TOTAL APPROPRIATION $132,004,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(2) $3,000 of the general fund—state appropriation for fiscal year 2022, $5,000 of the general fund—state appropriation for fiscal year 2023, and $8,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium.

NEW SECTION. **Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2022) $45,826,000

General Fund—State Appropriation (FY 2023) $47,720,000

General Fund—Federal Appropriation $46,673,000

TOTAL APPROPRIATION $140,219,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over $250,000 and to all locations leased by the department with contents valued over $250,000.

NEW SECTION. **Sec. 210. FOR THE STATE HEALTH CARE AUTHORITY**

During the 2021-2023 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The health care authority, the health benefit exchange, the department of social and health services, the

department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

NEW SECTION. **Sec. 211. FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2022) $2,505,876,000

General Fund—State Appropriation (FY 2023) $2,427,597,000

General Fund—Federal Appropriation $13,123,580,000

General Fund—Private/Local Appropriation $357,326,000

Emergency Medical Services and Trauma Care Systems

Trust Account—State Appropriation $15,086,000

Hospital Safety Net Assessment Account—State

Appropriation $723,238,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $24,516,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $25,184,000

Medical Aid Account—State Appropriation $540,000

Telebehavioral Health Access Account—State

Appropriation $7,714,000

Medicaid Fraud Penalty Account—State Appropriation $9,602,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $35,000,000

TOTAL APPROPRIATION $19,255,259,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2) through (5) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration,

financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. The authority shall submit an application to the centers for medicaid and medicare services to extend the duration of the medicaid transformation waiver under healthier Washington as described in subsections (3) through (5) of this section by one year. If not extended, by federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement.

(2) No more than $243,047,000 of the general fund—federal appropriation and no more than $99,274,000 of the general fund—local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against initiative 1 of the medicaid transformation demonstration waiver spending limit and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not create an entitlement. The authority shall not increase general fund—state, federal, or local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(3) No more than $63,052,000 of the general fund—federal appropriation and no more than $50,840,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(4) No more than $26,837,000 of the general fund—federal appropriation and $26,839,000 of the general fund—local appropriation may be expended for the medicaid quality improvement program for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The authority shall contract and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not increase general fund—state expenditures on this initiative.

(5) No more than $50,389,000 of the general fund—federal appropriation and no more than $22,862,000 of the general fund—local appropriation may be expended for the medicaid quality improvement

program for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(6) Annually, no later than November 1st, the authority shall report to the governor and appropriate committees of the legislature savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(7) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(8) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(9) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(10) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(11) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(12) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(13) $3,997,000 of the general fund—state appropriation for fiscal year 2022, $4,261,000 of the general fund—state appropriation for fiscal year 2023, and $8,786,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(14) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(15) $7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be

disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(16) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2021-2023 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2021, and by November 1, 2022, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2022 and fiscal year 2023, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2021-2023 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. $702,000 of the general fund—state appropriation for fiscal year 2022 and $649,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state grants for the participating hospitals.

(17) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(18) The health care authority shall target funding for maternity support

services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(19) The authority shall submit reports to the governor and the legislature by September 15, 2021, and no later than September 15, 2022, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(20) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(21) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(22) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(23) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(24) $90,000 of the general fund—state appropriation for fiscal year 2022, $90,000 of the general fund—state appropriation for fiscal year 2023, and $180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(25) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(26) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(27) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(28) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(29) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter

rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(30) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(31) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

(32) Within the amounts appropriated in this section, the authority shall include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

(33) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in the LEAP omnibus document HCBS-2021.

(34) During the 2021-2023 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

(a) Are over nineteen years of age;

(b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;

(c) Are not covered by other public or private insurance; and

(d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

(35) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2021, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding appropriated to each managed care organization that provides services to

clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

(36) Sufficient amounts are provided to the authority to implement the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. The authority is directed to:

(a) Organize all program integrity activities into a centralized unit or under a common protocol addressing provider enrollment, fraud and abuse detection, investigations, and law enforcement referrals that is more reflective of industry standards;

(b) Ensure appropriate resources, including the 10 full-time employees allocated to achieve this end, are dedicated to prevention, detection, investigation, and suspected provider fraud at both the authority and at contracted managed care organizations;

(c) Ensure all required federal regulations are being followed and are incorporated into managed care contracts;

(d) Directly audit managed care encounter data to identify fraud, waste, and abuse issues with managed care organization providers;

(e) Initiate data mining activities in order to identify fraud, waste, and abuse issues with manage care organization providers;

(f) Implement proactive data mining and routine audits of validated managed care encounter data;

(g) Assess liquidated damages to managed care organizations when fraud, waste, or abuse with managed care organization providers is identified;

(h) Require managed care organizations submit accurate reports on overpayments, including the prompt reporting of overpayments identified or recovered, specifying overpayments due to fraud, waste, or abuse;

(i) Implement processes to ensure integrity of data used for rate setting purposes;

(j) Refine payment suspension policies;

(k) Perform central audits of cases that appear across multiple managed care plans;

(l) Work with the contracted actuary to incorporate quantifiable managed care program integrity actions as part of the annual rate setting;

(m) Ensure all federal database exclusion checks are performed at the appropriate intervals. The authority shall update managed care contracts as appropriate to reflect these requirements; and

(n) Annually report to the expenditure forecast work group the results of managed care program integrity activity by October 1st.

(37) $60,000 of the general fund—state appropriation for fiscal year 2022 and $60,000 of the general fund—federal appropriation are provided solely for the Washington rural health access preservation pilot program.

(38) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(17) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(39) $3,395,000 of the general fund—state appropriation for fiscal year 2022, $4,526,000 of the general fund—state appropriation for fiscal year 2023, and $5,658,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5068 (postpartum/medicaid) and section 9812 of the American rescue plan act of 2021.

(40)(a) $175,000 of the general fund—state appropriation for fiscal year 2022 and $25,000 of the general fund—federal appropriation are provided solely for the authority to develop options for providing medical and behavioral health respite care services for medicaid enrollees. Of the amounts provided in this subsection:

(i) $150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority, in consultation with the actuaries responsible for certifying medicaid managed care rates, to develop options for a waiver that would allow for the provision of behavioral health respite care services for youth enrolled in the medicaid program. In conducting this work, the authority must identify the scope and duration of services to be offered under each option and the related associated costs for implementation. The options shall be developed to ensure there would be no adverse impact on the respite waivers for children and youth in the foster care system and for children and families enrolled with the developmental disabilities administration (DDA).

(ii) $25,000 of the general fund—state appropriation for fiscal year 2022 and $25,000 of the general fund—federal appropriation are provided solely for the authority to develop an implementation plan to incorporate medical and psychiatric respite care as statewide medicaid benefits. The plan must include an analysis of the cost effectiveness of providing medical and psychiatric respite care benefits for medicaid enrollees. In developing the plan, the authority shall consult with interested stakeholders, including medicaid managed care organizations, community health centers, organizations providing respite care, and hospitals. Amounts provided in this subsection may be used for staff support and one-time contracting.

(b) The authority must submit a report to the office of financial management and the appropriate committees of the legislature identifying the options, cost estimates, and a timeline to implement the respite care services as outlined in (a)(i) and (ii) of this subsection by January 15, 2022.

(41) $156,000 of the general fund—state appropriation for fiscal year 2023 and $444,000 of the general fund—federal appropriation are provided solely for the maintenance and operation of the interoperability project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(42) Funds are provided in section 701 of this act for the replacement of the pharmacy point of sale subsystem in the ProviderOne payment system.

(43) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $3,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services.

(44) $250,000 of the general fund—state appropriation for fiscal year 2022, $250,000 of the general fund—state appropriation for fiscal year 2023, and $1,600,000 of the general fund—local

appropriation are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The state-based oral health foundation must provide a private cash match of $800,000 by August 1, 2022, and $800,000 by August 1, 2023. If the first cash match is not available, the health care authority is not required to continue the public-private partnership and the amounts provided in this subsection shall lapse. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2022.

(45) $200,000 of the general fund—state appropriation for fiscal year 2022, $200,000 of the general fund—state appropriation for fiscal year 2023, and $400,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to continue implementing chapter 293, Laws of 2020 (SHB 2905).

(46) $1,715,000 of the general fund—state appropriation for fiscal year 2022, $1,804,000 of the general fund—state appropriation for fiscal year 2023, and $6,647,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2023, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. To qualify for this rate increase, a hospital must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than 150 acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014;

(d) Be owned and operated by the state or a political subdivision; and

(e) Accept single bed certification patients pursuant to RCW 71.05.745.

(47)(a) $35,000,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the authority to distribute grants for the provision of health care services for uninsured and underinsured individuals, regardless of immigration status. Grants provided under this subsection must be used for the direct care of uninsured and underinsured individuals under 200 percent of the federal poverty level, including on-site care as well as referrals to and payment for services provided off-site, for:

(i) The testing, assessment, or treatment of the severe acute respiratory syndrome coronavirus 2 (COVID-19), including facility and provider fees;

(ii) Primary and preventive care;

(iii) Behavioral health services;

(iv) Oral health care;

(v) Assessment, treatment, and management of acute or chronic conditions, including but not limited to the cost of laboratory, prescription medications, specialty care, therapies, radiology, and other diagnostics; and

(vi) Outreach and education needed to inform patients and prospective patients that care is available free of charge.

(b) To be eligible for a grant under this subsection, a federally qualified health center, rural health clinic, free clinic, public hospital district, behavioral health provider or facility, behavioral health administrative service organization, or community-based organization must apply for a grant and agree to not:

(i) Bill individuals for any portion of the services provided that involve the use of amounts appropriated in this section; or

(ii) Use the amounts provided in this subsection for services for which other funds are available, such as federal funds from the families first coronavirus response act and the American rescue plan act.

(c) Grants provided under this subsection may be used to provide on-site care, care delivered via telehealth, and

referrals to and payments for services provided off-site. Recipients may use funds distributed in this subsection to reimburse other providers or facilities for the cost of care. Only free clinics may use grants provided under this subsection to cover general operating costs, including staffing, supplies, and equipment purchases.

(d) The agency shall employ fund allocation approaches that engage community residents, organizations, and leaders in identifying priorities and implementing projects and initiatives that reflect community values and priorities. At a minimum, this must include consultation with community health boards and organizations that advocate for access to health care for uninsured state residents.

(e) Recipients of the amounts provided in this subsection must submit reports to the authority on the use of grant funds, including data about utilization of services. The authority shall prepare and post on its website an annual report detailing the amount of funds disbursed and aggregating information submitted by recipients.

(f) The authority may retain no more than three percent of the amounts provided in this subsection for administrative costs.

(g) As used in this subsection, "free clinics" mean private, nonprofit, community, or faith-based organizations that provide medical and mental health services at little or no cost to uninsured and underinsured people through the use of volunteer health professionals, community volunteers, and partnerships with other health providers.

(48) $18,669,000 of the Indian health improvement reinvestment account—nonappropriation is provided solely for Indian health improvement advisory plan projects, programs, and activities authorized by RCW 43.71B.030.

(49) $100,000 of the general fund—state appropriation for fiscal year 2022, $100,000 of the general fund—state appropriation for fiscal year 2023, and $200,000 of the general fund—federal appropriation are provided solely for pass through funding for a citizens of the compact of free association (COFA) community member led organization through a Washington state based organization contract as outlined in RCW 43.71A.030 to provide additional supports to COFA community members statewide who are seeking access to health coverage and health care services. The amounts provided in this subsection for fiscal year 2022 must be distributed no later than October 1, 2021. The amounts provided in this subsection for fiscal year 2023 must be distributed no later than October 1, 2022.

(50) $1,857,000 of the general fund—state appropriation for fiscal year 2022, $3,714,000 of the general fund—state appropriation for fiscal year 2023, and $9,438,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective January 1, 2022, and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832, 90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in chapter 285, Laws of 2020 (EHB 2584) (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to 15 percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning January 2022, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsection (52) or (57) of this section.

(51) $296,000 of the general fund—state appropriation for fiscal year 2022 and $268,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(52) $2,233,000 of the general fund—state appropriation for fiscal year 2022, $2,977,000 of the general fund—state appropriation for fiscal year 2023, and $10,871,000 of the general fund—federal appropriation are provided solely to increase provider rates to maintain and increase access for family planning services for patients seeking services through department of health sexual and reproductive health program family planning providers. The rate increases are effective October 1, 2021, and must be applied to the following codes for eligible apple health and family planning only clients seeking services through department of health sexual and reproductive health program providers: 36415, 36416, 55250, 57170, 58340, 58600, 58605, 58611, 58615, 58670, 58671, 59840, 59841, 59850, 59851, 59852, 59855, 59856, 59857, 76817, 81025, 84702, 84703, 86631, 86632, 86901, 87110, 87270, 87320, 87490, 87491, 87590, 87591, 87624, 87625, 87800, 87810, 88141, 88142, 88143, 88147, 88148, 88150, 88152, 88153, 88164, 88165, 88166, 88167, 88174, 88175, 96372, 99071, 99201, 99202, 99203, 99204, 99211, 99212, 99213, 99214, 99384, 99385, 99386, 99394, 99395, 99396, 99401, and SO199. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Increase the family planning rates for services that are included on and reimbursed solely at the existing family planning fee schedule on a fee-for-service basis, as well as through managed care plans, by at least 162 percent above family planning fee schedule rates in effect on January 1, 2021;

(b) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2021; and

(c) Not duplicate rate increases provided in subsection (50) or (57) of this section.

(53) $123,000 of the general fund—state appropriation for fiscal year 2022, $46,000 of the general fund—state appropriation for fiscal year 2023, and $743,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute House Bill No. 1348 (incarcerated persons/medical). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(54) $1,350,000 of the general fund—state appropriation for fiscal year 2023 and $2,570,000 of the general fund—federal appropriation are provided solely for the implementation of House Bill No. 1096 (nonmedicare plans). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(55)(a) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics.

(b) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics during the fiscal year close process following generally accepted accounting practices.

(56)(a) The authority, in collaboration with the office of financial management and representatives from fiscal committees of the legislature, shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(b) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(c) The authority shall require all managed care organizations to provide information to the authority to account for all payments to federally qualified health centers to include how payments

are made, including any additional payments and whether there is a subcapitation arrangement or value-based purchasing arrangement.

(d) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with federally qualified health centers contracting under APM4.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with federally qualified health centers contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

(57) $11,166,000 of the general fund—state appropriation for fiscal year 2022, $22,332,000 of the general fund—state appropriation for fiscal year 2023, and $60,324,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid enrolled patients through increased provider rates beginning January 1, 2022. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 15 percent above medical assistance rates in effect on January 1, 2019;

(b) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(c) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(d) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2019; and

(e) Not duplicate rate increases provided in subsections (50) or (52) of this section.

(58) $654,000 of the general fund—state appropriation for fiscal year 2022, $655,000 of the general fund—state appropriation for fiscal year 2023, and $2,154,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

(59) The authority shall assess the feasibility of extending continuous eligibility for apple health-covered children ages zero through five as a school readiness component to be included in an 1115 medicaid waiver. The authority may seek foundational support for the analysis and shall provide a status update no later than September 30, 2021, to the governor and fiscal committees of the legislature prior to submission of the waiver application.

(60) $436,000 of the general fund—state appropriation for fiscal year 2022 and $492,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to partner with the department of social and health services to create surge capacity in acute care hospitals by supporting non-citizens who are both in acute care hospitals awaiting discharge and on the department of social and health services waitlist for services. The amounts provided in this subsection are for the authority to cover the cost of medical assistance for 20 new non-citizen clients.

(61) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue the University of Washington's project extension for community health care outcomes (ECHO) for:

(a) Telecommunication consultation with local physicians to discuss medications appropriate to patients who

have developmental disabilities and behavioral issues; and

(b) Training to both behavioral health and developmental disabilities professionals to support individuals with both developmental disabilities and behavioral health needs.

(62) Within the amounts provided in this section, sufficient funding is provided for the authority to implement Second Substitute House Bill No. 1325 (behavioral health/youth).

(63) Sufficient amounts are appropriated in this section for the authority to implement chapter 242, Laws of 2020, to expand eligibility in the access to baby and child dentistry program for children with disabilities under 13 years of age.

(64) Within the amounts appropriated in this section, the authority shall extend the oral health connections pilot project in Spokane, Thurston, and Cowlitz counties. The authority shall continue to work with a state-based oral health foundation to develop and implement the program. The purpose of the pilot is to test the effect that enhanced dental benefits for medicaid clients with diabetes and pregnant clients have on access to dental care, health outcomes, and medical care costs. The pilot program must continue to include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. The authority has the option of extending pilot program eligibility to dually eligible medicaid clients who are diabetic or pregnant and to pregnant medicaid clients under the age of 20. The authority has the option of adjusting the pilot program benefit design and fee schedule based on previous findings, within amounts appropriated in this section. Diabetic or pregnant medicaid clients who are receiving dental care within the pilot regions, regardless of location of the service within the pilot regions, are eligible for the increased number of periodontal treatments. The state-based oral health foundation shall continue to partner with the authority and provide wraparound services to link patients to care. The authority and foundation shall provide a joint report to the appropriate committees of the legislature on October 1, 2021, outlining the findings of the original three-year pilot program, and on December 1, 2022, outlining the progress of the extended pilot program.

(65) $1,314,000 of the general fund—state appropriation for fiscal year 2022, $1,696,000 of the general fund—state appropriation for fiscal year 2023, and $3,387,000 of the general fund—federal appropriation are provided solely for reimbursement for a social worker as part of the medical assistance home health benefit.

NEW SECTION. **Sec. 212. FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative Account—

State Appropriation	$37,412,000
TOTAL APPROPRIATION	$37,412,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings from reduced claims costs must be reserved for funding employee benefits during the 2023-2025 fiscal biennium and may not be used for administrative expenses. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless offsetting cost reductions from other benefit revisions are sufficient to fund the changes. The board shall not make any change in retiree eligibility criteria that reestablishes eligibility for enrollment in PEBB benefits.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the

following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

NEW SECTION. **Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD**

School Employees' Insurance Administrative Account—

State Appropriation $25,799,000

TOTAL APPROPRIATION $25,799,000

NEW SECTION. **Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2022) $4,831,000

General Fund—State Appropriation (FY 2023) $4,543,000

General Fund—Federal Appropriation $93,105,000

Health Benefit Exchange Account—State Appropriation $69,698,000

TOTAL APPROPRIATION $172,177,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3)(a) $146,000 of the general fund—state appropriation for fiscal year 2022 and $554,000 of the general fund—federal appropriation are provided solely for the exchange to work with the health and human services enterprise coalition to develop a report on the next steps required for information technology solutions for an integrated health and human services eligibility solution.

(b) The exchange and coalition must develop a proposal that includes, but is not limited to:

(i) A technical approach and architecture; and

(ii) A roadmap and implementation plan for modernizing and integrating the information technology eligibility and enrollment system for including, but not limited to, medicaid, basic food, child care assistance, cash assistance, and other social program benefits.

(c) The approach must outline system opportunities and improvements for both clients and caseworkers including potential long-term state strategies for an enterprise-wide eligibility solution for health and human services that:

(i) Complies with federal requirements;

(ii) Maximizes efficient use of staff time;

(iii) Supports accurate and secure client eligibility information; and

(iv) Improves the client enrollment experience.

(d) The exchange must submit the report to the governor and appropriate committees of the legislature by January 15, 2022.

(4) $1,634,000 of the health benefit exchange account—state appropriation and $592,000 of the general fund—federal appropriation are provided solely for healthplanfinder enhancement activities. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(5) $1,324,000 of the health benefit exchange account—state appropriation and $2,740,000 of the general fund—federal appropriation are provided solely for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) $250,000 of the general fund—federal appropriation (CRRSA) and $150,000 of the general fund—federal appropriation (ARPA) are provided solely for pass-through funding to one or more lead navigator organizations to promote access to health services through outreach and insurance plan enrollment assistance for employees working in a licensed child care facility.

(7)(a) $25,171,000 of the general fund—federal appropriation (CRRSA) and $15,183,000 of the general fund—federal appropriation (ARPA) are provided solely for the exchange to implement a health care insurance premium assistance program for employees who work in licensed child care facilities. The general fund—federal appropriation (CRRSA) must be expended by September 30, 2022.

(b) An individual is eligible for the child care premium assistance program for the remainder of the plan year if the individual:

(i) Is an employee working in a licensed child care facility;

(ii) Enrolls in a silver standardized health plan under RCW 43.71.095;

(iii) Prior to January 1, 2023, has income that is less than 300 percent of the federal poverty level;

(iv) After January 1, 2023, has income less than 250 percent of the federal poverty level;

(v) Applies for and accepts all federal advance premium tax credits for which he or she may be eligible before receiving any state premium assistance;

(vi) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the health care authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; and

(vii) Meets other eligibility criteria as established by the exchange.

(c) Subject to the availability of amounts provided in this subsection, the exchange shall pay the premium cost for a qualified health plan for an individual who is eligible for the child care premium assistance program under (b) of this subsection.

(d) The exchange may disqualify a participant from the program if the participant:

(i) No longer meets the eligibility criteria in (b) of this subsection;

(ii) Fails, without good cause, to comply with procedural or documentation requirements established by the exchange in accordance with (e) of this subsection;

(iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(e) The exchange shall establish:

(i) Procedural requirements for eligibility and continued participation in any premium assistance program under this section, including participant documentation requirements that are necessary to administer the program; and

(ii) Procedural requirements for facilitating payments to and from carriers.

(f) The program must be implemented no later than November 1, 2021.

(g) No later than October 1, 2022, the exchange shall submit a report to the governor and appropriate committees of the legislature on the implementation of the child care premium assistance program including, but not limited to:

(i) The number of individuals participating in the program to date; and

(ii) The actual costs of the program to date, including agency administrative costs.

(8) $136,000 of the general fund—state appropriation for fiscal year 2022, $136,000 of the general fund—state appropriation for fiscal year 2023, $254,000 of the health benefit exchange account—state appropriation, and $274,000 of the general fund—federal appropriation are provided solely for pass through funding in the annual amount of $100,000 for the lead navigator organization in the four regions with the highest concentration of COFA citizens to:

(a) Support a staff position for someone from the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and

(b) Support COFA community led outreach and enrollment activities that help COFA citizens obtain and access health and dental coverage.

(9) By July 1, 2021, the authority shall make the payments of the general fund—federal appropriation (CRRSA) and the general fund—federal appropriation (ARPA) to the exchange.

(10) $142,000 of the general fund—state appropriation for fiscal year 2022 and $538,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and section 9812 of the American rescue plan act of 2021.

NEW SECTION. **Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2022) $656,568,000

General Fund—State Appropriation (FY 2023) $714,988,000

General Fund—Federal Appropriation $2,587,633,000

General Fund—Private/Local Appropriation $37,323,000

Criminal Justice Treatment Account—State

Appropriation $21,988,000

Problem Gambling Account—State Appropriation $1,963,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $28,493,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $28,493,000

Statewide 988 Behavioral Health Crisis Response Line

Account—State Appropriation $62,805,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $31,000,000

TOTAL APPROPRIATION $4,171,254,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving

access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) $22,643,000 of the general fund—state appropriation for fiscal year 2022, $27,143,000 of the general fund—state appropriation for fiscal year 2023, and $9,073,000 of the general fund—federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) $10,424,000 of the general fund—state appropriation for fiscal year 2022, $10,424,000 of the general fund—state appropriation for fiscal year 2023, and $23,444,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (6) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) $3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(6) $95,066,000 of the general fund—state appropriation for fiscal year 2022 and $95,066,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) $72,275,000 of the general fund—state appropriation for fiscal year 2022 and $72,275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with behavioral health administrative service organizations for behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a two percent rate increase to providers receiving state funds for nonmedicaid services under this section effective July 1, 2021.

(b) $22,791,000 of the general fund—state appropriation for fiscal year 2022 and $22,791,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to medicaid enrolled individuals that are not covered under the medicaid program and for the state share of costs for exceptional medicaid behavioral health personal care services. Within the amounts provided in this subsection:

(i) Medicaid managed care organizations must provide a two percent rate increase to providers receiving state funding for nonmedicaid services under this section effective July 1, 2021.

(ii) The authority shall assure that managed care organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.

(c) The authority shall coordinate with the department of social and health services to develop and submit to the centers for medicare and medicaid services an application to provide a 1915(i) state plan home and community-based services benefit. The application shall be developed to allow for the delivery of wraparound supportive behavioral health services for individuals with mental illnesses who also have a personal care need. The waiver shall be developed to standardize coverage and administration, improve the current benefit design, and clarify roles in administration of the behavioral health personal care services benefit. By December 1, 2021, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature which provides the following:

(i) A description of the new benefit design developed for the waiver, including a description of the services to be provided and the responsibility for payment under the waiver;

(ii) Estimates of the number of individuals to be served annually under the new waiver and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services;

(iii) A comparison estimate of the number of individuals to receive behavioral health personal care services annually under the current benefit structure and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services; and

(iv) A status update on the development and submission of the waiver with an estimated timeline for approval and implementation of the new wraparound services benefit.

(7) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(8) $1,204,000 of the general fund—state appropriation for fiscal year 2022 and $1,204,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(9) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (6) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(10) $2,291,000 of the general fund—state appropriation for fiscal year 2022 and $2,291,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(11) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the

settlement agreement in *T.R. v. Dreyfus and Porter*.

(12) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative service organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(13) During the 2021-2023 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

(14) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(15) $3,500,000 of the general fund—federal appropriation is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(16) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(17) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b).

(18) $6,858,000 of the general fund—state appropriation for fiscal year 2022, $6,858,000 of the general fund—state appropriation for fiscal year 2023, and $8,046,000 of the general fund—federal appropriation are provided solely to maintain crisis triage or stabilization centers that were originally funded in the 2017-2019 fiscal biennium. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and

referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(19) $9,795,000 of the general fund—state appropriation for fiscal year 2022, $10,015,000 of the general fund—state appropriation for fiscal year 2023, and $15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to $650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(20) $23,090,000 of the general fund—state appropriation for fiscal year 2022, $23,090,000 of the general fund—state appropriation for fiscal year 2023, and $92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was initially funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding allocations and the remainder must be provided to the medicaid managed care organizations providing apple health integrated managed care. The medicaid funding is intended to maintain increased rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. For the behavioral health administrative services organizations, this funding must be allocated to each region based upon the population of the region. For managed care organizations, this funding must be provided through the behavioral health portion of the medicaid integrated managed care capitation rates. The authority must require the managed care organizations to provide a report that details the methodology the managed care organization used to distribute this funding to their contracted behavioral health providers. The report submitted by behavioral health administrative service organizations and managed care organizations must identify mechanisms employed to disperse the funding as well as estimated impacts to behavioral health providers in the community. The authority must submit a report to the legislature by December 1st of each year of the biennium, summarizing the information regarding the distribution of the funding provided under this subsection.

(21) $1,401,000 of the general fund—state appropriation for fiscal year 2022, $1,401,000 of the general fund—state appropriation for fiscal year 2023, and $3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

(22)(a) $12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and $12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

(23)(a) $1,125,000 of the general fund—state appropriation for fiscal year 2022 and $1,125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(24) $1,850,000 of the general fund—state appropriation for fiscal year 2022, $1,850,000 of the general fund—state appropriation for fiscal year 2023, and $13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(25) $1,256,000 of the general fund—state appropriation for fiscal year 2022, $1,256,000 of the general fund—state appropriation for fiscal year 2023, and $2,942,000 of the general fund—federal appropriation are provided solely for the authority to maintain an increase in the number of residential beds for pregnant and parenting women originally funded in the 2019-2021 fiscal biennium.

(26) $1,423,000 of the general fund—state appropriation for fiscal year 2022, $1,423,000 of the general fund—state appropriation for fiscal year 2023, and $5,908,000 of the general fund—federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(27) $350,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

(28) $500,000 of the general fund—state appropriation for fiscal year 2022, $500,000 of the general fund—state appropriation for fiscal year 2023, and $1,000,000 of the general fund—federal

appropriation are provided solely for the authority to maintain a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to chapter 378, Laws of 2019 (2SHB 1767).

(29) $3,396,000 of the general fund—state appropriation for fiscal year 2022, $3,396,000 of the general fund—state appropriation for fiscal year 2023, and $16,200,000 of the general fund—federal appropriation are provided solely for support of and to continue to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service by December 1, 2022.

(30) $947,000 of the general fund—state appropriation for fiscal year 2022, $947,000 of the general fund—state appropriation for fiscal year 2023, and $1,896,000 of the general fund—federal appropriation are provided solely for the authority to implement a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with chapter 360, Laws of 2019 (2SSB 5903).

(31) $708,000 of the general fund—state appropriation for fiscal year 2022, $708,000 of the general fund—state appropriation for fiscal year 2023, and $1,598,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

(32) $225,000 of the general fund—state appropriation for fiscal year 2022 and $225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue funding one pilot project in Pierce county to promote increased utilization of assisted outpatient treatment programs.

(33) $800,000 of the general fund—state appropriation for fiscal year 2022, $800,000 of the general fund—state appropriation for fiscal year 2023, and $1,452,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(34) $446,000 of the general fund—state appropriation for fiscal year 2022, $446,000 of the general fund—state appropriation for fiscal year 2023, and $178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(35) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(36) $500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and

awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2022.

(37) $9,000,000 of the criminal justice treatment account—state appropriation is provided solely for the authority to maintain funding for new therapeutic courts established during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(38) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall consider the information gained from this process and make adjustments allowable under federal law when appropriate.

(39) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs. The report shall include, but not be limited to (i) revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (ii) access to services, service denials, and utilization by state plan modality; (iii) claims denials and record of timely payment to providers; (iv) client demographics; and (v) social and recovery measures and managed care organization performance measures. The authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before July 1st of each year.

(40) $3,377,000 of the general fund—state appropriation for fiscal year 2022 and $3,377,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement two pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by

December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

(41)(a) $100,000 of the general fund—federal appropriation is provided for the authority to convene a task force to examine impacts and changes proposed to the use of criminal background checks in employment in behavioral health settings, with the goal of reducing barriers to developing and retaining a robust behavioral health workforce, while maintaining patient safety measures. The task force membership must include representatives from:

(i) The office of the attorney general;

(ii) The department of health;

(iii) The department of social and health services;

(iv) The office of the governor; and

(v) Others appointed by the authority, including behavioral health employers and those with lived experience.

(b) The task force shall consider any relevant information and recommendations made available by the work group created under Substitute House Bill No. 1411 (health care workforce).

(c) By December 1, 2021, the authority must submit a report of the task force's recommendations to the governor and the appropriate committees of the legislature.

(42) $11,042,000 of the general fund—state appropriation for fiscal year 2022, $5,561,000 of the general fund—state appropriation for fiscal year 2023, and $35,415,000 of the general fund—federal appropriation (CRSSA) are provided solely to promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) $11,170,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of $9,070,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) $2,407,000 of the general fund state—appropriation for fiscal year 2022, $561,000 of the general fund—state appropriation for fiscal year 2023, and $3,245,000 of the general fund—federal appropriation (CRSSA) are provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as

homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) $1,535,000 of the general fund—state appropriation for fiscal year 2022 and $10,417,000 of the general fund—federal appropriation (CRSSA) are provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(d) $1,100,000 of the general fund—state appropriation for fiscal year 2022 and $1,750,000 of the general fund—federal appropriation (CRSSA) are provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations, tribal opioid prevention media campaigns, and support for government to government communication, planning, and implementation of opioid use disorder related projects.

(e) $1,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a public awareness campaign to educate youth and young adults with opioid use disorders about harm reduction, secondary prevention, overdose awareness, fentanyl, and naloxone.

(f) $7,083,000 of the general fund—federal appropriation (CRSSA) is provided solely for community services grants that support the implementation and evaluation of substance use disorder prevention services.

(g) Up to $1,750,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection (42).

(h) $5,000,000 of the general fund—state appropriation for fiscal year 2022 and $5,000,000 of the general fund—state appropriation for fiscal year 2023 may be used to increase the funding available for (a) through (c) of this subsection. The authority shall consider other state and federal funding streams available for these purposes and prioritize the amount in this subsection to address gaps in the array of outreach, treatment, and recovery support services.

(43) $3,109,000 of the general fund—state appropriation for fiscal year 2022 and $3,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget broken out by region, treatment need, and the demographics of those served during the prior fiscal year.

(44) Within the amounts provided in this section, sufficient funding is provided for the authority to implement Second Substitute House Bill No. 1325 (behavioral health/youth).

(45) $19,222,000 of the general fund—federal appropriation (CRSSA) is provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) $7,303,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of $6,150,000 of this amount must

be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) $6,344,000 of the general fund—federal appropriation (CRSSA) is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) $961,000 of the general fund—federal appropriation (CRSSA) is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) $1,346,000 of the general fund—federal appropriation (CRSSA) is provided solely to enhance crisis services and may be used for crisis respite care.

(e) $2,307,000 of the general fund—federal appropriation (CRSSA) is provided solely for the expansion of first episode psychosis programs.

(f) Up to $961,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection.

(46) The authority must pursue opportunities for shifting state costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, which identifies any activities the authority has implemented or identified to shift state costs to the unused federal funds and an analysis of the fiscal impacts for these activities and options.

(47) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement one-time behavioral health workforce pilot programs and training support grants pursuant to Engrossed Second Substitute House Bill No. 1504 (workforce education development act). Of these amounts, $440,000 of the general fund—state appropriation for fiscal year 2022 and $440,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the three behavioral health workforce pilot programs and $60,000 of the general fund—state appropriation for fiscal year 2022 and $60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for training support grants. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(48) $2,500,000 of the general fund—state appropriation for fiscal year 2022 and $2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the allocation of the fiscal year 2021 funding within this subsection. The authority must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, on the allocation of the fiscal year 2022 funding and the expenditures and number of individuals served in fiscal year 2021 by location.

(49) $500,000 of the general fund—federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

(50) $1,800,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to continue and enhance its efforts related to training and workforce development. The behavioral health institute shall develop and disseminate

model programs and curricula to address the treatment needs of individuals with substance use disorders and cooccurring disorders. The behavioral health institute shall provide consultation and training to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. Training for providers may include technical assistance related to payment models, integration of peers, team-based care, utilization reviews, care transitions, and the infusion of recovery and resiliency into programming and culture. Additionally, the behavioral health institute shall provide continued access to telehealth training and support, including innovative digital health content. The behavioral health institute shall evaluate behavioral health inequities in Washington and create a center of excellence to address behavioral health inequity, including the need for a more diverse workforce. The behavioral health institute shall offer an annual conference on race, equity, and social justice and create a learning management system to provide access to training for publicly funded behavioral health providers across a range of topics. Specific curricula to be developed within the amounts provided in this subsection must include:

(a) A training for law enforcement officers focused on understanding substance use disorder and the recovery process and options and procedures for diversion from the criminal legal system for individuals with substance use disorder, to be developed in consultation with the criminal justice training commission; and

(b) A curriculum for correctional officers and community corrections officers focused on motivational interviewing, recovery coaching, and trauma informed care, developed in consultation with the department of corrections.

(51) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the north sound behavioral health administrative services organization to provide trauma-informed counseling services to children and youth in Whatcom county schools. The services must be provided by licensed behavioral health professionals who have training in the provision of trauma-informed care. The behavioral health administrative services organization must request, from the office of the superintendent of public instruction, a listing of the Whatcom county schools that are eligible for high-poverty allocations from the learning assistance program and prioritize services in these schools.

(52) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided on a one-time basis solely for the authority to contract with the north sound behavioral health administrative services organization to establish the Whatcom county crisis stabilization center as a pilot project for diversion from the criminal justice system to appropriate community based treatment. The pilot shall allow for police officers to place involuntary holds for up to 12 hours for persons placed at the facility in accordance with RCW 10.31.110. The amounts provided must be used to pay for the cost of services at the site not covered under the medicaid program. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, including the following information:

(a) The total number of individuals served in the crisis stabilization center broken out by those served on a voluntary basis versus those served under involuntary treatment holds placed pursuant to RCW 10.31.110;

(b) A summary of the outcomes for each of the groups identified in (a) of this subsection; and

(c) Identification of methods to incentivize or require managed care organizations to implement payment models for crisis stabilization providers that recognize the need for the facilities to operate at full staffing regardless of fluctuations in daily census.

(53) $1,125,000 of the general fund—state appropriation for fiscal year 2022 and $1,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the King county behavioral health administrative services organization to maintain children's crisis outreach response system services

that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the status of these efforts and the associated savings in state funds.

(54) $200,000 of the general fund—federal appropriation is provided solely for the authority to contract with an organization to assist with the recruitment of individuals to work as behavioral health peers with a specific focus on black, indigenous, and people of color communities. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2021, and a final report including identification of the number and demographics of individuals recruited into behavioral health peer positions by December 1, 2022.

(55) $250,000 of the general fund—federal appropriation is provided solely for the authority to provide crisis response training to behavioral health peer specialists. The authority must use these amounts to contract for the development of a specialized 40 hour crisis response training curriculum for behavioral health peer specialists and to conduct a minimum of one statewide training session during fiscal year 2022 and one statewide training session during fiscal year 2023. The training shall focus on preparing behavioral health peer specialists to work with individuals in crisis, including providing peer services in emergency departments, as coresponders with law enforcement, and as part of mobile crisis teams. The training sessions must be offered free of charge to the participants and may be offered either virtually or in person as determined by the authority. By December 1, 2022, the authority must submit a report to the office of financial management and the appropriate committees of the legislature on the peer crisis response curriculum and the number of individuals that received training.

(56) $500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington alcohol and drug abuse institute to develop policy solutions in response to the public health challenges of high tetrahydrocannabinol potency cannabis. The institute must use this funding to: Conduct individual interviews with stakeholders and experts representing different perspectives, facilitate joint meetings with stakeholders to identify areas of common ground and consensus, and develop recommendations for state policies related to cannabis potency and mitigating detrimental health impacts. The authority must submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) An initial report must be submitted by December 31, 2021, and shall summarize progress made to date, preliminary policy recommendations, and next steps; and

(b) A final report must be submitted by December 31, 2022, and shall summarize the analysis conducted by the institute, the process and stakeholders involved, an inventory of relevant cannabis policies in other states, and recommendations for policy changes to reduce the negative impacts of high potency cannabis in Washington state.

(57) $8,197,000 of the general fund—state appropriation for fiscal year 2022, $8,819,000 of the general fund—state appropriation for fiscal year 2023, and $38,025,000 of the general fund—federal appropriation are provided solely to continue in the 2021-2023 fiscal biennium the two percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations that was provided in April 2021. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a two percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers receiving payment for services under this

section contracted through the medicaid managed care organizations.

(58) $114,000 of the general fund—state appropriation for fiscal year 2022, $114,000 of the general fund—state appropriation for fiscal year 2023, and $228,000 of the general fund—federal appropriation are provided solely to increase rates for community children's long-term inpatient program providers by two percent effective July 1, 2021.

(59) $117,000 of the general fund—state appropriation for fiscal year 2022, $117,000 of the general fund—state appropriation for fiscal year 2023, and $168,000 of the general fund—federal appropriation are provided solely to increase rates for parent child assistance program providers by two percent effective July 1, 2021.

(60) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—federal appropriation are provided solely to support actuarial work required for the authority to develop behavioral health comparison rates.

(61) $205,000 of the general fund—state appropriation for fiscal year 2022 and $205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the Washington state behavioral health institute to engage consumers, the University of Washington evidence based practice institute, and other stakeholders to review current and emerging data and research and make recommendations regarding best practices for virtual behavioral health services to children from prenatal stages through age 25. This work shall focus on the development of services and supports that deliver clinically-effective outcomes for children and families and identify safeguards for "in-person," "audio-video," and "audio only" modes. The review conducted by the institute shall include the collection and analysis of data about clinical efficacy of behavioral health services and supports through virtual modes and methods for determining and maximizing the health benefits of the different modes. The authority shall submit data required for this research to the behavioral health institute in accordance with federal and state laws regarding client protected information. The department shall submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) A preliminary report on the 2022 workplan by December 31, 2021;

(b) An initial report with recommendations for standards of care and best practices for behavioral health services by June 30, 2022; and

(c) A final report with additional refined recommendations and a research agenda and proposed budget for fiscal year 2024 and beyond by December 31, 2022.

(62) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(63) $150,000 of the general fund—federal appropriation is provided solely for training of behavioral health consumer advocates. Beginning in July 2022, the authority must enter into a memorandum of understanding with the department of commerce to provide support for training of behavioral health consumer advocates pursuant to Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(64) $5,000,000 of the general fund—federal appropriation is provided solely for the authority to maintain funding for grants to law enforcement assisted diversion programs outside of King county established pursuant to chapter 314, Laws of 2019 (SSB 5380). By December 1, 2023, the authority, in coordination with the law enforcement assisted diversion national support bureau, must collect information and submit a report to the office of financial management and the appropriate committees of the legislature on the grant program including a description of the program model or models used and the number, demographic information, and measurable outcomes of the individuals served with the funding provided under this subsection.

(65) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to

contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by the contracted program shall include education, support, and assistance to reduce isolation and help consumers and families understand the services available in their communities.

(66) $12,503,000 of the general fund—federal appropriation (medicaid), $300,000 of the general fund—federal appropriation, (ARPA/CSRF) and $62,805,000 of the statewide 988 behavioral health crisis response line account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1477 (national 988 system). The authority must coordinate with the department of health in the implementation of this funding. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse. These amounts must be used in accordance with the following requirements:

(a) $11,000,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for the authority to develop a new technologically advanced behavioral health crisis call center system.

(b) $22,087,000 of the statewide 988 behavioral health crisis response line account—state appropriation and $2,897,000 of the general fund—federal appropriation is provided solely for the authority to assist providers to develop the capacity to submit data to and receive data from the new technologically advanced behavioral health crisis call center system.

(c) $899,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for the increased costs of routing calls to Washington state call centers.

(d) $28,819,000 of the statewide 988 behavioral health crisis response line account—state appropriation and $9,606,000 of the general fund—federal appropriation (medicaid) is provided solely for increasing local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(i) In prioritizing this funding, the health care authority shall assure that a minimum of six new children and youth mobile crisis teams are created and that there is one children and youth mobile crisis team in each region by the end of fiscal year 2022.

(ii) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

(e) $300,000 of the general fund—federal appropriation (ARPA/CSRF) is provided solely for the authority to develop a state plan amendment or section 1115, 1915(b), or 1915(c) waiver request (or an amendment to such a waiver), to provide qualifying community-based mobile crisis intervention services as defined in section 1947 of the American rescue plan act of 2021.

(67) $42,987,000 of the general fund—state appropriation for fiscal year 2022, $57,253,000 of the general fund—state appropriation for fiscal year 2023, and $80,040,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2022 and fiscal year 2023 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at $940 plus adjustments that may be needed to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or

(ii) The annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall increase the fiscal year 2021 rate by three percent each year of the biennium.

(f) The legislature intends to recognize the additional costs associated with student teaching related to long-term civil commitment patients to be provided in a new teaching hospital expected to open during the 2023-2025 fiscal biennium.

(g) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations, and community providers, must develop and implement a plan to continue the expansion of civil community long-term inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2021, and submit a status update on

the implementation plan by October 15, 2022.

(68)(a) $31,000,000 of the general fund—federal appropriation (CSFRF) is provided on a one-time basis solely for the authority to provide assistance payments to behavioral health providers serving medicaid and state-funded clients. In prioritizing the allocation of this funding, the authority must take the following into account:

(i) The differential impact the pandemic has had on different types of providers;

(ii) Other state and federal relief funds providers have received or are eligible to apply for; and

(iii) Equitable distribution of assistance including consideration of geographic location and providers serving members of historically disadvantaged communities.

(b) To be eligible for assistance, the behavioral health providers must:

(i) Have experienced lost revenue or increased expenses that are a result of the COVID-19 public health emergency;

(ii) Self-attest that the lost revenue or expenses are not funded by any other government or private entity;

(iii) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(iv) Agree to comply with federal guidance on the use of coronavirus state and local fiscal recovery funds.

(c) Provider assistance is subject to the availability of amounts provided in this subsection.

(69)(a) $375,000 of the general fund—state appropriation for fiscal year 2021 and $375,000 of the general fund—state appropriation for fiscal year 2022 are provided solely for a one-time grant to Island county to fund a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

(i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;

(ii) School based behavioral health education, assessment, and brief treatment;

(iii) Screening and referral of children and youth to long-term treatment services;

(iv) Behavioral health supports provided by community agencies serving youth year-round;

(v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;

(vi) Peer support services; and

(vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit the following reports to the legislature:

(i) By December 1, 2022, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2022; and

(ii) By December 1, 2023, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2023.

(70) State general fund appropriations in this section and in sections 219 and 221 of this act are made to address the harms caused to the state and its citizens by the opioid epidemic, and these include appropriations of $13,466,000 attributable to the settlement in *State v. McKinsey & Co., Inc.*

NEW SECTION. **Sec. 216. FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2022) $3,154,000

General Fund—State Appropriation (FY 2023) $3,152,000

General Fund—Federal Appropriation $2,634,000

TOTAL APPROPRIATION $8,940,000

The appropriations in this section are subject to the following conditions and limitations: $219,000 of the general fund—state appropriation for fiscal year 2022 and $207,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1076 (workplace violations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State

Appropriation $10,000

Accident Account—State Appropriation $24,582,000

Medical Aid Account—State Appropriation $24,579,000

TOTAL APPROPRIATION $49,171,000

The appropriations in this section are subject to the following conditions and limitations: $12,000 of the accident account—state appropriation and $10,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (worker safety pandemic response). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2022) $33,415,000

General Fund—State Appropriation (FY 2023) $32,828,000

General Fund—Private/Local Appropriation $5,961,000

Death Investigations Account—State Appropriation $1,216,000

Municipal Criminal Justice Assistance Account—State Appropriation $460,000

Washington Auto Theft Prevention Authority Account—

State Appropriation $7,167,000

24/7 Sobriety Account—State Appropriation $20,000

TOTAL APPROPRIATION $81,067,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $5,000,000 of the general fund—state appropriation for fiscal year 2022 and $5,000,000 of the general fund—state appropriation for fiscal year 2023, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) $1,504,000 of the general fund—state appropriation for fiscal year 2022 and $1,513,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for 75 percent of the costs of providing five additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) $1,179,000 of the general fund—state appropriation for fiscal year 2022 and $1,179,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) $5,000,000 of the general fund—state appropriation for fiscal year 2022 and $5,000,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute $7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services*, et. al., U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) $450,000 of the general fund—state appropriation for fiscal year 2022 and $449,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services*, et. al., U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) $1,216,000 of the death investigations account—state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) $13,000 of the general fund—state appropriation for fiscal year 2022, $26,000 of the general fund—state appropriation for fiscal year 2023, and $12,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9)(a) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement chapter 378, Laws of 2019 (alternatives to arrest/jail).

(b) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for evaluation of grant-funded programs under chapter 378, Laws of 2019 (alternatives to arrest/jail).

(10) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2022, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(11) $307,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for chapter 294, Laws of 2020 (critical stress management programs).

(12) $727,000 of the general fund—state appropriation for fiscal year 2022, $727,000 of the general fund—state appropriation for fiscal year 2023, and $248,000 of the general fund—local appropriation are provided solely for chapter 119, Laws of 2020 (correctional officer certification).

(13) $353,000 of the general fund—state appropriation for fiscal year 2022 and $356,000 of the general fund—state appropriation for fiscal year 2023 are provided to the Washington association of sheriffs and police chiefs solely for grants to law enforcement agencies to support equipment purchase and video storage costs for body camera programs.

(14) $406,000 of the general fund—state appropriation for fiscal year 2022 and $408,000 of the general fund—state appropriation for fiscal year 2023 are

provided to the Washington association of sheriffs and police chiefs solely to establish a behavioral health support and suicide prevention program for law enforcement officers. The program will begin with grants to three pilot locations and will leverage access to mental health professionals, critical stress management, and resiliency training.

(15) $374,000 of the general fund—state appropriation for fiscal year 2022 and $296,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (office of independent investigations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(16) $31,000 of the general fund—state appropriation for fiscal year 2022 and $31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1088 (impeachment disclosures). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(17) $269,000 of the general fund—state appropriation for fiscal year 2022 and $261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1001 (law enforcement professional development). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(18) $25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(19) $40,000 of the general fund—state appropriation for fiscal year 2022 and $40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(20) $25,000 of the general fund—state appropriation for fiscal year 2022 and $25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(21) $20,000 of the general fund—state appropriation for fiscal year 2022 and $20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a helmet distribution program in order to reduce traumatic brain injuries throughout the state. Of these amounts:

(a) $10,000 of the general fund—state appropriation for fiscal year 2022 and $10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Washington fire chiefs association to provide helmets to persons contacted by an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle; and

(b) $10,000 of the general fund—state appropriation for fiscal year 2022 and $10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies to provide helmets to persons contacted by an official of a local law enforcement agency for not wearing a helmet while riding a skateboard or bicycle.

NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2022) $12,897,000

General Fund—State Appropriation (FY 2023) $14,028,000

General Fund—Federal Appropriation $11,876,000

Asbestos Account—State Appropriation $588,000

Electrical License Account—State Appropriation $57,887,000

Farm Labor Contractor Account—State Appropriation $28,000

Worker and Community Right to Know Fund—State

Appropriation $1,035,000

Construction Registration Inspection Account—State

Appropriation $29,492,000

Public Works Administration Account—State

Appropriation $9,966,000

Manufactured Home Installation Training Account—

State Appropriation $412,000

Accident Account—State Appropriation $389,572,000

Accident Account—Federal Appropriation $16,059,000

Medical Aid Account—State Appropriation $388,628,000

Medical Aid Account—Federal Appropriation $3,614,000

Plumbing Certificate Account—State Appropriation $3,398,000

Pressure Systems Safety Account—State Appropriation $4,673,000

TOTAL APPROPRIATION $944,153,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $22,012,000 of the accident account—state appropriation and $22,012,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(2) $250,000 of the medical aid account—state appropriation and $250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2022 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) $258,000 of the accident account—state appropriation and $258,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2021, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4)(a) $2,000,000 of the general fund—state appropriation for fiscal year 2022 and $2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(5) $298,000 of the accident account—state appropriation and $53,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (increasing worker protections). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(6) $3,632,000 of the accident account—state appropriation and $876,000 of the medical aid account—state appropriation are provided solely for the creation of an agriculture compliance unit within the division of occupational safety and health. The compliance unit will perform compliance inspections and provide bilingual outreach to agricultural workers and employers.

(7) $2,849,000 of the construction registration inspection account—state appropriation, $152,000 of the accident account—state appropriation, and $31,000 of the medical aid account—state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(8) $4,380,000 of the medical aid account—state appropriation is provided solely for the implementation of the provider credentialing system project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) $530,000 of the accident account—state appropriation and $94,000 of the medical aid account—state appropriation are provided solely for the department to conduct infectious disease rule making to ensure the state has general guidelines to follow in the case of an infectious disease outbreak and to provide education and outreach.

(10) $334,000 of the accident account—state appropriation and $60,000 of the medical aid account—state appropriation are provided for the maintenance and operating costs of the isolated worker protection information technology project.

(11) $240,000 of the general fund—state appropriation for fiscal year 2022 and $240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide staff support to the aerospace workforce council.

(12) $1,360,000 of the accident account—state appropriation and $240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries, in coordination with the Washington state apprenticeship training council, to establish behavioral health apprenticeship programs. The behavioral health apprenticeship programs shall be administered by the Washington state apprenticeship training council. The amounts provided in this subsection must be used to compensate behavioral health providers for the incurred operating costs associated with the apprenticeship program, including apprentice compensation, staff support and supervision of apprentices, development of on-the-job training catalogs for apprentices, and provider incentives for implementing a behavioral health apprenticeship program. In awarding this funding, special preference must be given to small or rural behavioral health providers and those that serve higher percentages of individuals from black, indigenous, and people of color communities.

(13) $1,626,000 of the accident account—state appropriation and $288,000 of the medical aid account—state appropriation are provided solely for the purpose of providing a temporary 7.5 percent increase to the base rate of pay for the compliance field positions in the following job classifications: Safety and health specialist 3, safety and health specialist 4, industrial hygienist 3, and industrial hygienist 4, who are responsible for inspections, investigations, and enforcement related to the COVID-19 pandemic, not including consultation staff within these classifications. The increase shall be effective July 1, 2021, until June 30, 2023. Expenditure of the amount provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this subsection.

(14) $390,000 of the public works administration account—state appropriation, $4,115,000 of the accident account—state appropriation, and $1,930,000 of the medical aid account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1076 (workplace violations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) $65,000 of the accident account—state appropriation and $66,000 of the medical aid account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund—State Appropriation (FY 2022) $3,744,000

General Fund—State Appropriation (FY 2023) $3,767,000

Charitable, Educational, Penal, and Reformatory

Institutions Account—State Appropriation $10,000

TOTAL APPROPRIATION $7,521,000

(2) FIELD SERVICES

General Fund—State Appropriation (FY 2022) $7,785,000

General Fund—State Appropriation (FY 2023) $7,797,000

General Fund—Federal Appropriation $4,412,000

General Fund—Private/Local Appropriation $4,959,000

Veteran Estate Management Account—Private/Local

Appropriation $717,000

TOTAL APPROPRIATION $25,670,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $449,000 of the general fund—state appropriation for fiscal year 2022 and $449,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for supporting the statewide plan to reduce suicide among service members, veterans, and their families. By December 31, 2021, the department must report to the legislature regarding progress on the priority areas identified in the Washington state service member, veteran, and family suicide prevention strategic plan 2021-2023.

(b) $233,000 of the general fund—state appropriation for fiscal year 2022 and $233,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the traumatic brain injury program to reduce homelessness, domestic violence, and intimate partner violence impacts to the behavioral health system and justice system.

(c) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two veterans service officers, one located in eastern Washington and one located in western Washington.

(d) $234,000 of the general fund—state appropriation for fiscal year 2022 and $222,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Substitute House Bill No. 1218 (long-term care residents). If the bill is not enacted by

June 30, 2021, the amounts provided in this subsection shall lapse.

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022) $12,423,000

General Fund—State Appropriation (FY 2023) $12,230,000

General Fund—Federal Appropriation $107,723,000

General Fund—Private/Local Appropriation $21,767,000

TOTAL APPROPRIATION $154,143,000

(4) CEMETERY SERVICES

General Fund—State Appropriation (FY 2022) $96,000

General Fund—State Appropriation (FY 2023) $96,000

General Fund—Federal Appropriation $710,000

TOTAL APPROPRIATION $902,000

NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2022) $99,697,000

General Fund—State Appropriation (FY 2023) $94,287,000

General Fund—Federal Appropriation $573,254,000

General Fund—Private/Local Appropriation $235,421,000

Hospital Data Collection Account—State Appropriation $556,000

Health Professions Account—State Appropriation $147,921,000

Aquatic Lands Enhancement Account—State

Appropriation $635,000

Emergency Medical Services and Trauma Care Systems

Trust Account—State Appropriation $10,079,000

Safe Drinking Water Account—State Appropriation $6,070,000

Drinking Water Assistance Account—Federal

Appropriation $17,040,000

Waterworks Operator Certification Account—State

Appropriation $1,994,000

Drinking Water Assistance Administrative Account—

State Appropriation $1,619,000

Site Closure Account—State Appropriation $184,000

Biotoxin Account—State Appropriation $1,702,000

Model Toxics Control Operating Account—State

Appropriation $4,858,000

Medical Test Site Licensure Account—State

Appropriation $3,236,000

Secure Drug Take-Back Program Account—State

Appropriation $299,000

Youth Tobacco and Vapor Products Prevention Account—

State Appropriation $3,231,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $10,634,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $10,593,000

Public Health Supplemental Account—Private/Local

Appropriation $3,665,000

Accident Account—State Appropriation $359,000

Medical Aid Account—State Appropriation $55,000

Statewide 988 Behavioral Health Crisis Response Line

Account—State Appropriation $14,255,000

TOTAL APPROPRIATION $1,241,644,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys

unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2021-2023 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to $25 annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2022 and 2023 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2022 and 2023 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions,

limitations, and review provided in section 701 of this act.

(7) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(8) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(9) $26,855,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(10) $1,956,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Engrossed Second Substitute House Bill No. 1152 (comprehensive public health districts). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(11) $14,255,000 of the statewide 988 behavioral health crisis response—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1477 (national 988 system). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(12) $55,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1141 (death w/dignity act access). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(13) $34,000 of the general fund—state appropriation for fiscal year 2022 and $58,000 of the general fund—local appropriation are provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) $832,000 of the general fund—local appropriation and $554,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) $21,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1063 (behav. health credentials). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(16) $363,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(17) $97,000 of the general fund—local appropriation is provided solely for implementation of House Bill No. 1031 (birth cert., stillbirth). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(18) $200,000 of the general fund—state appropriation for fiscal year 2022 and $98,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(19) $17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1007 (supervised exp./distance). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(20) $17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1124 (nurse delegation/glucose). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(21) $25,000 of the general fund—state appropriation for fiscal year 2022 and $25,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1099 (comprehensive planning). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(22) $596,000 of the general fund—state appropriation for fiscal year 2022, $58,000 of the general fund—state appropriation for fiscal year 2023, and $64,000 of the hospital data collection account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(23) $71,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1129 (international medical grads). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(24) $1,329,000 of the general fund—state appropriation for fiscal year 2022 and $1,593,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (lead in drinking water). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(25) $552,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1120 (long-term services/emergency). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(26) $638,000 of the general fund—state appropriation for fiscal year 2022 and $720,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1258 (microenterprise home kitchen). Of the amounts provided in this subsection, funding is provided for local health jurisdictions. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(27) $41,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and $7,000 of the general fund—local appropriation are provided solely for implementation of Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(28) $40,000 of the general fund—state appropriation for fiscal year 2022 and $43,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1074 (fatality reviews). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(29) $17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1383 (respiratory care). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(30) $92,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water standards). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(31) $410,000 of the general fund—state appropriation for fiscal year 2022 and $560,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1508 (shellfish sanitary control). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(32) $516,000 of the general fund—state appropriation for fiscal year 2022 and $1,873,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1225 (school-based health centers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(33) $301,000 of the secure drug take-back program account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1161 (drug take-back programs). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(34) $22,000 of the general fund—state appropriation for fiscal year 2022 and $78,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for implementation of Engrossed House Bill No. 1311 (SUD apprenticeships/certs). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(35) $17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of House Bill No. 1378 (medical assistants). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(36) $550,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for one-time grants to family planning clinics that: Are at risk of imminent closure, did not receive a paycheck protection program loan, and are ineligible for funding through the coronavirus aid, relief, and economic security (CARES) act or the coronavirus response and relief supplemental appropriations act of 2021.

(37) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the collaboration between the local public health jurisdiction, related accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from the first three years of the project, planning to align care coordination efforts across health care systems and support the related accountable communities of health initiatives, including innovative, collaborative models of care. Strategies to reduce costly hospitalizations include the following: (a) Working with partners to prevent chronic disease; (b) improving heart failure rates; (c) incorporating community health workers as part of the health care team and improving care coordination; (d) supporting the COVID-19 response with improved access to immunizations; and (e) the use of community health workers to provide necessary resources to prevent hospitalization of people who are in isolation and quarantine.

(38) Within amounts appropriated in this section from the health professions account, the Washington nursing commission and the Washington medical commission shall each contract with the state auditor's office to conduct a performance audit, specifically addressing the length of time required to license individuals who come from other states. The audit should address the obstacles contributing to any delay and recommendations for improvement.

(39) Within amounts appropriated in this section, the Washington nursing commission must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.

(40) Within amounts appropriated in this section, the department must develop guidelines for local health jurisdictions when issuing local health orders regarding the need for noncongregate sheltering during the COVID-19 public health emergency. For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy such as hotels, motels, or dormitories.

(41) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish language public radio media campaign aimed at providing education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach residents considered "essential workers," including but not limited to farmworkers, and provide information on best practices for limiting exposure, preventing transmission, and seeking treatment for COVID-19. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2021. A final report to the legislature must be submitted no later than June 30, 2023. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.

(42) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.

(43) $400,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2022. A final report must be submitted to the legislature no later than June 30, 2023. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF CORRECTIONS**

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2022) $78,605,000

General Fund—State Appropriation (FY 2023) $79,230,000

General Fund—Federal Appropriation $400,000

TOTAL APPROPRIATION $158,235,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $1,135,000 of the general fund—state appropriation for fiscal year 2022 and $1,731,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of reentry supports and transition services for incarcerated individuals including development and implementation of a coaching model approach to supervision.

(b) Within the amounts provided in (a) of this subsection, $100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to develop an implementation plan for a community supervision coaching model to begin in fiscal year 2023. The department must solicit input from incarcerated individuals, family members of incarcerated individuals, experts in supervision and reentry, community stakeholder and advocacy groups, and impacted labor organizations. The plan shall propose appropriate policies and procedures for the coaching model, including ongoing training and organizational culture assessments. During development of the plan, the department must consider potential inequities that may arise from any changes or additional requirements of supervision resulting from the model and mitigate those concerns to the greatest extent possible in its final plan. This plan must be submitted to the office of financial management prior to implementation.

(c) Within the amounts provided in (a) of this subsection, $706,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under (b) of this subsection.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2022) $632,041,000

General Fund—State Appropriation (FY 2023) $638,943,000

General Fund—Federal Appropriation $1,300,000

Washington Auto Theft Prevention Authority Account—

State Appropriation $4,333,000

TOTAL APPROPRIATION $1,276,617,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than $85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) $501,000 of the general fund—state appropriation for fiscal year 2022 and $501,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2022) $254,646,000

General Fund—State Appropriation (FY 2023) $266,831,000

TOTAL APPROPRIATION $521,477,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) $7,394,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under subsection (1)(b) of this section.

(d) $450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for conducting a community corrections caseload study. The department of corrections shall contract with an independent third party to provide a comprehensive review of the community corrections staffing model and develop an updated staffing model for use by the department of corrections. The updated model must include additional time and flexibility for community corrections officers to focus on case management, engagement, and interventions. The department of corrections shall submit a report, including a summary of the review and update, to the governor and appropriate committees of the legislature by July 1, 2022.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2022) $7,382,000

General Fund—State Appropriation (FY 2023) $7,449,000

TOTAL APPROPRIATION $14,831,000

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2022) $46,380,000

General Fund—State Appropriation (FY 2023) $46,567,000

TOTAL APPROPRIATION $92,947,000

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2022) $74,474,000

General Fund—State Appropriation (FY 2023) $74,261,000

TOTAL APPROPRIATION $148,735,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody. The department of corrections must complete a report and submit its findings and recommendations to the appropriate committees of the legislature by December 15, 2021.

(c) $3,300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for staffing and to provide release assistance, including limited housing and food assistance, and other costs associated with individuals ordered released from confinement as a result of the *State v. Blake* decision.

(d) $958,000 of the general fund—state appropriation for fiscal year 2022 and $538,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1044 (postsecondary education and internet). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(e) $39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2022) $183,690,000

General Fund—State Appropriation (FY 2023) $186,103,000

General Fund—Federal Appropriation $1,400,000

TOTAL APPROPRIATION $371,193,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2022) $3,815,000

General Fund—State Appropriation (FY 2023) $3,735,000

General Fund—Federal Appropriation $25,456,000

General Fund—Private/Local Appropriation $60,000

TOTAL APPROPRIATION $33,066,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) $50,000 of the general fund—state appropriation for fiscal year 2022 is

provided solely for the department to consult with a food service architect to determine the feasibility and cost of remodels to select cafes owned by entrepreneurs participating in the business enterprise program, and to prepare a report that includes the results, recommendations, cost, and potential funding sources that could be used to assist with remodels. The report is due to the governor and appropriate legislative committees by November 1, 2021.

(2) $70,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide individualized training to its blind, visually-impaired, deaf, and hearing-impaired staff in Microsoft 365 programs.

NEW SECTION. **Sec. 224. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2022) $960,000

General Fund—State Appropriation (FY 2023) $960,000

General Fund—Federal Appropriation $401,241,000

General Fund—Private/Local Appropriation $36,546,000

Unemployment Compensation Administration Account—

Federal Appropriation $419,302,000

Administrative Contingency Account—State

Appropriation $26,361,000

Employment Service Administrative Account—State

Appropriation $61,652,000

Family and Medical Leave Insurance Account—State

Appropriation $140,263,000

Workforce Education Investment Account—State

Appropriation $7,894,000

Long-Term Services and Supports Trust Account—State

Appropriation $30,458,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $204,722,000

Unemployment Insurance Relief Account—State

Appropriation $600,000,000

TOTAL APPROPRIATION $1,930,359,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) $30,458,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of the long-term services and support trust program. Of this amount, $10,932,833 is provided for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2021, and annually thereafter.

(4) $101,000 of the employment service administrative account—state appropriation is provided solely for information technology enhancements necessary for implementation of job title reporting and is subject to the conditions, limitations, and review provided in section 701 of this act.

(5)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program

web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2021, and each year thereafter, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(6) Within existing resources, the department shall report the following to the legislature and the governor by September 30, 2021, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years; and

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(7) $3,264,000 of the employment services administrative account—state appropriation is provided solely for the continuation of the office of agricultural and seasonal workforce services.

(8) $476,000 of the unemployment compensation administration account—federal appropriation is provided for the department to implement chapter 2, Laws of 2021 (unemployment insurance). If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection.

(9) $875,000 of the general fund—state appropriation for fiscal year 2022, $875,000 of the general fund—state appropriation for fiscal year 2023, and $7,885,000 of the workforce education investment account—state appropriation are provided solely for career connected learning grants as provided in RCW 28C.30.050.

(10) $1,222,000 of the employment services administrative account—state appropriation and $1,500,000 of the family and medical leave insurance account—state appropriation is provided solely for the maintenance and operation of the disaster recovery continuity of operations information technology project.

(11)(a) $80,000 of the employment services administrative account—state appropriation is provided solely for the department to conduct a study, jointly with the department of social and health services, the department of labor and industries, the department of commerce, and the office of the governor, on the feasibility of replicating the unemployment insurance program for and expanding other social net programs to individuals regardless of their citizenship status.

(b) In conducting the study required under this section, the department shall meet at least three times with a group of no more than 10 stakeholders comprised of representatives from geographically diverse immigrant advocacy groups, labor organizations with a statewide presence, workers' rights groups, and legal and policy advocacy groups focused on immigration and employment law. The department must hold at least one listening session with community members. The study shall analyze existing programs to assess the legality of expansion to serve undocumented individuals and families, identify programmatic changes that would mitigate barriers to access and reduce fear of participation, and identify the operational and caseload costs

associated with replication or expansion. If existing program expansion is not feasible or in compliance with federal law, the study shall assess the creation of similar social net programs to individuals regardless of their citizenship status, and identify the associated operational and caseload costs.

(c) The departments shall jointly submit recommendations required by this section to the governor and appropriate legislative committees no later than November 5, 2021.

(12) $54,413,000 of the general fund—federal appropriation (ARPA) and $7,549,000 of the general fund—federal appropriation (CRF) are provided solely for the department to address the impacts of COVID-19 on the state unemployment system in order to promote equitable access and ensure the timely payment of unemployment insurance benefits. Of the amounts provided in this subsection:

(a) $22,346,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to address an anticipated increase in the unemployment insurance appeals caseload.

(b) $4,477,000 of the general fund—federal appropriation (ARPA) is provided for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors.

(c) $5,768,000 of the general fund—federal appropriation (ARPA) is provided for the department to ensure adequate security measures are in place to prevent unemployment insurance fraud.

(d) $4,465,000 of the general fund—federal appropriation (CRF) is provided solely for the department to migrate and upgrade the unemployment insurance customer call center phone system to a cloud-based system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(e) $1,417,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist the department with its unemployment insurance claims backlog.

(f) $1,267,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with a vendor to provide fact-finding services related to unemployment insurance claims.

(g) $4,000,000 of the general fund—federal appropriation (ARPA) for fiscal year 2022 is provided solely for the department to translate notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken in the state. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(13) $10,000,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to make information technology improvements to improve user experience and increase security to prevent unemployment insurance fraud, and is subject to the conditions, limitations, and review requirements of section 701 of this act. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection.

(14) $10,571,000 of the general fund—federal appropriation is provided solely for administration costs related to the federal unemployment insurance programs extended under the American rescue plan act of 2021, P.L. 117-2.

(15) $204,722,000 of the general fund—federal appropriation (SFR) is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(16) $600,000,000 of the unemployment insurance relief fund—state appropriation is provided solely for the department to provide unemployment insurance tax relief in calendar year 2022 for businesses most heavily impacted by unemployment related to the COVID-19 public health emergency. Within amounts provided in this subsection, the department must implement House Bill No.

. . . . (unemployment insurance tax relief). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(17) $50,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the North Central educational service district 171 to support the development of industry and education partnerships and expand career awareness, exploration and preparation activities for youth in Grant county.

(18) $65,000 of the accident account—state appropriation and $66,000 of the medical aid account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—GENERAL**

(1) The appropriations to the department of children, youth, and families in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of children, youth, and families shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

NEW SECTION. **Sec. 226. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) $397,289,000

General Fund—State Appropriation (FY 2023) $407,261,000

General Fund—Federal Appropriation $479,599,000

General Fund—Private/Local Appropriation $2,824,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $9,500,000

TOTAL APPROPRIATION $1,296,473,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $748,000 of the general fund—state appropriation for fiscal year 2022 and $748,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children

from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. No later than December 1, 2021, the department must, in consultation with the health care authority, report to the appropriate legislative committees on potential options to maximize federal funding for the center, including any potential for the center to bill managed care organizations for services provided to medicaid recipients.

(2) $453,000 of the general fund—state appropriation for fiscal year 2022 and $453,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) $579,000 of the general fund—state appropriation for fiscal year 2022 and $579,000 of the general fund—state appropriation for fiscal year 2023 and $110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) $1,245,000 of the general fund—state appropriation for fiscal year 2022 and $1,245,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services provided through children's advocacy centers.

(5) In fiscal year 2022 and in fiscal year 2023, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. The report shall detail progress toward meeting the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload carrying staff. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(6) $94,000 of the general fund—state appropriation for fiscal year 2022 and $94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(7)(a) $539,000 of the general fund—state appropriation for fiscal year 2022, $540,000 of the general fund—state appropriation for fiscal year 2023, $656,000 of the general fund private/local appropriation, and $252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or

entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(8) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least $3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(9) $2,230,000 of the general fund—state appropriation for fiscal year 2022, $2,230,000 of the general fund—state appropriation for fiscal year 2023, and $156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(10) $6,195,000 of the general fund—state appropriation for fiscal year 2022, $6,195,000 of the general fund—state appropriation for fiscal year 2023, and $1,188,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement and enhanced emergent placement contracts. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(11) Beginning January 1, 2022, and continuing through the 2021-2023 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2022, and to the extent the information is available, the report will include the same information for emergency placement services beds and enhanced emergency placement services beds.

(12) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(13) $600,000 of the general fund—state appropriation for fiscal year 2022 and $600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(14) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(15) $2,021,000 of the general fund—state appropriation for fiscal year 2022 and $1,863,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish an early learning engagement navigator program in geographic areas across the state that have historically high rates of child maltreatment. The department must track family participation and completion of early

learning services as a result of assistance by an early learning engagement navigator. Beginning July 1, 2022, and annually thereafter, the department must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of the program.

(16) $4,000,000 of the general fund—federal appropriation (ARPA/CSFRF) is provided solely for the department to contract with one or more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families in geographic areas across the state that have historically high rates of child maltreatment and have experienced economic impacts of the COVID-19 pandemic.

(17) $5,500,000 of the general fund—federal appropriation (ARPA/CSFRF) is provided solely for one-time $250 per child grants to families on behalf of up to 22,000 children who may be at risk of child welfare system involvement and have experienced economic impacts of the COVID-19 pandemic.

(18) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families through the pandemic act, P.L. 116-260, division X.

(19) $387,000 of the general fund—state appropriation for fiscal year 2022, $393,000 of the general fund—state appropriation for fiscal year 2023, and $143,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2021.

(20)(a) $739,000 of the general fund—state appropriation for fiscal year 2022, $702,000 of the general fund—state appropriation for fiscal year 2023, and $482,000 of the general fund—federal appropriation are provided solely for the department of children, youth, and families to create and implement a new approach to transition planning for young people preparing to exit the child welfare system and juvenile rehabilitation institutions, pursuant to the recommendations in the *improving stability for youth exiting systems of care* report submitted in January 2020 as required by RCW 43.330.720. The department must engage young people, caregivers, providers, and other stakeholders in the creation and implementation of the approach by:

(i) Providing one statewide adolescent transitions program manager and six adolescent liaisons, one in each region of the department, who are dedicated to supporting the transition planning approaches developed by the department, providing program oversight, and supporting improved outcomes for adolescents during the transition to adulthood; and

(ii) Strengthening the administration and competency of the independent living program and direct independent living services. No later than June 1, 2022, the department must centralize administration of its independent living program and develop a framework for service delivery, including best practice recommendations. The framework must be codesigned with adolescents, caregivers, providers, and stakeholders. No later than June 30, 2022, the department must develop and launch a competitive request for proposal process to solicit bidders to provide independent living services under the new framework.

(b) No later than November 30, 2022, the department must report to the governor and appropriate legislative committees on the implementation of the new approach to transition planning, the new independent living framework, and the state's capacity to provide high-quality transition services, including independent living services, to youth and young adults exiting the child welfare system and juvenile rehabilitation institutions. The report must identify any remaining service gaps that prevent statewide implementation and address the additional resources needed to improve outcomes for young people exiting these systems of care.

(21) $2,400,000 of the general fund—state appropriation for fiscal year 2022 and $2,400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(22) The appropriations in this section include sufficient funding for continued implementation of chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(23) The appropriations in this section include sufficient funding to implement chapter 51, Laws of 2020 (SHB 2873) (families in conflict).

(24) $511,000 of the general fund—state appropriation for fiscal year 2023 and $153,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1219 (youth counsel/dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(25) $219,000 of the general fund—state appropriation for fiscal year 2022, $208,000 of the general fund—state appropriation for fiscal year 2023, and $295,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(26) $29,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(27) $451,000 of the general fund—state appropriation for fiscal year 2022 and $662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community organization with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

(28) $326,000 of the general fund—state appropriation for fiscal year 2022, $326,000 of the general fund—state appropriation for fiscal year 2023, and $148,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(29) $499,000 of the general fund—state appropriation for fiscal year 2022, $499,000 of the general fund—state appropriation for fiscal year 2023, and $310,000 of the general fund—federal appropriation are provided solely to expand the family connections program in two areas of the state in which the program is not already established as of the effective date of this section. One expansion site must be located west of the crest of the Cascade mountain range and the other expansion site must be located east of the crest of the Cascade mountain range. The program expansion must follow the family connections program model pursuant to RCW 74.13.715. To operate the two expansion sites, the department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program.

(30) The appropriations in this section include sufficient funding to implement Engrossed Second Substitute House Bill No. 1227 (child abuse allegations).

NEW SECTION. **Sec. 227. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022) $128,089,000

General Fund—State Appropriation (FY 2023) $128,715,000

General Fund—Federal Appropriation $3,464,000

General Fund—Private/Local Appropriation $1,787,000

Washington Auto Theft Prevention Authority Account—

State Appropriation $196,000

TOTAL APPROPRIATION $262,251,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $331,000 of the general fund—state appropriation for fiscal year 2022 and $331,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of

chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) $2,841,000 of the general fund—state appropriation for fiscal year 2022 and $2,841,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(3) $1,537,000 of the general fund—state appropriation for fiscal year 2022 and $1,537,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(4)(a) $6,198,000 of the general fund—state appropriation for fiscal year 2022 and $6,198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available

information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(5) $1,352,000 of the general fund—state appropriation for fiscal year 2022 and $1,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for funding of the teamchild project.

(6) $283,000 of the general fund—state appropriation for fiscal year 2022 and $283,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the juvenile detention alternatives initiative.

(7) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(8) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(9) $50,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(10) $432,000 of the general fund—state appropriation for fiscal year 2022 and $432,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(11) $100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to assess the juvenile court assessment tool. The juvenile rehabilitation program shall contract with the Washington state institute for public policy to review the standardized juvenile court assessment tool to access whether it accurately determines eligibility criteria and properly assigns youth to programs that meet their

needs. The institute must work in collaboration with the juvenile block grant proviso committee.

(12) $773,000 of the general fund—state appropriation for fiscal year 2022 and $986,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community transition services program expanding community-based, less restrictive alternatives to total confinement through use of electronic home monitoring as established in Engrossed Second Substitute House Bill No. 1186 (concerning juvenile rehabilitation community transition services). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(13) $126,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 228. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—EARLY LEARNING PROGRAM**

General Fund—State Appropriation (FY 2022) $302,984,000

General Fund—State Appropriation (FY 2023) $324,833,000

General Fund—Federal Appropriation $1,053,867,000

General Fund—Private/Local Appropriation $96,000

Education Legacy Trust Account—State Appropriation $28,153,000

Home Visiting Services Account—State Appropriation $30,321,000

Home Visiting Services Account—Federal Appropriation $32,776,000

Washington Opportunity Pathways Account—State

Appropriation $80,000,000

Workforce Education Investment Account—State

Appropriation $8,482,000

TOTAL APPROPRIATION $1,861,512,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) $80,273,000 of the general fund—state appropriation for fiscal year 2022, $97,767,000 of the general fund—state appropriation for fiscal year 2023, $24,070,000 of the education legacy trust account—state appropriation, $80,000,000 of the opportunity pathways account appropriation, and $23,300,000 of the general fund—federal appropriation (GEER) are provided solely for the early childhood education and assistance program. These amounts shall support at least 16,762 slots in fiscal year 2022 and 17,412 slots in fiscal year 2023. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in this subsection, $7,100,000 of the general fund—state appropriation for fiscal year 2022 and $12,938,000 of the general fund—federal appropriation (GEER) are for a slot rate increase of seven percent beginning July 1, 2021, pursuant to Engrossed Second Substitute House Bill No. 1213 (child care & early dev. exp.).

(c) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality

initiatives, agency administration, and other costs associated with child care subsidies.

(4) $8,482,000 of the workforce education investment account—state appropriation, $4,609,000 of the general fund—federal appropriation (CRRSA), and $2,765,000 of the general fund—federal appropriation (ARPA) are provided solely for eliminating the work requirement under the working connections child care program for single parents who are pursuing a vocational education full-time at a community, technical, or tribal college as provided in RCW 43.216.136.

(5) The legislature recognizes that the federal government has provided substantial additional funding through the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M., and the American rescue plan act of 2021. The purpose of the additional federal funding was to ensure access to affordable child care and to stabilize and support child care providers from the effects of the COVID-19 pandemic. The legislature intends with the passage of Engrossed Second Substitute House Bill No. 1213 to implement these federal purposes by expanding eligibility for subsidized child care, reducing parent copayments, increasing provider base rates to recognize increased costs, and to provide other financial support to stabilize the child care sector to remain open or to reopen. The legislature finds that the state lacked the fiscal capacity to make these investments and the additional federal funding has provided the opportunity to supplement state funding to expand and accelerate child care access, affordability, and provider support as the state navigates the COVID-19 pandemic and its aftermath.

(6) $20,110,000 of the general fund—state appropriation in fiscal year 2022, $45,748,000 of the general fund—state appropriation in fiscal year 2023, $283,375,000 of the general fund—federal appropriation, $36,501,000 of the general fund—federal appropriation (CARES), $63,835,000 of the general fund—federal appropriation (CRRSA), and $103,321,000 of the general fund—federal appropriation (ARPA) are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(a) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(b) $6,390,000 is for the compensation components of the 2021-2023 collective bargaining agreement covering family child care providers as provided in section 945 of this act. Of the amounts provided in this subsection:

(i) $4,410,000 is for a 35 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2022;

(ii) $854,000 is to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by two percent beginning July 1, 2021; and

(iii) $1,126,000 is to increase the nonstandard hour care rate by $10.00 per child per month beginning July 1, 2021.

(c) $36,501,000 of the general fund—federal appropriation (CARES), $12,013,000 of the general fund—federal appropriation (CRRSA), and $42,278,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of reduced

copayments, pursuant to Engrossed Second Substitute House Bill No. 1213 (child care & early dev. exp.). Copayments are capped at $115 through fiscal year 2023.

(d) $38,789,000 of the general fund—federal appropriation (CRRSA) and $23,274,000 of the general fund—federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 75th percentile of market for child care providers. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(e) $6,879,000 of the general fund—federal appropriation (CRRSA) and $13,978,000 of the general fund—federal appropriation (ARPA) are provided solely to expand eligibility for the working connections child care program to households at or below 60 percent of state median income.

(f) $5,055,000 of the general fund—federal appropriation (CRRSA) and $7,583,000 of the general fund—federal appropriation (ARPA) are provided solely to waive work requirements for student parents.

(g) $2,920,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to implement an infant rate enhancement for child care providers.

(h) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(i) Families applying for or receiving temporary assistance for needy families (TANF);

(ii) TANF families curing sanctions;

(iii) Foster children;

(iv) Families that include a child with special needs;

(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(vii) Families that received subsidies within the last thirty days and:

(A) Have reapplied for subsidies; and

(B) Have household income of sixty percent of the state median income or below; and

(viii) All other eligible families.

(i) On July 1, 2021, and July 1, 2022, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(7) Within amounts provided in this section, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(8) $1,373,000 of the general fund—state appropriation for fiscal year 2022, $1,435,000 of the general fund—state

appropriation for fiscal year 2023, and $6,701,000 of the general fund—federal appropriation are provided solely for the seasonal child care program.

(9) $871,000 of the general fund—state appropriation for fiscal year 2022 and $871,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2022.

(10)(a) $4,613,000 of the general fund—state appropriation for fiscal year 2022, $5,456,000 of the general fund—state appropriation for fiscal year 2023, and $2,152,000 of the general fund—federal appropriation (GEER) are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(b) Of the amounts provided in this subsection (10), $1,036,000 of the general fund—state appropriation for fiscal year 2022 and $1,869,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1213 (child care & early dev. exp.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (10)(b) shall lapse.

(11) The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(12) $1,728,000 of the general fund—state appropriation for fiscal year 2022 and $1,728,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(13) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(14) $4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(15) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(16) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(17) Within amounts provided in this section, the department shall implement chapter 409, Laws of 2019 (early learning access).

(18) $773,000 of the general fund—state appropriation for fiscal year 2022 and $773,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 360, Laws of 2019 (children's mental health).

(19) $8,930,000 of the general fund—federal appropriation (CRRSA) is provided solely for broadband access grants to child care providers serving school-age children with a verified need for expanded wi-fi for school-age children to complete distance learning. Of the amounts provided in this subsection, $130,000 is for administering the grant program.

(20) $5,548,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(21) $1,500,000 of the general fund—state appropriation for fiscal year 2022 and $1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand the early early childhood education and assistance program (early ECEAP) pilot project currently funded under the federal preschool development grant. The early ECEAP pilot serves at-risk infants and toddlers with comprehensive early learning and family support services modeled after the federal early head start program. Funding provided in this subsection is sufficient to increase the number of children receiving early ECEAP services by 150 during the 2021-2023 fiscal biennium.

(22) $414,000 of the general fund—federal appropriation (ARPA) is provided solely to the department to establish a pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of new license category.

(a) Pilot participants must include, at least:

(i) One governmental agency;

(ii) One non-profit organization; and

(iii) One for-profit private business.

(b) Pilot participation may include new or existing licensed child cares. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations. By July 1, 2024, the department shall submit to the relevant committees of the legislature recommendations on whether to permanently implement this license category and what, if any, changes are needed to law to accomplish this.

(23) $500,000 of the general fund—federal appropriation (CARES) is provided solely for the department to hire two temporary language access coordinators with specialties in Spanish and Somali to address immediate language access needs at the department related to COVID-19 child care relief and recovery in department programs, including but not limited to:

(a) Translation of department materials;

(b) Outreach to community organizations serving multilingual children and families regarding department programs;

(c) Webinars and other technical assistance provided in Spanish and Somali for department programs; and

(d) Other means of increasing language access and equity for early learning providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(24) $100,000 of the general fund—state appropriation for fiscal year 2022 and $30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group that assesses and provides recommendations for creating new infrastructures and funding streams that support youth development. The work group must include representatives from community-based organizations providing youth development programs, including expanded learning, mentoring, school age child care, and wrap around supports and integrated student support. The department must report its findings and recommendations to the governor and legislature by September 1, 2022. The report must include the following recommendations:

(a) Programmatic changes for breaking down silos and barriers for youth programming between state agencies;

(b) The appropriate program within the department to develop meaningful youth-level, research-based prevention and promotion outcomes, and to support community-based organizations providing those outcomes;

(c) The establishment of a state grant program to provide quality youth development opportunities for children and youth ages five through high school graduation; and

(d) Strategies to increase access to youth development programs for prioritized populations such as children of color, foster children, children experiencing homelessness, and children involved in the justice system.

(25)(a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(26) $5,498,000 of the home visiting account—state appropriation for fiscal year 2022, $9,727,000 of the home visiting account—state appropriation for fiscal year 2023, $859,000 of the general fund—federal appropriation, and $3,000,000 of the home visiting account—federal appropriation (ARPA) are provided to expand home visiting services. Of the amounts provided in this subsection:

(a) $2,728,000 of the home visiting account—state appropriation for fiscal year 2022, $6,957,000 of the home visiting account—state appropriation for fiscal year 2023, and $3,000,000 of the home visiting account—federal appropriation (ARPA) are provided for additional home visiting services in order to implement Engrossed Second Substitute House Bill No. 1213 (child care & early dev. exp.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(b) $2,770,000 of the home visiting account—state appropriation for fiscal year 2022, $2,770,000 of the home visiting account—state appropriation for fiscal year 2023, and $859,000 of the general fund—federal appropriation are provided solely for additional home visiting services during the COVID-19 pandemic for families in locations across the state with historically high rates of child abuse and neglect investigations.

(27) $18,849,000 of the general fund—state appropriation for fiscal year 2022, $9,232,000 of the general fund—state appropriation for fiscal year 2023, $9,078,000 of the general fund—federal appropriation (CRRSA), and $16,619,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1213 (child care & early dev. exp.). If the bill is not enacted by June 30, 2021, the

amounts provided in this subsection shall lapse. The legislature intends for the amounts provided in this subsection to stabilize and support child care providers and to continue and expand families' access to affordable, quality child care during and after the COVID-19 public health emergency. The state and the representative for family child care providers must enter into bargaining over the implementation of grants and rate increases included in this subsection, and apply those increases consistent with the terms of this subsection and the agreement reached between the parties. Of the amounts provided in this subsection:

(a) $2,932,000 of the general fund—state appropriation for fiscal year 2022, $2,932,000 of the general fund—state appropriation for fiscal year 2023, and $2,467,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of a complex needs fund for child care and early learning providers.

(b) $76,000 of the general fund—state appropriation for fiscal year 2022, $612,000 of the general fund—state appropriation for fiscal year 2023, and $2,066,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trauma-informed care supports.

(c) $180,000 of the general fund—state appropriation for fiscal year 2022 and $3,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of a dual language rate enhancement.

(d) $671,000 of the general fund—state appropriation for fiscal year 2022, $656,000 of the general fund—state appropriation for fiscal year 2023, and $3,982,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of equity grants.

(e) $2,400,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to contract for six additional infant and early childhood mental health consultants.

(f) $400,000 of the general fund—federal appropriation (ARPA) is provided solely for the expansion of family, friend, and neighbor child care play and learn groups.

(g) $1,191,000 of the general fund—state appropriation for fiscal year 2022, $1,399,000 of the general fund—state appropriation for fiscal year 2023, and $7,771,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trainings, early achievers scholarships, and other professional development activities for child care providers. Amounts provided in this subsection may be used to contract with a nonprofit organization that provides relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers.

(h) $13,389,000 of the general fund—state appropriation for fiscal year 2022 and $6,611,000 of the general fund—federal appropriation (CRRSA) are provided solely for the department to migrate the social service payment system to a cloud-based payment system in order to implement child care stabilization grants, child care subsidy rate enhancements, and other payments intended to support child care providers during and after the COVID-19 public health emergency. Funding provided in this subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(i) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a statewide nonprofit with demonstrated capability of partnering with agencies and community organizations to develop public-facing regionalized data dashboards and reports to support the goals of the department and the early learning advisory council as outlined in Engrossed Second Substitute House Bill No. 1213 (child care & early dev. exp.).

(j) Funding in this subsection is sufficient to implement section 308 of Engrossed Second Substitute House Bill No. 1213 (child care & early dev. exp.).

(28)(a) $390,600,000 of the general fund—federal appropriation (ARPA) and $9,400,000 of the general fund—federal appropriation (CARES) are provided solely for the department to distribute grants to child care providers to stabilize the child care industry as part of the state's response to the COVID-19 public health emergency. Child care providers are eligible for grants if they are eligible for child care development

fund moneys or if they are licensed, regulated, or registered within the state. The funding provided in this subsection must be expended consistent with federal law. Of the amounts provided in this subsection:

(i) $27,342,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the grant program, including but not limited to costs related to creating and administering the online grant application, providing technical assistance and support for applying for and accessing the grants, publicizing the availability of the grants, and processing applications on a rolling basis.

(ii) $11,718,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to contract with an organization to provide language access support to child care providers during the grant application process, including but not limited to translation services, community-based support related to the grant application process, and other grant application support.

(iii) $351,540,000 of the general fund—federal appropriation (ARPA) and $9,400,000 of the general fund—federal appropriation (CARES) are provided solely for child care stabilization grants to eligible child care providers as defined in section 2202 of the American rescue plan act of 2021 (ARPA). In applying for grants, child care providers are expected to meet the certification requirements defined in section 2202(d)(2)(D)(i) of ARPA. The department must make its best efforts to distribute 75 percent of the funding provided in this subsection by January 1, 2022, with the remaining 25 percent distributed by June 30, 2022. The department must prioritize: Providers in child care deserts; providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity across the state. In processing applications, the department must also prioritize grant applications that include funding for the following purposes:

(A) Rent or mortgage payments;

(B) Copayment or tuition waivers for families receiving care, including refunds or credits to families who are not attending but are paying tuition in order to maintain a child's spot in the facility;

(C) Child care for historically disadvantaged populations;

(D) Child care during the summer months;

(E) Child care during non-standard hours;

(F) Child care for school-age children;

(G) Outreach to families who may have stopped attending due to cost;

(H) Mental health supports for children and employees; and

(I) Personnel costs, including compensation, benefits, health care premium pay, or paid leave.

(b) Nothing in this subsection changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d).

(29) $27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 229. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2022) $140,652,000

General Fund—State Appropriation (FY 2023) $142,101,000

General Fund—Federal Appropriation $172,182,000

General Fund—Private/Local Appropriation $394,000

Education Legacy Trust Account—State Appropriation $180,000

Home Visiting Services Account—State Appropriation $468,000

Home Visiting Services Account—Federal Appropriation $380,000

TOTAL APPROPRIATION $456,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $400,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2) $1,000 of the general fund—state appropriation for fiscal year 2022, $1,000 of the general fund—state appropriation for fiscal year 2023, and $2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 943 of this act.

(3) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(4) $505,000 of the general fund—state appropriation for fiscal year 2022 and $505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute House Bill No. 1213 (child care & early dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, statutory changes needed to achieve administrative efficiencies, and all other requirements of Engrossed Second Substitute House Bill No. 1213 (child care & early dev. exp.).

(5) $250,000 of the general fund—federal appropriation (CARES) is provided solely for the department to develop or contract to develop a language access plan that addresses equity and access for immigrant, multilingual providers, caregivers, and families. The plan must be submitted to the appropriate committees of the legislature by June 30, 2022. The plan must include, but is not limited to, the following:

(a) A needs assessment and staffing recommendation for program accessibility at the department for individuals with limited English and a geographic landscape analysis of language needs for providers, caregivers, and families in their interactions with the department;

(b) A review of successful language access policies and practices in public agencies to effectively address the needs of non-English speaking families, providers, and other stakeholders;

(c) An alignment of best practices across the department in multilingual workforce development;

(d) A framework for proactive community engagement to provide child care providers, early learning providers, or families that speak languages other than English access to information and support in navigating English-dominant state resources at the department;

(e) Recommendations for a continuous improvement model of measuring progress and success in language access at the department; and

(f) Compliance with federal and state laws at the department.

(6) $40,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to establish a process for informing, upon clearance of required background checks, employees of licensed family home, center-based, and outdoor nature-based childcares about available financial supports and options for accessing health coverage. On at least an annual basis, no less than 45 days before the start of open-enrollment, the department must share with the health benefits exchange

(exchange) and designated navigator organizations, but no additional third-party entity, workforce data identifying licensed childcare employees for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange. The department must share with the exchange and designated navigator organizations, but no additional third-party entity, workforce data identifying newly licensed childcare employees on an ongoing basis as needed during the plan year for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange.

(7) $1,494,000 of the general fund—federal appropriation is provided solely for the department to implement the family first prevention services act requirements, including technology enhancements to support the automated assessments, data quality, and reporting requirements. Funding provided in this subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(8) Within amounts provided in this section, the department shall submit a brief report to the governor and appropriate legislative committees by December 1, 2022, outlining options for creating a new dedicated account for adoption support that will meet 42 U.S.C. Sec. 473 requirements. The report shall include a methodology for calculating savings in a manner that can be incorporated into the adoption support forecast budget process, statutory needs, and expenditure guidelines for the account.

(9) $267,000 of the general fund—state appropriation for fiscal year 2022, $717,000 of the general fund—state appropriation for fiscal year 2023, and $223,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(10) $21,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed/release). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(11) $848,000 of the general fund—state appropriation for fiscal year 2022, $848,000 of the general fund—state appropriation for fiscal year 2023, and $384,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

PART III

NATURAL RESOURCES

NEW SECTION. **Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2022) $751,000

General Fund—State Appropriation (FY 2023) $815,000

General Fund—Federal Appropriation $32,000

General Fund—Private/Local Appropriation $1,349,000

TOTAL APPROPRIATION $2,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $94,000 of the general fund—state appropriation for fiscal year 2022 and $94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) $88,000 of the general fund—state appropriation for fiscal year 2022, $125,000 of the general fund—state appropriation for fiscal year 2023, and $213,000 of the general fund—private/local appropriation are provided solely for the access database replacement project, and are subject to the conditions, limitations, and review provided in section 701 of this act.

NEW SECTION. **Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2022) $28,711,000

General Fund—State Appropriation (FY 2023) $26,862,000

General Fund—Federal Appropriation $100,116,000

General Fund—Private/Local Appropriation $27,266,000

Reclamation Account—State Appropriation $4,346,000

Flood Control Assistance Account—State Appropriation $4,106,000

Aquatic Lands Enhancement Account—State

Appropriation $150,000

State Emergency Water Projects Revolving Account—

State Appropriation $40,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation $26,766,000

State Drought Preparedness Account—State

Appropriation $204,000

State and Local Improvements Revolving Account—Water

Supply Facilities—State Appropriation $186,000

Water Rights Tracking System Account—State

Appropriation $48,000

Site Closure Account—State Appropriation $582,000

Wood Stove Education and Enforcement Account—State

Appropriation $575,000

Worker and Community Right to Know Fund—State

Appropriation $1,994,000

Water Rights Processing Account—State Appropriation $39,000

Water Quality Permit Account—State Appropriation $47,292,000

Underground Storage Tank Account—State Appropriation $3,959,000

Biosolids Permit Account—State Appropriation $2,653,000

Hazardous Waste Assistance Account—State

Appropriation $7,489,000

Radioactive Mixed Waste Account—State Appropriation $22,718,000

Air Pollution Control Account—State Appropriation $4,229,000

Oil Spill Prevention Account—State Appropriation $6,610,000

Air Operating Permit Account—State Appropriation $4,877,000

Wastewater Treatment Plant Operator Certification

Account—State Appropriation $552,000

Oil Spill Response Account—State Appropriation $7,076,000

Model Toxics Control Operating Account—State

Appropriation $280,875,000

Model Toxics Control Operating Account—Local

Appropriation $499,000

Voluntary Cleanup Account—State Appropriation $344,000

Paint Product Stewardship Account—State

Appropriation $140,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $286,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $286,000

Water Pollution Control Revolving Administration

Account—State Appropriation $4,657,000

Clean Fuels Program Account—State Appropriation $382,000

TOTAL APPROPRIATION $616,915,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with

the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) $204,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(3) $910,000 of the model toxics control operating account—state appropriation is provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

(4) $20,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

(5) $150,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(6) $588,000 of the general fund—state appropriation for fiscal year 2022 and $662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to address outstanding water rights issues. The department must prepare and file adjudications of state water rights in the Nooksack (water resource inventory area 1) and lake Roosevelt and middle tributaries (water resource inventory area 58) watersheds. The department must also provide funding for Whatcom county to support a collaborative process among local water users and water right holders that can complement water rights adjudication in the Nooksack (water resources inventory area 1) watershed. The collaborative process includes facilitation and mediation among parties, development of planning and technical information, and assessment of local solutions. At a minimum, the collaborative process must seek to provide opportunities for discussion of increasing salmon populations and preserving farmland.

(7) $2,024,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process an increased workload of clean water act certification requests and to process all United States army corps of engineers permitted projects in Washington within the sixty-day processing requirement, should it be implemented.

(8) $242,000 of the model toxics control operating account—state appropriation is provided solely for an equipment cache grant for the Jamestown S'klallam Tribe for a new response vehicle.

(9) $398,000 of the model toxics control operating account—state appropriation is provided solely for consumer product testing data validation services to support increases to the agency's product testing program.

(10) $2,305,000 of the model toxics control operating account—state appropriation is provided solely to increase the department's capacity to test for toxics in children's products and other general consumer goods, to implement needed policy changes resulting from product testing, to communicate results to the public, and to conduct a feasibility study to add an inorganics component to the plan for new laboratory space at the department's headquarters building in Lacey, Washington.

(11) Within the amounts appropriated in this section, the department must adopt rules to implement the provisions of RCW 88.40.025.

(12) $760,000 of the general fund—state appropriation for fiscal year 2022 and $385,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1050 (fluorinated gases). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(13) $2,277,000 of the general fund—state appropriation for fiscal year 2022, $897,000 of the general fund—state appropriation for fiscal year 2023, and $382,000 of the clean fuels program account—state appropriation are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If

the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) $1,129,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1099 (comprehensive planning). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(15) $262,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 303. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

General Fund—Federal Appropriation $638,000

Pollution Liability Insurance Agency Underground

Storage Tank Revolving Account—State

Appropriation $957,000

Pollution Liability Insurance Program Trust Account—

State Appropriation $1,371,000

TOTAL APPROPRIATION $2,966,000

NEW SECTION. **Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2022) $29,532,000

General Fund—State Appropriation (FY 2023) $27,294,000

General Fund—Federal Appropriation $7,109,000

Winter Recreation Program Account—State

Appropriation $3,310,000

ORV and Nonhighway Vehicle Account—State

Appropriation $378,000

Snowmobile Account—State Appropriation $5,656,000

Aquatic Lands Enhancement Account—State

Appropriation $367,000

Parks Renewal and Stewardship Account—State

Appropriation $129,093,000

Parks Renewal and Stewardship Account—Private/Local

Appropriation $420,000

TOTAL APPROPRIATION $203,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $129,000 of the general fund—state appropriation for fiscal year 2022 and $129,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) $406,000 of the general fund—state appropriation for fiscal year 2022, $322,000 of the general fund—state appropriation for fiscal year 2023, and $88,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 fiscal biennium.

(4) $272,000 of the general fund—state appropriation for fiscal year 2022 and $272,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an update to the Seashore conservation area survey and plan.

(5) $130,000 of the general fund—state appropriation for fiscal year 2022 and $130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to hire a diversity, equity, and inclusion coordinator to expand the diversity of the agency's workforce.

(6) $85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the facilitation of a work group that includes representation from the state parks and recreation commission, the commission on African

American affairs, and stakeholders with expertise of the black experience in outdoor recreation to identify barriers to inclusion and develop recommendations to increase participation of Black Washingtonians in the state parks system and other outdoor recreation spaces and public parks. The work group will be selected by the governor's office and will consist of at least twelve participants representing diverse geographic, socioeconomic, and experiential backgrounds. The parks commission will enter into an interagency agreement with the commission on African American affairs to procure a contractor to facilitate the work group and develop a report with recommendations. The amount provided in this subsection may also be used for a survey or focus group to assess the needs of Black Washingtonians related to state parks and outdoor recreation. The work group will submit a report to the governor's office and appropriate committees of the legislature no later January 1, 2022.

(7) $2,521,000 of the general fund—state appropriation for fiscal year 2022 and $2,127,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to accelerate work on preventative maintenance and improve the conditions of park facilities.

(8) $5,095,000 of the general fund—state appropriation for fiscal year 2022, $3,963,000 of the general fund—state appropriation for fiscal year 2023, and $2,120,000 of the parks renewal and stewardship account—state appropriation are provided solely for the commission to increase customer service, conduct more custodial maintenance, expand interpretive services, and expand public safety.

NEW SECTION. **Sec. 305. FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2022) $2,288,000

General Fund—State Appropriation (FY 2023) $2,245,000

General Fund—Federal Appropriation $3,770,000

General Fund—Private/Local Appropriation $24,000

Aquatic Lands Enhancement Account—State

Appropriation $326,000

Firearms Range Account—State Appropriation $37,000

Recreation Resources Account—State Appropriation $4,107,000

NOVA Program Account—State Appropriation $1,462,000

Youth Athletic Facility Nonappropriated Account—

State Appropriation $181,000

TOTAL APPROPRIATION $14,440,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(2) $4,107,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(3) $1,462,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(4) $572,000 of the general fund—state appropriation for fiscal year 2022 and $572,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood Canal bridge.

(5) $140,000 of the general fund—state appropriation for fiscal year 2022 and $140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(6) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pass through to the Spokane tribe of Indians for a pilot study of salmon migratory behavior and survival upstream of the Chief Joseph and Grand Coulee dams.

(7) $175,000 of the youth athletic facility nonappropriated account—state appropriation is provided solely for a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. The task force shall be created and managed by the recreation and conservation office. A portion of the funds must be used to inventory K-12 school fields and athletic facilities and park agency facilities, and for joint use agreements for these facilities. The task force participants must represent geographic diversity and must include representatives from the office of the superintendent of public instruction, the Washington association of school administrators, the association of Washington principals, and the Washington recreation and parks association; participants with a background in public health; and stakeholders who represent diverse communities and communities of color. The task force shall consider joint use agreements, partnerships, improved scheduling practices with local parks agencies including facility rental fees, and other strategies, and submit a report with best practices and policy recommendations to the recreation and conservation funding board. A final report from the board must be submitted to the governor's office and legislature no later than February 1, 2022.

(8)(a) $187,000 of the general fund—state appropriation for fiscal year 2022 and $188,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to conduct a comprehensive equity review of state grant programs administered by the office. The office may, in consultation with the interested parties identified in (d) of this subsection, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are:

(i) To reduce barriers to historically underserved populations' participation in recreation and conservation office grant programs;

(ii) To redress inequities in existing recreation and conservation office policies and programs; and

(iii) To improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the office shall:

(i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection;

(ii) Identify new investments and programs that prioritize populations and communities that have been historically underserved by conservation and recreation policies and programs; and

(iii) Include consideration of historic and systemic barriers that may arise due to any of the following factors: Race, ethnicity, religion, income, geography, disability, and educational attainment.

(d) The office must collaborate with: (i) The Washington state commission on African American affairs; (ii) the Washington state commission on Asian Pacific American affairs; (iii) the Washington state commission on Hispanic affairs; (iv) the governor's office of Indian affairs; (v) the governor's committee on disability issues and employment; (vi) the office of equity; (vii) the office of minority and women's business enterprises; (viii) the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and (ix) other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The office must complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(9) $76,000 of the general fund—state appropriation for fiscal year 2022 and $76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(10) $200,000 of the general fund—federal appropriation, $12,000 of the general fund—private/local appropriation, and $112,000 of the aquatic lands enhancement account—state appropriation are provided solely for the implementation of Senate Bill No. 5063 (invasive species council expiration). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 306. FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2022) $2,683,000

General Fund—State Appropriation (FY 2023) $2,705,000

TOTAL APPROPRIATION $5,388,000

NEW SECTION. **Sec. 307. FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2022) $9,830,000

General Fund—State Appropriation (FY 2023) $9,764,000

General Fund—Federal Appropriation $2,482,000

General Fund—Private/Local Appropriation $100,000

Public Works Assistance Account—State Appropriation $8,448,000

Model Toxics Control Operating Account—State

Appropriation $1,110,000

TOTAL APPROPRIATION $31,734,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $8,448,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(2) $229,000 of the general fund—state appropriation for fiscal year 2022 and $229,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to continue to convene and facilitate a food policy forum.

(3) $100,000 of the general fund—private/local appropriation is provided solely for the sustainable farms and fields program created in RCW 89.08.615.

(4) $1,500,000 of the general fund—state appropriation for fiscal year 2022 and $1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for cost-share grants to landowners for recovery from wildfire damage, including rebuilding fences, seeding unstable slopes, controlling weeds, and planting shrubs and trees for wildlife habitat.

(5) $85,000 of the general fund—state appropriation for fiscal year 2022 and $40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to:

(a) Enter into an agreement with the department of ecology for a water bank in Okanogan county, which must focus solely on retaining agricultural water rights for use by other agricultural producers in the watershed of origin; and

(b) Report to the appropriate committees of the legislature by December 31, 2022, on the effectiveness of the Okanogan water bank at retaining agricultural water rights, and the potential for developing additional water banks in Washington using this model.

NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2022) $94,608,000

General Fund—State Appropriation (FY 2023) $89,157,000

General Fund—Federal Appropriation $131,927,000

General Fund—Private/Local Appropriation $63,606,000

ORV and Nonhighway Vehicle Account—State

Appropriation $663,000

Aquatic Lands Enhancement Account—State

Appropriation $12,173,000

Recreational Fisheries Enhancement Account—State

Appropriation $3,337,000

Warm Water Game Fish Account—State Appropriation $2,828,000

Eastern Washington Pheasant Enhancement Account—

State Appropriation $675,000

Limited Fish and Wildlife Account—State

Appropriation $33,161,000

Special Wildlife Account—State Appropriation $2,900,000

Special Wildlife Account—Federal Appropriation $518,000

Special Wildlife Account—Private/Local Appropriation $3,658,000

Wildlife Rehabilitation Account—State Appropriation $661,000

Ballast Water and Biofouling Management Account—

State Appropriation $10,000

Regional Fisheries Enhancement Salmonid Recovery

Account—Federal Appropriation $5,001,000

Oil Spill Prevention Account—State Appropriation $1,196,000

Aquatic Invasive Species Management Account—State

Appropriation $1,037,000

Model Toxics Control Operating Account—State

Appropriation $2,973,000

Fish, Wildlife, and Conservation Account—State

Appropriation $74,182,000

Oyster Reserve Land Account—State Appropriation $524,000

TOTAL APPROPRIATION $524,795,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $467,000 of the general fund—state appropriation for fiscal year 2022 and $467,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) $503,000 of the general fund—state appropriation for fiscal year 2022, $503,000 of the general fund—state appropriation for fiscal year 2023, and $440,000 of the general fund—federal appropriation are provided solely for county assessments.

(3) $400,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(4) $378,000 of the general fund—state appropriation for fiscal year 2022 and $378,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 fiscal biennium.

(5) $477,000 of the general fund—state appropriation for fiscal year 2022 and $477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop conflict mitigation strategies for wolf recovery and staff resources in northeast Washington for response to wolf-livestock conflicts.

(6) $753,000 of the general fund—state appropriation for fiscal year 2022 and $753,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(7) $1,262,000 of the general fund—state appropriation for fiscal year 2022 and $1,262,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs for the

department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(8) $603,000 of the general fund—state appropriation for fiscal year 2022 and $603,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to create a statewide permittee assistance program as part of hydraulic project approvals, in which department staff collaborate with landowners during construction to help resolve risks of permit noncompliance.

(9) $470,000 of the general fund—state appropriation for fiscal year 2022 and $470,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand efforts to survey the diets of seals and sea lions in Puget Sound and identify non-lethal management actions to deter them from preying on salmon and steelhead.

(10) $518,000 of the general fund—state appropriation for fiscal year 2022 and $519,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to provide policy and scientific support to the department of ecology regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

(11) $619,000 of the general fund—state appropriation for fiscal year 2022 and $853,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue operating the Elwha river Chinook salmon rearing channel which supports salmon recovery in the Elwha river.

(12) $851,000 of the general fund—state appropriation for fiscal year 2022 and $851,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 291, Laws of 2019 (southern resident orca whales-protection from vessels), contracts with nonprofit organizations to monitor vessel traffic and educate boaters to be whale wise, and participation in other orca recovery efforts.

(13) $80,000 of the general fund—state appropriation for fiscal year 2022 and $60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the Washington state academy of sciences to provide policymakers with a report on current evidence on pinniped predation of salmon, with an emphasis on Washington's portion of the Salish sea and Washington's outer coast. The academy must provide an independent study that reviews the existing science regarding pinniped predation of salmonids, including what is known about pinniped predation of salmonids, and with what level of certainty; where the knowledge gaps are; where additional research is needed; how the science may inform decisionmakers; and assessment of the scientific and technical aspects of potential management actions. Early in this process, the academy must convene separate meetings with comanagers and scientists to share relevant research and data and provide context for the academy's work.

(14) $45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(15) $166,000 of the general fund—state appropriation for fiscal year 2022 and $167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1099 (comprehensive planning). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(16) $2,070,000 of the general fund—state appropriation for fiscal year 2022 and $1,820,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1117 (comp. planning/salmon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(17) $29,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(18) $534,000 of the general fund—state appropriation for fiscal year 2022 and $472,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(19) $159,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute House Bill No. 1508 (shellfish sanitary control). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(20) $6,665,000 of the general fund—state appropriation for fiscal year 2022 and $4,297,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to the northwest Indian fisheries commission for the following purposes:

(a) $1,777,000 in each fiscal year for hatchery operations that are prioritized to increase prey abundance for southern resident orcas, including $200,000 per fiscal year for tagging and marking costs, and the remainder to grant to tribes in the following amounts per fiscal year: $150,000 for the Quinault Indian Nation, $199,000 for the Tulalip Tribes, $268,000 for the Quileute Tribe, $186,000 for the Puyallup Tribe, $122,000 for the Port Gamble S'Klallam Tribe, $25,000 for the Muckleshoot Indian Tribe, $207,000 for the Squaxin Island Tribe, $142,000 for the Skokomish Indian Tribe, and $278,000 for the Lummi Nation. It is the intent of the legislature to continue this funding in future biennia.

(b) $2,520,000 in each fiscal year for tribal hatchery production of non-orca prey that benefits Washington commercial and recreational fishers, tribes, and the ecosystem, to grant to tribes in the following amounts per fiscal year: $299,000 for the Lower Elwha Klallam Tribe, $468,000 for the Lummi Nation, $325,000 for the Nisqually Indian Tribe, $100,000 for the Port Gamble S'Klallam Tribe, $297,000 for the Puyallup Tribe, $56,000 for the Quinault Indian Nation, $200,000 for the Sauk-Suiattle Indian Tribe, $288,000 for the Squaxin Island Tribe, and $487,000 for the Tulalip Tribes. It is the intent of the legislature to continue this funding in future biennia.

(c) $2,368,000 in fiscal year 2022 for improvements to hatchery facilities, of which $600,000 is for the northwest Indian fisheries commission for grants to tribes, $100,000 is for the Makah Tribe, $250,000 is for the Muckleshoot Indian Tribe, $300,000 is for the Puyallup Tribe, $63,000 is for the Quileute Tribe, $237,000 is for the Skokomish Indian Tribe, $295,000 is for the Squaxin Island Tribe, $113,000 is for the Stillaguamish Tribe, $130,000 is for the Suquamish Tribe, and $280,000 is for the Upper Skagit Indian Tribe.

(21) $1,576,000 of the general fund—state appropriation for fiscal year 2022 and $392,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide to tribes as follows:

(a) $330,000 in each fiscal year for the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(b) $63,000 in fiscal year 2022 and $62,000 in fiscal year 2023 for the Kalispel Tribe of Indians for hatchery production of non-orca prey that benefits Washington commercial and recreational fishers, tribes, and the ecosystem. It is the intent of the legislature to continue this funding in future biennia.

(c) $1,183,000 in fiscal year 2022 for improvements to hatchery facilities, of which $125,000 is for the Chehalis Tribe, $500,000 is for the Confederated Tribes of the Colville Reservation, $100,000 is for the Spokane Tribe of Indians, $83,000 is for the Yakama Nation, and $375,000 is for the Kalispel Tribe of Indians.

(22) $175,000 of the general fund—state appropriation for fiscal year 2022 and $175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern

resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(23) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided to the department for hatchery maintenance.

(24) $251,000 of the general fund—state appropriation for fiscal year 2022 and $251,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(25) $130,000 of the general fund—state appropriation for fiscal year 2022 and $130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

NEW SECTION. **Sec. 309. FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2022) $4,882,000

General Fund—State Appropriation (FY 2023) $4,815,000

General Fund—Federal Appropriation $12,684,000

Aquatic Lands Enhancement Account—State

Appropriation $1,432,000

Model Toxics Control Operating Account—State

Appropriation $1,177,000

TOTAL APPROPRIATION $24,990,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By October 15, 2022, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2023-2025 capital and operating budget requests related to Puget Sound recovery and restoration.

(2) $304,000 of the general fund—state appropriation for fiscal year 2022 and $272,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to develop and implement an action plan that advances diversity, equity, and inclusion and environmental justice in Puget Sound recovery efforts.

(3) $209,000 of the general fund—state appropriation for fiscal year 2022 and $209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2022) $76,527,000

General Fund—State Appropriation (FY 2023) $75,964,000

General Fund—Federal Appropriation $42,740,000

General Fund—Private/Local Appropriation $3,174,000

Forest Development Account—State Appropriation $53,586,000

ORV and Nonhighway Vehicle Account—State

Appropriation $7,146,000

Surveys and Maps Account—State Appropriation $2,149,000

Aquatic Lands Enhancement Account—State

Appropriation $8,729,000

Resource Management Cost Account—State Appropriation $109,594,000

Surface Mining Reclamation Account—State

Appropriation $4,147,000

Disaster Response Account—State Appropriation $23,063,000

Contract Harvesting Revolving Nonappropriated

Account—State Appropriation $186,000

Forest and Fish Support Account—State Appropriation $11,297,000

Aquatic Land Dredged Material Disposal Site Account—

State Appropriation $403,000

Natural Resources Conservation Areas Stewardship

Account—State Appropriation $46,000

Forest Fire Protection Assessment Nonappropriated

Account—State Appropriation $2,087,000

State Forest Nursery Revolving Nonappropriated

Account—State Appropriation $75,000

Access Road Revolving Nonappropriated Account—State

Appropriation $233,000

Forest Practices Application Account—State

Appropriation $2,004,000

Air Pollution Control Account—State Appropriation $899,000

Forest Health Revolving Nonappropriated Account—

State Appropriation $240,000

Natural Resources Federal Lands Revolving

Nonappropriated Account—State Appropriation $16,000

Model Toxics Control Operating Account—State

Appropriation $21,285,000

NOVA Program Account—State Appropriation $782,000

Derelict Vessel Removal Account—State Appropriation $2,004,000

Community Forest Trust Account—State Appropriation $52,000

Agricultural College Trust Management Account—State

Appropriation $3,199,000

Wildfire Response, Forest Restoration, and Community

Resilience Account—State Appropriation $125,000,000

TOTAL APPROPRIATION $576,627,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,590,000 of the general fund—state appropriation for fiscal year 2022 and $1,523,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) $20,668,000 of the general fund—state appropriation for fiscal year 2022, $20,668,000 of the general fund—state appropriation for fiscal year 2023, and $16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(3) $5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, $500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(4) $1,857,000 of the general fund—state appropriation for fiscal year 2022 and $1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to

carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board.

(5) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2021, and December 1, 2022, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

(6) $4,206,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(7) $187,000 of the general fund—state appropriation for fiscal year 2022 and $187,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders. The department must contract with the Olympic natural resources center for at least $187,000 per fiscal year. The department may retain up to $30,000 per fiscal year to conduct Swiss needlecast surveys and research. Administrative costs may be taken and are limited to twenty-seven percent of the amount of appropriation retained by the department.

(8) $185,000 of the general fund—state appropriation for fiscal year 2022 and $185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(9) $150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(10) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to increase technical assistance to small forestland owners.

(11) The appropriations in this section include sufficient funding for the department to review its burn permit fee schedule, and to develop options and recommendations on changes to the fee schedule to meet the requirement in RCW 70A.15.5020. The agency must report on options and recommendations to the office of financial management and the appropriate committees of the legislature by September 1, 2021.

(12) $569,000 of the model toxics control operating account—state appropriation is provided solely to implement recommendations in the aerial herbicides in forestlands report submitted to the legislature in December 2019 from the aerial herbicide application working group. Specific work will include researching alternatives to chemicals for control of unwanted competing vegetation, compliance monitoring of aerial herbicides application, and updating the pesticide board manual.

(13) $328,000 of the general fund—state appropriation for fiscal year 2022 and $286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to complete aggregate resource inventory maps by county. Maps shall delineate

economically viable aggregate resources as well as information on aggregate quality and volume information specific to each county. Maps and corresponding data must be available to the public through the agency's website.

(14) $925,000 of the general fund—state appropriation for fiscal year 2022 and $779,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to undertake geologic research to understand the geology and hydrology of the Columbia basin with regard to geothermal and groundwater resources. Funding must also be used for outreach and education to industries and regional communities to increase awareness of underground resources, how to access and use them, and the regulatory processes for doing so.

(15) $77,000 of the general fund—state appropriation for fiscal year 2022, $90,000 of the general fund—state appropriation for fiscal year 2023, $82,000 of the forest development account—state appropriation, $10,000 of the ORV and nonhighway vehicle account—state appropriation, $19,000 of the aquatic lands enhancement account—state appropriation, $189,000 of the resource management cost account—state appropriation, $7,000 of the surface mining reclamation account—state appropriation, $9,000 of the forest and fish support account—state appropriation, $43,000 of the forest fire protection assessment nonappropriated account—state appropriation, $13,000 of the state forest nursery revolving nonappropriated account—state appropriation, $45,000 of the access road revolving nonappropriated account—state appropriation, $26,000 of the forest health revolving nonappropriated account—state appropriation, and $9,000 of the model toxics control operating account—state appropriation are provided solely for the department to move its data center currently located in the natural resources building to the state data center located in the Jefferson building as required by office of the chief information officer policy 184 and RCW 43.105.375. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(16) $466,000 of the general fund—state appropriation for fiscal year 2022, $125,000 of the general fund—state appropriation for fiscal year 2023, $364,000 of the forest development account—state appropriation, $254,000 of the aquatic lands enhancement account—state appropriation, $754,000 of the resource management cost account—state appropriation, $27,000 of the surface mining reclamation account—state appropriation, $186,000 of the contract harvesting revolving nonappropriated account—state appropriation, $148,000 of the forest fire protection assessment nonappropriated account—state appropriation, $62,000 of the state forest nursery revolving nonappropriated account—state appropriation, $188,000 of the access road revolving nonappropriated account—state appropriation, $214,000 of the forest health revolving nonappropriated account—state appropriation, and $16,000 of the natural resources federal lands revolving nonappropriated account—state appropriation are provided solely for the department to replace the NaturE revenue and leasing administration system and integrate with the new One Washington financial system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(17)(a) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain existing administrative facility infrastructure operated by the six regions of the department.

(b) The department's allocation of this appropriation and existing expenditure authority in certain other funds will be spread equitably across agency funds based on a model of positions by program or activity that utilize existing facility spaces within the agency's operating regions. The remaining costs at each site will remain the burden of existing management fund distribution. Department allocation of funds in this appropriation will be trackable by region and by project code.

(c) This appropriation is provided solely for the maintenance of existing administrative infrastructure, inclusive of ordinary maintenance, preventive maintenance, and maintenance services and inspections, minor repairs, system component replacement, and the delivery of utility and facility services.

(d) The department must provide a comparison of quarterly agency

allotments and expenditures relating to this subsection, including a summary of the maintenance work for all regional facilities subject to this section to the office of financial management beginning in October 2021.

(18) $2,574,000 of the general fund—state appropriation for fiscal year 2022, $2,850,000 of the general fund—state appropriation for fiscal year 2023, and $125,000,000 of the wildfire response, forest restoration, and community resilience account—state appropriations are provided solely for the implementation of Second Substitute House Bill No. 1168 (long-term forest health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(19) $873,000 of the general fund—state appropriation for fiscal year 2022 and $1,816,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1216 (urban and community forestry). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(20) $176,000 of the forest development account—state appropriation, $164,000 of the aquatic lands enhancement account—state appropriation, $377,000 of the resource management cost account—state appropriation, and $22,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1355 (noxious weeds). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(21) $12,000 of the aquatic lands enhancement account—state appropriation and $10,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2022) $79,371,000

General Fund—State Appropriation (FY 2023) $42,780,000

General Fund—Federal Appropriation $33,862,000

General Fund—Private/Local Appropriation $193,000

Aquatic Lands Enhancement Account—State

Appropriation $2,687,000

Water Quality Permit Account—State Appropriation $73,000

Model Toxics Control Operating Account—State

Appropriation $8,882,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $630,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $630,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $45,700,000

TOTAL APPROPRIATION $214,808,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $6,366,445 of the general fund—state appropriation for fiscal year 2022, $5,844,905 of the general fund—state appropriation for fiscal year 2023, and $23,100,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(2) $60,000,000 of the general fund—state appropriation for fiscal year 2022 and $24,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop a state alternative to the United States department of agriculture farmers to families food box program and provide resources for hunger relief organizations, including organizations that serve BIPOC and other socially disadvantaged communities.

(3) $5,000,000 of the coronavirus state fiscal recovery fund—federal

appropriation is provided solely for the farm-to-school program under RCW 15.64.060.

(4) $8,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for local food system infrastructure and market access grants, prioritized for women, minority, and small business owners.

(5) $9,600,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant program to improve food supply chain infrastructure and market access for farms, food processors, and food distributors.

(6) $170,000 of the general fund—state appropriation for fiscal year 2022 and $170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(7) $194,000 of the general fund—state appropriation for fiscal year 2022, $194,000 of the general fund—state appropriation for fiscal year 2023, and $1,134,000 of the general fund—federal appropriation are provided solely for implementing an Asian giant hornet eradication program.

(8)(a) $90,000 of the general fund—state appropriation for fiscal year 2022 and $90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the office of equity, the conservation commission, underrepresented farmers and ranchers, organizations that represent historically underrepresented farmers and ranchers, farmworkers, and labor advocates to:

(i) Ensure inclusion of historically underrepresented farmers and ranchers in the agricultural industry;

(ii) Evaluate related boards, commissions, and advisory panels to ensure inclusion of historically underrepresented farmers and ranchers;

(iii) Include historically underrepresented farmers and ranchers in the development, implementation, and enforcement of food and agriculture laws, rules, regulations, policies, and programs; and

(iv) Consider ways to increase engagement in agricultural education and workforce development opportunities by communities who have been historically underrepresented in agriculture.

(b) The department must report to the governor and legislature, in accordance with RCW 43.01.036, by October 31, 2022, on its activities and efforts to include historically underrepresented farmers and ranchers. The report must describe the department's efforts to serve historically underrepresented farmers and ranchers, identify existing gaps and financial barriers to land ownership and obtaining equipment, and must include recommendations to improve outreach to and services for historically underrepresented farmers and ranchers.

(9) $1,401,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to find a suitable replacement for imidacloprid to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019. Up to eight percent of the amounts provided in this subsection may be used by the departments of agriculture, commerce, ecology, and natural resources to cover overhead expenses relating to their continued participation in the working group for the 2021-2023 fiscal biennium.

(10) $120,000 of the general fund—state appropriation for fiscal year 2022 and $80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide to the sheriffs' departments of Ferry county and Stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection for fiscal

year 2022, $40,000 is for the Ferry county sheriff's department, $40,000 is for the Stevens county sheriff's department, and the remainder is for Stevens county to purchase a vehicle to be used for its local wildlife conflict staff. Of the amount provided in this subsection for fiscal year 2023, $40,000 is for the Ferry county sheriff's department and $40,000 is for the Stevens county sheriff's department.

(11) $203,000 of the general fund—state appropriation for fiscal year 2022 and $203,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a Japanese beetle monitoring and eradication program in central Washington.

PART IV

TRANSPORTATION

NEW SECTION. **Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund—State Appropriation (FY 2022) $2,834,000

General Fund—State Appropriation (FY 2023) $2,755,000

Architects' License Account—State Appropriation $1,427,000

Real Estate Commission Account—State Appropriation $13,419,000

Uniform Commercial Code Account—State Appropriation $2,992,000

Real Estate Education Program Account—State

Appropriation $276,000

Real Estate Appraiser Commission Account—State

Appropriation $1,891,000

Business and Professions Account—State Appropriation $25,655,000

Real Estate Research Account—State Appropriation $415,000

Firearms Range Account—State Appropriation $74,000

Landscape Architects' License Account—State

Appropriation $92,000

Appraisal Management Company Account—State

Appropriation $267,000

Concealed Pistol License Renewal Notification

Account—State Appropriation $140,000

Geologists' Account—State Appropriation $159,000

Derelict Vessel Removal Account—State Appropriation $33,000

TOTAL APPROPRIATION $52,429,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriations provided for the business and technology modernization project in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(2) $140,000 of the concealed pistol license renewal notification account—state appropriation and $74,000 of the firearms range account—state appropriation are provided solely to implement chapter 74, Laws of 2017 (concealed pistol license).

(3) Appropriations provided for the department to redesign and improve its online services and website in this section are subject to the conditions, limitations, and review requirements of section 701 of this act.

(4) The department shall inventory all business and professions fees and associated accounts including identification of all fees paid into each account, the amount and timing of the last fee increase, the estimated expenditures necessary to administer each fee based program, and the projected fee changes necessary to ensure positive account balances for each business and professions program account. The projection should include the period beginning with the 2021-2023 fiscal biennium through the 2025-2027 biennium. A report to the governor and legislature is due December 1, 2021.

(5) $99,000 of the general fund state—appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to mail vessel registration renewal reminders.

(6) $17,000 of the architects' license account—state appropriation for fiscal year 2022, $164,000 of the real estate commission account—state appropriation for fiscal year 2022, $27,000 of the real estate appraiser account—state appropriation for fiscal year 2022, $284,000 of the business and professions account—state appropriation for fiscal year 2022, $28,000 of the funeral and cemetery account—state appropriation for fiscal year 2022, $10,000 of the landscape architects' license account—state appropriation for fiscal year 2022, $5,000 of the appraisal management company account—state appropriation for fiscal year 2022, and $10,000 of the geologists' account—state appropriation for fiscal year 2022 are provided solely for implementation of House Bill No. 1399 (professional licensure/convictions). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 402. FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2022) $60,944,000

General Fund—State Appropriation (FY 2023) $58,228,000

General Fund—Federal Appropriation $16,732,000

General Fund—Private/Local Appropriation $3,091,000

Death Investigations Account—State Appropriation $11,643,000

County Criminal Justice Assistance Account—State

Appropriation $4,585,000

Municipal Criminal Justice Assistance Account—State

Appropriation $1,664,000

Fire Service Trust Account—State Appropriation $131,000

Vehicle License Fraud Account—State Appropriation $119,000

Disaster Response Account—State Appropriation $8,000,000

Fire Service Training Account—State Appropriation $12,389,000

Model Toxics Control Operating Account—State

Appropriation $580,000

Fingerprint Identification Account—State

Appropriation $13,695,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $2,425,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $2,425,000

TOTAL APPROPRIATION $196,651,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) $2,425,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and $2,425,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(3) $643,000 of the general fund—state appropriation for fiscal year 2022 and $643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(4) $356,000 of the general fund—state appropriation for fiscal year 2022, $356,000 of the general fund—state appropriation for fiscal year 2023, and $298,000 of the death investigations

account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(5) $510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(6) $700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(7) $177,000 of the general fund—state appropriation for fiscal year 2022 and $127,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1223 (custodial interrogations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) $1,000 of the general fund—state appropriation for fiscal year 2022 and $1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9) $2,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(10) $1,320,000 of the general fund—state appropriation for fiscal year 2022 and $636,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an enhanced forensic capabilities program that provides expedited DNA technology and forensic services to assist in the processing of crime scene evidence, expediting investigative leads, and reducing the backlog of other cases.

PART V

EDUCATION

NEW SECTION. **Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2022) $30,783,000

General Fund—State Appropriation (FY 2023) $30,320,000

General Fund—Federal Appropriation $105,881,000

General Fund—Private/Local Appropriation $8,060,000

Washington Opportunity Pathways Account—State

Appropriation $265,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $522,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $530,000

Performance Audits of Government Account—State

Appropriation $213,000

Workforce Education Investment Account—State

Appropriation $3,810,000

TOTAL APPROPRIATION $180,384,000

The appropriations in this section are subject to the following conditions and limitations:

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) $14,059,000 of the general fund—state appropriation for fiscal year 2022 and $14,053,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public

instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 513 and 520 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(vii) Within the amounts provided in this subsection (1)(a), $318,000 of the general fund—state appropriation for fiscal year 2022 and $310,000 of the general fund—state appropriation for fiscal year 2023 are for 2.0 FTE to support multi-tiered systems of support (MTSS) data management and implementation activities.

(viii) Within the amounts provided in this subsection (1)(a), $79,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a contract to assess the feasibility, specifications, and cost estimates for full development and implementation of a MTSS database.

(ix) Within the amounts provided in this subsection (1)(a), $53,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with regional and/or national experts to train the MTSS staff on implementation science and evidence-based practices.

(b) $1,217,000 of the general fund—state appropriation for fiscal year 2022 and $1,217,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) $494,000 of the general fund—state appropriation for fiscal year 2022 and $494,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(d) $61,000 of the general fund—state appropriation for fiscal year 2022 and $61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(e) $61,000 of the general fund—state appropriation for fiscal year 2022 and $61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(f) $265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(g) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(h) $123,000 of the general fund—state appropriation for fiscal year 2022 and $123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(i) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(j) $14,000 of the general fund—state appropriation for fiscal year 2022 and $14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(k) $131,000 of the general fund—state appropriation for fiscal year 2022, $131,000 of the general fund—state appropriation for fiscal year 2023, and $213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(l) $117,000 of the general fund—state appropriation for fiscal year 2022 and $117,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(m) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(n) $385,000 of the general fund—state appropriation for fiscal year 2022 and $385,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(o) $205,000 of the general fund—state appropriation for fiscal year 2022 and $205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(p) $75,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering

programs in schools and districts across the state.

(q) $481,000 of the general fund—state appropriation for fiscal year 2022 and $481,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(r) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(2) DATA SYSTEMS

(a) $1,802,000 of the general fund—state appropriation for fiscal year 2022 and $1,802,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) $281,000 of the general fund—state appropriation for fiscal year 2022 and $281,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) $450,000 of the general fund—state appropriation for fiscal year 2022 and $450,000 of the general fund—state appropriation for fiscal year 2023 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) $335,000 of the general fund—state appropriation for fiscal year 2022 and $335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) $118,000 of the general fund—state appropriation for fiscal year 2022 and $118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) $130,000 of the general fund—state appropriation for fiscal year 2022 and $130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to collaborate with the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long term strategies that align and integrate

high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute House Bill No. 1213 (child care & early dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies.

(f) $107,000 of the general fund—state appropriation for fiscal year 2022 and $107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(g) $310,000 of the general fund—state appropriation for fiscal year 2022 and $249,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of a language access technical assistance program for school districts and to reconvene an expanded work group under section 2, chapter 256, Laws of 2019. The activities of and resources provided by the language access technical assistance program must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019 in order to improve awareness and fulfillment of language access rights for families in educational settings. The work group under this subsection shall, by December 1, 2021, report to the appropriate committees of the legislature recommendations for standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to language access services in schools and school districts. Within the amounts provided in this subsection, the office must provide a report to the appropriate committees of the legislature by December 1, 2021. The report shall include, at a minimum, information regarding the different languages in which students and students' families prefer to communicate by each school district.

(4) STATEWIDE PROGRAMS

(a) $2,590,000 of the general fund—state appropriation for fiscal year 2022 and $2,590,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) $703,000 of the general fund—state appropriation for fiscal year 2022 and $703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) $950,000 of the general fund—state appropriation for fiscal year 2022 and $950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) $10,000 of the general fund—state appropriation for fiscal year 2022 and $10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(e)(i) $50,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school bullying and harassment prevention activities.

(ii) $15,000 of the general fund—state appropriation for fiscal year 2022 and $15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) $570,000 of the general fund—state appropriation for fiscal year 2022 and $570,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and

threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts appropriated in this subsection (4)(e)(iii), $200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(iv) $196,000 of the general fund—state appropriation for fiscal year 2022 and $196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), $96,000 of the general fund—state appropriation for fiscal year 2022 and $96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) $162,000 of the general fund—state appropriation for fiscal year 2022 and $162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for youth suicide prevention activities.

(ii) $76,000 of the general fund—state appropriation for fiscal year 2022 and $76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) $280,000 of the general fund—state appropriation for fiscal year 2022, $280,000 of the general fund—state appropriation for fiscal year 2023, and $1,052,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, $522,000 of the dedicated marijuana account—state appropriation for fiscal year 2022, and $530,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the building bridges statewide program.

(ii) $293,000 of the general fund—state appropriation for fiscal year 2022 and $293,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) $178,000 of the general fund—state appropriation for fiscal year 2022 and $178,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) $358,000 of the general fund—state appropriation for fiscal year 2022 and $358,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) $196,000 of the general fund—state appropriation for fiscal year 2022 and $196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) $60,000 of the general fund—state appropriation for fiscal year 2022, $60,000 of the general fund—state appropriation for fiscal year 2023, and $680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, $680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) $57,000 of the general fund—state appropriation for fiscal year 2022 and $57,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) $269,000 of the general fund—state appropriation for fiscal year 2022 and $349,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) $275,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to convene and provide staff support to the K-12 basic education compensation advisory committee established in section 988 of this act.

(q) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to develop resources, share best practices, and provide technical assistance for school districts to support implementation of comprehensive, culturally responsive, and high-quality civics education. Within amounts provided in this subsection, the office shall administer competitive grant awards of up to $1,500 per first class school district and $750 per second class school district to support in-service training and the development or adoption of curriculum and instructional materials. The office shall utilize a portion of this funding to assess the

learning outcomes related to civic education curriculum and to support related assessments that gauge the degree to which high quality civic education is taking place in school districts throughout the state.

(r) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide technical assistance to school districts through the center for the improvement of student learning. The technical assistance must support the implementation of trauma-informed practices, policies, and procedures, including implementation of social emotional learning programs, multi-tiered systems of support, and other evidence-based programs that improve school climate and student emotional wellbeing.

(s) $49,000 of the general fund—state appropriation for fiscal year 2022 and $49,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1214 (K-12 safety & security serv.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(t) $35,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1363 (secondary trauma/K-12). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(u) $140,000 of the general fund—state appropriation for fiscal year 2022 and $135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1208 (learning assistance program). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(v) $505,000 of the general fund—state appropriation for fiscal year 2022 and $486,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(w) $60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least 20 minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) $30,000 of the general fund—state appropriation is provided solely for annual grant awards of $5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) $20,000 of the general fund—state appropriation is provided solely for the office to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support; and

(iii) $10,000 of the general fund—state appropriation is provided solely for the office to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by October 1, 2022.

(5) CAREER CONNECTED LEARNING

(a) $850,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) $960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2021-2023 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) $500,000 of the workforce education investment account—state appropriation is provided solely for the Federal Way school district to establish pre-apprenticeship pathways and career

connected learning programs in the skilled trades in Federal Way.

(d) $1,500,000 of the workforce education investment account—state is provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to continue the regional apprenticeship pathways program.

NEW SECTION. **Sec. 502. FOR THE STATE BOARD OF EDUCATION**

General Fund—State Appropriation (FY 2022) $1,508,000

General Fund—State Appropriation (FY 2023) $1,494,000

Washington Opportunity Pathways Account—State

Appropriation $322,000

TOTAL APPROPRIATION $3,324,000

The appropriations in this section are subject to the following conditions and limitations: $152,000 of the general fund—state appropriation for fiscal year 2022 and $138,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board of education for the following: Continuation of the mastery-based learning work group (chapter 252, Laws of 2019), expansion of ongoing pathways research, and rule making.

NEW SECTION. **Sec. 503. FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2022) $16,630,000

General Fund—State Appropriation (FY 2023) $19,153,000

TOTAL APPROPRIATION $35,783,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,705,000 of the general fund—state appropriation for fiscal year 2022 and $1,705,000 of the general fund—state appropriation for fiscal year 2023 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(2)(a) $600,000 of the general fund—state appropriation for fiscal year 2022 and $600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

(b) Within the amounts provided in this subsection (2), up to $500,000 of the general fund—state appropriation for fiscal year 2022 and up to $500,000 of the general fund—state appropriation for fiscal year 2023 are provided for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(3) $622,000 of the general fund—state appropriation for fiscal year 2022 and $622,000 of the general fund—state appropriation for fiscal year 2023 are provided for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (3), $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(4) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply).

(5) $13,499,000 of the general fund—state appropriation for fiscal year 2022 and $16,076,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators). Of the amounts provided in this subsection:

(a) $250,000 of the general fund—state appropriation for fiscal year 2022

is provided solely to develop an online course to train educators on effective community, family, and student engagement.

(b) $12,719,000 of the general fund—state appropriation for fiscal year 2022 and $15,546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to districts to provide two days of training per school year in the paraeducator certificate program to all paraeducators. Funds in this subsection are provided solely for reimbursement to school districts that provide paraeducators with two days of training in the paraeducator certificate program in each of the 2020-21 and 2021-22 school years.

(c) $530,000 of the general fund—state appropriation for fiscal year 2022 and $530,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the board to implement chapter 237, Laws of 2017 (paraeducators).

(6) $54,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute House Bill No. 1028 (residency teacher cert.). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2022) $10,310,954,000

General Fund—State Appropriation (FY 2023) $9,585,788,000

General Fund—Federal Appropriation $955,122,000

Education Legacy Trust Account—State Appropriation $1,198,115,000

Elementary and Secondary School Emergency Relief III—Federal Appropriation $1,852,502,000

TOTAL APPROPRIATION $23,902,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2021-22 and 2022-23 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2021, to August 31, 2021, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 503 and 504, chapter 357, Laws of 2020, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2021-22 and 2022-23 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this

information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2021-22 and 2022-23 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2021-22 School Year	2022-23 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school in the 2021-22 school year as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under this subsection (2)(d)(ii)(A), a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty schools in the 2022-23 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle	High
Guidance counselors	0.500	0.500	0.500

(C) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2021-22 School Year	2022-23 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2021-22 and 2022-23 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students 1.025

Skill Center students 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2021-22 and 2022-23 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2021-22 and 2022-23 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are

calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.54 percent in the 2021-22 school year and 11.97 percent in the 2022-23 school year for career and technical education students, and 17.87 percent in the 2021-22 school year and 17.28 percent in the 2022-23 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 22.71 percent in the 2021-22 school year and 22.71 percent in the 2022-23 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.75 percent in the 2021-22 school year and 22.75 percent in the 2022-23 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 942 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	$140.85	$178.10
Utilities and Insurance	$382.70	$388.82
Curriculum and Textbooks	$151.22	$153.64

Other Supplies	$299.50	$303.29
Library Materials	$21.54	$21.89
Instructional Professional Development for Certificated and Classified Staff	$23.39	$23.76
Facilities Maintenance	$189.59	$192.62
Security and Central Office	$131.34	$133.45
TOTAL MSOC/STUDENT FTE	$1,340.13	$1,396.57

(ii) For the 2021-22 school year and 2022-23 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of $1,585.55 for the 2021-22 school year and $1,610.92 for the 2022-23 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of $1,585.55 for the 2021-22 school year and $1,610.92 for the 2022-23 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	$40.50	$41.15
Curriculum and Textbooks	$44.18	$44.89
Other Supplies	$86.06	$87.43
Library Materials	$5.99	$6.09
Instructional Professional Development for Certified and Classified Staff	$7.36	$7.48
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	$184.09	$187.04

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2021-22 and 2022-23 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of $151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2021, to August 31, 2021, are adjusted to reflect provisions of chapter 357, Laws of 2020, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate,

monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2021-22 school year and 2022-23 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-

time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2022 and 2023 as follows:

(a) $650,000 of the general fund—state appropriation for fiscal year 2022 and $650,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) $436,000 of the general fund—state appropriation for fiscal year 2022 and $436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed $500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the

appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18) The office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2021-2023 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) $276,728,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for salaries, benefits, and transportation allocations to provide five additional school days in the 2021-22 school year. School districts may use other federal funds provided for COVID-19 response and local funds for any other costs associated with providing additional days. This funding is outside the state's program of basic education. Allowable uses of funds provided in this subsection are limited to:

(a) Additional school days;

(b) Additional school contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;

(c) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(d) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(e) Direct supports to students to improve school engagement and learning recovery.

(23) $9,850,000 of the general fund—state appropriation for fiscal year 2022 and $9,850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the

superintendent of public instruction to administer the technology grant program established under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(24) FEDERAL APPROPRIATIONS FOR COVID-19 RECOVERY

(a) $15,727,000 of the general fund—federal appropriation (CRSSA/ESSER) is provided solely for enrollment stabilization allocations required in section 523 of this act.

(b) $17,000,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(c) $10,000,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for grants to support planning and start-up costs for school districts adopting balanced school calendars.

(d) $742,367,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection (24)(d) and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(e)(i) $46,263,000 of the general fund—federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. Total funds provided under this subsection (24)(e)(i) and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(ii) $43,708,000 of the general fund—federal appropriation (ARPA) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 2002, the American rescue plan act of 2021, P.L. 117-2.

(f) $1,885,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M and $5,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 are provided solely for grants to small school districts located in urban and suburban areas. For purposes of this subsection (24)(f) only, "school district" includes public schools receiving allocations under chapter 28A.710 RCW.

(g) $1,333,801,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies.

(h) $333,450,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss. Total funds provided under this subsection (24)(h) and the 2021 supplemental operating budget for the same purpose may not exceed the funding authorized in this subsection (24)(h).

(i) $105,878,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsections 2001(f)(1) and 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to address learning loss.

(j) $18,525,000 of the elementary and secondary school emergency relief III

account—federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support evidence-based summer enrichment programs.

(k) $18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support evidence-based comprehensive afterschool programs.

(l) $12,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to districts to expand the number of dual language classrooms in early grades and professional development to accelerate literacy gains in early grades, especially for English learners.

(m) $6,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to expand high school success pilot programs for students in need of additional supports to stay on-track to graduate.

(n) $6,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities.

(o) $4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2021-22 school year and summer prior to the start of the school year.

(p) $9,263,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

(q) $60,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support a technical advisory workgroup to explore and recommend residency options for pre-service educators, with a focus on educators of color and bilingual speakers and how the apportionment system could support a teacher residency initiative. The workgroup will provide preliminary recommendations by November 1, 2021, and final recommendations by November 1, 2022.

(r) $78,172,000 of the general fund—federal appropriation is provided solely for allocations from federal funding in response to the COVID-19 pandemic as authorized in section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136, division B. Total funds provided under this subsection (24)(r) and amounts expended in the 2019-2020 fiscal biennium for the same purpose may not exceed the federal amounts provided in section 18003, the coronavirus response and relief supplemental appropriation act, P.L. 116-136, division B.

NEW SECTION. **Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2021-22 school year and the 2022-23 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

Staff Type	2021-22 School Year	2022-23 School Year
Certificated Instructional	$68,937	$70,040
Certificated Administrative	$102,327	$103,964
Classified	$49,453	$50,244

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on February 1, 2021, at 5:17 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.07 percent for school year 2021-22 and 22.07 percent for school year 2022-23 for certificated instructional and certificated administrative staff and 19.25 percent for school year 2021-22 and 19.25 percent for the 2022-23 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

NEW SECTION. **Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2022) $102,217,000

General Fund—State Appropriation (FY 2023) $311,335,000

TOTAL APPROPRIATION $413,552,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2021-22 school year, and 1.6 percent for the 2022-23 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in the 2021-22 and 2022-23 school years must be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.07 percent for the 2021-22 school year and 22.07 percent for the 2022-23 school year for certificated instructional and certificated administrative staff and 19.25 percent for the 2021-22 school year and 19.25 percent for the 2022-23 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW

28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 942 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2021-22 school year, $968 per month and for the 2022-23 school year, $1,032 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. **Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2022) $581,901,000

General Fund—State Appropriation (FY 2023) $649,872,000

TOTAL APPROPRIATION $1,231,773,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 506, chapter 357, Laws of 2020, as amended.

(3) Within amounts appropriated in this section, up to $10,000,000 of the general fund—state appropriation for fiscal year 2022 and up to $10,000,000 of the general fund—state appropriation for fiscal year 2023 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of $939,000 of this fiscal year 2022 appropriation and a maximum of $939,000 of the fiscal year 2023 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus

categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(10) The superintendent must provide student transportation allocations for the 2021-22 school year equal to allocations provided in the 2019-20 school year. These allocations satisfy the formula requirements for transportation allocations under RCW 28A.160.192.

NEW SECTION. **Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES**

General Fund—State Appropriation (FY 2022) $11,667,000

General Fund—State Appropriation (FY 2023) $11,667,000

General Fund—Federal Appropriation $551,378,000

TOTAL APPROPRIATION $574,712,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $11,548,000 of the general fund—state appropriation for fiscal year 2020 and $11,458,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are eligible for reduced-price lunch as required in Engrossed House Bill No. 1342 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4) $119,000 of the general fund—state appropriation for fiscal year 2020 and $119,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have

adopted the community eligibility provision.

(5) $14,200,000 of the general fund—federal appropriation (CRRSA) is provided solely for emergency costs for child nutrition programs provided under section 722 of P.L. 116-260, the consolidated appropriations act, 2021, title VII, chapter 3 to school food programs.

NEW SECTION. **Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022) $1,454,952,000

General Fund—State Appropriation (FY 2023) $1,533,083,000

General Fund—Federal Appropriation $567,114,000

Education Legacy Trust Account—State Appropriation $54,694,000

TOTAL APPROPRIATION $3,609,843,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 357, Laws of 2020, as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be

calculated in the aggregate rather than individual district units.

(7) $63,338,000 of the general fund—state appropriation for fiscal year 2022, $82,671,000 of the general fund—state appropriation for fiscal year 2023, and $29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2021-22 and 2022-23 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of $931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) $88,000 of the general fund—state appropriation for fiscal year 2022, $87,000 of the general fund—state appropriation for fiscal year 2023, and $214,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) $12,000,000 of the general fund—state appropriation for fiscal year 2022 and $12,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide an allocation to school districts for extension of transition services for students with disabilities who turned age 21 during the 2019-20 or 2020-21 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the student's individualized education plan team. The extension of these services does not reduce or supplant any other services for which the individual would be eligible. Allocations for this purpose may not exceed the amounts provided in this subsection. The office of the superintendent of public instruction may adopt formulas and procedures to define a per-student amount to be provided to students that meet the criteria, so that allocations do not exceed amounts provided in this subsection. Amounts provided in this subsection are outside the state's program of basic education.

(13) $53,000,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

NEW SECTION. **Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2022) $28,331,000

General Fund—State Appropriation (FY 2023) $28,331,000

TOTAL APPROPRIATION $56,662,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. Beginning in fiscal year 2022, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. Beginning in fiscal year 2022, allocations for staff and support for regional safety centers are increased to 2.5 full-time equivalent certificated instructional staff for each regional safety center, including related classified staff, administrative staff, and non-staff allocations.

(8) Funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) $2,150,000 of the general fund—state appropriation for fiscal year 2022 and $2,150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for each educational

service district to provide technology consultation, procurement, and training required under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2022) $271,870,000

General Fund—State Appropriation (FY 2023) $247,305,000

TOTAL APPROPRIATION $519,175,000

NEW SECTION. **Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022) $17,777,000

General Fund—State Appropriation (FY 2023) $19,490,000

TOTAL APPROPRIATION $37,267,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) $701,000 of the general fund—state appropriation for fiscal year 2022 and $701,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) $3,156,000 of the general fund—state appropriation for fiscal year 2022 and $3,615,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) $300,000 of the general fund—state appropriation in fiscal year 2022 and $300,000 of the general fund—state appropriation in fiscal year 2023 are provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's

center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) $587,000 of the general fund—state appropriation for fiscal year 2022 and $897,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students beginning in the 2021-22 school year in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

(a) Advocacy for institutional education students to eliminate barriers to educational access and success;

(b) Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;

(c) Monitoring educational progress of participating students;

(d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and

(e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

(10) $49,000 of the general fund—state appropriation for fiscal year 2022 and $76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase materials, supplies, and operating costs by $85 per pupil beginning in the 2021-22 school year for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to institutional education programs, which exclude formula costs supported by the institutional facilities.

NEW SECTION. **Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2022) $33,323,000

General Fund—State Appropriation (FY 2023) $33,775,000

TOTAL APPROPRIATION $67,098,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 357, Laws of 2020, as amended.

NEW SECTION. **Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation $6,802,000

TOTAL APPROPRIATION $6,802,000

NEW SECTION. **Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2022) $137,851,000

General Fund—State Appropriation (FY 2023) $141,025,000

General Fund—Federal Appropriation $96,590,000

General Fund—Private/Local Appropriation $1,450,000

Education Legacy Trust Account—State Appropriation $1,638,000

TOTAL APPROPRIATION $378,554,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY

(a) $26,975,000 of the general fund—state appropriation for fiscal year 2022, $26,975,000 of the general fund—state appropriation for fiscal year 2023, $1,350,000 of the education legacy trust account—state appropriation, and $15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) $14,352,000 of the general fund—state appropriation for fiscal year 2022 and $14,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) $75,374,000 of the general fund—state appropriation for fiscal year 2022 and $78,547,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of $5,705 per teacher in the 2021-22 school year and a bonus of $5,796 per teacher in the 2022-23 school year;

(ii) An additional $5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2021-22 and 2022-23 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) $3,418,000 of the general fund—state appropriation for fiscal year 2022 and $3,418,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) $477,000 of the general fund—state appropriation for fiscal year 2022 and $477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) $810,000 of the general fund—state appropriation for fiscal year 2022 and $810,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) $10,500,000 of the general fund—state appropriation for fiscal year 2022 and $10,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) $4,000,000 of the general fund—state appropriation for fiscal year 2022 and $4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

NEW SECTION. **Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2022) $228,658,000

General Fund—State Appropriation (FY 2023) $233,390,000

General Fund—Federal Appropriation $102,242,000

TOTAL APPROPRIATION $564,290,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2021-22 and 2022-23; (ii) additional instruction of 3.0000 hours per week in school years 2021-22 and 2022-23 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate

funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 357, Laws of 2020, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.77 percent for school year 2021-22 and 1.76 percent for school year 2022-23.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) $35,000 of the general fund—state appropriation for fiscal year 2022 and $35,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to track current and former transitional bilingual program students.

(6) $1,185,000 of the general fund—state appropriation in fiscal year 2022 and $1,185,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

NEW SECTION. **Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2022) $448,296,000

General Fund—State Appropriation (FY 2023) $457,813,000

General Fund—Federal Appropriation $533,481,000

TOTAL APPROPRIATION $1,439,590,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 357, Laws of 2020, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided

for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2021-22 and 2022-23 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

(6) In addition to high poverty schools defined in RCW 28A.150.260(10)(a)(ii), elementary schools, excluding full-time online schools approved under RCW 28A.250, that enroll more than six hundred full-time equivalent students and have a three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals that equals or exceeds 45 percent or more of its total annual average enrollment year qualify as a high-poverty school under this subsection. A school continues to meet the definition of a qualifying school if the school: Participates in the United States department of agriculture's community eligibility provision; and met this definition of a qualifying school in the year immediately preceding its participation.

NEW SECTION. **Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations

Per Annual Average Full-Time Equivalent Student

Basic Education Program	2021-22 School Year	2022-23 School Year
General Apportionment	$9,412	$9,677
Pupil Transportation	$586	$594
Special Education Programs	$9,872	$10,266
Institutional Education Programs	$22,729	$23,234
Programs for Highly Capable Students	$611	$623
Transitional Bilingual Programs	$1,430	$1,442
Learning Assistance Program	$961	$966

NEW SECTION. **Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocation purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(4) Appropriations in sections 504 and 506 of this act for insurance benefits under chapter 41.05 RCW are provided

solely for the superintendent to allocate to districts for employee health benefits as provided in section 942 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in section 942 of this act.

(5) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

NEW SECTION. **Sec. 520. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State

Appropriation $152,763,000

TOTAL APPROPRIATION $152,763,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) $1,398,000 of the Washington opportunity pathways account—state appropriation is provided solely for salaries, benefits, and transportation allocations to provide five additional school days in the 2021-22 school year. Schools may use other available funds, including federal funds provided for COVID-19 response, for any other costs associated with providing additional days. This funding is outside the state's program of basic education. Allowable uses of funds provided in this subsection are limited to:

(a) Additional school days;

(b) Additional school contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;

(c) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(d) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(e) Direct supports to students to improve school engagement and learning recovery.

(3) $10,645,000 of the Washington opportunity pathways account—state appropriation is provided solely for grants during the 2021-22 and 2022-23 school year for enrichment activities permitted by RCW 28A.150.276(2), beginning in the 2022 calendar year. The superintendent of public instruction must distribute to each public school receiving allocations under chapter 28A.710 RCW a per pupil enrichment grant of $1,550 per student as increased for inflation from the 2019 calendar year multiplied by the student enrollment of the public school receiving allocations under chapter 28A.710 RCW in the prior school year.

NEW SECTION. **Sec. 521. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State

Appropriation $23,000

Charter Schools Oversight Account—State

Appropriation $3,571,000

TOTAL APPROPRIATION $3,594,000

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

NEW SECTION. **Sec. 522. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2022) $49,733,000

General Fund—State Appropriation (FY 2023) $39,733,000

Elementary and Secondary School Emergency Relief III—Federal Appropriation $12,000,000

TOTAL APPROPRIATION $101,466,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $4,894,000 of the general fund—state appropriation for fiscal year 2022 and $4,894,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for implementation of dual credit programs and subsidized advanced placement exam fees, international baccalaureate class fees, and exam and course fees for low-income students.

For expenditures related to subsidized exam fees, the superintendent of public instruction shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(2)(a) $2,052,000 of the general fund—state appropriation for fiscal year 2022 and $2,052,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, $1,075,000 of the 2022 appropriation and $1,075,000 of the 2023 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, $100,000 of the fiscal year 2022 appropriation and $100,000 of the fiscal year 2023 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) $135,000 of the general fund—state appropriation for fiscal year 2022 and $135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2022, a high school must have offered a foundational project lead the way course during the 2020-21 school year. The 2022 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2021-22 school year. To be eligible for funding in 2023, a high school must have offered a foundational project lead the way course during the 2021-22 school year. The 2023 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2022-23 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) $2,127,000 of the general fund—state appropriation for fiscal year 2022 and $2,127,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (i) through (iii) of this subsection (d), the skills center and high schools must be selected through a competitive grant process administered by the office of the superintendent of public instruction in consultation with the advisory committee established in (vi) of this subsection (d). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) $900,000 of the general fund—state appropriation for fiscal year 2022 and $900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) $350,000 of the general fund—state appropriation for fiscal year 2022 and $350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in construction programs.

(iii) $350,000 of the general fund—state appropriation for fiscal year 2022 and $350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) For (i) through (iii) of this subsection (d), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet criteria based on agreement from industry sector representatives.

(v) $527,000 of the general fund—state appropriation for fiscal year 2022 and $527,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to administer, evaluate, and promote programs under (i) through (iii) of this subsection (d) based on industry sector recommendations, including contracts with sector-specific entities to expand sector-specific employer engagement programs, increase work placement opportunities, validate credentials necessary for direct employment, and provide professional development to support schools, teachers, and students. The office may also contract with an entity with experience promoting core plus programming across industry sectors and education providers to expand awareness and adoption of core plus programs.

(vi) The office shall convene and manage an advisory committee of industry sector leadership from the core plus program areas and a representative from a statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, including grant determinations, reviewing data and outcomes, recommending program improvements, and ensuring the use of qualified contractors. The committee will advise the superintendent on appropriate credentials, industry-based competencies, and programs of study for high-demand sectors represented in these program areas.

(3)(a) $75,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, $15,000 of the general fund—state appropriation for fiscal year 2022 and $15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) $373,000 of the general fund—state appropriation for fiscal year 2022 and $373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), $10,000 of the general fund—state appropriation for fiscal year 2022 and $10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(4)(a) $55,000 of the general fund—state appropriation for fiscal year 2022 and $55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) $4,000,000 of the general fund—state appropriation for fiscal year 2022 and $4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated $1,000,000 is provided solely for community based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) $4,450,000 of the general fund—state appropriation for fiscal year 2022 and $4,700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), $446,000 of the general fund—state appropriation for fiscal year 2022 and $446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), $1,015,000 of the general fund—state appropriation for fiscal year 2022 and $1,015,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), $684,000 of the general fund—state appropriation for fiscal year 2022 and $684,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(d) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in this act.

(e) $55,000 of the general fund—state appropriation for fiscal year 2022 and $55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and implementing the data sharing agreement between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(7)(a) $1,200,000 of the general fund—state appropriation for fiscal year 2022 and $1,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) $36,000 of the general fund—state appropriation for fiscal year 2022 and

$36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(8) $375,000 of the general fund—state appropriation for fiscal year 2022 and $375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(9) $1,425,000 of the general fund—state appropriation for fiscal year 2022 and $1,425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students.

(10)(a) $4,940,000 of the general fund—state appropriation for fiscal year 2022 and $4,940,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Of the amounts provided: $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college success foundation to establish programming in new regions throughout the state. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) $1,454,000 of the general fund—state appropriation for fiscal year 2022 and $1,454,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) $362,000 of the general fund—state appropriation for fiscal year 2022 and $362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(11)(a) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) $3,000,000 of the general fund—state appropriation for fiscal year 2022 and $3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools. The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) $50,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants of $2,500 to provide twenty middle and high school teachers each year with professional

development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to $500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) $62,000 of the general fund—state appropriation for fiscal year 2022 and $62,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(12) $85,000 of the general fund—state appropriation for fiscal year 2022 and $85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the centrum program at Fort Worden state park.

(13) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students

facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(14) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(15) $850,000 of the general fund—state appropriation for fiscal year 2022 and $850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2021-22 school year to school districts by August 10, 2021, and grants for the 2022-23 school year by August 1, 2022.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(iii) High schools located in school districts enrolling 5,000 or fewer students.

(b) High schools that do not comply with the data collection and reporting requirements in RCW 28A.320.540 are not eligible for grant funding.

(c) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2018-19 or 2019-20 school year, whichever is higher, or $10,000.

(d) The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) $250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the south Kitsap school district to codevelop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

(17) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and

environmental science programming and resources for migrant and bilingual students.

(18) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(19) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer a grants program for school districts to acquire and use research-based, social emotional learning curricula in accordance with the state social emotional learning standards. The office must prioritize school districts that do not have existing research based social emotional learning programs and that are also eligible for high-poverty allocations from the learning assistance program.

(20) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a career and technical student organization that specializes in using e-sports to engage students in seven career clusters to bring team-based, career and technical education (CTE) e-sports programs to each high school in the Battle Ground, Evergreen, and Vancouver school districts. Any funding remaining may be used for e-sports programs in the middle schools of the three school districts.

(21) $375,000 of the general fund—state appropriation for fiscal year 2022 and $375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization to facilitate one-to-one mentoring of students by blending technology with a focus on college readiness, workforce development, career exploration, and social emotional learning. Funding for the program may support expansion of programs with current school partners or provide start-up funding to expand across the state. To be eligible for the contract, the organization must provide screened and trained volunteer mentors for students facing academic and personal challenges.

(22) $10,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the superintendent of public instruction to contract with the Washington school principals' education foundation to support pandemic related learning loss through outdoor learning and overnight camp experiences. The association, in consultation with the office, must provide grants to school districts that partner with an accredited residential outdoor school to provide up to 20,000 fifth and sixth grade students with up to five days of outdoor learning at an overnight camp. Prioritization must be given to schools that have been identified for improvement and students who are most impacted by opportunity gaps as determined by measures of the Washington school improvement framework. Outdoor schools must provide curriculum that is aligned to state learning standards and provide opportunities for accelerated learning, including career connected learning in field based environmental science, technology, engineering, and math. Funds may be used by residential outdoor schools for operational activities necessary for reopening.

(23) $1,399,000 of the general fund—state appropriation for fiscal year 2022 and $1,399,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(24) $12,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the

purposes of identifying children and youth experiencing homelessness and providing children and youth experiencing homelessness with:

(a) Wrap-around services due to the challenges of the COVID-19 public health emergency; and

(b) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(25) The general fund—state appropriations in this section for fiscal year 2022 have been reduced by $16,000 and the general fund—state appropriations in this section for fiscal year 2023 have been reduced by $16,000 to reflect global compensation savings. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(26) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release their fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than $35,000 each fiscal year for office administration costs related to the contract.

NEW SECTION. **Sec. 523. ENROLLMENT STABILIZATION**

(1) From appropriations in subsection 504(24)(a) of this act, the superintendent of public instruction must provide an enrollment stabilization allocation from funds attributable to subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M to local education agencies equal to amount A minus amount B if amount A minus amount B is greater than zero:

(a) "Amount A" is the sum of the following:

(i) The maximum enrollment stabilization amount in subsection (2) of this section; and

(ii) The maximum enrollment stabilization amount in the 2020-21 school year as defined in section 1419(2) of this act.

(b) "Amount B" is the sum of the following:

(i) Total federal funding that is available to the local education agency from subgrants provided by the elementary and secondary school emergency relief fund as enacted by section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M and subsection 2001(d), the American rescue plan act of 2021, P.L. 117-2; and

(ii) Enrollment stabilization allocations provided in the 2020-21 school year under section 518 of the 2021 supplemental operating budget.

(2) The maximum enrollment stabilization allocation for the 2021-22 school year is the amount needed to bring total allocations for all program and enrollment groups listed in (b) of this subsection that meet the criteria in (a) of this subsection up to an amount calculated using 2019-20 annual average enrollment values and formulas in place for the 2021-22 school year.

(a) A program and enrollment group meets the criteria to be included in the maximum enrollment stabilization allocation for a local education agency if enrollment in the 2021-22 school year, or the 2020-21 school year for the learning assistance program, is less than funded annual average enrollment in the 2019-20 school year and using 2019-20 annual average enrollment values does not result in less funding within the program to the local education agency.

(b) Program and enrollment groups that may be eligible for the maximum enrollment stabilization allocation are:

(i) Total annual average full-time equivalent enrollment in kindergarten through 12th grades, including alternative learning experience

enrollment for purposes of calculating general apportionment allocations;

(ii) Enrollment in special education for purposes of calculating excess cost allocations as defined in RCW 28A.150.390. Allocations for special education enrollment above 2020-21 school year levels in kindergarten through 12th grades must be based on an excess cost multiplier of 0.995;

(iii) Enrollment in programs that provide supplemental instruction and services for students whose primary language is other than English for purposes of calculating allocations as described in RCW 28A.150.260(10)(b);

(iv) Enrollment in residential schools as defined in RCW 28A.190.020 and of juveniles in detention facilities as identified by RCW 28A.190.010 for purposes of calculating allocations to support institutional education;

(v) Enrollment in programs that support highly capable students for purposes of calculating allocations as described in RCW 28A.150.260(10)(c);

(vi) Enrollment in dropout reengagement programs for purposes of calculating allocations for eligible students under RCW 28A.175.100;

(vii) Enrollment in learning assistance programs for purposes of calculating allocations as defined in RCW 28A.150.260(10)(a); and

(viii) Enrollment in career and technical education and skill centers for purposes of calculating allocations as described in RCW 28A.150.260 (4)(c), (7), and (9).

(3) Enrollment stabilization amounts allocated under this section are not part of the state's program of basic education but may be used for any allowable cost within any of the programs.

(4) For purposes of this section, "local education agency" means a school district, charter school, or state-tribal education compact school established under chapter 28A.715 RCW.

(5)(a) From appropriations in subsection 504(24)(a) of this act, the superintendent of public instruction must provide an amount from funds attributable to subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M to increase 2022 and 2023 calendar years' local effort assistance allocations to an amount calculated using 2019-20 annual average enrollment values if 2019-20 school year enrollment is greater than 2020-21 or 2021-22 school year enrollment, subject to (b) of this subsection.

(b)(i) In the 2022 calendar year, funding under (a) of this subsection may be provided only to the extent amount C minus amount D is greater than zero.

(A) "Amount C" is the sum of:

(I) The amount necessary to increase 2022 calendar year local effort assistance allocations to an amount calculated using 2019-20 annual average enrollment values if 2019-20 school year enrollment is greater than 2020-21 school year enrollment; and

(II) The maximum enrollment stabilization amounts in subsection (1)(a) of this section.

(B) "Amount D" is the sum of:

(I) Federal and state amounts described in subsection (1)(b) of this section; and

(II) Enrollment stabilization allocations in the 2021-22 school year under subsection (1) of this section.

(ii) In the 2023 calendar year, funding under (a) of this subsection may be provided only to the extent amount E minus amount F is greater than zero.

(A) "Amount E" is the sum of:

(I) The amount necessary to increase 2022 and 2023 calendar year local effort assistance allocations to an amount calculated using 2019-20 annual average enrollment values if 2019-20 school year enrollment is greater than 2020-21 and 2021-22 school year enrollment; and

(II) The maximum enrollment stabilization amounts in subsection (1)(a) of this section.

(B) "Amount F" is the sum of:

(I) Federal and state amounts described in subsection (1)(b) of this section;

(II) Enrollment stabilization allocations in the 2021-22 school year under subsection (1) of this section; and

(III) The amount provided under (a) of this subsection (5) in the 2022 calendar year.

PART VI

HIGHER EDUCATION

NEW SECTION. **Sec. 601.** The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of financial management for inclusion in the agency's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For employees under the jurisdiction of chapter 41.56 or 41.80 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(b) For each institution of higher education receiving appropriations under sections 605 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention and as provided in Part IX of this act.

(ii) Institutions may provide salary increases from sources other than general fund appropriations and tuition revenues to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. It is the intent of the legislature that salary increases provided under this subsection (4)(b)(ii) not increase state general fund support or impact tuition expenditures by an institution unless the legislature so determines.

(iii) Funding for salary increases provided under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 on or after July 1, 2019, must be excluded from the general fund and tuition salary base when calculating state funding for future general wage or other salary increases on or after July 1, 2019. In order to facilitate this funding policy, each institution shall report to the office of financial management on the details of locally authorized salary increases granted under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 with its 2023-2025 biennium budget submittal. At a minimum, the report must include the total cost of locally authorized increases by fiscal year, a description of the locally authorized provision, and the long-term source of funds that is anticipated to cover the cost.

(5) Within funds appropriated to institutions in sections 605 through 611 of this act, teacher preparation programs shall meet the requirements of RCW 28B.10.710 to incorporate information on the culture, history, and government of American Indian people in this state by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

(6) Each institution of higher education must include the phone number of a campus, local, state, or national suicide, crisis, or counseling hotline on the back of newly issued student and faculty identification cards.

(7)(a) The student achievement council and all institutions of higher education

as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

NEW SECTION. **Sec. 602.** (1) Within the amounts appropriated in this act, each institution of higher education shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(2) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments for each of their campuses.

NEW SECTION. **Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS**

(1) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by students under RCW 28A.600.290 or 28A.600.300 if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(2) Appropriations in sections 606 through 611 of this act are sufficient to implement 2021-23 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW.

(3) Within amounts appropriated to institutions in sections 606 through 611 of this act, institutions shall employ at least one full-time mental health counselor licensed under chapter 18.225 RCW who has experience working with active members of the military or military veterans, to work with student, faculty, and staff veterans, as well as their spouses and dependents, through the institution's veteran resource center.

NEW SECTION. **Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Appropriations in section 605 of this act are sufficient to implement 2021-23 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW and as set forth in part 9 of this act.

NEW SECTION. **Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2022) $752,638,000

General Fund—State Appropriation (FY 2023) $755,469,000

Community/Technical College Capital Projects

Account—State Appropriation $22,436,000

Education Legacy Trust Account—State Appropriation $159,105,000

Workforce Education Investment Account—State

Appropriation $209,401,000

TOTAL APPROPRIATION $1,899,049,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $33,261,000 of the general fund—state appropriation for fiscal year 2022 and $33,261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2022 and at least 7,170 full-time equivalent students in fiscal year 2023.

(2) $5,000,000 of the general fund—state appropriation for fiscal year 2022, $5,000,000 of the general fund—state appropriation for fiscal year 2023, and $5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) $425,000 of the general fund—state appropriation for fiscal year 2022 and $425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Seattle Central College's expansion of allied health programs.

(4) $5,250,000 of the general fund—state appropriation for fiscal year 2022 and $5,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the student achievement initiative.

(5) $1,610,000 of the general fund—state appropriation for fiscal year 2022, and $1,610,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mathematics, engineering, and science achievement program.

(6) $1,500,000 of the general fund—state appropriation for fiscal year 2022 and $1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) $20,759,000 of the general fund—state appropriation for fiscal year 2022 and $21,154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) $157,000 of the general fund—state appropriation for fiscal year 2022 and $157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(13) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(15) $216,000 of the general fund—state appropriation for fiscal year 2022 and $216,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the opportunity center for employment and education at North Seattle College.

(16) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(17) $350,000 of the general fund—state appropriation for fiscal year 2022 and $350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

(a) Medical assisting, 40 students;

(b) Nursing assistant, 60 students; and

(c) Registered nursing, 32 students.

(18) $338,000 of the general fund—state appropriation for fiscal year 2022 and $338,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state labor education and research center at South Seattle College.

(19) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(20) $15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(21) $15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that

maintain a quality academic experience for Washington students.

(22)(a) $1,500,000 of the general fund—state appropriation for fiscal year 2022, $1,500,000 of the general fund—state appropriation for fiscal year 2023, and $75,847,000 of the workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(b) $200,000 of the workforce education investment account—state appropriation is provided solely for a reentry navigator position at Olympic College to assist formerly incarcerated people gain admittance into college.

(23) $40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(24) $40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(25) $8,000,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to expand high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (25):

(a) $6,000,000 of the amounts in this subsection (25) are provided for expansion of career launch enrollments, as provided under RCW 28C.30.020.

(b) $2,000,000 of the amounts in this subsection (25) are provided for expansion of enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

(c) The state board of community and technical colleges may transfer amounts between (a) and (b) of this subsection (25) if either program does not have sufficient demand to spend the allocated funding. Any transfer must be approved by the state board for community and technical colleges and the office of financial management.

(26) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board for community and technical colleges to support the completion of the English 101 curriculum review to remove barriers to student success. A report should be submitted to the appropriate committees of the legislature under RCW 43.01.036 by June 30, 2023, or upon the completion of the English 101 review to report on lessons learned, best practices, and recommendations for completion of additional curricula reviews.

(27) $5,800,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for technology grants to community and technical colleges to convert professional, technical, and laboratory-based instruction to an interactive online format, including but not limited to, virtual simulations and virtual or digital laboratories.

(28) $14,000,000 of the workforce education investment account—state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(29) $925,000 of the general fund—state appropriation for fiscal year 2022 and $925,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college board to administer a pilot program to increase student access to mental health counseling and services.

(a) The college board, in collaboration with a selection committee representative of the community and technical college counselors task force, shall select eight community or technical colleges to participate in the pilot program, with half of the participating colleges located outside of the Puget Sound area. The Puget Sound area consists of Snohomish, King, Pierce, and Thurston counties.

(b) Community and technical colleges wishing to participate in the pilot program shall apply to the college board. Applicants must identify opportunities

for expanding on-campus mental health counseling and services. Applicants must also show a commitment to further develop partnerships by engaging with external community providers, including those who provide crisis services and substance use disorder treatment and counseling. Applications that demonstrate plans to include one or more of the strategies recommended by the community and technical college counselors task force must be prioritized. Each participating college must receive a grant to implement the strategies outlined in their application.

(c) Colleges selected to participate in the pilot program that use grant funding to hire additional mental health counselors must hire counselors who have specific graduate-level training for meeting the mental and behavioral health needs of students.

(d) Colleges selected to participate in the pilot program shall submit a joint report to the appropriate committees of the legislature and in accordance with RCW 43.01.036 by June 30, 2023. The report must include information on how the pilot program was implemented, demographic data, effectiveness of strategies chosen by colleges, information on services provided and whether demand was met, lessons learned, and recommendations for improving student access to mental health counseling and services at community and technical colleges and with community providers.

(30) $16,000 of the general fund—state appropriation for fiscal year 2022 and $91,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(31) $516,000 of the general fund—state appropriation for fiscal year 2022 and $516,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(32) $350,000 of the general fund—state appropriation for fiscal year 2022 and $350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 606. FOR THE UNIVERSITY OF WASHINGTON**

General Fund—State Appropriation (FY 2022) $388,254,000

General Fund—State Appropriation (FY 2023) $393,281,000

Aquatic Lands Enhancement Account—State

Appropriation $1,618,000

University of Washington Building Account—State

Appropriation $1,546,000

Education Legacy Trust Account—State Appropriation $36,674,000

Economic Development Strategic Reserve Account—State

Appropriation $3,094,000

Biotoxin Account—State Appropriation $605,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $263,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $263,000

Accident Account—State Appropriation $7,861,000

Medical Aid Account—State Appropriation $7,455,000

Workforce Education Investment Account—State

Appropriation $51,804,000

Geoduck Aquaculture Research Account—State

Appropriation $15,000

TOTAL APPROPRIATION $892,733,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $43,087,000 of the general fund—state appropriation for fiscal year 2022

and $43,905,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) $8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) $14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) $3,062,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) $7,345,000 of the general fund—state appropriation for fiscal year 2022 and $7,345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(9) $2,625,000 of the general fund—state appropriation for fiscal year 2022 and $2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(11) $600,000 of the general fund—state appropriation for fiscal year 2022 and $1,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the adult psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) $172,000 of the general fund—state appropriation for fiscal year 2022 and $172,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area.

(a) The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(13) $20,000,000 of the general fund—state appropriation for fiscal year 2022 and $20,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(14) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—appropriation for fiscal year 2023 are provided solely for the University of Washington's psychiatry integrated care training program.

(15) $427,000 of the general fund—state appropriation for fiscal year 2022 and $640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(16) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(17) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.

(18) $226,000 of the general fund—state appropriation for fiscal year 2022 and $226,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.

(19) $102,000 of the general fund—state appropriation for fiscal year 2022 and $102,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for international trade in forest products.

(20) $625,000 of the general fund—state appropriation for fiscal year 2022 and $625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Latino center for health.

(21) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a firearm policy research program. The program will:

(a) Support investigations of firearm death and injury risk factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(22) $463,000 of the general fund—state appropriation for fiscal year 2022

and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment.

(23) $225,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment to provide an updated climate impacts risk assessment designed to inform future updates to the statewide climate resilience strategy. The group must coordinate with the office of the governor to refine the scope of assessment. The final report and associated deliverables must be completed and submitted to the governor and appropriate committees of the legislature by December 15, 2022.

(24) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to collaborate with teacher preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.

(25) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(26) $21,461,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(27) $8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(28) $8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(29) $1,000,000 of the workforce education investment account—state appropriation is provided solely to maintain the Washington state academic redshirt program.

(30) $2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(31) $3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(32) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs.

(33) $75,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(34) $6,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the Paul G. Allen school of computer science and engineering in order to award an additional 100 degrees per year focusing on traditionally underrepresented students. A report on degrees awarded must be submitted to the appropriate committees of the legislature June 30, 2022, and June 30, 2023.

(35) $45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the community immersion law enforcement project at the Tacoma campus.

(36) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

(a) Foundational knowledge in behavioral health, mental health, and mental illness;

(b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and

(c) Approaches to promote health and positively influence student health behaviors.

(37) $736,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(38) $159,000 of the general fund—state appropriation for fiscal year 2022 and $159,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(39) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(40) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an increase in financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over $35,000 per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies, including as contact tracers.

NEW SECTION. **Sec. 607. FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2022) $245,899,000

General Fund—State Appropriation (FY 2023) $246,697,000

Washington State University Building Account—State

Appropriation $792,000

Education Legacy Trust Account—State Appropriation $33,995,000

Model Toxics Control Operating Account—State

Appropriation $2,378,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $138,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $138,000

Workforce Education Investment Account—State

Appropriation $29,680,000

TOTAL APPROPRIATION $559,717,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $90,000 of the general fund—state appropriation for fiscal year 2022 and $90,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) $7,000,000 of the general fund—state appropriation for fiscal year 2022, $7,000,000 of the general fund—state appropriation for fiscal year 2023, and $22,800,000 of the workforce education investment account—state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) $135,000 of the general fund—state appropriation for fiscal year 2022 and $135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a honey bee biology research position.

(7) $30,628,000 of the general fund—state appropriation for fiscal year 2022 and $31,210,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) $580,000 of the general fund—state appropriation for fiscal year 2022 and $580,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) $630,000 of the general fund—state appropriation for fiscal year 2022 and $630,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) $1,370,000 of the general fund—state appropriation for fiscal year 2022 and $1,370,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) $1,154,000 of the general fund—state appropriation for fiscal year 2022 and $1,154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(13) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the joint center for deployment and research in earth abundant materials.

(14) $2,076,000 of the model toxics control operating account—state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The

network must include a Mount Vernon REC site.

(15) $6,880,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(16) $20,000 of the general fund—state appropriation for fiscal year 2022 and $20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of clean technology to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide a report including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2022.

(17) $175,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the William D. Ruckelshaus center to partner with the Washington State University for the continued work of the Washington state criminal sentencing task force established in section 981 of this act.

(18) $302,000 of the model toxics control account—state appropriation is provided to develop a model to estimate carbon sequestration from organic waste-derived soil amendment application to soil, and identify technologies, methods, and potential funding for carbon sequestration from Washington's organic wastes; this includes but is not limited to the potential inclusion of these materials in carbon markets and trading. The institution must assess local and state government compost usage in projects and buy-back programs under RCW 43.19A.120 and 43.19A.130 including but not limited to participation, effectiveness, and amount and types of usage of compost.

(19) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(20) $108,000 of the general fund—state appropriation for fiscal year 2022 and $23,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1117 (comp. planning/salmon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(21) $86,000 of the general fund—state appropriation for fiscal year 2022 and $86,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(22) $402,000 of the institutions of higher education—grant and contracts is provided solely for implementation of Substitute Senate Bill No. 5317 (pesticide registration). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) $58,130,000

General Fund—State Appropriation (FY 2023) $58,236,000

Education Legacy Trust Account—State Appropriation $16,838,000

Workforce Education Investment Account—State

Appropriation $4,910,000

TOTAL APPROPRIATION $138,114,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least $200,000 of the general fund—state appropriation for fiscal year 2022 and at least $200,000 of the general fund—state appropriation for fiscal year 2023 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) $11,002,000 of the general fund—state appropriation for fiscal year 2022 and $11,211,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) $50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(7) $2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(8) $2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(9) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing dual credit options, to address issues of equity in higher education access.

(10) $110,000 of the general fund—state appropriation for fiscal year 2022 and $110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a new summer bridge program.

(11) $27,000 of the general fund—state appropriation for fiscal year 2022 and $27,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(12) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) $59,246,000

General Fund—State Appropriation (FY 2023) $59,766,000

Central Washington University Capital Projects

Account—State Appropriation $76,000

Education Legacy Trust Account—State Appropriation $19,076,000

Workforce Education Investment Account—State

Appropriation $4,022,000

TOTAL APPROPRIATION $142,186,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall

provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) $12,401,000 of the general fund—state appropriation for fiscal year 2022 and $12,636,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) $2,236,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) $1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) $736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

(8) $480,000 of the general fund—state appropriation for fiscal year 2022 and $480,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase access to student counseling services, with a focus on mental health counseling.

(9) $31,000 of the general fund—state appropriation for fiscal year 2022 and $31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2022) $31,561,000

General Fund—State Appropriation (FY 2023) $31,263,000

The Evergreen State College Capital Projects

Account—State Appropriation $80,000

Education Legacy Trust Account—State Appropriation $5,450,000

Workforce Education Investment Account—State

Appropriation $3,906,000

TOTAL APPROPRIATION $72,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $3,772,000 of the general fund—state appropriation for fiscal year 2022 and $3,843,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) $2,442,000 of the general fund—state appropriation for fiscal year 2022 and $2,406,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) $1,294,000 of the amounts in fiscal year 2022 and $1,294,000 of the

amounts in fiscal year 2023 are provided for administration and core operations.

(b) $828,000 of the amounts in fiscal year 2022 and $937,000 of the amounts in fiscal year 2023 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) $60,000 of the amounts in fiscal year 2022 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the domestic violence risk assessment work group established in section 951 of this act.

(d) $25,000 of the amounts in fiscal year 2022 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the Washington state criminal sentencing task force established in section 981 of this act.

(e)(i) $90,000 of the amounts in fiscal year 2022 are provided solely for the Washington state institute for public policy to study net nanny and similar fictitious victim sting operations. The study must:

(A) Describe the current research on net nanny-type sting operations, including any evidence of their effectiveness in deterring or reducing crime, their costs, and the potential advantages or drawbacks of their use in crime prevention; and

(B) Compare the characteristics of individuals convicted under net nanny stings with individuals convicted of child sex offenses through other avenues.

(ii) The Washington state patrol shall provide the Washington state institute for public policy with the data necessary to conduct the analysis in (e)(i)(B) of this subsection. A net nanny sting operation is a collaborative operation that includes local, state, and federal law enforcement that targets the arrest and prosecution of individuals involved in child abuse and exploitation using the internet by using a fictious victim. By June 30, 2022, the institute must submit results from the study to the appropriate committees of the legislature.

(f) $70,000 of the general fund—state appropriation for fiscal year 2022 and $130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to study legal financial obligations as defined in RCW 9.94A.030.

(i) The study should explore the following topics:

(A) The amount of legal and financial obligations imposed over the last three years;

(B) The total amounts outstanding and the total amounts collected annually, including annual collection rates; including all restitution, costs, fees, fines, penalty assessments, and interest, disaggregated;

(C) Statutes which allow for the imposition of legal and financial obligations;

(D) The percentage of the judicial branch's budget which has been supported by legal and financial obligations since the system's inception;

(E) The programs funded by legal financial obligations; and

(F) How other states fund their court system including but not limited to whether they use legal financial obligations to provide support.

(ii) The study should recommend to the legislature potential methods and processes to delink court related funding and other county and local funding from the collection of legal financial obligations and to provide such funding through other means.

(iii) The Washington state institute for public policy may solicit input for the study from interested parties to include but not be limited to the Washington state association of counties, the Washington state association of county officials, the Washington state association of prosecuting attorneys, superior court judges, civil legal aid, civil rights attorneys, disability rights advocates, crime victim advocates, persons formerly incarcerated, advocates for persons who are currently or formerly incarcerated, academic researchers, persons with expertise analyzing data on legal financial obligations, the Washington state minority and justice commission, and the administrative office of the courts.

(iv) An initial report is due to the legislature by December 1, 2021, with a

supplemental and final report due to the legislature by December 1, 2022.

(g) $75,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the institute to review available research literature to investigate and describe any relationship between early substance abuse of cannabis, opioids, or cocaine and mental health disorders in young adults; and any relationship between nutrition and mental health disorders in young adults. The institute shall report its findings to the legislature no later than June 30, 2022.

(h) $45,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(i) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2021-23 work plan as necessary to efficiently manage workload.

(5) $2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) $670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(7) $600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and The Evergreen first-year experience.

(8) $213,000 of the general fund—state appropriation for fiscal year 2022 and $213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional faculty to focus on climate science and policy that incorporates indigenous research and cultural revitalization.

(9) $85,000 of the general fund—state appropriation for fiscal year 2022 and $85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the native pathways program for an assistant director.

(10) $110,000 of the general fund—state appropriation for fiscal year 2022 and $110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a new tribal liaison position.

(11) $7,000 of the general fund—state appropriation for fiscal year 2022 and $7,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) $83,902,000

General Fund—State Appropriation (FY 2023) $84,483,000

Western Washington University Capital Projects

Account—State Appropriation $1,424,000

Education Legacy Trust Account—State Appropriation $13,831,000

Workforce Education Investment Account—State

Appropriation $5,682,000

TOTAL APPROPRIATION $189,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices

implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) $17,116,000 of the general fund—state appropriation for fiscal year 2022 and $17,441,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to recruit and retain high quality and diverse graduate students.

(5) $494,000 of the general fund—state appropriation for fiscal year 2022 and $548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for critical support services to ensure traditionally underrepresented students receive the same opportunities for academic success as their peers.

(6) $700,000 of the general fund—state appropriation for fiscal year 2022 and $700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(7) $1,306,000 of the general fund—state appropriation for fiscal year 2022 and $1,306,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

(8) $886,000 of the general fund—state appropriation for fiscal year 2022 and $886,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(9) $90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the university to assess the feasibility and benefits of expanding outdoor residential school programs to equitably serve either all fifth and sixth grade students, or only fifth or only sixth grade students statewide. The study shall explore the equity concerns exacerbated by the COVID-19 pandemic in the areas of outdoor recreation and outdoor learning experiences, with a focus on using physical activity and exposure to natural settings as a strategy for improving health disparities and accelerating learning for historically underserved populations. The study must also consider programs and facilities at outdoor residential schools, youth camps, and state parks and assess the impact of COVID-19 on these institutions, and recommend strategies to preserve and expand capacity for outdoor school. The university shall submit a report to the office of the governor, the office of the superintendent of public instruction, and the education committees of the legislature summarizing the assessment and making recommendations no later than September 30, 2021.

(10) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(11) $2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(12) $3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(13) $530,000 of the general fund—state appropriation for fiscal year 2022

and $530,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of two bilingual educator programs in the south King county region, including a bilingual elementary education degree program and a secondary education degree program. At full implementation, each cohort shall support up to 25 students per year.

(14) $40,000 of the general fund—state appropriation for fiscal year 2022 and $40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 612. FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2022) $7,850,000

General Fund—State Appropriation (FY 2023) $7,702,000

General Fund—Federal Appropriation $4,925,000

Workforce Education Investment Account—State

Appropriation $112,000

TOTAL APPROPRIATION $20,589,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $126,000 of the general fund—state appropriation for fiscal year 2022 and $126,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consumer protection unit.

(2) $500,000 of the workforce education investment account—state appropriation is provided solely to implement a marketing and communications agenda as required in RCW 28C.30.040(1)(c).

(3) $124,000 of the workforce education investment account—state appropriation is provided solely for the Washington student loan refinancing program as provided in chapter 28B.94 RCW.

(4) $575,000 of the general fund—state appropriation for fiscal year 2022 and $575,000 of the general fund—state appropriation for fiscal year 2023 are provided to increase the number of high school seniors and college bound scholars that complete the free application for federal student aid and the Washington application for state financial aid through digital engagement tools, expanded training, and increased events for high school students.

(5) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(6) $29,000 of the general fund—state appropriation for fiscal year 2022 and $29,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 613. FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2022) $272,429,000

General Fund—State Appropriation (FY 2023) $269,451,000

General Fund—Federal Appropriation $14,052,000

General Fund—Private/Local Appropriation $300,000

Education Legacy Trust Account—State Appropriation $85,488,000

Washington Opportunity Pathways Account—State

Appropriation $164,598,000

Aerospace Training Student Loan Account—State

Appropriation $216,000

Workforce Education Investment Account—State

Appropriation $299,869,000

Health Professionals Loan Repayment and Scholarship

Program Account—State Appropriation $1,720,000

TOTAL APPROPRIATION $1,108,123,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $7,834,000 of the general fund—state appropriation for fiscal year 2022 and $7,835,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) $236,416,000 of the general fund—state appropriation for fiscal year 2022, $236,416,000 of the general fund—state appropriation for fiscal year 2023, $297,865,000 of the workforce education investment account—state appropriation, $69,639,000 of the education legacy trust fund—state appropriation, and $147,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2021-2023 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) $1,165,000 of the general fund—state appropriation for fiscal year 2022, $1,165,000 of the general fund—state appropriation for fiscal year 2023, $15,849,000 of the education legacy trust account—state appropriation, and $16,944,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) $6,999,000 of the general fund—state appropriation for fiscal year 2022 and $6,999,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the passport to college program. The maximum scholarship award is up to $5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of $500,000 in fiscal years 2022 and 2023 for this purpose.

(6) $2,481,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(7) $3,800,000 of the general fund—state appropriation for fiscal year 2022 and $3,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall

coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2023-2025 fiscal biennium on the basis of these contractual obligations.

(8) $4,125,000 of the general fund—state appropriation for fiscal year 2022 and $4,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditures into the health professionals loan repayment and scholarship program account. The amount provided in this subsection is provided solely to increase loans within the behavioral health program.

(9) The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts for applications that reflect demographically underrepresented populations. Loan repayment contracts may include services provided in the community or at a designated site.

(10) $2,000,000 of the workforce education investment account—state appropriation is provided solely for the future teachers conditional scholarship and loan repayment program established in chapter 28B.102 RCW.

(11) $2,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for ARPA anticipated state grants for the national health service corps.

(12) $258,000 of the general fund—state appropriation for fiscal year 2022 and $258,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(13) $500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a state match associated with the rural jobs program. The legislature will evaluate appropriations in future biennia to the rural jobs program based on the extent that additional private contributions are made.

NEW SECTION. **Sec. 614. FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2022) $2,735,000

General Fund—State Appropriation (FY 2023) $2,453,000

General Fund—Federal Appropriation $55,540,000

General Fund—Private/Local Appropriation $212,000

Workforce Education Investment Account—State

Appropriation $150,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $250,000

TOTAL APPROPRIATION $61,340,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2021-2023 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) $240,000 of the general fund—state appropriation for fiscal year 2022 and $240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for

services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs.

(3) $150,000 of the workforce education investment account—state appropriation is provided solely for staffing costs to support the workforce education investment accountability and oversight board established in RCW 28C.18.200.

(4) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the board to continue work under a new behavioral health workforce advisory committee, which shall monitor and report on the progress of recommendations from the board's previous behavioral health workforce assessments, and continue to develop policy and practice recommendations on emerging issues in the behavioral health workforce. The board must convene and staff the committee. The committee must provide a report and relevant recommendations to the appropriate committees of the legislature and the office of the governor under RCW 43.01.036 by December 1, 2021, and December 1, 2022.

(5) $250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for an accredited osteopathic medical school to implement an interprofessional curriculum to educate healthcare providers and workforce on opioid misuse and addiction.

(6)(a) $225,000 of the general fund—state appropriation for fiscal year 2022 and $225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the board to contract with a statewide nonprofit organization with expertise in promoting and support science technology, engineering and math education from early learning through postsecondary education to establish a behavioral health workforce task force.

(b) The task force shall include behavioral health advocates, foundations, nonprofit organizations, educators, business and community leaders, representatives of Harborview's behavioral health institute, as well as participants in the children and youth behavioral health work group.

(c) The task force shall help identify critical behavioral health workforce challenges, evaluate gaps and barriers, and develop policy and practice recommendations.

(d) The board and contract entity shall convene and staff the committee.

(e) The task force shall provide a report containing an analysis of behavioral health workforce shortages and challenges, data to inform systems change, and relevant policy recommendations and solutions to the appropriate committees of the legislature and the office of the governor in accordance with RCW 43.01.036 by December 1, 2021, and December 1, 2022. The report may include, but is not limited to, the current supply and demand of various behavioral health occupations (disaggregated by race and region) as well as ideal state supply and demand for these occupations; five-year projections of job openings to meet ideal state demand for behavioral health occupations; current career pathways or degree programs that provide credentials for each of the behavioral health occupations by region; and recommendations on how many programs need to be expanded or created by each region in the state to meet behavioral health needs now, and in future.

NEW SECTION. **Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2022) $9,245,000

General Fund—State Appropriation (FY 2023) $9,266,000

General Fund—Private/Local Appropriation $34,000

TOTAL APPROPRIATION $18,545,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to

offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

NEW SECTION. **Sec. 616. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2022) $14,822,000

General Fund—State Appropriation (FY 2023) $14,832,000

TOTAL APPROPRIATION $29,654,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer students ages three through twenty-one enrolled at Washington School for the Deaf the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) $225,000 of the general fund—state appropriation in fiscal year 2022 and $225,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the center for deaf and hard of hearing youth to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funding provided under this section is provided solely for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of providing services, beginning with the 2021-22 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

NEW SECTION. **Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2022) $2,668,000

General Fund—State Appropriation (FY 2023) $2,645,000

General Fund—Federal Appropriation $3,157,000

General Fund—Private/Local Appropriation $50,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $2,000,000

TOTAL APPROPRIATION $10,520,000

The appropriations in this section are subject to the following conditions and limitations: $1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2022 and $1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 are provided solely for the Washington state arts commission to stabilize, recover, and preserve the state's arts and cultural organizations in light of pandemic conditions. From these amounts, the commission may distribute relief, response, and recovery grants to arts and cultural organizations statewide, subject to appropriate agreements.

NEW SECTION. **Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022) $4,107,000

General Fund—State Appropriation (FY 2023) $4,068,000

TOTAL APPROPRIATION $8,175,000

NEW SECTION. **Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022) $3,290,000

General Fund—State Appropriation (FY 2023) $3,360,000

TOTAL APPROPRIATION $6,650,000

PART VII

SPECIAL APPROPRIATIONS

NEW SECTION. **Sec. 701. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL**

General Fund—State Appropriation (FY 2022) $10,780,000

General Fund—State Appropriation (FY 2023) $6,303,000

General Fund—Federal Appropriation $6,394,000

General Fund—Private/Local Appropriation $92,000

Other Appropriated Funds $15,707,000

TOTAL APPROPRIATION $39,276,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Amounts in the account are provided solely for the information technology projects shown in LEAP omnibus document IT-2021, dated March 26, 2021, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus document IT-2021, dated March 26, 2021, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. Restricted federal funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of financial management and the office of the chief information officer to receive funding from the information technology investment revolving account. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(3) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the chief information officer and office of financial management. Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project to include and identify:

(i) Fund sources;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) Discrete financial budget codes;

(iv) Subobject codes of expenditures; and

(v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product; and

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight;

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2021;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief

information officer must report on July 1 and December 1 each calendar year any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1 and December 1 each calendar year any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The following information technology projects are subject to the conditions, limitations, and review in this section:

(a) The unclaimed property system project of the department of revenue;

(b) The one Washington procurement project of the department of enterprise services;

(c) The security systems on campus project of the department of enterprise services;

(d) The network core equipment project of the consolidated technology services agency; and

(e) The data center switching equipment project of the consolidated technology services agency.

NEW SECTION. **Sec. 702. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2022) $1,281,698,000

General Fund—State Appropriation (FY 2023) $1,370,653,000

State Building Construction Account—State

Appropriation $12,323,000

Columbia River Basin Water Supply Development

Account—State Appropriation $13,000

Watershed Restoration and Enhancement Bond Account—

State Appropriation $181,000

State Taxable Building Construction Account—State

Appropriation $467,000

Debt-Limit Reimbursable Bond Retirement Account—

State Appropriation $511,000

TOTAL APPROPRIATION $2,665,846,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

NEW SECTION. **Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Nondebt-Limit Reimbursable Bond Retirement Account—

State Appropriation $57,954,000

TOTAL APPROPRIATION $57,954,000

The appropriation in this section is subject to the following conditions and limitations: The general fund appropriations are for expenditure into the nondebt-limit general fund bond retirement account.

NEW SECTION. **Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2022) $1,400,000

General Fund—State Appropriation (FY 2023) $1,400,000

State Building Construction Account—State

Appropriation $2,466,000

Columbia River Basin Water Supply Development

Account—State Appropriation $3,000

Watershed Restoration and Enhancement Bond Account—

State Appropriation $39,000

State Taxable Building Construction Account—State

Appropriation $94,000

TOTAL APPROPRIATION $5,402,000

NEW SECTION. **Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND**

General Fund—State Appropriation (FY 2022) $850,000

General Fund—State Appropriation (FY 2023) $850,000

TOTAL APPROPRIATION $1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. **Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND**

General Fund—State Appropriation (FY 2022) $2,500,000

General Fund—State Appropriation (FY 2023) $2,500,000

TOTAL APPROPRIATION $5,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for individual assistance consistent with RCW 38.52.030(9) during an emergency proclaimed by the governor, as defined in RCW 38.52.010(9).

NEW SECTION. **Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

General Fund—State Appropriation (FY 2022) $9,000,000

General Fund—State Appropriation (FY 2023) $9,000,000

TOTAL APPROPRIATION $18,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

NEW SECTION. **Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT—O'BRIEN BUILDING IMPROVEMENT**

General Fund—State Appropriation (FY 2022) $2,588,000

General Fund—State Appropriation (FY 2023) $2,581,000

TOTAL APPROPRIATION $5,169,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

NEW SECTION. **Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CHERBERG BUILDING REHABILITATION**

General Fund—State Appropriation (FY 2022) $556,000

General Fund—State Appropriation (FY 2023) $556,000

TOTAL APPROPRIATION $1,112,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the Cherberg building improvements, project number 2002-1-005.

NEW SECTION. **Sec. 710. FOR THE STATE TREASURER—COUNTY PUBLIC HEALTH ASSISTANCE**

General Fund—State Appropriation (FY 2022) $36,386,000

General Fund—State Appropriation (FY 2023) $36,386,000

TOTAL APPROPRIATION $72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2022	FY 2023	2021-2023 Biennium
Adams County Integrated Health Care Services	$121,213	$121,213	$242,426
Asotin County Health District	$159,890	$159,890	$319,780
Benton-Franklin Health District	$1,614,337	$1,614,337	$3,228,674
Chelan-Douglas Health District	$399,634	$399,634	$799,268
Clallam County Health and Human Services Department	$291,401	$291,401	$582,802
Clark County Public Health	$1,767,341	$1,767,341	$3,534,682
Skamania County Community Health	$111,327	$111,327	$222,654
Columbia County Health District	$119,991	$119,991	$239,982
Cowlitz County Health and Human Services	$477,981	$477,981	$955,962
Garfield County Health District	$93,154	$93,154	$186,308
Grant County Health District	$297,761	$297,761	$595,522
Grays Harbor Public Health and Social Services	$335,666	$335,666	$671,332
Island County Health Department	$255,224	$255,224	$510,448
Jefferson County Public Health	$184,080	$184,080	$368,160
Public Health - Seattle & King County	$12,685,521	$12,685,521	$25,371,042
Kitsap Public Health District	$997,476	$997,476	$1,994,952
Kittitas County Public Health	$198,979	$198,979	$397,958
Klickitat County Public Health	$153,784	$153,784	$307,568
Lewis County Public	$263,134	$263,134	$526,268

Health and Social Services			
Lincoln County Health Department	$113,917	$113,917	$227,834
Mason County Public Health and Human Services	$227,448	$227,448	$454,896
Okanogan County Public Health	$169,882	$169,882	$339,764
Pacific County Health and Human Services	$169,075	$169,075	$338,150
Tacoma-Pierce County Health Department	$4,143,169	$4,143,169	$8,286,338
San Juan County Health and Community Services	$126,569	$126,569	$253,138
Skagit County Health Department	$449,745	$449,745	$899,490
Snohomish Health District	$3,433,291	$3,433,291	$6,866,582
Spokane Regional Health District	$2,877,318	$2,877,318	$5,754,636
Northeast Tri-County Health District	$249,303	$249,303	$498,606
Thurston County Public Health and Social Services	$1,046,897	$1,046,897	$2,093,794
Wahkiakum County Health and Human Services	$93,181	$93,181	$186,362
Walla Walla County Department of Community Health	$302,173	$302,173	$604,346
Whatcom County Health Department	$1,214,301	$1,214,301	$2,428,602
Whitman County Health Department	$189,355	$189,355	$378,710
Yakima Health District	$1,052,482	$1,052,482	$2,104,964
TOTAL APPROPRIATIONS	$36,386,000	$36,386,000	$72,772,000

NEW SECTION. **Sec. 711. FOR THE STATE TREASURER—COUNTY CLERK LEGAL FINANCIAL OBLIGATION GRANTS**

General Fund—State Appropriation (FY 2022) $541,000

General Fund—State Appropriation (FY 2023) $441,000

TOTAL APPROPRIATION $982,000

The appropriations in this section are subject to the following conditions and limitations: By October 1st of each fiscal year, the state treasurer shall distribute the appropriations to the following county clerk offices in the

amounts designated as grants for the collection of legal financial obligations pursuant to RCW 2.56.190:

County Clerk	FY 2022	FY 2023
Adams County Clerk	$2,103	$1,714
Asotin County Clerk	$2,935	$2,392
Benton County Clerk	$18,231	$14,858
Chelan County Clerk	$7,399	$6,030
Clallam County Clerk	$5,832	$4,753
Clark County Clerk	$32,635	$26,597
Columbia County Clerk	$384	$313
Cowlitz County Clerk	$16,923	$13,792
Douglas County Clerk	$3,032	$2,471
Ferry County Clerk	$422	$344
Franklin County Clerk	$5,486	$4,471
Garfield County Clerk	$243	$198
Grant County Clerk	$10,107	$8,237
Grays Harbor County Clerk	$8,659	$7,057
Island County Clerk	$3,059	$2,493
Jefferson County Clerk	$1,859	$1,515
King County Court Clerk	$119,290	$97,266
Kitsap County Clerk	$22,242	$18,127
Kittitas County Clerk	$3,551	$2,894
Klickitat County Clerk	$2,151	$1,753
Lewis County Clerk	$10,340	$8,427
Lincoln County Clerk	$724	$590
Mason County Clerk	$5,146	$4,194
Okanogan County Clerk	$3,978	$3,242
Pacific County Clerk	$2,411	$1,965
Pend Oreille County Clerk	$611	$498
Pierce County Clerk	$77,102	$62,837
San Juan County Clerk	$605	$493
Skagit County Clerk	$11,059	$9,013
Skamania County Clerk	$1,151	$938
Snohomish County Clerk	$38,143	$31,086
Spokane County Clerk	$44,825	$36,578
Stevens County Clerk	$2,984	$2,432
Thurston County Clerk	$22,204	$18,096
Wahkiakum County Clerk	$400	$326
Walla Walla County Clerk	$4,935	$4,022

Whatcom County Clerk	$20,728	$16,893
Whitman County Clerk	$2,048	$1,669
Yakima County Clerk	$25,063	$20,426
TOTAL APPROPRIATIONS	$541,000	$441,000

NEW SECTION. **Sec. 712. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. **Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMMON SCHOOL CONSTRUCTION ACCOUNT**

General Fund—State Appropriation (FY 2022) $600,000

General Fund—State Appropriation (FY 2023) $600,000

TOTAL APPROPRIATION $1,200,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the common school construction account—state on July 1, 2021, and July 1, 2022, for an interest payment pursuant to RCW 90.38.130.

NEW SECTION. **Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NATURAL RESOURCES REAL PROPERTY REPLACEMENT ACCOUNT**

General Fund—State Appropriation (FY 2022) $300,000

General Fund—State Appropriation (FY 2023) $300,000

TOTAL APPROPRIATION $600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the natural resources real property replacement account—state on July 1, 2021, and July 1, 2022, for an interest payment pursuant to RCW 90.38.130.

NEW SECTION. **Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2022) $226,000

General Fund—State Appropriation (FY 2023) $226,000

TOTAL APPROPRIATION $452,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are provided solely for expenditure into the county criminal justice assistance account—state. The treasurer shall make quarterly distributions from the county criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.310 for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

NEW SECTION. **Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2022) $133,000

General Fund—State Appropriation (FY 2023) $133,000

TOTAL APPROPRIATION $266,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are appropriated for expenditure into the municipal criminal justice assistance account. The treasurer shall make quarterly distributions from the municipal criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.320 and 82.14.330, for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section

constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

NEW SECTION. **Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME VISITING SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2022) $8,290,000

General Fund—State Appropriation (FY 2023) $14,891,000

TOTAL APPROPRIATION $23,181,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the home visiting services account for the home visiting program.

NEW SECTION. **Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

General Fund—State Appropriation (FY 2022) $951,000

TOTAL APPROPRIATION $951,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

NEW SECTION. **Sec. 719. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2022) $82,800,000

General Fund—State Appropriation (FY 2023) $86,000,000

TOTAL APPROPRIATION $168,800,000

(3) There is appropriated for contributions to the judicial retirement system:

Pension Funding Stabilization Account—State

Appropriation $7,100,000

General Fund—State Appropriation (FY 2023) $6,700,000

TOTAL APPROPRIATION $13,800,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2022) $300,000

General Fund—State Appropriation (FY 2023) $300,000

TOTAL APPROPRIATION $600,000

NEW SECTION. **Sec. 720. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation $10,777,000

TOTAL APPROPRIATION $10,777,000

The appropriation in this section is subject to the following conditions and limitations: This amount is a maximum, and the appropriation shall be less than the amount that would cause the volunteer firefighters' and reserve officers' administrative account to incur a negative account balance.

NEW SECTION. **Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FOUNDATIONAL PUBLIC HEALTH SERVICES**

General Fund—State Appropriation (FY 2022) $12,728,000

General Fund—State Appropriation (FY 2023) $112,484,000

Foundational Public Health Services Account—State

Appropriation $2,788,000

TOTAL APPROPRIATION $128,000,000

The appropriations in this section are subject to the following conditions and limitations: $12,728,000 of the general fund—state appropriation for fiscal year 2022, $112,484,000 of the general fund—state appropriation for fiscal year 2023, and $2,788,000 of the foundational public health services account—state appropriation are appropriated solely for distribution as provided in RCW 43.70.515.

NEW SECTION. **Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2022) $1,000,000

General Fund—State Appropriation (FY 2023) $1,000,000

TOTAL APPROPRIATION $2,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the developmental disabilities community services account (Dan Thompson memorial community services account) for the purposes identified in RCW 71A.20.170.

NEW SECTION. **Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NORTHEAST WASHINGTON WOLF-LIVESTOCK MANAGEMENT ACCOUNT**

General Fund—State Appropriation (FY 2022) $376,000

General Fund—State Appropriation (FY 2023) $376,000

TOTAL APPROPRIATION $752,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the northeast Washington wolf-livestock management account for the deployment of nonlethal wolf deterrence resources as provided in chapter 16.76 RCW.

NEW SECTION. **Sec. 724. FOR THE OFFICE OF FINANCIAL MANAGEMENT—LONG-TERM SERVICES AND SUPPORTS ACCOUNT**

General Fund—State Appropriation (FY 2022) $19,618,000

TOTAL APPROPRIATION $19,618,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the long-term services and supports account pursuant to chapter 98, Laws of 2020 and chapter 363, Laws of 2019. This constitutes a loan from the general fund and must be repaid, with interest, to the general fund by June 30, 2022.

NEW SECTION. **Sec. 725. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INDIAN HEALTH IMPROVEMENT REINVESTMENT ACCOUNT**

General Fund—State Appropriation (FY 2022) $10,803,000

General Fund—State Appropriation (FY 2023) $9,282,000

TOTAL APPROPRIATION $20,085,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Indian health improvement reinvestment account created in RCW 43.71B.040.

NEW SECTION. **Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OUTDOOR EDUCATION ACCOUNT**

General Fund—State Appropriation (FY 2022) $1,000,000

General Fund—State Appropriation (FY 2023) $1,000,000

TOTAL APPROPRIATION $2,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation program account for the purposes identified in RCW 79A.05.351.

NEW SECTION. **Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HORSE RACING COMMISSION OPERATING ACCOUNT**

General Fund—State Appropriation (FY 2022) $340,000

TOTAL APPROPRIATION $340,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the

horse racing commission operating account created in RCW 67.16.280.

NEW SECTION. **Sec. 728. FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNIVERSAL COMMUNICATIONS SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2022) $5,000,000

General Fund—State Appropriation (FY 2023) $5,000,000

TOTAL APPROPRIATION $10,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the universal communications services account created in RCW 80.36.690.

NEW SECTION. **Sec. 729. FOR THE OFFICE OF FINANCIAL MANAGEMENT—BUSINESS AND PROFESSIONS ACCOUNT**

General Fund—State Appropriation (FY 2022) $3,500,000

General Fund—State Appropriation (FY 2023) $3,500,000

TOTAL APPROPRIATION $7,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the business and professions account created in RCW 43.24.150.

NEW SECTION. **Sec. 730. COMPENSATION—GENERAL GOVERNMENT NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2022) ($5,110,000)

General Fund—State Appropriation (FY 2023) $8,780,000

General Fund—Federal Appropriation $870,000

General Fund—Private/Local Appropriation $69,000

Other Appropriated Funds $1,617,000

TOTAL APPROPRIATION $6,226,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies, including institutions of higher education, are increased by the amounts specified in LEAP omnibus document G06 state employee benefits, dated March 22, 2021.

NEW SECTION. **Sec. 731. COMPENSATION—HIGHER EDUCATION NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2022) ($9,255,000)

General Fund—State Appropriation (FY 2023) $15,772,000

General Fund—Federal Appropriation ($2,000)

Other Appropriated Funds $172,000

TOTAL APPROPRIATION $6,687,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies, including institutions of higher education, are increased by the amounts specified in LEAP omnibus document G06H state employee benefits (higher ed), dated March 22, 2021.

NEW SECTION. **Sec. 732. COMPENSATION—GENERAL GOVERNMENT REPRESENTED EMPLOYEES—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2022) ($17,353,000)

General Fund—State Appropriation (FY 2023) $29,821,000

General Fund—Federal Appropriation $3,555,000

General Fund—Private/Local Appropriation $267,000

Other Appropriated Funds $4,948,000

TOTAL APPROPRIATION $21,238,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for represented state employee health benefits for state agencies, including institutions of higher education, and is subject to the conditions and limitations in part IX of

this act. Appropriations in this act for state agencies, including institutions of higher education, are increased by the amounts specified in LEAP omnibus document G6A rep employee health benefits, dated March 22, 2021.

NEW SECTION. **Sec. 733. COMPENSATION—HIGHER EDUCATION REPRESENTED EMPLOYEES—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2022) ($2,411,000)

General Fund—State Appropriation (FY 2023) $4,145,000

General Fund—Federal Appropriation ($8,000)

Other Appropriated Funds $51,000

TOTAL APPROPRIATION $1,777,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for represented state employee health benefits for state agencies, including institutions of higher education, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies, including institutions of higher education, are increased by the amounts specified in LEAP omnibus document G6AH state public employee benefits rate, dated March 22, 2021.

NEW SECTION. **Sec. 734. COLLECTIVE BARGAINING AGREEMENT—WFSE**

General Fund—State Appropriation (FY 2022) ($40,604,000)

General Fund—State Appropriation (FY 2023) ($40,985,000)

General Fund—Federal Appropriation ($38,200,000)

General Fund—Private/Local Appropriation ($2,341,000)

Other Appropriated Funds ($61,716,000)

TOTAL APPROPRIATION ($183,846,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington federation of state employees general government and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G09 WFSE general government, dated March 22, 2021, to fund the provisions of this agreement.

NEW SECTION. **Sec. 735. COLLECTIVE BARGAINING AGREEMENT—ASSISTANT ATTORNEYS GENERAL/WFSE**

General Fund—State Appropriation (FY 2022) ($563,000)

General Fund—State Appropriation (FY 2023) ($586,000)

General Fund—Federal Appropriation ($110,000)

Other Appropriated Funds ($7,024,000)

TOTAL APPROPRIATION ($8,283,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington assistant attorneys general/Washington federation of state employees and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document AAG WFSE assistant AGs, dated March 22, 2021, to fund the provisions of this agreement.

NEW SECTION. **Sec. 736. COLLECTIVE BARGAINING AGREEMENT—FISH AND WILDLIFE ENFORCEMENT OFFICERS GUILD**

General Fund—State Appropriation (FY 2022) $316,000

General Fund—State Appropriation (FY 2023) $272,000

General Fund—Federal Appropriation $11,000

General Fund—Private/Local Appropriation $2,000

Other Appropriated Funds $1,044,000

TOTAL APPROPRIATION $1,645,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the fish and wildlife enforcement officers guild and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G11 fish and wildlife officers guild, dated March 22,

2021, to fund the provisions of this agreement.

NEW SECTION. **Sec. 737. COLLECTIVE BARGAINING AGREEMENT—WFSE ADMINISTRATIVE LAW JUDGES**

Administrative Hearings Revolving Account—State

Appropriation ($224,000)

TOTAL APPROPRIATION ($224,000)

The appropriation in this section is subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington federation of state employees administrative law judges and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G13 administrative law judges WFSE, dated March 22, 2021, to fund the provisions of this agreement.

NEW SECTION. **Sec. 738. COLLECTIVE BARGAINING AGREEMENT—WAFWP**

General Fund—State Appropriation (FY 2022) ($1,136,000)

General Fund—State Appropriation (FY 2023) ($1,147,000)

General Fund—Federal Appropriation ($1,657,000)

General Fund—Private/Local Appropriation ($688,000)

Other Appropriated Funds ($1,529,000)

TOTAL APPROPRIATION ($6,157,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington association of fish and wildlife professionals and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G99 assoc of fish and wild prof agreement, dated March 22, 2021, to fund the provisions of this agreement.

NEW SECTION. **Sec. 739. COLLECTIVE BARGAINING AGREEMENT—WPEA GENERAL GOVERNMENT**

General Fund—State Appropriation (FY 2022) ($4,438,000)

General Fund—State Appropriation (FY 2023) ($4,470,000)

General Fund—Federal Appropriation ($537,000)

General Fund—Private/Local Appropriation ($10,000)

Other Appropriated Funds ($4,022,000)

TOTAL APPROPRIATION ($13,477,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington public employees association general government and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document GL1 WPEA general government, dated March 22, 2021, to fund the provisions of this agreement.

NEW SECTION. **Sec. 740. COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17**

General Fund—State Appropriation (FY 2022) ($8,000)

General Fund—State Appropriation (FY 2023) ($9,000)

TOTAL APPROPRIATION ($17,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the professional and technical employees local 17 and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document GL5 PTE local 17 general government, dated March 22, 2021, to fund the provisions of this agreement.

NEW SECTION. **Sec. 741. COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

General Fund—State Appropriation (FY 2022) ($1,724,000)

General Fund—State Appropriation (FY 2023) ($1,677,000)

General Fund—Federal Appropriation ($690,000)

General Fund—Private/Local Appropriation ($493,000)

Other Appropriated Funds ($3,350,000)

TOTAL APPROPRIATION ($7,934,000)

The appropriations in this section are subject to the following conditions and

limitations: Funding is for the agreement reached between the governor and the coalition of unions and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document GL7 coalition of unions, dated March 22, 2021, to fund the provisions of this agreement.

NEW SECTION. **Sec. 742. COLLECTIVE BARGAINING AGREEMENT—SEIU HEALTHCARE 1199NW GENERAL GOVERNMENT**

General Fund—State Appropriation (FY 2022) ($1,062,000)

General Fund—State Appropriation (FY 2023) ($1,068,000)

General Fund—Federal Appropriation ($1,732,000)

General Fund—Private/Local Appropriation ($284,000)

Health Professions Account—State Appropriation ($114,000)

TOTAL APPROPRIATION ($4,260,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the service employees international union healthcare 1199nw and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document GLQ SEIU 1199 general government, dated March 22, 2019, to fund the provisions of this agreement.

NEW SECTION. **Sec. 743. JUNETEENTH HOLIDAY—GENERAL GOVERNMENT**

General Fund—State Appropriation (FY 2022) $2,837,000

General Fund—State Appropriation (FY 2023) $2,858,000

General Fund—Federal Appropriation $793,000

TOTAL APPROPRIATION $6,488,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the cost to general government agencies associated with implementing Substitute House Bill No. 1016 (making Juneteenth a legal holiday) referenced in part IX of this act. Appropriations for general government state agencies are increased by the amounts specified in LEAP omnibus document G48 Juneteenth state holiday, dated March 22, 2019, to fund the provisions of this agreement.

NEW SECTION. **Sec. 744. JUNETEENTH HOLIDAY—HIGHER EDUCATION**

General Fund—State Appropriation (FY 2022) $2,000

General Fund—State Appropriation (FY 2023) $1,000

TOTAL APPROPRIATION $3,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the cost to general government agencies associated with implementing Substitute House Bill No. 1016 (making Juneteenth a legal holiday) referenced in part IX of this act. Appropriations for general government state agencies are increased by the amounts specified in LEAP omnibus document G48H Juneteenth state holiday, dated March 22, 2019, to fund the provisions of this agreement.

NEW SECTION. **Sec. 745. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE**

General Fund—State Appropriation (FY 2022) $578,000

General Fund—State Appropriation (FY 2023) $601,000

General Fund—Federal Appropriation $110,000

Other Appropriated Funds $7,228,000

TOTAL APPROPRIATION $8,517,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the association of Washington assistant attorneys general and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 6, 2021, to fund the

provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 746. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON FEDERATION OF STATE EMPLOYEES**

General Fund—State Appropriation (FY 2022) $40,604,000

General Fund—State Appropriation (FY 2023) $40,985,000

General Fund—Federal Appropriation $38,200,000

General Fund—Private/Local Appropriation $2,341,000

Other Appropriated Funds $61,716,000

TOTAL APPROPRIATION $183,846,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington federation of state employees and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 6, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 747. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WFSE ADMINISTRATIVE LAW JUDGES**

Administrative Hearings Revolving Account—State

Appropriation $1,013,000

TOTAL APPROPRIATION $1,013,000

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington federation of state employees—administrative law judges and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus 2021-compensation, dated March 6, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 748. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WAFWP**

General Fund—State Appropriation (FY 2022) $1,136,000

General Fund—State Appropriation (FY 2023) $1,147,000

General Fund—Federal Appropriation $1,657,000

General Fund—Private/Local Appropriation $688,000

Other Appropriated Funds $1,529,000

TOTAL APPROPRIATION $6,157,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington association of fish and wildlife professionals and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 6, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 749. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON PUBLIC EMPLOYEES ASSOCIATION—GENERAL GOVERNMENT**

General Fund—State Appropriation (FY 2022) $4,438,000

General Fund—State Appropriation (FY 2023) $4,470,000

General Fund—Federal Appropriation $537,000

General Fund—Private/Local Appropriation $10,000

Other Appropriated Funds $4,022,000

TOTAL APPROPRIATION $13,477,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington public employees association—general government and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 6, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 750. FOR THE OFFICE OF FINANCIAL MANAGEMENT—PTE LOCAL 17**

General Fund—State Appropriation (FY 2022) $8,000

General Fund—State Appropriation (FY 2023) $9,000

TOTAL APPROPRIATION $17,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the professional and technical employees local 17 and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 6, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 751. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COALITION OF UNIONS**

General Fund—State Appropriation (FY 2022) $1,750,000

General Fund—State Appropriation (FY 2023) $1,756,000

General Fund—Federal Appropriation $690,000

General Fund—Private/Local Appropriation $493,000

Other Appropriated Funds $3,350,000

TOTAL APPROPRIATION $8,039,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the coalition of unions and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 6, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 752. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SEIU HEALTHCARE 1199NW**

General Fund—State Appropriation (FY 2022) $1,062,000

General Fund—State Appropriation (FY 2023) $1,068,000

General Fund—Federal Appropriation $1,732,000

General Fund—Private/Local Appropriation $284,000

Health Professions Account—State Appropriation $114,000

TOTAL APPROPRIATION $4,260,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the service employees international union healthcare 1199nw and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of

understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 6, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 753. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SECRETARY OF STATE ARCHIVES AND RECORDS MANAGEMENT**

General Fund—State Appropriation (FY 2022) $279,000

General Fund—State Appropriation (FY 2023) $167,000

General Fund—Federal Appropriation $130,000

General Fund—Private/Local Appropriation $16,000

Other Appropriated Funds $225,000

TOTAL APPROPRIATION $817,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the secretary of state's billing authority for archives and records management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92C-2021, dated March 26, 2021, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 754. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE AUDITOR AUDIT SERVICES**

General Fund—State Appropriation (FY 2022) $58,000

General Fund—State Appropriation (FY 2023) $13,000

General Fund—Federal Appropriation $23,000

General Fund—Private/Local Appropriation $2,000

Other Appropriated Funds $25,000

TOTAL APPROPRIATION $121,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the state auditor's billing authority for state agency auditing services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92D-2021, dated March 26, 2021, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 755. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF ATTORNEY GENERAL LEGAL SERVICES**

General Fund—State Appropriation (FY 2022) $2,106,000

General Fund—State Appropriation (FY 2023) $869,000

General Fund—Federal Appropriation $791,000

General Fund—Private/Local Appropriation $22,000

Other Appropriated Funds $1,365,000

TOTAL APPROPRIATION $5,153,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of attorney general's billing authority for legal services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92E-2021, dated March 26, 2021, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 756. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ADMINISTRATIVE HEARINGS**

General Fund—State Appropriation (FY 2022) $257,000

General Fund—State Appropriation (FY 2023) $130,000

General Fund—Federal Appropriation $363,000

Other Appropriated Funds $522,000

TOTAL APPROPRIATION $1,272,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of administrative hearing's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92G-2021, dated March 26, 2021, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 757. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONSOLIDATED TECHNOLOGY SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2022) $4,277,000

General Fund—State Appropriation (FY 2023) $5,682,000

General Fund—Federal Appropriation $3,008,000

General Fund—Private/Local Appropriation $263,000

Other Appropriated Funds $4,232,000

TOTAL APPROPRIATION $17,462,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the central technology services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92J-2021, dated March 26, 2021, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 758. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEPARTMENT OF ENTERPRISE SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2022) $1,925,000

General Fund—State Appropriation (FY 2023) $1,241,000

General Fund—Federal Appropriation $645,000

General Fund—Private/Local Appropriation $36,000

Other Appropriated Funds $1,816,000

TOTAL APPROPRIATION $5,663,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92K-2021, dated March 26, 2021, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 759. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF FINANCIAL MANAGEMENT CENTRAL SERVICES**

General Fund—State Appropriation (FY 2022) $33,183,000

General Fund—State Appropriation (FY 2023) $23,575,000

General Fund—Federal Appropriation $587,000

General Fund—Private/Local Appropriation $1,143,000

Other Appropriated Funds $18,208,000

TOTAL APPROPRIATION $76,696,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to new billing authority for central service functions performed by the office of financial management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92R-2021, dated March 26, 2021, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 760. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SELF-INSURANCE LIABILITY PREMIUM**

General Fund—State Appropriation (FY 2022) $28,543,000

General Fund—State Appropriation (FY 2023) $28,525,000

General Fund—Federal Appropriation $13,609,000

General Fund—Private/Local Appropriation $61,000

Other Appropriated Funds $4,425,000

TOTAL APPROPRIATION $75,163,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' self-insurance premium liability billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92X-2021, dated March 26, 2021, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 761. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME AND COMMUNITY-BASED SERVICES**

General Fund—State Appropriation (FY 2022) $146,488,000

TOTAL APPROPRIATION $146,488,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for additional activities that enhance, expand, or strengthen home and community-based services pursuant to section 9817 of the American rescue plan act of 2021.

NEW SECTION. **Sec. 762. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WILDFIRE RESPONSE, FOREST RESTORATION, AND COMMUNITY RESILIENCE ACCOUNT**

General Fund—State Appropriation (FY 2022) $125,000,000

TOTAL APPROPRIATION $125,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the wildfire response, forest restoration, and community resilience account created in Second Substitute House Bill No. 1168 (long-term forest health). If the bill is not enacted by June 30, 2021, the amount appropriated in this section shall lapse.

NEW SECTION. **Sec. 763. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CITY ASSISTANCE**

General Fund—State Appropriation (FY 2022) $29,000,000

General Fund—State Appropriation (FY 2023) $29,000,000

TOTAL APPROPRIATION $58,000,000

The appropriations in this section are subject to the following conditions and limitations: The office of financial management must distribute the funding in this section according to population. Funding in this section includes reimbursement under RCW 43.135.060 for political subdivisions' costs of new services or increased levels of services under legislation enacted between January 1, 2020, and June 30, 2021, including costs owed if the superior court's invalidation of section 4(2), chapter 337, Laws of 2020 is upheld in a final judgment not subject to appeal.

NEW SECTION. **Sec. 764. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY ASSISTANCE**

General Fund—State Appropriation (FY 2022) $43,000,000

General Fund—State Appropriation (FY 2023) $43,000,000

TOTAL APPROPRIATION $86,000,000

The appropriations in this section are subject to the following conditions and limitations: The office of financial management must distribute the funding in this section according to population. Funding in this section includes reimbursement under RCW 43.135.060 for political subdivisions' costs of new services or increased levels of services under legislation enacted between January 1, 2020, and June 30, 2021, including costs owed if the superior court's invalidation of section 4(2), chapter 337, Laws of 2020 is upheld in a final judgment not subject to appeal.

NEW SECTION. **Sec. 765. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATEWIDE 988 BEHAVIORAL HEALTH CRISIS RESPONSE LINE ACCOUNT**

General Fund—State Appropriation (FY 2022) $9,680,000

TOTAL APPROPRIATION $9,680,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the statewide 988 behavioral health crisis response line account created in Engrossed Second Substitute House Bill No. 1477 (national 988 system). If the bill is not enacted by June 30, 2021, the amount appropriated in this section shall lapse. This constitutes a loan from the

general fund and must be repaid, with interest, to the general fund by June 30, 2025.

NEW SECTION. **Sec. 766. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MANUFACTURING CLUSTER ACCELERATION SUBACCOUNT OF THE ECONOMIC DEVELOPMENT STRATEGIC RESERVE ACCOUNT**

General Fund—State Appropriation (FY 2022) $1,405,000

General Fund—State Appropriation (FY 2023) $1,393,000

TOTAL APPROPRIATION $2,798,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the manufacturing cluster acceleration subaccount of the economic development strategic reserve account created in Substitute House Bill No. 1170 (manufacturing). If the bill is not enacted by June 30, 2021, the amounts appropriated in this section shall lapse.

NEW SECTION. **Sec. 767. FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNEMPLOYMENT INSURANCE RELIEF ACCOUNT**

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $600,000,000

TOTAL APPROPRIATION $600,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the unemployment insurance relief account created in House Bill No. . . . (unemployment insurance tax relief). If the bill is not enacted by June 30, 2021, the amount appropriated in this section shall lapse.

NEW SECTION. **Sec. 768. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—PUBLIC HEALTH WORKFORCE**

General Fund—Federal Appropriation $145,000,000

TOTAL APPROPRIATION $145,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely to hire case investigators, contact tracers, public health nurses, disease intervention specialists, epidemiologists, and other positions as may be required to prevent, prepare for, and respond to COVID-19, and to provide personal protection equipment. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

NEW SECTION. **Sec. 769. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—VACCINES**

General Fund—Federal Appropriation $140,000,000

TOTAL APPROPRIATION $140,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for vaccine distribution and administration, including the establishment and expansion of community vaccination centers and mobile vaccination units, particularly in underserved areas; reporting enhancements; communication efforts; and transportation of individuals, particularly in underserved populations, to vaccination sites. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

NEW SECTION. **Sec. 770. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—TESTING AND TRACING**

General Fund—Federal Appropriation $900,000,000

TOTAL APPROPRIATION $900,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for the statewide response to the COVID-19

pandemic, including diagnostic testing, case investigation and contact tracing, care coordination, outbreak response, data collection and analysis, and other activities required to support the response. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

NEW SECTION. **Sec. 771. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

General Fund—State Appropriation (FY 2022) $7,200,000

General Fund—State Appropriation (FY 2023) $7,200,000

Other Appropriated Funds $2,800,000

TOTAL APPROPRIATION $17,200,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of House Bill No. . . . (H-1413.1/21), which provides a one-time pension benefit increase of 1.5 percent up to a maximum of $22.00 per month per year of service to specified beneficiaries of the public employees' retirement system and the teachers' retirement system plans 1. If the bill is not enacted by June 30, 2021, the amounts provided in this section shall lapse.

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

NEW SECTION. **Sec. 801. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance

premium distributions $9,757,000

General Fund Appropriation for prosecuting attorney

distributions $9,284,000

General Fund Appropriation for boating safety and

education distributions $4,000,000

General Fund Appropriation for public utility

district excise tax distributions $66,759,000

Death Investigations Account Appropriation for

distribution to counties for publicly funded

autopsies $3,303,000

Aquatic Lands Enhancement Account Appropriation for

harbor improvement revenue distributions $140,000

Timber Tax Distribution Account Appropriation for

distribution to "timber" counties $73,911,000

County Criminal Justice Assistance Appropriation $114,428,000

Municipal Criminal Justice Assistance Appropriation $45,073,000

City-County Assistance Appropriation $39,939,000

Liquor Excise Tax Account Appropriation for liquor

excise tax distribution $76,474,000

Columbia River Water Delivery Account Appropriation

for the Confederated Tribes of the Colville

Reservation $8,612,000

Columbia River Water Delivery Account Appropriation

for the Spokane Tribe of Indians $5,975,000

Liquor Revolving Account Appropriation for liquor

profits distribution $98,876,000

General Fund Appropriation for other tax

distributions $80,000

General Fund Appropriation for Marijuana Excise Tax

distributions $30,000,000

General Fund Appropriation for Habitat Conservation

Program distributions $5,754,000

Puget Sound Taxpayer Accountability Account

Appropriation for distribution to counties in

amounts not to exceed actual deposits into the

account and attributable to those counties'

share pursuant to RCW 43.79.520. $33,460,000

Manufacturing and Warehousing Job Centers Account

Appropriation for distribution to local taxing

jurisdictions to mitigate the unintended

revenue redistributions effect of sourcing law

changes pursuant to Engrossed Substitute House

Bill No. 1521 (warehousing & manufacturing

jobs). If Engrossed Substitute House Bill No.

1521 (warehousing & manufacturing jobs) is not

enacted by June 30, 2021, this distribution is

null and void. $12,150,000

TOTAL APPROPRIATION $637,975,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. **Sec. 802. FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation $2,551,000

TOTAL APPROPRIATION $2,551,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. **Sec. 803. FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation $1,700,000

TOTAL APPROPRIATION $1,700,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. **Sec. 804. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal flood control

funds distribution $64,000

General Fund Appropriation for federal grazing fees

distribution $50,000

General Fund Appropriation for federal military fees

distribution $160,000

Forest Reserve Fund Appropriation for federal forest

reserve fund distribution $27,978,000

TOTAL APPROPRIATION $28,252,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. **Sec. 805. FOR THE STATE TREASURER—TRANSFERS**

Dedicated Marijuana Account: For transfer to the

basic health plan trust account, the lesser of

the amount determined pursuant to RCW 69.50.540

or this amount for fiscal year 2022,

$255,000,000 and this amount for fiscal year

2023, $265,000,000 $520,000,000

Dedicated Marijuana Account: For transfer to the

state general fund, the lesser of the amount

determined pursuant to RCW 69.50.540 or this

amount for fiscal year 2022, $195,000,000 and

this amount for fiscal year 2023, $200,000,000 $395,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the annual base payment to

the tobacco settlement account for fiscal year

2022 $90,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the annual base payment to

the tobacco settlement account for fiscal year

2023 $90,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the tobacco arbitration

payment to the tobacco settlement account,

$13,000,000 for fiscal year 2022 and

$10,000,000 for fiscal year 2023 $23,000,000

State Treasurer's Service Account: For transfer to

the state general fund, $5,000,000 for fiscal

year 2022 and $5,000,000 for fiscal year 2023 $10,000,000

General Fund: For transfer to the fair fund under

RCW 15.76.115, $2,000,000 for fiscal year 2022

and $2,000,000 for fiscal year 2023 $4,000,000

Financial Services Regulation Account: For transfer

to the state general fund, $3,500,000 for

fiscal year 2022 and $3,500,000 for fiscal year

2023 $7,000,000

Public Works Assistance Account: For transfer to the

education legacy trust account, $72,000,000

for fiscal year 2022 and $72,000,000 for fiscal

year 2023 $144,000,000

Marine Resources Stewardship Trust Account: For

transfer to the aquatic lands enhancement

account, up to $40,000 for fiscal year 2022 $40,000

Water Pollution Control Revolving Administration

Account: For transfer to the water pollution

control revolving account, $6,000,000 for

fiscal year 2022 $6,000,000

General Fund: For transfer to the home security

fund, $4,500,000 for fiscal year 2022 and

$4,500,000 for fiscal year 2023 $9,000,000

Law Enforcement Officers' and Firefighters' Plan 2

Retirement Fund: For transfer to the local law

enforcement officers' and firefighters'

retirement system benefits improvement account

on July 1, 2021 $600,000,000

Long-Term Services and Supports Trust Account: For

transfer to the general fund as repayment for

start-up costs for the long term services

program, the lesser of the amount determined by

the treasurer for full repayment of the

$17,040,000 transferred from the general fund

in the 2019-2021 biennium and $19,618,000

transferred from the general fund in fiscal

year 2022, which totals $36,658,000 transferred

from the general fund in the 2019-2021

biennium and fiscal year 2022 for start-up

costs with any related interest, or this amount

for fiscal year 2022, $40,000,000 $40,000,000

Gambling Revolving Account: For transfer to the

state general fund as repayment of the loan

pursuant to chapter 127, Laws of 2020 (sports

wagering/compacts), the lesser of the amount

determined by the treasurer for full repayment

of the $6,000,000 transferred from the general

fund in the 2021-2023 fiscal biennium with any

related interest for fiscal year 2023, or this

amount $6,500,000 $6,500,000

School Employees' Insurance Administration Account:

For transfer to the general fund as repayment

for start-up costs for the school employees

benefit program, the lesser of the amount

determined by the treasurer for full repayment

of the $28,730,000 transferred from the general

fund in the 2017-2019 fiscal biennium and

$10,000,000 transferred from the general fund

in the 2019-2021 fiscal biennium, which totals

$38,730,000 transferred from the general fund

over the two biennia for start-up costs with

any related interest, or this amount for fiscal

year 2022, $40,647,000 $40,647,000

General Fund: For transfer to the manufacturing and

warehousing jobs centers account $6,750,000

for fiscal year 2022 and $5,400,000 for fiscal

year 2023 pursuant to Engrossed Substitute

House Bill No. 1521 (warehousing &

manufacturing jobs). If Engrossed Substitute

House Bill No. 1521 (warehousing &

manufacturing jobs) is not enacted by June 30,

2021, this transfer is null and void. $12,150,000

PART IX

MISCELLANEOUS

NEW SECTION. **Sec. 901. EXPENDITURE AUTHORIZATIONS**

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2019-2021 fiscal biennium.

NEW SECTION. **Sec. 902. EMERGENCY FUND ALLOCATIONS**

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. An appropriation is not necessary to effect such repayment.

NEW SECTION. **Sec. 903. STATUTORY APPROPRIATIONS**

In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and firefighters' retirement system plan 2 and bond retirement and interest, including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94, 39.96, and 39.98 RCW or any proper bond covenant made under law.

NEW SECTION. **Sec. 904. BOND EXPENSES**

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. **Sec. 905. VOLUNTARY RETIREMENT AND SEPARATION**

(1) As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement either a voluntary retirement or separation program, or both, that is cost neutral or results in cost savings, including costs to the state pension systems, over a two-year period following the commencement of the program, provided that such a program is approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement and/or separation incentives and options according to procedures and guidelines established by the office of financial management in consultation with the department of retirement systems. The options may include, but are not limited to, financial incentives for voluntary separation or retirement. An employee does not have a contractual right to a financial incentive offered under this section. The office of financial management and the department of retirement systems may review and monitor incentive offers. Agencies are required to submit a report by the date established by the office of financial management in the guidelines required in this section to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program, including the incentive payment amount for each participant, the total cost to the state, and the projected or actual net dollar savings over the two-year period.

(2) The department of retirement systems may collect from employers the actuarial cost of any incentive provided under this program, or any other incentive to retire provided by employers

to members of the state's pension systems, for deposit in the appropriate pension account.

NEW SECTION. **Sec. 906. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED**

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. **Sec. 907. COLLECTIVE BARGAINING AGREEMENTS**

The following sections represent the results of the 2021-2023 collective bargaining process required under the provisions of chapters 41.80, 41.56, and 74.39A RCW. Provisions of the collective bargaining agreements contained in sections 908 through 939 and 943 through 946 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. **Sec. 908. COLLECTIVE BARGAINING AGREEMENTS—ELIMINATING FURLOUGH DAYS**

(1) Appropriations in part VII of this act provide sufficient funding to eliminate the furlough days required in the following collective bargaining agreements for the 2021-2023 fiscal biennium:

(a) Washington federation of state employees;

(b) Washington association of fish and wildlife professionals;

(c) Professional and technical employees local 17;

(d) Service employees international union healthcare 1199nw;

(e) The coalition of unions;

(f) Association of Washington assistant attorneys general/Washington federation of state employees;

(g) Washington federation of state employees administrative law judges; and

(h) Washington public employees association general government.

(2) Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section.

NEW SECTION. **Sec. 909. COLLECTIVE BARGAINING AGREEMENT—WFSE**

An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. **Sec. 910. COLLECTIVE BARGAINING AGREEMENT—WAFWP**

An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. **Sec. 911. COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17**

An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. **Sec. 912. COLLECTIVE BARGAINING AGREEMENT—SEIU HEALTHCARE 1199NW**

An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium.

Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. **Sec. 913. COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes 24 furlough days for employees in positions that do not require the position to be backfilled. Funding is also provided for a 2.5 percent wage increase for fiscal year 2022 and a 2.5 percent wage increase for fiscal year 2023 for the department of corrections marine vessel operators.

NEW SECTION. **Sec. 914. COLLECTIVE BARGAINING AGREEMENT—ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE**

An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes some minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

NEW SECTION. **Sec. 915. COLLECTIVE BARGAINING AGREEMENT—WFSE ADMINISTRATIVE LAW JUDGES**

An agreement has been reached between the governor and the Washington federation of state employees administrative law judges under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. This is the first agreement since the grant of collective bargaining rights in the 2020 legislative session. Funding is provided to fund the agreement, which includes the implementation of the Washington general government standard progression salary schedule that includes periodic increments that begin July 1, 2022. In addition, the agreement includes 24 furlough days for designated positions.

NEW SECTION. **Sec. 916. COLLECTIVE BARGAINING AGREEMENT—DFW SERGEANTS ASSOCIATION/TEAMSTERS 760**

An agreement has been reached between the governor and the department of fish and wildlife sergeants association/teamsters 760 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the agreement, which does not include wage increases but does allow the agreement to be reopened to negotiate compensation for fiscal year 2023.

NEW SECTION. **Sec. 917. COLLECTIVE BARGAINING AGREEMENT—FISH AND WILDLIFE ENFORCEMENT OFFICERS GUILD**

An agreement has been reached between the governor and the fish and wildlife enforcement officers guild through an interest arbitration award under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the award, which does not include wage increases but does allow the agreement to be reopened to negotiate base rate of pay for fiscal year 2023. The arbitration award also includes and funding is provided for an education incentive for employees who have obtained an associate's degree (2 percent of base pay) or bachelor's degree (4 percent of base pay), increased opportunities to work on holidays and receive holiday pay, and workers compensation top-off pay equivalent to the LEOFF II supplement. Finally, funding is provided for an increase in the clothing allowance for qualifying employees by $100 per year per employee.

NEW SECTION. **Sec. 918. COLLECTIVE BARGAINING AGREEMENT—WFSE HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases.

NEW SECTION. **Sec. 919. COLLECTIVE BARGAINING AGREEMENT—WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

An agreement has not been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

NEW SECTION. **Sec. 920. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

NEW SECTION. **Sec. 921. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

NEW SECTION. **Sec. 922. COLLECTIVE BARGAINING AGREEMENT—WPEA**

An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes some minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

NEW SECTION. **Sec. 923. COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117**

An agreement has not been reached between the governor and the international brotherhood of teamsters local 117 pursuant to chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

NEW SECTION. **Sec. 924. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 925**

An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 925. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 1199 RESEARCH/HALL HEALTH**

An agreement has been reached between the University of Washington and the service employees international union local 1199 research/hall health under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 926. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—TEAMSTERS LOCAL 117 POLICE**

An agreement has been reached between the University of Washington and teamster local 117 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 927. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE POLICE MANAGEMENT**

An agreement has been reached between the University of Washington and the Washington federation of state employees police management under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes

and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 928. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE**

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement, and an expansion of the Harborview and University of Washington Medical Center EVS custodians weekend premium. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 929. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WFSE**

An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

NEW SECTION. **Sec. 930. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WSU POLICE GUILD BARGAINING UNIT 4**

An agreement has been reached between the Washington State University and the WSU police guild bargaining unit 4 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

NEW SECTION. **Sec. 931. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—INTERNATIONAL UNION OF OPERATING ENGINEERS**

An agreement has not been reached between the Washington State University and the international union of operating engineers under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

NEW SECTION. **Sec. 932. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—WFSE**

An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 933. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—PSE**

An agreement has been reached between Central Washington University and the public school employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 934. COLLECTIVE BARGAINING AGREEMENT—THE EVERGREEN STATE COLLEGE—WFSE**

An agreement has been reached between The Evergreen State College and the Washington federation of state employees supervisory and nonsupervisory units under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 935. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—WFSE**

An agreement has been reached between Western Washington University and the Washington federation of state employees bargaining units A, B, and E under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 936. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—PSE**

An agreement has not been reached between Western Washington University and the public school employees bargaining units D and PT under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

NEW SECTION. **Sec. 937. COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—WFSE**

An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 938. COLLECTIVE BARGAINING AGREEMENT—YAKIMA VALLEY COMMUNITY COLLEGE—WPEA**

An agreement has been reached between Yakima Valley Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 939. COLLECTIVE BARGAINING AGREEMENT—HIGHLINE COMMUNITY COLLEGE—WPEA**

An agreement has been reached between Highline Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 940. COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, other than provision of gift cards through the wellness program, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed $1,091 per eligible employee.

The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

NEW SECTION. **Sec. 941. COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE HEALTH CARE COALITION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed $936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed $1,091 per eligible employee.

NEW SECTION. **Sec. 942. COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for

allocations to school districts are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed $968 per eligible employee in the 2021-22 school year. For the 2022-23 school year, the monthly employer funding rate shall not exceed $1,032 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in section 943 of this act, which is included as part of the above monthly employer funding rate.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

NEW SECTION. **Sec. 943. COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1) The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed $1,091 per eligible employee. These rates assume the use of plan surplus from the 2019-2021 fiscal biennium in fiscal year 2022.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2022 and 2023, the subsidy shall be up to $183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) School districts and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, $72.08 per month beginning September 1, 2021, and $80.04 beginning September 1, 2022;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, $72.08

each month beginning September 1, 2021, and $80.04 beginning September 1, 2022, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. **Sec. 944. COMPENSATION—NONREPRESENTED EMPLOYEES—FOREGONE GENERAL WAGE INCREASES**

Appropriations in this act for state agencies, including institutions of higher education, are sufficient to provide a three percent or two percent general wage increase, effective July 1, 2021, for employees that were scheduled to receive a general wage increase of either of those amounts on July 1, 2020, that was forgone due to COVID-19 emergency.

NEW SECTION. **Sec. 945. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—WFSE LANGUAGE ACCESS PROVIDERS**

An agreement has been reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an in-person interpreting rate increase of $0.12 per hour for each of fiscal year 2022 and fiscal year 2023. In addition, other terms of the agreement that are funded include a continuation of the social service mileage premium.

NEW SECTION. **Sec. 946. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 775 HOME CARE WORKERS**

An agreement has been reached between the governor and the service employees international union local 775 through an interest arbitration award under the provisions of chapter 74.39A RCW and 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for the arbitration award that includes increases to wages and benefits and certain improvements in the second year of the agreement. Wages are increased approximately 3 percent over the biennium. Health care contributions are increased 5 percent each year of the agreement. Beginning July 1, 2022, individual providers will receive credit on the wage scale for verifiable hours worked for a related home care agency and time and one-half pay for hours worked on two holidays (Independence Day and New Year's Eve).

NEW SECTION. **Sec. 947. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 925 CHILDCARE WORKERS**

An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an increase in the hourly rate of care provided by family, friends, and neighbor providers (FFNs) in fiscal year 2023 from $2.65 to $3.00. The agreement maintains the current subsidy rates for licensed providers for fiscal year 2022 and includes an agreement to bargain over possible adjustments to rates for fiscal year 2023. In addition, the agreement includes and funding is provided to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by 2 percent, bringing the rate to 15 percent above the base subsidy rate. Lastly, the agreement includes and funding is provided to increase the nonstandard hour care rate from $80.00 to $90.00 per child per month.

NEW SECTION. **Sec. 948. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—ADULT FAMILY HOME COUNCIL**

An agreement has been reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for a 3 percent increase to the wages and administrative component of the base daily rate adult family home providers receive for CARE classifications A through D beginning July 1, 2021, and a 3 percent increase in E classifications beginning July 1, 2022. The agreement also includes and funds are provided for a one-time, 3 percent increase to the health care and mandatory training components of the rates beginning July 1, 2021.

NEW SECTION. **Sec. 949. COMPENSATION—REVISE PENSION CONTRIBUTION RATES**

The appropriations in this act for school districts and state agencies, including institutions of higher

education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

NEW SECTION. **Sec. 950. JUNETEENTH HOLIDAY**

Funding is provided for the cost to agencies of additional staff necessary to provide coverage in positions that require continual presence, as a result of implementing House Bill No. 1016 (making Juneteenth a legal holiday).

Sec. 951. RCW 10.99.800 and 2019 c 263 s 803 are each amended to read as follows:

(1) The Washington domestic violence risk assessment work group is established to study how and when risk assessment can best be used to improve the response to domestic violence offenders and victims and find effective strategies to reduce domestic violence homicides, serious injuries, and recidivism that are a result of domestic violence incidents in Washington state.

(2)(a) The Washington state gender and justice commission, in collaboration with the Washington state coalition against domestic violence and the Washington State University criminal justice program, shall coordinate the work group and provide staff support.

(b) The work group must include a representative from each of the following organizations:

(i) The Washington state gender and justice commission;

(ii) The department of corrections;

(iii) The department of social and health services;

(iv) The Washington association of sheriffs and police chiefs;

(v) The superior court judges' association;

(vi) The district and municipal court judges' association;

(vii) The Washington state association of counties;

(viii) The Washington association of prosecuting attorneys;

(ix) The Washington defender association;

(x) The Washington association of criminal defense lawyers;

(xi) The Washington state association of cities;

(xii) The Washington state coalition against domestic violence;

(xiii) The Washington state office of civil legal aid; and

(xiv) The family law section of the Washington state bar association.

(c) The work group must additionally include representation from:

(i) Treatment providers;

(ii) City law enforcement;

(iii) County law enforcement;

(iv) Court administrators; and

(v) Domestic violence victims or family members of a victim.

(3)(a) For its initial report in 2018, the work group shall research, review, and make recommendations on the following:

(i) How to best develop and use risk assessment in domestic violence response utilizing available research and Washington state data;

(ii) Providing effective strategies for incorporating risk assessment in domestic violence response to reduce deaths, serious injuries, and recidivism due to domestic violence;

(iii) Promoting access to domestic violence risk assessment for advocates, police, prosecutors, corrections, and courts to improve domestic violence response;

(iv) Whether or how risk assessment could be used as an alternative to mandatory arrest in domestic violence;

(v) Whether or how risk assessment could be used in bail determinations in domestic violence cases, and in civil protection order hearings;

(vi) Whether or how offender risk, needs, and responsivity could be used in determining eligibility for diversion, sentencing alternatives, and treatment options;

(vii) Whether or how victim risk, needs, and responsivity could be used in improving domestic violence response;

(viii) Whether or how risk assessment can improve prosecution and encourage prosecutors to aggressively enforce domestic violence laws; and

(ix) Encouraging private sector collaboration.

(b) The work group shall compile its findings and recommendations into an initial report and provide its report to the appropriate committees of the legislature and governor by June 30, 2018.

(4)(a) For its report in 2019, the work group shall:

(i) Research, review, and make recommendations on whether laws mandating arrest in cases of domestic violence should be amended and whether alternative arrest statutes should incorporate domestic violence risk assessment in domestic violence response to improve the response to domestic violence, and what training for law enforcement would be needed to implement an alternative to mandatory arrest;

(ii) Research, review, and make recommendations on how prior recommendations of the work group should be implemented in order to promote effective strategies to reduce domestic violence in Washington state;

(iii) Monitor, evaluate, and provide recommendations on the development and use of the risk assessment tool under RCW 9.94A.502; and

(iv) Provide recommendations on other items deemed appropriate by the work group.

(b) The work group shall compile its findings and recommendations into a final report and provide its report to the appropriate committees of the legislature and governor by June 30, 2020.

(5) The work group must operate within existing funds.

(6) The Washington state institute for public policy shall publish a systematic review of the research literature on mandatory arrest in domestic violence cases. If possible, the study shall report the effects of mandatory arrest on domestic violence recidivism, general recidivism, domestic violence reporting, rates of domestic violence treatment, intimate partner homicide, or other reported outcomes. If possible, the study shall also report the research on alternatives to mandatory arrest.

(7) This section expires June 30, ((~~2021~~)) 2022.

Sec. 952. RCW 28B.20.476 and 2019 c 415 s 953 are each amended to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by RCW 28B.20.475. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2017-2019 ((~~and~~)), 2019-2021, and 2021-2023 fiscal biennia, amounts available in the geoduck aquaculture research account may also be appropriated for the sea grant program at the University of Washington to conduct research examining the possible negative and positive effects of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems((~~, and to protect against the impacts of invasive European green crab~~)). It is the intent of the legislature that this policy be continued in future biennia.

Sec. 953. RCW 28B.115.070 and 2019 c 415 s 954, 2019 c 406 s 72, and 2019 c 302 s 6 are each reenacted and amended to read as follows:

(1) After June 1, 1992, the department, in consultation with the office and the department of social and health services, shall:

((~~(1)~~)) (a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to

jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

((~~(2)~~)) (b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

((~~(3)~~)) (c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) For the 2017-2019, ((~~and~~)) 2019-2021, and 2021-2023 fiscal biennia, consideration for eligibility shall also be given to registered nursing students who have been accepted into an eligible nursing education program and have declared an intention to teach nursing upon completion of the nursing education program.

(3) For the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, eligibility for loan repayment shall also be given to chiropractors.

(4) During the 2021-2023 biennium, the department must consider pediatric and juvenile rheumatologists for eligibility for loan repayment.

Sec. 954. RCW 28C.04.535 and 2019 c 415 s 955 are each amended to read as follows:

Except for the 2018-19, 2019-20, ((~~and~~)) 2020-21, 2021-22, and 2022-23 school years, the Washington award for vocational excellence shall be granted annually. It is the intent of the legislature to continue the policy of not granting the Washington award for vocational excellence in the 2019-20 and 2020-21 school years. The workforce training and education coordinating board shall notify the students receiving the award, their vocational instructors, local chambers of commerce, the legislators of their respective districts, and the governor, after final selections have been made. The workforce training and education coordinating board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the selected students. Awards shall be presented in public ceremonies at times and places determined by the workforce training and education coordinating board in cooperation with the office of the governor.

Sec. 955. RCW 38.52.105 and 2020 c 7 s 6 are each amended to read as follows:

The disaster response account is created in the state treasury. Moneys may be placed in the account from legislative appropriations and transfers, federal appropriations, or any other lawful source. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for support of state agency and local government disaster response and recovery efforts, including response by state and local government and federally recognized tribes to the novel coronavirus pursuant to the gubernatorial declaration of emergency of February 29, 2020, and to reimburse the workers' compensation funds and self-insured employers under RCW 51.16.220. During the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia, expenditures from the disaster response account may be used for military department operations and to support wildland fire suppression preparedness, prevention, and restoration activities by state agencies and local governments. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may direct the treasurer to make transfers of moneys in the disaster response account to the state general fund. It is the intent of the legislature that these policies will be continued in subsequent fiscal biennia.

Sec. 956. RCW 41.45.230 and 2019 c 415 s 959 are each amended to read as follows:

The pension funding stabilization account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for payment of state government employer contributions for members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement

system, and during the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia for the judicial retirement system. The account may not be used to pay for any new benefit or for any benefit increase that takes effect after July 1, 2005. An increase that is provided in accordance with a formula that is in existence on July 1, 2005, is not considered a benefit increase for this purpose. Moneys in the account shall be for the exclusive use of the specified retirement systems and may be invested by the state treasurer pursuant to RCW 43.84.080. For purposes of RCW 43.135.034, expenditures from the pension funding stabilization account shall not be considered a state program cost shift from the state general fund to another account.

Sec. 957. RCW 41.80.010 and 2020 c 77 s 4 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a)(i) Except as otherwise provided, if an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents.

(ii) For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. Exclusive bargaining representatives that represent employees covered under chapter 41.06 RCW and exclusive bargaining representatives that represent employees exempt under chapter 41.06 RCW shall constitute separate coalitions and must negotiate separate master collective bargaining agreements. This subsection does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(d) For assistant attorneys general, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall

not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act

upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(6) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(7)(a) For the ((~~2019-2021~~)) 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated ((~~by a higher education institution and the Washington federation of state employees~~)) with the Washington public employees' association—general government and Highline Community College and ratified by the employees' exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) Subsection (3)(a) and (b) of this section do not apply to requests for funding made pursuant to this subsection.

Sec. 958. RCW 43.08.190 and 2019 c 415 s 962 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040(4)(c). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate for all funds and accounts; except that the state treasurer may negotiate a different allocation rate with any state agency that has independent authority over funds not statutorily required to be held in the state treasury or in the custody of the state treasurer. In no event shall the rate be less than the actual costs incurred by the state treasurer's office. If no rate is separately negotiated, the default rate for any funds held shall be the rate set for funds held pursuant to statute.

((~~During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.~~)) During the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of money in the state treasurer's service fund to the state general fund. It is the intent of the legislature that this policy will be continued in subsequent biennia.

Sec. 959. RCW 43.09.475 and 2019 c 415 s 963 are each amended to read as follows:

The performance audits of government account is hereby created in the custody

of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia, the performance audits of government account may be appropriated for the joint legislative audit and review committee, the legislative evaluation and accountability program committee, the office of financial management, the superintendent of public instruction, the department of fish and wildlife, and audits of school districts. In addition, during the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia the account may be used to fund the office of financial management's contract for the compliance audit of the state auditor and audit activities at the department of revenue.

Sec. 960. RCW 43.79.195 and 2020 c 2 s 2 are each amended to read as follows:

(1) The workforce education investment account is created in the state treasury. All revenues from the workforce investment surcharge created in RCW 82.04.299 and those revenues as specified under RCW 82.04.290(2)(c) must be deposited directly into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for higher education programs, higher education operations, higher education compensation, and state-funded student aid programs. For the 2019-2021 ((~~biennium~~)) and 2021-2023 fiscal biennia, expenditures from the account may be used for kindergarten through twelfth grade if used for career connected learning as provided for in chapter 406, Laws of 2019.

(2) Expenditures from the workforce education investment account must be used to supplement, not supplant, other federal, state, and local funding for higher education.

Sec. 961. RCW 43.88.585 and 2013 c 63 s 1 are each amended to read as follows:

(1) By January 1, 2014, the office of financial management shall compile, maintain, and periodically update an inventory of all fees imposed by state agencies and institutions of higher education pursuant to statute or administrative rule. At a minimum, the inventory shall identify the agency or institution collecting the fee, the purpose of the fee, the current amount of the fee, the amount of the fee over the previous five years, and the statutory authority for the fee. The office of financial management may aggregate or consolidate fee information when there is commonality among the fee payers or the purposes for which the fee is paid.

(2) To facilitate the fee inventory under this section, each state agency and institution of higher education shall report the information required under subsection (1) of this section to the office of financial management and shall update the information at least every two years.

(3) The fee inventory under this section shall be incorporated into the state expenditure information web site maintained by the legislative evaluation and accountability program committee under RCW 44.48.150.

(4) The office of financial management shall convene a work group consisting of representatives from the legislative evaluation and accountability program committee, the office of regulatory assistance, the department of licensing, the department of labor and industries, the department of transportation, and the department of health to develop a process to facilitate more frequent updates to the inventory and to recommend changes to increase public accessibility.

(5) For purposes of this section, "fee" means any charge, fixed by law or administrative rule, for the benefit of a service or to cover the cost of a regulatory program or the costs of administering a program for which the fee payer benefits. "Fee" does not include taxes; penalties or fines; intergovernmental charges; commercial charges; pension or health care contributions or rates; industrial, unemployment, or other state-operated insurance programs; or individualized cost recoveries.

(6) The requirements in this section are suspended during the 2019-2021 and 2021-2023 fiscal biennia.

Sec. 962. RCW 43.99N.060 and 2009 c 497 s 6026 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240((~~(5)~~)) (1)(d) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. Only the director of the recreation and conservation office or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the recreation and conservation office. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. In the 2009-2011 biennium, if there are not enough

project applications submitted in a category within the account to meet the requirement of equal distribution of funds to each category, the director of the recreation and conservation office may distribute any remaining funds to other categories within the account. The director of the recreation and conservation office may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the youth athletic facility account to support a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. A portion of the appropriation must be used to inventory K-12 school fields and athletic facilities and park agency facilities.

Sec. 963. RCW 43.155.050 and 2019 c 415 s 972 and 2019 c 413 s 7033 are each reenacted and amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Not more than twenty percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than ten percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. ((~~It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.~~)) If chapter 365, Laws of 2019 (Second Substitute Senate Bill No. 5511, broadband service) is enacted by June 30, 2019, then during the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the statewide broadband account. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the public works assistance account for activities related to the voluntary stewardship program, rural economic development, and the growth management act.

Sec. 964. RCW 43.185C.060 and 2020 c 357 s 915 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter.

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews

conducted thereafter are due February 1st of each even-numbered year.

(4) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, expenditures from the account may also be used for shelter capacity grants.

Sec. 965. RCW 43.320.110 and 2019 c 415 s 973 are each amended to read as follows:

(1) There is created in the custody of the state treasurer a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except as provided in subsection (2) of this section.

(2) The division of securities shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115 and subsection (3) of this section, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department.

(3) The division of securities shall deposit one hundred percent of all moneys received that are attributable to increases in fees implemented by rule pursuant to RCW 21.20.340(15).

(4) Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(5) During the 2017-2019 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund. During the 2017-2019 and 2021-2023 fiscal ((~~biennium~~)) biennia, moneys from the financial services regulation fund may be appropriated for the family prosperity account program at the department of commerce and for the operations of the department of revenue.

(6)(a) Beginning in the 2020-2021 fiscal year, the state treasurer shall annually transfer from the fund to the student loan advocate account created in RCW 28B.77.008, the greater of one hundred seventy-five thousand dollars or twenty percent of the annual assessment derived from student education loan servicing.

(b) The department must provide information to the state treasurer regarding the amount of the annual assessment derived from student education loan servicing.

(7) The director's obligations or duties under chapter 62, Laws of 2018 are subject to section 21, chapter 62, Laws of 2018.

(8) During the 2019-2021 fiscal biennium, moneys in the financial services regulation fund may be appropriated for the operations of the department of revenue. It is the intent of the legislature to continue this policy in subsequent biennia.

(9) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the legislature may direct the state treasurer to make transfers of moneys in the financial services regulation ((~~account [fund]~~)) fund to the general fund.

Sec. 966. RCW 43.372.070 and 2019 c 415 s 975 are each amended to read as follows:

(1) The marine resources stewardship trust account is created in the state treasury. All receipts from income derived from the investment of amounts credited to the account, any grants, gifts, or donations to the state for the purposes of marine management planning, marine spatial planning, data compilation, research, or monitoring, and any appropriations made to the account must be deposited in the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may only be used for the purposes of marine management planning, marine spatial planning, research, monitoring, and implementation of the marine management plan.

(3) Except as provided in subsection (5) of this section, until July 1, 2016, expenditures from the account may only be used for the purposes of:

(a) Conducting ecosystem assessment and mapping activities in marine waters consistent with RCW 43.372.040(6) (a) and (c), with a focus on assessment and mapping activities related to marine resource uses and developing potential economic opportunities;

(b) Developing a marine management plan for the state's coastal waters as that term is defined in RCW 43.143.020; and

(c) Coordination under the west coast governors' agreement on ocean health, entered into on September 18, 2006, and other regional planning efforts consistent with RCW 43.372.030.

(4) Expenditures from the account on projects and activities relating to the state's coastal waters, as defined in RCW 43.143.020, must be made, to the maximum extent possible, consistent with the recommendations of the Washington coastal marine advisory council as provided in RCW 43.143.060. If expenditures relating to coastal waters are made in a manner that differs substantially from the Washington coastal marine advisory council's recommendations, the responsible agency receiving the appropriation shall provide the council and appropriate committees of the legislature with a written explanation.

(5) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the legislature may direct the state treasurer to make transfers of moneys in the marine resources stewardship trust account to the aquatic lands enhancement account.

Sec. 967. RCW 43.380.020 and 2019 c 415 s 976 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington statewide reentry council is created and located within the department for the purpose of promoting successful reentry of offenders after incarceration.

(2) Through the executive director that may be appointed by the council, the department shall administer the council by:

(a) Providing the council and its executive director use of the department's facilities; and

(b) Managing grants and other funds received, used, and disbursed by the council.

(3) Except during the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the department may not designate additional full-time staff to the administration of the council beyond the executive director.

Sec. 968. RCW 69.50.540 and 2020 c 357 s 916 and 2020 c 236 s 4 are each reenacted and amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as provided in this subsection:

(a) One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) One million three hundred twenty-three thousand dollars for fiscal year 2020 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

(iii) Two million four hundred fifty-three thousand dollars for fiscal year 2020 and two million seven hundred ninety-three thousand dollars for fiscal year 2021 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020 ((~~and~~)), four hundred sixty-four thousand dollars for fiscal year 2021, and two hundred eighty-six thousand dollars in each of fiscal years 2022 and 2023 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for fiscal year 2020 and eight hundred eight thousand dollars for fiscal year 2021 to the department of health for the administration of the marijuana authorization database;

(h) Six hundred thirty-five thousand dollars for fiscal year 2020 ((~~and~~)), six hundred thirty-five thousand dollars for fiscal year 2021, and six hundred thirty thousand dollars for each of fiscal years 2022 and 2023 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana;

(i) One million one hundred thousand dollars annually to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under RCW 43.330.540; and

(j) One million one hundred thousand dollars for fiscal year 2021 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses); and

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of

Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are

physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years ((~~2018, 2019, 2020, and~~)) 2021, 2022, and 2023, and twenty million dollars per fiscal year thereafter. It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than fifteen million dollars per fiscal year.

Sec. 969. RCW 70A.305.180 and 2020 c 20 s 1319 are each amended to read as follows:

(1) The model toxics control operating account is hereby created in the state treasury.

(2) Moneys in the model toxics control operating account must be used only to carry out the purposes of this chapter, including but not limited to the following:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.300 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.205 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs and plans, including local solid waste financial assistance, in accordance with chapters 70A.405, 70A.205, 70A.214, 70A.224, and 70A.300 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70A.135 RCW;

(j) A public participation program;

(k) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70A.300.260;

(l) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(m) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(n) Air quality programs and actions for reducing public exposure to toxic air pollution; ((~~and~~))

(o) Petroleum-based plastic or expanded polystyrene foam debris clean-up activities in fresh or marine waters; and

(p) For the 2021-2023 fiscal biennium, and solely to continue the policy of

previous biennia, forest practices at the department of natural resources.

(3) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in model toxics control operating account may be spent only after appropriation by statute.

(4) One percent of the moneys collected under RCW 82.21.030 must be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the model toxics control operating account.

(5) The department must adopt rules for grant or loan issuance and performance.

Sec. 970. RCW 71.24.580 and 2020 c 357 s 917 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. ((~~During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the state general fund.~~)) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the legislature may appropriate from the account for municipal drug courts and increased treatment options((~~, and~~)). During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the home security fund account created in RCW 43.185C.060. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The

authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should incorporate current evidence-based practices in substance use disorder treatment. The funds shall be used solely to provide approved alcohol and substance use disorder treatment pursuant to RCW 71.24.560 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) If a region or county uses criminal justice treatment account funds to support a therapeutic court, the therapeutic court must allow the use of all medications approved by the federal food and drug administration for the treatment of opioid use disorder as deemed medically appropriate for a participant by a medical professional. If appropriate medication-assisted treatment resources are not available or accessible within the jurisdiction, the health care authority's designee for assistance must assist the court with acquiring the resource.

(10) Counties must meet the criteria established in RCW 2.30.030(3).

(11) The authority shall annually review and monitor the expenditures made by any county or group of counties that receives appropriated funds distributed under this section. Counties shall repay any funds that are not spent in accordance with the requirements of its contract with the authority.

Sec. 971. RCW 74.13.715 and 2020 c 33 s 2 are each amended to read as follows:

(1) Beginning September 1, 2020, the department shall contract with an external organization or organizations with experience serving youth or families receiving out-of-home care services to implement and operate the family connections program, which facilitates interaction between a parent of a child found to be dependent pursuant to chapter 13.34 RCW and in out-of-home care and the individual with whom the child is placed.

(2) The external organization or organizations contracted to implement and operate the family connections program shall implement and operate the family connections program in one location west of the crest of the Cascade mountains, and one location east of the crest of the Cascade mountains.

(3) Families may be referred to the family connections program by a caseworker, an attorney, a guardian ad litem as defined in RCW 13.34.030, a parent ally, an office of public defense social worker, or the court.

(4) After receiving a referral, the family connections program shall determine whether an in-person meeting between a parent of a child found to be dependent pursuant to chapter 13.34 RCW and in out-of-home care and the individual with whom the child is placed is appropriate. If the family connections program determines that such a meeting is appropriate, the family connections program shall then determine whether:

(a) The parent of a child found to be dependent pursuant to chapter 13.34 RCW and in out-of-home care and the individual with whom the child is placed are willing to participate in an in-person meeting; and

(b) Safety concerns exist such that an in-person meeting should not occur.

(5) If the family connections program determines that an in-person meeting should occur following the analysis required by subsection (4) of this section, the family connections program shall provide a referral to the family connections program team. The family connections program team shall include a parent ally and an experienced caregiver. After receiving a referral, the family connections program team shall:

(a) Ensure that the parent ally contact the parent to prepare for an in-person meeting between the parent and caregiver;

(b) Ensure that the experienced caregiver contact the caregiver to prepare for an in-person meeting between the parent and caregiver;

(c) Convene an in-person meeting between the parent and caregiver; and

(d) Provide ongoing support to the parent and caregiver following the in-person meeting.

(6) If the family connections program determines that an in-person meeting should not occur following the analysis required under subsection (4) of this section, the family connections program team shall facilitate the exchange of information between the parent and caregiver in an appropriate manner that does not include an in-person meeting. The format of this exchange of information may include written messages, phone calls, or videoconferencing. The family connections program shall routinely reevaluate whether an in-person meeting should occur using the analysis required under subsection (4) of this section.

(7) The department shall collect data and measure outcomes for families engaging in the family connections program. By September 1, 2021, and in compliance with RCW 43.01.036, the department shall submit a report to the relevant committees of the legislature that details:

(a) Data collected for the family connections program;

(b) Outcomes for families engaging in the family connections program; and

(c) The department's plan on how to expand the family connections program statewide.

(8) The definitions in this subsection apply throughout this section:

(a) "Experienced caregiver" means:

(i) An individual who is or has received a foster-family home license pursuant to chapter 74.15 RCW or an equivalent license from another state; or

(ii) An individual who cared for a child who was removed from his or her parent pursuant to chapter 13.34 RCW and who has a kin relationship to that child pursuant to RCW 74.13.600.

(b) "Parent ally" has the same meaning as provided in RCW 2.70.060.

(9) This section expires June 30, ((~~2022~~)) 2023.

Sec. 972. RCW 74.46.485 and 2017 c 286 s 1 are each amended to read as follows:

(1) The legislature recognizes that staff and resources needed to adequately care for individuals with cognitive or behavioral impairments is not limited to support for activities of daily living. Therefore, the department shall:

(a) Employ the resource utilization group IV case mix classification methodology. The department shall use the fifty-seven group index maximizing model for the resource utilization group IV grouper version MDS 3.05, but in the 2021-2023 biennium the department may revise or update the ((~~classification~~)) methodology used to establish case mix classifications to reflect advances or refinements in resident assessment or classification, ((~~subject to federal requirements~~)) as made available by the federal government. The department may adjust by no more than thirteen percent the case mix index for resource utilization group categories beginning with PA1 through PB2 to any case mix index that aids in achieving the purpose and intent of RCW 74.39A.007 and cost-efficient care, excluding behaviors, and allowing for exceptions for limited placement options; and

(b) Implement minimum data set 3.0 under the authority of this section. The department must notify nursing home contractors twenty-eight days in advance the date of implementation of the minimum data set 3.0. In the notification, the department must identify for all semiannual rate settings following the date of minimum data set 3.0 implementation a previously established semiannual case mix adjustment established for the semiannual rate settings that will be used for semiannual case mix calculations in direct care until minimum data set 3.0 is fully implemented.

(2) The department is authorized to adjust upward the weights for resource utilization groups BA1-BB2 related to cognitive or behavioral health to ensure adequate access to appropriate levels of care.

(3) A default case mix group shall be established for cases in which the resident dies or is discharged for any purpose prior to completion of the resident's initial assessment. The default case mix group and case mix weight for these cases shall be designated by the department.

(4) A default case mix group may also be established for cases in which there is an untimely assessment for the resident. The default case mix group and case mix weight for these cases shall be designated by the department.

Sec. 973. RCW 74.46.501 and 2016 c 131 s 5 are each amended to read as follows:

(1) From individual case mix weights for the applicable quarter, the department shall determine two average case mix indexes for each medicaid nursing facility, one for all residents in the facility, known as the facility average case mix index, and one for medicaid residents, known as the medicaid average case mix index.

(2)(a) In calculating a facility's two average case mix indexes for each quarter, the department shall include all residents or medicaid residents, as applicable, who were physically in the facility during the quarter in question based on the resident assessment instrument completed by the facility and the requirements and limitations for the instrument's completion and transmission (January 1st through March 31st, April 1st through June 30th, July 1st through September 30th, or October 1st through December 31st).

(b) The facility average case mix index shall exclude all default cases as defined in this chapter. However, the medicaid average case mix index shall include all default cases.

(3) Both the facility average and the medicaid average case mix indexes shall be determined by multiplying the case mix weight of each resident, or each medicaid resident, as applicable, by the number of days, as defined in this section and as applicable, the resident was at each particular case mix classification or group, and then averaging.

(4) In determining the number of days a resident is classified into a particular case mix group, the department shall determine a start date for calculating case mix grouping periods as specified by rule.

(5) The cutoff date for the department to use resident assessment data, for the

purposes of calculating both the facility average and the medicaid average case mix indexes, and for establishing and updating a facility's direct care component rate, shall be one month and one day after the end of the quarter for which the resident assessment data applies.

(6)(a) Although the facility average and the medicaid average case mix indexes shall both be calculated quarterly, the cost-rebasing period facility average case mix index will be used throughout the applicable cost-rebasing period in combination with cost report data as specified by RCW 74.46.561, to establish a facility's allowable cost per case mix unit. To allow for the transition to minimum data set 3.0 and implementation of resource utilization group IV for July 1, 2015, through June 30, 2016, the department shall calculate rates using the medicaid average case mix scores effective for January 1, 2015, rates adjusted under RCW 74.46.485(1)(a), and the scores shall be increased each six months during the transition period by one-half of one percent. The July 1, 2016, direct care cost per case mix unit shall be calculated by utilizing 2014 direct care costs, patient days, and 2014 facility average case mix indexes based on the minimum data set 3.0 resource utilization group IV grouper 57. Otherwise, a facility's medicaid average case mix index shall be used to update a nursing facility's direct care component rate semiannually.

(b) ((~~The~~)) Except during the 2021-2023 fiscal biennium, the facility average case mix index used to establish each nursing facility's direct care component rate shall be based on an average of calendar quarters of the facility's average case mix indexes from the four calendar quarters occurring during the cost report period used to rebase the direct care component rate allocations as specified in RCW 74.46.561.

(c) ((~~The~~)) Except during the 2021-2023 fiscal biennium, the medicaid average case mix index used to update or recalibrate a nursing facility's direct care component rate semiannually shall be from the calendar six-month period commencing nine months prior to the effective date of the semiannual rate. For example, July 1, 2010, through December 31, 2010, direct care component rates shall utilize case mix averages from the October 1, 2009, through March 31, 2010, calendar quarters, and so forth.

(d) The department shall establish a methodology to use the case mix to set the direct care component in the 2021-2023 fiscal biennium.

Sec. 974. RCW 74.46.561 and 2020 c 357 s 918 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but for fiscal year 2023 shall be ((~~set~~)) capped so that a nursing home provider's direct care rate does not exceed one hundred ((~~eighteen~~)) thirty percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). The legislature intends to remove the cap on direct care rates by June 30, 2027. Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using countywide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and

housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMeans construction index value per square foot. The department may use updated RSMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the center[s] for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and

January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

Sec. 975. RCW 79.64.040 and 2019 c 415 s 984 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands and aquatic lands, except as provided in RCW 79.64.130, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the 2015-2017, 2017-2019, ((~~and~~)) 2019-2021, and 2021-2023 fiscal biennia, the board may increase the twenty-five percent limitation up to thirty-two percent.

Sec. 976. RCW 79.64.110 and 2019 c 415 s 985 and 2019 c 309 s 1 are each reenacted and amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, except as provided in RCW 79.22.060(4), must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2017-2019 ((~~and~~)), 2019-2021, and 2021-2023 fiscal biennia, the board may increase the twenty-five percent limitation up to twenty-seven percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment. However, in order to test county flexibility in distributing state forestland revenue, a county may in its discretion pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange between July 28, 2019, and June 30, 2020, for lands acquired through RCW 79.22.040, within the same county, in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

Sec. 977. RCW 79.105.150 and 2019 c 415 s 986 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2017-2019 ((~~and~~)), 2019-2021, and 2021-2023 fiscal biennia, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used

both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 978. RCW 79A.25.210 and 2019 c 415 s 987 are each amended to read as follows:

The firearms range account is hereby created in the state general fund. Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. In making grants, the board shall give priority to projects for noise abatement or safety improvement. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All entities receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed pistol licenses or Washington hunting licenses or who are enrolled in a firearm safety class.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant except that in the case of a grant for noise abatement or safety improvements the match must represent one dollar in value for each two dollars of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state. The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

Entities receiving grants must make the facilities for which grant funding is received open for hunter safety education classes and firearm safety classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education classes and firearm safety classes.

The board shall adopt rules to implement chapter 195, Laws of 1990, pursuant to chapter 34.05 RCW. During the 2017-2019 and 2019-2021 fiscal biennia, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices). <u>During the 2021-2023 fiscal biennium, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses).</u>

Sec. 979. RCW 90.50A.090 and 2019 c 415 s 992 are each amended to read as follows:

(1) The water pollution control revolving administration account is created in the state treasury. All receipts from charges authorized in this

section must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only in a manner consistent with this section.

(2) The department is authorized to assess administration charges as a portion of the debt service for loans issued under the water pollution control revolving fund created in RCW 90.50A.020. The sole purpose of assessing administration charges is to predictably and adequately fund the department's costs of administering the water pollution control revolving fund loan program, as identified in subsection (5) of this section. The department must assess administration charges on each water pollution control revolving fund loan at the point the loan enters repayment status, after July 28, 2013, and rule changes are adopted to implement the administration charge. Loans that are at an interest rate below the established administration charge rate are exempt from the administration charge.

(3) The water pollution control revolving administration account consists of:

(a) Any administration charge levied by the department in conjunction with administration of the water pollution control revolving fund; and

(b) Any other revenues derived from gifts, grants, or bequests pledged to the state for the purpose of administering the water pollution control revolving fund.

(4) The state treasurer may invest and reinvest moneys in the water pollution control revolving administration account in the manner provided by law. All earnings from such investment and reinvestment must be credited to the water pollution control revolving administration account.

(5) Moneys in the water pollution control revolving administration account are to be used for the following water pollution control revolving fund loan program costs:

(a) Administration costs associated with conducting application processes, managing contracts, collecting loan repayments, managing the revolving fund, providing technical assistance, and meeting state and federal reporting requirements; and

(b) Information and data system costs associated with loan tracking and fund management.

(6) Each biennium, the department may spend from the water pollution control revolving administration account an amount no greater than four percent of the water pollution control revolving fund new capital appropriation.

(7) For its 2017-2019 biennial operating budget submittal, and every biennium thereafter, the department must compare the projected water pollution control revolving administration account balance and the projected administration charge income with projected program costs, including an adequate working capital reserve as defined by the office of financial management. In its submittal to the office of financial management, the department may:

(a) Find that the projected administration charge income is inadequate to fund the cost of administering the program, and that the rate of the charge must be increased. However, the administration charge may never exceed one percent on the declining principal loan balance;

(b) Find that the projected administration charge income exceeds what is needed to fund the cost of administering the program, and that the rate of the charge must be decreased;

(c) Find that there is an excess balance in the revolving administration account, and that the excess must be transferred to the water pollution control revolving fund to be used for loans; or

(d) Find that there is no need for any rate adjustments or balance transfers.

(8) At the point where the water pollution control revolving administration account adequately covers the program administration costs, the department may no longer use the federal administration allowance. If a federal capitalization grant is awarded after that point, all federal capitalization dollars must be used for making loans.

(9) By December 1, 2018, the department must submit to the appropriate legislative fiscal committees a report on implementation of the administration charge, including information on: The amount of income the administration charge has produced since its inception;

the uses and adequacy of the income for administrative costs; any excess balances that have been transferred to the water pollution control revolving fund; and any additional sources that the department is using for program administration.

(10) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the legislature may direct the state treasurer to make transfers of moneys in the water pollution control revolving administration account to the water pollution control revolving account ((~~[fund]~~)) fund.

Sec. 980. 2019 c 415 s 729 (uncodified) is amended to read as follows:

FOR THE GAMBLING COMMISSION—PROBLEM GAMBLING TASK FORCE

General Fund—State Appropriation (FY 2020) $100,000

TOTAL APPROPRIATION $100,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for expenditure into the gambling revolving account for the gambling commission to contract for a facilitator to staff and assist with a joint legislative task force on problem gambling as provided in subsection (2) of this section. At a minimum, the contract must provide for the facilitation of meetings, to moderate the discussion, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance to assist in their preparation and timely response for meetings, and to synthesize agreements and recommendations ensuring the task force meets its reporting requirements.

(2) A joint legislative task force on problem gambling is created. The task force membership is composed of:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the health care authority;

(d) A representative from the department of health;

(e) A representative from the gambling commission;

(f) A representative from the state lottery;

(g) A representative from the horse racing commission;

(h) A representative from a nonprofit organization with experience in problem gambling treatment and recovery services;

(i) Two representatives with experience in problem gambling treatment and recovery services, at least one of whom must be from a federally recognized Indian tribe;

(j) A member of the public who is impacted by a gambling problem or gambling disorder;

(k) A representative from a problem gambling recovery group or organization;

(l) A representative from a mental health provider group or organization;

(m) A representative from a licensed gambling business or organization;

(n) A representative from a federally recognized tribal gaming operation, group, or organization; and

(o) Other representatives from federally recognized Indian tribes, state agency representatives, or stakeholder group representatives, at the discretion of the task force, for the purpose of participating in specific topic discussions or subcommittees.

(3) The task force shall engage in the following activities:

(a) Review findings of the gambling commission's problem gambling study and report completed in 2018-2019;

(b) Review existing prevention, treatment, and recovery services to address problem gambling and gambling disorders in this state by public, private, and nonprofit entities;

(c) Review existing programs, services, and treatment to address problem gambling and gambling disorders in other states and the federal government;

(d) Make recommendations to the legislature regarding:

(i) How to proceed forward with a state prevalence study measuring the adult participation in gambling and adult problem gambling in this state;

(ii) Whether this state should expand state funding for prevention, treatment, and recovery services to address the need for these programs; and

(iii) What steps the state should take to improve the current licensing and certification of problem gambling providers to meet the current and projected future demand for services; and

(e) Identify additional problem gambling areas for consideration and any actions needed to ensure the state and/or regulatory agencies are effectively addressing problem gambling in an attempt to reduce the number of persons impacted by this disorder.

(5) Staff support for the task force must be provided by the agencies, departments, and commissions identified in subsection (2)(c) through (g) of this section. The state agencies, departments, and commissions identified in subsection (2)(c) through (g) of this section may enter into an interagency agreement related to the provision of staff support for the task force. Unless it is expressly provided for in the agreement between the agencies, departments, and commissions, nothing in this subsection requires staff of each of the agencies, departments, and commissions identified in subsection (1)(c) through (g) of this section to provide staff support to the task force.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The task force shall submit a preliminary report of recommendations to the appropriate committees of the legislature by November 1, 2020, and a final report by November 30, ((~~2021~~)) 2022.

Sec. 981. 2019 c 415 s 952 (uncodified) is amended to read as follows:

(1) The Washington state criminal sentencing task force is established.

(2) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing the following:

(i) The office of the governor;

(ii) Caseload forecast council;

(iii) Department of corrections;

(iv) Sentencing guidelines commission;

(v) Statewide family council administered by the department of corrections;

(vi) Statewide reentry council;

(vii) Superior court judges' association;

(viii) Washington association of criminal defense attorneys or the Washington defender association;

(ix) Washington association of prosecuting attorneys;

(x) Washington association of sheriffs and police chiefs;

(xi) Washington state association of counties;

(xii) Washington state minority and justice commission;

(xiii) A labor organization representing active law enforcement officers in Washington state;

(xiv) Two different community organizations representing the interests of incarcerated persons; and

(xv) Two different community organizations or other entities representing the interests of crime victims.

(3) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2019. The membership shall select the task force's cochairs, which must include one

legislator and one nonlegislative member.

(4) The task force shall review state sentencing laws, including a consideration of the report of the sentencing guidelines commission required by section 129, chapter 299, Laws of 2018. The task force shall develop recommendations for the purpose of:

(a) Reducing sentencing implementation complexities and errors;

(b) Improving the effectiveness of the sentencing system; and

(c) Promoting and improving public safety.

(5) The task force shall submit an initial report, including findings and recommendations, to the governor and the appropriate committees of the legislature by December 31, 2019. The task force shall submit a final report by December 31, 2020.

(6)(a) The William D. Ruckelshaus center shall administer and provide staff support and facilitation services to the task force. The center may, when deemed necessary by the task force, contract with one or more appropriate consultants to provide data analysis, research, and other services to the task force for the purposes provided in subsection (4) of this section.

(b) The caseload forecast council shall provide information, data analysis, and other necessary assistance upon the request of the task force.

(7) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) This section expires ((~~January 1, 2021~~)) June 30, 2022.

Sec. 982. 2020 c 127 s 14 (uncodified) is amended to read as follows:

The sum of six million dollars is appropriated from the general fund—state for the fiscal year ending June 30, 2020, and is provided solely for expenditure into the gambling revolving account. The gambling commission may expend from the gambling revolving account from moneys attributable to the appropriation in this section solely for enforcement actions in the illicit market for sports wagering and for implementation of this act. The appropriation in this section constitutes a loan from the general fund to the gambling revolving account that must be repaid with net interest by June 30, ((~~2021~~)) 2023.

Sec. 983. RCW 43.70.--- and 2021 c 3 s 19 are each amended to read as follows:

(1) The COVID-19 public health response account is created in the custody of the state treasurer. The account shall consist of funds appropriated by the legislature and grants received by the department of health for activities in response to the coronavirus pandemic (COVID-19). Only the secretary, or the secretary's designee, may authorize expenditures from the account for costs related to the public health response to COVID-19, subject to any limitations imposed by grant funding deposited into the account. The COVID-19 public health response account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2)(a) The legislature finds that a safe, efficient, and effective delivery of vaccinations is of the utmost importance for restoring societal and economic functions. As we learn more about the virus, the vaccine, and challenges to vaccine allocation and distribution, it is anticipated that the state's COVID-19 vaccination distribution plan will evolve. To that end, the legislature has provided flexibility by funding ((~~vaccine expenditure~~)) expenditures for testing, contact tracing, mitigation activities, vaccine administration and distribution, and other allowable uses for the state, local health jurisdictions, and tribes at the discretion of the secretary and without an appropriation. However, to maintain fiscal control and to ensure spending priorities align, the department is required to collaborate and communicate with the chairs and ranking members of the health care and fiscal committees of the legislature and local health jurisdictions in advance of any significant revision of the state's COVID-19 vaccination plan and to provide

regular updates on its implementation and spending.

(b) As part of the public health response to COVID-19, the expenditures from the account must be used to effectively administer the vaccine for COVID-19 and conduct testing and contact tracing. The department must ensure that COVID-19 outreach is accessible, culturally and linguistically appropriate, and that it includes community-driven partnerships and strategies.

(c) When making expenditures for administering the vaccine for COVID-19, the department must focus on identifying persons for vaccination, prioritizing underserved, underrepresented, and hard-to-reach communities, making the vaccine accessible, and providing support to schools for safe reopening. Strategies for vaccine distribution shall include the establishment and expansion of community vaccination centers, mobile vaccination units, reporting enhancements, and transportation of individuals to vaccination sites.

(d) When making expenditures regarding testing and contact tracing, the department must provide equitable access, prioritize underserved, underrepresented, and hard-to-reach communities, and provide support and resources to facilitate the safe reopening of schools while minimizing community spread of the virus.

(3) When making expenditures from the account, the department must include an emphasis on public communication regarding the availability and accessibility of the vaccine and testing, and the importance of vaccine and testing availability to the safe reopening of the state.

(4)(a) The department must report to the fiscal and health care committees of the legislature on a monthly basis regarding its COVID-19 response.

(b) To the extent that it is available, the report must include data regarding vaccine distribution, testing, and contact tracing, as follows:

(i) The number of vaccines administered per day, including regional data regarding the location and age groups of persons receiving the vaccine, specifically identifying hard-to-reach communities in which vaccines were administered; and

(ii) The number of tests conducted per week, including data specifically addressing testing conducted in hard-to-reach communities.

(c) The first monthly report is due no later than one month from the effective date of this section. Monthly reports are no longer required upon the department's determination that the remaining balance of the COVID-19 response account is less than $100,000.

NEW SECTION. **Sec. 984.** (1) The office of financial management shall conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records. The office of financial management may contract with an independent expert to assist with the feasibility study. The study must consider and make recommendations regarding, but not limited to, the following:

(a) Requiring the Washington state patrol to conduct state and national criminal background checks to determine individuals who may be eligible for the vacation of a criminal record, either under:

(i) Current eligibility requirements; or

(ii) Under other streamlined requirements that could consider, for example, eligibility to vacate only a certain category of offenses with reduced requirements, including but not limited to such as having no other convictions in the Washington state patrol's criminal history database for a certain number of years;

(b) Creating a database and online portal system that would assess eligibility and subsequently notify respective persons eligible for a vacation of a criminal record;

(c) Developing the online portal system that, upon such person's consent, prepopulates the petition and forwards the petition to the respective sentencing court and local public defender's office in the local jurisdiction of that court;

(d) Determining the appropriate state entity to operate and have oversight of the database and online portal system for streamlining the vacation of criminal conviction records;

(e) Consulting with the administrative office of the courts, county clerks and court administrators, judges, prosecuting attorneys, defense attorneys, the department of corrections, and county and city departments to make additional recommendations as deemed appropriate and necessary for implementation of the database and online portal system;

(f) Determining what information technology and support would be needed to be developed and maintained to administer a streamlining process most effectively and efficiently for the vacation of criminal conviction records in Washington; and

(g) The approximate cost to establish a system for streamlining the vacation of criminal conviction records with an online portal in Washington, and the approximate annual cost to operate such a system.

(2) The office of financial management shall submit a preliminary report of findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2022, and a final report by June 30, 2023.

(3) This section expires July 1, 2023.

NEW SECTION. **Sec. 985.** The Washington state missing and murdered indigenous women and people task force is established.

(1) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint the following:

(i) Four tribal chairs, councils, or designees from a Washington federally recognized Indian tribe appointed and recommended by the Washington association of tribes;

(ii) Two members, each representing an urban Indian organization with an interest in gender-based violence;

(iii) Two members, each representing a tribal epidemiology center serving tribal or urban American Indian or Alaska native communities in Washington state;

(iv) One member representing the American Indian health commission;

(v) Two indigenous women or family members of indigenous women that have experienced gender-based violence;

(vi) One member representing the governor's office of Indian affairs;

(vii) The chief of the Washington state patrol or his or her representative;

(viii) One member representing the Washington state office of the attorney general;

(ix) One member representing the Washington association of sheriffs and police chiefs;

(x) One member representing the Washington state association of counties;

(xi) One member representing the association of Washington cities;

(xii) One member representing the Washington association of prosecuting attorneys; and

(xiii) One representative of the Washington association of criminal defense lawyers.

(d) Where feasible, the task force may invite and consult with:

(i) An agent representing the federal bureau of investigation;

(ii) An agent representing the office of the United States attorneys; and

(iii) Any experts or professionals involved and having expertise in the topic of missing and murdered indigenous women and people.

(2) The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member.

(3) The legislative members shall convene the initial meeting of the task force no later than December 31, 2021, and thereafter convene:

(a) A minimum of two subsequent meetings; and

(b) One annual summit with the state agencies involved with the task force under subsection (1) of this section, including Washington tribes, and tribal and urban Indian organizations. The summit must be jointly coordinated with the Washington association of tribes, the governor's office of Indian affairs, and the centennial accord.

(4) The task force shall review the laws and policies relating to missing and murdered American Indian and Alaska native people. The task force shall review current policies and develop recommendations for the purpose of:

(a) Assessing systemic causes behind gender-based violence including patterns and underlying historical, social, and economic, institutional, and cultural factors which may contribute to disproportionately high levels of gender-based violence that occur against American Indian and Alaska native people;

(b) Assessing data tracking and reporting practices relating to gender-based violence against American Indian and Alaska native people in Washington state;

(c) Making recommendations and best practices for improving: (i) The collection and reporting of data by tribal, local, and state law enforcement agencies to more effectively understand and address issues of gender-based violence facing American Indian and Alaska native people; and (ii) jurisdictional and data sharing issues on tribal reservation land and urban areas that impact gender-based violence against American Indian and Alaska native people;

(d) Reviewing prosecutorial trends and practices relating to crimes of gender-based violence against American Indian and Alaska native people in Washington state;

(e) Identifying barriers to providing more state resources in tracking gender-based violence against American Indian and Alaska native people and reducing the incidences of gender-based violence;

(f) Assessing and identifying state resources to support programs and services for survivors, families of survivors, and tribal and urban Indian service providers working with American Indian and Alaska native people that have experienced gender-based violence; and

(g) Identifying and making recommendations for increasing state resources for trainings on culturally attuned best practices for working with American Indian and Alaska native communities for tribal, local, and state law enforcement personnel in Washington state.

(5) The task force, with the assistance of the Washington state office of the attorney general, must consult with Washington tribes and engage with urban Indian organizations to submit a preliminary report including any initial findings, recommendations and progress updates to the governor and the appropriate committees of the legislature by August 1, 2022, and a final report by June 1, 2023.

(6)(a) The office of the attorney general must administer and provide staff support to the task force, organize the summit, and oversee the development of the two task force reports. The office of the attorney general may contract for the summit.

(b) The Washington state office of the attorney general may contract with the Seattle Indian health board, the American Indian health commission, or a similar organization for consulting and facilitation services. The Washington state office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis, research, recommendations, and other services to the task force for the purposes provided in subsection (4) of this section.

(c) The Washington state office of the attorney general may share and exchange information received or created on behalf of the task force with other states, tribes, urban Indian organizations, and other national groups working on missing and murdered indigenous women and people issues.

(7) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) To ensure that the task force has diverse and inclusive representation of

those affected by its work, task force members whose participation in the task force may be hampered by financial hardship may apply for a stipend in an amount not to exceed $100 for each day during which the member attends an official meeting of the task force or performs prescribed duties approved by the attorney general's office. A person shall not receive compensation for a day of service under this section if the person:

(a) Occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and

(b) Receives any compensation from such government for working that day. The attorney general's office, by staffing the task force, is authorized to assess eligibility for the stipend as limited by available financial resources.

NEW SECTION. **Sec. 986.** (1) During the 2021-2023 fiscal biennium, the health care authority and the departments of commerce, corrections, and children, youth, and families must revise their agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed.

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following: A seniority system, a merit system, a system that measures earnings by quantity or quality of production, a bona fide job-related factor or factors, or a bona fide regional difference in compensation levels.

(c) A bona fide job-related factor or factors may include, but is not limited to, education, training, or experience, that is: Consistent with business necessity, not based on or derived from a gender-based differential, and accounts for the entire differential.

(d) A bona fide regional difference in compensation level must be: Consistent with business necessity, not based on or derived from a gender-based differential, and account for the entire differential.

(2) The provision must allow for the termination of the contract if the agency or the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(3) Agencies must implement this provision with any new contract and at the time of renewal of any existing contract.

(4) The department of enterprise services must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, in accordance with this section. Any cost incurred by the department of enterprise services to implement this section must be recouped from the fees charged to master contract vendors.

NEW SECTION. **Sec. 987.** The office of financial management must apply for waivers pursuant to section 2004 of the American rescue plan act of 2021, P.L. 117-2 and section 317, the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. In the request for the waiver, the office shall, among other things, note the increase in state appropriations in K-12 and higher education programs for fiscal years 2022 and 2023 compared to the combined average of appropriations for 2017, 2018, and 2019 for these programs, demonstrating a growth in state spending in K-12 and higher education in the relevant period. The office of financial management must coordinate with the office of the superintendent of public instruction in applying for the waiver.

NEW SECTION. **Sec. 988.** (1) In preparation for the salary review and rebase required in RCW 28A.150.412, the office of the superintendent of public instruction shall convene a K-12 basic education compensation advisory committee to develop recommendations to the governor and the legislature that supports recruiting and retaining a multicultural and multilingual educator workforce, including but not limited to:

(a) Compensation updates to K-12 basic education salaries based on a comparable wage data analysis;

(b) Updates to regionalization data, including consideration of a hedonic wage model and other improvements to better reflect regional differences, address differences in recruiting and retention, incorporate data from neighboring communities in other states where appropriate, and mitigate boundary effects of regionalization policies;

(c) Adjustments to inflationary factors used in state budgeting if the inflation documented through the comparable wage analysis is significantly different than the inflation that had been funded in state budgets since the last comparable wage analysis;

(d) Analysis of workforce needs, including identification of hard to recruit/retain positions and strategies to address those workforce needs;

(e) Compensation adjustments to promote equity considerations, which could include additional compensation to attract and retain educators in school districts with fewer resources from combined state and local dollars per student, adjustments to institutional education compensation, and additional compensation tied to complex need factors of schools; and

(f) Additional compensation targeted to recruit and retain a more diverse workforce and to recognize the additional work of educators who serve on multiple committees and assume mentoring responsibilities to support new educators and students.

(2) The advisory committee shall consist of:

(a) The superintendent of public instruction, or their designee to serve as chair of the committee;

(b) Twelve members, comprised of representatives from organizations that represent the following groups, appointed by the superintendent of public instruction as follows:

(i) One representing school administrators;

(ii) One representing school business officials;

(iii) One representing school district human resources professionals;

(iv) Three representing teachers and educational staff associates;

(v) Three representing classified staff;

(vi) One representing parents;

(vii) One representing students; and

(viii) A representative of federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state, designated by the federally recognized tribes.

(c) To appoint representatives in (b) of this subsection the office of the superintendent of public instruction must:

(i) Consult with the state ethnic commissions, who represent African American, Hispanic American, Asian American, and Pacific Islander American populations to include representation of each population in the advisory committee; and

(ii) Include geographic diversity so that at least one district each from the eastern, western, and southern portions of the state are represented in the membership.

(3) The department of revenue, employment security department, and education research and data centers shall make available relevant data and analysis to the superintendent of public instruction in support of the salary rebase and review. The employment security department shall make available information necessary to determine the comparable occupations and wages for each K-12 job category in RCW 28A.150.260.

(4) The advisory committee shall report its recommendations for salary rebase and compensation adjustments to the superintendent of public instruction. The superintendent shall make official recommendations to the governor and the fiscal committees of the legislature by September 30, 2022.

PART X

GENERAL GOVERNMENT

SUPPLEMENTAL

Sec. 1001. 2020 c 357 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund—State Appropriation (FY 2020) ((~~$40,403,000~~))

$40,378,000

General Fund—State Appropriation (FY 2021) ((~~$44,256,000~~))

$42,560,000

Pension Funding Stabilization Account—State

Appropriation $4,266,000

TOTAL APPROPRIATION ((~~$88,925,000~~))

$87,204,000

The appropriations in this section are subject to the following conditions and limitations: ((~~(1)~~)) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). ((~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~))

Sec. 1002. 2020 c 357 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund—State Appropriation (FY 2020) ((~~$28,736,000~~))

$28,711,000

General Fund—State Appropriation (FY 2021) ((~~$33,869,000~~))

$32,417,000

Pension Funding Stabilization Account—State

Appropriation $2,932,000

TOTAL APPROPRIATION ((~~$65,537,000~~))

$64,060,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). ((~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~))

(2) $175,000 of the general fund—state appropriation for fiscal year 2020 and $175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a human resource officer consistent with the implementation of the senate's appropriate workplace conduct policy.

Sec. 1003. 2020 c 357 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Performance Audits of Government Account—State

Appropriation ((~~$9,844,000~~))

$9,240,000

TOTAL APPROPRIATION ((~~$9,844,000~~))

$9,240,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2019-2021 work plan as necessary to efficiently manage workload.

(2) $266,000 of the performance audit of governments account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1216 (school safety & well-being). ((~~If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~))

(3) $17,000 of the performance audits of government account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5025 (self-help housing development and taxes). ((~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~))

(4)(a) $342,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review

committee to conduct a performance audit of the department of health's ambulatory surgical facility regulatory program. The study must explore:

(i) A comparison of state survey requirements and process and the centers for medicare and medicaid services survey requirements and process;

(ii) The licensing fees required of ambulatory surgical facilities as they relate to actual department of health costs for regulating the facilities;

(iii) Payments received by the department of health from the centers for medicare and medicaid services for surveys conducted on behalf of the centers for medicare and medicaid services; and

(iv) Staffing for the survey program, including any need for an increase or reduction of staff.

(b) The audit must be completed and provided to the legislature by January 1, 2021.

(5) $100,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the health care authority's budget structure, including its chart of accounts. The study must:

(a) Include a comparison of other state medicaid agency budget structures of similar size; and

(b) Be completed and provided to the legislature by September 1, 2021.

Sec. 1004. 2020 c 357 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government Account—State

Appropriation ((~~$4,585,000~~))

$4,538,000

TOTAL APPROPRIATION ((~~$4,585,000~~))

$4,538,000

Sec. 1005. 2020 c 357 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State Appropriation (FY 2020) $12,086,000

General Fund—State Appropriation (FY 2021) ((~~$13,946,000~~))

$13,721,000

Pension Funding Stabilization Account—State

Appropriation $822,000

TOTAL APPROPRIATION ((~~$26,854,000~~))

$26,629,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

Sec. 1006. 2020 c 357 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2020) $5,000,000

General Fund—State Appropriation (FY 2021) ((~~$5,520,000~~))

$5,417,000

Pension Funding Stabilization Account—State

Appropriation $566,000

TOTAL APPROPRIATION ((~~$11,086,000~~))

$10,983,000

Sec. 1007. 2020 c 357 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund—State Appropriation (FY 2020) $4,213,000

General Fund—State Appropriation (FY 2021) ((~~$4,694,000~~))

$4,608,000

Pension Funding Stabilization Account—State

Appropriation $436,000

TOTAL APPROPRIATION ((~~$9,343,000~~))

$9,257,000

Sec. 1008. 2020 c 357 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2020) $64,580,000

General Fund—State Appropriation (FY 2021) ((~~$72,151,000~~))

$70,825,000

General Fund—Federal Appropriation $2,203,000

General Fund—Private/Local Appropriation $681,000

Judicial Stabilization Trust Account—State

Appropriation $6,692,000

Pension Funding Stabilization Account—State

Appropriation $4,572,000

Judicial Information Systems Account—State

Appropriation $63,233,000

TOTAL APPROPRIATION ((~~$214,112,000~~))

$212,786,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) $1,399,000 of the general fund—state appropriation for fiscal year 2020 and $1,399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) $7,000,000 of the general fund—state appropriation for fiscal year 2020 and $7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for distribution to county juvenile court administrators to fund the costs of processing and case management of truancy, children in need of services, and at-risk youth ((~~petitions~~)) referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average ((~~per-petition~~)) per-petition/referral processing costs nor shall it penalize counties with lower than average ((~~per-petition~~)) per-petition/referral processing costs.

(b) Each fiscal year during the 2019-21 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than forty-five days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than sixty days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) $96,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ((~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse~~))

(5) $66,000 of the general fund—state appropriation for fiscal year 2020 and $66,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for DNA testing for alleged fathers in dependency and termination of parental rights cases.

(6) $237,000 of the general fund—state appropriation for fiscal year 2020 and $1,923,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the expansion of the state interpreter reimbursement program.

(7) $300,000 of the general fund—state appropriation for fiscal year 2020 and $360,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of public guardianship for guardianship fees, initial assessments, average annual legal fees, and for less restrictive options to support decision-making.

(8) $1,094,000 of the general fund—state appropriation for fiscal year 2020 and $1,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(9) $25,808,000 of the judicial information systems account—state appropriation is provided solely for judicial branch information technology projects. Expenditures from the judicial information systems account shall not exceed available resources. Judicial branch information technology project prioritization shall be determined by the judicial information system committee.

(10) $750,000 of the general fund—state appropriation for fiscal year 2020 and $2,077,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5604 (uniform guardianship, etc.). ((~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~))

(11) $68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5149 (monitoring w/victim notif.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(12) $298,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Senate Bill No. 5450 (adding superior court judges). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(13) $25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(14) $207,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development and implementation of a statewide online training system for court staff and judicial officers.

(15) $135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6268 (abusive litigation/partners). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(16) $5,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(17) $333,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to implement a statewide text notification system. The court date notification texting services must provide subscribers with criminal court date notifications and reminders by short message service or text message that includes but is not limited to the court date, session changes, and a court date reminder in advance of the scheduled court date.

(18) $300,000 of the general fund—state appropriation for fiscal year 2020 and $300,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely to reimburse counties affected by extraordinary judicial costs arising from a long-term leave of absence by a superior court judge in the Asotin-Columbia-Garfield tri-county judicial district. An affected county may apply to the office for reimbursement for the reasonable costs of expenses incurred since April 24, 2019, for: Travel, lodging, and subsistence of visiting elected judges holding court in the tri-county district under RCW 2.08.140; the state and local shares of pro tempore judge compensation in the tri-county district under RCW 2.08.180; the state and local shares of pro tempore judge compensation under RCW 2.08.180 for a county that has provided a visiting elected judge; and similar county-borne extraordinary expenses that arise directly from the leave of absence. Where appropriate, the office must apportion reimbursement among the district's counties in accordance with RCW 2.08.110.

((~~(20)~~)) (19) $666,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 2467 (firearm background checks). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(21)~~)) (20) $112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2277 (youth solitary confinement). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(22) $1,214,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (vacating criminal records). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(23)~~)) (21) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to develop a domestic violence risk assessment instrument that:

(a) Uses information from relevant court records and prior offenses to predict the likelihood of a domestic violence incident; and

(b) Determines whether law enforcement risk data and domestic violence supplemental forms are useful in determining reoffense.

Sec. 1009. 2020 c 357 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund—State Appropriation (FY 2020) $20,949,000

General Fund—State Appropriation (FY 2021) ((~~$22,951,000~~))

$22,851,000

Judicial Stabilization Trust Account—State

Appropriation $1,464,000

Pension Funding Stabilization Account—State

Appropriation $44,000

TOTAL APPROPRIATION ((~~$45,408,000~~))

$45,308,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed $40,000 of the general fund—state appropriation for fiscal year 2020 and an amount not to exceed $40,000 of the general fund—state appropriation for fiscal year 2021 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) $759,000 of the general fund—state appropriation for fiscal year 2020 and $2,275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to continue implementation of the civil justice reinvestment plan.

(3) $400,000 of the general fund—state appropriation for fiscal year 2020 and $105,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the children's representation study authorized in chapter 20, Laws of 2017 3rd sp. sess. The report of initial findings to the legislature must be submitted by December 31, 2020.

(4) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(5) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. Amounts provided in this section may not be expended for direct private legal representation of clients in domestic relations and family law cases.

(6) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5651 (kinship care legal aid). ((~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~))

(7) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for closing compensation differentials between volunteer legal aid programs and the northwest justice project.

(8) $1,205,000 of the general fund—state appropriation for fiscal year 2020 and $1,881,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase resulting from a collective bargaining agreement between the northwest justice project and its staff union.

(9) $307,500 of the general fund—state appropriation for fiscal year 2020 and $317,500 of the general fund—state appropriation for fiscal year 2021 are provided solely for a research-based controlled comparative study of the differences in outcomes for tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases filed under the residential landlord tenant act. Funding must be used to underwrite both the research and the costs of legal representation provided to tenants associated with the study. Researchers will identify four counties to study. A preliminary report must be submitted to the appropriate committees of the legislature by January 31, 2021, and a final report on the study, which includes findings on demographics and outcomes, must be submitted to the appropriate committees of the legislature by June 30, 2021.

(10) $126,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for expenditures made to address fiscal year 2019 caseload driven shortfalls in the children's representation program and the children's representation study.

(11) $225,000 of the general fund—state appropriation for fiscal year 2020 and $193,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp.s.

(12) $492,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to establish a statewide reentry legal aid project. The office of civil legal aid shall enlist support from the statewide reentry council to identify an appropriate nonprofit entity to establish and operate the statewide reentry legal aid project, establish initial priority areas of focus, and determine client service objectives, benchmarks, and intended outcomes. The office of civil legal aid and the statewide reentry council shall provide the relevant legislative committees with an initial status report by December 2021.

(13) $165,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the automation, deployment, and hosting of an automated family law document assembly system provided for in chapter 299, Laws of 2018.

(14) $25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of civil legal aid to provide funding to King county organizations that provide legal services. Of this amount:

(a) $13,000 of the general fund—state appropriation for fiscal year 2021 is

provided solely for a nonprofit organization to develop an updated kinship legal services guide based on continuing changes in laws and practices.

(b) $12,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a bar association to operate a kinship legal services program that trains kinship caregivers about recent enacted guardianship laws.

Sec. 1010. 2020 c 357 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2020) $9,858,000

General Fund—State Appropriation (FY 2021) ((~~$10,454,000~~))

$8,463,000

Economic Development Strategic Reserve Account—State

Appropriation $7,000,000

Pension Funding Stabilization Account—State

Appropriation $674,000

TOTAL APPROPRIATION ((~~$27,986,000~~))

$25,995,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $703,000 of the general fund—state appropriation for fiscal year 2020 and $803,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the education ombuds.

(2) $61,000 of the general fund—state appropriation for fiscal year 2020 and $30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access).

(3) $311,000 of the general fund—state appropriation for fiscal year 2020 and $301,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5356 (LGBTQ commission).

(4) $397,000 of the general fund state—appropriation for fiscal year 2020 ((~~and $353,000 of the general fund state appropriation for fiscal year 2021 are~~)) is provided solely for the office to contract with a neutral third party to establish a process for local, state, tribal, and federal leaders and stakeholders to address issues associated with the possible breaching or removal of the four lower Snake river dams in order to recover the Chinook salmon populations that serve as a vital food source for southern resident orcas. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(5) $110,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for the office of regulatory innovations and assistance to convene agencies and stakeholders to develop a small business bill of rights. Of this amount, a report must be submitted to appropriate legislative policy and fiscal committees by November 1, 2019, to include:

(a) Recommendations of rights and protections for small business owners when interacting with state agencies, boards, commissions, or other entities with regulatory authority over small businesses; and

(b) Recommendations on communication plans that state regulators should consider when communicating these rights and protections to small business owners in advance or at the time of any audit, inspection, interview, site visit, or similar oversight or enforcement activity.

(6) $966,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for executive protection unit costs.

(7) $15,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the clemency and pardons board to expedite the review of applications where the petitioner indicates an urgent need for the pardon or commutation, including, but not limited to, a pending deportation order or deportation proceeding.

(8) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the education ombuds, in consultation with the office of the superintendent of

public instruction and the Washington state office of equity, to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children. The office of education ombuds shall submit a report with recommendations to the governor and the appropriate committees in the legislature by September 1, 2020.

Sec. 1011. 2020 c 357 s 117 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2020) $1,313,000

General Fund—State Appropriation (FY 2021) ((~~$1,545,000~~))

$1,553,000

General Fund—Private/Local Appropriation $90,000

Pension Funding Stabilization Account—State

Appropriation $54,000

TOTAL APPROPRIATION ((~~$3,002,000~~))

$3,010,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $180,000 of the general fund—state appropriation for fiscal year 2020 and $179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continuation of the complete Washington program and to add new pathways, such as the healthcare industry, to the program.

(2) $195,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington world fellows program.

Sec. 1012. 2020 c 357 s 118 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2020) $5,532,000

General Fund—State Appropriation (FY 2021) ((~~$5,456,000~~))

$5,344,000

Public Disclosure Transparency Account—State

Appropriation $714,000

Pension Funding Stabilization Account—State

Appropriation $260,000

TOTAL APPROPRIATION ((~~$11,962,000~~))

$11,850,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $45,000 of the public disclosure transparency account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5861 (legislature/code of conduct).

(2) $85,000 of the general fund—state appropriation for fiscal year 2020 and $83,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to develop a training course for individuals acting as treasurers or deputy treasurers for candidates pursuant to RCW 42.17A.210. Out of this amount:

(a) The course must provide, at a minimum, a comprehensive overview of:

(i) The responsibilities of treasurers and deputy treasurers;

(ii) The reporting requirements necessary for candidate compliance with chapter 42.17A RCW, including triggers and deadlines for reporting;

(iii) Candidate campaign contribution limits and restrictions under chapter 42.17A RCW;

(iv) The use of the commission's electronic filing system;

(v) The consequences for violation of chapter 42.17A RCW; and

(vi) Any other subjects or topics the commission deems necessary for encouraging effective compliance with chapter 42.17A RCW.

(b) The commission must make the course available to all interested individuals no later than September 1, 2019. The course must be provided in a format able to be used both in person and remotely via the internet.

(3) $140,000 of the public disclosure transparency account—state appropriation

is provided solely for staff for business analysis and project management of information technology projects.

(4) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

Sec. 1013. 2020 c 357 s 119 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2020) $34,997,000

General Fund—State Appropriation (FY 2021) ((~~$19,562,000~~))

$19,449,000

General Fund—Federal Appropriation ((~~$8,098,000~~))

$8,046,000

Public Records Efficiency, Preservation, and Access Account—State Appropriation ((~~$9,677,000~~))

$9,619,000

Charitable Organization Education Account—State Appropriation $900,000

Washington State Library Operations Account—State Appropriation ((~~$11,516,000~~))

$11,426,000

Local Government Archives Account—State Appropriation ((~~$11,027,000~~))

$9,742,000

Pension Funding Stabilization Account—State Appropriation $960,000

Election Account—State Appropriation $1,800,000

Election Account—Federal Appropriation $13,687,000

TOTAL APPROPRIATION ((~~$112,224,000~~))

$110,626,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $3,801,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) $2,932,000 of the general fund—state appropriation for fiscal year 2020 and $3,011,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2019-2021 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the

adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) $13,600,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for operation of the presidential primary election, including reimbursement to counties for the state's share of presidential primary election costs.

(5) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(6) $2,295,000 of the general fund—state appropriation for fiscal year 2020 and $2,526,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5063 (ballots, prepaid postage).

(7) $1,227,000 of the local government archives account—state appropriation and $28,000 of the public records efficiency, preservation, and access account—state appropriation are provided solely to implement Engrossed Substitute House Bill No. 1667 (public records request administration).

(8) $114,000 public records efficiency, preservation, and access account—state appropriation and $114,000 local government archives account—state appropriation are provided solely for digital archives functionality and is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) $198,000 of the general fund—state appropriation for fiscal year 2020, $198,000 of the general fund—state appropriation for fiscal year 2021, and $500,000 of the election account—federal appropriation are provided solely for election security improvements.

(10) $82,000 of the general fund—state appropriation for fiscal year 2020 and $77,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2020, to legislative policy and fiscal committees. The annual report must include reasons for ballot rejection and an analysis of the ways ballots are received, counted, and rejected that can be used by policymakers to better understand election administration.

(11) $500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for civic engagement. The secretary of state and county auditors will collaborate to increase voter participation and educate voters about improvements to state election laws that will impact the 2019 and 2020 elections.

(12) $1,800,000 of the election account—state appropriation for fiscal year 2021 and $8,800,000 of the election account—federal appropriation for fiscal year 2021 are provided solely to enhance election technology and make election security improvements. The office of the secretary of state will provide one-time grant funding to county auditors for election security improvements. Election security improvements may include but are not limited to installation of multi-factor authentication, emergency generators, vulnerability scanners, facility access control enhancements, and alarm systems. Funding will be prioritized based on demonstrated need.

(13) $132,000 of the general fund—state appropriation for fiscal year 2020 and $520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dedicated staffing for maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support

to counties, and the triage and customer service to system users.

(14) $300,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staffing to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(15) $674,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6313 (young voters). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for general election costs for Substitute Senate Joint Resolution No. 8212 (investment of LTC funds). If the resolution is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the secretary of state to support the capacity for the retention and transition of historical and archived records from the national archives and records administration located at Sandpoint. The secretary of state may explore options, including building storage and access capacity by working with universities, tribes, and museums that have engaged with the Smithsonian institution.

Sec. 1014. 2020 c 357 s 120 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund—State Appropriation (FY 2020) $380,000

General Fund—State Appropriation (FY 2021) ((~~$420,000~~))

$406,000

Pension Funding Stabilization Account—State

Appropriation $28,000

TOTAL APPROPRIATION ((~~$828,000~~))

$814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) $33,000 of the general fund—state appropriation for fiscal year 2020 and $22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women).

(3) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's office of Indian affairs for a task force to evaluate and propose a plan for tribal extradition in Washington.

Sec. 1015. 2020 c 357 s 121 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2020) $332,000

General Fund—State Appropriation (FY 2021) ((~~$425,000~~))

$413,000

Pension Funding Stabilization Account—State

Appropriation $26,000

TOTAL APPROPRIATION ((~~$783,000~~))

$771,000

The appropriations in this section are subject to the following conditions and limitations: $3,000 of the general fund—state appropriation for fiscal year 2020 and $2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of

Substitute Senate Bill No. 5023 (ethnic studies).

Sec. 1016. 2020 c 357 s 122 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account—State

Appropriation ((~~$20,045,000~~))

$19,704,000

TOTAL APPROPRIATION ((~~$20,045,000~~))

$19,704,000

Sec. 1017. 2020 c 357 s 125 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2020) $15,564,000

General Fund—State Appropriation (FY 2021) ((~~$16,531,000~~))

$19,068,000

General Fund—Federal Appropriation $17,801,000

Public Service Revolving Account—State Appropriation ((~~$4,228,000~~))

$4,214,000

New Motor Vehicle Arbitration Account—State

Appropriation ((~~$1,693,000~~))

$1,690,000

Medicaid Fraud Penalty Account—State Appropriation ((~~$5,584,000~~))

$2,568,000

Child Rescue Fund—State Appropriation ((~~$500,000~~))

$80,000

Legal Services Revolving Account—State Appropriation ((~~$291,952,000~~))

$283,127,000

Local Government Archives Account—State

Appropriation ((~~$356,000~~))

$681,000

((~~Local Government Archives Account—Local $330,000~~))

Pension Funding Stabilization Account—State

Appropriation $1,602,000

Tobacco Prevention and Control Account—State

Appropriation $273,000

TOTAL APPROPRIATION ((~~$356,414,000~~))

$346,668,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) $58,000 of the general fund—state appropriation for fiscal year 2020 and $58,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of

Second Substitute House Bill No. 1166 (sexual assault kits).

(5) $63,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave).

(6) $44,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1224 (rx drug cost transparency).

(7) $79,000 of the legal services revolving account—state appropriation is provided solely for implementation of House Bill No. 2052 (marijuana product testing).

(8) $330,000 of the local government archives account—local appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1667 (public records request admin).

(9) $161,000 of the general fund—state appropriation for fiscal year 2020 and $161,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(10) $88,000 of the general fund—state appropriation for fiscal year 2020, $85,000 of the general fund—state appropriation for fiscal year 2021, and $344,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5297 (assistant AG bargaining).

(11) $700,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(12) $592,000 of the public service revolving account—state appropriation and $47,000 of the legal services revolving account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(13) $200,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a work group to study and institute a statewide program for receiving reports and other information for the public regarding potential self-harm, potential harm, or criminal acts including but not limited to sexual abuse, assault, or rape. Out of this amount:

(a) The work group must review the aspects of similar programs in Arizona, Michigan, Colorado, Idaho, Nevada, Oregon, Utah, Wisconsin, and Wyoming; and must incorporate the most applicable aspects of those programs to the program proposal;

(b) The program proposal must include a plan to implement a twenty-four hour hotline or app for receiving such reports and information; and

(c) The program proposal and recommendations must be submitted to legislative fiscal committees by July 31, 2020.

(14) $75,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the attorney general to develop an implementation plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services.

(a) The plan must identify how to effectively collect data on the occasions of justifiable homicide or uses of deadly force by a public officer, peace officer, or person aiding under RCW 9A.16.040 by all general authority Washington law enforcement agencies and the department of corrections. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of tort claims filed and moneys paid in use of force cases;

(ii) The number of incidents in which peace officers discharged firearms at citizens;

(iii) The demographic characteristics of the officers and citizens involved in each incident, including sex, age, race, and ethnicity;

(iv) The agency or agencies employing the involved officers and location of each incident;

(v) The particular weapon or weapons used by peace officers and citizens; and

(vi) The injuries, if any, suffered by officers and citizens.

(b) The implementation plan must also identify how to effectively collect data on the occasions of the use of force requiring the discharge of a firearm by any private security guard employed by any private security company licensed under chapter 18.170 RCW. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of incidents in which security guards discharged firearms at citizens;

(ii) The demographic characteristics of the security guards and citizens involved in each incident, including sex, age, race, and ethnicity;

(iii) The company employing the involved security guards and the location of each incident;

(iv) The particular weapon or weapons used by security guards and citizens; and

(v) The injuries, if any, suffered by security guards and citizens.

(c) The attorney general must compile reports received pursuant to this subsection and make public the data collected.

(d) The department of licensing, department of corrections, Washington state patrol, and criminal justice training commission must assist the attorney general as necessary to complete the implementation plan.

(15) $4,220,000 of the general fund—federal appropriation and $1,407,000 of the medicaid fraud penalty account—state appropriation are provided solely for additional staffing and program operations in the medicaid fraud control division.

(16) $8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(17) $141,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws).

(18) $751,000 of the general fund—state appropriation for fiscal year 2021, $82,000 of the general fund—federal appropriation, $32,000 of the public service revolving account—state appropriation, $27,000 of the medicaid fraud penalty account—state appropriation, $4,529,000 of the legal services revolving account—state appropriation, and $8,000 of the local government archives account—state appropriation are provided solely for the collective bargaining agreement referenced in section 902 of this act.

(19) $600,000 of the general fund—state appropriation for fiscal year 2020 and $616,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(20) $605,000 of the legal services revolving fund—state appropriation is provided solely for defending challenges to chapter 354, Laws of 2019 that set vapor pressure limits for in-state receipt of crude oil by rail.

(21) $1,069,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(22) $1,563,000 of the legal services revolving fund—state appropriation for fiscal year 2021 is provided solely to defend the state in the *Wolf vs State Board for Community and Technical Colleges* case.

(23) $59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6158 (model sexual assault protocols). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) $192,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(25) ((~~$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2511 (domestic workers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(26)~~)) $244,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2638 (sports wagering/compacts). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(27)~~)) (26) $35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(28)~~)) (27) $394,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for two additional investigators and a data consultant for the homicide investigation tracking system (HITS).

Sec. 1018. 2020 c 357 s 126 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2020) $2,040,000

General Fund—State Appropriation (FY 2021) ((~~$2,063,000~~))

$1,965,000

Pension Funding Stabilization Account—State

Appropriation $168,000

TOTAL APPROPRIATION ((~~$4,271,000~~))

$4,173,000

The appropriations in this section are subject to the following conditions and limitations: $43,000 of the general fund—state appropriation for fiscal year 2020 and $27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the caseload forecast council to provide information, data analysis, and other necessary assistance upon the request of the task force established in section 952 of this act.

Sec. 1019. 2020 c 357 s 127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund—State Appropriation (FY 2020) $96,462,000

General Fund—State Appropriation (FY 2021) ((~~$146,437,000~~))

$146,719,000

General Fund—Federal Appropriation ((~~$327,896,000~~))

$327,842,000

General Fund—Private/Local Appropriation ((~~$9,112,000~~))

$9,106,000

Public Works Assistance Account—State Appropriation ((~~$8,212,000~~))

$8,195,000

Lead Paint Account—State Appropriation ((~~$251,000~~))

$110,000

Building Code Council Account—State Appropriation $16,000

Liquor Excise Tax Account—State Appropriation ((~~$1,291,000~~))

$1,289,000

Home Security Fund Account—State Appropriation ((~~$120,425,000~~))

$85,417,000

((~~Energy Freedom Account State Appropriation $5,000~~))

Affordable Housing for All Account—State

Appropriation ((~~$13,895,000~~))

$12,200,000

Financial Fraud and Identity Theft Crimes

Investigation and Prosecution Account—State

Appropriation $2,325,000

Low-Income Weatherization and Structural

Rehabilitation Assistance Account—State

Appropriation ((~~$1,399,000~~))

$699,000

Statewide Tourism Marketing Account—State

Appropriation $3,028,000

Community and Economic Development Fee Account—State

Appropriation ((~~$4,200,000~~))

$4,105,000

Growth Management Planning and Environmental Review

Fund—State Appropriation $5,800,000

Pension Funding Stabilization Account—State

Appropriation $1,616,000

Liquor Revolving Account—State Appropriation $5,918,000

Washington Housing Trust Account—State Appropriation ((~~$67,947,000~~))

$20,150,000

Prostitution Prevention and Intervention Account—

State Appropriation $26,000

Public Facility Construction Loan Revolving Account—

State Appropriation ((~~$1,076,000~~))

$1,073,000

Model Toxics Control Stormwater Account—State

Appropriation $150,000

((~~Dedicated Marijuana Account—State Appropriation (FY 2021) $1,100,000~~))

Andy Hill Cancer Research Endowment Fund Match

Transfer Account—State Appropriation ((~~$7,454,000~~))

$14,335,000

Community Preservation and Development Authority

Account—State Appropriation $1,000,000

TOTAL APPROPRIATION ((~~$827,041,000~~))

$747,581,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) $375,000 of the general fund—state appropriation for fiscal year 2020 and $375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) $375,000 of the general fund—state appropriation for fiscal year 2020 and $375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) $3,304,000 of the general fund—state appropriation for fiscal year 2020 and $3,304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for associate development organizations. During the 2019-2021 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) $5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) $300,000 of the general fund—state appropriation for fiscal year 2020 and $300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest agriculture business center.

(11) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) $643,000 of the general fund—state appropriation for fiscal year 2020 and $643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) $1,000,000 of the home security fund—state appropriation, $2,000,000 of the Washington housing trust account—state appropriation, and $1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) $2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16) $1,980,000 of the general fund—state appropriation for fiscal year 2020 and $1,980,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) $557,000 of the general fund—state appropriation for fiscal year 2020 and $557,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than $1,000,000 per year.

(19) $1,070,000 of the general fund—state appropriation for fiscal year 2020 $1,070,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) $60,000 of the general fund—state appropriation for fiscal year 2020 and $60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) $1,500,000 of the general fund—state appropriation for fiscal year 2020 and $2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) $3,500,000 of the general fund—state appropriation for fiscal year 2020 and $3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

(i) Is dedicated as permanent supportive housing units;

(ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23)(a) $2,091,000 of the general fund—state appropriation for fiscal year 2020, $3,159,000 of the general fund—state appropriation for fiscal year 2021, and $7,000,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(ii) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(iii) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection:

(i) $2,000,000 of the general fund—state appropriation for fiscal year 2020 and $2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to build infrastructure and services to support a continuum of interventions including but not limited to prevention, crisis response, and long-term housing in reducing youth homelessness in four identified communities as part of the anchor community initiative; and

(ii) $91,000 of the general fund—state appropriation for fiscal year 2020 and $1,159,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of eighteen. Young adult housing

includes, but is not limited to, rental assistance and case management for young adults ages eighteen to twenty-four.

(24) $36,650,000 of the general fund—state appropriation for fiscal year 2020 and $51,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the essential needs and housing support program.

(25) $1,436,000 of the general fund—state appropriation for fiscal year 2020 and $1,436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(26) $1,237,000 of the liquor excise tax account—state appropriation is provided solely for the department to provide fiscal note assistance to local governments, including increasing staff expertise in multiple subject matter areas, including but not limited to criminal justice, taxes, election impacts, transportation and land use, and providing training and staff preparation prior to legislative session.

(27) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(28) $198,000 of the general fund—state appropriation for fiscal year 2020 and $198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(29)(a) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or

derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(30)(a) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless $150,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by June 1, 2020.

(31) Within amounts appropriated in this section, the office of homeless youth prevention and protection must make recommendations to the appropriate committees of the legislature by October 31, 2019, regarding rights that all unaccompanied homeless youth and young adults should have for appropriate care and treatment in licensed and unlicensed residential runaway and homeless youth programs.

(32) $787,000 of the general fund—state appropriation for fiscal year 2020 and $399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group).

(33) $144,000 of the general fund—state appropriation for fiscal year 2020 and $144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization with offices located in the cities of Maple Valley, Enumclaw, and Auburn to provide street outreach and connect homeless young adults ages eighteen through twenty-four to services in south King county.

(34) $218,000 of the general fund—state appropriation for fiscal year 2020 and $61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1444 (appliance efficiency).

(35) $100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction).

(36) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the city of Federal Way to support after-school recreational and educational programs.

(37) $150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to convene a work group regarding the development of Washington's green economy based on the state's competitive advantages. The work group must focus on developing economic, education, business, and investment opportunities in energy, water, and agriculture. The work group must consist of at least one representative from the department, the department of natural resources, the

department of agriculture, the Washington state department of transportation, a four-year research university, a technical college, the private sector, an economic development council, a city government, a county government, a tribal government, a non-government organization, a statewide environmental advocacy organization, and up to two energy utility providers. The work group must:

(a) Develop an inventory of higher education resources including research, development, and workforce training to foster green economic development in energy, water, and agriculture;

(b) Identify investment opportunities in higher education research, development, and workforce training to enhance and accelerate green economic development;

(c) Make recommendations for green economic development investment opportunities and how state government may serve as a clearing house, or economic center, to support private investments and build the green economy in Washington to serve national and global markets;

(d) Identify opportunities for integrating technology in energy, water, natural resources, and agriculture, and create resource efficiencies including water and energy conservation and smart grid technologies;

(e) Recommend policies at the state and local government level to promote and accelerate development of the green economy in Washington state;

(f) Submit an interim report with the work group recommendations to the appropriate legislative committees by December 1, 2019; and

(g) Submit a final report with the work group recommendations to the appropriate legislative committees by June 30, 2020.

(38) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization focused on supporting pregnant women and single mothers who are homeless or at risk of being homeless throughout Pierce county. The grant must be used for providing classes relating to financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

(39) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide capacity-building grants through the Latino community fund for educational programs and human services support for children and families in rural and underserved communities.

(40) $400,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the city of Bothell to complete the canyon park regional growth center subarea plan.

(41) $172,000 of the general fund—state appropriation for fiscal year 2020 and $165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington statewide reentry council for operational staff support, travel, and administrative costs.

(42) $964,000 of the general fund—state appropriation for fiscal year 2020 and $1,045,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency).

(43) $1,500,000 of the general fund—state appropriation for fiscal year 2020 and $1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 16, Laws of 2017 3rd sp. sess. (E2SSB 5254).

(44) General fund—federal appropriations provided in this section assume continued receipt of the federal Byrne justice assistance grant for state and local government drug and gang task forces.

(45) $450,000 of the general fund—state appropriation for fiscal year 2020 and $450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land in Washington state. The department must award the grant to an organization with an office located in a city with a population of more than six hundred thousand that partners in

equitable, transit-oriented development. The grant must be used to:

(a) Produce an inventory of potentially developable public or tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space;

(c) Organize community partners and build capacity to develop sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space;

(e) Catalyze the redevelopment of ten sites to create approximately fifteen hundred affordable homes; and

(f) Subcontract with the University of Washington to facilitate public, private, and non-profit partnerships to create a regional vision and strategy for building affordable housing at a scale to meet the need.

(46) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(47) $800,000 of the general fund—state appropriation for fiscal year 2020 and $800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant for a criminal justice diversion center pilot program in Spokane county.

(a) Spokane county must report collected data from the pilot program to the department. The report must contain, at a minimum:

(i) An analysis of the arrests and bookings for individuals served in the pilot program;

(ii) An analysis of the connections to behavioral health services made for individuals who were served by the pilot program;

(iii) An analysis of the impacts on housing stability for individuals served by the pilot program; and

(iv) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(b) No more than fifty percent of the funding provided in this subsection may be used for planning and predevelopment activities related to site readiness and other startup expenses incurred before the pilot program becomes operational.

(48)(a) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for one or more better health through housing pilot project. The department must contract with one or more accountable communities of health to work with hospitals and permanent supportive housing providers in their respective accountable community of health regions to plan for and implement the better health through housing pilot project. The accountable communities of health must have established partnerships with permanent supportive housing providers, hospitals, and community health centers.

(b) The pilot project must prioritize providing permanent supportive housing assistance to people who:

(i) Are homeless or are at imminent risk of homelessness;

(ii) Have complex physical health or behavioral health conditions; and

(iii) Have a medically necessary condition, risk of death, negative health outcomes, avoidable emergency department utilization, or avoidable hospitalization without the provision of permanent supportive housing, as determined by a vulnerability assessment tool.

(c) Permanent supportive housing assistance may include rental assistance, permanent supportive housing service funding, or permanent supportive housing operations and maintenance funding. The pilot program shall work with permanent supportive housing providers to determine the best permanent supportive housing assistance local investment strategy to expedite the

availability of permanent supportive housing for people eligible to receive assistance through the pilot project.

(d) Within the amounts provided in this subsection, the department must contract with the Washington state department of social and health services division of research and data analysis to design and conduct a study to evaluate the impact of the better health through housing pilot project or projects. The division shall submit a final study report to the governor and appropriate committees of the legislature by June 30, 2021. The study objectives must include:

(i) Baseline data collection of the physical health conditions, behavioral health conditions, housing status, and health care utilization of people who receive permanent supportive housing assistance through the pilot project;

(ii) The impact on physical health and behavioral health outcomes of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance; and

(iii) The impact on health care costs and health care utilization of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance.

(e) A reasonable amount of the amounts provided in this subsection may be used to pay for costs to administer the pilot contracts and housing assistance.

(f) Amounts provided in this subsection do not include funding provided under title XIX or title XXI of the federal social security act, funding from the general fund—federal appropriation, or funding from the general fund—local appropriation for transformation through accountable communities of health, as described in initiative one of the medicaid transformation demonstration waiver under healthier Washington.

(g) The accountable communities of health must annually report the progress and impact of the better health through housing pilot project or projects to the joint select committee on health care oversight by December 1st of each year.

(49) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the promotion of leadership development, community building, and other services for the Native American community in south King county.

(50)(a) $12,000 of the general fund—state appropriation for fiscal year 2020 and $38,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide to Chelan county to collaborate with the department of fish and wildlife and the Stemilt partnership on the following activities:

(i) Identifying and evaluating possible land exchanges in the Stemilt basin that provide mutual benefits to outdoor recreation and the mission of a public agency; and

(ii) Completing independent appraisals of all properties that may be included in a possible land exchange by January 1, 2021.

(b) $20,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the department of fish and wildlife to complete technical studies, assessments, environmental review, and due diligence for lands included in any potential exchange and for project review for near-and long-term facility replacement and expansion of the mission ridge ski and board resort.

(c) The department must require the department of fish and wildlife, in collaboration with Chelan county, to submit recommendations for potential land exchange and supporting appraisals and environmental analysis to the Chelan county board of commissioners and the appropriate committees of the legislature by June 1, 2021.

(51) $500,000 of the general fund—state appropriation for fiscal year 2020, $1,500,000 of the general fund—state appropriation for fiscal year 2021 and $4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, $4,500,000 of the home security fund—state appropriation is

provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, $1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(52) $1,275,000 of the general fund—state appropriation for fiscal year 2020 and $1,227,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(53) $47,000 of the general fund—state appropriation for fiscal year 2020 and $47,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5223 (electrical net metering).

(54) $81,000 of the general fund—state appropriation for fiscal year 2020 and $76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5324 (homeless student support).

(55) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(56) $264,000 of the general fund—state appropriation for fiscal year 2020 and $676,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). Within the amounts provided in this subsection, the department must translate survey materials used to gather information on broadband access into a minimum of three languages and include demographic data in the report associated with the bill.

(57) $272,000 of the general fund—state appropriation for fiscal year 2020 and $272,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the lead based paint enforcement activities within the department.

(58) $250,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a one-time grant to the port of Port Angeles for a stormwater management project to protect ancient tribal burial sites and to maintain water quality.

(59) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to municipalities using a labor program model designed for providing jobs to individuals experiencing homelessness to lead to full-time employment and stable housing.

(60) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of the recommendations by the joint transportation committee's Washington state air cargo movement study to support an air cargo marketing program and assistance program. The department must coordinate promotion activities at domestic and international trade shows, air cargo events, and other activities that support the promotion, marketing, and sales efforts of the air cargo industry.

(61) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than seven hundred thousand and serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(62) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

(a) The department of corrections to support offender betterment projects; and

(b) The department of social and health services to provide access and visitation services.

(63) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to promote public education around wildfires to public school students of all ages and to expand outreach on issues related to forest health and fire suppression. The grant recipient shall sponsor projects including, but not limited to, a multi-media traveling presentation.

(64) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to help reduce crime and violence in neighborhoods and school communities. The grant recipient must promote safe streets and community engagement in the city of Tacoma through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

(65) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to increase the financial stability of low income Washingtonians through participation in children's education savings accounts, earned income tax credits, and the Washington retirement marketplace. The grant recipient must be a statewide association of local asset building coalitions that promotes policies and programs in Washington to assist low-and-moderate income residents build, maintain, and preserve assets through investments in education, homeownership, personal savings and entrepreneurship.

(66) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to catalyze a market for mass timber and promote forest health, workforce development, and updates to building codes. The grant recipient must have at least twenty-five years of experience in land acquisition and program management to conserve farmland, create jobs, revitalize small towns, reduce wildfires, and reduce greenhouse emissions.

(67) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to assist people with limited incomes in nonmetro areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(68) $270,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and overcoming barriers to social, political, economic, and cultural community development. Of the amounts provided in this subsection, $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to provide a public policy fellowship program that offers training in grassroots organizing, leadership development, civic engagement, and policy engagement focused on Latino and indigenous community members.

(69) $5,800,000 of the growth management planning and environmental review fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill

No. 1923 (urban residential building). Of the amounts provided in this subsection:

(a) $5,000,000 is provided solely for grants to cities for costs associated with the bill;

(b) $500,000 is provided solely for administration costs to the department; and

(c) $300,000 is provided solely for a grant to the Washington real estate research center.

(70) $100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to produce a proposal and recommendations for establishing an industrial waste coordination program by December 1, 2019.

(71) $200,000 of the general fund—state appropriation for fiscal year 2020 and $400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a comprehensive analysis of statewide emissions reduction strategies. This technical analysis must: (a) Identify specific strategies that are likely to be most effective in achieving necessary emissions reductions for key energy uses and customer segments; and (b) be performed by one or more expert consultants, with administrative and policy support provided by the department.

(72) ((~~$7,454,000~~)) $14,335,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(73) ((~~$600,000~~)) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. Priority is given to sites meeting these criteria who also can demonstrate leveraging existing local or federal resources.

(74) $80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to facilitate research on nontraditional workers across the regulatory continuum, including convening cross-agency partners. The purpose of the research is to recommend policies and practices regarding the state's worker and small business programs, address changes in the labor market, and continue work initiated by the independent contractor employment study funded in section 127(47), chapter 299, Laws of 2018. The department must submit a report of its findings to the governor by November 1, 2020.

(75) $1,343,000 of the financial fraud and identity theft crimes investigation and prosecution account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(76) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operations of the long-term care ombudsman program.

(77) $607,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to a statewide nonprofit resource center to assist current and prospective homeowners, and homeowners at risk of foreclosure. Funding must be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, foreclosure prevention hotlines, low-income legal services, mediation, and other activities that promote homeownership.

(78) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to nonprofit organizations that primarily serve communities of color and poor rural communities in community planning, technical assistance, and predevelopment as part of the development of capital assets and programs that help reduce poverty and build stronger and more sustainable communities. The funds will be used to further the goal of equitable

development of all Washington communities.

((~~(80)~~)) (79) $391,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

((~~(82)~~)) (80) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

((~~(83)~~)) (81) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the formation of a healthy energy workers board. The board must conduct an unmet health care needs assessment for Hanford workers and develop recommendations on how these health care needs can be met. The board must also review studies on how to prevent worker exposure, summarize existing results and recommendations, develop key indicators of progress in meeting unmet health care needs, and catalogue the health surveillance systems in use at the Hanford site. The workers board must submit a report to the legislature by June 1, 2021, documenting recommendations on meeting health care needs, progress on meeting key indicators, and, if necessary, recommendations for the establishment of new health surveillance systems at Hanford.

((~~(84)~~)) (82) $23,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for curriculum development and training sessions for a veteran's certified peer counseling pilot program in Lewis county delivered in partnership with a Lewis county veterans museum.

((~~(85) $60,000,000~~)) (83) $25,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) The department shall not reimburse more than $56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding. Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than $10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or

for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

((~~(86) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6430 (industrial waste program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. Of the amount provided in this subsection, $250,000 of the general fund—state appropriation is provided solely for industrial waste coordination grants.~~

~~(88)~~)) (84) $421,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6288 (office of firearm violence). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(89)~~)) (85)(a) $15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to support the operation, maintenance, and service costs of permanent supportive housing projects or permanent supportive housing units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding where the projects or units:

(i) Are dedicated as permanent supportive housing units;

(ii) Are occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Require a supplement to rental income to cover ongoing property operating, maintenance, and service expenses.

(b) The department may use a maximum of five percent of the appropriations in this subsection to administer the grant program.

((~~(90)~~)) (86) $1,007,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

((~~(91)~~)) (87) $420,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6495 (housing & essential needs). The amount provided in this subsection is provided solely for essential needs and housing support assistance to individuals newly eligible for housing and essential needs support under Substitute Senate Bill No. 6495. If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(92)~~)) (88) $10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to make recommendations on a sustainable, transparent, and reactive funding model for the operation of the long-term care ombuds program.

(a) The department must recommend a plan that:

(i) Serves all residents in long term care equally;

(ii) Is reactive to changes in service costs; and

(iii) Is reactive to changes in number of residents and types of facilities served.

(b) The department shall convene not more than three stakeholder meetings that includes representatives from the department of social and health services, the department of commerce, the department of health, the office of financial management, the office of the governor, the long-term care ombuds program, representatives of long term care facilities, representatives for the area agencies on aging, and other stakeholders as appropriate. The department must submit a report with recommendations to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2020.

((~~(93)~~)) (89) $300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the

department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises. By June 1, 2021, the department must transmit a report to the economic development committees of the legislature providing the following information, metrics, and private investment resulting from the department's engagement with international markets:

(a) An overview of the international markets in which the department has established representation and activities and contracts funded with amounts provided in this subsection;

(b) Additional funding invested in Washington companies;

(c) The number of jobs created in Washington; and

(d) The number of partnerships established and maintained by the department with international governments, businesses, and organizations.

((~~(94)~~)) (90) $80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

((~~(95)~~)) (91) $400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis.

((~~(96)~~)) (92) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of commerce to co-lead a prevention workgroup with the department of children, youth, and families. The workgroup shall focus on preventing youth and young adult homelessness and other related negative outcomes. The workgroup shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency workgroup on youth homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement or justice system involvement.

(a) The workgroup must develop a preliminary strategic plan to be submitted to the appropriate committees of the legislature by December 31, 2020 that details:

(i) How existing efforts in this area are coordinated;

(ii) The demographics of youth involved in homelessness and other related negative outcomes;

(iii) Recommendations on promising interventions and policy improvements; and

(iv) Detail and descriptions of current prevention funding streams.

(b) The department of commerce shall solicit private funding to support this workgroup. It is the intent of the legislature that this study be supported by a minimum of a one-to-one match with private funds.

((~~(98)~~)) (93) $1,500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used

to support activities and planning that helps communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

((~~(100)~~)) (94) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization formed in 2018 that provides a shared housing and living environment for pregnant women, single mothers, and their children who are homeless or at risk of being homeless throughout Pierce county. The nonprofit organization must have persons in executive leadership who have experienced family homelessness. The grant must be used for providing classes at the shared housing location on topics such as financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

((~~(102)~~)) (95) $200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to Clallam county to conduct an assessment of the needs of the county's homeless population. The assessment must include an analysis of the impacts of substance abuse treatment at the county's substance abuse treatment facilities on the county's homeless population. The assessment must also provide recommendations for improvements of the county's local homeless housing program. Funding provided in this subsection may also be used to implement recommendations from the assessment or to provide shelter, services, and relocation assistance for homeless individuals.

((~~(103)~~)) (96) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

((~~(104)~~)) (97) $400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit located in King county that serves homeless and at-risk youth and young adults. The grant must be used for a pre-apprenticeship program for youth and young adults experiencing homelessness to prepare and obtain employment in the construction trades by building affordable housing and to earn a high school diploma or equivalent, college credits, or industry certifications.

((~~(105)~~)) (98) $175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with a nongovernment organization whose primary focus is the economic development of the city of Federal Way. The contract must be for economic development activities with a focus on business expansion, retention, and attraction, job creation, and workforce development in the south Puget Sound.

((~~(106)~~)) (99) $5,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a pilot program to address the immediate housing needs of low or extremely low-income elderly or disabled adults receiving federal supplemental security, federal social security disability, or federal social security retirement income who have an immediate housing need and live in King, Snohomish, Thurston, Kitsap, Pierce, or Clark counties.

((~~(107)~~)) (100) $25,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the King county drainage district number 5 for extraordinary audit costs and to perform deferred maintenance on drainage ditches located within the district.

((~~(108)~~)) (101) $150,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

((~~(109)~~)) (102) $750,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the south King fire and rescue fire protection district located in King county to purchase a maritime emergency response vessel.

((~~(110)~~)) (103) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039.

((~~(111)~~)) (104) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2342 (comprehensive plan updates). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(113) $1,100,000 of the dedicated marijuana account state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(114)~~)) (105) $297,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit provider of sexual assault services located in Renton. The grant must be used for information technology system improvements.

((~~(115)~~)) (106) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

((~~(116)~~)) (107) $1,000,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

((~~(117)~~)) (108)(a) ((~~$40,000,000~~)) $2,349,000 of the Washington housing trust account—state appropriation is provided solely for production and preservation of affordable housing.

(b) In evaluating projects in this subsection, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(c) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

((~~(118)~~))(109)(a) ((~~$10,000,000~~)) $210,000 of the Washington housing trust account—state appropriation is provided solely for the preservation of affordable multifamily housing at risk of losing affordability due to expiration of use restrictions that otherwise require affordability including, but not limited to, United States department of agriculture funded multifamily housing.

(b) Within the amount provided in this subsection, the department must implement necessary procedures no later than July 1, 2020, to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state.

(c) The department must adhere to the following award terms and procedures for the rapid response program created under (b) of this subsection:

(i) The funding is not subject to the ninety-day application periods in RCW 43.185.070 or 43.185A.050.

(ii) Awards must be in the form of a recoverable grant with a forty-year low income housing covenant on the land.

(iii) If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(iv) Awards may be used for acquisition or for acquisition and rehabilitation of properties to preserve the affordable housing units beyond existing use restrictions and keep them in Washington's housing portfolio.

(v) No single award may exceed $2,500,000, although the department must consider waivers of this award cap if an applicant demonstrates sufficient need.

(vi) The award limit in (c)(v) of this subsection may only be applied to the use of awards provided under this subsection.

The amount awarded under this subsection may not be calculated in award limitations for other housing trust fund awards.

(vii) If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For purposes of this subsection, "greatest public benefit" includes, but is not limited to:

(A) The greatest number of units that will be preserved;

(B) Whether the project has federally funded rental assistance tied to it;

(C) The scarcity of the affordable housing applied for compared to the number of available affordable housing units in the same geographic location; and

(D) The program's established funding priorities under RCW 43.185.070(5).

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

((~~(119)~~)) (110)(a) $5,000,000 of the Washington housing trust account—state appropriation is provided solely for housing preservation grants or loans to be awarded competitively.

(b) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment to be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(c) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(i) The age of the property, with priority given to buildings that are more than fifteen years old;

(ii) The population served, with priority given to projects with at least fifty percent of the housing units being occupied by families and individuals at or below fifty percent area median income;

(iii) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(iv) The potential for additional years added to the affordability period of the property; and

(v) Other criteria that the department considers necessary to achieve the purpose of this program.

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

((~~(120)~~)) (111) $500,000 of the general fund—state appropriation for fiscal year ((~~2020 [2021]~~)) 2021 is provided solely for the department of commerce to contract with a nonprofit organization to establish and operate a center for child care retention and expansion. The nonprofit organization must be a Bellingham, Washington-based nonprofit community action agency with fifty years of experience serving homeless and low-income families and individuals.

(a) Funding provided in this subsection may be used for, but is not limited to, the following purposes:

(i) Creating a rapid response team trained to help child care businesses whose continuity of operations is threatened;

(ii) Developing business model prototypes for new child care settings; and

(iii) Assisting existing or new child care businesses in assessing readiness for expansion or acquisition.

(b) Of the amounts provided in this subsection:

(i) $120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staffing at the center for child care; and

(ii) $380,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the nonprofit organization to distribute grants to third party child care providers and nongovernmental organizations. Nonprofit entities applying for funding as a statewide network must:

(A) Have an existing infrastructure or network of academic, innovation, and

mentoring program grant-eligible entities;

(B) Provide after-school and summer programs with youth development services; and

(C) Provide proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age.

(112)(a) $4,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a grant program to reimburse local governments for eligible costs of providing emergency noncongregate sheltering during the COVID-19 public health emergency.

(b) A city or county is eligible to apply for grant funding if it:

(i) Applies to the federal emergency management agency public assistance program for reimbursement of costs to provide emergency noncongregate sheltering; and

(ii) Incurs eligible costs.

(c) Eligible costs are costs to provide emergency noncongregate sheltering that:

(i) Were deemed eligible for reimbursement in the federal emergency management agency policy 104-009-18, version 3, titled *FEMA emergency non-congregate sheltering during the COVID-19 public health emergency (interim)* and dated January 29, 2021; and

(ii) Are incurred by the applicant beginning January 21, 2021, through September 30, 2021.

(d) The department must give priority to applicants who demonstrate use of funds received under P.L. 117-2 for the acquisition, development, and operation of noncongregate sheltering.

(e) The department must coordinate with the military department to confirm that grant recipients have applied to the federal emergency management agency public assistance program for costs identified in their grant application.

(f) For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.

Sec. 1020. 2020 c 357 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2020) $29,306,000

General Fund—State Appropriation (FY 2021) ((~~$13,799,000~~))

$12,859,000

General Fund—Federal Appropriation ((~~$33,013,000~~))

$32,828,000

General Fund—Private/Local Appropriation ((~~$5,526,000~~))

$5,513,000

Economic Development Strategic Reserve Account—State

Appropriation ((~~$330,000~~))

$317,000

Personnel Service Account—State Appropriation ((~~$35,360,000~~))

$35,144,000

Higher Education Personnel Services Account—State

Appropriation $1,497,000

Statewide Information Technology System Development

Maintenance and Operations Revolving Account—

State Appropriation $32,921,000

Office of Financial Management Central Service

Account—State Appropriation ((~~$21,118,000~~))

$20,543,000

Pension Funding Stabilization Account—State

Appropriation $2,446,000

Performance Audits of Government Account—State

Appropriation ((~~$678,000~~))

$650,000

TOTAL APPROPRIATION ((~~$175,994,000~~))

$174,024,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(c) The education data center shall enter data sharing agreements with the joint legislative audit and review committee and the Washington state institute for public policy to ensure that legislatively directed research assignments regarding state financial aid programs may be completed in a timely manner.

(2)(a) $29,623,000 of the statewide information technology system development revolving account—state appropriation is provided solely for the one Washington program agency financial reporting system replacement, phase 1A core financials. Of the amounts provided in this subsection:

(i) $7,082,000 of the statewide information technology system development revolving account—state appropriation is provided solely for organizational enterprise resource planning, organizational change management, and procurement contracts in fiscal year 2020.

(ii) $459,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2020.

(iii) $1,000,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2020.

(iv) $1,366,000 of the statewide information technology system development revolving account—state appropriation is provided solely for program staff in fiscal year 2021.

(v) $442,000 of the statewide information technology system development revolving account—state appropriation is provided solely for dedicated integration development staffing in fiscal year 2021. This staff will work to expand the states integration layer.

(vi) $140,000 of the statewide information technology system development revolving account—state appropriation is provided solely for a dedicated statewide accounting consultant in fiscal year 2021. This staff will work with state agencies to standardize workflow and work with the systems integrator to configure the agency financial reporting system replacement. The staff will also update applicable state administrative and accounting manual chapters to document new standardized workflows.

(vii) $19,576,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2021.

(b) Beginning September 30, 2019, the office of financial management shall provide written quarterly reports on the one Washington program to the legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent for the prior quarter and what the ensuing quarter budget will be by fiscal month. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the expenditures by deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged and paid to each vendor by fiscal month; and

(iii) A report identifying each state agency that received change management vendor work from the information technology pool by fiscal month.

(c) Prior to spending any funds, the director of the office of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(e) Financial reporting for the agency change management funding must be coded and charged discretely in the agency financial reporting system each fiscal month so that it can be differentiated from the noninformation technology pool change management budget and costs.

(3) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(4) $12,741,000 of the personnel service account—state appropriation in this section is provided solely for administration of orca pass benefits included in the 2019-2021 collective bargaining agreements and provided to nonrepresented employees as identified in section 996 of this act. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited in to the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(5) $12,485,000 of the personnel service fund appropriation is provided solely for the administration of a flexible spending arrangement (FSA) plan. Agencies shall pay their proportional cost for the program as determined by the office of financial management. Total amounts billed by the office of financial management for this purpose may not exceed the amount provided in this subsection. The office of financial management may, through interagency agreement, delegate administration of the program to the health care authority.

(6) $1,536,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5741 (all payer claims database), and is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) $157,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute House Bill No. 1949 (firearm background checks).

(8) Within amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 1497 (foundational public health).

(9) $110,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of financial management to determine annual primary care medical expenditures in Washington, by insurance carrier, in total and as a percentage of total medical expenditure. Where feasible, this determination must also be broken down by relevant characteristics such as whether expenditures were for in-patient or out-patient care, physical or mental health, by type of provider, and by payment mechanism.

(a) The determination must be made in consultation with statewide primary care provider organizations using the state's all payer claims database and other existing data.

(b) For purposes of this section:

(i) "Primary care" means family medicine, general internal medicine, and general pediatrics.

(ii) "Primary care provider" means a physician, naturopath, nurse practitioner, physician assistant, or other health professional licensed or certified in Washington state whose clinical practice is in the area of primary care.

(iii) "Primary care medical expenditures" means payments to reimburse the cost of physical and mental health care provided by a primary care provider, excluding prescription drugs, vision care, and dental care, whether paid on a fee-for-service basis or as a part of a capitated rate or other type of payment mechanism.

(iv) "Total medical expenditure" means payments to reimburse the cost of all health care and prescription drugs, excluding vision care and dental care, whether paid on a fee-for-service basis or as part of a capitated rate or other type of payment mechanism.

(c) By December 1, 2019, the office of financial management shall report its findings to the legislature, including an explanation of its methodology and any limits or gaps in existing data which affected its determination.

(10) $1,200,000 of the office of financial management central services—state appropriation is provided solely for the education research and data center to set up a data enclave and to work on complex data sets. This is subject to the conditions, limitations and review requirements of section 701 of this act. The data enclave for customer access must include twenty-five users, to include one user from each of the following entities:

(a) The house;

(b) The senate;

(c) The legislative evaluation and accountability program committee;

(d) The joint legislative audit and review committee; and

(e) The Washington state institute for public policy.

(11) $250,000 of the office of financial management central service—state appropriation is provided solely for a dedicated budget staff for the work associated with the information technology cost pool projects. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account;

(b) Amount by project of funding approved to date and for the last fiscal month;

(c) Amount by agency of funding approved to date and for the last fiscal month;

(d) Total amount approved to date and for the last fiscal month;

(e) Amount of expenditure on each project by the agency to date and for the last fiscal month;

(f) A projection for the information technology pool account by fiscal month through the 2019-2021 fiscal biennium close, and as a calculation of amount spent to date as a percentage of total appropriation;

(g) A projection of each project by fiscal month through the 2019-2021 fiscal biennium close, and a calculation of amount spent to date as a percentage of total project cost; and

(h) A list of agencies and projects that have not yet been approved for funding by the office of financial management.

(12) $15,000,000 of the general fund—state appropriation for fiscal year 2020, $159,000 of the general fund—state appropriation for fiscal year 2021, and $5,000,000 of the general fund—private/local appropriation are provided solely for the office of financial management to prepare for the 2020 census. No funds provided under this subsection may be used for political purposes. The office must:

(a) Complete outreach and a communication campaign that reaches the state's hardest to count residents;

(b) Perform frequent outreach to the hard-to-count population both in person through community messengers and through various media avenues;

(c) Establish deliverable-based outreach contracts with nonprofit organizations and local and tribal contracts;

(d) Consider the recommendations of the statewide complete count committee;

(e) Prepare documents in multiple languages to promote census participation;

(f) Provide technical assistance with the electronic census forms; and

(g) Hold in reserve $5,000,000 of the general fund—state appropriation for fiscal year 2020 and $5,000,000 of the general fund—private/local appropriation, until January 1, 2020, for contracting with community based organizations with historical access to and credibility with hard-to-count people to support outreach to the hardest to count and last-mile efforts.

(13) Within existing resources and in consultation with the office of the superintendent of public instruction, the office of financial management shall review and report on the pupil transportation funding system for K-12 education. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by August 1, 2020. This report shall include review of the following:

(a) The formula components and modeling approach in RCW 28A.160.192;

(b) The data used in the analysis for completeness, validity, and appropriateness;

(c) The timing requirements and whether they could be changed;

(d) The STARS model for appropriateness, functionality, and alignment with statute; and

(e) The capacity and resources of the office of the superintendent of public instruction to produce the transportation analysis.

(14) $192,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $288,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely for the office of financial management to contract for project management and fiscal modeling to support collaborations with the office of the superintendent of public instruction and department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies which align and integrate high-quality early learning programs administered by both agencies. The report is due to the governor and the appropriate committees of the legislature by September 1, 2020.

((~~(16)~~)) (15) The office shall consult with agencies of the state, including but not limited to the department of natural resources, state parks and recreation commission, department of fish and wildlife, conservation commission, Puget Sound partnership, recreation and conservation office, and department of ecology, to prioritize actions and investments that mitigate the effects of climate change and strengthen the resiliency of communities and the natural environment. The recommended prioritization list shall be submitted to the governor and the legislature by November 1, 2020, to be considered for funding from the climate resiliency account created in section 924 of this act.

((~~(18)~~)) (16) $40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. The report must be submitted to the governor and the appropriate committees of the legislature by December 1, 2020, and must include review of, at least:

(a) The current rates for services by vendor;

(b) A history of increases to the rates since fiscal year 2010 by vendor;

(c) A comparison of how the vendor increases and rates compare to inflation; and

(d) A summary of the billing methodology for the vendor rates.

((~~(20)~~)) (17) $350,000 of the general fund—state appropriation for fiscal year 2021, and $350,000 of the general fund—federal appropriation are provided solely to contract with one or more research or actuarial entities to examine the delivery of behavioral and physical health care services for which the health care authority contracts with a risk-bearing fiscal intermediary, excluding any contracts for employee benefit programs. A report must be provided to the legislature no later than September 1, 2021, and must include:

(a) A description of the types of payment methods currently used by risk-bearing fiscal intermediaries to establish provider payments. The report must identify, and, to the extent practicable, quantify, instances of case

payment rates, broad encounter rates, value-based purchasing, subcapitation, or similar methodologies;

(b) Options available to the legislature and the governor to ensure that risk-bearing fiscal intermediaries meet standards for quality and access to care; and

(c) Options available to the legislature and the governor to modify payment rates to providers that offer services under medicaid managed care. To the extent practicable, for each option the report must discuss the potential implications to federal funding and client access to care for both state-funded and private pay patients and identify whether the option could be restricted to particular types of service, provider specializations, client characteristics, care settings, geographic areas, or other relevant, identified demographic criteria.

((~~(21)~~)) (18) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the education research and data center to expand its higher education finance report on the education research and data center web site to include budget, expenditure, and revenue data for institutions of higher education. The budget, expenditure, and revenue data must be by fund for each institution and for all appropriated, nonappropriated, and nonallotted funds, including the source and use of tuition and fee revenue. Expenditure data must include program and activity information. Revenue data must include source of funds.

((~~(22)~~)) (19) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided on a one-time basis solely for the office to work with a correctional facility located in Des Moines, Washington serving the confinement needs of multiple member cities and a number of contract agencies to study and review the most cost effective delivery options for providing medication assisted treatment to individuals located in local jails and state correctional facilities. The office shall provide a report to the legislature and the appropriate fiscal committees of the legislature by November 10, 2020, which includes recommendations for and the costs associated with providing safe, effective treatment and coordination of care. The study and report must include identification of alternative revenue sources.

((~~(23)~~)) (20) $90,000 of the general fund—state appropriation for fiscal year 2020 and $85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the education research and data center to conduct a statewide study of opportunity youth. The center shall provide a report of its findings to the appropriate committees of the legislature by December 31, 2020. The study must include:

(a) The number of people in Washington between the ages of sixteen and twenty-nine who have enrolled in Washington schools or participated in the Washington workforce between 2015 and 2019 before completely opting out, including:

(i) The rate of young people without a high school diploma or a high school equivalency certificate who are disconnected from high school;

(ii) The rate of young people with a high school diploma, but without a postsecondary credential, who are disconnected from postsecondary education and may or may not be working;

(iii) The rate of young people with a postsecondary credential, but not enrolled in postsecondary education, who are disconnected from the Washington workforce; and

(iv) The rate of young people disconnected from the Washington workforce and not enrolled in Washington schools.

(b) The education levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The education levels include:

(i) No diploma;

(ii) High school diploma or high school equivalency certificate;

(iii) Some higher education but no degree;

(iv) Associates degree;

(v) Bachelor's degree;

(vi) Graduate degree or higher; and

(vii) Degree (associates or higher).

(c) The employment levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The employment levels include:

(i) Not employed;

(ii) Part-time; and

(iii) Full-time.

(d) Disaggregation of data to the extent possible by race, gender, native or foreign born, income above or below 200 percent of the poverty line, average salary, and job industry.

Sec. 1021. 2020 c 357 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account—State

Appropriation ((~~$47,550,000~~))

$46,936,000

TOTAL APPROPRIATION ((~~$47,550,000~~))

$46,936,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $173,000 of the administrative hearing revolving account—state appropriation is provided solely for the implementation of chapter 13, Laws of 2019 (SHB 1399).

(2) $46,000 of the administrative hearings revolving account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1022. 2020 c 357 s 131 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State Appropriation ((~~$29,858,000~~))

$29,458,000

TOTAL APPROPRIATION ((~~$29,858,000~~))

$29,458,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

Sec. 1023. 2020 c 357 s 132 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2020) $438,000

General Fund—State Appropriation (FY 2021) ((~~$465,000~~))

$454,000

Pension Funding Stabilization Account—State

Appropriation $26,000

TOTAL APPROPRIATION ((~~$929,000~~))

$918,000

The appropriations in this section are subject to the following conditions and limitations: $3,000 of the general fund—state appropriation for fiscal year 2020 and $2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies).

Sec. 1024. 2020 c 357 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2020) $321,000

General Fund—State Appropriation (FY 2021) ((~~$408,000~~))

$394,000

Pension Funding Stabilization Account—State

Appropriation $26,000

TOTAL APPROPRIATION ((~~$755,000~~))

$741,000

Sec. 1025. 2020 c 357 s 134 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Account—

State Appropriation ((~~$61,964,000~~))

$61,308,000

TOTAL APPROPRIATION ((~~$61,964,000~~))

$61,308,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $166,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1661 (higher education retirement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) $106,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5350 (optional life annuity).

(3) $139,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Substitute House Bill No. 1308 or Senate Bill No. 5360 (retirement system defaults).

(4) $44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1408 (survivorship benefit options).

(5) $53,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 6417 (survivor option change). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(6) $48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Engrossed House Bill No. 1390 (public employees retirement systems). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) $44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with House Bill No. 2189 (PSERS/comp restoration work). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) $144,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation of ((~~chapter 259 [chapter 295]~~)) chapter 295, Laws of 2019 (E2SHB 1139).

(9) $38,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2544 (definition of veteran). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1026. 2020 c 357 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2020) $150,901,000

General Fund—State Appropriation (FY 2021) ((~~$153,625,000~~))

$148,105,000

Timber Tax Distribution Account—State Appropriation ((~~$7,368,000~~))

$7,289,000

Business License Account—State Appropriation ((~~$20,666,000~~))

$20,534,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation $168,000

Model Toxics Control Operating Account—State

Appropriation ((~~$119,000~~))

$118,000

Financial Services Regulation Account—State

Appropriation $5,000,000

Pension Funding Stabilization Account—State

Appropriation $13,486,000

TOTAL APPROPRIATION ((~~$351,333,000~~))

$345,601,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $142,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute House Bill No. 1059 (B&O return filing due date).

(2)(a) $4,268,000 of the general fund—state appropriation for fiscal year 2020 and $3,238,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement 2019 revenue legislation.

(b) Within the amounts provided in this subsection, sufficient funding is provided for the department to implement section 11 of Engrossed Substitute Senate Bill No. 5183 (manufactured/mobile homes).

(c)(i) Of the amounts provided in this subsection, $711,000 of the general fund—state appropriation for fiscal year 2020 and $1,327,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(ii) In addition to the membership as set forth in chapter 1, Laws of 2017 3rd sp. sess., the tax structure work group is expanded to include voting members as follows:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(iv) All voting members of the work group must indicate, in writing, their interest in serving on the tax structure work group and provide a statement of understanding that the commitment to serve on the tax structure work group is through December 31, 2024. Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within sixty days of notice of the vacancy. The work group must choose a chair or cochairs from among its legislative membership. The chair is, or cochairs are, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations and other decisions of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(v) The duties of the work group are to:

(A) By December 1, 2019, convene no less than one meeting to elect a chair, or cochairs, and conduct other business of the work group;

(B) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (c)(vii) of this subsection;

(C) By May 1, 2021, the work group must:

(I) Hold no less than one meeting in Olympia to review the preliminary findings described in (c)(vii) of this subsection. At least one meeting must

engage stakeholder groups, as described in (c)(vi)(A) of this subsection;

(II) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (c)(vii) of this subsection;

(III) Present the summary report described in (c)(vii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(IV) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (c)(vi)(B) of this subsection; and

(V) Finalize the logistics of the engagement strategies described in (c)(v)(D) of this subsection; and

(D) After the conclusion of the 2021 legislative session, the work group must:

(I) Hold no less than five public meetings in geographically dispersed areas of the state;

(II) Present the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure at the public meetings;

(III) Provide an opportunity at the public meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(IV) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(V) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts;

(VI) Inform local elected officials about the public meetings that occur within and near their communities; and

(VII) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (c)(vii) of this subsection.

(vi)(A) The stakeholder groups referenced by (c)(v)(C)(I) of this subsection must include, at a minimum, organizations and individuals representing the following:

(I) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(II) Individual taxpayers with income at or below one hundred percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(B) The presentation referenced in (c)(v)(C)(IV) of this subsection must include the following elements:

(I) The findings and alternatives included in the summary report described in (c)(vii) of this subsection; and

(II) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure including, presenting the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(vii) The duties of the department, with assistance of one or more technical advisory groups, are to:

(A) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(I) Update the data and research that informed the recommendations and other analysis contained in the final report;

(II) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal

biennium if the state had implemented the alternatives on January 1, 2003;

(III) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(IV) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (c)(vii)(A)(II) and (III) of this subsection; and

(V) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium, if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before the effective date of this section;

(B) With respect to the recommendations in the final report of the 2018 tax structure work group:

(I) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(C) To analyze our economic competitiveness with border states:

(I) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (c)(vii)(C)(I) of this subsection;

(D) To analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(E) To the degree it is practicable, conduct tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(F) To the degree it is practicable, present findings and alternatives by geographic area, in addition to statewide; and

(G) Conduct other analysis as directed by the work group.

(3) $63,000 of the general fund—state appropriation for fiscal year 2020 and $7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(4) Within existing resources, the department must compile a report on the annual amount of state retail sales tax collected under chapter 82.08 RCW on sales occurring at area fairs and county fairs as described in RCW 15.76.120. The report must be submitted to the appropriate committees of the legislature by December 1, 2019.

(5) $4,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to implement 2020 revenue legislation.

(6) $47,000 of the business license account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6632 (business licensing services). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) By January 1, 2021, and by January 1st of each year thereafter, the department must notify the fiscal committees of the legislature of the amount of taxes collected on qualified transactions and paid to each compacting tribe in the prior fiscal year under Substitute Senate Bill No. 6601 or Substitute House Bill No. 2803 (Indian tribes compact/taxes).

(8) Within amounts appropriated in this section, the department shall update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department, in consultation with the aviation division of the Washington state department of transportation, shall develop and recommend a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department must submit a report, including the recommended methodology, to the fiscal committees of the legislature by January 11, 2021.

(9) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to evaluate long-term funding options to support the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060. The department must provide a report to the governor and appropriate committees of the legislature by June 30, 2021, with recommendations for funding options including but not limited to an impact fee on tickets sold for events held in major public facilities located adjacent to the geographic area established by the authority. In developing its recommendations, the department must consult with the authority, King county, the city of Seattle, and the owners and operators of major public facilities projects located adjacent to the geographic area established by the authority.

Sec. 1027. 2020 c 357 s 136 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2020) $2,543,000

General Fund—State Appropriation (FY 2021) ((~~$2,598,000~~))

$2,509,000

Pension Funding Stabilization Account—State

Appropriation $162,000

TOTAL APPROPRIATION ((~~$5,303,000~~))

$5,214,000

The appropriations in this section are subject to the following conditions and limitations: $30,000 of the general fund—state appropriation for fiscal year 2020 and $9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the board to continue maintaining its legacy case management software and conduct a feasibility study to determine how best to update or replace the case management software.

Sec. 1028. 2020 c 357 s 137 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund—State Appropriation (FY 2020) $109,000

General Fund—State Appropriation (FY 2021) $760,000

Minority and Women's Business Enterprises Account—

State Appropriation ((~~$5,352,000~~))

$5,272,000

TOTAL APPROPRIATION ((~~$6,221,000~~))

$6,141,000

The appropriations in this section are subject to the following conditions and limitations: $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of minority and women's business enterprises to enter into an interagency agreement with the Washington state department of transportation for the department to write a surety bonding program report. This report is due to the governor by December 1, 2020.

Sec. 1029. 2020 c 357 s 139 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account—State

Appropriation ((~~$60,101,000~~))

$56,504,000

TOTAL APPROPRIATION ((~~$60,101,000~~))

$56,504,000

Sec. 1030. 2020 c 357 s 140 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

General Fund—State Appropriation (FY 2020) $355,000

General Fund—State Appropriation (FY 2021) ((~~$566,000~~))

$378,000

General Fund—Federal Appropriation ((~~$3,035,000~~))

$3,018,000

General Fund—Private/Local Appropriation $75,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $11,649,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) ((~~$12,148,000~~))

$10,846,000

Pension Funding Stabilization Account—State

Appropriation $80,000

Liquor Revolving Account—State Appropriation ((~~$74,902,000~~))

$71,919,000

TOTAL APPROPRIATION ((~~$102,810,000~~))

$98,320,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) The traceability system is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) $70,000 of the liquor revolving account—state appropriation is provided solely to implement chapter 61, Laws of 2019 (SHB 1034) (restaurant/soju endorsement).

(4) $23,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and $23,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute House Bill No. 1794 (marijuana business agreements).

(5) $722,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and $591,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5318 (marijuana license compliance).

(6) $350,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and $350,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the board to hire additional staff for cannabis enforcement and licensing activities.

(7) $100,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely for the board to convene a work group to determine the feasibility of and make recommendations for varying the marijuana excise tax rate based on product potency. The work group must submit a report of its findings to the appropriate committees of the legislature by December 1, 2019.

(8) $71,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5006 (sale of wine by microbrewery). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) $178,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5549 (distillery marketing and sales). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) $56,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6392 (local wine industry license). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) $42,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6206 (marijuana compliance certification). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) $65,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2826 (marijuana vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) $348,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) $172,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6254 (vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) $30,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for the board to convene a task force on marijuana odor with members as provided in this subsection.

(a) The governor shall appoint seven members, who must include a representative from the following:

(i) The state liquor and cannabis board;

(ii) The department of ecology;

(iii) The department of health;

(iv) The Washington state department of agriculture;

(v) A state association of counties;

(vi) A state association of cities; and

(vii) A representative from the recreational marijuana community or a marijuana producer, processor, or retailer licensed by the state liquor and cannabis board.

(b) The task force shall choose its chair from among its membership. The state liquor and cannabis board shall convene the initial meeting of the task force.

(c) The task force shall review the following issues: The available and most appropriate ways or methods to mitigate, mask, conceal, or otherwise address marijuana odors and emissions and the potentially harmful impact of marijuana odors and emissions on people who live, work, or are located in close proximity to a marijuana production or processing facility, including but not limited to: (a) Filtering systems; (b) natural odor masking mechanisms or odor concealing mechanisms; (c) zoning and land use controls and regulations; and (d) changes to state laws and regulations including, but not limited to, laws and regulations related to nuisance and public health.

(d) Staff support for the task force must be provided by the board.

(e) Members of the task force are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(f) The task force must report its findings and recommendations to the governor and the majority and minority leaders of the two largest caucuses of the house of representatives and the senate by ((~~December 31, 2020~~)) June 30, 2021.

Sec. 1031. 2020 c 357 s 141 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund—State Appropriation (FY 2020) $173,000

General Fund—State Appropriation (FY 2021) $123,000

General Fund—Private/Local Appropriation ((~~$16,642,000~~))

$16,594,000

Public Service Revolving Account—State Appropriation ((~~$42,054,000~~))

$41,459,000

Public Service Revolving Account—Federal

Appropriation $230,000

Pipeline Safety Account—State Appropriation ((~~$2,571,000~~))

$2,544,000

Pipeline Safety Account—Federal Appropriation ((~~$4,163,000~~))

$4,134,000

TOTAL APPROPRIATION ((~~$65,956,000~~))

$65,257,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to $800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) $330,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency).

(3) $95,000 of the public service revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1512 (transportation electrification).

(4) $50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the commission to convene a work group on preventing underground utility damage. The work group is subject to the following requirements:

(a) The utilities and transportation commission shall contract with an independent facilitator for the work group to facilitate and moderate meetings, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance so that they respond in a timely manner, and synthesize agreements and points under negotiation.

(b) The work group shall discuss topics such as, but not limited to: How facility operators and excavators schedule meeting times and places; new requirements for marking locatable underground facilities; a definition of "noninvasive methods"; the procedures that must take place when an excavator discovers (and may or may not damage) an underground facility; positive response procedures; utility identification procedures for newly constructed and replacement underground facilities; the membership composition of the dig law safety committee; liability for damage occurring from an excavation when either the excavator or the facility operator fails to comply with the statutory requirements relating to notice requirements or utility marking requirements; and ensuring consistency with the pipeline and hazardous materials safety administration towards a uniform national standard.

(c) The work group shall include, but is not limited to, members representing cities, counties, public and private utility companies, construction and excavator communities, water-sewer districts, and other government entities with underground facilities.

(d) The work group shall meet a minimum of four times and produce a report with recommendations to the governor and legislature by December 1, 2019.

(5) $123,000 of the general fund—state appropriation for fiscal year 2020, $123,000 of the general fund—state appropriation for fiscal year 2021, and $814,000 of the public services revolving account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(6) $14,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions).

(7) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5511 (broadband service).

(8) $580,000 of the public service revolving account—state appropriation and $15,000 of the pipeline safety account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2518 (natural gas transmission). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

Sec. 1032. 2020 c 357 s 142 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2020) $10,101,000

General Fund—State Appropriation (FY 2021) ((~~$11,403,000~~))

$10,946,000

General Fund—Federal Appropriation ((~~$119,228,000~~))

$118,866,000

Enhanced 911 Account—State Appropriation ((~~$43,746,000~~))

$43,688,000

Disaster Response Account—State Appropriation ((~~$49,998,000~~))

$56,148,000

Disaster Response Account—Federal Appropriation ((~~$134,058,000~~))

$138,300,000

Military Department Rent and Lease Account—State

Appropriation $1,066,000

Military Department Active State Service Account—

State Appropriation $400,000

Oil Spill Prevention Account—State Appropriation $1,040,000

Worker and Community Right to Know Fund—State

Appropriation ((~~$1,849,000~~))

$1,814,000

Pension Funding Stabilization Account—State

Appropriation $1,244,000

TOTAL APPROPRIATION ((~~$374,133,000~~))

$383,613,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2019-2021 biennium based on current revenue and expenditure patterns.

(2) $40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) $625,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $625,000 of the general fund-state appropriation for fiscal year 2021 are~~)) is provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) $11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(5) $784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(6) $100,000 of the enhanced 911 account—state appropriation is provided solely for the department, in collaboration with a representative group of counties, public service answering points, and first responder organizations, to submit a report on the

911 system to the appropriate legislative committees by October 1, 2020. The report must include:

(a) The actual cost per fiscal year for the state, including all political subdivisions, to operate and maintain the 911 system including, but not limited to, the ESInet, call handling equipment, personnel costs, facility costs, contractual costs, administrative costs, and legal fees.

(b) The difference between the actual state and local costs and current state and local 911 funding.

(c) Potential cost-savings and efficiencies through the consolidation of equipment, regionalization of services or merging of facilities, positive and negative impacts on the public, legal or contractual restrictions, and appropriate actions to alleviate these constraints.

(7) $118,000 of the general fund—state appropriation for fiscal year 2020 and $118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5012 (governmental continuity).

(8) $659,000 of the general fund—state appropriation for fiscal year 2020 and $2,087,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install thirty-nine all-hazard alert broadcast sirens to increase inundation zone coverage to alert individuals of an impending tsunami or other disaster.

(9) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install seismic monitoring stations and global navigation satellite systems that integrate with the early warning system known as ShakeAlert.

(10) $120,000 of the general fund—state appropriation for fiscal year 2020 and $120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to support an education and public outreach program in advance of the new early earthquake warning system known as ShakeAlert.

(11) $80,000 of the general fund—state appropriation for fiscal year 2020 and $23,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing Substitute Senate Bill No. 5106 (natural disaster mitigation).

(12) $200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staffing.

(13) $251,000 of the military department rental and lease account—state appropriation is provided solely for the maintenance and operation, including equipment replacement, of the communications infrastructure at camp Murray.

(14) $11,092,000 of the disaster response account—federal appropriation is provided solely for agency costs for acquiring personal protective equipment shown in LEAP omnibus document 2021-FEMA PPE supplemental, dated March 26, 2021. The department must coordinate with the agencies who have costs listed in LEAP omnibus document 2021-FEMA PPE supplemental, dated March 26, 2021, to ensure application to the federal emergency management agency for reimbursement.

(15)(a) Within amounts appropriated in this act, the department must coordinate with the department of commerce in the administration of the grant program created in section 1019(112) of this act.

(b) If the federal emergency management agency provides reimbursement for any portion of the costs incurred by a city or county that were paid for using state grant funding provided under section 1019(112) of this act, the military department shall remit the reimbursed funds to the state general fund.

(c) The department must provide technical assistance for the public assistance program application process to applicants to the grant program created in section 1019(112) of this act.

Sec. 1033. 2020 c 357 s 143 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2020) $2,237,000

General Fund—State Appropriation (FY 2021) ((~~$2,291,000~~))

$2,238,000

Personnel Service Account—State Appropriation ((~~$4,343,000~~))

$4,291,000

Higher Education Personnel Services Account—State

Appropriation ((~~$1,412,000~~))

$1,394,000

Pension Funding Stabilization Account—State

Appropriation $228,000

TOTAL APPROPRIATION ((~~$10,511,000~~))

$10,388,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $122,000 of the general fund—state appropriation for fiscal year 2020 and $112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1575 (collective bargaining/dues).

(2) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5022 (granting interest arbitration to certain higher education uniformed personnel).

(3) $56,000 of the personnel service account—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2017 (admin. law judge bargaining). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1034. 2020 c 357 s 144 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account—State

Appropriation ((~~$3,833,000~~))

$3,786,000

TOTAL APPROPRIATION ((~~$3,833,000~~))

$3,786,000

Sec. 1035. 2020 c 357 s 147 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund—State Appropriation (FY 2020) $4,810,000

General Fund—State Appropriation (FY 2021) ((~~$6,324,000~~))

$6,361,000

General Fund—Private/Local Appropriation $102,000

Building Code Council Account—State Appropriation ((~~$1,966,000~~))

$1,945,000

TOTAL APPROPRIATION ((~~$13,202,000~~))

$13,218,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $4,343,000 of the general fund—state appropriation for fiscal year 2020 and $4,354,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in

fiscal years 2020 and 2021 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments $1,500,000 in fiscal year 2020 and $1,300,000 in fiscal year 2021.

(5) $100,000 of the general fund—state appropriation in fiscal year 2020 and $100,000 of the general fund—state appropriation in fiscal year 2021 is provided solely for the agency to procure cyber incident insurance on behalf of forty-three small to medium sized agencies that are currently without this coverage.

(6)(a) During the 2019-2021 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) $10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to query and inventory all state agency use and amounts of glyphosate. Within amounts provided, the department must offer to pay to state agencies the difference in costs for using alternatives for vegetation control. A report to the appropriate committees of the legislature on the findings of the query and inventory must be made by December 31, 2019.

(8)(a) $45,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $70,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely for a legislative work group to study and make recommendations on a monument on the capital campus to honor residents who died in the global war in terror. The department of enterprise services must staff the work group, which shall be composed of:

(i) One member from each of the four major caucuses of the legislature;

(ii) The director of the department of veterans affairs or his or her designee;

(iii) The director of the Washington state parks and recreation commission or his or her designee;

(iv) The director of the department of enterprise services or his or her designee;

(v) The director of the Washington state military department or his or her designee;

(vi) The secretary of state or his or her designee;

(vii) The state archivist or his or her designee;

(viii) A representative of the capitol campus design advisory committee that is not the secretary of state or a legislative member already designated to be part of the work group; and

(ix) Two representatives from veterans organizations appointed by the governor.

(b) The work group shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the work group before November 1, 2019.

(c) The work group shall:

(i) Conduct a study of the feasibility of establishing a new memorial on the capitol campus to honor fallen service members from the global war on terrorism;

(ii) Provide the names of the recommended individuals to be honored at the memorial;

(iii) Recommend locations where the memorial could be constructed on the capitol campus and provide any permit requirements or other restrictions that may exist for each location;

(iv) Provide potential draft designs that could be used for the memorial;

(v) Provide information regarding the anticipated funding needed for:

(A) The design, construction, and placement of the memorial;

(B) Any permits that may be required;

(C) Anticipated ongoing maintenance cost for the memorial based on potential materials used and historical maintenance of other memorials on campus; and

(D) An unveiling ceremony or other expenses that may be necessary for the memorial;

(vi) Make recommendations regarding the funding sources that may be available, which may include solicitation of private funds or a method for obtaining the necessary funds; and

(vii) Make recommendations regarding an agency, committee, or commission to coordinate the design, construction, and placement of a memorial on the capitol campus.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(e) The work group shall submit a report of its recommendations to the appropriate committees of the legislature in accordance with RCW 43.01.036 by June 30, 2021.

(9)(a) Within existing resources, beginning October 31, 2019, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year to include contract spending projections for each ensuing state fiscal year through the contract term, and type of service delivered. The list of contracts must be provided electronically in excel and sortable by all fields.

(b) In determining the type of service delivered, groupings must include agreed upon items by the department, the office of the chief information officer, senate fiscal staff, and house fiscal staff. This grouping criteria must be agreed upon by August 31, 2019.

(10) The department must use any new resources provided for civic education solely for the free-to-schools civic education program.

(11) Within existing resources, the department must study the increase in

tort claims filed generally and with a specific focus on the increase in tort claims filed and payouts made against the department of children, youth, and families. The study must include an assessment of the source of the payouts, such as jury awards, court judgments, mediation, and arbitration awards. The department should determine the root cause for these increases and develop recommendations on how to reduce the number of tort claims filed and payouts made. The department must coordinate its work with the department of children, youth, and families and the office of the attorney general. A report must be provided to the office of financial management and the appropriate committees of the legislature by November 1, 2020.

(12) In collaboration with the office of the governor, the department will add a diversity, equity, and inclusion training module to the learning management system by June 30, 2021.

(13) $447,000 of the building code council account—state appropriation is provided solely for an economic study, additional staffing for the council, and to upgrade the web site. Upgrading the web site is subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 1036. 2020 c 357 s 148 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State Appropriation (FY 2020) $2,133,000

General Fund—State Appropriation (FY 2021) ((~~$2,328,000~~))

$2,286,000

General Fund—Federal Appropriation ((~~$2,300,000~~))

$2,284,000

General Fund—Private/Local Appropriation $14,000

Pension Funding Stabilization Account—State

Appropriation $136,000

TOTAL APPROPRIATION ((~~$6,911,000~~))

$6,853,000

The appropriations in this section are subject to the following conditions and limitations: $103,000 of the general fund—state appropriation for fiscal year 2020 and $103,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

Sec. 1037. 2020 c 357 s 149 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund—State Appropriation (FY 2020) $188,000

General Fund—State Appropriation (FY 2021) $188,000

Consolidated Technology Services Revolving Account—

State Appropriation ((~~$29,522,000~~))

$29,238,000

TOTAL APPROPRIATION ((~~$29,898,000~~))

$29,614,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $11,468,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) $1,663,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are ((~~subject to the provisions of section 701 of this act~~)) under oversight from the office of the chief information officer. The staff or vendors will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or

past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least quarterly, beginning July 1, 2020; and

(iii) Beginning December 31, 2019, provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects.

(b)(i) $250,000 of the consolidated technology services revolving account—state appropriation is provided solely to ensure that the state has a more nimble, extensible information technology dashboard. Dashboard elements must include at the minimum:

(A) Start date of the project;

(B) End date of the project when the project will close out and implementation will occur;

(C) Term of the project in fiscal years across all biennia to reflect the start of the project through the end of the project;

(D) Total project cost from start date through end date in total dollars, and a subtotal of near general fund outlook;

(E) Estimated annual fiscal year cost for maintenance and operations after implementation and close out;

(F) Actual spend by fiscal year and in total for fiscal years that are closed; and

(G) Date a feasibility study was completed.

(ii) The office of the chief information officer may recommend additional elements be included but must have agreement with legislative fiscal committees and the office of financial management prior to including the additional elements.

(c) The agency must ensure timely posting of project data on the information technology dashboard for at least each project funded in the budget to include, at a minimum, posting on the new dashboard:

(i) The budget funded level by project for each project within thirty calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2019, by June 30, 2020, for all projects that started prior to July 1, 2019; and

(iii) Whether each project has completed a feasibility study, by June 30, 2020.

(2) $13,001,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security. Of this amount:

(a) $800,000 of the consolidated technology services revolving account—state appropriation is provided solely for the computer emergency readiness to review security designs of computer systems and to complete security evaluations of state agency systems and applications to identify vulnerabilities and opportunities for system hardening.

(b) $768,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to decrypt network traffic to identify and evaluate network traffic for malicious activity and threats, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(c) $608,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to complete cyber security designs for new platforms, databases, and applications.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) $750,000 of the consolidated technology services revolving account—state appropriation is provided for the office to conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs. The assessment must:

(a) Inventory state agency assets, associated service contracts, and other relevant information;

(b) Identify impacts to state agency staffing resulting from the migration to cloud computing including:

(i) Skill gaps between current on-premises computing practices and how cloud services are procured, secured, administered, maintained, and developed; and

(ii) Necessary retraining and ongoing training and development to ensure state agency staff maintain the skills necessary to effectively maintain information security and understand changes to enterprise architectures;

(c) Identify additional resources needed by the agency to enable sufficient cloud migration support to state agencies; and

(d) Be submitted as a report, by June 30, 2020, to the governor and the appropriate committees of the legislature that summarizes statewide cloud migration readiness and makes recommendations for migration goals.

(9) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and

future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(10) $4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

Sec. 1038. 2020 c 357 s 150 (uncodified) is amended to read as follows:

FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Professional Engineers' Account—State Appropriation ((~~$5,534,000~~))

$5,494,000

TOTAL APPROPRIATION ((~~$5,534,000~~))

$5,494,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~$4,172,000~~)) $4,014,000 of the professional engineers' account—state appropriation is provided solely for implementation of House Bill No. 1176 (businesses and professions).

(2) $1,480,000 of the professional engineers' account—state appropriation is provided solely for the business and technology modernization project pursuant to an interagency agreement with the department of licensing and is subject to the conditions, limitations, and review provided in section 701 of this act.

PART XI

HUMAN SERVICES

SUPPLEMENTAL

Sec. 1101. 2020 c 357 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the

geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, ((~~2020~~)) 2021, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ((~~2020~~)) 2021 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ((~~2020~~)) 2021 in response to

the COVID-19 pandemic or caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(c) The department may not transfer appropriations from any other program or subprogram to the mental health program. Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose as needed to fund actual expenditures through the end of fiscal year ((~~2020~~)) 2021.

(d) The department may not transfer appropriations for the developmental disabilities program to any other program or subprograms of the department of social and health services.

Sec. 1102. 2020 c 357 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020) $423,815,000

General Fund—State Appropriation (FY 2021) ((~~$440,131,000~~))

$433,624,000

General Fund—Federal Appropriation ((~~$119,930,000~~))

$124,212,000

General Fund—Private/Local Appropriation ((~~$26,965,000~~))

$21,758,000

Pension Funding Stabilization Account—State

Appropriation $33,300,000

TOTAL APPROPRIATION ((~~$1,044,141,000~~))

$1,036,709,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) $311,000 of the general fund—state appropriation for fiscal year 2020 and $310,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) $45,000 of the general fund—state appropriation for fiscal year 2020 and $45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) $19,000 of the general fund—state appropriation for fiscal year 2020 and $19,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city

must submit a proposal to the department for a community policing program for eastern state hospital and adjacent areas by September 30, 2019.

(e) $135,000 of the general fund—state appropriation for fiscal year 2020 and $135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2019 and December 1, 2020.

(g) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. The department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health entities.

(ii) The model for civil and forensic state hospital bed need must be developed and updated in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The department must submit a report to the legislature by October 1, 2019, with an update of the model and the estimated civil and forensic state hospital bed need by November 1, 2020, and each November 1st thereafter through the end of fiscal year 2027. The department must continue to

update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(h) $2,097,000 of the general fund—state appropriation for fiscal year 2020 and $3,084,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(i) $6,450,000 of the general fund—state appropriation for fiscal year 2020 and $7,147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 and further increase the number of staff providing competency evaluation services. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase the number of forensic evaluators pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) $56,441,000 of the general fund—state appropriation for fiscal year 2020, $63,159,000 of the general fund—state appropriation for fiscal year 2021, and $2,127,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain increases that began in fiscal year 2016 and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase forensic bed capacity at the state hospitals pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(k) $86,601,000 of the general fund—state appropriation for fiscal year 2020 and $86,705,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees.

(i) The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities and that is informed by a review of the Oregon state hospital staffing model.

(ii) Within these amounts, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted

facilities providing forensic restoration services as well as the office of forensic mental health services. By December 1, 2019, the department and hospital staffing committees must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (A) Progress in implementing the acuity based staffing tool; (B) a comparison of average monthly staffing expenditures to budgeted staffing levels and to the recommended state hospital staffing plan by function and at the ward level; and (C) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to provide budget oversight and accountability and inform and prioritize future budget requests for staffing at the state hospitals.

(iii) The department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature that include monitoring of monthly spending, staffing levels, overtime and use of locums compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include an update from the hospital staffing committees.

(iv) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within thirty days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within thirty days of granting such authorizations and identify the reason and time frame for the extension.

(l) $11,285,000 of the general fund—state appropriation for fiscal year 2020 and $10,581,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for implementing a new intensive care model program at western state hospital. Remaining amounts may be used for enclosure of nursing stations, increasing the number of security guards, and provision of training on patient and staff safety. The department must provide implementation reports to the office of financial management and the appropriate committees of the legislature as follows:

(i) A report must be submitted by December 1, 2019, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and preliminary information on outcomes associated with the program. The outcomes section should include tracking data on facility wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(ii) A report must be submitted by December 1, 2020, which provides an update on the implementation of the intensive care model, any changes that have occurred, and updated information on the outcomes associated with implementation of the program.

(m) ((~~$4,262,000~~)) $2,658,000 of the general fund—state appropriation for fiscal year 2021 ((~~and $2,144,000 of the general fund—federal appropriation are~~)) is provided solely to open a new unit at the child study treatment center which shall serve up to eighteen children.

(n) $2,593,000 of the general fund—state appropriation for fiscal year 2020 and $2,593,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

((~~(p)~~)) (o) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per ten thousand patient bed days; (iv) monthly dollar expenditures per ten thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per 10,000 bed days; (x) rate of patient assaults per 10,000 bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by November 1, 2020, and provide annual updates thereafter.

((~~(q)~~)) (p) $1,660,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to repair, replace, or upgrade failing infrastructure at western and eastern state hospitals.

((~~(r)~~)) (q) $1,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020) $5,812,000

General Fund—State Appropriation (FY 2021) ((~~$5,736,000~~))
$5,912,000

General Fund—Federal Appropriation $315,000

TOTAL APPROPRIATION ((~~$11,863,000~~))
$12,039,000

Sec. 1103. 2020 c 357 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1)(a) The appropriations to the department of social and health services in this section must be expended for the programs and in the amounts specified in this section. However, after May 1, ((~~2020~~)) 2021, unless prohibited by this act, the department may transfer appropriations for fiscal year ((~~2020~~)) 2021 among programs and subprograms of this section after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ((~~2020~~)) 2021 in response to the COVID-19 pandemic or caseload forecasts and utilization assumptions in the developmental disabilities program, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(2) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2020) $732,559,000

General Fund—State Appropriation (FY 2021) ((~~$810,256,000~~))

$726,676,000

General Fund—Federal Appropriation ((~~$1,579,826,000~~))

$1,625,497,000

General Fund—Private/Local Appropriation $4,024,000

Pension Funding Stabilization Account—State

Appropriation $6,364,000

Developmental Disability Community Trust Account—

State Appropriation $1,000,000

TOTAL APPROPRIATION ((~~$3,134,029,000~~))

$3,096,120,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is $225 per bed beginning in fiscal year 2020 and $225 per bed beginning in fiscal year 2021. A processing fee of $2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of $700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is $116 per bed beginning in fiscal year 2020 and $116 per bed beginning in fiscal year 2021.

(iii) The current annual renewal license fee for nursing facilities is $359 per bed beginning in fiscal year 2020 and $359 per bed beginning in fiscal year 2021.

(c) $7,527,000 of the general fund—state appropriation for fiscal year 2020, $16,092,000 of the general fund—state appropriation for fiscal year 2021, and $29,989,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(d) $1,058,000 of the general fund—state appropriation for fiscal year 2020, $2,245,000 of the general fund—state appropriation for fiscal year 2021, and $4,203,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) $1,705,000 of the general fund—state appropriation for fiscal year 2020, $1,688,000 of the general fund—state

appropriation for fiscal year 2021, and $1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of thirteen enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) $2,025,000 of the general fund—state appropriation for fiscal year 2020 and $2,006,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development and implementation of thirteen community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) $4,005,000 of the general fund—state appropriation for fiscal year 2020, $6,084,000 of the general fund—state appropriation for fiscal year 2021, and $9,826,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (i)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (i)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(j) $1,029,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for state-operated behavioral health group training homes for clients with developmental disabilities who require a short-term placement for crisis stabilization following a hospital stay. The developmental disabilities administration shall research and assess options to claim federal medicaid funds for state-operated behavioral health group training homes and report its findings to the governor and appropriate legislative committees by December 1, 2019.

(k) $605,000 of the general fund—state appropriation for fiscal year 2020, $1,627,000 of the general fund—state appropriation for fiscal year 2021, and $1,797,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately three hundred fifty additional clients are anticipated to graduate from high school during the 2019-2021 fiscal biennium and will receive employment services under this expansion.

(l) $20,243,000 of the general fund—state appropriation for fiscal year 2020, $44,855,000 of the general fund—state appropriation for fiscal year 2021, and $63,822,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection (1)(l) include funding to increase the rate by 13.5 percent effective January 1, 2020, and by 1.8 percent effective January 1, 2021. The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

(m) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to establish parent-to-parent programs for parents of children with developmental disabilities in Ferry, Pend Oreille, Stevens, San Juan, and Wahkiakum counties.

(n) $401,000 of the general fund—state appropriation for fiscal year 2020, $424,000 of the general fund—state appropriation for fiscal year 2021, and $1,043,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(o) $3,626,000 of the general fund—state appropriation for fiscal year 2020, $4,757,000 of the general fund—state appropriation for fiscal year 2021, and $10,444,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(p) $63,000 of the general fund—state appropriation for fiscal year 2020, $44,000 of the general fund—state appropriation for fiscal year 2021, and $106,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in section 701 of this act.

(q) $13,000 of the general fund—state appropriation for fiscal year 2020, $20,000 of the general fund—state appropriation for fiscal year 2021, and $23,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199).

(r) $153,000 of the general fund—state appropriation for fiscal year 2020, $356,000 of the general fund—state appropriation for fiscal year 2021, and $643,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and for a rate add-on to providers that serve sixty percent or more medicaid clients.

(s) $193,000 of the general fund—state appropriation for fiscal year 2020, $385,000 of the general fund—state appropriation for fiscal year 2021, and $654,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for nurse delegation, private duty nursing, and supported living nursing services.

(t) $3,490,000 of the general fund—local appropriation and $3,490,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is $847 per client in fiscal year 2020 and $859 per client in fiscal year 2021. The annual certification renewal fee may not exceed

the department's annual licensing and oversight activity costs.

(u) The appropriations in this section include sufficient funding to implement Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

(v) $100,000 of the general fund—state appropriation for fiscal year 2020, $95,000 of the general fund—state appropriation for fiscal year 2021, and $195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(w) $4,886,000 of the general fund—state appropriation for fiscal year 2020, $7,150,000 of the general fund—state appropriation for fiscal year 2021, and $11,894,000 of the general fund—federal appropriation are provided solely to complete the three-year phase in of forty-seven clients from residential habilitation centers to state operated living alternatives.

(x) $2,279,000 of the general fund—state appropriation for fiscal year 2020, $2,279,000 of the general fund—state appropriation for fiscal year 2021, and $4,558,000 of the general fund—federal appropriation are provided solely for additional staffing resources for the transition of clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to state operated living alternatives to address deficiencies identified by the centers for medicare and medicaid services.

(y) $51,000 of the general fund—state appropriation for fiscal year 2020, $108,000 of the general fund—state appropriation for fiscal year 2021, and $203,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019, and by an additional five cents per hour effective July 1, 2020.

(z) $1,798,000 of the general fund—state appropriation for fiscal year 2020, $2,422,000 of the general fund—state appropriation for fiscal year 2021, and $4,219,000 of the general fund—federal appropriation are provided solely for state-operated living alternative homes.

(i) Of the amounts provided in this subsection, $480,000 of the general fund—state appropriation for fiscal year 2020, $646,000 of the general fund—state appropriation for fiscal year 2021, and $1,125,000 of the general fund—federal appropriation are provided solely to place residents in transition from the Rainier PAT A intermediate care facility.

(ii) Of the amounts provided in this subsection, $420,000 of the general fund—state appropriation for fiscal year 2020, $565,000 of the general fund—state appropriation for fiscal year 2021, and $985,000 of the general fund—federal appropriation are provided solely to place developmental disability administration clients upon discharge from a hospital stay when the clients' previous providers are unable to manage the clients' care needs.

(aa) $75,000 of the general fund—state appropriation for fiscal year 2021 and $96,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(bb) $60,000 of the general fund—state appropriation for fiscal year 2020, $120,000 of the general fund—state appropriation for fiscal year 2021, and $120,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6419 (habilitation center clients). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(cc) $145,000 of the general fund—state appropriation for fiscal year 2020, $146,000 of the general fund—state appropriation for fiscal year 2021, and $214,000 of the general fund—federal appropriation are provided solely to review the no-paid services caseload pursuant to Engrossed Substitute Senate Bill No. 6040 (developmental disability budgeting).

(dd) $6,000 of the general fund—state appropriation for fiscal year 2021 and $4,000 of the general fund—federal appropriation are provided solely for a

cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(ee) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020) $119,274,000

General Fund—State Appropriation (FY 2021) ((~~$120,754,000~~))

$106,070,000

General Fund—Federal Appropriation ((~~$233,430,000~~))

$237,164,000

General Fund—Private/Local Appropriation $27,041,000

Pension Funding Stabilization Account—State

Appropriation $11,396,000

TOTAL APPROPRIATION ((~~$511,895,000~~))

$500,945,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) $495,000 of the general fund—state appropriation for fiscal year 2020 and $495,000 of the general fund—state appropriation for fiscal year 2021 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) $830,000 of the general fund—state appropriation for fiscal year 2020 and $135,000 of the general fund—federal appropriation are provided solely for the loss of federal revenue and the transition of residents due to the decertification of the Rainier school PAT A intermediate care facility by the centers for medicare and medicaid services in calendar year 2019. It is the intent of the legislature that the developmental disabilities administration complete the transitions of Rainier PAT A residents by September 2019.

(e) $3,455,000 of the general fund—state appropriation for fiscal year 2020, $3,455,000 of the general fund—state appropriation for fiscal year 2021, and $6,910,000 of the general fund—federal appropriation are provided solely for additional staffing resources for clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services and to gather information for the 2020 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral third party to continue the facilitation of meetings and discussions about how to support appropriate levels of care for residential habilitation center clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, the longer-term issues identified in the January 2019 report to the legislature, including shifting care and staffing needs, crisis stabilization, alternative uses of residential habilitation center campus, and transforming adult family homes. An agreed-upon preferred longer term vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2019. The report must describe the policy rationale,

implementation plan, timeline, and recommended statutory changes for the preferred long-term vision.

(ii) The parties invited to participate in the meetings and discussions must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employees international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services;

(I) One member from the aging and long term support administration within the department of social and health services; and

(J) Two members who are family members or guardians of current residential habilitation center residents.

(K) Staff support for the work group must be provided by the department of social and health services.

(4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020) $2,536,000

General Fund—State Appropriation (FY 2021) $2,640,000

General Fund—Federal Appropriation $3,203,000

Pension Funding Stabilization Account—State

Appropriation $270,000

TOTAL APPROPRIATION $8,649,000

(5) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2020) $62,000

General Fund—State Appropriation (FY 2021) ((~~$62,000~~))

$65,000

General Fund—Federal Appropriation ((~~$1,092,000~~))

$1,095,000

Pension Funding Stabilization Account—State

Appropriation $4,000

TOTAL APPROPRIATION ((~~$1,220,000~~))

$1,226,000

Sec. 1104. 2020 c 357 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund—State Appropriation (FY 2020) $1,320,605,000

General Fund—State Appropriation (FY 2021) ((~~$1,482,768,000~~))

$1,320,974,000

General Fund—Federal Appropriation ((~~$3,457,726,000~~))

$3,550,492,000

General Fund—Private/Local Appropriation $37,729,000

Traumatic Brain Injury Account—State Appropriation $4,558,000

Skilled Nursing Facility Safety Net Trust Account—

State Appropriation $133,360,000

Pension Funding Stabilization Account—State

Appropriation $12,392,000

Long-Term Services and Supports Trust Account—State

Appropriation $2,937,000

TOTAL APPROPRIATION ((~~$6,452,075,000~~))

$6,383,047,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed $229.10 for fiscal year 2020 and may not exceed $250.71 for fiscal year 2021.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is $225 per bed beginning in fiscal year 2020 and $225 per bed beginning in fiscal year 2021. A processing fee of $2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of $700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is $116 per bed beginning in fiscal year 2020 and $116 per bed beginning in fiscal year 2021.

(c) The current annual renewal license fee for nursing facilities is $359 per bed beginning in fiscal year 2020 and $359 per bed beginning in fiscal year 2021.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) $1,858,000 of the general fund—state appropriation for fiscal year 2020 and $1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) $15,748,000 of the general fund—state appropriation for fiscal year 2020, $33,024,000 of the general fund—state appropriation for fiscal year 2021, and $62,298,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(6) $6,320,000 of the general fund—state appropriation for fiscal year 2020, $13,142,000 of the general fund—state appropriation for fiscal year 2021, and $24,768,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(7) $5,094,000 of the general fund—state appropriation for fiscal year 2020 and $5,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be $900 for each facility.

(10) $479,000 of the general fund—state appropriation for fiscal year 2020 and $479,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(12) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be

reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(13) $315,000 of the general fund—state appropriation for fiscal year 2020, $315,000 of the general fund—state appropriation for fiscal year 2021, and $630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(14) $135,000 of the general fund—state appropriation for fiscal year 2020, $135,000 of the general fund—state appropriation for fiscal year 2021, and $270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(15)(a) No more than $79,799,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than $2,525,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes.

The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(16) $13,303,000 of the general fund—state appropriation for fiscal year 2020, $15,891,000 of the general fund—state appropriation for fiscal year 2021, and $36,390,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(17) $40,000 of the general fund—state appropriation for fiscal year 2020, $40,000 of the general fund—state appropriation for fiscal year 2021, and $80,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(18) $428,000 of the general fund—state appropriation for fiscal year 2020, $1,761,000 of the general fund—state appropriation for fiscal year 2021, and $2,520,000 of the general fund—federal appropriation are provided solely for

case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(19) $117,000 of the general fund—state appropriation for fiscal year 2020 and $116,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(20) $18,000 of the traumatic brain injury account—state appropriation is provided solely to implement Substitute House Bill No. 1532 (domestic violence TBIs).

(21) $543,000 of the general fund—state appropriation for fiscal year 2020, $495,000 of the general fund—state appropriation for fiscal year 2021, and $1,038,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in section 701 of this act. Of the amounts provided in this subsection, $75,000 of the general fund—state appropriation in fiscal year 2020 and $75,000 of the general fund—federal appropriation are provided solely for a feasibility study of information technology solutions for an asset verification system. The feasibility study shall consider the department's existing case management systems that may be required to interface with the asset verification system. The department shall work with the health care authority to develop a long-term strategy for an asset verification system that complies with federal requirements, maximizes efficient use of staff time, supports accurate client financial eligibility determinations, and incorporates relevant findings from the feasibility study, and shall report its findings and recommendation to the governor and appropriate legislative committees no later than December 1, 2019.

(22) $2,937,000 of the long-term services and supports trust account—state appropriation is provided solely to implement Second Substitute House Bill No. 1087 (long-term services and support). Of the amounts provided in this subsection, $717,000 is provided solely for a contract with the state actuary.

(23) $2,373,000 of the general fund—state appropriation for fiscal year 2020,

$2,459,000 of the general fund—state appropriation for fiscal year 2021, and $6,215,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(24) $727,000 of the general fund—state appropriation for fiscal year 2020, $1,455,000 of the general fund—state appropriation for fiscal year 2021, and $2,469,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for in-home skilled nursing services, nurse delegation, in-home private duty nursing, and adult family home private duty nursing.

(25) $3,353,000 of the general fund—local appropriation and $1,055,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is $847 per client in fiscal year 2020 and $859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(26) $17,481,000 of the general fund—state appropriation for fiscal year 2020, $28,471,000 of the general fund—state appropriation for fiscal year 2021, and $41,031,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(27) $1,344,000 of the general fund—state appropriation for fiscal year 2020 and $1,344,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship care support program.

(28) $306,000 of the general fund—state appropriation for fiscal year 2020, $317,000 of the general fund—state appropriation for fiscal year 2021, and $794,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019.

(29) $94,000 of the general fund—state appropriation for fiscal year 2020 and $94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to establish a pilot project to provide personal care services to homeless seniors and persons with disabilities from the time the person presents at a shelter to the time the person becomes

eligible for medicaid personal care services.

(a) The department shall contract with a single nonprofit organization that provides personal care services to homeless persons and operates a twenty-four hour homeless shelter, and that is currently partnering with the department to bring medicaid personal care services to homeless seniors and persons with disabilities.

(b) The department shall submit a report by December 1, 2020, to the governor and appropriate legislative committees. The report shall address findings and outcomes of the pilot and recommendations.

(30) $3,669,000 of the general fund—state appropriation for fiscal year 2020, $8,543,000 of the general fund—state appropriation for fiscal year 2021, and $15,434,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and to provide a rate add-on to providers that serve sixty percent or more medicaid clients.

(31) $375,000 of the general fund—state appropriation for fiscal year 2020, $637,000 of the general fund—state appropriation for fiscal year 2021, and $1,016,000 of the general fund—federal appropriation are provided solely to increase rates for adult day health and adult day care providers effective July 1, 2019, and to increase rates by 6 percent effective July 1, 2020.

(32) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

(33) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

((~~(35)~~)) (34) $439,000 of the general fund—state appropriation for fiscal year 2021 and $559,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(36)~~)) (35) The appropriations in this section include sufficient funding to implement Engrossed Substitute House Bill No. 1023 (adult family homes/8 beds). A nonrefundable fee of $455 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

((~~(39)~~)) (36) $77,000 of the general fund—state appropriation for fiscal year 2021 and $76,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6205 (long-term care workers). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(40)~~)) (37) $17,000 of the general fund—state appropriation for fiscal year 2021 and $12,000 of the general fund—federal appropriation is provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(38) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(39) $21,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to begin phasing in personal care services for up to 20 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this

subsection for such clients in acute care hospitals who are also on the department's wait list for services.

Sec. 1105. 2020 c 357 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund—State Appropriation (FY 2020) $354,021,000

General Fund—State Appropriation (FY 2021) ((~~$364,531,000~~))

$336,993,000

General Fund—Federal Appropriation ((~~$1,460,971,000~~))

$1,450,767,000

General Fund—Private/Local Appropriation $5,416,000

Domestic Violence Prevention Account—State

Appropriation $2,404,000

Pension Funding Stabilization Account—State

Appropriation $26,349,000

Administrative Contingency Account—State

Appropriation $4,000,000

TOTAL APPROPRIATION ((~~$2,217,692,000~~))

$2,179,950,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) $67,875,000 of the general fund—state appropriation for fiscal year 2020, ((~~$68,063,000~~)) $58,553,000 of the general fund—state appropriation for fiscal year 2021, ((~~$835,701,000~~)) $853,460,000 of the general fund—federal appropriation, $4,000,000 of the administrative contingency account—state appropriation, and $5,585,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b)(i) ((~~$265,980,000~~)) $294,745,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(ii) Of the amounts in (a) of this subsection, $1,213,000 of the general fund—state appropriation for fiscal year 2020 and $989,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(iii) Of the amounts in (a) of this subsection, $134,000 of the general fund—state appropriation for fiscal year 2021 and $2,553,000 of the general fund—federal appropriation are provided solely for the temporary suspension of mid-certification reviews and extension of eligibility reviews between November 2020 and June 2021 for the temporary assistance for needy families program.

(c)(i) ((~~$155,622,000~~)) $138,803,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection

(1)(c), the department shall implement the working family support program.

(ii) ((~~$2,430,000~~)) $1,819,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) Of the amounts in (a) of this subsection, $864,000 of the general fund—state appropriation for fiscal year 2020 and $649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(d) Of the amounts in (a) of this subsection, $353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families. The department shall work in collaboration with the department of children, youth, and families to track the average monthly child care subsidy caseload and expenditures by fund type including the child care development fund, general fund—state, and the temporary assistance for needy families grant for the purpose of estimating the monthly temporary assistance for needy families grant reimbursement.

(e) Of the amounts in (a) of this subsection, $68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f)(i) ((~~$137,723,000~~)) $133,196,000 of the amounts in (1)(a) of this section is for WorkFirst administration and overhead.

(ii) Of the amounts in (a) of this subsection, $218,000 of the general fund—state appropriation for fiscal year 2020 and $39,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(iii) Of the amount in (f) of this subsection, $284,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6478 (economic assistance programs). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(iv) Of the amount in (f) of this subsection, $291,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2441 (TANF access). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to ten percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by

source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(j) In the 2019-2021 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) $2,545,000 of the general fund—state appropriation for fiscal year 2020 and $2,546,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for naturalization services.

(3) $2,366,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for employment services for refugees and immigrants, of which $1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and $2,366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for employment services for refugees and immigrants, of which $1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2020, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7)(a) $3,682,000 of the general fund—state appropriation for fiscal year 2020((~~, $1,344,000 of the general fund—state appropriation for fiscal year 2021,~~)) and ((~~$10,333,000~~)) $7,485,000 of the general fund—federal appropriation are provided solely for the continuation of the ESAR project and implementation of a disaster recovery plan.

(b) $898,000 of the general fund—state appropriation for fiscal year 2021 and $1,803,000 of the general fund—federal appropriation are provided solely for the termination of the ESAR project.

(c) The funding in this section is subject to the conditions, limitations, and review provided in section 701 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for

veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operational support of the Washington information network 211 organization.

(10) $748,000 of the general fund—state appropriation for fiscal year 2020, ((~~$2,930,000~~)) $2,155,000 of the general fund—state appropriation for fiscal year 2021, and ((~~$576,000~~)) $1,074,000 of the general fund—federal appropriation are provided solely to implement an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitations, and review provided in section 701 of this act.

(11) Within amounts appropriated in this section, the department must conduct a comprehensive study of the WorkFirst transportation pilot. The department must submit a report by November 1, 2020, to the governor and the appropriate fiscal and policy committees that includes a cost benefit analysis of the transportation pilot. At a minimum, the report must include the total annual cost of the pilot since implementation, total annual number of clients accessing transportation services through the pilot, impacts to sanctions and the participation rate, employment outcomes, caseload impacts, department recommendations, and lessons learned.

(12) $2,375,000 of the general fund—state appropriation for fiscal year 2021 and $44,000 of the general fund—federal appropriation are provided solely to eliminate the supplied shelter grant standard for the pregnant women assistance, refugee cash assistance, and the aged, blind, or disabled assistance programs.

(13) $164,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Third Substitute Senate Bill No. 5164 (trafficking victims assist.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(15) $1,121,000~~)) (14) $354,000 of the general fund—state appropriation for fiscal year 2021 and ((~~$1,107,000~~)) $341,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5144 (child support pass-through). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(16)~~)) (15) $228,000 of the general fund—state appropriation for fiscal year 2021 is provided to eliminate the mid-certification review for aged participants in the aged, blind, and disabled program.

(16) $4,700,000 of the general fund—state appropriation for fiscal year 2021 is provided to continue offering the maximum food benefit plus an additional 15 percent to recipients of the state's food assistance program contingent upon the state receiving a corresponding federal waiver from the food and nutrition services for the supplemental nutrition assistance program.

(17) $2,450,000 of the general fund—state appropriation for fiscal year 2021 and $2,950,000 of the general fund—federal appropriation are provided solely for the ACES stabilization project, and are subject to the conditions, limitations, and review provided in section 701 of this act.

(18) $698,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the temporary suspension of mid-certification reviews and extension of eligibility reviews between November 2020 and June 2021 for the aged, blind, or disabled program.

(19) $1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the temporary suspension of mid-certification reviews and extension of eligibility reviews between November 2020 and June 2021 for the food assistance program.

(20) $342,000 of the general fund—state appropriation for fiscal year 2021 and $342,000 of the general fund—federal appropriation are provided for the implementation of a federally mandated interstate matching system for the supplemental nutrition assistance program. The funding is subject to the conditions, limitations, and review provided in section 701 of this act.

(21) $377,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated emergency assistance program.

Sec. 1106. 2020 c 357 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020) $16,663,000

General Fund—State Appropriation (FY 2021) ((~~$17,632,000~~))

$14,874,000

General Fund—Federal Appropriation $109,595,000

Pension Funding Stabilization Account—State

Appropriation $2,024,000

TOTAL APPROPRIATION ((~~$145,914,000~~))

$143,156,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(3)(c) of this act.

(2) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supported employment services for additional eligible clients with the most significant disabilities who would otherwise be placed on the federally required order of selection waiting list.

Sec. 1107. 2020 c 357 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM

General Fund—State Appropriation (FY 2020) $52,711,000

General Fund—State Appropriation (FY 2021) ((~~$53,921,000~~))

$52,060,000

Pension Funding Stabilization Account—State

Appropriation $4,580,000

TOTAL APPROPRIATION ((~~$111,212,000~~))

$109,351,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) $705,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$784,000~~)) $322,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to expand its King county secure transition facility from six beds to twelve beds beginning January 1, 2020.

(3) $225,000 of the general fund—state appropriation for fiscal year 2020 and $210,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire staff to provide medical transportation and hospital watch services for individuals in need of medical care outside the main facility.

(4) $158,000 of the general fund—state appropriation for fiscal year 2020 and $152,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an administrator to coordinate siting efforts for new secure community transition facilities to house individuals transitioning to the community from the main facility.

Sec. 1108. 2020 c 357 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund—State Appropriation (FY 2020) $31,806,000

General Fund—State Appropriation (FY 2021) ((~~$36,863,000~~))

$35,528,000

General Fund—Federal Appropriation ((~~$48,142,000~~))

$47,825,000

Pension Funding Stabilization Account—State

Appropriation $6,449,000

TOTAL APPROPRIATION ((~~$123,260,000~~))

$121,608,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(2) $47,000 of the general fund—state appropriation for fiscal year 2020, $47,000 of the general fund—state appropriation for fiscal year 2021, and $142,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

Sec. 1109. 2020 c 357 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund—State Appropriation (FY 2020) $36,524,000

General Fund—State Appropriation (FY 2021) ((~~$41,064,000~~))

$42,654,000

General Fund—Federal Appropriation ((~~$42,178,000~~))

$42,850,000

TOTAL APPROPRIATION ((~~$119,766,000~~))

$122,028,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over $250,000 and to all locations leased by the department with contents valued over $250,000.

(2) $63,000 of the general fund—state appropriation for fiscal year 2020 and $7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

Sec. 1110. 2020 c 357 s 210 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

During the 2019-2021 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the

health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (1) The status of any information technology projects currently being developed or implemented that affect the coalition; (2) funding needs of these current and future information technology projects; and (3) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ((~~2020~~)) 2021, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year ((~~2020~~)) 2021 among programs after approval by the director of the office of financial management. To the extent that appropriations in sections 211 through 215 are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions or for expenses in response to the COVID-19 pandemic, the authority may transfer general fund—state appropriations for fiscal year ((~~2020~~)) 2021 that are provided solely for a specified purpose. The authority may also transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose within section 215 of this act to cover any deficits in section 215 of this act resulting from assumptions related to the return of $35,000,000 in general fund—state behavioral health organization reserves in fiscal year 2020 or for expenses in response to the COVID-19 pandemic in fiscal year 2021. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and

appropriation, both before and after any allotment modifications and transfers.

Sec. 1111. 2020 c 357 s 211 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE

General Fund—State Appropriation (FY 2020) ((~~$2,378,633,000~~))

$2,378,525,000

General Fund—State Appropriation (FY 2021) ((~~$2,440,100,000~~))

$2,239,854,000

General Fund—Federal Appropriation ((~~$12,319,236,000~~))

$13,210,046,000

General Fund—Private/Local Appropriation ((~~$246,218,000~~))

$271,639,000

Emergency Medical Services and Trauma Care Systems

Trust Account—State Appropriation $15,086,000

Hospital Safety Net Assessment Account—State

Appropriation ((~~$715,909,000~~))

$710,856,000

Medicaid Fraud Penalty Account—State Appropriation ((~~$10,208,000~~))

$762,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $20,870,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) ((~~$20,953,000~~))

$26,906,000

Pension Funding Stabilization Account—State

Appropriation $4,544,000

Medical Aid Account—State Appropriation ((~~$538,000~~))

$537,000

TOTAL APPROPRIATION ((~~$18,172,295,000~~))

$18,879,625,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2) and (3) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid

services and any programs created or funded by this waiver do not create an entitlement. Beginning May 15, 2019, and continuing through December 15, 2019, by the 15th of each month, the director in consultation with the secretary shall report to the fiscal chair of the appropriate committees of the legislature in the manner and form requested the status of the medicaid transformation waiver, including any anticipated or proposed changes to accruals or expenditures.

(2) No more than ((~~$153,357,000~~)) $165,082,000 of the general fund—federal appropriation and no more than ((~~$86,190,000~~)) $112,949,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services.

(3)(a) No more than ((~~$79,829,000~~)) $67,896,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than ((~~$89,476,000~~)) $105,283,000 of the general fund—federal appropriation and no more than ((~~$36,548,000~~)) $43,004,000 of the general fund—local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against initiative 1 of the medicaid transformation demonstration waiver spending limit and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only

utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not create an entitlement. The authority shall not increase general fund—state, federal, or local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(4) Annually, no later than November 1st, the authority shall report to the governor and appropriate committees of the legislature: (a) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (b) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(5) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(6) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) $4,261,000 of the general fund—state appropriation for fiscal year 2020, ((~~$4,261,000~~)) $3,733,000 of the general fund—state appropriation for fiscal year 2021, and ((~~$8,522,000~~)) $9,050,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(12) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(13)(a) $7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments

under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(b) The authority, in consultation with the department of social and health services and the nursing homes operated by public hospitals in (a) of this subsection, must develop a plan with recommendations for an upper payment limit calculation and the supplemental payment model for nursing homes operated by a public hospital district. The group must consider how to restructure payments under (a) of this subsection, taking into consideration alternate upper payment limit calculation. If upon completion of the plan, the authority determines it can implement the recommendations of the group within the amounts provided in (a) of this subsection, the authority must submit a state plan amendment, if necessary, and submit a report to the fiscal committees of the legislature no later than September 30, 2020.

(c) $193,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the authority to provide a one-time grant to a standalone skilled nursing facility operated by a public hospital district in Grant county. This grant is provided as a one-time offset to address the impact of the recoupment requirements of this subsection (13).

(14) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2019-2021 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2020, and by November 1, 2021, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2020 and fiscal year 2021, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2019-2021 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the

fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. $759,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$740,000~~)) $698,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state grants for the participating hospitals.

(15) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) The authority shall submit reports to the governor and the legislature by September 15, 2020, and no later than September 15, 2021, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(18) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(19) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(20) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(21) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(22) $90,000 of the general fund—state appropriation for fiscal year 2020, $90,000 of the general fund—state appropriation for fiscal year 2021, and $180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(23) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(24) Within the amounts appropriated in this section, the authority shall

continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(25) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(26) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(27) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(28) ((~~Sufficient funds are provided for the authority to remove payment and billing limitations identified during the review process required for implementation of chapter 226, Laws of 2017 (behavioral health care - primary care integration) for health and behavior codes, psychotherapy codes, and to continue to offer face-to-face tobacco cessation counseling only for pregnant individuals. Additional funding is provided to increase the rates for the health and behavior codes and psychotherapy codes identified through the stakeholder work group process required under chapter 226, Laws of 2017 (SSB 5779) by ten percent.~~

~~(29)~~))(a) $34,145,000 of the general fund—state appropriation for fiscal year 2021 and $5,898,000 of the general fund—federal appropriation are provided solely for the compromise of claims in the reconciliation process for rural health clinics for the calendar years 2014-2017. The authority may not recover the state portion of rural health clinic reconciliations for calendar years 2014-2017 for which no state accrual was made. If the authority determines there are unliquidated prior period accrual balances available to refund the federal government for these years, these amounts must be used prior to the amounts provided under this subsection.

(b) By October 15, 2019, the authority shall report to the governor and relevant committees of the legislature the status of rural health clinic reconciliations for calendar years 2011-2013, including any use of available unliquidated prior period accrual balances to refund the federal government for those calendar years. Additionally, the report shall include the status of rural health clinic reconciliations for calendar years 2014-2017, including anticipated amounts owed to or from rural health clinics from the reconciliation process for those fiscal years. The authority shall not recover the state portion of rural health reconciliations for calendar years 2011-2013 for which no general fund state accrual was made. The authority shall not pursue recoveries for calendar years 2014-2017 until after the legislature has an opportunity to take action during the 2020 legislative session. If the legislature does not take any action on rural health clinic reconciliations for calendar years 2014-2017, recoveries shall commence per administrative rule.

(c) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health centers.

(d) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health centers during the fiscal year close process following generally accepted accounting practices.

((~~(30)~~)) (29) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

((~~(31)~~)) (30) $300,000 of the general fund—state appropriation for fiscal year 2020 and $600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives. The collaborative must use these amounts to hire one full-time staff person to promote the adoption of Bree collaborative recommendations and to hold two conferences focused on the sharing of best implementation practices.

((~~(32)~~)) (31) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas. The authority and the department of health must consult with stakeholders and develop methods to secure approval from the centers for medicare and medicaid services for reimbursement for doulas. The authority will report the group's recommendations to the appropriate committees of the legislature by December 1, 2020.

((~~(33)~~)) (32) The authority shall facilitate a home health work group consisting of home health provider associations, hospital associations, managed care organizations, the department of social and health services, and the department of health to develop a new medicaid payment methodology for home health services. The authority must submit a report with final recommendations and a proposed implementation timeline to the appropriate committees of the legislature by November 30, 2019. The work group must consider the following when developing the new payment methodology:

(a) Reimbursement for telemedicine;

(b) Reimbursement for social work for clients with behavioral health needs;

(c) An additional add-on for services in rural or underserved areas;

(d) Quality metrics for home health providers serving medical assistance clients including reducing hospital readmission;

(e) The role of home health in caring for individuals with complex, physical, and behavioral health needs who are able to receive care in their own home, but are unable to be discharged from hospital settings; and

(f) Partnerships between home health and other community resources that enable individuals to be served in a cost-effective setting that also meets the individual's needs and preferences.

((~~(34)~~)) (33) $969,000 of the general fund—state appropriation for fiscal year 2020, $2,607,000 of the general fund—state appropriation for fiscal year 2021, and $1,268,000 of the general fund—federal appropriation are provided solely to create and operate a tele-behavioral health video call center staffed by the University of Washington's department of psychiatry and behavioral sciences. The center must provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation. When clinically appropriate and technically feasible, the clinical consultation may also involve direct assessment of patients using tele-video technology. The center must be available from 8 a.m. to 5 p.m. in fiscal year 2020 and twenty-four hours a day in fiscal year 2021. Of the federal amounts provided in this subsection, $700,000 is from the substance abuse prevention and treatment federal block grant and is to support addiction medicine services through the call center.

((~~(35)~~)) (34) $300,000 of the general fund—federal appropriation, from the substance abuse prevention and treatment federal block grant amount, is provided solely for medication interaction services through the Washington state poison center.

((~~(36)~~)) (35) Within the amounts appropriated in this section, the authority shall review the current diagnosis-related group high outlier claim policies and examine the impact of increasing the current high outlier threshold. To the extent necessary, the authority shall seek actuarial support for this work. The authority must provide a report to the appropriate committees of the legislature by December 31, 2019, that:

(a) Outlines several options for increasing the threshold;

(b) Describes the impact of these options on hospitals, the state, and medicaid managed care organizations; and

(c) Identifies any technical challenge or limitations of changes to the threshold.

((~~(37)~~)) (36) Within the amounts appropriated in this section, the authority to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

((~~(38)~~)) (37) Sufficient amounts are appropriated in this section to increase the hourly rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services for children who require medically intensive care in a home setting. This rate increase begins on January 1, 2020.

((~~(39)~~)) (38) Sufficient amounts are appropriated in this section to increase the daily rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services to medically intensive children's program clients who reside in a group home setting. This rate increase begins on January 1, 2020.

((~~(40)~~)) (39) $439,000 of the general fund—state appropriation for fiscal year 2020 and $519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market).

((~~(41)~~)) (40) $22,000 of the general fund—state appropriation for fiscal year 2020, $159,000 of the general fund—state appropriation for fiscal year 2021, and $181,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1199 (health care/disability).

((~~(42)~~)) (41) $290,000 of the general fund—state appropriation for fiscal year 2020 and $463,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Second Substitute House Bill No. 1224 (Rx drug cost transparency) with up to an additional year for initial reporting due within the 2019-2021 fiscal biennium.

((~~(43)~~)) (42) $1,053,000 of the general fund—state appropriation for fiscal year 2020 and $2,222,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5741 (all payer claims database).

((~~(44)~~)) (43) $2,374,000 of the general fund—state appropriation for fiscal year 2020 and $2,374,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kidney disease program.

((~~(45)~~)) (44) The authority shall work with the department of health, other state agencies, and other hepatitis C virus medication purchasers to establish a comprehensive procurement strategy. As part of this work, the authority shall estimate, by program, any savings that will result from lower medication costs. It is the intent of the legislature to evaluate reinvesting any savings to expand treatment for individuals enrolled in state covered groups and to further the public health elimination effort during the 2020 legislative session. By October 31, 2019, the authority and department shall report to the governor and relevant committees of the legislature on:

(a) The progress of the procurement;

(b) The estimated savings resulting from lower medication costs;

(c) Funding needed for public health interventions to eliminate the hepatitis C virus;

(d) The current status of treatment; and

(e) A plan to implement the elimination effort.

((~~(46)~~)) (45) $50,000 of the general fund—state appropriation for fiscal year 2020 and $533,000 for fiscal year 2021 are provided solely for implementation of Engrossed Senate Bill No. 5274 (pacific islanders dental). Open enrollment periods and special enrollment periods must be consistent with the enrollment periods for the COFA medical program, through the health benefit exchange, and program administration must be consistent with the pacific islander medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020. The dental services must be consistent with the adult medicaid dental coverage, including state payment of

premiums, out-of-pocket costs for covered benefits under the qualified dental plan, and costs for noncovered qualified dental plan benefits consistent with, but not to exceed, the medicaid adult dental coverage.

((~~(47)~~)) (46) During the 2019-2021 biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

(a) Are over nineteen years of age;

(b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;

(c) Are not covered by other public or private insurance; and

(d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

((~~(48)~~)) (47) $282,000 of the general fund—state appropriation for fiscal year 2020 and $754,000 of the general fund—federal appropriation are provided solely for the implementation of Senate Bill No. 5415 (Indian health improvement).

((~~(49)~~)) (48) $3,150,000 of the general fund—state appropriation for fiscal year 2020 and $3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services.

((~~(50)~~)) (49) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) By September 1, 2019, the authority shall set the four common measures to be analyzed across all managed care organizations.

(c) By September 1, 2019, the authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2019, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Beginning in plan year 2020, two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external

quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

((~~(51)~~)) (50) $1,805,727,000 of the general fund—state appropriation for fiscal year 2020 and $1,876,135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the authority to implement the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. The authority is directed to:

(a) Organize all program integrity activities into a centralized unit or under a common protocol addressing provider enrollment, fraud and abuse detection, investigations, and law enforcement referrals that is more reflective of industry standards;

(b) Ensure appropriate resources are dedicated to prevention, detection, investigation, and suspected provider fraud at both the authority and at contracted managed care organizations;

(c) Ensure all required federal regulations are being followed and are incorporated into managed care contracts;

(d) Directly audit managed care encounter data to identify fraud, waste, and abuse issues with managed care organization providers;

(e) Initiate data mining activities in order to identify fraud, waste, and abuse issues with manage care organization providers;

(f) Implement proactive data mining and routine audits of validated managed care encounter data;

(g) Assess liquidated damages to managed care organizations when fraud, waste, or abuse with managed care organization providers is identified;

(h) Require managed care organizations submit accurate reports on overpayments, including the prompt reporting of overpayments identified or recovered, specifying overpayments due to fraud, waste, or abuse;

(i) Implement processes to ensure integrity of data used for rate setting purposes;

(j) Refine payment suspension policies; and

(k) Ensure all federal database exclusion checks are performed at the appropriate intervals. The authority shall update managed care contracts as appropriate to reflect these requirements.

((~~(52)~~)) (51) $96,130,000 of the general fund—state appropriation for fiscal year 2020 and $100,476,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fee-for-service dental services. The authority must provide these services through fee-for-service and may not proceed with either a carved-out or carved-in managed care dental option. Any contracts that have been procured or that are in the process of being procured shall not be entered into or implemented. By November 15, 2019, the authority shall report to the governor and appropriate committees of the legislature a plan to improve access to dental services for medicaid clients. This plan should address options for carve-in, carve-out, fee-for-service, and other models that would improve access and outcomes for adults and children. The plan should also include the cost for any options provided.

((~~(53)~~)) (52) During the 2019-2021 fiscal biennium, the authority must

revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(i) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(ii) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(iii) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(c) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(d) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

((~~(54)~~)) (53) The authority is prohibited to direct any funds to safe-injection sites for the illicit use of drugs.

((~~(55)~~)) (54) $1,400,000 of the general fund—state appropriation for fiscal year 2020, $1,400,000 of the general fund—state appropriation for fiscal year 2021, and $7,000,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(d) Be owned and operated by the state or a political subdivision.

((~~(56)~~)) (55) Within the amounts appropriated within this section the authority shall conduct an evaluation of purchasing arrangements and paid claims or encounter data for prescription drugs under managed care contracts for plan years 2017 and 2018 and compare these to contract purchasing agreements under the same years for the prescription drug consortium and identify any cost differences. The authority shall report its findings to the governor and appropriate committees of the legislature by November 15, 2019.

((~~(57)~~)) (56) The health care authority is directed to convene a work group on establishing a universal health care system in Washington. $338,000 of the general fund—state appropriation for fiscal year 2020 and $162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health care authority to contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under (b)(vi) of this subsection.

(a) The work group must consist of a broad range of stakeholders with expertise in the health care financing and delivery system, including but not limited to:

(i) Consumers, patients, and the general public;

(ii) Patient advocates and community health advocates;

(iii) Large and small businesses with experience with large and small group insurance and self-insured models;

(iv) Labor, including experience with Taft-Hartley coverage;

(v) Health care providers that are self-employed and health care providers that are otherwise employed;

(vi) Health care facilities such as hospitals and clinics;

(vii) Health insurance carriers;

(viii) The Washington health benefit exchange and state agencies, including the office of financial management, the office of the insurance commissioner, the department of revenue, and the office of the state treasurer; and

(ix) Legislators from each caucus of the house of representatives and senate.

(b) The work group must study and make recommendations to the legislature on how to create, implement, maintain, and fund a universal health care system that may include publicly funded, publicly administered, and publicly and privately delivered health care that is sustainable and affordable to all Washington residents including, but not limited to:

(i) Options for increasing coverage and access for uninsured and underinsured populations;

(ii) Transparency measures across major health system actors, including carriers, hospitals, and other health care facilities, pharmaceutical companies, and provider groups that promote understanding and analyses to best manage and lower costs;

(iii) Innovations that will promote quality, evidence-based practices leading to sustainability, and affordability in a universal health care system. When studying innovations under this subsection, the work group must develop recommendations on issues related to covered benefits and quality assurance and consider expanding and supplementing the work of the Robert Bree collaborative and the health technology assessment program;

(iv) Options for ensuring a just transition to a universal health care system for all stakeholders including, but not limited to, consumers, businesses, health care providers and facilities, hospitals, health carriers, state agencies, and entities representing both management and labor for these stakeholders;

(v) Options to expand or establish health care purchasing in collaboration with neighboring states; and

(vi) Options for revenue and financing mechanisms to fund the universal health care system. The work group shall contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under this subsection.

(c) The work group must report its findings and recommendations to the appropriate committees of the legislature by November 15, 2020. Preliminary reports with findings and preliminary recommendations shall be made public and open for public comment by November 15, 2019, and May 15, 2020.

((~~(58)~~)) (57) $23,000 of the general fund—state appropriation for fiscal year 2020, $2,000 of the general fund—state appropriation for fiscal year 2021, and $36,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

((~~(59)~~)) (58) $1,667,000 of the general fund—state appropriation for fiscal year 2020, $855,000 of the general fund—state appropriation for fiscal year 2021, and $1,867,000 of the general fund—federal appropriation are provided solely for the Washington rural health access preservation pilot program.

((~~(61)~~)) (59) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to develop a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate

committees of the legislature by June 30, 2021.

((~~(62)~~)) (60)(a) $1,192,000 of the general fund—state appropriation for fiscal year 2020 and $3,970,000 of the general fund—federal appropriation are provided solely for reconciliation of payment under alternate payment methodology four (APM4) for federally qualified health centers (FQHC) for state fiscal year 2020. The authority shall use unliquidated prior accrual balances to reconcile state fiscal years 2018 and 2019.

(b) By August 1, 2020, the authority shall convene representatives from FQHCs participating in the APM4 methodology, the FQHC association, the office of financial management, and fiscal committees of the legislature to evaluate and amend the APM4 model and memorandum of understanding.

(c) The authority in collaboration with the representatives in (b) of this subsection must develop an updated APM4 model and memorandum of understanding that:

(i) Complies with budget neutrality requirements and spending limits as required under the omnibus appropriations act;

(ii) Identifies predictable spending targets;

(iii) Clearly defines quality performance standards for participating FQHCs;

(iv) Requires progressively increasing standards of quality performance for participating FQHCs;

(v) Clearly defines financial performance expectations for participating FQHCs;

(vi) Requires progressively increasing standards of financial performance for participating FQHCs; and

(vii) Requires that reconciliation payments made under APM4 may not fall below the payment level required by the federal law for qualifying face-to-face encounters.

(d) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(e) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(f) The authority shall require all managed care organizations to provide information to the authority to account for all payments to FQHCs to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(g) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with FQHCs contracting under APM4.

(h) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with FQHCs contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

((~~(63)~~)) (61) $70,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed House Bill No. 2755 (air ambulance cost transp.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(64)~~)) (62) $611,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Second Substitute House Bill No. 2457 (health care cost board). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(65)~~)) (63) $259,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(66)~~)) (64) The health care authority shall submit a state plan amendment to the centers for medicare and medicaid services to maintain children's health insurance program coverage as secondary

payer for eligible child dependents of employees eligible for school employee or public employee benefit coverage. The intent of the legislature for this option is to provide children the best access to health care coverage while prioritizing efficient use of state funds. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management on the status of the state plan amendment and the impact to the state. The health care authority shall implement the amendment in calendar year 2020, once approved by the centers for medicare and medicaid services.

((~~(67)~~)) (65) $250,000 of the general fund—state appropriation for fiscal year 2020, $250,000 of the general fund—state appropriation for fiscal year 2021, and $500,000 of the general fund—federal appropriation are provided solely to increase the rates paid to provide education and clinical training for dental professionals and students in the care of persons with developmental or acquired disabilities, or both.

((~~(69)~~)) (66) $510,000 of the general fund—state appropriation for fiscal year 2021 and $76,000 of the general fund—federal appropriation are provided solely for the authority to collaborate with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital to extend the partnership access line for moms and partnership access line for kids referral assistance service programs, as described in RCW 71.24.061(3)(a), until June 30, 2021.

((~~(70)~~)) (67) $66,000 of the general fund—state appropriation for fiscal year 2021 and $66,000 of the general fund—federal appropriation are provided solely for the authority to identify, analyze, and address health equity disparities in access and outcomes for individuals in the medicaid population.

((~~(71)~~)) (68) $200,000 of the general fund—state appropriation for fiscal year 2021 and $200,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement Substitute House Bill No. 2905 (baby, child dentistry access). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(72)~~)) (69) $150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development of a system to address individuals with intellectual and developmental disabilities who present in an emergency in crisis. The system must include crisis plans to be available to emergency room providers; and education and training for emergency room providers in how to best serve this population to provide immediate intervention to prevent acute care admissions and support the individual to return to their current living arrangements.

((~~(73)~~)) (70) $187,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a full-time employee to coordinate client assessments and implement plans for patients who are hospitalized and likely to need post discharge services including placement in community or out of state settings. Client assessments must include information regarding the individual's specific care needs, whether medical, behavioral, or cognitive, and ability to perform activities of daily living. The coordinator must collaborate with the department of social and health services, the department of children, youth, and families, and health care organizations to promote the transition of patients to postacute care settings.

((~~(75)~~)) (71) $120,000 of the general fund—state appropriation for fiscal year 2021 and $120,000 of the general fund—federal appropriation are provided solely for the authority to identify ways to maximize federal financial participation and any new opportunities to leverage federal funding. In collaboration with the department of health, the authority must explore options to leverage federal funding for foundational public health. The authority may use the amounts in this subsection for staff support and one-time contracting.

((~~(77)~~)) (72) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(33) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital

discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

((~~(80)~~)) (73) $770,000 of the general fund—state appropriation for fiscal year 2021 and $800,000 of the general fund—federal appropriation are provided solely to increase home health rates beginning January 1, 2021.

((~~(82)~~)) (74)(a) Within the amounts appropriated within this section, the authority shall implement Engrossed Substitute Senate Bill No. 6534 (ambulance quality assurance fee). The authority is directed to submit a state plan amendment (SPA) pursuant to the terms of Engrossed Substitute Senate Bill No. 6534 without delay once the bill becomes effective. If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(b) The authority, in collaboration with an association representing private emergency ambulance providers and an organization representing employees of private emergency ambulance providers, shall develop reporting requirements prior to June 30, 2021, to account for how funds from the quality assurance fee program and base rate increase are spent. The reporting requirements should include, but not be limited to, the percent of the add-on fee and base rate increase used to increase wages; to which category of workers' wages these increases apply, specifically whether wage increases are being used to increase wages for emergency medical technicians whose statewide average dollars-per-hour wage was less than $25 per hour in calendar year 2020; and, whether the add-on and base rate increase are being used to address resulting wage compression for related job classes immediately affected by wage increases to emergency medical technicians.

((~~(83)~~)) (75) The health care authority shall work with the department of social and health services to assess a Katie Beckett waiver and a tax equity and fiscal responsibility act (TEFRA) waiver to expand coverage for children with significant disabilities who meet federal requirements for such services. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management the number of children who would be eligible if such waivers were approved, the services for which they would be eligible, and the potential impact to the state budget.

((~~(85)~~)) (76) $2,362,000 of the general fund—state appropriation for fiscal year 2021 and $4,132,000 of the general fund—federal appropriation are provided solely to increase the rates paid to low volume, small rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates beginning July 1, 2020. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of June 30, 2020. A hospital qualifying for this rate increase must:

(a) Have fewer than seventy available acute beds as reported in the hospital's 2018 department of health year-end report;

(b) Not be currently designated as a critical access hospital, and not meet the current federal eligibility requirements for designation as a critical access hospital;

(c) Not be a certified public expenditure hospital;

(d) Have combined medicare and medicaid inpatient days greater than eighty percent as reported in the hospital's 2018 cost report.

(77) $25,000 of the general fund—state appropriation for fiscal year 2021 and $25,000 of the general fund—federal appropriation are provided solely for the authority to develop an implementation plan to incorporate medical and psychiatric respite care as statewide medicaid benefits. The plan must include an analysis of the cost effectiveness of providing a medical and psychiatric respite care benefit for medicaid

enrollees. In developing the plan, the authority shall consult with interested stakeholders, including medicaid managed care organizations, community health centers, organizations providing respite care, and hospitals. The amounts provided in this subsection may be used for staff support and one-time contracting. No later than January 15, 2022, the authority shall report its findings to the relevant committees of the legislature, the office of the governor, and the office of financial management.

(78) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

Sec. 1112. 2020 c 357 s 212 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM

State Health Care Authority Administrative Account—

State Appropriation
((~~$37,604,000~~))
$37,144,000

TOTAL APPROPRIATION
((~~$37,604,000~~))
$37,144,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings resulting from reduced claims costs or other factors identified after March 1, 2019, must be reserved for funding employee benefits in the 2021-2023 fiscal biennium. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits. The authority may, however, conduct a request for information about a diabetes disease management program.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits including making any change in retiree eligibility criteria that re-establishes eligibility for enrollment in PEBB benefits, unless savings achieved under subsection (3) of this section or offsetting cost reductions from other benefit revisions are sufficient to fund the changes, or unless the funding for the increase or change is specifically provided in this act. However, the funding provided anticipates that the public employees' benefits board may increase the availability of nutritional counseling in the uniform medical plan by allowing a lifetime limit of up to twelve nutritional counseling visits, and may increase hearing aid benefits to reflect the provisions of chapter 159, Laws of 2018, for the plan year beginning January 1, 2021. Provided further, that within the amount provided, the health care authority may update the public employees benefits board benefits enrollment process. The board may also, within the amounts provided, use cost savings to enhance the basic long-term disability benefit.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees'

benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) $7,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(6) $1,705,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount in this subsection shall lapse.

Sec. 1113. 2020 c 357 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD

School Employees' Insurance Administrative Account—

State Appropriation ((~~$27,766,000~~))

$34,045,000

TOTAL APPROPRIATION ((~~$27,766,000~~))

$34,045,000

The appropriation in this section is subject to the following conditions and limitations:

(1) By February 5, 2020, the health care authority shall report to the appropriate committees of the legislature on the total amount by school district, educational service district, and charter school billed for January benefits and a detailed list of school districts, educational service districts, and charter schools that have not remitted payment for January coverage as of January 31, 2020.

(2) $2,000 of the appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(3) The health care authority must study the potential cost savings and improved efficiency in providing insurance benefits to the employers and employees participating in the public employees' and school employees' benefits board systems that could be gained by consolidating the systems. The consolidation options studied must maintain separate risk pools for medicare-eligible and non-medicare eligible employees and retirees, assume a consolidation date of January 1, 2022, and incorporate the experiences gained by health care authority during the initial implementation and operation of the school employees' benefits board program. The study must be submitted to the committees of the house of representatives and the senate overseeing health care and the omnibus operating budget by November 15, 2020.

(4) $2,002,000 of the school employees' insurance administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1114. 2020 c 357 s 214 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE

General Fund—State Appropriation (FY 2020) $6,407,000

General Fund—State Appropriation (FY 2021) ((~~$5,659,000~~))

$5,368,000

General Fund—Federal Appropriation ((~~$50,055,000~~))

$45,193,000

Health Benefit Exchange Account—State Appropriation ((~~$60,117,000~~))

$65,172,000

TOTAL APPROPRIATION ((~~$122,238,000~~))

$122,140,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health

programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) $50,000 of the general fund—state appropriation for fiscal year 2020, $50,000 of the general fund—state appropriation for fiscal year 2021, and $1,048,000 of the health benefit exchange account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market).

(4) $1,173,000 of the general fund—state appropriation for fiscal year 2020 is provided for the exchange to enhance Washington healthplanfinder so eligible COFA citizens can obtain dental coverage. Open enrollment periods and special enrollment periods for the COFA dental program shall be consistent with the enrollment periods for the COFA medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020.

(5) $426,000 of the health benefit exchange account—state appropriation and $874,000 of the general fund—federal appropriation are provided solely for cloud platform costs and are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) $968,000 of the health benefit exchange account—state appropriation and $1,978,000 of the general fund—federal appropriation are provided solely for system integrator reprocurement and are subject to the conditions, limitations, and review provided in section 701 of this act.

(7) $152,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Substitute House Bill No. 2554 (health plan exclusions). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(8) $172,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(10)~~)) (9) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the exchange to contract with an independent actuarial consultant to conduct an assessment of the impact of a state requirement that individuals enroll in health coverage. The assessment shall consider the effects of this requirement on revenue, individual market enrollment, individual market premiums, and the uninsured rate. The exchange shall submit assessment findings to the chairs of the health committees of the legislature no later than December 15, 2020.

(10) $34,000 of the general fund—state appropriation for fiscal year 2021, $32,000 of the health benefit exchange account—state appropriation, and $34,000 of the general fund—federal appropriation are provided solely for pass-through funding in the amount of $25,000 for each lead navigator organization in the four geographic regions with the highest density of compact of free association (COFA) citizens. These amounts are provided solely for lead organizations to recruit, hire, and train a representative of the citizens of the COFA nations community to:

(a) Provide outreach and enrollment assistance to COFA citizens leading up to the July 2021 transition of COFA citizens

from qualified health and dental plan coverage to medicaid coverage; and

(b) Promote continuous access to needed health services beyond the scope of the current COFA program.

(11) $87,000 of the general fund—federal appropriation (CRRSA) is provided solely for the costs to administer the child care premium assistance program for individuals who work in a licensed child care facility.

Sec. 1115. 2020 c 357 s 215 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM

General Fund—State Appropriation (FY 2020) $579,402,000

General Fund—State Appropriation (FY 2021) ((~~$652,344,000~~))

$604,211,000

General Fund—Federal Appropriation ((~~$2,076,337,000~~))

$2,244,685,000

General Fund—Private/Local Appropriation $36,513,000

Criminal Justice Treatment Account—State

Appropriation $17,486,000

Problem Gambling Account—State Appropriation ((~~$1,961,000~~))

$1,461,000

Medicaid Fraud Penalty Account—State Appropriation ((~~$51,000~~))

$20,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $28,490,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) ((~~$28,493,000~~))

$28,490,000

Pension Funding Stabilization Account—State

Appropriation $1,714,000

TOTAL APPROPRIATION ((~~$3,422,791,000~~))

$3,542,472,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and administrative services organizations in regions where the authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380, and behavioral health organizations in regions that have not yet transitioned to fully integrated managed care.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) $15,605,000 of the general fund—state appropriation for fiscal year 2020, ((~~$15,754,000~~)) $15,861,000 of the general fund—state appropriation for fiscal year 2021, and $4,789,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency

evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) $7,657,000 of the general fund—state appropriation for fiscal year 2020, $11,544,000 of the general fund—state appropriation for fiscal year 2021, and $20,197,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) $7,071,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for increased state costs for exceptional behavioral health personal care services. From ((~~the~~)) these amounts and the other general fund—state appropriations in this section, the authority shall assure that behavioral health entities reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional medicaid personal care services that enrolled behavioral health entity consumers use because of their psychiatric disability.

(6) $3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) $81,930,000 of the general fund—state appropriation for fiscal year 2020 and $85,122,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) Of the amount provided for fiscal year 2020, seventy percent must be distributed to behavioral health administrative service organizations and thirty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2019 regional allocation of flexible nonmedicaid funds.

(b) $3,939,000 of the fiscal year 2021 amounts must be distributed to behavioral health administrative service organizations. Of the remaining amount for fiscal year 2021, eighty percent must be distributed to behavioral health administrative service organizations and twenty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2020 regional allocation of flexible nonmedicaid funds.

(c) The authority must include the following language in medicaid contracts with behavioral health entities unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) $1,204,000 of the general fund—state appropriation for fiscal year 2020 and $1,204,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) $2,291,000 of the general fund—state appropriation for fiscal year 2020 and $2,291,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization and administrative services organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization and administrative services organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health organization or administrative services organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization or administrative services organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(14) During the 2019-2021 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(16) $3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2019.

(19) No more than ((~~$27,844,000~~)) $15,358,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(20) $6,858,000 of the general fund—state appropriation for fiscal year 2020, $6,858,000 of the general fund—state appropriation for fiscal year 2021, and $8,046,000 of the general fund—federal appropriation are provided solely to maintain new crisis triage or stabilization centers. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(21) $1,125,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(22) $6,655,000 of the general fund—state appropriation for fiscal year 2020, ((~~$10,015,000~~)) $9,074,000 of the general fund—state appropriation for fiscal year 2021, and ((~~$12,965,000~~)) $12,024,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these

amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to $650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(23) $23,090,000 of the general fund—state appropriation for fiscal year 2020, $23,090,000 of the general fund—state appropriation for fiscal year 2021, and $92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates above FY 2018 levels. Effective January 2020, the medicaid funding is intended to increase rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. This funding must be allocated to the managed care organizations proportionate to their medicaid enrollees. The authority must require the managed care organizations to provide a report on their implementation of this funding. The authority must submit a report to the legislature by December 1, 2020, summarizing how this funding was used and provide information for future options of increasing behavioral health provider rates through directed payments. The report must identify different mechanisms for implementing directed payment for behavioral health providers including but not limited to minimum fee schedules, across the board percentage increases, and value-based payments. The report must provide a description of each of the mechanisms considered, the timeline that would be required for implementing the mechanism, and whether and how the mechanism is expected to have a differential impact on different providers. The report must also summarize the information provided by managed care organizations in implementing the funding provided under this section.

(24) $27,917,000 of the general fund—state appropriation for fiscal year 2020, ((~~$36,095,000~~)) $21,366,000 of the general fund—state appropriation for fiscal year 2021, and ((~~$46,889,000~~)) $35,451,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities.

(a) Sufficient amounts are provided in fiscal year 2020 for the authority to reimburse community hospitals serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 at a rate of $1,171 per day, or the hospital's current psychiatric inpatient per diem rate, whichever is higher. In fiscal year 2020, the rate paid to hospitals in this subsection cannot exceed one-hundred percent of the hospitals eligible costs based on their most recently completed medicare cost report.

(b) Sufficient amounts are provided in fiscal year 2021 for the authority to reimburse providers serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows: (i) Community hospitals whose costs exceed their current rates based on their most recently filed medicare cost report at one hundred percent of the hospital's eligible costs documented in the most recently filed medicare cost report; (ii) community hospitals that do not have a filed medicare cost report on file with

the authority at the statewide average rate based on the average of provider specific long-term inpatient care rates or the provider's current per diem rate, whichever is higher; (iii) community hospitals whose costs do not exceed their current rates based on their most recently filed medicare cost report at a rate of $940 per day; and (iv) nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025 at a rate that reflects a five percent increase from their fiscal year 2020 rate for serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025.

((~~(c)~~)) (c) The authority in collaboration with the Washington state hospital association must convene a work group to further refine the methodology for reimbursing community hospitals serving these clients. The authority must provide a report to the appropriate committees of the legislature by December 1, 2020. The report must include options for incorporating additional factors into future rate adjustments and identify where there may be overlap within the different options. The report must include the following areas and provide a description of the option and the methodology and implementation costs associated with each option:

(i) Acuity adjustments for providers serving individuals with higher levels of behavioral health or physical health care needs;

(ii) Retroactive reconciliation adjustments for providers whose total costs for serving clients under this subsection are higher or lower than payments received by the authority and any additional payers.

(25) $1,455,000 of the general fund—state appropriation for fiscal year 2020((~~, $1,401,000 of the general fund—state appropriation for fiscal year 2021, and $3,210,000 of the general fund—federal appropriation are~~)) is provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to Second Substitute House Bill No. 1394 (behavioral health facilities).

(26) $21,000 of the general fund—state appropriation for fiscal year 2020, $152,000 of the general fund—state appropriation for fiscal year 2021, and $173,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199) (health care/disability).

(27)(a) $12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and $12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2019 allocation.

(28)(a) $1,125,000 of the general fund—state appropriation for fiscal year

2020 and $1,125,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(29) $29,288,000 of the general fund—state appropriation for fiscal year 2020 ((~~is~~)) and $12,440,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to assist behavioral health entities with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health entity calendar year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health entities where the individual resides. If a behavioral health entity receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must submit an application for a waiver to allow, by July 1, 2020, for full federal participation for medicaid clients in mental health facilities classified as institutions of mental diseases. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2019.

(30) The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for startup costs in full integration regions except as provided in this subsection. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers. If the nonfederal share of reserves returned during fiscal year 2020 exceeds $35,000,000, the authority shall use some of the amounts in excess of $35,000,000 to support the final regions transitioning to full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is $3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region to stabilize the new crisis services system.

(31) $1,850,000 of the general fund—state appropriation for fiscal year 2020, $1,850,000 of the general fund—state appropriation for fiscal year 2021, and $13,312,000 of the general fund—federal appropriation are provided solely for the authority to implement a medicaid state plan amendment which provides for substance use disorder peer support services to be included in behavioral health capitation rates beginning in

fiscal year 2020 in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(32) $1,256,000 of the general fund—state appropriation for fiscal year 2021 and $1,686,000 of the general fund—federal appropriation are provided solely for the authority to increase the number of residential beds for pregnant and parenting women. These amounts may be used for startup funds and ongoing costs associated with two new sixteen bed pregnant and parenting women residential treatment programs.

(33) Within the amounts appropriated in this section, the authority must maintain a rate increase for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days pursuant to the methodology adopted to implement section 213(5)(n), chapter 299, Laws of 2018 (ESSB 6032) (partial veto).

(34) $1,393,000 of the general fund—state appropriation for fiscal year 2020, $1,423,000 of the general fund—state appropriation for fiscal year 2021, and $5,938,000 of the general fund—federal appropriation are provided solely for the authority to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(35) $850,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to create a revolving fund for loans to operators of recovery residences seeking certification in accordance with Second Substitute House Bill No. 1528 (recovery support services).

(36) $212,000 of the general fund—state appropriation for fiscal year 2020, $212,000 of the general fund—state appropriation for fiscal year 2021, and $124,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1874 (adolescent behavioral health). Funding is provided specifically for the authority to provide an online training to behavioral health providers related to state law and best practices in family-initiated treatment, adolescent-initiated treatment, and other services and to conduct an annual survey to measure the impacts of implementing policies resulting from the bill.

(37) $500,000 of the general fund—state appropriation for fiscal year 2020, $500,000 of the general fund—state appropriation for fiscal year 2021, and $1,000,000 of the general fund—federal appropriation are provided solely for the authority to implement a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to Second Substitute House Bill No. 1767 (alternatives to arrest).

(38) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services to individuals who are not eligible for medicaid in Whatcom county. The authority must coordinate with crisis stabilization providers, managed care organizations, and behavioral health administrative services organizations throughout the state to identify payment models that reflect the unique needs of crisis stabilization and crisis triage providers. The report must also include an analysis of the estimated gap in nonmedicaid funding for crisis stabilization and triage facilities throughout the state. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the estimated nonmedicaid funding gap and payment models by December 1, 2019.

(39) The authority must conduct an analysis to determine whether there is a gap in fiscal year 2020 behavioral health entity funding for services in institutions for mental diseases and submit a report to the office of financial management and the appropriate committees of the legislature by November 1, 2019. The report must be developed in consultation with the office of financial management and staff from the fiscal

committees of the legislature and must include the following elements: (a) The increase in the number of nonmedicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (b) the increase in the number of medicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (c) the amount of funding assumed in current behavioral health entity medicaid capitation rates for institutions for mental diseases bed days that are currently allowable under medicaid regulation or waivers; (d) the amounts provided in subsection (29) of this section to assist with costs in institutions for mental diseases not covered in medicaid capitation rates; and (e) any remaining gap in behavioral health entity funding for institutions for mental diseases for medicaid or nonmedicaid clients.

(40) $1,968,000 of the general fund—state appropriation for fiscal year 2020, ((~~$3,396,000~~)) $1,968,000 of the general fund—state appropriation for fiscal year 2021, and ((~~$12,150,000~~)) $8,100,000 of the general fund—federal appropriation are provided solely for support of and to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service.

(41) $1,000,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to develop and disseminate model programs and curricula for inpatient and outpatient treatment for individuals with substance use disorder and co-occurring disorders. The behavioral health institute will provide individualized consultation to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. The behavioral health institute will provide training to staff of behavioral health agencies to enhance the quality of substance use disorder and co-occurring treatment delivered.

(42) ((~~The number of beds allocated for use by behavioral health entities at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health entities at western state hospital shall be five hundred twenty-seven per day. During fiscal year 2020, the authority must reduce the number of beds allocated for use by behavioral health entities at western state hospital by sixty beds to allow for the repurposing of two civil wards at western state hospital to provide forensic services. Contracted community beds provided under subsection (24) of this section shall be allocated to the behavioral health entities in lieu of beds at western state hospital and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long-term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.~~

~~(43)~~)) $190,000 of the general fund—state appropriation for fiscal year 2020, $947,000 of the general fund—state appropriation for fiscal year 2021, and $1,023,000 of the general fund—federal appropriation are provided solely for the authority to develop a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with Second Substitute Senate Bill No. 5903 (children's mental health).

((~~(44)~~)) (43) $708,000 of the general fund—state appropriation for fiscal year 2021 and $799,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in

center beginning July 1, 2020, in accordance with Second Substitute House Bill No. 1394 (behavioral health facilities).

((~~(45)~~)) (44) $500,000 of the general fund—state appropriation for fiscal year 2020 is provided on a one-time basis solely for a licensed youth residential psychiatric substance abuse and mental health agency located in Clark county to invest in staff training and increasing client census. This amount must be allocated subject to a contract with the authority concerning staffing levels, critical action plans, and client services.

((~~(46)~~)) (45) $509,000 of the general fund—state appropriation for fiscal year 2020, $494,000 of the general fund—state appropriation for fiscal year 2021, and $4,823,000 of the general fund—federal appropriation are provided solely for diversion grants to establish new law enforcement assisted diversion programs outside of King county consistent with the provisions of Substitute Senate Bill No. 5380 (opioid use disorder).

((~~(47)~~)) (46) The authority must compile all previous reports and collaborate with any work groups created during the 2019-2021 fiscal biennium for the purpose of establishing the implementation plan for transferring the full risk of long-term inpatient care for mental illness into the behavioral health entity contracts by January 1, 2020.

((~~(48)~~)) (47) $225,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $225,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely to continue funding one pilot project in Pierce county to promote increased utilization of assisted outpatient treatment programs. The authority shall provide a report to the legislature by October 15, 2020, which must include the number of individuals served, outcomes to include changes in use of inpatient treatment and hospital stays, and recommendations for further implementation based on lessons learned from the pilot project.

((~~(49)~~)) (48) $18,000 of the general fund—state appropriation for fiscal year 2020((~~, $18,000 of the general fund—state appropriation for fiscal year 2021,~~)) and ((~~$36,000~~)) $18,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5181 (involuntary treatment procedures).

((~~(50)~~)) (49) $814,000 of the general fund—state appropriation for fiscal year 2020, $800,000 of the general fund—state appropriation for fiscal year 2021, and $1,466,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

((~~(51)~~)) (50) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

((~~(52)~~)) (51) $446,000 of the general fund—state appropriation for fiscal year 2020, $446,000 of the general fund—state appropriation for fiscal year 2021, and $178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

((~~(53)~~)) (52) $60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to provide a one-time grant to the city of Maple Valley to support a pilot project for a community resource coordinator position for the city of Maple Valley, Tahoma school district, and the greater Maple Valley area. This amount must be used to develop programs, projects, and training that specifically address mental health awareness and education and facilitate access to school-based and community resources. The grant must require a report be submitted by the city of Maple Valley to the authority and the Maple Valley city council which summarizes the services provided and the perceived value of the community resource coordinator position for the community. The authority must submit the report to the office of

financial management and the appropriate committees of the legislature by June 30, 2021.

((~~(54)~~)) (53) $215,000 of the general fund—state appropriation for fiscal year 2020 and $165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services in Island county. The authority must use this amount to contract for start-up and treatment services that are not reimbursable under medicaid provided in a crisis stabilization center in Island county. The authority must continue to coordinate with crisis stabilization providers and behavioral health entities to identify funding gaps for non-Medicaid services and payment models that reflect the unique needs of these facilities.

((~~(55)~~)) (54) $200,000 of the general fund—state appropriation for fiscal year 2020 is provided on a one-time basis solely for the authority to contract with a family-centered substance use disorder treatment program which provides behavioral health services to families engaged in the foster system in Spokane county. This amount must be used to provide wraparound behavioral health services to individuals enrolled in the program.

((~~(57)~~)) (55) $50,000 of the general fund—state appropriation for fiscal year 2021 and $50,000 of the general fund—federal appropriation are provided solely for the authority to work with the actuaries responsible for establishing behavioral health capitation rates, the University of Washington behavioral health institute, managed care organizations, and community mental health and substance use disorder providers to develop strategies for enhancing behavioral health provider reimbursement to promote behavioral health workforce development efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2020, that identifies: (a) A description of the actuarial assumptions related to clinical supervision included in the development of calendar year 2020 managed care behavioral health capitation rates and the relative dollar value of these assumptions; (b) available information on whether and to what extent managed care organizations are accounting for clinical supervision in establishing behavioral health provider reimbursement methodologies and rates; (c) identification of provider reimbursement models through managed care organizations that effectively incentivize the expansion of internships and entry level opportunities for clinicians; and (d) recommendations for accountability mechanisms to demonstrate that amounts included in behavioral health capitation rates for clinical supervision are passed on to mental health and substance abuse agencies that provide internships and entry level opportunities for clinicians.

((~~(58)~~)) (56) $281,000 of the general fund—state appropriation for fiscal year 2020, ((~~$259,000~~)) $654,000 of the general fund—state appropriation for fiscal year 2021, and ((~~$1,285,000~~)) $4,840,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.

((~~(59)~~)) (57) $128,000 of the general fund—state appropriation for fiscal year 2021 and $123,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed House Bill No. 2584 (behavioral health rates). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(60)~~)) (58) $139,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2737 (children's mental health work group). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(61)~~)) (59) $766,000 of the general fund—state appropriation for fiscal year 2021 and $1,526,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2642 (substance use disorder coverage). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(62)~~)) (60) $31,000 of the general fund—state appropriation for fiscal year 2020, $94,000 of the general fund—state appropriation for fiscal year 2021, and

$125,000 of the general fund—federal appropriation are provided solely to conduct an analysis on the impact of changing policy in the apple health program to match best practices for mental health assessment and diagnosis for infants and children from birth through five years of age. The analysis must include cost estimates from the authority and the actuaries responsible for establishing medicaid managed care rates on the annual impact associated with policy changes in assessment and diagnosis of infants and children from birth through age five that at a minimum: (a) Allow reimbursement for three to five sessions for intake and assessment; (b) allow reimbursement for assessments in home or community settings, including reimbursement for clinician travel; and (c) require clinician use of the diagnostic classification of mental health and developmental disorders of infancy and early childhood. The authority must submit a report to the office of financial management and the appropriate committees of the legislature summarizing the results of the analysis and cost estimates by December 1, 2020.

((~~(63)~~)) (61) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

((~~(64)~~)) (62) $864,000 of the general fund—state appropriation for fiscal year 2021 and $1,788,000 of the general fund—federal appropriation are provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(65)~~)) (63) $200,000 of the general fund—federal appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6191 (adverse childhood experience). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(66)~~)) (64) Within existing resources, the authority shall implement Substitute Senate Bill No. 6259 (Indian behavioral health sys).

((~~(67)~~)) (65) $1,260,000 of the general fund—state appropriation for fiscal year 2021 and $840,000 of the general fund—federal appropriation are provided solely for the authority to increase rates to parent-child assistance program providers in an effort to stabilize the workforce and increase training and evaluation.

((~~(68)~~)) (66) $2,537,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to full integration of physical and behavioral health care beginning January 1, 2020. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is $2,494 per one thousand residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system.

((~~(70)~~)) (67) $15,000 of the general fund—state appropriation for fiscal year 2021 and $15,000 of the general fund—federal appropriation are provided solely for the authority to develop a value-based case rate payment model for comprehensive community behavioral health services. It is the intent of the legislature to strengthen the community behavioral health system in order to promote recovery and whole person care, avoid unnecessary institutionalization and ensure access to care in the least restrictive setting possible, and incentivize value-based alternative payment models. Therefore, the authority in collaboration with the Washington council for behavioral health must convene a work group to develop a case rate payment model for comprehensive

community behavioral health services. The authority must submit a report to the legislature by October 31, 2020. The report must: (a) Identify a comprehensive package of services to be provided by community behavioral health agencies that are licensed and certified by the department of health as defined in RCW 71.24.025; (b) describe the methodology used to develop an actuarially sound case rate model for this comprehensive package of services, and propose a medicaid case rate or range of rates; and (c) identify key quality performance metrics focused on health and recovery as well as quality incentive payment mechanisms that reinforce value over volume.

((~~(71) $500,000 of the problem gambling account state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2021.~~

~~(72)~~)) (68) $4,500,000 of the criminal justice treatment account—state appropriation for fiscal year 2021 is provided solely for the authority to provide funding for the setting up of new therapeutic courts for cities or counties or for the expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

((~~(73)~~)) (69) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to contract with a statewide mental health nonprofit serving consumers and families that provides free community and school-based mental health education and support programs. Funding shall be used to provide access to programs tailored to peers living with mental illness, family members of people with mental illness, and the community.

((~~(74)~~)) (70) In establishing, rebasing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall consider the information gained from this process and make adjustments allowable under federal law when appropriate.

((~~(75)~~)) (71) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs. The report shall include, but not be limited to (i) revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (ii) access to services, service denials, and utilization by state plan modality; (iii) claims denials and record of timely payment to providers; (iv) client demographics; and (v) social and recovery measures and managed care organization performance measures. The authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before July 1st of each year.

((~~(76)~~)) (72) $1,801,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to implement two pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services

to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

((~~(f)~~)) (e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

(73) $1,743,000 of the general fund—state appropriation for fiscal year 2021 and $5,419,000 of the general fund—federal appropriation are provided solely to implement a two percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective April 2021. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a two percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations.

(74) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(75) $1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority, in coordination with the department of health, to purchase and distribute opioid overdose reversal medications.

Sec. 1116. 2020 c 357 s 216 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2020) $2,630,000

General Fund—State Appropriation (FY 2021) ((~~$3,007,000~~))

$2,983,000

General Fund—Federal Appropriation ((~~$2,614,000~~))

$2,582,000

Pension Funding Stabilization Account—State

Appropriation $190,000

TOTAL APPROPRIATION ((~~$8,441,000~~))

$8,385,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $103,000 of the general fund—state appropriation for fiscal year 2020 and $97,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care).

(2) $107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6034 (pregnancy discrim. complaints). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1117. 2020 c 357 s 217 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right to Know Fund—State

Appropriation $10,000

Accident Account—State Appropriation ((~~$24,437,000~~))

$24,152,000

Medical Aid Account—State Appropriation ((~~$24,438,000~~))

$24,153,000

TOTAL APPROPRIATION ((~~$48,885,000~~))

$48,315,000

The appropriations in this section are subject to the following conditions and limitations: $114,000 of the accident account—state appropriation and $114,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

Sec. 1118. 2020 c 357 s 218 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—State Appropriation (FY 2020) $27,447,000

General Fund—State Appropriation (FY 2021) ((~~$31,639,000~~))

$31,209,000

General Fund—Private/Local Appropriation ((~~$7,339,000~~))

$7,328,000

Death Investigations Account—State Appropriation $682,000

Municipal Criminal Justice Assistance Account—State

Appropriation $460,000

Washington Auto Theft Prevention Authority Account—

State Appropriation ((~~$8,167,000~~))

$7,089,000

24/7 Sobriety Account—State Appropriation $20,000

Pension Funding Stabilization Account—State

Appropriation $460,000

TOTAL APPROPRIATION ((~~$76,214,000~~))

$74,695,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $5,000,000 of the general fund—state appropriation for fiscal year 2020 and $5,000,000 of the general fund—state appropriation for fiscal year 2021, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) $2,768,000 of the general fund—state appropriation for fiscal year 2020 and $2,789,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for seventy-five percent of the costs of providing eleven additional statewide basic law

enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) $1,179,000 of the general fund—state appropriation for fiscal year 2020 and $1,179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) $2,000,000 of the general fund—state appropriation for fiscal year 2020 and $2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute $3,000,000 in grants to the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services*, et. al., U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) $450,000 of the general fund—state appropriation for fiscal year 2020 and $449,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services*, et. al., U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) $534,000 of the death investigations account—state appropriation is provided solely for the commission to update and expand the medicolegal forensic investigation training currently provided to coroners and medical examiners from eighty hours to two-hundred forty hours to meet the recommendations of the national commission on forensic science for certification and accreditation. Funding is contingent on the death investigation account receiving three dollars of the five dollar increase in vital records fees from the passage of Engrossed Substitute Senate Bill No. 5332 (vital statistics).

(8) $10,000 of the general fund—state appropriation for fiscal year 2020, $22,000 of the general fund—state appropriation for fiscal year 2021, and $10,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1767 (alternatives to arrest/jail).

(10) $397,000 of the general fund—state appropriation for fiscal year 2020 and $397,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase for the Washington association of sheriffs and police chiefs.

(11) ((~~$2,000,000~~)) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2021, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual

assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(12) $20,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $20,000 of the general fund state appropriation for fiscal year 2021 are~~)) is provided solely for the Washington association of sheriffs and police chiefs to work with local law enforcement agencies and the Washington fire chiefs association to provide helmets to persons contacted by local law enforcement or an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle in order to reduce traumatic brain injuries throughout the state. The Washington association of sheriffs and police chiefs shall work in conjunction with the Washington fire chiefs association in administering the helmet distribution program.

(13) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(14) $316,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for House Bill No. 2926 (critical stress management programs). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(15) $830,000 of the general fund—state appropriation for fiscal year 2021 and $155,000 of the general fund—local appropriation are provided solely for Second Substitute House Bill No. 2499 (correctional officer certification). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(16) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the criminal justice training commission to develop and finalize the curriculum for the de-escalation law enforcement training as required under Initiative 940, the law enforcement training and community safety act.

(17) $92,000 of the general fund—state appropriation for fiscal year 2021 is provided to the Washington association of sheriffs and police chiefs solely to provide grants to law enforcement agencies to support body camera programs. Of these amounts:

(a) $82,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Lynden police department for equipment purchase and video storage costs for the body camera program; and

(b) $10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Nooksack tribal police for equipment purchase and video storage costs for the body camera program.

(18) $275,000 of the general fund—state appropriation for fiscal year 2021 is provided to the Washington association of sheriffs and police chiefs solely to provide a grant to a law enforcement agency in Island county to support equipment purchase and video storage costs for body camera programs.

(19) $165,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington association of sheriffs and police chiefs to provide a grant to fund an emergency jail cost to replace a failed jail control module and system in Skamania county that assists with inmate movement within the jail.

Sec. 1119. 2020 c 357 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State Appropriation (FY 2020) $14,426,000

General Fund—State Appropriation (FY 2021) ((~~$26,698,000~~))

$27,014,000

General Fund—Federal Appropriation $11,876,000

Asbestos Account—State Appropriation ((~~$590,000~~))

$587,000

Electrical License Account—State Appropriation ((~~$58,124,000~~))

$58,038,000

Farm Labor Contractor Account—State Appropriation $28,000

Worker and Community Right to Know Fund—State

Appropriation ((~~$1,039,000~~))

$1,036,000

Construction Registration Inspection Account—State

Appropriation ((~~$25,453,000~~))

$25,187,000

Public Works Administration Account—State

Appropriation ((~~$11,001,000~~))

$10,921,000

Manufactured Home Installation Training Account—

State Appropriation ((~~$412,000~~))

$403,000

Pension Funding Stabilization Account—State

Appropriation $1,434,000

Accident Account—State Appropriation ((~~$396,164,000~~))

$361,942,000

Accident Account—Federal Appropriation $16,439,000

Medical Aid Account—State Appropriation ((~~$399,802,000~~))

$365,341,000

Medical Aid Account—Federal Appropriation $3,650,000

Plumbing Certificate Account—State Appropriation ((~~$3,401,000~~))

$3,384,000

Pressure Systems Safety Account—State Appropriation ((~~$4,672,000~~))

$4,620,000

TOTAL APPROPRIATION ((~~$975,209,000~~))

$906,326,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$40,988,000~~)) $9,002,000 of the accident account—state appropriation and ((~~$40,986,000~~)) $9,002,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(2) $250,000 of the medical aid account—state appropriation and $250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(3) $1,700,000 of the accident account—state appropriation and $300,000 of the medical aid account—state appropriation are provided solely for a contract with a permanently registered Washington sector intermediary to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to $1,000,000 may be spent to provide supplemental instruction for

apprentices at small and mid-sized businesses. "Small and mid-sized businesses" means those that have fewer than one hundred employees or have less than five percent annual net profitability. The sector intermediary will collaborate with the state board for community and technical colleges to integrate and offer related supplemental instruction through one or more Washington state community or technical colleges by the 2020-21 academic year.

(4) $1,360,000 of the accident account—state appropriation and $240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries to establish a health care apprenticeship program.

(5) $273,000 of the accident account—state appropriation and $273,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit an initial report to the governor and appropriate legislative committees by August 30, 2020, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(6) $666,000 of the accident account—state appropriation and $243,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5175 (firefighter safety).

(7) $2,257,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). Of this amount, $464,100 is provided to incorporate information technology changes to the complaint activity tracking system, public works suite, accounts receivable collections, and the pay accounts receivable collections systems, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(8) $37,000 of the accident account—state appropriation and $33,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(9) $52,000 of the accident account—state appropriation is provided solely for the complaint activity tracking system adjustment project, which will add functionality related to conducting company-wide wage investigations. This funding is subject to the conditions, limitations, and review provided in section 701 of this act.

(10) $850,000 of the accident account—state appropriation and $850,000 of the medical aid account—state appropriation are provided solely for issuing and managing contracts with customer-trusted groups to develop and deliver information to small businesses and their workers about workplace rights, regulations and services administered by the agency.

(11) $5,721,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$504,000~~)) $904,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increasing rates for medical and health care service providers treating persons in the crime victim compensation program. Of the amounts provided in this subsection, $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the crime victims compensation program to pay for medical exams related to victims of suspected child abuse. No later than September 30, 2020, the department shall report to the legislature the following information, for each fiscal year from fiscal year 2016 through fiscal year 2020:

(a) The type of claims received by victims of suspected child abuse;

(b) The total number of claims received by victims of suspected child abuse;

(c) The type of claims paid to victims of suspected child abuse;

(d) The total number of claims paid to victims of suspected child abuse; and

(e) The total amounts of claims paid to victims of suspected child abuse.

(12) $744,000 of the accident account—state appropriation and $744,000 of the medical aid account—state appropriation are provided solely for customer service staffing at field offices.

(13) $3,432,000 of the accident account—state appropriation and $606,000 of the medical aid account—state appropriation are provided solely for the division of occupational safety and health to add workplace safety and health consultants, inspectors, and investigators.

(14) $788,000 of the accident account—state appropriation and $140,000 of the medical aid account—state appropriation are provided solely for apprenticeship staffing to respond to inquiries and process registrations.

(15) $2,608,000 of the accident account—state appropriation and $3,541,000 of the medical aid account—state appropriation are provided solely for claims management staffing to reduce caseloads.

(16) $1,072,000 of the public works administration account—state appropriation is provided solely for implementation of Substitute House Bill No. 1295 (public works contracting).

(17) $695,000 of the accident account—state appropriation and $124,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1817 (high hazard facilities).

(18) $67,000 of the accident account—state appropriation and $66,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1909 (industrial ins. claim records).

(19) $273,000 of the general fund—state appropriation for fiscal year 2020 and $352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(20) $683,000 of the accident account—state appropriation and $683,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). Of the amounts provided in this subsection, $176,000 of the accident account—state appropriation and $176,000 medical aid account—state appropriation are subject to the conditions, limitations, and review provided in section 701 of this act. ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(21) $1,507,000 of the construction registration inspection account—state appropriation is provided solely for additional staff to conduct and facilitate additional elevator inspections.

(22) $320,000 of the accident account—state appropriation and $75,000 of the medical aid account—state appropriation are provided solely for implementation of chapter 296, Laws of 2019 (SHB 1155).

(23) $1,393,000 of the plumbing certificate account—state appropriation is provided solely for implementation of Senate Bill No. 6170 (plumbing registration and licenses). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(24) $150,000 of the accident account—state appropriation and $26,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Senate Bill No. 6421 (farm internship program extension). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(25) ((~~$625,000~~)) $276,000 of the accident account—state appropriation and ((~~$625,000~~)) $543,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6440 (workers' compensation medical exams). ((~~If the bill is not enacted by June 30, 2020, the~~

~~amounts provided in this subsection shall lapse.~~))

(26) $255,000 of the accident account—state appropriation and $45,000 of the medical aid account—state appropriation are provided solely for two additional crane inspectors to work in King county.

(27) $280,000 of the accident account—state appropriation and $50,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6473 (asbestos building materials). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(28) $918,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6181 (crime victim compensation program). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~)) The department shall report to the legislature no later than July 31, 2021, the following information for fiscal year 2021 regarding the benefits available under Second Substitute Senate Bill No. 6181:

(a) The number of claims received by month;

(b) The number of claims rejected by month;

(c) The number and amounts of claims paid by month; and

(d) The average processing time for claims.

(29) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization located in Seattle whose primary mission is to empower vulnerable workers in low-wage industries and from marginalized communities to provide peer training to similar workers in order to prevent sexual harassment and assault of workers in low-wage industries.

(30)(a) $15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(31) $240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide staff support to the aerospace workforce council created in ((~~House Bill No. 2945 (aerospace business and occupation taxes and world trade compliance) or~~)) Senate Bill No. 6690 (aerospace business and occupation taxes and world trade compliance). ((~~If neither bill is enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1120. 2020 c 357 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. By December 31, 2020, the department must: (i) Develop and implement a sustainable staffing model for the institutional services program to keep expenditures commensurate with the program revenue; and (ii) report to the legislature regarding its expenditures. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2020) $3,369,000

General Fund—State Appropriation (FY 2021) ((~~$4,173,000~~))

$4,017,000

Charitable, Educational, Penal, and Reformatory

Institutions Account—State Appropriation $10,000

Pension Funding Stabilization Account—State

Appropriation $185,000

TOTAL APPROPRIATION ((~~$7,737,000~~))

$7,581,000

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2020) $6,602,000

General Fund—State Appropriation (FY 2021) ((~~$7,029,000~~))

$6,912,000

General Fund—Federal Appropriation ((~~$5,253,000~~))

$5,224,000

General Fund—Private/Local Appropriation ((~~$5,324,000~~))

$5,285,000

Veteran Estate Management Account—Private/Local

Appropriation ((~~$708,000~~))

$698,000

Pension Funding Stabilization Account—State

Appropriation ((~~$444,000~~))

$435,000

Veterans Stewardship Account—State Appropriation $300,000

Veterans Innovation Program Account—State

Appropriation $100,000

TOTAL APPROPRIATION ((~~$25,760,000~~))

$25,556,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $1,338,000 of the general fund—federal appropriation and $120,000 of the general fund—local appropriation are provided solely for the expansion of the transitional housing program at the Washington soldiers home.

(b) $300,000 of the general fund—state appropriation for fiscal year 2020, $300,000 of the general fund—state appropriation for fiscal year 2021, and $100,000 of the veterans innovation account—state appropriation are provided solely for veterans innovation program grants.

(c) $300,000 of the veterans stewardship nonappropriated account—state appropriation is provided solely for the department's traumatic brain injury program.

(d) $300,000 of the general fund—state appropriation for fiscal year 2020 and $300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1448 (veterans service officers).

(e)(i) $140,000 of the general fund—state appropriation for fiscal year 2020 and $142,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a statewide plan to reduce suicide among service members, veterans, and their families. In developing the plan, the department shall:

(A) Collaborate with government and nongovernment agencies and organizations to establish promising best practices for suicide awareness and prevention materials, training, and outreach programs targeted to service members, veterans, and their families;

(B) Cultivate peer-led organizations serving veterans in transition and recovery;

(C) Create statewide suicide awareness and prevention training programs with content specific to service members, veterans, and their families; and

(D) Provide safer homes materials and distribute safe firearms storage devices, to the Washington national guard, the Washington state patrol, allied veteran groups, and other organizations serving or employing veterans, following the recommendations of the suicide-safer homes task force.

(ii) The department must report to the legislature regarding the development of the plan no later than December 1, 2020.

(f) $128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 5900 (LGBTQ coordinator/veterans). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(g) $128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6626 (military spouse liaison). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(4) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020) $13,155,000

General Fund—State Appropriation (FY 2021) ((~~$14,453,000~~))

$14,172,000

General Fund—Federal Appropriation ((~~$101,679,000~~))

$111,795,000

General Fund—Private/Local Appropriation ((~~$20,744,000~~))

$20,458,000

Pension Funding Stabilization Account—State

Appropriation $1,464,000

TOTAL APPROPRIATION ((~~$151,495,000~~))

$161,044,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The amounts provided in this subsection include a general fund—state backfill for a revenue shortfall at the Washington soldiers home in Orting and the Walla Walla veterans home.

(b) If the department receives additional unanticipated federal resources at any point during the remainder of the 2019-2021 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2020) $100,000

General Fund—State Appropriation (FY 2021) $100,000

General Fund—Federal Appropriation $688,000

TOTAL APPROPRIATION $888,000

Sec. 1121. 2020 c 357 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2020) $79,582,000

General Fund—State Appropriation (FY 2021) ((~~$85,728,000~~))

$82,755,000

General Fund—Federal Appropriation $579,457,000

General Fund—Private/Local Appropriation ((~~$192,631,000~~))

$213,790,000

Hospital Data Collection Account—State Appropriation $362,000

Health Professions Account—State Appropriation ((~~$147,610,000~~))

$149,079,000

Aquatic Lands Enhancement Account—State

Appropriation $633,000

Emergency Medical Services and Trauma Care Systems

Trust Account—State Appropriation $10,091,000

Safe Drinking Water Account—State Appropriation $6,057,000

Drinking Water Assistance Account—Federal

Appropriation $17,000,000

Waterworks Operator Certification Account—State

Appropriation $1,990,000

Drinking Water Assistance Administrative Account—

State Appropriation $1,628,000

Site Closure Account—State Appropriation $183,000

Biotoxin Account—State Appropriation $1,694,000

Model Toxics Control Operating Account—State

Appropriation $4,468,000

((~~Medicaid Fraud Penalty Account—State~~

~~Appropriation $1,374,000~~))

Medical Test Site Licensure Account—State

Appropriation ((~~$3,233,000~~))

$3,319,000

Secure Drug Take-Back Program Account—State

Appropriation $1,008,000

Youth Tobacco and Vapor Products Prevention Account—

State Appropriation $4,237,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $10,786,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) $10,616,000

Public Health Supplemental Account—Private/Local

Appropriation $5,237,000

Pension Funding Stabilization Account—State

Appropriation $3,816,000

Accident Account—State Appropriation $362,000

Medical Aid Account—State Appropriation $54,000

TOTAL APPROPRIATION ((~~$1,169,837,000~~))

$1,188,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules

pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2019-2021 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2020 and 2021 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2020 and 2021 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition;

(b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(7)(a) $285,000 of the general fund—state appropriation for fiscal year 2020 and $15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the governor's interagency coordinating council on health disparities to establish a task force to develop a proposal for the creation of an office of equity. The purpose of the office of equity is to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government. The council must provide staff support and coordinate community and stakeholder outreach for the task force.

(b) The task force shall include:

(i) The chair of the interagency coordinating council on health disparities, or the chair's designee, who shall serve as the chair of the task force;

(ii) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(iii) Two members from the senate, appointed by the president of the senate;

(iv) A representative from the office of the governor, appointed by the governor;

(v) A representative from the office of financial management's diversity, equity, and inclusion council, appointed by the governor;

(vi) A representative from the office of minority and women's business enterprises, appointed by the director of the office of minority and women's business enterprises;

(vii) A representative from each ethnic commission, appointed by the director of each respective commission;

(viii) A representative from the women's commission, appointed by the director of the commission;

(ix) A representative from the human rights commission, appointed by the director of the commission;

(x) The director of the governor's office of Indian affairs, or the director's designee;

(xi) A member of the disability community, appointed by the chair of the governor's committee on disability issues and employment; and

(xii) A member of the lesbian, gay, bisexual, transgender, and queer community, appointed by the office of the governor.

(c) The task force must submit a preliminary report to the governor and legislature by December 15, 2019. The task force must submit a final proposal to the governor and the legislature by July 1, 2020. The final proposal must include the following recommendations:

(i) A mission statement and vision statement for the office;

(ii) A definition of "equity," which must be used by the office to guide its work;

(iii) The organizational structure of the office, which must include a community liaison for the office;

(iv) A plan to engage executive level management from all agencies;

(v) Mechanisms for facilitating state policy and systems change to promote equity, promoting community outreach and engagement, and establishing standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity;

(vi) Mechanisms for accountability to ensure that performance measures around equity are met across all agencies, including recommendations on audits of agencies and other accountability tools as deemed appropriate; and

(vii) A budget proposal including estimates for costs and staffing.

(d) Nonlegislative members of the task force must be reimbursed for expenses incurred in the performance of their

duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members must be reimbursed for expenses incurred in accordance with RCW 44.04.120.

(8) $400,000 of the general fund—state appropriation for fiscal year 2020 and $400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education, and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2020. A final report must be submitted to the legislature no later than June 30, 2021. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(9)(a) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nursing care quality assurance commission to continue the work group on nurses in long-term care settings.

(b) The work group must base its work on the assessment of long-term care workforce needs required by chapter 299, Laws of 2018, and included in the long-term care workforce development report to the governor and the legislature submitted in December 2018. The commission shall maintain existing membership of the work group, may add additional stakeholder representation, and may create such technical advisory committees as may be necessary to accomplish its purposes.

(c) Work group priorities for the 2019-2021 fiscal biennium include:

(i) Identifying data sources necessary to ensure workers are achieving timely training, testing, and certification;

(ii) Working with regional workforce development councils to project worker shortages and on-going demands;

(iii) Establishing revised nursing assistant training that aligns directly with the learning outcomes of the competency-based common curriculum, and improves access, reduces costs, increases consistency across evaluators, increases pass rates, and provides support for languages other than English;

(iv) Recommending requirements to improve skilled nursing facility staffing models and address deficiencies in resident care; and

(v) Creating a competency-based common curriculum for nursing assistant training that includes knowledge and skills relevant to current nursing assistant practices; integrated specialty training on mental health, developmental disabilities, and dementia; and removing or revising outdated content. The curriculum must not unnecessarily add additional training hours, and must meet all applicable federal and state laws. The curriculum must be designed with seamless progression from or toward any point on the educational continuum.

(d) The commission must provide an interim report on the activities of the work group and its findings and recommendations for statutory and regulatory changes to the governor and legislature by November 15, 2019, and a final report to the governor and legislature by November 15, 2020.

(10) $172,000 of the general fund—state appropriation for fiscal year 2020 and $172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5425 (maternal mortality reviews).

(11) $399,000 of the general fund—local appropriation is provided solely for implementation of Engrossed

Substitute Senate Bill No. 5332 (vital statistics).

(12) $52,000 of the general fund—state appropriation for fiscal year 2020, $22,000 of the general fund—state appropriation for fiscal year 2021, $11,000 of the general fund—local appropriation, and $107,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5380 (opioid use disorder).

(13) $80,000 of the general fund—state appropriation for fiscal year 2020, $7,000 of the general fund—state appropriation for fiscal year 2021, and $32,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(14) $132,000 of the general fund—state appropriation for fiscal year 2020 and $132,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5550 (pesticide application safety).

(15) $14,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Second Substitute Senate Bill No. 5846 (international medical graduates).

(16) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(17)(a) $62,000 of the general fund—state appropriation for fiscal year 2020 and $63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the King county local health jurisdiction, as part of the foundational public health services, to conduct a study on the population health impact of the SeaTac airport communities.

(b) By December 1, 2020, the King county local health jurisdiction shall submit a report to the appropriate committees of the legislature that must include:

(i) An analysis of existing data sources and an oversample of the best start for kids child health survey to produce airport community health profiles within a one mile, five mile, and ten mile radius of the airport;

(ii) A comprehensive literature review concerning the community health effects of airport operations, including a strength of evidence analysis;

(iii) The findings of the University of Washington school of public health study on ultrafine particulate matter at the airport and surrounding areas; and

(iv) Any recommendations to address health issues related to the impact of the airport on the community.

(18) $1,000,000 of the youth tobacco and vapor products prevention account—state appropriation is provided solely, as part of foundational public health services, for the department to support local health jurisdictions to provide youth tobacco and vapor prevention programs, including the necessary outreach and education for Engrossed House Bill No. 1074 (tobacco and vapor/age).

(19) $126,000 of the general fund—state appropriation for fiscal year 2020 and $120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(20) The department shall report to the fiscal committees of the legislature by December 1, 2019, and December 1, 2020, if it anticipates that the amounts raised by ambulatory surgical facility licensing fees will not be sufficient to defray the cost of regulating ambulatory surgical facilities. The report shall identify the amount of state general fund money necessary to compensate for the insufficiency.

(21) $162,000 of the general fund—state appropriation for fiscal year 2020 and $61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to create a statewide data system to provide early intervention services for all children appropriately screened for developmental delays, to track developmental screenings and delays identified in children, and to assist with care coordination and early intervention; and is subject to the

conditions, limitations, and review provided in section 701 of this act.

(22) $420,000 of the health professions account—state appropriation is provided solely for a work group to develop policy and practice recommendations to increase access to clinical training and supervised practice for the behavioral health workforce. The work group shall include representatives from the department, the workforce training and education coordinating board, and other appropriate stakeholders. The recommendations of the work group must address the following potential barriers: (a) reimbursement and incentives for supervision of interns and trainees; (b) supervision requirements; (c) competency-based training; (d) licensing reciprocity or the feasibility of an interstate licensing compact, or both; and (e) background checks, including barriers to work related to an applicant's criminal history or substance use disorder. The board must convene and facilitate the work group, and recommendations may be presented in two phases. Recommendations presented in the first phase must be provided by December 1, 2019. Recommendations presented in the second phase must be provided by December 1, 2020.

(23) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington poison center. This funding is provided in addition to funding provided pursuant to RCW 69.50.540.

(24) $21,000 of the general fund—state appropriation for fiscal year 2020 and $4,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a palliative care road map to provide information and guidance to providers, patients, families, and caregivers of individuals living with a serious or life-threatening illness. The department must work in consultation with appropriate stakeholders, including but not limited to, the health care authority, the department of social and health services, and hospital-based, outpatient, and community-based palliative care providers. The department must complete the document and make hard copies available for distribution no later than September 30, 2020.

(25) $750,000 of the general fund—state appropriation for fiscal year 2020 and $750,000 of the general fund—state appropriation for fiscal year 2021 are provided to continue the collaboration between local public health, accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from year two planning to align care coordination efforts across health care systems and support the accountable communities of health initiatives, including innovative, collaborative models of care. Strategies include the following, to reduce costly hospitalizations: (a) Analyze heart failure data to identify sub populations and risk factors and use this data to determine targeted interventions; (b) support provider and clinic implementation of screening, brief intervention, and referral to treatment through immunizations and ensure other areas of the county and state can duplicate the strategies; and (c) provide resources to achieve results and support collaboration across local health care systems and providers.

(26) $55,000 of the health professions account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1768 (substance use disorder professionals).

(27) $14,000 of the health professions account—state appropriation is provided solely to implement Substitute House Bill No. 1865 (acupuncture and Eastern medicine).

(28)(a) $257,000 of the general fund—state appropriation for fiscal year 2020 and $304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the suicide-safer homes task force defined in RCW 43.70.445 to:

(i) Expand support to industries, professions, and workplaces impacted by high rates of suicide, develop and provide online resources to disseminate best practices in workplace mental health and suicide prevention, and provide trainings for industries with the highest suicide rates and who are unable to pay for trainings;

(ii) Conduct a workplace suicide summit;

(iii) Deliver the task force's SAFER intervention and firearms and medication locking devices in partnership with nongovernment organizations in twelve rural communities across Washington; and

(iv) Develop and distribute a tool kit for suicide prevention and curriculum for firearms safety instructors for their inclusion in firearms safety courses.

(b) The task force shall distribute to all firearms dealers in the state suicide awareness and prevention materials tailored to firearms owners that are developed. Firearms dealers are strongly encouraged to post on the premises and make available to firearms purchasers and transferees the suicide awareness and prevention materials.

(c) The task force shall provide a report to the legislature regarding the directives of this subsection, and the report shall be included in the task force's final report to the legislature by December 1, 2020.

(29) $16,000 of the general fund—state appropriation for fiscal year 2020 and $8,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pharmacy quality assurance commission to:

(a) Distribute or make available through electronic means to all licensed pharmacies suicide awareness and prevention materials developed by the suicide-safer homes task force, and each licensed pharmacy shall, when deemed appropriate through patient evaluation, make available to patients at the point of care the suicide awareness and prevention materials distributed by the commission; and

(b) Survey each pharmacist licensed under this chapter on methods to bridge the gap between practice and suicide awareness and prevention training, including identifying barriers that exist in putting the training into practice. The commission shall consult with the suicide-safer homes task force in developing the survey. The commission may distribute the survey as part of each pharmacist's license renewal. The commission shall compile and analyze the survey data and report the results to the appropriate committees of the legislature by November 15, 2020.

(30) $1,310,000 of the health professions account—state appropriation is provided solely for the Washington medical commission for clinical health care investigators.

(31) $3,210,000 of the health professions account—state appropriation is provided solely for the nursing care quality assurance commission to address increased complaints.

(32) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(33) $18,000,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(34) $1,606,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add Pompe disease and MPS-I to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by $10.50.

(35) $332,000 of the general fund—local appropriation is provided solely for testing supplies necessary to perform x-linked adrenoleukodystrophy newborn screening panel testing. The department is authorized to increase the newborn screening fee by $1.90.

(36) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct formative research and development regarding dementia and the value and importance of early detection, diagnosis, and planning for the public, including racial and ethnic groups who are at increased risk. Qualified department staff or contracted experts must: (a) Investigate existing evidence-based messages and public awareness campaign strategies; and (b) develop, place, and evaluate messages through a short-term digital awareness campaign in at least two, but no more than four, targeted areas of the state.

(37) $125,000 of the general fund—state appropriation for fiscal year 2020

and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization that provides support and education for adults, children, and families impacted by cancer. The nonprofit must provide programs and services that include, but are not limited to, adult support groups, camps for children impacted by cancer, education programs for teens to reduce future risk of cancer, and emotional and social support to families dealing with cancer.

(38) $20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to conduct a study on the state producing generic prescription drugs, with a priority on insulin. By December 1, 2019, the department shall submit a report of its findings and recommendations to the legislature.

(39) $2,000,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Substitute House Bill No. 1587 (increasing access to fruits and vegetables).

(40) The department must submit an application for an extension or renewal of its current grant pursuant to the federal food insecurity incentives program. If an extension or renewal of the current grant is not permitted, the department must apply for a new grant under the same program, which was reauthorized in December 2018.

(41) $22,000 of the general fund—state appropriation for fiscal year 2020 and $22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed House Bill No. 1638 (vaccine preventable diseases).

(42) $207,000 of the health professions account—state appropriation is provided solely to implement chapter 69, Laws of 2019 (SHB 1198) (sexual misconduct notification).

(43) $203,000 of the general fund—state appropriation for fiscal year 2020 and $66,000 of the general fund—local appropriation are provided solely to implement Second Substitute House Bill No. 1394 (behavioral health facilities).

(44) $36,000 of the health professions account—state appropriation is provided solely to implement House Bill No. 1554 (dental hygienists).

(45) $189,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely to implement Engrossed Substitute House Bill No. 1094 (medical marijuana renewals).

(46) $200,000 of the general fund—local appropriation is provided solely to implement chapter 68, Laws of 2019 (HB 1177) (dental laboratory registry).

(47) $88,000 of the general fund—state appropriation for fiscal year 2020 and $87,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using the project ECHO telehealth model operated by the University of Washington. Training shall focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations. All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(48) $300,000 of the general fund—state appropriation for fiscal year 2020 and $90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the department of health for a task force established to recommend strategies for incorporating environmental justice principles into how state agencies discharge their responsibilities.

(a) The membership of the task force established under this section is as follows:

(i) The director of the department of commerce, or the director's designee;

(ii) The director of the department of ecology, or the director's designee;

(iii) The executive director of the Puget Sound partnership, or the executive director's designee;

(iv) The secretary of the department of transportation, or the secretary's designee;

(v) The secretary of the department of health, or the secretary's designee;

(vi) The chair of the energy facility site evaluation council, or the chair's designee;

(vii) The chair of the governor's interagency council on health disparities, or the chair's designee;

(viii) The commissioner of public lands, or the commissioner's designee;

(ix) A member from an organization representing statewide environmental justice issues, appointed by the governor;

(x) Three members from community-based organizations, appointed by the cochairs specified under (b) of this subsection, the nominations of which are based upon maintaining a balanced and diverse distribution, of representation from census tracts that are ranked at an eight or higher on the cumulative impact analysis and of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable;

(xi) A tribal leader, invited by the governor;

(xii) One member from an association representing business interests, appointed by the governor;

(xiii) One member from a union or other organized labor association representing worker interests, appointed by the governor;

(xiv) The director of the department of agriculture, or the director's designee; and

(xv) One member from an organization representing statewide agricultural interests, appointed by the governor.

(b) The representative of statewide environmental justice interests, and the chair of the governor's interagency council on health disparities, or the chair's designee, must cochair the task force.

(c) The governor's interagency council on health disparities shall provide staff support to the task force. The interagency council may work with other agencies, departments, or offices as necessary to provide staff support to the task force.

(d) The task force must submit a final report of its findings and recommendations to the appropriate committees of the legislature and the governor by October 31, 2020, and in compliance with RCW 43.01.036. The goal of the final report is to provide guidance to agencies, the legislature, and the governor, and at a minimum must include the following:

(i) Guidance for state agencies regarding how to use a cumulative impact analysis tool developed by the department of health. Guidance must cover how agencies identify highly impacted communities and must be based on best practices and current demographic data;

(ii) Best practices for increasing public participation and engagement by providing meaningful opportunities for involvement for all people, taking into account barriers to participation that may arise due to race, color, ethnicity, religion, income, or education level;

(iii) Recommendations for establishing measurable goals for reducing environmental health disparities for each community in Washington state and ways in which state agencies may focus their work towards meeting those goals;

(iv) Model policies for prioritizing highly impacted communities and vulnerable populations for the purpose of reducing environmental health disparities and advancing a healthy environment for all residents.

(e) If time and resources permit, the task force may also include in its final report:

(i) Recommendations for creating and implementing equity analysis into all significant planning, programmatic and policy decision making, and investments. The equity analysis methods may include a process for describing potential risks to, benefits to, and opportunities for highly impacted communities and vulnerable populations;

(ii) Best practices and needed resources for cataloging and cross-referencing current research and data

collection for programs within all state agencies relating to the health and environment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(f) Members of the task force who are not state employees must be compensated in accordance with RCW 43.03.240 and are entitled to reimbursement individually for travel expenses incurred in the performance of their duties as members of the task force in accordance with RCW 43.03.050 and 43.03.060. The expenses of the task force must be paid by the governor's interagency council on health disparities.

(g) The task force must hold four regional meetings to seek input from, present their work plan and proposals to, and receive feedback from communities throughout the state. The following locations must be considered for these meetings: Northwest Washington, central Puget Sound region, south Puget Sound region, southwest Washington, central Washington, and eastern Washington.

(h) Reports submitted under this section must be available for public inspection and copying through the governor's interagency council on health disparities and must be posted on its web site.

(49) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for testing of lead in public schools. The department must determine which school districts have the highest priority and test those districts first. The department and the school districts for which tests are conducted must provide to parents, educators, school staff, and the public clear communications regarding the test results, the consequences of even low levels of exposure or ingestion, such as cognitive deficits, reduction in IQ, and neurological development, and the information that no level of lead in drinking water is safe. The communications must include a comparison of the results to the recommendation of the American academy of pediatrics (August 2017) and the national toxicology program of the national institutes of health and the center for disease control, regardless of whether the level exceeds the standard for action pursuant to the federal lead and copper rule. Communications regarding test results where levels exceed the level recommended by the American academy of pediatricians must be accompanied by examples of actions districts may take to prevent exposure, including automated flushing of water fountains and sinks, and installation of certified water filters or bottle filling stations.

(50) $68,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 2378 (physician assistants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(51) $88,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2411 (suicide prevention/providers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(52) $724,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2426 (psychiatric patient safety). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(53) $14,000 of the general fund—state appropriation for fiscal year 2020 and $55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2731 (student head injury reports). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(54) $16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed House Bill No. 2755 (air ambulance cost transp.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(57)~~)) (55) $1,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for farmers market and grocery store basic food incentives for participants in the supplemental nutrition assistance program.

((~~(60)~~)) (56) Within amounts provided in this section, the department shall:

(a) Keep a monthly record of the wait times for processing applications for certification as an emergency medical technician, starting with the time the application is received until the certification is approved or denied. The record shall include the number of applications processed and the median and average wait times per month. The department shall provide a summary of the monthly wait times to the legislature no later than December 1, 2020.

(b) Conduct a review of the levels of emergency medicine competency applicable to military personnel and determine the equivalency of such levels to the standards required by the department for certification as an emergency medical technician in Washington state. The department shall report its findings to the legislature by December 1, 2020.

((~~(62)~~)) (57) The appropriations in this section include sufficient funding for the implementation of:

(a) Second Substitute Senate Bill No. 6309 (WIC fruit & veg. benefit);

(b) Substitute Senate Bill No. 6086 (opioid use/medications);

(c) Substitute Senate Bill No. 6526 (prescription drug reuse); and

(d) ((~~Senate Bill No. 6038 (acupuncture and eastern med.); and~~

~~(e)~~)) Substitute Senate Bill No. 6663 (eating disorders & diabetes).

((~~(64)~~)) (58) $19,000 of the health professions account—state appropriation is provided solely for implementation of Senate Bill No. 6143 (podiatric medical board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(65)~~)) (59) $76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6570 (law enforce. mental health). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(66)~~)) (60) $83,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6551 (international medical grads). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(67)~~)) (61) $20,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(69)~~)) (62) $1,223,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to improve behavioral health and suicide prevention through any of the following: Implementation of the recommendations of the agricultural industry task force; providing support to tribes in developing and implementing culturally appropriate, evidence-based programs and tribal best practices to support youth and adults; developing continuing education for mental health professionals and partnering with agencies and organizations serving high-risk populations; and developing and implementing postvention aftercare programs, developing a community health worker training module, and creating a safer homes community campaign on suicide prevention.

((~~(70)~~)) (63) Within its existing resources, the department shall work with a stakeholder group to review current statutes, certification of practices in other states, and qualification standards regarding colon hydrotherapy and produce recommendations for implementation of a certification program for colon hydrotherapists in the state of Washington. The department must submit recommendations to the legislature no later than October 20, 2020.

((~~(71)~~)) (64) $6,000 of the general fund—state appropriation for fiscal year 2020 and $360,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add spinal muscular atrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by $4.30 for this purpose. The department shall report to the fiscal committees of the legislature by December 1, 2020, if it anticipates that the amounts raised by the screening fee will not be sufficient to cover the costs of administering the program. The report shall identify the amount of any fee increase necessary to cover such costs.

((~~(72)~~)) (65) $1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to cover increased costs for the child profile health promotion notification system. The department shall review its processes for efficiencies and possible technological advances to reduce costs in future biennia. The department should review at least the following: (a) Use of technology; (b) frequency of communication; (c) available alternative funding sources; and (d) use of the system for other public awareness campaigns that might create new funding streams. The department shall report its findings and any recommendations to the legislature by December 15, 2020.

((~~(73)~~)) (66) Sufficient funding is provided in this section to implement Engrossed Substitute House Bill No. 2576 (private detention facilities).

(67) Within amounts appropriated in this section, the department must develop guidelines for local health jurisdictions when issuing local health orders regarding the need for noncongregate sheltering during the COVID-19 public health emergency. For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.

Sec. 1122. 2020 c 357 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ((~~2020~~)) 2021, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ((~~2020~~)) 2021 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. To the extent that transfers under this section are insufficient to fund actual expenditures made as a response to the COVID-19 pandemic, the department may transfer state appropriations that are provided solely for a specified purpose. The director of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2020) $68,583,000

General Fund—State Appropriation (FY 2021) ((~~$74,332,000~~))

$75,051,000

General Fund—Federal Appropriation $400,000

Pension Funding Stabilization Account—State

Appropriation $7,616,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $197,000

TOTAL APPROPRIATION ((~~$150,931,000~~))

$151,847,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) Within the funds appropriated in the subsection the department shall review and update the necessary business requirements for implementation of a comprehensive electronic health records system. The department will utilize its feasibility study from 2013 and the health informatics roadmap completed in 2017 to update its business requirements and complete a request for information process by May 31, 2021. The department shall submit a report to the governor and the legislature outlining the system specifications and a cost model for implementation no later than June 30, 2021. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(b) $13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation

of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(c)(i) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract. (d) The appropriations in this subsection include sufficient funding for the implementation of Second Substitute Senate Bill No. 5021 (DOC/interest arbitration).

(e) $219,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 1521 (government contracting). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2020) $564,329,000

General Fund—State Appropriation (FY 2021) ((~~$599,334,000~~))

$605,797,000

General Fund—Federal Appropriation $818,000

Washington Auto Theft Prevention Authority Account—

State Appropriation ((~~$4,679,000~~))

$2,339,000

Pension Funding Stabilization Account—State

Appropriation $62,920,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $31,700,000

TOTAL APPROPRIATION ((~~$1,232,080,000~~))

$1,267,903,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. ((~~The~~)) Except as provided in (j) of this subsection, the department shall not pay a rate greater than $85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for Yakima jail staff assigned to the unit. The capacity provided at

local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) $501,000 of the general fund—state appropriation for fiscal year 2020 and $501,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) The appropriations in this subsection include sufficient funding for the implementation of Substitute Senate Bill No. 5492 (motor vehicle felonies).

(d) $1,861,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $1,861,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely for the department to contract for the costs associated with use of offender bed capacity in lieu of prison beds for a therapeutic community program in Yakima county. The department shall provide a report to the legislature by December 15, 2019, outlining the program, its outcomes, and any improvements made over the previous contracted beds.

(e) $3,314,000 of the general fund—state appropriation for fiscal year 2020 and $3,014,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase custody staffing in its prison facilities to provide watch staff for hospital stays, mental health needs, and suicide watches to reduce overtime hours. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by November 15, 2019.

(f) $1,071,000 of the general fund—state appropriation for fiscal year 2020 and $1,567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et al.*, U.S. District Court for the Western District of Washington, cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment, and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, this appropriation shall lapse.

(g) $663,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department for payment of debt service associated with a certificate of participation for the equipment at the coyote ridge corrections center and its security electronics network project.

(h) $16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Third Substitute House Bill No. 1504 (impaired driving). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(j)~~)) (i) $97,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(j) $600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to pay for local jail beds to house individuals for the eighth and subsequent days following sentencing due to delays in transport to state institutions related to COVID-19 response. For this purpose, the department shall not pay a rate greater than $93.71 per day.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2020) $227,667,000

General Fund—State Appropriation (FY 2021) ((~~$242,885,000~~))

$204,959,000

General Fund—Federal Appropriation $3,632,000

Pension Funding Stabilization Account—State

Appropriation $12,800,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $5,879,000

TOTAL APPROPRIATION ((~~$486,984,000~~))

$454,937,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $1,320,000 of the general fund—state appropriation for fiscal year 2020 and $2,560,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of corrections to negotiate annual contract rate increases with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision and must include increases for a regional jail serving the south King county area for providing enhanced medical services. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) $984,000 of the general fund—state appropriation for fiscal year 2020 and $8,066,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to create two hundred work release beds in the community by the end of fiscal year 2021. The department shall create an implementation plan and provide a report to the legislature by September 1, 2019, that outlines when and where the work release facilities will be implemented.

(d) $143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(e) Amounts provided in this subsection include additional funding for improving services to persons under community supervision. The savings from caseload reductions as a result of Substitute House Bill No. 2393 (community custody), Substitute House Bill No. 2394 (community custody), and Substitute House Bill No. 2417 (community custody terms) allow for investments as recommended by the sentencing guidelines commission and the criminal sentencing task force, in evidence-based supervision and reentry practices that support accountability and successful reintegration into the community. The department of corrections must report to the governor and the appropriate committees of the legislature on how additional funds are expended by June 30, 2021.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2020) $6,471,000

General Fund—State Appropriation (FY 2021) ((~~$6,580,000~~))

$7,298,000

Pension Funding Stabilization Account—State

Appropriation $510,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $911,000

TOTAL APPROPRIATION ((~~$13,561,000~~))

$15,190,000

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2020) $47,835,000

General Fund—State Appropriation (FY 2021) ((~~$49,181,000~~))

$49,787,000

TOTAL APPROPRIATION ((~~$97,016,000~~))

$97,622,000

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2020) $59,452,000

General Fund—State Appropriation (FY 2021) ((~~$62,460,000~~))

$64,211,000

Pension Funding Stabilization Account—State

Appropriation $4,430,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $214,000

TOTAL APPROPRIATION ((~~$126,342,000~~))

$128,307,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) $250,000 of the general fund—state appropriation for fiscal year 2020 and $924,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional rental vouchers for individuals released from prison facilities or to increase the value of the rental voucher.

(c) $9,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute Senate Bill No. 5433 (DOC/post secondary education).

(d)(i) $1,156,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for costs relating to a pilot program for expanding educational programming to include postsecondary degrees and secure internet connections at up to three correctional institutions. The institutions chosen must be participating in the federal second chance Pell program. The internet connections are limited to the following purposes:

(A) Adult basic education;

(B) Completion of the free application for federal student aid or the Washington application for state financial aid; and

(C) Postsecondary education and training.

(ii) A report shall be submitted to the governor and the appropriate committees of the legislature by December 1, 2021, including:

(A) A description of how the secure internet connections were implemented, including any barriers or challenges;

(B) How many inmates participated in the programs that used the secure internet connections and a description of how the internet connection changed existing practices; and

(C) Data on whether the secure internet connection increased general education development or high school equivalency certificate completions; free application for federal student aid or Washington application for state financial aid filings; access to Pell grants or other state financial aid; and postsecondary education and training credit, certificate, and degree completions.

(e) $1,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staffing and to provide release assistance, including limited housing and food assistance, and other costs associated with individuals ordered released from confinement as a result of the *State v. Blake* decision.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2020) $164,516,000

General Fund—State Appropriation (FY 2021) ((~~$174,549,000~~))

$175,395,000

General Fund—Federal Appropriation $1,400,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $3,292,000

TOTAL APPROPRIATION ((~~$340,465,000~~))

$344,603,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) $895,000 of the general fund—state appropriation for fiscal year 2020 and $895,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase on call nursing and overtime staff in order to cover required nursing posts in its prison facilities. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by December 21, 2019.

(c) $108,000 of the general fund—state appropriation for fiscal year 2020 and $164,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et. al.*, United States District Court for the Western District of Washington, Cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, the amounts provided in this subsection shall lapse.

(d) $73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1123. 2020 c 357 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State Appropriation (FY 2020) $3,611,000

General Fund—State Appropriation (FY 2021) ((~~$3,971,000~~))

$3,771,000

General Fund—Federal Appropriation ((~~$25,492,000~~))

$25,209,000

General Fund—Private/Local Appropriation $60,000

Pension Funding Stabilization Account—State

Appropriation $172,000

TOTAL APPROPRIATION ((~~$33,306,000~~))

$32,823,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) $275,000 of the general fund—state appropriation for fiscal year 2020 and $275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for vocational rehabilitation supported employment services for additional eligible clients with visual disabilities who would otherwise be placed on the federally required order of selection waiting list.

(2) $115,000 of the general fund—state appropriation for fiscal year 2020 and $115,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the independent living program.

Sec. 1124. 2020 c 357 s 224 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—State Appropriation (FY 2020) $35,000

General Fund—State Appropriation (FY 2021) $910,000

General Fund—Federal Appropriation ((~~$252,209,000~~))

$234,755,000

General Fund—Private/Local Appropriation ((~~$36,421,000~~))

$36,408,000

Unemployment Compensation Administration Account—

Federal Appropriation ((~~$278,678,000~~))

$417,403,000

Administrative Contingency Account—State

Appropriation ((~~$26,256,000~~))

$26,250,000

Employment Service Administrative Account—State

Appropriation ((~~$66,060,000~~))

$65,982,000

Family and Medical Leave Insurance Account—State

Appropriation ((~~$129,563,000~~))

$129,489,000

Long-Term Services and Supports Trust Account—State

Appropriation $14,103,000

TOTAL APPROPRIATION ((~~$804,235,000~~))

$925,335,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) $70,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(3) $3,516,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5438 (ag & seasonal workforce srv).

(4) $4,636,000 of the employment service administrative account—state appropriation is provided solely for the statewide reentry initiative to connect incarcerated individuals to employment resources prior to and after release.

(5) $14,103,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1087 (long-term services and support). Of the amount provided in this subsection, $7,426,000 of the employment service administrative account—state appropriation is subject to the conditions, limitations, and review provided in section 701 of this act.

(6) $162,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave).

(7) $875,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to expand career connected learning program intermediary grants.

(8) $50,948,000 of the family and medical leave insurance account—state appropriation is provided solely to increase staffing levels and funding for the paid family medical leave program in order to align with projected business needs. The department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the office of financial management by September 1, 2020.

(9) $491,000 of the employment service administrative account—state appropriation is provided solely for implementation of Substitute House Bill No. 2308 (job title reporting). Of the amount provided in this subsection, $208,000 of employment service administrative account—state appropriation is subject to the conditions, limitations, and review provided in section 701 of this act. ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(10)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage

system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(11) $11,019,000 of the employment services administrative account—state appropriation is provided solely for increased compensation and other administrative costs that federal grant dollars are insufficient to cover. The department shall report the following to the legislature and the governor by September 30, 2020:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for each fiscal year from fiscal year 2014 through fiscal year 2020; and

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(12) $6,826,000 of the unemployment compensation administration account—federal appropriation is provided for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (12).

(13)(a) $35,000 of the employment services administrative account—state appropriation is provided solely for the department to begin conducting a study, jointly with the department of social and health services, the department of labor and industries, the department of commerce, and the office of the governor, on the feasibility of replicating the unemployment insurance program for and expanding other social net programs to individuals regardless of their citizenship status.

(b) In preparation for the study, the department shall analyze existing programs to assess the legality of expansion to serve undocumented individuals and families, identify programmatic changes that would mitigate barriers to access and reduce fear of participation, and identify the operational and caseload costs associated with replication or expansion. If existing program expansion is not feasible or in compliance with federal law, the study shall assess the creation of similar social net programs to individuals regardless of their citizenship status, and identify the associated operational and caseload costs.

(14) $13,603,000 of the general fund—federal appropriation (ARPA), $4,966,000 of the general fund—federal appropriation (CRF), and $33,589,000 of the general fund—federal appropriation are provided solely for the department to address the impacts of COVID-19 on the state unemployment system in order to promote equitable access, reduce fraud, and ensure the timely payment of

unemployment insurance benefits. Of the amounts provided in this subsection:

(a) $33,589,000 of the general fund—federal appropriation is provided for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors.

(b) $13,603,000 of the general fund—federal appropriation (ARPA) is provided for the department to ensure adequate security measures are in place to prevent unemployment insurance fraud.

(c) $2,110,000 of the general fund—federal appropriation (CRF) is provided solely for the department to migrate and upgrade the unemployment insurance customer call center phone system to a cloud-based system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(d) $1,983,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist the department with its unemployment insurance claims backlog.

(e) $633,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with a vendor to provide fact-finding services related to unemployment insurance claims.

Sec. 1125. 2020 c 357 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

(1)(a) The appropriations to the department of children, youth, and families in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, ((~~2020~~)) 2021, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ((~~2020~~)) 2021 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ((~~2020~~)) 2021 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs or in response to the COVID-19 pandemic, the department may transfer appropriations that are provided solely for a specified purpose.

(2) CHILDREN AND FAMILIES SERVICES PROGRAM

General Fund—State Appropriation (FY 2020) $401,235,000

General Fund—State Appropriation (FY 2021) ((~~$411,209,000~~))

$377,809,000

General Fund—Federal Appropriation ((~~$458,790,000~~))

$440,600,000

General Fund—Private/Local Appropriation ((~~$2,824,000~~))

$2,822,000

Pension Funding Stabilization Account—State

Appropriation ((~~$24,916,000~~))

$24,769,000

TOTAL APPROPRIATION ((~~$1,298,974,000~~))

$1,247,235,000

The appropriations in this section are subject to the following conditions and limitations:

(a) $748,000 of the general fund—state appropriation for fiscal year 2020 and $748,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center.

The department shall not require case management as a condition of the contract.

(b) $253,000 of the general fund—state appropriation for fiscal year 2020 and $662,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(i) Of the amounts provided in this subsection, $253,000 of the general fund—state appropriation for fiscal year 2020 and $253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the costs of existing hub home foster family constellations.

(ii) Of the amounts provided in this subsection, $231,000 of the general fund—state appropriation for fiscal year 2021 appropriation is provided solely to expand the number of hub home constellations and provide technical assistance for existing constellations.

(iii) Of the amounts provided in this subsection, $178,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with an organization with expertise in implementing the hub home model with fidelity to identify and train organizations serving kinship caregivers in eastern and western Washington with the goal of establishing additional hub home constellations to provide respite, training, and support to kinship caregivers. The department of children, youth, and families shall make available to the contracted organization information about the rates of placement of children with relative caregivers in order for the contracted organization to identify appropriate locations for expanding the model.

(c) $579,000 of the general fund—state appropriation for fiscal year 2020 and $579,000 of the general fund—state appropriation for fiscal year 2021 and $110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) $1,245,000 of the general fund—state appropriation for fiscal year 2020 and $1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for services provided through children's advocacy centers. Of the amounts provided in this subsection, $255,000 of the general fund—state appropriation for fiscal year 2020 and $255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an expansion to child advocacy center services.

(e) $1,884,000 of the general fund—state appropriation for fiscal year 2020 and $2,400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020. Of the amounts provided in this subsection, $533,000 of the general fund—state appropriation for fiscal year 2020 and $1,049,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to expand performance-based contracts through network administrators.

(f) $2,799,000 of the general fund—state appropriation for fiscal year 2020, $1,754,000 of the general fund—state appropriation for fiscal year 2021, and $5,444,000 of the general fund—federal appropriation are provided solely for social worker and related staff to receive, refer, and respond to screened-in reports of child abuse and neglect pursuant to chapter 208, Laws of 2018.

(g) Beginning October 1, 2019, and each calendar quarter thereafter, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(i) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(ii) Vacancy rates by region, office, and classification and band; and

(iii) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(h) $94,000 of the general fund—state appropriation for fiscal year 2020 and $94,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(i) $3,910,000 of the general fund—state appropriation for fiscal year 2020 and $3,910,000 of the general fund—state appropriation for fiscal year 2021 and $2,336,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care, to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcomes.

(j)(A) $539,000 of the general fund—state appropriation for fiscal year 2020 and $540,000 of the general fund—state appropriation for fiscal year 2021, $656,000 of the general fund private/local appropriation, and $252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(k) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(l) $375,000 of the general fund—state appropriation for fiscal year 2020 and $375,000 of the general fund—state appropriation for fiscal year 2021 and $112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child.

(m) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least $3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(n) $1,230,000 of the general fund—state appropriation for fiscal year 2020 and $2,230,000 of the general fund—state appropriation for fiscal year 2021 and

$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(o) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(p) $197,000 of the general fund—state appropriation for fiscal year 2020 and $197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(q) $5,040,000 of the general fund—state appropriation for fiscal year 2020 $6,051,000 of the general fund—state appropriation for fiscal year 2021, and $846,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement contracts. Of the amounts provided in this subsection (2)(q), $1,037,000 of the general fund—state appropriation for fiscal year 2021 and $115,000 of the general fund—federal appropriation are provided solely for contracts with enhanced therapeutic services and greater staff-to-child ratios. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(r) The appropriations in this section include sufficient funding for continued implementation of Chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(s)(i) $10,828,000 of the general fund—state appropriation for fiscal year 2020, $10,993,000 of the general fund—state appropriation for fiscal year 2021, and $13,365,000 of the general fund—federal appropriation are provided solely for rate increases for behavioral rehabilitation services providers. The department shall modify the rate structure to one that is based on placement setting rather than acuity level pursuant to the rate study submitted in December 2018.

(ii) Beginning January 1, 2020, and continuing through the 2019-2021 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the first six months of calendar year 2019. Beginning in state fiscal year 2021, the report shall identify beds with the behavioral rehabilitation services-plus services rate in (ii) of this subsection.

(t) Within existing resources, the department shall implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children).

((~~(v)~~)) (u) $1,533,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of chapter 328, Laws of 2019 (2SSB 5718). Of the amount provided in this subsection, $767,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide short-term housing assistance to families that must not result in ongoing expenditures after June 30, 2021, consistent with the requirements of chapter 328, Laws of 2019 (2SSB 5718).

((~~(w)~~)) (v) $413,000 of the general fund—state appropriation for fiscal year 2020, $513,000 of the general fund—state appropriation for fiscal year 2021, and $826,000 of the general fund—federal appropriation are provided solely to increase family reconciliation services. The appropriations in this section include sufficient funding to implement Substitute House Bill No. 2873 (families in conflict).

((~~(x)~~)) (w) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

((~~(y)~~)) (x) The department of children, youth, and families shall enter into interagency agreements with the office of public defense and office of civil legal aid to facilitate the use of federal Title IV-E reimbursement for parent representation and child representation services.

((~~(z)~~)) (y) $146,000 of the general fund—state appropriation for fiscal year 2020 and $147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5955 (DCYF/statewide system).

((~~(aa)~~)) (z) $15,046,000 of the general fund—federal appropriation is provided solely for the department of children, youth, and families to leverage federal title IV-E funds available under the family first prevention services act for qualifying services and families.

(i) In fiscal year 2020, the department shall work with the department of social and health services to complete an evaluation of kinship navigator services that would enable establishment of a well-supported, supported, or promising practice model.

(ii) No later than December 1, 2019, the department shall report to the governor and appropriate legislative committees on the feasibility of claiming federal title IV-E reimbursement in fiscal year 2021 for home visiting services and kinship navigator services. The report shall include the estimated share of the current population receiving home visiting services whom the department would consider candidates for foster care for the purposes of title IV-E reimbursement under the family first prevention services act, and the estimated workload impacts for the department to identify and document the candidacy of populations receiving home visiting services.

((~~(bb)~~)) (aa) $443,000 of the general fund—state appropriation for fiscal year 2020, $443,000 of the general fund—state appropriation for fiscal year 2021, and $818,000 of the general fund—federal appropriation are provided solely for ten child and family welfare services case workers.

((~~(cc)~~)) (bb) $400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

((~~(dd)~~)) (cc) $666,000 of the general fund—state appropriation for fiscal year 2021 and $74,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(ee)~~)) (dd) $937,000 of the general fund—state appropriation for fiscal year 2021 and $66,000 of the general fund—federal appropriation are provided solely to implement Engrossed Third Substitute House Bill No. 1775 (sexually exploited children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(hh)~~)) (ee) $5,159,000 of the general fund—state appropriation for fiscal year 2021 and $1,870,000 of the general fund—federal appropriation are provided solely to increase the basic foster care maintenance rate by an average of $110 per month per child for all age groups effective July 1, 2020.

((~~(ii)~~)) (ff) $3,175,000 of the general fund—state appropriation for fiscal year 2021 and $2,117,000 of the general fund—federal appropriation are provided solely to establish behavioral rehabilitation services-plus contracts to serve dependent youth whose needs cannot be met in regular behavioral rehabilitation services, and who may be transitioning from a hospital or other inpatient treatment, emergent placement services, a hotel stay, or an out-of-state placement. Contracts for behavioral rehabilitation services-plus must offer enhanced rates that support therapeutic services, appropriate staff-to-child ratios, and placement stabilization.

((~~(kk)~~)) (gg) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These

maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

((~~(mm) $1,080,000 of the general fund—state appropriation for fiscal year 2021 and $720,000 of the general fund—federal appropriation are provided solely for the department to engage with a behavioral rehabilitation services or behavioral rehabilitation services-plus provider or providers who previously provided behavioral rehabilitation services to the state but who do not have a contract with the department on the effective date of this section, and who can serve dependent youth whose needs require a staff-to-child ratio that is higher than one staff to three children. The funding in this subsection is provided on a one-time basis for fiscal year 2021 only.~~

~~(nn)~~)) (hh) $139,000 of the general fund—state appropriation for fiscal year 2021 and $26,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(ii) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families throughout the pandemic act, P.L. 116-260, division X.

(3) JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020) $100,445,000

General Fund—State Appropriation (FY 2021) ((~~$111,895,000~~))

$109,686,000

General Fund—Federal Appropriation ((~~$3,464,000~~))

$3,411,000

General Fund—Private/Local Appropriation $1,790,000

Washington Auto Theft Prevention Authority Account—

State Appropriation ((~~$196,000~~))

$98,000

Pension Funding Stabilization Account—State

Appropriation $8,362,000

TOTAL APPROPRIATION ((~~$226,152,000~~))

$223,792,000

The appropriations in this section are subject to the following conditions and limitations:

(a) $331,000 of the general fund—state appropriation for fiscal year 2020 and $331,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) $2,841,000 of the general fund—state appropriation for fiscal year 2020 and $2,841,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(c) $1,537,000 of the general fund—state appropriation for fiscal year 2020 and $1,537,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for

public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(d)(i) $6,198,000 of the general fund—state appropriation for fiscal year 2020 and $6,198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(ii) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (A) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (B) fifteen percent for the assessment of low, moderate, and high-risk youth; (C) twenty-five percent for evidence-based program participation; (D) seventeen and one-half percent for minority populations; (E) three percent for the chemical dependency and mental health disposition alternative; and (F) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(iii) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(iv) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(e) $557,000 of the general fund—state appropriation for fiscal year 2020

and $707,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the teamchild project.

(f) $283,000 of the general fund—state appropriation for fiscal year 2020 and $283,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile detention alternatives initiative.

(g) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(h) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(i) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(j) $432,000 of the general fund—state appropriation for fiscal year 2020 and $432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(k) $4,179,000 of the general fund—state appropriation for fiscal year 2020 and $7,516,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehabilitation confinement).

(l) $80,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a contract with a non-governmental entity to research youth violence prevention strategies and explore new and existing resources to implement evidence-based youth prevention strategies in the city of Federal Way.

(m) $200,000 of the general fund—state appropriation for fiscal year 2020 is provided for the department to measure the fidelity of the evidence-based interventions incorporated into the integrated treatment model. By July 1, 2020, the department must report to the governor and the appropriate fiscal and policy committees of the legislature on the results of the assessment of the integrated treatment model.

(n) $425,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by September 15, 2021.

(o) $800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of juvenile justice to establish a grant program for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence.

(i) Priority shall be given to one site serving in south King county and one site in Yakima county.

(ii) Priority for funding shall be given to sites who partner with the University of Washington to deliver family integrated transition services through use of credible messenger advocates.

(p) $25,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile rehabilitation administration to contract with a cultural-based education, rehabilitation, and positive identity formation program to host music, dance, therapeutic African drumming, and cultural awareness workshops at Naselle youth camp.

(q) $1,059,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Second Substitute House Bill No. 2277 (youth solitary confinement). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(r) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of children, youth, and families to fund an educational advocate for the city of Yakima. The advocate will provide intervention services to youth identified as most at risk to engage in firearm violence.

(4) EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2020) $206,082,000

General Fund—State Appropriation (FY 2021) ((~~$347,513,000~~))

$282,317,000

General Fund—Federal Appropriation ((~~$412,831,000~~))

$415,289,000

General Fund—Private/Local Appropriation ((~~$1,115,000~~))

$1,110,000

Education Legacy Trust Account—State Appropriation ((~~$28,156,000~~))

$28,150,000

Home Visiting Services Account—State Appropriation ((~~$14,926,000~~))

$14,803,000

Home Visiting Services Account—Federal Appropriation $28,523,000

Washington Opportunity Pathways Account—State

Appropriation $80,000,000

Pension Funding Stabilization Account—State

Appropriation $3,900,000

TOTAL APPROPRIATION ((~~$1,123,046,000~~))

$1,060,174,000

The appropriations in this section are subject to the following conditions and limitations:

(a)(i) $80,273,000 of the general fund—state appropriation for fiscal year 2020, ((~~$97,570,000~~)) $90,667,000 of the general fund—state appropriation for fiscal year 2021, ((~~$24,070,000~~)) $23,970,000 of the education legacy trust account—state appropriation, and $80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 slots in fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

(ii) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(b) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 is

provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(d) $51,815,000 of the general fund—state appropriation in fiscal year 2020, ((~~$80,265,000~~)) $30,829,000 of the general fund—state appropriation in fiscal year 2021, and $283,375,000 of the general fund—federal appropriation are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(i) ((~~$78,101,000 of the general fund state appropriation shall~~)) The department will coordinate with the department of social and health services to determine the amount of state funding for state fiscal year 2021 to be claimed toward the state's temporary assistance for needy families federal maintenance of effort requirement. The department shall work in collaboration with the department of social and health services to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the monthly temporary assistance for needy families reimbursement.

(ii) $44,103,000 is for the compensation components of the 2019-2021 collective bargaining agreement covering family child care providers as provided in section 943 of this act.

(iii) $28,000 of the general fund—state appropriation for fiscal year 2020 and $1,359,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1303 (child care/higher education).

(iv) $526,000 of the general fund—state appropriation for fiscal year 2020 and $519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(v) $1,901,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2456 (working connect. eligibility). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(vi) $7,000 of the general fund—state appropriation for fiscal year 2020 and $645,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2455 (high school/child care). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(vii) $133,354,000 is for subsidy rate increases for child care center providers. Funding in this subsection is sufficient to achieve the 55th percentile of market at a level 3 standard of quality in fiscal year 2020 and the 65th percentile of market for both centers and licensed family homes at a level 2 standard of quality and providers of care for school aged children in fiscal year 2021. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

((~~(vi) (ix)~~)) (viii) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who

have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent of the federal poverty level or below; and

(H) All other eligible families.

((~~(x)~~)) (ix) The department, in collaboration with the department of social and health services, must submit a follow-up report by December 1, 2019, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) An updated narrative of the procurement and implementation of an improved time and attendance system, including an updated and detailed accounting of the final costs of procurement and implementation;

(B) An updated and comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services have implemented and that are planned to be implemented to avoid overpayments. The updated report must include an itemized description of the processes implemented or planned to be implemented to address each of the following:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments, including the billing of more regular business days than are in a month, to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(VII) Ensure two half-day rates totaling more than one hundred percent of the daily rate are not paid to providers; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

((~~(xi)~~)) (x) Beginning July 1, 2019, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) $1,560,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $1,560,000~~)), $310,000 of the general fund—state appropriation for fiscal year 2021, and ((~~$13,424,000~~)) $8,046,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) $379,000 of the general fund—state appropriation for fiscal year 2020 and $871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:

(i) $323,000 of the general fund—state appropriation for fiscal year 2020 and $333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) $56,000 of the general fund—state appropriation for fiscal year 2020 and $539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.

(h) $4,653,000 of the general fund—state appropriation for fiscal year 2020, $3,587,000 of the general fund—state appropriation for fiscal year 2021, and $1,076,000 of the general fund—federal appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

(i) $38,622,000 of the general fund—state appropriation for fiscal year 2020, $38,095,000 of the general fund—state appropriation for fiscal year 2021 and $33,908,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection:

(i) $1,728,000 of the general fund—state appropriation for fiscal year 2020 and $1,728,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(ii) $17,955,000 is for quality improvement awards, of which $1,650,000 is to provide a $500 increase for awards for select providers rated level three to five in accordance with the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act.

(iii) $1,283,000 of the general fund—state appropriation for fiscal year 2020 and $417,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers program).

((~~(v)~~)) (j) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021

are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(k) $4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(l) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

(m)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(n) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(o) $5,157,000 of the general fund—state appropriation for fiscal year 2020 and $4,938,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for components of the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act. Of the amounts provided in this subsection:

(i) $1,302,000 is for the family child care provider 501(c)(3) organization for board-approved training;

(ii) $230,000 is for increasing training reimbursement up to $250 per person;

(iii) $115,000 is for training on the electronic child care time and attendance system;

(iv) $3,000,000 is to maintain the career development fund;

(v) $5,223,000 is for up to five days of substitute coverage per provider per year through the state-administered substitute pool.

(vi) $226,000 is to provide an increase to monthly health care premiums.

(p) $219,000 of the general fund—state appropriation for fiscal year 2020 and $219,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(q) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(r) $317,000 of the general fund—state appropriation for fiscal year 2020 and $317,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue a four year pilot for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(s) Within existing resources, the department shall implement Substitute Senate Bill No. 5089 (early learning access).

(t) $250,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $250,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely for additional facilitated play groups offered statewide to family, friend, and neighbor child care providers.

(u)(i) The department of children, youth, and families, in consultation with the office of the superintendent of public instruction, the office of financial management, and the caseload forecast council must develop a proposal to transfer the annual allocations appropriated in the omnibus appropriations act for early intervention services for children with disabilities from birth through two years of age, from the superintendent of public instruction to the department of children, youth, and families beginning July 1, 2020. The department must submit a model detailing how allocations for this program will be determined and identifying the necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2019.

(ii) Beginning July 1, 2019, there shall be an administrative limit of five percent on all state funds allocated to school districts for early intervention services for children with disabilities from birth through two years of age.

(v) $750,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the expanded learning opportunity quality initiative pursuant to RCW 43.216.085(3)(d). No later than December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature regarding the outcomes of this pilot program and recommendations for future implementation that includes phasing-out the need for ongoing state support.

(w) $3,779,000 of the home visiting services—state appropriation and $3,779,000 of the home visiting services—federal appropriation are provided solely for the department to contract for additional home visiting slots. To maximize the use of available federal funding, to the greatest extent possible, the department shall use these additional slots to serve families where one or more children are candidates for foster care. The federal amount in this subsection is contingent on the services and children being eligible under the federal family first prevention services act, P.L. 115-123. The department may not allocate the federal funds to contractors unless the federal funding requirements are met.

(x) $9,000 of the general fund—state appropriation for fiscal year 2020 and $9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group).

(y) $773,000 of the general fund—state appropriation for fiscal year 2020 and $773,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health).

(z) $231,000 of the general fund—state appropriation for fiscal year 2020 and $144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the

governor and the appropriate legislative committees by September 1, 2020.

(aa) $95,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with the Walla Walla school district to repurpose an elementary school into an early learning center to serve as a regional prekindergarten facility. The early learning center must provide birth to five services such as parent education and supports, child care, and early learning programs.

(bb) $3,523,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide one-time scholarships for licensed family homes, child care center providers, and interested early learning providers to meet licensing requirements or meet ECEAP staff qualifications. Scholarships must support early childhood education associate degrees offered at state community and technical colleges or the early childhood education stackable certificates. The department shall administer the scholarship program and leverage the infrastructure established with early achievers grants.

((~~(dd)~~)) (cc) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2556 (early learning provider regs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(ee)~~)) (dd) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2619 (early learning access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(ff)~~)) (ee) $91,991,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for payments to providers for the early support for infants and toddlers program to implement Substitute House Bill No. 2787 (infants and toddlers program). Beginning September 1, 2020, funding for this purpose is transferred from the office of the superintendent of public instruction. Funding and eligibility are associated with the 0-2 special education caseload prepared by the caseload forecast council.

(5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020) $118,341,000

General Fund—State Appropriation (FY 2021) ((~~$119,408,000~~))

$124,165,000

General Fund—Federal Appropriation ((~~$162,520,000~~))

$159,339,000

General Fund—Private/Local Appropriation $195,000

Education Legacy Trust Account—State Appropriation $180,000

Home Visiting Services Account—State Appropriation $472,000

Home Visiting Services Account—Federal Appropriation $354,000

Pension Funding Stabilization Account—State

Appropriation ((~~$2,990,000~~))

$3,137,000

TOTAL APPROPRIATION ((~~$404,460,000~~))

$406,183,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (i) The status of any information technology projects currently being developed or

implemented that affect the coalition; (ii) funding needs of these current and future information technology projects; and (iii) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) $300,000 of the general fund—state appropriation for fiscal year 2020 and $400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(c) $5,000 of the general fund—state appropriation for fiscal year 2020, $5,000 of the general fund—state appropriation for fiscal year 2021, and $16,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(d) $63,000 of the general fund—state appropriation for fiscal year 2020 and $7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(e) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(f)(i) All agreements and contracts with vendors must include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(g) The department must submit an agency budget request for the 2020 supplemental budget that identifies the amount of administrative funding to be transferred from appropriations in subsections (2), (3), and (4) of this section to this subsection (5).

(h) $83,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review

family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(i) $175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a plan to merge servers and build infrastructure to connect the child welfare, early learning, and juvenile rehabilitation programs on a single network. The implementation plan must be completed and provided to the legislature by January 1, 2021.

(j) The department shall use funding provided in the information technology pool to develop and implement the following, subject to the conditions, limitations, and review provided in section 701 of this act:

(i) A web-based reporting portal accessible to mandated reporters for reporting child abuse and neglect as required by RCW 26.44.030; and

(ii) A call-back option for callers placed on hold to provide a phone number for the department to return a call to complete the report of child abuse and neglect.

PART XII

NATURAL RESOURCES

SUPPLEMENTAL

Sec. 1201. 2020 c 357 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2020) $605,000

General Fund—State Appropriation (FY 2021) ((~~$668,000~~))

$657,000

General Fund—Federal Appropriation $32,000

General Fund—Private/Local Appropriation ((~~$1,158,000~~))

$1,147,000

Pension Funding Stabilization Account—State

Appropriation $46,000

TOTAL APPROPRIATION ((~~$2,509,000~~))

$2,487,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $45,000 of the general fund—state appropriation for fiscal year 2020 and $45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to conduct compliance monitoring on approved development projects and develop and track measures on the commission's effectiveness in implementing the national scenic area management plan.

(2) $45,000 of the general fund—state appropriation for fiscal year 2020 and $94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

Sec. 1202. 2020 c 357 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2020) ((~~$30,696,000~~))

$30,665,000

General Fund—State Appropriation (FY 2021) ((~~$31,396,000~~))

$25,804,000

General Fund—Federal Appropriation ((~~$110,069,000~~))

$109,417,000

General Fund—Private/Local Appropriation ((~~$27,066,000~~))

$27,007,000

Reclamation Account—State Appropriation ((~~$4,919,000~~))

$4,886,000

Flood Control Assistance Account—State Appropriation ((~~$4,184,000~~))

$4,152,000

State Emergency Water Projects Revolving Account—

State Appropriation $40,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation ((~~$26,052,000~~))

$25,943,000

State Drought Preparedness Account—State

Appropriation $204,000

State and Local Improvements Revolving Account—Water

Supply Facilities—State Appropriation $183,000

Aquatic Algae Control Account—State Appropriation $528,000

Water Rights Tracking System Account—State

Appropriation ((~~$48,000~~))

$798,000

Site Closure Account—State Appropriation $582,000

Wood Stove Education and Enforcement Account—State

Appropriation ((~~$577,000~~))

$576,000

Worker and Community Right to Know Fund—State

Appropriation ((~~$1,996,000~~))

$1,978,000

Water Rights Processing Account—State Appropriation $39,000

Model Toxics Control Operating Account—State

Appropriation ((~~$257,389,000~~))

$248,961,000

Model Toxics Control Operating Account—Local

Appropriation $499,000

Water Quality Permit Account—State Appropriation ((~~$48,068,000~~))

$47,491,000

Underground Storage Tank Account—State Appropriation ((~~$3,976,000~~))

$3,924,000

Biosolids Permit Account—State Appropriation ((~~$2,709,000~~))

$2,683,000

Hazardous Waste Assistance Account—State

Appropriation ((~~$7,170,000~~))

$7,076,000

Radioactive Mixed Waste Account—State Appropriation ((~~$21,239,000~~))

$20,998,000

Air Pollution Control Account—State Appropriation ((~~$4,463,000~~))

$4,411,000

Oil Spill Prevention Account—State Appropriation ((~~$9,179,000~~))

$9,058,000

Air Operating Permit Account—State Appropriation ((~~$4,692,000~~))

$4,644,000

Freshwater Aquatic Weeds Account—State Appropriation ((~~$1,497,000~~))

$1,489,000

Oil Spill Response Account—State Appropriation $8,576,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $465,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) $464,000

Pension Funding Stabilization Account—State

Appropriation $2,920,000

Water Pollution Control Revolving Administration

Account—State Appropriation ((~~$4,220,000~~))

$4,172,000

Paint Product Stewardship Account—State

Appropriation $182,000

TOTAL APPROPRIATION ((~~$616,287,000~~))

$600,815,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) $102,000 of the general fund—state appropriation for fiscal year 2020 and $102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(3) $726,000 of the general fund—state appropriation for fiscal year 2020, ((~~$1,742,000~~)) $1,432,000 of the general fund—state appropriation for fiscal year 2021, and $1,600,000 of the flood control assistance account—state appropriation are provided solely for the continued implementation of the streamflow restoration program provided in chapter 90.94 RCW. Funding must be used to develop watershed plans, oversee consultants, adopt rules, and develop or oversee capital grant-funded projects that will improve instream flows statewide.

(4) $1,259,000 of the model toxics control operating account—state appropriation is provided solely for the increased costs for Washington conservation corp member living allowances, vehicles used to transport crews to worksites, and costs unsupported by static federal AmeriCorps grant reimbursement.

(5) $3,482,000 of the model toxics control operating account—state appropriation is provided solely for the department to implement recommendations that come from chemical action plans (CAP), such as the interim recommendations addressing PFAS (per- and polyfluorinated alkyl substances) contamination in drinking water and sources of that contamination, to monitor results, and to develop new CAPs.

(6) $592,000 of the reclamation account—state appropriation is provided solely for the department to assess and explore opportunities to resolve water rights uncertainties and disputes through adjudications in selected basins where tribal senior water rights, unquantified claims, and similar uncertainties about the seniority, quantity, and validity of water rights exist.

(7) $2,147,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department to address litter prevention and recycling programs, and in response to new China-imposed restrictions on the import of recyclable materials. Activities funded from this increased appropriation include litter pickup by ecology youth crews, local governments, and other state agencies, and litter prevention public education campaigns.

(8) $120,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $569,000~~)), $67,000 of the general fund—state appropriation for fiscal year 2021, and $502,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(9) $1,286,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5135 (toxic pollution).

(10) $392,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5397 (plastic packaging).

(11) $1,450,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1543 (concerning sustainable recycling).

(12) $342,000 of the air pollution control account—state appropriation and $619,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions).

(13) $1,374,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute

House Bill No. 1578 (oil transportation safety).

(14) $264,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Walla Walla watershed management partnership board of directors to develop a thirty-year integrated water resource management strategic plan and to provide partnership staffing, reporting, and operating budget costs associated with new activities as described in Second Substitute Senate Bill No. 5352 (Walla Walla watershed pilot).

(15) $455,000 of the general fund—state appropriation for fiscal year 2020 and $455,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

(16) $290,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $290,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely for rule making to change standards to allow for a higher volume of water to be spilled over Columbia river and Snake river dams to increase total dissolved gas for the benefit of Chinook salmon and other salmonids.

(17) $118,000 of the general fund—state appropriation for fiscal year 2020 and $118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the agency to convene a stakeholder work group to identify actions to decrease loading of priority pharmaceuticals into Puget Sound, contract for technical experts to provide literature review, conduct an analysis and determine best practices for addressing pharmaceutical discharges, and carry out laboratory testing and analysis.

(18) $319,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$319,000~~)) $119,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase coordination in reviewing shoreline armoring proposals to better protect forage fish.

(19) $247,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$435,000~~)) $260,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for monitoring nutrient cycling and ocean acidification parameters at twenty marine stations in Puget Sound and Hood canal.

(20) $250,000 of the flood control assistance account—state appropriation is provided solely for the Washington conservation corps to carry out emergency activities to respond to flooding by repairing levees, preventing or mitigating an impending flood hazard, or filling and stacking sandbags. This appropriation is also for grants to local governments for emergency response needs, including the removal of structures and repair of small-scale levees and tidegates.

(21) $500,000 of the model toxics control operating account—state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

(22) $244,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5579 (crude oil volatility/rail).

(23) $432,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Substitute House Bill No. 1290 (voluntary cleanups/has waste).

((~~(25)~~)) (24) $10,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

(25) $100,000 of the oil spill prevention account—state appropriation is provided solely for the department to produce a synopsis of current maritime vessel activity, navigation lanes, and anchorages in the northern Puget Sound and the strait of Juan de Fuca, including vessel transit in Canadian portions of transboundary waters. Consistent with RCW 43.372.030, the synopsis must compile key findings and baseline information on the spatial and temporal distribution of and intensity of current maritime vessel activity. The department may collect new

information on vessel activity, including information on commercial and recreational fishing, where relevant to the synopsis. In producing the synopsis, the department must invite the participation of Canadian agencies and first nations, and must coordinate with federal agencies, other state agencies, federally recognized Indian tribes, commercial and recreational vessel operators and organizations representing such operators, and other stakeholders. The department must provide a draft of the synopsis to the appropriate committees of the legislature by June 30, 2021.

(26) $500,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction).

(27) $465,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and $464,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2052 (marijuana product testing).

(28) $182,000 of the paint product stewardship account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1652 (paint stewardship).

(29) $535,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to develop a Puget Sound nutrients general permit for wastewater treatment plants in Puget Sound to reduce nutrients in wastewater discharges to Puget Sound.

((~~(34)~~)) (30) $75,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department and the recycling development center, created in RCW 70.370.030, to provide financial and technical assistance to women and minority-owned businesses and small businesses which manufacture or process single-use plastic packaging products in order to help transform these businesses to processors and producers of sustainable packaging.

((~~(35)~~)) (31) $283,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5323 (plastic bags), including the education and outreach activities required under section 5, chapter ((~~. . .~~)) 138, Laws of 2020 (ESSB 5323). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(36)~~)) (32) $149,000 of the ((~~general fund state appropriation for fiscal year 2021~~)) model toxics control operating account—state appropriation is provided solely for the implementation of Senate Bill No. 5811 (clean car standards & prog.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(37)~~)) (33)(a) The appropriations in this section include sufficient funding for the department to convene a work group of affected entities to study the design and use of the state water trust, water banking, and water transfers, and present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate. The department of ecology shall invite representatives to serve on the work group from organizations including, but not limited to:

(i) Federally recognized Indian tribes;

(ii) Local governments including cities, counties, and special purpose districts;

(iii) Environmental advocacy organizations;

(iv) The farming industry in Washington;

(v) Business interests; and

(vi) Entities that have been directly involved with the establishment of water banks.

(b) In addition to an invitation to participate in the work group, the department shall also consult with affected federally recognized tribal governments upon request.

(c) By December 1, 2020, the department of ecology must present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate and to the governor's office.

((~~(38)~~)) (34) $750,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide funding to local governments to help address stormwater permit requirements and provide assistance to small businesses, as well as local source control monitoring to address toxic hotspots that impact Puget Sound.

((~~(39)~~)) (35) $748,000 of the model toxics control operating account—state appropriation is provided solely for the department to add continuous freshwater monitoring at the mouth of the seven largest rivers discharging into Puget Sound.

((~~(40)~~)) (36) $2,339,000 of the model toxics control operating account—state appropriation is provided solely for the department to use its authority under chapter 43.21C RCW to strengthen and standardize the consideration of climate change risks, vulnerability, and greenhouse gas emissions in environmental assessments for major projects with significant environmental impacts. To provide clarity for the public, governmental agencies and project proponents, the work conducted under this subsection must be uniform and apply to all branches of government, including state agencies, public and municipal corporations, and counties. It is the intent of the legislature that the department should carefully consider any potential overlap with other policies to reduce or regulate greenhouse gas emissions from major projects with significant environmental impacts, in order to avoid duplicative obligations.

((~~(41)~~)) (37) $654,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process clean water act certifications in the event that a sixty-day processing requirement is implemented for all United States army corps of engineers permitted projects in Washington. If such a requirement is not imposed, the amount provided in this subsection shall lapse.

Sec. 1203. 2020 c 357 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation (FY 2020) $16,270,000

General Fund—State Appropriation (FY 2021) ((~~$20,906,000~~))

$21,209,000

General Fund—Federal Appropriation ((~~$7,080,000~~))

$7,077,000

Winter Recreation Program Account—State

Appropriation ((~~$3,310,000~~))

$3,309,000

ORV and Nonhighway Vehicle Account—State

Appropriation ((~~$403,000~~))

$358,000

Snowmobile Account—State Appropriation ((~~$5,657,000~~))

$5,655,000

Aquatic Lands Enhancement Account—State

Appropriation $367,000

Parks Renewal and Stewardship Account—State

Appropriation ((~~$126,881,000~~))

$126,835,000

Parks Renewal and Stewardship Account—Private/Local

Appropriation $420,000

Pension Funding Stabilization Account—State

Appropriation $1,496,000

TOTAL APPROPRIATION ((~~$182,790,000~~))

$182,996,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $129,000 of the general fund—state appropriation for fiscal year 2020 and $129,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for the commission to pay assessments charged by local improvement districts.

(3) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Senate Bill No. 5918 (whale watching guidelines).

(4) $916,000 of the general fund—state appropriation for fiscal year 2020, $915,000 of the general fund—state appropriation for fiscal year 2021, and $169,000 of the parks renewal and stewardship account—state appropriation are provided solely for the commission to replace major equipment with an emphasis on fire response equipment and law enforcement vehicles that have over fifteen years of useful life.

(5) $252,000 of the general fund—state appropriation for fiscal year 2020, $216,000 of the general fund—state appropriation for fiscal year 2021, and $322,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(6) $154,000 of the general fund—state appropriation for fiscal year 2020 and $146,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for hiring new park rangers and park aides.

(7) $3,750,000 of the general fund—state appropriation for fiscal year 2020, $3,750,000 of the general fund—state appropriation for fiscal year 2021, and $2,500,000 of the parks renewal and stewardship account—state appropriation are provided solely for maintaining current service levels for core functions such as customer service, facility maintenance, and law enforcement.

(8) $382,000 of the general fund—state appropriation for fiscal year 2020 and $567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to conduct forest health treatments on 500 acres of forestland each year, add stewardship staff capacity in the northwest region, and conduct vegetation surveys to identify rare and sensitive plants. One-time funding is also provided to replace a fire truck in the eastern region.

(9) $750,000 of the general fund—state appropriation for fiscal year 2020 and $750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to hire construction and maintenance staff to address the backlog of preventive maintenance at state parks.

(10) $428,000 of the parks renewal and stewardship account—state appropriation is provided solely for increased technology costs associated with providing field staff with access to the state government network, providing law enforcement personnel remote access to law enforcement records, and providing public wi-fi services at dry falls, pacific beach, and potholes state parks.

(11) $204,000 of the parks renewal and stewardship account—state appropriation is provided solely for maintaining the state parks' central reservation system, the law enforcement records management system, and discover pass automated pay stations.

(12) $1,100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to carry out operation and maintenance of the state parks system.

(13) $35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to supply each public library in the state with two Discover passes, to be made available to the public to check out through the library system, as described in Substitute Senate Bill No. 6670 (discover pass/libraries).

(14) $60,000 of the general fund—state appropriation for fiscal year 2020 and $65,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to collaborate with the city of Issaquah to prepare an environmental impact statement at Lake Sammamish state park to identify impacts of the next phase of park development and assist with obtaining regulatory permits.

((~~(15) $120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of House Bill No. 2587 (scenic bikeway). If the bill is not enacted by June 30,~~

~~2020, the amount provided in this subsection shall lapse.~~))

Sec. 1204. 2020 c 357 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

General Fund—State Appropriation (FY 2020) $1,168,000

General Fund—State Appropriation (FY 2021) ((~~$2,003,000~~))

$1,505,000

General Fund—Federal Appropriation ((~~$3,778,000~~))

$3,746,000

General Fund—Private/Local Appropriation $24,000

Aquatic Lands Enhancement Account—State

Appropriation ((~~$333,000~~))

$330,000

Firearms Range Account—State Appropriation $37,000

Recreation Resources Account—State Appropriation ((~~$4,071,000~~))

$3,966,000

NOVA Program Account—State Appropriation ((~~$1,107,000~~))

$1,093,000

Pension Funding Stabilization Account—State

Appropriation $80,000

TOTAL APPROPRIATION ((~~$12,601,000~~))

$11,949,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $109,000 of the aquatic lands enhancement account—state appropriation is provided solely to the recreation and conservation funding board for administration of the aquatics lands enhancement account grant program as described in RCW 79.105.150.

(2) $37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(3) ((~~$4,071,000~~)) $3,966,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(4) ((~~$1,107,000~~)) $1,093,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(5) $175,000 of the general fund—state appropriation for fiscal year 2020 and $175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(6) $275,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to continue mortality assessment work and to design solutions to mitigate steelhead mortality at the Hood Canal bridge.

((~~(8)~~)) (7) $140,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

((~~(9) $68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1205. 2020 c 357 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund—State Appropriation (FY 2020) $2,758,000

General Fund—State Appropriation (FY 2021) ((~~$2,641,000~~))

$2,465,000

Pension Funding Stabilization Account—State

Appropriation $254,000

TOTAL APPROPRIATION ((~~$5,653,000~~))

$5,477,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $140,000 of the general fund—state appropriation for fiscal year 2020 and $30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 452, Laws of 2019 (growth management board/indexing).

(2) $4,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6574 (GMHB & ELUHO powers, duties). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1206. 2020 c 357 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund—State Appropriation (FY 2020) $7,845,000

General Fund—State Appropriation (FY 2021) ((~~$8,540,000~~))

$7,187,000

General Fund—Federal Appropriation $2,482,000

Public Works Assistance Account—State Appropriation $8,456,000

Model Toxics Control Operating Account—State

Appropriation ((~~$1,226,000~~))

$1,055,000

Pension Funding Stabilization Account—State

Appropriation $254,000

TOTAL APPROPRIATION ((~~$28,803,000~~))

$27,279,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission and conservation districts to increase landowner participation in voluntary actions that protect habitat to benefit salmon and southern resident orcas.

(2) $8,456,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(3) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The commission shall coordinate implementation of the forum with the department of agriculture and the office of farmland preservation.

(b) The director of the commission and the director of the department of agriculture shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants may be reimbursed for travel expenses by the senate or house of representatives as provided in RCW 44.04.120. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the

commission or the director of the department of agriculture.

(e) Staffing for the forum must be provided by the commission working jointly with staff from the department of agriculture.

(f) The commission and the department of agriculture shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(4) $20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The commission and the department of agriculture must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The commission, in collaboration with the department of agriculture, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the grant program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The commission and the department of agriculture must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

((~~(6)~~)) (5) $59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(7)~~)) (6) $55,000 of the ((~~general fund state appropriation for fiscal year 2021~~)) model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(8)~~)) (7) $99,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(9) $61,000 of the general fund state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1207. 2020 c 357 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund—State Appropriation (FY 2020) $76,116,000

General Fund—State Appropriation (FY 2021) ((~~$87,539,000~~))

$85,234,000

General Fund—Federal Appropriation ((~~$140,234,000~~))

$139,304,000

General Fund—Private/Local Appropriation ((~~$69,619,000~~))

$69,289,000

ORV and Nonhighway Vehicle Account—State

Appropriation ((~~$701,000~~))

$626,000

Aquatic Lands Enhancement Account—State

Appropriation ((~~$11,873,000~~))

$11,871,000

Recreational Fisheries Enhancement Account—State

Appropriation ((~~$3,333,000~~))

$3,323,000

Warm Water Game Fish Account—State Appropriation ((~~$2,825,000~~))

$2,810,000

Eastern Washington Pheasant Enhancement Account—

State Appropriation $675,000

State Wildlife Account—State Appropriation ((~~$115,447,000~~))

$115,153,000

Special Wildlife Account—State Appropriation $2,904,000

Special Wildlife Account—Federal Appropriation $517,000

Special Wildlife Account—Private/Local Appropriation ((~~$3,653,000~~))

$3,647,000

Wildlife Rehabilitation Account—State Appropriation $361,000

Ballast Water and Biofouling Management Account—

State Appropriation $10,000

Model Toxics Control Operating Account—State

Appropriation ((~~$2,947,000~~))

$2,924,000

Regional Fisheries Enhancement Salmonid Recovery

Account—Federal Appropriation $5,001,000

Oil Spill Prevention Account—State Appropriation ((~~$1,199,000~~))

$1,183,000

Aquatic Invasive Species Management Account—State

Appropriation ((~~$1,906,000~~))

$1,237,000

Pension Funding Stabilization Account—State

Appropriation $5,186,000

Oyster Reserve Land Account—State Appropriation $524,000

TOTAL APPROPRIATION ((~~$513,141,000~~))

$527,895,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $467,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$467,000~~)) $767,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) $415,000 of the general fund—state appropriation for fiscal year 2020, $415,000 of the general fund—state appropriation for fiscal year 2021, and $440,000 of the general fund—federal appropriation are provided solely for county assessments.

(3)(a) A legislative task force is established to recommend a group or entity to review the department's budget requests in place of the hatchery scientific review group. The task force is comprised of two members from each of the two largest caucuses in the senate, appointed by the president of the senate, and two members from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house. The task force shall be staffed by the office of program research and senate committee services. The task force must consult with tribes.

(b) The task force must review the purpose and activities of the hatchery scientific review group and develop recommendations for the legislature to establish a replacement group or entity that will analyze state spending and projects related to hatcheries that are proposed in state operating and capital budgets. Among other things, the task force shall recommend a process by which the replacement organization or entity, starting with the 2021-2023 fiscal biennium, contracts with the department

to review the department's proposed agency biennial operating and capital budget requests related to state fish hatcheries prior to submission to the office of financial management. This review shall: (i) Examine if the proposed requests are consistent with independent scientific review standards using best available science; (ii) evaluate the components of the request based on the independent needs of each particular watershed and the return of salmonids including naturally spawning, endangered, and hatchery stocks; and (iii) evaluate whether the proposed requests are being made in the most cost-effective manner. This process must require the department to provide a copy of the review to the office of financial management and the legislature with its agency budget proposal.

(c) The task force shall report to the legislature on its findings and recommendations by December 1, 2019.

(4) $400,000 of the general fund—state appropriation for fiscal year 2020 and $400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(5) $762,000 of the general fund—state appropriation for fiscal year 2020, $580,000 of the general fund—state appropriation for fiscal year 2021, and $24,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5577 (orca whales/vessels).

(6) $156,000 of the general fund—state appropriation for fiscal year 2020 and $155,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(7) $450,000 of the general fund—state appropriation for fiscal year 2020 and $450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a pinto abalone recovery plan, expand field work, conduct genetics and disease assessments, and establish three satellite grow-out facilities. $150,000 of the appropriation per fiscal year is for competitive grants to nonprofit organizations to assist in recovery and restoration work of native shellfish.

(8) $350,000 of the general fund—state appropriation for fiscal year 2020 and $350,000 of the general fund—state appropriation for fiscal year 2021, are provided solely for the department to increase the work of regional fisheries enhancement groups.

(9) $457,000 of the general fund—state appropriation for fiscal year 2020, $457,000 of the general fund—state appropriation for fiscal year 2021, and $110,000 of the state wildlife account—state appropriation are provided solely for the department to pay for costs to maintain upgraded network infrastructure and pay the debt service on purchased equipment.

(10) $165,000 of the general fund—state appropriation for fiscal year 2020, $166,000 of the general fund—state appropriation for fiscal year 2021, and $495,000 of the state wildlife account—state appropriation are provided solely for new service or vendor costs, including PC leases, mobile devices, a remote management system, IT issue tracking technology, and virtual private network services.

(11) $3,500,000 of the general fund—state appropriation for fiscal year 2020 and $3,500,000 of the general fund—state appropriation for fiscal year 2021 are appropriated for the department to increase hatchery production of salmon throughout the Puget Sound, coast, and Columbia river. Increases in hatchery production must be prioritized to increase prey abundance for southern resident orcas. The department shall work with federal partners, tribal co-managers, and other interested parties when developing annual hatchery production plans. These increases shall be done consistent with best available science, most recent hatchery standards, and endangered species act requirements, and include adaptive management provisions to ensure the conservation and enhancement of wild stocks. Of the amounts provided in this subsection, $500,000 in fiscal year 2020 is for wells and generators at the Samish hatchery.

(12) $2,257,000 of the general fund—state appropriation for fiscal year 2020 and $1,785,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely to grant to the northwest Indian fisheries commission to grant to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection:

(a) $1,535,000 in each fiscal year is for additional hatchery production in the following amounts per fiscal year: $150,000 for the Quinault Indian Nation, $169,000 for the Tulalip Tribes, $268,000 for the Quileute Tribe, $186,000 for the Puyallup Tribe, $112,000 for the Port Gamble S'Klallam Tribe, $23,000 for the Muckleshoot Indian Tribe, $207,000 for the Squaxin Island Tribe, $142,000 for the Skokomish Indian Tribe, and $278,000 for the Lummi Nation.

(b) $472,000 in fiscal year 2020 is for improvements to hatchery facilities that support additional hatchery production in the following amounts: $98,000 for the Tulalip Tribes, $38,000 for the Puyallup Tribe, $14,000 for the Port Gamble S'Klallam Tribe, $25,000 for the Muckleshoot Indian Tribe, $200,000 for the Squaxin Island Tribe, $24,000 for the Skokomish Indian Tribe, and $73,000 for the Lummi Nation.

(13) $771,000 of the general fund—state appropriation in fiscal year 2020 and $76,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the department to provide to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection, $76,000 in each fiscal year is for the Yakama Nation for additional hatchery production, $195,000 in fiscal year 2020 is for the Yakama Nation for improvements to hatchery facilities, and $500,000 in fiscal year 2020 is for the Confederated Tribes of the Colville Reservation for improvements to hatchery facilities.

(14) $175,000 of the general fund—state appropriation for fiscal year 2020 and $425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas and other species that are critical to the marine food web. Of the amounts provided in this subsection, $250,000 in fiscal year 2021 is for Puget Sound energy for water supply system improvements at the Baker river fish hatchery.

(15) $1,201,000 of the general fund—state appropriation for fiscal year 2020 and $1,520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities to increase the availability of salmon for southern resident orcas: Surveying forage fish populations, conducting rulemaking for fish screens, reducing salmon predation by nonnative fish, prioritizing fish barrier removal, developing a strategy to reestablish salmon runs above dams, and increasing review of shoreline armoring proposals to protect forage fish.

(16) $710,000 of the general fund—state appropriation for fiscal year 2020 and $253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in section 701 of this act.

(17) $278,000 of the general fund—state appropriation for fiscal year 2020 and $278,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide grants to the Lummi Nation to increase salmon production at the Skookum creek hatchery and the Lummi bay hatchery.

(18) $477,000 of the general fund—state appropriation for fiscal year 2020 and $477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 2097 (statewide wolf recovery).

(19) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department for elk management in the Skagit valley in cooperation with affected tribes and landowners. Authorized expenditures include, but are not limited to, elk fencing and replacement hay to mitigate the impacts of elk on agricultural crop production.

(20) $49,000 of the general fund—state appropriation for fiscal year 2020, $47,000 of the general fund—state appropriation for fiscal year 2021, and

$37,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1579 (chinook abundance).

(21) $357,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

((~~(23)~~)) (22) $139,000 of the general fund—state appropriation for fiscal year 2020 and $139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as matching funds for a federal grant to purchase two law enforcement vessels and equip them with optic system equipment to conduct marine patrols including vessel enforcement patrols related to southern resident orcas.

((~~(24)~~)) (23) $225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase enforcement of commercial and recreational vessel regulations for the protection of southern resident orcas in central and southern Puget Sound.

((~~(29) $252,000~~)) (24) $516,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5481 (collective bargaining/WDFW). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(30)~~)) (25) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct a master planning process, to result in a plan, to assess and prioritize hatchery improvements based on the recommendations of the southern resident killer whale task force, including prioritization given for a new Cowlitz river salmon hatchery. The plan must include prioritized capital budget projects. The plan shall be submitted to the fiscal committees of the legislature by January 15, 2021.

((~~(31)~~)) (26) $462,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas. The department may only expend funds in this subsection after receiving necessary permits from the national marine fisheries service.

((~~(32)~~)) (27) $112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(33)~~)) (28) $1,262,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

((~~(34)~~)) (29) $142,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for work addressing fish passage barriers, including data analysis and mapping to identify streams and barriers that have the greatest potential benefit to listed salmon populations, southern resident orca whales, and fisheries. In conducting this work, the department must consult with tribes and coordinate with the department of transportation's fish barrier work plans.

((~~(35)~~)) (30) $90,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $166,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely for the department to contract with the Washington academy of sciences to complete the following activities:

(a) By December 1, 2020, and consistent with RCW 43.01.036, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and

rules to achieve a goal of better statewide performance on ecological health and endangered species recovery, including the recovery of salmon in order to fulfill tribal treaty obligations and achieve the delisting of threatened or endangered runs. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act, chapter 90.58 RCW; the growth management act, chapter 36.70A RCW; and construction projects in state waters regulated under 77.55 RCW.

(b) In developing the report under this subsection, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including, but not limited to, cities, counties, ports, the department of ecology, and the department of commerce. The department's consultation process under this subsection must include a total of at least two meetings at which local governments, state agencies, federally recognized Indian tribes, and stakeholders may provide input.

(c) The report must include:

(i) The development of a definition, goals, objectives, and measurable performance metrics for the standard of net ecological gain;

(ii) An assessment and analysis of opportunities and challenges, including legal issues and costs for state and local governments to achieve net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, developmental, and land use law or rule;

(iv) Assessments of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co-benefits; and

(v) Assessments of why existing standards of ecological protectiveness, such as no net loss standards, have been sufficient or insufficient to protect ecological health and achieve endangered species recovery.

Sec. 1208. 2020 c 357 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 2020) $98,897,000

General Fund—State Appropriation (FY 2021) ((~~$67,682,000~~))

$109,707,000

General Fund—Federal Appropriation ((~~$34,980,000~~))

$48,644,000

General Fund—Private/Local Appropriation ((~~$2,534,000~~))

$3,411,000

Forest Development Account—State Appropriation ((~~$54,238,000~~))

$53,859,000

ORV and Nonhighway Vehicle Account—State

Appropriation ((~~$8,174,000~~))

$8,104,000

Surveys and Maps Account—State Appropriation ((~~$2,598,000~~))

$2,582,000

Aquatic Lands Enhancement Account—State

Appropriation ((~~$14,249,000~~))

$14,075,000

Resource Management Cost Account—State Appropriation ((~~$128,545,000~~))

$127,552,000

Surface Mining Reclamation Account—State

Appropriation ((~~$4,113,000~~))

$4,086,000

Disaster Response Account—State Appropriation $23,068,000

Park Land Trust Revolving Account—State

Appropriation ((~~$750,000~~))

$671,000

Forest and Fish Support Account—State Appropriation ((~~$16,356,000~~))

$16,347,000

Aquatic Land Dredged Material Disposal Site Account—

State Appropriation $402,000

Natural Resources Conservation Areas Stewardship

Account—State Appropriation $39,000

Forest Fire Protection Assessment Nonappropriated

Account—State Appropriation ((~~$5,896,000~~))

$5,721,000

Model Toxics Control Operating Account—State

Appropriation ((~~$6,433,000~~))

$6,013,000

Forest Practices Application Account—State

Appropriation ((~~$2,018,000~~))

$2,005,000

Air Pollution Control Account—State Appropriation ((~~$901,000~~))

$899,000

NOVA Program Account—State Appropriation ((~~$781,000~~))

$775,000

Pension Funding Stabilization Account—State

Appropriation $3,240,000

Derelict Vessel Removal Account—State Appropriation ((~~$2,001,000~~))

$1,992,000

Community Forest Trust Account—State Appropriation $52,000

Agricultural College Trust Management Account—State

Appropriation ((~~$3,183,000~~))

$3,160,000

Performance Audits of Government Account—State

Appropriation $325,000

TOTAL APPROPRIATION ((~~$481,455,000~~))

$535,626,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,583,000 of the general fund—state appropriation for fiscal year 2020 and $1,515,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) $41,514,000 of the general fund—state appropriation for fiscal year 2020, ((~~$16,546,000~~)) $59,612,000 of the general fund—state appropriation for fiscal year 2021, and $16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression and COVID-19. The appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations. The department shall provide a monthly report to the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(3) $5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, $500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight

million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(4) $1,857,000 of the general fund—state appropriation for fiscal year 2020 and $1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. The report shall be provided to the appropriate committees of the legislature by October 1, 2020.

(5) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2019, and December 1, 2020, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's web site.

(6) $26,000 of the general fund—state appropriation for fiscal year 2020 and $27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(7) $12,000 of the general fund—state appropriation for fiscal year 2020 and $12,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety).

(8) The appropriations in this section include sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland).

(9) $42,000 of the general fund—state appropriation for fiscal year 2020 and $21,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5106 (natural disaster mitigation).

(10) $26,000 of the general fund—state appropriation for fiscal year 2020 and $26,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application).

(11) $4,486,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) $304,000 of the model toxics control operating account—state appropriation is provided solely for costs associated with the cleanup of the Fairview avenue site near Lake Union in Seattle. The aquatic site is contaminated with lead, chromium, and arsenic. This will be the department's final payment toward remediation costs.

(13) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify priority kelp restoration locations in central Puget Sound, based on historic locations, and monitor the role of natural kelp beds in moderating pH conditions in Puget Sound.

(14) $188,000 of the general fund—state appropriation for fiscal year 2020 and $187,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders. The department must contract with the Olympic natural resources center for at least $187,000 per fiscal year. The department may retain up to $30,000 per fiscal year to conduct Swiss needlecast surveys and research. Administrative costs may be taken and are limited to twenty-seven percent of the amount of appropriation retained by the department.

(15) $22,843,000 of the general fund—state appropriation for fiscal year 2020, $11,364,000 of the general fund—state appropriation for fiscal year 2021, and $4,000,000 of the forest fire protection assessment nonappropriated account—state appropriation are provided solely for wildfire response, to include funding full time fire engine leaders, increasing the number of correctional camp fire crews in western Washington, purchasing two helicopters, providing dedicated staff to conduct fire response training, creating a fire prevention outreach program, forest health administration, landowner technical assistance, conducting forest health treatments on federal lands and implementing the department's twenty-year forest health strategic plan, post-wildfire landslide assessments, and other measures necessary for wildfire suppression and prevention.

(16) $186,000 of the general fund—state appropriation for fiscal year 2020 and $185,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(17) $110,000 of the general fund—state appropriation for fiscal year 2020 and $110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct post wildfire landslide hazard assessments and reports.

(18) $59,000 of the general fund—state appropriation for fiscal year 2020 and $266,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for paving the road access to Leader lake in northeast Washington.

(19) The appropriations in this section include sufficient funding for the department to conduct an analysis of revenue impacts to the state forestlands taxing district beneficiaries as a result of the proposed long-term conservation strategy for the marbled murrelet. The department shall consult with state forestlands taxing district beneficiary representatives on the analysis. The department shall make the analysis available to state forestlands taxing districts and submit it to the board of natural resources by September 30, 2019.

(20) $150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(21) $217,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(22) $485,000 of the general fund—state appropriation for fiscal year 2020 and $485,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1784 (wildfire prevention).

(23)(a) $250,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities:

(i) Conducting carbon inventories to build on existing efforts to understand carbon stocks, flux, trends, emissions, and sequestration across Washington's natural and working lands, including harvested wood products, wildfire

emissions, land management activities, and sawmill energy use and emissions. Where feasible, the department shall use available existing data and information to conduct this inventory and analysis. For the purposes of this section, natural and working land types include forests, croplands, rangelands, wetlands, grasslands, aquatic lands, and urban green space.

(ii) Compiling and providing access to information on existing opportunities for carbon compensation services and other incentive-based carbon reducing programs to assist owners of private and other nonstate owned or managed forestland interested in voluntarily engaging in carbon markets.

(b) By December 1, 2020, the department must submit a report to the appropriate committees of the legislature summarizing the results of the inventories required under this section, and assessing actions that may improve the efficiency and effectiveness of carbon inventory activities on natural and working lands, including carbon sequestration in harvested forest products. The department must also describe any barriers, including costs, to the use of voluntary, incentive-based carbon reducing or sequestering programs. The department may also include recommendations for additional work or legislation that may be advisable resulting from the advisory group created in this subsection as part of this report.

(c) The department must form a natural and working lands carbon sequestration advisory group to help guide the activities provided in this section. The advisory group must be composed of a balance of representatives reflecting the diverse interests and expertise involved on the subject of carbon sequestration on natural and working lands.

(24) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase technical assistance to small forestland owners.

((~~(26) $93,000 of the aquatic lands enhancement account state appropriation and $93,000 of the resource management cost account state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 6027 (floating residences). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(27)~~)) (25) The appropriations in this section include sufficient funding for the department to report to the appropriate policy and fiscal committees of the legislature by July 2020 information on those parcels currently used for commercial or nonresource use purposes and those identified by the department as transition lands likely to be sold or redeveloped for nonresource use. By January 2021 the department shall bring to the legislature for its consideration a modernization package in the form of request legislation to update and remove performance barriers to the long-term management of state trust lands, considering both market and nonmarket values, ensuring intergenerational equity, and long term benefits for the trust beneficiaries and the public. The appropriate policy and fiscal committees of the legislature shall be kept informed of all proposed transactions, land sales, and exchanges involving trust lands prior to approval by the board, and all related financial and legal documents shall be available as public records immediately following the transaction's completion, as allowed under chapter 42.56 RCW.

((~~(29)~~)) (26) $325,000 of the performance audit of state government account—state appropriation is provided solely for the department, in cooperation with the wildland fire advisory committee established under RCW 76.04.179 and the office of financial management, to conduct a zero-based budget and performance review of its resource protection program. The review shall be specifically focused on the wildfire program operating budget and activities. Throughout the review process the department shall submit monthly updates of actual and estimated fire expenditures, and obligated cost related to fire suppression to the fiscal committees of the legislature. A report of the review shall be submitted to the fiscal committees of the legislature by December 1, 2020. The report shall contain a description of findings, list of changes made, and recommendations and options for accounting structure changes. The review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each subprogram within the resource

protection program and the history of each subprogram that is being reviewed;

(b) A description of how each subprogram fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each subprogram within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each subprogram program;

(d) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the subprogram program if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each subprogram and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each subprogram's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients;

(i) An analysis of terminology used to describe wildfire suppression, prevention, preparedness, forest health, pre-suppression, and any other term used to describe program activities and provide definitions for each. This should include cross reference to federal definitions and federal funding;

(j) An analysis of inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations, including recommendations for the creation of policy and procedures and subsequent oversight for dispersed operations;

(k) An analysis of the department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control; and

(l) A review of the progress and findings of the ongoing internal department fire business transformation team related to current practices in wildfire business and the development of an organizational structure governing fire business practices across the department which complies with all state and federal statutes and agreements and which meets the needs of the department as a whole.

((~~(30)~~)) (27) $24,000 of the general fund—state appropriation for fiscal year 2021, $9,000 of the forest development account—state appropriation, and $15,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(31)~~)) (28) $240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(29) $87,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to reimburse Clark county for costs incurred for emergency sheltering of evacuated livestock during the 2020 wildfire season.

Sec. 1209. 2020 c 357 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State Appropriation (FY 2020) $19,030,000

General Fund—State Appropriation (FY 2021) ((~~$20,514,000~~))

$19,755,000

General Fund—Federal Appropriation ((~~$32,646,000~~))

$32,859,000

General Fund—Private/Local Appropriation $193,000

Aquatic Lands Enhancement Account—State

Appropriation ((~~$2,533,000~~))

$2,518,000

Northeast Washington Wolf-Livestock Management

Nonappropriated Account—State Appropriation $320,000

Model Toxics Control Operating Account—State

Appropriation ((~~$6,930,000~~))

$6,791,000

Water Quality Permit Account—State Appropriation $73,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $635,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) $635,000

Pension Funding Stabilization Account—State

Appropriation $1,036,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $20,000,000

TOTAL APPROPRIATION ((~~$84,545,000~~))

$103,845,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $6,108,445 of the general fund—state appropriation for fiscal year 2020 ((~~and~~)), $6,102,905 of the general fund—state appropriation for fiscal year 2021, and $20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) $58,000 of the general fund—state appropriation for fiscal year 2020 and $59,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety).

(3) The appropriations in this section includes sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5959 (livestock identification).

(4) $18,000 of the general fund—state appropriation for fiscal year 2020 and $18,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application).

(5) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5447 (dairy milk assessment fee).

(6) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department's regional markets program, which includes the small farm direct marketing program under RCW 15.64.050 and the farm-to-school program under RCW 15.64.060.

(7) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest Washington fair youth education programs.

(8) $197,000 of the general fund—state appropriation for fiscal year 2020 and $202,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5552 (pollinators).

(9) $32,000 of the general fund—state appropriation for fiscal year 2020, $32,000 of the general fund—state appropriation for fiscal year 2021, and $52,000 of the general fund—federal appropriation are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) $24,000 of the general fund—state appropriation for fiscal year 2020 and $24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The department shall coordinate implementation of the forum with the conservation commission and the office of farmland preservation.

(b) The director of the department and the director of the conservation commission shall jointly appoint members of the forum, and no appointment may be

made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the department or the director of the conservation commission.

(e) Staffing for the forum must be provided by the department working jointly with staff from the conservation commission.

(f) The department and conservation commission shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(11) $212,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5276 (hemp production).

(12) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to review and assist with agricultural economic development in southwest Washington. Funding is provided for the department to perform or contract for agricultural economic development services, including but not limited to grant application assistance, permitting assistance and coordination, and development of a food hub.

(13) $250,000 of the aquatic lands enhancement account—state appropriation is provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(14) $10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The department and the conservation commission must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The department, in collaboration with the conservation commission, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic, or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The department and the conservation commission must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

(15) $650,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to address burrowing shrimp in Willapa bay and Grays harbor

and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019.

(16) $58,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) $87,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct the following:

(a) The department must work with the departments of natural resources, labor and industries, health, and ecology, as well as local health jurisdictions and the state poison center, and consult with nongovernmental stakeholders including, but not limited to, tribal and environmental representatives, to evaluate pesticide investigation rules and processes. By June 30, 2021, the work group must report back to the legislature with any recommended changes, including how complaints should be reported and ensuring that complaints are properly referred.

(b) The department in coordination with the department of natural resources, in consultation with stakeholders, shall review how the state environmental policy act is used for aerial application of herbicides and provide recommendations to the forest practices board and the appropriate committees of the senate and house of representatives, including any recommendations for revisions to statute, rule, or guidance by October 31, 2020.

(18) $126,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(19) ((~~$299,000 of the model toxics control operating account state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6518 (pesticide, chlorpyrifos). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(20)~~)) $200,000 of the ((~~general fund state appropriation for fiscal year 2021~~)) model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(21)~~)) (20) $320,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department of agriculture to contract with the northeast Washington wolf cattle collaborative, a nonprofit organization, for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county north of United States highway 20. The contract must provide that the organization must share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2020.

((~~(22)~~)) (21) $17,000 of the general fund—state appropriation for fiscal year 2020 and $64,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2524 (ag. product negotiations). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(24)~~)) (22) $50,000 of the general fund—state appropriation for fiscal year 2020 and $450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for infrastructure and equipment grants to food banks and meal programs for the safe storage and distribution of perishable food. Of the amounts provided in this subsection:

(a) $10,000 in fiscal year 2020 and $5,000 in fiscal year 2021 are for the department to administer the grants and

to convene a community stakeholder group to review the grant applications described in (b)(ii) and (iii) of this subsection. The community stakeholder group must include representatives from food banks and meal programs that are not applying for grants, community advocates, and people that use food banks or meal programs.

(b) $40,000 in fiscal year 2020 and $445,000 in fiscal year 2021 are for grants, divided into the following three categories:

(i) Thirty-five percent is for a rebate program for smaller food pantries and meal programs to purchase equipment costing up to $2,000. To increase efficiency, the department may pass funding for this rebate program to larger food banks to administer the rebates;

(ii) Thirty percent is for requests for proposals for larger projects costing up to $75,000, and which require a community match of at least thirty percent; and

(iii) Thirty-five percent is for larger projects that are collaborations between organizations and have a proposed impact to improve efficiency and capacity for a regional or statewide emergency food system, and which require a community match of at least fifty percent.

((~~(25)~~)) (23) $40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the sheriff's departments of Ferry county and Stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, $20,000 is for the Ferry county sheriff's department and $20,000 is for the Stevens county sheriff's department.

((~~(26)~~)) (24) $38,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$63,000~~)) $153,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing an Asian giant hornet eradication program.

((~~(28)~~)) (25) The appropriations in this section include sufficient funding for the department to work with representatives from Canada and other stakeholders to develop labeling standards regarding country of origin for beef and other meat products. The standards are for the purpose of clearly displaying the country of origin for beef or other meat products sold to the public. The department shall report and propose any legislation and administrative changes that may be needed to the appropriate committees of the legislature by December 31, 2020.

Sec. 1210. 2020 c 357 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State Appropriation ((~~$881,000~~)) $892,000

Pollution Liability Insurance Program Trust Account—State Appropriation ((~~$1,749,000~~)) $1,737,000

TOTAL APPROPRIATION ((~~$2,630,000~~)) $2,629,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $71,000 of the pollution liability insurance program trust account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6257 (underground storage tanks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) $144,000 of the pollution liability insurance agency underground storage tank revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6256 (heating oil insurance). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1211. 2020 c 357 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund—State Appropriation (FY 2020) $4,717,000

General Fund—State Appropriation (FY 2021) ((~~$4,798,000~~))

$4,579,000

General Fund—Federal Appropriation ((~~$12,728,000~~))

$12,638,000

Aquatic Lands Enhancement Account—State

Appropriation ((~~$1,444,000~~))

$1,432,000

Model Toxics Control Operating Account—State

Appropriation ((~~$755,000~~))

$741,000

Pension Funding Stabilization Account—State

Appropriation $276,000

TOTAL APPROPRIATION ((~~$24,718,000~~))

$24,383,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By October 15, 2020, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2021-2023 capital and operating budget requests related to Puget Sound restoration.

(2) $1,111,000 of the general fund—state appropriation for fiscal year 2020 and $1,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the partnership to implement a competitive, peer-reviewed process for soliciting, prioritizing, and funding research projects designed to advance scientific understanding of Puget Sound recovery. Solicitations and project selection for effectiveness monitoring will be organized and overseen by the Puget Sound ecosystem monitoring program. Initial projects will focus on implementation and effectiveness of Chinook recovery efforts, effectiveness of actions to restore shellfish beds, and implementation of priority studies of the Salish Sea marine survival project. Monitoring reports must be provided in context to the overall success and progress of Puget Sound recovery efforts.

(3) $237,000 of the general fund—state appropriation for fiscal year 2020 and $263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for coordinating updates to the outdated Puget Sound chinook salmon recovery plan, provide support for adaptive management of local watershed chapters, and advance regional work on salmon and ecosystem recovery through local integrating organizations.

(4) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional monitoring and accountability actions in response to recommendations from the joint legislative audit and review committee.

PART XIII

TRANSPORTATION

SUPPLEMENTAL

Sec. 1301. 2020 c 357 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2020) $3,805,000

General Fund—State Appropriation (FY 2021) ((~~$6,109,000~~))

$3,121,000

Architects' License Account—State Appropriation ((~~$1,641,000~~))

$1,631,000

Real Estate Commission Account—State Appropriation ((~~$14,422,000~~))

$13,273,000

Uniform Commercial Code Account—State Appropriation ((~~$2,979,000~~))

$2,614,000

Real Estate Education Program Account—State

Appropriation $276,000

Real Estate Appraiser Commission Account—State

Appropriation ((~~$1,707,000~~))

$1,575,000

Business and Professions Account—State Appropriation ((~~$26,855,000~~))

$24,597,000

Real Estate Research Account—State Appropriation $415,000

Firearms Range Account—State Appropriation $74,000

Landscape Architects' License Account—State

Appropriation ((~~$126,000~~))

$124,000

Appraisal Management Company Account—State

Appropriation ((~~$442,000~~))

$435,000

Concealed Pistol License Renewal Notification

Account—State Appropriation $140,000

Geologists' Account—State Appropriation ((~~$114,000~~))

$113,000

Pension Funding Stabilization Account—State

Appropriation $96,000

Derelict Vessel Removal Account—State Appropriation $33,000

TOTAL APPROPRIATION ((~~$59,234,000~~))

$52,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriations provided for the business and technology modernization project in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(2) $72,000 of the real estate appraiser commission account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5480 (real estate appraisers).

(3) $144,000 of the business and professions account—state appropriation is provided solely for implementation of Senate Bill No. 5641 (uniform law on notarial acts).

(4) $95,000 of the general fund—state appropriation for fiscal year 2020 and $99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to mail vessel registration renewal reminders.

(5) $1,003,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$3,050,000~~)) $90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure a commercial off-the-shelf solution to replace the legacy firearms system, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(6) $72,000 of the general fund—state appropriation for fiscal year 2020 and $601,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute House Bill No. 2555 (other firearms/background). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(7) $22,000 of the uniform commercial code account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(8) $19,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6528 (derelict vessel prevention). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1302. 2020 c 357 s 402 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

General Fund—State Appropriation (FY 2020) $57,529,000

General Fund—State Appropriation (FY 2021) ((~~$58,775,000~~))

$58,473,000

General Fund—Federal Appropriation ((~~$16,690,000~~))

$16,641,000

General Fund—Private/Local Appropriation $3,091,000

Death Investigations Account—State Appropriation ((~~$9,098,000~~))

$7,505,000

County Criminal Justice Assistance Account—State

Appropriation ((~~$4,550,000~~))

$4,488,000

Municipal Criminal Justice Assistance Account—State

Appropriation ((~~$1,644,000~~))

$1,618,000

Fire Service Trust Account—State Appropriation $131,000

Vehicle License Fraud Account—State Appropriation $119,000

Disaster Response Account—State Appropriation ((~~$8,000,000~~))

$18,470,000

Washington Internet Crimes Against Children Account—

State Appropriation ((~~$1,500,000~~))

$500,000

Fire Service Training Account—State Appropriation ((~~$11,765,000~~))

$10,023,000

Model Toxics Control Operating Account—State

Appropriation ((~~$588,000~~))

$584,000

((~~Aquatic Invasive Species Management Account—~~

~~State Appropriation $54,000~~))

Fingerprint Identification Account—State

Appropriation ((~~$16,447,000~~))

$15,639,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $2,453,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) ((~~$2,793,000~~))

$2,423,000

Pension Funding Stabilization Account—State

Appropriation $3,300,000

TOTAL APPROPRIATION ((~~$198,527,000~~))

$202,987,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) $2,878,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) $2,453,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and ((~~$2,793,000~~)) $2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol's drug enforcement task force. The amounts in this subsection are provided solely for the following:

(a) $2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and $2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(b) $30,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 ((~~and $370,000 of the dedicated marijuana account state appropriation for fiscal year 2021 are~~)) is provided solely for a case management system to serve as a repository for all information regarding criminal cases. This system must allow state patrol investigators to enter information and to search to provide patterns, trends, and links which will allow the state patrol to identify connections on criminal investigations including efforts to dismantle marijuana and other drug trafficking organizations by identifying their established networks, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(4) $479,000 of the general fund—state appropriation for fiscal year 2020 and $255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5181 (invol. treatment procedures).

(5) $13,000 of the general fund—state appropriation for fiscal year 2020 and $2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(6) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5605 (marijuana misdemeanors).

(7) $679,000 of the general fund—state appropriation for fiscal year 2020 and $643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(8) ((~~$1,500,000~~)) $500,000 of the Washington internet crimes against children account—state appropriation is provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(9) $356,000 of the general fund—state appropriation for fiscal year 2020, $356,000 of the general fund—state appropriation for fiscal year 2021, and $298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(10) $5,770,000 of the general fund—state appropriation for fiscal year 2020, $3,243,000 of the general fund—state appropriation for fiscal year 2021, and $1,277,000 of the death investigations account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault).

(11) $282,000 of the general fund—state appropriation for fiscal year 2020 and $263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women).

(12) $510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(13) $1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(14) $100,000 of the general fund—state appropriation for fiscal year 2020 and $300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to develop a plan for implementation of a centralized firearm background check system. Funding is sufficient to fund a consultant to design an information technology system to conduct firearm background checks through a centralized system and a Washington state patrol project manager to design the implementation plan. The design should include recommendations to comply with the direction in RCW 9.41.139 and leverage the new firearms database system currently being procured by the department of licensing to create one streamlined system. The Washington state

patrol shall convene an interagency work group to inform the centralized firearm background check system implementation plan, to include but not limited to the department of licensing, administrative office of the courts, health care authority, and office of financial management. Reports on the information technology system and the implementation plan shall be provided to the governor and appropriate committees of the legislature by December 1, 2020.

(15) $25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for collaboration with Washington State University to produce the report in section 604 of this act.

(16) $34,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(17) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (criminal records). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

PART XIV

EDUCATION

SUPPLEMENTAL

Sec. 1401. 2020 c 357 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State Appropriation (FY 2020) $31,265,000

General Fund—State Appropriation (FY 2021) ((~~$30,350,000~~))

$28,815,000

General Fund—Federal Appropriation ((~~$99,355,000~~))

$101,716,000

General Fund—Private/Local Appropriation $8,060,000

Washington Opportunity Pathways Account—State

Appropriation ((~~$4,265,000~~))

$265,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $522,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) $530,000

Pension Funding Stabilization Account—State

Appropriation $2,126,000

Performance Audits of Government Account—State

Appropriation $213,000

TOTAL APPROPRIATION ((~~$176,686,000~~))

$173,512,000

The appropriations in this section are subject to the following conditions and limitations:

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) $11,109,000 of the general fund—state appropriation for fiscal year 2020 and $11,883,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 513 and 520 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the

proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(b) $857,000 of the general fund—state appropriation for fiscal year 2020 and $1,217,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) $2,300,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for activities associated with the implementation of chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education) within the amounts provided in this subsection (1)(c), up to $300,000 is for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans approved by the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(d) $494,000 of the general fund—state appropriation for fiscal year 2020 and $494,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(e)(i) $61,000 of the general fund—state appropriation for fiscal year 2020 and $76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(ii) Within amounts provided in this subsection, the committee must review the Washington kindergarten inventory of developing skills, including professional development available to educators and other assessment materials and tools, and make recommendations to the office of the superintendent of public instruction and the education committees of the legislature on the following topics:

(A) Opportunities for reducing bias in the observational assessment process and materials; and

(B) Barriers to implementation of the inventory.

(iii) The committee shall seek feedback from relevant stakeholders, including but not limited to:

(A) The office of the superintendent of public instruction;

(B) The department of children, youth, and families;

(C) Kindergarten teachers who are representative of or who teach in schools with diverse student subgroups;

(D) A representative from a tribal school who is currently using the inventory;

(E) Principals who are currently using the inventory;

(F) Parents who are representative of student populations that have historically scored low on the inventory, and who are recommended by an organization that serves parents of color;

(G) District assessment coordinators; and

(H) Early childhood providers.

(f) $61,000 of the general fund—state appropriation for fiscal year 2020 and $61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(g) $265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(h) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(i) $123,000 of the general fund—state appropriation for fiscal year 2020 and $123,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(j) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(k) $14,000 of the general fund—state appropriation for fiscal year 2020 and $14,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(l) $131,000 of the general fund—state appropriation for fiscal year 2020, $131,000 of the general fund—state appropriation for fiscal year 2021, and $213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(m) $117,000 of the general fund—state appropriation for fiscal year 2020 and $117,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(n) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(o) $235,000 of the general fund—state appropriation for fiscal year 2020 and $385,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. Of the amounts provided in this subsection, $150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for professional learning and technical assistance to support the ongoing implementation of since time immemorial tribal sovereignty curriculum, tribal consultation and engagement, government to government training, and data collection and identification of American Indian and Alaska Native students. The professional development must be done in collaboration with school district administrators and school

directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(p) $175,000 of the general fund—state appropriation for fiscal year 2020 and $205,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(q) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(r) $481,000 of the general fund—state appropriation for fiscal year 2020 and $481,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(s) The superintendent of public instruction must study and make recommendations for how Washington can make dual credit enrollment cost-free to students who are enrolled in running start, college in the high school, advanced placement, international baccalaureate, or other qualifying dual credit programs within existing basic education apportionments. While developing recommendations, the superintendent must collaborate and consult with K-12 and higher education stakeholders with expertise in dual credit instruction, transcription, and costs. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by November 1, 2019. The recommendations must, at a minimum, consider:

(i) How to increase dual credit offerings and access for students that aligns with the student's high school and beyond plan and provides a pathway to education and training after high school, including careers, professional-technical education, apprenticeship, a college degree, or military service, among others.

(ii) How to ensure transfer of college credits earned by dual credit students to/among institutions of higher education.

(iii) How basic education funding will be used to provide for fees, books, and other direct costs charged by institutions of higher education and K-12 districts.

(iv) How K-12 and postsecondary institutions will equitably expand dual credit opportunities for students.

(v) How K-12 and postsecondary institutions will ensure coordinated advising and support services for students enrolled in, or considering enrollment in, dual credit programs.

(t) $44,000 of the general fund—state appropriation for fiscal year 2020 and $44,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for services for space in the state data center and networking charges.

(u) $46,000 of the general fund—state appropriation for fiscal year 2020 and $46,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a new server and backup application due to the move to the state data center.

(v) $55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated technology services to host the office's web site and for web site maintenance and support services.

(w) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing

resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(x) The office shall review and update the guidelines "prohibiting discrimination in Washington public schools," which must include religious accommodations. Students' sincerely held religious beliefs and practices must be reasonably accommodated with respect to all examinations and other requirements to successfully complete coursework.

(y) In section 116(8) of this act, the office of the education ombuds is directed to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children, with a report due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on the plan and report.

(z) In section 129(13) of this act, the office of financial management is directed to review and report on the pupil transportation funding system for K-12 education, the report is due to the governor and the appropriate committees in the legislature by August 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on this review.

(2) DATA SYSTEMS

(a) $1,802,000 of the general fund—state appropriation for fiscal year 2020 and $1,802,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) $1,221,000 of the general fund—state appropriation for fiscal year 2020 and $281,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) $450,000 of the general fund—state appropriation for fiscal year 2020 and $450,000 of the general fund—state appropriation for fiscal year 2021 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) $335,000 of the general fund—state appropriation for fiscal year 2020 and $335,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to

participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees. The final report must include the following:

(i) An examination of whether a data share agreement between the department of social and health services developmental disabilities administration, division of vocational rehabilitation, and the office of the superintendent of public instruction would improve coordination among the three agencies;

(ii) Defined roles for the associated stakeholders involved with the transition of students potentially eligible for services from the developmental disabilities administration, including but not limited to:

(A) The department of social and health services developmental disabilities administration;

(B) The office of the superintendent of public instruction;

(C) The division of vocational rehabilitation at the department of social and health services;

(D) School districts across the state of Washington; and

(E) Counties coordinating employment and day services.

(iii) An examination of the feasibility of a statewide developmental disabilities transition council, including representative positions, roles and responsibilities, costs, and data collection; and

(iv) Recommendations for supporting seamless transition from school to post-school life, up to and including potential legislation and funding, regional interagency transition networks, and coordination between counties, schools, and other partners for transition supports.

(d) $40,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(e) $118,000 of the general fund—state appropriation for fiscal year 2020 and $118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(f) $183,000 of the general fund—state appropriation for fiscal year 2020 and $48,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access).

(g) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5082 (social emotional learning).

(h) ((~~(i)~~)) (i) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to convene a work group to develop recommendations for integrating, in a regular and ongoing basis, African American history, examinations of racism, and the history of the civil rights movement into curriculum provided to students in grades seven through twelve. Recommendations developed in accordance with this subsection must be preceded by a work group review of pertinent curriculum that is available to school districts, and must include recommendations for the professional development needed to support educators in providing the instruction to students.

(ii) The work group must consist of one representative from each of the following: (A) The Washington state commission on African American affairs; (B) the educational opportunity gap oversight and accountability committee; and (C) a statewide organization representing teachers. The work group may also include other persons with unique and specific expertise, including but not limited to, Washington state historians and persons representing teacher preparation programs.

(iii) The office must report the findings and recommendations required by this subsection to the education committees of the legislature by November 15, 2020.

((~~(j)~~)) (i) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established

in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

((~~(l)~~)) (j)(i)(A) Within amounts provided in this section, the office of the superintendent of public instruction shall convene a work group to:

(I) Review provisions related to sexual health education in the health and physical education learning standards adopted in 2016;

(II) Review existing sexual health education curricula in use in the state for the purpose of identifying gaps or potential inconsistencies with the health and physical education learning standards;

(III) Consider revisions to sexual health education provisions in statute; and

(IV) Consider the merits and challenges associated with requiring all public schools offer comprehensive sexual health education to students in all grades by September 1, 2022. For purposes of this subsection ((~~(h)~~)) (j), "comprehensive sexual health education" means instruction in sexual health that, at a minimum, is evidence-informed, medically and scientifically accurate, age appropriate, and inclusive for all students.

(B) In meeting the requirements of this subsection (h), the work group shall consult with a broad array of stakeholders representing diverse opinions.

(ii) The work group shall consist of the following members:

(A) The superintendent of public instruction or the superintendent's designee;

(B) Three representatives of school districts recommended by the Washington state school directors' association. To the extent possible, the school district representatives must reflect a diversity of student enrollment, geographic location, and urban, suburban, and rural locations;

(C) Three school principals recommended by an association of Washington school principals, one each representing an elementary school, a middle school, and a high school. The three principals must represent the geographic diversity of urban, suburban, and rural locations;

(D) Three public school health educators recommended by an association of Washington educators, one each representing grades kindergarten through five, grades six through eight, and grades nine through twelve. The three public school health educators must represent the geographic diversity of urban, suburban, and rural locations;

(E) Three public health officials, at least two of whom are local public health officials with expertise in developing or presenting comprehensive sexual health education materials and resources, as recommended by the Washington state department of health. The three public health officials must represent the geographic diversity of urban, suburban, and rural locations; and

(F) Three parents recommended in accordance with this subsection (3)((~~(h)~~)) (j)(ii)(F), one with a child enrolled in a public school west of the crest of the Cascade mountain range, one with a child enrolled in a public school east of the crest of the Cascade mountain range, and one with a child enrolled in a public school who is also receiving special education services. The recommendation for a parent of a public school student receiving special education services must be made by an association of parents, teachers, and students that focuses on the needs of students receiving special education services. The recommendation for the other parents under this subsection must be made by an association of parents, teachers, and students.

(iii) The office of the superintendent of public instruction shall submit findings and recommendations required by this section to the state board of education, the department of health, and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2019.

(iv)(A) The office of the superintendent of public instruction and the Washington state school directors' association, shall collaborate with

department of health to conduct a data survey of the availability of sexual health education in public schools and relevant health measures in those schools. All school districts shall submit to the office of the superintendent of public instruction, through the Washington school health profiles survey, or other reporting mechanisms, the curricula used in the district to teach sexual health education. The data survey must include a list of the schools within the boundaries of each school district that offer sexual health education and in which grade levels, and the curricula used to teach sexual health education, as reported according to RCW 28A.300.475(7). In addition, the data shall include, for each school district and inclusive of any charter schools that may be within the boundaries of the school district, the rate of teen pregnancy, sexually transmitted infections, suicide, depression, and adverse childhood experiences in each of the previous five years for which data is available. To the extent that the data allows, the information shall be collected by school district, inclusive of any charter schools that may be within the boundaries of the school district. To the extent allowed by existing data sources, the information must be disaggregated by age, race, ethnicity, free and reduced lunch eligibility, sexual orientation, gender identity and expression, and geography, including school district population density, and conveyed, to the maximum extent possible, in a manner that complies with WAC 392-117-060. The data survey may combine multiple years of data if necessary to comply with student privacy requirements.

(B) The office of the superintendent of public instruction shall utilize the information collected from the data survey to inform the work group established in ((~~(f)~~)) (i) of this subsection. The office, in accordance with RCW 43.01.036, shall submit the data survey to the committees of the legislature with jurisdiction over matters related to education and health care and the governor by December 1, 2019.

((~~(m)~~)) (k) $107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to support the children and youth behavioral health work group created in Second Substitute House Bill No. 2737 (child. mental health wk. grp). If this bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(4) STATEWIDE PROGRAMS

(a) $2,590,000 of the general fund—state appropriation for fiscal year 2020 and $2,590,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) $703,000 of the general fund—state appropriation for fiscal year 2020 and $703,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) $950,000 of the general fund—state appropriation for fiscal year 2020 and $950,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) $909,000 of the general fund—state appropriation for fiscal year 2020 and $909,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (strengthening student educational outcomes).

(e) $10,000 of the general fund—state appropriation for fiscal year 2020 and $10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(f)(i) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school bullying and harassment prevention activities.

(ii) $15,000 of the general fund—state appropriation for fiscal year 2020 and $15,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) $1,268,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to educational service districts for implementation of Second Substitute House Bill No. 1216 (school safety and well-being).

(iv) $570,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts appropriated in this subsection (4)(f)(iv), $200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(v) $196,000 of the general fund—state appropriation for fiscal year 2020 and $196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(f) (v), $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(f) (v), $96,000 of the general fund—state appropriation for fiscal year 2020 and $96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(g)(i) $162,000 of the general fund—state appropriation for fiscal year 2020 and $162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for youth suicide prevention activities.

(ii) $204,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(iii) $20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 175, Laws of 2018 (children's mental health services).

(iv) $76,000 of the general fund—state appropriation for fiscal year 2020 and $76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(h)(i) $280,000 of the general fund—state appropriation for fiscal year 2020, $280,000 of the general fund—state appropriation for fiscal year 2021, and $1,052,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, $522,000 of the dedicated marijuana account—state appropriation for fiscal year 2020, and $530,000 of the dedicated marijuana

account—state appropriation for fiscal year 2021 are provided solely for the building bridges statewide program.

(ii) $293,000 of the general fund—state appropriation for fiscal year 2020 and $293,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) $178,000 of the general fund—state appropriation for fiscal year 2020 and $178,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(i) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(j) $369,000 of the general fund—state appropriation for fiscal year 2020 and $358,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1424 (CTE course equivalencies).

(k) $400,000 of the general fund—state appropriation for fiscal year 2020 and $196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1599 (high school graduation reqs.).

(l) $60,000 of the general fund—state appropriation for fiscal year 2020, $60,000 of the general fund—state appropriation for fiscal year 2021, and $680,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts provided in this subsection, $680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103 of Engrossed Second Substitute House Bill No. 1139 relating to the regional recruiters program.

(m) $66,000 of the general fund—state appropriation for fiscal year 2020 and $60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least twenty minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) $30,000 of the general fund—state appropriation for fiscal year 2020 and $30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual grant awards of $5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) $20,000 of the general fund—state appropriation for fiscal year 2020 and $20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support;

(iii) $10,000 of the general fund—state appropriation for fiscal year 2020 and $10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by June 30, 2021; and

(iv) $6,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, to adopt and make publicly available by February 14, 2020, a model policy and procedure that school districts may use to ensure that student lunch periods include a seated lunch duration of at

least twenty minutes. In developing the model policy and procedure, the Washington state school directors' association shall, to the extent appropriate and feasible, incorporate pertinent recommendations from the office of the state auditor.

(n) $25,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to publish a list of schools and districts that are not complying with RCW 28A.325.010 and 28A.325.050. The office must publish the list no later than December 30, 2020. Within amounts appropriated in this subsection, the office of the superintendent of public instruction must:

(i) Collaborate with associated student body executive boards statewide regarding district policies to reduce the extracurricular opportunity gap.

(ii) Require school districts to collect and report to the associated student body executive board the 2018-19 school year data related to students in possession of associated student body cards and student participation in school-based athletic programs by January 15, 2020. School districts with more than one high school must provide each high school's associated student body executive board only the data from each associated student body executive board's respective high school.

(A) Each school district with a high school must collect and publish on its website the following school-level data from each high school for the 2018-19 school year by January 15, 2020, for the 2019-20 school year by April 15, 2020, and for the 2020-21 school year by April 15, 2021:

(I) The number of high school students who are eligible to participate in the federal free and reduced-price meals program;

(II) The purchase amount of an associated student body card for high school students;

(III) The discounted purchase amount of an associated student body card for high school students who are eligible to participate in the federal free and reduced-price meals program;

(IV) Athletic program participation fees and any discounted fees for high school students who are eligible to participate in the federal free and reduced-price meals program;

(V) The number of high school students who possess an associated student body card;

(VI) The number of high school students who are eligible to participate in the federal free and reduced-price meals program and possess an associated student body card;

(VII) The number of high school students participating in an athletic program; and

(VIII) The number of high school students participating in an athletic program who are eligible to participate in the federal free and reduced-price meals program.

(B) The data for the April 2020 and April 2021 reports must include at least two weeks of data from the beginning of spring athletics season.

(C) The office of the superintendent of public instruction must provide support to ensure that all districts comply with the data reporting requirements in this subsection.

(D) No later than January 15, 2020, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with RCW 28A.325.050.

(o) $60,000 of the general fund—state appropriation for fiscal year 2020 and $60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collect and monitor restraint and isolation data pursuant to chapter 206, Laws of 2015, and to provide training, technical assistance, and other support to schools and districts to reduce the use of restraint and isolation.

(p) $225,000 of the general fund—state appropriation in fiscal year 2020 and $225,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funds provided under this section may only be

used for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of: Providing services, beginning with the 2019-20 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(q) $150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of the superintendent of public instruction to create a series of articles, videos, and educational curriculum on the history of agriculture in Washington state, including the role and impact of indigenous and immigrant farmers. The materials must be made available for free to schools, educators, and students. The office may collaborate with other agencies or entities in order to create the educational materials.

(r) $61,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies).

(s) $63,000 of the general fund—state appropriation for fiscal year 2020 and $7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(t) Within existing resources, the office shall consult with the Washington student achievement council to adopt rules pursuant to Senate Bill No. 5088 (computer science).

(u) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to conduct a pilot program in five school districts of a dropout early warning and intervention data system as defined in RCW 28A.175.074, to identify students beginning in grade eight who are at risk of not graduating from high school and require additional supports. The system at a minimum must measure attendance, behavior, and course performance. The office of the superintendent of public instruction must report to the appropriate committees of the legislature the progress of all participating schools by December 15, 2020.

(v) ((~~(y)~~)) Within existing resources, the office shall implement Substitute Senate Bill No. 5324 (homeless student support).

((~~(z)~~)) (w) $150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

((~~(bb)~~)) (x) $57,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2660 (school meals at no cost). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(cc)~~)) (y) $872,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2864 (running start summer pilot). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(ff)~~)) (z) $10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction, in consultation with the four-year institutions as defined in RCW 28B.76.020, the state board for community and technical colleges, and the workforce training and education coordinating board, to review and report on potential adjustments or alterations to the standardized high school transcript created under RCW 28A.230.125, including, but not limited to, granting the option of using a weighted grade point average to recognize accelerated coursework. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021.

((~~(hh)~~)) (aa) $385,000 of the general fund—state appropriation for fiscal year 2020 and $349,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 6521 (innovative learning pilot). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(ii)~~)) (bb) $6,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6263 (data sharing/schools, tribes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(5) The general fund—state appropriations in this section for fiscal year 2021 have been reduced by $300,000 to reflect furlough savings implemented in the office. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

Sec. 1402. 2020 c 357 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State Appropriation (FY 2020) $8,449,996,000

General Fund—State Appropriation (FY 2021) ((~~$8,942,348,000~~))

$8,543,940,000

General Fund—Federal Appropriation $109,110,000

Education Legacy Trust Account—State Appropriation $1,955,730,000

Elementary and Secondary School Emergency Relief III—Federal Appropriation $333,450,000

TOTAL APPROPRIATION ((~~$19,348,074,000~~))

$19,392,226,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2019-20 and 2020-21 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2019, to August 31, 2019, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 299, Laws of 2018.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2019-20 and 2020-21 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across

each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2019-20 and 2020-21 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2019-20 School Year	2020-21 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each

level of prototypical school ((~~in the 2019-20 school year~~)) as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under ((~~(d)(ii)(A) of~~)) this subsection, a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2019-20 School Year	2020-21 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2019-20 and 2020-21 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:
Career and Technical Education students 1.025

Skill Center students 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2019-20 and 2020-21 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2019-20 and 2020-21 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection

(4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.50 percent in the 2019-20 school year and ((~~12.52~~)) 12.63 percent in the 2020-21 school year for career and technical education students, and 17.83 percent in the 2019-20 school year and ((~~17.85~~)) 17.97 percent in the 2020-21 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.80 percent in the 2019-20 school year and 24.03 percent in the 2020-21 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.33 percent in the 2019-20 school year and 24.44 percent in the 2020-21 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows:

(a) Until December 31, 2019 and for nonrepresented employees of educational service districts for the 2020-21 school year:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section.

(b) Beginning January 1, 2020, and except for nonrepresented employees of educational service districts for the 2020-21 school year, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 907 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(c) For health benefits payments to the health care authority for benefits provided to school employees in January 2020, school districts must provide payment to the health care authority within three business days of receiving the January 2020 allocation for insurance benefits. The health care authority and office of the superintendent of public instruction must coordinate with school districts to enable timely payment to the health care authority consistent with this subsection.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	$135.91	$138.08
Utilities and Insurance	$369.29	$375.20
Curriculum and Textbooks	$145.92	$148.26
Other Supplies	$289.00	$293.62
Library Materials	$20.79	$21.12
Instructional Professional Development for Certificated and Classified Staff	$22.57	$22.93
Facilities Maintenance	$182.94	$185.87
Security and Central Office	$126.74	$128.77
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	$1,293.16	$1,313.85

(ii) For the 2019-20 school year and 2020-21 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of $1,529.98 for the 2019-20 school year and $1,554.46 for the 2020-21 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of $1,529.98 for the 2019-20 school year and $1,554.46 for the 2020-21 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	$39.08	$39.70
Curriculum and Textbooks	$42.63	$43.32
Other Supplies	$83.04	$84.37
Library Materials	$5.78	$5.87
Instructional Professional Development for Certified and Classified Staff	$7.11	$7.22
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	$177.64	$180.48

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2019-20 and 2020-21 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of $151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2019, to August 31, 2019, are adjusted to reflect provisions of chapter 299, Laws of 2018 (allocation of

funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2019-20 school year and 2020-21 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2020 and 2021 as follows:

(a) $650,000 of the general fund—state appropriation for fiscal year 2020 and $650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) $436,000 of the general fund—state appropriation for fiscal year 2020 and $436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed $500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130.

Expenditures for this purpose must come first from the appropriations provided in section 521 of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 521 of this act, and the amount expended from this section for those students.

(18) ((~~Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the~~)) The office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2019-2021 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) FEDERAL APPROPRIATIONS FOR COVID-19 RECOVERY

(a) $34,273,000 of the general fund—federal appropriation (CRSSA-ESSER) is provided solely for enrollment and transportation stabilization allocations in the 2020-21 school year required in section 1419 of this act.

(b) $600,000 of the general fund—federal appropriation (CRSSA-ESSER) is provided solely for allocations from funds attributable to subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M to local education agencies that do not receive elementary and secondary school emergency relief fund subgrants due to not participating

in part A of title I of the elementary and secondary education act of 1965.

(c) $74,237,000 of the general fund—federal appropriation (CRSSA-ESSER) is provided solely for allocations from federal funding for subgrants in response to the COVID-19 pandemic as authorized in section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(d) $333,450,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss.

Sec. 1403. 2020 c 357 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund—State Appropriation (FY 2020) $387,359,000

General Fund—State Appropriation (FY 2021) ((~~$644,562,000~~))

$622,558,000

TOTAL APPROPRIATION ((~~$1,031,921,000~~))

$1,009,917,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2019-20 school year, and 1.6 percent for the 2020-21 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of two days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2019-20, and three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21 must be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 23.16 percent for the 2019-20 school year and 23.39 percent for the 2020-21 school year for certificated instructional and certificated administrative staff and 20.83 percent for the 2019-20 school year and 20.94 percent for the 2020-21 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 503 and 504 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 907 of this act and reflect the incremental change in cost of allocating rates as follows:

(a) For the 2019-20 school year, $973.00 per month from September 1, 2019,

to December 31, 2019, $994 per month from January 1, 2020, to June 30, 2020, and $1,056 per month from July 1, 2020, to August 31, 2020; and

(b) For the 2020-21 school year, $1,000 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

(7)(a) $1,226,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

Sec. 1404. 2020 c 357 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2020) $646,545,000

General Fund—State Appropriation (FY 2021) ((~~$626,529,000~~))

$397,685,000

((~~Education Legacy Trust Account—State Appropriation $29,500,000~~))

TOTAL APPROPRIATION ((~~$1,302,574,000~~))

$1,044,230,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 299, Laws of 2018.

(3) Within amounts appropriated in this section, up to $10,000,000 of the general fund—state appropriation for fiscal year 2020 and up to $10,000,000 of the general fund—state appropriation for fiscal year 2021 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of $939,000 of this fiscal year 2020 appropriation and a maximum of $939,000 of the fiscal year 2021 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

((~~(11)~~)) (10) The office of the superintendent of public instruction must subtract pupil transportation amounts carried over from the 2018-19 school year to the 2019-20 school year from the prior year's expenditures used to determine the student transportation allocation for the 2020-21 school year.

((~~(12)~~)) (11) $21,508,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for one-time hold harmless pupil transportation payments to school districts to address lower pupil transportation payments for the 2019-2020 school year that were the result of corrections to the pupil transportation allocation methodology as implemented by the superintendent.

Sec. 1405. 2019 c 415 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation (FY 2020) $7,230,000

General Fund—State Appropriation (FY 2021) ((~~$7,230,000~~))

$7,229,000

General Fund—Federal Appropriation $537,178,000

TOTAL APPROPRIATION ((~~$551,638,000~~))

$551,637,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $7,111,000 of the general fund—state appropriation for fiscal year 2020 and $7,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced-price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance

programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4) $119,000 of the general fund—state appropriation for fiscal year 2020 and $119,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision.

Sec. 1406. 2020 c 357 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2020) $1,406,767,000

General Fund—State Appropriation (FY 2021) ((~~$1,463,248,000~~))

$1,380,473,000

General Fund—Federal Appropriation $514,008,000

Education Legacy Trust Account—State Appropriation $54,694,000

Pension Funding Stabilization Account—State

Appropriation $20,000

TOTAL APPROPRIATION ((~~$3,438,737,000~~))

$3,355,962,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 503 and 505 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended

by chapter 266, Laws of 2018 (basic education), except that the calculation of the base allocation also includes allocations provided under section 503 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 299, Laws of 2018.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) $63,609,000 of the general fund—state appropriation for fiscal year 2020, ((~~$91,500,000~~)) $94,630,000 of the general fund—state appropriation for fiscal year 2021, and $29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2019-20 and 2020-21 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of $931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) $50,000 of the general fund—state appropriation for fiscal year 2020, $50,000 of the general fund—state appropriation for fiscal year 2021, and $100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) $30,746,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute

Senate Bill No. 5091 (special education funding).

(13) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

(14) $5,200,000 of the general fund—state appropriation for fiscal year 2020 and $19,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged six through twenty-one who spend the least amount of time in general education classrooms.

(15) Beginning September 1, 2020, funding for payments to providers for the early support for infants and toddlers program is transferred to the department of children, youth, and families to implement Substitute House Bill No. 2787 (infants and toddlers program). The amount of the transfer and related funding requirements are included in section 225(4)(ff) of this act.

Sec. 1407. 2020 c 357 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State Appropriation (FY 2020) $12,869,000

General Fund—State Appropriation (FY 2021) ((~~$18,930,000~~))

$21,930,000

TOTAL APPROPRIATION ((~~$31,799,000~~))

$34,799,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) For fiscal year 2021, funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) For fiscal year 2021, funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff.

(6) For fiscal year 2021, funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) For fiscal year 2021, funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams.

(8) For fiscal year 2021, funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 1408. 2020 c 357 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2020) $353,213,000

General Fund—State Appropriation (FY 2021) ((~~$332,158,000~~))

$348,926,000

TOTAL APPROPRIATION ((~~$685,371,000~~))

$702,139,000

The appropriations in this section are subject to the following conditions and limitations:

$25,170,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$20,593,000~~)) $13,098,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a one-time hold harmless for local effort assistance in calendar year 2020.

Sec. 1409. 2020 c 357 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2020) $15,501,000

General Fund—State Appropriation (FY 2021) ((~~$16,707,000~~))

$14,678,000

General Fund—Federal Appropriation $3,000,000

TOTAL APPROPRIATION ((~~$32,208,000~~))

$33,179,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections

facilities shall be the same as those provided in the 1997-99 biennium.

(5) $701,000 of the general fund—state appropriation for fiscal year 2020 and $701,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) $999,000 of the general fund—state appropriation for fiscal year 2020 and $2,113,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

(7)(a) $100,000 of the general fund—state appropriation in fiscal year 2020 is provided solely to support one student records coordinator in the Issaquah school district to manage the transmission of academic records with the Echo Glen children's center.

(b) $300,000 of the general fund—state appropriation in fiscal year 2021 is provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) $3,000,000 of the general fund—federal appropriation (CRSSA-ESSER) is provided solely for enrollment stabilization from federal funding provided in response to the COVID-19 pandemic as authorized in subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. If institutional education enrollment in the 2020-21 school year for a residential school as defined by RCW 28A.190.020 or juvenile detention facility as identified by RCW 28A.190.010 is less than funded annual average full-time equivalent enrollment in the 2019-20 school year, the superintendent of public instruction must provide an enrollment stabilization allocation to bring the allocation for the institution up to an amount calculated using 2019-20 annual average full-time equivalent enrollment values and formulas in place for the 2020-21 school year, provided that using 2019-20 annual average full-time equivalent enrollment values does not result in less funding for the institution.

Sec. 1410. 2020 c 357 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund—State Appropriation (FY 2020) $30,504,000

General Fund—State Appropriation (FY 2021) ((~~$31,696,000~~))

$30,584,000

TOTAL APPROPRIATION ((~~$62,200,000~~))

$61,088,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district

programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 299, Laws of 2018.

Sec. 1411. 2020 c 357 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2020) $131,298,000

General Fund—State Appropriation (FY 2021) ((~~$135,955,000~~))

$135,126,000

General Fund—Federal Appropriation $96,576,000

General Fund—Private/Local Appropriation $1,450,000

Education Legacy Trust Account—State Appropriation $1,636,000

Pension Funding Stabilization Account—State

Appropriation $765,000

TOTAL APPROPRIATION ((~~$367,680,000~~))

$366,851,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY

(a) $26,975,000 of the general fund—state appropriation for fiscal year 2020, $26,975,000 of the general fund—state appropriation for fiscal year 2021, $1,350,000 of the education legacy trust account—state appropriation, and $15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) $14,352,000 of the general fund—state appropriation for fiscal year 2020 and $14,352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) $69,237,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$73,797,000~~)) $73,034,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of $5,505 per teacher in the 2019-20 school year and a bonus of $5,593 per teacher in the 2020-21 school year;

(ii) An additional $5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2019-20 and 2020-21 school years, and within available funds,

certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) $3,418,000 of the general fund—state appropriation for fiscal year 2020 and $3,418,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) $477,000 of the general fund—state appropriation for fiscal year 2020 and $477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) $810,000 of the general fund—state appropriation for fiscal year 2020 and $810,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) $10,500,000 of the general fund—state appropriation for fiscal year 2020 and $10,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) $4,000,000 of the general fund—state appropriation for fiscal year 2020 and $4,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

Sec. 1412. 2020 c 357 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State Appropriation (FY 2020) $205,270,000

General Fund—State Appropriation (FY 2021) ((~~$216,650,000~~))

$208,065,000

General Fund—Federal Appropriation $102,242,000

Pension Funding Stabilization Account—State

Appropriation $4,000

TOTAL APPROPRIATION ((~~$524,166,000~~))

$515,581,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2019-20 and 2020-21; (ii) additional instruction of 3.0000 hours per week in school years 2019-20 and 2020-21 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 299, Laws of 2018.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.93 percent for school year 2019-20 and ((~~1.89~~)) 1.99 percent for school year 2020-21.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) $35,000 of the general fund—state appropriation for fiscal year 2020 and $35,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to track current and former transitional bilingual program students.

(6) $1,023,000 of the general fund—state appropriation in fiscal year 2020 and $1,185,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

Sec. 1413. 2020 c 357 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State Appropriation (FY 2020) $416,973,000

General Fund—State Appropriation (FY 2021) ((~~$430,591,000~~))

$430,191,000

General Fund—Federal Appropriation $533,481,000

TOTAL APPROPRIATION ((~~$1,381,045,000~~))

$1,380,645,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 299, Laws of 2018.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2019-20 and 2020-21 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

Sec. 1414. 2020 c 357 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS

Statewide Average Allocations

Per Annual Average Full-Time Equivalent Student

Basic Education Program	2019-20 School Year	2020-21 School Year
General Apportionment	$9,176	((~~$9,398~~)) $9,338
Pupil Transportation	$586	((~~$586~~)) $335
Special Education Programs	$9,611	((~~$10,107~~)) $10,103
Institutional Education Programs	$19,186	((~~$20,540~~)) $21,843
Programs for Highly Capable Students	$598	$609
Transitional Bilingual Programs	$1,365	((~~$1,390~~)) $1,398

Learning Assistance Program	$932	((~~$950~~)) $949

Sec. 1415. 2020 c 357 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, ((~~2020~~)) 2021, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2020 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in sections 503 and 505 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in section 907 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in section 907 of this act. (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 1416. 2020 c 357 s 518 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS

Washington Opportunity Pathways Account—State

Appropriation ((~~$93,986,000~~)) $86,943,000

TOTAL APPROPRIATION ((~~$93,986,000~~)) $86,943,000

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

Sec. 1417. 2020 c 357 s 519 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways Account—State

Appropriation ((~~$294,000~~))

$324,000

Charter Schools Oversight Account—State

Appropriation $2,454,000

TOTAL APPROPRIATION ((~~$2,748,000~~))

$2,778,000

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

Sec. 1418. 2020 c 357 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING

General Fund—State Appropriation (FY 2020) $35,491,000

General Fund—State Appropriation (FY 2021) ((~~$36,704,000~~))

$35,391,000

TOTAL APPROPRIATION ((~~$72,195,000~~))

$70,882,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $4,894,000 of the general fund—state appropriation for fiscal year 2020 and $4,894,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants for implementation of dual credit programs and subsidized advanced placement exam fees, international baccalaureate class fees, and exam and course fees for low-income students.

For expenditures related to subsidized exam fees, the superintendent of public instruction shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(2)(a) $2,052,000 of the general fund—state appropriation for fiscal year 2020 and $2,052,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, $1,075,000 of the 2020 appropriation and $1,075,000 of the 2021 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, $100,000 of the fiscal year 2020 appropriation and $100,000 of the fiscal year 2021 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) $135,000 of the general fund—state appropriation for fiscal year 2020 and $135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2020, a high school must have offered a foundational project lead the way course during the 2018-19 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2019-20 school year. To be eligible for funding in 2021, a high school must have offered a foundational project lead the way course during the 2019-20 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2020-21 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome

data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) $2,127,000 of the general fund—state appropriation for fiscal year 2020 and $2,127,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime, construction, aerospace, and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment or certification in maritime, construction, aerospace, or advanced manufacturing industries, as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) $900,000 of the general fund—state appropriation for fiscal year 2020 and $900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs.

(ii) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in construction programs.

(iii) $300,000 of the general fund—state appropriation for fiscal year 2020 and $300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime programs.

(iv) $350,000 of the general fund—state appropriation for fiscal year 2020 and $350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students.

(v) $427,000 of the general fund—state appropriation for fiscal year 2020 and $427,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to provide management, development, assessment, and outreach of the programs.

(3)(a) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, $15,000 of the general fund—state appropriation for fiscal year 2020 and $15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) $384,000 of the general fund—state appropriation for fiscal year 2020 and $373,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), $10,000 of the general fund—state appropriation for fiscal year 2020 and $10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) $30,000 of the general fund—state appropriation for fiscal year 2020 and $25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop civics education materials for grades K-5. The office must contract for the production of the materials with an experienced Washington state organization that produces civics education materials currently posted as

an open education resource at the office of the superintendent of public instruction.

(4)(a) $31,000 of the general fund—state appropriation for fiscal year 2020 and $55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) $3,000,000 of the general fund—state appropriation for fiscal year 2020 and $3,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated $1,000,000 is provided solely for community based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) $3,145,000 of the general fund—state appropriation for fiscal year 2020 and $3,395,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), $446,000 of the general fund—state appropriation for fiscal year 2020 and $446,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), $1,015,000 of the general fund—state appropriation for fiscal year 2020 and $1,015,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), $684,000 of the general fund—state appropriation for fiscal year 2020 and $684,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(7) $2,541,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(8)(a) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) $36,000 of the general fund—state appropriation for fiscal year 2020 and $36,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(9) $375,000 of the general fund—state appropriation for fiscal year 2020 and $375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(10) $1,425,000 of the general fund—state appropriation for fiscal year 2020 and $1,425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dual language grants to grow capacity for high quality dual language learning. Of the amounts provided in this subsection:

(a) $1,425,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(33), chapter 299, Laws of 2018.

(b) $400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to establish a new dual language program.

(c) $225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to expand an existing dual language program.

(d) $400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create heritage language programs for immigrant and refugee students.

(e) $400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create indigenous language programs for native students.

(11)(a) $4,940,000 of the general fund—state appropriation for fiscal year 2020 and $4,940,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Of the amounts provided: $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college success foundation to establish programming in new regions throughout the state. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) $1,454,000 of the general fund—state appropriation for fiscal year 2020 and $1,454,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) $181,000 of the general fund—state appropriation for fiscal year 2020 and $181,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(12)(a) $356,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including

instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) $3,000,000 of the general fund—state appropriation for fiscal year 2020 and $3,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools. The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants of $2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to $500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least seventeen years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) $62,000 of the general fund—state appropriation for fiscal year 2020 and $62,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as

coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(13) $85,000 of the general fund—state appropriation for fiscal year 2020 and $85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the centrum program at Fort Worden state park.

(14) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide learning experiences for student-athletes in the science, technology, engineering, and math sectors. The office must contract with a nonprofit to offer student-athlete classes, programs, and scholarships to improve school performance and advancement across diverse communities.

(15) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2020-21 school year to school districts by August 10, 2020.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price means program; and

(iii) High schools located in school districts enrolling five thousand or fewer students.

(b) The office of the superintendent of public instruction shall award grants of up to five thousand dollars per high school per year. The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with state-based nonprofit organizations that provide direct services to military-connected students exclusively through one-to-one volunteer mentoring. The goal of the mentoring is to build resiliency in military connected students and increase their ability to cope with the stress of parental deployment and frequent moves, which will help promote good decision-making by youth, help increase attachment and a positive attitude toward school, and develop positive peer relationships. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides direct one-to-one volunteer mentoring services to military connected elementary students in the state and has been providing military mentoring to students in the state for at least twenty-four months prior to application.

(17) $83,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5612 (holocaust education).

(18) $250,000 of the general fund—state appropriation in fiscal year 2020 and $130,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for a grant to the pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to develop a new computer science program and outfit a van with program resources in order to expand statewide outreach.

(19) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(20) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to school districts to provide school resource officer training, as required in Second Substitute House Bill No. 1216 (student mental health and well-being).

(21) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Bethel school district to expand post-secondary education opportunities at Graham-Kapowsin high school.

(22) $350,000 of the general fund—state appropriation for fiscal year 2020 and $350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the south Kitsap school district to develop pathways for high school diplomas and post-secondary credentials through controls programmer apprenticeships.

(23) $255,000 of the general fund—state appropriation for fiscal year 2020 and $255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a math improvement pilot program for school districts to improve math scores. Of the amounts provided in this subsection:

(a) $85,000 of the general fund—state appropriation for fiscal year 2020 and $85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Spokane school district to improve math scores.

(b) $85,000 of the general fund—state appropriation for fiscal year 2020 and $85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Chehalis school district to improve math scores.

(c) $85,000 of the general fund—state appropriation for fiscal year 2020 and $85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bremerton school district to improve math scores.

(24) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to establish the media literacy grant program.

(25) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Seattle education access program to ensure students on nontraditional educational pathways have the mentorship and technical assistance needed to navigate higher education and financial aid. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

((~~(29)~~)) (26) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the

latino community in Seattle and King county and has previously established an after-school and summer learning program.

((~~(30)~~)) (27) $150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with the Yakama nation for a feasibility study to determine the scope, design, planning, and budget for the construction of a new state-tribal compact school.

((~~(31)~~)) (28) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to school districts to create systems, policies, and practices to address racial discipline gaps consistent with RCW 28A.415.410. The office of superintendent of public instruction, in coordination with a state association representing both certificated and classified staff, an association representing principals, an association representing school superintendents, the Washington state school directors association, and an association representing parents, will guide grant recipients using existing training materials and resources. Grant recipients must develop systems that provide tiered supports for intervention, restorative approaches to behavior, and eliminate zero-tolerance policies that contribute to racial disparities.

((~~(32)~~)) (29) $300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the south Kitsap school district to co-develop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

((~~(33)~~)) (30) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the Renton school district to expand early learning opportunities with the Somali parent's education board.

(31) $878,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington school principals' education foundation to continue student outdoor education services. Within the amounts provided in this subsection (31):

(a) $512,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Cispus learning center to continue services to provide outdoor education to the students of Washington state.

(b) $366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the associate of Washington student leaders to continue services for student leadership programs within Washington state.

(32) The general fund—state appropriations in this section for fiscal year 2021 have been reduced by $11,000 to reflect furlough savings implemented in the office. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

NEW SECTION. **Sec. 1419.** A new section is added to 2020 c 357 (uncodified) to read as follows: **ENROLLMENT AND TRANSPORTATION STABILIZATION**

(1) From appropriations in section 1402(22)(a) of this act, the superintendent of public instruction must provide an enrollment stabilization allocation from funds attributable to subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M to local education agencies equal to amount A minus amount B if amount A minus amount B is greater than zero.

(a) "Amount A" is the maximum enrollment stabilization amount in subsection (2) of this section.

(b) "Amount B" is total federal funding that is available to the local education agency from subgrants provided by the elementary and secondary school emergency relief fund as enacted by subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M and subsection 2001(d), the American rescue plan act of 2021, P.L. 117-2.

(2) The maximum enrollment stabilization allocation for the 2020-21 school year is the amount needed to bring total allocations for all program and enrollment groups listed in (b) of this subsection that meet the criteria in (a) of this subsection up to an amount

calculated using 2019-20 annual average enrollment values and formulas in place for the 2020-21 school year, plus the maximum transportation stabilization allocation in (c) of this subsection.

(a) A program and enrollment group meets the criteria to be included in the maximum enrollment stabilization allocation for a local education agency if enrollment in the 2020-21 school year is less than funded annual average enrollment in the 2019-20 school year and using 2019-20 annual average enrollment values does not result in less funding within the program to the local education agency.

(b) Program and enrollment groups that may be eligible for the maximum enrollment stabilization allocation are:

(i) Total annual average full-time equivalent enrollment in kindergarten through 12th grades, including alternative learning experience enrollment for purposes of calculating general apportionment allocations;

(ii) Enrollment in special education for purposes of calculating excess cost allocations as defined in RCW 28A.150.390. Allocations for special education enrollment above 2020-21 school year levels in kindergarten through 12th grades must be based on an excess cost multiplier of 0.995;

(iii) Enrollment in programs that provide supplemental instruction and services for students whose primary language is other than English for purposes of calculating allocations as described in RCW 28A.150.260(10)(b);

(iv) Enrollment in programs that support highly capable students for purposes of calculating allocations as described in RCW 28A.150.260(10)(c);

(v) Enrollment in dropout reengagement programs for purposes of calculating allocations for eligible students under RCW 28A.175.100; and

(vi) Enrollment in career and technical education and skill centers for purposes of calculating allocations as described in RCW 28A.150.260 (4)(c), (7), and (9).

(c) The maximum transportation stabilization allocation is equal to amount C minus amount D if amount C minus amount D is greater than zero.

(i) "Amount C" is 80 percent of the district's estimated allocation for the 2020-21 school year provided by the superintendent of public instruction prior to February 2021.

(ii) "Amount D" is the actual amount the local education agency receives for the 2020-21 school year under the allocation formula provided in RCW 28A.160.192.

(3) Enrollment stabilization amounts allocated under this section are not part of the state's program of basic education but may be used for any allowable cost within any of the programs.

(4) For purposes of this section, "local education agency" means a school district, charter school, or state-tribal education compact school established under chapter 28A.715 RCW.

PART XV

HIGHER EDUCATION

SUPPLEMENTAL

Sec. 1501. 2020 c 357 s 602 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2020) $678,312,000

General Fund—State Appropriation (FY 2021) ((~~$709,756,000~~))

$707,567,000

Community/Technical College Capital Projects

Account—State Appropriation $23,505,000

Education Legacy Trust Account—State Appropriation ((~~$158,532,000~~))

$158,526,000

Pension Funding Stabilization Account—State

Appropriation $67,784,000

TOTAL APPROPRIATION ((~~$1,637,889,000~~))

$1,635,694,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $33,261,000 of the general fund—state appropriation for fiscal year 2020 and $33,261,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2020 and at least 7,170 full-time equivalent students in fiscal year 2021.

(2) $2,443,000 of the general fund—state appropriation for fiscal year 2021 and $5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) $425,000 of the general fund—state appropriation for fiscal year 2020 and $425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Seattle central college's expansion of allied health programs.

(4) $5,250,000 of the general fund—state appropriation for fiscal year 2020 and $5,250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the student achievement initiative.

(5) $1,610,000 of the general fund—state appropriation for fiscal year 2020, and $1,610,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mathematics, engineering, and science achievement program.

(6) $1,500,000 of the general fund—state appropriation for fiscal year 2020 and $1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) $19,759,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$20,194,000~~)) $20,253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) $157,000 of the general fund—state appropriation for fiscal year 2020 and $157,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) The state board for community and technical colleges shall collaborate with a permanently registered Washington sector intermediary to integrate and offer related supplemental instruction for information technology apprentices by the 2020-21 academic year.

(13) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(14) $750,000 of the general fund—state appropriation for fiscal year 2020 and $750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(15)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(16) $216,000 of the general fund—state appropriation for fiscal year 2020 and $216,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the opportunity center for employment and education at North Seattle College.

(17) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(18) $350,000 of the general fund—state appropriation for fiscal year 2020 and $350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

(a) Medical assisting, 40 students;

(b) Nursing assistant, 60 students; and

(c) Registered nursing, 32 students.

(19) $338,000 of the general fund—state appropriation for fiscal year 2020 and $338,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state labor education and research center at South Seattle College.

(20) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Washington family and community and engagement trust and Everett Community College to continue and expand a civic education and leadership program for underserved adults and youth.

(21) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(22) $750,000 of the general fund—state appropriation for fiscal year 2020 and $750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1893 (student assistance grants).

(23) $200,000 of the general fund—state appropriation for fiscal year 2020 and $348,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students).

(24) $1,500,000 of the general fund—state appropriation for fiscal year 2020 and $1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(25) $132,000 of the general fund—state appropriation for fiscal year 2020 and $24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the state board to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(26) $784,000 of the general fund—state appropriation for fiscal year 2020 and $779,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for legal costs related to the *Wolf vs State Board for Community and Technical Colleges* litigation.

((~~(30)~~)) (27) $197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1502. 2020 c 357 s 603 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2020) ((~~$340,784,000~~))

$340,744,000

General Fund—State Appropriation (FY 2021) ((~~$358,083,000~~))

$354,305,000

Aquatic Lands Enhancement Account—State

Appropriation ((~~$1,606,000~~))

$1,595,000

University of Washington Building Account—State

Appropriation $1,546,000

Education Legacy Trust Account—State Appropriation ((~~$36,731,000~~))

$36,595,000

Economic Development Strategic Reserve Account—State

Appropriation ((~~$3,087,000~~))

$3,080,000

Geoduck Aquaculture Research Account—State

Appropriation $800,000

Biotoxin Account—State Appropriation ((~~$612,000~~))

$611,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $256,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) ((~~$272,000~~))

$266,000

Pension Funding Stabilization Account—State

Appropriation $50,906,000

Accident Account—State Appropriation ((~~$7,907,000~~))

$7,850,000

Medical Aid Account—State Appropriation ((~~$7,507,000~~))

$7,457,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $35,000,000

TOTAL APPROPRIATION ((~~$810,097,000~~))

$841,011,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $41,010,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$41,913,000~~)) $42,036,000 of the

general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) $8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) $250,000 of the general fund—state appropriation for fiscal year 2020 and $251,000 of the general fund—state appropriation for fiscal year 2021 and $1,550,000 of the aquatic lands enhancement account—state appropriation are provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. The center must continue to make quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(6) $14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(7) $1,549,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(8) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(9) $7,345,000 of the general fund—state appropriation for fiscal year 2020 and $7,345,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(10) $2,625,000 of the general fund—state appropriation for fiscal year 2020 and $2,625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(11) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(12) $600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(13)(a) $172,000 of the general fund—state appropriation for fiscal year 2020 and $172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations

in the area. The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(14) $5,000,000 of the general fund—state appropriation for fiscal year 2020 and $5,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(15) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—appropriation for fiscal year 2021 are provided solely for the University of Washington's psychiatry integrated care training program.

(16) $400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(17) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(18) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

(19) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bothell branch to develop series of online courses for school district staff related to behavioral health. The standards for the online courses must be consistent with any knowledge, skill, and performance standards related to mental health and well-being of public school students. Among other things, the online courses must:

(a) Teach participants relevant laws, including laws around physical restraint and isolation;

(b) Provide foundational knowledge in behavioral health, mental health, and mental illness;

(c) Describe how to assess, intervene upon, and refer behavioral health and substance use issues; and

(d) Teach approaches to promote health and positively influence student health behaviors.

(20) $110,000 of the general fund—state appropriation for fiscal year 2020 and $110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for core operations at forefront to achieve its mission of reducing suicide.

(21) $138,000 of the general fund—state appropriation for fiscal year 2020 and $138,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to collaborate with the northwest

Parkinson's foundation and the state department of veterans affairs to study Parkinson's diagnoses treatment and specialist care across ethnic and racial groups and to develop a pilot program that helps people with Parkinson's better access specialist care and community services.

(22) $256,000 of the general fund—state appropriation for fiscal year 2020 and $226,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding fifteen to twenty providers from smaller clinics and practices per year.

(23) $102,000 of the general fund—state appropriation for fiscal year 2020 and $102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's center for international trade in forest products.

(24) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Latino center for health.

(25) $150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Latino center for health to:

(a) Estimate the number of practicing Latino physicians in Washington including age and gender distributions;

(b) Create a profile of Latino physicians that includes their geographic distribution, medical and surgical specialties, training and certifications, and language access;

(c) Develop a set of policy recommendations to meet the growing needs of Latino communities in urban and rural communities throughout Washington. The center must provide the report to the university and the appropriate committees of the legislature by December 31, 2020.

(26) To ensure transparency and accountability, in the 2019-2021 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(27) $50,000 of the general fund—state appropriation for fiscal year 2020 and $30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's school of public health to study home-sharing for privately-owned residential properties. The study must include:

(a) An analysis of home-sharing programs across the country, including population served, costs, duration of stays, and size of programs;

(b) An analysis of similar initiatives in Washington state and potential barriers to expansion;

(c) A review of best practices and policies; and

(d) Recommendations for the establishment and continuation of home-sharing programs.

(28) $150,000 of the general fund—state appropriation for fiscal year 2020

and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to expand the project extension for community health care outcomes (ECHO) to include training related to people with autism and developmental disabilities. Project ECHO for autism and developmental disabilities must focus on supporting existing autism centers of excellence. The project will disseminate evidence-based diagnoses and treatments to increase access to medical services for people across the state.

(29) $100,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in part 9 of this act.

(30) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital in consultation with the office of the superintendent of public instruction to plan for and implement a two-year pilot program of school mental health education and consultations for students at middle schools, junior high, and high schools in one school district on east side of Cascades and one school district on west side of Cascades. The pilot program must:

(a) Develop and provide behavioral health trainings for school counselors, social workers, psychologists, nurses, teachers, administrators, and classified staff by January 1, 2020; and

(b) Beginning with the 2020-21 school year:

(i) Provide school counselors access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to support school staff in managing children with challenging behavior; and

(ii) Provide students access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to provide crisis management services when assessed as clinically appropriate.

(31) $213,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health).

(32) $50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(33)(a) $463,000 of the general fund—state appropriation for fiscal year 2020 and $400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the climate impacts group in the college of the environment.

(b) $63,000 of the general fund—state appropriation for fiscal year 2020 in (a) of this subsection is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(34) $25,000 of the general fund—state appropriation for fiscal year 2020 and $25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(35) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a firearm policy research program. The program will:

(a) Support investigations of firearm death and injury risk factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(36) $100,000 of the general fund—state appropriation for fiscal year 2020

is provided solely for the Evans school of public affairs to complete the business plan for a publicly owned Washington state depository bank as directed by section 129, chapter 299, Laws of 2018.

(37) $350,000 of the general fund—state appropriation for fiscal year 2020 and $139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland owners).

(38) $95,000 of the general fund—state appropriation for fiscal year 2020 and $95,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college of education to partner with school districts on a pilot program to improve the math scores of K-12 students.

(39) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for matching nonstate funding contributions for a study of the feasibility of constructing of a biorefinery in southwest Washington. No state moneys may be expended until nonstate funding contributions are received. The study must:

(a) Assess the supply of biomass, including poplar feedstock grown on low-value lands and hardwood sawmill residuals;

(b) Assess the potential for using poplar simultaneously for water treatment and as a biorefinery feedstock;

(c) Assess southwest Washington landowner interest in growing poplar feedstock;

(d) Evaluate options for locating a biorefinery in southwest Washington that considers potential for integration of future biorefineries with existing facilities such as power plants and pulp mills; and

(e) Result in a comprehensive technical and economic evaluation for southwest Washington biorefineries that will be used by biorefinery technology companies to develop their business plans and to attract potential investors.

(40) $300,000 of the general fund—state appropriation for fiscal year 2020 and $300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(41) $400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program crab team to continue work to protect against the impacts of invasive European green crab.

((~~(45)~~)) (42) $300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for:

(a) Increased training in rural areas for sexual assault nurse examiners; and

(b) Expansion of web-based services for training of sexual assault nurse examiners to include webinars, live streamed trainings, and web-based consultations.

((~~(47)~~)) (43) $135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(48)~~)) (44) $364,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(51)~~)) (45) $60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6061 (telemedicine training). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(52)~~)) (46) $1,549,000 of the economic development strategic reserve account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6139 (aerospace tech. innovation). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(47) $35,000,000 of the coronavirus state fiscal recovery fund—federal

appropriation is provided solely for the University of Washington medical center.

Sec. 1503. 2020 c 357 s 604 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund—State Appropriation (FY 2020) ((~~$222,642,000~~))

$222,508,000

General Fund—State Appropriation (FY 2021) ((~~$233,649,000~~))

$228,406,000

Washington State University Building Account—State

Appropriation $792,000

Education Legacy Trust Account—State Appropriation $33,995,000

Model Toxics Control ((~~Stormwater~~)) Operating

Account—State Appropriation ((~~$50,000~~))

$250,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $138,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) $138,000

Pension Funding Stabilization Account—State

Appropriation $30,954,000

TOTAL APPROPRIATION ((~~$522,358,000~~))

$517,181,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $90,000 of the general fund—state appropriation for fiscal year 2020 and $90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) $7,000,000 of the general fund—state appropriation for fiscal year 2020 and $7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued development and operations of a medical school program in Spokane.

(6) $135,000 of the general fund—state appropriation for fiscal year 2020 and $135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a honey bee biology research position.

(7) $29,152,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$29,793,000~~)) $29,881,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) $376,000 of the general fund—state appropriation for fiscal year 2020 and $376,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(9) $580,000 of the general fund—state appropriation for fiscal year 2020 and $580,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(10) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(11) $585,000 of the general fund—state appropriation for fiscal year 2020 and $585,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(12) $630,000 of the general fund—state appropriation for fiscal year 2020 and $630,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(13) $1,370,000 of the general fund—state appropriation for fiscal year 2020 and $1,370,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(14) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(15) $1,119,000 of the general fund—state appropriation for fiscal year 2020 and $1,154,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(16) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint center for deployment and research in earth abundant materials.

(17) $20,000 of the general fund—state appropriation for fiscal year 2020 and $20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature by December 1, 2020.

(18) $113,000 of the general fund—state appropriation for fiscal year 2020 and $60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(19) $100,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in section 9 of this act.

(20) $264,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health).

(21) $37,000 of the general fund—state appropriation for fiscal year 2020 and $16,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(22) $85,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the William D. Ruckelshaus center to coordinate a work group and process to develop options and recommendations to improve consistency, simplicity, transparency, and accountability in higher education data systems. The work group and process must be collaborative and include representatives from relevant agencies and stakeholders, including but not limited to: The Washington student achievement council, the workforce training and education coordinating board, the employment security department, the state board for community and technical colleges, the four-year institutions of higher education, the education data center, the office of the superintendent of public instruction, the Washington state institute for public policy, the joint legislative audit and review committee, and at least one representative from a nongovernmental organization that uses longitudinal data for research and decision making. The William D. Ruckelshaus center must facilitate meetings and discussions with stakeholders and provide a report to the appropriate committees of the legislature by December 1, 2019. The process must analyze and make recommendations on:

(a) Opportunities to increase postsecondary transparency and accountability across all institutions of higher education that receive state financial aid dollars while minimizing duplication of existing data reporting requirements;

(b) Opportunities to link labor market data with postsecondary data including degree production and postsecondary opportunities to help prospective postsecondary students navigate potential career and degree pathways;

(c) Opportunities to leverage existing data collection efforts across agencies and postsecondary sectors to minimize duplication, centralize data reporting, and create administrative efficiencies;

(d) Opportunities to develop a single, easy to navigate, postsecondary data system and dashboard to meet multiple state goals including transparency in postsecondary outcomes, clear linkages between data on postsecondary degrees and programs and labor market data, and linkages with P-20 data where appropriate. This includes a review of the efficacy, purpose, and cost of potential options for service and management of a statewide postsecondary dashboard; and

(e) Opportunities to increase state agency, legislative, and external researcher access to P-20 data systems in service to state educational goals.

(23) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the ((~~general fund—state appropriation for fiscal year 2021~~)) model toxics control operating account—state appropriation are provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

((~~(27)~~)) (24)(a) $25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the collaboration with the Washington state patrol, to produce a report focused on recommendations to inform a longitudinal study regarding bias in traffic stops. The report shall include the following information and any additional items identified in the collaboration:

(i) Analysis of traffic stops data for evidence of biased policing in stops, levels of enforcement, and searches;

(ii) Statewide survey of Washington state residents' perception of the Washington state patrol, with a focus on communities and individuals of color; and

(iii) The driving population, Washington state patrol crash data, Washington state patrol calls for service or assistance data, and any other potential data sources and appropriate geographic-level analysis.

(b) The framework shall outline any needed policy changes necessary to perform a longitudinal study, including public engagement. The report shall be submitted to the appropriate committees of the legislature by December 31, 2020.

((~~(28)~~)) (25) $130,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1504. 2020 c 357 s 605 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2020) $55,128,000

General Fund—State Appropriation (FY 2021) ((~~$57,943,000~~))

$56,856,000

Education Legacy Trust Account—State Appropriation $16,794,000

TOTAL APPROPRIATION ((~~$129,865,000~~))

$128,778,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least $200,000 of the general fund—state appropriation for fiscal year 2020 and at least $200,000 of the general fund—state appropriation for fiscal year 2021 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) $10,472,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$10,702,000~~)) $10,733,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for gathering and archiving time-sensitive histories and materials and planning for a Lucy Covington center.

(7) $73,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$73,000~~)) $17,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(8) $21,000 of the general fund—state appropriation for fiscal year 2020 and $11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

((~~(10)~~)) (9) $73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is~~

~~not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1505. 2020 c 357 s 606 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2020) ((~~$54,520,000~~))

$54,365,000

General Fund—State Appropriation (FY 2021) ((~~$57,179,000~~))

$56,301,000

Central Washington University Capital Projects

Account—State Appropriation $76,000

Education Legacy Trust Account—State Appropriation $19,076,000

Pension Funding Stabilization Account—State

Appropriation $3,924,000

TOTAL APPROPRIATION ((~~$134,775,000~~))

$133,742,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) $11,803,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$12,063,000~~)) $12,098,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) $221,000 of the general fund—state appropriation for fiscal year 2020 and $221,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and math. The program is expected to serve approximately five hundred students per year.

(6) $53,000 of the general fund—state appropriation for fiscal year 2020 and $32,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

((~~(11)~~)) (7) $53,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1506. 2020 c 357 s 607 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund—State Appropriation (FY 2020) $30,208,000

General Fund—State Appropriation (FY 2021) ((~~$31,303,000~~))

$30,839,000

The Evergreen State College Capital Projects

Account—State Appropriation $80,000

Education Legacy Trust Account—State Appropriation $5,450,000

Pension Funding Stabilization Account—State

Appropriation $2,000

TOTAL APPROPRIATION ((~~$67,043,000~~))

$66,579,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $3,590,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$3,669,000~~)) $3,680,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) Within the amounts appropriated in this section, The Evergreen State College must provide the funding necessary to enable employees of the Washington state institute for public policy to receive the salary increases provided in part 9 of this act.

(5) $2,437,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$2,754,000~~)) $2,528,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (5):

(a) $999,000 of the amounts in fiscal year 2020 and $1,294,000 of the amounts in fiscal year 2021 are provided for administration and core operations.

(b) $1,388,000 of the amounts in fiscal year 2020 and ((~~$1,177,000~~)) $1,061,000 of the amounts in fiscal year 2021 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) $50,000 of the amounts in fiscal year 2020 and $25,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to evaluate the outcomes of resource and assessment centers licensed under RCW 74.15.311 and contracted with the department of children, youth, and families. By December 1, 2020, and in compliance with RCW 43.01.036, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the department of children, youth, and families; and the oversight board for children, youth, and families. For the evaluation, the institute shall collect data regarding:

(i) The type of placement children experience following placement at a resource and assessment center;

(ii) The number of placement changes that children experience following placement in a resource and assessment center compared with other foster children;

(iii) The length of stay in foster care that children experience following placement in a resource and assessment center compared with other foster children;

(iv) The likelihood that children placed in a resource and assessment center will be placed with siblings; and

(v) The length of time that licensed foster families accepting children placed in resource and assessment centers maintain their licensure compared to licensed foster families receiving children directly from child protective services.

(d) $115,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers recommendations).

(e) $33,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehab. confinement).

(f) ((~~(i)~~)) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the

institute's 2019-21 work plan as necessary to efficiently manage workload.

(6) $86,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1507. 2020 c 357 s 608 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2020) $78,664,000

General Fund—State Appropriation (FY 2021) ((~~$82,923,000~~))

$81,724,000

Western Washington University Capital Projects

Account—State Appropriation $1,424,000

Education Legacy Trust Account—State Appropriation $13,831,000

TOTAL APPROPRIATION ((~~$176,842,000~~))

$175,643,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) $16,291,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$16,649,000~~)) $16,698,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) $700,000 of the general fund—state appropriation for fiscal year 2020 and $700,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) $1,306,000 of the general fund—state appropriation for fiscal year 2020 and $1,306,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for campus connect to develop a student civic leaders initiative that will provide opportunities for students to gain work experience focused on addressing the following critical issues facing communities and campuses: Housing and food insecurities, mental health, civic education (higher education and K-12), breaking the prison pipeline, and the opioid epidemic. Students will:

(a) Participate in civic internships and receive wages to work on one or more of these critical issues on their campus and or in their community, or both;

(b) Receive training on civic education, civil discourse, and learn how to analyze policies that impact community issues; and

(c) Research issues and develop and implement strategies in teams to address them.

(8) $45,000 of the general fund—state appropriation for fiscal year 2020 and $25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

((~~(10)~~)) (9) $87,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(11)~~)) (10) $886,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates. Tuition reductions resulting from this section must go into effect beginning in the 2020-21 academic year.

Sec. 1508. 2020 c 357 s 609 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION

General Fund—State Appropriation (FY 2020) ((~~$6,459,000~~))

$6,434,000

General Fund—State Appropriation (FY 2021) ((~~$7,704,000~~))

$6,612,000

General Fund—Federal Appropriation ((~~$4,927,000~~))

$4,912,000

Pension Funding Stabilization Account—State

Appropriation $534,000

TOTAL APPROPRIATION ((~~$19,624,000~~))

$18,492,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $126,000 of the general fund—state appropriation for fiscal year 2020 and $126,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the consumer protection unit.

(2) $104,000 of the general fund—state appropriation for fiscal year 2020 and $174,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students).

(3) $150,000 of the general fund—state appropriation is provided solely to create a career connected learning statewide program inventory as required in RCW 28C.30.040(1) (f) through (g).

((~~(6)~~)) (4) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

((~~(8)~~)) (5) $208,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1509. 2020 c 357 s 610 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund—State Appropriation (FY 2020) $273,435,000

General Fund—State Appropriation (FY 2021) ((~~$288,093,000~~))

$290,727,000

General Fund—Federal Appropriation ((~~$12,038,000~~))

$11,999,000

General Fund—Private/Local Appropriation $300,000

Education Legacy Trust Account—State Appropriation $93,488,000

Washington Opportunity Pathways Account—State

Appropriation ((~~$114,229,000~~))

$102,197,000

Aerospace Training Student Loan Account—State

Appropriation ((~~$216,000~~))

$215,000

Workforce Education Investment Account—State

Appropriation ((~~$14,824,000~~))

$4,719,000

Pension Funding Stabilization Account—State

Appropriation $18,000

Health Professionals Loan Repayment and Scholarship

Program Account—State Appropriation $1,720,000

State Educational Trust Fund Account—State

Appropriation $6,000,000

State Financial Aid Account—State Appropriation $1,500,000

TOTAL APPROPRIATION ((~~$805,861,000~~))

$786,318,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, all references made in this section to the state need grant program are deemed made to the Washington college grant program.

(2) $255,327,000 of the general fund—state appropriation for fiscal year 2020, $7,935,000 of the general fund—state appropriation for fiscal year 2021, $45,527,000 of the education legacy trust account—state appropriation, $6,000,000 of the state educational trust fund nonappropriated account—state appropriation, and $38,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(3) $258,593,000 of the general fund—state appropriation for fiscal year 2021, ((~~$14,824,000~~)) $1,079,000 of the workforce education investment account—state appropriation, $32,112,000 of the education legacy trust fund—state appropriation, and ((~~$56,950,000~~)) $44,918,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(4) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2019-2021 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(5) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI. If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the eligibility and proration provisions of that bill supersede the provisions of this subsection.

(6) Of the amounts provided in subsection (2) of this section, $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(7) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(8) $972,000 of the general fund—state appropriation for fiscal year 2020, ((~~$1,165,000~~)) $3,701,000 of the general fund—state appropriation for fiscal year 2021, $15,849,000 of the education legacy trust account—state appropriation, and $18,929,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(9) $2,759,000 of the general fund—state appropriation for fiscal year 2020 ((~~and~~)), $2,795,000 of the general fund—state appropriation for fiscal year 2021, and $3,640,000 of the workforce education investment account—state appropriation are provided solely for the passport to college program. The maximum scholarship award is up to $5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of $500,000 in fiscal years 2020 and 2021 for this purpose.

(10) $2,536,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$4,432,000~~)) $4,540,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(11) $3,800,000 of the general fund—state appropriation for fiscal year 2020 and $3,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been

served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2021-2023 fiscal biennium on the basis of these contractual obligations.

(12) $850,000 of the general fund—state appropriation for fiscal year 2020 and $750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1973 (dual enrollment scholarship).

(13) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1668 (Washington health corps). Within amounts provided in this subsection, the student achievement council, in consultation with the department of health, shall study the need, feasibility, and potential design of a grant program to provide funding to behavioral health students completing unpaid pregraduation internships and postgraduation supervised hours for licensure.

(14) Sufficient amounts are appropriated within this section to implement Engrossed Second Substitute House Bill No. 1311 (college bound).

(15) $1,896,000 of the general fund—state appropriation for fiscal year 2020 and $1,673,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts appropriated in this subsection, $1,650,000 of the general fund—state appropriation for fiscal year 2020 and $1,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the student teaching grant program, the teacher endorsement and certification help program, and the educator conditional scholarship and loan repayment programs under chapter 28B.102 RCW, including the pipeline for paraeducators program, the retooling to teach conditional loan programs, the teacher shortage conditional scholarship program, the career and technical education conditional scholarship program, and the federal student loan repayment in exchange for teaching service program.

(16) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a state match associated with the rural jobs program. The legislature will evaluate appropriations in future biennia to the rural jobs program based on the extent that additional private contributions are made.

(17) $625,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(18) $1,500,000 of the state financial aid account—state appropriation is provided solely for passport to career program scholarship awards.

(19) $161,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6141 (higher education access). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(20) $396,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6561 (undocumented student support). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1510. 2020 c 357 s 611 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State Appropriation (FY 2020) $2,270,000

General Fund—State Appropriation (FY 2021) ((~~$2,300,000~~))

$2,279,000

General Fund—Federal Appropriation ((~~$55,511,000~~))

$55,441,000

General Fund—Private/Local Appropriation ((~~$211,000~~))

$210,000

Pension Funding Stabilization Account—State

Appropriation $176,000

TOTAL APPROPRIATION ((~~$60,468,000~~))

$60,376,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2019-2021 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) $240,000 of the general fund—state appropriation for fiscal year 2020 and $240,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs.

(3) $260,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 294, Laws of 2018 (future of work task force).

(4) $28,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5166 (postsecondary religious acc.).

(5) $300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the board to provide a one-time grant to an accredited university offering a doctorate in osteopathic medicine. The grant must be used to purchase up to twelve fully-equipped ((~~VSee~~)) telemedicine kits for student training purposes in rural and underserved communities.

Sec. 1511. 2020 c 357 s 612 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State Appropriation (FY 2020) $9,001,000

General Fund—State Appropriation (FY 2021) ((~~$9,275,000~~))

$9,128,000

General Fund—Private/Local Appropriation $34,000

Pension Funding Stabilization Account—State

Appropriation $590,000

TOTAL APPROPRIATION ((~~$18,900,000~~))

$18,753,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades ((~~nine~~)) six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) $149,000 of the general fund—state appropriation for fiscal year 2020 and $99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for migration to the state data center, and are subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 1512. 2020 c 357 s 613 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund—State Appropriation (FY 2020) $14,463,000

General Fund—State Appropriation (FY 2021) ((~~$14,581,000~~))

$14,451,000

Pension Funding Stabilization Account—State

Appropriation $728,000

TOTAL APPROPRIATION ((~~$29,772,000~~))

$29,642,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) $12,319,000 of the general fund—state appropriation for fiscal year 2020 and $12,319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operations, expenses, and direct service to students at the state school for the deaf referenced in RCW 72.40.015(2)(a).

(3) $73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington center for deaf and hard of hearing youth to provide American sign language coaching to agency staff.

Sec. 1513. 2020 c 357 s 614 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation (FY 2020) $2,222,000

General Fund—State Appropriation (FY 2021) ((~~$2,513,000~~))

$2,467,000

General Fund—Federal Appropriation ((~~$2,160,000~~))

$2,145,000

General Fund—Private/Local Appropriation $50,000

Pension Funding Stabilization Account—State

Appropriation $122,000

TOTAL APPROPRIATION ((~~$7,067,000~~))

$7,006,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $175,000 of the general fund—state appropriation for fiscal year 2020 and $175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the folk and traditional arts apprenticeship and jobs stimulation program.

(2) $104,000 of the general fund—state appropriation for fiscal year 2020 and $96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the completion and maintenance of the my public art portal project.

((~~(4)~~)) (3) $172,000 of the general fund—state appropriation for fiscal year 2020 and $324,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an arts-integration program that encourages kindergarten readiness in partnership with educational service districts, the office of the superintendent of public instruction, and the department of children, youth, and families.

Sec. 1514. 2020 c 357 s 615 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2020) $3,709,000

General Fund—State Appropriation (FY 2021) ((~~$3,818,000~~))

$3,739,000

Pension Funding Stabilization Account—State

Appropriation $230,000

TOTAL APPROPRIATION ((~~$7,757,000~~))

$7,678,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the Washington state historical society.

(2) $109,000 of the general fund—state appropriation for fiscal year 2020 and $94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration of the agency's servers to the cloud environment and is subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 1515. 2020 c 357 s 616 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2020) $2,751,000

General Fund—State Appropriation (FY 2021) ((~~$2,841,000~~))

$2,915,000

Pension Funding Stabilization Account—State

Appropriation $214,000

TOTAL APPROPRIATION ((~~$5,806,000~~))

$5,880,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the eastern Washington state historical society.

(2) $67,000 of the general fund—state appropriation for fiscal year 2020 and $30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration to the state data center and is subject to the conditions, limitations, and review provided in section 701 of this act.

PART XVI

SPECIAL APPROPRIATIONS

SUPPLEMENTAL

Sec. 1601. 2020 c 357 s 701 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL

General Fund—State Appropriation (FY 2020) $9,107,000

General Fund—State Appropriation (FY 2021) $12,309,000

General Fund—Federal Appropriation $7,427,000

General Fund—Private/local Appropriation $213,000

Other Appropriated Funds $65,139,000

TOTAL APPROPRIATION $94,195,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Funds in the account are provided solely for the information technology projects shown in LEAP omnibus documents IT-2019, dated April 25, 2019, and IT-2020, dated March 9, 2020, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus documents IT-2019, dated April 25, 2019, and IT-2020, dated March 9, 2020, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. To facilitate transfer of unused moneys originally from other funds and accounts that were deposited into the information technology revolving account as associated with these same projects, and that are not expended by June 30, 2021, the state treasurer is directed to transfer money from other funds and accounts out of the information

technology investment revolving account and deposit into the fund or account of origin in accordance with schedules provided by the office of financial management. However, restricted federal funds and qualified employee benefit and pension funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of financial management and the office of the chief information officer to receive funding from the information technology investment revolving account. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(3) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the state chief information officer and office of financial management. Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the state chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the military department enhanced 911 next generation project and the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

(i) Fund sources;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) A discreet appropriation index and program index;

(iv) Object and subobject codes of expenditures; and

(v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the state chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discreet program index and subobject codes.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information

officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight;

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the state chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2019;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the state chief information officer must report on July 1 and December 1 each calendar year, beginning July 1, 2020, any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the state chief information officer must report on July 1 and

December 1 each calendar year, beginning July 1, 2020, any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The information technology feasibility study of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(15) The learning management system project of the department of enterprise services is subject to the conditions, limitations, and review in this section.

(16) The gambling self-exclusion program project of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(17) The facilities portfolio management tool project of the office of financial management is subject to the conditions, limitations, and review in this section.

(18) The logging and monitoring project of the consolidated technology services agency is subject to the conditions, limitations, and review in this section.

Sec. 1602. 2020 c 357 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State Appropriation (FY 2020) $1,179,075,000

General Fund—State Appropriation (FY 2021) ((~~$1,224,915,000~~))

$1,205,579,000

State Building Construction Account—State

Appropriation ((~~$6,273,000~~))

$7,596,000

Columbia River Basin Water Supply Development

Account—State Appropriation $30,000

Watershed Restoration and Enhancement Bond Account—

State Appropriation $46,000

State Taxable Building Construction Account—State

Appropriation ((~~$277,000~~))

$89,000

Debt-Limit Reimbursable Bond Retirement Account—

State Appropriation $566,000

TOTAL APPROPRIATION ((~~$2,411,182,000~~))

$2,392,981,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

NEW SECTION. **Sec. 1603.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Nondebt-Limit Reimbursable Bond Retirement Account—

State Appropriation $152,528,000

School Construction and Skill Centers Building

Account—State Appropriation $5,000

TOTAL APPROPRIATION $152,533,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the nondebt-limit general fund bond retirement account.

Sec. 1604. 2020 c 357 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND

REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State Appropriation (FY 2020) $1,400,000

General Fund—State Appropriation (FY 2021) $1,400,000

State Building Construction Account—State

Appropriation ((~~$1,052,000~~))

$1,730,000

Columbia River Basin Water Supply Development

Account—State Appropriation $6,000

School Construction and Skill Centers Building

Account—State Appropriation $2,000

Watershed Restoration and Enhancement Bond Account—

State Appropriation $9,000

State Taxable Building Construction Account—State

Appropriation ((~~$55,000~~))

$38,000

TOTAL APPROPRIATION ((~~$3,924,000~~))

$4,585,000

Sec. 1605. 2020 c 357 s 704 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2020 or fiscal year 2021, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(1) Gerardo Rodarte Gonzalez, claim number 99970260 $24,385

(2) Edward Bushnell, claim number 99970261 $153,357

(3) Shaun Beveridge, claim number 99970262 $56,514

(4) Brandon Wheeler, claim number 9991001053 $123,464

(5) Johnathan Paine, claim number 9991001583 $22,246

(6) Michael Welsh, claim number 9991001600 $5,000

(7) Douglas Bartlett, claim number 9991001646 $5,500

(8) Brian Minniear, claim number 9991001941 $111,956

(9) Thomas Carey, claim number 9991001917 $122,431

(10) Clayton Nicholas, claim number 9991003704 $15,014

(11) Corey Ellis, claim number 9991003458 $3,830

(12) Sean Tuley, claim number 9991003888 $47,901

(13) Juan Morales-Padilla, claim number 9991003289 $3,700

(14) Dillon Strandberg, claim number 9991004467 $2,201

(15) Frank Butler, claim number 9991004743 $20,000

Sec. 1606. 2020 c 357 s 706 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2020) $73,000,000

General Fund—State Appropriation (FY 2021) ((~~$75,800,000~~))

$78,800,000

TOTAL APPROPRIATION ((~~$148,800,000~~))

$151,800,000

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2020) $1,545,000

Pension Funding Stabilization Account—State

Appropriation $13,855,000

TOTAL APPROPRIATION $15,400,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2020) $400,000

General Fund—State Appropriation (FY 2021) $400,000

TOTAL APPROPRIATION $800,000

Sec. 1607. 2020 c 357 s 707 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation ((~~$15,532,000~~))

$10,132,000

TOTAL APPROPRIATION ((~~$15,532,000~~))

$10,132,000

The appropriation in this section is subject to the following conditions and limitations: This amount is a maximum, and the appropriation is to be less than the amount that would cause the volunteer firefighters' and reserve officers' administrative account to have a negative account balance.

Sec. 1608. 2019 c 415 s 727 (uncodified) is amended to read as follows:

FOR THE HEALTH CARE AUTHORITY—INDIAN HEALTH IMPROVEMENT REINVESTMENT ACCOUNT

General Fund—State Appropriation (FY 2021) ((~~$708,000~~))

$3,104,000

TOTAL APPROPRIATION ((~~$708,000~~))

$3,104,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Indian health improvement reinvestment account created in Senate Bill No. 5415 (Indian health improvement). ((~~If the bill is not enacted by June 30, 2019, the amount provided in this section shall lapse.~~))

NEW SECTION. **Sec. 1609.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—MEDICAID FRAUD PENALTY ACCOUNT**

General Fund—State Appropriation (FY 2021) $1,405,000

TOTAL APPROPRIATION $1,405,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the medicaid fraud penalty account created in RCW 74.09.215.

NEW SECTION. **Sec. 1610.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—BUSINESS AND PROFESSIONS ACCOUNT**

General Fund—State Appropriation (FY 2021) $1,000,000

TOTAL APPROPRIATION $1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the business and professions account created in RCW 43.24.150.

NEW SECTION. **Sec. 1611.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE STATE TREASURER—STATE REVENUE DISTRIBUTIONS TO CITIES FOR TEMPORARY STREAMLINED SALES TAX MITIGATION IN FISCAL YEAR 2021**

General Fund—State Appropriation (FY 2021) $6,750,000

TOTAL APPROPRIATION $6,750,000

The appropriation in this section is subject to the following conditions and limitations: In order to mitigate local sales tax revenue net losses as a result of the sourcing provisions of the streamlined sales and use tax agreement under Title 82 RCW, the state treasurer must distribute the appropriation in this section to local taxing districts as follows:

(1) Kent $3,612,063

(2) Auburn $1,000,158

(3) Tukwila $882,597

(4) Fife $430,879

(5) Issaquah $285,450

(6) Woodinville $277,094

(7) Sumner $261,647

NEW SECTION. **Sec. 1612.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON RESCUE PLAN TRANSITION ACCOUNT**

Budget Stabilization Account—State Appropriation

(FY 2021) $1,816,000,000

TOTAL APPROPRIATION $1,816,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington rescue plan transition—state account created in section 1804 of this act.

NEW SECTION. **Sec. 1613.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL STABILIZATION TRUST ACCOUNT**

General Fund—State Appropriation (FY 2021) $1,910,000

TOTAL APPROPRIATION $1,910,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the judicial stabilization trust account created in RCW 43.79.505.

NEW SECTION. **Sec. 1614.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—LOCAL FISCAL RECOVERY GRANTS**

General Fund—Federal Appropriation (ARPA) $483,400,000

TOTAL APPROPRIATION $483,400,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for distribution to nonentitlement units of local government in accordance with the American rescue plan act of 2021.

Sec. 1615. 2021 c 3 s 3 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE—RENTAL ASSISTANCE AND HOUSING

General Fund—Federal Appropriation ((~~$365,000,000~~))

$105,745,000

TOTAL APPROPRIATION ((~~$365,000,000~~))

$105,745,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~$325,000,000~~)) $95,000,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to administer an emergency rental and utility assistance program pursuant to P.L. 116-260, the federal consolidated appropriations act. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as account for any funding that jurisdiction, including cities within each county, received directly from the federal government. A provider may use up to 9.5 percent of their grant award for administrative costs and the remainder must be used for financial assistance as defined in P.L. 116-260. The department may retain up to 0.5 percent of the funding provided in this subsection to administer the program.

(2)(a) ((~~$30,000,000~~)) $8,010,000 of the general fund—federal appropriation (CRF) is provided solely for the department to administer an eviction rental assistance program. The department shall distribute funding in

the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider. To be eligible for the program, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. Rental payments made through the program will be provided directly to landlords. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance.

(b) Of the amounts provided in this subsection, ((~~$16,000,000~~)) $4,200,000 of the general fund—federal appropriation (CRF) is provided solely for local housing providers to subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under this subsection and subsection (1) of this section.

(3) ((~~$4,000,000~~)) $1,000,000 of the general fund—federal appropriation (CRF) is provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding must be used for activities to prevent mortgage or tax lien foreclosures, housing counselors, foreclosure prevention hotlines, low-income legal services, mediation, and other activities that promote homeownership. The department may contract with other state agencies to carry out these activities.

(4) ((~~$1,500,000~~)) $360,000 of the general fund—federal appropriation (CRF) is provided solely for a contract with resolution Washington for alternative dispute resolution centers and dispute resolution programs to provide citizens with low-cost resolution as an alternative to litigation. This funding must be prioritized for resolution services relating to evictions.

(5) ((~~$1,500,000~~)) $375,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the office of civil legal aid to provide services relating to evictions, housing, and utilities.

(6) ((~~$1,000,000~~)) $250,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the office of the attorney general for legal work relating to the eviction moratorium extended in the governor's proclamation 20-19.5.

(7)(a) ((~~$2,000,000~~)) $750,000 of the general fund—federal appropriation (CRF) is provided solely for a program to provide grants to eligible landlords who have encountered a significant financial hardship due to loss of rental income from elective nonpayor tenants during the state's eviction moratorium pursuant to the governor's proclamation.

(b) To be eligible for a grant under this subsection, a landlord must:

(i) Apply for a grant;

(ii) Be the sole investor in the property from which they are seeking rental arrears;

(iii) Be the owner of no more than four dwelling units from which they receive rental payments;

(iv) Not contract with a property manager or property management company for duties or activities related to the tenancy or dwelling unit; and

(v) Have an elective nonpayor tenant who is in arrears in rent or utilities or both.

(c) Eligible landlords may receive a grant of up to 80 percent of the total amount of rent in arrears. The department must prioritize landlords who have an income at or below 100 percent of the area median income and who demonstrate a loss of rental income, to the extent that funds are available.

(d) The department may inspect the property and the landlord's records related to an application under the program, including the use of a third-party inspector as needed to investigate fraud, to assist in making its application review, and to determine eligibility.

(e) A landlord who receives a grant under this section is prohibited from:

(i) Taking any legal action against the tenant for damages attributable to the same tenancy; or

(ii) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf,

against the tenant for damages attributable to the same tenancy.

(8) For the purposes of this section, the following definitions apply:

(i) "Dwelling unit" has the meaning defined in RCW 59.18.030.

(ii) "Elective nonpayor" means a tenant who has been determined to not be eligible for the federal or state emergency rental assistance program or has not applied for the federal or state emergency rental assistance program.

(iii) "Landlord" has the meaning defined in RCW 59.18.030.

(iv) "Owner" has the meaning defined in RCW 59.18.030.

(v) "Rent" has the meaning defined in RCW 59.18.030.

(vi) "Tenant" has the meaning defined in RCW 59.18.030.

Sec. 1616. 2021 c 3 s 4 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE—WORKING WASHINGTON GRANTS

General Fund—Federal Appropriation ((~~$240,000,000~~))

$235,200,000

TOTAL APPROPRIATION ((~~$240,000,000~~))

$235,200,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~$240,000,000~~)) $235,200,000 of the general fund—federal appropriation (CRF) is provided solely for the department of commerce to provide additional grants to small businesses through the department's working Washington grant program as modified by this section.

(2) Of the amount provided in this section, ((~~$150,000,000~~)) $147,000,000 is provided solely to assist businesses maintain their operations. To be eligible for a grant under this subsection, the business must:

(a) Apply for or have applied for the grant;

(b) Have reported annual gross receipts of $5,000,000 or less to the department of revenue for calendar year 2019;

(c) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(d) Self-attest that the expense is not funded by any other government or private entity;

(e) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19; and

(f) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(3) Of the amount provided in this section, ((~~$90,000,000~~)) $88,200,000 is provided solely to assist the reopening of businesses that temporarily totally closed their operations. To be eligible for a grant under this subsection, the business must:

(a) Apply for the grant;

(b) Have reported annual gross receipts of $5,000,000 or less to the department of revenue for calendar year 2019;

(c) Demonstrate the business was actively engaged in business, and as a result of the governor's proclamations 20-25.8, issued on November 15, 2020, through 20-25.12 ("stay safe-stay healthy"), temporarily totally closed operations. Demonstration of active engagement in business can be given through but is not limited to taxable activity reported to the department of revenue. The department may use other methods to determine if this criterion has been met;

(d) Have expenses that are necessary to reopen business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(e) Self-attest that the expense is not funded by any other government or private entity; and

(f) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(4) Grant awards are subject to the availability of amounts appropriated in this section. The department must conduct outreach to underrepresented and unserved communities observed from prior rounds of awards. The department must ensure equitable distributions of grant funding, including considerations for geographic location and businesses owned by members of historically disadvantaged communities.

(5)(a) Eligible businesses may receive up to a $75,000 grant.

(b) If a business received one or more working Washington small business grants, the grant awarded under this section must be reduced to reflect the amounts received from previous working Washington small business grants.

(6) For purposes of this section, reopening costs include, but are not limited to:

(a) Upgrading physical work places to adhere to new safety or sanitation standards;

(b) Procuring required personal protective supplies for employees and business patrons and clients;

(c) Updating business plans;

(d) Employee costs including payroll, training, and onboarding;

(e) Rent, lease, mortgage, insurance, and utilities payments; and

(f) Securing inventory, supplies, and services for operations.

(7) Nonprofit organizations may be eligible to receive funding under subsection (2) or (3) of this section if they have a primary business activity that has been impacted as described in subsection (2)(e) or (3)(c) of this section.

(8) The department is authorized to shift funding among the purposes in subsections (2) and (3) of this section based on over or underutilization of the different types of grants.

PART XVII

OTHER TRANSFERS AND APPROPRIATIONS

SUPPLEMENTAL

Sec. 1701. 2020 c 357 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance

premium distributions ((~~$10,883,000~~))

$10,001,000

General Fund Appropriation for prosecuting attorney

distributions ((~~$7,618,000~~))

$8,165,000

General Fund Appropriation for boating safety and

education distributions ((~~$4,000,000~~))

$3,559,000

General Fund Appropriation for public utility

district excise tax distributions ((~~$65,249,000~~))

$64,274,000

Death Investigations Account Appropriation for

distribution to counties for publicly funded

autopsies ((~~$3,464,000~~))

$3,557,000

Aquatic Lands Enhancement Account Appropriation for

harbor improvement revenue distributions $140,000

Timber Tax Distribution Account Appropriation for

distribution to "timber" counties ((~~$79,337,000~~))

$67,172,000

County Criminal Justice Assistance Appropriation ((~~$103,457,000~~))

$102,364,000

Municipal Criminal Justice Assistance Appropriation ((~~$40,310,000~~))

$40,451,000

City-County Assistance Appropriation ((~~$35,507,000~~))

$43,279,000

Liquor Excise Tax Account Appropriation for liquor

excise tax distribution ((~~$67,362,000~~))

$73,676,000

Streamlined Sales and Use Tax Mitigation Account

Appropriation for distribution to local taxing

jurisdictions to mitigate the unintended

revenue redistributions effect of sourcing law

changes $1,937,000

Columbia River Water Delivery Account Appropriation

for the Confederated Tribes of the Colville

Reservation $8,364,000

Columbia River Water Delivery Account Appropriation

for the Spokane Tribe of Indians $5,728,000

Liquor Revolving Account Appropriation for liquor

profits distribution $98,876,000

General Fund Appropriation for other tax

distributions ((~~$80,000~~))

$88,120

General Fund Appropriation for Marijuana Excise Tax

distributions $30,000,000

General Fund Appropriation for Habitat Conservation

Program distributions ((~~$5,754,000~~))

$4,867,000

General Fund Appropriation for payment in-lieu of

taxes to counties under Department of Fish and

Wildlife program ((~~$4,040,000~~))

$3,830,000

Puget Sound Taxpayer Accountability Account

Appropriation for distribution to counties in

amounts not to exceed actual deposits into the

account and attributable to those counties'

share pursuant to RCW 43.79.520. ((~~If a~~

~~county eligible for distributions under~~

~~RCW 43.79.520 has not adopted a sales~~

~~and use tax under RCW 82.14.460 before~~

~~July 1, 2019, then to prevent these~~

~~distributions from supplanting existing~~

~~local funding for vulnerable~~

~~populations, the distributions are~~

~~subject to the procedural requirements~~

~~in this section. Before the county may~~

~~receive distributions, it must provide~~

~~a final budget for the distributions,~~

~~submit the final budget to the~~

~~department of commerce, and publish the~~

~~final budget on its web site. To~~

~~develop this final budget, under RCW~~

~~36.40.040 the county must develop and~~

~~hold hearings on a preliminary budget~~

~~that is separate from other~~

~~appropriations ordinances or~~

~~resolutions, and it must consult~~

~~stakeholders, including community~~

~~service organizations, and must~~

~~consider input received during this~~

~~process. Before holding a hearing on~~

~~the preliminary budget, the county must~~

~~notify local governments in the county~~

~~that are within the borders of the~~

~~regional transit authority, and~~

~~legislators whose districts are within~~

~~those borders. The county must then~~

~~adopt a final budget under RCW~~

~~36.40.080 for the distributions that is~~

~~separate from other appropriations~~

~~ordinances or resolutions. After the~~

~~county submits its final budget for the~~

~~distributions to the department of~~

~~commerce, the department must notify~~

~~the state treasurer, who may then make~~

~~the distributions to the county.~~)) ((~~$28,683,000~~))

$16,999,000

TOTAL APPROPRIATION ((~~$607,516,000~~))

$587,327,120

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1702. 2020 c 357 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Dedicated Marijuana Account: For transfer to the

basic health plan trust account, the lesser of

the amount determined pursuant to RCW 69.50.540

or this amount for fiscal year 2020,

$213,000,000 and this amount for fiscal year

2021, ((~~$213,000,000~~)) $272,000,000 ((~~$426,000,000~~))

$485,000,000

Dedicated Marijuana Account: For transfer to the

state general fund, the lesser of the amount

determined pursuant to RCW 69.50.540 or this

amount for fiscal year 2020, $152,000,000 and

this amount for fiscal year 2021,

((~~$152,000,000~~)) $212,000,000 ((~~$304,000,000~~))

$364,000,000

Aquatic Lands Enhancement Account: For transfer to

the clean up settlement account as repayment of

the loan provided in section 3022(2), chapter

2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012

supplemental capital budget), in an amount not

to exceed the actual amount of the total

remaining principal and interest of the loan,

$620,000 for fiscal year 2020 and $640,000 for

fiscal year 2021 $1,260,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the annual base payment to

the tobacco settlement account for fiscal year

2020 $90,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the annual base payment to

the tobacco settlement account for fiscal year

2021 $90,000,000

General Fund: For transfer to the statewide tourism

marketing account, $1,500,000 for fiscal year

2020 and $1,500,000 for fiscal year 2021 $3,000,000

General Fund: For transfer to the streamlined sales

and use tax account, for fiscal year 2020 $1,937,000

((~~General Fund: For transfer to the manufacturing and warehousing jobs~~

~~centers account for fiscal year 2021 $6,727,000~~))

Criminal Justice Treatment Account: For transfer to

the home security fund, for fiscal year 2020 $4,500,000

State Treasurer's Service Account: For transfer to

the state general fund, $8,000,000 for fiscal

year 2020 and $8,000,000 for fiscal year 2021 $16,000,000

((~~Disaster Response Account: For transfer to~~

~~the state general fund, $13,726,000 for~~

~~fiscal year 2021 $13,726,000~~))

General Fund: For transfer to the disaster response

account for fiscal year 2021 $59,540,000

General Fund: For transfer to the fair fund under

RCW 15.76.115, $2,000,000 for fiscal year 2020

and ((~~$2,000,000~~)) $1,005,000 for fiscal year

2021 ((~~$4,000,000~~))

$3,005,000

Energy Freedom Account: For transfer to the general

fund, $1,000,000 or as much thereof that

represents the balance in the account for

fiscal year 2020 $1,000,000

Financial Services Regulation Account: For transfer

to the state general fund, $3,500,000 for

fiscal year 2020 and $3,500,000 for fiscal year

2021 $7,000,000

Aquatic Lands Enhancement Account: For transfer to

the geoduck aquaculture research account,

$400,000 for fiscal year 2020 and $400,000 for

fiscal year 2021 $800,000

Public Works Assistance Account: For transfer to the

education legacy trust account, $80,000,000

for fiscal year 2020 and $80,000,000 for fiscal

year 2021 $160,000,000

Model Toxics Control Operating Account: For transfer

to the clean up settlement account as

repayment of the loan provided in section

3022(2), chapter 2, Laws of 2012 2nd sp. sess.

(ESB 6074, 2012 supplemental capital budget),

in an amount not to exceed the actual amount of

the total remaining principal and interest of

the loan, $620,000 for fiscal year 2020 and

$640,000 for fiscal year 2021 $1,260,000

Marine Resources Stewardship Trust Account: For

transfer to the aquatic lands enhancement

account, $160,000 for fiscal year 2020 $160,000

Water Pollution Control Revolving Administration

Account: For transfer to the water pollution

control revolving account, $4,500,000 for

fiscal year 2020 $4,500,000

Oil Spill Response Account: For transfer to the oil

spill prevention account for the military

department to continue assisting local

emergency planning committees statewide with

hazardous materials plans that meet minimum

federal requirements, $520,000 for fiscal year

2020 and $520,000 for fiscal year 2021 $1,040,000

General Fund: For transfer to the sea cucumber dive

fishery account, in an amount not to exceed the

actual amount to correct the cash deficit for

fiscal year 2020 $4,000

General Fund: For transfer to the sea urchin diver

fishery account, in an amount not to exceed the

actual amount to correct the cash deficit for

fiscal year 2020 $1,000

((~~Gambling Revolving Account: For transfer to~~

~~the state general fund as repayment of~~

~~the loan pursuant to Engrossed~~

~~Substitute House Bill No. 2638 (sports~~

~~wagering/compacts), $6,000,000 for~~

~~fiscal year 2021~~ ~~$6,000,000~~))

General Fund: For transfer to the home security

fund, $4,500,000 for fiscal year 2021 $4,500,000

Child Care Facility Revolving Account: For transfer

to the general fund, $1,500,000 for fiscal year

2021 $1,500,000

General Fund: For transfer to the economic

development strategic reserve account,

$1,000,000 for fiscal year 2021 $1,000,000

General Fund: For transfer to the community

preservation and development authority account,

$1,500,000 for fiscal year 2020 $1,500,000

General Fund: For transfer to the Washington rescue

plan transition account created in section 1804

of this act, $155,000,000 for fiscal year 2021 $155,000,000

General Fund: For transfer to the workforce

education investment account, $80,000,000 for

fiscal year 2021 $80,000,000

PART XVIII

MISCELLANEOUS

SUPPLEMENTAL

Sec. 1801. RCW 15.76.115 and 2018 c 280 s 3 are each amended to read as follows:

The fair fund is created in the custody of the state treasury. All moneys received by the department of agriculture for the purposes of this fund and from RCW 67.16.105 shall be deposited into the fund. ((~~Each~~)) Except during fiscal year 2021, each fiscal year, the state treasurer shall transfer into the fair fund from the general fund the sum of two million dollars. During fiscal year 2021, the state treasurer shall transfer into the fair fund from the general fund the sum of $1,005,000. Expenditures from the fund may be used only for assisting fairs in the manner provided in this chapter. Only the director of agriculture or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. **Sec. 1802.** A new section is added to chapter 28A.300 RCW to read as follows:

The elementary and secondary school emergency relief III account is created in the state treasury. Revenues attributable to section 2001, the American rescue plan act of 2021, P.L. 117-2 must be deposited into the account. Moneys in the account may be spent only after appropriation.

Sec. 1803. RCW 28B.115.070 and 2019 c 415 s 954, 2019 c 406 s 72, and 2019 c 302 s 6 are each reenacted and amended to read as follows:

(1) After June 1, 1992, the department, in consultation with the

office and the department of social and health services, shall:

((~~(1)~~)) (a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

((~~(2)~~)) (b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

((~~(3)~~)) (c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) For the 2017-2019 and 2019-2021 fiscal biennia, consideration for eligibility shall also be given to registered nursing students who have been accepted into an eligible nursing education program and have declared an intention to teach nursing upon completion of the nursing education program.

(3) For the 2019-2021 fiscal biennium, eligibility for loan repayment shall also be given to chiropractors.

(4) For the 2019-2021 fiscal biennium, the department must consider pediatric and juvenile rheumatologists for eligibility for loan repayment.

NEW SECTION. **Sec. 1804.** A new section is added to chapter 43.79 RCW to read as follows:

The Washington rescue plan transition account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues to the account consist of moneys directed by the legislature to the account. Allowable uses of moneys in the account include responding to the impacts of the COVID-19 pandemic including those related to education, human services, health care, and the economy. In addition, the legislature may appropriate from the account to continue activities begun with, or augmented with, COVID-19 related federal funding.

NEW SECTION. **Sec. 1805.** A new section is added to chapter 43.79 RCW to read as follows:

The coronavirus state fiscal rescue fund is created in the state treasury. Moneys in the account may be spent only after appropriation. All federal moneys received by the state pursuant to the American rescue plan act of 2021, state fiscal recovery fund, P.L. 117-2, subtitle M, section 9901, must be deposited in the account. The legislature may appropriate from the account only for the purposes authorized in that section of the federal act.

Sec. 1806. RCW 43.88.058 and 2018 c 208 s 5 are each amended to read as follows:

For the purposes of this chapter, expenditures for the following foster care, adoption support and related services, and child protective services must be forecasted and budgeted as maintenance level costs:

(1) Behavioral rehabilitation services placements;

(2) Social worker and related staff to receive, refer, and respond to screened-in reports of child abuse or neglect, except in fiscal year 2021;

(3) Court-ordered parent-child and sibling visitations delivered by contractors; and

(4) Those activities currently being treated as maintenance level costs for budgeting or forecasting purposes on June 7, 2018, including, but not limited to: (a) Adoption support and other adoption-related expenses; (b) foster care maintenance payments; (c) child-placing agency management fees; (d) support goods such as clothing vouchers; (e) child aides; and (f) child care for children in foster or relative placements when the caregiver is at work or in school.

NEW SECTION. **Sec. 1807.** The office of financial management must apply for waivers pursuant to section 2004 of the American rescue plan act of 2021, P.L. 117-2 and section 317, the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. In the request for the waiver, the office is to, among other things, note the increase in state appropriations in K-12 and higher education programs for fiscal years 2022 and 2023 compared to the combined average of appropriations for 2017, 2018, and 2019 for these programs, demonstrating a growth in state spending in K-12 and higher education in the relevant period. The office of financial management must coordinate with the office of the superintendent of public instruction in applying for the waiver.

NEW SECTION. **Sec. 1808.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 1809.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1810.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

With the consent of the House, amendments (526) and (527) were withdrawn.

Representative Stokesbary withdrew amendment (533).

Representative Stokesbary moved the adoption of amendment (534) to the striking amendment (494):

On page 1, after line 2, insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that despite the coronavirus pandemic and related economic impacts, state tax revenues for fiscal year 2021 are projected to be ten percent higher than in fiscal year 2020. Revenue projections have nearly returned to levels assumed in February 2020, prior to the pandemic, and for the 2021-23 biennium the state is projected to collect $4.281 billion more in tax revenue than in the 2019-21 biennium. Although state tax revenues are strong, unemployment remains high and the state has not recovered its pandemic-related job losses. The legislature further finds that a capital gains tax would hamper our state's economic recovery by deterring investment, innovation, and job growth.

Therefore, it is the intent of the legislature to adopt an omnibus operating budget that neither implements nor assumes a capital gains tax while still fully supporting the remaining appropriations and policies assumed in this act, including Engrossed Substitute House Bill No. 1297 (working families tax exemption), and meeting the statutory balanced budget requirements."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 65, line 13, decrease the general fund-state appropriation for fiscal year 2022 by $2,490,000

On page 65, line 14, increase the general fund-state appropriation for fiscal year 2023 by $121,811,000

On page 65, line 23, strike the entire Taxpayer Fairness Account appropriation.

On page 65, line 24, correct the total.

On page 65, beginning on line 31, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 66, line 17, after "2022" strike ", $137,128,000" and insert "and $263,128,000"

On page 66, beginning on line 18 after "2023", strike ", and $126,000,000 of the taxpayer fairness account-state appropriation"

On page 505, after line 29, insert the following:

"NEW SECTION. **Sec. 989.** To determine compliance with and as required by RCW 43.88.055, for the 2021-23 biennial operating budget "available fiscal resources" for the ensuing biennium balance requirement means the official general fund and related funds revenue forecast for fiscal year 2023, increased by 4.5% for each fiscal year of the ensuing biennium."

On page 975, beginning with "General" on line 37, strike all material through "fiscal year 2021...$155,000,000" on line 39

Correct the title.

Representatives Stokesbary, Dufault, Orcutt, Walsh, Sutherland, Kraft and Corry spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Ormsby and Frame spoke against the adoption of the amendment to the striking amendment.

Amendment (534) to the striking amendment (494) was not adopted.

Representative Walsh withdrew amendment (508).

Representative Walsh moved the adoption of amendment (522) to the striking amendment (494):

On page 5, line 22, increase the general fund-state appropriation for fiscal year 2022 by $50,000,000

On page 5, line 23, increase the general fund-state appropriation for fiscal year 2023 by $50,000,000

On page 5, line 30, correct the total.

On page 8, after line 32, insert the following:

"(11) $50,000,000 of the general fund-state appropriation for fiscal year 2022 and $50,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1559 (behavioral health response- juveniles and controlled substances), House Bill No. 1560 (mens rea element - possession of substances), House Bill No. 1561 (offenses and penalties - controlled substances and counterfeit substances), and House Bill No. 1562 (local laws and ordinances - possession of controlled substances and counterfeit substances). If none of these bills is enacted by June 30, 2021, the amounts provided in this subsection shall lapse."

Representatives Walsh, Dufault, Young and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Taylor and Hackney spoke against the adoption of the amendment to the striking amendment.

Amendment (522) to the striking amendment (494) was not adopted.

Representative Barkis moved the adoption of amendment (513) to the striking amendment (494):

On page 20, line 34, increase the general fund-state appropriation for FY 2022 by $7,500,000

On page 20, line 35, increase the general fund-state appropriation for FY 2023 by $7,500,000

On page 22, line 2, correct the total.

On page 58, after line 21, insert the following:

"(111) (a) $7,500,000 of the general fund-state appropriation for fiscal year 2022 and $7,500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants to cities and counties to address the safety and public health risks associated with homeless encampment sites located on the public right-of-way and other public property. Of the amounts provided in this subsection:

(i) $2,500,000 of the general fund-state appropriation for fiscal year 2022 and $2,500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants to cities and counties to address the safety and public health risks associated with homeless encampment sites located on the public right-of-way. Grants may be used for costs to provide services to homeless individuals, including connecting them to housing alternatives; costs to collect and dispose of garbage; costs to clear debris or hazardous material; and other costs to help prevent future encampments from forming on the public right-of-way.

(ii) $5,000,000 of the general fund-state appropriation for fiscal year 2022 and $5,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants to cities and counties to address the safety and public health risks associated with homeless encampment sites on public property. Grants may be used for costs to provide

services to homeless individuals, including connecting them to housing alternatives; costs to collect and dispose of garbage; costs to clear debris or hazardous material; and other costs to mitigate damages and help prevent future encampments from forming on public property.

(b) In distributing grants under (a) of this subsection, the department must prioritize funding for grant proposals that would address the greatest environmental hazards.

(c) The department may establish rules to carry out the grant program authorized in this subsection.

(d) Cities and counties receiving grants under (a) of this subsection must report to the department by May 1, 2022, and May 1, 2023, on the number of homeless individuals that were relocated from homeless encampment sites and the housing status and location of those individuals.

(e) By June 1, 2022, and June 1, 2023, the department must report to the legislature on the use of grant funds by cities and counties, including but not limited to the number and location of encampment sites addressed, the number of homeless individuals that were relocated from homeless encampment sites, and the housing status and location of those individuals.

(f) For the purposes of this subsection, "public property" means any street, alley, sidewalk, parking space, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings, fixtures, or other facilities owned or leased by the state or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose."

Representatives Barkis, Taylor and Eslick spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (513) to the striking amendment (494), and the amendment was adopted by the following vote: Yeas: 97; Nays: 1; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representative Fitzgibbon

Representative Vick moved the adoption of amendment (521) to the striking amendment (494):

On page 65, line 13, increase the general fund-state appropriation for FY 2022 by $290,000

On page 65, line 14, increase the general fund-state appropriation for FY 2023 by $63,000

On page 65, line 24, correct the total.

On page 72, after line 22, insert the following:

"(8) $290,000 of the general fund-state appropriation for fiscal year 2022 and $63,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of House Bill No. 1299 (hospitality industry/B&O tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse."

Representatives Vick and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

Amendment (521) to the striking amendment (494) was not adopted.

Representative Schmick moved the adoption of amendment (501) to the striking amendment (494):

On page 153, line 21, increase the general fund-state appropriation for fiscal year 2022 by $375,000

On page 153, line 22, increase the general fund-state appropriation for fiscal year 2023 by $3,125,000

On page 153, line 23, increase the general fund-federal appropriation by $3,222,000

On page 153, line 36, correct the total appropriation

On page 183, after line 19, insert the following:

"(71) $260,000 of the general fund-state appropriation for fiscal year 2022, $3,028,000 of the general fund-state appropriation for fiscal year 2023, and $3,028,000 of the general fund-federal appropriation are provided solely for the authority to contract for a twelve bed children's long-term inpatient program facility specializing in the provision of habilitative mental health services for children and youth with intellectual or developmental disabilities who have intensive behavioral health support needs.

(72) $115,000 of the general fund-state appropriation for fiscal year 2022, $97,000 of the general fund-state appropriation for fiscal year 2023, and $194,000 of the general fund-federal appropriation are provided solely for the authority to contract for behavioral health navigators in two primary care settings. The navigators shall provide supportive services to children and youth with identified behavioral health needs to assist in accessing community behavioral health services and provide interim support until these services are attained."

Representatives Schmick and Rule spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (501) to the striking amendment (494) was adopted.

Representative Shewmake moved the adoption of amendment (499) to the striking amendment (494):

On page 206, line 32 of the striking amendment, increase the general fund-state appropriation for fiscal year 2022 by $150,000

On page 206, line 33 of the striking amendment, increase the general fund-state appropriation for fiscal year 2023 by $150,000

On page 206, line 34 of the striking amendment, correct the total.

On page 207, after line 31 of the striking amendment, insert the following:

"(f) $150,000 of the general fund-state appropriation for fiscal year 2022 and $150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department of corrections to implement a worker training program in the field of meat processing to assist individuals reentering the community after release from incarceration. The department of corrections must collaborate with the state board for community and technical colleges in implementing this reentry training program."

Representatives Shewmake and MacEwen spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (499) to the striking amendment (494) was adopted.

Representative Caldier moved the adoption of amendment (495) to the striking amendment (494):

On page 222, after line 6, insert the following:

"(31) Any organization under contract with the Department to serve foster children through behavioral rehabilitation services or group home services must provide at least ninety days notice before closure of a facility or group home, except if the closure is in response to a catastrophe that renders the facility or group home unusable, and must not under any circumstances remove a foster child from the facility or group home placement until alternate housing is arranged in coordination with the department. In arranging alternate housing, the organization and Department must prioritize stability for the foster child."

Renumber remaining sections consecutively and correct internal references accordingly.

Representatives Caldier and Harris-Talley spoke in favor of the adoption of the amendment to the striking amendment.

MOTION

On motion of Representative Riccelli, Representative Entenman was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (495) to the striking amendment (494), and the amendment was adopted by the following vote: Yeas: 97; Nays: 0; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

Excused: Representative Entenman

Representative Rule moved the adoption of amendment (509) to the striking amendment (494):

On page 246, beginning on line 25, after "(6)" strike all material through "farmland" on line 39 and insert the following:

"$588,000 of the general fund—state appropriation for fiscal year 2022 and $662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to address outstanding water rights issues. Of the amounts provided in this subsection:

(a) $463,000 of the general fund—state appropriation for fiscal year 2022 and $537,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for preparation and filing of adjudications of state water rights in the Nooksack (water resource inventory area 1) and lake Roosevelt and middle tributaries (water resource inventory area 58) watersheds. The department may not file an adjudication in water resource inventory area 1 prior to June 1, 2023; and

(b) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided for Whatcom county to support a collaborative process among local water users and water right holders that can complement water rights adjudication in the Nooksack (water resources inventory area 1) watershed. Funding is provided for facilitation and mediation among parties, development of planning and technical information, and assessment of local solutions. At a minimum, the collaborative process must seek to provide opportunities for discussion of increasing salmon populations and preserving farmland"

Representatives Rule and Dye spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (509) to the striking amendment (494) was adopted.

Representative Walsh moved the adoption of amendment (506) to the striking amendment (494):

On page 254, line 30, increase the general fund--state appropriation for fiscal year 2022 by $553,000

On page 254, line 31, increase the general fund--state appropriation for fiscal year 2023 by $547,000

On page 255, line 23, correct the total.

On page 260, after line 23, insert the following:

"(26) $553,000 of the general fund—state appropriation for fiscal

year 2022 and $547,000 of the general fund—state appropriation for

fiscal year 2023 are provided solely for the department to reduce the

number of commercial gillnet fishing licenses on the Columbia river

through a voluntary buy-back program with the goal of purchasing approximately one hundred licenses."

Representative Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the striking amendment.

Amendment (506) to the striking amendment (494) was not adopted.

Representative MacEwen moved the adoption of amendment (516) to the striking amendment (494):

On page 255, after line 22, insert the following:

"Coronavirus State Fiscal Recovery Fund--Federal… $750,000,000"

On page 255, line 23, correct the total.

On page 260, after line 23, insert the following:

"(26) $750,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to grant funding for water infrastructure projects that remove fish passage barriers that are impeding state streams, rivers, and other waterways, as permitted under the federal American rescue plan act of 2021. The department may provide the funding in this subsection to state agencies, local governments, tribes, nonprofit organizations, private landowners, regional fisheries enhancement organizations, and special purpose districts. The department must work with the fish passage barrier removal board created in RCW 77.95.160 in making funding distribution decisions under this subsection."

Representatives MacEwen, Orcutt, Walsh and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Ramos and Fey spoke against the adoption of the amendment to the striking amendment.

MOTION

On motion of Representative MacEwen, Representative Griffey was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (516) to the striking amendment (494), and the amendment was not adopted by the following vote: Yeas: 42; Nays: 54; Absent: 0; Excused: 2

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Lekanoff, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representatives Entenman and Griffey

Representative MacEwen moved the adoption of amendment (507) to the striking amendment (494):

On page 261, line 16, increase the general fund--state appropriation for fiscal year 2022 by $2,000,000

On page 261, line 17, increase the general fund--state appropriation for fiscal year 2023 by $2,000,000

On page 262, line 21, correct the total.

On page 267, after line 35, insert the following:

"(22) $2,000,000 of the general fund--state appropriation for fiscal year 2022 and $2,000,000 of the general fund--state appropriation for fiscal year 2023 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations."

Representatives MacEwen and Chapman spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (507) to the striking amendment (494) was adopted.

Representative Paul moved the adoption of amendment (515) to the striking amendment (494):

On page 290, line 35 of the striking amendment, increase the general fund-state appropriation for fiscal year 2022 by $1,358,000

On page 290, line 36 of the striking amendment, increase the general fund-state appropriation for fiscal year 2023 by $1,752,000

On page 291, line 3 of the striking amendment, correct the total.

On page 293, line 2 of the striking amendment, after "of" strike "20.0" and insert "19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of

RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education"

On page 308, line 24 of the striking amendment, increase the general fund-state appropriation for fiscal year 2022 by $15,000

On page 308, line 25 of the striking amendment, increase the general fund-state appropriation for fiscal year 2023 by $46,000

On page 308, line 26, correct the total.

Representatives Paul and Dufault spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (515) to the striking amendment (494) was adopted.

Representative Ortiz-Self moved the adoption of amendment (496) to the striking amendment (494):

On page 337, line 2, after "students." insert the following:

"Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students or current or former English learner students. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners."

Representatives Ortiz-Self and Ybarra spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (496) to the striking amendment (494) was adopted.

Representative Chambers moved the adoption of amendment (532) to the striking amendment (494):

On page 422, after line 9, insert the following:

"NEW SECTION. **Sec. 772. FOR THE OFFICE OF FINANCIAL MANAGEMENT-STATE DIGITAL DATA BREACH ACCOUNT**
General Fund-State Appropriation (FY 2022) $75,000,000
TOTAL APPROPRIATION $75,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the state digital data breach account created in section 951 of this act."

On page 444, after line 22, insert the following:

"NEW SECTION. **Sec. 951.** A new section is added to chapter 4.92 RCW to read as follows:

(1) The state digital data breach account is created in the custody of the state treasurer. Revenues to the account consist of legislative appropriations and transfers and other revenues provided by law. Expenditures from the account may only be used for the payment of eligible claims as provided in subsection (2) of this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditure.

(2) Expenditures from the account may only be used for the department of enterprise services' office of risk management to operate a digital data breach reimbursement claims program. In the event of a breach of the security of the system owned or operated by the state that results in the release of personal information, individuals whose personal information was released may submit a claim for reimbursement to the office of risk management for the following costs incurred within one year of the date of the breach:

(a) Identity restoration services if an individual discovers unauthorized use of their personal information as a result of the state data breach;

(b) Losses from unauthorized charges to financial accounts that result in direct financial harm to the individual;

(c) The cost for a new driver's license; and

(d) Costs for one year of credit monitoring.

(3) All claims brought under the digital data breach reimbursement claims program created in subsection (2) of this section against the state, or against the state's officers, employees, or volunteers, acting in such capacity, for

damages, must be presented to the office of risk management within one year of the breach. A claim is deemed presented when the claim form is delivered in person or by regular mail, registered mail, or certified mail, with return receipt requested, or as an attachment to email or by fax, to the office of risk management. The office of risk management must develop a standardized claim form for individuals to use to submit a claim. The office must review all claims and determine if the claim is eligible for payment.

(4) For the purposes of this section, "breach of the security of the system" and "personal information" have the meanings defined in RCW 19.255.005."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Chambers, Boehnke and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hansen spoke against the adoption of the amendment to the striking amendment.

Amendment (532) to the striking amendment (494) was not adopted.

Representative Stokesbary moved the adoption of amendment (528) to the striking amendment (494):

On page 456, after line 3, insert the following:

"Sec. 961. RCW 43.79.270 and 2005 c 319 s 105 are each amended to read as follows:

(1) ((~~Whenever~~)) Except as provided in subsection (3) of this section, whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor.

(2) Notwithstanding subsection (1) of this section, whenever money from any source that was not anticipated in the transportation budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of a department, agency, board, or commission through which the expenditure must be made shall submit to the governor a statement, which may be in the form of a request for an allotment amendment, setting forth the facts constituting the need for the expenditure and the estimated amount to be expended. However, no expenditure may be made in excess of the actual amount received, and no money may be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated transportation fund or account in excess of appropriations provided by law that is based on the receipt of unanticipated revenues must be submitted, at a minimum, to the standing committees on transportation of the house and senate at the same time as it is transmitted to the governor.

(3) During the 2021-2023 fiscal biennium, whenever any money in the amount of $5,000,000 or more, from the federal government, or from other sources, which was not anticipated in the operating or capital budget approved by the legislature has been awarded or has actually been received when the legislature is not in session and the use of the money is unrestricted or provides discretion to use the moneys for more than one agency, program, or purpose, the governor must:

(a) Submit a copy of the proposed allotment amendment to the joint legislative unanticipated revenue oversight committee;

(b) Provide an explanation of the timing, source, and availability of such funds and why the need for the expenditure could not have been anticipated in time for such expenditure to have been approved as part of a budget act for that particular fiscal year; and

(c) Provide the joint legislative unanticipated revenue oversight committee 14 calendar days from submittal to provide the committee the opportunity to review and comment on the proposed allotment amendment before approving under RCW 43.79.280.

Sec. 962. RCW 43.79.280 and 2009 c 549 s 5150 are each amended to read as follows:

(1) ((~~If~~)) Except as provided in subsection (3) of this section, if the governor approves such estimate in whole or part, he or she shall endorse on each copy of the statement his or her approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the joint legislative audit and review committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law.

(2) If the governor approves an estimate with transportation funding implications, in whole or part, he or she shall endorse on each copy of the statement his or her approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval of a proposal to expend transportation money in excess of appropriations provided by law and a statement of the amount approved for expenditure must be transmitted simultaneously to the standing committees on transportation of the house and senate.

(3) During the 2021-2023 fiscal biennium, before the governor may approve a proposed allotment amendment impacting the operating or capital budget as provided in RCW 43.79.270(3), the governor must provide the joint legislative unanticipated revenue oversight committee 14 calendar days from submittal to review and comment on the proposal. If the governor approves a proposed allotment amendment that committee rejected or is not modified to reflect the committee's alternative allotment amendment, the governor must submit a written explanation of the reasoning of such action to the joint legislative unanticipated revenue oversight committee within 5 days of approval. To change the amount, use, or purpose of an approved allotment amendment under this subsection, the head of any department, agency, board, or commission must request the change using the process provided in RCW 43.79.270(3). For all other changes, if the governor approves the change, a copy of the statement of approval must be sent to the joint legislative unanticipated revenue oversight committee."

Renumber remaining sections consecutively and correct internal references accordingly.

Correct the title.

On page 505, after line 29, insert the following:

"NEW SECTION. **Sec. 989.** A new section is added to chapter 43.79 RCW to read as follows:

(1) There is hereby created a joint select committee to be known as the joint legislative unanticipated revenue oversight committee with the following eight members:

(a) The majority and minority leaders of the senate;

(b) The speaker and the minority leader of the house of representatives;

(c) Two additional members of the senate with one member from each of the two largest caucuses of the senate appointed by their respective leaders. These senators must be current members of the ways and means committee; and

(d) Two additional members of the house of representatives with one member from each of the major caucuses of the house of representatives appointed by their respective leaders. These representatives must be current members of the appropriations or capital budget committees.

(2) The cochairs of the committee are the leaders of the two largest caucuses of the senate in even-numbered years and the leaders of the two largest caucuses of the house of representatives in odd-numbered years.

(3) Staff support for the committee is provided by the senate committee services and the house of representatives office of program research.

(4) Members of the committee serve without additional compensation, but must be reimbursed for travel expenses in accordance with RCW 44.04.120. The expenses of the committee are paid jointly by the senate and the house of representatives and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(5) The purpose of the committee is to review requests for proposed allotment amendments to spend unanticipated and unbudgeted moneys from federal and nonstate sources pursuant to RCW 43.79.270(3). The committee is necessary to provide oversight of the legislature's delegation of state fiscal authority to the governor while the legislature is not in session and to prevent infringement on the legislature's constitutional power to appropriate state funds.

(6) The committee shall meet as necessary to review requests from the governor pursuant to RCW 43.79.270(3) and to provide comment within 14 calendar days. The committee may conduct its meetings and hold public hearings by conference telephone call, videoconference, or using similar technology equipment so that all persons participating in the meeting can hear each other at the same time. The committee shall adopt rules and procedures for its orderly operation. The activities of the committee are suspended during regular or special legislative sessions.

(7) If the committee chooses to conduct a public hearing on a proposed allotment amendment, the committee must provide the office of financial management with 5 calendar days' notice of the public hearing. The office of financial management, or its designee, must appear before the committee to present the proposed allotment amendment and respond to questions. The committee may also require the state agency, department, board, or commission proposing the allotment amendment to appear before the committee, submit additional information, or engage in other activities necessary for the committee to review and comment on proposed allotment amendments.

(8) Action of the committee is limited to the review and comment on requests submitted by the governor under RCW 43.79.270(3). Action by the committee requires the majority vote of members of the committee in attendance at the meeting. Action may take the form of a recommendation approving the proposed allotment amendment, rejecting the proposed allotment amendment or proposing an alternative allotment amendment for governor consideration prior to approval under RCW 43.79.280. The committee's action is not binding on the governor.

NEW SECTION. **Sec. 990.** The president of the United States proposed the American jobs plan on March 31, 2021, and has requested the United States congress to provide additional federal funding to the states to rebuild the economy including, but not limited to, funding for infrastructure projects, building and utilities improvements, economic stimulus and jobs, and access to care and services for the aging and persons with disabilities. The legislature anticipates the receipt of this new federal funding and intends to appropriate any federal funds with an operating or capital budget impact in a future budget or appropriation act. The new federal funding may not be expended through the unanticipated process provided in RCW 43.79.270 and 43.79.280 or through any appropriation authority provided in this omnibus operating appropriations act or the omnibus capital appropriations act."

Renumber remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Stokesbary, Walsh, Stokesbary (again), Walsh (again) and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (528) to the striking amendment (494), and the amendment was not adopted by the following vote: Yeas: 46; Nays: 51; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Entenman

Representative Corry moved the adoption of amendment (512) to the striking amendment (494):

On page 963, beginning on line 6, strike all of section 1612

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 975, beginning on line 37, beginning with "General Fund:" strike all material through "year 2021...$155,000,000" on line 39

On page 978, beginning on line 23, strike all of section 1804

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Corry, Stokesbary and Wilcox spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (512) to the striking amendment (494), and the amendment was not adopted by the following vote: Yeas: 43; Nays: 54; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Entenman

Striking amendment (494), as amended, was adopted.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1007
SUBSTITUTE HOUSE BILL NO. 1037
HOUSE BILL NO. 1055
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070
ENGROSSED HOUSE BILL NO. 1090
HOUSE BILL NO. 1104
ENGROSSED HOUSE BILL NO. 1199
SUBSTITUTE HOUSE BILL NO. 1206
HOUSE BILL NO. 1237
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1274
HOUSE BILL NO. 1378
HOUSE BILL NO. 1393
HOUSE BILL NO. 1437
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1480
HOUSE BILL NO. 1491
SUBSTITUTE HOUSE BILL NO. 1064
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1083
SUBSTITUTE HOUSE BILL NO. 1085
HOUSE BILL NO. 1115
SUBSTITUTE HOUSE BILL NO. 1145
HOUSE BILL NO. 1159
SUBSTITUTE HOUSE BILL NO. 1171
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214
SUBSTITUTE HOUSE BILL NO. 1294
SUBSTITUTE HOUSE BILL NO. 1309
HOUSE BILL NO. 1315
ENGROSSED HOUSE BILL NO. 1471
HOUSE BILL NO. 1525
SUBSTITUTE SENATE BILL NO. 5267

The Speaker called upon Representative Lovick to preside.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Gregerson, Bergquist, Macri, Ormsby and Sullivan spoke in favor of the passage of the bill.

Representatives MacEwen, Barkis, Sutherland, Orcutt, Dufault, Chambers, Jacobsen, Walsh, Dent, Corry, Chase, Graham and Stokesbary spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5092, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5092, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092, as amended by the House, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representatives Ormsby and Stokesbary recognized the staff of the Committee on Appropriations and across the Capitol campus and asked the members to acknowledge them for their hard work and expertise.

There being no objection, the House adjourned until 9:00 a.m., April 5, 2021, the 85th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

EIGHTY FIFTH DAY

House Chamber, Olympia, Monday, April 5, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative David Hackney, 11th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1570 by Representatives Walsh, Volz, Abbarno, Boehnke, Caldier, Dent, Dufault, Graham, Jacobsen, Rude, Ybarra, Schmick, Orcutt, Klippert, Chase, Eslick, Klicker, McEntire, McCaslin and Chambers

AN ACT Relating to prohibiting the government from requiring proof of vaccination to access public places; adding a new section to chapter 70.01 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1571 by Representatives Mosbrucker, Dye, Boehnke, Ybarra, Jacobsen, Dent, Walen, Graham, Robertson, Maycumber, Barkis, Caldier, Goodman, Berry, Chambers, Wylie, Corry, Griffey, Walsh, Eslick, Chase, Sutherland and Ormsby

AN ACT Relating to protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking; amending RCW 36.24.155, 13.60.010, and 68.50.320; adding a new section to chapter 68.50 RCW; adding a new section to chapter 43.101 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Public Safety.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5015, by Senators Hunt, Billig, Das, Dhingra, Hasegawa, Keiser, Kuderer, Nguyen and C. Wilson

Concerning fraudulent portrayal of ballot drop boxes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valdez and Volz spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Chandler was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5015.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5015, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dye, McCaslin, McEntire and Walsh.

Excused: Representative Chandler.

SENATE BILL NO. 5015, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5027, by Senators Padden, Salomon, Hunt, Lovelett, Stanford and C. Wilson

Concerning closed captioning on televisions in places of public accommodation.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 71, March 22, 2021).

With the consent of the House, amendment (485) was withdrawn.

Representative Caldier moved the adoption of amendment (487) to the committee striking amendment:

On page 1, after line 18 of the striking amendment, insert the following:

"(c) A place of public accommodation may deactivate closed captioning on a television receiver actively displaying text at the request of a vision impaired person. The deactivation of closed captioning is for the length of time the requestor is at the place of public accommodation."

Representatives Caldier and Hansen spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (487) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Hansen and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5027, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5027, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Chandler.

SENATE BILL NO. 5027, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5193, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Conway, Keiser, Hasegawa and C. Wilson)

Concerning unemployment insurance claim adjudicators. Revised for 1st Substitute: Concerning unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Labor & Workplace Standards was adopted. (For Committee amendment, see Journal, Day 71, March 22, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Bronoske and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5193, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5193, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet,

Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Chandler.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5193, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5068, by Senate Committee on Ways & Means (originally sponsored by Randall, Rivers, Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Muzzall, Nguyen, Nobles, Saldaña, Salomon, Stanford, Warnick and C. Wilson)

Improving maternal health outcomes by extending coverage during the postpartum period.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5068.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5068, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Chandler.

SUBSTITUTE SENATE BILL NO. 5068, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5016, by Senators Warnick, Brown and Van De Wege

Concerning tracked and wheeled all-terrain vehicles.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Volz and Bronoske spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5016.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5016, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Chandler.

SENATE BILL NO. 5016, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5284, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Randall, Billig, Carlyle, Das, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Salomon, Stanford, Wellman and C. Wilson)

Eliminating subminimum wage certificates for persons with disabilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Frame, Hoff, Stonier, MacEwen and Wilcox spoke in favor of the passage of the bill.

Representatives Schmick, Sutherland and Chase spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5284.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5284, and the bill passed the House by the following vote: Yeas, 75; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Goehner, Jacobsen, Klicker, Klippert, Kraft, Leavitt, McCaslin, McEntire, Orcutt, Rude, Schmick, Sutherland, Walsh and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5284, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5185, by Senate Committee on Law & Justice (originally sponsored by Pedersen and C. Wilson)

Concerning capacity to provide informed consent for health care decisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 71, March 22, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5185, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5185, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE SENATE BILL NO. 5185, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1532, by Representatives Ormsby, Lekanoff, Harris-Talley and Macri

Concerning court filing fees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1532 was substituted for House Bill No. 1532 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1532 was read the second time.

Representative Walsh moved the adoption of amendment (502):

On page 3, beginning on line 3, after "(b)" strike all material through "Twenty-five" on line 6 and insert "((Seventy-five percent of each surcharge collected under this subsection (2) must be remitted to the state treasurer for deposit in the judicial stabilization trust account. (c) Twenty-five)) One hundred"

On page 3, line 7, after "(2)" strike "must" and insert "((must)) may"

On page 3, beginning on line 23, after "review." strike all material through "must" on line 26 and insert "((The county clerk shall transmit seventy-five percent of this surcharge to the state treasurer for deposit in the judicial stabilization trust account and twenty-

five percent must))One hundred percent of this surcharge may"

On page 5, beginning on line 10, after "which" strike all material through "must" on line 12 and insert "((seventy-five percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and twenty-five percent must)) one hundred percent of the surcharges may"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (502) and the amendment was not adopted by the following vote: Yeas: 41; Nays: 57; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chase, Corry, Dent, Duerr, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ormsby spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1532.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1532, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chandler, Chase, Corry, Dent, Dufault, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1532, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1546, by Representatives Eslick, Barkis, Dent, Boehnke, Sutherland, Klicker and Robertson

Concerning allowable uses for the multiuse roadway safety account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eslick and Bronoske spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1546.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1546, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier,

Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1546, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5425, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Stanford, Das, Hasegawa, Keiser, Kuderer, Nguyen and Saldaña)

Concerning extended benefits in the unemployment insurance system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5425.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5425, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Klippert, Kraft and McCaslin.

SUBSTITUTE SENATE BILL NO. 5425, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SENATE BILL NO. 5431, by Senators Randall, Nobles, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Keiser, Hunt, Honeyford, Holy, Liias, Lovelett, Nguyen, Padden, Robinson, Stanford and C. Wilson

Creating the Rosa Franklin legislative internship program scholarship.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valdez, Volz, McCaslin and Morgan spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5431.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5431, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives McEntire, Sutherland and Walsh.

SENATE BILL NO. 5431, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

The Speaker acknowledged the work of the former Senator and House member, Rosa Franklin.

The Speaker called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5330,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5018, by Senators Rivers, Cleveland, Dhingra, Lovelett, Short and C. Wilson

Concerning acupuncture and Eastern medicine.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Thai spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Robertson was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5018.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5018, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Robertson.

SENATE BILL NO. 5018, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5303, by Senator Hunt

Exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valdez and Volz spoke in favor of the passage of the bill.

Representatives Kraft and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5303.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5303, and the bill passed the House by the following vote: Yeas, 81; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Chase, Dufault, Graham, Klicker, Kraft, McCaslin, McEntire, Mosbrucker, Stokesbary, Sutherland, Walsh and Young.

Excused: Representative Robertson.

SENATE BILL NO. 5303, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5385, by Senators Keiser, Saldaña and Nguyen

Concerning the size of the airport a municipality must control or operate for that municipality to enact minimum labor standards for employees at the airport.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Gregerson spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5385.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5385, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SENATE BILL NO. 5385, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5228, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Randall, Liias, Das, Lovelett, Nobles, C. Wilson, Darneille, Hasegawa, Keiser, Kuderer, Nguyen and Robinson)

Addressing disproportionate health outcomes by building a foundation of equity in medical training.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5228.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5228, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE SENATE BILL NO. 5228, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5184, by Senators Nobles, Wellman, Billig, Carlyle, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nguyen, Randall, Saldaña, Salomon and C. Wilson

Establishing a building point of contact in all K-12 public schools for students in foster care.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stonier and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5184.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5184, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick,

MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5184, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5046, by Senators Conway, Keiser and King

Concerning workers' compensation claim resolution settlement agreements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells, Hoff and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5046.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5046, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5046, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5356, by Senators Short, Kuderer and Conway

Concerning prime contractor bidding submission requirements on public works contracts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5356.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5356, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SENATE BILL NO. 5356, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5115, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Liias, Conway, Kuderer, Lovelett, Nguyen, Salomon, Stanford and C. Wilson)

Establishing health emergency labor standards.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Labor & Workplace Standards was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 75, March 26, 2021).

With the consent of the House, amendment (540) was withdrawn.

Representative Berry moved the adoption of amendment (486) to the committee striking amendment:

On page 6, line 40 of the striking amendment, after "prevention;" strike "or" and insert "and"

Representatives Berry and Hoff spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (486) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Berry, Santos and Abbarno spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Duerr was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5115, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5115, and the bill passed the House by the following vote: Yeas: 70; Nays: 27; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chopp, Cody, Davis, Dolan, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McEntire, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walsh, Wicks, Wylie, Ybarra, and Young

Voting nay: Representatives Barkis, Boehnke, Chambers, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Goehner, Hoff, Klicker, Klippert, Kraft, Kretz, MacEwen, McCaslin, Mosbrucker, Orcutt, Schmick, Springer, Stokesbary, Sutherland, Vick, Walen, and Wilcox

Excused: Representative Duerr

ENGROSSED SUBSTITUTE SENATE BILL NO. 5115, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5106, by Senators Liias, Rivers and C. Wilson

Concerning municipal access to local financial services.

The bill was read the second time.

Representative Vick moved the adoption of amendment (537):

On page 1, after line 6, insert the following:

"NEW SECTION. **Sec. 2.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax, there may be deducted from the measure of tax amounts received by a public depositary as interest or other investment earnings derived from public funds.

(2) For the purpose of this section, "public depositary" and "public funds" have the same meaning as provided in RCW 39.58.010.

(3) The deduction under this section does not apply to credit unions.

NEW SECTION. **Sec. 3.** The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. **Sec. 4.** This act takes effect October 1, 2021."

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (537).

SPEAKER'S RULING

"The bill before us is short and simple – it repeals the statute limiting the ability of some local governments to deposit public funds in credit unions.

The amendment addresses a different topic – the calculation of business and occupation taxes by financial institutions other than credit unions.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Hoff spoke in favor of the passage of the bill.

Representative Vick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5106.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5106, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chase, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chapman, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Griffey, Jacobsen, Klicker, Klippert, Kraft, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox and Young.

SENATE BILL NO. 5106, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5152, by Senate Committee on Transportation (originally sponsored by Nguyen, Rivers, Carlyle, Das, Kuderer, Muzzall, Saldaña and C. Wilson)

Enhancing data stewardship and privacy protections for vehicle and driver data.

The bill was read the second time.

Representative Boehnke moved the adoption of amendment (518):

On page 3, after line 28, insert the following:

"(c) The department may only issue a contract or disclose information to a person who is subject to the jurisdiction of Washington state courts. The Washington state office of the attorney general must confirm that a person is subject to Washington state court jurisdiction. If the office does not believe that Washington state courts would have jurisdiction over that person, no sale or disclosure of information can occur."

Representative Boehnke spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (518) was not adopted.

Representative Boehnke moved the adoption of amendment (519):

On page 17, line 29, after "organizations" insert "that are agencies of the state or one of its political subdivisions"

On page 17, line 35, after "organization" insert "that is an agency of the state or one of its political subdivisions"

On page 18, line 2, after "organization" insert "that is an agency of the state or one of its political subdivisions"

Representative Boehnke spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (519) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Barkis spoke in favor of the passage of the bill.

Representatives Boehnke and Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5152.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5152, and the bill passed the House by the following vote: Yeas, 76; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan,

Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chandler, Chase, Corry, Dent, Dufault, Dye, Graham, Harris, Hoff, Klicker, Klippert, Kraft, McCaslin, McEntire, Mosbrucker, Rude, Schmick, Vick, Walsh and Young.

SUBSTITUTE SENATE BILL NO. 5152, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5299, by Senators Wellman, Kuderer, Hunt, Mullet, Nguyen and C. Wilson

Allowing the use of computer science credits for the purpose of graduation requirements.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 75, March 26, 2021).

Representative Walsh moved the adoption of amendment (538) to the committee striking amendment:

Strike everything after page 1, line 2 and insert the following:

"Sec. 1. RCW 28A.230.300 and 2019 c 180 s 2 are each amended to read as follows:

(1) Beginning no later than the 2022-23 school year, each school district that operates a high school must, at a minimum, provide an opportunity for all high school students to access ((~~an elective~~)) one academic credit of computer science ((~~course that is available to all high school students~~)). School districts are encouraged to consider community-based or public-private partnerships in establishing and administering ((~~a~~)) computer sciences courses, but any course offered in accordance with this section must be aligned to the state learning standards for computer science or mathematics.

(2) In accordance with the requirements of this section, beginning in the 2019-20 school year, school districts may award academic credit for computer science to students based on student completion of a competency examination that is aligned with the state learning standards for computer science or mathematics and course equivalency requirements adopted by the office of the superintendent of public instruction to implement this section. Each school district board of directors in districts that award credit under this subsection shall develop a written policy for awarding such credit that includes:

(a) A course equivalency approval procedure;

(b) Procedures for awarding competency-based credit for skills learned partially or wholly outside of a course; and

(c) An approval process for computer science courses taken before attending high school under RCW 28A.230.090 (4) and (5).

(3) Prior to the use of any competency examination under this section that may be used to award academic credit to students, the office of the superintendent of public instruction must review the examination to ensure its alignment with:

(a) The state learning standards for computer science or mathematics; and

(b) Course equivalency requirements adopted by the office of the superintendent of public instruction to implement this section.

Sec. 2. RCW 28A.230.090 and 2020 c 307 s 6 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except as provided in RCW 28A.230.122 and 28A.655.250 and except those equivalencies established by local high schools or school districts under RCW 28A.230.097. The purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) Except as provided otherwise in this subsection, the certificate of academic achievement requirements under

RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation. The requirement to earn a certificate of academic achievement to qualify for graduation from a public high school concludes with the graduating class of 2019. The obligation of qualifying students to earn a certificate of individual achievement as a prerequisite for graduation from a public high school concludes with the graduating class of 2021.

(c)(i) Each student must have a high school and beyond plan to guide the student's high school experience and inform course taking that is aligned with the student's goals for education or training and career after high school.

(ii)(A) A high school and beyond plan must be initiated for each student during the seventh or eighth grade. In preparation for initiating that plan, each student must first be administered a career interest and skills inventory.

(B) For students with an individualized education program, the high school and beyond plan must be developed in alignment with their individualized education program. The high school and beyond plan must be developed in a similar manner and with similar school personnel as for all other students.

(iii)(A) The high school and beyond plan must be updated to reflect high school assessment results in RCW 28A.655.070(3)(b) and to review transcripts, assess progress toward identified goals, and revised as necessary for changing interests, goals, and needs. The plan must identify available interventions and academic support, courses, or both, that are designed for students who are not on track to graduate, to enable them to fulfill high school graduation requirements. Each student's high school and beyond plan must be updated to inform junior year course taking.

(B) For students with an individualized education program, the high school and beyond plan must be updated in alignment with their school to postschool transition plan. The high school and beyond plan must be updated in a similar manner and with similar school personnel as for all other students.

(iv) School districts are encouraged to involve parents and guardians in the process of developing and updating the high school and beyond plan, and the plan must be provided to the students' parents or guardians in their native language if that language is one of the two most frequently spoken non-English languages of students in the district. Nothing in this subsection (1)(c)(iv) prevents districts from providing high school and beyond plans to parents and guardians in additional languages that are not required by this subsection.

(v) All high school and beyond plans must, at a minimum, include the following elements:

(A) Identification of career goals, aided by a skills and interest assessment;

(B) Identification of educational goals;

(C) Identification of dual credit programs and the opportunities they create for students, including eligibility for automatic enrollment in advanced classes under RCW 28A.320.195, career and technical education programs, running start programs, AP courses, international baccalaureate programs, and college in the high school programs;

(D) Information about the college bound scholarship program established in chapter 28B.118 RCW;

(E) A four-year plan for course taking that:

(I) Includes information about options for satisfying state and local graduation requirements;

(II) Satisfies state and local graduation requirements;

(III) Aligns with the student's secondary and postsecondary goals, which can include education, training, and career;

(IV) Identifies course sequences to inform academic acceleration, as described in RCW 28A.320.195 that include dual credit courses or programs and are aligned with the student's goals; and

(V) Includes information about the college bound scholarship program, the Washington college grant, and other scholarship opportunities;

(F) Evidence that the student has received the following information on

federal and state financial aid programs that help pay for the costs of a postsecondary program:

(I) Information about the documentation necessary for completing the applications; application timeliness and submission deadlines; the importance of submitting applications early; information specific to students who are or have been in foster care; information specific to students who are, or are at risk of being, homeless; information specific to students whose family member or guardians will be required to provide financial and tax information necessary to complete applications; and

(II) Opportunities to participate in sessions that assist students and, when necessary, their family members or guardians, fill out financial aid applications; and

(G) By the end of the twelfth grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, and any community service and how the school district has recognized the community service pursuant to RCW 28A.320.193.

(d) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level. Effective with the graduating class of 2015, the state board of education may not establish a requirement for students to complete a culminating project for graduation. A district may establish additional, local requirements for a high school and beyond plan to serve the needs and interests of its students and the purposes of this section.

(e)(i) The state board of education shall adopt rules to implement the career and college ready graduation requirement proposal adopted under board resolution on November 10, 2010, and revised on January 9, 2014, to take effect beginning with the graduating class of 2019 or as otherwise provided in this subsection (1)(e). The rules must include authorization for a school district to waive up to two credits for individual students based on a student's circumstances, provided that none of the waived credits are identified as mandatory core credits by the state board of education. School districts must adhere to written policies authorizing the waivers that must be adopted by each board of directors of a school district that grants diplomas. The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on the student's interests and high school and beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal. Beginning with the graduating class of 2026, the rules must require that students earn one academic credit in computer science aligned to the state learning standards for computer science or mathematics.

(ii) School districts may apply to the state board of education for a waiver to implement the career and college ready graduation requirement proposal beginning with the graduating class of 2020 or 2021 instead of the graduating class of 2019. In the application, a school district must describe why the waiver is being requested, the specific impediments preventing timely implementation, and efforts that will be taken to achieve implementation with the graduating class proposed under the waiver. The state board of education shall grant a waiver under this subsection (1)(e) to an applying school district at the next subsequent meeting of the board after receiving an application.

(iii) A school district must update the high school and beyond plans for each student who has not earned a score of level 3 or level 4 on the middle school mathematics assessment identified in RCW 28A.655.070 by ninth grade, to ensure that the student takes a mathematics course in both ninth and tenth grades. This course may include career and technical education equivalencies in mathematics adopted pursuant to RCW 28A.230.097.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs

that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements.

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) Unless requested otherwise by the student and the student's family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit."

Correct the title.

Representative Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Berg spoke against the adoption of the amendment to the committee striking amendment.

Amendment (538) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Berg, Stonier, Klippert, Santos and Harris spoke in favor of the passage of the bill.

Representatives Ybarra, Boehnke, Sutherland and Jacobsen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5299, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5299, and the bill passed the House by the following vote: Yeas, 75; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chase, Dent, Dye, Goehner, Jacobsen, Kraft,

Kretz, McCaslin, McEntire, Mosbrucker, Robertson, Rude, Schmick, Steele, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

SENATE BILL NO. 5299, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5169, by Senate Committee on Health & Long Term Care (originally sponsored by Frockt, Holy, Carlyle, Das, Hunt, Kuderer, Liias, Randall, Robinson and C. Wilson)

Concerning provider reimbursement for personal protective equipment during the state of emergency related to COVID-19.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

COLLOQUY

Representative Schmick: "Thank you Mister Speaker. Will the Chair of the Healthcare & Wellness Committee yield to a question?"

The Speaker (Representative Lovick presiding): "Does the member yield?"

Representative Cody: "Yes."

The Speaker (Representative Lovick presiding): "Please proceed, Representative Schmick."

Representative Schmick: "In section 1 of the bill, the legislature finds that to help ensure patient safety and continued access to personal protective equipment, it is necessary that health carriers reimburse health care providers for costs associated with personal protective equipment. The bill contains an additional finding that health care providers do not want to bill patients directly for costs associated with personal protective equipment.

My question relates to self-funded health plans. When a provider bills personal protective equipment to a patient on a self-funded health plan and the third party administrator does not pay the PPE claim, does that language in the bill place liability on the member because the PPE is not a 'covered benefit'?"

Representative Cody: "Thank you for that question. No. The bill regulates the reimbursement rate during the public health emergency that insurers will pay. The provider could not seek reimbursement directly from patients, so there would be no liability for self-funded enrollees."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5169.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5169, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5169, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE SENATE BILL NO. 5115, as amended by the House, passed the House.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE SENATE BILL NO. 5115 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5115, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Liias, Conway, Kuderer, Lovelett, Nguyen, Salomon, Stanford and C. Wilson)

Establishing health emergency labor standards.

There being no objection, the committee amendment by the Committee on Labor & Workplace Standards was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 75, March 26, 2021).

With the consent of the House, amendment (486) was withdrawn.

With the consent of the House, amendment (540) was adopted.

With the consent of the House, the committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5115, as amended by the House, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5115, on reconsideration, and the bill passed the House by the following vote: Yeas: 68; Nays: 30; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walsh, Wicks, Wilcox, Wylie, and Young

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Goehner, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, McCaslin, McEntire, Mosbrucker, Orcutt, Schmick, Springer, Stokesbary, Sutherland, Vick, Walen, and Ybarra

ENGROSSED SUBSTITUTE SENATE BILL NO. 5115, as amended by the House, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5022
SENATE BILL NO. 5032
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5051
SUBSTITUTE SENATE BILL NO. 5066
ENGROSSED SUBSTITUTE SENATE BILL NO. 5097
SENATE BILL NO. 5131
SUBSTITUTE SENATE BILL NO. 5151
SENATE BILL NO. 5159
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5160
SECOND SUBSTITUTE SENATE BILL NO. 5183
SECOND SUBSTITUTE SENATE BILL NO. 5214
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5227
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5259
ENGROSSED SUBSTITUTE SENATE BILL NO. 5263
SUBSTITUTE SENATE BILL NO. 5361
SUBSTITUTE SENATE BILL NO. 5401

There being no objection, the House adjourned until 9:00 a.m., April 6, 2021, the 86th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTY SIXTH DAY

House Chamber, Olympia, Tuesday, April 6, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Vicki Kraft, 17th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

April 5, 2021

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1023,
HOUSE BILL NO. 1072,
SUBSTITUTE HOUSE BILL NO. 1209,
SUBSTITUTE HOUSE BILL NO. 1221,
SUBSTITUTE HOUSE BILL NO. 1331,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372,
SUBSTITUTE HOUSE BILL NO. 1424,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,
HOUSE BILL NO. 1469,
SUBSTITUTE HOUSE BILL NO. 1493,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 5, 2021

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1007,
SUBSTITUTE HOUSE BILL NO. 1037,
HOUSE BILL NO. 1055,
SUBSTITUTE HOUSE BILL NO. 1064,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1083,
SUBSTITUTE HOUSE BILL NO. 1085,
ENGROSSED HOUSE BILL NO. 1090,
HOUSE BILL NO. 1115,
SUBSTITUTE HOUSE BILL NO. 1145,
HOUSE BILL NO. 1159,
SUBSTITUTE HOUSE BILL NO. 1171,
ENGROSSED HOUSE BILL NO. 1199,
SUBSTITUTE HOUSE BILL NO. 1206,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,
HOUSE BILL NO. 1237,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1274,
SUBSTITUTE HOUSE BILL NO. 1294,
SUBSTITUTE HOUSE BILL NO. 1309,
HOUSE BILL NO. 1315,
HOUSE BILL NO. 1378,
HOUSE BILL NO. 1393,
HOUSE BILL NO. 1437,
ENGROSSED HOUSE BILL NO. 1471,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1480,
HOUSE BILL NO. 1491,
HOUSE BILL NO. 1525,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1572 by Representatives Fitzgibbon and Duerr

AN ACT Relating to modifying the sales and use tax treatment of motor vehicles purchased by rental car companies; amending RCW 82.08.020, 82.12.020, 82.04.050, and 82.12.010; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1316 and the bill was placed on the second reading calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5026, by Senators Salomon, Cleveland, Conway, Das, Hasegawa, Hunt, Keiser, Lovelett, Nguyen, Nobles and Randall

Concerning moneys available to a port district allocated for the purchase of zero and near zero emissions cargo handling equipment.

The bill was read the second time.

Representative Griffey moved the adoption of amendment (460):

On page 1, line 13, after "equipment" insert ", except that funds may be used to purchase equipment that increases worker safety, including equipment that addresses concerns raised by the department of labor and industries, or to purchase equipment that is selected in coordination with workers' unions at the port terminal"

On page 1, line 16, after "equipment" insert "used to handle container cargo at a marine terminal owned by a port district or port development authority"

Representative Griffey spoke in favor of the adoption of the amendment.

Representative Pollet spoke against the adoption of the amendment.

Amendment (460) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5026.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5026, and the bill passed the House by the following vote: Yeas, 65; Nays, 33; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Griffey, Harris, Hoff, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Wilcox and Young.

ENGROSSED SENATE BILL NO. 5026, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5432, by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle, Nguyen, Conway, Das, Dhingra, Keiser, Liias, Nobles and Randall)

Concerning cybersecurity and data sharing in Washington state government.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on State Government & Tribal Relations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 75, March 26, 2021).

Representative Walsh moved the adoption of amendment (549) to the committee striking amendment:

On page 1, after line 2, strike all material through "repealed." on page 8, line 29 and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.105 RCW to read as follows:

(1) The office of cybersecurity and information oversight is created as an agency of state government.

(2)(a) The governor with the consent of the senate shall appoint a state chief information security officer, who is the director of the office of cybersecurity. The state chief information security officer shall receive a salary as determined by the governor. If a vacancy occurs in the position while the senate is not in session, the governor shall make a temporary appointment until the

next meeting of the senate at which time the governor shall present to that body his or her nomination for the position.

(b) The state chief information security officer may create such administrative structures as he or she deems appropriate and may delegate any power or duty vested in him or her by this chapter or other law.

(c) The state chief information security officer may:

(i) Appoint a confidential secretary and such deputy and assistant directors as needed to administer the agency; and

(ii) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter in accordance with chapter 41.06 RCW, except as otherwise provided by law.

(3) The primary duties of the office of cybersecurity are to:

(a) Act as a central manager of the state information technology infrastructure and programs, and oversee the functions of the office of cybersecurity and the offices established within the office of cybersecurity;

(b) Establish security standards and policies to:

(i) Protect the state's information technology systems and infrastructure;

(ii) Provide appropriate governance and application of the standards and policies across information technology resources used by the state; and

(iii) Ensure the confidentiality, availability, and integrity of the information transacted, stored, or processed in the state's information technology systems and infrastructure;

(c) Develop a centralized cybersecurity protocol for protecting and managing state information technology assets and infrastructure;

(d) Detect and respond to security incidents consistent with information security standards and policies;

(e) Create a model incident response plan for state agency adoption, with the office of cybersecurity as the incident response coordinator for incidents that:

(i) Impact multiple agencies;

(ii) Impact more than 10,000 citizens;

(iii) Involve a nation state actor; or

(iv) Are likely to be in the public domain;

(f) Ensure the continuity of state business and information resources that support the operations and assets of state agencies in the event of a security incident;

(g) Provide formal guidance to state agencies on leading practices and applicable standards to ensure a whole government approach to cybersecurity, which shall include, but not be limited to, guidance regarding:

(i) The configuration and architecture of agencies' information technology systems, infrastructure, and assets;

(ii) Governance, compliance, and oversight; and

(iii) Incident investigation and response;

(h) Serve as a resource for local and municipal governments in Washington in the area of cybersecurity;

(i) Develop a service catalog of cybersecurity services to be offered to state and local governments;

(j) Collaborate with state agencies in developing standards, functions, and services in order to ensure state agency regulatory environments are understood and considered as part of an enterprise cybersecurity response;

(k) Define core services that must be managed by state agency information technology security programs; and

(l) Perform all other matters and things necessary to carry out the purposes of this chapter.

(4) The office of cybersecurity is also established with broad flexibility to adapt its operations and service catalog to address the needs of customer agencies, and to do so in the most cost-effective ways.

(5) In performing its duties, the office of cybersecurity must address the highest levels of security required to protect confidential information transacted, stored, or processed in the state's information technology systems and infrastructure that is specifically protected from disclosure by state or

federal law and for which strict handling requirements are mandatory.

(6) In executing its duties under subsection (3) of this section, the office of cybersecurity shall use or rely upon existing, industry standard, widely adopted cybersecurity standards, with a preference for United States federal standards.

(7) Each state agency, institution of higher education, the legislature, and the judiciary must develop an information technology security program consistent with the office of cybersecurity's standards and policies.

(8)(a) Each state agency information technology security program must adhere to the office of cybersecurity's security standards and policies. Each state agency must review and update its program annually, certify to the office of cybersecurity that its program is in compliance with the office of cybersecurity's security standards and policies, and provide the office of cybersecurity with a list of the agency's cybersecurity business needs and agency program metrics.

(b) The office of cybersecurity shall require each state agency to obtain an independent compliance audit of its information technology security program and controls at least once every three years to determine whether the state agency's information technology security program is in compliance with the standards and policies established by the agency and that security controls identified by the state agency in its security program are operating efficiently.

(c) If a review or an audit conducted under (a) or (b) of this subsection identifies any failure to comply with the standards and policies of the office of cybersecurity or any other material cybersecurity risk, the office of cybersecurity must require the state agency to formulate and implement a plan to resolve the failure or risk. On an annual basis, the office of cybersecurity must provide a confidential report to the governor and appropriate committees of the legislature identifying and describing the cybersecurity risk or failure to comply with the office of cybersecurity's security standards and policies, as well as the agency's plan to resolve such failure or risk. Risks that are not mitigated are to be tracked by the office of cybersecurity and reviewed with the governor and the chair and ranking member of the appropriate committees of the legislature on a quarterly basis.

(d) The reports produced, and information compiled, pursuant to this subsection (8) are confidential and may not be disclosed under chapter 42.56 RCW.

(9) In the case of institutions of higher education, the judiciary, and the legislature, each information technology security program must be comparable to the intended outcomes of the office of cybersecurity's security standards and policies.

(10) By January 15th of each year, and in compliance with RCW 43.01.036, the office of cybersecurity must submit a report to the appropriate committees of the legislature that details the efficacy and cost-effectiveness of the state's efforts to protect the state's information technology systems and infrastructure from cybersecurity threats and attacks.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.105 RCW to read as follows:

(1) By July 1, 2022, the office of cybersecurity, in collaboration with state agencies, shall develop a catalog of cybersecurity services and functions for the office of cybersecurity to perform and, in compliance with RCW 43.01.036, submit a report to the legislature and governor. The report must include, but is not limited to:

(a) Cybersecurity services and functions to include in the office of cybersecurity's catalog of services that should be performed by the office of cybersecurity;

(b) Core capabilities and competencies of the office of cybersecurity;

(c) Security functions which should remain within state agency information technology security programs;

(d) A recommended model for accountability of state agency security programs to the office of cybersecurity; and

(e) The cybersecurity services and functions required to protect confidential information transacted, stored, or processed in the state's information technology systems and

infrastructure that is specifically protected from disclosure by state or federal law and for which strict handling requirements are mandatory.

(2) The office of cybersecurity shall update and publish its catalog of services and performance metrics on a biennial basis. The office of cybersecurity shall use data and information provided from agency security programs to inform the updates to its catalog of services and performance metrics.

(3) To ensure alignment with enterprise information technology security strategy, the office of cybersecurity shall develop a process for reviewing and evaluating agency proposals for additional cybersecurity services consistent with RCW 43.105.255.

(4) The office of cybersecurity shall establish rates and fees for services provided in the catalog of services published pursuant to this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.105 RCW to read as follows:

(1) In the event of a major cybersecurity incident, as defined in policy established by the office of cybersecurity in accordance with section 1 of this act, state agencies must report that incident to the office of cybersecurity within 24 hours of discovering the incident.

(2) State agencies must provide the office of cybersecurity with contact information for any external parties who may have material information related to the cybersecurity incident.

(3) Once a cybersecurity incident is reported to the office of cybersecurity, the office of cybersecurity must investigate the incident to determine the degree of severity and facilitate any necessary incident response measures to protect the enterprise.

(4) The chief information security officer or the chief information security officer's designee shall serve as the state's point of contact for all major cybersecurity incidents.

(5) The office of cybersecurity must develop a policy to implement this section.

NEW SECTION. **Sec. 4.** (1) The office of cybersecurity, in collaboration with the office of privacy and data protection and the office of the attorney general, shall research and examine existing best practices for data governance, data protection, the sharing of data relating to cybersecurity, and the protection of state and local governments' information technology systems and infrastructure including, but not limited to, model terms for data-sharing contracts and adherence to privacy principles.

(2) The office of cybersecurity must submit a report of its findings and identify specific recommendations to the governor and the appropriate committees of the legislature by December 1, 2021.

(3) This section expires December 31, 2021.

NEW SECTION. **Sec. 5.** A new section is added to chapter 39.26 RCW to read as follows:

(1) Before a state agency shares with a contractor category 3 or higher data, as defined in policy established in accordance with RCW 43.105.054, a written data-sharing agreement must be in place. Such agreements shall conform to the policies for data sharing specified by the office of cybersecurity under the authority of RCW 43.105.054.

(2) Nothing in this section shall be construed as limiting audit authorities under chapter 43.09 RCW.

NEW SECTION. **Sec. 6.** A new section is added to chapter 39.34 RCW to read as follows:

(1) If a public agency is requesting from another public agency category 3 or higher data, as defined in policy established in accordance with RCW 43.105.054, the requesting agency shall provide for a written agreement between the agencies that conforms to the policies of the office of cybersecurity.

(2) Nothing in this section shall be construed as limiting audit authorities under chapter 43.09 RCW.

NEW SECTION. **Sec. 7.** (1) The office of cybersecurity shall contract for an independent security assessment of the state agency information technology security program audits, required under section 1 of this act, that have been conducted since July 1, 2015. The independent assessment must be conducted in accordance with subsection (2) of this section. To the greatest extent practicable, the office of cybersecurity

must contract for the independent security assessment using a department of enterprise services master contract or the competitive solicitation process described under chapter 39.26 RCW. If the office of cybersecurity conducts a competitive solicitation, the office of cybersecurity shall work with the department of enterprise services, office of minority and women's business enterprises, and department of veterans affairs to engage in outreach to Washington small businesses, as defined in RCW 39.26.010, and certified veteran-owned businesses, as described in RCW 43.60A.190, and encourage these entities to submit a bid.

(2) The assessment must, at a minimum:

(a) Review the state agency information technology security program audits, required under section 1 of this act, performed since July 1, 2015;

(b) Assess the content of any audit findings and evaluate the findings relative to industry standards at the time of the audit;

(c) Evaluate the state's performance in taking action upon audit findings and implementing recommendations from the audit;

(d) Evaluate the policies and standards established by the office of cybersecurity pursuant to section 1 of this act and provide recommendations for ways to improve the policies and standards; and

(e) Include recommendations, based on best practices, for both short-term and long-term programs and strategies designed to implement audit findings.

(3) A report detailing the elements of the assessment described under subsection (2) of this section must be submitted to the governor and appropriate committees of the legislature by August 31, 2022, in compliance with RCW 43.01.036. The report is confidential and may not be disclosed under chapter 42.56 RCW.

NEW SECTION. **Sec. 8.** A new section is added to chapter 42.56 RCW to read as follows:

The reports and information compiled pursuant to sections 1 and 7 of this act are confidential and may not be disclosed under this chapter.

Sec. 9. RCW 43.105.007 and 2015 3rd sp.s. c 1 s 101 are each amended to read as follows:

Information technology is a tool used by state agencies to improve their ability to deliver public services efficiently and effectively. Advances in information technology, including advances in hardware, software, and business processes for implementing and managing these resources, offer new opportunities to improve the level of support provided to citizens and state agencies and to reduce the per-transaction cost of these services. These advances are one component in the process of reengineering how government delivers services to citizens.

To fully realize the service improvements and cost efficiency from the effective application of information technology to its business processes, state government must establish decision-making structures that connect business processes and information technology in an operating model. Many of these business practices transcend individual agency processes and should be worked at the enterprise level. To do this requires an effective partnership of executive management, business processes owners, and providers of support functions necessary to efficiently and effectively deliver services to citizens.

To maximize the potential for information technology to contribute to government business process reengineering, the state must establish clear central authority to plan, set enterprise policies and standards, and provide project oversight and management analysis of the various aspects of a business process.

Establishing a state chief information officer as the director of the consolidated technology services agency will provide state government with the cohesive structure necessary to develop improved operating models with agency directors and reengineer business process to enhance service delivery while capturing savings.

To achieve maximum benefit from advances in information technology, the state establishes a centralized provider and procurer of certain information technology services as an ((~~agency~~)) office within the office of cybersecurity, but is hereinafter

referred to as "agency," to support the needs of public agencies. This agency shall be known as the consolidated technology services agency. To ensure maximum benefit to the state, state agencies shall rely on the consolidated technology services agency for those services with a business case of broad use, uniformity, scalability, and price sensitivity to aggregation and volume.

To successfully meet public agency needs and meet its obligation as the primary service provider for these services, the ((~~consolidated technology services~~)) agency must offer high quality services at the best value. It must be able to attract an adaptable and competitive workforce, be authorized to procure services where the business case justifies it, and be accountable to its customers for the efficient and effective delivery of critical business services.

The consolidated technology services agency is established with clear accountability to the agencies it serves and to the public. This accountability will come through enhanced transparency in the agency's operation and performance. ((~~The agency is also established with broad flexibility to adapt its operations and service catalog to address the needs of customer agencies, and to do so in the most cost-effective ways.~~))

Sec. 10. RCW 43.105.020 and 2017 c 92 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means the consolidated technology services agency, an office within the office of cybersecurity.

(2) "Board" means the technology services board.

(3) "Customer agencies" means all entities that purchase or use information technology resources, telecommunications, or services from the consolidated technology services agency.

(4) "Director" means the state chief information officer, who is the director of the consolidated technology services agency.

(5) "Enterprise architecture" means an ongoing activity for translating business vision and strategy into effective enterprise change. It is a continuous activity. Enterprise architecture creates, communicates, and improves the key principles and models that describe the enterprise's future state and enable its evolution.

(6) "Equipment" means the machines, devices, and transmission facilities used in information processing, including but not limited to computers, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment.

(7) "Information" includes, but is not limited to, data, text, voice, and video.

(8) "Information security" means the protection of communication and information resources from unauthorized access, use, disclosure, disruption, modification, or destruction in order to:

(a) Prevent improper information modification or destruction;

(b) Preserve authorized restrictions on information access and disclosure;

(c) Ensure timely and reliable access to and use of information; and

(d) Maintain the confidentiality, integrity, and availability of information.

(9) "Information technology" includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, radio technologies, and all related interactions between people and machines.

(10) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments.

(11) "K-20 network" means the network established in RCW 43.41.391.

(12) "Local governments" includes all municipal and quasi-municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

(13) "Office" means the office of the state chief information officer within the consolidated technology services agency.

(14) "Office of cybersecurity" means the office of cybersecurity and information oversight.

(15) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications.

((~~(15)~~)) (16) "Proprietary software" means that software offered for sale or license.

((~~(16)~~)) (17) "Public agency" means any agency of this state or another state; any political subdivision or unit of local government of this state or another state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any public benefit nonprofit corporation; any agency of the United States; and any Indian tribe recognized as such by the federal government.

((~~(17)~~)) (18) "Public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in RCW 24.03.005 that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or political subdivision of another state.

((~~(18)~~)) (19) "Public record" has the definitions in RCW 42.56.010 and chapter 40.14 RCW and includes legislative records and court records that are available for public inspection.

((~~(19)~~)) (20) "Public safety" refers to any entity or services that ensure the welfare and protection of the public.

((~~(20)~~)) (21) "Security incident" means an accidental or deliberative event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of communication and information resources.

((~~(21)~~)) (22) "State agency" means every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official.

((~~(22)~~)) (23) "Telecommunications" includes, but is not limited to, wireless or wired systems for transport of voice, video, and data communications, network systems, requisite facilities, equipment, system controls, simulation, electronic commerce, and all related interactions between people and machines.

((~~(23)~~)) (24) "Utility-based infrastructure services" includes personal computer and portable device support, servers and server administration, security administration, network administration, telephony, email, and other information technology services commonly used by state agencies.

Sec. 11. RCW 43.105.025 and 2015 3rd sp.s. c 1 s 103 are each amended to read as follows:

(1) There is created the consolidated technology services agency, an ((~~agency of state government~~)) office within the office of cybersecurity. The agency shall be headed by a director, who is the state chief information officer. The director shall be appointed by the ((~~governor with the consent of the senate. The director shall serve at the governor's pleasure and shall receive such salary as determined by the governor. If a vacancy occurs in the position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he or she shall present to that body his or her nomination for the position~~)) state chief information security officer.

(2) ((~~The director shall:~~

~~(a) Appoint a confidential secretary and such deputy and assistant directors as needed to administer the agency; and~~

~~(b) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter in accordance with chapter 41.06 RCW, except as otherwise provided by law.~~

~~(3) The director may create such administrative structures as he or she deems appropriate and may delegate any power or duty vested in him or her by this chapter or other law.~~

~~(4)~~)) The director shall exercise all the powers and perform all the duties prescribed by law with respect to the administration of this chapter including:

(a) Reporting to the governor and state chief information security officer any matters relating to abuses and evasions of this chapter;

(b) Accepting and expending gifts and grants that are related to the purposes of this chapter, subject to approval of the state chief information security officer;

(c) Applying for grants from public and private entities, and receiving and administering any grant funding received for the purpose and intent of this chapter, subject to approval of the state chief information security officer; and

(d) Performing other duties as are necessary and consistent with law.

Sec. 12. RCW 43.105.052 and 2015 3rd sp.s. c 1 s 104 are each amended to read as follows:

The agency shall:

(1) Make available information services to public agencies and public benefit nonprofit corporations;

(2) Establish rates and fees for services provided by the agency, except as provided under section 2 of this act;

(3) Develop a billing rate plan for a two-year period to coincide with the budgeting process. The rate plan must be subject to review at least annually by the office of financial management. The rate plan must show the proposed rates by each cost center and show the components of the rate structure as mutually determined by the agency and the office of financial management. The rate plan and any adjustments to rates must be approved by the office of financial management;

(4) Develop a detailed business plan for any service or activity to be contracted under RCW 41.06.142((~~(7)(b)~~)) (11);

(5) Develop plans for the agency's achievement of statewide goals and objectives set forth in the state strategic information technology plan required under RCW 43.105.220;

(6) Enable the standardization and consolidation of information technology infrastructure across all state agencies to support enterprise-based system development and improve and maintain service delivery; and

(7) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 13. RCW 43.105.054 and 2016 c 237 s 3 are each amended to read as follows:

(1) The ((~~director~~)) state chief information security officer shall establish standards and policies to govern information technology in the state of Washington.

(2) The office shall have the following powers and duties related to information services:

(a) To develop statewide standards and policies governing the:

(i) Acquisition of equipment, software, and technology-related services;

(ii) Disposition of equipment;

(iii) Licensing of the radio spectrum by or on behalf of state agencies; and

(iv) Confidentiality of computerized data;

(b) To develop statewide and interagency technical policies, standards, and procedures;

(c) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services;

(d) With input from the legislature and the judiciary, to provide direction concerning strategic planning goals and objectives for the state;

(e) To establish policies for the periodic review by the director of state agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education;

(iii) Project management; and

(iv) Cybersecurity, in coordination with the chief information security officer;

(f) To coordinate with state agencies with an annual information technology expenditure that exceeds ten million

dollars to implement a technology business management program to identify opportunities for savings and efficiencies in information technology expenditures and to monitor ongoing financial performance of technology investments;

(g) In conjunction with the consolidated technology services agency, to develop statewide standards for agency purchases of technology networking equipment and services;

(h) To implement a process for detecting, reporting, and responding to security incidents consistent with the information security standards, policies, and guidelines adopted by the director;

(i) To develop plans and procedures to ensure the continuity of commerce for information resources that support the operations and assets of state agencies in the event of a security incident; and

(j) To work with the office of cybersecurity, department of commerce, and other economic development stakeholders to facilitate the development of a strategy that includes key local, state, and federal assets that will create Washington as a national leader in cybersecurity. The office shall collaborate with, including but not limited to, community colleges, universities, the national guard, the department of defense, the department of energy, and national laboratories to develop the strategy.

(3) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The office shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems; and

(b) Require agencies to include an evaluation of electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the office is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

Sec. 14. RCW 43.105.057 and 2011 1st sp.s. c 43 s 807 are each amended to read as follows:

The ((~~agency~~)) office of cybersecurity shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of this chapter.

Sec. 15. RCW 43.105.060 and 2011 1st sp.s. c 43 s 808 are each amended to read as follows:

State and local government agencies are authorized to enter into any contracts with the ((~~agency~~)) office of cybersecurity which may be necessary or desirable to effectuate the purposes and policies of this chapter or for maximum ((~~utilization~~)) use of facilities and services which are the subject of this chapter.

Sec. 16. RCW 43.105.111 and 2015 3rd sp.s. c 1 s 105 are each amended to read as follows:

The ((~~director~~)) chief information security officer shall set performance targets and approve plans for achieving measurable and specific goals for the ((~~agency~~)) office of cybersecurity. By January 2017, the appropriate organizational performance and accountability measures and performance targets shall be submitted to the governor. These measures and targets shall include measures of performance demonstrating specific and measurable improvements related to service delivery and costs, operational efficiencies, and overall customer satisfaction. The ((~~agency~~)) office of cybersecurity shall develop a dashboard of key performance measures that will be updated quarterly and made available on the ((~~agency~~)) office of cybersecurity public website.

The ((~~director~~)) chief information security officer shall report to the governor on ((~~agency~~)) its performance at least quarterly. The reports shall be included on the ((~~agency's~~)) office of cybersecurity's website and accessible to the public.

Sec. 17. RCW 43.105.225 and 2015 3rd sp.s. c 1 s 204 are each amended to read as follows:

Management of information technology across state government requires managing resources and business processes across multiple agencies. It is

no longer sufficient to pursue efficiencies within agency or individual business process boundaries. The state must manage the business process changes and information technology in support of business processes as a statewide portfolio. The ((~~director~~)) chief information security officer will use agency information technology portfolio planning as input to develop a statewide portfolio to guide resource allocation and prioritization decisions.

Sec. 18. RCW 43.105.235 and 2015 3rd sp.s. c 1 s 206 are each amended to read as follows:

(1) Each state agency shall develop an information technology portfolio consistent with RCW 43.105.341. The superintendent of public instruction shall develop its portfolio in conjunction with educational service districts and statewide or regional providers of K-12 education information technology services.

(2) The ((~~director~~)) chief information security officer may exempt any state agency from any or all of the requirements of this section.

Sec. 19. RCW 43.105.245 and 2015 3rd sp.s. c 1 s 208 are each amended to read as follows:

(1) The office shall establish standards and policies governing the planning, implementation, and evaluation of major information technology projects, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or statewide or regional providers of K-12 education information technology services. The standards and policies shall:

(a) Establish criteria to identify projects which are subject to this section. Such criteria shall include, but not be limited to, significant anticipated cost, complexity, or statewide significance of the project; and

(b) Establish a model process and procedures which state agencies shall follow in developing and implementing projects within their information technology portfolios. This process may include project oversight experts or panels, as appropriate. State agencies may propose, for approval by the office, a process and procedures unique to the agency. The office may accept or require modification of such agency proposals or the office may reject those proposals and require use of the model process and procedures established under this subsection. Any process and procedures developed under this subsection shall require (i) distinct and identifiable phases upon which funding may be based, (ii) user validation of products through system demonstrations and testing of prototypes and deliverables, and (iii) other elements identified by the office.

The ((~~director~~)) chief information security officer may suspend or terminate a major project, and direct that the project funds be placed into unallotted reserve status, if the ((~~director~~)) chief information security officer determines that the project is not meeting or is not expected to meet anticipated performance standards.

(2) The office of financial management shall establish policies and standards consistent with portfolio-based information technology management to govern the funding of projects developed under this section. The policies and standards shall provide for:

(a) Funding of a project under terms and conditions mutually agreed to by the director, the director of financial management, and the head of the agency proposing the project. However, the office of financial management may require incremental funding of a project on a phase-by-phase basis whereby funds for a given phase of a project may be released only when the office of financial management determines, with the advice of the ((~~director~~)) chief information security officer, that the previous phase is satisfactorily completed; and

(b) Other elements deemed necessary by the office of financial management.

Sec. 20. RCW 43.105.255 and 2015 3rd sp.s. c 1 s 209 are each amended to read as follows:

(1) Prior to making a commitment to purchase, acquire, or develop a major information technology project or service, state agencies must provide a proposal to the office outlining the business case of the proposed product or service, including the up-front and ongoing cost of the proposal.

(2) Within thirty days of receipt of a proposal, the office shall approve the

proposal, reject it, or propose modifications.

(3) In reviewing a proposal, the office must determine whether the product or service is consistent with:

(a) The standards and policies developed by the ((~~director~~)) office of cybersecurity pursuant to RCW 43.105.054; and

(b) The state's enterprise-based strategy.

(4) If a substantially similar product or service is offered by the ((~~agency~~)) office of cybersecurity, the ((~~director~~)) chief information security officer may require the state agency to procure the product or service through the ((~~agency~~)) office of cybersecurity, if doing so would benefit the state as an enterprise.

(5) The office shall provide guidance to state agencies as to what threshold of information technology spending constitutes a major information technology product or service under this section.

Sec. 21. RCW 43.88.090 and 2015 3rd sp.s. c 1 s 409 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The governor shall communicate statewide priorities to state agencies for use in developing biennial budget recommendations for their agency and shall seek public involvement and input on these priorities. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110. The estimates must reflect that the agency considered any alternatives to reduce costs or improve service delivery identified in the findings of a performance audit of the agency by the joint legislative audit and review committee. Nothing in this subsection requires performance audit findings to be published as part of the budget.

(2) Each state agency shall define its mission and establish measurable goals for achieving desirable results for those who receive its services and the taxpayers who pay for those services. Each agency shall also develop clear strategies and timelines to achieve its goals. This section does not require an agency to develop a new mission or goals in place of identifiable missions or goals that meet the intent of this section. The mission and goals of each agency must conform to statutory direction and limitations.

(3) For the purpose of assessing activity performance, each state agency shall establish quality and productivity objectives for each major activity in its budget. The objectives must be consistent with the missions and goals developed under this section. The objectives must be expressed to the extent practicable in outcome-based, objective, and measurable form unless an exception to adopt a different standard is granted by the office of financial management and approved by the legislative committee on performance review. Objectives must specifically address the statutory purpose or intent of the program or activity and focus on data that measure whether the agency is achieving or making progress toward the purpose of the activity and toward statewide priorities. The office of financial management shall provide necessary professional and technical assistance to assist state agencies in the development of strategic plans that include the mission of the agency and its programs, measurable goals, strategies, and performance measurement systems.

(4) Each state agency shall adopt procedures for and perform continuous self-assessment of each activity, using the mission, goals, objectives, and measurements required under subsections

(2) and (3) of this section. The assessment of the activity must also include an evaluation of major information technology systems or projects that may assist the agency in achieving or making progress toward the activity purpose and statewide priorities. The evaluation of proposed major information technology systems or projects shall be in accordance with the standards and policies established by the technology services board. Agencies' progress toward the mission, goals, objectives, and measurements required by subsections (2) and (3) of this section is subject to review as set forth in this subsection.

(a) The office of financial management shall regularly conduct reviews of selected activities to analyze whether the objectives and measurements submitted by agencies demonstrate progress toward statewide results.

(b) The office of financial management shall consult with: (i) The four-year institutions of higher education in those reviews that involve four-year institutions of higher education; and (ii) the state board for community and technical colleges in those reviews that involve two-year institutions of higher education.

(c) The goal is for all major activities to receive at least one review each year.

(d) The ((~~consolidated technology services agency~~)) office of cybersecurity shall periodically review major information technology systems ((~~in use~~)) used by state agencies ((~~periodically~~)).

(5) It is the policy of the legislature that each agency's budget recommendations must be directly linked to the agency's stated mission and program, quality, and productivity goals and objectives. Consistent with this policy, agency budget proposals must include integration of performance measures that allow objective determination of an activity's success in achieving its goals. When a review under subsection (4) of this section or other analysis determines that the agency's objectives demonstrate that the agency is making insufficient progress toward the goals of any particular program or is otherwise underachieving or inefficient, the agency's budget request shall contain proposals to remedy or improve the selected programs. The office of financial management shall develop a plan to merge the budget development process with agency performance assessment procedures. The plan must include a schedule to integrate agency strategic plans and performance measures into agency budget requests and the governor's budget proposal over three fiscal biennia. The plan must identify those agencies that will implement the revised budget process in the 1997-1999 biennium, the 1999-2001 biennium, and the 2001-2003 biennium. In consultation with the legislative fiscal committees, the office of financial management shall recommend statutory and procedural modifications to the state's budget, accounting, and reporting systems to facilitate the performance assessment procedures and the merger of those procedures with the state budget process. The plan and recommended statutory and procedural modifications must be submitted to the legislative fiscal committees by September 30, 1996.

(6) In reviewing agency budget requests in order to prepare the governor's biennial budget request, the office of financial management shall consider the extent to which the agency's activities demonstrate progress toward the statewide budgeting priorities, along with any specific review conducted under subsection (4) of this section.

(7) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. 22. RCW 43.105.287 and 2015 3rd sp.s. c 1 s 212 are each amended to read as follows:

The board shall have the following powers and duties related to information services:

(1) To review and approve standards and policies, developed by the office, governing the acquisition and disposition of equipment, proprietary software, and purchased services, licensing of the radio spectrum by or on behalf of state agencies, and confidentiality of computerized data;

(2) To review and approve statewide or interagency technical policies and standards developed by the office;

(3) To review, approve, and provide oversight of major information technology projects to ensure that no major information technology project proposed by a state agency is approved or authorized funding by the board without consideration of the technical and financial business case for the project, including a review of:

(a) The total cost of ownership across the life of the project;

(b) All major technical options and alternatives analyzed, and reviewed, if necessary, by independent technical sources; and

(c) Whether the project is technically and financially justifiable when compared against the state's enterprise-based strategy, long-term technology trends, and existing or potential partnerships with private providers or vendors;

(4) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by state agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a statewide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(5) To develop a policy to determine whether a proposed project, product, or service should undergo an independent technical and financial analysis prior to submitting a request to the office of financial management for the inclusion in any proposed operating, capital, or transportation budget;

(6) To approve contracting for services and activities under RCW 41.06.142((~~(7)~~)) (11) for the ((~~agency~~)) office of cybersecurity. To approve any service or activity to be contracted under RCW 41.06.142((~~(7)(b)~~)) (11), the board must also review the proposed business plan and recommendation submitted by the office;

(7) To consider, on an ongoing basis, ways to promote strategic investments in enterprise-level information technology projects that will result in service improvements and cost efficiency;

(8) To provide a forum to solicit external expertise and perspective on developments in information technology, enterprise architecture, standards, and policy development; ((~~and~~))

(9) To provide a forum where ideas and issues related to information technology plans, policies, and standards can be reviewed; and

(10) To review and approve standards and policies developed by the office of cybersecurity, pursuant to section 1 of this act, governing the protection and oversight of the state's information technology systems and infrastructure and cybersecurity prevention and response protocols.

Sec. 23. RCW 41.06.142 and 2020 c 269 s 2 are each amended to read as follows:

(1) If any department, agency, or institution of higher education intends to contract for services that, on or after July 1, 2005, have been customarily and historically provided by, and would displace or relocate, employees in the classified service under this chapter, a department, agency, or institution of higher education may do so by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) A comprehensive impact assessment is completed by the agency, department, or institution of higher education to

assist it in determining whether the decision to contract out is beneficial.

(i) The comprehensive impact assessment must include at a minimum the following analysis:

(A) An estimate of the cost of performance of the service by employees, including the fully allocated costs of the service, the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. The estimate must not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service;

(B) An estimate of the cost of performance of the services if contracted out, including the cost of administration of the program and allocating sufficient employee staff time and resources to monitor the contract and ensure its proper performance by the contractor;

(C) The reason for proposing to contract out, including the objective the agency would like to achieve; and

(D) The reasons for the determination made under (e) of this subsection.

(ii) When the contract will result in termination of state employees or elimination of state positions, the comprehensive impact assessment may also include an assessment of the potential adverse impacts on the public from outsourcing the contract, such as loss of employment, effect on social services and public assistance programs, economic impacts on local businesses and local tax revenues, and environmental impacts;

(b) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

(c) Employees whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (7) of this section;

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency, department, or institution of higher education must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2)(a) The agency, department, or institution of higher education must post on its website the request for proposal, the contract or a statement that the agency, department, or institution of higher education did not move forward with contracting out, and the comprehensive impact assessment pursuant to subsection (1) of this section.

(b) The agency, department, or institution of higher education must maintain the information in (a) of this subsection in its files in accordance with the record retention schedule under RCW 40.14.060.

(3) Every five years or upon completion of the contract, whichever comes first, the agency, department, or institution of higher education must prepare and maintain in the contract file a report, which must include at a minimum the following information:

(a) Documentation of the contractor's performance as measured by the itemized performance standards;

(b) Itemization of any contract extensions or change orders that resulted in a change in the dollar value or cost of the contract; and

(c) A report of any remedial actions that were taken to enforce compliance with the contract, together with an estimate of the cost incurred by the agency, department, or institution of higher education in enforcing such compliance.

(4) In addition to any other terms required by law, the terms of any agreement to contract out a service pursuant to this section must include terms that address the following:

(a) The contract's contract management provision must allow review of the contractor's performance;

(b) The contract's termination clauses must allow termination of the contract if the contractor fails to meet the terms of the contract, including failure to meet performance standards or failure to provide the services at the contracted price;

(c) The contract's damages provision must allow recovery of direct damages and, when applicable, indirect damages that the agency, department, or institution of higher education incurs due to the contractor's breach of the agreement;

(d) If the contractor will be using a subcontractor for performance of services under the contract, the contract must allow the agency, department, or institution of higher education to obtain information about the subcontractor, as applicable to the performance of services under the agreement; and

(e) A provision requiring the contractor to consider employment of employees who may be displaced by the contract, if the contract is with an entity other than an employee business unit.

(5) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

(6) When contracting out for services as authorized in this section the agency, department, or institution of higher education must ensure firms adhere to the values of the state of Washington under RCW 49.60.030, which provide its citizens freedom from discrimination. Any relationship with a potential or current industry partner that is found to have violated RCW 49.60.030 by the attorney general shall not be considered and must be immediately terminated unless:

(a) The industry partner has fulfilled the conditions or obligations associated with any court order or settlement resulting from that violation; or

(b) The industry partner has taken significant and meaningful steps to correct the violation, as determined by the Washington state human rights commission.

(7) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency, department, or institution of higher education requests bids from private entities for a contract for services provided by employees, the contracting agency, department, or institution of higher education shall notify the employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency, department, or institution of higher education shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency, department, or institution of higher education of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The department of enterprise services, with the advice and assistance of the office of financial management, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of enterprise services, with the advice and assistance of the office of financial management, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency, department, or institution of higher education to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's, department's, or institution of higher education's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to

be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of enterprise services to conduct the bidding process.

(8)(a) As used in this section:

(i) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection (7) of this section.

(ii) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(iii) "Competitive contracting" means the process by which employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

(b) Unless otherwise specified, for the purpose of chapter 269, Laws of 2020, "employee" means state employees in the classified service under this chapter except employees in the Washington management service as defined under RCW 41.06.022 and 41.06.500.

(9) The processes set forth in subsections (1)(a), (2), (3), and (4)(a) through (d) of this section do not apply to contracts:

(a) Awarded for the purposes of or by the department of transportation;

(b) With an estimated cost of contract performance of twenty thousand dollars or less;

(c) With an estimated cost of contract performance that exceeds five hundred thousand dollars for public work as defined by RCW 39.04.010; or

(d) Relating to mechanical, plumbing as described in chapter 18.106 RCW, and electrical as described in chapter 19.28 RCW, procured to install systems for new construction or life-cycle replacement with an estimated cost of contract performance of seventy-five thousand dollars or more.

(10) The processes set forth in subsections (1) through (4), (7), and (8) of this section do not apply to:

(a) RCW 74.13.031(6);

(b) The acquisition of printing services by a state agency; and

(c) Contracts for services expressly mandated by the legislature, including contracts for fire suppression awarded by the department of natural resources under RCW 76.04.181, or authorized by law prior to July 1, 2005, including contracts and agreements between public entities.

(11) The processes set forth in subsections (1) through (4), (7), and (8) of this section do not apply to the ((~~consolidated technology services agency~~)) office of cybersecurity when contracting for services or activities as follows:

(a) Contracting for services and activities that are necessary to establish, operate, or manage the state data center, including architecture, design, engineering, installation, and operation of the facility that are approved by the technology services board created in RCW 43.105.285.

(b) Contracting for services and activities recommended by the chief information security officer through a business plan and approved by the technology services board created in RCW 43.105.285.

Sec. 24. RCW 43.105.342 and 2015 3rd sp.s. c 1 s 501 are each amended to read as follows:

(1) The ((~~consolidated technology services~~)) office of cybersecurity and information oversight revolving account is created in the custody of the state treasurer. All receipts from ((~~agency~~)) fees and charges for services collected by the office of cybersecurity and information oversight from public

agencies must be deposited into the account. The account must be used for the:

(a) Acquisition of equipment, software, supplies, and services; and

(b) Payment of salaries, wages, and other costs incidental to the acquisition, development, maintenance, operation, and administration of: (i) Information services; (ii) telecommunications; (iii) systems; (iv) software; (v) supplies; and (vi) equipment, including the payment of principal and interest on debt by the agency and other users as determined by the office of financial management.

(2) The ((~~director or the director's~~)) chief information security officer or his or her designee, with the approval of the technology services board, is authorized to expend up to one million dollars per fiscal biennium for the technology services board to conduct independent technical and financial analysis of proposed information technology projects.

(3) Only the ((~~director or the director's~~)) chief information security officer or his or her designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures except as provided in subsection (4) of this section.

(4) Expenditures for the strategic planning and policy component of the agency are subject to appropriation.

Sec. 25. RCW 43.105.369 and 2016 c 195 s 2 are each amended to read as follows:

(1) The office of privacy and data protection is created within the office of the state chief information officer. The purpose of the office of privacy and data protection is to serve as a central point of contact for state agencies on policy matters involving data privacy and data protection.

(2) The ((~~director~~)) chief information security officer shall appoint the chief privacy officer, who is the director of the office of privacy and data protection.

(3) The primary duties of the office of privacy and data protection with respect to state agencies are:

(a) To conduct an annual privacy review;

(b) To conduct an annual privacy training for state agencies and employees;

(c) To articulate privacy principles and best practices;

(d) To coordinate data protection in cooperation with the agency; and

(e) To participate with the office of the state chief information officer in the review of major state agency projects involving personally identifiable information.

(4) The office of privacy and data protection must serve as a resource to local governments and the public on data privacy and protection concerns by:

(a) Developing and promoting the dissemination of best practices for the collection and storage of personally identifiable information, including establishing and conducting a training program or programs for local governments; and

(b) Educating consumers about the use of personally identifiable information on mobile and digital networks and measures that can help protect this information.

(5) By December 1, 2016, and every four years thereafter, the office of privacy and data protection must prepare and submit to the legislature a report evaluating its performance. The office of privacy and data protection must establish performance measures in its 2016 report to the legislature and, in each report thereafter, demonstrate the extent to which performance results have been achieved. These performance measures must include, but are not limited to, the following:

(a) The number of state agencies and employees who have participated in the annual privacy training;

(b) A report on the extent of the office of privacy and data protection's coordination with international and national experts in the fields of data privacy, data protection, and access equity;

(c) A report on the implementation of data protection measures by state agencies attributable in whole or in part to the office of privacy and data

protection's coordination of efforts; and

(d) A report on consumer education efforts, including but not limited to the number of consumers educated through public outreach efforts, as indicated by how frequently educational documents were accessed, the office of privacy and data protection's participation in outreach events, and inquiries received back from consumers via telephone or other media.

(6) Within one year of June 9, 2016, the office of privacy and data protection must submit to the joint legislative audit and review committee for review and comment the performance measures developed under subsection (5) of this section and a data collection plan.

(7) The office of privacy and data protection shall submit a report to the legislature on the: (a) Extent to which telecommunications providers in the state are deploying advanced telecommunications capability; and (b) existence of any inequality in access to advanced telecommunications infrastructure experienced by residents of tribal lands, rural areas, and economically distressed communities. The report may be submitted at a time within the discretion of the office of privacy and data protection, at least once every four years, and only to the extent the office of privacy and data protection is able to gather and present the information within existing resources.

Sec. 26. RCW 43.105.385 and 2015 3rd sp.s. c 1 s 220 are each amended to read as follows:

(1) The office shall conduct a needs assessment and develop a migration strategy to ensure that, over time, all state agencies are moving towards using the ((~~agency~~)) office of cybersecurity as their central service provider for all utility-based infrastructure services, including centralized PC and infrastructure support. State agency-specific application services shall remain managed within individual agencies.

(2) The office shall develop short-term and long-term objectives as part of the migration strategy.

(3) This section does not apply to institutions of higher education.

Sec. 27. RCW 43.105.905 and 2008 c 262 s 4 are each amended to read as follows:

Nothing in this act may be construed as giving the ((~~department of information services~~)) office of cybersecurity or any other entities any additional authority, regulatory or otherwise, over providers of telecommunications and information technology.

Sec. 28. RCW 43.105.907 and 2011 1st sp.s. c 43 s 1009 are each amended to read as follows:

(1) Those powers, duties, and functions of the department of information services being transferred to the consolidated technology services agency as set forth in sections 801 through 816, chapter 43, Laws of 2011 1st sp. sess. are hereby transferred to the consolidated technology services agency, unless otherwise specified under chapter . . ., Laws of 2021 (this act).

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of information services shall be delivered to the custody of the consolidated technology services agency. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of information services shall be made available to the consolidated technology services agency. All funds, credits, or other assets held by the department of information services shall be assigned to the consolidated technology services agency.

(b) Any appropriations made to the department of information services shall, on October 1, 2011, be transferred and credited to the consolidated technology services agency.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) Unless otherwise provided under chapter . . ., Laws of 2021 (this act):

(a) All rules and all pending business before the department of information services pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the consolidated technology services agency((~~.~~)); and

(b) All existing contracts and obligations shall remain in full force and shall be performed by the consolidated technology services agency.

(4) The transfer of the powers, duties, functions, and personnel of the department of information services shall not affect the validity of any act performed before October 1, 2011.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the department of information services engaged in performing the powers, functions, and duties transferred to the consolidated technology services agency or otherwise to the office of cybersecurity are transferred to the ((~~consolidated technology services agency~~)) office of cybersecurity. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the ((~~consolidated technology services agency~~)) office of cybersecurity to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

(7) Unless or until modified by the public employment relations commission pursuant to RCW 41.80.911:

(a) The portions of the bargaining units of employees at the department of information services existing on October 1, 2011, shall be considered appropriate units at the ((~~consolidated technology services agency~~)) office of cybersecurity and will be so certified by the public employment relations commission.

(b) The exclusive bargaining representatives recognized as representing the portions of the bargaining units of employees at the department of information services existing on October 1, 2011, shall continue as the exclusive bargaining representatives of the transferred bargaining units without the necessity of an election.

Sec. 29. RCW 39.26.100 and 2019 c 152 s 2 are each amended to read as follows:

(1) The provisions of this chapter do not apply in any manner to the operation of the state legislature except as requested by the legislature.

(2) The provisions of this chapter do not apply to the contracting for services, equipment, and activities that are necessary to establish, operate, or manage the state data center, including architecture, design, engineering, installation, and operation of the facility, that are approved by the technology services board or the acquisition of proprietary software, equipment, and information technology services necessary for or part of the provision of services offered by the ((~~consolidated technology services agency~~)) office of cybersecurity and information oversight.

(3) Primary authority for the purchase of specialized equipment, and instructional and research material, for their own use rests with the institutions of higher education as defined in RCW 28B.10.016.

(4) Universities operating hospitals with approval from the director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations if documented to be more cost-effective.

(5) Primary authority for the purchase of materials, supplies, and equipment, for resale to other than public agencies, rests with the state agency concerned.

(6) The authority for the purchase of insurance and bonds rests with the risk

manager under RCW 43.19.769, except for institutions of higher education that choose to exercise independent purchasing authority under RCW 28B.10.029.

(7) The provisions of this chapter do not apply to information technology purchases by state agencies, other than institutions of higher education and agencies of the judicial branch, if (a) the purchase is less than one hundred thousand dollars, (b) the initial purchase is approved by the ((~~chief information officer of the state~~)) chief information security officer, and (c) the agency director and the chief information security officer ((~~of the state~~)) jointly prepare a public document providing a detailed justification for the expenditure.

(8) The authority to purchase interpreter services on behalf of applicants and recipients of public assistance who are sensory-impaired rests with the department of social and health services and the health care authority.

Sec. 30. RCW 41.06.070 and 2019 c 146 s 3 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, and temporary employees, and part-time professional consultants, as defined by the director;

(m) Officers and employees of the Washington state fruit commission;

(n) Officers and employees of the Washington apple commission;

(o) Officers and employees of the Washington state dairy products commission;

(p) Officers and employees of the Washington tree fruit research commission;

(q) Officers and employees of the Washington state beef commission;

(r) Officers and employees of the Washington grain commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(u) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(v) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(w) Staff employed by the department of commerce to administer energy policy functions;

(x) The manager of the energy facility site evaluation council;

(y) A maximum of ten staff employed by the department of commerce to administer innovation and policy functions, including the three principal policy assistants exempted under (v) of this subsection;

(z) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

(aa) Officers and employees of the ((~~consolidated technology services agency created in RCW 43.105.006~~)) office of cybersecurity and information oversight established under section 1 of this act that perform the following functions or duties: Systems integration; data center engineering and management; network systems engineering and management; information technology contracting; information technology customer relations management; and network and systems security;

(bb) The executive director of the Washington statewide reentry council.

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the office of financial management stating the reasons for requesting such exemptions. The director shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, or is a senior expert in enterprise information technology infrastructure, engineering, or systems, the director shall grant the request. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

(4) The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (t) and (2) of this section, shall be determined by the director. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

(5)(a) Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

(b) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

(c) A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 31. RCW 41.06.094 and 2015 c 225 s 54 are each amended to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the ((~~consolidated technology services agency~~)) office of cybersecurity and information oversight to up to twelve positions in the planning component involved in policy development and/or senior professionals.

Sec. 32. RCW 42.17A.705 and 2017 3rd sp.s. c 6 s 111 are each amended to read as follows:

For the purposes of RCW 42.17A.700, "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the director of the department of services for the blind, the secretary of children, youth, and families, the director of the state system of community and technical colleges, the director of commerce, the director of the ((~~consolidated technology services agency~~)) office of cybersecurity and information oversight, the secretary of corrections, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the director of enterprise services, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive

secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of the recreation and conservation office, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, the boards of trustees of each community college and each technical college, each member of the state board for community and technical colleges, state convention and trade center board of directors, Eastern Washington University board of trustees, Washington economic development finance authority, Washington energy northwest executive board, The Evergreen State College board of trustees, executive ethics board, fish and wildlife commission, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, student achievement council, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, state investment board, commission on judicial conduct, legislative ethics board, life sciences discovery fund authority board of trustees, state liquor and cannabis board, lottery commission, Pacific Northwest electric power and conservation planning council, parks and recreation commission, Washington personnel resources board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public employees' benefits board, recreation and conservation funding board, salmon recovery funding board, shorelines hearings board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington State University board of regents, and Western Washington University board of trustees.

Sec. 33. RCW 43.41.391 and 2015 3rd sp.s. c 1 s 214 are each amended to read as follows:

(1) The office has the duty to govern and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; and resolving user/provider disputes.

(2) The office has the following powers and duties:

(a) In cooperation with the educational sectors and other interested parties, to establish goals and measurable objectives for the network;

(b) To ensure that the goals and measurable objectives of the network are the basis for any decisions or recommendations regarding the technical development and operation of the network;

(c) To adopt, modify, and implement policies to facilitate network development, operation, and expansion. Such policies may include but need not be limited to the following issues: Quality of educational services; access to the network by recognized organizations and accredited institutions that deliver educational programming, including public libraries; prioritization of programming within limited resources; prioritization of access to the system and the sharing of technological advances; network security; identification and evaluation of emerging technologies for delivery of educational programs; future expansion or redirection of the system; network fee

structures; and costs for the development and operation of the network;

(d) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the director of the ((~~consolidated technology services agency's~~)) office of cybersecurity and information oversights' recommendations on (i) any state funding requested for network transport and equipment, distance education facilities and hardware or software specific to the use of the network, and proposed new network end sites, (ii) annual copayments to be charged to public educational sector institutions and other public entities connected to the network, and (iii) charges to nongovernmental entities connected to the network;

(e) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the educational goals and measurable objectives;

(f) To establish by rule acceptable use policies governing user eligibility for participation in the K-20 network, acceptable uses of network resources, and procedures for enforcement of such policies. The office shall set forth appropriate procedures for enforcement of acceptable use policies, that may include suspension of network connections and removal of shared equipment for violations of network conditions or policies. The office shall have sole responsibility for the implementation of enforcement procedures relating to technical conditions of use.

Sec. 34. RCW 43.41.442 and 2015 3rd sp.s. c 1 s 503 are each amended to read as follows:

(1) The statewide information technology system maintenance and operations revolving account is created in the custody of the state treasurer. All receipts from fees, charges for services, and assessments to agencies for the maintenance and operations of enterprise information technology systems must be deposited into the account. The account must be used solely for the maintenance and operations of enterprise information technology systems.

(2) Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditure.

(3) The office may contract with the ((~~consolidated technology services agency~~)) office of cybersecurity and information oversight for the billing of fees, charges for services, and assessments to agencies, and for the maintenance and operations of enterprise information technology systems.

(4) "Enterprise information technology system" has the definition in RCW 43.41.440.

Sec. 35. RCW 43.41.444 and 2015 3rd sp.s. c 1 s 504 are each amended to read as follows:

(1) The shared information technology system revolving account is created in the custody of the state treasurer. All receipts from fees, charges for services, and assessments to agencies for shared information technology systems must be deposited into the account.

(2) Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditure.

(3) The office may contract with the ((~~consolidated technology services agency~~)) office of cybersecurity and information oversight for the billing of fees, charges for services, and assessments to agencies, and for the development, maintenance, and operations of shared information technology systems.

(4) For the purposes of this section, "shared information technology system" means an information technology system that is available to, but not required for use by, agencies.

Sec. 36. RCW 43.70.054 and 2015 3rd sp.s. c 1 s 408 are each amended to read as follows:

(1) To promote the public interest consistent with chapter 267, Laws of 1995, the department of health, in cooperation with the director of the ((~~consolidated technology services agency established in RCW 43.105.025~~)) office of cybersecurity and information oversight established under section 1 of this act, shall develop health care data

standards to be used by, and developed in collaboration with, consumers, purchasers, health carriers, providers, and state government as consistent with the intent of chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, to promote the delivery of quality health services that improve health outcomes for state residents. The data standards shall include content, coding, confidentiality, and transmission standards for all health care data elements necessary to support the intent of this section, and to improve administrative efficiency and reduce cost. Purchasers, as allowed by federal law, health carriers, health facilities and providers as defined in chapter 48.43 RCW, and state government shall ((~~utilize~~)) use the data standards. The information and data elements shall be reported as the department of health directs by rule in accordance with data standards developed under this section.

(2) The health care data collected, maintained, and studied by the department under this section or any other entity: (a) Shall include a method of associating all information on health care costs and services with discrete cases; (b) shall not contain any means of determining the personal identity of any enrollee, provider, or facility; (c) shall only be available for retrieval in original or processed form to public and private requesters; (d) shall be available within a reasonable period of time after the date of request; and (e) shall give strong consideration to data standards that achieve national uniformity.

(3) The cost of retrieving data for state officials and agencies shall be funded through state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(4) All persons subject to this section shall comply with departmental requirements established by rule in the acquisition of data, however, the department shall adopt no rule or effect no policy implementing the provisions of this section without an act of law.

(5) The department shall submit developed health care data standards to the appropriate committees of the legislature by December 31, 1995.

Sec. 37. RCW 43.88.092 and 2015 3rd sp.s. c 1 s 410 are each amended to read as follows:

(1) As part of the biennial budget process, the office of financial management shall collect from agencies, and agencies shall provide, information to produce reports, summaries, and budget detail sufficient to allow review, analysis, and documentation of all current and proposed expenditures for information technology by state agencies. Information technology budget detail must be included as part of the budget submittal documentation required pursuant to RCW 43.88.030.

(2) The office of financial management must collect, and present as part of the biennial budget documentation, information for all existing information technology projects as defined by technology services board policy. The office of financial management must work with the office of the state chief information officer to maximize the ability to draw this information from the information technology portfolio management data collected by the ((~~consolidated technology services agency~~)) office of cybersecurity. Connecting project information collected through the portfolio management process with financial data developed under subsection (1) of this section provides transparency regarding expenditure data for existing technology projects.

(3) The ((~~director of the consolidated technology services agency~~)) chief information security officer shall evaluate proposed information technology expenditures and establish priority ranking categories of the proposals. No more than one-third of the proposed expenditures shall be ranked in the highest priority category.

(4) The biennial budget documentation submitted by the office of financial management pursuant to RCW 43.88.030 must include an information technology plan and a technology budget for the state identifying current baseline funding for information technology, proposed and ongoing major information technology projects, and their associated costs. This plan and technology budget must be presented using a method similar to the capital budget, identifying project costs through stages of the project and across fiscal periods and biennia from project initiation to implementation. This information must be submitted

electronically, in a format to be determined by the office of financial management and the legislative evaluation and accountability program committee.

(5) The office of financial management shall also institute a method of accounting for information technology-related expenditures, including creating common definitions for what constitutes an information technology investment.

(6) For the purposes of this section, "major information technology projects" includes projects that have a significant anticipated cost, complexity, or are of statewide significance, such as enterprise-level solutions, enterprise resource planning, and shared services initiatives.

Sec. 38. RCW 43.88.160 and 2015 3rd sp.s. c 1 s 303 and 2015 3rd sp.s. c 1 s 109 are each reenacted and amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) Except as provided in chapter 43.88C RCW, the director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed

managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

(i) For those agencies that the director determines internal audit is required, the agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following professional audit standards including generally accepted government auditing standards or standards adopted by the institute of internal auditors, or both.

(ii) For those agencies that the director determines internal audit is not required, the agency head or authorized designee may establish and maintain internal audits following professional audit standards including generally accepted government auditing standards or standards adopted by the institute of internal auditors, or both, but at a minimum must comply with policies as established by the director to assess the effectiveness of the agency's systems of internal controls and risk management processes;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter the plans, except that for the following agencies no amendment or alteration of the plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized employee years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix the number or the classes for the following: Agencies headed by elective officials;

(g) Adopt rules to effectuate provisions contained in (a) through (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic

maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than equipment maintenance providers or as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of enterprise services but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than twelve months after such payment except that institutions of higher education as defined in RCW 28B.10.016 and the ((~~consolidated technology services agency created in RCW 43.105.006~~)) office of cybersecurity and information oversight established under section 1 of this act may make payments in advance for equipment maintenance services to be performed up to sixty months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with rules issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor is authorized to perform or participate in performance verifications and performance audits as expressly authorized by the legislature in the omnibus biennial appropriations acts or in the performance audit work plan approved by the joint legislative audit and review committee. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the joint legislative audit and review committee or other appropriate committees of the legislature, in a manner prescribed by the joint legislative audit and review committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts or in the performance audit work plan. The results of a performance audit conducted by the state auditor that has been requested by the joint legislative audit and review committee must only be transmitted to the

joint legislative audit and review committee.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken within six months, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110. The director of financial management shall annually report by December 31st the status of audit resolution to the appropriate committees of the legislature, the state auditor, and the attorney general. The director of financial management shall include in the audit resolution report actions taken as a result of an audit including, but not limited to, types of personnel actions, costs and types of litigation, and value of recouped goods or services.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

In addition to the authority given to the state auditor in this subsection (6), the state auditor is authorized to conduct performance audits identified in RCW 43.09.470. Nothing in this subsection (6) shall limit, impede, or restrict the state auditor from conducting performance audits identified in RCW 43.09.470.

(7) The joint legislative audit and review committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in chapter 44.28 RCW as well as performance audits and program evaluations. To this end the joint committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs, and generally for an improved level of fiscal management.

Sec. 39. RCW 44.68.065 and 2020 c 114 s 13 are each amended to read as follows:

The legislative service center, under the direction of the joint legislative systems administrative committee, shall:

(1) Develop a legislative information technology portfolio consistent with the provisions of RCW 43.105.341;

(2) Participate in the development of an enterprise-based statewide information technology strategy;

(3) Ensure the legislative information technology portfolio is organized and structured to clearly indicate participation in and use of enterprise-wide information technology strategies;

(4) As part of the biennial budget process, submit the legislative information technology portfolio to the chair and ranking member of the ways and means committees of the house of representatives and the senate, the office of financial management, and the ((~~consolidated technology services agency~~)) office of cybersecurity and information oversight.

Sec. 40. RCW 46.20.157 and 2011 1st sp.s. c 43 s 811 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall annually provide to the ((~~consolidated technology services agency~~)) office of cybersecurity and information oversight an electronic data file. The data file must:

(a) Contain information on all licensed drivers and identicard holders who are eighteen years of age or older and whose records have not expired for more than two years;

(b) Be provided at no charge; and

(c) Contain the following information on each such person: Full name, date of birth, residence address including county, sex, and most recent date of application, renewal, replacement, or change of driver's license or identicard.

(2) Before complying with subsection (1) of this section, the department shall remove from the file the names of any certified participants in the Washington state address confidentiality program under chapter 40.24 RCW that have been identified to the department by the secretary of state.

Sec. 41. RCW 50A.25.070 and 2020 c 125 s 8 are each amended to read as follows:

(1) The department may enter into data-sharing contracts and may disclose records and information deemed confidential to state or local government agencies under this chapter only if permitted under subsection (2) of this section and RCW 50A.25.090. A state or local government agency must need the records or information for an official purpose and must also provide:

(a) An application in writing to the department for the records or information containing a statement of the official purposes for which the state or local government agency needs the information or records and specifically identify the records or information sought from the department; and

(b) A written verification of the need for the specific information from the director, commissioner, chief executive, or other official of the requesting state or local government agency either on the application or on a separate document.

(2) The department may disclose information or records deemed confidential under this chapter to the following state or local government agencies:

(a) To the department of social and health services to identify child support obligations as defined in RCW 50A.15.080;

(b) To the department of revenue to determine potential tax liability or employer compliance with registration and licensing requirements;

(c) To the department of labor and industries to compare records or information to detect improper or fraudulent claims;

(d) To the office of financial management for the purpose of conducting periodic salary or fringe benefit studies pursuant to law;

(e) To the office of the state treasurer and any financial or banking institutions deemed necessary by the office of the state treasurer and the department for the proper administration of funds;

(f) To the office of the attorney general for purposes of legal representation;

(g) To a county clerk for the purpose of RCW 9.94A.760 if requested by the county clerk's office;

(h) To the office of administrative hearings for the purpose of administering the administrative appeal process;

(i) To the department of enterprise services for the purpose of agency administration and operations; and

(j) To the ((~~consolidated technology services agency~~)) office of cybersecurity and information oversight for the purpose of enterprise technology support.

Sec. 42. RCW 2.68.060 and 2015 3rd sp.s. c 1 s 403 are each amended to read as follows:

The administrative office of the courts, under the direction of the judicial information system committee, shall:

(1) Develop a judicial information system information technology portfolio consistent with the provisions of RCW 43.105.341;

(2) Participate in the development of an enterprise-based statewide information technology strategy;

(3) Ensure the judicial information system information technology portfolio is organized and structured to clearly indicate participation in and use of enterprise-wide information technology strategies;

(4) As part of the biennial budget process, submit the judicial information system information technology portfolio to the chair and ranking member of the ways and means committees of the house of representatives and the senate, the

office of financial management, and the ((~~consolidated technology services agency~~)) office of cybersecurity.

NEW SECTION. **Sec. 43.** The following acts or parts of acts are each repealed:

(1)RCW 43.105.006 (Consolidated technology services agency—Purpose) and 2011 1st sp.s. c 43 s 801; and

(2)RCW 43.105.215 (Security standards and policies—State agencies' information technology security programs) and 2015 3rd sp.s. c 1 s 202 & 2013 2nd sp.s. c 33 s 8."

Correct the title.

Representative Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Valdez spoke against the adoption of the amendment to the committee striking amendment.

Amendment (549) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Valdez and Boehnke spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5432, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5432, as amended by the House, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dufault, Dye, Hoff, Jacobsen, Klicker, Klippert, Kraft, McCaslin, McEntire, Schmick, Vick, Walsh and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5432, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5005, by Senators Pedersen, Padden and Mullet

Concerning business corporations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5005.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5005, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5005, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5296, by Senators Schoesler, Conway, Dozier, Muzzall, Rivers, Van De Wege and Warnick

Modifying the definition of index for the Washington state patrol retirement system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Corry and Ormsby spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5296.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5296, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5296, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5011, by Senate Committee on Law & Justice (originally sponsored by Pedersen, L. Wilson, Brown, Kuderer, Mullet and Warnick)

Addressing electronic meetings and notice provisions for common interest communities, condominiums, and homeowners' associations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 65, March 16, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Klippert spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5011, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5011, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft and McCaslin.

SUBSTITUTE SENATE BILL NO. 5011, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5025, by Senate Committee on Law & Justice (originally sponsored by Rolfes, Billig, Conway, Das, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Pedersen, Saldaña, Salomon, Stanford, Van De Wege, Wellman and C. Wilson)

Concerning the consumer protection improvement act.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Consumer Protection & Business was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 67, March 18, 2021).

Representative Dufault moved the adoption of amendment (450) to the committee striking amendment:

On page 1, after line 29 of the striking amendment, insert the following:

"Sec. 2. RCW 19.86.070 and 1961 c 216 § 7 are each amended to read as follows:

The labor of a human being is not a commodity or article of commerce. Nothing contained in this chapter shall be construed to forbid the existence and

operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof.

This section does not prevent the attorney general or any injured person from bringing a civil action, in accordance with this chapter, against any labor organization for engaging in any unfair or deceptive acts or practices prohibited by RCW 19.86.020."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Representative Riccelli requested a scope and object ruling on amendment (450).

SPEAKER'S RULING

"The bill increases civil penalties for violation of the Consumer Protection Act.

The amendment expands the type of conduct subject to the Consumer Protection Act.

The Speaker therefore finds and rules the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Dufault moved the adoption of amendment (461) to the committee striking amendment:

On page 2, line 10 of the striking amendment, after "RCW 19.86.020" insert ", including labor organizations as described in RCW 19.86.070,"

POINT OF ORDER

Representative Riccelli requested a scope and object ruling on amendment (461).

SPEAKER'S RULING

"The bill increases civil penalties for the violation of the Consumer Protection Act.

The amendment expands the type of entities subject to civil penalties for violation of the Consumer Protection Act.

The Speaker therefore finds and rules the amendment is outside the scope and object of the bill.

The point of order is well taken."

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Kirby spoke in favor of the passage of the bill.

Representatives Dufault and Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5025, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5025, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

SUBSTITUTE SENATE BILL NO. 5025, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5151, by Senate Committee on Ways & Means (originally sponsored by C. Wilson, Das, Kuderer, Nobles and Saldaña)

Concerning foster care and child care licensing by the department of children, youth, and families.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Children, Youth & Families was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Klippert moved the adoption of amendment (559) to the committee striking amendment:

On page 57, beginning on line 17 of the striking amendment, strike all of section 26

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Cody spoke against the adoption of the amendment to the committee striking amendment.

Amendment (559) to the committee striking amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Rule, Dent, Harris-Talley and Corry spoke in favor of the passage of the bill.

Representative McCaslin spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5151, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5151, as amended by the House, and the bill passed the House by the following vote: Yeas, 88; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dye, Klippert, Kraft, McCaslin, McEntire, Stokesbary, Sutherland, Walsh and Young.

SUBSTITUTE SENATE BILL NO. 5151, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, by Senate Committee on Law & Justice (originally sponsored by Dhingra, Das, Hunt, Liias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Stanford and C. Wilson)

Vacating certain convictions.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 74, March 25, 2021).

Representative Klippert moved the adoption of amendment (524) to the committee striking amendment:

Beginning on page 1, line 3, strike all material through "repealed." on page 25, line 35 and insert the following:

"**Sec. 1.** RCW 9.94A.030 and 2020 c 296 s 2, 2020 c 252 s 4, and 2020 c 137 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the

community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640((~~(3)~~)) (4)(b) and 9.96.060((~~(6)~~)) (7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual

enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanant or gross misdemeanant probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the

following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, ((~~26.10,~~)) 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as

payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The

transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(56) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(57) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

((~~(56)~~)) (58) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

((~~(57)~~)) (59) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

((~~(58)~~)) (60) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 2. RCW 9.94A.640 and 2019 c 331 s 3 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.637 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not

guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if:

(a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court;

(b) The offense was a violent offense as defined in RCW 9.94A.030 or crime against persons as defined in RCW 43.43.830, except the following offenses may be vacated if the conviction did not include a firearm, deadly weapon, or sexual motivation enhancement: (i) Assault in the second degree under RCW 9A.36.021; (ii) assault in the third degree under RCW 9A.36.031 when not committed against a law enforcement officer or peace officer; and (iii) robbery in the second degree under RCW 9A.56.210;

(c) The offense is a class B felony and the offender has been convicted of a new crime in this state, another state, or federal court in the ten years prior to the application for vacation;

(d) The offense is a class C felony and the offender has been convicted of a new crime in this state, another state, or federal court in the five years prior to the application for vacation;

(e) The offense is a class B felony and less than ten years have passed since the later of: (i) The applicant's release from community custody; (ii) the applicant's release from full and partial confinement; or (iii) the applicant's sentencing date;

(f) The offense was a class C felony, other than a class C felony described in RCW 46.61.502(6) or 46.61.504(6), and less than five years have passed since the later of: (i) The applicant's release from community custody; (ii) the applicant's release from full and partial confinement; or (iii) the applicant's sentencing date; or

(g) The offense was a felony described in RCW 46.61.502 or 46.61.504.

(3) If the applicant is a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault, the victim or the prosecutor of the county in which the victim was sentenced may apply to the sentencing court or the sentencing court's successor to vacate the victim's record of conviction for a class B or class C felony offense using the process in section 3 of this act. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in section 3 of this act is subject to subsection (4) of this section.

(4)(a) Except as otherwise provided, once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution, and nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040.

(b) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense occurring on or after July 28, 2019, and may be used to establish an ongoing pattern of abuse for purposes of RCW 9.94A.535.

NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A RCW to read as follows:

(1)(a) A victim of sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault may apply to the sentencing court or the sentencing

court's successor to vacate the victim's record of conviction for a class B or class C felony offense.

(b) The prosecutor of a county in which a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault was sentenced for a class B or class C felony offense may exercise discretion to apply to the court on behalf of the state recommending that the court vacate the victim's record of conviction by submitting the information required in subsection (2) of this section. If the court finds the application meets the requirements of subsection (2) of this section, the court may decide whether to grant the application to vacate the record.

(2) In order to vacate a record of conviction for a class B or class C felony offense committed as a result of being a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault, the applicant must meet the following requirements:

(a) Provide an affidavit under penalty of perjury stating the specific facts and circumstances proving, by a preponderance of evidence, that the offense was committed as a result of being a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault;

(b) There are no criminal charges against the applicant pending in any court of this state or another state, or in any federal court for any offense other than prostitution;

(c) If the victim's offense is a class C felony, the offender has not been convicted of a new offense in this state, another state, or federal or tribal court in the five years prior to the vacation application;

(d) If the victim's offense is a class B felony, the offender has not been convicted of a new offense in this state, another state, or federal or tribal court in the 10 years prior to the vacation application;

(e) Provide proof that the crime victim penalty assessment, RCW 7.68.035, has been paid in full; and

(f) If applicable, restitution owed to any victim, excluding restitution owed to any insurance provider under Title 48 RCW, has been paid in full.

(3) An applicant may not have a record of conviction for a class B or class C felony offense vacated if:

(a) The offense was a violent offense as defined in RCW 9.94A.030 or crime against persons as defined in RCW 43.43.830, except the following offenses may be vacated if the conviction did not include a firearm, deadly weapon, or sexual motivation enhancement: (i) Assault in the second degree under RCW 9A.36.021; (ii) assault in the third degree under RCW 9A.36.031 when not committed against a law enforcement officer or peace officer; and (iii) robbery in the second degree under RCW 9A.56.210;

(b) The offense was a felony described in RCW 46.61.502, 46.61.504, or 46.61.5055; or

(c) The offense was promoting prostitution in the first or second degree as described in RCW 9A.88.070 and 9A.88.080.

Sec. 4. RCW 9.96.060 and 2020 c 29 s 18 are each amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), and (5) of this section, an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) The applicant has not completed all of the terms of the sentence for the offense;

(b) There are any criminal charges against the applicant pending in any court of this state or another state, or

in any federal or tribal court, at the time of application;

(c) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(d) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(e) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(f) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family or household member against another or by one intimate partner against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(g) For any offense other than those described in (f) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(h) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

(i) The applicant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) ((~~Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:~~

~~(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or~~

~~(b) The offender has been convicted of another crime, except prostitution, in~~

~~this state, another state, or federal court since the date of conviction. The limitation in this subsection (3)(b) does not apply to convictions where the offender proves by a preponderance of the evidence that he or she committed the crime as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., according to the requirements provided in RCW 9.96.070 for each respective conviction~~)) If the applicant is a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault, or the prosecutor applies on behalf of the state, the sentencing court may vacate the record of conviction if the application satisfies the requirements of section 5 of this act. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in section 5 of this act is subject to subsections (6) and (7) of this section.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Every person convicted of a misdemeanor marijuana offense, who was twenty-one years of age or older at the time of the offense, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. A misdemeanor marijuana offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance. If an applicant qualifies under this subsection, the court shall vacate the record of conviction.

(6) A person who is a family member of a homicide victim may apply to the sentencing court on the behalf of the victim for vacation of the victim's record of conviction for prostitution under RCW 9A.88.030. If an applicant qualifies under this subsection, the court shall vacate the victim's record of conviction.

(7)(a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an

offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, ((~~26.10.220,~~)) 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); or (ii) stalking (RCW 9A.46.110). A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

((~~(7)~~)) (8) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

NEW SECTION. **Sec. 5.** A new section is added to chapter 9.96 RCW to read as follows:

(1)(a) A victim of sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault may apply to the sentencing court or the sentencing court's successor to vacate the applicant's record of conviction for the offense; or

(b) The prosecutor of a county or municipality in which a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault was sentenced for a misdemeanor or gross misdemeanor offense may exercise discretion to apply to the court on behalf of the state recommending that the court vacate the victim's record of conviction by submitting the information required in subsection (2) of this section. If the court finds the application meets the requirements of subsection (2) of this section, the court may decide whether to grant the application to vacate the record.

(2) In order to vacate a record of conviction for a gross misdemeanor or misdemeanor offense committed as a result of being a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault, the applicant must meet the following requirements:

(a) Provide an affidavit, under penalty of perjury, stating the specific facts and circumstances proving, by a preponderance of evidence that the offense was committed as a result of being a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault;

(b) There are no criminal charges against the applicant pending in any court of this state or another state, or in any federal court for any crime other than prostitution;

(c) If the offense is a misdemeanor, the offender has not been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application;

(d) Except where the conviction to be vacated is for the crime of prostitution, prostitution loitering, or stay out of area of prostitution, provide proof that the crime victim penalty assessment, RCW 7.68.035, has been paid in full;

(e) If applicable, restitution owed to any victim, excluding restitution owed to any insurance provider under Title 48 RCW, has been paid in full.

(3) An applicant may not have a record of conviction for a gross misdemeanor or misdemeanor offense vacated if:

(a) The offense was any misdemeanor or gross misdemeanor violation, including

attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(b) The offense was a conviction as described in RCW 46.61.5055; or

(c) The offense was patronizing a prostitute as described in RCW 9A.88.110.

NEW SECTION. **Sec. 6.** RCW 9.96.070 (Vacating records of conviction—Prostitution offenses) and 2017 c 128 s 2 & 2014 c 109 s 2 are each repealed."

Correct the title.

Representatives Klippert and Graham spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives J. Johnson and Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (524) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Frame, Goodman and Graham spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5180, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5180, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dufault, Klippert, Kraft and McCaslin.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5347, by Senators Padden and Pedersen

Concerning member voting methods.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5347.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5347, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5347, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5183, by Senate Committee on Ways & Means (originally sponsored by Nobles, Dhingra, Das, Hasegawa, Hunt, Keiser, Kuderer, Liias, Mullet, Nguyen, Rivers, Salomon, Stanford, Wagoner and C. Wilson)

Concerning victims of nonfatal strangulation.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5183, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5183, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SECOND SUBSTITUTE SENATE BILL NO. 5183, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5214, by Senate Committee on Ways & Means (originally sponsored by Nguyen, Dhingra, Darneille, Das, Frockt, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nobles, Robinson, Stanford and C. Wilson)

Concerning economic assistance programs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5214, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5214, as amended by the House, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Dufault, Dye, Klicker, Kraft, McCaslin, McEntire, Rude, Schmick, Sutherland, Walsh and Young.

SECOND SUBSTITUTE SENATE BILL NO. 5214, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5381, by Senate Committee on Transportation (originally sponsored by Hobbs, Fortunato, King and Warnick)

Addressing fish passage project permit streamlining.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment & Energy was adopted. (For Committee amendment, see Journal, Day 75, March 26, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fitzgibbon, Dye and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5381, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5381, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5381, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5384, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Warnick, Short and L. Wilson)

Concerning volunteer firefighters.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hoff and Bronoske spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5384.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5384, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5384, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5097, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Robinson, Conway, Darneille, Das, Hasegawa, Hunt, Keiser, Liias, Lovelett, Nguyen, Saldaña, Stanford, Van De Wege and C. Wilson)

Expanding coverage of the paid family and medical leave program.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Hoff moved the adoption of amendment (566) to the committee striking amendment:

On page 5, line 23 of the striking amendment, after "includes" strike "any" and insert "an"

On page 5, beginning on line 27 of the striking amendment, after "member"" strike all material through "it" on line 28

Representative Hoff spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Berry spoke against the adoption of the amendment to the committee striking amendment.

Amendment (566) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Berry spoke in favor of the passage of the bill.

Representatives Hoff and Corry spoke against the passage of the bill.

MOTION

Representative Ybarra was excused from the bar.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5097, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5097, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox and Young.

Excused: Representative Ybarra.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5097, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5032, by Senators Hasegawa, Warnick, Kuderer and C. Wilson

Concerning the reauthorization and improvements to alternative public works contracting procedures.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Capital Budget was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Tharinger moved the adoption of amendment (567) to the committee striking amendment:

On page 6, at the beginning of line 3, strike "Collect" and insert "Direct the department of enterprise services to collect"

On page 10, beginning on line 4, after "entities" strike all material through "project" on line 6

On page 10, line 10, after "factors." insert "Evaluation factors must include a proposer's inclusion plan for small business entities and disadvantaged business enterprises as subconsultants, subcontractors, and suppliers for the project, to the extent permitted by law."

On page 15, line 30, after "project" insert ", to the extent permitted by law"

Representatives Tharinger and Steele spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (567) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Tharinger, Steele and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5032, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5032, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5032, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5259, by Senate Committee on Ways & Means (originally sponsored by Nobles, Carlyle, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Pedersen, Randall, Robinson, Saldaña, Stanford, Wellman and C. Wilson)

Concerning law enforcement data collection.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety was not adopted. (For Committee amendment, see Journal, Day 74, March 25, 2021).

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Klippert moved the adoption of amendment (553) to the committee striking amendment:

On page 6, line 10 of the striking amendment, after "officer" insert ", if known"

Representatives Klippert and Goodman spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (553) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5259, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5259, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Chapman.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5259, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5131, by Senator Holy

Concerning county clerks duties related to recall petitions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Volz and Valdez spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5131.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5131, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5131, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1316, by Representatives Cody, Macri, Duerr, Santos, Bateman and Lekanoff

Concerning the hospital safety net assessment.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1316.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1316, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin, McEntire, Orcutt, Sutherland and Walsh.

HOUSE BILL NO. 1316, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5325, by Senate Committee on Health & Long Term Care (originally sponsored by Muzzall, Cleveland, Dozier, Frockt, Keiser, Randall, Rivers and Robinson)

Concerning audio-only telemedicine. Revised for 1st Substitute: Concerning telemedicine.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5325.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5325, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5325, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5372, by Senators Stanford, Warnick, Conway, Hasegawa, Saldaña and J. Wilson

Concerning a hemp processor registration process. (REVISED FOR ENGROSSED: Concerning hemp processor registration and a hemp extract certification.)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kloba and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5372.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5372, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dye and Leavitt.

ENGROSSED SENATE BILL NO. 5372, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5355, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Conway)

Establishing wage liens.

The bill was read the second time.

Representative Walsh moved the adoption of amendment (555):

On page 1, beginning on line 11, after "(1)" strike all material through "(2)" on line 12

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, beginning on line 15, after "(12)" strike all material through "(13)" on line 17

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 2, line 35, after "employer;" insert "and"

On page 2, beginning on line 36, after "(iii)" strike all material through "(iv)" on page 3, line 1

On page 4, beginning on line 14, after "state" strike all material through "intangibles" on line 15

On page 4, beginning on line 34, after "state" strike all material through "intangibles" on line 35

Representatives Walsh and Hoff spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (555) was not adopted.

Representative Hoff moved the adoption of amendment (558):

On page 2, line 28, after "(1)" strike "(a)"

On page 2, at the beginning of line 31, strike "(i)" and insert "(a)"

On page 2, at the beginning of line 33, strike "(ii)" and insert "(b)"

On page 2, at the beginning of line 36, strike "(iii)" and insert "(c)"

On page 3, at the beginning of line 1, strike "(iv)" and insert "(d)"

On page 3, at the beginning of line 4, strike "(b)" and insert "(2)"

On page 3, at the beginning of line 7, strike "(c)" and insert "(3)"

On page 3, beginning on line 8, strike all of subsection (2)

Representatives Hoff and Corry spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (558) was not adopted.

Representative Hoff moved the adoption of amendment (557):

On page 3, line 4, after "(b)" insert "A person does not have a wage lien under this chapter on any real or personal property that is not business-owned.

(c)"

Reletter the remaining subsection consecutively and correct any internal references accordingly.

Representative Hoff spoke in favor of the adoption of the amendment.

Representative Ortiz-Self spoke against the adoption of the amendment.

Amendment (557) was not adopted.

Representative Mosbrucker moved the adoption of amendment (556):

On page 3, line 12, after "(1)" insert "(a) Before establishing a wage lien on any real or personal property under this section, an employee must first:

(i) Utilize the department's or applicable local agency's administrative process to adjudicate the wage claim; or

(ii) Notify the employer of the employee's intent to file a wage lien under this section to provide the employer a 60-day right to cure, from the date of the notification.

(b) If the administrative process has resulted in a citation and notice of assessment against the employer, or if the employer has not cured the wage claim within 60 days of receiving notice under this subsection, the lien claimant may establish a wage lien as provided under this section.

(2)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Mosbrucker, Hoff, Chambers, Mosbrucker (again), Vick and Abbarno spoke in favor of the adoption of the amendment.

Representatives Bronoske and Sells spoke against the adoption of the amendment.

Amendment (556) was not adopted.

Representative Chambers moved the adoption of amendment (563):

On page 3, line 25, after "claimed" insert "and documentation, such as paystubs, attendance rosters, log books, time cards, personal time records, written wage agreements, workplace policies, copies of insufficient checks, or witness statements, that support the wage claim"

On page 4, line 39, after "claimed" insert "and documentation, such as paystubs, attendance rosters, log books, time cards, personal time records, written wage agreements, workplace policies, copies of insufficient checks, or witness statements, that support the wage claim"

On page 5, line 20, after "claimed" insert "and documentation, such as paystubs, attendance rosters, log books, time cards, personal time records, written wage agreements, workplace policies, copies of insufficient checks, or witness statements, that support the wage claim"

Representatives Chambers and Hoff spoke in favor of the adoption of the amendment.

Representative Ortiz-Self spoke against the adoption of the amendment.

Amendment (563) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bronoske, Sells and Berry spoke in favor of the passage of the bill.

Representatives Hoff, Schmick, Barkis, Kraft, Vick, Walsh, Chambers and Corry spoke against the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Simmons was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5355.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5355, and the bill passed the House by the following vote: Yeas, 51; Nays, 46; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Duerr, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Simmons.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5355, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on. ENGROSSED SUBSTITUTE SENATE BILL NO. 5235, and the bill held its place on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SENATE BILL NO. 5048
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5052
SUBSTITUTE SENATE BILL NO. 5073
ENGROSSED SUBSTITUTE SENATE BILL NO. 5119
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121
SENATE BILL NO. 5124
SUBSTITUTE SENATE BILL NO. 5127
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128
SENATE BILL NO. 5132
SENATE BILL NO. 5145
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5163
ENGROSSED SENATE BILL NO. 5164
SENATE BILL NO. 5177
ENGROSSED SUBSTITUTE SENATE BILL NO. 5191
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194
ENGROSSED SUBSTITUTE SENATE BILL NO. 5203
SUBSTITUTE SENATE BILL NO. 5249
SECOND SUBSTITUTE SENATE BILL NO. 5253
SUBSTITUTE SENATE BILL NO. 5258
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5287
SECOND SUBSTITUTE SENATE BILL NO. 5293
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304
SENATE BILL NO. 5312
SUBSTITUTE SENATE BILL NO. 5318
ENGROSSED SUBSTITUTE SENATE BILL NO. 5321
SECOND SUBSTITUTE SENATE BILL NO. 5331
SENATE BILL NO. 5345
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5377
SUBSTITUTE SENATE BILL NO. 5406
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452

There being no objection, the House adjourned until 9:00 a.m., April 7, 2021, the 87th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker
BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTY SEVENTH DAY

House Chamber, Olympia, Wednesday, April 7, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Liz Berry, 36th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

April 5, 2021

Mme. SPEAKER:

The President has signed:

HOUSE BILL NO. 1104,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 6, 2021

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1001,
HOUSE BILL NO. 1009,
HOUSE BILL NO. 1031,
HOUSE BILL NO. 1063,
HOUSE BILL NO. 1087,
HOUSE BILL NO. 1096,
SECOND SUBSTITUTE HOUSE BILL NO. 1148,
ENGROSSED HOUSE BILL NO. 1192,
SUBSTITUTE HOUSE BILL NO. 1276,
ENGROSSED HOUSE BILL NO. 1342,
SUBSTITUTE HOUSE BILL NO. 1445,
SUBSTITUTE HOUSE BILL NO. 1446,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 6, 2021

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5192,
SUBSTITUTE SENATE BILL NO. 5262,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

ESB 5330 by Senators Van De Wege, Salomon, Warnick and C. Wilson

AN ACT Relating to commercial whale watching licenses; and amending RCW 77.65.615.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5401, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Nguyen, Rivers, Cleveland, Das, Dhingra, Gildon, Hasegawa, Holy, Keiser, Kuderer, Liias, Lovelett, Mullet, Saldaña, Stanford, Wellman and C. Wilson)

Authorizing community and technical colleges to offer bachelor degrees in computer science.

The bill was read the second time.

Representative Corry moved the adoption of amendment (578):

On page 2, line 31, after "public" insert "or private"

Representatives Corry, Kraft, Chambers and Klippert spoke in favor of the adoption of the amendment.

Representative Paul spoke against the adoption of the amendment.

Amendment (578) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5401.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5401, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase and McCaslin.

SUBSTITUTE SENATE BILL NO. 5401, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5249, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Nobles, Das, Dhingra, Hasegawa, Kuderer, Nguyen, Saldaña and C. Wilson)

Supporting mastery-based learning.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos, Rude and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5249.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5249, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5249, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5164, by Senators Darneille, Das, Kuderer, Hasegawa, Liias, Saldaña, Salomon and C. Wilson

Resentencing of individuals sentenced as a persistent offender due to a robbery in the second degree conviction.

The bill was read the second time.

Representative Graham moved the adoption of amendment (514):

On page 1, line 7, after "if" strike "a" and insert ":

(a) A"

On page 1, line 9, after "offender" strike "." and insert "; and

(b) The conduct underlying the conviction of robbery in the second degree did not otherwise constitute robbery in the first degree or any other most serious offense.

(2)"

On page 1, line 11, after "If" strike all material through "persistent offender" on line 13 and insert "the

offender qualifies under subsection (1) of this section"

On page 1, at the beginning of line 16, strike "(2)" and insert "(3)"

On page 1, at the beginning of line 17, beginning with "a" strike all material through "offender" on line 19 and insert "the offender qualifies under subsection (1) of this section"

On page 2, at the beginning of line 3, strike "(3)" and insert "(4)"

Representatives Graham and Klippert spoke in favor of the adoption of the amendment.

Representatives Hackney and Goodman spoke against the adoption of the amendment.

Amendment (514) was not adopted.

Representative Klippert moved the adoption of amendment (517):

On page 1, line 14, after "attorney" strike "shall" and insert "may"

On page 1, line 16, after "court" strike "shall" and insert "may"

On page 1, line 19, after "offender and" strike "shall" and insert "may"

On page 1, line 20, after "court" strike "shall" and insert "may"

On page 2, beginning on line 2, after "imposed" strike all material through "2019" on line 8 and insert ", notwithstanding the provisions of RCW 9.94A.345"

Representatives Klippert, Graham and Mosbrucker spoke in favor of the adoption of the amendment.

Representatives Simmons and Goodman spoke against the adoption of the amendment.

Amendment (517) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simmons, Entenman and Hackney spoke in favor of the passage of the bill.

Representatives Graham and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5164.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5164, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SENATE BILL NO. 5164, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5258, by Senate Committee on Ways & Means (originally sponsored by Cleveland, Robinson, Das, Nguyen, Saldaña and C. Wilson)

Concerning consumer directed employers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Ryu was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5258.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5258, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Ryu.

SUBSTITUTE SENATE BILL NO. 5258, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5295, by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle and Short)

Transforming the regulation of gas and electrical companies toward multiyear rate plans and performance-based rate making.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 75, March 26, 2021).

Representative Ramel moved the adoption of amendment (565) to the committee striking amendment:

On page 5, beginning on line 2 of the striking amendment, after "discounts" strike all material through "grants" on line 3 and insert ", grants, or other low-income assistance programs"

On page 5, beginning on line 5 of the striking amendment, after "propose a" strike all material through "low-income customers" on line 8 and insert "low-income assistance program comprised of a discount rate for low-income senior customers and low-income customers as well as grants and other low-income assistance programs. The commission shall approve, disapprove, or approve with modifications each gas or electrical company's low-income assistance discount rate and grant program"

Representatives Ramel and Dye spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (565) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5295, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5295, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft, Sutherland and Young.

Excused: Representative Ryu.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5295, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5251, by Senate Committee on Ways & Means (originally sponsored by Schoesler, Brown, Dozier, Gildon, Honeyford, King and Rolfes)

Modifying tax and revenue laws in a manner that is not estimated to affect state or local tax collections, by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Frame spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5251.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5251, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Ryu.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5251, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5253, by Senate Committee on Ways & Means (originally sponsored by Liias, Warnick, Das, Dhingra, Hasegawa, Hunt, Lovelett, Rolfes, Saldaña, Van De Wege and Wagoner)

Implementing the recommendations of the pollinator health task force.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Rural Development, Agriculture & Natural Resources was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Shewmake, Dent, Chase, Orcutt and Sutherland spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5253, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5253, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Ryu.

SECOND SUBSTITUTE SENATE BILL NO. 5253, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5052, by Senate Committee on Ways & Means (originally sponsored by Keiser, Randall, Cleveland, Conway, Das, Frockt, Hasegawa, Kuderer, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Salomon and C. Wilson)

Concerning the creation of health equity zones.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Stonier spoke in favor of the passage of the bill.

Representatives Schmick and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5052, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5052, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Ryu.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5052, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5030, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Mullet, Wellman, Conway, Darneille, Hasegawa, Kuderer, Liias, Lovelett, Nguyen, Rivers, Salomon and C. Wilson)

Developing comprehensive school counseling programs.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 71, March 22, 2021).

Representative Steele moved the adoption of amendment (574) to the committee striking amendment:

On page 3, line 8 of the striking amendment, after "act." insert "In meeting the requirements of this subsection (1), the office of the superintendent of public instruction shall consult with small school districts and develop guidance for small districts that is appropriate for the staffing resources, school counselor to student ratios, and range of duties performed by school counselors and educational staff associates in small school districts."

Representatives Steele and Santos spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (574) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Ortiz-Self and Ybarra spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5030, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5030, as amended by the House, and the bill passed the House by the following vote: Yeas, 82; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dufault, Dye, Eslick, Graham, Klippert, Kraft, Kretz, McCaslin, McEntire, Robertson, Schmick, Sutherland, Walsh and Young.

SUBSTITUTE SENATE BILL NO. 5030, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Nobles, Das, Dhingra, Frockt, Hasegawa, Liias, Lovelett, Nguyen, Randall, Saldaña, Stanford and C. Wilson)

Expanding access to the college bound scholarship.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Caldier moved the adoption of amendment (629) to the committee striking amendment:

On page 4, line 26 of the striking amendment, after "(a)" strike "(i) Graduate" and insert "Graduate with at least a "C" average"

On page 4, beginning on line 29 of the striking amendment, after "~~have~~))" strike all material through "education" on line 34

Representatives Caldier, Klippert, Volz and Caldier (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Bergquist and Leavitt spoke against the adoption of the amendment to the committee striking amendment.

Amendment (629) to the committee striking amendment was not adopted.

Representative Caldier moved the adoption of amendment (632) to the committee striking amendment:

On page 1, after line 2, strike all material and insert the following:

"NEW SECTION. **Sec. 1.** The legislature enacted the college bound scholarship program in 2007 to encourage all Washington students to dream big by creating a guaranteed four-year tuition scholarship program for students from low-income families. The legislature finds the program has been successful in achieving this goal. A report by the Washington state institute for public policy found that the scholarship increases high school graduation rates, probability of on-time college enrollment, college persistence, and college graduation rates. However, more than one quarter of eligible students are unable to access the scholarship, often because a parent or guardian did not sign the pledge as required by the program. The legislature finds that the parent or guardian signature has become an unintended barrier to entry, a problem made more acute as students are receiving their education remotely during the COVID-19 pandemic and have less access to school teachers, counselors, and peers. Therefore, the legislature intends with this act to remove the parent or guardian signature requirement while retaining the requirement that students maintain a "C" average for consideration of admission to a public or private four-year higher education institution and avoid serious interactions with the criminal justice system for four years. In order to ensure that the legislature will fulfill its promise to provide a scholarship upon graduation, the legislature intends by this act to create a statutory contractual right for students who fulfill scholarship requirements that vests when the student becomes first eligible for the scholarship.

Sec. 2. RCW 28B.118.010 and 2019 c 406 s 44 and 2019 c 298 s 1 are each reenacted and amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the Washington college grant program in chapter 28B.92 RCW unless otherwise provided in this section. The right of an eligible student to receive a college bound scholarship vests upon enrollment in the program that is earned by meeting the requirements of this section as it exists at the time of the student's enrollment.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches or are enrolled at schools using provision 2 of the national school lunch act or the community eligibility provision under section 104(a) of the federal health, hunger-free kids act of 2010.

(i) If a student qualifies in the seventh ((~~or~~)), eighth, or ninth grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter or if the student is no longer enrolled at a school using provision 2 of the national school lunch act or the community eligibility

provision under section 104(a) of the federal health, hunger-free kids act of 2010.

(ii) Beginning in the ((~~2019-20~~)) 2021-22 academic year, if a student qualifies for free or reduced-price lunches in the ((~~ninth~~)) 10th grade and was previously ineligible during the seventh ((~~or~~)), eighth, or ninth grade while he or she was a student in Washington, the student is eligible for the college bound scholarship program;

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school; or

(c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of fourteen and eighteen with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW 74.13A.025.

(2) Eligible students and the students' parents or guardians shall be notified of the student's eligibility for the Washington college bound scholarship program and the requirements for award of the scholarship. ((~~Students and the students' parents or guardians shall also be notified of the requirements for award of the scholarship.~~))

(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a)(i) of this section must sign a pledge during seventh ((~~or~~)), eighth, or ninth grade or a student eligible under subsection (1)(a)(ii) of this section must sign a pledge during ((~~ninth~~)) 10th grade. ((~~The pledge must include a commitment to graduate from high school with at least a C average and with no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.~~)) The pledge must be forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.

(b)((~~(i) Beginning in the 2018-19 academic year, the office of student financial assistance shall make multiple attempts to secure the signature of the student's parent or guardian for the purpose of witnessing the pledge.~~

~~(ii) If the signature of the student's parent or guardian is not obtained, the office of student financial assistance may partner with the school counselor or administrator to secure the parent's or guardian's signature to witness the pledge. The school counselor or administrator shall make multiple attempts via all phone numbers, email addresses, and mailing addresses on record to secure the parent's or guardian's signature. All attempts to contact the parent or guardian must be documented and maintained in the student's official file.~~

~~(iii) If a parent's or guardian's signature is still not obtained, the school counselor or administrator shall indicate to the office of student financial assistance the nature of the unsuccessful efforts to contact the student's parent or guardian and the reasons the signature is not available. Then the school counselor or administrator may witness the pledge unless the parent or guardian has indicated that he or she does not wish for the student to participate in the program.~~

~~(c)~~)) A student eligible under subsection (1)(b) of this section shall be automatically enrolled by the office of student financial assistance, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of ((~~social and health services~~)) children, youth, and families to the office of student financial assistance by mail or electronically, as indicated on the form.

(4)((~~(a) Scholarships shall be awarded to~~)) Except as provided in subsection (5) of this section, an eligible student((~~s graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.~~

~~(b)(i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average~~)) must:

(a) Graduate from a public high school ((~~or~~)) under RCW 28A.150.010, an approved private high school under chapter 28A.195 RCW in Washington, or have received home-

based instruction under chapter 28A.200 RCW((~~, must have~~)) and:

(i) For consideration of admission to a public or private four-year institution of higher education, graduate with at least a "C" average; or

(ii) Enroll directly into a community or technical college with the opportunity to transfer to a public or private four-year institution of higher education;

(b) Have no felony convictions((~~, and must be~~));

(c) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e)((~~. A~~)); and

(d) Have a family income that does not exceed 65 percent of the state median family income at the time of high school graduation.

(5)(a) An eligible student who ((~~is eligible to receive the Washington college bound scholarship because the student~~)) is a resident student under RCW 28B.15.012(2)(e) must also provide the institution, as defined in RCW 28B.15.012, an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses.

((~~(ii)~~)) (b) For eligible ((~~children~~)) students as defined in subsection (1)(b) and (c) of this section, ((~~to receive the Washington college bound scholarship,~~)) a student ((~~must have received~~)) may also meet the requirement in subsection (4)(a) of this section by receiving a high school equivalency certificate as provided in RCW 28B.50.536 ((~~or have graduated with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (e)~~)).

(c) For a student who does not meet the "C" average requirement, and who completes fewer than two quarters in the running start program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining ((~~their eligibility to receive the scholarship~~)) if the requirement in subsection (4)(a) of this section is met.

((~~(5) A student's family income will be assessed upon graduation before awarding the scholarship. If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.~~))

(6)(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

(7) ((~~Recipients~~)) Eligible students must enroll no later than the fall term, as defined by the institution of higher education, one academic year following high school graduation. Eligible students may receive no more than four full-time years' worth of scholarship awards within a five-year period.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) For eligible students who are divested of a college bound scholarship because they are unable to meet the requirement in subsection (4)(d) of this section, those students with a family income of less than 100 percent of the state median family income are entitled to a stipend of $500 for books, materials, and other scholastic expenses annually, renewable for no more than four full-time years.

(11) The eligible student has a property right in the award, but the state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

((~~(11)~~)) (12) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

((~~(12)~~)) (13) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

Sec. 3. RCW 28B.118.040 and 2019 c 298 s 2 are each amended to read as follows:

The office of student financial assistance shall:

(1) With the assistance of the office of the superintendent of public instruction, implement and administer the Washington college bound scholarship program;

(2) Develop and distribute, to all schools with students enrolled in grades seven through nine, a pledge form that can be completed and returned electronically or by mail by the student or the school to the office of student financial assistance;

(3) Develop and implement a ((~~student application, selection, and notification~~)) process for ((~~scholarships~~)) verifying eligibility, which includes working with other state agencies, law enforcement, or the court system to verify that eligible students do not have felony convictions;

(4) Annually in March, with the assistance of the office of the superintendent of public instruction, distribute to ((~~tenth~~)) 11th grade ((~~college bound scholarship~~)) eligible students and their families: (a) Notification that, to qualify for the scholarship, a student's family income may not exceed sixty-five percent of the state median family income at graduation from high school; (b) the current year's value for sixty-five percent of the state median family income; and (c) a statement that a student should consult their school counselor if their family makes, or is projected to make, more than this value before the student graduates;

(5) Develop comprehensive social media outreach with grade-level specific information designed to keep students on track to graduate and leverage current tools such as the high school and beyond plan required by the state board of education and the ready set grad website maintained by the student achievement council;

(6) Track scholarship recipients to ensure continued eligibility and determine student compliance for awarding of scholarships;

(7) Within existing resources, collaborate with college access providers and K-12, postsecondary, and youth-serving organizations to map and coordinate mentoring and advising resources across the state;

(8) Subject to appropriation, deposit funds into the state educational trust fund;

(9) Purchase tuition units under the advanced college tuition payment program in chapter 28B.95 RCW to be owned and held in trust by the office of student financial assistance, for the purpose of scholarship awards as provided for in this section; and

(10) Distribute scholarship funds, in the form of tuition units purchased under the advanced college tuition payment program in chapter 28B.95 RCW or through direct payments from the state educational trust fund, to institutions of higher education on behalf of scholarship recipients identified by the office, as long as recipients maintain satisfactory academic progress.

Sec. 4. RCW 28B.118.090 and 2019 c 406 s 45 and 2019 c 298 s 3 are each reenacted and amended to read as follows:

(1) Beginning January 1, 2015, and at a minimum every year thereafter, the student achievement council and all institutions of higher education eligible to participate in the college bound scholarship program shall ensure data needed to analyze and evaluate the effectiveness of the college bound scholarship program is promptly transmitted to the education data center created in RCW 43.41.400 so that it is available and easily accessible. The data to be reported should include but not be limited to:

(a) The number of enrolled students ((~~who sign up~~)) for the college bound scholarship program in seventh, eighth, ((~~or~~)) ninth, or 10th grade;

(b) The number of college bound scholarship students who graduate from high school;

(c) The number of college bound scholarship students who enroll in postsecondary education;

(d) Persistence and completion rates of college bound scholarship recipients disaggregated by institutions of higher education;

(e) College bound scholarship recipient grade point averages;

(f) The number of college bound scholarship recipients who did not remain eligible and reasons for ineligibility;

(g) College bound scholarship program costs; and

(h) Impacts to the Washington college grant program.

(2) Beginning May 12, 2015, and at a minimum every December 1st thereafter, the student achievement council shall submit student unit record data for the college bound scholarship program applicants and recipients to the education data center.

NEW SECTION. **Sec. 5.** This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. **Sec. 6.** The legislature intends this act to be curative, remedial, and retroactively apply to seventh grade students beginning with the 2019-20 school year.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Caldier, Chambers, Caldier (again), Corry, Ybarra, MacEwen, Abbarno, Graham, Rude, Vick, Sutherland, Barkis, Hoff, Orcutt, Chambers (again), Dufault, Robertson, Harris and Klicker spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Entenman, Pollet, Slatter, Entenman (again), Ortiz-Self and Slatter (again) spoke against the adoption of the amendment to the committee striking amendment.

Amendment (632) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Bergquist, Stonier, Sutherland and Leavitt spoke in favor of the passage of the bill.

Representatives Kraft, Caldier and Chambers spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5321, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5321, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5066, by Senate Committee on Law & Justice (originally sponsored by Dhingra, Das, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Stanford and C. Wilson)

Concerning a peace officer's duty to intervene.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2020).

Representative Walsh moved the adoption of amendment (582) to the committee striking amendment:

On page 1, line 5 of the striking amendment, after "(1)" insert "(a)"

On page 1, after line 12 of the striking amendment, insert the following:

"(b) The legislature intends to recognize that a witnessing peace officer, by definition, experiences a different perspective than an officer who is engaged with a person. As such, the witnessing officer may not hear, see, or feel why an engaged officer chooses to act. Nothing in this section may be interpreted to require a witnessing peace officer to intervene against another peace officer unless the actions of the engaged officer are clearly excessive under the circumstances."

Representative Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Lovick spoke against the adoption of the amendment to the committee striking amendment.

Amendment (582) to the committee striking amendment was not adopted.

Representative Gilday moved the adoption of amendment (584) to the committee striking amendment:

On page 1, at the beginning of line 6 of the striking amendment, insert "identifiable on-duty"

Representative Gilday spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Lovick spoke against the adoption of the amendment to the committee striking amendment.

Amendment (584) to the committee striking amendment was not adopted.

Representative Abbarno moved the adoption of amendment (620) to the committee striking amendment:

On page 1, line 6 of the striking amendment, after "engaging" strike "or attempting to engage"

On page 1, beginning on line 8 of the striking amendment, after "force" strike "or attempted use of excessive force,"

Representative Abbarno spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Ramos spoke against the adoption of the amendment to the committee striking amendment.

Amendment (620) to the committee striking amendment was not adopted.

Representative Robertson moved the adoption of amendment (586) to the committee striking amendment:

On page 1, beginning on line 14 of the striking amendment, after "or" strike "has a good faith reasonable belief" and insert "has firsthand knowledge"

Representative Robertson spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative J. Johnson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (586) to the committee striking amendment was not adopted.

Representative Klippert moved the adoption of amendment (581) to the committee striking amendment:

On page 1, beginning on line 31 of the striking amendment, after "that" strike all material through "agency" on line 32 and insert "is clearly beyond that which is objectively reasonable under the circumstances"

Representative Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (581) to the committee striking amendment was not adopted.

Representative Vick moved the adoption of amendment (605) to the committee striking amendment:

On page 2, after line 5 of the striking amendment, insert the following:

"(6) The requirements in this section constitute a new program and an increased level of service on political subdivisions of the state; therefore, the provisions of RCW 43.135.060 apply."

On page 2, line 8 of the striking amendment, after "(1)" strike "By" and insert "Subject to the availability of amounts appropriated

for this specific purpose, by"

On page 2, line 14 of the striking amendment, after "(2)" strike "By" and insert "Subject to the availability of amounts appropriated

for this specific purpose, by"

On page 2, line 20 of the striking amendment, after "(3)" strike "By" and insert "Subject to the availability of amounts appropriated

for this specific purpose, by"

On page 2, after line 24 of the striking amendment, insert the following:

"(4) The requirements in this section constitute a new program and an increased level of service on political subdivisions of the state; therefore, the provisions of RCW 43.135.060 apply."

Representative Vick spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the committee striking amendment.

Amendment (605) to the committee striking amendment was not adopted.

Representative Jacobsen moved the adoption of amendment (585) to the committee striking amendment:

On page 1, beginning on line 3 of the striking amendment, after "**1.**" strike all material through "2023" on page 2, line 24 and insert "(1) The criminal justice training commission shall convene a work group to make recommendations regarding when a peace officer must intervene or report wrongdoing observed by another peace officer.

(2) The work group must include:

(a) One representative from the superior court judges association;

(b) One representative from the Washington association of prosecuting attorneys;

(c) Two community members with experience in police accountability;

(d) One member who is a police chief or sheriff;

(e) One member who is a law enforcement officer; and

(f) One member of the defense bar.

(3)(a) The work group shall make recommendations regarding:

(i) Elements that should be included in a model policy regarding a peace officer's duty to intervene; and

(ii) Other instances in which a peace officer should be required to report wrongdoing committed by another officer.

(b) In making its recommendations, the work group must consider:

(i) The status of the reporting officer and status of the officer being reported;

(ii) The definition of wrongdoing that should be reported by peace officers;

(iii) The impact of reporting or failure to report on a peace officer's certification; and

(iv) The relation of these issues to collective bargaining.

(4) The work group must report its recommendations to the governor and the appropriate committees of the legislature no later than December 1, 2021.

(5) The work group must operate within existing resources.

(6) This section expires June 30, 2022"

Representative Jacobsen spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (585) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman, J. Johnson and Sutherland spoke in favor of the passage of the bill.

Representatives Klippert, Schmick, Walsh, Graham and Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5066, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5066, as amended by the House, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Goehner, Graham, Hoff, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Schmick, Steele, Vick, Walsh and Ybarra.

SUBSTITUTE SENATE BILL NO. 5066, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5157, by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Wagoner, Dhingra and Nobles)

Providing incentives to reduce involvement by persons with behavioral disorders in the criminal justice system.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 75, March 26, 2021).

Representative Cody moved the adoption of amendment (579) to the committee striking amendment:

On page 3, line 27 of the striking amendment, after "settings;" insert "and"

On page 3, line 30 of the striking amendment, after "incarceration" strike "; and (iii)" and insert ". The authority must set"

On page 3, line 36 of the striking amendment, after "(a)(ii)" strike "and (iii)"

Representatives Cody and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (579) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Schmick, Davis and Eslick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative McCaslin was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5157, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5157, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris,

Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative McCaslin.

SUBSTITUTE SENATE BILL NO. 5157, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5203, by Senate Committee on Health & Long Term Care (originally sponsored by Van De Wege, Carlyle, Frockt, Hasegawa, Keiser, Liias, Nguyen, Randall, Robinson, Salomon, Stanford and C. Wilson)

Producing, distributing, and purchasing generic prescription drugs. Revised for 1st Substitute: Producing, distributing, and purchasing generic prescription drugs. (REVISED FOR ENGROSSED: Producing, distributing, and purchasing generic prescription drugs and distribution or purchase of insulin.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Bateman spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5203, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5203, as amended by the House, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Stokesbary, Sutherland, Vick, Walsh and Wilcox.

Excused: Representative McCaslin.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5203, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5235, by Senate Committee on Housing & Local Government (originally sponsored by Liias, Das, Nguyen, Nobles, Saldaña and C. Wilson)

Increasing housing unit inventory by removing arbitrary limits on housing options.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was not adopted. (For Committee amendment, see Journal, Day 72, March 23, 2021).

With the consent of the House, amendments (616), (484) and (465) were withdrawn.

Representative Shewmake moved the adoption of striking amendment (569):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that local zoning laws can contribute to limiting the housing available for Washingtonians. The legislature finds that reducing these barriers can increase affordable housing options. The legislature finds that accessory dwelling units can be one way to add affordable long-term housing and to provide a needed increase in housing density. However, the legislature finds that research from several cities shows that when accessory dwelling units are built and offered for short-term rental for tourists and business visitors, they may not improve housing affordability. Therefore, it is the intent of the legislature to encourage reducing barriers to accessory dwelling units when

local governments have programs to incentivize or assure that they will be utilized for long-term housing. The legislature finds that owner occupancy requirements may provide an appropriate means for local governments to ensure community impacts of accessory dwelling units are mitigated and allow for relaxation of other requirements, when they are an element of a program to reduce short-term rental of accessory dwelling units. The legislature also intends to remove barriers and restrictions on the number of unrelated occupants permitted to live together, which will provide additional affordable housing options.

Sec. 2. RCW 36.70A.696 and 2020 c 217 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 36.70A.697 and 36.70A.698 unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "County" means any county planning under RCW 36.70A.040.

(5) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

((~~(5)~~)) (6) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

((~~(6)~~)) (7) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

(8) "Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

(9) "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

Sec. 3. RCW 36.70A.697 and 2020 c 217 s 3 are each amended to read as follows:

(1)(a) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698(1) to take effect by July 1, 2021.

((~~(2)~~)) (b) Beginning July 1, 2021, the requirements of RCW 36.70A.698(1):

((~~(a)~~)) (i) Apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

((~~(b)~~)) (ii) Supersede, preempt, and invalidate any local development regulations that conflict with RCW 36.70A.698(1).

(2)(a) Cities and counties must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698(2) within two years of the next applicable deadline for its comprehensive plan to be reviewed under RCW 36.70A.130 after July 1, 2021.

(b) Beginning two years after the next applicable deadline for the review of a county's or city's comprehensive plan under RCW 36.70A.130 after July 1, 2021, the requirements of RCW 36.70A.698(2) apply and take effect in any city or

county that has not adopted or amended ordinances, regulations, or other official controls as required under this section, and preempt any conflicting development regulations.

Sec. 4. RCW 36.70A.698 and 2020 c 217 s 4 are each amended to read as follows:

(1)(a) Except as provided in ((~~subsection[s] (2) and (3) of this section~~)) (b) and (c) of this subsection, through ordinances, development regulations, zoning regulations, and other official controls as required under RCW 36.70A.697(1)(a), cities may not require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop.

((~~(2)~~)) (b) A city may require the provision of off-street parking for an accessory dwelling unit located within one-quarter mile of a major transit stop if the city has determined that the accessory dwelling unit is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.

((~~(3)~~)) (c) A city that has adopted or substantively amended accessory dwelling unit regulations within the four years previous to June 11, 2020, is not subject to the requirements of this ((~~section~~)) subsection (1).

(2) Through ordinances, development regulations, and other official controls adopted or amended as required under RCW 36.70A.697(2):

(a) Cities and counties may not impose or enforce an owner occupancy requirement on any housing or dwelling unit on a lot containing an accessory dwelling unit, unless an accessory dwelling unit on the lot is being offered or used for short-term rental, except that:

(i) Cities and counties may impose and enforce an owner occupancy requirement for the first year after initial occupation of the unit or primary residence following permitting; and

(ii) Cities and counties may impose an owner occupancy requirement for an additional period if such a requirement is supported by findings of the need for such an increased requirement adopted by the city or county after at least two public hearings are held on the proposal, and any ordinance, development regulations, and other official controls finally adopted directly address feedback from the community. Such an additional period of owner occupancy restrictions must be geographically limited, and may not apply to all of the residential zones within the city or county.

(b) Cities and counties may adopt ordinances, development regulations, and other official controls, including the imposition of fees, impact fees, or taxes, or the waiver of taxes, fees, or specific regulations, to encourage use of accessory dwelling units for long-term housing. Cities and counties may only offer such reduced impact fees, deferral of taxes, or other incentives for the development or construction of accessory dwelling units if such units are subject to effective binding commitments or covenants that the units will not be regularly offered for short-term rental and the city or county has a program to audit compliance with such commitments or covenants.

(c) Cities and counties that impose owner occupancy requirements on lots containing accessory dwelling units must provide for a hardship exemption from any owner occupancy requirements applicable to a housing or dwelling unit on the same lot as an accessory dwelling unit. Such an exemption must allow an owner to offer for rental for periods of 30 days or longer a dwelling unit or housing unit as if a dwelling or housing unit on the property was owner occupied, when the owner no longer occupies the primary residence due to age, illness, financial hardship due to the death of a spouse, domestic partner, or co-owner of the property, disability status, the deployment, activation, mobilization, or temporary duty, as those terms are defined in RCW 26.09.004, of a service member of the armed forces, or other such reason that would make the owner occupancy requirement an undue hardship on the owner. A city or county shall develop and implement a process for the review of hardship applications. Any city or county that imposes an owner occupancy requirement on lots containing accessory dwelling units and has not provided a hardship exemption from the requirement through ordinances, development regulations, or other official controls as required by this subsection may not impose or enforce an owner occupancy requirement on any lot containing an

accessory dwelling unit until such time as the city or county has adopted the required hardship exemption, except that an owner-occupancy requirement pursuant to (a) of this subsection (2) may be imposed and enforced if the owner of the lot offers an accessory dwelling unit for short-term rental within the county or if the owner of the lot owns more than three accessory dwelling units within the county.

NEW SECTION. **Sec. 5.** A new section is added to chapter 35.21 RCW to read as follows:

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a city or town may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.

NEW SECTION. **Sec. 6.** A new section is added to chapter 35A.21 RCW to read as follows:

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a code city may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.

NEW SECTION. **Sec. 7.** A new section is added to chapter 36.01 RCW to read as follows:

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or county ordinance, a county may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit."

Correct the title.

Representative Goehner moved the adoption of amendment (573) to the striking amendment (569):

On page 4, beginning on line 7 of the striking amendment, after "rental" strike all material through "county" on line 20

On page 4, beginning on line 22 of the striking amendment, after "including" strike "the imposition of fees, impact fees, or taxes, or"

On page 4, beginning on line 25 of the striking amendment, after "housing." strike all material through "covenants." on line 31

On page 5, beginning on line 14 of the striking amendment, after "exemption" strike all material through "county" on line 18

Representative Goehner spoke in favor of the adoption of the amendment to the striking amendment.

Representative Pollet spoke against the adoption of the amendment to the striking amendment.

Amendment (573) to the striking amendment (569) was not adopted.

Representative Shewmake spoke in favor of the adoption of the striking amendment.

Representative Barkis spoke against the adoption of the striking amendment.

Striking amendment (569) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Pollet spoke in favor of the passage of the bill.

Representatives Goehner, Griffey and Barkis spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5235, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5235, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-

Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representative McCaslin.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5235, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5073, by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Dhingra, Das, Kuderer, Salomon, Warnick and C. Wilson)

Concerning involuntary commitment.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Davis moved the adoption of amendment (643) to the committee striking amendment:

On page 3, beginning on line 21, after "(5)" strike all material through "(6)" on line 27 and insert "((An Indian tribe shall have jurisdiction exclusive to the state as to any involuntary commitment of an American Indian or Alaska Native to an evaluation and treatment facility located within the boundaries of that tribe, unless the tribe has consented to the state's concurrent jurisdiction, or the tribe has expressly declined to exercise its exclusive jurisdiction.

(6)))"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 3, line 35, after "tribe" strike "or" and insert "((or)) and"

On page 6, beginning on line 8, after "(5)" strike all material through "(6)" on line 14 and insert "((An Indian tribe shall have jurisdiction exclusive to the state as to any involuntary commitment of an American Indian or Alaska Native to an evaluation and treatment facility located within the boundaries of that tribe, unless the tribe has consented to the state's concurrent jurisdiction, or the tribe has expressly declined to exercise its exclusive jurisdiction.

(6)))"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 6, line 22, after "tribe" strike "or" and insert "((or)) and"

On page 9, after line 39, insert the following:

"**Sec. 5.** RCW 71.05.203 and 2019 c 325 s 3006 are each amended to read as follows:

(1) The authority and each behavioral health administrative services organization or agency employing designated crisis responders shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator, or a federally recognized Indian tribe if the person is a member of such tribe, to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated crisis responder or designated crisis responder agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator, or a federally recognized Indian tribe if the person is a member of such tribe, who would be eligible to petition under RCW 71.05.201. If the designated crisis responder decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated crisis responder has not taken action to have the person detained, the designated crisis responder or designated crisis responder agency must inform the immediate family member, guardian, or conservator, or a federally recognized Indian tribe if the person is a member of such tribe, who made the request for investigation about the process to petition for court review under RCW 71.05.201 and, to the extent feasible, provide the immediate family member, guardian, or conservator, or a federally recognized Indian tribe if the person is a member of such tribe, with

written or electronic information about the petition process. Information provided to a federally recognized Indian tribe shall be sent to the tribal contact listed in the authority's tribal crisis coordination plan. If provision of written or electronic information is not feasible, the designated crisis responder or designated crisis responder agency must refer the immediate family member, guardian, or conservator, or a federally recognized Indian tribe if the person is a member of such tribe, to a website where published information on the petition process may be accessed. The designated crisis responder or designated crisis responder agency must document the manner and date on which the information required under this subsection was provided to the immediate family member, guardian, or conservator, or a federally recognized Indian tribe if the person is a member of such tribe.

(3) A designated crisis responder or designated crisis responder agency must, upon request, disclose the date of a designated crisis responder investigation under this chapter to an immediate family member, guardian, or conservator, or a federally recognized Indian tribe if the person is a member of such tribe, of a person to assist in the preparation of a petition under RCW 71.05.201."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 122, after line 8, insert the following:

"Sec. 29. RCW 71.34.705 and 2020 c 302 s 80 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, the designated crisis responder or professional person must consider all reasonably available information from credible witnesses and records regarding:

(a) Historical behavior, including history of one or more violent acts; and

(b) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, teachers, school personnel, or others with significant contact and history of involvement with the minor. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the minor, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the minor which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the minor; and

(c) Without treatment, the continued deterioration of the minor is probable.

(4) The authority, in consultation with tribes and in coordination with Indian health care providers and the American Indian health commission of Washington state, shall establish written guidelines by June 30, 2022, for conducting culturally appropriate evaluations of American Indians or Alaska Natives."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 122, at the beginning of line 31, insert ", or a federally recognized Indian tribe if the person is a member of such tribe,"

On page 124, after line 28, insert the following:

"(8) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(9) In any investigation and evaluation of a juvenile under this section in which the designated crisis responder knows, or has reason to know, that the juvenile is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe

within this state, the designated crisis responder shall notify the tribe and the Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230 (2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2."

On page 125, at the beginning of line 9, insert ", or a federally recognized Indian tribe if the person is a member of such tribe,"

On page 126, after line 36, insert the following:

"(7) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(8) In any investigation and evaluation of a juvenile under this section in which the designated crisis responder knows, or has reason to know, that the juvenile is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and the Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230 (2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2."

Correct the title.

Representatives Davis and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (643) to the committee striking amendment was adopted.

Representative Klippert moved the adoption of amendment (615) to the committee striking amendment:

On page 11, beginning on line 5 of the striking amendment, after "period" strike all material through "review" on line 6 and insert "while allowing for review by the court"

On page 12, beginning on line 28 of the striking amendment, after "period" strike all material through "review" on line 29 and insert "while allowing for review by the court"

Representative Klippert and Klippert (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Davis spoke against the adoption of the amendment to the committee striking amendment.

Amendment (615) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (622) to the committee striking amendment:

On page 25, line 7 of the striking amendment, after "treatment;" strike "((~~and~~))" and insert "and"

On page 25, beginning on line 8 of the striking amendment, after "employment" strike all material through "review" on line 9

On page 27, beginning on line 32 of the striking amendment, after "may" strike all material through "Modify" on line 34 and insert "modify"

On page 32, beginning on line 23 of the striking amendment, after "may" strike all material through "Modify" on line 25 and insert "modify"

On page 35, line 35 of the striking amendment, after "treatment;" strike "((~~and~~))" and insert "and"

On page 35, beginning on line 36 of the striking amendment, after "employment" strike all material through "review" on line 37

Representative Walsh and Walsh (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Davis spoke against the adoption of the amendment to the committee striking amendment.

Amendment (622) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Davis, Eslick, Griffey, Sutherland, Barkis and Harris spoke in favor of the passage of the bill.

Representatives Walsh and Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5073, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5073, as amended by the House, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dent, Klippert, Kraft, Kretz, Maycumber, Orcutt, Walsh and Young.

Excused: Representative McCaslin.

SUBSTITUTE SENATE BILL NO. 5073, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5119, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Hasegawa, Mullet, Nguyen, Robinson, Salomon and C. Wilson)

Concerning individuals in custody.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives J. Johnson and Mosbrucker spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5119.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5119, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chapman, Dye, Klicker, Klippert, McEntire, Schmick and Walsh.

Excused: Representative McCaslin.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5119, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128, by Senate Committee on Ways & Means (originally sponsored by Wellman, C. Wilson, Conway, Dhingra, Hunt, Keiser, Lovelett, Nguyen and Saldaña)

Concerning student transportation funding during a local, state, or national emergency.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, Day 71, March 22, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dolan and McEntire spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5128, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5128, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative McCaslin.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5293, by Senate Committee on Ways & Means (originally sponsored by Nobles, Darneille, Das, Dhingra, Hasegawa, Keiser, Lovelett, Nguyen, Rivers, Salomon, Van De Wege and C. Wilson)

Addressing mental health sentencing alternatives.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Davis and Young spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5293.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5293, and the bill passed the House by the following vote: Yeas, 88; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dent, Dufault, Graham, Kraft, McEntire, Vick, Walsh and Ybarra.

Excused: Representative McCaslin.

SECOND SUBSTITUTE SENATE BILL NO. 5293, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SECOND SUBSTITUTE SENATE BILL NO. 5000
SUBSTITUTE SENATE BILL NO. 5009
ENGROSSED SUBSTITUTE SENATE BILL NO. 5024
SUBSTITUTE SENATE BILL NO. 5034
ENGROSSED SUBSTITUTE SENATE BILL NO. 5044
ENGROSSED SUBSTITUTE SENATE BILL NO. 5118
SENATE BILL NO. 5133
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5141
SENATE BILL NO. 5146
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5188
ENGROSSED SUBSTITUTE SENATE BILL NO. 5190
SECOND SUBSTITUTE SENATE BILL NO. 5195
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237
SUBSTITUTE SENATE BILL NO. 5254
SECOND SUBSTITUTE SENATE BILL NO. 5368
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5399
ENGROSSED SUBSTITUTE SENATE BILL NO. 5405
ENGROSSED SUBSTITUTE SENATE BILL NO. 5408

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5022, by Senate Committee on Ways & Means (originally sponsored by Das, Rolfes, Carlyle, Dhingra, Keiser, Kuderer, Liias, Lovelett, Nobles, Nguyen, Pedersen, Saldaña, Salomon, Stanford, Wellman and C. Wilson)

Concerning the management of certain materials to support recycling and waste and litter reduction. Revised for 2nd Substitute: Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and requiring recycled content in plastic beverage containers. (REVISED FOR ENGROSSED: Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and addressing plastic packaging.)

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was not adopted. (For Committee amendment, see Journal, Day 74, March 25, 2021).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Fitzgibbon moved the adoption of amendment (638) to the committee striking amendment:

On page 6, line 37, after "April 1," strike "2027" and insert "2029"

On page 10, line 4, after "subsection" insert "or to temporarily exclude covered products from minimum postconsumer recycled content requirements under subsection (8) of this section"

On page 10, line 6, after "(8)" insert "The department must temporarily exclude from minimum postconsumer recycled content requirements for the upcoming year any types of covered products in plastic containers for which a producer annually demonstrates to the department by December 31st of a given year that the achievement of postconsumer recycled content requirements in the container material is not technically feasible in order to comply with health or safety requirements of federal law, including the federal laws specified in subsection (7)(b)(v) of this section. A producer must continue to register and report consistent with the requirements of this chapter for covered products temporarily excluded from minimum postconsumer recycled content requirements under this subsection.

(9)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 13, line 7, after "(4)" insert "For the purposes of determining compliance with the postconsumer recycled content requirements of this chapter, the department may consider the date of manufacture of a covered product or the container of a covered product.

(5)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 16, line 32, after "association;" strike "and"

On page 16, line 34, after "retailer" insert ";

(ee) A representative from a national consumer electronics association; and

(ff) A representative from the personal care products industry"

On page 17, line 14, after "of" insert "expanded polystyrene"

On page 20, line 13, after "and" insert "restrictions on the provision of"

On page 21, after line 19, insert the following:

"(3) This section expires July 1, 2029."

On page 23, line 7, after "covered products" insert "or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements"

On page 24, line 35, after "provision," insert "sections 5 and 6 of this act, which shall be credited to the recycling enhancement account created in section 13 of this act,"

Representatives Fitzgibbon and Dye spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (638) to the committee striking amendment was adopted.

Representative Dye moved the adoption of amendment (645) to the committee striking amendment:

On page 7, beginning on line 5, after "(i)" strike all material through "products." on line 19 and insert "Prepare an annual workload analysis for public comment that identifies the annual costs it expects to incur to implement, administer, and enforce this section and sections 4 through 7 and 12(1), (2), and (4) of this act, including rule making, in the next fiscal year for each category of covered products;

(ii) Determine a total annual fee payment by producers or their third-party representatives for each category of covered products that is adequate to cover, but not exceed, the workload identified in (a)(i) of this subsection;

(iii) Until rules are adopted under (a)(iv) of this subsection, issue a general order to all entities falling within the definition of producer. The department must equitably determine fee amounts for an individual producer or third-party representatives within each category of covered product;

(iv) By 2024, adopt rules to equitably determine annual fee payments by producers or their third-party representatives within each category of covered product. Once such rules are adopted, the general order issued under (a)(iii) of this subsection is no longer effective; and

(v) Send notice to producers or their third-party representatives of fee amounts due consistent with either the general order issued under (a)(iii) of this subsection or rules adopted under (a)(iv) of this subsection."

On page 7, line 28, after "submit a" insert "fee"

Representatives Dye and Fitzgibbon spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (645) to the committee striking amendment was adopted.

Representative Dye moved the adoption of amendment (621) to the committee striking amendment:

On page 7, beginning on line 3, after "(3)" strike all material through "subsection." on line 29 and insert "Any fiscal impact on the department that results from the implementation, administration, or enforcement of this section, sections 4 through 7 of this act, and section 12 (1), (2), and (4) of this act must be paid for out of funds that are appropriated by the legislature from the model toxics control operating account."

Beginning on page 20, line 33, strike all of section 14

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Dye spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the committee striking amendment.

Amendment (621) to the committee striking amendment was not adopted.

Representative Klicker withdrew amendments (580) and (640).

Representative Dye moved the adoption of amendment (570) to the committee striking amendment:

Beginning on page 16, line 39, after "2024," strike all material through "(i) A" on page 17, line 3, and insert "it is prohibited to sell or distribute in or into Washington state an expanded polystyrene"

On page 17, beginning on line 8, after "establishment" strike "; and

(ii) Food" and insert ".

(b) Beginning June 1, 2026, it is prohibited to sell or distribute in or into Washington state expanded polystyrene food"

Reletter the remaining subsection consecutively and correct any internal references accordingly.

On page 17, line 11, after "subsection" strike "(1)(a)(ii)" and insert "(1)(b)"

Representative Dye spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Berry spoke against the adoption of the amendment to the committee striking amendment.

Amendment (570) to the committee striking amendment was not adopted.

Representative Dye moved the adoption of amendment (576) to the committee striking amendment:

On page 17, line 18, after "(2)" insert "The prohibitions in subsection (1)(b) of this section do not apply to expanded polystyrene food service products that are manufactured with the following annual minimum postconsumer recycled content levels:

(a) Between 2024 and 2030, no less than 25 percent postconsumer recycled content by weight;

(b) Between 2030 and 2035, no less than 50 percent postconsumer recycled content by weight; and

(c) After 2035, no less than 75 percent postconsumer recycled content by weight.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Dye spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Berry spoke against the adoption of the amendment to the committee striking amendment.

Amendment (576) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Berry spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5022, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5022, as amended by the House, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chandler, Chase, Dent, Dufault, Dye, Gilday, Klicker, Klippert, Kraft, Kretz, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Stokesbary, Sutherland, Walsh, Wilcox, Ybarra and Young.

Excused: Representative McCaslin.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5022, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5399, by Senate Committee on Ways & Means (originally sponsored by Randall, Cleveland, Das, Dhingra, Frockt, Hunt, Kuderer, Liias, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Stanford, Van De Wege, Wellman and C. Wilson)

Concerning the creation of a universal health care commission.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Macri spoke in favor of the passage of the bill.

Representatives Schmick and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5399, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5399, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis,

Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative McCaslin.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5399, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5051, by Senate Committee on Ways & Means (originally sponsored by Pedersen, Dhingra, Darneille, Hunt, Kuderer, Liias, Lovelett, Mullet, Nguyen, Salomon, Stanford, Wellman and C. Wilson)

Concerning state oversight and accountability of peace officers and corrections officers.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was not adopted. (For Committee amendment, see Journal, Day 73, March 24, 2021).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

With the consent of the House, amendments (593) and (617) were withdrawn.

Representative Walsh moved the adoption of amendment (604) to the committee striking amendment:

On page 4, beginning on line 15 of the striking amendment, after "on" strike "a preponderance of the" and insert "clear, cogent, and convincing"

On page 29, beginning on line 38 of the striking amendment, after "commission is" strike all material through "of the" on line 39 and insert "clear, cogent, and convincing"

Representatives Walsh, Hoff and Walsh (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Ramos and Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (604) to the committee striking amendment was not adopted.

Representative Robertson moved the adoption of amendment (603) to the committee striking amendment:

On page 4, beginning on line 23 of the striking amendment, after "state" strike all material through "responsibilities" on line 33

On page 9, line 32 of the striking amendment, after "reserve officer," insert "a specially commissioned Washington peace officer, a limited authority Washington peace officer,"

On page 10, line 16 of the striking amendment, after "reserve officer," insert "specially commissioned Washington peace officer, limited authority Washington peace officer,"

On page 39, after line 37 of the striking amendment, insert the following:

"Sec. 31. RCW 43.43.837 and 2019 c 470 s 12 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or

who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for applicant and service providers providing foster care as required in RCW 74.15.030.

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families; and

(f) Services in, or to residents of, a secure facility under RCW 71.09.115.

(8) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for

conducting fingerprint-based background checks.

(9) Department of children, youth, and families service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(10) The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(11) As a condition of hiring and continuing employment, any person employed as security by a public institution of higher education as defined in RCW 28B.10.016 and any person employed for the purpose of providing security in the K-12 Washington state public school system as defined in RCW 28A.150.010 must undergo a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation.

(12) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW 71.09.020.

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and

families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered. "Service provider" does not include those certified under *chapter 70.96A RCW."

Representatives Robertson, Robertson (again) and Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (603) to the committee striking amendment was not adopted.

Representative Rude moved the adoption of amendment (602) to the committee striking amendment:

On page 13, beginning on line 12 of the striking amendment, after "(iv)" strike all material through "(v)" on line 13

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 15, beginning on line 5 of the striking amendment, beginning with "The peace" strike all material through "login information." on line 8

On page 35, beginning on line 20 of the striking amendment, strike all of section 24

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Rude, Chambers and Sutherland spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative J. Johnson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (602) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (614) to the committee striking amendment:

On page 14, beginning on line 4 of the striking amendment, after "(viii)" strike all material through "by" on line 7 and insert "((~~Any other~~)) Except as otherwise provided in this section, any test or assessment to be administered as part of the background investigation shall be administered in compliance with the standards established in rules of"

Representatives Young and Goodman spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (614) to the committee striking amendment was adopted.

Representative Dye moved the adoption of amendment (600) to the committee striking amendment:

On page 16, line 32 of the striking amendment, after "commission" strike "must" and insert "may"

Representatives Dye and Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives J. Johnson and Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (600) to the committee striking amendment was not adopted.

Representative Chambers moved the adoption of amendment (597) to the committee striking amendment:

On page 18, line 18 of the striking amendment, after "(f)" strike "Committed" and insert "Was found following an investigation to have committed"

Representatives Chambers and Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (597) to the committee striking amendment was not adopted.

Representative Abbarno moved the adoption of amendment (598) to the committee striking amendment:

On page 18, beginning on line 30 of the striking amendment, after "felony" strike ", without regard to conviction"

Representatives Abbarno and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hackney spoke against the adoption of the amendment to the committee striking amendment.

Amendment (598) to the committee striking amendment was not adopted.

Representative Griffey moved the adoption of amendment (619) to the committee striking amendment:

On page 19, beginning on line 13 of the striking amendment, after "retraining" strike all material through "both" on line 14

On page 19, line 31 of the striking amendment, after "suspension" strike "or period of probation"

On page 19, line 35 of the striking amendment, after "suspension" strike "or probation"

On page 33, line 2 of the striking amendment, after "certificate" strike ", to place on probation,"

Representatives Griffey and Maycumber spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Ramos and Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (619) to the committee striking amendment was not adopted.

Representative Lekanoff moved the adoption of amendment (583) to the committee striking amendment:

On page 25, line 3 of the striking amendment, after "commission." insert "To ensure clarity regarding the requirements with which the tribal government and its police officers must comply should the tribal government request certification, a tribal government may first request consultation with the commission."

Representatives Lekanoff and Mosbrucker spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (583) to the committee striking amendment was adopted.

Representative Goodman moved the adoption of amendment (628) to the committee striking amendment:

On page 38, after line 9 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 28.** No later than December 1, 2021, the criminal justice training commission shall submit a written report to the governor and the appropriate committees of the legislature detailing the following:

(1) The average total number of peace officers each year who must complete the basic law enforcement academy training and the certification process without delay in order to begin work as full-time officers;

(2) The other categories of officers, and the average total number of such officers, who must complete the basic law enforcement academy training, the certification process, or both, prior to being authorized to enforce the criminal laws of this state on a part-time, as called-upon, or volunteer basis;

(3) Recommendations for amendments to update and align definitions and categorization of types officers as set forth in statute and administrative rule, to eliminate ambiguity or inconsistencies and provide better clarity for law enforcement agencies, the criminal justice training commission, and the public as to the different types of officers, their authority, and their obligations to fulfill the requirements of chapter 43.101 RCW and other chapters;

(4) The current backlog for admission to the basic law enforcement academy and the approach taken by the criminal justice training commission to prioritize admission to training when there is insufficient capacity to meet the demand;

(5) The current and projected need for the number of basic law enforcement academy classes in order to meet the requirements of chapter 43.101 RCW and other chapters, and recommended funding to meet the projected need; and

(6) Any other related recommendations."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Goodman and Mosbrucker spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (628) to the committee striking amendment was adopted.

Representative Corry moved the adoption of amendment (635) to the committee striking amendment:

On page 39, after line 37 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 31.** The changes in this act, including but not limited to those that will result in additional costs to local governments to cooperate with commission investigations, provide overtime staffing and service coverage for suspended officers, and acquire additional space, staff, or technology to accommodate expanded records retention and disclosure requirements, constitute a new program or increased level of service on political subdivisions of the state, and the provisions of RCW 43.135.060 apply."

Representative Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the committee striking amendment.

Amendment (635) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Goodman, Thai and J. Johnson spoke in favor of the passage of the bill.

Representatives Klippert, Mosbrucker, Maycumber, Griffey and Wilcox spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5051, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5051, as amended by the House, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative McCaslin.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5051, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5040, by Senators Fortunato, Lovelett and J. Wilson

Enhancing litter control along state highways.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment & Energy was adopted. (For Committee amendment, see Journal, Day 75, March 26, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dye and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5040, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5040, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz,

Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Ramos.

Excused: Representative McCaslin.

SENATE BILL NO. 5040, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5405, by Senate Committee on Ways & Means (originally sponsored by Hasegawa, Conway, Liias, Nguyen, Saldaña and C. Wilson)

Instructing the joint legislative audit and review committee to perform racial equity analyses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Valdez spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5405.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5405, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative McCaslin.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5405, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., April 8, 2021, the 88th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTY EIGHTH DAY

House Chamber, Olympia, Thursday, April 8, 2021

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Tana Senn, 41st Legislative District.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4627, by Representatives Senn, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

WHEREAS, On Yom HaShoah, or Holocaust Remembrance Day, we remember the six million Jews who perished alongside millions of other innocent victims: Persons with disabilities, LGBTQ+ individuals, Roma, and others, systematically murdered by the Nazis and their collaborators in one of the most heinous campaigns in human history; and

WHEREAS, We stand in solidarity with the Jewish people and remember the victims, survivors, and liberators, many within our own Washington communities, who, having borne witness to the depths of evil, remind us of the vital refrain: "Never Again;" and

WHEREAS, We must ensure the horrors of the Holocaust can never be erased from our collective memory in order to prevent a tragedy like the Holocaust from happening again; and

WHEREAS, We reiterate the importance of teaching about the Holocaust and gratefully acknowledge the valuable resource in the Holocaust Center for Humanity and its trove of local survivor speakers and stories; and

WHEREAS, Each new generation should never forget the urgency to speak out whenever they witness anti-Semitism or any form of ethnic and religious hatred, racism, homophobia, or xenophobia; what is possible when governments back policies fueled by hatred and we dehumanize groups of people; and when ordinary people decide that it is easier to look away or go along than to speak out, for silence in the face of such bigotry is complicity; and

WHEREAS, Pursuant to an Act of Congress, the United States Holocaust Memorial Council designated the Days of Remembrance of the victims of the Holocaust to be Sunday, April 8 through Sunday, April 15, including the Day of Remembrance, known as Yom HaShoah;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize April 8, 2021, Holocaust Remembrance Day.

There being no objection, HOUSE RESOLUTION NO. 4627 was adopted.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

April 7, 2021

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1061,
SUBSTITUTE HOUSE BILL NO. 1166,
HOUSE BILL NO. 1167,
SUBSTITUTE HOUSE BILL NO. 1170,
SUBSTITUTE HOUSE BILL NO. 1225,
SUBSTITUTE HOUSE BILL NO. 1301,
SUBSTITUTE HOUSE BILL NO. 1302,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1382,
SUBSTITUTE HOUSE BILL NO. 1455,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

2SSB 5192 by Senate Committee on Ways & Means (originally sponsored by Das, Lovelett, Carlyle, Kuderer, Nguyen and C. Wilson)

AN ACT Relating to supporting access to electric vehicle supply equipment; amending RCW 19.94.010, 19.94.175, 19.94.190, 19.94.517, and 46.08.185; adding new sections to chapter 19.94 RCW; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Appropriations.

SSB 5262 by Senate Committee on Ways & Means (originally sponsored by Liias, Warnick and Saldaña)

AN ACT Relating to broadening the eligibility requirements and extending the expiration date for the data center tax incentive; amending RCW 82.08.986 and 82.12.986; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5132, by Senators Pedersen, Padden and Mullet

Concerning trusts and estates.

The bill was read the second time.

Representative Gilday moved the adoption of amendment (662):

On page 5, line 30, after "turpitude;" insert "and"

On page 5, beginning on line 31, strike all of subsection (b)

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 5, after line 34, insert the following:

"(3) An individual who is an heir, beneficiary, or otherwise has an interest in testator's estate may serve as a qualified custodian, unless the gift conferred to the individual exceeds the share of the estate that would be distributed to the individual if the will were not established."

Representative Gilday spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (662) was not adopted.

Representative Abbarno moved the adoption of amendment (660):

On page 6, after line 11, insert the following:

"(2) Actual knowledge of a later will relieves a qualified custodian of compliance with subsection (1) of this section."

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representative Abbarno spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (660) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Gilday spoke in favor of the passage of the bill.

Representatives Sutherland, McCaslin and Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5132.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5132, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel,

Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dye, Jacobsen, Klippert, Kraft, McCaslin, McEntire, Mosbrucker, Schmick, Sutherland and Walsh.

SENATE BILL NO. 5132, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5118, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Hasegawa, Liias, Mullet, Nguyen, Saldaña and C. Wilson)

Supporting successful reentry.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children, Youth & Families was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Senn spoke in favor of the passage of the bill.

Representatives Dent and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5118, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5118, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Chase, Dent, Dufault, Dye, Eslick, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5118, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5158, by Senators Hawkins, Rolfes, Saldaña, Van De Wege and Wagoner

Concerning the utility wildland fire prevention advisory committee.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Rural Development, Agriculture & Natural Resources was adopted. (For Committee amendment, see Journal, Day 74, March 25, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Shewmake and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5158, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5158, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SENATE BILL NO. 5158, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5370, by Senate Committee on Behavioral Health

Subcommittee to Health & Long Term Care (originally sponsored by Keiser, Dhingra, Saldaña and C. Wilson)

Updating mental health advance directive laws.

The bill was read the second time.

With the consent of the House, amendment (536) was withdrawn.

Representative Rule moved the adoption of amendment (647):

On page 12, line 4, after "(9)" insert "An agent's authority terminates when an action is filed for the dissolution or annulment of the agent's marriage to the principal or for their legal separation, or an action is filed for dissolution or annulment of the agent's state registered domestic partnership with the principal or for their legal separation.

(10)"

On page 34, beginning on line 3, after **"C."** strike all material through **"D."** on line 6

On page 34, at the beginning of line 8, strike **"E."** and insert **"D."**

On page 34, at the beginning of line 11, strike **"F."** and insert **"E."**

Representatives Rule and Gilday spoke in favor of the adoption of the amendment.

Amendment (647) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Hansen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5370, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5370, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Chase, Dent, Dufault, Dye, Graham, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Schmick, Vick, Walsh and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5370, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, by Senate Committee on Law & Justice (originally sponsored by Frockt, Pedersen, Das, Hasegawa, Hunt, Kuderer, Liias, Saldaña, Wellman and C. Wilson)

Concerning defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony.

The bill was read the second time.

Representative Abbarno moved the adoption of amendment (564):

On page 1, line 14, after "(2)" strike "In" and insert "Except as provided in subsection (3) of this section, in"

On page 1, after line 20, insert the following:

"(3) In an action arising out of law enforcement activities resulting in personal injury or death, if the person injured or killed was armed with a dangerous weapon, it is a complete defense to the action that the person injured or killed was engaged in the commission of a felony at the time of the occurrence causing the injury or death and the felony was a proximate cause of the injury or death.

(4) For purposes of this section, "dangerous weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slungshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Graham moved the adoption of amendment (618) to amendment (564):

On page 1, beginning on line 6 of the amendment, after "death," strike "if the person injured or killed was armed with a dangerous weapon,"

On page 1, beginning on line 10 of the amendment, after "death" insert ", if the person injured or killed was:

(a) Armed with a dangerous weapon;

(b) Engaged in the commission or attempted commission of murder as defined in RCW 9A.32.030 or 9A.32.050;

(c) Engaged in the commission or attempted commission of rape as defined in RCW 9A.44.040, 9A.44.050, 9A.44.060, or rape of a child as defined in RCW 9A.44.073, 9A.44.076, or 9A.44.079; or

(d) Engaged in the commission or attempted commission of assault in the first degree as defined in RCW 9A.36.011, or assault of a child in the first degree as defined in RCW 9A.36.120"

Representative Graham spoke in favor of the adoption of the amendment to the amendment.

Representative Hansen spoke against the adoption of the amendment to the amendment.

Amendment (618) to amendment (564) was not adopted.

Representative Abbarno spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (564) was not adopted.

Representative Klippert moved the adoption of amendment (466):

On page 1, beginning on line 16, after "determined" strike "beyond a reasonable doubt" and insert "by a preponderance of the evidence"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (466) was not adopted.

Representative Walsh moved the adoption of amendment (560):

On page 2, after line 2, insert the following:

"(4) In an action arising out of law enforcement activities resulting in personal injury or death, if the plaintiff obtains a judgment in their favor that awards any sum of money to the plaintiff, 50 percent of the award must be paid into the Washington crime victims' compensation fund established pursuant to chapter 7.68 RCW."

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Simmons spoke against the adoption of the amendment.

Amendment (560) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Simmons spoke in favor of the passage of the bill.

Representatives Walsh and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5263.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5263, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele,

Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5408, by Senate Committee on Law & Justice (originally sponsored by Stanford, Das, Dhingra, Hasegawa, Kuderer, Lovelett, Nguyen, Randall, Robinson, Rolfes, Saldaña and Wellman)

Concerning the homestead exemption.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was not adopted. (For Committee amendment, see Journal, Day 81, April 1, 2021).

There being no objection, the committee striking amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 81, April 1, 2021).

Representative Gilday moved the adoption of amendment (649) to the committee striking amendment:

On page 2, line 19 of the striking amendment, after "The" strike "county"

On page 2, at the beginning of line 20 of the striking amendment, insert "most populous county in the state in the"

On page 2, on line 27 of the striking amendment, after "the" strike "county"

On page 2, on line 28 of the striking amendment, after "home" insert "in the most populous county in the state"

Representatives Gilday and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hansen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (649) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Hansen, Walsh and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5408, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5408, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault and McCaslin.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5408, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5124, by Senators Cleveland and Rivers

Concerning the practice of colon hydrotherapy.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5124.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5124, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris,

Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5124, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, by Senate Committee on Law & Justice (originally sponsored by Padden, Pedersen, Brown, Gildon, Holy, Mullet, Short and Van De Wege)

Reducing barriers to condominium construction.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 75, March 26, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

MOTION

Representative Taylor was excused from the bar.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Taylor.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Dhingra, Hasegawa, Mullet, Nguyen and C. Wilson)

Expanding eligibility for the graduated reentry program.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Mosbrucker moved the adoption of amendment (674) to the committee striking amendment:

On page 1, line 13 of the striking amendment, after "least" strike "six" and insert "12"

On page 1, line 16 of the striking amendment, after "final" strike "five" and insert "six"

On page 1, line 25 of the striking amendment, after "least" strike "four" and insert "12"

On page 1, line 28 of the striking amendment, after "final" strike "18" and insert "12"

On page 2, line 16 of the striking amendment, after "community." insert "When determining whether an offender's placement in the graduated reentry program is appropriate, the department shall:

(a) Ensure that the offender has served at least twelve months in total confinement in a state correctional institution;

(b) Conduct an individualized risk assessment of the offender; and

(c) Make an individualized determination that the identified programming and treatment needs of the

offender are available to the offender in the community to which the offender would be released."

On page 4, line 23 of the striking amendment, after "final" strike "five" and insert "six"

On page 4, line 28 of the striking amendment, after "least" strike "four" and insert "12"

On page 4, at the beginning of line 30 of the striking amendment, strike "18" and insert "12"

Representative Mosbrucker spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (674) to the committee striking amendment was not adopted.

Representative Klippert moved the adoption of amendment (554) to the committee striking amendment:

On page 1, line 14 of the striking amendment, after "facility" insert ", has stable housing, has paid employment or acceptance to a career advancing education program outside the facility, and, if serving a term of confinement for a drug offense, is participating in a drug treatment program"

Representative Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (554) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Sutherland spoke in favor of the passage of the bill.

Representatives Mosbrucker and Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5121, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5121, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5254, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Salomon, Darneille, Frockt, Hasegawa, Keiser, Saldaña, Stanford and C. Wilson)

Concerning the use of protective devices and equipment during a public health emergency.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5254.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5254, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick,

Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

SUBSTITUTE SENATE BILL NO. 5254, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5190, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Holy, Frockt, Conway, Hasegawa, Honeyford, Keiser, King, Lovelett, Randall, Salomon, Van De Wege, Warnick, C. Wilson and J. Wilson)

Providing health care workers with presumptive benefits during a public health emergency.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Labor & Workplace Standards was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

With the consent of the House, amendment (548) was withdrawn.

Representative Hoff moved the adoption of amendment (669) to the committee striking amendment:

On page 15, at the beginning of line 10 of the striking amendment, strike "clear and convincing" and insert "a preponderance of the"

Representative Hoff withdrew amendment (669).

Representative Berry moved the adoption of amendment (661) to the committee striking amendment:

On page 15, beginning on line 37 of the striking amendment, strike all of subsection (5)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Berry and Hoff spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (661) to the committee striking amendment was adopted.

Representative Hoff moved the adoption of amendment (668) to the committee striking amendment:

On page 17, beginning on line 9 of the striking amendment, strike all of section 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Hoff and Sells spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (668) to the committee striking amendment was adopted.

Representative Abbarno moved the adoption of amendment (666) to the committee striking amendment:

On page 18, beginning on line 16 of the striking amendment, strike all of section 8

Renumber the remaining section consecutively and correct any internal references accordingly.

Representatives Abbarno and Sells spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (666) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Berry and Volz spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5190, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5190, as amended by the House, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chase, Dent, Dufault, Dye, Eslick, Hoff, Klippert, Kraft, McCaslin, Schmick, Stokesbary, Sutherland and Vick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5190, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5377, by Senate Committee on Ways & Means (originally sponsored by Frockt, Keiser, Conway, Das, Dhingra, Hunt, Kuderer, Liias, Lovelett, C. Wilson, Nguyen, Pedersen, Saldaña and Salomon)

Increasing affordability of standardized plans on the individual market.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was not adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Cody moved the adoption of striking amendment (664):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.71 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a premium assistance and cost-sharing reduction program is hereby established to be administered by the exchange.

(2) Premium assistance and cost-sharing reduction amounts must be established by the exchange within parameters established in the omnibus appropriations act.

(3) The exchange must establish, consistent with the omnibus appropriations act:

(a) Procedural requirements for eligibility and continued participation in any premium assistance program or cost-sharing program established under this section, including participant documentation requirements that are necessary to administer the program; and

(b) Procedural requirements for facilitating payments to carriers.

(4) Subject to the availability of amounts appropriated for this specific purpose, an individual is eligible for premium assistance and cost-sharing reductions under this section if the individual:

(a)(i) Is a resident of the state;

(ii) Has income that is up to an income threshold determined through appropriation or by the exchange if no income threshold is determined through appropriation;

(iii) Is enrolled in a silver or gold standard plan offered in the enrollee's county of residence;

(iv) Applies for and accepts all federal advance premium tax credits for which they may be eligible before receiving any state premium assistance;

(v) Applies for and accepts all federal cost-sharing reductions for which they may be eligible before receiving any state cost-sharing reductions;

(vi) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; and

(vii) Meets any other eligibility criteria established by the exchange; or

(b) Meets alternate eligibility criteria as established in the omnibus appropriations act.

(5)(a) The exchange may disqualify an individual from receiving premium assistance or cost-sharing reductions under this section if the individual:

(i) No longer meets the eligibility criteria in subsection (4) of this section;

(ii) Fails, without good cause, to comply with any procedural or documentation requirements established by the exchange in accordance with subsection (3) of this section;

(iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an issuer rescinds the individual's policy for the qualified health plan.

(b) The exchange must develop a process for an individual to appeal a premium assistance or cost-sharing assistance eligibility determination from the exchange.

(6) Prior to establishing or altering premium assistance or cost-sharing reduction amounts, eligibility criteria, or procedural requirements under this section, the exchange must:

(a) Publish notice of the proposal on the exchange's website and provide electronic notice of the proposal to any person who has requested such notice. The notice must include an explanation of the proposal, the date, time, and location of the public hearing required in (b) of this subsection, and instructions and reasonable timelines to submit written comments on the proposal;

(b) Conduct at least one public hearing no sooner than 20 days after publishing the notice required in (a) of this subsection; and

(c) Publish notice of the finalized premium assistance or cost-sharing reduction amounts, eligibility criteria, or procedural requirements on the exchange's website and provide the notice electronically to any person who has requested it. The notice must include a detailed description of the finalized premium assistance or cost-sharing reduction amounts, eligibility criteria, or procedural requirements and a description and explanation of how they vary from the initial proposal.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Advance premium tax credit" means the premium assistance amount determined in accordance with the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(b) "Income" means the modified adjusted gross income attributed to an individual for purposes of determining his or her eligibility for advance premium tax credits.

(c) "Standard plan" means a standardized health plan under RCW 43.71.095.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.71 RCW to read as follows:

(1) The exchange, in close consultation with the authority and the office of the insurance commissioner, must explore all opportunities to apply to the secretary of health and human services under 42 U.S.C. Sec. 18052 for a waiver or other available federal flexibilities to:

(a) Receive federal funds for the implementation of the premium assistance or cost-sharing reduction programs established under section 1 of this act;

(b) Increase access to qualified health plans; and

(c) Implement or expand other exchange programs that increase affordability of or access to health insurance coverage in Washington state.

(2) If, through the process described in subsection (1) of this section an opportunity to submit a waiver is identified, the exchange, in collaboration with the office of the insurance commissioner and the health care authority, may develop an application under this section to be submitted by the health care authority. If an application is submitted, the health care authority must notify the chairs and ranking minority members of the appropriate policy and fiscal committees of the legislature.

(3) Any application submitted under this section must meet all federal public

notice and comment requirements under 42 U.S.C. Sec. 18052(a)(4)(B), including public hearings to ensure a meaningful level of public input.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.71 RCW to read as follows:

(1) The state health care affordability account is created in the state treasury. Expenditures from the account may only be used for premium and cost-sharing assistance programs established in section 1 of this act.

(2) The following funds must be deposited in the account:

(a) Any grants, donations, or contributions of money collected for purposes of the premium assistance or cost-sharing reduction programs established in section 4 of this act;

(b) Any federal funds received by the health benefit exchange pursuant to section 2 of this act; and

(c) Any additional funding specifically appropriated to the account.

NEW SECTION. **Sec. 4.** A new section is added to chapter 48.43 RCW to read as follows:

For qualified health plans offered on the exchange, a carrier shall:

(1) Accept payments for enrollee premiums or cost-sharing assistance under section 1 of this act or as part of a sponsorship program under RCW 43.71.030(4). Nothing in this subsection expands or restricts the types of sponsorship programs authorized under state and federal law;

(2) Clearly communicate premium assistance amounts to enrollees as part of the invoicing and payment process; and

(3) Accept and process enrollment and payment data transferred by the exchange in a timely manner.

NEW SECTION. **Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1) If a public option plan is not available in each county in the state during plan year 2022 or later, the following requirements apply for all subsequent plan years:

(a) At the request of a public option plan, a hospital licensed under chapter 70.41 RCW that receives payment for services provided to enrollees in the public employees' benefits program or school employees' benefits program, or through a medical assistance program under chapter 74.09 RCW, must contract with the public option plan to provide in-network services to enrollees of that plan; and

(b) The authority shall contract, under RCW 41.05.410, with one or more health carriers to offer at least one standardized bronze, one standardized silver, and one standardized gold qualified health plan in every county in the state or in each county within a region of the state.

(2) Health carriers and hospitals may not condition negotiations or participation of a hospital licensed under chapter 70.41 RCW in any health plan offered by the health carrier on the hospital's negotiations or participation in a public option plan.

(3) By December 1st of the plan year during which enrollment in public option plans statewide is greater than 10,000 covered lives:

(a) The health benefit exchange, in consultation with the insurance commissioner and the authority, shall analyze public option plan rates paid to hospitals for in-network services and whether they have impacted hospital financial sustainability. The analysis must include any impact on hospitals' operating margins during the years public option health plans have been offered in the state and the estimated impact on operating margins in future years if enrollment in public option plans increases. It must also examine the income levels of public option plan enrollees over time. The analysis may examine a sample of hospitals of various sizes and located in various counties. In conducting its analysis, the exchange must give substantial weight to any available reporting of health care provider and health system costs under RCW 70.390.050;

(b) The health care cost transparency board established under chapter 70.390 RCW shall analyze the effect that enrollment in public option plans has had on consumers, including an analysis of the benefits provided to, and premiums and cost-sharing amounts paid by, consumers enrolled in public option plans compared to other standardized and

nonstandardized qualified health plans; and

(c) The health benefit exchange, in consultation with the insurance commissioner, the authority, and interested stakeholders, including, but not limited to, statewide associations representing hospitals, health insurers, and physicians, shall review the analyses completed under (a) and (b) of this subsection and develop recommendations to the legislature to address financial or other issues identified in the analyses.

(4) The authority may adopt program rules, in consultation with the office of the insurance commissioner, to ensure compliance with this section, including levying fines and taking other contract actions it deems necessary to enforce compliance with this section.

(5) For the purposes of this section, "public option plan" means a qualified health plan contracted by the authority under RCW 41.05.410.

Sec. 6. RCW 41.05.410 and 2019 c 364 s 3 are each amended to read as follows:

(1) The authority, in consultation with the health benefit exchange, must contract with one or more health carriers to offer qualified health plans on the Washington health benefit exchange for plan years beginning in 2021. A health carrier contracting with the authority under this section must offer at least one bronze, one silver, and one gold qualified health plan in a single county or in multiple counties. The goal of the procurement conducted under this section is to have a choice of qualified health plans under this section offered in every county in the state. The authority may not execute a contract with an apparently successful bidder under this section until after the insurance commissioner has given final approval of the health carrier's rates and forms pertaining to the health plan to be offered under this section and certification of the health plan under RCW 43.71.065.

(2) A qualified health plan offered under this section must meet the following criteria:

(a) The qualified health plan must be a standardized health plan established under RCW 43.71.095;

(b) The qualified health plan must meet all requirements for qualified health plan certification under RCW 43.71.065 including, but not limited to, requirements relating to rate review and network adequacy;

(c) The qualified health plan must incorporate recommendations of the Robert Bree collaborative and the health technology assessment program;

(d) The qualified health plan may use an integrated delivery system or a managed care model that includes care coordination or care management to enrollees as appropriate;

(e) The qualified health plan must meet additional participation requirements to reduce barriers to maintaining and improving health and align to state agency value-based purchasing. These requirements may include, but are not limited to, standards for population health management; high-value, proven care; health equity; primary care; care coordination and chronic disease management; wellness and prevention; prevention of wasteful and harmful care; and patient engagement;

(f) To reduce administrative burden and increase transparency, the qualified health plan's utilization review processes must:

(i) Be focused on care that has high variation, high cost, or low evidence of clinical effectiveness; and

(ii) Meet national accreditation standards;

(g)((~~(i)~~)) The total amount the qualified health plan reimburses providers and facilities for all covered benefits in the statewide aggregate, excluding pharmacy benefits, may not exceed one hundred sixty percent of the total amount medicare would have reimbursed providers and facilities for the same or similar services in the statewide aggregate;

((~~(ii) Beginning in calendar year 2023, if the authority determines that selective contracting will result in actuarially sound premium rates that are no greater than the qualified health plan's previous plan year rates adjusted for inflation using the consumer price index, the director may, in consultation with the health benefit exchange, waive (g)(i) of this subsection as a requirement of the contracting process under this section;~~))

(h) For services provided by rural hospitals certified by the centers for medicare and medicaid services as critical access hospitals or sole community hospitals, the rates may not be less than one hundred one percent of allowable costs as defined by the United States centers for medicare and medicaid services for purposes of medicare cost reporting;

(i) Reimbursement for primary care services, as defined by the authority, provided by a physician with a primary specialty designation of family medicine, general internal medicine, or pediatric medicine, may not be less than one hundred thirty-five percent of the amount that would have been reimbursed under the medicare program for the same or similar services; and

(j) The qualified health plan must comply with any requirements established by the authority to address amounts expended on pharmacy benefits including, but not limited to, increasing generic utilization and use of evidence-based formularies.

(3)(a) At the request of the authority for monitoring, enforcement, or program and quality improvement activities, a qualified health plan offered under this section must provide cost and quality of care information and data to the authority, and may not enter into an agreement with a provider or third party that would restrict the qualified health plan from providing this information or data.

(b) Pursuant to RCW 42.56.650, any cost or quality information or data submitted to the authority is exempt from public disclosure.

(4) Nothing in this section prohibits a health carrier offering qualified health plans under this section from offering other health plans in the individual market.

Sec. 7. RCW 43.71.095 and 2019 c 364 s 1 are each amended to read as follows:

(1) The exchange, in consultation with the commissioner, the authority, an independent actuary, and other stakeholders, must establish up to three standardized health plans for each of the bronze, silver, and gold levels.

(a) The standardized health plans must be designed to reduce deductibles, make more services available before the deductible, provide predictable cost sharing, maximize subsidies, limit adverse premium impacts, reduce barriers to maintaining and improving health, and encourage choice based on value, while limiting increases in health plan premium rates.

(b) The exchange may update the standardized health plans annually.

(c) The exchange must provide a notice and public comment period before finalizing each year's standardized health plans.

(d) The exchange must provide written notice of the standardized health plans to licensed health carriers by January 31st before the year in which the health plans are to be offered on the exchange. The exchange may make modifications to the standardized plans after January 31st to comply with changes to state or federal law or regulations.

(2)(a) Beginning January 1, 2021, any health carrier offering a qualified health plan on the exchange must offer ((~~one~~)) the silver ((~~standardized health plan~~)) and ((~~one~~)) gold standardized health plans established under this section on the exchange in each county where the carrier offers a qualified health plan. If a health carrier offers a bronze health plan on the exchange, it must offer ((~~one~~)) the bronze standardized health plans established under this section on the exchange in each county where the carrier offers a qualified health plan.

(b)(i) ((~~A~~)) Until December 31, 2022, a health ((~~plan~~)) carrier offering a standardized health plan under this section may also offer nonstandardized health plans on the exchange. Beginning January 1, 2023, a health carrier offering a standardized health plan under this section may also offer up to two nonstandardized gold health plans, two nonstandardized bronze health plans, one nonstandardized silver health plan, one nonstandardized platinum health plan, and one nonstandardized catastrophic health plan in each county where the carrier offers a qualified health plan.

(ii) The exchange, in consultation with the office of the insurance commissioner, shall analyze the impact to exchange consumers of offering only standard plans beginning in 2025 and submit a report to the appropriate committees of the legislature by December 1, 2023. The report must include an

analysis of how plan choice and affordability will be impacted for exchange consumers across the state, including an analysis of offering a bronze standardized high deductible health plan compatible with a health savings account, and a gold standardized health plan closer in actuarial value to the silver standardized health plan.

(iii) The actuarial value of nonstandardized silver health plans offered on the exchange may not be less than the actuarial value of the standardized silver health plan with the lowest actuarial value.

(c) A health carrier offering a standardized health plan on the exchange under this section must continue to meet all requirements for qualified health plan certification under RCW 43.71.065 including, but not limited to, requirements relating to rate review and network adequacy."

Correct the title.

Representative Cody moved the adoption of amendment (667) to the striking amendment (664):

On page 5, line 4 of the striking amendment, after "(a)" strike "At the request of" and insert "Upon an offer from"

On page 5, line 8 of the striking amendment, after "with" strike "the" and insert "at least one"

On page 5, line 9 of the striking amendment, after "plan" insert ". This subsection (1)(a) does not apply to a hospital owned and operated by a health maintenance organization licensed under chapter 48.46 RCW"

Representatives Cody and Schmick spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (667) to the striking amendment (664) was adopted.

Striking amendment (664), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5377, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5377, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, J. Johnson, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5377, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5177, by Senators Cleveland, Dhingra, Das, Hunt, Nguyen, Pedersen and C. Wilson

Eliminating proof of nonmarriage as an element of a sex offense.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall and Griffey spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5177.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5177, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SENATE BILL NO. 5177, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5160, by Senate Committee on Ways & Means (originally sponsored by Kuderer, Liias, Conway, Das, Lovelett, Saldaña and C. Wilson)

Addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs. Revised for 2nd Substitute: Addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Housing, Human Services & Veterans was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

With the consent of the House, amendments (587), (588), (589), (590), (591), (592), (594), (595), (596), (599), (601), (606), (607), (608), (609), (610), (623), (624), (625), (626), (627), (653) and (663) were withdrawn.

Representative Caldier moved the adoption of amendment (665) to the committee striking amendment:

On page 2, beginning on line 11 of the striking amendment, after "2021" strike all material through "Washington" on line 13

On page 4, line 10 of the striking amendment, after "(1)" insert "The eviction moratorium instituted by the governor of the state of Washington's proclamation 20-19.6 shall end on June 30, 2021.

(2)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 19, at the beginning of line 32 of the striking amendment, insert "(1)"

On page 19, at the beginning of line 36 of the striking amendment, strike "(1)" and insert "(a)"

On page 20, at the beginning of line 1 of the striking amendment, strike "(2)" and insert "(b)"

On page 20, at the beginning of line 3 of the striking amendment, strike "(3)" and insert "(c)"

On page 20, after line 4 of the striking amendment, insert the following:

"(2) Until March 31, 2022, the department must provide rental assistance directly to a landlord on behalf of an indigent tenant who is unable to:

(a) Access an eviction resolution pilot program, as described in section 7 of this act, because such a program is either not available in the region in which the property is located or the regional program is not accepting new claims; or

(b) Obtain legal representation as described in section 8 of this act.

(3) For the purposes of this section, "indigent" has the same meaning as section 8(2) of this act."

Representatives Caldier, Peterson, Stonier and Barkis spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (665) to the committee striking amendment was adopted.

Representative Vick moved the adoption of amendment (655) to the committee striking amendment:

On page 4, line 2 of the striking amendment, after "to" strike "four" and insert "two"

Representatives Vick and Peterson spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (655) to the committee striking amendment was adopted.

Representative Peterson moved the adoption of amendment (651) to the committee striking amendment:

On page 4, line 37 of the striking amendment, after "entities;" insert "and"

On page 9, line 29 of the striking amendment, after "(1)(b)" strike "and (d)"

On page 14, beginning on line 7 of the striking amendment, after "under" strike all material through "RCW" on line 8 and insert "this chapter and chapters 59.12 and 59.20 RCW"

On page 29, beginning on line 13 of the striking amendment, after "moratorium," strike all material through "court" on line 21 and insert "if a tenant demonstrates an ability to pay in order to reinstate the tenancy by means of disbursement through the landlord mitigation program account established within RCW 43.31.605(1)(c):

(A) Any restrictions imposed under (d) of this subsection do not apply in determining if a tenant is eligible for reinstatement under this subsection (3); and

(B) Reimbursement on behalf of the tenant to the landlord under RCW 43.31.605(1)(c) may include up to three months of prospective rent to stabilize the tenancy as determined by the court"

Representatives Peterson and Caldier spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (651) to the committee striking amendment was adopted.

Representative Caldier moved the adoption of amendment (654) to the committee striking amendment:

On page 20, after line 4 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 13.** The sum of $7,500,000 for the fiscal biennium ending June 30, 2023, is appropriated from the coronavirus state fiscal recovery fund created in Engrossed Substitute Senate Bill No. 5092 (operating budget) to the department of commerce for the purposes of a landlord grant assistance program to provide grants to eligible landlords for rent that was not paid during the eviction moratorium pursuant to the governor's proclamation 20-19.6. The department shall have such rule-making authority as the department deems necessary to administer the program.

(1) To be eligible for a grant under this section, a landlord must:

(a) Apply for a grant or have a property manager or property

management company apply for a grant on behalf of a landlord;

(b) Be the sole investor in the property from which they are seeking rental arrears;

(c) Be the owner of no more than 10 dwelling units from which they receive rental payments; and

(d) Provide proof of ownership of the property and a statement certified under penalty of perjury of the amount of rent due during the eviction moratorium that the landlord was not paid by the tenant, through funds acquired through an emergency rental assistance program provided by a governmental or nonprofit entity, through the state landlord mitigation program defined in RCW 43.31.605, or through any other means that would reasonably be considered payment of rent due.

(2) Eligible landlords may receive a grant of up to 80 percent of the total amount of rent in arrears.

(3) The department will disburse funds to eligible landlords within 60 days of submission of the application. Eligibility for a grant under this section does not constitute an entitlement for payment. If eligible applications for grants exceed the funds appropriated in this section, the department must create and maintain a waitlist in the order the applications are received pursuant to this section. The department shall not be civilly or criminally liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds.

(4) The department shall provide a report to the appropriate committees of the legislature by September 30, 2023, which shall include the number of

eligible applicants who received grants and the total funds provided to such applicants, the number of eligible applicants on the waitlist who did not receive grants and the total amount of grants unpaid due to lack of funds, and the number of ineligible applicants and the reasons for ineligibility.

(5) A landlord who receives a grant under this section is prohibited from:

(a) Taking any legal action against the tenant for unpaid rent or damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, against the tenant for unpaid rent or damages attributable to the same tenancy.

(6) This section expires December 31, 2024."

Representatives Caldier and Taylor spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (654) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Peterson and Barkis spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5160, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5160, as amended by the House, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Graham, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Rude, Schmick, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5160, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237, by Senate Committee on Ways & Means (originally sponsored by C. Wilson, Dhingra, Das, Billig, Conway, Darneille, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Saldaña and Salomon)

Expanding accessible, affordable child care and early childhood development programs.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Children, Youth & Families was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

With the consent of the House, amendment (646) was withdrawn.

Representative Senn moved the adoption of amendment (652) to the committee striking amendment:

On page 3, line 24 of the striking amendment, after "(9)" insert "The legislature recognizes that the federal government has provided substantial additional funding through the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M., and the American rescue plan act of 2021. The purpose of the additional federal funding is to ensure access to affordable child care and stabilize and support child care providers affected by COVID-19. Therefore, it is the intent of the legislature to use the additional federal funding to supplement state funding in order to accelerate these investments.

(10)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 14, beginning on line 22 of the striking amendment, after "Beginning" strike all material through "younger" on line 27 and insert "October 1, 2021, a family is eligible for working connections child care when the household's annual income is at or below 60 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age"

On page 14, beginning on line 31 of the striking amendment, after "2025," strike all material through "younger" on line 37 and insert "a family is eligible for working connections child care when the household's annual income is above 60 percent and at or below 75 percent of the state median income adjusted for family size and:

(a) The child receiving care is (i) Less than 13 years of age; or (ii) less than 19 years of age"

On page 15, line 3 of the striking amendment, after "(4)" insert "Beginning July 1, 2027, and subject to the availability of amounts appropriated for this specific purpose, a family is eligible for working connections child care when the household's annual income is above 75 percent of the state median income and is at or below 100 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(5)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 15, line 6 of the striking amendment, after "July 1," strike "2021" and insert "2023"

On page 15, line 8 of the striking amendment, after "July 1," strike "2021" and insert "2023"

On page 16, line 25 of the striking amendment, after "~~2020~~))" strike "July 1" and insert "August 1"

On page 21, line 19 of the striking amendment, after "available" insert "and subject to the availability of amounts appropriated for this specific purpose"

On page 38, line 4 of the striking amendment, after "((~~twelve~~))" strike "13" and insert "12"

On page 51, after line 39 of the striking amendment, insert the following:

"Sec. 508. RCW 43.216.136 and 2020 c 279 s 2 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by P.L. 113-186, authorizations for the working connections child care subsidy are effective for twelve months beginning July 1, 2016((~~, unless an earlier date is provided in the omnibus appropriations act~~)).

(a) A household's 12-month authorization must begin on the date that child care is expected to begin.

(b) If a newly eligible household does not begin care within 12 months of being determined eligible by the department, the household must reapply in order to qualify for subsidy.

(3)(a) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(i) In the last six months have:

(A) Received child protective services as defined and used by chapters 26.44 and 74.13 RCW;

(B) Received child welfare services as defined and used by chapter 74.13 RCW; or

(C) Received services through a family assessment response as defined and used by chapter 26.44 RCW;

(ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(iii) Are residing with a biological parent or guardian.

(b) ((~~Children~~)) Families who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services identified in this subsection to maintain twelve-month authorization.

(4)(a) Beginning August 1, 2020, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is:

(i) A single parent;

(ii) A full-time student of a community, technical, or tribal college; and

(iii) Pursuing vocational education that leads to a degree or certificate in a specific occupation, not to result in a bachelor's or advanced degree.

(b) An applicant or consumer is a full-time student for the purposes of this subsection if he or she meets the college's definition of a full-time student. The student must maintain passing grades and be in good standing pursuant to college attendance requirements.

(c) Nothing in this subsection is intended to change how applicants or consumers are prioritized when applicants or consumers are placed on a waitlist for working connections child care benefits.

(5)(a) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a twelve-month grace period.

(b) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

(6) For purposes of this section, "authorization" means a transaction created by the department that allows a child care provider to claim payment for care. The department may adjust an authorization based on a household's eligibility status."

On page 52, after line 21 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 605.** Section 202 of this act takes effect August 1, 2021.

NEW SECTION. **Sec. 606.** Section 508 of this act expires August 1, 2021."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 52, line 27 of the striking amendment, after "Sections" strike "201, 202,"

Representative Senn spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (652) to the committee striking amendment was adopted.

Representative McCaslin moved the adoption of amendment (641) to the committee striking amendment:

On page 12, beginning on line 4 of the striking amendment, after "two" strike all material through "agency" on line 6 and insert "((~~members, to be elected by the council for two year terms and not more than one cochair may represent a state agency~~)) legislative members, one from each of the two largest caucuses of the chamber in which the members serve. For the initial two-year term, the cochairs must represent the minority and the majority caucuses in the House of Representatives and be appointed by the Speaker of the House of Representatives. For the second two-year term, the cochairs must represent the minority and majority caucuses in the Senate and be appointed by the President of the Senate. Subsequent cochair appointees must alternate every two years between the House of Representatives and the Senate in this manner"

Representatives McCaslin and Dent spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Harris-Talley and Senn spoke against the adoption of the amendment to the committee striking amendment.

Amendment (641) to the committee striking amendment was not adopted.

Representative Chase moved the adoption of amendment (642) to the committee striking amendment:

On page 13, line 10 of the striking amendment, after "(11)" insert "(a)"

On page 13, line 12 of the striking amendment, after "process." strike "The subcommittee shall examine" and insert the following:

"(b) Members of the subcommittee must include two representatives of the department, two child care providers, and two parents of children in child care. One child care provider and one parent representative must reside east of the crest of the Cascade mountains and one child care provider and one parent representative must reside west of the crest of the Cascade mountains.

(c) The subcommittee shall:

(i) Examine"

On page 13, beginning on line 16 of the striking amendment, after "licensure" strike all material through "develop" on line 17 and insert ";

(ii) Develop"

On page 13, beginning on line 20 of the striking amendment, after "compliance" strike all material through "develop" on line 21 and insert "; and

(iii) Develop"

On page 13, line 23 of the striking amendment, after "process." insert the following:

"(d)"

Representatives Chase, Rule and Dent spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (642) to the committee striking amendment was adopted.

Representative Dent moved the adoption of amendment (634) to the committee striking amendment:

On page 29, after line 20 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 315.** REGULATORY RELIEF TASK FORCE. (1) The department of children, youth, and families shall convene a task force with child care providers and their representatives, facilitated by a neutral third party, to develop recommendations for providing regulatory relief and making the licensing process more affordable for child care providers. At a minimum, the task force must evaluate:

(a) Reviewing the child care licensing fee structure;

(b) Suspending, delaying, or waiving certain licensing requirements for at least one year;

(c) Reevaluating staff-to-child required ratios and the minimum indoor space requirements for licensing; and

(d) Removing, revising, or waiving licensing requirements related to the early achievers program.

(2) The task force must report recommendations agreed upon by the majority of task force members to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2021 and in accordance with RCW 43.01.036. The report must include the policy rationale, implementation plan, timeline, and recommended statutory changes required to implement the recommendations. The report must also include a minority report for recommendations provided by members that were not agreed upon.

(3) Task force participants must represent geographically diverse areas of the state and there must be a process to allow providers not able to participate to send feedback to the facilitator for consideration. Task force membership must include at least one representative from each of the following:

(a) The department of children, youth, and families;

(b) Licensed family home providers;

(c) Family, friend, and neighbor caregivers;

(d) Child care centers;

(e) The statewide child care resource and referral network; and

(f) A statewide association for representing the interests of

child care centers.

(4) Members of the task force shall be reimbursed for travel

expenses in accordance with chapter 43.03 RCW. Child care providers

serving as members of the task force must be reimbursed for the cost

of hiring a substitute for times the provider is away from the child

care business for official task for travel and meetings.

(5) Staff support for the task force must be provided by the

department of children, youth, and families.

(6) This section expires January 1, 2022.

Sec. 316. RCW 43.216.655 and 2019 c 369 s 7 are each amended to read as follows:

(1) The education data center established in RCW 43.41.400 must collect longitudinal, student-level data on all children attending an early childhood education and assistance program. Upon completion of an electronic time and attendance record system, the education data center must collect longitudinal, student-level data on all children attending a working connections child care program. Data collected should capture at a minimum the following characteristics:

(a) Daily program attendance;

(b) Identification of classroom and teacher;

(c) Early achievers program quality level rating;

(d) Program hours;

(e) Program duration;

(f) Developmental results from the Washington kindergarten inventory of developing skills in RCW 28A.655.080; and

(g) To the extent data is available, the distinct ethnic categories within racial subgroups of children and providers that align with categories recognized by the education data center.

(2) The department shall provide early learning providers student-level data collected pursuant to this section that are specific to the early learning provider's program. Upon completion of an electronic time and attendance record system identified in subsection (1) of this section, the department shall provide child care providers student-level data that are specific to the child care provider's program.

(3) The department shall review available research and best practices literature on cultural competency in early learning settings. The department shall review the K-12 components for cultural competency developed by the professional educator standards board and identify components appropriate for early learning professional development.

(4)(a) The Washington state institute for public policy shall conduct a longitudinal analysis examining relationships between the early achievers program quality ratings levels and outcomes for children participating in subsidized early care and education programs.

(b) The institute shall submit the first report to the appropriate committees of the legislature and the early learning advisory council by December 31, 2019. The institute shall submit subsequent reports annually to the appropriate committees of the legislature and the early learning advisory council by December 31st, with the final report due December 31, 2022. The final report shall include a cost-benefit analysis.

(5) By December 31, 2021, and subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall update the outcome evaluation of the early childhood education and assistance program required by chapter 16, Laws of 2013 and report to the governor and the legislature on the outcomes of program participants. The evaluation must include the demographics of program participants including race, ethnicity, and socioeconomic status. The evaluation must examine short and long-term impacts on program participants, including high school graduation rates for up to two cohorts. When conducting the evaluation, the institute must consider, to the extent that data is available, the education levels and demographics, including race, ethnicity, and socioeconomic status, of early childhood education and assistance program staff and the effects of full-day programming and half-day programming on outcomes.

(6)(a) The Washington state institute for public policy shall conduct a study comparing child care licensing

regulations nationwide. In conducting the study, the institute shall review and compare the structure of child care licensing regulations and outcomes in other states, including, but not limited to:

(i) Child care costs;

(ii) Availability of child care;

(iii) Regulations on child care providers; and

(iv) Safety and health outcomes for children in child care settings, to the extent possible.

(b) The institute shall submit a report on its findings to the appropriate committees of the legislature by December 31, 2021.

(c) Subsection (6) of this section will expire June 30, 2022."

Representatives Dent and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Senn spoke against the adoption of the amendment to the committee striking amendment.

Amendment (634) to the committee striking amendment was not adopted.

Representative Eslick moved the adoption of amendment (658) to the committee striking amendment:

On page 29, after line 20 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 315.** SUPPORT FOR CHILD CARE DESERTS. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a grant program to expand child care in child care deserts. Grants must be used for one-time costs associated with the opening of a child care site, including program costs, for providers who are newly licensed or are in the process of becoming licensed.

(2) The department must use the child care industry insights dashboard from the child care industry assessment as a tool to identify areas in which additional investments are needed in order to expand existing child care capacity to meet family demand and reduce child care deserts.

(3) This section expires June 30, 2026."

Representatives Eslick, Senn and Dent spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (658) to the committee striking amendment was adopted.

Representative Klippert moved the adoption of amendment (639) to the committee striking amendment:

On page 53, beginning on line 3 of the striking amendment, strike all of section 610

Representatives Klippert and Dent spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the committee striking amendment.

Amendment (639) to the committee striking amendment was not adopted.

Representative Klippert moved the adoption of amendment (636) to the committee striking amendment:

On page 53, line 6 of the striking amendment, after "immediately." insert the following:

"NEW SECTION. **Sec. 611.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

Representatives Klippert and McCaslin spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Ormsby and Senn spoke against the adoption of the amendment to the committee striking amendment.

Amendment (636) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Harris-Talley, Wicks, Rule, Senn and Stonier spoke in favor of the passage of the bill.

Representatives McCaslin, Klippert, Chase, Abbarno, Eslick, Dye and Dent spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5237, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5237, as amended by the House, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5133, by Senators Conway, Hasegawa, Keiser, Saldaña and C. Wilson

Concerning the definition of confidential employee for the purposes of state collective bargaining.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sells spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5133.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5133, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, McCaslin, McEntire, Mosbrucker, Orcutt, Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

SENATE BILL NO. 5133, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5361, by Senate Committee on Law & Justice (originally sponsored by McCune, Warnick and J. Wilson)

Concerning the resentencing of persons convicted of drug offenses.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 75, March 26, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Mosbrucker, Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5361, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5361, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker,

Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5361, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5163, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Dhingra, Saldaña and C. Wilson)

Concerning the placement and treatment of conditionally released sexually violent predators.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

With the consent of the House, amendment (541) was withdrawn.

Representative Klippert moved the adoption of amendment (542) to the committee striking amendment:

On page 7, line 29 of the striking amendment, after "secretary" strike "shall" and insert "may"

On page 7, line 32 of the striking amendment, after "court" strike "shall" and insert "may"

Representative Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (542) to the committee striking amendment was not adopted.

Representative Klippert moved the adoption of amendment (543) to the committee striking amendment:

On page 7, line 35, of the striking amendment, after "upon" strike "the" and insert ": The"

On page 7, line 36 of the striking amendment, after "commitment" strike "as well as" and insert "; any person or persons identified in RCW 71.09.140(2)(a) who have opted to receive notifications under this chapter; and"

Representatives Klippert and Simmons spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (543) to the committee striking amendment was adopted.

Representative Klippert moved the adoption of amendment (544) to the committee striking amendment:

On page 9, line 25 of the striking amendment, after "court" strike "shall" and insert "((~~shall~~)) may"

On page 9, line 32 of the striking amendment, after "court" strike "shall" and insert "may"

On page 10, line 3 of the striking amendment, after "court" strike "shall" and insert "may"

Representative Klippert and Klippert (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (544) to the committee striking amendment was not adopted.

Representative Klippert moved the adoption of amendment (545) to the committee striking amendment:

On page 18, line 5 of the striking amendment, after "protect the" insert "victim and the"

Representatives Klippert and Simmons spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (545) to the committee striking amendment was adopted.

Representative Klippert moved the adoption of amendment (546) to the committee striking amendment:

On page 18, line 21 of the striking amendment, after "up to" strike "72" and insert "96"

Representatives Klippert and Simmons spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (546) to the committee striking amendment was adopted.

Representative Simmons moved the adoption of amendment (657) to the committee striking amendment:

On page 18, line 25 of the striking amendment, after "officers," strike "agency" and insert "agents"

Representatives Simmons and Mosbrucker spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (657) to the committee striking amendment was adopted.

Representative Klippert moved the adoption of amendment (547) to the committee striking amendment:

On page 24, line 36 of the striking amendment, after "may" strike "not"

Representative Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (547) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Simmons and Leavitt spoke in favor of the passage of the bill.

Representatives Klippert and Graham spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5163, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5163, as amended by the House, and the bill passed the House by the following vote: Yeas, 61; Nays, 37; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5163, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SENATE BILL NO. 5019
SECOND SUBSTITUTE SENATE BILL NO. 5062
ENGROSSED SUBSTITUTE SENATE BILL NO. 5172
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178
ENGROSSED SENATE BILL NO. 5220
SUBSTITUTE SENATE BILL NO. 5271
SECOND SUBSTITUTE SENATE BILL NO. 5315
SUBSTITUTE SENATE BILL NO. 5317
ENGROSSED SUBSTITUTE SENATE BILL NO. 5353
SECOND SUBSTITUTE SENATE BILL NO. 5383
SECOND SUBSTITUTE SENATE BILL NO. 5396

There being no objection, the House adjourned until 10:00 a.m., April 9, 2021, the 89th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTY NINTH DAY

House Chamber, Olympia, Friday, April 9, 2021

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Matt Boehnke, 8th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

April 8, 2021

Mme. SPEAKER:

The President has signed:

SENATE BILL NO. 5005,
SENATE BILL NO. 5015,
SENATE BILL NO. 5016,
SENATE BILL NO. 5018,
ENGROSSED SENATE BILL NO. 5026,
SENATE BILL NO. 5046,
SUBSTITUTE SENATE BILL NO. 5068,
SENATE BILL NO. 5106,
SENATE BILL NO. 5131,
SUBSTITUTE SENATE BILL NO. 5152,
SUBSTITUTE SENATE BILL NO. 5169,
SENATE BILL NO. 5184,
SUBSTITUTE SENATE BILL NO. 5228,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5284,
SENATE BILL NO. 5296,
SENATE BILL NO. 5303,
SUBSTITUTE SENATE BILL NO. 5325,
SENATE BILL NO. 5347,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5355,
ENGROSSED SENATE BILL NO. 5356,
ENGROSSED SENATE BILL NO. 5372,
SUBSTITUTE SENATE BILL NO. 5384,
SENATE BILL NO. 5385,
SUBSTITUTE SENATE BILL NO. 5425,
SENATE BILL NO. 5431,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304, by Senate Committee on Ways & Means (originally sponsored by C. Wilson, Dhingra, Darneille, Das, Frockt, Hasegawa, Holy, Lovelett, Nguyen, Rivers and Wellman)

Providing reentry services to persons releasing from state and local institutions.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Davis moved the adoption of amendment (631) to the committee striking amendment:

On page 9, line 34 of the striking amendment, after "(2)" insert "(a) In addition, the authority shall convene a subcommittee of the work group consisting of a representative of the authority, one representative of each managed care organization contracted with the authority under chapter 74.09 RCW, representatives of the Washington association of sheriffs and police chiefs, representatives of jails, and other members that the work group determines are appropriate to inform the tasks of the work group.

(b) The subcommittee must:

(i) Determine and make progress toward implementing a process for transmitting real-time location information related to incarcerated individuals to the managed care organization in which the individual is enrolled;

(ii) Develop a process to transmit patient health information between jails and managed care organizations to ensure high quality health care for incarcerated individuals enrolled in a managed care organization; and

(iii) Improve collaboration between the authority, the managed care organizations, and the jails as it

pertains to care coordination both when an individual enters custody and upon release.

(c) The subcommittee must submit an initial report to the relevant committees of the legislature by December 1, 2021, and a final report by December 1, 2022. The reports shall evaluate the progress of managed care organizations with respect to meeting their contractual obligations regarding clinical coordination when an individual enters custody as well as care coordination and connection to reentry services upon release, including any corrective action taken by the authority against a managed care organization related to noncompliance. The reports shall also identify any barriers to effective care coordination for individuals in jail and recommendations to overcome those barriers.

(3)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Davis and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (631) to the committee striking amendment was adopted.

Representative Caldier moved the adoption of amendment (630) to the committee striking amendment:

On page 12, beginning on line 20 of the striking amendment, after "(a)" strike all material through "(c)" on line 38 and insert "In determining the county of discharge for ((~~an offender~~)) a person released to community custody, the department may not approve a residence location that is not in the ((~~offender's~~)) person's county of origin unless it is determined by the department that the ((~~offender's~~)) person's return to his or her county of origin would be inappropriate considering any court-ordered condition of the ((~~offender's~~)) person's sentence, victim safety concerns, negative influences on the ((~~offender~~)) person in the community, or the location of family or other sponsoring persons or organizations that will support the ((~~offender~~)) person.

(b)"

On page 13, at the beginning of line 3 of the striking amendment, strike "((~~(c)~~)) (d)(i)" and insert "(c)(i)"

On page 13, line 4 of the striking amendment, after "in" strike "(d)(ii)" and insert "(c)(ii)"

On page 13, after line 12 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 12.** The department of corrections shall conduct a study of the services and resources necessary for each county to have the capacity to provide reentry services to persons for whom the county is the persons' county of origin, as defined in RCW 72.09.270. The study shall consider the average number of persons who may be reasonably expected to be annually discharged to each county as the persons' county of origin, the expected services and resources required to meet the need for reentry services commonly identified in reentry plans for those persons for whom the county is the county of origin, and the extent to which each county must supplement its existing services and resources to provide the appropriate level of services within the county to meet the needs of those persons being discharged for whom the county is the county of origin. In addition, the study shall identify those unique services and resources which particular counties may not be able to provide and that may need to be provided in another county due to workforce resources, cost-effectiveness, or other reasons. The department shall submit a report of its findings to the governor and the appropriate committees of the legislature by December 1, 2021."

Renumber the remaining section consecutively and correct any internal references accordingly.

Representatives Caldier, Schmick and Robertson spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Simmons spoke against the adoption of the amendment to the committee striking amendment.

Amendment (630) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Simmons spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative J. Johnson was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5304, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5304, as amended by the House, and the bill passed the House by the following vote: Yeas, 74; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McEntire, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Jacobsen, Klicker, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Robertson, Schmick, Stokesbary, Ybarra and Young.

Excused: Representative J. Johnson.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Second Substitute Senate Bill No. 5304.

Representative Klippert, 8th District

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5178, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Muzzall and C. Wilson)

Establishing automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency. Revised for 1st Substitute: Establishing automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency. (REVISED FOR ENGROSSED: Establishing timely considerations of waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 75, March 26, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5178, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5178, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin, McEntire and Walsh.

Excused: Representative J. Johnson.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5178, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5048, by Senators Mullet and Das

Concerning reinsurance agreements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5048.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5048, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative J. Johnson.

SENATE BILL NO. 5048, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5146, by Senator Van De Wege

Authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shewmake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5146.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5146, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative J. Johnson.

SENATE BILL NO. 5146, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5271, by Senate Committee on Law & Justice (originally sponsored by Wagoner, Pedersen and Dhingra)

Amending the necessary elements of proof of injury during the state of emergency declared due to the COVID-19 pandemic.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5271.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5271, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Cody, Kloba, Kraft and Ramos.

Excused: Representative J. Johnson.

SUBSTITUTE SENATE BILL NO. 5271, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5195, by Senate Committee on Ways & Means (originally sponsored by Liias, Muzzall, Das, Dhingra, Nguyen and C. Wilson)

Concerning prescribing opioid overdose reversal medication. Revised for 2nd Substitute: Concerning opioid overdose reversal medication.

The bill was read the second time.

Representative Davis moved the adoption of striking amendment (680):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Opioid use disorder is a treatable brain disease from which people recover;

(b) Individuals living with opioid use disorder are at high risk for fatal overdose;

(c) Overdose deaths are preventable with lifesaving opioid overdose reversal medications like naloxone;

(d) Just as individuals with life-threatening allergies should carry an EpiPen, individuals with opioid use disorder should carry opioid overdose reversal medication;

(e) There are 53,000 individuals in Washington enrolled in apple health, Washington's medicaid program, that have a diagnosis of opioid use disorder and yet there are alarmingly few medicaid claims for opioid overdose reversal medication; and

(f) Most of the opioid overdose reversal medication distributed in Washington is currently paid for with flexible federal and state dollars and distributed in bulk, rather than appropriately billed to a patient's insurance. Those finite flexible funds should instead be used for nonmedicaid eligible expenses or for opioid overdose reversal medication distributed in nonmedicaid eligible settings or to nonmedicaid eligible persons. The state's current methods for acquisition and distribution of opioid overdose reversal medication are not sustainable and insufficient to reach all Washingtonians living with opioid use disorder.

(2) Therefore, it is the intent of the legislature to increase access for all individuals with opioid use disorder to opioid overdose reversal medication so that if they experience an overdose, they will have a second chance. As long as there is breath, there is hope for recovery.

Sec. 2. RCW 70.41.480 and 2019 c 314 s 18 are each amended to read as follows:

(1) The legislature finds that high quality, safe, and compassionate health care services for patients of Washington state must be available at all times. The legislature further finds that there is a need for patients being released from hospital emergency departments to maintain access to emergency medications when community or hospital pharmacy services are not available, including medication for opioid overdose reversal and for the treatment for opioid use disorder as appropriate. It is the intent of the legislature to accomplish this objective by allowing practitioners with prescriptive authority to prescribe limited amounts of prepackaged emergency medications to patients being discharged from hospital emergency departments when access to community or outpatient hospital pharmacy services is not otherwise available.

(2) A hospital may allow a practitioner to prescribe prepackaged emergency medications and allow a practitioner or a registered nurse licensed under chapter 18.79 RCW to distribute prepackaged emergency medications to patients being discharged from a hospital emergency department in the following circumstances:

(a) During times when community or outpatient hospital pharmacy services are not available within fifteen miles by road; or

(b) When, in the judgment of the practitioner and consistent with hospital policies and procedures, a

patient has no reasonable ability to reach the local community or outpatient pharmacy((~~; or~~

~~(c) When, in the judgment of the practitioner and consistent with hospital policies and procedures, a patient is at risk of opioid overdose and the prepackaged emergency medication being distributed is an opioid overdose reversal medication. The labeling requirements of RCW 69.41.050 and 18.64.246 do not apply to opioid overdose reversal medications dispensed, distributed, or delivered pursuant to a prescription, collaborative drug therapy agreement, standing order, or protocol issued in accordance with this section. The individual or entity that dispenses, distributes, or delivers an opioid overdose reversal medication as authorized by this section must ensure that directions for use are provided~~)).

(3) A hospital may only allow this practice if: The director of the hospital pharmacy, in collaboration with appropriate hospital medical staff, develops policies and procedures regarding the following:

(a) Development of a list, preapproved by the pharmacy director, of the types of emergency medications to be prepackaged and distributed;

(b) Assurances that emergency medications to be prepackaged pursuant to this section are prepared by a pharmacist or under the supervision of a pharmacist licensed under chapter 18.64 RCW;

(c) Development of specific criteria under which emergency prepackaged medications may be prescribed and distributed consistent with the limitations of this section;

(d) Assurances that any practitioner authorized to prescribe prepackaged emergency medication or any nurse authorized to distribute prepackaged emergency medication is trained on the types of medications available and the circumstances under which they may be distributed;

(e) Procedures to require practitioners intending to prescribe prepackaged emergency medications pursuant to this section to maintain a valid prescription either in writing or electronically in the patient's records prior to a medication being distributed to a patient;

(f) Establishment of a limit of no more than a forty-eight hour supply of emergency medication as the maximum to be dispensed to a patient, except when community or hospital pharmacy services will not be available within forty-eight hours. In no case may the policy allow a supply exceeding ninety-six hours be dispensed;

(g) Assurances that prepackaged emergency medications will be kept in a secure location in or near the emergency department in such a manner as to preclude the necessity for entry into the pharmacy; and

(h) Assurances that nurses or practitioners will distribute prepackaged emergency medications to patients only after a practitioner has counseled the patient on the medication.

(4) The delivery of a single dose of medication for immediate administration to the patient is not subject to the requirements of this section.

(5) Nothing in this section restricts the authority of a practitioner in a hospital emergency department to distribute opioid overdose reversal medication under RCW 69.41.095.

(6) A practitioner in a hospital emergency department must dispense or distribute opioid overdose reversal medication in compliance with section 3 of this act.

(7) For purposes of this section:

(a) "Emergency medication" means any medication commonly prescribed to emergency department patients, including those drugs, substances or immediate precursors listed in schedules II through V of the uniform controlled substances act, chapter 69.50 RCW, as now or hereafter amended.

(b) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(c) "Opioid overdose reversal medication" has the same meaning as provided in RCW 69.41.095.

(d) "Practitioner" means any person duly authorized by law or rule in the state of Washington to prescribe drugs as defined in RCW 18.64.011(29).

((~~(d)~~)) (e) "Nurse" means a registered nurse as defined in RCW 18.79.020.

NEW SECTION. **Sec. 3.** A new section is added to chapter 70.41 RCW to read as follows:

(1) A hospital shall provide a person who presents to an emergency department with symptoms of an opioid overdose, opioid use disorder, or other adverse event related to opioid use with opioid overdose reversal medication upon discharge, unless the treating practitioner determines in their clinical and professional judgment that dispensing or distributing opioid overdose reversal medication is not appropriate or the practitioner has confirmed that the patient already has opioid overdose reversal medication. If the hospital dispenses or distributes opioid overdose reversal medication it must provide directions for use.

(2) The opioid overdose reversal medication may be dispensed with technology used to dispense medications.

(3) A person who is provided opioid overdose reversal medication under this section must be provided information and resources about medication for opioid use disorder and harm reduction strategies and services which may be available, such as substance use disorder treatment services and substance use disorder peer counselors. This information should be available in all languages relevant to the communities that the hospital serves.

(4) The labeling requirements of RCW 69.41.050 and 18.64.246 do not apply to opioid overdose reversal medications dispensed or distributed in accordance with this section.

(5) Until the opioid overdose reversal medication bulk purchasing and distribution program established in section 7 of this act is operational:

(a) If the patient is enrolled in a medical assistance program under chapter 74.09 RCW, the hospital must bill the patient's medicaid benefit for the patient's opioid overdose reversal medication utilizing the appropriate billing codes established by the health care authority. This billing must be separate from and in addition to the payment for the other services provided during the hospital visit.

(b) If the patient has available health insurance coverage other than medical assistance under chapter 74.09 RCW, the hospital must bill the patient's health plan for the cost of the opioid overdose reversal medication.

(c) For patients who are not enrolled in medical assistance and do not have any other available insurance coverage, the hospital must bill the health care authority for the cost of the patient's opioid overdose reversal medication.

(6) This section does not prohibit a hospital from dispensing opioid overdose reversal medication to a patient at no cost to the patient out of the hospital's prepurchased supply.

(7) Nothing in this section prohibits or modifies a hospital's ability or responsibility to bill a patient's health insurance or to provide financial assistance as required by state or federal law.

(8) A hospital, its employees, and its practitioners are immune from suit in any action, civil or criminal, or from professional or other disciplinary action, for action or inaction in compliance with this section.

(9) For purposes of this section:

(a) "Opioid overdose reversal medication" has the meaning provided in RCW 69.41.095.

(b) "Practitioner" has the meaning provided in RCW 18.64.011.

NEW SECTION. **Sec. 4.** A new section is added to chapter 71.24 RCW to read as follows:

(1) For any client presenting with symptoms of an opioid use disorder, or who reports recent use of opioids outside legal authority, all licensed or certified behavioral health agencies that provide individuals treatment for mental health or substance use disorder, withdrawal management, secure withdrawal management, evaluation and treatment, or opioid treatment programs must during the client's intake, discharge, or treatment plan review, as appropriate:

(a) Inform the client about opioid overdose reversal medication and ask whether the client has opioid overdose reversal medication; and

(b) If a client does not possess opioid overdose reversal medication, unless the behavioral health provider determines using clinical and professional judgment that opioid overdose reversal medication is not appropriate, the behavioral health provider must:

(i) Prescribe the client opioid overdose reversal medication or utilize the statewide naloxone standing order; and

(ii) Assist the client in directly obtaining opioid overdose reversal medication as soon as practical by:

(A) Directly dispensing the opioid overdose reversal medication, if authorized by state law;

(B) Partnering with a pharmacy to obtain the opioid overdose reversal medication on the client's behalf and distributing the opioid overdose reversal medication to the client;

(C) Assisting the client in utilizing a mail order pharmacy or pharmacy that mails prescription drugs directly to the behavioral health agency or client and distributing the opioid overdose reversal medication to the client, if necessary;

(D) Obtaining and distributing opioid overdose reversal medication through the bulk purchasing and distribution program established in section 7 of this act; or

(E) Using any other resources or means authorized by state law to provide opioid overdose reversal medication.

(2) Until the opioid overdose reversal medication bulk purchasing and distribution program established in section 7 of this act is operational, if a behavioral health agency listed in subsection (1) of this section dispenses, distributes, or otherwise assists the client in directly obtaining the opioid overdose reversal medication such that the agency is the billing entity, the behavioral health agency must:

(a) For clients enrolled in medical assistance under chapter 74.09 RCW, bill the client's medicaid benefit for the client's opioid overdose reversal medication utilizing the appropriate billing codes established by the health care authority.

(b) For clients with available health insurance coverage other than medical assistance under chapter 74.09 RCW, bill the client's health plan for the cost of the opioid overdose reversal medication.

(c) For clients who are not enrolled in medical assistance under chapter 74.09 RCW and do not have any other available health insurance coverage, bill the health care authority for the cost of the client's opioid overdose reversal medication.

(3) A pharmacy that dispenses opioid overdose reversal medication through a partnership or relationship with a behavioral health agency as described in subsection (1) of this section must bill the health care authority for the cost of the client's opioid overdose reversal medication for clients that are not enrolled in medical assistance under chapter 74.09 RCW and do not have any other available health insurance coverage.

(4) The labeling requirements of RCW 69.41.050 and 18.64.246 do not apply to opioid overdose reversal medication dispensed or delivered in accordance with this section.

(5) A person who is provided opioid overdose reversal medication under this section must be provided information and resources about medication for opioid use disorder and harm reduction strategies and services which may be available, such as substance use disorder treatment services and substance use disorder peer counselors. This information should be available in all languages relevant to the communities that the behavioral health agency serves.

(6) The individual or entity that dispenses, distributes, or delivers an opioid overdose reversal medication in accordance with this section shall ensure that the directions for use are provided.

(7) Actions taken in compliance with subsection (1) of this section by an entity that provides only mental health treatment may not be construed as the entity holding itself out as providing or in fact providing substance use disorder diagnosis, treatment, or referral for treatment for purposes of state or federal law.

(8) A behavioral health agency, its employees, and providers are immune from suit in any action, civil or criminal, or from professional or other disciplinary action, for action or inaction in compliance with this section.

(9) For purposes of this section, "opioid overdose reversal medication" has the meaning provided in RCW 69.41.095.

NEW SECTION. **Sec. 5.** A new section is added to chapter 74.09 RCW to read as follows:

Until the opioid overdose reversal medication bulk purchasing and distribution program established in section 7 of this act is operational:

(1) Upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed care organization must reimburse a hospital or behavioral health agency for dispensing or distributing opioid overdose reversal medication to a covered person under sections 3 and 4 of this act.

(2) If the person is not enrolled in a medicaid managed care plan and does not have any other available insurance coverage, the authority must reimburse a hospital, behavioral health agency, or pharmacy for dispensing or distributing opioid overdose reversal medication under sections 3 and 4 of this act.

NEW SECTION. **Sec. 6.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority, in consultation with the department of health, the office of the insurance commissioner, and the addictions, drug, and alcohol institute at the University of Washington, shall provide technical assistance to hospitals and licensed or certified, behavioral health agencies to assist these entities, practitioners, and providers in complying with sections 3 and 4 of this act. The technical assistance provided to behavioral health agencies must include:

(a) Training nonmedical providers on distributing and providing client education and directions for use of opioid overdose reversal medication;

(b) Providing written guidance for billing for opioid overdose reversal medication; and

(c) Analyzing the cost of additional behavioral health agency staff time to carry out the activities in section 4 of this act, and providing written guidance no later than January 1, 2022, for funding and billing direct service activities related to assisting clients to obtain opioid overdose reversal medication.

(2) The authority shall develop written materials in all relevant languages for each hospital and applicable licensed or certified behavioral health agency to comply with sections 3 and 4 of this act, including directions for the use of opioid overdose reversal medication, and provide them to all hospitals and behavioral health agencies by January 1, 2022.

NEW SECTION. **Sec. 7.** A new section is added to chapter 70.14 RCW to read as follows:

(1) As soon as reasonably practicable, the health care authority shall establish a bulk purchasing and distribution program for opioid overdose reversal medication. The health care authority is authorized to:

(a) Purchase or enter into contracts as necessary to purchase and distribute opioid overdose reversal medication, collect an assessment, and administer the program;

(b) Bill, charge, and receive payment from health carriers, managed health care systems, and to the extent that any self-insured health plans choose to participate, self-insured health plans; and

(c) Perform any other functions as may be necessary or proper to establish and administer the program.

(2) To establish and administer the opioid overdose reversal medication bulk purchasing and distribution program, the health care authority may adopt rules providing the following:

(a) A dosage-based assessment and formula to determine the assessment for each opioid overdose reversal medication provided to an individual through the program that includes administrative costs of the program;

(b) The mechanism, requirements, and timeline for health carriers, managed health care systems, and self-insured plans to pay the dosage-based assessments;

(c) The types of health care facilities, health care providers, or other entities that are required to or are permitted to participate in the program;

(d) The billing procedures for any participating health care facility, health care provider, or other entity participating in the program; and

(e) Any other rules necessary to establish, implement, or administer the program.

(3) The following agencies, health plans, and insurers must participate in the bulk purchasing and distribution program:

(a) Health carriers;

(b) Managed health care systems administering a medicaid managed care plan; and

(c) The health care authority for purposes of:

(i) Health plans offered to public employees and their dependents;

(ii) Individuals enrolled in medical assistance under chapter 74.09 RCW that are not enrolled in a managed care plan; and

(iii) Uninsured individuals.

(4) The health care authority may establish an interest charge for late payment of any assessment under this section. The health care authority shall assess a civil penalty against any health carrier, managed health care system, or self-insured health plan that fails to pay an assessment within three months of billing. The civil penalty under this subsection is 150 percent of such assessment. The health care authority is authorized to file liens and seek judgment to recover amounts in arrears and civil penalties, and recover reasonable collection costs, including reasonable attorneys' fees and costs. Civil penalties so levied must be deposited in the opioid overdose reversal medication account created in section 8 of this act.

(5) The health care authority in coordination with the office of the insurance commissioner may recommend to the appropriate committees of the legislature the termination of the bulk purchasing and distribution mechanism for opioid overdose reversal medication if it finds that the original intent of its formation and operation has not been achieved.

(6) By January 1, 2022, the health care authority shall submit a report to the legislature on the progress towards establishing the bulk purchasing and distribution program. The health care authority shall submit an updated report on the progress towards establishing the bulk purchasing and distribution program by January 1, 2023.

(7) By July 1, 2025, the health care authority shall submit recommendations to the appropriate committees of the legislature on whether and how the opioid overdose reversal medication bulk purchasing and distribution program may be expanded to include other prescription drugs.

(8) "Opioid overdose reversal medication" has the same meaning as provided in RCW 69.41.095.

NEW SECTION. **Sec. 8.** A new section is added to chapter 70.14 RCW to read as follows:

The opioid overdose reversal medication account is created in the custody of the state treasurer. All receipts from collections under section 7 of this act must be deposited into the account. Expenditures from the account may be used only for the operation and administration of the opioid overdose reversal medication bulk purchasing and distribution program identified in section 7 of this act. Only the director of the health care authority or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 9. RCW 39.26.125 and 2012 c 224 s 14 are each amended to read as follows:

All contracts must be entered into pursuant to competitive solicitation, except for:

(1) Emergency contracts;

(2) Sole source contracts that comply with the provisions of RCW 39.26.140;

(3) Direct buy purchases, as designated by the director. The director shall establish policies to define criteria for direct buy purchases. These criteria may be adjusted to accommodate special market conditions and to promote market diversity for the benefit of the citizens of the state of Washington;

(4) Purchases involving special facilities, services, or market conditions, in which instances of direct negotiation is in the best interest of the state;

(5) Purchases from master contracts established by the department or an agency authorized by the department;

(6) Client services contracts;

(7) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process when the director determines that a competitive solicitation process is not appropriate or cost-effective;

(8) Off-contract purchases of Washington grown food when such food is not available from Washington sources through an existing contract. However, Washington grown food purchased under this subsection must be of an equivalent or better quality than similar food available through the contract and must be able to be paid from the agency's existing budget. This requirement also applies to purchases and contracts for purchases executed by state agencies, including institutions of higher education as defined in RCW 28B.10.016, under delegated authority granted in accordance with this chapter or under RCW 28B.10.029;

(9) Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;

(10) Intergovernmental agreements awarded to any governmental entity, whether federal, state, or local and any department, division, or subdivision thereof;

(11) Contracts for services that are necessary to the conduct of collaborative research if the use of a specific contractor is mandated by the funding source as a condition of granting funds;

(12) Contracts for architectural and engineering services as defined in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW;

(13) Contracts for the employment of expert witnesses for the purposes of litigation; ((~~and~~))

(14) Contracts for bank supervision authorized under RCW ((~~30.38.040~~)) 30A.38.040; and

(15) Contracts for the purchase of opioid overdose reversal medication authorized under section 7 of this act.

NEW SECTION. **Sec. 10.** A new section is added to chapter 41.05 RCW to read as follows:

A health plan offered to public employees and their covered dependents under this chapter that is issued or renewed on or after January 1, 2023, must participate in the bulk purchasing and distribution program for opioid overdose reversal medication established in section 7 of this act once the program is operational.

NEW SECTION. **Sec. 11.** A new section is added to chapter 48.43 RCW to read as follows:

For health plans issued or renewed on or after January 1, 2023, health carriers must participate in the opioid overdose reversal medication bulk purchasing and distribution program established in section 7 of this act once the program is operational. A health plan may not impose enrollee cost sharing related to opioid overdose reversal medication provided through the bulk purchasing and distribution program established in section 7 of this act.

NEW SECTION. **Sec. 12.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system must participate in the opioid overdose reversal medication bulk purchasing and distribution program established in section 7 of this act once the program is operational.

(2) The health care authority must participate in the opioid overdose reversal medication bulk purchasing and distribution program established in section 7 of this act once the program is operational for purposes of individuals enrolled in medical assistance under this chapter that are not enrolled in a managed care plan and are uninsured individuals.

NEW SECTION. **Sec. 13.** (1) The health care authority may adopt rules necessary to implement sections 7 through 12 of this act.

(2) The insurance commissioner may adopt rules necessary to implement sections 7 and 11 of this act.

NEW SECTION. **Sec. 14.** Sections 2 through 4 of this act take effect January 1, 2022."

Correct the title.

Representative Davis spoke in favor of the adoption of the striking amendment.

Striking amendment (680) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Davis and Barkis spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5195, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5195, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Klippert, McCaslin, McEntire, Orcutt, Schmick and Walsh.

Excused: Representative J. Johnson.

SECOND SUBSTITUTE SENATE BILL NO. 5195, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5315, by Senate Committee on Ways & Means (originally sponsored by Mullet and Dozier)

Concerning captive insurance.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5315.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5315, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Paul.

Excused: Representative J. Johnson.

SECOND SUBSTITUTE SENATE BILL NO. 5315, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5220, by Senators Van De Wege and Rolfes

Concerning the taxation of salmon recovery grants by updating the state business and occupation tax deduction for these grants, creating a sales and use tax exemption for grant proceeds received by recipients of these grants, and clarifying the sales and use tax obligations for goods and services purchased by recipients of these grants.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berg and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5220.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5220, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative J. Johnson.

ENGROSSED SENATE BILL NO. 5220, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5430, by Senator Mullet

Concerning the advanced college tuition payment program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on College & Workforce Development was adopted. (For Committee amendment, see Journal, Day 74, March 25, 2021).

With the consent of the House, amendment (535) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Bergquist and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5430, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5430, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative J. Johnson.

SENATE BILL NO. 5430, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5135, by Senators Das, Hasegawa, Nguyen, Stanford and C. Wilson

Concerning unlawfully summoning a police officer.

The bill was read the second time.

Representative Abbarno moved the adoption of amendment (523):

On page 1, beginning on line 8, after "person" strike all material through "interests" on line 19 and insert ":

(a) With the intent to (i) infringe on the other person's rights under the Washington state or United States Constitutions; or (ii) unlawfully discriminate against the other person; or

(b) Where the person's conduct constitutes extreme and outrageous conduct, the person intentionally or recklessly inflicted emotional distress on the other person, and the other person actually suffers severe emotional distress as a result"

Representative Abbarno spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (523) was not adopted.

Representative Walsh moved the adoption of amendment (520):

On page 1, beginning on line 12, strike all of subsection (c)

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (520) was not adopted.

Representative Gilday moved the adoption of amendment (525):

On page 2, line 12, after "prevailing" strike "plaintiff" and insert "party"

Representative Gilday spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (525) was not adopted.

Representative Klippert moved the adoption of amendment (529):

On page 2, line 13, after "(5)" insert "If the court finds that the plaintiff's claim was made without justification, for purposes of harassment, or with malice or other bad faith, the court may impose sanctions, including but not limited to the imposition of reasonable attorneys' fees and costs of litigation, and other appropriate relief as determined by the court.

(6)"

Representatives Klippert and Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (529) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hansen spoke in favor of the passage of the bill.

Representatives Walsh and Abbarno spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5135.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5135, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, McCaslin, McEntire, Mosbrucker, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SENATE BILL NO. 5135, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5353, by Senate Committee on Law & Justice (originally sponsored by Conway, Darneille, Nguyen and C. Wilson)

Creating a partnership model that facilitates community engagement with law enforcement.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Mosbrucker moved the adoption of amendment (682) to the committee striking amendment:

On page 2, beginning on line 20 of the striking amendment, after "organization" strike all material through "agency" on line 21

On page 2, line 33 of the striking amendment, after "(4)" insert "A law enforcement agency applying for a grant award shall not be considered an eligible applicant unless there are no other eligible applicants from the community or county the law enforcement agency serves.

(5)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Mosbrucker and Goodman spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (682) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Goodman and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5353, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5353, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5353, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5034, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Padden and Mullet)

Concerning nonprofit corporations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5034, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5034, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE SENATE BILL NO. 5034, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

SENATE BILL NO. 5019, by Senators Kuderer, Hunt, Brown and C. Wilson

Concerning the recording standards commission.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5019.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5019, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5019, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5009, by Senate Committee on Law & Justice (originally sponsored by Padden, Pedersen, Brown, McCune and Mullet)

Enacting the uniform public expression protection act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 75, March 26, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5009, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5009, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE SENATE BILL NO. 5009, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194, by Senate Committee on Ways & Means (originally sponsored by Liias, Hasegawa, Das, Hunt, Keiser, Nguyen and C. Wilson)

Providing for equity and access in the community and technical colleges. Revised for 2nd Substitute: Providing for equity and access in the community and technical colleges. (REVISED FOR ENGROSSED: Concerning equity and access in higher education.)

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on College & Workforce Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Jacobsen moved the adoption of amendment (679) to the committee striking amendment:

On page 5, beginning on line 25 of the striking amendment, after "through" strike "converting part-time faculty positions to" and insert "first offering current, part-time adjunct faculty"

On page 5, line 26 of the striking amendment, after "and" strike "by" and insert "then"

Representative Jacobsen spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Pollet spoke against the adoption of the amendment to the committee striking amendment.

Amendment (679) to the committee striking amendment was not adopted.

Representative Jacobsen moved the adoption of amendment (678) to the committee striking amendment:

On page 5, beginning on line 16 of the striking amendment, after "**Sec. 5.**" strike all material through "2024" on page 6, line 11 and insert: "ADJUNCT FACULTY SALARY AND BENEFITS. The legislature recognizes the important role of adjunct faculty at community and technical colleges that serve the vital role of educating students in a field which they are also employed or have recently been employed. Adjunct faculty often serve as informal counselors and mentors to students who look to them for education and career advice which increases student outcomes and success, especially for first generation and underserved students. The legislature therefore intends to increase the salary and benefits of adjunct faculty at community and technical colleges to the extent that specific funding for this purpose is provided in the omnibus appropriations act"

Representatives Jacobsen and Boehnke spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Pollet spoke against the adoption of the amendment to the committee striking amendment.

Amendment (678) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Pollet and Ortiz-Self spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5194, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5194, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Gilday, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5003
SENATE BILL NO. 5031
SENATE BILL NO. 5063
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5071
SUBSTITUTE SENATE BILL NO. 5080
SECOND SUBSTITUTE SENATE BILL NO. 5265
SUBSTITUTE SENATE BILL NO. 5378
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5395

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1061
SUBSTITUTE HOUSE BILL NO. 1166
HOUSE BILL NO. 1167
SUBSTITUTE HOUSE BILL NO. 1170
SUBSTITUTE HOUSE BILL NO. 1225
SUBSTITUTE HOUSE BILL NO. 1301
SUBSTITUTE HOUSE BILL NO. 1302
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1382
SUBSTITUTE HOUSE BILL NO. 1455
SENATE BILL NO. 5005
SENATE BILL NO. 5015
SENATE BILL NO. 5016
SENATE BILL NO. 5018
ENGROSSED SENATE BILL NO. 5026
SENATE BILL NO. 5046
SUBSTITUTE SENATE BILL NO. 5068
SENATE BILL NO. 5106
SENATE BILL NO. 5131

SUBSTITUTE SENATE BILL NO. 5152
SUBSTITUTE SENATE BILL NO. 5169
SENATE BILL NO. 5184
SUBSTITUTE SENATE BILL NO. 5228
ENGROSSED SUBSTITUTE SENATE BILL NO. 5284
SENATE BILL NO. 5296
SENATE BILL NO. 5303
SUBSTITUTE SENATE BILL NO. 5325
SENATE BILL NO. 5347
ENGROSSED SUBSTITUTE SENATE BILL NO. 5355
ENGROSSED SENATE BILL NO. 5356
ENGROSSED SENATE BILL NO. 5372
SUBSTITUTE SENATE BILL NO. 5384
SENATE BILL NO. 5385
SUBSTITUTE SENATE BILL NO. 5425
SENATE BILL NO. 5431

The Speaker called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

April 8, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1271,
SECOND SUBSTITUTE HOUSE BILL NO. 1325,
HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 9, 2021

Mme. SPEAKER:

The President has signed:

HOUSE BILL NO. 1001,
HOUSE BILL NO. 1009,
HOUSE BILL NO. 1023,
HOUSE BILL NO. 1031,
HOUSE BILL NO. 1063,
HOUSE BILL NO. 1072,
HOUSE BILL NO. 1087,
HOUSE BILL NO. 1096,
SECOND SUBSTITUTE HOUSE BILL NO. 1148,
ENGROSSED HOUSE BILL NO. 1192,
SUBSTITUTE HOUSE BILL NO. 1209,
SUBSTITUTE HOUSE BILL NO. 1221,
SUBSTITUTE HOUSE BILL NO. 1276,
SUBSTITUTE HOUSE BILL NO. 1331,
ENGROSSED HOUSE BILL NO. 1342,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372,
SUBSTITUTE HOUSE BILL NO. 1424,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,
SUBSTITUTE HOUSE BILL NO. 1445,
SUBSTITUTE HOUSE BILL NO. 1446,
HOUSE BILL NO. 1469,
SUBSTITUTE HOUSE BILL NO. 1493,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5396, by Senate Committee on Ways & Means (originally sponsored by Lovelett, Saldaña, Conway, Das, Kuderer, Nguyen and C. Wilson)

Expanding the sales and use tax exemption for farmworker housing.

The bill was read the second time.

With the consent of the House, amendment (531) was withdrawn.

Representative Dufault moved the adoption of amendment (530):

On page 2, line 26, after "services" insert ", except in cases where the total amount of exempted tax for a given housing project is less than $50,000"

Representative Dufault spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

Amendment (530) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ryu and Berg spoke in favor of the passage of the bill.

Representatives Dufault, Ybarra and Klicker spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5396.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5396, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SECOND SUBSTITUTE SENATE BILL NO. 5396, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5172, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by King, Brown, Fortunato, Honeyford, Muzzall, Schoesler, Short and Wagoner)

Concerning the retroactivity of overtime claims in exceptional cases. Revised for 1st Substitute: Concerning the retroactivity of overtime claims in exceptional cases. (REVISED FOR ENGROSSED: Providing overtime standards for the agricultural workforce.)

The bill was read the second time.

Representative Hoff moved the adoption of striking amendment (677):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** In order to stabilize, strengthen, and protect our state's agricultural workforce and economy, it is the intent of the legislature to pass the laws necessary to protect farmworkers and to provide agricultural employers with certainty and predictability.

The legislature intends to address the historical exceptions of agricultural work from overtime standards from both the federal fair labor standards act and the state minimum wage act when they were enacted over 60 years ago. Excluded from the opportunity to earn overtime pay, farmworkers across our state remain among our state's poorest workers. A United States department of labor study in 2016 found that nationally, 30 percent of farmworker families live below the poverty line, almost double the poverty rate of American families overall. The state department of health found that the current novel coronavirus pandemic has had a significant and disproportionate impact on farmworkers. The virus' risks to essential farmworkers from potential workplace exposures are compounded by systemic barriers to testing, prevention measures, and medical care.

The legislature also intends to avoid disruptions within the state's vital agricultural sector. While Washington is well known as the national leader in apple production, the state's agricultural sector is incredibly diverse: Over 300 crops are harvested, and a variety of livestock are raised on over 35,000 farms across the state. The robust size of our agricultural sector means our state overall ranks in the top 10 nationally in the size of our farm labor force. Agriculture is a cornerstone of our state economy. Uncertainty from recent legal decisions regarding overtime standards are compounding the pandemic's disruptions to the food chain and the safety challenges of operating during a public health crisis.

The legislature intends to provide clear overtime standards to reduce litigation between parties in this key sector of the state's economy during the challenges and additional costs brought on by the novel coronavirus and to protect the security of our food supply chain. This act's transitional approach is reasonable to achieve the legislature's purpose of increasing the safety of an at risk and essential workforce, increasing the public welfare of low-income individuals by removing a historical barrier to their earning potential, and maintaining the food security and economic security provided by a stable agricultural sector.

Sec. 2. RCW 49.46.130 and 2013 c 207 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, no employer shall employ any of his or her employees for a workweek longer than forty hours unless such employee receives compensation for his or her employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he or she is employed.

(2) This section does not apply to:

(a) Any person exempted pursuant to RCW 49.46.010(3). The payment of compensation or provision of compensatory time off in addition to a salary shall not be a factor in determining whether a person is exempted under RCW 49.46.010(3)(c);

(b) Employees who request compensating time off in lieu of overtime pay;

(c) Any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel;

(d) Seasonal employees who are employed at concessions and recreational establishments at agricultural fairs, including those seasonal employees employed by agricultural fairs, within the state provided that the period of employment for any seasonal employee at any or all agricultural fairs does not exceed fourteen working days a year;

(e) Any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay;

(f) An individual employed as a truck or bus driver who is subject to the provisions of the Federal Motor Carrier Act (49 U.S.C. Sec. 3101 et seq. and 49 U.S.C. Sec. 10101 et seq.), if the compensation system under which the truck or bus driver is paid includes overtime pay, reasonably equivalent to that required by this subsection, for working longer than forty hours per week;

(g) Any individual employed ((~~(i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption~~)) as an agricultural employee. This exemption from subsection (1) of this section applies only until December 31, 2021;

(h) Any industry in which federal law provides for an overtime payment based on a workweek other than forty hours. However, the provisions of the federal law regarding overtime payment based on a workweek other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state. For the purposes of this subsection, "industry" means a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259));

(i) Any hours worked by an employee of a carrier by air subject to the provisions of subchapter II of the Railway Labor Act (45 U.S.C. Sec. 181 et seq.), when such hours are voluntarily worked by the employee pursuant to a shift-trading practice under which the employee has the opportunity in the same or in other workweeks to reduce hours worked by voluntarily offering a shift for trade or reassignment; and

(j) Any individual licensed under chapter 18.85 RCW unless the individual is providing real estate brokerage services under a written contract with a real estate firm which provides that the individual is an employee. For purposes of this subsection (2)(j), "real estate brokerage services" and "real estate firm" mean the same as defined in RCW 18.85.011.

(3) No employer shall be deemed to have violated subsection (1) of this section by employing any employee of a retail or service establishment for a workweek in excess of the applicable workweek specified in subsection (1) of this section if:

(a) The regular rate of pay of the employee is in excess of one and one-half

times the minimum hourly rate required under RCW 49.46.020; and

(b) More than half of the employee's compensation for a representative period, of not less than one month, represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate is to be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

(4) No employer of commissioned salespeople primarily engaged in the business of selling automobiles, trucks, recreational vessels, recreational vessel trailers, recreational vehicle trailers, recreational campers, manufactured housing, or farm implements to ultimate purchasers shall violate subsection (1) of this section with respect to such commissioned salespeople if the commissioned salespeople are paid the greater of:

(a) Compensation at the hourly rate, which may not be less than the rate required under RCW 49.46.020, for each hour worked up to forty hours per week, and compensation of one and one-half times that hourly rate for all hours worked over forty hours in one week; or

(b) A straight commission, a salary plus commission, or a salary plus bonus applied to gross salary.

(5) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his or her work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his or her work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he or she is employed.

(6)(a) Beginning January 1, 2022, any agricultural employee shall not be employed for more than 55 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 55 in any one workweek.

(b) Beginning January 1, 2023, any agricultural employee shall not be employed for more than 48 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 48 in any one workweek.

(c) Beginning January 1, 2024, any agricultural employee shall not be employed for more than 40 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 40 in any one workweek.

(7)(a) No damages, statutory or civil penalties, attorneys' fees and costs, or other type of relief may be granted against an employer to an agricultural or dairy employee seeking unpaid overtime due to the employee's historical exclusion from overtime under subsection (2)(g) of this section, as it existed on November 4, 2020.

(b) This subsection applies to all claims, causes of actions, and proceedings commenced on or after November 5, 2020, regardless of when the claim or cause of action arose. To this extent, this subsection applies retroactively, but in all other respects it applies prospectively.

(c) This subsection does not apply to dairy employees entitled to backpay or other relief as a result of being a member in

the class of plaintiffs in Martinez-Cuevas v. DeRuyter Bros. Dairy, 196 Wn.2d 506 (2020).

(8) For the purposes of this section, "agricultural employee" means any individual employed: (a) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding,

caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; (b) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (c) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption. An agricultural employee does not include a dairy employee.

(9) For the purposes of this section, "dairy employee" includes any employee engaged in dairy cattle and milk production activities described in code 112120 of the North American industry classification system."

Correct the title.

Representatives Hoff and Sells spoke in favor of the adoption of the striking amendment.

Striking amendment (677) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hoff and Ortiz-Self spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5172, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5172, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, McCaslin, McEntire, Robertson, Stokesbary, Sutherland and Walsh.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5172, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of SENATE BILL NO. 5367 and the bill was placed on the second reading calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5227, by Senate Committee on Ways & Means (originally sponsored by Randall, Nobles, Das, Lovelett, C. Wilson, Hasegawa, Hunt, Keiser, Kuderer, Liias, Nguyen and Stanford)

Requiring diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education. Revised for 2nd Substitute: Concerning diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on College & Workforce Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

With the consent of the House, amendments (575) and (577) were withdrawn.

Representative Chambers moved the adoption of amendment (572) to the committee striking amendment:

On page 2, line 26 of the striking amendment, after "communities." insert "The program must also include elements

that focus on commonalities and humanity."

On page 5, line 18 of the striking amendment, after "communities." insert "The program must also include elements that focus on commonalities and humanity."

Representatives Chambers and Slatter spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (572) to the committee striking amendment was adopted.

Representative Chambers moved the adoption of amendment (571) to the committee striking amendment:

On page 2, line 28 of the striking amendment, after "community." insert "Faculty and staff's freedom of speech must be respected, and they may not be required to share their own race, ethnicity, religion, sexual orientation, or gender, or their views on such."

On page 5, line 20 of the striking amendment, after "community." insert "Students' freedom of speech must be respected, and students may not be required to share their own race, ethnicity, religion, sexual orientation, or gender, or their views on such."

Representatives Chambers and Rude spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Hansen and Entenman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (571) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Slatter and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5227, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5227, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Rude, Schmick, Sutherland, Vick, Volz, Walsh and Young.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5227, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

April 8, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5126,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 9, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1016,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113,
SUBSTITUTE HOUSE BILL NO. 1250,
ENGROSSED HOUSE BILL NO. 1251,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 9, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5478,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House adjourned until 10:00 a.m., April 10, 2021, the 90th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINETIETH DAY

House Chamber, Olympia, Saturday, April 10, 2021

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Kelly Chambers, 25th Legislative District.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 5226 and the bill was placed on the second reading calendar.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1573 by Representatives Graham, Eslick, Caldier, Volz, Mosbrucker, Jacobsen, Dent, Walsh, Klicker, Goehner, Sutherland, Abbarno, Schmick, Orwall, Goodman, Simmons, Dolan and Robertson

AN ACT Relating to the appointment of counsel for crime victims; and adding a new section to chapter 7.69 RCW.

Referred to Committee on Public Safety.

There being no objection, HOUSE BILL NO. 1573 was read the first time, and referred to the committee on Civil Rights & Judiciary.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5000, by Senate Committee on Ways & Means (originally sponsored by Hawkins, Lovelett, Billig, Braun, Carlyle, Conway, Das, Ericksen, Fortunato, Gildon, Hasegawa, Holy, Hunt, King, Kuderer, Mullet, Muzzall, Nguyen, Padden, Pedersen, Rivers, Robinson, Salomon, Sheldon, Van De Wege, Wagoner, Warnick, Wellman, C. Wilson and J. Wilson)

Creating a hydrogen fuel cell electric vehicle pilot sales and use tax exemption program. Revised for 2nd Substitute: Concerning hydrogen fuel cell electric vehicles.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt, Berg, Barkis, Fey, Ybarra and Sutherland spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Corry was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5000.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5000, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Leavitt, McCaslin, Stokesbary and Walen.

Excused: Representative Corry.

SECOND SUBSTITUTE SENATE BILL NO. 5000, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5080, by Senate Committee on Ways & Means (originally sponsored by Carlyle, Frockt, Hunt, Saldaña, Wellman and C. Wilson)

Providing flexibility in the distribution and use of local funds dedicated to facilities used for youth educational programming.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Frame and Rule spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5080.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5080, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase and Orcutt.

Excused: Representative Corry.

SUBSTITUTE SENATE BILL NO. 5080, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5287, by Senate Committee on Ways & Means (originally sponsored by Das, Kuderer, Conway, Keiser, Liias, Nguyen, Nobles, Pedersen, Randall, Salomon and C. Wilson)

Concerning affordable housing incentives.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Orcutt moved the adoption of amendment (684) to the committee striking amendment:

On page 7, line 16, after "period," insert "including any extension,"

On page 7, line 17, after "~~shall~~))" insert "current"

On page 7, beginning on line 20, after "RCW" strike all material through "chapter" on line 21

On page 15, line 10, after "period, the" insert "current"

On page 15, beginning on line 13, after "RCW" strike all material through "chapter" on line 14

On page 19, after line 37, insert the following:

"**Sec. 11.** RCW 84.14.070 and 2012 c 194 s 7 are each amended to read as follows:

(1) The governing authority or an administrative official or commission authorized by the governing authority must approve or deny an application filed under this chapter within ninety days after receipt of the application.

(2) If the application is approved, the city or county must ((~~issue~~)):

(a) Issue the owner of the property a conditional certificate of acceptance of tax exemption. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required findings indicated in RCW 84.14.060; and

(b) Notify the county assessor within 10 days, or by July 31st of the year the application is approved, whichever comes first.

(3)(a) A property for which a conditional certificate of tax exemption is issued will be exempt from ad valorem property taxation for the duration of the construction or rehabilitation period beginning January 1st of the year immediately following the issuance of the conditional certificate.

(b) Except as provided under (c) of this subsection, the value of

construction, conversion, or rehabilitation improvements is not considered as new construction for purposes of chapter 84.55 RCW until after the exemption provided under RCW 84.14.020, including any extension, or under section 7 of this act, expires.

(c) The exemption must cease and the county treasurer must collect all taxes which would have been paid had the property not been exempt under (a) of this subsection if:

(i) A property becomes ineligible during its construction or rehabilitation period;

(ii) Construction on a property is not completed by the deadline provided in RCW 84.14.090, including any extension as provided in RCW 84.14.090(5);

(iii) The applicant voluntarily withdraws the application; or

(iv) The application is denied for any reason.

(d) The exemption provided under (a) of this subsection expires when the exemption provided under RCW 84.14.020 or section 7 of this act begins.

(4) If the application is denied by the authorized administrative official or commission authorized by the governing authority, the deciding administrative official or commission must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

((~~(4)~~)) (5) Upon denial by a duly authorized administrative official or commission, an applicant may appeal the denial to the governing authority within thirty days after receipt of the denial. The appeal before the governing authority must be based upon the record made before the administrative official with the burden of proof on the applicant to show that there was no substantial evidence to support the administrative official's decision. The decision of the governing body in denying or approving the application is final."

Representative Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Frame spoke against the adoption of the amendment to the committee striking amendment.

Amendment (684) to the committee striking amendment was not adopted.

Representative Pollet moved the adoption of amendment (695) to the committee striking amendment:

On page 12, line 24 of the striking amendment, after "(3)" insert "(a) The department of commerce must adopt and implement a program to effectively audit or review that the owner or operator of each property for which a certificate of tax exemption has been issued, except for those properties receiving an exemption that are owned or operated by a nonprofit or for those properties receiving an exemption from a city or county that operates an independent audit or review program, is offering the number of units at rents as committed to in the approved application for an exemption and that the tenants are being properly screened to be qualified for an income-restricted unit. The audit or review program must be adopted in consultation with local governments and other stakeholders and may be based on auditing a percentage of income-restricted units or properties annually. A private owner or operator of a property for which a certificate of tax exemption has been issued under this chapter, must be audited at least once every 5 years.

(b) If the review or audit required under (a) of this subsection for a given property finds that the owner or operator is not offering the number of units at rents as committed to in the approved application or is not properly screening tenants for income-restricted units, the department of commerce must notify the city or county and the city or county must impose and collect a sliding scale penalty not to exceed an amount calculated by subtracting the amount of rents that would have been collected had the owner or operator complied with their commitment from the amount of rents collected by the owner or operator for the income-restricted units, with consideration of the severity of the noncompliance. If a subsequent review or audit required under (a) of this subsection for a given property finds continued substantial noncompliance with the program requirements, the exemption certificate must be canceled pursuant to RCW 84.14.110.

(c) The department of commerce may impose and collect a fee, not to exceed the costs of the audit or review, from the owner or operator of any property

subject to an audit or review required under (a) of this subsection.

(4)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Pollet and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (695) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Ramel, Barkis and Walen spoke in favor of the passage of the bill.

Representatives Orcutt and Sutherland spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5287, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5287, as amended by the House, and the bill passed the House by the following vote: Yeas, 81; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Cody, Davis, Dolan, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Chopp, Dent, Dufault, Eslick, Graham, Kraft, Kretz, McCaslin, McEntire, Orcutt, Ormsby, Springer, Sutherland and Walsh.

Excused: Representative Corry.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5287, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5378, by Senate Committee on Business, Financial Services & Trade (originally sponsored by Das, Nobles, Hasegawa, Lovelett, Randall, Saldaña and C. Wilson)

Concerning real estate brokers and managing brokers license renewal requirements.

The bill was read the second time.

Representative Kirby moved the adoption of amendment (693):

On page 1, line 19, after "renewals," strike "six" and insert "three"

On page 2, line 2, after "49.60.222." strike "For every subsequent renewal, three" and insert "However, active license renewal applicants who did not complete fair housing and consumer protection training as part of the instruction required by RCW 18.85.101 must complete six"

On page 2, line 4, after "section" strike "must be"

On page 2, line 6, after "49.60.222" insert "only for the renewal cycle immediately following June 1, 2022"

Representatives Kirby and Vick spoke in favor of the adoption of the amendment.

Amendment (693) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Entenman and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5378, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5378, as amended by the House, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby,

Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dent, Dufault, Dye, Hoff, Klippert, Kraft, Kretz, Maycumber, McCaslin, Schmick and Sutherland.

Excused: Representative Corry.

SUBSTITUTE SENATE BILL NO. 5378, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5063, by Senators Honeyford, Salomon, Van De Wege and Warnick

Concerning the expiration date of the invasive species council.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shewmake, Dent and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5063.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5063, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Corry.

SENATE BILL NO. 5063, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5367, by Senator Conway

Directing the department of retirement systems to create rules regarding automatic refunds of retirement contributions in the retirement systems listed in RCW 41.50.030.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5367.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5367, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Corry.

SENATE BILL NO. 5367, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5191, by Senate Committee on Law & Justice (originally sponsored by Darneille, King, Billig, Carlyle, Conway, Das, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nguyen, Nobles, Randall, Salomon, Stanford and C. Wilson)

Regulating unfair business practices and prohibiting predatory price increases during states of emergency.

The bill was read the second time.

With the consent of the House, amendment (672) was withdrawn.

There being no objection, the committee amendment by the Committee on Consumer Protection & Business was adopted. (For Committee amendment, see Journal, Day 75, March 26, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Kirby spoke in favor of the passage of the bill.

Representatives Vick and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5191, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5191, as amended by the House, and the bill passed the House by the following vote: Yeas, 52; Nays, 45; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Corry.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5191, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5226, by Senate Committee on Law & Justice (originally sponsored by Salomon, Saldaña, Das, Frockt, Hasegawa, Kuderer, Liias, Lovelett, Muzzall, Nguyen, Nobles, Pedersen, Randall and C. Wilson)

Concerning the suspension of licenses for traffic infractions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hackney, Barkis, Fey and Robertson spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5226, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5226, as amended by the House, and the bill passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McEntire, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Dent, Dufault, Dye, Hoff, Klicker, Klippert, Kraft, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Sutherland, Vick and Ybarra.

Excused: Representative Corry.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5226, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute Senate Bill No. 5226.

Representative Maycumber, 7th District

SECOND READING

SUBSTITUTE SENATE BILL NO. 5003, by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Conway, Kuderer, Randall, Saldaña, Stanford and C. Wilson)

Enacting the living donor act.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 75, March 26, 2021).

Representative Cody moved the adoption of amendment (698) to the committee striking amendment:

On page 1, line 6 of the striking amendment, after "disability" insert "insurers"

On page 1, line 7 of the striking amendment, after "organizations," insert "and"

On page 1, line 8 of the striking amendment, after "limited" strike "licensed carriers" and insert "health care service contractors"

Representatives Cody and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (698) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Bateman and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5003, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5003, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Corry.

SUBSTITUTE SENATE BILL NO. 5003, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5345, by Senators Brown, Rolfes, Das, Hasegawa, Lovelett, Mullet, Nguyen, Randall and Rivers

Establishing a statewide industrial waste coordination program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment & Energy was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dye and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5345, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5345, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and McCaslin.

Excused: Representative Corry.

SENATE BILL NO. 5345, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5159, by Senators Warnick, Van De Wege and Short

Concerning payments in lieu of real property taxes by the department of the fish and wildlife.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shewmake and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5159.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5159, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Corry.

SENATE BILL NO. 5159, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5141, by Senate Committee on Ways & Means (originally sponsored by Saldaña, Lovelett, Carlyle, Das, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Nobles, Pedersen, Rolfes, Stanford and C. Wilson)

Implementing the recommendations of the environmental justice task force. Revised for 2nd Substitute: Reducing environmental and health disparities and improving the health of all Washington state residents by implementing the recommendations of the environmental justice task force.

The bill was read the second time.

There being no objection, the committee amendments by the Committees on Appropriations and Environment & Energy were not adopted.

Representative Fitzgibbon moved the adoption of striking amendment (683):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The purpose of this chapter is to reduce environmental and health disparities in Washington state and improve the health of all Washington state residents. This chapter implements the recommendations of the environmental justice task force established in section 221(48), chapter 415, Laws of 2019 entitled "Report to the Washington state governor and legislature, *Environmental Justice Task Force: Recommendations for Prioritizing EJ in Washington State Government* (October 2020)."

(2) As conveyed in the task force report, Washington state studies and national studies found that people of color and low-income people continue to be disproportionately exposed to environmental harms in their communities. As a result, there is a higher risk of adverse health outcomes for those communities. This risk is amplified when overlaid on communities with preexisting social and economic barriers and environmental risks, and creates cumulative environmental health impacts, which this act seeks to prevent and mitigate.

This chapter also seeks to reduce exposure to environmental hazards within Indian country, as defined in 18 U.S.C. Sec. 1151, due to off-reservation activities within the state, and to improve state practices to reduce contamination of traditional foods wherever they occur. Exposure to such hazards can result in generational health and ecological problems, particularly on small reservations where it is impossible to move away from a hazard.

(3) Accordingly, the state has a compelling interest in preventing and addressing such environmental health disparities in the administration of ongoing and new environmental programs, including allocation of funds, and in administering these programs so as to remedy the effects of past disparate

treatment of overburdened communities and vulnerable populations.

(4) The task force provided recommendations to state agencies for measurable goals and model policies to reduce environmental health inequities in Washington, equitable practices for meaningful community involvement, and how to use the environmental health disparities map to identify and promote the equitable distribution of environmental benefits to overburdened communities. In order for all communities in Washington state to be healthy and thriving, state government should aim to concentrate government actions to benefit communities that currently have the greatest environmental and health burdens.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Council" means the environmental justice council established in section 20 of this act.

(2) "Covered agency" means the departments of ecology, health, natural resources, commerce, agriculture, and transportation, the Puget Sound partnership, and any agency that opts to assume all of the obligations of this act pursuant to section 11 of this act.

(3) "Cumulative environmental health impact" means the combined, multiple environmental impacts and health impacts on a vulnerable population or overburdened community.

(4) "Environmental benefits" means activities that:

(a) Prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts;

(b) Prevent or mitigate impacts to overburdened communities or vulnerable populations from, or support community response to, the impacts of environmental harm; or

(c) Meet a community need formally identified to a covered agency by an overburdened community or vulnerable population that is consistent with the intent of this chapter.

(5) "Environmental harm" means the individual or cumulative environmental health impacts and risks to communities caused by historic, current, or projected:

(a) Exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land;

(b) Adverse environmental effects, including exposure to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes or create vulnerabilities to the impacts of climate change;

(c) Loss or impairment of ecosystem functions or traditional food resources or loss of access to gather cultural resources or harvest traditional foods; or

(d) Health and economic impacts from climate change.

(6) "Environmental health disparities map" means the data and information developed pursuant to section 19 of this act.

(7) "Environmental impacts" means environmental benefits or environmental harms, or the combination of environmental benefits and harms, resulting or expected to result from a proposed action.

(8) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm.

(9) "Equitable distribution" means a fair and just, but not necessarily equal, allocation intended to mitigate disparities in benefits and burdens that are based on current conditions, including existing legacy and cumulative impacts, that are informed by cumulative environmental health impact analysis.

(10) "Evidence-based" means a process that is conducted by a systematic review of available data based on a well-

established and widely used hierarchy of data in current use by other state and national programs, selected by the departments of ecology and health. The environmental justice council may provide input on the development of the process.

(11) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.

(12) "Significant agency action" means the following actions as identified at the beginning of a covered agency's consideration of the significant agency action or at the time when an environmental justice assessment would normally be initiated in conjunction with an agency action:

(a) The development and adoption of significant legislative rules as defined in RCW 34.05.328;

(b) The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out;

(c) A capital project, grant, or loan award by a covered agency of at least $12,000,000 or a transportation project, grant, or loan by a covered agency of at least $15,000,000;

(d) The submission of agency request legislation to the office of the governor or the office of financial management for approval; and

(e) Any other agency actions deemed significant by a covered agency consistent with section 14 of this act.

(13) "Tribal lands" has the same meaning as "Indian country" as provided in 18 U.S.C. Sec. 1151, and also includes sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law.

(14)(a) "Vulnerable populations" means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

(b) "Vulnerable populations" includes, but is not limited to:

(i) Racial or ethnic minorities;

(ii) Low-income populations;

(iii) Populations disproportionately impacted by environmental harms; and

(iv) Populations of workers experiencing environmental harms.

NEW SECTION. **Sec. 3.** ENVIRONMENTAL JUSTICE OBLIGATIONS FOR ALL AGENCIES. Covered agencies are required to comply with all provisions of this chapter. All other state agencies should strive to apply the laws of the state of Washington, and the rules and policies of the agency, in accordance with the policies of this chapter including, to the extent feasible, incorporating the principles of environmental justice assessment processes set forth in section 14 of this act into agency decisions.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF HEALTH.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 25 of this act).

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.21A RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF ECOLOGY.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 25 of this act).

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.23 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF AGRICULTURE.

The department must apply and comply with the substantive and procedural

requirements of chapter 70A.--- RCW (the new chapter created in section 25 of this act).

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.30 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF NATURAL RESOURCES.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 25 of this act).

NEW SECTION. **Sec. 8.** A new section is added to chapter 43.330 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF COMMERCE.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 25 of this act).

NEW SECTION. **Sec. 9.** A new section is added to chapter 47.01 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF TRANSPORTATION.

The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 25 of this act).

NEW SECTION. **Sec. 10.** A new section is added to chapter 90.71 RCW to read as follows:

ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE PUGET SOUND PARTNERSHIP.

The partnership must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 25 of this act).

NEW SECTION. **Sec. 11.** AUTHORITY OF OTHER AGENCIES TO OPT IN TO ENVIRONMENTAL JUSTICE OBLIGATIONS. (1) Any state agency, as the term "agency" is defined in RCW 34.05.010, including the governor's office and the office of the attorney general but excluding local governmental entities, may opt in to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.--- RCW (the new chapter created in section 25 of this act) at any time by notifying the council established in section 20 of this act.

(2) An agency that opts in to assume all of the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 25 of this act) is not subject to the deadlines or timelines established in sections 12, 13, 14, 16, and 20 of this act.

NEW SECTION. **Sec. 12.** INCORPORATING ENVIRONMENTAL JUSTICE INTO AGENCY STRATEGIC PLANS. (1) By January 1, 2023, each covered agency shall include an environmental justice implementation plan within its strategic plan. A covered agency may additionally incorporate an environmental justice implementation plan into other significant agency planning documents. The plan must describe how the covered agency plans to apply the principles of environmental justice to the agency's activities and must guide the agency in its implementation of its obligations under this chapter.

(2) In its environmental justice implementation plan, each covered agency must include:

(a) Agency-specific goals and actions to reduce environmental and health disparities and for otherwise achieving environmental justice in the agency's programs;

(b) Metrics to track and measure accomplishments of the agency goals and actions;

(c) Methods to embed equitable community engagement with, and equitable participation from, members of the public, into agency practices for soliciting and receiving public comment;

(d) Strategies to ensure compliance with existing federal and state laws and policies relating to environmental justice, including Title VI of the civil rights act of 1964, 42 U.S.C. Sec. 2000d-2000d-4, Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1683, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794, and the age discrimination act of 1975, 42 U.S.C. Sec. 6101-6107;

(e) The plan for community engagement required under section 13 of this act; and

(f) Specific plans and timelines for incorporating environmental justice

considerations into agency activities as required under this chapter.

(3) In developing and updating its plan, each covered agency must consider any guidance developed by the council pursuant to section 20 of this act.

NEW SECTION. **Sec. 13.** EQUITABLE COMMUNITY ENGAGEMENT AND PUBLIC PARTICIPATION. (1) By July 1, 2022, each covered agency must create and adopt a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs. This plan must describe how the agency plans to facilitate equitable participation and support meaningful and direct involvement of vulnerable populations and overburdened communities. The plan must include:

(a) How the covered agency will identify and prioritize overburdened communities for purposes of this chapter;

(b) Best practices for outreach and communication to overcome barriers to engagement with overburdened communities and vulnerable populations;

(c) Use of special screening tools that integrate environmental, demographic, and health disparities data, such as the environmental health disparities map, to evaluate and understand the nature and needs of the people who the agency expects to be impacted by significant agency actions under section 14 of this act and processes under section 16 of this act to overcome barriers to participation;

(d) Processes that facilitate and support the inclusion of members of communities affected by agency decision making including, to the extent legal and practicable, but not limited to, child care and reimbursement for travel and other expenses; and

(e) Methods for outreach and communication with those who face barriers, language or otherwise, to participation.

(2) Covered agencies must regularly review their compliance with existing laws and policies that guide community engagement and must comply with the following:

(a) Title VI of the civil rights act, prohibiting discrimination based on race, color, or national origin and requiring meaningful access to people with limited English proficiency, and disability;

(b) Executive Order 05-03, requiring plain talk when communicating with the public; and

(c) Guidance related to Executive Order 13166, requiring meaningful access to agency programs and services for people with limited English proficiency.

(3) In developing and updating its plan, each covered agency must consider any guidance developed by the council pursuant to section 20 of this act.

(4) A covered agency may coordinate with the office of equity to identify policy and system barriers to meaningful engagement with communities as conducted by the office under RCW 43.06D.040(1)(b).

NEW SECTION. **Sec. 14.** ENVIRONMENTAL JUSTICE ASSESSMENT. (1)(a) When considering a significant agency action initiated after July 1, 2023, a covered agency must conduct an environmental justice assessment in accordance with this section to inform and support the agency's consideration of overburdened communities and vulnerable populations when making decisions and to assist the agency with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of environmental and health disparities.

(b) A covered agency must aspire to complete the environmental justice assessment for a significant agency action without delaying the completion of the underlying agency action.

(2)(a) Consistent with section 2(12)(e) of this act, for the purpose of preparing environmental justice assessments, a covered agency may deem actions significant that are additional to the significant agency actions identified in section 2(12) (a) through (d) of this act, in iterative consultation with the council and interagency work group established under section 20 of this act. By July 1, 2025, each covered agency must consider their agency's activities and identify and begin applying environmental justice assessments to any actions that the agency identifies as significant that are in addition to the significant agency actions identified in section 2(12) (a) through (d) of this act. Significant agency actions designated by a covered

agency under this subsection must be actions that may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.

(b) In the identification of significant agency actions, covered agencies shall consider guidance issued by the council established in section 20 of this act. Each covered agency must periodically review and update its identified types of significant agency actions for which an environmental justice assessment is required under this section, and the relevant factors to the agency's environmental justice assessments that result from the unique mission, authorities, and priorities of the agency.

(3) By July 1, 2023, and periodically thereafter, after an opportunity for public comment on its determinations, each covered agency must:

(a) Publish on its website the types of agency actions that the agency has determined are significant agency actions that require an environmental justice assessment under this section, including any significant agency actions identified under subsection (2)(a) of this section;

(b) Provide notification of the determination of the types of significant agency actions in the Washington State Register; and

(c) Prepare an environmental justice assessment when considering a listed action, after publication of the list of any additional significant agency actions identified under (a) of this subsection.

(4) At a minimum, environmental justice assessments must:

(a) Consider guidance prepared by the council under section 20 of this act relating to best practices on environmental justice assessments and when and how to use cumulative environmental health impact analysis;

(b) Use cumulative environmental health impact analysis, such as the environmental health disparities map or other data that considers the effects of a proposed action on overburdened communities and vulnerable populations;

(c) Identify overburdened communities and vulnerable populations who are expected to be affected by the proposed action and the potential environmental and health impacts;

(d) Identify if the proposed action is expected to have any local or regional impacts to federally reserved tribal rights and resources including, but not limited to, those protected by treaty, executive order, or federal law;

(e) Summarize community input and describe how the covered agency can further involve overburdened communities, vulnerable populations, affected tribes, and indigenous populations in development of the proposed action; and

(f) Describe options for the agency to reduce, mitigate, or eliminate identified probable impacts on overburdened communities and vulnerable populations, or provide a justification for not reducing, mitigating, or eliminating identified probable impacts.

(5) To obtain information for the purposes of assessments, a covered agency must solicit feedback from members of overburdened communities and vulnerable populations to assist in the accurate assessment of the potential impact of the action and in developing the means to reduce or eliminate the impact on overburdened communities and vulnerable populations.

(6) Based on the environmental justice assessment, each covered agency must seek, to the extent legal and feasible and consistent with the underlying statute being implemented, to reduce or eliminate the environmental harms and maximize the environmental benefits created by the significant agency action on overburdened communities and vulnerable populations. Consistent with agency authority, mission, and statutory responsibilities, the covered agency must consider each of the following methods for reducing environmental harms or equitably distributing environmental benefits:

(a) Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations;

(b) Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations;

(c) Preventing the action from adding to the cumulative environmental health

impacts on overburdened communities or vulnerable populations;

(d) Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action;

(e) Prioritizing equitable distribution of resources and benefits to overburdened communities;

(f) Promoting positive workforce and job outcomes for overburdened communities;

(g) Meeting community needs identified by the affected overburdened community;

(h) Modifying substantive regulatory or policy requirements; and

(i) Any other mitigation techniques, including those suggested by the council, the office of equity, or representatives of overburdened communities and vulnerable populations.

(7) If the covered agency determines it does not have the ability or authority to avoid or reduce any estimated environmental harm of the significant agency action on overburdened communities and vulnerable populations or address the distribution of environmental and health benefits, the agency must provide a clear explanation of why it has made that determination and provide notice of that explanation to members of the public who participated in the process for the significant agency action or the process for the environmental justice assessment and who provided contact information to the agency.

(8) In developing a process for conducting environmental justice assessments, each covered agency must consider any guidance developed by the council pursuant to section 20 of this act.

(9) The issuance of forest practices permits under chapter 76.09 RCW or sale of timber from state lands and state forestlands as defined in RCW 79.02.010 do not require an environmental justice assessment under this section.

NEW SECTION. **Sec. 15.** The obligation of a covered agency to conduct an environmental justice assessment pursuant to section 14 of this act for significant agency actions does not, by itself, trigger requirements in chapter 43.21C RCW.

NEW SECTION. **Sec. 16.** ENVIRONMENTAL JUSTICE OBLIGATIONS OF AGENCIES RELATING TO BUDGETS AND FUNDING. (1) With consideration of the guidelines issued by the council in section 20 of this act, and in iterative consultation with the council, each covered agency must incorporate environmental justice principles into its decision processes for budget development, making expenditures, and granting or withholding environmental benefits. Through the incorporation of environmental justice principles into its decision processes, including by conducting environmental justice assessments where required under section 14 of this act, each covered agency, to the extent allowed by law and consistent with legislative appropriations, must equitably distribute funding and expenditures related to programs that address or may cause environmental harms or provide environmental benefits towards overburdened communities and vulnerable populations.

(2) Beginning on or before July 1, 2023, each covered agency must, where practicable, take the following actions when making expenditure decisions or developing budget requests to the office of financial management and the legislature for programs that address or may cause environmental harms or provide environmental benefits:

(a) Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations;

(b) Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions;

(c) Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures;

(d) Consider a broad scope of grants and contracting opportunities that effectuate environmental justice principles, including:

(i) Community grants to monitor pollution;

(ii) Grants focused on building capacity and providing training for community scientists and other staff;

(iii) Making technical assistance available for communities that may be new to receiving agency grant funding; and

(iv) Education and work readiness youth programs focused on infrastructure or utility-related internships to develop career paths and leadership skills for youth; and

(e) Establish a goal of directing 40 percent of grants and expenditures that create environmental benefits to vulnerable populations and overburdened communities.

(3) A covered agency may adopt rules or guidelines for criteria and procedures applicable to incorporating environmental justice principles in expenditure decisions, granting or withholding benefits, and processes for budget development.

(4) In incorporating environmental justice principles into its decision processes for budget development, making expenditures, and granting or withholding benefits, each covered agency must consider any guidance developed by the council pursuant to section 20 of this act.

(5) A covered agency may not take actions or make expenditures under this section that are inconsistent with or conflict with other statutes or with conditions or limitations on the agency's appropriations.

(6) If a covered agency, due to the breadth of its programs and funding opportunities, determines it is not practicable to take the actions listed in subsection (2) of this section for all applicable expenditure decisions and budget requests developed, the covered agency is encouraged to prioritize taking the actions listed in subsection (2) of this section for those budget requests and expenditure decisions that are primarily directed at addressing environmental impacts. By July 1, 2023, each covered agency must publish on its website the types of decision processes for budget development, making expenditures, and granting or withholding environmental benefits for which the agency will take the actions listed in subsection (2) of this section.

NEW SECTION. **Sec. 17.** REPORTING REQUIREMENTS. (1) By September 1st of each year, each covered agency must annually update the council on the development and implementation of environmental justice in agency strategic plans pursuant to section 12 of this act, budgeting and funding criteria for making budgeting and funding decisions pursuant to section 16 of this act, and community engagement plans pursuant to section 13 of this act.

(2)(a) Beginning in 2024, as part of each covered agency's annual update to the council under subsection (1) of this section, each covered agency must include updates on the agency's implementation status with respect to the environmental justice assessments under section 14 of this act.

(b) By September 1st of each year beginning in 2024, each covered agency must publish or update a dashboard report, in a uniform dashboard format on the office of financial management's website, describing the agency's progress on:

(i) Incorporating environmental justice in its strategic plan;

(ii) The obligations of agencies relating to budgets and funding under section 16 of this act; and

(iii) Its environmental justice assessments of proposed significant agency actions, including logistical metrics related to covered agency completion of environmental justice assessments.

(3) Each covered agency must file a notice with the office of financial management of significant agency actions for which the agency is initiating an environmental justice assessment under section 14 of this act. The office of financial management must prepare a list of all filings received from covered agencies each week and must post the list on its website and make it available to any interested parties. The list of filings must include a brief description of the significant agency action and the methods for providing public comment for agency consideration as part of the environmental justice assessment.

NEW SECTION. **Sec. 18.** TRIBAL CONSULTATION. (1) Covered agencies shall

develop a consultation framework in coordination with tribal governments that includes best practices, protocols for communication, and collaboration with federally recognized tribes. Consistent with this framework, covered agencies must offer consultation with federally recognized Indian tribes on:

(a) The inclusion or updating of an environmental justice implementation plan within the covered agency's strategic plan required under section 12 of this act;

(b) The creation and adoption or updating of a community engagement plan required under section 13 of this act; and

(c) Significant agency actions under section 14 of this act that affect federally recognized Indian tribes' rights and interests in their tribal lands.

(2) The department of health must offer consultation with federally recognized Indian tribes on the development of the environmental health disparities map under section 19 of this act.

(3) The consultation under subsections (1) and (2) of this section must occur in accordance with chapter 43.376 RCW and must be independent of any public participation process required by state law, or by a state agency, and regardless of whether the agency receives a request for consultation from an Indian tribe.

(4) Nothing in this chapter is intended to direct, authorize, or encourage covered agencies to collect, maintain, or provide data related to sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law.

NEW SECTION. **Sec. 19.** A new section is added to chapter 43.70 RCW to read as follows:

ENVIRONMENTAL HEALTH DISPARITIES MAP.

(1) In consultation with the environmental justice council established in section 20 of this act, the department must continue to develop and maintain an environmental health disparities map with the most current available information necessary to identify cumulative environmental health impacts and overburdened communities. The department may also consult with other interested partners, such as the University of Washington department of environmental and occupational health sciences, other academic partners, members of overburdened communities and vulnerable populations, and other agencies. The environmental health disparities map must include tools to:

(a) Track changes in environmental health disparities over time in an interactive, regularly updated display; and

(b) Measure the link between overall environmental health disparity map ranks, environmental data, vulnerable populations characteristics, such as race and income, and human health data.

(2) In further developing and maintaining the environmental health disparities map, the department must:

(a) Solicit feedback from representatives from overburdened communities and vulnerable populations through community engagement and listening sessions in all regions of the state and provide opportunities for public comment; and

(b) Request assistance from:

(i) State universities;

(ii) Other academic researchers, such as the Washington state institute for public policy, to perform modeling and create evidence-based indicators and to conduct sensitivity analyses to assess the impact of new indicators on communities and determinations of overburdened communities; and

(iii) Other state agencies to provide applicable statewide environmental and sampling data for air, water, soil, polluted sites, toxic waste, pesticides, toxic chemicals, and other applicable media.

(3) The department must:

(a) Document and publish a summary of the regular updates and revisions to the environmental health disparities map that happen over time as the new data becomes available, in order to help the public understand different versions of the map as they are published;

(b) At least every three years, perform a comprehensive evaluation of the map to ensure that the most current modeling and methods available to evaluate cumulative environmental health impacts are being used to develop and

update the environmental health disparities map's indicators;

(c) Develop technical guidance for agencies that includes an online training video detailing a description of how to use the environmental health disparities map's features, access source data, and explanation of map and indicator limitations; and

(d) Provide support and consultation to agencies on the use of the environmental health disparities map by Washington tracking network staff.

(4)(a) By November 1, 2022, the Washington state institute for public policy must conduct a technical review of the measures and methods used in the environmental health disparities map. The review must, to the extent possible, address the following:

(i) Identify how the measures used in the map compare to measures used in other similar tools that aim to identify communities that are disproportionately impacted as a result of environmental justice issues;

(ii) Compare characteristics such as the reliability, validity, and clinical importance of individual and composite measures included in the map and other similar tools; and

(iii) Compare methodologies used in the map to statistical methodologies used in other similar tools.

(b) The department of health and the University of Washington must provide technical documentation regarding current methods to the Washington state institute for public policy and must consult with the institute as needed to ensure that the institute has adequate information to complete the technical review.

(c) By November 1, 2022, the Washington state institute for public policy must submit a report on their findings to the office of the governor, the appropriate committees of the legislature, and the environmental justice council.

NEW SECTION. **Sec. 20.** ENVIRONMENTAL JUSTICE COUNCIL. (1) The environmental justice council is established to advise covered agencies on incorporating environmental justice into agency activities.

(2) The council consists of 14 members appointed by the governor. The councilmembers must be persons who are well-informed regarding and committed to the principles of environmental justice and who, to the greatest extent practicable, represent diversity in race, ethnicity, age, and gender, urban and rural areas, and different regions of the state. The members of the council shall elect two members to serve as cochairs for two-year terms. The council must include:

(a) Seven community representatives, including one youth representative, the nominations of which are based upon applied and demonstrated work and focus on environmental justice or a related field, such as racial or economic justice, and accountability to vulnerable populations and overburdened communities;

(i) The youth representative must be between the ages of 18 and 25 at the time of appointment;

(ii) The youth representative serves a two-year term. All other community representatives serve four-year terms, with six representatives initially being appointed to four-year terms and five being initially appointed to two-year terms, after which they will be appointed to four-year terms;

(b) Two members representing tribal communities, one from eastern Washington and one from western Washington, appointed by the governor. The governor shall solicit and consider nominees from each of the federally recognized tribes in Washington state. The governor shall collaborate with federally recognized tribes on the selection of tribal representatives. The tribal representatives serve four-year terms. One representative must be initially appointed for a four-year term. The other representative must be initially appointed for a two-year term, after which, that representative must be appointed for a four-year term;

(c) Two representatives who are environmental justice practitioners or academics to serve as environmental justice experts, the nominations of which are based upon applied and demonstrated work and focus on environmental justice;

(d)(i) One representative of a business that is regulated by a covered agency and whose ordinary business conditions are significantly affected by

the actions of at least one other covered agency; and

(ii) One representative who is a member or officer of a union representing workers in the building and construction trades; and

(e) One representative at large, the nomination of which is based upon applied and demonstrated work and focus on environmental justice.

(3) Covered agencies shall serve as nonvoting, ex officio liaisons to the council. Each covered agency must identify an executive team level staff person to participate on behalf of the agency.

(4) Nongovernmental members of the council must be compensated and reimbursed in accordance with RCW 43.03.050, 43.03.060, and 43.03.220.

(5) The department of health must:

(a) Hire a manager who is responsible for overseeing all staffing and administrative duties in support of the council; and

(b) Provide all administrative and staff support for the council.

(6) In collaboration with the office of equity, the office of financial management, the council, and covered agencies, the department of health must:

(a) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities;

(b) Create statewide and agency-specific process and outcome measures to show performance:

(i) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing environmental disparities; and

(ii) Taking into consideration community feedback from the council on whether the performance measures established accurately measure the effectiveness of covered agency programs and services in the communities served; and

(c) Create an online performance dashboard to publish performance measures and outcomes as referenced in section 17 of this act for the state and each covered agency.

(7) The department of health must coordinate with the consolidated technology services agency to address cybersecurity and data protection for all data collected by the department.

(8)(a) With input and assistance from the council, the department of health must establish an interagency work group to assist covered agencies in incorporating environmental justice into agency decision making. The work group must include staff from each covered agency directed to implement environmental justice provisions under this chapter and may include members from the council. The department of health shall provide assistance to the interagency work group by:

(i) Facilitating information sharing among covered agencies on environmental justice issues and between agencies and the council;

(ii) Developing and providing assessment tools for covered agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iii) Providing technical assistance and compiling and creating resources for covered agencies to use; and

(iv) Training covered agency staff on effectively using data and tools for environmental justice assessments.

(b) The duties of the interagency work group include:

(i) Providing technical assistance to support agency compliance with the implementation of environmental justice into their strategic plans, environmental justice obligations for budgeting and funding criteria and decisions, environmental justice assessments, and community engagement plans;

(ii) Assisting the council in developing a suggested schedule and timeline for sequencing the types of: (A) Funding and expenditure decisions subject to rules; and (B) criteria incorporating environmental justice principles;

(iii) Identifying other policies, priorities, and projects for the council's review and guidance development;

(iv) Identifying goals and metrics that the council may use to assess agency

performance in meeting the requirements of this act for purposes of communicating progress to the public, the governor, and the legislature; and

(v) Developing the guidance under subsection (9)(c) of this section in coordination with the council.

(9) The council has the following powers and duties:

(a) To provide a forum for the public to:

(i) Provide written or oral testimony on their environmental justice concerns;

(ii) Assist the council in understanding environmental justice priorities across the state in order to develop council recommendations to agencies for issues to prioritize; and

(iii) Identify which agencies to contact with their specific environmental justice concerns and questions;

(b)(i) The council shall work in an iterative fashion with the interagency work group to develop guidance for environmental justice implementation into covered agency strategic plans pursuant to section 12 of this act, environmental justice assessments pursuant to section 14 of this act, budgeting and funding criteria for making budgeting and funding decisions pursuant to section 16 of this act, and community engagement plans pursuant to section 13 of this act;

(ii) The council and interagency work group shall regularly update its guidance;

(c) In consultation with the interagency work group, the council:

(i) Shall provide guidance to covered agencies on developing environmental justice assessments pursuant to section 14 of this act for significant agency actions;

(ii) Shall make recommendations to covered agencies on which agency actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population and therefore should be considered significant agency actions that require an environmental justice assessment under section 14 of this act;

(iii) Shall make recommendations to covered agencies:

(A) On the identification and prioritization of overburdened communities under this chapter; and

(B) Related to the use by covered agencies of the environmental and health disparities map in agency efforts to identify and prioritize overburdened communities;

(iv) May make recommendations to a covered agency on the timing and sequencing of a covered agencies' efforts to implement sections 12 through 16 of this act; and

(v) May make recommendations to the governor and the legislature regarding ways to improve agency compliance with the requirements of this chapter;

(d) By December 1, 2023, and biennially thereafter, and with consideration of the information shared on September 1st each year in covered agencies' annual updates to the council required under section 17 of this act, the council must:

(i) Evaluate the progress of each agency in applying council guidance, and update guidance as needed; and

(ii) Communicate each covered agency's progress to the public, the governor, and the legislature. This communication is not required to be a report and may take the form of a presentation or other format that communicates the progress of the state and its agencies in meeting the state's environmental justice goals in compliance with this act, and summarizing the work of the council pursuant to (a) through (d) of this subsection, and subsection (11) of this section.

(10) By November 30, 2023, and in compliance with RCW 43.01.036, the council must submit a report to the governor and the appropriate committees of the house of representatives and the senate on:

(a) The council's recommendations to covered agencies on the identification of significant agency actions requiring an environmental justice assessment under subsection (9)(c)(ii) of this section;

(b) The summary of covered agency progress reports provided to the council under section 17(1) of this act, including the status of agency plans for performing environmental justice

assessments required by section 14 of this act; and

(c) Guidance for environmental justice implementation into covered agency strategic plans, environmental justice assessments, budgeting and funding criteria, and community engagement plans under subsection (9)(c)(i) of this section.

(11) The council may:

(a) Review incorporation of environmental justice implementation plans into covered agency strategic plans pursuant to section 12 of this act, environmental justice assessments pursuant to section 14 of this act, budgeting and funding criteria for making budgeting and funding decisions pursuant to section 16 of this act, and community engagement plans pursuant to section 13 of this act;

(b) Make recommendations for amendments to this chapter or other legislation to promote and achieve the environmental justice goals of the state;

(c) Review existing laws and make recommendations for amendments that will further environmental justice;

(d) Recommend to specific agencies that they create environmental justice-focused, agency-requested legislation;

(e) Provide requested assistance to state agencies other than covered agencies that wish to incorporate environmental justice principles into agency activities; and

(f) Recommend funding strategies and allocations to build capacity in vulnerable populations and overburdened communities to address environmental justice.

(12) The role of the council is purely advisory and council decisions are not binding on an agency, individual, or organization.

(13) The department of health must convene the first meeting of the council by January 1, 2022.

(14) All council meetings are subject to the open public meetings requirements of chapter 42.30 RCW and a public comment period must be provided at every meeting of the council.

NEW SECTION. **Sec. 21.** LEGAL OBLIGATIONS. (1) Nothing in this act prevents state agencies that are not covered agencies from adopting environmental justice policies and processes consistent with this act.

(2) The head of a covered agency may, on a case-by-case basis, exempt a significant agency action or decision process from the requirements of sections 14 and 16 of this act upon determining that:

(a) Any delay in the significant agency action poses a potentially significant threat to human health or the environment, or is likely to cause serious harm to the public interest;

(b) An assessment would delay a significant agency decision concerning the assessment, collection, or administration of any tax, tax program, debt, revenue, receipt, a regulated entity's financial filings, or insurance rate or form filing;

(c) The requirements of sections 14 and 16 of this act are in conflict with:

(i) Federal law or federal program requirements;

(ii) The requirements for eligibility of employers in this state for federal unemployment tax credits; or

(iii) Constitutional limitations or fiduciary obligations, including those applicable to the management of state lands and state forestlands as defined in RCW 79.02.010.

NEW SECTION. **Sec. 22.** APPEALS. (1) Except as specified in subsection (2) of this section, the actions and duties set forth in this act are not subject to appeal.

(2)(a) Only the following agency actions undertaken pursuant to this act are subject to appeal:

(i) Decisions related to the designation of significant agency actions pursuant to section 14(3)(a) of this act; and

(ii) Environmental justice assessments prepared pursuant to section 14 of this act, only for environmental justice assessments for which there is an associated agency action that is appealable.

(b) Appeals of environmental justice assessments allowed under (a)(ii) of this subsection must be of the environmental justice assessment together with the

accompanying agency action, as defined in RCW 34.05.010.

(3) Nothing in this act may be construed to create a new private right of action, other than as described in this section, on the part of any individual, entity, or agency against any state agency.

(4) Nothing in this act may be construed to expand, contract, or otherwise modify any rights of appeal, or procedures for appeal, under other laws other than the availability of the appeal process described in this section.

Sec. 23. RCW 43.376.020 and 2012 c 122 s 2 are each amended to read as follows:

In establishing a government-to-government relationship with Indian tribes, state agencies must:

(1) Make reasonable efforts to collaborate with Indian tribes in the development of policies, agreements, and program implementation that directly affect Indian tribes and develop a consultation process that is used by the agency for issues involving specific Indian tribes. Covered agencies, as defined in section 2 of this act, subject to the requirements of chapter 70A.--- RCW (the new chapter created in section 25 of this act), must offer consultation with Indian tribes on the actions specified in section 18 of this act;

(2) Designate a tribal liaison who reports directly to the head of the state agency;

(3) Ensure that tribal liaisons who interact with Indian tribes and the executive directors of state agencies receive training as described in RCW 43.376.040; and

(4) Submit an annual report to the governor on activities of the state agency involving Indian tribes and on implementation of this chapter.

Sec. 24. RCW 34.05.030 and 2015 3rd sp.s. c 1 s 309 are each amended to read as follows:

(1) This chapter shall not apply to:

(a) The state militia, or

(b) The board of clemency and pardons, or

(c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.

(2) The provisions of RCW 34.05.410 through 34.05.598 shall not apply:

(a) To adjudicative proceedings of the board of industrial insurance appeals except as provided in RCW 7.68.110 and 51.48.131;

(b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing;

(c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;

(d) To actions of the Washington personnel resources board, the director of financial management, and the department of enterprise services when carrying out their duties under chapter 41.06 RCW;

(e) To adjustments by the department of revenue of the amount of the surcharge imposed under RCW 82.04.261; ((~~or~~))

(f) To actions to implement the provisions of chapter 70A.--- RCW (the new chapter created in section 25 of this act), except as specified in section 22 of this act; or

(g) To the extent they are inconsistent with any provisions of chapter 43.43 RCW.

(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not apply to a review hearing conducted by the board of tax appeals.

(4) The rule-making provisions of this chapter do not apply to:

(a) Reimbursement unit values, fee schedules, arithmetic conversion factors, and similar arithmetic factors used to determine payment rates that apply to goods and services purchased under contract for clients eligible under chapter 74.09 RCW; and

(b) Adjustments by the department of revenue of the amount of the surcharge imposed under RCW 82.04.261.

(5) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.

NEW SECTION. **Sec. 25.** Sections 1 through 3, 11 through 18, and 20 through 22 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 26.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 27.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Representative Barkis moved the adoption of amendment (694) to the striking amendment (683):

On page 6, line 2, after "TRANSPORTATION." strike "The" and insert "Subject to the availability of amounts appropriated for this specific purpose, the"

Representative Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Representative Duerr spoke against the adoption of the amendment to the striking amendment.

Amendment (694) to the striking amendment (683) was not adopted.

Representative Goehner moved the adoption of amendment (689) to the striking amendment (683):

On page 9, line 33, after "(4)" strike all material through "must" and insert "The environmental justice assessment obligation of a covered agency for a significant agency action under this section is satisfied by the completion by the covered agency of a checklist developed by the covered agency that functions akin to the environmental checklist developed by the department of ecology pursuant to chapter 43.21C RCW, and that directs the covered agency to at a minimum"

On page 9, line 38, after "(b)" strike "Use" and insert "Where applicable, use"

On page 10, line 18, after "(5)" insert "(a)"

On page 10, after line 23, insert the following:

"(b) A covered agency may include items in the checklist required under subsection (4) of this section that are not specified in subsection (4) of this section.

(c) The completion of an environmental justice checklist under subsection (4) of this section is not required to be a comprehensive or an exhaustive examination of all potential impacts of a significant agency action and does not require a covered agency to conduct novel quantitative or economic analysis of the proposed significant agency action."

Representatives Goehner and Fitzgibbon spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (689) to the striking amendment (683) was adopted.

Representative Fitzgibbon moved the adoption of amendment (686) to the striking amendment (683):

On page 10, line 6, after "(d)" strike "Identify" and insert "Pursuant to the consultation process in section 18 of this act, identify"

On page 15, line 2, after "section must" strike all material through "and must"

Representatives Fitzgibbon and Dye spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (686) to the striking amendment (683) was adopted.

Representative Dye moved the adoption of amendment (692) to the striking amendment (683):

On page 14, after line 22, insert the following:

"(4) For purposes of informing the legislature so that it may exercise responsible oversight of agency performance with taxpayer funds and to better estimate the funds required to do appropriate outreach to such overburdened communities, each covered agency shall report by July 1, 2022, to the office of financial management on the geographical extent of overburdened communities, and the acreage and population within those boundaries, including vulnerable populations. The legislature intends for each covered agency to provide such information to the office of financial management under this section and to the environmental policy committees of the legislature that will allow the public to evaluate whether there has been a reduction in the amount of physical space in Washington that poses heightened risks of environmental harm or the amount of population, including vulnerable populations, residing in areas that experience heightened risk of environmental harm subsequent to the implementation of this chapter."

Representatives Dye and Boehnke spoke in favor of the adoption of the amendment to the striking amendment.

Representative Duerr spoke against the adoption of the amendment to the striking amendment.

Amendment (692) to the striking amendment (683) was not adopted.

Representative Dye moved the adoption of amendment (696) to the striking amendment (683):

On page 14, after line 22, insert the following:

"(4) Each covered agency must identify overburdened communities, as required by section 13 of this act, in such a way that the performance effectiveness of the duties created by this chapter can be measured, including the effectiveness of environmental justice assessments required by section 14 of this act. Each covered agency may identify and prioritize overburdened communities as needed to accomplish the purposes of this chapter."

Representatives Dye and Harris-Talley spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (696) to the striking amendment (683) was adopted.

Representative Dye moved the adoption of amendment (688) to the striking amendment (683):

On page 23, after line 3, insert the following:

"(3) A covered agency may not, for the purposes of implementing any of its responsibilities under this chapter, contract with an entity that employs a lobbyist registered under RCW 42.17A.600 that is lobbying on behalf of that entity."

Representatives Dye and Fitzgibbon spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (688) to the striking amendment (683) was adopted.

Striking amendment (683), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Duerr, Lekanoff, Harris-Talley and Shewmake spoke in favor of the passage of the bill.

Representatives Dye, Abbarno, Walsh, Sutherland, Eslick and Klicker spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5141, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5141, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Corry.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5141, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SENATE BILL NO. 5225
ENGROSSED SENATE BILL NO. 5454
SUBSTITUTE SENATE BILL NO. 5460

There being no objection, the House adjourned until 12:00 p.m., April 11, 2021, the 91st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINETY FIRST DAY

House Chamber, Olympia, Sunday, April 11, 2021

The House was called to order at 12:00 p.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Dave Paul, 10th Legislative District.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

April 10, 2021

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1061,
SUBSTITUTE HOUSE BILL NO. 1166,
HOUSE BILL NO. 1167,
SUBSTITUTE HOUSE BILL NO. 1170,
SUBSTITUTE HOUSE BILL NO. 1225,
SUBSTITUTE HOUSE BILL NO. 1301,
SUBSTITUTE HOUSE BILL NO. 1302,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1382,
SUBSTITUTE HOUSE BILL NO. 1455,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 10, 2021

Mme. SPEAKER:

The President has signed:

SENATE BILL NO. 5019,
SENATE BILL NO. 5048,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5119,
SENATE BILL NO. 5124,
SENATE BILL NO. 5132,
SENATE BILL NO. 5133,
ENGROSSED SENATE BILL NO. 5135,
ENGROSSED SENATE BILL NO. 5164,
SENATE BILL NO. 5177,
ENGROSSED SENATE BILL NO. 5220,
SUBSTITUTE SENATE BILL NO. 5249,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5251,
SUBSTITUTE SENATE BILL NO. 5254,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,
SUBSTITUTE SENATE BILL NO. 5271,
SECOND SUBSTITUTE SENATE BILL NO. 5293,
SECOND SUBSTITUTE SENATE BILL NO. 5315,
SECOND SUBSTITUTE SENATE BILL NO. 5396,
SUBSTITUTE SENATE BILL NO. 5401,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5405,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

E2SSB 5126 by Senate Committee on Ways & Means (originally sponsored by Carlyle, Saldaña, Conway, Das, Frockt, Hunt, Liias, Nguyen, Pedersen, Salomon, Stanford and C. Wilson)

AN ACT Relating to the Washington climate commitment act; amending RCW 70A.15.2200 and 43.88.055; adding a new chapter to Title 70A RCW; creating a new section; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Appropriations.

ESSB 5478 by Senate Committee on Ways & Means (originally sponsored by Keiser, Mullet, Billig, Cleveland, Conway, Das, Hunt, King, Kuderer, Liias, Lovelett, Nguyen, Randall, Rolfes, Saldaña, Stanford, Van De Wege and C. Wilson)

AN ACT Relating to unemployment insurance relief for certain employers; adding a new section to chapter 50.16 RCW; adding new sections to chapter 50.29 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of SUBSTITUTE SENATE BILL NO. 5403 and the bill was placed on the second reading calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5071, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Darneille, Das, Hunt, Kuderer, Nguyen and C. Wilson)

Creating transition teams to assist specified persons under civil commitment.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Davis spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5071, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5071, as amended by the House, and the bill passed the House by the following vote: Yeas, 70; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Gilday, Goehner, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, McCaslin, McEntire, Mosbrucker, Orcutt, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5071, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5225, by Senators Hunt, Padden and Pedersen

Concerning direct appeals to the court of appeals of cases brought under the administrative procedure act and the land use petition act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simmons and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5225.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5225, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Chase, Corry, Dent, Dufault, Kraft, Kretz, McCaslin, McEntire, Walsh, Ybarra and Young.

SENATE BILL NO. 5225, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5331, by Senate Committee on Ways & Means (originally sponsored by Gildon, Darneille, Dhingra, Hasegawa, Nguyen, Nobles, Warnick, Wellman and C. Wilson)

Establishing an early childhood court program for young children and their families involved or at risk of becoming involved in Washington's child welfare system. Revised for 2nd Substitute: Establishing an early childhood court program for young children and their families involved in Washington's child welfare system.

The bill was read the second time.

Representative Taylor moved the adoption of striking amendment (721):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that there is an urgent need to provide greater support to young children and their families involved in Washington state's child welfare system. Infants and toddlers comprise a substantial portion of all child abuse and neglect cases in Washington state; the rate of entry for children under age one into the care of Washington state's child welfare system is the second highest in the nation. Research demonstrates that both the trauma of neglect as well as the trauma associated with entering the child welfare system shapes young children's brain development and have lifelong impacts on young children's social, emotional, and physical well-being. Young children and families of color are particularly impacted by child welfare involvement and the factors leading up to it.

(2) The legislature further finds that early childhood court programs provide timely, evidence-based, evidence-informed, and trauma-informed interventions. Early childhood court programs reduce maltreatment recurrence, number of placements, and the time it takes to achieve permanency, while increasing equitable access to services.

(3) The legislature further finds that statewide standards are necessary to ensure the quality, accountability, and fidelity to evidence-based and evidence-informed interventions of early childhood court programs. Statewide standards will also promote equitable access to these programs, especially among children and families of color.

(4) The legislature further finds that early childhood court programs that de-emphasize termination of parental rights and focus on the safe reunification of children with parents or maintain children with family or other suitable persons promote the long-term emotional and psychological health of children and minimize the trauma and racial disproportionality experienced by children and families of color who are involved in the dependency court system.

(5) The legislature further finds that the administrative office of the courts has secured funding for the first year of the early childhood court program to support their evaluation efforts. While funding is not mandated through this act, the legislature acknowledges that the administrative office of the courts is not able to complete its required responsibilities as provided for in this act without dedicated funding. The legislature finds and declares that in the future, the office may seek funding through public and/or private funding opportunities, and it may partner with local organizations to seek further funding, although it is not required to do so.

NEW SECTION. **Sec. 2.** A new section is added to chapter 2.30 RCW to read as follows:

(1)(a) A superior court may establish an early childhood court program to serve the needs of infants and toddlers who are under the age of three at the time the case enters the program and dependent pursuant to chapter 13.34 RCW.

(b) An early childhood court program is a therapeutic court as defined in this chapter that provides an intensive court process for families with a child under age three who has been found dependent pursuant to chapter 13.34 RCW. To be eligible for the early childhood court program, a parent must have a child under age three that is dependent pursuant to chapter 13.34 RCW at the time the case enters the early childhood court program. The case may remain in the early childhood court program after the child is age three or older if the child is still dependent pursuant to chapter 13.34 RCW.

(2) If a superior court creates an early childhood court program, it shall incorporate the following core components into the program:

(a) The court shall obtain a memorandum of understanding or other agreement with the department of children, youth, and families developed in collaboration with counsel for parents and children that outlines how the two entities will coordinate and collaborate to implement the core components overall.

(b) A community coordinator who may be employed by the courts, the county, or a nonprofit entity and who is a person with experience and training in diversity, equity, and inclusion measures and is dedicated to:

(i) Facilitating real-time information sharing and collaboration among cross-sector professionals participating in the early childhood court program;

(ii) Coordinating and participating in family team meetings;

(iii) Identifying community-based resources and supporting the family's connection to these resources;

(iv) Building relationships and forming new partnerships across traditional and nontraditional services and systems;

(v) Identifying training needs of early childhood court professionals and facilitating the provision of training;

(vi) Supporting the convening of community team meetings; and

(vii) Performing the tasks outlined in this subsection describing the core components of an early childhood court program unless otherwise specified.

(c) A community team established by the court and consisting of stakeholders to the court that serve as an advisory body to the court and who implement the early childhood court program. The community team shall include diverse membership to include, but not be limited to, former parent participants, foster parents, parent and child advocates, an attorney for parents, a department of children, youth, and families caseworker, and a judicial officer. The community team aims to:

(i) Foster a learning environment and encourage an interdisciplinary approach to meeting the needs of young children and families;

(ii) Identify and respond to challenges to accessing resources and needed systems reforms;

(iii) Support multidisciplinary trainings; and

(iv) Recommend local court policies and procedures to improve families receipt of equitable and timely access to resources and remedial services for the parent and child.

(d) More frequent status hearings than the review hearings required under RCW 13.34.138 established by the judicial officer, these status hearings are separate from the review hearings required under RCW 13.34.138 and are intended to provide additional support to the family.

(e) A community coordinator that serves as a liaison between the court and community-based resources to identify community-based resources, identify barriers to engagement, and collaborate with stakeholders to connect families to assessments and referrals. The community coordinator shall facilitate connecting parents with informal and formal social supports, including but not limited to peer, community, and cultural supports.

(f) Family team meetings neutrally facilitated by the community coordinator. The family team may include all parties to the case and other people or other service providers identified by the parent to be part of the support system for the parent involved. The family team engages the parents, and the attorney for the parent, in their case plan and expediently addresses family needs and access to services and support.

(g) Ensuring that parents are critical participants in the early childhood court program. Having experienced and culturally informed professionals supporting and working with families involved in the dependency court system is critical to successful reunification of families. The court shall aim to foster an environment in which all professionals involved in the early childhood court program increase their awareness of different forms of bias and the trauma and adversity that often accompany poverty, mental health, and substance use by identifying or developing training that increases such awareness.

(h) Ensuring that families receive early, consistent, and frequent visitation that is developmentally appropriate for infants and toddlers; minimizes stress and anxiety for both children and parents; and occurs in a safe, comfortable, and unintimidating setting that supports parents to nurture and care for their child.

(i) The court shall ensure that the individualized case plan for parents involved in the early childhood court program address protective factors that

mitigate or eliminate safety risks to the child.

(j) The court should encourage a respectful, strength-based, compassionate approach to working with parents in the context of the early childhood court program.

(k) The court shall support the development of agreements that encourage:

(i) Stakeholders participation in any available statewide structure that supports alignment to the approach of the early childhood court program, cross-site cooperation, and consistency;

(ii) Program data is regularly and continuously reviewed to ensure equity and inform and improve practice; and

(iii) Stakeholder utilization of technical assistance, training, and evaluation to assess effectiveness and improve outcomes.

(l) Each early childhood court program must collect and review its data, including data related to race and ethnicity of program participants, to assess its effectiveness and share this data with the oversight board for children, youth, and families established under RCW 43.216.015. The oversight board for children, youth, and families established under RCW 43.216.015 shall share this data and hold or offer to assist in holding statewide meetings to support alignment to the core components and statewide consistency.

(m) The caseworker assigned to an early childhood court program must have received training and competency related to cultural antibias, and antiracism.

(n) Each early childhood court program must be responsive to community needs and adopt best practices related to family reunification and serving all families, including those who are:

(i) Black, Indigenous, and persons of color;

(ii) Lesbian, gay, bisexual, transgender, and queer; and

(iii) Experiencing disabilities.

(o) An attorney for the parent must be present during every meeting of the early childhood court program.

(p) Ensuring that parents voluntarily participating in the early childhood court program receive all available and appropriate services.

NEW SECTION. **Sec. 3.** A new section is added to chapter 2.30 RCW to read as follows:

(1) Judicial officers who preside over early childhood court program hearings shall participate in required trainings, as follows:

(a) An initial, eight-hour training program that can include the topic areas of:

(i) The benefits to infants and toddlers of secure attachment with primary caregivers;

(ii) A trauma-informed approach;

(iii) The importance of maintaining children within their biological connections;

(iv) The importance of reunification of children with their families;

(v) Diversity, equity, and inclusion; and

(vi) The impact of trauma on child development;

(b) After the initial training, annually attend a minimum of eight hours of continuing education of pertinence to the early childhood court program.

(2) Subject to the availability of amounts appropriated for this specific purpose, the administrative office of the courts shall administer the certification of training requirements.

NEW SECTION. **Sec. 4.** A new section is added to chapter 2.30 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the administrative office of the courts shall perform, or contract for, an evaluation of the early childhood court program to ensure the quality, accountability, and fidelity of the programs' evidence-based treatment. Any evaluation of the early childhood court program shall be posted on the administrative office of the courts website.

(2) The administrative office of the courts may provide, or contract for the provision of, training and technical assistance related to program services, consultation and guidance for difficult

cases, and ongoing training for court teams.

NEW SECTION. **Sec. 5.** A new section is added to chapter 2.30 RCW to read as follows:

Any early childhood court program in operation as of the effective date of this section shall have until January 1, 2022, to adjust its practices to comply with sections 2 and 3 of this act."

Correct the title.

Representative Taylor spoke in favor of the adoption of the striking amendment.

Representative Dent spoke against the adoption of the striking amendment.

Striking amendment (721) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dent and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5331, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5331, as amended by the House, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dufault, Klippert, Kraft, McCaslin, McEntire, Sutherland, Walsh, Ybarra and Young.

SECOND SUBSTITUTE SENATE BILL NO. 5331, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5145, by Senators Van De Wege and Rolfes

Concerning the prevention of seabed mining of hard minerals.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramos, Chandler and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5145.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5145, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and McCaslin.

SENATE BILL NO. 5145, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5230, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Dozier, Honeyford, King, Schoesler, Warnick and Muzzall)

Concerning agreements for allocation of groundwater resulting from bureau of reclamation project operations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chapman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5230.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5230, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE SENATE BILL NO. 5230, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

April 10, 2021

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1143,
SUBSTITUTE HOUSE BILL NO. 1259,
HOUSE BILL NO. 1296,
SUBSTITUTE HOUSE BILL NO. 1314,
SUBSTITUTE HOUSE BILL NO. 1363,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1370,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5460, by Senate Committee on Transportation (originally sponsored by Nguyen and Van De Wege)

Implementing recommendations of the autonomous vehicle work group.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey, Barkis, Boehnke and Fey (again) spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5460.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5460, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Chopp, Dent, Goodman, Kirby, Klippert, Kraft, McCaslin, Orcutt, Pollet, Senn and Walsh.

SUBSTITUTE SENATE BILL NO. 5460, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5383, by Senate Committee on Ways & Means (originally sponsored by Wellman, Short, Hunt, King, Lovelett, Nguyen, Randall, Saldaña, Warnick, C. Wilson and L. Wilson)

Authorizing a public utility district to provide retail telecommunications services in unserved areas under certain conditions. Revised for 2nd Substitute: Authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Community & Economic Development was not adopted. (For Committee amendment, see Journal, Day 75, March 26, 2021).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

With the consent of the House, amendment (722) was withdrawn.

Representative Hansen moved the adoption of amendment (723) to the committee striking amendment:

On page 1, line 22 of the striking amendment, after "needs;" strike "and"

On page 2, beginning on line 2 of the striking amendment, after "services" strike all material through "users" on line 6 and insert "((~~.~~

~~(b) Except as provided in subsection (8) of this section, nothing in this section shall be construed to authorize public utility districts to provide telecommunications services to end users~~)); or

(iii) For the provision of retail telecommunications services as authorized in this section"

On page 5, line 21 of the striking amendment, after "use;" strike "and" and insert "((~~and~~))"

On page 5, beginning on line 23 of the striking amendment, after "limits" strike all material through "users" on line 26 and insert "((~~. Nothing in this subsection shall be construed to authorize port districts to provide telecommunications services to end users~~)); or

(c) For the provision of retail telecommunications services as authorized in this section"

Representative Hansen spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Boehnke spoke against the adoption of the amendment to the committee striking amendment.

Amendment (723) to the committee striking amendment was adopted.

Representative Corry moved the adoption of amendment (611) to the committee striking amendment:

On page 4, line 4 of the striking amendment, after "within" strike "30" and insert "90"

On page 4, line 15 of the striking amendment, after "(ii) to" strike "potentially"

On page 4, line 19 of the striking amendment, after "of" strike "the project" and insert "any project within the retail service areas"

On page 4, line 20 of the striking amendment, after "that" strike "the project is within an unserved area" and insert "any federally funded or state funded project is within an unserved area as defined by the applicable federal or state guidelines"

On page 5, line 3 of the striking amendment, after "subsection" insert ", unless the context clearly requires otherwise"

On page 7, line 9 of the striking amendment, after "within" strike "30" and insert "90"

On page 7, line 19 of the striking amendment, after "(ii) to" strike "potentially"

On page 7, line 23 of the striking amendment, after "of" strike "the project" and insert "any project within the retail service areas"

On page 7, line 24 of the striking amendment, after "that" strike "the project is within an unserved area" and insert "any federally funded or state funded project is within an unserved area as defined by the applicable federal or state guidelines"

On page 8, line 5 of the striking amendment, after "subsection" insert ", unless the context clearly requires otherwise"

Representative Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Paul spoke against the adoption of the amendment to the committee striking amendment.

Amendment (611) to the committee striking amendment was not adopted.

Representative Corry moved the adoption of amendment (612) to the committee striking amendment:

On page 4, line 37 of the striking amendment, after "(e)" insert "Any existing broadband service provider providing broadband services in an area where a public utility district proposes to provide retail service, or is applying for state or federal funds to provide service within an unserved area, may, within 30 days of the posting of the notice of intent under (c) of this subsection, submit information to the statewide broadband office demonstrating that the project would result in overbuild, meaning that the objecting broadband service provider currently provides, or has begun construction to provide, broadband service to end users in the proposed project area at speeds equal to or greater than 100 megabits per second download and 20 megabits per second upload or at speeds equal to or greater than the speeds required in the federal or state program to which the public utility district is applying for funds. The statewide broadband office must include this information when making recommendations for the allocation of state or federal funds.

(f)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 8, line 1 of the striking amendment, after "(e)" insert "Any existing broadband service provider providing broadband services in an area where a port district proposes to provide retail service, or is applying for state or federal funds to provide service within an unserved area, may, within 30 days of the posting of the notice of intent under (c) of this subsection, submit information to the statewide broadband office demonstrating that the project would result in overbuild, meaning that the objecting broadband service provider currently provides, or has begun construction to provide, broadband service to end users in the proposed project area at speeds equal to or greater than 100 megabits per second download and 20 megabits per second upload or at speeds equal to or greater than the speeds required in the federal or state program to which the port district is applying for funds. The statewide broadband office must include this information when making recommendations for the allocation of state or federal funds.

(f)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Ryu spoke against the adoption of the amendment to the committee striking amendment.

Amendment (612) to the committee striking amendment was not adopted.

Representative Corry moved the adoption of amendment (613) to the committee striking amendment:

On page 4, line 37 of the striking amendment, after "(e)" insert "Any public utility district that provides retail broadband services under this subsection (10) shall comply with all applicable federal, state, and local laws to the same extent as a private entity that provides retail broadband services in Washington.

(f)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 8, line 1 of the striking amendment, after "(e)" insert "Any port district that provides retail broadband services under this subsection (10) shall comply with all applicable federal, state, and local laws to the same extent as a private entity that provides retail broadband services in Washington.

(f)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Paul spoke against the adoption of the amendment to the committee striking amendment.

Amendment (613) to the committee striking amendment was not adopted.

Representative Boehnke moved the adoption of amendment (670) to the committee striking amendment:

On page 5, line 13 of the striking amendment, after "upload." insert "Areas where federal government funding has been awarded pursuant to the rural digital

opportunity fund specifically to support the deployment or expansion of broadband networks shall be considered served; except that an area shall be considered "unserved" if that funding award is forfeited or upon disqualification of the recipient entity awarded funding for that geographic area under the rural digital opportunity fund."

On page 8, line 15 of the striking amendment, after "upload." insert "Areas where federal government funding has been awarded pursuant to the rural digital opportunity fund specifically to support the deployment or expansion of broadband networks shall be considered served; except that an area shall be considered "unserved" if that funding award is forfeited or upon disqualification of the recipient entity awarded funding for that geographic area under the rural digital opportunity fund."

Representative Boehnke spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Ryu spoke against the adoption of the amendment to the committee striking amendment.

Amendment (670) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Hansen spoke in favor of the passage of the bill.

Representatives Boehnke and Corry spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5383, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5383, as amended by the House, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walsh, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Wilcox and Ybarra.

SECOND SUBSTITUTE SENATE BILL NO. 5383, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5452, by Senate Committee on Transportation (originally sponsored by Cleveland, Liias and J. Wilson)

Concerning electric-assisted bicycles.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Rural Development, Agriculture & Natural Resources was adopted. (For Committee amendment, see Journal, Day 73, March 24, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Shewmake and Dent spoke in favor of the passage of the bill.

Representative Young spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5452, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5452, as amended by the House, and the bill passed the House by the following vote: Yeas, 82; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele,

Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Corry, Dufault, Eslick, Hoff, Klippert, Kraft, McCaslin, McEntire, Stokesbary, Sutherland, Vick, Walsh, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5452, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5403, by Senate Committee on State Government & Elections (originally sponsored by Wellman, Warnick, Hasegawa, Kuderer, Lovelett, Mullet, Saldaña and C. Wilson)

Concerning the interagency, multijurisdictional system improvement team.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Paul and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5403.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5403, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault and McCaslin.

SUBSTITUTE SENATE BILL NO. 5403, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5454, by Senators Schoesler, Brown, Frockt, Honeyford, Padden, Rolfes, Van De Wege, Wagoner, Warnick and J. Wilson

Providing property tax relief to Washington citizens who lost their homes in the labor day fires. (REVISED FOR ENGROSSED: Creating a property tax exemption for homes damaged by natural disasters.)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Frame spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5454.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5454, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Walen.

ENGROSSED SENATE BILL NO. 5454, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5031, by Senators Honeyford, Brown, Cleveland, Frockt, Holy, Mullet and Warnick

Concerning a community aviation revitalization loan program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5031.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5031, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5031, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5362, by Senate Committee on Ways & Means (originally sponsored by McCune and Warnick)

Ensuring the funding of agricultural fairs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 73, March 24, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Tharinger, Dent and Rule spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5362, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5362, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Leavitt.

SECOND SUBSTITUTE SENATE BILL NO. 5362, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5368, by Senate Committee on Ways & Means (originally sponsored by Short, Fortunato and L. Wilson)

Encouraging rural economic development.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Local Government was not adopted. (For Committee amendment, see Journal, Day 73, March 24, 2021).

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goehner and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5368, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5368, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris,

Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Bronoske, Kloba, Leavitt, Paul and Rule.

SECOND SUBSTITUTE SENATE BILL NO. 5368, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5044, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Das, Wellman, Darneille, Hasegawa, Hunt, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Stanford and C. Wilson)

Concerning professional learning, equity, cultural competency, and dismantling institutional racism in the public school system.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was not adopted. (For Committee amendment, see Journal, Day 75, March 26, 2021).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Walsh moved the adoption of amendment (568) to the committee striking amendment:

On page 4, line 18 of the striking amendment, after "acquisition." insert "The governance training programs may not contain, or instruct on, any of the topics listed in section 7 of this act."

On page 5, line 2 of the striking amendment, after "curriculum." insert "The programs of courses, requirements, and other activities leading to educator certification may not contain, or instruct on, any of the topics listed in section 7 of this act."

On page 6, line 11 of the striking amendment, after "acquisition." insert "The opportunities may not contain, or instruct on, any of the topics listed in section 7 of this act."

On page 6, after line 22 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.415 RCW to read as follows:

The governance training programs identified or developed under section 5 of this act, programs of courses, requirements, and other activities leading to educator certification described in section 6 of this act, and the school district staff opportunities for training, professional development, and professional learning required under RCW 28A.415.445 may not contain, or instruct on, any of the following topics:

(1) One race or sex is inherently superior to another race or sex;

(2) The United States is fundamentally racist or sexist;

(3) An individual, by virtue of their race or sex, is inherently racist, sexist, or oppressive;

(4) An individual should be discriminated against or receive adverse treatment solely or partly because of their race or sex;

(5) An individual's moral character is determined by their race or sex;

(6) An individual, by virtue of their race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(7) Any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of their race or sex;

(8) Meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race; or

(9) Any other form of race or sex stereotyping or any other form of race or sex scapegoating. For the purposes of this subsection, "race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of their race or sex, and "race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex. It similarly encompasses any claim that, consciously or unconsciously, and by virtue of their

race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Berg, Morgan, Stonier, Ramos, Ortiz-Self, Hackney, Duerr, Valdez, Taylor, Ryu, Gregerson, Lekanoff, Slatter, Entenman, Bergquist, Callan, Rule, Simmons, Orwall, Bateman, Springer, Peterson, Pollet, Walen, Wicks, Kirby, Ramel, Leavitt, The Speaker, Sullivan, Shewmake, Frame, Senn, Hansen, Riccelli, Fitzgibbon, Fey, Kloba, Chopp, Sells, Davis, Goodman, Paul, Ormsby, Macri, Tharinger, Harris-Talley, Bronoske and Santos spoke against the adoption of the amendment to the committee striking amendment.

MOTION

On motion of Representative Griffey, Representative McEntire was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (568) to the committee amendment, and the amendment was not adopted by the following vote: Yeas: 39; Nays: 58; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative McEntire

Representative Steele moved the adoption of amendment (675) to the committee striking amendment:

On page 4, line 24 of the striking amendment, after "act." insert "The Washington state school directors' association shall provide to school directors required to complete the governance training program under section 7 of this act and charter school board members required to complete the governance training program under section 9 of this act reimbursement for any costs incurred to complete the governance training program by the deadlines and at the frequency required in section 7 of this act."

Representative Steele spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Berg spoke against the adoption of the amendment to the committee striking amendment.

Amendment (675) to the committee striking amendment was not adopted.

Representative Ybarra moved the adoption of amendment (671) to the committee striking amendment:

On page 5, beginning on line 6 of the striking amendment, strike all of section 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 6, at the beginning of line 20 of the striking amendment, strike "Sections 7 and 8 of this act govern" and insert "Section 8 of this act governs"

Representative Ybarra spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Dolan spoke against the adoption of the amendment to the committee striking amendment.

Amendment (671) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (673) to the committee striking amendment:

On page 5, line 34 of the striking amendment, after "districts" strike "must" and insert "are encouraged to"

On page 6, line 2 of the striking amendment, after "districts" strike "must" and insert "are encouraged to"

Representative Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Stonier spoke against the adoption of the amendment to the committee striking amendment.

Amendment (673) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ortiz-Self and Santos spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5044, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5044, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative McEntire.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5044, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 1:00 p.m., April 12, 2021, the 92nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINETY SECOND DAY

House Chamber, Olympia, Monday, April 12, 2021

The House was called to order at 1:00 p.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jesse Young, 26th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4628, by Representatives Klippert, Graham, Dent, Abbarno, Orcutt, Barkis, Schmick, Walen, Dufault, Robertson, Chambers, Mosbrucker, Kraft, Eslick, Goehner, Sutherland, Hoff, Jacobsen, Klicker, MacEwen, Chapman, and Chandler

WHEREAS, We give thanks and express unwavering support for our law enforcement officers serving across Washington state. For generations, these brave men and women, unsung heroes, have and do risk their lives so we can all live in peace and security; and

WHEREAS, 24 hours a day, 7 days a week, dedicated law enforcement officers put on the badge and go to work as selfless public servants, answering the call to protect, working tirelessly as they serve to defend and maintain civil order in our communities, allowing our families to sleep peacefully each night; and

WHEREAS, Alongside these police officers are highly trained K9s that serve to enhance and improve public safety, suspect safety, officer safety, and community safety. We recognize too, our K9s and their devoted acts of public service and sacrifice. We salute them and their handlers for their steadfast determination safeguarding our democracy; and

WHEREAS, In times of real danger and despair, the first people we turn to and depend on are our law enforcement officers. In the most uncertain of situations, our law enforcement officers run straight towards all threats with bravery, often operating under extreme pressure with remarkable professionalism as they endure long shifts and complex circumstances. They see and deal with all facets of humanity and society, demonstrating uncommon self-control and shielding us from having to deal with such matters; and

WHEREAS, We remember former President Barack Obama who wrote a letter to the law enforcement community in 2016 to address division and coming together, "Every day, you confront danger so it does not find our families . . . We recognize it, we respect it, we appreciate it, and we depend on you. . . . Time and again, you make the split-second decisions that could mean life or death for you and many others in harm's way;" and

WHEREAS, Law enforcement officers are our neighbors and live within all beloved communities. In uniform or not, they serve in many ways, showing generous acts of goodwill as part of their service to residents to build trust and relationships within neighborhoods, like the police officer who provided socks to a homeless man or the police officer who sat and spent time with a developmentally disabled teen on the side of the street;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives respect and show our deep and humble gratitude to law enforcement officers throughout Washington state. We sincerely thank you for wearing the badge and the uniform every day to preserve and protect our communities.

There being no objection, HOUSE RESOLUTION NO. 4628 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4629, by Representatives Macri, Cody, Simmons, Schmick, Santos, Orcutt, Fitzgibbon, Leavitt, and Ryu

WHEREAS, Since 1921, physical therapists have served patients in military and civilian sectors; and

WHEREAS, More than 10,000 physical therapists and physical therapist assistants are currently licensed in Washington; and

WHEREAS, Physical therapists and physical therapist assistants treat patients or clients in many settings, including hospitals, clinics, homes, schools, fitness facilities, skilled nursing facilities, military and veterans facilities, and employer-based settings; and

WHEREAS, Physical therapists and physical therapist assistants provide cost-effective proven therapy to improve movement, decrease pain, and reduce the need for opioid prescriptions; and

WHEREAS, Washington residents have been able to receive physical therapy services without referral since 1988; and

WHEREAS, Washington's three accredited doctor of physical therapy programs and six accredited physical therapist assistant programs are educating students to meet the movement and functional needs of Washingtonians for the coming generations; and

WHEREAS, Physical therapists and physical therapist assistants have faced the challenge of the COVID-19 pandemic head on, treating the most vulnerable, building on their proud history of work in the polio pandemic, and playing an essential role in treating people who are beginning to recover from the most severe effects of the novel coronavirus, both during their time in the hospital and after they leave, for as long as it takes to improve function;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize physical therapists and physical therapist assistants for their dedication to improving the health of society over the past 100 years; and further recognize that physical therapists and physical therapist assistants are essential partners in meeting the future health and wellness needs of our country.

There being no objection, HOUSE RESOLUTION NO. 4629 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4630, by Representative Kraft

WHEREAS, President Ronald Reagan said, "We remember those who were called upon to give all a person can give, and we remember those who were prepared to make that sacrifice if it were demanded of them in the line of duty, though it never was. Most of all, we remember the devotion and gallantry with which all of them ennobled their nation as they became champions of a noble cause"; and

WHEREAS, The House of Representatives, on behalf of the people of Washington state, recognize and honor those who serve in all branches of the military: The Army, the Navy, the Marine Corps, the Air Force, the Coast Guard, and the National Guard for their courage, sacrifice, protection, and devotion; and

WHEREAS, We recognize and honor those who fought and served in the various wars throughout our country's history to protect and defend our freedoms and way of life, especially those in our lifetime: World War II, Korean War, Vietnam War, Gulf War, Iraq War, and Afghanistan War; and

WHEREAS, President Abraham Lincoln said, "Honor to the soldier and sailor everywhere, who bravely bears his country's cause. Honor, also, to the citizen who cares for his brother in the field and serves, as he best can, the same cause," we thank the Veteran Service Organizations for all they do, working to improve the lives of these great men and women who have done so much for our country and state while stretching every dollar and resource to enhance the lives of our Veterans and their families; and

WHEREAS, The Department of Veterans Affairs in our country and state strive to adhere to the highest standards of compassion, commitment, excellence, professionalism, integrity, accountability, and stewardship, we thank them for all they do to assist our Veterans with Veteran benefits, transitioning to civilian life, education, home loans, primary health care services, mental health services, and other specialty services; and

WHEREAS, We thank those Washington State Veteran Service Officers who tirelessly serve our men and women in uniform, Veterans, and their families, advising and educating them on what benefits are available from federal, state, county, and local resources, and assisting in filing their claims;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of the state of Washington, recognize and honor our Veterans for their service, and Veteran Service Organizations, who provide the services, supports, and assistance our courageous heroes so richly deserve.

There being no objection, HOUSE RESOLUTION NO. 4630 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4631, by Representatives Young and Simmons

WHEREAS, On June 30, 1975, the USS Nimitz aircraft carrier was officially commissioned, named after World War II Fleet Admiral Chester W. Nimitz, and continues to stand the test of time as the oldest active aircraft carrier in the fleet; and

WHEREAS, On June 8, 2020, after several months of training, the USS Nimitz set sail as the first aircraft carrier to ever be deployed during the COVID-19 pandemic, bravely paving the way for all safety standards to follow; and

WHEREAS, The crew of over 5,000 sailors and marines aboard the USS Nimitz risked their lives contributing to the security and well-being of American interests in the Middle East, Africa, and the Western Pacific; and

WHEREAS, The average aircraft carrier is deployed for six months out at sea, the USS Nimitz endured 340 days, or over 11 grueling months, threading perilous waters; and

WHEREAS, The average deployment consists of one monthly port visit for the leisure activity of the crew in allied nations, the COVID-19 pandemic forced the cancellation of most port visits; and

WHEREAS, Nimitz sailors had no access to nature amidst the cold steel of the ship and the whirring sounds of the engine and aircraft being launched; and

WHEREAS, Nimitz sailors had no contact with loved ones back at home, besides postcards and rare instances of limited internet usage; and

WHEREAS, The USS Nimitz strengthened international partnerships by coordinating with Indian, Australian, and

Japanese naval forces for the Malabar 2020 joint military exercises; and

WHEREAS, On March 7, 2021, the USS Nimitz finally returned home to Naval Base Kitsap Bremerton having carried out operation Inherent Resolve, operation Freedom's Sentinel, and operation Octave Quartz, and having successfully traveled over 99,000 nautical miles, launched 10,185 sorties, and logged 23,410 flight hours;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the sacrifice, resilience, and dedication of the USS Nimitz crew during an exceptionally trying 2020 deployment. We welcome these brave military men and women back home to Washington state with gratitude for their outstanding service and commitment.

There being no objection, HOUSE RESOLUTION NO. 4631 was adopted.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

April 11, 2021

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1033,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1069,
SECOND SUBSTITUTE HOUSE BILL NO. 1161,
SUBSTITUTE HOUSE BILL NO. 1423,
SUBSTITUTE HOUSE BILL NO. 1472,
SUBSTITUTE HOUSE BILL NO. 1502,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 11, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5008,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING
MESSAGE FROM THE SENATE

April 6, 2021

Mme. SPEAKER:

The Senate has passed HOUSE BILL NO. 1022, with the following amendment(s):

On page 2, after line 2, insert the following:

"NEW SECTION. **Sec. 2.** This act expires June 30, 2023."

On page 1, line 2 of the title, after "provisions;" strike "and amending RCW 67.16.100" and insert "amending RCW 67.16.100; and providing an expiration date"

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to HOUSE BILL NO. 1022 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 6, 2021

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1034 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.69.145 and 2010 c 106 s 303 are each amended to read as follows:

(1) A park and recreation district may impose regular property tax levies in an amount equal to ((~~sixty~~)) 60 cents or less per ((~~thousand dollars~~)) $1,000 of assessed value of property in the district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the voters thereof approving a proposition authorizing the levies submitted at a special election or at the regular election of the district, at which election the number of voters voting "yes" on the proposition must constitute three-fifths of a number equal to ((~~forty~~)) 40 per centum of the number of voters voting in such district at the last preceding general election when the number of voters voting on the proposition does not exceed ((~~forty~~)) 40 per centum of the number of voters voting

in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters thereof voting on the proposition if the number of voters voting on the proposition exceeds ((~~forty~~)) 40 per centum of the number of voters voting in such taxing district in the last preceding general election. A proposition authorizing the tax levies may not be submitted by a park and recreation district more than twice in any ((~~twelve~~)) 12-month period. Ballot propositions must conform with RCW 29A.36.210. ((~~In the event a park and recreation district is levying property taxes, which in combination with property taxes levied by other taxing districts subject to the one percent limitation provided for in Article 7, section 2, of our state Constitution result in taxes in excess of the limitation provided for in RCW 84.52.043(2), the park and recreation district property tax levy must be reduced or eliminated as provided in RCW 84.52.010.~~))

(2) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section following the approval of the levies by the voters under subsection (1) of this section.

Sec. 2. RCW 84.52.010 and 2017 c 196 s 10 are each amended to read as follows:

(1) Except as is permitted under RCW 84.55.050, all taxes must be levied or voted in specific amounts.

(2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

(3) When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor must recompute and establish a consolidated levy in the following manner:

(a) The full certified rates of tax levy for state, county, county road district, regional transit authority, and city or town purposes must be extended on the tax rolls in amounts not exceeding the limitations established by law; however, any state levy takes precedence over all other levies and may not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 36.69.145 by a park and recreation district described under (a)(vii) of this subsection (3), 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, and 84.52.140, and the portion of the levy by a flood control zone district that was protected under RCW 84.52.816, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies must be reduced as follows:

(i) The portion of the levy by a flood control zone district that was protected under RCW 84.52.816 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district or regional fire protection service authority that is protected under RCW 84.52.125 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iv) If the combined rate of regular property tax levies that are subject to

the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(v) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 36.69.145 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated. This subsection (3)(a)(vii) only applies to a park and recreation district located on an island and within a county with a population exceeding 2,000,000;

(viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of ((~~thirty~~)) 30 cents per ((~~thousand dollars~~)) $1,000 of assessed value, must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; and

((~~(viii)~~)) (ix) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the ((~~thirty~~)) 30 cents per ((~~thousand dollars~~)) $1,000 of assessed value of tax levy imposed under RCW 84.52.069 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property must be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(i) First, the certified property tax levy authorized under RCW 84.52.821 must be reduced on a pro rata basis or eliminated;

(ii) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145 except a park and recreation district described under (a)(vii) of this subsection, 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or eliminated;

(iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts other than the portion of a levy protected under RCW 84.52.816 must be reduced on a pro rata basis or eliminated;

(iv) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first ((~~fifty~~)) 50 cent per ((~~thousand dollars~~)) $1,000 of assessed valuation levies for metropolitan park districts, and the first ((~~fifty~~)) 50 cent per ((~~thousand dollars~~)) $1,000 of assessed valuation levies for public hospital districts, must be reduced on a pro rata basis or eliminated;

(v) Fifth, if the consolidated tax levy rate still exceeds these limitations, the first ((~~fifty~~)) 50 cent per ((~~thousand dollars~~)) $1,000 of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, must be reduced on a pro rata basis or eliminated;

(vi) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) must be reduced on a pro rata basis or eliminated; and

(vii) Seventh, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first ((~~fifty~~)) 50 cent per ((~~thousand dollars~~)) $1,000 of assessed valuation levy, and public hospital districts under their first ((~~fifty~~)) 50 cent per ((~~thousand dollars~~)) $1,000 of assessed valuation levy, must be reduced on a pro rata basis or eliminated.

Sec. 3. RCW 84.52.043 and 2020 c 253 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named are as follows:

(1) Levies of the senior taxing districts are as follows: (a) The levies by the state may not exceed the applicable aggregate rate limit specified in RCW 84.52.065 (2) or (4) adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county may not exceed one dollar and ((~~eighty~~)) 80 cents per ((~~thousand dollars~~)) $1,000 of assessed value; (c) the levy by any road district may not exceed two dollars and ((~~twenty-five~~)) 25 cents per ((~~thousand dollars~~)) $1,000 of assessed value; and (d) the levy by any city or town may not exceed three dollars and ((~~thirty-seven and one-half~~)) 37.5 cents per ((~~thousand dollars~~)) $1,000 of assessed value. However, any county is hereby authorized to increase its levy from one dollar and ((~~eighty~~)) 80 cents to a rate not to exceed two dollars and ((~~forty-seven and one-half~~)) 47.5 cents per ((~~thousand dollars~~)) $1,000 of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per ((~~thousand dollars~~)) $1,000 of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, may not exceed five dollars and ((~~ninety~~)) 90 cents per ((~~thousand dollars~~)) $1,000 of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection do not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; (i) the portions of levies by fire protection districts and regional fire protection service authorities that are protected under RCW 84.52.125; (j) levies by counties for transit-related purposes under RCW 84.52.140; (k) the portion of the levy by flood control zone districts that are protected under RCW 84.52.816; ((~~and~~)) (l) levies imposed by a regional transit authority under RCW 81.104.175; and (m) levies imposed by any park and recreation district described under RCW 84.52.010(3)(a)(vii).

NEW SECTION. **Sec. 4.** This act applies to taxes levied for collection in calendar years 2022 through 2026.

NEW SECTION. **Sec. 5.** This act expires January 1, 2027."

On page 1, line 1 of the title, after "levies;" strike the remainder of the title and insert "amending RCW 36.69.145, 84.52.010, and 84.52.043; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1034 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1034, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1034, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 54; Nays, 44; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

HOUSE BILL NO. 1034, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 30, 2021

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1042 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.27.051 and 2001 c 65 s 105 are each amended to read as follows:

(1) A court of this state shall treat a foreign country as if it were a state of the United States for the purpose of applying Articles 1 and 2.

(2) Except as otherwise provided in subsection (3) or (4) of this section, a child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this chapter must be recognized and enforced under Article 3.

(3) A court of this state need not apply this chapter if the child custody law of a foreign country violates fundamental principles of human rights.

(4) A court of this state need not apply this chapter if the law of a foreign country holds that apostasy, or a sincerely held religious belief or practice, or homosexuality are punishable by death, and a parent or child may be at demonstrable risk of being subject to such laws. For the purposes of this subsection, "apostasy" means the abandonment or renunciation of a religious or political belief.

NEW SECTION. **Sec. 2.** This act applies to child custody proceedings or proceedings to enforce a child custody determination pending as of the effective date of this section, or commenced on or after the effective date of this section.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 5 of the title, after "orientation;" strike the remainder of the title and insert "amending RCW 26.27.051; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1042 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Thai and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1042, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1042, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft and McCaslin.

HOUSE BILL NO. 1042, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1050 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that hydrofluorocarbons are air pollutants that pose significant threats to our environment. Although hydrofluorocarbons currently represent a small proportion of the state's greenhouse gas emissions, emissions of hydrofluorocarbons have been rapidly increasing in the United States and worldwide, and they are hundreds to thousands of times more potent than carbon dioxide. In 2019, the legislature took a significant step towards reducing greenhouse gas emissions from hydrofluorocarbons by transitioning to the use of less damaging hydrofluorocarbons or suitable substitutes in certain new foam, aerosol, and refrigerant uses. However, significant sources of hydrofluorocarbon emissions in Washington remain unaddressed by the 2019 legislation, including legacy uses of hydrofluorocarbons as a refrigerant in infrastructure that was installed prior to the effective dates of the restrictions in the 2019 law, and from sources like stationary air conditioners and heat pumps that were not covered by the 2019 law.

(2) Therefore, it is the intent of the legislature to reduce hydrofluorocarbon emissions, including by:

(a) Authorizing the establishment of a maximum global warming potential threshold for hydrofluorocarbons used as a refrigerant;

(b) Authorizing the regulation of hydrofluorocarbons in air conditioning and heat pumps;

(c) Applying the same basic emission control requirements to hydrofluorocarbons that have long applied to ozone-depleting substances used as refrigerants;

(d) Establishing a program to reduce leaks and encourage refrigerant recovery from large refrigeration and air conditioning systems;

(e) Directing the state building code council to adopt codes that are consistent with the goal of reducing greenhouse gas emissions associated with hydrofluorocarbons;

(f) Establishing a state procurement preference for recycled refrigerants; and

(g) Allowing consideration of the global warming potential of refrigerants used in equipment incentivized under utility conservation programs.

(3) Furthermore, it is the intent of the legislature that the ice rink used by Seattle's newest hockey franchise, the Seattle Kraken, should be as cold as possible, but also should be refrigerated using climate-friendly refrigerants, so that on opening night of the 2021-2022 National Hockey League season, as many

fans as possible can simultaneously yell the Pacific Northwest's favorite new phrase: 'Release the Kraken!'

NEW SECTION. **Sec. 2.** (1)(a) "Air conditioning" means the process of treating air to meet the requirements of a conditioned space by controlling its temperature, humidity, cleanliness, or distribution.

(b)(i) "Air conditioning" includes chillers, except for purposes of section 8 of this act.

(ii) "Air conditioning" includes heat pumps.

(c) "Air conditioning" applies to stationary air conditioning equipment and does not apply to mobile air conditioning, including those used in motor vehicles, rail and trains, aircraft, watercraft, recreational vehicles, recreational trailers, and campers.

(2) "Class I substance" and "class II substance" means those substances listed in 42 U.S.C. Sec. 7671a, as of November 15, 1990, or those substances listed in Appendix A or B of Subpart A of 40 C.F.R. Part 82, as of January 3, 2017.

(3) "Department" means the department of ecology.

(4) "Hydrofluorocarbons" means a class of greenhouse gases that are saturated organic compounds containing hydrogen, fluorine, and carbon.

(5) "Ice rink" means a frozen body of water, hardened chemicals, or both, including, but not limited to, professional ice skating rinks and those used by the general public for recreational purposes.

(6) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces any product that contains or uses hydrofluorocarbons or is an importer or domestic distributor of such a product.

(7) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of the state.

(8) "Refrigeration equipment" or "refrigeration system" means any stationary device that is designed to contain and use refrigerant. "Refrigeration equipment" includes refrigeration equipment used in retail food, cold storage, industrial process refrigeration and cooling that does not use a chiller, ice rinks, and other refrigeration applications.

(9) "Regulated refrigerant" means a class I or class II substance as listed in Title VI of section 602 of the federal clean air act amendments of November 15, 1990.

(10) "Residential consumer refrigeration products" has the same meaning as defined in section 430.2 of Subpart A of 10 C.F.R. Part 430 (2017).

(11) "Retrofit" has the same meaning as defined in section 152 of Subpart F of 40 C.F.R. Part 82, as that section existed as of January 3, 2017.

(12) "Substitute" means a chemical, product, or alternative manufacturing process, whether existing or new, that is used to perform a function previously performed by a class I substance or class II substance and any chemical, product, or alternative manufacturing process subsequently developed, adapted, or adopted to perform that function including, but not limited to, hydrofluorocarbons. "Substitute" does not include 2-BTP or any compound as applied to its use in aerospace fire extinguishing systems.

Sec. 3. RCW 70A.45.010 and 2020 c 79 s 5 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carbon dioxide equivalents" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

(2) "Carbon sequestration" means the process of capturing and storing atmospheric carbon dioxide through biologic, chemical, geologic, or physical processes.

(3) ((~~"Class I substance" and "class II substance" means those substances listed in 42 U.S.C. Sec. 7671a, as it read on November 15, 1990, or those substances listed in Appendix A or B of Subpart A of 40 C.F.R. Part 82, as those read on January 3, 2017.~~

~~(4)~~)) "Climate advisory team" means the stakeholder group formed in response to executive order 07-02.

((~~(5)~~)) (4) "Climate impacts group" means the University of Washington's climate impacts group.

((~~(6)~~)) (5) "Department" means the department of ecology.

((~~(7)~~)) (6) "Director" means the director of the department.

((~~(8)~~)) (7) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other gas or gases designated by the department by rule.

((~~(9) "Hydrofluorocarbons" means a class of greenhouse gases that are saturated organic compounds containing hydrogen, fluorine, and carbon.~~

~~(10) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces any product that contains or uses hydrofluorocarbons or is an importer or domestic distributor of such a product.~~

~~(11)~~)) (8) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of the state.

((~~(12)~~)) (9) "Program" means the department's climate change program.

((~~(13) "Residential consumer refrigeration products" has the same meaning as defined in section 430.2 of Subpart A of 10 C.F.R. Part 430 (2017).~~

~~(14) "Retrofit" has the same meaning as defined in section 152 of Subpart F of 40 C.F.R. Part 82, as that section existed as of January 3, 2017.~~

~~(15) "Substitute" means a chemical, product substitute, or alternative manufacturing process, whether existing or new, that is used to perform a function previously performed by a class I substance or class II substance and any substitute subsequently adopted to perform that function, including, but not limited to, hydrofluorocarbons. "Substitute" does not include 2-BTP or any compound as applied to its use in aerospace fire extinguishing systems.~~

~~(16)~~)) (10) "Western climate initiative" means the collaboration of states, Canadian provinces, Mexican states, and tribes to design a multisector market-based mechanism as directed under the western regional climate action initiative signed by the governor on February 22, 2007.

Sec. 4. RCW 70A.15.6410 and 1991 c 199 s 602 are each amended to read as follows:

(1) ((~~Regulated refrigerant means a class I or class II substance as listed in Title VI of section 602 of the federal clean air act amendments of November 15, 1990.~~

~~(2)~~)) A person who services or repairs or disposes of a motor vehicle air conditioning system; commercial or industrial air conditioning, heating, or refrigeration system; or consumer appliance shall use refrigerant extraction equipment to recover regulated refrigerants and substitutes that would otherwise be released into the atmosphere. ((~~This subsection does not apply to off-road commercial equipment.~~

~~(3)~~)) (2) Upon request, the department shall provide information and assistance to persons interested in collecting, transporting, or recycling regulated refrigerants and substitutes.

((~~(4)~~)) (3) The willful release of regulated refrigerants and substitutes from a source listed in subsection ((~~(2)~~)) (1) of this section is prohibited.

Sec. 5. RCW 70A.15.6420 and 1991 c 199 s 603 are each amended to read as follows:

No person may sell, offer for sale, or purchase any of the following:

(1) A substitute with a global warming potential of greater than 150 or a regulated refrigerant in a container designed for consumer recharge of a motor vehicle air conditioning system or consumer appliance during repair or service((~~. This subsection does not apply to a regulated refrigerant purchased for the recharge of the air conditioning system of off-road commercial or agricultural equipment and sold or offered for sale at an establishment which specializes in the sale of off-road commercial or agricultural equipment or parts or service for such equipment~~));

(2) Nonessential consumer products that contain hydrofluorocarbons with a global warming potential of greater than 150 and chlorofluorocarbons or other ozone-depleting chemicals, and for which ((~~substitutes~~)) suitable alternatives are readily available. Products affected under this subsection shall include, but are not limited to, party streamers, tire inflators, air horns, noise makers, and ((~~chlorofluorocarbon-containing~~)) cleaning sprays designed for noncommercial or nonindustrial cleaning of electronic or photographic equipment. Products and equipment subject to restrictions on applications or end uses under RCW 70A.45.080 (as recodified by this act) are not nonessential products for which hydrofluorocarbons are restricted under this section.

Sec. 6. RCW 70A.15.6430 and 2020 c 20 s 1160 are each amended to read as follows:

The department shall adopt rules to implement RCW 70A.15.6410 and 70A.15.6420 (as recodified by this act). Rules shall include but not be limited to minimum performance specifications for refrigerant extraction equipment, procedures under which owners or operators of stationary refrigeration equipment and air conditioning equipment subject to the requirements of section 9 of this act must provide the department with information related to their use of regulated refrigerants and substitutes, as well as procedures for enforcing RCW 70A.15.6410 and 70A.15.6420 (as recodified by this act) and section 8 of this act.

((~~Enforcement provisions adopted by the department shall not include penalties or fines in areas where equipment to collect or recycle regulated refrigerants is not readily available.~~))

Sec. 7. RCW 70A.45.080 and 2020 c 20 s 1404 are each amended to read as follows:

(1) A person may not offer any product or equipment for sale, lease, or rent, or install or otherwise cause any equipment or product to enter into commerce in Washington if that equipment or product consists of, uses, or will use a substitute, as set forth in appendix U and V, Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, for the applications or end uses restricted by appendix U or V of the federal regulation, as those read on January 3, 2017, consistent with the deadlines established in subsection (2) of this section. Except where existing equipment is retrofit, nothing in this subsection requires a person that acquired a restricted product or equipment prior to the effective date of the restrictions in subsection (2) of this section to cease use of that product or equipment. Products or equipment manufactured prior to the applicable effective date of the restrictions specified in subsection (2) of this section may be sold, imported, exported, distributed, installed, and used after the specified effective date.

(2) The restrictions under subsection (1) of this section for the following products and equipment identified in appendix U and V, Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, take effect beginning:

(a) January 1, 2020, for:

(i) Propellants;

(ii) Rigid polyurethane applications and spray foam, flexible polyurethane, integral skin polyurethane, flexible polyurethane foam, polystyrene extruded sheet, polyolefin, phenolic insulation board, and bunstock;

(iii) Supermarket systems, remote condensing units, and stand-alone units((~~, and vending machines~~));

(b) January 1, 2021, for:

(i) Refrigerated food processing and dispensing equipment;

(ii) Compact residential consumer refrigeration products;

(iii) Polystyrene extruded boardstock and billet, and rigid polyurethane low-pressure two component spray foam;

(c) January 1, 2022, for ((~~residential~~)):

(i) Residential consumer refrigeration products other than compact and built-in residential consumer refrigeration products; and

(ii) Vending machines;

(d) January 1, 2023, for cold storage warehouses;

(e) January 1, 2023, for built-in residential consumer refrigeration products;

(f) January 1, 2024, for centrifugal chillers and positive displacement chillers; and

(g) On either January 1, 2020, or the effective date of the restrictions identified in appendix U and V, Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, whichever comes later, for all other applications and end uses for substitutes not covered by the categories listed in (a) through (f) of this subsection.

(3) The department may by rule:

(a) Modify the effective date of a prohibition established in subsection (2) of this section if the department determines that the rule reduces the overall risk to human health or the environment and reflects the earliest date that a substitute is currently or potentially available;

(b) Prohibit the use of a substitute if the department determines that the prohibition reduces the overall risk to human health or the environment and that a lower risk substitute is currently or potentially available;

(c)(i) Adopt a list of approved substitutes, use conditions, or use limits, if any; and

(ii) Add or remove substitutes, use conditions, or use limits to or from the list of approved substitutes if the department determines those substitutes reduce the overall risk to human health and the environment; and

(d) Designate acceptable uses of hydrofluorocarbons for medical uses that are exempt from the requirements of subsection (2) of this section.

(4)((~~(a) Within twelve months of another state's enactment or adoption of restrictions on substitutes applicable to new light duty vehicles, the department may adopt restrictions applicable to the sale, lease, rental, or other introduction into commerce by a manufacturer of new light duty vehicles consistent with the restrictions identified in appendix B, Subpart G of 40 C.F.R. Part 82, as it read on January 3, 2017. The department may not adopt restrictions that take effect prior to the effective date of restrictions adopted or enacted in at least one other state.~~

~~(b) If the United States environmental protection agency approves a previously prohibited hydrofluorocarbon blend with a global warming potential of seven hundred fifty or less for foam blowing of polystyrene extruded boardstock and billet and rigid polyurethane low-pressure two-component spray foam pursuant to the significant new alternatives policy program under section 7671(k) of the federal clean air act (42 U.S.C. Sec. 7401 et seq.), the department must expeditiously propose a rule consistent with RCW 34.05.320 to conform the requirements established under this section with that federal action.~~

~~(5) A manufacturer must disclose the substitutes used in its products or equipment.~~)) The department shall adopt rules requiring that manufacturers disclose the substitutes used in their products or equipment or to disclose the compliance status of their products or equipment. That disclosure must take the form of:

(a) A label on the equipment or product. The label must meet requirements designated by the department by rule. To the extent feasible, the department must recognize existing labeling that provides sufficient disclosure of the use of substitutes in the product or equipment or of the compliance status of the products or equipment.

(i) The department must consider labels required by state building codes and other safety standards in its rule making; and

(ii) The department may not require labeling of aircraft and aircraft components subject to certification requirements of the federal aviation administration.

(b) Submitting information about the use of substitutes to the department, upon request.

(i) By December 31, 2019, all manufacturers must notify the department of the status of each product class utilizing hydrofluorocarbons or other substitutes restricted under subsection (1) of this section that the manufacturer sells, offers for sale, leases, installs, or rents in Washington state. This status notification must identify the substitutes used by products or equipment in each product or equipment class in a manner determined by rule by the department.

(ii) Within one hundred twenty days after the date of a restriction put in place under this section, any manufacturer affected by the restriction must provide an updated status notification. This notification must indicate whether the manufacturer has ceased the use of hydrofluorocarbons or substitutes restricted under this section within each product class and, if not, what hydrofluorocarbons or other restricted substitutes remain in use.

(iii) After the effective date of a restriction put in place under this section, any manufacturer must provide an updated status notification when the manufacturer introduces a new or modified product or piece of equipment that uses hydrofluorocarbons or changes the type of hydrofluorocarbons utilized within a product class affected by a restriction. Such a notification must occur within one hundred twenty days of the introduction into commerce in Washington of the product or equipment triggering this notification requirement.

((~~(6)~~)) (c) Alternative disclosure requirements to (a) of this subsection, if the department determines that the inclusion of a label denoting substitutes used or compliance status is not feasible for a particular product or equipment.

(5) The department may adopt rules to administer, implement, and enforce this section. If the department elects to adopt rules, the department must seek, where feasible and appropriate, to adopt rules, including rules under subsection (4) of this section, that are the same or consistent with the regulatory standards, exemptions, reporting obligations, disclosure requirements, and other compliance requirements of other states or the federal government that have adopted restrictions on the use of hydrofluorocarbons and other substitutes. Prior to the adoption or update of a rule under this section, the department must identify the sources of information it relied upon, including peer-reviewed science.

((~~(7)~~)) (6) For the purposes of implementing the restrictions specified in appendix U of Subpart G of 40 C.F.R. Part 82, as it read on January 3, 2017, consistent with this section, the department must interpret the term "aircraft maintenance" to mean activities to support the production, fabrication, manufacture, rework, inspection, maintenance, overhaul, or repair of commercial, civil, or military aircraft, aircraft parts, aerospace vehicles, or aerospace components.

((~~(8) The authority granted by this section to the department for restricting the use of substitutes is supplementary to the department's authority to control air pollution pursuant to chapter 70A.15 RCW. Nothing in this section limits the authority of the department under chapter 70A.15 RCW.~~

~~(9)~~)) (7) Except where existing equipment is retrofit, the restrictions of this section do not apply to or limit any use of commercial refrigeration equipment that was installed or in use prior to the effective date of the restrictions established in this section.

NEW SECTION. **Sec. 8.** (1) Within 12 months of another state's enactment or adoption of restrictions on substitutes applicable to new light-duty vehicles, the department may adopt restrictions applicable to the sale, lease, rental, or other introduction into commerce by a manufacturer of new light-duty vehicles consistent with the restrictions identified in appendix B, Subpart G of 40 C.F.R. Part 82, as of January 3, 2017. The department may apply an effective date to the restrictions adopted under this subsection that differs from the effective date of the restrictions adopted by another state, but the department may not adopt restrictions that take effect prior to the effective date of restrictions adopted or enacted in at least one other state.

(2) The department may adopt rules that establish a maximum global warming potential of 750 for substitutes used in new stationary air conditioning. Rules adopted under this subsection may not take effect prior to:

(a) January 1, 2023, for dehumidifiers and room air conditioners;

(b)(i) January 1, 2025, for other types of stationary air conditioning equipment, but only if before January 1, 2023, the state building code council adopts the following safety standards into the state building code as these standards existed as of the effective date of this section:

(A) American society of heating, refrigerating, and air-conditioning engineers standard 15;

(B) American society of heating, refrigerating, and air-conditioning engineers standard 15.2;

(C) American society of heating, refrigerating, and air-conditioning engineers standard 34; and

(D) Underwriters laboratories standard UL 60335-2-40 edition 4;

(ii) If the state building code council adopts the safety standards referenced in (b)(i) of this subsection after January 1, 2023, the restrictions of this subsection may apply to refrigeration equipment manufactured no earlier than 24 months after the adoption of the safety standards; and

(c) January 1, 2026, for systems with variable refrigerant flow or volume.

(3)(a) Consistent with the timeline established in (b) of this subsection, the department may adopt rules to prohibit the use of refrigerant substitutes that have a global warming potential of greater than 150 for use in refrigeration equipment containing more than 50 pounds of refrigerant;

(b)(i) The restrictions in (a) of this subsection must apply to new refrigeration equipment manufactured after December 31, 2024, but only if before January 1, 2023, the state building code council adopts the following safety standards into the state building code, as these standards existed as of the effective date of this section:

(A) American society of heating, refrigerating, and air-conditioning engineers standard 15;

(B) American society of heating, refrigerating, and air-conditioning engineers standard 34; and

(C) Underwriters laboratories standard UL 60335-2-89 edition 2;

(ii) If the state building code council adopts the safety standards referenced in (b)(i) of this subsection after January 1, 2023, the restrictions of (a) of this subsection may apply to refrigeration equipment manufactured no earlier than 24 months after the adoption of the safety standards.

(4) The department shall prohibit the use of refrigerant substitutes that have a global warming potential of greater than:

(a) One hundred fifty for use in new equipment manufactured after December 31, 2023, for installation in new ice rinks; and

(b) Seven hundred fifty for use in new equipment manufactured after December 31, 2023, for installation in existing ice rinks.

(5)(a) The department, in rules adopted to implement this section, may establish reporting, labeling, and recordkeeping requirements applicable to regulated facilities and persons. To the extent practicable, rules adopted under this section must be harmonized with reporting, labeling, or recordkeeping requirements established under section 9 of this act.

(b) To the extent practicable, the department must adopt rules to implement this section that are consistent with similar programs in other states that reduce emissions from refrigerants.

(c) The department may adopt rules to grant variances from the requirements of this section.

(d) Restrictions adopted by the department under this section are additional to specific restrictions on applications and end uses established in RCW 70A.45.080 (as recodified by this act).

(6)(a) Prior to adopting final rules to implement restrictions under subsection (2) or (3) of this section, the department must review the availability and affordability of:

(i) Equipment that meets applicable global warming potential requirements;

(ii) Refrigerants that meet applicable global warming potential requirements; and

(iii) Appropriate training to utilize equipment that meets applicable global warming potential requirements.

(b) After the review required under (a) of this subsection, the department is encouraged to consider delaying the effective date of restrictions under this section in the event that the department determines that significant training or compliant equipment or refrigerant availability and affordability limitations are expected to occur.

NEW SECTION. **Sec. 9.** (1) The department shall establish a refrigerant management program designed to reduce

emissions of refrigerants, including regulated substances and their substitutes, from activities or equipment responsible for significant volumes of such emissions. The program must include, at minimum, larger stationary refrigeration systems and larger commercial air conditioning systems. The department must adopt rules to implement and enforce the requirements of this section. The department may require compliance with refrigerant management program requirements beginning no earlier than January 1, 2024, and no earlier than the adjournment of the regular legislative session following the submission of a report to the appropriate committees of the legislature by the department estimating leakage of refrigerants from existing systems in Washington, and estimating a statewide rate of leakage from the categories of systems that are subject to the refrigerant management program rules adopted by the department under this section.

(2)(a) The department shall exempt refrigeration and air conditioning equipment operations associated with de minimis emissions or with a de minimis charging capacity of less than 50 pounds in a single system from registration, reporting, and leak detection requirements established in this section. The department shall exempt from the requirements established in this section equipment that uses refrigerants with a global warming potential of less than 150 and that are not class I or class II substances.

(b) The department may scale the requirements adopted under this section based on the size of the equipment, the facility containing the equipment, or the business operations of a person responsible for such emissions. The department may establish delayed effective dates of requirements applicable to persons and systems associated with lower emissions of refrigerants than other persons and systems regulated under this section.

(3) Each year, the owner or operator of a stationary refrigeration system or air conditioning system that exceeds a de minimis charge capacity of 50 pounds must register with the department. The department must phase in system registration requirements under this subsection in order to prioritize systems with the largest charge capacity or greatest potential for refrigerant emissions. Registration with the department must, consistent with rules adopted by the department, include the submission of information about the refrigeration system, including equipment type, refrigerant charge capacity, and the type of refrigerant used.

(4) Prior to the sale of a registered refrigeration or air conditioning system, the owners or operators of the system must provide leak rate documentation to the prospective purchaser.

(5) The owner or operator of a registered stationary refrigeration system or air conditioning system must conduct periodic leak-detection inspections of the system. The department may require inspections to be conducted with relatively greater frequency for systems with larger volumes of refrigerants. The department may exempt systems that use refrigerants with low global warming potential or that have automatic leak-detection systems from the requirements of this subsection.

(6) The owner or operator of a registered stationary refrigeration or air conditioning system must inspect for leaks each time significant amounts of refrigerant are added to the system.

(7) The department must adopt rules that:

(a) Require refrigeration or air conditioning systems found to be leaking to be repaired within a specified amount of time;

(b) Require the retrofit, replacement, or retirement of a refrigeration or air conditioning system with a leak that is not capable of being repaired;

(c) Establish annual reporting requirements for owners or operators of refrigeration systems or air conditioning systems that include information about the system, including system service and leak repair conducted on the system over the preceding year, and information on the purchase and use of refrigerants in the covered system during the preceding year;

(d) Establish annual reporting requirement for refrigerant wholesalers, distributors, and reclaimers;

(e) Establish record retention requirements for operators of facilities

and wholesalers, distributors, and reclaimers of refrigerants and substitutes;

(f) Apply leak rates and other regulatory thresholds that achieve greater emission reductions than the federal regulations adopted by the United States environmental protection agency, and that reflect levels of achievable superior performance established for the greenchill voluntary program implemented by the United States environmental protection agency; and

(g) To the maximum extent practicable while giving consideration to the goals of this chapter, establish recordkeeping and reporting requirements that are consistent with programs implemented by the federal environmental protection agency or in other states, and that minimize compliance costs and regulatory burdens for regulated parties.

(8) The department may adopt rules to establish:

(a) Service practices for stationary appliances, including both stationary refrigeration systems and air conditioning systems. Service practices established by the department may include requiring technicians certified under United States environmental protection agency standards to service refrigerant systems, requiring reporting and recordkeeping that identifies the technicians that have serviced appliances, prohibiting practices likely to result in releases to the environment, requiring all practicable efforts to recover refrigerants from covered systems, and prohibiting the addition of refrigerants to systems known to have a leak; and

(b) A process for wholesalers, distributors, reclaimers, and refrigeration and air conditioning equipment operators to apply to the department for an exemption from some or all of the requirements of this section. Exemptions may be granted by the department on the basis of economic hardship, natural disaster, or after considering a calculation of lifecycle greenhouse gas emissions associated with the granting of an exemption that will allow an identified leak to go unrepaired for a finite period of time.

(9) The department may determine, assess, and collect annual fees from the owners or operators of refrigeration and air conditioning systems regulated under this section in an amount sufficient to cover the direct and indirect costs of administering and enforcing the provisions of this section. All fees collected under this subsection must be deposited in the refrigerant emission management account created in section 12 of this act.

(10) By December 1, 2029, and every five years thereafter, the department must consider the greenhouse gas emissions reductions achieved under the program created in this section and the criteria of section 11(3) of this act, and make a determination whether to continue to implement the program for the following five years. The department must notify the appropriate committees of the house of representatives and the senate of its determination.

Sec. 10. RCW 19.27.580 and 2019 c 284 s 7 are each amended to read as follows:

(1) The building code council shall adopt rules, including by amending existing rules as necessary, that permit the use of substitutes approved under RCW ((~~70.235.080~~)) 70A.45.080 (as recodified by this act) and that do not require the use of substitutes that are restricted under RCW ((~~70.235.080~~)) 70A.45.080 (as recodified by this act). The building code council may not prohibit the use of a substitute refrigerant allowed pursuant to the United States environmental protection agency's significant new alternatives policy to implement 42 U.S.C. Sec. 7671k.

(2) The building code council shall adopt rules that allow the use of substitutes, as defined in section 2 of this act, with a lower global warming potential than alternative substances, in accordance with nationally recognized, published standards that protect building occupant safety and reduce fire risks.

(3) The building code council may adopt rules that allow the use of substitutes, as defined in section 2 of this act, that are under review but have not yet been approved by the United States environmental protection agency's significant new alternatives policy to implement 42 U.S.C. Sec. 7671k, if the substitutes have a lower global warming potential than alternative substances and meet nationally recognized, published standards that protect building occupant safety and reduce fire risks.

(4) Any rules adopted by the building code council that affect the design or installation of refrigeration or air conditioning systems must be consistent with a goal of minimizing system leakage of refrigerants.

(5) Prior to the adoption of any rules by the building code council that affect the design or installation of refrigeration or air conditioning systems that facilitate the use of substitutes with a low global warming potential in air conditioning systems or equipment, the building code council must solicit input from organizations representing affected parties and parties with expertise in the substitutes or affected types of systems or equipment including, but not limited to:

(a) Manufacturers, distributors, and installers of refrigeration and air conditioning systems; and

(b) Refrigeration and air conditioning system contractors that are small businesses or that primarily serve rural areas.

NEW SECTION. **Sec. 11.** (1) The authority granted by this chapter to the department for restricting the use of substitutes is supplementary to the department's authority to control air pollution pursuant to chapter 70A.15 RCW. Nothing in this chapter limits the authority of the department under chapter 70A.15 RCW.

(2) The department, in enforcing the requirements of this chapter, must adhere to the provisions applicable to the department under chapter 43.05 RCW regarding site inspections, technical assistance visits, notices of correction, and the issuance of civil penalties, to the extent that these provisions are not in conflict with federal requirements described in RCW 43.05.901.

(3) The department may elect to refrain from or cease administering or enforcing a requirement of this chapter if the United States environmental protection agency adopts requirements that:

(a) Are substantially duplicative of the requirements of this chapter and that negate the additional emission reduction benefits of state implementation of any requirement of this chapter; or

(b) Preempt state authority under this chapter.

NEW SECTION. **Sec. 12.** The refrigerant emission management account is created in the state treasury. All receipts received by the state from the fees imposed under section 9 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to develop and implement the provisions of section 9 of this act.

Sec. 13. RCW 70A.15.1010 and 2020 c 20 s 1080 are each amended to read as follows:

(1) The air pollution control account is established in the state treasury. All receipts collected by or on behalf of the department from RCW 70A.15.2200(2), and receipts from nonpermit program sources under RCW 70A.15.2210(1) and 70A.15.2230(7), and all receipts from RCW 70A.15.5090 and 70A.15.5120 shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to develop and implement the provisions of this chapter, chapter 70A.25 RCW, and RCW 70A.45.080 (as recodified by this act).

(2) The amounts collected and allocated in accordance with this section shall be expended upon appropriation except as otherwise provided in this section and in accordance with the following limitations:

Portions of moneys received by the department of ecology from the air pollution control account shall be distributed by the department to local authorities based on:

(a) The level and extent of air quality problems within such authority's jurisdiction;

(b) The costs associated with implementing air pollution regulatory programs by such authority; and

(c) The amount of funding available to such authority from other sources, whether state, federal, or local, that could be used to implement such programs.

(3) The air operating permit account is created in the custody of the state treasurer. All receipts collected by or on behalf of the department from permit program sources under RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7) shall be

deposited into the account. Expenditures from the account may be used only for the activities described in RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7). Moneys in the account may be spent only after appropriation.

NEW SECTION. **Sec. 14.** (1) By December 1, 2021, the department of ecology must provide recommendations to the appropriate committees of the house of representatives and the senate regarding the optimal design of a program to address the end-of-life management and disposal of refrigerants including, but not limited to, ozone-depleting substances and hydrofluorocarbons. In developing the recommendations, the department must solicit feedback from potentially impacted parties and the public, and must consider actions taken by other jurisdictions to incentivize refrigerant reuse or reclamation. The recommendations may come in the form of draft legislation.

(2) The recommendations must specifically include, at minimum, the following program design considerations:

(a) The legal and financial obligations to support or participate in the program applicable to refrigerant manufacturers, importers, distributors, and retailers, and to refrigerant-using equipment owner-operators and service technicians;

(b) A funding mechanism for refrigerant recovery and disposal activities carried out by the program that will also provide a financial incentive for the recovery and emission-reducing management of refrigerants that are no longer of utility to a consumer; and

(c) Performance goals and operational standards for activities carried out by the program to collect, transport, and recycle, reuse, or dispose of refrigerants.

Sec. 15. RCW 70A.15.3150 and 2020 c 20 s 1111 are each amended to read as follows:

(1) Any person who knowingly violates any of the provisions of this chapter or ((~~chapter 70A.25 RCW, RCW 70A.45.080~~)) chapters 70A.25 and 70A.--- (the new chapter created in section 20 of this act) RCW, or any ordinance, resolution, or regulation in force pursuant thereto is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for up to three hundred sixty-four days, or by both for each separate violation.

(2) Any person who negligently releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm is guilty of a gross misdemeanor and shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for up to three hundred sixty-four days, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, is guilty of a class C felony and shall, upon conviction, be punished by a fine of not less than fifty thousand dollars, or by imprisonment for not more than five years, or both.

(4) Any person who knowingly fails to disclose a potential conflict of interest under RCW 70A.15.2000 is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five thousand dollars.

Sec. 16. RCW 70A.15.3160 and 2020 c 20 s 1112 are each amended to read as follows:

(1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter, chapter 70A.25 ((~~or~~)), 70A.450, or 70A.--- (the new chapter created in section 20 of this act) RCW, ((~~RCW 70A.45.080,~~)) or any of the rules in force under such chapters or section may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's

continuance shall be a separate and distinct violation.

(b) Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2)(a) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

(b) The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) ((~~All~~)) (a) Except as provided in (b) of this subsection, all penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70A.15.1010 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(b) All penalties recovered for violations of chapter 70A.--- (the new chapter created in section 20 of this act) RCW must be paid into the state treasury and credited to the refrigerant emission management account created in section 12 of this act.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) The department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

Sec. 17. RCW 19.285.040 and 2019 c 288 s 29 are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in the most recently published regional power plan as it existed on June 12, 2014, or a subsequent date as may be provided by the department or the commission by rule, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. Nothing in the rule adopted under this subsection precludes a qualifying utility from using its utility specific conservation measures, values, and assumptions in identifying its achievable cost-effective conservation potential. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) Beginning January 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection,

and meet that target during the subsequent two-year period. At a minimum, each biennial target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period.

(c)(i) Except as provided in (c)(ii) and (iii) of this subsection, beginning on January 1, 2014, cost-effective conservation achieved by a qualifying utility in excess of its biennial acquisition target may be used to help meet the immediately subsequent two biennial acquisition targets, such that no more than twenty percent of any biennial target may be met with excess conservation savings.

(ii) Beginning January 1, 2014, a qualifying utility may use single large facility conservation savings in excess of its biennial target to meet up to an additional five percent of the immediately subsequent two biennial acquisition targets, such that no more than twenty-five percent of any biennial target may be met with excess conservation savings allowed under all of the provisions of this section combined. For the purposes of this subsection (1)(c)(ii), "single large facility conservation savings" means cost-effective conservation savings achieved in a single biennial period at the premises of a single customer of a qualifying utility whose annual electricity consumption prior to the conservation savings exceeded five average megawatts.

(iii) Beginning January 1, 2012, and until December 31, 2017, a qualifying utility with an industrial facility located in a county with a population between ninety-five thousand and one hundred fifteen thousand that is directly interconnected with electricity facilities that are capable of carrying electricity at transmission voltage may use cost-effective conservation from that industrial facility in excess of its biennial acquisition target to help meet the immediately subsequent two biennial acquisition targets, such that no more than twenty-five percent of any biennial target may be met with excess conservation savings allowed under all of the provisions of this section combined.

(d) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output. The reduction in load due to high-efficiency cogeneration shall be: (i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and (ii) counted towards meeting the biennial conservation target in the same manner as other conservation savings.

(e) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(f) In addition to the requirements of RCW 19.280.030(3), in assessing the cost-effective conservation required under this section, a qualifying utility is encouraged to promote the adoption of air conditioning, as defined in section 2 of this act, with refrigerants not exceeding a global warming potential of 750 and the replacement of stationary refrigeration systems that contain ozone-depleting substances or hydrofluorocarbon refrigerants with a high global warming potential.

(g) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Except as provided in (j) of this subsection, each qualifying utility shall use eligible renewable resources or acquire equivalent renewable energy credits, or any combination of them, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;

(ii) At least nine percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least fifteen percent of its load by January 1, 2020, and each year thereafter.

(b) A qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(c) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

(d) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than coal transition power or renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

(e) A qualifying utility may use renewable energy credits to meet the requirements of this section, subject to the limitations of this subsection.

(i) A renewable energy credit from electricity generated by a resource other than freshwater may be used to meet a requirement applicable to the year in which the credit was created, the year before the year in which the credit was created, or the year after the year in which the credit was created.

(ii) A renewable energy credit from electricity generated by freshwater:

(A) May only be used to meet a requirement applicable to the year in which the credit was created; and

(B) Must be acquired by the qualifying utility through ownership of the generation facility or through a transaction that conveyed both the electricity and the nonpower attributes of the electricity.

(iii) A renewable energy credit transferred to an investor-owned utility pursuant to the Bonneville power administration's residential exchange program may not be used by any utility other than the utility receiving the credit from the Bonneville power administration.

(iv) Each renewable energy credit may only be used once to meet the requirements of this section and must be retired using procedures of the renewable energy credit tracking system.

(f) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity; or

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090.

(g) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

(h)(i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

(i) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include

weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(j)(i) Beginning January 1, 2016, only a qualifying utility that owns or is directly interconnected to a qualified biomass energy facility may use qualified biomass energy to meet its compliance obligation under this subsection.

(ii) A qualifying utility may no longer use electricity and associated renewable energy credits from a qualified biomass energy facility if the associated industrial pulping or wood manufacturing facility ceases operation other than for purposes of maintenance or upgrade.

(k) An industrial facility that hosts a qualified biomass energy facility may only transfer or sell renewable energy credits associated with qualified biomass energy generated at its facility to the qualifying utility with which it is directly interconnected with facilities owned by such a qualifying utility and that are capable of carrying electricity at transmission voltage. The qualifying utility may only use an amount of renewable energy credits associated with qualified biomass energy that are equivalent to the proportionate amount of its annual targets under (a)(ii) and (iii) of this subsection that was created by the load of the industrial facility. A qualifying utility that owns a qualified biomass energy facility may not transfer or sell renewable energy credits associated with qualified biomass energy to another person, entity, or qualifying utility.

(l) Beginning January 1, 2020, a qualifying utility may use eligible renewable resources as identified under RCW 19.285.030(12) (g) and (h) to meet its compliance obligation under this subsection (2). A qualifying utility may not transfer or sell these eligible renewable resources to another utility for compliance purposes under this chapter.

(m) Beginning January 1, 2030, a qualifying utility is considered to be in compliance with an annual target in (a) of this subsection if the utility uses electricity from: (i) Renewable resources and renewable energy credits as defined in RCW 19.285.030; and (ii) nonemitting electric generation as defined in RCW 19.405.020, in an amount equal to one hundred percent of the utility's average annual retail electric load. Nothing in this subsection relieves the requirements of a qualifying utility to comply with subsection (1) of this section.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

Sec. 18. RCW 19.27A.220 and 2019 c 285 s 4 are each amended to read as follows:

(1) The department must establish a state energy performance standard early adoption incentive program consistent with the requirements of this section.

(2) The department must adopt application and reporting requirements for the incentive program. Building energy reporting for the incentive program must be consistent with the energy reporting requirements established under RCW 19.27A.210.

(3) Upon receiving documentation demonstrating that a building owner qualifies for an incentive under this section, the department must authorize each applicable entity administering incentive payments, as provided in RCW 19.27A.240, to make an incentive payment to the building owner. When a building is served by more than one entity offering incentives or more than one type of fuel, incentive payments must be proportional to the energy use intensity reduction of each specific fuel provided by each entity.

(4) An eligible building owner may receive an incentive payment in the amounts specified in subsection (6) of this section only if the following requirements are met:

(a) The building is either: (i) A covered commercial building subject to the requirements of the standard established under RCW 19.27A.210; or (ii) a multifamily residential building where the floor area exceeds fifty thousand gross square feet, excluding the parking garage area;

(b) The building's baseline energy use intensity exceeds its applicable energy

use intensity target by at least fifteen energy use intensity units;

(c) At least one electric utility, gas company, or thermal energy company providing or delivering energy to the covered commercial building is participating in the incentive program by administering incentive payments as provided in RCW 19.27A.240; and

(d) The building owner complies with any other requirements established by the department.

(5)(a) An eligible building owner who meets the requirements of subsection (4) of this section may submit an application to the department for an incentive payment in a form and manner prescribed by the department. The application must be submitted in accordance with the following schedule:

(i) For a building with more than two hundred twenty thousand gross square feet, beginning July 1, 2021, through June 1, 2025;

(ii) For a building with more than ninety thousand gross square feet but less than two hundred twenty thousand and one gross square feet, beginning July 1, 2021, through June 1, 2026; and

(iii) For a building with more than fifty thousand gross square feet but less than ninety thousand and one gross square feet, beginning July 1, 2021, through June 1, 2027.

(b) The department must review each application and determine whether the applicant is eligible for the incentive program and if funds are available for the incentive payment within the limitation established in RCW 19.27A.230. If the department certifies an application, it must provide verification to the building owner and each entity participating as provided in RCW 19.27A.240 and providing service to the building owner.

(6) An eligible building owner that demonstrates early compliance with the applicable energy use intensity target under the standard established under RCW 19.27A.210 may receive a base incentive payment of eighty-five cents per gross square foot of floor area, excluding parking, unconditioned, or semiconditioned spaces.

(7) The incentives provided in subsection (6) of this section are subject to the limitations and requirements of this section, including any rules or procedures implementing this section.

(8) The department must establish requirements for the verification of energy consumption by the building owner and each participating electric utility, gas company, and thermal energy company.

(9) The department must provide an administrative process for an eligible building owner to appeal a determination of an incentive eligibility or amount.

(10) By September 30, 2025, and every two years thereafter, the department must report to the appropriate committees of the legislature on the results of the incentive program under this section and may provide recommendations to improve the effectiveness of the program. The 2025 report to the legislature must include recommendations for aligning the incentive program established under this section consistent with a goal of reducing greenhouse gas emissions from substitutes, as defined in section 2 of this act.

(11) The department may adopt rules to implement this section.

Sec. 19. RCW 39.26.310 and 2019 c 284 s 9 are each amended to read as follows:

(1) The department shall establish purchasing and procurement policies that provide a preference for products that:

(a) Are not restricted under RCW ((~~70.235.080~~)) 70A.45.080 (as recodified by this act);

(b) Do not contain hydrofluorocarbons or contain hydrofluorocarbons with a comparatively low global warming potential;

(c) Are not designed to function only in conjunction with hydrofluorocarbons characterized by a comparatively high global warming potential; and

(d) Were not manufactured using hydrofluorocarbons or were manufactured using hydrofluorocarbons with a low global warming potential.

(2) No agency may knowingly purchase products that are not accorded a preference in the purchasing and procurement policies established by the department pursuant to subsection (1) of this section, unless there is no cost-effective and technologically feasible option that is accorded a preference.

(3) ((~~Nothing in~~)) The department shall establish a purchasing and procurement policy that provides a preference, in serving existing equipment, for a reclaimed refrigerant that meets the minimum quality requirement established in federal regulations adopted under 42 U.S.C. Sec. 7671(g).

(4)(a) Nothing in subsection (1) of this section requires the department or any other state agency to breach an existing contract or dispose of stock that has been ordered or is in the possession of the department or other state agency as of July 28, 2019.

((~~(4)~~)) (b) Nothing in subsection (3) of this section requires the department or any other state agency to breach an existing contract or dispose of stock that has been ordered or is in the possession of the department or other state agency as of July 28, 2021.

(5) By December 1, 2020, and each December 1st of even-numbered years thereafter, the department must submit a status report to the appropriate committees of the house of representatives and senate regarding the implementation and compliance of the department and state agencies with this section.

NEW SECTION. **Sec. 20.** Sections 1, 2, 8, 9, 11, and 12 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 21.** RCW 70A.45.080, 70A.15.6410, 70A.15.6420, and 70A.15.6430 are each recodified as sections in chapter 70A.--- RCW (the new chapter created in section 20 of this act).

NEW SECTION. **Sec. 22.** Section 8 of this act takes effect January 1, 2022.

NEW SECTION. **Sec. 23.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 24.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "gases;" strike the remainder of the title and insert "amending RCW 70A.15.6410, 70A.15.6420, 70A.15.6430, 70A.45.080, 19.27.580, 70A.15.1010, 70A.15.3150, 70A.15.3160, 19.285.040, 19.27A.220, and 39.26.310; reenacting and amending RCW 70A.45.010; adding a new chapter to Title 70A RCW; creating new sections; recodifying RCW 70A.45.080, 70A.15.6410, 70A.15.6420, and 70A.15.6430; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1050 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1050, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1050, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1050, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 3, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1108 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that whether mediation, reporting, and payment provisions of the foreclosure fairness act apply to any particular beneficiary in a given year is tied to the number of trustee's sales and number of notices of trustee's sale recorded in the preceding year. The legislature further finds that, due to the federal foreclosure moratorium in place from at least March of 2020 through December of 2020 and into the year 2021, it is likely that, absent legislative action, the mediation, reporting, and payment provisions of the foreclosure fairness act will apply to very few if any beneficiaries in calendar year 2021 or 2022 because the threshold numbers that trigger application of these provisions will not be met. The legislature therefore intends to put in place a temporary stopgap remedy so that vital assistance provisions of the foreclosure fairness act are not lost at the very time that foreclosure activity is likely to be increasing.

Sec. 2. RCW 61.24.005 and 2014 c 164 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate of beneficiary" means any entity which controls, is controlled by, or is under common control with a beneficiary.

(2) "Beneficiary" means the holder of the instrument or document evidencing the obligations secured by the deed of trust, excluding persons holding the same as security for a different obligation.

(3) "Borrower" means a person or a general partner in a partnership, including a joint venture, that is liable for all or part of the obligations secured by the deed of trust under the instrument or other document that is the principal evidence of such obligations, or the person's successors if they are liable for those obligations under a written agreement with the beneficiary.

(4) "Commercial loan" means a loan that is not made primarily for personal, family, or household purposes.

(5) "Department" means the department of commerce or its designee.

(6) "Fair value" means the value of the property encumbered by a deed of trust that is sold pursuant to a trustee's sale. This value shall be determined by the court or other appropriate adjudicator by reference to the most probable price, as of the date of the trustee's sale, which would be paid in cash or other immediately available funds, after deduction of prior liens and encumbrances with interest to the date of the trustee's sale, for which the property would sell on such date after reasonable exposure in the market under conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under duress.

(7) "Grantor" means a person, or its successors, who executes a deed of trust to encumber the person's interest in property as security for the performance of all or part of the borrower's obligations.

(8) "Guarantor" means any person and its successors who is not a borrower and who guarantees any of the obligations secured by a deed of trust in any written agreement other than the deed of trust.

(9) "Housing counselor" means a housing counselor that has been approved by the United States department of housing and urban development or approved by the Washington state housing finance commission.

(10) "Owner-occupied" means property that is the principal residence of the borrower.

(11) "Person" means any natural person, or legal or governmental entity.

(12) "Record" and "recorded" includes the appropriate registration proceedings, in the instance of registered land.

(13) "Residential real property" means property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit. For the purposes of the application of RCW 61.24.163, ((~~owner-occupied~~)) residential real property includes residential real property of up to four units.

(14) "Senior beneficiary" means the beneficiary of a deed of trust that has priority over any other deeds of trust encumbering the same residential real property.

(15) "Tenant-occupied property" means property consisting solely of residential real property that is the principal residence of a tenant subject to chapter 59.18 RCW or other building with four or fewer residential units that is the principal residence of a tenant subject to chapter 59.18 RCW.

(16) "Trustee" means the person designated as the trustee in the deed of trust or appointed under RCW 61.24.010(2).

(17) "Trustee's sale" means a nonjudicial sale under a deed of trust undertaken pursuant to this chapter.

Sec. 3. RCW 61.24.030 and 2018 c 306 s 1 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property <u>of up to four units</u>, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default and, for residential real property <u>of up to four units</u>, the beneficiary declaration specified in subsection (7)(a) of this section shall

be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future, or no less than one hundred fifty days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is ((~~owner-occupied~~)) residential real property of up to four units, a statement, prominently set out at the beginning of the notice, which shall state as follows:

"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR

LOSING YOUR HOME.

You may be eligible for mediation in front of a neutral third party to help save your home.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than twenty days after the Notice of Trustee Sale is recorded.

DO NOT DELAY. If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . ."

The beneficiary or trustee shall obtain the toll-free numbers and website information from the department for inclusion in the notice;

(l) In the event the property secured by the deed of trust is residential real property of up to four units, the name and address of the holder of any promissory note or other obligation secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust;

(m) For notices issued after June 30, 2018, on the top of the first page of the notice:

(i) The current beneficiary of the deed of trust;

(ii) The current mortgage servicer for the deed of trust; and

(iii) The current trustee for the deed of trust;

(9) That, for ((~~owner-occupied~~)) residential real property of up to four units, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163;

(10) That, in the case where the borrower or grantor is known to the mortgage servicer or trustee to be deceased, the notice required under subsection (8) of this section must be sent to any spouse, child, or parent of the borrower or grantor known to the trustee or mortgage servicer, and to any owner of record of the property, at any address provided to the trustee or mortgage servicer, and to the property addressed to the heirs and devisees of the borrower.

(a) If the name or address of any spouse, child, or parent of such deceased borrower or grantor cannot be ascertained with use of reasonable diligence, the trustee must execute and record with the notice of sale a declaration attesting to the same.

(b) Reasonable diligence for the purposes of this subsection (10) means the trustee shall search in the county where the property is located, the public records and information for any obituary, will, death certificate, or case in probate within the county for the borrower and grantor;

(11) Upon written notice identifying the property address and the name of the borrower to the servicer or trustee by someone claiming to be a successor in interest to the borrower's or grantor's property rights, but who is not a party to the loan or promissory note or other obligation secured by the deed of trust, a trustee shall not record a notice of sale pursuant to RCW 61.24.040 until the trustee or mortgage servicer completes the following:

(a) Acknowledges the notice in writing and requests reasonable documentation of the death of the borrower or grantor from the claimant including, but not limited to, a death certificate or other written evidence of the death of the borrower or grantor. The claimant must be allowed thirty days from the date of this request to present this documentation. If the trustee or mortgage servicer has already obtained sufficient proof of the borrower's death, it may proceed by acknowledging the claimant's notice in writing and issuing a request under (b) of this subsection.

(b) If the mortgage servicer or trustee obtains or receives written documentation of the death of the borrower or grantor from the claimant, or otherwise independently confirms the death of the borrower or grantor, then the servicer or trustee must request in writing documentation from the claimant demonstrating the ownership interest of the claimant in the real property. A claimant has sixty days from the date of the request to present this documentation.

(c) If the mortgage servicer or trustee receives written documentation demonstrating the ownership interest of the claimant prior to the expiration of the sixty days provided in (b) of this subsection, then the servicer or trustee must, within twenty days of receipt of

proof of ownership interest, provide the claimant with, at a minimum, the loan balance, interest rate and interest reset dates and amounts, balloon payments if any, prepayment penalties if any, the basis for the default, the monthly payment amount, reinstatement amounts or conditions, payoff amounts, and information on how and where payments should be made. The mortgage servicers shall also provide the claimant application materials and information, or a description of the process, necessary to request a loan assumption and modification.

(d) Upon receipt by the trustee or the mortgage servicer of the documentation establishing claimant's ownership interest in the real property, that claimant shall be deemed a "successor in interest" for the purposes of this section.

(e) There may be more than one successor in interest to the borrower's property rights. The trustee and mortgage servicer shall apply the provisions of this section to each successor in interest. In the case of multiple successors in interest, where one or more do not wish to assume the loan as coborrowers or coapplicants, a mortgage servicer may require any nonapplicant successor in interest to consent in writing to the application for loan assumption.

(f) The existence of a successor in interest under this section does not impose an affirmative duty on a mortgage servicer or alter any obligation the mortgage servicer has to provide a loan modification to the successor in interest. If a successor in interest assumes the loan, he or she may be required to otherwise qualify for available foreclosure prevention alternatives offered by the mortgage servicer.

(g) (c), (e), and (f) of this subsection (11) do not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW; and

(12) Nothing in this section shall prejudice the right of the mortgage servicer or beneficiary from discontinuing any foreclosure action initiated under the deed of trust act in favor of other allowed methods for pursuit of foreclosure of the security interest or deed of trust security interest.

Sec. 4. RCW 61.24.031 and 2014 c 164 s 2 are each amended to read as follows:

(1)(a) A trustee, beneficiary, or authorized agent may not issue a notice of default under RCW 61.24.030(8) until: (i) Thirty days after satisfying the due diligence requirements as described in subsection (5) of this section and the borrower has not responded; or (ii) if the borrower responds to the initial contact, ninety days after the initial contact with the borrower was initiated.

(b) A beneficiary or authorized agent shall make initial contact with the borrower by letter to provide the borrower with information required under (c) of this subsection and by telephone as required under subsection (5) of this section. The letter required under this subsection must be mailed in accordance with subsection (5)(a) of this section and must include the information described in (c) of this subsection and subsection (5)(e)(i) through (iv) of this section.

(c) The letter required under this subsection, developed by the department pursuant to RCW 61.24.033, at a minimum shall include:

(i) A paragraph printed in no less than twelve-point font and bolded that reads:

"You must respond within thirty days of the date of this letter. IF YOU DO NOT RESPOND within thirty days, a notice of default may be issued and you may lose your home in foreclosure.

IF YOU DO RESPOND within thirty days of the date of this letter, you will have an additional sixty days to meet with your lender before a notice of default may be issued.

You should contact a housing counselor or attorney as soon as possible. Failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party. A housing counselor or attorney can help you work with your lender to avoid foreclosure.

If you filed bankruptcy or have been discharged in bankruptcy, this communication is not intended as an attempt to collect a debt from you personally, but is notice of enforcement of the deed of trust lien against the property. If you wish to avoid

foreclosure and keep your property, this notice sets forth your rights and options.";

(ii) The toll-free telephone number from the United States department of housing and urban development to find a department-approved housing counseling agency, the toll-free numbers for the statewide foreclosure hotline recommended by the housing finance commission, and the statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys;

(iii) A paragraph stating that a housing counselor may be available at little or no cost to the borrower and that whether or not the borrower contacts a housing counselor or attorney, the borrower has the right to request a meeting with the beneficiary; and

(iv) A paragraph explaining how the borrower may respond to the letter and stating that after responding the borrower will have an opportunity to meet with his or her beneficiary in an attempt to resolve and try to work out an alternative to the foreclosure and that, after ninety days from the date of the letter, a notice of default may be issued, which starts the foreclosure process.

(d) If the beneficiary has exercised due diligence as required under subsection (5) of this section and the borrower does not respond by contacting the beneficiary within thirty days of the initial contact, the notice of default may be issued. "Initial contact" with the borrower is considered made three days after the date the letter required in (b) of this subsection is sent.

(e) If a meeting is requested by the borrower or the borrower's housing counselor or attorney, the beneficiary or authorized agent shall schedule the meeting to occur before the notice of default is issued. An assessment of the borrower's financial ability to modify or restructure the loan obligation and a discussion of options must occur during the meeting scheduled for that purpose.

(f) The meeting scheduled to assess the borrower's financial ability to modify or restructure the loan obligation and discuss options to avoid foreclosure may be held telephonically, unless the borrower or borrower's representative requests in writing that a meeting be held in person. The written request for an in-person meeting must be made within thirty days of the initial contact with the borrower. If the meeting is requested to be held in person, the meeting must be held in the county where the property is located unless the parties agree otherwise. A person who is authorized to agree to a resolution, including modifying or restructuring the loan obligation or other alternative resolution to foreclosure on behalf of the beneficiary, must be present either in person or on the telephone or videoconference during the meeting.

(2) A notice of default issued under RCW 61.24.030(8) must include a declaration, as provided in subsection (9) of this section, from the beneficiary or authorized agent that it has contacted the borrower as provided in subsection (1) of this section, it has tried with due diligence to contact the borrower under subsection (5) of this section, or the borrower has surrendered the property to the trustee, beneficiary, or authorized agent. Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the declaration as evidence that the requirements of this section have been satisfied, and the trustee is not liable for the beneficiary's or its authorized agent's failure to comply with the requirements of this section.

(3) If, after the initial contact under subsection (1) of this section, a borrower has designated a housing counseling agency, housing counselor, or attorney to discuss with the beneficiary or authorized agent, on the borrower's behalf, options for the borrower to avoid foreclosure, the borrower shall inform the beneficiary or authorized agent and provide the contact information to the beneficiary or authorized agent. The beneficiary or authorized agent shall contact the designated representative for the borrower to meet.

(4) The beneficiary or authorized agent and the borrower or the borrower's representative shall attempt to reach a resolution for the borrower within the ninety days from the time the initial contact is sent and the notice of default is issued. A resolution may include, but is not limited to, a loan modification, an agreement to conduct a short sale, or a deed in lieu of foreclosure transaction, or some other workout plan. Any modification or workout plan offered at the meeting with the borrower's

designated representative by the beneficiary or authorized agent is subject to approval by the borrower.

(5) A notice of default may be issued under RCW 61.24.030(8) if a beneficiary or authorized agent has initiated contact with the borrower as required under subsection (1)(b) of this section and the failure to meet with the borrower occurred despite the due diligence of the beneficiary or authorized agent. Due diligence requires the following:

(a) A beneficiary or authorized agent shall first attempt to contact a borrower by sending, by both first-class and either registered or certified mail, return receipt requested, a letter to the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must be the letter described in subsection (1)(c) of this section.

(b)(i) After the letter has been sent, the beneficiary or authorized agent shall attempt to contact the borrower by telephone at least three times at different hours and on different days. Telephone calls must be made to the primary and secondary telephone numbers on file with the beneficiary or authorized agent.

(ii) A beneficiary or authorized agent may attempt to contact a borrower using an automated system to dial borrowers if the telephone call, when answered, is connected to a live representative of the beneficiary or authorized agent.

(iii) A beneficiary or authorized agent satisfies the telephone contact requirements of this subsection (5)(b) if the beneficiary or authorized agent determines, after attempting contact under this subsection (5)(b), that the borrower's primary telephone number and secondary telephone number or numbers on file, if any, have been disconnected or are not good contact numbers for the borrower.

(iv) The telephonic contact under this subsection (5)(b) does not constitute the meeting under subsection (1)(f) of this section.

(c) If the borrower does not respond within fourteen days after the telephone call requirements of (b) of this subsection have been satisfied, the beneficiary or authorized agent shall send a certified letter, with return receipt requested, to the borrower at the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must include the information described in (e)(i) through (iv) of this subsection. The letter must also include a paragraph stating: "Your failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party."

(d) The beneficiary or authorized agent shall provide a means for the borrower to contact the beneficiary or authorized agent in a timely manner, including a toll-free telephone number or charge-free equivalent that will provide access to a live representative during business hours for the purpose of initiating and scheduling the meeting under subsection (1)(f) of this section.

(e) The beneficiary or authorized agent shall post a link on the home page of the beneficiary's or authorized agent's internet website, if any, to the following information:

(i) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid foreclosure, and instructions to borrowers advising them on steps to take to explore those options;

(ii) A list of financial documents borrowers should collect and be prepared to present to the beneficiary or authorized agent when discussing options for avoiding foreclosure;

(iii) A toll-free telephone number or charge-free equivalent for borrowers who wish to discuss options for avoiding foreclosure with their beneficiary or authorized agent; and

(iv) The toll-free telephone number or charge-free equivalent made available by the department to find a department-approved housing counseling agency.

(6) Subsections (1) and (5) of this section do not apply if the borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary, or authorized agent.

(7)(a) This section applies only to deeds of trust that are recorded against

((~~owner-occupied~~)) residential real property of up to four units. This section does not apply to deeds of trust: (i) Securing a commercial loan; (ii) securing obligations of a grantor who is not the borrower or a guarantor; or (iii) securing a purchaser's obligations under a seller-financed sale.

(b) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(8) As used in this section:

(a) "Department" means the United States department of housing and urban development.

(b) "Seller-financed sale" means a residential real property transaction where the seller finances all or part of the purchase price, and that financed amount is secured by a deed of trust against the subject residential real property.

(9) The form of declaration to be provided by the beneficiary or authorized agent as required under subsection (2) of this section must be in substantially the following form:

"FORECLOSURE LOSS MITIGATION FORM

Please select applicable option(s) below.

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that check the applicable box and fill in any blanks so that the beneficiary, authorized agent, or trustee can insert, on the beneficiary's behalf, the applicable declaration in the notice of default required under chapter 61.24 RCW.doc:

(1) [ ] The beneficiary or beneficiary's authorized agent has contacted the borrower under, and has complied with, RCW 61.24.031 (contact provision to "assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure") and the borrower responded but did not request a meeting.

(2) [ ] The beneficiary or beneficiary's authorized agent has contacted the borrower as required under RCW 61.24.031 and the borrower or the borrower's designated representative requested a meeting. A meeting was held on (insert date, time, and location/telephonic here) in compliance with RCW 61.24.031.

(3) [ ] The beneficiary or beneficiary's authorized agent has contacted the borrower as required in RCW 61.24.031 and the borrower or the borrower's designated representative requested a meeting. A meeting was scheduled for (insert date, time, and location/telephonic here) and neither the borrower nor the borrower's designated representative appeared.

(4) [ ] The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower as required in RCW 61.24.031(5) and the borrower did not respond.

(5) [ ] The borrower has surrendered the secured property as evidenced by either a letter confirming the surrender or by delivery of the keys to the secured property to the beneficiary, the beneficiary's authorized agent or to the trustee.

Additional Optional Explanatory Comments:

Sec. 5. RCW 61.24.135 and 2016 c 196 s 3 are each amended to read as follows:

(1) It is an unfair or deceptive act or practice under the consumer protection act, chapter 19.86 RCW, for any person, acting alone or in concert with others, to offer, or offer to accept or accept from another, any consideration of any type not to bid, or to reduce a bid, at a sale of property conducted pursuant to a power of sale in a deed of trust. The trustee may decline to complete a sale or deliver the trustee's deed and refund the purchase price, if it appears that the bidding has been collusive or defective, or that the sale might have been void. However, it is not an unfair or deceptive act or practice for any person, including a trustee, to state that a property subject to a recorded notice of trustee's sale or subject to a sale conducted pursuant to this chapter is being sold in an "as-is" condition, or for the beneficiary to arrange to provide financing for a particular bidder or to reach any good faith agreement with the borrower, grantor, any guarantor, or any junior lienholder.

(2) It is an unfair or deceptive act in trade or commerce and an unfair method of competition in violation of the

consumer protection act, chapter 19.86 RCW, for any person or entity to: (a) Violate the duty of good faith under RCW 61.24.163; (b) fail to comply with the requirements of RCW 61.24.174, as it existed prior to July 1, 2016, ((~~or~~)) RCW 61.24.173, or section 11 of this act; or (c) fail to initiate contact with a borrower and exercise due diligence as required under RCW 61.24.031.

Sec. 6. RCW 61.24.165 and 2014 c 164 s 4 are each amended to read as follows:

(1) RCW 61.24.163 applies only to deeds of trust that are recorded against ((~~owner-occupied~~)) residential real property of up to four units. ((~~The property must have been owner-occupied as of the date the initial contact under RCW 61.24.031 was made.~~))

(2) ((~~A borrower under a deed of trust on owner-occupied residential real property who has received a notice of default on or before July 22, 2011, may be referred to mediation under RCW 61.24.163 by a housing counselor or attorney.~~

~~(3)~~)) RCW 61.24.163 does not apply to deeds of trust:

(a) Securing a commercial loan;

(b) Securing obligations of a grantor who is not the borrower or a guarantor; ((~~or~~))

(c) Securing a purchaser's obligations under a seller-financed sale; or

(d) Where the grantor is a partnership, corporation, or limited liability company, or where the property is vested in a partnership, corporation, or limited liability company at the time the notice of default is issued.

((~~(4)~~)) (3) RCW 61.24.163 does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

((~~(5)~~)) (4) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the borrower is deceased and the person is a successor in interest of the deceased borrower who occupies the property as his or her primary residence. The referring counselor or attorney must determine a person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

((~~(6)~~)) (5) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the person has been awarded title to the property in a proceeding for dissolution or legal separation. The referring counselor or attorney must determine the person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

Sec. 7. RCW 61.24.166 and 2011 c 58 s 9 are each amended to read as follows:

((~~The~~)) Beginning on January 1, 2023, the provisions of RCW 61.24.163 do not apply to any federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), that certifies to the department under penalty of perjury that it was not a beneficiary of deeds of trust in more than two hundred fifty trustee sales of ((~~owner-occupied~~)) residential real property of up to four units that occurred in this state during the preceding calendar year. A federally insured depository institution certifying that RCW 61.24.163 does not apply must do so annually, beginning no later than ((~~thirty days after July 22, 2011~~)) January 31, 2023, and no later than January 31st of each year thereafter.

NEW SECTION. **Sec. 8.** (1) During the 2021 calendar year, the provisions of RCW 61.24.163 do not apply to any federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), that certifies to the department under penalty of perjury that it was not a beneficiary of deeds of trust in more than 250 trustee sales of owner-occupied residential real property that occurred in this state during 2019. A federally insured depository institution certifying that RCW 61.24.163 does not apply pursuant to this subsection must do so no later than 30 days after the effective date of this section.

(2) During the 2022 calendar year, the provisions of RCW 61.24.163 do not apply

to any federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), that certifies to the department under penalty of perjury that it was not a beneficiary of deeds of trust in more than 250 trustee sales of owner-occupied residential property that occurred in this state during 2019. A federally insured depository institution certifying that RCW 61.24.163 does not apply pursuant to this subsection must do so no later than January 31, 2022.

(3) This section expires December 31, 2022.

Sec. 9. RCW 61.24.172 and 2016 c 196 s 1 are each amended to read as follows:

The foreclosure fairness account is created in the custody of the state treasurer. All receipts received under RCW 61.24.174, as it existed prior to July 1, 2016, ((~~and~~)) RCW 61.24.173, and section 11 of this act must be deposited into the account. Only the director of the department of commerce or the director's designee may authorize expenditures from the account. Funding to agencies and organizations under this section must be provided by the department through an interagency agreement or other applicable contract instrument. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Biennial expenditures from the account must be used as follows: Four hundred thousand dollars to fund the counselor referral hotline. The remaining funds shall be distributed as follows: (1) Sixty-nine percent for the purposes of providing housing counseling activities to benefit borrowers; (2) eight percent to the office of the attorney general to be used by the consumer protection division to enforce this chapter; (3) six percent to the office of civil legal aid to be used for the purpose of contracting with qualified legal aid programs for legal representation of homeowners in matters relating to foreclosure. Funds provided under this subsection (3) must be used to supplement, not supplant, other federal, state, and local funds; and (4) seventeen percent to the department to be used for implementation and operation of the foreclosure fairness act.

The department shall enter into interagency agreements to contract with the Washington state housing finance commission and other appropriate entities to implement the foreclosure fairness act.

Sec. 10. RCW 61.24.173 and 2018 c 306 s 7 are each amended to read as follows:

(1) Except as provided in subsections (5) and (6) of this section, beginning July 1, 2016, and every quarter thereafter, every beneficiary on whose behalf a notice of trustee's sale has been recorded pursuant to RCW 61.24.040 on residential real property under this chapter must:

(a) Report to the department the number of notices of trustee's sale recorded for each residential property during the previous quarter;

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each notice of trustee's sale recorded on residential real property, the beneficiary on whose behalf the notice of trustee's sale has been recorded shall remit ((~~three hundred twenty-five dollars~~)) $325 to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The ((~~three hundred twenty-five dollar~~)) $325 payment is required for every recorded notice of trustee's sale for noncommercial loans on residential real property, but does not apply to the recording of an amended notice of trustee's sale. No later than January 1, 2020, the department may from time to time adjust the amount of the fee, not to exceed ((~~three hundred twenty-five dollars~~)) $325, at a sufficient level to defray the costs of the program. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) Any adjustment to the amount of the fee, pursuant to the authority of subsection (2) of this section, shall be made by rule adopted by the department in accordance with the provisions of chapter 34.05 RCW.

(4) Reporting and payments under subsections (1) and (2) of this section are due within ((~~forty-five~~)) 45 days of the end of each quarter.

(5) ((~~This~~)) (a) Except as provided in (b) of this subsection, this section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than ((~~fifty~~)) 50 notices of trustee's sale were recorded on its behalf in the preceding year.

(b) During the 2021 and 2022 calendar years, this section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than 50 notices of trustee's sale were recorded on its behalf in 2019.

(6) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(7) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner-occupied.

(8) After the effective date of section 11 of this act, the requirements of this section apply only with respect to notices of trustee's sale for which remittance and reporting on a notice of default for that same residential real property was not made pursuant to section 11 of this act.

NEW SECTION. **Sec. 11.** A new section is added to chapter 61.24 RCW to read as follows:

(1) Except as provided in subsections (6) and (7) of this section, beginning January 1, 2022, and every quarter thereafter, every beneficiary issuing notices of default, or causing notices of default to be issued on its behalf, on residential real property under this chapter must:

(a) Report to the department, on a form approved by the department, the total number of residential real properties for which the beneficiary has issued a notice of default during the previous quarter, together with the street address, city, and zip code;

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each residential real property for which a notice of default has been issued, the beneficiary issuing the notice of default, or causing the notice of default to be issued on the beneficiary's behalf, shall remit $250 to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The $250 payment is required per property and not per notice of default. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) Reporting and payments under subsections (1) and (2) of this section are due within 45 days of the end of each quarter.

(4) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner occupied.

(5) The department, including its officials and employees, may not be held civilly liable for damages arising from any release of information or the failure to release information related to the reporting required under this section, so long as the release was without gross negligence.

(6) Beginning on January 1, 2023, this section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that it has issued, or has directed a trustee or authorized agent to issue, fewer than 250 notices of default in the preceding year.

(7) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

NEW SECTION. **Sec. 12.** A new section is added to chapter 42.56 RCW to read as follows:

Information obtained by the department of commerce under section 11 of this act that reveals the name or other personal information of the borrower or the street address of the residential real property on which a notice of default was issued

is exempt from disclosure under this chapter.

NEW SECTION. **Sec. 13.** RCW 61.24.173 (Required payment for each property subject to notice of trustee's sale—Residential real property—Exceptions—Deposit into foreclosure fairness account) and 2018 c 306 s 7 & 2016 c 196 s 2 are each repealed.

NEW SECTION. **Sec. 14.** The repeal in section 13 of this act does not affect any existing right acquired or liability or obligation incurred under the section repealed or under any rule or order adopted under that section, nor does it affect any proceeding instituted under that section.

NEW SECTION. **Sec. 15.** Sections 1 through 4, 6 through 8, and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 16.** Sections 5, 9, 11, and 12 of this act take effect January 1, 2022.

NEW SECTION. **Sec. 17.** Sections 13 and 14 of this act take effect June 30, 2023."

On page 1, line 2 of the title, after "process;" strike the remainder of the title and insert "amending RCW 61.24.005, 61.24.030, 61.24.031, 61.24.135, 61.24.165, 61.24.166, 61.24.172, and 61.24.173; adding a new section to chapter 61.24 RCW; adding a new section to chapter 42.56 RCW; creating new sections; repealing RCW 61.24.173; providing effective dates; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1108 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1108, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1108, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1108, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 29, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109 with the following amendment:

Beginning on page 1, line 5, strike all of section 1 and insert the following:

"Sec. 1. RCW 5.70.005 and 2020 c 26 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Amplified DNA" means DNA generated during scientific analysis using a polymerase chain reaction.

(2) "Association" means the Washington association of sheriffs and police chiefs.

(3) "DNA work product" means (a) product generated during the process of scientific analysis of such material, except amplified DNA, material that had been subjected to DNA extraction, screening by-products, and DNA extracts from reference samples; or (b) any material contained on a microscope slide, swab, in a sample tube, cutting, DNA extract, or some other similar retention method used to isolate potential biological evidence that has been collected by law enforcement or a forensic nurse as part of an investigation and prepared for scientific analysis, whether or not it is submitted for scientific analysis and derived from:

(i) The contents of a sexual assault examination kit;

(ii) Blood;

(iii) Semen;

(iv) Hair;

(v) Saliva;

(vi) Skin tissue;

(vii) Fingerprints;

(viii) Bones;

(ix) Teeth; or

(x) Any other identifiable human biological material or physical evidence.

Notwithstanding the foregoing, "DNA work product" does not include a reference sample collected unless it has been shown through DNA comparison to associate the source of the sample with the criminal case for which it was collected.

((~~(3)~~)) (4) "Governmental entity" means any general law enforcement agency or any person or organization officially acting on behalf of the state or any political subdivision of the state involved in the collection, examination, tracking, packaging, storing, or disposition of biological material collected in connection with a criminal investigation relating to a felony offense.

((~~(4)~~)) (5) "Investigational status" means:

(a) The agency case or incident number;

(b) The date the request for forensic examination of the sexual assault kit was submitted to the Washington state patrol crime laboratory;

(c) The date the forensic examination was complete and reported to the law enforcement agency;

(d) Whether the case is open or closed;

(e) Whether the case was reopened as a result of the hit in the combined DNA index system;

(f) For open cases, whether the case remains:

(i) An active investigation;

(ii) Open pending forensic examination results; or

(iii) Open and inactive, in which case the agency must include a brief description as to why the case is inactive; and

(g) For closed cases, whether the case was closed as a result of:

(i) A referral for prosecution where charges were filed or the prosecutor is reviewing the case;

(ii) A referral for prosecution where the prosecutor declined to file charges based on the case being legally insufficient;

(iii) A referral for prosecution where the prosecutor declined to file charges because the case failed to meet prosecutorial charging standards;

(iv) After reviewing the results of the forensic examination, there was no evidence that a crime occurred, or there was lack of probable cause that a crime occurred;

(v) The inability to locate the victim or lack of victim participation; or

(vi) Any other reason, in which case the agency must include a brief description as to why the case closed.

(6) "Reference sample" means a known sample collected from an individual by a governmental entity for the purpose of comparison to DNA profiles developed in a criminal case.

((~~(5)~~)) (7) "Screening by-product" means a product or waste generated during examination of DNA evidence, or the screening process of such evidence, that is not intended for long-term storage.

((~~(6)~~)) (8) "Sexual assault kit" includes all evidence collected during a sexual assault medical forensic examination.

((~~(7)~~)) (9) "Unreported sexual assault kit" means a sexual assault kit where a law enforcement agency has not received a related report or complaint alleging a sexual assault or other crime has occurred."

On page 2, line 39, after "general" strike "may" and insert "shall"

On page 3, line 4, after "under" strike "section 1(2)(b) of this act" and insert "RCW 5.70.005(5)"

On page 3, line 8, after "the" strike all material through "chiefs" and insert "association"

On page 3, after line 14, insert the following:

"(3) The attorney general's office shall report quarterly to the association the investigational status of any sexual assault kit under RCW 5.70.050.

(4) Beginning in 2022, in consultation with the attorney general's office, the association must submit reports on the information collected pursuant to this section to the governor and appropriate committees of the legislature by January 1st and July 1st of each year."

On page 7, after line 17, insert the following:

"NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, beginning on line 1 of the title, after "assault;" strike "amending RCW 43.101.278 and 70.125.110; and adding new sections to chapter 5.70 RCW" and insert "amending RCW 5.70.005, 43.101.278, and 70.125.110; adding a new section to chapter 5.70 RCW; and declaring an emergency"

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1109, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1109, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 3, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1184 with the following amendment:

On page 2, line 15, after "Permitting;" strike "and"

On page 2, line 23, after "projects" insert "; and

(i) The need for a water right impairment review through the department of ecology"

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1184 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1184, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1184, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft, Sutherland, Walsh and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1184, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that preservation and enhancement of city trees and urban forests contributes multiple benefits, including stormwater management, carbon sequestration, local air and water quality enhancements, and fish and wildlife habitat, and is a cost-effective way to meet these objectives. The legislature further finds that climate change is impacting our state in numerous ways, including summer heat waves, heavier winter rains, and lower air quality, all of which can be improved by increased tree canopy. The legislature further finds that modern and well-crafted urban forestry programs can have significant additional benefits related to human health, especially when delivered in highly impacted communities with higher health disparities and that also have lower existing tree canopy. Significant research exists demonstrating health benefits of trees and green spaces, including air and water quality improvements, positive emotional responses to being in nature, physical activity, and social cohesion through interacting in public green spaces. Furthermore, the legislature finds that Washington state faces continued urgency in adequately protecting essential salmon habitat, which is necessary to promote salmon recovery and thus help protect our endangered southern resident killer whale population. It is the intent of the legislature to enhance urban forestry programs that maximize cobenefits related to human health and salmon recovery.

(2) The legislature further recognizes that the existing evergreen communities act, in chapter 76.15 RCW and related programs in state law, established a successful framework for supporting urban forestry in Washington state. That act established the need for tools including canopy assessment and regional tree canopy analysis, and targeted technical assistance to support cities and counties seeking to deliver impactful urban forestry programs. The legislature intends to modernize and add capacity to the evergreen communities act by utilizing information and analysis around environmental health disparities and salmon recovery plans, and increasing capacity for the delivery of an urban forestry program in order to strengthen and enhance the impacts of this act and to expand participation to include federally recognized tribes and other community-based organizations.

Sec. 2. RCW 76.15.005 and 1991 c 179 s 1 are each amended to read as follows:

(1) Trees and other woody vegetation are a necessary and important part of community ((~~and urban~~)) environments. ((~~Community and urban~~)) Urban and community forests have many values and uses including conserving energy, reducing air and water pollution and soil erosion, contributing to property values, attracting business, reducing glare and noise, providing aesthetic and historical values, providing wood products, and affording comfort and protection for humans and wildlife.

(2) ((~~As urban and community areas in Washington state grow, the need to plan for and protect community and urban forests increases. Cities and communities benefit from assistance in developing and maintaining community and urban forestry programs that also address future growth.~~

~~(3) Assistance and encouragement in establishment, retention, and enhancement of these forests and trees by local governments, citizens, organizations, and professionals are in the interest of the state based on the contributions these forests make in preserving and enhancing the quality of life of Washington's municipalities and counties while providing opportunities for economic development~~)) As urban and community areas in Washington state grow, the need to plan for, promote, and manage urban and community forests increases. Cities and communities benefit from assistance in developing and maintaining urban and community forestry programs that also address future growth.

(3) Assistance and encouragement in the establishment, retention, and enhancement of these forests and trees by local governments, residents, organizations, and professionals are in the interest of the state based on the contributions these forests make in preserving and enhancing the quality of life of Washington's cities, counties, and tribal lands while providing opportunities for economic development.

(4) Well-maintained urban forests deliver local air and water quality benefits that can have positive impacts on human health.

(5) Increased tree canopy in urban areas can positively impact salmon populations through stormwater management and reduction of stream temperatures, thereby improving critical salmon habitat.

Sec. 3. RCW 76.15.007 and 1991 c 179 s 2 are each amended to read as follows:

The purpose of this chapter is to:

(1) Encourage ((~~planting and maintenance and management of trees in the state's municipalities and counties and maximize the potential of tree and vegetative cover in improving the quality of the environment.~~

~~(2) Encourage the coordination of state and local agency activities and maximize citizen participation in the development and implementation of community and urban forestry-related programs.~~

~~(3) Foster healthy economic activity for the state's community and urban forestry-related businesses through cooperative and supportive contracts with the private business sector.~~

~~(4) Facilitate the creation of employment opportunities related to community and urban forestry activities including opportunities for inner city youth to learn teamwork, resource conservation, environmental appreciation, and job skills.~~

~~(5) Provide meaningful voluntary opportunities for the state's citizens and organizations interested in community and urban forestry activities~~)) planning for, planting, maintaining, and managing of trees in the state's cities, counties, and tribal lands and maximize the potential of tree and vegetative cover in improving the quality of the environment;

(2) Encourage the coordination of activities by state, local agency, and federally recognized tribes, and maximize resident participation in the development and implementation of urban and community forestry-related programs, including through capacity building to facilitate participation from new partners;

(3) Foster healthy economic activity for the state's urban and community forestry-related businesses through cooperative and supportive contracts with the private business sector;

(4) Facilitate the creation of employment opportunities related to urban and community forestry activities, including opportunities for youth,

especially in urban areas, to learn teamwork, resource conservation, environmental appreciation, and job skills;

(5) Provide meaningful voluntary opportunities for the state's residents and organizations interested in urban and community forestry activities;

(6) Contribute to improved human health through targeted delivery of programs and activities in highly impacted communities with greater health disparities;

(7) Contribute to salmon and orca recovery through targeted delivery of programs and activities in regions that include important salmon habitat identified by regional salmon recovery plans.

Sec. 4. RCW 76.15.010 and 2008 c 299 s 23 are each amended to read as follows:

((~~Unless the context clearly requires otherwise, the~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ((~~"Community and urban forest" is that land in and around human settlements ranging from small communities to metropolitan areas, occupied or potentially occupied by trees and associated vegetation. Community and urban forestland may be planted or unplanted, used or unused, and includes public and private lands, lands along transportation and utility corridors, and forested watershed lands within populated areas.~~

~~(2) "Community and urban forest assessment" has the same meaning as defined in RCW 35.105.010.~~

~~(3) "Community and urban forest inventory" has the same meaning as defined in RCW 35.105.010.~~

~~(4) "Community and urban forestry" means the planning, establishment, protection, care, and management of trees and associated plants individually, in small groups, or under forest conditions within municipalities and counties.~~

~~(5)~~)) "Department" means the department of natural resources.

((~~(6) "Municipality" means a city, town, port district, public school district, community college district, irrigation district, weed control district, park district, or other political subdivision of the state.~~

~~(7) "Person" means an individual, partnership, private or public municipal corporation, Indian tribe, state entity, county or local governmental entity, or association of individuals of whatever nature.~~))

(2) "Evergreen community" means a city, town, or county designated as such under RCW 76.15.090.

(3) "Highly impacted community" has the same meaning as defined in RCW 19.405.020 or an equivalent cumulative impacts analysis that identifies the environmental health conditions of communities as a factor of both environmental health hazards and vulnerable populations as defined in RCW 19.405.020.

(4) "Management plan" means an urban forest management plan developed pursuant to this chapter.

(5) "Tree canopy" means the layer of leaves, branches, and stems of trees that cover the ground when viewed from above and that can be measured as a percentage of a land area shaded by trees.

(6) "Tribes" means any federally recognized Indian tribes whose traditional lands and territories include parts of the state.

(7) "Urban and community forest" or "urban forest" is that land in and around human settlements ranging from small communities to metropolitan areas, occupied or potentially occupied by trees and associated vegetation. Urban and community forestland may be planted or unplanted, used or unused, and includes public and private lands, lands along transportation and utility corridors, and forested watershed lands within populated areas. Nothing in this chapter may be construed to apply to lands subject to or designated under chapter 76.09, 79.70, 79.71, 84.33, or 84.34 RCW.

(8) "Urban and community forest assessment" or "urban forest assessment" means an analysis of the urban and community forest inventory to: Establish the scope and scale of forest-related benefits and services; determine the economic valuation of such benefits, highlight trends, and issues of concern; identify high priority areas to be addressed; outline strategies for addressing the critical issues and urban

landscapes; and identify opportunities for retaining trees, expanding forest canopy, and planting additional trees to sustain Washington's urban and community forests.

(9) "Urban and community forest inventory" or "urban forest inventory" means a management tool designed to gauge the condition, management status, health, and diversity of an urban and community forest. An inventory may evaluate individual trees or groups of trees or canopy cover within urban and community forests, and will be periodically updated by the department.

(10) "Urban and community forestry" or "urban forestry" means the planning, establishment, protection, care, and management of trees and associated plants individually, in small groups, or under more naturally forested conditions within cities, counties, and tribal lands.

(11) "Urban and community forestry ordinance" or "urban forestry ordinance" is an ordinance developed by a city, county, or tribe that promotes urban forestry management and care of trees.

(12) "Vulnerable populations" has the same meaning as defined in RCW 19.405.020.

Sec. 5. RCW 76.15.020 and 2008 c 299 s 3 are each amended to read as follows:

(1) The department may establish and maintain a program in ((~~community and urban forestry to accomplish the purpose stated in RCW 76.15.007. The department may assist municipalities and counties in establishing and maintaining community and urban forestry programs and encourage persons to engage in appropriate and improved tree management and care.~~

~~(2) The department may advise, encourage, and assist municipalities, counties, and other public and private entities in the development and coordination of policies, programs, and activities for the promotion of community and urban forestry.~~

~~(3) The department may appoint a committee or council, in addition to the technical advisory committee created in RCW 76.15.080 to advise the department in establishing and carrying out a program in community and urban forestry.~~

~~(4) The department may assist municipal and county tree maintenance programs by making surplus equipment available on loan where feasible for community and urban~~)) urban and community forestry to accomplish the purpose stated in RCW 76.15.007. The department may assist cities, counties, and federally recognized tribes in establishing and maintaining urban and community forestry programs and encourage appropriate and improved tree management and care.

(2) The department may advise, encourage, and assist cities, counties, tribes, and other public and private entities in the development and coordination of policies, programs, and activities for the promotion of urban and community forestry.

(3) The department may appoint a committee or council to advise the department in establishing and carrying out a program in urban and community forestry.

(4) The department may assist municipal and county tree maintenance programs by making surplus equipment available on loan where feasible for urban and community forestry programs and cooperative projects.

(5) An owner of private property may opt out of a voluntary urban and community forestry program established by a city, county, or federally recognized tribe pursuant to this chapter. The property owner opting out must provide notice to the city, county, or federally recognized tribe in either written or electronic form.

Sec. 6. RCW 76.15.030 and 1991 c 179 s 5 are each amended to read as follows:

The department may:

(1) Receive and disburse any and all moneys contributed, allotted, or paid by the United States under authority of any act of congress for the purposes of this chapter.

(2) Receive such gifts, grants, bequests, and endowments and donations of labor, material, seedlings, and equipment from public or private sources as may be made for the purpose of carrying out the provisions of this chapter, and may spend the gifts, grants, bequests, endowments, and donations as well as other moneys from public or private sources.

(3) Charge fees for attendance at workshops and conferences, and for various publications and other materials that the department may prepare.

(4) Enter into agreements and contracts with ((~~persons having community and urban~~)) cities, counties, tribes, nonprofit organizations, and others having urban and community forestry-related responsibilities.

Sec. 7. RCW 76.15.050 and 1993 c 204 s 10 are each amended to read as follows:

The department may enter into agreements with one or more nonprofit organizations whose primary purpose is urban tree planting. The agreements ((~~shall be to further public education about and support for urban tree planting, and for obtaining voluntary activities by the local community organizations in tree planting programs. The agreements shall ensure that such programs are consistent with the purposes of the community and urban~~)) must be directed at furthering public education about and support for urban tree planning, planting, establishment, care, and long-term maintenance, and for obtaining voluntary activities by the local community organizations in tree planting programs. The agreements must ensure these programs are consistent with the purposes of the urban and community forestry program under this chapter.

Sec. 8. RCW 76.15.060 and 1993 c 204 s 11 are each amended to read as follows:

The department ((~~shall encourage urban planting of tree varieties that are site-appropriate and provide the best combination of energy and water conservation, fire safety and other safety, wildlife habitat~~)) must encourage urban planting and care through establishment and long-term management of trees, encouraging varieties that are site-appropriate and provide the best combination of energy and water conservation, fire safety and other safety, wildlife habitat, stormwater management, and aesthetic value. The department may provide technical assistance in developing programs in tree planting for energy conservation in areas of the state where such programs are most cost-effective. The department must conduct analyses and prioritize target regions for delivery of programs, policies, and activities that include criteria related to human health and salmon recovery data as provided in section 9 of this act.

NEW SECTION. **Sec. 9.** A new section is added to chapter 76.15 RCW to read as follows:

(1) The department must conduct analyses of the needs and opportunities related to urban forestry in Washington by assessing tree canopy cover and urban forestry inventory data.

(a) The department must utilize existing recent tree canopy study and inventory data when available.

(b) The department may add additional canopy analysis in regions where adequate data is not available through internal analysis and the use of research consultants as needed.

(c) In collaboration with local governments, the department may conduct prioritized inventories of urban forests where adequate data is not available.

(2) The department must identify priority regions for the implementation of urban forestry programs. Priority must be determined through the use and review of analyses and tools including, but not limited to, the following:

(a) Canopy analysis and inventory of urban and community forestry data as determined in subsection (1)(a) of this section;

(b) Health disparity mapping tools that identify highly impacted communities such as the department of health's Washington tracking network. Communities should be identified at the census tract level;

(c) Salmon and orca recovery data including, but not limited to, the Puget Sound partnership action agenda and other regional and statewide salmon and orca recovery plans and efforts, to target program delivery in areas where there are significant opportunities related to salmon and orca habitat and health; and

(d) The department's 20-year forest health strategic plan.

(3) The department may consult with external experts as part of the review and analysis that will determine priority regions for the purposes of this chapter. Consultation may be conducted with experts such as: Other state agencies; a statewide organization representing urban and community forestry programs; health experts; salmon recovery experts; and other technical experts as needed.

(4) The department must consult with the appropriate tribes in watersheds where urban forestry work is taking place.

(5) The department shall, through its analysis and consultation, seek to identify areas where urban forestry will generate the greatest confluence of benefits in relation to canopy needs, health disparities, and salmon habitat.

(6) The department must ensure a minimum of 50 percent of the resources used in delivering the policies, programs, and activities of this chapter are benefiting vulnerable populations and are delivered in or within one-quarter mile of highly impacted communities as identified by the tools described in subsection (2)(b) of this section, and scale these resources so the most resources are allocated to the highest impacted communities within these areas. This includes resources for establishing and maintaining new trees as well as maintenance of existing tree canopy.

(7) The department shall conduct a statewide inventory of urban and community forests using urban forest inventory and assessment protocols established by the United States forest service to produce statistically relevant estimates of the quantity, health, composition, and benefits of urban trees and forests. Inventory data must be maintained and periodically updated.

NEW SECTION. **Sec. 10.** A new section is added to chapter 76.15 RCW to read as follows:

(1) The department must provide technical assistance and capacity building resources and opportunities to cities, counties, federally recognized tribes, and other public and private entities in the development and coordination of policies, programs, and activities for the promotion of urban and community forestry.

(2) The department may use existing urban and community forestry inventory tools or develop additional tools to assist cities, counties, federally recognized tribes, and other public and private entities to collect urban and community forest tree data that informs urban and community forestry management, planning, and policy development.

(3) The department shall strive to enable Washington cities' urban forest managers to access carbon markets by working to ensure tools developed under this section are compatible with existing and developing urban forest carbon market reporting protocols.

(4) The department may use existing tools to assist communities to develop urban forestry management plans. Management plans may include, but not be limited to, the following elements:

(a) Inventory and assessment of the jurisdiction's urban and community forests utilized as a dynamic management tool to set goals, implement programs, and monitor outcomes that may be adjusted over time;

(b) Canopy cover goals;

(c) Reforestation and tree canopy expansion goals within the city's, town's, and county's boundaries;

(d) Restoration of public forests;

(e) Achieving forest stand and diversity goals;

(f) Maximizing vegetated stormwater management with trees and other vegetation that reduces runoff, increases soil infiltration, and reduces stormwater pollution;

(g) Environmental health goals specific to air quality, habitat for wildlife, and energy conservation;

(h) Vegetation management practices and programs to prevent vegetation from interfering with or damaging utilities and public facilities;

(i) Prioritizing planting sites;

(j) Standards for tree selection, siting, planting, and pruning;

(k) Scheduling maintenance and stewardship for new and established trees;

(l) Staff and volunteer training requirements emphasizing appropriate expertise and professionalism;

(m) Guidelines for protecting existing trees from construction-related damage and damage related to preserving territorial views;

(n) Integrating disease and pest management;

(o) Wood waste utilization;

(p) Community outreach, participation, education programs, and partnerships with nongovernment organizations;

(q) Time frames for achieving plan goals, objectives, and tasks;

(r) Monitoring and measuring progress toward those benchmarks and goals;

(s) Consistency with the urban wildland interface codes developed by the state building code council;

(t) Emphasizing landscape and revegetation plans in residential and commercial development areas where tree retention objectives are challenging to achieve; and

(u) Maximizing building heating and cooling energy efficiency through appropriate siting of trees for summer shading, passive solar heating in winter, and for wind breaks.

(5) The department may use existing tools to assist communities to develop urban forestry ordinances. Ordinances may include, but not be limited to, the following elements:

(a) Tree canopy cover, density, and spacing;

(b) Tree conservation and retention;

(c) Vegetated stormwater runoff management using native trees and appropriate nonnative, nonnaturalized vegetation;

(d) Clearing, grading, protection of soils, reductions in soil compaction, and use of appropriate soils with low runoff potential and high infiltration rates;

(e) Appropriate tree siting and maintenance for vegetation management practices and programs to prevent vegetation from interfering with or damaging utilities and public facilities;

(f) Native species and nonnative, nonnaturalized species diversity selection to reduce disease and pests in urban forests;

(g) Tree maintenance;

(h) Street tree installation and maintenance;

(i) Tree and vegetation buffers for riparian areas, critical areas, transportation and utility corridors, and commercial and residential areas;

(j) Tree assessments for new construction permitting;

(k) Recommended forest conditions for different land use types;

(l) Variances for hardship and safety;

(m) Variances to avoid conflicts with renewable solar energy infrastructure, passive solar building design, and locally grown produce; and

(n) Permits and appeals.

(6) The department may consult with the department of commerce in the process of providing technical assistance, on issues including, but not limited to, intersections between urban forestry programs and growth management act planning.

(7) The department may use existing and develop additional innovative tools to facilitate successful implementation of urban forestry programs including, but not limited to, comprehensive tool kit packages (tree kits) that can easily be shared, locally adapted, and used by cities, counties, tribes, and community stakeholders.

(8) The department must encourage communities to include participation and input by vulnerable populations through community organizations and members of the public for urban and community forestry plans in the regions where they are based.

(9) Delivery of resources must be targeted based on the analysis and prioritization provided in section 9 of this act.

Sec. 11. RCW 76.15.090 and 2008 c 299 s 8 are each amended to read as follows:

(1) The department shall manage the application and evaluation of candidates for evergreen community designation ((~~under RCW 35.105.030, and forward its recommendations to the department of community, trade, and economic development~~)).

(2) The department shall develop the criteria for an evergreen community designation program. Under this program, the state may recognize as an evergreen community a city, county, or area of tribal land that has developed an excellent urban forest management program.

(3) Designation as an evergreen community must include no fewer than two graduated steps. The department may require additional graduated steps and establish the minimum requirements for each recognized step.

(a) The first graduated step of designation as an evergreen community includes satisfaction of the following requirements:

(i) The development and implementation of a tree board or tree department;

(ii) The development of a tree care ordinance;

(iii) The implementation of an urban forestry program with an annual budget of at least $2.00 for every city resident;

(iv) Official recognition of arbor day; and

(v) The completion of or update to an existing urban forest inventory for the city, county, or tribal land, or the formal adoption of an inventory developed for the city, county, or tribe by the department.

(b) The second graduated step of designation as an evergreen community includes the adoption of an urban forestry management plan. The management plan must:

(i) Exceed the minimum standards determined by the department; and

(ii) Incorporate meaningful community engagement from vulnerable populations located in the area so needs and priorities of these communities inform implementation of the plan.

(4) The department shall develop gateway signage and logos for an evergreen community.

(5) The department may consult with the department of commerce in carrying out the requirements of this section.

Sec. 12. RCW 35.92.390 and 2008 c 299 s 19 are each amended to read as follows:

(1) Municipal utilities under this chapter are encouraged to provide information to their customers regarding landscaping that includes tree planting for energy conservation.

(2)(a) Municipal utilities under this chapter are encouraged to request voluntary donations from their customers for the purposes of urban forestry. The request may be in the form of a check-off on the billing statement or other form of request for a voluntary donation.

(b) Voluntary donations collected by municipal utilities under this section may be used by the municipal utility to:

(i) Support the development and implementation of ((~~evergreen community~~)) urban forestry ordinances, as that term is defined in RCW ((~~35.105.010~~)) 76.15.010, for cities, towns, or counties within their service areas; or

(ii) Complete projects consistent with the ((~~model evergreen community~~)) urban forestry management plans and ordinances developed under RCW ((~~35.105.050~~)) 76.15.090.

(c) Donations received under this section do not contribute to the gross income of a light and power business or gas distribution business under chapter 82.16 RCW.

Sec. 13. RCW 35A.80.040 and 2008 c 299 s 20 are each amended to read as follows:

(1) Code cities providing utility services under this chapter are encouraged to provide information to their customers regarding landscaping that includes tree planting for energy conservation.

(2)(a) Code cities providing utility services under this chapter are encouraged to request voluntary donations from their customers for the purposes of urban forestry. The request may be in the form of a check-off on the billing statement or other form of a request for a voluntary donation.

(b) Voluntary donations collected by code cities under this section may be used by the code city to:

(i) Support the development and implementation of ((~~evergreen community~~)) urban forestry ordinances, as that term is defined in RCW ((~~35.105.010~~)) 76.15.010, for cities, towns, or counties within their service areas; or

(ii) Complete projects consistent with the ((~~model evergreen community~~)) urban forestry management plans and ordinances developed under RCW ((~~35.105.050~~)) 76.15.090.

(c) Donations received under this section do not contribute to the gross income of a light and power business or gas distribution business under chapter 82.16 RCW.

Sec. 14. RCW 80.28.300 and 2008 c 299 s 21 are each amended to read as follows:

(1) Gas companies and electrical companies under this chapter are encouraged to provide information to their customers regarding landscaping that includes tree planting for energy conservation.

(2)(a) Gas companies and electrical companies under this chapter may request voluntary donations from their customers for the purposes of urban forestry. The request may be in the form of a check-off on the billing statement or other form of a request for a voluntary donation.

(b) Voluntary donations collected by gas companies and electrical companies under this section may be used by the gas companies and electrical companies to:

(i) Support the development and implementation of ((~~evergreen community~~)) urban forestry ordinances, as that term is defined in RCW ((~~35.105.010~~)) 76.15.010, for cities, towns, or counties within their service areas; or

(ii) Complete projects consistent with the ((~~model evergreen community~~)) urban forestry management plans and ordinances developed under RCW ((~~35.105.050~~)) 76.15.090.

(c) Donations received under this section do not contribute to the gross income of a light and power business or gas distribution business under chapter 82.16 RCW.

Sec. 15. RCW 89.08.520 and 2008 c 299 s 27 are each amended to read as follows:

(1) In administering grant programs to improve water quality and protect habitat, the commission shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) In its grant prioritization and selection process, consider:

(i) The statement of environmental benefits;

(ii) Whether, except as conditioned by RCW 89.08.580, the applicant is a Puget Sound partner, as defined in RCW 90.71.010, and except as otherwise provided in RCW 89.08.590, and effective one calendar year following the development and statewide availability of ((~~model evergreen community~~)) urban forestry management plans and ordinances under RCW ((~~35.105.050~~)) 76.15.090, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community ((~~recognition~~)) designation program created in RCW ((~~35.105.030~~)) 76.15.090; and

(iii) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310; and

(c) Not provide funding, after January 1, 2010, for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(2)(a) The commission shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grant program.

(b) The commission shall work with the districts to develop uniform performance measures across participating districts and, to the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The commission shall consult with affected interest groups in implementing this section.

Sec. 16. RCW 79.105.150 and 2019 c 415 s 986 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2017-2019 and 2019-2021 fiscal biennia, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program

at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of ((~~model evergreen community~~)) urban forestry management plans and ordinances under RCW ((~~35.105.050~~)) 76.15.090, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community ((~~recognition~~)) designation program created in RCW ((~~35.105.030~~)) 76.15.090 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 17. RCW 43.155.120 and 2008 c 299 s 30 are each amended to read as follows:

When administering funds under this chapter, the board shall give preference only to an evergreen community recognized under RCW ((~~35.105.030~~)) 76.15.090 in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

Sec. 18. RCW 70A.135.070 and 2020 c 20 s 1380 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by RCW 70A.135.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(f) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(g) Except as otherwise provided in RCW 70A.135.120, and effective one calendar year following the development and statewide availability of ((~~model evergreen community~~)) urban forestry management plans and ordinances under RCW ((~~35.105.050~~)) 76.15.090, whether the project is sponsored by an entity that

has been recognized, and what gradation of recognition was received, in the evergreen community ((~~recognition~~)) designation program created in RCW ((~~35.105.030~~)) 76.15.090;

(h) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(i) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. A county, city, or town that has adopted a comprehensive plan and development regulations as provided in RCW 36.70A.040 may request a grant or loan for water pollution control facilities. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 that has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before the department executes a contractual agreement for the grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 19. RCW 79A.15.040 and 2016 c 149 s 4 are each amended to read as follows:

(1) Moneys appropriated for this chapter prior to July 1, 2016, to the habitat conservation account shall be distributed in the following way:

(a) Not less than forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;

(b) Not less than thirty percent for the acquisition and development of natural areas;

(c) Not less than twenty percent for the acquisition and development of urban wildlife habitat; and

(d) Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the board to fund restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands.

(2) Moneys appropriated beginning July 1, 2016, for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than thirty-five percent for the acquisition and development of critical habitat;

(b) Not less than twenty-five percent for the acquisition and development of natural areas;

(c) Not less than fifteen percent for the acquisition or enhancement or restoration of riparian habitat;

(d) Not less than fifteen percent for the acquisition and development of urban wildlife habitat; and

(e) Not less than ten percent or three million dollars, whichever is less, for the board to fund restoration and enhancement projects on state lands. Any amount above three million dollars must be distributed for the purposes of (c) of this subsection.

(3)(a) In distributing these funds, the board retains discretion to meet the most pressing needs for critical habitat, natural areas, riparian protection, and urban wildlife habitat, and is not required to meet the percentages described in subsections (1) and (2) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsections (1) and (2) of this section in any biennium, the board retains discretion to distribute any remaining funds to the other categories within the account.

(4) State agencies and nonprofit nature conservancies may apply for acquisition and development funds for natural areas projects under subsection (1)(b) of this section.

(5) State and local agencies and nonprofit nature conservancies may apply for acquisition and development funds for critical habitat, urban wildlife habitat, and riparian protection projects under this section. Other state agencies not defined in RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for riparian protection funds under this section.

(6) The department of natural resources, the department of fish and wildlife, and the state parks and recreation commission may apply for restoration and enhancement funds to be used on existing state-owned lands.

(7)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of RCW 79.70.130 and 79.71.130.

(8) Except as otherwise conditioned by RCW 79A.15.140 or 79A.15.150, the board in its evaluating process shall consider the following in determining distribution priority:

(a) Whether the entity applying for funding is a Puget Sound partner, as defined in RCW 90.71.010;

(b) Effective one calendar year following the development and statewide availability of ((~~model evergreen community~~)) urban forestry management plans and ordinances under RCW ((~~35.105.050~~)) 76.15.090, whether the entity receiving assistance has been recognized, and what gradation of recognition was received, in the evergreen community ((~~recognition~~)) designation program created in RCW ((~~35.105.030~~)) 76.15.090; and

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(9) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 20. RCW 36.01.260 and 2008 c 299 s 15 are each amended to read as follows:

(1) Any county may adopt ((~~evergreen community~~)) urban forestry ordinances, as that term is defined in RCW ((~~35.105.010~~)) 76.15.010, which the county must apply to new building or land development in the unincorporated portions of the county's urban growth areas, as that term is defined in RCW 36.70A.030, and may apply to other areas of the county as deemed appropriate by the county.

(2) As an alternative to subsection (1) of this section, a city or town may request that the county in which it is located apply to any new building or land development permit in the unincorporated portions of the urban growth areas, as defined in RCW 36.70A.030, the ((~~evergreen community~~)) urban forestry

ordinances standards adopted under RCW ((~~35.105.090~~)) 76.15.090 by the city or town in the county located closest to the proposed building or development.

Sec. 21. RCW 54.16.400 and 2008 c 299 s 22 are each amended to read as follows:

(1) Public utility districts may request voluntary donations from their customers for the purposes of urban forestry. The request may be in the form of a check-off on the billing statement or other form of a request for a voluntary donation.

(2) Voluntary donations collected by public utility districts under this section may be used by the public utility district to:

(a) Support the development and implementation of ((~~evergreen community~~)) urban forestry ordinances, as that term is defined in RCW ((~~35.105.010~~)) 76.15.010, for cities, towns, or counties within their service areas; or

(b) Complete projects consistent with the ((~~model evergreen community~~)) urban forestry management plans and ordinances developed under RCW ((~~35.105.050~~)) 76.15.090.

(3) Donations received under this section do not contribute to the gross income of a light and power business or gas distribution business under chapter 82.16 RCW.

Sec. 22. RCW 89.08.590 and 2008 c 299 s 32 are each amended to read as follows:

When administering funds under this chapter, the commission shall give preference only to an evergreen community recognized under RCW ((~~35.105.030~~)) 76.15.090 in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

Sec. 23. RCW 79.105.630 and 2008 c 299 s 33 are each amended to read as follows:

When administering funds under this chapter, the recreation and conservation funding board shall give preference only to an evergreen community recognized under RCW ((~~35.105.030~~)) 76.15.090 in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

Sec. 24. RCW 79A.15.150 and 2008 c 299 s 34 are each amended to read as follows:

When administering funds under this chapter, the recreation and conservation funding board shall give preference only to an evergreen community recognized under RCW ((~~35.105.030~~)) 76.15.090 in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

NEW SECTION. **Sec. 25.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 26.** The following acts or parts of acts are each repealed:

(1)RCW 35.105.010 (Definitions) and 2009 c 565 s 21 & 2008 c 299 s 2;

(2)RCW 35.105.020 (Coordination with department of natural resources) and 2008 c 299 s 6;

(3)RCW 35.105.030 (Evergreen community recognition program) and 2008 c 299 s 7;

(4)RCW 35.105.040 (Evergreen community grant and competitive awards program) and 2008 c 299 s 9;

(5)RCW 35.105.050 (Development of model evergreen community management plans and ordinances) and 2008 c 299 s 10;

(6)RCW 35.105.060 (Report to the legislature) and 2008 c 299 s 11;

(7)RCW 35.105.070 (Model evergreen community management plans—Elements to consider) and 2008 c 299 s 12;

(8)RCW 35.105.080 (Model evergreen community ordinances—Elements to consider) and 2008 c 299 s 13;

(9)RCW 35.105.090 (Evergreen community management plans and ordinances—Local jurisdictions may adopt) and 2008 c 299 s 14;

(10)RCW 35.105.100 (Submission and review of management plans and evergreen

community ordinances) and 2008 c 299 s 16;

(11)RCW 35.105.110 (Evergreen communities partnership task force) and 2008 c 299 s 17;

(12)RCW 35.105.120 (Limitations of chapter) and 2008 c 299 s 18;

(13)RCW 76.15.070 (Prioritized statewide inventory of community and urban forests—Community and urban forest assessment—Criteria and implementation plan) and 2008 c 299 s 4; and

(14)RCW 76.15.080 (Technical advisory committee) and 2008 c 299 s 5."

On page 1, line 1 of the title, after "forestry;" strike the remainder of the title and insert "amending RCW 76.15.005, 76.15.007, 76.15.010, 76.15.020, 76.15.030, 76.15.050, 76.15.060, 76.15.090, 35.92.390, 35A.80.040, 80.28.300, 89.08.520, 79.105.150, 43.155.120, 70A.135.070, 79A.15.040, 36.01.260, 54.16.400, 89.08.590, 79.105.630, and 79A.15.150; adding new sections to chapter 76.15 RCW; creating new sections; and repealing RCW 35.105.010, 35.105.020, 35.105.030, 35.105.040, 35.105.050, 35.105.060, 35.105.070, 35.105.080, 35.105.090, 35.105.100, 35.105.110, 35.105.120, 76.15.070, and 76.15.080."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Ramos spoke in favor of the passage of the bill.

Representatives Orcutt, Sutherland and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1216, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1216, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 37; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Schmick, Steele, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 3, 2021

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1311 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.205.095 and 2019 c 444 s 6 are each amended to read as follows:

(1) The secretary shall issue a trainee certificate to any applicant who demonstrates to the satisfaction of the secretary that he or she is working toward the education and experience requirements in RCW 18.205.090.

(2) A trainee certified under this section shall submit to the secretary for approval a declaration, in accordance with rules adopted by the department, which shall be updated with the trainee's annual renewal, that he or she is actively pursuing the experience requirements under RCW 18.205.090 and is enrolled in ((~~an~~)):

(a) An approved education program ((~~and actively pursuing the experience requirements in RCW 18.205.090. This declaration must be updated with the trainee's annual renewal~~)); or

(b) An apprenticeship program reviewed by the substance use disorder certification advisory committee, approved by the secretary, and registered and approved under chapter 49.04 RCW.

(3) A trainee certified under this section may practice only under the supervision of a certified substance use disorder professional. The first fifty hours of any face-to-face client contact must be under direct observation. All remaining experience must be under supervision in accordance with rules adopted by the department.

(4) A certified substance use disorder professional trainee provides substance use disorder assessments, counseling, and case management with a state regulated agency and can provide clinical services to patients consistent with his or her education, training, and experience as approved by his or her supervisor.

(5) A trainee certification may only be renewed four times.

(6) Applicants are subject to denial of a certificate or issuance of a conditional certificate for the reasons set forth in chapter 18.130 RCW.

(7) As of July 28, 2019, a person certified under this chapter holding the title of chemical dependency professional trainee is considered to hold the title of substance use disorder professional trainee until such time as the person's present certification expires or is renewed.

Sec. 2. RCW 18.205.090 and 2019 c 444 s 5 are each amended to read as follows:

(1) The secretary shall issue a certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Completion of ((~~an~~)):

(i) An educational program approved by the secretary;

(ii) An apprenticeship program reviewed by the substance use disorder certification advisory committee, approved by the secretary, and registered and approved under chapter 49.04 RCW; or ((~~successful completion of alternate~~))

(iii) Alternate training that meets established criteria;

(b) Successful completion of an approved examination, based on core competencies of substance use disorder counseling; and

(c) Successful completion of an experience requirement that establishes fewer hours of experience for applicants with higher levels of relevant education. In meeting any experience requirement established under this subsection, the secretary may not require more than one thousand five hundred hours of experience in substance use disorder counseling for applicants who are licensed under chapter 18.83 RCW or under chapter 18.79 RCW as advanced registered nurse practitioners.

(2) The secretary shall establish by rule what constitutes adequate proof of meeting the criteria.

(3) Applicants are subject to the grounds for denial of a certificate or issuance of a conditional certificate under chapter 18.130 RCW.

(4) Certified substance use disorder professionals shall not be required to be registered under chapter 18.19 RCW or licensed under chapter 18.225 RCW.

(5) As of July 28, 2019, a person certified under this chapter holding the title of chemical dependency professional is considered to hold the title of substance use disorder professional until such time as the person's present certification expires or is renewed.

NEW SECTION. **Sec. 3.** A new section is added to chapter 49.04 RCW to read as follows:

Educational requirements for an apprenticeship for substance use disorder professionals must be defined by the secretary of health under RCW 18.205.100.

NEW SECTION. **Sec. 4.** A new section is added to chapter 18.205 RCW to read as follows:

All education requirements established as defined by the secretary under RCW 18.205.100 credited by an approved education program for participants in the apprenticeship program for substance use disorder professionals must meet or exceed competency requirements established by the secretary.

NEW SECTION. **Sec. 5.** The department of health may adopt any rules necessary to implement this act."

On page 1, line 3 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 18.205.095 and 18.205.090; adding a new section to chapter 49.04 RCW; adding a new section to chapter 18.205 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1311 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Bronoske and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1311, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1311, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Chase, Dent, Dufault, Kraft, Kretz, McCaslin, McEntire, Walsh and Ybarra.

ENGROSSED HOUSE BILL NO. 1311, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 8, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1355 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 17.10.010 and 1997 c 353 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Noxious weed" means a plant that when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.

(2) "State noxious weed list" means a list of noxious weeds adopted by the state noxious weed control board. The list is divided into three classes:

(a) Class A consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state;

(b) Class B consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region;

(c) Class C consists of any other nonnative to Washington state noxious weeds.

(3) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.

(4) "Owner" means the person in actual control of property including, but not limited to, deeded parcels, public rights-of-way, and undefined lots, or his or her agent, whether the control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of the easement is deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of the easement.

(5) As pertains to the duty of an owner, the words "control", "contain", "eradicate", and the term "prevent the spread of noxious weeds" means conforming to the standards of noxious weed control or prevention in this chapter or as adopted by rule in chapter 16-750 WAC by the state noxious weed control board and an activated county noxious weed control board.

(6) "Agent" means any occupant or any other person acting for the owner and working or in charge of the land.

(7) "Agricultural purposes" are those that are intended to provide for the growth and harvest of food and fiber.

(8) "Director" means the director of the department of agriculture or the director's appointed representative.

(9) "Weed district" means a weed district as defined in chapters 17.04 and 17.06 RCW.

(10) "Aquatic noxious weed" means an aquatic plant species that is listed on the state weed list under RCW 17.10.080.

(11) "Screenings" means a mixture of mill or elevator run mixture or a combination of varying amounts of materials obtained in the process of cleaning either grain or seeds, or both, such as light or broken grain or seed, weed seeds, hulls, chaff, joints, straw, elevator dust, floor sweepings, sand, and dirt.

(12) "Assessment" means a special assessment levied by a county legislative authority pursuant to RCW 17.10.240.

(13) "Centerline miles" means the length of any given road right-of-way corridor in miles, along the center line of the overall roadway alignment.

(14) "Parcel" means real property having a parcel number or deeded real property, undefined lot, a lot having a legal description, or right-of-way owned or held by the state, county, or city.

Sec. 2. RCW 17.10.030 and 1997 c 353 s 4 are each amended to read as follows:

There is created a state noxious weed control board comprised of nine voting members and ((~~three~~)) four nonvoting members. Four of the voting members shall be elected by the members of the various activated county noxious weed control boards, and shall be residents of a county in which a county noxious weed control board has been activated and a member of said board, and those qualifications shall continue through their term of office. Two of these members shall be elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state. The director of agriculture is a voting member of the board. One voting member shall be elected by the directors of the various active weed districts formed under chapter 17.04 or 17.06 RCW. The Washington state association of counties appoints one voting member who shall be a member of a county legislative authority. A statewide association representing county noxious weed coordinators appoints a nonvoting technical advisor. The director shall appoint two voting members to represent the public interest, one from the west side and one from the east side of the state. The director shall also appoint three nonvoting members representing scientific disciplines relating to weed control. The term of office for all members of the board is ((~~three~~)) four years from the date of election or appointment.

The board, by rule, shall establish a position number for each elected position of the board and shall designate which county noxious weed control board members are eligible to vote for each elected position. The elected members serve staggered terms. Elections for the elected members of the board shall be held thirty days prior to the expiration date of their respective terms. Nominations and elections shall be by mail and conducted by the board.

The board shall conduct its first meeting within thirty days after all its members have been elected. The board shall elect from its members a chair and other officers as may be necessary. A majority of the voting members of the board constitutes a quorum for the transaction of business and is necessary for any action taken by the board. The members of the board serve without salary, but shall be reimbursed for travel expenses incurred in the performance of their duties under this chapter in accordance with RCW 43.03.050 and 43.03.060.

Sec. 3. RCW 17.10.050 and 1997 c 353 s 6 are each amended to read as follows:

(1) Each activated county noxious weed control board consists of five voting members appointed by the county

legislative authority in the manner prescribed in this section. In appointing the voting members, the county legislative authority shall divide the county into five geographical areas that best represent the county's interests, and appoint a voting member from each geographical area. At least ((~~four~~)) three of the voting members shall be engaged in the primary production of agricultural products. There is one nonvoting member on the board who is the ((~~chair~~)) director of the county extension office or an extension agent appointed by the ((~~chair~~)) director of the county extension office. Each voting member of the board serves a term of four years, except that the county legislative authority shall, when a board is first activated under this chapter, designate two voting members to serve terms of two years. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2)(a) The voting members of the board serve until their replacements are appointed. New members of the board shall be appointed at least thirty days prior to the expiration of any board member's term of office.

(b) Notice of expiration of a term of office shall be published at least twice in a weekly or daily newspaper of general circulation in the ((~~section [geographical area]~~)) geographical area with last publication occurring at least ten days prior to the nomination. All persons interested in appointment to the board and residing in the geographical area with a pending nomination shall make a written application that includes the signatures of at least ten registered voters residing in the geographical area supporting the nomination to the county noxious weed control board. After nominations close, the county noxious weed control board shall, after a hearing, send the applications to the county legislative authority recommending the names of the most qualified candidates, and post the names of those nominees in the county courthouse or county website and publish in at least one newspaper of general circulation in the county. The county legislative authority, within ((~~ten~~)) 60 days of receiving the list of nominees, shall appoint one of those nominees to the county noxious weed control board to represent that geographical area during that term of office. If the county legislative authority fails to appoint a nominee within the 60-day period and a quorum of the board is not seated, the county noxious weed control board shall appoint a nominee only to meet a quorum, who shall serve in that capacity until the county legislative authority appoints a nominee to fill the vacant position in the manner prescribed in this section. Not more than three board members may be appointed in this manner.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board constitutes a quorum for the transaction of business and is necessary for any action taken by the board. The board shall elect from its members a chair and other officers as may be necessary.

(4) In case of a vacancy ((~~occurring in any voting position on a county noxious weed control board, the county legislative authority of the county in which the board is located shall appoint a qualified person to fill the vacancy for the unexpired term~~)), the position must be filled in the manner prescribed in this section.

Sec. 4. RCW 17.10.060 and 1997 c 353 s 7 are each amended to read as follows:

(1) Each activated county noxious weed control board ((~~shall~~)) must employ or otherwise provide a weed coordinator whose duties are fixed by the board but which shall include inspecting land to determine the presence of noxious weeds, offering technical assistance and education, and developing a program to achieve compliance with the weed law. The weed coordinator may be employed full time, part time, or seasonally by the county noxious weed control board. County weed board employment practices shall comply with county personnel policies. Within sixty days from initial employment, the weed coordinator ((~~shall obtain a pest control consultant license, a pesticide operator license~~)) must obtain licensure consistent with Washington state department of agriculture pesticide license rules, and the necessary endorsements on the licenses as required by law. Each board may purchase, rent, or lease equipment, facilities, or products and may hire additional persons as it deems necessary for the administration of the county's noxious weed control program.

(2) Each activated county noxious weed control board has the power to adopt rules and regulations, subject to notice and hearing as provided in ((~~chapters~~)) chapter 42.30 ((~~and 42.32~~)) RCW, as are necessary for an effective county weed control or eradication program.

(3) Each activated county noxious weed control board shall meet with a quorum at least quarterly.

Sec. 5. RCW 17.10.070 and 1998 c 245 s 3 are each amended to read as follows:

(1) In addition to the powers conferred on the state noxious weed control board under other provisions of this chapter, it has the power to:

(a) Employ a state noxious weed control board executive secretary and educational specialist, and additional persons as it deems necessary, to disseminate information relating to noxious weeds to county noxious weed control boards and weed districts, to coordinate the educational and weed control efforts of the various county and regional noxious weed control boards and weed districts, and to assist the board in carrying out its responsibilities;

(b) Adopt, amend, or repeal rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out the duties and authorities assigned to the board by this chapter.

(2) The state noxious weed control board ((~~shall~~)) must provide a written report before January 1st of each odd-numbered year to the county noxious weed control boards and the weed districts showing the expenditure of state funds on noxious weed control; specifically how the funds were spent; the status of the state, county, and district programs; and recommendations for the continued best use of state funds for noxious weed control. The report ((~~shall~~)) must include recommendations as to the long-term needs regarding weed control.

Sec. 6. RCW 17.10.074 and 1997 c 353 s 9 are each amended to read as follows:

(1) In addition to the powers conferred on the director under other provisions of this chapter, the director, with the advice of the state noxious weed control board, has power to:

(a) Require the county legislative authority or the noxious weed control board of any county or any weed district to report to it concerning the presence, absence, or estimated amount of noxious weeds and measures, if any, taken or planned for the control thereof;

(b) Employ staff as may be necessary in the administration of this chapter;

(c) Adopt, amend, or repeal rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out this chapter;

(d) Do such things as may be necessary and incidental to the administration of its functions pursuant to this chapter including but not limited to surveying for and detecting noxious weed infestations((~~;~~

~~(e)~~)).

(2) In addition to the powers conferred on the director under the provisions of this chapter, the director, with the advice of the state noxious weed control board, must:

(a) Upon receipt of a complaint signed by a majority of the members of an adjacent county noxious weed control board or weed district, or by one hundred registered voters that are land owners within the county, require the county legislative authority or noxious weed control board of the county or weed district that is the subject of the complaint to respond to the complaint within forty-five days with a plan for the control of the noxious weeds cited in the complaint;

((~~(f)~~)) (b) If the complaint in ((~~(e)~~)) (a) of this subsection involves a class A or class B noxious weed, order the county legislative authority, noxious weed control board, or weed district to take immediate action to eradicate or control the noxious weed infestation. If the county or the weed district does not take action to control the noxious weed infestation in accordance with the order, the director may control it or cause it to be controlled. The county or weed district is liable for payment of the expense of the control work including necessary costs and expenses for attorneys' fees incurred by the director in securing payment from the county or weed district. The director may bring a civil action in a court of competent jurisdiction to collect the expenses of the control work, costs, and attorneys' fees;

((~~(g)~~)) (c) In counties without an activated noxious weed control board, enter upon any property as provided for in RCW 17.10.160, issue or cause to be issued notices and citations and take the necessary action to control noxious weeds as provided in RCW 17.10.170, hold hearings on any charge or cost of control action taken as provided for in RCW 17.10.180, issue a notice of civil infraction as provided for in RCW 17.10.230 ((~~and~~)), 17.10.310 ((~~through [and]~~)), and 17.10.350, and place a lien on any property pursuant to RCW 17.10.280, 17.10.290, and 17.10.300 with the same authorities and responsibilities imposed by these sections on county noxious weed control boards;

((~~(h)~~)) (d) Adopt a list of noxious weed seeds and toxic weeds which shall be controlled in designated articles, products, or feed stuffs as provided for in RCW 17.10.235.

((~~(2)~~)) (3) The moneys appropriated for noxious weed control to the department shall be used for administration of the state noxious weed control board, the administration of the director's powers under this chapter, the purchase of materials for controlling, containing, or eradicating noxious weeds, the purchase or collection of biological control agents for controlling noxious weeds, and the contracting for services to carry out the purposes of this chapter. In a county with an activated noxious weed control board, the director shall make every effort to contract with that board for the needed services.

((~~(3)~~)) (4) If the director determines the need to reallocate funds previously designated for county use, the director shall convene a meeting of the state noxious weed control board to seek its advice concerning any reallocation.

Sec. 7. RCW 17.10.100 and 1997 c 353 s 12 are each amended to read as follows:

Where any of the following occur, the state noxious weed control board ((~~may, following~~)) must hold a hearing, then may order any county noxious weed control board or weed district to include a noxious weed from the state board's list in the county's noxious weed list:

(1) Where the state noxious weed control board receives a petition from at least one hundred registered voters within the county requesting that the weed be listed.

(2) Where the state noxious weed control board receives a request for inclusion from an adjacent county's noxious weed control board or weed district, which the adjacent board or district has included that weed in its county or district list, and the adjacent board or weed district ((~~alleges~~)) documents that its noxious weed control program is being hampered by the failure to include the weed on the county's noxious weed list.

Sec. 8. RCW 17.10.140 and 1997 c 353 s 17 are each amended to read as follows:

(1) Except as is provided under subsection (2) of this section, every owner ((~~shall~~)) must perform or cause to be performed those acts as may be necessary to:

(a) Eradicate all class A noxious weeds;

(b) Control and prevent the spread of all class B noxious weeds designated for control in that region within and from the owner's property; and

(c) Control and prevent the spread of all class B and class C noxious weeds listed on the county weed list as locally mandated control priorities within and from the owner's property.

(2) ((~~Forestlands~~)) Every owner of forestlands classified under RCW 17.10.240(2), or meeting the definition of forestlands contained in RCW 17.10.240, ((~~are subject to the requirements of subsection (1)(a) and (b) of this section at all times. Forestlands are subject to the requirements of subsection (1)(c) of this section only within a one thousand foot buffer strip of adjacent land uses. In addition, forestlands are subject to subsection (1)(c) of this section for~~)) must perform or cause to be performed those acts as may be necessary to:

(a) Eradicate all class A noxious weeds;

(b) Control and prevent the spread of all class B noxious weeds designated for control in that region within and from the owner's property; and

(c) Control and prevent the spread of all class B and class C noxious weeds listed on the county weed list as locally mandated control priorities within and

from the owner's property only when encountered in any of the following enumerated circumstances:

(i) Within 1,000 feet of adjacent land uses;

(ii) Within 25 feet of all privately owned roads unless properly abandoned as defined under WAC 222-24-052 as that section existed as of January 1, 2020;

(iii) Within 200 feet of navigable rivers, gravel pits, log yards, and staging areas, except when not allowed under other state or federal laws or regulations; and

(iv) For a single five-year period within harvested areas following the harvesting of trees for ((~~lumber~~)) products.

Sec. 9. RCW 17.10.145 and 2019 c 353 s 4 are each amended to read as follows:

(1) All state agencies shall control noxious weeds on lands they own, lease, or otherwise control through integrated pest management practices. Agencies shall develop plans in cooperation with county noxious weed control boards to control noxious weeds in accordance with standards in this chapter. Agencies shall appoint a liaison whose duties include serving as a common point of contact for all weed boards and developing and implementing noxious weed control plans.

(2) All state agencies' lands must comply with this chapter, regardless of noxious weed control efforts on adjacent lands.

(3) While conducting planned projects to ensure compliance with this chapter, all agencies must give preference, when deemed appropriate by the acting agency for the project and targeted resource management goals, to replacing noxious weeds with native forage plants that are pollen-rich or nectar-rich and beneficial for all pollinators, including honey bees.

Sec. 10. RCW 17.10.205 and 1997 c 353 s 24 are each amended to read as follows:

Open areas subject to the spread of noxious weeds, including but not limited to subdivisions, school grounds, playgrounds, parks, and rights-of-way shall be subject to regulation ((~~by activated county noxious weed control boards~~)) in the same manner and to the same extent as is provided for all terrestrial and aquatic lands of the state.

Sec. 11. RCW 17.10.235 and 1997 c 353 s 26 are each amended to read as follows:

(1) The director of agriculture shall adopt, with the advice of the state noxious weed control board, rules designating noxious weed seeds which shall be controlled in products, screenings, or articles to prevent the spread of noxious weeds. The rules shall identify the products, screenings, and articles in which the seeds must be controlled and the maximum amount of the seed to be permitted in the product, screenings, or article to avoid a hazard of spreading the noxious weed by seed from the product, screenings, or article. The director shall also adopt, with the advice of the state board, rules designating toxic weeds which shall be controlled in feed stuffs and screenings to prevent injury to the animal that consumes the feed. The rules shall identify the feed stuffs and screenings in which the toxic weeds must be controlled and the maximum amount of the toxic weed to be permitted in the feed. Rules developed under this section shall identify ways that products, screenings, articles, or feed stuffs containing noxious weed seeds or toxic weeds can be made available for beneficial uses.

(2) Any person who knowingly or negligently sells or otherwise distributes a product, article, screenings, or feed stuff designated by rule containing noxious weed seeds or toxic weeds designated for control by rule and in an amount greater than the amount established by the director for the seed or weed by rule is guilty of a misdemeanor.

(3) The department of agriculture shall, upon request of the buyer, county weed board, or weed district, inspect products, screenings, articles, or feed stuffs designated by rule and charge fees, in accordance with chapter 22.09 RCW, to determine the presence of designated noxious weed seeds or toxic weeds.

Sec. 12. RCW 17.10.240 and 1997 c 353 s 27 are each amended to read as follows:

(1)(a) The activated county noxious weed control board of each county shall annually submit a budget to the county legislative authority for the operating cost of the county's weed program for the ensuing fiscal year: PROVIDED, That if

the board finds the budget approved by the legislative authority is insufficient for an effective county noxious weed control program ((~~it shall petition the county legislative authority to hold a hearing as provided in RCW 17.10.890. Control of weeds is a benefit to the lands within any such section~~)), the board may submit a budget amendment to the county legislative authority after which the county legislative authority must hold a hearing as provided in chapter 36.40 RCW. Activities and programs to limit economic loss and adverse effects due to the presence and spread of noxious weeds on all terrestrial and aquatic areas in the state are declared to be of special benefit, including to lands owned or held by the state, and may be used as the basis upon which special assessments are imposed by the county legislative authority.

(b) Representatives from the department of transportation government relations, real estate services, and maintenance operations offices, the Washington state association of county treasurers, the Washington state association of county assessors, and the state noxious weed control board shall meet to develop a system by which parcels owned or held by the department of transportation that have been declared to receive special benefit from the county noxious weed control board must be identified and all assessments may be effectively billed for payment according to the process in chapter 79.44 RCW. The state noxious weed control board shall update the appropriate legislative committees regarding progress towards implementation of a system before January 1, 2022. By January 1, 2023, the state noxious weed control board shall report to the appropriate legislative committees in compliance with RCW 43.01.036 regarding the system developed, what steps are being taken to implement the system, and what, if any, further legislative action is needed.

(c) Funding for the budget is derived from any or all of the following:

((~~(a)~~)) (i) The county legislative authority may, in lieu of a tax, levy an assessment against the land for this purpose. Whenever there is included within the jurisdiction of any county noxious weed control board lands owned or held by the state, the county legislative authority shall determine the amount of the assessment for which the land would be liable if the land were in private ownership. Prior to the levying of an assessment the county noxious weed control board shall hold a public hearing at which it will gather information to serve as a basis for classification and then classify the lands into suitable classifications, including but not limited to dry lands, range lands, irrigated lands, nonuse lands, forestlands, or federal lands. The board shall develop and forward to the county legislative authority, as a proposed level of assessment for each class, an amount as seems just. The assessment rate shall be either uniform per acre in its respective class or a flat rate per parcel rate plus a uniform rate per acre or, for rights-of-way, a rate based on centerline miles: PROVIDED, That if no benefits are found to accrue to a class of land, a zero assessment may be levied. The assessment shall not be levied on lands owned or held by the state, unless the assessment is levied on other parcels or classes of parcels. The county legislative authority, upon receipt of the proposed levels of assessment from the board, after a hearing, shall accept or modify by resolution, or refer back to the board for its reconsideration all or any portion of the proposed levels of assessment. The amount of the assessment constitutes a lien against the property. The county legislative authority may by resolution or ordinance require that notice of the lien be sent to each owner of property for which the assessment has not been paid by the date it was due and that each lien created be collected by the treasurer in the same manner as delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes bear interest at the rate of twelve percent per annum and the interest accrues as of the date notice of the lien is sent to the owner: PROVIDED FURTHER, That any collections for the lien shall not be considered as tax; or

((~~(b)~~)) (ii) The county legislative authority may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the county legislative authority may make emergency appropriations as it deems necessary for the implementation of this chapter.

(2) Forestlands used solely for the planting, growing, or harvesting of trees and which are typified, except during a single period of five years following clear-cut logging, by canopies so dense as to prohibit growth of an understory may be subject to an annual noxious weed assessment levied by a county legislative authority that does not exceed one-tenth of the weighted average per acre noxious weed assessment levied on all other lands in unincorporated areas within the county that are subject to the weed assessment. This assessment shall be computed in accordance with the formula in subsection (3) of this section.

(3) The calculation of the "weighted average per acre noxious weed assessment" is a ratio expressed as follows:

(a) The numerator is the total amount of funds estimated to be collected from the per acre assessment on all lands except (i) forestlands as identified in subsection (2) of this section, (ii) lands exempt from the noxious weed assessment, and (iii) lands located in an incorporated area.

(b) The denominator is the total acreage from which funds in (a) of this subsection are collected. For lands of less than one acre in size, the denominator calculation may be based on the following assumptions: (i) Unimproved lands are calculated as being one-half acre in size on the average, and (ii) improved lands are calculated as being one-third acre in size on the average. The county legislative authority may choose to calculate the denominator for lands of less than one acre in size using other assumptions about average parcel size based on local information.

(4) For those counties that levy a per parcel assessment to help fund noxious weed control programs, the per parcel assessment on forestlands as defined in subsection (2) of this section shall not exceed one-tenth of the per parcel assessment on nonforestlands.

Sec. 13. RCW 17.10.890 and 1997 c 353 s 32 are each amended to read as follows:

((~~The following procedures shall be followed to deactivate a county noxious weed control board~~)) A county noxious weed control board may be deactivated only if there are neither any class A noxious weeds nor any class B noxious weeds in the county. Upon receiving documentation of the absence in the county of both class A noxious weeds and class B noxious weeds, the county legislative authority may initiate the following procedures:

(1) The county legislative authority holds a hearing to determine whether there continues to be a need for an activated county noxious weed control board if:

(a) A petition is filed by one hundred registered voters within the county;

(b) A petition is filed by a county noxious weed control board as provided in RCW 17.10.240; or

(c) The county legislative authority passes a motion to hold such a hearing.

(2) Except as provided in subsection (4) of this section, the hearing shall be held within sixty days of final action taken under subsection (1) of this section.

(3) If, after a hearing, the county legislative authority determines that no need exists for a county noxious weed control board, due to the absence of class A or class B noxious weeds designated for control in the region, the county legislative authority shall deactivate the board.

(4) The county legislative authority shall not convene a hearing as provided for in subsection (1) of this section more frequently than once a year.

Sec. 14. RCW 17.04.240 and 1957 c 13 s 2 are each amended to read as follows:

(1) The directors shall annually determine the amount of money necessary to carry on the operations of the district and shall classify the property therein in proportion to the benefits to be derived from the operations of the district and in accordance with such classification shall prorate the cost so determined and shall levy assessments to be collected with the general taxes of the county. In the event that any bonded or warrant indebtedness pledging tax revenue of the district shall be outstanding on April 1, 1951, the directors may, for the sole purpose of retiring such indebtedness, continue to levy a tax upon all taxable property in the district until such bonded or warrant indebtedness shall have been retired.

(2) Activities and programs to limit economic loss and adverse effects due to the presence and spread of noxious weeds

on all terrestrial and aquatic areas in the state are declared to be of special benefit, including to lands owned or held by the state, and may be used as the basis upon which special assessments are imposed by the county legislative authority, including upon lands owned or held by the state.

Sec. 15. RCW 79.44.003 and 1999 c 153 s 68 are each amended to read as follows:

As used in this chapter "assessing district" means:

(1) Incorporated cities and towns;

(2) Diking districts;

(3) Drainage districts;

(4) Port districts;

(5) Irrigation districts;

(6) Water-sewer districts;

(7) Counties; ((~~and~~))

(8) Weed boards and weed districts; and

(9) Any municipal corporation or public agency having power to levy local improvement or other assessments, rates, or charges which by statute are expressly made applicable to lands of the state.

Sec. 16. RCW 17.04.180 and 1991 c 245 s 1 are each amended to read as follows:

Whenever any lands belonging to the county are included within a weed district, the county legislative authority shall determine the amount of the ((~~taxes~~)) assessment for which the lands would be liable if they were in private ownership, and the county legislative authority shall appropriate from the current expense fund of the county sufficient money to pay such amounts. Whenever any state lands are within any weed district, the county treasurer shall certify annually and forward to the appropriate state agency for payment a statement showing the amount of the ((~~tax~~)) assessment to which the lands would be liable if they were in private ownership, separately describing each lot or parcel and, if delinquent, with interest and penalties consistent with RCW 84.56.020.

Sec. 17. RCW 17.15.020 and 2015 c 225 s 16 are each amended to read as follows::

Each of the following state agencies or institutions or county agencies shall implement integrated pest management practices when carrying out the agency's or institution's duties related to pest control:

(1) The department of agriculture;

(2) The state noxious weed control board;

(3) The department of ecology;

(4) The department of fish and wildlife;

(5) The department of transportation;

(6) The parks and recreation commission;

(7) The department of natural resources;

(8) The department of corrections;

(9) The department of enterprise services; ((~~and~~))

(10) Each state institution of higher education, for the institution's own building and grounds maintenance;

(11) Each county noxious weed control board; and

(12) Each weed district."

On page 1, line 1 of the title, after "weeds;" strike the remainder of the title and insert "and amending RCW 17.10.010, 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.100, 17.10.140, 17.10.145, 17.10.205, 17.10.235, 17.10.240, 17.10.890, 17.04.240, 79.44.003, 17.04.180, and 17.15.020."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1355 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dent and Shewmake spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1355, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1355, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1355, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 6, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1356 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the use of racially derogatory or discriminatory school mascots, logos, or team names in public schools is antithetical to their mission of providing an equal education to all, and contrary to the goal of making schools safe and respectful learning environments.

(2) The legislature finds also that certain mascots, logos, or team names that are or have been used by schools and other entities are uniquely discriminatory in singling out the Native American community for derision and cultural appropriation.

(3) Although the inappropriate use of Native American names, symbols, or images may be premised on the promotion of unity or school spirit, their use fails to respect the cultural heritage of Native Americans and promote productive relationships between sovereign governments. Furthermore, numerous individuals and organizations, including the United States commission on civil rights, have concluded that the use of Native American images and names in school sports is a barrier to equality and understanding, and that all residents of the United States would benefit from the discontinuance of their use.

(4) The legislature therefore, recognizing that no school has a cognizable interest in retaining a racially derogatory or discriminatory school mascot, logo, or team name, intends to prohibit the inappropriate use of Native American names, symbols, or images for those purposes.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Except as provided otherwise by this section, beginning January 1, 2022, public schools may not use Native American names, symbols, or images as school mascots, logos, or team names.

(2) Subsection (1) of this section does not apply to public schools located within, or with enrollment boundaries that include a portion of, "Indian country," as defined in 18 U.S.C. Sec. 1151, or public schools in a county that contains all or part of a tribal reservation or tribal trust lands, if the tribe or tribes having regulatory jurisdiction over the territory within that boundary have:

(a) Been consulted by the appropriate school, district, or both. Consultations under this subsection (2)(a) must include summaries of completed and ongoing district and school actions required by RCW 28A.320.170; and

(b) Authorized the use of the name, symbol, or image as a mascot, logo, or team name through an appropriate enactment or resolution.

(3) A public school may use uniforms or other materials after January 1, 2022, bearing Native American names, symbols, or images as mascots, logos, or team names if the uniforms or materials were purchased before January 1, 2022, and if:

(a) The school selects a new mascot, logo, or team name by December 31, 2021, to take effect in the 2021-22 school year;

(b) Except as provided otherwise by this subsection (3)(b), the school does not purchase or acquire any uniforms or materials that include the discontinued Native American name, symbol, or image. However, a school using the discontinued Native American name, symbol, or image may, until January 1, 2023, purchase or acquire a number of uniforms equal to up to twenty percent of the total number of uniforms used by a team, band, or cheer squad at that school during the 2021-22 school year solely to replace damaged or lost uniforms;

(c) The school does not purchase, create, or acquire any yearbook, newspaper, program, or other similar material that includes or bears the discontinued Native American name, symbol, or image; and

(d) The school does not purchase, construct, or acquire a marquee, sign, or other new or replacement fixture that includes or bears the discontinued Native American name, symbol, or image.

(4) A public school that does not meet the geographic requirements in subsection (2) of this section is exempt from subsection (1) of this section if:

(a) The school is located in a county that is adjacent to a county that contains all or part of a tribal reservation or tribal trust lands; and

(b) The tribe that is consulted with and determines to authorize the use of the name, symbol, or image as a school mascot, logo, or team name as provided in subsection (2) of this section is the nearest federally recognized Indian tribe.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) The office of the superintendent of public instruction shall create a grant program to provide transitional support grants to school districts to support schools that incur costs as a result of compliance with section 2 of this act.

(2) Costs eligible for use by grants provided under this section are costs resulting from the replacement or redesign of items and materials that display Native American names, symbols, or images, including, but not limited to:

(a) Uniforms and equipment used by a team, band, cheer squad, or other extracurricular activity;

(b) School signage, including reader boards and score boards;

(c) Floor designs in gymnasiums or other flooring or surfaces;

(d) School letterhead and other office supplies;

(e) School spirit store supplies and items; and

(f) School web pages.

(3) In administering grants under this section, the office of the superintendent of public instruction is encouraged to incentivize schools that use Native American names, symbols, or images as school mascots, logos, or team names to select a new mascot, logo, or team name by September 1, 2021.

(4) This section expires August 31, 2023.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of section 3 of this act, referencing section 3 of this act by bill or chapter number and section number, is not provided by June 30, 2021, in the omnibus appropriations act, section 3 of this act is null and void."

On page 1, line 3 of the title, after "names;" strike the remainder of the title and insert "adding new sections to chapter 28A.320 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1356 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lekanoff and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1356, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1356, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chase, Dufault, Hoff, Klippert, McCaslin, Sutherland and Vick.

SUBSTITUTE HOUSE BILL NO. 1356, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 3, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1373 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that student behavioral health issues have become a crisis in Washington state, necessitating the deployment of behavioral health resources in schools throughout the state. The legislature's concerns are based on the following facts:

(a) According to the healthy youth survey conducted by the office of the superintendent of public instruction in 2018, one in five students in eighth, 10th, and 12th grades considered attempting suicide in the past year while just half of those surveyed had an adult to turn to when feeling sad or hopeless;

(b) According to the national institute for mental health, more than one in 25 adolescents between 13 and 18 years of age are experiencing an eating disorder;

(c) According to the national institute of drug abuse, nearly half of 12th grade students have used illicit drugs, six in 10 have drank alcohol, and four in 10 have used marijuana;

(d) The COVID-19 pandemic has increased the prevalence of and exacerbated existing behavioral health disorders for minors across the state; and

(e) A major barrier to behavioral health support for minors is lack of awareness and access to information about existing services.

(2) The legislature intends to require that contact information for a suicide prevention organization, depression or anxiety support organization, eating disorder support organization, substance abuse support organization, and a mental health referral service for children and teens be listed on the home page of each public school website for the following reasons:

(a) Immediate access to behavioral health services often prevents suicide, attempted suicide, and other self-harm; and

(b) Students in public schools often have access to and spend time on the website for their school.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

(1)(a) Within existing resources, every public school that maintains a website must publish onto the home page of that website the following information:

(i) The website address and phone number for one or more national suicide prevention organizations;

(ii) The website address and phone number for one or more local, state, or national organizations specializing in suicide prevention or crisis intervention;

(iii) The website address and phone number for one or more local, state, or national organizations specializing in depression, anxiety, or counseling for adolescents;

(iv) The website address and phone number for one or more local, state, or national organizations specializing in eating disorders for adolescents;

(v) The website address and phone number for one or more local, state, or national organizations specializing in substance abuse for adolescents; and

(vi) The website address and phone number for a mental health referral service for children and teens under chapter . . . (Second Substitute House Bill No. 1325), Laws of 2021.

(b) A public school may meet the requirements of this subsection by publishing a prominent link on its home page to a behavioral and emotional health website that contains the required information.

(2) Public schools, in complying with the requirements of this section, must post information on social media websites used by the school district for the purpose of notifying students, families, and the public of the behavioral health resources available on websites as required by this section. The postings required by this subsection (2) must occur multiple times each year and no less than quarterly."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "adding a new section to chapter 28A.320 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1373 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Callan and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1373, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1373, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 1373, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

MESSAGE FROM THE SENATE

April 8, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1379 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 47.68 RCW to read as follows:

(1) Within amounts collected from commercial unpiloted aircraft registration fees pursuant to RCW 47.68.250(1), the aviation division director (also known as the senior state aviation official) or the aviation division director's designee shall act as the unpiloted aircraft system coordinator. The unpiloted aircraft system coordinator serves primarily in an advisory role and is not authorized to direct unpiloted aircraft system operations, training, or policy outside the department. The duties of the unpiloted aircraft system coordinator include:

(a) Assisting with unpiloted aircraft system training and continuing education for state agencies;

(b) Coordinating with local governments on state and federal

unpiloted aircraft system policies and regulations;

(c) Acting as a state level coordinator for unpiloted aircraft system operations during a governor declaration of emergency pursuant to RCW 43.06.210;

(d) Coordinating with the federal aviation administration and state agencies on unpiloted aircraft system trends;

(e) Identifying and disseminating information on unpiloted aircraft system training sites;

(f) Establishing and maintaining an unpiloted aircraft system coordination website for state and local governments;

(g) Assisting with the advancement of unpiloted aircraft systems across the state in coordination with the department of commerce, the aerospace industry, and the commercial unmanned aircraft systems industry;

(h) Acting as the principal advisor to the secretary on unpiloted aircraft system matters;

(i) Undertaking other unpiloted aircraft system coordination duties that are deemed appropriate by the aviation division director and the unpiloted aircraft system coordinator including, but not limited to, overseeing unpiloted aircraft system symposiums or other events for state agencies and other stakeholder groups.

(2) The department may adopt rules to implement this section.

(3) By December 1, 2022, the department shall provide a report to the transportation committees of the legislature and the department of commerce that provides details on the specific activities, accomplishments, and opportunities undertaken by the unpiloted aircraft system coordinator as to each of the duties provided in this section. The report must also be shared with interested aviation and aerospace industry stakeholders. The report shall include:

(a) Information on the specific activities, accomplishments, and opportunities taken by the aviation division director or the director's designee in their role as the unpiloted aircraft system coordinator;

(b) A statement on the justification and need for the aviation division director or the director's designee to continue to perform the specific activities of the unpiloted aircraft system coordinator; and

(c) Recommendations on any changes to the scope of the work and duties of the unpiloted aircraft system coordinator. This shall include recommendations on the reassignment of duties of the unpiloted aircraft system coordinator to the department's aviation division and recommendations on the termination of the unpiloted aircraft system coordinator position.

Sec. 2. RCW 47.68.250 and 2020 c 304 s 3 are each amended to read as follows:

(1) Every aircraft, inclusive of commercial unpiloted aircraft systems, must be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of fifteen dollars is charged for each such registration and each annual renewal thereof.

(2) The department must review the fee schedule based on the number of unpiloted aircraft systems registered under any single entity. Consideration should be given to the cost to administer the program and the number of commercial aircraft registered in the state. The department shall collaborate with the department of commerce, the department of revenue, and industry representatives in determining any recommendations to revise the initial fee. The report is due to the transportation committees of the legislature by December 1, 2022.

(3) Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section are the only requisites for registration of an aircraft under this section.

((~~(3)~~)) (4) The registration fee imposed by this section is payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and collected by the secretary at the time of the collection by him or her of the excise tax. If the secretary is satisfied that the

requirements for registration of the aircraft have been met, he or she must issue to the owner of the aircraft a certificate of registration therefor. The secretary must pay to the state treasurer the registration fees collected under this section, which registration fees must be credited to the aeronautics account.

((~~(4)~~)) (5) It is not necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary must issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

((~~(5)~~)) (6) The provisions of this section do not apply to:

(a) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(b) An aircraft registered under the laws of a foreign country;

(c) An aircraft that is owned by a nonresident if:

(i) The aircraft remains in this state or is based in this state, or both, for a period less than ninety days; or

(ii) The aircraft is a large private airplane as defined in RCW 82.08.215 and remains in this state for a period of ninety days or longer, but only when:

(A) The airplane is in this state exclusively for the purpose of repairs, alterations, or reconstruction, including any flight testing related to the repairs, alterations, or reconstruction, or for the purpose of continual storage of not less than one full calendar year;

(B) An employee of the facility providing these services is on board the airplane during any flight testing; and

(C) Within ninety days of the date the airplane first arrived in this state during the calendar year, the nonresident files a written statement with the department indicating that the airplane is exempt from registration under this subsection ((~~(5)~~)) (6)(c)(ii). The written statement must be filed in a form and manner prescribed by the department and must include such information as the department requires. The department may require additional periodic verification that the airplane remains exempt from registration under this subsection ((~~(5)~~)) (6)(c)(ii) and that written statements conform with the provisions of chapter 5.50 RCW;

(d) ((~~An~~)) A piloted aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(e) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(f) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW; ((~~and~~))

(g) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary; and

(h) Unpiloted aircraft systems used exclusively for hobby or recreation.

((~~(6)~~)) (7) The secretary must be notified within thirty days of any change in ownership of a registered aircraft. The notification must contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

((~~(7)~~)) (8) A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, must require from an aircraft owner proof of aircraft registration as a condition of leasing or selling tiedown or hangar space for an aircraft. It is the responsibility of the lessee or purchaser to register the aircraft. Proof of registration must be

provided according to the following schedule:

(a) For the purchase of tiedown or hangar space, the municipality or port district must allow the purchaser thirty days from the date of the application for purchase to produce proof of aircraft registration.

(b) For the lease of tiedown or hangar space that extends thirty days or more, the municipality or port district must allow the lessee thirty days to produce proof of aircraft registration from the date of the application for lease of tiedown or hangar space.

(c) For the lease of tiedown or hangar space that extends less than thirty days, the municipality or port district must allow the lessee to produce proof of aircraft registration at any point prior to the final day of the lease.

((~~(8)~~)) (9) The airport must work with the aviation division to assist in its efforts to register aircraft by providing information about based aircraft on an annual basis as requested by the division.

(10) The department may adopt rules to implement this section.

Sec. 3. RCW 47.68.250 and 2019 c 232 s 23 are each amended to read as follows:

(1) Every aircraft, inclusive of commercial unpiloted aircraft systems, must be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of fifteen dollars is charged for each such registration and each annual renewal thereof.

(2) The department must review the fee schedule based on the number of unpiloted aircraft systems registered under any single entity. Consideration should be given to the cost to administer the program and the number of commercial aircraft registered in the state. The department shall collaborate with the department of commerce, the department of revenue, and industry representatives in determining any recommendations to revise the initial fee. The report is due to the transportation committees of the legislature by December 1, 2022.

(3) Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section are the only requisites for registration of an aircraft under this section.

((~~(3)~~)) (4) The registration fee imposed by this section is payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and must be collected by the secretary at the time of the collection by him or her of the excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she must issue to the owner of the aircraft a certificate of registration therefor. The secretary must pay to the state treasurer the registration fees collected under this section, which registration fees must be credited to the aeronautics account.

((~~(4)~~)) (5) It is not necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary must issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

((~~(5)~~)) (6) The provisions of this section do not apply to:

(a) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(b) An aircraft registered under the laws of a foreign country;

(c) An aircraft that is owned by a nonresident if:

(i) The aircraft remains in this state or is based in this state, or both, for a period less than ninety days; or

(ii) The aircraft is a large private airplane as defined in RCW 82.08.215 and remains in this state for a period of ninety days or longer, but only when:

(A) The airplane is in this state exclusively for the purpose of repairs, alterations, or reconstruction, including any flight testing related to the repairs, alterations, or reconstruction, or for the purpose of continual storage of not less than one full calendar year;

(B) An employee of the facility providing these services is on board the airplane during any flight testing; and

(C) Within ninety days of the date the airplane first arrived in this state during the calendar year, the nonresident files a written statement with the department indicating that the airplane is exempt from registration under this subsection ((~~(5)~~)) (6)(c)(ii). The written statement must be filed in a form and manner prescribed by the department and must include such information as the department requires. The department may require additional periodic verification that the airplane remains exempt from registration under this subsection ((~~(5)~~)) (6)(c)(ii) and that written statements conform with the provisions of chapter 5.50 RCW;

(d) ((~~An~~)) A piloted aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(e) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(f) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW; ((~~and~~))

(g) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary; and

(h) Unpiloted aircraft systems used exclusively for hobby or recreation.

((~~(6)~~)) (7) The secretary must be notified within thirty days of any change in ownership of a registered aircraft. The notification must contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

((~~(7)~~)) (8) A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, must require from an aircraft owner proof of aircraft registration as a condition of leasing or selling tiedown or hangar space for an aircraft. It is the responsibility of the lessee or purchaser to register the aircraft. Proof of registration must be provided according to the following schedule:

(a) For the purchase of tiedown or hangar space, the municipality or port district must allow the purchaser thirty days from the date of the application for purchase to produce proof of aircraft registration.

(b) For the lease of tiedown or hangar space that extends thirty days or more, the municipality or port district must allow the lessee thirty days to produce proof of aircraft registration from the date of the application for lease of tiedown or hangar space.

(c) For the lease of tiedown or hangar space that extends less than thirty days, the municipality or port district must allow the lessee to produce proof of aircraft registration at any point prior to the final day of the lease.

((~~(8)~~)) (9) The airport must work with the aviation division to assist in its efforts to register aircraft by providing information about based aircraft on an annual basis as requested by the division.

(10) The department may adopt rules to implement this section.

Sec. 4. RCW 47.68.020 and 1993 c 208 s 4 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Aeronautics" means the science and art of flight and including, but not limited to, transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of

airports or air navigation facilities; and instruction in flying or ground subjects pertaining thereto.

(2) "Aircraft" means ((~~any~~)) a piloted or unmanned contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

(3) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or right-of-way, together with all airport buildings and facilities located thereon.

(4) "Department" means the state department of transportation.

(5) "Secretary" means the state secretary of transportation.

(6) "State" or "this state" means the state of Washington.

(7) "Air navigation facility" means any facility, other than one owned or operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(8) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the airspace over this state or upon any airport within this state.

(9) "Airman or airwoman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, airframes, propellers, or appliances, and any individual who serves in the capacity of aircraft dispatcher or air-traffic control tower operator; but does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, airframes, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by the person.

(10) "Aeronautics instructor" means any individual who for hire or reward engages in giving instruction or offering to give instruction in flying or ground subjects pertaining to aeronautics, but excludes any instructor in a public school, university, or institution of higher learning duly accredited and approved for carrying on collegiate work, who instructs in flying or ground subjects pertaining to aeronautics, while in the performance of his or her duties at such school, university, or institution.

(11) "Air school" means any person who advertises, represents, or holds out as giving or offering to give instruction in flying or ground subjects pertaining to aeronautics whether for or without hire or reward; but excludes any public school, university, or institution of higher learning duly accredited and approved for carrying on collegiate work.

(12) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(13) "Municipal" means pertaining to a municipality, and "municipality" means any county, city, town, authority, district, or other political subdivision or public corporation of this state.

(14) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

(15) "State airway" means a route in the navigable airspace over and above the lands or waters of this state, designated by the department as a route suitable for air navigation.

(16) "Aviation division" means the aeronautics division of the department.

(17) "Commercial" means an aircraft, piloted or unpiloted, not used exclusively for hobby or recreation.

(18) "Unpiloted aircraft system" means an aircraft operated without the

possibility of direct human intervention from within or on the aircraft and is synonymous with the term "unmanned aircraft system". An unpiloted aircraft system must meet the same criteria and standards established by the federal aviation administration for an unmanned aircraft system.

NEW SECTION. **Sec. 5.** Section 2 of this act expires July 1, 2031.

NEW SECTION. **Sec. 6.** Section 3 of this act takes effect July 1, 2031.

NEW SECTION. **Sec. 7.** Except for section 3 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021."

On page 1, line 2 of the title, after "source;" strike the remainder of the title and insert "amending RCW 47.68.250, 47.68.250, and 47.68.020; adding a new section to chapter 47.68 RCW; providing effective dates; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1379 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lovick and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1379, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1379, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft, McCaslin, Ormsby, Robertson and Young.

SUBSTITUTE HOUSE BILL NO. 1379, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 29, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1383 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.89.010 and 1997 c 334 s 1 are each amended to read as follows:

The legislature finds that in order to safeguard life, health, and to promote public welfare, a person practicing or offering to practice respiratory care as a respiratory care practitioner in this state shall be required to submit evidence that he or she is qualified to practice, and shall be licensed as provided. The settings for these services may include, health facilities licensed in this state, clinics, home care, home health agencies, physicians' offices, ((~~and~~)) public or community health services, and services provided through telemedicine to patients in these settings. Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person certified under this chapter.

Sec. 2. RCW 18.89.020 and 2011 c 235 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Direct supervision" means a health care practitioner is continuously on-site and physically present in the treatment operatory while the procedures are performed by the respiratory care practitioner.

(3) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician or surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A RCW, or an osteopathic physician assistant licensed under chapter 18.57A RCW.

((~~(3)~~)) (4) "Respiratory care practitioner" means an individual licensed under this chapter.

((~~(4)~~)) (5) "Secretary" means the secretary of health or the secretary's designee.

Sec. 3. RCW 18.89.020 and 2020 c 80 s 20 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Direct supervision" means a health care practitioner is continuously on-site and physically present in the treatment operatory while the procedures are performed by the respiratory care practitioner.

(3) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician or surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, or a physician assistant licensed under chapter 18.71A RCW.

((~~(3)~~)) (4) "Respiratory care practitioner" means an individual licensed under this chapter.

((~~(4)~~)) (5) "Secretary" means the secretary of health or the secretary's designee.

Sec. 4. RCW 18.89.040 and 2011 c 235 s 2 are each amended to read as follows:

(1) A respiratory care practitioner licensed under this chapter is employed in the treatment, management, diagnostic testing, rehabilitation, disease prevention, and care of patients with deficiencies and abnormalities which affect the cardiopulmonary system and associated aspects of other systems, and is under the direct written, verbal, or telephonic order and under the qualified medical direction of a health care practitioner. The practice of respiratory care includes:

(a) The use and administration of prescribed medical gases, exclusive of general anesthesia, including the administration of nitrous oxide for analgesia under the direct supervision of a health care practitioner;

(b) The use of air and oxygen administering apparatus;

(c) The use of humidification and aerosols;

(d) The administration, to the extent of training, as determined by the secretary, of prescribed pharmacologic agents, including any medications administered via a nebulizer, related to ((~~respiratory~~)) cardiopulmonary care;

(e) The use of mechanical ventilatory, hyperbaric, and physiological support;

(f) Postural drainage, chest percussion, and vibration;

(g) Bronchopulmonary hygiene;

(h) Cardiopulmonary resuscitation as it pertains to advanced cardiac life support or pediatric advanced life support guidelines;

(i) The maintenance of natural and artificial airways and insertion, without cutting tissues, of artificial

airways, as prescribed by a health care practitioner;

(j) Diagnostic and monitoring techniques such as the collection and measurement of cardiorespiratory specimens, volumes, pressures, and flows;

(k) The insertion of devices to draw, analyze, infuse, or monitor pressure in arterial, capillary, or venous blood as prescribed by a health care practitioner; ((~~and~~))

(l) Diagnostic monitoring of and therapeutic interventions for desaturation, ventilatory patterns, and related sleep abnormalities to aid the health care practitioner in diagnosis. This subsection does not prohibit any person from performing sleep monitoring tasks as set forth in this subsection under the supervision or direction of a licensed health care provider;

(m) Acting as an extracorporeal membrane oxygenation specialist for the purposes of extracorporeal life support and extracorporeal membrane oxygenation in all critical areas, including the operating room, only if a respiratory therapist has obtained specialized education and training as determined by the secretary. Programs meeting the extracorporeal life support organization guidelines for training and continuing education of extracorporeal membrane oxygenation specialists shall be considered sufficient to meet the specialized education requirement. For the purposes of this subsection, extracorporeal membrane oxygenation specialist duties do not include the conduct and management of cardiopulmonary bypass, the incorporation of venous reservoirs, or cardiotomy suction during extracorporeal membrane oxygenation therapy; and

(n) Cardiopulmonary stress testing, including the administration of medications used during cardiopulmonary stress testing.

(2) Nothing in this chapter prohibits or restricts:

(a) The practice of a profession by individuals who are licensed under other laws of this state who are performing services within their authorized scope of practice, that may overlap the services provided by respiratory care practitioners;

(b) The practice of respiratory care by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed for him or her by the laws and rules of the United States;

(c) The practice of respiratory care by a person pursuing a supervised course of study leading to a degree or certificate in respiratory care as a part of an accredited and approved educational program, if the person is designated by a title that clearly indicates his or her status as a student or trainee and limited to the extent of demonstrated proficiency of completed curriculum, and under direct supervision;

(d) The use of the title "respiratory care practitioner" by registered nurses authorized under chapter 18.79 RCW; or

(e) The practice without compensation of respiratory care of a family member.

Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person licensed under this chapter.

Sec. 5. RCW 18.89.050 and 2004 c 262 s 13 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all license, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Issue a license to any applicant who has met the education, training, and examination requirements for licensure;

(e) Hire clerical, administrative, and investigative staff as needed to implement this chapter and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(f) Approve those schools from which graduation will be accepted as proof of an applicant's eligibility to take the licensure examination, specifically

requiring that applicants must have completed an accredited respiratory program with at least a two-year curriculum;

(g) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations for applicants for licensure;

(h) Determine whether alternative methods of training are equivalent to formal education and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take the examination;

(i) Determine which states have legal credentialing requirements equivalent to those of this state and issue licenses to individuals legally credentialed in those states without examination;

(j) Define and approve any experience requirement for licensure; ((~~and~~))

(k) Appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060; and

(l) Define training requirements and hospital protocols for respiratory care therapists to administer nitrous oxide.

(2) The provisions of chapter 18.130 RCW shall govern the issuance and denial of licenses, unlicensed practice, and the disciplining of persons licensed under this chapter. The secretary shall be the disciplining authority under this chapter.

Sec. 6. RCW 18.89.090 and 1997 c 334 s 8 are each amended to read as follows:

(1) The secretary shall issue a license to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Graduation from a school approved by the secretary or successful completion of alternate training which meets the criteria established by the secretary;

(b) ((~~Successful~~)) (i) For licenses issued prior to the effective date of this section, successful completion of an examination administered or approved by the secretary.

(ii) For licenses issued on or after the effective date of this section, successful completion of both an examination administered or approved by the secretary and a clinical simulation examination administered or approved by the secretary. The secretary may deem an applicant in compliance with this subsection (1)(b)(ii) if the applicant possesses an active credential in good standing as a registered respiratory therapist issued by a national organization such as the national board for respiratory care, if one of the requirements for the issuance of the credential is passage of the examinations required by this subsection (1)(b)(ii);

(c) Successful completion of any experience requirement established by the secretary;

(d) Good moral character.

In addition, applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

(2) ((~~A person who meets the qualifications to be admitted to the examination for licensure as a respiratory care practitioner may practice as a respiratory care practitioner under the supervision of a respiratory care practitioner licensed under this chapter between the date of filing an application for licensure and the announcement of the results of the next succeeding examination for licensure if that person applies for and takes the first examination for which he or she is eligible.~~

~~(3) A person certified as a respiratory care practitioner in good standing on July 1, 1998, who applies within one year of July 1, 1998, may be licensed without having completed the two-year curriculum set forth in RCW 18.89.050(1)(f), and without having to retake an examination under subsection (1)(b) of this section.~~

~~(4)~~)) The secretary shall establish by rule what constitutes adequate proof of meeting the criteria.

NEW SECTION. **Sec. 7.** Section 2 of this act expires July 1, 2022.

NEW SECTION. **Sec. 8.** Section 3 of this act takes effect July 1, 2022.

NEW SECTION. **Sec. 9.** Sections 1, 2, and 4 through 6 of this act take effect January 1, 2022."

On page 1, line 1 of the title after "practitioners;" strike the remainder of the title and insert "amending RCW 18.89.010, 18.89.020, 18.89.040, 18.89.050, and 18.89.090; reenacting and amending RCW 18.89.020; providing effective dates; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1383 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Taylor and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1383, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1383, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1383, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1089 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101 RCW to read as follows:

(1) The office of the Washington state auditor is authorized to conduct a process compliance audit procedure and review of any deadly force investigation conducted pursuant to RCW 10.114.011. At the conclusion of every deadly force investigation, the state auditor shall determine whether the actions of the involved law enforcement agency, investigative body, and prosecutor's office are in compliance with RCW 10.114.011, chapter 43.--- RCW (the new chapter created in section 601 of Engrossed Substitute House Bill No. 1267), and all rules adopted pursuant to these provisions for the investigation and reporting of incidents involving the use of deadly force. A deadly force investigation is concluded once the involved prosecutor's office makes a charging decision and any resulting criminal case reaches disposition. Audit procedures under this section shall be conducted in cooperation with the commission.

(2) The state auditor may not conduct an audit under this section until adequately staffed with subject matter expertise regarding law enforcement and investigative audits. Until that time, the state auditor shall contract with persons with the appropriate subject matter expertise and shall issue a request for proposal for contracting with a person or entity to provide adequate subject matter expertise.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101 RCW to read as follows:

Upon the request of the commission, the office of the Washington state auditor is authorized to conduct an audit procedure on any law enforcement agency to ensure the agency is in compliance with all laws, policies, and procedures governing the training and certification

of peace officers employed by the agency. A copy of any completed audit must be sent to the commission, law enforcement agency, city or county council, county prosecutor, and relevant committees of the legislature.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

A law enforcement agency shall not pay any costs or fees for an audit conducted pursuant to section 1 or 2 of this act.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "agencies;" strike the remainder of the title and insert "adding new sections to chapter 43.101 RCW; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1089 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Ramos spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1089, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1089, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Graham, Griffey, Harris, Hoff, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Schmick, Steele, Sutherland, Vick, Volz, Walsh and Wilcox.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1089, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1016
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113
SUBSTITUTE HOUSE BILL NO. 1250
ENGROSSED HOUSE BILL NO. 1251
ENGROSSED HOUSE BILL NO. 1271
SECOND SUBSTITUTE HOUSE BILL NO. 1325
HOUSE BILL NO. 1495
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529
HOUSE BILL NO. 1143
SUBSTITUTE HOUSE BILL NO. 1259
HOUSE BILL NO. 1296
SUBSTITUTE HOUSE BILL NO. 1314
SUBSTITUTE HOUSE BILL NO. 1363
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1370
SENATE BILL NO. 5019
SENATE BILL NO. 5048
ENGROSSED SUBSTITUTE SENATE BILL NO. 5119
SENATE BILL NO. 5124
SENATE BILL NO. 5132
ENGROSSED SENATE BILL NO. 5135
ENGROSSED SENATE BILL NO. 5164
SENATE BILL NO. 5177
ENGROSSED SENATE BILL NO. 5220
SUBSTITUTE SENATE BILL NO. 5249
ENGROSSED SUBSTITUTE SENATE BILL NO. 5251
SUBSTITUTE SENATE BILL NO. 5254
ENGROSSED SUBSTITUTE SENATE BILL NO. 5263
SUBSTITUTE SENATE BILL NO. 5271
SECOND SUBSTITUTE SENATE BILL NO. 5293
SECOND SUBSTITUTE SENATE BILL NO. 5315
SECOND SUBSTITUTE SENATE BILL NO. 5396
SUBSTITUTE SENATE BILL NO. 5401
ENGROSSED SUBSTITUTE SENATE BILL NO. 5405

The Speaker called upon Representative Orwall to preside.

There being no objection, the House adjourned until 1:00 p.m., April 13, 2021, the 93rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINETY THIRD DAY

House Chamber, Olympia, Tuesday, April 13, 2021

The House was called to order at 1:00 p.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Kirsten Harris-Talley, 37th Legislative District.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1033
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1069
SECOND SUBSTITUTE HOUSE BILL NO. 1161
SUBSTITUTE HOUSE BILL NO. 1423
SUBSTITUTE HOUSE BILL NO. 1472
SUBSTITUTE HOUSE BILL NO. 1502
HOUSE BILL NO. 1042

The Speaker called upon Representative Orwall to preside.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

SB 5008 by Senators Robinson, Short, Brown, Hasegawa and C. Wilson

AN ACT Relating to extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization; amending RCW 82.04.310; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

There being no objection, SENATE BILL NO. 5008, listed on the day's introduction sheet under the fourth order of business was held on first reading.

There being no objection, the House advanced to the seventh order of business.

THIRD READING
MESSAGE FROM THE SENATE

April 10, 2021

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1438, with the following amendment(s):

On page 1, line 11, after "(1)" insert "(a)"

On page 1, at the beginning of line 17, strike "(a)" and insert "((~~(a)~~)) (i)"

On page 2, at the beginning of line 1, strike "(b)" and insert "((~~(b)~~)) (ii)"

On page 2, at the beginning of line 4, strike "(c)" and insert "((~~(c)~~)) (iii)"

On page 2, at the beginning of line 6, strike "(d)" and insert "(iv)"

On page 2, at the beginning of line 8, strike "(e)" and insert "(v)"

On page 2, at the beginning of line 11, strike "(f)" and insert "(vi)"

On page 2, at the beginning of line 12, strike "(g)" and insert "(vii)"

On page 2, at the beginning of line 13, strike "(h)" and insert "(viii)"

On page 2, at the beginning of line 14, strike "(i)" and insert "(ix)"

On page 2, at the beginning of line 17, strike "(j)" and insert "(x)"

On page 2, at the beginning of line 18, strike "(k)" and insert "(xi)"

On page 2, at the beginning of line 19, strike "(l)" and insert "(xii)"

On page 2, at the beginning of line 20, strike "(m)" and insert "(xiii)"

On page 2, after line 21, insert the following:

"(b) A claimant who meets the combined disposable income requirements due to any deduction of expenses under (a)(iv) through (xiii) of this subsection is only eligible for an exemption from property taxes levied by the state under RCW 84.52.065."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1438 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 10, 2021

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1476, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that the COVID-19 pandemic has significantly changed the delivery of education across the state, as school districts transition to remote learning environments to protect the health of students and staff. The legislature also recognizes that state funding formulas are largely driven by enrollment and the pandemic has resulted in unforeseen, temporary enrollment declines in many districts. Funding declines due to temporary, unforeseen changes in enrollment can affect a district's ability to maintain the staffing and resources needed to deliver education services. With this act and in the operating budget, the legislature intends to provide stabilizing funding to districts that have seen temporary enrollment declines due to the COVID-19 pandemic.

Sec. 2. RCW 84.52.0531 and 2019 c 410 s 2 are each amended to read as follows:

(1) Beginning with taxes levied for collection in 2020, the maximum dollar amount which may be levied by or for any school district for enrichment levies under RCW 84.52.053 is equal to the lesser of two dollars and fifty cents per thousand dollars of the assessed value of property in the school district or the maximum per-pupil limit. This maximum dollar amount shall be reduced accordingly as provided under RCW 43.09.2856(2).

(2) The definitions in this subsection apply to this section unless the context clearly requires otherwise.

(a) For the purpose of this section, "inflation" means, for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(b) "Maximum per-pupil limit" means:

(i) Two thousand five hundred dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with fewer than forty thousand annual full-time equivalent students enrolled in the school district in the prior school year; or

(ii) Three thousand dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with forty thousand or more annual full-time equivalent students enrolled in the school district in the prior school year.

(c) "Open for in-person instruction to all students" means that all students in all grades have the option to participate in at least 40 hours of planned in-person instruction per month and the school follows state department of health guidance and recommendations for resuming in-person instruction to the greatest extent practicable.

(d) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected, except that in the 2022 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2020-21 school year average annual full-time equivalent enrollment

and the school district is open for in-person instruction to all students by the beginning of the 2021-22 school year, "prior school year" means the 2019-20 school year.

(3) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(4) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

(5) Beginning with propositions for enrichment levies for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan under RCW 28A.505.240 before submission of the proposition to the voters.

(6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(7) Beginning with taxes levied for collection in 2018, enrichment levy revenues must be deposited in a separate subfund of the school district's general fund pursuant to RCW 28A.320.330, and for the 2018-19 school year are subject to the restrictions of RCW 28A.150.276 and the audit requirements of RCW 43.09.2856.

(8) Funds collected from levies for transportation vehicles, construction, modernization, or remodeling of school facilities as established in RCW 84.52.053 are not subject to the levy limitations in subsections (1) through (5) of this section."

On page 1, line 2 of the title, after "pandemic;" strike the remainder of the title and insert "amending RCW 84.52.0531; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1476 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 3, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 36.24 RCW to read as follows:

Within 12 months of being elected or appointed to the office, a coroner or medical examiner must have a certificate of completion of medicolegal forensic investigation training that complies with the standards adopted for the medicolegal training academy adopted by the criminal justice training commission in conjunction with the Washington association of coroners and medical examiners and a practicing physician selected by the commission pursuant to section 3 of this act. This requirement does not apply to an elected prosecutor acting as the ex officio coroner in a county. All medicolegal investigative personnel employed by any coroner's or medical examiner's office must complete medicolegal forensic investigation training as required under section 3 of this act. A county in which the coroner or county medical examiner has not obtained such certification within 12 months of assuming office may have its reimbursement from the death investigations account reduced as provided under RCW 68.50.104.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.24 RCW to read as follows:

Except those run by a county prosecutor, all county coroner's offices and medical examiner's offices must be accredited by either the international association of coroners and medical examiners or the national association of medical examiners no later than July 1, 2025, and maintain continued accreditation thereafter. A county that contracts for its coroner or medical examiner services with an accredited

coroner or medical examiner's office in another county does not need to maintain accreditation.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

(1)(a) All elected coroners, appointed coroners, persons serving as coroners, medical examiners, and all other full-time medicolegal investigative personnel employed by a county coroner's or medical examiner's office must successfully complete medicolegal forensic investigation training through the medicolegal training academy program within 12 months of being elected, appointed, or employed unless otherwise exempted by the commission. This section does not apply to elected prosecutors who are coroners in their counties.

(b) All part-time medicolegal investigative personnel employed by a county coroner's or medical examiner's office must successfully complete medicolegal forensic investigation training through the medicolegal training academy program within 18 months of being employed unless otherwise exempted by the commission.

(2) The commission, in conjunction with the Washington association of coroners and medical examiners and a practicing physician selected by the commission, shall develop the medicolegal forensic investigation training curriculum and adopt the standards for the medicolegal training academy and any exemption from the requirement to complete the medicolegal forensic investigation training. The commission shall exempt from this requirement any coroner, medical examiner, or medicolegal investigative personnel who has obtained training comparable to the medicolegal forensic investigation training by virtue of educational or professional training or experience.

(3) The commission must certify successful completion of the medicolegal forensic investigation training or exemption from the medicolegal training requirement within 60 days from the receipt of proof of completion or request for exemption.

(4) The medicolegal forensic investigation training required under this section must:

(a) Meet the recommendations of the national commission on forensic science for certification and accreditation; and

(b) Satisfy the requirements for training on the subject of sudden, unexplained child death including, but not limited to, sudden infant death syndrome developed pursuant to RCW 43.103.100 and missing persons protocols pursuant to RCW 43.103.110.

(5) Certification under this section is a condition of continued employment in a coroner's or medical examiner's office.

(6) A county in which a coroner, person serving as coroner, medical examiner, or other medicolegal investigative employee, who has not otherwise been exempted by the commission, is not certified within 12 months of being elected, appointed, or employed as required by this section, may have its reimbursement from the death investigations account reduced as provided under RCW 68.50.104 until the office is in compliance with all requirements under this section.

Sec. 4. RCW 36.16.030 and 2015 c 53 s 61 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand the county legislative authority may determine that no coroner shall be elected and ((~~the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29A.60.280. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the~~

~~elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner~~)) instead appoint a coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

Sec. 5. RCW 36.16.030 and 2015 c 53 s 61 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29A.60.280. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

Sec. 6. RCW 36.17.020 and 2008 c 309 s 2 are each amended to read as follows:

The county legislative authority of each county or a county commissioner or councilmember salary commission which conforms with RCW 36.17.024 is authorized to establish the salaries of the elected officials of the county. The state and county shall contribute to the costs of the salary of the elected prosecuting attorney as set forth in subsection (11) of this section. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of the county legislative authority, and coroner, eighteen thousand dollars; and assessor, nineteen thousand dollars;

(2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; members of the county legislative authority, nineteen thousand five hundred dollars; and coroner, seventeen thousand six hundred dollars;

(3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; members of the county legislative authority, seventeen thousand six hundred dollars; and coroner, sixteen thousand dollars;

(4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars;

clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; members of the county legislative authority, fourteen thousand nine hundred dollars; and coroner, fourteen thousand nine hundred dollars;

(5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; members of the county legislative authority, thirteen thousand eight hundred dollars; and coroner, thirteen thousand eight hundred dollars;

(6) In each county with a population of from eighteen thousand to less than forty thousand: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; ((~~and~~)) members of the county legislative authority, eleven thousand dollars; and coroner, $11,000 or on a per case basis as determined by the county legislative authority;

(7) In each county with a population of from twelve thousand to less than eighteen thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; ((~~and~~)) members of the county legislative authority, nine thousand four hundred dollars; and coroner, $9,400 or on a per case basis as determined by the county legislative authority;

(8) In each county with a population of from eight thousand to less than twelve thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; ((~~and~~)) members of the county legislative authority, seven thousand dollars; and coroner, $7,000 or on a per case basis as determined by the county legislative authority;

(9) In each county with a population of from five thousand to less than eight thousand: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; ((~~and~~)) members of the county legislative authority, six thousand five hundred dollars; and coroner, $6,500 or on a per case basis as determined by the county legislative authority;

(10) In each other county: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; ((~~and~~)) members of the county legislative authority, six thousand five hundred dollars; and coroner, $6,500 or on a per case basis as determined by the county legislative authority;

(11) The state of Washington shall contribute an amount equal to one-half the salary of a superior court judge towards the salary of the elected prosecuting attorney. Upon receipt of the state contribution, a county shall continue to contribute towards the salary of the elected prosecuting attorney in an amount that equals or exceeds that contributed by the county in 2008.

Sec. 7. RCW 68.50.010 and 1963 c 178 s 1 are each amended to read as follows:

The jurisdiction of bodies of all deceased persons who come to their death suddenly when in apparent good health without medical attendance within the thirty-six hours preceding death; or where the circumstances of death indicate death was caused by unnatural or unlawful means; or where death occurs under suspicious circumstances; or where a coroner's autopsy or postmortem or coroner's inquest is to be held; or where death results from unknown or obscure causes, or where death occurs within one year following an accident; or where the death is caused by any violence whatsoever, or where death results from a known or suspected abortion; whether self-induced or otherwise; where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations,

suffocation or smothering; or where death is due to premature birth or still birth; or where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard; or where death results from alleged rape, carnal knowledge or sodomy, where death occurs in a jail or prison; where a body is found dead or is not claimed by relatives or friends, is hereby vested in the county coroner or medical examiner, which bodies may be removed and placed in the morgue under such rules as are adopted by the coroner or medical examiner with the approval of the county commissioners, having jurisdiction, providing therein how the bodies shall be brought to and cared for at the morgue and held for the proper identification where necessary.

Sec. 8. RCW 68.50.104 and 2019 c 317 s 4 are each amended to read as follows:

(1) The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy.

(2)(a) Except as provided in (b) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations account, established by RCW 43.79.445, as follows:

(i) Up to forty percent of the cost of contracting for the services of a pathologist to perform an autopsy;

(ii) Up to ((~~twenty-five~~)) 30 percent of the salary of pathologists who are primarily engaged in performing autopsies and are (A) county coroners or county medical examiners, or (B) employees of a county coroner or county medical examiner; and

(iii) One hundred percent of the cost of autopsies conducted under RCW 70.54.450.

(b) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100 (4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

(3) Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels.

(4) Where the county coroner's office or county medical examiner's office is not accredited pursuant to section 2 of this act, or a coroner, medical examiner, or other medicolegal investigative employee is not certified as required by sections 1 and 3 of this act, the state treasurer's office shall withhold 25 percent of autopsy reimbursement funds until accreditation under section 2 of this act or compliance with sections 1 and 3 of this act is achieved.

NEW SECTION. **Sec. 9.** Sections 4 and 6 of this act take effect January 1, 2025.

NEW SECTION. **Sec. 10.** Section 5 of this act expires January 1, 2025."

On page 1, line 1 of the title, after "examiners;" strike the remainder of the title and insert "amending RCW 36.16.030, 36.16.030, 36.17.020, 68.50.010, and 68.50.104; adding new sections to chapter 36.24 RCW; adding a new section to chapter 43.101 RCW; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

Representative Pollet moved that the House concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326.

Representative Pollet spoke in favor of the motion.

Representative Goehner spoke against the motion.

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Lekanoff spoke in favor of the passage of the bill.

Representative Goehner spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1326, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1326, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Corry, Dufault, Dye, Goehner, Kraft, McCaslin, Mosbrucker, Schmick and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1049 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.118.031 and 2009 c 351 s 2 are each amended to read as follows:

(1) The manufacturer shall publish an owner's manual and provide it to the new motor vehicle dealer or leasing company. The owner's manual shall include a list of the addresses and phone numbers for the manufacturer's customer assistance division, or zone or regional offices. A manufacturer shall provide to the new motor vehicle dealer or leasing company all applicable manufacturer's written warranties. The dealer or leasing company shall transfer to the consumer, at the time of original retail sale or lease, the owner's manual and applicable written warranties as provided by a manufacturer.

(2) At the time of purchase, the new motor vehicle dealer shall provide the consumer with a written statement that explains the consumer's rights under this chapter. The written statement shall be prepared and supplied by the attorney general and shall contain a toll-free number that the consumer can contact for information regarding the procedures and remedies under this chapter, and may be presented to the consumer in paper or electronic form. In the event a consumer requests modification of the new motor vehicle in a manner which may partially or completely void the manufacturer's implied or express warranty, and which becomes part of the basis of the bargain of the initial retail sale or lease of the vehicle, a new motor vehicle dealer shall provide a clear and conspicuous written disclosure, independently signed and dated by the consumer, stating "Your requested modification may void all or part of a manufacturer warranty and a resulting defect or condition may not be subject to remedies afforded by the motor vehicle warranties act, chapter 19.118 RCW." A dealer who obtains a signed written disclosure under circumstances where the warranty may be void is not subject to this chapter as a manufacturer to the extent the modification affects the use, value, or safety of a new motor vehicle. Failure to provide the disclosure specified in this subsection does not constitute a violation of chapter 19.86 RCW.

(3) For the purposes of this chapter, if a new motor vehicle does not conform to the warranty and the consumer reports the nonconformity during the term of the eligibility period or the period of coverage of the applicable manufacturer's written warranty, whichever is less, to the manufacturer, its agent, or the new motor vehicle dealer who sold the new motor vehicle, the manufacturer, its agent, or the new motor vehicle dealer shall make repairs as are necessary to conform the vehicle to the warranty, regardless of whether such repairs are made after the expiration of the eligibility period. Any corrections or attempted repairs undertaken by a new motor vehicle dealer under this chapter shall be treated as warranty work and billed by the dealer to the manufacturer in the same manner as other work under the manufacturer's written warranty is billed. For purposes

of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(4) Upon request from the consumer, the manufacturer or new motor vehicle dealer shall provide a copy of any report or computer reading compiled by the manufacturer's field or zone representative regarding inspection, diagnosis, or test-drive of the consumer's new motor vehicle, or shall provide a copy of any technical service bulletin issued by the manufacturer regarding the year and model of the consumer's new motor vehicle as it pertains to any material, feature, component, or the performance thereof.

(5) The new motor vehicle dealer shall provide to the consumer each time the consumer's vehicle is returned from being diagnosed or repaired under the warranty, a fully itemized, legible statement or repair order indicating any diagnosis made, and all work performed on the vehicle including but not limited to, a general description of the problem reported by the consumer or an identification of the defect or condition, parts and labor, the date and the odometer reading when the vehicle was submitted for repair, and the date when the vehicle was made available to the consumer.

(6) No manufacturer, its agent, or the new motor vehicle dealer may refuse to diagnose or repair any nonconformity covered by the warranty for the purpose of avoiding liability under this chapter.

(7) For purposes of this chapter, consumers shall have the rights and remedies, including a cause of action, against manufacturers as provided in this chapter.

(8) The eligibility period and thirty-day out-of-service period, and sixty-day out-of-service period in the case of a motor home, shall be extended by any time that repair services are not available to the consumer as a direct result of a strike, war, invasion, fire, flood, or other natural disaster.

Sec. 2. RCW 63.14.040 and 2012 c 117 s 167 are each amended to read as follows:

(1) The retail installment contract shall contain the names of the seller and the buyer, the place of business of the seller, the residence or other address of the buyer as specified by the buyer and a description or identification of the goods sold or to be sold, or service furnished or rendered or to be furnished or rendered. The contract also shall contain the following items, which shall be set forth in the sequence appearing below:

(a) The sale price of each item of goods or services;

(b) The amount of the buyer's down payment, if any, identifying the amounts paid in money and allowed for goods traded in;

(c) The difference between items (a) and (b) of this subsection;

(d) The aggregate amount, if any, included for insurance, specifying the type or types of insurance and the terms of coverage;

(e) The aggregate amount of official fees, if any;

(f) The amount, if any, actually paid or to be paid by the retail seller pursuant to an agreement with the buyer to discharge a security interest or lien on like-kind goods traded in or lease interest in the circumstance of a lease for like goods being terminated in conjunction with the sale pursuant to a retail installment contract;

(g) The principal balance, which is the sum of items (c), (d), (e), and (f) of this subsection;

(h) The dollar amount or rate of the service charge;

(i) The amount of the time balance owed by the buyer to the seller, which is the sum of items (g) and (h) of this subsection, if (h) ((~~[of this subsection]~~)) of this subsection is stated in a dollar amount; and

(j) Except as otherwise provided in the next two sentences, the maximum number of installment payments required and the amount of each installment and the due date of each payment necessary to pay such balance. If installment payments other than the final payment are stated as a series of equal scheduled amounts and if the amount of the final installment payment does not substantially exceed the scheduled amount of each preceding installment payment, the maximum number of payments

and the amount and due date of each payment need not be separately stated and the amount of the scheduled final installment payment may be stated as the remaining unpaid balance. The due date of the first installment payment may be fixed by a day or date or may be fixed by reference to the date of the contract or to the time of delivery or installation.

Additional items may be included to explain the calculations involved in determining the balance to be paid by the buyer.

(2) Every retail installment contract shall contain the following notice in ten point bold face type or larger directly above the space reserved in the contract for the signature of the buyer: "NOTICE TO BUYER:

(a) Do not sign this contract before you read it or if any spaces intended for the agreed terms, except as to unavailable information, are blank.

(b) You are entitled to a copy of this contract at the time you sign it.

(c) You may at any time pay off the full unpaid balance due under this contract, and in so doing you may receive a partial rebate of the service charge.

(d) The service charge does not exceed . . . .% (must be filled in) per annum computed monthly.

(e) You may cancel this contract if it is solicited in person, and you sign it, at a place other than the seller's business address shown on the contract, by sending notice of such cancellation by certified mail return receipt requested to the seller at his or her address shown on the contract which notice shall be posted not later than midnight of the third day (excluding Sundays and holidays) following your signing this contract. If you choose to cancel this contract, you must return or make available to the seller at the place of delivery any merchandise, in its original condition, received by you under this contract."

Subsection (2)(e) of this section is effective and needs to be included in the notice only if the contract is solicited in person by the seller or his or her representative, and the buyer signs it, at a place other than the seller's business address shown on the contract, but does not apply to a retail installment contract used for the sale of a motor vehicle by a licensed vehicle dealer.

Sec. 3. RCW 63.14.154 and 2012 c 117 s 174 are each amended to read as follows:

(1) In addition to any other rights he or she may have, the buyer shall have the right to cancel a retail installment transaction for other than the seller's breach by sending notice of such cancellation to the seller at his or her place of business as set forth in the contract or charge agreement by certified mail, return receipt requested, which shall be posted not later than midnight of the third day (excluding Sundays and holidays) following the date the buyer signs the contract or charge agreement:

(a) If the retail installment transaction was entered into by the buyer and solicited in person or by a commercial telephone solicitation as defined by chapter 20, Laws of 1989 by the seller or his or her representative at a place other than the seller's address, which may be his or her main or branch office, shown on the contract; and

(b) If the buyer returns goods received or makes them available to the seller as provided in subsection (2)(b) of this section.

(2) In the event of cancellation pursuant to this section:

(a) The seller shall, without request, refund to the buyer within ten days after such cancellation all deposits, including any down payment, made under the contract or charge agreement and shall return all goods traded in to the seller on account or in contemplation of the contract less any reasonable costs actually incurred in making ready for sale the goods so traded in;

(b) The seller shall be entitled to reclaim and the buyer shall return or make available to the seller at the place of delivery in its original condition any goods received by the buyer under the contract or charge agreement;

(c) The buyer shall incur no additional liability for such cancellation.

(3) This section does not apply to a retail installment transaction for the purchase of a motor vehicle. If a retail installment sale contract is used for the sale of a vehicle by a motor vehicle dealer at a place other than the dealer's

address, the dealer must disclose to the purchaser or lessee in writing that there is no right to cancel the contract under RCW 63.14.154.

Sec. 4. RCW 46.70.023 and 2016 sp.s. c 26 s 2 are each amended to read as follows:

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. The business of a vehicle dealer must be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. A vehicle dealer may display a vehicle for sale only at its established place of business, licensed subagency, or temporary subagency site, except at auction, however a vehicle dealer may deliver a vehicle for inspection, a test drive, lease, or purchase and have a customer sign agreements over the internet or at a location other than the vehicle dealer's established place of business or licensed or temporary subagency. The dealer shall keep the building open to the public so that the public may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house may not be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. A statewide trade association representing manufactured housing dealers shall be permitted to use a manufactured home as an office if the office complies with all other applicable building code, zoning, and other land-use regulatory ordinances. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard.

(2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system.

(3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide the department with the address of the auction at least three days before the auction.

(4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the administrative procedure act.

(5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(6) A subagency shall comply with all requirements of an established place of business, except that subagency records may be kept at the principal place of business designated by the dealer. Auction companies shall comply with the requirements in subsection (2) of this section.

(7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a

temporary subagency. Auction companies are not required to obtain a temporary subagency license.

(8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, with no more than two other wholesale or retail vehicle dealers in the same building, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(10) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(11) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(12) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity."

On page 1, line 2 of the title, after "46.70 RCW;" strike the remainder of the title and insert "and amending RCW 19.118.031, 63.14.040, 63.14.154, and 46.70.023."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1049 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1049, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1049, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED HOUSE BILL NO. 1049, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1073 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that many Washington workers have suffered direct effects from the COVID-19 pandemic. Due to the unprecedented global shutdown in response to COVID-19, many Washington workers who have paid into the paid family and medical leave insurance program are unable to access their benefits through no fault of their own. Workers recovering from COVID-19 or caring for an individual who is severely ill due to COVID-19 are unable to access their benefits.

(2) Therefore, the legislature intends to provide financial assistance to workers who are not otherwise eligible for paid family and medical leave due to COVID-19's impact on their ability to meet the hours worked threshold. The legislature intends to provide a pandemic leave assistance employee grant to provide an equivalent benefit to what the worker would otherwise be eligible to receive under the paid family and medical leave insurance program. Additionally, the legislature intends to provide a pandemic leave assistance employer grant to help offset small business employers' costs related to employees on leave who are receiving a pandemic leave assistance employee grant.

(3) The legislature intends to utilize federal funding from the America rescue plan act to provide financial assistance to COVID-19 impacted workers. The legislature does not intend for this worker assistance to affect the state's paid family and medical leave insurance account.

NEW SECTION. **Sec. 2.** A new section is added to chapter 50A.15 RCW to read as follows:

(1) Employees who do not meet the hours worked threshold for eligibility under RCW 50A.15.010 or 50A.30.020(1), and are otherwise eligible under Title 50A RCW for a claim with an effective start date in 2021 through March 31, 2022, are eligible for a pandemic leave assistance employee grant as provided under this section if they meet any of the following hours thresholds:

(a) Worked 820 hours in employment during the first through fourth calendar quarters of 2019; or

(b) Worked 820 hours in employment during the second through fourth calendar quarters of 2019 and first calendar quarter of 2020.

(2)(a) Subsection (1) of this section does not apply to an employee who does not meet the hours worked threshold for eligibility under RCW 50A.15.010 or 50A.30.020(1) because of an employment separation due to misconduct or a voluntary separation unrelated to the COVID-19 pandemic.

(b) An employee seeking eligibility under this section must attest, in a manner prescribed by the department, that their failure to meet the hours worked threshold for eligibility under RCW 50A.15.010 or 50A.30.020(1) is not due to the reasons specified in (a) of this subsection.

(3) Employees may file a claim with the department for a pandemic leave assistance employee grant beginning August 1, 2021.

(4) The amount of the pandemic leave assistance employee grant to each eligible employee must be equal to the weekly benefit amount calculated in Title 50A RCW and any rules promulgated thereunder. In calculating the weekly benefit amount for nonsalaried employees eligible under subsection (1) of this section, the typical workweek hours are the quotient derived by dividing the sum of the employee's hours reported by the sum of the number of weeks for which the employer reported hours.

(5) An employee is not eligible for a pandemic leave assistance employee grant under this section for any week in which the employee has received, is receiving, or will receive unemployment compensation under Title 50 RCW, workers' compensation under Title 51 RCW, or any other applicable federal unemployment compensation, industrial insurance, or disability insurance laws.

(6) Employers with 150 or fewer employees may be eligible for a pandemic

leave assistance employer grant to assist with the costs of an employee on leave, as provided in section 3 of this act.

(7) Grants under this section are available only until funding provided by the legislature solely for these purposes is exhausted.

NEW SECTION. **Sec. 3.** A new section is added to chapter 50A.24 RCW to read as follows:

(1) The legislature recognizes that costs associated with employees on leave who have received or will receive a pandemic leave assistance employee grant under section 2 of this act may disproportionately impact small businesses. Therefore, the legislature intends to assist small businesses with the costs of such employees on leave.

(2) Employers with 150 or fewer employees and employers with 50 or fewer employees who are assessed all premiums under RCW 50A.10.030(5)(b) may apply to the department for a pandemic leave assistance employer grant under this section.

(3)(a) An employer may receive a pandemic leave assistance employer grant of $3,000 if the employer hires a temporary worker to replace an employee on leave who has received or will receive a pandemic leave assistance employee grant under section 2 of this act.

(b) For an employee on leave who has received or will receive a pandemic leave assistance employee grant under section 2 of this act, an employer may receive a grant of up to $1,000 as reimbursement for significant wage-related costs due to the employee's leave.

(c) An employer may receive a grant under (a) or (b) of this subsection, but not both, except that an employer who received a grant under (b) of this subsection may receive a grant of the difference between the grant awarded under (b) of this subsection and $3,000 if the employee on leave who has received or will receive a pandemic leave assistance grant under section 2 of this act extended the leave beyond the leave initially planned and the employer hired a temporary worker for the employee on leave.

(4) An employer may apply for a pandemic leave assistance employer grant no more than once.

(5) To be eligible for a pandemic leave assistance employer grant under this section, the employer must provide the department written documentation showing the temporary worker hired or significant wage-related costs incurred are due to an employee on leave who has received or will receive a pandemic leave assistance employee grant under section 2 of this act.

(6) The department must assess an employer with fewer than 50 employees who receives a pandemic leave assistance employer grant under this section for all premiums for three years from the date of receipt of the grant.

(7) Pandemic leave assistance employer grants shall not be funded from the family and medical leave insurance account.

(8) For the purposes of this section, the number of employees must be calculated as provided in RCW 50A.10.030.

(9) An employer who has an approved voluntary plan is not eligible to receive a pandemic leave assistance employer grant under this section.

(10) Grants under this section are available only until funding provided by the legislature solely for these purposes is exhausted.

NEW SECTION. **Sec. 4.** Nothing in this act shall be construed to limit or interfere with the requirements, rights, and responsibilities of employers and employees under Title 50A RCW, except as provided in this act. Employees and employers receiving a grant under section 2 or 3 of this act must comply with all provisions of Title 50A RCW and any rules promulgated thereunder.

NEW SECTION. **Sec. 5.** The employment security department may adopt rules to implement this act.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act expire June 30, 2023.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 50A.15 RCW; adding a new section

to chapter 50A.24 RCW; creating new sections; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1073 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Berry spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1073, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1073, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1073, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1086 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) According to the federal substance abuse and mental health services administration's 2019 report, one in five adults in the United States will experience some form of mental illness this year and one in thirteen will need substance use disorder treatment;

(b) Fewer than half of all individuals needing behavioral health treatment receive those services;

(c) An untreated behavioral health need can have long-term negative impacts on an individual's health, well-being, and productivity;

(d) The state has made significant investments in the efficacy of the publicly funded behavioral health system and its providers;

(e) Behavioral health parity is required by both state and federal law;

(f) All patients deserve to be treated and cared for with dignity and respect;

(g) Patients often cross local and administrative boundaries when seeking effective behavioral health care;

(h) Individuals with behavioral health needs are disproportionately involved with the criminal justice system; and

(i) Providing robust community-based services can prevent expensive hospitalizations.

(2) The legislature intends to create the state office of the behavioral health consumer advocacy that shall:

(a) Advocate for all patients seeking privately and publicly funded behavioral health services;

(b) Advocate for all patients receiving inpatient behavioral health services from a behavioral health provider or facility;

(c) Assure that patients are afforded all of the rights given to them by state and federal laws;

(d) Maintain independence and be free from all conflicts of interest;

(e) Provide consistent quality services across the state; and

(f) Retain an office within the boundaries of the region served by each behavioral health administrative services organization.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Behavioral health provider or facility" means:

(a) A behavioral health provider, as defined in RCW 71.24.025, to the extent it provides behavioral health services;

(b) A licensed or certified behavioral health agency, as defined in RCW 71.24.025;

(c) A long-term care facility, as defined in RCW 43.190.020, in which adults or children with behavioral health conditions reside;

(d) A state hospital, as defined in RCW 72.23.010; or

(e) A facility or agency that receives funds from the state to provide behavioral health treatment services to adults or children with a behavioral health condition.

(2) "Contracting advocacy organization" means the organization selected by the office pursuant to section 3 of this act.

(3) "Department" means the department of commerce.

(4) "Office" means the state office of behavioral health consumer advocacy.

NEW SECTION. **Sec. 3.** (1) By July 1, 2022, the department shall establish the state office of behavioral health consumer advocacy to provide behavioral health consumer advocacy services to patients, residents, and clients of behavioral health providers or facilities. Prior to the establishment and operation of the office, the department shall solicit recommendations from members of the behavioral health community for options to rename the office and the certified behavioral health consumer advocates in a way that shows respect for the community that the office and the advocates serve. Prior to the office beginning operations, the department must rename the office and the certified behavioral health consumer advocates from the options proposed by the community. The department shall contract with a private nonprofit organization to provide behavioral health consumer advocacy services, according to the standards established by the office. The department shall assure all program and staff support necessary to enable the contracting advocacy organization to effectively protect the interests of persons with behavioral health needs in accordance with this chapter. The department shall select the organization through a competitive bidding process and shall assure that the selected organization (a) has demonstrated financial stability and meets the qualifications for the duties identified in this chapter, and (b) does not have any conflicts of interest that would interfere with the duties identified in this chapter. The department shall encourage persons who have lived experience with behavioral health conditions or who are a family member of a person with behavioral health conditions to apply.

(2) Following the selection of the organization to carry out the ministerial functions of the office, the department shall not initiate the procurement of a new contract except upon a showing of cause. Prior to ending the contract and conducting a new competitive bidding process, the department shall provide an opportunity for comment by the contracting advocacy organization and to appeal the reselection to the department.

(3) The office shall adopt rules to carry out the purposes of this chapter, including:

(a) Establishing standards for the contracting advocacy organization to use when certifying behavioral health consumer advocates;

(b) Establishing procedures consistent with this act for appropriate access by behavioral health consumer advocates to behavioral health providers or facilities; and

(c) Establishing procedures consistent with section 14 of this act to protect the confidentiality of the records of patients, residents, clients, providers, and complainants.

NEW SECTION. **Sec. 4.** The state office of behavioral health consumer advocacy

shall assure performance of the following activities, as authorized in contract:

(1) Selection of a name for the contracting advocacy organization to use for the advocacy program that it operates pursuant to contract with the office. The name must be selected by the statewide advisory council established in this section and must be separate and distinguishable from that of the office;

(2) Certification of behavioral health consumer advocates by October 1, 2022, and coordination of the activities of the behavioral health consumer advocates throughout the state according to standards adopted by the office;

(3) Provision of training regarding appropriate access by behavioral health consumer advocates to behavioral health providers or facilities according to standards adopted by the office;

(4) Establishment of a toll-free telephone number, website, and other appropriate technology to facilitate access to contracting advocacy organization services for patients, residents, and clients of behavioral health providers or facilities;

(5) Establishment of a statewide uniform reporting system to collect and analyze data relating to complaints and conditions provided by behavioral health providers or facilities for the purpose of identifying and resolving significant problems, with permission to submit the data to all appropriate state agencies on a regular basis;

(6) Establishment of procedures consistent with the standards adopted by the office to protect the confidentiality of the office's records, including the records of patients, residents, clients, providers, and complainants;

(7) Establishment of a statewide advisory council, a majority of which must be composed of people with lived experience, that shall include:

(a) Individuals with a history of mental illness including one or more members from the black community, the indigenous community, or a community of color;

(b) Individuals with a history of substance use disorder including one or more members from the black community, the indigenous community, or a community of color;

(c) Family members of individuals with behavioral health needs including one or more members from the black community, the indigenous community, or a community of color;

(d) One or more representatives of an organization representing consumers of behavioral health services;

(e) Representatives of behavioral health providers and facilities, including representatives of facilities offering inpatient and residential behavioral health services;

(f) One or more certified peer specialists;

(g) One or more medical clinicians serving individuals with behavioral health needs;

(h) One or more nonmedical providers serving individuals with behavioral health needs;

(i) One representative from a behavioral health administrative services organization;

(j) Other community representatives, as determined by the office; and

(k) One representative from a labor union representing workers who work in settings serving individuals with behavioral health conditions;

(8) Monitoring the development of and recommend improvements in the implementation of federal, state, and local laws, rules, regulations, and policies with respect to the provision of behavioral health services in the state and advocate for consumers;

(9) Development and delivery of educational programs and information statewide to patients, residents, and clients of behavioral health providers or facilities, and their families on topics including, but not limited to, the execution of mental health advance directives, wellness recovery action plans, crisis services and contacts, peer services and supports, family advocacy and rights, and involuntary treatment; and

(10) Reporting to the office, the legislature, and all appropriate public agencies regarding the quality of services, complaints, problems for individuals receiving services from behavioral health providers or facilities, and any recommendations for

improved services for behavioral health consumers.

NEW SECTION. **Sec. 5.** (1) A certified behavioral health consumer advocate shall:

(a) Identify, investigate, and resolve complaints made by, or on behalf of, patients, residents, and clients of behavioral health providers or facilities relating to administrative action, inaction, or decisions that may adversely affect the health, safety, welfare, and rights of these individuals;

(b) Assist and advocate on behalf of patients, residents, and clients of behavioral health providers or facilities before government agencies and seek administrative, legal, and other remedies on their behalf, if appropriate;

(c) Inform patients, residents, and clients or their representatives about applicable patient and resident rights, and provide information, as appropriate, to patients, residents, clients, family members, guardians, resident representatives, and others regarding the rights of patients and residents;

(d) Make recommendations through the office and the contracting advocacy organization for improvements to the quality of services provided to patients, residents, and clients of behavioral health providers or facilities; and

(e) With the consent of the patient, resident, or client, involve family members, friends, or other designated individuals in the process of resolving complaints.

(2) Nothing in this section shall be construed to grant a certified behavioral health consumer advocate:

(a) Statutory or regulatory licensing or sanctioning authority; or

(b) Binding adjudicative authority.

NEW SECTION. **Sec. 6.** (1) For state hospitals as defined in RCW 72.23.010, the state office of behavioral health consumer advocacy shall work with the department of social and health services to:

(a) Establish specialized training for behavioral health consumer advocates to work with forensic and criminal justice involved populations at the state hospitals;

(b) Create procedures and protocols that ensure that behavioral health consumer advocates have access to all state hospital patients and their families or guardians as needed to perform their duties, including persons who are awaiting admission to the state hospitals while in jail;

(c) Establish guidelines for how the state office of behavioral health consumer advocacy will work and collaborate with existing state employees who serve in an ombuds or advocate role for the state hospitals and ensure all legal requirements for these personnel are maintained; and

(d) Develop a direct reporting structure to the governor's office about any systemic issues that are discovered within the course of the advocates' duties within the state hospitals.

(2) The state office of behavioral health consumer advocacy shall complete this work in collaboration with the department of social and health services by July 1, 2023, and prior to the deployment of behavioral health consumer advocates within the state hospitals.

(3) The state office of behavioral health consumer advocacy shall make strong efforts to encourage individuals with lived experience specific to the state hospitals to undergo training to fulfill behavioral health consumer advocate positions at the state hospitals.

NEW SECTION. **Sec. 7.** (1) The certified behavioral health consumer advocates shall have appropriate access to behavioral health providers or facilities to effectively carry out the provisions of this chapter, with provisions made for the privacy of patients, residents, and clients, according to the rules, policies, and procedures developed under section 3 of this act.

(2) Nothing in this chapter restricts, limits, or increases any existing right of any organizations or individuals not described in subsection (1) of this section to enter or provide assistance to patients, residents, and clients of behavioral health providers or facilities.

(3) Nothing in this chapter restricts any right or privilege of a patient, resident, or client of a behavioral

health provider or facility to receive visitors of their choice.

NEW SECTION. **Sec. 8.** (1) Every behavioral health provider or facility shall post in a conspicuous location a notice providing the toll-free phone number and website of the contracting advocacy organization, as well as the name, address, and phone number of the office of the appropriate local behavioral health consumer advocate and a brief description of the services provided by the contracting advocacy organization. The form of the notice must be approved by the office. This information must also be distributed to the patients, residents, and clients of behavioral health providers or facilities, upon application for behavioral health services and upon admission to a behavioral health provider or facility. The information shall also be provided to the family members and legal guardians of the patients, residents, or clients of a behavioral health provider or facility, as allowed by state and federal privacy laws.

(2) Every behavioral health provider or facility must provide access to a free telephone for the express purpose of contacting the contracting advocacy organization.

NEW SECTION. **Sec. 9.** The contracting advocacy organization shall develop and submit, for approval by the office, a process to train and certify all behavioral health consumer advocates, whether paid or volunteer, authorized by this chapter as follows:

(1) Certified behavioral health consumer advocates must have training or experience in the following areas:

(a) Behavioral health and other related social services programs;

(b) The legal system, including differences in state or federal law between voluntary and involuntary patients, residents, or clients;

(c) Advocacy and supporting self-advocacy;

(d) Dispute or problem resolution techniques, including investigation, mediation, and negotiation; and

(e) All applicable patient, resident, and client rights established by either state or federal law.

(2) A certified behavioral health consumer advocate may not have been employed by any behavioral health provider or facility within the previous twelve months, except as a certified peer specialist or where prior to the effective date of this section the person has been employed by a regional behavioral health consumer advocate.

(3) No certified behavioral health consumer advocate or any member of a certified behavioral health consumer advocate's family may have, or have had, within the previous twelve months, any significant ownership or financial interest in the provision of behavioral health services.

NEW SECTION. **Sec. 10.** (1) The contracting advocacy organization shall develop and submit for approval by the office referral procedures for the organization and all certified behavioral health consumer advocates to refer any complaint, in accordance with a mutually established working agreement, to an appropriate state or local government agency. The appropriate agency shall respond to any complaint referred to it by a certified behavioral health consumer advocate, in accordance with a mutually established working agreement.

(2) State agencies shall review a complaint against a behavioral health provider or facility which was referred to it by a certified behavioral health consumer advocate, in accordance with a mutually established working agreement, and shall forward to that certified behavioral health consumer advocate a summary of the results of the review or investigation and action proposed or taken.

(3) State agencies that regulate or contract with behavioral health providers or facilities shall adopt necessary rules to effectively work in coordination with the contracting advocacy organization.

NEW SECTION. **Sec. 11.** (1) The contracting advocacy organization shall develop and implement working agreements with the protection and advocacy agency, the long-term care ombuds, the developmental disabilities ombuds, the corrections ombuds, and the children and family ombuds, and work in cooperation to assure efficient, coordinated service.

(2) The contracting advocacy organization shall develop working

agreements with each managed care organization, behavioral health administrative services organization, the state psychiatric hospitals, all appropriate state and local agencies, and other such entities as necessary to carry out their duties. Working agreements must include:

(a) The roles of the contracting advocacy organization and the agency or entity in complaint investigations, complaint referral criteria, and a process for sharing information regarding complaint review and investigation, as appropriate; and

(b) Processes and procedures to assure timely and seamless information sharing among all interested parties and that the contracting advocacy organization is responsive to all local information requests.

NEW SECTION. **Sec. 12.** (1) No certified behavioral health consumer advocate is liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against an employee or volunteer of a behavioral health provider or facility, or a patient, resident, or client of a behavioral health provider or facility, for any communication made, or information given or disclosed, to aid the certified behavioral health consumer advocate in carrying out duties and responsibilities under this chapter, unless the same was done maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee or volunteer for other reasons, and shall serve as a defense to any action in libel or slander.

(3) All communications by a certified behavioral health consumer advocate, if reasonably related to the requirements of that individual's responsibilities under this chapter and done in good faith, are privileged and confidential, subject to the procedures established by the office.

(4) A representative of the contracting advocacy organization is exempt from being required to testify in court as to any confidential matters except upon the express consent of the client, resident, or patient that is subject to the court proceedings, or their representatives, as applicable.

NEW SECTION. **Sec. 13.** It is the intent of the legislature that:

(1) Regional behavioral health ombuds programs existing prior to this act be integrated into this new statewide program and the ombuds from those programs be assessed and certified by the contracting advocacy organization as behavioral health consumer advocates, and for the state office of behavioral health consumer advocacy to provide the regional behavioral health ombuds programs with any additional training they may need to meet the requirements of section 5 of this act;

(2) There shall be a behavioral health consumer advocate office within the boundaries of the region served by each behavioral health administrative services organization;

(3) Federal medicaid requirements be complied with; and

(4) The department annually expend at least the amount expended on regional behavioral health ombuds services prior to the effective date of this section on the office and for the procurement of services from the contracting advocacy organization under this chapter.

NEW SECTION. **Sec. 14.** (1) All records and files of the office, the contracting advocacy organization, and any certified behavioral health consumer advocates related to any complaint or investigation made pursuant to carrying out their duties and the identities of complainants, witnesses, patients, residents, or clients and information that could reasonably identify any of these individuals shall remain confidential unless disclosure is authorized in writing by the subject of the information, or the subject's guardian or legal representative.

(2) No disclosures of records and files related to a complaint or investigation may be made to any organization or individual outside the office or the contracting advocacy organization without the written consent of any named witnesses, complainants, patients, residents, or clients unless the disclosure is made without the identity of any of these individuals and without information that could reasonably identify any of these individuals unless such disclosure is required in carrying out its duties under this chapter.

(3) Notwithstanding subsections (1) and (2) of this section, disclosures of records and files may be made pursuant to a court order.

(4) All disclosures must be compliant with state and federal privacy laws applicable to the type of information that is sought for disclosure.

Sec. 15. RCW 71.24.045 and 2019 c 325 s 1008 are each amended to read as follows:

(1) The behavioral health administrative services organization contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services twenty-four hours a day, seven days a week, three hundred sixty-five days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

(v) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce rehospitalization and utilization of crisis services, as required by the authority in contract; and

(vi) Regional coordination, cross-system and cross-jurisdiction coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board((~~, the behavioral health ombuds,~~)) and efforts to support access to services or to improve the behavioral health system;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local government entities to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

Sec. 16. RCW 71.24.380 and 2019 c 325 s 1022 are each amended to read as follows:

(1) The director shall purchase behavioral health services primarily through managed care contracting, but may continue to purchase behavioral health services directly from providers serving medicaid clients who are not enrolled in a managed care organization.

(2) The director shall require that contracted managed care organizations have a sufficient network of providers to provide adequate access to behavioral health services for residents of the regional service area that meet eligibility criteria for services, and for maintenance of quality assurance processes. Contracts with managed care organizations must comply with all federal medicaid and state law requirements related to managed health care contracting, including RCW 74.09.522.

(3) A managed care organization must contract with the authority's selected behavioral health administrative services organization for the assigned regional service area for the administration of crisis services. The contract shall require the managed care organization to reimburse the behavioral health administrative services organization for behavioral health crisis services delivered to individuals enrolled in the managed care organization.

(4) A managed care organization must contract with the contracting advocacy organization selected by the state office of behavioral health consumer advocacy established in section 3 of this act for the provision of behavioral health consumer advocacy services delivered to individuals enrolled in the managed care organization. The contract shall require the managed care organization to reimburse the office of behavioral health consumer advocacy for behavioral health consumer advocacy services delivered to individuals enrolled in the managed care organization.

(5) A managed care organization must collaborate with the authority and its contracted behavioral health administrative services organization to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

((~~(5)~~)) (6) A managed care organization must work closely with designated crisis responders, behavioral health administrative services organizations, and behavioral health providers to maximize appropriate placement of persons into community services, ensuring the client receives the least restrictive level of care appropriate for their condition. Additionally, the managed care organization shall work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

((~~(6)~~)) (7) As an incentive to county authorities to become early adopters of fully integrated purchasing of medical and behavioral health services, the standards adopted by the authority shall provide for an incentive payment to counties which elect to move to full integration by January 1, 2016. Subject to federal approval, the incentive payment shall be targeted at ten percent of savings realized by the state within the regional service area in which the fully integrated purchasing takes place. Savings shall be calculated in alignment with the outcome and performance measures established in RCW 71.24.435, 70.320.020, and 71.36.025, and incentive payments for early adopter counties shall be made available for up to a six-year period, or until full integration of medical and behavioral health services is accomplished statewide, whichever comes sooner, according to rules to be developed by the authority.

NEW SECTION. **Sec. 17.** RCW 71.24.350 (Behavioral health ombuds office) and 2019 c 325 s 1020, 2018 c 201 s 4019, 2016 sp.s. c 29 s 523, 2014 c 225 s 41, 2013 c 23 s 189, & 2005 c 504 s 803 are each repealed.

NEW SECTION. **Sec. 18.** Sections 1 through 14 of this act constitute a new chapter in Title 71 RCW.

NEW SECTION. **Sec. 19.** Sections 15 through 17 of this act take effect October 1, 2022.

NEW SECTION. **Sec. 20.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "advocacy;" strike the remainder of the title and insert "amending RCW 71.24.045 and 71.24.380; adding a new chapter to Title 71 RCW; creating a new section; repealing RCW 71.24.350; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1086 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Simmons and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1086, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1086, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1086, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1088 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 10.93 RCW to read as follows:

(1)(a) Each county prosecutor shall develop and adopt a written protocol addressing potential impeachment disclosures pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), and subsequent case law. The protocol must provide guidance for: (i) The types of conduct that should be recognized as potentially exculpatory or as creating potential impeachment material; (ii) how information about an officer or officer conduct should be shared and maintained; and (iii) under what circumstances an officer's information or name may be removed from any list of potential impeachment disclosures.

(b) The protocol shall be developed by the prosecuting attorney with consultation of agencies representing law enforcement officers and local departments that will be impacted by the protocol.

(c) Subject to amounts appropriated for this purpose, no later than June 30, 2022, the criminal justice training commission shall provide, or contract with an organization that serves prosecuting attorneys in Washington to provide, online training for potential impeachment disclosures.

(d) Local protocols under this section shall be adopted and in place no later than July 1, 2022. Local protocols must be reviewed every two years to determine whether modifications are needed.

(2)(a) A law enforcement agency shall report the following information to the prosecuting authority of any jurisdiction in which the officer may testify as a witness:

(i) Any act by the officer that may be potentially exculpatory to a criminal defendant; and

(ii) Misconduct that the officer has engaged in that affects his or her credibility.

(b) The law enforcement agency shall report the information within 10 days of the discovery of the act under (a)(i) of

this subsection or the misconduct under (a)(ii) of this subsection.

(3)(a) Prior to hiring any peace officer with previous law enforcement experience, a law enforcement agency must inquire as to whether the officer has ever been subject to potential impeachment disclosure. The agency shall verify the officer's response with the prosecuting authorities in the jurisdictions of the officer's previous employment. Prosecuting authorities shall respond within 10 days of receiving a request from a law enforcement agency for verification. The fact that an officer has been subject to impeachment disclosure is not, in and of itself, a bar to employment. Any prehiring process or hiring decision by an agency does not constitute a personnel action under RCW 10.93.150.

(b) Within 10 days of hiring an officer with a prior potential impeachment disclosure, the law enforcement agency shall forward that information to the prosecuting authority of any jurisdiction in which the officer may testify as a witness.

(4) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for sharing impeachment information about a peace officer with the peace officer's employer, potential employer, or prosecuting authority unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith."

On page 1, line 1 of the title, after "disclosures;" strike the remainder of the title and insert "and adding a new section to chapter 10.93 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1088 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Lovick spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1088, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1088, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Rude, Schmick, Vick, Volz, Walsh, Wilcox and Ybarra.

SUBSTITUTE HOUSE BILL NO. 1088, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 6, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097 with the following amendments:

On page 8, line 32, after "has" strike "15 working" and insert "30"

On page 8, line 37, after "within" strike "15 working" and insert "30"

On page 13, line 19, after "(6)" insert "All funds expended from the accident fund for grants under this section must be reimbursed to the accident fund from the state general fund in the omnibus appropriations act adopted for the biennium following the expenditures.

(7)"

Correct any internal references accordingly.

and the same are herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Sells spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1097, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1097, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 6, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1107 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 88.02.620 and 2015 3rd sp.s. c 6 s 802 are each amended to read as follows:

(1) A vessel owner who is a nonresident person must obtain a nonresident vessel permit on or before the sixty-first day of use in Washington state if the vessel:

(a) Is currently registered or numbered under the laws of the state or county of principal operation ((~~or~~)), has been issued a valid number under federal law, or has a valid United States customs service cruising license issued under 19 C.F.R. Sec. 4.94; and

(b) Has been brought into Washington state ((~~for personal use~~)) for not more than six months in any continuous twelve-month period, and is used:

(i) For personal use; or

(ii) For the purposes of chartering a vessel with a captain or crew, as long as individual charters are for at least three or more consecutive days in duration. The permit also applies for the purposes of necessary transit to or from the start or end point of such a charter, but that transit time is not counted toward the duration of the charter.

(2) In addition to the requirements in subsection (1) of this section, a nonresident vessel owner that is not a natural person, or a nonresident vessel owner who is a natural person who intends to charter the vessel with a captain or crew as provided in subsection (1)(b)(ii) of this section, may only obtain a nonresident vessel permit if:

(a) The vessel is at least thirty feet in length, but no more than ((~~one~~)) two hundred ((~~sixty-four~~)) feet in length;

(b) No Washington state resident owns the vessel or is a principal, as defined in RCW 82.32.865, of the nonresident person which owns the vessel; and

(c) The department of revenue has provided the nonresident vessel owner written approval authorizing the permit as provided in RCW 82.32.865.

(3) A nonresident vessel permit:

(a) May be obtained from the department, county auditor or other agent, or subagent appointed by the director;

(b) Must show the date the vessel first came into Washington state; and

(c) Is valid for two months((~~; and~~

~~(d) May not be issued after December 31, 2025, to a nonresident vessel owner that is not a natural person~~)).

(4) The department, county auditor or other agent, or subagent appointed by the director must collect the fee required in RCW 88.02.640(1)(i) when issuing nonresident vessel permits.

(5) A nonresident vessel permit is not required under this section if the vessel is used in conducting temporary business activity within Washington state.

(6) For any permits issued under this section to a nonresident vessel owner that is not a natural person, or for any permits issued to a natural person who intends to charter the vessel with a captain or crew as provided in subsection (1)(b)(ii) of this section, the department must maintain a record of the following information and provide it to the department of revenue quarterly or as otherwise mutually agreed to by the department and department of revenue:

(a) The name of the record owner of the vessel;

(b) The vessel's hull identification number;

(c) The amount of the fee paid under RCW 88.02.640(5);

(d) The date the vessel first entered the waters of this state;

(e) The expiration date for the permit; and

(f) Any other information mutually agreed to by the department and department of revenue.

(7) The department must adopt rules to implement this section, including rules on issuing and displaying the nonresident vessel permit.

Sec. 2. RCW 88.02.640 and 2017 3rd sp.s. c 17 s 104 are each amended to read as follows:

(1) In addition to any other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director must charge the following vessel fees and surcharge:

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	$5.00	RCW 88.02.800(2)	General fund
(b) Derelict vessel and invasive species removal	Subsection (3) of this section	Subsection (3) of this section	Subsection (3) of this section
(c) Derelict vessel removal surcharge	$1.00	Subsection (4) of this section	Subsection (4) of this section
(d) Duplicate certificate of title	$1.25	RCW 88.02.530(1)(c)	General fund
(e) Duplicate registration	$1.25	RCW 88.02.590(1)(c)	General fund
(f) Filing	RCW 46.17.005	RCW 88.02.560(2)	RCW 46.68.400
(g) License plate technology	RCW 46.17.015	RCW 88.02.560(2)	RCW 46.68.370

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(h) License service	RCW 46.17.025	RCW 88.02.560(2)	RCW 46.68.220
(i) Nonresident vessel permit	Subsection (5) of this section	RCW 88.02.620(4)	Subsection (5) of this section
(j) Quick title service	$50.00	RCW 88.02.540(3)	Subsection (7) of this section
(k) Registration	$10.50	RCW 88.02.560(2)	RCW 88.02.650
(l) Replacement decal	$1.25	RCW 88.02.595(1)(c)	General fund
(m) Service fee	RCW 46.17.040	RCW 88.02.515 and 88.02.560(2)	RCW 46.17.040
(n) Title application	$5.00	RCW 88.02.515	General fund
(o) Transfer	$1.00	RCW 88.02.560(7)	General fund
(p) Vessel visitor permit	$30.00	RCW 88.02.610(3)	Subsection (6) of this section

(2) The five dollar dealer temporary permit fee required in subsection (1) of this section must be credited to the payment of registration fees at the time application for registration is made.

(3) The derelict vessel and invasive species removal fee required in subsection (1) of this section is five dollars and must be distributed as follows:

(a) Two dollars must be deposited in the aquatic invasive species management account created in RCW 77.135.200;

(b) One dollar must be deposited into the aquatic algae control account created in RCW 43.21A.667; and

(c) Two dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100.

(4) In addition to other fees required in this section, an annual derelict vessel removal surcharge of one dollar must be charged with each vessel registration. The surcharge is to address the significant backlog of derelict vessels accumulated in Washington waters that pose a threat to the health and safety of the people and to the environment and must be deposited into the derelict vessel removal account created in RCW 79.100.100.

(5)(a) The amount of the nonresident vessel permit fee is:

(i) For a vessel owned by a nonresident natural person, twenty-five dollars; and

(ii) For a nonresident vessel owner that is not a natural person, the fee is equal to:

(A) Twenty-five dollars per foot for vessels between thirty and ninety-nine feet in length;

(B) Thirty dollars per foot for vessels between one hundred and one hundred twenty feet in length; and

(C) Thirty-seven dollars and fifty cents per foot for vessels between one hundred twenty-one and ((~~one~~)) two hundred ((~~sixty-four~~)) feet in length. The fee must be multiplied by the extreme length of the vessel in feet, rounded up to the nearest whole foot.

(b) The fee must be paid by the vessel owner to the department. Any moneys remaining from the fee after the payment of costs to administer the permit must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650.

(c) ((~~A nonresident vessel owner that is not a natural person may not obtain more than two nonresident vessel permits~~

~~under RCW 88.02.620 within any thirty-six month period~~)) In addition to the applicable fees under this section, vessel owners who obtain a nonresident vessel permit for the purposes of chartering their vessel with a captain or crew are subject to use tax as provided in section 6 of this act.

(6) The thirty dollar vessel visitor permit fee must be distributed as follows:

(a) Five dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100;

(b) The department may keep an amount to cover costs for providing the vessel visitor permit;

(c) Any moneys remaining must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650; and

(d) Any fees required for licensing agents under RCW 46.17.005 are in addition to any other fee or tax due for the titling and registration of vessels.

(7)(a) The fifty dollar quick title service fee must be distributed as follows:

(i) If the fee is paid to the director, the fee must be deposited to the general fund.

(ii) If the fee is paid to the participating county auditor or other agent appointed by the director, twenty-five dollars must be deposited to the general fund. The remainder must be retained by the county treasurer in the same manner as other fees collected by the county auditor.

(iii) If the fee is paid to a subagent appointed by the director, twenty-five dollars must be deposited to the general fund. The remaining twenty-five dollars must be distributed as follows: Twelve dollars and fifty cents must be retained by the county treasurer in the same manner as other fees collected by the county auditor and twelve dollars and fifty cents must be retained by the subagent.

(b) For the purposes of this subsection, "quick title" has the same meaning as in RCW 88.02.540.

(8) The department, county auditor or other agent, or subagent appointed by the director shall charge the service fee under subsection (1)(m) of this section beginning January 1, 2016.

Sec. 3. RCW 82.32.865 and 2015 3rd sp.s. c 6 s 805 are each amended to read as follows:

(1) A nonresident vessel owner that is not a natural person, or a nonresident vessel owner who intends to charter the vessel with a captain or crew as provided in RCW 88.02.620(1)(b)(ii), must apply directly to the department for written approval to obtain a nonresident vessel permit under RCW 88.02.620. The application must be made to the department in a form and manner prescribed by the department and must include:

(a) The name of the record owner of the vessel;

(b) The name, address, and telephone number of the individual that applied for the permit ((~~on behalf of the nonresident person~~));

(c) The record owner's address and telephone number;

(d) The vessel's hull identification number;

(e) The vessel year, make, and model;

(f) The vessel length;

(g) The vessel's registration or numbering under the state of principal operation or the valid number under federal law;

(h) Proof of the person's current nonresident status, including, as applicable, certified copies of the filed articles of incorporation, a certificate of formation, or similar filings;

(i) Proof of the identity and current residency of the natural person owning the charter vessel or all principals of the nonresident person owning the vessel. Such proof may include a valid driver's license verifying out-of-state residency or a valid identification card that has a photograph of the holder and is issued by an out-of-state jurisdiction;

(j) An affidavit signed by ((~~a principal~~)) the owner of the nonresident charter vessel ((~~owner~~)), or by a principal of the entity owning the nonresident vessel, certifying that the owner is not a Washington resident or that no Washington residents are principals of the nonresident vessel owner, as the case may be; and

(k) Any other information the department may require.

(2) The department must determine the nonresident vessel owner's eligibility for the permit, as provided in RCW 88.02.620((~~, and may request additional information as needed directly from the nonresident vessel owner~~)). The department may require additional proof of eligibility directly from the nonresident vessel owner.

(3)(a) If the department determines that the nonresident vessel owner ((~~appears~~)) has established by clear, cogent, and convincing evidence that it is eligible for the permit, the department must provide written approval to the nonresident vessel owner that authorizes issuance of the permit and includes the name of the nonresident vessel owner, the name of the vessel, and the hull identification number. ((~~After November 30, 2025, the department may not provide written approval for any permits under this subsection.~~)) Otherwise, the department must refuse to authorize the issuance of the permit.

(b) The department must also provide the information in the written approval to the department of licensing.

(4)(a) If, after a permit has been issued under RCW 88.02.620, the department has reason to believe that the nonresident vessel owner was not eligible for the permit approved under subsection (3) of this section, the department may request such information from the nonresident vessel owner as the department determines is necessary to conduct a review of the nonresident vessel owner's eligibility.

(b) If the department finds the nonresident person was not eligible for the permit, the department must assess against the nonresident person state and local use tax on the value of the vessel according to the "value of the article used" as defined in RCW 82.12.010. The department must also assess against the nonresident person any watercraft excise tax due under chapter 82.49 RCW. Penalties and interest as provided in this chapter and chapter 82.49 RCW apply to taxes assessed under this subsection (4).

(5) For purposes of this section, "principal" means a natural person that owns, directly or indirectly, including through any tiered ownership structure, more than a one percent interest in the nonresident person applying for a nonresident vessel permit.

(6) By January 1, 2026, the department must submit a report to the governor and the transportation and fiscal committees of the legislature. The report must include:

(a) The number of nonresident vessel permits the department authorized for approval in each calendar year since September 1, 2015, and the length of such vessels;

(b) The number of nonresident vessel permits the department authorized for approval in each calendar year since the effective date of this section for vessels chartered with a captain or crew;

(c) Information about the state or country where the vessels described in (a) and (b) of this subsection are primarily operated;

(d) The amount of use tax collected on vessels described in (b) of this subsection;

(e) A discussion of any evidence of fraud or attempted fraud related to nonresident vessel permits or permit applications; and

(f) Any other information the department determines may be relevant.

(7) The department may adopt rules to implement this section.

Sec. 4. 2017 c 323 s 302 (uncodified) is amended to read as follows:

(1) Sections 802 and 804, chapter 6, Laws of 2015 3rd sp. sess. expire ((~~July~~)) January 1, ((~~2026~~)) 2029;

(2) Section 803, chapter 6, Laws of 2015 3rd sp. sess. expires January 1, ((~~2026~~)) 2029; and

(3) Section 805, chapter 6, Laws of 2015 3rd sp. sess. expires January 1, 2031.

Sec. 5. 2017 c 323 s 303 (uncodified) is amended to read as follows:

(1)(a) The legislature finds that a robust maritime industry is crucial for the state's economic vitality. The legislature further finds that:

(i) The joint task force for economic resilience of maritime and manufacturing established policy goals to continue efforts towards developing a robust maritime industry in the state;

(ii) The maritime industry has a direct and indirect impact on jobs in the state;

(iii) Many of the cities and towns impacted by the maritime industry are often small with limited resources to encourage economic growth, heavily relying on the maritime industry for local jobs and revenues in the community;

(iv) Keeping Washington competitive with other cruising destinations is essential to continue to build a robust maritime economy in the state; and

(v) Tax incentives are an imperative component to improve the state's overall competitiveness in this sector.

(b) Therefore, the legislature intends to:

(i) Bolster the maritime industry in the state by incentivizing larger vessel owners to use Washington waters for recreational boating to increase economic activity and jobs in coastal communities and inland water regions of the state;

(ii) Achieve this objective in a fiscally responsible manner and require analysis of specific metrics to ensure valuable state resources are being used to accomplish the intended goal; and

(iii) Provide limited, short-term tax relief to entity-owned nonresident vessel owners that currently are not afforded the same benefits as other nonresident vessel owners.

(2)(a) This subsection is the tax preference performance statement for the entity-owned nonresident vessel tax preference established in section 803 of this act. The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(b) The legislature categorizes this tax preference as one intended to accomplish the purposes indicated in RCW 82.32.808(2)(c) and one intended to improve the state's competitiveness with other nearby cruising destinations.

(c) It is the legislature's specific public policy objective to increase economic activity and jobs related to the maritime industry by providing a tax preference for large entity-owned nonresident vessels to increase the length of time these vessels cruise Washington waters in turn strengthening the maritime economy in the state.

(d) To measure the effectiveness of the tax preference provided in part VIII, chapter 6, Laws of 2015 3rd sp. sess. in achieving the public policy objective in (c) of this subsection, the joint legislative audit and review committee must provide the following in a published evaluation of this tax preference by December 31, ((~~2024~~)) 2028:

(i) A comparison of the gross and taxable revenue generated by businesses that sell or provide maintenance or repair of vessels, prior to and after the enactment of this tax preference;

(ii) Analysis of retail sales taxes collected from the restaurant and service industries in coastal and inlet coastal jurisdictions, for both counties and cities, for periods prior to and after the enactment of this tax preference;

(iii) Employment and wage trends for businesses described in (d)(i) and (ii) of this subsection, for periods prior to and after the enactment of this tax preference;

(iv) Descriptive statistics for the number of permits sold each year in addition to the following information:

(A) The cost for each permit by strata of vessel length;

(B) The jurisdiction of ownership for the nonresident vessel; and

(C) The amount of use tax that would have been due based on the estimated value of the vessel;

(v) A comparison of the number of registered entity-owned and individually owned vessels registered in Washington prior to and after the enactment of this tax preference; and

(vi) Data and analysis for Washington's main cruising destination competitors, specifically looking at tax preferences provided in those jurisdictions, vessel industry income data, and any additional relevant information to compare Washington's maritime climate with its competitors.

(e) The provision of RCW 82.32.808(5) does not apply to this tax preference.

NEW SECTION. **Sec. 6.** A new section is added to chapter 82.12 RCW to read as follows:

(1) Except as otherwise provided in this section, the provisions of this chapter do not apply to the use of a vessel exempt from registration under RCW 88.02.570(12).

(2) The use of a vessel exempt from registration under RCW 88.02.570(12) for chartering with a captain or crew is subject to the tax imposed in RCW 82.12.020 based on the reasonable bare rental value of the vessel as provided in RCW 82.12.010(7)(c).

(3) This section expires January 1, 2029.

NEW SECTION. **Sec. 7.** Sections 1 through 3 of this act expire January 1, 2029."

On page 1, line 2 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 88.02.620, 88.02.640, and 82.32.865; amending 2017 c 323 §§ 302 and 303 (uncodified); adding a new section to chapter 82.12 RCW; and providing expiration dates."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1107 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chapman and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1107, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1107, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1107, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2021

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1119 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.590 and 2009 c 241 s 1 are each amended to read as follows:

(1) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the boards of trustees of each community and technical college district, in collaboration with affiliated bookstores and student and faculty representatives, shall adopt rules requiring that:

(a) Affiliated bookstores:

(i) Provide students the option of purchasing materials that are unbundled when possible, disclose to faculty and staff the costs to students of purchasing materials, and disclose publicly how new editions vary from previous editions;

(ii) Actively promote and publicize book buy-back programs;

(iii) Disclose retail costs for course materials on a per course basis to faculty and staff and make this information publicly available; and

(iv) Disclose information to students on required course materials including but not limited to title, authors, edition, price, and International Standard Book Number (ISBN) at least four weeks before the start of the class for

which the materials are required. The chief academic officer may waive the disclosure requirement provided in this subsection (1)(a)(iv), on a case-by-case basis, if students may reasonably expect that nearly all information regarding course materials is available four weeks before the start of the class for which the materials are required. The requirement provided in this subsection (1)(a)(iv) does not apply if the faculty member using the course materials is hired four weeks or less before the start of class; and

(b) Faculty and staff members consider the least costly practices in assigning course materials, such as adopting the least expensive edition available, adopting free, open textbooks when available, and working with college librarians to put together collections of free online web and library resources, when educational content is comparable as determined by the faculty.

(2) The state universities, the regional universities, and The Evergreen State College shall each designate in their online course descriptions used by students for registration purposes whether a course uses open educational resources or low-cost required instructional materials. If a course's required textbooks and course materials are not determined prior to registration due to an unassigned faculty member, the textbooks' and course materials' low-cost or open educational resource designation must be provided as soon as feasible after a faculty member is assigned.

(3) As used in this section:

(a) "Materials" means any supplies or texts required or recommended by faculty or staff for a given course.

(b) "Bundled" means a group of objects joined together by packaging or required to be purchased as an indivisible unit.

(c) "Low-cost" means the entire course's required instructional materials equal $50 or less in 2021 dollars. The institutions of higher education shall adjust the dollar value of low-cost course materials at least once every five years to reflect the percentage change in the consumer price index over the preceding five years."

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "and amending RCW 28B.10.590."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1119 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Jacobsen and Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1119, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1119, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Shewmake.

HOUSE BILL NO. 1119, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1129 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.71.095 and 2020 c 325 s 5 are each amended to read as follows:

The commission may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The commission may, upon the written request of the secretary of the department of social and health services, the secretary of children, youth, and families, or the secretary of corrections, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department of social and health services, the department of children, youth, and families, or the department of corrections as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services, the department of children, youth, and families, or the department of corrections.

(2) The commission may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of two years of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the commission, the commission may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his or her duties as a resident physician and shall not authorize the physician to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

(4)(a) Upon nomination by the dean of an accredited school of medicine in the state of Washington or the chief executive officer of a hospital or other appropriate health care facility licensed in the state of Washington, the commission may issue a limited license to a physician applicant invited to serve as a teaching-research member of the institution's instructional staff if the sponsoring institution and the applicant give evidence that he or she has graduated from a recognized medical school and has been licensed or otherwise privileged to practice medicine at his or her location of origin. Such license shall permit the recipient to practice medicine only within the confines of the instructional program specified in the application and shall terminate whenever the holder ceases to be involved in that program, or at the end of one year, whichever is earlier. Upon request of the applicant and the institutional authority, the license may be renewed. The holder of a teaching research license under this subsection (4)(a) is eligible for full licensure if the following conditions are met:

(i) If the applicant has not graduated from a school of medicine located in any state, territory, or possession of the United States, the District of Columbia, or the Dominion of Canada, the applicant must satisfactorily pass the certification process by the educational commission for foreign medical graduates;

(ii) The applicant has successfully completed the exam requirements set forth by the commission by rule;

(iii) The applicant has the ability to read, write, speak, understand, and be understood in the English language at a

level acceptable for performing competent medical care in all practice settings;

(iv) The applicant has continuously held a position of associate professor or higher at an accredited Washington state medical school for no less than three years; and

(v) The applicant has had no disciplinary action taken in the previous five years.

(b) Upon nomination by the dean of an accredited school of medicine in the state of Washington or the chief executive officer of any hospital or appropriate health care facility licensed in the state of Washington, the commission may issue a limited license to an applicant selected by the sponsoring institution to be enrolled in one of its designated departmental or divisional fellowship programs provided that the applicant shall have graduated from a recognized medical school and has been granted a license or other appropriate certificate to practice medicine in the location of the applicant's origin. Such license shall permit the holder only to practice medicine within the confines of the fellowship program to which he or she has been appointed and, upon the request of the applicant and the sponsoring institution, the license may be renewed by the commission.

All persons licensed under this section shall be subject to the jurisdiction of the commission to the same extent as other members of the medical profession, in accordance with this chapter and chapter 18.130 RCW.

Persons applying for licensure and renewing licenses pursuant to this section shall comply with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280. Any person who obtains a limited license pursuant to this section may apply for licensure under this chapter, but shall submit a new application form and comply with all other licensing requirements of this chapter.

(5) The commission may issue a time-limited clinical experience license to an applicant who does not qualify for licensure under RCW 18.71.050 or chapter 18.71B RCW and who meets the requirements established by the commission in rule for the purpose of gaining clinical experience at an approved facility or program.

(6)(a) Upon nomination by the chief medical officer of any hospital, appropriate medical practice located in the state of Washington, the department of social and health services, the department of children, youth, and families, the department of corrections, or a county or city health department, the commission may issue a limited license to an international medical graduate if the applicant:

(i) Has been a Washington state resident for at least one year;

(ii) Provides proof the applicant is certified by the educational commission for foreign medical graduates;

(iii) Has passed all steps of the United States medical licensing examination; and

(iv) Submits to the commission background check process required of applicants generally.

(b) A license holder under this subsection may only practice:

(i) Under the supervision and control of a physician who is licensed in this state under chapter 18.71 or 18.57 RCW and is of the same or substantially similar clinical specialty; and

(ii) Within the nominating facility or organization.

(c) A license holder must file with the commission a practice agreement between the license holder and the supervising physician who is of the same or substantially similar clinical specialty.

(d) A supervising physician may supervise no more than two license holders under this subsection unless the commission grants a request to increase this limit.

(e) A limited license issued under this subsection is valid for two years and may be renewed once by the commission upon application for renewal by the nominating entity.

(f) All persons licensed under this subsection are subject to the jurisdiction of the commission to the same extent as other members of the medical profession, in accordance with this chapter and chapter 18.130 RCW.

(g) Persons applying for licensure and renewing licenses under this subsection shall comply with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

(h) The supervising physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.71.011 or the practice of osteopathic medicine and surgery as defined in RCW 18.57.001 when performed by an international medical graduate practicing under their supervision. The supervising physician must hold medical malpractice insurance for any malpractice claim against an international medical graduate practicing under their supervision."

On page 1, line 2 of the title, after "graduates;" strike the remainder of the title and insert "and amending RCW 18.71.095."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1129 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Valdez and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1129, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1129, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Chase, Kraft, McCaslin and Mosbrucker.

SUBSTITUTE HOUSE BILL NO. 1129, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 6, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1207 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that a driver's license or identicard is a fundamental document that Washingtonians need to live, work, drive, and access essential needs. The COVID-19 pandemic has significantly reduced the department of licensing's ability to provide in-person driver licensing services, resulting in a growing backlog of customers that cannot access the agency's critical services. This act is intended to address that backlog by expanding online renewals, extending driver's license and identicard issuance up to eight years, and providing more online options for instruction permits. The legislature recognizes the critical role of the department of licensing's front line staff during the pandemic and does not intend that this act will result in staffing reductions at the department of licensing now or in the future. To ensure that a driver's license and identicard remain affordable for Washington residents, the legislature intends for the department of licensing to continue to offer a six-year issuance option. The legislature further recognizes the potential of remote photo capture to enable expanded online renewals while ensuring that customer information remains updated. In implementing remote photo capture, the legislature intends that the department of licensing will prioritize data security and antifraud features as well as closely monitor its usage. The legislature also intends that within a

year of initial implementation of remote photo capture, driver's license and identicard photos should be updated with each renewal whenever possible, recognizing that technology limitations and other challenges will prevent some customers from using remote photo capture.

Sec. 2. RCW 46.20.049 and 2012 c 80 s 11 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall be ((~~eighty-five dollars from October 1, 2012, to June 30, 2013, and one hundred two dollars after June 30, 2013,~~)) one hundred thirty-six dollars for the original commercial driver's license or subsequent renewals. If the commercial driver's license is issued, renewed, or extended for a period other than ((~~five~~)) eight years ((~~from October 1, 2012, to June 30, 2013, or six years after June 30, 2013~~)), the fee for each class shall be seventeen dollars for each year that the commercial driver's license is issued, renewed, or extended. The fee shall be deposited in the highway safety fund.

Sec. 3. RCW 46.20.055 and 2017 c 197 s 6 are each amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit online or in person with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid an application fee of twenty-five dollars, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or

(b) Is at least fifteen years of age and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a driver training education course offered as part of a traffic safety education program authorized by the office of the superintendent of public instruction and certified under chapter 28A.220 RCW or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in a driver training education course as defined in RCW 46.82.280 or 28A.220.020.

The department may require proof of registration in such a course as it deems necessary.

(3) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit;

(b) The person is not using a wireless communications device, unless the person is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property; and

(c) A driver training education course instructor who meets the qualifications of chapter 46.82 or 28A.220 RCW, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

(c) A person applying for an additional instruction permit must submit the application to the department ((~~in person~~)) and pay an application fee of twenty-five dollars for each issuance.

Sec. 4. RCW 46.20.091 and 2000 c 115 s 4 are each amended to read as follows:

(1) **Application.** In order to apply for a driver's license or instruction permit the applicant must provide ((~~his or her~~)) the applicant's:

(a) Name of record, as established by documentation required under RCW 46.20.035;

(b) Date of birth, as established by satisfactory evidence of age;

(c) Sex;

(d) Washington residence address;

(e) Description;

(f) Driving licensing history, including:

(i) Whether the applicant has ever been licensed as a driver or chauffeur and, if so, (A) when and by what state or country; (B) whether the license has ever been suspended or revoked; and (C) the date of and reason for the suspension or revocation; or

(ii) Whether the applicant's application to another state or country for a driver's license has ever been refused and, if so, the date of and reason for the refusal; and

(g) Any additional information required by the department.

(2) **Sworn statement.** An application for an instruction permit or for an original driver's license must be made upon a form provided by the department. The form must include a section for the applicant to indicate whether ((~~he or she~~)) the applicant has received driver training and, if so, where. The identifying documentation verifying the name of record must be accompanied by the applicant's ((~~written~~)) sworn statement that it is valid. ((~~The~~)) For an original driver's license, the information provided on the form must be sworn to and signed by the applicant before a person authorized to administer oaths. An applicant who makes a false statement on an application for a driver's license or instruction permit is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

(3) **Driving records from other jurisdictions.** If a person previously licensed in another jurisdiction applies for a Washington driver's license, the department shall request a copy of the applicant's driver's record from the other jurisdiction. The driving record from the other jurisdiction becomes a part of the driver's record in this state.

(4) **Driving records to other jurisdictions.** If another jurisdiction requests a copy of a person's Washington driver's record, the department shall provide a copy of the record. The department shall forward the record without charge if the other jurisdiction extends the same privilege to the state of Washington. Otherwise the department shall charge a reasonable fee for transmittal of the record.

Sec. 5. RCW 46.20.117 and 2020 c 261 s 2 and 2020 c 124 s 2 are each reenacted and amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves ((~~his or her~~)) the applicant's identity as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection (7) of this section, the fee is ((~~fifty-four~~)) seventy-two dollars, unless an applicant is:

(i) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services or by the secretary of children, youth, and families;

(ii) Under the age of twenty-five and does not have a permanent residence address as determined by the department by rule; or

(iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an individual who has been released from such an institution or facility within thirty calendar days before the date of the application.

For those persons under (c)(i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

(2)(a) **Design and term.** The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection (7) of this section, expire on the

((~~sixth~~)) eighth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(4).

(c) If applicable, the identicard may include a medical alert designation as provided in subsection (5) of this section.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; ((~~or~~))

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew ((~~his or her~~)) the identicard by mail or by electronic commerce when it last expired; or

(c) From January 1, 2022, to June 30, 2024, electronic commerce, if permitted by rule of the department.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on an identicard issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed; and

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law.

(7) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than ((~~six~~)) eight years, or may extend by mail or electronic commerce an identicard that has already been issued((~~, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders~~)). The fee for an identicard issued or renewed for a period other than ((~~six~~)) eight years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department must offer the option to issue or renew an identicard for six years in addition to the eight year issuance. The department may adopt any rules as are necessary to carry out this subsection.

(8) Identicard photos must be updated in the same manner as driver's license photos under RCW 46.20.120(5).

Sec. 6. RCW 46.20.120 and 2012 c 80 s 7 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department must ensure that examinations are given at places and times reasonably available to the people of this state. If the department does not administer driver licensing examinations as a routine part of its licensing services within a department region because adequate testing sites are provided by driver training schools or school districts within that region, the department shall, at a minimum, administer driver licensing examinations by appointment to applicants eighteen years of age and older in at least one licensing office within that region.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department

determines that the applicant is not qualified to hold a driver's license under this title; or

(b) All or any part of the examination involving operating a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; or

(ii) Provides for verification a valid driver's license issued by a foreign driver licensing jurisdiction with which the department has an informal agreement under RCW 46.20.125; and

(iii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of thirty-five dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than ((~~six~~)) eight years.

(3) An application for driver's license renewal may be submitted by means of:

(a) Personal appearance before the department; ((~~or~~))

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew ((~~his or her~~)) the license by mail or by electronic commerce when it last expired; or

(c) From January 1, 2022, to June 30, 2024, electronic commerce, if permitted by rule of the department.

(4) A person whose license expired or will expire while ((~~he or she~~)) the licensee is living outside the state, may:

(a) Apply to the department to extend the validity of ((~~his or her~~)) the license for no more than twelve months. If the person establishes to the department's satisfaction that ((~~he or she~~)) the licensee is unable to return to Washington before the date ((~~his or her~~)) the license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew ((~~his or her~~)) the license by mail or, if permitted by rule of the department, by electronic commerce even if subsection (3)(b) of this section would not otherwise allow renewal by that means. If the person establishes to the department's satisfaction that ((~~he or she~~)) the licensee is unable to return to Washington within twelve months of the date that ((~~his or her~~)) the license expires, the department shall renew the person's license by mail or, if permitted by rule of the department, by electronic commerce.

(5)(a) If a qualified person submits an application for renewal under subsection (3)(b) or (c) or (4)(b) of this section, ((~~he or she~~)) the applicant is not required to pass an examination ((~~nor~~)) and only needs to provide an updated photograph:

(i) At least every 16 years, except that persons under 30 must provide an updated photograph every eight years; and

(ii) Beginning January 1, 2023, persons renewing through electronic commerce must provide an updated photograph in a form and manner approved by the department with each renewal unless they are unable to provide a photograph that meets the department's requirements and the most recent photograph on file with the department is not more than 10 years old at the time of renewal.

(b) A license renewed by mail or by electronic commerce that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

(6) Driver training schools licensed by the department under chapter 46.82 RCW may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle.

(7) School districts that offer a traffic safety education program under chapter 28A.220 RCW may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle.

Sec. 7. RCW 46.20.161 and 2020 c 261 s 3 are each amended to read as follows:

(1) The department, upon receipt of a fee of ((~~forty-five~~)) seventy-two dollars ((~~from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013~~)), unless the driver's license is issued for a period other than ((~~five~~)) eight years ((~~from October 1, 2012, to June 30, 2013, or six years after June 30, 2013~~)), in which case the fee shall be nine dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen.

(2) The license must include:

(a) A distinguishing number assigned to the licensee;

(b) The name of record;

(c) Date of birth;

(d) Washington residence address;

(e) Photograph;

(f) A brief description of the licensee;

(g) Either a facsimile of the signature of the licensee or a space upon which the licensee shall write ((~~his or her~~)) the licensees' usual signature with pen and ink immediately upon receipt of the license;

(h) If applicable, the person's status as a veteran as provided in subsection (4) of this section; and

(i) If applicable, a medical alert designation as provided in subsection (5) of this section.

(3) No license is valid until it has been signed by the licensee.

(4)(a) A veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, may apply to the department to obtain a veteran designation on a driver's license issued under this section by providing:

(i) A United States department of veterans affairs identification card or proof of service letter;

(ii) A United States department of defense discharge document, DD Form 214 or DD Form 215, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States;

(iii) A national guard state-issued report of separation and military service, NGB Form 22, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's active duty or reserve service in the national guard; or

(iv) A United States uniformed services identification card, DD Form 2, that displays on its face that it has been issued to a retired member of any of the armed forces of the United States, including the national guard and armed forces reserves.

(b) The department may permit a veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, to submit an alternate form of documentation to apply to obtain a veteran designation on a driver's license, as specified by rule, that requires a discharge status of "honorable" or "general under honorable conditions" and that establishes the person's service as required under RCW 41.04.007.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on a driver's license issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a driver health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed;

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law; and

(c) Is subject to the privacy protections of the driver's privacy protection act, 18 U.S.C. Sec. 2725.

Sec. 8. RCW 46.20.181 and 2012 c 80 s 9 are each amended to read as follows:

(1) Except as provided in subsection (4) or (5) of this section, every driver's license expires on the ((~~sixth~~)) eighth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew ((~~his or her~~)) a license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of ((~~forty-five~~)) seventy-two dollars ((~~from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013~~)). This fee includes the fee for the required photograph.

(3) A person renewing ((~~his or her~~)) a driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless ((~~his or her~~)) the license expired when:

(a) The person was outside the state and ((~~he or she~~)) the licensee renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and ((~~he or she~~)) the licensee renews the license within sixty days after the termination of the incapacity.

(4) The department may issue or renew a driver's license for a period other than ((~~five~~)) eight years ((~~from October 1, 2012, to June 30, 2013, or six years after June 30, 2013~~)), or may extend by mail or electronic commerce a license that has already been issued((~~, in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers~~)). The fee for a driver's license issued or renewed for a period other than ((~~five~~)) eight years ((~~from October 1, 2012, to June 30, 2013, or six years after June 30, 2013~~)), or that has been extended by mail or electronic commerce, is nine dollars for each year that the license is issued, renewed, or extended. The department must offer the option to issue or renew a driver's license for six years in addition to the eight year issuance. The department may adopt any rules as are necessary to carry out this subsection.

(5) A driver's license that includes a hazardous materials endorsement under chapter 46.25 RCW may expire on an anniversary of the licensee's birthdate other than the ((~~sixth~~)) eighth year following issuance or renewal of the license in order to match, as nearly as possible, the validity of certification from the federal transportation security administration that the licensee has been determined not to pose a security risk. The fee for a driver's license issued or renewed for a period other than ((~~five~~)) eight years ((~~from October 1, 2012, to June 30, 2013, or six years after June 30, 2013,~~)) is nine dollars for each year that the license is issued or renewed, not including any endorsement fees. The department may adjust the expiration date of a driver's license that has previously been issued to conform to the provisions of this subsection if a hazardous materials endorsement is added to the license subsequent to its issuance. If the validity of the driver's license is extended, the licensee must pay a fee of nine dollars for each year that the license is extended.

(6) The department may adopt any rules as are necessary to carry out this section.

Sec. 9. RCW 46.20.202 and 2017 c 310 s 3 are each amended to read as follows:

(1) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of implementing a border-crossing initiative.

(3)(a) The department may issue an enhanced driver's license or identicard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identicard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identicard, or an enhanced driver's license or identicard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identicard. An applicant for an enhanced driver's license or identicard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington state residents. If the enhanced driver's license or identicard includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicard. The department shall adopt such rules as necessary to meet the requirements of this subsection. From time to time the department shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

(4) Beginning on July 23, 2017, the fee for an enhanced driver's license or enhanced identicard is ((~~twenty-four~~)) thirty-two dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than ((~~six~~)) eight years, the fee for each class is four dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

(5) The enhanced driver's license and enhanced identicard fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or

defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 10. RCW 46.20.505 and 2012 c 80 s 13 are each amended to read as follows:

Every person applying for a special endorsement of a driver's license authorizing such person to drive a two or three-wheeled motorcycle or a motor-driven cycle shall pay a fee of five dollars, which is not refundable. In addition, the endorsement fee for the initial motorcycle endorsement shall not exceed ((~~twelve~~)) sixteen dollars, unless the endorsement is issued for a period other than ((~~six~~)) eight years, in which case the endorsement fee shall not exceed two dollars for each year the initial motorcycle endorsement is issued. The subsequent renewal endorsement fee shall not exceed ((~~thirty~~)) forty dollars, unless the endorsement is renewed or extended for a period other than ((~~six~~)) eight years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or extended. Fees collected under this section shall be deposited in the motorcycle safety education account of the highway safety fund.

NEW SECTION. **Sec. 11.** The department of licensing must evaluate the impact of expanded online renewals and remote photo capture on backlog reduction, access to services, employment, public safety, identity fraud, and other topics as determined by the department. In completing this evaluation, the department of licensing must consult with relevant stakeholders and experts, including law enforcement, organizations representing the department's employees, organizations with expertise in data security and identity fraud, organizations representing commercial drivers, and others as determined by the department. The department of licensing must submit a report to the governor and transportation committees of the legislature by December 1, 2023.

NEW SECTION. **Sec. 12.** Sections 2 and 5 through 11 of this act take effect January 1, 2022.

NEW SECTION. **Sec. 13.** Sections 1, 3, and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 5 of the title, after "identicards;" strike the remainder of the title and insert "amending RCW 46.20.049, 46.20.055, 46.20.091, 46.20.120, 46.20.161, 46.20.181, 46.20.202, and 46.20.505; reenacting and amending RCW 46.20.117; creating new sections; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1207 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ramel and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1207, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1207, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Caldier, Chase, Dufault, Kraft, McCaslin, Sutherland, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 1207, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1208 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that the learning assistance program was developed to provide supplemental instruction and services for public school students who are not meeting academic standards. Initially, school districts were allowed to use learning assistance program funds in a flexible manner to support students participating in the program. Over time, the legislature restricted, and established priorities for, the use of learning assistance program funds. The legislature finds that it is time to restore flexibility to the use of learning assistance program funds; however, local control must be balanced with accountability for improvement in the academic achievement of students participating in the program.

(2)(a) The legislature expects that the learning assistance program will continue to be used to fund supplemental instruction and service to eligible students who are not meeting academic standards.

(b) However, the legislature intends to immediately remove restrictions on the use of learning assistance program funds so that school districts can flexibly use these funds to identify and address the academic and nonacademic needs of students resulting from and exacerbated by the COVID-19 pandemic. Removal of the restrictions does not mean that learning assistance programs cannot continue to use the best practices and strategies included on the state menus or the services and activities listed in RCW 28A.165.035, as repealed by this act.

(3)(a) Beginning September 1, 2025, or following the end of the state of emergency declared by the governor due to COVID-19, whichever is later, the legislature intends to continue the flexible use of learning assistance program funds but require that budgeting and expenditure of these funds occur through the framework of the Washington integrated student supports protocol, established by the legislature in 2016.

(b) To ease the transition, the legislature recommends that school district boards of directors begin budgeting and expending learning assistance program funds using the Washington integrated student supports protocol as soon as possible.

(c) Under the protocol, before engaging in the process of budgeting and expending learning assistance program funds, the legislature expects school district boards of directors to perform needs assessments and use data to map the resources of the school district, each school, and the community. School boards are expected to identify gaps in the coordination and integration of academic and nonacademic supports and to engage community partners in strategic planning that prioritizes the needs of students. Each school in the district is also expected to use needs assessments and data to determine how to best engage community partners to address the academic and nonacademic needs of its students in an integrated and coordinated manner. Finally, the legislature expects that schools and school districts will use data in an iterative process to drive decisions about how learning assistance program funds continue to be used, and to determine whether decisions about the use of program funds resulted in improvement in students' academic achievement.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.165 RCW to be codified between RCW 28A.165.005 and 28A.165.065 to read as follows:

(1) Immediately upon the effective date of this section and through the later of: (a) The expiration or termination of Proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19; or (b) September 1, 2025, school districts must budget and expend the appropriations for the learning assistance program, under RCW 28A.165.005 through 28A.165.065, to identify and address the academic and nonacademic needs of students resulting from and exacerbated by the COVID-19 pandemic.

(2) During the time period described in subsection (1) of this section, school districts are encouraged to budget and

expend the appropriations for the learning assistance program, under RCW 28A.165.005 through 28A.165.065, using the framework of the Washington integrated student supports protocol, established under RCW 28A.300.139.

(3) If a school district elects to budget and expend learning assistance program funds using the framework of the Washington integrated student supports protocol, a district may use up to 15 percent of the district's learning assistance program allocation to deliver academic, nonacademic, and social-emotional supports and services to students through partnerships with community-based or other out-of-school organizations in accordance with RCW 28A.300.139. Any agreement entered into by a school district and a community partner in accordance with RCW 28A.300.139 must:

(a) Specify that learning assistance program funds may be used only to provide direct supports and services to students;

(b) Clearly identify the academic, nonacademic, or social-emotional supports and services that will be made available to students by the community partner and how those supports and services align to the needs of the students as identified in the student-level needs assessment required by RCW 28A.300.139; and

(c) Identify the in-school supports that will be reinforced by the supports and services provided by the community partner to promote student progress towards meeting academic standards.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.165 RCW to be codified between RCW 28A.165.005 and 28A.165.065 to read as follows:

(1) While the state allocations for the learning assistance program under this chapter are intended to be flexible dollars within the control of the public school and school district, this local control must be balanced with local accountability for improvement in student achievement.

(2) School district boards of directors must budget and expend the appropriations for the learning assistance program, under RCW 28A.165.005 through 28A.165.065, using the framework of the Washington integrated student supports protocol, established under RCW 28A.300.139.

(3) A district may use up to 15 percent of the district's learning assistance program allocation to deliver academic, nonacademic, and social-emotional supports and services to students through partnerships with community-based or other out-of-school organizations in accordance with RCW 28A.300.139. Any agreement entered into by a school district and a community partner in accordance with RCW 28A.300.139 must:

(a) Specify that learning assistance program funds may be used only to provide direct supports and services to students;

(b) Clearly identify the academic, nonacademic, or social-emotional supports and services that will be made available to students by the community partner and how those supports and services align to the needs of the students as identified in the student-level needs assessment required by RCW 28A.300.139; and

(c) Identify the in-school supports that will be reinforced by the supports and services provided by the community partner to promote student progress towards meeting academic standards.

Sec. 4. RCW 28A.300.139 and 2016 c 72 s 801 are each amended to read as follows:

(1) ((~~Subject to the availability of amounts appropriated for this specific purpose, the~~)) The Washington integrated student supports protocol is established. The protocol shall be developed by the center for the improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

(a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;

(b) Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;

(c) Encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;

(d) Increasing public awareness of the evidence showing that academic outcomes

are a result of both academic and nonacademic factors; and

(e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.

(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:

(i) Needs assessments: A system-level needs assessment with resource mapping must be conducted in order to identify academic and nonacademic supports that are currently available or lacking in schools, school districts, and the community. A student-level needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.

(ii) Integration and coordination: The school and district leadership and staff must ((~~develop close relationships~~)) establish clear, cooperative policies and procedures with community-based and other out-of-school providers of academic and nonacademic supports to enhance the effectiveness of the protocol.

(iii) Community partnerships: Community partners must be engaged to provide academic, nonacademic, and social-emotional supports to reduce barriers to students' academic success, including supports to students' families.

(iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.

Sec. 5. RCW 28A.165.005 and 2017 3rd sp.s. c 13 s 403 are each amended to read as follows:

((~~(1)~~)) This chapter is designed to: ((~~(a)~~)) (1) Promote the use of data when developing programs to assist students who are not meeting academic standards ((~~and reduce disruptive behaviors in the classroom~~)); and ((~~(b)~~)) (2) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist students who are not meeting academic standards ((~~and reduce disruptive behaviors in the classroom~~)).

((~~(2) School districts implementing a learning assistance program shall focus first on addressing the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy.~~))

Sec. 6. RCW 28A.165.015 and 2017 3rd sp.s. c 13 s 404 are each amended to read as follows:

Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(2) ((~~"Participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level using multiple measures of performance, including on the statewide student assessments or other assessments and performance measurement tools administered by the school or district and who is identified by the district to receive services.~~

~~(3)~~)) "Statewide student assessments" means one or more of the assessments administered by school districts as required under RCW 28A.655.070.

((~~(4)~~)) (3) "Students who are not meeting academic standards" means students with the greatest academic

deficits in basic skills as identified by statewide, school, or district assessments or other performance measurement tools.

Sec. 7. RCW 28A.165.065 and 2013 2nd sp.s. c 18 s 206 are each amended to read as follows:

To ensure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor learning assistance programs using, at minimum, data reported as required under RCW 28A.165.100, no less than once every four years. The primary purpose of program monitoring is to evaluate the effectiveness of a school district's allocation and expenditure of resources and monitor school district fidelity in implementing best practices using the framework of the Washington integrated student supports protocol, established under RCW 28A.300.139. The office of the superintendent of public instruction may provide technical assistance to school districts to improve the effectiveness of a learning assistance program.

Sec. 8. RCW 28A.165.100 and 2019 c 208 s 1 are each amended to read as follows:

(1) School districts shall record in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction.

(2) ((~~By August 1, 2014, and each~~)) Annually September 30th ((~~thereafter~~)), school districts shall report to the office of the superintendent of public instruction, using a common format prepared by the office:

(a) The amount of academic growth gained by students participating in the learning assistance program;

(b) The number of students who gain at least one year of academic growth;

(c) The specific practices, activities, and programs used by each school building that received learning assistance program funding; ((~~and~~))

(d) The percentage of learning assistance program funding used to engage community partners, the number of students receiving direct supports and services from those community partners, and the types of supports and services; and

(e) Other data if required by the office of the superintendent of public instruction to demonstrate the efficacy of the learning assistance program expenditures to show student academic growth gains including indicators aligned with the accountability framework for schools receiving support under RCW 28A.657.110.

(3) By January 1, 2020, and each January 1st thereafter, the office of the superintendent of public instruction shall compile the school district data reported as required by subsection (2) of this section, and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature with the annual and longitudinal gains for the specific practices, activities, and programs used by the school districts and schools to show which are the most effective. The data must be disaggregated by student subgroups as described in RCW 28A.300.042(1) for student-level data.

Sec. 9. RCW 28A.300.130 and 2016 c 72 s 804 are each amended to read as follows:

Provisions in subsections (1) through (5) of this section are subject to the availability of amounts appropriated for these specific purposes.

(1) To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction((~~, subject to the availability of amounts appropriated for this specific purpose,~~)) shall establish the center for the improvement of student learning. The center shall work in conjunction with parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center, ((~~subject to the availability of amounts appropriated for this specific purpose, and~~)) in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational

improvement initiatives in Washington schools and districts;

(b) Provide best practices research that can be used to help schools develop and implement: Programs and practices to improve instruction; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the needs of students with disabilities; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(c) Periodically review the efficacy of programs and practices designed to meet the needs of students who are not meeting academic standards as defined in RCW 28A.165.015, starting with the best practices and strategies included on the state menus developed under RCW 28A.165.035, as repealed by this act, and RCW 28A.655.235, and the services and activities listed in RCW 28A.165.035, as repealed by this act;

(d) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

((~~(d)~~)) (e) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

((~~(e)~~)) (f) Provide training and consultation services, including conducting regional summer institutes;

((~~(f)~~)) (g) Identify strategies for improving the success rates of ethnic and racial student groups and students with disabilities, with disproportionate academic achievement;

((~~(g)~~)) (h) Work with parents, teachers, and school districts in establishing a model absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of the superintendent of public instruction shall consider various types of communication with parents including, but not limited to, email, phone, and postal mail; ((~~and~~

~~(h)~~)) (i) By December 1, 2026, and by December 1st annually thereafter: (i) Review the learning assistance program information submitted as required by RCW 28A.165.100; and (ii) report to the appropriate committees of the legislature with a summary of the innovations made by school districts to reduce barriers to the academic achievement of students participating in the learning assistance program; and

(j) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for the improvement of student learning, how the services provided by the center for the improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community

involvement in the public education system.

Sec. 10. RCW 28A.305.130 and 2019 c 252 s 112 are each amended to read as follows:

The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability framework that creates a unified system of increasing levels of support for schools in order to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business;

(2) Form committees as necessary to effectively and efficiently conduct the work of the board;

(3) Seek advice from the public and interested parties regarding the work of the board;

(4) For purposes of statewide accountability:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students ((~~from disproportionately academically underachieving racial and ethnic backgrounds~~)) who are not meeting academic standards as defined in RCW 28A.165.015, disaggregated as described in RCW 28A.300.042(1) for student-level data. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b)(i)(A) Identify the scores students must achieve in order to meet the standard on the statewide student assessment, and the SAT or the ACT if used to demonstrate career and college readiness under RCW 28A.655.250. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose;

(B) To permit the legislature to take any statutory action it deems warranted before modified or newly established scores are implemented, the board shall notify the education committees of the house of representatives and the senate of any scores that are modified or established under (b)(i)(A) of this subsection on or after July 28, 2019. The notifications required by this subsection (4)(b)(i)(B) must be provided by November 30th of the year proceeding the beginning of the school year in which the modified or established scores will take effect;

(ii) The legislature intends to continue the implementation of chapter 22, Laws of 2013 2nd sp. sess. when the legislature expressed the intent for the state board of education to identify the student performance standard that demonstrates a student's career and college readiness for the eleventh grade consortium-developed assessments. Therefore, by December 1, 2018, the state

board of education, in consultation with the superintendent of public instruction, must identify and report to the governor and the education policy and fiscal committees of the legislature on the equivalent student performance standard that a tenth grade student would need to achieve on the state assessments to be on track to be career and college ready at the end of the student's high school experience;

(iii) The legislature shall be advised of the initial performance standards and any changes made to the elementary, middle, and high school level performance standards. The board must provide an explanation of and rationale for all initial performance standards and any changes, for all grade levels of the statewide student assessment. If the board changes the performance standards for any grade level or subject, the superintendent of public instruction must recalculate the results from the previous ten years of administering that assessment regarding students below, meeting, and beyond the state standard, to the extent that this data is available, and post a comparison of the original and recalculated results on the superintendent's web site;

(c) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and

(d) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board;

(5) Accredit, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve. However, no private school may be approved that operates a kindergarten program only and no private school shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials;

(6) Articulate with the institutions of higher education, workforce representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system;

(7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The board may delegate to the executive director by resolution such duties as deemed necessary to efficiently carry on the business of the board including, but not limited to, the authority to employ necessary personnel and the authority to enter into, amend, and terminate contracts on behalf of the board. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW; and

(8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

Sec. 11. RCW 28A.320.190 and 2019 c 252 s 113 are each amended to read as follows:

(1) The extended learning opportunities program is created for eligible ((~~eleventh and~~)) ninth through twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

(2) Under the extended learning opportunities program and to the extent funds are available for that purpose, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under RCW 28A.150.220(5).

(3) Under the extended learning opportunities program, instructional services for eligible students can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

(a) Individual or small group instruction;

(b) Attendance in a public high school or public alternative school classes or at a skill center;

(c) Inclusion in remediation programs, including summer school;

(d) Language development instruction for English language learners;

(e) Online curriculum and instructional support, including programs for credit retrieval and statewide student assessment preparatory classes; and

(f) Reading improvement specialists available at the educational service districts to serve eighth((~~, eleventh, and~~)) through twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to continue a fifth year in a high school program who are still struggling with basic reading skills.

Sec. 12. RCW 28A.710.280 and 2018 c 266 s 403 are each amended to read as follows:

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average salaries set forth in RCW 28A.150.410 for certificated instructional staff adjusted by the regionalization factor that applies to the school district in which the charter school is geographically located, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for ((~~underachieving~~)) students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required

by this section and to comply with federal reporting requirements.

NEW SECTION. **Sec. 13.** RCW 28A.165.035 (Program activities—Partnerships with local entities—Development and use of state menus of best practices and strategies) and 2018 c 75 s 7, 2016 c 72 s 803, 2013 2nd sp.s. c 18 s 203, 2008 c 321 s 4, & 2004 c 20 s 4 are each repealed.

NEW SECTION. **Sec. 14.** Section 2 of this act expires at the later of either: (1) The expiration or termination of Proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19; or (2) September 1, 2025.

NEW SECTION. **Sec. 15.** Section 3 of this act takes effect at the later of either: (1) The expiration or termination of Proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19; or (2) September 1, 2025.

NEW SECTION. **Sec. 16.** The office of the governor must provide written notice of the expiration date of section 2 of this act and the effective date of section 3 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office of the governor.

NEW SECTION. **Sec. 17.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 7 of the title, after "protocol;" strike the remainder of the title and insert "amending RCW 28A.300.139, 28A.165.005, 28A.165.015, 28A.165.065, 28A.165.100, 28A.300.130, 28A.305.130, 28A.320.190, and 28A.710.280; adding new sections to chapter 28A.165 RCW; creating new sections; repealing RCW 28A.165.035; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1208 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Santos and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1208, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1208, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Klippert, Kraft, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 1208, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 8, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.18.030 and 2019 c 356 s 5, 2019 c 232 s 24, and 2019 c 23 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Active duty" means service authorized by the president of the United States, the secretary of defense, or the governor for a period of more than ((~~thirty~~)) 30 consecutive days.

(2) "Certificate of inspection" means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of chapter 5.50 RCW by a qualified inspector that states that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective, hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.

(3) "Commercially reasonable manner," with respect to a sale of a deceased tenant's personal property, means a sale where every aspect of the sale, including the method, manner, time, place, and other terms, must be commercially reasonable. If commercially reasonable, a landlord may sell the tenant's property by public or private proceedings, by one or more contracts, as a unit or in parcels, and at any time and place and on any terms.

(4) "Comprehensive reusable tenant screening report" means a tenant screening report prepared by a consumer reporting agency at the direction of and paid for by the prospective tenant and made available directly to a prospective landlord at no charge, which contains all of the following: (a) A consumer credit report prepared by a consumer reporting agency within the past ((~~thirty~~)) 30 days; (b) the prospective tenant's criminal history; (c) the prospective tenant's eviction history; (d) an employment verification; and (e) the prospective tenant's address and rental history.

(5) "Criminal history" means a report containing or summarizing (a) the prospective tenant's criminal convictions and pending cases, the final disposition of which antedates the report by no more than seven years, and (b) the results of a sex offender registry and United States department of the treasury's office of foreign assets control search, all based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(6) "Designated person" means a person designated by the tenant under RCW 59.18.590.

(7) "Distressed home" has the same meaning as in RCW 61.34.020.

(8) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(9) "Distressed home purchaser" has the same meaning as in RCW 61.34.020.

(10) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

(11) "Eviction history" means a report containing or summarizing the contents of any records of unlawful detainer actions concerning the prospective tenant that are reportable in accordance with state law, are lawful for landlords to consider, and are obtained after a search based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(12) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(13) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

(14) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least ((~~thirty~~)) 30 days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed property conveyance.

(15) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

(16) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(17) "Orders" means written official military orders, or any written notification, certification, or verification from the service member's commanding officer, with respect to the service member's current or future military status.

(18) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(19) "Permanent change of station" means: (a) Transfer to a unit located at another port or duty station; (b) change in a unit's home port or permanent duty station; (c) call to active duty for a period not less than ((~~ninety~~)) 90 days; (d) separation; or (e) retirement.

(20) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(21) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

(22) "Property" or "rental property" means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex.

(23) "Prospective landlord" means a landlord or a person who advertises, solicits, offers, or otherwise holds a dwelling unit out as available for rent.

(24) "Prospective tenant" means a tenant or a person who has applied for residential housing that is governed under this chapter.

(25) "Qualified inspector" means a United States department of housing and urban development certified inspector; a Washington state licensed home inspector; an American society of home inspectors certified inspector; a private inspector certified by the national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.

(26) "Reasonable attorneys' fees," where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service

properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

(27) "Reasonable manner," with respect to disposing of a deceased tenant's personal property, means to dispose of the property by donation to a not-for-profit charitable organization, by removal of the property by a trash hauler or recycler, or by any other method that is reasonable under the circumstances.

(28) "Rent" or "rental amount" means recurring and periodic charges identified in the rental agreement for the use and occupancy of the premises, which may include charges for utilities. Except as provided in RCW 59.18.283(3), these terms do not include nonrecurring charges for costs incurred due to late payment, damages, deposits, legal costs, or other fees, including attorneys' fees.

(29) "Rental agreement" or "lease" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

(30) "Service member" means an active member of the United States armed forces, a member of a military reserve component, or a member of the national guard who is either stationed in or a resident of Washington state.

(31) A "single-family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single-family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

(32) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

(33) "Tenant representative" means:

(a) A personal representative of a deceased tenant's estate if known to the landlord;

(b) If the landlord has no knowledge that a personal representative has been appointed for the deceased tenant's estate, a person claiming to be a successor of the deceased tenant who has provided the landlord with proof of death and an affidavit made by the person that meets the requirements of RCW 11.62.010(2);

(c) In the absence of a personal representative under (a) of this subsection or a person claiming to be a successor under (b) of this subsection, a designated person; or

(d) In the absence of a personal representative under (a) of this subsection, a person claiming to be a successor under (b) of this subsection, or a designated person under (c) of this subsection, any person who provides the landlord with reasonable evidence that he or she is a successor of the deceased tenant as defined in RCW 11.62.005. The landlord has no obligation to identify all of the deceased tenant's successors.

(34) "Tenant screening" means using a consumer report or other information about a prospective tenant in deciding whether to make or accept an offer for residential rental property to or from a prospective tenant.

(35) "Tenant screening report" means a consumer report as defined in RCW 19.182.010 and any other information collected by a tenant screening service.

(36) "Immediate family" includes state registered domestic partner, spouse, parents, grandparents, children, including foster children, siblings, and in-laws.

(37) "Subsidized housing" refers to rental housing for very low-income or low-income households that is a dwelling unit operated directly by a public housing authority or its affiliate, or that is insured, financed, or assisted in whole or in part through one of the following sources:

(a) A federal program or state housing program administered by the department of commerce or the Washington state housing finance commission;

(b) A federal housing program administered by a city or county government;

(c) An affordable housing levy authorized under RCW 84.52.105; or

(d) The surcharges authorized in RCW 36.22.178 and 36.22.179 and any of the

surcharges authorized in chapter 43.185C RCW.

(38) "Transitional housing" means housing units owned, operated, or managed by a nonprofit organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than twenty-four months, or longer if the program is limited to tenants within a specified age range or the program is intended for tenants in need of time to complete and transition from educational or training or service programs.

NEW SECTION. **Sec. 2.** A new section is added to chapter 59.18 RCW to read as follows:

(1)(a) A landlord may not evict a tenant, refuse to continue a tenancy, or end a periodic tenancy except for the causes enumerated in subsection (2) of this section and as otherwise provided in this subsection.

(b) If a landlord and tenant enter into a rental agreement that provides for the tenancy to continue for an indefinite period on a month-to-month or periodic basis after the agreement expires, the landlord may not end the tenancy except for the causes enumerated in subsection (2) of this section; however, a landlord may end such a tenancy at the end of the initial period of the rental agreement without cause only if:

(i) At the inception of the tenancy, the landlord and tenant entered into a rental agreement between six and 12 months; and

(ii) The landlord has provided the tenant before the end of the initial lease period at least 60 days' advance written notice ending the tenancy, served in a manner consistent with RCW 59.12.040.

(c) If a landlord and tenant enter into a rental agreement for a specified period in which the tenancy by the terms of the rental agreement does not continue for an indefinite period on a month-to-month or periodic basis after the end of the specified period, the landlord may end such a tenancy without cause upon expiration of the specified period only if:

(i) At the inception of the tenancy, the landlord and tenant entered into a rental agreement of 12 months or more for a specified period, or the landlord and tenant have continuously and without interruption entered into successive rental agreements of six months or more for a specified period since the inception of the tenancy;

(ii) The landlord has provided the tenant before the end of the specified period at least 60 days' advance written notice that the tenancy will be deemed expired at the end of such specified period, served in a manner consistent with RCW 59.12.040; and

(iii) The tenancy has not been for an indefinite period on a month-to-month or periodic basis at any point since the inception of the tenancy. However, for any tenancy of an indefinite period in existence as of the effective date of this section, if the landlord and tenant enter into a rental agreement between the effective date of this section and three months following the expiration of the governor's proclamation 20-19.6 or any extensions thereof, the landlord may exercise rights under this subsection (1)(c) as if the rental agreement was entered into at the inception of the tenancy provided that the rental agreement is otherwise in accordance with this subsection (1)(c).

(d) For all other tenancies of a specified period not covered under (b) or (c) of this subsection, and for tenancies of an indefinite period on a month-to-month or periodic basis, a landlord may not end the tenancy except for the causes enumerated in subsection (2) of this section. Upon the end date of the tenancy of a specified period, the tenancy becomes a month-to-month tenancy.

(e) Nothing prohibits a landlord and tenant from entering into subsequent lease agreements that are in compliance with the requirements in subsection (2) of this section.

(f) A tenant may end a tenancy for a specified time by providing notice in writing not less than 20 days prior to the ending date of the specified time.

(2) The following reasons listed in this subsection constitute cause pursuant to subsection (1) of this section:

(a) The tenant continues in possession in person or by subtenant after a default

in the payment of rent, and after written notice requiring, in the alternative, the payment of the rent or the surrender of the detained premises has remained uncomplied with for the period set forth in RCW 59.12.030(3) for tenants subject to this chapter. The written notice may be served at any time after the rent becomes due;

(b) The tenant continues in possession after substantial breach of a material program requirement of subsidized housing, material term subscribed to by the tenant within the lease or rental agreement, or a tenant obligation imposed by law, other than one for monetary damages, and after the landlord has served written notice specifying the acts or omissions constituting the breach and requiring, in the alternative, that the breach be remedied or the rental agreement will end, and the breach has not been adequately remedied by the date specified in the notice, which date must be at least 10 days after service of the notice;

(c) The tenant continues in possession after having received at least three days' advance written notice to quit after he or she commits or permits waste or nuisance upon the premises, unlawful activity that affects the use and enjoyment of the premises, or other substantial or repeated and unreasonable interference with the use and enjoyment of the premises by the landlord or neighbors of the tenant;

(d) The tenant continues in possession after the landlord of a dwelling unit in good faith seeks possession so that the owner or his or her immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available to house the owner or his or her immediate family in the same building, and the owner has provided at least 90 days' advance written notice of the date the tenant's possession is to end. There is a rebuttable presumption that the owner did not act in good faith if the owner or immediate family fails to occupy the unit as a principal residence for at least 60 consecutive days during the 90 days immediately after the tenant vacated the unit pursuant to a notice to vacate using this subsection (2)(d) as the cause for the lease ending;

(e) The tenant continues in possession after the owner elects to sell a single-family residence and the landlord has provided at least 90 days' advance written notice of the date the tenant's possession is to end. For the purposes of this subsection (2)(e), an owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for sale at a reasonable price by listing it on the real estate multiple listing service. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:

(i) Within 30 days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price by listing it on the real estate multiple listing service; or

(ii) Within 90 days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, the landlord rents the unit to someone other than the former tenant, or the landlord otherwise indicates that the owner does not intend to sell the unit;

(f) The tenant continues in possession of the premises after the landlord serves the tenant with advance written notice pursuant to RCW 59.18.200(2)(c);

(g) The tenant continues in possession after the owner elects to withdraw the premises to pursue a conversion pursuant to RCW 64.34.440 or 64.90.655;

(h) The tenant continues in possession, after the landlord has provided at least 30 days' advance written notice to vacate that: (i) The premises has been certified or condemned as uninhabitable by a local agency charged with the authority to issue such an order; and (ii) continued habitation of the premises would subject the landlord to civil or criminal penalties. However, if the terms of the local agency's order do not allow the landlord to provide at least 30 days' advance written notice, the landlord must provide as much advance written notice as is possible and still comply with the order;

(i) The tenant continues in possession after an owner or lessor, with whom the tenant shares the dwelling unit or access to a common kitchen or bathroom area, has served at least 20 days' advance written

notice to vacate prior to the end of the rental term or, if a periodic tenancy, the end of the rental period;

(j) The tenant continues in possession of a dwelling unit in transitional housing after having received at least 30 days' advance written notice to vacate in advance of the expiration of the transitional housing program, the tenant has aged out of the transitional housing program, or the tenant has completed an educational or training or service program and is no longer eligible to participate in the transitional housing program. Nothing in this subsection (2)(j) prohibits the ending of a tenancy in transitional housing for any of the other causes specified in this subsection;

(k) The tenant continues in possession of a dwelling unit after the expiration of a rental agreement without signing a proposed new rental agreement proffered by the landlord; provided, that the landlord proffered the proposed new rental agreement at least 30 days prior to the expiration of the current rental agreement and that any new terms and conditions of the proposed new rental agreement are reasonable. This subsection (2)(k) does not apply to tenants whose tenancies are or have become periodic;

(l) The tenant continues in possession after having received at least 30 days' advance written notice to vacate due to intentional, knowing, and material misrepresentations or omissions made on the tenant's application at the inception of the tenancy that, had these misrepresentations or omissions not been made, would have resulted in the landlord requesting additional information or taking an adverse action;

(m) The tenant continues in possession after having received at least 60 days' advance written notice to vacate for other good cause prior to the end of the period or rental agreement and such cause constitutes a legitimate economic or business reason not covered or related to a basis for ending the lease as enumerated under this subsection (2). When the landlord relies on this basis for ending the tenancy, the court may stay any writ of restitution for up to 60 additional days for good cause shown, including difficulty procuring alternative housing. The court must condition such a stay upon the tenant's continued payment of rent during the stay period. Upon granting such a stay, the court must award court costs and fees as allowed under this chapter;

(n)(i) The tenant continues in possession after having received at least 60 days' written notice to vacate prior to the end of the period or rental agreement and the tenant has committed four or more of the following violations, other than ones for monetary damages, within the preceding 12-month period, the tenant has remedied or cured the violation, and the landlord has provided the tenant a written warning notice at the time of each violation: A substantial breach of a material program requirement of subsidized housing, a substantial breach of a material term subscribed to by the tenant within the lease or rental agreement, or a substantial breach of a tenant obligation imposed by law;

(ii) Each written warning notice must:

(A) Specify the violation;

(B) Provide the tenant an opportunity to cure the violation;

(C) State that the landlord may choose to end the tenancy at the end of the rental term if there are four violations within a 12-month period preceding the end of the term; and

(D) State that correcting the fourth or subsequent violation is not a defense to the ending of the lease under this subsection;

(iii) The 60-day notice to vacate must:

(A) State that the rental agreement will end upon the specified ending date for the rental term or upon a designated date not less than 60 days after the delivery of the notice, whichever is later;

(B) Specify the reason for ending the lease and supporting facts; and

(C) Be served to the tenant concurrent with or after the fourth or subsequent written warning notice;

(iv) The notice under this subsection must include all notices supporting the basis of ending the lease;

(v) Any notices asserted under this subsection must pertain to four or more separate incidents or occurrences; and

(vi) This subsection (2)(n) does not absolve a landlord from demonstrating by

admissible evidence that the four or more violations constituted breaches under (b) of this subsection at the time of the violation had the tenant not remedied or cured the violation;

(o) The tenant continues in possession after having received at least 60 days' advance written notice to vacate prior to the end of the rental period or rental agreement if the tenant is required to register as a sex offender during the tenancy, or failed to disclose a requirement to register as a sex offender when required in the rental application or otherwise known to the property owner at the beginning of the tenancy;

(p) The tenant continues in possession after having received at least 20 days' advance written notice to vacate prior to the end of the rental period or rental agreement if the tenant has made unwanted sexual advances or other acts of sexual harassment directed at the property owner, property manager, property employee, or another tenant based on the person's race, gender, or other protected status in violation of any covenant or term in the lease.

(3) When a tenant has permanently vacated due to voluntary or involuntary events, other than by the ending of the tenancy by the landlord, a landlord must serve a notice to any remaining occupants who had coresided with the tenant at least six months prior to and up to the time the tenant permanently vacated, requiring the occupants to either apply to become a party to the rental agreement or vacate within 30 days of service of such notice. In processing any application from a remaining occupant under this subsection, the landlord may require the occupant to meet the same screening, background, and financial criteria as would any other prospective tenant to continue the tenancy. If the occupant fails to apply within 30 days of receipt of the notice in this subsection, or the application is denied for failure to meet the criteria, the landlord may commence an unlawful detainer action under this chapter. If an occupant becomes a party to the tenancy pursuant to this subsection, a landlord may not end the tenancy except as provided under subsection (2) of this section. This subsection does not apply to tenants residing in subsidized housing.

(4) A landlord who removes a tenant or causes a tenant to be removed from a dwelling in any way in violation of this section is liable to the tenant for wrongful eviction, and the tenant prevailing in such an action is entitled to the greater of their economic and noneconomic damages or three times the monthly rent of the dwelling at issue, and reasonable attorneys' fees and court costs.

(5) Nothing in subsection (2)(d), (e), or (f) of this section permits a landlord to end a tenancy for a specified period before the completion of the term unless the landlord and the tenant mutually consent, in writing, to ending the tenancy early and the tenant is afforded at least 60 days to vacate.

(6) All written notices required under subsection (2) of this section must:

(a) Be served in a manner consistent with RCW 59.12.040; and

(b) Identify the facts and circumstances known and available to the landlord at the time of the issuance of the notice that support the cause or causes with enough specificity so as to enable the tenant to respond and prepare a defense to any incidents alleged. The landlord may present additional facts and circumstances regarding the allegations within the notice if such evidence was unknown or unavailable at the time of the issuance of the notice.

Sec. 3. RCW 59.18.200 and 2019 c 339 s 1 and 2019 c 23 s 2 are each reenacted and amended to read as follows:

(1)(a) When premises are rented for an indefinite time, with monthly or other periodic rent reserved, such tenancy shall be construed to be a tenancy from month to month, or from period to period on which rent is payable, and shall ((~~be terminated~~)) end by written notice of ((~~twenty~~)) 20 days or more, preceding the end of any of the months or periods of tenancy, given by ((~~either party~~)) the tenant to the ((~~other~~)) landlord.

(b) Any tenant who is a member of the armed forces, including the national guard and armed forces reserves, or that tenant's spouse or dependent, may ((~~terminate~~)) end a rental agreement with less than ((~~twenty~~)) 20 days' written notice if the tenant receives permanent change of station or deployment orders that do not allow a ((~~twenty~~)) 20-day written notice.

(2)(a) Whenever a landlord plans to change to a policy of excluding children,

the landlord shall give a written notice to a tenant at least ((~~ninety~~)) 90 days before ((~~termination of~~)) the tenancy ends to effectuate such change in policy. Such ((~~ninety~~)) 90-day notice shall be in lieu of the notice required by subsection (1) of this section. However, if after giving the ((~~ninety~~)) 90-day notice the change in policy is delayed, the notice requirements of subsection (1) of this section shall apply unless waived by the tenant.

(b) Whenever a landlord plans to change any apartment or apartments to a condominium form of ownership, the landlord shall provide a written notice to a tenant at least ((~~one hundred twenty~~)) 120 days before ((~~termination of~~)) the tenancy ends, in compliance with RCW 64.34.440(1), to effectuate such change. The ((~~one hundred twenty-day~~)) 120-day notice is in lieu of the notice required in subsection (1) of this section. However, if after providing the ((~~one hundred twenty-day~~)) 120-day notice the change to a condominium form of ownership is delayed, the notice requirements in subsection (1) of this section apply unless waived by the tenant.

(c)(i) Whenever a landlord plans to demolish or substantially rehabilitate premises or plans a change of use of premises, the landlord shall provide a written notice to a tenant at least ((~~one hundred twenty~~)) 120 days before ((~~termination of~~)) the tenancy ends. This subsection (2)(c)(i) does not apply to jurisdictions that have created a relocation assistance program under RCW 59.18.440 and otherwise provide ((~~one hundred twenty~~)) 120 days' notice.

(ii) For purposes of this subsection (2)(c):

(A) "Assisted housing development" means a multifamily rental housing development that either receives government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives other federal, state, or local government assistance and is subject to use restrictions.

(B) "Change of use" means: (I) Conversion of any premises from a residential use to a nonresidential use that results in the displacement of an existing tenant; (II) conversion from one type of residential use to another type of residential use that results in the displacement of an existing tenant, such as conversion to a retirement home, emergency shelter, or transient hotel; or (III) conversion following removal of use restrictions from an assisted housing development that results in the displacement of an existing tenant: PROVIDED, That displacement of an existing tenant in order that the owner or a member of the owner's immediate family may occupy the premises does not constitute a change of use.

(C) "Demolish" means the destruction of premises or the relocation of premises to another site that results in the displacement of an existing tenant.

(D) "Substantially rehabilitate" means extensive structural repair or extensive remodeling of premises that requires a permit such as a building, electrical, plumbing, or mechanical permit, and that results in the displacement of an existing tenant.

((~~(3) A person in violation of subsection (2)(c)(i) of this section may be held liable in a civil action up to three times the monthly rent of the real property at issue. The prevailing party may also recover court costs and reasonable attorneys' fees.~~))

Sec. 4. RCW 59.18.220 and 2019 c 23 s 3 are each amended to read as follows:

(1) ((~~In all~~)) Except as limited under section 2 of this act, in cases where premises are rented for a specified time, by express or implied contract, the tenancy shall be deemed ((~~terminated~~)) expired at the end of such specified time upon notice consistent with section 2 of this act, served in a manner consistent with RCW 59.12.040.

(2) Any tenant who is a member of the armed forces, including the national guard and armed forces reserves, or that tenant's spouse or dependent, may ((~~terminate~~)) end a tenancy for a specified time if the tenant receives permanent change of station or deployment orders. Before ((~~terminating~~)) ending the tenancy, the tenant, or that tenant's spouse or dependent, shall provide written notice of ((~~twenty~~)) 20 days or more to the landlord, which notice shall include a copy of the official military orders or a signed letter from the service member's commanding officer confirming any of the following criteria are met:

(a) The service member is required, pursuant to a permanent change of station orders, to move ((~~thirty-five~~)) 35 miles or more from the location of the rental premises;

(b) The service member is prematurely or involuntarily discharged or released from active duty;

(c) The service member is released from active duty after having leased the rental premises while on active duty status and the rental premises is ((~~thirty-five~~)) 35 miles or more from the service member's home of record prior to entering active duty;

(d) After entering into a rental agreement, the commanding officer directs the service member to move into government provided housing;

(e) The service member receives temporary duty orders, temporary change of station orders, or active duty orders to an area ((~~thirty-five~~)) 35 miles or more from the location of the rental premises, provided such orders are for a period not less than ((~~ninety~~)) 90 days; or

(f) The service member has leased the property, but prior to taking possession of the rental premises, receives change of station orders to an area that is ((~~thirty-five~~)) 35 miles or more from the location of the rental premises.

Sec. 5. RCW 59.18.230 and 2020 c 315 s 6 and 2020 c 177 s 2 are each reenacted and amended to read as follows:

(1)(a) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(b) A landlord may not threaten a tenant with eviction for failure to pay nonpossessory charges limited under RCW 59.18.283.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forgo rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorneys' fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into; or

(f) Agrees to pay late fees for rent that is paid within five days following its due date. If rent is more than five days past due, the landlord may charge late fees commencing from the first day after the due date until paid. Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord ((~~deliberately~~)) knowingly uses a rental agreement containing provisions known by him or her to be prohibited, the tenant may recover actual damages sustained by him or her, statutory damages not to exceed ((~~five hundred dollars~~)) two times the monthly rent charged for the unit, costs of suit, and reasonable attorneys' fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant without the specific written consent of the tenant to such incident of taking or detention, and who, after written demand by the tenant for the return of his or her personal property, refuses to return the same promptly shall be liable to the tenant for the value of the property retained, actual damages, and if the refusal is intentional, may also be liable for damages of up to ((~~five hundred dollars~~)) $500 per day but not to exceed ((~~five thousand dollars~~)) $5,000, for each day or part of a day that the tenant is deprived of his or her property. The prevailing party may recover his or her costs of suit and a reasonable attorneys' fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his or her personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property.

Sec. 6. RCW 59.12.030 and 2019 c 356 s 2 are each amended to read as follows:

((~~A~~)) Except as limited under section 2 of this act relating to tenancies under chapter 59.18 RCW, a tenant of real property for a term less than life is liable for unlawful detainer either:

(1) When he or she holds over or continues in possession, in person or by subtenant, of the property or any part thereof after the expiration of the term for which it is let to him or her. When real property is leased for a specified term or period by express or implied contract, whether written or oral, the tenancy shall ((~~be terminated~~)) end without notice at the expiration of the specified term or period;

(2) When he or she, having leased property for an indefinite time with monthly or other periodic rent reserved, continues in possession thereof, in person or by subtenant, after the end of any such month or period, when the landlord, more than ((~~twenty~~)) 20 days prior to the end of such month or period, has served notice (in manner in RCW 59.12.040 provided) requiring him or her to quit the premises at the expiration of such month or period;

(3) When he or she continues in possession in person or by subtenant after a default in the payment of rent, and after notice in writing requiring in the alternative the payment of the rent or the surrender of the detained premises, served (in manner in RCW 59.12.040 provided) on behalf of the person entitled to the rent upon the person owing it, has remained uncomplied with for the period of three days after service, or for the period of ((~~fourteen~~)) 14 days after service for tenancies under chapter 59.18 RCW. The notice may be served at any time after the rent becomes due. For the purposes of this subsection and as applied to tenancies under chapter 59.18 RCW, "rent" has the same meaning as defined in RCW 59.18.030;

(4) When he or she continues in possession in person or by subtenant after a neglect or failure to keep or perform any condition or covenant of the lease or agreement under which the property is held, including any covenant not to assign or sublet, other than one for the payment of rent, and after notice in writing requiring in the alternative the performance of such condition or covenant or the surrender of the property, served (in manner in RCW 59.12.040 provided) upon him or her, and if there is a subtenant in actual possession of the premises, also upon such subtenant, shall remain uncomplied with for ((~~ten~~)) 10 days after service thereof. Within ((~~ten~~)) 10 days after the service of such notice the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform such condition or covenant and thereby save the lease from such forfeiture. For the purposes of this subsection and as applied to tenancies under chapter 59.18 RCW, "rent" has the same meaning as defined in RCW 59.18.030;

(5) When he or she commits or permits waste upon the demised premises, or when he or she sets up or carries on thereon any unlawful business, or when he or she erects, suffers, permits, or maintains on or about the premises any nuisance, and remains in possession after the service (in manner in RCW 59.12.040 provided) upon him or her of three days' notice to quit;

(6) A person who, without the permission of the owner and without having color of title thereto, enters upon land of another and who fails or refuses to remove therefrom after three days' notice, in writing and served upon him or her in the manner provided in RCW 59.12.040. Such person may also be subject to the criminal provisions of chapter 9A.52 RCW; or

(7) When he or she commits or permits any gang-related activity at the premises as prohibited by RCW 59.18.130.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and

its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "termination;" strike the remainder of the title and insert "amending RCW 59.18.220 and 59.12.030; reenacting and amending RCW 59.18.030, 59.18.200, and 59.18.230; adding a new section to chapter 59.18 RCW; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Macri spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1236, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1236, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 54; Nays, 44; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.70.052 and 2014 c 220 s 2 are each amended to read as follows:

(1)(a) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, the department shall ((~~continue to~~)) require hospitals to submit hospital financial and patient discharge information, including any applicable information reported pursuant to section 2 of this act, which shall be collected, maintained, analyzed, and disseminated by the department. The department shall, if deemed cost-effective and efficient, contract with a private entity for any or all parts of data collection. Data elements shall be reported in conformance with a uniform reporting system established by the department. This includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial and employee compensation information reasonably necessary to fulfill the purposes of this section.

(b) Data elements relating to use of hospital services by patients shall be the same as those currently compiled by hospitals through inpatient discharge abstracts. The department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(c) By January 1, 2023, the department must revise the uniform reporting system to further delineate hospital expenses reported in the other direct expense category in the statement of revenue and expense. The department must include the following additional categories of

expenses within the other direct expenses category:

(i) Blood supplies;

(ii) Contract staffing;

(iii) Information technology, including licenses and maintenance;

(iv) Insurance and professional liability;

(v) Laundry services;

(vi) Legal, audit, and tax professional services;

(vii) Purchased laboratory services;

(viii) Repairs and maintenance;

(ix) Shared services or system office allocation;

(x) Staff recruitment;

(xi) Training costs;

(xii) Taxes;

(xiii) Utilities; and

(xiv) Other noncategorized expenses.

(d) The department must revise the uniform reporting system to further delineate hospital revenues reported in the other operating revenue category in the statement of revenue and expense. The department must include the following additional categories of revenues within the other operating revenues category:

(i) Donations;

(ii) Grants;

(iii) Joint venture revenue;

(iv) Local taxes;

(v) Outpatient pharmacy;

(vi) Parking;

(vii) Quality incentive payments;

(viii) Reference laboratories;

(ix) Rental income;

(x) Retail cafeteria; and

(xi) Other noncategorized revenues.

(e)(i) A hospital, other than a hospital designated by medicare as a critical access hospital or sole community hospital, must report line items and amounts for any expenses or revenues in the other noncategorized expenses category in (c)(xiv) of this subsection or the other noncategorized revenues category in (d)(xi) of this subsection that either have a value: (A) Of $1,000,000 or more; or (B) representing one percent or more of the total expenses or total revenues; or

(ii) A hospital designated by medicare as a critical access hospital or sole community hospital must report line items and amounts for any expenses or revenues in the other noncategorized expenses category in (c)(xiv) of this subsection or the other noncategorized revenues category in (d)(xi) of this subsection that represent the greater of: (A) $1,000,000; or (B) one percent or more of the total expenses or total revenues.

(f) A hospital must report any money, including loans, received by the hospital or a health system to which it belongs from a federal, state, or local government entity in response to a national or state-declared emergency, including a pandemic. Hospitals must report this information as it relates to federal, state, or local money received after January 1, 2020, in association with the COVID-19 pandemic. The department shall provide guidance on reporting pursuant to this subsection.

(2) In identifying financial reporting requirements, the department may require both annual reports and condensed quarterly reports from hospitals, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of hospitals.

(3)(a) Beginning with compensation information for 2012, unless a hospital is operated on a for-profit basis, the department shall require a hospital licensed under chapter 70.41 RCW to annually submit employee compensation information. To satisfy employee compensation reporting requirements to the department, a hospital shall submit information as directed in (a)(i) or (ii) of this subsection. A hospital may determine whether to report under (a)(i) or (ii) of this subsection for purposes of reporting.

(i) Within one hundred thirty-five days following the end of each hospital's fiscal year, a nonprofit hospital shall file the appropriate schedule of the federal internal revenue service form 990 that identifies the employee compensation information with the department. If the lead administrator responsible for the hospital or the lead

administrator's compensation is not identified on the schedule of form 990 that identifies the employee compensation information, the hospital shall also submit the compensation information for the lead administrator as directed by the department's form required in (b) of this subsection.

(ii) Within one hundred thirty-five days following the end of each hospital's calendar year, a hospital shall submit the names and compensation of the five highest compensated employees of the hospital who do not have any direct patient responsibilities. Compensation information shall be reported on a calendar year basis for the calendar year immediately preceding the reporting date. If those five highest compensated employees do not include the lead administrator for the hospital, compensation information for the lead administrator shall also be submitted. Compensation information shall include base compensation, bonus and incentive compensation, other payments that qualify as reportable compensation, retirement and other deferred compensation, and nontaxable benefits.

(b) To satisfy the reporting requirements of this subsection (3), the department shall create a form and make it available no later than August 1, 2012. To the greatest extent possible, the form shall follow the format and reporting requirements of the portion of the internal revenue service form 990 schedule relating to compensation information. If the internal revenue service substantially revises its schedule, the department shall update its form.

(4) The health care data collected, maintained, and studied by the department shall only be available for retrieval in original or processed form to public and private requestors pursuant to subsection ((~~(7)~~)) (9) of this section and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(5) The department shall, in consultation and collaboration with ((~~the federally recognized~~)) tribes, urban or other Indian health service organizations, and the federal area Indian health service, design, develop, and maintain an American Indian-specific health data, statistics information system.

(6)(a) Except as provided in subsection (c) of this section, beginning January 1, 2023, patient discharge information reported by hospitals to the department must identify patients by race, ethnicity, gender identity, sexual orientation, preferred language, any disability, and zip code of primary residence. The department shall provide guidance on reporting pursuant to this subsection. When requesting demographic information under this subsection, a hospital must inform patients that providing the information is voluntary. If a hospital fails to report demographic information under this subsection because a patient refused to provide the information, the department may not take any action against the hospital for failure to comply with reporting requirements or other licensing standards on that basis.

(b) The department must develop a waiver process for the requirements of (a) of this subsection for a hospital that is certified by the centers for medicare and medicaid services as a critical access hospital, is certified by the centers of medicare and medicaid services as a sole community hospital, or qualifies as a medicare dependent hospital due to economic hardship, technological limitations that are not reasonably in the control of the hospital, or other exceptional circumstance demonstrated by the hospital. The waiver must be limited to one year or less, or for any other specified time frame set by the department. Hospitals may apply for waiver extensions.

(c) Subject to funding appropriated specifically for this purpose, the department shall establish a process no later than October 1, 2022, for any hospital that is certified by the centers for medicare and medicaid services as a critical access hospital, is certified by the centers for medicare and medicaid services as a sole community hospital, or qualifies as a medicare dependent hospital, to apply for a grant to support

updating the hospital's electronic health records system to comply with the requirements of this subsection, subject to the following:

(i) A hospital owned or operated by a health system that owns or operates two or more hospitals is not eligible to apply for a grant under this subsection;

(ii) In considering a hospital application, the department may consider information about the hospital's need for financial support to alter the hospital's electronic health records system, including, but not limited to, demonstrated costs necessary to update the hospital's current electronic health record system to comply with the requirements in this section and evidence of need for financial assistance. The department may provide grant amounts of varying sizes depending on the need of the applicant hospital;

(iii) A hospital that receives a grant under this section must update the hospital's electronic health records system to comply with the requirements of this section before the hospital may make other changes to its electronic health records system, except for changes that are required for security, compliance, or privacy purposes; and

(iv) A hospital that receives a grant under this section must comply with subsection (a) of this section no later than July 1, 2023.

(d) The department shall adopt rules to implement this subsection (6) no later than July 1, 2022.

(7) Beginning January 1, 2023, each hospital must report to the department, on a quarterly basis, the number of submitted and completed charity care applications that the hospital received in the prior quarter and the number of charity care applications approved in the prior quarter pursuant to the hospital's charity care policy, consistent with chapter 70.170 RCW. The department shall develop a standard form for hospitals to use in submitting information pursuant to this subsection.

(8) All persons subject to the data collection requirements of this section shall comply with departmental requirements established by rule in the acquisition of data.

((~~(7)~~)) (9) The department must maintain the confidentiality of patient discharge data it collects under subsections (1) and (6) of this section. Patient discharge data that includes direct and indirect identifiers is not subject to public inspection and the department may only release such data as allowed for in this section. Any agency that receives patient discharge data under (a) or (b) of this subsection must also maintain the confidentiality of the data and may not release the data except as consistent with subsection ((~~(8)~~)) (10)(b) of this section. The department may release the data as follows:

(a) Data that includes direct and indirect patient identifiers, as specifically defined in rule, may be released to:

(i) Federal, state, and local government agencies upon receipt of a signed data use agreement with the department; and

(ii) Researchers with approval of the Washington state institutional review board upon receipt of a signed confidentiality agreement with the department.

(b) Data that does not contain direct patient identifiers but may contain indirect patient identifiers may be released to agencies, researchers, and other persons upon receipt of a signed data use agreement with the department.

(c) Data that does not contain direct or indirect patient identifiers may be released on request.

((~~(8)~~)) (10) Recipients of data under subsection ((~~(7)~~)) (9)(a) and (b) of this section must agree in a written data use agreement, at a minimum, to:

(a) Take steps to protect direct and indirect patient identifying information as described in the data use agreement; and

(b) Not redisclose the data except as authorized in their data use agreement consistent with the purpose of the agreement.

((~~(9)~~)) (11) Recipients of data under subsection ((~~(7)~~)) (9)(b) and (c) of this section must not attempt to determine the identity of persons whose information is included in the data set or use the data in any manner that identifies individuals or their families.

((~~(10)~~)) (12) For the purposes of this section:

(a) "Direct patient identifier" means information that identifies a patient; and

(b) "Indirect patient identifier" means information that may identify a patient when combined with other information.

((~~(11)~~)) (13) The department must adopt rules necessary to carry out its responsibilities under this section. The department must consider national standards when adopting rules.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1)(a) Beginning July 1, 2022, for a health system operating a hospital licensed under chapter 70.41 RCW, the health system must annually submit to the department a consolidated annual income statement and balance sheet, including hospitals, ambulatory surgical facilities, health clinics, urgent care clinics, physician groups, health-related laboratories, long-term care facilities, home health agencies, dialysis facilities, ambulance services, behavioral health settings, and virtual care entities that are operated in Washington.

(b) The state auditor's office shall provide the department with audited financial statements for all hospitals owned or operated by a public hospital district under chapter 70.44 RCW. Public hospital districts are not required to submit additional information to the department under this subsection.

(2) The department must make information submitted under this section available in the same manner as hospital financial data.

NEW SECTION. **Sec. 3.** A new section is added to chapter 70.41 RCW to read as follows:

The department shall contract with the University of Washington school of nursing to lead an interdisciplinary study to analyze the impact of the number, type, education, training, and experience of acute care hospital staffing personnel on patient mortality and patient outcomes utilizing scientifically sound research methods most effective for all involved stakeholders. The University of Washington school of nursing must work in collaboration with the other schools in the University of Washington health sciences administration. The study should control for other contributing factors, including but not limited to access to equipment, patients' underlying conditions and diagnoses, patients' demographics information, the trauma level designation of the hospital, transfers from other hospitals, and external factors impacting hospital volumes. The study must be completed by September 1, 2022, and the department shall submit the study to the appropriate committees of the legislature by October 1, 2022.

Sec. 4. RCW 70.01.040 and 2012 c 184 s 1 are each amended to read as follows:

(1) Prior to the delivery of nonemergency services, a provider-based clinic that charges a facility fee shall provide a notice to any patient that the clinic is licensed as part of the hospital and the patient may receive a separate charge or billing for the facility component, which may result in a higher out-of-pocket expense.

(2) Each health care facility must post prominently in locations easily accessible to and visible by patients, including its website, a statement that the provider-based clinic is licensed as part of the hospital and the patient may receive a separate charge or billing for the facility, which may result in a higher out-of-pocket expense.

(3) Nothing in this section applies to laboratory services, imaging services, or other ancillary health services not provided by staff employed by the health care facility.

(4) As part of the year-end financial reports submitted to the department of health pursuant to RCW 43.70.052, all hospitals with provider-based clinics that bill a separate facility fee shall report:

(a) The number of provider-based clinics owned or operated by the hospital that charge or bill a separate facility fee;

(b) The number of patient visits at each provider-based clinic for which a facility fee was charged or billed for the year;

(c) The revenue received by the hospital for the year by means of facility fees at each provider-based clinic; and

(d) The range of allowable facility fees paid by public or private payers at each provider-based clinic.

(5) For the purposes of this section:

(a) "Facility fee" means any separate charge or billing by a provider-based clinic in addition to a professional fee for physicians' services that is intended to cover building, electronic medical records systems, billing, and other administrative and operational expenses.

(b) "Provider-based clinic" means the site of an off-campus clinic or provider office ((~~located at least two hundred fifty yards from the main hospital buildings or as determined by the centers for medicare and medicaid services,~~)) that is owned by a hospital licensed under chapter 70.41 RCW or a health system that operates one or more hospitals licensed under chapter 70.41 RCW, is licensed as part of the hospital, and is primarily engaged in providing diagnostic and therapeutic care including medical history, physical examinations, assessment of health status, and treatment monitoring. This does not include clinics exclusively designed for and providing laboratory, X-ray, testing, therapy, pharmacy, or educational services and does not include facilities designated as rural health clinics.

Sec. 5. RCW 70.41.470 and 2012 c 103 s 1 are each amended to read as follows:

(1) As of January 1, 2013, each hospital that is recognized by the internal revenue service as a 501(c)(3) nonprofit entity must make its federally required community health needs assessment widely available to the public and submit it to the department within fifteen days of submission to the internal revenue service. Following completion of the initial community health needs assessment, each hospital in accordance with the internal revenue service((~~,~~)) shall complete and make widely available to the public and submit to the department an assessment once every three years. The department must post the information submitted to it pursuant to this subsection on its website.

(2)(a) Unless contained in the community health needs assessment under subsection (1) of this section, a hospital subject to the requirements under subsection (1) of this section shall make public and submit to the department a description of the community served by the hospital, including both a geographic description and a description of the general population served by the hospital; and demographic information such as leading causes of death, levels of chronic illness, and descriptions of the medically underserved, low-income, and minority, or chronically ill populations in the community.

(b)(i) Beginning July 1, 2022, a hospital, other than a hospital designated by medicare as a critical access hospital or sole community hospital, that is subject to the requirements under subsection (1) of this section must annually submit to the department an addendum which details information about activities identified as community health improvement services with a cost of $5,000 or more. The addendum must include the type of activity, the method in which the activity was delivered, how the activity relates to an identified community need in the community health needs assessment, the target population for the activity, strategies to reach the target population, identified outcome metrics, the cost to the hospital to provide the activity, the methodology used to calculate the hospital's costs, and the number of people served by the activity. If a community health improvement service is administered by an entity other than the hospital, the other entity must be identified in the addendum.

(ii) Beginning July 1, 2022, a hospital designated by medicare as a critical access hospital or sole community hospital that is subject to the requirements under subsection (1) of this section must annually submit to the department an addendum which details information about the 10 highest cost activities identified as community health improvement services. The addendum must include the type of activity, the method in which the activity was delivered, how the activity relates to an identified community need in the community health needs assessment, the target population for the activity, strategies to reach the target population, identified outcome metrics, the cost to the hospital to provide the activity, the methodology used to calculate the hospital's costs, and the number of people served by the activity. If a community health improvement service is administered by an entity other than

the hospital, the other entity must be identified in the addendum.

(iii) The department shall require the reporting of demographic information about participant race, ethnicity, any disability, gender identity, preferred language, and zip code of primary residency. The department, in consultation with interested entities, may revise the required demographic information according to an established six-year review cycle about participant race, ethnicity, disabilities, gender identity, preferred language, and zip code of primary residence that must be reported under (b)(i) and (ii) of this subsection (2). At a minimum, the department's consultation process shall include community organizations that provide community health improvement services, communities impacted by health inequities, health care workers, hospitals, and the governor's interagency coordinating council on health disparities. The department shall establish a six-year cycle for the review of the information requested under this subsection (2)(b)(iii).

(iv) The department shall provide guidance on participant data collection and the reporting requirements under this subsection (2)(b). The guidance shall include a standard form for the reporting of information under this subsection (2)(b). The standard form must allow for the reporting of community health improvement services that are repeated within a reporting period to be combined within the addendum as a single project with the number of instances of the services listed. The department must develop the guidelines in consultation with interested entities, including an association representing hospitals in Washington, labor unions representing workers who work in hospital settings, and community health board associations. The department must post the information submitted to it pursuant to this subsection (2)(b) on its website.

(3)(a) Each hospital subject to the requirements of subsection (1) of this section shall make widely available to the public a community benefit implementation strategy within one year of completing its community health needs assessment. In developing the implementation strategy, hospitals shall consult with community-based organizations and stakeholders, and local public health jurisdictions, as well as any additional consultations the hospital decides to undertake. Unless contained in the implementation strategy under this subsection (3)(a), the hospital must provide a brief explanation for not accepting recommendations for community benefit proposals identified in the assessment through the stakeholder consultation process, such as excessive expense to implement or infeasibility of implementation of the proposal.

(b) Implementation strategies must be evidence-based, when available; or development and implementation of innovative programs and practices should be supported by evaluation measures.

(4) When requesting demographic information under subsection (2)(b) of this section, a hospital must inform participants that providing the information is voluntary. If a hospital fails to report demographic information under subsection (2)(b) of this section because a participant refused to provide the information, the department may not take any action against the hospital for failure to comply with reporting requirements or other licensing standards on that basis.

(5) For the purposes of this section, the term "widely available to the public" has the same meaning as in the internal revenue service guidelines.

NEW SECTION. **Sec. 6.** The department of health shall develop any forms or guidance required in this act at least 60 days before hospitals are required to utilize the form or guidance.

NEW SECTION. **Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "transparency;" strike the remainder of the title and insert "amending RCW 43.70.052, 70.01.040, and 70.41.470; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70.41 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Macri spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1272, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1272, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 3, 2021

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1289 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.44.318 and 2019 c 112 s 2 are each amended to read as follows:

(1) Except as provided in this section, nothing is construed to permit a nonretail class liquor licensee's employee or intern between the ages of eighteen and twenty-one years to handle, transport, or otherwise possess liquor.

(2) Licensees holding nonretail class liquor licenses are permitted to allow their employees between the ages of eighteen and twenty-one years to stock, merchandise, and handle liquor on or about the:

(a) Nonretail premises if there is an adult twenty-one years of age or older on duty supervising such activities on the premises; and

(b) Retail licensee's premises, except between 11:00 p.m. and 4:00 a.m., as long as there is an adult twenty-one years of age or older, employed by the retail licensee, and present at the retail licensee's premises during the activities described in this subsection (2).

(3) Employees of a domestic winery who are at least age 18 but under 21 years of age may engage in wine production and work in a winery's production facility, so long as there is an adult age 21 years of age or older on duty supervising such activities on the premises. Nothing in this subsection authorizes a winery employee under age 21 to taste, consume, sell, or serve wine or liquor.

(4) Any act or omission of the nonretail class liquor licensee's employee occurring at or about the retail licensee's premises, which violates any provision of this title, is the sole responsibility of the nonretail class liquor licensee.

((~~(4)~~)) (5) Nothing in this section absolves the retail licensee from responsibility for the acts or omissions of its own employees who violate any provision of this title.

((~~(5)~~)) (6)(a) Licensees holding a domestic winery license are permitted to allow their interns who are between the ages of eighteen and twenty-one years old to engage in wine-production related work at the domestic winery's licensed location, so long as the intern is enrolled as a student:

(i) At a community or technical college, regional university, or state university with a special permit issued in accordance with RCW 66.20.010; and

(ii) In a required or elective class as part of a degree program identified in RCW 66.20.010(12)(b).

(b) Any act or omission of the domestic winery's intern occurring at or about the domestic winery's premises, which violates any provision of this title, is the sole responsibility of the domestic winery."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "and amending RCW 66.44.318."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1289 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1289, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1289, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chopp, Davis, Goodman, Kraft, Leavitt, Ormsby and Thai.

HOUSE BILL NO. 1289, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 8, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1514 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.18.285 and 2020 c 18 s 17 are each amended to read as follows:

(1) A registered owner who uses a passenger motor vehicle for ((~~commuter~~)) ride sharing or ride sharing for persons with special transportation needs, as defined in RCW 46.74.010, shall apply to the department, county auditor or other agent, or subagent appointed by the director for special ride share license plates. The registered owner must qualify for the tax exemptions provided in RCW 82.08.0287, 82.12.0282, or 82.44.015, and pay the special ride share license plate fee required under RCW 46.17.220(18) when the special ride share license plates are initially issued.

(2) The special ride share license plates:

(a) Must be of a distinguishing separate numerical series or design as defined by the department;

(b) Must be returned to the department when no longer in use or when the registered owner no longer qualifies for the tax exemptions provided in subsection (1) of this section; and

(c) Are not required to be renewed annually for motor vehicles described in RCW 46.16A.170.

(3) Special ride share license plates may be transferred from one motor vehicle to another motor vehicle as described in subsection (1) of this section upon application to the department, county auditor or other agent, or subagent appointed by the director.

(4) Any person who knowingly makes a false statement of a material fact in the application for a special license plate under subsection (1) of this section is guilty of a gross misdemeanor.

Sec. 2. RCW 46.74.010 and 2014 c 97 s 501 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) ((~~"Commuter ride sharing" means a car pool or van pool arrangement whereby one or more fixed groups not exceeding fifteen persons each including the drivers, and (a) not fewer than five persons including the drivers, or (b) not fewer than four persons including the drivers where at least two of those persons are confined to wheelchairs when riding, are transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, each group in a single daily round trip where the drivers are also on the way to or from their places of employment or educational or other institution.~~

~~(2) "Flexible commuter ride sharing" means a car pool or van pool arrangement whereby a group of at least two but not exceeding fifteen persons including the driver is transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, where the driver is also on the way to or from his or her place of employment or educational or other institution.~~

~~(3)~~)) "Persons with special transportation needs" has the same meaning as provided in RCW 81.66.010.

((~~(4)~~)) (2) "Ride sharing" means a carpool or vanpool arrangement whereby one or more groups not exceeding 15 persons each including the drivers, and not fewer than three persons including the drivers are transported in a passenger motor vehicle with a gross vehicle weight not exceeding 10,000 pounds. "Ride sharing" does not include transportation provided in the normal course of business by entities that are subject to chapters 46.72A, 48.177, 81.66, 81.68, 81.70, and 81.72 RCW, or offer peer-to-peer car sharing. For purposes of this section, "peer-to-peer car sharing" means motor vehicle owners making their motor vehicles available for persons to rent for short periods of time.

(3) "Ride sharing for persons with special transportation needs" means an arrangement whereby a group of persons with special transportation needs, and their attendants, is transported by a public social service agency or a private, nonprofit transportation provider, as defined in RCW 81.66.010, serving persons with special needs, in a passenger motor vehicle as defined by the department to include small buses, cutaways, and modified vans not more than twenty-eight feet long((~~: PROVIDED, That the~~)). The driver need not be a person with special transportation needs.

((~~(5)~~)) (4) "Ride-sharing operator" means the person, entity, or concern, not necessarily the driver, responsible for the existence and continuance of ((~~commuter~~)) ride sharing((~~, flexible commuter ride sharing,~~)) or ride sharing for persons with special transportation needs. The term "ride-sharing operator" includes but is not limited to an employer, an employer's agent, an employer-organized association, a state agency, a county, a city, a public transportation benefit area, a public transportation agency, or any other political subdivision that owns or leases a ride-sharing vehicle.

((~~(6)~~)) (5) "Ride-sharing promotional activities" means those activities involved in forming a ((~~commuter~~)) ride-sharing arrangement ((~~or a flexible commuter ride-sharing arrangement,~~)) including, but not limited to, receiving information from existing and prospective ride-sharing participants, sharing that information with other existing and prospective ride-sharing participants, matching those persons with other existing or prospective ride-sharing participants, and making assignments of persons to ride-sharing arrangements.

Sec. 3. RCW 46.74.030 and 1997 c 250 s 9 are each amended to read as follows:

The operator and the driver of a ((~~commuter~~)) ride-sharing vehicle ((~~or a flexible commuter ride-sharing vehicle~~)) shall be held to a reasonable and ordinary standard of care, and are not subject to ordinances or regulations which relate exclusively to the regulation of drivers or owners of motor vehicles operated for hire, or other

common carriers or public transit carriers. No person, entity, or concern may, as a result of engaging in ride-sharing promotional activities, be liable for civil damages arising directly or indirectly (1) from the maintenance and operation of a ((~~commuter~~)) ride-sharing ((~~or flexible commuter ride-sharing~~)) vehicle; or (2) from an intentional act of another person who is participating or proposing to participate in a ((~~commuter~~)) ride-sharing ((~~or flexible commuter ride-sharing~~)) arrangement, unless the ride-sharing operator or promoter had prior, actual knowledge that the intentional act was likely to occur and had a reasonable ability to prevent the act from occurring.

NEW SECTION. **Sec. 4.** The department of transportation and the commute trip reduction board shall prepare a report regarding, and an update to, the statutes governing the commute trip reduction program, within existing resources. The department of transportation shall provide the transportation committees of the legislature with the report and update by October 1, 2021.

Sec. 5. RCW 82.04.355 and 1999 c 358 s 8 are each amended to read as follows:

This chapter does not apply to any funds received in the course of ((~~commuter~~)) ride sharing or ride sharing for persons with special transportation needs in accordance with RCW 46.74.010.

Sec. 6. RCW 82.08.0287 and 2020 c 20 s 1472 are each amended to read as follows:

(1) The tax imposed by this chapter does not apply to sales of passenger motor vehicles which are to be used primarily for ((~~commuter~~)) ride sharing or ride sharing for persons with special transportation needs, as defined in RCW 46.74.010, if the vehicles are used as ride-sharing vehicles for thirty-six consecutive months beginning from the date of purchase.

(2)(a) To qualify for the tax exemption, those passenger motor vehicles with ((~~five~~)) three or ((~~six~~)) more passengers, including the driver, used for ((~~commuter~~)) ride sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70A.15 RCW ((~~or~~)), in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan, or in other counties where the vehicle is registered with or operated by a public transportation agency. Additionally at least one of the following conditions must apply: ((~~(a)~~)) (i) The vehicle must be operated by a public transportation agency for the benefit of the general public; or ((~~(b)~~)) (ii) the vehicle must be used by a major employer, as defined in RCW 70A.15.4010 as an element of its commute trip reduction program for their employees; or ((~~(c)~~)) (iii) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency ((~~serving the area where the employees live or work~~)). Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the ((~~commuter~~)) ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

(b) Notwithstanding the ridership requirements under (a) of this subsection (2), unless the vehicle is operated by a public transportation agency, the vehicle must be used for ride sharing in the transport of at least five passengers.

Sec. 7. RCW 82.12.0282 and 2020 c 20 s 1477 are each amended to read as follows:

(1) The tax imposed by this chapter does not apply with respect to the use of passenger motor vehicles used primarily for ((~~commuter~~)) ride sharing or ride sharing for persons with special transportation needs, as defined in RCW 46.74.010, if the vehicles are used as ride-sharing vehicles for thirty-six consecutive months beginning with the date of first use.

(2)(a) To qualify for the tax exemption, those passenger motor vehicles with ((~~five~~)) three or ((~~six~~)) more passengers, including the driver, used for ((~~commuter~~)) ride sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70A.15 RCW ((~~or~~)), in other counties, or cities and towns

within those counties, that elect to adopt and implement a commute trip reduction plan, or in other counties where the vehicle is registered with or operated by a public transportation agency. Additionally at least one of the following conditions must apply: ((~~(a)~~)) (i) The vehicle must be operated by a public transportation agency for the benefit of the general public; or ((~~(b)~~)) (ii) the vehicle must be used by a major employer, as defined in RCW 70A.15.4010 as an element of its commute trip reduction program for their employees; or ((~~(c)~~)) (iii) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency ((~~serving the area where the employees live or work~~)). Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the ((~~commuter~~)) ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

(b) Notwithstanding the ridership requirements under (a) of this subsection (2), unless the vehicle is operated by a public transportation agency, the vehicle must be used for ride sharing in the transport of at least five passengers.

Sec. 8. RCW 82.16.047 and 1999 c 358 s 12 are each amended to read as follows:

This chapter does not apply to any funds received in the course of ((~~commuter~~)) ride sharing or ride sharing for persons with special transportation needs in accordance with RCW 46.74.010.

Sec. 9. RCW 82.44.015 and 2020 c 20 s 1488 are each amended to read as follows:

(1) Passenger motor vehicles used primarily for ((~~commuter~~)) ride sharing and ride sharing for persons with special transportation needs, as defined in RCW 46.74.010, are not subject to the motor vehicle excise tax authorized under this chapter if the vehicles are used as ride-sharing vehicles for thirty-six consecutive months beginning from the date of purchase.

(2) To qualify for the motor vehicle excise tax exemption for ((~~commuter~~)) ride-sharing vehicles, passenger motor vehicles must:

(a) Have a seating capacity of ((~~five~~)) three or ((~~six~~)) more passengers, including the driver;

(b) Be used for ((~~commuter~~)) ride sharing;

(c) Be operated either within:

(i) The state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70A.15 RCW; ((~~or~~))

(ii) ((~~In other~~)) Other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan; or

(iii) Other counties, where the vehicle is registered with or operated by a public transportation agency; and

(d) Meet at least one of the following conditions:

(i) The vehicle must be operated by a public transportation agency for the benefit of the general public;

(ii) The vehicle must be used by a major employer, as defined in RCW 70A.15.4010 as an element of its commute trip reduction program for their employees; or

(iii) The vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency ((~~serving the area where the employees live or work~~)). Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the ((~~commuter~~)) ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

(3) The registered owner of a passenger motor vehicle described in subsection (2) of this section:

(a) Shall notify the department upon the termination of the primary use of the vehicle in ((~~commuter~~)) ride sharing or ride sharing for persons with special transportation needs; and

(b) Is liable for the motor vehicle excise tax imposed under this chapter, prorated on the remaining months for which the vehicle is registered.

Sec. 10. RCW 82.70.010 and 2005 c 297 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 70.94.996 unless the context clearly requires otherwise.

(1) "Public agency" means any county, city, or other local government agency or any state government agency, board, or commission.

(2) "Public transportation" means the same as "public transportation service" as defined in RCW 36.57A.010 and includes passenger services of the Washington state ferries.

(3) "Nonmotorized commuting" means commuting to and from the workplace by an employee by walking or running or by riding a bicycle or other device not powered by a motor.

(4) "Ride sharing" means the same as "((~~flexible commuter~~)) ride sharing" as defined in RCW 46.74.010, including ride sharing on Washington state ferries.

(5) "Car sharing" means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis.

(6) "Telework" means a program where work functions that are normally performed at a traditional workplace are instead performed by an employee at his or her home at least one day a week for the purpose of reducing the number of trips to the employee's workplace.

(7) "Applicant" means a person applying for a tax credit under this chapter.

NEW SECTION. **Sec. 11.** This act takes effect September 1, 2021."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 46.18.285, 46.74.010, 46.74.030, 82.04.355, 82.08.0287, 82.12.0282, 82.16.047, 82.44.015, and 82.70.010; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1514 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Taylor and Barkis spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1514, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1514, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1514, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 1:00 p.m., April 14, 2021, the 94th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINETY FOURTH DAY

House Chamber, Olympia, Wednesday, April 14, 2021

The House was called to order at 1:00 p.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Paul Harris, 17th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

April 14, 2021

Mme. SPEAKER:

The President has signed:

HOUSE BILL NO. 1042,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1574 by Representatives Klippert, Mosbrucker, Boehnke, Jacobsen, Barkis, Klicker, Chandler, Graham, Walen, Goodman, Chase, Schmick, Chapman, Dufault and Sutherland

AN ACT Relating to civil actions alleging violation of the right to be free from discrimination because of the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability; amending RCW 49.60.030; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1575 by Representatives Dufault, Walsh, Boehnke, Chambers, Robertson, McCaslin, Griffey, Graham, Corry and Hoff

AN ACT Relating to modifying the offense of disorderly conduct; and amending RCW 9A.84.030.

Referred to Committee on Public Safety.

HB 1576 by Representatives Thai, Ramel, Fitzgibbon, Macri, Wicks, Santos and Harris-Talley

AN ACT Relating to homeless individuals; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Civil Rights & Judiciary.

HCR 4402 by Representatives MacEwen, Boehnke, Dufault, Klippert, Robertson and Kraft

Exempting certain matters from the cutoff dates established in Senate Concurrent Resolution No. 8401.

Referred to Committee on Rules.

SB 5008 by Senators Robinson, Short, Brown, Hasegawa and C. Wilson

AN ACT Relating to extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization; amending RCW 82.04.310; creating a new section; providing an effective date; and declaring an emergency.

HELD ON FIRST READING.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE BILL NO. 5008 which was referred to the committee on Finance and HOUSE CONCURRENT RESOLUTION NO. 4402 which was held on first reading.

There being no objection, the House advanced to the seventh order of business.

THIRD READING
MESSAGE FROM THE SENATE

April 6, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency," as those terms are defined in RCW 10.93.020, and any state or local agency providing or otherwise responsible for the custody, safety, and security of adults or juveniles incarcerated in correctional, jail, or detention facilities. "Law enforcement agency" does not include the national guard or state guard under Title 38 RCW or any other division of the United States armed forces.

(2) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020, and any employee, whether part-time or full-time, of a jail, correctional, or detention facility who is responsible for the custody, safety, and security of adult or juvenile persons confined in the facility.

NEW SECTION. **Sec. 2.** (1) A peace officer may not use a chokehold or neck restraint on another person in the course of his or her duties as a peace officer.

(2) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with this section.

(3) For the purposes of this section:

(a) "Chokehold" means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.

(b) "Neck restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.

NEW SECTION. **Sec. 3.** (1) The criminal justice training commission shall convene a work group to develop a model policy for the training and use of canine teams.

(2) The criminal justice training commission must ensure that the work group is equally represented between community and law enforcement stakeholders, including the following: Families who have lost loved ones as a result of violent interactions with law enforcement; an organization advocating for civil rights; a statewide organization advocating for Black Americans; a statewide organization advocating for Latinos; a statewide organization advocating for Asian Americans, Pacific Islanders, and Native Hawaiians; a federally recognized tribe located in Washington state; a community organization from eastern Washington working on police accountability; a community organization from western Washington working on police accountability; a community organization serving persons who are unhoused; the faith-based community with advocacy on police accountability; an emergency room doctor with relevant experience; Washington association of sheriffs and police chiefs; Washington state patrol; Washington fraternal order of police; Washington council of police and sheriffs; Washington state patrol troopers association; council of metropolitan police and sheriffs; teamsters local 117; and Washington state police canine association.

(3) The model policy work group shall consider:

(a) Training curriculum, including the history of race and policing;

(b) Circumstances where the deployment of a canine may not be appropriate;

(c) Circumstances where deployment of a canine on leash may be appropriate;

(d) Strategies for reducing the overall rate of canine bites;

(e) Circumstances where a canine handler should consider the use of tactics other than deploying a canine;

(f) Explicitly prohibiting the use of canines for crowd control purposes;

(g) Canine reporting protocols;

(h) Circumstances where the use of voluntary canines and canine handlers may be appropriate; and

(i) Identifying circumstances that would warrant the decertification of canine teams.

(4) The criminal justice training commission shall publish the model policy on its website by January 1, 2022.

(5) This section expires July 1, 2022.

NEW SECTION. **Sec. 4.** (1) A law enforcement agency may not use or authorize its peace officers or other employees to use tear gas unless necessary to alleviate a present risk of serious harm posed by a: (a) Riot inside a correctional, jail, or detention facility; (b) barricaded subject; or (c) hostage situation.

(2) Prior to deploying tear gas as authorized under subsection (1) of this section, the officer or employee shall:

(a) Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;

(b) Obtain authorization to use tear gas from a supervising officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted as provided under this section;

(c) Announce to the subject or subjects the intent to use tear gas; and

(d) Allow sufficient time and space for the subject or subjects to comply with the officer's or employee's directives.

(3) For the purposes of this section:

(a) "Barricaded subject" means an individual who is the focus of a law enforcement intervention effort, has taken a position in a physical location that does not allow immediate law enforcement access, and is refusing law enforcement orders to exit.

(b) "Hostage situation" means a scenario in which a person is being held against his or her will by an armed, potentially armed, or otherwise dangerous suspect.

(c) "Tear gas" means chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury, except "tear gas" does not include oleoresin capsicum (OC).

NEW SECTION. **Sec. 5.** (1) A law enforcement agency may not acquire or use any military equipment. Any law enforcement agency in possession of military equipment as of the effective date of this section shall return the equipment to the federal agency from which it was acquired, if applicable, or destroy the equipment by December 31, 2022.

(2)(a) Each law enforcement agency shall compile an inventory of military equipment possessed by the agency, including the proposed use of the equipment, estimated number of times the equipment has been used in the prior year, and whether such use is necessary for the operation and safety of the agency or some other public safety purpose. The agency shall provide the inventory to the Washington association of sheriffs and police chiefs no later than November 1, 2021.

(b) The Washington association of sheriffs and police chiefs shall summarize the inventory information from each law enforcement agency and provide a report to the governor and the appropriate committees of the legislature no later than December 31, 2021.

(3) For the purposes of this section:

(a) "Military equipment" means firearms and ammunition of .50 caliber or greater, machine guns, armed helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft, tanks, long range acoustic hailing devices, rockets, rocket launchers, bayonets, grenades, missiles, directed energy systems, and electromagnetic spectrum weapons.

(b) "Grenade" refers to any explosive grenade designed to injure or kill subjects, such as a fragmentation grenade or antitank grenade, or any incendiary grenade designed to produce intense heat or fire. "Grenade" does not include other nonexplosive grenades designed to temporarily incapacitate or disorient subjects without causing permanent injury, such as a stun grenade, sting grenade, smoke grenade, tear gas grenade, or blast ball.

(4) This section does not prohibit a law enforcement agency from participating in a federal military equipment surplus program, provided that any equipment acquired through the program does not constitute military equipment. This may include, for example: Medical supplies; hospital and health care equipment; office supplies, furniture, and equipment; school supplies; warehousing equipment; unarmed vehicles and vessels; conducted energy weapons; public address systems; scientific equipment; and protective gear and weather gear.

NEW SECTION. **Sec. 6.** All law enforcement agencies shall adopt policies and procedures to ensure that uniformed peace officers while on duty and in the performance of their official duties are reasonably identifiable. For purposes of this section, "reasonably identifiable" means that the peace officer's uniform clearly displays the officer's name or other information that members of the public can see and the agency can use to identify the peace officer.

NEW SECTION. **Sec. 7.** (1) A peace officer may not engage in a vehicular pursuit, unless:

(a)(i) There is probable cause to believe that a person in the vehicle has committed or is committing a violent offense or sex offense as defined in RCW 9.94A.030, or an escape under chapter 9A.76 RCW; or

(ii) There is reasonable suspicion a person in the vehicle has committed or is committing a driving under the influence offense under RCW 46.61.502;

(b) The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; and

(d)(i) Except as provided in (d)(ii) of this subsection, the officer has received authorization to engage in the pursuit from a supervising officer and there is supervisory control of the pursuit. The officer in consultation with the supervising officer must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met;

(ii) For those jurisdictions with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the officer will request the on-call supervisor be notified of the pursuit according to the agency's procedures. The officer must consider alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.

(2) A pursuing officer shall comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

(3) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

(4) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a

reckless manner that endangers the safety of the community or the officer.

Sec. 8. RCW 10.31.040 and 2010 c 8 s 1030 are each amended to read as follows:

(1) To make an arrest in criminal actions, the officer may break open any outer or inner door, or windows of a dwelling house or other building, or any other ((~~inclosure [enclosure]~~)) enclosure, if, after notice of his or her office and purpose, he or she be refused admittance.

(2) An officer may not seek and a court may not issue a search or arrest warrant granting an express exception to the requirement for the officer to provide notice of his or her office and purpose when executing the warrant.

NEW SECTION. **Sec. 9.** RCW 43.101.226 (Vehicular pursuits—Model policy) and 2003 c 37 s 2 are each repealed.

NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act constitute a new chapter in Title 10 RCW."

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 10.31.040; adding a new chapter to Title 10 RCW; repealing RCW 43.101.226; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054 and asked the Senate for a conference thereon. The Speaker (Representative Lovick presiding) appointed Representatives J. Johnson, Goodman and Mosbrucker as conferees.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1310 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that additional clarity is necessary following the passage of Initiative Measure No. 940 (chapter 1, Laws of 2019) and Substitute House Bill No. 1064 (chapter 4, Laws of 2019). The legislature intends to address excessive force and discriminatory policing by establishing a requirement for law enforcement and community corrections officers to act with reasonable care when carrying out their duties, including using de-escalation tactics and alternatives to deadly force. Further, the legislature intends to address public safety concerns by limiting the use of deadly force to very narrow circumstances where there is an imminent threat of serious physical injury or death. It is the intent of the legislature that when practicable, peace officers will use the least amount of physical force necessary to overcome actual resistance under the circumstances.

It is the fundamental duty of law enforcement to preserve and protect all human life.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency" as those terms are defined in RCW 10.93.020.

(2) "Less lethal alternatives" include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds.

(3) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020; however, "peace officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer.

NEW SECTION. **Sec. 3.** (1)(a) Except as otherwise provided under this section, a peace officer may use physical force against a person when necessary to: Protect against criminal conduct where there is probable cause to make an arrest; effect an arrest; prevent an escape as defined under chapter 9A.76

RCW; or protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

(b) A peace officer may use deadly force against another person only when necessary to protect against an imminent threat of serious physical injury or death to the officer or another person. For purposes of this subsection (1)(b):

(i) "Imminent threat of serious physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person.

(ii) "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of deadly force does not exist, and that the amount of force used was a reasonable and proportional response to the threat posed to the officer and others.

(iii) "Totality of the circumstances" means all facts known to the peace officer leading up to and at the time of the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.

(2) A peace officer shall use reasonable care when determining whether to use physical force and when using any physical force against another person. To that end, a peace officer shall:

(a) When possible, exhaust available and appropriate de-escalation tactics prior to using any physical force, such as: Creating physical distance by employing tactical repositioning and repositioning as often as necessary to maintain the benefit of time, distance, and cover; when there are multiple officers, designating one officer to communicate in order to avoid competing commands; calling for additional resources such as a crisis intervention team or mental health professional when possible; calling for back-up officers when encountering resistance; taking as much time as necessary, without using physical force or weapons; and leaving the area if there is no threat of imminent harm, no crime has been committed, is about to be committed, or no crime is being committed;

(b) When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances. This includes a consideration of the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person: Is visibly pregnant, or states that they are pregnant; is known to be a minor, objectively appears to be a minor, or states that they are a minor; is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020; displays signs of mental, behavioral, or physical impairments or disabilities; is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs; is suicidal; has limited English proficiency; or is in the presence of children;

(c) Terminate the use of physical force as soon as the necessity for such force ends;

(d) When possible, use available and appropriate less lethal alternatives before using deadly force; and

(e) Make less lethal alternatives issued to the officer reasonably available for their use.

(3) A peace officer may not use any force tactics prohibited by applicable departmental policy, this chapter, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.

(4) Nothing in this section prevents a law enforcement agency or political subdivision of this state from adopting policies or standards with additional requirements for de-escalation and greater restrictions on the use of physical and deadly force than provided in this section.

NEW SECTION. **Sec. 4.** (1) By July 1, 2022, the attorney general shall develop and publish model policies on law enforcement's use of force and de-escalation tactics consistent with section 3 of this act.

(2) By December 1, 2022, all law enforcement agencies shall: Adopt

policies consistent with the model policies and submit copies of the applicable policies to the attorney general; or, if the agency did not adopt policies consistent with the model policies, provide notice to the attorney general stating the reasons for any departures from the model policies and an explanation of how the agency's policies are consistent with section 3 of this act, including a copy of the agency's relevant policies. After December 1, 2022, whenever a law enforcement agency modifies or repeals any policies pertaining to the use of force or de-escalation tactics, the agency shall submit notice of such action with copies of any relevant policies to the attorney general within 60 days.

(3) By December 31st of each year, the attorney general shall publish on its website a report on the requirements of this section, including copies of the model policies, information as to the status of individual agencies' policies, and copies of any agency policies departing from the model policies.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101 RCW to read as follows:

The basic training provided to criminal justice personnel by the commission must be consistent with the standards in section 3 of this act and the model policies established by the attorney general under section 4 of this act.

Sec. 6. RCW 43.101.450 and 2019 c 1 s 3 (Initiative Measure No. 940) are each amended to read as follows:

(1) Beginning one year after December 6, 2018, all law enforcement officers in the state of Washington must receive violence de-escalation training. Law enforcement officers beginning employment after December 6, 2018, must successfully complete such training within the first ((~~fifteen~~)) 15 months of employment. The commission shall set the date by which other law enforcement officers must successfully complete such training.

(2) All law enforcement officers shall periodically receive continuing violence de-escalation training to practice their skills, update their knowledge and training, and learn about new legal requirements and violence de-escalation strategies.

(3) The commission shall set training requirements through the procedures in RCW 43.101.455.

(4) Violence de-escalation training provided under this section must be consistent with section 3 of this act and the model policies established by the attorney general under section 4 of this act.

(5) The commission shall submit a report to the legislature and the governor by January 1st and July 1st of each year on the implementation of and compliance with subsections (1) and (2) of this section. The report must include data on compliance by agencies and officers. The report may also include recommendations for any changes to laws and policies necessary to improve compliance with subsections (1) and (2) of this section.

NEW SECTION. **Sec. 7.** Notwithstanding provisions in this chapter to the contrary, the following applies to the use of tear gas:

(1) A law enforcement agency may not use or authorize its peace officers or other employees to use tear gas unless necessary to alleviate a present risk of serious harm posed by a: (a) Riot; (b) barricaded subject; or (c) hostage situation.

(2) Prior to deploying tear gas as authorized under subsection (1) of this section, the officer or employee shall:

(a) Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;

(b) Obtain authorization to use tear gas from the supervising officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted as provided under this section;

(c) Announce to the subject or subjects the intent to use tear gas; and

(d) Allow sufficient time and space for the subject or subjects to comply with the officer's or employee's directives.

(3) For the purposes of this section:

(a) "Barricaded subject" means an individual who is the focus of a law enforcement intervention effort, has taken a position in a physical location that does not allow immediate law

enforcement access, and is refusing law enforcement orders to exit.

(b) "Hostage situation" means a scenario in which a person is being held against his or her will by an armed, potentially armed, or otherwise dangerous suspect.

(c) "Tear gas" means chloroacetophenone (CN), O chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury, except "tear gas" does not include oleoresin capsicum (OC).

NEW SECTION. **Sec. 8.** RCW 10.31.050 (Officer may use force) and 2010 c 8 s 1031, Code 1881 s 1031, 1873 p 229 s 211, & 1854 p 114 s 75 are each repealed.

NEW SECTION. **Sec. 9.** Sections 2 through 4 of this act constitute a new chapter in Title 10 RCW.

NEW SECTION. **Sec. 10.** Section 8 of this act is added to chapter 10.--- RCW (the new chapter created by section 10, chapter . . ., Laws of 2021 (Engrossed Substitute House Bill No. 1054)).

NEW SECTION. **Sec. 11.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 43.101.450; adding a new section to chapter 43.101 RCW; adding a new section to chapter 10.--- RCW; adding a new chapter to Title 10 RCW; creating new sections; and repealing RCW 10.31.050."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1310 and asked the Senate for a conference thereon. The Speaker (Representative Lovick presiding) appointed Representatives J. Johnson, Goodman and Mosbrucker as conferees.

MESSAGE FROM THE SENATE

April 9, 2021

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1044 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2019 c 397 s 1 (uncodified) is amended to read as follows:

(1) The legislature finds that incarceration is both a rural and urban issue in the state. According to one recent report, the highest rates of prison admissions are in rural counties. In addition, since 1980, the number of women in prison has increased more than eight hundred percent. Additionally, people of color are overrepresented in the prison system. The legislature finds that studies clearly and consistently demonstrate that postsecondary education in prisons improves safety in facilities, and incarcerated adults who obtain postsecondary education and training are more likely to be employed following release, which leads to a ((~~dramatic~~)) significant reduction in recidivism rates, ((~~significant~~)) improvements in public safety, and a major return on investment. The legislature finds that reducing recidivism ((~~would~~)) decreases the financial burden to taxpayers and the emotional burden of victims.

(2) The legislature finds that research indicates that postsecondary education and training is an effective evidence-based practice for reducing recidivism. An analysis commissioned by the United States department of justice determined that adults who received ((~~such~~)) an education while incarcerated were forty-three percent less likely to recidivate.

(3) Ninety-five percent of incarcerated adults ultimately return to their communities to obtain employment and contribute to society. The legislature finds that according to the bureau of labor statistics, unemployment rates for people with only a high school education are twice that of those with an associate degree. Research has shown that adults who participated in ((~~such~~)) education programs while incarcerated were thirteen percent more likely to be employed.

(4) The legislature further finds that correctional education is cost-

effective. A 2014 study by the Washington state institute for public policy estimated that ((~~the state received~~)), based on a review of national research literature and cost-benefit analysis, there is a return on investment of twenty dollars for every dollar invested in correctional education.

(5) It is the intent of the legislature to enhance public safety, including the safety of prison workers as findings show that violence rates are reduced in institutions where there are educational programs, to reduce crime, and to increase employment rates in a cost-effective manner by exploring benefits and costs associated with providing postsecondary education degree opportunities and training to incarcerated adults through expanded partnerships between ((~~the community and technical colleges~~)) postsecondary institutions, nonprofit entities and community-based postsecondary education programs, and the department of corrections.

(6) It is the intent of the legislature to support exploring the use of secure internet connections expressly for the purposes of furthering postsecondary education degree opportunities and training of incarcerated adults, including providing assistance to incarcerated adults with completing financial aid materials. The legislature intends for the department to be able to provide complete assurance that all ((~~offender-used~~)) internet connections used by incarcerated individuals are secure.

(7) It is the intent of the legislature to support expanded access and opportunities to postsecondary degree and certificate education programs for persons of color by setting goals and partnering with nonprofit entities and community-based postsecondary education programs with historical evidence of providing education programs for people of color.

(8) It is also the intent of the legislature, by requiring the study under section 2 of this act, to examine the effects of providing postsecondary education while incarcerated on enrollment in the postsecondary education system postrelease.

NEW SECTION. **Sec. 2.** (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall study enrollment, completion, and recidivism rates of incarcerated individuals in the postsecondary education system postrelease.

(b) The goal of the study is to understand whether participation in postsecondary education while incarcerated contributes to greater enrollment and completion of postsecondary education and reduced recidivism postrelease. The scope of the study shall focus on postrelease enrollment and completion trends in the community and technical college sector for formerly incarcerated individuals of all ages. The timeline of the study may include data from 2015 to the present, to the extent possible. The study's findings shall be divided into a preliminary and final report. The reports shall complement similar studies conducted at the University of Washington or elsewhere. To the extent that it is not duplicative of other studies, the Washington state institute for public policy shall study the following:

(i) For the preliminary report, which is due October 1, 2024:

(A) Patterns and any effects on postrelease enrollment and participation in the community and technical college system by individuals who, while incarcerated, participated in postsecondary education programs, including those individuals that completed some coursework but did not earn a degree or certificate; and

(B) Differential outcomes for individuals participating in different types of postsecondary education courses, certificate programs, and degree programs.

(ii) For the final report, which is due October 1, 2027, a continuation of the preliminary report in addition to:

(A) Changes in enrollment and completion of postsecondary education courses, certificate programs, and degree programs due to the changes and expansion of educational programming in this act, to the extent possible; and

(B) Recidivism outcomes beyond incarceration for those incarcerated individuals that participated in postsecondary certificate and degree programs while incarcerated, including arrests, charges, and convictions.

(iii) The preliminary and final reports shall be submitted to the appropriate committees of the legislature and in accordance with RCW 43.01.036.

(iv) The department of corrections, the student achievement council, the state board for community and technical colleges, and the education research and data center shall provide data necessary to conduct the study.

(2) This section expires January 1, 2029.

Sec. 3. RCW 72.09.270 and 2008 c 231 s 48 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every ((~~offender~~)) incarcerated individual who is committed to the jurisdiction of the department except:

(a) ((~~Offenders~~)) Incarcerated individuals who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) ((~~Offenders~~)) Incarcerated individuals who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all ((~~offenders~~)) incarcerated individuals using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each ((~~offender~~)) incarcerated individual. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the ((~~offender~~)) incarcerated individual, including any learning disabilities, substance abuse or mental health issues, and social or behavior ((~~deficits~~)) challenges.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty-five days of being sentenced to the jurisdiction of the department of corrections.

(b) The ((~~offender's~~)) incarcerated individual's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the ((~~inmate's~~)) incarcerated individual's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the ((~~offender's~~)) incarcerated individual's children and family;

(b) An individualized portfolio for each ((~~offender~~)) incarcerated individual that includes the ((~~offender's~~)) incarcerated individual's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the ((~~offender~~)) incarcerated individual during the period of incarceration through reentry into the community that addresses the needs of the ((~~offender~~)) incarcerated individual including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) Prior to discharge of any ((~~offender~~)) incarcerated individual, the department shall:

(i) Evaluate the ((~~offender's~~)) incarcerated individual's needs and, to the extent possible, connect the ((~~offender~~)) incarcerated individual with existing services and resources that meet those needs; and

(ii) Connect the ((~~offender~~)) incarcerated individual with a community justice center and/or community transition coordination network in the area in which the ((~~offender~~)) incarcerated individual will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an ((~~offender's~~)) incarcerated individual's individual reentry plan, the department shall maximize the period of partial

confinement for the ((~~offender~~)) incarcerated individual as allowed pursuant to RCW 9.94A.728 to facilitate the ((~~offender's~~)) incarcerated individual's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the ((~~offender's~~)) incarcerated individual's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an ((~~offender~~)) incarcerated individual released to community custody, the department may ((~~not~~)) approve a residence location that is not in the ((~~offender's~~)) incarcerated individual's county of origin ((~~unless it is determined by~~)) if the department determines that the ((~~offender's return to his or her county of origin would be inappropriate considering~~)) residence location would be appropriate based on any court-ordered condition of the ((~~offender's~~)) incarcerated individual's sentence, victim safety concerns, ((~~negative influences on the offender in the community, or the~~)) and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the ((~~offender~~)) incarcerated individual, ability to complete an educational program that the incarcerated individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the person in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the ((~~offender~~)) incarcerated individual is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the ((~~offender~~)) incarcerated individual is placed with a written explanation.

((~~(c)~~)) (d)(i) For purposes of this section, except as provided in (d)(ii) of this subsection, the ((~~offender's~~)) incarcerated individual's county of origin means the county of the ((~~offender's~~)) incarcerated individual's residence at the time of the incarcerated individual's first felony conviction in Washington state.

(ii) If the incarcerated individual is a homeless person as defined in RCW 43.185C.010, or the incarcerated individual's residence is unknown, then the incarcerated individual's county of origin means the county of the incarcerated individual's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services.

Sec. 4. RCW 72.09.460 and 2017 c 120 s 3 are each amended to read as follows:

(1) Recognizing that there is a positive correlation between education opportunities and reduced recidivism, it is the intent of the legislature to offer appropriate ((~~associate~~)) postsecondary degree or certificate opportunities to ((~~inmates designed to prepare the inmate to enter the workforce~~)) incarcerated individuals.

(2) The legislature intends that all ((~~inmates~~)) incarcerated individuals be required to participate in department-approved education programs, work programs, or both, unless exempted as specifically provided in this section. Eligible ((~~inmates~~)) incarcerated individuals who refuse to participate in available education or work programs available at no charge to the ((~~inmates~~)) incarcerated individuals shall lose privileges according to the system established under RCW 72.09.130. Eligible ((~~inmates~~)) incarcerated individuals who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.

(3) The legislature recognizes more ((~~inmates~~)) incarcerated individuals may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing ((~~inmates~~)) incarcerated individuals in available and appropriate education and work programs.

(4)(a) The department shall, to the extent possible and considering all

available funds, prioritize its resources to meet the following goals for ((~~inmates~~)) incarcerated individuals in the order listed:

(i) Achievement of basic academic skills through obtaining a high school diploma or a high school equivalency certificate as provided in RCW 28B.50.536, including achievement by those incarcerated individuals eligible for special education services pursuant to state or federal law;

(ii) Achievement of vocational skills necessary for purposes of work programs and for an ((~~inmate~~)) incarcerated individual to qualify for work upon release;

(iii) Additional work and education programs necessary for compliance with an ((~~offender's~~)) incarcerated individual's individual reentry plan under RCW 72.09.270, including special education services and postsecondary degree or certificate education programs; and

(iv) Other appropriate vocational, work, or education programs that are not necessary for compliance with an ((~~offender's~~)) incarcerated individual's individual reentry plan under RCW 72.09.270 including ((~~associate~~)) postsecondary degree or certificate education programs.

(b) If programming is provided pursuant to (a)(i) through (iii) of this subsection, the department shall pay the cost of such programming, including but not limited to books, materials, and supplies.

(c) If programming is provided pursuant to (a)(iv) of this subsection, ((~~inmates~~)) incarcerated individuals shall be required to pay all or a portion of the costs, including books, fees, and tuition, for participation in any vocational, work, or education program as provided in department policies. Department policies shall include a formula for determining how much an ((~~offender~~)) incarcerated individual shall be required to pay. The formula shall include steps which correlate to an ((~~offender~~)) incarcerated individual's average monthly income or average available balance in a personal ((~~inmate~~)) savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary educational costs. The formula shall be reviewed every two years. A third party, including but not limited to nonprofit entities or community-based postsecondary education programs, may pay directly to the department all or a portion of costs and tuition for any programming provided pursuant to (a)(iv) of this subsection on behalf of an ((~~inmate~~)) incarcerated individual. Such payments shall not be subject to any of the deductions as provided in this chapter.

(d) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities and community-based postsecondary education programs, and may receive, utilize, and dispose of same to complete the purposes of this section.

(e) Any funds collected by the department under (c) and (d) of this subsection and subsections ((~~(9) and (10)~~)) (11) and (12) of this section shall be used solely for the creation, maintenance, or expansion of ((~~inmate~~)) incarcerated individual educational and vocational programs.

(5) The department shall provide access to a program of education to all ((~~offenders~~)) incarcerated individuals who are under the age of eighteen and who have not met high school graduation requirements or requirements to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for ((~~offenders~~)) incarcerated individuals under the age of eighteen must provide each ((~~offender~~)) incarcerated individual a choice of curriculum that will assist the ((~~inmate~~)) incarcerated individual in achieving a high school diploma or high school equivalency certificate. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.

(6)(a) In addition to the policies set forth in this section, the department shall consider the following factors in establishing criteria for assessing the inclusion of education and work programs

in an ((~~inmate's~~)) incarcerated individual's individual reentry plan and in placing ((~~inmates~~)) incarcerated individuals in education and work programs:

(i) An ((~~inmate's~~)) incarcerated individual's release date and custody level. An ((~~inmate~~)) incarcerated individual shall not be precluded from participating in an education or work program solely on the basis of his or her release date, except that ((~~inmates~~)) incarcerated individuals with a release date of more than one hundred twenty months in the future shall not comprise more than ten percent of ((~~inmates~~)) incarcerated individuals participating in a new class I correctional industry not in existence on June 10, 2004;

(ii) An ((~~inmate's~~)) incarcerated individual's education history and basic academic skills;

(iii) An ((~~inmate's~~)) incarcerated individual's work history and vocational or work skills;

(iv) An ((~~inmate's~~)) incarcerated individual's economic circumstances, including but not limited to an ((~~inmate's~~)) incarcerated individual's family support obligations; and

(v) Where applicable, an ((~~inmate's~~)) incarcerated individual's prior performance in department-approved education or work programs;

(b) The department shall establish, and periodically review, ((~~inmate~~)) incarcerated individual behavior standards and program ((~~goals~~)) outcomes for all education and work programs. ((~~Inmates~~)) Incarcerated individuals shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or ((~~goals~~)) outcomes.

(7) Eligible ((~~inmates~~)) incarcerated individuals who refuse to participate in available education or work programs available at no charge to the ((~~inmates~~)) incarcerated individuals shall lose privileges according to the system established under RCW 72.09.130. Eligible ((~~inmates~~)) incarcerated individuals who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.

(8) The department shall establish, by rule, a process for identifying and assessing incarcerated individuals with learning disabilities, traumatic brain injuries, and other cognitive impairments to determine whether the person requires accommodations in order to effectively participate in educational programming, including general educational development tests and postsecondary education. The department shall establish a process to provide such accommodations to eligible incarcerated individuals.

(9) The department shall establish, and periodically review, goals for expanding access to postsecondary degree and certificate education programs and program completion for all incarcerated individuals, including persons of color. The department may contract and partner with any accredited educational program sponsored by a nonprofit entity, community-based postsecondary education program, or institution with historical evidence of providing education programs to people of color.

(10) The department shall establish, by rule, objective medical standards to determine when an ((~~inmate~~)) incarcerated individual is physically or mentally unable to participate in available education or work programs. When the department determines an ((~~inmate~~)) incarcerated individual is permanently unable to participate in any available education or work program due to a health condition, the ((~~inmate~~)) incarcerated individual is exempt from the requirement under subsection (2) of this section. When the department determines an ((~~inmate~~)) incarcerated individual is temporarily unable to participate in an education or work program due to a medical condition, the ((~~inmate~~)) incarcerated individual is exempt from the requirement of subsection (2) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all ((~~inmates~~)) incarcerated individuals with temporary disabilities to ensure the earliest possible entry or reentry by ((~~inmates~~)) incarcerated individuals into available programming.

((~~(9)~~)) (11) The department shall establish policies requiring an ((~~offender~~)) incarcerated individual to

pay all or a portion of the costs and tuition for any vocational training or postsecondary education program if the ((~~offender~~)) incarcerated individual previously abandoned coursework related to ((~~associate~~)) postsecondary degree or certificate education or vocational training without excuse as defined in rule by the department. Department policies shall include a formula for determining how much an ((~~offender~~)) incarcerated individual shall be required to pay. The formula shall include steps which correlate to an ((~~offender~~)) incarcerated individual's average monthly income or average available balance in a personal ((~~inmate~~)) savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary costs. The formula shall be reviewed every two years. A third party may pay directly to the department all or a portion of costs and tuition for any program on behalf of an ((~~inmate~~)) incarcerated individual under this subsection. Such payments shall not be subject to any of the deductions as provided in this chapter.

((~~(10)~~)) (12) Notwithstanding any other provision in this section, an ((~~inmate sentenced to life without the possibility of release,~~)) incarcerated individual sentenced to death under chapter 10.95 RCW((~~,~~)) or subject to the provisions of 8 U.S.C. Sec. 1227:

(a) Shall not be required to participate in education programming except as may be necessary for the maintenance of discipline and security;

(b) May not participate in ((~~an associate~~)) a postsecondary degree education program offered by the department or its contracted providers, unless the incarcerated individual's participation in the program is paid for by a third party or by the individual;

(c) May participate in prevocational or vocational training that may be necessary to participate in a work program;

(d) Shall be subject to the applicable provisions of this chapter relating to ((~~inmate~~)) incarcerated individual financial responsibility for programming.

(13) If an incarcerated individual has participated in postsecondary education programs, the department shall provide the incarcerated individual with a copy of the incarcerated individual's unofficial transcripts, at no cost to the individual, upon the incarcerated individual's release or transfer to a different facility. Upon the incarcerated individual's completion of a postsecondary education program, the department shall provide to the incarcerated individual, at no cost to the individual, a copy of the incarcerated individual's unofficial transcripts. This requirement applies regardless of whether the incarcerated individual became ineligible to participate in or abandoned a postsecondary education program.

(14) For the purposes of this section, "third party" includes a nonprofit entity or community-based postsecondary education program that partners with the department to provide accredited postsecondary education degree and certificate programs at state correctional facilities.

Sec. 5. RCW 72.09.465 and 2017 c 120 s 4 are each amended to read as follows:

(1)(a) The department may implement ((~~associate~~)) postsecondary degree or certificate education programs at state correctional institutions. ((~~During the 2015-2017 fiscal biennium, the department may implement postsecondary degree programs within state institutions, including the state correctional institution with the largest population of females, within its existing funds and under the limitations in this section, to include any funding provided under subsection (3) of this section.~~))

(b) The department may consider for inclusion in any ((~~associate~~)) postsecondary degree or certificate education program, any education program from an accredited community or technical college, college, or university that is ((~~part of an associate workforce degree program designed to prepare the inmate to enter the workforce~~)) limited to no more than a bachelor's degree. Washington state-recognized preapprenticeship programs may also be included as appropriate postsecondary education programs.

(2) ((~~Inmates~~)) Incarcerated individuals not meeting the department's priority criteria for the state-funded ((~~associate~~)) postsecondary degree education program shall be required to pay the costs for participation in a

postsecondary education degree program if he or she elects to participate through self-pay, including costs of books, fees, tuition, or any other appropriate ancillary costs, by one or more of the following means:

(a) The ((~~inmate~~)) incarcerated individual who is participating in the postsecondary education degree program may, during confinement, provide the required payment or payments to the department; or

(b) A third party shall provide the required payment or payments directly to the department on behalf of an ((~~inmate~~)) incarcerated individual, and such payments shall not be subject to any of the deductions as provided in this chapter.

(3) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities, and may receive, utilize, and dispose of same to provide postsecondary education to ((~~inmates~~)) incarcerated individuals.

(4) An ((~~inmate~~)) incarcerated individual may be selected to participate in a state-funded ((~~associate~~)) postsecondary degree or certificate education program, based on priority criteria determined by the department, in which the following conditions may be considered:

(a) Priority should be given to ((~~inmates within five years or less of release;~~

~~(b) The inmate does~~)) incarcerated individuals who do not already possess a postsecondary education degree; and

((~~(c) The inmate's~~)) (b) Incarcerated individuals with individual reentry ((~~plan includes~~)) plans that include participation in ((~~an associate~~)) a postsecondary degree or certificate education program that is:

(i) Offered at the ((~~inmate's~~)) incarcerated individual's state correctional institution;

(ii) Approved by the department as an eligible and effective postsecondary education degree program; and

(iii) Limited to ((~~an associate workforce~~)) a postsecondary degree or certificate program.

(5) ((~~During the 2015-2017 fiscal biennium, an inmate may be selected to participate in a state-funded postsecondary education degree program, based on priority criteria determined by the department, in which the following conditions may be considered:~~

~~(a) Priority should be given to inmates within five years of release;~~

~~(b) The inmate does not already possess a postsecondary education degree; and~~

~~(c) The inmate's individual reentry plan includes participation in a postsecondary education degree program that is:~~

~~(i) Offered at the inmate's state correctional institution; and~~

~~(ii) Approved by the department as an eligible and effective postsecondary education degree program.~~)) The department shall work with the college board as defined in RCW 28B.50.030 to develop a plan to assist incarcerated individuals selected to participate in postsecondary degree or certificate programs with filing a free application for federal student aid or the Washington application for state financial aid.

(6) Any funds collected by the department under this section shall be used solely for the creation, maintenance, or expansion of ((~~inmate~~)) postsecondary education degree programs for incarcerated individuals.

NEW SECTION. **Sec. 6.** A new section is added to chapter 72.68 RCW to read as follows:

(1) In determining whether to transfer an incarcerated individual to a different facility in the state, the department shall consider whether the incarcerated individual is enrolled in a vocational or educational program, including those operated by approved outside providers, which cannot be continued at the receiving facility. The department shall work with the incarcerated individual's case manager, counselor, education navigator, or other appropriate person to attempt to meet the needs of the department and the incarcerated individual regarding transfer.

(2) Nothing in this section creates a vested right in programming, education, or other services.

Sec. 7. RCW 72.68.010 and 2020 c 318 s 4 are each amended to read as follows:

(1) Whenever in its judgment the best interests of the state or the welfare of any ((~~prisoner~~)) incarcerated individual confined in any penal institution will be better served by his or her transfer to another institution or to a foreign country of which the ((~~prisoner~~)) incarcerated individual is a citizen or national, the secretary may effect such transfer consistent with applicable federal laws and treaties. The secretary has the authority to transfer ((~~offenders~~)) incarcerated individuals between in-state correctional facilities or to out-of-state governmental institutions if the secretary determines that transfer is in the best interest of the state or the ((~~offender~~)) incarcerated individual. The determination of what is in the best interest of the state or ((~~offender~~)) incarcerated individual may include but is not limited to considerations of overcrowding, emergency conditions, or hardship to the ((~~offender~~)) incarcerated individual. In determining whether the transfer will impose a hardship on the ((~~offender~~)) incarcerated individual, the secretary shall consider: (a) The location of the ((~~offender's~~)) incarcerated individual's family and whether the ((~~offender~~)) incarcerated individual has maintained contact with members of his or her family; (b) whether, if the ((~~offender~~)) incarcerated individual has maintained contact, the contact will be significantly disrupted by the transfer due to the family's inability to maintain the contact as a result of the transfer; and (c) whether the ((~~offender~~)) incarcerated individual is enrolled in a vocational or educational program that cannot reasonably be resumed or completed if the ((~~offender~~)) incarcerated individual is transferred to another correctional institution or returned to the state.

(2)(a) The secretary has the authority to transfer ((~~offenders~~)) incarcerated individuals to an out-of-state private correctional entity only if:

(i) The governor finds that an emergency exists such that the population of a state correctional facility exceeds its reasonable, maximum capacity, resulting in safety and security concerns;

(ii) The governor has considered all other legal options to address capacity, including those pursuant to RCW 9.94A.870;

(iii) The secretary determines that transfer is in the best interest of the state or the ((~~offender~~)) incarcerated individual; and

(iv) The contract with the out-of-state private correctional entity includes requirements for access to public records to the same extent as if the facility were operated by the department, ((~~inmate~~)) incarcerated individual access to the office of the corrections ombuds, and inspections and visits without notice.

(b) Should any of these requirements in this subsection not be met, the contract with the private correctional entity shall be terminated.

(3) If directed by the governor, the secretary shall, in carrying out this section and RCW 43.06.350, adopt rules under chapter 34.05 RCW to effect the transfer of ((~~prisoners~~)) incarcerated individuals requesting transfer to foreign countries.

NEW SECTION. **Sec. 8.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The department, the state board for community and technical colleges, the student achievement council, and the Washington statewide reentry council, in collaboration with an organization representing the presidents of the public four-year institutions of higher education, shall submit a combined report, pursuant to RCW 43.01.036, by December 1, 2021, and annually thereafter, to the appropriate committees of the legislature having oversight over higher education issues and correctional matters. The state agencies shall consult and engage with nonprofit and community-based postsecondary education providers during the development of the annual report.

(2) At a minimum, the combined report must include:

(a) The number of incarcerated individuals served in the department's postsecondary education system, the number of individuals not served, the number of individuals leaving the department's custody without a high school equivalency who were in the

department's custody longer than one year, and the number of individuals released without any postsecondary education, each disaggregated by demographics;

(b) A review of the department's identification and assessment of incarcerated individuals with learning disabilities, traumatic brain injuries, and other cognitive impairments or disabilities that may limit their ability to participate in educational programming, including general educational development testing and postsecondary education. The report shall identify barriers to the identification and assessment of these individuals and include recommendations that will further facilitate access to educational programming for these individuals;

(c) An identification of issues related to ensuring that credits earned in credit-bearing courses are transferable. The report must also include the number of transferable credits awarded and the number of credits awarded that are not transferable;

(d) A review of policies on transfer, in order to create recommendations to institutions and the legislature that to ensure postsecondary education credits earned while incarcerated transfer seamlessly upon postrelease enrollment in a postsecondary education institution. The review must identify barriers or challenges on transferring credits experienced by individuals and the number of credits earned while incarcerated that transferred to the receiving colleges postrelease;

(e) The number of individuals participating in correspondence courses and completion rates of correspondence courses, disaggregated by demographics;

(f) An examination of the collaboration between correctional facilities, the educational programs, nonprofit and community-based postsecondary education providers, and the institutions, with the goal of ensuring that roles and responsibilities are clearly defined, including the roles and responsibilities of each entity in relation to ensuring incarcerated individual access to, and accommodations in, educational programming; and

(g) A review of the partnerships with nonprofit and community-based postsecondary education organizations at state correctional facilities that provide accredited certificate and degree-granting programs and those that provide reentry services in support of educational programs and goals, including a list of the programs and services offered and recommendations to improve program delivery and access.

(3) The report shall strive to include, where possible, the voices and experiences of current or formerly incarcerated individuals.

Sec. 9. RCW 28B.15.067 and 2020 c 114 s 4 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Tuition operating fees for resident undergraduates at institutions of higher education as defined in RCW 28B.10.016, excluding applied baccalaureate degrees as defined in RCW 28B.50.030, may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.

(3) The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. Except during the 2013-2015 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

(4) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(5)(a) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

(b) The tuition fees established under this chapter shall not apply to students incarcerated with the department of corrections who are participating in credit-eligible postsecondary education courses and degree programs when the program expenses are funded by nontuition resources such as, but not limited to, grants, contracts, and donations.

(6) As a result of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess., the governing boards of the state universities, the regional universities, and The Evergreen State College shall not reduce resident undergraduate enrollment below the 2014-15 academic year levels.

NEW SECTION. **Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "pathways;" strike the remainder of the title and insert "amending RCW 72.09.270, 72.09.460, 72.09.465, 72.68.010, and 28B.15.067; amending 2019 c 397 s 1 (uncodified); adding a new section to chapter 72.68 RCW; adding a new section to chapter 72.09 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

Representative Slatter moved that the House concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1044.

Representative Slatter spoke in favor of the motion.

Representative Chambers spoke against the motion.

The House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1044 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Leavitt spoke in favor of the passage of the bill.

Representatives Chambers, Graham and Walsh spoke against the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Lekanoff was excused.

On motion of Representative Griffey, Representative Kretz was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1044, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1044, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lovick, Macri, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Kretz and Lekanoff.

SECOND SUBSTITUTE HOUSE BILL NO. 1044, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1127 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the public health system must use all available and effective tools to prevent the spread of the novel coronavirus COVID-19 and save lives in Washington. Public health case

investigation, testing, and contact tracing are traditional, trusted public health tools used to control the spread of communicable diseases and are subject to laws and policies protecting health information privacy. As the economy reopens, the staggering number of COVID-19 cases continue to test capacity of the public health system's ability to control COVID-19. In an effort to increase the system's capacity, academic institutions and technology companies have recently developed digital tools, including web and mobile applications, to assist local and state public health agencies with contact tracing efforts.

(2) The legislature finds that it is imperative to strike a balance between supporting innovative tools that increase the public health system's capacity while also providing equitable protections for the privacy and security of individual's COVID-19 health data and assuring individuals that collected data will not be used for law enforcement or immigration purposes. Achieving this balance is critical to reassure every Washingtonian, that any data collected by digital tools will be used in a private, secure, and legitimate manner and to support the use of all available tools to reduce the spread of COVID-19, particularly among vulnerable populations, and save lives in Washington.

(3) Therefore, the legislature intends to establish privacy and security standards for these digital tools to provide protections for all Washingtonian's COVID-19 health data.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Affirmative express consent" means an affirmative act by an individual that clearly and conspicuously communicates the individual's authorization of an act or practice and is:

(i) Made in the absence of any mechanism in the user interface that has the purpose or substantial effect of obscuring, subverting, or impairing decision making or choice to obtain consent; and

(ii) Taken after the individual has been presented with a clear and conspicuous disclosure that is separate from other options or acceptance of general terms and that includes a concise and easy-to-understand description of each act or practice for which the individual's consent is sought.

(b) For purposes of (a) of this subsection, affirmative express consent may not be inferred from the inaction of an individual or the individual's continued use of a service or product.

(c) Affirmative express consent must be freely given and nonconditioned.

(2)(a) "Biometric data" means any information, regardless of how it is captured, converted, or stored, that is:

(i) Based on an individual's unique biological characteristics, such as a retina or iris scan, fingerprint, voiceprint, a scan of hand or face geometry, or other unique biological patterns or characteristics; and

(ii) Used to identify a specific individual.

(b) "Biometric data" does not include:

(i) Writing samples, written signatures, photographs, human biological samples used for valid scientific testing or screening, demographic data, tattoo descriptions, thermal images, or physical descriptions such as height, weight, hair color, or eye color;

(ii) Donated organ tissues or parts, or blood or serum stored on behalf of recipients or potential recipients of living or cadaveric transplants and obtained or stored by a federally designated organ procurement agency;

(iii) Information captured from a patient in a health care setting or information collected, used, or stored for health care treatment, payment, or operations under the federal health insurance portability and accountability act of 1996; or

(iv) X-ray, roentgen process, computed tomography, magnetic resonance imaging, positron emission tomography scan, mammography, or other image or film of the human anatomy used to diagnose, develop a prognosis for, or treat an illness or other medical condition or to further validate scientific testing or screening.

(3) "Collect" means buying, renting, gathering, obtaining, receiving, accessing, or otherwise acquiring COVID-19 health data in any manner by a covered

organization, including by passively or actively observing the behavior of an individual.

(4)(a) "Covered organization" means any person, including a government entity, that:

(i) Collects, uses, or discloses COVID-19 health data of Washington residents electronically or through communication by wire or radio for a COVID-19 public health purpose; or

(ii) Develops or operates a website, web application, mobile application, mobile operating system feature, or smart device application for the purpose of tracking, screening, monitoring, contact tracing, mitigating, or otherwise responding to COVID-19 or the related public health response.

(b) "Covered organization" does not include:

(i) A health care provider;

(ii) A health care facility;

(iii) A public health agency;

(iv) The department of labor and industries and an employer that is self-insured under Title 51 RCW, if the department of labor and industries or employer is collecting data protected by RCW 51.28.070;

(v) The department of labor and industries for purposes of administering chapter 49.17 RCW;

(vi) The state long-term care ombuds program;

(vii) A person or entity acting as a "covered entity" or "business associate," as those terms are defined in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996 or a person or entity acting in a similar capacity under chapter 70.02 RCW;

(viii) A service provider;

(ix) A person acting in their individual or household capacity; or

(x) A person or entity that provides to a public health agency a mobile application or mobile operating system feature that transmits deidentified proximity data solely for the purpose of digitally notifying an individual who may have become exposed to COVID-19. A person or entity that provides such mobile application or mobile operating system feature to any person or entity other than a public health agency is a covered organization. A person or entity that transmits or uses deidentified proximity data for any purpose other than COVID-19 exposure notification is a covered organization.

(5) "COVID-19" means a respiratory disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(6)(a) "COVID-19 health data" means data that is collected, used, or disclosed in connection with COVID-19 or the related public health response and that is linked to an individual or device.

(b) "COVID-19 health data" includes, but is not limited to:

(i) Information that reveals the past, present, or future physical or behavioral health or condition of, or provision of health care to, an individual;

(ii) Data derived from the testing or examination of a body or bodily substance, or a request for such testing;

(iii) Information as to whether or not an individual has contracted or been tested for, or an estimate of the likelihood that a particular individual may contract, a disease or disorder;

(iv) Genetic data and biological samples;

(v) Biometric data;

(vi) Geolocation data;

(vii) Proximity data;

(viii) Demographic data; and

(ix) Contact information for identifiable individuals or a history of the individual's contacts over a period of time, such as an address book or call log.

(c) "COVID-19 health data" does not include:

(i) Identifiable personal data collected and used for the purposes of human subjects research conducted in accordance with: The federal policy for the protection of human subjects, 45 C.F.R. Part 46; the good clinical practice guidelines issued by the international council for harmonization; or the federal regulations on the protection of human subjects under 21 C.F.R. Parts 50 and 56;

(ii) Data that is deidentified in accordance with the deidentification requirements set forth in 45 C.F.R. Sec. 164.514 and that is derived from protected health information data subject to one of the standards set forth in (c)(i) of this subsection; or

(iii) Information used only for public health activities and purposes as described in 45 C.F.R. Sec. 164.512.

(7) "COVID-19 public health purpose" means a purpose that seeks to support or evaluate public health activities related to COVID-19 including, but not limited to, preventing, detecting, and responding to COVID-19; creating emergency response plans; identifying population health trends; health surveillance; health assessments; implementing educational programs; program evaluation; developing and implementing policies; and determining needs for access to services and administering services.

(8) "Demographic data" means information relating to the actual or perceived race, color, ethnicity, national origin, religion, sex, gender, gender identity, sexual orientation, age, tribal affiliation, disability, domicile, employment status, familial status, immigration status, or veteran status of an individual or group of individuals.

(9) "Device" means any electronic equipment that is primarily designed for or marketed to consumers.

(10) "Disclose" or "disclosure" means the releasing, transferring, selling, providing access to, licensing, or divulging in any manner of COVID-19 health data by a covered organization to a third party.

(11) "Federal immigration authority" means any officer, employee, or person otherwise paid by or acting as an agent of the United States department of homeland security, including but not limited to its subagencies, immigration and customs enforcement and customs and border protection, and any present or future divisions thereof, charged with immigration enforcement.

(12) "Geolocation data" means data capable of determining the past or present precise physical location of an individual at a specific point in time, taking account of population densities, including cell site location information, triangulation data derived from nearby wireless or radio frequency networks, and global positioning system data.

(13) "Health care facility" means a hospital, clinic, nursing home, psychiatric hospital, ambulatory surgical center, pharmacy, laboratory, testing site including a temporary or community-based site and locations where related samples are collected, office, or similar place where a health care provider provides health care to patients.

(14) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by state law to provide health care in the ordinary course of business or practice of a profession.

(15) "Individual" means a natural person who is a Washington resident.

(16) "Law enforcement officer" means a law enforcement officer as defined in RCW 9.41.010 or a federal peace officer as defined in RCW 10.93.020.

(17) "Person" means a natural or legal person, or any legal, commercial, or governmental entity of any kind or nature.

(18) "Proximity data" means information that identifies or estimates the past or present physical proximity of one individual or device to another, including information derived from Bluetooth, audio signatures, nearby wireless networks, and near-field communications.

(19) "Public health agency" means an agency or authority of the state, political subdivision of the state, or an Indian tribe that is responsible for public health matters as part of its official mandate, or a person or entity acting under a grant of authority from or contract with such public agency. "Public health agency" includes the department of health, the state board of health, local health departments, local boards of health, health districts, and sovereign tribal nations.

(20)(a) "Service provider" means a person that collects, uses, or discloses COVID-19 health data for the purpose of performing a service or function on behalf of, for the benefit of, under instruction of, and under contractual agreement with a covered organization,

but only to the extent that the collection, use, or disclosure relates to the performance of such service or function.

(b) "Service provider" excludes a person that develops or operates a website, web application, mobile application, or smart device application for the purpose of tracking, screening, monitoring, contact tracing, mitigating, or otherwise responding to COVID-19.

(21)(a) "Third party" means a person to whom a covered organization discloses COVID-19 health data, or a corporate affiliate or a related party of a covered organization that does not have a direct relationship with an individual with whom the COVID-19 health data is linked or is reasonably linkable.

(b) "Third party" excludes a public health agency, the state long-term care ombuds program, or a service provider of a covered organization.

(22) "Use" means the processing, employment, application, utilization, examination, or analysis of COVID-19 health data by a covered organization.

NEW SECTION. **Sec. 3.** (1)(a) A covered organization shall provide to an individual a privacy policy that describes, at a minimum:

(i) The covered organization's data retention and data security policies and practices for COVID-19 health data;

(ii) How and for what purposes the covered organization collects, uses, and discloses COVID-19 health data;

(iii) The recipients to whom the covered organization discloses COVID-19 health data and the purpose of disclosure for each recipient; and

(iv) How an individual may exercise their rights under this chapter.

(b) A privacy policy required under (a) of this subsection must be disclosed to an individual in a clear and conspicuous manner, in the language in which the individual typically interacts with the covered organization, and prior to or at the point of the collection of COVID-19 health data.

(2)(a) A covered organization may not collect, use, or disclose COVID-19 health data unless the individual to whom the data pertains has given affirmative express consent to the collection, use, or disclosure.

(b) (a) of this subsection does not apply to the collection, use, or disclosure of COVID-19 health data that is necessary solely to notify an employee or consumer of their potential exposure to COVID-19 while on a covered organization's premises or through an interaction with an employee or person acting on behalf of a covered organization.

(3) An affirmative express consent must be as easy to withdraw as it is to give. A covered organization shall provide an effective mechanism for an individual to revoke consent after it is given. After an individual revokes consent, the covered organization shall:

(a) Stop collecting, using, or disclosing the individual's COVID-19 health data no later than seven days after the receipt of the individual's revocation of consent;

(b) Destroy or render unlinkable the individual's COVID-19 health data under the same procedures as in section 4(4) of this act; and

(c) Notify the individual if and for what purposes the covered organization collected, used, or disclosed the individual's COVID-19 health data before honoring the individual's revocation of consent.

NEW SECTION. **Sec. 4.** (1) A covered organization shall:

(a) Collect, use, or disclose only COVID-19 health data that is necessary, proportionate, and limited for a good-faith COVID-19 public health purpose, including a service or feature to support a good-faith COVID-19 public health purpose;

(b) Limit the collection, use, or disclosure of COVID-19 health data to the minimum level of identifiability and the amount of data necessary for a good-faith COVID-19 public health purpose;

(c) Take reasonable measures to ensure the accuracy of COVID-19 health data, provide an easily accessible and effective mechanism for an individual to correct inaccurate information, and comply with an individual's request to correct COVID-19 health data no later than 30 days after receiving the request;

(d) Adopt reasonable safeguards to prevent unlawful discrimination on the basis of COVID-19 health data; and

(e) Only disclose COVID-19 health data to a government entity when the disclosure is to a public health agency and is made solely for good-faith COVID-19 public health purposes, unless the information disclosed is protected under a state or federal privacy law that restricts redisclosure.

(2) A covered organization may not collect, use, or disclose COVID-19 health data for any purpose not authorized in this act, including:

(a) Commercial advertising, recommendation for e-commerce, or the training of machine-learning algorithms related to, or subsequently for use in, commercial advertising or e-commerce;

(b) Soliciting, offering, selling, leasing, licensing, renting, advertising, marketing, or otherwise commercially contracting for employment, finance, credit, insurance, housing, or education opportunities in a manner that discriminates or otherwise makes opportunities unavailable on the basis of COVID-19 health data;

(c) Segregating, discriminating in, or otherwise making unavailable the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation, except as authorized by a federal, state, or local government entity for a COVID-19 public health purpose; and

(d) Disclosing COVID-19 health data to any law enforcement officer or federal immigration authority or using COVID-19 health data for any law enforcement or immigration purpose.

(3)(a) A general authority Washington law enforcement agency or limited authority Washington law enforcement agency, as defined in RCW 10.93.020, or a federal immigration authority may not collect, use, or disclose COVID-19 health data for the purpose of enforcing criminal or civil law.

(b) The Washington state department of social and health services is exempt from (a) of this subsection.

(4) No later than 30 days after collection, COVID-19 health data must be destroyed or rendered unlinkable in such a manner that it is impossible or demonstrably impracticable to identify any individual from the COVID-19 health data, unless data retention beyond 30 days is required by state or federal law. All COVID-19 health data retained beyond 30 days must be maintained in a confidential and secure manner and may not be redisclosed except as required by state or federal law.

(5) A covered organization may not disclose identifiable COVID-19 health data to a service provider or a third party unless that service provider or third party is contractually bound to the covered organization to meet the same data privacy obligations as the covered organization.

NEW SECTION. **Sec. 5.** (1) A covered organization or service provider shall establish and implement reasonable data security policies, practices, and procedures to protect the security and confidentiality of COVID-19 health data.

(2) A covered organization may not disclose identifiable COVID-19 health data to a third party unless that third party is contractually bound to the covered organization to meet the same data security obligations as the covered organization.

NEW SECTION. **Sec. 6.** (1) A covered organization that collects, uses, or discloses COVID-19 health data of at least 30,000 individuals over 60 calendar days shall issue a public report at least once every 90 days. The public report must:

(a) State in aggregate terms the number of individuals whose COVID-19 health data the covered organization collected, used, or disclosed to the extent practicable;

(b) Describe the categories of COVID-19 health data collected, used, or disclosed and the purposes for which each category of COVID-19 health data was collected, used, or disclosed;

(c) Describe the categories of recipients to whom COVID-19 health data was disclosed and list specific recipients of COVID-19 health data within each category.

(2) The public report required under subsection (1) of this section may not contain any information that is linked or reasonably linkable to a specific individual or device or that may be used to identify or reidentify a specific individual or device.

(3) A covered organization subject to the public report requirement under subsection (1) of this section shall

provide a copy of the public report to the department of health. The department of health shall publish all received reports on its public website.

(4) Nothing in this section requires a covered organization to:

(a) Take an action that would convert data that is not COVID-19 health data into COVID-19 health data;

(b) Collect or maintain COVID-19 health data that the covered organization would otherwise not maintain; or

(c) Maintain COVID-19 health data longer than the covered organization would otherwise maintain such data.

NEW SECTION. **Sec. 7.** (1) Nothing in this act limits or prohibits a public health agency from administering programs or activities to identify individuals who have contracted, or may have been exposed to, COVID-19 through interviews, outreach, case investigation, and other recognized investigatory measures by a public health agency or its designated agent intended to monitor and mitigate the transmission of a disease or disorder.

(2) Nothing in this act limits or prohibits public health or scientific research conducted for COVID-19 public health purposes by:

(a) A public health agency;

(b) A nonprofit corporation or a public benefit nonprofit corporation, as defined in RCW 24.03.005; or

(c) An institution of higher education, as defined in RCW 28B.92.030.

(3) Nothing in this chapter limits or prohibits research, development, manufacture, or distribution of a drug, biological product, or vaccine that relates to a disease or disorder that is associated or potentially associated with COVID-19.

(4) Nothing in this act prohibits a good faith response to, or compliance with, otherwise valid subpoenas, court orders, or other legal processes.

(5) Nothing in this act prohibits the medicaid fraud division of Washington attorney general's office from collecting, using, or disclosing, as legally permitted, COVID-19 health data for the enforcement of criminal and/or civil law. Furthermore, nothing in this act prevents or prohibits covered entities from providing COVID-19 health data to the medicaid fraud control division of Washington attorney general's office for the enforcement of criminal or civil law.

NEW SECTION. **Sec. 8.** (1) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

Sec. 9. RCW 42.56.360 and 2020 c 323 s 2 are each amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the pharmacy quality assurance commission as provided in RCW 69.45.090;

(b) Information obtained by the pharmacy quality assurance commission or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, a notification of an incident under RCW 70.56.040(5), and reports regarding adverse events under RCW 70.56.020(2)(b), regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted

and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1);

(g) Information obtained by the department of health under chapter 70.225 RCW;

(h) Information collected by the department of health under chapter 70.245 RCW except as provided in RCW 70.245.150;

(i) Cardiac and stroke system performance data submitted to national, state, or local data collection systems under RCW 70.168.150(2)(b);

(j) All documents, including completed forms, received pursuant to a wellness program under RCW 41.04.362, but not statistical reports that do not identify an individual;

(k) Data and information exempt from disclosure under RCW 43.371.040; and

(l) Medical information contained in files and records of members of retirement plans administered by the department of retirement systems or the law enforcement officers' and firefighters' plan 2 retirement board, as provided to the department of retirement systems under RCW 41.04.830.

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

(3)(a) Documents related to infant mortality reviews conducted pursuant to RCW 70.05.170 are exempt from disclosure as provided for in RCW 70.05.170(3).

(b)(i) If an agency provides copies of public records to another agency that are exempt from public disclosure under this subsection (3), those records remain exempt to the same extent the records were exempt in the possession of the originating entity.

(ii) For notice purposes only, agencies providing exempt records under this subsection (3) to other agencies may mark any exempt records as "exempt" so that the receiving agency is aware of the exemption, however whether or not a record is marked exempt does not affect whether the record is actually exempt from disclosure.

(4) Information and documents related to maternal mortality reviews conducted pursuant to RCW 70.54.450 are confidential and exempt from public inspection and copying.

(5) COVID-19 health data, as defined in section 2 of this act, is exempt from disclosure under this chapter.

NEW SECTION. **Sec. 10.** Sections 1 through 8 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. **Sec. 11.** This act expires December 31, 2022.

NEW SECTION. **Sec. 12.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 42.56.360; adding a new chapter to Title 70 RCW; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1127 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL

AS SENATE AMENDED

Representatives Slatter and Boehnke spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1127, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1127, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Corry, Dufault, Eslick, Hoff, Klippert, Kraft, McCaslin, McEntire, Sutherland, Vick, Walsh and Young.

Excused: Representatives Kretz and Lekanoff.

SECOND SUBSTITUTE HOUSE BILL NO. 1127, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 11, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the United States environmental protection agency and centers for disease control and prevention acknowledge that there is no known safe level of lead in a child's blood. Even low levels of lead exposure can cause permanent cognitive, academic, and behavioral difficulties in children. The American academy of pediatrics recommends government action to ensure that the lead concentration in drinking water at schools does not exceed one part per billion.

(2) The legislature finds that the department of health sampled and tested drinking water outlets in 551 elementary schools between 2017 and 2020. 82 percent of these schools had lead contamination of five or more parts per billion in one or more drinking water outlets and 49 percent of these schools had lead contamination of 15 or more parts per billion in one or more drinking water outlets.

(3) The legislature acknowledges that the department of health was appropriated $1,000,000 in the 2019-2021 fiscal biennium to continue the testing for lead contamination in school drinking water. The legislature also finds that the office of the superintendent of public instruction was appropriated funds in the 2019-2021 fiscal biennium for the healthy kids/healthy schools initiative. Part of these funds are for the purpose of distributing grants to school districts for remediation of elevated lead levels in drinking water. The legislature encourages districts to apply for these grants when lead test results reveal elevated lead levels, which are lead levels above five parts per billion.

(4) The legislature acknowledges the historically inequitable distribution of lead exposure for communities of color and of low socioeconomic status and plans to make a priority the protection of children from the dangers of lead exposure through school drinking water. The legislature, therefore, intends to require that drinking water outlets in elementary and secondary school buildings built, or with all plumbing replaced, before 2016 be tested for the presence and level of lead contamination by June 30, 2026, and every five years thereafter. The legislature also intends to require that schools notify the school community of lead test results and develop action plans for remediation if test results exceed the health-based standard of five parts per billion.

(5) The legislature recognizes that the youngest children are the most vulnerable to lead exposure and that many of these children spend significant amounts of time at child care facilities.

(6) This act is named for the director of the Washington public interest research group who developed and advocated for this legislation before dying of cancer in 2019 and may be known as the Bruce Speight protect children from being exposed to lead in school drinking water act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) This section applies to schools with buildings built, or with all plumbing replaced, before 2016.

(2) With respect to sampling and testing for lead contamination at drinking water outlets, a school shall either:

(a) Cooperate with the department so that the department can conduct sampling and testing as required under section 3 of this act; or

(b) Contract for sampling and testing that meets the requirements of section 3 of this act and submit the test results to the department according to a procedure and deadlines determined by the department.

(3)(a) Except as provided in (b) of this subsection, a school shall communicate annually with students' families and staff about lead contamination in drinking water. The school shall consult with the department or a local health agency on the contents of the communication, which must include: The health effects of lead exposure; the website address of the most recent lead test results; and information about the school's plan for remedial action to reduce lead contamination in drinking water. Schools are encouraged to provide the communication as early in the school year as possible.

(b) The annual communication described under (a) of this subsection is not required if initial testing, or once postremediation testing, does not detect an elevated lead level at any drinking water outlet.

(4) As soon as practicable after receiving a lead test result that reveals a lead concentration that exceeds 15 parts per billion at a drinking water outlet, and until a lead contamination mitigation measure, such as use of a filter, is implemented, the school must shut off the water to the outlet.

(5)(a) For a lead test result that reveals an elevated lead level, as defined in subsection (7) of this section, at one or more drinking water outlets, the school's governing body shall adopt a school action plan in compliance with the requirements of this subsection.

(b) The school action plan must:

(i) Be developed in consultation with the department or a local health agency regarding the technical guidance, and with the office of the superintendent of public instruction regarding funding for remediation activities;

(ii) Describe mitigation measures implemented since the lead test result was received;

(iii) Include a schedule of remediation activities, including use of filters, that adhere to the technical guidance. The schedule may be based on the availability of state or federal funding for remediation activities; and

(iv) Include postremediation retesting to confirm that remediation activities have reduced lead concentrations at drinking water outlets to below the elevated lead level.

(c) The school action plan may include sampling and testing of the drinking water entering the school when the results of testing for lead contamination at drinking water outlets within the school indicate that the infrastructure of the public water system is a documented significant contributor to the elevated lead levels.

(d) The school must provide the public with notice and opportunity to comment on the school action plan before it is adopted.

(e) If testing reveals that a significant contributor to lead contamination in school drinking water is the infrastructure operated by a public water system that is not a school water system, the school: (i) Is not financially responsible for remediating elevated lead levels in drinking water that passes through that infrastructure; (ii) must communicate with the public water system regarding its documented significant contribution to lead contamination in school drinking water and request from the public water system a plan for reducing the lead contamination; and (iii) may defer its

remediation activities under (b) of this subsection until after the elevated lead level in the public water system's infrastructure is remediated and postremediation retesting does not detect an elevated lead level in the drinking water that passes through that infrastructure.

(f) The school action plan adoption deadlines are as follows:

(i) For lead test results received between July 1, 2014, and the effective date of this section, for which a school did not take remedial action or for which postremediation retesting has not confirmed that the elevated lead level has been reduced to five or fewer parts per billion, the school shall provide notice of elevated lead levels in the communication required under subsection (3) of this section and the school's governing body shall adopt an action plan by March 31, 2022; and

(ii) For lead test results received after the effective date of this section, the school's governing body shall adopt an action plan within six months of receipt.

(g) A school's governing body may adopt an update to an existing school action plan, rather than adopting a new school action plan, in order to address additional lead test results that reveal elevated lead levels at drinking water outlets, coordinate remediation activities at multiple buildings, or adjust the schedule of remediation activities.

(6) A school must post on a public website the most recent results of testing for lead contamination at drinking water outlets, no later than the time that the proposed school action plan is made publicly available, under subsection (5)(d) of this section.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Department" means the department of health.

(b) "Drinking water" means any water that students have access to where it is reasonably foreseeable that the water may be used for drinking, cooking, or food preparation.

(c) "Drinking water outlet" or "outlet" means any end point for delivery of drinking water, for example a tap, faucet, or fountain.

(d) "Elevated lead level" means a lead concentration in drinking water that exceeds five parts per billion, unless a lower concentration is specified by the state board of health in rule in accordance with section 6 of this act.

(e) "Public water system" has the same meaning as in RCW 70A.120.020.

(f) "School" means a school district and the common schools, as defined in RCW 28A.150.020, within the district; a charter school established under chapter 28A.710 RCW; or the state school for the blind or the state school for the deaf established under RCW 72.40.010.

(g) "Technical guidance" means the technical guidance for reducing lead in drinking water at schools issued by the United States environmental protection agency until the department complies with section 5 of this act when the term means the technical guidance developed by the department.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall conduct sampling and testing for lead contamination at drinking water outlets in school buildings built, or with all plumbing replaced, before 2016 as specified in this section. The department meets the requirements of this section when a school contracts for sampling and testing that meets the requirements of this section and submits the test results to the department according to a procedure and deadlines determined by the department.

(2) Sampling and testing for the presence and level of lead in drinking water must meet the technical requirements described in the technical guidance.

(3)(a) Initial testing for lead contamination in drinking water must be conducted between July 1, 2014, and June 30, 2026.

(b) Retesting for lead contamination in drinking water must be conducted no less than every five years beginning July 1, 2026.

(4)(a) The department shall develop and publish a two-year plan for sampling and testing. The plan must be updated at

least annually. Prior to adding a school to the plan, the department must contact the school to determine whether the school has contracted, or is planning to contract, for sampling and testing.

(b) Beginning July 1, 2026, in developing the two-year plan for sampling and testing, the department must group school buildings by governing body and then prioritize the groups based on the combined length of time since each school building built, or with all plumbing replaced, before 2016 was sampled and tested.

(5) The department shall enter a data-sharing agreement with the office of the superintendent of public instruction for the purpose of compiling a list of school buildings built, or with all plumbing replaced, before 2016.

(6) The definitions in section 2 of this act apply throughout this section unless the context clearly requires otherwise.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70 RCW to read as follows:

The department shall allow state-tribal compact schools established under chapter 28A.715 RCW to opt into sampling and testing for lead contamination at drinking water outlets in school buildings built, or with all plumbing replaced, before 2016 pursuant to section 3 of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

The department shall develop and make available technical guidance for reducing lead contamination in drinking water at schools that is at least as protective of student health as any technical guidance on this topic issued by the United States environmental protection agency. The technical guidance must include the technical requirements for sampling, processing, and analysis, including that analysis must be conducted by a laboratory accredited by the department of ecology. The technical guidance must describe best practices for remediating elevated lead levels at drinking water outlets in schools. Best practices must include installing and maintaining filters certified by a body accredited by the American national standards institute. Provisions of the technical guidance related to testing for the presence and level of lead in drinking water, as opposed to testing to identify sources of lead for remediation, must be designed to maximize detection of lead in water, and therefore must prohibit sampling or analytical methods that tend to mask lead contamination, including prestagnation flushing and removal of aerators prior to sampling.

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.20 RCW to read as follows:

After July 1, 2030, the state board may, by rule, define "elevated lead level" at a concentration of five or fewer parts per billion if scientific evidence supports a lower concentration as having the potential for further reducing the health effects of lead contamination in drinking water.

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.70 RCW to read as follows:

(1) To the fullest extent permitted by federal law, the department, rather than community water systems, is designated as the lead or principal agency in regard to lead in drinking water sampling, testing, notification, remediation, public education, and other actions at public and private elementary and secondary schools as required by the federal lead and copper rule, 40 C.F.R. Part 141.

(2) The department must issue a written waiver that exempts community water systems that serve schools from the sampling and testing requirements of 40 C.F.R. Part 141.92 related to schools if the department determines that the mandatory requirements for sampling and testing for, and remediation of, lead contamination in drinking water outlets at elementary and secondary schools under this act are consistent with the requirements in 40 C.F.R. Part 141.92 of the federal lead and copper rule.

NEW SECTION. **Sec. 8.** This act may be known and cited as the Bruce Speight protect children from being exposed to lead in school drinking water act.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "water;" strike the remainder of the title and insert "adding a new section to chapter 28A.210 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.20 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pollet and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1139, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1139, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dye, McEntire, Schmick and Walsh.

Excused: Representatives Kretz and Lekanoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 5, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1155 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.420 and 2019 c 281 s 1 are each amended to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters, and if the proposition is approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter for the purposes designated in subsection (3) of this section.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax may not exceed two-tenths of one percent of the selling price in the case of sales tax, or value of the article used, in the case of a use tax.

(3) Moneys received from any tax imposed under this section must be used solely for the purpose of providing funds for costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, and improvement of emergency communication systems and facilities.

(4) Counties are authorized to develop joint ventures to collocate emergency communication systems and facilities.

(5) Prior to submitting the tax authorization in subsection (2) of this section to the voters in a county that provides emergency communication services to a governmental agency pursuant to a contract, the parties to the contract must review and negotiate or affirm the terms of the contract.

(6) ((~~Prior to submitting the tax authorized in subsection (2) of this section to the voters, a~~)) (a) A county imposing the tax authorized in subsection (2) of this section, with a population of more than one million five hundred thousand, in which any city over fifty thousand operates emergency communication systems and facilities either independently or as a member of a

regional emergency communication agency must enter into an interlocal agreement with the city either independently or as a member of a regional emergency communications agency to determine distribution of the revenue provided in this section as follows:

(i) Within 12 months of meeting the population thresholds in this subsection (6) or within 12 months of the effective date of this section, whichever is later; or

(ii) Prior to submitting the tax to the voters, for counties not currently imposing the tax.

(b) City representation in the interlocal agreement process must include a representative from the mayor's office and the city council president. In a city that operates under a council-manager form of government under chapter 35.18 or 35A.13 RCW, city representation must include the city manager or the city manager's designee.

(c) The time frame provided in (a)(i) of this subsection may be extended for an additional three months with the agreement of the county and the city.

(7) ((~~Prior to submitting the tax authorized in subsection (2) of this section to the voters, a~~)) (a) A county imposing the tax authorized in subsection (2) of this section, with a population of more than five hundred thousand but less than one million five hundred thousand, in which any city over fifty thousand operates emergency communication systems and facilities must enter into an interlocal agreement with the city to determine distribution of the revenue provided in this section as follows:

(i) Within 12 months of meeting the population thresholds in this subsection (7) or within 12 months of the effective date of this section, whichever is later; or

(ii) Prior to submitting the tax to the voters, for counties not currently imposing the tax.

(b) The time frame established in (a)(i) of this subsection may be extended for an additional three months with the agreement of the county and the city.

(8) If a county and a city that are required to enter into an interlocal agreement under subsection (6) or (7) of this section fail to enter into an interlocal agreement within the allotted time frame or the extended time frame as provided in subsection (6)(a)(i) or (c) or (7)(a)(i) or (b) of this section, then the city or county may seek equitable apportionment of the tax authorized under this section in the county's superior court. Equitable apportionment must be provided retroactively beginning from when the county and city met the population thresholds under subsection (6) or (7) of this section or the effective date of this section, whichever is later.

(9) A county imposing the tax authorized under this section on July 28, 2019, must submit an authorizing proposition to the voters as provided under this section to increase the rate of tax.

((~~(9)~~)) (10) The Washington state patrol must enter into an intergovernmental agreement, with a county, city, or regional communications agency that operates emergency communications systems, for purposes of interoperable communications, if the following conditions are met:

(a) The intergovernmental agreement is requested by the county, city, or regional communications agency for this purpose; and

(b) The terms and conditions are mutually agreeable."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "and amending RCW 82.14.420."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1155 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Riccelli spoke in favor of the passage of the bill.

Representative Chase spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1155, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1155, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Kretz.

SUBSTITUTE HOUSE BILL NO. 1155, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1219 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that dependency proceedings determine many critical aspects of a child's future, including whether the child may remain at home with their family, whether and how often the child sees their parents and siblings if they do not remain with their family, where the child attends school, and how long the child remains in state care. Children and youth, regardless of age, have many legal rights at stake in these proceedings, including a right to maintain family relationships, a right to freedom from harm, and a right to reasonable safety. Standards-based representation by a well-qualified attorney can be invaluable in protecting and advancing the child's legal rights and, where articulable, stated interests. Attorneys can advise and assist children and youth in presenting their experiences and position to the court, improving the court's comprehensive decision making.

(2) The legislature further recognizes that appointing attorneys to provide standards-based legal representation for children and youth in dependency proceedings has been shown to result in more timely permanency for children and youth, increased school and placement stability, and increased contact with parents and siblings.

(3) The legislature finds that the current system for child legal representation is inadequate and has resulted in a patchwork system that varies by county leading to many children and youth not having equal access to the court process. This is particularly true when significant events, such as the COVID-19 pandemic, result in sudden changes to court rules and procedures.

(4) The legislature further finds that Black and Indigenous children and youth and other youth of color are much more likely to be removed from their parents' care, placed into foster care, and remain in the child welfare system longer than White children. Systemic racism contributes to this overrepresentation and to the lack of meaningful access to the court process for children and their families. It is the intent of the legislature to ensure that any expansion of legal representation actively combat this disproportionality.

Sec. 2. RCW 13.34.090 and 2017 3rd sp.s. c 6 s 303 are each amended to read as follows:

(1) Any party has a right to be represented by an attorney in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact finder.

(2) At all stages of a proceeding in which a child is alleged to be dependent, the child's parent, guardian, or legal custodian has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court. Unless waived in court, counsel shall be provided to the child's parent, guardian, or legal custodian, if such

person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency.

(3) At all stages of a proceeding in which a child is alleged to be dependent, the child has the right to be represented by counsel. Counsel shall be provided at public expense subject to the phase-in schedule as provided in section 6 of this act.

(4) If a party to an action under this chapter is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel.

((~~(4)~~)) (5) Copies of department ((~~or supervising agency~~)) records to which the child and the child's parents have legal access pursuant to chapter 13.50 RCW shall be given to the ((~~child's parent~~)) child or child's counsel, and the parents, guardian, legal custodian, or his or her legal counsel, prior to any shelter care hearing and within ((~~fifteen~~)) 15 days after the department ((~~or supervising agency~~)) receives a written request for such records from the ((~~parent~~)) child or child's counsel, and the parents, guardian, legal custodian, or his or her legal counsel. These records shall be provided to the child's parents, guardian, legal custodian, or legal counsel a reasonable period of time prior to the shelter care hearing in order to allow an opportunity to review the records prior to the hearing. These records shall be legible and shall be provided at no expense to the child or child's counsel, and the parents, guardian, legal custodian, or his or her counsel. When the records are served on legal counsel, legal counsel shall have the opportunity to review the records with the ((~~parents~~)) client and shall review the records with the ((~~parents~~)) client prior to the shelter care hearing.

Sec. 3. RCW 13.34.092 and 2000 c 122 s 6 are each amended to read as follows:

At the commencement of the shelter care hearing the court shall advise the parties of basic rights as provided in RCW 13.34.090 and appoint counsel to the child's parent, guardian, or legal custodian pursuant to RCW 13.34.090 if the parent ((~~or~~)), guardian, or legal custodian is indigent unless counsel has been retained by the parent ((~~or~~)), guardian, or legal custodian or the court finds that the right to counsel has been expressly and voluntarily waived in court.

Sec. 4. RCW 13.34.100 and 2019 c 57 s 1 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by an independent attorney in the proceedings. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background information record shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) General training related to the guardian ad litem's duties;

(c) Specific training related to issues potentially faced by children in the dependency system;

(d) Specific training or education related to child disability or developmental issues;

(e) Number of years' experience as a guardian ad litem;

(f) Number of appointments as a guardian ad litem and the county or counties of appointment;

(g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause;

(h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;

(i) The results of an examination of state and national criminal identification data. The examination shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. The background check shall be done through the Washington state patrol criminal identification section and must include a national check from the federal bureau of investigation based on the submission of fingerprints; and

(j) Criminal history, as defined in RCW 9.94A.030, for the period covering ((~~ten~~)) 10 years prior to the appointment.

The background information record shall be updated annually and fingerprint-based background checks shall be updated every three years. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program a suitable person appointed by the court to act as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a copy of the background information record. The portion of the background information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through an attorney, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6)((~~(a) The court must appoint an attorney for a child in a dependency proceeding six months after granting a petition to terminate the parent and child relationship pursuant to RCW 13.34.180 and when there is no remaining parent with parental rights.~~

~~The court must appoint an attorney for a child when there is no remaining parent with parental rights for six months or longer prior to July 1, 2014, if the child is not already represented.~~

~~The court may appoint one attorney to a group of siblings, unless there is a conflict of interest, or such representation is otherwise inconsistent with the rules of professional conduct.~~

~~(b) Legal services provided by an attorney appointed pursuant to (a) of this subsection do not include representation of the child in any appellate proceedings relative to the termination of the parent and child relationship.~~

~~(c)(i) Subject to the availability of amounts appropriated for this specific purpose, the state shall pay the costs of legal services provided by an attorney appointed pursuant to (a) of this subsection, if the legal services are provided in accordance with the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010. Caseload limits must be calculated pursuant to (c)(ii) of this subsection.~~

~~(ii) Counties are encouraged to set caseloads as low as possible and to account for the individual needs of the children in care. Notwithstanding the caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010, when one attorney represents a sibling group, the first child is counted as one case, and each child thereafter is counted as one-half case to determine

~~compliance with the caseload standards pursuant to (c)(i) of this subsection and RCW 2.53.045.~~

~~(iii) The office of civil legal aid is responsible for implementation of (c)(i) and (ii) of this subsection as provided in RCW 2.53.045.~~

~~(7)(a) The court may appoint an attorney to represent the child's position in any dependency action on its own initiative, or upon the request of a parent, the child, a guardian ad litem, a caregiver, or the department.~~

~~(b)(i) If the court has not already appointed an attorney for a child, or the child is not represented by a privately retained attorney:~~

~~(A) The child's caregiver, or any individual, may refer the child to an attorney for the purposes of filing a motion to request appointment of an attorney at public expense; or~~

~~(B) The child or any individual may retain an attorney for the child for the purposes of filing a motion to request appointment of an attorney at public expense.~~

~~(ii) Nothing in this subsection (7)(b) shall be construed to change or alter the confidentiality provisions of RCW 13.50.100.~~

~~(c) Pursuant to this subsection, the department or supervising agency and the child's guardian ad litem shall each notify a child of his or her right to request an attorney and shall ask the child whether he or she wishes to have an attorney. The department or supervising agency and the child's guardian ad litem shall notify the child and make this inquiry immediately after:~~

~~(i) The date of the child's twelfth birthday;~~

~~(ii) Assignment of a case involving a child age twelve or older; or~~

~~(iii) July 1, 2010, for a child who turned twelve years old before July 1, 2010.~~

~~(d) The department or supervising agency and the child's guardian ad litem shall repeat the notification and inquiry at least annually and upon the filing of any motion or petition affecting the child's placement, services, or familial relationships.~~

~~(e) The notification and inquiry is not required if the child has already been appointed an attorney.~~

~~(f) The department or supervising agency shall note in the child's individual service and safety plan, and the guardian ad litem shall note in his or her report to the court, that the child was notified of the right to request an attorney and indicate the child's position regarding appointment of an attorney.~~

~~(g) At the first regularly scheduled hearing after:~~

~~(i) The date of the child's twelfth birthday;~~

~~(ii) The date that a dependency petition is filed pursuant to this chapter on a child age twelve or older; or~~

~~(iii) July 1, 2010, for a child who turned twelve years old before July 1, 2010;~~

~~the court shall inquire whether the child has received notice of his or her right to request an attorney from the department or supervising agency and the child's guardian ad litem. The court shall make an additional inquiry at the first regularly scheduled hearing after the child's fifteenth birthday. No inquiry is necessary if the child has already been appointed an attorney.~~

~~(8)~~)) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to this section shall be deemed a guardian ad litem.

((~~(9)~~)) (7) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends. The program shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The court shall immediately appoint the person recommended by the program.

((~~(10)~~)) (8) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five

judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

((~~(11)~~)) (9) The court shall remove any person from serving as a court-appointed special advocate or volunteer guardian ad litem if the court is notified that the person has been removed from another county's registry pursuant to the disposition of a grievance or if the court is otherwise made aware that the individual was found by a court to have made a materially false statement that he or she knows to be false during an official proceeding under oath.

NEW SECTION. **Sec. 5.** A new section is added to chapter 2.53 RCW to read as follows:

(1) The statewide children's legal representation program is established within the office of civil legal aid. The children's legal representation program shall ensure the provision of standards-based representation informed by best practice models, rigorous data analysis, race and other equity considerations that cause or perpetuate racial and other disparities in the child welfare system, involvement of stakeholders, including youth and young adults impacted by the system.

(2) The statewide children's legal representation program is responsible for implementation of section 6 of this act and RCW 2.53.045 except that it is the court's responsibility to appoint attorneys in dependency proceedings.

NEW SECTION. **Sec. 6.** A new section is added to chapter 13.34 RCW to read as follows:

(1)(a) The court shall appoint an attorney for a child in a dependency proceeding six months after granting a petition to terminate the parent and child relationship pursuant to RCW 13.34.180 and when there is no remaining parent with parental rights.

(b) The court may appoint one attorney to a group of siblings, unless there is a conflict of interest, or such representation is otherwise inconsistent with the rules of professional conduct.

(c) Subject to availability of amounts appropriated for this specific purpose, the state shall pay the costs of legal services provided by an attorney appointed pursuant to (a) of this subsection if the legal services are provided in accordance with the rules of professional conduct, the standards of practice, caseload limits, and training guidelines adopted by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010 until such time that new recommendations are adopted by the children's representation work group established in section 9 of this act.

(d) The office of civil legal aid is responsible for implementation of (c) of this subsection as provided in RCW 2.53.045.

(e) Legal services provided by an attorney pursuant to (a) of this subsection do not include representation of the child in any appellate proceedings relative to the termination of the parent and child relationship.

(2)(a) The court may appoint an attorney to represent the child's position in any dependency action on its own initiative, or upon the request of a parent, the child, a guardian ad litem, a caregiver, or the department.

(b)(i) If the court has not already appointed an attorney for a child, or the child is not represented by a privately retained attorney:

(A) The child's caregiver, or any individual, may refer the child to an attorney for the purposes of filing a motion to request appointment of an attorney at public expense; or

(B) The child or any individual may retain an attorney for the child for the purposes of filing a motion to request appointment of an attorney at public expense.

(ii) Nothing in this subsection changes or alters the confidentiality provisions of RCW 13.50.100.

(c) The department and the child's guardian ad litem shall each notify a child of the child's right to request an attorney and shall ask the child whether the child wishes to have an attorney. The department and the child's guardian ad litem shall notify the child and make this inquiry immediately after:

(i) The date of the child's 12th birthday; or

(ii) Assignment of a case involving a child age 12 or older.

(d) The department and the child's guardian ad litem shall repeat the notification and inquiry at least annually and upon the filing of any motion or petition affecting the child's placement, services, or familial relationships.

(e) The notification and inquiry is not required if the child has already been appointed an attorney.

(f) The department shall note in the child's individual service and safety plan, and the guardian ad litem shall note in his or her report to the court, that the child was notified of the right to request an attorney and indicate the child's position regarding appointment of an attorney.

(g) At the first regularly scheduled hearing after:

(i) The date of the child's 12th birthday; or

(ii) The date that a dependency petition is filed pursuant to this chapter on a child age 12 or older;

the court shall inquire whether the child has received notice of his or her right to request an attorney from the department and the child's guardian ad litem. The court shall make an additional inquiry at the first regularly scheduled hearing after the child's 15th birthday. No inquiry is necessary if the child has already been appointed an attorney.

(3) Subject to the availability of amounts appropriated for this specific purpose:

(a) Pursuant to the phase-in schedule set forth in (c) of this subsection (3), the court must appoint an attorney for every child in a dependency proceeding as follows:

(i) For a child under the age of eight, appointment must be made for the dependency and termination action upon the filing of a termination petition. Nothing in this subsection shall be construed to limit the ability of the court to appoint an attorney to represent the child's position in a dependency action on its own initiative, or upon the request of a parent, the child, a guardian ad litem, a caregiver, or the department, prior to the filing of a termination petition.

(ii) For a child between the ages of eight through 17, appointment must be made upon the filing of a new dependency petition at or before the commencement of the shelter care hearing.

(iii) For any pending or open dependency case where the child is unrepresented and is entitled to the appointment of an attorney under (a)(i) or (ii) of this subsection, appointment must be made at or before the next hearing if the child is eligible for representation pursuant to the phase-in schedule. At the next hearing, the court shall inquire into the status of attorney representation for the child, and if the child is not yet represented, appointment must be made at the hearing.

(b) Appointment is not required if the court has already appointed an attorney for the child, or the child is represented by a privately retained attorney.

(c) The statewide children's legal representation program shall develop a schedule for court appointment of attorneys for every child in dependency proceedings that will be phased in on a county-by-county basis over a six-year period. The schedule required under this subsection must:

(i) Prioritize implementation in counties that have:

(A) No current practice of appointment of attorneys for children in dependency cases; or

(B) Significant prevalence of racial disproportionality or disparities in the number of dependent children compared to the general population, or both;

(ii) Include representation in at least:

(A) Three counties beginning July 1, 2022;

(B) Eight counties beginning January 1, 2023;

(C) Fifteen counties beginning January 1, 2024;

(D) Twenty counties beginning January 1, 2025;

(E) Thirty counties beginning January 1, 2026; and

(iii) Achieve full statewide implementation by January 1, 2027.

(d) In cases where the statewide children's legal representation program provides funding and where consistent with its administration and oversight responsibilities, the statewide children's legal representation program should prioritize continuity of counsel for children who are already represented at county expense when the statewide children's legal representation program becomes effective in a county. The statewide children's legal representation program shall coordinate with relevant county stakeholders to determine how best to prioritize this continuity of counsel.

(e) The statewide children's legal representation program is responsible for the recruitment, training, and oversight of attorneys providing standards-based representation pursuant to (a) and (c) of this subsection as provided in RCW 2.53.045 and shall ensure that attorneys representing children pursuant to this section provide legal services according to the rules of professional conduct, the standards of practice, caseload limits, and training guidelines adopted by the children's representation work group established in section 9 of this act.

Sec. 7. RCW 2.53.045 and 2018 c 21 s 3 are each amended to read as follows:

(1) Money appropriated by the legislature for legal services provided by an attorney appointed pursuant to ((~~RCW 13.34.100~~)) section 6 of this act must be administered by the office of civil legal aid established under RCW 2.53.020.

(2) The ((~~office of civil legal aid~~)) statewide children's legal representation program shall enter into contracts with attorneys and agencies for the provision of legal services under ((~~RCW 13.34.100~~)) section 5 of this act to remain within appropriated amounts.

(3) Prior to distributing state funds under subsection (2) of this section, the ((~~office of civil legal aid~~)) statewide children's legal representation program must verify that attorneys providing legal representation to children under ((~~RCW 13.34.100~~)) section 6 of this act meet the standards of practice, ((~~voluntary training, and~~)) caseload limits ((~~developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010. Caseload limits described in this subsection must be determined as provided in RCW 13.34.100(6)(c)(ii)~~)), and training guidelines adopted by the children's representation work group established in section 9 of this act.

NEW SECTION. **Sec. 8.** A new section is added to chapter 13.34 RCW to read as follows:

(1) The Washington state center for court research of the administrative office of the courts shall convene stakeholders, including youth and young adults, to identify the relevant outcome measures and data collection methods that appropriately protect attorney-client privilege to effectively assess:

(a) The number of youth for whom attorneys are appointed pursuant to section 6(3) of this act; and

(b) The short and longitudinal impact of standards-based legal representation on case outcomes including family reunification, number of placement changes, and placement with kin of appointment of standards-based representation disaggregated by race, ethnicity, age, disability status, sexual and gender identity, and geography.

(2) By November 30, 2022, and in compliance with RCW 43.01.036, the Washington state center for court research of the administrative office of the courts shall submit an annual report to the appropriate committees of the legislature and the governor outlining the outcome measures identified under this section.

NEW SECTION. **Sec. 9.** A new section is added to chapter 2.53 RCW to read as follows:

(1) The legislature recognizes that substantial changes have occurred that inform the best practices related to representation of children and youth in dependency cases, including new understandings relating to equity, disproportionality, cultural competency, and trauma-informed representation. The legislature further recognizes the role that training, supportive supervision, and competitive compensation structures play in recruiting and retaining a diverse pool of well-qualified attorneys. The legislature further recognizes that standards-based representation continues to be necessary

to ensure effective representation of the stated and legal interests of children and youth involved in the child welfare system.

(2) The legislature therefore respectfully requests that the supreme court's commission on children in foster care convene a children's representation work group composed of relevant stakeholders, including an independent expert in attorneys' ethical duties, to review and update, where appropriate, the standards of practice, caseload limits, and training guidelines, referenced in RCW 2.53.045 and section 6 of this act. The updated standards shall be developed by March 31, 2022.

(3) In addition, the work group is requested to review, in consultation with relevant stakeholders, the available research and best practices regarding representation of the legal interests of children under the age of eight, and submit to the legislature recommendations regarding the appropriate model of representation, including timing of appointment, training and oversight needs, and other considerations. The recommendations shall be reported to the relevant committees of the legislature by March 31, 2022.

(4) This section expires July 1, 2022.

Sec. 10. RCW 13.34.267 and 2018 c 34 s 1 are each amended to read as follows:

(1) In order to facilitate the delivery of extended foster care services, the court, upon the agreement of the youth to participate in the extended foster care program, shall maintain the dependency proceeding for any youth who is dependent at the age of eighteen years and who, at the time of his or her eighteenth birthday, is:

(a) Enrolled in a secondary education program or a secondary education equivalency program;

(b) Enrolled and participating in a postsecondary academic or postsecondary vocational program, or has applied for and can demonstrate that he or she intends to timely enroll in a postsecondary academic or postsecondary vocational program;

(c) Participating in a program or activity designed to promote employment or remove barriers to employment;

(d) Engaged in employment for eighty hours or more per month; or

(e) Not able to engage in any of the activities described in (a) through (d) of this subsection due to a documented medical condition.

(2) If the court maintains the dependency proceeding of a youth pursuant to subsection (1) of this section, the youth is eligible to receive extended foster care services pursuant to RCW 74.13.031, subject to the youth's continuing eligibility and agreement to participate.

(3) A dependent youth receiving extended foster care services is a party to the dependency proceeding. The youth's parent or guardian must be dismissed from the dependency proceeding when the youth reaches the age of eighteen.

(4) The court shall dismiss the dependency proceeding for any youth who is a dependent and who, at the age of eighteen years, does not meet any of the criteria described in subsection (1)(a) through (e) of this section or does not agree to participate in the program.

(5) The court shall order a youth participating in extended foster care services to be under the placement and care authority of the department, subject to the youth's continuing agreement to participate in extended foster care services. The department may establish foster care rates appropriate to the needs of the youth participating in extended foster care services. The department's placement and care authority over a youth receiving extended foster care services is solely for the purpose of providing services and does not create a legal responsibility for the actions of the youth receiving extended foster care services.

(6)(a) The court shall appoint counsel to represent a youth, as defined in RCW 13.34.030(2)(b), in dependency proceedings under this section. Subject to amounts appropriated, the state shall pay the costs of legal services provided by an attorney appointed pursuant to this subsection based on the phase-in schedule outlined in section 6 of this act, provided that the legal services are provided in accordance with the rules of professional conduct, the standards of practice, caseload limits, and training guidelines adopted by the children's representation work group established in section 9 of this act.

(b) In cases where the statewide children's legal representation program provides funding and where consistent with its administration and oversight responsibilities, the statewide children's legal representation program should prioritize continuity of counsel for children who are already represented at county expense when the statewide children's legal representation program becomes effective in a county. The statewide children's legal representation program shall coordinate with relevant county stakeholders to determine how best to prioritize continuity of counsel.

(7) The case plan for and delivery of services to a youth receiving extended foster care services is subject to the review requirements set forth in RCW 13.34.138 and 13.34.145, and should be applied in a developmentally appropriate manner, as they relate to youth age eighteen to twenty-one years. Additionally, the court shall consider:

(a) Whether the youth is safe in his or her placement;

(b) Whether the youth continues to be eligible for extended foster care services;

(c) Whether the current placement is developmentally appropriate for the youth;

(d) The youth's development of independent living skills; and

(e) The youth's overall progress toward transitioning to full independence and the projected date for achieving such transition.

(8) Prior to the review hearing, the youth's attorney shall indicate whether there are any contested issues and may provide additional information necessary for the court's review.

NEW SECTION. **Sec. 11.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "proceedings;" strike the remainder of the title and insert "amending RCW 13.34.090, 13.34.092, 13.34.100, 2.53.045, and 13.34.267; adding new sections to chapter 2.53 RCW; adding new sections to chapter 13.34 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1219 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Frame spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1219, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1219, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Chambers, Chandler, Chase, Dufault, Gilday, Klippert, Kraft, McCaslin, McEntire, Orcutt, Walsh and Young.

Excused: Representative Kretz.

SECOND SUBSTITUTE HOUSE BILL NO. 1219, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1220 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.020 and 2002 c 154 s 1 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. ((~~Encourage the availability of affordable~~)) Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

Sec. 2. RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd sp.s. c 16 s 4 are each reenacted and amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the

comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) ((~~includes~~)) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including but not limited to, duplexes, triplexes, and townhomes;

(c) ((~~identifies~~)) Identifies sufficient capacity of land for housing((~~,~~)) including, but not limited to, government-assisted housing, housing for ((~~low-income families~~)) moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, ((~~and~~)) group homes ((~~and~~)), foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes; ((~~and~~))

(d) ((~~makes~~)) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and

moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages,

hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030((~~(16)~~)) (23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030((~~(16)~~)) (23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise

specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21 RCW to read as follows:

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each code city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21 RCW to read as follows:

A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency

housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

Sec. 5. RCW 36.70A.390 and 1992 c 207 s 6 are each amended to read as follows:

A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

This section does not apply to the designation of critical areas, agricultural lands, forestlands, and mineral resource lands, under RCW 36.70A.170, and the conservation of these lands and protection of these areas under RCW 36.70A.060, prior to such actions being taken in a comprehensive plan adopted under RCW 36.70A.070 and implementing development regulations adopted under RCW 36.70A.120, if a public hearing is held on such proposed actions. This section does not apply to ordinances or development regulations adopted by a city that prohibit building permit applications for or the construction of transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed or prohibit building permit applications for or the construction of indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed.

Sec. 6. RCW 36.70A.030 and 2020 c 173 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(7) "Department" means the department of commerce.

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(10) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(11) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

((~~(10)~~)) (12) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

((~~(11)~~)) (13) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

((~~(12)~~)) (14) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

((~~(13)~~)) (15) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term

commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

((~~(14)~~)) (16) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

((~~(15)~~)) (17) "Minerals" include gravel, sand, and valuable metallic substances.

((~~(16)~~)) (18) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(19) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

((~~(17)~~)) (20) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

((~~(18)~~)) (21) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

((~~(19)~~)) (22) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

((~~(20)~~)) (23) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

((~~(21)~~)) (24) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry

activities that may be conducted in rural areas.

((~~(22)~~)) (25) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

((~~(23)~~)) (26) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

((~~(24)~~)) (27) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

((~~(25)~~)) (28) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

((~~(26)~~)) (29) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

((~~(27)~~)) (30) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

((~~(28)~~)) (31) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A RCW to read as follows:

In addition to ordinances, development regulations, and other official controls adopted or amended, a city or county should consider policies to encourage the construction of accessory dwelling units as a way to meet affordable housing goals. These policies could include, but are not limited to:

(1) The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot;

(2) The city or county may require the owner not to use the accessory dwelling unit for short-term rentals;

(3) The city or county may not count residents of accessory dwelling units against existing limits on the number of unrelated residents on a lot;

(4) The city or county may not establish a minimum gross floor area for

accessory dwelling units that exceeds the state building code;

(5) The city or county must make the same allowances for accessory dwelling units' roof decks, balconies, and porches to encroach on setbacks as are allowed for the principal unit;

(6) The city or county must apply abutting lot setbacks to accessory dwelling units on lots abutting zones with lower setback requirements;

(7) The city or county must establish an amnesty program to help owners of unpermitted accessory dwelling units to obtain a permit;

(8) The city or county must permit accessory dwelling units in structures detached from the principal unit, must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit, and must allow attached accessory dwelling units on any lot with a principal unit that is nonconforming solely because the lot is smaller than the minimum size, as long as the accessory dwelling unit would not increase nonconformity of the residential use with respect to building height, bulk, or lot coverage;

(9) The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that are less than 1,000 square feet or 60 percent of the principal unit, whichever is greater, or that exceeds 1,200 square feet;

(10) A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage;

(11) A city or county may not require public street improvements as a condition of permitting accessory dwelling units; and

(12) A city or county may require a new or separate utility connection between an accessory dwelling unit and a utility only when necessary to be consistent with water availability requirements, water system plans, small water system management plans, or established policies adopted by the water or sewer utility provider. If such a connection is necessary, the connection fees and capacity charges must:

(a) Be proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system; and

(b) Not exceed the reasonable cost of providing the service."

On page 1, line 2 of the title, after "regulations;" strike the remainder of the title and insert "amending RCW 36.70A.020, 36.70A.390, and 36.70A.030; reenacting and amending RCW 36.70A.070; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.70A RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1220 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Peterson spoke in favor of the passage of the bill.

Representative Goehner spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1220, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1220, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt,

Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Kretz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1220, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1223 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** SHORT TITLE. This chapter may be known and cited as the uniform electronic recordation of custodial interrogations act.

NEW SECTION. **Sec. 2.** DEFINITIONS. In this chapter:

(1) "Custodial interrogation" means express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody.

(2) "Electronic recording" means an audio recording or audio and video recording that accurately records a custodial interrogation. "Record electronically" and "recorded electronically" have a corresponding meaning.

(3) "Law enforcement agency" means a general authority Washington law enforcement agency or limited authority Washington law enforcement agency as those terms are defined in RCW 10.93.020.

(4) "Law enforcement officer" means a general authority Washington peace officer or limited authority Washington peace officer as those terms are defined in RCW 10.93.020.

(5) "Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, or government; governmental subdivision, agency, or instrumentality; or any other legal or commercial entity.

(6) "Place of detention" means a fixed location under the control of a law enforcement agency where individuals are questioned about alleged crimes or status offenses. The term includes a jail, police or sheriff's station, holding cell, correctional or detention facility, police vehicle, and in the case of juveniles, schools.

(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(8) "Statement" means a communication whether oral, written, electronic, or nonverbal.

NEW SECTION. **Sec. 3.** ELECTRONIC RECORDING REQUIREMENT. (1) Except as otherwise provided by sections 5 through 10 of this act, a custodial interrogation, including the giving of any required warning, advice of the rights of the individual being questioned, and the waiver of any rights by the individual, must be recorded electronically in its entirety if the interrogation subject is a juvenile or if the interrogation relates to a felony crime. A custodial interrogation at a jail, police or sheriff's station, holding cell, or correctional or detention facility must be recorded by audio and video means. A custodial interrogation at any other place of detention must be recorded by audio means at minimum.

(2) If a law enforcement officer conducts a custodial interrogation to which subsection (1) of this section applies without electronically recording it in its entirety, the officer shall prepare a written or electronic report explaining the reason for not complying with this section and summarizing the custodial interrogation process and the individual's statements.

(3) A law enforcement officer shall prepare the report required by subsection (2) of this section as soon as practicable after completing the interrogation.

(4) As soon as practicable, a law enforcement officer conducting a custodial interrogation outside a place of detention shall prepare a written or electronic report explaining the decision to interrogate outside a place of detention and summarizing the

custodial interrogation process and the individual's statements made outside a place of detention.

(5) This section does not apply to a spontaneous statement made outside the course of a custodial interrogation or a statement made in response to a question asked routinely during the processing of the arrest of an individual.

NEW SECTION. **Sec. 4.** CONSENT NOT REQUIRED—NOTICE. Notwithstanding RCW 9.73.030 and 9.73.090, a law enforcement officer conducting a custodial interrogation is not required to obtain consent to electronic recording from the individual being interrogated, but must inform the individual that an electronic recording is being made of the interrogation. This chapter does not permit a law enforcement officer or a law enforcement agency to record a private communication between an individual and the individual's lawyer.

NEW SECTION. **Sec. 5.** EXCEPTION FOR EXIGENT CIRCUMSTANCES. A custodial interrogation to which section 3 of this act otherwise applies need not be recorded electronically if recording is not feasible because of exigent circumstances. The law enforcement officer conducting the interrogation shall record electronically an explanation of the exigent circumstances before conducting the interrogation, if feasible, or as soon as practicable after the interrogation is completed.

NEW SECTION. **Sec. 6.** EXCEPTION FOR INDIVIDUAL'S REFUSAL TO BE RECORDED ELECTRONICALLY. (1) A custodial interrogation to which section 3 of this act otherwise applies need not be recorded electronically if the individual to be interrogated indicates that the individual will not participate in the interrogation if it is recorded electronically. If feasible, the agreement to participate without recording must be recorded electronically.

(2) If, during a custodial interrogation to which section 3 of this act otherwise applies, the individual being interrogated indicates that the individual will not participate in further interrogation unless electronic recording ceases, the remainder of the custodial interrogation need not be recorded electronically. If feasible, the individual's agreement to participate without further recording must be recorded electronically.

(3) A law enforcement officer, with intent to avoid the requirement of electronic recording in section 3 of this act, may not encourage an individual to request that a recording not be made.

NEW SECTION. **Sec. 7.** EXCEPTION FOR INTERROGATION CONDUCTED BY OTHER JURISDICTION. If a custodial interrogation occurs in another state in compliance with that state's law or is conducted by a federal law enforcement agency in compliance with federal law, the interrogation need not be recorded electronically unless the interrogation is conducted with intent to avoid the requirement of electronic recording in section 3 of this act.

NEW SECTION. **Sec. 8.** EXCEPTION BASED ON BELIEF RECORDING NOT REQUIRED. (1) A custodial interrogation to which section 3 of this act otherwise applies need not be recorded electronically if the interrogation occurs when no law enforcement officer conducting the interrogation has knowledge of facts and circumstances that would lead an officer reasonably to believe that the individual being interrogated may have committed an act for which section 3 of this act requires that a custodial interrogation be recorded electronically.

(2) If, during a custodial interrogation under subsection (1) of this section, the individual being interrogated reveals facts and circumstances giving a law enforcement officer conducting the interrogation reason to believe that an act has been committed for which section 3 of this act requires that a custodial interrogation be recorded electronically, continued custodial interrogation concerning that act must be recorded electronically, if feasible.

NEW SECTION. **Sec. 9.** EXCEPTION FOR SAFETY OF INDIVIDUAL OR PROTECTION OF IDENTITY. A custodial interrogation to which section 3 of this act otherwise applies need not be recorded electronically if a law enforcement officer conducting the interrogation or the officer's superior reasonably believes that electronic recording would disclose the identity of a confidential informant or jeopardize the safety of an officer, the individual being interrogated, or another individual. If feasible and consistent with the safety

of a confidential informant, an explanation of the basis for the belief that electronic recording would disclose the informant's identity must be recorded electronically at the time of the interrogation. If contemporaneous recording of the basis for the belief is not feasible, the recording must be made as soon as practicable after the interrogation is completed.

NEW SECTION. **Sec. 10.** EXCEPTION FOR EQUIPMENT MALFUNCTION. (1) All or part of a custodial interrogation to which section 3 of this act otherwise applies need not be recorded electronically to the extent that recording is not feasible because the available electronic recording equipment fails, despite reasonable maintenance of the equipment, and timely repair or replacement is not feasible.

(2) If both audio and video recording of a custodial interrogation are otherwise required by section 3 of this act, recording may be by audio alone if a technical problem in the video recording equipment prevents video recording, despite reasonable maintenance of the equipment, and timely repair or replacement is not feasible.

(3) If both audio and video recording of a custodial interrogation are otherwise required by section 3 of this act, recording may be by video alone if a technical problem in the audio recording equipment prevents audio recording, despite reasonable maintenance of the equipment, and timely repair or replacement is not feasible.

NEW SECTION. **Sec. 11.** BURDEN OF PERSUASION. If the prosecution relies on an exception in sections 5 through 10 of this act to justify a failure to record electronically a custodial interrogation, the prosecution must prove by a preponderance of the evidence that the exception applies.

NEW SECTION. **Sec. 12.** NOTICE OF INTENT TO INTRODUCE UNRECORDED STATEMENT. If the prosecution intends to introduce in its case in chief a statement made during a custodial interrogation to which section 3 of this act applies which was not recorded electronically, the prosecution, not later than the time specified by the local rules governing discovery, shall serve the defendant with written notice of that intent and of any exception on which the prosecution intends to rely.

NEW SECTION. **Sec. 13.** PROCEDURAL REMEDIES. (1) Unless the court finds that an exception in sections 5 through 10 of this act applies, the court shall consider the failure to record electronically all or part of a custodial interrogation to which section 3 of this act applies in determining whether a statement made during the interrogation is admissible, including whether it was voluntarily made.

(2) If the court admits into evidence a statement made during a custodial interrogation that was not recorded electronically in compliance with section 3 of this act, the court shall afford the defendant the opportunity to present to the jury the fact that the statement was not recorded electronically in compliance with section 3 of this act.

NEW SECTION. **Sec. 14.** HANDLING AND PRESERVING ELECTRONIC RECORDING. Each law enforcement agency in this state shall establish and enforce procedures to ensure that the electronic recording of all or part of a custodial interrogation is identified, accessible, and preserved throughout the length of any resulting sentence, including any period of community custody extending through final discharge.

NEW SECTION. **Sec. 15.** POLICIES AND PROCEDURES RELATING TO ELECTRONIC RECORDING. (1) Each law enforcement agency that is a governmental entity of this state shall adopt and enforce policies and procedures to implement this chapter.

(2) The policies and procedures adopted under subsection (1) of this section must address the following topics:

(a) How an electronic recording of a custodial interrogation must be made;

(b) The collection and review of electronic recordings, or the absence thereof, by supervisors in each law enforcement agency;

(c) The assignment of supervisory responsibilities and a chain of command to promote internal accountability;

(d) A process for explaining noncompliance with procedures and imposing administrative sanctions for a failure to comply that is not justified;

(e) A supervisory system expressly imposing on individuals in specific

positions a duty to ensure adequate staffing, education, training, and material resources to implement this chapter; and

(f) A process for preserving the chain of custody of an electronic recording.

(3) The policies and procedures adopted under subsection (2)(a) of this section for video recording must contain standards for the angle, focus, and field of vision of a recording device which reasonably promote accurate recording of a custodial interrogation at a place of detention and reliable assessment of its accuracy and completeness.

NEW SECTION. **Sec. 16.** LIMITATION OF LIABILITY. (1) A law enforcement agency that is a governmental entity in this state which has implemented procedures reasonably designed to enforce the rules adopted pursuant to section 15 of this act and ensure compliance with this chapter is not subject to civil liability for damages arising from a violation of this chapter.

(2) This chapter does not create a right of action against a law enforcement officer.

NEW SECTION. **Sec. 17.** SELF-AUTHENTICATION. (1) In any pretrial or posttrial proceeding, an electronic recording of a custodial interrogation is self-authenticating if it is accompanied by a certificate of authenticity sworn under oath or affirmation by an appropriate law enforcement officer.

(2) This chapter does not limit the right of an individual to challenge the authenticity of an electronic recording of a custodial interrogation under law of this state other than this chapter.

NEW SECTION. **Sec. 18.** NO RIGHT TO ELECTRONIC RECORDING OR TRANSCRIPT. (1) This chapter does not create a right of an individual to require a custodial interrogation to be recorded electronically.

(2) This chapter does not require preparation of a transcript of an electronic recording of a custodial interrogation.

NEW SECTION. **Sec. 19.** UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. **Sec. 20.** RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

Sec. 21. RCW 9.73.030 and 1986 c 38 s 1 and 1985 c 260 s 2 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, or record any:

(a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

(b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding subsection (1) of this section, wire communications or conversations (a) of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster, or (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, or (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, or (d) which relate to communications by a hostage holder or barricaded person as defined in RCW 70.85.100, whether or not conversation ensues, may be recorded with the consent of one party to the conversation.

(3) Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or

conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.

(4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full-time or contractual or part-time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, or radio or television station from divulging the communication or conversation.

(5) This section does not apply to the recording of custodial interrogations pursuant to section 4 of this act.

NEW SECTION. **Sec. 22.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 23.** CODIFICATION. Sections 1 through 20 of this act constitute a new chapter in Title 10 RCW.

NEW SECTION. **Sec. 24.** EFFECTIVE DATE. Sections 1 through 20 of this act take effect January 1, 2022."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "reenacting and amending RCW 9.73.030; adding a new chapter to Title 10 RCW; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1223 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Peterson spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1223, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1223, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Kretz.

SUBSTITUTE HOUSE BILL NO. 1223, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1267 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 101.** INTENT. The legislature finds that there has been an outpouring of frustration, anger, and demand for change from many members of the public over the deaths of people of color resulting from encounters with police. The most recent deaths in the United States and within Washington are a call to lead our state to a new system for investigating deaths and other

serious incidents involving law enforcement officers.

The legislature intends that the office of independent investigations be created to conduct investigations of use of force and other cases under its jurisdiction in a manner that is competent, unbiased, and thorough. The office will be transparent and accountable for its work. The office should ensure that it treats all people with dignity and respect. The director and staff must be qualified and trained to conduct the investigations, including training to understand the impact and effect of racism in the investigation and use of an antiracist lens to conduct their work.

It is intended that this office will assume responsibility for investigations of serious use of force incidents and refer the reports on the investigation to the prosecutorial entity to determine if the action was justified, or if there was criminal action such that criminal charges should be filed. This is the same criminal investigative inquiry that is currently conducted when there is an officer-involved incident. The legislature does not intend to create a new type of investigation or that the office should be involved in any administrative review of conduct or complaints to police agencies about officer conduct related to policy or procedure. The process created in this act is intended to change only who investigates the incident. It does not change the nature of the investigation and involves only an investigation to determine justification or whether criminal charges are appropriate.

NEW SECTION. **Sec. 201.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory board" means the office of independent investigations advisory board.

(2) "Deadly force" has the meaning provided in RCW 9A.16.010.

(3) "Director" means the director of the office of independent investigations.

(4) "Great bodily harm" has the meaning provided in RCW 9A.04.110.

(5) "In-custody" refers to a person who is under the physical control of a general authority Washington law enforcement agency or a limited authority Washington law enforcement agency as defined in RCW 10.93.020 or a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(6) "Independent investigation team" means a team of qualified and certified peace officer investigators, civilian crime scene specialists, and other representatives who operate independently of any involved agency to conduct investigations of police deadly force incidents. An independent investigation team may be comprised of multiple law enforcement agencies who jointly investigate police use of force incidents in their geographical regions or may be a single law enforcement agency, provided it is not the involved agency.

(7) "Involved agency" means a general authority Washington law enforcement agency or limited authority Washington law enforcement agency, as defined in RCW 10.93.020, that employs or supervises the officer or officers who are an involved officer as defined in this section, or an agency responsible for a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(8) "Involved officer" means one of the following persons who is involved in an incident as an actor or custodial officer in which the act or omission by the individual is within the scope of the jurisdiction of the office as defined in this chapter:

(a) A general authority Washington peace officer, specially commissioned Washington peace officer, or limited authority Washington peace officer, as defined in RCW 10.93.020, whether on or off duty if he or she is exercising his or her authority as a peace officer; or

(b) An individual while employed in a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(9) "Office" means the office of independent investigations.

(10) "Substantial bodily harm" has the same meaning as in RCW 9A.04.110.

Office Creation

NEW SECTION. **Sec. 301.** CREATION. (1) The office of independent investigations is hereby established within the office of the governor for the purpose of conducting fair, thorough, transparent, and competent investigations as authorized under this chapter.

(2) The office of independent investigations is an investigative law enforcement agency, including for the purposes of the public records act, chapter 42.56 RCW.

NEW SECTION. **Sec. 302.** OFFICE POWERS AND DUTIES. In addition to other responsibilities set forth in this chapter, the office shall:

(1) Conduct fair, thorough, transparent, and competent investigations of police use of force and other incidents involving law enforcement as authorized in this chapter and shall prioritize investigations conducted by the office based on resources and other criteria developed in consultation with the advisory board. The office shall commence investigations as follows:

(a) Beginning no later than July 1, 2022, the office is authorized to conduct investigations of deadly force cases occurring after July 1, 2022, including any incident involving use of deadly force by an involved officer against or upon a person who is in-custody or out-of-custody; and

(b) Beginning no later than July 1, 2023, the office is authorized to review, and may investigate, prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation;

(2) Analyze data available to the office and provide reports and recommendations as appropriate based on the data regarding issues, trends, and other relevant areas;

(3) Provide reports on activities of the office as authorized under this chapter; and

(4) Carry out such other responsibilities as may be consistent with this chapter.

NEW SECTION. **Sec. 303.** DIRECTOR. (1)(a) The governor shall appoint the director of the office and determine the director's compensation. The governor shall select the director from a list of three candidates recommended by the advisory board unless the governor declines to select any of the candidates provided. If the governor declines to select a candidate proposed by the advisory board, the governor may request the advisory board to provide additional qualified nominees for consideration or may offer an alternative candidate who may be appointed following approval by a majority of the advisory board.

(b) Prior to selecting the director, the governor shall consider the results of a background check, including an assessment of criminal history, and research of social media and affiliations to check for racial bias and conflicts of interest.

(2) The director shall hold office for a term of three years and continue to hold office until reappointed or until his or her successor is appointed. The governor may remove the director prior to the expiration of the director's term for neglect of duty, misconduct, or inability to perform duties.

NEW SECTION. **Sec. 304.** DUTIES OF THE DIRECTOR. (1) The director shall:

(a) Oversee the duties and functions of the office and investigations conducted by the office pursuant to this chapter;

(b) Hire or contract with investigators and other personnel as the director considers necessary to perform investigations conducted by the office, and other duties as required, under this chapter;

(c) Plan and provide trainings for office personnel, including contracted investigators, that promote recognition of and respect for, the diverse races, ethnicities, and cultures of the state;

(d) Plan and provide training for advisory board members including training to utilize an antiracist lens in their duties as advisory board members;

(e) Publish reports of investigations conducted under this chapter;

(f) Enter into contracts and memoranda of understanding as necessary to implement the responsibilities of the office under this chapter;

(g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

(h) Develop the nondisclosure agreement required in section 501 of this act; and

(i) Perform the duties and exercise the powers that are set out in this chapter, as well as any additional duties and powers that may be prescribed.

(2) No later than February 1, 2022, in consultation with the advisory board, the director shall develop a plan to implement:

(a) Regional investigation teams and a system for promptly responding to incidents of deadly force under the jurisdiction of the office. The regional investigation teams should:

(i) Allow for prompt response to the incident requiring investigation; and

(ii) Include positions for team members who are not required to be designated as limited authority Washington peace officers;

(b) A system and requirements for involved agencies to notify the office of any incident under the jurisdiction of the office, which must include direction to agencies as to what incidents of force and injuries and other circumstances must be reported to the office, including the timing of such reports, provided that any incident involving substantial bodily harm, great bodily harm, or death is reported to the office immediately in accordance with section 402 of this act;

(c) The process to conduct investigations of cases under the jurisdiction of the office including, but not limited to:

(i) The office intake process following notification of an incident by an involved agency;

(ii) The assessment and response to the notification of the incident by the office, including direction to and coordination with the independent investigation team;

(iii) Determination and deployment of necessary resources for the regional investigation teams to conduct the investigations;

(iv) Determination of any conflicts with office investigators or others involved in the investigation to ensure no investigator has an existing conflict with an assigned case;

(v) Protocol and direction to the involved agency;

(vi) Protocol and direction to the independent investigation team;

(vii) Protocol and guidelines for contacts and engagement with the involved agency; and

(viii) Protocol for finalizing the completed investigation and referral to the entity responsible for the prosecutorial decision, including communication with the family and public regarding the completion of the investigation;

(d) A plan for the office's interaction, communications, and responsibilities to: The involved officer; the individual who is the subject of the action by the involved officer that is the basis of the case under investigation, and their families; the public; and other interested parties or stakeholders. The plan must consider the following:

(i) A process for consultation, notifications, and communications with the person, family, or representative of any person who is the subject of the action by the involved officer that is the basis of the case under investigation;

(ii) Translation services which may be utilized through employees or contracted services;

(iii) Support to access assistance or services to the extent possible; and

(iv) A process for situations in which a tribal member is involved in the case that ensures consultation with the federally recognized tribe, and notification of the governor's office of Indian affairs within 24 hours in cases of deadly use of force;

(e) Training for employees and contractors of the office to begin prior to July 1, 2022; and

(f) Prioritization of cases for investigation.

(3) No later than December 1, 2023, in consultation with the advisory board, the director shall develop a proposal for training individuals who are nonlaw enforcement officers to conduct

competent, thorough investigations of cases under the jurisdiction of the office. The proposal must establish a training plan with an objective that within five years of the date the office begins investigating deadly force cases the cases will be investigated by nonlaw enforcement officers. The director shall report such proposal to the governor and legislature by December 1, 2023. Any proposal offered by the director must ensure investigations are high quality, thorough, and competent.

(4) The director, in consultation with the advisory board, shall implement a plan to review prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation and investigate if determined appropriate based on the review. The director must prioritize the review or investigation of cases occurring prior to July 1, 2022, based on resources and other cases under investigation with the office.

NEW SECTION. **Sec. 305.** PERSONNEL. (1) The director may employ, or enter into contracts with, personnel as he or she determines necessary for the proper discharge of his or her duties. The director must request input from the advisory board on the hiring process and hiring goals, including diversity.

(2) The director may employ, or enter into contracts with, investigators to conduct investigations of cases under the jurisdiction of the office.

(a) The director shall consider the relevant experience and qualifications of the candidate including the extent to which he or she demonstrates experience or understanding of the following areas:

(i) Extensive experience with criminal investigations, including homicide investigations;

(ii) Behavioral health issues;

(iii) Youth cognitive development;

(iv) Trauma-informed interviewing;

(v) De-escalation techniques and utilization; and

(vi) Knowledge of Washington practices, including laws, policies, and procedures related to criminal law, criminal investigations, and policing.

(b) The director shall consider the following prior to employing an investigator:

(i) The investigators should not be commissioned law enforcement officers employed with any law enforcement agency as a peace officer at the time of application with the office.

(A) If the individual considered for a position as an investigator was a prior law enforcement officer, the director must conduct a review of prior disciplinary actions or complaints related to bias.

(B) The individual should not have been a commissioned law enforcement officer within 24 months of the date of the application for service as an investigator; and

(ii) The results of a background check that includes research of social media and affiliations to check for racial bias and conflicts of interest.

(c) Investigators employed or contracted with the office are prohibited from being simultaneously employed, commissioned, or have any business relationship, other than through the work of the office, with a general authority or limited authority Washington law enforcement agency, or county or city corrections agency.

(d) The director may not employ an individual who was a previously commissioned law enforcement officer who does not meet the criteria of this section without the approval of a majority of the advisory board.

(3) The director may employ or enter into contracts for services to provide additional personnel as needed to conduct investigations of cases under the jurisdiction of the office including, but not limited to, the following:

(a) Forensic services and crime scene investigators;

(b) Liaisons for community, family, and relations with a federally recognized tribe;

(c) Analysts, including analysts to conduct evaluations on use of force data;

(d) Mental health experts;

(e) Bilingual staff, translators, or interpreters;

(f) Other experts as needed; and

(g) All staffing and other needs for the office.

(4) The director shall ensure the following training is provided to staff and that there is a regular schedule for additional trainings during the course of employment:

(a) The director shall ensure that the director and staff involved in investigations, including any contracted investigators, engage in trainings that include the following areas. A training may include more than one of the following areas per training. A separate training course is not required for each topic.

(i) History of racism in policing, including tribal sovereignty and history of Native Americans within the justice system;

(ii) Implicit and explicit bias training;

(iii) Intercultural competency;

(iv) The use of a racial equity lens in conducting the work of the office;

(v) Antiracism training; and

(vi) Undoing institutional racism.

(b) The director shall ensure that investigators engage in the following training. A training may include more than one of the following areas per training. A separate training course is not required for each topic.

(i) Criminal investigations, including homicide investigations as appropriate for the assigned positions;

(ii) Washington practices, including Washington laws and policies, as well as relevant policing practices as appropriate;

(iii) Interviewing techniques; and

(iv) Other relevant trainings as needed.

NEW SECTION. **Sec. 306.** INVESTIGATORS. (1) The director shall designate investigator positions that are limited authority Washington peace officers as defined in RCW 10.93.020. The investigators designated as limited authority Washington peace officers have the authority to investigate any case within the jurisdiction of the office and any criminal activity related to, or discovered in the course of, the investigation of the case under the jurisdiction of the incident that has a relationship to the investigation.

(2) Any investigator employed or contracted with the office for the purpose of conducting investigations may participate in the investigations of a case under the jurisdiction of the office. Only investigators who are limited authority Washington peace officers may be designated a lead investigator on any criminal investigation conducted by the office pursuant to this chapter.

Sec. 307. RCW 10.93.020 and 2006 c 284 s 16 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor ((~~control~~)) and cannabis board, the office of the insurance commissioner, ((~~and~~)) the state

department of corrections, and the office of independent investigations.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, ((~~an Indian~~)) a tribal peace officer from a federally recognized tribe, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, ((~~an Indian~~)) a tribal peace officer from a federally recognized tribe, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

NEW SECTION. **Sec. 308.** INVESTIGATIONS—DUTIES AND POWERS. (1) The office has jurisdiction over, and is authorized to conduct investigations of, all cases and incidents as established within this section.

(2)(a) The director may cause an investigation to be conducted into any incident:

(i) Of a use of deadly force by an involved officer occurring after July 1, 2022, including any incident involving use of deadly force by an involved officer against or upon a person who is in-custody or out-of-custody; or

(ii) Involving prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation.

(b) This section applies only if, at the time of the incident:

(i) The involved officer was on duty; or

(ii) The involved officer was off duty but:

(A) Engaged in the investigation, pursuit, detention, or arrest of a person or otherwise exercising the powers of a general authority or limited authority Washington peace officer; or

(B) The incident involved equipment or other property issued to the official in relation to his or her duties.

(3) The director shall determine prioritization of investigations based on resources and other criteria which may be established in consultation with the advisory board. The director shall ensure that incidents occurring after the date the office begins investigating cases receive the highest priority for investigation.

(4) The investigation should include a review of the entire incident, including but not limited to events immediately preceding the incident that may have contributed to or influenced the outcome of the incident that are directly related to the incident under investigation.

(5) Upon receiving notification required in section 402 of this act of an incident under the jurisdiction of the office, the director:

(a) May cause the incident to be investigated in accordance with this chapter;

(b) May determine investigation is not appropriate for reasons including, but not limited to, the case not being in the category of prioritized cases; or

(c) If the director determines that the incident is not within the office's jurisdiction to investigate, the director shall decline to investigate, and shall give notice of the fact to the involved agency.

(6) If the director determines the case is to be investigated the director will communicate the decision to investigate to the involved agency and will thereafter be the lead investigative body in the case and have priority over any other state or local agency investigating the incident or a case that is under the jurisdiction of the office. The director will implement the process developed pursuant to section 304 of this act and conduct the appropriate investigation in accordance with the process.

(7) In conducting the investigation the office shall have access to reports and information necessary or related to the investigation in the custody and control of the involved agency and any law enforcement agency responding to the scene of the incident including, but not limited to, voice or video recordings, body camera recordings, and officer notes, as well as disciplinary and administrative records except those that might be statements conducted as part of an administrative investigation related to the incident.

(8) The investigation shall be concluded within 120 days of acceptance of the case for investigation. If the office is not able to complete the investigation within 120 days, the director shall report to the advisory board the reasons for the delay.

NEW SECTION. **Sec. 309.** CRIMINAL JUSTICE TRAINING COMMISSION. (1) The criminal justice training commission shall collaborate with the office to ensure office investigators receive sufficient training to attain the necessary requirements to conduct investigations under the jurisdiction of the office.

(2) The investigators of the office shall receive priority registration to criminal justice training commission trainings necessary to conduct investigations as required by this chapter.

NEW SECTION. **Sec. 310.** DATA AND RESEARCH. The office will conduct analysis of use of force and other data to the extent such data is available to the office. The director is authorized to enter into contracts or memoranda of understanding to access data as needed. If data is available, the office should, at a minimum, analyze and report annually: Analysis and research regarding any identified trends, patterns, or other situations identified by the data; and recommendations for improvements. After July 1, 2024, the office should also annually report recommendations, if any, for expanding the scope of investigations or jurisdiction of the office based on trends, data, or reports received by the agency.

NEW SECTION. **Sec. 311.** LIABILITY. No action or other proceeding may be instituted against the director, an investigator, or an employee or contractor in the office or a person exercising powers or performing duties at the direction of the director for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

NEW SECTION. **Sec. 312.** A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter do not apply in the office of independent investigations to the director, to one confidential secretary, and to any deputy or regional directors, if any.

Sec. 313. RCW 39.26.125 and 2012 c 224 s 14 are each amended to read as follows:

All contracts must be entered into pursuant to competitive solicitation, except for:

(1) Emergency contracts;

(2) Sole source contracts that comply with the provisions of RCW 39.26.140;

(3) Direct buy purchases, as designated by the director. The director shall establish policies to define criteria for direct buy purchases. These criteria may be adjusted to accommodate special market conditions and to promote market diversity for the benefit of the citizens of the state of Washington;

(4) Purchases involving special facilities, services, or market conditions, in which instances of direct negotiation is in the best interest of the state;

(5) Purchases from master contracts established by the department or an agency authorized by the department;

(6) Client services contracts;

(7) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process when the director determines that a competitive solicitation process is not appropriate or cost-effective;

(8) Off-contract purchases of Washington grown food when such food is not available from Washington sources through an existing contract. However, Washington grown food purchased under this subsection must be of an equivalent or better quality than similar food available through the contract and must be able to be paid from the agency's existing budget. This requirement also applies to purchases and contracts for purchases executed by state agencies, including institutions of higher education as defined in RCW 28B.10.016, under delegated authority granted in accordance with this chapter or under RCW 28B.10.029;

(9) Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;

(10) Intergovernmental agreements awarded to any governmental entity, whether federal, state, or local and any department, division, or subdivision thereof;

(11) Contracts for services that are necessary to the conduct of collaborative research if the use of a specific contractor is mandated by the funding source as a condition of granting funds;

(12) Contracts for architectural and engineering services as defined in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW;

(13) Contracts for the employment of expert witnesses for the purposes of litigation; ((~~and~~))

(14) Contracts for bank supervision authorized under RCW ((~~30.38.040~~)) 30A.38.040; and

(15) Contracts for investigators awarded by the office of independent investigations as authorized under section 304 of this act.

Duty of Involved Agency

Sec. 401. RCW 10.114.011 and 2019 c 4 s 5 are each amended to read as follows:

Except as required by federal consent decree, federal settlement agreement, or federal court order, where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm, an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and

satisfied other applicable laws and policies. The investigation must be completely independent of the agency whose officer was involved in the use of deadly force and conducted in accordance with chapter 43.--- RCW (the new chapter created in section 601 of this act). ((~~The~~)) Any rules adopted by the criminal justice training commission must ((~~adopt rules establishing criteria to determine what qualifies as an independent investigation pursuant to this section~~)) be consistent with chapter 43.--- RCW (the new chapter created in section 601 of this act).

NEW SECTION. **Sec. 402.** NOTIFICATION OF DIRECTOR AND SECURING THE SCENE. (1) Following notification by the director that the office will accept investigations of cases under its jurisdiction after July 1, 2022, an involved agency shall notify the office of any incident by an involved officer in accordance with the requirements under section 304 of this act and pursuant to this section.

(a) If the incident involves use of deadly force by an involved officer that results in death, substantial bodily harm, or great bodily harm the involved agency must immediately contact the office pursuant to the procedure established by the director once the involved agency personnel and other first responders have rendered the scene safe and provided or facilitated lifesaving first aid to persons at the scene who have life-threatening injuries. This requirement does not affect the duty of law enforcement under RCW 36.28A.445.

(b) In all other cases, the involved agency must notify the office of the incident pursuant to the procedure established by the director.

(2)(a) In any case that requires notice to the director under this section, the involved agency shall ensure that any officers or employees over which the involved agency has authority who are at the scene of the incident take all lawful measures necessary for the purposes of protecting, obtaining, or preserving evidence relating to the incident until an office investigator, or independent investigation team at the request of the office, takes charge of the scene.

(b) The primary focus of the involved agency must be the protection and preservation of evidence in order to maintain the integrity of the scene until the office investigator or independent investigation team arrives or otherwise provides direction regarding activities at the scene. The involved agency should ensure that evidence, including but not limited to the following is protected and preserved:

(i) Physical evidence that is at risk of being destroyed or disappearing and cannot be easily reconstructed, including evidence which may be degraded or tainted by human or environmental factors if left unprotected or unpreserved;

(ii) Identification and contact information for witnesses to the incident; and

(iii) Photographs and other methods of documenting the location of physical evidence and location and perspective of witnesses.

(3)(a) When the office investigator, or independent investigation team acting at the request of the office, arrives at the scene of an incident under the jurisdiction of the office, the involved agency will relinquish control of the scene to the office investigator or independent investigation team upon the request of the office investigator. The involved agency has a duty to comply with the requests of the office related to the investigation conducted pursuant to this chapter.

(b) Once the scene is relinquished, no member of the involved agency may participate in any way in the investigation, with the exception of the use of specialized equipment that is necessary for the investigation and where no alternative exists. If there is any equipment of the involved agency used in the investigation, steps must be taken to appropriately limit the role of any involved agency personnel in facilitating the use of that equipment or their engagement with the investigation.

(4) If an independent investigation team takes control of the scene at the request of the office, the independent investigation team shall relinquish control of the scene and investigation at the request of the office when the office is on the scene or otherwise provides notice that the office is taking control of the scene. The independent investigation team may continue to engage in the investigation conducted at the scene if requested to do so by the lead

office investigator, director, or the director's designee. The involvement of the independent investigation team is limited to activities requested by the office and must terminate following the securing of the scene and any evidence preservation or other actions as determined necessary by the office at the scene. The independent investigation team may not continue to participate in the ongoing investigation.

(5) No information about the ongoing independent investigation under the jurisdiction of the office may be shared with any member of the involved agency, except limited briefings given to the chief or sheriff of the involved agency about the progress of the investigation.

(6) If the office declines to investigate a case, the authority and duty to investigate remains with the independent investigation team or local law enforcement authority with jurisdiction over the incident.

Office of Independent Investigations Advisory Board

NEW SECTION. **Sec. 501.** MEMBERSHIP AND DUTIES. (1)(a) There is created the office of independent investigations advisory board. The advisory board shall consist of the following 11 members, appointed by the governor, one of whom the governor shall designate as chair:

(i) Three members of the general public representing the community who are not current or former law enforcement, with preference given to individuals representing diverse communities;

(ii) One member of the general public representing a family impacted by an incident of the nature under the jurisdiction of the office, who is not current or former law enforcement;

(iii) One member representing a federally recognized tribe in Washington, who is not current or former law enforcement;

(iv) One defense attorney representative;

(v) One prosecuting attorney representative;

(vi) One representative of a police officer labor association with experience in homicide investigations;

(vii) One sheriff or police chief who is also a member of an independent investigation team;

(viii) One credentialed mental health expert who is not current or former law enforcement; and

(ix) One member of the criminal justice training commission.

(b) The members of the advisory board appointed by the governor shall be appointed for terms of three years and until their successors are appointed and confirmed. The governor shall stagger the initial appointment terms of the advisory board members with the terms of five members being for two years from the date of appointment and six members being for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms. The members of the advisory board serve without compensation, but must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(c) The governor, when making appointments to the advisory board, shall make appointments that reflect the cultural diversity of the state of Washington.

(2) The purpose of the advisory board is to provide input to the office and shall:

(a) Provide input to the governor on the selection of the director, including providing candidates for consideration for appointment for the position of director. If the governor requests additional candidates for consideration, the advisory board shall provide additional candidates to the governor. If the governor provides an alternative candidate, the advisory board must consider the candidate provided by the governor and vote on the approval or rejection of the candidate.

(i) The advisory board shall recommend candidates to the governor who they find are individuals with sound judgment, independence, objectivity, and integrity who will be viewed as a trustworthy director.

(ii) The director must have experience either in conducting criminal investigations or prosecutions. The advisory board shall consider the relevant experience and qualifications of the candidate including the extent to which they demonstrate experience or demonstrated understanding of the following areas:

(A) Criminal investigations;

(B) Organizational leadership;

(C) Mental health issues;

(D) Trauma-informed interviewing;

(E) Community leadership;

(F) Legal experience or background;

(G) Antioppression and antiracist analysis and addressing systemic inequities; and

(H) Working with Black, Indigenous, and communities of color;

(b) Provide input to the director on the plans required to be developed for the office including the regional investigation teams; staffing; training for personnel; procedures for engagement with individuals involved in any case under the jurisdiction of the office, as well as families and the community; recommendations to the legislature; and other input as requested by the governor or director;

(c) Participate in employment interviews as requested by the governor or director; and

(d) Receive briefings or reports from the director relating to data, trends, and other relevant issues, as well as cases under investigation to the extent permitted by law.

(3) Advisory board members have a duty to maintain the confidentiality of the information they receive during the course of their work on the advisory board. Each advisory board member shall agree in writing to not disclose any information they receive or otherwise access related to an investigation, including information about individuals involved in the investigation as involved officers, individuals who are the subject of police action, witnesses, and investigators.

(4) Advisory board members must complete training to utilize an antiracist lens in their duties as advisory board members.

(5) The office shall provide administrative and clerical assistance to the advisory board.

NEW SECTION. **Sec. 502.** REPORT. (1) In consultation with the director, the advisory board shall assess whether the jurisdiction of the office should be expanded to conduct investigations of other types of incidents committed by involved officers, including but not limited to other types of in-custody deaths not involving use of force but otherwise involving criminal acts committed by involved officers as well as sexual assaults committed by involved officers, subject to the same standard under section 308(2)(b) of this act. The advisory board must consider available data and information on other types of in custody deaths not involving use of force but otherwise involving criminal acts committed by involved officers as well as other types of incidents, the capacity and resources of the office, and any modifications or additions to procedures and processes necessary for the office to conduct investigations of those incidents. The advisory board must consider the recommendations and counsel of the director when conducting the assessment under this section.

(2) At the request of the advisory board, the office shall conduct analysis of available data, including identified trends and patterns, and other information relevant to in-custody deaths involving criminal acts committed by involved officers, sexual assaults committed by involved officers, and other types of incidents as requested by the advisory board.

(3) The advisory board shall submit a report with related recommendations to the legislature and governor by November 1, 2023.

(4) For the purposes of this section, "in-custody death" means a death of an individual while under physical control of a general authority Washington law enforcement agency or a limited authority Washington law enforcement agency as defined in RCW 10.93.020 or a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(5) This section expires July 1, 2024.

Miscellaneous Provisions

NEW SECTION. **Sec. 601.** CODIFICATION. Sections 201 through 306, 308 through 311, 402, 501, and 502 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 602.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act

or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 603.** SUBJECT TO APPROPRIATION. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, beginning on line 3, after "incidents;" strike the remainder of the title and insert "amending RCW 10.93.020, 39.26.125, and 10.114.011; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1267 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Entenman spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1267, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1267, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Kretz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1267, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1273 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) By the beginning of the 2022-23 school year, school districts and private schools must make menstrual hygiene products available at no cost in all gender-neutral bathrooms and bathrooms designated for female students located in schools that serve students in any of grades six through twelve. If a school building serving grades six through twelve does not have a gender-neutral bathroom, then the products must also be available in at least one bathroom accessible to male students or in a school health room accessible to all students. For schools that serve students in grades three through five, school districts and private schools must make menstrual hygiene products available in a school health room or other location as designated by the school principal.

(2) Menstrual hygiene products must include sanitary napkins, tampons, or similar items.

(3) School districts and private schools must bear the cost of supplying menstrual hygiene products. School districts and private schools may seek grants or partner with nonprofit or community-based organizations to fulfill this obligation.

(4) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal

compact schools established under chapter 28A.715 RCW.

NEW SECTION. **Sec. 2.** (1) By the beginning of the 2022-23 academic year, institutions of higher education as defined in RCW 28B.92.030 must make menstrual hygiene products available at no cost in all gender-neutral bathrooms and bathrooms designated for female students.

(2) Menstrual hygiene products must include sanitary napkins, tampons, or similar items.

(3) Institutions of higher education must bear the cost of supplying menstrual hygiene products. Institutions of higher education may seek grants or partner with nonprofit or community-based organizations to fulfill this obligation.

NEW SECTION. **Sec. 3.** Section 2 of this act constitutes a new chapter in Title 28B RCW."

On page 1, line 2 of the title, after "bathrooms;" strike the remainder of the title and insert "adding a new section to chapter 28A.210 RCW; and adding a new chapter to Title 28B RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1273 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Berg spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1273, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1273, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Corry, Dufault, Dye, Graham, Kraft, McEntire, Orcutt, Schmick, Walsh and Young.

Excused: Representative Kretz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1273, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1279 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that as a result of the economic impacts of the COVID-19 pandemic, certain businesses that made contributions to a Washington main street community or to the main street trust fund in 2020, and qualified for a credit against the business and occupation tax or public utility tax, have received insufficient revenues, and have insufficient tax liabilities, to allow them to use the full amount of the credit for which they have qualified. With this act, the legislature intends to address this finding by allowing credits earned as result of contributions made in calendar year 2020 to be carried over for an additional two years, and by providing an additional credit against the business and occupation tax or public utility tax.

Sec. 2. RCW 82.73.030 and 2017 3rd sp.s. c 37 s 103 are each amended to read as follows:

(1) Subject to the limitations in this chapter, a credit is allowed against the tax imposed by chapters 82.04 and 82.16 RCW for approved contributions that are made by a person to a program or the main street trust fund.

(2) ((~~The~~)) (a) Except as provided in (b) of this subsection, the credit allowed under this section is limited to an amount equal to:

((~~(a)~~)) (i) Seventy-five percent of the approved contribution made by a person to a program; or

((~~(b)~~)) (ii) Fifty percent of the approved contribution made by a person to the main street trust fund.

(b) Beginning with contributions made in calendar year 2021, an additional credit is allowed equal to 25 percent of the approved contribution made by a person to the main street trust fund.

(3) The department may not approve credit with respect to a program in a city or town with a population of one hundred ninety thousand persons or more.

(4) The department must keep a running total of all credits approved under this chapter for each calendar year. The department may not approve any credits under this section that would cause the total amount of approved credits statewide to exceed ((~~two million five hundred thousand dollars~~)) $5,000,000 in any calendar year.

(5)(a)(i) The total credits allowed under this chapter for contributions made to each program may not exceed ((~~one hundred thousand dollars~~)) $160,000 in a calendar year.

(ii) Between 8:00 a.m., Pacific standard time, on the second Monday in January and ((~~March 31st~~)) 8:00 a.m., Pacific daylight time, on April 1st of the same calendar year, the department must evenly allocate the amount of statewide credits allowed under subsection (4) of this section based on the total number of programs and the main street trust fund as of January 1st in the same calendar year. The department may not approve contributions for a program or the main street trust fund that would cause the total amount of approved credits for a program or the main street trust fund to exceed the allocated amount.

(b) The total credits allowed under this chapter for a person may not exceed two hundred fifty thousand dollars in a calendar year.

(6) ((~~The~~)) Except as provided in subsection (8) of this section, the credit may be claimed against any tax due under chapters 82.04 and 82.16 RCW only in the calendar year immediately following the calendar year in which the credit was approved by the department and the contribution was made to the program or the main street trust fund. Credits may not be carried over to subsequent years. No refunds may be granted for credits under this chapter.

(7) The total amount of the credit claimed in any calendar year by a person may not exceed the lesser amount of:

(a) The approved credit; or

(b) Seventy-five percent of the amount of the contribution that is made by the person to a program and ((~~fifty~~)) 75 percent of the amount of the contribution that is made by the person to the main street trust fund, in the prior calendar year.

(8) Any credits provided in accordance with this chapter for approved contributions made in calendar year 2020 may be carried over for an additional two years and must be used by December 31, 2023.

(9) No credit is allowed or may be claimed under this section on or after January 1, 2032.

NEW SECTION. **Sec. 3.** A new section is added to chapter 82.73 RCW to read as follows:

This chapter expires January 1, 2032.

NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act take effect October 1, 2021.

NEW SECTION. **Sec. 5.** 2017 3rd sp.s. c 37 s 1406 (uncodified) is repealed."

On page 1, line 3 of the title, after "pandemic;" strike the remainder of the title and insert "amending RCW 82.73.030; adding a new section to chapter 82.73 RCW; creating a new section; repealing 2017 3rd sp.s. c 37 s 1406 (uncodified); providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1279 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Rule and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1279, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1279, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Kretz.

SUBSTITUTE HOUSE BILL NO. 1279, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1287 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Motor vehicles are a significant source of air pollution, including greenhouse gas emissions, in Washington. The transportation sector accounts for nearly one-half of greenhouse gas emissions in Washington, and on-road vehicle emissions are responsible for the vast majority of the transportation sector emissions.

(2) The widespread adoption of zero emissions vehicles is essential to the achievement of the state emissions limits established in RCW 70A.45.020, which, by 2050, requires a reduction of greenhouse gas emissions to 5,000,000 metric tons and the achievement of net zero greenhouse gas emissions. The rapid uptake of zero emissions vehicles is also an essential component of the state energy strategy, which calls for the phase out of vehicles powered by gasoline or diesel by mid-century. To ensure that the necessary infrastructure is in place to facilitate zero emissions vehicle adoption, the state energy strategy calls for the establishment of building codes that require installation of the conduit, wiring, and panel capacity necessary to support electric vehicle charging in new and retrofitted buildings.

(3) In 2005, Washington first took action to adopt some of the motor vehicle emissions standards of the state of California, which are more protective of human health and the environment than federal motor vehicle emissions standards. In 2020, the legislature directed the department of ecology to adopt all of California's motor vehicle emissions standards, including California's zero emissions vehicles program.

(4) A Washington state transition to a zero emissions transportation future requires accurate forecasting of zero emissions vehicle adoption rates, comprehensive planning for the necessary electric vehicle charging and green hydrogen production infrastructure, including the siting of infrastructure in desirable locations with amenities, such as near convenience stores, gas stations, and other small retailers, and managing the load of charging and green hydrogen production and refueling infrastructure as a dynamic energy service to the electric grid.

(5) To ensure that the transition to a zero emissions transportation future proceeds efficiently and conveniently for users and operators of the multimodal transportation system, it is the intent of the legislature to:

(a) Require state government to provide resources that facilitate the planning and deployment of electric vehicle charging and refueling infrastructure in a transparent, effective, and equitable manner across the state;

(b) Ensure utility resource planning analyzes the impacts on electricity generation and delivery from growing adoption and usage of electric vehicles; and

(c) Require state building codes that support the anticipated levels of zero emissions vehicle use that result from the program requirements in chapter 70A.30 RCW and that achieve emissions reductions consistent with RCW 70A.45.020.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01 RCW to read as follows:

(1) The department, through the department's public-private partnership office and in consultation with the department of ecology, the department of commerce, and the office of equity, must develop and maintain a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state.

(2)(a) The publicly available mapping and forecasting tool must be designed to enable coordinated, effective, efficient, and timely deployment of charging and refueling infrastructure necessary to support statewide and local transportation electrification efforts that result in emissions reductions consistent with RCW 70A.45.020.

(b) The tool must:

(i) Initially prioritize on-road transportation;

(ii) To the greatest extent possible, maintain the latest data;

(iii) Model charging and refueling infrastructure that may be used by owners and operators of light, medium, and heavy-duty vehicles; and

(iv) Incorporate the department's traffic data for passenger and freight vehicles.

(c) The tool must, if feasible:

(i) Provide the data necessary to support programs by state agencies that directly or indirectly support transportation electrification efforts;

(ii) Evolve over time to support future transportation electrification programs;

(iii) Provide data at a scale that supports electric utility planning for the impacts of transportation electrification both systemwide and on specific components of the distribution system; and

(iv) Forecast statewide zero emissions vehicle use that would achieve the emissions reductions consistent with RCW 70A.45.020. The department may reference existing zero emissions vehicle use forecasts, such as that established in the state energy strategy.

(3) The department, in consultation with the department of commerce, the department of ecology, and the office of equity, may elect to include other transportation charging and refueling infrastructure, such as maritime, public transportation, and aviation in the mapping and forecasting tool.

(4) The tool must include, to the extent feasible, the following elements:

(a) The amount, type, location, and year of installation for electric vehicle supply equipment that is expected to be necessary to support forecasted electric vehicle penetration and usage within the state;

(b) Electric vehicle adoption, usage, technological profiles, and any other characteristics necessary to model future electric vehicle penetration levels and use cases that impact electric vehicle supply equipment needs within the state;

(c) The estimated energy and capacity demand based on inputs from (b) of this subsection;

(d) Boundaries of political subdivisions including, but not limited to:

(i) Retail electricity suppliers;

(ii) Public transportation agency boundaries;

(iii) Municipalities;

(iv) Counties; and

(v) Federally recognized tribal governments;

(e) Existing and known publicly or privately owned level 2, direct current fast charge, and refueling

infrastructure. The department must identify gas stations, convenience stores, and other small retailers that are colocated with existing and known electric vehicle charging infrastructure identified under this subsection;

(f) A public interface designed to provide any user the ability to determine the forecasted charging and refueling infrastructure needs within a provided geographic boundary, including those listed under (d) of this subsection; and

(g) The ability for all data tracked within the tool to be downloadable or usable within a separate mapping and forecasting tool.

(5) The tool must, if feasible, integrate scenarios including:

(a) Varying levels of public transportation utilization;

(b) Varying levels of active transportation usage, such as biking or walking;

(c) Vehicle miles traveled amounts above and below the baseline;

(d) Adoption of autonomous and shared mobility services; and

(e) Forecasts capturing each utility service area's relative level of zero emissions vehicle use that would achieve each utility service area's relative emissions reductions consistent with RCW 70A.45.020.

(6) To support highly impacted communities and vulnerable populations disproportionately burdened by transportation-related emissions and to ensure economic and mobility benefits flow to communities that have historically received less investment in infrastructure, the mapping and forecasting tool must integrate population, health, environmental, and socioeconomic data on a census tract basis. The department may use existing data used by other state or federal agencies. The department must consult with the department of health, the office of equity, the department of ecology, and other agencies as necessary in order to ensure the tool properly integrates cumulative impact analyses best practices and to ensure that the tool is developed in coordination with other state government administrative efforts to identify disproportionately impacted communities.

(7) The mapping and forecasting tool must, to the extent appropriate, integrate related analyses, such as the department of commerce's state energy strategy, the joint transportation committee's public fleet electrification study, the west coast collaborative's alternative fuel infrastructure corridor coalition report, and other related electric vehicle supply equipment assessments as deemed appropriate. To the extent that the mapping and forecasting tool is used by the department as the basis for the identification of recommended future electric vehicle charging sites, the department must consider recommending sites that are colocated with small retailers, including gas stations and convenience stores, and other amenities.

(8) Where appropriate and feasible, the mapping and forecasting tool must incorporate infrastructure located at or near the border in neighboring state and provincial jurisdictions.

(9) In designing the mapping and forecasting tool, the department must coordinate with the department of commerce, the department of ecology, the utilities and transportation commission, and other state agencies as needed in order to ensure the mapping and forecasting tool is able to successfully facilitate other state agency programs that involve deployment of electric vehicle supply equipment.

(10) The department must conduct a stakeholder process in developing the mapping and forecasting tool to ensure the tool supports the needs of communities, public agencies, and relevant private organizations. The stakeholder process must involve stakeholders, including but not limited to electric utilities, early in the development of the tool.

(11) The department may contract with the department of commerce or consultants, or both, to develop and implement all or portions of the mapping and forecasting tool. The department may rely on or, to the extent necessary, contract for privately maintained data sufficient to develop the elements specified in subsection (4) of this section.

(12) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:

(a) "Charging infrastructure" means a unit of fueling infrastructure that supplies electric energy for the recharging of battery electric vehicles.

(b) "Direct current fast charger" means infrastructure that supplies electricity to battery electric vehicles at capacities no less than 50 kilowatts, typically using 208/408 volt three-phase direct current electricity.

(c) "Electric vehicle" means any craft, vessel, automobile, public transportation vehicle, or equipment that transports people or goods and operates, either partially or exclusively, on electrical energy from an off-board source that is stored onboard for motive purpose.

(d) "Electric vehicle supply equipment" means charging infrastructure and hydrogen refueling infrastructure.

(e) "Level 2 charger" means infrastructure that supplies electricity to battery electric vehicles at 240 volts and equal to or less than 80 amps.

(f) "Refueling infrastructure" means a unit of fueling infrastructure that supplies hydrogen for the resupply of hydrogen fuel cell electric vehicles.

Sec. 3. RCW 19.280.030 and 2019 c 288 s 14 are each amended to read as follows:

Each electric utility must develop a plan consistent with this section.

(1) Utilities with more than twenty-five thousand customers that are not full requirements customers must develop or update an integrated resource plan by September 1, 2008. At a minimum, progress reports reflecting changing conditions and the progress of the integrated resource plan must be produced every two years thereafter. An updated integrated resource plan must be developed at least every four years subsequent to the 2008 integrated resource plan. The integrated resource plan, at a minimum, must include:

(a) A range of forecasts, for at least the next ten years or longer, of projected customer demand which takes into account econometric data and customer usage;

(b) An assessment of commercially available conservation and efficiency resources, as informed, as applicable, by the assessment for conservation potential under RCW 19.285.040 for the planning horizon consistent with (a) of this subsection. Such assessment may include, as appropriate, opportunities for development of combined heat and power as an energy and capacity resource, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources;

(c) An assessment of commercially available, utility scale renewable and nonrenewable generating technologies including a comparison of the benefits and risks of purchasing power or building new resources;

(d) A comparative evaluation of renewable and nonrenewable generating resources, including transmission and distribution delivery costs, and conservation and efficiency resources using "lowest reasonable cost" as a criterion;

(e) An assessment of methods, commercially available technologies, or facilities for integrating renewable resources, including but not limited to battery storage and pumped storage, and addressing overgeneration events, if applicable to the utility's resource portfolio;

(f) An assessment and ten-year forecast of the availability of regional generation and transmission capacity on which the utility may rely to provide and deliver electricity to its customers;

(g) A determination of resource adequacy metrics for the resource plan consistent with the forecasts;

(h) A forecast of distributed energy resources that may be installed by the utility's customers and an assessment of their effect on the utility's load and operations;

(i) An identification of an appropriate resource adequacy requirement and measurement metric consistent with prudent utility practice in implementing RCW 19.405.030 through 19.405.050;

(j) The integration of the demand forecasts, resource evaluations, and resource adequacy requirement into a long-range assessment describing the mix of supply side generating resources and conservation and efficiency resources that will meet current and projected needs, including mitigating

overgeneration events and implementing RCW 19.405.030 through 19.405.050, at the lowest reasonable cost and risk to the utility and its customers, while maintaining and protecting the safety, reliable operation, and balancing of its electric system;

(k) An assessment, informed by the cumulative impact analysis conducted under RCW 19.405.140, of: Energy and nonenergy benefits and reductions of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health and environmental benefits, costs, and risks; and energy security and risk; ((~~and~~))

(l) A ten-year clean energy action plan for implementing RCW 19.405.030 through 19.405.050 at the lowest reasonable cost, and at an acceptable resource adequacy standard, that identifies the specific actions to be taken by the utility consistent with the long-range integrated resource plan; and

(m) An analysis of how the plan accounts for:

(i) Modeled load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a utility's service area, including anticipated levels of zero emissions vehicle use in the utility's service area provided in section 2 of this act, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 35.92.450, 54.16.430, and 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts. Electric utilities may, but are not required to, use the forecasts generated by the mapping and forecasting tool created in section 2 of this act. This subsection (1)(m)(iii) applies only to plans due to be filed after September 1, 2023.

(2) For an investor-owned utility, the clean energy action plan must: (a) Identify and be informed by the utility's ten-year cost-effective conservation potential assessment as determined under RCW 19.285.040, if applicable; (b) establish a resource adequacy requirement; (c) identify the potential cost-effective demand response and load management programs that may be acquired; (d) identify renewable resources, nonemitting electric generation, and distributed energy resources that may be acquired and evaluate how each identified resource may be expected to contribute to meeting the utility's resource adequacy requirement; (e) identify any need to develop new, or expand or upgrade existing, bulk transmission and distribution facilities; and (f) identify the nature and possible extent to which the utility may need to rely on alternative compliance options under RCW 19.405.040(1)(b), if appropriate.

(3)(a) An electric utility shall consider the social cost of greenhouse gas emissions, as determined by the commission for investor-owned utilities pursuant to RCW 80.28.405 and the department for consumer-owned utilities, when developing integrated resource plans and clean energy action plans. An electric utility must incorporate the social cost of greenhouse gas emissions as a cost adder when:

(i) Evaluating and selecting conservation policies, programs, and targets;

(ii) Developing integrated resource plans and clean energy action plans; and

(iii) Evaluating and selecting intermediate term and long-term resource options.

(b) For the purposes of this subsection (3): (i) Gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters must be considered a nonemitting resource; and (ii) qualified biomass energy must be considered a nonemitting resource.

(4) To facilitate broad, equitable, and efficient implementation of chapter 288, Laws of 2019, a consumer-owned energy utility may enter into an agreement with a joint operating agency organized under chapter 43.52 RCW or other nonprofit organization to develop and implement a joint clean energy action plan in collaboration with other utilities.

(5) All other utilities may elect to develop a full integrated resource plan as set forth in subsection (1) of this section or, at a minimum, shall develop a resource plan that:

(a) Estimates loads for the next five and ten years;

(b) Enumerates the resources that will be maintained and/or acquired to serve those loads;

(c) Explains why the resources in (b) of this subsection were chosen and, if the resources chosen are not: (i) Renewable resources; (ii) methods, commercially available technologies, or facilities for integrating renewable resources, including addressing any overgeneration event; or (iii) conservation and efficiency resources, why such a decision was made; ((~~and~~))

(d) By December 31, 2020, and in every resource plan thereafter, identifies how the utility plans over a ten-year period to implement RCW 19.405.040 and 19.405.050; and

(e) Accounts for:

(i) Modeled load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a utility's service area, including anticipated levels of zero emissions vehicle use in the utility's service area provided in section 2 of this act, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 35.92.450, 54.16.430, and 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts. Electric utilities may, but are not required to, use the forecasts generated by the mapping and forecasting tool created in section 2 of this act. This subsection (5)(e)(iii) applies only to plans due to be filed after September 1, 2023.

(6) Assessments for demand side resources included in an integrated resource plan may include combined heat and power systems as one of the measures in a conservation supply curve. The value of recoverable waste heat resulting from combined heat and power must be reflected in analyses of cost-effectiveness under this subsection.

(7) An electric utility that is required to develop a resource plan under this section must complete its initial plan by September 1, 2008.

(8) Plans developed under this section must be updated on a regular basis, on intervals approved by the commission or the department, or at a minimum on intervals of two years.

(9) Plans shall not be a basis to bring legal action against electric utilities.

(10)(a) To maximize transparency, the commission, for investor-owned utilities, or the governing body, for consumer-owned utilities, may require an electric utility to make the utility's data input files available in a native format. Each electric utility shall publish its final plan either as part of an annual report or as a separate document available to the public. The report may be in an electronic form.

(b) Nothing in this subsection limits the protection of records containing commercial information under RCW 80.04.095.

(11) By December 31, 2021, the department and the commission must adopt rules establishing the requirements for incorporating the cumulative impact analysis developed under RCW 19.405.140 into the criteria for developing clean energy action plans under this section.

Sec. 4. RCW 19.27.540 and 2019 c 285 s 18 are each amended to read as follows:

(1) The building code council shall adopt rules for electric vehicle infrastructure requirements. Rules adopted by the state building code council must consider applicable national and international standards and be consistent with rules adopted under RCW 19.28.281.

(2)(a) Except as provided in (b) of this subsection, the rules adopted under this section must require electric vehicle charging capability at all new buildings that provide on-site parking. Where parking is provided, the greater of one parking space or ten percent of parking spaces, rounded to the next whole number, must be provided with wiring or raceway sized to accommodate 208/240 V 40-amp or equivalent electric vehicle charging. Electrical rooms serving buildings with on-site parking must be sized to accommodate the potential for electrical equipment and distribution required to serve a minimum of twenty percent of the total parking spaces with 208/240 V 40-amp or equivalent electric vehicle charging. Load management infrastructure may be used to adjust the size and capacity of the required building electric service equipment and

circuits on the customer facilities, as well as electric utility-owned infrastructure, as allowed by applicable local and national electrical code. For accessible parking spaces, the greater of one parking space or ten percent of accessible parking spaces, rounded to the next whole number, must be provided with electric vehicle charging infrastructure that may also serve adjacent parking spaces not designated as accessible parking.

(b) For occupancies classified as assembly, education, or mercantile, the requirements of this section apply only to employee parking spaces. The requirements of this section do not apply to occupancies classified as ((~~residential R-3,~~)) utility((~~,~~)) or miscellaneous.

(c) ((~~The~~)) Except for rules related to residential R-3, the required rules required under this subsection must be implemented by July 1, 2021. The rules required under this subsection for occupancies classified as residential R-3 must be implemented by July 1, 2024.

(3)(a) The rules adopted under this section must exceed the specific minimum requirements established under subsection (2) of this section for all types of residential and commercial buildings to the extent necessary to support the anticipated levels of zero emissions vehicle use that result from the zero emissions vehicle program requirements in chapter 70A.30 RCW and that result in emissions reductions consistent with RCW 70A.45.020.

(b) The rules required under this subsection must be implemented by July 1, 2024, and may be periodically updated thereafter.

Sec. 5. RCW 82.44.200 and 2019 c 287 s 15 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes, including section 2 of this act. Moneys in the account may be spent only after appropriation.

NEW SECTION. **Sec. 6.** (1) Once a road usage charge, or equivalent fee or tax based on vehicle miles traveled, is in effect in the state of Washington with at least 75 percent of the registered passenger and light duty vehicles in the state participating, then a goal is established for the state that all publicly owned and privately owned passenger and light duty vehicles of model year 2030 or later that are sold, purchased, or registered in Washington state be electric vehicles. The department of licensing shall provide notice to the secretary of the senate and the chief clerk of the house of representatives, and the office of the governor when the road usage charge is in effect and the required number of registered vehicles are participating.

(2) The goal established in this section does not supersede any other law, and the other law controls if inconsistent with the goal established in this section.

(3) For purposes of this section:

(a) "Electric vehicles" are vehicles that use energy stored in rechargeable battery packs or in hydrogen and which rely solely on electric motors for propulsion.

(b) "Passenger and light duty vehicles" are on-road motor vehicles with a scale weight of up to 10,000 pounds and three or more wheels. Emergency services vehicles are not passenger and light duty vehicles.

(4) Nothing in this section:

(a) Authorizes any state agency to restrict the purchase, sale, or registration of vehicles that are not electric vehicles; or

(b) Changes or affects the directive to the department of ecology to implement the zero emission vehicle program required under RCW 70A.30.010.

NEW SECTION. **Sec. 7.** Section 6 of this act constitutes a new chapter in Title 70A RCW."

On page 1, line 2 of the title, after "future;" strike the remainder of the title and insert "amending RCW 19.280.030, 19.27.540, and 82.44.200; adding a new section to chapter 47.01 RCW; adding a new chapter to Title 70A RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1287 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Ramel spoke in favor of the passage of the bill.

Representative Barkis spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1287, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1287, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Kretz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1287, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1320 with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART I

FINDINGS, INTENT, AND DEFINITIONS

NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) Washington state has been a national leader in adopting legal protections to prevent and respond to abuse, violence, harassment, stalking, neglect, or other threatening behavior, through the enactment of different types of civil protection orders, which are intended to provide a fast, efficient means to obtain protection against perpetrators of these harms.

(2) Washington state has enacted six different types of civil protection orders: (a) Domestic violence protection orders, adopted by the legislature in 1984; (b) vulnerable adult protection orders, adopted by the legislature in 1986; (c) antiharassment protection orders, adopted by the legislature in 1987; (d) sexual assault protection orders, adopted by the legislature in 2006; (e) stalking protection orders, adopted by the legislature in 2013; and (f) extreme risk protection orders, enacted by a vote of the people through Initiative Measure No. 1491 in 2016.

(3) These civil protection orders are essential tools designed to address significant harms impacting individuals as well as communities. The legislature finds that:

(a) Domestic violence is a problem of immense proportions. About 15 percent of Washington adults report experiencing domestic violence in their lifetime, and women, low-income people, and Black and indigenous communities experience higher rates of domestic violence. When domestic violence victims seek to separate from their abuser, they face increased risks. Forty-five percent of domestic violence homicides occur within 90 days of a recent separation, while 75 percent occur within the first six months of separation. Domestic violence victims also face increased risks when their abuser has access to firearms. Firearms are used to commit more than half of all intimate partner homicides in the United States. When an abusive partner has access to a gun, a domestic violence

victim is 11 times more likely to be killed. Domestic violence has long been recognized as being at the core of other major social problems: Child abuse, other crimes of violence against persons or property, homelessness, and alcohol and drug abuse. Research has identified that adverse childhood experiences such as exposure to domestic violence have long-term negative impacts on health, well-being, and life outcomes, including criminal legal system involvement. Washington state studies have found that domestic violence is the most predictive of future violent crime by the perpetrator. Nationwide, domestic violence costs over $460,000,000,000 each year for health care, absence from work, services to children, and more. Adolescent dating violence is occurring at increasingly high rates, and preventing and confronting adolescent violence is important in preventing future violence in adult relationships. Domestic violence should not be minimized or dismissed based on any mental health diagnoses of the perpetrator or the victim. To the contrary, the presence of mental health concerns or substance use of either party increases the likelihood of serious injury and lethality. The legislature finds that it is in the public interest to improve the lives of persons being victimized by the acts and dynamics of domestic violence, to require reasonable, coordinated measures to prevent domestic violence from occurring, and to respond effectively to secure the safety of survivors of domestic violence;

(b) Sexual assault is the most heinous crime against another person short of murder. Sexual assault inflicts humiliation, degradation, and terror on victims. The perpetrator's age, gender, or relationship does not define the seriousness. According to the centers for disease control and prevention, one in six men, one in three women, and one in two nonbinary persons will experience sexual violence in their lifetime. Because of the stigma of a sexual assault and trauma, many victims are afraid or are not ready to report to law enforcement and go through the rigors of the criminal justice process. Individuals with disabilities; Black and indigenous communities; and lesbian, gay, bisexual, transgender, queer, and other individuals experience a higher rate of sexual violence. Experiencing a sexual assault is itself a reasonable basis for ongoing fear. Rape is recognized as the most underreported crime; estimates suggest that only one in seven rapes is reported to authorities. Victims who do not report the crime still may need to seek safety and protection from future interactions with the perpetrator and have a right to such safety and protection. Some cases where rape is reported are not prosecuted or do not lead to a conviction. A victim should be able to expediently seek a civil remedy requiring that the perpetrator stay away from the victim, independent of the criminal process and regardless of whether related criminal charges are pending;

(c) Stalking is a crime that affects 3,400,000 people over the age of 18 each year in the United States. Almost half of victims experience at least one unwanted contact per week. 29 percent of stalking victims fear that the stalking will never stop. The prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among stalking victims than among the general population. Research shows that stalking is a significant indication of future lethality. Increased access to technology has also increased methods of stalking. Stalking is distinct from common acts of harassment or nuisance covered by antiharassment orders, and law enforcement agencies need to be able to rely on orders that distinguish stalking from acts of harassment or nuisance. Victims who do not report the stalking behavior they are experiencing still may need safety and protection from future interactions with the perpetrator through expedient access to the civil court system, and this protection can be accomplished without infringing on constitutionally protected speech or activity;

(d) Serious, personal harassment through invasions of a person's privacy by an act, acts, or words showing an intent to coerce, intimidate, or humiliate the victim is increasing. The legislature finds the prevention of such harassment is an important governmental objective, and that victims should have access to a method to prevent further contact between the victim and perpetrator. A person may be targeted for harassing behavior due to his or her identity, such as age, gender, sexual orientation, race, religion, disability, or immigration status. The legislature finds that unlawful harassment directed

at a child by a child is not acceptable and can have serious consequences, but that some negative interactions between young people, especially in schools, do not rise to the level of unlawful harassment. It is the intent of the legislature that a protection order sought by the parent or guardian of a child as provided for in this chapter be available only when the alleged behavior of the person under the age of 18 to be restrained rises to the level set forth in this chapter;

(e) Some adults are vulnerable and may be subject to abuse, neglect, financial exploitation, or abandonment by a family member, care provider, or other person who has a relationship with the vulnerable adult. A vulnerable adult may have physical disabilities, mobility issues, or be otherwise unable to represent himself or herself in court or to retain legal counsel in order to obtain the relief available under this chapter or other protections offered through the courts. A vulnerable adult may lack the ability to perform or obtain those services necessary to maintain his or her well-being because he or she lacks the capacity for consent, and may have health problems that place him or her in a dependent position. The legislature finds the legal tool of protection orders will help prevent abuse, neglect, exploitation, or abandonment of vulnerable adults; and

(f) Every year, over 100,000 persons in our country are victims of gunshot wounds and 38,000 individuals lose their lives from gun violence. On average, there are over 100 gun deaths each day, 61 percent of which are suicides. In Washington state, the suicide rate is on average 10 percent higher. Extreme risk protection orders allow for the temporary removal of the most lethal means of suicide from the situation, saving lives of those at risk. Studies show that individuals who engage in certain dangerous behaviors are significantly more likely to commit violence toward themselves or others in the near future. These behaviors, which can include other acts or threats of violence, self-harm, or the abuse of drugs or alcohol, are warning signs that the person may soon commit an act of violence. Individuals who pose a danger to themselves or others often exhibit signs that alert family, household members, or law enforcement to the threat. Restricting firearms access in these moments of crisis is an important way to prevent gun violence and save lives. Many mass shooters displayed warning signs prior to their killings, but federal and state laws provided no clear legal process to suspend the shooters' access to guns, even temporarily. In enacting the extreme risk protection order, the people intended to reduce gun deaths and injuries, while respecting constitutional rights, by providing a procedure for family, household members, and law enforcement to obtain a court order temporarily preventing individuals who are at high risk of harming themselves or others from accessing firearms when there is demonstrated evidence that the individuals pose a significant danger, including danger as a result of threatening or violent behavior. Additionally, extreme risk protection orders may provide protections from firearm risks for individuals who are not eligible to petition for other types of protection orders. Extreme risk protection orders are intended to be limited to situations in which individuals pose a significant danger of harming themselves or others by possessing a firearm, having immediate access to a firearm, or having expressed intent to obtain a firearm, and include standards and safeguards to protect the rights of respondents and due process of law. Temporarily removing firearms under these circumstances is an important tool to prevent suicide, homicide, and community violence.

(4) The legislature finds that all of these civil protection orders are essential tools that can increase safety for victims of domestic violence, sexual assault, stalking, abuse of vulnerable adults, unlawful harassment, and threats of gun violence to obtain immediate protection for themselves apart from the criminal legal system. Victims are in the best position to know what their safety needs are and should be able to seek these crucial protections without having to rely on the criminal legal system process. The legislature further finds the surrender of firearms in civil protection orders is critical to public health. In keeping with the harm reduction approach of this lifesaving tool, the legislature finds that it is appropriate to allow for immunity from prosecution for certain offenses when appropriate to create a safe harbor from prosecution for certain offenses to

increase compliance with orders to surrender and prohibit firearms.

(5) To better achieve these important public purposes, the legislature further finds the need to clarify and simplify these civil protection order statutes to make them more understandable and accessible to victims seeking relief and to respondents who are subject to the court process. An efficient and effective civil process can provide necessary relief many victims require in order to escape and prevent harm. Clarification and simplification of the statutes will aid petitioners, respondents, law enforcement, and judicial officers in their application, help to eliminate procedural inconsistencies, modernize practices, provide better access to justice for those most marginalized, increase compliance, and improve identified problem areas within the statutes. Those who participate in the protection order process often find it difficult to navigate the statutes, which were adopted at different times and contain differing jurisdictional approaches, procedures, definitions, and types of relief offered, among other differences, all of which can create barriers and cause confusion. Harmonizing and standardizing provisions where there is not a need for a specific, different approach can provide more uniformity among the laws and significantly reduce these obstacles.

The legislature finds that these improvements are needed to help ensure that protection orders and corresponding court processes are more easily accessible to all litigants, particularly parties who may experience higher barriers to accessing justice.

(6) The legislature finds that advances in technology have made it increasingly possible to file petitions, effect service of process, and conduct hearings in protection order proceedings through more efficient and accessible means, while upholding constitutional due process requirements. These include using approaches such as online filing of petitions, electronic service of protection orders, and video and telephonic hearings to maintain and improve access to the courts. These alternatives can help make protection order processes more accessible, effective, timely, and procedurally just, particularly in situations where there are emergent risks. The legislature finds that it would be helpful for petitioners, respondents, judicial officers, court personnel, law enforcement, advocates, counsel, and others to have these new tools enacted into statute and made readily available in every court, with statewide best practices created for their use, specific to the context of civil protection orders. The legislature further finds that it is important to modernize other aspects of the civil protection order statutes to reflect current trends, and to provide for data collection and research in these areas of the law.

(7) The legislature further finds that in order to improve the efficacy of, accessibility to, and understanding of, civil protection orders, the six different civil protection orders in Washington state should be included in a single chapter of the Revised Code of Washington.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. "Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

(a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

(c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

(5)(a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:

(i) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(ii) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(iii) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(iv) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to:

(A) Protect property or liberty interests;

(B) Enforce the law; or

(C) Meet specific statutory duties or requirements;

(v) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or

(vi) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

(6) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

(7) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(8) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; unlawful harassment; or stalking of one family or household member by another family or household member.

(9) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(10) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

(11) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department of social and health services.

(12) "Family or household members" means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.

(13) "Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

(14) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

(15) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

(16) "Full protection order" means a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full protection order" includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.

(17) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(18) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(19) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

(20)(a) "Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including, but not limited to:

(i) Acts that prevent a person from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(21) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

(22) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(23) "Minor" means a person who is under 18 years of age.

(24) "Neglect" means: (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

(25) "Nonconsensual" means a lack of freely given consent.

(26) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, and contact through third parties.

(27) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(28) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical

restraint" does not include (a) briefly holding, without undue force, a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(29) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

(30) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(31) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or

(f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(32) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(33) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of cyberstalking as defined under RCW 9.61.260; or

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

(i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

(34) "Temporary protection order" means a protection order that is issued before the court has decided whether to issue a full protection order. "Temporary protection order" includes ex parte temporary protection orders, as well as temporary protection orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full protection order. An "ex parte temporary protection order" means a temporary protection order that is issued without prior notice to the respondent.

(35) "Unlawful harassment" means:

(a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause

substantial emotional distress to the petitioner; or

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

(36) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

PART II

JURISDICTION AND VENUE

NEW SECTION. **Sec. 3.** REVIEW OF EXISTING COURT JURISDICTION. The legislature finds that there are inconsistencies and differing approaches within existing provisions governing the jurisdictional division of authority and responsibility among superior courts and courts of limited jurisdiction for protection order proceedings addressed by this act. This act retains those jurisdictional differences only as an interim measure, and creates an approach in section 12 of this act to review the existing jurisdictional division, assess the benefits and ramifications of modifying or consolidating jurisdiction for protection orders consistent with the goals of this act of improving efficacy and accessibility, and propose to the legislature provisions to address jurisdiction.

NEW SECTION. **Sec. 4.** DOMESTIC VIOLENCE PROTECTION ORDERS AND SEXUAL ASSAULT PROTECTION ORDERS. (1) The superior, district, and municipal courts have jurisdiction over domestic violence protection order proceedings and sexual assault protection order proceedings under this chapter. The jurisdiction of district and municipal courts is limited to enforcement of section 56(1) of this act, or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in section 38 of this act if:

(a) A superior court has exercised or is exercising jurisdiction over a proceeding involving the parties;

(b) The petition for relief under this chapter presents issues of the residential schedule of, and contact with, children of the parties; or

(c) The petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share.

(2) When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary protection order, the district or municipal court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the temporary protection order.

NEW SECTION. **Sec. 5.** STALKING PROTECTION ORDERS. (1) The district courts shall have original jurisdiction and cognizance of stalking protection order proceedings brought under this chapter, except a district court shall transfer such actions and proceedings to the superior court when it is shown that:

(a) The petitioner, victim, or respondent to the petition is under 18 years of age;

(b) The action involves title or possession of real property;

(c) A superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or

(d) The action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.

(2) Municipal courts may exercise jurisdiction and cognizance of any stalking protection order proceedings brought under this chapter by adoption of local court rule, except a municipal court shall transfer such actions and proceedings to the superior court when it is shown that:

(a) The petitioner, victim, or respondent to the petition is under 18 years of age;

(b) The action involves title or possession of real property;

(c) A superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or

(d) The action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.

(3) Superior courts shall have concurrent jurisdiction to receive the transfer of stalking protection order petitions in cases where a district or municipal court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer. The jurisdiction of district and municipal courts is limited to enforcement of section 56(1) of this act, or the equivalent municipal ordinance, and the issuance and enforcement of temporary protection orders provided for in section 38 of this act if the superior court is exercising jurisdiction over a proceeding under this chapter involving the parties.

NEW SECTION. **Sec. 6.** ANTIHARASSMENT PROTECTION ORDERS. (1) The district courts shall have original jurisdiction and cognizance of antiharassment protection order proceedings brought under this chapter, except the district court shall transfer such actions and proceedings to the superior court when it is shown that:

(a) The respondent to the petition is under 18 years of age;

(b) The action involves title or possession of real property;

(c) A superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or

(d) The action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.

(2) Municipal courts may exercise jurisdiction and cognizance of antiharassment protection order proceedings brought under this chapter by adoption of local court rule, except the municipal court shall transfer such actions and proceedings to the superior court when it is shown that:

(a) The respondent to the petition is under 18 years of age;

(b) The action involves title or possession of real property;

(c) A superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or

(d) The action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.

(3) The civil jurisdiction of district and municipal courts under this section is limited to the issuance and enforcement of temporary protection orders in cases that require transfer to superior court under subsections (1) and (2) of this section. The district or municipal court shall transfer the case to superior court after the temporary protection order is entered.

(4) Superior courts shall have concurrent jurisdiction to receive transfer of antiharassment petitions in cases where a district or municipal court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer.

(5) The municipal and district courts shall have jurisdiction and cognizance of any criminal actions brought under section 57 of this act.

NEW SECTION. **Sec. 7.** VULNERABLE ADULT PROTECTION ORDERS. The superior courts have jurisdiction over vulnerable adult protection order proceedings under this chapter.

NEW SECTION. **Sec. 8.** EXTREME RISK PROTECTION ORDERS. The superior courts have jurisdiction over extreme risk protection order proceedings under this

chapter. The juvenile court may hear an extreme risk protection order proceeding under this chapter if the respondent is under the age of 18 years. Additionally, district and municipal courts have limited jurisdiction over the issuance and enforcement of temporary extreme risk protection orders issued under section 43 of this act. The district or municipal court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the temporary extreme risk protection order.

NEW SECTION. **Sec. 9.** VENUE. An action for a protection order should be filed in the county or municipality where the petitioner resides. The petitioner may also file in:

(1) The county or municipality where an act giving rise to the petition for a protection order occurred;

(2) The county or municipality where a child to be protected by the order primarily resides;

(3) The county or municipality where the petitioner resided prior to relocating if relocation was due to the respondent's conduct; or

(4) The court nearest to the petitioner's residence or former residence under subsection (3) of this section.

NEW SECTION. **Sec. 10.** PERSONAL JURISDICTION OVER NONRESIDENTS. (1) In a proceeding in which a petition for a protection order under this chapter is sought, a court of this state may exercise personal jurisdiction over a nonresident individual if:

(a) The individual is personally served with a petition within this state;

(b) The individual submits to the jurisdiction of this state by consent, entering a general appearance, or filing a responsive document having the effect of waiving any objection to consent to personal jurisdiction;

(c) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of a protection order occurred within this state;

(d)(i) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of a protection order occurred outside this state and are part of an ongoing pattern that has an adverse effect on the petitioner or a member of the petitioner's family or household and the petitioner resides in this state; or

(ii) As a result of the acts giving rise to the petition or enforcement of a protection order, the petitioner or a member of the petitioner's family or household has sought safety or protection in this state and currently resides in this state; or

(e) There is any other basis consistent with RCW 4.28.185 or with the Constitutions of this state and the United States.

(2) For jurisdiction to be exercised under subsection (1)(d) of this section, the individual must have communicated with the petitioner or a member of the petitioner's family, directly or indirectly, or made known a threat to the safety of the petitioner or member of the petitioner's family, while the petitioner or member of the petitioner's family resides in this state.

(3) For the purposes of this section:

(a) "Communicated" or "made known" includes the following means: In person, through publication, by mail, telephonically, through an electronic communication site or medium, by text, or through other social media. Communication on any electronic medium that is generally available to any individual residing in the state is sufficient to exercise jurisdiction under subsection (1)(d) of this section.

(b) An act or acts that "occurred within this state" include an oral or written statement made or published by a person outside of this state to any person in this state by means included in (a) of this subsection, or by means of interstate commerce or foreign commerce.

NEW SECTION. **Sec. 11.** OUT-OF-STATE CHILD CUSTODY JURISDICTIONAL ISSUES. Jurisdictional issues regarding out-of-state proceedings involving the custody or residential placement of any child of the parties are governed by the uniform child custody jurisdiction and enforcement act, chapter 26.27 RCW.

NEW SECTION. **Sec. 12.** RECOMMENDATIONS ON JURISDICTION OVER PROTECTION ORDER PROCEEDINGS. (1) The administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall consider and develop recommendations regarding the jurisdictional division of authority and responsibility among superior courts and courts of limited jurisdiction for protection order proceedings, and the differing approaches to jurisdiction among the types of protection orders. The work shall assess whether jurisdiction should be harmonized, modified, or consolidated to further the stated intent of this act. The work shall consider the underlying rationale for the existing jurisdictional division, assess whether the jurisdictional division creates barriers to access, gather data on usage and financial costs or savings, and weigh other relevant benefits and ramifications of modifying or consolidating jurisdiction.

(2) In developing the recommendations, the gender and justice commission must work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, including those involving minors. Participants should include those from both rural and urban jurisdictions.

(3) The gender and justice commission shall provide summary recommendations to the legislature by December 1, 2021.

PART III

FILING

NEW SECTION. **Sec. 13.** FILING—TYPES OF PETITIONS. (1) There exists an action known as a petition for a protection order. The following types of petitions for a protection order may be filed:

(a) A petition for a domestic violence protection order, which must allege the existence of domestic violence committed against the petitioner or petitioners by an intimate partner or a family or household member. The petitioner may petition for relief on behalf of himself or herself and on behalf of family or household members who are minors or vulnerable adults. A petition for a domestic violence protection order must specify whether the petitioner and the respondent are intimate partners or family or household members. A petitioner who has been sexually assaulted or stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order or a stalking protection order.

(b) A petition for a sexual assault protection order, which must allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration that was committed against the petitioner by the respondent. A petitioner who has been sexually assaulted by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order. A single incident of nonconsensual sexual conduct or nonconsensual sexual penetration is sufficient grounds for a petition for a sexual assault protection order. The petitioner may petition for a sexual assault protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(c) A petition for a stalking protection order, which must allege the existence of stalking committed against the petitioner or petitioners by the respondent. A petitioner who has been stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a stalking protection order. The petitioner may petition for a stalking protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(d) A petition for a vulnerable adult protection order, which must allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by the respondent. If the petition is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.

(e) A petition for an extreme risk protection order, which must allege that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm. The petition must also identify the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, access, or control. A petition for an extreme risk protection order may be filed by (i) an intimate partner or a family or household member of the respondent; or (ii) a law enforcement agency.

(f) A petition for an antiharassment protection order, which must allege the existence of unlawful harassment committed against the petitioner or petitioners by the respondent. If a petitioner is seeking relief based on domestic violence, nonconsensual sexual conduct, nonconsensual sexual penetration, or stalking, the petitioner may, but is not required to, seek a domestic violence, sexual assault, or stalking protection order, rather than an antiharassment order. The petitioner may petition for an antiharassment protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(2) With the exception of vulnerable adult protection orders, a person under 18 years of age who is 15 years of age or older may seek relief under this chapter as a petitioner and is not required to seek relief through a petition filed on his or her behalf. He or she may also petition on behalf of a family or household member who is a minor if chosen by the minor and capable of pursuing the minor's stated interest in the action.

(3) A person under 15 years of age who is seeking relief under this chapter is required to seek relief by a person authorized as a petitioner under this section.

(4) A petition for any type of protection order must not be dismissed or denied on the basis that the conduct alleged by the petitioner would meet the criteria for the issuance of another type of protection order.

(5) The protection order petition must contain a section where the petitioner, regardless of petition type, may request specific relief provided for in section 39 of this act that the petitioner seeks for himself or herself or for family or household members who are minors. The totality of selected relief, and any other relief the court deems appropriate for the petitioner, or family or household members who are minors, must be considered at the time of entry of temporary protection orders and at the time of entry of full protection orders.

(6) If a court reviewing the petition for a protection order or a request for a temporary protection order determines that the petition was not filed in the correct court, the court shall enter findings establishing the correct court,

and direct the clerk to transfer the petition to the correct court and to provide notice of the transfer to all parties who have appeared.

(7) Upon filing a petition for a protection order, the petitioner may request that the court enter an ex parte temporary protection order until a hearing on a full protection order may be held. An ex parte temporary protection order shall be effective for a fixed period of time and shall be issued initially for a period not to exceed 14 days.

(8) The court may, at its discretion, issue a temporary order on the petition with or without a hearing. If an order is not signed upon presentation, the court shall set a hearing for a full protection order not later than 14 days from the date of the filing of the petition for a protection order, if the petition for a protection order is filed before close of business on a judicial day. If a petition for a protection order is filed after close of business on a judicial day or is filed on a nonjudicial day, the court shall set a hearing for a full protection order not later than 14 days from the first judicial day after the petition is filed.

NEW SECTION. **Sec. 14.** FILING—PROVISIONS GOVERNING ALL PETITIONS. The following apply to all petitions for protection orders under this chapter.

(1)(a) By January 1, 2023, county clerks on behalf of all superior courts and, by January 1, 2026, all courts of limited jurisdiction, must permit petitions for protection orders and all other filings in connection with the petition to be submitted as preferred by the petitioner either: (i) In person; (ii) remotely through an electronic submission process; or (iii) by mail for persons who are incarcerated or who are otherwise unable to file in person or remotely through an electronic system. The court or clerk must make all electronically filed court documents available for electronic access by judicial officers statewide. Judicial officers may not be charged for access to such documents. The electronic filing system must allow for protection orders to be filed at any time of the day. Petitioners and respondents should not be charged for electronic filing for petitions and documents filed pursuant to this section.

(b) By January 1, 2023, all superior courts' systems and, by January 1, 2026, all limited jurisdiction courts' systems, should allow for the petitioner to electronically track the progress of the petition for a protection order. Notification may be provided by text messaging or email, and should provide reminders of court appearances and alert the petitioner when the following occur: (i) The petition has been processed and is under review by a judicial officer; (ii) the order has been signed; (iii) the order has been transmitted to law enforcement for entry into the Washington crime information center system; (iv) return of service upon the respondent has been filed with the court or clerk; and (v) a receipt for the surrender of firearms has been filed with the court or clerk. Respondents, once served, should be able to sign up for similar electronic notification. Petitioners and respondents should not be charged for electronic notification.

(2) The petition must be accompanied by a confidential document to be used by the courts and law enforcement to fully identify the parties and serve the respondent. This record will be exempt from public disclosure at all times, and restricted access to this form is governed by general rule 22 provisions governing access to the confidential information form. The petitioner is required to fill out the confidential party information form to the petitioner's fullest ability. The respondent must be served with a blank confidential party information form, and when the respondent first appears, the respondent must confirm with the court the respondent's identifying and current contact information, including electronic means of contact, and file this with the court.

(3) A petition must be accompanied by a declaration signed under penalty of perjury stating the specific facts and circumstances for which relief is sought. Parties, attorneys, and witnesses may electronically sign sworn statements in all filings.

(4) The petitioner and the respondent must disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties, to the extent that such information is known by the petitioner and the respondent. To the extent possible, the court shall take judicial

notice of any existing restraining, protection, or no-contact orders between the parties before entering a protection order. The court shall not include provisions in a protection order that would allow the respondent to engage in conduct that is prohibited by another restraining, protection, or no-contact order between the parties that was entered in a different proceeding. The obligation to disclose the existence of any other litigation includes, but is not limited to, the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.281. The court administrator shall verify for the court the terms of any existing protection order governing the parties.

(5) The petition may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties, except in cases where the court has realigned the parties in accordance with section 26 of this act.

(6) Relief under this chapter must not be denied or delayed on the grounds that the relief is available in another action. The court shall not defer acting on a petition for a protection order nor grant a petitioner less than the full relief that the petitioner is otherwise entitled to under this chapter because there is, or could be, another proceeding involving the parties including, but not limited to, any potential or pending family law matter or criminal matter.

(7) A person's right to petition for relief under this chapter is not affected by the person leaving his or her residence or household.

(8) A petitioner is not required to post a bond to obtain relief in any proceeding for a protection order.

(9)(a) No fees for service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Except as provided in (b) of this subsection, courts may not charge petitioners any fees or surcharges the payment of which is a condition precedent to the petitioner's ability to secure access to relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge. A respondent who is served electronically with a protection order shall be provided a certified copy of the order free of charge upon request.

(b) A filing fee may be charged for a petition for an antiharassment protection order except as follows:

(i) No filing fee may be charged to a petitioner seeking an antiharassment protection order against a person who has engaged in acts of stalking as defined in RCW 9A.46.110, or from a person who has engaged in conduct that would constitute a sex offense as defined in RCW 9A.44.128, or from a person who is a family or household member or intimate partner who has engaged in conduct that would constitute domestic violence; and

(ii) The court shall waive the filing fee if the court determines the petitioner is not able to pay the costs of filing.

(10) If the petition states that disclosure of the petitioner's address or other identifying location information would risk harm to the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address or email address at which the respondent may serve the petitioner.

(11) Subject to the availability of amounts appropriated for this specific purpose, or as provided through alternative sources including, but not limited to, grants, local funding, or pro bono means, if the court deems it necessary, the court may appoint a guardian ad litem for a petitioner or a respondent who is under 18 years of age and who is not represented by counsel. If a guardian ad litem is appointed by the court for either or both parties, neither the petitioner nor the respondent shall be required by the court to pay any costs associated with the appointment.

(12) Minor children must only be referred to in the petition and in all other publicly available filed documents by their initials and date of birth. Any orders issued by the court for entry into a law enforcement database must show the minor's full name for purposes of identification, but be redacted to only display initials and date of birth for purposes of public access.

(13) If a petitioner has requested an ex parte temporary protection order, because these are often emergent situations, the court shall prioritize review, either entering an order without a hearing or scheduling and holding an ex parte hearing in person, by telephone, by video, or by other electronic means on the day the petition is filed if possible. Otherwise, it must be heard no later than the following judicial day. The clerk shall ensure that the request for an ex parte temporary protection order is presented timely to a judicial officer, and signed orders will be returned promptly to the clerk for entry and to the petitioner as specified in this section.

(14) Courts shall not require a petitioner to file duplicative forms.

(15) The Indian child welfare act applies in the following manner.

(a) In a proceeding under this chapter where the petitioner seeks to protect a minor and the petitioner is not the minor's parent as defined by RCW 13.38.040, the petition must contain a statement alleging whether the minor is or may be an Indian child as defined in RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., shall apply. A party should allege in the petition if these laws have been satisfied in a prior proceeding and identify the proceeding.

(b) Every order entered in any proceeding under this chapter where the petitioner is not a parent of the minor or minors protected by the order must contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply, or if there is insufficient information to make a determination, the court must make a finding that a determination must be made before a full protection order may be entered. If there is reason to know the child is an Indian child, but the court does not have sufficient evidence to determine that the child is or is not an Indian child, 25 C.F.R. Sec. 23.107(b) applies. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the order must also contain a finding that all notice, evidentiary requirements, and placement preferences under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied, or a finding that removal or placement of the child is necessary to prevent imminent physical damage or harm to the child pursuant to 25 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does not apply, the order must also contain a finding as to why there is no reason to know the child may be an Indian child.

NEW SECTION. **Sec. 15.** FILING—PROVISIONS APPLICABLE TO SPECIFIED ORDERS. The following apply only to the specific type of protection orders referenced in each subsection.

(1) The department of social and health services, in its discretion, may file a petition for a vulnerable adult protection order or a domestic violence protection order on behalf of, and with the consent of, any vulnerable adult. When the department has reason to believe a vulnerable adult lacks the ability or capacity to consent, the department, in its discretion, may seek relief on behalf of the vulnerable adult. Neither the department nor the state of Washington is liable for seeking or failing to seek relief on behalf of any persons under this section. The vulnerable adult shall not be held responsible for any violations of the order by the respondent.

(2)(a) If the petitioner for an extreme risk protection order is a law enforcement agency, the petitioner shall make a good faith effort to provide notice to an intimate partner or family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for an extreme risk protection order or has already done so, and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice, or attest to the steps that will be taken to provide such notice.

(b) Recognizing that an extreme risk protection order may need to be issued outside of normal business hours, courts shall allow law enforcement petitioners to petition after hours for a temporary extreme risk protection order using an on-call, after-hours judge, as is done for approval of after-hours search warrants.

NEW SECTION. **Sec. 16.** DUTIES OF THE ADMINISTRATIVE OFFICE OF THE COURTS—RECOMMENDATIONS FOR FILING AND DATA COLLECTION. (1) By June 30, 2022, the administrative office of the courts shall:

(a) Develop and distribute standard forms for petitions and orders issued under this chapter, and facilitate the use of online forms for electronic filings.

(i) For all protection orders except extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the following statement: "You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing."

(ii) For extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court may change the order. Requests for changes must be made in writing.";

(b) Develop and distribute instructions and informational brochures regarding protection orders and a court staff handbook on the protection order process, which shall be made available online to view and download at no cost. Developing additional methods to inform the public about protection orders in understandable terms and in languages other than English through videos and social media should also be considered. The instructions, brochures, forms, and handbook must be prepared in consultation with civil legal aid, culturally specific advocacy programs, and domestic violence and sexual assault advocacy programs. The instructions must be designed to assist petitioners in completing the petition, and must include a sample of standard petition and protection order forms. The instructions and standard petition must include a means for the petitioner to identify, with only lay knowledge, the firearms the respondent may own, possess, receive, have access to, or have in the respondent's custody or control. The instructions must provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means to allow petitioners to identify firearms without requiring specific or technical knowledge regarding the firearms. The court staff handbook must allow for the addition of a community resource list by the court clerk. The informational brochure must describe the use of, and the process for, obtaining, renewing, modifying, terminating, and enforcing protection orders as provided under this chapter, as well as the process for obtaining, modifying, terminating, and enforcing an antiharassment no-contact order as provided under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided under chapters 26.09, 26.26A, 26.26B, and 26.44 RCW, a foreign protection order as defined in chapter 26.52 RCW, and a Canadian domestic violence protection order as defined in RCW 26.55.010;

(c) Determine the significant non-English-speaking or limited English-speaking populations in the state. The administrative office of the courts shall then arrange for translation of the instructions and informational brochures required by this section, which must contain a sample of the standard petition and protection order forms, into the languages spoken by at least the top five significant non-English-speaking populations, and shall distribute a master copy of the translated instructions and informational brochures to all court clerks and to the Washington supreme court's interpreter commission, minority and justice commission, and gender and justice commission by the effective date of this section. Such materials must be updated and distributed if needed due to relevant changes in the law;

(d)(i) Distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks, and distribute a master copy of the petition and order forms to all superior, district, and municipal courts;

(ii) In collaboration with civil legal aid attorneys, domestic violence advocates, sexual assault advocates, elder abuse advocates, clerks, and judicial officers, develop and distribute a single petition form that a petitioner may use to file for any type

of protection order authorized by this chapter, with the exception of extreme risk protection orders;

(iii) For extreme risk protection orders, develop and prepare:

(A) A standard petition and order form for an extreme risk protection order, as well as a standard petition and order form for an extreme risk protection order sought against a respondent under 18 years of age, titled "Extreme Risk Protection Order - Respondent Under 18 Years";

(B) Pattern forms to assist in streamlining the process for those persons who are eligible to seal records relating to an order under (d)(i) of this subsection, including:

(I) A petition and declaration the respondent can complete to ensure that requirements for public sealing have been met; and

(II) An order sealing the court records relating to that order; and

(C) An informational brochure to be served on any respondent who is subject to a temporary or full protection order under (d)(iii)(A) of this subsection;

(e) Create a new confidential party information form to satisfy the purposes of the confidential information form and the law enforcement information sheet that will serve both the court's and law enforcement's data entry needs without requiring a redundant effort for the petitioner, and ensure the petitioner's confidential information is protected for the purpose of safety. The form should be created with the presumption that it will also be used by the respondent to provide all current contact information needed by the court and law enforcement, and full identifying information for improved data entry. The form should also prompt the petitioner to disclose on the form whether the person who the petitioner is seeking to restrain has a disability, brain injury, or impairment requiring special assistance; and

(f) Update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

(2) The administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to develop for the courts:

(a) Standards for filing evidence in protection order proceedings in a manner that protects victim safety and privacy, including evidence in the form of text messages, social media messages, voice mails, and other recordings, and the development of a sealed cover sheet for explicit or intimate images and recordings; and

(b) Requirements for private vendors who provide services related to filing systems for protection orders, as well as what data should be collected.

NEW SECTION. **Sec. 17.** FILING—COURT CLERK DUTIES. (1) All court clerks' offices shall make available the standardized forms, instructions, and informational brochures required by this chapter, and shall fill in and keep current specific program names and telephone numbers for community resources, including civil legal aid and volunteer lawyer programs. Any assistance or information provided by clerks under this chapter, or any assistance or information provided by any person, including court clerks, employees of the department of social and health services, and other court facilitators, to complete the forms provided by the court, does not constitute the practice of law, and clerks are not responsible for incorrect information contained in a petition.

(2) All court clerks shall obtain community resource lists as described in (a) and (b) of this subsection, which the court shall make available as part of, or in addition to, the informational brochures described in section 16 of this act.

(a) The court clerk shall obtain a community resource list from a domestic violence program and from a sexual assault program serving the county in which the court is located. The community resource list must include the names, telephone numbers, and, as available,

website links of domestic violence programs, sexual assault programs, and elder abuse programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, civil legal aid programs, elder abuse programs, interpreters, multicultural programs, and batterers' treatment programs. The list must be made available in print and online.

(b) The court clerk may create a community resource list of crisis intervention, behavioral health, interpreter, counseling, and other relevant resources serving the county in which the court is located. The clerk may also create a community resource list for respondents to include suicide prevention, treatment options, and resources for when children are involved in protection order cases. Any list shall be made available in print and online.

(c) Courts may make the community resource lists specified in (a) and (b) of this subsection available as part of, or in addition to, the informational brochures described in subsection (1) of this section, and should translate them into the languages spoken by the county's top five significant non-English-speaking populations.

(3) Court clerks should not make an assessment of the merits of a petitioner's petition for a protection order or refuse to accept for filing any petition that meets the basic procedural requirements.

PART IV

SERVICE

NEW SECTION. **Sec. 18.** SERVICE—METHODS OF SERVICE. (1) To minimize delays and the need for more hearings, which can hinder access to justice and undermine judicial economy, to lessen costs, to guarantee actual notice to the respondent, and to simplify and modernize processes for petitioners, respondents, law enforcement, and the courts, the following methods of service are authorized for protection order proceedings, including petitions, temporary protection orders, reissuances of temporary protection orders, full protection orders, motions to renew protection orders, and motions to modify or terminate protection orders.

(a) Personal service, consistent with court rules for civil proceedings, must be made by law enforcement to mitigate risks, increase safety, and ensure swift recovery of firearms in cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender and prohibit weapons; cases that involve transferring the custody of a child or children from the respondent to the petitioner; or cases involving vacating the respondent from the parties' shared residence. Personal service should also be used in cases involving a respondent who is incarcerated. Personal service must otherwise be made by law enforcement unless the petitioner elects to have the respondent served by a third party who is not a party to the action and is over 18 years of age and competent to be a witness.

(b)(i) Service by electronic means, including service by email, text message, social media applications, or other technologies, must be prioritized for all orders at the time of the issuance of temporary protection orders, with the exception of the following cases, for which personal service must be prioritized: (A) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender weapons; (B) cases that involve transferring the custody of a child or children from the respondent to the petitioner; (C) cases involving vacating the respondent from the parties' shared residence; or (D) cases involving a respondent who is incarcerated. Once firearms and concealed pistol licenses have been surrendered and verified by the court, or there is evidence the respondent does not possess firearms, the restrained party has been vacated from the shared residence, or the custody of the child or children has been transferred, per court order, then subsequent motions and orders may be served electronically.

(ii) Service by electronic means must be effected by a law enforcement agency, unless the petitioner elects to have the respondent served by any person who is not a party to the action, is over 18 years of age and competent to be a witness, and can provide sworn proof of service to the court as required.

(iii) Electronic service must be effected by transmitting copies of the petition and any supporting materials

filed with the petition, notice of hearing, and any orders, or relevant materials for motions, to the respondent at the respondent's electronic address or the respondent's electronic account associated with email, text messaging, social media applications, or other technologies. Verification of receipt may be accomplished through read-receipt mechanisms, a response, a sworn statement from the person who effected service verifying transmission and any follow-up communications such as email or telephone contact used to further verify, or an appearance by the respondent at a hearing. Sworn proof of service must be filed with the court by the person who effected service. Service by electronic means is complete upon transmission when made prior to 5:00 p.m. on a judicial day. Service made on a Saturday, Sunday, legal holiday, or after 5:00 p.m. on any other day shall be deemed complete at 9:00 a.m. on the first judicial day thereafter.

(c) Service by mail is permitted when electronic service is not possible, and there have been two unsuccessful attempts at personal service or when the petitioner requests it in lieu of electronic service or personal service where personal service is not otherwise required. If electronic service and personal service are not successful, the court shall affirmatively order service by mail without requiring additional motions to be filed by the petitioner. Service by mail must be made by any person who is not a party to the action and is over 18 years of age and competent to be a witness, by mailing copies of the materials to be served to the party to be served at the party's last known address or any other address determined by the court to be appropriate. Two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a tracking or certified information showing when and where it was delivered. The envelopes must bear the return address of the sender. Service is complete upon the mailing of two copies as prescribed in this section.

(d) Service by publication is permitted only in those cases where all other means of service have been unsuccessful or are not possible due to lack of any known physical or electronic address of the respondent. Publication must be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons must not be made until the court orders service by publication under this section. Service of the summons is considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and shall require the respondent upon whom service by publication is desired to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the temporary protection order. The summons must be essentially in the following form:

In the ..... court of the state of Washington for the county of .....

, Petitioner

vs. No. .....

, Respondent

The state of Washington to ..... (respondent):

You are hereby summoned to appear on the .... day of ....., (year) . . ., at .... a.m./p.m., and respond to the petition. If you fail to respond, a protection order will be issued against you pursuant to the provisions of chapter 7.--- RCW (the new chapter created in section 78 of this act), for a minimum of one year from the date you are required to appear. A temporary protection order has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the temporary protection order). A copy of the petition, notice of hearing, and temporary protection order has been filed with the clerk of this court.

Petitioner

(2) The court may authorize multiple methods of service permitted by this section and may consider use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide

actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

(3) To promote judicial economy and reduce delays, for respondents who are able to be served electronically, the respondent, or the parent or guardian of the respondent for respondents under the age of 18 or the guardian or conservator of an adult respondent, shall be required to provide his or her electronic address or electronic account associated with an email, text messaging, social media application, or other technology by filing the confidential party information form referred to in section 16(1) of this act. This must occur at the earliest point at which the respondent, parent, guardian, or conservator is in contact with the court so that electronic service can be effected for all subsequent motions, orders, and hearings.

(4) If an order entered by the court recites that the respondent appeared before the court, either in person or remotely, the necessity for further service is waived and proof of service of that order is not necessary, including in cases where the respondent leaves the hearing before a final ruling is issued or signed. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court for the hearing, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order.

(5) When the respondent for a protection order is under the age of 18 or is an individual subject to a guardianship or conservatorship under Title 11 RCW:

(a) When the respondent is a minor, service of a petition for a protection order, modification, or renewal, shall be completed, as defined in this chapter, upon both the respondent and the respondent's parent or legal guardian.

(b) A copy of the protection order must be served on a parent, guardian, or conservator of the respondent at any address where the respondent resides, or the department of children, youth, and families in the case where the respondent is the subject of a dependency or court approved out-of-home placement. A minor respondent shall not be served at the minor respondent's school unless no other address for service is known.

(c) For extreme risk protection orders, the court shall also provide a parent, guardian, or conservator of the respondent with written notice of the legal obligation to safely secure any firearm on the premises and the potential for criminal prosecution if a prohibited person were to obtain access to any firearm. This notice may be provided at the time the parent, guardian, or conservator of the respondent appears in court or may be served along with a copy of the order, whichever occurs first.

(6) The court shall not dismiss, over the objection of a petitioner, a petition for a protection order or a motion to renew a protection order based on the inability of law enforcement or the petitioner to serve the respondent, unless the court determines that all available methods of service have been attempted unsuccessfully.

NEW SECTION. **Sec. 19.** SERVICE BY A LAW ENFORCEMENT OFFICER. When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency specified in the order for service upon the respondent;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court whenever practicable, but not more than five days after receiving the order. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. Law enforcement shall document all attempts at service on a return of service form and submit it to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that his or her return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the law enforcement information sheet and the return of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the return of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the return of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

NEW SECTION. **Sec. 20.** MATERIALS TO BE SERVED. The following materials must be served, depending on the type of relief sought.

(1) If the petitioner is seeking a hearing on a petition for a protection order, the respondent must be served with the petition for a protection order, any supporting declarations or other materials, the notice of hearing, any temporary protection order issued by the court, any temporary order to surrender and prohibit weapons issued by the court, and a blank confidential party information form as referred to in section 16(1) of this act. The respondent shall confirm with the court during his or her first appearance all necessary contact and identifying information, and file the form with the court.

(2) If the petitioner is seeking the renewal or reissuance of a protection order, the respondent must be served with the motion to renew or reissue the protection order, any supporting declarations or other materials, and the notice of hearing.

(3) If either party is seeking to modify or terminate a protection order, the other party must be served with the motion to modify or terminate the protection order, any supporting declarations or other materials, and the notice of hearing.

(4) For any other motion filed by a party with the court, the other party must be served with all materials the moving party submitted to the court and with any notice of hearing issued by the court related to the motion.

NEW SECTION. **Sec. 21.** TIME REQUIREMENTS. Service must be completed on the nonmoving party not less than five judicial days before the hearing date, unless waived by the nonmoving party. If service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining service or permit service by other means authorized in this chapter. If the nonmoving party was served before the hearing, but less than five judicial

days before the hearing, it is not necessary to re-serve materials that the nonmoving party already received, but any new notice of hearing and reissued order must be served on the nonmoving party. The court shall not require more than two attempts at obtaining service before permitting service by other means authorized in this chapter unless the moving party requests additional time to attempt service. If the court permits service by mail or by publication, the court shall set the hearing date not later than 24 days from the date of the order authorizing such service.

NEW SECTION. **Sec. 22.** VULNERABLE ADULT PROTECTION ORDERS—SERVICE WHEN VULNERABLE ADULT IS NOT THE PETITIONER. (1) When a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult not less than five judicial days before the hearing.

(2) In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using a standard notice form developed by the administrative office of the courts. The standard notice form shall be designed to explain to the vulnerable adult in clear, plain language the purpose and nature of the petition and that the vulnerable adult has the right to participate in the hearing and to either support or object to the petition.

(3) When good faith attempts to personally serve the vulnerable adult have been unsuccessful, the court shall permit service by electronic means or by mail. The court may authorize service by publication if the court determines that personal service, service by electronic means, and service by mail cannot be obtained. If timely service under this section cannot be made, the court shall continue the hearing date until the substitute service approved by the court has been satisfied.

NEW SECTION. **Sec. 23.** DEVELOPMENT OF BEST PRACTICES. Courts and law enforcement agencies shall adopt rules, protocols, and pattern forms to standardize and implement best practices for service, including mechanisms and verification options for electronic service and electronic returns of service, as well as best practices for efficient transmission of court documents to law enforcement for entry into criminal justice databases and returns of service or property.

PART V

HEARINGS

NEW SECTION. **Sec. 24.** HEARING PROCEDURES. In hearings under this chapter, the following apply:

(1) Hearings under this chapter are special proceedings. The procedures established under this chapter for protection order hearings supersede inconsistent civil court rules. Courts should evaluate the needs and procedures best suited to individual hearings based on consideration of the totality of the circumstances, including disparities that may be apparent in the parties' resources and representation by counsel.

(2)(a) Courts shall prioritize hearings on petitions for ex parte temporary protection orders over less emergent proceedings.

(b) For extreme risk protection order hearings where a law enforcement agency is the petitioner, the court shall prioritize scheduling because of the importance of immediate temporary removal of firearms in situations of extreme risk and the goal of minimizing the time law enforcement must otherwise wait for a particular case to be called, which can hinder their other patrol and supervisory duties. Courts also may allow a law enforcement petitioner to participate telephonically, or allow another representative from that law enforcement agency or the prosecutor's office to present the information to the court if personal presence of the petitioning officer is not required for testimonial purposes.

(3) A hearing on a petition for a protection order must be set by the court even if the court has denied a request for a temporary protection order in the proceeding where the petition is not dismissed or continued pursuant to subsection (11) of this section.

(4) If the respondent does not appear, or the petitioner informs the court that the respondent has not been served at least five judicial days before the hearing date and the petitioner desires to pursue service, or the parties have informed the court of an agreed date of continuance for the hearing, the court shall reissue any temporary protection

order previously issued, cancel the scheduled hearing, and reset the hearing date.

(5) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, courts shall apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. Courts must consider on the record the following factors:

(a) The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings, which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings;

(b) Similarities between the civil and criminal cases;

(c) Status of the criminal case;

(d) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(e) The burden that any particular aspect of the proceeding may impose on respondents;

(f) The convenience of the court in the management of its cases and the efficient use of judicial resources;

(g) The interests of persons not parties to the civil litigation; and

(h) The interest of the public in the pending civil and criminal litigation.

(6) Hearings must be conducted upon live testimony of the parties and sworn declarations. Live testimony of witnesses other than the parties may be requested, but shall not be permitted unless the court finds that live testimony of witnesses other than the parties is necessary and material. If either party requests a continuance to allow for proper notice of witnesses or to afford a party time to seek counsel, the court should continue the hearing. If the court continues the hearing, the court shall reissue any temporary orders.

(7) Prehearing discovery under the civil court rules, including, but not limited to, depositions, requests for production, or requests for admission, is disfavored and only permitted if specifically authorized by the court for good cause shown upon written motion of a party filed six judicial days prior to the hearing and served prior to the hearing.

(8) The rules of evidence need not be applied, other than with respect to privileges, the requirements of the rape shield statute under RCW 9A.44.020, and evidence rules 412 and 413.

(9)(a) The prior sexual activity or the reputation of the petitioner is inadmissible except:

(i) As evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct alleged for the purpose of a protection order; or

(ii) When constitutionally required to be admitted.

(b) To determine admissibility, a written motion must be made six judicial days prior to the protection order hearing. The motion must include an offer of proof of the relevancy of the proposed evidence and reasonably specific information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. If the court finds that the offer of proof is relevant to the issue of the victim's consent, the court shall conduct a hearing in camera. The court may not admit evidence under this subsection unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at the hearing to the extent an order made by the court specifies the evidence that may be admitted. If the court finds that the motion and related documents should be sealed pursuant to court rule and governing law, it may enter an order sealing the documents.

(10) When a petitioner has alleged incapacity to consent to sexual conduct or sexual penetration due to intoxicants, alcohol, or other condition, the court must determine on the record whether the petitioner had the capacity to consent.

(11) If, prior to a full hearing, the court finds that the petition for a protection order does not contain sufficient allegations as a matter of law to support the issuance of a protection

order, the court shall permit the petitioner 14 days to prepare and file an amended petition, provided the petitioner states an intent to do so and the court does not find that amendment would be futile. If the amended petition is not filed within 14 days, the case must be administratively dismissed by the clerk's office.

(12) Courts shall not require parties to submit duplicate or working copies of pleadings or other materials filed with the court, unless the document or documents cannot be scanned or are illegible.

(13) Courts shall, if possible, have petitioners and respondents in protection order proceedings gather in separate locations and enter and depart the court room at staggered times. Where the option is available, for safety purposes, the court should arrange for petitioners to leave the court premises first and to have court security escort petitioners to their vehicles or transportation.

NEW SECTION. **Sec. 25.** HEARINGS—REMOTE HEARINGS. (1) Hearings on protection orders, including hearings concerning temporary protection orders, full protection orders, compliance, reissuance, renewal, modification, or termination, may be conducted in person or remotely in order to enhance access for all parties.

(2) In the court's discretion, parties and witnesses may attend a hearing on a petition for a protection order, or any hearings conducted pursuant to this chapter, in person or remotely, including by telephone, video, or other electronic means where possible. No later than three judicial days before the hearing, the parties may request to appear at the hearing, with witnesses, remotely by telephone, video, or other electronic means. The court shall grant any request for a remote appearance unless the court finds good cause to require in-person attendance or attendance through a specific means.

(3) Courts shall require assurances of the identity of persons who appear by telephone, video, or other electronic means. Courts may not charge fees for remote appearances.

(4) Courts shall not post or stream proceedings or recordings of protection order hearings online unless (a) a waiver has been received from all parties, or (b) the hearing is being conducted online and members of the public do not have in-person access to observe or listen to the hearing. Unless the court orders a hearing to be closed to the public consistent with the requirements of Washington law, courts should provide access to members of the public who wish to observe or listen to a hearing conducted by telephone, video, or other electronic means.

(5) If a hearing is held with any parties or witnesses appearing remotely, the following apply:

(a) Courts should include directions to access a hearing remotely in the order setting the hearing and in any order granting a party's request for a remote appearance. Such orders shall also include directions to request an interpreter and accommodations for disabilities;

(b) Courts should endeavor to give a party or witness appearing by telephone no more than a one-hour waiting time by the court for the hearing to begin. For remote hearings, if the court anticipates the parties or witnesses will need to wait longer than one hour to be called or connected, the court should endeavor to inform them of the estimated start time of the hearing;

(c) Courts should inform the parties before the hearing begins that the hearing is being recorded by the court, in what manner the public is able to view the hearing, how a party may obtain a copy of the recording of the hearing, and that recording or broadcasting any portion of the hearing by any means other than the court record is strictly prohibited without prior court approval;

(d) To minimize trauma, while allowing remote hearings to be observed by the public, courts should take appropriate measures to prevent members of the public or the parties from harassing or intimidating any party or witness to a case. Such practices may include, but are not limited to, disallowing members of the public from communicating with the parties or with the court during the hearing, ensuring court controls over microphone and viewing settings, and announcing limitations on allowing others to record the hearing;

(e) Courts shall use technology that accommodates American sign language and other languages;

(f) To help ensure that remote access does not undermine personal safety or privacy, or introduce other risks, courts should protect the privacy of telephone numbers, emails, and other contact information for parties and witnesses and inform parties and witnesses of these safety considerations. Materials available to parties and witnesses appearing remotely should include warnings not to state their addresses or telephone numbers at the hearing, and that they may use virtual backgrounds to help ensure that their backgrounds do not reveal their location;

(g) Courts should provide the parties, in orders setting the hearing, with a telephone number and an email address for the court, which the parties may use to inform the court if they have been unable to appear remotely for a hearing. Before dismissing or granting a petition due to the petitioner or respondent not appearing for a remote hearing, or the court not being able to reach the party via telephone or video, the court shall check for any notifications to the court regarding issues with remote access or other technological difficulties. If any party has provided such notification to the court, the court shall not dismiss or grant the petition, but shall reset the hearing by continuing it and reissuing any temporary order in place. If a party was unable to provide the notification regarding issues with remote access or other technological difficulties on the day of the hearing prior to the court's ruling, that party may seek relief via a motion for reconsideration; and

(h) A party attending a hearing remotely who is unable to participate in the hearing outside the presence of others who reside with the party, but who are not part of the proceeding including, but not limited to, children, and who asserts that the presence of those individuals may hinder the party's testimony or the party's ability to fully and meaningfully participate in the hearing, may request, and shall be granted, one continuance on that basis. Subsequent requests may be granted in the court's discretion.

NEW SECTION. **Sec. 26.** REALIGNMENT OF PARTIES IN DOMESTIC VIOLENCE AND ANTIHARASSMENT PROTECTION ORDER PROCEEDINGS. In proceedings where the petitioner is seeking a domestic violence protection order or an antiharassment protection order, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser or harasser and the original respondent is the victim of domestic violence or unlawful harassment. The court may issue a temporary protection order in accordance with this chapter until the victim is able to prepare a petition for a protection order in accordance with this chapter.

NEW SECTION. **Sec. 27.** EXTREME RISK PROTECTION ORDER HEARINGS. For extreme risk protection order hearings, the following also apply.

(1) The court may:

(a) Examine under oath the petitioner, the respondent, and any witnesses they may produce, or, in lieu of examination, consider sworn declarations of the petitioner, the respondent, and any witnesses they may produce; and

(b) Ensure that a reasonable search has been conducted for criminal history records and civil protection order history related to the respondent.

(2) During the hearing, the court shall consider whether a behavioral health evaluation is appropriate, and may order such evaluation if appropriate.

(3) In determining whether grounds for an extreme risk protection order exist, the court may consider any relevant evidence including, but not limited to, any of the following:

(a) A recent act or threat of violence by the respondent against self or others, whether or not such violence or threat of violence involves a firearm;

(b) A pattern of acts or threats of violence by the respondent within the past 12 months including, but not limited to, acts or threats of violence by the respondent against self or others;

(c) Any behaviors that present an imminent threat of harm to self or others;

(d) A violation by the respondent of a protection order or a no-contact order issued;

(e) A previous or existing extreme risk protection order issued against the respondent;

(f) A violation of a previous or existing extreme risk protection order issued against the respondent;

(g) A conviction of the respondent for a crime that constitutes domestic violence as defined in RCW 10.99.020;

(h) A conviction of the respondent under RCW 9A.36.080;

(i) The respondent's ownership of, access to, or intent to possess, firearms;

(j) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

(k) The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person;

(l) Any prior arrest of the respondent for a felony offense or violent crime;

(m) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent; and

(n) Evidence of recent acquisition of firearms by the respondent.

NEW SECTION. **Sec. 28.** VULNERABLE ADULT PROTECTION ORDER HEARINGS. For vulnerable adult protection order hearings, the following also apply.

(1) When a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult or the vulnerable adult's guardian, conservator, or person acting under a protective arrangement, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that the vulnerable adult does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any existing vulnerable adult protection order, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary protection order of the vulnerable adult pending a decision after the evidentiary hearing.

(2) Pursuant to subsection (1) of this section, an evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, must be held within 14 days of entry of the temporary protection order. If the court did not enter a temporary protection order, the evidentiary hearing must be held within 14 days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing must be served upon the vulnerable adult and the respondent not less than five judicial days before the hearing. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be subject to a guardianship, conservatorship, or other protective arrangement under chapter 11.130 RCW. If a hearing is scheduled under this subsection, the protection order must remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing held pursuant to subsection (1) of this section, the court shall give the vulnerable adult, the respondent, the petitioner, and, in the court's discretion, other interested persons, the opportunity to testify and submit relevant evidence.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the vulnerable adult continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the vulnerable adult continues to need protection, the court shall order relief consistent with this chapter as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the

expressed wishes of the vulnerable adult, the court's order is governed by the legislative findings contained in section 1 of this act.

NEW SECTION. **Sec. 29.** GRANT OF ORDER, DENIAL OF ORDER, AND IMPROPER GROUNDS. (1) The court shall issue a protection order if it finds by a preponderance of the evidence that the petitioner has proved the required criteria specified in (a) through (f) of this subsection for obtaining a protection order under this chapter.

(a) For a domestic violence protection order, that the petitioner has been subjected to domestic violence by the respondent.

(b) For a sexual assault protection order, that the petitioner has been subjected to nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent.

(c) For a stalking protection order, that the petitioner has been subjected to stalking by the respondent.

(d) For a vulnerable adult protection order, that the petitioner has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by the respondent.

(e) For an extreme risk protection order, that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm.

(f) For an antiharassment protection order, that the petitioner has been subjected to unlawful harassment by the respondent.

(2) The court may not deny or dismiss a petition for a protection order on the grounds that:

(a) The petitioner or the respondent is a minor, unless provisions in this chapter specifically limit relief or remedies based upon a party's age;

(b) The petitioner did not report the conduct giving rise to the petition to law enforcement;

(c) A no-contact order or a restraining order that restrains the respondent's contact with the petitioner has been issued in a criminal proceeding or in a domestic relations proceeding;

(d) The relief sought by the petitioner may be available in a different action or proceeding, or criminal charges are pending against the respondent;

(e) The conduct at issue did not occur recently or because of the passage of time since the last incident of conduct giving rise to the petition; or

(f) The respondent no longer lives near the petitioner.

(3) In proceedings where the petitioner alleges that the respondent engaged in nonconsensual sexual conduct or nonconsensual sexual penetration, the court shall not require proof of physical injury on the person of the petitioner or any other forensic evidence. Denial of a remedy to the petitioner may not be based, in whole or in part, on evidence that:

(a) The respondent was voluntarily intoxicated;

(b) The petitioner was voluntarily intoxicated; or

(c) The petitioner engaged in limited consensual sexual touching.

(4) In proceedings where the petitioner alleges that the respondent engaged in stalking, the court may not require proof of the respondent's intentions regarding the acts alleged by the petitioner.

(5) If the court declines to issue a protection order, the court shall state in writing the particular reasons for the court's denial. If the court declines a request to include one or more of the petitioner's family or household member who is a minor or a vulnerable adult in the order, the court shall state the reasons for that denial in writing. The court shall also explain from the bench:

(a) That the petitioner may refile a petition for a protection order at any time if the petitioner has new evidence to present that would support the issuance of a protection order;

(b) The parties' rights to seek revision, reconsideration, or appeal of the order; and

(c) The parties' rights to have access to the court transcript or recording of the hearing.

(6) A court's ruling on a protection order must be filed by the court in writing and must be made by the court on the mandatory form developed by the administrative office of the courts.

NEW SECTION. **Sec. 30.** JUDICIAL INFORMATION SYSTEM CONSULTATION. (1) Before ruling on an order under this chapter, the court shall consult the judicial information system to determine the criminal history, history of criminal victimization, history of being a respondent or petitioner in a protection order proceeding, or pendency of other proceedings involving the parties. The court may take judicial notice of a parallel criminal proceeding for the related conduct involving the same parties, including whether the defendant in that action waived speedy trial.

(2) Before granting an order under this chapter directing residential placement of a child or restraining or limiting a party's contact with his or her child, the court shall consult the judicial information system, if available, to determine the pendency of other proceedings involving the residential placement of any child of the parties for whom residential placement has been requested.

(3) When the court proposes to consider information from the judicial information system or another criminal or civil database, the court shall: Disclose the information to each party present at the hearing; on timely request, provide each party with an opportunity to be heard; and take appropriate measures to alleviate safety concerns of the parties. The court has discretion not to disclose information that the court does not propose to consider.

NEW SECTION. **Sec. 31.** COMPLIANCE HEARINGS. For compliance hearings:

(1) Only the respondent is required to appear if the court is reviewing compliance with any conditions of the order. The petitioner may appear at such hearing and provide evidence to the court regarding the respondent's compliance with the order. The petitioner may also file a declaration in response to the respondent's representation of compliance with any conditions of the order. After reviewing such a declaration by the petitioner, the court may ask the petitioner to appear at the hearing or provide additional declaration or documentation to address disputed issues.

(2) Any orders entered by the court pursuant to a compliance hearing must be served on the respondent if the respondent failed to appear at the hearing at which the court entered the orders.

(3) The court shall use its best efforts to notify the petitioner of the outcome of the compliance hearing including, but not limited to, informing the petitioner on whether the respondent is found to be out of compliance with an order to surrender and prohibit weapons. Such notice should be provided to the petitioner by electronic means if possible, but may also be made by telephone or another method that allows notification to be provided without unnecessary delay.

NEW SECTION. **Sec. 32.** APPOINTMENT OF COUNSEL. Subject to the availability of amounts appropriated for this specific purpose, or as provided through alternative sources including, but not limited to, grants, local funding, or pro bono means, the court may appoint counsel to represent the petitioner if the respondent is represented by counsel.

NEW SECTION. **Sec. 33.** INTERPRETERS. (1) Pursuant to chapter 2.42 RCW, in order to ensure that parties have meaningful access to the court, an interpreter shall be appointed for any party who is deaf, hard of hearing, deaf-blind, or has a speech impairment and cannot readily understand or communicate in spoken language. Notwithstanding the provisions of chapter 2.42 RCW, the court shall not:

(a) Appoint an interpreter who is not credentialed or duly qualified by the court to provide interpretation services; or

(b) Appoint a person to provide interpretation services if that person is serving as an advocate for the party.

(2) Pursuant to chapter 2.43 RCW, in order to ensure that parties have meaningful access to the court, an interpreter shall be appointed for any party who cannot readily speak or understand the English language. Notwithstanding the provisions of chapter 2.43 RCW, the court shall not:

(a) Appoint an interpreter who is not credentialed or duly qualified by the

court to provide interpretation services; or

(b) Appoint a person to provide interpretation services if that person is serving as an advocate for the party.

(3) Once an interpreter has been appointed for a party, the party shall no longer be required to make further requests for the appointment of an interpreter for subsequent hearings or proceedings. The clerk shall identify the party as a person who needs interpreter services and the clerk or the court administrator shall be responsible for ensuring that an interpreter is available for every subsequent hearing.

(4) The interpreter shall interpret for the party meeting with either counsel or court staff, or both, for the purpose of preparing forms and participating in the hearing and court-ordered assessments, and the interpreter shall sight translate any orders.

(5) The same interpreter shall not serve parties on both sides of the proceeding when not on the record, nor shall the interpreter appointed by the court for the proceeding be the same interpreter appointed for any court-ordered assessments, unless the court finds good cause on the record to do so because it is not possible to obtain more than one interpreter for the proceeding, or the safety of the litigants is not compromised, or any other reasons identified by the court.

(6) Courts shall make a private space available for parties, counsel, and/or court staff and interpreters to sight translate any written documents or to meet and confer.

(7) When a hearing is conducted through telephone, video, or other electronic means, the court must make appropriate arrangements to permit interpreters to serve the parties and the court as needed.

NEW SECTION. **Sec. 34.** PROTECTION ORDER ADVOCATE AND SUPPORT PERSON. (1) Whether or not the petitioner has retained an attorney, a sexual assault or domestic violence advocate, as defined in RCW 5.60.060, shall be allowed to accompany the petitioner and confer with the petitioner during court proceedings. The sexual assault or domestic violence advocate shall not provide legal representation nor interpretation services. Court administrators shall allow sexual assault and domestic violence advocates to assist petitioners with their protection orders. Sexual assault and domestic violence advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section. Unless the sexual assault or domestic violence advocate seeks to speak directly to the court, advocates shall not be required to be identified on the record beyond stating their role as a sexual assault or domestic violence advocate and identifying the program for which they work or volunteer for. Communications between the petitioner and a sexual assault and domestic violence advocate are protected as provided by RCW 5.60.060.

(2) Whether or not the petitioner has retained an attorney, a protection order advocate must be allowed to accompany the petitioner to any legal proceeding including, but not limited to, sitting or standing next to the petitioner and conferring with the petitioner during court proceedings, or addressing the court when invited to do so.

(a) For purposes of this section, "protection order advocate" means any employee or volunteer from a program that provides, as some part of its services, information, advocacy, counseling, or support to persons seeking protection orders.

(b) The protection order advocate shall not provide legal representation nor interpretation services.

(c) Unless a protection order advocate seeks to speak directly to the court, protection order advocates shall not be required to be identified on the record beyond stating his or her role as a protection order advocate and identifying the program for which he or she works or volunteers.

(d) A protection order advocate who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, the child protective services section of the department of children, youth, and families as defined in RCW 26.44.020, or other governmental entity, has the same privileges, rights, and responsibilities as a sexual assault advocate and domestic violence advocate under RCW 5.60.060.

(3) Whether or not the petitioner has retained an attorney, if a petitioner does not have an advocate, the petitioner

shall be allowed a support person to accompany the petitioner to any legal proceeding including, but not limited to, sitting or standing next to the petitioner and conferring with the petitioner during court proceedings. The support person may be any third party of the petitioner's choosing, provided that:

(a) The support person shall not provide legal representation nor interpretation services; and

(b) A support person who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, the child protective services section of the department of children, youth, and families as defined in RCW 26.44.020, or other government entity, may not, without the consent of the petitioner, be examined as to any communication between the petitioner and the support person regarding the petition.

NEW SECTION. **Sec. 35.** TRAINING. To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive training on procedural justice, trauma-informed practices, gender-based violence dynamics, elder abuse, juvenile sex offending, teen dating violence, and requirements for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

NEW SECTION. **Sec. 36.** RECOMMENDATIONS ON IMPROVING PROTECTION ORDER PROCEEDINGS. (1) The administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to consider and develop recommendations regarding:

(a) Uses of technology to reduce administrative burdens in protection order proceedings;

(b) Improving access to unrepresented parties in protection order proceedings, including promoting access for pro bono attorneys for remote protection order proceedings, in consultation with the Washington state bar association;

(c) Developing best practices for courts when there are civil protection order and criminal proceedings that concern the same alleged conduct;

(d) Developing best practices in data collection and sharing, including demographic information, in order to promote research and study on protection orders and transparency of protection order data for the public, in partnership with the Washington state center for court research, the Washington state institute for public policy, the University of Washington, and the urban Indian health institute;

(e) Developing best practices, including proposed training and necessary forms, in partnership with the Washington tribal state court consortium, to address how:

(i) Washington state court judges of all levels can see the existence of, and parties to, tribal court, military, and other jurisdiction protection orders, in comity with similar state court orders;

(ii) Tribal courts can enter their protection orders into the judicial information system used by courts to check for conflicting orders and history; and

(iii) State courts can query the national crime information center to check for tribal, military, and other jurisdictions' protection orders prior to issuing protection orders;

(f) Developing best practices for minor respondents and petitioners in civil protection order proceedings, including what sanctions should be provided for in law, with input from legal advocates for children and youth, juvenile public defense, juvenile prosecutors, adolescent behavioral health experts, youth development

experts, educators, judicial officers, victim advocates, restorative-informed or trauma-informed professionals, child advocacy centers, and professionals experienced in evidenced-based modalities for the treatment of trauma; and

(g) Assessing how the civil protection order law can more effectively address the type of abuse known as "coercive control" so that survivors can seek earlier protective intervention before abuse further escalates.

(2) The gender and justice commission may hire a consultant to assist with the requirements of this section with funds as appropriated.

(3) The gender and justice commission shall provide a brief report of its recommendations to the legislature for subsection (1)(e) through (g) of this section by December 1, 2021, and, for subsection (1)(a) through (d) of this section, provide recommendations to the courts by July 1, 2022.

PART VI

ORDERS, DURATION, RELIEF, AND REMEDIES

NEW SECTION. **Sec. 37.** Sections 38 through 42 of this act apply to all orders other than extreme risk protection orders.

NEW SECTION. **Sec. 38.** EX PARTE TEMPORARY PROTECTION ORDERS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) Where it appears from the petition and any additional evidence that the respondent has engaged in conduct against the petitioner that serves as a basis for a protection order under this chapter, and the petitioner alleges that irreparable injury could result if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary protection order, pending a full hearing. The court has broad discretion to grant such relief as the court deems proper, including the forms of relief listed in section 39 of this act, provided that the court shall not order a form of relief listed in section 39 of this act if it would not be feasible or appropriate for the respondent to comply with such a requirement before a full hearing may be held on the petition for a protection order. If the court does not order all the relief requested by the petitioner in an ex parte temporary protection order, the court shall still consider ordering such relief at the full hearing on the petition for a protection order. In issuing the order, the court shall consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800.

(2) Any order issued under this section must contain the date, time of issuance, and expiration date.

(3) If the court declines to issue an ex parte temporary protection order, the court shall state the particular reasons for the court's denial in writing. The court's denial of a motion for an ex parte temporary protection order shall be filed with the court. If an ex parte temporary protection order is denied, the court shall still set a full hearing on the petition for a protection order.

(4) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent, but has failed to obtain the issuance of a civil antiharassment protection order, unless good cause for such failure can be shown.

NEW SECTION. **Sec. 39.** RELIEF FOR TEMPORARY AND FULL PROTECTION ORDERS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) In issuing any type of protection order, other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other

members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the dwelling that the parties share; from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

(d) Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

(e) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

(f) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 26.50.150 (as recodified by this act) or a state-certified sex offender treatment program approved under RCW 18.155.070;

(g) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(h) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

(i) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(j) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or

communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(k) Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(l) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

(m) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

(n) Order use of a vehicle;

(o) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

(p) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

(q) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

(r) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

(s) Order financial relief and restrain the transfer of jointly owned assets;

(t) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

(u) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or

directives to a law enforcement officer, as allowed under this chapter.

(2) The court in granting a temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

(3) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

(b) The court may not order the petitioner to pay the respondent's attorneys' fees or other costs.

(c) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in section 26 of this act, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

(d) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

(4) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

NEW SECTION. **Sec. 40.** DURATION OF FULL PROTECTION ORDERS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) When issuing an order after notice to the respondent and a hearing, the court may either grant relief for a fixed period of time or enter a permanent order of protection. Other than for antiharassment orders, the court shall not grant relief for less than one year unless the petitioner has specifically requested relief for a shorter period of time.

(2)(a) If a protection order restrains the respondent from contacting the respondent's minor children, the restraint must be for a fixed period not to exceed one year. This limitation is not applicable to protection orders issued under chapter 26.09, 26.26A, or 26.26B RCW.

(b) If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year, the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

NEW SECTION. **Sec. 41.** LAW ENFORCEMENT STAND-BY TO RECOVER POSSESSIONS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) When an order is issued under this chapter upon request of the petitioner, the court may order a law enforcement officer to accompany the petitioner and assist in placing the petitioner in possession of those items indicated in the order or to otherwise assist in the execution of the order of protection. The order must list all items that are to be included with sufficient specificity to make it clear which property is included. Orders issued under this chapter must include a designation of the appropriate law enforcement agency to execute, serve, or enforce the order.

(2) Upon order of a court, a law enforcement officer shall accompany the petitioner and assist in placing the petitioner in possession of all items listed in the order and to otherwise assist in the execution of the order.

(3) Where orders involve surrender of firearms, dangerous weapons, and concealed pistol licenses, those items must be secured and accounted for in a manner that prioritizes safety and compliance with court orders.

NEW SECTION. **Sec. 42.** ENTRY OF PROTECTION ORDER DATA, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) The clerk of the court shall enter any protection order, including temporary protection orders, issued under this chapter into a statewide judicial information system on the same day such order is issued, if possible, but no later than the next judicial day.

(2) A copy of a protection order granted under this chapter, including temporary protection orders, must be forwarded immediately by the clerk of the court, by electronic means if possible, to the law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order must remain in the computer until the expiration date specified on the order. If the court has entered an order that prohibits the respondent from possessing or purchasing a firearm, the law enforcement agency shall also enter the order into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms. The order must remain in each system for the period stated in the order, and the law enforcement agency shall only expunge orders from the systems that have expired or terminated. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(3) The information entered into the computer-based criminal intelligence information system must include notice to law enforcement on whether the order was personally served, served by electronic means, served by publication, or served by mail.

(4) If a law enforcement agency receives a protection order for entry or service, but the order falls outside the agency's jurisdiction, the agency may enter and serve the order or may immediately forward it to the appropriate law enforcement agency for entry and service, and shall provide documentation back to the court verifying which law enforcement agency has entered and will serve the order.

NEW SECTION. **Sec. 43.** TEMPORARY PROTECTION ORDERS—EXTREME RISK PROTECTION ORDERS. (1) In considering whether to issue a temporary extreme risk protection order, the court shall consider all relevant evidence, including the evidence described in section 27 of this act.

(2) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm, the court shall issue a temporary extreme risk protection order.

(3) A temporary extreme risk protection order must include:

(a) A statement of the grounds asserted for the order;

(b) The date and time the order was issued;

(c) The date and time the order expires;

(d) The address of the court in which any responsive pleading should be filed;

(e) The date and time of the scheduled hearing;

(f) A description of the requirements for the surrender of firearms under section 45 of this act; and

(g) The following statement: "To the subject of this protection order: This order is valid until the date and time noted above. You are required to surrender all firearms in your custody, control, or possession. You may not have in your custody or control, access, possess, purchase, receive, or attempt to purchase or receive, a firearm, or a concealed pistol license, while this order is in effect. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession, and any concealed pistol license issued to you under RCW 9.41.070 immediately. A hearing will be held on the date and at the time noted above to determine if an extreme risk protection order should be issued. Failure to appear at that hearing may result in a court making an order against

you that is valid for one year. You may seek the advice of an attorney as to any matter connected with this order."

(4) A temporary extreme risk protection order issued expires upon the full hearing on the petition for an extreme risk protection order, unless reissued by the court.

(5) A temporary extreme risk protection order must be served by a law enforcement officer in the same manner as provided for in section 19 of this act for service of the notice of hearing and petition, and must be served concurrently with the notice of hearing and petition.

(6) If the court declines to issue a temporary extreme risk protection order, the court shall state the particular reasons for the court's denial.

NEW SECTION. **Sec. 44.** FULL ORDERS—EXTREME RISK PROTECTION ORDERS. (1) An extreme risk protection order issued after notice and a hearing must include:

(a) A statement of the grounds supporting the issuance of the order;

(b) The date and time the order was issued;

(c) The date and time the order expires;

(d) Whether a behavioral health evaluation of the respondent is required;

(e) The address of the court in which any responsive pleading should be filed;

(f) A description of the requirements for the surrender of firearms under section 45 of this act; and

(g) The following statement: "To the subject of this protection order: This order will last until the date and time noted above. If you have not done so already, you must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession, and any concealed pistol license issued to you under RCW 9.41.070 immediately. You may not have in your custody or control, access, possess, purchase, receive, or attempt to purchase or receive, a firearm, or a concealed pistol license, while this order is in effect. You have the right to request one hearing to terminate this order every 12-month period that this order is in effect, starting from the date of this order and continuing through any renewals. You may seek the advice of an attorney as to any matter connected with this order."

(2) When the court issues an extreme risk protection order, the court shall inform the respondent that the respondent is entitled to request termination of the order in the manner prescribed by section 62 of this act. The court shall provide the respondent with a form to request a termination hearing.

NEW SECTION. **Sec. 45.** SURRENDER OF FIREARMS—EXTREME RISK PROTECTION ORDERS. (1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in his or her custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. The order must be personally served upon the respondent or defendant if the order is entered in open court in the presence of the respondent or defendant. The respondent or defendant shall acknowledge receipt and service. If the respondent or defendant refuses service, an agent of the court may indicate on the record that the respondent or defendant refused service. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. Alternatively, if personal service by a law enforcement officer is not possible, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency

within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an

arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent or defendant in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

NEW SECTION. **Sec. 46.** FIREARMS RETURN AND DISPOSAL—EXTREME RISK PROTECTION ORDERS. (1) If an extreme risk protection order is terminated or expires without renewal, a law enforcement agency holding any firearm that has been surrendered pursuant to this chapter shall return any surrendered firearm requested by a respondent only after confirming, through a background check, that the respondent is currently eligible to own or possess firearms under federal and state law, and after confirming with the court that the extreme risk protection order has terminated or has expired without renewal.

(2) A law enforcement agency must, if requested, provide prior notice of the return of a firearm to a respondent to family or household members and to an intimate partner of the respondent in the

manner provided in RCW 9.41.340 and 9.41.345.

(3) Any firearm surrendered by a respondent pursuant to section 45 of this act that remains unclaimed by the lawful owner shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

NEW SECTION. **Sec. 47.** REPORTING OF ORDERS—EXTREME RISK PROTECTION ORDERS. (1) The clerk of the court shall enter any extreme risk protection order, including temporary extreme risk protection orders, issued under this chapter into a statewide judicial information system on the same day such order is issued, if possible, but no later than the next judicial day.

(2) A copy of an extreme risk protection order granted under this chapter, including temporary extreme risk protection orders, must be forwarded immediately by the clerk of the court, by electronic means if possible, to the law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into the national instant criminal background check system, any other federal or state computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms, and any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order must remain in each system for the period stated in the order, and the law enforcement agency shall only expunge orders from the systems that have expired or terminated. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(3) The information entered into the computer-based criminal intelligence information system must include notice to law enforcement whether the order was personally served, served by electronic means, served by publication, or served by mail.

(4) If a law enforcement agency receives a protection order for entry or service, but the order falls outside the agency's jurisdiction, the agency may enter and serve the order or may immediately forward it to the appropriate law enforcement agency for entry and service, and shall provide documentation back to the court verifying which law enforcement agency has entered and will serve the order.

(5) The issuing court shall, within three judicial days after the issuance of any extreme risk protection order, including a temporary extreme risk protection order, forward a copy of the respondent's driver's license or identicard, or comparable information, along with the date of order issuance, to the department of licensing. Upon receipt of the information, the department of licensing shall determine if the respondent has a concealed pistol license. If the respondent does have a concealed pistol license, the department of licensing shall immediately notify a law enforcement agency that the court has directed the revocation of the license. The law enforcement agency, upon receipt of such notification, shall immediately revoke the license.

(6) If an extreme risk protection order is terminated before its expiration date, the clerk of the court shall forward on the same day a copy of the termination order to the department of licensing and the law enforcement agency specified in the termination order. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to subsection (2) of this section.

NEW SECTION. **Sec. 48.** SEALING OF RECORDS—EXTREME RISK PROTECTION ORDERS. (1) A respondent under the age of 18, or a respondent whose extreme risk protection order was based solely on threats of self-harm by the respondent, may petition the court to have the court records sealed from public view at the time of the issuance of the full order, at any time during the life of the order, or at any time after its expiration.

(2) The court shall seal the court records from public view if there are no other active protection orders against the restrained party, there are no pending violations of the order, and there is evidence of full compliance with the surrender of firearms as ordered by the extreme risk protection order.

(3) Nothing in this section changes the requirement for the order to be entered into, and maintained in,

computer-based systems as required in section 47 of this act.

NEW SECTION. **Sec. 49.** CERTAIN FINDINGS AND INFORMATION IN ORDERS. (1) Orders issued by the court following a hearing must identify the persons who participated in the hearing and whether each person appeared in person, by telephone, by video, or by other electronic means. If the respondent appeared at the hearing, the order must identify that the respondent has knowledge of the court's order.

(2) Courts shall not accept agreed orders unless there are findings indicating whether the respondent is a credible threat to the physical safety of the protected person or child.

(3) The court shall ensure that in issuing protection orders, including, but not limited to, orders to reissue temporary protection orders and orders to renew protection orders, the court specifies whether the respondent is ordered to surrender, and prohibited from possessing, firearms and dangerous weapons.

(4) If the court issued a temporary protection order that included a temporary order to surrender and prohibit weapons, the temporary order to surrender and prohibit weapons must automatically reissue with the temporary protection order. If the court determines by a preponderance of the evidence that irreparable injury to the petitioner will not result through the modification or termination of the order to surrender and prohibit weapons as originally entered, then the court must make specific findings.

(5) If the court has information regarding any of the respondent's known aliases, that information must be included in the protection order.

NEW SECTION. **Sec. 50.** ERRORS IN PROTECTION ORDERS. After a protection order is issued, the court may correct clerical or technical errors in the order at any time. The court may correct errors either on the court's own initiative or upon notice to the court of an error. If the court corrects an error in an order, the court shall provide notice of the correction to the parties and the person who notified the court of the error, and shall provide a copy of the corrected order. The court shall direct the clerk to forward the corrected order on or before the next judicial day to the law enforcement agency specified in the order.

NEW SECTION. **Sec. 51.** SEALING OF RECORDS. The judicial information system committee's data dissemination committee shall develop recommendations on best practices for courts to consider for whether and when the sealing of records in protection order cases is appropriate or necessary under this chapter. The committee shall also consider methods to ensure compliance with the provisions of the federal violence against women act under 18 U.S.C. Sec. 2265(d)(3) that prohibit internet publication of filing or registration information of protection orders when such publication is likely to reveal the identity or location of the person protected by the order.

NEW SECTION. **Sec. 52.** ISSUANCE OF ORDERS NOT DISMISSED OR SUSPENDED. The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a protection order undermines the purposes of this chapter. Nothing in this chapter shall be construed as encouraging that practice.

PART VII

REISSUANCE AND RENEWAL

NEW SECTION. **Sec. 53.** REISSUANCE OF TEMPORARY PROTECTION ORDERS. (1) A temporary protection order issued under this chapter may be reissued for the following reasons:

(a) Agreement of the parties;

(b) To provide additional time to effect service of the temporary protection order on the respondent; or

(c) If the court, in writing, finds good cause to reissue the order.

(2) Any temporary orders to surrender and prohibit weapons must also be automatically reissued with the temporary protection order.

(3) To ensure that a petitioner is not delayed in receiving a hearing on a petition for a protection order, there is a rebuttable presumption that a temporary protection order should not be reissued more than once or for more than 30 days at the request of the respondent, absent agreement of the parties, good cause, or the need to provide additional time to effect service.

(4) When considering any request to stay, continue, or delay a hearing under

this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, courts shall apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. Courts must consider on the record the following factors:

(a) The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings;

(b) Similarities between the civil and criminal cases;

(c) Status of the criminal case;

(d) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(e) The burden that any particular aspect of the proceeding may impose on respondents;

(f) The convenience of the court in the management of its cases and the efficient use of judicial resources;

(g) The interests of persons not parties to the civil litigation; and

(h) The interest of the public in the pending civil and criminal litigation.

(5) Courts shall not require a petitioner to complete a new law enforcement information sheet when a temporary protection order is reissued or when a full order for a fixed time period is entered, unless the petitioner indicates that the information needs to be updated or amended. The clerk shall transmit the order to the law enforcement agency identified in the order for service, along with a copy of the confidential party information form received from the respondent, if available, or the petitioner's confidential party information form to assist law enforcement in serving the order.

NEW SECTION. **Sec. 54.** RENEWAL OF PROTECTION ORDERS, OTHER THAN EXTREME RISK PROTECTION ORDERS. The following provisions apply to the renewal of all full protection orders issued under this chapter, with the exception of the renewal of extreme risk protection orders.

(1) If the court grants a protection order for a fixed time period, the petitioner may file a motion to renew the order at any time within the 90 days before the order expires. The motion for renewal must state the reasons the petitioner seeks to renew the protection order. Upon receipt of a motion for renewal, the court shall order a hearing, which must be not later than 14 days from the date of the order. Service must be made on the respondent not less than five judicial days before the hearing, as provided in section 18 of this act.

(2) If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion and statement of the reason for the requested renewal.

(3) The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) The court shall grant the motion for renewal unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances and the following:

(a) For a domestic violence protection order, that the respondent proves that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's family or household members who are minors or vulnerable adults when the order expires;

(b) For a sexual assault protection order, that the respondent proves that the respondent will not engage in, or attempt to engage in, physical or nonphysical contact with the petitioner when the order expires;

(c) For a stalking protection order, that the respondent proves that the respondent will not resume acts of stalking against the petitioner or the petitioner's family or household members when the order expires;

(d) For a vulnerable adult protection order, that the respondent proves that the respondent will not resume acts of abandonment, abuse, financial exploitation, or neglect against the vulnerable adult when the order expires; or

(e) For an antiharassment protection order, that the respondent proves that the respondent will not resume harassment of the petitioner when the order expires.

(5) In determining whether there has been a substantial change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened sexual assault; domestic violence; stalking; abandonment, abuse, financial exploitation, or neglect of a vulnerable adult; or other harmful acts against the petitioner or any other person since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either: Acknowledged responsibility for acts of sexual assault, domestic violence, or stalking, or acts of abandonment, abuse, financial exploitation, or neglect of a vulnerable adult, or behavior that resulted in the entry of the protection order; or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order; and

(g) Other factors relating to a substantial change in circumstances.

(6) The court shall not deny a motion to renew a protection order for any of the following reasons:

(a) The respondent has not violated the protection order previously issued by the court;

(b) The petitioner or the respondent is a minor;

(c) The petitioner did not report the conduct giving rise to the protection order, or subsequent violations of the protection order, to law enforcement;

(d) A no-contact order or a restraining order that restrains the respondent's contact with the petitioner has been issued in a criminal proceeding or in a domestic relations proceeding;

(e) The relief sought by the petitioner may be available in a different action or proceeding;

(f) The passage of time since the last incident of conduct giving rise to the issuance of the protection order; or

(g) The respondent no longer lives near the petitioner.

(7) The terms of the original protection order must not be changed on a motion for renewal unless the petitioner has requested the change.

(8) The court may renew the protection order for another fixed time period of no less than one year, or may enter a permanent order as provided in this section.

(9) If the protection order includes the parties' children, a renewed protection order may be issued for more than one year, subject to subsequent orders entered in a proceeding under chapter 26.09, 26.26A, or 26.26B RCW.

(10) The court may award court costs, service fees, and reasonable attorneys' fees to the petitioner as provided in section 39 of this act.

(11) If the court declines to renew the protection order, the court shall state, in writing in the order, the particular reasons for the court's denial. If the court declines to renew a protection order that had restrained the respondent from having contact with children protected by the order, the court shall determine on the record whether the respondent and the children should undergo reunification therapy. Any reunification therapy provider should be made aware of the respondent's history of domestic violence and should have training and experience in the dynamics of intimate partner violence.

(12) In determining whether there has been a substantial change in circumstances for respondents under the age of 18, or in determining the appropriate duration for an order, the court shall consider the circumstances surrounding the respondent's youth at the

time of the initial behavior alleged in the petition for a protection order. The court shall consider developmental factors, including the impact of time of a youth's development, and any information the minor respondent presents about his or her personal progress or change in circumstances.

NEW SECTION. **Sec. 55.** RENEWAL—EXTREME RISK PROTECTION ORDERS. The following provisions apply to the renewal of extreme risk protection orders.

(1) The court must notify the petitioner of the impending expiration of an extreme risk protection order. Notice must be received by the petitioner 105 calendar days before the date the order expires.

(2) An intimate partner or family or household member of a respondent, or a law enforcement agency, may by motion request a renewal of an extreme risk protection order at any time within 90 days before the expiration of the order.

(a) Upon receipt of the motion to renew, the court shall order that a hearing be held not later than 14 days from the date the order issues.

(b) In determining whether to renew an extreme risk protection order issued under this section, the court shall consider all relevant evidence presented by the petitioner and follow the same procedure as provided in section 27 of this act.

(c) If the court finds by a preponderance of the evidence that the requirements for the issuance of an extreme risk protection order as provided in section 27 of this act continue to be met, the court shall renew the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion and statement of the reason for the requested renewal.

(d) The renewal of an extreme risk protection order has a duration of one year, subject to termination as provided in section 62 of this act or further renewal by order of the court.

PART VIII

VIOLATIONS AND ENFORCEMENT

NEW SECTION. **Sec. 56.** VIOLATION OF ORDER AND PENALTIES, OTHER THAN ANTIHARASSMENT PROTECTION ORDERS OR EXTREME RISK PROTECTION ORDERS. (1)(a) Whenever a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order is granted under this chapter, or an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, or there is a Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or the restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who must provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted

person to pay for electronic monitoring; and

(ii) Shall impose a fine of $15, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the $15 fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a court order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any law enforcement officer alleging that the respondent has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days as to why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

NEW SECTION. **Sec. 57.** ENFORCEMENT AND PENALTIES—ANTIHARASSMENT PROTECTION ORDERS. (1) When the court issues an antiharassment protection order under this chapter, the court shall advise the petitioner that the respondent may not be subjected to the penalties set forth in this section for a violation of the order unless the respondent knows of the order.

(2) A willful disobedience by a respondent age 18 years or over of any of the following provisions of an antiharassment protection order issued under this chapter is a gross misdemeanor:

(a) The restraint provisions prohibiting acts or threats of violence against, or unlawful harassment or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(b) A provision excluding the person from a residence, workplace, school, or day care;

(c) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle; or

(d) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent.

(3) Any respondent age 18 years or over who willfully disobeys the terms of any antiharassment protection order issued under this chapter may also, in the court's discretion, be found in contempt of court and subject to penalties under chapter 7.21 RCW.

(4) Any respondent under the age of 18 years who willfully disobeys the terms of an antiharassment protection order issued under this chapter may, in the court's discretion, be found in contempt of court and subject to the sanction specified in RCW 7.21.030(4), provided that the sanction specified in RCW 7.21.030(4) may be imposed only for willful disobedience of the provisions listed in subsection (2) of this section.

(5) A defendant arrested for violating any antiharassment protection order issued under this chapter is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release in accordance with RCW 9A.46.050.

(6) A defendant who is charged by citation, complaint, or information with violating any antiharassment protection order issued under this chapter and not arrested shall appear in court for arraignment in accordance with RCW 9A.46.050.

(7) Appearances required under this section are mandatory and cannot be waived.

NEW SECTION. **Sec. 58.** PENALTIES—EXTREME RISK PROTECTION ORDERS. (1) Any person who files a petition for an extreme risk protection order knowing the information in such petition to be materially false, or with the intent to harass the respondent, is guilty of a gross misdemeanor.

(2) Any person who has in his or her custody or control, accesses, purchases, possesses, or receives, or attempts to purchase or receive, a firearm with knowledge that he or she is prohibited from doing so by an extreme risk protection order is guilty of a gross misdemeanor, and further is prohibited from having in his or her custody or control, accessing, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm for a period of five years from the date the existing order expires. However, such person is guilty of a class C felony if the person has two or more previous convictions for violating an order issued under this chapter.

NEW SECTION. **Sec. 59.** ENFORCEMENT—KNOWLEDGE OF ORDER. (1) When the court issues a protection order under this chapter, the court shall advise the petitioner that the respondent may not be subjected to the penalties set forth in this chapter for a violation of the order unless the respondent knows of the order.

(2) When a law enforcement officer investigates a report of an alleged violation of a protection order issued under this chapter, the officer shall attempt to determine whether the respondent knew of the existence of the protection order. If the law enforcement officer determines that the respondent did not, or probably did not, know about

the protection order and the officer is provided a current copy of the order, the officer shall serve the order on the respondent if the respondent is present. If the respondent is not present, the officer shall make reasonable efforts to serve a copy of the order on the respondent. If the officer serves the respondent with the petitioner's copy of the order, the officer shall give the petitioner a receipt indicating that the petitioner's copy has been served on the respondent. After the officer has served the order on the respondent, the officer shall enforce prospective compliance with the order.

(3) Presentation of an unexpired, certified copy of a protection order with proof of service is sufficient for a law enforcement officer to enforce the order regardless of the presence of the order in the law enforcement computer-based criminal intelligence information system.

NEW SECTION. **Sec. 60.** ENFORCEMENT—PROSECUTOR ASSISTANCE. When a party alleging a violation of a protection order issued under this chapter states that the party is unable to afford private counsel and asks the prosecuting attorney for the county or the attorney for the municipality in which the order was issued for assistance, the attorney shall initiate and prosecute a contempt proceeding if there is probable cause to believe that the violation occurred. In this action, the court may require the violator of the order to pay the costs incurred in bringing the action, including a reasonable attorney's fee.

PART IX

MODIFICATION AND TERMINATION

NEW SECTION. **Sec. 61.** MODIFICATION OR TERMINATION OF PROTECTION ORDERS, OTHER THAN EXTREME RISK PROTECTION ORDERS AND VULNERABLE ADULT PROTECTION ORDERS. This section applies to modification or termination of domestic violence protection orders, sexual assault protection orders, stalking protection orders, and antiharassment protection orders.

(1) Upon a motion with notice to all parties and after a hearing, the court may modify the terms of an existing protection order or terminate an existing order.

(2) A respondent's motion to modify or terminate an existing protection order must include a declaration setting forth facts supporting the requested order for modification or termination. The nonmoving parties to the proceeding may file opposing declarations. All motions to modify or terminate shall be based on the written materials and evidence submitted to the court. The court shall set a hearing only if the court finds that adequate cause is established. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion, which must be at least 14 days from the date the court finds adequate cause.

(3) Upon the motion of a respondent, the court may not modify or terminate an existing protection order unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent will not resume, engage in, or attempt to engage in, the following acts against the petitioner or those persons protected by the protection order if the order is terminated or modified:

(a) Acts of domestic violence, in cases involving domestic violence protection orders;

(b) Physical or nonphysical contact, in cases involving sexual assault protection orders;

(c) Acts of stalking, in cases involving stalking protection orders; or

(d) Acts of unlawful harassment, in cases involving antiharassment protection orders.

The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) In determining whether there has been a substantial change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other harmful acts against the petitioner or any other person since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection

order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either acknowledged responsibility for acts of sexual assault, domestic violence, stalking, or behavior that resulted in the entry of the protection order, or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(g) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly; or

(h) Other factors relating to a substantial change in circumstances.

(5) In determining whether there has been a substantial change in circumstances, the court may not base its determination on the fact that time has passed without a violation of the order.

(6) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence, sexual assault, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(7) A respondent may file a motion to modify or terminate an order no more than once in every 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal period.

(8) If a person who is protected by a protection order has a child or adopts a child after a protection order has been issued, but before the protection order has expired, the petitioner may seek to include the new child in the order of protection on an ex parte basis.

(9) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate a protection order, including reasonable attorneys' fees.

NEW SECTION. **Sec. 62.** TERMINATION OF EXTREME RISK PROTECTION ORDERS. This section applies to the termination of extreme risk protection orders.

(1) The respondent may submit one written request for a hearing to terminate an extreme risk protection order issued under this chapter every 12-month period that the order is in effect, starting from the date of the order and continuing through any renewals.

(2) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. The hearing must occur no sooner than 14 days and no later than 30 days from the date of service of the request upon the petitioner.

(3) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in his or her custody or control, accessing, possessing, purchasing, receiving, or attempting to purchase or receive, a firearm or other dangerous weapons. The court may consider any relevant evidence, including evidence of the considerations listed in section 27 of this act.

(4) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

NEW SECTION. **Sec. 63.** MODIFICATION OR TERMINATION OF VULNERABLE ADULT PROTECTION ORDERS. This section applies to the modification or termination of vulnerable adult protection orders.

(1) Any vulnerable adult who is subject to a limited guardianship, limited conservatorship, or other protective arrangement under chapter 11.130 RCW, or the vulnerable adult's guardian, conservator, or person acting on behalf of the vulnerable adult under a protective arrangement, may, at any time subsequent to the entry of a permanent protection order under this chapter, file a motion to modify or terminate the protection order.

(2) In a hearing on a motion to modify or terminate the protection order, the court shall grant such relief consistent with section 39 of this act as it deems

necessary for the protection of the vulnerable adult, including modification or termination of the protection order.

NEW SECTION. **Sec. 64.** REPORTING OF MODIFICATION OR TERMINATION OF ORDER. In any situation where a protection order issued under this chapter is modified or terminated before its expiration date, the clerk of the court shall forward on the same day a true copy of the modified order or the termination order to the law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

PART X

MISCELLANEOUS

NEW SECTION. **Sec. 65.** ORDERS UNDER THIS AND OTHER CHAPTERS, ENFORCEMENT, AND CONSOLIDATION—VALIDITY AND ENFORCEMENT OF ORDERS UNDER PRIOR CHAPTERS. (1)(a) Any order available under this chapter, other than an extreme risk protection order, may be issued in actions under chapter 13.32A, 26.09, 26.26A, or 26.26B RCW. If a protection order is issued in an action under chapter 13.32A, 26.09, 26.26A, or 26.26B RCW, the order must be issued on the forms mandated by section 16 of this act. An order issued in accordance with this subsection (1)(a) is fully enforceable and must be enforced under the provisions of this chapter.

(b) If a party files an action under chapter 13.32A, 26.09, 26.26A, or 26.26B RCW, an order issued previously under this chapter between the same parties may be consolidated by the court under that action and cause number. Any order issued under this chapter after consolidation must contain the original cause number and the cause number of the action under chapter 13.32A, 26.09, 26.26A, or 26.26B RCW.

(2) Nothing in this act affects the validity of protection orders issued prior to the effective date of this section under chapter 74.34 RCW or any of the former chapters 7.90, 7.92, 7.94, 10.14, and 26.50 RCW. Protection orders entered prior to the effective date of this section under chapter 74.34 RCW or any of the former chapters 7.90, 7.92, 7.94, 10.14, and 26.50 RCW are subject to the provisions of this act and are fully enforceable under the applicable provisions of sections 56 through 60 of this act and may be modified or terminated in accordance with the applicable provisions of sections 61 through 65 of this act.

NEW SECTION. **Sec. 66.** JUDICIAL INFORMATION SYSTEM AND DATABASE. To prevent the issuance of competing protection orders in different courts and to give courts needed information for the issuance of orders, the judicial information system must be available in each district, municipal, and superior court, and must include a database containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this chapter, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every dissolution action under chapter 26.09 RCW, every parentage action under chapter 26.26A or 26.26B RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every Canadian domestic violence protection order filed under chapter 26.55 RCW. When a guardian or the department of social and health services or department of children, youth, and families has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought must be included in the database as a party rather than the guardian or appropriate department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

NEW SECTION. **Sec. 67.** TITLE TO REAL ESTATE—EFFECT. Nothing in this chapter may affect the title to real estate: PROVIDED, That a judgment for costs or fees awarded under this chapter constitutes a lien on real estate to the extent provided in chapter 4.56 RCW.

NEW SECTION. **Sec. 68.** PROCEEDINGS ADDITIONAL—FILING OF CRIMINAL CHARGES NOT REQUIRED. (1) Any proceeding under

this chapter is in addition to other civil or criminal remedies.

(2) Nothing in this chapter shall be construed as requiring criminal charges to be filed as a condition of a protection order being issued.

NEW SECTION. **Sec. 69.** OTHER AUTHORITY RETAINED. This chapter does not affect the ability of a law enforcement officer to remove a firearm or concealed pistol license from any person or to conduct any search and seizure for firearms pursuant to other lawful authority.

NEW SECTION. **Sec. 70.** LIABILITY. (1) Except as provided in section 58 of this act, this chapter does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining an extreme risk protection order or a temporary extreme risk protection order including, but not limited to, reporting, declining to report, investigating, declining to investigate, filing, or declining to file a petition under this chapter.

(2) No law enforcement officer may be held criminally or civilly liable for making an arrest under section 56 of this act if the officer acts in good faith.

NEW SECTION. **Sec. 71.** PROTECTION ORDER COMMISSIONERS—APPOINTMENT AUTHORIZED. In each county, the superior court may appoint one or more attorneys to act as protection order commissioners pursuant to this chapter to exercise all powers and perform all duties of a court commissioner appointed pursuant to RCW 2.24.010, provided that such positions may not be created without prior consent of the county legislative authority. A person appointed as a protection order commissioner under this chapter may also be appointed to any other commissioner position authorized by law. Protection order commissioners should receive training as specified in section 35 of this act.

PART XI

EXTREME RISK PROTECTION ORDERS AND ORDERS TO SURRENDER AND PROHIBIT WEAPONS

Sec. 72. RCW 9.41.040 and 2020 c 29 s 4 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another or by one intimate partner against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a domestic violence protection order or no-contact order restraining the person or excluding the person from a residence (chapter 7.78 RCW (the new chapter created in section 78 of this act), RCW 10.99.040, or any of the former RCW 26.50.060, 26.50.070, and 26.50.130((~~, or 10.99.040~~)));

(ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of harassment when committed by one family or household member against another or by one intimate partner against another, committed on or after June 7, 2018;

(iii) During any period of time that the person is subject to a court order issued under chapter ((~~7.90, 7.92,~~)) 7.78 (the new chapter created in section 78 of this act), 9A.46, ((~~10.14,~~)) 10.99, 26.09, ((~~26.10,~~)) 26.26A, or 26.26B((~~, or 26.50~~)) RCW or any of the former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:

(A) Was issued after a hearing ((~~of~~)) for which the person received actual notice, and at which the person had an opportunity to participate, whether the court then issues a full order or

reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(B) Restrains the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the protected person or child and by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child that would reasonably be expected to cause bodily injury; or

(II) Includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, ((~~obtaining, or~~)) having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms;

(iv) After having previously been involuntarily committed ((~~for mental health treatment~~)) based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(v) After dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.088 when the court has made a finding indicating that the defendant has a history of one or more violent acts, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(vi) If the person is under ((~~eighteen~~)) 18 years of age, except as provided in RCW 9.41.042; and/or

(vii) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) ((~~(a)(iii) of this subsection does not apply to a sexual assault protection order under chapter 7.90 RCW if the order has been modified pursuant to RCW 7.90.170 to remove any restrictions on firearm purchase, transfer, or possession.~~

~~(c)~~)) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted," whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of

a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least ((~~twenty~~)) 20 years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of ((~~eighteen~~)) 18 years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within ((~~twenty-four~~)) 24 hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

Sec. 73. RCW 9.41.075 and 2005 c 453 s 4 are each amended to read as follows:

(1) The license shall be revoked by ((~~the license-issuing authority~~)) a law enforcement agency immediately upon:

(a) Discovery by the ((~~issuing authority~~)) law enforcement agency that the ((~~person~~)) licensee was ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal;

(b) Conviction of the licensee, or the licensee being found not guilty by reason of insanity, of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm;

(c) Conviction of the licensee for a third violation of this chapter within five calendar years; ((~~or~~))

(d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)(d); or

(e) The law enforcement agency's receipt of an order to surrender and prohibit weapons or an extreme risk protection order, other than an ex parte temporary protection order, issued against the licensee.

(2)(a) Unless the person may lawfully possess a pistol without a concealed pistol license, an ineligible person to whom a concealed pistol license was issued shall, within ((~~fourteen~~)) 14 days of license revocation, lawfully transfer ownership of any pistol acquired while the person was in possession of the license.

(b) Upon discovering a person issued a concealed pistol license was ineligible for the license, the ((~~issuing authority~~)) law enforcement agency shall contact the department of licensing to determine whether the person purchased a pistol while in possession of the license. If the person did purchase a pistol while in possession of the concealed pistol license, if the person may not lawfully possess a pistol without a concealed pistol license, the ((~~issuing authority~~)) law enforcement agency shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The ((~~issuing authority~~)) law enforcement agency shall require the person to produce the evidence within ((~~fifteen~~)) 15 days of the revocation of the license.

(3) When a licensee is ordered to forfeit a firearm under RCW 9.41.098(1)(d), the ((~~issuing authority~~)) law enforcement agency shall:

(a) On the first forfeiture, revoke the license for one year;

(b) On the second forfeiture, revoke the license for two years; or

(c) On the third or subsequent forfeiture, revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period.

(4) The ((~~issuing authority~~)) law enforcement agency shall notify, in writing, the department of licensing of the revocation of a license. The department of licensing shall record the revocation.

Sec. 74. RCW 9.41.800 and 2019 c 245 s 1 and 2019 c 46 s 5006 are each reenacted and amended to read as follows:

(1) Any court when entering an order authorized under chapter ((~~7.92 RCW, RCW 7.90.090~~)) 7.--- RCW (the new chapter created in section 78 of this act), RCW 9A.46.080, ((~~10.14.080,~~)) 10.99.040, 10.99.045, 26.09.050, 26.09.060, ((~~26.10.040, 26.10.115,~~)) 26.26B.020, ((~~26.50.060, 26.50.070,~~)) or 26.26A.470 shall, upon a showing by ((~~clear and convincing~~)) a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, ((~~obtaining, or~~)) having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license;

(e) Other than for ex parte temporary protection orders, unless the ex parte temporary protection order was reissued after the party received noticed and had an opportunity to be heard, direct law enforcement to revoke any concealed pistol license issued to the party.

(2) ((~~Any court when entering an order authorized under chapter 7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060, 26.50.070, or 26.26A.470 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:~~

~~(a) Require that the party immediately surrender all firearms and other dangerous weapons;~~

~~(b) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;~~

~~(c) Prohibit the party from accessing, obtaining, or possessing any firearms or other dangerous weapons;~~

~~(d) Prohibit the party from obtaining or possessing a concealed pistol license.~~

~~(3)~~)) During any period of time that the ((~~person~~)) party is subject to a court order issued under chapter ((~~7.90, 7.92~~)) 7.--- (the new chapter created in section 78 of this act), 9A.46, ((~~10.14,~~)) 10.99, 26.09, ((~~26.10,~~)) 26.26A, or 26.26B((~~, or 26.50~~)) RCW that:

(a) Was issued after a hearing of which the ((~~person~~)) party received actual notice, and at which the ((~~person~~)) party had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(b) Restrains the ((~~person~~)) party from harassing, stalking, or threatening an intimate partner of the ((~~person~~)) party, the protected person, or child of the intimate partner, party, or protected person, or engaging in other conduct that would place an intimate partner or protected person in reasonable fear of bodily injury to the intimate partner, protected person, or child; and

(c)(i) Includes a finding that the ((~~person~~)) party represents a credible threat to the physical safety of the intimate partner, protected person, or child; and

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner, protected person, or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require that the party immediately surrender all firearms and other dangerous weapons;

(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from accessing, ((~~obtaining, or~~)) having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

((~~(4)~~)) (3) The court may order temporary surrender and prohibit the purchase of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

((~~(5)~~)) (4) In addition to the provisions of subsections (1)((~~, (2),~~)) and ((~~(4)~~)) (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

((~~(6)~~)) (5) The requirements of subsections (1)((~~, (2),~~)) and ((~~(5)~~)) (4) of this section may be for a period of time less than the duration of the order.

((~~(7)~~)) (6) The court ((~~may~~)) shall require the party to surrender all firearms and other dangerous weapons in his or her immediate possession or control or subject to his or her immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the local law enforcement agency. Law enforcement officers shall use law enforcement databases to assist in locating the ((~~respondent~~)) party in situations where the protected person does not know where the ((~~respondent~~)) party lives or where there is evidence that the ((~~respondent~~)) party is trying to evade service.

((~~(8)~~)) (7) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section((~~, the~~)):

(a) The order must be served by a law enforcement officer; and

(b) Law enforcement must immediately ensure entry of the order to surrender and prohibit weapons and the revocation of any concealed pistol license is made into the appropriate databases making the party ineligible to possess firearms and a concealed pistol license.

Sec. 75. RCW 9.41.801 and 2020 c 126 s 1 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when

respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in ((~~his or her~~)) the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. The order must be personally served upon the respondent or defendant if the order is entered in open court in the presence of the respondent or defendant. The respondent or defendant shall acknowledge receipt and service. If the respondent or defendant refuses service, an agent of the court may indicate on the record that the respondent or defendant refused service. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within ((~~twenty-four~~)) 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. A compliance review hearing is not required if the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender attested to by the person subject to the order, along

with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in ((~~their~~)) the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible at which the respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of ((~~an affidavit~~)) a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to

judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an order to surrender and prohibit weapons issued in connection with another type of protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the act of voluntarily surrendering firearms or weapons, or providing testimony relating to the surrender of firearms or weapons, pursuant to such an order, may not be used against the respondent or defendant in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

((~~(9)~~)) (11) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of orders issued under this chapter by each court, the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.

NEW SECTION. **Sec. 76.** A new section is added to chapter 9.41 RCW to read as follows:

For the purpose of assisting courts in ensuring compliance with an order to surrender and prohibit weapons or an extreme risk protection order, the department of licensing, or the agency with responsibility for maintaining that information should it be an agency other than the department of licensing, shall make the following information available to prosecuting attorneys' offices, city attorneys' offices, public defender agency staff, probation services personnel, and judicial officers and staff of municipal, district, and superior courts for the following law enforcement purposes:

(1) Determining whether a person is ineligible to possess firearms;

(2) Determining a person's firearms purchase history; and

(3) Determining whether a person has or previously had a concealed pistol license, or has applied for a concealed pistol license.

Sec. 77. RCW 10.99.045 and 2010 c 274 s 301 are each amended to read as follows:

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020 shall be required to appear in person before a magistrate within one judicial day after the arrest.

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020 and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than ((~~fourteen~~)) 14 days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3)(a) At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. The court may include in the order any conditions

authorized under RCW 9.41.800 and 10.99.040.

(b) For the purposes of (a) of this subsection, the prosecutor shall provide for the court's review:

(i) The defendant's criminal history, if any, that occurred in Washington or any other state;

(ii) If available, the defendant's criminal history that occurred in any tribal jurisdiction; ((~~and~~))

(iii) The defendant's individual order history; and

(iv) The defendant's firearms purchase history, including any concealed pistol license history.

(c) For the purposes of (b) of this subsection, criminal history includes all previous convictions and orders of deferred prosecution, as reported through the judicial information system or otherwise available to the court or prosecutor, current to within the period specified in (d) of this subsection before the date of the appearance.

(d) The periods applicable to previous convictions and orders of deferred prosecution are:

(i) One working day, in the case of previous actions of courts that fully participate in the state judicial information system; and

(ii) Seven calendar days, in the case of previous actions of courts that do not fully participate in the judicial information system. For the purposes of this subsection, "fully participate" means regularly providing records to and receiving records from the system by electronic means on a daily basis.

(4) Appearances required pursuant to this section are mandatory and cannot be waived.

(5) The no-contact order shall be issued and entered with the ((~~appropriate~~)) law enforcement agency pursuant to the procedures outlined in RCW 10.99.040 (2) and (6).

NEW SECTION. **Sec. 78.** Sections 1, 2, and 4 through 71 of this act constitute a new chapter in Title 7 RCW.

PART XII

CANADIAN DOMESTIC VIOLENCE PROTECTION ORDERS

Sec. 79. RCW 26.55.010 and 2019 c 263 s 902 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Canadian domestic violence protection order" means a judgment or part of a judgment or order issued in a civil proceeding by a court of Canada under law of the issuing jurisdiction which relates to domestic violence((~~ and prohibits a respondent from:~~

~~(a) Being in physical proximity to a protected individual or following a protected individual;~~

~~(b) Directly or indirectly contacting or communicating with a protected individual or other individual described in the order;~~

~~(c) Being within a certain distance of a specified place or location associated with a protected individual; or~~

~~(d) Molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual~~)).

(2) "Domestic violence protection order" means an injunction or other order issued by a ((~~tribunal~~)) court which relates to domestic or family violence laws to prevent an individual from engaging in violent or threatening acts against, harassment of, direct or indirect contact or communication with, or being in physical proximity to another individual.

(3) "Issuing court" means the court that issues a Canadian domestic violence protection order.

(4) "Law enforcement officer" means an individual authorized by law of this state other than this chapter to enforce a domestic violence protection order.

(5) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(6) "Protected individual" means an individual protected by a Canadian domestic violence protection order.

(7) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(8) "Respondent" means an individual against whom a Canadian domestic violence protection order is issued.

(9) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

((~~(10) "Tribunal" means a court, agency, or other entity authorized by law of this state other than this chapter to establish, enforce, or modify a domestic protection order.~~))

NEW SECTION. **Sec. 80.** A new section is added to chapter 26.55 RCW to read as follows:

(1) A Canadian domestic violence protection order that identifies both a protected individual and a respondent and appears valid on its face is prima facie evidence of its enforceability under this act.

(2) A Canadian domestic violence protection order is enforceable only to the extent it prohibits a respondent from the following conduct as ordered by a Canadian court:

(a) Being in physical proximity to a protected individual or following a protected individual;

(b) Directly or indirectly contacting or communicating with a protected individual or other individual described in the order;

(c) Being within a certain distance of a specified place or location associated with a protected individual; or

(d) Molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.

(3) Neither filing with the clerk of the court under RCW 26.55.040 nor obtaining an order granting recognition and enforcement under RCW 26.55.030 is required prior to the enforcement of a Canadian domestic violence protection order by a law enforcement officer.

Sec. 81. RCW 26.55.020 and 2019 c 263 s 903 are each amended to read as follows:

(1) If a law enforcement officer determines under subsection (2) or (3) of this section that there is probable cause to believe a ((~~valid~~)) Canadian domestic violence protection order exists and that one or more of the provisions of the order ((~~has~~)) identified in section 80 of this act have been violated, the officer shall enforce the terms of the Canadian domestic violence protection order as if the terms were in an order ((~~of a tribunal. Presentation to a law enforcement officer of a certified copy of a Canadian domestic violence protection order is not required for enforcement~~)) issued in Washington state.

(2) Presentation to a law enforcement officer of a record of a Canadian domestic violence protection order that identifies both a protected individual and a respondent, and on its face is in effect, constitutes probable cause to believe that ((~~a valid~~)) an enforceable order exists.

(3) If a record of a Canadian domestic violence protection order is not presented as provided in subsection (2) of this section, a law enforcement officer ((~~may consider~~)) is not prohibited from considering other relevant information in determining whether there is probable cause to believe that a ((~~valid~~)) Canadian domestic violence protection order exists.

(4) If a law enforcement officer determines that ((~~an otherwise valid~~)) a Canadian domestic violence protection order cannot be enforced because the respondent has not been notified of or served with the order, the officer shall notify the protected individual that the officer will make reasonable efforts to contact the respondent, consistent with the safety of the protected individual. After notice to the protected individual and consistent with the safety of the individual, the officer shall make a reasonable effort to inform the respondent of the order, notify the respondent of the terms of the order, provide a record of the order, if available, to the respondent, and allow the respondent a reasonable opportunity to comply with the order before the officer enforces the order.

(5) If a law enforcement officer determines that an individual is a protected individual, the officer shall inform the individual of available local victim services.

Sec. 82. RCW 26.55.030 and 2019 c 263 s 904 are each amended to read as follows:

(1) A ((~~tribunal~~)) court may issue an order ((~~enforcing or refusing to enforce~~)) granting recognition and enforcement or denying recognition and enforcement of a Canadian domestic violence protection order on ((~~application~~)) petition of:

(a) A protected individual;

(b) A person authorized by law of this state other than this chapter to seek enforcement of a domestic violence protection order; or

((~~(b)~~)) (c) A respondent.

(2) ((~~In a proceeding under subsection (1) of this section, the tribunal shall follow the procedures of this state for enforcement of a domestic protection order. An order entered under this section is limited to the enforcement of the terms of the Canadian domestic violence protection order as defined in RCW 26.55.010.~~)) A petitioner is not required to post a bond to obtain relief in any proceeding under this section. No fees for any type of filing or service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Courts may not charge petitioners any fees or surcharges the payment of which is a condition precedent to the petitioner's ability to secure access to relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge. A respondent who is served electronically with a protection order shall be provided a certified copy of the order free of charge upon request.

(3) Upon receipt of the petition, the court shall order a hearing, which shall be held not later than 14 days from the date of the order. Service shall be provided as required in sections 10 and 18 through 21 of this act.

(4) The hearing shall be conducted as required by sections 24 and 25 of this act.

(5) Interpreters must be appointed as required in section 33 of this act. An interpreter shall interpret for the party in the presence of counsel or court staff in preparing forms and participating in the hearing and court-ordered assessments, and the interpreter shall sight translate any orders.

((~~(3)~~)) (6) A Canadian domestic violence protection order is enforceable under this section if:

(a) The order identifies a protected individual and a respondent;

(b) The order is valid and in effect;

(c) The issuing court had jurisdiction over the parties and the subject matter under law applicable in the issuing court; and

(d) The order was issued after:

(i) The respondent was given reasonable notice and had an opportunity to be heard before the court issued the order; or

(ii) In the case of an ex parte temporary protection order, the respondent was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the right of the respondent to due process.

((~~(4) A Canadian domestic violence protection order valid on its face is prima facie evidence of its enforceability under this section.~~

~~(5)~~)) (7) A claim that a Canadian domestic violence protection order does not comply with subsection ((~~(3)~~)) (6) of this section is an affirmative defense in a proceeding seeking enforcement of the order. If the ((~~tribunal~~)) court determines that the order is not enforceable, the ((~~tribunal~~)) court shall issue an order that the Canadian domestic violence protection order is not enforceable under this section and RCW 26.55.020 and may not be ((~~registered~~)) filed under RCW 26.55.040.

Sec. 83. RCW 26.55.040 and 2019 c 263 s 905 are each amended to read as follows:

(1) A person entitled to protection who has a ((~~valid~~)) Canadian domestic violence protection order may file that order by presenting a certified, authenticated, or exemplified copy of the Canadian domestic violence protection order to a clerk of the court of a Washington court ((~~in which the person entitled to protection resides or to a clerk of the court of a Washington court where the person entitled to protection believes enforcement may be necessary~~))

according to section 9 of this act. Any out-of-state department, agency, or court responsible for maintaining protection order records, may by facsimile or electronic transmission send a reproduction of the foreign protection order to the clerk of the court of Washington as long as it contains a facsimile or digital signature by any person authorized to make such transmission.

(2) An individual filing a Canadian domestic violence protection order under this section shall also file a declaration signed under penalty of perjury stating that, to the best of the individual's knowledge, the order is valid and in effect.

(3) On receipt of a certified, authenticated, or exemplified copy of a Canadian domestic violence protection order and declaration signed under penalty of perjury stating that, to the best of the individual's knowledge, the order is valid and in effect, the clerk of the court shall ((~~register~~)) file the order in accordance with this section.

((~~(3) An individual registering a Canadian domestic violence protection order under this section shall file an affidavit stating that, to the best of the individual's knowledge, the order is valid and in effect.~~))

(4) After a Canadian domestic violence protection order is ((~~registered~~)) filed under this section, the clerk of the court shall provide the individual ((~~registering~~)) filing the order a certified copy of the ((~~registered~~)) filed order.

(5) ((~~A Canadian domestic violence protection order registered under this section may be entered in a state or federal registry of protection orders in accordance with law.~~

~~(6) An inaccurate, expired, or unenforceable Canadian domestic violence protection order may be corrected or removed from the registry of protection orders maintained in this state in accordance with law of this state other than this chapter.~~

~~(7)~~)) A fee may not be charged for the ((~~registration~~)) filing of a Canadian domestic violence protection order under this section.

((~~(8) Registration in this state or filing under law of this state other than this chapter of a Canadian domestic violence protection order is not required for its enforcement under this chapter.~~))

NEW SECTION. **Sec. 84.** A new section is added to chapter 26.55 RCW to read as follows:

(1) A copy of a Canadian domestic violence protection order filed with the clerk, an order granting recognition and enforcement, or an order denying recognition and enforcement under this chapter, shall be forwarded by the clerk of the court on or before the next judicial day to the law enforcement agency specified in the order. An order granting or denying recognition and enforcement shall be accompanied by a copy of the related Canadian domestic violence protection order.

(2) Upon receipt of the order, the law enforcement agency shall comply with the requirements of section 42 of this act.

Sec. 85. RCW 26.55.050 and 2019 c 263 s 906 are each amended to read as follows:

The state, state agency, local governmental agency, law enforcement officer, prosecuting attorney, clerk of court, and state or local governmental official acting in an official capacity are immune from civil and criminal liability for an act or omission arising out of the ((~~registration~~)) filing or recognition and enforcement of a Canadian domestic violence protection order or the detention or arrest of an alleged violator of a Canadian domestic violence protection order if the act or omission was a good faith effort to comply with this chapter.

PART XIII

SCHOOL DISTRICT REQUIREMENTS

NEW SECTION. **Sec. 86.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) If any student is subject to a civil protection order, the school district and school building staff will make adjustments to the student's schedule and other modifications to the student's school environment to support compliance with court orders and maintain the student's access to education.

(2) If a student is the subject of a civil protection order that prohibits regular attendance at the student's assigned school, the school district must

provide the student comparable educational services in another setting. In such a case, the district shall not charge tuition and must provide transportation at no cost. The district shall put in place any needed supports to make the transition to a new school environment successful for the student.

(3) A school district must provide notification to the parent or legal guardian of a student who is subject to a civil protection order of the modifications, accommodations, supports, and services being created or provided for the student pursuant to this section.

PART XIV

EFFECTIVE DATE

NEW SECTION. **Sec. 87.** Except for sections 12, 16, 18, 25, and 36 of this act, this act takes effect July 1, 2022.

PART XV

CONFORMING AND TECHNICAL AMENDMENTS

Sec. 88. RCW 2.28.210 and 2016 c 89 s 1 are each amended to read as follows:

(1) Before granting an order under any of the following titles of the laws of the state of Washington, the court may consult the judicial information system or any related databases, if available, to determine criminal history or the pendency of other proceedings involving the parties:

(a) Granting any temporary or final order establishing a parenting plan or residential schedule or directing residential placement of a child or restraining or limiting a party's contact with a child under Title 26 RCW;

(b) Granting any order regarding a vulnerable child or adult or alleged incapacitated person irrespective of the title or where contained in the laws of the state of Washington;

(c) Granting letters of guardianship or administration or letters testamentary under Title 11 RCW;

(d) Granting any relief under Title 71 RCW;

(e) Granting any relief in a juvenile proceeding under Title 13 RCW; or

(f) Granting any order of protection, temporary order of protection, or criminal no-contact order under chapter ((~~7.90, 7.92,~~)) 7.--- (the new chapter created in section 78 of this act), 9A.46, ((~~10.14,~~)) 10.99, ((~~26.50,~~)) or 26.52 RCW.

(2) In the event that the court consults such a database, the court shall disclose that fact to the parties and shall disclose any particular matters relied upon by the court in rendering the decision. Upon request of a party, a copy of the document relied upon must be filed, as a confidential document, within the court file, with any confidential contact information such as addresses, phone numbers, or other information that might disclose the location or whereabouts of any person redacted from the document or documents.

Sec. 89. RCW 4.08.050 and 1996 c 134 s 7 are each amended to read as follows:

Except as provided under RCW ((~~26.50.020 and~~)) 28A.225.035 and section 14 of this act, when an infant is a party he or she shall appear by guardian, or if he or she has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act. Said guardian shall be appointed as follows:

(1) When the infant is plaintiff, upon the application of the infant, if he or she be of the age of fourteen years, or if under that age, upon the application of a relative or friend of the infant.

(2) When the infant is defendant, upon the application of the infant, if he or she be of the age of fourteen years, and applies within thirty days after the service of the summons; if he or she be under the age of fourteen, or neglects to apply, then upon the application of any other party to the action, or of a relative or friend of the infant.

Sec. 90. RCW 4.24.130 and 1998 c 220 s 5 are each amended to read as follows:

(1) Any person desiring a change of his or her name or that of his or her child or ward, may apply therefor to the district court of the judicial district in which he or she resides, by petition setting forth the reasons for such change; thereupon such court in its discretion may order a change of the name and thenceforth the new name shall be in place of the former.

(2) An offender under the jurisdiction of the department of corrections who applies to change his or her name under subsection (1) of this section shall submit a copy of the application to the

department of corrections not fewer than five days before the entry of an order granting the name change. No offender under the jurisdiction of the department of corrections at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate penological interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. An offender under the jurisdiction of the department of corrections who receives an order changing his or her name shall submit a copy of the order to the department of corrections within five days of the entry of the order. Violation of this subsection is a misdemeanor.

(3) A sex offender subject to registration under RCW 9A.44.130 who applies to change his or her name under subsection (1) of this section shall follow the procedures set forth in RCW 9A.44.130((~~(6)~~)) (7).

(4) The district court shall collect the fees authorized by RCW 36.18.010 for filing and recording a name change order, and transmit the fee and the order to the county auditor. The court may collect a reasonable fee to cover the cost of transmitting the order to the county auditor.

(5) Name change petitions may be filed and shall be heard in superior court when the person desiring a change of his or her name or that of his or her child or ward is a victim of domestic violence as defined in ((~~RCW 26.50.010(1)~~)) section 2 of this act and the person seeks to have the name change file sealed due to reasonable fear for his or her safety or that of his or her child or ward. Upon granting the name change, the superior court shall seal the file if the court finds that the safety of the person seeking the name change or his or her child or ward warrants sealing the file. In all cases filed under this subsection, whether or not the name change petition is granted, there shall be no public access to any court record of the name change filing, proceeding, or order, unless the name change is granted but the file is not sealed.

Sec. 91. RCW 7.77.060 and 2020 c 29 s 1 are each amended to read as follows:

During a collaborative law process, a tribunal may issue emergency orders to protect the health, safety, welfare, or interest of a party or of a family or household member or intimate partner, as defined in ((~~RCW 26.50.010~~)) section 2 of this act.

Sec. 92. RCW 7.77.080 and 2020 c 29 s 2 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, a collaborative lawyer is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter.

(2) Except as otherwise provided in subsection (3) of this section and RCW 7.77.090, a lawyer in a law firm with which the collaborative lawyer is associated is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter if the collaborative lawyer is disqualified from doing so under subsection (1) of this section.

(3) A collaborative lawyer or a lawyer in a law firm with which the collaborative lawyer is associated may represent a party:

(a) To ask a tribunal to approve an agreement resulting from the collaborative law process; or

(b) To seek or defend an emergency order to protect the health, safety, welfare, or interest of a party, or family or household member or intimate partner, as defined in ((~~RCW 26.50.010~~)) section 2 of this act, if a successor lawyer is not immediately available to represent that person.

(4) If subsection (3)(b) of this section applies, a collaborative lawyer, or lawyer in a law firm with which the collaborative lawyer is associated, may represent a party or family or household member or intimate partner only until the person is represented by a successor lawyer or reasonable measures are taken to protect the health, safety, welfare, or interest of the person.

Sec. 93. RCW 9.41.010 and 2020 c 29 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(3) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(4) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(5) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

(6) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(7) "Family or household member" has the same meaning as in ((~~RCW 26.50.010~~)) section 2 of this act.

(8) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(9) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(10) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

(11) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device

designed solely to be used for construction purposes.

(12) "Gun" has the same meaning as firearm.

(13) "Intimate partner" has the same meaning as provided in ((~~RCW 26.50.010~~)) section 2 of this act.

(14) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(15) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

(16) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

(17) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

(18) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(19) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(20) "Manufacture" means, with respect to a firearm, the fabrication or construction of a firearm.

(21) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

(22) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

(23) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

(24) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(25) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

(26) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

(27) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

"Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(28) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age fourteen;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

(29) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(30) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(31) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(32) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

(33) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

(34) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

(35) "Untraceable firearm" means any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federally licensed manufacturer or importer.

Sec. 94. RCW 9.41.070 and 2020 c 148 s 2 are each amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within

this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to chapter ((~~7.90, 7.92, or 7.94~~)) 7.--- RCW (the new chapter created in section 78 of this act), or RCW 9A.46.080, ((~~10.14.080,~~)) 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, ((~~26.10.115,~~)) 26.26B.020, ((~~26.50.060, 26.50.070,~~)) or 26.26A.470, or any of the former RCW 10.14.080, 26.10.115, 26.50.060, and 26.50.070;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the health care authority electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

(b) The issuing authority shall deny a permit to anyone who is found to be prohibited from possessing a firearm under federal or state law.

(c) (a) and (b) of this subsection apply whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(d) A background check for an original license must be conducted through the Washington state patrol criminal identification section and shall include a national check from the federal bureau of investigation through the submission of fingerprints. The results will be returned to the issuing authority. The applicant may request and receive a copy of the results of the background check from the issuing authority. If the applicant seeks to amend or correct their record, the applicant must contact the Washington state patrol for a Washington state record or the federal bureau of investigation for records from other jurisdictions.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, email address at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in

applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in triplicate or in a form to be prescribed by the department of licensing.

A photograph of the applicant may be required as part of the application and printed on the face of the license.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an online format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(d) Two dollars and sixteen cents to the firearms range account in the general fund; and

(e) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(c) Two dollars and sixteen cents to the firearms range account in the general fund; and

(d) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9)(a) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(i) Three dollars shall be deposited in the limited fish and wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(ii) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(b) Beginning with concealed pistol licenses that expire on or after August 1, 2018, the department of licensing shall mail a renewal notice approximately ninety days before the license expiration date to the licensee at the address listed on the concealed pistol license application, or to the licensee's new address if the licensee has notified the department of licensing of a change of address. Alternatively, if the licensee provides an email address at the time of license application, the department of licensing may send the renewal notice to the licensee's email address. The notice must contain the date the concealed pistol license will expire, the amount of renewal fee, the penalty for late renewal, and instructions on how to renew the license.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

(14) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment,

reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (14) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this subsection (14) shall pay only the renewal fee specified in subsection (6) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee.

(15)(a) By October 1, 2019, law enforcement agencies that issue concealed pistol licenses shall develop and implement a procedure for the renewal of concealed pistol licenses through a mail application process, and may develop an online renewal application process, for any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service.

(b) A person applying for a license renewal under this subsection shall:

(i) Provide a copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service;

(ii) Apply for renewal within ninety days before or after the expiration date of the license; and

(iii) Pay the renewal licensing fee under subsection (6) of this section, and, if applicable, the late renewal penalty under subsection (9) of this section.

(c) A license renewed under this subsection takes effect on the expiration date of the prior license and is valid for a period of one year.

Sec. 95. RCW 9.41.173 and 2019 c 46 s 5005 are each amended to read as follows:

(1) In order to obtain an alien firearm license, a nonimmigrant alien residing in Washington must apply to the sheriff of the county in which he or she resides.

(2) The sheriff of the county shall within sixty days after the filing of an application of a nonimmigrant alien residing in the state of Washington, issue an alien firearm license to such person to carry or possess a firearm for the purposes of hunting and sport shooting. The license shall be good for two years. The issuing authority shall not refuse to accept completed applications for alien firearm licenses during regular business hours. An application for a license may not be denied, unless the applicant's alien firearm license is in a revoked status, or the applicant:

(a) Is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) Is subject to a court order or injunction regarding firearms pursuant to chapter 7.--- RCW (the new chapter created in section 78 of this act), or RCW 9A.46.080, ((~~10.14.080,~~)) 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, ((~~26.10.115,~~)) 26.26B.020, ((~~26.50.060, 26.50.070,~~)) or 26.26A.470, or any of the former RCW 10.14.080, 26.10.115, 26.50.060, and 26.50.070;

(c) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense; or

(d) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor.

No license application shall be granted to a nonimmigrant alien convicted of a felony unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or unless RCW 9.41.040 (3) or (4) applies.

(3) The sheriff shall check with the national crime information center, the Washington state patrol electronic database, the health care authority electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the applicant, a copy of the applicant's passport and visa showing the applicant is in the country legally, and a valid Washington hunting license or

documentation that the applicant is a member of a sport shooting club.

A signed application for an alien firearm license shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for an alien firearm license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a firearm. The nonimmigrant alien applicant shall be required to produce a passport and visa as evidence of being in the country legally.

The license may be in triplicate or in a form to be prescribed by the department of licensing. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an online format, all information received under this section.

(5) The sheriff has the authority to collect a nonrefundable fee, paid upon application, for the two-year license. The fee shall be fifty dollars plus additional charges imposed by the Washington state patrol and the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license. The fee shall be retained by the sheriff.

(6) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the sheriff.

(7) A political subdivision of the state shall not modify the requirements of this section, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(8) A person who knowingly makes a false statement regarding citizenship or identity on an application for an alien firearm license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the alien firearm license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for an alien firearm license.

Sec. 96. RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007 are each reenacted and amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and

egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slungshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility licensed or certified by the department of health for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;

(d) That portion of an establishment classified by the state liquor and cannabis board as off-limits to persons under twenty-one years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3)(a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than five hundred feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to

passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (3)(b) shall be grandfathered according to existing law.

(4) Violations of local ordinances adopted under subsection (2) of this section must have the same penalty as provided for by state law.

(5) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(6) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an antiharassment protection order action or a domestic violence protection order action under chapter ((~~10.14,~~)) 7.--- (the new chapter created in section 78 of this act) or 10.99((~~, or 26.50~~)) RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in ((~~RCW 26.50.010~~)) section 2 of this act; or

(c) Security personnel while engaged in official duties.

(7) Subsection (1)(a), (b), (c), and (e) of this section does not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection (1)(b) of this section does apply to a correctional employee or community corrections officer who is present at a courthouse building as a party to an antiharassment protection order action or a domestic violence protection order action under chapter ((~~10.14,~~)) 7.--- (the new chapter created in section 78 of this act) or 10.99((~~, or 26.50~~)) RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in ((~~RCW 26.50.010~~)) section 2 of this act.

(8) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(9) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(10) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(11) Government-sponsored law enforcement firearms training must be training that correctional personnel and community corrections officers receive as part of their job requirement and reference to such training does not constitute a mandate that it be provided by the correctional facility.

(12) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(13) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.

Sec. 97. RCW 9.94A.030 and 2020 c 296 s 2, 2020 c 252 s 4, and 2020 c 137 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the

department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(3)(b) and 9.96.060(6)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street

gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20)(a) "Domestic violence" has the same meaning as defined in RCW 10.99.020 ((~~and 26.50.010~~)).

(b) "Domestic violence" also means: (i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one intimate partner by another intimate partner as defined in RCW 10.99.020; or (ii) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one family or household member by another family or household member as defined in RCW 10.99.020.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees

as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has

been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanant or gross misdemeanant probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, section 56 of this act or former RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26A, or 26.26B((~~, or 26.50~~)) RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.--- RCW (the new chapter created in section 78 of this act), that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(56) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(57) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development,

substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(58) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 98. RCW 9.94A.411 and 2019 c 46 s 5008 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid prefiling agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.670.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder (RCW 10.95.020)

1st Degree Murder (RCW 9A.32.030)

2nd Degree Murder (RCW 9A.32.050)

1st Degree Manslaughter (RCW 9A.32.060)

2nd Degree Manslaughter (RCW 9A.32.070)

1st Degree Kidnapping (RCW 9A.40.020)

2nd Degree Kidnapping (RCW 9A.40.030)

1st Degree Assault (RCW 9A.36.011)

2nd Degree Assault (RCW 9A.36.021)

3rd Degree Assault (RCW 9A.36.031)

4th Degree Assault (if a violation of RCW 9A.36.041(3))

1st Degree Assault of a Child (RCW 9A.36.120)

2nd Degree Assault of a Child (RCW 9A.36.130)

3rd Degree Assault of a Child (RCW 9A.36.140)

1st Degree Rape (RCW 9A.44.040)

2nd Degree Rape (RCW 9A.44.050)

3rd Degree Rape (RCW 9A.44.060)

1st Degree Rape of a Child (RCW 9A.44.073)

2nd Degree Rape of a Child (RCW 9A.44.076)

3rd Degree Rape of a Child (RCW 9A.44.079)

1st Degree Robbery (RCW 9A.56.200)

2nd Degree Robbery (RCW 9A.56.210)

1st Degree Arson (RCW 9A.48.020)

1st Degree Burglary (RCW 9A.52.020)

1st Degree Identity Theft (RCW 9.35.020(2))

2nd Degree Identity Theft (RCW 9.35.020(3))

1st Degree Extortion (RCW 9A.56.120)

2nd Degree Extortion (RCW 9A.56.130)

1st Degree Criminal Mistreatment (RCW 9A.42.020)

2nd Degree Criminal Mistreatment (RCW 9A.42.030)

1st Degree Theft from a Vulnerable Adult (RCW 9A.56.400(1))

2nd Degree Theft from a Vulnerable Adult (RCW 9A.56.400(2))

Indecent Liberties (RCW 9A.44.100)

Incest (RCW 9A.64.020)

Vehicular Homicide (RCW 46.61.520)

Vehicular Assault (RCW 46.61.522)

1st Degree Child Molestation (RCW 9A.44.083)

2nd Degree Child Molestation (RCW 9A.44.086)

3rd Degree Child Molestation (RCW 9A.44.089)

1st Degree Promoting Prostitution (RCW 9A.88.070)

Intimidating a Juror (RCW 9A.72.130)

Communication with a Minor (RCW 9.68A.090)

Intimidating a Witness (RCW 9A.72.110)

Intimidating a Public Servant (RCW 9A.76.180)

Bomb Threat (if against person) (RCW 9.61.160)

Unlawful Imprisonment (RCW 9A.40.040)

Promoting a Suicide Attempt (RCW 9A.36.060)

Criminal Mischief (if against person) (RCW 9A.84.010)

Stalking (RCW 9A.46.110)

Custodial Assault (RCW 9A.36.100)

Domestic Violence Court Order Violation (section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, ((~~26.50.110,~~)) or 26.52.070((~~, or 74.34.145~~)), or any of the former RCW 26.50.110 and 74.34.145)

Counterfeiting (if a violation of RCW 9.16.035(4))

Felony Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.502(6))

Felony Physical Control of a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson (RCW 9A.48.030)

1st Degree Escape (RCW 9A.76.110)

2nd Degree Escape (RCW 9A.76.120)

2nd Degree Burglary (RCW 9A.52.030)

1st Degree Theft (RCW 9A.56.030)

2nd Degree Theft (RCW 9A.56.040)

1st Degree Perjury (RCW 9A.72.020)

2nd Degree Perjury (RCW 9A.72.030)

1st Degree Introducing Contraband (RCW 9A.76.140)

2nd Degree Introducing Contraband (RCW 9A.76.150)

1st Degree Possession of Stolen Property (RCW 9A.56.150)

2nd Degree Possession of Stolen Property (RCW 9A.56.160)

Bribery (RCW 9A.68.010)

Bribing a Witness (RCW 9A.72.090)

Bribe received by a Witness (RCW 9A.72.100)

Bomb Threat (if against property) (RCW 9.61.160)

1st Degree Malicious Mischief (RCW 9A.48.070)

2nd Degree Malicious Mischief (RCW 9A.48.080)

1st Degree Reckless Burning (RCW 9A.48.040)

Taking a Motor Vehicle without Authorization (RCW 9A.56.070 and 9A.56.075)

Forgery (RCW 9A.60.020)

2nd Degree Promoting Prostitution (RCW 9A.88.080)

Tampering with a Witness (RCW 9A.72.120)

Trading in Public Office (RCW 9A.68.040)

Trading in Special Influence (RCW 9A.68.050)

Receiving/Granting Unlawful Compensation (RCW 9A.68.030)

Bigamy (RCW 9A.64.010)

Eluding a Pursuing Police Vehicle (RCW 46.61.024)

Willful Failure to Return from Furlough

Escape from Community Custody

Criminal Mischief (if against property) (RCW 9A.84.010)

1st Degree Theft of Livestock (RCW 9A.56.080)

2nd Degree Theft of Livestock (RCW 9A.56.083)

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

(A) Will significantly enhance the strength of the state's case at trial; or

(B) Will result in restitution to all victims.

(ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

(A) Charging a higher degree;

(B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(b) GUIDELINES/COMMENTARY:

(i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(B) The completion of necessary laboratory tests; and

(C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(A) Probable cause exists to believe the suspect is guilty; and

(B) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(A) Polygraph testing;

(B) Hypnosis;

(C) Electronic surveillance;

(D) Use of informants.

(iv) Prefiling Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Prefiling Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

Sec. 99. RCW 9.94A.515 and 2020 c 344 s 4 are each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

Trafficking 1 (RCW 9A.40.100(1))

XIII Malicious explosion 2 (RCW 70.74.280(2))

Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Trafficking 2 (RCW 9A.40.100(3))

XI Manslaughter 1 (RCW 9A.32.060)

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

X Child Molestation 1 (RCW 9A.44.083)

Criminal Mistreatment 1 (RCW 9A.42.020)

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

IX Abandonment of Dependent Person 1 (RCW 9A.42.060)

Assault of a Child 2 (RCW 9A.36.130)

Explosive devices prohibited (RCW 70.74.180)

Hit and Run—Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

VIII Arson 1 (RCW 9A.48.020)

Commercial Sexual Abuse of a Minor (RCW 9.68A.100)

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))

Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))

Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))

Drive-by Shooting (RCW 9A.36.045)

False Reporting 1 (RCW 9A.84.040(2)(a))

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))

Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)

Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))

Unlawful Storage of Ammonia (RCW 69.55.020)

V Abandonment of Dependent Person 2 (RCW 9A.42.070)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Air bag diagnostic systems (RCW 46.37.660(2)(c))

Air bag replacement requirements (RCW 46.37.660(1)(c))

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))

Domestic Violence Court Order Violation (section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))

Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Driving While Under the Influence (RCW 46.61.502(6))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hate Crime (RCW 9A.36.080)

Hit and Run—Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))

Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(2))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))

Willful Failure to Return from Furlough (RCW 72.66.060)

III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Custodial Assault (RCW 9A.36.100)

Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

False Reporting 2 (RCW 9A.84.040(2)(b))

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)

Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)

Mortgage Fraud (RCW 19.144.080)

Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)

Organized Retail Theft 1 (RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Theft with the Intent to Resell 1 (RCW 9A.56.340(2))

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))

Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))

Computer Trespass 1 (RCW 9A.90.040)

Counterfeiting (RCW 9.16.035(3))

Electronic Data Service Interference (RCW 9A.90.060)

Electronic Data Tampering 1 (RCW 9A.90.080)

Electronic Data Theft (RCW 9A.90.100)

Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))

Escape from Community Custody (RCW 72.09.310)

Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Organized Retail Theft 2 (RCW 9A.56.350(3))

Possession of Stolen Property 1 (RCW 9A.56.150)

Possession of a Stolen Vehicle (RCW 9A.56.068)

Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))

Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)

Theft 1 (RCW 9A.56.030)

Theft of a Motor Vehicle (RCW 9A.56.065)

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))

Theft with the Intent to Resell 2 (RCW 9A.56.340(3))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))

Unlawful Practice of Law (RCW 2.48.180)

Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Voyeurism 1 (RCW 9A.44.115)

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

Sec. 100. RCW 9.94A.525 and 2017 c 272 s 3 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to

the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW

46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order (section 56 of this act or former

RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030;

(c) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and

(d) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

Sec. 101. RCW 9.94A.637 and 2019 c 331 s 2 are each amended to read as follows:

(1) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody or supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address. A certificate of discharge issued under this subsection (1) is effective on the date the offender completed all conditions of his or her sentence.

(2)(a) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence. The notice must list the specific sentence requirements that have been completed, so that it is clear to the sentencing court that the offender is entitled to discharge upon completion of the legal financial obligations of the sentence.

(b) When the department has provided the county clerk with notice under (a) of this subsection showing that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the sentence, the county clerk shall promptly notify the sentencing court. Upon receipt of the notice under this subsection (2)(b), the court shall discharge the offender and provide the offender with a certificate of discharge. A certificate of discharge issued under this subsection (2) is effective on the date the offender completed all conditions of his or her sentence.

(3) In the absence of a certificate of discharge issued under subsection (1) or (2) of this section, the offender may file a motion with the sentencing court for a certificate of discharge. The sentencing court shall issue a certificate of discharge upon verification of completion of all sentencing conditions, including any and all legal financial obligations. A certificate of discharge issued under this subsection (3) is effective on the date the offender completed all conditions of his or her sentence.

(4) In the absence of a certificate of discharge issued under subsection (1), (2), or (3) of this section, the offender may file a motion with the sentencing court for a certificate of discharge and shall provide verification of completion of all nonfinancial conditions of his or her sentence, unless the court finds good cause to waive this requirement. A certificate of discharge issued under this subsection (4) is effective on the later of: (a) Five years after completion of community custody, or if the offender was not required to serve community custody, after the completion of full and partial confinement; or (b) the date any and all legal financial obligations were satisfied.

(5) The court shall issue a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(6)(a) A no-contact order is not a requirement of the offender's sentence. An offender who has completed all requirements of the sentence, including any and all legal financial obligations, is eligible for a certificate of discharge even if the offender has an existing no-contact order that excludes or prohibits the offender from having contact with a specified person or entity or coming within a set distance of any specified location.

In the case of an eligible offender who has a no-contact order as part of the judgment and sentence, the offender may petition the sentencing court to issue a certificate of discharge and a separate no-contact order, which must include paying the appropriate filing fee for the separate no-contact order. This filing fee does not apply to an offender seeking a certificate of discharge when the offender has a no-contact order separate from the judgment and sentence.

The court shall reissue the no-contact order separately under a new civil cause number for the remaining term and under the same conditions as contained in the judgment and sentence.

(b) The clerk of the court shall send a copy of the new no-contact order to the individuals or entities protected by the no-contact order, along with an explanation of the reason for the change, if there is an address available in the court file. If no address is available, the clerk of the court shall forward a copy of the order to the prosecutor, who shall send a copy of the no-contact order with an explanation of the reason for the change to the last known address of the protected individuals or entities.

(c) The clerk of the court shall forward a copy of the order to the appropriate law enforcement agency specified in the order on or before the next judicial day. The clerk shall also include a cover sheet that indicates the case number of the judgment and sentence that has been discharged. Upon receipt of the copy of the order and cover sheet, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in this system until it expires. The new order, and case number of the discharged judgment and sentence, shall be linked in the criminal intelligence information system for purposes of enforcing the no-contact order.

(d) A separately issued no-contact order may be enforced under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act).

(e) A separate no-contact order issued under this subsection (6) is not a modification of the offender's sentence.

(7) Every signed certificate and order of discharge shall be filed with the county clerk of the sentencing county. In addition, the court shall send to the department a copy of every signed certificate and order of discharge for offender sentences under the authority of the department. The county clerk shall enter into a database maintained by the administrator for the courts the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

(8) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(9) The discharge shall have the effect of restoring all civil rights not

already restored by RCW 29A.08.520, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(10) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(11) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

Sec. 102. RCW 9.94A.660 and 2020 c 252 s 1 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense for which the offender is currently or may be required to register pursuant to RCW 9A.44.130;

(d) The offender has no prior convictions in this state, and no prior convictions for an equivalent out-of-state or federal offense, for the following offenses during the following time frames:

(i) Robbery in the second degree that did not involve the use of a firearm and was not reduced from robbery in the first degree within seven years before conviction of the current offense; or

(ii) Any other violent offense within ten years before conviction of the current offense;

(e) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(f) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential substance use disorder treatment-based alternative under RCW 9.94A.664. The residential substance use disorder treatment-based alternative is only available if the midpoint of the standard range is twenty-six months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either or both

a risk assessment report and a substance use disorder screening report as provided in RCW 9.94A.500.

(b) To assist the court in making its determination in domestic violence cases, the court shall order the department to complete a presentence investigation and a chemical dependency screening report as provided in RCW 9.94A.500, unless otherwise specifically waived by the court.

(5) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination must be performed by an agency certified by the department of health to provide substance use disorder services. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from a substance use disorder;

(b) Whether the substance use disorder is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health, and where applicable, whether effective domestic violence perpetrator treatment is available from a state-certified domestic violence treatment provider pursuant to ((~~chapter 26.50~~)) RCW 26.50.150 (as recodified by this act); and

(d) Whether the offender and the community will benefit from the use of the alternative.

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances, or in cases of domestic violence for monitoring with global positioning system technology for compliance with a no-contact order.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for time previously served in total or partial confinement and inpatient treatment under this section, and shall receive fifty percent credit for time previously served in community custody under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) The Washington state institute for public policy shall submit a report to the governor and the appropriate committees of the legislature by November 1, 2022, analyzing the effectiveness of the drug offender sentencing alternative in reducing recidivism among various offender populations. An additional report is due November 1, 2028, and every five years thereafter. The Washington state institute for public policy may coordinate with the department and the

caseload forecast council in tracking data and preparing the report.

Sec. 103. RCW 9.94A.662 and 2020 c 252 s 2 are each amended to read as follows:

(1) The court may only order a prison-based special drug offender sentencing alternative if the high end of the standard sentence range for the current offense is greater than one year.

(2) A sentence for a prison-based special drug offender sentencing alternative shall include:

(a) A period of total confinement in a state facility for one-half the midpoint of the standard sentence range or twelve months, whichever is greater;

(b) One-half the midpoint of the standard sentence range as a term of community custody, which must include appropriate substance use disorder treatment in a program that has been approved by the department of health, and for co-occurring drug and domestic violence cases, must also include an appropriate domestic violence treatment program by a state-certified domestic violence treatment provider pursuant to ((~~chapter 26.50~~)) RCW 26.50.150 (as recodified by this act);

(c) Crime-related prohibitions, including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon the failure to complete or administrative termination from the special drug offender sentencing alternative program.

(3)(a) During incarceration in the state facility, offenders sentenced under this section shall undergo a comprehensive substance use disorder assessment and receive, within available resources, treatment services appropriate for the offender. The substance use disorder treatment services shall be licensed by the department of health.

(b) When applicable for cases involving domestic violence, domestic violence treatment must be provided by a state-certified domestic violence treatment provider pursuant to ((~~chapter 26.50~~)) RCW 26.50.150 (as recodified by this act) during the term of community custody.

(4) If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court.

(5) If an offender sentenced to the prison-based alternative under this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

Sec. 104. RCW 9.94A.703 and 2018 c 201 s 9004 are each amended to read as follows:

When a court sentences a person to a term of community custody, the court shall impose conditions of community custody as provided in this section.

(1) **Mandatory conditions.** As part of any term of community custody, the court shall:

(a) Require the offender to inform the department of court-ordered treatment upon request by the department;

(b) Require the offender to comply with any conditions imposed by the department under RCW 9.94A.704;

(c) If the offender was sentenced under RCW 9.94A.507 for an offense listed in RCW 9.94A.507(1)(a), and the victim of the offense was under eighteen years of age at the time of the offense, prohibit the offender from residing in a community protection zone;

(d) If the offender was sentenced under RCW 9A.36.120, prohibit the offender from serving in any paid or volunteer capacity where he or she has control or supervision of minors under the age of thirteen.

(2) **Waivable conditions.** Unless waived by the court, as part of any term of community custody, the court shall order an offender to:

(a) Report to and be available for contact with the assigned community corrections officer as directed;

(b) Work at department-approved education, employment, or community restitution, or any combination thereof;

(c) Refrain from possessing or consuming controlled substances except pursuant to lawfully issued prescriptions;

(d) Pay supervision fees as determined by the department; and

(e) Obtain prior approval of the department for the offender's residence location and living arrangements.

(3) **Discretionary conditions.** As part of any term of community custody, the court may order an offender to:

(a) Remain within, or outside of, a specified geographical boundary;

(b) Refrain from direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) Participate in crime-related treatment or counseling services;

(d) Participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community;

(e) Refrain from possessing or consuming alcohol; or

(f) Comply with any crime-related prohibitions.

(4) **Special conditions.**

(a) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150 (as recodified by this act).

(b)(i) In sentencing an offender convicted of an alcohol or drug-related traffic offense, the court shall require the offender to complete a diagnostic evaluation by a substance use disorder treatment program approved by the department of social and health services or a qualified probation department, defined under RCW 46.61.516, that has been approved by the department of social and health services. If the offense was pursuant to chapter 46.61 RCW, the report shall be forwarded to the department of licensing. If the offender is found to have an alcohol or drug problem that requires treatment, the offender shall complete treatment in an approved substance use disorder treatment program as defined in chapter 71.24 RCW. If the offender is found not to have an alcohol or drug problem that requires treatment, the offender shall complete a course in an alcohol and drug information school licensed or certified by the department of health under chapter 70.96A RCW. The offender shall pay all costs for any evaluation, education, or treatment required by this section, unless the offender is eligible for an existing program offered or approved by the department of social and health services.

(ii) For purposes of this section, "alcohol or drug-related traffic offense" means the following: Driving while under the influence as defined by RCW 46.61.502, actual physical control while under the influence as defined by RCW 46.61.504, vehicular homicide as defined by RCW 46.61.520(1)(a), vehicular assault as defined by RCW 46.61.522(1)(b), homicide by watercraft as defined by RCW 79A.60.050, or assault by watercraft as defined by RCW 79A.60.060.

(iii) This subsection (4)(b) does not require the department of social and health services to add new treatment or assessment facilities nor affect its use of existing programs and facilities authorized by law.

Sec. 105. RCW 9.96.060 and 2020 c 29 s 18 are each amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), and (5) of this section, an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) The applicant has not completed all of the terms of the sentence for the offense;

(b) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

(c) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(d) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(e) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(f) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family or household member against another or by one intimate partner against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(g) For any offense other than those described in (f) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(h) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

(i) The applicant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of

trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or

(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction. The limitation in this subsection (3)(b) does not apply to convictions where the offender proves by a preponderance of the evidence that he or she committed the crime as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., according to the requirements provided in RCW 9.96.070 for each respective conviction.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Every person convicted of a misdemeanor marijuana offense, who was twenty-one years of age or older at the time of the offense, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. A misdemeanor marijuana offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance. If an applicant qualifies under this subsection, the court shall vacate the record of conviction.

(6)(a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order

restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150, ((~~26.50.060, 26.50.070, 26.50.130,~~)) or 26.52.070((~~, or 74.34.145~~)), or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and 74.34.145); ((~~or~~)) (ii) stalking (RCW 9A.46.110); or (iii) a domestic violence protection order or vulnerable adult protection order entered under chapter 7.--- RCW (the new chapter created in section 78 of this act). A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

(7) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

Sec. 106. RCW 9A.36.041 and 2020 c 29 s 7 are each amended to read as follows:

(1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, or custodial assault, he or she assaults another.

(2) Assault in the fourth degree is a gross misdemeanor, except as provided in subsection (3) of this section.

(3)(a) Assault in the fourth degree occurring after July 23, 2017, and before March 18, 2020, where domestic violence is pleaded and proven, is a class C felony if the person has two or more prior adult convictions within ten years for any of the following offenses occurring after July 23, 2017, where domestic violence was pleaded and proven:

(i) Repetitive domestic violence offense as defined in RCW 9.94A.030;

(ii) Crime of harassment as defined by RCW 9A.46.060;

(iii) Assault in the third degree;

(iv) Assault in the second degree;

(v) Assault in the first degree; or

(vi) A municipal, tribal, federal, or out-of-state offense comparable to any offense under (a)(i) through (v) of this subsection.

For purposes of this subsection (3)(a), "family or household members" for purposes of the definition of "domestic violence" means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, and persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship. "Family or household member" also includes an "intimate partner" as defined in RCW ((~~26.50.010~~)) 10.99.020.

(b) Assault in the fourth degree occurring on or after March 18, 2020, where domestic violence against an "intimate partner" as defined in RCW ((~~26.50.010~~)) 10.99.020 is pleaded and proven, is a class C felony if the person has two or more prior adult convictions within ten years for any of the following offenses occurring after July 23, 2017, where domestic violence against an "intimate partner" as defined in RCW ((~~26.50.010~~)) 10.99.020 or domestic violence against a "family or household member" as defined in (a) of this subsection was pleaded and proven:

(i) Repetitive domestic violence offense as defined in RCW 9.94A.030;

(ii) Crime of harassment as defined by RCW 9A.46.060;

(iii) Assault in the third degree;

(iv) Assault in the second degree;

(v) Assault in the first degree; or

(vi) A municipal, tribal, federal, or out-of-state offense comparable to any offense under (b)(i) through (v) of this subsection.

Sec. 107. RCW 9A.40.104 and 2017 c 230 s 3 are each amended to read as follows:

(1) Because of the likelihood of repeated harassment and intimidation directed at those who have been victims of trafficking as described in RCW 9A.40.100, before any defendant charged with or arrested, for a crime involving trafficking, is released from custody, or at any time the case remains unresolved, the court may prohibit that person from having any contact with the victim whether directly or through third parties.

At the initial preliminary appearance, the court shall determine whether to extend any existing prohibition on the defendant's contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location. The court may also consider the provisions of RCW 9.41.800 or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

(2) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(3)(a) Willful violation of a court order issued under this section is punishable under ((~~RCW 26.50.110~~)) section 56 of this act.

(b) The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) and the violator is subject to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(4) Upon a motion with notice to all parties and after a hearing, the court may terminate or modify the terms of an existing no-contact order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses.

(5)(a) A defendant's motion to terminate or modify a no-contact order must include a declaration setting forth facts supporting the requested order for termination or modification. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the defendant established adequate cause, the court shall set a date for hearing the defendant's motion.

(b) The court may terminate or modify the terms of a no-contact order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses, if the defendant proves by a preponderance of the evidence that there has been a material change in circumstances such that the defendant is not likely to engage in or attempt to engage in physical or nonphysical contact with the victim if the order is terminated or modified. The victim bears no burden of proving that he or she has a current reasonable fear of harm by the defendant.

(c) A defendant may file a motion to terminate or modify pursuant to this section no more than once in every twelve-month period that the order is in effect, starting from the date of the order and continuing through any renewal.

(6) Whenever a no-contact order is issued, modified, or terminated under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year

or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

Sec. 108. RCW 9A.46.040 and 2013 c 84 s 27 are each amended to read as follows:

(1) Because of the likelihood of repeated harassment directed at those who have been victims of harassment in the past, when any defendant charged with a crime involving harassment is released from custody before trial on bail or personal recognizance, the court authorizing the release may issue an order pursuant to this chapter and require that the defendant:

(a) Stay away from the home, school, business, or place of employment of the victim or victims of the alleged offense or other location, as shall be specifically named by the court in the order;

(b) Refrain from contacting, intimidating, threatening, or otherwise interfering with the victim or victims of the alleged offense and such other persons, including but not limited to members of the family or household of the victim, as shall be specifically named by the court in the order.

(2) Willful violation of a court order issued under this section or an equivalent local ordinance is a gross misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under this chapter ((~~9A.46 RCW~~)). A certified copy of the order shall be provided to the victim by the clerk of the court.

(3) If the defendant is charged with the crime of stalking or any other stalking-related offense under RCW 9A.46.060, and the court issues an order protecting the victim, the court shall issue a stalking no-contact order pursuant to ((~~chapter 7.92~~)) RCW 7.92.160 (as recodified by this act).

Sec. 109. RCW 9A.46.060 and 2019 c 271 s 8 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

(1) Harassment (RCW 9A.46.020);

(2) Hate crime (RCW 9A.36.080);

(3) Telephone harassment (RCW 9.61.230);

(4) Assault in the first degree (RCW 9A.36.011);

(5) Assault of a child in the first degree (RCW 9A.36.120);

(6) Assault in the second degree (RCW 9A.36.021);

(7) Assault of a child in the second degree (RCW 9A.36.130);

(8) Assault in the fourth degree (RCW 9A.36.041);

(9) Reckless endangerment (RCW 9A.36.050);

(10) Extortion in the first degree (RCW 9A.56.120);

(11) Extortion in the second degree (RCW 9A.56.130);

(12) Coercion (RCW 9A.36.070);

(13) Burglary in the first degree (RCW 9A.52.020);

(14) Burglary in the second degree (RCW 9A.52.030);

(15) Criminal trespass in the first degree (RCW 9A.52.070);

(16) Criminal trespass in the second degree (RCW 9A.52.080);

(17) Malicious mischief in the first degree (RCW 9A.48.070);

(18) Malicious mischief in the second degree (RCW 9A.48.080);

(19) Malicious mischief in the third degree (RCW 9A.48.090);

(20) Kidnapping in the first degree (RCW 9A.40.020);

(21) Kidnapping in the second degree (RCW 9A.40.030);

(22) Unlawful imprisonment (RCW 9A.40.040);

(23) Rape in the first degree (RCW 9A.44.040);

(24) Rape in the second degree (RCW 9A.44.050);

(25) Rape in the third degree (RCW 9A.44.060);

(26) Indecent liberties (RCW 9A.44.100);

(27) Rape of a child in the first degree (RCW 9A.44.073);

(28) Rape of a child in the second degree (RCW 9A.44.076);

(29) Rape of a child in the third degree (RCW 9A.44.079);

(30) Child molestation in the first degree (RCW 9A.44.083);

(31) Child molestation in the second degree (RCW 9A.44.086);

(32) Child molestation in the third degree (RCW 9A.44.089);

(33) Stalking (RCW 9A.46.110);

(34) Cyberstalking (RCW 9.61.260);

(35) Residential burglary (RCW 9A.52.025);

(36) Violation of a temporary, permanent, or final protective order issued pursuant to chapter ((~~7.90~~)) 9A.44, 9A.46, ((~~10.14,~~)) 10.99, or 26.09((~~, or 26.50~~)) RCW or any of the former chapters 7.90, 10.14, and 26.50 RCW, or violation of a domestic violence protection order, sexual assault protection order, or antiharassment protection order issued under chapter 7.-- RCW (the new chapter created in section 78 of this act);

(37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); and

(38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030).

Sec. 110. RCW 9A.46.085 and 2013 c 84 s 28 are each amended to read as follows:

(1) A defendant arrested for stalking as defined by RCW 9A.46.110 shall be required to appear in person before a magistrate within one judicial day after the arrest.

(2) At the time of appearance provided in subsection (1) of this section the court shall determine the necessity of imposing a stalking no-contact order under this chapter ((~~7.92 RCW~~)).

(3) Appearances required pursuant to this section are mandatory and cannot be waived.

(4) The stalking no-contact order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in this chapter ((~~7.92 RCW~~)).

Sec. 111. RCW 9A.46.110 and 2013 c 84 s 29 are each amended to read as follows:

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and

(b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person; or

(ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any

other form of contact or communication, the sending of an electronic communication to the person.

(5)(a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor.

(b) A person who stalks another is guilty of a class B felony if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.825, while stalking the person; (v)(A) the stalker's victim is or was a law enforcement officer; judge; juror; attorney; victim advocate; legislator; community corrections' officer; an employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and (B) the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (vi) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services.

(b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes, in addition to any other form of communication, contact, or conduct, the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

(c) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

((~~(c)~~)) (d) "Harasses" means ((~~unlawful harassment as defined in RCW 10.14.020~~)) a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose. The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the petitioner, or when the course of conduct would cause a reasonable parent to fear for the well-being of his or her child.

((~~(d)~~)) (e) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

((~~(e)~~)) (f) "Repeatedly" means on two or more separate occasions.

Sec. 112. RCW 9A.88.170 and 2017 c 230 s 7 are each amended to read as follows:

(1) Because of the likelihood of repeated harassment and intimidation directed at those who have been victims of promoting prostitution in the first degree under RCW 9A.88.070 or promoting prostitution in the second degree under RCW 9A.88.080, before any defendant charged with or arrested, for a crime

involving promoting prostitution is released from custody, or at any time the case remains unresolved, the court may prohibit that person from having any contact with the victim whether directly or through third parties. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location. The court may also consider the provisions of RCW 9.41.800 or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

(2) At the time of arraignment, the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(3)(a) Willful violation of a court order issued under this section is punishable under ((~~RCW 26.50.110~~)) section 56 of this act.

(b) The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) and the violator is subject to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(4) Upon a motion with notice to all parties and after a hearing, the court may terminate or modify the terms of an existing no-contact order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses.

(5)(a) A defendant's motion to terminate or modify a no-contact order must include a declaration setting forth facts supporting the requested order for termination or modification. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the defendant established adequate cause, the court shall set a date for hearing the defendant's motion.

(b) The court may terminate or modify the terms of a no-contact order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses, if the defendant proves by a preponderance of the evidence that there has been a material change in circumstances such that the defendant is not likely to engage in or attempt to engage in physical or nonphysical contact with the victim if the order is terminated or modified. The victim bears no burden of proving that he or she has a current reasonable fear of harm by the defendant.

(c) A defendant may file a motion to terminate or modify pursuant to this section no more than once in every twelve-month period that the order is in effect, starting from the date of the order and continuing through any renewal.

(6) Whenever a no-contact order is issued, modified, or terminated under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

Sec. 113. RCW 9A.88.180 and 2017 c 230 s 8 are each amended to read as follows:

(1) If a defendant is found guilty of the crime of promoting prostitution in the first degree under RCW 9A.88.070 or promoting prostitution in the second degree under RCW 9A.88.080, and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition

must be recorded and a written certified copy of that order must be provided to the victim or witnesses by the clerk of the court. Willful violation of a court order issued under this section is punishable under ((~~RCW 26.50.110~~)) section 56 of this act. The written order must contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) and the violator is subject to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(2) Whenever a no-contact order is issued under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

Sec. 114. RCW 10.01.240 and 2019 c 263 s 202 are each amended to read as follows:

Whenever a prosecutor, or the attorney general or assistants acting pursuant to RCW 10.01.190, institutes or conducts a criminal proceeding involving domestic violence as defined in RCW 10.99.020, the prosecutor, or attorney general or assistants, shall specify whether the victim and defendant are intimate partners or family or household members within the meaning of ((~~RCW 26.50.010~~)) section 2 of this act.

Sec. 115. RCW 10.05.020 and 2019 c 263 s 703 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by substance use disorders or mental problems or domestic violence behavior problems for which the person is in need of treatment and unless treated the probability of future recurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved substance use disorder treatment program as designated in chapter 71.24 RCW if the petition alleges a substance use disorder, by an approved mental health center if the petition alleges a mental problem, or by a state-certified domestic violence treatment provider pursuant to ((~~chapter 26.50~~)) RCW 26.50.150 (as recodified by this act) if the petition alleges a domestic violence behavior problem.

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of social and health services to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of social and health services.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgment of his or her rights; (b) an acknowledgment and

waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgment that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who: (i) Sincerely believes that he or she is innocent of the charges; (ii) sincerely believes that he or she does not, in fact, suffer from alcoholism, drug addiction, mental problems, or domestic violence behavior problems; or (iii) in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

(4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

Sec. 116. RCW 10.05.030 and 2019 c 263 s 704 are each amended to read as follows:

The arraigning judge upon consideration of the petition and with the concurrence of the prosecuting attorney may continue the arraignment and refer such person for a diagnostic investigation and evaluation to:

(1) An approved substance use disorder treatment program as designated in chapter 71.24 RCW if the petition alleges a substance use disorder;

(2) An approved mental health center if the petition alleges a mental problem;

(3) The department of social and health services if the petition is brought under RCW 10.05.020(2); or

(4) An approved state-certified domestic violence treatment provider pursuant to ((~~chapter 26.50~~)) RCW 26.50.150 (as recodified by this act) if the petition alleges a domestic violence behavior problem.

Sec. 117. RCW 10.22.010 and 2020 c 29 s 9 are each amended to read as follows:

When a defendant is prosecuted in a criminal action for a misdemeanor, other than a violation of RCW 9A.48.105, for which the person injured by the act constituting the offense has a remedy by a civil action, the offense may be compromised as provided in RCW 10.22.020, except when it was committed:

(1) By or upon an officer while in the execution of the duties of his or her office;

(2) Riotously;

(3) With an intent to commit a felony; or

(4) By one family or household member against another or by one intimate partner against another as defined in RCW ((~~26.50.010~~)) 10.99.020 and was a crime of domestic violence as defined in RCW 10.99.020.

Sec. 118. RCW 10.31.100 and 2020 c 29 s 10 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) ((~~An~~)) A domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order has been issued, of which the person has knowledge, under chapter 7.--- RCW (the new chapter created in section 78 of this act), or an order has been issued, of which the person has knowledge, under RCW 26.44.063, or chapter ((~~7.92, 7.90,~~)) 9A.40, 9A.46, 9A.88, 10.99, 26.09, 26.10, 26.26A, 26.26B, ((~~26.50,~~)) or 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of, or entering, a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person;

(b) An extreme risk protection order has been issued against the person under chapter 7.--- RCW (the new chapter created in section 78 of this act) or former RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in his or her custody or control, purchasing, possessing, accessing, or receiving a firearm or concealed pistol license;

(c) A foreign protection order, as defined in RCW 26.52.010, or a Canadian domestic violence protection order, as defined in RCW 26.55.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order or the Canadian domestic violence protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order or the Canadian domestic violence protection order specifically indicates that a violation will be a crime; or

(d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member or intimate partner as defined in RCW ((~~26.50.010~~)) 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members or intimate partners have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to, or death of, a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed, in connection with the accident, a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer, in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an antiharassment protection order has been issued of which the person has knowledge under chapter 7.--- RCW (the new chapter created in section 78 of this act) or former chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(5) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

Sec. 119. RCW 10.66.010 and 2020 c 29 s 11 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Applicant" means any person who owns, occupies, or has a substantial interest in property, or who is a neighbor to property which is adversely affected by drug trafficking, including:

(a) A "family or household member" or "intimate partner" as defined ((~~by RCW 26.50.010~~)) in section 2 of this act, who has a possessory interest in a residence as an owner or tenant, at least as great as a known drug trafficker's interest;

(b) An owner or lessor;

(c) An owner, tenant, or resident who lives or works in a designated PADT area; or

(d) A city or prosecuting attorney for any jurisdiction in this state where drug trafficking is occurring.

(2) "Drug" or "drugs" means a controlled substance as defined in chapter 69.50 RCW or an "imitation controlled substance" as defined in RCW 69.52.020.

(3) "Known drug trafficker" means any person who has been convicted of a drug offense in this state, another state, or federal court who subsequently has been arrested for a drug offense in this state. For purposes of this definition, "drug offense" means a felony violation of chapter 69.50 or 69.52 RCW or equivalent law in another jurisdiction that involves the manufacture, distribution, or possession with intent to manufacture or distribute of a controlled substance or imitation controlled substance.

(4) "Off-limits orders" means an order issued by a superior or district court in the state of Washington that enjoins known drug traffickers from entering or remaining in a designated PADT area.

(5) "Protected against drug trafficking area" or "PADT area" means any specifically described area, public or private, contained in an off-limits order. The perimeters of a PADT area shall be defined using street names and numbers and shall include all real property contained therein, where drug sales, possession of drugs, pedestrian or vehicular traffic attendant to drug activity, or other activity associated with drug offenses confirms a pattern associated with drug trafficking. The area may include the full width of streets, alleys and sidewalks on the perimeter, common areas, planting strips, or parks and parking areas within the area described using the streets as boundaries.

Sec. 120. RCW 10.95.020 and 2020 c 29 s 12 are each amended to read as follows:

A person is guilty of aggravated first degree murder, a class A felony, if he or she commits first degree murder as defined by RCW 9A.32.030(1)(a), as now or hereafter amended, and one or more of the following aggravating circumstances exist:

(1) The victim was a law enforcement officer, corrections officer, or firefighter who was performing his or her official duties at the time of the act resulting in death and the victim was known or reasonably should have been known by the person to be such at the time of the killing;

(2) At the time of the act resulting in the death, the person was serving a term of imprisonment, had escaped, or was on authorized or unauthorized leave in or from a state facility or program for the

incarceration or treatment of persons adjudicated guilty of crimes;

(3) At the time of the act resulting in death, the person was in custody in a county or county-city jail as a consequence of having been adjudicated guilty of a felony;

(4) The person committed the murder pursuant to an agreement that he or she would receive money or any other thing of value for committing the murder;

(5) The person solicited another person to commit the murder and had paid or had agreed to pay money or any other thing of value for committing the murder;

(6) The person committed the murder to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group;

(7) The murder was committed during the course of or as a result of a shooting where the discharge of the firearm, as defined in RCW 9.41.010, is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge;

(8) The victim was:

(a) A judge; juror or former juror; prospective, current, or former witness in an adjudicative proceeding; prosecuting attorney; deputy prosecuting attorney; defense attorney; a member of the indeterminate sentence review board; or a probation or parole officer; and

(b) The murder was related to the exercise of official duties performed or to be performed by the victim;

(9) The person committed the murder to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime, including, but specifically not limited to, any attempt to avoid prosecution as a persistent offender as defined in RCW 9.94A.030;

(10) There was more than one victim and the murders were part of a common scheme or plan or the result of a single act of the person;

(11) The murder was committed in the course of, in furtherance of, or in immediate flight from one of the following crimes:

(a) Robbery in the first or second degree;

(b) Rape in the first or second degree;

(c) Burglary in the first or second degree or residential burglary;

(d) Kidnapping in the first degree; or

(e) Arson in the first degree;

(12) The victim was regularly employed or self-employed as a newsreporter and the murder was committed to obstruct or hinder the investigative, research, or reporting activities of the victim;

(13) At the time the person committed the murder, there existed a court order, issued in this or any other state, which prohibited the person from either contacting the victim, molesting the victim, or disturbing the peace of the victim, and the person had knowledge of the existence of that order;

(14) At the time the person committed the murder, the person and the victim were "family or household members" or "intimate partners" as defined in RCW ((~~26.50.010~~)) 10.99.020, and the person had previously engaged in a pattern or practice of three or more of the following crimes committed upon the victim within a five-year period, regardless of whether a conviction resulted:

(a) Harassment as defined in RCW 9A.46.020; or

(b) Any criminal assault.

Sec. 121. RCW 10.99.020 and 2020 c 296 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

(2) "Association" means the Washington association of sheriffs and police chiefs.

(3) "Dating relationship" has the same meaning as in ((~~RCW 26.50.010~~)) section 2 of this act.

(4) "Domestic violence" includes but is not limited to any of the following crimes when committed either by (a) one family or household member against another family or household member, or (b) one intimate partner against another intimate partner:

(i) Assault in the first degree (RCW 9A.36.011);

(ii) Assault in the second degree (RCW 9A.36.021);

(iii) Assault in the third degree (RCW 9A.36.031);

(iv) Assault in the fourth degree (RCW 9A.36.041);

(v) Drive-by shooting (RCW 9A.36.045);

(vi) Reckless endangerment (RCW 9A.36.050);

(vii) Coercion (RCW 9A.36.070);

(viii) Burglary in the first degree (RCW 9A.52.020);

(ix) Burglary in the second degree (RCW 9A.52.030);

(x) Criminal trespass in the first degree (RCW 9A.52.070);

(xi) Criminal trespass in the second degree (RCW 9A.52.080);

(xii) Malicious mischief in the first degree (RCW 9A.48.070);

(xiii) Malicious mischief in the second degree (RCW 9A.48.080);

(xiv) Malicious mischief in the third degree (RCW 9A.48.090);

(xv) Kidnapping in the first degree (RCW 9A.40.020);

(xvi) Kidnapping in the second degree (RCW 9A.40.030);

(xvii) Unlawful imprisonment (RCW 9A.40.040);

(xviii) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle (chapter 7.--- RCW (the new chapter created in section 78 of this act), or RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150, ((~~26.50.060, 26.50.070, 26.50.130,~~)) or 26.52.070((~~, or 74.34.145~~)), or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and 74.34.145);

(xix) Rape in the first degree (RCW 9A.44.040);

(xx) Rape in the second degree (RCW 9A.44.050);

(xxi) Residential burglary (RCW 9A.52.025);

(xxii) Stalking (RCW 9A.46.110); and

(xxiii) Interference with the reporting of domestic violence (RCW 9A.36.150).

(5) "Electronic monitoring" means the same as in RCW 9.94A.030.

(6) "Employee" means any person currently employed with an agency.

(7) "Family or household members" means ((~~the same as in RCW 26.50.010~~)): (a) Adult persons related by blood or marriage; (b) adult persons who are presently residing together or who have resided together in the past; and (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(8) "Intimate partners" means ((~~the same as in RCW 26.50.010~~)): (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; (d) adult persons presently or previously residing together who have or have had a dating relationship; (e) persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship; or (f) persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship.

(9) "Sworn employee" means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under chapter 36.28 RCW.

(10) "Victim" means a family or household member or an intimate partner who has been subjected to domestic violence.

Sec. 122. RCW 10.99.040 and 2019 c 367 s 4 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the defendant to surrender, and prohibit the person from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3)(a) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest. The court may as a condition of release prohibit the defendant from possessing or accessing firearms and order the defendant to immediately surrender all firearms and any concealed pistol license to a law enforcement agency upon release.

(c) If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW 9.94A.030. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2), (3), or (7) of this section is punishable under ((~~RCW 26.50.110~~)) section 56 of this act.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any

person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

Sec. 123. RCW 10.99.050 and 2019 c 263 s 303 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2)(a) Willful violation of a court order issued under this section is punishable under ((~~RCW 26.50.110~~)) section 56 of this act.

(b) The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(c) An order issued pursuant to this section in conjunction with a misdemeanor or gross misdemeanor sentence or juvenile disposition remains in effect for a fixed period of time determined by the court, which may not exceed five years from the date of sentencing or disposition.

(d) An order issued pursuant to this section in conjunction with a felony sentence or juvenile disposition remains in effect for a fixed period of time determined by the court, which may not exceed the adult maximum sentence established in RCW 9A.20.021.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(4) If an order prohibiting contact issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 124. RCW 10.99.090 and 2005 c 274 s 209 are each amended to read as follows:

(1) By December 1, 2004, the association shall develop a written model policy on domestic violence committed or allegedly committed by sworn employees of agencies. In developing the policy, the association shall convene a work group consisting of representatives from the following entities and professions:

(a) Statewide organizations representing state and local enforcement officers;

(b) A statewide organization providing training and education for agencies having the primary responsibility of serving victims of domestic violence with emergency shelter and other services; and

(c) Any other organization or profession the association determines to be appropriate.

(2) Members of the work group shall serve without compensation.

(3) The model policy shall provide due process for employees and, at a minimum, meet the following standards:

(a) Provide prehire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position:

(i) Has committed or, based on credible sources, has been accused of committing an act of domestic violence;

(ii) Is currently being investigated for an allegation of child abuse or neglect or has previously been investigated for founded allegations of child abuse or neglect; or

(iii) Is currently or has previously been subject to any order under RCW 26.44.063, this chapter, former chapter 10.14 RCW or former chapter 26.50 RCW, or to a domestic violence protection order or antiharassment protection order under chapter 7.--- RCW (the new chapter created in section 78 of this act), or any equivalent order issued by another state or tribal court;

(b) Provide for the mandatory, immediate response to acts or allegations of domestic violence committed or allegedly committed by a sworn employee of an agency;

(c) Provide to a sworn employee, upon the request of the sworn employee or when the sworn employee has been alleged to have committed an act of domestic violence, information on programs under RCW 26.50.150 (as recodified by this act);

(d) Provide for the mandatory, immediate reporting by employees when an employee becomes aware of an allegation of domestic violence committed or allegedly committed by a sworn employee of the agency employing the sworn employee;

(e) Provide procedures to address reporting by an employee who is the victim of domestic violence committed or allegedly committed by a sworn employee of an agency;

(f) Provide for the mandatory, immediate self-reporting by a sworn employee to his or her employing agency when an agency in any jurisdiction has responded to a domestic violence call in which the sworn employee committed or allegedly committed an act of domestic violence;

(g) Provide for the mandatory, immediate self-reporting by a sworn employee to his or her employing agency if the employee is currently being investigated for an allegation of child abuse or neglect or has previously been investigated for founded allegations of child abuse or neglect, or is currently or has previously been subject to any order under RCW 26.44.063, this chapter, former chapter 10.14 RCW or former chapter 26.50 RCW, or to a domestic violence protection order or antiharassment protection order under chapter 7.--- RCW (the new chapter created in section 78 of this act), or any equivalent order issued by another state or tribal court;

(h) Provide for the performance of prompt separate and impartial administrative and criminal investigations of acts or allegations of domestic violence committed or allegedly committed by a sworn employee of an agency;

(i) Provide for appropriate action to be taken during an administrative or criminal investigation of acts or allegations of domestic violence committed or allegedly committed by a sworn employee of an agency. The policy shall provide procedures to address, in a manner consistent with applicable law and the agency's ability to maintain public safety within its jurisdiction,

whether to relieve the sworn employee of agency-issued weapons and other agency-issued property and whether to suspend the sworn employee's power of arrest or other police powers pending resolution of any investigation;

(j) Provide for prompt and appropriate discipline or sanctions when, after an agency investigation, it is determined that a sworn employee has committed an act of domestic violence;

(k) Provide that, when there has been an allegation of domestic violence committed or allegedly committed by a sworn employee, the agency immediately make available to the alleged victim the following information:

(i) The agency's written policy on domestic violence committed or allegedly committed by sworn employees;

(ii) Information, including but not limited to contact information, about public and private nonprofit domestic violence advocates and services; and

(iii) Information regarding relevant confidentiality policies related to the victim's information;

(l) Provide procedures for the timely response, consistent with chapters 42.56 and 10.97 RCW, to an alleged victim's inquiries into the status of the administrative investigation and the procedures the agency will follow in an investigation of domestic violence committed or allegedly committed by a sworn employee;

(m) Provide procedures requiring an agency to immediately notify the employing agency of a sworn employee when the notifying agency becomes aware of acts or allegations of domestic violence committed or allegedly committed by the sworn employee within the jurisdiction of the notifying agency; and

(n) Provide procedures for agencies to access and share domestic violence training within their jurisdiction and with other jurisdictions.

(4) By June 1, 2005, every agency shall adopt and implement a written policy on domestic violence committed or allegedly committed by sworn employees of the agency that meet the minimum standards specified in this section. In lieu of developing its own policy, the agency may adopt the model policy developed by the association under this section. In developing its own policy, or before adopting the model policy, the agency shall consult public and private nonprofit domestic violence advocates and any other organizations and professions the agency finds appropriate.

(5)(a) Except as provided in this section, not later than June 30, 2006, every sworn employee of an agency shall be trained by the agency on the agency's policy required under this section.

(b) Sworn employees hired by an agency on or after March 1, 2006, shall, within six months of beginning employment, be trained by the agency on the agency's policy required under this section.

(6)(a) By June 1, 2005, every agency shall provide a copy of its policy developed under this section to the association and shall provide a statement notifying the association of whether the agency has complied with the training required under this section. The copy and statement shall be provided in electronic format unless the agency is unable to do so. The agency shall provide the association with any revisions to the policy upon adoption.

(b) The association shall maintain a copy of each agency's policy and shall provide to the governor and legislature not later than January 1, 2006, a list of those agencies that have not developed and submitted policies and those agencies that have not stated their compliance with the training required under this section.

(c) The association shall, upon request and within its resources, provide technical assistance to agencies in developing their policies.

Sec. 125. RCW 11.130.257 and 2020 c 312 s 112 are each amended to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining another party from:

(a) Molesting or disturbing the peace of the other party or of any child;

(b) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order ((~~under chapter 26.50 RCW~~)) or an antiharassment protection order under chapter ((~~10.14~~)) 7.--- RCW (the new chapter created in section 78 of this act) on a temporary basis by filing an appropriate separate civil cause of action. The petitioner shall inform the court of the existence of the action under this title. The court shall set all future protection hearings on the guardianship calendar to be heard concurrent with the action under this title and the clerk shall relate the cases in the case management system. The court may grant any of the relief provided in ((~~RCW 26.50.060~~)) section 39 of this act except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter((~~, and any of the relief provided in RCW 10.14.080~~)). Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800. Such orders may only be made in the civil protection case related to the action under this title.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(7) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

(8) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 126. RCW 11.130.335 and 2020 c 312 s 206 are each amended to read as follows:

(1) A guardian for an adult does not have the power to revoke or amend a power of attorney for health care or power of attorney for finances executed by the adult. If a power of attorney for health care is in effect, unless there is a court order to the contrary, a health care decision of an agent takes

precedence over that of the guardian and the guardian shall cooperate with the agent to the extent feasible. If a power of attorney for finances is in effect, unless there is a court order to the contrary, a decision by the agent which the agent is authorized to make under the power of attorney for finances takes precedence over that of the guardian and the guardian shall cooperate with the agent to the extent feasible. The court has authority to revoke or amend any power of attorney executed by the adult.

(2) A guardian for an adult shall not initiate the commitment of the adult to an evaluation and treatment facility except in accordance with the provisions of chapter 10.77, 71.05, or 72.23 RCW.

(3) Unless authorized by the court in accordance with subsection (4) of this section within the past thirty days, a guardian for an adult may not consent to any of the following procedures for the adult:

(a) Therapy or other procedure to induce convulsion;

(b) Surgery solely for the purpose of psychosurgery; or

(c) Other psychiatric or mental health procedures that restrict physical freedom of movement or the rights set forth in RCW 71.05.217.

(4) The court may order a procedure listed in subsection (3) of this section only after giving notice to the adult's attorney and holding a hearing. If the adult does not have an attorney, the court must appoint an attorney for the adult prior to entering an order under this subsection.

(5) Persons under a guardianship, conservatorship, or other protective arrangements—Right to associate with persons of their choosing.

(a) Except as otherwise provided in this section, an adult subject to a guardianship, conservatorship, or other protective arrangement retains the right to associate with other persons of the adult's choosing. This right includes, but is not limited to, the right to freely communicate and interact with other persons, whether through in-person visits, telephone calls, electronic communication, personal mail, or other means. If the adult subject to a guardianship, conservatorship, or other protective arrangement is unable to express consent for communication, visitation, or interaction with another person, or is otherwise unable to make a decision regarding association with another person, the guardian, conservator, or person acting under a protective arrangement, whether full or limited, must:

(i) Personally inform the adult subject to a guardianship, conservatorship, or other protective arrangement of the decision under consideration, using plain language, in a manner calculated to maximize the understanding of the adult;

(ii) Maximize the adult's participation in the decision-making process to the greatest extent possible, consistent with the adult's abilities; and

(iii) Give substantial weight to the adult's preferences, both expressed and historical.

(b) A guardian or limited guardian, a conservator or limited conservator, or a person acting under a protective arrangement may not restrict an adult's right to communicate, visit, interact, or otherwise associate with persons of the adult's choosing, unless:

(i) The restriction is specifically authorized by the court in the court order establishing or modifying the guardianship or limited guardianship, the conservatorship or limited conservatorship, or the protective arrangement under this chapter;

(ii) The restriction is pursuant to a protection order issued under chapter ((~~74.34 or 26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act), or other law, that limits contact between the adult under a guardianship, conservatorship, or other protective arrangement and other persons;

(iii)(A) The guardian or limited guardian, the conservator or limited conservator, or the person acting under the protective arrangement has good cause to believe that there is an immediate need to restrict the adult's right to communicate, visit, interact, or otherwise associate with persons of the adult's choosing in order to protect the adult from abuse, neglect, abandonment, or financial exploitation, as those terms are defined in RCW 74.34.020, or to protect the adult from activities that

unnecessarily impose significant distress on the adult; and

(B) Within fourteen calendar days of imposing the restriction under (b)(iii)(A) of this subsection, the guardian or limited guardian, the conservator or limited conservator, or ((~~[the]~~)) the person acting under the protective arrangement files a petition for a vulnerable adult protection order under chapter ((~~74.34~~)) 7.--- RCW (the new chapter created in section 78 of this act). The immediate need restriction may remain in place until the court has heard and issued an order or decision on the petition; or

(iv) The restriction is pursuant to participation in the community protection program under chapter 71A.12 RCW.

(6) A vulnerable adult protection order under chapter ((~~74.34~~)) 7.--- RCW (the new chapter created in section 78 of this act) issued to protect the adult under a guardianship, conservatorship, or other protective arrangement as described in subsection (5)(b)(iii)(B) of this section:

(a) Must include written findings of fact and conclusions of law;

(b) May not be more restrictive than necessary to protect the adult from abuse, neglect, abandonment, or financial exploitation as those terms are defined in ((~~RCW 74.34.020~~)) section 2 of this act; and

(c) May not deny communication, visitation, interaction, or other association between the adult and another person unless the court finds that placing reasonable time, place, or manner restrictions is unlikely to sufficiently protect the adult from abuse, neglect, abandonment, or financial exploitation as those terms are defined in ((~~RCW 74.34.020~~)) section 2 of this act.

Sec. 127. RCW 12.04.140 and 1992 c 111 s 10 are each amended to read as follows:

Except as provided under ((~~RCW 26.50.020~~)) section 14 of this act, no action shall be commenced by any person under the age of eighteen years, except by his guardian, or until a next friend for such a person shall have been appointed. Whenever requested, the justice shall appoint some suitable person, who shall consent thereto in writing, to be named by such plaintiff, to act as his or her next friend in such action, who shall be responsible for the costs therein.

Sec. 128. RCW 12.04.150 and 1992 c 111 s 11 are each amended to read as follows:

After service and return of process against a defendant under the age of eighteen years, the action shall not be further prosecuted, until a guardian for such defendant shall have been appointed, except as provided under ((~~RCW 26.50.020~~)) section 14 of this act. Upon the request of such defendant, the justice shall appoint some person who shall consent thereto in writing, to be guardian of the defendant in defense of the action; and if the defendant shall not appear on the return day of the process, or if he or she neglect or refuse to nominate such guardian, the justice may, at the request of the plaintiff, appoint any discreet person as such guardian. The consent of the guardian or next friend shall be filed with the justice; and such guardian for the defendant shall not be liable for any costs in the action.

Sec. 129. RCW 19.220.010 and 2006 c 138 s 24 are each amended to read as follows:

(1) Each international matchmaking organization doing business in Washington state shall disseminate to a recruit, upon request, state background check information and personal history information relating to any Washington state resident about whom any information is provided to the recruit, in the recruit's native language. The organization shall notify all recruits that background check and personal history information is available upon request. The notice that background check and personal history information is available upon request shall be in the recruit's native language and shall be displayed in a manner that separates it from other information, is highly noticeable, and in lettering not less than one-quarter of an inch high.

(2) If an international matchmaking organization receives a request for information from a recruit pursuant to subsection (1) of this section, the organization shall notify the Washington state resident of the request. Upon receiving notification, the Washington state resident shall obtain from the

state patrol and provide to the organization the complete transcript of any background check information provided pursuant to RCW 43.43.760 based on a submission of fingerprint impressions and provided pursuant to RCW 43.43.838 and shall provide to the organization his or her personal history information. The organization shall require the resident to affirm that personal history information is complete and accurate. The organization shall refrain from knowingly providing any further services to the recruit or the Washington state resident in regards to facilitating future interaction between the recruit and the Washington state resident until the organization has obtained the requested information and provided it to the recruit.

(3) This section does not apply to a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits of such organization and the laws of the United States nor to any organization that does not charge a fee to any party for the service provided.

(4) As used in this section:

(a) "International matchmaking organization" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and for profit offers to Washington state residents, including aliens lawfully admitted for permanent residence and residing in Washington state, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, by: (i) An exchange of names, telephone numbers, addresses, or statistics; (ii) selection of photographs; or (iii) a social environment provided by the organization in a country other than the United States.

(b) "Personal history information" means a declaration of the person's current marital status, the number of previous marriages, annulments, and dissolutions for the person, and whether any previous marriages occurred as a result of receiving services from an international matchmaking organization; founded allegations of child abuse or neglect; and any existing orders under chapter ((~~7.90, 10.14,~~)) 7.--- (the new chapter created in section 78 of this act) or 10.99 RCW, or any of the former chapters 7.90, 10.14, and 26.50 RCW. Personal history information shall include information from the state of Washington and any information from other states or countries.

(c) "Recruit" means a noncitizen, nonresident person, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services.

Sec. 130. RCW 26.09.003 and 2007 c 496 s 102 are each amended to read as follows:

The legislature reaffirms the intent of the current law as expressed in RCW 26.09.002. However, after review, the legislature finds that there are certain components of the existing law which do not support the original legislative intent. In order to better implement the existing legislative intent the legislature finds that incentives for parties to reduce family conflict and additional alternative dispute resolution options can assist in reducing the number of contested trials. Furthermore, the legislature finds that the identification of domestic violence as defined in ((~~RCW 26.50.010~~)) section 2 of this act and the treatment needs of the parties to dissolutions are necessary to improve outcomes for children. When judicial officers have the discretion to tailor individualized resolutions, the legislative intent expressed in RCW 26.09.002 can more readily be achieved. Judicial officers should have the discretion and flexibility to assess each case based on the merits of the individual cases before them.

Sec. 131. RCW 26.09.015 and 2020 c 29 s 13 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before, or concurrent with, the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage or the domestic partnership is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2)(a) Each superior court may make available a mediator. The court shall use the most cost-effective mediation services that are readily available unless there is good cause to access alternative providers. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(b) In any proceeding involving issues relating to residential time or other matters governed by a parenting plan, the matter may be set for mediation of the contested issues before, or concurrent with, the setting of the matter for hearing. Counties may, and to the extent state funding is provided therefor counties shall, provide both predecree and postdecree mediation at reduced or waived fee to the parties within one year of the filing of the dissolution petition.

(3)(a) Mediation proceedings under this chapter shall be governed in all respects by chapter 7.07 RCW, except as follows:

(i) Mediation communications in postdecree mediations mandated by a parenting plan are admissible in subsequent proceedings for the limited purpose of proving:

(A) Abuse, neglect, abandonment, exploitation, or unlawful harassment, as defined in RCW 9A.46.020(1), of a child;

(B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1), of a family or household member or intimate partner, each as defined in RCW ((~~26.50.010~~)) 10.99.020; or

(C) That a parent used or frustrated the dispute resolution process without good reason for purposes of RCW 26.09.184(4)(d).

(ii) If a postdecree mediation-arbitration proceeding is required pursuant to a parenting plan and the same person acts as both mediator and arbitrator, mediation communications in the mediation phase of such a proceeding may be admitted during the arbitration phase, and shall be admissible in the judicial review of such a proceeding under RCW 26.09.184(4)(e) to the extent necessary for such review to be effective.

(b) None of the exceptions under (a)(i) and (ii) of this subsection shall subject a mediator to compulsory process to testify except by court order for good cause shown, taking into consideration the need for the mediator's testimony and the interest in the mediator maintaining an appearance of impartiality. If a mediation communication is not privileged under (a)(i) of this subsection or that portion of (a)(ii) of this subsection pertaining to judicial review, only the portion of the communication necessary for the application of the exception may be admitted, and such admission of evidence shall not render any other mediation communication discoverable or admissible except as may be provided in chapter 7.07 RCW.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

Sec. 132. RCW 26.09.050 and 2008 c 6 s 1008 are each amended to read as follows:

(1) In entering a decree of dissolution of marriage or domestic partnership, legal separation, or declaration of invalidity, the court shall determine the marital or domestic partnership status of the parties, make provision for a parenting plan for any minor child of the marriage or domestic partnership, make provision for the support of any child of the marriage or domestic partnership entitled to support, consider or approve provision for the maintenance of either spouse or either domestic partner, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders including the provisions contained in RCW 9.41.800, make provision for the issuance within this action of the restraint provisions of a domestic violence protection order ((~~under chapter 26.50 RCW~~)) or an antiharassment protection order under

chapter ((~~10.14~~)) 7.--- RCW (the new chapter created in section 78 of this act), and make provision for the change of name of any party.

(2) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

(3) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(4) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 133. RCW 26.09.060 and 2019 c 245 s 17 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage or domestic partnership, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage or the domestic partnership by a court which lacked personal jurisdiction over the absent spouse or absent domestic partner; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him or her to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child;

(c) Going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child upon a showing of the necessity therefor;

(d) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location, a protected party's person, or a protected party's vehicle; and

(e) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order ((~~under chapter 26.50 RCW~~)) or an antiharassment protection order under chapter ((~~10.14~~)) 7.--- RCW (the new chapter created in section 78 of this act) on a temporary basis. The court may grant any of the relief provided in ((~~RCW 26.50.060~~)) section 39 of this act except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter((~~, and any of the relief provided in RCW 10.14.080~~)). Ex parte orders issued under this subsection shall be effective for a fixed period not to

exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances. The court may in its discretion waive the filing of the bond or the posting of security.

(7) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(10) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection (11) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

(11) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

(a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or

(b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

Sec. 134. RCW 26.09.191 and 2020 c 311 s 8 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution

process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in ((~~RCW 26.50.010(3)~~)) section 2 of this act or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in ((~~RCW 26.50.010(3)~~)) section 2 of this act or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in ((~~RCW 26.50.010(3)~~)) section 2 of this act or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in

or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the

supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting

residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence pursuant to RCW 26.26A.465 to have committed sexual assault, as defined in RCW 26.26A.465, against the child's parent, and that the child was born within three hundred twenty days of the sexual assault.

(iv) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iv) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iv) of this subsection. The weight given to the existence of a protection order issued under chapter 7.--- RCW (the new chapter created in section 78 of this act) or former chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development. Abusive use of conflict includes, but is not limited to, abusive litigation as defined in RCW 26.51.020. If the court finds a parent has engaged in abusive litigation, the court may impose any restrictions or remedies set forth in chapter 26.51 RCW in addition to including a finding in the parenting plan. Litigation that is aggressive or improper but that does not meet the definition of abusive litigation shall not constitute a basis for a finding under this section. A report made in good faith to law enforcement, a medical professional, or child protective services of sexual, physical, or mental abuse of a child shall not constitute a basis for a finding of abusive use of conflict;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

(7) For the purposes of this section:

(a) "A parent's child" means that parent's natural child, adopted child, or stepchild; and

(b) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

Sec. 135. RCW 26.09.300 and 2000 c 119 s 21 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, is punishable under ((~~RCW 26.50.110~~)) section 56 of this act.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 136. RCW 26.12.260 and 2008 c 6 s 1047 are each amended to read as follows:

(1) After July 1, 2009, but no later than November 1, 2009, a county may, and to the extent state funding is provided to meet the minimum requirements of the program a county shall, create a program to provide services to all parties involved in proceedings under chapter 26.09 RCW. Minimum components of this program shall include: (a) An individual to serve as an initial point of contact for parties filing petitions for dissolutions or legal separations under chapter 26.09 RCW; (b) informing parties about courthouse facilitation programs and orientations; (c) informing parties of alternatives to filing a dissolution petition, such as marriage or domestic partnership counseling; (d) informing parties of alternatives to litigation including counseling, legal separation, and mediation services if appropriate; (e) informing parties of supportive family services available in the community; (f) screening for referral for services in the areas of domestic violence as defined in ((~~RCW 26.50.010~~)) section 2 of this act, child abuse, substance abuse, and mental health; and (g) assistance to the court in superior court cases filed under chapter 26.09 RCW.

(2) This program shall not provide legal advice. No attorney-client relationship or privilege is created, by implication or by inference, between persons providing basic information under this section and the participants in the program.

(3) The legislative authority of any county may impose user fees or may impose a surcharge of up to twenty dollars on only those superior court cases filed under this title, or both, to pay for the expenses of this program. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate account to be used as provided in this section. The program shall provide services to indigent persons at no expense.

(4) Persons who implement the program shall be appointed in the same manner as investigators, stenographers, and clerks as described in RCW 26.12.050.

(5) If the county has a program under this section, any petition under RCW 26.09.020 must allege that the moving party met and conferred with the program prior to the filing of the petition.

(6) If the county has a program under this section, parties shall meet and confer with the program prior to participation in mediation under RCW 26.09.016.

Sec. 137. RCW 26.12.802 and 2019 c 46 s 5023 are each amended to read as follows:

The administrative office of the courts shall conduct a unified family court pilot program.

(1) Pilot program sites shall be selected through a request for proposal process, and shall be established in no more than three superior court judicial districts.

(2) To be eligible for consideration as a pilot project site, judicial districts must have a statutorily authorized judicial complement of at least five judges.

(3) The administrative office of the courts shall develop criteria for the unified family court pilot program. The pilot program shall include:

(a) All case types under Title 13 RCW, chapters 26.09, ((~~26.10,~~)) 26.12, 26.18, 26.19, 26.20, 26.26A, 26.26B, ((~~26.50,~~)) 26.27, and 28A.225 RCW, and domestic violence protection order cases under chapter 7.--- RCW (the new chapter created in section 78 of this act);

(b) Unified family court judicial officers, who volunteer for the program, and meet training requirements established by local court rule;

(c) Case management practices that provide a flexible response to the diverse court-related needs of families involved in multiple areas of the justice system. Case management practices should result in a reduction in process redundancies and an efficient use of time and resources, and create a system enabling multiple case type resolution by one judicial officer or judicial team;

(d) A court facilitator to provide assistance to parties with matters before the unified family court; and

(e) An emphasis on providing nonadversarial methods of dispute resolution such as a settlement conference, evaluative mediation by attorney mediators, and facilitative mediation by nonattorney mediators.

(4) The administrative office of the courts shall publish and disseminate a

state-approved listing of definitions of nonadversarial methods of dispute resolution so that court officials, practitioners, and users can choose the most appropriate process for the matter at hand.

(5) The administrative office of the courts shall provide to the judicial districts selected for the pilot program the computer resources needed by each judicial district to implement the unified family court pilot program.

(6) The administrative office of the courts shall conduct a study of the pilot program measuring improvements in the judicial system's response to family involvement in the judicial system. The administrator for the courts shall report preliminary findings and final results of the study to the governor, the chief justice of the supreme court, and the legislature on a biennial basis. The initial report is due by July 1, 2000, and the final report is due by December 1, 2004.

Sec. 138. RCW 26.26A.470 and 2019 c 46 s 1002 are each amended to read as follows:

(1) In a proceeding under RCW 26.26A.400 through 26.26A.515, the court may issue a temporary order for child support if the order is consistent with law of this state other than this chapter and the individual ordered to pay support is:

(a) A presumed parent of the child;

(b) Petitioning to be adjudicated a parent;

(c) Identified as a genetic parent through genetic testing under RCW 26.26A.325;

(d) An alleged genetic parent who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be a parent of the child; or

(f) A parent under this chapter.

(2) A temporary order may include a provision for parenting time and visitation under law of this state other than this chapter.

(3) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

(a) Molesting or disturbing the peace of another party;

(b) Going onto the grounds of or entering the home, workplace, or school of another party or the day care or school of any child;

(c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location, a protected party's person, or a protected party's vehicle; and

(d) Removing a child from the jurisdiction of the court.

(4) Either party may request a domestic violence protection order ((~~under chapter 26.50 RCW~~)) or an antiharassment protection order under chapter ((~~10.14~~)) 7.--- RCW (the new chapter created in section 78 of this act) on a temporary basis. The court may grant any of the relief provided in ((~~RCW 26.50.060~~)) section 39 of this act except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter((~~, and any of the relief provided in RCW 10.14.080~~)). Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(5) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

(6) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next

judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(7) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence information system.

(8) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(9) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(10) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the petition is dismissed; and

(d) May be entered in a proceeding for the modification of an existing order.

(11) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

(12) Any party may request the court to issue any order referenced by RCW 9.41.800.

Sec. 139. RCW 26.26B.020 and 2019 c 46 s 5028 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct one parent to pay the reasonable expenses of the mother's pregnancy and childbirth. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(4) The judgment and order shall contain a provision that each party must file with the court and the Washington state child support registry and update as necessary the information required in

the confidential information form required by RCW 26.23.050.

(5) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the parent's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(6) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards contained in chapter 26.19 RCW.

(7) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party. If a parenting plan or residential schedule was not entered at the time the order establishing parentage was entered, a parent may move the court for entry of a parenting plan or residential schedule:

(a) By filing a motion and proposed parenting plan or residential schedule and providing notice to the other parent and other persons who have residential time with the child pursuant to a court order: PROVIDED, That at the time of filing the motion less than twenty-four months have passed since entry of the order establishing parentage and that the proposed parenting plan or residential schedule does not change the designation of the parent with whom the child spends the majority of time; or

(b) By filing a petition for modification under RCW 26.09.260 or petition to establish a parenting plan, residential schedule, or residential provisions.

(8) In any dispute between the persons claiming parentage of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the persons claiming parentage, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

(9) In entering an order under this chapter or chapter 26.26A RCW, the court may issue any necessary continuing restraining orders, including the restraint provisions of domestic violence protection orders ((~~under chapter 26.50 RCW~~)) or antiharassment protection orders under chapter ((~~10.14~~)) 7.--- RCW (the new chapter created in section 78 of this act).

(10) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

(11) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(12) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the

order from any computer-based criminal intelligence system.

Sec. 140. RCW 26.26B.050 and 2019 c 46 s 5030 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter or chapter 26.26A RCW, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, is punishable under ((~~RCW 26.50.110~~)) section 56 of this act.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter or chapter 26.26A RCW;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 141. RCW 26.28.015 and 1992 c 111 s 12 are each amended to read as follows:

Notwithstanding any other provision of law, and except as provided under ((~~RCW 26.50.020~~)) section 14 of this act, all persons shall be deemed and taken to be of full age for the specific purposes hereafter enumerated at the age of eighteen years:

(1) To enter into any marriage contract without parental consent if otherwise qualified by law;

(2) To execute a will for the disposition of both real and personal property if otherwise qualified by law;

(3) To vote in any election if authorized by the Constitution and otherwise qualified by law;

(4) To enter into any legal contractual obligation and to be legally bound thereby to the full extent as any other adult person;

(5) To make decisions in regard to their own body and the body of their lawful issue whether natural born to or adopted by such person to the full extent allowed to any other adult person including but not limited to consent to surgical operations;

(6) To sue and be sued on any action to the full extent as any other adult person in any of the courts of this

state, without the necessity for a guardian ad litem.

Sec. 142. RCW 26.44.020 and 2019 c 172 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process.

(4) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(5) "Child protective services section" means the child protective services section of the department.

(6) "Child who is a candidate for foster care" means a child who the department identifies as being at imminent risk of entering foster care but who can remain safely in the child's home or in a kinship placement as long as services or programs that are necessary to prevent entry of the child into foster care are provided, and includes but is not limited to a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement. The term includes a child for whom there is reasonable cause to believe that any of the following circumstances exist:

(a) The child has been abandoned by the parent as defined in RCW 13.34.030 and the child's health, safety, and welfare is seriously endangered as a result;

(b) The child has been abused or neglected as defined in this chapter ((~~26.44 RCW~~)) and the child's health, safety, and welfare is seriously endangered as a result;

(c) There is no parent capable of meeting the child's needs such that the child is in circumstances that constitute a serious danger to the child's development;

(d) The child is otherwise at imminent risk of harm.

(7) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(8) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(9) "Court" means the superior court of the state of Washington, juvenile department.

(10) "Department" means the department of children, youth, and families.

(11) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(12) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(13) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(14) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(15) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(16) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(17) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in ((~~RCW 26.50.010~~)) section 2 of this act that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(19) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(20) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(21) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for

federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(22) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(23) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(24) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(25) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(26) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(27) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(28) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 143. RCW 26.51.020 and 2020 c 311 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abusive litigation" means litigation where the following apply:

(a)(i) The opposing parties have a current or former intimate partner relationship;

(ii) The party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have committed domestic violence against the other party pursuant to: (A) An order entered under ((~~this~~)) chapter 7.--- RCW (the new chapter created in section 78 of this act) or former chapter 26.50 RCW; (B) a parenting plan with restrictions based on RCW 26.09.191(2)(a)(iii); or (C) a restraining order entered under chapter 26.09, ((~~26.26, or~~)) 26.26A, or 26.26B RCW, provided that the issuing court made a specific finding that the restraining order was necessary due to domestic violence; and

(iii) The litigation is being initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party; and

(b) At least one of the following factors apply:

(i) Claims, allegations, and other legal contentions made in the litigation are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;

(ii) Allegations and other factual contentions made in the litigation are without the existence of evidentiary support; or

(iii) An issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.

(2) "Intimate partner" is defined in ((~~RCW 26.50.010~~)) section 2 of this act.

(3) "Litigation" means any kind of legal action or proceeding including, but not limited to: ((~~(i) [(a)]~~)) (a) Filing a summons, complaint, demand, or

petition; ((~~(ii) [(b)]~~)) (b) serving a summons, complaint, demand, or petition, regardless of whether it has been filed; ((~~(iii) [(c)]~~)) (c) filing a motion, notice of court date, note for motion docket, or order to appear; ((~~(iv) [(d)]~~)) (d) serving a motion, notice of court date, note for motion docket, or order to appear, regardless of whether it has been filed or scheduled; ((~~(v) [(e)]~~)) (e) filing a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request; or ((~~(vi) [(f)]~~)) (f) serving a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request.

(4) "Perpetrator of abusive litigation" means a person who files, initiates, advances, or continues litigation in violation of an order restricting abusive litigation.

Sec. 144. RCW 26.52.010 and 1999 c 184 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Domestic or family violence" includes, but is not limited to, conduct when committed by one family member against another that is classified in the jurisdiction where the conduct occurred as a domestic violence crime or a crime committed in another jurisdiction that under the laws of this state would be classified as domestic violence under RCW 10.99.020.

(2) "Family ((~~or household~~)) members" means ((~~spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren~~)) intimate partners and family or household members as those terms are defined in section 2 of this act.

(3) "Foreign protection order" means an injunction or other order related to domestic or family violence, harassment, sexual abuse, or stalking, for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person issued by a court of another state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or any United States military tribunal, or a tribal court, in a civil or criminal action.

(4) "Harassment" includes, but is not limited to, conduct that is classified in the jurisdiction where the conduct occurred as harassment or a crime committed in another jurisdiction that under the laws of this state would be classified as harassment under RCW 9A.46.040.

(5) "Judicial day" does not include Saturdays, Sundays, or legal holidays in Washington state.

(6) "Person entitled to protection" means a person, regardless of whether the person was the moving party in the foreign jurisdiction, who is benefited by the foreign protection order.

(7) "Person under restraint" means a person, regardless of whether the person was the responding party in the foreign jurisdiction, whose ability to contact or communicate with another person, or to be physically close to another person, is restricted by the foreign protection order.

(8) "Sexual abuse" includes, but is not limited to, conduct that is classified in the jurisdiction where the conduct occurred as a sex offense or a crime committed in another jurisdiction that under the laws of this state would be classified as a sex offense under RCW 9.94A.030.

(9) "Stalking" includes, but is not limited to, conduct that is classified in the jurisdiction where the conduct occurred as stalking or a crime committed in another jurisdiction that under the laws of this state would be classified as stalking under RCW 9A.46.110.

(10) "Washington court" includes the superior, district, and municipal courts of the state of Washington.

Sec. 145. RCW 26.52.070 and 2000 c 119 s 26 are each amended to read as follows:

(1) Whenever a foreign protection order is granted to a person entitled to protection and the person under restraint knows of the foreign protection order, a violation of a provision prohibiting the person under restraint from contacting or communicating with another person, or of a provision excluding the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime, is punishable under ((~~RCW 26.50.110~~)) section 56 of this act.

(2) A peace officer shall arrest without a warrant and take into custody a person when the peace officer has probable cause to believe that a foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order that prohibits the person under restraint from contacting or communicating with another person, or a provision that excludes the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

Sec. 146. RCW 36.18.020 and 2018 c 269 s 17 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of two hundred dollars except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of forty-five dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The forty-five dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of two hundred dollars.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of two hundred dollars.

(d) For filing of a petition for ((~~unlawful harassment~~)) an antiharassment protection order under ((~~RCW 10.14.040~~)) section 13 of this act a filing fee of fifty-three dollars.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of two hundred dollars.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in

RCW 11.96A.220, there shall be paid a fee of two hundred dollars.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of two hundred dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c).

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972. However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under ((~~RCW 26.50.030~~)) section 16 of this act.

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5)(a) Until July 1, 2021, in addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which seventy-five percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and twenty-five percent must be retained by the county.

(b) On filing fees required to be collected under subsection (2)(b) of this section, a surcharge of thirty dollars must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2)(b), (d), and (h) of this section, a surcharge of forty dollars must be collected.

Sec. 147. RCW 36.28A.410 and 2019 c 263 s 915 and 2019 c 46 s 5041 are each reenacted and amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall create and operate a statewide automated protected person notification system to automatically notify a registered person via the registered person's choice of telephone or email when a respondent subject to a court order specified in (b) of this subsection has attempted to purchase or acquire a firearm and been denied based on a background check or completed and submitted firearm purchase or transfer application that indicates the respondent is ineligible to possess a firearm under state or federal law. The system must permit a person to register for notification, or a registered person to update the person's registration information, for the statewide automated protected person notification system by calling a toll-free telephone number or by accessing a public website.

(b) The notification requirements of this section apply to any court order issued under chapter 7.--- RCW (the new chapter created in section 78 of this act) or former chapter 7.92 RCW ((~~and~~)), RCW ((~~7.90.090,~~)) 9A.46.080, ((~~10.14.080,~~)) 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, ((~~26.10.115,~~)) 26.26A.470, or 26.26B.020((~~, 26.50.060, or 26.50.070~~)), any of the former RCW 7.90.090, 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign protection order filed with a Washington court pursuant to chapter 26.52 RCW, and any Canadian domestic violence protection order filed with a Washington court pursuant to chapter 26.55 RCW, where the order prohibits the respondent from possessing firearms or where by operation of law the respondent is ineligible to possess firearms during the term of the order. The notification requirements of this section apply even if the respondent has notified the Washington state patrol that he or she has appealed a background check denial under RCW 43.43.823.

(2) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated protected person notification system in this section, so long as the release or failure to release

was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to chapter 261, Laws of 2017, including information a person submits to register and participate in the statewide automated protected person notification system, are exempt from public inspection and copying under chapter 42.56 RCW.

Sec. 148. RCW 41.04.655 and 2020 c 29 s 14 and 2020 c 6 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.04.650 through 41.04.670, 28A.400.380, and section 7, chapter 93, Laws of 1989.

(1) "Domestic violence" means any of the following acts committed by one family or household member against another or by one intimate partner against another, as those terms are defined in RCW ((~~26.50.010~~)) 10.99.020:

(a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault;

(b) Sexual assault; or

(c) Stalking as defined in RCW 9A.46.110.

(2) "Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

(3) "Parental leave" means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care.

(4) "Pregnancy disability" means a pregnancy-related medical condition or miscarriage.

(5) "Program" means the leave sharing program established in RCW 41.04.660.

(6) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(7) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(8) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(9) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

(10) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

(11) "Victim" means a person against whom domestic violence, sexual assault, or stalking has been committed as defined in this section.

Sec. 149. RCW 43.43.754 and 2020 c 26 s 7 are each amended to read as follows:

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony, or any of the following crimes (or equivalent juvenile offenses):

(i) Assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041, 9.94A.030);

(ii) Assault in the fourth degree with sexual motivation (RCW 9A.36.041, 9.94A.835);

(iii) Communication with a minor for immoral purposes (RCW 9.68A.090);

(iv) Custodial sexual misconduct in the second degree (RCW 9A.44.170);

(v) Failure to register (chapter 9A.44 RCW);

(vi) Harassment (RCW 9A.46.020);

(vii) Patronizing a prostitute (RCW 9A.88.110);

(viii) Sexual misconduct with a minor in the second degree (RCW 9A.44.096);

(ix) Stalking (RCW 9A.46.110);

(x) Indecent exposure (RCW 9A.88.010);

(xi) Violation of a sexual assault protection order granted under chapter 7.--- RCW (the new chapter created in section 78 of this act) or former chapter 7.90 RCW; and

(b) Every adult or juvenile individual who is required to register under RCW 9A.44.130.

(2)(a) A municipal jurisdiction may also submit any biological sample to the laboratory services bureau of the Washington state patrol for purposes of DNA identification analysis when:

(i) The sample was collected from a defendant upon conviction for a municipal offense where the underlying ordinance does not adopt the relevant state statute by reference but the offense is otherwise equivalent to an offense in subsection (1)(a) of this section;

(ii) The equivalent offense in subsection (1)(a) of this section was an offense for which collection of a biological sample was required under this section at the time of the conviction; and

(iii) The sample was collected on or after June 12, 2008, and before January 1, 2020.

(b) When submitting a biological sample under this subsection, the municipal jurisdiction must include a signed affidavit from the municipal prosecuting authority of the jurisdiction in which the conviction occurred specifying the state crime to which the municipal offense is equivalent.

(3) Law enforcement may submit to the forensic laboratory services bureau of the Washington state patrol, for purposes of DNA identification analysis, any lawfully obtained biological sample within its control from a deceased offender who was previously convicted of an offense under subsection (1)(a) of this section, regardless of the date of conviction.

(4) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(5) Biological samples shall be collected in the following manner:

(a) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who do not serve a term of confinement in a department of corrections facility or a department of children, youth, and families facility, and are serving a term of confinement in a city or county jail facility, the city or county jail facility shall be responsible for obtaining the biological samples.

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who do not serve a term of confinement in a department of corrections facility, department of children, youth, and families facility, or a city or county jail facility; and

(ii) Persons who are required to register under RCW 9A.44.130.

(c) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of children, youth, and families facility, the facility holding the person shall be responsible for obtaining the biological samples as part of the intake process. If the facility did not collect the biological sample during the intake process, then the facility shall collect the biological sample as soon as is practicable. For those persons incarcerated before June 12, 2008, who have not yet had a biological sample collected, priority shall be given to those persons who will be released the soonest.

(d) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who will not serve a term of confinement, the court shall: Order the person to report to the local police department or sheriff's office as provided under subsection (5)(b)(i) of this section within a reasonable period of time established by the court in order to provide a biological sample; or if the local police department or sheriff's office has a protocol for collecting the biological sample in the courtroom, order the person to immediately provide the biological sample to the local police department or sheriff's office before leaving the presence of the court. The court must further inform the person that refusal to provide a biological sample is a gross misdemeanor under this section.

(6) Any biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

(7) The forensic laboratory services bureau of the Washington state patrol is responsible for testing performed on all biological samples that are collected under this section, to the extent allowed by funding available for this purpose. Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

(8) This section applies to:

(a) All adults and juveniles to whom this section applied prior to June 12, 2008;

(b) All adults and juveniles to whom this section did not apply prior to June 12, 2008, who:

(i) Are convicted on or after June 12, 2008, of an offense listed in subsection (1)(a) of this section on the date of conviction; or

(ii) Were convicted prior to June 12, 2008, of an offense listed in subsection (1)(a) of this section and are still incarcerated on or after June 12, 2008;

(c) All adults and juveniles who are required to register under RCW 9A.44.130 on or after June 12, 2008, whether convicted before, on, or after June 12, 2008; and

(d) All samples submitted under subsections (2) and (3) of this section.

(9) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

(10) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks. No cause of action may be brought against the state based upon the analysis of a biological sample authorized to be taken pursuant to a municipal ordinance if the conviction or adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including, but not limited to, posttrial or postfact-finding motions, appeals, or collateral attacks.

(11) A person commits the crime of refusal to provide DNA if the person willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

Sec. 150. RCW 43.43.842 and 2019 c 446 s 44 and 2019 c 444 s 22 are each reenacted and amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the

respondent in an active ((~~protective~~)) vulnerable adult protection order under chapter 7.--- RCW ((~~74.34.130~~)) (the new chapter created in section 78 of this act), nor have been: (i) Convicted of a crime against children or other persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult ((~~under~~)) as defined in RCW 43.43.830.

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(f) The department of social and health services reviewed the employee's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002, and determined that such employee could remain in a position covered by this section; or

(g) The otherwise disqualifying conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

The offenses set forth in (a) through (g) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW if:

(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;

(b) The offense was committed as a result of the applicant's substance use or untreated mental health symptoms; and

(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from a mental health disorder.

(4) The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as an agency affiliated counselor registered under chapter 18.19 RCW practicing as a peer counselor in an agency or facility if:

(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;

(b) The offense was committed as a result of the person's substance use or untreated mental health symptoms; and

(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from mental health challenges.

(5) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

Sec. 151. RCW 48.18.550 and 2020 c 29 s 15 are each amended to read as follows:

(1) No insurer shall deny or refuse to accept an application for insurance, refuse to insure, refuse to renew, cancel, restrict, or otherwise terminate a policy of insurance, or charge a different rate for the same coverage on the basis that the applicant or insured person is, has been, or may be a victim of domestic abuse.

(2) Nothing in this section shall prevent an insurer from taking any of the actions set forth in subsection (1) of this section on the basis of loss history or medical condition or for any other reason not otherwise prohibited by this section, any other law, regulation, or rule.

(3) Any form filed or filed after June 11, 1998, subject to RCW 48.18.120(1) or subject to a rule adopted under RCW 48.18.120(1) may exclude coverage for losses caused by intentional or fraudulent acts of any insured. Such an exclusion, however, shall not apply to deny an insured's otherwise-covered property loss if the property loss is caused by an act of domestic abuse by another insured under the policy, the insured claiming property loss files a police report and cooperates with any law enforcement investigation relating to the act of domestic abuse, and the insured claiming property loss did not cooperate in, or contribute to, the creation of the property loss. Payment by the insurer to an insured may be limited to the person's insurable interest in the property less payments made to a mortgagee or other party with a legal secured interest in the property. An insurer making payment to an insured under this section has all rights of subrogation to recover against the perpetrator of the act that caused the loss.

(4) Nothing in this section prohibits an insurer from investigating a claim and complying with chapter 48.30A RCW.

(5) For the purposes of this section, the following definitions apply:

(a) "Domestic abuse" means: (i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members or intimate partners; (ii) sexual assault of one family or household member by another or of one intimate partner by another; (iii) stalking as defined in RCW 9A.46.110 of one family or household member by another or of one intimate partner by another; or (iv) intentionally, knowingly, or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another family or household member or of another intimate partner.

(b) "Family or household member" has the same meaning as in RCW ((~~26.50.010~~)) 10.99.020.

(c) "Intimate partner" has the same meaning as in RCW ((~~26.50.010~~)) 10.99.020.

Sec. 152. RCW 49.76.020 and 2017 3rd sp.s. c 5 s 90 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Child," "spouse," "parent," "parent-in-law," "grandparent," and "sick leave and other paid time off" have the same meanings as in RCW 49.12.265.

(2) "Dating relationship" has the same meaning as in ((~~RCW 26.50.010~~)) section 2 of this act.

(3) "Department," "director," "employer," and "employee" have the same meanings as in RCW 49.12.005.

(4) "Domestic violence" has the same meaning as in ((~~RCW 26.50.010~~)) section 2 of this act.

(5) "Family member" means any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

(6) "Intermittent leave" is leave taken in separate blocks of time due to a single qualifying reason.

(7) "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(8) "Sexual assault" has the same meaning as in RCW 70.125.030.

(9) "Stalking" has the same meaning as in RCW 9A.46.110.

Sec. 153. RCW 50.20.050 and 2009 c 493 s 3 and 2009 c 247 s 1 are each reenacted and amended to read as follows:

(1) With respect to claims that have an effective date on or after January 4, 2004, and for separations that occur before September 6, 2009:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii)(A) With respect to claims that have an effective date before July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer: (1) Is outside the existing labor market area; and (2) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and (II) remained employed as long as was reasonable prior to the move;

(B) With respect to claims that have an effective date on or after July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer, is outside the existing labor market area; and (II) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in ((~~RCW 26.50.010~~)) section 2 of this act, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs; or

(xi) The individual left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the individual begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after September 6, 2009:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in ((~~RCW 26.50.010~~)) section 2 of this act, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs; or

(xi) The individual left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the individual begins active participation in the apprenticeship program.

(3) Notwithstanding subsection ((~~(2)~~)) (1) of this section, for separations occurring on or after July 26, 2009, an individual who was simultaneously employed in full-time employment and part-time employment and is otherwise eligible for benefits from the loss of the full-time employment shall not be disqualified from benefits because the individual:

(a) Voluntarily quit the part-time employment before the loss of the full-time employment; and

(b) Did not have prior knowledge that he or she would be separated from full-time employment.

Sec. 154. RCW 59.18.570 and 2009 c 395 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this section and RCW 59.18.575 through 59.18.585 unless the context clearly requires otherwise.

(1) "Credit reporting agency" has the same meaning as set forth in RCW 19.182.010(5).

(2) "Domestic violence" has the same meaning as set forth in ((~~RCW 26.50.010~~)) section 2 of this act.

(3) "Household member" means a child or adult residing with the tenant other than the perpetrator of domestic violence, stalking, or sexual assault.

(4) "Landlord" has the same meaning as in RCW 59.18.030 and includes the landlord's employees.

(5) "Qualified third party" means any of the following people acting in their official capacity:

(a) Law enforcement officers;

(b) Persons subject to the provisions of chapter 18.120 RCW;

(c) Employees of a court of the state;

(d) Licensed mental health professionals or other licensed counselors;

(e) Employees of crime victim/witness programs as defined in RCW 7.69.020 who are trained advocates for the program; and

(f) Members of the clergy as defined in RCW 26.44.020.

(6) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(7) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(8) "Tenant screening service provider" means any nongovernmental agency that provides, for a fee, background information on prospective tenants to landlords.

(9) "Unlawful harassment" has the same meaning as in ((~~RCW 10.14.020~~)) section 2 of this act and also includes any request for sexual favors to a tenant or household member in return for a change in or performance of any or all terms of a lease or rental agreement.

Sec. 155. RCW 59.18.575 and 2019 c 46 s 5042 are each amended to read as follows:

(1)(a) If a tenant notifies the landlord in writing that he or she or a household member was a victim of an act

that constitutes a crime of domestic violence, sexual assault, unlawful harassment, or stalking, and either (a)(i) or (ii) of this subsection applies, then subsection (2) of this section applies:

(i) The tenant or the household member has a domestic violence protection order, sexual assault protection order, stalking protection order, or antiharassment protection order under chapter 7.--- RCW (the new chapter created in section 78 of this act), or a valid order for protection under one or more of the following: Chapter ((~~7.90, 26.50,~~)) 26.26A((~~,~~)) or 26.26B RCW, or any of the former chapters 7.90 and 26.50 RCW, or RCW 9A.46.040, 9A.46.050, ((~~10.14.080,~~)) 10.99.040 (2) or (3), or 26.09.050, or former RCW 10.14.080; or

(ii) The tenant or the household member has reported the domestic violence, sexual assault, unlawful harassment, or stalking to a qualified third party acting in his or her official capacity and the qualified third party has provided the tenant or the household member a written record of the report signed by the qualified third party.

(b) When a copy of a valid order for protection or a written record of a report signed by a qualified third party, as required under (a) of this subsection, is made available to the landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under this chapter. However, the request to terminate the rental agreement must occur within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report to a qualified third party. A record of the report to a qualified third party that is provided to the tenant or household member shall consist of a document signed and dated by the qualified third party stating: (i) That the tenant or the household member notified him or her that he or she was a victim of an act or acts that constitute a crime of domestic violence, sexual assault, unlawful harassment, or stalking; (ii) the time and date the act or acts occurred; (iii) the location where the act or acts occurred; (iv) a brief description of the act or acts of domestic violence, sexual assault, unlawful harassment, or stalking; and (v) that the tenant or household member informed him or her of the name of the alleged perpetrator of the act or acts. The record of the report provided to the tenant or household member shall not include the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, unlawful harassment, or stalking. The qualified third party shall keep a copy of the record of the report and shall note on the retained copy the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, unlawful harassment, or stalking. The record of the report to a qualified third party may be accomplished by completion of a form provided by the qualified third party, in substantially the following form:

[Name of organization, agency, clinic, professional service provider]

I and/or my . . . . . (household member) am/is a victim of

. . . domestic violence as defined by ((~~RCW 26.50.010~~)) section 2 of this act.

. . . sexual assault as defined by RCW 70.125.030.

. . . stalking as defined by RCW 9A.46.110.

. . . unlawful harassment as defined by RCW 59.18.570.

Briefly describe the incident of domestic violence, sexual assault, unlawful harassment, or stalking:

The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s) and at the following location(s): .

The incident(s) that I rely on in support of this declaration were committed by the following person(s):

I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct. Dated at . . . . . (city) . ., Washington, this . . . day of . . ., ... (year)

Signature of Tenant or

Household Member

I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.575 and that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, unlawful harassment, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act.

Dated this . . . day of . . . ., ... (year)

Signature of authorized officer/employee of (Organization, agency, clinic, professional service provider)

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, unlawful harassment, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

(3)(a) Notwithstanding any other provision under this section, if a tenant or a household member is a victim of sexual assault, stalking, or unlawful harassment by a landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under this chapter prior to making a copy of a valid order for protection or a written record of a report signed by a qualified third party available to the landlord, provided that:

(i) The tenant must deliver a copy of a valid order for protection or written record of a report signed by a qualified third party to the landlord by mail, fax, or personal delivery by a third party within seven days of quitting the tenant's dwelling unit; and

(ii) A written record of a report signed by the qualified third party must be substantially in the form specified under subsection (1)(b) of this section. The record of the report provided to the landlord must not include the name of the alleged perpetrator of the act. On written request by the landlord, the qualified third party shall, within seven days, provide the name of the alleged perpetrator of the act to the landlord only if the alleged perpetrator was a person meeting the definition of the term "landlord" under RCW 59.18.570.

(b) A tenant who terminates his or her rental agreement under this subsection is discharged from the payment of rent for any period following the latter of: (i) The date the tenant vacates the unit; or (ii) the date the record of the report of the qualified third party and the written notice that the tenant has vacated are delivered to the landlord by mail, fax, or personal delivery by a third party. The tenant is entitled to a pro rata refund of any prepaid rent and must receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with RCW 59.18.280.

(4) If a tenant or a household member is a victim of sexual assault, stalking, or unlawful harassment by a landlord, the tenant may change or add locks to the tenant's dwelling unit at the tenant's expense. If a tenant exercises his or her rights to change or add locks, the following rules apply:

(a) Within seven days of changing or adding locks, the tenant must deliver to the landlord by mail, fax, or personal delivery by a third party: (i) Written notice that the tenant has changed or added locks; and (ii) a copy of a valid order for protection or a written record of a report signed by a qualified third party. A written record of a report signed by a qualified third party must be substantially in the form specified under subsection (1)(b) of this section. The record of the report provided to the landlord must not include the name of the alleged perpetrator of the act. On written request by the landlord, the qualified third party shall, within seven days, provide the name of the alleged perpetrator to the landlord only if the

alleged perpetrator was a person meeting the definition of the term "landlord" under RCW 59.18.570.

(b) After the tenant provides notice to the landlord that the tenant has changed or added locks, the tenant's rental agreement shall terminate on the ninetieth day after providing such notice, unless:

(i) Within sixty days of providing notice that the tenant has changed or added locks, the tenant notifies the landlord in writing that the tenant does not wish to terminate his or her rental agreement. If the perpetrator has been identified by the qualified third party and is no longer an employee or agent of the landlord or owner and does not reside at the property, the tenant shall provide the owner or owner's designated agent with a copy of the key to the new locks at the same time as providing notice that the tenant does not wish to terminate his or her rental agreement. A tenant who has a valid protection, antiharassment, or other protective order against the owner of the premises or against an employee or agent of the landlord or owner is not required to provide a key to the new locks until the protective order expires or the tenant vacates; or

(ii) The tenant exercises his or her rights to terminate the rental agreement under subsection (3) of this section within sixty days of providing notice that the tenant has changed or added locks.

(c) After a landlord receives notice that a tenant has changed or added locks to his or her dwelling unit under (a) of this subsection, the landlord may not enter the tenant's dwelling unit except as follows:

(i) In the case of an emergency, the landlord may enter the unit if accompanied by a law enforcement or fire official acting in his or her official capacity. If the landlord reasonably concludes that the circumstances require immediate entry into the unit, the landlord may, after notifying emergency services, use such force as necessary to enter the unit if the tenant is not present; or

(ii) The landlord complies with the requirements of RCW 59.18.150 and clearly specifies in writing the time and date that the landlord intends to enter the unit and the purpose for entering the unit. The tenant must make arrangements to permit access by the landlord.

(d) The exercise of rights to change or add locks under this subsection does not discharge the tenant from the payment of rent until the rental agreement is terminated and the tenant vacates the unit.

(e) The tenant may not change any locks to common areas and must make keys for new locks available to other household members.

(f) Upon vacating the dwelling unit, the tenant must deliver the key and all copies of the key to the landlord by mail or personal delivery by a third party.

(5) A tenant's remedies under this section do not preempt any other legal remedy available to the tenant.

(6) The provision of verification of a report under subsection (1)(b) of this section does not waive the confidential or privileged nature of the communication between a victim of domestic violence, sexual assault, or stalking with a qualified third party pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence obtained from such disclosure may be used in any civil, administrative, or criminal proceeding against the victim unless a written waiver of applicable evidentiary privilege is obtained, except that the verification itself, and no other privileged information, under subsection (1)(b) of this section may be used in civil proceedings brought under this section.

Sec. 156. RCW 71.09.305 and 2002 c 68 s 6 are each amended to read as follows:

(1) Unless otherwise ordered by the court:

(a) Residents of a secure community transition facility shall wear electronic monitoring devices at all times. To the extent that electronic monitoring devices that employ global positioning system technology are available and funds for this purpose are appropriated by the legislature, the department shall use these devices.

(b) At least one staff member, or other court-authorized and department-approved person must escort each resident when the resident leaves the secure community transition facility for appointments, employment, or other approved activities. Escorting persons must

supervise the resident closely and maintain close proximity to the resident. The escort must immediately notify the department of any serious violation, as defined in RCW 71.09.325, by the resident and must immediately notify law enforcement of any violation of law by the resident. The escort may not be a relative of the resident or a person with whom the resident has, or has had, a dating relationship as defined in ((~~RCW 26.50.010~~)) section 2 of this act.

(2) Staff members of the special commitment center and any other total confinement facility and any secure community transition facility must be trained in self-defense and appropriate crisis responses including incident de-escalation. Prior to escorting a person outside of a facility, staff members must also have training in the offense pattern of the offender they are escorting.

(3) Any escort must carry a cellular telephone or a similar device at all times when escorting a resident of a secure community transition facility.

(4) The department shall require training in offender pattern, self-defense, and incident response for all court-authorized escorts who are not employed by the department or the department of corrections.

Sec. 157. RCW 71.32.090 and 2003 c 283 s 9 are each amended to read as follows:

A witness may not be any of the following:

(1) A person designated to make health care decisions on the principal's behalf;

(2) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;

(3) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;

(4) A person who is related by blood, marriage, or adoption to the person or with whom the principal has a dating relationship, as defined in ((~~RCW 26.50.010~~)) section 2 of this act;

(5) A person who is declared to be an incapacitated person; or

(6) A person who would benefit financially if the principal making the directive undergoes mental health treatment.

Sec. 158. RCW 71.32.200 and 2016 c 209 s 412 are each amended to read as follows:

Any person with reasonable cause to believe that a directive has been created or revoked under circumstances amounting to fraud, duress, or undue influence may petition the court for appointment of a guardian for the person or to review the actions of the agent or person alleged to be involved in improper conduct under RCW 11.125.160 or ((~~74.34.110~~)) chapter 74.34 RCW.

Sec. 159. RCW 71.32.260 and 2016 c 209 s 413 and 2016 c 155 s 16 are each reenacted and amended to read as follows:

The directive shall be in substantially the following form:

Mental Health Advance Directive

NOTICE TO PERSONS

CREATING A MENTAL HEALTH ADVANCE DIRECTIVE

This is an important legal document. It creates an advance directive for mental health treatment. Before signing this document you should know these important facts:

(1) This document is called an advance directive and allows you to make decisions in advance about your mental health treatment, including medications, short-term admission to inpatient treatment and electroconvulsive therapy.

YOU DO NOT HAVE TO FILL OUT OR SIGN THIS FORM.

IF YOU DO NOT SIGN THIS FORM, IT WILL NOT TAKE EFFECT.

If you choose to complete and sign this document, you may still decide to leave some items blank.

(2) You have the right to appoint a person as your agent to make treatment decisions for you. You must notify your agent that you have appointed him or her as an agent. The person you appoint has a duty to act consistently with your wishes made known by you. If your agent does not know what your wishes are, he or she has a duty to act in your

best interest. Your agent has the right to withdraw from the appointment at any time.

(3) The instructions you include with this advance directive and the authority you give your agent to act will only become effective under the conditions you select in this document. You may choose to limit this directive and your agent's authority to times when you are incapacitated or to times when you are exhibiting symptoms or behavior that you specify. You may also make this directive effective immediately. No matter when you choose to make this directive effective, your treatment providers must still seek your informed consent at all times that you have capacity to give informed consent.

(4) You have the right to revoke this document in writing at any time you have capacity.

YOU MAY NOT REVOKE THIS DIRECTIVE WHEN YOU HAVE BEEN FOUND TO BE

INCAPACITATED UNLESS YOU HAVE SPECIFICALLY STATED IN THIS DIRECTIVE THAT

YOU WANT IT TO BE REVOCABLE WHEN YOU ARE INCAPACITATED.

(5) This directive will stay in effect until you revoke it unless you specify an expiration date. If you specify an expiration date and you are incapacitated at the time it expires, it will remain in effect until you have capacity to make treatment decisions again unless you chose to be able to revoke it while you are incapacitated and you revoke the directive.

(6) You cannot use your advance directive to consent to civil commitment. The procedures that apply to your advance directive are different than those provided for in the Involuntary Treatment Act. Involuntary treatment is a different process.

(7) If there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

(8) You should be aware that there are some circumstances where your provider may not have to follow your directive.

(9) You should discuss any treatment decisions in your directive with your provider.

(10) You may ask the court to rule on the validity of your directive.

PART I.

STATEMENT OF INTENT TO CREATE A

MENTAL HEALTH ADVANCE DIRECTIVE

I, ... being a person with capacity, willfully and voluntarily execute this mental health advance directive so that my choices regarding my mental health care will be carried out in circumstances when I am unable to express my instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot revoke this directive if a court, two health care providers, or one mental health professional and one health care provider find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive while incapacitated.

I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial exploitation, or abandonment to carry out my directive.

I understand that there are some circumstances where my provider may not have to follow my directive.

PART II.

WHEN THIS DIRECTIVE IS EFFECTIVE

YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I intend that this directive become effective (*YOU MUST CHOOSE ONLY ONE*):

. . . . . Immediately upon my signing of this directive.

. . . . . If I become incapacitated.

. . . . . When the following circumstances, symptoms, or behaviors occur:

PART III.

DURATION OF THIS DIRECTIVE

YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I want this directive to (*YOU MUST CHOOSE ONLY ONE*):

. . . . . Remain valid and in effect for an indefinite period of time.

. . . . . Automatically expire . . . . . years from the date it was created.

PART IV.

WHEN I MAY REVOKE THIS DIRECTIVE

YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.

I intend that I be able to revoke this directive (*YOU MUST CHOOSE ONLY ONE*):

. . . . . Only when I have capacity.

I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.

. . . . . Even if I am incapacitated.

I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I specify in this directive, even if I want the treatment.

PART V.

PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS ((~~[, PHYSICIAN ASSISTANTS,]~~)) , PHYSICIAN ASSISTANTS, OR PSYCHIATRIC ADVANCED REGISTERED NURSE PRACTITIONERS

A. Preferences and Instructions About Physician(s), Physician Assistant(s), or Psychiatric Advanced Registered Nurse Practitioner(s) to be Involved in My Treatment

I would like the physician(s), physician assistant(s), or psychiatric advanced registered nurse practitioner(s) named below to be involved in my treatment decisions:

Dr., PA-C, or PARNP . . . . . Contact information:

Dr., PA-C, or PARNP . . . . . Contact information:

I do not wish to be treated by Dr. or PARNP

B. Preferences and Instructions About Other Providers

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

Name . . . . . Profession . . . . . Contact information

Name . . . . . Profession . . . . . Contact information

C. Preferences and Instructions About Medications for Psychiatric Treatment (*initial and complete all that apply*)

. . . . . I consent, and authorize my agent (if appointed) to consent, to the following

medications:

. . . . . I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following medications:

. . . . . I am willing to take the medications excluded above if my only reason for excluding them is the side effects which include

and these side effects can be eliminated by dosage adjustment or other means

. . . . . I am willing to try any other medication the hospital doctor, physician assistant, or psychiatric advanced registered nurse practitioner recommends

. . . . . I am willing to try any other medications my outpatient doctor, physician assistant, or psychiatric advanced registered nurse practitioner recommends

. . . . . I do not want to try any other medications.

Medication Allergies

I have allergies to, or severe side effects from, the following:

Other Medication Preferences or Instructions

. . . . . I have the following other preferences or instructions about medications

D. Preferences and Instructions About Hospitalization and Alternatives

(*initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on*)

. . . . . In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalizations.

. . . . . I would also like the interventions below to be tried before hospitalization is considered:

. . . . . Calling someone or having someone call me when needed.

Name: Telephone:

. . . . . Staying overnight with someone

Name: Telephone:

. . . . . Having a mental health service provider come to see me

. . . . . Going to a crisis triage center or emergency room

. . . . . Staying overnight at a crisis respite (temporary) bed

. . . . . Seeing a service provider for help with psychiatric medications

. . . . . Other, specify:

Authority to Consent to Inpatient Treatment

I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment for . . . . . days (*not to exceed 14 days*)

(Sign one):

. . . . . If deemed appropriate by my agent (if appointed) and treating physician, physician assistant, or psychiatric advanced registered nurse practitioner

(Signature)

or

. . . . . Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for hospitalization)

(Signature)

. . . . . I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

(Signature)

Hospital Preferences and Instructions

If hospitalization is required, I prefer the following hospitals:

I do not consent to be admitted to the following hospitals:

E. Preferences and Instructions About Preemergency

I would like the interventions below to be tried before use of seclusion or restraint is considered

(*initial all that apply*):

. . . . . "Talk me down" one-on-one

. . . . . More medication

. . . . . Time out/privacy

. . . . . Show of authority/force

. . . . . Shift my attention to something else

. . . . . Set firm limits on my behavior

. . . . . Help me to discuss/vent feelings

. . . . . Decrease stimulation

. . . . . Offer to have neutral person settle dispute

. . . . . Other,
specify

F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications

If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of medication, I prefer these interventions in the order I have chosen (*choose "1" for first choice, "2" for second choice, and so on*):

. . . . . Seclusion

. . . . . Seclusion and physical restraint (combined)

. . . . . Medication by injection

. . . . . Medication in pill or liquid form

In the event that my attending physician, physician assistant, or psychiatric advanced registered nurse practitioner decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in emergency situations do not constitute consent to use of the medication for nonemergency treatment.

G. Preferences and Instructions About Electroconvulsive Therapy

(ECT or Shock Therapy)

My wishes regarding electroconvulsive therapy are (*sign one*):

. . . . . I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

(Signature)

. . . . . I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

(Signature)

. . . . . I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but only under the following conditions:

(Signature)

H. Preferences and Instructions About Who is Permitted to Visit

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name:

Name:

Name:

I understand that persons not listed above may be permitted to visit me.

I. Additional Instructions About My Mental Health Care

Other instructions about my mental health care:

In case of emergency, please contact:

Name: Address:

Work telephone: Home telephone:

Physician, Physician Assistant, or Psychiatric Advanced Registered Nurse Practitioner: Address:

Telephone:

The following may help me to avoid a hospitalization:

I generally react to being hospitalized as follows:

Staff of the hospital or crisis unit can help me by doing the following:

J. Refusal of Treatment

I do not consent to any mental health treatment.

(Signature)

PART VI.

DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)

(*Fill out this part only if you wish to appoint an agent or nominate a guardian.*)

I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure, consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this document **and my agent does not otherwise know my wishes**, I authorize my agent to make the decision that my agent determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this durable power of attorney, I may revoke it unless prohibited by other state law.

A. Designation of an Agent

I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this document and request that this person be notified immediately when this directive becomes effective:

Name: Address:

Work telephone: Home telephone:

Relationship:

B. Designation of Alternate Agent

If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified immediately when this directive becomes effective or when my original agent is no longer my agent:

Name: Address:

Work telephone: Home telephone:

Relationship:

C. When My Spouse is My Agent (*initial if desired*)

. . . . . If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is dissolved, unless there is a court order to the contrary or I have remarried.

D. Limitations on My Agent's Authority

I do not grant my agent the authority to consent on my behalf to the following:

E. Limitations on My Ability to Revoke this Durable Power of Attorney

I choose to limit my ability to revoke this durable power of attorney as follows:

F. Preference as to Court-Appointed Guardian

In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I **nominate** the following person **as my guardian**:

Name: Address:

Work telephone: Home telephone:

Relationship:

The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by law.

(Signature
required if nomination
is made)

PART VII.

OTHER DOCUMENTS

(*Initial all that apply*)

I have executed the following documents that include the power to make decisions regarding health care services for myself:

. . . . . Health care power of attorney (chapter 11.125 RCW)

. . . . . "Living will" (Health care directive; chapter 70.122 RCW)

. . . . . I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated below:

PART VIII.

NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS

(*Fill out this part only if you wish to provide nontreatment instructions.*)

I understand the preferences and instructions in this part are **NOT** the responsibility of my treatment provider and that no treatment provider is required to act on them.

A. Who Should Be Notified

I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

Name: Address:

Day telephone: Evening telephone:

Name: Address:

Day telephone: Evening telephone:

B. Preferences or Instructions About Personal Affairs

I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am admitted to a mental health treatment facility:

C. Additional Preferences and Instructions:

PART IX.

SIGNATURE

By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I intend that my consent in this directive be construed as being consistent with the elements of informed consent under chapter 7.70 RCW.

Signature: Date:

Printed Name:

This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not appear to be acting under duress,

undue influence, or fraud. We further declare that none of us is:

(A) A person designated to make medical decisions on the principal's behalf;

(B) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;

(C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;

(D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating relationship as defined in ((~~RCW 26.50.010~~)) section 2 of this act;

(E) An incapacitated person;

(F) A person who would benefit financially if the principal undergoes mental health treatment; or

(G) A minor.

Witness 1: Date:
Signature:

Printed Name:

Telephone: Address:

Witness 2: Date:
Signature:

Printed Name:

Telephone: Address:

PART X.

RECORD OF DIRECTIVE

I have given a copy of this directive to the following persons:

DO NOT FILL OUT PART XI UNLESS YOU INTEND TO REVOKE

THIS DIRECTIVE IN PART OR IN WHOLE

PART XI.

REVOCATION OF THIS DIRECTIVE

(*Initial any that apply*):

. . . . . I am revoking the following part(s) of this directive (specify):

. . . . . I am revoking all of this directive.

By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

Signature: Date:

Printed Name:

DO NOT SIGN THIS PART UNLESS YOU INTEND TO REVOKE THIS

DIRECTIVE IN PART OR IN WHOLE

Sec. 160. RCW 72.09.712 and 2019 c 46 s 5043 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community custody, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, ((~~26.50.110,~~)) or 26.52.070((~~, or 74.34.145~~)), or any of the former RCW 26.50.110 and 74.34.145, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, to the following:

(a) The chief of police of the city, if any, in which the inmate will reside or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside or in which placement will be made in a work release program.

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department

shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, ((~~26.50.110,~~)) or 26.52.070((~~, or 74.34.145~~)), or any of the former RCW 26.50.110 and 74.34.145, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110:

(a) The victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense;

(c) Any person specified in writing by the prosecuting attorney; and

(d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030 from the department of corrections at least sixty days prior to the expected release date of the offender.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, ((~~26.50.110,~~)) or 26.52.070((~~, or 74.34.145~~)), or any of the former RCW 26.50.110 and 74.34.145, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(5) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(6) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(7) The department of corrections shall keep, for a minimum of two years following the release of an inmate, the following:

(a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and

(b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

(8) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings and children.

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

Sec. 161. RCW 72.09.714 and 2019 c 46 s 5044 are each amended to read as follows:

The department of corrections shall provide the victims, witnesses, and next of kin in the case of a homicide and victims and witnesses involved in violent offense cases, sex offenses as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, ((~~26.50.110,~~)) or 26.52.070((~~, or 74.34.145~~)), or any of the former RCW 26.50.110 and 74.34.145, or a felony harassment pursuant to RCW 9A.46.060 or 9A.46.110, a statement of the rights of victims and witnesses to request and receive notification under RCW 72.09.712 and 72.09.716.

Sec. 162. RCW 74.34.020 and 2020 c 312 s 735 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, ((~~sodomy~~)) molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

(c) "Mental abuse" means ((~~a~~)) an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

(d) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(e) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(5) "Department" means the department of social and health services.

(6) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department.

(7) "Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

(8) "Financial institution" has the same meaning as in RCW 30A.22.040 and 30A.22.041. For purposes of this chapter only, "financial institution" also means a "broker-dealer" or "investment adviser" as defined in RCW 21.20.005.

(9) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(10) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(11) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(12)(a) "Isolate" or "isolation" means to restrict a vulnerable adult's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including but not limited to:

(i) Acts that prevent a vulnerable adult from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct the vulnerable adult from meeting with others, such as telling a prospective visitor or caller that a vulnerable adult is not present, or does not wish contact, where the statement is contrary to the express wishes of the vulnerable adult.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.130 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(13) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult

day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(14) "Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(15) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

(16) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(17) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding without undue force a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(18) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(19) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(20) "Social worker" means:

(a) A social worker as defined in RCW 18.320.010(2); or

(b) Anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of vulnerable adults, or providing social services to vulnerable adults, whether in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

(22) "Vulnerable adult advocacy team" means a team of three or more persons who

coordinate a multidisciplinary process, in compliance with chapter 266, Laws of 2017 and the protocol governed by RCW 74.34.320, for preventing, identifying, investigating, prosecuting, and providing services related to abuse, neglect, or financial exploitation of vulnerable adults.

Sec. 163. RCW 74.34.110 and 2007 c 312 s 3 are each amended to read as follows:

((~~An action known as a petition for an order for protection of a vulnerable adult in cases of abandonment, abuse, financial exploitation, or neglect is created.~~

~~(1)~~)) A vulnerable adult, or interested person on behalf of the vulnerable adult, may seek relief from abandonment, abuse, financial exploitation, or neglect, or the threat thereof, by filing a petition for ((~~an order for~~)) a vulnerable adult protection ((~~in superior court~~)) order under chapter 7.--- RCW (the new chapter created in section 78 of this act).

((~~(2) A petition shall allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by respondent.~~

~~(3) A petition shall be accompanied by affidavit made under oath, or a declaration signed under penalty of perjury, stating the specific facts and circumstances which demonstrate the need for the relief sought. If the petition is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.~~

~~(4) A petition for an order may be made whether or not there is a pending lawsuit, complaint, petition, or other action pending that relates to the issues presented in the petition for an order for protection.~~

~~(5) Within ninety days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms and instructions required by RCW 74.34.115.~~

~~(6) Any assistance or information provided by any person, including, but not limited to, court clerks, employees of the department, and other court facilitators, to another to complete the forms provided by the court in subsection (5) of this section does not constitute the practice of law.~~

~~(7) A petitioner is not required to post bond to obtain relief in any proceeding under this section.~~

~~(8) An action under this section shall be filed in the county where the vulnerable adult resides; except that if the vulnerable adult has left or been removed from the residence as a result of abandonment, abuse, financial exploitation, or neglect, or in order to avoid abandonment, abuse, financial exploitation, or neglect, the petitioner may bring an action in the county of either the vulnerable adult's previous or new residence.~~

~~(9) No filing fee may be charged to the petitioner for proceedings under this section. Standard forms and written instructions shall be provided free of charge.~~))

PART XVI

TECHNICAL CORRECTIONS WITH RECODIFICATIONS

Sec. 164. RCW 7.90.150 and 2006 c 138 s 16 are each amended to read as follows:

(1)(a) When any person charged with or arrested for a sex offense as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030, is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a sexual assault ((~~protection~~)) no-contact order prohibiting the person charged or arrested from having contact with the

victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The sexual assault ((~~protection~~)) no-contact order shall also be issued in writing as soon as possible.

(2)(a) At the time of arraignment or whenever a motion is brought to modify the conditions of the defendant's release, the court shall determine whether a sexual assault ((~~protection~~)) no-contact order shall be issued or extended. If a sexual assault ((~~protection~~)) no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(b) A sexual assault ((~~protection~~)) no-contact order issued by the court in conjunction with criminal charges shall terminate if the defendant is acquitted or the charges are dismissed, unless the victim files an independent action for a sexual assault protection order. If the victim files an independent action for a sexual assault protection order, the order may be continued by the court until a full hearing is conducted pursuant to ((~~RCW 7.90.050~~)) chapter 7.--- RCW (the new chapter created in section 78 of this act).

(3)(a) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(b) A certified copy of the order shall be provided to the victim at no charge.

(4) If a sexual assault ((~~protection~~)) no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued pursuant to subsection (2) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(6)(a) When a defendant is found guilty of a sex offense as defined in RCW 9.94A.030, any violation of RCW 9A.44.096, or any violation of RCW 9.68A.090, or any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030, and a condition of the sentence restricts the defendant's ability to have contact with the victim, the condition shall be recorded as a sexual assault ((~~protection~~)) no-contact order.

(b) The written order entered as a condition of sentencing shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A final sexual assault ((~~protection~~)) no-contact order entered in conjunction with a criminal prosecution shall remain in effect for a period of two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.

(d) A certified copy of the order shall be provided to the victim at no charge.

(7) A knowing violation of a court order issued under subsection (1), (2), or (6) of this section is punishable under ((~~RCW 26.50.110~~)) section 56 of this act.

(8) Whenever a sexual assault ((~~protection~~)) no-contact order is issued, modified, or terminated under subsection (1), (2), or (6) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (2) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

Sec. 165. RCW 7.92.160 and 2013 c 84 s 16 are each amended to read as follows:

(1)(a) When any person charged with or arrested for stalking as defined in RCW 9A.46.110 or any other stalking-related offense under RCW 9A.46.060 is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, and the victim does not qualify for a domestic violence protection order under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act), the court authorizing release may issue, by telephone, a stalking no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The stalking no-contact order shall also be issued in writing as soon as possible.

(2)(a) At the time of arraignment or whenever a motion is brought to modify the conditions of the defendant's release, the court shall determine whether a stalking no-contact order shall be issued or extended. If a stalking no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring, including real-time global ((~~position satellite [global positioning system]~~)) positioning system monitoring with victim notification. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring, including costs relating to real-time global ((~~position satellite [global positioning system]~~)) positioning system monitoring with victim notification.

(b) A stalking no-contact order issued by the court in conjunction with criminal charges shall terminate if the defendant is acquitted or the charges are dismissed, unless the victim files an independent action for a stalking protection order. If the victim files an independent action for a civil stalking protection order, the order may be continued by the court until a full hearing is conducted pursuant to ((~~RCW 7.92.060~~)) chapter 7.--- RCW (the new chapter created in section 78 of this act).

(3)(a) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(b) A certified copy of the order shall be provided to the victim at no charge.

(4) If a stalking no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(5) Whenever an order prohibiting contact is issued pursuant to subsection (2) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year unless a different expiration date is specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(6)(a) When a defendant is found guilty of stalking as defined in RCW 9A.46.110 or any other stalking-related offense under RCW 9A.46.060 and a condition of the sentence restricts the defendant's ability to have contact with the victim, and the victim does not qualify for a domestic violence protection order under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act), the condition shall be recorded as a stalking no-contact order.

(b) The written order entered as a condition of sentencing shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this act) and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A final stalking no-contact order entered in conjunction with a criminal prosecution shall remain in effect for a period of five years from the date of entry.

(d) A certified copy of the order shall be provided to the victim at no charge.

(7) A knowing violation of a court order issued under subsection (1), (2), or (6) of this section is punishable under ((~~RCW 26.50.110~~)) section 56 of this act.

(8) Whenever a stalking no-contact order is issued, modified, or terminated under subsection (1), (2), or (6) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year unless a different expiration date is specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (2) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

PART XVII

RECODIFICATIONS AND REPEALERS

NEW SECTION. **Sec. 166.** RECODIFICATION. RCW 26.50.150 is recodified as a section in chapter 43.20A RCW.

NEW SECTION. **Sec. 167.** RECODIFICATION. RCW 26.50.250 is recodified as a section in chapter 70.123 RCW.

NEW SECTION. **Sec. 168.** RECODIFICATION. RCW 7.90.150 is recodified as a section in chapter 9A.44 RCW.

NEW SECTION. **Sec. 169.** RECODIFICATION. RCW 7.92.160 is recodified as a section in chapter 9A.46 RCW.

NEW SECTION. **Sec. 170.** REPEALERS. The following acts or parts of acts are each repealed:

(1)RCW 7.90.005 (Legislative declaration) and 2007 c 212 s 1 & 2006 c 138 s 1;

(2)RCW 7.90.010 (Definitions) and 2020 c 296 s 3 & 2006 c 138 s 2;

(3)RCW 7.90.020 (Petition for a sexual assault protection order—Creation—Contents—Administration) and 2019 c 258 s 2, 2007 c 55 s 1, & 2006 c 138 s 5;

(4)RCW 7.90.030 (Petition—Who may file) and 2007 c 212 s 2 & 2006 c 138 s 3;

(5)RCW 7.90.040 (Petition—Additional requirements) and 2013 c 74 s 1 & 2006 c 138 s 4;

(6)RCW 7.90.050 (Petition—Hearings prior to issuance of protection order) and 2013 c 74 s 2 & 2006 c 138 s 6;

(7)RCW 7.90.052 (Service by publication—When authorized) and 2013 c 74 s 6;

(8)RCW 7.90.053 (Service by mail—When authorized) and 2013 c 74 s 7;

(9)RCW 7.90.054 (Issuance of order following service by publication or mail) and 2013 c 74 s 8;

(10)RCW 7.90.055 (Fees not permitted—Filing, service of process, certified copies) and 2007 c 55 s 2;

(11)RCW 7.90.060 (Sexual assault advocates) and 2006 c 138 s 7;

(12)RCW 7.90.070 (Appointment of counsel) and 2006 c 138 s 8;

(13)RCW 7.90.080 (Evidence) and 2006 c 138 s 9;

(14)RCW 7.90.090 (Burden of proof—Issuance of protection order—Remedies—Violations) and 2019 c 245 s 4 & 2006 c 138 s 10;

(15)RCW 7.90.100 (Accountability for conduct of others) and 2006 c 138 s 11;

(16)RCW 7.90.110 (Ex parte temporary sexual assault protection orders—Issuance) and 2019 c 245 s 5, 2007 c 212 s 3, & 2006 c 138 s 12;

(17)RCW 7.90.120 (Ex parte orders—Duration) and 2017 c 233 s 1, 2013 c 74 s 3, & 2006 c 138 s 13;

(18)RCW 7.90.121 (Renewal of ex parte order) and 2017 c 233 s 2 & 2013 c 74 s 4;

(19)RCW 7.90.130 (Sexual assault protection orders—Contents) and 2006 c 138 s 14;

(20)RCW 7.90.140 (Sexual assault protection orders—Service to respondent) and 2019 c 245 s 6, 2013 c 74 s 5, & 2006 c 138 s 15;

(21)RCW 7.90.155 (Sexual assault protection orders—Personal jurisdiction—Nonresident individuals) and 2010 c 274 s 307;

(22)RCW 7.90.160 (Law enforcement agencies—Entry of protection order data) and 2006 c 138 s 17;

(23)RCW 7.90.170 (Modification or termination of protection orders) and 2017 c 233 s 3, 2013 c 74 s 9, & 2006 c 138 s 18;

(24)RCW 7.90.180 (Administrative office of the courts—Court clerks—Instructional and informational material) and 2006 c 138 s 19;

(25)RCW 7.90.190 (Admissibility of ex parte temporary orders in civil actions) and 2006 c 138 s 20;

(26)RCW 7.90.900 (Short title—2006 c 138) and 2006 c 138 s 28;

(27)RCW 7.92.010 (Intent—Finding) and 2013 c 84 s 1;

(28)RCW 7.92.020 (Definitions) and 2020 c 296 s 4 & 2013 c 84 s 2;

(29)RCW 7.92.030 (Petition for stalking protection order—Creation—Contents) and 2013 c 84 s 3;

(30)RCW 7.92.040 (Petition—Who may file) and 2013 c 84 s 4;

(31)RCW 7.92.050 (Petition—Additional requirements) and 2013 c 84 s 5;

(32)RCW 7.92.060 (Petition—Hearings prior to issuance of protection order) and 2013 c 84 s 6;

(33)RCW 7.92.070 (Consultation with judicial information system) and 2013 c 84 s 7;

(34)RCW 7.92.080 (Fees not permitted) and 2013 c 84 s 8;

(35)RCW 7.92.090 (Victim's advocates) and 2013 c 84 s 9;

(36)RCW 7.92.100 (Burden of proof—Issuance of protection order—Remedies) and 2019 c 245 s 7 & 2013 c 84 s 10;

(37)RCW 7.92.110 (Accountability for conduct of others) and 2013 c 84 s 11;

(38)RCW 7.92.120 (Ex parte temporary order for protection—Issuance) and 2019 c 245 s 8 & 2013 c 84 s 12;

(39)RCW 7.92.125 (Ex parte temporary order—Admissibility in subsequent civil actions) and 2013 c 84 s 22;

(40)RCW 7.92.130 (Protection orders—Duration) and 2013 c 84 s 13;

(41)RCW 7.92.140 (Protection order—Contents) and 2013 c 84 s 14;

(42)RCW 7.92.150 (Protection orders—Service to respondent—Service by publication) and 2019 c 245 s 9 & 2013 c 84 s 15;

(43)RCW 7.92.170 (Personal jurisdiction by court over nonresident individuals) and 2013 c 84 s 17;

(44)RCW 7.92.180 (Copy of order to be forwarded to law enforcement agency—Entry of information into computer-based information systems) and 2013 c 84 s 18;

(45)RCW 7.92.190 (Modification or termination of protection orders) and 2019 c 245 s 10 & 2013 c 84 s 19;

(46)RCW 7.92.900 (Construction—Filing of criminal charges not required) and 2013 c 84 s 23;

(47)RCW 7.92.901 (Short title) and 2013 c 84 s 24;

(48)RCW 7.94.010 (Purpose—Intent) and 2019 c 246 s 1 & 2017 c 3 s 1 (Initiative Measure No. 1491, approved November 8, 2016);

(49)RCW 7.94.020 (Definitions) and 2017 c 3 s 3 (Initiative Measure No. 1491, approved November 8, 2016);

(50)RCW 7.94.030 (Petition for order) and 2019 c 246 s 2 & 2017 c 3 s 4 (Initiative Measure No. 1491, approved November 8, 2016);

(51)RCW 7.94.040 (Hearings on petition—Grounds for order issuance) and 2019 c 246 s 3 & 2017 c 3 s 5 (Initiative Measure No. 1491, approved November 8, 2016);

(52)RCW 7.94.050 (Ex parte orders) and 2017 c 3 s 6 (Initiative Measure No. 1491, approved November 8, 2016);

(53)RCW 7.94.060 (Service of orders) and 2019 c 246 s 4 & 2017 c 3 s 7 (Initiative Measure No. 1491, approved November 8, 2016);

(54)RCW 7.94.070 (Service by publication or mail) and 2017 c 3 s 8 (Initiative Measure No. 1491, approved November 8, 2016);

(55)RCW 7.94.080 (Termination and renewal of orders) and 2017 c 3 s 9 (Initiative Measure No. 1491, approved November 8, 2016);

(56)RCW 7.94.090 (Firearms—Surrender) and 2020 c 126 s 2 & 2017 c 3 s 10 (Initiative Measure No. 1491, approved November 8, 2016);

(57)RCW 7.94.100 (Firearms—Return—Disposal) and 2017 c 3 s 11 (Initiative Measure No. 1491, approved November 8, 2016);

(58)RCW 7.94.110 (Reporting of orders) and 2017 c 3 s 12 (Initiative Measure No. 1491, approved November 8, 2016);

(59)RCW 7.94.120 (Penalties) and 2017 c 3 s 13 (Initiative Measure No. 1491, approved November 8, 2016);

(60)RCW 7.94.130 (Other authority retained) and 2017 c 3 s 14 (Initiative Measure No. 1491, approved November 8, 2016);

(61)RCW 7.94.140 (Liability) and 2017 c 3 s 15 (Initiative Measure No. 1491, approved November 8, 2016);

(62)RCW 7.94.150 (Instructional and informational material) and 2019 c 246 s 5 & 2017 c 3 s 16 (Initiative Measure No. 1491, approved November 8, 2016);

(63)RCW 7.94.900 (Short title—2017 c 3 (Initiative Measure No. 1491)) and 2017 c 3 s 2 (Initiative Measure No. 1491, approved November 8, 2016);

(64)RCW 10.14.010 (Legislative finding, intent) and 1987 c 280 s 1;

(65)RCW 10.14.020 (Definitions) and 2011 c 307 s 2, 2001 c 260 s 2, 1999 c 27 s 4, 1995 c 127 s 1, & 1987 c 280 s 2;

(66)RCW 10.14.030 (Course of conduct—Determination of purpose) and 1987 c 280 s 3;

(67)RCW 10.14.040 (Protection order—Petition) and 2002 c 117 s 1 & 2001 c 260 s 3;

(68)RCW 10.14.045 (Protection order commissioners—Appointment authorized) and 2013 c 84 s 20;

(69)RCW 10.14.050 (Administrator for courts—Forms, information) and 1987 c 280 s 5;

(70)RCW 10.14.055 (Fees excused, when) and 2020 c 29 s 8 & 2002 c 117 s 2;

(71)RCW 10.14.060 (Proceeding in forma pauperis) and 1987 c 280 s 6;

(72)RCW 10.14.065 (Orders—Judicial information system to be consulted) and 2011 c 307 s 6;

(73)RCW 10.14.070 (Hearing—Service) and 2013 c 84 s 30, 2005 c 144 s 1, 1992 c 143 s 10, & 1987 c 280 s 7;

(74)RCW 10.14.080 (Antiharassment protection orders—Ex parte temporary—Hearing—Longer term, renewal—Acts not prohibited) and 2019 c 245 s 11, 2019 c 46 s 5011, 2011 c 307 s 3, 2001 c 311 s 1, 1995 c 246 s 36, 1994 sp.s. c 7 s 448, 1992 c 143 s 11, & 1987 c 280 s 8;

(75)RCW 10.14.085 (Hearing reset after ex parte order—Service by publication—Circumstances) and 2016 c 202 s 4 & 1992 c 143 s 12;

(76)RCW 10.14.090 (Representation or appearance) and 1992 c 143 s 14 & 1987 c 280 s 9;

(77)RCW 10.14.100 (Service of order) and 2019 c 245 s 12, 2002 c 117 s 3, 2001 c 311 s 2, 1992 c 143 s 15, & 1987 c 280 s 10;

(78)RCW 10.14.105 (Order following service by publication) and 1992 c 143 s 13;

(79)RCW 10.14.110 (Notice to law enforcement agencies—Enforceability) and 1992 c 143 s 16 & 1987 c 280 s 11;

(80)RCW 10.14.115 (Enforcement of order—Knowledge prerequisite to penalties—Reasonable efforts to serve copy of order) and 1992 c 143 s 17;

(81)RCW 10.14.120 (Disobedience of order—Penalties) and 2001 c 260 s 4, 1989 c 373 s 14, & 1987 c 280 s 12;

(82)RCW 10.14.125 (Service by publication—Costs) and 2002 c 117 s 4 & 1992 c 143 s 18;

(83)RCW 10.14.130 (Exclusion of certain actions) and 2006 c 138 s 22 & 1987 c 280 s 13;

(84)RCW 10.14.140 (Other remedies) and 1987 c 280 s 14;

(85)RCW 10.14.150 (Jurisdiction) and 2019 c 216 s 1, 2011 c 307 s 1, 2005 c 196 s 1, 1999 c 170 s 1, 1991 c 33 s 2, & 1987 c 280 s 15;

(86)RCW 10.14.155 (Personal jurisdiction—Nonresident individual) and 2010 c 274 s 308;

(87)RCW 10.14.160 (Where action may be brought) and 2005 c 196 s 2, 1992 c 127 s 1, & 1987 c 280 s 16;

(88)RCW 10.14.170 (Criminal penalty) and 2001 c 260 s 5 & 1987 c 280 s 17;

(89)RCW 10.14.180 (Modification of order) and 2019 c 245 s 13 & 1987 c 280 s 18;

(90)RCW 10.14.190 (Constitutional rights) and 1987 c 280 s 19;

(91)RCW 10.14.200 (Availability of orders in family law proceedings) and 2019 c 46 s 5012, 1999 c 397 s 4, & 1995 c 246 s 35;

(92)RCW 10.14.210 (Court appearance after violation) and 2012 c 223 s 4;

(93)RCW 10.14.800 (Master petition pattern form to be developed—Recommendations to legislature) and 2013 c 84 s 21;

(94)RCW 26.50.010 (Definitions) and 2019 c 263 s 204;

(95)RCW 26.50.020 (Commencement of action—Jurisdiction—Venue) and 2019 c 263 s 205, 2010 c 274 s 302, 1992 c 111 s 8, 1989 c 375 s 28, 1987 c 71 s 1, 1985 c 303 s 1, & 1984 c 263 s 3;

(96)RCW 26.50.021 (Actions on behalf of vulnerable adults—Authority of department of social and health services—Immunity from liability) and 2000 c 119 s 1;

(97)RCW 26.50.025 (Orders under this chapter and chapter 26.09, 26.10, 26.26A, or 26.26B RCW—Enforcement—Consolidation) and 2019 c 46 s 5036 & 1995 c 246 s 2;

(98)RCW 26.50.030 (Petition for an order for protection—Availability of forms and informational brochures—Bond not required) and 2005 c 282 s 39, 1996 c 248 s 12, 1995 c 246 s 3, 1992 c 111 s 2, 1985 c 303 s 2, & 1984 c 263 s 4;

(99)RCW 26.50.035 (Development of instructions, informational brochures, forms, and handbook by the administrative office of the courts—Community resource list—Distribution of master copy) and 2019 c 263 s 912, 2019 c 46 s 5037, 2005 c 282 s 40, 2000 c 119 s 14, 1995 c 246 s 4, 1993 c 350 s 2, 1985 c 303 s 3, & 1984 c 263 s 31;

(100)RCW 26.50.040 (Fees not permitted—Filing, service of process, certified copies) and 1995 c 246 s 5, 1985 c 303 s 4, & 1984 c 263 s 5;

(101)RCW 26.50.050 (Hearing—Service—Time) and 2008 c 287 s 2, 1995 c 246 s 6, 1992 c 143 s 1, & 1984 c 263 s 6;

(102)RCW 26.50.055 (Appointment of interpreter) and 1995 c 246 s 11;

(103)RCW 26.50.060 (Relief—Duration—Realignment of designation of parties—Award of costs, service fees, attorneys' fees, and limited license legal technician fees) and 2020 c 311 s 9, 2019 c 46 s 5038, 2018 c 84 s 1, 2010 c 274 s 304, 2009 c 439 s 2, 2000 c 119 s 15, 1999 c 147 s 2, 1996 c 248 s 13, 1995 c 246 s 7, & 1994 sp.s. c 7 s 457;

(104)RCW 26.50.070 (Ex parte temporary order for protection) and 2019 c 245 s 14, 2018 c 22 s 9, 2010 c 274 s 305, 2000 c 119 s 16, 1996 c 248 s 14, 1995 c 246 s 8, 1994 sp.s. c 7 s 458, 1992 c 143 s 3, 1989 c 411 s 2, & 1984 c 263 s 8;

(105)RCW 26.50.080 (Issuance of order—Assistance of peace officer—Designation of appropriate law enforcement agency) and 1995 c 246 s 9 & 1984 c 263 s 9;

(106)RCW 26.50.085 (Hearing reset after ex parte order—Service by publication—Circumstances) and 2016 c 202 s 25 & 1992 c 143 s 4;

(107)RCW 26.50.090 (Order—Service—Fees) and 2019 c 245 s 15, 1995 c 246 s 10, 1992 c 143 s 6, 1985 c 303 s 6, & 1984 c 263 s 10;

(108)RCW 26.50.095 (Order following service by publication) and 1995 c 246 s 12 & 1992 c 143 s 5;

(109)RCW 26.50.100 (Order—Transmittal to law enforcement agency—Record in law enforcement information system—Enforceability) and 1996 c 248 s 15, 1995 c 246 s 13, 1992 c 143 s 7, & 1984 c 263 s 11;

(110)RCW 26.50.110 (Violation of order—Penalties) and 2019 c 263 s 913, 2019 c 46 s 5039, & 2017 c 230 s 9;

(111)RCW 26.50.115 (Enforcement of ex parte order—Knowledge of order prerequisite to penalties—Reasonable efforts to serve copy of order) and 1996 c 248 s 17, 1995 c 246 s 15, & 1992 c 143 s 8;

(112)RCW 26.50.120 (Violation of order—Prosecuting attorney or attorney for municipality may be requested to assist—Costs and attorney's fee) and 1984 c 263 s 13;

(113)RCW 26.50.123 (Service by mail) and 1995 c 246 s 16;

(114)RCW 26.50.125 (Service by publication or mailing—Costs) and 2002 c 117 s 5, 1995 c 246 s 17, & 1992 c 143 s 9;

(115)RCW 26.50.130 (Order for protection—Modification or termination—Service—Transmittal) and 2019 c 245 s 16, 2011 c 137 s 2, 2008 c 287 s 3, & 1984 c 263 s 14;

(116)RCW 26.50.135 (Residential placement or custody of a child—Prerequisite) and 1995 c 246 s 19;

(117)RCW 26.50.140 (Peace officers—Immunity) and 1984 c 263 s 17;

(118)RCW 26.50.160 (Judicial information system—Database) and 2019 c 263 s 914, 2019 c 46 s 5040, 2017 3rd sp.s. c 6 s 335, & 2006 c 138 s 26;

(119)RCW 26.50.165 (Judicial information system—Names of adult cohabitants in third-party custody actions) and 2003 c 105 s 4;

(120)RCW 26.50.200 (Title to real estate—Effect) and 1985 c 303 s 7 & 1984 c 263 s 15;

(121)RCW 26.50.210 (Proceedings additional) and 1984 c 263 s 16;

(122)RCW 26.50.220 (Parenting plan—Designation of parent for other state and federal purposes) and 1989 c 375 s 26;

(123)RCW 26.50.230 (Protection order against person with a disability, brain injury, or impairment) and 2010 c 274 s 303;

(124)RCW 26.50.240 (Personal jurisdiction—Nonresident individuals) and 2010 c 274 s 306;

(125)RCW 26.50.900 (Short title) and 1984 c 263 s 1;

(126)RCW 26.50.901 (Effective date—1984 c 263) and 1984 c 263 s 32;

(127)RCW 74.34.115 (Protection of vulnerable adults—Administrative office of the courts—Standard petition—Order for protection—Standard notice—Court staff handbook) and 2007 c 312 s 4;

(128)RCW 74.34.120 (Protection of vulnerable adults—Hearing) and 2007 c 312 s 5 & 1986 c 187 s 6;

(129)RCW 74.34.130 (Protection of vulnerable adults—Judicial relief) and 2007 c 312 s 6;

(130)RCW 74.34.135 (Protection of vulnerable adults—Filings by others—Dismissal of petition or order—Testimony or evidence—Additional evidentiary hearings—Temporary order) and 2020 c 312 s 737 & 2007 c 312 s 9;

(131)RCW 74.34.140 (Protection of vulnerable adults—Execution of protective order) and 2012 c 156 s 2 & 1986 c 187 s 8;

(132)RCW 74.34.145 (Protection of vulnerable adults—Notice of criminal penalties for violation—Enforcement under RCW 26.50.110) and 2020 c 29 s 17, 2007 c 312 s 7, & 2000 c 119 s 2;

(133)RCW 74.34.150 (Protection of vulnerable adults—Department may seek relief) and 2007 c 312 s 8 & 1986 c 187 s 9;

(134)RCW 74.34.160 (Protection of vulnerable adults—Proceedings are supplemental) and 1986 c 187 s 11;

(135)RCW 74.34.163 (Application to modify or vacate order) and 2020 c 312 s 738 & 2007 c 312 s 10;

(136)RCW 74.34.210 (Order for protection or action for damages—Standing—Jurisdiction) and 2007 c 312 s 11 & 1995 1st sp.s. c 18 s 86; and

(137)RCW 26.10.115 (Temporary orders—Support—Restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order—Preservation of support debt) and 2019 c 245 s 18, 2000 c 119 s 9, 1995 c 246 s 29, 1994 sp.s. c 7 s 454, & 1989 c 375 s 32.

NEW SECTION. **Sec. 171.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 172.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 3 of the title, after "orders;" strike the remainder of the title and insert "amending RCW 9.41.040, 9.41.075, 9.41.801, 10.99.045, 26.55.010, 26.55.020, 26.55.030, 26.55.040, 26.55.050, 2.28.210, 4.08.050, 4.24.130, 7.77.060, 7.77.080, 9.41.010, 9.41.070, 9.41.173, 9.94A.411, 9.94A.515, 9.94A.525, 9.94A.637, 9.94A.660, 9.94A.662, 9.94A.703, 9.96.060, 9A.36.041, 9A.40.104, 9A.46.040, 9A.46.060, 9A.46.085, 9A.46.110, 9A.88.170, 9A.88.180, 10.01.240, 10.05.020, 10.05.030, 10.22.010, 10.31.100, 10.66.010, 10.95.020, 10.99.040, 10.99.050, 10.99.090, 11.130.257, 11.130.335, 12.04.140, 12.04.150, 19.220.010, 26.09.003, 26.09.015, 26.09.050, 26.09.060, 26.09.191, 26.09.300, 26.12.260, 26.12.802, 26.26A.470, 26.26B.020, 26.26B.050, 26.28.015, 26.44.020, 26.51.020, 26.52.010, 26.52.070, 36.18.020, 43.43.754, 48.18.550, 49.76.020, 59.18.575, 71.09.305, 71.32.090, 71.32.200, 72.09.712, 72.09.714, 74.34.020, 74.34.110, 7.90.150, and 7.92.160; reenacting and amending RCW 9.41.800, 9.41.300, 9.94A.030, 10.99.020, 36.28A.410, 41.04.655, 43.43.842, 50.20.050, 59.18.570, and 71.32.260; adding a new section to chapter 9.41 RCW; adding new sections to chapter 26.55 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 70.123 RCW; adding a new section to chapter 9A.44 RCW; adding a new section to chapter 9A.46 RCW; adding a new chapter to Title 7 RCW; creating new

sections; recodifying RCW 26.50.150, 26.50.250, 7.90.150, and 7.92.160; repealing RCW 7.90.005, 7.90.010, 7.90.020, 7.90.030, 7.90.040, 7.90.050, 7.90.052, 7.90.053, 7.90.054, 7.90.055, 7.90.060, 7.90.070, 7.90.080, 7.90.090, 7.90.100, 7.90.110, 7.90.120, 7.90.121, 7.90.130, 7.90.140, 7.90.155, 7.90.160, 7.90.170, 7.90.180, 7.90.190, 7.90.900, 7.92.010, 7.92.020, 7.92.030, 7.92.040, 7.92.050, 7.92.060, 7.92.070, 7.92.080, 7.92.090, 7.92.100, 7.92.110, 7.92.120, 7.92.125, 7.92.130, 7.92.140, 7.92.150, 7.92.170, 7.92.180, 7.92.190, 7.92.900, 7.92.901, 7.94.010, 7.94.020, 7.94.030, 7.94.040, 7.94.050, 7.94.060, 7.94.070, 7.94.080, 7.94.090, 7.94.100, 7.94.110, 7.94.120, 7.94.130, 7.94.140, 7.94.150, 7.94.900, 10.14.010, 10.14.020, 10.14.030, 10.14.040, 10.14.045, 10.14.050, 10.14.055, 10.14.060, 10.14.065, 10.14.070, 10.14.080, 10.14.085, 10.14.090, 10.14.100, 10.14.105, 10.14.110, 10.14.115, 10.14.120, 10.14.125, 10.14.130, 10.14.140, 10.14.150, 10.14.155, 10.14.160, 10.14.170, 10.14.180, 10.14.190, 10.14.200, 10.14.210, 10.14.800, 26.50.010, 26.50.020, 26.50.021, 26.50.025, 26.50.030, 26.50.035, 26.50.040, 26.50.050, 26.50.055, 26.50.060, 26.50.070, 26.50.080, 26.50.085, 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.120, 26.50.123, 26.50.125, 26.50.130, 26.50.135, 26.50.140, 26.50.160, 26.50.165, 26.50.200, 26.50.210, 26.50.220, 26.50.230, 26.50.240, 26.50.900, 26.50.901, 74.34.115, 74.34.120, 74.34.130, 74.34.135, 74.34.140, 74.34.145, 74.34.150, 74.34.160, 74.34.163, 74.34.210, and 26.10.115; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1320 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Goodman spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1320, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1320, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Kretz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1320, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1323 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50B.04.010 and 2020 c 98 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Account" means the long-term services and supports trust account created in RCW 50B.04.100.

(2) "Approved service" means long-term services and supports including, but not limited to:

(a) Adult day services;

(b) Care transition coordination;

(c) Memory care;

(d) Adaptive equipment and technology;

(e) Environmental modification;

(f) Personal emergency response system;

(g) Home safety evaluation;

(h) Respite for family caregivers;

(i) Home delivered meals;

(j) Transportation;

(k) Dementia supports;

(l) Education and consultation;

(m) Eligible relative care;

(n) Professional services;

(o) Services that assist paid and unpaid family members caring for eligible individuals, including training for individuals providing care who are not otherwise employed as long-term care workers under RCW 74.39A.074;

(p) In-home personal care;

(q) Assisted living services;

(r) Adult family home services; and

(s) Nursing home services.

(3) "Benefit unit" means up to one hundred dollars paid by the department of social and health services to a long-term services and supports provider as reimbursement for approved services provided to an eligible beneficiary on a specific date. The benefit unit must be adjusted annually at a rate no greater than the Washington state consumer price index, as determined solely by the council. Any changes adopted by the council shall be subject to revision by the legislature.

(4) "Commission" means the long-term services and supports trust commission established in RCW 50B.04.030.

(5) "Council" means the long-term services and supports trust council established in RCW 50B.04.040.

(6) "Eligible beneficiary" means a qualified individual who is age eighteen or older, residing in the state of Washington, ((~~was not disabled before the age of eighteen,~~)) has been determined to meet the minimum level of assistance with activities of daily living necessary to receive benefits through the trust program, as established in this chapter, and ((~~who~~)) has not exhausted the lifetime limit of benefit units.

(7) "Employee" has the meaning provided in RCW 50A.05.010.

(8) "Employer" has the meaning provided in RCW 50A.05.010.

(9) "Employment" has the meaning provided in RCW 50A.05.010.

(10) "Exempt employee" means a person who has been granted a premium assessment exemption by the employment security department.

(11) "Long-term services and supports provider" means an entity that meets the qualifications applicable in law to the approved service they provide, including a qualified or certified home care aide, licensed assisted living facility, licensed adult family home, licensed nursing home, licensed in-home services agency, adult day services program, vendor, instructor, qualified family member, or other entities as registered by the department of social and health services.

((~~(11)~~)) (12) "Premium" or "premiums" means the payments required by RCW 50B.04.080 and paid to the employment security department for deposit in the account created in RCW 50B.04.100.

((~~(12)~~)) (13) "Program" means the long-term services and supports trust program established in this chapter.

((~~(13)~~)) (14) "Qualified family member" means a relative of an eligible beneficiary qualified to meet requirements established in state law for the approved service they provide that would be required of any other long-term services and supports provider to receive payments from the state.

((~~(14)~~)) (15) "Qualified individual" means an individual who meets the duration of payment requirements, as established in this chapter.

((~~(15)~~)) (16) "State actuary" means the office of the state actuary created in RCW 44.44.010.

((~~(16)~~)) (17) "Wage or wages" means all remuneration paid by an employer to an employee. Remuneration has the meaning provided in RCW 50A.05.010. All wages are subject to a premium assessment and not limited by the commissioner of the

employment security department, as provided under RCW 50A.10.030(4).

((~~(17) "Exempt employee" means a person who has been granted a premium assessment exemption by the employment security department.~~))

Sec. 2. RCW 50B.04.020 and 2020 c 98 s 2 are each amended to read as follows:

(1) The health care authority, the department of social and health services, the office of the state actuary, and the employment security department each have distinct responsibilities in the implementation and administration of the program. In the performance of their activities, they shall actively collaborate to realize program efficiencies and provide persons served by the program with a well-coordinated experience.

(2) The health care authority shall:

(a) Track the use of lifetime benefit units to verify the individual's status as an eligible beneficiary as determined by the department of social and health services;

(b) Ensure approved services are provided through audits or service verification processes within the service provider payment system for registered long-term services and supports providers and recoup any inappropriate payments;

(c) Establish criteria for the payment of benefits to registered long-term services and supports providers under RCW 50B.04.070;

(d) Establish rules and procedures for benefit coordination when the eligible beneficiary is also funded for medicaid and other long-term services and supports, including medicare, coverage through the department of labor and industries, and private long-term care coverage; and

(e) Adopt rules and procedures necessary to implement and administer the activities specified in this section related to the program.

(3) The department of social and health services shall:

(a) Make determinations regarding an individual's status as an eligible beneficiary under RCW 50B.04.060;

(b) Approve long-term services and supports eligible for payment as approved services under the program, as informed by the commission;

(c) Register long-term services and supports providers that meet minimum qualifications;

(d) Discontinue the registration of long-term services and supports providers that: (i) Fail to meet the minimum qualifications applicable in law to the approved service that they provide; or (ii) violate the operational standards of the program;

(e) Disburse payments of benefits to registered long-term services and supports providers, utilizing and leveraging existing payment systems for the provision of approved services to eligible beneficiaries under RCW 50B.04.070;

(f) Prepare and distribute written or electronic materials to qualified individuals, eligible beneficiaries, and the public as deemed necessary by the commission to inform them of program design and updates;

(g) Provide customer service and address questions and complaints, including referring individuals to other appropriate agencies;

(h) Provide administrative and operational support to the commission;

(i) Track data useful in monitoring and informing the program, as identified by the commission; and

(j) Adopt rules and procedures necessary to implement and administer the activities specified in this section related to the program.

(4) The employment security department shall:

(a) Collect and assess employee premiums as provided in RCW 50B.04.080;

(b) Assist the commission, council, and state actuary in monitoring the solvency and financial status of the program;

(c) Perform investigations to determine the compliance of premium payments in RCW 50B.04.080 and 50B.04.090 in coordination with the same activities conducted under the family and medical leave act, Title 50A RCW, to the extent possible;

(d) Make determinations regarding an individual's status as a qualified individual under RCW 50B.04.050; and

(e) Adopt rules and procedures necessary to implement and administer the activities specified in this section related to the program.

(5) The office of the state actuary shall:

(a) Beginning January 1, 2024, and biennially thereafter, perform an actuarial audit and valuation of the long-term services and supports trust fund. Additional or more frequent actuarial audits and valuations may be performed at the request of the council;

(b) Make recommendations to the council and the legislature on actions necessary to maintain trust solvency. The recommendations must include options to redesign or reduce benefit units, approved services, or both, to prevent or eliminate any unfunded actuarially accrued liability in the trust or to maintain solvency; and

(c) Select and contract for such actuarial, research, technical, and other consultants as the actuary deems necessary to perform its duties under chapter 363, Laws of 2019.

(6) By October 1, 2021, the employment security department and the department of social and health services shall jointly conduct outreach to provide employers with educational materials to ensure employees are aware of the program and that the premium assessments will begin on January 1, 2022. In conducting the outreach, the employment security department and the department of social and health services shall provide on a public website information that explains the program and premium assessment in an easy to understand format. Outreach information must be available in English and other primary languages as defined in RCW 74.04.025.

Sec. 3. RCW 50B.04.030 and 2019 c 363 s 4 are each amended to read as follows:

(1) The long-term services and supports trust commission is established. The commission's recommendations and decisions must be guided by the joint goals of maintaining benefit adequacy and maintaining fund solvency and sustainability.

(2) The commission includes:

(a) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(b) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(c) The commissioner of the employment security department, or the commissioner's designee;

(d) The secretary of the department of social and health services, or the secretary's designee;

(e) The director of the health care authority, or the director's designee, who shall serve as a nonvoting member;

(f) One representative of the organization representing the area agencies on aging;

(g) One representative of a home care association that represents caregivers who provide services to private pay and medicaid clients;

(h) One representative of a union representing long-term care workers;

(i) One representative of an organization representing retired persons;

(j) One representative of an association representing skilled nursing facilities and assisted living providers;

(k) One representative of an association representing adult family home providers;

(l) Two individuals receiving long-term services and supports, or their designees, or representatives of consumers receiving long-term services and supports under the program;

(m) One member who is a worker who is, or will likely be, paying the premium established in RCW 50B.04.080 and who is not employed by a long-term services and supports provider; and

(n) One representative of an organization of employers whose members collect, or will likely be collecting, the premium established in RCW 50B.04.080.

(3)(a) Other than the legislators and agency heads identified in subsection (2) of this section, members of the commission are appointed by the governor for terms of two years, except that the

governor shall appoint the initial members identified in subsection (2)(f) through (n) of this section to staggered terms not to exceed four years.

(b) The secretary of the department of social and health services, or the secretary's designee, shall serve as chair of the commission. Meetings of the commission are at the call of the chair. A majority of the voting members of the commission shall constitute a quorum for any votes of the commission. Approval of sixty percent of those voting members of the commission who are in attendance is required for the passage of any vote.

(c) Members of the commission and the subcommittee established in subsection (6) of this section must be compensated in accordance with RCW 43.03.250 and must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060.

(4) Beginning January 1, 2021, the commission shall propose recommendations to the appropriate executive agency or the legislature regarding:

(a) The establishment of criteria for determining that an individual has met the requirements to be a qualified individual as established in RCW 50B.04.050 or an eligible beneficiary as established in RCW 50B.04.060;

(b) The establishment of criteria for minimum qualifications for the registration of long-term services and supports providers who provide approved services to eligible beneficiaries;

(c) The establishment of payment maximums for approved services consistent with actuarial soundness which shall not be lower than medicaid payments for comparable services. A service or supply may be limited by dollar amount, duration, or number of visits. The commission shall engage affected stakeholders to develop this recommendation;

(d) Changes to rules or policies to improve the operation of the program;

(e) Providing a recommendation to the council for the annual adjustment of the benefit unit in accordance with RCW 50B.04.010 and 50B.04.040;

(f) A refund of premiums for a deceased qualified individual with a dependent who is an individual with a developmental disability who is dependent for support from a qualified individual. The qualified individual must not have been determined to be an eligible beneficiary by the department of social and health services. The refund shall be deposited into an individual trust account within the developmental disabilities endowment trust fund for the benefit of the dependent with a developmental disability. The commission shall consider:

(i) The value of the refund to be one hundred percent of the current value of the qualified individual's lifetime premium payments at the time that certification of death of the qualified individual is submitted, less any administrative process fees; and

(ii) The criteria for determining whether the individual is developmentally disabled. The determination shall not be based on whether or not the individual with a developmental disability is receiving services under Title 71A RCW, or another state or local program;

(g) Assisting the state actuary with the preparation of regular actuarial reports on the solvency and financial status of the program and advising the legislature on actions necessary to maintain trust solvency. The commission shall provide the office of the state actuary with all actuarial reports for review. The office of the state actuary shall provide any recommendations to the commission and the legislature on actions necessary to maintain trust solvency;

(h) For the January 1, 2021, report only, recommendations on whether and how to extend coverage to individuals who became disabled before the age of eighteen, including the impact on the financial status and solvency of the trust. The commission shall engage affected stakeholders to develop this recommendation; and

(i) For the January 1, 2021, report only, the commission shall consult with the office of the state actuary on the development of an actuarial report of the projected solvency and financial status of the program. The office of the state actuary shall provide any recommendations to the commission and the legislature on actions necessary to achieve trust solvency.

(5) The commission shall monitor agency administrative expenses over time. Beginning November 15, 2020, the commission must annually report to the

governor and the fiscal committees of the legislature on agency spending for administrative expenses and anticipated administrative expenses as the program shifts into different phases of implementation and operation. The November 15, 2025, report must include recommendations for a method of calculating future agency administrative expenses to limit administrative expenses while providing sufficient funds to adequately operate the program. The agency heads identified in subsection (2) of this section may advise the commission on the reports prepared under this subsection, but must recuse themselves from the commission's process for review, approval, and submission to the legislature.

(6) The commission shall establish an investment strategy subcommittee consisting of the members identified in subsection (2)(a) through (d) of this section as voting members of the subcommittee. In addition, four members appointed by the governor who are considered experienced and qualified in the field of investment shall serve as nonvoting members. The subcommittee shall provide guidance and advice to the state investment board on investment strategies for the account, including seeking counsel and advice on the types of investments that are constitutionally permitted.

(7) The commission shall work with insurers to develop long-term care insurance products that supplement the program's benefit.

Sec. 4. RCW 50B.04.050 and 2020 c 98 s 3 are each amended to read as follows:

(1) The employment security department shall deem a person to be a qualified individual as provided in this chapter if the person has paid the long-term services and supports premiums required by RCW 50B.04.080 for the equivalent of either:

(a) A total of ten years without interruption of five or more consecutive years; or

(b) Three years within the last six years from the date of application for benefits.

(2) When deeming a person to be a qualified individual, the employment security department shall require that the person have worked at least five hundred hours during each of the ten years in subsection (1)(a) of this section or each of the three years in subsection (1)(b) of this section.

(3) An exempt employee may never be deemed to be a qualified individual.

Sec. 5. RCW 50B.04.085 and 2020 c 98 s 7 are each amended to read as follows:

(1) An employee who attests that the employee has long-term care insurance purchased before November 1, 2021, may apply for an exemption from the premium assessment under RCW 50B.04.080. An exempt employee may not become a qualified individual or eligible beneficiary and is permanently ineligible for coverage under this title.

(2)(a) The employment security department must accept applications for exemptions only from October 1, 2021, through December 31, 2022.

(b) Only employees who are eighteen years of age or older may apply for an exemption.

(3) The employment security department is not required to verify the attestation of an employee that the employee has long-term care insurance.

(4) Approved exemptions will take effect on the first day of the quarter immediately following the approval of the exemption.

(5) Exempt employees are not entitled to a refund of any premium deductions made before the effective date of an approved exemption.

(6) An exempt employee must provide written notification to all current and future employers of an approved exemption.

(7) If an exempt employee fails to notify an employer of an exemption, the exempt employee is not entitled to a refund of any premium deductions made before notification is provided.

(8) Employers must not deduct premiums after being notified by an employee of an approved exemption.

(a) Employers must retain written notifications of exemptions received from employees.

(b) An employer who deducts premiums after being notified by the employee of an exemption is solely responsible for refunding to the employee any premiums deducted after the notification.

(c) The employer is not entitled to a refund from the employment security department for any premiums remitted to the employment security department that were deducted from exempt employees.

(9) The department must adopt rules necessary to implement and administer the activities specified in this section related to the program, including rules on the submission and processing of applications under this section.

Sec. 6. RCW 50B.04.090 and 2020 c 98 s 5 are each amended to read as follows:

(1) Beginning January 1, 2022, any self-employed person, including a sole proprietor, independent contractor, partner, or joint venturer, may elect coverage under this chapter. Coverage must be elected before January 1, 2025, or within three years of becoming self-employed for the first time. Those electing coverage under this subsection are responsible for payment of one hundred percent of all premiums assessed to an employee under RCW 50B.04.080. The self-employed person must file a notice of election in writing with the employment security department, in the manner required by the employment security department in rule. The self-employed person is eligible for benefits after paying the long-term services and supports premium for the time required under RCW 50B.04.050.

(2) A self-employed person who has elected coverage may not withdraw from coverage((~~, at such times as the employment security department may adopt by rule, by filing a notice of withdrawal in writing with the employment security department, with the withdrawal to take effect not sooner than thirty days after filing the notice with the employment security department~~)).

(3) A self-employed person who elects coverage must continue to pay premiums until such time that the individual retires from the workforce or is no longer self-employed. To cease premium assessment and collection, the self-employed person must file a notice with the employment security department if the individual retires from the workforce or is no longer self-employed.

(4) The employment security department may cancel elective coverage if the self-employed person fails to make required payments or file reports. The employment security department may collect due and unpaid premiums and may levy an additional premium for the remainder of the period of coverage. The cancellation must be effective no later than thirty days from the date of the notice in writing advising the self-employed person of the cancellation.

((~~(4)~~)) (5) Those electing coverage are considered employers or employees where the context so dictates.

((~~(5)~~)) (6) For the purposes of this section, "independent contractor" means an individual excluded from the definition of "employment" in RCW 50B.04.010.

((~~(6)~~)) (7) The employment security department shall adopt rules for determining the hours worked and the wages of individuals who elect coverage under this section and rules for enforcement of this section.

NEW SECTION. **Sec. 7.** A new section is added to chapter 50B.04 RCW to read as follows:

A federally recognized tribe may elect coverage under RCW 50B.04.080. If a federally recognized tribe has elected coverage under this section, it must also have the option to opt out at any time for any reason it deems necessary. The employment security department shall adopt rules to implement this section."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.050, 50B.04.085, and 50B.04.090; and adding a new section to chapter 50B.04 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1323 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Tharinger spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1323, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1323, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Kretz.

SUBSTITUTE HOUSE BILL NO. 1323, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.56.020 and 2019 c 332 s 1 are each amended to read as follows:

Treasurers' tax collection duties.

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

Tax statements.

(2)(a) Tax statements for the current year's collection must be distributed to each taxpayer on or before March 15th provided that:

(i) All city and other taxing district budgets have been submitted to county legislative authorities by November 30th per RCW 84.52.020;

(ii) The county legislative authority in turn has certified taxes levied to the county assessor by November 30th per RCW 84.52.070; and

(iii) The county assessor has delivered the tax roll to the county treasurer by January 15th per RCW 84.52.080.

(b) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of . . . . . County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(c) Each tax statement distributed to an address must include a notice with information describing the:

(i) Property tax exemption program pursuant to RCW 84.36.379 through 84.36.389; and

(ii) Property tax deferral program pursuant to chapter 84.38 RCW.

Tax payment due dates.

On-time tax payments: First-half taxes paid by April 30th and second-half taxes paid by October 31st.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the

following thirty-first day of October and is delinquent after that date.

Delinquent tax payments for current year: First-half taxes paid after April 30th.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

Delinquent tax payments: Interest, penalties, and treasurer duties.

(5) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection (15)(b) of this section or a partial payment program pursuant to subsection (15)(c) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(6) A county treasurer must provide notification to each taxpayer whose taxes have become delinquent under subsections (4) and (5) of this section. The delinquency notice must specify where the taxpayer can obtain information regarding:

(a) Any current tax or special assessments due as of the date of the notice;

(b) Any delinquent tax or special assessments due, including any penalties and interest, as of the date of the notice; and

(c) Where the taxpayer can pay his or her property taxes directly and contact information, including but not limited to the phone number, for the statewide foreclosure hotline recommended by the Washington state housing finance commission.

(7) Within ninety days after the expiration of two years from the date of delinquency (when a taxpayer's taxes have become delinquent), the county treasurer must provide the name and property address of the delinquent taxpayer to a homeownership resource center or any other designated local or state entity recommended by the Washington state housing finance commission.

Collection of foreclosure costs.

(8)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(c) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

Periods of armed conflict.

(9) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

State of emergency.

(10) ((~~During~~)) (a) Except as provided in (b) of this subsection, during a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

(b)(i) Due to the state of emergency declared under RCW 43.06.010(12) related to the novel coronavirus, the county treasurer must grant an extension of the due date of any unpaid, nondelinquent taxes payable in 2021, if an eligible taxpayer demonstrates to the county treasurer's satisfaction a loss of at least 25 percent of its revenue attributable to that real property for calendar year 2020 compared to calendar year 2019.

(ii)(A) Eligible taxpayers must request an extension under this subsection from the county treasurer solely upon forms developed or approved by the department. The county treasurer must deny any extension request that is not filed with the county treasurer by April 30, 2021.

(B) An eligible taxpayer requesting an extension under this subsection (10)(b) must certify under penalty of perjury in accordance with chapter 5.50 RCW that the information contained in the extension request is true and correct.

(C) County treasurers may grant an extension under this subsection (10)(b) based solely on the information provided in a person's request for extension. County treasurers may, but are not required to, independently verify the information submitted in a request for extension.

(iii) A county treasurer granting an extension under this subsection (10)(b) must establish a payment plan for the taxes subject to the extension. The county treasurer may determine the payment schedule and other terms of the payment plan.

(A) In setting terms for the payment plan, the county treasurer must consider cash flow and other impacts on all relevant taxing jurisdictions. The county treasurer must prioritize payment plan expenditures to protect scheduled bond payments, and otherwise has discretion as to how payments made under the payment plan are expended.

(B) A taxing jurisdiction must report to the county treasurer its current fund balance by April 30, 2021. If granting the extension under this subsection (10)(b) results in any taxing jurisdiction being unable to make scheduled bond payments, then the county treasurer may choose not to grant extensions under this subsection (10)(b).

(C) Penalties and interest do not apply to the taxes due under the payment plan so long as the eligible taxpayer fully complies with all the terms of the payment plan.

(iv) The county treasurer must process all requests for extension under this subsection (10)(b) by June 30, 2021.

(v) The department may, to the extent feasible, considering available resources and data limitations, assist the county treasurer, upon request, in determining whether a person requesting an extension under this subsection (10)(b) is an eligible taxpayer.

(vi) The department may, in its sole discretion, at the request of a county treasurer or on its own initiative, audit any person receiving an extension under this subsection (10)(b) to determine if the person was eligible for such extension. The powers of the department under chapter 84.08 RCW apply to these audits.

(vii) Any owner of real property receiving an extension under this subsection (10)(b) must pass the entire benefit of the extension to any tenant, and such tenant to any sublessee, if the tenant or sublessee is required by the lease or other contract to pay the property tax expense of the owner. Neither county treasurers nor the department have any responsibility for enforcing this subsection (10)(b)(vii).

(viii) The department may adopt rules it deems necessary to administer this subsection (10)(b).

(ix) The department is authorized to provide its opinion, if any, to a county treasurer as to whether a person meets the qualifications for an extension under this subsection (10)(b). However, nothing in this subsection (10)(b) requires the department to disclose to a county treasurer details of the revenues of a person requesting or receiving an extension under this subsection (10)(b).

(x) For purposes of this subsection (10)(b), the following definitions apply:

(A) "Attributable" means generated from the leasing or renting of real property or from a person's business activities conducted in, or directed or managed from, real property.

(B) "Eligible taxpayer" means an owner or person responsible for payment of tax on any real property primarily used for business purposes who has experienced a loss of at least 25 percent of its revenue attributable to that real property for calendar year 2020 compared to calendar year 2019.

(C) "Revenue" means gross revenue, including gross income of the business as defined in RCW 82.04.080 and gross income as defined in RCW 82.16.010.

Retention of funds from interest.

(11) All collections of interest on delinquent taxes must be credited to the county current expense fund.

(12) For purposes of this chapter, "interest" means both interest and penalties.

Retention of funds from property foreclosures and sales.

(13) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

Tax due dates and options for tax payment collections.

Electronic billings and payments.

(14) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for:

(a) Delinquent tax year payments; and

(b) Prepayments of current tax.

Tax payments.

Prepayment for current taxes.

(15)(a) The treasurer may accept prepayments for current year taxes by any means authorized. All prepayments must be paid in full by the due date specified in subsection (16) of this section.

Payment agreements for current year taxes.

(b)(i) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

Payment agreements for delinquent year taxes.

(ii)(A) The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for past due delinquent taxes and charges.

(B) Tax payments received by a treasurer for delinquent year taxes from a taxpayer participating on a payment agreement must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Partial payments: Acceptance of partial payments for current and delinquent taxes.

(c)(i) In addition to the payment agreement program in (b) of this subsection, the treasurer may accept partial payment of any current and delinquent taxes including interest and penalties by any means authorized including electronic bill presentment and payments.

(ii) All tax payments received by a treasurer for delinquent year taxes from a taxpayer paying a partial payment must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Payment for delinquent taxes.

(d) Payments on past due taxes must include collection of the oldest delinquent year, which includes interest, penalties, and taxes within an eighteen-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

Due date for tax payments.

(16) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

Electronic funds transfers.

(17) A county treasurer may authorize payment of:

(a) Any current property taxes due under this chapter by electronic funds transfers on a monthly or other periodic basis; and

(b) Any past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly or other periodic basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section. All tax payments received by a treasurer from a taxpayer paying delinquent year taxes must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Payment for administering prepayment collections.

(18) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

Waiver of interest and penalties for qualified taxpayers subject to foreclosure.

(19) No earlier than sixty days prior to the date that is three years after the date of delinquency, the treasurer must waive all outstanding interest and penalties on delinquent taxes due from a taxpayer if the property is subject to an action for foreclosure under chapter 84.64 RCW and the following requirements are met:

(a) The taxpayer is income-qualified under RCW 84.36.381(5)(a), as verified by the county assessor;

(b) The taxpayer occupies the property as their principal place of residence; and

(c) The taxpayer has not previously received a waiver on the property as provided under this subsection.

Definitions.

(20) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 3.** This act expires January 1, 2022."

On page 1, line 2 of the title, after "pandemic;" strike the remainder of the title and insert "amending RCW 84.56.020; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Sullivan, Orcutt and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1332, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1332, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Kretz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1399 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that individuals with prior criminal convictions, upon completing the terms of one's sentence, have paid their debt to society, and should be given the opportunity to be regular and productive members of society by seeking gainful employment. Recognizing the perils recidivism poses to the individual, families, public safety, and general well-being, the legislature should prioritize that removal of these barriers which prevent these individuals from entering the workforce.

(2) It is the intent of the legislature to provide a reliable process for individuals with past criminal convictions to apply for a professional license, and to not be prevented from obtaining a professional license due to a prior criminal conviction which does not directly relate to the applicable profession, business, or trade.

NEW SECTION. **Sec. 2.** (1) An individual who has a criminal conviction may submit to the appropriate licensing authority a preliminary application for a professional license, government certification, or state recognition of the individual's personal qualifications for a determination as to whether the individual's criminal conviction would disqualify the individual from obtaining the occupational or professional license, government certification, or state recognition of the individual's personal qualifications from that licensing authority. The preliminary application may be submitted at any time, including prior to obtaining required education or paying any fee. Only licenses, certifications, or recognitions administered by the department of licensing or a board or commission with the support of the department of licensing are eligible for a determination under this section.

(2) The preliminary application may include additional information about the individual's current circumstances, including the time since the offense, completion of the criminal sentence,

other evidence of rehabilitation, testimonials, employment history, and employment aspirations.

(3) Upon receipt of a preliminary application under subsection (2) of this section, the appropriate licensing authority shall make a determination of whether the individual's criminal conviction would disqualify the individual from obtaining a professional license, government certification, or state recognition of the individual's personal qualifications from that licensing authority.

(4) The licensing authority shall issue its determination in writing within two months after receiving a preliminary application under subsection (2) of this section. If the licensing authority determines that the individual's criminal conviction would disqualify the individual, the licensing authority will provide a determination that includes findings of fact and conclusions of law and may advise the individual of any action the individual may take to remedy the disqualification. If the licensing authority finds that the individual has been convicted of a subsequent criminal conviction, or that the individual has failed to disclose a conviction, the licensing authority may rescind a determination upon finding that the subsequent criminal conviction would be disqualifying under subsection (3) of this section.

(5) The individual may appeal the determination of the licensing authority. The appeal shall be in accordance with chapter 34.05 RCW.

(6) An individual whose preliminary application has been disqualified shall not file another preliminary application under this section with the same licensing authority within two years after the final decision on the previous preliminary application, except that if the individual has taken action to remedy the disqualification as advised by the licensing board. If such action has been taken, the individual may file another preliminary application under this section with the same licensing authority six months after the final decision on the previous preliminary application.

(7) A licensing authority shall not charge a fee to a person for any preliminary application filed pursuant to this section.

NEW SECTION. **Sec. 3.** The appropriate licensing authority may disqualify an individual from obtaining a professional license, government certification, or state recognition if it determines the individual's conviction is related to the occupation or profession unless the individual has requested and received a certificate of restoration of opportunity under RCW 9.97.020.

NEW SECTION. **Sec. 4.** This act takes effect January 1, 2022.

NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute a new chapter in Title 18 RCW."

On page 1, line 2 of the title, after "convictions;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1399 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1399, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1399, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake,

Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Kretz.

HOUSE BILL NO. 1399, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1504 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that there is a compelling and urgent need for coordinated investments in the state's behavioral health workforce. The demand for a qualified behavioral health workforce continues to grow as the availability of services throughout the state does not meet the need. According to the workforce training and education coordinating board's "behavioral health workforce: Barriers and solutions report," Washington ranks 31 out of the 50 states when comparing prevalence of mental illness to access to care. In addition, behavioral health needs have increased since the COVID-19 pandemic began and the need is expected to rise as economic and social hardships continue. Despite increased demand, the legislature finds that there continues to be difficulties in recruiting and retaining professionals who are adequately trained to meet behavioral health needs. Many of these professions require years of training, ranging from some postsecondary education to medical degrees. In addition, the legislature finds that there is significant variation in the geographic distribution of behavioral health providers across the state. Rural and underserved areas face disparities in access to care. High student loan debt loads, better pay, and lighter caseloads can drive behavioral health professionals into private practice or hospital-based settings rather than community-based settings which typically have a higher percentage of medicaid-funded services and higher caseloads.

The legislature finds that there are professions and areas within the behavioral health workforce that are most in need of state investment. The legislature intends to focus coordinated efforts and investments on these areas of greatest need including, but not limited to:

(1) Behavioral health apprenticeships;

(2) Children's mental health professionals;

(3) Peer counselors;

(4) Crisis hotline agents;

(5) Behavioral health residencies for professionals such as psychiatrists, advanced registered nurse practitioners, physician assistants, and pharmacists;

(6) Substance use disorder professionals;

(7) Community mental health workers;

(8) Clinical social workers;

(9) Licensed mental health counselors;

(10) Licensed marriage and family therapists; and

(11) Clinical psychologists.

The legislature also recognizes existing programs that have helped recruit, retain, and grow the behavioral health workforce, such as the Washington health corps, which provides loan repayment to behavioral health professionals, and the Washington state opportunity scholarship, which utilizes a public-private match to fund scholarships for students pursing health fields. Therefore, the legislature intends to increase the behavioral health workforce by expanding on successful existing programs, establishing new ones, and by focusing the efforts of the workforce education investment act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.115 RCW to read as follows:

The office and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship program fund for conditional loan repayment contracts for applications that reflect demographically underrepresented populations. Loan repayment contracts may include services provided in the community or at a designated site.

NEW SECTION. **Sec. 3.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish a behavioral health workforce pilot program and training support grants for community mental health providers including, but not limited to, clinical social workers, licensed mental health counselors, licensed marriage and family therapists, clinical psychologists, and substance abuse treatment providers. The authority must implement these services in partnership with and through the regional accountable communities of health or the University of Washington behavioral health institute.

(1)(a) The intent of the pilot program is to provide incentive pay for individuals serving as clinical supervisors within community behavioral health agencies, state hospitals, and other facilities operated by the department of social and health services. The desired outcomes of the pilot program include increased internships and entry opportunities for new clinicians through recruitment and retention of supervisors. The authority must ensure the pilot program covers three sites serving primarily medicaid clients in both eastern and western Washington. One of the sites must specialize in the delivery of behavioral health services for medicaid enrolled children. Of the remaining two sites, one must offer substance use disorder treatment services.

(b) The authority must provide a report to the office of financial management and the appropriate committees of the legislature by September 30, 2023, on the outcomes of the pilot program. The report must include:

(i) A description of the mechanism for incentivizing supervisor pay and other strategies used at each of the sites;

(ii) The number of supervisors that received bonus pay at each site;

(iii) The number of students or prelicensure clinicians that received supervision at each site;

(iv) The number of supervision hours provided at each site;

(v) Initial reporting on the number of students or prelicensure clinicians who received supervision through the pilot programs that moved into a permanent position with the pilot program or another community behavioral health program in Washington state at the end of their supervision;

(vi) Identification of options for establishing enhancement of supervisor pay through managed care organization payments to behavioral health providers; and

(vii) Recommendations of individual site policy and practice implications for statewide implementation.

(2) The authority shall establish a grant program to mental health and substance use disorder providers that provides flexible funding for training and mentoring of clinicians serving children and youth. The authority must consult with stakeholders, including but not limited to behavioral health experts in services for children and youth, providers, and consumers, to develop guidelines for how the funding could be used, with a focus on evidence-based and promising practices, continuing education requirements, and quality monitoring infrastructure.

Sec. 4. RCW 18.19.020 and 2019 c 470 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means (a) an agency or facility operated, licensed, or certified by the state of Washington; (b) a federally recognized Indian tribe located within the state; or (c) a county.

(2) "Agency affiliated counselor" means a person registered under this chapter who is engaged in counseling and employed by an agency or is a student intern, as defined by the department, who is supervised by agency staff. "Agency affiliated counselor" includes juvenile probation counselors who are employees of the juvenile court under RCW 13.04.035 and 13.04.040 and juvenile court employees providing functional family therapy, aggression replacement training, or other evidence-based programs approved by the department of children, youth, and families.

(3) "Certified adviser" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in RCW 18.19.200.

(4) "Certified counselor" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in RCW 18.19.200.

(5) "Client" means an individual who receives or participates in counseling or group counseling.

(6) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

(7) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

(8) "Department" means the department of health.

(9) "Hypnotherapist" means a person registered under this chapter who is practicing hypnosis as a modality.

(10) "Private practice counseling" means the practice of counseling by a certified counselor or certified adviser as specified in RCW 18.19.200.

(11) "Psychotherapy" means the practice of counseling using diagnosis of mental disorders according to the fourth edition of the diagnostic and statistical manual of mental disorders, published in 1994, and the development of treatment plans for counseling based on diagnosis of mental disorders in accordance with established practice standards.

(12) "Secretary" means the secretary of the department or the secretary's designee.

Sec. 5. RCW 28B.145.030 and 2019 c 406 s 65 are each amended to read as follows:

(1) The program administrator shall provide administrative support to execute the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the board, include soliciting funds and setting annual fund-raising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage the specified accounts created in (b) of this subsection, into which to receive grants and contributions from private sources as well as state matching funds, and from which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into any of the specified accounts created in this subsection (2)(b) upon the direction of the donor and in accordance with this subsection (2)(b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed for baccalaureate programs beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "student support pathways account," whose principal may be invaded, and from which scholarships may be disbursed for professional-technical certificate or degree programs in the fiscal year following appropriations of state matching funds. Thereafter,

scholarships shall be disbursed on an annual basis;

(iii) The "advanced degrees pathways account," whose principal may be invaded, and from which scholarships may be disbursed for eligible advanced degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iv) The "endowment account," from which scholarship moneys may be disbursed for baccalaureate programs from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account; and

(B) The state appropriations for the Washington college grant program under chapter 28B.92 RCW meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for Washington college grant recipients is at least seventy percent of state median family income;

(v) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship account until such time as twenty million dollars have been deposited into the scholarship account, after which time the private donors may designate whether their contributions must be deposited to the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account. The board and the program administrator must work to maximize private sector contributions to these accounts to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the specified accounts created in this subsection (2)(b) in equal proportion to the private funds deposited in each account, except that no more than ((~~one million dollars~~)) $5,000,000 in state match shall be deposited into the advanced degrees pathways account in a single fiscal biennium; and

(vi) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account, the student support pathways account, the advanced degrees pathways account, and the endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses associated with eligible education programs and eligible advanced degree programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Ensure that if the private source is from a federally recognized Indian tribe, municipality, or county, an amount at least equal to the value of the private source plus the state match is awarded to participants within that federally recognized Indian tribe, municipality, or county according to the federally recognized Indian tribe's, municipality's, or county's program rules;

(h) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or

the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in professional-technical certificate programs, professional-technical degree programs, baccalaureate degree programs, or eligible advanced degree programs identified by the board;

(i) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an opportunity scholarship shall be automatically renewed as long as the participant annually submits documentation of filing both a free application for federal student aid (FAFSA) and for available federal education tax credits including, but not limited to, the American opportunity tax credit, or if ineligible to apply for federal student aid, the participant annually submits documentation of filing a state financial aid application as approved by the office of student financial assistance; and until the participant withdraws from or is no longer attending the program, completes the program, or has taken the credit or clock hour equivalent of one hundred twenty-five percent of the published length of time of the participant's program, whichever occurs first;

(j) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility; and

(k) For participants enrolled in an eligible advanced degree program, document each participant's employment following graduation.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

Sec. 6. RCW 43.79.195 and 2020 c 2 s 2 are each amended to read as follows:

(1) The workforce education investment account is created in the state treasury. All revenues from the workforce investment surcharge created in RCW 82.04.299 and those revenues as specified under RCW 82.04.290(2)(c) must be deposited directly into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for higher education programs, higher education operations, higher education compensation, ((~~and~~)) state-funded student aid programs, and workforce development including career connected learning as defined by RCW 28C.30.020. ((~~For the 2019-2021 biennium, expenditures from the account may be used for kindergarten through twelfth grade if used for career connected learning as provided for in chapter 406, Laws of 2019.~~))

(2) Expenditures from the workforce education investment account must be used to supplement, not supplant, other federal, state, and local funding for higher education.

NEW SECTION. **Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 18.19.020, 28B.145.030, and 43.79.195; adding a new section to chapter 28B.115 RCW; adding a new section to chapter 71.24 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1504 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Chopp spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1504, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1504, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Eslick, Gilday, Goehner, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Kretz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1504, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE BILL NO. 1034
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1050
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1089
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1108
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1184
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216
ENGROSSED HOUSE BILL NO. 1311
SUBSTITUTE HOUSE BILL NO. 1355
SUBSTITUTE HOUSE BILL NO. 1356
SUBSTITUTE HOUSE BILL NO. 1373
SUBSTITUTE HOUSE BILL NO. 1379
SUBSTITUTE HOUSE BILL NO. 1383
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332
ENGROSSED HOUSE BILL NO. 1049
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1073
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1086
SUBSTITUTE HOUSE BILL NO. 1088
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097
SUBSTITUTE HOUSE BILL NO. 1107
HOUSE BILL NO. 1119
SUBSTITUTE HOUSE BILL NO. 1129
SUBSTITUTE HOUSE BILL NO. 1207
SUBSTITUTE HOUSE BILL NO. 1208
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272
HOUSE BILL NO. 1289
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326
SUBSTITUTE HOUSE BILL NO. 1514

The Speaker called upon Representative Lovick to preside.

There being no objection, the House adjourned until 1:00 p.m., April 15, 2021, the 95th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker
BERNARD DEAN, Chief Clerk

HOUSE JOURNAL

OF THE
SIXTY-SEVENTH LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2021 Regular Session
Convened January 11, 2021
Adjourned Sine Die April 25, 2021

VOLUME 4

Laurie Jinkins, Speaker
Tina Orwall, Speaker Pro Tempore
Bernard Dean, Chief Clerk

Compiled and edited by Gary Holt, House Journal Clerk

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SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINETY FIFTH DAY

House Chamber, Olympia, Thursday, April 15, 2021

The House was called to order at 1:00 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Sharon Shewmake, 42nd Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

April 14, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 14, 2021

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5003,
SUBSTITUTE SENATE BILL NO. 5009,
SUBSTITUTE SENATE BILL NO. 5011,
SUBSTITUTE SENATE BILL NO. 5013,
SENATE BILL NO. 5027,
SUBSTITUTE SENATE BILL NO. 5030,
SENATE BILL NO. 5032,
SUBSTITUTE SENATE BILL NO. 5034,
SENATE BILL NO. 5040,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5071,
SUBSTITUTE SENATE BILL NO. 5073,
SENATE BILL NO. 5101,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5115,
SUBSTITUTE SENATE BILL NO. 5157,
ENGROSSED SENATE BILL NO. 5158,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5180,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5235,
SECOND SUBSTITUTE SENATE BILL NO. 5253,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5259,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5287,
SENATE BILL NO. 5345,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5353,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1577 by Representatives Hackney, Wicks, Ramel, Lekanoff and Pollet

AN ACT Relating to meeting the greenhouse gas emissions targets established in Engrossed Second Substitute House Bill No. 2311, chapter 79, Laws of 2020, and creating a tax and a temporary bond program to fund transportation investments and projects that reduce greenhouse gas emissions; amending RCW 70A.15.1030 and 70A.15.3000; adding a new chapter to Title 82 RCW; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1578 by Representatives Goodman, Simmons, Ryu, Hackney, Macri, Davis, Ramel, Bateman, Lekanoff and Pollet

AN ACT Relating to responding to the State v. Blake decision by addressing justice system responses and behavioral health prevention, treatment, and related services for individuals using or possessing controlled substances, counterfeit substances, and legend drugs; amending RCW 69.50.101, 69.50.4011, 69.50.4013, 69.50.412, 69.50.445, 69.41.010, 69.41.030, 69.41.030, 9.94A.518, 13.40.0357, 2.24.010, and 2.24.040; reenacting and amending RCW 10.31.110, 69.50.101, and 69.41.010; adding new sections to chapter 71.24 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 69.50 RCW; creating a new section; repealing RCW 69.50.4014; prescribing penalties; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

HCR 4402 by Representatives MacEwen, Boehnke, Dufault, Klippert, Robertson and Kraft

Exempting certain matters from the cutoff dates established in Senate Concurrent Resolution No. 8401.

Held on first reading.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE CONCURRENT RESOLUTION NO. 4402 which was held on first reading.

There being no objection, the House advanced to the seventh order of business.

THIRD READING
MESSAGE FROM THE SENATE

April 10, 2021

Mme. SPEAKER:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1028, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Washington professional educator standards board-approved teacher preparation programs must recommend for residency teacher certification each person who, during the 2019-20, 2020-21, or 2021-22 academic years, met all statutory and program requirements except for completion of the evidence-based assessment of teaching effectiveness under RCW 28A.410.280. The programs must attempt to notify each person who meets the requirements of this subsection of the recommendation.

(2) This section expires September 1, 2022.

Sec. 2. RCW 28A.410.280 and 2010 c 235 s 501 are each amended to read as follows:

(1) Beginning with the 2011-12 school year, all professional educator standards board-approved teacher preparation programs must administer to all preservice candidates the evidence-based assessment of teaching effectiveness adopted by the professional educator standards board. ((~~The professional educator standards board shall adopt rules that establish a date during the 2012-13 school year after which candidates completing teacher preparation programs must successfully pass this assessment.~~)) Assessment results from persons completing each preparation program must be reported annually by the professional educator standards board to the governor and the education and fiscal committees of the legislature by December 1st.

(2) The professional educator standards board and the superintendent of public instruction, as determined by the board, may contract with one or more third parties for:

(a) The administration, scoring, and reporting of scores of the assessment under this section;

(b) Related clerical and administrative activities; or

(c) Any combination of the purposes of this subsection (2).

(3) Candidates for residency certification who are required to successfully complete the assessment under this section, and who are charged a fee for the assessment by a third party contracted with under this section, shall pay the fee charged by the contractor directly to the contractor. Such fees shall be reasonably related to the actual costs of the contractor in providing the assessment.

(4)(a) Beginning September 1, 2022, candidates who do not achieve a passing score under subsection (1) of this section but obtain an alternative score, as set by the professional educator standards board, may be recommended for certification if, upon review of one or more multiple measures, the teacher preparation program determines the candidate has demonstrated the requisite knowledge and skills.

(b) Teacher preparation programs may use one or more of the following multiple measures as a basis for their review:

(i) Observation of practice in the role as documented by a mentor teacher or the preparation program;

(ii) Evidence submitted by the candidate to the program provider in the areas of planning, instruction, or student assessment;

(iii) Coursework; or

(iv) Other measures as determined by the teacher preparation program.

Sec. 3. RCW 28A.410.270 and 2019 c 386 s 3 are each amended to read as follows:

(1)(a) The ((~~Washington professional educator standards~~)) board shall adopt a set of articulated teacher knowledge, skill, and performance standards for effective teaching that are evidence-based, measurable, meaningful, and documented in high quality research as being associated with improved student learning. The standards shall be calibrated for each level along the entire career continuum. For candidates recommended for residency teacher certification by a board-approved preparation program, the standards adopted by the board must be the most recent teaching standards published by a consortium of state and national education organizations dedicated to the reform of the preparation, licensing, and ongoing professional development of teachers since 1987.

(b) In developing the standards, the board shall, to the extent possible, incorporate standards for cultural competency, as defined in RCW 28A.410.260, along the entire continuum. ((~~For the purposes of this subsection, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.~~))

(c) By January 1, 2020, in order to ensure that teachers can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the ((~~Washington professional educator standards~~)) board shall incorporate along the entire continuum the social-emotional learning standards and benchmarks recommended by the social-emotional learning benchmarks work group in its October 1, 2016, final report titled, "addressing social emotional learning in Washington's K-12 public schools." In incorporating the social-emotional learning standards and benchmarks, the ((~~Washington professional educator standards~~)) board must include related competencies, such as trauma-informed practices, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices.

(2) The ((~~Washington professional educator standards~~)) board shall adopt a definition of master teacher, with a comparable level of increased competency between professional certification level and master level as between professional certification level and national board certification. Within the definition established by the ((~~Washington professional educator standards~~)) board, teachers certified through the national board for professional teaching standards shall be considered master teachers.

(3) ((~~The Washington professional educator standards board shall maintain a uniform, statewide, valid, and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure at the preservice level that is to be used during the student-teaching field experience. This assessment shall include multiple measures of teacher performance in classrooms, evidence of positive impact on student learning, and shall include review of artifacts, such as use of a variety of assessment and instructional strategies, and student work.~~

~~(4)~~)) Award of a professional certificate shall be based on a minimum of two years of successful teaching experience as defined by the board, and may not require candidates to enroll in a professional certification program.

((~~(5)~~)) (4) Educator preparation programs approved to offer the residency teaching certificate shall be required to demonstrate how the program produces effective teachers as evidenced by ((~~the~~)) multiple measures ((~~established under this section~~)) of the knowledge, skills, performance, and competencies described in subsection (1) of this section and other criteria established by the ((~~Washington professional educator standards~~)) board.

(5) Each board-approved teacher preparation program must publish, and provide to candidates prior to admission, a list of program completion requirements.

(6) Before a board-approved teacher preparation program may recommend a candidate for residency teacher certification, the candidate must meet or exceed the knowledge, skill,

performance, and competency standards described in subsection (1) of this section.

(7) For the purpose of this section, "board" means the Washington professional educator standards board.

Sec. 4. RCW 28A.410.2211 and 2011 2nd sp.s. c 2 s 2 are each amended to read as follows:

(1) The professional educator standards board shall revise assessments for prospective teachers and teachers adding subject area endorsements required for teacher certification under RCW 28A.410.220 to measure the revised standards in RCW 28A.410.221.

(2) ((~~In implementing the evidence-based assessment of teaching effectiveness under RCW 28A.410.280, the~~)) The professional educator standards board shall require that successful candidates for the residency certificate demonstrate effective subject specific instructional methods that address the revised standards."

On page 1, line 2 of the title, after "certification;" strike the remainder of the title and insert "amending RCW 28A.410.280, 28A.410.270, and 28A.410.2211; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

Representative Stokesbary moved that the House concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1028.

Representative Stokesbary spoke in favor of the motion.

Representative Santos spoke against the motion.

The House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1028 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 10, 2021

Mme. SPEAKER:

The Senate has passed ENGROSSED HOUSE BILL NO. 1386, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.25.030 and 2015 1st sp.s. c 9 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means any city ((~~that: (a) Has a population of at least eighteen thousand; and (b) is north or east of the largest city in the county in which the city is located and such county has a population of at least seven hundred thousand, but less than eight hundred thousand~~)) or town located in a county with a population of at least 450,000.

(2) "Family living wage job" means a job that offers health care benefits with a wage that is sufficient for raising a family. A family living wage job must have an average wage of ((~~eighteen dollars~~)) $23 an hour or more, working ((~~two thousand eighty~~)) 2,080 hours per year on the subject site, as adjusted annually for inflation by the consumer price index. The family living wage may be increased by the local authority based on regional factors and wage conditions.

(3) "Governing authority" means the local legislative authority of a city or county having jurisdiction over the property for which an exemption may be applied for under this chapter.

(4) "Growth management act" means chapter 36.70A RCW.

(5) "Industrial/manufacturing facilities" means building improvements that are ((~~ten thousand~~)) 10,000 square feet or larger, representing a minimum improvement valuation of ((~~eight hundred thousand dollars~~)) $800,000 for uses categorized as "division D: manufacturing" or "division E: transportation (major groups 40-42, 45, or 47-48)" by the United States department of labor in the occupation safety and health administration's standard industrial classification manual, provided, a city may limit the tax exemption to manufacturing uses.

(6) "Lands zoned for industrial and manufacturing uses" means lands in a city zoned as of December 31, 2014, for an industrial or manufacturing use consistent with the city's comprehensive plan where the lands are designated for industry.

(7) "Owner" means the property owner of record.

(8) "Targeted area" means an area of undeveloped lands zoned for industrial and manufacturing uses in the city that is located within or contiguous to an innovation partnership zone, foreign trade zone, or EB-5 regional center, and designated for possible exemption under the provisions of this chapter.

(9) "Undeveloped or underutilized" means that there are no existing building improvements on the ((~~property or~~)) portions of the property targeted for new or expanded industrial or manufacturing uses.

Sec. 2. RCW 84.25.040 and 2015 1st sp.s. c 9 s 4 are each amended to read as follows:

(1)(a) The value of new construction of industrial/manufacturing facilities qualifying under this chapter is exempt from property taxation under this title, as provided in this section. The value of new construction of industrial/manufacturing facilities is exempt from taxation for properties for which an application for a certificate of tax exemption is submitted under this chapter before December 31, ((~~2022~~)) 2030. The value is exempt under this section for ((~~ten~~)) 10 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate.

(b) The exemption provided in this section does not include the value of land or nonindustrial/manufacturing-related improvements not qualifying under this chapter.

(2) The exemption provided in this section is in addition to any other exemptions, deferrals, credits, grants, or other tax incentives provided by law.

(3) This chapter does not apply to state levies or increases in assessed valuation made by the assessor on nonqualifying portions of buildings and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

(4) This exemption does not apply to any county property taxes unless the governing body of the county adopts a resolution and notifies the governing authority of its intent to allow the property to be exempted from county property taxes.

(5) At the conclusion of the exemption period, the new industrial/manufacturing facilities cost must be considered as new construction for the purposes of chapter 84.55 RCW.

Sec. 3. RCW 84.25.050 and 2015 1st sp.s. c 9 s 5 are each amended to read as follows:

An owner of property making application under this chapter must meet the following requirements:

(1) The new construction of industrial/manufacturing facilities must be located on land zoned for industrial and manufacturing uses, undeveloped or underutilized, and as provided in RCW 84.25.060, designated by the city as a targeted area;

(2) The new construction of industrial/manufacturing facilities must meet all construction and development regulations of the city;

(3) The new construction of industrial/manufacturing facilities must be completed within three years from the date of approval of the application; and

(4) The applicant must enter into a contract with the city approved by the city governing authority((~~, or an administrative official or commission authorized by the governing authority,~~)) under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority.

Sec. 4. RCW 84.25.080 and 2015 1st sp.s. c 9 s 8 are each amended to read as follows:

(1) The ((~~duly authorized administrative official or committee of the~~)) city governing authority may approve the application if it finds that:

((~~(1)~~)) (a) A minimum of ((~~twenty-five~~)) 25 new family living wage jobs will be created on the subject site as a result of new construction of ((~~manufacturing/industrial [industrial/manufacturing]~~)) industrial/manufacturing facilities within one year of building occupancy;

((~~(2)~~)) (b) The proposed project is, or will be, at the time of completion, in conformance with all local plans and

regulations that apply at the time the application is approved; and

((~~(3)~~)) (c) The criteria of this chapter have been satisfied.

(2) Priority must be given to applications that meet the following labor specifications during the new construction and ongoing business of industrial/manufacturing facilities:

(a) Compensate workers at prevailing wage rates as determined by the department of labor and industries;

(b) Procure from, and contract with, women-owned, minority-owned, or veteran-owned businesses;

(c) Procure from, and contract with, entities that have a history of complying with federal and state wage and hour laws and regulations;

(d) Include apprenticeship utilization from state-registered apprenticeship programs;

(e) Provide for preferred entry for workers living in the area where the project is being constructed; and

(f) Maintain certain labor standards for workers employed primarily at the facility after construction, including production, maintenance, and operational employees.

Sec. 5. RCW 84.25.090 and 2015 1st sp.s. c 9 s 9 are each amended to read as follows:

(1) The city governing authority ((~~or its authorized representative~~)) must approve or deny an application filed under this chapter within ninety days after receipt of the application.

(2) If the application is approved, the city must issue the owner of the property a conditional certificate of acceptance of tax exemption. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required criteria of this chapter.

(3) If the application is denied by the city, the city must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

(4) Upon denial by the city, an applicant may appeal the denial to the city's governing authority within thirty days after receipt of the denial. The appeal before the city's governing authority must be based upon the record made before the city with the burden of proof on the applicant to show that there was no substantial evidence to support the city's decision. The decision of the city in denying or approving the application is final.

Sec. 6. RCW 84.25.130 and 2015 1st sp.s. c 9 s 13 are each amended to read as follows:

(1) If the value of improvements have been exempted under this chapter, the improvements continue to be exempted for the applicable period under this chapter so long as they are not converted to another use and continue to satisfy all applicable conditions including, but not limited to, zoning, land use, building, and family-wage job creation.

(2) If an owner voluntarily opts to discontinue compliance with the requirements of this chapter, the owner must notify the assessor within ((~~sixty~~)) 60 days of the change in use or intended discontinuance.

(3) If, after a certificate of tax exemption has been filed with the county assessor, the city discovers that a portion of the property is changed or will be changed to disqualify the owner for exemption eligibility under this chapter, the tax exemption must be canceled and the following occurs:

(a) Additional real property tax must be imposed on the value of the nonqualifying improvements in the amount that would be imposed if an exemption had not been available under this chapter, plus a penalty equal to ((~~twenty~~)) 20 percent of the additional value. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonqualifying use;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty becomes a lien on the property and attaches at the time the property or portion of the property is removed from the qualifying use under this chapter or the amenities no longer meet the applicable requirements for exemption under this chapter. A lien under this section has priority to, and must be fully paid and satisfied before, a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent property taxes.

(4) If, after a certificate of tax exemption has been filed with the county assessor, the city discovers that the facility maintains fewer than 25 family living wage jobs, the owner is considered ineligible for the exemption under this chapter, and the following must occur:

(a) The tax exemption must be canceled; and

(b) Additional real property tax must be imposed in the amount that would be imposed if an exemption had not been available under this chapter, dated back to the date that the facility last maintained a minimum of 25 family living wage jobs.

(5) Upon a determination that a tax exemption is to be terminated for a reason stated in this section, the city's governing authority must notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to terminate the exemption. The owner may appeal the determination to the city, within ((~~thirty~~)) 30 days by filing a notice of appeal with the city, which notice must specify the factual and legal basis on which the determination of termination is alleged to be erroneous. At an appeal hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer must either affirm, modify, or repeal the decision of termination of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court as provided in RCW 34.05.510 through 34.05.598.

((~~(5)~~)) (6) Upon determination by the city to terminate an exemption, the county officials having possession of the assessment and tax rolls must correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor must make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The value of the new industrial/manufacturing facilities added to the rolls is considered new construction for the purposes of chapter 84.40 RCW. The owner may appeal the valuation to the county board of equalization as provided in chapter 84.40 RCW. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1st of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered."

On page 1, line 3 of the title, after "areas;" strike the remainder of the title and insert "and amending RCW 84.25.030, 84.25.040, 84.25.050, 84.25.080, 84.25.090, and 84.25.130."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 1386 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 6, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.635.060 and 1997 c 266 s 13 are each amended to read as follows:

(1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, ((~~is~~)) may be subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the ((~~grades,~~)) diploma, ((~~and~~)) but not the grades or transcripts, of the ((~~pupil~~)) student responsible for the damage or loss until the ((~~pupil~~)) student or the ((~~pupil's~~)) student's parent or guardian has paid for the damages. ((~~If the student is suspended, the student may not be readmitted until the student or parents or legal guardian has made payment in full or until directed by the superintendent of schools. If the property damaged is a school bus owned and operated by or contracted to any school district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed by the superintendent.~~)) When the ((~~pupil~~)) student and parent or guardian are unable to pay for the damages, the school district shall provide a program of ((~~voluntary work~~)) community service for the ((~~pupil~~)) student in lieu of the payment of monetary damages. Upon completion of ((~~voluntary work~~)) community service the ((~~grades,~~)) diploma((~~, and transcripts~~)) of the ((~~pupil shall~~)) student must be released. The parent or guardian of ((~~such pupil~~)) the student shall be liable for damages as otherwise provided by law.

(2) Before ((~~any penalties are assessed~~)) the diploma is withheld under this section, a school district board of directors shall adopt procedures which insure that ((~~pupils'~~)) students' rights to due process are protected.

(3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

(4)(a) Each school district that withholds a diploma under this section shall publish and maintain the following information on its website:

(i) The number of diplomas withheld under this section, by graduating class, during the previous three school years; and

(ii) The number of students with withheld diplomas who were eligible for free or reduced-price meals during their last two years of enrollment in the school district.

(b) To the extent practicable, school districts must publish the information required by this subsection (4) with the information published under RCW 28A.325.050.

Sec. 2. RCW 28A.225.330 and 2020 c 167 s 8 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance from the school the student previously attended. ((~~If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is~~

~~met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.~~))

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(6) A school may not prevent a student who is dependent pursuant to chapter 13.34 RCW from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ten business days that the department of social and health services has to obtain that information under RCW 74.13.631. In addition, upon enrollment of a student who is dependent pursuant to chapter 13.34 RCW, the school district must make reasonable efforts to obtain and assess that child's educational history in order to meet the child's unique needs within two business days."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "and amending RCW 28A.635.060 and 28A.225.330."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

Representative Santos moved that the House concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176.

Representative Santos spoke in favor of the motion.

Representative Boehnke spoke against the motion.

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Paul spoke in favor of the passage of the bill.

Representative Boehnke spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1176, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1176, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 11, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 13.40 RCW to read as follows:

(1) Except as provided in subsection (4) of this section, law enforcement shall provide a juvenile with access to an attorney for consultation, which may be provided in person, by telephone, or by video conference, before the juvenile waives any constitutional rights if a law enforcement officer:

(a) Questions a juvenile during a custodial interrogation;

(b) Detains a juvenile based on probable cause of involvement in criminal activity; or

(c) Requests that the juvenile provide consent to an evidentiary search of the juvenile or the juvenile's property, dwellings, or vehicles under the juvenile's control.

(2) The consultation required by subsection (1) of this section may not be waived.

(3) Statements made by a juvenile after the juvenile is contacted by a law enforcement officer in a manner described under subsection (1) of this section are not admissible in a juvenile offender or adult criminal court proceeding, unless:

(a) The juvenile has been provided with access to an attorney for consultation; and the juvenile provides an express waiver knowingly, intelligently, and voluntarily made by the juvenile after the juvenile has been fully informed of the rights being waived as required under RCW 13.40.140;

(b) The statement is for impeachment purposes; or

(c) The statement was made spontaneously.

(4) A law enforcement officer may question a juvenile without following the requirement in subsection (1) of this section if:

(a) The law enforcement officer believes the juvenile is a victim of trafficking as defined in RCW 9A.40.100; however, any information obtained from the juvenile by law enforcement pursuant to this subsection cannot be used in any prosecution of that juvenile; or

(b)(i) The law enforcement officer believes that the information sought is necessary to protect an individual's life from an imminent threat;

(ii) A delay to allow legal consultation would impede the protection of an individual's life from an imminent threat; and

(iii) Questioning by the law enforcement officer is limited to matters reasonably expected to obtain information necessary to protect an individual's life from an imminent threat.

(5) After the juvenile has consulted with legal counsel, the juvenile may advise, direct a parent or guardian to advise, or direct legal counsel to advise the law enforcement officer that the juvenile chooses to assert a constitutional right. Any assertion of constitutional rights by the juvenile through legal counsel must be treated by a law enforcement officer as though it came from the juvenile. The waiver of any constitutional rights of the juvenile may only be made according to the requirements of RCW 13.40.140.

(6) For purposes of this section, the following definitions apply:

(a) "Juvenile" means any individual who is under the chronological age of 18 years; and

(b) "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW 10.93.020, including school resource officers as defined in RCW 28A.320.124 and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.

Sec. 2. RCW 13.40.140 and 2014 c 110 s 2 are each amended to read as follows:

(1) A juvenile shall be advised of ((~~his or her~~)) the juvenile's rights when appearing before the court.

(2) A juvenile and ((~~his or her~~)) the juvenile's parent, guardian, or custodian shall be advised by the court or its representative that the juvenile has a right to be represented by counsel at all critical stages of the proceedings. Unless waived, counsel shall be provided to a juvenile who is financially unable to obtain counsel without causing substantial hardship to himself or herself or the juvenile's family, in any proceeding where the juvenile may be subject to transfer for criminal prosecution, or in any proceeding where the juvenile may be in danger of confinement. The ability to pay part of the cost of counsel does not preclude assignment. In no case may a juvenile be deprived of counsel because of a parent, guardian, or custodian refusing to pay therefor. The juvenile shall be fully advised of ((~~his or her~~)) the juvenile's right to an attorney and of the relevant services an attorney can provide.

(3) The right to counsel includes the right to the appointment of experts necessary, and the experts shall be required pursuant to the procedures and requirements established by the supreme court.

(4) Upon application of a party, the clerk of the court shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing, or such subpoenas may be issued by an attorney of record.

(5) All proceedings shall be transcribed verbatim by means which will provide an accurate record.

(6) The general public and press shall be permitted to attend any hearing unless the court, for good cause, orders a particular hearing to be closed. The presumption shall be that all such hearings will be open.

(7) In all adjudicatory proceedings before the court, all parties shall have the right to adequate notice, discovery as provided in criminal cases, opportunity to be heard, confrontation of witnesses except in such cases as this chapter expressly permits the use of hearsay testimony, findings based solely upon the evidence adduced at the hearing, and an unbiased fact finder.

(8) A juvenile shall be accorded the same privilege against self-incrimination as an adult and the protections provided in section 1 of this act. An extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding may not be received in evidence at an adjudicatory hearing over objection. Evidence illegally seized or obtained, including evidence obtained in violation of section 1 of this act, may not be received in evidence over objection at an adjudicatory hearing to prove the allegations against the juvenile if the evidence would be inadmissible in an adult criminal proceeding. An extrajudicial admission or confession made by the juvenile out of court is insufficient to support a finding that the juvenile committed the acts alleged in the information unless evidence of a corpus delicti is first independently established in the same manner as required in an adult criminal proceeding.

(9) Statements, admissions, or confessions made by a juvenile in the course of a mental health or chemical dependency screening or assessment, whether or not the screening or assessment was ordered by the court, shall not be admissible into evidence against the juvenile on the issue of guilt in any juvenile offense matter or adult criminal proceeding, unless the juvenile has placed ((~~his or her~~)) the juvenile's mental health at issue. The statement is admissible for any other purpose or proceeding allowed by law. This prohibition does not apply to statements, admissions, or confessions made to law enforcement, and may not be used to argue for derivative suppression of other evidence lawfully obtained as a result of an otherwise inadmissible statement, admission, or confession.

(10) Waiver of any right which a juvenile has under this chapter must be an express waiver intelligently made by the juvenile after the juvenile has been fully informed of the right being waived, including having access to an attorney for consultation if required under section 1 of this act.

(11) Whenever this chapter refers to waiver or objection by a juvenile, the word juvenile shall be construed to refer to a juvenile who is at least ((~~twelve~~)) 12 years of age. If a juvenile is under

((~~twelve~~)) 12 years of age, the juvenile's parent, guardian, or custodian shall give any waiver or offer any objection contemplated by this chapter.

Sec. 3. RCW 2.70.020 and 2012 c 257 s 1 are each amended to read as follows:

The director shall:

(1) Administer all state-funded services in the following program areas:

(a) Trial court criminal indigent defense, as provided in chapter 10.101 RCW;

(b) Appellate indigent defense, as provided in this chapter;

(c) Representation of indigent parents qualified for appointed counsel in dependency and termination cases, as provided in RCW 13.34.090 and 13.34.092;

(d) Extraordinary criminal justice cost petitions, as provided in RCW 43.330.190;

(e) Compilation of copies of DNA test requests by persons convicted of felonies, as provided in RCW 10.73.170;

(f) Representation of indigent respondents qualified for appointed counsel in sexually violent predator civil commitment cases, as provided in chapter 71.09 RCW; and

(g) Provide access to attorneys for juveniles contacted by a law enforcement officer for whom a legal consultation is required under section 1 of this act;

(2) Submit a biennial budget for all costs related to the office's program areas;

(3) Establish administrative procedures, standards, and guidelines for the office's program areas, including cost-efficient systems that provide for authorized recovery of costs;

(4) Provide oversight and technical assistance to ensure the effective and efficient delivery of services in the office's program areas;

(5) Recommend criteria and standards for determining and verifying indigency. In recommending criteria for determining indigency, the director shall compile and review the indigency standards used by other state agencies and shall periodically submit the compilation and report to the legislature on the appropriateness and consistency of such standards;

(6) Collect information regarding indigent defense services funded by the state and report annually to the advisory committee, the legislature, and the supreme court;

(7) Coordinate with the supreme court and the judges of each division of the court of appeals to determine how appellate attorney services should be provided.

The office of public defense shall not provide direct representation of clients.

NEW SECTION. **Sec. 4.** A new section is added to chapter 2.70 RCW to read as follows:

Subject to the rules of discovery, the office of public defense is authorized to collect identifying information for any youth who speaks with a consulting attorney pursuant to section 1 of this act; provided, however, that such records are exempt from public disclosure.

Sec. 5. RCW 13.40.020 and 2019 c 444 s 9 are each amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-

based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include one or more of the following:

(a) A fine, not to exceed ((~~five hundred dollars~~)) $500;

(b) Community restitution not to exceed ((~~one hundred fifty~~)) 150 hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(e) Residential treatment, where substance abuse, mental health, and/or co-occurring disorders have been identified in an assessment by a qualified mental health professional, psychologist, psychiatrist, co-occurring disorder specialist, or substance use disorder professional and a funded bed is available. If a child agrees to voluntary placement in a state-funded long-term evaluation and treatment facility, the case must follow the existing placement procedure including consideration of less restrictive treatment options and medical necessity.

(i) A court may order residential treatment after consideration and findings regarding whether:

(A) The referral is necessary to rehabilitate the child;

(B) The referral is necessary to protect the public or the child;

(C) The referral is in the child's best interest;

(D) The child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and

(E) Inpatient treatment is the least restrictive action consistent with the child's needs and circumstances.

(ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than ((~~sixty~~)) 60 days after the youth begins inpatient treatment, and every ((~~thirty~~)) 30 days thereafter, as long as the youth is in inpatient treatment;

(6) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than ((~~thirty-one~~)) 31 days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(7) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an

offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(9) "Custodial interrogation" means express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody;

(10) "Department" means the department of children, youth, and families;

((~~(10)~~)) (11) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

((~~(11)~~)) (12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

((~~(12)~~)) (13) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

((~~(13)~~)) (14) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

((~~(14)~~)) (15) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

((~~(15)~~)) (16) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of ((~~eighteen~~)) 18 years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

((~~(16)~~)) (17) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person ((~~eighteen~~)) 18 years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

((~~(17)~~)) (18) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

((~~(18)~~)) (19) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) $0-$500 fine;

((~~(19)~~)) (20) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and

clear danger to society in light of the purposes of this chapter;

((~~(20)~~)) (21) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

((~~(21)~~)) (22) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

((~~(22)~~)) (23) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

((~~(23)~~)) (24) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

((~~(24)~~)) (25) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

((~~(25)~~)) (26) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

((~~(26)~~)) (27) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

((~~(27)~~)) (28) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

((~~(28)~~)) (29) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

((~~(29)~~)) (30) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

((~~(30)~~)) (31) "Secretary" means the secretary of the department;

((~~(31)~~)) (32) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

((~~(32)~~)) (33) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

((~~(33)~~)) (34) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of ((~~his or her~~)) the respondent's sexual gratification;

((~~(34)~~)) (35) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

((~~(35)~~)) (36) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

((~~(36)~~)) (37) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

((~~(37)~~)) (38) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

((~~(38)~~)) (39) "Youth court" means a diversion unit under the supervision of the juvenile court.

NEW SECTION. **Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 7.** This act takes effect January 1, 2022."

On page 1, line 2 of the title, after "enforcement;" strike the remainder of the title and insert "amending RCW 13.40.140, 2.70.020, and 13.40.020; adding a new section to chapter 13.40 RCW; adding a new section to chapter 2.70 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative J. Johnson spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Kloba was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1140, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1140, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Kloba.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 11, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that everyone in Washington state, no matter what community they live in, should be able to rely on a public health system that is able to support a standard level of public health service. Like public safety, there is a foundational level of public health delivery that must exist everywhere for services to work. A strong public health system is only possible with intentional investments into our state's public health system. Services should be delivered efficiently, equitably, and effectively, in ways that make the best use of technology, science, expertise, and leveraged resources and in a manner that is responsive to local communities.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The public health advisory board is established within the department. The advisory board shall:

(a) Advise and provide feedback to the governmental public health system and provide formal public recommendations on public health;

(b) Monitor the performance of the governmental public health system;

(c) Develop goals and a direction for public health in Washington and provide recommendations to improve public health performance and to achieve the identified goals and direction;

(d) Advise and report to the secretary;

(e) Coordinate with the governor's office, department, state board of health, local health jurisdictions, and the secretary;

(f) Evaluate public health emergency response and provide recommendations for future response, including coordinating with relevant committees, task forces, and stakeholders to analyze the COVID-19 public health response; and

(g) Evaluate the use of foundational public health services funding by the governmental public health system.

(2) The public health advisory board shall consist of representatives from each of the following appointed by the governor:

(a) The governor's office;

(b) The director of the state board of health or the director's designee;

(c) The secretary of the department or the secretary's designee;

(d) The chair of the governor's interagency council on health disparities;

(e) Two representatives from the tribal government public health sector selected by the American Indian health commission;

(f) One member of the county legislative authority from a eastern Washington county selected by a statewide association representing counties;

(g) One member of the county legislative authority from a western Washington county selected by a statewide association representing counties;

(h) An organization representing businesses in a region of the state;

(i) A statewide association representing community and migrant health centers;

(j) A statewide association representing Washington cities;

(k) Four representatives from local health jurisdictions selected by a statewide association representing local public health officials, including one from a jurisdiction east of the Cascade mountains with a population between 200,000 and 600,000, one from a jurisdiction east of the Cascade mountains with a population under 200,000, one from a jurisdiction west of the Cascade mountains with a population between 200,000 and 600,000, and one from a jurisdiction west of the Cascade mountains with a population less than 200,000;

(l) A statewide association representing Washington hospitals;

(m) A statewide association representing Washington physicians;

(n) A statewide association representing Washington nurses;

(o) A statewide association representing Washington public health or public health professionals; and

(p) A consumer nonprofit organization representing marginalized populations.

(3) In addition to the members of the public health advisory board listed in subsection (2) of this section, there must be four nonvoting ex officio members from the legislature consisting of one legislator from each of the two largest caucuses in both the house of representatives and the senate.

(4) Staff support for the public health advisory board, including arranging meetings, must be provided by the department.

(5) Legislative members of the public health advisory board may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) The public health advisory board is a class one group under chapter 43.03 RCW.

Sec. 3. RCW 70.05.030 and 1995 c 43 s 6 are each amended to read as follows:

((~~In counties without a home rule charter, the board of county commissioners shall constitute the local board of health, unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of said county. The board of county commissioners may, at its discretion, adopt an ordinance expanding the size and composition of the board of health to include elected officials from cities and towns and persons other than elected officials as members so long as persons other than elected officials do not constitute a majority. An ordinance adopted under this section shall include provisions for the appointment, term, and compensation, or reimbursement of expenses.~~))

(1) Except as provided in subsection (2) of this section, for counties without a home rule charter, the board of county commissioners and the members selected under (a) and (e) of this subsection, shall constitute the local board of health, unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 8 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home

visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) Active, reserve, or retired armed services members;

(C) The business community; or

(D) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(f) The board of county commissioners may, at its discretion, adopt an ordinance expanding the size and composition of the board of health to include elected officials from cities and towns and persons other than elected officials as members so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, an ordinance adopted under this section shall include provisions for the appointment, term, and compensation, or reimbursement of expenses.

(h) The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(i) The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

(j) The number of members selected under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health.

(k) At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(l) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

(2) A local board of health comprised solely of elected officials may retain this composition if the local health jurisdiction had a public health advisory committee or board with its own bylaws established on January 1, 2021. By January 1, 2022, the public health advisory committee or board must meet the requirements established in section 7 of this act for community health advisory boards. Any future changes to local board of health composition must meet the requirements of subsection (1) of this section.

Sec. 4. RCW 70.05.035 and 1995 c 43 s 7 are each amended to read as follows:

((~~In counties with a home rule charter, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the~~

~~board. The county legislative authority may appoint to the board of health elected officials from cities and towns and persons other than elected officials as members so long as persons other than elected officials do not constitute a majority. The county legislative authority shall specify the appointment, term, and compensation or reimbursement of expenses. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county. The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.~~))

(1) Except as provided in subsection (2) of this section, for home rule charter counties, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The membership of the local board of health must also include the members selected under (a) and (e) of this subsection.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 8 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) Active, reserve, or retired armed services members;

(C) The business community; or

(D) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories

and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(f) The county legislative authority may appoint to the board of health elected officials from cities and towns and persons other than elected officials as members so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, the county legislative authority shall specify the appointment, term, and compensation or reimbursement of expenses.

(h) The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(i) The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

(j) The number of members selected under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health.

(k) At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(l) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

(2) A local board of health comprised solely of elected officials may retain this composition if the local health jurisdiction had a public health advisory committee or board with its own bylaws established on January 1, 2021. By January 1, 2022, the public health advisory committee or board must meet the requirements established in section 7 of this act for community health advisory boards. Any future changes to local board of health composition must meet the requirements of subsection (1) of this section.

Sec. 5. RCW 70.46.020 and 1995 c 43 s 10 are each amended to read as follows:

((~~Health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties. The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and shall have a jurisdiction coextensive with the combined boundaries. The boards of county commissioners may by resolution or ordinance provide for elected officials from cities and towns and persons other than elected officials as members of the district board of health so long as persons other than elected officials do not constitute a majority. A resolution or ordinance adopted under this section must specify the provisions for the appointment, term, and compensation, or reimbursement of expenses. Any multicounty health district existing on the effective date of this act shall continue in existence unless and until changed by affirmative action of all boards of county commissioners or one or more counties withdraws [withdraw] pursuant to RCW 70.46.090.~~

~~At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.~~))

(1) Except as provided in subsections (2) and (3) of this section, health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined

counties. The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and members selected under (a) and (e) of this subsection, and shall have a jurisdiction coextensive with the combined boundaries.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 8 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the health district who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the health district; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of health district residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials, and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the health district:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the health district;

(B) Active, reserve, or retired armed services members;

(C) The business community; or

(D) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the health district, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services

within the health district, the board of health must include a tribal representative selected by the American Indian health commission.

(f) The boards of county commissioners may by resolution or ordinance provide for elected officials from cities and towns and persons other than elected officials as members of the district board of health so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, a resolution or ordinance adopted under this section must specify the provisions for the appointment, term, and compensation, or reimbursement of expenses.

(h) At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(i) The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(j) The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

(k) The number of members selected under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health.

(l) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

(2) A local board of health comprised solely of elected officials may retain this composition if the local health jurisdiction had a public health advisory committee or board with its own bylaws established on January 1, 2021. By January 1, 2022, the public health advisory committee or board must meet the requirements established in section 7 of this act for community health advisory boards. Any future changes to local board of health composition must meet the requirements of subsection (1) of this section.

(3) A local board of health comprised solely of elected officials and made up of three counties east of the Cascade mountains may retain their current composition if the local health jurisdiction has a public health advisory committee or board that meets the requirements established in section 7 of this act for community health advisory boards by July 1, 2022. If such a local board of health does not establish the required community health advisory board by July 1, 2022, it must comply with the requirements of subsection (1) of this section. Any future changes to local board of health composition must meet the requirements of subsection (1) of this section.

Sec. 6. RCW 70.46.031 and 1995 c 43 s 11 are each amended to read as follows:

((~~A health district to consist of one county may be created whenever the county legislative authority of the county shall pass a resolution or ordinance to organize such a health district under chapter 70.05 RCW and this chapter.~~

~~The resolution or ordinance may specify the membership, representation on the district health board, or other matters relative to the formation or operation of the health district. The county legislative authority may appoint elected officials from cities and towns and persons other than elected officials as members of the health district board so long as persons other than elected officials do not constitute a majority.~~

~~Any single county health district existing on the effective date of this act shall continue in existence unless and until changed by affirmative action of the county legislative authority.~~))

(1) Except as provided in subsection (2) of this section, a health district to consist of one county may be created whenever the county legislative authority of the county shall pass a resolution or ordinance to organize such a health district under chapter 70.05 RCW and this chapter. The resolution or ordinance may specify the membership, representation on the district health board, or other matters relative to the formation or operation of the health district. In addition to the membership of the district health board determined through resolution or ordinance, the district health board must also include the members selected under (a) and (e) of this subsection.

(a) The remaining board members must be persons who are not elected officials

and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 8 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. If there are two members over the nearest multiple of three, each member over the nearest multiple of three must be selected from a different category. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(f) The county legislative authority may appoint elected officials from cities and towns and persons other than elected officials as members of the health district board so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, a resolution or ordinance adopted under this section must

specify the provisions for the appointment, term, and compensation, or reimbursement of expenses.

(h) The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(i) The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the resolution or ordinance. The same official designated under the provisions of the resolution or ordinance may appoint an administrative officer, as described in RCW 70.05.045.

(j) At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(k) The number of members selected under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health.

(l) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

(2) A local board of health comprised solely of elected officials may retain this composition if the local health jurisdiction had a public health advisory committee or board with its own bylaws established on January 1, 2021. By January 1, 2022, the public health advisory committee or board must meet the requirements established in section 7 of this act for community health advisory boards. Any future changes to local board of health composition must meet the requirements of subsection (1) of this section.

NEW SECTION. **Sec. 7.** A new section is added to chapter 70.46 RCW to read as follows:

(1) A community health advisory board shall:

(a) Provide input to the local board of health in the recruitment and selection of an administrative officer, pursuant to RCW 70.05.045, and local health officer, pursuant to RCW 70.05.050;

(b) Use a health equity framework to conduct, assess, and identify the community health needs of the jurisdiction, and review and recommend public health policies and priorities for the local health jurisdiction and advisory board to address community health needs;

(c) Evaluate the impact of proposed public health policies and programs, and assure identified health needs and concerns are being met;

(d) Promote public participation in and identification of local public health needs;

(e) Provide community forums and hearings as assigned by the local board of health;

(f) Establish community task forces as assigned by the local board of health;

(g) Review and make recommendations to the local health jurisdiction and local board of health for an annual budget and fees; and

(h) Review and advise on local health jurisdiction progress in achieving performance measures and outcomes to ensure continuous quality improvement and accountability.

(2) The advisory board shall consist of nine to 21 members appointed by the local board of health. The local health officer and a member of the local board of health shall serve as ex officio members of the board.

(3) The advisory board must be broadly representative of the character of the community. Membership preference shall be given to tribal, racial, ethnic, and other minorities. The advisory board must consist of a balance of members with expertise, career experience, and consumer experience in areas impacting public health and with populations served by the health department. The board's composition shall include:

(a) Members with expertise in and experience with:

(i) Health care access and quality;

(ii) Physical environment, including built and natural environments;

(iii) Social and economic sectors, including housing, basic needs, education, and employment;

(iv) Business and philanthropy;

(v) Communities that experience health inequities;

(vi) Government; and

(vii) Tribal communities and tribal government.

(b) Consumers of public health services;

(c) Community members with lived experience in any of the areas listed in (a) of this subsection; and

(d) Community stakeholders, including nonprofit organizations, the business community, and those regulated by public health.

(4) The local health jurisdiction and local board of health must actively recruit advisory board members in a manner that solicits broad diversity to assure representation from marginalized communities including tribal, racial, ethnic, and other minorities.

(5) Advisory board members shall serve for staggered three-year terms. This does not preclude any member from being reappointed.

(6) The advisory board shall, at the first meeting of each year, select a chair and vice chair. The chair shall preside over all advisory board meetings and work with the local health jurisdiction administrator, or their designee, to establish board meeting agendas.

(7) Staffing for the advisory board shall be provided by the local health jurisdiction.

(8) The advisory board shall hold meetings monthly, or as otherwise determined by the advisory board at a place and time to be decided by the advisory board. Special meetings may be held on call of the local board of health or the chairperson of the advisory board.

(9) Meetings of the advisory board are subject to the open public meetings act, chapter 42.30 RCW, and meeting minutes must be submitted to the local board of health.

NEW SECTION. **Sec. 8.** A new section is added to chapter 43.20 RCW to read as follows:

(1) The state board of health shall adopt rules establishing the appointment process for the members of local boards of health who are not elected officials. The selection process established by the rules must:

(a) Be fair and unbiased; and

(b) Ensure, to the extent practicable, that the membership of local boards of health include a balanced representation of elected officials and nonelected people with a diversity of expertise and lived experience.

(2) The rules adopted under this section must go into effect no later than one year after the effective date of this section.

NEW SECTION. **Sec. 9.** Sections 3 through 6 of this act take effect July 1, 2022."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 70.05.030, 70.05.035, 70.46.020, and 70.46.031; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70.46 RCW; adding a new section to chapter 43.20 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1152, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1152, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Leavitt, Lekanoff, Lovick, Macri, McCaslin, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault,

Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Kloba.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 11, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1186 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) The department of children, youth, and families seeks to expand trauma-informed, culturally relevant, racial equity-based, and developmentally appropriate therapeutic placement supports in less restrictive community settings. Under current law, these supports are limited to placement in community facilities—which are only available for about 25 percent of juvenile rehabilitation's population—and electronic home monitoring for persons serving adult sentences in the custody of the department of children, youth, and families' juvenile rehabilitation who have an earned release date between the ages of 25 and 26.

(2) To help reduce the bottleneck of youth and young adults placed in the department's juvenile rehabilitation institutions and enhance community-based, less restrictive options, this act creates a community transition services program, which utilizes electronic home monitoring as a tool embedded in a progressively supportive community-based approach with therapeutic supports for young people reentering the community. This approach considers developmentally appropriate programs for successful reentry by increasing access to community transition services, including housing assistance, behavioral health treatment, independent living, employment, education, and family and community connections.

Sec. 2. RCW 72.01.412 and 2019 c 322 s 6 are each amended to read as follows:

(1) A person in the custody of the department of children, youth, and families under RCW 72.01.410 ((~~who has an earned release date that is after the person's twenty-fifth birthday but on or before the person's twenty-sixth birthday may, after turning twenty-five, serve the remainder of the person's term of confinement in partial confinement on electronic home monitoring~~)) is eligible for community transition services under the authority and supervision of the department of children, youth, and families((~~, provided that the~~)):

(a) After the person's 25th birthday:

(i) If the person's earned release date is after the person's 25th birthday but on or before the person's 26th birthday; and

(ii) The department of children, youth, and families determines that placement in community transition services is in the best interests of the person and the community; or

(b) After 60 percent of their term of confinement has been served, and no less than 15 weeks of total confinement served including time spent in detention prior to sentencing or the entry of a dispositional order if:

(i) The person has an earned release date that is before their 26th birthday; and

(ii) The department of children, youth, and families determines that such placement and retention by the department of children, youth, and families is in the best interests of the person and the community.

(2) "Term of confinement" as used in subsection (1)(a) of this section means the term of confinement ordered, reduced by the total amount of earned time eligible for the offense.

(3) The department's determination under subsection (1)(a)(ii) and (b)(ii) of this section must include consideration of the person's behavior while in confinement and any disciplinary considerations.

(4) The department of children, youth, and families retains the authority to transfer the person to the custody of the department of corrections under RCW 72.01.410.

((~~(2)~~)) (5) A person may only be placed in community transition services under this section for the remaining 18 months of their term of confinement.

(6) A person placed ((~~on electronic home monitoring~~)) in community transition services under this section must ((~~otherwise continue to be subject to similar treatment, options, access to programs and resources, conditions, and restrictions applicable to other similarly situated persons under the jurisdiction of the department of children, youth, and families~~)) have access to appropriate treatment and programming as determined by the department of children, youth, and families, including but not limited to:

(a) Behavioral health treatment;

(b) Independent living;

(c) Employment;

(d) Education;

(e) Connections to family and natural supports; and

(f) Community connections.

(7) If the person has a sentence that includes a term of community custody, this term of community custody must begin after the current term of confinement has ended.

((~~(3)~~)) (8) If a person placed on ((~~electronic home monitoring~~)) community transition services under this section commits a violation requiring the return of the person to total confinement after the person's 25th birthday, the person must be transferred to the custody and supervision of the department of corrections for the remainder of the sentence.

(9) The following persons are not eligible for community transition services under this section:

(a) Persons with pending charges or warrants;

(b) Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;

(c) Persons who were adjudicated or convicted of the crime of murder in the first or second degree;

(d) Persons who meet the definition of a "persistent offender" as defined under RCW 9.94A.030;

(e) Level III sex offenders; and

(f) Persons requiring out-of-state placement.

(10) As used in this section, "community transition services" means a therapeutic and supportive community-based custody option in which:

(a) A person serves a portion of his or her term of confinement residing in the community, outside of the department of children, youth, and families institutions and community facilities;

(b) The department of children, youth, and families supervises the person in part through the use of technology that is capable of determining or identifying the monitored person's presence or absence at a particular location;

(c) The department of children, youth, and families provides access to developmentally appropriate, trauma-informed, racial equity-based, and culturally relevant programs to promote successful reentry; and

(d) The department of children, youth, and families prioritizes the delivery of available programming from individuals who share characteristics with the individual being served related to: Race; ethnicity; sexual identity; and gender identity.

Sec. 3. RCW 13.40.020 and 2019 c 444 s 9 are each amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health

programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(e) Residential treatment, where substance abuse, mental health, and/or co-occurring disorders have been identified in an assessment by a qualified mental health professional, psychologist, psychiatrist, co-occurring disorder specialist, or substance use disorder professional and a funded bed is available. If a child agrees to voluntary placement in a state-funded long-term evaluation and treatment facility, the case must follow the existing placement procedure including consideration of less restrictive treatment options and medical necessity.

(i) A court may order residential treatment after consideration and findings regarding whether:

(A) The referral is necessary to rehabilitate the child;

(B) The referral is necessary to protect the public or the child;

(C) The referral is in the child's best interest;

(D) The child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and

(E) Inpatient treatment is the least restrictive action consistent with the child's needs and circumstances.

(ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than sixty days after the youth begins inpatient treatment, and every thirty days thereafter, as long as the youth is in inpatient treatment;

(6) "Community transition services" means a therapeutic and supportive community-based custody option in which:

(a) A person serves a portion of their term of confinement residing in the community, outside of department institutions and community facilities;

(b) The department supervises the person in part through the use of technology that is capable of determining or identifying the monitored person's presence or absence at a particular location;

(c) The department provides access to developmentally appropriate, trauma-informed, racial equity-based, and culturally relevant programs to promote successful reentry; and

(d) The department prioritizes the delivery of available programming from individuals who share characteristics with the individual being served related

to: Race, ethnicity, sexual identity, and gender identity;

(7) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

((~~(7)~~)) (8) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

((~~(8)~~)) (9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

((~~(9)~~)) (10) "Department" means the department of children, youth, and families;

((~~(10)~~)) (11) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

((~~(11)~~)) (12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

((~~(12)~~)) (13) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

((~~(13)~~)) (14) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

((~~(14)~~)) (15) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

((~~(15)~~)) (16) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW

13.40.110 or who is not otherwise under adult court jurisdiction;

((~~(16)~~)) (17) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

((~~(17)~~)) (18) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

((~~(18)~~)) (19) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) $0-$500 fine;

((~~(19)~~)) (20) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

((~~(20)~~)) (21) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

((~~(21)~~)) (22) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

((~~(22)~~)) (23) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

((~~(23)~~)) (24) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

((~~(24)~~)) (25) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

((~~(25)~~)) (26) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

((~~(26)~~)) (27) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

((~~(27)~~)) (28) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for

voluntary participation and communication between the victim, the offender, their families, and relevant community members;

((~~(28)~~)) (29) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

((~~(29)~~)) (30) "Risk assessment tool" means the statistically valid tool used by the department to inform release or placement decisions related to security level, release within the sentencing range, community facility eligibility, community transition services eligibility, and parole. The "risk assessment tool" is used by the department to predict the likelihood of successful reentry and future criminal behavior;

(31) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

((~~(30)~~)) (32) "Secretary" means the secretary of the department;

((~~(31)~~)) (33) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

((~~(32)~~)) (34) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

((~~(33)~~)) (35) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

((~~(34)~~)) (36) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

((~~(35)~~)) (37) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

((~~(36)~~)) (38) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

((~~(37)~~)) (39) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

((~~(38)~~)) (40) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 4. RCW 13.40.205 and 2019 c 468 s 1 are each amended to read as follows:

(1) A juvenile sentenced to a term of confinement to be served under the supervision of the department shall not be released from the physical custody of the department prior to the release date established under RCW 13.40.210 except as otherwise provided in this section.

(2) A juvenile serving a term of confinement under the supervision of the department may be released on authorized leave from the physical custody of the department only if consistent with public safety and if:

(a) Sixty percent of the minimum term of confinement has been served; and

(b) The purpose of the leave is to enable the juvenile:

(i) To visit the juvenile's family for the purpose of strengthening or preserving family relationships;

(ii) To make plans for parole or release which require the juvenile's personal appearance in the community and which will facilitate the juvenile's reintegration into the community; or

(iii) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community.

(3) No authorized leave may exceed seven consecutive days. The total of all preminimum term authorized leaves granted to a juvenile prior to final discharge from confinement shall not exceed thirty days.

(4) Prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) Upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) Prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family, the secretary shall give notice of any leave or community transition services under subsection (13) of this section to the victim or the victim's immediate family.

(9) A juvenile who violates any condition of an authorized leave plan or community transition services under subsection (13) of this section may be taken into custody and returned to the department in the same manner as an adult in identical circumstances.

(10) Community transition services is an electronic monitoring program as that term is used in RCW 9A.76.130.

(11) Notwithstanding the provisions of this section, a juvenile placed in minimum security status or in community transition services under subsection (13) of this section may participate in work, educational, community restitution, or treatment programs in the community up to twelve hours a day if approved by the secretary. Such a release shall not be deemed a leave of absence. This authorization may be increased to more than twelve hours a day up to sixteen hours a day if approved by the secretary and operated within the department's appropriations.

((~~(11)~~)) (12) Subsections (6), (7), and (8) of this section do not apply to juveniles covered by RCW 13.40.215.

(13)(a) The department may require a person in its custody to serve the remainder of the person's sentence in community transition services if the department determines that such placement is in the best interest of the person and the community using the risk assessment tool and considering the availability of appropriate placements, treatment, and programming. The department's determination described under this subsection must include consideration of the person's behavior while in confinement and any disciplinary considerations. The department shall establish appropriate conditions the person must comply with to remain in community transition services. A person must have served 60 percent of their minimum term of confinement and no less than 15 weeks of total confinement including time spent in detention prior to sentencing or the entry of a dispositional order before becoming eligible for community transition

services under the authority and supervision of the department.

(b) A person placed in community transition services under this section must have access to appropriate treatment and programming as determined by the department, including but not limited to:

(i) Behavioral health treatment;

(ii) Independent living;

(iii) Employment;

(iv) Education;

(v) Connections to family and natural supports; and

(vi) Community connections.

(c) Community transition services under this section is in lieu of confinement in an institution or community facility operated by the department, and will not fulfill any period of parole required under RCW 13.40.210.

(d) If a person placed in community transition services under this section violates a condition of participation in the community transition services program, or if the department determines that placement in the program is no longer in the best interests of the person or community, the person may be returned to an institution operated by the department at the department's discretion.

(e) The following persons are not eligible for community transition services under this section:

(i) Persons with pending charges or warrants;

(ii) Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;

(iii) Persons who were adjudicated or convicted of the crime of murder in the first or second degree;

(iv) Persons who meet the definition of a "persistent offender" as defined under RCW 9.94A.030;

(v) Level III sex offenders; and

(vi) Persons requiring out-of-state placement.

(14) The department shall design, or contract for the design, and implement a risk assessment tool. The tool must be designed to limit bias related to race, ethnicity, gender, and age. The risk assessment tool must be certified at least every three years based on current academic standards for assessment validation, and can be certified by the office of innovation, alignment, and accountability or an outside researcher.

Sec. 5. RCW 13.40.215 and 2020 c 167 s 7 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest practicable date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility or community transition services program, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside; and

(ii) The sheriff of the county in which the juvenile will reside.

(b)(i) Except as provided in subsection (2) of this section, at the earliest practicable date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility or community transition services program, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of an individual who is found to have committed a violent offense or a sex offense, is twenty-one years of age or younger, and has not received a high school diploma or its equivalent, to the designated recipient of the school where the juvenile either: (A) Was enrolled prior to incarceration or detention; or (B) has expressed an intention to enroll following his or her release. This notice must also include the restrictions described in subsection (5) of this section.

(ii) The community residential facility shall provide written notice of the offender's criminal history to the designated recipient of any school that

the offender attends while residing at the community residential facility and to any employer that employs the offender while residing at the community residential facility.

(iii) As used in this subsection, "designated recipient" means: (A) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (B) the administrator of a charter public school governed by chapter 28A.710 RCW; or (C) the administrator of a private school approved under chapter 28A.195 RCW.

(c) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(d) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

(e) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting

party shall furnish the department with a current address.

(5) Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public or approved private elementary, middle, or high school that is attended by a victim or a sibling of a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district.

(6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;

(d) "Next of kin" means a person's spouse, parents, siblings, and children.

Sec. 6. RCW 13.40.220 and 2017 3rd sp.s. c 6 s 610 are each amended to read as follows:

(1) Whenever legal custody of a child is vested in someone other than his or her parents, under this chapter, and not vested in the department, after due notice to the parents or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum representing in whole or in part the costs of support, treatment, and confinement of the child after the decree is entered.

(2) If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against such person for contempt.

(3) Whenever legal custody of a child is vested in the department under this chapter, the parents or other persons legally obligated to care for and support the child shall be liable for the costs of support, treatment, and confinement of the child, in accordance with the department's reimbursement of cost schedule. The department shall adopt a reimbursement of cost schedule based on the costs of providing such services, and shall determine an obligation based on the responsible parents' or other legally obligated person's ability to pay. The department is authorized to adopt additional rules as appropriate to enforce this section.

(4) To enforce subsection (3) of this section, the department shall serve on the parents or other person legally obligated to care for and support the child a notice and finding of financial responsibility requiring the parents or other legally obligated person to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect and should not be ordered. This notice and finding shall relate to the costs of support, treatment, and confinement of the child in accordance with the department's reimbursement of cost schedule adopted under this section, including periodic payments to be made in the future. The hearing shall be held pursuant to chapter 34.05 RCW, the administrative procedure act, and the rules of the department.

(5) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the parent or legally obligated person by certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

(6) If the parents or other legally obligated person objects to the notice and finding of financial responsibility, then an application for an adjudicative hearing may be filed within twenty days of the date of service of the notice. If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the parents or other legally obligated person and shall also determine the amount of periodic payments to be made in the future. If the parents or other legally responsible person fails to file an application within twenty days, the notice and finding of financial responsibility shall become a final administrative order.

(7) Debts determined pursuant to this section are subject to collection action without further necessity of action by a presiding or reviewing officer. The

department may collect the debt in accordance with RCW 43.20B.635, 43.20B.640, 74.20A.060, and 74.20A.070. The department shall exempt from payment parents receiving adoption support under RCW 74.13A.005 through 74.13A.080, parents eligible to receive adoption support under RCW 74.13A.085, and a parent or other legally obligated person when the parent or other legally obligated person, or such person's child, spouse, or spouse's child, was the victim of the offense for which the child was committed.

(8) An administrative order entered pursuant to this section shall supersede any court order entered prior to June 13, 1994.

(9) The department shall be subrogated to the right of the child and his or her parents or other legally responsible person to receive support payments for the benefit of the child from any parent or legally obligated person pursuant to a support order established by a superior court or pursuant to RCW 74.20A.055. The department's right of subrogation under this section is limited to the liability established in accordance with its cost schedule for support, treatment, and confinement, except as addressed in subsection (10) of this section.

(10) Nothing in this section precludes the department from recouping such additional support payments from the child's parents or other legally obligated person as required to qualify for receipt of federal funds. The department may adopt such rules dealing with liability for recoupment of support, treatment, or confinement costs as may become necessary to entitle the state to participate in federal funds unless such rules would be expressly prohibited by law. If any law dealing with liability for recoupment of support, treatment, or confinement costs is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds, such conflicting law is declared to be inoperative solely to the extent of the conflict.

(11) This section does not apply to juveniles or young adults in a community transition services program.

NEW SECTION. **Sec. 7.** The department of children, youth, and families shall adopt rules, policies, and procedures as may be needed to implement a community transition services program required by this act, to include the following:

(1) Identification and regular monitoring of metrics of quality implementation for the community transition program, and regularly publishing outcome analyses for program participants; and

(2) Allowing for the use of new electronic home monitoring equipment and technologies as they become available that eliminate or minimize trauma, social stigma, and racial injustice, and imposing penalties for the knowing or intentional tampering, damaging, or destruction of equipment that renders it not fully functional.

NEW SECTION. **Sec. 8.** Subject to the availability of amounts appropriated for this specific purpose, the department of children, youth, and families may issue rental vouchers for a period not to exceed six months for those transferring to community transition services under this act if an approved address cannot be obtained without the assistance of a voucher.

Sec. 9. RCW 13.04.800 and 2019 c 322 s 5 are each amended to read as follows:

(1) The Washington state institute for public policy must:

(a) Assess the impact of chapter 162, Laws of 2018, ((~~and~~)) sections 2 through 6, chapter 322, Laws of 2019, and sections 2 and 3, chapter . . ., Laws of 2021 (sections 2 and 3 of this act) on community safety, racial disproportionality, recidivism, state expenditures, and youth rehabilitation, to the extent possible; and

(b) Conduct a cost-benefit analysis, including health impacts and recidivism effects, of extending RCW 72.01.410 to include all offenses committed under the age of twenty-one.

(2) The institute shall submit, in compliance with RCW 43.01.036, a preliminary report on the requirements listed in subsection (1) of this section to the governor and the appropriate committees of the legislature by December 1, 2023, and a final report to the governor and the appropriate committees of the legislature by December 1, 2031.

NEW SECTION. **Sec. 10.** (1) The secretary of the department of children, youth, and families, or the secretary's designee, shall convene a stakeholder

group to develop recommendations regarding improving outcomes for individuals exiting juvenile rehabilitation with a focus on:

(a) Increasing community involvement before and after the individual's exit from a juvenile rehabilitation facility;

(b) A landscape analysis of community-based, reentry-related services available to individuals exiting a juvenile rehabilitation facility by geographic region and service type;

(c) Community-based, reentry-related service gaps that should be addressed to ensure a successful community transition services program across the state.

(2) The secretary of the department of children, youth, and families, or the secretary's designee shall include, at a minimum, the following stakeholders in the requirements included in this section:

(a) Two individuals who were or are currently confined in a juvenile rehabilitation facility;

(b) A family member of an individual who was or is currently confined in a juvenile rehabilitation facility;

(c) A representative of the Washington partnership council on juvenile justice;

(d) A representative of the Washington association of prosecuting attorneys;

(e) A representative of the Washington association of sheriffs and police chiefs;

(f) A representative of a statewide organization representing criminal defense attorneys;

(g) A representative of a statewide organization representing public defenders;

(h) A representative of a statewide organization providing legal services to youth;

(i) A representative from the office of the superintendent of public instruction;

(j) A representative from the state board for community and technical colleges;

(k) A representative from the health care authority;

(l) A representative from the Washington student achievement council;

(m) A representative from the Washington association of juvenile court administrators; and

(n) Two representatives from service providers that assist individuals when exiting from a juvenile rehabilitation facility by providing mentoring or other community involvement opportunities to that individual.

(3) The department of children, youth, and families shall provide administrative and staff support to the stakeholder group.

(4) Nonlegislative members of the stakeholder group who demonstrate financial hardship must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as other expenses as needed for each day a nonlegislative stakeholder group member attends a stakeholder group meeting to provide consultative assistance.

(5)(a) By November 1, 2021, and in compliance with RCW 43.01.036, an initial report shall be submitted to the appropriate committees of the legislature and the governor related to improving outcomes for individuals exiting juvenile rehabilitation facilities.

(b) By June 1, 2022, the department of children, youth, and families shall submit a report to the appropriate committees of the legislature and the governor that describes recommendations related to improving outcomes for individuals exiting a juvenile rehabilitation facility as provided in this section.

(6) This section expires January 1, 2023.

NEW SECTION. **Sec. 11.** (1) Sections 1 through 6, 8, and 9 of this act take effect six months after the department of children, youth, and families designs and implements a risk assessment tool as defined in RCW 13.40.020 used to determine eligibility for "community transition services" as provided under RCW 13.40.205(13) and provides notice as required under subsection (2) of this section.

(2) The department of children, youth, and families must provide notice of the implementation of a risk assessment tool described under subsection (1) of this section to affected parties, the chief clerk of the house of representatives,

the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department of children, youth, and families.

NEW SECTION. **Sec. 12.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "rehabilitation;" strike the remainder of the title and insert "amending RCW 72.01.412, 13.40.020, 13.40.205, 13.40.215, 13.40.220, and 13.04.800; creating new sections; providing a contingent effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1186 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Goodman spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1186, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1186, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Fey and Kloba.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1186, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 3, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1193 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.58.355 and 2020 c 20 s 1506 are each amended to read as follows:

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government to implement this chapter do not apply to:

(1) Any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70A.305 RCW, or to the department of ecology when it conducts a remedial action under chapter 70A.305 RCW. The department must ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70A.305 RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70A.305.090;

(2) Any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit. The department must ensure compliance with the substantive requirements of this chapter through the review of engineering reports, site plans, and other documents related to the

installation of boatyard stormwater treatment facilities; ((~~or~~))

(3) The department of transportation projects and activities that meet the conditions of RCW 90.58.356; or

(4) Actions taken on the Columbia river by the United States army corps of engineers, under the authority of United States Code Titles 33 and 42 and 33 C.F.R. Sec. 335, to maintain and improve federal navigation channels in accordance with federally mandated dredged material management and improvement project plans, provided the project: (a) Has undergone environmental review under both the national environmental policy act, 42 U.S.C. Sec. 4321-4370h and the state environmental policy act, chapter 43.21C RCW; and (b) has applied for federal clean water act section 401 water quality certifications issued by the department."

On page 1, line 2 of the title, after "improvement;" strike the remainder of the title and insert "and amending RCW 90.58.355."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1193 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hoff and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1193, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1193, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey and Kloba.

SUBSTITUTE HOUSE BILL NO. 1193, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1194 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.065 and 2019 c 172 s 11 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within ((~~seventy-two~~)) 72 hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within ((~~seventy-two~~)) 72 hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care longer than ((~~seventy-two~~)) 72 hours, the department shall submit a recommendation to the court as to the further need for shelter care in all cases in which the child will

remain in shelter care longer than the ((~~seventy-two~~)) 72 hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the department to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the department the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in RCW 13.38.040, whether the provisions of the federal Indian child welfare act or chapter 13.38 RCW apply, and whether there is compliance with the federal Indian child

welfare act and chapter 13.38 RCW, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. If such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, the fingerprint-based background check need not be completed before placement, but as soon as possible after placement. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the department's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the department shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative or other suitable person is not available, the court shall order continued shelter care and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

(f) If the child is placed in a qualified residential treatment program as defined in this chapter, the court

shall, within ((~~sixty~~)) 60 days of placement, hold a hearing to:

(i) Consider the assessment required under RCW 13.34.420 and submitted as part of the department's social study, and any related documentation;

(ii) Determine whether placement in foster care can meet the child's needs or if placement in another available placement setting best meets the child's needs in the least restrictive environment; and

(iii) Approve or disapprove the child's placement in the qualified residential treatment program.

(g) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under (b) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than ((~~thirty~~)) 30 days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a)(i) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(ii) If the court previously ordered that visitation between a parent and child be supervised or monitored, there shall be a presumption that such supervision or monitoring will no longer be necessary following a continued shelter care order under (a)(i) of this subsection. To overcome this presumption, a party must provide a report to the court including evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety, and the court shall make a determination as to whether visit supervision or monitoring must continue.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

(9)(a) If a child is placed out of the home of a parent, guardian, or legal custodian following a shelter care hearing, the court shall order the petitioner to provide regular visitation with the parent, guardian, or legal custodian, and siblings. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and allowing family reunification. The court shall order a visitation plan individualized to the needs of the family with a goal of providing the maximum parent, child, and sibling contact possible.

(b) Visitation under this subsection shall not be limited as a sanction for a parent's failure to comply with recommended services during shelter care.

(c) Visitation under this subsection may only be limited where necessary to ensure the health, safety, or welfare of the child.

(d) The first visit must take place within 72 hours of the child being delivered into the custody of the department, unless the court finds that extraordinary circumstances require delay.

(e) If the first visit under (d) of this subsection occurs in an in-person format, this first visit must be supervised unless the department determines that visit supervision is not necessary.

Sec. 2. RCW 13.34.136 and 2020 c 312 s 117 are each amended to read as follows:

(1) Whenever a child is ordered to be removed from the home, a permanency plan shall be developed no later than ((~~sixty~~)) 60 days from the time the department assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The department shall submit a written permanency plan to all parties and the court not less than ((~~fourteen~~)) 14 days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's proposed permanency plan must be provided to the department, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship pursuant to chapter 13.36 RCW; guardianship of a minor pursuant to RCW 11.130.215; long-term relative or foster care, if the child is between ages ((~~sixteen~~)) 16 and ((~~eighteen~~)) 18, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age ((~~sixteen~~)) 16 or older. Although a permanency plan of care may only identify long-term relative or foster care for children between ages ((~~sixteen~~)) 16 and ((~~eighteen~~)) 18, children under ((~~sixteen~~)) 16 may remain placed with relatives or in foster care. The department shall not discharge a child to an independent living situation before the child is ((~~eighteen~~)) 18 years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the department of social and health services developmental disabilities administration, the

department shall make reasonable efforts to consult with the department of social and health services developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii)(A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. Visitation must occur in the least restrictive setting and be unsupervised unless the presence of threats or danger to the child requires the constant presence of an adult to ensure the safety of the child. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(E) If the court previously ordered that visitation between a parent and child be supervised or monitored, there shall be a presumption that such supervision or monitoring will no longer be necessary when the permanency plan is entered. To overcome this presumption, a party must provide a report to the court including evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety, and the court shall make a determination as to whether visit supervision or monitoring must continue.

(F) The court shall advise the petitioner that the failure to provide court-ordered visitation may result in a finding that the petitioner failed to make reasonable efforts to finalize the permanency plan. The lack of sufficient contracted visitation providers will not excuse the failure to provide court-ordered visitation.

(iii)(A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian

ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The department shall provide all reasonable services that are available within the department, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(9), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for ((~~fifteen~~)) 15 of the most recent ((~~twenty-two~~)) 22 months, and the court has not made a good cause exception, the court shall require the department to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(7). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department or other agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning, "guardianship" means a guardianship pursuant to chapter 13.36

RCW or a guardianship of a minor pursuant to RCW 11.130.215, or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 3. RCW 13.34.138 and 2019 c 172 s 13 are each amended to read as follows:

(1) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ((~~ninety~~)) 90 days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Within ((~~sixty~~)) 60 days of the placement of a child in a qualified residential treatment program as defined in this chapter, and at each review hearing thereafter if the child remains in such a program, the following:

(A) Whether ongoing assessment of the child's strengths and needs continues to support the determination that the child's needs cannot be met through placement in a foster family home;

(B) Whether the child's placement provides the most effective and appropriate level of care in the least restrictive environment;

(C) Whether the placement is consistent with the child's permanency plan;

(D) What specific treatment or service needs will be met in the placement, and how long the child is expected to need the treatment or services; and

(E) What efforts the department has made to prepare the child to return home or be placed with a fit and willing relative as defined in RCW 13.34.030, a Title 13 RCW legal guardian, an adoptive parent, or in a foster family home.

(vii) Whether a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent and whether housing assistance should be provided by the department;

(viii) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(ix) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(x) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(xi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(xii) Whether terms of visitation need to be modified. If the court previously ordered that visitation between a parent and child must be supervised or monitored, there shall be a presumption that such supervision or monitoring will no longer be necessary after the review hearing. To overcome this presumption, a party must provide a report to the court including evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety, and the court shall make a determination as to whether visit supervision or monitoring must continue;

(xiii) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xiv) Whether any additional court orders need to be made to move the case toward permanency; and

(xv) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with the department's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for

themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's authority to order housing assistance under this chapter is: (a) Limited to cases in which a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose. Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130((~~(6)~~)) (7).

(6) The court shall advise the petitioner that the failure to provide court-ordered visitation may result in a finding that the petitioner failed to make reasonable efforts to finalize the permanency plan. The lack of sufficient contracted visitation providers will not excuse the failure to provide court-ordered visitation.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "proceedings;" strike the remainder of the title and insert "amending RCW 13.34.065, 13.34.136, and 13.34.138; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1194 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ortiz-Self and Dent spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1194, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1194, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey and Kloba.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1194, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.05.700 and 2020 c 92 s 2 are each amended to read as follows:

(1)(a) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; ((~~and~~))

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, a health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2021, shall reimburse a provider for a health care service provided to a covered person through telemedicine ((~~at~~)) the same ((~~rate as~~)) amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate ((~~a reimbursement rate~~)) an amount of compensation for telemedicine services that differs from the ((~~reimbursement rate~~)) amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) ((~~Community mental health center~~)) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health plan. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all

terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

((~~(b)~~)) (d) "Established relationship" means the covered person has had at least one in-person appointment within the past year with the provider providing audio-only telemedicine or with a provider employed at the same clinic as the provider providing audio-only telemedicine or the covered person was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person appointment with the covered person within the past year and has provided relevant medical information to the provider providing audio-only telemedicine.

(e) "Health care service" has the same meaning as in RCW 48.43.005;

((~~(c)~~)) (f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

((~~(d)~~)) (g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

((~~(e)~~)) (h) "Provider" has the same meaning as in RCW 48.43.005;

((~~(f)~~)) (i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a

distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

((~~(g)~~)) (j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" ((~~does not include the use of~~)) includes audio-only ((~~telephone~~)) telemedicine, but does not include facsimile((~~,~~)) or email.

Sec. 2. RCW 48.43.735 and 2020 c 92 s 1 are each amended to read as follows:

(1)(a) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; ((~~and~~))

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, for health plans issued or renewed on or after January 1, 2021, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine ((~~at~~)) the same ((~~rate as~~)) amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate ((~~a reimbursement rate~~)) an amount of compensation for telemedicine services that differs from the ((~~reimbursement rate~~)) amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) ((~~Community mental health center~~)) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health carrier. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A health carrier may not distinguish between originating sites

that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a health carrier to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the commissioner has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the commissioner may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the commissioner may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the commissioner or initiated directly by an enrollee, the disciplining authority shall notify the commissioner of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

((~~(b)~~)) (d) "Established relationship" means the covered person has had at least one in-person appointment within the past year with the provider providing audio-only telemedicine or with a provider employed at the same clinic as the provider providing audio-only telemedicine or the covered person was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person appointment with the covered person within the past year and has provided relevant medical information to the provider providing audio-only telemedicine.

(e) "Health care service" has the same meaning as in RCW 48.43.005;

((~~(c)~~)) (f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

((~~(d)~~)) (g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

((~~(e)~~)) (h) "Provider" has the same meaning as in RCW 48.43.005;

((~~(f)~~)) (i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

((~~(g)~~)) (j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" ((~~does not include the use of~~)) includes audio-only ((~~telephone~~)) telemedicine, but does not include facsimile((~~,~~)) or email.

(9) The commissioner may adopt any rules necessary to implement this section.

Sec. 3. RCW 70.41.020 and 2016 c 226 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Aftercare" means the assistance provided by a lay caregiver to a patient under this chapter after the patient's discharge from a hospital. The assistance may include, but is not limited to, assistance with activities of daily living, wound care, medication assistance, and the operation of medical equipment. "Aftercare" includes assistance only for conditions that were present at the time of the patient's discharge from the hospital. "Aftercare" does not include:

(a) Assistance related to conditions for which the patient did not receive medical care, treatment, or observation in the hospital; or

(b) Tasks the performance of which requires licensure as a health care provider.

(2)(a) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(b) "Audio-only telemedicine" does not include:

(i) The use of facsimile or email; or

(ii) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(3) "Department" means the Washington state department of health.

((~~(3)~~)) (4) "Discharge" means a patient's release from a hospital following the patient's admission to the hospital.

((~~(4)~~)) (5) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine.

((~~(5)~~)) (6) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

((~~(6)~~)) (7) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including but not limited to administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

((~~(7)~~)) (8) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come

within the scope of chapter 18.51 RCW; nor does it include birthing centers, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, intellectual disability, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations.

((~~(8)~~)) (9) "Lay caregiver" means any individual designated as such by a patient under this chapter who provides aftercare assistance to a patient in the patient's residence. "Lay caregiver" does not include a long-term care worker as defined in RCW 74.39A.009.

((~~(9)~~)) (10) "Originating site" means the physical location of a patient receiving health care services through telemedicine.

((~~(10)~~)) (11) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

((~~(11)~~)) (12) "Secretary" means the secretary of health.

((~~(12)~~)) (13) "Sexual assault" has the same meaning as in RCW 70.125.030.

((~~(13)~~)) (14) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" ((~~does not include the use of~~)) includes audio-only ((~~telephone~~)) telemedicine, but does not include facsimile((~~,~~)) or email.

((~~(14)~~)) (15) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

Sec. 4. RCW 71.24.335 and 2019 c 325 s 1019 are each amended to read as follows:

(1) Upon initiation or renewal of a contract with the authority, behavioral health administrative services organizations and managed care organizations shall reimburse a provider for a behavioral health service provided to a covered person who is under eighteen years old through telemedicine or store and forward technology if:

(a) The behavioral health administrative services organization or managed care organization in which the covered person is enrolled provides coverage of the behavioral health service when provided in person by the provider; ((~~and~~))

(b) The behavioral health service is medically necessary; and

(c) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(2)(a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the behavioral health administrative services organization, or managed care organization, and the provider.

(3) An originating site for a telemedicine behavioral health service subject to subsection (1) of this section means an originating site as defined in rule by the department or the health care authority.

(4) Any originating site, other than a home, under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the behavioral health administrative services organization, or managed care organization, as applicable. A distant site, a hospital that is an originating site for audio-only telemedicine, or any

other site not identified in subsection (3) of this section may not charge a facility fee.

(5) Behavioral health administrative services organizations and managed care organizations may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) Behavioral health administrative services organizations and managed care organizations may subject coverage of a telemedicine or store and forward technology behavioral health service under subsection (1) of this section to all terms and conditions of the behavioral health administrative services organization or managed care organization in which the covered person is enrolled, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable behavioral health care service provided in person.

(7) This section does not require a behavioral health administrative services organization or a managed care organization to reimburse:

(a) An originating site for professional fees;

(b) A provider for a behavioral health service that is not a covered benefit; or

(c) An originating site or provider when the site or provider is not a contracted provider.

(8)(a) If a provider intends to bill a patient, a behavioral health administrative services organization, or a managed care organization for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

((~~(b)~~)) (d) "Established relationship" means the covered person has had at least one in-person appointment within the past year with the provider providing audio-only telemedicine or with a provider employed at the same clinic as the provider providing audio-only telemedicine or the covered person was referred to the provider providing audio-only telemedicine by another provider who

has had at least one in-person appointment with the covered person within the past year and has provided relevant medical information to the provider providing audio-only telemedicine.

(e) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

((~~(c)~~)) (f) "Originating site" means the physical location of a patient receiving behavioral health services through telemedicine;

((~~(d)~~)) (g) "Provider" has the same meaning as in RCW 48.43.005;

((~~(e)~~)) (h) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical or behavioral health information from an originating site to the provider at a distant site which results in medical or behavioral health diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

((~~(f)~~)) (i) "Telemedicine" means the delivery of health care or behavioral health services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" ((~~does not include the use of~~)) includes audio-only ((~~telephone~~)) telemedicine, but does not include facsimile((~~,~~)) or email.

(9) The authority must adopt rules as necessary to implement the provisions of this section.

Sec. 5. RCW 74.09.325 and 2020 c 92 s 3 are each amended to read as follows:

(1)(a) Upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; ((~~and~~))

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine ((~~at~~)) the same ((~~rate as~~)) amount of compensation the managed health care system would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate ((~~a reimbursement rate~~)) an amount of compensation for telemedicine services that differs from the ((~~reimbursement rate~~)) amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(iv) A rural health clinic shall be reimbursed for audio-only telemedicine at the rural health clinic encounter rate.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated

agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) ((~~Community mental health center~~)) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the managed health care system. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or a managed health care system for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered and comply with all rules created by the authority related to restrictions on billing medicaid recipients. The authority may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020 or take contractual actions against the provider's agreement for participation in the medicaid program, or both.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication

between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

((~~(b)~~)) (d) "Established relationship" means the covered person has had at least one in-person appointment within the past year with the provider providing audio-only telemedicine or with a provider employed at the same clinic as the provider providing audio-only telemedicine or the covered person was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person appointment with the covered person within the past year and has provided relevant medical information to the provider providing audio-only telemedicine.

(e) "Health care service" has the same meaning as in RCW 48.43.005;

((~~(c)~~)) (f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

((~~(d)~~)) (g) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

((~~(e)~~)) (h) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

((~~(f)~~)) (i) "Provider" has the same meaning as in RCW 48.43.005;

((~~(g)~~)) (j) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

((~~(h)~~)) (k) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" ((~~does not include the use of~~)) includes audio-only ((~~telephone~~)) telemedicine, but does not include facsimile((~~,~~)) or email.

((~~(9) To measure the impact on access to care for underserved communities and costs to the state and the medicaid managed health care system for reimbursement of telemedicine services, the Washington state health care authority, using existing data and resources, shall provide a report to the appropriate policy and fiscal committees of the legislature no later than December 31, 2018.~~))

NEW SECTION. **Sec. 6.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority shall adopt rules regarding medicaid fee-for-service reimbursement for services delivered through audio-only telemedicine. Except as provided in subsection (2) of this section, the rules must establish a manner of reimbursement for audio-only telemedicine that is consistent with RCW 74.09.325.

(2) The rules shall require rural health clinics to be reimbursed for audio-only telemedicine at the rural health clinic encounter rate.

(3)(a) For purposes of this section, "audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between a patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(b) For purposes of this section only, "audio-only telemedicine" does not include:

(i) The use of facsimile or email; or

(ii) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

Sec. 7. RCW 18.130.180 and 2020 c 187 s 2 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) Except when authorized by RCW 18.130.345, the possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW or a pattern of violations of RCW 41.05.700(8), 48.43.735(8), 48.49.020 ((~~or~~)), 48.49.030, 71.24.335(8), or 74.09.325(8);

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards;

(26) Violation of RCW 18.130.420;

(27) Performing conversion therapy on a patient under age eighteen;

(28) Violation of RCW 18.130.430.

NEW SECTION. **Sec. 8.** (1) The insurance commissioner, in collaboration with the Washington state telehealth collaborative and the health care authority, shall study and make recommendations regarding:

(a) Preliminary utilization trends for audio-only telemedicine;

(b) Qualitative data from health carriers, including medicaid managed care organizations, on the burden of compliance and enforcement requirements for audio-only telemedicine;

(c) Preliminary information regarding whether requiring reimbursement for audio-only telemedicine has affected the incidence of fraud;

(d) Proposed methods to measure the impact of audio-only telemedicine on access to health care services for historically underserved communities and geographic areas;

(e) An evaluation of the relative costs to providers and facilities of providing audio-only telemedicine services as compared to audio-video telemedicine services and in-person services; and

(f) Any other issues the insurance commissioner deems appropriate.

(2) The insurance commissioner must report his or her findings and recommendations to the appropriate committees of the legislature by November 15, 2023.

(3) This section expires January 1, 2024.

Sec. 9. RCW 28B.20.830 and 2020 c 92 s 4 are each amended to read as follows:

(1) The collaborative for the advancement of telemedicine is created to enhance the understanding and use of health services provided through telemedicine and other similar models in Washington state. The collaborative shall be hosted by the University of Washington telehealth services and shall be comprised of one member from each of the two largest caucuses of the senate and the house of representatives, and representatives from the academic community, hospitals, clinics, and health care providers in primary care and specialty practices, carriers, and other interested parties.

(2) By July 1, 2016, the collaborative shall be convened. The collaborative shall develop recommendations on improving reimbursement and access to services, including originating site restrictions, provider to provider consultative models, and technologies and models of care not currently reimbursed; identify the existence of telemedicine best practices, guidelines, billing requirements, and fraud prevention developed by recognized medical and telemedicine organizations; and explore other priorities identified by members of the collaborative. After review of existing resources, the collaborative shall explore and make recommendations on whether to create a technical assistance center to support providers in implementing or expanding services delivered through telemedicine technologies.

(3) The collaborative must submit an initial progress report by December 1, 2016, with follow-up policy reports including recommendations by December 1, 2017, December 1, 2018, and December 1, 2021. The reports shall be shared with the relevant professional associations, governing boards or commissions, and the health care committees of the legislature.

(4) The collaborative shall study store and forward technology, with a focus on:

(a) Utilization;

(b) Whether store and forward technology should be paid for at parity with in-person services;

(c) The potential for store and forward technology to improve rural health outcomes in Washington state; and

(d) Ocular services.

(5) The meetings of the board shall be open public meetings, with meeting summaries available on a web page.

(6) The collaborative must study the need for an established patient/provider relationship before providing audio-only telemedicine, including considering what types of services may be provided without an established relationship. By December 1, 2021, the collaborative must submit a report to the legislature on its recommendations regarding the need for an established relationship for audio-only telemedicine.

(7) The future of the collaborative shall be reviewed by the legislature with consideration of ongoing technical assistance needs and opportunities. The collaborative terminates December 31, ((~~2021~~)) 2023.

NEW SECTION. **Sec. 10.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state. Nothing in this act alters the requirement for the health care authority to report potential fraud to the medicaid fraud control division of the Washington attorney general's office under 42 C.F.R. 455.21."

On page 1, line 1 of the title, after "telemedicine;" strike the remainder of the title and insert "amending RCW 41.05.700, 48.43.735, 70.41.020, 71.24.335, 74.09.325, 18.130.180, and 28B.20.830; adding a new section to

chapter 74.09 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1196, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1196, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey and Kloba.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1227 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act may be known and cited as the keeping families together act.

NEW SECTION. **Sec. 2.** (1) The legislature recognizes that children and families are better served when the state provides support to allow children to be cared for by their loved ones and in their communities. The legislature finds that decades of research show that Black and Indigenous children are still disproportionately removed from their families and communities despite reform efforts.

(2) For these reasons, it is the intent of the legislature to safely reduce the number of children in foster care and reduce racial bias in the system by applying a standard criteria for determining whether to remove a child from a parent when necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect.

Sec. 3. RCW 13.34.040 and 2018 c 17 s 1 are each amended to read as follows:

(1) Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent child and requesting that the superior court deal with such child as provided in this chapter. There shall be no fee for filing such petitions.

(2) Except where the department is the petitioner, in counties having paid probation officers, these officers shall, to the extent possible, first determine if a petition is reasonably justifiable. ((~~Each petition shall be verified and contain a statement of facts constituting a dependency, and the names and residence, if known to the petitioner, of the parents, guardian, or custodian of the alleged dependent child.~~))

(3) Every petition filed in proceedings under this chapter shall contain a statement alleging whether there is a reason to know that the child is or may be an Indian child as defined in RCW 13.38.040. If there is a reason to know that the child is or may be an Indian child chapter 13.38 RCW shall apply.

(4) Every order or decree entered under this chapter shall contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the decree or order must also contain a finding that all notice requirements and evidentiary requirements under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied.

(5) Each petition shall be verified and contain a statement constituting a dependency, including the names, residence, and contact information, if known to the petitioner, of each parent, guardian, or custodian of the alleged dependent child. If the petitioner is seeking removal of the child from a parent, guardian, or custodian the petition shall contain a clear and specific statement as to the harm that will occur if the child remains in the care of the parent, guardian, or custodian, and the facts that support that conclusion.

Sec. 4. RCW 26.44.056 and 1983 c 246 s 3 are each amended to read as follows:

(1) An administrator of a hospital or similar institution or any physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may detain a child without consent of a person legally responsible for the child whether or not medical treatment is required, if ((~~the circumstances or conditions of the child are such that the detaining individual has reasonable cause to believe that permitting the child to continue in his or her place of residence or in the care and custody of the parent, guardian, custodian or other person legally responsible for the child's care would present an imminent danger to that child's safety~~)) there is probable cause to believe that detaining the child is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect, and the child would be seriously injured or could not be taken into custody if it were necessary to first obtain a court order under RCW 13.34.050: PROVIDED, That such administrator or physician shall notify or cause to be notified the appropriate law enforcement agency or child protective services pursuant to RCW 26.44.040. Such notification shall be made as soon as possible and in no case longer than seventy-two hours. Such temporary protective custody by an administrator or doctor shall not be deemed an arrest. Child protective services may detain the child until the court assumes custody, but in no case longer than seventy-two hours, excluding Saturdays, Sundays, and holidays.

(2) ((~~Whenever an administrator or physician has reasonable cause to believe that a child would be in imminent danger if released to a parent, guardian, custodian, or other person or is in imminent danger if left in the custody of a parent, guardian, custodian, or other person, the administrator or physician may notify a law enforcement agency and the law enforcement agency shall take the child into custody or cause the child to be taken into custody. The law enforcement agency shall release the child to the custody of child protective services. Child protective services shall detain the child until the court assumes custody or upon a documented and substantiated record that in the professional judgment of the child protective services the child's safety will not be endangered if the child is returned. If the child is returned, the department shall establish a six-month plan to monitor and assure the continued safety of the child's life or health. The monitoring period may be extended for good cause.~~

~~(3)~~)) A child protective services employee, an administrator, doctor, or law enforcement officer shall not be held liable in any civil action for the decision for taking the child into custody, if done in good faith under this section.

Sec. 5. RCW 26.44.050 and 2020 c 71 s 1 are each amended to read as follows:

Except as provided in RCW 26.44.030((~~(11)~~)) (12), upon the receipt of a report alleging that abuse or neglect has occurred, the law enforcement agency or the department must investigate and provide the protective services section with a report in accordance with chapter 74.13 RCW, and where necessary to refer such report to the court.

A law enforcement officer may take, or cause to be taken, a child into custody without a court order if there is probable cause to believe that ((~~the child is abused or neglected and that the child would be~~)) taking the child into

custody is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect, and the child would be seriously injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to RCW 13.34.050. The law enforcement agency or the department investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child.

Sec. 6. RCW 13.34.050 and 2005 c 512 s 9 are each amended to read as follows:

(1) The court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if: (a) A petition is filed with the juvenile court ((~~alleging~~)) with sufficient corroborating evidence to establish that the child is dependent ((~~and that the child's health, safety, and welfare will be seriously endangered if not taken into custody~~)); (b) the allegations contained in the petition, if true, establish that there are reasonable grounds to believe that removal is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect; and (c) an affidavit or declaration is filed by the department in support of the petition setting forth specific factual information evidencing ((~~reasonable grounds that the child's health, safety, and welfare will be seriously endangered if not taken into custody and at least one of the grounds set forth demonstrates a risk of imminent harm to the child. "Imminent harm" for purposes of this section shall include, but not be limited to, circumstances of sexual abuse, sexual exploitation as defined in RCW 26.44.020, and a parent's failure to perform basic parental functions, obligations, and duties as the result of substance abuse; and (c) the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody~~)) insufficient time to serve a parent with a dependency petition and hold a hearing prior to removal.

(2) Any petition that does not have the necessary affidavit or declaration demonstrating a risk of imminent harm requires that the parents are provided notice and an opportunity to be heard before the order may be entered.

(3) The petition and supporting documentation must be served on the parent, and if the child is in custody at the time the child is removed, on the entity with custody other than the parent. If the court orders that a child be taken into custody under subsection (1) of this section, the petition and supporting documentation must be served on the parent at the time of the child's removal unless, after diligent efforts, the parents cannot be located at the time of removal. If the parent is not served at the time of removal, the department shall make diligent efforts to personally serve the parent. Failure to effect service does not invalidate the petition if service was attempted and the parent could not be found.

Sec. 7. RCW 13.34.062 and 2020 c 312 s 115 are each amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make ((~~reasonable~~)) diligent efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to,

written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at . . . (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: . . . (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: . . . (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present.

6. If your child is placed in the custody of the department of children, youth, and families or other ((~~supervising~~)) agency, immediately following the shelter care hearing, the court will enter an order granting the department or other ((~~supervising~~)) agency the right to inspect and copy all health, medical, mental health, and education records of the child, directing health care providers to release such information without your further consent, and granting the department or ((~~supervising~~)) agency or its designee the authority and responsibility, where applicable, to:

(1) Notify the child's school that the child is in out-of-home placement;

(2) Enroll the child in school;

(3) Request the school transfer records;

(4) Request and authorize evaluation of special needs;

(5) Attend parent or teacher conferences;

(6) Excuse absences;

(7) Grant permission for extracurricular activities;

(8) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and

(9) Complete or update school emergency records.

7. If the court decides to place your child in the custody of the department of children, youth, and families or other ((~~supervising~~)) agency, the department or agency will create a permanency plan for your child, including a primary placement goal and secondary placement

goal. The department or agency also will recommend that the court order services for your child and for you, if needed. The department or agency is required to make reasonable efforts to provide you with services to address your parenting problems, and to provide you with visitation with your child according to court orders. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your parental rights.

8. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Absent good cause, and when appropriate, the department or other ((~~supervising~~)) agency must follow the wishes of a natural parent regarding placement of a child. You should tell your lawyer and the court where you wish your child placed immediately, including whether you want your child placed with you, with a relative, or with another suitable person. You also should tell your lawyer and the court what services you feel are necessary and your wishes regarding visitation with your child. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department or other ((~~supervising~~)) agency, and the court if you want to be a secondary placement option, and you should comply with court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

9. A dependency petition begins a judicial process, which, if the court finds your child dependent, could result in substantial restrictions including, the entry or modification of a parenting plan or residential schedule, previously existing nonparental custody order or decree, guardianship order, or permanent loss of your parental rights."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under this section, the juvenile court counselor assigned to the matter shall make all ((~~reasonable~~)) diligent efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) ((~~Reasonable~~)) Diligent efforts to advise and to give notice, as required in this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such ((~~reasonable~~)) diligent efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

Sec. 8. RCW 13.34.060 and 2007 c 413 s 3 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays, and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility.

(2) Unless there is reasonable cause based on specific evidence to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care, pending a court hearing, shall be with any person described in RCW 74.15.020(2)(a) or 13.34.130(1)(b). The person must be willing and available to care for the child and be able to meet any special needs of the child and the court must ((~~find that such placement is in the best interests of the child~~)) complete the inquiry required under RCW 13.34.065 to establish whether continued placement with the relative is appropriate. The person must be willing to facilitate the child's visitation with siblings, if such visitation is part of the ((~~supervising agency's~~)) department's plan or is ordered by the court. If a child is not initially placed with a relative or other suitable person requested by the parent pursuant to this section, the ((~~supervising agency~~)) department shall make ((~~an effort within available resources~~)) continuing efforts to place the child with a relative or other suitable person requested by the parent on the next business day after the child is taken into custody. The ((~~supervising agency~~)) department shall document its effort to place the child with a relative or other suitable person requested by the parent pursuant to this section. Nothing within this subsection (2) establishes an entitlement to services or a right to a particular placement.

(3) Whenever a child is taken into custody pursuant to this section, the ((~~supervising agency~~)) department may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care, after informing the child's parent, guardian, or legal custodian, unless the parent, guardian, or legal custodian cannot be reached. The child's parent, guardian, or legal custodian must be provided the opportunity to attend any appointments authorized under this subsection, unless prohibited by court order.

Sec. 9. RCW 13.34.065 and 2019 c 172 s 11 are each amended to read as follows:

(1)(a) When a child is ((~~taken into custody~~)) removed or when the petitioner is seeking the removal of a child from the child's parent, guardian, or legal custodian, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending. The court shall hold an additional shelter care hearing within 72 hours, excluding Saturdays, Sundays, and holidays if the child is removed from the care of a parent, guardian, or legal custodian at any time after an initial shelter care hearing under this section.

(b) Any child's attorney, parent, guardian, or legal custodian who for good cause is unable to attend or adequately prepare for the shelter care hearing may request that the initial shelter care hearing be continued or that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the child's attorney, parent, guardian, or legal custodian, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means. If the parent, guardian, or legal custodian is not represented by counsel, the clerk shall provide information to the parent, guardian, or legal custodian regarding how to obtain counsel.

(2)(a) If it is likely that the child will remain in shelter care longer than seventy-two hours, the department shall submit a recommendation to the court as to the further need for shelter care in all cases in which the child will remain in shelter care longer than the seventy-two hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the

parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court, in person, or by remote means, and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the department to make ((~~reasonable~~)) diligent efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the department the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in RCW 13.38.040, whether the provisions of the federal Indian child welfare act or chapter 13.38 RCW apply, and whether there is compliance with the federal Indian child welfare act and chapter 13.38 RCW, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) ((~~The release of such child would present a serious threat of substantial harm to such child~~)) (I) Removal of the child is necessary to prevent imminent physical harm due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect, notwithstanding an order entered pursuant to RCW 26.44.063. The evidence must show a causal relationship between the particular conditions in the home and imminent physical harm to the child. The existence of community or family poverty, isolation, single parenthood, age of the parent, crowded or inadequate housing, substance abuse, prenatal drug or alcohol exposure, mental illness, disability or special needs of the parent or child, or nonconforming social behavior does not by itself constitute imminent physical harm;

(II) It is contrary to the welfare of the child to be returned home; and

(III) After considering the particular circumstances of the child, any imminent physical harm to the child outweighs the harm the child will experience as a result of removal; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court finds that the elements of (a)(ii)(B) of this subsection require removal of the child, the court shall further consider:

(i) Whether participation by the parents, guardians, or legal custodians in any prevention services would prevent or eliminate the need for removal and, if so, shall inquire of the parent whether they are willing to participate in such services. If the parent agrees to participate in the prevention services identified by the court that would prevent or eliminate the need for removal, the court shall place the child with the parent. The court shall not order a parent to participate in prevention services over the objection of the parent, however, parents shall have the opportunity to consult with counsel prior to deciding whether to agree to proposed prevention services as a condition of having the child return to or remain in the care of the parent; and

(ii) Whether the issuance of a temporary order of protection directing the removal of a person or persons from the child's residence would prevent the need for removal of the child.

(c)(i) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless ((~~there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the~~)) the petitioner establishes that there is reasonable cause to believe that:

(A) Placement in licensed foster care is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect, because no relative or other suitable person is capable of ensuring the basic safety of the child; or

(B) The efforts to reunite the parent and child will be hindered. ((~~If such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, the fingerprint-based background check need not be completed before placement, but as soon as possible after placement. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:~~

~~(i) Care for the child and be able to meet any special needs of the child;~~

~~(ii) Facilitate the child's visitation with siblings, if such visitation is part~~

~~of the department's plan or is ordered by the court; and~~

~~(iii) Cooperate with the department in providing necessary background checks and home studies.~~

~~(c)~~)) (ii) In making the determination in (c)(i) of this subsection, the court shall:

(A) Inquire of the petitioner and any other person present at the hearing for the child whether there are any relatives or other suitable persons who are willing to care for the child. This inquiry must include whether any relative or other suitable person:

(I) Has expressed an interest in becoming a caregiver for the child;

(II) Is able to meet any special needs of the child;

(III) Is willing to facilitate the child's sibling and parent visitation if such visitation is ordered by the court; and

(IV) Supports reunification of the parent and child once reunification can safely occur; and

(B) Give great weight to the stated preference of the parent, guardian, or legal custodian, and the child.

(iii) If a relative or other suitable person expressed an interest in caring for the child, can meet the child's special needs, can support parent-child reunification, and will facilitate court-ordered sibling or parent visitation, the following must not prevent the child's placement with such relative or other suitable person:

(A) An incomplete department or fingerprint-based background check, if such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, but the background checks must be completed as soon as possible after placement;

(B) Uncertainty on the part of the relative or other suitable person regarding potential adoption of the child;

(C) Disbelief on the part of the relative or other suitable person that the parent, guardian, or legal custodian presents a danger to the child, provided the caregiver will protect the safety of the child and comply with court orders regarding contact with a parent, guardian, or legal custodian; or

(D) The conditions of the relative or other suitable person's home are not sufficient to satisfy the requirements of a licensed foster home. The court may order the department to provide financial or other support to the relative or other suitable person necessary to ensure safe conditions in the home.

(d) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the department shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW 13.34.060(1). ((~~In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.~~

~~(d) If a relative or other suitable person is not available, the court shall order continued shelter care~~)) (e) If the court does not order placement with a relative or other suitable person, the court shall place the child in licensed foster care and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

((~~(e)~~)) (f) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

((~~(f)~~)) (g) If the child is placed in a qualified residential treatment program as defined in this chapter, the court shall, within sixty days of placement, hold a hearing to:

(i) Consider the assessment required under RCW 13.34.420 and submitted as part

of the department's social study, and any related documentation;

(ii) Determine whether placement in foster care can meet the child's needs or if placement in another available placement setting best meets the child's needs in the least restrictive environment; and

(iii) Approve or disapprove the child's placement in the qualified residential treatment program.

((~~(g)~~)) (h) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under ((~~(b)~~)) (c) of this subsection.

(i) If the court places with a relative or other suitable person, and that person has indicated a desire to become a licensed foster parent, the court shall order the department to commence an assessment of the home of such relative or other suitable person within 10 days and thereafter issue an initial license as provided under RCW 74.15.120 for such relative or other suitable person, if qualified, as a foster parent. The relative or other suitable person shall receive a foster care maintenance payment, starting on the date the department approves the initial license. If such home is found to be unqualified for licensure, the department shall report such fact to the court within one week of that determination. The department shall report on the status of the licensure process during the entry of any dispositional orders in the case.

(j) If the court places the child in licensed foster care:

(i) The petitioner shall report to the court, at the shelter care hearing, the location of the licensed foster placement the petitioner has identified for the child and the court shall inquire as to whether:

(A) The identified placement is the least restrictive placement necessary to meet the needs of the child;

(B) The child will be able to remain in the same school and whether any orders of the court are necessary to ensure educational stability for the child;

(C) The child will be placed with a sibling or siblings, and whether court-ordered sibling contact would promote the well-being of the child;

(D) The licensed foster placement is able to meet the special needs of the child;

(E) The location of the proposed foster placement will impede visitation with the child's parent or parents;

(ii) The court may order the department to:

(A) Place the child in a less restrictive placement;

(B) Place the child in a location in closer proximity to the child's parent, home, or school;

(C) Place the child with the child's sibling or siblings;

(D) Take any other necessary steps to ensure the child's health, safety, and well-being;

(iii) The court shall advise the petitioner that:

(A) Failure to comply with court orders while a child is in shelter care will be considered when determining whether reasonable efforts have been made by the department during a hearing under RCW 13.34.110; and

(B) Placement moves while a child is in shelter care will be considered when determining whether reasonable efforts have been made by the department during a hearing under RCW 13.34.110.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as

an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8) ((~~(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.~~

~~(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.~~)) The department and its employees shall not be held liable in any civil action for complying with an order issued under this section for placement: With a parent who has agreed to accept services, a relative, or a suitable person.

Sec. 10. RCW 13.34.090 and 2017 3rd sp.s. c 6 s 303 are each amended to read as follows:

(1) Any party has a right to be represented by an attorney in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact finder.

(2) At all stages of a proceeding in which a child is alleged to be dependent, the child's parent, guardian, or legal custodian has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court. Unless waived in court, counsel shall be provided to the child's parent, guardian, or legal custodian, if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency.

(3) If a party to an action under this chapter is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel.

(4) Copies of department ((~~or supervising agency~~)) records to which parents have legal access pursuant to chapter 13.50 RCW shall be given to the child's parent, guardian, legal custodian, or his or her legal counsel, prior to any shelter care hearing and within fifteen days after the department ((~~or supervising agency~~)) receives a written request for such records from the parent, guardian, legal custodian, or his or her legal counsel. These records shall be provided to the child's parents, guardian, legal custodian, or legal counsel a reasonable period of time prior to the shelter care hearing in order to allow an opportunity to review the records prior to the hearing. These records shall be legible and shall be provided at no expense to the parents, guardian, legal custodian, or his or her counsel. When the records are served on legal counsel, legal counsel shall have the opportunity to review the records with the parents and shall review the records with the parents prior to the shelter care hearing. The department shall make every effort to provide all other discoverable material to the child's parent, guardian, legal custodian, or his or her legal counsel prior to any shelter care hearing.

NEW SECTION. **Sec. 11.** Where feasible, the department of children, youth, and families shall apply for federal waivers that would reimburse the department for the cost of providing maintenance payments for relatives or other suitable persons caring for a child who have indicated a desire to become a licensed foster parent, provided that the person has received an initial license from the department.

NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act take effect July 1, 2023."

On page 1, line 2 of the title, after "child;" strike the remainder of the title and insert "amending RCW 13.34.040, 26.44.056, 26.44.050, 13.34.050, 13.34.062, 13.34.060, 13.34.065, and 13.34.090; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1227 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ortiz-Self and Dent spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1227, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1227, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dufault, Klippert, Kraft, McCaslin, McEntire, Robertson and Stokesbary.

Excused: Representatives Fey and Kloba.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1227, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 3, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1295 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that students in Washington's secure facilities have been unable to access the education and supports they need to make life-changing academic progress. As a result, these students have experienced dismal graduation and recidivism rates, and have lost invaluable opportunities for hope and transformation.

(2) In 2020, the legislature enacted chapter 226, Laws of 2020, and established the task force on improving institutional education programs and outcomes. The task force efforts resulted in a series of well-considered recommendations that inform this act and, perhaps more importantly, offer a new opportunity to make critical policy advances for students and dedicated staff that are too often overlooked.

(3) The legislature acknowledges that institutional education facilities are part of the public school system and that the students in secure facilities deserve full access to the state's basic education program and its promise of an opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship.

(4) The legislature finds that key reforms are needed to the institutional education system, including the development of an education program that is both student-centered and anchored in the principle that student improvement through education must be the system's primary objective. The legislature further finds that an effective institutional education system must have sufficient funding and proper administrative structures to assure

effective functionality, oversight, and accountability.

(5) Although the task of making meaningful reforms to the institutional education system cannot be accomplished through a single legislative act, the legislature intends for this act to be a significant step of progress in better meeting the needs of students who are in or have been involved with the traditional components of the juvenile justice system, with subsequent legislative efforts to be focused on the education of students in other institutional settings, including those in long-term inpatient programs and those with exceptional mental or physical needs.

(6) The legislature, therefore, intends to establish new and modified requirements for the institutional education system that promote student success through improved agency and education provider practices, updated credit-awarding practices, new data collection and reporting requirements, and the development of expert recommendations that will create an implementable blueprint for successfully meeting complex student needs and improving education and postrelease outcomes.

Sec. 2. RCW 28A.150.200 and 2017 3rd sp.s. c 13 s 401 are each amended to read as follows:

(1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."

(2) The legislature defines the program of basic education under this chapter as that which is necessary to provide the opportunity to develop the knowledge and skills necessary to meet the state-established high school graduation requirements that are intended to allow students to have the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship. Basic education by necessity is an evolving program of instruction intended to reflect the changing educational opportunities that are needed to equip students for their role as productive citizens and includes the following:

(a) The instructional program of basic education the minimum components of which are described in RCW 28A.150.220;

(b) The program of education provided by chapter 28A.190 RCW for students in residential schools as defined by ((~~RCW 28A.190.020~~)) section 3 of this act and for juveniles in detention facilities as identified by RCW 28A.190.010;

(c) The program of education provided by chapter 28A.193 RCW for individuals under the age of eighteen who are incarcerated in adult correctional facilities;

(d) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180; and

(e) Statewide salary allocations necessary to hire and retain qualified staff for the state's statutory program of basic education.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.190 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Institutional education facility" means residential habilitation and child study and treatment centers operated by the department of social and health services, state long-term juvenile institutions operated by the department of children, youth, and families, state-operated community facilities, county juvenile detention centers, and facilities of the department of corrections that incarcerate juveniles committed as adults.

(2) "Institutional education program" means the program of education that is provided to youth in institutional education facilities as a mandatory component of the program of basic education under RCW 28A.150.200.

(3) "Institutional education provider" or "provider" means a school district, educational service district, or other

entity providing education services to youth in an institutional education facility.

(4) "Postresident youth" means a person who is under the age of 21 and a former resident of an institutional education facility. A postresident youth may be a public school student or a person who is eligible to be a public school student but who is not enrolled in a school or otherwise receiving basic education services.

(5) "Residential school" means the following institutional education facilities: Green Hill school, Naselle Youth Camp, Echo Glen, Lakeland Village, Rainier school, Yakima Valley school, Fircrest school, the Child Study and Treatment Center and Secondary School of western state hospital, and other schools, camps, and centers established by the department of social and health services or the department of children, youth, and families for the diagnosis, confinement, and rehabilitation of juveniles committed by the courts or for the care and treatment of persons who are exceptional in their needs by reason of mental or physical deficiency. "Residential school" does not include the state schools for the blind, the Washington state center for childhood deafness and hearing loss, or adult correctional institutions.

(6) "School district" has the same meaning as in RCW 28A.315.025 and includes any educational service district that has entered into an agreement to provide a program of education for residents at an institutional education facility on behalf of the school district as a cooperative service program pursuant to RCW 28A.310.180.

(7) "Youth" means a person who is under the age of 21 who is a resident of an institutional education facility. A youth may be a public school student or a person who is eligible to be a public school student but who is not enrolled in a school or otherwise receiving basic education services.

Sec. 4. RCW 28A.320.192 and 2017 c 166 s 1 and 2017 c 40 s 1 are each reenacted and amended to read as follows:

(1) In order to eliminate barriers and facilitate the on-time grade level progression and graduation of students who are homeless as described in RCW 28A.300.542, dependent pursuant to chapter 13.34 RCW, ((~~or~~)) at-risk youth or children in need of services pursuant to chapter 13.32A RCW, or in or have been released from an institutional education facility, school districts must incorporate the procedures in this section.

(2) School districts must waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school district or must provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school district, the receiving school district must provide an alternative means of acquiring required coursework so that graduation may occur on time.

(3) School districts must consolidate partial credit, unresolved, or incomplete coursework and provide opportunities for credit accrual in a manner that eliminates academic and nonacademic barriers for the student.

(4) For students in or released from an institutional education facility, school districts must provide students with access to world language proficiency tests, American sign language proficiency tests, and general education development tests. Access to the tests may not be conditioned or otherwise dependent upon a student's request. School districts must award at least one high school credit to students upon meeting the standard established by the state board of education under subsection (9) of this section on a world language or American sign language proficiency test or a general education development test. Additional credits may be awarded by the district if a student has completed a course or courses of study to prepare for the test. If the school district has a local policy for awarding mastery-based credit on state or local assessments, the school district must apply this policy for students in or released from an institutional education facility.

(5) For students who have been unable to complete an academic course and receive full credit due to withdrawal or transfer, school districts must grant partial credit for coursework completed before the date of withdrawal or transfer and the receiving school must accept those credits, apply them to the student's academic progress or

graduation or both, and allow the student to earn credits regardless of the student's date of enrollment in the receiving school.

((~~(5)~~)) (6) Should a student who is transferring at the beginning or during the student's junior or senior year be ineligible to graduate from the receiving school district after all alternatives have been considered, the sending and receiving districts must ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district.

((~~(6)~~)) (7) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural obligations of school districts to implement these provisions.

((~~(7)~~)) (8) Should a student have enrolled in three or more school districts as a high school student and have met state requirements but be ineligible to graduate from the receiving school district after all alternatives have been considered, the receiving school district must waive its local requirements and ensure the receipt of a diploma.

(9) The state board of education, in consultation with the office of the superintendent of public instruction, shall identify the scores students must achieve in order to meet the standard on world language or American sign language proficiency tests and general education development tests in accordance with subsection (4) of this section.

(10) For purposes of this section, "institutional education facility" and "school district" have the same meaning as in section 3 of this act.

NEW SECTION. **Sec. 5.** (1) The office of the superintendent of public instruction shall examine the dropout prevention, intervention, and retrieval system established under chapter 28A.175 RCW, including associated rules. The purpose of the examination is to recommend new or modified dropout reengagement requirements and practices that will promote credit earning and high school completion by youth and postresident youth.

(2) Findings and recommendations resulting from the examination required by this section must be submitted by November 1, 2021, to the governor and the appropriate committees of the house of representatives and the senate in accordance with RCW 43.01.036.

(3) For purposes of this section, "postresident youth" and "youth" have the same meaning as in section 3 of this act.

(4) This section expires June 30, 2022.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.190 RCW to read as follows:

Beginning in the 2021-22 school year, enrollments for students in residential schools as defined in section 3 of this act, for juveniles in detention facilities as identified by RCW 28A.190.010, and for individuals under the age of 18 who are incarcerated in adult correctional facilities may be funded above one full-time equivalent, provided that enrollments above one full-time equivalent allow for participation in dropout reengagement programs as defined in RCW 28A.175.105. State funding for enrollments in dropout reengagement programs in addition to institutional education facility enrollments must be allocated pursuant to RCW 28A.175.110 excluding administrative fees. The office of the superintendent of public instruction shall develop procedures for school districts to report student enrollment in institutional education facilities and dropout reengagement programs.

Sec. 7. RCW 28A.175.105 and 2013 c 39 s 5 are each amended to read as follows:

The definitions in this section apply throughout RCW 28A.175.100 through 28A.175.110 unless the context clearly requires otherwise:

(1) "Dropout reengagement program" means an educational program that offers at least the following instruction and services:

(a) Academic instruction, including but not limited to preparation to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190, academic skills instruction, and college and work readiness preparation, that generates credits that can be applied to a high school diploma from the student's school district or from a community or technical college under RCW 28B.50.535

and has the goal of enabling the student to obtain the academic and work readiness skills necessary for employment or postsecondary study. A dropout reengagement program is not required to offer instruction in only those subject areas where a student is deficient in accumulated credits. Academic instruction must be provided by teachers certified by the Washington professional educator standards board or by instructors employed by a community or technical college whose required credentials are established by the college;

(b) Case management, academic and career counseling, and assistance with accessing services and resources that support at-risk youth and reduce barriers to educational success; and

(c) If the program provider is a community or technical college, the opportunity for qualified students to enroll in college courses that lead to a postsecondary degree or certificate. The college may not charge an eligible student tuition for such enrollment.

(2) "Eligible student" means a student who:

(a) Is at least sixteen but less than twenty-one years of age at the beginning of the school year;

(b) Is not accumulating sufficient credits toward a high school diploma to reasonably complete a high school diploma from a public school before the age of twenty-one or is recommended for the program by case managers from the department of social and health services or the juvenile justice system; and

(c) Is enrolled or enrolls in the school district in which the student resides, or is enrolled or enrolls in an institutional education program as defined in section 3 of this act or a nonresident school district under RCW 28A.225.220 through 28A.225.230.

(3) "Full-time equivalent eligible student" means an eligible student whose enrollment and attendance meet criteria adopted by the office of the superintendent of public instruction specifically for dropout reengagement programs. The criteria shall be:

(a) Based on the community or technical college credits generated by the student if the program provider is a community or technical college; and

(b) Based on a minimum amount of planned programming or instruction and minimum attendance by the student rather than hours of seat time if the program provider is a community-based organization.

NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.190 RCW to read as follows:

(1) Institutional education providers shall annually deliver to all staff providing an institutional education program one day of professional development that builds pedagogical strategies to navigate the intersectionality of factors impacting student learning, including trauma, and physical, mental, and behavioral health in order to achieve academic milestone progression. At a minimum, the professional development must include training on the following topics:

(a) The cognitive, psychosocial, and emotional development of adolescents;

(b) Mental and behavioral health literacy;

(c) The complex needs of students involved in the juvenile justice system, including the trauma associated with incarceration or voluntary or involuntary commitment in a long-term psychiatric inpatient program;

(d) Racial literacy and cultural competency, as defined in RCW 28A.410.260; and

(e) Working with adolescents with many adverse childhood experiences.

(2) In addition to the professional learning allocations provided in RCW 28A.150.415, the legislature shall provide and the superintendent of public instruction shall allocate to institutional education providers one professional learning day of funding to provide the professional development required under this section.

NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.190 RCW to read as follows:

With respect to students in institutional education facilities governed by this chapter, the department of children, youth, and families must:

(1) Identify data needed by the department and institutional education facilities to evaluate the facilities' administrative and operational role in

providing education to students and supporting students' educational outcomes. This data must include attendance, discipline rates, course and certificate completion rates, and other educational metrics;

(2) Analyze, and make a plan to resolve, department and institutional education facilities policies and practices that suspend the provision of educational services to a student as a disciplinary action, so that students are never denied the opportunity to engage in educational activities; and

(3) Review and resolve department and institutional education facility policies and practices that create barriers to students participating in meaningful learning opportunities, for example, career and technical education and postsecondary opportunities, in whatever location and format those opportunities are provided.

(4) In meeting the requirements of this section, the department of children, youth, and families must seek input from institutional education providers.

NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) Beginning July 1, 2022, and every three years thereafter, the office of the superintendent of public instruction shall report on the funding and services provided in support of youth pursuant to Washington's every student succeeds act consolidated plan, Title I, part D: Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk, and the education outcomes resulting from the funding and provided services.

(b) The purpose of the report is to inform the legislature of progress toward the goals established in the consolidated plan and provide the legislature with the opportunity to determine whether subsequent legislation should be enacted to ensure the education needs of youth and postresident youth.

(2) Reports required by this section, which must delineate the recipients of the federal funds and how they are being used to support the education needs of youth and postresident youth, must be submitted to the appropriate committees of the house of representatives and the senate in accordance with RCW 43.01.036.

(3) For purposes of this section, "postresident youth" and "youth" have the same meanings as in section 3 of this act.

NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.190 RCW to read as follows:

(1) The legislature intends to ensure that institutional education facilities include efficient systems to minimize learning loss and maximize credit accrual during transitions for youth and postresident youth. The legislature intends also for the report required by this section to inform its understanding of policy and funding changes that may be necessary to accomplish the objective of improving institutional education programs and outcomes.

(2) The office of the superintendent of public instruction shall modify or establish requirements and supports for the provision of public education to youth and postresident youth. In meeting the requirements of this section, the office of the superintendent of public instruction shall:

(a) Adopt rules requiring institutional education providers at state long-term juvenile institutions and state-operated community facilities to conduct an individualized education program review for each newly admitted youth who either does not have an individualized education program or does not have an individualized education program that has been reviewed in a meeting with the youth, parent or guardian, and applicable school personnel in the previous 12 months;

(b) Adopt rules requiring institutional education providers to, upon admission of a youth to an institutional education facility, conduct a review and assessment of needed services for each facility transition the youth experiences within the juvenile justice system. Rules adopted in accordance with this subsection (2)(b) do not apply to institutional education providers at facilities operated by or under the jurisdiction of the department of social and health services; and

(c) Adopt, for youth in state long-term juvenile institutions and state-operated community facilities, rules to implement accountability measures for special education services delivered by institutional education providers, including the establishment of mediation

and appeals options related to special education services that recognize the unique situation of youth and postresident youth.

(3) A summary of any adopted or pending rules developed in accordance with this section must be submitted to the appropriate committees of the legislature in accordance with RCW 43.01.036 by November 1, 2021, in time for any needed legislative action during the 2022 regular legislative session.

NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.190 RCW to read as follows:

(1) The office of the superintendent of public instruction shall

annually collect and post on its website data related to institutional education programs, disaggregated by gender, race, ethnicity, and age, including data on:

(a) Individualized education programs;

(b) Access to relevant instruction that is aligned with the youth's high school and beyond plan and any unmet graduation requirements;

(c) Student attendance;

(d) Metrics of student education status upon the beginning of residency in an institutional education facility;

(e) Student education progress during residency in an institutional education facility;

(f) Student education attainment during residency in an institutional education facility; and

(g) Long-term education and workforce outcomes of youth in and released from institutional education facilities as provided annually by the education data center under RCW 43.41.400.

(2)(a) The office of the superintendent of public instruction shall also annually recommend modifications to the state board of education for changes to annual school improvement plan requirements in WAC 180-16-220 that would allow plans for state long-term juvenile institutions to be formatted for the specific needs and circumstances of institutional settings. In meeting the requirements of this subsection (2)(a), the office of the superintendent of public instruction shall seek input from institutional education providers and the department of children, youth, and families.

(b) In meeting the requirements of this section, the office of the superintendent of public instruction may make recommendations to the state board of education for changes to annual school improvement plan requirements based upon data collected under this section, other provisions of law, or both.

NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.190 RCW to read as follows:

The office of the superintendent of public instruction must provide a copy of the disaggregated data provided under section 12(1) of this act to the board of directors of each school district that provides education services to youth and postresident youth for the purpose of giving the board the opportunity to:

(1) Review the performance of the institutional education provider; and

(2) Make changes to annual school improvement plans required by WAC 180-16-220, or other policies and procedures as necessary to improve youth and postresident youth outcomes.

NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.190 RCW to read as follows:

(1)(a) The office of the superintendent of public instruction and the department of children, youth, and families shall jointly develop recommendations for the establishment, implementation, and funding of a reformed institutional education system that successfully meets the education and support needs of persons in and released from secure settings. Recommendations developed under this subsection (1) must be based on the foundational concept that every student can succeed if given the necessary supports. With the exception of funding recommendations required by (a)(ii) of this subsection (1), the recommendations developed under this subsection (1) should be directed toward meeting the education needs of persons who are in or have been released from state long-term juvenile institutions and community facilities operated by the department of children, youth, and families, county juvenile detention centers, and facilities of the department of corrections that incarcerate juveniles committed as adults. The recommendations must address:

(i) The establishment of an organizational and accountability structure for institutional education that is focused on meeting complex student needs and improving student outcomes;

(ii) The establishment of an equitable, long-term funding model for institutional education that sustainably supports the organizational and accountability structure established under (a)(i) of this subsection (1); and

(iii) The development of a regular and ongoing review of system performance and education outcomes.

(b) The recommendations developed under this subsection (1) must also include the following:

(i) The content and structure of common education, information, and support systems that would include a common, culturally competent curriculum, improve system efficacy, and minimize the negative academic impacts of transitions;

(ii) A coordinated staffing model for institutional education facility and institutional education provider operations and effectiveness in meeting student needs, and a mechanism for developing subsequent recommendations for improvements to the model;

(iii) Practices to ensure that there is a robust program of education advocates for youth in all institutional education facilities;

(iv) Practices for shared data tracking and goal setting for youth progress and learning needs;

(v) Promoting the effective delivery of tiered supports in institutional education facilities in coordination with state and county facility operators, institutional education providers, and community-based organizations delivering those services;

(vi) Promoting the development of an operational safety strategy for safe learning environments for students and staff;

(vii) Promoting operations that prioritize education delivery;

(viii) Maximizing youth and postresident youth access to: (A) Career and technical education and postsecondary education pathways that occur at institutional education facilities and at off-site locations; and (B) mastery-based learning that leads to credit accrual and graduation pathways;

(ix) Establishing new or modified requirements and procedures for the successful release of youth from institutional education facilities by recommending an effective team-based transition process with identified preresident and postresident transition services and supports that include, but are not limited to, basic needs, social-emotional support, and academic support;

(x) Establishing and supporting youth advisory, leadership, and mentoring programs to ensure pathways for youth and postresident youth involvement and development;

(xi) Identifying and establishing culturally responsive parent engagement strategies that support the education and well-being of youth and postresident youth and families;

(xii) Examining and expanding opportunities to include enrichment activities in institutional education programs and offer enrichment opportunities that promote academic and career goals; and

(xiii) Developing partnerships with postsecondary institutions, career and technical education programs, and community-based organizations, and identify ways to incorporate those partnerships into education services delivered by institutional education providers.

(c) In developing the recommendations required by this subsection (1), the office of the superintendent of public instruction and the department of children, youth, and families shall consult with the advisory group established in subsection (3) of this section.

(2) The superintendent of public instruction and the secretary of the department of children, youth, and families shall, by August 15, 2021, jointly designate an entity to facilitate the process of developing recommendations required by subsection (1) of this section, and the advisory group established in subsection (3) of this section. The office of the superintendent of public instruction is responsible for contracts or other agreements necessary to secure the services of the designated entity. The

designated entity must: (a) Be a nonprofit and nonpartisan organization with content expertise in improving education for incarcerated young people, including education program delivery, system structure, accountability, and school finance; and (b) have experience facilitating complex cross-agency facilitation.

(3)(a) The institutional education structure and accountability advisory group is established for the purpose of providing advice, assistance, and information to the office of the superintendent of public instruction and the department of children, youth, and families in meeting the requirements of subsection (1) of this section. The advisory group must consist of representatives from the following, but other members may be added by request of the superintendent of public instruction or the secretary of the department of children, youth, and families:

(i) The state board of education;

(ii) The department of social and health services;

(iii) A statewide organization representing counties;

(iv) The administrative office of the courts;

(v) The office of the education ombuds;

(vi) The educational opportunity gap oversight and accountability committee;

(vii) A statewide organization representing teachers;

(viii) A statewide organization representing classified education staff;

(ix) Nonprofit organizations representing the interest of youth and families involved in the juvenile justice system;

(x) Persons who are or have been involved in the juvenile justice system and their families; and

(xi) A statewide organization representing state employees.

(b) In recognition of the need to ensure representation on the advisory group, persons serving under (a)(x) of this subsection are eligible for travel expense reimbursement. Other members of the advisory group are not entitled to expense reimbursement.

(4) Staff support for the advisory group must be provided by the entity selected under subsection (2) of this section.

(5)(a) Recommendations required by this section must, in accordance with RCW 43.01.036, be provided to the governor and the education and fiscal committees of the house of representatives and the senate, by November 1, 2022. The recommendations should include a plan and a phased timeline for their implementation in different types of institutional education facilities, including state long-term juvenile institutions, state-operated community facilities, residential habilitation centers, and county juvenile detention centers.

(b) By December 15, 2021, the office of the superintendent of public instruction and the department of children, youth, and families shall, in accordance with RCW 43.01.036, provide an interim report on progress made in achieving the requirements of this section to the governor and the education and fiscal committees of the house of representatives and the senate.

(6) This section expires June 30, 2023.

Sec. 15. RCW 43.41.400 and 2017 3rd sp.s. c 6 s 223 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of children, youth, and families, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the student achievement council, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the

legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the education data center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

(c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

(d) Annually provide to the K-12 data governance group a list of data elements and data quality improvements that are necessary to answer the research and policy questions identified by the education data center and have been identified by the legislative committees in (c) of this subsection. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the education data center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and other resources that would be required. Based on the analysis, the education data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;

(e) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(f) Track enrollment and outcomes through the public centralized higher education enrollment system;

(g) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs;

(h) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system;

(i) Prepare ((~~a regular~~)) an annual report on the educational and workforce outcomes of youth in ((~~the juvenile justice system~~)) and released from institutional education facilities as defined in section 3 of this act, using data disaggregated by age, and by ethnic categories and racial subgroups in accordance with RCW 28A.300.042. The annual report required by this subsection (2)(i) must be provided to the office of the superintendent of public instruction in a manner that is suitable for compliance with section 12 of this act; and

(j) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and RCW 28A.655.210 and 28A.300.507 are met.

(3) The department of children, youth, and families, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, student achievement council, public four-year institutions of higher education, department of social and health services, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. The education data center shall also develop data-sharing and research agreements with the administrative office of the courts to

conduct research on educational and workforce outcomes using data maintained under RCW 13.50.010(12) related to juveniles. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

Sec. 16. RCW 13.04.145 and 2017 3rd sp.s. c 6 s 604 are each amended to read as follows:

A program of education shall be provided for by the several counties and school districts of the state for common school-age persons confined in each of the detention facilities staffed and maintained by the several counties of the state under this chapter and chapters 13.16 and 13.20 RCW. The division of duties, authority, and liabilities of the several counties and school districts of the state respecting the educational programs is the same in all respects as set forth in chapter 28A.190 RCW respecting programs of education for state residential school residents. ((~~For the purposes of this section, the terms "department of children, youth, and families," "residential school" or "schools," and "superintendent or chief administrator of a residential school" as used in chapter 28A.190 RCW shall be respectively construed to mean "the several counties of the state," "detention facilities," and "the administrator of juvenile court detention services."~~)) Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject to RCW 28A.310.180.

NEW SECTION. **Sec. 17.** The following acts or parts of acts are each repealed:

(1) RCW 28A.190.015 ("School district" defined—Application of RCW 13.04.145) and 2014 c 157 s 1; and

(2) RCW 28A.190.020 (Educational programs for residential school residents—"Residential school" defined) and 2017 3rd sp.s. c 6 s 721, 2014 c 157 s 3, 1990 c 33 s 171, & 1979 ex.s. c 217 s 1.

NEW SECTION. **Sec. 18.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 28A.150.200, 28A.175.105, 43.41.400, and 13.04.145; reenacting and amending RCW 28A.320.192; adding new sections to chapter 28A.190 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.190.015 and 28A.190.020; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1295 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Callan and Ybarra spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1295, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1295, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul,

Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey and Kloba.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1295, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 11, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1297 with the following amendments:

On page 7, beginning on line 35, after "82.32.805" strike all material through "82.32.808" on line 36

On page 7, after line 36, insert the following:

"NEW SECTION. **Sec. 4.** (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . ., Laws of 2021 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for the preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain individuals as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to allow low-income and middle-income workers to recover some or all of the sales tax they pay to support state and local government as a way to increase their economic security and to decrease the regressivity of our state tax code. It is the legislature's intent to provide a sales and use tax credit, in the form of a remittance, to low-income and middle-income working families.

(4) The joint legislative audit and review committee shall review this preference in 2028 and every 10 years thereafter. If a review finds that the working families' tax credit does not provide meaningful financial relief to low-income and middle-income households, this act shall expire at the end of the calendar year two years after the adoption of the final report containing that finding. In its review of the program, the joint legislative audit and review committee should use at least the following metrics: Size of the benefit per household, number of household beneficiaries statewide, and demographic information of beneficiaries to include family size, income level, race and ethnicity, and geographic location.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to the remittance data prepared by the department of revenue."

On page 3, line 15, after "32" insert ", except the child may have a valid individual taxpayer identification number in lieu of a social security number"

On page 3, line 26, after "(i)" strike "$500" and insert "$300"

On page 3, line 27, after "(ii)" strike "$650" and insert "$600"

On page 3, line 28, after "(iii)" strike "$800" and insert "$900"

On page 3, line 29, after "(iv)" strike "$950" and insert "$1,200"

and the same are herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1297 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Thai and Stokesbary spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1297, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1297, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Jacobsen and Rude.

Excused: Representatives Fey and Kloba.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1297, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1335 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the existence of racial, religious, or ethnic-based property restrictions or covenants on a deed or chain of title for real property is like having a monument to racism on that property and is repugnant to the tenets of equality. Furthermore, such restrictions and covenants may cause mental anguish and tarnish a property owner's sense of ownership in the property because the owner feels as though they have participated in a racist act themselves.

It is the intent of the legislature that the owner, occupant, or tenant or homeowners' association board of the property which is subject to an unlawful deed restriction or covenant pursuant to RCW 49.60.224 is entitled to have discriminatory covenants and restrictions that are contrary to public policy struck from their chain of title. The legislature has presented two ways this can be accomplished through RCW 49.60.227(1) (a) and (b). If the owner, occupant, or tenant or homeowners' association board of the property elects to pursue a judicial remedy, the legislature intends that the court issue a declaratory judgment ordering the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records, to entirely strike the racist or otherwise discriminatory covenants from the chain of title. Striking the language does not prevent preservation of the original record, outside of the chain of title, for historical or archival purposes.

The legislature finds that striking racist, religious, and ethnic restrictions or covenants from the chain of title is no different than having an offensive statutory monument which the owner may entirely remove. So too should the owner be able to entirely remove the offensive written monument to racism or other unconstitutional discrimination.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.60 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington and Eastern Washington University shall review existing recorded covenants and deed restrictions to identify those recorded documents that include racial or other restrictions on property ownership or use against protected classes that are unlawful under RCW 49.60.224. For properties subject to such racial and other unlawful restrictions, the universities shall provide notice to the property owner and to the county auditor of the county in which the property is located. The universities shall provide information to the property owner on how such provisions can be struck pursuant to RCW 49.60.227. The universities may contract with other public and private not-for-profit higher education institutions that are regionally accredited to carry out the review and notification requirements of this section.

(2) This section expires July 1, 2027.

Sec. 3. RCW 64.06.020 and 2019 c 455 s 3 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT

("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . . is/ . . . . is not occupying the property.

I. SELLER'S DISCLOSURES:

*If you answer "Yes" to a question with an asterisk (*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

[ ] Yes	[ ] No	[ ] Don't know	A. Do you have legal authority to sell the property? If no, please explain.
[ ] Yes	[ ] No	[ ] Don't know	*B. Is title to the property subject to any of the following? (1) First right of refusal (2) Option (3) Lease or rental agreement (4) Life estate?
[ ] Yes	[ ] No	[ ] Don't know	*C. Are there any encroachments, boundary agreements, or boundary disputes?
[ ] Yes	[ ] No	[ ] Don't know	*D. Is there a private road or easement agreement for access to the property?
[ ] Yes	[ ] No	[ ] Don't know	*E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?
[ ] Yes	[ ] No	[ ] Don't know	*F. Are there any written agreements for joint maintenance of an easement or right-of-way?
[ ] Yes	[ ] No	[ ] Don't know	*G. Is there any study, survey project, or notice that would adversely affect the property?
[ ] Yes	[ ] No	[ ] Don't know	*H. Are there any pending or existing assessments against the property?
[ ] Yes	[ ] No	[ ] Don't know	*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the

property that would affect future construction or remodeling?

[ ] Yes [ ] No [ ] Don't know — *J. Is there a boundary survey for the property?

[ ] Yes [ ] No [ ] Don't know — *K. Are there any covenants, conditions, or restrictions recorded against the property?

NOTICE TO THE BUYER: Covenants or deed restrictions based on race, creed, sexual orientation, or other protected class were voided by RCW 49.60.224 and are unenforceable. Washington law allows for the illegal language to be struck by bringing an action in superior court or by the free recording of a restrictive covenant modification document. Many county auditor websites provide a short form with instructions on this process.

2. WATER

A. Household Water

(1) The source of water for the property is:

[ ] Private or publicly owned water system

[ ] Private well serving only the subject property . . . . . .

*[ ] Other water system

[ ] Yes [ ] No [ ] Don't know — *If shared, are there any written agreements?

[ ] Yes [ ] No [ ] Don't know — *(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

[ ] Yes [ ] No [ ] Don't know — *(3) Are there any problems or repairs needed?

[ ] Yes [ ] No [ ] Don't know — (4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.

[ ] Yes [ ] No [ ] Don't know — *(5) Are there any water treatment systems for the property? If yes, are they [ ] Leased [ ] Owned

[ ] Yes [ ] No [ ] Don't know — *(6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?

[ ] Yes [ ] No [ ] Don't know — (a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

*(b) If yes, has all or any portion of the water right not been used for five or more successive years?

[ ] Yes [ ] No [ ] Don't know — *(7) Are there any defects in the operation of the water system (e.g. pipes, tank, pump, etc.)?

B. Irrigation Water

[ ] Yes [ ] No [ ] Don't know — (1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?

[ ] Yes [ ] No [ ] Don't know — *(a) If yes, has all or any portion of the water right not been used for five or more successive years?

[ ] Yes [ ] No [ ] Don't know — *(b) If so, is the certificate available? (If yes, please attach a copy.)

[ ] Yes [ ] No [ ] Don't know — *(c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed?

[ ] Yes [ ] No [ ] Don't know — *(2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:

C. Outdoor Sprinkler System

[ ] Yes [ ] No [ ] Don't know — (1) Is there an outdoor sprinkler system for the property?

[ ] Yes [ ] No [ ] Don't know — *(2) If yes, are there any defects in the system?

[ ] Yes [ ] No [ ] Don't know — *(3) If yes, is the sprinkler system connected to irrigation water?

3. SEWER/ON-SITE SEWAGE SYSTEM

A. The property is served by:

[ ] Public sewer system,

[ ] On-site sewage system (including pipes, tanks, drainfields, and all other component parts)

[ ] Other disposal system, please describe:

[ ] Yes [ ] No [ ] Don't know — B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.

[ ] Yes [ ] No [ ] Don't know — *C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

D. If the property is connected to an on-site sewage system:

[ ] Yes [ ] No [ ] Don't know *(1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?

(2) When was it last pumped?

. . .

[ ] Yes [ ] No [ ] Don't know *(3) Are there any defects in the operation of the on-site sewage system?

[ ] Don't know (4) When was it last inspected?

. . .

By whom:

[ ] Don't know (5) For how many bedrooms was the on-site sewage system approved?

bedrooms

[ ] Yes [ ] No [ ] Don't know E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:

[ ] Yes [ ] No [ ] Don't know *F. Have there been any changes or repairs to the on-site sewage system?

[ ] Yes [ ] No [ ] Don't know G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.

[ ] Yes [ ] No [ ] Don't know *H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year?

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

4. STRUCTURAL

[ ] Yes [ ] No [ ] Don't know *A. Has the roof leaked within the last five years?

[ ] Yes [ ] No [ ] Don't know *B. Has the basement flooded or leaked?

[ ] Yes [ ] No [ ] Don't know *C. Have there been any conversions, additions, or remodeling?

[ ] Yes [ ] No [ ] Don't know *(1) If yes, were all building permits obtained?

[ ] Yes [ ] No [ ] Don't know *(2) If yes, were all final inspections obtained?

[ ] Yes [ ] No [ ] Don't know D. Do you know the age of the house? If yes, year of original construction:

[ ] Yes [ ] No [ ] Don't know *E. Has there been any settling, slippage, or sliding of the property or its improvements?

[ ] Yes [ ] No [ ] Don't know *F. Are there any defects with the following: (If yes, please check applicable items and explain.)

□ Foundations □ Decks □ Exterior Walls

□ Chimneys □ Interior Walls □ Fire Alarm

□ Doors □ Windows □ Patio

□ Ceilings □ Slab Floors □ Driveways

□ Pools □ Hot Tub □ Sauna

□ Sidewalks □ Outbuildings □ Fireplaces

□ Garage Floors □ Walkways □ Siding

□ Other □ Woodstoves □ Elevators

□ Incline Elevators □ Stairway Chair Lifts □ Wheelchair Lifts

[ ] Yes [ ] No [ ] Don't know *G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?

[ ] Yes [ ] No [ ] Don't know H. During your ownership, has the property had any wood destroying organism or pest infestation?

[ ] Yes [ ] No [ ] Don't know I. Is the attic insulated?

[ ] Yes [ ] No [ ] Don't know J. Is the basement insulated?

5. SYSTEMS AND FIXTURES

*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.

[ ] Yes [ ] No [ ] Don't know Electrical system, including wiring, switches, outlets, and service

[ ] Yes [ ] No [ ] Don't know Plumbing system, including pipes, faucets, fixtures, and toilets

[ ] Yes [ ] No [ ] Don't know Hot water tank

[ ] Yes [ ] No [ ] Don't know Garbage disposal

[ ] Yes [ ] No [ ] Don't know Appliances

[ ] Yes [ ] No [ ] Don't know Sump pump

[ ] Yes [ ] No [ ] Don't know — Heating and cooling systems

[ ] Yes [ ] No [ ] Don't know — Security system

[ ] Owned [ ] Leased

Other

*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

[ ] Yes [ ] No [ ] Don't know — Security system . . . . . .

[ ] Yes [ ] No [ ] Don't know — Tanks (type): . . . . . .

[ ] Yes [ ] No [ ] Don't know — Satellite dish . . . . . .

Other: . . . . . .

*C. Are any of the following kinds of wood burning appliances present at the property?

[ ] Yes [ ] No [ ] Don't know — (1) Woodstove?

[ ] Yes [ ] No [ ] Don't know — (2) Fireplace insert?

[ ] Yes [ ] No [ ] Don't know — (3) Pellet stove?

[ ] Yes [ ] No [ ] Don't know — (4) Fireplace?

[ ] Yes [ ] No [ ] Don't know — If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?

[ ] Yes [ ] No [ ] Don't know — D. Is the property located within a city, county, or district or within a department of natural resources fire protection zone that provides fire protection services?

[ ] Yes [ ] No [ ] Don't know — E. Is the property equipped with carbon monoxide alarms?

(Note: Pursuant to RCW 19.27.530, seller must equip the residence with carbon monoxide alarms as required by the state building code.)

[ ] Yes [ ] No [ ] Don't know — F. Is the property equipped with smoke detection devices?

(Note: Pursuant to RCW 43.44.110, if the property is not equipped with at least one smoke detection device, at least one must be provided by the seller.)

6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

[ ] Yes [ ] No [ ] Don't know — A. Is there a Homeowners' Association? Name of Association and contact information for an officer, director, employee, or other authorized agent, if any, who may provide the association's financial statements, minutes, bylaws, fining policy, and other information that is not publicly available:

[ ] Yes [ ] No [ ] Don't know — B. Are there regular periodic assessments:

$ . . . per [ ] Month [ ] Year

[ ] Other

[ ] Yes [ ] No [ ] Don't know — *C. Are there any pending special assessments?

[ ] Yes [ ] No [ ] Don't know — *D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

7. ENVIRONMENTAL

[ ] Yes [ ] No [ ] Don't know — *A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

[ ] Yes [ ] No [ ] Don't know — *B. Does any part of the property contain fill dirt, waste, or other fill material?

[ ] Yes [ ] No [ ] Don't know — *C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

[ ] Yes [ ] No [ ] Don't know — D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

[ ] Yes [ ] No [ ] Don't know — *E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

[ ] Yes [ ] No [ ] Don't know — *F. Has the property been used for commercial or industrial purposes?

[ ] Yes [ ] No [ ] Don't know — *G. Is there any soil or groundwater contamination?

[ ] Yes [ ] No [ ] Don't know — *H. Are there transmission poles or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

[ ] Yes [ ] No [ ] Don't know — *I. Has the property been used as a legal or illegal dumping site?

[ ] Yes [ ] No [ ] Don't know — *J. Has the property been used as an illegal drug manufacturing site?

[ ] Yes [ ] No [ ] Don't know — *K. Are there any radio towers in the area that cause interference with cellular telephone reception?

8. MANUFACTURED AND MOBILE HOMES

If the property includes a manufactured or mobile home,

[ ] Yes [ ] No [ ] Don't know *A. Did you make any alterations to the home? If yes, please describe the alterations: . . . . . .

[ ] Yes [ ] No [ ] Don't know *B. Did any previous owner make any alterations to the home?

[ ] Yes [ ] No [ ] Don't know *C. If alterations were made, were permits or variances for these alterations obtained?

9. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

[ ] Yes [ ] No [ ] Don't know *Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

NOTICE TO THE BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY

BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.

B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.

C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE . . . . . BUYER . . . . . BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 4. RCW 49.60.227 and 2018 c 65 s 1 are each amended to read as follows:

(1)(a) If a written instrument contains a provision that is void by reason of RCW 49.60.224, the owner, occupant, or tenant of the property which is subject to the provision or the homeowners' association board may cause the provision to be stricken from the public records by bringing an action in the superior court in the county in which the property is located. The action shall be an in rem, declaratory judgment action whose title shall be the description of

the property. The necessary party to the action shall be the owner, occupant, or tenant of the property or any portion thereof. The person bringing the action shall pay a fee set under RCW 36.18.012.

(b) If the court finds that any provisions of the written instrument are void under RCW 49.60.224, it shall enter an order striking the void provisions from the public records and eliminating the void provisions from the title or lease of the property described in the complaint.

(i) A complete copy of any document affected by the order shall be made an exhibit to the order and the order shall identify each document by recording number and date of recordation and set forth verbatim the void provisions to be struck from such document. The order shall include a certified copy of each document, upon which the court has physically redacted the void provisions.

(ii) The person bringing the action may obtain and deliver a certified copy of the order to the office of the county auditor or, in charter counties, the county official charged with the responsibility for recording instruments in the county records, in the county where the property is located.

(iii) The auditor shall record the documents prepared by the court. An image of each document so corrected shall be placed in the public records. Each corrected document shall contain the following information on the first page or a cover page prepared pursuant to RCW 65.04.047: The auditor's file number or book and page of the original document, a notation that the original document was corrected pursuant to this section, the cause number of the court action, and the date the order was entered.

(iv) The auditor or official shall update the index of each original document referenced in the order with the auditor's file number of the corrected document. Further, the index will note that the original record is no longer the primary official public record and is removed from the chain of title pursuant to the court order.

(v) The original document or image and subsequent records of such actions shall be separately maintained in the county's records and, at the auditor's or official's discretion, the original document or image may also be transferred to the secretary of state archives division to be preserved for historical or archival purposes.

(2)(a) As an alternative to the judicial procedure set forth in subsection (1) of this section, the owner of property subject to a written instrument that contains a provision that is void by reason of RCW 49.60.224 may record a restrictive covenant modification document with the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records, in the county in which the property is located.

(b) The modification document shall contain a recording reference to the original written instrument.

(c) The modification document must state, in part:

"The referenced original written instrument contains discriminatory provisions that are void and unenforceable under RCW 49.60.224 and federal law. This document strikes from the referenced original instrument all provisions that are void and unenforceable under law."

(d) The effective date of the modification document shall be the same as the effective date of the original written instrument.

(e) If the owner causes to be recorded a modification document that contains modifications not authorized by this section, the county auditor or recording officer shall not incur liability for recording the document. Any liability that may result is the sole responsibility of the owner who caused the recordation.

(f) No filing or recording fees or otherwise authorized surcharges shall be required for the filing of a modification document pursuant to this section.

(3) For the purposes of this section, "restrictive covenant modification document" or "modification document" means a standard form developed and designed by the Washington state association of county auditors.

NEW SECTION. **Sec. 5.** This act applies to real estate transactions entered into on or after January 1, 2022."

On page 1, line 2 of the title, after "restrictions;" strike the remainder of the title and insert "amending RCW

64.06.020 and 49.60.227; adding a new section to chapter 49.60 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1335 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Valdez and Goehner spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1335, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1335, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Fey and Kloba.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1335, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 6, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.330.540 and 2020 c 236 s 3 are each amended to read as follows:

(1) The ((~~marijuana~~)) cannabis social equity technical assistance ((~~competitive~~)) grant program is established and is to be administered by the department.

(2)(a) The ((~~marijuana~~)) cannabis social equity technical assistance ((~~competitive~~)) grant program must award grants ((~~on a competitive basis to marijuana retailer~~)) to:

(i) Cannabis license applicants who are social equity applicants submitting social equity plans under RCW 69.50.335; and

(ii) Cannabis licensees holding a license issued after June 30, 2020, and before the effective date of this section who meet the social equity applicant criteria under RCW 69.50.335.

(b) Grant recipients under this subsection (2) must demonstrate completion of their project within 12 months of receiving a grant, unless a grant recipient requests, and the department approves, additional time to complete the project.

(3) The department must award grants primarily based on the strength of the social equity plans submitted by cannabis license applicants and cannabis licensees holding a license issued after June 30, 2020, and before the effective date of this section, but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding ((~~under the marijuana social equity technical assistance competitive grant program~~)) include, but are not limited to:

(a) Assistance navigating the ((~~marijuana retailer~~)) cannabis licensure process;

(b) ((~~Marijuana-business~~)) Cannabis-business specific education and business plan development;

(c) Regulatory compliance training;

(d) Financial management training and assistance in seeking financing; ((~~and~~))

(e) Strengthening a social equity plan; and

(f) Connecting social equity applicants with established industry members and tribal ((~~marijuana~~)) cannabis enterprises and programs for mentoring and other forms of support ((~~approved by the [Washington state liquor and cannabis] board~~)).

((~~(3)~~)) (4) The department may contract to establish a roster of mentors who are available to support and advise social equity applicants and current licensees who meet the social equity applicant criteria under RCW 69.50.335. Contractors under this section must:

(a) Have knowledge and experience demonstrating their ability to effectively advise eligible applicants and licensees in navigating the state's licensing and regulatory framework or on producing and processing cannabis;

(b) Be a business that is at least 51% minority or woman-owned; and

(c) Meet department reporting and invoicing requirements.

(5) Funding for the ((~~marijuana~~)) cannabis social equity technical assistance ((~~competitive~~)) grant program must be provided through the dedicated marijuana account under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

((~~(4)~~)) (6) The department may adopt rules to implement this section.

(7) For the purposes of this section, "cannabis" has the meaning provided for "marijuana" under RCW 69.50.101.

Sec. 2. RCW 69.50.335 and 2020 c 236 s 2 are each amended to read as follows:

(1) Beginning December 1, 2020, and until July 1, ((~~2028~~)) 2029, ((~~marijuana~~)) cannabis retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or ((~~marijuana~~)) cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of ((~~marijuana~~)) cannabis retailer licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the ((~~marijuana~~)) cannabis retailer license requirements of this chapter.

(2)(a) In order to be considered for a retail license under subsection (1) of this section, an applicant must be a social equity applicant and submit a social equity plan along with other ((~~marijuana~~)) cannabis retailer license application requirements to the board. If the application proposes ownership by more than one person, then at least fifty-one percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing ((~~marijuana~~)) cannabis retailer license or title certificate for a ((~~marijuana~~)) cannabis retailer business in a local jurisdiction subject to a ban or moratorium on ((~~marijuana~~)) cannabis retail businesses may apply for a license under this section.

(3)(a) In determining the issuance of a license among applicants, the board may prioritize applicants based on the extent to which the application addresses the components of the social equity plan.

(b) The board may deny any application submitted under this subsection if the board determines that:

(i) The application does not meet social equity goals or does not meet social equity plan requirements; or

(ii) The application does not otherwise meet the licensing requirements of this chapter.

(4) The board may adopt rules to implement this section. Rules may include strategies for receiving advice on the social equity program from individuals the program is intended to benefit. Rules may also require that licenses awarded under this section be transferred or sold only to individuals or groups of individuals who comply with the requirements for initial licensure as a social equity applicant with a social equity plan under this section.

(5) The annual fee for issuance, reissuance, or renewal for any license under this section must be equal to the fee established in RCW 69.50.325.

(6) For the purposes of this section:

(a) "Cannabis" has the meaning provided for "marijuana" under this chapter.

(b) "Disproportionately impacted area" means a census tract or comparable geographic area that satisfies the following criteria, which may be further defined in rule by the board after consultation with the commission on African American affairs and other agencies, commissions, and ((~~stakeholders~~)) community members as determined by the board:

(i) The area has a high poverty rate;

(ii) The area has a high rate of participation in income-based federal or state programs;

(iii) The area has a high rate of unemployment; and

(iv) The area has a high rate of arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of ((~~marijuana~~)) cannabis.

((~~(b)~~)) (c) "Social equity applicant" means:

(i) An applicant who has at least fifty-one percent ownership and control by one or more individuals who have resided ((~~for at least five of the preceding ten years~~)) in a disproportionately impacted area for a period of time defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board; ((~~or~~))

(ii) An applicant who has at least fifty-one percent ownership and control by at least one individual who has been convicted of a ((~~marijuana~~)) cannabis offense, a drug offense, or is a family member of such an individual; or

(iii) An applicant who meets criteria defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board.

((~~(c)~~)) (d) "Social equity goals" means:

(i) Increasing the number of ((~~marijuana~~)) cannabis retailer licenses held by social equity applicants from disproportionately impacted areas; and

(ii) Reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of ((~~marijuana~~)) cannabis prohibition laws.

((~~(d)~~)) (e) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (6)((~~(d)~~))(e), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW 69.50.336. The plan may include:

(i) A statement that the social equity applicant qualifies as a social equity applicant and intends to own at least fifty-one percent of the proposed ((~~marijuana~~)) cannabis retail business or applicants representing at least fifty-one percent of the ownership of the proposed business qualify as social equity applicants;

(ii) A description of how issuing a ((~~marijuana~~)) cannabis retail license to the social equity applicant will meet social equity goals;

(iii) The social equity applicant's personal or family history with the criminal justice system including any offenses involving ((~~marijuana~~)) cannabis;

(iv) The composition of the workforce the social equity applicant intends to hire;

(v) Neighborhood characteristics of the location where the social equity applicant intends to operate, focusing especially on disproportionately impacted areas; and

(vi) Business plans involving partnerships or assistance to organizations or residents with connection to populations with a history of high rates of enforcement of ((~~marijuana~~)) cannabis prohibition.

Sec. 3. RCW 69.50.336 and 2020 c 236 s 5 are each amended to read as follows:

(1) A legislative task force on social equity in ((~~marijuana~~)) cannabis is established. The purpose of the task force is to make recommendations to the board including but not limited to establishing a social equity program for the issuance and reissuance of existing retail ((~~marijuana~~)), processor, and producer cannabis licenses, and to advise the governor and the legislature on

policies that will facilitate development of a ((~~marijuana~~)) cannabis social equity program.

(2) The members of the task force are as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(i) One member from each of the following:

(A) The commission on African American affairs;

(B) The commission on Hispanic affairs;

(C) The governor's office of Indian affairs;

(D) An organization representing the African American community;

(E) An organization representing the Latinx community;

(F) A labor organization involved in the ((~~marijuana~~)) cannabis industry;

(G) The liquor and cannabis board;

(H) The department of commerce;

(I) The office of the attorney general; and

(J) The association of Washington cities;

(ii) Two members that currently hold a ((~~marijuana~~)) cannabis retail license; ((~~and~~))

(iii) Two members that currently hold a producer ((~~or processor~~)) license ((~~or both~~)); and

(iv) Two members that currently hold a processor license.

(3) In addition to the members appointed to the task force under subsection (2) of this section, individuals representing other sectors may be invited by the chair of the task force, in consultation with the other appointed members of the task force, to participate in an advisory capacity in meetings of the task force.

(a) Individuals participating in an advisory capacity under this subsection are not members of the task force, may not vote, and are not subject to the appointment process established in this section.

(b) There is no limit to the number of individuals who may participate in task force meetings in an advisory capacity under this subsection.

(c) A majority of the task force members constitutes a quorum. If a member has not been designated for a position set forth in this section, that position may not be counted for the purpose of determining a quorum.

(4) The task force shall hold its first meeting by July 1, 2020. The task force shall elect a chair from among its legislative members at the first meeting. The election of the chair must be by a majority vote of the task force members who are present at the meeting. The chair of the task force is responsible for arranging subsequent meetings and developing meeting agendas.

(5) Staff support for the task force, including arranging the first meeting of the task force and assisting the chair of the task force in arranging subsequent meetings, must be provided by the health equity council of the governor's interagency council on health disparities. ((~~If Engrossed Second Substitute House Bill No. 1783 is enacted by June 30, 2020, then~~)) The responsibility for providing staff support for the task force must be transferred to the office of equity created ((~~by Engrossed Second Substitute House Bill No. 1783~~)) under chapter 43.06D RCW when requested by the office of equity.

(6) ((~~The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.~~

~~(7)~~)) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other

organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

((~~(8)~~)) (7) The task force is a class one group under chapter 43.03 RCW.

((~~(9)~~)) (8) A public comment period must be provided at every meeting of the task force.

((~~(10)~~)) (9) The task force shall submit one or more reports on recommended policies that will facilitate the development of a ((~~marijuana~~)) cannabis social equity program in Washington to the governor, the board, and the appropriate committees of the legislature. The task force is encouraged to submit individual recommendations, as soon as possible, to facilitate the board's early work to implement the recommendations. The final recommendations must be submitted by ((~~December 1, 2020~~)) December 9, 2022. The recommendations must include:

(a) Factors the board must consider in distributing the licenses currently available from ((~~marijuana~~)) cannabis retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or ((~~marijuana~~)) cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of ((~~marijuana~~)) cannabis retailer licenses established by the board before January 1, 2020; ((~~and~~))

(b) Whether any additional ((~~marijuana~~)) cannabis producer, processor, or retailer licenses should be issued beyond the total number of ((~~marijuana~~)) licenses that have been issued as of June 11, 2020. For purposes of determining the total number of licenses issued as of June 11, 2020, the total number includes licenses that have been forfeited, revoked, or canceled;

(c) The social equity impact of altering residential cannabis agriculture regulations;

(d) The social equity impact of shifting primary regulation of cannabis production from the board to the department of agriculture, including potential impacts to the employment rights of workers;

(e) The social equity impact of removing nonviolent cannabis-related felonies and misdemeanors from the existing point system used to determine if a person qualifies for obtaining or renewing a cannabis license;

(f) Whether to create workforce training opportunities for underserved communities to increase employment opportunities in the cannabis industry;

(g) The social equity impact of creating new cannabis license types; and

(h) Recommendations for the cannabis social equity technical assistance grant program created under RCW 43.330.540.

((~~(11)~~)) (10) The board may adopt rules to implement the recommendations of the task force. However, any recommendation to increase the number of retail outlets above the current statewide limit of retail outlets, established by the board before January 1, 2020, must be approved by the legislature.

((~~(12)~~)) (11) For the purposes of this section, "cannabis" has the meaning provided for "marijuana" under this chapter.

(12) This section expires June 30, ((~~2022~~)) 2023."

On page 1, line 1 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 43.330.540, 69.50.335, and 69.50.336; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morgan spoke in favor of the passage of the bill.

Representative MacEwen spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1443, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1443, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, McCaslin, McEntire, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Fey and Kloba.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1457 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Increasing broadband access to unserved areas of the state provides an increasingly essential public benefit to the citizens of Washington by allowing full participation in society and the modern economy, and enabling access to health care, education, the use of other technologies, and essential services, including public safety;

(b) Facilitating and accelerating affordable and quality statewide broadband access for all Washingtonians will require sustained investment, research, local and community participation, and the formation of strategic partnerships between private, public, and nonprofit entities;

(c) Providing for additional coordination and removal of barriers across sectors to increase broadband access in unserved areas is in the best interest of the state;

(d) Maximizing the use of rights-of-way during construction or repair of transportation systems offers cost-effective opportunities for extending and improving broadband and high-speed internet connections throughout the state; and

(e) Expanding broadband access, especially broadband conduit along roadways, provides commensurate benefits to the transportation system and motor vehicle users in terms of reducing the use of roads and alleviating congestion by allowing for more telework, and laying the foundation for a transportation system increasingly more reliant on autonomous vehicles.

(2) The legislature also finds that there is a need to utilize near-term options and opportunities along state highway rights-of-way to drive broadband network expansion and for undertaking longer-term planning of activities to develop additional paths to facilitate the expansion of broadband networks along state highway rights-of-way.

(3) Therefore, the legislature intends to expedite the expansion of broadband access to unserved areas throughout the state by increasing broadband infrastructure coordination, including through collaboration between the statewide broadband office and the department of transportation; proactively facilitating installation and improvement of infrastructure during state road construction projects; and studying recommendations related to the department of transportation's role in broadband service expansion efforts.

Sec. 2. RCW 43.330.532 and 2019 c 365 s 3 are each amended to read as follows:

(1) The governor's statewide broadband office is established. The director of the office must be appointed by the governor. The office may employ staff necessary to carry out the office's duties as prescribed by chapter 365, Laws of 2019, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to encourage, foster, develop, and improve affordable, quality broadband within the state in order to:

(a) Drive job creation, promote innovation, improve economic vitality, and expand markets for Washington businesses;

(b) Serve the ongoing and growing needs of Washington's education systems, health care systems, public safety systems, transportation systems, industries and business, governmental operations, and citizens; and

(c) Improve broadband accessibility for unserved communities and populations.

Sec. 3. RCW 43.330.534 and 2019 c 365 s 4 are each amended to read as follows:

(1) The office has the power and duty to:

(a) Serve as the central broadband planning body for the state of Washington;

(b) Coordinate with local governments, tribes, public and private entities, nonprofit organizations, and consumer-owned and investor-owned utilities to develop strategies and plans promoting deployment of broadband infrastructure and greater broadband access, while protecting proprietary information;

(c) Review existing broadband initiatives, policies, and public and private investments;

(d) Develop, recommend, and implement a statewide plan to encourage cost-effective broadband access and to make recommendations for increased usage, particularly in rural and other unserved areas;

(e) Update the state's broadband goals and definitions for broadband service in unserved areas as technology advances, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload; and

(f) Encourage public-private partnerships to increase deployment and adoption of broadband services and applications.

(2) When developing plans or strategies for broadband deployment, the office must consider:

(a) Partnerships between communities, tribes, nonprofit organizations, local governments, consumer-owned and investor-owned utilities, and public and private entities;

(b) Funding opportunities that provide for the coordination of public, private, state, and federal funds for the purposes of making broadband infrastructure or broadband services available to rural and unserved areas of the state;

(c) Barriers to the deployment, adoption, and utilization of broadband service, including affordability of service and project coordination logistics; and

(d) Requiring minimum broadband service of twenty-five megabits per second download and three megabits per second upload speed, that is scalable to faster service.

(3) The office may assist applicants for the grant and loan program created in RCW 43.155.160 with seeking federal funding or matching grants and other grant opportunities for deploying broadband services.

(4) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the statewide broadband account created in RCW 43.155.165.

(5) In carrying out its purpose, the office may collaborate with the utilities and transportation commission, the office of the chief information officer, the department of commerce, the community economic revitalization board, the department of transportation, the public works board, the state librarian, and all other relevant state agencies.

Sec. 4. RCW 43.330.538 and 2019 c 365 s 6 are each amended to read as follows:

(1) Beginning January 1, 2021, and biennially thereafter, the office shall report to the legislative committees with jurisdiction over broadband policy and finance on the office's activities during the previous two years.

(2) The report must, at a minimum, contain:

(a) An analysis of the current availability and use of broadband, including average broadband speeds, within the state;

(b) Information gathered from schools, libraries, hospitals, and public safety facilities across the state, determining

the actual speed and capacity of broadband currently in use and the need, if any, for increases in speed and capacity to meet current or anticipated needs;

(c) An overview of incumbent broadband infrastructure within the state;

(d) A summary of the office's activities in coordinating broadband infrastructure development with the department of transportation and the public works board, including a summary of funds awarded under RCW 43.155.160;

(e) Suggested policies, incentives, and legislation designed to accelerate the achievement of the goals under RCW 43.330.536; and

(f) Any proposed legislative and policy initiatives.

NEW SECTION. **Sec. 5.** A new section is added to chapter 47.44 RCW to read as follows:

(1) The department is directed to adopt and maintain an agency policy that requires the department to proactively provide broadband facility owners with information about planned state highway projects to enable collaboration between broadband facility owners and the department to identify opportunities for the installation of broadband facilities during the appropriate phase of these projects when such opportunities exist.

(2) If no owners are ready or able to participate in coordination of the installation of broadband infrastructure concurrently with state highway projects, the department may enlist its contractors to install broadband conduit as part of road construction projects in order to directly benefit the transportation system and motor vehicle users by:

(a) Reducing future traffic impacts to the traveling public on the roadway;

(b) Supporting the vehicle miles traveled reduction and congestion management goals of the state by allowing for more telework; or

(c) Proactively preparing the transportation system for the widespread development and use of autonomous vehicles.

(3) Broadband facility owners must first obtain a franchise granted by the department pursuant to RCW 47.44.010 and 47.44.020 before installing broadband facilities within the department's conduit. The costs for installation and maintenance of such broadband facilities shall be the responsibility of the broadband facility owner. The department may adopt rules establishing a fee schedule for occupancy of broadband facilities within the department's conduit consistent with federal law.

(4) As used in this section:

(a) "Broadband conduit" means a conduit used to support broadband infrastructure, including fiber optic cables.

(b) "Broadband infrastructure" has the same meaning as in RCW 43.330.530.

Sec. 6. RCW 47.52.001 and 2004 c 131 s 1 are each amended to read as follows:

(1) Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed.

(2) ((~~Personal wireless service~~)) Broadband, which includes a range of high-speed transmission technologies, including fiber optic lines and personal wireless service facilities, is a critical part of the state's infrastructure. The rapid deployment of ((~~personal wireless service~~)) broadband facilities is critical to ensure public safety, network access, quality of service, and rural economic development.

(3) It is, therefore, the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities, and to ((~~assure~~)) ensure that the use of rights-of-way of limited access facilities accommodate the deployment of ((~~personal wireless service~~)) broadband facilities consistent with these interests. In furtherance of this policy, the department is directed to adopt and maintain an agency policy that requires the department to proactively provide broadband facility owners with information about planned limited access highway projects to enable collaboration between broadband facility owners and the department to identify opportunities for the installation of broadband facilities

during the appropriate phase of these projects when such opportunities exist. Coordination between the department and broadband facility owners under this section must comply with applicable state and federal law including, but not limited to, chapter 47.44 RCW and RCW 47.04.045.

NEW SECTION. **Sec. 7.** (1) Subject to the availability of amounts appropriated for this specific purpose in the omnibus transportation appropriations act, the joint transportation committee shall oversee a consultant study to recommend:

(a) An effective department of transportation strategy, and specific highway corridors, that could be used to address missing fiber connections and inadequate broadband service in parts of the state unserved and underserved by broadband facilities while also aiding the achievement of the state broadband goals specified in RCW 43.330.536. As part of this recommendation, the following areas must also be addressed:

(i) What the appropriate taxonomy to apply to areas unserved or underserved by broadband is to better prioritize and contextualize the urgency of the need for broadband infrastructure in a given area; and

(ii) When the inclusion of broadband conduit installation in a transportation project is recommended as the most effective means of facilitating broadband access, rather than an alternative broadband facility placement, taking into account potential costs, and subject to any limitations in understanding potential costs of installation as part of a transportation project not yet undertaken;

(b) The role of the Washington state department of transportation and the statewide broadband office in a coordinated approach for broadband development statewide on highway rights-of-way that includes the adaptation of existing programs and activities to further a state initiative to expand and improve access to broadband;

(c) The most promising planning and financing tools that could be used by the department of transportation to provide the state with greater ability to install conduit in anticipation of future broadband fiber occupancy by others;

(d) Opportunities for mutually beneficial partnerships between the department of transportation and broadband service providers that could provide broadband services for transportation purposes such as intelligent transportation systems, cooperative automated transportation/autonomous vehicles, transportation demand management, and highway maintenance activities; and

(e) Strategies for the mitigation of potential safety, operations, and preservation impacts to transportation related to the recommendations made in (a) through (d) of this subsection.

(2) The study must consider the most relevant best practices in other states and their potential application in Washington.

(3) The study must also include an examination of any state and federal laws and regulations that could prevent or limit the implementation of these recommendations, as well as recommendations for modifications to the applicable state laws and regulations and recommended federal actions that could be requested by Washington state legislators.

(4) The joint transportation committee shall consult with the department of transportation, the Washington statewide broadband office, other state agencies and local jurisdictions, public and private utility providers, and public and private broadband providers, as necessary, during development of the study's recommendations to ensure the relevance and applicability of the recommendations to the state.

(5) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by January 1, 2022.

Sec. 8. RCW 47.44.010 and 2001 c 201 s 5 are each amended to read as follows:

(1) The department of transportation may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas, oil or coal pipes, telephone, telegraph ((~~and~~)), fiber optic, electric light and power lines and conduits, trams or railways, and any structures or facilities that are part of an urban

public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department of transportation, and any other such facilities. In order to minimize the disruption to traffic and damage to the roadway, the department is encouraged to develop a joint trenching policy with other affected jurisdictions so that all permittees and franchisees requiring access to ground under the roadway may do so at one time.

(2) All applications for the franchise must be made in writing and subscribed by the applicant, and describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. The application must also include the identification of all jurisdictions affected by the franchise and the names of other possible franchisees who should receive notice of the application for a franchise.

(3) The department of transportation shall adopt rules providing for a hearing or an opportunity for a hearing with reasonable public notice thereof with respect to any franchise application involving the construction and maintenance of utilities or other facilities within the highway right-of-way which the department determines may (a) during construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right-of-way, or (b) during or following construction, cause a significant and adverse effect upon the surrounding environment."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "facilitating the coordinated installation of broadband along state highways; amending RCW 43.330.532, 43.330.534, 43.330.538, 47.52.001, and 47.44.010; adding a new section to chapter 47.44 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1457 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Riccelli, Barkis, Wylie and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1457, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1457, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey and Kloba.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1457, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

HOUSE BILL NO. 1270

There being no objection, the House adjourned until 12:00 p.m., April 16, 2021, the 96th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINETY SIXTH DAY

House Chamber, Olympia, Friday, April 16, 2021

The House was called to order at 12:00 p.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Carolyn Eslick, 39th Legislative District.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

SUBSTITUTE HOUSE BILL NO. 1323

The Speaker called upon Representative Orwall to preside.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

April 15, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1269,
SUBSTITUTE HOUSE BILL NO. 1484,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
SUBSTITUTE HOUSE BILL NO. 1532,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 15, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5476,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 15, 2021

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5172,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5226,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5229,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5295,
SENATE BILL NO. 5299,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5370,
SUBSTITUTE SENATE BILL NO. 5378,
SUBSTITUTE SENATE BILL NO. 5381,
SUBSTITUTE SENATE BILL NO. 5423,
SENATE BILL NO. 5430,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5432,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 15, 2021

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1016,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113,
HOUSE BILL NO. 1143,
SUBSTITUTE HOUSE BILL NO. 1250,
ENGROSSED HOUSE BILL NO. 1251,
SUBSTITUTE HOUSE BILL NO. 1259,
ENGROSSED HOUSE BILL NO. 1271,
HOUSE BILL NO. 1296,
SUBSTITUTE HOUSE BILL NO. 1314,
SECOND SUBSTITUTE HOUSE BILL NO. 1325,
SUBSTITUTE HOUSE BILL NO. 1363,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1370,
HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 15, 2021

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1279,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 15, 2021

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5000,
SENATE BILL NO. 5031,
SENATE BILL NO. 5063,
SUBSTITUTE SENATE BILL NO. 5080,
SENATE BILL NO. 5145,
SENATE BILL NO. 5159,
SENATE BILL NO. 5225,
SUBSTITUTE SENATE BILL NO. 5230,
SENATE BILL NO. 5367,
SUBSTITUTE SENATE BILL NO. 5403,
ENGROSSED SENATE BILL NO. 5454,
SUBSTITUTE SENATE BILL NO. 5460,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 16, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1073,
SUBSTITUTE HOUSE BILL NO. 1208,
SUBSTITUTE HOUSE BILL NO. 1323,
SUBSTITUTE HOUSE BILL NO. 1383,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1579 by Representative Harris-Talley

AN ACT Relating to exempting a portion of the valuation of residential property from property taxation; amending RCW 84.48.010 and 84.69.020; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.52 RCW; and providing a contingent effective date.

Referred to Committee on Finance.

HCR 4402 by Representatives MacEwen, Boehnke, Dufault, Klippert, Robertson and Kraft

Exempting certain matters from the cutoff dates established in Senate Concurrent Resolution No. 8401.

Referred to Committee on Rules.

SUPPLEMENTAL INTRODUCTION & FIRST READING

ESB 5476 by Senators Dhingra, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Pedersen, Rivers, Robinson, Saldaña and Wellman

AN ACT Relating to addressing the State v. Blake decision; amending RCW 69.50.101, 69.50.4011, 69.50.4013, 69.50.412, 69.50.445, 69.41.030, 69.41.030, and 69.41.010; reenacting and amending RCW 69.50.101 and 69.41.010; adding a new section to chapter 10.77 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

ESB 5476 by Senators Dhingra, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Pedersen, Rivers, Robinson, Saldaña and Wellman

AN ACT Relating to addressing the State v. Blake decision; amending RCW 69.50.101, 69.50.4011, 69.50.4013, 69.50.412, 69.50.445, 69.41.030, 69.41.030, and 69.41.010; reenacting and amending RCW 69.50.101 and 69.41.010; adding a new section to chapter 10.77 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

Representative MacEwen moved that HOUSE CONCURRENT RESOLUTION NO. 4402 be placed on the second reading calendar.

Representatives MacEwen and Stokesbary spoke in favor of the motion.

Representative Sullivan spoke against the motion.

MOTION

On motion of Representative Riccelli, Representative Bateman was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the motion to place HOUSE CONCURRENT RESOLUTION NO. 4402 on the second

reading calendar and the motion was not adopted by the following vote: Yeas: 41; Nays: 56; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Bateman

There being no objection, the bills and resolution listed on the day's introduction sheet and supplemental introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the seventh order of business.

THIRD READING
MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1348 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Having access to same day and next day physical and behavioral health services is imperative to facilitate successful reentry for individuals releasing from jails;

(b) The overwhelming majority of individuals in jails are incarcerated for less than 30 days;

(c) Suspending medicaid for individuals on short-term jail stays causes significant delays in medicaid reinstatement upon release; and

(d) Delays in medicaid reinstatement impede access to physical and behavioral health appointments and prescription medications upon release.

(2) The legislature intends to facilitate successful jail reentry by not suspending medicaid for individuals who are incarcerated for less than 30 days.

Sec. 2. RCW 74.09.670 and 2016 c 154 s 2 are each amended to read as follows:

((~~The~~)) (1) Except as provided in subsection (2) of this section, when the authority ((~~is directed to~~)) receives information that a person enrolled in medical assistance is confined in a setting in which federal financial participation is disallowed by the state's agreements with the federal government, the authority shall suspend, rather than terminate, medical assistance benefits ((~~by July 1, 2017,~~)) for these persons, including those who are incarcerated in a correctional institution as defined in RCW 9.94.049, or committed to a state hospital or other treatment facility. ((~~This must include the ability for a~~)) A person who is not currently enrolled in medical assistance must be allowed to apply for medical assistance in suspense status during ((~~incarceration~~)) confinement, and the ability to apply may not depend upon knowledge of the release or discharge date of the person. ((~~The authority must provide a progress report describing program design and a detailed fiscal estimate to the governor and relevant committees of the legislature by December 1, 2016.~~))

(2)(a) During the first 29 days of a person's incarceration in a correctional institution, as defined in RCW 9.94.049:

(i) A person's incarceration status may not affect the person's enrollment in medical assistance if the person was enrolled in medical assistance at the time of incarceration; and

(ii) A person not enrolled in medical assistance at the time of incarceration must have the ability to apply for medical assistance during incarceration, which may not depend on knowledge of the release date of the person. If the person is enrolled in medical assistance during the first 29 days of the person's incarceration, the person's incarceration status may not affect the person's enrollment in medical assistance.

(b) After the first 29 days of the person's incarceration, the person's medical assistance status is subject to suspension or application in suspense

status under subsection (1) of this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 70.48 RCW to read as follows:

A department of corrections or chief law enforcement officer responsible for the operation of a jail shall make reasonable efforts to collaborate with managed care organizations, as defined in RCW 71.24.025, for the purposes of care coordination activities and improving health care delivery and release planning for persons confined in the jail.

NEW SECTION. **Sec. 4.** The health care authority is authorized to seek any necessary state plan amendments or waivers from the federal department of health and human services that are necessary to implement section 2 of this act.

NEW SECTION. **Sec. 5.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 74.09.670; adding a new section to chapter 70.48 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1348 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Schmick and Davis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1348, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1348, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Bateman.

SUBSTITUTE HOUSE BILL NO. 1348, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 11, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1416 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that it is in the interests of the citizens of the state of Washington to enhance and increase the efficiency of the processes for collecting child support debts owed to the state or owed to a custodial parent.

(2) The legislature further finds that liens filed in the state of Washington are filed on a county-by-county basis, and there is no statewide registry or clearinghouse where a comprehensive collection of liens may be checked by a party or other entity before funds are disbursed to the debtor.

(3) The legislature further finds that it would enhance the collection opportunities for child support to

require insurance companies doing business in the state of Washington to participate in a reporting scheme that would allow a data match with child support debts.

NEW SECTION. **Sec. 2.** A new section is added to chapter 26.23 RCW to read as follows:

(1)(a) Except as otherwise provided in subsection (8) of this section, each insurer shall, not later than 10 days after opening a tort liability claim for bodily injury or wrongful death, a workers' compensation claim, or a claim under a policy of life insurance, exchange information with the division of child support in the manner prescribed by the department to verify whether the claimant owes debt for the support of one or more children to the department or to a person receiving services from the division of child support. To the extent feasible, the division of child support shall facilitate a secure electronic process to exchange information with insurers pursuant to this subsection. The obligation of an insurer to exchange information with the division of child support is discharged upon complying with the requirements of this subsection.

(b) The exchange of information pursuant to this act must comply with privacy protections under applicable state and federal laws and regulations, including the federal health insurance portability and accountability act.

(2) In order to determine whether a claimant owes a debt being enforced by the division of child support, all insurance companies doing business in the state of Washington that issue qualifying payments to claimants must provide minimum identifying information about the claimant to:

(a) An insurance claim data collection organization;

(b) The federal office of child support enforcement or the child support lien network; or

(c) The division of child support in a manner satisfactory to the department.

(3) Insurers must take the steps necessary to authorize an insurance claim data collection organization to share minimum identifying information with the federal office of child support enforcement and the child support claim lien network.

(4) Except as otherwise provided in subsections (5) and (7) of this section, if an insurer is notified by the division of child support that a claimant owes debt for the support of one or more children to the department or to a person receiving services from the division of child support, the insurer shall, upon the receipt of a notice issued by the department identifying the amount of debt owed pursuant to chapter 74.20A RCW:

(a) Withhold from payment on the claim the amount specified in the notice; and

(b) Remit the amount withheld from payment to the department within 20 days.

(5) The department shall give any lien, claim, or demand for reasonable claim-related attorneys' fees, property damage, and medical costs priority over any withholding of payment pursuant to subsection (4) of this section.

(6) Any information obtained pursuant to this act must be used only for the purpose of carrying out the provisions of this act. An insurer or other entity described in subsection (2) of this section may not be held liable in any civil or criminal action for any act made in good faith pursuant to this section including, but not limited to:

(a) Any disclosure of information to the department or the division of child support; or

(b) The withholding of any money from payment on a claim or the remittance of such money to the department.

(7) An insurer may not delay the disbursement of a payment on a claim to comply with the requirements of this section. An insurer is not required to comply with subsection (4) of this section if the notice issued by the department is received by the insurer after the insurer has disbursed the payment on the claim. In the case of a claim that will be paid through periodic payments, the insurer:

(a) Is not required to comply with the provisions of subsection (4) of this section with regard to any payments on the claim disbursed to the claimant before the notice was received by the insurer; and

(b) Must comply with the provisions of subsection (4) of this section with regard to any payments on the claim scheduled to be made after the receipt of the notice.

(8) If periodic payment will be made to a claimant, an insurer is only required to engage in the exchange of information pursuant to subsection (1) of this section before issuing the initial payment.

(9) An insurance company's failure to comply with the reporting requirements of this act does not amount to noncompliance with a requirement of the division of child support as described in RCW 74.20A.350.

(10) For the purposes of this section, the following definitions apply:

(a) "Claimant" means any person who: (i) Brings a tort liability claim for bodily injury or wrongful death; (ii) is receiving workers' compensation benefits; or (iii) is a beneficiary under a life insurance policy. "Claim for bodily injury" does not include a claim for uninsured or underinsured vehicle coverage or medical payments coverage under a motor vehicle liability policy.

(b) "Insurance claim data collection organization" means an organization that maintains a centralized database of information concerning insurance claims to assist insurers that subscribe to the database in processing claims and detecting and preventing fraud, and also cooperates and coordinates with the federal or state child support entities to share relevant information for insurance intercept purposes.

(c) "Insurer" means: (i) A person who holds a certificate of authority to transact insurance in the state; or (ii) a chapter 48.15 RCW unauthorized insurer.

(d) "Qualifying payment" means a payment that is either a one-time lump sum or an installment payment issued by an insurance company doing business in the state of Washington, which is made for the purpose of satisfying, compromising, or settling, a tort or insurance claim where the payment is in excess of $500 and is intended to go directly to the claimant and not to a third party, such as a health care provider.

(e) "Tort or insurance claim" means: (i) A claim for general damages, which are also called noneconomic damages; or (ii) a claim for lost wages. "Tort or insurance claim" does not include claims for property damage under either liability insurance or uninsured motorist insurance.

NEW SECTION. **Sec. 3.** A new section is added to chapter 26.23 RCW to read as follows:

An insurance company may comply with the obligation to exchange information with the division of child support described in section 2(1) of this act by using an insurance claim data collection organization as described in section 2(2) of this act.

Sec. 4. RCW 26.23.070 and 1991 c 367 s 41 are each amended to read as follows:

(1) The employer or the employment security department may combine amounts withheld from the earnings of more than one responsible parent in a single payment to the Washington state support registry, listing separately the amount of the payment which is attributable to each individual.

(2) No employer nor employment security department that complies with a notice of payroll deduction under this chapter shall be civilly liable to the responsible parent for complying with a notice of payroll deduction under this chapter.

(3) No insurance company shall be civilly liable to the responsible parent for complying with:

(a) An order to withhold and deliver issued under RCW 74.20A.080 or with any other withholding order issued under chapter 26.23 RCW;

(b) A lien filed by the department under chapter 74.20A RCW; or

(c) A combined lien and withholding order developed by the department to implement this act.

(4) An insurance company complying with a withholding order issued by the department or with a lien filed by the department may not be considered to be committing a violation of the insurance fair conduct act under chapter 48.30 RCW.

NEW SECTION. **Sec. 5.** The department may enact rules necessary to implement and administer this act.

NEW SECTION. **Sec. 6.** This act takes effect January 1, 2022."

On page 1, line 2 of the title, after "support;" strike the remainder of the title and insert "amending RCW 26.23.070; adding new sections to chapter 26.23 RCW; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1416 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hansen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1416, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1416, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Chase, Dufault, McCaslin, Orcutt, Sutherland and Walsh.

Excused: Representative Bateman.

SUBSTITUTE HOUSE BILL NO. 1416, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 3, 2021

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1425, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that higher education is pivotal in delivering training to Washington citizens at all stages of their careers and ages. A skilled workforce increases productivity, boosts outputs, and propels growth in Washington's economy. The legislature further finds that a well-trained, highly skilled workforce provides Washington citizens with greater opportunities and skill sets to efficiently and confidently meet the changing demands of a transforming economy. Furthermore, a STEM-based education provides Washington's citizens with real-world applications to develop a variety of skill sets needed in today's global economy.

The legislature further finds that the Washington state opportunity scholarship is an innovative public private partnership that has been successful building a qualified workforce to fill Washington's high-demand STEM, health care, and trade industries. The Washington state opportunity scholarship has successfully created opportunities for communities historically left out of higher education and STEM, including women, students of color, and first-generation college students. In addition, the Washington state opportunity scholarship has been shown to change communities by breaking the cycle of intergenerational poverty.

The legislature also finds that higher education is a key driver of individual growth and prosperity, and is an effective way to bridge societal inequities that disproportionately afflict low-income communities and communities of color. The legislature further finds that these gaps will be further widened in the current global pandemic, which will exacerbate long-term impacts on these communities in intergenerational poverty, job attainment, job stability, and wage growth.

Therefore, it is the intent of the legislature to amend the existing Washington state opportunity scholarship program to eliminate false barriers for students eligible for the scholarship and provide additional educational opportunities for Washington's citizens. This legislative intent is particularly urgent during the global pandemic where

additional skills and opportunities will be vital for Washington citizens as the state moves toward recovery from the current global pandemic.

Sec. 2. RCW 28B.145.010 and 2019 c 406 s 63 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.

(4) "Eligible county" has the same meaning as "rural county" as defined in RCW 82.14.370 and also includes any county that shares a common border with Canada and has a population of over one hundred twenty-five thousand.

(5) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

(6) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

(7) "Eligible school district" means a school district of the second class as identified in RCW 28A.300.065(2).

(8) "Eligible student" means a resident student who ((~~received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and who~~)):

(a)(i) ((~~Has~~)) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree;

(ii) ((~~Will~~)) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

(iii) ((~~Has~~)) Received his or her high school diploma or equivalent and has been accepted at an institution of higher education into a professional-technical certificate or degree program in an eligible education program; or

(iv) ((~~Has been accepted at an institution of higher education into a professional-technical certificate program in an eligible education program; or~~

~~(v)~~)) Has been accepted at an institution of higher education into an eligible advanced degree program that leads to credentials in health professions;

(b) Declares an intention to obtain a professional-technical certificate, professional-technical degree, baccalaureate degree, or an advanced degree; and

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for an opportunity scholarship.

(9) "Gift aid" means financial aid received from the federal Pell grant, the Washington college grant program in chapter 28B.92 RCW, the college bound scholarship program in chapter 28B.118 RCW, the opportunity grant program in chapter 28B.50 RCW, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans, work-study programs, the basic food employment and training program administered by the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(10) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

(11) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

(12) "Private sources," "private funds," "private contributions," or "private sector contributions" means donations from private organizations, corporations, federally recognized Indian tribes, municipalities, counties, and other sources, but excludes state dollars.

(13) "Professional-technical certificate" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education.

(14) "Professional-technical degree" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education.

(15) "Program administrator" means a private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code.

(16) "Resident student" has the same meaning as provided in RCW 28B.15.012.

(17) "Rural jobs program" means the rural county high employer demand jobs program created in this chapter.

Sec. 3. RCW 28B.145.100 and 2018 c 254 s 4 are each amended to read as follows:

(1)(a) The rural county high employer demand jobs program is created to meet the workforce needs of business and industry in rural counties by assisting students in earning certificates, associate degrees, or other industry-recognized credentials necessary for employment in high employer demand fields.

(b) Subject to the requirements of this section, the rural jobs program provides selected students scholarship funds and support services, as determined by the board, to help students meet their eligible expenses when they enroll in a community or technical college program that prepares them for high employer demand fields.

(c) The source of funds for the rural jobs program shall be a combination of private donations, grants, and contributions and state matching funds.

(2) The program administrator has the duties and responsibilities provided under this section, including but not limited to:

(a) ((~~Publicizing~~)) Publicize the rural jobs program and conducting outreach to eligible counties;

(b) In consultation with the state board for community and technical colleges, any interested community or technical college located in an eligible county, and the county's workforce development council, identify high employer demand fields within the eligible counties. When identifying high employer demand fields, the board must consider:

(i) County-specific employer demand reports issued by the employment security department or the list of statewide high-demand programs for secondary career and technical education established under RCW 28A.700.020; and

(ii) The ability and capacity of the community and technical college to meet the needs of qualifying students and industry in the eligible county;

(c) Develop and implement an application, selection, and notification process for awarding rural jobs program scholarship funds. In making determinations on scholarship recipients, the board shall use county-specific employer high-demand data;

(d) Determine the annual scholarship fund amounts to be awarded to selected students;

(e) Distribute funds to selected students;

(f) Notify institutions of higher education of the rural jobs program recipients who will attend their institutions of higher education and inform them of the scholarship fund amounts and terms of the awards; and

(g) Establish and manage an account as provided under RCW 28B.145.110 to receive donations, grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students.

(3) To be eligible for scholarship funds under the rural jobs program, a student must:

(a) Either:

(i) Be a resident of an eligible county and be enrolled in a community or technical college established under chapter 28B.50 RCW; or ((~~have~~))

(ii) Have attended and graduated from a school in an eligible school district and be enrolled in a community or technical college established under chapter 28B.50 RCW that is located in an eligible county;

(b) Be a resident student as defined in RCW 28B.15.012;

(c) ((~~Be enrolled in a community or technical college established under chapter 28B.50 RCW located in an eligible county;~~

~~(d)~~)) Be in a certificate, degree, or other industry-recognized credential or training program that has been identified by the board as a program that prepares students for a high employer demand field;

((~~(e)~~)) (d) Have a family income that does not exceed seventy percent of the state median family income adjusted for family size; and

((~~(f)~~)) (e) Demonstrate financial need according to the free application for federal student aid or the Washington application for state financial aid.

(4) To remain eligible for scholarship funds under the rural jobs program, the student must maintain a cumulative grade point average of 2.0.

(5) A scholarship award under the rural jobs program may not result in a reduction of any gift aid. Nothing in this section creates any right or entitlement.

Sec. 4. RCW 28B.145.120 and 2018 c 254 s 6 are each amended to read as follows:

(1) The rural jobs program match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the rural jobs program created in RCW 28B.145.100. The purpose of the rural jobs program match transfer account is to provide state matching funds for the rural jobs program.

(2) Revenues to the rural jobs program match transfer account shall consist of appropriations by the legislature into the rural jobs program match transfer account.

(3) No expenditures from the rural jobs program match transfer account may be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the rural jobs program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the rural jobs program match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under this section.

(5)(a) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(b) Once moneys in the rural jobs program match transfer account are subject to an agreement under this subsection and are deposited in the student support pathways account, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the student support pathways account are not considered state money, common cash, or revenue to the state.

(6) The state match must not exceed one million dollars in a single fiscal biennium and must be based on donations and pledges received by the rural jobs program as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. Nothing in this section expands or modifies the responsibilities of the caseload forecast council. The purpose of this subsection (6) is to ensure the predictable treatment of the program in the budget process by clarifying the calculation process of the state match required by this section and ensuring that the program is budgeted at maintenance level."

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "amending RCW 28B.145.010, 28B.145.100, and 28B.145.120; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1425 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 14, 2021

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128 and asks the House to recede therefrom.

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128. The rules were suspended and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128, by Senate Committee on Ways & Means (originally sponsored by Wellman, C. Wilson, Conway, Dhingra, Hunt, Keiser, Lovelett, Nguyen and Saldaña)

Concerning student transportation funding during a local, state, or national emergency.

Representative Santos moved the adoption of striking amendment (724):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that the COVID-19 pandemic has significantly changed the delivery of education across the state, as school districts transition to remote learning environments to protect the health of students and staff. The legislature also recognizes that the role of transportation services has evolved alongside remote learning programs to help students equitably access the instructional program of basic education. As permitted by emergency proclamation, many school districts have adapted to remote learning by transporting meals, learning materials, and technology supports directly to students' homes or neighborhoods. Other school districts have used transportation resources to bring students to learning centers or other agencies where support services are provided.

This flexibility has allowed school districts to creatively use the resources at their disposal to equitably address the needs of students during an ongoing emergency.

With this act, the legislature intends to preserve this principle of flexibility for qualifying transportation services during a future local, state, or national emergency.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.160 RCW to read as follows:

(1) If a school or school district is providing full remote or partial remote instruction under the authority of RCW 28A.150.290 due to a local, state, or national emergency that causes a substantial disruption to full in-person instruction then, in addition to the transportation services allowed under this chapter, the district may use student transportation allocations to provide the following expanded services to students, regardless of whether those students would qualify as eligible students under RCW 28A.160.160:

(a) Delivery of educational services necessary to provide students with the opportunity to equitably access educational services during the period of remote instruction. Delivery of educational services include the transportation of materials, hardware, and other supports that assist students in accessing remote instruction, internet connectivity, or the curriculum;

(b) Delivery of meals to students; and

(c) Providing for the transportation of students to and from learning centers or other public or private agencies where educational and support services are being provided to students during the period of remote instruction. "Providing for" includes the provision of payments to allow students to use public transit

to access the educational and support services.

(2) Nothing in this section is intended to limit a district's ability to use transportation allocations to pay for fixed transportation costs, such as school bus maintenance and basic administrative, regulatory, safety, or operational expenses.

(3) If a district provides expanded services under subsection (1) of this section, the district must track by a separate accounting code the expenditures incurred by the district in providing such services. This data must be included in the report required under RCW 28A.160.170(2).

Sec. 3. RCW 28A.160.170 and 2009 c 548 s 306 are each amended to read as follows:

Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the following:

(1)(a) The number of eligible students transported to and from school as provided for in RCW 28A.160.150, along with identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined by RCW 28A.160.160(3) ((~~from~~)), non-to-and-from-school pupil transportation costs, and costs to provide expanded services under section 2(1) of this act in the annual financial statement. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.710 RCW to read as follows:

Section 2 of this act governs school operation and management under RCW 28A.710.040 and applies to charter schools established under this chapter.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.715 RCW to read as follows:

Section 2 of this act governs school operation and management under RCW 28A.715.020 and applies to state-tribal compact schools established under this chapter.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Santos and Ybarra spoke in favor of the adoption of the striking amendment.

Striking amendment (724) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5128, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5128, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier,

Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Bateman.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING
MESSAGE FROM THE SENATE

April 14, 2021

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5408 and asks the House to recede therefrom.

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

HOUSE AMENDMENT
TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5408. The rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 5408 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5408, by Senate Committee on Law & Justice (originally sponsored by Stanford, Das, Dhingra, Hasegawa, Kuderer, Lovelett, Nguyen, Randall, Robinson, Rolfes, Saldaña and Wellman)

Concerning the homestead exemption.

Representative Hansen moved the adoption of striking amendment (725):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the homestead exemption is intended to protect the homeowner's equity in a home against unsecured creditors. The legislature finds that changes to the homestead exemption are necessary to modernize the law and to address the case of *Wilson v. Rigby*, 909 F.3d 306 (2018) and to adopt the reasoning in *In re Good*, 588 B.R. 573 (Bankr. W.D. Wash. 2018).

Sec. 2. RCW 6.13.010 and 1999 c 403 s 1 are each amended to read as follows:

(1) The homestead consists of real or personal property that the owner or a dependent of the owner uses as a residence. In the case of a dwelling house or mobile home, the homestead consists of the dwelling house or the mobile home in which the owner resides or intends to reside, with appurtenant buildings, and the land on which the same are situated and by which the same are surrounded, or improved or unimproved land, regardless of area, owned with the intention of placing a house or mobile home thereon and residing thereon. A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner or a dependent of the owner. Property included in the homestead must be actually intended or used as the principal home for the owner.

(2) As used in this chapter((~~, the term "owner"~~)):

(a) "Owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

((~~(3) As used in this chapter, the term "net~~)) (b) "Net value" means market value less all liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon.

(c) "Forced sale" includes any sale of homestead property in a bankruptcy proceeding under Title 11 of the United States Code. The reinvestment provisions of RCW 6.13.070 do not apply to the proceeds.

(d) "Dependent" has the meaning given in Title 11 U.S.C. Sec. 522(a)(1).

Sec. 3. RCW 6.13.030 and 2007 c 429 s 1 are each amended to read as follows:

((~~A homestead may consist of lands, as described in RCW 6.13.010, regardless of area, but the homestead exemption amount shall not exceed the lesser of (1) the total net value of the lands, manufactured homes, mobile home, improvements, and other personal~~

~~property, as described in RCW 6.13.010, or (2) the sum of one hundred twenty-five thousand dollars in the case of lands, manufactured homes, mobile home, and improvements, or the sum of fifteen thousand dollars in the case of other personal property described in RCW 6.13.010, except where~~)) (1) The homestead exemption amount is the greater of:

(a) $125,000;

(b) The county median sale price of a single-family home in the preceding calendar year; or

(c) Where the homestead is subject to execution, attachment, or seizure by or under any legal process whatever to satisfy a judgment in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, ((~~in which event there shall be~~)) no dollar limit ((~~on the value of the exemption~~)).

(2) In determining the county median sale price of a single-family home in the preceding year, a court shall use data from the Washington center for real estate research or, if the Washington center no longer provides the data, a successor entity designated by the office of financial management.

Sec. 4. RCW 6.13.060 and 2008 c 6 s 634 are each amended to read as follows:

The homestead of a spouse or domestic partner cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both spouses or both domestic partners, except that either spouse or both or either domestic partner or both jointly may make and execute powers of attorney for the conveyance or encumbrance of the homestead. The conveyance or encumbrance of the homestead does not require that any dependent of the owner who is not a spouse or domestic partner execute and acknowledge the instrument by which it is conveyed or encumbered.

Sec. 5. RCW 6.13.070 and 1987 c 442 s 207 are each amended to read as follows:

(1) Except as provided in RCW 6.13.080, the homestead is exempt from attachment and from execution or forced sale for the debts of the owner up to the amount specified in RCW 6.13.030.

(2) In a bankruptcy case, the debtor's exemption shall be determined on the date the bankruptcy petition is filed. If the value of the debtor's interest in homestead property on the petition date is less than or equal to the amount that can be exempted under RCW 6.13.030, then the debtor's entire interest in the property, including the debtor's right to possession and interests of no monetary value, is exempt. Any appreciation in the value of the debtor's exempt interest in the property during the bankruptcy case is also exempt, even if in excess of the amounts in RCW 6.13.030(1).

(3) The proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, and proceeds from insurance covering destruction of homestead property held for use in restoring or replacing the homestead property, up to the amount specified in RCW 6.13.030, shall likewise be exempt for one year from receipt, and also such new homestead acquired with such proceeds.

((~~(2)~~)) (4) Every homestead created under this chapter is presumed to be valid to the extent of all the property claimed exempt, until the validity thereof is contested in a court of general jurisdiction in the county or district in which the homestead is situated.

Sec. 6. RCW 6.13.080 and 2019 c 238 s 215 are each amended to read as follows:

The homestead exemption is not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, construction, maritime, automobile repair, material supplier's, or vendor's liens arising out of and against the particular property claimed as a homestead;

(2) On debts secured:

(a) ((~~by~~)) By security agreements describing as collateral the property that is claimed as a homestead; or

(b) ((~~by~~)) By mortgages or deeds of trust on the premises that have been executed and acknowledged by both spouses or both domestic partners or by any claimant not married or in a state registered domestic partnership. The execution and acknowledgment of a mortgage or deed of trust by a dependent

who is not a spouse or domestic partner is not required;

(3) On one spouse's or one domestic partner's or the community's debts existing at the time of that spouse's or that domestic partner's bankruptcy filing where (a) bankruptcy is filed by both spouses or both domestic partners within a six-month period, other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse or other domestic partner exempts property from property of the estate under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay maintenance;

(5) On debts owing to the state of Washington for recovery of medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p;

(6) On debts secured by a condominium, homeowners', or common interest community association's lien; or

(7) On debts owed for taxes collected under chapters 82.08, 82.12, and 82.14 RCW but not remitted to the department of revenue.

Sec. 7. RCW 61.24.100 and 1998 c 295 s 12 are each amended to read as follows:

(1) Except to the extent permitted in this section for deeds of trust securing commercial loans, a deficiency judgment shall not be obtained on the obligations secured by a deed of trust against any borrower, grantor, or guarantor after a trustee's sale under that deed of trust.

(2)(a) Nothing in this chapter precludes an action against any person liable on the obligations secured by a deed of trust or any guarantor prior to a notice of trustee's sale being given pursuant to this chapter or after the discontinuance of the trustee's sale.

(b) No action under (a) of this subsection precludes the beneficiary from commencing a judicial foreclosure or trustee's sale under the deed of trust after the completion or dismissal of that action.

(3) This chapter does not preclude any one or more of the following after a trustee's sale under a deed of trust securing a commercial loan executed after June 11, 1998:

(a)(i) To the extent the fair value of the property sold at the trustee's sale to the beneficiary or an affiliate of the beneficiary is less than the unpaid obligation secured by the deed of trust immediately prior to the trustee's sale, an action for a deficiency judgment against the borrower or grantor, if such person or persons was timely given the notices under RCW 61.24.040, for (A) any decrease in the fair value of the property caused by waste to the property committed by the borrower or grantor, respectively, after the deed of trust is granted, and (B) the wrongful retention of any rents, insurance proceeds, or condemnation awards by the borrower or grantor, respectively, that are otherwise owed to the beneficiary.

(ii) This subsection (3)(a) does not apply to any property that is occupied by the borrower as its principal residence as of the date of the trustee's sale;

(b) Any judicial or nonjudicial foreclosures of any other deeds of trust, mortgages, security agreements, or other security interests or liens covering any real or personal property granted to secure the obligation that was secured by the deed of trust foreclosed; or

(c) Subject to this section, an action for a deficiency judgment against a guarantor if the guarantor is timely given the notices under RCW 61.24.042.

(4) Any action referred to in subsection (3)(a) and (c) of this section shall be commenced within one year after the date of the trustee's sale, or a later date to which the liable party otherwise agrees in writing with the beneficiary after the notice of foreclosure is given, plus any period during which the action is prohibited by a bankruptcy, insolvency, moratorium, or other similar debtor protection statute. If there occurs more than one trustee's sale under a deed of trust securing a commercial loan or if trustee's sales are made pursuant to two or more deeds of trust securing the same commercial loan, the one-year limitation in this section begins on the date of the last of those trustee's sales.

(5) In any action against a guarantor following a trustee's sale under a deed of trust securing a commercial loan, the guarantor may request the court or other appropriate adjudicator to determine, or

the court or other appropriate adjudicator may in its discretion determine, the fair value of the property sold at the sale and the deficiency judgment against the guarantor shall be for an amount equal to the sum of the total amount owed to the beneficiary by the guarantor as of the date of the trustee's sale, less the fair value of the property sold at the trustee's sale or the sale price paid at the trustee's sale, whichever is greater, plus interest on the amount of the deficiency from the date of the trustee's sale at the rate provided in the guaranty, the deed of trust, or in any other contracts evidencing the debt secured by the deed of trust, as applicable, and any costs, expenses, and fees that are provided for in any contract evidencing the guarantor's liability for such a judgment. If any other security is sold to satisfy the same debt prior to the entry of a deficiency judgment against the guarantor, the fair value of that security, as calculated in the manner applicable to the property sold at the trustee's sale, shall be added to the fair value of the property sold at the trustee's sale as of the date that additional security is foreclosed. This section is in lieu of any right any guarantor would otherwise have to establish an upset price pursuant to RCW 61.12.060 prior to a trustee's sale.

(6) A guarantor granting a deed of trust to secure its guaranty of a commercial loan shall be subject to a deficiency judgment following a trustee's sale under that deed of trust only to the extent stated in subsection (3)(a)(i) of this section. If the deed of trust encumbers the guarantor's principal residence, the guarantor shall be entitled to receive an amount up to ((~~the homestead exemption set forth in RCW 6.13.030~~)) $125,000, without regard to the effect of RCW 6.13.080(2), from the bid at the foreclosure or trustee's sale accepted by the sheriff or trustee prior to the application of the bid to the guarantor's obligation.

(7) A beneficiary's acceptance of a deed in lieu of a trustee's sale under a deed of trust securing a commercial loan exonerates the guarantor from any liability for the debt secured thereby except to the extent the guarantor otherwise agrees as part of the deed in lieu transaction.

(8) This chapter does not preclude a beneficiary from foreclosing a deed of trust in the same manner as a real property mortgage and this section does not apply to such a foreclosure.

(9) Any contract, note, deed of trust, or guaranty may, by its express language, prohibit the recovery of any portion or all of a deficiency after the property encumbered by the deed of trust securing a commercial loan is sold at a trustee's sale.

(10) A trustee's sale under a deed of trust securing a commercial loan does not preclude an action to collect or enforce any obligation of a borrower or guarantor if that obligation, or the substantial equivalent of that obligation, was not secured by the deed of trust.

(11) Unless the guarantor otherwise agrees, a trustee's sale shall not impair any right or agreement of a guarantor to be reimbursed by a borrower or grantor for a deficiency judgment against the guarantor.

(12) Notwithstanding anything in this section to the contrary, the rights and obligations of any borrower, grantor, and guarantor following a trustee's sale under a deed of trust securing a commercial loan or any guaranty of such a loan executed prior to June 11, 1998, shall be determined in accordance with the laws existing prior to June 11, 1998.

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Hansen and Walsh spoke in favor of the adoption of the striking amendment.

Striking amendment (725) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5408, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5408, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault and McCaslin.

Excused: Representative Bateman.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5408, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 8:00 a.m., April 19, 2021, the 99th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

NINETY NINTH DAY

House Chamber, Olympia, Monday, April 19, 2021

The House was called to order at 8:00 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 16, 2021

SB 5008 Prime Sponsor, Senator Robinson: Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

April 16, 2021

ESSB 5096 Prime Sponsor, Committee on Ways & Means: Enacting an excise tax on gains from the sale or exchange of certain capital assets. (REVISED FOR ENGROSSED: Investing in Washington families and creating a more progressive tax system in Washington by enacting an excise tax on the sale or exchange of certain capital assets.) Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary; Vick and Young.

April 16, 2021

E2SSB 5126 Prime Sponsor, Committee on Ways & Means: Concerning the Washington climate commitment act. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature finds that climate change is one of the greatest challenges facing our state and the world today, an existential crisis with major negative impacts on environmental and human health. Washington is experiencing environmental and community impacts due to climate change through increasingly devastating wildfires, flooding, droughts, rising temperatures and sea levels, and ocean acidification. Greenhouse gas emissions already in the atmosphere will increase impacts for some period of time. Actions to increase resilience of our communities, natural resource lands, and ecosystems can prevent and reduce impacts to communities and our environment and improve their ability to recover.

(2) In 2020, the legislature updated the state's greenhouse gas emissions limits that are to be achieved by 2030, 2040, and 2050, based on current science and emissions trends, to support local and global efforts to avoid the most significant impacts from climate change. Meeting these limits will require coordinated, comprehensive, and multisectoral implementation of policies, programs, and laws, as currently enacted systems approaches are insufficient to meet the limits.

(3) The legislature further finds that while climate change is a global problem, there are communities that have historically borne the disproportionate impacts of environmental burdens and that now bear the disproportionate negative impacts of climate change. Although the state has done great work in the past to highlight these environmental health disparities, beginning with senator Rosa Franklin's environmental equity study, and continuing through the work of the governor's interagency council on health disparities, the creation of the Washington environmental health

disparities map, and recommendations of the environmental justice task force, the state can do much more to ensure that state programs address environmental equity.

(4) The legislature further finds that while enacted carbon policies can be well-intended to reduce greenhouse gas emissions and provide environmental benefits to communities, the policies may not do enough to ensure environmental health disparities are reduced and environmental benefits are provided to those communities most impacted by environmental harms from greenhouse gas and air pollutant emissions.

(5) The legislature further finds that wildfires have become one of the largest sources of black carbon in the last five years. From 2014 through 2018, wildfires in Washington state generated 39,200,000 metric tons of carbon, the equivalent of more than 8,500,000 cars on the road a year. In 2015, when 1,130,000 acres burned in Washington, wildfires were the second largest source of greenhouse gas emissions releasing 17,975,112 metric tons of carbon dioxide into the atmosphere. Wildfire pollution affects all Washingtonians, but has disproportionate health effects on low-income communities, communities of color, and the most vulnerable of our population. Restoring the health of our forests and investing in wildfire prevention and preparedness will therefore contribute to improved air quality and improved public health outcomes.

(6) The legislature further finds that by exercising a leadership role in addressing climate change, Washington will position its economy, technology centers, financial institutions, and manufacturers to benefit from national and international efforts that must occur to reduce greenhouse gases. The legislature intends to create climate policy that recognizes the special nature of emissions-intensive, trade-exposed industries by minimizing leakage and increased life-cycle emissions associated with product imports. The legislature further finds that climate policies must be appropriately designed, in order to avoid leakage that results in net increases in global greenhouse gas emissions and increased negative impacts to those communities most impacted by environmental harms from climate change. The legislature further intends to encourage these industries to continue to innovate, find new ways to be more energy efficient, use lower carbon products, and be positioned to be global leaders in a low carbon economy.

(7) Under the program, the legislature intends to identify overburdened communities where the highest concentrations of criteria pollutants occur, determine the sources of those emissions and pollutants, and ensure that emissions or concentration reductions are achieved in those communities. The legislature further intends to conduct an environmental justice assessment to ensure that funds and programs created under this chapter provide direct and meaningful benefits to vulnerable populations and overburdened communities. Additionally, the legislature intends to prevent job loss and provide protective measures for workers adversely impacted by the transition to a clean energy economy through transition and assistance programs, worker-support projects, and workforce development and other activities designed to grow and expand the clean manufacturing sector in communities across Washington state. The legislature further intends to establish an environmental justice and equity advisory panel to provide recommendations for the development and implementation of the program, the distribution of funds, and the establishment of programs, activities, and projects to achieve environmental justice and environmental health goals. The legislature further intends to create and adopt community engagement plans and tribal consultation frameworks in the administration of the program to ensure equitable practices for meaningful community and federally recognized tribal involvement. Finally, the legislature intends to establish this program to contribute to a healthy environment for all of Washington's communities.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Allowance" means an authorization to emit up to one metric ton of carbon dioxide equivalent.

(2) "Allowance price containment reserve" means an account maintained by the department with allowances available for sale through separate reserve

auctions at predefined prices to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3) "Annual allowance budget" means the total number of greenhouse gas allowances allocated for auction and distribution for one calendar year by the department.

(4) "Asset controlling supplier" means any entity that owns or operates interconnected electricity generating facilities or serves as an exclusive marketer for these facilities even though it does not own them, and has been designated by the department and received a department-published emissions factor for the wholesale electricity procured from its system. The department shall use a methodology consistent with the methodology used by an external greenhouse gas emissions trading program that shares the regional electricity transmission system. Electricity from asset controlling suppliers is considered a specified source of electricity.

(5) "Auction" means the process of selling greenhouse gas allowances by offering them up for bid, taking bids, and then distributing the allowances to winning bidders.

(6) "Auction floor price" means a price for allowances below which bids at auction are not eligible to be accepted.

(7) "Auction purchase limit" means the limit on the number of allowances one registered entity or a group of affiliated registered entities may purchase from the share of allowances sold at an auction.

(8) "Balancing authority" means the responsible entity that integrates resource plans ahead of time, maintains load-interchange-generation balance within a balancing authority area, and supports interconnection frequency in real time.

(9) "Balancing authority area" means the collection of generation, transmission, and load within the metered boundaries of a balancing authority. A balancing authority maintains load-resource balance within this area.

(10) "Biomass" means nonfossilized and biodegradable organic material originating from plants, animals, and microorganisms, including products, by-products, residues, and waste from agriculture, forestry, and related industries as well as the nonfossilized and biodegradable organic fractions of industrial waste, including gases and liquids recovered from the decomposition of nonfossilized and biodegradable organic material.

(11) "Biomass-derived fuels," "biomass fuels," or "biofuels" means fuels derived from biomass that have at least 40 percent lower greenhouse gas emissions based on a full life-cycle analysis when compared to petroleum fuels for which biofuels are capable as serving as a substitute.

(12) "Carbon dioxide equivalents" means a measure used to compare the emissions from various greenhouse gases based on their global warming potential.

(13) "Carbon dioxide removal" means deliberate human activities removing carbon dioxide from the atmosphere and durably storing it in geological, terrestrial, or ocean reservoirs, or in products. "Carbon dioxide removal" includes existing and potential anthropogenic enhancement of biological or geochemical sinks and including, but not limited to, carbon mineralization, direct air capture and storage, and carbon mineralization.

(14) "Climate commitment" means the process and mechanisms to ensure a coordinated and strategic approach to advancing climate resilience and environmental justice and achieving an equitable and inclusive transition to a carbon neutral economy.

(15) "Climate resilience" is the ongoing process of anticipating, preparing for, and adapting to changes in climate and minimizing negative impacts to our natural systems, infrastructure, and communities. For natural systems, increasing climate resilience involves restoring and increasing the health, function, and integrity of our ecosystems and improving their ability to absorb and recover from climate-affected disturbances. For communities, increasing climate resilience means enhancing their ability to understand, prevent, adapt, and recover from climate impacts to people and infrastructure.

(16) "Closed facility" means a facility at which the current owner or operator has elected to permanently stop

production and will no longer be an emissions source.

(17) "Compliance instrument" means an allowance, price ceiling unit, or offset credit issued by the department or by an external greenhouse gas emissions trading program to which Washington has linked its greenhouse gas emissions cap and invest program. One compliance instrument is equal to one metric ton of carbon dioxide equivalent.

(18) "Compliance obligation" means the requirement to submit to the department the number of compliance instruments equivalent to a covered or opt-in entity's covered emissions during the compliance period.

(19) "Compliance period" means the four-year period for which the compliance obligation is calculated for covered entities.

(20) "Cost burden" means the impact on rates or charges to customers of electric utilities in Washington state for the incremental cost of electricity service to serve load due to the compliance cost for greenhouse gas emissions caused by the program. Cost burden includes administrative costs from the utility's participation in the program.

(21) "Covered emissions" means the emissions for which a covered entity has a compliance obligation under section 10 of this act.

(22) "Covered entity" means a person that is designated by the department as subject to sections 8 through 24 of this act.

(23) "Cumulative environmental health impact" has the same meaning as provided in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (section 2 of Engrossed Second Substitute Senate Bill No. 5141)).

(24) "Curtailed facility" means a facility at which the owner or operator has temporarily suspended production but for which the owner or operator maintains operating permits and retains the option to resume production if conditions become amenable.

(25) "Department" means the department of ecology.

(26) "Electricity importer" means:

(a) For electricity that is scheduled with a NERC e-tag to a final point of delivery into a balancing authority area located entirely within the state of Washington, the electricity importer is identified on the NERC e-tag as the purchasing-selling entity on the last segment of the tag's physical path with the point of receipt located outside the state of Washington and the point of delivery located inside the state of Washington;

(b) For facilities physically located outside the state of Washington with the first point of interconnection to a balancing authority area located entirely within the state of Washington when the electricity is not scheduled on a NERC e-tag, the electricity importer is the facility operator or owner;

(c) For electricity imported through a centralized market, the electricity importer will be defined by rule consistent with the rules required under section 10(1)(c) of this act;

(d) For electricity from facilities allocated to serve retail electricity customers of a multijurisdictional electric company, the electricity importer is the multijurisdictional electric company;

(e) If the importer identified under (a) of this subsection is a federal power marketing administration over which the state of Washington does not have jurisdiction, and the federal power marketing administration has not voluntarily elected to comply with the program, then the electricity importer is the next purchasing-selling entity in the physical path on the NERC e-tag, or if no additional purchasing-selling entity over which the state of Washington has jurisdiction, then the electricity importer is the electric utility that operates the Washington transmission or distribution system, or the generation balancing authority;

(f) For electricity that is imported into the state by a federal power marketing administration and sold to a public body or cooperative customer or direct service industrial customer located in Washington pursuant to section 5(b) or (d) of the Pacific Northwest electric power planning and conservation act of 1980, P.L. 96-501, the electricity importer is the federal marketing administration;

(g) If the importer identified under (f) of this subsection has not voluntarily elected to comply with the program, then the electricity importer is

the public body or cooperative customer or direct service industrial customer; or

(h) For electricity from facilities allocated to a consumer-owned utility inside the state of Washington from a multijurisdictional consumer-owned utility, the electricity importer is the consumer-owned utility inside the state of Washington.

(27) "Emissions containment reserve allowance" means a conditional allowance that is withheld from sale at an auction by the department or its agent to secure additional emissions reductions in the event prices fall below the emissions containment reserve trigger price.

(28) "Emissions containment reserve trigger price" means the price below which allowances will be withheld from sale by the department or its agent at an auction, as determined by the department by rule.

(29) "Emissions threshold" means the greenhouse gas emission level at or above which a person has a compliance obligation.

(30) "Environmental benefits" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (section 2 of Engrossed Second Substitute Senate Bill No. 5141)).

(31) "Environmental harm" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (section 2 of Engrossed Second Substitute Senate Bill No. 5141)).

(32) "Environmental impacts" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (section 2 of Engrossed Second Substitute Senate Bill No. 5141)).

(33) "Environmental justice" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (section 2 of Engrossed Second Substitute Senate Bill No. 5141)).

(34) "Environmental justice assessment" has the same meaning as identified in RCW 70A.---.--- (section 14, chapter . . ., Laws of 2021 (section 14 of Engrossed Second Substitute Senate Bill No. 5141)).

(35) "External greenhouse gas emissions trading program" means a government program, other than Washington's program created in this chapter, that restricts greenhouse gas emissions from sources outside of Washington and that allows emissions trading.

(36) "Facility" means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control, that emits or may emit any greenhouse gas.

(37) "First jurisdictional deliverer" means the owner or operator of an electric generating facility in Washington or an electricity importer.

(38) "General market participant" means a registered entity that is not identified as a covered entity or an opt-in entity that is registered in the program registry and intends to purchase, hold, sell, or voluntarily retire compliance instruments.

(39) "Greenhouse gas" has the same meaning as in RCW 70A.45.010.

(40) "Holding limit" means the maximum number of allowances that may be held for use or trade by a registered entity at any one time.

(41) "Imported electricity" means electricity generated outside the state of Washington with a final point of delivery within the state.

(a) "Imported electricity" includes electricity from an organized market, such as the energy imbalance market.

(b) "Imported electricity" includes imports from linked jurisdictions, but such imports shall be construed as having no emissions.

(c) Electricity from a system that is marketed by a federal power marketing administration shall be construed as "imported electricity," not electricity generated in the state of Washington.

(d) "Imported electricity" does not include electricity imports of unspecified electricity that are netted by exports of unspecified electricity to any jurisdiction not covered by a linked program by the same entity within the same hour.

(e) For a multijurisdictional electric company, "imported electricity" includes electricity from facilities and wholesale electricity purchases that contribute to a common system power pool.

Where a multijurisdictional electric company has a cost allocation methodology approved by the utilities and transportation commission, the allocation of specific facilities to Washington's retail load will be in accordance with that methodology.

(f) For a multijurisdictional consumer-owned utility, "imported electricity" includes electricity from facilities that contribute to a common system power pool that are allocated to a consumer-owned utility inside the state of Washington pursuant to a methodology approved by the governing board of the consumer-owned utility.

(42) "Leakage" means a reduction in emissions of greenhouse gases within the state that is offset by a directly attributable increase in greenhouse gas emissions outside the state and outside the geography of another jurisdiction with a linkage agreement with Washington.

(43) "Limits" means the greenhouse gas emissions reductions required by RCW 70A.45.020.

(44) "Linkage" means a bilateral or multilateral decision under a linkage agreement between greenhouse gas market programs to accept compliance instruments issued by a participating jurisdiction to meet the obligations of regulated entities in a partner jurisdiction and to otherwise coordinate activities to facilitate operation of a joint market.

(45) "Linkage agreement" means a nonbinding agreement that connects two or more greenhouse gas market programs and articulates a mutual understanding of how the participating jurisdictions will work together to facilitate a connected greenhouse gas market.

(46) "Multijurisdictional consumer-owned utility" means a consumer-owned utility that provides electricity to member owners in Washington and in one or more other states in a contiguous service territory or from a common power system.

(47) "Multijurisdictional electric company" means an investor-owned utility that provides electricity to customers in Washington and in one or more other states in a contiguous service territory or from a common power system.

(48) "NERC e-tag" means North American electric reliability corporation (NERC) energy tag representing transactions on the North American bulk electricity market scheduled to flow between or across balancing authority areas.

(49) "Offset credit" means a tradable compliance instrument that represents an emissions reduction or emissions removal of one metric ton of carbon dioxide equivalent.

(50) "Offset project" means a project that reduces or removes greenhouse gases that are not covered emissions under this chapter.

(51) "Offset protocols" means a set of procedures and standards to quantify greenhouse gas reductions or greenhouse gas removals achieved by an offset project.

(52) "Overburdened community" means a geographic area identified by the department through the process established under chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141).

(53) "Person" has the same meaning as defined in RCW 70A.15.2200(5)(h)(iii).

(54) "Point of delivery" means a point on the electricity transmission or distribution system where a deliverer makes electricity available to a receiver, or available to serve load. This point may be an interconnection with another system or a substation where the transmission provider's transmission and distribution systems are connected to another system, or a distribution substation where electricity is imported into the state over a multijurisdictional retail provider's distribution system.

(55) "Price ceiling unit" means the units issued at a fixed price by the department for the purpose of limiting price increases and funding further investments in greenhouse gas reductions.

(56) "Program" means the greenhouse gas emissions cap and invest program created by and implemented pursuant to this chapter.

(57) "Program registry" means the data system in which covered entities, opt-in entities, and general market participants are registered and in which compliance instruments are recorded and tracked.

(58) "Registered entity" means a covered entity, opt-in entity, or general market participant that has completed the

process for registration in the program registry.

(59) "Resilience" means the ability to prepare, mitigate and plan for, withstand, recover from, and more successfully adapt to adverse events and changing conditions, and reorganize in an equitable manner that results in a new and better condition.

(60) "Retire" means to permanently remove a compliance instrument such that the compliance instrument may never be sold, traded, or otherwise used again.

(61) "Specified source of electricity" or "specified source" means a facility, unit, or asset controlling supplier that is permitted to be claimed as the source of electricity delivered. The reporting entity must have either full or partial ownership in the facility or a written power contract to procure electricity generated by that facility or unit or from an asset controlling supplier at the time of entry into the transaction to procure electricity.

(62) "Supplier" means a supplier of fuel in Washington state as defined in RCW 70A.15.2200(5)(h)(ii).

(63) "Transfer" means to transfer an allowance or compliance instrument to the department, either to meet a compliance obligation or on a voluntary basis.

(64) "Tribal lands" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (section 2 of Engrossed Second Substitute Senate Bill No. 5141)).

(65) "Unspecified source of electricity" or "unspecified source" means a source of electricity that is not a specified source at the time of entry into the transaction to procure electricity.

(66) "Voluntary renewable reserve account" means a holding account maintained by the department from which allowances may be retired for voluntary renewable electricity generation, which is directly delivered to the state and has not and will not be sold or used to meet any other mandatory requirements in the state or any other jurisdiction, on behalf of voluntary renewable energy purchasers or end users.

(67)(a) "Vulnerable populations" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (section 2 of Engrossed Second Substitute Senate Bill No. 5141)).

NEW SECTION. **Sec. 3.** ENVIRONMENTAL JUSTICE REVIEW. (1) To ensure that the program created in sections 8 through 24 of this act achieves reductions in criteria pollutants as well as greenhouse gas emissions in overburdened communities highly impacted by air pollution, the department must:

(a) Identify overburdened communities, consistent with the requirements of chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141);

(b) Deploy an air monitoring network in overburdened communities to collect sufficient air quality data for the 2023 review and subsequent reviews of criteria pollutant reductions conducted under subsection (2) of this section; and

(c)(i) Within the identified overburdened communities, analyze and determine which sources are the greatest contributors of criteria pollutants and develop a high priority list of significant emitters.

(ii) Prior to listing any entity as a high priority emitter, the department must notify that entity and share the data used to rank that entity as a high priority emitter, and provide a period of not less than 60 days for the covered entity to submit more recent data or other information relevant to the designation of that entity as a high priority emitter.

(2)(a) Beginning in 2023, and every two years thereafter, the department must conduct a review to determine levels of criteria pollutants, as well as greenhouse gas emissions, in the overburdened communities identified under subsection (1) of this section. This review must also include an evaluation of initial and subsequent health impacts related to criteria pollution in overburdened communities. The department may conduct this evaluation jointly with the department of health.

(b) Once this review determines the levels of criteria pollutants in an identified overburdened community, then the department, in consultation with local air pollution control authorities, must establish air quality targets to achieve air quality consistent with neighboring communities that are not identified as overburdened; identify the

sources that are the contributors of those emissions that are either increasing or not decreasing; and achieve the reduction targets through adoption of emission control strategies or other methods, and the department must:

(i) Adopt, along with local air pollution control authorities, stricter air quality standards, emission standards, or emissions limitations on criteria pollutants, consistent with the authority of the department provided under RCW 70A.15.3000, and may consider alternative mitigation actions that would reduce criteria pollution by similar amounts;

(ii) After adoption of the stricter air quality standards, emission standards, or emissions limitations on criteria pollutants, require that all permitted or registered sources operating in an overburdened community obtain an enforceable order, as authorized under chapter 70A.15 RCW, from the department or the appropriate local air authority as necessary to comply with the stricter standards or limitations and the requirements of this section;

(iii) If a covered entity or opt-in entity is identified as a high priority emitter of criteria pollutants, and the emissions of greenhouse gases and the source of criteria pollutants are correlated, reduce offset limits as established in section 19 of this act and the allocation of allowances at no cost under section 13 of this act, if applicable, for any covered entity identified under this subsection (2)(b); or

(iv) Revise any linkage agreement necessary to ensure reductions of criteria pollutant emissions by any covered entity identified under this subsection (2)(b).

(c) Actions imposed under this section may not impose requirements on covered entities or opt-in entities that are disproportionate to their contribution to air pollution compared to other permitted stationary sources of criteria pollutants in the overburdened community.

(3)(a) The department must create and adopt a supplement to the department's community engagement plan developed pursuant to chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141). The supplement must describe how the department will engage with overburdened communities and vulnerable populations in:

(i) Identifying emitters in overburdened communities; and

(ii) Monitoring and evaluating criteria pollutant emissions in those areas.

(b) The community engagement plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

NEW SECTION. **Sec. 4.** ENVIRONMENTAL JUSTICE ASSESSMENT. (1) When allocating funds from the carbon emissions reduction account created in section 27 of this act or from the climate investment account created in section 28 of this act, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.---.--- (section 14, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141) through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.---.--- (section 16, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)): (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and

programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) State agencies allocating funds or administering grants or programs from the climate investment account created in section 28 of this act must:

(a) Report annually to the environmental justice council created in RCW 70A.---.--- (section 20, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141), create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

NEW SECTION. **Sec. 5.** ENVIRONMENTAL JUSTICE COUNCIL. (1) The environmental justice council created in RCW 70A.---.--- (section 20, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) must provide recommendations to the legislature, agencies, and the governor in the development and implementation of the program established in sections 8 through 24 of this act, and the programs funded from the carbon emissions reduction account created in section 27 of this act and from the climate investment account created in section 28 of this act.

(2) In addition to the duties and authorities granted in chapter 70A.--- RCW (the new chapter created in section 22, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) to the environmental justice council, the environmental justice council must:

(a) Provide recommendations to the legislature, agencies, and the governor in the development of:

(i) The program established in sections 8 through 24 of this act including, but not limited to, linkage with other jurisdictions, protocols for establishing offset projects and securing offset credits, designation of emissions-intensive and trade-exposed industries, and administration of allowances under the program; and

(ii) Investment plans and funding proposals for the programs funded from the climate investment account created in section 28 of this act for the purpose of providing environmental benefits and reducing environmental health disparities within overburdened communities identified under chapter 70A.--- RCW (the new chapter created in section 22, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141));

(b) Provide a forum to analyze policies adopted under this chapter to determine if the policies lead to improvements within overburdened communities identified under chapter 70A.--- RCW (the new chapter created in section 22, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141));

(c) Recommend procedures and criteria for evaluating programs, activities, or projects for review;

(d) Recommend copollutant emissions reduction goals in overburdened communities;

(e) Evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and the funding of projects and activities located within or benefiting overburdened communities;

(f) Recommend environmental justice and environmental health goals for programs, activities, and projects funded from the climate investment account, and review agency annual reports

on outcomes and progress toward meeting these goals;

(g) Provide recommendations to implementing agencies for meaningful consultation with vulnerable populations, including community engagement plans under sections 3 and 4 of this act; and

(h) Recommend how to support public participation through capacity grants for participation.

(3) For the purpose of performing the duties under subsection (2) of this section, two additional tribal members are added to the council.

NEW SECTION. **Sec. 6.** TRIBAL CONSULTATION. (1) Agencies that allocate funding or administer grant programs appropriated from the climate investment account created in section 28 of this act must develop a consultation framework in coordination with tribal governments that includes best practices, protocols for communication, and collaboration with federally recognized tribes. Under this consultation framework, before allocating funding or administering grant programs appropriated from the climate investment account, agencies must offer consultation with federally recognized tribes on all funding decisions and programs that may impact, infringe upon, or impair the governmental efforts of federally recognized tribes to adopt or enforce their own standards governing or protecting the tribe's resources or other rights and interests in their tribal lands and lands within which a tribe or tribes possess rights reserved by treaty. The consultation is independent of any public participation process required by state law, or by a state agency, and regardless of whether the agency receives a request for consultation from a federally recognized tribe.

(2)(a) If any funding decision, program, project, or activity that impacts lands within which a tribe or tribes possess rights reserved by federal treaty, statute, or executive order is undertaken or funded under this chapter without such consultation with a federally recognized tribe, an affected tribe may request that all further action on the decision, program, project, or activity cease until meaningful consultation with any directly impacted federally recognized tribe is completed.

(b) A project or activity funded in whole or in part from the account created in section 28 of this act must be paused or ceased in the event that an affected federally recognized Indian tribe or the department of archaeology and historic preservation provides timely notice of a determination to the department that the project will adversely impact cultural resources, archaeological sites, or sacred sites. A project or activity paused at the direction of the department under this subsection may not be resumed or completed unless the potentially impacted tribe provides consent to the department and the proponent of the project or activity.

NEW SECTION. **Sec. 7.** GOVERNANCE STRUCTURE. (1) The governor shall establish a governance structure to implement the state's climate commitment to provide accountability for achieving the state's greenhouse gas limits in RCW 70A.45.020, to establish a coordinated and strategic statewide approach to climate resilience, to build an equitable and inclusive clean energy economy, and to ensure that the government provides clear policy and requirements, financial tools, and other mechanisms to support achieving those limits.

(2) The governance structure for implementing the state's climate commitment must be based on the state's following principles:

(a) The program must be holistic and address the needs, challenges, and opportunities to meet the climate commitment.

(b) The program must address emission reductions from all relevant sectors and sources by ensuring that emitters are responsible for meeting targeted greenhouse gas reductions and that the government provides clear policy and requirements, financial tools, and other mechanisms to support achieving those reductions.

(c) The program must support an equitable transition for vulnerable populations and overburdened communities, including through early and meaningful engagement of overburdened communities and workers to ensure the program achieves equitable and just outcomes.

(d) The program must build increasing climate resilience for at-risk communities and ecosystems through

cross-sectoral coordination, strategic planning, and cohesive policies.

(e) The program must apply the most current, accurate, and complete scientific and technical information available to guide the state's climate actions and strategies.

(3) The governance structure for implementing the state's climate commitment must include, but not be limited to, the following elements:

(a) A strategic plan for aligning existing law, rules, policies, programs, and plans with the state's greenhouse gas limits, to the full extent allowed under existing authority;

(b) Common state policies, standards, and procedures for addressing greenhouse gas emissions and climate resilience, including grant and funding programs, infrastructure investments, and planning and siting decisions;

(c) A process for prioritizing and coordinating funding consistent with strategic needs for greenhouse gas reductions, equity and environmental justice, and climate resilience actions;

(d) An updated statewide strategy for addressing climate risks and improving resilience of communities and ecosystems;

(e) A comprehensive community engagement plan that addresses and mitigates barriers to engagement from vulnerable populations, overburdened communities, and other historically or currently marginalized groups; and

(f) An analysis of gaps and conflicts in state law and programs, with recommendations for improvements to state law.

(4) The governor's office shall develop policy and budget recommendations to the legislature necessary to implement the state's climate commitment by December 31, 2021, in accordance with the purpose, principles, and elements in subsections (1) through (3) of this section.

NEW SECTION. **Sec. 8.** CAP ON GREENHOUSE GAS EMISSIONS. (1) In order to ensure that greenhouse gas emissions are reduced by covered entities consistent with the limits established in RCW 70A.45.020, the department must implement a cap on greenhouse gas emissions from covered entities and a program to track, verify, and enforce compliance through the use of compliance instruments.

(2) The program must consist of:

(a) Annual allowance budgets that limit emissions from covered entities, as provided in this section and sections 9 and 10 of this act;

(b) Defining those entities covered by the program, and those entities that may voluntarily opt into coverage under the program, as provided in this section and sections 9 and 10 of this act;

(c) Distribution of emission allowances, as provided in section 12 of this act, and through the allowance price containment provisions under sections 16 and 17 of this act;

(d) Providing for offset credits as a method for meeting a compliance obligation, pursuant to section 19 of this act;

(e) Defining the compliance obligations of covered entities, as provided in section 22 of this act;

(f) Establishing the authority of the department to enforce the program requirements, as provided in section 23 of this act;

(g) Creating a climate investment account for the deposit of receipts from the distribution of emission allowances, as provided in section 28 of this act;

(h) Providing for the transfer of allowances and recognition of compliance instruments, including those issued by jurisdictions with which Washington has linkage agreements;

(i) Providing monitoring and oversight of the sale and transfer of allowances by the department; and

(j) Creating a price ceiling and associated mechanisms as provided in section 18 of this act.

(3) In setting the number of allowances offered at each auction, the department shall consider the allowances in the marketplace due to the marketing of allowances issued as required under sections 13, 14, and 15 of this act in the department's determination of the number of allowances to be offered at auction. The department shall offer only such number of allowances at each auction as will enhance the likelihood of achieving of the goals of RCW 70A.45.020.

(4) The department shall consider opportunities to implement the program in a manner that allows linking the state's program with those of other jurisdictions. The department must evaluate whether such linkage will provide for a more cost-effective means for covered entities to meet their compliance obligations in Washington while recognizing the special characteristics of the state's economy, communities, and industries. The department is authorized to enter into a linkage agreement with another jurisdiction after formal notice and opportunity for a public hearing, and when consistent with the requirements of section 24 of this act.

NEW SECTION. **Sec. 9.** PROGRAM BUDGET AND TIMELINES. (1)(a) The department shall commence the program by January 1, 2023, by determining an emissions baseline establishing the proportionate share that the total greenhouse gas emissions of covered entities for the first compliance period bears to the total anthropogenic greenhouse gas emissions in the state during 2015 through 2019, based on data reported to the department under RCW 70A.15.2200 or provided as required by this chapter, as well as other relevant data. By October 1, 2022, the department shall adopt a program budget of allowances for the first compliance period of the program, calendar years 2023 through 2026, to be distributed from January 1, 2023, through December 31, 2026. If the first compliance period is delayed pursuant to section 22(7) of this act, the department shall adjust the program allowance budget to reflect a shorter first compliance period.

(b) By October 1, 2026, the department shall add to its emissions baseline by incorporating the proportionate share that the total greenhouse gas emissions of new covered entities in the second compliance period bear to the total anthropogenic greenhouse gas emissions in the state during 2023 through 2025. In determining the addition to the baseline, the department may exclude a year from the determination if the department identifies that year to have been an outlier due to a state of emergency. The department shall adopt a program budget of allowances for the second compliance period of the program, calendar years 2027 through 2030, that will be distributed from January 1, 2027, through December 31, 2030.

(c) By October 1, 2028, the department shall adopt by rule the annual program budgets of allowances for calendar years 2031 through 2040.

(2) The program budgets of allowances must be set to achieve the share of reductions by covered entities necessary to achieve the 2030, 2040, and 2050 statewide emissions limits established in RCW 70A.45.020, based on data reported to the department under chapter 70A.15 RCW or provided as required by this chapter. The department must adopt annual allowance budgets for the program on a calendar year basis that provide for progressively equivalent reductions year over year. An allowance distributed under the program, either directly by the department under sections 13 through 15 of this act or though auctions under section 12 of this act, expire eight years after their issuance and may be held or banked consistent with sections 12(6) and 17(1) of this act.

(3) The department must complete an evaluation by December 31, 2027, and by December 31, 2035, of the performance of the program, including its performance in reducing greenhouse gases. If the evaluation shows that adjustments to the annual budgets are necessary for covered entities to achieve their proportionate share of the 2030 and 2040 emission reduction limits identified in RCW 70A.45.020, as applicable, the department shall adjust the annual budgets accordingly. The department must complete additional evaluations of the performance of the program by December 31, 2040, and by December 31, 2045, and make any necessary adjustments in the annual program allowance budgets to ensure that covered entities achieve their proportionate share of the 2050 emission reduction limit identified in RCW 70A.45.020. Nothing in this subsection precludes the department from making additional adjustments to annual program allowance budgets as necessary to ensure successful achievement of the proportionate emission reduction limits by covered entities. The department shall determine and make public the circumstances, metrics, and processes that would initiate the public consideration of additional program allowance budget adjustments to ensure successful achievement of the emission reduction limits.

(4) Data reported to the department under RCW 70A.15.2200 or provided as

required by this chapter for 2015 through 2019 is deemed sufficient for the purpose of adopting annual program budgets and serving as the baseline by which covered entities demonstrate compliance under the first compliance period of the program. Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2023 through 2025 is deemed sufficient for adopting annual program budgets and serving as the baseline by which covered entities demonstrate compliance under the second compliance period of the program.

NEW SECTION. **Sec. 10.** PROGRAM COVERAGE. (1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports electricity into the state during the compliance period:

(a) Where the person operates a facility and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent;

(b) Where the person is a first jurisdictional deliverer and generates electricity in the state and emissions associated with this generation equals or exceeds 25,000 metric tons of carbon dioxide equivalent;

(c) Where the person is a first jurisdictional deliverer importing electricity into the state from a specified source whose total annual emissions equals or exceeds 25,000 metric tons of carbon dioxide equivalent or from an unspecified source. In consultation with any jurisdiction that is linked to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall adopt a methodology for addressing imported electricity associated with a centralized electricity market;

(d) Where the person is a supplier of fossil fuel other than natural gas and from that fuel 25,000 metric tons or more of carbon dioxide equivalent emissions would result from the full combustion or oxidation; and

(e)(i) Where the person supplies natural gas in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities;

(ii) Where the person who is not a natural gas company and has a tariff with a natural gas company to deliver to an end-use customer in the state in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection or subsection (2)(a) of this section; and (B) the amounts delivered to opt-in entities;

(iii) Where the person is an end-use customer in the state who directly purchases natural gas from a person that is not a natural gas company and has the natural gas delivered through an interstate pipeline to a distribution system owned by the purchaser in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities.

(2) A person is a covered entity as of the beginning of the second compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2023 through 2025, where the person operates a waste to energy facility utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(3)(a) A person is a covered entity beginning January 1, 2031, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2027 through 2029, where the person operates a landfill utilized by a county and city solid waste management program and the facility's emissions

equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(b) Subsection (a) of this subsection does not apply to landfills that:

(i) Capture at least 75 percent of the landfill gas generated by the decomposition of waste using methods under 40 C.F.R. Part 98, Subpart HH - Municipal Solid Waste landfills, and subsequent updates; and

(ii) Operate a program, individually or through partnership with another entity, that results in the production of renewable natural gas or electricity from landfill gas generated by the facility.

(c) It is the intent of the legislature to adopt a greenhouse gas reduction policy specific to landfills. If such a policy is not enacted by January 1, 2030, it is the intent of the legislature that the requirements of this subsection (3) take full effect.

(4) When a covered entity reports, during a compliance period, emissions from a facility under RCW 70A.15.2200 that are below the thresholds specified in subsection (1) or (2) of this section, the covered entity continues to have a compliance obligation through the current compliance period. When a covered entity reports emissions below the threshold for each year during an entire compliance period, or has ceased all processes at the facility requiring reporting under RCW 70A.15.2200, the entity is no longer a covered entity as of the beginning of the subsequent compliance period unless the department provides notice at least 12 months before the end of the compliance period that the facility's emissions were within 10 percent of the threshold and that the person will continue to be designated as a covered entity in order to ensure equity among all covered entities. Whenever a covered entity ceases to be a covered entity, the department shall notify the legislature of the name of the entity and the reason the entity is no longer a covered entity.

(5) For types of emission sources described in subsection (1) of this section that begin or modify operation after January 1, 2023, and types of emission sources described in subsection (2) of this section that begin or modify operation after 2027, coverage under the program starts in the calendar year in which emissions from the source exceed the applicable thresholds in subsection (1) or (2) of this section, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold, whichever happens first. Sources meeting these conditions are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions were equal to or exceeded the emissions threshold.

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first. Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions, as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

(7) The following emissions are exempt from coverage in the program, regardless of the emissions reported under RCW 70A.15.2200 or provided as required by this chapter:

(a) Emissions from the combustion of aviation fuels;

(b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;

(c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;

(d) Carbon dioxide emissions from the combustion of biomass or biofuels;

(e)(i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel

user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865.

(ii) The department must determine a method for expanding the exemption provided under (i) of this subsection to include fuels used for the purpose of transporting agricultural products on public highways. The department must maintain this expanded exemption for a period of five years, in order to provide the agricultural sector with a feasible transition period; and

(f) Emissions from facilities with North American industry classification system code 92811 (national security).

(8) The department shall not require multiple covered entities to have a compliance obligation for the same emissions. The department may by rule authorize refineries, fuel suppliers, facilities using natural gas, and natural gas local distribution companies to provide by agreement for the assumption of the compliance obligation for fuel or natural gas supplied and combusted in the state. The department must be notified of such an agreement at least 12 months prior to the compliance obligation period for which the agreement is applicable.

(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state shall pursue the limits in a manner that recognizes that the siting and placement of new best-in-class facilities that facilitate decarbonization is in the economic and environmental interests of the state of Washington.

(c) For new or expanded facilities that require review under chapter 43.21C RCW and which would result in annual greenhouse gas emissions in excess of 25,000 metric tons per year, a lead agency must evaluate the life-cycle greenhouse gas emissions of the facility, including any potential net cumulative emissions resulting from the project. The department may adopt rules to determine how to evaluate net cumulative emissions.

(d) A lead agency may determine that compliance with the requirements of this chapter constitutes mitigation for covered greenhouse gases from the facilities that have a compliance obligation under this chapter.

(e) A lead agency may determine that inclusion as a covered entity under this chapter constitutes mitigation of significant adverse impacts with respect to covered greenhouse gases that have a compliance obligation under this chapter for a low carbon intensive facility subject to the requirements of chapter 43.21C RCW.

(f) A facility constructed with a new or revised permit after the effective date of this section must have included in applicable permits a conditional clause, should this chapter cease to apply to the facility, to require adherence to a greenhouse gas emissions performance standard and perform greenhouse gas mitigation consistent with the limits established under RCW 70A.45.020 as those requirements existed when the permit was granted.

NEW SECTION. **Sec. 11.** REQUIREMENTS. (1) All covered entities must register to participate in the program, following procedures adopted by the department by rule.

(2) Entities registering to participate in the program must describe any direct or indirect affiliation with other registered entities.

(3) A person responsible for greenhouse gas emissions that is not a covered entity may voluntarily participate in the program by registering as an opt-in entity. An opt-in entity must satisfy the same registration requirements as covered entities. Once registered, an opt-in entity is allowed to participate as a covered entity in auctions and must assume the same compliance obligation to transfer compliance instruments equal to their emissions at the appointed transfer dates. An opt-in entity may opt out of the program at the end of any compliance period by providing written notice to the department at least six months prior to

the end of the compliance period. The opt-in entity continues to have a compliance obligation through the current compliance period. An opt-in entity is not eligible to receive allowances directly distributed under section 13, 14, or 15 of this act.

(4) A person that is not covered by the program and is not a covered entity or opt-in entity may voluntarily participate in the program as a general market participant. General market participants must meet all applicable registration requirements specified by rule.

(5) Federally recognized tribes and federal agencies may elect to participate in the program as opt-in entities or general market participants.

(6) The department shall use a secure, online electronic tracking system to: Register entities in the state program; issue compliance instruments; track ownership of compliance instruments; enable and record compliance instrument transfers; facilitate program compliance; and support market oversight.

(7) The department must use an electronic tracking system that allows two accounts to each covered or opt-in entity:

(a) A compliance account where the compliance instruments are transferred to the department for retirement. Compliance instruments in compliance accounts may not be sold, traded, or otherwise provided to another account or person.

(b) A holding account that is used when a registered entity is interested in trading allowances. Allowances in holding accounts may be bought, sold, transferred to another registered entity, or traded. The amount of allowances a registered entity may have in its holding account is constrained by the holding limit as determined by the department by rule. Information about the contents of each holding account, including but not limited to the number of allowances in the account, must be displayed on a regularly maintained and searchable public website established and updated by the department.

(8) Registered general market participants are each allowed an account, to hold, trade, sell, or transfer allowances.

(9) The department shall maintain an account for the purpose of retiring allowances transferred by registered entities and from the voluntary renewable reserve account.

(10) The department shall maintain a public roster of all covered entities, opt-in entities, and general market participants on the department's public website.

NEW SECTION. **Sec. 12.** AUCTIONS OF ALLOWANCES. (1) Except as provided in sections 13, 14, and 15 of this act, the department shall distribute allowances through auctions as provided in this section and in rules adopted by the department to implement these sections. An allowance is not a property right.

(2)(a) The department shall hold a maximum of four auctions annually, plus any necessary reserve auctions. An auction may include allowances from the annual allowance budget of the current year and allowances from the annual allowance budgets from prior years that remain to be distributed.

(b) The department must make future vintage allowances available through parallel auctions at least twice annually in addition to the auctions through which current vintage allowances are exclusively offered under (a) of this subsection.

(3) The department shall engage a qualified, independent contractor to run the auctions. The department shall also engage a qualified financial services administrator to hold the bid guarantees, evaluate bid guarantees, and inform the department of the value of bid guarantees once the bids are accepted.

(4) Auctions are open to covered entities, opt-in entities, and general market participants that are registered entities in good standing. The department shall adopt by rule the requirements for a registered entity to register and participate in a given auction.

(a) Registered entities intending to participate in an auction must submit an application to participate at least 30 days prior to the auction. The application must include the documentation required for review and approval by the department. A registered entity is eligible to participate only after receiving a notice of approval by the department.

(b) Each registered entity that elects to participate in the auction must have a different representative. Only a representative with an approved auction account is authorized to access the auction platform to submit an application or confirm the intent to bid for the registered entity, submit bids on behalf of the registered entity during the bidding window, or to download reports specific to the auction.

(5) The department may require a bid guarantee, payable to the financial services administrator, in an amount greater than or equal to the sum of the maximum value of the bids to be submitted by the registered entity.

(6) To protect the integrity of the auctions, a registered entity or group of registered entities with a direct corporate association are subject to auction purchase and holding limits. The department may impose additional limits if it deems necessary to protect the integrity and functioning of the auctions:

(a) A covered entity or an opt-in entity may not buy more than 10 percent of the allowances offered during a single auction;

(b) A general market participant may not buy more than four percent of the allowances offered during a single auction and may not in aggregate own more than 10 percent of total allowances to be issued in a calendar year;

(c) No registered entity may buy more than the entity's bid guarantee; and

(d) No registered entity may buy allowances that would exceed the entity's holding limit at the time of the auction.

(7)(a) For fiscal year 2023, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) $127,341,000 must be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act.

(b) For fiscal year 2024, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) $356,697,000 must be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act.

(c) For fiscal year 2025, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) $366,558,000 must be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act.

(d) For fiscal years 2026 through 2037, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) $359,117,000 per year must be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act.

(e) The deposits into the forward flexible account pursuant to (a) through (d) of this subsection must not exceed $5,200,000,000 over the first 16 years and any remaining auction proceeds must be deposited into the climate investment account created in section 28 of this act. The deposits into the forward flexible account pursuant to (a) through (d) of this subsection must be prorated equally from the proceeds of each of the auctions occurring during each fiscal year.

(f) For fiscal year 2038 and each year thereafter, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) 50 percent of the auction proceeds to the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act.

(g) No auction proceeds may be transferred to the carbon emissions reduction account created in section 27 of this act after December 31, 2027, if a clean fuel standard with a carbon intensity reduction of greater than 10 percent is not enacted by that date.

(8) The department shall adopt by rule provisions to guard against bidder collusion and minimize the potential for market manipulation. A registered entity may not release or disclose any bidding information including: Intent to participate or refrain from participation; auction approval status; intent to bid; bidding strategy; bid price or bid quantity; or information on the bid guarantee provided to the financial services administrator. The department may cancel or restrict a previously approved auction participation application or reject a new application if the department determines that a registered entity has:

(a) Provided false or misleading facts;

(b) Withheld material information that could influence a decision by the department;

(c) Violated any part of the auction rules;

(d) Violated registration requirements; or

(e) Violated any of the rules regarding the conduct of the auction.

(9) Any cancellation or restriction approved by the department under subsection (8) of this section may be permanent or for a specified number of auctions and the cancellation or restriction imposed is not exclusive and is in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other state or federal laws, if applicable.

(10) The department shall design allowance auctions so as to allow, to the maximum extent practicable, linking with external greenhouse gas emissions trading programs in other jurisdictions and to facilitate the transfer of allowances when the state's program has entered into a linkage agreement with other external greenhouse gas emissions trading programs. The department may conduct auctions jointly with jurisdictions with which it has entered into a linkage agreement.

(11) The department shall include a voluntary renewable reserve account.

NEW SECTION. **Sec. 13.** ALLOCATION OF ALLOWANCES TO EMISSIONS-INTENSIVE, TRADE-EXPOSED INDUSTRIES. (1) Facilities owned or operated by a covered entity must receive an allocation of allowances for the covered emissions at those facilities under this subsection at no cost if the operations of the facility are classified as emissions-intensive and trade-exposed, as determined by being engaged in one or more of the processes described by the following industry descriptions and codes in the North American industry classification system:

(a) Metals manufacturing, including iron and steel making, ferroalloy and primary metals manufacturing, secondary aluminum smelting and alloying, aluminum sheet, plate, and foil manufacturing, and smelting, refining, and alloying of other nonferrous metals, North American industry classification system codes beginning with 331;

(b) Paper manufacturing, including pulp mills, paper mills, and paperboard milling, North American industry classification system codes beginning with 322;

(c) Aerospace product and parts manufacturing, North American industry classification system codes beginning with 3364;

(d) Wood products manufacturing, North American industry classification system codes beginning with 321;

(e) Nonmetallic mineral manufacturing, including glass container manufacturing, North American industry classification system codes beginning with 327;

(f) Chemical manufacturing, North American industry classification system codes beginning with 325;

(g) Computer and electronic product manufacturing, including semiconductor and related device manufacturing, North American industry classification system codes beginning with 334;

(h) Food manufacturing, North American industry classification system codes beginning with 311;

(i) Cement manufacturing, North American industry classification system code 327310;

(j) Petroleum refining, North American industry classification system code 324110;

(k) Asphalt paving mixtures and block manufacturing from refined petroleum, North American industry classification system code 324121;

(l) Asphalt single and coating manufacturing from refined petroleum, North American industry classification system code 324122; and

(m) All other petroleum and coal products manufacturing from refined petroleum, North American industry classification system code 324199.

(2) By July 1, 2022, the department must adopt by rule objective criteria for both emissions' intensity and trade exposure for the purpose of identifying emissions-intensive, trade-exposed manufacturing businesses during the second compliance period of the program and subsequent compliance periods. A facility covered by subsection (1)(a) through (m) of this section is considered an emissions-intensive, trade-exposed facility and is eligible for allocation of no cost allowances as described in this section. In addition, any covered party that is a manufacturing business that can demonstrate to the department that it meets the objective criteria adopted by rule is also eligible for treatment as emissions-intensive, trade-exposed and is eligible for allocation of no cost allowances as described in this section.

(3)(a) For all compliance periods prior to December 31, 2034, the annual allocation of allowances for direct distribution to a facility identified as emissions-intensive and trade-exposed must be equal to the facility's proportional obligation of the program budget under section 9 of this act, multiplied by 100 percent.

(b) The department shall by rule provide for owners or operators of emissions-intensive and trade-exposed facilities to apply and receive from the department an adjustment to the allocation for direct distribution of allowances based on a facility-specific carbon intensity benchmark as calculated in this subsection. If the department determines that the net quantity of no cost allowances awarded pursuant to (a) of this subsection is lower than when using the facility-specific carbon intensity benchmark, the department shall award additional no cost allowances up to the quantity of allowances resulting from using the facility-specific carbon intensity benchmark. The department shall adjust the no cost allocation of allowances and credits to an emissions-intensive and trade-exposed facility to avoid duplication with any no cost allowances transferred pursuant to sections 14 and 15 of this act, if applicable.

(i) For the purpose of this section, "carbon intensity" means the amount of carbon dioxide equivalent emissions from a facility in metric tons divided by the facility specific measure of production including, but not limited to, units of product manufactured or sold, over the same time interval.

(ii) If an emissions-intensive and trade-exposed facility is not able to feasibly determine a carbon intensity benchmark based on its unique circumstances, the entity may elect to use a mass-based baseline that does not vary based on changes in production volumes. For each year during the first four-year compliance period that begins January 1, 2023, these facilities must be awarded no cost allowances equal to 100 percent of the facility's mass-based baseline. For each year during the second four-year compliance period that begins January 1, 2027, these facilities must be awarded no cost allowances equal to 97 percent of the facility's mass-based baseline. For each year during the third compliance period that begins January 1, 2031, these facilities must be awarded no cost allowances equal to 94 percent of the facility's mass-based baseline. Except as provided in (b)(iii) of this subsection, if a facility elects to use a mass-based baseline, it may not later convert to a carbon intensity benchmark during the first three compliance periods.

(iii) A facility with a North American industry classification system code beginning with 3364 that is utilizing a mass-based baseline in (b)(ii) of this subsection must receive an additional no cost allowance allocation under this section in order to accommodate an increase in production that increases its emissions above the baseline on a basis equivalent in principle to those awarded to entities utilizing a carbon intensity benchmark pursuant to this subsection (3)(b). The department shall establish methods to award, for any annual period,

additional no cost allowance allocations under this section and, if appropriate based on projected production, to achieve a similar ongoing result through the adjustment of the facility's mass-based baseline. An eligible facility under this subsection that has elected to use a mass-based baseline may not convert to a carbon intensity benchmark until the next compliance period.

(c)(i) By April 1, 2022, the department must convene a work group of the emissions-intensive, trade-exposed facilities defined in this section, and their affiliated trade associations, and independent experts in emissions regulation, industrial practices, or other related fields.

(ii) By July 31, 2022, the work group shall recommend to the department procedures for calculating carbon intensity benchmarks. The carbon intensity benchmark must be based upon data from 2015 through 2019 for each emissions-intensive, trade-exposed facility, unless an emissions-intensive, trade-exposed facility can demonstrate to the department that there have been abnormal periods of operation that materially impacted the facility and the baseline period should be expanded to include years prior to 2015.

(iii) By September 15, 2022, each emissions-intensive, trade-exposed facility shall submit its carbon intensity benchmark for the first compliance period to the department. The calculation must be consistent with procedures established by the work group and recommended to the department.

(iv) By November 15, 2022, the department shall review and approve each emissions-intensive, trade-exposed facility baseline carbon intensity benchmark.

(d) For each year in the first four-year compliance period that begins January 1, 2023, each emissions-intensive, trade-exposed facility will calculate its facility-specific carbon intensity benchmark by its actual production.

(e)(i) For the second four-year compliance period that begins January 1, 2027, the second period benchmark for each emissions-intensive, trade-exposed facility is three percent below the lower of the first period benchmark or the 2015-2019 benchmark.

(ii) For the third four-year compliance period that begins January 1, 2031, the third period benchmark for each emissions-intensive, trade-exposed facility is three percent lower than the second period benchmark.

(f)(i) Prior to the beginning of either the second or third compliance periods, an emissions-intensive, trade-exposed facility may make an upward adjustment in the next compliance period's benchmark based on a demonstration to the department that additional reductions in carbon intensity or mass emissions are not technically or economically feasible. An emissions-intensive, trade-exposed facility may base its upward adjustment in the next compliance period on the facility's best available technology analysis. The department shall by rule provide for emissions-intensive, trade-exposed facilities to apply to the department for an adjustment to the allocation for direct distribution of no cost allowances based on its facility-specific carbon intensity benchmark or mass emissions baseline. The department shall make adjustments based on:

(A) A significant change in the emissions use or emissions attributable to the manufacture of an individual good or goods in this state by an emissions-intensive, trade-exposed facility based on a finding by the department that an adjustment is necessary to accommodate for changes in the manufacturing process that have a material impact on emissions;

(B) Significant changes to an emissions-intensive, trade-exposed facility's external competitive environment that result in a significant increase in leakage risk; or

(C) Abnormal operating periods when an emissions-intensive, trade-exposed facility's carbon intensity has been materially affected so that these abnormal operating periods are either excluded or otherwise considered in the establishment of the compliance period carbon intensity benchmarks.

(ii) For the purpose of this section, "best available technology" means a greenhouse gas emissions limitation determined by the department on a case-by-case basis taking into account the fuels, processes, equipment, and technology used by facilities to produce goods of comparable type, quantity, and

quality, that will most effectively reduce those greenhouse gas emissions for which the source has a compliance obligation. Best available technology must be technically feasible, commercially available, economically viable, not create excessive environmental impacts, and be compliant with all applicable laws while not changing the characteristics of the good being manufactured.

(4)(a) Beginning January 1, 2035, and each year thereafter, the annual allocation of no cost allowances for direct distribution to facilities identified as emissions-intensive and trade-exposed must be reduced by an equal amount each year between 2035 and 2050 such that in 2050 the facility's proportionate share of the allowance budget is equal to the proportionate share in 2035. The annual allocation beginning in 2035 must decline from the average of the facility's annual allocation of no cost allowances from 2031 through 2034. If the emissions-intensive, trade-exposed facility can demonstrate that there have been abnormal periods of operation that materially impacted the facility, then the baseline period must be expanded to include years prior to 2031. The department shall provide a recommendation to the legislature for the adoption of an annual allocation for a covered facility for its process emissions, separate from emissions associated with energy or heat production, based on a best available technology limitation.

(b) By December 1, 2030, the department shall provide a report to the appropriate committees of the senate and house of representatives that describes alternative methods for determining the amount and a schedule of allowances to be provided to facilities owned or operated by each covered entity designated as an emissions-intensive, trade-exposed facility. The report must include a review of global best practices in ensuring against emissions leakage and economic harm to businesses in carbon pricing programs and describe alternative methods of emissions performance benchmarking and mass-based allocation of no cost allowances. In developing the report, the department shall form an advisory group that includes representatives of the manufacturers listed in subsection (1) of this section.

(5) If the actual emissions of an emissions-intensive, trade- exposed facility exceed the facility's no cost allowances assigned for that compliance period, it must acquire additional compliance instruments such that the total compliance instruments transferred to its compliance account consistent with section 22 of this act equals emissions during the compliance period. The department shall limit the use of offset credits for compliance by an emissions-intensive, trade-exposed facility, such that the quantity of no cost allowances plus the provision of offset credits does not exceed 100 percent of the facility's total compliance obligation over a compliance period.

(6) The department must withhold or withdraw the relevant share of allowances allocated to a covered entity under this section in the event that the covered entity ceases production in the state and becomes a closed facility. In the event an entity curtails all production and becomes a curtailed facility, the allowances are retained but cannot be traded, sold, or transferred and are still subject to the emission reduction requirements specified in this section. An owner or operator of a curtailed facility may transfer the allowances to a new operator of the facility that will be operated under the same North American industry classification system codes. If the curtailed facility becomes a closed facility, then all unused allowances will be transferred to the emissions containment reserve. A curtailed facility is not eligible to receive free allowances during a period of curtailment. Any allowances withheld or withdrawn under this subsection must be transferred to the emissions containment reserve.

(7) Allowances allocated at no cost to emissions-intensive, trade-exposed facilities under this section may only be used for meeting compliance and may not be sold or traded.

(8) An owner or operator of more than one facility receiving no cost allowances under this section may transfer allowances among the eligible facilities.

(9) Rules adopted by the department under this section must include protocols for allocating allowances at no cost to an eligible facility built or expanded after the effective date of this section. The protocols must include consideration

of the products being produced by the facility, as well as the local environmental and health impacts associated with the facility.

(10) In order to advance the environmental justice objectives set forth in section 3 of this act, the department may not grant any free or discounted allowances under this section to any facility that:

(a) Is built or modified after the effective date of this section; and

(b) Would increase detectable criteria pollutants, or other pollutants harmful to human health, in overburdened communities.

NEW SECTION. **Sec. 14.** ALLOCATION OF ALLOWANCES TO ELECTRIC UTILITIES. (1) The legislature intends by this section to allow all consumer-owned electric utilities and investor-owned electric utilities subject to the requirements of chapter 19.405 RCW, the Washington clean energy transformation act, to be allocated allowances at no cost as provided in this section in order to mitigate the cost burden of the program on electric customers.

(2)(a) By October 1, 2022, the department shall adopt rules, in consultation with the department of commerce and the utilities and transportation commission, establishing the methods and procedures for allocating allowances to consumer-owned and investor-owned electric utilities. Rules adopted under this section must allow for a consumer-owned or investor-owned electric utility to be provided allowances at no cost to cover their emissions and decline proportionally with the cap, consistent with section 9 of this act. The rules must take into account the cost burden of the program on electric customers. Allowances allocated at no cost to consumer-owned and investor-owned electric utilities must be consigned to auction for the benefit of ratepayers consistent with subsection (3) of this section, deposited for compliance, or a combination of both. The rules adopted by the department pursuant to this section must include provisions directing revenues generated under this subsection to the applicable utilities. Utilities may use allowances for compliance equal to their covered emissions in any calendar year they were not subject to potential penalty under RCW 19.405.090. Under no circumstances may utilities receive any free allowances after 2045.

(b) By October 1, 2022, the department shall adopt by rule an allocation schedule, in consultation with the department of commerce and the utilities and transportation commission, for the first compliance period for the provision of allowances for the benefit of ratepayers at no cost to consumer-owned and investor-owned electric utilities. This allocation must be consistent with a forecast, that is approved by the appropriate governing board or the utilities and transportation commission, of each utility's supply and demand, and the cost burden resulting from the inclusion of the covered entities in the first compliance period.

(c) By October 1, 2026, the department shall adopt by rule an allocation schedule, in consultation with the department of commerce and the utilities and transportation commission, for the second compliance period for the provision of allowances for the benefit of ratepayers at no cost to consumer-owned and investor-owned electric utilities. This allocation must be consistent with a forecast, that is approved by the appropriate governing board or the utilities and transportation commission, of each utility's supply and demand, and the cost burden resulting from the inclusion of covered entities in the second compliance period.

(d) By October 1, 2028, the department shall adopt by rule an allocation schedule, in consultation with the department of commerce and the utilities and transportation commission, for the provision of allowances at no cost to consumer-owned and investor-owned electric utilities for the compliance periods contained within calendar years 2031 through 2045. This allocation must be consistent with a forecast, that is approved by the appropriate governing board or the utilities and transportation commission, of each utility's supply and demand, and the cost burden resulting from the inclusion of the covered entities in the compliance periods.

(3)(a) During the first compliance period, 25 percent of the allowances allocated at no cost to consumer-owned and investor-owned electric utilities must be consigned to auction for the benefit of ratepayers, including at a minimum eliminating any additional cost burden to low-income customers from the

implementation of this chapter. Rules adopted under this subsection must increase the percentage of allowances consigned to auction by 25 percent each subsequent compliance period until a total of 100 percent is reached.

(b) Revenues from allowances sold at auction must be returned by providing nonvolumetric credits on ratepayer utility bills, prioritizing low-income customers, or used to minimize cost impacts on low-income, residential, and small business customers through actions that include, but are not limited to, weatherization, conservation and efficiency services, and bill assistance. The customer benefits provided from allowances consigned to auction under this section must be in addition to existing requirements in statute, rule, or other legal requirements.

(4) If an entity is identified by the department as an emissions-intensive, trade-exposed industry under section 13 of this act, unless allowances have been otherwise allocated for electricity-related emissions to the entity under section 13 of this act or to a consumer-owned utility under this section, the department shall allocate allowances at no cost to the electric utility or power marketing administration that is providing electricity to the entity in an amount equal to the forecasted emissions for electricity consumption for the entity for the compliance period.

(5) The department shall allow for allowances to be transferred between a power marketing administration and electric utilities and used for direct compliance.

(6) Rules establishing the allocation of allowances to consumer-owned utilities and investor-owned utilities must consider the impact of electrification of buildings, transportation, and industry on the electricity sector.

(7) Nothing in this section affects the requirements of chapter 19.405 RCW.

NEW SECTION. **Sec. 15.** ALLOCATION OF ALLOWANCES TO NATURAL GAS UTILITIES. (1) For the benefit of ratepayers, allowances must be allocated at no cost to covered entities that are natural gas utilities.

(a) By October 1, 2022, the department shall adopt rules, in consultation with the utilities and transportation commission, establishing the methods and procedures for allocating allowances to natural gas utilities. Rules adopted under this subsection must allow for a natural gas utility to be provided allowances at no cost to cover their emissions and decline proportionally with the cap, consistent with section 9 of this act. Allowances allocated at no cost to natural gas utilities must be consigned to auction for the benefit of ratepayers consistent with subsection (2) of this section, deposited for compliance, or a combination of both. The rules adopted by the department pursuant to this section must include provisions directing revenues generated under this subsection to the applicable utilities.

(b) By October 1, 2022, the department shall adopt an allocation schedule by rule, in consultation with the utilities and transportation commission, for the first two compliance periods for the provision of allowances for the benefit of ratepayers at no cost to natural gas utilities.

(c) By October 1, 2028, the department shall adopt an allocation schedule by rule, in consultation with the utilities and transportation commission, for the provision of allowances for the benefit of ratepayers at no cost to natural gas utilities for the compliance periods contained within calendar years 2031 through 2040.

(2)(a) Beginning in 2023, 65 percent of the no cost allowances must be consigned to auction for the benefit of customers, including at a minimum eliminating any additional cost burden to low-income customers from the implementation of this chapter. Rules adopted under this subsection must increase the percentage of allowances consigned to auction by five percent each year until a total of 100 percent is reached.

(b) Revenues from allowances sold at auction must be returned by providing nonvolumetric credits on ratepayer utility bills, prioritizing low-income customers, or used to minimize cost impacts on low-income, residential, and small business customers through actions that include, but are not limited to, weatherization, decarbonization, conservation and efficiency services, and bill assistance. The customer benefits provided from allowances consigned to auction under this section must be in addition to existing

requirements in statute, rule, or other legal requirements.

(c) Except for low-income customers, the customer bill credits under this subsection are reserved exclusively for customers at locations connected to a natural gas utility's system on the effective date of this section. Bill credits may not be provided to customers of the gas utility at a location connected to the system after the effective date of this section.

(3) In order to qualify for no cost allowances, covered entities that are natural gas utilities must provide copies of their greenhouse gas emissions reports filed with the United States environmental protection agency under 40 C.F.R. Part 98 subpart NN - suppliers of natural gas and natural gas liquids for calendar years 2015 through 2021 to the department on or before March 31, 2022. The copies of the reports must be provided in electronic form to the department, in a manner prescribed by the department. The reports must be complete and contain all information required by 40 C.F.R. Sec. 98.406 including, but not limited to, information on large end-users served by the natural gas utility. For any year where a natural gas utility was not required to file this report with the United States environmental protection agency, a report may be submitted in a manner prescribed by the department containing all of the information required in the subpart NN report.

(4) To continue receiving no cost allowances, a natural gas utility must provide to the department the United States environmental protection agency subpart NN greenhouse gas emissions report for each reporting year in the manner and by the dates provided by RCW 70A.15.2200(5) as part of the greenhouse gas reporting requirements of this chapter.

NEW SECTION. **Sec. 16.** EMISSIONS CONTAINMENT RESERVE WITHHOLDING. (1) To help ensure that the price of allowances remains sufficient to incentivize reductions in greenhouse gas emissions, the department must establish an emissions containment reserve and set an emissions containment reserve trigger price by rule. The price must be set at a reasonable amount above the auction floor price and equal to the level established in jurisdictions with which the department has entered into a linkage agreement. In the event that a jurisdiction with which the department has entered into a linkage agreement has no emissions containment trigger price, the department shall suspend the trigger price under this subsection. The purpose of withholding allowances in the emissions containment reserve is to secure additional emissions reductions.

(2) In the event that the emissions containment reserve trigger price is met during an auction, the department must automatically withhold allowances as needed. The department must convert and transfer any allowances that have been withheld from auction into the emissions containment reserve account.

(3) Emissions containment reserve allowances may only be withheld from an auction if the demand for allowances would result in an auction clearing price that is less than the emissions containment reserve trigger price prior to the withholding from the auction of any emissions containment reserve allowances.

(4) The department shall transfer allowances to the emissions containment reserve in the following situations:

(a) No less than two percent of the total number of allowances available from the allowance budgets for calendar years 2023 through 2026;

(b) When allowances are unsold in auctions under section 12 of this act;

(c) When facilities curtail or close consistent with section 13(6) of this act; or

(d) When facilities fall below the emissions threshold. The amount of allowances withdrawn from the program budget must be proportionate to the amount of emissions such a facility was previously using.

(5)(a) Allowances must be distributed from the emissions containment reserve by auction when new covered and opt-in entities enter the program.

(b) Allowances equal to the greenhouse gas emissions resulting from a new or expanded emissions-intensive, trade-exposed facility with emissions in excess of 25,000 metric tons per year during the first applicable compliance period will be provided to the facility from the reserve created in this section and must be retired by the facility. In subsequent compliance periods, the facility will be

subject to the regulatory cap and related requirements under this chapter.

NEW SECTION. **Sec. 17.** ALLOWANCE PRICE CONTAINMENT. (1) To help minimize allowance price volatility in the auction, the department shall adopt by rule an auction floor price and a schedule for the floor price to increase by a predetermined amount every year. The department may not sell allowances at bids lower than the auction floor price. The department's rules must specify holding limits that determine the maximum number of allowances that may be held for use or trade by a registered entity at any one time. The department shall also establish an auction ceiling price to limit extraordinary prices and to determine when to offer allowances through the allowance price containment reserve auctions authorized under this section.

(2) For calendar years 2023 through 2026, the department must place no less than two percent of the total number of allowances available from the allowance budgets for those years in an allowance price containment reserve. The reserve must be designed as a mechanism to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3)(a) The department shall adopt rules for holding auctions of allowances from the price containment reserve when the settlement prices in the preceding auction approach the adopted auction ceiling price. The auction must be separate from auctions of other allowances.

(b) Allowances must also be distributed from the allowance price containment reserve by auction when new covered and opt-in entities enter the program and allowances in the emissions containment reserve under section 16 of this act are exhausted.

(4) Only covered and opt-in entities may participate in the auction of allowances from the allowance price containment reserve.

(5) The process for reserve auctions is the same as the process provided in section 12 of this act and the proceeds from reserve auctions must be treated the same.

(6) The department shall by rule:

(a) Set the reserve auction floor price in advance of the reserve auction. The department may choose to establish multiple price tiers for the allowances from the reserve;

(b) Establish the requirements and schedule for the allowance price containment reserve auctions; and

(c) Establish the amount of allowances to be placed in the allowance price containment reserve after the first compliance period ending in 2026.

NEW SECTION. **Sec. 18.** PRICE CONTAINMENT. (1) The department shall establish a price ceiling to provide cost protection for facilities obligated to comply with this chapter. The ceiling must be set at a level sufficient to facilitate investments to achieve further emission reductions beyond those enabled by the price ceiling, with the intent that investments accelerate the state's achievement of greenhouse gas limits established under RCW 70A.45.020. The price ceiling must increase annually in proportion to the price floor.

(2) In the event that no allowances remain in the allowance price containment reserve, the department must issue the number of price ceiling units for sale sufficient to provide cost protection for facilities as established under subsection (1) of this section. Purchases must be limited to entities that do not have sufficient eligible compliance instruments in their holding and compliance accounts for the next compliance period and these entities may only purchase what they need to meet their compliance obligation for the current compliance period. Price ceiling units may not be sold or transferred and must be retired for compliance in the current compliance period. A price ceiling unit is not a property right.

(3) Funds raised in connection with the sale of price ceiling units must be expended to achieve emissions reductions on at least a metric ton for metric ton basis that are real, permanent, quantifiable, verifiable, enforceable by the state, and in addition to any greenhouse gas emission reduction otherwise required by law or regulation and any other greenhouse gas emission reduction that otherwise would occur.

NEW SECTION. **Sec. 19.** OFFSETS. (1) The department shall adopt by rule the protocols for establishing offset projects and securing offset credits that

may be used to meet a portion of a covered or opt-in entity's compliance obligation under section 22 of this act. The protocols adopted by the department under this section must align with the policies of the state established under RCW 70A.45.090 and 70A.45.100.

(2) Offset projects must:

(a) Provide direct environmental benefits to the state or be located in a jurisdiction with which Washington has entered into a linkage agreement;

(b) Result in greenhouse gas reductions or removals that:

(i) Are real, permanent, quantifiable, verifiable, and enforceable; and

(ii) Are in addition to greenhouse gas emission reductions or removals otherwise required by law and other greenhouse gas emission reductions or removals that would otherwise occur; and

(c) Have been certified by a recognized registry after the effective date of this section or within two years prior to the effective date of this section.

(3)(a) A total of no more than five percent of a covered or opt-in entity's compliance obligation during the first compliance period may be met by transferring offset credits. During these years, at least 50 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state.

(b) A total of no more than four percent of a covered or opt-in entity's compliance obligation during the second compliance period may be met by transferring offset credits. During these years, at least 75 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state. The department may reduce the 75 percent requirement if it determines there is not sufficient offset supply in the state to meet offset demand during the second compliance period.

(c) The limits in (a) and (b) of this subsection may be modified by rule as adopted by the department when appropriate to ensure achievement of the proportionate share of statewide emissions limits established in RCW 70A.45.020 and to provide for alignment with other jurisdictions to which the state has linked.

(d) The limits in (a) and (b) of this subsection may be reduced for a specific covered or opt-in entity if the department determines that the covered or opt-in entity has or is likely to:

(i) Contribute substantively to cumulative air pollution burden in an overburdened community as determined by criteria established by the department; or

(ii) Violate any permits required by any federal, state, or local air pollution control agency where the violation may result in an increase in emissions.

(e) An offset project on federally recognized tribal land does not count against the offset credit limits described in (a) and (b) of this subsection. No more than three percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the first compliance period. No more than two percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the second compliance period.

(4) In adopting protocols governing offset projects and covered and opt-in entities' use of offset credits, the department shall:

(a) Take into consideration standards, rules, or protocols for offset projects and offset credits established by other states, provinces, and countries with programs comparable to the program established in this chapter;

(b) Encourage opportunities for the development of offset projects in this state by adopting offset protocols that may include, but need not be limited to, protocols that make use of aggregation or other mechanisms to reduce transaction costs related to the development of offset projects and that support the development of carbon dioxide removal projects;

(c) Adopt a process for monitoring and invalidating offset credits as necessary to ensure the credit reflects emission reductions or removals that continue to meet the standards required by subsection

(1) of this section. If an offset credit is invalidated, the covered or opt-in entity must, within six months of the invalidation, transfer replacement credits or allowances to meet its compliance obligation. Failure to transfer the required credits or allowances is a violation subject to penalties as provided in section 23 of this act; and

(d) Make use of aggregation or other mechanisms, including cost-effective inventory and monitoring provisions, to increase the development of offset and carbon removal projects by landowners across the broadest possible variety of types and sizes of lands, including lands owned by small forestland owners.

(5) Any offset credits used may not be in addition to or allow for an increase in the allowance budgets established under section 8 of this act.

(6) The offset credit must be registered and tracked as a compliance instrument.

(7) Beginning in 2031, the limits established in subsection (3) of this section apply unless modified by rule as adopted by the department after a public consultation process.

NEW SECTION. **Sec. 20.** ASSISTANCE PROGRAM FOR OFFSETS ON TRIBAL LANDS. (1) In order to ensure that a sufficient number of high quality offset projects are available under the limits set in section 19 of this act, the department must establish an assistance program for offset projects on federally recognized tribal lands in Washington. The assistance may include, but is not limited to, funding or consultation for federally recognized tribal governments to assess a project's technical feasibility, investment requirements, development and operational costs, expected returns, administrative and legal hurdles, and project risks and pitfalls. The department may provide funding or assistance upon request by a federally recognized tribe.

(2) It is the intent of the legislature that not less than $5,000,000 be provided in the biennial omnibus operating appropriations act for the purposes of this section.

NEW SECTION. **Sec. 21.** ASSISTANCE PROGRAM FOR SMALL FORESTLAND OWNERS. (1) The department, in cooperation with the department of natural resources, must establish an assistance program for small forestland owners that seeks to benefit from carbon sequestration markets, including the provision of offset credits that qualify under section 19 of this act. The assistance may include, but is not limited to, funding or consultation to assess a project's technical feasibility, investment requirements, development and operational costs, expected returns, administrative and legal hurdles, and project risks and pitfalls. The department may assist multiple landowners to develop projects that aggregate sufficient acreage to provide the scale necessary to offer offset credits at a competitive price in either or both voluntary and regulatory carbon markets. Funding or assistance may be provided upon request by a small forestland owner.

(2) It is the intent of the legislature that not less than $2,000,000 be provided in the biennial omnibus operating appropriations act each biennium for the purposes of this section.

NEW SECTION. **Sec. 22.** COMPLIANCE OBLIGATIONS. (1) A covered or opt-in entity has a compliance obligation for its emissions during each four-year compliance period, with the first compliance period commencing January 1, 2023, except when the first compliance period commences at a later date as provided in subsection (7) of this section. A covered or opt-in entity shall transfer a number of compliance instruments equal to the entity's covered emissions by November 1st of each calendar year in which a covered or opt-in entity has a compliance obligation. The department shall set by rule a percentage of compliance instruments that must be transferred in each year of the compliance period such that covered or opt-in entities are allowed to smooth their compliance obligation within the compliance period but must fully satisfy their compliance obligation over the course of the compliance period, in a manner similar to external greenhouse gas emissions trading programs in other jurisdictions.

(2) Submission of allowances occurs through the transfer of compliance instruments, on or before the transfer date, from the holding account to the compliance account of the covered or opt-in entity as described in section 10 of this act.

(3) A covered or opt-in entity submitting insufficient compliance instruments to meet its compliance obligation is subject to a penalty as provided in section 23 of this act.

(4) Allowances must be transferred in the order in which they were purchased or acquired.

(5) A covered or opt-in entity may not borrow an allowance from a future allowance year to meet a current or past compliance obligation.

(6) Upon receipt by the department of all compliance instruments transferred by a covered entity or opt-in entity to meet its compliance obligation, the department shall retire the allowances or offset credits.

(7)(a) This section does not take effect until a separate additive transportation funding is received by the state, at which time the department of licensing must provide written notice to the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser.

(b) For the purposes of this subsection, "additive transportation funding" means receipt of funding by the state in which the combined total of new revenues deposited into the motor vehicle fund and multimodal transportation account exceed $500,000,000 in any biennium attributable solely to separate additive transportation funding.

NEW SECTION. **Sec. 23.** ENFORCEMENT. (1) All covered and opt-in entities are required to submit compliance instruments in a timely manner to meet the entities' compliance obligations and shall comply with all requirements for monitoring, reporting, holding, and transferring emission allowances and other provisions of this chapter.

(2) If a covered or opt-in entity does not submit sufficient compliance instruments to meet its compliance obligation by the specified transfer dates, a penalty of four allowances for every one compliance instrument that is missing must be submitted to the department within six months. When a covered entity or opt-in entity reasonably believes that it will be unable to meet a compliance obligation, the entity shall immediately notify the department. Upon receiving notification, the department shall issue an order requiring the entity to submit the penalty allowances.

(3) If a covered entity or opt-in entity fails to submit penalty allowances as required by subsection (2) of this section, the department must issue an order or issue a penalty of up to $10,000 per day per violation, or both, for failure to submit penalty allowances as required by subsection (2) of the section. The order may include a plan and schedule for coming into compliance.

(4) The department may issue a penalty of up to $50,000 per day per violation for violations of section 12(8) (a) through (e) of this act.

(5) Except as provided in subsections (3) and (4) of this section, any person that violates the terms of this chapter or an order issued under this chapter incurs a penalty of up to $10,000 per day per violation for each day that the person does not comply. All penalties under subsections (3) and (4) of this section and this subsection must be deposited into the climate investment account created in section 28 of this act.

(6) Orders and penalties issued under this chapter are appealable to the pollution control hearings board under chapter 43.21B RCW.

(7) For the first compliance period, the department may reduce the amount of the penalty by adjusting the monetary amount or the number of penalty allowances described in subsections (2) and (3) of this section.

(8)(a) No city, town, county, township, or other subdivision or municipal corporation of the state may implement a charge or tax based exclusively upon the quantity of greenhouse gas emissions.

(b) No state agency may adopt or enforce a program that regulates greenhouse gas emissions from a stationary source except as provided in this chapter.

NEW SECTION. **Sec. 24.** LINKAGE WITH OTHER JURISDICTIONS. (1) Subject to making the findings and conducting the public comment process described in subsection (3) of this section, the department shall seek to enter into linkage agreements with other jurisdictions with external greenhouse

gas emissions trading programs in order to:

(a) Allow for the mutual use and recognition of compliance instruments issued by Washington and other linked jurisdictions;

(b) Broaden the greenhouse gas emission reduction opportunities to reduce the costs of compliance on covered entities and consumers;

(c) Enable allowance auctions to be held jointly and provide for the use of a unified tracking system for compliance instruments;

(d) Enhance market security;

(e) Reduce program administration costs; and

(f) Provide consistent requirements for covered entities whose operations span jurisdictional boundaries.

(2) The director of the department is authorized to execute linkage agreements with other jurisdictions with established external greenhouse gas emissions trading programs consistent with the requirements in this chapter. A linkage agreement must cover the following:

(a) Provisions relating to regular, periodic auctions, including requirements for eligibility for auction participation, the use of a single auction provider to facilitate joint auctions, publication of auction-related information, processes for auction participation, purchase limits by auction participant type, bidding processes, dates of auctions, and financial requirements;

(b) Provisions related to holding limits to ensure no entities in any of the programs are disadvantaged relative to their counterparts in the other jurisdictions;

(c) Other requirements, such as greenhouse gas reporting and verification, offset protocols, criteria and process, and supervision and enforcement, to prevent fraud, abuse, and market manipulation;

(d) Common program registry, electronic auction platform, tracking systems for compliance instruments, and monitoring of compliance instruments;

(e) Provisions to ensure coordinated administrative and technical support;

(f) Provisions for public notice and participation; and

(g) Provisions to collectively resolve differences, amend the agreements, and delink or otherwise withdraw from the agreements.

(3) Before entering into a linkage agreement under this section, the department must establish a finding that the linking jurisdiction and the linkage agreement meet certain criteria identified under this subsection and conduct a public comment process to obtain input and a review of the linkage agreement by relevant stakeholders and other interested parties. The department must consider input received from the public comment process before finalizing a linkage agreement. In the event that the department determines that a full linkage agreement is unlikely to meet the criteria, it may enter into a linkage agreement with limitations, including limits on the share of compliance that may be met with allowances originating from linked jurisdictions and other limitations deemed necessary by the department. A linkage agreement approved by the department must:

(a) Achieve the purposes identified in subsection (1) of this section;

(b) Ensure that the linking jurisdiction has provisions to ensure the distribution of benefits from the program to vulnerable populations and overburdened communities;

(c) Be determined by the department to not yield net adverse impacts to either jurisdictions' highly impacted communities or analogous communities in the aggregate, relative to the baseline level of emissions; and

(d) Not adversely impact Washington's ability to achieve the emission reduction limits established in RCW 70A.45.020.

(4) The state retains all legal and policymaking authority over its program design and enforcement.

NEW SECTION. **Sec. 25.** RULES. The department shall adopt rules to implement the provisions of the program established in sections 8 through 24 of this act. The department may adopt emergency rules pursuant to RCW 34.05.350 for initial implementation of the program, to implement the state omnibus appropriations act for the 2021-2023 fiscal biennium, and to ensure that

reporting and other program requirements are determined early for the purpose of program design and early notice to registered entities with a compliance obligation under the program.

NEW SECTION. **Sec. 26.** EXPENDITURE TARGETS. (1) It is the intent of the legislature that each year the total investments made through the carbon emissions reduction account created in section 27 of this act, the climate commitment account created in section 29 of this act, and the natural climate solutions account created in section 30 of this act achieve the following:

(a) A minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141); and

(b) At least 10 percent of the total investments authorized under this chapter must be used for programs, activities, or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe. An investment that meets the requirements of both this subsection (1)(b) and (a) of this subsection may count toward the requisite minimum percentage for both subsections.

(2) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights including, but not limited to, prohibitions on uses of funds imposed by the state Constitution.

(3) For the purposes of this section, "benefits" means investments or activities that:

(a) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of highly impacted communities;

(b) Meaningfully protect an overburdened community from, or support community response to, the impacts of air pollution or climate change; or

(c) Meet a community need identified by vulnerable members of the community that is consistent with the intent of this chapter.

NEW SECTION. **Sec. 27.** CARBON EMISSIONS REDUCTION ACCOUNT. The carbon emissions reduction account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to affect reductions in transportation sector carbon emissions through a variety of carbon reducing investments. They can include, but are not limited to: Transportation alternatives to single occupancy passenger vehicles; reductions in single occupancy passenger vehicle miles traveled; reductions in per mile emissions in vehicles, including through the funding of alternative fuel infrastructure and incentive programs; and emission reduction programs for freight transportation, including motor vehicles and rail, as well as for ferries and other maritime and port activities. Expenditures from the account may only be made for transportation carbon emission reducing purposes and may not be made for highway purposes authorized under the 18th Amendment of the Washington state Constitution. It is the legislature's intent that expenditures from the account used to reduce carbon emissions be made with the goal of achieving equity for communities that historically have been omitted or adversely impacted by past transportation policies and practices.

NEW SECTION. **Sec. 28.** CLIMATE INVESTMENT ACCOUNT. (1)(a) The climate investment account is created in the state treasury. Except as otherwise provided in this act, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Projects or activities funded from the account must meet high labor standards, including family sustaining wages, providing benefits including health care and pensions, career development opportunities, and maximize access to economic benefits from such projects for local workers and diverse businesses. Each contracting entity's proposal must be reviewed for equity and opportunity improvement efforts, including: (i) Employer paid sick leave programs; (ii) pay practices in relation to living wage indicators such as the federal poverty level; (iii) efforts to evaluate pay equity based on gender

identity, race, and other protected status under Washington law; (iv) facilitating career development opportunities, such as apprenticeship programs, internships, job-shadowing, and on-the-job training; and (v) employment assistance and employment barriers for justice affected individuals.

(2) Moneys in the account may be used only for projects and programs that achieve the purposes of the greenhouse gas emissions cap and invest program established under this chapter. Moneys in the account as described in this subsection must first be appropriated for the administration of the requirements of this chapter, in an amount not to exceed five percent of the total receipt of funds deposited in the account per biennium. Beginning July 1, 2024, and annually thereafter, the state treasurer shall distribute funds in the account as follows:

(a) Seventy-five percent of the moneys to the climate commitment account created in section 29 of this act; and

(b) Twenty-five percent of the moneys to the natural climate solutions account created in section 30 of this act.

(3) The allocations specified in subsection (2)(a) and (b) of this section must be reviewed by the legislature on a biennial basis based on the changing needs of the state in meeting its clean economy and greenhouse gas reduction goals in a timely, economically advantageous, and equitable manner.

NEW SECTION. **Sec. 29.** CLIMATE COMMITMENT ACCOUNT. (1) The climate commitment account is created in the state treasury. The account must receive moneys distributed to the account from the climate investment account created in section 28 of this act. Moneys in the account may be spent only after appropriation. Projects, activities, and programs eligible for funding from the account must be physically located in Washington state and include, but are not limited to, the following:

(a) Implementing the working families tax rebate in RCW 82.08.0206;

(b) Supplementing the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of making grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and 36.70A.600, for costs associated with RCW 36.70A.610, and to cover costs associated with the adoption of optional elements of comprehensive plans consistent with RCW 43.21C.420;

(c) Programs, activities, or projects that reduce and mitigate impacts from greenhouse gases and copollutants in overburdened communities, including strengthening the air quality monitoring network to measure, track, and better understand air pollution levels and trends and to inform the analysis, monitoring, and pollution reduction measures required in section 3 of this act;

(d) Programs, activities, or projects that deploy renewable energy resources, such as solar and wind power, and projects to deploy distributed generation, energy storage, demand-side technologies and strategies, and other grid modernization projects;

(e) Programs, activities, or projects that increase the energy efficiency or reduce greenhouse gas emissions of industrial facilities including, but not limited to, proposals to implement combined heat and power, district energy, or on-site renewables, such as solar and wind power, to upgrade the energy efficiency of existing equipment, to reduce process emissions, and to switch to less emissions intensive fuel sources;

(f) Programs, activities, or projects that achieve energy efficiency or emissions reductions in the agricultural sector including fertilizer management, soil management, bioenergy, and biofuels;

(g) Programs, activities, or projects that increase energy efficiency in new and existing buildings, or that promote low-carbon architecture, including use of newly emerging alternative building materials that result in a lower carbon footprint in the built environment over the life cycle of the building and component building materials;

(h) Programs, activities, or projects that promote the electrification and decarbonization of new and existing buildings, including residential, commercial, and industrial buildings;

(i) Programs, activities, or projects that improve energy efficiency, including district energy, and investments in market transformation of

high efficiency electric appliances and equipment for space and water heating;

(j) Clean energy transition and assistance programs, activities, or projects that assist affected workers or people with lower incomes during the transition to a clean energy economy, or grow and expand clean manufacturing capacity in communities across Washington state including, but not limited to:

(i) Programs, activities, or projects that directly improve energy affordability and reduce the energy burden of people with lower incomes, as well as the higher transportation fuel burden of rural residents, such as bill assistance, energy efficiency, and weatherization programs;

(ii) Community renewable energy projects that allow qualifying participants to own or receive the benefits of those projects at reduced or no cost;

(iii) Programs, activities, or other worker-support projects for bargaining unit and nonsupervisory fossil fuel workers who are affected by the transition away from fossil fuels to a clean energy economy. Worker support may include, but is not limited to: (A) Full wage replacement, health benefits, and pension contributions for every worker within five years of retirement; (B) full wage replacement, health benefits, and pension contributions for every worker with at least one year of service for each year of service up to five years of service; (C) wage insurance for up to five years for workers reemployed who have more than five years of service; (D) up to two years of retraining costs, including tuition and related costs, based on in-state community and technical college costs; (E) peer counseling services during transition; (F) employment placement services, prioritizing employment in the clean energy sector; and (G) relocation expenses;

(iv) Direct investment in workforce development, via technical education, community college, apprenticeships, and other programs;

(v) Transportation, municipal service delivery, and technology investments that increase a community's capacity for clean manufacturing, with an emphasis on communities in greatest need of job creation and economic development and potential for commute reduction;

(k) Programs, activities, or projects that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials, methane capture or conversion strategies, or other means;

(l) Carbon dioxide removal projects, programs, and activities; and

(m) Activities to support efforts to mitigate and adapt to the effects of climate change affecting Indian tribes, including capital investments in support of the relocation of Indian tribes located in areas at heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change. The legislature intends to dedicate at least $50,000,000 per biennium from the account for purposes of this subsection.

(2) Moneys in the account may not be used for projects or activities that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

NEW SECTION. **Sec. 30.** NATURAL CLIMATE SOLUTIONS ACCOUNT. (1) The natural climate solutions account is created in the state treasury. All moneys directed to the account from the climate investment account created in section 28 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Moneys in the account are intended to increase the resilience of the state's waters, forests, and other vital ecosystems to the impacts of climate change, conserve working forestlands at risk of conversion, and increase their carbon pollution reduction capacity through sequestration, storage, and overall system integrity. Moneys in the account must be spent in a manner that is consistent with existing and future assessments of climate risks and resilience from the scientific community and expressed concerns of and impacts to overburdened communities.

(2) Moneys in the account may be allocated for the following purposes:

(a) Clean water investments that improve resilience from climate impacts.

Funding under this subsection (2)(a) must be used to:

(i) Restore and protect estuaries, fisheries, and marine shoreline habitats and prepare for sea level rise including, but not limited to, making fish passage correction investments such as those identified in the cost-share barrier removal program for small forestland owners created in RCW 76.13.150 and those that are considered by the fish passage barrier removal board created in RCW 77.95.160;

(ii) Increase carbon storage in the ocean or aquatic and coastal ecosystems;

(iii) Increase the ability to remediate and adapt to the impacts of ocean acidification;

(iv) Reduce flood risk and restore natural floodplain ecological function;

(v) Increase the sustainable supply of water and improve aquatic habitat, including groundwater mapping and modeling;

(vi) Improve infrastructure treating stormwater from previously developed areas within an urban growth boundary designated under chapter 36.70A RCW, with a preference given to projects that use green stormwater infrastructure;

(vii) Either preserve or increase, or both, carbon sequestration and storage benefits in forests, forested wetlands, agricultural soils, tidally influenced agricultural or grazing lands, or freshwater, saltwater, or brackish aquatic lands; or

(viii) Either preserve or establish, or both, carbon sequestration by protecting or planting trees in marine shorelines and freshwater riparian areas sufficient to promote climate resilience, protect cold water fisheries, and achieve water quality standards;

(b) Healthy forest investments to improve resilience from climate impacts. Funding under this subsection (2)(b) must be used for projects and activities that will:

(i) Increase forest and community resilience to wildfire in the face of increased seasonal temperatures and drought;

(ii) Improve forest health and reduce vulnerability to changes in hydrology, insect infestation, and other impacts of climate change; or

(iii) Prevent emissions by preserving natural and working lands from the threat of conversion to development or loss of critical habitat, through actions that include, but are not limited to, the creation of new conservation lands, community forests, or increased support to small forestland owners through assistance programs including, but not limited to, the forest riparian easement program and the family forest fish passage program. Not less than $10,000,000 must be expended each biennium for the forestry riparian easement program created in chapter 76.13 RCW.

(3) Moneys in the account may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

Sec. 31. RCW 70A.15.2200 and 2020 c 20 s 1090 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Except as provided in subsection (3) of this section, any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration or reporting shall register therewith and make reports containing information as may be required by such department or

board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. In the case of emissions of greenhouse gases as defined in RCW 70A.45.010 the department shall adopt rules requiring reporting of those emissions. The department or board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration or reporting program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering or other reliable analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration and reporting with any other board or the department, except that emissions of greenhouse gases as defined in RCW 70A.45.010 must be reported as required under subsection (5) of this section.

All registration program and reporting fees collected by the department shall be deposited in the air pollution control account. All registration program fees collected by the local air authorities shall be deposited in their respective treasuries.

(3) If a registration or report has been filed for a grain warehouse or grain elevator as required under this section, registration, reporting, or a registration program fee shall not, after January 1, 1997, again be required under this section for the warehouse or elevator unless the capacity of the warehouse or elevator as listed as part of the license issued for the facility has been increased since the date the registration or reporting was last made. If the capacity of the warehouse or elevator listed as part of the license is increased, any registration or reporting required for the warehouse or elevator under this section must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase in its capacity is listed in the license.

This subsection does not apply to a grain warehouse or grain elevator if the warehouse or elevator handles more than ten million bushels of grain annually.

(4) For the purposes of subsection (3) of this section:

(a) A "grain warehouse" or "grain elevator" is an establishment classified in standard industrial classification (SIC) code 5153 for wholesale trade for which a license is required and includes, but is not limited to, such a licensed facility that also conducts cleaning operations for grain;

(b) A "license" is a license issued by the department of agriculture licensing a facility as a grain warehouse or grain elevator under chapter 22.09 RCW or a license issued by the federal government licensing a facility as a grain warehouse or grain elevator for purposes similar to those of licensure for the facility under chapter 22.09 RCW; and

(c) "Grain" means a grain or a pulse.

(5)(a) The department shall adopt rules requiring persons to report emissions of greenhouse gases as defined in RCW 70A.45.010 where those emissions from a single facility, ((~~source, or site,~~)) or from electricity or fossil fuels sold in Washington by a single supplier or local distribution company, meet or exceed ten thousand metric tons of carbon dioxide equivalent annually. The ((~~department may phase in the requirement to report greenhouse gas emissions until the reporting threshold in this subsection is met, which must occur by January 1, 2012~~)) rules adopted by the department must support implementation of the program created in section 8 of this act. In addition, the rules must require that:

(i) Emissions of greenhouse gases resulting from the combustion of fossil

fuels be reported separately from emissions of greenhouse gases resulting from the combustion of biomass; and

(ii) ((~~Reporting will start in 2010 for 2009 emissions.~~)) Each annual report must include emissions data for the preceding calendar year and must be submitted to the department by ((~~October~~)) March 31st of the year in which the report is due. ((~~However, starting in 2011, a person who is required to report greenhouse gas emissions to the United States environmental protection agency under 40 C.F.R. Part 98, as adopted on September 22, 2009, must submit the report required under this section to the department concurrent with the submission to the United States environmental protection agency. Except as otherwise provided in this section, the data for emissions in Washington and any corrections thereto that are reported to the United States environmental protection agency must be the emissions data reported to the department; and~~

~~(iii) Emissions of carbon dioxide associated with the complete combustion or oxidation of liquid motor vehicle fuel, special fuel, or aircraft fuel that is sold in Washington where the annual emissions associated with that combustion or oxidation equal or exceed ten thousand metric tons be reported to the department. Each person who is required to file periodic tax reports of motor vehicle fuel sales under RCW 82.36.031 or special fuel sales under RCW 82.38.150, or each distributor of aircraft fuel required to file periodic tax reports under RCW 82.42.040 must report to the department the annual emissions of carbon dioxide from the complete combustion or oxidation of the fuels listed in those reports as sold in the state of Washington. The department shall not require suppliers to use additional data to calculate greenhouse gas emissions other than the data the suppliers report to the department of licensing. The rules may allow this information to be aggregated when reported to the department. The department and the department of licensing shall enter into an interagency agreement to ensure proprietary and confidential information is protected if the departments share reported information. Any proprietary or confidential information exempt from disclosure when reported to the department of licensing is exempt from disclosure when shared by the department of licensing with the department under this provision.~~))

(b)(i) ((~~Except as otherwise provided in this subsection, the rules adopted by the department under (a) of this subsection must be consistent with the regulations adopted by the United States environmental protection agency in 40 C.F.R. Part 98 on September 22, 2009.~~

~~(ii)~~)) The department may by rule include additional gases to the definition of "greenhouse gas" in RCW 70A.45.010 only if the gas has been designated as a greenhouse gas by the United States congress ((~~or~~)), by the United States environmental protection agency, or included in external greenhouse gas emission trading programs with which Washington has pursuant to section 24 of this act. Prior to including additional gases to the definition of "greenhouse gas" in RCW 70A.45.010, the department shall notify the appropriate committees of the legislature. ((~~Decisions to amend the rule to include additional gases must be made prior to December 1st of any year and the amended rule may not take effect before the end of the regular legislative session in the next year.~~

~~(iii)~~)) (ii) The department may by rule exempt persons who are required to report greenhouse gas emissions to the United States environmental protection agency and who emit less than ten thousand metric tons carbon dioxide equivalent annually.

((~~(iv)~~)) (iii) The department must establish a methodology for persons who are not required to report under this section to voluntarily report their greenhouse gas emissions.

(c)(i) The department shall review and if necessary update its rules whenever ((~~the~~)):

(A) The United States environmental protection agency adopts final amendments to 40 C.F.R. Part 98 to ensure consistency with federal reporting requirements for emissions of greenhouse gases; or

(B) Needed to ensure consistency with emissions reporting requirements for jurisdictions with which Washington has entered a linkage agreement. ((~~However, the~~))

(ii) The department shall not amend its rules in a manner that conflicts with ((~~(a) of~~)) this ((~~subsection~~)) section.

(d) The department shall share any reporting information reported to it with the local air authority in which the person reporting under the rules adopted by the department operates.

(e) The fee provisions in subsection (2) of this section apply to reporting of emissions of greenhouse gases. Persons required to report under (a) of this subsection who fail to report or pay the fee required in subsection (2) of this section are subject to enforcement penalties under this chapter. The department shall enforce the reporting rule requirements ((~~unless it approves a local air authority's request to enforce the requirements for persons operating within the authority's jurisdiction. However, neither the department nor a local air authority approved under this section are authorized to assess enforcement penalties on persons required to report under (a) of this subsection until six months after the department adopts its reporting rule in 2010~~)). When a person that holds a compliance obligation under section 10 of this act fails to submit an emissions data report or fails to obtain a positive emissions data verification statement in accordance with (g)(ii) of this subsection, the department may assign an emissions level for that person.

(f) The energy facility site evaluation council shall, simultaneously with the department, adopt rules that impose greenhouse gas reporting requirements in site certifications on owners or operators of a facility permitted by the energy facility site evaluation council. The greenhouse gas reporting requirements imposed by the energy facility site evaluation council must be the same as the greenhouse gas reporting requirements imposed by the department. The department shall share any information reported to it from facilities permitted by the energy facility site evaluation council with the council, including notice of a facility that has failed to report as required. The energy facility site evaluation council shall contract with the department to monitor the reporting requirements adopted under this section.

(g)(i) The ((~~inclusion or failure to include any person, source, classes of persons or sources, or types of emissions of greenhouse gases into the department's rules for reporting under this section does not indicate whether such a person, source, or category is appropriate for inclusion in state, regional, or national greenhouse gas reduction programs or strategies. Furthermore, aircraft fuel purchased in the state may not be considered equivalent to aircraft fuel combusted in the state~~)) department must establish by rule the methods of verifying the accuracy of emissions reports.

(ii) Verification requirements apply at a minimum to persons required to report under (a) of this subsection with emissions that equal or exceed 25,000 metric tons of carbon dioxide equivalent emissions, including carbon dioxide from biomass-derived fuels, or to persons who have a compliance obligation under section 10 of this act in any year of the current compliance period. The department may adopt rules to accept verification reports from another jurisdiction with a linkage agreement pursuant to section 20 of this act in cases where the department deems that the methods or procedures are substantively similar.

(h)(i) The definitions in RCW 70A.45.010 apply throughout this subsection (5) unless the context clearly requires otherwise.

(ii) For the purpose of this subsection (5), the term "supplier" includes: (A) ((~~A motor vehicle fuel supplier or a motor vehicle fuel importer, as those terms are defined in RCW 82.36.010; (B) a special fuel supplier or a special fuel importer, as those terms are defined in RCW 82.38.020; and (C) a distributor of aircraft fuel, as those terms are defined in RCW 82.42.010~~)) Suppliers that produce, import, or deliver, or any combination of producing, importing, or delivering, a quantity of fuel products in Washington that, if completely combusted, oxidized, or used in other processes, would result in the release of greenhouse gases equivalent to or higher than the threshold established under (a) of this subsection; and (B) suppliers of carbon dioxide that produce, import, or deliver a quantity of carbon dioxide in Washington that, if released, would result in emissions equivalent to or higher than the threshold established under (a) of this subsection.

(iii) For the purpose of this subsection (5), the term "person" includes: (A) An owner or operator((~~, as those terms are defined by the United States environmental protection agency in its mandatory greenhouse gas reporting regulation in 40 C.F.R. Part 98, as adopted on September 22, 2009; and (B) a supplier~~)) of a facility; (B) a supplier; or (C) an electric power entity.

(iv) For the purpose of this subsection (5), the term "facility" includes facilities that directly emit greenhouse gases in Washington equivalent to the threshold established under (a) of this subsection with at least one source category listed in the United States environmental protection agency's mandatory greenhouse gas reporting regulation, 40 C.F.R. Part 98 Subparts C through II and RR through UU, as adopted on April 25, 2011.

(v) For the purpose of this subsection (5), the term "electric power entity" includes any of the following that supply electric power in Washington with associated emissions of greenhouse gases equal to or above the threshold established under (a) of this subsection: (A) Electricity importers and exporters; (B) retail providers, including multijurisdictional retail providers; and (C) first jurisdictional deliverers, as defined in section 2 of this act, not otherwise included here.

NEW SECTION. **Sec. 32.** A new section is added to chapter 43.21C RCW to read as follows:

The review under this chapter of greenhouse gas emissions from a new or expanded facility subject to the greenhouse gas emission reduction requirements of chapter 70A.--- RCW (the new chapter created in section 35 of this act) must occur consistent with section 10(9) of this act.

NEW SECTION. **Sec. 33.** A new section is added to chapter 70A.45 RCW to read as follows:

The state, state agencies, and political subdivisions of the state, in implementing their duties and authorities established under other laws, may only consider the greenhouse gas limits established in RCW 70A.45.020 in a manner that recognizes, where applicable, that the siting and placement of new best-in-class facilities that facilitate decarbonization is in the economic and environmental interests of the state of Washington.

NEW SECTION. **Sec. 34.** This act may be known and cited as the Washington climate commitment act.

NEW SECTION. **Sec. 35.** Sections 1 through 30 and 34 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 36.** (1) Sections 8 through 24 of this act, and any rules adopted by the department of ecology to implement the program established under those sections, are suspended on December 31, 2055, in the event that the department of ecology determines by December 1, 2055, that the 2050 emissions limits of RCW 70A.45.020 have been met for two or more consecutive years.

(2) Upon the occurrence of the events identified in subsection (1) of this section, the department of ecology must provide written notice of the suspension date of sections 8 through 24 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

Sec. 37. RCW 43.376.020 and 2012 c 122 s 2 are each amended to read as follows:

In establishing a government-to-government relationship with Indian tribes, state agencies must:

(1) Make reasonable efforts to collaborate with Indian tribes in the development of policies, agreements, and program implementation that directly affect Indian tribes and develop a consultation process that is used by the agency for issues involving specific Indian tribes. State agencies described in section 6 of this act must offer consultation with Indian tribes on the actions specified in section 6 of this act;

(2) Designate a tribal liaison who reports directly to the head of the state agency;

(3) Ensure that tribal liaisons who interact with Indian tribes and the executive directors of state agencies receive training as described in RCW 43.376.040; and

(4) Submit an annual report to the governor on activities of the state

agency involving Indian tribes and on implementation of this chapter.

Sec. 38. RCW 43.21B.110 and 2020 c 138 s 11 and 2020 c 20 s 1035 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, section 23 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, section 23 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 39. RCW 43.21B.300 and 2020 c 20 s 1038 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, section 23 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within thirty days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, section 23 of this act, which shall be credited to the climate investment account created in section 28 of this act, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

NEW SECTION. **Sec. 40.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representative Harris-Talley.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of SENATE BILL NO. 5008 and ENGROSSED SUBSTITUTE SENATE BILL NO. 5096 which were placed on the second reading calendar.

There being no objection, the House adjourned until 11:00 a.m., April 20, 2021, the 100th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

ONE HUNDREDTH DAY

House Chamber, Olympia, Tuesday, April 20, 2021

The House was called to order at 11:00 a.m. by the Speaker (Representative Lovick presiding).

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Joe Schmick, 9th Legislative District.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SECOND SUBSTITUTE SENATE BILL NO. 5000
SENATE BILL NO. 5031
SENATE BILL NO. 5063
SUBSTITUTE SENATE BILL NO. 5080
SENATE BILL NO. 5145
SENATE BILL NO. 5159
SENATE BILL NO. 5225
SUBSTITUTE SENATE BILL NO. 5230
SENATE BILL NO. 5367
SUBSTITUTE SENATE BILL NO. 5403
ENGROSSED SENATE BILL NO. 5454
SUBSTITUTE SENATE BILL NO. 5460
SUBSTITUTE SENATE BILL NO. 5003
SUBSTITUTE SENATE BILL NO. 5011
SENATE BILL NO. 5027
SUBSTITUTE SENATE BILL NO. 5030
SENATE BILL NO. 5032
SUBSTITUTE SENATE BILL NO. 5034
SENATE BILL NO. 5146
ENGROSSED SENATE BILL NO. 5158
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5160
SUBSTITUTE SENATE BILL NO. 5258
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5259
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5287
SENATE BILL NO. 5345
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452
SECOND SUBSTITUTE HOUSE BILL NO. 1044
SECOND SUBSTITUTE HOUSE BILL NO. 1127
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152
SUBSTITUTE HOUSE BILL NO. 1155
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1186
SUBSTITUTE HOUSE BILL NO. 1193
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1194
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196
SECOND SUBSTITUTE HOUSE BILL NO. 1219
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1220
SUBSTITUTE HOUSE BILL NO. 1223
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1227
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1267
SUBSTITUTE HOUSE BILL NO. 1269
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1273
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1287
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1295
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1297
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1320
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1335
HOUSE BILL NO. 1399
SUBSTITUTE HOUSE BILL NO. 1416
SUBSTITUTE HOUSE BILL NO. 1425
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1457
SUBSTITUTE HOUSE BILL NO. 1484
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1504
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512
SUBSTITUTE HOUSE BILL NO. 1532

The Speaker called upon Representative Lovick to preside.

There being no objection, the House reverted to the first order of business.

The Clerk called the roll and a quorum was present.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

April 19, 2021

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054. The President has appointed the following members as Conferees: Dhingra, Padden, Pedersen

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 19, 2021

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1310. The President has appointed the following members as Conferees: Dhingra, Pedersen, Padden

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 19, 2021

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5022,
SUBSTITUTE SENATE BILL NO. 5025,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5118,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5160,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5163,
SECOND SUBSTITUTE SENATE BILL NO. 5183,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5190,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5193,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194,
SECOND SUBSTITUTE SENATE BILL NO. 5195,
SECOND SUBSTITUTE SENATE BILL NO. 5214,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5227,
SUBSTITUTE SENATE BILL NO. 5236,
SECOND SUBSTITUTE SENATE BILL NO. 5313,
SECOND SUBSTITUTE SENATE BILL NO. 5368,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5377,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5399,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5408,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 19, 2021

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1033,
HOUSE BILL NO. 1034,
ENGROSSED HOUSE BILL NO. 1049,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1050,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1069,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1086,
SUBSTITUTE HOUSE BILL NO. 1088,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1089,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097,
SUBSTITUTE HOUSE BILL NO. 1107,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1108,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109,
HOUSE BILL NO. 1119,
SUBSTITUTE HOUSE BILL NO. 1129,
SECOND SUBSTITUTE HOUSE BILL NO. 1161,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1184,
SUBSTITUTE HOUSE BILL NO. 1207,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 19, 2021

Mme. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5003,
SUBSTITUTE SENATE BILL NO. 5011,
SENATE BILL NO. 5027,
SUBSTITUTE SENATE BILL NO. 5030,
SENATE BILL NO. 5032,
SUBSTITUTE SENATE BILL NO. 5034,
SENATE BILL NO. 5146,
ENGROSSED SENATE BILL NO. 5158,
SUBSTITUTE SENATE BILL NO. 5258,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5259,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5287,
SENATE BILL NO. 5345,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 19, 2021

Mme. SPEAKER:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1425, and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 20, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5160,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1580 by Representatives Chambers, Boehnke, Jacobsen, Caldier, Rule, Ybarra, Stokesbary, Walsh, Shewmake, Graham, Chandler and Eslick

AN ACT Relating to ensuring that equitable COVID-19 vaccine dose allocation is considered before a county may be reverted to a more restrictive phase under the healthy Washington: Roadmap to recovery plan; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the seventh order of business.

THIRD READING
MESSAGE FROM THE SENATE

April 8, 2021

Mme. SPEAKER:

The Senate has passed ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that rapid innovations in low carbon transportation technologies, including electric vehicles and clean transportation fuels, are at the threshold of widespread commercial deployment. In order to help prompt the use of clean fuels, other states have successfully implemented programs that reduce the carbon intensity of their transportation fuels. California and Oregon have both implemented low carbon fuel standards that are similar to the program created in this act, and both states have experienced biofuel sector growth and have successfully sited large biofuel projects that had originally been planned for Washington. Washington state has extensively studied the potential impact of a clean fuels program, and most projections show that a low carbon fuel standard would decrease greenhouse gas and conventional air pollutant emissions, while positively impacting the state's economy.

(2) The legislature further finds that the health and welfare of the people of the state of Washington is threatened by the prospect of crumbling or swamped coastlines, rising water, and more intense forest fires caused by higher temperatures and related droughts, all of which are intensified and made more frequent by the volume of greenhouse gas emissions. As of 2017, the transportation sector contributes 45 percent of Washington's greenhouse gas emissions, and the legislature's interest in the life cycle of the fuels used in the state arises from a concern for the effects of the production and use of these fuels on Washington's environment and public health, including its air quality, snowpack, and coastline.

(3) The legislature finds that the clean fuel standard created in this chapter will create jobs in Washington state in the production and distribution of sustainable fuels like biofuels from agricultural feedstocks and forest residuals, hydrogen produced from renewable feedstocks, and more. In order to maximize the benefits of this policy to Washington workers while also protecting the environment for current and future generations, it is necessary to uphold and improve upon the state's siting policies. By identifying priority areas of the state for development and by developing methods to further avoid, minimize, and mitigate environmental impacts consistent with statute, rules, and guidance, Washington can protect its environment, contribute to the global fight against climate change, and support broadly shared prosperity.

(4) Therefore, it is the intent of the legislature to support the deployment of

clean transportation fuel technologies through a carefully designed program that reduces the carbon intensity of fuel used in Washington, in order to:

(a) Reduce levels of conventional air pollutants from diesel and gasoline that are harmful to public health;

(b) Reduce greenhouse gas emissions associated with transportation fuels, which are the state's largest source of greenhouse gas emissions; and

(c) Create jobs and spur economic development based on innovative clean fuel technologies.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Carbon dioxide equivalents" has the same meaning as defined in RCW 70A.45.010.

(2) "Carbon intensity" means the quantity of life-cycle greenhouse gas emissions, per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule (gCO2e/MJ).

(3) "Clean fuels program" means the requirements established under this chapter.

(4) "Cost" means an expense connected to the manufacture, distribution, or other aspects of the provision of a transportation fuel product.

(5) "Credit" means a unit of measure generated when a transportation fuel with a carbon intensity that is less than the applicable standard adopted by the department under section 3 of this act is produced, imported, or dispensed for use in Washington, such that one credit is equal to one metric ton of carbon dioxide equivalents.

(6) "Deficit" means a unit of measure generated when a transportation fuel with a carbon intensity that is greater than the applicable standard adopted by the department under section 3 of this act is produced, imported, or dispensed for use in Washington, such that one deficit is equal to one metric ton of carbon dioxide equivalents.

(7) "Department" means the department of ecology.

(8) "Electric utility" means a consumer-owned utility or investor-owned utility, as those terms are defined in RCW 19.29A.010.

(9) "Greenhouse gas" has the same meaning as defined in RCW 70A.45.010.

(10) "Military tactical vehicle" means a motor vehicle owned by the United States department of defense or the United States military services and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(11) "Motor vehicle" has the same meaning as defined in RCW 46.04.320.

(12) "Price" means the amount of payment or compensation provided as consideration for a specified quantity of transportation fuel by a consumer or end user of the transportation fuel.

(13) "Regulated party" means a producer or importer of any amount of a transportation fuel that is ineligible to generate credits under this act.

(14)(a) "Tactical support equipment" means equipment using a portable engine, including turbines, that meets military specifications, owned by the United States military services or its allies, and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Tactical support equipment" includes, but is not limited to, engines associated with portable generators, aircraft start carts, heaters, and lighting carts.

(15) "Transportation fuel" means electricity and any liquid or gaseous fuel sold, supplied, offered for sale, or used for the propulsion of a motor vehicle or that is intended for use for transportation purposes.

NEW SECTION. **Sec. 3.** (1) The department shall adopt rules that establish standards that reduce carbon intensity in transportation fuels used in Washington. The standards established by the rules must be based on the carbon intensity of gasoline and gasoline substitutes and the carbon intensity of diesel and diesel substitutes. The standards:

(a) Must reduce the overall, aggregate carbon intensity of transportation fuels used in Washington;

(b) May only require carbon intensity reductions at the aggregate level of all transportation fuels and may not require a reduction in carbon intensity to be achieved by any individual type of transportation fuel;

(c) Must assign a compliance obligation to fuels whose carbon intensity exceeds the standards adopted by the department, consistent with the requirements of section 4 of this act; and

(d) Must assign credits that can be used to satisfy or offset compliance obligations to fuels whose carbon intensity is below the standards adopted by the department and that elect to participate in the program, consistent with the requirements of section 4 of this act.

(2) The clean fuels program adopted by the department must be designed such that:

(a) Regulated parties generate deficits and may reconcile the deficits, and thus comply with the clean fuels program standards for a compliance period, by obtaining and retiring credits. This point of compliance for motor vehicle fuel is the same as described in chapter 82.38 RCW;

(b) Regulated parties and credit generators may generate credits for fuels used as substitutes or alternatives for gasoline or diesel;

(c) Regulated parties, credit generators, and credit aggregators shall have opportunities to trade credits; and

(d) Regulated parties shall be allowed to carry over to the next compliance period a small deficit without penalty.

(3) The department shall, throughout a compliance period, regularly monitor the availability of fuels needed for compliance with the clean fuels program.

(4)(a) Under the clean fuels program, the department shall monthly calculate the volume-weighted average price of credits and, no later than the last day of the month immediately following the month for which the calculation is completed, post the formula and the nonaggregated data the department used for the calculation and the results of the calculation on the department's website.

(b) In completing the calculation required by this subsection, the department may exclude from the data set credit transfers without a price or other credit transfers made for a price that falls two standard deviations outside of the mean credit price for the month. Data posted on the department's website under this section may not include any individually identifiable information or information that would constitute a trade secret.

(5)(a) Except as provided in this section, the rules adopted under this section must reduce the greenhouse gas emissions attributable to each unit of the fuels to 20 percent below 2017 levels by 2035 based on the following schedule:

(i) No more than 0.5 percent each year in 2023 and 2024;

(ii) No more than an additional 1.0 percent each year beginning in 2025 through 2027;

(iii) No more than an additional 1.5 percent each year beginning in 2028 through 2031; and

(iv) No more than an additional 2.5 percent each year beginning in 2032 through 2034.

(b) The rules adopted under this section must not establish a reduction level beyond 10 percent of greenhouse gas emissions attributable to each unit of the fuels without explicit legislative authorization enacted subsequent to January 1, 2029. By December 1, 2028, the department must submit agency request legislation that if subsequently enacted would provide this authorization.

(c) The rules must establish a start date for the clean fuels program of no later than January 1, 2023, except as provided in subsection (6) of this section.

(6)(a) In order to coordinate and synchronize the clean fuels program with other transportation-related investments, the department must not assign compliance obligations under this act or allow for any actual credit generation until a separate additive transportation funding act becomes law, at which time the department of licensing must provide written notice to the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser.

(b) For the purposes of this subsection, "additive transportation funding act" means an act in which the combined total of new state revenues deposited into the motor vehicle fund and multimodal transportation account exceed $500,000,000 per biennium attributable solely to an increase in revenue from the enactment of the act.

(7) Beginning January 1, 2026, the department may not increase the applicable clean fuels program standard adopted by the department under subsection (5) of this section until the department can demonstrate the following have occurred:

(a) At least a 25 percent net increase in the volume of in-state liquid biofuel production and the use of agricultural feedstocks grown within the state relative to the start of the program; and

(b) At least one new biofuels production facility producing in excess of 60,000,000 gallons of biofuels per year has received all necessary siting, operating, and environmental permits post all applicable appeals.

(8) Beginning January 1, 2028, the department shall not increase the applicable clean fuels program standard adopted by the department under subsection (5) of this section until the department can demonstrate that at least one new biofuel production facility producing in excess of 60,000,000 gallons of biofuels per year has received all necessary siting, operating, and environmental permits post all applicable appeals.

(9) Transportation fuels exported from Washington are not subject to the greenhouse gas emissions reduction requirements in this section.

(10) To the extent the requirements of this chapter conflict with the requirements of chapter 19.112 RCW, the requirements of this chapter prevail.

NEW SECTION. **Sec. 4.** The rules adopted by the department to achieve the greenhouse gas emissions reductions per unit of fuel energy specified in section 3 of this act must include, but are not limited to, the following:

(1) Standards for greenhouse gas emissions attributable to the transportation fuels throughout their life cycles, including but not limited to emissions from the production, storage, transportation, and combustion of transportation fuels and from changes in land use associated with transportation fuels and any permanent greenhouse gas sequestration activities.

(a) The rules adopted by the department under this subsection (1) may:

(i) Include provisions to address the efficiency of a fuel as used in a powertrain as compared to a reference fuel;

(ii) Consider carbon intensity calculations for transportation fuels developed by national laboratories or used by similar programs in other states; and

(iii) Consider changes in land use and any permanent greenhouse gas sequestration activities associated with the production of any type of transportation fuel.

(b) The rules adopted by the department under this subsection (1) must:

(i) Neutrally consider the life-cycle emissions associated with transportation fuels with respect to the political jurisdiction in which the fuels originated and may not discriminate against fuels on the basis of having originated in another state or jurisdiction. Nothing in this subsection may be construed to prohibit inclusion or assessment of emissions related to fuel production, storage, transportation, or combustion or associated changes in land use in determining the carbon intensity of a fuel;

(ii) Measure greenhouse gas emissions associated with electricity and hydrogen based on a mix of generation resources specific to each electric utility participating in the clean fuels program. The department may apply an asset-controlling supplier emission factor certified or approved by a similar program to reduce the greenhouse gas emissions associated with transportation fuels in another state;

(iii) Include mechanisms for certifying electricity that has a carbon intensity of zero. This electricity must include, at minimum, electricity:

(A) For which a renewable energy credit or other environmental attribute has been retired or used; and

(B) Produced using a zero emission resource including, but not limited to, solar, wind, geothermal, or the industrial combustion of biomass consistent with RCW 70A.45.020(3), that is directly supplied as a transportation fuel by the generator of the electricity to a metered customer for electric vehicle charging or refueling;

(iv) Allow the generation of credits associated with electricity with a carbon intensity lower than that of standard adopted by the department. The department may not require electricity to have a carbon intensity of zero in order to be eligible to generate credits from use as a transportation fuel; and

(v) Include procedures for setting and adjusting the amounts of greenhouse gas emissions per unit of fuel energy that is assigned to transportation fuels under this subsection.

(c) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with transportation fuels, the department may require transportation fuel suppliers to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the greenhouse gas emissions data reported under RCW 70A.15.2200(5)(a)(iii).

(d) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with electricity supplied to retail customers or hydrogen production facilities by an electric utility, the department may require electric utilities participating in the clean fuels program to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the fuel mix disclosure information submitted under chapter 19.29A RCW. To the extent practicable, rules adopted by the department may allow data requested of utilities to be submitted in a form and manner consistent with other required state or federal data submissions;

(2) Provisions allowing for the achievement of limits on the greenhouse gas emissions intensity of transportation fuels in section 3 of this act to be achieved by any combination of credit generating activities capable of meeting such standards. Where such provisions would not produce results counter to the emission reduction goals of the program or prove administratively burdensome for the department, the rules should provide each participant in the clean fuels program with the opportunity to demonstrate appropriate carbon intensity values taking into account both emissions from production facilities and elsewhere in the production cycle, including changes in land use and permanent greenhouse gas sequestration activities;

(3)(a) Methods for assigning compliance obligations and methods for tracking tradable credits. The department may assign the generation of a credit when a fuel with associated life-cycle greenhouse gas emissions that are lower than the applicable per-unit standard adopted by the department under section 3 of this act is produced, imported, or dispensed for use in Washington, or when specified activities are undertaken that support the reduction of greenhouse gas emissions associated with transportation in Washington;

(b) Mechanisms that allow credits to be traded and to be banked for future compliance periods; and

(c) Procedures for verifying the validity of credits and deficits generated under the clean fuels program;

(4) Mechanisms to elect to participate in the clean fuels program for persons associated with the supply chains of transportation fuels that are eligible to generate credits consistent with subsection (3) of this section, including producers, importers, distributors, users, or retailers of such fuels, and electric vehicle manufacturers;

(5) Mechanisms for persons associated with the supply chains of transportation fuels that are used for purposes that are exempt from the clean fuels program compliance obligations including, but not limited to, fuels used by aircraft, vessels, railroad locomotives, and other exempt fuels specified in section 5 of this act, to elect to participate in the clean fuels program by earning credits for the production, import, distribution, use, or retail of exempt fuels with associated life-cycle greenhouse gas emissions lower than the per-unit standard established in section 3 of this act;

(6) Mechanisms that allow for the assignment of credits to an electric

utility for electricity used within its utility service area, at minimum, for residential electric vehicle charging or fueling;

(7) Cost containment mechanisms;

(8)(a)(i) A credit clearance market for any compliance period in which at least one regulated party reports that the regulated party has a net deficit balance at the end of the compliance period, after retirement of all credits held by the regulated party, that is greater than a small deficit. A regulated party described by this subsection is required to participate in the credit clearance market.

(ii) If a regulated party has a small deficit at the end of a compliance period, the regulated party shall notify the department that it will achieve compliance with the clean fuels program during the compliance period by either: (A) Participating in a credit clearance market; or (B) carrying forward the small deficit.

(b) For the purposes of administering a credit clearance market required by this section, the department shall:

(i) Allow any regulated party, credit generator, or credit aggregator to hold excess credits at the end of the compliance period to voluntarily participate in the credit clearance market as a seller by pledging a specified number of credits for sale in the market;

(ii) Require each regulated party participating in the credit clearance market as purchaser of credits to:

(A) Have retired all credits in the regulated party's possession prior to participating in the credit clearance market; and

(B) Purchase the specified number of the total pledged credits that the department has determined are that regulated party's pro rata share of the pledged credits;

(iii) Require all sellers to:

(A) Agree to sell pledged credits at a price no higher than a maximum price for credits;

(B) Accept all offers to purchase pledged credits at the maximum price for credits; and

(C) Agree to withhold any pledged credits at the maximum price for credits.

(c)(i) The department shall set the maximum price for credits in a credit clearance market, which may not exceed $200 for 2028.

(ii) For 2029 and subsequent years, the maximum price may exceed $200, but only to the extent that a greater maximum price for credits is necessary to annually adjust for inflation, beginning on January 1, 2025, pursuant to the increase, if any, from the preceding calendar year in the consumer price index for all urban consumers, west region (all items), as published by the bureau of labor statistics of the United States department of labor.

(d) A regulated party that has a net deficit balance after the close of a credit clearance market:

(i) Must carry over the remaining deficits into the next compliance period; and

(ii) May not be subject to interest greater than five percent, penalties, or assertions of noncompliance that accrue based on the carryover of deficits under this subsection.

(e) If a regulated party has been required under (a) of this subsection to participate as a purchaser in two consecutive credit clearance markets and continues to have a net deficit balance after the close of the second consecutive credit clearance market, the department shall complete, no later than two months after the close of the second credit clearance market, an analysis of the root cause of an inability of the regulated party to retire the remaining deficits. The department may recommend and implement any remedy that the department determines is necessary to address the root cause identified in the analysis, including but not limited to issuing a deferral, provided that the remedy implemented does not:

(i) Require a regulated party to purchase credits for an amount that exceeds the maximum price for credits in the most recent credit clearance market; or

(ii) Compel a person to sell credits.

(f) If credits sold in a credit clearance market are subsequently invalidated as a result of fraud or any other form of noncompliance on the part

of the generator of the credit, the department may not pursue civil penalties against, or require credit replacement by, the regulated party that purchased the credits unless the regulated party was a party to the fraud or other form of noncompliance.

(g) The department may not disclose the deficit balances or pro rata share purchase requirements of a regulated party that participates in the credit clearance market.

(9) Authority for the department to designate an entity to aggregate and use unclaimed credits associated with persons that elect not to participate in the clean fuels program under subsection (4) of this section.

(10)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from low carbon fuel production to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives. Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state intends to pursue the limits in a manner that recognizes that the siting and placement of new best in class low carbon fuel production facilities that provide for the displacement of more carbon-intensive processes is in the economic and environmental interests of the state of Washington.

(b) For new or expanded low carbon fuel production facilities that require review under chapter 43.21C RCW, the department must evaluate the net cumulative greenhouse gas emissions of the facility. In evaluating the greenhouse gas emissions from a low carbon fuel production facility, the department shall net its direct greenhouse gas emissions with reductions associated with its fuel product compared to the carbon intensity requirements established under this chapter.

(c) The limits in RCW 70A.45.020 may not be the basis for denial of a permit application or for judicial review of the grant of a permit for a new or expanded facility.

NEW SECTION. **Sec. 5.** (1) The rules adopted under sections 3 and 4 of this act must include exemptions for, at minimum, the following transportation fuels:

(a) Fuels used in volumes below thresholds adopted by the department;

(b) Fuels used for the propulsion of all aircraft, vessels, and railroad locomotives; and

(c) Fuels used for the operation of military tactical vehicles and tactical support equipment.

(2)(a) The rules adopted under sections 3 and 4 of this act must exempt the following transportation fuels from greenhouse gas emission intensity reduction requirements until January 1, 2028:

(i) Special fuel used off-road in vehicles used primarily to transport logs;

(ii) Dyed special fuel used in vehicles that are not designed primarily to transport persons or property, that are not designed to be primarily operated on highways, and that are used primarily for construction work including, but not limited to, mining and timber harvest operations; and

(iii) Dyed special fuel used for agricultural purposes exempt from chapter 82.38 RCW.

(b) Prior to January 1, 2028, fuels identified in this subsection (2) are eligible to generate credits, consistent with subsection (5) of this section. Beginning January 1, 2028, the fuels identified in this subsection (2) are subject to the greenhouse gas emission intensity reduction requirements applicable to transportation fuels specified in section 3 of this act.

(3) The department may adopt rules to specify the standards for persons to qualify for the exemptions provided in this section. The department may implement the exemptions under subsection (2) of this section to align with the implementation of exemptions for similar fuels exempt from chapter 82.38 RCW.

(4) The rules adopted under sections 3 and 4 of this act may include exemptions in addition to those described in subsections (1) and (2) of this section, but only if such exemptions are necessary, with respect to the relationship between the program and similar greenhouse gas emissions

requirements or low carbon fuel standards, in order to avoid:

(a) Mismatched incentives across programs;

(b) Fuel shifting between markets; or

(c) Other results that are counter to the intent of this chapter.

(5) Nothing in this chapter precludes the department from adopting rules under sections 3 and 4 of this act that allow the generation of credits associated with electric or alternative transportation infrastructure that existed prior to the effective date of this section or to the start date of program requirements. The department must apply the same baseline years to credits associated with electric or alternative transportation infrastructure that apply to gasoline and diesel liquid fuels in any market-based program enacted by the legislature that establishes a cap on greenhouse gas emissions.

NEW SECTION. **Sec. 6.** (1) The rules adopted under sections 3 and 4 of this act may allow the generation of credits from activities that support the reduction of greenhouse gas emissions associated with transportation in Washington, including but not limited to:

(a) Carbon capture and sequestration projects, including but not limited to:

(i) Innovative crude oil production projects that include carbon capture and sequestration;

(ii) Project-based refinery greenhouse gas mitigation including, but not limited to, process improvements, renewable hydrogen use, and carbon capture and sequestration; or

(iii) Direct air capture projects;

(b) Investments and activities that support deployment of machinery and equipment used to produce gaseous and liquid fuels from nonfossil feedstocks, and derivatives thereof;

(c) The fueling of battery or fuel cell electric vehicles by a commercial, nonprofit, or public entity that is not an electric utility, which may include, but is not limited to, the fueling of vehicles using electricity certified by the department to have a carbon intensity of zero; and

(d) The use of smart vehicle charging technology that results in the fueling of an electric vehicle during times when the carbon intensity of grid electricity is comparatively low.

(2)(a) The rules adopted under sections 3 and 4 of this act must allow the generation of credits based on capacity for zero emission vehicle refueling infrastructure, including DC fast charging infrastructure and hydrogen refueling infrastructure.

(b) The rules adopted under sections 3 and 4 of this act may allow the generation of credits from the provision of low carbon fuel infrastructure not specified in (a) of this subsection.

(3) The rules adopted under sections 3 and 4 of this act must allow the generation of credits from state transportation investments funded in an omnibus transportation appropriations act for activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector. These include, but are not limited to: (a) Electrical grid and hydrogen fueling infrastructure investments; (b) ferry operating and capital investments; (c) electrification of the state ferry fleet; (d) alternative fuel vehicle rebate programs; (e) transit grants; (f) infrastructure and other costs associated with the adoption of alternative fuel use by transit agencies; (g) bike and pedestrian grant programs and other activities; (h) complete streets and safe walking grants and allocations; (i) rail funding; and (j) multimodal investments.

(4) The rules adopted by the department may establish limits for the number of credits that may be earned each year by persons participating in the program for some or all of the activities specified in subsections (1), (2), and (3) of this section. Any limits established under this subsection must take into consideration the return on investment required in order for an activity specified in subsection (2) of this section to be financially viable.

NEW SECTION. **Sec. 7.** (1) Except where otherwise provided in this chapter, the department shall seek to adopt rules that are harmonized with the regulatory standards, exemptions, reporting obligations, and other clean fuels program compliance requirements and methods for credit generation of other states that:

(a) Have adopted low carbon fuel standards or similar greenhouse gas emissions requirements applicable specifically to transportation fuels; and

(b)(i) Supply, or have the potential to supply, significant quantities of transportation fuel to Washington markets; or

(ii) To which Washington supplies, or has the potential to supply, significant quantities of transportation fuel.

(2) The department must establish and periodically consult a stakeholder advisory panel, including representatives of forestland and agricultural landowners, for purposes of soliciting input on how to best incentivize and allot credits for the sequestration of greenhouse gases through activities on agricultural and forestlands in a manner that is consistent with the goals and requirements of this chapter.

(3) The department must conduct a biennial review of innovative technologies and pathways that reduce carbon and increase credit generation opportunities and must modify rules or guidance as needed to maintain stable credit markets.

(4) In any reports to the legislature under section 10 of this act, on the department's website, or in other public documents or communications that refer to assumed public health benefits associated with the program created in this chapter, the department must distinguish between public health benefits from small particulate matter and other conventional pollutant reductions achieved primarily as a result of vehicle emission standards established under chapter 70A.30 RCW, and the incremental benefits to air pollution attributable to the program created under this chapter.

NEW SECTION. **Sec. 8.** (1)(a) Each producer or importer of any amount of a transportation fuel that is ineligible to generate credits consistent with the requirements of section 4(3) of this act must register with the department.

(b) Electric vehicle manufacturers and producers, importers, distributors, users, and retailers of transportation fuels that are eligible to generate credits consistent with section 4(3) of this act must register with the department if they elect to participate in the clean fuels program.

(c) Other persons must register with the department to generate credits from other activities that support the reduction of greenhouse gas emissions associated with transportation in Washington.

(2) Each transaction transferring ownership of transportation fuels for which clean fuels program participation is mandated must be accompanied by documentation, in a format approved by the department, that assigns the clean fuels program compliance responsibility associated with the fuels, including the assignment of associated credits. The department may also require documentation assigning clean fuels program compliance responsibility associated with fuels for which program participation has been elected.

(3) The department may adopt rules requiring the periodic reporting of information to the department by persons associated with the supply chains of transportation fuels participating in the clean fuels program. To the extent practicable, the rules must establish reporting procedures and timelines that are consistent with similar programs in other states that reduce the greenhouse gas emission intensity of transportation fuel and with procedures and timelines of state programs requiring similar information to be reported by regulated parties, including electric utilities.

(4) RCW 70A.15.2510 applies to records or information submitted to the department under this chapter.

NEW SECTION. **Sec. 9.** (1)(a) Fifty percent of the revenues generated by an electric utility from credits earned from the electricity supplied to retail customers by an electric utility under the clean fuels program must be expended by the electric utility on transportation electrification projects, which may include projects to support the production and provision of hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as a transportation fuel.

(b) Sixty percent of the revenues described in (a) of this subsection, or 30 percent of the revenues generated by an electric utility from credits earned from the electricity supplied to retail customers by an electric utility under the clean fuels program, must be expended

by the electric utility on transportation electrification projects, which may include projects to support the production and provision of hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as a transportation fuel, located within or directly benefiting a federally designated nonattainment or maintenance area, a federally designated nonattainment or maintenance area that existed as of January 1, 2021, a disproportionately impacted community identified by the department of health, or an area designated by the department as being at risk of nonattainment, if such a nonattainment or maintenance area or disproportionately impacted community is within the service area of the utility.

(2) The 50 percent of revenues not subject to the requirements of subsection (1) of this section must be used for activities and projects jointly determined by the department and the Washington state department of transportation based on those with the highest impact on reducing greenhouse gas emissions and decarbonizing the transportation sector. These include, but are not limited to: (a) Electrical grid and hydrogen fueling infrastructure investments; (b) electrification of the state ferry fleet; (c) alternative fuel vehicle rebate programs; and (d) infrastructure and other costs associated with the adoption of alternative fuel use by transit agencies.

(3) Electric utilities that participate in the clean fuels program must annually provide information to the department accounting for and briefly describing all expenditures of revenues generated from credits earned under the clean fuels program.

NEW SECTION. **Sec. 10.** (1) Beginning May 1, 2025, and each May 1st thereafter, the department must post a report on the department's website that includes the following information regarding the previous calendar year of clean fuels program activities:

(a) The program-wide number of credits and deficits generated by entities participating in the clean fuels program;

(b) The volumes of each transportation fuel and average price per credit used to comply with the requirements of the clean fuels program;

(c) The best estimate or range in probable costs or cost savings attributable to the clean fuels program per gallon of gasoline and per gallon of diesel, as determined by an independent consultant whose services the department has contracted. The estimate or range in probable costs or cost savings from the independent consultant must be announced in a press release to the news media at the time that the report under this subsection (1) is posted to the department's website, and must be simultaneously reported to the transportation committees of the house of representatives and the senate;

(d) The total greenhouse gas emissions reductions attributable to the clean fuels program isolated from the greenhouse gas emissions reductions attributable to other state and national programs on the same fuels; and

(e) The range in the probable cost per ton of greenhouse gas emissions reductions attributable to fuels supported by the clean fuels program, taking into account the information in (c) and (d) of this subsection.

(2) Nothing in this section prohibits the department from posting information described in subsection (1) of this section on a more frequent basis than once per year.

(3) By May 1, 2025, and each May 1st thereafter, the department must submit the report required under subsection (1) of this section to the appropriate committees of the house of representatives and senate.

(4) The department must contract for a one-time ex ante independent analysis of the information specified in subsection (1)(c) of this section covering each year of the program through 2035. The analysis must be informed by input from stakeholders, including regulated industries, and informed by experience from other jurisdictions. The analysis must impute price impacts using multiple analytical methodologies and must make clear how the assumptions or factors considered differed in each methodology used and price impact imputed. The analysis required in this subsection must be completed and submitted to the appropriate committees of the legislature by July 1, 2022.

NEW SECTION. **Sec. 11.** (1) In consultation with the department, the utilities and transportation commission,

and the department of agriculture, the department of commerce must develop a periodic fuel supply forecast to project the availability of fuels to Washington necessary for compliance with clean fuels program requirements.

(2) Based upon the estimates in subsection (3) of this section, the fuel supply forecast must include a prediction by the department of commerce regarding whether sufficient credits will be available to comply with clean fuels program requirements.

(3) The fuel supply forecast for each upcoming compliance period must include, but is not limited to, the following:

(a) An estimate of the potential volumes of gasoline, gasoline substitutes, and gasoline alternatives, and diesel, diesel substitutes, and diesel alternatives available to Washington. In developing this estimate, the department of commerce must consider, but is not limited to considering:

(i) The existing and future vehicle fleet in Washington; and

(ii) Any constraints that might be preventing access to available and cost-effective low carbon fuels by Washington, such as geographic and logistical factors, and alleviating factors to the constraints;

(b) An estimate of the total banked credits and carried over deficits held by regulated parties, credit generators, and credit aggregators at the beginning of the compliance period, and an estimate of the total credits attributable to fuels described in (a) of this subsection;

(c) An estimate of the number of credits needed to meet the applicable clean fuels program requirements during the forecasted compliance period; and

(d) A comparison in the estimates of (a) and (b) of this subsection with the estimate in (c) of this subsection, for the purpose of indicating the availability of fuels needed for compliance with the requirements of this chapter.

(4) The department of commerce, in coordination with the department, may appoint a forecast review team of relevant experts to participate in the fuel supply forecast or examination of data required by this section. The department of commerce must finalize a fuel supply forecast for an upcoming compliance period by no later than 90 days prior to the start of the compliance period.

NEW SECTION. **Sec. 12.** (1) No later than 30 calendar days before the commencement of a compliance period, the department shall issue an order declaring a forecast deferral if the fuel supply forecast under section 10 of this act projects that the amount of credits that will be available during the forecast compliance period will be less than 100 percent of the credits projected to be necessary for regulated parties to comply with the scheduled applicable clean fuels program standard adopted by the department for the forecast compliance period.

(2) An order declaring a forecast deferral under this section must set forth:

(a) The duration of the forecast deferral;

(b) The types of fuel to which the forecast deferral applies; and

(c) Which of the following methods the department has selected for deferring compliance with the scheduled applicable clean fuels program standard during the forecast deferral:

(i) Temporarily adjusting the scheduled applicable clean fuels program standard to a standard identified in the order that better reflects the forecast availability of credits during the forecast compliance period and requiring regulated parties to comply with the temporary standard;

(ii) Requiring regulated parties to comply only with the clean fuels program standard applicable during the compliance period prior to the forecast compliance period; or

(iii) Suspending deficit accrual for part or all of the forecast deferral period.

(3)(a) In implementing a forecast deferral, the department may take an action for deferring compliance with the clean fuels program standard other than, or in addition to, selecting a method under subsection (2)(c) of this section only if the department determines that none of the methods under subsection (2)(c) of this section will provide a sufficient mechanism for containing the costs of compliance with the clean fuels

program standards during the forecast deferral.

(b) If the department makes the determination specified in (a) of this subsection, the department shall:

(i) Include in the order declaring a forecast deferral the determination and the action to be taken; and

(ii) Provide written notification and justification of the determination and the action to:

(A) The governor;

(B) The president of the senate;

(C) The speaker of the house of representatives;

(D) The majority and minority leaders of the senate; and

(E) The majority and minority leaders of the house of representatives.

(4) The duration of a forecast deferral may not be less than one calendar quarter or longer than one compliance period. Only the department may terminate, by order, a forecast deferral before the expiration date of the forecast deferral. Termination of a forecast deferral is effective on the first day of the next calendar quarter after the date that the order declaring the termination is adopted.

NEW SECTION. **Sec. 13.** (1) The director of the department may issue an order declaring an emergency deferral of compliance with the carbon intensity standard established under section 3 of this act no later than 15 calendar days after the date the department determines, in consultation with the governor's office and the department of commerce, that:

(a) Extreme and unusual circumstances exist that prevent the distribution of an adequate supply of renewable fuels needed for regulated parties to comply with the clean fuels program taking into consideration all available methods of obtaining sufficient credits to comply with the standard;

(b) The extreme and unusual circumstances are the result of a natural disaster, an act of God, a significant supply chain disruption or production facility equipment failure, or another event that could not reasonably have been foreseen or prevented and not the lack of prudent planning on the part of the suppliers of the fuels to the state; and

(c) It is in the public interest to grant the deferral such as when a deferral is necessary to meet projected temporary shortfalls in the supply of the renewable fuel in the state and that other methods of obtaining compliance credits are unavailable to compensate for the shortage of renewable fuel supply.

(2) If the director of the department makes the determination required under subsection (1) of this section, such a temporary extreme and unusual deferral is permitted only if:

(a) The deferral applies only for the shortest time necessary to address the extreme and unusual circumstances;

(b) The deferral is effective for the shortest practicable time period the director of the department determines necessary to permit the correction of the extreme and unusual circumstances; and

(c) The director has given public notice of a proposed deferral.

(3) An order declaring an emergency deferral under this section must set forth:

(a) The duration of the emergency deferral;

(b) The types of fuel to which the emergency deferral applies;

(c) Which of the following methods the department has selected for deferring compliance with the clean fuels program during the emergency deferral:

(i) Temporarily adjusting the scheduled applicable carbon intensity standard to a standard identified in the order that better reflects the availability of credits during the emergency deferral and requiring regulated parties to comply with the temporary standard;

(ii) Allowing for the carryover of deficits accrued during the emergency deferral into the next compliance period without penalty; or

(iii) Suspending deficit accrual during the emergency deferral period.

(4) An emergency deferral may be terminated prior to the expiration date of the emergency deferral if new information becomes available indicating that the shortage that provided the basis

for the emergency deferral has ended. The director of the department shall consult with the department of commerce and the governor's office in making an early termination decision. Termination of an emergency deferral is effective 15 calendar days after the date that the order declaring the termination is adopted.

(5)(a) In addition to the emergency deferral specified in subsection (1) of this section, the department may issue a full or partial deferral for one calendar quarter of a person's obligation to furnish credits for compliance under section 4 of this act if it finds that the person is unable to comply with the requirements of this chapter due to reasons beyond the person's reasonable control. The department may initiate a deferral under this subsection at its own discretion or at the request of a person regulated under this chapter. The department may renew issued deferrals. In evaluating whether to issue a deferral under this subsection, the department may consider the results of the fuel supply forecast in section 11 of this act, but is not bound in its decision-making discretion by the results of the forecast.

(b) If the department issues a deferral pursuant to this subsection, the department may:

(i) Direct the person subject to the deferral to file a progress report on achieving full compliance with the requirements of this chapter within an amount of time determined to be reasonable by the department; and

(ii) Direct the person to take specific actions to achieve full compliance with the requirements of this chapter.

(c) The issuance of a deferral under this subsection does not permanently relieve the deferral recipient of the obligation to comply with the requirements of this chapter.

NEW SECTION. **Sec. 14.** (1) The department may require that persons that are required or elect to register or report under this chapter pay a fee. If the department elects to require program participants to pay a fee, the department must, after an opportunity for public review and comment, adopt rules to establish a process to determine the payment schedule and the amount of the fee charged. The amount of the fee must be set so as to equal but not exceed the projected direct and indirect costs to the department for developing and implementing the program and the projected direct and indirect costs to the department of commerce to carry out its responsibilities under section 11 of this act. The department and the department of commerce must prepare a biennial workload analysis and provide an opportunity for public review of and comment on the workload analysis. The department shall enter into an interagency agreement with the department of commerce to implement this section.

(2) The clean fuels program account is created in the state treasury. All receipts from fees and penalties received under the program created in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. The department may only use expenditures from the account for carrying out the program created in this chapter.

(3) All rule making authorized under this act must be conducted according to the standards for significant legislative rules provided in RCW 34.05.328.

NEW SECTION. **Sec. 15.** (1) By December 1, 2029, the joint legislative audit and review committee must analyze the impacts of the initial five years of clean fuels program implementation and must submit a report summarizing the analysis to the legislature. The analysis must include, at minimum, the following components:

(a) Costs and benefits, including environmental and public health costs and benefits, associated with this chapter for categories of persons participating in the clean fuels program or that are most impacted by air pollution, as defined in consultation with the departments of ecology and health and as measured on a census tract scale. This component of the analysis must, at minimum, assess the costs and benefits of changes in the following metrics since the start of the program:

(i) Levels of greenhouse gas emissions and criteria air pollutants for which the United States environmental protection agency has established national ambient air quality standards;

(ii) Fuel prices; and

(iii) Total employment in categories of industries generating credits or deficits. The categories of industries assessed must include but are not limited to electric utilities, oil refineries, and other industries involved in the production of high carbon fuels, industries involved in the delivery and sale of high carbon fuels, biofuel refineries, and industries involved in the delivery and sale of low carbon fuels;

(b) An evaluation of the information calculated and provided by the department under section 10(1) of this act; and

(c) A summary of the estimated total statewide costs and benefits attributable to the clean fuels program, including state agency administrative costs and regulated entity compliance costs. For purposes of calculating the benefits of the program, the summary may rely, in part, on a constant value of the social costs attributable to greenhouse gas emissions, as identified in contemporary internationally accepted estimates of such global social cost. This summary must include an estimate of the total statewide costs of the program per ton of greenhouse gas emissions reductions achieved by the clean fuels program.

(2) This section expires June 30, 2030.

NEW SECTION. **Sec. 16.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received from the generation, purchase, sale, transfer, or retirement of credits under chapter 70A.--- RCW (the new chapter created in section 28 of this act).

(2) The provisions of RCW 82.32.805 and 82.32.808 do not apply to subsection (1) of this section.

Sec. 17. RCW 46.17.365 and 2015 3rd sp.s. c 44 s 202 are each amended to read as follows:

(1) A person applying for a motor vehicle registration and paying the vehicle license fee required in RCW 46.17.350(1) (a), (d), (e), (h), (j), (n), and (o) shall pay a motor vehicle weight fee in addition to all other fees and taxes required by law.

(a) For vehicle registrations that are due or become due before July 1, 2016, the motor vehicle weight fee:

(i) Must be based on the motor vehicle scale weight;

(ii) Is the difference determined by subtracting the vehicle license fee required in RCW 46.17.350 from the license fee in Schedule B of RCW 46.17.355, plus two dollars; and

(iii) Must be distributed under RCW 46.68.415.

(b) For vehicle registrations that are due or become due on or after July 1, 2016, the motor vehicle weight fee:

(i) Must be based on the motor vehicle scale weight as follows:

WEIGHT	FEE
4,000 pounds	$ 25.00
6,000 pounds	$ 45.00
8,000 pounds	$ 65.00
16,000 pounds and over	$ 72.00;

(ii) If the resultant motor vehicle scale weight is not listed in the table provided in (b)(i) of this subsection, must be increased to the next highest weight; and

(iii) Must be distributed under RCW 46.68.415 unless prior to July 1, 2023, the actions described in (b)(iii)(A) or (B) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in this subsection must be distributed to the connecting Washington account created under RCW 46.68.395.

(A) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(B) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative

authorization enacted subsequent to July 1, 2015.

(C) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(2) A person applying for a motor home vehicle registration shall, in lieu of the motor vehicle weight fee required in subsection (1) of this section, pay a motor home vehicle weight fee of seventy-five dollars in addition to all other fees and taxes required by law. The motor home vehicle weight fee must be distributed under RCW 46.68.415.

(3) Beginning July 1, 2022, in addition to the motor vehicle weight fee as provided in subsection (1) of this section, the department, county auditor or other agent, or subagent appointed by the director must require an applicant to pay an additional weight fee of ten dollars, which must be distributed to the multimodal transportation account under RCW 47.66.070 unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in this subsection must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(4) The department shall:

(a) Rely on motor vehicle empty scale weights provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each motor vehicle; and

(b) Adopt rules for determining weight for vehicles without manufacturer empty scale weights.

Sec. 18. RCW 46.25.100 and 2015 3rd sp.s. c 44 s 208 are each amended to read as follows:

(1) When a person has been disqualified from operating a commercial motor vehicle, the person is not entitled to have the commercial driver's license or commercial learner's permit restored until after the expiration of the appropriate disqualification period required under RCW 46.25.090 or until the department has received a drug and alcohol assessment and evidence is presented of satisfactory participation in or completion of any required drug or alcohol treatment program for ending the disqualification under RCW 46.25.090(7). After expiration of the appropriate period and upon payment of a requalification fee of twenty dollars until June 30, 2016, and thirty-five dollars beginning July 1, 2016, or one hundred fifty dollars if the person has been disqualified under RCW 46.25.090(7), the person may apply for a new, duplicate, or renewal commercial driver's license or commercial learner's permit as provided by law. If the person has been disqualified for a period of one year or more, the person shall demonstrate that he or she meets the commercial driver's license or commercial learner's permit qualification standards specified in RCW 46.25.060.

(2) The fees under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 208, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 19. RCW 46.20.202 and 2017 c 310 s 3 are each amended to read as follows:

(1) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of implementing a border-crossing initiative.

(3)(a) The department may issue an enhanced driver's license or identicard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identicard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identicard, or an enhanced driver's license or identicard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identicard. An applicant for an enhanced driver's license or identicard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington state residents. If the enhanced driver's license or identicard includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicard. The department shall adopt such rules as necessary to meet the requirements of this subsection. From time to time the department shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

(4) Beginning on July 23, 2017, the fee for an enhanced driver's license or enhanced identicard is twenty-four dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than six years, the fee for each class is four dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

(5) The enhanced driver's license and enhanced identicard fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 20. RCW 46.25.052 and 2015 3rd sp.s. c 44 s 206 are each amended to read as follows:

(1) The department may issue a CLP to an applicant who is at least eighteen years of age and holds a valid Washington state driver's license and who has:

(a) Submitted an application on a form or in a format provided by the department;

(b) Passed the general knowledge examination required for issuance of a CDL under RCW 46.25.060 for the commercial motor vehicle classification in which the applicant operates or expects to operate; and

(c) Paid the appropriate examination fee or fees and an application fee of ten dollars until June 30, 2016, and forty dollars beginning July 1, 2016.

(2) A CLP must be marked "commercial learner's permit" or "CLP," and must be, to the maximum extent practicable, tamperproof. Other than a photograph of the applicant, it must include, but not be limited to, the information required on a CDL under RCW 46.25.080(1).

(3) The holder of a CLP may drive a commercial motor vehicle on a highway only when in possession of a valid driver's license and accompanied by the holder of a valid CDL who has the proper CDL classification and endorsement or endorsements necessary to operate the commercial motor vehicle. The CDL holder must at all times be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision.

(4) A CLP may be classified in the same manner as a CDL under RCW 46.25.080(2)(a).

(5) CLPs may be issued with only P, S, or N endorsements as described in RCW 46.25.080(2)(b).

(a) The holder of a CLP with a P endorsement must have taken and passed the P endorsement knowledge examination. The holder of a CLP with a P endorsement is prohibited from operating a commercial motor vehicle carrying passengers other than authorized employees or representatives of the department and the federal motor carrier safety administration, examiners, other trainees, and the CDL holder accompanying the CLP holder as required under subsection (2) of this section. The P endorsement must be class specific.

(b) The holder of a CLP with an S endorsement must have taken and passed the S endorsement knowledge examination. The holder of a CLP with an S endorsement is prohibited from operating a school bus with passengers other than authorized employees or representatives of the department and the federal motor carrier safety administration, examiners, other trainees, and the CDL holder accompanying the CLP holder as required under subsection (2) of this section.

(c) The holder of a CLP with an N endorsement must have taken and passed the N endorsement knowledge examination. The holder of a CLP with an N endorsement may only operate an empty tank vehicle and is prohibited from operating any tank

vehicle that previously contained hazardous materials and has not been purged of any residue.

(6) A CLP may be issued with appropriate restrictions as described in RCW 46.25.080(2)(c). In addition, a CLP may be issued with the following restrictions:

(a) "P" restricts the driver from operating a bus with passengers;

(b) "X" restricts the driver from operating a tank vehicle that contains cargo; and

(c) Any restriction as established by rule of the department.

(7) The holder of a CLP is not authorized to operate a commercial motor vehicle transporting hazardous materials.

(8) A CLP may not be issued for a period to exceed one hundred eighty days. The department may renew the CLP for one additional one hundred eighty-day period without requiring the CLP holder to retake the general and endorsement knowledge examinations.

(9) The department must transmit the fees collected for CLPs to the state treasurer for deposit in the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 206, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 21. RCW 46.25.060 and 2020 c 78 s 2 are each amended to read as follows:

(1)(a) No person may be issued a commercial driver's license unless that person:

(i) Is a resident of this state;

(ii) Has successfully completed a course of instruction in the operation of a commercial motor vehicle that has been approved by the director or has been certified by an employer as having the skills and training necessary to operate a commercial motor vehicle safely;

(iii) If he or she does not hold a valid commercial driver's license of the appropriate classification, has been issued a commercial learner's permit under RCW 46.25.052; and

(iv) Has passed a knowledge and skills examination for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. Part 383, subparts F, G, and H, in addition to other requirements imposed by state law or federal regulation. The department may not allow the person to take the skills examination during the first fourteen days after initial issuance of the person's commercial learner's permit. The examinations must be prescribed and conducted by the department.

(b) In addition to the fee charged for issuance or renewal of any license, the applicant shall pay a fee of no more than ten dollars until June 30, 2016, and thirty-five dollars beginning July 1, 2016, for the classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations. The applicant shall pay a fee of no more than one hundred dollars until June 30, 2016, and two hundred fifty dollars beginning July 1, 2016, for each classified skill examination or combination of classified skill examinations conducted by the department.

(c) The department may authorize a person, including an agency of this or

another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills examination specified by this section under the following conditions:

(i) The examination is the same which would otherwise be administered by the state;

(ii) The third party has entered into an agreement with the state that complies with the requirements of 49 C.F.R. Sec. 383.75; and

(iii) The director has adopted rules as to the third party testing program and the development and justification for fees charged by any third party.

(d) If the applicant's primary use of a commercial driver's license is for any of the following, then the applicant shall pay a fee of no more than seventy-five dollars until June 30, 2016, and two hundred twenty-five dollars beginning July 1, 2016, for the classified skill examination or combination of classified skill examinations whether conducted by the department or a third-party tester:

(i) Public benefit not-for-profit corporations that are federally supported head start programs; or

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.216.505.

(e) Beginning July 1, 2016, if the applicant's primary use of a commercial driver's license is to drive a school bus, the applicant shall pay a fee of no more than one hundred dollars for the classified skill examination or combination of classified skill examinations conducted by the department.

(f) Beginning July 1, 2016, payment of the examination fees under this subsection entitles the applicant to take the examination up to two times in order to pass.

(2)(a) The department may waive the skills examination and the requirement for completion of a course of instruction in the operation of a commercial motor vehicle specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R. Sec. 383.77. For current or former military service members that meet the requirements of 49 C.F.R. Sec. 383.77, the department may also waive the requirements for a knowledge test for commercial driver's license applicants. Beginning December 1, 2021, the department shall provide an annual report to the house and senate transportation committees and the joint committee on veterans' and military affairs of the legislature on the number and types of waivers granted pursuant to this subsection.

(b) An applicant who operates a commercial motor vehicle for agribusiness purposes is exempt from the course of instruction completion and employer skills and training certification requirements under this section. By January 1, 2010, the department shall submit recommendations regarding the continuance of this exemption to the transportation committees of the legislature. For purposes of this subsection (2)(b), "agribusiness" means a private carrier who in the normal course of business primarily transports:

(i) Farm machinery, farm equipment, implements of husbandry, farm supplies, and materials used in farming;

(ii) Agricultural inputs, such as seed, feed, fertilizer, and crop protection products;

(iii) Unprocessed agricultural commodities, as defined in RCW 17.21.020, where such commodities are produced by farmers, ranchers, vineyardists, or orchardists; or

(iv) Any combination of (b)(i) through (iii) of this subsection.

The department shall notify the transportation committees of the legislature if the federal government takes action affecting the exemption provided in this subsection (2)(b).

(3) A commercial driver's license or commercial learner's permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state, nor may a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

(4) The fees under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 207, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 22. RCW 70A.15.3150 and 2020 c 20 s 1111 are each amended to read as follows:

(1) Any person who knowingly violates any of the provisions of this chapter ((~~or~~)), chapter 70A.25 or 70A.--- (the new chapter created in section 28 of this act) RCW, RCW 70A.45.080, or any ordinance, resolution, or regulation in force pursuant thereto is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for up to three hundred sixty-four days, or by both for each separate violation.

(2) Any person who negligently releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm is guilty of a gross misdemeanor and shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for up to three hundred sixty-four days, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, is guilty of a class C felony and shall, upon conviction, be punished by a fine of not less than fifty thousand dollars, or by imprisonment for not more than five years, or both.

(4) Any person who knowingly fails to disclose a potential conflict of interest under RCW 70A.15.2000 is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five thousand dollars.

Sec. 23. RCW 70A.15.3160 and 2020 c 20 s 1112 are each amended to read as follows:

(1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter, chapter 70A.25 ((~~or~~)), 70A.450, or 70A.--- (the new chapter created in section 28 of this act) RCW, RCW 70A.45.080, or any of the rules in force under such chapters or section may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

(b) Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2)(a) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due

and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

(b) The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70A.15.1010 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) The department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

Sec. 24. RCW 19.112.110 and 2013 c 225 s 601 are each amended to read as follows:

(1) Special fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least two percent of the total annual diesel fuel sold in Washington is biodiesel or renewable diesel fuel, following the earlier of: (a) November 30, 2008; or (b) when a determination is made by the director, published in the Washington State Register, that feedstock grown in Washington state can satisfy a two-percent requirement.

(2) Special fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least five percent of total annual diesel fuel sold in Washington is biodiesel or renewable diesel fuel, when the director determines, and publishes this determination in the Washington State Register, that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy a three-percent requirement.

(3) The requirements of subsections (1) and (2) of this section may take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing must each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) To the extent that the requirements of this section conflict with the requirements of chapter 70A.--- (the new chapter created in section 28 of this act) RCW, the requirements of chapter 70A.--- (the new chapter created in section 28 of this act) RCW prevail.

Sec. 25. RCW 19.112.120 and 2013 c 225 s 602 are each amended to read as follows:

(1) By December 1, 2008, motor vehicle fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least two

percent of total gasoline sold in Washington, measured on a quarterly basis, is denatured ethanol.

(2) If the director of ecology determines that ethanol content greater than two percent of the total gasoline sold in Washington will not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines and publishes this determination in the Washington State Register that sufficient raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that licensees provide evidence to the department of licensing that denatured ethanol comprises between two percent and at least ten percent of total gasoline sold in Washington, measured on a quarterly basis.

(3) The requirements of subsections (1) and (2) of this section may take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing must each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) Nothing in this section is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using E85 motor fuel. Nothing in this section is intended to limit the use of high octane gasoline not blended with ethanol for use in aircraft.

(6) To the extent that the requirements of this section conflict with the requirements of chapter 70A.--- (the new chapter created in section 28 of this act) RCW, the requirements of chapter 70A.--- (the new chapter created in section 28 of this act) RCW prevail.

NEW SECTION. **Sec. 26.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, Washington State University's energy program must initiate a least conflict priority clean energy project siting program in coordination with the energy facility site evaluation council, the department of ecology, the department of commerce, the department of fish and wildlife, local governments, clean energy stakeholders, conservation stakeholders, and Indian tribes. This program must engage all relevant agencies, stakeholders, and Indian tribes to identify priority areas in Washington state with the least amount of potential environmental impact and other conflict over competing land uses in the siting of major clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity, or that support the production of such transportation fuel. Washington State University's energy program may identify different priority areas for different types of industrial or manufacturing clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity in sectors including, but not limited to, biofuels, agricultural and forest biomass, hydrogen produced via electrolysis of water, and renewable natural gas.

(2) A project proposed in an area designated under subsection (1) of this section does not receive a guarantee or assurance of being permitted and is subject to review consistent with chapter 43.21C RCW and applicable environmental permit processes. Project proponents are not limited to proposing projects in identified least conflict zones.

(3) The identification of priority areas completed in subsection (1) of this section must be updated at least once every six years.

NEW SECTION. **Sec. 27.** A new section is added to chapter 43.21A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department, in consultation with the department of commerce, must periodically convene stakeholders, including all of those identified in section 26 of this act, Indian tribes, and the member agencies of the energy facility site evaluation council to identify and discuss avoidance, minimization, and mitigation of significant likely environmental impacts of clean energy projects specified in section 26 of this act. The environmental impacts identified and discussed must include, but are not limited to, air quality impacts, impacts to land and

aquatic habitats, and wildlife impacts that may result from clean energy projects. The department must periodically provide a report to the appropriate committees of the house of representatives and the senate identifying mitigation resources, funding needs, and potential policies and programs to modify permitting and environmental review necessary for construction of clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity, or that support the production of such transportation fuel, in Washington state.

NEW SECTION. **Sec. 28.** Sections 1 through 15 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 29.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 30.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "fuel;" strike the remainder of the title and insert "amending RCW 46.17.365, 46.25.100, 46.20.202, 46.25.052, 46.25.060, 70A.15.3150, 70A.15.3160, 19.112.110, and 19.112.120; adding a new section to chapter 82.04 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 43.21A RCW; adding a new chapter to Title 70A RCW; creating a new section; prescribing penalties; providing a contingent effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 19, 2021

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Billig, Hawkins and Wilson C.,

and the same is herewith transmitted,

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237. The Speaker (Representative Lovick presiding) appointed the following members as Conferees: Representatives Senn, Bergquist and Dent.

MESSAGE FROM THE SENATE

April 5, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessed value of real property" means the valuation of taxable real property as placed on the last completed assessment roll prepared pursuant to Title 84 RCW.

(2) "Increment area" means the geographic area within which regular property tax revenues are to be apportioned to pay public improvement costs, as authorized under this chapter.

(3) "Increment value" means 100 percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area is created. The increment value shall not be less than zero.

(4) "Local government" means any city, town, county, port district, or any combination thereof.

(5) "Ordinance" means any appropriate method of taking legislative action by a local government, including a resolution adopted by a port district organized under Title 53 RCW.

(6) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, required permitting, required environmental studies and mitigation, seismic studies or surveys, archaeological studies or surveys, land surveying, site preparation, construction, reconstruction, rehabilitation, improvement, and installation of public improvements and other directly related costs;

(b) Relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including capitalized interest for up to six months following completion of construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary debt service reserves;

(e) Expenses incurred in revaluing real property for the purpose of determining the tax allocation base value by a county assessor under chapter 84.41 RCW and expenses incurred by a county treasurer under chapter 84.56 RCW in apportioning the taxes and complying with this chapter and other applicable law. For purposes of this subsection (6)(e), "expenses incurred" means actual staff and software costs directly related to the implementation and ongoing administration of increment areas under this chapter; and

(f) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of tax increment financing to fund the costs of the public improvements.

(7) "Public improvements" means:

(a) Infrastructure improvements owned by a local government within or outside of and serving the increment area that include:

(i) Street and road construction;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks and other nonmotorized transportation improvements and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities or other transit facilities;

(vi) Park and community facilities and recreational areas;

(vii) Stormwater and drainage management systems;

(viii) Electric, broadband, or rail service;

(ix) Mitigation of brownfields; or

(b) Expenditures for any of the following purposes:

(i) Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing housing for the purpose of creating or preserving long-term affordable housing;

(ii) Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing child care facilities serving children and youth that are low-income, homeless, or in foster care;

(iii) Providing maintenance and security for the public improvements; or

(iv) Historic preservation activities authorized under RCW 35.21.395.

(8) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts to the extent necessary for the payments of principal and interest on general obligation debt; and (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065. Regular property taxes do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043. "Regular property taxes" does not include excess property taxes levied by local school districts.

(9) "Tax allocation base value" means the assessed value of real property

located within an increment area for taxes imposed in the year in which the increment area is first designated.

(10) "Tax allocation revenues" means those revenues derived from the imposition of regular property taxes on the increment value.

(11) "Taxing district" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

NEW SECTION. **Sec. 2.** (1) A local government may designate an increment area under this chapter and use the tax allocation revenues to pay public improvement costs, subject to the following conditions:

(a) The local government must adopt an ordinance designating an increment area within its boundaries and describing the public improvements proposed to be paid for, or financed with, tax allocation revenues;

(b) The local government may not designate increment area boundaries such that the entirety of its territory falls within an increment area;

(c) The increment area may not have an assessed valuation of more than $200,000,000 or more than 20 percent of the sponsoring jurisdiction's total assessed valuation, whichever is less, when the ordinance is passed. If a sponsoring jurisdiction creates two increment areas, the total combined assessed valuation in both of the two increment areas may not equal more than $200,000,000 or more than 20 percent of the sponsoring jurisdiction's total assessed valuation, whichever is less, when the ordinances are passed creating the increment areas;

(d) A local government can create no more than two active increment areas at any given time and they may not physically overlap by including the same land in more than one increment area at any time;

(e) The ordinance must set a sunset date for the increment area, which may be no more than 25 years after the first year in which tax allocation revenues are collected from the increment area;

(f) The ordinance must identify the public improvements to be financed and indicate whether the local government intends to issue bonds or other obligations, payable in whole or in part, from tax allocation revenues to finance the public improvement costs, and must estimate the maximum amount of obligations contemplated;

(g) The ordinance must provide that the increment takes effect on June 1st following the adoption of the ordinance in (a) of this subsection;

(h) The sponsoring jurisdiction may not add additional public improvements to the project after adoption of the ordinance creating the increment area or change the boundaries of the increment area. The sponsoring jurisdiction may expand, alter, or add to the original public improvements when doing so is necessary to assure the originally approved improvements can be constructed or operated;

(i) The ordinance must impose a deadline by which commencement of construction of the public improvements shall begin, which deadline must be at least five years into the future and for which extensions shall be made available for good cause; and

(j) The local government must make a finding that:

(i) The public improvements proposed to be paid or financed with tax allocation revenues are expected to encourage private development within the increment area and to increase the assessed value of real property within the increment area;

(ii) Private development that is anticipated to occur within the increment area as a result of the proposed public improvements will be permitted consistent with the permitting jurisdiction's applicable zoning and development standards;

(iii) The private development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future without the proposed public improvements; and

(iv) The increased assessed value within the increment area that could reasonably be expected to occur without the proposed public improvements would be less than the increase in the assessed value estimated to result from the proposed development with the proposed public improvements.

(2) In considering whether to designate an increment area, the legislative body of the local government must prepare a project analysis that shall include, but need not be limited to, the following:

(a) A statement of objectives of the local government for the designated increment area;

(b) A statement as to the property within the increment area, if any, that the local government may intend to acquire;

(c) The duration of the increment area;

(d) Identification of all parcels to be included in the area;

(e) A description of the expected private development within the increment area, including a comparison of scenarios with the proposed public improvements and without the proposed public improvements;

(f) A description of the public improvements, estimated public improvement costs, and the estimated amount of bonds or other obligations expected to be issued to finance the public improvement costs and repaid with tax allocation revenues;

(g) The assessed value of real property listed on the tax roll as certified by the county assessor under RCW 84.52.080 from within the increment area and an estimate of the increment value and tax allocation revenues expected to be generated;

(h) An estimate of the job creation reasonably expected to result from the public improvements and the private development expected to occur in the increment area; and

(i) An assessment of any impacts and any necessary mitigation to address the impacts identified on the following:

(i) Affordable and low-income housing;

(ii) The local business community;

(iii) The local school districts; and

(iv) The local fire service.

(3) The local government may charge a private developer, who agrees to participate in creating the increment area, a fee sufficient to cover the cost of the project analysis and establishing the increment area, including staff time, professionals and consultants, and other administrative costs related to establishing the increment area.

(4) Nothing in this section prohibits a local government from entering into an agreement under chapter 39.34 RCW with another local government for the administration or other activities related to tax increment financing authorized under this section.

(5) If the project analysis indicates that an increment area will impact at least 20 percent of the assessed value in a fire protection district or regional fire protection service authority, or the fire service agency's annual report demonstrates an increase in the level of service directly related to the increment area, the local government must negotiate a mitigation plan with the fire protection district or regional fire protection service authority to address level of service issues in the increment area.

(6) The local government may reimburse the assessor and treasurer for their costs as provided in section 1(6)(e) of this act.

(7) Prior to the adoption of an ordinance authorizing creation of an increment area, the local government must:

(a) Hold at least two public briefings for the community solely on the tax increment project that include the description of the increment area, the public improvements proposed to be financed with the tax allocation revenues, and a detailed estimate of tax revenues for the participating local governments and taxing districts, including the amounts allocated to the increment public improvements. The briefings must be announced at least two weeks prior to the date being held, including publishing in a legal newspaper of general circulation and posting information on the local government website and all local government social media sites; and

(b) Submit the project analysis to the office of the treasurer for review and consider any comments that the treasurer may provide upon completion of their review of the project analysis as provided under this subsection. The treasurer must complete the review within 90 days of receipt of the project analysis and may consult with other agencies and outside experts as

necessary. Upon completing their review, the treasurer must promptly provide to the local government any comments regarding suggested revisions or enhancements to the project analysis that the treasurer deems appropriate based on the requirements in subsection (2) of this section.

NEW SECTION. **Sec. 3.** (1) Public improvements that are financed under this chapter may be undertaken and coordinated with other programs or efforts undertaken by the local government and other taxing districts and may be funded in part from revenue sources other than tax allocation revenues.

(2) Public improvements that are constructed by a private developer must meet all applicable state and local laws.

NEW SECTION. **Sec. 4.** The local government designating the increment area must:

(1) Publish notice in a legal newspaper of general circulation within the jurisdiction of the local government that describes the public improvements, describes the boundaries of the increment area, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

(2) Deliver a certified copy of the ordinance to the county treasurer, the county assessor, and the governing body of each taxing district within which the increment area is located.

NEW SECTION. **Sec. 5.** Apportionment of taxes shall be as follows:

(1) Commencing in the calendar year following the passage of the ordinance, the county treasurer shall distribute receipts from regular property taxes imposed on real property located in the increment area as follows:

(a) Each taxing district shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the tax allocation base value for that increment area;

(b) The local government that designated the increment area shall be entitled to receive an additional amount equal to the amount derived from the regular property taxes levied by or for each taxing district upon the increment value within the increment area. The local government that designated the increment area shall receive no more than is needed to pay or repay costs directly associated with the public improvements identified in the approved ordinance and may agree to receive less than the full amount of this portion, as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the taxing districts that imposed regular property taxes, or have regular property taxes imposed for them, in the increment area for collection that year in proportion to their regular tax levy rates for collection that year. The local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by tax increment financing; and

(c) This section shall not apply to any receipts from the regular property taxes levied by:

(i) The state for the support of the common schools under RCW 84.52.065;

(ii) Local school district excess levies; and

(iii) Port districts or public utility districts specifically for the purpose of making required payments of principal and interest or general indebtedness.

(2) The apportionment of tax allocation revenues must cease when the taxing district certifies to the county assessor in writing that tax allocation revenues are no longer necessary or obligated to pay public improvement costs, but in no event shall the apportionment of tax allocation revenues continue beyond the sunset date established pursuant to section 2(1)(e) of this act. Any excess tax allocation revenues and earnings on the tax allocation revenues remaining at the time the apportionment of tax receipts terminates must be returned to the county treasurer and distributed to the taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the increment area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(3) The apportionment and distribution of portions of the regular property taxes levied by or for each taxing district upon the increment value within the increment area pursuant to and subject to the requirements of this chapter is declared to be a public purpose of and benefit each such taxing district.

(4) The apportionment and distribution of portions of the regular property taxes levied by or for each taxing district upon the increment value within the increment area pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any such taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

NEW SECTION. **Sec. 6.** (1) A local government designating an increment area may incur general indebtedness, and issue general obligation bonds or notes to finance the public improvements and retire the indebtedness, in whole or in part, from tax allocation revenues it receives.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from tax allocation revenues and any other sources available to the local government for payment of the public improvement costs, including without limitation: Other tax revenues; the full faith and credit of the local government; nontax income, revenues, fees, and rents from the public improvements; and contributions, grants, and nontax resources.

(3) In addition to the requirements in subsection (1) of this section, a local government designating an increment area and authorizing the use of tax increment financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the increment area.

NEW SECTION. **Sec. 7.** A direct or collateral attack on the designation of the increment area or the allocation of regular property tax revenues in conformance with applicable legal requirements, including this chapter, may not be commenced more than 30 days after adoption of the ordinance as required by section 2 of this act.

NEW SECTION. **Sec. 8.** (1) A local government may issue revenue bonds to fund revenue-generating public improvements, or portions of public improvements, that are located within an increment area and that it is authorized to provide or operate. Whenever revenue bonds are to be issued, the legislative authority of the local government shall create or have created a special fund or funds from which, along with any reserves created pursuant to RCW 39.44.140, the principal and interest on these revenue bonds shall exclusively be payable. The legislative authority of the local government may obligate the local government to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the revenues from the public improvements that are funded by the revenue bonds. This amount or proportion is a lien and charge against these revenues, subject only to operating and maintenance expenses. The local government shall have due regard for the cost of operation and maintenance of the public improvements that are funded by the revenue bonds, and shall not set aside into the special fund or funds a greater amount or proportion of the revenues that in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion, if any, of the revenue previously pledged. The local government may also provide that revenue bonds payable out of the same source or sources of revenue may later be issued on a parity with any revenue bonds being issued and sold.

(2) Revenue bonds issued under this section are not an indebtedness of the local government issuing the bonds, and the interest and principal on the bonds shall only be payable from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The owner or bearer of a revenue bond or any interest coupon issued under this section shall not have any claim against the local government arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each bond issued under this section.

(3) Revenue bonds with a maturity in excess of 25 years shall not be issued under this section.

(4) The legislative authority of the local government shall by resolution determine for each revenue bond issue the amount, date, form, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

(5) The authority to issue revenue bonds under this section is supplementary and in addition to any authority otherwise existing. Nothing in this section limits a local government in the issuance of revenue bonds that are otherwise authorized by law for the construction of additions, betterments, or extensions of utilities within the increment area.

(6) Notwithstanding anything to the contrary in this section, revenue bonds issued to finance public improvements may be issued in accordance with chapter 39.46 RCW.

NEW SECTION. **Sec. 9.** This chapter supplements and neither restricts nor limits any powers that the state or any local government might otherwise have under any laws of this state.

Sec. 10. RCW 84.55.010 and 2017 3rd sp.s. c 13 s 302 are each amended to read as follows:

(1) Except as provided in this chapter, the levy for a taxing district in any year must be set so that the regular property taxes payable in the following year do not exceed the limit factor multiplied by the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district, excluding any increase due to (e) of this subsection, unless the highest levy was the statutory maximum rate amount, plus an additional dollar amount calculated by multiplying the regular property tax levy rate of that district for the preceding year by the increase in assessed value in that district resulting from:

(a) New construction;

(b) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(c) Improvements to property; ((~~and~~))

(d) Any increase in the assessed value of state-assessed property; and

(e) Any increase in the assessed value of real property, as that term is defined in section 1 of this act, within an increment area as designated by any local government in section 2 of this act provided that such increase is not included elsewhere under this section. This subsection (1)(e) does not apply to levies by the state or by port districts and public utility districts for the purpose of making required payments of principal and interest on general indebtedness.

(2) The requirements of this section do not apply to:

(a) State property taxes levied under RCW 84.52.065(1) for collection in calendar years 2019 through 2021; and

(b) State property taxes levied under RCW 84.52.065(2) for collection in calendar years 2018 through 2021.

Sec. 11. RCW 84.55.120 and 2014 c 4 s 5 are each amended to read as follows:

(1) A taxing district, other than the state, that collects regular levies must hold a public hearing on revenue sources for the district's following year's current expense budget. The hearing must include consideration of possible increases in property tax revenues and must be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied. The county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district, must hold the hearing. For purposes of this section, "current expense budget" means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets of cities, towns, counties, or special purpose districts.

(2) If the taxing district is otherwise required to hold a public hearing on its proposed regular tax levy, a single public hearing may be held on this matter.

(3)(a) Except as provided in (b) of this subsection (3), no increase in property tax revenue may be authorized by a taxing district, other than the state, except by adoption of a separate ordinance or resolution, pursuant to notice, specifically authorizing the increase in terms of both dollars and percentage. The ordinance or resolution may cover a period of up to two years, but the ordinance must specifically state for each year the dollar increase and percentage change in the levy from the previous year.

(b) Exempt from the requirements of (a) of this subsection are increases in revenue resulting from the addition of:

(i) New construction;

(ii) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(iii) Improvements to property; ((~~and~~))

(iv) Any increase in the value of state-assessed property; and

(v) Any increase in the assessed value of real property, as that term is defined in section 1 of this act, within an increment area as designated by any local government in section 2 of this act provided that such increase is not included elsewhere under this section. This subsection (3)(b)(v) does not apply to levies by the state or by port districts and public utility districts for the purpose of making required payments of principal and interest on general indebtedness.

NEW SECTION. **Sec. 12.** Sections 1 through 9 of this act constitute a new chapter in Title 39 RCW.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 84.55.010 and 84.55.120; and adding a new chapter to Title 39 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Duerr spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1189, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1189, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Hoff, J. Johnson, Kirby, Klippert, Kloba, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Ryu, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Bronoske, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Harris, Jacobsen, Klicker, Kraft, Kretz, Leavitt, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Rule, Santos, Schmick, Sutherland, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1218 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Residents in licensed long-term care facilities have been disproportionately impacted and isolated by the COVID-19 pandemic and over 50 percent of all COVID-19 deaths in Washington have been associated with long-term care facilities;

(2) According to a University of Washington report, social isolation creates a "double pandemic" that disrupts care and exacerbates the difficulties of dementia, depression, suicide risk, chronic health conditions, and other challenges faced by long-term care residents and providers;

(3) A "digital divide" exists in many parts of Washington, particularly for older adults of color with low incomes and those in rural communities;

(4) Residents with sensory limitations, mental illness, intellectual disabilities, dementia, cognitive limitations, traumatic brain injuries, or other disabilities may not be able to fully utilize digital tools which exacerbates their social isolation;

(5) Long-term care facilities already have the legal responsibility to care for their residents in a manner and in an environment that promotes the maintenance or enhancement of each resident's quality of life. A resident should have a safe, clean, comfortable, and homelike environment as detailed in chapter 70.129 RCW; and

(6) The COVID-19 pandemic has exposed systematic weaknesses in the state's long-term care system and there is a need to enact additional measures to protect and improve the health, safety, and quality of life of residents.

NEW SECTION. **Sec. 2.** A new section is added to chapter 18.20 RCW to read as follows:

The department must require an assisted living facility that is subject to a stop placement order or limited stop placement order under RCW 18.20.190 to publicly post in a conspicuous place at the facility a standardized notice that the department has issued a stop placement order or limited stop placement order for the facility. The standardized notice shall be developed by the department to include the date of the stop placement order or limited stop placement order, any conditions placed upon the facility's license, contact information for the department, contact information for the administrator or provider of the assisted living facility, and a statement that anyone may contact the department or the administrator or provider for further information. The notice must remain posted until the department has terminated the stop placement order or limited stop placement order.

NEW SECTION. **Sec. 3.** A new section is added to chapter 18.20 RCW to read as follows:

(1) The department shall require each assisted living facility to:

(a) Create and regularly maintain a current resident roster containing the name and room number of each resident and provide a written copy immediately upon an in-person request from any long-term care ombuds;

(b) Create and regularly maintain current, accurate, and aggregated contact information for all residents, including contact information for the resident representative, if any, of each resident. The contact information for each resident must include the resident's name, room number, and, if available, telephone number and email address. The contact information for each resident representative must include the resident representative's name, relationship to the resident, phone number, and, if available, email and mailing address;

(c) Record and update the aggregated contact information required by this section, upon receipt of new or updated contact information from the resident or resident representative; and

(d) Upon the written request of any long-term care ombuds that includes reference to this section and the relevant legal functions and duties of long-term care ombuds, provide a copy of the aggregated contact information

required by this section within 48 hours, or within a reasonable time if agreed to by the requesting long-term care ombuds by electronic copy to the secure email address or facsimile number provided in the written request.

(2) In accordance with the federal older Americans act, federal regulations, and state laws that govern the state long-term care ombuds program, the department shall inform assisted living facilities that:

(a) Any long-term care ombuds is authorized to request and obtain from assisted living facilities the information required by this section in order to perform the functions and duties of long-term care ombuds as set forth in federal and state laws;

(b) The state long-term care ombuds program and all long-term care ombuds are considered a "health oversight agency," so that the federal health insurance portability and accountability act and chapter 70.02 RCW do not preclude assisted living facilities from providing the information required by this section when requested by any long-term care ombuds, and pursuant to these laws, the federal older Americans act, federal regulations, and state laws that govern the state long-term care ombuds program, facilities are not required to seek or obtain consent from residents or resident representatives prior to providing the information required by this section in accordance with the requirements of this section;

(c) The information required by this section, when provided by an assisted living facility to a requesting long-term care ombuds, becomes property of the state long-term care ombuds program and is subject to all state and federal laws governing the confidentiality and disclosure of the files, records, and information maintained by the state long-term care ombuds program or any local long-term care ombuds entity; and

(d) The assisted living facility may not refuse to provide or unreasonably delay providing the resident roster, the contact information for a resident or resident representative, or the aggregated contact information required by this section on any basis, including on the basis that the facility must first seek or obtain consent from one or more of the residents or resident representatives.

(3) Nothing in this section shall interfere with or diminish the authority of any long-term care ombuds to access facilities, residents, and resident records as otherwise authorized by law.

(4) For the purposes of this section, "resident representative" has the same meaning as in RCW 70.129.010.

NEW SECTION. **Sec. 4.** A new section is added to chapter 18.20 RCW to read as follows:

(1) Each assisted living facility shall be responsive to incoming communications and respond within a reasonable time to phone and electronic messages.

(2) Each assisted living facility must have a communication system, including a sufficient quantity of working telephones and other communication equipment, to ensure that residents have 24-hour access to communications with family, medical providers, and others, and also to allow for emergency contact to and from facility staff. The telephones and communication equipment must provide for auditory privacy, not be located in a staff office or station, be accessible and usable by persons with hearing loss and other disabilities, and not require payment for local calls. An assisted living facility is not required to provide telephones at no cost in each resident room.

NEW SECTION. **Sec. 5.** A new section is added to chapter 18.20 RCW to read as follows:

(1) Each assisted living facility shall develop and maintain a comprehensive disaster preparedness plan to be followed in the event of a disaster or emergency, including fires, earthquakes, floods, infectious disease outbreaks, loss of power or water, and other events that may require sheltering in place, evacuations, or other emergency measures to protect the health and safety of residents. The facility shall review the comprehensive disaster preparedness plan annually, update the plan as needed, and train all employees when they begin work in the facility on the comprehensive disaster preparedness plan and related staff procedures.

(2) The department shall adopt rules governing the comprehensive disaster preparedness plan. At a minimum, the rules must address: Timely communication with the residents' emergency contacts;

timely communication with state and local agencies, long-term care ombuds, and developmental disabilities ombuds; contacting and requesting emergency assistance; on-duty employees' responsibilities; meeting residents' essential needs; procedures to identify and locate residents; and procedures to provide emergency information to provide for the health and safety of residents. In addition, the rules shall establish standards for maintaining personal protective equipment and infection control capabilities, as well as department inspection procedures with respect to the plans.

Sec. 6. RCW 18.51.009 and 1994 c 214 s 22 are each amended to read as follows:

RCW 70.129.007, 70.129.105, ((~~and~~)) 70.129.150 through 70.129.170, and section 20 of this act apply to this chapter and persons regulated under this chapter.

Sec. 7. RCW 18.51.260 and 1987 c 476 s 26 are each amended to read as follows:

(1) Each citation for a violation specified in RCW 18.51.060 which is issued pursuant to this section ((~~and which has become final~~)), or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the director, until the violation is corrected to the satisfaction of the department up to a maximum of one hundred twenty days. The citation or copy shall be posted in a place or places in plain view of the patients in the nursing home, persons visiting those patients, and persons who inquire about placement in the facility.

(2) The department shall require a nursing home that is subject to a stop placement order or limited stop placement order under RCW 18.51.060 to publicly post in a conspicuous place at the nursing home a standardized notice that the department has issued a stop placement order or limited stop placement order for the nursing home. The standardized notice shall be developed by the department to include the date of the stop placement order or limited stop placement order, any conditions placed upon the nursing home's license, contact information for the department, contact information for the administrator or provider of the nursing home, and a statement that anyone may contact the department or the administrator or provider for further information. The notice must remain posted until the department has terminated the stop placement order or limited stop placement order.

NEW SECTION. **Sec. 8.** A new section is added to chapter 18.51 RCW to read as follows:

(1) The department shall require each nursing home to:

(a) Create and regularly maintain a current resident roster containing the name and room number of each resident and provide a written copy immediately upon an in-person request from any long-term care ombuds;

(b) Create and regularly maintain current, accurate, and aggregated contact information for all residents, including contact information for the resident representative, if any, of each resident. The contact information for each resident must include the resident's name, room number, and, if available, telephone number and email address. The contact information for each resident representative must include the resident representative's name, relationship to the resident, phone number, and, if available, email and mailing address;

(c) Record and update the aggregated contact information required by this section, upon receipt of new or updated contact information from the resident or resident representative; and

(d) Upon the written request of any long-term care ombuds that includes reference to this section and the relevant legal functions and duties of long-term care ombuds, provide a copy of the aggregated contact information required by this section within 48 hours, or within a reasonable time if agreed to by the requesting long-term care ombuds, by electronic copy to the secure email address or facsimile number provided in the written request.

(2) In accordance with the federal older Americans act, federal regulations, and state laws that govern the state long-term care ombuds program, the department shall inform nursing homes that:

(a) Any long-term care ombuds is authorized to request and obtain from nursing homes the information required by this section in order to perform the functions and duties of long-term care

ombuds as set forth in federal and state laws;

(b) The state long-term care ombuds program and all long-term care ombuds are considered a "health oversight agency," so that the federal health insurance portability and accountability act and chapter 70.02 RCW do not preclude nursing homes from providing the information required by this section when requested by any long-term care ombuds, and pursuant to these laws, the federal older Americans act, federal regulations, and state laws that govern the state long-term care ombuds program, nursing homes are not required to seek or obtain consent from residents or resident representatives prior to providing the information required by this section in accordance with the requirements of this section;

(c) The information required by this section, when provided by a nursing home to a requesting long-term care ombuds, becomes property of the state long-term care ombuds program and is subject to all state and federal laws governing the confidentiality and disclosure of the files, records, and information maintained by the state long-term care ombuds program or any local long-term care ombuds entity; and

(d) The nursing home may not refuse to provide or unreasonably delay providing the resident roster, the contact information for a resident or resident representative, or the aggregated contact information required by this section, on any basis, including on the basis that the nursing home must first seek or obtain consent from one or more of the residents or resident representatives.

(3) Nothing in this section shall interfere with or diminish the authority of any long-term care ombuds to access nursing homes, residents, and resident records as otherwise authorized by law.

(4) For the purposes of this section, "resident representative" has the same meaning as in RCW 70.129.010.

NEW SECTION. **Sec. 9.** A new section is added to chapter 18.51 RCW to read as follows:

(1) Each nursing home must be responsive to incoming communications and respond within a reasonable time to phone and electronic messages.

(2) Each nursing home must have a communication system, including a sufficient quantity of working telephones and other communication equipment to ensure that residents have 24-hour access to communications with family, medical providers, and others, and also to allow for emergency contact to and from facility staff. The telephones and communication equipment must provide for auditory privacy, not be located in a staff office or station, be accessible and usable by persons with hearing loss and other disabilities, and not require payment for local calls. A nursing home is not required to provide telephones at no cost in each resident room.

Sec. 10. RCW 74.42.420 and 1979 ex.s. c 211 s 42 are each amended to read as follows:

The facility shall maintain an organized record system containing a record for each resident. The record shall contain:

(1) Identification information, including the information listed in section 8(1) of this act;

(2) Admission information, including the resident's medical and social history;

(3) A comprehensive plan of care and subsequent changes to the comprehensive plan of care;

(4) Copies of initial and subsequent periodic examinations, assessments, evaluations, and progress notes made by the facility and the department;

(5) Descriptions of all treatments, services, and medications provided for the resident since the resident's admission;

(6) Information about all illnesses and injuries including information about the date, time, and action taken; and

(7) A discharge summary.

Resident records shall be available to the staff members directly involved with the resident and to appropriate representatives of the department. The facility shall protect resident records against destruction, loss, and unauthorized use. The facility shall keep a resident's record after the resident is discharged as provided in RCW 18.51.300.

NEW SECTION. **Sec. 11.** A new section is added to chapter 18.51 RCW to read as follows:

(1) Each nursing home shall develop and maintain a comprehensive disaster preparedness plan to be followed in the event of a disaster or emergency, including fires, earthquakes, floods, infectious disease outbreaks, loss of power or water, and other events that may require sheltering in place, evacuations, or other emergency measures to protect the health and safety of residents. The nursing home shall review the comprehensive disaster preparedness plan annually, update the plan as needed, and train all employees when they begin work in the nursing home on the comprehensive disaster preparedness plan and related staff procedures.

(2) The department shall adopt rules governing the comprehensive disaster preparedness plan. At a minimum, the rules must address the following if not already adequately addressed by federal requirements for emergency planning: Timely communication with the residents' emergency contacts; timely communication with state and local agencies, long-term care ombuds, and developmental disabilities ombuds; contacting and requesting emergency assistance; on-duty employees' responsibilities; meeting residents' essential needs; procedures to identify and locate residents; and procedures to provide emergency information to provide for the health and safety of residents. In addition, the rules shall establish standards for maintaining personal protective equipment and infection control capabilities, as well as department inspection procedures with respect to the plans.

Sec. 12. RCW 74.42.460 and 1979 ex.s. c 211 s 46 are each amended to read as follows:

The facility shall have a written staff organization plan and detailed written procedures to meet potential emergencies and disasters. The facility shall clearly communicate and periodically review the plan and procedures with the staff and residents. The plan and procedures shall be posted at suitable locations throughout the facility. The planning requirement of this section shall complement the comprehensive disaster preparedness planning requirement of section 11 of this act.

NEW SECTION. **Sec. 13.** A new section is added to chapter 70.97 RCW to read as follows:

The department shall require an enhanced services facility that is subject to a stop placement order or limited stop placement order under RCW 70.97.110 to publicly post in a conspicuous place at the facility a standardized notice that the department has issued a stop placement order or limited stop placement order for the facility. The standardized notice shall be developed by the department to include the date of the stop placement order or limited stop placement order, any conditions placed upon the facility's license, contact information for the department, contact information for the administrator or provider of the facility, and a statement that anyone may contact the department or the administrator or provider for further information. The notice must remain posted until the department has terminated the stop placement order or limited stop placement order.

NEW SECTION. **Sec. 14.** A new section is added to chapter 70.97 RCW to read as follows:

(1) The department shall require each enhanced services facility to:

(a) Create and regularly maintain a current resident roster containing the name and room number of each resident and provide a written copy immediately upon an in-person request from any long-term care ombuds;

(b) Create and regularly maintain current, accurate, and aggregated contact information for all residents, including contact information for the resident representative, if any, of each resident. The contact information for each resident must include the resident's name, room number, and, if available, telephone number and email address. The contact information for each resident representative must include the resident representative's name, relationship to the resident, phone number, and, if available, email and mailing address;

(c) Record and update the aggregated contact information required by this section, upon receipt of new or updated contact information from the resident or resident representative; and

(d) Upon the written request of any long-term care ombuds that includes

reference to this section and the relevant legal functions and duties of long-term care ombuds, provide a copy of the aggregated contact information required by this section within 48 hours, or within a reasonable time if agreed to by the requesting long-term care ombuds, by electronic copy to the secure email address or facsimile number provided in the written request.

(2) In accordance with the federal older Americans act, federal regulations, and state laws that govern the state long-term care ombuds program, the department shall inform enhanced services facilities that:

(a) Any long-term care ombuds is authorized to request and obtain from enhanced services facilities the information required by this section in order to perform the functions and duties of long-term care ombuds as set forth in federal and state laws;

(b) The state long-term care ombuds program and all long-term care ombuds are considered a "health oversight agency," so that the federal health insurance portability and accountability act and chapter 70.02 RCW do not preclude enhanced services facilities from providing the information required by this section when requested by any long-term care ombuds, and pursuant to these laws, the federal older Americans act, federal regulations, and state laws that govern the state long-term care ombuds program, facilities are not required to seek or obtain consent from residents or resident representatives prior to providing the information required by this section in accordance with the requirements of this section;

(c) The information required by this section, when provided by an enhanced services facility to a requesting long-term care ombuds, becomes property of the state long-term care ombuds program and is subject to all state and federal laws governing the confidentiality and disclosure of the files, records, and information maintained by the state long-term care ombuds program or any local long-term care ombuds entity; and

(d) The enhanced services facility may not refuse to provide or unreasonably delay providing the resident roster, the contact information for a resident or resident representative, or the aggregated contact information required by this section, on any basis, including on the basis that the enhanced services facility must first seek or obtain consent from one or more of the residents or resident representatives.

(3) Nothing in this section shall interfere with or diminish the authority of any long-term care ombuds to access facilities, residents, and resident records as otherwise authorized by law.

(4) For the purposes of this section, "resident representative" has the same meaning as in RCW 70.129.010.

NEW SECTION. **Sec. 15.** A new section is added to chapter 70.97 RCW to read as follows:

(1) Each enhanced services facility must be responsive to incoming communications and respond within a reasonable time to phone and electronic messages.

(2) Each enhanced services facility must have a communication system, including a sufficient quantity of working telephones and other communication equipment to assure that residents have 24-hour access to communications with family, medical providers, and others, and also to allow for emergency contact to and from facility staff. The telephones and communication equipment must provide for auditory privacy, not be located in a staff office or station, be accessible and usable by persons with hearing loss and other disabilities, and not require payment for local calls. An enhanced services facility is not required to provide telephones at no cost in each resident room.

NEW SECTION. **Sec. 16.** A new section is added to chapter 70.97 RCW to read as follows:

(1) Each enhanced services facility shall develop and maintain a comprehensive disaster preparedness plan to be followed in the event of a disaster or emergency, including fires, earthquakes, floods, infectious disease outbreaks, loss of power or water, and other events that may require sheltering in place, evacuations, or other emergency measures to protect the health and safety of residents. The enhanced services facility must review the comprehensive disaster preparedness plan annually, update the plan as needed, and train all employees when they begin work in the enhanced services facility on the

comprehensive disaster preparedness plan and related staff procedures.

(2) The department shall adopt rules governing the comprehensive disaster preparedness plan. At a minimum, the rules must address: Timely communication with the residents' emergency contacts; timely communication with state and local agencies, long-term care ombuds, and developmental disabilities ombuds; contacting and requesting emergency assistance; on-duty employees' responsibilities; meeting residents' essential needs; procedures to identify and locate residents; and procedures to provide emergency information to provide for the health and safety of residents. In addition, the rules shall establish standards for maintaining personal protective equipment and infection control capabilities, as well as department inspection procedures with respect to the plans.

NEW SECTION. **Sec. 17.** A new section is added to chapter 70.128 RCW to read as follows:

(1) The department shall require each adult family home to:

(a) Create and regularly maintain a current resident roster containing the name and room number of each resident and provide a written copy immediately upon an in-person request from any long-term care ombuds;

(b) Create and regularly maintain current, accurate, and aggregated contact information for all residents, including contact information for the resident representative, if any, of each resident. The contact information for each resident must include the resident's name, room number, and, if available, telephone number and email address. The contact information for each resident representative must include the resident representative's name, relationship to the resident, phone number, and, if available, email and mailing address;

(c) Record and update the aggregated contact information required by this section, upon receipt of new or updated contact information from the resident or resident representative; and

(d) Upon the written request of any long-term care ombuds that includes reference to this section and the relevant legal functions and duties of long-term care ombuds, provide a copy of the aggregated contact information required by this section within 48 hours, or within a reasonable time if agreed to by the requesting long-term care ombuds, by electronic copy to the secure email address or facsimile number provided in the written request.

(2) In accordance with the federal older Americans act, federal regulations, and state laws that govern the state long-term care ombuds program, the department shall inform adult family homes that:

(a) Any long-term care ombuds is authorized to request and obtain from adult family homes the information required by this section in order to perform the functions and duties of long-term care ombuds as set forth in federal and state laws;

(b) The state long-term care ombuds program and all long-term care ombuds are considered a "health oversight agency," so that the federal health insurance portability and accountability act and chapter 70.02 RCW do not preclude adult family homes from providing the information required by this section when requested by any long-term care ombuds, and pursuant to these laws, the federal older Americans act, federal regulations, and state laws that govern the state long-term care ombuds program, adult family homes are not required to seek or obtain consent from residents or resident representatives prior to providing the information required by this section in accordance with the requirements of this section;

(c) The information required by this section, when provided by an adult family home to a requesting long-term care ombuds, becomes property of the state long-term care ombuds program and is subject to all state and federal laws governing the confidentiality and disclosure of the files, records, and information maintained by the state long-term care ombuds program or any local long-term care ombuds entity; and

(d) The adult family home may not refuse to provide or unreasonably delay providing the resident roster, the contact information for a resident or resident representative, or the aggregated contact information required by this section, on any basis, including on the basis that the adult family home must first seek or obtain consent from one or more of the residents or resident representatives.

(3) Nothing in this section shall interfere with or diminish the authority of any long-term care ombuds to access facilities, residents, and resident records as otherwise authorized by law.

(4) For the purposes of this section, "resident representative" has the same meaning as in RCW 70.129.010.

NEW SECTION. **Sec. 18.** A new section is added to chapter 70.128 RCW to read as follows:

The department must require an adult family home that is subject to a stop placement order or limited stop placement order under RCW 70.128.160 to publicly post in a conspicuous place at the adult family home a standardized notice that the department has issued a stop placement order or limited stop placement order for the adult family home. The standardized notice shall be developed by the department to include the date of the stop placement order or limited stop placement order, any conditions placed upon the adult family home's license, contact information for the department, contact information for the administrator or provider of the adult family home, and a statement that anyone may contact the department or the administrator or provider for further information. The notice must remain posted until the department has terminated the stop placement order or limited stop placement order.

NEW SECTION. **Sec. 19.** A new section is added to chapter 70.129 RCW to read as follows:

The department of social and health services and the department of health, in collaboration with the state office of the long-term care ombuds and representatives of long-term care facilities, shall develop training materials to educate the leadership and staff of local health jurisdictions on the state's long-term care system. The training materials must provide information to assist local health jurisdiction personnel when establishing and enforcing public health measures in long-term care facilities and nursing homes, including:

(1) All applicable state and federal resident rights, including the due process rights of residents; and

(2) The process for local health jurisdiction personnel to report abuse and neglect in facilities and nursing homes, including during periods when visitation may be limited.

NEW SECTION. **Sec. 20.** A new section is added to chapter 70.129 RCW to read as follows:

(1) In circumstances in which limitations must be placed on resident visitation due to a public health emergency or other threat to the health and safety of the residents and staff of a facility or nursing home, residents must still be allowed access to an essential support person, subject to reasonable limitations on such access tailored to protecting the health and safety of essential support persons, residents, and staff.

(2) The facility or nursing home must allow private, in-person access to the resident by the essential support person in the resident's room. If the resident resides in a shared room, and the roommate, or the roommate's resident representative, if any, does not consent or the visit cannot be conducted safely in a shared room, then the facility or nursing home shall designate a substitute location in the facility or nursing home for the resident and essential support person to visit.

(3) The facility or nursing home shall develop and implement reasonable conditions on access by an essential support person tailored to protecting the health and safety of the essential support person, residents, and staff, based upon the particular public health emergency or other health or safety threat.

(4) The facility or nursing home may temporarily suspend an individual's designation as an essential support person for failure to comply with these requirements or reasonable conditions developed and implemented by the facility or nursing home that are tailored to protecting that health and safety of the essential support person, residents, and staff, based upon the particular public health emergency or other health or safety threat. Unless immediate action is necessary to prevent an imminent and serious threat to the health or safety of residents or staff, the facility or nursing home shall attempt to resolve the concerns with the essential support person and the resident prior to temporarily suspending the individual's designation as an essential support person. The suspension shall last no

longer than 48 hours during which time the facility or nursing home must contact the department for guidance and must provide the essential support person:

(a) Information regarding the steps the essential support person must take to resume the visits, such as agreeing to comply with reasonable conditions tailored to protecting the health and safety of the essential support person, residents, and staff, based upon the particular public health emergency or other health or safety threat;

(b) The contact information for the long-term care ombuds program; and

(c) As appropriate, the contact information for the developmental disabilities ombuds, the agency responsible for the protection and advocacy system for individuals with developmental disabilities, and the agency responsible for the protection and advocacy system for individuals with mental illness.

(5) For the purposes of this section, "essential support person" means an individual who is:

(a) At least 18 years of age;

(b) Designated by the resident, or by the resident's representative, if the resident is determined to be incapacitated or otherwise legally incapacitated; and

(c) Necessary for the resident's emotional, mental, or physical well-being during situations that include, but are not limited to, circumstances involving compassionate care or end-of-life care, circumstances where visitation from a familiar person will assist with important continuity of care or the reduction of confusion and anxiety for residents with cognitive impairments, or other circumstances where the presence of an essential support person will prevent or reduce significant emotional distress to the resident.

Sec. 21. RCW 70.129.010 and 2020 c 278 s 13 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

(2) "Department" means the department of state government responsible for licensing the provider in question.

(3) "Facility" means a long-term care facility.

(4) "Long-term care facility" means a facility that is licensed or required to be licensed under chapter 18.20, 70.97, 72.36, or 70.128 RCW.

(5) "Physical restraint" means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and not required to treat the resident's medical symptoms.

(6) "Reasonable accommodation" by a facility to the needs of a prospective or current resident has the meaning given to this term under the federal Americans with disabilities act of 1990, 42 U.S.C. Sec. 12101 et seq. and other applicable federal or state antidiscrimination laws and regulations.

(7) ((~~"Representative" means a person appointed under RCW 7.70.065.~~

~~(8)~~)) "Resident" means the individual receiving services in a long-term care facility, that resident's attorney-in-fact, guardian, or other ((~~legal~~)) representative acting within the scope of their authority.

(8) "Resident representative" means:

(a)(i) A court-appointed guardian or conservator of a resident, if any;

(ii) An individual otherwise authorized by state or federal law including, but not limited to, agents under power of attorney, representative payees, and other fiduciaries, to act on behalf of the resident in order to support the resident in decision making; access medical, social, or other personal information of the resident; manage financial matters; or receive notifications; or

(iii) If there is no individual who meets the criteria under (a)(i) or (ii) of this subsection, an individual chosen by the resident to act on behalf of the resident in order to support the resident in decision making; access medical, social, or other personal information of

the resident; manage financial matters; or receive notifications.

(b) The term "resident representative" does not include any individual described in (a) of this subsection who is affiliated with any long-term care facility or nursing home where the resident resides, or its licensee or management company, unless the affiliated individual is a family member of the resident.

Sec. 22. RCW 70.129.020 and 1994 c 214 s 3 are each amended to read as follows:

The resident has a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility. A facility must protect and promote the rights of each resident and assist the resident which include:

(1) The resident has the right to exercise his or her rights as a resident of the facility and as a citizen or resident of the United States and the state of Washington.

(2) The resident has the right to be free of interference, coercion, discrimination, and reprisal from the facility in exercising his or her rights.

(3) In the case of a resident adjudged incompetent by a court of competent jurisdiction, the rights of the resident are exercised by the person appointed to act on the resident's behalf.

(4) In the case of a resident who has not been adjudged incompetent by a court of competent jurisdiction, a resident representative may exercise the resident's rights to the extent provided by law.

Sec. 23. RCW 70.129.030 and 2013 c 23 s 184 are each amended to read as follows:

(1) The facility must inform the resident both orally and in writing in a language that the resident understands of his or her rights and all rules and regulations governing resident conduct and responsibilities during the stay in the facility. The notification must be made prior to or upon admission. Receipt of the information must be acknowledged in writing.

(2) The resident to the extent provided by law or ((~~his or her legal~~)) resident representative to the extent provided by law, has the right:

(a) Upon an oral or written request, to access all records pertaining to himself or herself including clinical records within twenty-four hours; and

(b) After receipt of his or her records for inspection, to purchase at a cost not to exceed the community standard photocopies of the records or portions of them upon request and two working days' advance notice to the facility.

(3) The facility shall only admit or retain individuals whose needs it can safely and appropriately serve in the facility with appropriate available staff and through the provision of reasonable accommodations required by state or federal law. Except in cases of genuine emergency, the facility shall not admit an individual before obtaining a thorough assessment of the resident's needs and preferences. The assessment shall contain, unless unavailable despite the best efforts of the facility, the resident applicant, and other interested parties, the following minimum information: Recent medical history; necessary and contraindicated medications; a licensed medical or other health professional's diagnosis, unless the individual objects for religious reasons; significant known behaviors or symptoms that may cause concern or require special care; mental illness, except where protected by confidentiality laws; level of personal care needs; activities and service preferences; and preferences regarding other issues important to the resident applicant, such as food and daily routine.

(4) The facility must inform each resident in writing in a language the resident or ((~~his or her~~)) resident representative understands before admission, and at least once every twenty-four months thereafter of: (a) Services, items, and activities customarily available in the facility or arranged for by the facility as permitted by the facility's license; (b) charges for those services, items, and activities including charges for services, items, and activities not covered by the facility's per diem rate or applicable public benefit programs; and (c) the rules of facility operations required under RCW 70.129.140(2). Each resident and ((~~his or her~~)) resident representative must be informed in

writing in advance of changes in the availability or the charges for services, items, or activities, or of changes in the facility's rules. Except in emergencies, thirty days' advance notice must be given prior to the change. However, for facilities licensed for six or fewer residents, if there has been a substantial and continuing change in the resident's condition necessitating substantially greater or lesser services, items, or activities, then the charges for those services, items, or activities may be changed upon fourteen days' advance written notice.

(5) The facility must furnish a written description of residents rights that includes:

(a) A description of the manner of protecting personal funds, under RCW 70.129.040;

(b) A posting of names, addresses, and telephone numbers of the state survey and certification agency, the state licensure office, the state ombuds program, and the protection and advocacy systems; and

(c) A statement that the resident may file a complaint with the appropriate state licensing agency concerning alleged resident abuse, neglect, and misappropriation of resident property in the facility.

(6) Notification of changes.

(a) A facility must immediately consult with the resident's physician, and if known, make reasonable efforts to notify the ((~~resident's legal~~)) resident representative ((~~or an interested family member~~)) to the extent provided by law when there is:

(i) An accident involving the resident which requires or has the potential for requiring physician intervention;

(ii) A significant change in the resident's physical, mental, or psychosocial status (i.e., a deterioration in health, mental, or psychosocial status in either life-threatening conditions or clinical complications).

(b) The facility must promptly notify the resident or ((~~the resident's~~)) resident representative ((~~shall make reasonable efforts to notify an interested family member, if known,~~)) when there is:

(i) A change in room or roommate assignment; or

(ii) A decision to transfer or discharge the resident from the facility.

(c) The facility must record and update the address ((~~and~~)), phone number, and any other contact information of the ((~~resident's~~)) resident representative ((~~or interested family member~~)), upon receipt of notice from them.

Sec. 24. RCW 70.129.040 and 2011 1st sp.s. c 3 s 301 are each amended to read as follows:

(1) The resident has the right to manage his or her financial affairs, and the facility may not require residents to deposit their personal funds with the facility.

(2) Upon written authorization of a resident, if the facility agrees to manage the resident's personal funds, the facility must hold, safeguard, manage, and account for the personal funds of the resident deposited with the facility as specified in this section.

(a) The facility must deposit a resident's personal funds in excess of one hundred dollars in an interest-bearing account or accounts that is separate from any of the facility's operating accounts, and that credits all interest earned on residents' funds to that account. In pooled accounts, there must be a separate accounting for each resident's share.

(b) The facility must maintain a resident's personal funds that do not exceed one hundred dollars in a noninterest-bearing account, interest-bearing account, or petty cash fund.

(3) The facility must establish and maintain a system that assures a full and complete and separate accounting of each resident's personal funds entrusted to the facility on the resident's behalf.

(a) The system must preclude any commingling of resident funds with facility funds or with the funds of any person other than another resident.

(b) The individual financial record must be available on request to the resident, or ((~~his or her legal~~)) resident representative to the extent provided by law.

(4) Upon the death of a resident with personal funds deposited with the facility, the facility must convey within

thirty days the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate; but in the case of a resident who received long-term care services paid for by the state, the funds and accounting shall be sent to the state of Washington, department of social and health services, office of financial recovery. The department shall establish a release procedure for use for burial expenses.

(5) If any funds in excess of one hundred dollars are paid to an adult family home by the resident or ((~~a~~)) resident representative ((~~of the resident~~)), as a security deposit for performance of the resident's obligations, or as prepayment of charges beyond the first month's residency, the funds shall be deposited by the adult family home in an interest-bearing account that is separate from any of the home's operating accounts, and that credits all interest earned on the resident's funds to that account. In pooled accounts, there must be a separate accounting for each resident's share. The account or accounts shall be in a financial institution as defined by RCW ((~~30.22.041~~)) 30A.22.041, and the resident shall be notified in writing of the name, address, and location of the depository. The adult family home may not commingle resident funds from these accounts with the adult family home's funds or with the funds of any person other than another resident. The individual resident's account record shall be available upon request by the resident or ((~~the resident's~~)) resident representative to the extent provided by law.

(6) The adult family home shall provide the resident or ((~~the resident's~~)) resident representative full disclosure in writing, prior to the receipt of any funds for a deposit, security, prepaid charges, or any other fees or charges, specifying what the funds are paid for and the basis for retaining any portion of the funds if the resident dies, is hospitalized, or is transferred or discharged from the adult family home. The disclosure must be in a language that the resident or ((~~the resident's~~)) resident representative understands, and be acknowledged in writing by the resident or ((~~the resident's~~)) resident representative. The adult family home shall retain a copy of the disclosure and the acknowledgment. The adult family home may not retain funds for reasonable wear and tear by the resident or for any basis that would violate RCW 70.129.150.

(7) Funds paid by the resident or ((~~the resident's~~)) resident representative to the adult family home, which the adult family home in turn pays to a placement agency or person, shall be governed by the disclosure requirements of this section. If the resident then dies, is hospitalized, or is transferred or discharged from the adult family home, and is entitled to any refund of funds under this section or RCW 70.129.150, the adult family home shall refund the funds to the resident or ((~~the resident's~~)) resident representative to the extent provided by law, within thirty days of the resident leaving the adult family home, and may not require the resident to obtain the refund from the placement agency or person.

(8) If, during the stay of the resident, the status of the adult family home licensee or ownership is changed or transferred to another, any funds in the resident's accounts affected by the change or transfer shall simultaneously be deposited in an equivalent account or accounts by the successor or new licensee or owner, who shall promptly notify the resident or ((~~the resident's~~)) resident representative to the extent provided by law, in writing of the name, address, and location of the new depository.

(9) Because it is a matter of great public importance to protect residents who need long-term care from deceptive disclosures and unfair retention of deposits, fees, or prepaid charges by adult family homes, a violation of this section or RCW 70.129.150 shall be construed for purposes of the consumer protection act, chapter 19.86 RCW, to constitute an unfair or deceptive act or practice or an unfair method of competition in the conduct of trade or commerce. The resident's claim to any funds paid under this section shall be prior to that of any creditor of the adult family home, its owner, or licensee, even if such funds are commingled.

Sec. 25. RCW 70.129.080 and 1994 c 214 s 9 are each amended to read as follows:

The resident has the right to privacy in communications, including the right to:

(1) Send and promptly receive mail that is unopened;

(2) Have access to stationery, postage, and writing implements at the resident's own expense; and

(3) Have reasonable access within a reasonable time to the use of a telephone and other communication equipment where calls can be made without being overheard.

Sec. 26. RCW 70.129.090 and 2013 c 23 s 185 are each amended to read as follows:

(1) The resident has the right and the facility must not interfere with access to any resident by the following:

(a) Any representative of the state;

(b) The resident's individual physician;

(c) The state long-term care ombuds as established under chapter 43.190 RCW;

(d) The agency responsible for the protection and advocacy system for individuals with developmental disabilities as established under part C of the developmental disabilities assistance and bill of rights act;

(e) The agency responsible for the protection and advocacy system for individuals with mental illness as established under the protection and advocacy for mentally ill individuals act;

(f) Subject to reasonable restrictions to protect the rights of others and to the resident's right to deny or withdraw consent at any time, resident representative, immediate family or other relatives of the resident, and others who are visiting with the consent of the resident;

(g) The agency responsible for the protection and advocacy system for individuals with disabilities as established under section 509 of the rehabilitation act of 1973, as amended, who are not served under the mandates of existing protection and advocacy systems created under federal law.

(2) The facility must provide reasonable access to a resident by ((~~his or her~~)) the resident representative or an entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(3) The facility must allow representatives of the state ombuds to examine a resident's clinical records with the permission of the resident or ((~~the resident's legal~~)) resident representative to the extent provided by law, and consistent with state and federal law.

Sec. 27. RCW 70.129.110 and 2013 c 23 s 186 are each amended to read as follows:

(1) The facility must permit each resident to remain in the facility, and not transfer or discharge the resident from the facility unless:

(a) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(b) The safety of individuals in the facility is endangered;

(c) The health of individuals in the facility would otherwise be endangered;

(d) The resident has failed to make the required payment for his or her stay; or

(e) The facility ceases to operate.

(2) All long-term care facilities shall fully disclose to potential residents or ((~~their legal~~)) resident representatives the service capabilities of the facility prior to admission to the facility. If the care needs of the applicant who is medicaid eligible are in excess of the facility's service capabilities, the department shall identify other care settings or residential care options consistent with federal law.

(3) Before a long-term care facility transfers or discharges a resident, the facility must:

(a) First attempt through reasonable accommodations to avoid the transfer or discharge, unless agreed to by the resident;

(b) Notify the resident and resident representative ((~~and make a reasonable effort to notify, if known, an interested family member~~)) of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand;

(c) Record the reasons in the resident's record; and

(d) Include in the notice the items described in subsection (5) of this section.

(4)(a) Except when specified in this subsection, the notice of transfer or discharge required under subsection (3) of this section must be made by the facility at least thirty days before the resident is transferred or discharged.

(b) Notice may be made as soon as practicable before transfer or discharge when:

(i) The safety of individuals in the facility would be endangered;

(ii) The health of individuals in the facility would be endangered;

(iii) An immediate transfer or discharge is required by the resident's urgent medical needs; or

(iv) A resident has not resided in the facility for thirty days.

(5) The written notice specified in subsection (3) of this section must include the following:

(a) The reason for transfer or discharge;

(b) The effective date of transfer or discharge;

(c) The location to which the resident is transferred or discharged;

(d) The name, address, and telephone number of the state long-term care ombuds;

(e) For residents with developmental disabilities, the mailing address and telephone number of the agency responsible for the protection and advocacy of individuals with developmental disabilities established under part C of the developmental disabilities assistance and bill of rights act; and

(f) For residents with mental illness, the mailing address and telephone number of the agency responsible for the protection and advocacy of individuals with mental illness established under the protection and advocacy for mentally ill individuals act.

(6) A facility must provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility.

(7) A resident discharged in violation of this section has the right to be readmitted immediately upon the first availability of a gender-appropriate bed in the facility.

Sec. 28. RCW 70.129.150 and 1997 c 392 s 206 are each amended to read as follows:

(1) Prior to admission, all long-term care facilities or nursing facilities licensed under chapter 18.51 RCW that require payment of an admissions fee, deposit, or a minimum stay fee, by or on behalf of a person seeking admission to the long-term care facility or nursing facility, shall provide the resident, or ((~~his or her~~)) resident representative, full disclosure in writing in a language the resident or ((~~his or her~~)) resident representative understands, a statement of the amount of any admissions fees, deposits, prepaid charges, or minimum stay fees. The facility shall also disclose to the person, or ((~~his or her~~)) resident representative, the facility's advance notice or transfer requirements, prior to admission. In addition, the long-term care facility or nursing facility shall also fully disclose in writing prior to admission what portion of the deposits, admissions fees, prepaid charges, or minimum stay fees will be refunded to the resident or ((~~his or her~~)) resident representative to the extent provided by law, if the resident leaves the long-term care facility or nursing facility. Receipt of the disclosures required under this subsection must be acknowledged in writing. If the facility does not provide these disclosures, the deposits, admissions fees, prepaid charges, or minimum stay fees may not be kept by the facility. If a resident dies or is hospitalized or is transferred to another facility for more appropriate care and does not return to the original facility, the facility shall refund any deposit or charges already paid less the facility's per diem rate for the days the resident actually resided or reserved or retained a bed in the facility notwithstanding any minimum stay policy or discharge notice requirements, except that the facility may retain an additional amount to cover its reasonable, actual expenses incurred as a result of a private-pay resident's move, not to exceed five days' per diem charges, unless the resident has given

advance notice in compliance with the admission agreement. All long-term care facilities or nursing facilities covered under this section are required to refund any and all refunds due the resident or ((~~his or her~~)) resident representative to the extent provided by law, within thirty days from the resident's date of discharge from the facility. Nothing in this section applies to provisions in contracts negotiated between a nursing facility or long-term care facility and a certified health plan, health or disability insurer, health maintenance organization, managed care organization, or similar entities.

(2) Where a long-term care facility or nursing facility requires the execution of an admission contract by or on behalf of an individual seeking admission to the facility, the terms of the contract shall be consistent with the requirements of this section, and the terms of an admission contract by a long-term care facility shall be consistent with the requirements of this chapter.

Sec. 29. RCW 70.129.180 and 2009 c 489 s 1 are each amended to read as follows:

(1) A long-term care facility must fully disclose to residents the facility's policy on accepting medicaid as a payment source. The policy shall clearly state the circumstances under which the facility provides care for medicaid eligible residents and for residents who may later become eligible for medicaid.

(2) The policy under this section must be provided to residents orally and in writing prior to admission, in a language that the resident or ((~~the resident's~~)) resident representative understands. The written policy must be in type font no smaller than fourteen point and written on a page that is separate from other documents. The policy must be signed and dated by the resident or ((~~the resident's~~)) resident representative to the extent provided by law, if the resident lacks capacity. The facility must retain a copy of the disclosure. Current residents must receive a copy of the policy consistent with this section by July 26, 2009.

NEW SECTION. **Sec. 30.** A new section is added to chapter 70.01 RCW to read as follows:

(1) The department of health and the department of social and health services shall develop a report and guidelines on epidemic disease preparedness and response for long-term care facilities. In developing the report and guidelines, the department of health and the department of social and health services shall consult with interested stakeholders, including but not limited to:

(a) Local health jurisdictions;

(b) Advocates for consumers of long-term care;

(c) Associations representing long-term care facility providers; and

(d) The office of the state long-term care ombuds.

(2) The report must identify best practices and lessons learned about containment and mitigation strategies for controlling the spread of the infectious agent. At a minimum, the report must consider:

(a) Visitation policies that balance the psychosocial and physical health of residents;

(b) Timely and adequate access to personal protective equipment and other infection control supplies so that employees in long-term care facilities are prioritized for distribution in the event of supply shortages;

(c) Admission and discharge policies and standards; and

(d) Rapid and accurate testing to identify infectious outbreaks for:

(i) Resident cohorting and treatment;

(ii) Contact tracing purposes; and

(iii) Protecting the health and well-being of residents and employees.

(3) In developing the report, the department of health and the department of social and health services shall work with the stakeholders identified in subsection (1) of this section to:

(a) Ensure that any corresponding federal rules and guidelines take precedence over the state guidelines;

(b) Avoid conflict between federal requirements and state guidelines;

(c) Develop a timeline for implementing the guidelines and a process for communicating the guidelines to long-term care facilities, local health jurisdictions, and other interested

stakeholders in a clear and timely manner;

(d) Consider options for targeting available resources towards infection control when epidemic disease outbreaks occur in long-term care facilities;

(e) Establish methods for ensuring that epidemic preparedness and response guidelines are consistently applied across all local health jurisdictions and long-term care facilities in Washington state. This may include recommendations to the legislature for any needed statutory changes;

(f) Develop a process for maintaining and updating epidemic preparedness and response guidelines as necessary; and

(g) Ensure appropriate considerations for each unique provider type.

(4) By December 1, 2021, the department of health and the department of social and health services shall provide a draft report and guidelines on COVID-19 as outlined in subsection (2) of this section to the health care committees of the legislature.

(5) By July 1, 2022, the department of health and the department of social and health services shall finalize the report and guidelines on COVID-19 and provide the report to the health care committees of the legislature.

(6) Beginning December 1, 2022, and annually thereafter, the department of health and the department of social and health services shall:

(a) Review the report and any corresponding guidelines;

(b) Make any necessary changes regarding COVID-19 and add information about any emerging epidemic of public health concern; and

(c) Provide the updated report and guidelines to the health care committees of the legislature. When providing the updated guidelines to the legislature, the department of health and the department of social and health services may include recommendations to the legislature for any needed statutory changes.

(7) For purposes of this section, "long-term care facilities" includes:

(a) Licensed skilled nursing facilities, assisted living facilities, adult family homes, and enhanced services facilities;

(b) Certified community residential services and supports; and

(c) Registered continuing care retirement communities."

On page 1, line 4 of the title, after "sanctions;" strike the remainder of the title and insert "amending RCW 18.51.009, 18.51.260, 74.42.420, 74.42.460, 70.129.020, 70.129.030, 70.129.040, 70.129.080, 70.129.090, 70.129.110, 70.129.150, and 70.129.180; reenacting and amending RCW 70.129.010; adding new sections to chapter 18.20 RCW; adding new sections to chapter 18.51 RCW; adding new sections to chapter 70.97 RCW; adding new sections to chapter 70.128 RCW; adding new sections to chapter 70.129 RCW; adding a new section to chapter 70.01 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1218 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Bateman and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1218, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1218, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude,

Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1218, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1411 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.20A RCW to read as follows:

(1) Where the department is required to screen a long-term care worker, contracted provider, or licensee through a background check to determine whether the person has a history that would disqualify the person from having unsupervised access to, working with, or providing supervision, care, or treatment to vulnerable adults or children, the department may not automatically disqualify a person on the basis of a criminal record that includes a conviction of any of the following crimes once the specified amount of time has passed for the particular crime:

(a) Selling marijuana to a person under RCW 69.50.401 after three years or more have passed between the most recent conviction and the date the background check is processed;

(b) Theft in the first degree under RCW 9A.56.030 after 10 years or more have passed between the most recent conviction and the date the background check is processed;

(c) Robbery in the second degree under RCW 9A.56.210 after five years or more have passed between the most recent conviction and the date the background check is processed;

(d) Extortion in the second degree under RCW 9A.56.130 after five years or more have passed between the most recent conviction and the date the background check is processed;

(e) Assault in the second degree under RCW 9A.36.021 after five years or more have passed between the most recent conviction and the date the background check is processed; and

(f) Assault in the third degree under RCW 9A.36.031 after five years or more have passed between the most recent conviction and the date the background check is processed.

(2) The provisions of subsection (1) of this section do not apply where the department is performing background checks for the department of children, youth, and families.

(3) The provisions of subsection (1) of this section do not apply to department employees or applicants for department positions except for positions in the state-operated community residential program.

(4) Notwithstanding subsection (1) of this section, a long-term care worker, contracted provider, or licensee may not provide, or be paid to provide, care to children or vulnerable adults under the medicare or medicaid programs if the worker is excluded from participating in those programs by federal law.

(5) The department, a contracted provider, or a licensee, when conducting a character, competence, and suitability review for the purpose of hiring, licensing, certifying, contracting with, permitting, or continuing to permit a person to be employed in any position caring for or having unsupervised access to vulnerable adults or children, may, in its sole discretion, determine whether to consider any of the convictions identified in subsection (1) of this section. If the department or a consumer directed employer as defined in RCW 74.39A.009 determines that an individual with any of the convictions identified in subsection (1) of this section is qualified to provide services to a department client as an individual provider as defined in RCW 74.39A.240, the department or the consumer directed employer must provide the client, and their guardian if any, with the results of the state background check for their determination of character, suitability, and competence of the individual before the individual begins providing services. The department, a contracted provider, or a licensee, when conducting

a character, competence, and suitability review for the purpose of hiring, licensing, certifying, contracting with, permitting, or continuing to permit a person to be employed in any position caring for or having unsupervised access to vulnerable adults or children, has a rebuttable presumption that its exercise of discretion under this section or the refusal to exercise such discretion was appropriate. This subsection does not create a duty for the department to conduct a character, competence, and suitability review.

(6) For the purposes of the section:

(a) "Contracted provider" means a provider, and its employees, contracted with the department or an area agency on aging to provide services to department clients under programs under chapter 74.09, 74.39, 74.39A, or 71A.12 RCW. "Contracted provider" includes area agencies on aging and their subcontractors who provide case management.

(b) "Licensee" means a nonstate facility or setting that is licensed or certified, or has applied to be licensed or certified, by the department and includes the licensee and its employees.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The department shall facilitate a work group dedicated to expanding the long-term care workforce while continuing to recognize the importance of protecting vulnerable adults, racial equity in client choice, just compensation for unpaid care work while preserving choice for those who wish to be informal caregivers without pay, and paid services. The work group shall identify recommendations on informed choice through a process by which older adults and people with disabilities may hire a trusted individual with a criminal record that would otherwise disqualify the person from providing paid home care services under this chapter. The work group's recommendations on the informed choice process shall include:

(a) Client safety;

(b) Client direction;

(c) Racial equity;

(d) Cultural competence;

(e) Economic consequences of unpaid caregiving on caregivers and people receiving care;

(f) Categories of eligible workers (family, friend, trusted individuals, or others);

(g) Disqualifying crimes, if any;

(h) Mechanisms for consideration (attestation, petition, other); and

(i) Workforce development.

(2)(a) The work group shall consist of:

(i) Two representatives from the department;

(ii) Two representatives from community-based organizations that represent people with criminal records;

(iii) One representative from a community-based organization that represents Black communities;

(iv) Two representatives, one from the west side of the Cascade mountains and one from the east side of the Cascade mountains, from federally recognized tribes;

(v) One representative from a community-based organization that represents immigrant populations or persons of color;

(vi) Three representatives from the union representing the majority of long-term care workers in Washington;

(vii) One representative of a consumer-directed employer;

(viii) One representative of an association representing area agencies on aging in Washington;

(ix) One representative from the office of the state long-term care ombuds;

(x) One representative from the office of the state developmental disability ombuds;

(xi) One representative of an association representing medicaid home care agencies;

(xii) One representative from the Washington state attorney general's office;

(xiii) Four representatives from organizations representing seniors and

individuals with physical or developmental disabilities;

(xiv) Two representatives who are current or previous consumers of personal care services and who represent the diversity of the disability community; and

(xv) Two representatives who receive unpaid care from individuals who are unable to become medicaid paid home care workers because of disqualifying convictions.

(b) The department shall invite the participation of persons with expertise in the background check process to provide advice and consultation to the work group with respect to the development of the proposed process under subsection (1) of this section.

(c) Appointments to the work group shall be made by the department. The department shall convene the meetings of the work group and serve as the facilitator.

(3) The work group shall devote at least one meeting to reviewing and analyzing racial disparities relevant to the work group's direction under subsection (1) of this section, including disparities in charges and disqualifications in providing paid home care services under this chapter.

(4) The work group must submit its recommendations to the legislature by December 1, 2022. The recommendations must include a proposed process for clients to hire a trusted individual with a criminal record. The proposed process must include a recommended communication strategy to inform older adults and people with disabilities in Washington about the process.

(5) This section expires July 1, 2023.

Sec. 3. RCW 9.97.020 and 2017 3rd sp.s. c 6 s 806 are each amended to read as follows:

(1) Except as provided in this section, no state, county, or municipal department, board, officer, or agency authorized to assess the qualifications of any applicant for a license, certificate of authority, qualification to engage in the practice of a profession or business, or for admission to an examination to qualify for such a license or certificate may disqualify a qualified applicant, solely based on the applicant's criminal history, if the qualified applicant has obtained a certificate of restoration of opportunity and the applicant meets all other statutory and regulatory requirements, except as required by federal law or exempted under this subsection. Nothing in this section is interpreted as restoring or creating a means to restore any firearms rights or eligibility to obtain a firearm dealer license pursuant to RCW 9.41.110 or requiring the removal of a protection order.

(a)(i) Criminal justice agencies, as defined in RCW 10.97.030, and the Washington state bar association are exempt from this section.

(ii) This section does not apply to the licensing, certification, or qualification of the following professionals: Accountants, RCW 18.04.295; ((~~assisted living facilities employees, RCW 18.20.125;~~)) bail bond agents, RCW 18.185.020; escrow agents, RCW 18.44.241; ((~~long-term care workers, RCW 18.88B.080;~~)) nursing home administrators, RCW 18.52.071; nursing, chapter 18.79 RCW; physicians and physician assistants, chapters 18.71 and 18.71A RCW; private investigators, RCW 18.165.030; receivers, RCW 7.60.035; teachers, chapters 28A.405 and 28A.410 RCW; notaries public, chapter 42.45 RCW; private investigators, chapter 18.165 RCW; real estate brokers and salespersons, chapters 18.85 and 18.86 RCW; security guards, chapter 18.170 RCW; and vulnerable adult care providers, RCW 43.43.842, who are not home care aides, chapter 18.88B RCW, or contracted providers or licensees as defined in section 1 of this act.

(iii) To the extent this section conflicts with the requirements for receipt of federal funding under the adoption and safe families act, 42 U.S.C. Sec. 671, this section does not apply.

(b) Unless otherwise ((~~addressed in statute~~)) prohibited by law, in cases where an applicant would be disqualified under RCW ((~~43.20A.710~~)) 43.216.170, and the applicant has obtained a certificate of restoration of opportunity for a disqualifying conviction, ((~~the department of social and health services and~~)) the department of children, youth, and families may, after review of relevant factors, including the nature and seriousness of the offense, time that has passed since conviction, changed circumstances since the offense

occurred, and the nature of the employment or license sought, at their discretion:

(i) Allow the applicant to have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities if the applicant is otherwise qualified and suitable; or

(ii) Disqualify the applicant solely based on the applicant's criminal history.

(c) Unless otherwise prohibited by law, in cases in which an applicant would be disqualified under RCW 43.20A.710, 43.43.842, or department rule, and the applicant has obtained a certificate of restoration of opportunity for a disqualifying conviction, the department of social and health services may, after review of relevant factors, including the nature and seriousness of the offense, time that has passed since conviction, changed circumstances since the offense occurred, and the nature of the employment or license sought, at its discretion:

(i) Allow the applicant to have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities if the applicant is otherwise qualified and suitable; or

(ii) Disqualify the applicant solely based on the applicant's criminal history.

(d) If the practice of a profession or business involves unsupervised contact with vulnerable adults, children, or individuals with mental illness or developmental disabilities, or populations otherwise defined by statute as vulnerable, the department of health may, after review of relevant factors, including the nature and seriousness of the offense, time that has passed since conviction, changed circumstances since the offense occurred, and the nature of the employment or license sought, at its discretion:

(i) Disqualify an applicant who has obtained a certificate of restoration of opportunity, for a license, certification, or registration to engage in the practice of a health care profession or business solely based on the applicant's criminal history; or

(ii) If such applicant is otherwise qualified and suitable, credential or credential with conditions an applicant who has obtained a certificate of restoration of opportunity for a license, certification, or registration to engage in the practice of a health care profession or business.

((~~(d)~~)) (e) The state of Washington, any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, the department of health, the department of social and health services, and its officers, employees, contractors, and agents are immune from suit in law, equity, or any action under the administrative procedure act based upon its exercise of discretion under this section. This section does not create a protected class; private right of action; any right, privilege, or duty; or change to any right, privilege, or duty existing under law. This section does not modify a licensing or certification applicant's right to a review of an agency's decision under the administrative procedure act or other applicable statute or agency rule. A certificate of restoration of opportunity does not remove or alter citizenship or legal residency requirements already in place for state agencies and employers.

(2) A qualified court has jurisdiction to issue a certificate of restoration of opportunity to a qualified applicant.

(a) A court must determine, in its discretion whether the certificate:

(i) Applies to all past criminal history; or

(ii) Applies only to the convictions or adjudications in the jurisdiction of the court.

(b) The certificate does not apply to any future criminal justice involvement that occurs after the certificate is issued.

(c) A court must determine whether to issue a certificate by determining whether the applicant is a qualified applicant as defined in RCW 9.97.010.

(3) An employer or housing provider may, in its sole discretion, determine whether to consider a certificate of restoration of opportunity issued under this chapter in making employment or rental decisions. An employer or housing provider is immune from suit in law,

equity, or under the administrative procedure act for damages based upon its exercise of discretion under this section or the refusal to exercise such discretion. In any action at law against an employer or housing provider arising out of the employment of or provision of housing to the recipient of a certificate of restoration of opportunity, evidence of the crime for which a certificate of restoration of opportunity has been issued may not be introduced as evidence of negligence or intentionally tortious conduct on the part of the employer or housing provider. This subsection does not create a protected class, private right of action, any right, privilege, or duty, or to change any right, privilege, or duty existing under law related to employment or housing except as provided in RCW 7.60.035.

(4) The department of social and health services, and contracted providers and licensees as defined in section 1 of this act, when hiring, licensing, certifying, contracting with, permitting, or continuing to permit a person to be employed in any position caring for or having unsupervised access to vulnerable adults or children, may, in their sole discretion, determine whether to consider a certificate of restoration of opportunity issued under this chapter. If the department or a consumer directed employer as defined in RCW 74.39A.009 determines that an individual with a certificate of restoration of opportunity is qualified to work as an individual provider as defined in RCW 74.39A.240, the department or the consumer directed employer must provide the client, and their guardian if any, with the results of the state background check for their determination of character, suitability, and competence of the individual before the individual begins providing services. The department of social and health services, or contracted providers or licensees as defined in section 1 of this act, when hiring, licensing, certifying, contracting with, permitting, or continuing to permit a person to be employed in any position caring for or having unsupervised access to vulnerable adults or children, have a rebuttable presumption that their exercise of discretion under this subsection or the refusal to exercise such discretion was appropriate. This subsection does not create a protected class, a private right of action, or any right, privilege, or duty, or to change any right, privilege, or duty existing under law related to the department of social and health services, contracted providers, and licensees as defined in section 1 of this act.

(5)(a) Department of social and health services: A certificate of restoration of opportunity does not apply to the state abuse and neglect registry. No finding of abuse, neglect, or misappropriation of property may be removed from the registry based solely on a certificate. The department must include such certificates as part of its criminal history record reports, qualifying letters, or other assessments pursuant to RCW 43.43.830 through 43.43.838. The department shall adopt rules to implement this subsection.

(b) Washington state patrol: The Washington state patrol is not required to remove any records based solely on a certificate of restoration of opportunity. The state patrol must include a certificate as part of its criminal history record report.

(c) Court records:

(i) A certificate of restoration of opportunity has no effect on any other court records, including records in the judicial information system. The court records related to a certificate of restoration of opportunity must be processed and recorded in the same manner as any other record.

(ii) The qualified court where the applicant seeks the certificate of restoration of opportunity must administer the court records regarding the certificate in the same manner as it does regarding all other proceedings.

(d) Effect in other judicial proceedings: A certificate of restoration of opportunity may only be submitted to a court to demonstrate that the individual met the specific requirements of this section and not for any other procedure, including evidence of character, reputation, or conduct. A certificate is not an equivalent procedure under Rule of Evidence 609(c).

(e) Department of health: The department of health must include a certificate of restoration of opportunity on its public website if:

(i) Its website includes an order, stipulation to informal disposition, or notice of decision related to the

conviction identified in the certificate of restoration of opportunity; and

(ii) The credential holder has provided a certified copy of the certificate of restoration of opportunity to the department of health.

(f) Department of children, youth, and families: A certificate of restoration of opportunity does not apply to founded findings of child abuse or neglect. No finding of child abuse or neglect may be destroyed based solely on a certificate. The department of children, youth, and families must include such certificates as part of its criminal history record reports, qualifying letters, or other assessments pursuant to RCW 43.43.830 through 43.43.838. The department of children, youth, and families shall adopt rules to implement this subsection ((~~(4)~~)) (5)(f).

((~~(5)~~)) (6) In all cases, an applicant must provide notice to the prosecutor in the county where he or she seeks a certificate of restoration of opportunity of the pendency of such application. If the applicant has been sentenced by any other jurisdiction in the five years preceding the application for a certificate, the applicant must also notify the prosecuting attorney in those jurisdictions. The prosecutor in the county where an applicant applies for a certificate shall provide the court with a report of the applicant's criminal history.

((~~(6)~~)) (7) Application for a certificate of restoration of opportunity must be filed as a civil action.

((~~(7)~~)) (8) A superior court in the county in which the applicant resides may decline to consider the application for certificate of restoration of opportunity. If the superior court in which the applicant resides declines to consider the application, the court must dismiss the application without prejudice and the applicant may refile the application in another qualified court. The court must state the reason for the dismissal on the order. If the court determines that the applicant does not meet the required qualifications, then the court must dismiss the application without prejudice and state the reason(s) on the order. The superior court in the county of the applicant's conviction or adjudication may not decline to consider the application.

((~~(8)~~)) (9) Unless the qualified court determines that a hearing on an application for certificate of restoration is necessary, the court must decide without a hearing whether to grant the certificate of restoration of opportunity based on a review of the application filed by the applicant and pleadings filed by the prosecuting attorney.

((~~(9)~~)) (10) The clerk of the court in which the certificate of restoration of opportunity is granted shall transmit the certificate of restoration of opportunity to the Washington state patrol identification section, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol shall update its records to reflect the certificate of restoration of opportunity.

((~~(10)~~)) (11)(a) The administrative office of the courts shall develop and prepare instructions, forms, and an informational brochure designed to assist applicants applying for a certificate of restoration of opportunity.

(b) The instructions must include, at least, a sample of a standard application and a form order for a certificate of restoration of opportunity.

(c) The administrative office of the courts shall distribute a master copy of the instructions, informational brochure, and sample application and form order to all county clerks and a master copy of the application and order to all superior courts by January 1, 2017.

(d) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions, which shall contain a sample of the standard application and order, and the informational brochure into languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to the county clerks by January 1, 2017.

(e) The administrative office of the courts shall update the instructions, brochures, standard application and order, and translations when changes in the law make an update necessary.

Sec. 4. RCW 43.20A.710 and 2020 c 270 s 10 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges and disciplinary board final decisions of:

(a) Any current employee or applicant seeking or being considered for any position with the department who will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities. This includes, but is not limited to, positions conducting comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(b) Individual providers as defined in RCW 74.39A.240 and providers who are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW; and

(c) Individuals or businesses or organizations for the care, supervision, case management, or treatment of children, persons with developmental disabilities, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(2) The secretary shall require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation as provided in RCW 43.43.837. Unless otherwise authorized by law, the secretary shall use the information solely for the purpose of determining the character, suitability, and competence of the applicant.

(3) Except as provided in subsection (4) of this section, an individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2).

(4) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056, except that the department may require a background check at any time under RCW 43.43.837. For the purposes of this subsection, "background check" includes, but is not limited to, a fingerprint check submitted for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation.

(5) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

(6) The secretary shall provide the results of the state background check on long-term care workers, including individual providers, to the persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

(7) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(8) Any person whose criminal history would otherwise disqualify the person under this section or RCW 43.43.842, from a position which will or may have unsupervised access to children, vulnerable adults, or persons with mental illness or developmental disabilities shall not be automatically disqualified if ((~~the~~)):

(a) The department of social and health services reviewed the person's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002 and determined that such person could remain in a position covered by this section((~~, or if the otherwise disqualifying~~));

(b) The conviction is no longer automatically disqualifying pursuant to section 1 of this act;

(c) The applicant has received a certificate of restoration of opportunity for the convictions pursuant to RCW 9.97.020, and the department of social and health services has not disqualified the applicant based on character, competence, and suitability review; or

(d) The conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

(9) The department may not consider any founded finding of physical abuse or negligent treatment or maltreatment of a child made pursuant to chapter 26.44 RCW that is accompanied by a certificate of parental improvement or dependency as a result of a finding of abuse or neglect pursuant to chapter 13.34 RCW that is accompanied by a certificate of parental improvement when evaluating an applicant or employee's character, competency, and suitability pursuant to any background check authorized or required by this chapter, RCW 74.39A.056 or 43.43.832, or any of the rules adopted thereunder.

Sec. 5. RCW 70.128.120 and 2015 c 66 s 2 are each amended to read as follows:

Each adult family home provider, applicant, and each resident manager shall have the following minimum qualifications, except that only applicants are required to meet the provisions of subsections (10) and (11) of this section:

(1) Twenty-one years of age or older;

(2) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, a United States high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 or any English or translated government documentation of the following:

(a) Successful completion of government-approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction over twelve years or no less than twelve thousand hours of instruction;

(b) A foreign college, foreign university, or United States community college two-year diploma;

(c) Admission to, or completion of coursework at, a foreign university or college for which credit was granted;

(d) Admission to, or completion of coursework at, a United States college or university for which credits were awarded;

(e) Admission to, or completion of postgraduate coursework at, a United States college or university for which credits were awarded; or

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education preparation was required;

(3) Good moral and responsible character and reputation;

(4) Literacy and the ability to communicate in the English language;

(5) Management and administrative ability to carry out the requirements of this chapter;

(6) Satisfactory completion of department-approved basic training and continuing education training as required by RCW 74.39A.074, and in rules adopted by the department;

(7) Satisfactory completion of department-approved, or equivalent, special care training before a provider

may provide special care services to a resident;

(8) Not ((~~been convicted of any crime that is disqualifying under RCW 43.43.830 or 43.43.842, or department rules adopted under this chapter, or been found to have abused, neglected, exploited, or abandoned a minor or vulnerable adult as specified in RCW 74.39A.056(2)~~)) be disqualified by a department background check;

(9) For those applying to be licensed as providers, and for resident managers whose employment begins after August 24, 2011, at least one thousand hours in the previous sixty months of successful, direct caregiving experience obtained after age eighteen to vulnerable adults in a licensed or contracted setting prior to operating or managing an adult family home. The applicant or resident manager must have credible evidence of the successful, direct caregiving experience or, currently hold one of the following professional licenses: Physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; physician assistant licensed under chapter 18.71A RCW; registered nurse, advanced registered nurse practitioner, or licensed practical nurse licensed under chapter 18.79 RCW;

(10) For applicants, proof of financial solvency, as defined in rule; and

(11) Applicants must successfully complete an adult family home administration and business planning class, prior to being granted a license. The class must be a minimum of forty-eight hours of classroom time and approved by the department. The department shall promote and prioritize bilingual capabilities within available resources and when materials are available for this purpose. Under exceptional circumstances, such as the sudden and unexpected death of a provider, the department may consider granting a license to an applicant who has not completed the class but who meets all other requirements. If the department decides to grant the license due to exceptional circumstances, the applicant must have enrolled in or completed the class within four months of licensure.

Sec. 6. RCW 70.128.120 and 2020 c 80 s 47 are each amended to read as follows:

Each adult family home provider, applicant, and each resident manager shall have the following minimum qualifications, except that only applicants are required to meet the provisions of subsections (10) and (11) of this section:

(1) Twenty-one years of age or older;

(2) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, a United States high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 or any English or translated government documentation of the following:

(a) Successful completion of government-approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction over twelve years or no less than twelve thousand hours of instruction;

(b) A foreign college, foreign university, or United States community college two-year diploma;

(c) Admission to, or completion of coursework at, a foreign university or college for which credit was granted;

(d) Admission to, or completion of coursework at, a United States college or university for which credits were awarded;

(e) Admission to, or completion of postgraduate coursework at, a United States college or university for which credits were awarded; or

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education preparation was required;

(3) Good moral and responsible character and reputation;

(4) Literacy and the ability to communicate in the English language;

(5) Management and administrative ability to carry out the requirements of this chapter;

(6) Satisfactory completion of department-approved basic training and continuing education training as required by RCW 74.39A.074, and in rules adopted by the department;

(7) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;

(8) Not ((~~been convicted of any crime that is disqualifying under RCW 43.43.830 or 43.43.842, or department rules adopted under this chapter, or been found to have abused, neglected, exploited, or abandoned a minor or vulnerable adult as specified in RCW 74.39A.056(2)~~)) be disqualified by a department background check;

(9) For those applying to be licensed as providers, and for resident managers whose employment begins after August 24, 2011, at least one thousand hours in the previous sixty months of successful, direct caregiving experience obtained after age eighteen to vulnerable adults in a licensed or contracted setting prior to operating or managing an adult family home. The applicant or resident manager must have credible evidence of the successful, direct caregiving experience or, currently hold one of the following professional licenses: Physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; physician assistant licensed under chapter 18.71A RCW; registered nurse, advanced registered nurse practitioner, or licensed practical nurse licensed under chapter 18.79 RCW;

(10) For applicants, proof of financial solvency, as defined in rule; and

(11) Applicants must successfully complete an adult family home administration and business planning class, prior to being granted a license. The class must be a minimum of forty-eight hours of classroom time and approved by the department. The department shall promote and prioritize bilingual capabilities within available resources and when materials are available for this purpose. Under exceptional circumstances, such as the sudden and unexpected death of a provider, the department may consider granting a license to an applicant who has not completed the class but who meets all other requirements. If the department decides to grant the license due to exceptional circumstances, the applicant must have enrolled in or completed the class within four months of licensure.

Sec. 7. RCW 70.128.130 and 2019 c 80 s 1 are each amended to read as follows:

(1) The provider is ultimately responsible for the day-to-day operations of each licensed adult family home.

(2) The provider shall promote the health, safety, and well-being of each resident residing in each licensed adult family home.

(3) Adult family homes shall be maintained internally and externally in good repair and condition. Such homes shall have safe and functioning systems for heating, cooling, hot and cold water, electricity, plumbing, garbage disposal, sewage, cooking, laundry, artificial and natural light, ventilation, and any other feature of the home.

(4) In order to preserve and promote the residential home-like nature of adult family homes, adult family homes licensed after August 24, 2011, shall:

(a) Have sufficient space to accommodate all residents at one time in the dining and living room areas;

(b) Have hallways and doorways wide enough to accommodate residents who use mobility aids such as wheelchairs and walkers; and

(c) Have outdoor areas that are safe and accessible for residents to use.

(5) The adult family home must provide all residents access to resident common areas throughout the adult family home including, but not limited to, kitchens, dining and living areas, and bathrooms, to the extent that they are safe under the resident's care plan.

(6) Adult family homes shall be maintained in a clean and sanitary manner, including proper sewage disposal, food handling, and hygiene practices.

(7) Adult family homes shall develop a fire drill plan for emergency evacuation of residents, shall have working smoke detectors in each bedroom where a resident is located, shall have working fire extinguishers on each floor of the home, and shall house nonambulatory residents on a level with safe egress to a public right-of-way. Nonambulatory residents must have a bedroom on the floor of the home from which the resident can be evacuated to a designated safe location outside the home without the use

of stairs, elevators, chair lifts, platform lifts, or other devices as determined by the department in rule.

(8) The adult family home shall ensure that all residents can be safely evacuated from the home in an emergency as established by the department in rule. The rules established by the department must be developed in consultation with the largest organization representing fire chiefs in the state of Washington.

(9) Adult family homes shall have clean, functioning, and safe household items and furnishings.

(10) Adult family homes shall provide a nutritious and balanced diet and shall recognize residents' needs for special diets.

(11) Adult family homes shall establish health care procedures for the care of residents including medication administration and emergency medical care.

(a) Adult family home residents shall be permitted to self-administer medications.

(b) Adult family home providers may administer medications and deliver special care only to the extent authorized by law.

(12) Adult family home providers shall either: (a) Reside at the adult family home; or (b) employ or otherwise contract with a qualified resident manager to reside at the adult family home. The department may exempt, for good cause, a provider from the requirements of this subsection by rule.

(13) A provider will ensure that any volunteer, student, employee, or person residing within the adult family home who will have unsupervised access to any resident shall not ((~~have been convicted of a crime listed under RCW 43.43.830 or 43.43.842, or been found to have abused, neglected, exploited, or abandoned a minor or vulnerable adult as specified in RCW 74.39A.056(2)~~)) be disqualified by a department background check. A provider may conditionally employ a person pending the completion of a criminal conviction background inquiry, but may not allow the person to have unsupervised access to any resident.

(14) A provider shall offer activities to residents under care as defined by the department in rule.

(15) An adult family home must be financially solvent, and upon request for good cause, shall provide the department with detailed information about the home's finances. Financial records of the adult family home may be examined when the department has good cause to believe that a financial obligation related to resident care or services will not be met.

(16) An adult family home provider must ensure that staff are competent and receive necessary training to perform assigned tasks. Staff must satisfactorily complete department-approved staff orientation, basic training, and continuing education as specified by the department by rule. The provider shall ensure that a qualified caregiver is on-site whenever a resident is at the adult family home; any exceptions will be specified by the department in rule. Notwithstanding RCW 70.128.230, until orientation and basic training are successfully completed, a caregiver may not provide hands-on personal care to a resident without on-site supervision by a person who has successfully completed basic training or been exempted from the training pursuant to statute.

(17) The provider and resident manager must assure that there is:

(a) A mechanism to communicate with the resident in his or her primary language either through a qualified person on-site or readily available at all times, or other reasonable accommodations, such as language lines; and

(b) Staff on-site at all times capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read and understand resident care plans.

NEW SECTION. **Sec. 8.** The department of social and health services and the department of health may adopt rules to implement this act.

NEW SECTION. **Sec. 9.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder

of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 10.** Section 5 of this act expires July 1, 2022.

NEW SECTION. **Sec. 11.** Section 6 of this act takes effect July 1, 2022."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 9.97.020, 43.20A.710, 70.128.120, 70.128.120, and 70.128.130; adding a new section to chapter 43.20A RCW; adding a new section to chapter 74.39A RCW; creating new sections; providing an effective date; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1411 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Simmons spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1411, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1411, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1411, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

April 20, 2021

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5038,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5044,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5066,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5097,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128,
SUBSTITUTE SENATE BILL NO. 5140,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5141,
SUBSTITUTE SENATE BILL NO. 5151,
SECOND SUBSTITUTE SENATE BILL NO. 5331,
SUBSTITUTE SENATE BILL NO. 5361,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 20, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272,
HOUSE BILL NO. 1289,
ENGROSSED HOUSE BILL NO. 1311,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
SUBSTITUTE HOUSE BILL NO. 1355,
SUBSTITUTE HOUSE BILL NO. 1356,
SUBSTITUTE HOUSE BILL NO. 1373,
SUBSTITUTE HOUSE BILL NO. 1379,

SUBSTITUTE HOUSE BILL NO. 1423,
SUBSTITUTE HOUSE BILL NO. 1472,
SUBSTITUTE HOUSE BILL NO. 1502,
SUBSTITUTE HOUSE BILL NO. 1514,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 20, 2021

Mme. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5009,
SUBSTITUTE SENATE BILL NO. 5013,
SENATE BILL NO. 5040,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5071,
SUBSTITUTE SENATE BILL NO. 5073,
SENATE BILL NO. 5101,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5115,
SUBSTITUTE SENATE BILL NO. 5157,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5180,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5235,
SECOND SUBSTITUTE SENATE BILL NO. 5253,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5353,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 20, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5172,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5226,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5295,
SENATE BILL NO. 5299,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5370,
SUBSTITUTE SENATE BILL NO. 5378,
SUBSTITUTE SENATE BILL NO. 5381,
SUBSTITUTE SENATE BILL NO. 5423,
SENATE BILL NO. 5430,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5432,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5096, by Senate Committee on Ways & Means (originally sponsored by Robinson, Hunt, Nguyen and C. Wilson)

Concerning an excise tax on gains from the sale or exchange of certain capital assets. Revised for 1st Substitute: Enacting an excise tax on gains from the sale or exchange of certain capital assets. (REVISED FOR ENGROSSED: Investing in Washington families and creating a more progressive tax system in Washington by enacting an excise tax on the sale or exchange of certain capital assets.)

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 99, April 19, 2021).

Representative Chase moved the adoption of amendment (726) to the committee striking amendment:

Beginning on page 1, line 23, strike sections 2 and 3 and insert the following:

"NEW SECTION. **Sec. 2.** (1) The taxpayer fairness account is created in the state treasury. All taxes, interest, and penalties collected under this chapter shall be deposited into the account. Expenditures from the account must only be used as provided in this section.

(2)(a) Beginning July 1, 2023, the state treasurer must notify the department monthly of the amount of revenue in the taxpayer fairness account.

(b)(i) Beginning, October 1, 2023, and each subsequent October 1st, the department must calculate a reduction in the state sales and use tax rate provided in RCW 82.08.020 that would provide a reduction in state revenues collected by the state sales and use tax for the following calendar year that would be equal to the amount of revenue in the taxpayer fairness account as of October 1st of the current year.

(ii) In calculating the rate reduction for the upcoming calendar year, the department must round the state sales and use tax rate to the nearest 100th of one percent and the estimated revenue reduction must be within $100,000 of the available balance in the taxpayer fairness account on October 1st of the current calendar year.

(iii) Any reduction in the state sales and use tax rate made pursuant to this section must be effective January 1st through December 31st of the tax year.

(iv) The department shall publish the sales and use tax rate by December 1, 2023, and each subsequent December 1st, for the upcoming calendar year. Any notice must clearly state if it is the rate provided in RCW 82.08.020 or if it is a new rate reduced by the provisions of this section. The notice must also include the percentage change between statutory rate, current rate if not the statutory rate, and the new rate.

(c) The department must notify the state treasurer that a rate reduction is being funded pursuant to this section, as well as the estimated revenue reduction calculated in (b)(ii) of this subsection. The state treasurer must transfer an amount equal to the estimated revenue reduction calculated into the state general fund."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Chase spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Thai spoke against the adoption of the amendment to the committee striking amendment.

MOTIONS

On motion of Representative Riccelli, Representative Berg was excused.

On motion of Representative Maycumber, Representative Griffey was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (726) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas: 42; Nays: 54; Absent: 0; Excused: 2

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Bergquist, Berry, Bronoske, Callan, Chandler, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representatives Berg, and Griffey

Representative Orcutt moved the adoption of amendment (730) to the committee striking amendment:

Beginning on page 1, line 23, strike all of sections 2 and 3 and insert the following:

"NEW SECTION. **Sec. 2.** The capital gains account is created in the state treasury. All taxes, interest, and penalties collected under this chapter must be deposited into the capital gains account. These funds shall not be used to fund ongoing operations of government. Moneys in this account may only be appropriated for one-time expenditures including, but not limited to:

(1) Unfunded pension liabilities;

(2) Backlogs in the forest riparian easement program; and

(3) Maintenance and operation backlogs at state parks, the department of fish and wildlife public lands, the department of transportation related maintenance and preservation, and the department of natural resources healthy forest initiative treatments."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Orcutt, Orcutt (again) and Stokesbary spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Senn spoke against the adoption of the amendment to the committee striking amendment.

Amendment (730) to the committee striking amendment was not adopted.

Representative Dufault moved the adoption of amendment (731) to the committee striking amendment:

Beginning on page 1, line 23, strike all of sections 2 and 3 and insert the following:

"NEW SECTION. **Sec. 2.** All taxes, interest, and penalties collected under this chapter must be deposited into the fair start for kids account created in chapter . . . (Engrossed Second Substitute Senate Bill No. 5237), Laws of 2021."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Dufault, Walsh, Dent and Dufault (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Senn and Harris-Talley spoke against the adoption of the amendment to the committee striking amendment.

Amendment (731) to the committee striking amendment was not adopted.

Representative Orcutt moved the adoption of amendment (733) to the committee striking amendment:

On page 1, beginning on line 23, strike all of section 2 and insert the following:

"NEW SECTION. **Sec. 2.** All taxes, interest, and penalties collected under this chapter must be deposited as follows:

(1) Seventy percent into the education legacy trust account created in RCW 83.100.230; and

(2) Thirty percent into the budget stabilization account established in RCW 43.79.490."

Representative Orcutt and Orcutt (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the committee striking amendment.

Amendment (733) to the committee striking amendment was not adopted.

Representative Dufault moved the adoption of amendment (729) to the committee striking amendment:

On page 2, line 31, after "gain;" strike "and"

On page 2, line 35, after "gain" insert "; and

(f) Less any amount of long-term capital gain from the sale or exchange as provided in section 7 of this act, to the extent that such gain was included in calculating federal net long-term capital gain"

On page 7, after line 22, insert the following:

"NEW SECTION. **Sec. 7.** In computing the tax under this chapter, a taxpayer must deduct the value of the long-term capital gain of a capital asset that accrued prior to January 1, 2022, if the sale or exchange occurs after the effective date of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Dufault, Corry, Vick, Orcutt, Kraft, Barkis, MacEwen, Caldier, Walsh, MacEwen (again), Kraft (again), Vick (again), Chambers, Stokesbary and Jacobsen spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Harris-Talley, Springer, Frame and Harris-Talley (again) spoke against the adoption of the amendment to the committee striking amendment.

Amendment (729) to the committee striking amendment was not adopted.

Representative Stokesbary moved the adoption of amendment (745) to the committee striking amendment:

On page 3, line 5, after "59" strike ", 1400Z-1, and 1400Z-2"

Representatives Stokesbary, Walsh, MacEwen, Vick, Barkis, Dufault, Corry, Orcutt and Wilcox spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Harris-Talley and Springer spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (745) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas: 45; Nays: 53; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Tharinger, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby,

Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Valdez, Walen, Wicks, and Wylie

Representative Dufault moved the adoption of amendment (728) to the committee striking amendment:

On page 3, beginning on line 18, after "means" strike all material through "land" on line 20 and insert ""real property" as defined in RCW 84.04.090 and includes all buildings, structures, and permanent improvements built upon or attached to privately owned land. Such items are considered permanently affixed when they are owned by the owner of the real property and they are securely attached to the real property or the item appears permanently situated in one location on real property and is adapted to use in the place it is located"

Representative Dufault spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Springer spoke against the adoption of the amendment to the committee striking amendment.

Amendment (728) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (739) to the committee striking amendment:

On page 4, beginning on line 2, after "capital" strike all material through "chapter" on line 4 and insert "gains, less the standard deduction provided in section 7 of this act"

On page 7, beginning on line 25, after "individual," strike all material through "returns" on line 28 and insert "or $500,000 for individuals filing joint returns under this chapter"

Representatives Young, Dufault, Vick, Stokesbary and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Wicks and Senn spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (739) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas: 45; Nays: 53; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Berg, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Orcutt moved the adoption of amendment (735) to the committee striking amendment:

On page 4, line 6, after "2022," insert "or the effective date provided pursuant to section 19 of this act, whichever is later,"

On page 14, after line 19, insert the following:

"NEW SECTION. **Sec. 19.** (1) Upon the passage of this act, the department of revenue must submit a letter of inquiry to the internal revenue service regarding whether the tax imposed under this act is an excise tax or an income tax.

(2) If the internal revenue service responds to the department's inquiry advising that the tax imposed under this act is an excise tax, the department must provide written notice of the effective date of this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department. No tax may be imposed or collected prior to the effective date of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Orcutt, Dufault, Kraft, Dufault (again), Orcutt (again) and Stokesbary spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Hansen and Hackney spoke against the adoption of the amendment to the committee striking amendment.

Amendment (735) to the committee striking amendment was not adopted.

Representative Dufault moved the adoption of amendment (732) to the committee striking amendment:

On page 4, line 12, after "institutions." insert "This subsection does not constitute, and shall not be construed as, an emergency clause."

Representatives Dufault, Dufault (again), Orcutt and Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Hackney and Frame spoke against the adoption of the amendment to the committee striking amendment.

Amendment (732) to the committee striking amendment was not adopted.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

Representative Orcutt moved the adoption of amendment (734) to the committee striking amendment:

On page 4, beginning on line 10, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 14, after line 33, insert the following:

"NEW SECTION. **Sec. 21.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Representatives Orcutt, Walsh, Kraft, Corry, Orcutt (again) and Dufault spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Chopp and Senn spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (734) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas: 48; Nays: 50; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Berg, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Bergquist, Berry, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Orcutt moved the adoption of amendment (740) to the committee striking amendment:

On page 4, beginning on line 10, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Orcutt, Stokesbary, Walsh, Caldier, Abbarno, Corry, Vick, Rude, Harris, Sutherland and Dufault spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Senn, Wylie, Ramel and Frame spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (740) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas: 47; Nays: 51; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby,

Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Stokesbary moved the adoption of amendment (746) to the committee striking amendment:

On page 7, after line 22, insert the following:

"NEW SECTION. **Sec. 7.** In calculating the tax due under this chapter, an individual may elect to claim a lifetime exemption from the tax imposed pursuant to this chapter of $1,000,000 in long-term capital gains. In the case of individuals filing joint returns, each individual is eligible for the full amount of the exemption, which may be combined with the other individual's exemption in calculating the tax due under this chapter. The lifetime exemption may be applied in whole or in part to any tax due pursuant to this chapter until the individual has claimed a total of $1,000,000 in lifetime exemptions for any and all tax years. Once the individual has claimed a total of $1,000,000 in lifetime exemptions, the individual is not eligible to claim additional lifetime exemptions. This exemption is applied after all other applicable exemptions, deductions, and credits are applied."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Stokesbary, Vick, Barkis and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Ramel and Berry spoke against the adoption of the amendment to the committee striking amendment.

Amendment (746) to the committee striking amendment was not adopted.

Representative Orcutt moved the adoption of amendment (741) to the committee striking amendment:

On page 7, line 30, after "(2)" insert "The amount of adjusted capital gain derived in the taxable year from the sale of all of the fair market value of the assets of, or the transfer of all of the taxpayer's interest in, a business;

(3)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representative Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Stonier spoke against the adoption of the amendment to the committee striking amendment.

Amendment (741) to the committee striking amendment was not adopted.

Representative Vick moved the adoption of amendment (744) to the committee striking amendment:

On page 7, line 30, after "(2)" insert "Any amounts that an individual contributed to a charitable organization qualified under Title 26 U.S.C. Sec. 170(c) of the internal revenue code and deducted on the individual's federal tax return for the same tax year;

(3)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Vick, Corry, Harris, Hoff, Corry (again), Orcutt and Chase spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Harris-Talley and Wylie spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (744) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas: 44; Nays: 54; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter,

Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Callan moved the adoption of amendment (736) to the committee striking amendment:

On page 8, at the beginning of line 22, strike "eight" and insert "five"

Representatives Callan, Orcutt, Dufault and Walen spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (736) to the committee striking amendment was adopted.

Representative Ramos moved the adoption of amendment (738) to the committee striking amendment:

On page 8, line 26, after "of the" strike "eight" and insert "10"

Representatives Ramos, Orcutt, Walen and Dufault spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (738) to the committee striking amendment was adopted.

Representative Vick moved the adoption of amendment (742) to the committee striking amendment:

On page 9, after line 11, insert the following:

"NEW SECTION. **Sec. 9.** (1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for an individual's contributions to a charitable organization.

(2) The credit under this section equals the amount deducted by the individual on the individual's federal tax return for the tax year for contributions made to organizations qualified under Title 26 U.S.C. Sec. 170(c) of the internal revenue code. The amount of the credit may not exceed the tax otherwise due under this chapter for that reporting period. No credits may be claimed for contributions made prior to January 1, 2022.

(3) No application is necessary for the tax credit. The individual must keep records necessary for the department to verify eligibility under this section.

(4) Any amount of a tax credit otherwise allowable under this section not claimed by the person in any tax year may be carried forward and claimed against a person's tax liability for the next succeeding tax year; and any credit not used in that next succeeding year may be carried forward and claimed against a person's tax liability for the second succeeding tax year, but may not be carried over for any tax year thereafter. No refunds may be granted for credits under this section.

(5) If at any time the department finds that an individual is not eligible for the tax credit under this section, the amount of taxes for which the credit has been claimed is immediately due. The department must assess interest, but not penalties, on the tax for which the person is not eligible. The interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, is retroactive to the date the tax credit was taken, and accrues until the taxes for which the credit was used are repaid.

(6) A person claiming a credit under this section is not subject to the annual tax performance reporting requirements in chapter 82.32 RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Vick spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Ramel spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (742) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas: 44; Nays: 54; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson,

Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Vick moved the adoption of amendment (743) to the committee striking amendment:

On page 9, after line 11, insert the following:

"NEW SECTION. **Sec. 9.** (1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for an individual's contributions to a charitable organization.

(2) The credit under this section equals the amount deducted by the individual on the individual's federal tax return for the tax year for contributions made to organizations qualified under Title 26 U.S.C. Sec. 170(c) of the internal revenue code. The amount of the credit may not exceed the tax otherwise due under this chapter for that reporting period. No credits may be claimed for contributions made prior to January 1, 2022.

(3) No application is necessary for the tax credit. The individual must keep records necessary for the department to verify eligibility under this section.

(4) Any unused credit may not be carried over. No refunds may be granted for credits under this section.

(5) If at any time the department finds that an individual is not eligible for the tax credit under this section, the amount of taxes for which the credit has been claimed is immediately due. The department must assess interest, but not penalties, on the tax for which the person is not eligible. The interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, is retroactive to the date the tax credit was taken, and accrues until the taxes for which the credit was used are repaid.

(6) A person claiming a credit under this section is not subject to the annual tax performance reporting requirements in chapter 82.32 RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Vick, Hoff, Harris, Kraft, Jacobsen, Orcutt, Walsh and Maycumber spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Wylie, Stonier and Senn spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (743) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas: 44; Nays: 54; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Dufault moved the adoption of amendment (727) to the committee striking amendment:

On page 11, beginning on line 21, strike all of subsection (5)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Dufault and Berg spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (727) to the committee striking amendment was adopted.

By the adoption of amendment (727), amendment (737) was ruled out of order.

Representative Stokesbary moved the adoption of amendment (747) to the committee striking amendment:

On page 14, after line 33, insert the following:

"NEW SECTION. **Sec. 21.** The legislature recognizes well-established state supreme court precedent declaring income to be property. The legislature also recognizes the fact that state voters have rejected six income tax constitutional amendments. If the capital gains tax under this act is challenged in court, the state attorney general is prohibited from requesting the court to reconsider its prior rulings declaring income to be property."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (747).

SPEAKER'S RULING

"The bill before us establishes an excise tax on the capital gains realized from the sale or exchange of long-term capital assets.

Amendment (747) prohibits the Attorney General from asking a court to reconsider prior rulings in the event of certain litigation. The powers and duties of the Attorney General are topics separate and distinct from the issue presented in the bill before us – whether to establish an excise tax on the capital gains realized from the sale or exchange of long-term capital assets.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the underlying bill.

The point of order is well taken."

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

There being no objection, the House adjourned until 11:00 a.m., April 21, 2021, the 101st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

ONE HUNDRED FIRST DAY

House Chamber, Olympia, Wednesday, April 21, 2021

The House was called to order at 11:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Emily Wicks, 38th Legislative District.

The Speaker assumed the chair.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

April 20, 2021

Mme. SPEAKER:

The Senate receded from its amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1028 and passed the bill without said amendments.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1581 by Representatives Walsh and Dufault

AN ACT Relating to modifying the allowable language used to refer to the state property tax levy on property tax statements or notices; adding a new section to chapter 84.56 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1582 by Representatives Walsh, Eslick, Caldier, Orcutt, Jacobsen, Ybarra, Dufault, Boehnke, Young, Chambers, Robertson, Kraft, Goehner, Sutherland, Chandler and McCaslin

AN ACT Relating to requiring voter approval of tax increases; amending RCW 43.135.034 and 43.135.041; and creating a new section.

Referred to Committee on Finance.

HB 1583 by Representatives McEntire, Walsh, Ybarra, Eslick, Orcutt, Dufault, Robertson, Young, Kraft, Jacobsen, Graham, Boehnke, Sutherland, Klicker and Chandler

AN ACT Relating to prohibiting the imposition or collection of any tax based on income; adding a new section to chapter 82.32 RCW; and creating a new section.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 20, 2021

2SSB 5192 Prime Sponsor, Committee on Ways & Means: Supporting access to electric vehicle supply equipment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.94.010 and 2019 c 96 s 1 are each amended to read as follows:

(1) The definitions in this section apply throughout this chapter and to any rules adopted pursuant to this chapter unless the context clearly requires otherwise.

(a) "City" means a first-class city or a code city, as defined in RCW 35A.01.035, with a population of over fifty thousand persons.

(b) "City sealer" means the person duly authorized by a city to enforce and administer the weights and measures program within such city and any duly appointed deputy sealer acting under the instructions and at the direction of the city sealer.

(c) "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item or lot of any commodity not in packaged form, but on which there is marked a selling price based on established price per unit of weight or of measure, shall be construed to be a commodity in package form.

(d) "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by persons, or used by persons for the purpose of personal care or in the performance of services ordinarily rendered in or about a household or in connection with personal possessions.

(e) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred twenty-eight cubic feet, when the wood is ranked and well stowed.

(f) "Department" means the department of agriculture of the state of Washington.

(g) "Director" means the director of the department or duly authorized representative acting under the instructions and at the direction of the director.

(h) "Fish" means any waterbreathing animal, including shellfish, such as, but not limited to, lobster, clam, crab, or other mollusca that is prepared, processed, sold, or intended for sale.

(i) "Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of such commodity. Materials, substances, or items not considered to be part of a commodity shall include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

(j) "Nonconsumer package" or "package of nonconsumer commodity" means a commodity in package form other than a consumer package and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

(k) "Meat" means and shall include all animal flesh, carcasses, or parts of animals, and shall also include fish, shellfish, game, poultry, and meat food products of every kind and character, whether fresh, frozen, cooked, cured, or processed.

(l) "Official seal of approval" means the seal or certificate issued by the director or city sealer which indicates that a secondary weights and measures standard or a weighing or measuring instrument or device conforms with the specifications, tolerances, and other technical requirements adopted in RCW 19.94.190.

(m) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(n) "Poultry" means all fowl, domestic or wild, that is prepared, processed, sold, or intended or offered for sale.

(o) "Service agent" means a person who for hire, award, commission, or any other payment of any kind, installs, tests, inspects, checks, adjusts, repairs, reconditions, or systematically standardizes the graduations of a weighing or measuring instrument or device.

(p) "Ton" means a unit of two thousand pounds avoirdupois weight.

(q) "Weighing or measuring instrument or device" means any equipment or apparatus used commercially to establish the size, quantity, capacity, count, extent, area, heaviness, or measurement of quantities, things, produce, or articles for distribution or consumption, that are purchased, offered or submitted for sale, hire, or award on the basis of weight, measure or count, including any accessory attached to or used in connection with a weighing or measuring instrument or device when such accessory is so designed or installed that its operation affects, or may effect, the accuracy or indication of the device. This definition shall be strictly limited to those weighing or measuring instruments or devices governed by

Handbook 44 as adopted under RCW 19.94.190.

(r) "Weight" means net weight as defined in this section.

(s) "Weights and measures" means the recognized standards or units of measure used to indicate the size, quantity, capacity, count, extent, area, heaviness, or measurement of any consumable commodity.

(t) "Secondary weights and measures standard" means the physical standards that are traceable to the primary standards through comparisons, used by the director, a city sealer, or a service agent that under specified conditions defines or represents a recognized weight or measure during the inspection, adjustment, testing, or systematic standardization of the graduations of any weighing or measuring instrument or device.

(u) "Charging session" means an event starting when a user or a vehicle initiates a refueling event and stops when a user or a vehicle ends a refueling event.

(v) "Clearly marked" means, at a minimum, a sign, sticker, plaque, or any other visible marker that is readable.

(w) "Common interest community" has the same meaning as defined in RCW 64.90.010.

(x) "Direct current fast charger" means electric vehicle supply equipment capable of supplying direct current electricity to a vehicle fitted with the appropriate connection to support refueling the vehicle's energy storage battery.

(y) "Electric vehicle service provider" means the entity responsible for operating one or more networked or nonnetworked electric vehicle supply equipment. Operating includes, but is not limited to: Sending commands or messages to a networked electric vehicle supply equipment; receiving commands or messages from a networked electric vehicle supply equipment; or providing billing, maintenance, reservations, or other services to a nonnetworked or networked electric vehicle supply equipment. An electric vehicle service provider may designate another entity to act as the electric vehicle service provider for purposes of this chapter. A state agency, an electric utility as defined in RCW 19.405.020, or a municipal corporation as defined in RCW 39.69.010 is considered an electric vehicle service provider when responsible for operating one or more publicly available electric vehicle supply equipment.

(z) "Electric vehicle supply equipment" means the unit controlling the power supply to one or more vehicles during a charging session including, but not limited to, level 2 electric vehicle supply equipment and direct current fast chargers.

(aa) "Installed" means operational and made available for a charging session.

(bb) "Kiosk" means a stand-alone physical unit that allows users to pay for and initiate a charging session at one or more electric vehicle supply equipment located at the same site as the kiosk.

(cc) "Level 2 electric vehicle supply equipment" means electric vehicle supply equipment capable of supplying 208 to 240 volt alternating current.

(dd) "Networked electric vehicle supply equipment" means electric vehicle supply equipment capable of receiving and sending commands or messages remotely from an electric vehicle service provider, including electric vehicle supply equipment with secondary systems that provide remote communication capabilities that have been installed.

(ee) "Nonnetworked electric vehicle supply equipment" means electric vehicle supply equipment incapable of receiving and sending commands or messages remotely from an electric vehicle service provider, including electric vehicle supply equipment with remote communication capabilities that have been disabled.

(ff) "Publicly available electric vehicle supply equipment" means electric vehicle supply equipment and associated parking space or spaces designated by a property owner or lessee to be available to, and accessible by, the public.

(2) The director shall prescribe by rule other definitions as may be necessary for the implementation of this chapter.

NEW SECTION. **Sec. 2.** A new section is added to chapter 19.94 RCW to read as follows:

(1) In addition to the definition of publicly available electric vehicle supply equipment provided in RCW 19.94.010 and except for the applicable exemptions in section 3 of this act, electric vehicle supply equipment is considered publicly available and is subject to the requirements of this chapter if:

(a) A lessee, electric vehicle service provider, or a property owner designates electric vehicle supply equipment to be available only to customers or visitors of a business or charging network;

(b) Any member of the public can obtain vehicular access to electric vehicle supply equipment and associated parking spaces for free or through payment of a fee, including electric vehicle supply equipment located in a parking garage or gated facility; or

(c) The electric vehicle supply equipment and associated parking spaces are made available to the public for only limited time periods, then the electric vehicle supply equipment and associated parking spaces are considered publicly available electric vehicle supply equipment during those limited time periods only.

(2) The director may by rule subject additional types of electric vehicle supply equipment to the requirements of this chapter to benefit the public and provide protections to consumers.

NEW SECTION. **Sec. 3.** A new section is added to chapter 19.94 RCW to read as follows:

(1) Publicly available electric vehicle supply equipment is exempt from compliance with the requirements of sections 4 through 6 of this act if:

(a) Members of the public may use the electric vehicle supply equipment at no cost, including no charges, fees, memberships, minimum balance on an account, and other cost at all times; and

(b) It is clearly marked that the electric vehicle supply equipment is available for use at no cost at all times.

(2) Sections 4 through 7 of this act do not apply to:

(a) Workplace electric vehicle supply equipment and its associated parking spaces if it is clearly marked and operated as available exclusively to employees or contracted drivers, regardless of the physical accessibility of the electric vehicle supply equipment to the public;

(b) Electric vehicle supply equipment and associated parking spaces reserved exclusively for residents, tenants, visitors, or employees of a private residence or common interest community; or a residential building adjacent to a private residence;

(c) Level 2 electric vehicle supply equipment located on or near the curb of a residential electric utility customer's property, directly connected to that residential electric utility customer's meter, and intended to serve only that residential electric utility customer;

(d) Electric vehicle supply equipment and associated parking spaces provided by a vehicle dealer licensed under chapter 46.70 RCW at its established place of business.

(3) The director may by rule provide exemptions from compliance with some or all requirements of this chapter to benefit the public and provide protections to consumers, including electric vehicle supply equipment that is not available or intended for use by the public but where charges, fees, or other costs are required to initiate a charging session.

NEW SECTION. **Sec. 4.** A new section is added to chapter 19.94 RCW to read as follows:

(1) By January 1, 2023, the electric vehicle service provider must ensure all publicly available electric vehicle supply equipment is clearly marked and discloses all charges, fees, and costs associated with a charging session at the point of sale and prior to a user or a vehicle initiating a charging session. At a minimum, the electric vehicle service provider must disclose to the user the following information at the point of sale, if applicable:

(a) A fee for use of the parking space;

(b) A nonmember plug-in fee from the electric vehicle service provider;

(c) Price to refuel in United States dollars per kilowatt-hour or megajoule;

(d) Any potential changes in the price to refuel, in United States dollars per

kilowatt-hour or megajoule, due to variable pricing; and

(e) Any other fees charged for a charging session.

(2) If the charging session or portion of a charging session is offered at no cost, it must be disclosed at the location where the charging session is initiated and prior to a user or a vehicle initiating a charging session.

(3) For the purpose of this section, "point of sale" means the location where the charging session and associated commercial transaction is initiated including, but not limited to, electric vehicle supply equipment or kiosk used to service that electric vehicle supply equipment.

NEW SECTION. **Sec. 5.** A new section is added to chapter 19.94 RCW to read as follows:

(1) By January 1, 2023, the department, in consultation with the department of commerce and the Washington utilities and transportation commission, must adopt rules requiring all electric vehicle service providers make available multiple payment methods at all publicly available level 2 electric vehicle supply equipment or direct current fast charger electric vehicle supply equipment installed in Washington and may review and, if necessary, amend the rules every two years, to maintain consistency with evolving technology. At a minimum, the rules must include:

(a) Deadlines for electric vehicle service provider compliance for publicly available direct current fast charger electric vehicle supply equipment installed prior to a specific date;

(b) Deadlines for electric vehicle service provider compliance for publicly available level 2 electric vehicle supply equipment installed prior to a specific date;

(c) Deadlines for electric vehicle service provider compliance for publicly available direct current fast charger electric vehicle supply equipment installed on or after a specific date;

(d) Deadlines for electric vehicle service provider compliance for publicly available level 2 electric vehicle supply equipment installed on or after a specific date;

(e) Minimum required payment methods that are convenient and reasonably support access for all current and future users at publicly available level 2 electric vehicle supply equipment and direct current fast charger electric vehicle supply equipment installed in Washington. Payment methods may include, but are not limited to:

(i) A credit card reader device physically located on or in either the electric vehicle supply equipment unit or a kiosk used to service that electric vehicle supply equipment. Contactless credit card reader devices may be used as an option to meet the requirements of this subsection;

(ii) A toll-free number on each electric vehicle supply equipment and kiosk used to service that electric vehicle supply equipment that provides the user with the option to initiate a charging session and submit payment at any time that the electric vehicle supply equipment is operational and publicly available;

(iii) A mobile payment option used to initiate a charging session;

(f) Means for conducting a charging session in languages other than English;

(g) Means for facilitating charging sessions for consumers who are unbanked, underbanked, or low-moderate income, such as accepting prepaid cards through a card reader device. Methods established in (e) of this subsection may be used to meet this requirement if they adequately facilitate charging sessions for these consumers.

(2) In adopting the rules required under subsection (1) of this section, the department must seek to minimize costs and maximize benefits to the public.

(3) The electric vehicle service provider may not require a subscription, membership, or account or a minimum balance on an account in order to initiate a charging session at electric vehicle supply equipment subject to this section.

(4) For the purpose of this section, "mobile payment" means an electronic fund transfer initiated through a mobile phone or device.

NEW SECTION. **Sec. 6.** A new section is added to chapter 19.94 RCW to read as follows:

(1) Interoperability standards provide safeguards to consumers and support access to electric vehicle supply equipment. In order for Washington to have reliable, accessible, and competitive markets for electric vehicle supply equipment that are necessary for the movement of goods and people by electric vehicles, interoperability standards that align with national and international best practices or standards are necessary.

(2) By January 1, 2023, the department, in consultation with the department of commerce and the Washington utilities and transportation commission, must adopt rules establishing requirements for all electric vehicle service providers to, at a minimum, meet and maintain nonproprietary interoperability standards for publicly available level 2 electric vehicle supply equipment and direct current fast charger electric vehicle supply equipment and may review and, if necessary, amend the rules every two years, to maintain consistency with evolving technology. The requirements shall not provide that any charging provider must purchase or license proprietary technology or software from any other company, and shall not require that companies maintain interoperability agreements with other companies.

(3) For the purpose of this section, "interoperability" means the ability of hardware, software, or a communications network provided by one party, vendor, or service provider to interact with or exchange and make use of information, including payment information, between hardware, software, or a communications network provided by a different party, vendor, or service provider.

(4) The requirements of this section shall not apply to publicly available electric vehicle supply equipment provided by a manufacturer of electric vehicles for the exclusive use by vehicles it manufactures.

NEW SECTION. **Sec. 7.** A new section is added to chapter 19.94 RCW to read as follows:

(1) This section applies to all electric vehicle service providers operating one or more publicly available level 2 electric vehicle supply equipment or direct current fast charger electric vehicle supply equipment installed in Washington. If an electric vehicle service provider also operates electric vehicle supply equipment that is not available to the public, the requirements of this section apply only to that electric vehicle service provider's publicly available level 2 electric vehicle supply equipment or direct current fast charger electric vehicle supply equipment installed in Washington.

(2) By January 1, 2023, electric vehicle service providers must report inventory and payment method information to the national renewable energy laboratory, alternative fuels data center. The information must be reported, at a minimum, annually and must include, but is not limited to:

(a) Electric vehicle service provider information;

(b) Electric vehicle supply equipment inventory for both active and retired, decommissioned, or removed electric vehicle supply equipment in Washington;

(c) Electric vehicle supply equipment payment method information.

(3) The department may adopt additional reporting requirements to support compliance with this act.

Sec. 8. RCW 19.94.175 and 2019 c 96 s 3 are each amended to read as follows:

(1) Pursuant to RCW 19.94.015, the following annual registration fees shall be charged for each weighing or measuring instrument or device used for commercial purposes in this state:

(a)	Weighing devices:	
(i)	Small scales "zero to four hundred pounds capacity"	$ 16.00
(ii)	Intermediate scales "four hundred one pounds to five thousand pounds capacity"	$ 60.00
(iii)	Large scales "over five thousand pounds capacity"	$ 120.00

(iv) Railroad track scales	$	1,200.00
(b) Liquid fuel metering devices:		
(i) Motor fuel meters with flows of twenty gallons or less per minute	$	16.00
(ii) Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute	$	50.00
(iii) Motor fuel meters with flows over one hundred fifty gallons per minute	$	75.00
(c) Liquid petroleum gas meters:		
(i) With one inch diameter or smaller dispensers	$	40.00
(ii) With greater than one inch diameter dispensers	$	80.00
(d) Fabric meters	$	15.00
(e) Cordage meters	$	15.00
(f) Mass flow meters	$	300.00
(g) Taxi meters	$	40.00
(h) Level 2 electric vehicle supply equipment port	$	20.00
(i) Direct current fast charger electric vehicle supply equipment port	$	40.00

(2) Pursuant to RCW 19.94.015, a reasonable registration fee for electric vehicle supply equipment, in addition to the fees established in subsection (1) of this section, may be established through rule making to cover the remaining costs associated with enforcing this chapter on electric vehicle supply equipment. The department may consider differential fees to reduce the potential burden of the registration fee for electric vehicle service providers operating less than 25 publicly available electric vehicle supply equipment in Washington.

(3) With the exception of subsection ((~~(3)~~)) (4) of this section, no person shall be required to pay more than the annual registration fee for any weighing or measuring instrument or device in any one year.

((~~(3)~~)) (4) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and testing. The fees shall not be set so as to compete with service agents normally engaged in such services.

((~~(4)~~)) (5) The weights and measures advisory group within the department must review the fees in subsection (1) of this section and report to stakeholders on the financial status of the program supported by the fees by September 1, 2024, and September 1st every five years thereafter.

Sec. 9. RCW 19.94.190 and 2019 c 96 s 4 are each amended to read as follows:

(1) The director and duly appointed city sealers must enforce the provisions of this chapter.

(2) The department's enforcement proceedings under this chapter are subject to the requirement to provide technical assistance in chapter 43.05 RCW and the administrative procedure act, chapter 34.05 RCW. City sealers undertaking enforcement actions must provide equivalent procedures.

(3) In assessing the amount of a civil penalty, the department or city must give due consideration to the gravity of the violation and history of previous violations.

(4) The director must adopt rules for enforcing and carrying out the purposes of this chapter including but not limited to the following:

(a) Establishing state standards of weight, measure, or count, and reasonable standards of fill for any commodity in package form;

(b) The establishment of technical test procedures to be followed, any necessary report and record forms, and marks of rejection to be used by the director and city sealers in the discharge of their official duties as required by this chapter;

(c) The establishment of technical test procedures, reporting procedures, and any necessary record and reporting forms to be used by service agents when testing and inspecting instruments or devices under RCW 19.94.255(3) or when otherwise installing, repairing, inspecting, or standardizing the graduations of any weighing or measuring instruments or devices;

(d) The establishment of exemptions from the marking or tagging requirements of RCW 19.94.250 with respect to weighing or measuring instruments or devices of such a character or size that the marking or tagging would be inappropriate, impracticable, or damaging to the apparatus in question;

(e) The establishment of exemptions from the inspection and testing requirements of RCW 19.94.163 with respect to classes of weighing or measuring instruments or devices found to be of such a character that periodic inspection and testing is unnecessary to ensure continued accuracy;

(f) The establishment of inspection and approval techniques, if any, to be used with respect to classes of weighing or measuring instruments or devices that are designed specifically to be used commercially only once and then discarded, or are uniformly mass-produced by means of a mold or die and are not individually adjustable;

(g) The establishment of inspection and testing procedures to be used for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential or special inspection and testing is necessary, including railroad track scales. The department's procedures shall include requirements for the provision, maintenance, and transport of any weight or measure necessary for the inspection and testing at no expense to the state;

(h) Specifications, tolerances, and other technical requirements for commercial weighing and measuring instruments or devices that must be consistent with the most recent edition of the national institute of standards and technology handbook 44 except where modified to achieve state objectives; and

(i) Packaging, labeling, and method of sale of commodities that must be consistent with the most recent edition of the national institute of standards and technology handbook 44 and 130 (for legal metrology and engine fuel quality) except where modified to achieve state objectives.

(5) Rules adopted under this section must also include specifications and tolerances for the acceptable range of accuracy required of weighing or measuring instruments or devices and must be designed to eliminate from use, without prejudice to weighing or measuring instruments or devices that conform as closely as practicable to official specifications and tolerances, those that: (a) Are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly; or (b) facilitate the perpetration of fraud.

(6) Rules adopted by the director related to the sale of electricity sold as a vehicle fuel and electric vehicle fueling systems may take effect no earlier than January 1, 2024, and may be modified to achieve state objectives, reviewed, and, if necessary, amended, to maintain consistency with evolving technology. To ensure existing infrastructure may continue operating without substantial equipment replacement or alteration, electric vehicle supply equipment installed and placed into service before January 1, 2024, is exempt from the rules of this section until January 1, 2034. Electric vehicle supply equipment that is replaced or retrofitted with new hardware after January 1, 2024, must be considered as

having been installed and placed into service after January 1, 2024.

(a) Exempt electric vehicle supply equipment installed and placed into service before January 1, 2024, must:

(i) Comply with RCW 19.94.175; and

(ii) Be clearly marked, identifying the date of installation.

(b) For the purpose of this subsection (6), "retrofitted" means a substantial modification outside of normal wear and tear maintenance.

Sec. 10. RCW 19.94.517 and 2019 c 96 s 19 are each amended to read as follows:

(1) Whenever the department or a city sealer tests or inspects a weighing or measuring instrument or device and finds the instrument or device to be incorrect to the economic benefit of the owner/operator of the weighing or measuring instrument or device and to the economic detriment of the customer, the owner of the weighing or measuring instrument or device is subject to the following civil penalties:

Device deviations outside the tolerances stated in Handbook 44.

	Penalty
Small weighing or measuring instruments or devices:	
First violation	$ 200.00
Second or subsequent violation within one year of first violation	$ 500.00
Medium weighing or measuring instruments or devices:	
First violation	$ 400.00
Second or subsequent violation within one year of first violation	$ 1,000.00
Large weighing or measuring instruments or devices:	
First violation	$ 500.00
Second or subsequent violation within one year of first violation	$ 2,000.00
Electric vehicle fuel measuring instruments or devices:	
First violation	$ 200.00
Second or subsequent violation within one year of first violation	$ 500.00

(2) For the purposes of this section:

(a) The following are small weighing or measuring instruments or devices: Scales of zero to four hundred pounds capacity, liquid fuel metering devices with flows of not more than twenty gallons per minute, liquid petroleum gas meters with one inch in diameter or smaller dispensers, fabric meters, cordage meters, and taxi meters.

(b) The following are medium weighing or measuring instruments or devices: Scales of four hundred one to five thousand pounds capacity, liquid fuel metering devices with flows of more than twenty but not more than one hundred fifty gallons per minute, and mass flow meters.

(c) The following are large weighing or measuring instruments or devices: Liquid petroleum gas meters with greater than one inch diameter dispensers, liquid fuel metering devices with flows over one hundred fifty gallons per minute, and scales of more than five thousand pounds capacity and scales of more than five thousand pounds capacity with supplemental devices.

(3) The weighing or measuring instrument or device owner may appeal the civil penalty.

NEW SECTION. **Sec. 11.** A new section is added to chapter 19.94 RCW to read as follows:

(1) An electric vehicle service provider that fails to meet the requirements established under sections 4 through 6 of this act, or any rule adopted pursuant to the authority granted to the department under sections 4 through 6 of this act, is subject to a civil penalty of $200 per electric

vehicle supply equipment for the first violation and $500 per electric vehicle supply equipment for each subsequent violation within one year of the first violation.

(2) Moneys collected under this section must first be used to cover the department's costs to enforce this section. Any remaining moneys must be deposited into the electric vehicle account created in RCW 82.44.200.

Sec. 12. RCW 46.08.185 and 2013 c 60 s 1 are each amended to read as follows:

(1) ((~~An~~)) Publicly available electric vehicle ((~~charging station~~)) supply equipment must be indicated by vertical signage identifying the station as ((~~an~~)) publicly available electric vehicle ((~~charging station~~)) supply equipment and indicating that it is only for electric vehicle charging. The signage must be consistent with the manual on uniform traffic control devices, as adopted by the department of transportation under RCW 47.36.030, and contain the information required in section 4 of this act. ((~~Additionally, the electric vehicle charging station must be indicated by green pavement markings.~~)) Supplementary signage may be posted to provide additional information including, but not limited to, the amount of the monetary penalty under subsection (2) of this section for parking in the station while not connected to the charging equipment.

(2) It is a parking infraction, with a monetary penalty of one hundred twenty-four dollars, for any person to park a vehicle in ((~~an electric vehicle charging station provided on public or private property~~)) a parking space served by publicly available electric vehicle supply equipment if the vehicle is not connected to the charging equipment. The parking infraction must be processed as prescribed under RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270((~~(3)~~)) (2).

(3) For purposes of this section, "publicly available electric vehicle ((~~charging station" means a public or private parking space that is served by charging equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device in an electric vehicle~~)) supply equipment" has the same meaning as provided in RCW 19.94.010 and described in sections 2 and 3 of this act.

NEW SECTION. **Sec. 13.** A new section is added to chapter 19.94 RCW to read as follows:

If an electric vehicle service provider sells or intends to sell consumer data collected during or associated with a charging session, the electric vehicle service provider shall disclose all types of data collected to the consumer.

NEW SECTION. **Sec. 14.** Section 13 of this act takes effect only if chapter . . . (Substitute Senate Bill No. 5062), Laws of 2021 is not enacted by June 30, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member and Rude.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

April 20, 2021

ESSB 5478 Prime Sponsor, Committee on Ways & Means: Concerning unemployment insurance relief for certain employers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that certain businesses in Washington have experienced significant and unanticipated impacts during the COVID-19 pandemic. The legislature intends to preemptively minimize the disproportionate impact COVID-19 economic closures have had on these businesses.

(2) Small businesses in particular have fewer reserves and fewer resources to rely upon in periods of downturn. Those businesses owned by historically

disadvantaged groups, such as women, minority populations, and immigrants, often experience disproportionately more distress and burden due to the economic impacts of the COVID-19 pandemic compared to their counterparts across the remaining business community. These businesses are absolutely critical to the success of Washington's continued high ratings, number one gross domestic product, and are part of the backbone of Washington's diverse and resilient economy.

(3) The legislature finds that ESSB 5061, passed by the legislature and signed by the governor earlier in the 2021 session, mitigated immediate impacts to employers through caps on the social tax, suspension of the solvency surcharge, and relief of certain benefit charges.

(4) The legislature now intends to address the disproportionate impacts on small and other significantly impacted businesses beyond the limited time period addressed in ESSB 5061. The legislature intends to provide this targeted relief through the one-time application of funds, in order to provide critical support for many of the businesses that are essential to Washington's recovery and ongoing economic vitality, while maintaining a healthy unemployment insurance trust fund for Washington's workers.

NEW SECTION. **Sec. 2.** A new section is added to chapter 50.16 RCW to read as follows:

(1) The unemployment insurance relief account is created in the custody of the state treasurer. Revenues to the account consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Only the commissioner of the employment security department or the commissioner's designee may authorize expenditures from the account. Expenditures from the account may be used only for reimbursing the unemployment compensation fund created in RCW 50.16.010 for forgiven benefits for COVID-19 impacted businesses pursuant to sections 3, 4, 5, and 6 of this act. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) By July 1, 2022, the commissioner must certify to the state treasurer the amount of any unobligated moneys in the unemployment insurance relief account that were appropriated by the legislature from the general fund during the 2021-2023 fiscal biennium, and the treasurer must transfer those moneys back to the general fund.

NEW SECTION. **Sec. 3.** A new section is added to chapter 50.29 RCW to read as follows:

(1) By December 20, 2021, the department must determine the forgiven benefits for approved category 1 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total approved benefits for all approved category 1 employers may not exceed the available benefits for category 1.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means benefits paid to employees of an approved category 1 employer during the fiscal year ending June 30, 2021, not to exceed an amount that would reduce the employer's rate class increase to no more than a two rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 1 employer" means a contribution paying employer:

(i) With 20 or fewer employees in the state as reported on the employer's fourth quarter report to the department for 2020;

(ii) Whose experience rating under RCW 50.29.025(1)(a)(ii) has increased by three or more rate classes from rate year 2021 to rate year 2022; and

(iii) Whose North American industry classification system code for rate year 2021 is within "323," "331," "448," "451," "453," "481," "485," "487," "512," "711," "712," "713," "721," "722," "812," and "814."

(c) "Available benefits for category 1" means $100,000,000 of the total amount of money in the unemployment insurance relief account.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 1 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. **Sec. 4.** A new section is added to chapter 50.29 RCW to read as follows:

(1) By December 20, 2021, the department must determine the forgiven benefits for approved category 2 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total approved benefits for all approved category 2 employers may not exceed the available benefits for category 2.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means benefits paid to employees of an approved category 2 employer during the fiscal year ending June 30, 2021, not to exceed an amount that would reduce the employer's rate class increase to no more than a two rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 2 employer" means a contribution paying employer:

(i) Whose experience rating under RCW 50.29.025(1)(a)(ii) has increased by three or more rate classes from rate year 2021 to rate year 2022;

(ii) Whose North American industry classification system code for rate year 2021 is within "323," "331," "448," "451," "453," "481," "485," "487," "512," "711," "712," "713," "721," "722," "812," and "814"; and

(iii) Who does not meet the definition of approved category 1 employer under section 3(3) of this act.

(c) "Available benefits for category 2" means the sum total of:

(i) The difference between the available benefits for category 1, as defined in section 3 of this act, and the total approved benefits for approved category 1 employers, as defined in section 3 of this act; and

(ii) $175,000,000 of the total amount of money in the unemployment insurance relief account.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 2 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. **Sec. 5.** A new section is added to chapter 50.29 RCW to read as follows:

(1) By December 20, 2021, the department must determine the forgiven benefits for approved category 3 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total approved benefits for all approved category 3 employers may not exceed the available benefits for category 3.

(2) The department will not charge the forgiven benefits to the employer's

experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means benefits paid to employees of an approved category 3 employer during the fiscal year ending June 30, 2021, not to exceed an amount that would reduce the employer's rate class increase to no more than a four rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 3 employer" means a contribution paying employer:

(i) Whose experience rating under RCW 50.29.025(1)(a)(ii) has increased by six or more rate classes from rate year 2021 to rate year 2022;

(ii) With 20 or fewer employees in the state as reported on the employer's fourth quarter report to the department for 2020; and

(iii) Who does not meet the definition of approved category 1 employer under section 3(3) of this act or approved category 2 employer under section 4(3) of this act.

(c) "Available benefits for category 3" means the sum total of:

(i) The difference between the available benefits for category 2, as defined under section 4 of this act, and the total approved benefits for approved category 2 employers, as defined under section 4 of this act; and

(ii) $75,000,000 of the total amount of money in the unemployment insurance relief account.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 3 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. **Sec. 6.** A new section is added to chapter 50.29 RCW to read as follows:

(1) By December 20, 2021, the department must determine the forgiven benefits for approved category 4 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total approved benefits for all approved category 4 employers may not exceed the available benefits for category 4.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means benefits paid to employees of an approved category 4 employer during the fiscal year ending June 30, 2021, not to exceed an amount that would reduce the employer's rate class increase to no more than a four rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 4 employer" means a contribution paying employer:

(i) Whose experience rating under RCW 50.29.025(1)(a)(ii) has increased by six or more rate classes from rate year 2021 to rate year 2022;

(ii) With at least 21 but fewer than 5,000 employees in the state as reported on the employer's fourth quarter report to the department for 2020; and

(iii) Who does not meet the definition of approved category 1 employer under section 3(3) of this act, approved category 2 employer under section 4(3) of this act, or approved category 3 employer under section 5(3) of this act.

(c) "Available benefits for category 4" means the sum total of:

(i) The difference between the available benefits for category 3, as defined under section 5 of this act, and the total approved benefits for approved category 3 employers, as defined under section 5 of this act; and

(ii) $150,000,000 of the total amount of money in the unemployment insurance relief account.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 4 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. **Sec. 7.** A new section is added to chapter 50.29 RCW to read as follows:

(1) By July 30th of each year, the department must determine which employers have not paid all contributions, penalties, or interest due, and have not entered into a department-approved deferred payment contract, as of that date.

(2) By September 1st of each year, for each employer meeting the criteria in subsection (1) of this section, the department must notify the employer of the availability of deferred payment contracts with the department. The department must provide technical, and culturally and linguistically relevant, assistance as needed to the employer in navigating the process for entering into a department-approved payment contract.

NEW SECTION. **Sec. 8.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

There being no objection, SECOND SUBSTITUTE SENATE BILL NO. 5192 and ENGROSSED SUBSTITUTE SENATE BILL NO. 5478 listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

There being no objection, the House advanced to the seventh order of business.

THIRD READING
MESSAGE FROM THE SENATE

April 10, 2021

Mme. SPEAKER:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the COVID-19 pandemic exposed the importance of internet-accessible learning devices for the ability of students to receive a modern education. When Washington schools closed in March 2020, schools and school districts shifted quickly to offering education in an online environment. Teachers adapted their lessons for videoconferencing platforms and arranged for students to submit

homework via email. However, limited opportunities for in-person instruction amplified digital deserts and disparities among students that are likely to continue to grow for the foreseeable future.

(2) The legislature finds that students from low-income families face disproportionate barriers to accessing learning over the internet in their homes, partly because they do not have internet-accessible devices appropriate for learning. The legislature also recognizes that accessing learning over the internet requires more than just an internet-accessible device appropriate for learning. For students and their families to be truly connected, they need the digital literacy, digital skills, and digital support to use internet-accessible devices and to navigate the web in support of student learning.

(3) Therefore, the purposes of this act are to: (a) Accelerate student access to learning devices and related goods and services; (b) expand training programs and technical assistance on using technology to support student learning; and (c) build the capacity of schools and districts to support digital navigation services for students and their families.

Sec. 2. RCW 28A.650.010 and 2017 c 90 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Digital citizenship" includes the norms of appropriate, responsible, and healthy behavior related to current technology use, including digital and media literacy, ethics, etiquette, and security. The term also includes the ability to access, analyze, evaluate, develop, produce, and interpret media, as well as internet safety and cyberbullying prevention and response.

(2) ((~~"Education technology" or "technology" means the effective use of electronic and optical tools, including telephones, and electronic and optical pathways in helping students learn.~~

~~(3) "Network" means integrated linking of education technology systems in schools for transmission of voice, data, video, or imaging, or a combination of these.~~)) "Learning device" means an internet-accessible computer, tablet, or other device, with an appropriate operating system, software applications, and data security, that can be used to access curricula, educational web applications and websites, and learning management systems, and with telecommunications capabilities sufficient for videoconferencing.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.650 RCW to read as follows:

(1) Each educational service district shall provide technology consultation, procurement, and training, in consultation with teacher-librarians through school library information and technology programs as defined in RCW 28A.320.240, and as described in this section. An educational service district may meet the requirements of this section in cooperation with one or more other educational service districts.

(2) Technology consultation involves providing technical assistance and guidance to local school districts related to technology needs and financing, and may include consultation with other entities.

(3)(a) Technology procurement involves negotiating for local school district purchasing and leasing of learning devices and peripheral devices, learning management systems, cybersecurity protection, device insurance, and other technology-related goods and services.

(b) When selecting goods and services for procurement, the educational service district must consider a variety of student needs, as well as accessibility, age appropriateness, privacy and security, data storage and transfer capacity, and telecommunications capability.

(c) Technology procurement may be performed in consultation and contract with the department of enterprise services under chapter 39.26 RCW.

(4) Technology training involves developing and offering direct services to local school districts related to staff development and capacity building to provide digital navigation services to students and their families. The educational service districts must seek to consult teacher-librarians and other relevant information technology programs to determine where there is a need and focus for this training. These services may be provided on a fee-for-service basis.

(5) Technology consultation, procurement, and training under this section must be provided to local public schools, as defined in RCW 28A.150.010, the Washington center for deaf and hard of hearing youth, and the school for the blind, in addition to local school districts. Technology training under this section may also be offered to child care providers.

(6) The educational service districts must cooperate with the office of the superintendent of public instruction to provide the data required under section 5(1) of this act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.650 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall develop and administer a technology grant program to support the work required by section 3 of this act, as described in this section, to advance the following objectives:

(a) Expand technical support and training of school and district staff in using technology to support student learning; and

(b) Develop district-based and school-based capacity to assist students and their families in accessing and using technology to support student learning.

(2) The following entities, individually or in cooperation, may apply to the office of the superintendent of public instruction for a grant under this section: An educational service district; the Washington center for deaf and hard of hearing youth; and the state school for the blind.

(3) At a minimum, grant applications must include:

(a) The applicant's technology plan for accomplishing the goals of the grant program, the applicant's student demographics, including the percent of students eligible for free and reduced-price meals, and any specialized technology needs of the applicant's students, such as students with disabilities and English learners who may need adaptive or assistive technologies; and

(b) A description of preexisting programs and funding sources used by the applicant to provide learning devices to students, staff, or both.

(4) When ranking and selecting applicants, the office of the superintendent of public instruction must prioritize both of the following:

(a) Applicants serving school districts without preexisting programs to provide a device for every student and that have 30 percent or more students eligible for free and reduced-price meals; and

(b) Applicants with students who have specialized technology needs.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.650 RCW to read as follows:

(1) The office of the superintendent of public instruction shall collect and analyze the following data:

(a) Demographic, distribution, and other data related to technology initiatives; and

(b) Biennial survey data on school and school district progress to accomplish the objectives listed in section 4(1) of this act.

(2) By November 1, 2022, and by November 1st every even year thereafter, the office of the superintendent of public instruction shall provide a report to the appropriate policy and fiscal committees of the legislature, in accordance with RCW 43.01.036, with:

(a) A summary of the technology initiatives data collected under subsection (1) of this section;

(b) The status of the state's progress in accomplishing the following: (i) Accelerate student access to learning devices and related goods and services; (ii) expand training programs and technical assistance on using technology to support student learning; and (iii) build the capacity of schools and districts to support digital navigation services for students and their families;

(c) Recommendations for improving the administration and oversight of the technology initiatives; and

(d) An update on innovative and collaborative activities occurring in communities across the state to support widespread public technology literacy and fluency, as well as student universal access to learning devices.

(3) By November 1, 2022, the office of the superintendent of public instruction shall survey districts, collect data, and provide a report to the appropriate policy and fiscal committees of the legislature that contains, at a minimum, the following:

(a) A list of districts that have a separate technology levy;

(b) The total amount of funding generated by the technology levies; and

(c) A detailed breakdown on how the funds generated by the technology levies are being used, including, but not limited to, the number of technology devices being purchased with those funds, personnel costs related to servicing and maintaining those devices covered by those funds, and any training or professional development for use of technology provided with those funds.

(4) For the purposes of this section, "technology initiatives" means the technology grants awarded by the office of the superintendent of public instruction under section 4 of this act, and the provision of technology consultation, procurement, and training by educational service districts under section 3 of this act.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) The office of the superintendent of public instruction shall establish a grant program for the purposes of supporting media literacy and digital citizenship through school district leadership teams. The office of the superintendent of public instruction shall establish and publish criteria for the grant program, and may accept gifts, grants, or endowments from public or private sources for the grant program.

(b) A school district that receives a grant under this section is not prohibited from receiving a grant in subsequent grant cycles.

(2)(a) For a school district to qualify for a grant under this section, the grant proposal must provide that the grantee create a district leadership team that develops a curriculum unit on media literacy or digital citizenship, or both, that may be integrated into one of the following areas:

(i) Social studies;

(ii) English language arts; or

(iii) Health.

(b) School districts selected under the grant program are expected to evaluate the curriculum unit they develop under this subsection (2).

(c) In developing their curriculum unit, school districts selected under the grant program are encouraged to work with school district teacher-librarians or a school district library information technology program, if applicable.

(3) The establishment of the grant program under this section is subject to the availability of amounts appropriated for this specific purpose.

(4) The curriculum unit developed under this section must be made available as an open educational resource.

(5)(a) Up to 10 grants a year awarded under this section must be for establishing media literacy professional learning communities with the purpose of sharing best practices in the subject of media literacy.

(b)(i) Grant recipients under this subsection (5) are required to develop an online presence for their community to model new strategies and to share ideas, challenges, and successful practices.

(ii) Grant recipients shall attend the group meetings created by the office of the superintendent of public instruction under (c) of this subsection (5).

(c) The office of the superintendent of public instruction shall convene group meetings for the purpose of sharing best practices and strategies in media literacy education.

(d) Additional activities permitted for the use of these grants include, but are not limited to:

(i) Organizing teachers from across a school district to develop new instructional strategies and to share successful strategies;

(ii) Sharing successful practices across a group of school districts; and

(iii) Facilitating coordination between educational service districts and school districts to provide training.

(6)(a) At least one grant awarded in each award cycle must be for developing and using a curriculum that contains a

focus on synthetic media as a major component.

(b) For the purposes of this section, "synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been intentionally manipulated with the use of digital technology in a manner to create a realistic but false image, audio, or video.

(7) This section expires July 31, 2031.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall convene two regional conferences on the subject of media literacy and digital citizenship.

(2) The conferences in this section should highlight the work performed by the recipients of the grant program established under section 6 of this act, as well as best practices in media literacy and digital citizenship.

(3) The locations for conferences convened under this section must include one site in western Washington and one site in eastern Washington.

(4) This section expires July 31, 2031.

NEW SECTION. **Sec. 8.** The following acts or parts of acts are each repealed:

(1)RCW 28A.650.005 (Findings—Intent) and 1993 c 336 s 701;

(2)RCW 28A.650.015 (Education technology plan—Educational technology advisory committee) and 2011 1st sp.s. c 43 s 725, 2011 1st sp.s. c 11 s 133, 2009 c 556 s 17, 2006 c 263 s 917, 1995 c 335 s 507, 1994 c 245 s 2, & 1993 c 336 s 703;

(3)RCW 28A.650.020 (Regional educational technology support centers—Advisory councils) and 1993 c 336 s 705;

(4)RCW 28A.650.025 (Distribution of funds for regional educational technology support centers) and 1993 c 336 s 706;

(5)RCW 28A.650.030 (Distribution of funds to expand the education statewide network) and 1993 c 336 s 707;

(6)RCW 28A.650.900 (Findings—Intent—Part headings not law—1993 c 336); and

(7)RCW 28A.650.901 (Findings—1993 c 336).

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "staff;" strike the remainder of the title and insert "amending RCW 28A.650.010; adding new sections to chapter 28A.650 RCW; adding new sections to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.650.005, 28A.650.015, 28A.650.020, 28A.650.025, 28A.650.030, 28A.650.900, and 28A.650.901; and providing expiration dates."

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365 and asked the Senate to recede therefrom.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5096, by Senate Committee on Ways & Means (originally sponsored by Robinson, Hunt, Nguyen and C. Wilson)

Concerning an excise tax on gains from the sale or exchange of certain capital assets. Revised for 1st Substitute: Enacting an excise tax on gains from the sale or exchange of certain capital assets. (REVISED FOR ENGROSSED: Investing in Washington families and creating a more progressive tax system in Washington by enacting an excise tax on the sale or exchange of certain capital assets.)

Representatives Frame, Berg, Senn, Harris-Talley, Sullivan, Wylie, Chopp, Berry, Hackney, Walen and Thai spoke in favor of the passage of the bill.

Representatives Dufault, Klippert, Walsh, McCaslin, Schmick, Gilday, MacEwen, Eslick, Abbarno, Barkis, Kraft, Caldier, Sutherland, Dent, Chase, Young, Mosbrucker, Chambers, Volz, Dye, Graham, McEntire, Corry,

Maycumber, Orcutt and Stokesbary spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5096, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5096, as amended by the House, and the bill passed the House by the following vote: Yeas: 53; Nays: 45; Absent: 0; Excused: 0

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chandler, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

ENGROSSED SUBSTITUTE SENATE BILL NO. 5096, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5192, by Senate Committee on Ways & Means (originally sponsored by Das, Lovelett, Carlyle, Kuderer, Nguyen and C. Wilson)

Supporting access to electric vehicle supply equipment.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 101, April 21, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Macri spoke in favor of the passage of the bill.

Representatives MacEwen and Dye spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5192, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5192, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SECOND SUBSTITUTE SENATE BILL NO. 5192, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5317, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick)

Concerning pesticide registration and pesticide licensing fees.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Rural Development, Agriculture & Natural Resources was not adopted. (For Committee amendment, see Journal, Day 75, March 26, 2021).

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Shewmake and Dent spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5317, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5317, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 18; Absent, 1; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Bronoske, Chase, Dufault, Eslick, Harris, Hoff, Kraft, Leavitt, McCaslin, McEntire, Mosbrucker, Paul, Rule, Sutherland, Vick, Volz, Walsh and Young.

Absent: Representative Fey.

SUBSTITUTE SENATE BILL NO. 5317, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5318, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick)

Concerning fertilizer fees.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Shewmake and Dent spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5318, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5318, as amended by the House, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Lekanoff, Lovick, MacEwen, Macri, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Bronoske, Chase, Dufault, Graham, Harris, Kraft, Leavitt, Maycumber, McCaslin, McEntire, Mosbrucker, Paul, Robertson, Rule, Stokesbary, Sutherland, Vick, Volz, Walsh and Young.

SUBSTITUTE SENATE BILL NO. 5318, as amended by the House, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE SENATE BILL NO. 5096, as amended by the House, passed the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5096, as amended by the House, on reconsideration, and the bill passed the House by the following vote: Yeas: 52; Nays: 46; Absent: 0; Excused: 0

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

ENGROSSED SUBSTITUTE SENATE BILL NO. 5096, as amended by the House, on reconsideration, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

April 21, 2021

Mme. SPEAKER:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1438 and passed the bill without said amendments.

Brad Hendrickson, Secretary

April 21, 2021

Mme. SPEAKER:

The Senate receded from its amendment(s) to ENGROSSED HOUSE BILL NO. 1386 and passed the bill without said amendments.

Brad Hendrickson, Secretary

April 21, 2021

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5051,
SUBSTITUTE SENATE BILL NO. 5185,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5203,
SUBSTITUTE SENATE BILL NO. 5273,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304,
SECOND SUBSTITUTE SENATE BILL NO. 5362,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 21, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1267,
SUBSTITUTE HOUSE BILL NO. 1269,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1273,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1287,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1295,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1297,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1320,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1335,
HOUSE BILL NO. 1399,
SUBSTITUTE HOUSE BILL NO. 1416,
SUBSTITUTE HOUSE BILL NO. 1425,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1457,
SUBSTITUTE HOUSE BILL NO. 1484,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1504,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
SUBSTITUTE HOUSE BILL NO. 1532,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 21, 2021

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1044,
SECOND SUBSTITUTE HOUSE BILL NO. 1127,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152,
SUBSTITUTE HOUSE BILL NO. 1155,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1186,
SUBSTITUTE HOUSE BILL NO. 1193,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1194,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196,
SECOND SUBSTITUTE HOUSE BILL NO. 1219,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1220,
SUBSTITUTE HOUSE BILL NO. 1223,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1227,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 21, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5022,
SUBSTITUTE SENATE BILL NO. 5025,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5118,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5190,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5193,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5227,
SUBSTITUTE SENATE BILL NO. 5236,
SECOND SUBSTITUTE SENATE BILL NO. 5313,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5377,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5399,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fifth order of business.

SUPPLEMENTAL
REPORTS OF STANDING COMMITTEES

April 20, 2021

E2SSB 5126 Prime Sponsor, Committee on Ways & Means: Concerning the Washington climate commitment act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature finds that climate change is one of the greatest challenges facing our state and the world today, an existential crisis with major negative impacts on environmental and human health. Washington is experiencing environmental and community impacts due to climate change through increasingly devastating wildfires, flooding, droughts, rising temperatures and sea levels, and ocean acidification. Greenhouse gas emissions already in the atmosphere will increase impacts for some period of time. Actions to increase resilience of our communities, natural resource lands, and ecosystems can prevent and reduce impacts to communities and our environment and improve their ability to recover.

(2) In 2020, the legislature updated the state's greenhouse gas emissions limits that are to be achieved by 2030, 2040, and 2050, based on current science and emissions trends, to support local and global efforts to avoid the most significant impacts from climate change. Meeting these limits will require coordinated, comprehensive, and multisectoral implementation of policies, programs, and laws, as currently enacted systems approaches are insufficient to meet the limits.

(3) The legislature further finds that while climate change is a global problem, there are communities that have historically borne the disproportionate impacts of environmental burdens and that now bear the disproportionate negative impacts of climate change. Although the state has done significant work in the past to highlight these environmental health disparities, beginning with senator Rosa Franklin's environmental equity study, and continuing through the work of the governor's interagency council on health disparities, the creation of the Washington environmental health disparities map, and recommendations of the environmental justice task force, the state can do much more to ensure that state programs address environmental equity.

(4) The legislature further finds that while enacted carbon policies can be well-intended to reduce greenhouse gas emissions and provide environmental benefits to communities, the policies may not do enough to ensure environmental health disparities are reduced and environmental benefits are provided to those communities most impacted by environmental harms from greenhouse gas and air pollutant emissions.

(5) The legislature further finds that wildfires have become one of the largest sources of black carbon in the last five years. From 2014 through 2018, wildfires in Washington state generated 39,200,000 metric tons of carbon, the equivalent of more than 8,500,000 cars on the road a year. In 2015, when 1,130,000 acres burned in Washington, wildfires were the second largest source of greenhouse gas emissions releasing 17,975,112 metric tons of carbon dioxide into the atmosphere. Wildfire pollution affects

all Washingtonians, but has disproportionate health effects on low-income communities, communities of color, and the most vulnerable of our population. Restoring the health of our forests and investing in wildfire prevention and preparedness will therefore contribute to improved air quality and improved public health outcomes.

(6) The legislature further finds that by exercising a leadership role in addressing climate change, Washington will position its economy, technology centers, financial institutions, and manufacturers to benefit from national and international efforts that must occur to reduce greenhouse gases. The legislature intends to create climate policy that recognizes the special nature of emissions-intensive, trade-exposed industries by minimizing leakage and increased life-cycle emissions associated with product imports. The legislature further finds that climate policies must be appropriately designed, in order to avoid leakage that results in net increases in global greenhouse gas emissions and increased negative impacts to those communities most impacted by environmental harms from climate change. The legislature further intends to encourage these industries to continue to innovate, find new ways to be more energy efficient, use lower carbon products, and be positioned to be global leaders in a low carbon economy.

(7) Under the program, the legislature intends to identify overburdened communities where the highest concentrations of criteria pollutants occur, determine the sources of those emissions and pollutants, and pursue significant reductions of emissions and pollutants in those communities. The legislature further intends for the department of ecology to conduct an environmental justice assessment to ensure that funds and programs created under this chapter provide direct and meaningful benefits to vulnerable populations and overburdened communities. Additionally, the legislature intends to prevent job loss and provide protective measures for workers adversely impacted by the transition to a clean energy economy through transition and assistance programs, worker-support projects, and workforce development and other activities designed to grow and expand the clean manufacturing sector in communities across Washington state. The legislature further intends to empower the environmental justice council established under RCW 70A.---.--- (section 20, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) to provide recommendations for the development and implementation of the program, the distribution of funds, and the establishment of programs, activities, and projects to achieve environmental justice and environmental health goals. The legislature further intends for the department of ecology to create and adopt community engagement plans and tribal consultation frameworks in the administration of the program to ensure equitable practices for meaningful community and federally recognized tribal involvement. Finally, the legislature intends to establish this program to contribute to a healthy environment for all of Washington's communities.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Allowance" means an authorization to emit up to one metric ton of carbon dioxide equivalent.

(2) "Allowance price containment reserve" means an account maintained by the department with allowances available for sale through separate reserve auctions at predefined prices to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3) "Annual allowance budget" means the total number of greenhouse gas allowances allocated for auction and distribution for one calendar year by the department.

(4) "Asset controlling supplier" means any entity that owns or operates interconnected electricity generating facilities or serves as an exclusive marketer for these facilities even though it does not own them, and has been designated by the department and received a department-published emissions factor for the wholesale electricity procured from its system. The department shall use a methodology consistent with the methodology used by an external greenhouse gas emissions trading program that shares the regional electricity transmission system. Electricity from

asset controlling suppliers is considered a specified source of electricity.

(5) "Auction" means the process of selling greenhouse gas allowances by offering them up for bid, taking bids, and then distributing the allowances to winning bidders.

(6) "Auction floor price" means a price for allowances below which bids at auction are not eligible to be accepted.

(7) "Auction purchase limit" means the limit on the number of allowances one registered entity or a group of affiliated registered entities may purchase from the share of allowances sold at an auction.

(8) "Balancing authority" means the responsible entity that integrates resource plans ahead of time, maintains load-interchange-generation balance within a balancing authority area, and supports interconnection frequency in real time.

(9) "Balancing authority area" means the collection of generation, transmission, and load within the metered boundaries of a balancing authority. A balancing authority maintains load-resource balance within this area.

(10) "Biomass" means nonfossilized and biodegradable organic material originating from plants, animals, and microorganisms, including products, by-products, residues, and waste from agriculture, forestry, and related industries as well as the nonfossilized and biodegradable organic fractions of industrial waste, including gases and liquids recovered from the decomposition of nonfossilized and biodegradable organic material.

(11) "Biomass-derived fuels," "biomass fuels," or "biofuels" means fuels derived from biomass that have at least 40 percent lower greenhouse gas emissions based on a full life-cycle analysis when compared to petroleum fuels for which biofuels are capable as serving as a substitute.

(12) "Carbon dioxide equivalents" means a measure used to compare the emissions from various greenhouse gases based on their global warming potential.

(13) "Carbon dioxide removal" means deliberate human activities removing carbon dioxide from the atmosphere and durably storing it in geological, terrestrial, or ocean reservoirs, or in products. "Carbon dioxide removal" includes existing and potential anthropogenic enhancement of biological or geochemical sinks and including, but not limited to, carbon mineralization, direct air capture and storage, and carbon mineralization.

(14) "Climate commitment" means the process and mechanisms to ensure a coordinated and strategic approach to advancing climate resilience and environmental justice and achieving an equitable and inclusive transition to a carbon neutral economy.

(15) "Climate resilience" is the ongoing process of anticipating, preparing for, and adapting to changes in climate and minimizing negative impacts to our natural systems, infrastructure, and communities. For natural systems, increasing climate resilience involves restoring and increasing the health, function, and integrity of our ecosystems and improving their ability to absorb and recover from climate-affected disturbances. For communities, increasing climate resilience means enhancing their ability to understand, prevent, adapt, and recover from climate impacts to people and infrastructure.

(16) "Closed facility" means a facility at which the current owner or operator has elected to permanently stop production and will no longer be an emissions source.

(17) "Compliance instrument" means an allowance or offset credit issued by the department or by an external greenhouse gas emissions trading program to which Washington has linked its greenhouse gas emissions cap and invest program. One compliance instrument is equal to one metric ton of carbon dioxide equivalent.

(18) "Compliance obligation" means the requirement to submit to the department the number of compliance instruments equivalent to a covered or opt-in entity's covered emissions during the compliance period.

(19) "Compliance period" means the four-year period for which the compliance obligation is calculated for covered entities.

(20) "Cost burden" means the impact on rates or charges to customers of electric utilities in Washington state for the incremental cost of electricity service to serve load due to the compliance cost

for greenhouse gas emissions caused by the program. Cost burden includes administrative costs from the utility's participation in the program.

(21) "Covered emissions" means the emissions for which a covered entity has a compliance obligation under section 10 of this act.

(22) "Covered entity" means a person that is designated by the department as subject to sections 8 through 24 of this act.

(23) "Cumulative environmental health impact" has the same meaning as provided in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(24) "Curtailed facility" means a facility at which the owner or operator has temporarily suspended production but for which the owner or operator maintains operating permits and retains the option to resume production if conditions become amenable.

(25) "Department" means the department of ecology.

(26) "Electricity importer" means:

(a) For electricity that is scheduled with a NERC e-tag to a final point of delivery into a balancing authority area located entirely within the state of Washington, the electricity importer is identified on the NERC e-tag as the purchasing-selling entity on the last segment of the tag's physical path with the point of receipt located outside the state of Washington and the point of delivery located inside the state of Washington;

(b) For facilities physically located outside the state of Washington with the first point of interconnection to a balancing authority area located entirely within the state of Washington when the electricity is not scheduled on a NERC e-tag, the electricity importer is the facility operator or owner;

(c) For electricity imported through a centralized market, the electricity importer will be defined by rule consistent with the rules required under section 10(1)(c) of this act;

(d) For electricity from facilities allocated to serve retail electricity customers of a multijurisdictional electric company, the electricity importer is the multijurisdictional electric company;

(e) If the importer identified under (a) of this subsection is a federal power marketing administration over which the state of Washington does not have jurisdiction, and the federal power marketing administration has not voluntarily elected to comply with the program, then the electricity importer is the next purchasing-selling entity in the physical path on the NERC e-tag, or if no additional purchasing-selling entity over which the state of Washington has jurisdiction, then the electricity importer is the electric utility that operates the Washington transmission or distribution system, or the generation balancing authority;

(f) For electricity that is imported into the state by a federal power marketing administration and sold to a public body or cooperative customer or direct service industrial customer located in Washington pursuant to section 5(b) or (d) of the Pacific Northwest electric power planning and conservation act of 1980, P.L. 96-501, the electricity importer is the federal marketing administration;

(g) If the importer identified under (f) of this subsection has not voluntarily elected to comply with the program, then the electricity importer is the public body or cooperative customer or direct service industrial customer; or

(h) For electricity from facilities allocated to a consumer-owned utility inside the state of Washington from a multijurisdictional consumer-owned utility, the electricity importer is the consumer-owned utility inside the state of Washington.

(27) "Emissions containment reserve allowance" means a conditional allowance that is withheld from sale at an auction by the department or its agent to secure additional emissions reductions in the event prices fall below the emissions containment reserve trigger price.

(28) "Emissions containment reserve trigger price" means the price below which allowances will be withheld from sale by the department or its agent at an auction, as determined by the department by rule.

(29) "Emissions threshold" means the greenhouse gas emission level at or above

which a person has a compliance obligation.

(30) "Environmental benefits" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(31) "Environmental harm" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(32) "Environmental impacts" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(33) "Environmental justice" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(34) "Environmental justice assessment" has the same meaning as identified in RCW 70A.---.--- (section 14, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(35) "External greenhouse gas emissions trading program" means a government program, other than Washington's program created in this chapter, that restricts greenhouse gas emissions from sources outside of Washington and that allows emissions trading.

(36) "Facility" means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control, that emits or may emit any greenhouse gas.

(37) "First jurisdictional deliverer" means the owner or operator of an electric generating facility in Washington or an electricity importer.

(38) "General market participant" means a registered entity that is not identified as a covered entity or an opt-in entity that is registered in the program registry and intends to purchase, hold, sell, or voluntarily retire compliance instruments.

(39) "Greenhouse gas" has the same meaning as in RCW 70A.45.010.

(40) "Holding limit" means the maximum number of allowances that may be held for use or trade by a registered entity at any one time.

(41) "Imported electricity" means electricity generated outside the state of Washington with a final point of delivery within the state.

(a) "Imported electricity" includes electricity from an organized market, such as the energy imbalance market.

(b) "Imported electricity" includes imports from linked jurisdictions, but such imports shall be construed as having no emissions.

(c) Electricity from a system that is marketed by a federal power marketing administration shall be construed as "imported electricity," not electricity generated in the state of Washington.

(d) "Imported electricity" does not include electricity imports of unspecified electricity that are netted by exports of unspecified electricity to any jurisdiction not covered by a linked program by the same entity within the same hour.

(e) For a multijurisdictional electric company, "imported electricity" means electricity, other than from in-state facilities, that contributes to a common system power pool. Where a multijurisdictional electric company has a cost allocation methodology approved by the utilities and transportation commission, the allocation of specific facilities to Washington's retail load will be in accordance with that methodology.

(f) For a multijurisdictional consumer-owned utility, "imported electricity" includes electricity from facilities that contribute to a common system power pool that are allocated to a consumer-owned utility inside the state of Washington pursuant to a methodology approved by the governing board of the consumer-owned utility.

(42) "Leakage" means a reduction in emissions of greenhouse gases within the state that is offset by a directly attributable increase in greenhouse gas emissions outside the state and outside the geography of another jurisdiction with a linkage agreement with Washington.

(43) "Limits" means the greenhouse gas emissions reductions required by RCW 70A.45.020.

(44) "Linkage" means a bilateral or multilateral decision under a linkage agreement between greenhouse gas market programs to accept compliance instruments issued by a participating jurisdiction to meet the obligations of regulated entities in a partner jurisdiction and to otherwise coordinate activities to facilitate operation of a joint market.

(45) "Linkage agreement" means a nonbinding agreement that connects two or more greenhouse gas market programs and articulates a mutual understanding of how the participating jurisdictions will work together to facilitate a connected greenhouse gas market.

(46) "Multijurisdictional consumer-owned utility" means a consumer-owned utility that provides electricity to member owners in Washington and in one or more other states in a contiguous service territory or from a common power system.

(47) "Multijurisdictional electric company" means an investor-owned utility that provides electricity to customers in Washington and in one or more other states in a contiguous service territory or from a common power system.

(48) "NERC e-tag" means North American electric reliability corporation (NERC) energy tag representing transactions on the North American bulk electricity market scheduled to flow between or across balancing authority areas.

(49) "Offset credit" means a tradable compliance instrument that represents an emissions reduction or emissions removal of one metric ton of carbon dioxide equivalent.

(50) "Offset project" means a project that reduces or removes greenhouse gases that are not covered emissions under this chapter.

(51) "Offset protocols" means a set of procedures and standards to quantify greenhouse gas reductions or greenhouse gas removals achieved by an offset project.

(52) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts or risks due to exposure to environmental pollutants or contaminants through multiple pathways, which may result in significant disparate adverse health outcomes or effects. "Overburdened community" includes, but is not limited to:

(a) Highly impacted communities as defined in RCW 19.405.020;

(b) Communities located in census tracts that are fully or partially on "Indian country" as defined in 18 U.S.C. Sec. 1151; and

(c) Populations, including Native Americans or immigrant populations, who may be exposed to environmental contaminants and pollutants outside of the geographic area in which they reside based on the populations' use of traditional or cultural foods and practices, such as the use of resources, access to which is protected under treaty rights in ceded areas, when those exposures in conjunction with other exposures may result in disproportionately greater risks, including risks of certain cancers or other adverse health effects and outcomes.

(53) "Person" has the same meaning as defined in RCW 70A.15.2200(5)(h)(iii).

(54) "Point of delivery" means a point on the electricity transmission or distribution system where a deliverer makes electricity available to a receiver, or available to serve load. This point may be an interconnection with another system or a substation where the transmission provider's transmission and distribution systems are connected to another system, or a distribution substation where electricity is imported into the state over a multijurisdictional retail provider's distribution system.

(55) "Price ceiling unit" means the units issued at a fixed price by the department for the purpose of limiting price increases and funding further investments in greenhouse gas reductions.

(56) "Program" means the greenhouse gas emissions cap and invest program created by and implemented pursuant to this chapter.

(57) "Program registry" means the data system in which covered entities, opt-in entities, and general market participants are registered and in which compliance instruments are recorded and tracked.

(58) "Registered entity" means a covered entity, opt-in entity, or general market participant that has completed the process for registration in the program registry.

(59) "Resilience" means the ability to prepare, mitigate and plan for, withstand, recover from, and more successfully adapt to adverse events and changing conditions, and reorganize in an equitable manner that results in a new and better condition.

(60) "Retire" means to permanently remove a compliance instrument such that the compliance instrument may never be sold, traded, or otherwise used again.

(61) "Specified source of electricity" or "specified source" means a facility, unit, or asset controlling supplier that is permitted to be claimed as the source of electricity delivered. The reporting entity must have either full or partial ownership in the facility or a written power contract to procure electricity generated by that facility or unit or from an asset controlling supplier at the time of entry into the transaction to procure electricity.

(62) "Supplier" means a supplier of fuel in Washington state as defined in RCW 70A.15.2200(5)(h)(ii).

(63) "Tribal lands" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(64) "Unspecified source of electricity" or "unspecified source" means a source of electricity that is not a specified source at the time of entry into the transaction to procure electricity.

(65) "Voluntary renewable reserve account" means a holding account maintained by the department from which allowances may be retired for voluntary renewable electricity generation, which is directly delivered to the state and has not and will not be sold or used to meet any other mandatory requirements in the state or any other jurisdiction, on behalf of voluntary renewable energy purchasers or end users.

(66)(a) "Vulnerable populations" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

NEW SECTION. **Sec. 3.** ENVIRONMENTAL JUSTICE REVIEW. (1) To ensure that the program created in sections 8 through 24 of this act achieves reductions in criteria pollutants as well as greenhouse gas emissions in overburdened communities highly impacted by air pollution, the department must:

(a) Identify overburdened communities, consistent with the requirements of chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141);

(b) Deploy an air monitoring network in overburdened communities to collect sufficient air quality data for the 2023 review and subsequent reviews of criteria pollutant reductions conducted under subsection (2) of this section; and

(c)(i) Within the identified overburdened communities, analyze and determine which sources are the greatest contributors of criteria pollutants and develop a high priority list of significant emitters.

(ii) Prior to listing any entity as a high priority emitter, the department must notify that entity and share the data used to rank that entity as a high priority emitter, and provide a period of not less than 60 days for the covered entity to submit more recent data or other information relevant to the designation of that entity as a high priority emitter.

(2)(a) Beginning in 2023, and every two years thereafter, the department must conduct a review to determine levels of criteria pollutants, as well as greenhouse gas emissions, in the overburdened communities identified under subsection (1) of this section. This review must also include an evaluation of initial and subsequent health impacts related to criteria pollution in overburdened communities. The department may conduct this evaluation jointly with the department of health.

(b) Once this review determines the levels of criteria pollutants in an identified overburdened community, then the department, in consultation with local air pollution control authorities, must establish air quality targets to achieve air quality consistent with neighboring communities that are not identified as overburdened; identify the sources that are the contributors of those emissions that are either increasing or not decreasing; and achieve

the reduction targets through adoption of emission control strategies or other methods, and the department must:

(i) Adopt, along with local air pollution control authorities, stricter air quality standards, emission standards, or emissions limitations on criteria pollutants, consistent with the authority of the department provided under RCW 70A.15.3000, and may consider alternative mitigation actions that would reduce criteria pollution by similar amounts; and

(ii) After adoption of the stricter air quality standards, emission standards, or emissions limitations on criteria pollutants, issue an enforceable order or the local air authority must issue an enforceable order, as authorized under chapter 70A.15 RCW, as necessary to comply with the stricter standards or limitations and the requirements of this section. The department or local air authority must initiate the process, including provision of notice to all relevant affected permittees or registered sources and to the public, to adopt and implement an enforceable order required under this subsection within six months of the adoption of standards or limitations under (b)(i) of this subsection;

(c) Actions imposed under this section may not impose requirements on a permitted stationary source that are disproportionate to the permitted stationary source's contribution to air pollution compared to other permitted stationary sources and other sources of criteria pollutants in the overburdened community.

(3)(a) The department must create and adopt a supplement to the department's community engagement plan developed pursuant to chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141). The supplement must describe how the department will engage with overburdened communities and vulnerable populations in:

(i) Identifying emitters in overburdened communities; and

(ii) Monitoring and evaluating criteria pollutant emissions in those areas.

(b) The community engagement plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

NEW SECTION. **Sec. 4.** ENVIRONMENTAL JUSTICE ASSESSMENT. (1) When allocating funds from the carbon emissions reduction account created in section 27 of this act, the climate investment account created in section 28 of this act, or the air quality and health disparities improvement account created in section 31 of this act, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.---.--- (section 14, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141) through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.---.--- (section 16, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)): (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated

areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) State agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in section 27 of this act, the climate investment account created in section 28 of this act, or the air quality and health disparities improvement account created in section 31 of this act, must:

(a) Report annually to the environmental justice council created in RCW 70A.---.--- (section 20, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141), create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

NEW SECTION. **Sec. 5.** ENVIRONMENTAL JUSTICE COUNCIL. (1) The environmental justice council created in RCW 70A.---.--- (section 20, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) must provide recommendations to the legislature, agencies, and the governor in the development and implementation of the program established in sections 8 through 24 of this act, and the programs funded from the carbon emissions reduction account created in section 27 of this act and from the climate investment account created in section 28 of this act.

(2) In addition to the duties and authorities granted in chapter 70A.--- RCW (the new chapter created in section 22, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) to the environmental justice council, the environmental justice council must:

(a) Provide recommendations to the legislature, agencies, and the governor in the development of:

(i) The program established in sections 8 through 24 of this act including, but not limited to, linkage with other jurisdictions, protocols for establishing offset projects and securing offset credits, designation of emissions-intensive and trade-exposed industries under section 13 of this act, and administration of allowances under the program; and

(ii) Investment plans and funding proposals for the programs funded from the climate investment account created in section 28 of this act for the purpose of providing environmental benefits and reducing environmental health disparities within overburdened communities identified under chapter 70A.--- RCW (the new chapter created in section 22, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141));

(b) Provide a forum to analyze policies adopted under this chapter to determine if the policies lead to improvements within overburdened communities identified under chapter 70A.--- RCW (the new chapter created in section 22, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141));

(c) Recommend procedures and criteria for evaluating programs, activities, or projects for review;

(d) Recommend copollutant emissions reduction goals in overburdened communities;

(e) Evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and the funding of projects and activities located within or benefiting overburdened communities;

(f) Recommend environmental justice and environmental health goals for programs, activities, and projects funded from the climate investment account, and review agency annual reports on outcomes and progress toward meeting these goals;

(g) Provide recommendations to implementing agencies for meaningful

consultation with vulnerable populations, including community engagement plans under sections 3 and 4 of this act; and

(h) Recommend how to support public participation through capacity grants for participation.

(3) For the purpose of performing the duties under subsection (2) of this section, two additional tribal members are added to the council.

NEW SECTION. **Sec. 6.** TRIBAL CONSULTATION. (1) Agencies that allocate funding or administer grant programs appropriated from the climate investment account created in section 28 of this act must develop a consultation framework in coordination with tribal governments that includes best practices, protocols for communication, and collaboration with federally recognized tribes. Under this consultation framework, before allocating funding or administering grant programs appropriated from the climate investment account, agencies must offer consultation with federally recognized tribes on all funding decisions and programs that may impact, infringe upon, or impair the governmental efforts of federally recognized tribes to adopt or enforce their own standards governing or protecting the tribe's resources or other rights and interests in their tribal lands and lands within which a tribe or tribes possess rights reserved by treaty. The consultation is independent of any public participation process required by state law, or by a state agency, and regardless of whether the agency receives a request for consultation from a federally recognized tribe.

(2)(a) If any funding decision, program, project, or activity that impacts lands within which a tribe or tribes possess rights reserved by federal treaty, statute, or executive order is undertaken or funded under this chapter without such consultation with a federally recognized tribe, an affected tribe may request that all further action on the decision, program, project, or activity cease until meaningful consultation with any directly impacted federally recognized tribe is completed.

(b) A project or activity funded in whole or in part from the account created in section 28 of this act must be paused or ceased in the event that an affected federally recognized Indian tribe or the department of archaeology and historic preservation provides timely notice of a determination to the department that the project will adversely impact cultural resources, archaeological sites, or sacred sites. A project or activity paused at the direction of the department under this subsection may not be resumed or completed unless the potentially impacted tribe provides consent to the department and the proponent of the project or activity.

NEW SECTION. **Sec. 7.** GOVERNANCE STRUCTURE. (1) The governor shall establish a governance structure to implement the state's climate commitment under the authority provided under this chapter and other statutory authority to provide accountability for achieving the state's greenhouse gas limits in RCW 70A.45.020, to establish a coordinated and strategic statewide approach to climate resilience, to build an equitable and inclusive clean energy economy, and to ensure that the government provides clear policy and requirements, financial tools, and other mechanisms to support achieving those limits.

(2) The governance structure for implementing the state's climate commitment must:

(a) Be holistic and address the needs, challenges, and opportunities to meet the climate commitment;

(b) Address emission reductions from all relevant sectors and sources by ensuring that emitters are responsible for meeting targeted greenhouse gas reductions and that the government provides clear policy and requirements, financial tools, and other mechanisms to support achieving those reductions;

(c) Support an equitable transition for vulnerable populations and overburdened communities, including through early and meaningful engagement of overburdened communities and workers to ensure the program achieves equitable and just outcomes;

(d) Build increasing climate resilience for at-risk communities and ecosystems through cross-sectoral coordination, strategic planning, and cohesive policies; and

(e) Apply the most current, accurate, and complete scientific and technical information available to guide the state's climate actions and strategies.

(3) The governance structure for implementing the state's climate commitment must include, but not be limited to, the following elements:

(a) A strategic plan for aligning existing law, rules, policies, programs, and plans with the state's greenhouse gas limits, to the full extent allowed under existing authority;

(b) Common state policies, standards, and procedures for addressing greenhouse gas emissions and climate resilience, including grant and funding programs, infrastructure investments, and planning and siting decisions;

(c) A process for prioritizing and coordinating funding consistent with strategic needs for greenhouse gas reductions, equity and environmental justice, and climate resilience actions;

(d) An updated statewide strategy for addressing climate risks and improving resilience of communities and ecosystems;

(e) A comprehensive community engagement plan that addresses and mitigates barriers to engagement from vulnerable populations, overburdened communities, and other historically or currently marginalized groups; and

(f) An analysis of gaps and conflicts in state law and programs, with recommendations for improvements to state law.

(4) The governor's office shall develop policy and budget recommendations to the legislature necessary to implement the state's climate commitment by December 31, 2021, in accordance with the purpose, principles, and elements in subsections (1) through (3) of this section.

(5) Nothing in this section establishes or creates legal authority for the department or any other state agency to enact, adopt, issue an order, or in any way implement additional regulatory programs beyond what is provided for under this chapter and other statutes.

NEW SECTION. **Sec. 8.** CAP ON GREENHOUSE GAS EMISSIONS. (1) In order to ensure that greenhouse gas emissions are reduced by covered entities consistent with the limits established in RCW 70A.45.020, the department must implement a cap on greenhouse gas emissions from covered entities and a program to track, verify, and enforce compliance through the use of compliance instruments.

(2) The program must consist of:

(a) Annual allowance budgets that limit emissions from covered entities, as provided in this section and sections 9 and 10 of this act;

(b) Defining those entities covered by the program, and those entities that may voluntarily opt into coverage under the program, as provided in this section and sections 9 and 10 of this act;

(c) Distribution of emission allowances, as provided in section 12 of this act, and through the allowance price containment provisions under sections 16 and 17 of this act;

(d) Providing for offset credits as a method for meeting a compliance obligation, pursuant to section 19 of this act;

(e) Defining the compliance obligations of covered entities, as provided in section 22 of this act;

(f) Establishing the authority of the department to enforce the program requirements, as provided in section 23 of this act;

(g) Creating a climate investment account for the deposit of receipts from the distribution of emission allowances, as provided in section 28 of this act;

(h) Providing for the transfer of allowances and recognition of compliance instruments, including those issued by jurisdictions with which Washington has linkage agreements;

(i) Providing monitoring and oversight of the sale and transfer of allowances by the department; and

(j) Creating a price ceiling and associated mechanisms as provided in section 18 of this act.

(3) The department shall consider opportunities to implement the program in a manner that allows linking the state's program with those of other jurisdictions. The department must evaluate whether such linkage will provide for a more cost-effective means for covered entities to meet their compliance obligations in Washington while recognizing the special characteristics of the state's economy, communities, and industries. The

department is authorized to enter into a linkage agreement with another jurisdiction after conducting an environmental justice assessment and after formal notice and opportunity for a public hearing, and when consistent with the requirements of section 24 of this act.

(4) During the 2022 regular legislative session, the department must bring forth agency request legislation developed in consultation with emissions-intensive, trade-exposed businesses, covered entities, environmental advocates, and overburdened communities that outlines a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050.

(5) By December 1, 2027, and at least every four years thereafter and in compliance with RCW 43.01.036, the department must submit a report to the legislature that includes a comprehensive review of the implementation of the program to date, including but not limited to outcomes relative to the state's emissions reductions limits, overburdened communities, covered entities, and emissions-intensive, trade-exposed businesses. The department must transmit the report to the environmental justice council at the same time it is submitted to the legislature.

NEW SECTION. **Sec. 9.** ANNUAL ALLOWANCE BUDGET AND TIMELINES. (1)(a) The department shall commence the program by January 1, 2023, by determining an emissions baseline establishing the proportionate share that the total greenhouse gas emissions of covered entities for the first compliance period bears to the total anthropogenic greenhouse gas emissions in the state during 2015 through 2019, based on data reported to the department under RCW 70A.15.2200 or provided as required by this chapter, as well as other relevant data. By October 1, 2022, the department shall adopt annual allowance budgets for the first compliance period of the program, calendar years 2023 through 2026, to be distributed from January 1, 2023, through December 31, 2026. If the first compliance period is delayed pursuant to section 22(7) of this act, the department shall adjust the annual allowance budgets to reflect a shorter first compliance period.

(b) By October 1, 2026, the department shall add to its emissions baseline by incorporating the proportionate share that the total greenhouse gas emissions of new covered entities in the second compliance period bear to the total anthropogenic greenhouse gas emissions in the state during 2023 through 2025. In determining the addition to the baseline, the department may exclude a year from the determination if the department identifies that year to have been an outlier due to a state of emergency. The department shall adopt annual allowance budgets for the second compliance period of the program, calendar years 2027 through 2030, that will be distributed from January 1, 2027, through December 31, 2030.

(c) By October 1, 2028, the department shall adopt by rule the annual allowance budgets for calendar years 2031 through 2040.

(2) The annual allowance budgets must be set to achieve the share of reductions by covered entities necessary to achieve the 2030, 2040, and 2050 statewide emissions limits established in RCW 70A.45.020, based on data reported to the department under chapter 70A.15 RCW or provided as required by this chapter. Annual allowance budgets must be set such that the use of offsets as compliance instruments, consistent with section 19 of this act, does not prevent the achievement of the emissions limits established in RCW 70A.45.020. In so setting annual allowance budgets, the department must reduce the annual allowance budget relative to the limits in an amount equivalent to offset use, or in accordance with a similar methodology adopted by the department. The department must adopt annual allowance budgets for the program on a calendar year basis that provide for progressively equivalent reductions year over year. An allowance distributed under the program, either directly by the department under sections 13 through 15 of this act or though auctions under section 12 of this act, does not expire and may be held or banked consistent with sections 12(6) and 17(1) of this act.

(3) The department must complete an evaluation by December 31, 2027, and by December 31, 2035, of the performance of the program, including its performance in reducing greenhouse gases. If the

evaluation shows that adjustments to the annual allowance budgets are necessary for covered entities to achieve their proportionate share of the 2030 and 2040 emission reduction limits identified in RCW 70A.45.020, as applicable, the department shall adjust the annual allowance budgets accordingly. The department must complete additional evaluations of the performance of the program by December 31, 2040, and by December 31, 2045, and make any necessary adjustments in the annual allowance budgets to ensure that covered entities achieve their proportionate share of the 2050 emission reduction limit identified in RCW 70A.45.020. Nothing in this subsection precludes the department from making additional adjustments to annual allowance budgets as necessary to ensure successful achievement of the proportionate emission reduction limits by covered entities. The department shall determine and make public the circumstances, metrics, and processes that would initiate the public consideration of additional allowance budget adjustments to ensure successful achievement of the emission reduction limits.

(4) Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2015 through 2019 is deemed sufficient for the purpose of adopting annual allowance budgets and serving as the baseline by which covered entities demonstrate compliance under the first compliance period of the program. Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2023 through 2025 is deemed sufficient for adopting annual allowance budgets and serving as the baseline by which covered entities demonstrate compliance under the second compliance period of the program.

NEW SECTION. **Sec. 10.** PROGRAM COVERAGE. (1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports electricity into the state during the compliance period:

(a) Where the person operates a facility and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent;

(b) Where the person is a first jurisdictional deliverer and generates electricity in the state and emissions associated with this generation equals or exceeds 25,000 metric tons of carbon dioxide equivalent;

(c) Where the person is a first jurisdictional deliverer importing electricity into the state and the cumulative annual total of emissions associated with imported electricity from specified or unspecified sources exceeds 25,000 metric tons of carbon dioxide equivalent or from an unspecified source. In consultation with any jurisdiction that is linked to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall adopt a methodology for addressing imported electricity associated with a centralized electricity market;

(d) Where the person is a supplier of fossil fuel other than natural gas and from that fuel 25,000 metric tons or more of carbon dioxide equivalent emissions would result from the full combustion or oxidation; and

(e)(i) Where the person supplies natural gas in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities;

(ii) Where the person who is not a natural gas company and has a tariff with a natural gas company to deliver to an end-use customer in the state in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection or subsection (2)(a) of this section; and (B) the amounts delivered to opt-in entities;

(iii) Where the person is an end-use customer in the state who directly purchases natural gas from a person that is not a natural gas company and has the natural gas delivered through an interstate pipeline to a distribution

system owned by the purchaser in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities.

(2) A person is a covered entity as of the beginning of the second compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2023 through 2025, where the person operates a waste to energy facility utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(3)(a) A person is a covered entity beginning January 1, 2031, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2027 through 2029, where the person operates a landfill utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(b) Subsection (a) of this subsection does not apply to landfills that:

(i) Capture at least 75 percent of the landfill gas generated by the decomposition of waste using methods under 40 C.F.R. Part 98, Subpart HH - Municipal Solid Waste landfills, and subsequent updates; and

(ii) Operate a program, individually or through partnership with another entity, that results in the production of renewable natural gas or electricity from landfill gas generated by the facility.

(c) It is the intent of the legislature to adopt a greenhouse gas reduction policy specific to landfills. If such a policy is not enacted by January 1, 2030, it is the intent of the legislature that the requirements of this subsection (3) take full effect.

(4) When a covered entity reports, during a compliance period, emissions from a facility under RCW 70A.15.2200 that are below the thresholds specified in subsection (1) or (2) of this section, the covered entity continues to have a compliance obligation through the current compliance period. When a covered entity reports emissions below the threshold for each year during an entire compliance period, or has ceased all processes at the facility requiring reporting under RCW 70A.15.2200, the entity is no longer a covered entity as of the beginning of the subsequent compliance period unless the department provides notice at least 12 months before the end of the compliance period that the facility's emissions were within 10 percent of the threshold and that the person will continue to be designated as a covered entity in order to ensure equity among all covered entities. Whenever a covered entity ceases to be a covered entity, the department shall notify the legislature of the name of the entity and the reason the entity is no longer a covered entity.

(5) For types of emission sources described in subsection (1) of this section that begin or modify operation after January 1, 2023, and types of emission sources described in subsection (2) of this section that begin or modify operation after 2027, coverage under the program starts in the calendar year in which emissions from the source exceed the applicable thresholds in subsection (1) or (2) of this section, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold, whichever happens first. Sources meeting these conditions are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions were equal to or exceeded the emissions threshold.

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first.

Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions, as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

(7) The following emissions are exempt from coverage in the program, regardless of the emissions reported under RCW 70A.15.2200 or provided as required by this chapter:

(a) Emissions from the combustion of aviation fuels;

(b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;

(c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;

(d) Carbon dioxide emissions from the combustion of biomass or biofuels;

(e)(i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865.

(ii) The department must determine a method for expanding the exemption provided under (e)(i) of this subsection to include fuels used for the purpose of transporting agricultural products on public highways. The department must maintain this expanded exemption for a period of five years, in order to provide the agricultural sector with a feasible transition period; and

(f) Emissions from facilities with North American industry classification system code 92811 (national security).

(8) The department shall not require multiple covered entities to have a compliance obligation for the same emissions. The department may by rule authorize refineries, fuel suppliers, facilities using natural gas, and natural gas utilities to provide by agreement for the assumption of the compliance obligation for fuel or natural gas supplied and combusted in the state. The department must be notified of such an agreement at least 12 months prior to the compliance obligation period for which the agreement is applicable.

(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state shall pursue the limits in a manner that recognizes that the siting and placement of new best-in-class low carbon facilities is in the economic and environmental interests of the state of Washington.

(c) In conducting a life-cycle analysis for new or expanded facilities that require review under chapter 43.21C RCW, a lead agency must evaluate any potential net cumulative greenhouse gas emissions resulting from the project as compared to other existing facilities and existing or emerging low carbon processes that supply the same product or end use. The department may adopt rules to determine the appropriate threshold for applying this analysis.

(d) The covered greenhouse gas emissions that are addressed in this chapter may not be the basis for denial of a permit for a new or expanded low carbon emissions-intensive, trade-exposed facility. Nothing in this subsection guarantees approval of permits for new or expanded fossil fuel projects.

(e) A lead agency may determine that compliance with the requirements of this chapter for a covered entity or opt-in entity constitutes mitigation for covered greenhouse gases from facilities that have a compliance obligation under this chapter.

(f) A lead agency may determine that inclusion as a covered entity or opt-in entity under this chapter constitutes mitigation of significant adverse impacts pursuant to chapter 43.21C RCW

with respect to covered greenhouse gases from facilities that have a compliance obligation under this chapter.

NEW SECTION. **Sec. 11.** REQUIREMENTS. (1) All covered entities must register to participate in the program, following procedures adopted by the department by rule.

(2) Entities registering to participate in the program must describe any direct or indirect affiliation with other registered entities.

(3) A person responsible for greenhouse gas emissions that is not a covered entity may voluntarily participate in the program by registering as an opt-in entity. An opt-in entity must satisfy the same registration requirements as covered entities. Once registered, an opt-in entity is allowed to participate as a covered entity in auctions and must assume the same compliance obligation to transfer compliance instruments equal to their emissions at the appointed transfer dates. An opt-in entity may opt out of the program at the end of any compliance period by providing written notice to the department at least six months prior to the end of the compliance period. The opt-in entity continues to have a compliance obligation through the current compliance period. An opt-in entity is not eligible to receive allowances directly distributed under section 13, 14, or 15 of this act.

(4) A person that is not covered by the program and is not a covered entity or opt-in entity may voluntarily participate in the program as a general market participant. General market participants must meet all applicable registration requirements specified by rule.

(5) Federally recognized tribes and federal agencies may elect to participate in the program as opt-in entities or general market participants.

(6) The department shall use a secure, online electronic tracking system to: Register entities in the state program; issue compliance instruments; track ownership of compliance instruments; enable and record compliance instrument transfers; facilitate program compliance; and support market oversight.

(7) The department must use an electronic tracking system that allows two accounts to each covered or opt-in entity:

(a) A compliance account where the compliance instruments are transferred to the department for retirement. Compliance instruments in compliance accounts may not be sold, traded, or otherwise provided to another account or person.

(b) A holding account that is used when a registered entity is interested in trading allowances. Allowances in holding accounts may be bought, sold, transferred to another registered entity, or traded. The amount of allowances a registered entity may have in its holding account is constrained by the holding limit as determined by the department by rule. Information about the contents of each holding account, including but not limited to the number of allowances in the account, must be displayed on a regularly maintained and searchable public website established and updated by the department.

(8) Registered general market participants are each allowed an account, to hold, trade, sell, or transfer allowances.

(9) The department shall maintain an account for the purpose of retiring allowances transferred by registered entities and from the voluntary renewable reserve account.

(10) The department shall maintain a public roster of all covered entities, opt-in entities, and general market participants on the department's public website.

(11) The department shall include a voluntary renewable reserve account.

NEW SECTION. **Sec. 12.** AUCTIONS OF ALLOWANCES. (1) Except as provided in sections 13, 14, and 15 of this act, the department shall distribute allowances through auctions as provided in this section and in rules adopted by the department to implement these sections. An allowance is not a property right.

(2)(a) The department shall hold a maximum of four auctions annually, plus any necessary reserve auctions. An auction may include allowances from the annual allowance budget of the current year and allowances from the annual allowance budgets from prior years that remain to be distributed. The department must transmit to the environmental

justice council an auction notice at least 60 days prior to each auction, as well as a summary results report and a postauction public proceeds report within 60 days after each auction. The department must communicate the results of the previous calendar year's auctions to the environmental justice council on an annual basis beginning in 2024.

(b) The department must make future vintage allowances available through parallel auctions at least twice annually in addition to the auctions through which current vintage allowances are exclusively offered under (a) of this subsection.

(3) The department shall engage a qualified, independent contractor to run the auctions. The department shall also engage a qualified financial services administrator to hold the bid guarantees, evaluate bid guarantees, and inform the department of the value of bid guarantees once the bids are accepted.

(4) Auctions are open to covered entities, opt-in entities, and general market participants that are registered entities in good standing. The department shall adopt by rule the requirements for a registered entity to register and participate in a given auction.

(a) Registered entities intending to participate in an auction must submit an application to participate at least 30 days prior to the auction. The application must include the documentation required for review and approval by the department. A registered entity is eligible to participate only after receiving a notice of approval by the department.

(b) Each registered entity that elects to participate in the auction must have a different representative. Only a representative with an approved auction account is authorized to access the auction platform to submit an application or confirm the intent to bid for the registered entity, submit bids on behalf of the registered entity during the bidding window, or to download reports specific to the auction.

(5) The department may require a bid guarantee, payable to the financial services administrator, in an amount greater than or equal to the sum of the maximum value of the bids to be submitted by the registered entity.

(6) To protect the integrity of the auctions, a registered entity or group of registered entities with a direct corporate association are subject to auction purchase and holding limits. The department may impose additional limits if it deems necessary to protect the integrity and functioning of the auctions:

(a) A covered entity or an opt-in entity may not buy more than 10 percent of the allowances offered during a single auction;

(b) A general market participant may not buy more than four percent of the allowances offered during a single auction and may not in aggregate own more than 10 percent of total allowances to be issued in a calendar year;

(c) No registered entity may buy more than the entity's bid guarantee; and

(d) No registered entity may buy allowances that would exceed the entity's holding limit at the time of the auction.

(7)(a) For fiscal year 2023, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) $127,341,000 must be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(b) For fiscal year 2024, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) $356,697,000 must be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(c) For fiscal year 2025, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds

to the state treasurer for deposit as follows: (i) $366,558,000 must be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(d) For fiscal years 2026 through 2037, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) $359,117,000 per year must be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(e) The deposits into the carbon emissions reduction account pursuant to (a) through (d) of this subsection must not exceed $5,200,000,000 over the first 16 years and any remaining auction proceeds must be deposited into the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act. The deposits into the carbon emissions reduction account pursuant to (a) through (d) of this subsection must be prorated equally from the proceeds of each of the auctions occurring during each fiscal year.

(f) For fiscal year 2038 and each year thereafter, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) 50 percent of the auction proceeds to the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(g) No auction proceeds may be transferred to the carbon emissions reduction account created in section 27 of this act after December 31, 2027, if a clean fuel standard with a carbon intensity reduction of greater than 10 percent is not enacted by that date.

(8) The department shall adopt by rule provisions to guard against bidder collusion and minimize the potential for market manipulation. A registered entity may not release or disclose any bidding information including: Intent to participate or refrain from participation; auction approval status; intent to bid; bidding strategy; bid price or bid quantity; or information on the bid guarantee provided to the financial services administrator. The department may cancel or restrict a previously approved auction participation application or reject a new application if the department determines that a registered entity has:

(a) Provided false or misleading facts;

(b) Withheld material information that could influence a decision by the department;

(c) Violated any part of the auction rules;

(d) Violated registration requirements; or

(e) Violated any of the rules regarding the conduct of the auction.

(9) Any cancellation or restriction approved by the department under subsection (8) of this section may be permanent or for a specified number of auctions and the cancellation or restriction imposed is not exclusive and is in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other state or federal laws, if applicable.

(10) The department shall design allowance auctions so as to allow, to the maximum extent practicable, linking with external greenhouse gas emissions trading programs in other jurisdictions and to facilitate the transfer of allowances when the state's program has entered into a linkage agreement with other external greenhouse gas emissions trading programs. The department may conduct auctions jointly with jurisdictions with which it has entered into a linkage agreement.

(11) In setting the number of allowances offered at each auction, the department shall consider the allowances in the marketplace due to the marketing of allowances issued as required under

sections 13, 14, and 15 of this act in the department's determination of the number of allowances to be offered at auction. The department shall offer only such number of allowances at each auction as will enhance the likelihood of achieving the goals of RCW 70A.45.020.

NEW SECTION. **Sec. 13.** ALLOCATION OF ALLOWANCES TO EMISSIONS-INTENSIVE, TRADE-EXPOSED INDUSTRIES. (1) Facilities owned or operated by a covered entity must receive an allocation of allowances for the covered emissions at those facilities under this subsection at no cost if the operations of the facility are classified as emissions-intensive and trade-exposed, as determined by being engaged in one or more of the processes described by the following industry descriptions and codes in the North American industry classification system:

(a) Metals manufacturing, including iron and steel making, ferroalloy and primary metals manufacturing, secondary aluminum smelting and alloying, aluminum sheet, plate, and foil manufacturing, and smelting, refining, and alloying of other nonferrous metals, North American industry classification system codes beginning with 331;

(b) Paper manufacturing, including pulp mills, paper mills, and paperboard milling, North American industry classification system codes beginning with 322;

(c) Aerospace product and parts manufacturing, North American industry classification system codes beginning with 3364;

(d) Wood products manufacturing, North American industry classification system codes beginning with 321;

(e) Nonmetallic mineral manufacturing, including glass container manufacturing, North American industry classification system codes beginning with 327;

(f) Chemical manufacturing, North American industry classification system codes beginning with 325;

(g) Computer and electronic product manufacturing, including semiconductor and related device manufacturing, North American industry classification system codes beginning with 334;

(h) Food manufacturing, North American industry classification system codes beginning with 311;

(i) Cement manufacturing, North American industry classification system code 327310;

(j) Petroleum refining, North American industry classification system code 324110;

(k) Asphalt paving mixtures and block manufacturing from refined petroleum, North American industry classification system code 324121;

(l) Asphalt single and coating manufacturing from refined petroleum, North American industry classification system code 324122; and

(m) All other petroleum and coal products manufacturing from refined petroleum, North American industry classification system code 324199.

(2) By July 1, 2022, the department must adopt by rule objective criteria for both emissions' intensity and trade exposure for the purpose of identifying emissions-intensive, trade-exposed manufacturing businesses during the second compliance period of the program and subsequent compliance periods. A facility covered by subsection (1)(a) through (m) of this section is considered an emissions-intensive, trade-exposed facility and is eligible for allocation of no cost allowances as described in this section. In addition, any covered party that is a manufacturing business that can demonstrate to the department that it meets the objective criteria adopted by rule is also eligible for treatment as emissions-intensive, trade-exposed and is eligible for allocation of no cost allowances as described in this section. In developing the objective criteria under this subsection, the department must consider the locations of facilities potentially identified as emissions-intensive, trade-exposed manufacturing businesses relative to overburdened communities.

(3)(a) For the first compliance period beginning in January 1, 2023, the annual allocation of no cost allowances for direct distribution to a facility identified as emissions-intensive and trade-exposed must be equal to the facility's baseline carbon intensity established using data from 2015 through 2019, or other data as allowed under this section, multiplied by the facility's actual production for each calendar year during the compliance period. For facilities using the mass-based approach, the allocation of no cost

allowances shall be equal to the facility's mass-based baseline using data from 2015 through 2019, or other data as allowed under this section.

(b) For the second compliance period, beginning in January, 2027, and in each subsequent compliance period, the annual allocation of no cost allowances established in (a) of this subsection shall be adjusted according to the benchmark reduction schedules established in (b)(ii) and (iii) and (e) of this subsection multiplied by the facility's actual production during the period. The department shall adjust the no cost allocation of allowances and credits to an emissions-intensive and trade-exposed facility to avoid duplication with any no cost allowances transferred pursuant to sections 14 and 15 of this act, if applicable.

(i) For the purpose of this section, "carbon intensity" means the amount of carbon dioxide equivalent emissions from a facility in metric tons divided by the facility specific measure of production including, but not limited to, units of product manufactured or sold, over the same time interval.

(ii) If an emissions-intensive and trade-exposed facility is not able to feasibly determine a carbon intensity benchmark based on its unique circumstances, the entity may elect to use a mass-based baseline that does not vary based on changes in production volumes. The mass-based baseline must be based upon data from 2015 through 2019, unless the emissions-intensive, trade-exposed facility can demonstrate that there have been abnormal periods of operation that materially impacted the facility and the baseline period should be expanded to include years prior to 2015. For each year during the first four-year compliance period that begins January 1, 2023, these facilities must be awarded no cost allowances equal to 100 percent of the facility's mass-based baseline. For each year during the second four-year compliance period that begins January 1, 2027, these facilities must be awarded no cost allowances equal to 97 percent of the facility's mass-based baseline. For each year during the third compliance period that begins January 1, 2031, these facilities must be awarded no cost allowances equal to 94 percent of the facility's mass-based baseline. Except as provided in (b)(iii) of this subsection, if a facility elects to use a mass-based baseline, it may not later convert to a carbon intensity benchmark during the first three compliance periods.

(iii) A facility with a North American industry classification system code beginning with 3364 that is utilizing a mass-based baseline in (b)(ii) of this subsection must receive an additional no cost allowance allocation under this section in order to accommodate an increase in production that increases its emissions above the baseline on a basis equivalent in principle to those awarded to entities utilizing a carbon intensity benchmark pursuant to this subsection (3)(b). The department shall establish methods to award, for any annual period, additional no cost allowance allocations under this section and, if appropriate based on projected production, to achieve a similar ongoing result through the adjustment of the facility's mass-based baseline. An eligible facility under this subsection that has elected to use a mass-based baseline may not convert to a carbon intensity benchmark until the next compliance period.

(c)(i) By September 15, 2022, each emissions-intensive, trade-exposed facility shall submit its carbon intensity baseline for the first compliance period to the department. The carbon intensity baseline for the first compliance period must use data from 2015-2019, unless the emissions-intensive, trade-exposed facility can demonstrate that there have been abnormal periods of operation that materially impacted the facility and the baseline period should be expanded to include years prior to 2015.

(ii) By November 15, 2022, the department shall review and approve each emissions-intensive, trade-exposed facility's baseline carbon intensity for the first compliance period.

(d) During the first four-year compliance period that begins January 1, 2023, each emissions-intensive, trade-exposed facility must record its facility-specific carbon intensity baseline based on its actual production.

(e)(i) For the second four-year compliance period that begins January 1, 2027, the second period benchmark for each emissions-intensive, trade-exposed facility is three percent below the first period baseline specified in (a), (b), and (c) of this subsection.

(ii) For the third four-year compliance period that begins January 1, 2031, the third period benchmark for each emissions-intensive, trade-exposed facility is three percent lower than the second period benchmark.

(f)(i) Prior to the beginning of either the second, or third, or subsequent compliance periods, an emissions-intensive, trade-exposed facility may make an upward adjustment in the next compliance period's benchmark based on a demonstration to the department that additional reductions in carbon intensity or mass emissions are not technically or economically feasible. An emissions-intensive, trade-exposed facility may base its upward adjustment in the next compliance period on the facility's best available technology analysis. The department shall by rule provide for emissions-intensive, trade-exposed facilities to apply to the department for an adjustment to the allocation for direct distribution of no cost allowances based on its facility-specific carbon intensity benchmark or mass emissions baseline. The department shall make adjustments based on:

(A) A significant change in the emissions use or emissions attributable to the manufacture of an individual good or goods in this state by an emissions-intensive, trade-exposed facility based on a finding by the department that an adjustment is necessary to accommodate for changes in the manufacturing process that have a material impact on emissions;

(B) Significant changes to an emissions-intensive, trade-exposed facility's external competitive environment that result in a significant increase in leakage risk; or

(C) Abnormal operating periods when an emissions-intensive, trade-exposed facility's carbon intensity has been materially affected so that these abnormal operating periods are either excluded or otherwise considered in the establishment of the compliance period carbon intensity benchmarks.

(ii) For the purpose of this section, "best available technology" means a greenhouse gas emissions limitation determined by the department on a case-by-case basis taking into account the fuels, processes, equipment, and technology used by facilities to produce goods of comparable type, quantity, and quality, that will most effectively reduce those greenhouse gas emissions for which the source has a compliance obligation. Best available technology must be technically feasible, commercially available, economically viable, not create excessive environmental impacts, and be compliant with all applicable laws while not changing the characteristics of the goods being manufactured.

(4)(a) By December 1, 2026, the department shall provide a report to the appropriate committees of the senate and house of representatives that describes alternative methods for determining the amount and a schedule of allowances to be provided to facilities owned or operated by each covered entity designated as an emissions-intensive, trade-exposed facility from January 1, 2035, through January 1, 2050. The report must include a review of global best practices in ensuring against emissions leakage and economic harm to businesses in carbon pricing programs and describe alternative methods of emissions performance benchmarking and mass-based allocation of no cost allowances. At a minimum, the department must evaluate benchmarks based on both carbon intensity and mass, as well as the use of best available technology as a method for compliance. In developing the report, the department shall form an advisory group that includes representatives of the manufacturers listed in subsection (1) of this section.

(b) If the legislature does not adopt a compliance obligation for emissions-intensive, trade-exposed facilities by December 1, 2027, those facilities must continue to receive allowances as provided in the third four-year compliance period that begins January 1, 2031.

(5) If the actual emissions of an emissions-intensive, trade- exposed facility exceed the facility's no cost allowances assigned for that compliance period, it must be allowed to bank all acquired allowances for future investment in best available technology when economically feasible. The department shall limit the use of offset credits for compliance by an emissions-intensive, trade-exposed facility, such that the quantity of no cost allowances plus the provision of offset credits does not exceed 100 percent of the facility's

total compliance obligation over a compliance period.

(6) The department must withhold or withdraw the relevant share of allowances allocated to a covered entity under this section in the event that the covered entity ceases production in the state and becomes a closed facility. In the event an entity curtails all production and becomes a curtailed facility, the allowances are retained but cannot be traded, sold, or transferred and are still subject to the emission reduction requirements specified in this section. An owner or operator of a curtailed facility may transfer the allowances to a new operator of the facility that will be operated under the same North American industry classification system codes. If the curtailed facility becomes a closed facility, then all unused allowances will be transferred to the emissions containment reserve. A curtailed facility is not eligible to receive free allowances during a period of curtailment. Any allowances withheld or withdrawn under this subsection must be transferred to the emissions containment reserve.

(7) An owner or operator of more than one facility receiving no cost allowances under this section may transfer allowances among the eligible facilities.

(8) Rules adopted by the department under this section must include protocols for allocating allowances at no cost to an eligible facility built after the effective date of this section. The protocols must include consideration of the products being produced by the facility, as well as the local environmental and health impacts associated with the facility.

NEW SECTION. **Sec. 14.** ALLOCATION OF ALLOWANCES TO ELECTRIC UTILITIES. (1) The legislature intends by this section to allow all consumer-owned electric utilities and investor-owned electric utilities subject to the requirements of chapter 19.405 RCW, the Washington clean energy transformation act, to be allocated allowances at no cost as provided in this section in order to mitigate the cost burden of the program on electric customers.

(2)(a) By October 1, 2022, the department shall adopt rules, in consultation with the department of commerce and the utilities and transportation commission, establishing the methods and procedures for allocating allowances to consumer-owned and investor-owned electric utilities. Rules adopted under this section must allow for a consumer-owned or investor-owned electric utility to be provided allowances at no cost to cover their emissions and decline proportionally with the cap, consistent with section 9 of this act, and the considerations of subsection (6) of this section. The rules must take into account the cost burden of the program on electric customers. Allowances allocated at no cost to consumer-owned and investor-owned electric utilities must be consigned to auction for the benefit of ratepayers consistent with subsection (3) of this section, deposited for compliance, or a combination of both. The rules adopted by the department pursuant to this section must include provisions directing revenues generated under this subsection to the applicable utilities. Under no circumstances may utilities receive any free allowances after 2045.

(b) By October 1, 2022, the department shall adopt by rule an allocation schedule, in consultation with the department of commerce and the utilities and transportation commission, for the first compliance period for the provision of allowances for the benefit of ratepayers at no cost to consumer-owned and investor-owned electric utilities. This allocation must be consistent with a forecast, that is approved by the appropriate governing board or the utilities and transportation commission, of each utility's supply and demand, and the cost burden resulting from the inclusion of the covered entities in the first compliance period.

(c) By October 1, 2026, the department shall adopt by rule an allocation schedule, in consultation with the department of commerce and the utilities and transportation commission, for the second compliance period for the provision of allowances for the benefit of ratepayers at no cost to consumer-owned and investor-owned electric utilities. This allocation must be consistent with a forecast, that is approved by the appropriate governing board or the utilities and transportation commission, of each utility's supply and demand, and the cost burden resulting from the inclusion of covered entities in the second compliance period.

(d) By October 1, 2028, the department shall adopt by rule an allocation schedule, in consultation with the department of commerce and the utilities and transportation commission, for the provision of allowances at no cost to consumer-owned and investor-owned electric utilities for the compliance periods contained within calendar years 2031 through 2045. This allocation must be consistent with a forecast, that is approved by the appropriate governing board or the utilities and transportation commission, of each utility's supply and demand, and the cost burden resulting from the inclusion of the covered entities in the compliance periods.

(3)(a) During the first compliance period, 20 percent of the allowances allocated at no cost to consumer-owned and investor-owned electric utilities must be consigned to auction for the benefit of ratepayers, including at a minimum eliminating any additional cost burden to low-income customers from the implementation of this chapter. Rules adopted under this subsection must increase the percentage of allowances consigned to auction by 20 percent each subsequent compliance period until a total of 100 percent is reached.

(b) Revenues from allowances sold at auction must be returned by providing nonvolumetric credits on ratepayer utility bills, prioritizing low-income customers, or used to minimize cost impacts on low-income, residential, and small business customers through actions that include, but are not limited to, weatherization, conservation and efficiency services, and bill assistance. The customer benefits provided from allowances consigned to auction under this section must be in addition to existing requirements in statute, rule, or other legal requirements.

(4) If an entity is identified by the department as an emissions-intensive, trade-exposed industry under section 13 of this act, unless allowances have been otherwise allocated for electricity-related emissions to the entity under section 13 of this act or to a consumer-owned utility under this section, the department shall allocate allowances at no cost to the electric utility or power marketing administration that is providing electricity to the entity in an amount equal to the forecasted emissions for electricity consumption for the entity for the compliance period.

(5) The department shall allow for allowances to be transferred between a power marketing administration and electric utilities and used for direct compliance.

(6) Rules establishing the allocation of allowances to consumer-owned utilities and investor-owned utilities must consider the impact of electrification of buildings, transportation, and industry on the electricity sector.

(7) A consumer-owned utility that is party to a contract that meets the following conditions must be issued allowances under this section for emissions associated with imported electricity, in order to prevent impairment of the value of the contract to either party:

(a) The contract does not address compliance costs imposed upon the consumer-owned utility by the program created in this chapter; and

(b) The contract was in effect as of the effective date of this section, and expires no later than the end of the first compliance period.

(8) Nothing in this section affects the requirements of chapter 19.405 RCW.

NEW SECTION. **Sec. 15.** ALLOCATION OF ALLOWANCES TO NATURAL GAS UTILITIES. (1) For the benefit of ratepayers, allowances must be allocated at no cost to covered entities that are natural gas utilities.

(a) By October 1, 2022, the department shall adopt rules, in consultation with the utilities and transportation commission, establishing the methods and procedures for allocating allowances to natural gas utilities. Rules adopted under this subsection must allow for a natural gas utility to be provided allowances at no cost to cover their emissions and decline proportionally with the cap, consistent with section 9 of this act. Allowances allocated at no cost to natural gas utilities must be consigned to auction for the benefit of ratepayers consistent with subsection (2) of this section, deposited for compliance, or a combination of both. The rules adopted by the department pursuant to this section must include provisions directing revenues generated under this subsection to the applicable utilities.

(b) By October 1, 2022, the department shall adopt an allocation schedule by rule, in consultation with the utilities and transportation commission, for the first two compliance periods for the provision of allowances for the benefit of ratepayers at no cost to natural gas utilities.

(c) By October 1, 2028, the department shall adopt an allocation schedule by rule, in consultation with the utilities and transportation commission, for the provision of allowances for the benefit of ratepayers at no cost to natural gas utilities for the compliance periods contained within calendar years 2031 through 2040.

(2)(a) Beginning in 2023, 65 percent of the no cost allowances must be consigned to auction for the benefit of customers, including at a minimum eliminating any additional cost burden to low-income customers from the implementation of this chapter. Rules adopted under this subsection must increase the percentage of allowances consigned to auction by five percent each year until a total of 100 percent is reached.

(b) Revenues from allowances sold at auction must be returned by providing nonvolumetric credits on ratepayer utility bills, prioritizing low-income customers, or used to minimize cost impacts on low-income, residential, and small business customers through actions that include, but are not limited to, weatherization, decarbonization, conservation and efficiency services, and bill assistance. The customer benefits provided from allowances consigned to auction under this section must be in addition to existing requirements in statute, rule, or other legal requirements.

(c) Except for low-income customers, the customer bill credits under this subsection are reserved exclusively for customers at locations connected to a natural gas utility's system on the effective date of this section. Bill credits may not be provided to customers of the gas utility at a location connected to the system after the effective date of this section.

(3) In order to qualify for no cost allowances, covered entities that are natural gas utilities must provide copies of their greenhouse gas emissions reports filed with the United States environmental protection agency under 40 C.F.R. Part 98 subpart NN - suppliers of natural gas and natural gas liquids for calendar years 2015 through 2021 to the department on or before March 31, 2022. The copies of the reports must be provided in electronic form to the department, in a manner prescribed by the department. The reports must be complete and contain all information required by 40 C.F.R. Sec. 98.406 including, but not limited to, information on large end-users served by the natural gas utility. For any year where a natural gas utility was not required to file this report with the United States environmental protection agency, a report may be submitted in a manner prescribed by the department containing all of the information required in the subpart NN report.

(4) To continue receiving no cost allowances, a natural gas utility must provide to the department the United States environmental protection agency subpart NN greenhouse gas emissions report for each reporting year in the manner and by the dates provided by RCW 70A.15.2200(5) as part of the greenhouse gas reporting requirements of this chapter.

NEW SECTION. **Sec. 16.** EMISSIONS CONTAINMENT RESERVE WITHHOLDING. (1) To help ensure that the price of allowances remains sufficient to incentivize reductions in greenhouse gas emissions, the department must establish an emissions containment reserve and set an emissions containment reserve trigger price by rule. The price must be set at a reasonable amount above the auction floor price and equal to the level established in jurisdictions with which the department has entered into a linkage agreement. In the event that a jurisdiction with which the department has entered into a linkage agreement has no emissions containment trigger price, the department shall suspend the trigger price under this subsection. The purpose of withholding allowances in the emissions containment reserve is to secure additional emissions reductions.

(2) In the event that the emissions containment reserve trigger price is met during an auction, the department must automatically withhold allowances as needed. The department must convert and transfer any allowances that have been withheld from auction into the emissions containment reserve account.

(3) Emissions containment reserve allowances may only be withheld from an auction if the demand for allowances would result in an auction clearing price that is less than the emissions containment reserve trigger price prior to the withholding from the auction of any emissions containment reserve allowances.

(4) The department shall transfer allowances to the emissions containment reserve in the following situations:

(a) No less than two percent of the total number of allowances available from the allowance budgets for calendar years 2023 through 2026;

(b) When allowances are unsold in auctions under section 12 of this act;

(c) When facilities curtail or close consistent with section 13(6) of this act; or

(d) When facilities fall below the emissions threshold. The amount of allowances withdrawn from the program budget must be proportionate to the amount of emissions such a facility was previously using.

(5)(a) Allowances must be distributed from the emissions containment reserve by auction when new covered and opt-in entities enter the program.

(b) Allowances equal to the greenhouse gas emissions resulting from a new or expanded emissions-intensive, trade-exposed facility with emissions in excess of 25,000 metric tons per year during the first applicable compliance period will be provided to the facility from the reserve created in this section and must be retired by the facility. In subsequent compliance periods, the facility will be subject to the regulatory cap and related requirements under this chapter.

NEW SECTION. **Sec. 17.** ALLOWANCE PRICE CONTAINMENT. (1) To help minimize allowance price volatility in the auction, the department shall adopt by rule an auction floor price and a schedule for the floor price to increase by a predetermined amount every year. The department may not sell allowances at bids lower than the auction floor price. The department's rules must specify holding limits that determine the maximum number of allowances that may be held for use or trade by a registered entity at any one time. The department shall also establish an auction ceiling price to limit extraordinary prices and to determine when to offer allowances through the allowance price containment reserve auctions authorized under this section.

(2) For calendar years 2023 through 2026, the department must place no less than two percent of the total number of allowances available from the allowance budgets for those years in an allowance price containment reserve. The reserve must be designed as a mechanism to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3)(a) The department shall adopt rules for holding auctions of allowances from the price containment reserve when the settlement prices in the preceding auction approach the adopted auction ceiling price. The auction must be separate from auctions of other allowances.

(b) Allowances must also be distributed from the allowance price containment reserve by auction when new covered and opt-in entities enter the program and allowances in the emissions containment reserve under section 16 of this act are exhausted.

(4) Only covered and opt-in entities may participate in the auction of allowances from the allowance price containment reserve.

(5) The process for reserve auctions is the same as the process provided in section 12 of this act and the proceeds from reserve auctions must be treated the same.

(6) The department shall by rule:

(a) Set the reserve auction floor price in advance of the reserve auction. The department may choose to establish multiple price tiers for the allowances from the reserve;

(b) Establish the requirements and schedule for the allowance price containment reserve auctions; and

(c) Establish the amount of allowances to be placed in the allowance price containment reserve after the first compliance period ending in 2026.

NEW SECTION. **Sec. 18.** PRICE CEILING. (1) The department shall establish a price ceiling to provide cost protection for facilities obligated to comply with

this chapter. The ceiling must be set at a level sufficient to facilitate investments to achieve further emission reductions beyond those enabled by the price ceiling, with the intent that investments accelerate the state's achievement of greenhouse gas limits established under RCW 70A.45.020. The price ceiling must increase annually in proportion to the price floor.

(2) In the event that no allowances remain in the allowance price containment reserve, the department must issue the number of price ceiling units for sale sufficient to provide cost protection for facilities as established under subsection (1) of this section. Purchases must be limited to entities that do not have sufficient eligible compliance instruments in their holding and compliance accounts for the next compliance period and these entities may only purchase what they need to meet their compliance obligation for the current compliance period. Price ceiling units may not be sold or transferred and must be retired for compliance in the current compliance period. A price ceiling unit is not a property right.

(3) Funds raised in connection with the sale of price ceiling units must be expended to achieve emissions reductions on at least a metric ton for metric ton basis that are real, permanent, quantifiable, verifiable, enforceable by the state, and in addition to any greenhouse gas emission reduction otherwise required by law or regulation and any other greenhouse gas emission reduction that otherwise would occur.

NEW SECTION. **Sec. 19.** OFFSETS. (1) The department shall adopt by rule the protocols for establishing offset projects and securing offset credits that may be used to meet a portion of a covered or opt-in entity's compliance obligation under section 22 of this act. The protocols adopted by the department under this section must align with the policies of the state established under RCW 70A.45.090 and 70A.45.100.

(2) Offset projects must:

(a) Provide direct environmental benefits to the state or be located in a jurisdiction with which Washington has entered into a linkage agreement;

(b) Result in greenhouse gas reductions or removals that:

(i) Are real, permanent, quantifiable, verifiable, and enforceable; and

(ii) Are in addition to greenhouse gas emission reductions or removals otherwise required by law and other greenhouse gas emission reductions or removals that would otherwise occur; and

(c) Have been certified by a recognized registry after the effective date of this section or within two years prior to the effective date of this section.

(3)(a) A total of no more than five percent of a covered or opt-in entity's compliance obligation during the first compliance period may be met by transferring offset credits. During these years, at least 50 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state.

(b) A total of no more than four percent of a covered or opt-in entity's compliance obligation during the second compliance period may be met by transferring offset credits. During these years, at least 75 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state. The department may reduce the 75 percent requirement if it determines there is not sufficient offset supply in the state to meet offset demand during the second compliance period.

(c) The limits in (a) and (b) of this subsection may be modified by rule as adopted by the department when appropriate to ensure achievement of the proportionate share of statewide emissions limits established in RCW 70A.45.020 and to provide for alignment with other jurisdictions to which the state has linked.

(d) The limits in (a) and (b) of this subsection may be reduced for a specific covered or opt-in entity if the department determines, in consultation with the environmental justice council, that the covered or opt-in entity has or is likely to:

(i) Contribute substantively to cumulative air pollution burden in an overburdened community as determined by criteria established by the department,

in consultation with the environmental justice council; or

(ii) Violate any permits required by any federal, state, or local air pollution control agency where the violation may result in an increase in emissions.

(e) An offset project on federally recognized tribal land does not count against the offset credit limits described in (a) and (b) of this subsection. No more than three percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the first compliance period. No more than two percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the second compliance period.

(4) In adopting protocols governing offset projects and covered and opt-in entities' use of offset credits, the department shall:

(a) Take into consideration standards, rules, or protocols for offset projects and offset credits established by other states, provinces, and countries with programs comparable to the program established in this chapter;

(b) Encourage opportunities for the development of offset projects in this state by adopting offset protocols that may include, but need not be limited to, protocols that make use of aggregation or other mechanisms to reduce transaction costs related to the development of offset projects and that support the development of carbon dioxide removal projects;

(c) Adopt a process for monitoring and invalidating offset credits as necessary to ensure the credit reflects emission reductions or removals that continue to meet the standards required by subsection (1) of this section. If an offset credit is invalidated, the covered or opt-in entity must, within six months of the invalidation, transfer replacement credits or allowances to meet its compliance obligation. Failure to transfer the required credits or allowances is a violation subject to penalties as provided in section 23 of this act; and

(d) Make use of aggregation or other mechanisms, including cost-effective inventory and monitoring provisions, to increase the development of offset and carbon removal projects by landowners across the broadest possible variety of types and sizes of lands, including lands owned by small forestland owners.

(5) Any offset credits used may not be in addition to or allow for an increase in the emissions limits established under RCW 70A.45.020, as reflected in the annual allowance budgets developed under section 9 of this act.

(6) The offset credit must be registered and tracked as a compliance instrument.

(7) Beginning in 2031, the limits established in subsection (3) of this section apply unless modified by rule as adopted by the department after a public consultation process.

NEW SECTION. **Sec. 20.** ASSISTANCE PROGRAM FOR OFFSETS ON TRIBAL LANDS. (1) In order to ensure that a sufficient number of high quality offset projects are available under the limits set in section 19 of this act, the department must establish an assistance program for offset projects on federally recognized tribal lands in Washington. The assistance may include, but is not limited to, funding or consultation for federally recognized tribal governments to assess a project's technical feasibility, investment requirements, development and operational costs, expected returns, administrative and legal hurdles, and project risks and pitfalls. The department may provide funding or assistance upon request by a federally recognized tribe.

(2) It is the intent of the legislature that not less than $5,000,000 be provided in the biennial omnibus operating appropriations act for the purposes of this section.

NEW SECTION. **Sec. 21.** ASSISTANCE PROGRAM FOR SMALL FORESTLAND OWNERS. (1) The department, in cooperation with the department of natural resources, must establish an assistance program for small forestland owners that seeks to benefit from carbon sequestration markets, including the provision of offset credits that qualify under section 19 of this act. The assistance may include, but is not limited to, funding or consultation to assess a project's technical feasibility, investment requirements, development and operational costs, expected returns, administrative and

legal hurdles, and project risks and pitfalls. The department may assist multiple landowners to develop projects that aggregate sufficient acreage to provide the scale necessary to offer offset credits at a competitive price in either or both voluntary and regulatory carbon markets. Funding or assistance may be provided upon request by a small forestland owner.

(2) It is the intent of the legislature that not less than $2,000,000 be provided in the biennial omnibus operating appropriations act each biennium for the purposes of this section.

NEW SECTION. **Sec. 22.** COMPLIANCE OBLIGATIONS. (1) A covered or opt-in entity has a compliance obligation for its emissions during each four-year compliance period, with the first compliance period commencing January 1, 2023, except when the first compliance period commences at a later date as provided in subsection (7) of this section. A covered or opt-in entity shall transfer a number of compliance instruments equal to the entity's covered emissions by November 1st of each calendar year in which a covered or opt-in entity has a compliance obligation. The department shall set by rule a percentage of compliance instruments that must be transferred in each year of the compliance period such that covered or opt-in entities are allowed to smooth their compliance obligation within the compliance period but must fully satisfy their compliance obligation over the course of the compliance period, in a manner similar to external greenhouse gas emissions trading programs in other jurisdictions. In meeting a given compliance obligation, a covered or opt-in entity may use allowances issued in that compliance year, or allowances issued in any of the seven years immediately preceding that compliance year.

(2) Compliance occurs through the transfer of compliance instruments or price ceiling units, on or before the transfer date, from the holding account to the compliance account of the covered or opt-in entity as described in section 10 of this act. Compliance includes consignment of allowances to auction pursuant to sections 14 and 15 of this act.

(3)(a) A covered entity with a facility eligible for use of price ceiling units under section 18 of this act may substitute the submission of compliance instruments with price ceiling units.

(b) A covered or opt-in entity submitting insufficient compliance instruments to meet its compliance obligation is subject to a penalty as provided in section 23 of this act.

(4) Allowances must be transferred in the order in which they were purchased or acquired.

(5) A covered or opt-in entity may not borrow an allowance from a future allowance year to meet a current or past compliance obligation.

(6) Upon receipt by the department of all compliance instruments transferred by a covered entity or opt-in entity to meet its compliance obligation, the department shall retire the allowances or offset credits.

(7)(a) This section does not take effect until additive transportation funding is received by the state, at which time the department of licensing must provide written notice to the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser.

(b) For the purposes of this subsection, "additive transportation funding" means receipt of funding by the state in which the combined total of revenues assumed in the omnibus transportation budget exceed $500,000,000 in any biennium above the November 2020 state transportation revenue forecast.

NEW SECTION. **Sec. 23.** ENFORCEMENT. (1) All covered and opt-in entities are required to submit compliance instruments in a timely manner to meet the entities' compliance obligations and shall comply with all requirements for monitoring, reporting, holding, and transferring emission allowances and other provisions of this chapter.

(2) If a covered or opt-in entity does not submit sufficient compliance instruments to meet its compliance obligation by the specified transfer dates, a penalty of four allowances for every one compliance instrument that is missing must be submitted to the department within six months. When a covered entity or opt-in entity reasonably believes that it will be unable to meet a compliance obligation,

the entity shall immediately notify the department. Upon receiving notification, the department shall issue an order requiring the entity to submit the penalty allowances.

(3) If a covered entity or opt-in entity fails to submit penalty allowances as required by subsection (2) of this section, the department must issue an order or issue a penalty of up to $10,000 per day per violation, or both, for failure to submit penalty allowances as required by subsection (2) of the section. The order may include a plan and schedule for coming into compliance.

(4) The department may issue a penalty of up to $50,000 per day per violation for violations of section 12(8) (a) through (e) of this act.

(5) Except as provided in subsections (3) and (4) of this section, any person that violates the terms of this chapter or an order issued under this chapter incurs a penalty of up to $10,000 per day per violation for each day that the person does not comply. All penalties under subsections (3) and (4) of this section and this subsection must be deposited into the climate investment account created in section 28 of this act.

(6) Orders and penalties issued under this chapter are appealable to the pollution control hearings board under chapter 43.21B RCW.

(7) For the first compliance period, the department may reduce the amount of the penalty by adjusting the monetary amount or the number of penalty allowances described in subsections (2) and (3) of this section.

(8) An electric utility or natural gas utility must notify its retail customers and the environmental justice council in published form within three months of paying a monetary penalty under this section.

(9)(a) No city, town, county, township, or other subdivision or municipal corporation of the state may implement a charge or tax based exclusively upon the quantity of greenhouse gas emissions.

(b) No state agency may adopt or enforce a program that regulates greenhouse gas emissions from a stationary source except as provided in this chapter.

(c) This chapter preempts the provisions of chapter 173-442 WAC.

NEW SECTION. **Sec. 24.** LINKAGE WITH OTHER JURISDICTIONS. (1) Subject to making the findings and conducting the public comment process described in subsection (3) of this section, the department shall seek to enter into linkage agreements with other jurisdictions with external greenhouse gas emissions trading programs in order to:

(a) Allow for the mutual use and recognition of compliance instruments issued by Washington and other linked jurisdictions;

(b) Broaden the greenhouse gas emission reduction opportunities to reduce the costs of compliance on covered entities and consumers;

(c) Enable allowance auctions to be held jointly and provide for the use of a unified tracking system for compliance instruments;

(d) Enhance market security;

(e) Reduce program administration costs; and

(f) Provide consistent requirements for covered entities whose operations span jurisdictional boundaries.

(2) The director of the department is authorized to execute linkage agreements with other jurisdictions with external greenhouse gas emissions trading programs consistent with the requirements in this chapter. A linkage agreement must cover the following:

(a) Provisions relating to regular, periodic auctions, including requirements for eligibility for auction participation, the use of a single auction provider to facilitate joint auctions, publication of auction-related information, processes for auction participation, purchase limits by auction participant type, bidding processes, dates of auctions, and financial requirements;

(b) Provisions related to holding limits to ensure no entities in any of the programs are disadvantaged relative to their counterparts in the other jurisdictions;

(c) Other requirements, such as greenhouse gas reporting and verification, offset protocols, criteria and process, and supervision and

enforcement, to prevent fraud, abuse, and market manipulation;

(d) Common program registry, electronic auction platform, tracking systems for compliance instruments, and monitoring of compliance instruments;

(e) Provisions to ensure coordinated administrative and technical support;

(f) Provisions for public notice and participation; and

(g) Provisions to collectively resolve differences, amend the agreements, and delink or otherwise withdraw from the agreements.

(3) Before entering into a linkage agreement under this section, the department must establish a finding that the linking jurisdiction and the linkage agreement meet certain criteria identified under this subsection and conduct a public comment process to obtain input and a review of the linkage agreement by relevant stakeholders and other interested parties. The department must consider input received from the public comment process before finalizing a linkage agreement. In the event that the department determines that a full linkage agreement is unlikely to meet the criteria, it may enter into a linkage agreement with limitations, including limits on the share of compliance that may be met with allowances originating from linked jurisdictions and other limitations deemed necessary by the department. A linkage agreement approved by the department must:

(a) Achieve the purposes identified in subsection (1) of this section;

(b) Ensure that the linking jurisdiction has provisions to ensure the distribution of benefits from the program to vulnerable populations and overburdened communities;

(c) Be determined by the department to not yield net adverse impacts to either jurisdictions' highly impacted communities or analogous communities in the aggregate, relative to the baseline level of emissions; and

(d) Not adversely impact Washington's ability to achieve the emission reduction limits established in RCW 70A.45.020.

(4) The state retains all legal and policymaking authority over its program design and enforcement.

NEW SECTION. **Sec. 25.** RULES. The department shall adopt rules to implement the provisions of the program established in sections 8 through 24 of this act. The department may adopt emergency rules pursuant to RCW 34.05.350 for initial implementation of the program, to implement the state omnibus appropriations act for the 2021-2023 fiscal biennium, and to ensure that reporting and other program requirements are determined early for the purpose of program design and early notice to registered entities with a compliance obligation under the program.

NEW SECTION. **Sec. 26.** EXPENDITURE TARGETS. (1) It is the intent of the legislature that each year the total investments made through the carbon emissions reduction account created in section 27 of this act, the climate commitment account created in section 29 of this act, the natural climate solutions account created in section 30 of this act, and the air quality and health disparities improvement account created in section 31 of this act, achieve the following:

(a) A minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141); and

(b) In addition to the requirements of (a) of this subsection, at least 10 percent of the total investments authorized under this chapter must be used for programs, activities, or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe. An investment that meets the requirements of both this subsection (1)(b) and (a) of this subsection may count toward the requisite minimum percentage for both subsections.

(2) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights including, but not limited to, prohibitions on uses of funds imposed by the state Constitution.

(3) For the purposes of this section, "benefits" means investments or activities that:

(a) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of highly impacted communities;

(b) Meaningfully protect an overburdened community from, or support community response to, the impacts of air pollution or climate change; or

(c) Meet a community need identified by vulnerable members of the community that is consistent with the intent of this chapter.

(4) The state must develop a process by which to evaluate the impacts of the investments made under this chapter, work across state agencies to develop and track priorities across the different eligible funding categories, and work with the environmental justice council pursuant to section 5 of this act.

(5) No expenditures may be made from the carbon emissions reduction account created in section 27 of this act, the climate investment account created in section 28 of this act, or the air quality and health disparities improvement account created in section 31 of this act if, by April 1, 2023, the legislature has not considered and enacted request legislation brought forth by the department under section 8 of this act that outlines a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050.

NEW SECTION. **Sec. 27.** CARBON EMISSIONS REDUCTION ACCOUNT. The carbon emissions reduction account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to affect reductions in transportation sector carbon emissions through a variety of carbon reducing investments. These can include, but are not limited to: Transportation alternatives to single occupancy passenger vehicles; reductions in single occupancy passenger vehicle miles traveled; reductions in per mile emissions in vehicles, including through the funding of alternative fuel infrastructure and incentive programs; and emission reduction programs for freight transportation, including motor vehicles and rail, as well as for ferries and other maritime and port activities. Expenditures from the account may only be made for transportation carbon emission reducing purposes and may not be made for highway purposes authorized under the 18th Amendment of the Washington state Constitution. It is the legislature's intent that expenditures from the account used to reduce carbon emissions be made with the goal of achieving equity for communities that historically have been omitted or adversely impacted by past transportation policies and practices.

NEW SECTION. **Sec. 28.** CLIMATE INVESTMENT ACCOUNT. (1)(a) The climate investment account is created in the state treasury. Except as otherwise provided in this act, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Projects or activities funded from the account must meet high labor standards, including family sustaining wages, providing benefits including health care and pensions, career development opportunities, and maximize access to economic benefits from such projects for local workers and diverse businesses. Each contracting entity's proposal must be reviewed for equity and opportunity improvement efforts, including: (i) Employer paid sick leave programs; (ii) pay practices in relation to living wage indicators such as the federal poverty level; (iii) efforts to evaluate pay equity based on gender identity, race, and other protected status under Washington law; (iv) facilitating career development opportunities, such as apprenticeship programs, internships, job-shadowing, and on-the-job training; and (v) employment assistance and employment barriers for justice affected individuals.

(2) Moneys in the account may be used only for projects and programs that achieve the purposes of the greenhouse gas emissions cap and invest program established under this chapter. Moneys in the account as described in this subsection must first be appropriated for the administration of the requirements of this chapter, in an amount not to exceed five percent of the total receipt of funds from allowance auction proceeds under this chapter. Beginning July 1,

2024, and annually thereafter, the state treasurer shall distribute funds in the account as follows:

(a) Seventy-five percent of the moneys to the climate commitment account created in section 29 of this act; and

(b) Twenty-five percent of the moneys to the natural climate solutions account created in section 30 of this act.

(3) The allocations specified in subsection (2)(a) and (b) of this section must be reviewed by the legislature on a biennial basis based on the changing needs of the state in meeting its clean economy and greenhouse gas reduction goals in a timely, economically advantageous, and equitable manner.

NEW SECTION. **Sec. 29.** CLIMATE COMMITMENT ACCOUNT. (1) The climate commitment account is created in the state treasury. The account must receive moneys distributed to the account from the climate investment account created in section 28 of this act. Moneys in the account may be spent only after appropriation. Projects, activities, and programs eligible for funding from the account must be physically located in Washington state and include, but are not limited to, the following:

(a) Implementing the working families tax rebate in RCW 82.08.0206;

(b) Supplementing the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of making grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and 36.70A.600, for costs associated with RCW 36.70A.610, and to cover costs associated with the adoption of optional elements of comprehensive plans consistent with RCW 43.21C.420;

(c) Programs, activities, or projects that reduce and mitigate impacts from greenhouse gases and copollutants in overburdened communities, including strengthening the air quality monitoring network to measure, track, and better understand air pollution levels and trends and to inform the analysis, monitoring, and pollution reduction measures required in section 3 of this act;

(d) Programs, activities, or projects that deploy renewable energy resources, such as solar and wind power, and projects to deploy distributed generation, energy storage, demand-side technologies and strategies, and other grid modernization projects;

(e) Programs, activities, or projects that increase the energy efficiency or reduce greenhouse gas emissions of industrial facilities including, but not limited to, proposals to implement combined heat and power, district energy, or on-site renewables, such as solar and wind power, to upgrade the energy efficiency of existing equipment, to reduce process emissions, and to switch to less emissions intensive fuel sources;

(f) Programs, activities, or projects that achieve energy efficiency or emissions reductions in the agricultural sector including:

(i) Fertilizer management;

(ii) Soil management;

(iii) Bioenergy;

(iv) Biofuels;

(v) Grants, rebates, and other financial incentives for agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations;

(vi) Grants, loans, or any financial incentives to food processors to implement projects that reduce greenhouse gas emissions;

(vii) Renewable energy projects;

(viii) Farmworker housing weatherization programs;

(ix) Dairy digester research and development; and

(x) Alternative manure management;

(g) Programs, activities, or projects that increase energy efficiency in new and existing buildings, or that promote low-carbon architecture, including use of newly emerging alternative building materials that result in a lower carbon footprint in the built environment over the life cycle of the building and component building materials;

(h) Programs, activities, or projects that promote the electrification and decarbonization of new and existing buildings, including residential, commercial, and industrial buildings;

(i) Programs, activities, or projects that improve energy efficiency,

including district energy, and investments in market transformation of high efficiency electric appliances and equipment for space and water heating;

(j) Clean energy transition and assistance programs, activities, or projects that assist affected workers or people with lower incomes during the transition to a clean energy economy, or grow and expand clean manufacturing capacity in communities across Washington state including, but not limited to:

(i) Programs, activities, or projects that directly improve energy affordability and reduce the energy burden of people with lower incomes, as well as the higher transportation fuel burden of rural residents, such as bill assistance, energy efficiency, and weatherization programs;

(ii) Community renewable energy projects that allow qualifying participants to own or receive the benefits of those projects at reduced or no cost;

(iii) Programs, activities, or other worker-support projects for bargaining unit and nonsupervisory fossil fuel workers who are affected by the transition away from fossil fuels to a clean energy economy. Worker support may include, but is not limited to: (A) Full wage replacement, health benefits, and pension contributions for every worker within five years of retirement; (B) full wage replacement, health benefits, and pension contributions for every worker with at least one year of service for each year of service up to five years of service; (C) wage insurance for up to five years for workers reemployed who have more than five years of service; (D) up to two years of retraining costs, including tuition and related costs, based on in-state community and technical college costs; (E) peer counseling services during transition; (F) employment placement services, prioritizing employment in the clean energy sector; and (G) relocation expenses;

(iv) Direct investment in workforce development, via technical education, community college, apprenticeships, and other programs;

(v) Transportation, municipal service delivery, and technology investments that increase a community's capacity for clean manufacturing, with an emphasis on communities in greatest need of job creation and economic development and potential for commute reduction;

(k) Programs, activities, or projects that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials, methane capture or conversion strategies, or other means;

(l) Carbon dioxide removal projects, programs, and activities; and

(m) Activities to support efforts to mitigate and adapt to the effects of climate change affecting Indian tribes, including capital investments in support of the relocation of Indian tribes located in areas at heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change. The legislature intends to dedicate at least $50,000,000 per biennium from the account for purposes of this subsection.

(2) Moneys in the account may not be used for projects or activities that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

NEW SECTION. **Sec. 30.** NATURAL CLIMATE SOLUTIONS ACCOUNT. (1) The natural climate solutions account is created in the state treasury. All moneys directed to the account from the climate investment account created in section 28 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Moneys in the account are intended to increase the resilience of the state's waters, forests, and other vital ecosystems to the impacts of climate change, conserve working forestlands at risk of conversion, and increase their carbon pollution reduction capacity through sequestration, storage, and overall system integrity. Moneys in the account must be spent in a manner that is consistent with existing and future assessments of climate risks and resilience from the scientific community and expressed concerns of and impacts to overburdened communities.

(2) Moneys in the account may be allocated for the following purposes:

(a) Clean water investments that improve resilience from climate impacts. Funding under this subsection (2)(a) must be used to:

(i) Restore and protect estuaries, fisheries, and marine shoreline habitats and prepare for sea level rise including, but not limited to, making fish passage correction investments such as those identified in the cost-share barrier removal program for small forestland owners created in RCW 76.13.150 and those that are considered by the fish passage barrier removal board created in RCW 77.95.160;

(ii) Increase carbon storage in the ocean or aquatic and coastal ecosystems;

(iii) Increase the ability to remediate and adapt to the impacts of ocean acidification;

(iv) Reduce flood risk and restore natural floodplain ecological function;

(v) Increase the sustainable supply of water and improve aquatic habitat, including groundwater mapping and modeling;

(vi) Improve infrastructure treating stormwater from previously developed areas within an urban growth boundary designated under chapter 36.70A RCW, with a preference given to projects that use green stormwater infrastructure;

(vii) Either preserve or increase, or both, carbon sequestration and storage benefits in forests, forested wetlands, agricultural soils, tidally influenced agricultural or grazing lands, or freshwater, saltwater, or brackish aquatic lands; or

(viii) Either preserve or establish, or both, carbon sequestration by protecting or planting trees in marine shorelines and freshwater riparian areas sufficient to promote climate resilience, protect cold water fisheries, and achieve water quality standards;

(b) Healthy forest investments to improve resilience from climate impacts. Funding under this subsection (2)(b) must be used for projects and activities that will:

(i) Increase forest and community resilience to wildfire in the face of increased seasonal temperatures and drought;

(ii) Improve forest health and reduce vulnerability to changes in hydrology, insect infestation, and other impacts of climate change; or

(iii) Prevent emissions by preserving natural and working lands from the threat of conversion to development or loss of critical habitat, through actions that include, but are not limited to, the creation of new conservation lands, community forests, or increased support to small forestland owners through assistance programs including, but not limited to, the forest riparian easement program and the family forest fish passage program. It is the intent of the legislature that not less than $10,000,000 be expended each biennium for the forestry riparian easement program created in chapter 76.13 RCW or for riparian easement projects funded under the agricultural conservation easements program established under RCW 89.08.530, or similar riparian enhancement programs.

(3) Moneys in the account may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

NEW SECTION. **Sec. 31.** AIR QUALITY AND HEALTH DISPARITIES IMPROVEMENT ACCOUNT. (1) The air quality and health disparities improvement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to:

(a) Improve air quality through the reduction of criteria pollutants, including through effective air quality monitoring and the establishment of adequate baseline emissions data; and

(b) Reduce health disparities in overburdened communities by improving health outcomes through the reduction or elimination of environmental harms and the promotion of environmental benefits.

(2) Moneys in the account may be used for either capital budget or transportation budget purposes, or both. Moneys in the account may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from the account

must result in long-term environmental benefits and increased resilience to the impacts of climate change.

(3) It is the intent of the legislature that not less than $20,000,000 per biennium be dedicated to the account for the purposes of the account.

Sec. 32. RCW 70A.15.2200 and 2020 c 20 s 1090 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Except as provided in subsection (3) of this section, any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration or reporting shall register therewith and make reports containing information as may be required by such department or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. In the case of emissions of greenhouse gases as defined in RCW 70A.45.010 the department shall adopt rules requiring reporting of those emissions. The department or board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration or reporting program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering or other reliable analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration and reporting with any other board or the department, except that emissions of greenhouse gases as defined in RCW 70A.45.010 must be reported as required under subsection (5) of this section.

All registration program and reporting fees collected by the department shall be deposited in the air pollution control account. All registration program fees collected by the local air authorities shall be deposited in their respective treasuries.

(3) If a registration or report has been filed for a grain warehouse or grain elevator as required under this section, registration, reporting, or a registration program fee shall not, after January 1, 1997, again be required under this section for the warehouse or elevator unless the capacity of the warehouse or elevator as listed as part of the license issued for the facility has been increased since the date the registration or reporting was last made. If the capacity of the warehouse or elevator listed as part of the license is increased, any registration or reporting required for the warehouse or elevator under this section must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase in its capacity is listed in the license.

This subsection does not apply to a grain warehouse or grain elevator if the warehouse or elevator handles more than ten million bushels of grain annually.

(4) For the purposes of subsection (3) of this section:

(a) A "grain warehouse" or "grain elevator" is an establishment classified in standard industrial classification (SIC) code 5153 for wholesale trade for which a license is required and includes, but is not limited to, such a licensed facility that also conducts cleaning operations for grain;

(b) A "license" is a license issued by the department of agriculture licensing a facility as a grain warehouse or grain elevator under chapter 22.09 RCW or a license issued by the federal government licensing a facility as a grain warehouse or grain elevator for purposes similar to those of licensure for the facility under chapter 22.09 RCW; and

(c) "Grain" means a grain or a pulse.

(5)(a) The department shall adopt rules requiring persons to report emissions of greenhouse gases as defined in RCW 70A.45.010 where those emissions from a single facility, ((~~source, or site,~~)) or from electricity or fossil fuels sold in Washington by a single supplier or local distribution company, meet or exceed ten thousand metric tons of carbon dioxide equivalent annually. The ((~~department may phase in the requirement to report greenhouse gas emissions until the reporting threshold in this subsection is met, which must occur by January 1, 2012~~)) rules adopted by the department must support implementation of the program created in section 8 of this act. In addition, the rules must require that:

(i) Emissions of greenhouse gases resulting from the combustion of fossil fuels be reported separately from emissions of greenhouse gases resulting from the combustion of biomass; and

(ii) ((~~Reporting will start in 2010 for 2009 emissions.~~)) Each annual report must include emissions data for the preceding calendar year and must be submitted to the department by ((~~October~~)) March 31st of the year in which the report is due. ((~~However, starting in 2011, a person who is required to report greenhouse gas emissions to the United States environmental protection agency under 40 C.F.R. Part 98, as adopted on September 22, 2009, must submit the report required under this section to the department concurrent with the submission to the United States environmental protection agency. Except as otherwise provided in this section, the data for emissions in Washington and any corrections thereto that are reported to the United States environmental protection agency must be the emissions data reported to the department; and~~

~~(iii) Emissions of carbon dioxide associated with the complete combustion or oxidation of liquid motor vehicle fuel, special fuel, or aircraft fuel that is sold in Washington where the annual emissions associated with that combustion or oxidation equal or exceed ten thousand metric tons be reported to the department. Each person who is required to file periodic tax reports of motor vehicle fuel sales under RCW 82.36.031 or special fuel sales under RCW 82.38.150, or each distributor of aircraft fuel required to file periodic tax reports under RCW 82.42.040 must report to the department the annual emissions of carbon dioxide from the complete combustion or oxidation of the fuels listed in those reports as sold in the state of Washington. The department shall not require suppliers to use additional data to calculate greenhouse gas emissions other than the data the suppliers report to the department of licensing. The rules may allow this information to be aggregated when reported to the department. The department and the department of licensing shall enter into an interagency agreement to ensure proprietary and confidential information is protected if the departments share reported information. Any proprietary or confidential information exempt from disclosure when reported to the department of licensing is exempt from disclosure when shared by the department of licensing with the department under this provision.~~))

(b)(i) ((~~Except as otherwise provided in this subsection, the rules adopted by the department under (a) of this subsection must be consistent with the regulations adopted by the United States environmental protection agency in 40 C.F.R. Part 98 on September 22, 2009.~~

~~(ii)~~)) The department may by rule include additional gases to the definition of "greenhouse gas" in RCW 70A.45.010 only if the gas has been designated as a greenhouse gas by the United States congress ((~~or~~)), by the United States environmental protection agency, or included in external greenhouse gas emission trading programs with which Washington has pursuant to

section 24 of this act. Prior to including additional gases to the definition of "greenhouse gas" in RCW 70A.45.010, the department shall notify the appropriate committees of the legislature. ((~~Decisions to amend the rule to include additional gases must be made prior to December 1st of any year and the amended rule may not take effect before the end of the regular legislative session in the next year.~~

~~(iii)~~)) (ii) The department may by rule exempt persons who are required to report greenhouse gas emissions to the United States environmental protection agency and who emit less than ten thousand metric tons carbon dioxide equivalent annually.

((~~(iv)~~)) (iii) The department must establish a methodology for persons who are not required to report under this section to voluntarily report their greenhouse gas emissions.

(c)(i) The department shall review and if necessary update its rules whenever ((~~the~~)):

(A) The United States environmental protection agency adopts final amendments to 40 C.F.R. Part 98 to ensure consistency with federal reporting requirements for emissions of greenhouse gases; or

(B) Needed to ensure consistency with emissions reporting requirements for jurisdictions with which Washington has entered a linkage agreement. ((~~However, the~~))

(ii) The department shall not amend its rules in a manner that conflicts with ((~~(a) of~~)) this ((~~subsection~~)) section.

(d) The department shall share any reporting information reported to it with the local air authority in which the person reporting under the rules adopted by the department operates.

(e) The fee provisions in subsection (2) of this section apply to reporting of emissions of greenhouse gases. Persons required to report under (a) of this subsection who fail to report or pay the fee required in subsection (2) of this section are subject to enforcement penalties under this chapter. The department shall enforce the reporting rule requirements ((~~unless it approves a local air authority's request to enforce the requirements for persons operating within the authority's jurisdiction. However, neither the department nor a local air authority approved under this section are authorized to assess enforcement penalties on persons required to report under (a) of this subsection until six months after the department adopts its reporting rule in 2010~~)). When a person that holds a compliance obligation under section 10 of this act fails to submit an emissions data report or fails to obtain a positive emissions data verification statement in accordance with (g)(ii) of this subsection, the department may assign an emissions level for that person.

(f) The energy facility site evaluation council shall, simultaneously with the department, adopt rules that impose greenhouse gas reporting requirements in site certifications on owners or operators of a facility permitted by the energy facility site evaluation council. The greenhouse gas reporting requirements imposed by the energy facility site evaluation council must be the same as the greenhouse gas reporting requirements imposed by the department. The department shall share any information reported to it from facilities permitted by the energy facility site evaluation council with the council, including notice of a facility that has failed to report as required. The energy facility site evaluation council shall contract with the department to monitor the reporting requirements adopted under this section.

(g)(i) The ((~~inclusion or failure to include any person, source, classes of persons or sources, or types of emissions of greenhouse gases into the department's rules for reporting under this section does not indicate whether such a person, source, or category is appropriate for inclusion in state, regional, or national greenhouse gas reduction programs or strategies. Furthermore, aircraft fuel purchased in the state may not be considered equivalent to aircraft fuel combusted in the state~~)) department must establish by rule the methods of verifying the accuracy of emissions reports.

(ii) Verification requirements apply at a minimum to persons required to report under (a) of this subsection with emissions that equal or exceed 25,000 metric tons of carbon dioxide equivalent emissions, including carbon dioxide from biomass-derived fuels, or to persons who have a compliance obligation under

section 10 of this act in any year of the current compliance period. The department may adopt rules to accept verification reports from another jurisdiction with a linkage agreement pursuant to section 20 of this act in cases where the department deems that the methods or procedures are substantively similar.

(h)(i) The definitions in RCW 70A.45.010 apply throughout this subsection (5) unless the context clearly requires otherwise.

(ii) For the purpose of this subsection (5), the term "supplier" includes: (A) ((~~A motor vehicle fuel supplier or a motor vehicle fuel importer, as those terms are defined in RCW 82.36.010; (B) a special fuel supplier or a special fuel importer, as those terms are defined in RCW 82.38.020; and (C) a distributor of aircraft fuel, as those terms are defined in RCW 82.42.010~~)) Suppliers that produce, import, or deliver, or any combination of producing, importing, or delivering, a quantity of fuel products in Washington that, if completely combusted, oxidized, or used in other processes, would result in the release of greenhouse gases in Washington equivalent to or higher than the threshold established under (a) of this subsection; and (B) suppliers of carbon dioxide that produce, import, or deliver a quantity of carbon dioxide in Washington that, if released, would result in emissions equivalent to or higher than the threshold established under (a) of this subsection.

(iii) For the purpose of this subsection (5), the term "person" includes: (A) An owner or operator((~~, as those terms are defined by the United States environmental protection agency in its mandatory greenhouse gas reporting regulation in 40 C.F.R. Part 98, as adopted on September 22, 2009; and (B) a supplier~~)) of a facility; (B) a supplier; or (C) an electric power entity.

(iv) For the purpose of this subsection (5), the term "facility" includes facilities that directly emit greenhouse gases in Washington equivalent to the threshold established under (a) of this subsection with at least one source category listed in the United States environmental protection agency's mandatory greenhouse gas reporting regulation, 40 C.F.R. Part 98 Subparts C through II and RR through UU, as adopted on April 25, 2011.

(v) For the purpose of this subsection (5), the term "electric power entity" includes any of the following that supply electric power in Washington with associated emissions of greenhouse gases equal to or above the threshold established under (a) of this subsection: (A) Electricity importers and exporters; (B) retail providers, including multijurisdictional retail providers; and (C) first jurisdictional deliverers, as defined in section 2 of this act, not otherwise included here.

NEW SECTION. **Sec. 33.** A new section is added to chapter 43.21C RCW to read as follows:

The review under this chapter of greenhouse gas emissions from a new or expanded facility subject to the greenhouse gas emission reduction requirements of chapter 70A.--- RCW (the new chapter created in section 37 of this act) must occur consistent with section 10(9) of this act.

NEW SECTION. **Sec. 34.** A new section is added to chapter 70A.15 RCW to read as follows:

The department or a local air authority must issue an enforceable order under this chapter to all permitted or registered sources operating in overburdened communities when, consistent with section 3(2)(a) of this act, the department determines that criteria pollutants are not being reduced in an overburdened community and the department or local air authority adopts stricter air quality standards, emissions standards, or emissions limitations on criteria pollutants.

NEW SECTION. **Sec. 35.** A new section is added to chapter 70A.45 RCW to read as follows:

The state, state agencies, and political subdivisions of the state, in implementing their duties and authorities established under other laws, may only consider the greenhouse gas limits established in RCW 70A.45.020 in a manner that recognizes, where applicable, that the siting and placement of new best-in-class low carbon facilities is in the economic and environmental interests of the state of Washington.

NEW SECTION. **Sec. 36.** This act may be known and cited as the Washington climate commitment act.

NEW SECTION. **Sec. 37.** Sections 1 through 31 and 36 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 38.** (1) Sections 8 through 24 of this act, and any rules adopted by the department of ecology to implement the program established under those sections, are suspended on December 31, 2055, in the event that the department of ecology determines by December 1, 2055, that the 2050 emissions limits of RCW 70A.45.020 have been met for two or more consecutive years.

(2) Upon the occurrence of the events identified in subsection (1) of this section, the department of ecology must provide written notice of the suspension date of sections 8 through 24 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

Sec. 39. RCW 43.376.020 and 2012 c 122 s 2 are each amended to read as follows:

In establishing a government-to-government relationship with Indian tribes, state agencies must:

(1) Make reasonable efforts to collaborate with Indian tribes in the development of policies, agreements, and program implementation that directly affect Indian tribes and develop a consultation process that is used by the agency for issues involving specific Indian tribes. State agencies described in section 6 of this act must offer consultation with Indian tribes on the actions specified in section 6 of this act;

(2) Designate a tribal liaison who reports directly to the head of the state agency;

(3) Ensure that tribal liaisons who interact with Indian tribes and the executive directors of state agencies receive training as described in RCW 43.376.040; and

(4) Submit an annual report to the governor on activities of the state agency involving Indian tribes and on implementation of this chapter.

Sec. 40. RCW 43.21B.110 and 2020 c 138 s 11 and 2020 c 20 s 1035 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, section 23 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, section 23 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan;

conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 41. RCW 43.21B.300 and 2020 c 20 s 1038 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, section 23 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within thirty days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, section 23 of this act, which shall be credited to the climate investment account created in section 28 of this act, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

NEW SECTION. **Sec. 42.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

There being no objection, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5126 on the day's supplemental committee reports under the fifth order of business was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5478, by Senate Committee on Ways & Means (originally sponsored by Keiser, Mullet, Billig, Cleveland, Conway, Das, Hunt, King, Kuderer, Liias, Lovelett, Nguyen, Randall, Rolfes, Saldaña, Stanford, Van De Wege and C. Wilson)

Concerning unemployment insurance relief for certain employers.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 101, April 21, 2021).

Representative Bergquist moved the adoption of amendment (748) to the committee striking amendment:

On page 5, line 17 of the striking amendment, after "than a" strike "four" and insert "three"

On page 5, line 24 of the striking amendment, after "increased by" strike "six" and insert "four"

On page 6, line 27 of the striking amendment, after "than a" strike "four" and insert "three"

On page 6, line 34 of the striking amendment, after "increased by" strike "six" and insert "four"

On page 7, after line 21 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 7.** A new section is added to chapter 50.29 RCW to read as follows:

(1) If moneys remain in the unemployment insurance relief account after the department determines the forgiven benefits for all approved employers pursuant to sections 3 through 6 of this act, then by December 21, 2021,

the department must again determine any forgiven benefits for approved category 1 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total approved benefits for all approved category 1 employers may not exceed the available benefits for category 1.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means any remaining benefits paid to employees of an approved category 1 employer during the fiscal year ending June 30, 2021, that were not previously forgiven under section 3 of this act, not to exceed an amount that would reduce the employer's rate class increase to no more than a two rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 1 employer" has the same meaning as defined in section 3 of this act.

(c) "Available benefits for category 1" means the total amount of money in the unemployment insurance relief account.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 1 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. **Sec. 8.** A new section is added to chapter 50.29 RCW to read as follows:

(1) If moneys remain in the unemployment insurance relief account after the department determines the forgiven benefits for approved category 1 employers pursuant to section 7 of this act, the department must again determine any forgiven benefits for approved category 2 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total approved benefits for all approved category 2 employers may not exceed the available benefits for category 2.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means any remaining benefits paid to employees of an approved category 2 employer during the fiscal year ending June 30, 2021, that were not previously forgiven under section 4 of this act, not to exceed an amount that would reduce the employer's rate class increase to no more than a two rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 2 employer" has the same meaning as defined in section 4 of this act.

(c) "Available benefits for category 2" means the sum total of:

(i) The difference between the available benefits for category 1, as defined in section 7 of this act, and the total approved benefits for approved category 1 employers, as defined in section 7 of this act; and

(ii) The total amount of money in the unemployment insurance relief account.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 2 by the total approved

benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. **Sec. 9.** A new section is added to chapter 50.29 RCW to read as follows:

(1) If moneys remain in the unemployment insurance relief account after the department determines the forgiven benefits for approved category 2 employers pursuant to section 8 of this act, the department must again determine any forgiven benefits for approved category 3 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total approved benefits for all approved category 3 employers may not exceed the available benefits for category 3.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means any remaining benefits paid to employees of an approved category 3 employer during the fiscal year ending June 30, 2021, that were not previously forgiven under section 5 of this act, not to exceed an amount that would reduce the employer's rate class increase to no more than a three rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 3 employer" has the same meaning as defined in section 5 of this act.

(c) "Available benefits for category 3" means the sum total of:

(i) The difference between the available benefits for category 2, as defined under section 8 of this act, and the total approved benefits for approved category 2 employers, as defined under section 8 of this act; and

(ii) The total amount of money in the unemployment insurance relief account.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 3 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 7, line 24 of the striking amendment, after "(1) By" strike "July 30th" and insert "September 1st"

Representatives Bergquist and Hoff spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (748) to the committee striking amendment was adopted.

There being no objection, the House deferred action on. ENGROSSED SUBSTITUTE SENATE BILL NO. 5478, and the bill held its place on the second reading calendar.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

SECOND SUBSTITUTE HOUSE BILL NO. 1028

The Speaker called upon Representative Lovick to preside.

The House resumed consideration of ENGROSSED SUBSTITUTE SENATE BILL NO. 5478 on second reading.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Bergquist, Hoff and Kraft spoke in favor of the passage of the bill.

MOTION

On motion of Representative Graham, Representative Griffey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5478, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5478, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Griffey.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5478, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING
MESSAGE FROM THE SENATE

April 19, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477 with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART I

CRISIS CALL CENTER HUBS AND CRISIS SERVICES

NEW SECTION. **Sec. 101.** (1) The legislature finds that:

(a) Nearly 6,000 Washington adults and children died by suicide in the last five years, according to the federal centers for disease control and prevention, tragically reflecting a state increase of 36 percent in the last 10 years.

(b) Suicide is now the single leading cause of death for Washington young people ages 10 through 24, with total deaths 22 percent higher than for vehicle crashes.

(c) Groups with suicide rates higher than the general population include veterans, American Indians/Alaska Natives, LGBTQ youth, and people living in rural counties across the state.

(d) More than one in five Washington residents are currently living with a behavioral health disorder.

(e) The COVID-19 pandemic has increased stressors and substance use among Washington residents.

(f) An improved crisis response system will reduce reliance on emergency room services and the use of law enforcement response to behavioral health crises and will stabilize individuals in the community whenever possible.

(g) To accomplish effective crisis response and suicide prevention, Washington state must continue its integrated approach to address mental health and substance use disorder in tandem under the umbrella of behavioral health disorders, consistently with chapter 71.24 RCW and the state's approach to integrated health care. This is particularly true in the domain of suicide prevention, because of the prevalence of substance use as both a risk factor and means for suicide.

(2) The legislature intends to:

(a) Establish crisis call center hubs and expand the crisis response system in a deliberate, phased approach that includes the involvement of partners from a range of perspectives to:

(i) Save lives by improving the quality of and access to behavioral health crisis services;

(ii) Further equity in addressing mental health and substance use treatment

and assure a culturally and linguistically competent response to behavioral health crises;

(iii) Recognize that, historically, crisis response placed marginalized communities, including those experiencing behavioral health crises, at disproportionate risk of poor outcomes and criminal justice involvement;

(iv) Comply with the national suicide hotline designation act of 2020 and the federal communications commission's rules adopted July 16, 2020, to assure that all Washington residents receive a consistent and effective level of 988 suicide prevention and other behavioral health crisis response services no matter where they live, work, or travel in the state; and

(v) Provide higher quality support for people experiencing behavioral health crises through investment in new technology to create a crisis call center hub system to triage calls and link individuals to follow-up care.

(b) Make additional investments to enhance the crisis response system, including the expansion of crisis teams, to be known as mobile rapid response crisis teams, and deployment of a wide array of crisis stabilization services, such as 23-hour crisis stabilization units based on the living room model, crisis stabilization centers, short-term respite facilities, peer-run respite centers, and same-day walk-in behavioral health services. The overall crisis system shall contain components that operate like hospital emergency departments that accept all walk-ins and ambulance, fire, and police drop-offs. Certified peer counselors as well as peers in other roles providing support must be incorporated within the crisis system and along the continuum of crisis care.

NEW SECTION. **Sec. 102.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Establishing the state crisis call center hubs and enhancing the crisis response system will require collaborative work between the department and the authority within their respective roles. The department shall have primary responsibility for establishing and designating the crisis call center hubs. The authority shall have primary responsibility for developing and implementing the crisis response system and services to support the work of the crisis call center hubs. In any instance in which one agency is identified as the lead, the expectation is that agency will be communicating and collaborating with the other to ensure seamless, continuous, and effective service delivery within the statewide crisis response system.

(2) The department shall provide adequate funding for the state's crisis call centers to meet an expected increase in the use of the call centers based on the implementation of the 988 crisis hotline. The funding level shall be established at a level anticipated to achieve an in-state call response rate of at least 90 percent by July 22, 2022, and an in-state call response rate of at least 95 percent by July 1, 2023. The funding level shall be determined by considering standards and cost per call predictions provided by the administrator of the national suicide prevention lifeline, call volume predictions, guidance on crisis call center performance metrics, and necessary technology upgrades.

(3) The department shall adopt rules by July 1, 2023, to establish standards for designation of crisis call centers as crisis call center hubs. The department shall collaborate with the authority and other agencies to assure coordination and availability of services, and shall consider national guidelines for behavioral health crisis care as determined by the federal substance abuse and mental health services administration, national behavioral health accrediting bodies, and national behavioral health provider associations to the extent they are appropriate, and recommendations from the crisis response improvement strategy committee created in section 103 of this act.

(4) The department shall designate crisis call center hubs by July 1, 2024. The crisis call center hubs shall provide crisis intervention services, triage, care coordination, referrals, and connections to individuals contacting the 988 crisis hotline from any jurisdiction within Washington 24 hours a day, seven days a week, using the system platform developed under subsection (5) of this section.

(a) To be designated as a crisis call center hub, the applicant must demonstrate to the department the ability to comply with the requirements of this

section and to contract to provide crisis call center hub services. The department may revoke the designation of any crisis call center hub that fails to substantially comply with the contract.

(b) The contracts entered shall require designated crisis call center hubs to:

(i) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within its network;

(ii) Meet the requirements for operational and clinical standards established by the department and based upon the national suicide prevention lifeline best practices guidelines and other recognized best practices;

(iii) Employ highly skilled and trained clinical staff with at least a bachelors or masters level of education or an approved apprenticeship program, as appropriate, who have sufficient training and resources to provide empathy to callers in acute distress, de-escalate crises, assess behavioral health disorders and suicide risk, triage to system partners, and provide case management and documentation. Call center staff shall be trained to make every effort to resolve cases in the least restrictive environment and without law enforcement involvement whenever possible. Call center staff shall coordinate with certified peer counselors to provide follow-up and outreach to callers in distress as available. It is intended for transition planning to include a pathway for continued employment and skill advancement as needed for experienced crisis call center employees;

(iv) Collaborate with the authority, the national suicide prevention lifeline, and veterans crisis line networks to assure consistency of public messaging about the 988 crisis hotline; and

(v) Provide data and reports and participate in evaluations and related quality improvement activities, according to standards established by the department in collaboration with the authority.

(c) The department and the authority shall incorporate recommendations from the crisis response improvement strategy committee created under section 103 of this act in its agreements with crisis call center hubs, as appropriate.

(5) The department and authority must coordinate to develop the technology and platforms necessary to manage and operate the behavioral health crisis response and suicide prevention system. The technologies developed must include:

(a) A new technologically advanced behavioral health and suicide prevention crisis call center system platform using technology demonstrated to be interoperable across crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, for use in crisis call center hubs designated by the department under subsection (4) of this section. This platform, which shall be fully funded by July 1, 2023, shall be developed by the department and must include the capacity to receive crisis assistance requests through phone calls, texts, chats, and other similar methods of communication that may be developed in the future that promote access to the behavioral health crisis system; and

(b) A behavioral health integrated client referral system capable of providing system coordination information to crisis call center hubs and the other entities involved in behavioral health care. This system shall be developed by the authority.

(6) In developing the new technologies under subsection (5) of this section, the department and the authority must coordinate to designate a primary technology system to provide each of the following:

(a) Access to real-time information relevant to the coordination of behavioral health crisis response services, including:

(i) Real-time bed availability for all behavioral health bed types, including but not limited to crisis stabilization services, triage facilities, psychiatric inpatient, substance use disorder inpatient, withdrawal management, peer-run respite centers, and crisis respite services, inclusive of both voluntary and involuntary beds, for use by crisis response workers, first responders, health care providers, emergency departments, and individuals in crisis; and

(ii) Real-time information relevant to the coordination of behavioral health crisis response services for a person, including the means to access:

(A) Information about any less restrictive alternative treatment orders or mental health advance directives related to the person; and

(B) Information necessary to enable the crisis call center hub to actively collaborate with emergency departments, primary care providers and behavioral health providers within managed care organizations, behavioral health administrative services organizations, and other health care payers to establish a safety plan for the person and provide the next steps for the person's transition to follow-up noncrisis care. To establish information-sharing guidelines that fulfill the intent of this section the authority shall consider input from the confidential information compliance and coordination subcommittee established under section 103 of this act;

(b) The means to request deployment of appropriate crisis response services, which may include mobile rapid response crisis teams, co-responder teams, designated crisis responders, fire department mobile integrated health teams, or community assistance referral and educational services programs under RCW 35.21.930, according to best practice guidelines established by the authority, and track local response through global positioning technology; and

(c) The means to track the outcome of the 988 call to enable appropriate follow up, cross-system coordination, and accountability, including as appropriate: (i) Any immediate services dispatched and reports generated from the encounter; (ii) the validation of a safety plan established for the caller in accordance with best practices; (iii) the next steps for the caller to follow in transition to noncrisis follow-up care, including a next-day appointment for callers experiencing urgent, symptomatic behavioral health care needs; and (iv) the means to verify and document whether the caller was successful in making the transition to appropriate noncrisis follow-up care indicated in the safety plan for the person, to be completed either by the care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub;

(d) The means to provide geographically, culturally, and linguistically appropriate services to persons who are part of high-risk populations or otherwise have need of specialized services or accommodations, and to document these services or accommodations; and

(e) When appropriate, consultation with tribal governments to ensure coordinated care in government-to-government relationships, and access to dedicated services to tribal members.

(7) To implement this section the department and the authority shall collaborate with the state enhanced 911 coordination office, emergency management division, and military department to develop technology that is demonstrated to be interoperable between the 988 crisis hotline system and crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, as well as the national suicide prevention lifeline, to assure cohesive interoperability, develop training programs and operations for both 911 public safety telecommunicators and crisis line workers, develop suicide and other behavioral health crisis assessments and intervention strategies, and establish efficient and equitable access to resources via crisis hotlines.

(8) The authority shall:

(a) Collaborate with county authorities and behavioral health administrative services organizations to develop procedures to dispatch behavioral health crisis services in coordination with crisis call center hubs to effectuate the intent of this section;

(b) Establish formal agreements with managed care organizations and behavioral health administrative services organizations to provide for the services, capacities, and coordination necessary to effectuate the intent of this section, which shall include a requirement to arrange next-day appointments for persons contacting the 988 crisis hotline experiencing urgent, symptomatic behavioral health care needs with geographically, culturally, and linguistically appropriate primary care

or behavioral health providers within the person's provider network, or, if uninsured, through the person's behavioral health administrative services organization;

(c) Create best practices guidelines by July 1, 2023, for deployment of appropriate and available crisis response services by crisis call center hubs to assist 988 hotline callers to minimize nonessential reliance on emergency room services and the use of law enforcement, considering input from relevant stakeholders and recommendations made by the crisis response improvement strategy committee created under section 103 of this act;

(d) Develop procedures to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services, follow-up care, and linked, flexible services specific to crisis response; and

(e) Establish guidelines to appropriately serve high-risk populations who request crisis services. The authority shall design these guidelines to promote behavioral health equity for all populations with attention to circumstances of race, ethnicity, gender, socioeconomic status, sexual orientation, and geographic location, and include components such as training requirements for call response workers, policies for transferring such callers to an appropriate specialized center or subnetwork within or external to the national suicide prevention lifeline network, and procedures for referring persons who access the 988 crisis hotline to linguistically and culturally competent care.

NEW SECTION. **Sec. 103.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The crisis response improvement strategy committee is established for the purpose of providing advice in developing an integrated behavioral health crisis response and suicide prevention system containing the elements described in this section. The work of the committee shall be received and reviewed by a steering committee, which shall in turn form subcommittees to provide the technical analysis and input needed to formulate system change recommendations.

(2) The office of financial management shall contract with the behavioral health institute at Harborview medical center to facilitate and provide staff support to the steering committee and to the crisis response improvement strategy committee.

(3) The steering committee shall select three cochairs from among its members to lead the crisis response improvement strategy committee. The crisis response improvement strategy committee shall consist of the following members, who shall be appointed or requested by the authority, unless otherwise noted:

(a) The director of the authority, or his or her designee, who shall also serve on the steering committee;

(b) The secretary of the department, or his or her designee, who shall also serve on the steering committee;

(c) A member representing the office of the governor, who shall also serve on the steering committee;

(d) The Washington state insurance commissioner, or his or her designee;

(e) Up to two members representing federally recognized tribes, one from eastern Washington and one from western Washington, who have expertise in behavioral health needs of their communities;

(f) One member from each of the two largest caucuses of the senate, one of whom shall also be designated to participate on the steering committee, to be appointed by the president of the senate;

(g) One member from each of the two largest caucuses of the house of representatives, one of whom shall also be designated to participate on the steering committee, to be appointed by the speaker of the house of representatives;

(h) The director of the Washington state department of veterans affairs, or his or her designee;

(i) The state enhanced 911 coordinator, or his or her designee;

(j) A member with lived experience of a suicide attempt;

(k) A member with lived experience of a suicide loss;

(l) A member with experience of participation in the crisis system related to lived experience of a mental health disorder;

(m) A member with experience of participation in the crisis system related to lived experience with a substance use disorder;

(n) A member representing each crisis call center in Washington that is contracted with the national suicide prevention lifeline;

(o) Up to two members representing behavioral health administrative services organizations, one from an urban region and one from a rural region;

(p) A member representing the Washington council for behavioral health;

(q) A member representing the association of alcoholism and addiction programs of Washington state;

(r) A member representing the Washington state hospital association;

(s) A member representing the national alliance on mental illness Washington;

(t) A member representing the behavioral health interests of persons of color recommended by Sea Mar community health centers;

(u) A member representing the behavioral health interests of persons of color recommended by Asian counseling and referral service;

(v) A member representing law enforcement;

(w) A member representing a university-based suicide prevention center of excellence;

(x) A member representing an emergency medical services department with a CARES program;

(y) A member representing medicaid managed care organizations, as recommended by the association of Washington healthcare plans;

(z) A member representing commercial health insurance, as recommended by the association of Washington healthcare plans;

(aa) A member representing the Washington association of designated crisis responders;

(bb) A member representing the children and youth behavioral health work group;

(cc) A member representing a social justice organization addressing police accountability and the use of deadly force; and

(dd) A member representing an organization specializing in facilitating behavioral health services for LGBTQ populations.

(4) The crisis response improvement strategy committee shall assist the steering committee to identify potential barriers and make recommendations necessary to implement and effectively monitor the progress of the 988 crisis hotline in Washington and make recommendations for the statewide improvement of behavioral health crisis response services.

(5) The steering committee must develop a comprehensive assessment of the behavioral health crisis response services system by January 1, 2022, including an inventory of existing statewide and regional behavioral health crisis response and crisis stabilization services and resources, and taking into account capital projects which are planned and funded. The comprehensive assessment shall identify:

(a) Statewide and regional insufficiencies and gaps in behavioral health crisis response services and resources needed to meet population needs;

(b) Quantifiable goals for the provision of statewide and regional behavioral health crisis services and targeted deployment of resources, which consider factors such as reported rates of involuntary commitment detentions, single-bed certifications, suicide attempts and deaths, substance use disorder-related overdoses, overdose or withdrawal-related deaths, and incarcerations due to a behavioral health incident;

(c) A process for establishing outcome measures, benchmarks, and improvement targets, for the crisis response system; and

(d) Potential funding sources to provide statewide and regional

behavioral health crisis services and resources.

(6) The steering committee, taking into account the comprehensive assessment work under subsection (5) of this section as it becomes available, after discussion with the crisis response improvement strategy committee and hearing reports from the subcommittees, shall report on the following:

(a) A recommended vision for an integrated crisis network in Washington that includes, but is not limited to: An integrated 988 crisis hotline and crisis call center hubs; mobile rapid response crisis teams; mobile crisis response units for youth, adult, and geriatric population; a range of crisis stabilization services; an integrated involuntary treatment system; access to peer-run services, including peer-run respite centers; adequate crisis respite services; and data resources;

(b) Recommendations to promote equity in services for individuals of diverse circumstances of culture, race, ethnicity, gender, socioeconomic status, sexual orientation, and for individuals in tribal, urban, and rural communities;

(c) Recommendations for a work plan with timelines to implement appropriate local responses to calls to the 988 crisis hotline within Washington in accordance with the time frames required by the national suicide hotline designation act of 2020;

(d) The necessary components of each of the new technologically advanced behavioral health crisis call center system platform and the new behavioral health integrated client referral system, as provided under section 102 of this act, for assigning and tracking response to behavioral health crisis calls and providing real-time bed and outpatient appointment availability to 988 operators, emergency departments, designated crisis responders, and other behavioral health crisis responders, which shall include but not be limited to:

(i) Identification of the components crisis call center hub staff need to effectively coordinate crisis response services and find available beds and available primary care and behavioral health outpatient appointments;

(ii) Evaluation of existing bed tracking models currently utilized by other states and identifying the model most suitable to Washington's crisis behavioral health system;

(iii) Evaluation of whether bed tracking will improve access to all behavioral health bed types and other impacts and benefits; and

(iv) Exploration of how the bed tracking and outpatient appointment availability platform can facilitate more timely access to care and other impacts and benefits;

(e) The necessary systems and capabilities that licensed or certified behavioral health agencies, behavioral health providers, and any other relevant parties will require to report, maintain, and update inpatient and residential bed and outpatient service availability in real time to correspond with the crisis call center system platform or behavioral health integrated client referral system identified in section 102 of this act, as appropriate;

(f) A work plan to establish the capacity for the crisis call center hubs to integrate Spanish language interpreters and Spanish-speaking call center staff into their operations, and to ensure the availability of resources to meet the unique needs of persons in the agricultural community who are experiencing mental health stresses, which explicitly addresses concerns regarding confidentiality;

(g) A work plan with timelines to enhance and expand the availability of community-based mobile rapid response crisis teams based in each region, including specialized teams as appropriate to respond to the unique needs of youth, including American Indian and Alaska Native youth and LGBTQ youth, and geriatric populations, including older adults of color and older adults with comorbid dementia;

(h) The identification of other personal and systemic behavioral health challenges which implementation of the 988 crisis hotline has the potential to address in addition to suicide response and behavioral health crises;

(i) The development of a plan for the statewide equitable distribution of crisis stabilization services, behavioral health beds, and peer-run respite services;

(j) Recommendations concerning how health plans, managed care organizations, and behavioral health administrative services organizations shall fulfill requirements to provide assignment of a care coordinator and to provide next-day appointments for enrollees who contact the behavioral health crisis system;

(k) Appropriate allocation of crisis system funding responsibilities among medicaid managed care organizations, commercial insurers, and behavioral health administrative services organizations;

(l) Recommendations for constituting a statewide behavioral health crisis response oversight board or similar structure for ongoing monitoring of the behavioral health crisis system and where this should be established; and

(m) Cost estimates for each of the components of the integrated behavioral health crisis response and suicide prevention system.

(7) The steering committee shall consist only of members appointed to the steering committee under this section. The steering committee shall convene the committee, form subcommittees, assign tasks to the subcommittees, and establish a schedule of meetings and their agendas.

(8) The subcommittees of the crisis response improvement strategy committee shall focus on discrete topics. The subcommittees may include participants who are not members of the crisis response improvement strategy committee, as needed to provide professional expertise and community perspectives. Each subcommittee shall have at least one member representing the interests of stakeholders in a rural community, at least one member representing the interests of stakeholders in an urban community, and at least one member representing the interests of youth stakeholders. The steering committee shall form the following subcommittees:

(a) A Washington tribal 988 subcommittee, which shall examine and make recommendations with respect to the needs of tribes related to the 988 system, and which shall include representation from the American Indian health commission;

(b) A credentialing and training subcommittee, to recommend workforce needs and requirements necessary to implement this act, including minimum education requirements such as whether it would be appropriate to allow crisis call center hubs to employ clinical staff without a bachelor's degree or master's degree based on the person's skills and life or work experience;

(c) A technology subcommittee, to examine issues and requirements related to the technology needed to implement this act;

(d) A cross-system crisis response collaboration subcommittee, to examine and define the complementary roles and interactions between mobile rapid response crisis teams, designated crisis responders, law enforcement, emergency medical services teams, 911 and 988 operators, public and private health plans, behavioral health crisis response agencies, nonbehavioral health crisis response agencies, and others needed to implement this act;

(e) A confidential information compliance and coordination subcommittee, to examine issues relating to sharing and protection of health information needed to implement this act; and

(f) Any other subcommittee needed to facilitate the work of the committee, at the discretion of the steering committee.

(9) The proceedings of the crisis response improvement strategy committee must be open to the public and invite testimony from a broad range of perspectives. The committee shall seek input from tribes, veterans, the LGBTQ community, and communities of color to help discern how well the crisis response system is currently working and recommend ways to improve the crisis response system.

(10) Legislative members of the crisis response improvement strategy committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) The steering committee, with the advice of the crisis response improvement strategy committee, shall provide a progress report and the result of its

comprehensive assessment under subsection (5) of this section to the governor and appropriate policy and fiscal committee of the legislature by January 1, 2022. The steering committee shall report the crisis response improvement strategy committee's further progress and the steering committee's recommendations related to crisis call center hubs to the governor and appropriate policy and fiscal committees of the legislature by January 1, 2023. The steering committee shall provide its final report to the governor and the appropriate policy and fiscal committees of the legislature by January 1, 2024.

(12) This section expires June 30, 2024.

NEW SECTION. **Sec. 104.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The steering committee of the crisis response improvement strategy committee established under section 103 of this act must monitor and make recommendations related to the funding of crisis response services out of the account created in section 205 of this act. The crisis response improvement strategy steering committee must analyze:

(a) The projected expenditures from the account created under section 205 of this act, taking into account call volume, utilization projections, and other operational impacts;

(b) The costs of providing statewide coverage of mobile rapid response crisis teams or other behavioral health first responder services recommended by the crisis response improvement strategy committee, based on 988 crisis hotline utilization and taking into account existing state and local funding;

(c) Potential options to reduce the tax imposed in section 202 of this act, given the expected level of costs related to infrastructure development and operational support of the 988 crisis hotline and crisis call center hubs; and

(d) The viability of providing funding for in-person mobile rapid response crisis services or other behavioral health first responder services recommended by the crisis response improvement strategy committee funded from the account created in section 205 of this act, given the expected revenues to the account and the level of expenditures required under (a) of this subsection.

(2) If the steering committee finds that funding in-person mobile rapid response crisis services or other behavioral health first responder services recommended by the crisis response improvement strategy committee is viable from the account given the level of expenditures necessary to support the infrastructure development and operational support of the 988 crisis hotline and crisis call center hubs, the steering committee must analyze options for the location and composition of such services given need and available resources with the requirement that funds from the account supplement, not supplant, existing behavioral health crisis funding.

(3) The work of the steering committee under this section must be facilitated by the behavioral health institute at Harborview medical center through its contract with the office of financial management under section 103 of this act with assistance provided by staff from senate committee services, the office of program research, and the office of financial management.

(4) The steering committee shall submit preliminary recommendations to the governor and the appropriate policy and fiscal committees of the legislature by January 1, 2022, and final recommendations to the governor and the appropriate policy and fiscal committees of the legislature by January 1, 2023.

(5) This section expires on July 1, 2023.

NEW SECTION. **Sec. 105.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The department and authority shall provide an annual report regarding the usage of the 988 crisis hotline, call outcomes, and the provision of crisis services inclusive of mobile rapid response crisis teams and crisis stabilization services. The report shall be submitted to the governor and the appropriate committees of the legislature each November beginning in 2023. The report shall include information on the fund deposits and expenditures of the account created in section 205 of this act.

(2) The department and authority shall coordinate with the department of

revenue, and any other agency that is appropriated funding under the account created in section 205 of this act, to develop and submit information to the federal communications commission required for the completion of fee accountability reports pursuant to the national suicide hotline designation act of 2020.

(3) The joint legislative audit and review committee shall schedule an audit to begin after the full implementation of this act, to provide transparency as to how funds from the statewide 988 behavioral health crisis response and suicide prevention line account have been expended, and to determine whether funds used to provide acute behavioral health, crisis outreach, and stabilization services are being used to supplement services identified as baseline services in the comprehensive analysis provided under section 103 of this act, or to supplant baseline services. The committee shall provide a report by November 1, 2027, which includes recommendations as to the adequacy of the funding provided to accomplish the intent of the act and any other recommendations for alteration or improvement.

NEW SECTION. **Sec. 106.** A new section is added to chapter 48.43 RCW to read as follows:

Health plans issued or renewed on or after January 1, 2023, must make next-day appointments available to enrollees experiencing urgent, symptomatic behavioral health conditions to receive covered behavioral health services. The appointment may be with a licensed provider other than a licensed behavioral health professional, as long as that provider is acting within their scope of practice, and may be provided through telemedicine consistent with RCW 48.43.735. Need for urgent symptomatic care is associated with the presentation of behavioral health signs or symptoms that require immediate attention, but are not emergent.

NEW SECTION. **Sec. 107.** A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor shall appoint a 988 hotline and behavioral health crisis system coordinator to provide project coordination and oversight for the implementation and administration of the 988 crisis hotline, other requirements of this act, and other projects supporting the behavioral health crisis system. The coordinator shall:

(a) Oversee the collaboration between the department of health and the health care authority in their respective roles in supporting the crisis call center hubs, providing the necessary support services for 988 callers, and establishing adequate requirements and guidance for their contractors to fulfill the requirements of this act;

(b) Ensure coordination and facilitate communication between stakeholders such as crisis call center hub contractors, behavioral health administrative service organizations, county authorities, other crisis hotline centers, managed care organizations, and, in collaboration with the state enhanced 911 coordination office, with 911 emergency communications systems;

(c) Review the development of adequate and consistent training for crisis call center personnel and, in coordination with the state enhanced 911 coordination office, for 911 operators with respect to their interactions with the crisis hotline center; and

(d) Coordinate implementation of other behavioral health initiatives among state agencies and educational institutions, as appropriate, including coordination of data between agencies.

(2) This section expires June 30, 2024.

NEW SECTION. **Sec. 108.** A new section is added to chapter 71.24 RCW to read as follows:

(1) When acting in their statutory capacities pursuant to this act, the state, department, authority, state enhanced 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents are deemed to be carrying out duties owed to the public in general and not to any individual person or class of persons separate and apart from the public. Nothing contained in this act may be construed to evidence a legislative intent that the duties to be performed by the state, department, authority, state enhanced 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents, as required by this act, are owed to any individual person or class of persons

separate and apart from the public in general.

(2) Each crisis call center hub designated by the department under any contract or agreement pursuant to this act shall be deemed to be an independent contractor, separate and apart from the department and the state.

NEW SECTION. **Sec. 109.** A new section is added to chapter 71.24 RCW to read as follows:

For the purpose of development and implementation of technology and platforms by the department and the authority under section 102 of this act, the department and the authority shall create a sophisticated technical and operational plan. The plan shall not conflict with, nor delay, the department meeting and satisfying existing 988 federal requirements that are already underway and must be met by July 16, 2022, nor is it intended to delay the initial planning phase of the project, or the planning and deliverables tied to any grant award received and allotted by the department or the authority prior to April 1, 2021. To the extent that funds are appropriated for this specific purpose, the department and the authority must contract for a consultant to critically analyze the development and implementation technology and platforms and operational challenges to best position the solutions for success. Prior to initiation of a new information technology development, which does not include the initial planning phase of this project or any contracting needed to complete the initial planning phase, the department and authority shall submit the technical and operational plan to the governor, office of financial management, steering committee of the crisis response improvement strategy committee created under section 103 of this act, and appropriate policy and fiscal committees of the legislature, which shall include the committees referenced in this section. The plan must be approved by the office of the chief information officer, the director of the office of financial management, and the steering committee of the crisis response improvement strategy committee, which shall consider any feedback received from the senate ways and means committee chair, the house of representatives appropriations committee chair, the senate environment, energy and technology committee chair, the senate behavioral health subcommittee chair, and the house of representatives health care and wellness committee chair, before any funds are expended for the solutions, other than those funds needed to complete the initial planning phase. A draft technical and operational plan must be submitted no later than January 1, 2022, and a final plan by August 31, 2022.

The plan submitted must include, but not be limited to:

(1) Data management;

(2) Data security;

(3) Data flow;

(4) Data access and permissions;

(5) Protocols to ensure staff are following proper health information privacy procedures;

(6) Cybersecurity requirements and how to meet these;

(7) Service level agreements by vendor;

(8) Maintenance and operations costs;

(9) Identification of what existing software as a service products might be applicable, to include the:

(a) Vendor name;

(b) Vendor offerings to include product module and functionality detail and whether each represent add-ons that must be paid separately;

(c) Vendor pricing structure by year through implementation; and

(d) Vendor pricing structure by year post implementation;

(10) Integration limitations by system;

(11) Data analytic and performance metrics to be required by system;

(12) Liability;

(13) Which agency will host the electronic health record software as a service;

(14) Regulatory agency;

(15) The timeline by fiscal year from initiation to implementation for each solution in this act;

(16) How to plan in a manner that ensures efficient use of state resources and maximizes federal financial participation; and

(17) A complete comprehensive business plan analysis.

NEW SECTION. **Sec. 110.** The sum of $500,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2023, from the general fund to the state health care authority medical assistance program for the purposes of contracting with a consultant to critically analyze the development and implementation technology and platforms and operational challenges to best position the technology solutions for success as described in section 109 of this act. A draft technical and operational plan compiled by the consultant must be submitted no later than January 1, 2022, and a final plan by August 31, 2022.

PART II

TAX

NEW SECTION. **Sec. 201.** DEFINITIONS. (1) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "988 crisis hotline" has the same meaning as in RCW 71.24.025.

(b) "Crisis call center hub" has the same meaning as in RCW 71.24.025.

(2) The definitions in RCW 82.14B.020 apply to this chapter.

NEW SECTION. **Sec. 202.** TAX IMPOSED. (1)(a) A statewide 988 behavioral health crisis response and suicide prevention line tax is imposed on the use of all radio access lines:

(i) By subscribers whose place of primary use is located within the state in the amount set forth in (a)(ii) of this subsection (1) per month for each radio access line. The tax must be uniform for each radio access line under this subsection (1); and

(ii) By consumers whose retail transaction occurs within the state in the amount set forth in this subsection (1)(a)(ii) per retail transaction. The amount of tax must be uniform for each retail transaction under this subsection (1) and is as follows:

(A) Beginning October 1, 2021, through December 31, 2022, the tax rate is 24 cents for each radio access line; and

(B) Beginning January 1, 2023, the tax rate is 40 cents for each radio access line.

(b) The tax imposed under this subsection (1) must be remitted to the department by radio communications service companies, including those companies that resell radio access lines, and sellers of prepaid wireless telecommunications service, on a tax return provided by the department. Tax proceeds must be deposited by the treasurer into the statewide 988 behavioral health crisis response and suicide prevention line account created in section 205 of this act.

(c) For the purposes of this subsection (1), the retail transaction is deemed to occur at the location where the transaction is sourced under RCW 82.32.520(3)(c).

(2) A statewide 988 behavioral health crisis response and suicide prevention line tax is imposed on all interconnected voice over internet protocol service lines in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of voice over internet protocol service lines on an account that is capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection (2) must be remitted to the department by interconnected voice over internet protocol service companies on a tax return provided by the department. The amount of tax for each interconnected voice over internet protocol service line whose place of primary use is located in the state is as follows:

(a) Beginning October 1, 2021, through December 31, 2022, the tax rate is 24 cents for an interconnected voice over internet protocol service line; and

(b) Beginning January 1, 2023, the tax rate is 40 cents for an interconnected voice over internet protocol service line.

(3) A statewide 988 behavioral health crisis response and suicide prevention line tax is imposed on all switched access lines in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of switched access lines on an account that is capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection (3) must be remitted to the department by local exchange companies on a tax return provided by the department. The amount of

tax for each switched access line whose place of primary use is located in the state is as follows:

(a) Beginning October 1, 2021, through December 31, 2022, the tax rate is 24 cents for each switched access line; and

(b) Beginning January 1, 2023, the tax rate is 40 cents for each switched access line.

(4) Tax proceeds collected pursuant to this section must be deposited by the treasurer into the statewide 988 behavioral health crisis response and suicide prevention line account created in section 205 of this act.

NEW SECTION. **Sec. 203.** COLLECTION OF TAX. (1) Except as provided otherwise in subsection (2) of this section:

(a) The statewide 988 behavioral health crisis response and suicide prevention line tax on radio access lines must be collected from the subscriber by the radio communications service company, including those companies that resell radio access lines, providing the radio access line to the subscriber, and the seller of prepaid wireless telecommunications services.

(b) The statewide 988 behavioral health crisis response and suicide prevention line tax on interconnected voice over internet protocol service lines must be collected from the subscriber by the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line to the subscriber.

(c) The statewide 988 behavioral health crisis response and suicide prevention line tax on switched access lines must be collected from the subscriber by the local exchange company.

(d) The amount of the tax must be stated separately on the billing statement which is sent to the subscriber.

(2)(a) The statewide 988 behavioral health crisis response and suicide prevention line tax imposed by this chapter must be collected from the consumer by the seller of a prepaid wireless telecommunications service for each retail transaction occurring in this state.

(b) The department must transfer all tax proceeds remitted by a seller under this subsection (2) to the statewide 988 behavioral health crisis response and suicide prevention line account created in section 205 of this act.

(c) The taxes required by this subsection to be collected by the seller must be separately stated in any sales invoice or instrument of sale provided to the consumer.

NEW SECTION. **Sec. 204.** PAYMENT AND COLLECTION. (1)(a) The statewide 988 behavioral health crisis response and suicide prevention line tax imposed by this chapter must be paid by the subscriber to the radio communications service company providing the radio access line, the local exchange company, or the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line.

(b) Each radio communications service company, each local exchange company, and each interconnected voice over internet protocol service company, must collect from the subscriber the full amount of the taxes payable. The statewide 988 behavioral health crisis response and suicide prevention line tax required by this chapter to be collected by a company or seller, are deemed to be held in trust by the company or seller until paid to the department. Any radio communications service company, local exchange company, or interconnected voice over internet protocol service company that appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any radio communications service company, local exchange company, or interconnected voice over internet protocol service company fails to collect the statewide 988 behavioral health crisis response and suicide prevention line tax or, after collecting the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of its own act or the result of acts or conditions beyond its control, the company or seller is personally liable to the state for the amount of the tax, unless the company or seller has taken from the buyer in good faith documentation, in a form and manner prescribed by the department, stating

that the buyer is not a subscriber or consumer or is otherwise not liable for the statewide 988 behavioral health crisis response and suicide prevention line tax.

(3) The amount of tax, until paid by the subscriber to the radio communications service company, local exchange company, the interconnected voice over internet protocol service company, or to the department, constitutes a debt from the subscriber to the company, or from the consumer to the seller. Any company or seller that fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber or consumer who refuses to pay any tax due under this chapter is guilty of a misdemeanor. The statewide 988 behavioral health crisis response and suicide prevention line tax required by this chapter to be collected by the radio communications service company, local exchange company, or interconnected voice over internet protocol service company must be stated separately on the billing statement that is sent to the subscriber.

(4) If a subscriber has failed to pay to the radio communications service company, local exchange company, or interconnected voice over internet protocol service company, the statewide 988 behavioral health crisis response and suicide prevention line tax imposed by this chapter and the company or seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the subscriber or consumer for collection of the tax, in which case a penalty of 10 percent may be added to the amount of the tax for failure of the subscriber or consumer to pay the tax to the company or seller, regardless of when the tax is collected by the department.

NEW SECTION. **Sec. 205.** ACCOUNT CREATION. (1) The statewide 988 behavioral health crisis response and suicide prevention line account is created in the state treasury. All receipts from the statewide 988 behavioral health crisis response and suicide prevention line tax imposed pursuant to this chapter must be deposited into the account. Moneys may only be spent after appropriation.

(2) Expenditures from the account may only be used for (a) ensuring the efficient and effective routing of calls made to the 988 crisis hotline to an appropriate crisis hotline center or crisis call center hub; and (b) personnel and the provision of acute behavioral health, crisis outreach, and crisis stabilization services, as defined in RCW 71.24.025, by directly responding to the 988 crisis hotline.

(3) Moneys in the account may not be used to supplant general fund appropriations for behavioral health services or for medicaid covered services to individuals enrolled in the medicaid program.

NEW SECTION. **Sec. 206.** PREEMPTION. A city or county may not impose a tax, measured on a per line basis, on radio access lines, interconnected voice over internet protocol service lines, or switched access lines, for the purpose of ensuring the efficient and effective routing of calls made to the 988 crisis hotline to an appropriate crisis hotline center or crisis call center hub; or providing personnel or acute behavioral health, crisis outreach, or crisis stabilization services, as defined in RCW 71.24.025, associated with directly responding to the 988 crisis hotline.

PART III

DEFINITIONS AND MISCELLANEOUS

Sec. 301. RCW 71.24.025 and 2020 c 256 s 201 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or

psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(4) "Authority" means the Washington state health care authority.

(5) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(6) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(7) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 1616l and RCW 43.71B.010 (7) and (8).

(8) "Behavioral health provider" means a person licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(9) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(10) "Child" means a person under the age of eighteen years.

(11) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(12) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(13) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(14) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(15) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis

intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(16) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(17) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(18) "Department" means the department of health.

(19) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(20) "Director" means the director of the authority.

(21) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(22) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(23) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (24) of this section.

(24) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(25) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(26) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(27) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(28) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(29) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(30) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(31) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(32) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(33) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (11), (40), and (41) of this section.

(34) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(35) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (24) of this section but does not meet the full criteria for evidence-based.

(36) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(37) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(38) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(39) "Secretary" means the secretary of the department of health.

(40) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(41) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(42) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(43) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(44) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(45) "Crisis call center hub" means a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of section 102 of this act.

(46) "Crisis stabilization services" means services such as 23-hour crisis stabilization units based on the living room model, crisis stabilization units as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs.

(47) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

(48) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

Sec. 302. RCW 71.24.025 and 2020 c 256 s 201 and 2020 c 80 s 52 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(4) "Authority" means the Washington state health care authority.

(5) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource

management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(6) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(7) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 1616l and RCW 43.71B.010 (7) and (8).

(8) "Behavioral health provider" means a person licensed under chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(9) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(10) "Child" means a person under the age of eighteen years.

(11) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(12) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(13) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(14) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(15) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(16) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(17) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(18) "Department" means the department of health.

(19) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(20) "Director" means the director of the authority.

(21) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(22) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(23) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (24) of this section.

(24) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(25) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(26) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(27) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(28) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(29) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a

court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(30) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(31) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(32) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(33) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (11), (40), and (41) of this section.

(34) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(35) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (24) of this section but does not meet the full criteria for evidence-based.

(36) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(37) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(38) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management

services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(39) "Secretary" means the secretary of the department of health.

(40) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(41) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(42) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(43) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(44) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(45) "Crisis call center hub" means a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of section 102 of this act.

(46) "Crisis stabilization services" means services such as 23-hour crisis stabilization units based on the living room model, crisis stabilization units as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs.

(47) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

(48) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

Sec. 303. RCW 71.24.649 and 2019 c 324 s 5 are each amended to read as follows:

The secretary shall license or certify mental health peer-run respite centers that meet state minimum standards. In consultation with the authority and the department of social and health services, the secretary must:

(1) Establish requirements for licensed and certified community behavioral health agencies to provide mental health peer-run respite center services and establish physical plant and service requirements to provide voluntary, short-term, noncrisis services that focus on recovery and wellness;

(2) Require licensed and certified agencies to partner with the local crisis system including, but not limited to, evaluation and treatment facilities and designated crisis responders;

(3) Establish staffing requirements, including rules to ensure that facilities are peer-run;

(4) Limit services to a maximum of seven days in a month;

(5) Limit services to individuals who are experiencing psychiatric distress, but do not meet legal criteria for involuntary hospitalization under chapter 71.05 RCW; and

(6) Limit services to persons at least eighteen years of age.

NEW SECTION. **Sec. 304.** Sections 201 through 206 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. **Sec. 305.** Sections 201 through 205 of this act take effect October 1, 2021.

NEW SECTION. **Sec. 306.** Section 301 of this act expires July 1, 2022.

NEW SECTION. **Sec. 307.** Section 302 of this act takes effect July 1, 2022.

NEW SECTION. **Sec. 308.** Section 103 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 309.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 4 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.24.649; reenacting and amending RCW 71.24.025 and 71.24.025; adding new sections to chapter 71.24 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; making an appropriation; providing effective dates; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477 and asked the Senate for a conference thereon. The Speaker (Representative Lovick presiding) appointed Representatives Orwall, Macri and Schmick as conferees.

MESSAGE FROM THE SENATE

April 14, 2021

Madame Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5165 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Hobbs, King and Saldana,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on SUBSTITUTE SENATE BILL NO. 5165. The Speaker (Representative Lovick presiding) appointed the following members as Conferees: Representatives Fey, Wylie and Barkis.

There being no objection, the House adjourned until 10:00 a.m., April 22, 2021, the 102nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

ONE HUNDRED SECOND DAY

House Chamber, Olympia, Thursday, April 22, 2021

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Rob Chase, 4th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 21, 2021

ESB 5476 Prime Sponsor, Senator Dhingra: Addressing the State v. Blake decision. (REVISED FOR ENGROSSED: Responding to the State v. Blake decision by addressing justice system responses and behavioral health prevention, treatment, and related services.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority, in collaboration with the substance use recovery services advisory committee established in subsection (2) of this section, shall establish a substance use recovery services plan. The purpose of the plan is to implement measures to assist persons with substance use disorder in accessing outreach, treatment, and recovery support services that are low-barrier, person-centered, informed by people with lived experience, and culturally and linguistically appropriate. The plan must articulate the manner in which continual, rapid, and widespread access to a comprehensive continuum of care will be provided to all persons with substance use disorder.

(2)(a) The authority shall establish the substance use recovery services advisory committee to collaborate with the authority in the development and implementation of the substance use recovery services plan under this section. The authority must, in consultation with the University of Washington department of psychiatry and behavioral sciences and an organization that represents the interests of people who have been directly impacted by substance use and the criminal legal system, appoint members to the advisory committee who have relevant background related to the needs of persons with substance use disorder.

(b) In its collaboration with the advisory committee to develop the substance use recovery services plan, the authority must give due consideration to the recommendations of the advisory committee. If the authority determines that any of the advisory committee's recommendations are not feasible to adopt and implement, the authority must notify the advisory committee and request refinement or modification of those recommendations.

(c) The advisory committee must convene as necessary for the development of the substance use recovery services plan and to provide consultation and advice related to the development and adoption of rules to implement the plan. The advisory committee must convene to monitor implementation of the plan and advise the authority.

(3) The plan must consider:

(a) The manner in which persons with substance use disorder currently access and interact with the behavioral health system;

(b) The points of intersection that persons with substance use disorder have with the health care, criminal, civil legal, and child welfare systems, including emergency departments, syringe

service programs, law enforcement, correctional facilities, and dependency court;

(c) The various locations in which persons with untreated substance use disorder congregate, including homeless encampments, motels, and casinos;

(d) New community-based care access points, including the safe station model in partnership with fire departments;

(e) Current regional capacity for existing public and private programs providing substance use disorder assessments, each of the American society of addiction medicine levels of care, and recovery support services;

(f) Barriers to accessing the existing behavioral health system for (i) indigent youth and adult populations in need of assessments, services, treatment, and waivers of civil infraction penalties; and (ii) populations chronically exposed to criminal legal system responses relating to complex behavioral health conditions and the consequences of trauma, and possible innovations that could reduce those barriers and improve the quality and accessibility of care for those populations;

(g) Evidence-based, research-based, and promising treatment and recovery services appropriate for target populations;

(h) Workforce needs for the behavioral health services sector, including addressing wage and retention challenges;

(i) Options for leveraging existing integrated managed care, medicaid waiver, American Indian or Alaska Native fee-for-service behavioral health benefits, and private insurance service capacity for substance use disorders, including but not limited to coordination with managed care organizations, behavioral health administrative services organizations, the Washington health benefit exchange, accountable communities of health, and the office of the insurance commissioner;

(j) Framework and design assistance for jurisdictions to assist in compliance with the requirements of RCW 10.31.110 for diversion of individuals with complex behavioral health conditions to community-based care whenever possible and appropriate, and identifying resource gaps that impede jurisdictions in fully realizing the potential impact of this approach;

(k) The design of recovery navigator programs in section 2 of this act, including reporting requirements by behavioral health administrative services organizations to monitor the effectiveness of the programs and recommendations for program improvement;

(l) The design of ongoing qualitative and quantitative research about the types of services desired by people with substance use disorders and barriers they experience in accessing existing and recommended services;

(m) The proposal of a funding framework in which, over time, resources are shifted from punishment sectors to community-based care interventions such that community-based care becomes the primary strategy for addressing and resolving public order issues related to behavioral health conditions;

(n) Strategic grant making to community organizations to promote public understanding and eradicate stigma and prejudice against persons with substance use disorder by promoting hope, empathy, and recovery;

(o) Innovative mechanisms for real-time, peer-driven, noncoercive outreach and engagement to individuals in active substance use disorder across all settings and develop measures to enhance the effectiveness of and opportunities for intervention across new and existing points of contact with this population; and

(p) Diversion to community-based care for individuals with substance use disorder across all points of the sequential intercept model.

(4) The plan and related rules adopted by the authority must give due consideration to the needs of youth and include the following substance use outreach, treatment, and recovery services, which must be available in or accessible by all jurisdictions: Field-based outreach and engagement; intensive case management; all American society of addiction medicine substance use disorder treatment levels of care, including evidence-based treatment, promising practices, and innovative approaches; access to all medications for opioid use disorder; and recovery support services. These services must be equitably distributed across urban and

rural settings. If feasible and appropriate, service initiation shall be made available on demand through 24 hour, seven days a week peer recovery coach response, behavioral health walk-in centers, or other innovative rapid response models. These services must, at a minimum, incorporate the following principles: Establish low barriers to entry and reentry; improve the health and safety of the individual; reduce the harm of substance use and related activity for the public; include integrated and coordinated services; incorporate structural competency and antiracism; use noncoercive methods of retaining people in treatment and recovery services, including contingency management; consider the unique needs of rural communities; and have a focus on services that increase social determinants of health.

(5) In developing the plan, the authority shall:

(a) Align the components of the plan with previous and ongoing studies, plans, and reports, including the Washington state opioid overdose and response plan, published by the authority, the roadmap to recovery planning grant strategy being developed by the authority, and plans associated with federal block grants; and

(b) Coordinate its work with the efforts of the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems established in the governor's executive order 21-03 and the crisis response improvement strategy committee established in chapter . . ., Laws of 2021 (Engrossed Second Substitute House Bill No. 1477).

(6) The authority must submit the substance use recovery services plan to the governor and the legislature by December 1, 2021. After submitting the plan, the authority shall adopt rules and enter into contracts with providers to implement the plan by December 1, 2022. In addition to seeking public comment under chapter 34.05 RCW, the authority must adopt rules in accordance with the recommendations of the substance use recovery services advisory committee as provided in subsection (2) of this section.

(7) In consultation with the substance use recovery services advisory committee, the authority must submit a report on the implementation of the substance use recovery services plan to the appropriate committees of the legislature and governor by December 1st of each year, beginning in 2022. This report shall include progress on the substance use disorder continuum of care, including availability of outreach, treatment, and recovery support services statewide.

(8) For the purposes of this section, "recovery support services" means a collection of nontreatment resources that sustain long-term recovery from substance use disorder, including recovery housing, employment and education supports, peer recovery coaching, family education, technological recovery supports, transportation and child care assistance to facilitate treatment participation and early recovery, and social connectedness.

(9) This section expires December 31, 2026.

NEW SECTION. **Sec. 2.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Each behavioral health administrative services organization shall establish a recovery navigator program. The program shall provide community-based outreach, intake, assessment, and connection to services and, as appropriate, long-term intensive case management and recovery coaching services, to youth and adults with substance use disorder who are referred to the program from diverse sources and shall facilitate and coordinate connections to a broad range of community resources for youth and adults with substance use disorder, including treatment and recovery support services.

(2) The authority shall establish uniform program standards for behavioral health administrative services organizations to follow in the design of their recovery navigator programs. The uniform program standards must be modeled upon the components of the law enforcement assisted diversion program and address project management, field engagement, biopsychosocial assessment, intensive case management and care coordination, stabilization housing when available and appropriate, and, as necessary, legal system coordination. The authority must adopt the uniform program standards from the components of the law enforcement assisted diversion

program to accommodate an expanded population of persons with substance use disorder and allow for referrals from a broad range of sources. In addition to accepting referrals from law enforcement, the uniform program standards must provide guidance for accepting referrals on behalf of an individual with substance use disorder from various sources including, but not limited to, self-referral, family members of the individual, emergency department personnel, persons engaged with serving homeless encampments, fire department personnel, emergency medical service personnel, community-based organizations, members of the business community, harm reduction program personnel, faith-based organization staff, and other sources within the criminal legal system, as outlined within the sequential intercept model. In developing response time requirements within the statewide program standards, the authority shall require that responses to referrals from law enforcement occur immediately for in-custody referrals and shall strive for rapid response times to other appropriate settings such as emergency departments.

(3) The authority shall provide funding to each behavioral health administrative services organization for the development of its recovery navigator program. Before receiving funding for implementation and ongoing administration, each behavioral health administrative services organization must submit a program plan that demonstrates the ability to fully comply with statewide program standards. The authority shall establish a schedule for the regular review of behavioral health administrative services organizations' programs. The authority shall arrange for technical assistance to be provided by the LEAD national support bureau to all behavioral health administrative services organizations.

(4) Each behavioral health administrative services organization must have a substance use disorder regional administrator for its recovery navigator program. The regional administrator shall be responsible for assuring compliance with program standards, including staffing standards. Each recovery navigator program must maintain a sufficient number of appropriately trained personnel for providing intake and referral services, conducting comprehensive biopsychosocial assessments, providing intensive case management services, and making warm handoffs to treatment and recovery support services along the continuum of care. Program staff must include people with lived experience with substance use disorder to the extent possible. The substance use disorder regional administrator must assure that staff who are conducting intake and referral services and field assessments are paid a livable and competitive wage and have appropriate initial training and receive continuing education.

(5) Each recovery navigator program must submit quarterly reports to the authority with information identified by the authority and the substance use recovery services advisory committee. The reports must be provided to the substance use recovery services advisory committee for discussion at meetings following the submission of the reports.

NEW SECTION. **Sec. 3.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish a grant program to:

(a) Provide treatment services for low-income individuals with substance use disorder who are not eligible for medical assistance programs under chapter 74.09 RCW, with priority for the use of the funds for very low-income individuals; and

(b) Provide treatment services that are not eligible for federal matching funds to individuals who are enrolled in medical assistance programs under chapter 74.09 RCW.

(2) In establishing the grant program, the authority shall consult with the substance use recovery services advisory committee established in section 1 of this act, behavioral health administrative services organizations, managed care organizations, and regional behavioral health providers to adopt regional standards that are consistent with the substance use recovery services plan developed under section 1 of this act to provide sufficient access for youth and adults to meet each region's needs for:

(a) Opioid treatment programs;

(b) Low-barrier buprenorphine clinics;

(c) Outpatient substance use disorder treatment;

(d) Withdrawal management services, including both subacute and medically managed withdrawal management;

(e) Secure withdrawal management and stabilization services;

(f) Inpatient substance use disorder treatment services;

(g) Inpatient co-occurring disorder treatment services; and

(h) Behavioral health crisis walk-in and drop-off services.

(3) Funds in the grant program must be used to reimburse providers for the provision of services to individuals identified in subsection (1) of this section. The authority may use the funds to support evidence-based practices and promising practices that are not reimbursed by medical assistance or private insurance, including contingency management. In addition, funds may be used to provide assistance to organizations to establish or expand services as reasonably necessary and feasible to increase the availability of services to achieve the regional access standards developed under subsection (2) of this section, including such items as training and recruitment of personnel, reasonable modifications to existing facilities to accommodate additional clients, start-up funding, and similar forms of assistance. Funds may not be used to support the ongoing operational costs of a provider or organization, except in relation to payments for specific service encounters with an individual identified in subsection (1) of this section or for noninsurance reimbursable services.

(4) The authority must establish regional access standards under subsection (2) of this section by January 1, 2022, and begin distributing grant funds by March 1, 2022.

NEW SECTION. **Sec. 4.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish the expanded recovery support services program to increase access to recovery services for individuals in recovery from substance use disorder.

(2) In establishing the program, the authority shall consult with the substance use recovery services advisory committee established in section 1 of this act, behavioral health administrative services organizations, regional behavioral health providers, and regional community organizations that support individuals in recovery from substance use disorder to adopt regional expanded recovery plans that are consistent with the substance use recovery services plan developed under section 1 of this act to provide sufficient access for youth and adults to meet each region's needs for:

(a) Recovery housing;

(b) Employment pathways, support, training, and job placement;

(c) Education pathways, including recovery high schools and collegiate recovery programs;

(d) Recovery coaching and substance use disorder peer support;

(e) Social connectedness initiatives, including the recovery café model;

(f) Family support services, including family reconciliation services;

(g) Technology-based recovery support services;

(h) Transportation assistance; and

(i) Legal support services.

(3) Funds in the expanded recovery support services program must be used to reimburse providers for the provision of services to individuals in recovery from substance use disorder. In addition, the funds may be used to provide assistance to organizations to establish or expand recovery support services as reasonably necessary and feasible to increase the availability of services to achieve the regional access standards developed under subsection (2) of this section, including such items as training and recruitment of personnel, reasonable modifications to existing facilities to accommodate additional clients, and similar forms of assistance.

(4) The authority must establish regional expanded recovery plans under subsection (2) of this section by January 1, 2022, and begin distributing grant funds by March 1, 2022.

NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish a homeless outreach stabilization transition program to expand access to modified assertive community treatment services provided by multidisciplinary behavioral health outreach teams to serve people who are living with serious substance use disorders or co-occurring substance use disorders and mental health conditions, are experiencing homelessness, and whose severity of behavioral health symptom acuity level creates a barrier to accessing and receiving conventional behavioral health services and outreach models.

(a) In establishing the program, the authority shall consult with behavioral health outreach organizations who have experience delivering this service model in order to establish program guidelines regarding multidisciplinary team staff types, service intensity and quality fidelity standards, and criteria to ensure programs are reaching the appropriate priority population.

(b) Funds for the homeless outreach stabilization transition program must be used to reimburse organizations for the provision of multidisciplinary outreach services to individuals who are living with substance use disorders or co-occurring substance use and mental health disorders and are experiencing homelessness or transitioning from homelessness to housing. The funds may be used to provide assistance to organizations to establish or expand services as reasonably necessary to create a homeless outreach stabilization transition program, including items such as training and recruitment of personnel, outreach and engagement resources, client engagement and health supplies, medications for people who do not have access to insurance, and similar forms of assistance.

(c) The authority must establish one or more homeless outreach stabilization transition programs by January 1, 2022, and begin distributing grant funds by March 1, 2022.

(2) Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish a project for psychiatric outreach to the homeless program to expand access to behavioral health medical services for people who are experiencing homelessness and living in permanent supportive housing.

(a) In establishing the program, the authority shall consult with behavioral health medical providers, homeless service providers, and permanent supportive housing providers that support people living with substance use disorders, co-occurring substance use and mental health conditions, and people who are currently or have formerly experienced homelessness.

(b) Funds for the project for psychiatric outreach to the homeless program must be used to reimburse organizations for the provision of medical services to individuals who are living with or in recovery from substance use disorders, co-occurring substance use and mental health disorders, or other behavioral and physical health conditions. Organizations must provide medical services to people who are experiencing homelessness or are living in permanent supportive housing and would be at risk of homelessness without access to appropriate services. The funds may be used to provide assistance to organizations to establish or expand behavioral health medical services as reasonably necessary to create a project for psychiatric outreach to the homeless program, including items such as training and recruitment of personnel, outreach and engagement resources, medical equipment and health supplies, medications for people who do not have access to insurance, and similar forms of assistance.

(c) The authority must establish one or more projects for psychiatric outreach to the homeless programs by January 1, 2022, and begin distributing grant funds by March 1, 2022.

(3) Subject to the availability of amounts appropriated for this specific purpose, the authority shall increase contingency management resources for opioid treatment networks that are serving people living with co-occurring stimulant use and opioid use disorder.

(4) Subject to the availability of amounts appropriated for this specific purpose, the authority shall develop a plan for implementing a comprehensive statewide substance misuse prevention

effort. The plan must be completed by January 1, 2022.

(5) Subject to the availability of amounts appropriated for this specific purpose, the authority shall administer a competitive grant process to broaden existing local community coalition efforts to prevent substance misuse by increasing relevant protective factors while decreasing risk factors. Coalitions are to be open to all stakeholders interested in substance misuse prevention, including, but not limited to, representatives from people in recovery, law enforcement, education, behavioral health, parent organizations, treatment organizations, organizations serving youth, prevention professionals, and business.

Sec. 6. RCW 10.31.110 and 2019 c 326 s 3 and 2019 c 325 s 5004 are each reenacted and amended to read as follows:

(1) When a police officer has reasonable cause to believe that the individual has committed acts constituting a crime, and the individual is known by history or consultation with the behavioral health administrative services organization, managed care organization, ((~~behavioral health administrative services organization,~~)) crisis hotline, ((~~or~~)) local crisis services providers, or community health providers to suffer from a mental disorder or substance use disorder, in addition to existing authority under state law or local policy, as an alternative to arrest, the arresting officer is authorized and encouraged to:

(a) Take the individual to a crisis stabilization unit as defined in RCW 71.05.020. Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours. The individual must be examined by a mental health professional or substance use disorder professional within three hours of arrival;

(b) Take the individual to a triage facility as defined in RCW 71.05.020. An individual delivered to a triage facility which has elected to operate as an involuntary facility may be held up to a period of twelve hours. The individual must be examined by a mental health professional or substance use disorder professional within three hours of arrival;

(c) Refer the individual to a ((~~mental health professional~~)) designated crisis responder for evaluation for initial detention and proceeding under chapter 71.05 RCW; ((~~or~~))

(d) Release the individual upon agreement to voluntary participation in outpatient treatment;

(e) Refer the individual to youth, adult, or geriatric mobile crisis response services, as appropriate; or

(f) Refer the individual to the regional entity responsible to receive referrals in lieu of legal system involvement, including the recovery navigator program described in section 2 of this act.

(2) If the individual is released to the community from the facilities in subsection (1)(a) through (c) of this section, the mental health provider or substance use disorder professional shall make reasonable efforts to inform the arresting officer of the planned release prior to release if the arresting officer has specifically requested notification and provided contact information to the provider.

(3) In deciding whether to refer the individual to treatment under this section, the police officer must be guided by local law enforcement diversion guidelines for behavioral health developed and mutually agreed upon with the prosecuting authority with an opportunity for consultation and comment by the defense bar and disability community. These guidelines must address, at a minimum, the length, seriousness, and recency of the known criminal history of the individual, the mental health history of the individual, if available, the substance use disorder history of the individual, if available, the opinions of a mental health professional, if available, the opinions of a substance use disorder professional, if available, and the circumstances surrounding the commission of the alleged offense. The guidelines must include a process for clearing outstanding warrants or referring the individual for assistance in clearing outstanding warrants, if any, and issuing a new court date, if appropriate, without booking or incarcerating the individual or disqualifying ((~~him or her~~)) the individual from referral to treatment under this section, and define the circumstances under which such action is

permissible. Referrals to services, care, and treatment for substance use disorder must be made in accordance with protocols developed for the recovery navigator program described in section 2 of this act.

(4) Any agreement to participate in treatment or services in lieu of jail booking or referring a case for prosecution shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in ((~~a mental health treatment~~)) the alternative response described in this section. ((~~The~~)) Any agreement is inadmissible in any criminal or civil proceeding. ((~~The agreement does~~)) Such agreements do not create immunity from prosecution for the alleged criminal activity.

(5) If ((~~an individual violates such agreement and the mental health treatment alternative is no longer appropriate~~)) there are required terms of participation in the services or treatment to which an individual was referred under this section, and if the individual violates such terms and is therefore no longer participating in services:

(a) The ((~~mental health~~)) behavioral health or service provider shall inform the referring law enforcement agency of the violation, if consistent with the terms of the program and applicable law; and

(b) The original charges may be filed or referred to the prosecutor, as appropriate, and the matter may proceed accordingly, unless filing or referring the charges is inconsistent with the terms of a local diversion program or a recovery navigator program described in section 2 of this act.

(6) The police officer is immune from liability for any good faith conduct under this section.

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Beginning July 1, 2022, all law enforcement personnel required to complete basic law enforcement training under RCW 43.101.200 must receive training on law enforcement interaction with persons with substance use disorders, including referral to treatment and recovery services and the unique referral processes for youth, as part of the basic law enforcement training. The training must be developed by the University of Washington behavioral health institute in collaboration with the commission and agencies that have expertise in the area of working with persons with substance use disorders, including law enforcement diversion of such individuals to community-based care. In developing the training, the behavioral health institute must also examine existing courses certified by the commission that relate to persons with a substance use disorder, and should draw on existing training partnerships with the Washington association of sheriffs and police chiefs.

(2) The training must consist of classroom instruction or internet instruction and shall replicate likely field situations to the maximum extent possible. The training should include, at a minimum, core instruction in all of the following:

(a) Proper procedures for referring persons to the recovery navigator program in accordance with section 2 of this act;

(b) The etiology of substance use disorders, including the role of trauma;

(c) Barriers to treatment engagement experienced by many with such disorders who have contact with the legal system;

(d) How to identify indicators of substance use disorder and how to respond appropriately in a variety of common situations;

(e) Conflict resolution and de-escalation techniques for potentially dangerous situations involving persons with a substance use disorder;

(f) Appropriate language usage when interacting with persons with a substance use disorder;

(g) Alternatives to lethal force when interacting with potentially dangerous persons with a substance use disorder;

(h) The principles of recovery and the multiple pathways to recovery; and

(i) Community and state resources available to serve persons with substance use disorders and how these resources can be best used by law enforcement to support persons with a substance use disorder in their communities.

(3) In addition to incorporation into the basic law enforcement training under

RCW 43.101.200, training must be made available to law enforcement agencies, through electronic means, for use at their convenience and determined by the internal training needs and resources of each agency.

Sec. 8. RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for ((~~any~~)):

(a) Any person to create((~~,~~)) or deliver((~~, or possess~~)) a counterfeit substance; or

(b) Any person to knowingly possess a counterfeit substance.

(2) Any person who violates subsection (1)(a) of this section with respect to:

(a) A counterfeit substance classified in Schedule I or II which is a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(b) A counterfeit substance which is methamphetamine, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(c) Any other counterfeit substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A counterfeit substance classified in Schedule IV, except flunitrazepam, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(e) A counterfeit substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3) A violation of subsection (1)(b) of this section is a misdemeanor. Where a case is legally sufficient, the prosecutor shall divert the case for treatment if the alleged violation involving possession is the person's first or second violation. On a person's third and subsequent violation involving possession, the prosecutor is encouraged to divert the case for treatment.

Sec. 9. RCW 69.50.4013 and 2017 c 317 s 15 are each amended to read as follows:

(1) It is unlawful for any person to knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) ((~~Except as provided in RCW 69.50.4014, any~~)) A person who violates this section is guilty of a ((~~class C felony punishable under chapter 9A.20 RCW~~)) misdemeanor.

(3) Where a case is legally sufficient, the prosecutor shall divert the case for treatment if the alleged violation is the person's first or second violation of this section. On a person's third and subsequent violation of this section, the prosecutor is encouraged to divert the case for treatment.

(4)(a) The possession, by a person twenty-one years of age or older, of useable marijuana, marijuana concentrates, or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

((~~(4)~~)) (5)(a) The delivery by a person twenty-one years of age or older to one or more persons twenty-one years of age or older, during a single twenty-four hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following marijuana products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable marijuana;

(ii) Eight ounces of marijuana-infused product in solid form;

(iii) Thirty-six ounces of marijuana-infused product in liquid form; or

(iv) Three and one-half grams of marijuana concentrates.

(b) The act of delivering marijuana or a marijuana product as authorized under this subsection ((~~(4)~~)) (5) must meet one of the following requirements:

(i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or

(ii) The marijuana or marijuana product must be in the original packaging as purchased from the marijuana retailer.

((~~(5)~~)) (6) No person under twenty-one years of age may possess, manufacture, sell, or distribute marijuana, marijuana-infused products, or marijuana concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

((~~(6)~~)) (7) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana, marijuana-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

Sec. 10. RCW 69.41.030 and 2019 c 55 s 9 are each amended to read as follows:

(1) It shall be unlawful for any person to sell, deliver, or knowingly possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, a licensed osteopathic physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving possession is a misdemeanor. Where a case is legally sufficient, the prosecutor shall divert the case for treatment if the alleged violation involving possession is the person's first or second violation. On a person's

third and subsequent violation involving possession, the prosecutor is encouraged to divert the case for treatment.

Sec. 11. RCW 69.41.030 and 2020 c 80 s 41 are each amended to read as follows:

(1) It shall be unlawful for any person to sell, deliver, or knowingly possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving possession is a misdemeanor. Where a case is legally sufficient, the prosecutor shall divert the case for treatment if the alleged violation involving possession is the person's first or second violation. On a person's third and subsequent violation involving possession, the prosecutor is encouraged to divert the case for treatment.

Sec. 12. RCW 69.50.412 and 2019 c 64 s 22 are each amended to read as follows:

(1) It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, or prepare((~~, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body~~)) a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

(2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, or prepare((~~, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body~~)) a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

(3) Any person eighteen years of age or over who violates subsection (2) of this section by delivering drug

paraphernalia to a person under eighteen years of age who is at least three years his or her junior is guilty of a gross misdemeanor.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

(5) It is lawful for any person over the age of eighteen to possess sterile hypodermic syringes and needles for the purpose of reducing blood-borne diseases.

Sec. 13. RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for ((~~any~~)):

(a) Any person to create((~~,~~)) or deliver((~~, or possess~~)) a counterfeit substance; or

(b) Any person to knowingly possess a counterfeit substance.

(2) Any person who violates subsection (1)(a) of this section with respect to:

(a) A counterfeit substance classified in Schedule I or II which is a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(b) A counterfeit substance which is methamphetamine, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(c) Any other counterfeit substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A counterfeit substance classified in Schedule IV, except flunitrazepam, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(e) A counterfeit substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3) A violation of subsection (1)(b) of this section is a class 2 civil infraction under chapter 7.80 RCW. The law enforcement officer issuing the infraction shall refer the person to the program established in section 2 of this act for evaluation and services, and must notify the program of the infraction. The monetary penalty for the civil infraction must be waived upon verification that the person has received an assessment by the program within 30 days of receiving the infraction. Proceeds from the infraction must be deposited in the *State v. Blake* reimbursement account created in section 25 of this act.

Sec. 14. RCW 69.50.4013 and 2017 c 317 s 15 are each amended to read as follows:

(1) It is unlawful for any person to knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) ((~~Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW~~)) A violation of this section is a class 2 civil infraction under chapter 7.80 RCW. The law enforcement officer issuing the infraction shall refer the person to the program established in section 2 of this act for evaluation and services, and must notify the program of the infraction. The monetary penalty for the civil infraction must be waived upon verification that the person has received an assessment by the program within 30 days of receiving the infraction. Proceeds from the infraction must be deposited in the *State v. Blake* reimbursement account created in section 25 of this act.

(3)(a) The possession, by a person twenty-one years of age or older, of useable marijuana, marijuana concentrates, or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused

products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

(4)(a) The delivery by a person twenty-one years of age or older to one or more persons twenty-one years of age or older, during a single twenty-four hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following marijuana products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable marijuana;

(ii) Eight ounces of marijuana-infused product in solid form;

(iii) Thirty-six ounces of marijuana-infused product in liquid form; or

(iv) Three and one-half grams of marijuana concentrates.

(b) The act of delivering marijuana or a marijuana product as authorized under this subsection (4) must meet one of the following requirements:

(i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or

(ii) The marijuana or marijuana product must be in the original packaging as purchased from the marijuana retailer.

(5) No person under twenty-one years of age may possess, manufacture, sell, or distribute marijuana, marijuana-infused products, or marijuana concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(6) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana, marijuana-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

Sec. 15. RCW 69.41.030 and 2020 c 80 s 41 are each amended to read as follows:

(1) It shall be unlawful for any person to sell, deliver, or knowingly possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral

contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving possession is a ((~~misdemeanor~~)) class 2 civil infraction under chapter 7.80 RCW. The law enforcement officer issuing the infraction shall refer the person to the program established in section 2 of this act for evaluation and services, and must notify the program of the infraction. The monetary penalty for the civil infraction must be waived upon verification that the person has received an assessment by the program within 30 days of receiving the infraction. Proceeds from the infraction must be deposited in the *State v. Blake* reimbursement account created in section 25 of this act.

Sec. 16. RCW 7.80.070 and 2006 c 270 s 5 are each amended to read as follows:

(1) A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless contested as provided in this chapter.

(2) The form for the notice of civil infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a civil infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that a civil infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific civil infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the civil infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed and that the person may subpoena witnesses including the enforcement officer who issued the notice of civil infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person will be deemed to have committed the civil infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within ((~~fifteen days~~)) the time specified in RCW 7.80.080(1);

(i) A statement that failure to respond to the notice or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the prosecuting attorney for criminal prosecution for failure to respond or appear;

(j) A statement that failure to respond to a notice of civil infraction or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail.

Sec. 17. RCW 7.80.080 and 1987 c 456 s 16 are each amended to read as follows:

(1) ((~~Any~~)) (a) Except as provided in (b) of this subsection, any person who receives a notice of civil infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(b) A person who receives a notice of civil infraction under RCW 69.50.4011, 69.50.4013, or 69.41.030 shall respond to such notice as provided in this section within 30 days of the date of the notice.

(2) If the person determined to have committed the civil infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of

civil infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the civil infraction must be submitted with the response. The clerk of a court may accept cash in payment for an infraction. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records.

(3) If the person determined to have committed the civil infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of hearing, except by agreement.

(4) If the person determined to have committed the civil infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of hearing, except by agreement.

(5) The court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing if any person issued a notice of civil infraction:

(a) Fails to respond to the notice of civil infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section.

Sec. 18. RCW 9.94A.518 and 2003 c 53 s 57 are each amended to read as follows:

TABLE 4

	DRUG OFFENSES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
III	Any felony offense under chapter 69.50 RCW with a deadly weapon special verdict under RCW ((~~9.94A.602~~)) 9.94A.825
	Controlled Substance Homicide (RCW 69.50.415)
	Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
	Involving a minor in drug dealing (RCW 69.50.4015)
	Manufacture of methamphetamine (RCW 69.50.401(2)(b))
	Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)
	Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
II	Create ((~~,~~)) or deliver ((~~, or possess~~)) a counterfeit controlled substance (RCW 69.50.4011(1)(a))

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(2)(b))

Delivery of a material in lieu of a controlled substance (RCW 69.50.4012)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(1)(f))

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(2)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(2)(a))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(2) (c) through (e))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

I Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(2)(c))

((~~Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V (RCW 69.50.4013)~~

~~Possession of Controlled Substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.4013)~~))

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

Sec. 19. RCW 13.40.0357 and 2020 c 18 s 8 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	Arson and Malicious Mischief	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+
	Assault and Other Crimes Involving Physical Harm	
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E

B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
	Burglary and Trespass	
B+	Burglary 1 (9A.52.020) committed at age 15 or under	C+
A-	Burglary 1 (9A.52.020) committed at age 16 or 17	B+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Mineral Trespass (78.44.330)	C
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E
	Drugs	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+
E	Possession of Legend Drug (69.41.030(2)(b))	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C
((E	~~Possession of Marihuana <40 grams (69.50.4014)~~	E))
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
((C)) E	Violation of Uniform Controlled Substances Act -E Possession of a Controlled Substance (69.50.4013)	((C))
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
	Firearms and Weapons	
B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C

E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(vi))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
	Homicide	
A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+
	Kidnapping	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
	Obstructing Governmental Operation	
D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
	Public Disturbance	
C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E
	Sex Crimes	
A	Rape 1 (9A.44.040)	B+
B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
C+	Rape 3 (9A.44.060)	D+
B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+
B+	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim <14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
B++	Child Molestation 1 (9A.44.083) committed at age 14 or under	B+

A-	Child Molestation 1 (9A.44.083) committed at age 15 through age 17	B+
B	Child Molestation 2 (9A.44.086)	C+
C	Failure to Register as a Sex Offender (9A.44.132)	D
	Theft, Robbery, Extortion, and Forgery	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200) committed at age 15 or under	B+
A++	Robbery 1 (9A.56.200) committed at age 16 or 17	A
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
C	Identity Theft 1 (9.35.020(2))	D
D	Identity Theft 2 (9.35.020(3))	E
D	Improperly Obtaining Financial Information (9.35.010)	E
B	Possession of a Stolen Vehicle (9A.56.068)	C
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D
B	Theft of a Motor Vehicle (9A.56.065)	C
	Motor Vehicle Related Crimes	
E	Driving Without a License (46.20.005)	E
B+	Hit and Run - Death (46.52.020(4)(a))	C+
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Felony Driving While Under the Influence (46.61.502(6))	B
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
	Other	
B	Animal Cruelty 1 (16.52.205)	C
B	Bomb Threat (9.61.160)	C
C	Escape 1[1] (9A.76.110)	C
C	Escape 2[1] (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+

B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)[2]	V

[1]Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

[2]If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

CURRENT OFFENSE CATEGORY / PRIOR ADJUDICATIONS	0	1	2	3	4 or more
A++	129 to 260 weeks for all category A++ offenses				
A+	180 weeks to age 21 for all category A+ offenses				
A	103-129 weeks for all category A offenses				
A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
C+	LS	LS	LS	15-36 weeks	15-36 weeks
C	LS	LS	LS	LS	15-36 weeks
D+	LS	LS	LS	LS	LS
D	LS	LS	LS	LS	LS
E	LS	LS	LS	LS	LS

NOTE: References in the grid to days or weeks mean periods of confinement.

"LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060);

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

OR

OPTION C

CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the court may impose a

disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION D

MANIFEST INJUSTICE

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 20. RCW 13.40.0357 and 2020 c 18 s 8 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	Arson and Malicious Mischief	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+
	Assault and Other Crimes Involving Physical Harm	
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
	Burglary and Trespass	
B+	Burglary 1 (9A.52.020) committed at age 15 or under	C+
A-	Burglary 1 (9A.52.020) committed at age 16 or 17	B+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Mineral Trespass (78.44.330)	C
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E
	Drugs	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D

C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+
((~~E~~	~~Possession of Legend Drug (69.41.030(2)(b))~~	~~E~~))
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C
((~~E~~	~~Possession of Marihuana <40 grams (69.50.4014)~~	~~E~~))
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
((~~C~~	~~Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)~~	~~C~~))
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
	Firearms and Weapons	
B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(vi))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
	Homicide	
A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+
	Kidnapping	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
	Obstructing Governmental Operation	
D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
	Public Disturbance	
C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+

D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E
	Sex Crimes	
A	Rape 1 (9A.44.040)	B+
B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
C+	Rape 3 (9A.44.060)	D+
B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+
B+	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim <14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
B++	Child Molestation 1 (9A.44.083) committed at age 14 or under	B+
A-	Child Molestation 1 (9A.44.083) committed at age 15 through age 17	B+
B	Child Molestation 2 (9A.44.086)	C+
C	Failure to Register as a Sex Offender (9A.44.132)	D
	Theft, Robbery, Extortion, and Forgery	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200) committed at age 15 or under	B+
A++	Robbery 1 (9A.56.200) committed at age 16 or 17	A
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
C	Identity Theft 1 (9.35.020(2))	D
D	Identity Theft 2 (9.35.020(3))	E
D	Improperly Obtaining Financial Information (9.35.010)	E
B	Possession of a Stolen Vehicle (9A.56.068)	C
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D

B	Theft of a Motor Vehicle (9A.56.065)	C
	Motor Vehicle Related Crimes	
E	Driving Without a License (46.20.005)	E
B+	Hit and Run - Death (46.52.020(4)(a))	C+
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Felony Driving While Under the Influence (46.61.502(6))	B
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
	Other	
B	Animal Cruelty 1 (16.52.205)	C
B	Bomb Threat (9.61.160)	C
C	Escape 1[1] (9A.76.110)	C
C	Escape 2[1] (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)[2]	V

[1]Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

[2]If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

A++	129 to 260 weeks for all category A++ offenses					
A+	180 weeks to age 21 for all category A+ offenses					
A-	103-129 weeks for all category A offenses					
	A	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
B++	B	15-36 we	52-65 we	80-100	103-129	103-129

		eks	eks	weeks	weeks	weeks
CURRENT	B +	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
CATEGORY	C +	LS	LS	LS	15-36 weeks	15-36 weeks
	C	LS	LS	LS	LS	15-36 weeks
	D +	LS	LS	LS	LS	LS
	D	LS	LS	LS	LS	LS
	E	LS	LS	LS	LS	LS
PRIOR ADJUDICATIONS		0	1	2	3	4 or more

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW

13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060);

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

OR

OPTION C

CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION D

MANIFEST INJUSTICE

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 21. RCW 2.24.010 and 2013 c 27 s 3 are each amended to read as follows:

(1) There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein, one or more court commissioners for said county or judicial district. Each such commissioner shall be a citizen of the United States and shall hold the office during the pleasure of the judges making the appointment.

(2)(a) There may be appointed in counties with a population of more than four hundred thousand, by the presiding judge of the superior court having jurisdiction therein, one or more attorneys to act as criminal commissioners to assist the superior court in disposing of adult criminal cases. Such criminal commissioners shall have power, authority, and jurisdiction, concurrent with the superior court and the judges thereof, in adult criminal cases, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; accept waivers of the right to speedy trial; and authorize and issue search warrants and orders to intercept, monitor, or record wired or wireless telecommunications or for the installation of electronic taps or other devices to include, but not be limited to, vehicle global positioning system or other mobile tracking devices with all the powers conferred upon the judge of the superior court in such matters.

(b) Criminal commissioners shall also have the authority to conduct resentencing hearings and to vacate convictions related to *State v. Blake*, No. 96873-0 (Feb. 25, 2021). Criminal commissioners may be appointed for this purpose regardless of the population of the county served by the appointing court.

(c) The county legislative authority must approve the creation of criminal commissioner positions.

Sec. 22. RCW 2.24.040 and 2009 c 28 s 1 are each amended to read as follows:

Such court commissioner shall have power, authority, and jurisdiction, concurrent with the superior court and the judge thereof, in the following particulars:

(1) To hear and determine all matters in probate, to make and issue all proper orders therein, and to issue citations in all cases where same are authorized by the probate statutes of this state.

(2) To grant and enter defaults and enter judgment thereon.

(3) To issue temporary restraining orders and temporary injunctions, and to fix and approve bonds thereon.

(4) To act as referee in all matters and actions referred to him or her by the superior court as such, with all the powers now conferred upon referees by law.

(5) To hear and determine all proceedings supplemental to execution, with all the powers conferred upon the judge of the superior court in such matters.

(6) To hear and determine all petitions for the adoption of children and for the dissolution of incorporations.

(7) To hear and determine all applications for the commitment of any person to the hospital for the insane, with all the powers of the superior court in such matters: PROVIDED, That in cases where a jury is demanded, same shall be referred to the superior court for trial.

(8) To hear and determine all complaints for the commitments of minors with all powers conferred upon the superior court in such matters.

(9) To hear and determine ex parte and uncontested civil matters of any nature.

(10) To grant adjournments, administer oaths, preserve order, compel attendance of witnesses, and to punish for contempts in the refusal to obey or the neglect of the court commissioner's lawful orders made in any matter before the court commissioner as fully as the judge of the superior court.

(11) To take acknowledgments and proofs of deeds, mortgages and all other instruments requiring acknowledgment under the laws of this state, and to take affidavits and depositions in all cases.

(12) To provide an official seal, upon which shall be engraved the words "Court Commissioner," and the name of the county for which he or she may be appointed, and to authenticate his official acts therewith in all cases where same is necessary.

(13) To charge and collect, for his or her own use, the same fees for the official performance of official acts mentioned in subsections (4) and (11) of this section as are provided by law for referees and notaries public.

(14) To hear and determine small claims appeals as provided in chapter 12.36 RCW.

(15) In adult criminal cases, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; ((~~and~~)) accept waivers of the right to speedy trial; and conduct resentencing hearings and hearings to vacate convictions related to *State v. Blake*, No. 96873-0 (Feb. 25, 2021).

Sec. 23. RCW 9.94A.728 and 2018 c 166 s 2 are each amended to read as follows:

(1) No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(a) An offender may earn early release time as authorized by RCW 9.94A.729;

(b) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(c)(i) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(A) The offender has a medical condition that is serious and is expected to require costly care or treatment;

(B) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and

(C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(ii) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(iii) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(iv) The secretary may revoke an extraordinary medical placement under this subsection (1)(c) at any time.

(v) Persistent offenders are not eligible for extraordinary medical placement;

(d) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(e) No more than the final twelve months of the offender's term of confinement may be served in partial confinement for aiding the offender with: Finding work as part of the work release program under chapter 72.65 RCW; or reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(f) No more than the final six months of the offender's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department under RCW 9.94A.733;

(g) The governor may pardon any offender;

(h) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(i) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870;

(j) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540; and

(k) Any person convicted of one or more crimes committed prior to the person's eighteenth birthday may be released from confinement pursuant to RCW 9.94A.730.

(2) Notwithstanding any other provision of this section, an offender entitled to vacation of a conviction or the recalculation of his or her offender score pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement pursuant to a court order if the offender has already served a period of confinement that exceeds his or her new standard range. This provision does not create an independent right to release from confinement prior to resentencing.

(3) Offenders residing in a juvenile correctional facility placement pursuant to RCW 72.01.410(1)(a) are not subject to the limitations in this section.

NEW SECTION. **Sec. 24.** The *State v. Blake* reimbursement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for state and local government costs resulting from the supreme court's decision in *State v. Blake*, No. 96873-0 (Feb. 25, 2021), and to reimburse individuals for legal financial obligations paid in connection with

sentences that have been invalidated as a result of the decision.

NEW SECTION. **Sec. 25.** The *State v. Blake* reimbursement account is created in the state treasury. All receipts from penalties collected under RCW 69.50.4011(3), 69.50.4013(2), and 69.41.030(2)(b) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for state and local government costs resulting from the supreme court's decision in *State v. Blake*, No. 96873-0 (Feb. 25, 2021), and to reimburse individuals for legal financial obligations paid in connection with sentences that have been invalidated as a result of the decision.

NEW SECTION. **Sec. 26.** RCW 69.50.4014 (Possession of forty grams or less of marijuana—Penalty) and 2015 2nd sp.s. c 4 s 505 & 2003 c 53 s 335 are each repealed.

NEW SECTION. **Sec. 27.** Sections 1 through 10, 12, 18, 19, 21 through 24, and 26 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 28.** Section 10 of this act expires July 1, 2022.

NEW SECTION. **Sec. 29.** Section 11 of this act takes effect July 1, 2022.

NEW SECTION. **Sec. 30.** Sections 8, 9, 11, 19, and 24 of this act expire July 1, 2023.

NEW SECTION. **Sec. 31.** Sections 13 through 17, 20, and 25 of this act take effect July 1, 2023.

NEW SECTION. **Sec. 32.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier; Harris; Rude and Steele.

There being no objection, ENGROSSED SENATE BILL NO. 5476 was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5008, by Senators Robinson, Short, Brown, Hasegawa and C. Wilson

Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berg and Orcutt spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative McEntire was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5008.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5008, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude,

Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative McEntire.

SENATE BILL NO. 5008, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

CONFERENCE COMMITTEE REPORT

April 21, 2021

Engrossed Second Substitute Senate Bill No. 5237

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237, expanding accessible, affordable child care and early childhood development programs, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment H-1621.1 be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and cited as the fair start for kids act.

NEW SECTION. **Sec. 2.** INTENT. (1) The legislature finds that high quality child care and early learning is critical to a child's success in school and life. The legislature recognizes that COVID-19 has devastated the existing child care industry, making it unduly burdensome for families to find care. The legislature recognizes that without immediate action to support child care providers, and without expanded access to affordable child care, especially infant and school-age care, parents will not be able to return to work while children lose valuable learning opportunities. In order to bolster a full economic recovery, the legislature finds that every child deserves a fair start.

(2) The legislature finds that access to affordable child care increases economic growth and labor force participation. The legislature further finds that an affordable, accessible system of high quality child care is necessary to the health of Washington's economy because employers benefit when parents have safe, stable, and appropriate care for their children. The legislature recognizes that too many working parents are forced to reduce their hours, decline promotional opportunities, or leave the workforce completely due to a lack of affordable and appropriate child care. The legislature finds that a report commissioned by the department of commerce in 2019 found that working parents in Washington forego $14,000,000,000 each year directly due to child care scarcity. The legislature recognizes that this disproportionally impacts women in the workforce and that in September 2020 alone, 78,000 men left the workforce, compared to 600,000 women.

(3) The legislature recognizes that quality child care can be a stabilizing factor for children experiencing homelessness, and is a proven protective factor against the impacts of trauma they may experience. Access to child care is also a necessary support for families with young children in resolving homelessness and securing employment.

(4) The legislature finds that the scarcity of child care, exacerbated by COVID-19, most significantly impacts families furthest from opportunity. The legislature recognizes that there are additional barriers to accessing this foundational support for immigrant communities and families whose first language is not English, families who have children with disabilities, rural communities, or other child care deserts. The legislature recognizes that high quality, inclusive child care and early learning programs have been shown to reduce the opportunity gap for low-income children and black, indigenous, and children of color while consistently improving outcomes for all children both inside and outside of the classroom.

(5) The legislature finds that without access to comprehensive, high quality prenatal to five services, children often enter kindergarten without the social-emotional, physical, cognitive, and language skills they need to be successful and fall behind their peers, facing compounding developmental challenges throughout their K-12 education. The legislature finds that cascading impacts of inaccessible child

care and early learning programs create systemic barriers for children and their families that result in higher special education needs, greater likelihood of needing to repeat grades, increased child welfare and juvenile justice involvement, reduced high school graduation rates, limited postsecondary education attainment, and greater barriers to employment in adulthood.

(6) The legislature finds the vast majority of child care providers are small businesses and nonprofit organizations. In addition to adhering to federal, state, and local regulations to ensure healthy and safe environments for children, the legislature recognizes that child care providers must ensure their employees are adequately compensated and supported. However, the legislature acknowledges that the reduced staffing ratios for health and safety, additional cost of personal protective equipment and extra cleaning supplies, increased use of substitutes needed during COVID-19-related absences, and increased technology demands during school closures from the pandemic are further straining the viability of the child care business model in Washington state.

(7) The legislature finds that the health and stability of the early learning workforce is pivotal to any expansion of child care in Washington state. The legislature recognizes that the child care workforce, predominantly comprised of women of color, is structurally afflicted by low wages, limited or no health care, and a severe lack of retirement benefits. The legislature further recognizes that the threat of COVID-19 compounds these underlying issues, forcing providers to navigate increased stress, anxiety, and behavioral issues all while risking their lives to care for children. The legislature recognizes that families, friends, and neighbors who provide care are a critical component of the child care system. The legislature finds that child care workers are essential and deserve to be compensated and benefited accordingly.

(8) Therefore, the legislature resolves to respond to the COVID-19 crisis by first stabilizing the child care industry and then expanding access to a comprehensive continuum of high quality early childhood development programs, including infant and school-age child care, preschool, parent and family supports, and prenatal to three services. The legislature recognizes this continuum as critical to meeting different families' needs and offering every child in Washington access to a fair start.

(9) The legislature recognizes that the federal government has provided substantial additional funding through the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M., and the American rescue plan act of 2021. The purpose of the additional federal funding is to ensure access to affordable child care and stabilize and support child care providers affected by COVID-19. Therefore, it is the intent of the legislature to use the additional federal funding to supplement state funding in order to accelerate these investments.

(10) The legislature recognizes the strengths that multilingual, diverse early learning providers and caregivers contribute to early learning across the state. Therefore, the legislature intends to expand language access services to create an inclusive early learning system that specifically supports underserved providers.

(11) The legislature intends to expand eligibility for existing child care and preschool programs to increase access. The legislature recognizes that expansion must be accompanied by an investment to make child care more affordable. Therefore, the legislature intends to eliminate copayments for low-income families and limit copayments for any family on subsidy to no more than seven percent of their income.

(12) The legislature further intends to stabilize, support, and grow the diverse early learning workforce by funding living wages and affordable health benefits while providing training, infant and early childhood mental health consultation, shared business services, and a variety of other supports that recognize the critical role that early learning providers serve for all Washington children.

(13) The legislature intends to accelerate Washington's economic recovery from the devastating impacts of COVID-19 by dramatically expanding access to affordable, high quality child care and preschool, in order to get

parents back to work and provide every child with a fair start.

PART I

INVESTING IN CHILD CARE AND EARLY LEARNING

NEW SECTION. **Sec. 101.** FAIR START FOR KIDS ACCOUNT. (1) The fair start for kids account is created in the state treasury. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used only for child care and early learning purposes.

NEW SECTION. **Sec. 102.** FAIR START FOR KIDS SPENDING GOALS AND STRATEGIES. (1) The spending goals and strategies for the fair start for kids account created under section 101 of this act include, but are not limited to:

(a) Increasing child care subsidy rates, with the goal of moving toward the full cost of providing high quality child care;

(b) Expanding health care coverage through state sponsorship of child care workers on the Washington health benefit exchange and providing consumer assistance through navigators, as well as any other expansions of access to affordable health care for staff in child care centers, family home providers, outdoor nature-based care, and early childhood education and assistance program staff;

(c) Increasing child care and early learning providers' compensation;

(d) Implementing the provisions of collective bargaining agreements for family child care providers negotiated pursuant to RCW 41.56.028;

(e) Supporting and expanding access to the early childhood education and assistance program to reach state-funded entitlement required in RCW 43.216.556;

(f) Making child care affordable for families;

(g) Providing resources and supports for family, friend, and neighbor caregivers that better reflect the full cost of care;

(h) Providing child care subsidies for families working to resolve homelessness;

(i) Providing professional development opportunities and supporting the substitute pool for child care and early learning providers;

(j) Delivering infant and early childhood mental health consultation services;

(k) Establishing prekindergarten through third grade systems coordinators at educational service districts;

(l) Supporting youth development programs serving children and youth ages birth through 12 including, but not limited to, expanded learning opportunities, mentoring, school-age child care, and wraparound supports or integrated student supports;

(m) Awarding grants and loans through the early learning facilities grant and loan program established under chapter 43.31 RCW;

(n) Funding special designations in the working connections child care programs, early childhood education and assistance programs, and birth to three early childhood education and assistance programs including designations established in sections 302, 304, 305, and 404 of this act;

(o) Supporting costs for transparent data collection and information technology systems operated by the department and department contractors, in particular, to ensure equitable systemic service provision and outcomes;

(p) Providing access to learning technology;

(q) Providing child care resource and referral services;

(r) Conducting quality rating and improvement system activities through the early achievers program;

(s) Expanding prenatal to three services and supports, including the birth to three early childhood education and assistance program and the in-home parent skill-based programs established in RCW 43.216.130;

(t) Building and delivering a family resource and referral linkage system;

(u) Allowing the exploration of options to provide regulatory relief and make licensing more affordable for child care providers;

(v) Administering comprehensive shared services hubs to allow the ongoing pooling and shared use of services by

licensed or certified child care centers and family home providers;

(w) Training department staff to ensure consistent and equitable application of child care licensing and quality standards across the state including antibias and antiracist training;

(x) Providing incentives and supports for child care providers to become licensed;

(y) Studying and evaluating options to incentivize business participation in child care and early learning systems;

(z) Providing start-up grants to eligible organizations as described in RCW 43.31.575 who provide or commit to providing the early childhood education and assistance program or working connections child care. Start-up grants must be used for one-time start-up costs associated with the start-up of a new child care or early childhood education and assistance program site; and

(aa) Recognizing the benefits of the diverse workforce and facilitating communication in the three most commonly spoken languages by developing a language access plan that centers on equity and access for immigrants, multilingual providers, caregivers, and families.

(2) This section does not interfere with, impede, or in any way diminish the right of family child care providers to bargain collectively with the state through the exclusive bargaining representatives as provided for under RCW 41.56.028.

Sec. 103. RCW 43.88.055 and 2020 c 218 s 2 are each amended to read as follows:

LEGISLATIVE BALANCED BUDGET REQUIREMENT.

(1) The legislature must adopt a four-year balanced budget as follows:

(a) Beginning in the 2013-2015 fiscal biennium, the legislature shall enact a balanced omnibus operating appropriations bill that leaves, in total, a positive ending fund balance in the general fund and related funds.

(b) Beginning in the 2013-2015 fiscal biennium, the projected maintenance level of the omnibus appropriations bill enacted by the legislature shall not exceed the available fiscal resources for the next ensuing fiscal biennium.

(2) For purposes of this section:

(a) "Available fiscal resources" means the beginning general fund and related fund balances and any fiscal resources estimated for the general fund and related funds, adjusted for enacted legislation, and with forecasted revenues adjusted to the greater of (i) the official general fund and related funds revenue forecast for the ensuing biennium, or (ii) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium;

(b) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in that appropriations bill or mandated by other state or federal law, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution;

(c) "Related funds," as used in this section, means the Washington opportunity pathways account, the workforce education investment account, the fair start for kids account, and the education legacy trust account.

(3) Subsection (1)(a) and (b) of this section does not apply to an appropriations bill that makes net reductions in general fund and related funds appropriations and is enacted between July 1st and February 15th of any fiscal year.

(4) Subsection (1)(b) of this section does not apply in a fiscal biennium in which money is appropriated from the budget stabilization account pursuant to Article VII, section 12(d)(ii) of the state Constitution.

Sec. 104. RCW 43.216.075 and 2020 c 262 s 4 are each amended to read as follows:

INVESTMENT ACCOUNTABILITY AND OVERSIGHT.

(1) The early learning advisory council is established to advise the department on statewide early learning issues that contribute to the ongoing efforts of building a comprehensive system of quality early learning programs and services for Washington's young children and families.

(2) The council shall work in conjunction with the department to ((~~assist~~)):

(a) Assist in policy development and implementation that ((~~assist the department in promoting~~)) promotes alignment of private and public sector actions, objectives, and resources, ((~~ensuring~~)) with the overall goal of promoting school readiness for all children;

(b) Provide recommendations annually to the governor and the legislature, beginning August 31, 2022, regarding the phased implementation of strategies and priorities identified in section 102 of this act;

(c) Maintain a focus on racial equity and inclusion in order to dismantle systemic racism at its core and contribute to statewide efforts to break the cycle of intergenerational poverty;

(d) Maintain a focus on inclusionary practices for children with disabilities;

(e) Partner with nonprofit organizations to collect and analyze data and measure progress; and

(f) Assist the department in monitoring and ensuring that the investments funded by the fair start for kids account created in section 101 of this act are designed to support the following objectives:

(i) Advance racial equity and strengthen families by recognizing and responding to the growing diversity of our state's population;

(ii) Promote access to affordable, high quality child care and early learning opportunities for all families, paying particular attention to the needs of rural and other underserved communities;

(iii) Promote kindergarten readiness by enhancing child development, including development of social-emotional skills, and eliminating exclusionary admissions practices and disproportionate removals in child care and early learning programs; and

(iv) Contribute to efforts to strengthen and grow our state's economy by supporting working parents as well as stabilizing and supporting the child care and early learning workforce.

(3) In collaboration with the council, the department shall consult with its advisory groups and other interested stakeholders and shall submit a biennial report to the governor and legislature describing how the investments funded by the fair start for kids act have impacted the policy objectives stated in subsection (2)(f) of this section. The first report under this section is due September 15, 2023. The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall include critical partners in service delivery and reflect regional, racial, and cultural diversity to adequately represent the ((~~needs~~)) interests of all children and families in the state.

(4) Councilmembers shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(5) The council shall consist of members essential to coordinating services statewide prenatal through age ((~~five~~)) 12, as follows:

(a) In addition to being staffed and supported by the department, the governor shall appoint one representative from each of the following: The department of commerce and the department of health((~~, the student achievement council, and the state board for community and technical colleges~~));

(b) One representative from the student achievement council, to be appointed by the student achievement council;

(c) The military spouse liaison created within the department of veterans affairs under RCW 43.60A.245;

(d) One representative from the state board for community and technical colleges, to be appointed by the state board for community and technical colleges;

(e) One representative from the office of the superintendent of public

instruction, to be appointed by the superintendent of public instruction;

((~~(c) The governor shall appoint leaders in early childhood education to represent critical service delivery and support sectors, with at least one individual representing each of the following:~~

~~(i) The head start state collaboration office director or the director's designee;~~

~~(ii) A representative of a head start, early head start, or migrant/seasonal head start program;~~

~~(iii) A representative of a local education agency;~~

~~(iv) A representative of the state agency responsible for programs under section 619 or part C of the federal individuals with disabilities education act;~~

~~(v) A representative of the early childhood education and assistance program;~~

~~(vi) A representative of licensed family day care providers;~~

~~(vii) A representative of child day care centers; and~~

~~(viii) A representative from the home visiting advisory committee established in RCW 43.216.130;~~

~~(d)~~)) (f) Two members of the house of representatives, one from each caucus, to be appointed by the speaker of the house of representatives and two members of the senate, one from each caucus, to be appointed by the majority leader in the senate and the minority leader in the senate;

((~~(e)~~)) (g) Two parents, one of whom serves on the department's parent advisory group, to be appointed by the ((~~governor~~)) parent advisory group;

((~~(f)~~)) (h) One representative of the private-public partnership created in RCW 43.216.065, to be appointed by the partnership board;

((~~(g)~~)) (i) One representative from the developmental disabilities community representing children and families involved in part C of the federal individuals with disabilities education act and one representative from the developmental disabilities community representing children and families involved in part B of the federal individuals with disabilities education act;

((~~(h)~~)) (j) Two representatives from early learning regional coalitions;

((~~(i) Representatives~~)) (k) Up to five representatives of underserved communities who have a special expertise or interest in high quality early learning, one to be appointed by each of the following commissions:

(i) The Washington state commission on Asian Pacific American affairs established under chapter 43.117 RCW;

(ii) The Washington state commission on African American affairs established under chapter 43.113 RCW; ((~~and~~))

(iii) The Washington state commission on Hispanic affairs established under chapter 43.115 RCW;

(iv) The Washington state women's commission established under chapter 43.119 RCW; and

(v) The Washington state office of equity established under chapter 43.06D RCW;

((~~(j)~~)) (l) Two representatives designated by sovereign tribal governments, one of whom must be a representative of a tribal early childhood education assistance program or head start program;

((~~(k)~~)) (m) One representative from the Washington federation of independent schools;

((~~(l)~~)) (n) One representative from the Washington library association; ((~~and~~

~~(m)~~)) (o) One representative from a statewide advocacy coalition of organizations that focuses on early learning;

(p) One representative from an association representing statewide business interests, to be appointed by the association and one representative from a regional business coalition;

(q) One representative of an advocacy organization for immigrants and refugees;

(r) One representative of an organization advocating for expanded learning opportunities and school-age child care programs;

(s) One representative from the largest union representing child care providers;

(t) A representative of a head start, early head start, or migrant and seasonal head start program, to be appointed by the head start collaboration office;

(u) A representative of educational service districts, to be appointed by a statewide association of educational service district board members;

(v) A provider responsible for programs under section 619 of the federal individuals with disabilities education act, to be appointed by the superintendent of public instruction;

(w) A representative of the state agency responsible for part C of the federal individuals with disabilities education act, to be appointed by the department;

(x) A representative of the early childhood education and assistance program, to be appointed by an association representing early childhood education and assistance programs;

(y) A representative of licensed family home providers, to be appointed by the largest union representing child care providers;

(z) A representative of child care centers, to be appointed by an association representing child care centers;

(aa) A representative from the home visiting advisory committee established in RCW 43.216.130, to be appointed by the committee;

(bb) An infant or early childhood mental health expert, to be appointed by the Barnard center for infant and early childhood mental health at the University of Washington;

(cc) A family, friend, and neighbor caregiver, to be appointed by the largest union representing child care providers;

(dd) A representative from prenatal to three services;

(ee) A pediatrician, to be appointed by the state chapter of the American academy of pediatrics; and

(ff) A representative of the statewide child care resource and referral organization, to be appointed by the statewide child care resource and referral organization.

(6) The council shall be cochaired by two members, to be elected by the council for two-year terms and not more than one cochair may represent a state agency.

(7) At the direction of the cochairs, the council may convene advisory groups, such as a parent caucus, to evaluate specific issues and report related findings and recommendations to the full council.

(8) The council shall appoint two members and stakeholders with expertise in early learning to sit on the technical working group created in section 2, chapter 234, Laws of 2010.

((~~(8)~~)) (9) Each member of the ((~~board~~)) council shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the ((~~board~~)) council in accordance with RCW 43.03.050 and 43.03.060.

((~~(9)~~)) (10)(a) The council shall convene an early achievers review subcommittee to provide feedback and guidance on strategies to improve the quality of instruction and environment for early learning and provide input and recommendations on the implementation and refinement of the early achievers program. The subcommittee shall at a minimum provide feedback and guidance to the department and the council on the following:

(i) Adequacy of data collection procedures;

(ii) Coaching and technical assistance standards;

(iii) Progress in reducing barriers to participation for low-income providers and providers from diverse cultural backgrounds, including a review of the early achievers program's rating tools, quality standard areas, and components, and how they are applied;

(iv) Strategies in response to data on the effectiveness of early achievers program standards in relation to providers and children from diverse cultural backgrounds;

(v) Status of the life circumstance exemption protocols; ((~~and~~))

(vi) Analysis of early achievers program data trends; and

(vii) Other relevant early learning data including progress in serving students with disabilities ages birth to five and least restrictive environment data.

(b) The subcommittee must include consideration of cultural linguistic responsiveness when analyzing the areas for review required by (a) of this subsection.

(c) The subcommittee shall include representatives from child care centers, family child care, the early childhood education and assistance program, contractors for early achievers program technical assistance and coaching, tribal governments, the organization responsible for conducting early achievers program ratings, and parents of children participating in early learning programs, including working connections child care and early childhood education and assistance programs. The subcommittee shall include representatives from diverse cultural and linguistic backgrounds.

((~~(10)~~)) (11)(a) The council shall convene a temporary licensing subcommittee to provide feedback and recommendations on improvement to the statewide licensing process.

(b) Members of the subcommittee must include two representatives of the department, two child care providers, and two parents of children in child care. One child care provider and one parent representative must reside east of the crest of the Cascade mountains and one child care provider and one parent representative must reside west of the crest of the Cascade mountains.

(c) The subcommittee shall:

(i) Examine strategies to increase the number of licensed child care providers in the state, including meeting with prospective licensees to explain the licensure requirements and inspect and provide feedback on the physical space that is contemplated for licensure;

(ii) Develop model policies for licensed child care providers to implement licensing standards including, but not limited to, completing the child care and early learning licensing guidebook, to be made available to support providers with compliance; and

(iii) Develop recommendations regarding incentives and financial supports to help prospective providers navigate the licensing process.

(d) The subcommittee shall provide feedback and recommendations to the department of children, youth, and families pursuant to this subsection (11) by December 1, 2022.

(12) The department shall provide staff support to the council.

Sec. 105. RCW 83.100.230 and 2019 c 415 s 990 are each amended to read as follows:

The education legacy trust account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for support of the common schools, and for expanding access to higher education through funding for new enrollments and financial aid, early learning and child care programs, and other educational improvement efforts. ((~~During the 2015-2017, 2017-2019, and 2019-2021 fiscal biennia appropriations from the account may be made for support of early learning programs. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.~~))

NEW SECTION. **Sec. 106.** INFLATIONARY ADJUSTMENTS. Beginning July 1, 2023, and subject to the availability of amounts appropriated for this specific purpose, rates paid under sections 302, 305, and 404 of this act and RCW 43.216.578 must be adjusted every two years according to an inflationary increase. The inflationary increase must be calculated by applying the rate of the increase in the inflationary adjustment index to the rates established in sections 302, 305, and 404 of this act and RCW 43.216.578. Any funded inflationary increase must be included in the rate used to determine inflationary increases in subsequent years. For the purposes of this section, "inflationary adjustment index" means the implicit price deflator averaged for each fiscal year, using the official current base rate, compiled by the bureau of economic analysis, United States department of commerce.

PART II

EXPANDING ACCESS TO CHILD CARE AND EARLY LEARNING PROGRAMS

NEW SECTION. **Sec. 201.** WORKING CONNECTIONS CHILD CARE PROGRAM

ELIGIBILITY AND COPAYMENT. (1) It is the intent of the legislature to increase working families' access to affordable, high quality child care and to support the expansion of the workforce to support businesses and the statewide economy.

(2) Beginning October 1, 2021, a family is eligible for working connections child care when the household's annual income is at or below 60 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(3) Beginning July 1, 2025, a family is eligible for working connections child care when the household's annual income is above 60 percent and at or below 75 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(4) Beginning July 1, 2027, and subject to the availability of amounts appropriated for this specific purpose, a family is eligible for working connections child care when the household's annual income is above 75 percent of the state median income and is at or below 85 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(5)(a) Beginning July 1, 2021, through June 30, 2023, the department must calculate a monthly copayment according to the following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of $15
Above 20 percent and at or below 36 percent of the state median income	$65
Above 36 percent and at or below 50 percent of the state median income	$115 until December 31, 2021, and $90 beginning January 1, 2022
Above 50 percent and at or below 60 percent of the state median income	$115

(b) Beginning July 1, 2023, the department must calculate a monthly copayment according to the following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of $15
Above 20 percent and at or below 36 percent of the state median income	$65
Above 36 percent and at or below 50	$90

percent of the state median income	
Above 50 percent and at or below 60 percent of the state median income	$165

(c) Beginning July 1, 2025, the department must calculate a maximum monthly copayment of $215 for households with incomes above 60 percent and at or below 75 percent of the state median income.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department shall adopt a copayment model for households with annual incomes above 75 percent of the state median income and at or below 85 percent of the state median income. The model must calculate a copayment for each household that is no greater than seven percent of the household's countable income within this income range.

(e) The department may adjust the copayment schedule to comply with federal law.

(6) The department must adopt rules to implement this section, including an income phase-out eligibility period.

Sec. 202. RCW 43.216.136 and 2020 c 279 s 2 are each amended to read as follows:

WORKING CONNECTIONS CHILD CARE FOR STUDENT PARENTS.

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by P.L. 113-186, authorizations for the working connections child care subsidy are effective for twelve months beginning July 1, 2016((~~, unless an earlier date is provided in the omnibus appropriations act~~)).

(a) A household's 12-month authorization begins on the date that child care is expected to begin.

(b) If a newly eligible household does not begin care within 12 months of being determined eligible by the department, the household must reapply in order to qualify for subsidy.

(3)(a) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(i) In the last six months have:

(A) Received child protective services as defined and used by chapters 26.44 and 74.13 RCW;

(B) Received child welfare services as defined and used by chapter 74.13 RCW; or

(C) Received services through a family assessment response as defined and used by chapter 26.44 RCW;

(ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(iii) Are residing with a biological parent or guardian.

(b) ((~~Children~~)) Families who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services identified in this subsection to maintain twelve-month authorization.

(4)(a) Beginning ((~~August 1, 2020~~)) July 1, 2021, and subject to the availability of amounts appropriated for this specific purpose, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is((~~:~~

~~(i) A single parent;~~

~~(ii) A~~)) a full-time student of a community, technical, or tribal college((~~,~~)) and ((~~(iii) Pursuing~~)) is enrolled in: (i) A vocational education program that leads to a degree or certificate in a specific occupation((~~, not to result in a bachelor's or advanced degree~~));

(ii) An associate degree program; or

(iii) A registered apprenticeship program.

(b) An applicant or consumer is a full-time student for the purposes of this subsection if he or she meets the college's definition of a full-time student. ((~~The student must maintain passing grades and be in good standing pursuant to college attendance requirements.~~))

(c) Nothing in this subsection is intended to change how applicants or consumers are prioritized when applicants or consumers are placed on a waitlist for working connections child care benefits.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department may extend the provisions of this subsection (4) to full-time students who are enrolled in a bachelor's degree program or applied baccalaureate degree program.

(5)(a) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a twelve-month grace period.

(b) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

(6) For purposes of this section, "authorization" means a transaction created by the department that allows a child care provider to claim payment for care. The department may adjust an authorization based on a household's eligibility status.

NEW SECTION. **Sec. 203.** EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM INTENT. (1) The legislature finds that eligibility guidelines for the national school lunch program require free meals for children with household incomes at or below 130 percent of the federal poverty level and that this income level is approximately equivalent to 36 percent of the state median income for a household of three. The legislature further finds that eligibility guidelines require reduced-price meals for children with household incomes at or below 185 percent of the federal poverty level and that this income level is approximately equivalent to 50 percent of the state median income for a household of three.

(2) Therefore, the legislature intends to raise the maximum family income for children entitled to enroll in the early childhood education and assistance program to 36 percent of the state median income beginning July 1, 2026. Beginning in the 2030-31 school year, the legislature intends to raise the maximum family income for children entitled to enroll in this program to 50 percent of the state median income. It is the intent of the legislature to standardize income eligibility levels for assistance programs in order to help families and social workers better understand the benefits for which families qualify and to simplify and align state systems wherever feasible.

(3) The legislature further intends to support educational service districts to help school districts partner with early childhood education and assistance program contractors and providers to expand access.

Sec. 204. RCW 43.216.505 and 2021 c 67 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.216.500 through 43.216.559, 43.216.900, and 43.216.901.

(1) "Advisory committee" means the advisory committee under RCW 43.216.520.

(2) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and 43.216.901 and are designated as eligible for funding by the department under RCW 43.216.530 and 43.216.540.

(3) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(4) "Eligible child" means a three to five-year old child who is not age-eligible for kindergarten, is not a participant in a federal or state program

providing comprehensive services, and who:

(a) Has a family ((~~income at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services~~)) with financial need;

(b) Is experiencing homelessness;

(c) Has participated in early head start or a successor federal program providing comprehensive services for children from birth through two years of age, the early support for infants and toddlers program or received class C developmental services, the birth to three early childhood education and assistance program, or the early childhood intervention and prevention services program;

(d) Is eligible for special education due to disability under RCW 28A.155.020; ((~~or~~

~~(c)~~)) (e) Is Indian as defined in rule by the department after consultation and agreement with Washington state's federally recognized tribes pursuant to section 207 of this act and is at or below 100 percent of the state median income adjusted for family size; or

(f) Meets criteria under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Preference for enrollment in this group shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(5) "Family support services" means providing opportunities for parents to:

(a) Actively participate in their child's early childhood program;

(b) Increase their knowledge of child development and parenting skills;

(c) Further their education and training;

(d) Increase their ability to use needed services in the community;

(e) Increase their self-reliance; and

(f) Connect with culturally competent, disability positive therapists and supports where appropriate.

(6) ((~~"Homeless"~~)) "Experiencing homelessness" means a child without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2021.

(7) "Family with financial need" means families with incomes at or below 36 percent of the state median income adjusted for family size until the 2030-31 school year. Beginning in the 2030-31 school year, "family with financial need" means families with incomes at or below 50 percent of the state median income adjusted for family size.

Sec. 205. RCW 43.216.512 and 2019 c 409 s 2 are each amended to read as follows:

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM EXPANDED ENROLLMENT.

(1) The department shall adopt rules that allow the enrollment of children in the early childhood education and assistance program, as space is available, if the number of such children equals not more than ((~~twenty-five~~)) 25 percent of total statewide enrollment, when the child is not eligible under RCW 43.216.505 and whose family income level is((~~:~~

~~(a) Above one hundred ten percent but less than or equal to one hundred thirty percent of the federal poverty level; or~~

~~(b) Above one hundred thirty percent but less than or equal to two hundred percent of the federal poverty level if~~)) above 36 percent of the state median income but at or below 50 percent of the state median income adjusted for family size and the child meets at least one of the risk factor criterion described in subsection (2) of this section.

(2) Children enrolled in the early childhood education and assistance program pursuant to ((~~subsection (1)(b) of~~)) this section must be prioritized for available funded slots according to a prioritization system adopted in rule by the department that considers risk factors that have a disproportionate effect on kindergarten readiness and school performance, including:

(a) Family income as a percent of the ((~~federal poverty level~~)) state median income;

(b) ((~~Homelessness;~~

~~(c)~~)) Child welfare system involvement;

((~~(d) Developmental delay or disability that does not meet the eligibility criteria for special education described in RCW 28A.155.020~~)) (c) Eligible for services under part C of the federal individuals with disabilities education act but not eligible for services under part B of the federal individuals with disabilities education act;

((~~(e)~~)) (d) Domestic violence;

((~~(f)~~)) (e) English as a second language;

((~~(g)~~)) (f) Expulsion from an early learning setting;

((~~(h)~~)) (g) A parent who is incarcerated;

((~~(i)~~)) (h) A parent with a ((~~substance use disorder or mental~~)) behavioral health treatment need; and

((~~(j)~~)) (i) Other risk factors determined by the department to be linked by research to school performance.

(3) ((~~The department shall adopt rules that allow a child to enroll in the early childhood education and assistance program, as space is available, when the child is not eligible under RCW 43.216.505 and the child turns three years old at any time during the school year when the child:~~

~~(a) Has a family income at or below two hundred percent of the federal poverty level or meets at least one risk factor criterion adopted by the department in rule; and~~

~~(b) Has received services from or participated in:~~

~~(i) The early support for infants and toddlers program;~~

~~(ii) The early head start or a successor federal program providing comprehensive services for children from birth through two years of age; or~~

~~(iii) The birth to three early childhood education and assistance program, if such a program is established.~~

~~(4)~~)) Children enrolled in the early childhood education and assistance program under this section are not considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

(4) This section expires August 1, 2030.

NEW SECTION. **Sec. 206.** EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM EARLY ENTRY. (1) The department shall adopt rules that allow a child to enroll in the early childhood education and assistance program, as space is available and subject to the availability of amounts appropriated for this specific purpose, when the child is not eligible under RCW 43.216.505 and the child turns three years old at any time during the school year when the child:

(a) Has a family income at or below 50 percent of the state median income or meets at least one risk factor criterion adopted by the department in rule; and

(b) Has received services from or participated in:

(i) The early head start or a successor federal program providing comprehensive services for children from birth through two years of age;

(ii) The early support for infants and toddlers program or received class C developmental services;

(iii) The birth to three early childhood education and assistance program; or

(iv) The early childhood intervention and prevention services program.

(2) Children enrolled in the early childhood education and assistance program under this section are not eligible children as defined in RCW 43.216.505 and are not part of the state-funded entitlement required in RCW 43.216.556.

NEW SECTION. **Sec. 207.** INDIAN CHILD DEFINITION. (1) The department must consult, and obtain the advice and consent of, the governing bodies of the state's federally recognized tribes in developing an agreed-upon definition of the term "Indian" for the purposes of RCW 43.216.505 and, by July 1, 2024, must adopt the definition in rule.

(2) This section expires December 1, 2030.

Sec. 208. RCW 43.216.556 and 2019 c 408 s 3 are each amended to read as follows:

(1) Funding for the program of early learning established under this chapter must be appropriated to the department. The department shall distribute funding to approved early childhood education and assistance program contractors on the basis of eligible children enrolled.

(2) The program shall be implemented in phases, so that full implementation is achieved in the ((~~2022-23~~)) 2026-27 school year.

(3) Funding shall continue to be phased in each year until full statewide implementation of the early learning program is achieved in the ((~~2022-23~~)) 2026-27 school year, at which time any eligible child is entitled to be enrolled in the program. Entitlement under this section is voluntary enrollment.

(4) School districts and approved community-based early learning providers may contract with the department to provide services under the program. The department shall collaborate with school districts, community-based providers, and educational service districts to promote an adequate supply of approved providers.

PART III

SUPPORTING CHILD CARE AND EARLY LEARNING PROVIDERS

Sec. 301. RCW 43.216.749 and 2019 c 368 s 7 are each amended to read as follows:

CHILD CARE SUBSIDY RATES.

(1) ((~~By January 1, 2025, the department of children, youth, and families must~~)) It is the intent of the legislature to systemically increase child care subsidy rates over time until rates are equal to the full cost of providing high quality child care.

(2) Beginning July 1, 2021, child care subsidy base rates must achieve the 85th percentile of market for licensed or certified child care providers. The state and the exclusive representative for family child care providers must enter into bargaining over the implementation of the subsidy rate increase under this subsection.

(3)(a) The department shall build upon the work of the child care collaborative task force to develop and implement a child care cost estimate model and use the completed child care cost model ((~~developed under RCW 43.330.527 to determine child care subsidy rates.~~

(~~2) This section expires January 30, 2025~~)) to recommend subsidy rates at levels that are sufficient to compensate licensed or certified child care providers for the full costs of providing high quality child care. The department shall consider:

(i) Adjusting rates to reflect cost of living such as area median income, cost of living by zip code, and grouping by categories such as rural, suburban, or urban; and

(ii) Incorporating the rate model for nonstandard child care hours developed under section 306 of this act.

(b) The department shall build upon the work of the child care collaborative task force to evaluate options to support access to affordable health care insurance coverage for licensed or certified child care providers.

(4) This section does not interfere with, impede, or in any way diminish the right of family child care providers to bargain collectively with the state through the exclusive bargaining representatives as provided for under RCW 41.56.028.

NEW SECTION. **Sec. 302.** EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM RATES. (1) For the 2021-22 school year, rates for the early childhood education and assistance program must be set at a level at least 10 percent higher than the rates established in section 225, chapter 415, Laws of 2019.

(2) It is the intent of the legislature that rate increases shall be informed by the department's 2020 early childhood education and assistance program rate study.

(3) This section expires June 30, 2027.

NEW SECTION. **Sec. 303.** COMPLEX NEEDS FUNDS. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer two complex needs funds to promote inclusive, least restrictive environments and to support contractors and providers serving children who have developmental delays, disabilities, behavioral needs, or other unique needs. The department shall work collaboratively with the office of the

superintendent of public instruction and providers to best serve children. One fund must support early childhood education and assistance program contractors and providers and birth to three early childhood education and assistance program contractors and providers, and one fund must support licensed or certified child care providers and license-exempt child care programs.

(2) Support may include staffing, programming, therapeutic services, and equipment or technology support. Additional support may include activities to assist families with children expelled or at risk of expulsion from child care, and to help families transition in and out of child care.

NEW SECTION. **Sec. 304.** TRAUMA-INFORMED CARE SUPPORTS. (1) Beginning July 1, 2022, the department shall provide supports to aid eligible providers in providing trauma-informed care. Trauma-informed care supports may be used by eligible providers for the following purposes:

(a) Additional compensation for individual staff who have an infant and early childhood mental health or other child development specialty credential;

(b) Trauma-informed professional development and training;

(c) The purchase of screening tools and assessment materials;

(d) Supportive services for children with complex needs that are offered as fee-for-service within local communities; or

(e) Other related expenses.

(2) The department must adopt rules to implement this section.

(3) For the purposes of this section, "eligible provider" means: (a) An employee or owner of a licensed or certified child care center or outdoor nature-based care accepting state subsidy; (b) an employee or owner of a licensed family home provider accepting state subsidy; (c) a contractor or provider of the early childhood education and assistance program or birth to three early childhood education and assistance program; (d) a license-exempt child care program; or (e) an early achievers coach.

NEW SECTION. **Sec. 305.** DUAL LANGUAGE RATE ENHANCEMENT. (1) Beginning July 1, 2022, the department shall establish a dual language designation and provide subsidy rate enhancements or site-specific grants for licensed or certified child care providers who are accepting state subsidy; early childhood education and assistance program contractors; or birth to three early childhood education and assistance program contractors. It is the intent of the legislature to allow uses of rate enhancements or site-specific grants to include increased wages for individual staff who provide bilingual instruction, professional development training, the purchase of dual language and culturally appropriate curricula and accompanying training programs, instructional materials, or other related expenses.

(2) The department must consult with a culturally and linguistically diverse stakeholder advisory group to develop criteria for the dual language designation.

(3) The department must adopt rules to implement this section.

NEW SECTION. **Sec. 306.** NONSTANDARD HOURS RATE MODEL. (1) In order to expand the supply of critically needed after-hours care to meet the needs of parents and caregivers and a round-the-clock economy, the department of children, youth, and families, in consultation with diverse stakeholders, must develop a rate model for nonstandard child care hours and submit the model to the governor and the appropriate committees of the legislature by January 1, 2022.

(2) This section expires June 30, 2022.

NEW SECTION. **Sec. 307.** EARLY CHILDHOOD EQUITY GRANTS. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall distribute early childhood equity grants to eligible applicants. Eligible applicants include play and learn groups, licensed or certified child care centers and family home providers, license-exempt child care programs, and early childhood education and assistance program contractors. The equity grants are intended to serve as a step toward expanding access to early learning statewide and transforming Washington's early learning system to make it more inclusive and equitable. The department shall administer the early childhood equity grants to support inclusive and culturally and linguistically specific

early learning and early childhood and parent support programs across the state.

(2) The department must conduct an equitable process to prioritize grant applications for early childhood equity grant assistance. An eligible applicant may receive an early childhood equity grant once every two years. When conducting the equitable grant process, the department must:

(a) Solicit project applications from a racially and geographically diverse pool of eligible applicants statewide;

(b) Provide application materials in the five most commonly spoken languages in the state and broadly communicate using a variety of strategies to reach diverse communities;

(c) Require applicants to demonstrate their proposed uses of early childhood equity grant funds to incorporate either inclusive practices or culturally and linguistically supportive and relevant practices, or both, into early learning program design, delivery, education, training, and evaluation; and

(d) Provide technical assistance to any applicant who needs it.

NEW SECTION. **Sec. 308.** A new section is added to chapter 43.330 RCW to read as follows:

EMPLOYER-SUPPORTED CHILD CARE.

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, in collaboration with the department of children, youth, and families, shall provide or contract to provide remote or in-person technical assistance to employers interested in supporting their employees' access to high quality child care.

(2) Technical assistance may include guidance related to:

(a) Operating a licensed child care center at or near the workplace for the benefit of employees;

(b) Financing and construction of a licensed child care center at or near the workplace for the benefit of employees;

(c) Providing financial assistance to employees for licensed or certified child care providers and license-exempt child care program expenses;

(d) Encouraging access and support for low-wage employees;

(e) Sponsoring dependent care flexible spending accounts for employees; and

(f) Developing a "bring your infant to work" program and other family-friendly work policies for employees.

Sec. 309. RCW 43.216.090 and 2019 c 360 s 7 are each amended to read as follows:

INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION.

((~~The~~)) (1) The department shall administer or contract for infant and early childhood mental health consultation services to child care providers and early learning providers participating in the early achievers program.

(2) Beginning July 1, 2021, the department of children, youth, and families must have or contract for one infant and early childhood mental health consultation coordinator and must enter into a contractual agreement with an organization providing coaching services to early achievers program participants to hire ((~~one~~)) at least 12 qualified infant and early childhood mental health consultants ((~~for each of the six department-designated regions~~)). The department shall determine, in collaboration with the statewide child care resource and referral network, where the additional consultants should be sited based on factors such as the total provider numbers overlaid with indicators of highest need. The infant and early childhood mental health consultants must support early achievers program coaches and child care providers by providing resources, information, and guidance regarding challenging behavior and expulsions and may travel to assist providers in serving families and children with severe behavioral needs. ((~~In coordination with the contractor, the department of children, youth, and families must report on the services provided and the outcomes of the consultant activities to the governor and the appropriate policy and fiscal committees of the legislature by June 30, 2021.~~))

(3) The department shall provide, or contract with an entity to provide, reflective supervision and professional development for infant and early

childhood mental health consultants to meet national competency standards.

(4) As capacity allows, the department may provide access to infant and early childhood mental health consultation services to caregivers and licensed or certified, military, and tribal early learning providers, license-exempt family, friend, and neighbor care providers, and families with children expelled or at risk of expulsion from child care.

NEW SECTION. **Sec. 310.** PLAY AND LEARN GROUPS. Subject to the availability of amounts appropriated for this specific purpose, the department, in consultation with community-based programs, shall provide or contract to provide, or both, resources and supports for inclusive and culturally and linguistically relevant play and learn groups. Play and learn groups offer parents and other caregivers culturally responsive opportunities to support their children's early learning, build relationships that reduce isolation and encourage socialization, and promote kindergarten readiness.

NEW SECTION. **Sec. 311.** PROFESSIONAL DEVELOPMENT. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall provide professional development supports to aid eligible providers in reaching the professional education and training standards adopted by the department. Professional development supports may include:

(a) Department-required trainings for child care providers conducted by department-approved trainers;

(b) Trainings for license-exempt family, friend, and neighbor child care providers conducted by department-approved trainers;

(c) Early achievers scholarships;

(d) Community-based training pathways and systems developed under RCW 43.216.755;

(e) Supporting a nonprofit organization that provides relationship-based professional development support to family, friend, and neighbor caregivers, child care centers, and licensed family home providers, and their work to help providers start their businesses; and

(f) Other professional development activities such as updating training content, data collection and reporting, trainer recruitment, retention, program monitoring, and trainings delivered by department-approved trainers on topics such as small business management, antibias and antiracist training, providing care for children with developmental disabilities, social-emotional learning, implementing inclusionary practices in early learning environments, infant and toddler care, dual language program development, and providing trauma-informed care.

(2) For the purposes of this section, "eligible provider" means: (a) An owner of a licensed or certified child care center, licensed or certified outdoor nature-based care, or licensed family home provider accepting state subsidy; (b) an employee of a licensed or certified child care center, licensed or certified outdoor nature-based care, or a licensed family home provider; (c) a contractor or provider of the early childhood education and assistance program or birth to three early childhood education and assistance program; or (d) an early achievers coach.

NEW SECTION. **Sec. 312.** NEGOTIATED RULE MAKING WITH CHILD CARE CENTERS. When the secretary elects to engage in negotiated rule making pursuant to RCW 34.05.310(2)(a), the department must include the largest organization representing child care center owners and directors; the largest organization representing supervisors, teachers, and aides; and other affected interests before adopting requirements that affect child care center licensees.

NEW SECTION. **Sec. 313.** CAPACITY FLEXIBILITY FOR FAMILY HOME PROVIDERS. The department may waive the limit, as established in RCW 43.216.010(1)(c), that restricts family home providers from serving not more than 12 children. The department must establish conditions for such waivers by rule and must assess, at a minimum, the provider's available square footage and staffing capabilities prior to issuing any waiver of the limit of 12 children.

NEW SECTION. **Sec. 314.** SUPPORT FOR CHILD CARE DESERTS. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a grant program to expand child care in child care deserts. Grants must be used for one-time costs associated with the opening of a child care site, including program costs, for

providers who are newly licensed or are in the process of becoming licensed.

(2) The department must use the child care industry insights dashboard from the child care industry assessment as a tool to identify areas in which additional investments are needed in order to expand existing child care capacity to meet family demand and reduce child care deserts.

(3) This section expires June 30, 2026.

PART IV

STRENGTHENING PRENATAL TO THREE SUPPORTS

NEW SECTION. **Sec. 401.** PRENATAL TO THREE INTENT. (1) The legislature finds that parental relationships and healthy interactions in the first few years of life help shape the development of babies' and toddlers' brains and bodies. Eighty percent of the brain is developed by the age of three and parents are a child's first teachers.

(2) The legislature finds that the federal family first prevention services act (P.L. 115-123) offers the state the opportunity to leverage federal funding for certain programs, including in-home parent skill-based programs, substance use disorder support, and mental health interventions. Culturally relevant, evidence-based programs that may qualify for these federal funds are limited. Therefore, state support may be necessary to serve traditionally underrepresented communities and increase positive engagement from parents and caregivers of children from before birth to age three.

(3) The legislature finds that small teacher-child ratios for infant and toddler care, as well as the existence of child care deserts with low levels of access to care for the birth to three age group, contribute to higher expenses for providers and families with babies and young children.

(4) Therefore, the legislature intends to expand parent and family education and support, incentivize the provision of infant and toddler care, and make early therapeutic and preventative services more readily available to families and young children.

NEW SECTION. **Sec. 402.** EDUCATION AND SUPPORT FOR PARENTS AND FAMILY, FRIEND, AND NEIGHBOR CAREGIVERS. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a prenatal to three family engagement strategy to support expectant parents, babies and toddlers from birth to three years of age, and their caregivers.

(2) Components of the prenatal to three family engagement strategy must include supports and services to improve maternal and infant health outcomes, reduce and mitigate trauma, promote attachment and other social-emotional assets, strengthen parenting skills, and provide early supports to help maximize healthy and robust childhood development and reduce isolation. Services and supports may include:

(a) In-home parent skill-based programs and training established in RCW 43.216.130;

(b) Facilitated play and learn groups;

(c) Parent peer-support groups, including groups designed for families with children with complex needs; families whose primary home language is not English; incarcerated parents; families coping with substance use disorder or mental health support needs; black, indigenous, and families of color; or other specific needs; and

(d) Other prenatal to age three programs and services.

(3) Continuity of services for babies and toddlers are important for early childhood brain development. Therefore, the services and supports described in this section may be made available to biological parents, foster parents, kinship care providers, and other family, friend, and neighbor caregivers.

Sec. 403. RCW 43.216.578 and 2019 c 408 s 8 are each amended to read as follows:

BIRTH TO THREE EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM.

(1) ((~~Within resources available under the federal preschool development grant birth to five grant award received in December 2018,~~)) Subject to the availability of amounts appropriated for this specific purpose, the department shall ((~~develop a plan for phased implementation of~~)) administer a birth to three early childhood education and assistance program ((~~pilot project~~)) for eligible children under thirty-six months old. Funds to implement the ((~~pilot project~~)) program may include a

combination of federal, state, or private sources.

(2) The department may adopt rules to implement the ((~~pilot project~~)) program and may waive or adapt early childhood education and assistance program requirements when necessary to allow for the operation of the birth to three early childhood education and assistance program. The department shall consider early head start rules and regulations when developing the provider and family eligibility requirements and program requirements. ((~~Any deviations from early head start standards, rules, or regulations must be identified and explained by the department in its annual report under subsection (6) of this section.~~))

(3)(a) ((~~Upon securing adequate funds to begin implementation, the pilot project~~)) The birth to three early childhood education and assistance program((~~s~~)) must be delivered through child care centers and family home providers who meet minimum licensing standards and are enrolled in the early achievers program.

(b) The department must determine minimum early achievers ratings scores for ((~~programs~~)) participating ((~~in the pilot project~~)) contractors.

(4) ((~~When selecting pilot project locations for service delivery, the department may allow each pilot project location to have up to three classrooms per location. When selecting and approving pilot project locations, the department shall attempt to select a combination of rural, urban, and suburban locations. The department shall prioritize locations with programs currently operating early head start, head start, or the early childhood education and assistance program.~~

~~(5)~~)) To be eligible for the birth to three early childhood education and assistance program, a child's family income must be at or below ((~~one hundred thirty~~)) 50 percent of the ((~~federal poverty level~~)) state median income and the child must be under thirty-six months old.

((~~(6) Beginning November 1, 2020, and each November 1st thereafter during pilot project activity, the department shall submit an annual report to the governor and legislature that includes a status update that describes the planning work completed, the status of funds secured, and any implementation activities of the pilot project. Implementation activity reports must include a description of the participating programs and number of children and families served.~~))

NEW SECTION. **Sec. 404.** INFANT CARE INCENTIVES. (1) The legislature finds that our state suffers from an extreme shortage of infant child care, impacting the ability of parents to participate in the workforce. Further, parents returning to work after using paid family leave to care for a new child struggle to find readily available, high quality care during a time of critical growth and brain development for young children. Therefore, the legislature intends to incentivize the provision of high quality infant care.

(2) Beginning July 1, 2022, the department shall provide an infant rate enhancement for licensed or certified child care providers and birth to three early childhood education and assistance program contractors who are:

(a) Accepting state subsidy;

(b) In good standing with the early achievers quality rating and improvement system; and

(c) Caring for a child between the ages of birth and 11 months.

(3) The department must adopt rules to implement this section.

NEW SECTION. **Sec. 405.** EARLY THERAPEUTIC AND PREVENTATIVE SERVICES. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer early therapeutic and preventative services and programs, such as the early childhood intervention and prevention services program, and other related services for children who are:

(a) Between the ages of birth and five years; and

(b) Referred by a child welfare worker, a department of social and health services social worker, a primary care physician, a behavioral health provider, or a public health nurse due to: (i) Risk of child abuse or neglect; (ii) exposure to complex trauma; or (iii) significant developmental delays.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall make all reasonable efforts to deliver early

therapeutic and preventative services and programs statewide. These services and programs must focus first on children and families furthest from opportunity as defined by income and be delivered by programs that emphasize greater racial equity.

PART V

CONFORMING AMENDMENTS

Sec. 501. RCW 43.216.010 and 2021 c 39 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" and "child care center" mean((s)) an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" and "family home provider" mean((s)) a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters except as provided in section 313 of this act;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of $5,000,000 in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than 24 hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools that are engaged primarily in early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, and accept only school age children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than 24 hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) Any entity that provides recreational or educational programming for school age children only and the entity meets all of the following requirements:

(i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;

(ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;

(iii) The entity is a local affiliate of a national nonprofit; and

(iv) The entity is in compliance with all safety and quality standards set by the associated national agency;

(j) A program operated by any unit of local, state, or federal government;

(k) A program located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(l) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(m) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Certificate of parental improvement" means a certificate issued under RCW 74.13.720 to an individual who has a founded finding of physical abuse or negligent treatment or maltreatment, or a court finding that the individual's child was dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b).

(5) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(6) "Department" means the department of children, youth, and families.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early childhood education and assistance program contractor" means an organization that provides early childhood education and assistance program services under a signed contract with the department.

(9) "Early childhood education and assistance program provider" means an organization that provides site level, direct, and high quality early childhood education and assistance program services under the direction of an early childhood education and assistance program contractor.

(10) ((~~"Early start" means an integrated high quality continuum of early learning programs for children birth-to-five years of age. Components of early start include, but are not limited to, the following:~~

~~(a) Home visiting and parent education and support programs;~~

~~(b) The early achievers program described in RCW 43.216.085;~~

~~(c) Integrated full-day and part-day high quality early learning programs; and~~

~~(d) High quality preschool for children whose family income is at or below 110 percent of the federal poverty level.~~

~~(11)~~)) "Education data center" means the education data center established in RCW 43.41.400, commonly referred to as the education research and data center.

((~~(12)~~)) (11) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

((~~(13)~~)) (12) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.216.325(1) or assessment of civil monetary penalties pursuant to RCW 43.216.325(3).

((~~(14)~~)) (13) "Extended day program" means an early childhood education and assistance program that offers early learning education for at least 10 hours per day, a minimum of 2,000 hours per year, at least four days per week, and operates year-round.

(14) "Family resource and referral linkage system" means a system that connects families to resources, services, and programs for which families are eligible and uses a database that is developed and maintained in partnership with communities, health care providers, and early learning providers.

(15) "Family resource center" means a unified single point of entry where families, individuals, children, and youth in communities can obtain information, an assessment of needs, referral to, or direct delivery of family services in a manner that is welcoming and strength-based.

(a) A family resource center is designed to meet the needs, cultures, and interests of the communities that the family resource center serves.

(b) Family services may be delivered directly to a family at the family resource center by family resource center staff or by providers who contract with or have provider agreements with the family resource center. Any family resource center that provides family services shall comply with applicable state and federal laws and regulations regarding the delivery of such family services, unless required waivers or exemptions have been granted by the appropriate governing body.

(c) Each family resource center shall have one or more family advocates who screen and assess a family's needs and strengths. If requested by the family, the family advocate shall assist the family with setting its own goals and, together with the family, develop a written plan to pursue the family's goals in working towards a greater level of self-reliance or in attaining self-sufficiency.

(16) "Full day program" means an early childhood education and assistance program that offers early learning education for a minimum of 1,000 hours per year.

(17) "Low-income child care provider" means a person who administers a child care program that consists of at least 80 percent of children receiving working connections child care subsidy.

(18) "Low-income neighborhood" means a district or community where more than 20 percent of households are below the federal poverty level.

(19) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

(20) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

(21) "Nonschool age child" means a child who is age six years or younger and who is not enrolled in a public or private school.

(22) "Part day program" means an early childhood education and assistance program that offers early learning education for at least two and one-half hours per class session, at least 320 hours per year, for a minimum of 30 weeks per year.

(23) "Private school" means a private school approved by the state under chapter 28A.195 RCW.

(24) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been

issued a full license but is out of compliance with licensing standards.

(25) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(26) "School age child" means a child who is five years of age through 12 years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

(27) "Secretary" means the secretary of the department.

(28) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

Sec. 502. RCW 28B.50.248 and 2020 c 355 s 4 and 2020 c 279 s 3 are each reenacted and amended to read as follows:

Nothing in RCW 43.216.135((~~,~~)) or 43.216.136((~~, or 43.216.1365~~)) requires a community or technical college to expand any of its existing child care facilities. Any additional child care services provided by a community or technical college as a result of RCW 43.216.135((~~,~~)) or 43.216.136((~~, or 43.216.1365~~)) must be provided within existing resources and existing facilities.

Sec. 503. RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the

deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community ((~~trust~~)) services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law

enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 504. RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river

basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community ((~~trust~~)) services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement

fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 505. RCW 43.84.092 and 2020 c 221 s 5, 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization

account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community ((~~trust~~)) services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment

fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 506. RCW 43.216.710 and 2017 3rd sp.s. c 6 s 213 are each amended to read as follows:

The department shall:

(1) Work in conjunction with the statewide child care resource and referral network as well as local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(2) Actively seek public and private money for distribution as grants to the statewide child care resource and referral network and to existing or potential local child care resource and referral organizations;

(3) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs, including training under RCW 74.25.040;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care;

(f) Provide technical assistance to employers regarding employee child care services; and

(g) Serve recipients of temporary assistance for needy families and working parents with household incomes at or below ((~~household incomes of two hundred~~)) 100 percent of the ((~~federal poverty line~~)) state median income;

(4) Provide staff support and technical assistance to the statewide

child care resource and referral network and local child care resource and referral organizations;

(5) Maintain a statewide child care licensing data bank and work with department licensors to provide information to local child care resource and referral organizations about licensed or certified child care providers in the state;

(6) Through the statewide child care resource and referral network and local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(7) Coordinate with the statewide child care resource and referral network and local child care resource and referral organizations for the provision of training and technical assistance to child care providers;

(8) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services;

(9) Subject to the availability of amounts appropriated for this specific purpose, increase the base rate for all child care providers by ten percent;

(10) Subject to the availability of amounts appropriated for this specific purpose, provide tiered subsidy rate enhancements to child care providers if the provider meets the following requirements:

(a) The provider enrolls in quality rating and improvement system levels 2, 3, 4, or 5;

(b) The provider is actively participating in the early achievers program;

(c) The provider continues to advance towards level 5 of the early achievers program; and

(d) The provider must complete level 2 within thirty months or the reimbursement rate returns the level 1 rate; and

(11) Require exempt providers to participate in continuing education, if adequate funding is available.

Sec. 507. RCW 43.216.514 and 2020 c 343 s 3 are each amended to read as follows:

(1)(a) The department shall prioritize children for enrollment in the early childhood education and assistance program who are eligible pursuant to RCW 43.216.505.

(b) A child who is eligible at the time of enrollment in the early childhood education and assistance program maintains program eligibility until the child begins kindergarten.

(2) As space is available, children may be included in the early childhood education and assistance program pursuant to RCW 43.216.512. ((~~Priority within this group must be given first to children with incomes up to one hundred thirty percent of the federal poverty level.~~))

PART VI

MISCELLANEOUS

NEW SECTION. **Sec. 601.** Nothing in this act changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d).

NEW SECTION. **Sec. 602.** RCW 43.216.1365 (Working connections child care program—Eligibility) and 2020 c 355 s 3 are each repealed.

NEW SECTION. **Sec. 603.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 604.** Sections 204 through 206 and 403 of this act take effect July 1, 2026.

NEW SECTION. **Sec. 605.** Sections 101, 102, 106, 201, 206, 207, 302 through 307,

310 through 314, 402, 404, 405, and 601 of this act are each added to chapter 43.216 RCW.

NEW SECTION. **Sec. 606.** Section 503 of this act expires July 1, 2021.

NEW SECTION. **Sec. 607.** Sections 201, 202, 301, 309, and 504 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2021.

NEW SECTION. **Sec. 608.** Section 504 of this act expires July 1, 2024.

NEW SECTION. **Sec. 609.** Section 505 of this act takes effect July 1, 2024.

NEW SECTION. **Sec. 610.** Sections 105 and 503 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

and that the bill do pass as recommended by the Conference Committee:

Senators Billig and Wilson C.
Representatives Bergquist and Senn

There being no objection, the House adopted the conference committee report on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237 and advanced the bill as recommended by the conference committee to final passage.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representative Senn spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Dent and McCaslin spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Orwall presiding) stated the question before the House to be final passage of ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 65; Nays: 32; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Boehnke, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Robertson, Schmick, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative McEntire

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237, as recommended by the conference committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 2021

Madame Speaker:

The Senate insists on its position on HOUSE BILL NO. 1022 and asks the House to concur.

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1022 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives MacEwen, Kloba and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1022, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1022, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Bateman, Davis, Ramel and Walen.

Excused: Representative McEntire.

HOUSE BILL NO. 1022, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.832 and 2020 c 270 s 7 are each amended to read as follows:

(1) The Washington state patrol identification and criminal history section shall disclose conviction records as follows:

(a) An applicant's conviction record, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian;

(b) The conviction record of an applicant for certification, upon the request of the Washington professional educator standards board;

(c) Any conviction record to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse, upon the request of a law enforcement agency, the office of the attorney general, prosecuting authority, or the department of social and health services; and

(d) A prospective client's or resident's conviction record, upon the request of a business or organization that qualifies for exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter or transitional housing for children, persons with developmental disabilities, or vulnerable adults.

(2) The secretary of the department of social and health services and the secretary of children, youth, and families must establish rules and set standards to require specific action when considering the information received pursuant to subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities provided that: For persons residing in a home that will be utilized to provide foster care for dependent youth, a criminal background check will be required for all persons aged sixteen and older and the department of social and health services may require a criminal background check for persons who are younger than sixteen in situations where it may be warranted to ensure the safety of youth in foster care;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities

licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment, including peer counseling, of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers as defined in RCW 74.39A.240 or providers paid by home care agencies provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(3) The secretary of the department of children, youth, and families shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(4) The secretary of the department of children, youth, and families shall adopt rules and investigate conviction records, pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children; and

(e) When responding to a request from an individual for a certificate of parental improvement under chapter 74.13 RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The office of financial management shall adopt rules to accomplish the purposes of this subsection as it applies to state employees. The department of social and health services shall adopt rules to accomplish the purpose of this subsection as it applies to long-term care workers subject to RCW 74.39A.056.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(7) The department of social and health services may not consider any final founded finding of physical abuse or negligent treatment or maltreatment of a child made pursuant to chapter 26.44 RCW that is accompanied by a certificate of parental improvement or dependency as a result of a finding of abuse or neglect pursuant to chapter 13.34 RCW that is accompanied by a certificate of parental improvement when evaluating an applicant or employee's character, competency, and suitability pursuant to any background check authorized or required by this chapter, RCW 43.20A.710 or 74.39A.056, or any of the rules adopted thereunder.

Sec. 2. RCW 43.43.837 and 2019 c 470 s 12 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A

RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for applicant and service providers providing foster care as required in RCW 74.15.030.

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants, except for those long-term care workers exempted in subsection (2) of this section, who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families; and

(f) Services in, or to residents of, a secure facility under RCW 71.09.115.

(8) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(9) Department of children, youth, and families service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(10) The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(11) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW 71.09.020.

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered. ((~~"Service provider" does not include those certified under chapter 70.96A RCW.~~))

Sec. 3. RCW 74.39A.056 and 2020 c 270 s 8 are each amended to read as follows:

(1)(a) All long-term care workers shall be screened through state and federal background checks in a uniform and timely manner to verify that they do not have a history that would disqualify them from working with vulnerable persons. The department must process background checks for long-term care workers and make the information available to employers, prospective employers, and others as authorized by law.

(b)(i) ((~~Except as provided in (b)(ii) of this subsection, for~~)) For long-term care workers hired on or after January 7, 2012, the background checks required under this section shall include checking against the federal bureau of investigation fingerprint identification

records system ((~~and against the national sex offenders registry or their successor programs~~)) or its successor program. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. The department shall not pass on the cost of these criminal background checks to the workers or their employers.

(ii) ((~~This subsection does not apply to long-term care workers employed by community residential service businesses until January 1, 2016.~~)) A long-term care worker who is not disqualified by the state background check can work and have unsupervised access pending the results of the federal bureau of investigation fingerprint background check as allowed by rules adopted by the department.

(c) The department shall share state and federal background check results with the department of health in accordance with RCW 18.88B.080.

(d) Background check screening required under this section and department rules is not required for an employee of a consumer directed employer if all of the following circumstances apply:

(i) The individual has an individual provider contract with the department;

(ii) The last background check on the contracted individual provider is still valid under department rules and did not disqualify the individual from providing personal care services;

(iii) Employment by the consumer directed employer is the only reason a new background check would be required; and

(iv) The department's background check results have been shared with the consumer directed employer.

(e) The department may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time.

(2) A provider may not be employed in the care of and have unsupervised access to vulnerable adults if:

(a) The provider is on the vulnerable adult abuse registry or on any other registry based upon a finding of abuse, abandonment, neglect, or financial exploitation of a vulnerable adult;

(b) On or after October 1, 1998, the department of children, youth, and families, or its predecessor agency, has made a founded finding of abuse or neglect of a child against the provider. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding, the provider is not disqualified under this section;

(c) A disciplining authority, including the department of health, has made a finding of abuse, abandonment, neglect, or financial exploitation of a minor or a vulnerable adult against the provider; or

(d) A court has issued an order that includes a finding of fact or conclusion of law that the provider has committed abuse, abandonment, neglect, or financial exploitation of a minor or vulnerable adult. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding of fact or conclusion of law, the provider is not disqualified under this section.

(3) The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have final substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, final substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information must also be shared with the department of health to advance the purposes of chapter 18.88B RCW.

(4) For the purposes of this section, "provider" means:

(a) An individual provider as defined in RCW 74.39A.240;

(b) An employee, licensee, or contractor of any of the following: A home care agency licensed under chapter 70.127 RCW; a nursing home under chapter 18.51 RCW; an assisted living facility under chapter 18.20 RCW; an enhanced

services facility under chapter 70.97 RCW; a certified resident services and supports agency licensed or certified under chapter 71A.12 RCW; an adult family home under chapter 70.128 RCW; or any long-term care facility certified to provide medicaid or medicare services; and

(c) Any contractor of the department who may have unsupervised access to vulnerable adults.

(5) The department shall adopt rules to implement this section.

Sec. 4. RCW 18.51.091 and 2020 c 263 s 1 are each amended to read as follows:

(1) The department shall inspect each nursing home periodically in accordance with federal standards under 42 C.F.R. Part 488, Subpart E. The inspection shall be made without providing advance notice of it. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given to the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

(2) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in subsection (1) of this section, the department shall adopt rules to reestablish inspection timelines based on the length of time since the last complete inspection, compliance history of each facility, immediate health or safety concerns, and centers for medicare and medicaid services requirements.

(a) Rules adopted under this subsection (2) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in subsection (1) of this section, whichever occurs later. Once the department determines a rule adopted under this subsection (2) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of inspection compliance with subsection (1) of this section and provide the legislature with a report.

Sec. 5. RCW 18.51.230 and 2020 c 263 s 2 are each amended to read as follows:

(1) The department shall, in addition to any inspections conducted pursuant to complaints filed pursuant to RCW 18.51.190, conduct a periodic general inspection of each nursing home in the state without providing advance notice of such inspection. Such inspections must conform to the federal standards for surveys under 42 C.F.R. Part 488, Subpart E.

(2) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in subsection (1) of this section, the department shall adopt rules to reestablish inspection timelines based on the length of time since the last complete inspection, compliance history of each facility, immediate health or safety concerns, and centers for medicare and medicaid services requirements.

(a) Rules adopted under this subsection (2) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in subsection (1) of this section, whichever occurs later. Once the

department determines a rule adopted under this subsection (2) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of inspection compliance with subsection (1) of this section and provide the legislature with a report.

Sec. 6. RCW 74.42.360 and 2020 c 263 s 3 are each amended to read as follows:

(1) The facility shall have staff on duty twenty-four hours daily sufficient in number and qualifications to carry out the provisions of RCW 74.42.010 through 74.42.570 and the policies, responsibilities, and programs of the facility.

(2) The department shall institute minimum staffing standards for nursing homes. Beginning July 1, 2016, facilities must provide a minimum of 3.4 hours per resident day of direct care. Direct care staff has the same meaning as defined in RCW 74.42.010. The minimum staffing standard includes the time when such staff are providing hands-on care related to activities of daily living and nursing-related tasks, as well as care planning. The legislature intends to increase the minimum staffing standard to 4.1 hours per resident day of direct care, but the effective date of a standard higher than 3.4 hours per resident day of direct care will be identified if and only if funding is provided explicitly for an increase of the minimum staffing standard for direct care.

(a) The department shall establish in rule a system of compliance of minimum direct care staffing standards by January 1, 2016. Oversight must be done at least quarterly using the centers for medicare and medicaid services' payroll-based journal and nursing home facility census and payroll data.

(b) The department shall establish in rule by January 1, 2016, a system of financial penalties for facilities out of compliance with minimum staffing standards. No monetary penalty may be issued during the implementation period of July 1, 2016, through September 30, 2016. If a facility is found noncompliant during the implementation period, the department shall provide a written notice identifying the staffing deficiency and require the facility to provide a sufficiently detailed correction plan to meet the statutory minimum staffing levels. Monetary penalties begin October 1, 2016. Monetary penalties must be established based on a formula that calculates the cost of wages and benefits for the missing staff hours. If a facility meets the requirements in subsection (3) or (4) of this section, the penalty amount must be based solely on the wages and benefits of certified nurse aides. The first monetary penalty for noncompliance must be at a lower amount than subsequent findings of noncompliance. Monetary penalties established by the department may not exceed two hundred percent of the wage and benefit costs that would have otherwise been expended to achieve the required staffing minimum hours per resident day for the quarter. A facility found out of compliance must be assessed a monetary penalty at the lowest penalty level if the facility has met or exceeded the requirements in subsection (2) of this section for three or more consecutive years. Beginning July 1, 2016, pursuant to rules established by the department, funds that are received from financial penalties must be used for technical assistance, specialized training, or an increase to the quality enhancement established in RCW 74.46.561.

(c) The department shall establish in rule an exception allowing geriatric behavioral health workers as defined in RCW 74.42.010 to be recognized in the minimum staffing requirements as part of the direct care service delivery to individuals who have a behavioral health condition. Hours worked by geriatric behavioral health workers may be recognized as direct care hours for purposes of the minimum staffing requirements only up to a portion of the total hours equal to the proportion of resident days of clients with a behavioral health condition identified at that facility on the most recent semiannual minimum data set. In order to qualify for the exception:

(i) The worker must:

(A) Have a bachelor's or master's degree in social work, behavioral health, or other related areas; or

(B) Have at least three years experience providing care for individuals with chronic mental health issues, dementia, or intellectual and

developmental disabilities in a long-term care or behavioral health care setting; or

(C) Have successfully completed a facility-based behavioral health curriculum approved by the department under RCW 74.39A.078;

(ii) Any geriatric behavioral health worker holding less than a master's degree in social work must be directly supervised by an employee who has a master's degree in social work or a registered nurse.

(d)(i) The department shall establish a limited exception to the 3.4 hours per resident day staffing requirement for facilities demonstrating a good faith effort to hire and retain staff.

(ii) To determine initial facility eligibility for exception consideration, the department shall send surveys to facilities anticipated to be below, at, or slightly above the 3.4 hours per resident day requirement. These surveys must measure the hours per resident day in a manner as similar as possible to the centers for medicare and medicaid services' payroll-based journal and cover the staffing of a facility from October through December of 2015, January through March of 2016, and April through June of 2016. A facility must be below the 3.4 staffing standard on all three surveys to be eligible for exception consideration. If the staffing hours per resident day for a facility declines from any quarter to another during the survey period, the facility must provide sufficient information to the department to allow the department to determine if the staffing decrease was deliberate or a result of neglect, which is the lack of evidence demonstrating the facility's efforts to maintain or improve its staffing ratio. The burden of proof is on the facility and the determination of whether or not the decrease was deliberate or due to neglect is entirely at the discretion of the department. If the department determines a facility's decline was deliberate or due to neglect, that facility is not eligible for an exception consideration.

(iii) To determine eligibility for exception approval, the department shall review the plan of correction submitted by the facility. Before a facility's exception may be renewed, the department must determine that sufficient progress is being made towards reaching the 3.4 hours per resident day staffing requirement. When reviewing whether to grant or renew an exception, the department must consider factors including but not limited to: Financial incentives offered by the facilities such as recruitment bonuses and other incentives; the robustness of the recruitment process; county employment data; specific steps the facility has undertaken to improve retention; improvements in the staffing ratio compared to the baseline established in the surveys and whether this trend is continuing; and compliance with the process of submitting staffing data, adherence to the plan of correction, and any progress toward meeting this plan, as determined by the department.

(iv) Only facilities that have their direct care component rate increase capped according to RCW 74.46.561 are eligible for exception consideration. Facilities that will have their direct care component rate increase capped for one or two years are eligible for exception consideration through June 30, 2017. Facilities that will have their direct care component rate increase capped for three years are eligible for exception consideration through June 30, 2018.

(v) The department may not grant or renew a facility's exception if the facility meets the 3.4 hours per resident day staffing requirement and subsequently drops below the 3.4 hours per resident day staffing requirement.

(vi) The department may grant exceptions for a six-month period per exception. The department's authority to grant exceptions to the 3.4 hours per resident day staffing requirement expires June 30, 2018.

(3)(a) Large nonessential community providers must have a registered nurse on duty directly supervising resident care twenty-four hours per day, seven days per week.

(b)(i) The department shall establish a limited exception process for large nonessential community providers that can demonstrate a good faith effort to hire a registered nurse for the last eight hours of required coverage per day. In granting an exception, the department may consider the competitiveness of the wages and benefits offered as compared to nursing facilities in comparable geographic or metropolitan areas within

Washington state, the provider's recruitment and retention efforts, and the availability of registered nurses in the particular geographic area. A one-year exception may be granted and may be renewable; however, the department may limit the admission of new residents, based on medical conditions or complexities, when a registered nurse is not on-site and readily available. If a large nonessential community provider receives an exception, that information must be included in the department's nursing home locator.

(ii) By August 1, 2023, and every three years thereafter, the department, along with a stakeholder work group established by the department, shall conduct a review of the exceptions process to determine if it is still necessary. As part of this review, the department shall provide the legislature with a report that includes enforcement and citation data for large nonessential community providers that were granted an exception in the three previous fiscal years in comparison to those without an exception. The report must include a similar comparison of data, provided to the department by the long-term care ombuds, on long-term care ombuds referrals for large nonessential community providers that were granted an exception in the three previous fiscal years and those without an exception. This report, along with a recommendation as to whether the exceptions process should continue, is due to the legislature by December 1st of each year in which a review is conducted. Based on the recommendations outlined in this report, the legislature may take action to end the exceptions process.

(4) Essential community providers and small nonessential community providers must have a registered nurse on duty directly supervising resident care a minimum of sixteen hours per day, seven days per week, and a registered nurse or a licensed practical nurse on duty directly supervising resident care the remaining eight hours per day, seven days per week.

(5) For the purposes of this section, "behavioral health condition" means one or more of the behavioral symptoms specified in section E of the minimum data set.

(6) If a pandemic, natural disaster, or other declared state of emergency impedes or prevents facilities from compliance with subsections (2) through (4) of this section, the department may adopt rules to grant exceptions to these requirements, waive penalties, and suspend oversight activities. Facilities must remain in compliance with subsection (1) of this section. Rules adopted under this subsection are effective until 12 months after the termination of the pandemic, natural disaster, or other declared state of emergency or until determined no longer necessary by the department, whichever occurs first. Once the department determines a rule adopted under this subsection is no longer necessary, it must repeal the rule under RCW 34.05.353.

Sec. 7. RCW 74.39A.074 and 2017 c 216 s 1 are each amended to read as follows:

(1)(a) Except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a), all persons hired as long-term care workers must meet the minimum training requirements in this section within one hundred twenty calendar days after the date of being hired.

(b) Except as provided in RCW 74.39A.076, the minimum training requirement is seventy-five hours of entry-level training approved by the department. A long-term care worker must successfully complete five of these seventy-five hours before being eligible to provide care.

(c) Training required by (d) of this subsection applies toward the training required under RCW 18.20.270 or 70.128.230 or any statutory or regulatory training requirements for long-term care workers employed by community residential service businesses.

(d) The seventy-five hours of entry-level training required shall be as follows:

(i) Before a long-term care worker is eligible to provide care, he or she must complete:

(A) Two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment; and

(B) Three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

(ii) Seventy hours of long-term care basic training, including training related to:

(A) Core competencies; and

(B) Population specific competencies, including identification of individuals with potential hearing loss and how to seek assistance if hearing loss is suspected.

(2) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.

(3) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(4) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (4) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in subsection (1)(a) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (4) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1)(a) of this section and provide the legislature with a report.

(5) The department shall adopt rules to implement this section.

Sec. 8. RCW 74.39A.076 and 2019 c 363 s 19 are each amended to read as follows:

(1) Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a):

(a) A biological, step, or adoptive parent who is the individual provider only for the person's developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of adults with developmental disabilities within the first one hundred twenty days after becoming an individual provider.

(b) A spouse or registered domestic partner who is a long-term care worker only for a spouse or domestic partner, pursuant to the long-term services and supports trust program established in chapter 50B.04 RCW, must receive fifteen hours of basic training, and at least six hours of additional focused training based on the care-receiving spouse's or partner's needs, within the first one hundred twenty days after becoming a long-term care worker.

(c) A person working as an individual provider who (i) provides respite care services only for individuals with developmental disabilities receiving services under Title 71A RCW or only for individuals who receive services under this chapter, and (ii) works three hundred hours or less in any calendar year, must complete fourteen hours of training within the first one hundred twenty days after becoming an individual provider. Five of the fourteen hours must be completed before becoming eligible to provide care, including two hours of orientation training regarding the caregiving role and terms of employment and three hours of safety training. The training partnership identified in RCW 74.39A.360 must offer at least twelve of the fourteen hours online, and five of those online hours must be individually selected from elective courses.

(d) Individual providers identified in (d)(i) or (ii) of this subsection must complete thirty-five hours of training within the first one hundred twenty days after becoming an individual provider. Five of the thirty-five hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

(i) An individual provider caring only for the individual provider's biological, step, or adoptive child or parent unless covered by (a) of this subsection; and

(ii) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(2) In computing the time periods in this section, the first day is the date of hire.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (4) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in subsection (1) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (4) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

(5) The department shall adopt rules to implement this section.

Sec. 9. RCW 74.39A.341 and 2015 c 152 s 3 are each amended to read as follows:

(1) All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. This requirement applies beginning July 1, 2012.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

(3) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child;

(b) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

(c) Before January 1, 2016, a long-term care worker employed by a community residential service business;

(d) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; or

(e) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(5) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(6) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (6) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the

training required in this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (6) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

(7) The department of health shall adopt rules to implement subsection (1) of this section.

((~~(7)~~)) (8) The department shall adopt rules to implement subsection (2) of this section.

Sec. 10. RCW 18.88B.021 and 2013 c 259 s 1 are each amended to read as follows:

(1) Beginning January 7, 2012, except as provided in RCW 18.88B.041, any person hired as a long-term care worker must be certified as a home care aide as provided in this chapter within two hundred calendar days after the date of ((~~being hired. In computing the time periods in this subsection, the first day is the date of~~)) hire, as defined by the department. The department may adopt rules determining under which circumstances a long-term care worker may have more than one date of hire, restarting the person's 200-day period to obtain certification as a home care aide.

(2)(a) No person may practice or, by use of any title or description, represent himself or herself as a certified home care aide without being certified as provided in this chapter.

(b) This section does not prohibit a person: (i) From practicing a profession for which the person has been issued a license or which is specifically authorized under this state's laws; or (ii) who is exempt from certification under RCW 18.88B.041 from providing services as a long-term care worker.

(c) In consultation with consumer and worker representatives, the department shall, by January 1, 2013, establish by rule a single scope of practice that encompasses both long-term care workers who are certified home care aides and long-term care workers who are exempted from certification under RCW 18.88B.041.

(3) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete certification as required by this section, the department may adopt rules to allow long-term care workers additional time to become certified.

(a) Rules adopted under this subsection (3) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that additional time for long-term care workers to become certified is no longer necessary, whichever is later. Once the department determines a rule adopted under this subsection (3) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of certification compliance with subsection (1) of this section and rules adopted under this subsection (3) and provide the legislature with a report.

(4) The department shall adopt rules to implement this section.

Sec. 11. RCW 70.128.230 and 2019 c 466 s 5 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes all adult family home resident managers and any person who provides residents with hands-on personal care on behalf of an adult family home, except volunteers who are directly supervised.

(b) "Indirect supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section and is quickly and easily available to the caregiver, but not necessarily on-site.

(2) Training must have three components: Orientation, basic training, and continuing education. All adult family home providers, resident managers, and employees, or volunteers who routinely interact with residents

shall complete orientation. Caregivers shall complete orientation, basic training, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate adult family home staff to all adult family home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care. Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without direct supervision.

(5) For adult family homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of providers and resident managers.

(a) Specialty training consists of modules on the core knowledge and skills that providers and resident managers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by providers and resident managers before admitting and serving residents who have been determined to have special needs related to mental illness, dementia, or a developmental disability. Should a resident develop special needs while living in a home without specialty designation, the provider and resident manager have one hundred twenty days to complete specialty training.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully complete the competency challenge test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully complete the specialty training competency challenge test are fully exempt from the specialty training requirements of this section.

(8)(a) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW are exempt from any continuing education requirement established under this section.

(b) The department may adopt rules that would exempt licensed persons from all or part of the training requirements under this chapter, if they are (i) performing the tasks for which they are licensed and (ii) subject to chapter 18.130 RCW.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the adult family home training network must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges, private associations, or other entities, as defined by the department.

(10) The adult family home training network shall assist adult family homes that desire to deliver facility-based training with facility designated trainers, or adult family homes that desire to pool their resources to create shared training systems. The department shall develop criteria for reviewing and approving trainers and training materials. The department may approve a curriculum based upon attestation by an adult family home administrator that the adult family home's training curriculum

addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled inspection authorized under RCW 70.128.070. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(11) The department shall adopt rules by September 1, 2002, for the implementation of this section.

(12)(a) Except as provided in (b) of this subsection, the orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, and shall be applied to (i) employees hired subsequent to September 1, 2002; or (ii) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 and this section. Existing employees who have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 shall be subject to all applicable requirements of this section.

(b) Beginning January 7, 2012, long-term care workers, as defined in RCW 74.39A.009, employed by an adult family home are also subject to the training requirements under RCW 74.39A.074.

(13) If a pandemic, natural disaster, or other declared state of emergency makes specialty training unavailable, the department may adopt rules to allow an adult family home where the provider and resident manager have not completed specialty training to admit a resident or residents with special needs related to mental illness, dementia, or a developmental disability, or to care for a resident or residents already living in the home who develop special needs. Such rules must include information about how to complete the specialty training once the training is available.

(a) Rules adopted under this subsection (13) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that providers and resident managers who were unable to complete the specialty training required in subsection (5)(b) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (13) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (5)(b) of this section and provide the legislature with a report.

Sec. 12. RCW 18.20.270 and 2013 c 259 s 4 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes any person who provides residents with hands-on personal care on behalf of an assisted living facility, except volunteers who are directly supervised.

(b) "Direct supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section, is on the premises, and is quickly and easily available to the caregiver.

(2) Training must have the following components: Orientation, basic training, specialty training as appropriate, and continuing education. All assisted living facility employees or volunteers who routinely interact with residents shall complete orientation. Assisted living facility administrators, or their designees, and caregivers shall complete orientation, basic training, specialty training as appropriate, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate assisted living facility staff to all assisted living facility employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by

demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care. Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without direct supervision. Assisted living facility administrators, or their designees, must complete basic training and demonstrate competency within one hundred twenty days of employment.

(5) For assisted living facilities that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of administrators, or designees, and caregivers.

(a) Specialty training consists of modules on the core knowledge and skills that caregivers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care to a resident having special needs. However, if specialty training is not integrated with basic training, the specialty training must be completed within ninety days of completion of basic training. Until competency in the core specialty areas has been demonstrated, caregivers shall not provide hands-on personal care to residents with special needs without direct supervision.

(c) Assisted living facility administrators, or their designees, must complete specialty training and demonstrate competency within one hundred twenty days from the date on which the administrator or his or her designee is hired, if the assisted living facility serves one or more residents with special needs.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.

(8)(a) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW are exempt from any continuing education requirement established under this section.

(b) The department may adopt rules that would exempt licensed persons from all or part of the training requirements under this chapter, if they are (i) performing the tasks for which they are licensed and (ii) subject to chapter 18.130 RCW.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(10) The department shall develop criteria for the approval of orientation, basic training, and specialty training programs.

(11) Assisted living facilities that desire to deliver facility-based training with facility designated trainers, or assisted living facilities that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The department shall develop criteria for reviewing and approving trainers and training materials that are substantially similar to or better than the materials developed by the department. The department may approve a

curriculum based upon attestation by an assisted living facility administrator that the assisted living facility's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled yearly inspection and investigation required under RCW 18.20.110. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(12) The department shall adopt rules for the implementation of this section.

(13)(a) Except as provided in (b) of this subsection, the orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, or one hundred twenty days from the date of employment, whichever is later, and shall be applied to (i) employees hired subsequent to September 1, 2002; and (ii) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 and this section. Existing employees who have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 shall be subject to all applicable requirements of this section.

(b) Beginning January 7, 2012, long-term care workers, as defined in RCW 74.39A.009, employed by facilities licensed under this chapter are also subject to the training requirements under RCW 74.39A.074.

(14) If a pandemic, natural disaster, or other declared state of emergency makes specialty training unavailable, the department may adopt rules to allow an assisted living facility where the administrator, designee, and caregiving staff have not completed specialty training to admit a resident or residents with special needs related to mental illness, dementia, or a developmental disability. Such rules must include information about how to complete the specialty training once the training is available.

(a) Rules adopted under this subsection (14) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that providers and resident managers who were unable to complete the specialty training required in subsection (5)(b) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (14) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (5)(b) of this section and provide the legislature with a report.

Sec. 13. RCW 70.128.070 and 2011 1st sp.s. c 3 s 204 are each amended to read as follows:

(1) A license shall remain valid unless voluntarily surrendered, suspended, or revoked in accordance with this chapter.

(2)(a) Homes applying for a license shall be inspected at the time of licensure.

(b) Homes licensed by the department shall be inspected at least every eighteen months, with an annual average of fifteen months. However, an adult family home may be allowed to continue without inspection for two years if the adult family home had no inspection citations for the past three consecutive inspections and has received no written notice of violations resulting from complaint investigations during that same time period.

(c) The department may make an unannounced inspection of a licensed home at any time to assure that the home and provider are in compliance with this chapter and the rules adopted under this chapter.

(d) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in this subsection, the department shall adopt rules to reestablish inspection timelines based on the length of time since last inspection, compliance history of each facility, and immediate health or safety concerns.

(i) Rules adopted under this subsection (2)(d) are effective until the termination of the pandemic, natural

disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in (b) of this subsection, whichever is later. Once the department determines a rule adopted under this subsection (2)(d) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(ii) Within 12 months of the termination of the pandemic, natural disaster, or declared state of emergency, the department shall conduct a review of inspection compliance with (b) of this subsection and provide the legislature with a report.

(3) If the department finds that the home is not in compliance with this chapter, it shall require the home to correct any violations as provided in this chapter.

Sec. 14. RCW 70.97.160 and 2020 c 278 s 9 are each amended to read as follows:

(1) The department shall make or cause to be made at least one inspection of each facility prior to licensure and an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.

(2) Any duly authorized officer, employee, or agent of the department may enter and inspect any facility at any time to determine that the facility is in compliance with this chapter and applicable rules, and to enforce any provision of this chapter. Complaint inspections shall be unannounced and conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection unless authorized or required by federal law.

(3) During inspections, the facility must give the department access to areas, materials, and equipment used to provide care or support to residents, including resident and staff records, accounts, and the physical premises, including the buildings, grounds, and equipment. The department has the authority to privately interview the provider, staff, residents, and other individuals familiar with resident care and service plans.

(4) Any public employee giving advance notice of an inspection in violation of this section shall be suspended from all duties without pay for a period of not less than five nor more than fifteen days.

(5) The department shall prepare a written report describing the violations found during an inspection, and shall provide a copy of the inspection report to the facility.

(6) The facility shall develop a written plan of correction for any violations identified by the department and provide a plan of correction to the department within ten working days from the receipt of the inspection report.

(7) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in this section, the department shall adopt rules to reestablish inspection timelines based on the length of time since last inspection, compliance history of each facility, and immediate health or safety concerns.

(a) Rules adopted under this subsection (7) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in subsection (1) of this section, whichever is later. Once the department determines a rule adopted under this subsection (7) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of inspection compliance with subsection (1) of this section and provide the legislature with a report.

Sec. 15. RCW 18.20.110 and 2012 c 10 s 6 are each amended to read as follows:

(1) The department shall make or cause to be made, at least every eighteen months with an annual average of fifteen months, an inspection and investigation of all assisted living facilities. However, the department may delay an inspection to twenty-four months if the assisted living facility has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period. The department may at

anytime make an unannounced inspection of a licensed facility to assure that the licensee is in compliance with this chapter and the rules adopted under this chapter. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary, and the stores and methods of supply; however, the department shall not have access to financial records or to other records or reports described in RCW 18.20.390. Financial records of the assisted living facility may be examined when the department has reasonable cause to believe that a financial obligation related to resident care or services will not be met, such as a complaint that staff wages or utility costs have not been paid, or when necessary for the department to investigate alleged financial exploitation of a resident. Following such an inspection or inspections, written notice of any violation of this law or the rules adopted hereunder shall be given to the applicant or licensee and the department. The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized.

(2) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in subsection (1) of this section, the department shall adopt rules to reestablish inspection timelines based on the length of time since last inspection, compliance history of each facility, and immediate health or safety concerns.

(a) Rules adopted under this subsection (2) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in subsection (1) of this section, whichever is later. Once the department determines a rule adopted under this subsection (2) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of inspection compliance with subsection (1) of this section and provide the legislature with a report.

Sec. 16. RCW 18.88A.030 and 2010 c 169 s 4 are each amended to read as follows:

(1)(a) A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed (registered) nurse or licensed practical nurse.

(b) A health care facility shall not assign a nursing assistant-registered to provide care until the nursing assistant-registered has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

(c) Nothing in this chapter shall be construed to confer on a nursing assistant the authority to administer medication unless delegated as a specific nursing task pursuant to this chapter or to practice as a licensed (registered) nurse or licensed practical nurse as defined in chapter 18.79 RCW.

(2)(a) A nursing assistant employed in a nursing home must have successfully obtained certification through: (i) An approved training program and the competency evaluation within ((~~four months after the date of employment~~)) a period of time determined in rule by the commission; or (ii) alternative training and the competency evaluation prior to employment.

(b) Certification is voluntary for nursing assistants working in health care facilities other than nursing homes unless otherwise required by state or federal law or regulation.

(3) The commission may adopt rules to implement the provisions of this chapter.

Sec. 17. RCW 18.88A.087 and 2010 c 169 s 3 are each amended to read as follows:

(1) The commission shall adopt criteria for evaluating an applicant's alternative training to determine the applicant's eligibility to take the

competency evaluation for nursing assistant certification. At least one option adopted by the commission must allow an applicant to take the competency evaluation if he or she:

(a)(i) Is a certified home care aide pursuant to chapter 18.88B RCW; or

(ii) Is a certified medical assistant pursuant to a certification program accredited by a national medical assistant accreditation organization and approved by the commission; and

(b) Has successfully completed at least twenty-four hours of training that the commission determines is necessary to provide training equivalent to approved training on topics not addressed in the training specified for certification as a home care aide or medical assistant, as applicable. In the commission's discretion, a portion of these hours may include clinical training.

(2)(a) ((~~By July 1, 2011, the~~)) The commission, in consultation with the secretary, the department of social and health services, and consumer, employer, and worker representatives, shall adopt rules to implement this section and to provide((~~, beginning January 1, 2012,~~)) for a program of credentialing reciprocity to the extent required by this section between home care aide and medical assistant certification and nursing assistant certification. ((~~By July 1, 2011, the~~)) The secretary shall also adopt such rules as may be necessary to implement this section and the credentialing reciprocity program.

(b) Rules adopted under this section must be consistent with requirements under 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act relating to state-approved competency evaluation programs for certified nurse aides.

(3) ((~~Beginning December 1, 2012, the~~)) The secretary, in consultation with the commission, shall report annually by December 1st to the governor and the appropriate committees of the legislature on the progress made in achieving career advancement for certified home care aides and medical assistants into nursing practice.

NEW SECTION. **Sec. 18.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 19.** This act is remedial and curative in nature and all of its sections apply retroactively to February 29, 2020, to include the period of the state of emergency created by the COVID-19 outbreak. In any instance where this act grants rule-making authority to the department of social and health services or the department of health, the agencies may adopt the rules as emergency rules and may make the rules retroactively effective."

On page 1, line 2 of the title, after "supports;" strike the remainder of the title and insert "amending RCW 43.43.832, 43.43.837, 74.39A.056, 18.51.091, 18.51.230, 74.42.360, 74.39A.074, 74.39A.076, 74.39A.341, 18.88B.021, 70.128.230, 18.20.270, 70.128.070, 70.97.160, 18.20.110, 18.88A.030, and 18.88A.087; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Tharinger and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1120, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1120, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 81; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul,

Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Chase, Corry, Dufault, Goehner, Hoff, Jacobsen, Kraft, McCaslin, Mosbrucker, Orcutt, Sutherland, Vick, Walsh and Young.

Excused: Representative McEntire.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2021

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1168 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS AND DETERMINATIONS. (1) Over the last decade, forestland and rangeland wildfires have grown larger and increased in intensity and destructiveness throughout Washington state. The annual acres burned in our state illustrates this alarming trend. In the 1990s, an average of 86,000 acres burned annually. In the 2000s, the average annual acres burned increased to 189,000. In the last five years, the annual average grew to more than 488,000 acres burned. This trajectory of escalation continued last year, with wildfires burning more than 812,000 acres.

(2) Recent wildfires have devastated state, federal, tribal, and private lands, destroyed homes and property, and taken lives. These fires have also released greenhouse gases, destroyed critical fish and wildlife habitat, filled our skies with harmful smoke, polluted our waters, damaged our economy, increased the risk of flooding and landslides, created a critical need for reforestation, and threatened the natural resources needed for essential industries and rural economies.

(3) Catastrophic wildfires have significant negative impacts on fish and wildlife habitat, including the loss and degradation of places to shelter and feed, water quality and quantity, and soil nutrients. Washington's fish and wildlife are part of a fire-adapted landscape, but catastrophic wildfires threaten their health and recovery.

(4) The increase in these uncharacteristic wildfires are the result of a combination of climate change-driven drought, hotter temperature, and windstorms; human development patterns and land use planning and activities; and where uncharacteristic fires occur in forests, by past fire suppression and departures from native ecosystem structure and function. Uncharacteristic wildfire risk is addressed through scientifically informed landscape-level treatments designed to restore forest ecosystem and watershed resilience.

(5) Wildfires result in significant greenhouse gas emissions. Wildfires have become one of the largest sources of black carbon in the last five years. From 2014-2018, wildfires in Washington state generated 39.2 million metric tons of carbon, the equivalent of more than 8.5 million cars on the road a year. In 2015, when 1.13 million acres burned in Washington, wildfires were the second largest source of greenhouse gas emissions, second only to transportation.

(6) The legislature has recognized our forests, as well as the manufacturing and utilization of wood products, as a natural carbon solution and critical component of our state's carbon reduction strategy pursuant to chapter 120, Laws of 2020. Uncharacteristic wildfires threaten the ability of our forests to sequester carbon, and they threaten the stability and long-term viability of our forest products industry.

(7) The Washington state department of natural resources' 20-year forest health strategic plan and climate risk assessment finds that carbon emissions from wildfires are anticipated to increase if there is no change in forest management practices. Unless the state significantly increases active forest management across land ownerships to reduce the risk and intensity of wildfires, wildfire emissions will erode efforts to achieve our state's greenhouse gas emissions reduction goals. In addition to reducing fuel loads, many effective forest health treatments retain and restore older, large fire-resilient trees across the landscape that play an important role in carbon sequestration, enhancing climate

resilience and ecosystem services, and mitigating climate change.

(8) Wildfires inflict huge costs to the state budget, the budgets of partner agencies, and our economy. From 2014-2019, agencies in Washington annually spent nearly $150 million fighting wildfires. In 2015, firefighting costs were more than $342 million. In 2019, firefighting costs were more than $172 million. And suppression costs are only a small portion of the full economic impact. According to a 2018 report by the nonprofit headwater's economics, suppression costs account for only nine percent of the total cost of wildfires when factoring in disaster recovery, lost business, lost infrastructure, and timber damage, and public health impacts.

(9) Over one-half of Washington is forested, providing significant environmental and economic value. Over $4,900,000,000 in wages and $200,000,000 in taxes are paid by the forest products' sector each year. Opportunities exist to boost our rural economies through wildfire preparation and preparedness that maintain and attract private sector investments and employment in rural communities.

(10) Wildfires are significant threats to life and property. Over the last five years, wildfires in Washington have taken five lives, including four firefighters and the life of a one-year old boy. In 2020 alone, 298 homes were destroyed by wildfires in our state. More than 1,100 homes have been destroyed this decade. Communities in every corner of Washington have felt the impact and devastation of flames and smoke. In 2020, the town of Malden, Washington was forever scarred by rangeland wildfire. Approximately 80 percent of the town's structures burned down in the Babb Road fire, including the city hall, post office, and fire station.

(11) Wildfire smoke has significant negative impacts on public health. For the second time in the last three years, Washington state had the worst air quality in the world due to wildfires. Communities in every corner of the state felt the impact. Exposure to particulate matter in wildfire smoke has been associated with a wide range of damaging health effects. The particulates in this smoke make those breathing the air wheeze, cough, shorten their breath, and experience sore eyes and throats, diminishing health and quality of life. Other adverse health outcomes are more severe, including increases in asthma-related hospitalizations, chronic and acute respiratory and cardiovascular health problems, and premature death.

(12) Historical forest management, legacy wildfire suppression responses, and a rapidly changing climate have increased the risk of catastrophic wildfires throughout the state. It is the policy of the state to encourage prudent and responsible forest resource management to maintain the health of forests and ecosystems in Washington state. Increasing the pace and scale of forest restoration through fuel reduction, thinning, and the use of prescribed fire on federal, state, tribal, and private lands pursuant to the 20-year forest health strategic plan, the wildland fire protection 10-year strategic plan, and RCW 79.10.520 will reduce the risk of catastrophic wildfires.

(13) In 2020, more than 1,300,000 acres of national forest system land in eastern Washington were considered in need of treatments to restore forest health and reduce the risk of wildfire hazard potential. Many of these lands are adjacent to populated communities, private lands, and state trust lands.

(14) In 2020, 166,000 acres of department of natural resources' land and 74,000 acres of other state-owned lands in eastern Washington were in need of forest health treatment. These forestlands provide critical fish and wildlife habitat, natural and cultural resources, recreation, raw materials for the forest industry, and funding for counties and schools. From 2011-2020, 102,700 forested acres of department of natural resources' managed trust lands have burned.

(15) Tribal lands and communities have been significantly impacted by wildfires and unhealthy forests. Approximately 494,000 acres of tribal lands in eastern Washington need forest health treatments. These forestlands provide critical fish and wildlife habitat, natural and cultural resources, and economic opportunities.

(16) Washington state has nearly eight million acres of private forestlands. Forested acres are declining statewide with a loss of 394,000 acres between 2007 and 2019. Small forestland owners account for 15 percent of total forest acres. Small forestland owner forested acres

declined 3.7 percent from 2,990,000 acres in 2007 to 2,880,000 million acres in 2019. The number of small forestland owners increased 8.5 percent from 201,000 in 2007 to 218,000 in 2019. The number of small forestland owner parcels increased 2.1 percent from 256,500 to 261,800. This rapid land use change creates significant challenges for implementing forest health and wildfire response actions in the wildland urban interface. In eastern Washington alone, approximately 288,000 acres owned by small forestland owners are in need of immediate forest health treatment. These forestlands provide critical raw materials for the forest industry, rural economic opportunities, fish and wildlife habitat, cultural resources, and recreation. A coordinated interagency response is needed to address the multifaceted challenge posed by increasing parcelization, forest fragmentation, loss of economic viability, and changes in landowner assistance needs.

(17) The legislature finds that increasing the pace and scale of science-based forest health activities to reduce hazardous fuels and restore fire resilient forests, including through mechanical thinning and prescribed burning, on federal, state, tribal, and private lands, will reduce the risk and severity of wildfires, protect cultural and archaeological resources, improve fish and wildlife habitat, expand recreational opportunities, protect air and water quality, create rural economic opportunities, provide critical wood products, and increase long-term carbon sequestration on our natural resource lands.

(18) Increased development in the wildland urban interface has also increased the number of people living in areas that are at risk of wildfire. In Washington, over 2,000,000 homes are currently at risk of wildfire. Communities and homeowners can take actions that reduce the risk of loss in the event of wildfire including, but not limited to, home hardening, creating defensible space, and building potential control lines or strategic fuel breaks.

(19) Long-term, sustainable investment in wildfire response, forest restoration, and community resilience is of utmost importance to the health and safety of our environment, our economy, our communities, and the well-being of every resident.

(20) It is the intent of the legislature to take immediate action to fully fund the wildland fire protection 10-year strategic plan. Strategies to accomplish these goals include, but are not limited to:

(a) Upgrading our capability to attack wildfires with critical air and ground resources;

(b) Providing needed wildfire resources to state wildfire response and local fire service districts;

(c) Working with each state utility, local publicly owned electric utility, and electrical cooperative to reduce wildfire risk and develop consistent approaches and shared data related to fire prevention, safety, vegetation management, and energy distribution systems; and

(d) Improving wildfire detection in areas at risk of wildfire through new technologies and equipment.

(21) Furthermore, it is the intent of the legislature to take immediate action to increase the pace and scale of forest management across different land ownerships and fully fund the 20-year forest health strategic plan and activities developed to facilitate implementation of the Washington state forest action plan. Strategies to accomplish these goals include, but are not limited to:

(a) Restoring to health a minimum of 1,250,000 acres of forestland in need of immediate action to become more resilient and improve watershed health;

(b) Increasing prescribed fire and other fuel reduction projects through proven forestry practices and the operation of prescribed fire crews;

(c) Establishing potential control lines and strategic fuel breaks around communities with high wildfire risk;

(d) Increasing funding for the small forestland owner office for technical assistance and support for small forestland owners and funding an integrated small forestland owner forest health program in support of extending management and control of wildfire from homes through the wildland urban interface to small forestland owner holdings; and

(e) Monitoring forest health conditions and effectiveness of

treatments throughout the state, including ecological function and reducing catastrophic wildfires.

(22) Furthermore, it is the intent of the legislature to take immediate action to help communities become more resilient to wildfire. Strategies to accomplish these goals include, but are not limited to:

(a) Increasing funding for cost share programs for home hardening, fuels reduction, and community resilience programs in communities at risk of wildfire;

(b) Reducing wildfire risk to wildland urban interfaces; and

(c) Ensuring our state's most vulnerable populations are not disproportionately burdened by the impact and consequences of wildfire.

(23) The legislature intends to provide $125,000,000 per biennium over the next four biennia for a total of $500,000,000 and that these investments will help protect the state's people, environment, and economy.

NEW SECTION. **Sec. 2.** WILDFIRE RESPONSE, FOREST RESTORATION, AND COMMUNITY RESILIENCE ACCOUNT. (1) The wildfire response, forest restoration, and community resilience account is created in the state treasury. All receipts from moneys directed to the account must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for carrying out the purposes of this act and for no other purposes.

(2) Expenditures from the account may be made to state agencies, federally recognized tribes, local governments, fire and conservation districts, nonprofit organizations, forest collaboratives, and small forestland owners, consistent with the 20-year forest health strategic plan, the wildland fire protection 10-year strategic plan, and the Washington state forest action plan.

(3) The wildfire response, forest restoration, and community resilience account may only be used to monitor, track, and implement the following purposes:

(a) Fire preparedness activities consistent with the goals contained in the state's wildland fire protection 10-year strategic plan including, but not limited to, funding for firefighting capacity and investments in ground and aerial firefighting resources, equipment, and technology, and the development and implementation of a wildland fire aviation support plan in order to expand and improve the effectiveness and cost-efficiency of the department's wildland fire aviation program;

(b) Fire prevention activities to restore and improve forest health and reduce vulnerability to drought, insect infestation, disease, and other threats to healthy forests including, but not limited to, silvicultural treatments, seedling development, thinning and prescribed fire, and postfire recovery activities to stabilize and prevent unacceptable degradation to natural and cultural resources and minimize threats to life and property resulting from the effects of a wildfire. Funding priority under this subsection must be given to programs, activities, or projects aligned with the 20-year forest health strategic plan, the wildland fire protection 10-year strategic plan, and the Washington state forest action plan across any combination of local, state, federal, tribal, and private ownerships;

(c) Fire protection activities for homes, properties, communities, and values at risk including, but not limited to: Potential control lines or strategic fuel breaks in forests and rangelands near communities; improved warning and communications systems to prepare for wildfires; increased engagement with non-English speaking communities in their home language for community preparedness; and the national fire protection association's fire wise USA and the fire-adapted communities network programs to help communities take action before wildfires.

(4) Appropriations for forest health activities funded by the wildfire response, forest restoration, and community resilience account shall not be less than 25 percent of the biennial appropriated funding.

(5) Appropriations for community resilience activities funded by the wildfire response, forest restoration, and community resilience account shall not be less than 15 percent of the biennial appropriated funding.

(6) Funding may not be used for emergency fire costs or suppression costs as defined in RCW 76.04.005.

(7) To the maximum extent possible, workforce development investments from the wildfire response, forest restoration, and community resilience account should prioritize historically marginalized, underrepresented, rural, and low-income communities.

(8) Any expenditures from the wildfire response, forest restoration, and community resilience account for forest health treatments on federal lands must be additive to the baseline accomplishments and outputs already funded through the federal government and outlined in the annual work plans of the United States forest service, bureau of land management, the national park service, and/or the United States fish and wildlife service.

(9) The department may solicit the forest health advisory committee established in RCW 76.06.200 and wildland fire advisory committee established in RCW 76.04.179 to provide recommendations for investments under this section. In assessing investments and developing recommendations for communities that will be impacted based on ecological, public infrastructure, and life safety needs as set forth in the 20-year forest health strategic plan and the wildland fire protection 10-year strategic plan, the forest health advisory committee and wildland fire advisory committee must use environmental justice or equity focused tools, such as the Washington tracking network's environmental health disparities tool to identify highly impacted communities. This identification must be used as a factor in determining recommendations for investments under this section. "Highly impacted communities" has the same meaning as defined in RCW 19.405.020.

(10) To the maximum extent practicable and where consistent with the 20-year forest health strategic plan, the wildland fire protection 10-year strategic plan, or the Washington state forest action plan and landowner objectives, forest health treatments funded through the wildfire response, forest restoration, and community resilience account shall seek to utilize the value of any merchantable materials to help offset treatment costs.

NEW SECTION. **Sec. 3.** TRANSPARENCY AND ACCOUNTABILITY. (1) By December 1st of each even-numbered year, and in compliance with RCW 43.01.036, the department must report to the governor and legislature on the following:

(a) The type and amount of the expenditures made, by fiscal year, and for what purpose, from the wildfire response, forest restoration, and community resilience account created in section 2 of this act;

(b) The amount of unexpended and unobligated funds in the wildfire response, forest restoration, and community resilience account and recommendations for the disbursement to local districts;

(c) Progress on implementation of the wildland fire protection 10-year strategic plan including, but not limited to, how investments are reducing human-caused wildfire starts, lowering the size and scale and geography of catastrophic wildfires, reducing the communities, landscapes, and population at risk, and creating resilient landscapes and communities;

(d) Progress on implementation of the 20-year forest health strategic plan as established through the forest health assessment and treatment framework pursuant to RCW 76.06.200 including, but not limited to: Assessment of fire prone lands and communities that are in need of forest health treatments; forest health treatments prioritized and conducted by landowner type, geography, and risk level; estimated value of any merchantable materials from forest health treatments; and number of acres treated by treatment type, including the use of prescribed fire;

(e) Progress on developing markets for forest residuals and biomass generated from forest health treatments.

(2) The department must include recommendations on any adjustments that may be necessary or advisable to the mechanism of funding dispensation as created under this act.

(3) The report required in this section should support existing department assessments pursuant to RCW 79.10.530 and 76.06.200.

(4)(a)(i) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320,

the department must hire an independent third-party contractor to assist it in updating its forest inventory by increasing the intensity of forest sample plots on all forestlands over the next two biennium. The department's sustainable harvest calculation technical advisory committee must be involved in the design, development, and implementation of this forest inventory update.

(ii) For purposes of this subsection, "forest inventory" means the collection of sample data to estimate a range of forest attributes including, but not limited to, standing volume, stored carbon, habitat attributes, age classes, tree species, and other inventory attributes, including information needed to estimate rates of tree growth and associated carbon sequestration on department lands.

(iii) The department's sustainable harvest calculation technical advisory committee must bring forward recommendations for regular maintenance and updates to the forest inventory on a ten-year basis.

(b) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320, the department must hire a third-party contractor to review, analyze, and advise the department's forest growth and yield modeling, specific to all types of forested acres managed by the department. The department's sustainable harvest calculation technical advisory committee must be involved in the design, review, and analysis of the department's forest growth and yield modeling.

(c) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320 and in the absence of any litigation, pending or in progress, against the department's sustainable harvest calculation, the joint legislative audit and review committee established in chapter 44.28 RCW must oversee and conduct an independent review of the methodologies and data being utilized by the department in the development of the sustainable harvest calculation, including the associated forest inventory, forest growth, harvest and yield data, and modeling techniques that impact harvest levels. In carrying out the review, the joint legislative audit and review committee shall:

(i) Retain one or more contractors with expertise in forest inventories, forest growth and yield modeling, and operational research modeling in forest harvest scheduling to conduct the technical review;

(ii) Be a member of department's sustainable harvest calculation technical advisory committee, along with one of its contractors selected in (c)(i) of this subsection; and

(iii) Prior to the department's determination of the sustainable harvest under RCW 79.10.320, ensure that a completed independent review and report with findings and recommendations is submitted to the board of natural resources and the legislature.

(d) Upon receiving the report from the joint legislative audit and review committee required under (c)(iii) of this subsection, the board of natural resources shall determine whether modifications are necessary to the sustainable harvest calculation prior to approving harvest level under RCW 79.10.320.

Sec. 4. RCW 76.06.200 and 2019 c 305 s 1 are each amended to read as follows:

(1) The department must establish a forest health assessment and treatment framework designed to proactively and systematically address the forest health issues facing the state. Specifically, the framework must endeavor to achieve an initial goal of assessing and treating one million acres of land by 2033.

(2) The department must utilize the framework to assess and treat acreage in an incremental fashion each biennium. The framework consists of three elements: Assessment; treatment; and progress review and reporting.

(a) Assessment. Each biennium, the department must identify and assess two hundred thousand acres of fire prone lands and communities that are in need of forest health treatment, including the use of prescribed fire or mechanical treatment((~~, such as thinning~~)).

(i) The scope of the assessment must include lands protected by the department as well as lands outside of the department's fire protection responsibilities that could pose a high risk to department protected lands during a fire.

(ii) The assessment must identify areas in need of treatment, the type or types of treatment recommended, spatial optimization of forest treatments across landscapes, data and planning needs to carry out recommended treatment, and the estimated cost of recommended treatment.

(iii) The department shall develop a mapping tool to identify small forestland owners within wildfire risk areas and use this tool to evaluate and optimize forest health work at a landscape scale to move high risk wildfire areas to lower risk and to leverage funding and the small forestland owner forest health program and landowner assistance program in section 7 of this act with the greatest impact for wildfire prevention, preparedness, and response.

(b) Treatment. Each biennium, the department must review previously completed assessments and prioritize and conduct as many identified treatments as possible using appropriations provided for that specific purpose.

(c) Progress review and reporting. By December 1st of each even-numbered year, the department must provide the appropriate committees of the legislature and the office of financial management with:

(i) A request for appropriations designed to implement the framework in the following biennium, including assessment work and conducting treatments identified in previously completed assessments;

(ii) A prioritized list and brief summary of treatments planned to be conducted under the framework with the requested appropriations, including relevant information from the assessment; and

(iii) A list and brief summary of treatments carried out under the framework in the preceding biennium, including total funding available, costs for completed treatment, and treatment outcomes. The summary must include any barriers to framework implementation and legislative or administrative recommendations to address those barriers.

(3) In developing and implementing the framework, the department must:

(a) Utilize and build on the forest health strategic planning initiated under section 308(11), chapter 36, Laws of 2016 sp. sess., to the maximum extent practicable, to promote the efficient use of resources;

(b) Prioritize, to the maximum extent practicable consistent with this section, forest health treatments that are strategically planned to serve the dual benefits of forest health maximization while providing geographically planned tools for wildfire response; ((~~and~~))

(c) Where possible, partner with federally recognized tribes to expand use of the tribal forest protection act on federal lands managed by the United States forest service and the bureau of land management;

(d) When entering into good neighbor agreements, as that term is defined in RCW 79.02.010, prioritize, to the maximum extent practicable consistent with this section, forest health treatments adjacent to or nearby state lands so as to increase the speed, efficiency, and impact on the landscape; and

(e) Establish a forest health advisory committee to assist in developing and implementing the framework. The committee may: (i) Include representation from large and small forestland owners, wildland fire response organizations, milling and log transportation industries, forest collaboratives that may exist in the affected areas, highly affected communities and community preparedness organizations, conservation groups, and other interested parties deemed appropriate by the commissioner; and (ii) consult with relevant local, state, and federal agencies, and tribes.

(4) In implementing subsection (3)(b) of this section, the department shall attempt to locate and design forest health treatments in such a way as to provide wildfire response personnel with strategically located treated areas to assist with managing fire response. These areas must attempt to maximize the firefighting benefits of natural and artificial geographic features and be located in areas that prioritize the protection of commercially managed lands from fires originating on public land.

(5) The department must establish and implement the forest health assessment and treatment framework within the appropriations specifically provided for this purpose.

(6) The department must explore opportunities and developing markets for the utilization of woody biomass residuals from forest treatments, including biochar. When exploring opportunities and developing markets, the department must consult with the department of commerce, relevant federal agencies, representatives of the forest products sector, environmental organizations, and other stakeholders with a working knowledge of woody biomass technology.

NEW SECTION. **Sec. 5.** WORKFORCE DEVELOPMENT. (1) The legislature finds that satisfying the goals identified in section 1 of this act to increase the pace and scale of forest health treatments and improve wildfire prevention and response requires increasing the workforce that is needed to perform this critical work. This need creates an opportunity to develop employment and career pathways across the state, including in rural communities throughout Washington. Investments to support and further develop the forest sector workforce are recommended in both the department's 2019 "plan for climate resilience" and the department of commerce's 2020 report "Washington's green economy."

(2) The department and the department of commerce shall jointly develop and implement, as appropriate and in consultation with centers of excellence, higher education, secondary education, and workforce development centers, initiatives to develop a forest health workforce necessary to implement the goals of this section. Initiatives may include, but are not limited to:

(a) Creating a new or making an existing grant program available to nonprofits, labor organizations, state agencies, community and technical colleges, institutions of higher education, private sector employers, skills centers, or other training and education institutions that have qualifications and experience in the development of training programs, such as secondary and postsecondary courses, relevant to the workforce needs of the forest sector. Grants must be awarded on a competitive basis with priority funding for programs that meet urgent forest health and wildfire suppression skills gaps and demonstrate a lack of available workforce in underserved communities. Grants awarded may be used for activities such as internships, Washington state registered apprenticeship programs, recognized preapprenticeships, career launch, and other relevant career connect Washington activities, and postsecondary bridge programs for forest sector or skill relevant trades that provide:

(i) On the job training;

(ii) Hard and soft skills development;

(iii) Test preparation for trade apprenticeship;

(iv) Advanced training in the forest sector relating to jobs such as: Hand crews; wildland firefighters; fire safety; equipment operators; timber operators; mill workers; mill or forestry technicians; mechanics; loggers; timber fallers; commercial truck drivers; foresters; ecologists; biologists; or other workforce needs in support of forest restoration and wildfire response;

(b) Developing education programs for elementary, secondary, and higher education students that: (i) Inform people about the role of forestry, fire, vegetation management, and ecological restoration; (ii) increase the awareness of opportunities for careers in the forest sector and exposure of students to those careers through various work-based learning opportunities inside and outside the classroom; (iii) connect students in pathways to careers in the forest sector; and (iv) incorporate opportunities for secondary students to earn industry recognized credentials and dual credit in career and technical education courses;

(c) Developing regional education, industry, and workforce development collaborations, including recruiting and building industry awareness and coordinating candidate development particularly in areas that are traditionally underrepresented in natural resource industries and specifically in forestry;

(d) Building additional statewide response. The department shall develop a recruiting and outreach program across the state to encourage people to volunteer with their local fire departments. The department shall expand existing training programs to meet increased interest and need in wildfire response and forest health work; and

(e) Developing a program to train local building and construction trade members and contractors to be deployed during periods requiring surge capacity for wildland fire suppression including:

(i) As wildland firefighters who meet the requirements of being utilized by the department; and

(ii) As heavy equipment operators who meet the requirements to be utilized by the department as required by RCW 76.04.181.

(3) The commissioner and the director of the department of commerce must direct their staff to develop a plan for tracking, maintaining, and publicly reporting on the following:

(a) A working definition of the forest sector workforce, including the job skills, certifications, and experience required;

(b) Recommendations for the training, recruitment, and retention of the current and anticipated forest sector workforce necessary to implement the goals of this act;

(c) The identification of gaps and barriers to a full forest sector workforce pool, including:

(i) Estimates of forest sector workforce jobs created and retained as well as any reductions in the forest sector workforce;

(ii) An estimate of the number of needed private contractors to implement the goals of this act, an inventory of local and regional private contractors trained to carry out wildfire response and forest health work, and a list of local private contractors utilized annually for wildfire response and forest health work; and

(iii) An inventory of existing training facilities and programs that support ongoing and anticipated forest sector, or related sectors, as identified in subsection (2)(a)(iv) of this section;

(d) Recommendations for addressing identified barriers or other needs to otherwise continue the development of a forest workforce necessary to implement the goals of this act.

(4) The department and the department of corrections shall jointly develop opportunities to expand existing programs to provide the additional wildfire, forest health, and silvicultural capacity necessary to implement the goals of this act, including a postrelease program that helps formerly incarcerated individuals who served on state fire response crews obtain employment in wildfire suppression and forest management.

(5) The department shall utilize existing programs such as the Washington conservation corps, Washington veterans corps, Washington service corps, customized and on-the-job training, or similar programs to expand opportunities and promote family wage careers in the forest sector workforce.

(6) To the maximum extent possible, workforce development programs and policies should prioritize historically marginalized, underrepresented, rural, and low-income communities.

(7) The department and the department of commerce, working with the forest health advisory committee, must assist forestland owners and forest products companies grow existing and develop new market opportunities for the utilization of material produced as a result of forest health treatments funded through the wildfire response, forest restoration, and community resilience account to improve the economic benefit of the treatments while increasing the speed, efficiency, and impact of forest restoration on the landscape.

Sec. 6. RCW 76.06.150 and 2009 c 163 s 5 are each amended to read as follows:

(1) The commissioner ((~~of public lands~~)) is designated as the state of Washington's lead for all forest health issues.

(2) The commissioner ((~~of public lands~~)) shall strive to promote communications between the state, tribes, and the federal government regarding forestland management decisions that potentially affect the health of forests in Washington and will allow the state to have an influence on the management of federally owned land in Washington. Such government-to-government cooperation is vital if the condition of the state's public and private forestlands are to be protected. These activities may include, when deemed by the commissioner to be in the best interest of the state:

(a) Representing the state's interest before all appropriate local, state, and federal agencies and tribes;

(b) Assuming the lead state role for developing formal comments on federal forest management plans that may have an impact on the health of forests in Washington;

(c) Pursuing in an expedited manner any available and appropriate cooperative agreements, including cooperating agency status designation, with the United States forest service and the United States bureau of land management that allow for meaningful participation in any federal land management plans that could affect the department's strategic plan for healthy forests and effective fire prevention and suppression, including the pursuit of any options available for giving effect to the cooperative philosophy contained within the national environmental policy act of 1969 (42 U.S.C. Sec. 4331)((~~; and~~

~~(d) Pursuing~~)).

(3) The commissioner shall regularly meet and coordinate with the regional leadership of the United States forest service, in order to:

(a) Identify strategies to improve the delivery and increase the pace and scale of forest health and resiliency, and fuels mitigation treatments, on federal lands;

(b) Document the resources needed to increase the capacity available to the United States forest service, on national forests in Washington;

(c) Identify supplemental planning and implementation support to the United States forest service, through the use of cooperative agreements and good neighbor agreements, as that term is defined in RCW 79.02.010;

(d) Maximize the utilization of available efficiencies for compliance with the national environmental policy act, as it applies to actions of the United States forest service in Washington, such as tools to increase the pace and scale of forest health treatments including, but not limited to, categorical exclusions, shared stewardship, and tribal forest protection act for forest health, fuels mitigation, and restoration activities;

(e) Accelerate national environmental policy act completion for forest health and resiliency projects, including through increased staffing and the use of partners, contractors, and department expertise to complete national environmental policy act requirements analysis; and

(f) Pursue agreements with federal agencies in the service of forest biomass energy partnerships and cooperatives authorized under RCW 43.30.835 through 43.30.840.

((~~(3) The~~)) (4) Every two years, the commissioner ((~~of public lands~~)) shall report to the ((~~chairs of the appropriate standing committees of the~~)) legislature ((~~every year~~)) on progress under this section, including ((~~the~~)):

(a) The identification, if deemed appropriate by the commissioner, of any needed state or federal statutory changes, policy issues, or funding needs; and

(b) An estimate of the acres of at-risk forests on each national forest and the number of acres treated.

NEW SECTION. **Sec. 7.** A new section is added to chapter 76.13 RCW to read as follows:

SMALL FORESTLAND OWNER FOREST HEALTH PROGRAM.

(1) There is established an integrated small forestland owner forest health program that promotes the coordination and delivery of services with federal, state, and local agencies, including local fire districts, conservation districts, and community wildfire resilience coalitions, forest landowner associations, colleges and universities, landowner assistance organizations, consultants, forest resource-related industries, and environmental organizations to nonindustrial forests and woodland owners, hereafter referred to as small forestland owners.

(2) Under the state forester's direction, the program must:

(a) Integrate existing landowner assistance forest health programs consistent with the recommendations of "Washington's Small Forest Landowners in 2020, Status, Trends and Recommendations after 20 years of Forests & Fish, January 2021" (the report required by chapter 457, Laws of 2019), to more efficiently and effectively reach the diversity of small forestland owner audiences to take forest health action;

(b) Identify and remove barriers to technical assistance, funding, and forest health management planning;

(c) Increase education and outreach to small forestland owners; and

(d) Distribute funding effectively to move high wildfire risk areas to lower risk.

(3) Priority areas for forest health treatment under the Washington state forest action plan, the 10-year forest health strategic plan, and the wildland fire protection 10-year strategic plan may not prohibit technical support or stewardship plan support for small forestland owner lands outside the designated emphasis areas.

NEW SECTION. **Sec. 8.** WILDFIRE AVIATION RESPONSE. The department must develop and implement a wildland fire aviation support plan, as recommended by the wildland fire protection 10-year strategic plan, in order to expand and improve the effectiveness and cost-efficiency of the department's wildland fire aviation program. The wildland fire aviation support plan must include:

(1) Recommendations for the addition of air assets in order for the department to increase its initial attack capability and maintain and improve on the department's ability to manage fires to meet 10-year wildland fire protection and 20-year forest health strategic plan goals;

(2) Development of a next-generation rotor wing platform strategy to ensure the availability and use of the latest firefighting aviation technology and provide a path for either the upgrade or replacement, or both, of the department's legacy aircraft;

(3) Evaluation of opportunities to increase the use of contract air assets;

(4) Evaluation of costs and benefits to increase dedicated air resources during peak fire season when there may be limited available supply due to wildfire activity in other states; and

(5) Strategies to upgrade retardant loading and processing infrastructure to improve tanker turnaround time, including support for development of infrastructure to accommodate very large air tankers, at a port with an international airport within a county east of the crest of the Cascade mountains that does not share a border with another state.

Sec. 9. RCW 72.64.160 and 1991 c 131 s 2 are each amended to read as follows:

(1) For the purposes of RCW 72.64.150, inmate forest fire suppression crews may be considered a class I free venture industry, as defined in RCW 72.09.100, when fighting fires on federal lands.

(2) For the purposes of RCW 72.64.050, inmate forest fire suppression and support crews when fighting fires must receive a gratuity no less than the minimum wage per hour paid in the locality in which the industry is located.

NEW SECTION. **Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 11.** SHORT TITLE. This act may be known and cited as the wildfire response, forest restoration, and community resilience act.

NEW SECTION. **Sec. 12.** Sections 1 through 3, 5, and 8 of this act are each added to chapter 76.04 RCW and codified with the subchapter heading of "wildfire response, forest restoration, and community resilience.""

On page 1, line 2 of the title, after "dangers;" strike the remainder of the title and insert "amending RCW 76.06.200, 76.06.150, and 72.64.160; adding new sections to chapter 76.04 RCW; adding a new section to chapter 76.13 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1168 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Springer and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1168, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1168, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative McEntire.

SECOND SUBSTITUTE HOUSE BILL NO. 1168, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 2021

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1316 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.60.005 and 2019 c 318 s 1 are each amended to read as follows:

(1) The purpose of this chapter is to provide for a safety net assessment on certain Washington hospitals, which will be used solely to augment funding from all other sources and thereby support additional payments to hospitals for medicaid services as specified in this chapter.

(2) The legislature finds that federal health care reform will result in an expansion of medicaid enrollment in this state and an increase in federal financial participation.

(3) In adopting this chapter, it is the intent of the legislature:

(a) To impose a hospital safety net assessment to be used solely for the purposes specified in this chapter;

(b) To generate approximately one billion dollars per state fiscal biennium in new state and federal funds by disbursing all of that amount to pay for medicaid hospital services and grants to certified public expenditure and critical access hospitals, except costs of administration as specified in this chapter, in the form of additional payments to hospitals and managed care plans, which may not be a substitute for payments from other sources, but which include quality improvement incentive payments under RCW 74.09.611;

(c) To generate two hundred ninety-two million dollars per biennium during the ((~~2019-2021 and~~)) 2021-2023 and 2023-2025 biennia in new funds to be used in lieu of state general fund payments for medicaid hospital services;

(d) That the total amount assessed not exceed the amount needed, in combination with all other available funds, to support the payments authorized by this chapter;

(e) To condition the assessment on receiving federal approval for receipt of additional federal financial participation and on continuation of other funding sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the rates the state paid for those services on July 1, 2015, as adjusted for current enrollment and utilization; and

(f) For each of the two biennia starting with fiscal year ((~~2020~~)) 2022 to generate:

(i) Four million dollars for new integrated evidence-based psychiatry residency program slots that did not receive state funding prior to 2016 at the integrated psychiatry residency program at the University of Washington; and

(ii) Eight million two hundred thousand dollars for family medicine residency program slots that did not receive state funding prior to 2016, as directed through the family medicine residency network at the University of

Washington, for slots where residents are employed by hospitals.

Sec. 2. RCW 74.60.020 and 2019 c 318 s 3 are each amended to read as follows:

(1) A dedicated fund is hereby established within the state treasury to be known as the hospital safety net assessment fund. The purpose and use of the fund shall be to receive and disburse funds, together with accrued interest, in accordance with this chapter. Moneys in the fund, including interest earned, shall not be used or disbursed for any purposes other than those specified in this chapter. Any amounts expended from the fund that are later recouped by the authority on audit or otherwise shall be returned to the fund.

(a) Any unexpended balance in the fund at the end of a fiscal year shall carry over into the following fiscal year or that fiscal year and the following fiscal year and shall be applied to reduce the amount of the assessment under RCW 74.60.050(1)(c).

(b) Any amounts remaining in the fund after July 1, ((~~2023~~)) 2025, shall be refunded to hospitals, pro rata according to the amount paid by the hospital since July 1, 2013, subject to the limitations of federal law.

(2) All assessments, interest, and penalties collected by the authority under RCW 74.60.030 and 74.60.050 shall be deposited into the fund.

(3) Disbursements from the fund are conditioned upon appropriation and the continued availability of other funds sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the levels the state paid for those services on July 1, 2015, as adjusted for current enrollment and utilization.

(4) Disbursements from the fund may be made only:

(a) To make payments to hospitals and managed care plans as specified in this chapter;

(b) To refund erroneous or excessive payments made by hospitals pursuant to this chapter;

(c) For one million dollars per biennium for payment of administrative expenses incurred by the authority in performing the activities authorized by this chapter;

(d) For two hundred ninety-two million dollars per biennium, to be used in lieu of state general fund payments for medicaid hospital services, provided that if the full amount of the payments required under RCW 74.60.120 and 74.60.130 cannot be distributed in a given fiscal year, this amount must be reduced proportionately;

(e) To repay the federal government for any excess payments made to hospitals from the fund if the assessments or payment increases set forth in this chapter are deemed out of compliance with federal statutes and regulations in a final determination by a court of competent jurisdiction with all appeals exhausted. In such a case, the authority may require hospitals receiving excess payments to refund the payments in question to the fund. The state in turn shall return funds to the federal government in the same proportion as the original financing. If a hospital is unable to refund payments, the state shall develop either a payment plan, or deduct moneys from future medicaid payments, or both;

(f) To pay an amount sufficient, when combined with the maximum available amount of federal funds necessary to provide a one percent increase in medicaid hospital inpatient rates to hospitals eligible for quality improvement incentives under RCW 74.09.611. By May 16, 2018, and by each May 16 thereafter, the authority, in cooperation with the department of health, must verify that each hospital eligible to receive quality improvement incentives under the terms of this chapter is in substantial compliance with the reporting requirements in RCW 43.70.052 and 70.01.040 for the prior period. For the purposes of this subsection, "substantial compliance" means, in the prior period, the hospital has submitted at least nine of the twelve monthly reports by the due date. The authority must distribute quality improvement incentives to hospitals that have met these requirements beginning July 1 of 2018 and each July 1 thereafter; and

(g) For each state fiscal year ((~~2020~~)) 2022 through ((~~2023~~)) 2025 to generate:

(i) Two million dollars for integrated evidence-based psychiatry residency program slots that did not receive state funding prior to 2016 at the integrated psychiatry residency program at the University of Washington; and

(ii) Four million one hundred thousand dollars for family medicine residency program slots that did not receive state funding prior to 2016, as directed through the family medicine residency network at the University of Washington, for slots where residents are employed by hospitals.

Sec. 3. RCW 74.60.090 and 2019 c 318 s 6 are each amended to read as follows:

(1) In each fiscal year commencing upon satisfaction of the applicable conditions in RCW 74.60.150(1), funds must be disbursed from the fund and the authority shall make grants to certified public expenditure hospitals, which shall not be considered payments for hospital services, as follows:

(a) University of Washington medical center: ((~~Ten million five hundred fifty-five thousand dollars in state fiscal year 2020 and up~~)) Up to twelve million fifty-five thousand dollars in state fiscal year ((~~2021~~)) 2022 through ((~~2023~~)) 2025 paid as follows, except if the full amount of the payments required under RCW 74.60.120(1) and 74.60.130 cannot be distributed in a given fiscal year, the amounts in this subsection must be reduced proportionately:

(i) ((~~Four~~)) Five million ((~~four~~)) nine hundred fifty-five thousand dollars in state fiscal years ((~~2020~~)) 2022 through ((~~2023, except that from state fiscal year 2021 through 2023, if northwest hospital is ineligible to participate in this chapter as a prospective payment hospital, the amount per state fiscal year must be five million nine hundred fifty-five thousand dollars~~)) 2025;

(ii) Two million dollars to integrated, evidence-based psychiatry residency program slots that did not receive state funding prior to 2016, at the integrated psychiatry residency program at the University of Washington; and

(iii) Four million one hundred thousand dollars to family medicine residency program slots that did not receive state funding prior to 2016, as directed through the family medicine residency network at the University of Washington, for slots where residents are employed by hospitals;

(b) Harborview medical center: Ten million two hundred sixty thousand dollars in each state fiscal year ((~~2020~~)) 2022 through ((~~2023~~)) 2025, except if the full amount of the payments required under RCW 74.60.120(1) and 74.60.130 cannot be distributed in a given fiscal year, the amounts in this subsection must be reduced proportionately;

(c) All other certified public expenditure hospitals: Five million six hundred fifteen thousand dollars in each state fiscal year ((~~2020~~)) 2022 through ((~~2023~~)) 2025, except if the full amount of the payments required under RCW 74.60.120(1) and 74.60.130 cannot be distributed in a given fiscal year, the amounts in this subsection must be reduced proportionately. The amount of payments to individual hospitals under this subsection must be determined using a methodology that provides each hospital with a proportional allocation of the group's total amount of medicaid and state children's health insurance program payments determined from claims and encounter data using the same general methodology set forth in RCW 74.60.120 (3) and (4).

(2) Payments must be made quarterly, before the end of each quarter, taking the total disbursement amount and dividing by four to calculate the quarterly amount. The authority shall provide a quarterly report of such payments to the Washington state hospital association.

Sec. 4. RCW 74.60.901 and 2019 c 318 s 8 are each amended to read as follows:

This chapter expires July 1, ((~~2023~~)) 2025."

On page 1, line 1 of the title, after "assessment;" strike the remainder of the title and insert "amending RCW 74.60.005, 74.60.020, 74.60.090, and 74.60.901; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1316 and

advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1316, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1316, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin, Mosbrucker, Orcutt and Sutherland.

Excused: Representative McEntire.

HOUSE BILL NO. 1316, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 5, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.56.020 and 2019 c 332 s 1 are each amended to read as follows:

Treasurers' tax collection duties.

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

Tax statements.

(2)(a) Tax statements for the current year's collection must be distributed to each taxpayer on or before March 15th provided that:

(i) All city and other taxing district budgets have been submitted to county legislative authorities by November 30th per RCW 84.52.020;

(ii) The county legislative authority in turn has certified taxes levied to the county assessor by November 30th per RCW 84.52.070; and

(iii) The county assessor has delivered the tax roll to the county treasurer by January 15th per RCW 84.52.080.

(b) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of . . . . . County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(c) Each tax statement distributed to an address must include a notice with information describing the:

(i) Property tax exemption program pursuant to RCW 84.36.379 through 84.36.389; and

(ii) Property tax deferral program pursuant to chapter 84.38 RCW.

Tax payment due dates.

On-time tax payments: First-half taxes paid by April 30th and second-half taxes paid by October 31st.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

Delinquent tax payments for current year: First-half taxes paid after April 30th.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

Delinquent tax payments: Interest, penalties, and treasurer duties.

(5)(a) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest ((~~at the rate of twelve percent per annum~~)) as provided in this subsection computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. ((~~In addition~~))

(i) Until December 31, 2022, the interest rate is 12 percent per annum for all nonresidential real property and residential real property.

(ii) Beginning January 1, 2023, interest rates are as follows:

(A) Twelve percent per annum for all nonresidential real property and for residential real property with greater than four units per taxable parcel; or

(B) Nine percent per annum for all residential real property with four or fewer units per taxable parcel, including manufactured/mobile homes as defined in RCW 59.20.030.

(b)(i) Penalties on delinquent taxes under this section may not be assessed beginning the effective date of this section and through December 31, 2022.

(ii) Beginning January 1, 2023, delinquent taxes under this section are subject to penalties for nonresidential real property and for residential real property with greater than four units per taxable parcel as follows:

((~~(a)~~)) (A) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

((~~(b)~~)) (B) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(iii) Penalties may not be assessed on residential real property with four or fewer units per taxable parcel, including manufactured/mobile homes as defined in RCW 59.20.030.

(c)(i) If a taxpayer is successfully participating in a payment agreement under subsection (15)(b) of this section or a partial payment program pursuant to subsection (15)(c) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(ii) The following remain due and payable as provided in any payment agreement:

(A) Interest that has been assessed prior to the payment agreement; and

(B) Penalties assessed prior to the effective date of this section that have been assessed prior to the payment agreement.

(6) A county treasurer must provide notification to each taxpayer whose taxes have become delinquent under subsections (4) and (5) of this section. The delinquency notice must specify where the taxpayer can obtain information regarding:

(a) Any current tax or special assessments due as of the date of the notice;

(b) Any delinquent tax or special assessments due, including any penalties and interest, as of the date of the notice; and

(c) Where the taxpayer can pay his or her property taxes directly and contact information, including but not limited to the phone number, for the statewide foreclosure hotline recommended by the Washington state housing finance commission.

(7) Within ninety days after the expiration of two years from the date of delinquency (when a taxpayer's taxes have become delinquent), the county treasurer must provide the name and property address of the delinquent taxpayer to a homeownership resource center or any other designated local or state entity recommended by the Washington state housing finance commission.

Collection of foreclosure costs.

(8)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(c) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

Periods of armed conflict.

(9) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

State of emergency.

(10) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

Retention of funds from interest.

(11) All collections of interest on delinquent taxes must be credited to the county current expense fund.

(12) For purposes of this chapter, "interest" means both interest and penalties.

Retention of funds from property foreclosures and sales.

(13) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

Tax due dates and options for tax payment collections.

Electronic billings and payments.

(14) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for:

(a) Delinquent tax year payments; and

(b) Prepayments of current tax.

Tax payments.

Prepayment for current taxes.

(15)(a) The treasurer may accept prepayments for current year taxes by any means authorized. All prepayments must be paid in full by the due date specified in subsection (16) of this section.

Payment agreements for current year taxes.

(b)(i) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The

payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

Payment agreements for delinquent year taxes.

(ii)(A) The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for past due delinquent taxes and charges.

(B) Tax payments received by a treasurer for delinquent year taxes from a taxpayer participating on a payment agreement must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Partial payments: Acceptance of partial payments for current and delinquent taxes.

(c)(i) In addition to the payment agreement program in (b) of this subsection, the treasurer may accept partial payment of any current and delinquent taxes including interest and penalties by any means authorized including electronic bill presentment and payments.

(ii) All tax payments received by a treasurer for delinquent year taxes from a taxpayer paying a partial payment must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Payment for delinquent taxes.

(d) Payments on past due taxes must include collection of the oldest delinquent year, which includes interest, penalties, and taxes within an eighteen-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

Due date for tax payments.

(16) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

Electronic funds transfers.

(17) A county treasurer may authorize payment of:

(a) Any current property taxes due under this chapter by electronic funds transfers on a monthly or other periodic basis; and

(b) Any past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly or other periodic basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section. All tax payments received by a treasurer from a taxpayer paying delinquent year taxes must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Payment for administering prepayment collections.

(18) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

Waiver of interest and penalties for qualified taxpayers subject to foreclosure.

(19) No earlier than sixty days prior to the date that is three years after the date of delinquency, the treasurer must waive all outstanding interest and penalties on delinquent taxes due from a taxpayer if the property is subject to an action for foreclosure under chapter 84.64 RCW and the following requirements are met:

(a) The taxpayer is income-qualified under RCW 84.36.381(5)(a), as verified by the county assessor;

(b) The taxpayer occupies the property as their principal place of residence; and

(c) The taxpayer has not previously received a waiver on the property as provided under this subsection.

Definitions.

(20) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

NEW SECTION. **Sec. 2.** This act takes effect January 1, 2022."

On page 1, line 1 of the title, after "foreclosure;" strike the remainder of the title and insert "amending RCW 84.56.020; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Volz and Berg spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1410, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1410, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative McEntire.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 5, 2021

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1482 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.90.485 and 2019 c 238 s 211 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest

encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed two thousand dollars or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than sixty days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within sixty days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens

to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within fifteen days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of

assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to ((~~at least three months of common expense assessments~~)) the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS

FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and

opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

((~~(b)~~)) (d) The board approves commencement of a foreclosure action specifically against that unit.

(22) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 2. RCW 64.90.485 and 2021 c ... s 1 (section 1 of this act) are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed two thousand dollars or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than sixty days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within sixty days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within fifteen days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any

statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the

association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for

collection of assessments as may be permitted by law.

(21) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS

FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least ((~~180~~)) 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(22) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 3. RCW 64.32.200 and 2012 c 117 s 201 are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) ten days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ten days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common

expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW 6.13.080 and, subject to the provisions in subsection (4) of this section, may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:

(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS

FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that apartment.

(5) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 4. RCW 64.32.200 and 2021 c ... s 3 (section 3 of this act) are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) ten days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ten days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW 6.13.080 and, subject to the provisions in subsection (4) of this section, may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:

(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has

mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS

FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least ((~~180~~)) 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that apartment.

(5) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 5. RCW 64.34.364 and 2013 c 23 s 175 are each amended to read as follows:

(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.

(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.

(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This

subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) contains a power of sale, (c) provides in its terms that the units are not used principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ninety days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of

the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS

FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

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Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

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Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(18) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 6. RCW 64.34.364 and 2021 c ... s 5 (section 5 of this act) are each amended to read as follows:

(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.

(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.

(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the

association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) contains a power of sale, (c) provides in its terms that the units are not used principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ninety days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or

a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS

FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

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Telephone: . . . . . Website: . . . . . .

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Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least ((~~180~~)) 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(18) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

NEW SECTION. **Sec. 7.** A new section is added to chapter 64.38 RCW to read as follows:

(1) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

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Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that lot.

(2) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 8. RCW 64.38.--- and 2021 c ... s 7 (section 7 of this act) are each amended to read as follows:

(1) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

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Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least ((~~180~~)) 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that lot.

(2) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

NEW SECTION. **Sec. 9.** Sections 1, 3, 5, and 7 of this act expire January 1, 2024.

NEW SECTION. **Sec. 10.** Sections 2, 4, 6, and 8 of this act take effect January 1, 2024.

NEW SECTION. **Sec. 11.** Sections 1, 3, 5, and 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "communities;" strike the remainder of the title and insert "amending RCW 64.90.485, 64.90.485, 64.32.200, 64.32.200, 64.34.364, 64.34.364, and 64.38.---; adding a new section to chapter 64.38 RCW; providing an effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1482 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Walsh and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1482, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1482, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker,

Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative McEntire.

ENGROSSED HOUSE BILL NO. 1482, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 20, 2021

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5321 and asks the House to recede therefrom.

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, and advanced the bill to final passage.

Representatives Bergquist and Morgan spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5321.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5321 and the bill passed the House by the following vote: Yeas: 60; Nays: 37; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative McEntire

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321 having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE SENATE BILL NO. 5321 was immediately transmitted to the Senate.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE SENATE BILL NO. 5478 passed the House.

HOUSE AMENDMENT TO SENATE BILL

The rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 5478 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5478, by Senate Committee on Ways & Means (originally sponsored by Keiser, Mullet, Billig, Cleveland, Conway, Das, Hunt, King, Kuderer, Liias, Lovelett, Nguyen, Randall, Rolfes, Saldaña, Stanford, Van De Wege and C. Wilson)

Concerning unemployment insurance relief for certain employers.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 101, April 21, 2021).

With the consent of the House, amendment (748) to the committee striking amendment was not adopted.

Amendment (750) to the committee striking amendment was before the House:

On page 2, line 11 of the striking amendment, after "5," strike "and 6" and insert "6, 7, 8, and 9"

On page 2, line 25 of the striking amendment, after "Total" strike "approved" and insert "forgiven"

On page 3, line 31 of the striking amendment, after "Total" strike "approved" and insert "forgiven"

On page 4, line 23 of the striking amendment, after "the total" strike "approved" and insert "forgiven"

On page 5, line 4 of the striking amendment, after "Total" strike "approved" and insert "forgiven"

On page 5, line 17 of the striking amendment, after "than a" strike "four" and insert "three"

On page 5, line 24 of the striking amendment, after "increased by" strike "six" and insert "four"

On page 5, line 33 of the striking amendment, after "the total" strike "approved" and insert "forgiven"

On page 6, line 14 of the striking amendment, after "Total" strike "approved" and insert "forgiven"

On page 6, line 27 of the striking amendment, after "than a" strike "four" and insert "three"

On page 6, line 34 of the striking amendment, after "increased by" strike "six" and insert "four"

On page 7, line 7 of the striking amendment, after "the total" strike "approved" and insert "forgiven"

On page 7, after line 21 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 7.** A new section is added to chapter 50.29 RCW to read as follows:

(1) If moneys remain in the unemployment insurance relief account after the department determines the forgiven benefits for all approved employers pursuant to sections 3 through 6 of this act, then by December 21, 2021, the department must again determine any forgiven benefits for approved category 1 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total forgiven benefits for all approved category 1 employers may not exceed the available benefits for category 1.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means any remaining benefits paid to employees of an approved category 1 employer during the fiscal year ending June 30, 2021, that were not previously forgiven under section 3 of this act, not to exceed an amount that would reduce the employer's rate class increase to no more than a two rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 1 employer" has the same meaning as defined in section 3 of this act.

(c) "Available benefits for category 1" means the total amount of money remaining in the unemployment insurance relief account after benefits are forgiven according to sections 3 through 6 of this act.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 1 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. **Sec. 8.** A new section is added to chapter 50.29 RCW to read as follows:

(1) If moneys remain in the unemployment insurance relief account after the department determines the forgiven benefits for approved category 1 employers pursuant to section 7 of this act, the department must again determine any forgiven benefits for approved category 2 employers to be reimbursed by the unemployment insurance relief account instead of charged to the

employer's experience rating account. Total forgiven benefits for all approved category 2 employers may not exceed the available benefits for category 2.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means any remaining benefits paid to employees of an approved category 2 employer during the fiscal year ending June 30, 2021, that were not previously forgiven under section 4 of this act, not to exceed an amount that would reduce the employer's rate class increase to no more than a two rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 2 employer" has the same meaning as defined in section 4 of this act.

(c) "Available benefits for category 2" means the difference between the available benefits for category 1, as defined in section 7 of this act, and the total forgiven benefits for approved category 1 employers, as defined in section 7 of this act.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 2 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. **Sec. 9.** A new section is added to chapter 50.29 RCW to read as follows:

(1) If moneys remain in the unemployment insurance relief account after the department determines the forgiven benefits for approved category 2 employers pursuant to section 8 of this act, the department must again determine any forgiven benefits for approved category 3 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total forgiven benefits for all approved category 3 employers may not exceed the available benefits for category 3.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means any remaining benefits paid to employees of an approved category 3 employer during the fiscal year ending June 30, 2021, that were not previously forgiven under section 5 of this act, not to exceed an amount that would reduce the employer's rate class increase to no more than a three rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 3 employer" has the same meaning as defined in section 5 of this act.

(c) "Available benefits for category 3" means the difference between the available benefits for category 2, as defined under section 8 of this act, and the total forgiven benefits for approved category 2 employers, as defined under section 8 of this act.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 3 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 7, line 24 of the striking amendment, after "(1) By" strike "July 30th" and insert "September 1st"

With the consent of the House, amendment (750) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, on reconsideration, was placed on final passage.

Representatives Bergquist, Hoff and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5478, as amended by the House, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5478, as amended by the House, on reconsideration, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase and McCaslin.

Excused: Representative McEntire.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5478, as amended by the House, on reconsideration, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 2021

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5092 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Robinson, Rolfes and Wilson L.,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5092. The Speaker (Representative Orwall presiding) appointed the following members as Conferees: Representatives Ormsby, Gregerson and Stokesbary.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

April 21, 2021

Mme. SPEAKER:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5191 and asks the House to recede therefrom.

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

There being no objection, the House adjourned until 10:00 a.m., April 23, 2021, the 103rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

ONE HUNDRED THIRD DAY

House Chamber, Olympia, Friday, April 23, 2021

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding).

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

April 22, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5163,
SECOND SUBSTITUTE SENATE BILL NO. 5183,
SECOND SUBSTITUTE SENATE BILL NO. 5195,
SECOND SUBSTITUTE SENATE BILL NO. 5214,
SECOND SUBSTITUTE SENATE BILL NO. 5368,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5408,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 22, 2021

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1028,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 22, 2021

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SECOND SUBSTITUTE SENATE BILL NO. 5192,
SUBSTITUTE SENATE BILL NO. 5317,
SUBSTITUTE SENATE BILL NO. 5318,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 22, 2021

Mme. SPEAKER:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237 and has passed the bill as recommended by the Conference Committee.

Brad Hendrickson, Secretary

April 22, 2021

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477. The President has appointed the following members as Conferees: Dhingra, Robinson, Wagoner

Brad Hendrickson, Secretary

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Appropriations was relieved of ENGROSSED SENATE BILL NO. 5330 and the bill was placed on the second reading calendar.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189
SUBSTITUTE HOUSE BILL NO. 1218
SUBSTITUTE HOUSE BILL NO. 1348
ENGROSSED HOUSE BILL NO. 1386
SUBSTITUTE HOUSE BILL NO. 1411
SUBSTITUTE HOUSE BILL NO. 1438
SUBSTITUTE SENATE BILL NO. 5009
SUBSTITUTE SENATE BILL NO. 5013
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5022
ENGROSSED SUBSTITUTE SENATE BILL NO. 5024
SUBSTITUTE SENATE BILL NO. 5025

SENATE BILL NO. 5040
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5071
SUBSTITUTE SENATE BILL NO. 5073
SENATE BILL NO. 5101
ENGROSSED SUBSTITUTE SENATE BILL NO. 5115
ENGROSSED SUBSTITUTE SENATE BILL NO. 5118
SENATE BILL NO. 5133
SUBSTITUTE SENATE BILL NO. 5157
ENGROSSED SUBSTITUTE SENATE BILL NO. 5172
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178
ENGROSSED SUBSTITUTE SENATE BILL NO. 5180
ENGROSSED SUBSTITUTE SENATE BILL NO. 5190
ENGROSSED SUBSTITUTE SENATE BILL NO. 5193
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194
ENGROSSED SUBSTITUTE SENATE BILL NO. 5226
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5227
ENGROSSED SUBSTITUTE SENATE BILL NO. 5235
SUBSTITUTE SENATE BILL NO. 5236
SECOND SUBSTITUTE SENATE BILL NO. 5253
ENGROSSED SUBSTITUTE SENATE BILL NO. 5295
SENATE BILL NO. 5299
SECOND SUBSTITUTE SENATE BILL NO. 5313
ENGROSSED SUBSTITUTE SENATE BILL NO. 5353
ENGROSSED SUBSTITUTE SENATE BILL NO. 5370
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5377
SUBSTITUTE SENATE BILL NO. 5378
SUBSTITUTE SENATE BILL NO. 5381
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5399
SUBSTITUTE SENATE BILL NO. 5423
SENATE BILL NO. 5430
ENGROSSED SUBSTITUTE SENATE BILL NO. 5432

The Speaker called upon Representative Lovick to preside.

There being no objection, the House reverted to the first order of business.

The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Alicia Rule, 42nd Legislative District.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

April 23, 2021

Mme. SPEAKER:

The President has signed:

SENATE BILL NO. 5008,
SUBSTITUTE SENATE BILL NO. 5185,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5203,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5229,
SUBSTITUTE SENATE BILL NO. 5273,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5321,
SECOND SUBSTITUTE SENATE BILL NO. 5331,
SUBSTITUTE SENATE BILL NO. 5361,
SECOND SUBSTITUTE SENATE BILL NO. 5362,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1584 by Representatives Graham, Jacobsen, Caldier, Walen and Sutherland

AN ACT Relating to establishing the crime victims and families scholarship; amending RCW 43.88C.010; and adding a new chapter to Title 28B RCW.

Referred to Committee on College & Workforce Development.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

April 23, 2021

Madame Speaker:

The Senate insists on its position on ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Carlyle, King and Mullet.

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091. The Speaker appointed the following members as Conferees: Representatives Fitzgibbon, Slatter and Dye.

MESSAGE FROM THE SENATE

April 22, 2021

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5096 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Pedersen, Wilson L. and Robinson.

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5096. The Speaker appointed the following members as Conferees: Representatives Frame, Sullivan and Orcutt.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5126, by Senate Committee on Ways & Means (originally sponsored by Carlyle, Saldaña, Conway, Das, Frockt, Hunt, Liias, Nguyen, Pedersen, Salomon, Stanford, Wilson and C.)

Concerning the Washington climate commitment act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 99, April 19, 2021).

Representative Abbarno moved the adoption of amendment (751) to the committee amendment:

On page 14, beginning on line 40 of the striking amendment, after "act" strike all material through "act," on page 15, line 2 and insert "or the union solidarity account created in section 28 of this act"

On page 15, line 26 of the striking amendment, after "the" strike "climate investment" and insert "union solidarity"

On page 30, line 25 of the striking amendment, after "(i)" strike "$127,341,000" and insert "up to $500,000,000"

On page 30, beginning on line 27 of the striking amendment, after "to the" strike all material through "31" on line 30 and insert "union solidarity account created in section 28"

On page 30, line 34 of the striking amendment, after "(i)" strike "$356,697,000" and insert "up to $500,000,000"

On page 30, beginning on line 36 of the striking amendment, after "to the" strike all material through "31" on line 39 and insert "union solidarity account created in section 28"

On page 31, line 4 of the striking amendment, after "(i)" strike "$366,558,000" and insert "up to $500,000,000"

On page 31, beginning on line 6 of the striking amendment, after "to the" strike all material through "31" on line 9 and insert "union solidarity account created in section 28"

On page 31, at the beginning of line 14 of the striking amendment, strike "$359,117,000" and insert "up to $500,000,000"

On page 31, beginning on line 16 of the striking amendment, after "to the" strike all material through "31" on line 18 and insert "union solidarity account created in section 28"

On page 31, at the beginning of line 21 of the striking amendment, strike "$5,200,000,000" and insert "$7,000,000,000"

On page 31, beginning on line 22 of the striking amendment, after "into the" strike all material through "31" on line

24 and insert "union solidarity account created in section 28"

On page 31, beginning on line 34 of the striking amendment, after "to the" strike all material through "31" on line 36 and insert "union solidarity account created in section 28"

On page 31, beginning on line 37 of the striking amendment, strike all of subsection (g)

On page 55, beginning on line 13 of the striking amendment, after "ACCOUNT." strike all material through "practices" on line 32 and insert "The carbon emissions reduction account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to be used for transportation purposes, including but not limited to highway purposes authorized under the 18th Amendment of the Washington state Constitution"

On page 55, after line 32 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 28.** UNION SOLIDARITY ACCOUNT. The union solidarity account is created in the state treasury. Except as otherwise provided in this act, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys may be spent only after appropriation. Moneys in the account may be used for the following:

(1) Paycheck replacement for displaced workers;

(2) Job training, education, and other programs directed to workers in economic sectors negatively affected by the program created in this chapter; and

(3) Increases in capacity for workforce education and community and technical colleges and for apprenticeship programs."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 55, beginning on line 33 of the striking amendment, strike all of sections 28, 29, 30, and 31

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Abbarno, Boehnke, Goehner, Griffey, Kraft, Sutherland, Kraft (again), Maycumber, Dye and Boehnke (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Berry, Slatter and Stonier spoke against the adoption of the amendment to the committee amendment.

Amendment (751) to the committee amendment was not adopted.

Representative Abbarno moved the adoption of amendment (752) to the committee amendment:

On page 14, beginning on line 40 of the striking amendment, after "act" strike all material through "act," on page 15, line 2 and insert "or the taxpayer fairness account created in section 28 of this act"

On page 15, line 26 of the striking amendment, after "the" strike "climate investment" and insert "taxpayer fairness"

On page 30, line 25 of the striking amendment, after "(i)" strike "$127,341,000" and insert "up to $500,000,000"

On page 30, beginning on line 27 of the striking amendment, after "to the" strike all material through "31" on line 30 and insert "taxpayer fairness account created in section 28"

On page 30, line 34 of the striking amendment, after "(i)" strike "$356,697,000" and insert "up to $500,000,000"

On page 30, beginning on line 36 of the striking amendment, after "to the" strike all material through "31" on line 39 and insert "taxpayer fairness account created in section 28"

On page 31, line 4 of the striking amendment, after "(i)" strike "$366,558,000" and insert "up to $500,000,000"

On page 31, beginning on line 6 of the striking amendment, after "to the" strike all material through "31" on line 9 and insert "taxpayer fairness account created in section 28"

On page 31, at the beginning of line 14 of the striking amendment, strike "$359,117,000" and insert "up to $500,000,000"

On page 31, beginning on line 16 of the striking amendment, after "to the" strike all material through "31" on line 18 and insert "taxpayer fairness account created in section 28"

On page 31, at the beginning of line 21 of the striking amendment, strike "$5,200,000,000" and insert "$7,000,000,000"

On page 31, beginning on line 22 of the striking amendment, after "into the" strike all material through "31" on line 24 and insert "taxpayer fairness account created in section 28"

On page 31, beginning on line 34 of the striking amendment, after "to the" strike all material through "31" on line 36 and insert "taxpayer fairness account created in section 28"

On page 31, beginning on line 37 of the striking amendment, strike all of subsection (g)

On page 55, beginning on line 13 of the striking amendment, after "ACCOUNT." strike all material through "practices" on line 32 and insert "The carbon emissions reduction account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to be used for transportation purposes, including but not limited to highway purposes authorized under the 18th Amendment of the Washington state Constitution"

On page 55, after line 32 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 28.** TAXPAYER FAIRNESS ACCOUNT. The taxpayer fairness account is created in the state treasury. Except as otherwise provided in this act, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys may be spent only after appropriation. Moneys in the account may be used only to fund increases in the working families' tax exemption, as established in RCW 82.08.0206, over and above the amounts authorized in chapter... (House Bill No. 1297), Laws of 2021."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 55, beginning on line 33 of the striking amendment, strike all of sections 28, 29, 30, and 31

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Abbarno, Boehnke, Dye, Sutherland, Klicker and Walsh spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Thai, Ramel and Senn spoke against the adoption of the amendment to the committee amendment.

Amendment (752) to the committee amendment was not adopted.

Representative Schmick moved the adoption of amendment (749) to the committee amendment:

On page 69, line 14 of the striking amendment, after "31" strike "and 36" and insert ", 36, and 43"

On page 73, after line 33 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 43.** RESIDENTIAL HEATING ASSISTANCE PROGRAM.

(1) The legislature intends by this section to establish policies to mitigate the cost burden of the program established by this act on consumers who use home heating fuels that are not electricity or natural gas.

(2) The department, in collaboration with interested stakeholders, shall develop a proposal for assisting households that, for residential home heating, use fuels that are not electricity or natural gas. The proposal must give priority to assisting low-income households through weatherization, conservation and efficiency services, and bill assistance.

(3) In the event the department, in collaboration with interested stakeholders, determines that the proposal developed pursuant to subsection (2) of this section requires legislative action, the department shall submit its recommendations for proposed legislation to the appropriate committees of the legislature no later than September 15, 2022."

Representatives Schmick and Fitzgibbon spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (749) to the committee amendment was adopted.

Representative Dye moved the adoption of amendment (757) to the committee amendment:

On page 69, line 14 of the striking amendment, after "31" strike "and 36" and insert ", 36, and 43"

On page 73, after line 33 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 43.** (1) The department shall prepare, post on the department website, and submit to the appropriate committees of the legislature a quarterly report that identifies all distributions of moneys from the accounts created in sections 27 through 31 of this act.

(2) The report must identify, at a minimum, the recipient of the funding, the amount of the funding, the purpose of the funding, the actual end result or use of the funding, whether the project that received the funding produced any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions, and if so, the quantity of reduced greenhouse gas emissions, the cost per carbon dioxide equivalent metric ton of reduced greenhouse gas emissions, and a comparison to other greenhouse gas emissions reduction projects in order to facilitate the development of cost-benefit ratios for greenhouse gas emissions reduction projects.

(3) The department shall require by rule that recipients of funds from the accounts created in sections 27 through 31 of this act report to the department, in a form and manner prescribed by the department, the information required for the department to carry out the department's duties established in this section.

(4) The department shall update its website with the information described in subsection (2) of this section as appropriate but no less frequently than quarterly per calendar year.

(5) The department shall submit its report to the appropriate committees of the legislature with the information described in subsection (2) of this section no less frequently than quarterly per calendar year."

Representatives Dye, Hoff, Corry, Orcutt, Boehnke, Goehner, Klicker and Maycumber spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Senn and Duerr spoke against the adoption of the amendment to the committee amendment.

Amendment (757) to the committee amendment was not adopted.

Representative Dye moved the adoption of amendment (758) to the committee amendment:

On page 69, line 14 of the striking amendment, after "31" strike "and 36" and insert ", 36, and 43"

On page 73, after line 33 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 43.** (1) The department shall prepare, post on the department website, and submit to the appropriate committees of the legislature an annual report that identifies all distributions of moneys from the accounts created in sections 27 through 31 of this act.

(2) The report must identify, at a minimum, the recipient of the funding, the amount of the funding, the purpose of the funding, the actual end result or use of the funding, whether the project that received the funding produced any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions, and if so, the quantity of reduced greenhouse gas emissions, the cost per carbon dioxide equivalent metric ton of reduced greenhouse gas emissions, and a comparison to other greenhouse gas emissions reduction projects in order to facilitate the development of cost-benefit ratios for greenhouse gas emissions reduction projects.

(3) The department shall require by rule that recipients of funds from the accounts created in sections 27 through 31 of this act report to the department, in a form and manner prescribed by the department, the information required for the department to carry out the department's duties established in this section.

(4) The department shall update its website with the information described in subsection (2) of this section as

appropriate but no less frequently than once per calendar year.

(5) The department shall submit its report to the appropriate committees of the legislature with the information described in subsection (2) of this section no later than September 30 of each year."

Representatives Dye and Fitzgibbon spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (758) to the committee amendment was adopted.

Representative Fitzgibbon moved the adoption of amendment (754) to the committee amendment:

Beginning on page 1, after line 2, strike all material through "affected." on page 73, line 33, and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature finds that climate change is one of the greatest challenges facing our state and the world today, an existential crisis with major negative impacts on environmental and human health. Washington is experiencing environmental and community impacts due to climate change through increasingly devastating wildfires, flooding, droughts, rising temperatures and sea levels, and ocean acidification. Greenhouse gas emissions already in the atmosphere will increase impacts for some period of time. Actions to increase resilience of our communities, natural resource lands, and ecosystems can prevent and reduce impacts to communities and our environment and improve their ability to recover.

(2) In 2020, the legislature updated the state's greenhouse gas emissions limits that are to be achieved by 2030, 2040, and 2050, based on current science and emissions trends, to support local and global efforts to avoid the most significant impacts from climate change. Meeting these limits will require coordinated, comprehensive, and multisectoral implementation of policies, programs, and laws, as other enacted policies are insufficient to meet the limits.

(3) The legislature further finds that while climate change is a global problem, there are communities that have historically borne the disproportionate impacts of environmental burdens and that now bear the disproportionate negative impacts of climate change. Although the state has done significant work in the past to highlight these environmental health disparities, beginning with senator Rosa Franklin's environmental equity study, and continuing through the work of the governor's interagency council on health disparities, the creation of the Washington environmental health disparities map, and recommendations of the environmental justice task force, the state can do much more to ensure that state programs address environmental equity.

(4) The legislature further finds that while enacted carbon policies can be well-intended to reduce greenhouse gas emissions and provide environmental benefits to communities, the policies may not do enough to ensure environmental health disparities are reduced and environmental benefits are provided to those communities most impacted by environmental harms from greenhouse gas and air pollutant emissions.

(5) The legislature further finds that wildfires have become one of the largest sources of black carbon in the last five years. From 2014 through 2018, wildfires in Washington state generated 39,200,000 metric tons of carbon, the equivalent of more than 8,500,000 cars on the road a year. In 2015, when 1,130,000 acres burned in Washington, wildfires were the second largest source of greenhouse gas emissions releasing 17,975,112 metric tons of carbon dioxide into the atmosphere. Wildfire pollution affects all Washingtonians, but has disproportionate health effects on low-income communities, communities of color, and the most vulnerable of our population. Restoring the health of our forests and investing in wildfire prevention and preparedness will therefore contribute to improved air quality and improved public health outcomes.

(6) The legislature further finds that by exercising a leadership role in addressing climate change, Washington will position its economy, technology centers, financial institutions, and manufacturers to benefit from national and international efforts that must occur to reduce greenhouse gases. The legislature intends to create climate policy that recognizes the special nature of emissions-intensive, trade-exposed

industries by minimizing leakage and increased life-cycle emissions associated with product imports. The legislature further finds that climate policies must be appropriately designed, in order to avoid leakage that results in net increases in global greenhouse gas emissions and increased negative impacts to those communities most impacted by environmental harms from climate change. The legislature further intends to encourage these industries to continue to innovate, find new ways to be more energy efficient, use lower carbon products, and be positioned to be global leaders in a low carbon economy.

(7) Under the program, the legislature intends to identify overburdened communities where the highest concentrations of criteria pollutants occur, determine the sources of those emissions and pollutants, and pursue significant reductions of emissions and pollutants in those communities. The legislature further intends for the department of ecology to conduct environmental justice assessments to ensure that funds and programs created under this chapter provide direct and meaningful benefits to vulnerable populations and overburdened communities. Additionally, the legislature intends to prevent job loss and provide protective measures if workers are adversely impacted by the transition to a clean energy economy through transition and assistance programs, worker-support projects, and workforce development and other activities designed to grow and expand the clean manufacturing sector in communities across Washington state. The legislature further intends to empower the environmental justice council established under RCW 70A.---.--- (section 20, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) to provide recommendations for the development and implementation of the program, the distribution of funds, and the establishment of programs, activities, and projects to achieve environmental justice and environmental health goals. The legislature further intends for the department of ecology to create and adopt community engagement plans and tribal consultation frameworks in the administration of the program to ensure equitable practices for meaningful community and federally recognized tribal involvement. Finally, the legislature intends to establish this program to contribute to a healthy environment for all of Washington's communities.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Allowance" means an authorization to emit up to one metric ton of carbon dioxide equivalent.

(2) "Allowance price containment reserve" means an account maintained by the department with allowances available for sale through separate reserve auctions at predefined prices to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3) "Annual allowance budget" means the total number of greenhouse gas allowances allocated for auction and distribution for one calendar year by the department.

(4) "Asset controlling supplier" means any entity that owns or operates interconnected electricity generating facilities or serves as an exclusive marketer for these facilities even though it does not own them, and has been designated by the department and received a department-published emissions factor for the wholesale electricity procured from its system. The department shall use a methodology consistent with the methodology used by an external greenhouse gas emissions trading program that shares the regional electricity transmission system. Electricity from an asset controlling supplier is considered a specified source of electricity.

(5) "Auction" means the process of selling greenhouse gas allowances by offering them up for bid, taking bids, and then distributing the allowances to winning bidders.

(6) "Auction floor price" means a price for allowances below which bids at auction are not eligible to be accepted.

(7) "Auction purchase limit" means the limit on the number of allowances one registered entity or a group of affiliated registered entities may purchase from the share of allowances sold at an auction.

(8) "Balancing authority" means the responsible entity that integrates resource plans ahead of time, maintains

load-interchange-generation balance within a balancing authority area, and supports interconnection frequency in real time.

(9) "Balancing authority area" means the collection of generation, transmission, and load within the metered boundaries of a balancing authority. A balancing authority maintains load-resource balance within this area.

(10) "Best available technology" means a technology or technologies that will achieve the greatest reduction in greenhouse gas emissions, taking into account the fuels, processes, and equipment used by facilities to produce goods of comparable type, quantity, and quality. Best available technology must be technically feasible, commercially available, economically viable, not create excessive environmental impacts, and be compliant with all applicable laws while not changing the characteristics of the good being manufactured.

(11) "Biomass" means nonfossilized and biodegradable organic material originating from plants, animals, and microorganisms, including products, by-products, residues, and waste from agriculture, forestry, and related industries as well as the nonfossilized and biodegradable organic fractions of industrial waste, including gases and liquids recovered from the decomposition of nonfossilized and biodegradable organic material.

(12) "Biomass-derived fuels," "biomass fuels," or "biofuels" means fuels derived from biomass that have at least 40 percent lower greenhouse gas emissions based on a full life-cycle analysis when compared to petroleum fuels for which biofuels are capable as serving as a substitute.

(13) "Carbon dioxide equivalents" means a measure used to compare the emissions from various greenhouse gases based on their global warming potential.

(14) "Carbon dioxide removal" means deliberate human activities removing carbon dioxide from the atmosphere and durably storing it in geological, terrestrial, or ocean reservoirs, or in products. "Carbon dioxide removal" includes existing and potential anthropogenic enhancement of biological or geochemical sinks and including, but not limited to, carbon mineralization and direct air capture and storage.

(15) "Climate commitment" means the process and mechanisms to ensure a coordinated and strategic approach to advancing climate resilience and environmental justice and achieving an equitable and inclusive transition to a carbon neutral economy.

(16) "Climate resilience" is the ongoing process of anticipating, preparing for, and adapting to changes in climate and minimizing negative impacts to our natural systems, infrastructure, and communities. For natural systems, increasing climate resilience involves restoring and increasing the health, function, and integrity of our ecosystems and improving their ability to absorb and recover from climate-affected disturbances. For communities, increasing climate resilience means enhancing their ability to understand, prevent, adapt, and recover from climate impacts to people and infrastructure.

(17) "Closed facility" means a facility at which the current owner or operator has elected to permanently stop production and will no longer be an emissions source.

(18) "Compliance instrument" means an allowance or offset credit issued by the department or by an external greenhouse gas emissions trading program to which Washington has linked its greenhouse gas emissions cap and invest program. One compliance instrument is equal to one metric ton of carbon dioxide equivalent.

(19) "Compliance obligation" means the requirement to submit to the department the number of compliance instruments equivalent to a covered or opt-in entity's covered emissions during the compliance period.

(20) "Compliance period" means the four-year period for which the compliance obligation is calculated for covered entities.

(21) "Cost burden" means the impact on rates or charges to customers of electric utilities in Washington state for the incremental cost of electricity service to serve load due to the compliance cost for greenhouse gas emissions caused by the program. Cost burden includes administrative costs from the utility's participation in the program.

(22) "Covered emissions" means the emissions for which a covered entity has a compliance obligation under section 10 of this act.

(23) "Covered entity" means a person that is designated by the department as subject to sections 8 through 24 of this act.

(24) "Cumulative environmental health impact" has the same meaning as provided in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(25) "Curtailed facility" means a facility at which the owner or operator has temporarily suspended production but for which the owner or operator maintains operating permits and retains the option to resume production if conditions become amenable.

(26) "Department" means the department of ecology.

(27) "Electricity importer" means:

(a) For electricity that is scheduled with a NERC e-tag to a final point of delivery into a balancing authority area located entirely within the state of Washington, the electricity importer is identified on the NERC e-tag as the purchasing-selling entity on the last segment of the tag's physical path with the point of receipt located outside the state of Washington and the point of delivery located inside the state of Washington;

(b) For facilities physically located outside the state of Washington with the first point of interconnection to a balancing authority area located entirely within the state of Washington when the electricity is not scheduled on a NERC e-tag, the electricity importer is the facility operator or owner;

(c) For electricity imported through a centralized market, the electricity importer will be defined by rule consistent with the rules required under section 10(1)(c) of this act;

(d) For electricity from facilities allocated to serve retail electricity customers of a multijurisdictional electric company, the electricity importer is the multijurisdictional electric company;

(e) If the importer identified under (a) of this subsection is a federal power marketing administration over which the state of Washington does not have jurisdiction, and the federal power marketing administration has not voluntarily elected to comply with the program, then the electricity importer is the next purchasing-selling entity in the physical path on the NERC e-tag, or if no additional purchasing-selling entity over which the state of Washington has jurisdiction, then the electricity importer is the electric utility that operates the Washington transmission or distribution system, or the generation balancing authority;

(f) For electricity that is imported into the state by a federal power marketing administration and sold to a public body or cooperative customer or direct service industrial customer located in Washington pursuant to section 5(b) or (d) of the Pacific Northwest electric power planning and conservation act of 1980, P.L. 96-501, the electricity importer is the federal marketing administration;

(g) If the importer identified under (f) of this subsection has not voluntarily elected to comply with the program, then the electricity importer is the public body or cooperative customer or direct service industrial customer; or

(h) For electricity from facilities allocated to a consumer-owned utility inside the state of Washington from a multijurisdictional consumer-owned utility, the electricity importer is the consumer-owned utility inside the state of Washington.

(28) "Emissions containment reserve allowance" means a conditional allowance that is withheld from sale at an auction by the department or its agent to secure additional emissions reductions in the event prices fall below the emissions containment reserve trigger price.

(29) "Emissions containment reserve trigger price" means the price below which allowances will be withheld from sale by the department or its agent at an auction, as determined by the department by rule.

(30) "Emissions threshold" means the greenhouse gas emission level at or above which a person has a compliance obligation.

(31) "Environmental benefits" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(32) "Environmental harm" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021

(Engrossed Second Substitute Senate Bill No. 5141)).

(33) "Environmental impacts" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(34) "Environmental justice" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(35) "Environmental justice assessment" has the same meaning as identified in RCW 70A.---.--- (section 14, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(36) "External greenhouse gas emissions trading program" means a government program, other than Washington's program created in this chapter, that restricts greenhouse gas emissions from sources outside of Washington and that allows emissions trading.

(37) "Facility" means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control, that emits or may emit any greenhouse gas.

(38) "First jurisdictional deliverer" means the owner or operator of an electric generating facility in Washington or an electricity importer.

(39) "General market participant" means a registered entity that is not identified as a covered entity or an opt-in entity that is registered in the program registry and intends to purchase, hold, sell, or voluntarily retire compliance instruments.

(40) "Greenhouse gas" has the same meaning as in RCW 70A.45.010.

(41) "Holding limit" means the maximum number of allowances that may be held for use or trade by a registered entity at any one time.

(42) "Imported electricity" means electricity generated outside the state of Washington with a final point of delivery within the state.

(a) "Imported electricity" includes electricity from an organized market, such as the energy imbalance market.

(b) "Imported electricity" includes imports from linked jurisdictions, but such imports shall be construed as having no emissions.

(c) Electricity from a system that is marketed by a federal power marketing administration shall be construed as "imported electricity," not electricity generated in the state of Washington.

(d) "Imported electricity" does not include electricity imports of unspecified electricity that are netted by exports of unspecified electricity to any jurisdiction not covered by a linked program by the same entity within the same hour.

(e) For a multijurisdictional electric company, "imported electricity" means electricity, other than from in-state facilities, that contributes to a common system power pool. Where a multijurisdictional electric company has a cost allocation methodology approved by the utilities and transportation commission, the allocation of specific facilities to Washington's retail load will be in accordance with that methodology.

(f) For a multijurisdictional consumer-owned utility, "imported electricity" includes electricity from facilities that contribute to a common system power pool that are allocated to a consumer-owned utility inside the state of Washington pursuant to a methodology approved by the governing board of the consumer-owned utility.

(43) "Leakage" means a reduction in emissions of greenhouse gases within the state that is offset by a directly attributable increase in greenhouse gas emissions outside the state and outside the geography of another jurisdiction with a linkage agreement with Washington.

(44) "Limits" means the greenhouse gas emissions reductions required by RCW 70A.45.020.

(45) "Linkage" means a bilateral or multilateral decision under a linkage agreement between greenhouse gas market programs to accept compliance instruments issued by a participating jurisdiction to meet the obligations of regulated entities in a partner jurisdiction and to otherwise coordinate

activities to facilitate operation of a joint market.

(46) "Linkage agreement" means a nonbinding agreement that connects two or more greenhouse gas market programs and articulates a mutual understanding of how the participating jurisdictions will work together to facilitate a connected greenhouse gas market.

(47) "Linked jurisdiction" means a jurisdiction with which Washington has entered into a linkage agreement.

(48) "Multijurisdictional consumer-owned utility" means a consumer-owned utility that provides electricity to member owners in Washington and in one or more other states in a contiguous service territory or from a common power system.

(49) "Multijurisdictional electric company" means an investor-owned utility that provides electricity to customers in Washington and in one or more other states in a contiguous service territory or from a common power system.

(50) "NERC e-tag" means North American electric reliability corporation (NERC) energy tag representing transactions on the North American bulk electricity market scheduled to flow between or across balancing authority areas.

(51) "Offset credit" means a tradable compliance instrument that represents an emissions reduction or emissions removal of one metric ton of carbon dioxide equivalent.

(52) "Offset project" means a project that reduces or removes greenhouse gases that are not covered emissions under this chapter.

(53) "Offset protocols" means a set of procedures and standards to quantify greenhouse gas reductions or greenhouse gas removals achieved by an offset project.

(54) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts or risks due to exposure to environmental pollutants or contaminants through multiple pathways, which may result in significant disparate adverse health outcomes or effects.

(a) "Overburdened community" includes, but is not limited to:

(i) Highly impacted communities as defined in RCW 19.405.020;

(ii) Communities located in census tracts that are fully or partially on "Indian country" as defined in 18 U.S.C. Sec. 1151; and

(iii) Populations, including Native Americans or immigrant populations, who may be exposed to environmental contaminants and pollutants outside of the geographic area in which they reside based on the populations' use of traditional or cultural foods and practices, such as the use of resources, access to which is protected under treaty rights in ceded areas, when those exposures in conjunction with other exposures may result in disproportionately greater risks, including risks of certain cancers or other adverse health effects and outcomes.

(b) Overburdened communities identified by the department may include the same communities as those identified by the department through its process for identifying overburdened communities under RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(55) "Person" has the same meaning as defined in RCW 70A.15.2200(5)(h)(iii).

(56) "Point of delivery" means a point on the electricity transmission or distribution system where a deliverer makes electricity available to a receiver, or available to serve load. This point may be an interconnection with another system or a substation where the transmission provider's transmission and distribution systems are connected to another system, or a distribution substation where electricity is imported into the state over a multijurisdictional retail provider's distribution system.

(57) "Price ceiling unit" means the units issued at a fixed price by the department for the purpose of limiting price increases and funding further investments in greenhouse gas reductions.

(58) "Program" means the greenhouse gas emissions cap and invest program created by and implemented pursuant to this chapter.

(59) "Program registry" means the data system in which covered entities, opt-in entities, and general market participants are registered and in which compliance instruments are recorded and tracked.

(60) "Registered entity" means a covered entity, opt-in entity, or general market participant that has completed the process for registration in the program registry.

(61) "Resilience" means the ability to prepare, mitigate and plan for, withstand, recover from, and more successfully adapt to adverse events and changing conditions, and reorganize in an equitable manner that results in a new and better condition.

(62) "Retire" means to permanently remove a compliance instrument such that the compliance instrument may never be sold, traded, or otherwise used again.

(63) "Specified source of electricity" or "specified source" means a facility, unit, or asset controlling supplier that is permitted to be claimed as the source of electricity delivered. The reporting entity must have either full or partial ownership in the facility or a written power contract to procure electricity generated by that facility or unit or from an asset controlling supplier at the time of entry into the transaction to procure electricity.

(64) "Supplier" means a supplier of fuel in Washington state as defined in RCW 70A.15.2200(5)(h)(ii).

(65) "Tribal lands" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(66) "Unspecified source of electricity" or "unspecified source" means a source of electricity that is not a specified source at the time of entry into the transaction to procure electricity.

(67) "Voluntary renewable reserve account" means a holding account maintained by the department from which allowances may be retired for voluntary renewable electricity generation, which is directly delivered to the state and has not and will not be sold or used to meet any other mandatory requirements in the state or any other jurisdiction, on behalf of voluntary renewable energy purchasers or end users.

(68) "Vulnerable populations" has the same meaning as defined in RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

NEW SECTION. **Sec. 3.** ENVIRONMENTAL JUSTICE REVIEW. (1) To ensure that the program created in sections 8 through 24 of this act achieves reductions in criteria pollutants as well as greenhouse gas emissions in overburdened communities highly impacted by air pollution, the department must:

(a) Identify overburdened communities, which may be accomplished through the department's process to identify overburdened communities under chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141);

(b) Deploy an air monitoring network in overburdened communities to collect sufficient air quality data for the 2023 review and subsequent reviews of criteria pollutant reductions conducted under subsection (2) of this section; and

(c)(i) Within the identified overburdened communities, analyze and determine which sources are the greatest contributors of criteria pollutants and develop a high priority list of significant emitters.

(ii) Prior to listing any entity as a high priority emitter, the department must notify that entity and share the data used to rank that entity as a high priority emitter, and provide a period of not less than 60 days for the covered entity to submit more recent data or other information relevant to the designation of that entity as a high priority emitter.

(2)(a) Beginning in 2023, and every two years thereafter, the department must conduct a review to determine levels of criteria pollutants, as well as greenhouse gas emissions, in the overburdened communities identified under subsection (1) of this section. This review must also include an evaluation of initial and subsequent health impacts related to criteria pollution in overburdened communities. The department may conduct this evaluation jointly with the department of health.

(b) Once this review determines the levels of criteria pollutants in an identified overburdened community, then the department, in consultation with local air pollution control authorities, must:

(i) Establish air quality targets to achieve air quality consistent with

whichever is more protective for human health:

(A) National ambient air quality standards established by the United States environmental protection agency; or

(B) The air quality experienced in neighboring communities that are not identified as overburdened;

(ii) Identify the stationary and mobile sources that are the greatest contributors of those emissions that are either increasing or not decreasing;

(iii) Achieve the reduction targets through adoption of emission control strategies or other methods;

(iv) Adopt, along with local air pollution control authorities, stricter air quality standards, emission standards, or emissions limitations on criteria pollutants, consistent with the authority of the department provided under RCW 70A.15.3000, and may consider alternative mitigation actions that would reduce criteria pollution by similar amounts; and

(v) After adoption of the stricter air quality standards, emission standards, or emissions limitations on criteria pollutants under (b)(iv) of this subsection, issue an enforceable order or the local air authority must issue an enforceable order, as authorized under section 35 of this act, as necessary to comply with the stricter standards or limitations and the requirements of this section. The department or local air authority must initiate the process, including provision of notice to all relevant affected permittees or registered sources and to the public, to adopt and implement an enforceable order required under this subsection within six months of the adoption of standards or limitations under (b)(iv) of this subsection.

(c) Actions imposed under this section may not impose requirements on a permitted stationary source that are disproportionate to the permitted stationary source's contribution to air pollution compared to other permitted stationary sources and other sources of criteria pollutants in the overburdened community.

(3) An eligible facility sited after the effective date of this section that receives allowances under section 13 of this act must mitigate increases in its emissions of particulate matter in overburdened communities.

(4)(a) The department must create and adopt a supplement to the department's community engagement plan developed pursuant to chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141). The supplement must describe how the department will engage with overburdened communities and vulnerable populations in:

(i) Identifying emitters in overburdened communities; and

(ii) Monitoring and evaluating criteria pollutant emissions in those areas.

(b) The community engagement plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

NEW SECTION. **Sec. 4.** ENVIRONMENTAL JUSTICE ASSESSMENT. (1) Each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in section 27 of this act, the climate investment account created in section 28 of this act, or the air quality and health disparities improvement account created in section 31 of this act, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.---.--- (section 14, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.---.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.---.--- (section 16, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)): (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) State agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in section 27 of this act, the climate investment account created in section 28 of this act, or the air quality and health disparities improvement account created in section 31 of this act, must:

(a) Report annually to the environmental justice council created in RCW 70A.---.--- (section 20, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141), create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

NEW SECTION. **Sec. 5.** ENVIRONMENTAL JUSTICE COUNCIL. (1) The environmental justice council created in RCW 70A.---.--- (section 20, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) must provide recommendations to the legislature, agencies, and the governor in the development and implementation of the program established in sections 8 through 24 of this act, and the programs funded from the carbon emissions reduction account created in section 27 of this act and from the climate investment account created in section 28 of this act.

(2) In addition to the duties and authorities granted in chapter 70A.--- RCW (the new chapter created in section 22, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) to the environmental justice council, the environmental justice council must:

(a) Provide recommendations to the legislature, agencies, and the governor in the development of:

(i) The program established in sections 8 through 24 of this act including, but not limited to, linkage with other jurisdictions, protocols for establishing offset projects and securing offset credits, designation of emissions-intensive and trade-exposed industries under section 13 of this act, and administration of allowances under the program; and

(ii) Investment plans and funding proposals for the programs funded from the climate investment account created in section 28 of this act for the purpose of providing environmental benefits and reducing environmental health disparities within overburdened communities;

(b) Provide a forum to analyze policies adopted under this chapter to determine if the policies lead to improvements within overburdened communities;

(c) Recommend procedures and criteria for evaluating programs, activities, or projects;

(d) Recommend copollutant emissions reduction goals in overburdened communities;

(e) Evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and the funding of projects and activities located within or benefiting overburdened communities;

(f) Recommend environmental justice and environmental health goals for programs, activities, and projects funded from the climate investment account, and review agency annual reports on outcomes and progress toward meeting these goals;

(g) Provide recommendations to implementing agencies for meaningful consultation with vulnerable populations, including community engagement plans under sections 3 and 4 of this act; and

(h) Recommend how to support public participation through capacity grants for participation.

(3) For the purpose of performing the duties under subsection (2) of this section, two additional tribal members are added to the council.

NEW SECTION. **Sec. 6.** TRIBAL CONSULTATION. (1) Agencies that allocate funding or administer grant programs appropriated from the climate investment account created in section 28 of this act must develop a consultation framework in coordination with tribal governments that includes best practices, protocols for communication, and collaboration with federally recognized tribes. Under this consultation framework, before allocating funding or administering grant programs appropriated from the climate investment account, agencies must offer consultation with federally recognized tribes on all funding decisions and programs that may impact, infringe upon, or impair the governmental efforts of federally recognized tribes to adopt or enforce their own standards governing or protecting the tribe's resources or other rights and interests in their tribal lands and lands within which a tribe or tribes possess rights reserved by treaty. The consultation is independent of any public participation process required by state law, or by a state agency, and regardless of whether the agency receives a request for consultation from a federally recognized tribe.

(2)(a) If any funding decision, program, project, or activity that impacts lands within which a tribe or tribes possess rights reserved by federal treaty, statute, or executive order is undertaken or funded under this chapter without such consultation with a federally recognized tribe, an affected tribe may request that all further action on the decision, program, project, or activity cease until meaningful consultation with any directly impacted federally recognized tribe is completed.

(b) A project or activity funded in whole or in part from the account created in section 28 of this act must be paused or ceased in the event that an affected federally recognized Indian tribe or the department of archaeology and historic preservation provides timely notice of a determination to the department and any other agency responsible for the project or activity that the project will adversely impact cultural resources, archaeological sites, or sacred sites. A project or activity paused at the direction of the department under this subsection may not be resumed or completed unless the potentially impacted tribe provides consent to the department and the proponent of the project or activity.

NEW SECTION. **Sec. 7.** GOVERNANCE STRUCTURE. (1) The governor shall establish a governance structure to implement the state's climate commitment under the authority provided under this chapter and other statutory authority to provide accountability for achieving the state's greenhouse gas limits in RCW 70A.45.020, to establish a coordinated and strategic statewide approach to climate resilience, to build an equitable and inclusive clean energy economy, and to ensure that the government provides clear policy and requirements, financial tools, and other mechanisms to support achieving those limits.

(2) The governance structure for implementing the state's climate commitment must:

(a) Be holistic and address the needs, challenges, and opportunities to meet the climate commitment;

(b) Address emission reductions from all relevant sectors and sources by ensuring that emitters are responsible for meeting targeted greenhouse gas reductions and that the government provides clear policy and requirements,

financial tools, and other mechanisms to support achieving those reductions;

(c) Support an equitable transition for vulnerable populations and overburdened communities, including through early and meaningful engagement of overburdened communities and workers to ensure the program achieves equitable and just outcomes;

(d) Build increasing climate resilience for at-risk communities and ecosystems through cross-sectoral coordination, strategic planning, and cohesive policies; and

(e) Apply the most current, accurate, and complete scientific and technical information available to guide the state's climate actions and strategies.

(3) The governance structure for implementing the state's climate commitment must include, but not be limited to, the following elements:

(a) A strategic plan for aligning existing law, rules, policies, programs, and plans with the state's greenhouse gas limits, to the full extent allowed under existing authority;

(b) Common state policies, standards, and procedures for addressing greenhouse gas emissions and climate resilience, including grant and funding programs, infrastructure investments, and planning and siting decisions;

(c) A process for prioritizing and coordinating funding consistent with strategic needs for greenhouse gas reductions, equity and environmental justice, and climate resilience actions;

(d) An updated statewide strategy for addressing climate risks and improving resilience of communities and ecosystems;

(e) A comprehensive community engagement plan that addresses and mitigates barriers to engagement from vulnerable populations, overburdened communities, and other historically or currently marginalized groups; and

(f) An analysis of gaps and conflicts in state law and programs, with recommendations for improvements to state law.

(4) The governor's office shall develop policy and budget recommendations to the legislature necessary to implement the state's climate commitment by December 31, 2021, in accordance with the purpose, principles, and elements in subsections (1) through (3) of this section.

(5) Nothing in this section establishes or creates legal authority for the department or any other state agency to enact, adopt, issue an order, or in any way implement additional regulatory programs beyond what is provided for under this chapter and other statutes.

NEW SECTION. **Sec. 8.** CAP ON GREENHOUSE GAS EMISSIONS. (1) In order to ensure that greenhouse gas emissions are reduced by covered entities consistent with the limits established in RCW 70A.45.020, the department must implement a cap on greenhouse gas emissions from covered entities and a program to track, verify, and enforce compliance through the use of compliance instruments.

(2) The program must consist of:

(a) Annual allowance budgets that limit emissions from covered entities, as provided in this section and sections 9 and 10 of this act;

(b) Defining those entities covered by the program, and those entities that may voluntarily opt into coverage under the program, as provided in this section and sections 9 and 10 of this act;

(c) Distribution of emission allowances, as provided in section 12 of this act, and through the allowance price containment provisions under sections 16 and 17 of this act;

(d) Providing for offset credits as a method for meeting a compliance obligation, pursuant to section 19 of this act;

(e) Defining the compliance obligations of covered entities, as provided in section 22 of this act;

(f) Establishing the authority of the department to enforce the program requirements, as provided in section 23 of this act;

(g) Creating a climate investment account for the deposit of receipts from the distribution of emission allowances, as provided in section 28 of this act;

(h) Providing for the transfer of allowances and recognition of compliance instruments, including those issued by jurisdictions with which Washington has linkage agreements;

(i) Providing monitoring and oversight of the sale and transfer of allowances by the department;

(j) Creating a price ceiling and associated mechanisms as provided in section 18 of this act; and

(k) Providing for the allocation of allowances to emissions-intensive, trade-exposed industries pursuant to section 13 of this act.

(3) The department shall consider opportunities to implement the program in a manner that allows linking the state's program with those of other jurisdictions. The department must evaluate whether such linkage will provide for a more cost-effective means for covered entities to meet their compliance obligations in Washington while recognizing the special characteristics of the state's economy, communities, and industries. The department is authorized to enter into a linkage agreement with another jurisdiction after conducting an environmental justice assessment and after formal notice and opportunity for a public hearing, and when consistent with the requirements of section 24 of this act.

(4) During the 2022 regular legislative session, the department must bring forth agency request legislation developed in consultation with emissions-intensive, trade-exposed businesses, covered entities, environmental advocates, and overburdened communities that outlines a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050.

(5) By December 1, 2027, and at least every four years thereafter and in compliance with RCW 43.01.036, the department must submit a report to the legislature that includes a comprehensive review of the implementation of the program to date, including but not limited to outcomes relative to the state's emissions reduction limits, overburdened communities, covered entities, and emissions-intensive, trade-exposed businesses. The department must transmit the report to the environmental justice council at the same time it is submitted to the legislature.

(6) The department must bring forth agency request legislation if the department finds that any provision of this chapter prevents linking Washington's cap and invest program with that of any other jurisdiction.

NEW SECTION. **Sec. 9.** ANNUAL ALLOWANCE BUDGET AND TIMELINES. (1)(a) The department shall commence the program by January 1, 2023, by determining an emissions baseline establishing the proportionate share that the total greenhouse gas emissions of covered entities for the first compliance period bears to the total anthropogenic greenhouse gas emissions in the state during 2015 through 2019, based on data reported to the department under RCW 70A.15.2200 or provided as required by this chapter, as well as other relevant data. By October 1, 2022, the department shall adopt annual allowance budgets for the first compliance period of the program, calendar years 2023 through 2026, to be distributed from January 1, 2023, through December 31, 2026. If the first compliance period is delayed pursuant to section 22(7) of this act, the department shall adjust the annual allowance budgets to reflect a shorter first compliance period.

(b) By October 1, 2026, the department shall add to its emissions baseline by incorporating the proportionate share that the total greenhouse gas emissions of new covered entities in the second compliance period bear to the total anthropogenic greenhouse gas emissions in the state during 2023 through 2025. In determining the addition to the baseline, the department may exclude a year from the determination if the department identifies that year to have been an outlier due to a state of emergency. The department shall adopt annual allowance budgets for the second compliance period of the program, calendar years 2027 through 2030, that will be distributed from January 1, 2027, through December 31, 2030.

(c) By October 1, 2028, the department shall adopt by rule the annual allowance budgets for calendar years 2031 through 2040.

(2) The annual allowance budgets must be set to achieve the share of reductions by covered entities necessary to achieve the 2030, 2040, and 2050 statewide emissions limits established in RCW 70A.45.020, based on data reported to the department under chapter 70A.15 RCW or

provided as required by this chapter. Annual allowance budgets must be set such that the use of offsets as compliance instruments, consistent with section 19 of this act, does not prevent the achievement of the emissions limits established in RCW 70A.45.020. In so setting annual allowance budgets, the department must reduce the annual allowance budget relative to the limits in an amount equivalent to offset use, or in accordance with a similar methodology adopted by the department. The department must adopt annual allowance budgets for the program on a calendar year basis that provide for progressively equivalent reductions year over year. An allowance distributed under the program, either directly by the department under sections 13 through 15 of this act or though auctions under section 12 of this act, does not expire and may be held or banked consistent with sections 12(6) and 17(1) of this act.

(3) The department must complete an evaluation by December 31, 2027, and by December 31, 2035, of the performance of the program, including its performance in reducing greenhouse gases. If the evaluation shows that adjustments to the annual allowance budgets are necessary for covered entities to achieve their proportionate share of the 2030 and 2040 emission reduction limits identified in RCW 70A.45.020, as applicable, the department shall adjust the annual allowance budgets accordingly. The department must complete additional evaluations of the performance of the program by December 31, 2040, and by December 31, 2045, and make any necessary adjustments in the annual allowance budgets to ensure that covered entities achieve their proportionate share of the 2050 emission reduction limit identified in RCW 70A.45.020. Nothing in this subsection precludes the department from making additional adjustments to annual allowance budgets as necessary to ensure successful achievement of the proportionate emission reduction limits by covered entities. The department shall determine and make public the circumstances, metrics, and processes that would initiate the public consideration of additional allowance budget adjustments to ensure successful achievement of the proportionate emission reduction limits.

(4) Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2015 through 2019 is deemed sufficient for the purpose of adopting annual allowance budgets and serving as the baseline by which covered entities demonstrate compliance under the first compliance period of the program. Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2023 through 2025 is deemed sufficient for adopting annual allowance budgets and serving as the baseline by which covered entities demonstrate compliance under the second compliance period of the program.

(5) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other jurisdictions. Therefore, the legislature finds that implementation of this section is contingent upon the enactment of section 13 of this act.

NEW SECTION. **Sec. 10.** PROGRAM COVERAGE. (1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports electricity into the state during the compliance period:

(a) Where the person owns or operates a facility and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent;

(b) Where the person is a first jurisdictional deliverer and generates electricity in the state and emissions associated with this generation equals or exceeds 25,000 metric tons of carbon dioxide equivalent;

(c) Where the person is a first jurisdictional deliverer importing electricity into the state and the cumulative annual total of emissions associated with the imported electricity, whether from specified or unspecified sources, exceeds 25,000 metric tons of carbon dioxide equivalent. In consultation with any linked jurisdiction to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall

adopt by rule a methodology for addressing imported electricity associated with a centralized electricity market;

(d) Where the person is a supplier of fossil fuel other than natural gas and from that fuel 25,000 metric tons or more of carbon dioxide equivalent emissions would result from the full combustion or oxidation, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington; and

(e)(i) Where the person supplies natural gas in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington, and excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities;

(ii) Where the person who is not a natural gas company and has a tariff with a natural gas company to deliver to an end-use customer in the state in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) the amounts delivered to opt-in entities;

(iii) Where the person is an end-use customer in the state who directly purchases natural gas from a person that is not a natural gas company and has the natural gas delivered through an interstate pipeline to a distribution system owned by the purchaser in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities.

(2) A person is a covered entity as of the beginning of the second compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2023 through 2025, where the person owns or operates a waste to energy facility utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(3)(a) A person is a covered entity beginning January 1, 2031, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2027 through 2029, where the person owns or operates a:

(i) Landfill utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent; or

(ii) Railroad company, as that term is defined in RCW 81.04.010, and the railroad company's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(b) Subsection (a) of this subsection does not apply to owners or operators of landfills that:

(i) Capture at least 75 percent of the landfill gas generated by the decomposition of waste using methods under 40 C.F.R. Part 98, Subpart HH - Municipal Solid Waste landfills, and subsequent updates; and

(ii) Operate a program, individually or through partnership with another entity, that results in the production of renewable natural gas or electricity from landfill gas generated by the facility.

(c) It is the intent of the legislature to adopt a greenhouse gas reduction policy specific to landfills. If such a policy is not enacted by January 1, 2030, the requirements of this subsection (3) take full effect.

(4) When a covered entity reports, during a compliance period, emissions from a facility under RCW 70A.15.2200 that are below the thresholds specified in subsection (1) or (2) of this section, the covered entity continues to have a compliance obligation through the current compliance period. When a covered entity reports emissions below the threshold for each year during an entire compliance period, or has ceased all processes at the facility requiring reporting under RCW 70A.15.2200, the entity is no longer a covered entity as of the beginning of the subsequent

compliance period unless the department provides notice at least 12 months before the end of the compliance period that the facility's emissions were within 10 percent of the threshold and that the person will continue to be designated as a covered entity in order to ensure equity among all covered entities. Whenever a covered entity ceases to be a covered entity, the department shall notify the appropriate policy and fiscal committees of the legislature of the name of the entity and the reason the entity is no longer a covered entity.

(5) For types of emission sources described in subsection (1) of this section that begin or modify operation after January 1, 2023, and types of emission sources described in subsection (2) of this section that begin or modify operation after 2027, coverage under the program starts in the calendar year in which emissions from the source exceed the applicable thresholds in subsection (1) or (2) of this section, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold, whichever happens first. Sources meeting these conditions are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions were equal to or exceeded the emissions threshold.

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first. Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions, as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

(7) The following emissions are exempt from coverage in the program, regardless of the emissions reported under RCW 70A.15.2200 or provided as required by this chapter:

(a) Emissions from the combustion of aviation fuels;

(b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;

(c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;

(d) Carbon dioxide emissions from the combustion of biomass or biofuels;

(e)(i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865.

(ii) The department must determine a method for expanding the exemption provided under (e)(i) of this subsection to include fuels used for the purpose of transporting agricultural products on public highways. The department must maintain this expanded exemption for a period of five years, in order to provide the agricultural sector with a feasible transition period; and

(f) Emissions from facilities with North American industry classification system code 92811 (national security).

(8) The department shall not require multiple covered entities to have a compliance obligation for the same emissions. The department may by rule authorize refineries, fuel suppliers, facilities using natural gas, and natural gas utilities to provide by agreement for the assumption of the compliance obligation for fuel or natural gas supplied and combusted in the state. The department must be notified of such an agreement at least 12 months prior to the compliance obligation period for which the agreement is applicable.

(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state, including lead agencies under chapter 43.21C RCW, shall pursue the limits in a manner that recognizes that the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in the economic and environmental interests of the state of Washington.

(c) In conducting a life-cycle analysis, if required, for new or expanded facilities that require review under chapter 43.21C RCW, a lead agency must evaluate and attribute any potential net cumulative greenhouse gas emissions resulting from the project as compared to other existing facilities or best available technology including best-in-class facilities and emerging lower carbon processes that supply the same product or end use. The department may adopt rules to determine the appropriate threshold for applying this analysis.

(d) Covered emissions from an entity that is or will be a covered entity under this chapter may not be the basis for denial of a permit for a new or expanded facility. Covered emissions must be included in the analysis undertaken pursuant to (c) of this subsection. Nothing in this subsection requires a lead agency or a permitting agency to approve or issue a permit to a permit applicant, including to a new or expanded fossil fuel project.

(e) A lead agency under chapter 43.21C RCW or a permitting agency shall allow a new or expanded facility that is a covered entity or opt-in entity to satisfy a mitigation requirement for its covered emissions under this act and under any greenhouse gas emission mitigation requirements for covered emissions under chapter 43.21C RCW by submitting to the department the number of compliance instruments equivalent to its covered emissions during a compliance period.

NEW SECTION. **Sec. 11.** REQUIREMENTS. (1) All covered entities must register to participate in the program, following procedures adopted by the department by rule.

(2) Entities registering to participate in the program must describe any direct or indirect affiliation with other registered entities.

(3) A person responsible for greenhouse gas emissions that is not a covered entity may voluntarily participate in the program by registering as an opt-in entity. An opt-in entity must satisfy the same registration requirements as covered entities. Once registered, an opt-in entity is allowed to participate as a covered entity in auctions and must assume the same compliance obligation to transfer compliance instruments equal to their emissions at the appointed transfer dates. An opt-in entity may opt out of the program at the end of any compliance period by providing written notice to the department at least six months prior to the end of the compliance period. The opt-in entity continues to have a compliance obligation through the current compliance period. An opt-in entity is not eligible to receive allowances directly distributed under section 13, 14, or 15 of this act.

(4) A person that is not covered by the program and is not a covered entity or opt-in entity may voluntarily participate in the program as a general market participant. General market participants must meet all applicable registration requirements specified by rule.

(5) Federally recognized tribes and federal agencies may elect to participate in the program as opt-in entities or general market participants.

(6) The department shall use a secure, online electronic tracking system to: Register entities in the state program; issue compliance instruments; track ownership of compliance instruments; enable and record compliance instrument transfers; facilitate program compliance; and support market oversight.

(7) The department must use an electronic tracking system that allows two accounts to each covered or opt-in entity:

(a) A compliance account where the compliance instruments are transferred to the department for retirement. Compliance instruments in compliance accounts may not be sold, traded, or otherwise provided to another account or person.

(b) A holding account that is used when a registered entity is interested in trading allowances. Allowances in holding accounts may be bought, sold, transferred to another registered entity, or traded. The amount of allowances a registered entity may have in its holding account is constrained by the holding limit as determined by the department by rule. Information about the contents of each holding account, including but not limited to the number of allowances in the account, must be displayed on a regularly maintained and searchable public website established and updated by the department.

(8) Registered general market participants are each allowed an account, to hold, trade, sell, or transfer allowances.

(9) The department shall maintain an account for the purpose of retiring allowances transferred by registered entities and from the voluntary renewable reserve account.

(10) The department shall maintain a public roster of all covered entities, opt-in entities, and general market participants on the department's public website.

(11) The department shall include a voluntary renewable reserve account.

NEW SECTION. **Sec. 12.** AUCTIONS OF ALLOWANCES. (1) Except as provided in sections 13, 14, and 15 of this act, the department shall distribute allowances through auctions as provided in this section and in rules adopted by the department to implement these sections. An allowance is not a property right.

(2)(a) The department shall hold a maximum of four auctions annually, plus any necessary reserve auctions. An auction may include allowances from the annual allowance budget of the current year and allowances from the annual allowance budgets from prior years that remain to be distributed. The department must transmit to the environmental justice council an auction notice at least 60 days prior to each auction, as well as a summary results report and a postauction public proceeds report within 60 days after each auction. The department must communicate the results of the previous calendar year's auctions to the environmental justice council on an annual basis beginning in 2024.

(b) The department must make future vintage allowances available through parallel auctions at least twice annually in addition to the auctions through which current vintage allowances are exclusively offered under (a) of this subsection.

(3) The department shall engage a qualified, independent contractor to run the auctions. The department shall also engage a qualified financial services administrator to hold the bid guarantees, evaluate bid guarantees, and inform the department of the value of bid guarantees once the bids are accepted.

(4) Auctions are open to covered entities, opt-in entities, and general market participants that are registered entities in good standing. The department shall adopt by rule the requirements for a registered entity to register and participate in a given auction.

(a) Registered entities intending to participate in an auction must submit an application to participate at least 30 days prior to the auction. The application must include the documentation required for review and approval by the department. A registered entity is eligible to participate only after receiving a notice of approval by the department.

(b) Each registered entity that elects to participate in the auction must have a different representative. Only a representative with an approved auction account is authorized to access the auction platform to submit an application or confirm the intent to bid for the registered entity, submit bids on behalf of the registered entity during the bidding window, or to download reports specific to the auction.

(5) The department may require a bid guarantee, payable to the financial services administrator, in an amount greater than or equal to the sum of the maximum value of the bids to be submitted by the registered entity.

(6) To protect the integrity of the auctions, a registered entity or group of registered entities with a direct corporate association are subject to

auction purchase and holding limits. The department may impose additional limits if it deems necessary to protect the integrity and functioning of the auctions:

(a) A covered entity or an opt-in entity may not buy more than 10 percent of the allowances offered during a single auction;

(b) A general market participant may not buy more than four percent of the allowances offered during a single auction and may not in aggregate own more than 10 percent of total allowances to be issued in a calendar year;

(c) No registered entity may buy more than the entity's bid guarantee; and

(d) No registered entity may buy allowances that would exceed the entity's holding limit at the time of the auction.

(7)(a) For fiscal year 2023, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) $127,341,000 must first be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(b) For fiscal year 2024, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) $356,697,000 must first be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(c) For fiscal year 2025, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) $366,558,000 must first be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(d) For fiscal years 2026 through 2037, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) $359,117,000 per year must first be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(e) The deposits into the carbon emissions reduction account pursuant to (a) through (d) of this subsection must not exceed $5,200,000,000 over the first 16 years and any remaining auction proceeds must be deposited into the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(f) For fiscal year 2038 and each year thereafter, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) 50 percent of the auction proceeds to the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(8) The department shall adopt by rule provisions to guard against bidder collusion and minimize the potential for market manipulation. A registered entity may not release or disclose any bidding information including: Intent to participate or refrain from participation; auction approval status; intent to bid; bidding strategy; bid price or bid quantity; or information on the bid guarantee provided to the financial services administrator. The department may cancel or restrict a

previously approved auction participation application or reject a new application if the department determines that a registered entity has:

(a) Provided false or misleading facts;

(b) Withheld material information that could influence a decision by the department;

(c) Violated any part of the auction rules;

(d) Violated registration requirements; or

(e) Violated any of the rules regarding the conduct of the auction.

(9) Any cancellation or restriction approved by the department under subsection (8) of this section may be permanent or for a specified number of auctions and the cancellation or restriction imposed is not exclusive and is in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other state or federal laws, if applicable.

(10) The department shall design allowance auctions so as to allow, to the maximum extent practicable, linking with external greenhouse gas emissions trading programs in other jurisdictions and to facilitate the transfer of allowances when the state's program has entered into a linkage agreement with other external greenhouse gas emissions trading programs. The department may conduct auctions jointly with linked jurisdictions.

(11) In setting the number of allowances offered at each auction, the department shall consider the allowances in the marketplace due to the marketing of allowances issued as required under sections 13, 14, and 15 of this act in the department's determination of the number of allowances to be offered at auction. The department shall offer only such number of allowances at each auction as will enhance the likelihood of achieving the goals of RCW 70A.45.020.

NEW SECTION. **Sec. 13.** ALLOCATION OF ALLOWANCES TO EMISSIONS-INTENSIVE, TRADE-EXPOSED INDUSTRIES. (1) Facilities owned or operated by a covered entity must receive an allocation of allowances for the covered emissions at those facilities under this subsection at no cost if the operations of the facility are classified as emissions-intensive and trade-exposed, as determined by being engaged in one or more of the processes described by the following industry descriptions and codes in the North American industry classification system:

(a) Metals manufacturing, including iron and steel making, ferroalloy and primary metals manufacturing, secondary aluminum smelting and alloying, aluminum sheet, plate, and foil manufacturing, and smelting, refining, and alloying of other nonferrous metals, North American industry classification system codes beginning with 331;

(b) Paper manufacturing, including pulp mills, paper mills, and paperboard milling, North American industry classification system codes beginning with 322;

(c) Aerospace product and parts manufacturing, North American industry classification system codes beginning with 3364;

(d) Wood products manufacturing, North American industry classification system codes beginning with 321;

(e) Nonmetallic mineral manufacturing, including glass container manufacturing, North American industry classification system codes beginning with 327;

(f) Chemical manufacturing, North American industry classification system codes beginning with 325;

(g) Computer and electronic product manufacturing, including semiconductor and related device manufacturing, North American industry classification system codes beginning with 334;

(h) Food manufacturing, North American industry classification system codes beginning with 311;

(i) Cement manufacturing, North American industry classification system code 327310;

(j) Petroleum refining, North American industry classification system code 324110;

(k) Asphalt paving mixtures and block manufacturing from refined petroleum, North American industry classification system code 324121;

(l) Asphalt shingle and coating manufacturing from refined petroleum, North American industry classification system code 324122; and

(m) All other petroleum and coal products manufacturing from refined petroleum, North American industry classification system code 324199.

(2) By July 1, 2022, the department must adopt by rule objective criteria for both emissions' intensity and trade exposure for the purpose of identifying emissions-intensive, trade-exposed manufacturing businesses during the second compliance period of the program and subsequent compliance periods. A facility covered by subsection (1)(a) through (m) of this section is considered an emissions-intensive, trade-exposed facility and is eligible for allocation of no cost allowances as described in this section. In addition, any covered party that is a manufacturing business that can demonstrate to the department that it meets the objective criteria adopted by rule is also eligible for treatment as emissions-intensive, trade-exposed and is eligible for allocation of no cost allowances as described in this section. In developing the objective criteria under this subsection, the department must consider the locations of facilities potentially identified as emissions-intensive, trade-exposed manufacturing businesses relative to overburdened communities.

(3)(a) For the first compliance period beginning in January 1, 2023, the annual allocation of no cost allowances for direct distribution to a facility identified as emissions-intensive and trade-exposed must be equal to the facility's baseline carbon intensity established using data from 2015 through 2019, or other data as allowed under this section, multiplied by the facility's actual production for each calendar year during the compliance period. For facilities using the mass-based approach, the allocation of no cost allowances shall be equal to the facility's mass-based baseline using data from 2015 through 2019, or other data as allowed under this section.

(b) For the second compliance period, beginning in January, 2027, and in each subsequent compliance period, the annual allocation of no cost allowances established in (a) of this subsection shall be adjusted according to the benchmark reduction schedules established in (b)(ii) and (iii) and (e) of this subsection multiplied by the facility's actual production during the period. The department shall adjust the no cost allocation of allowances and credits to an emissions-intensive and trade-exposed facility to avoid duplication with any no cost allowances transferred pursuant to sections 14 and 15 of this act, if applicable.

(i) For the purpose of this section, "carbon intensity" means the amount of carbon dioxide equivalent emissions from a facility in metric tons divided by the facility specific measure of production including, but not limited to, units of product manufactured or sold, over the same time interval.

(ii) If an emissions-intensive and trade-exposed facility is not able to feasibly determine a carbon intensity benchmark based on its unique circumstances, the entity may elect to use a mass-based baseline that does not vary based on changes in production volumes. The mass-based baseline must be based upon data from 2015 through 2019, unless the emissions-intensive, trade-exposed facility can demonstrate that there have been abnormal periods of operation that materially impacted the facility and the baseline period should be expanded to include years prior to 2015. For each year during the first four-year compliance period that begins January 1, 2023, these facilities must be awarded no cost allowances equal to 100 percent of the facility's mass-based baseline. For each year during the second four-year compliance period that begins January 1, 2027, these facilities must be awarded no cost allowances equal to 97 percent of the facility's mass-based baseline. For each year during the third compliance period that begins January 1, 2031, these facilities must be awarded no cost allowances equal to 94 percent of the facility's mass-based baseline. Except as provided in (b)(iii) of this subsection, if a facility elects to use a mass-based baseline, it may not later convert to a carbon intensity benchmark during the first three compliance periods.

(iii) A facility with a North American industry classification system code beginning with 3364 that is utilizing a mass-based baseline in (b)(ii) of this subsection must receive an additional no cost allowance allocation under this section in order to accommodate an increase in production that increases its emissions above the baseline on a basis equivalent in principle to those awarded to entities utilizing a carbon intensity

benchmark pursuant to this subsection (3)(b). The department shall establish methods to award, for any annual period, additional no cost allowance allocations under this section and, if appropriate based on projected production, to achieve a similar ongoing result through the adjustment of the facility's mass-based baseline. An eligible facility under this subsection that has elected to use a mass-based baseline may not convert to a carbon intensity benchmark until the next compliance period.

(c)(i) By September 15, 2022, each emissions-intensive, trade-exposed facility shall submit its carbon intensity baseline for the first compliance period to the department. The carbon intensity baseline for the first compliance period must use data from 2015-2019, unless the emissions-intensive, trade-exposed facility can demonstrate that there have been abnormal periods of operation that materially impacted the facility and the baseline period should be expanded to include years prior to 2015.

(ii) By November 15, 2022, the department shall review and approve each emissions-intensive, trade-exposed facility's baseline carbon intensity for the first compliance period.

(d) During the first four-year compliance period that begins January 1, 2023, each emissions-intensive, trade-exposed facility must record its facility-specific carbon intensity baseline based on its actual production.

(e)(i) For the second four-year compliance period that begins January 1, 2027, the second period benchmark for each emissions-intensive, trade-exposed facility is three percent below the first period baseline specified in (a), (b), and (c) of this subsection.

(ii) For the third four-year compliance period that begins January 1, 2031, the third period benchmark for each emissions-intensive, trade-exposed facility is three percent lower than the second period benchmark.

(f) Prior to the beginning of either the second, third, or subsequent compliance periods, the department may make an upward adjustment in the next compliance period's benchmark for an emissions-intensive, trade-exposed facility based on the facility's demonstration to the department that additional reductions in carbon intensity or mass emissions are not technically or economically feasible. The department may base the upward adjustment applicable to an emissions-intensive, trade-exposed facility in the next compliance period on the facility's best available technology analysis. The department shall by rule provide for emissions-intensive, trade-exposed facilities to apply to the department for an adjustment to the allocation for direct distribution of no cost allowances based on its facility-specific carbon intensity benchmark or mass emissions baseline. The department shall make adjustments based on:

(i) A significant change in the emissions use or emissions attributable to the manufacture of an individual good or goods in this state by an emissions-intensive, trade-exposed facility based on a finding by the department that an adjustment is necessary to accommodate for changes in the manufacturing process that have a material impact on emissions;

(ii) Significant changes to an emissions-intensive, trade-exposed facility's external competitive environment that result in a significant increase in leakage risk; or

(iii) Abnormal operating periods when an emissions-intensive, trade-exposed facility's carbon intensity has been materially affected so that these abnormal operating periods are either excluded or otherwise considered in the establishment of the compliance period carbon intensity benchmarks.

(4)(a) By December 1, 2026, the department shall provide a report to the appropriate committees of the senate and house of representatives that describes alternative methods for determining the amount and a schedule of allowances to be provided to facilities owned or operated by each covered entity designated as an emissions-intensive, trade-exposed facility from January 1, 2035, through January 1, 2050. The report must include a review of global best practices in ensuring against emissions leakage and economic harm to businesses in carbon pricing programs and describe alternative methods of emissions performance benchmarking and mass-based allocation of no cost allowances. At a minimum, the department must evaluate benchmarks based on both carbon intensity and mass, as well as the use of best available technology as a method for compliance. In developing the report, the

department shall form an advisory group that includes representatives of the manufacturers listed in subsection (1) of this section.

(b) If the legislature does not adopt a compliance obligation for emissions-intensive, trade-exposed facilities by December 1, 2027, those facilities must continue to receive allowances as provided in the third four-year compliance period that begins January 1, 2031.

(5) If the actual emissions of an emissions-intensive, trade- exposed facility exceed the facility's no cost allowances assigned for that compliance period, it must acquire additional compliance instruments such that the total compliance instruments transferred to its compliance account consistent with section 22 of this act equals emissions during the compliance period. An emissions-intensive, trade-exposed facility must be allowed to bank unused allowances, including for future sale and investment in best available technology when economically feasible. The department shall limit the use of offset credits for compliance by an emissions-intensive, trade-exposed facility, such that the quantity of no cost allowances plus the provision of offset credits does not exceed 100 percent of the facility's total compliance obligation over a compliance period.

(6) The department must withhold or withdraw the relevant share of allowances allocated to a covered entity under this section in the event that the covered entity ceases production in the state and becomes a closed facility. In the event an entity curtails all production and becomes a curtailed facility, the allowances are retained but cannot be traded, sold, or transferred and are still subject to the emission reduction requirements specified in this section. An owner or operator of a curtailed facility may transfer the allowances to a new operator of the facility that will be operated under the same North American industry classification system codes. If the curtailed facility becomes a closed facility, then all unused allowances will be transferred to the emissions containment reserve. A curtailed facility is not eligible to receive free allowances during a period of curtailment. Any allowances withheld or withdrawn under this subsection must be transferred to the emissions containment reserve.

(7) An owner or operator of more than one facility receiving no cost allowances under this section may transfer allowances among the eligible facilities.

(8) Rules adopted by the department under this section must include protocols for allocating allowances at no cost to an eligible facility built after the effective date of this section. The protocols must include consideration of the products and criteria pollutants being produced by the facility, as well as the local environmental and health impacts associated with the facility. For a facility that is built on tribal lands or is determined by the department to impact tribal lands and resources, the protocols must be developed in consultation with the affected tribal nations.

NEW SECTION. **Sec. 14.** ALLOCATION OF ALLOWANCES TO ELECTRIC UTILITIES. (1) The legislature intends by this section to allow all consumer-owned electric utilities and investor-owned electric utilities subject to the requirements of chapter 19.405 RCW, the Washington clean energy transformation act, to be eligible for allowance allocation as provided in this section in order to mitigate the cost burden of the program on electricity customers.

(2)(a) By October 1, 2022, the department shall adopt rules, in consultation with the department of commerce and the utilities and transportation commission, establishing the methods and procedures for allocating allowances for consumer-owned and investor-owned electric utilities. The rules must take into account the cost burden of the program on electricity customers.

(b) By October 1, 2022, the department shall adopt an allocation schedule by rule, in consultation with the department of commerce and the utilities and transportation commission, for the first compliance period for the provision of allowances at no cost to consumer-owned and investor-owned electric utilities. This allocation must be consistent with a forecast, that is approved by the appropriate governing board or the utilities and transportation commission, of each utility's supply and demand, and the cost burden resulting from the

inclusion of the covered entities in the first compliance period.

(c) By October 1, 2026, the department shall adopt an allocation schedule by rule, in consultation with the department of commerce and the utilities and transportation commission, for the provision of allowances for the second compliance period at no cost to consumer-owned and investor-owned electric utilities. This allocation must be consistent with a forecast, that is approved by the appropriate governing board or the utilities and transportation commission, of each utility's supply and demand, and the cost burden resulting from the inclusion of covered entities in the second compliance period. The allowances included in this schedule must reflect the increased scope of coverage in the electricity sector relative to the program budget of allowances established in 2022.

(d) By October 1, 2028, the department shall adopt an allocation schedule by rule, in consultation with the department of commerce and the utilities and transportation commission, for the provision of allowances at no cost to consumer-owned and investor-owned electric utilities for the compliance periods contained within calendar years 2031 through 2045. This allocation must be consistent with a forecast, that is approved by the appropriate governing board or the utilities and transportation commission, of each utility's supply and demand, and the cost burden resulting from the inclusion of the covered entities in the compliance periods. The rule developed under this subsection (2)(d) may prescribe an amount of allowances allocated at no cost that must be consigned to auction by consumer-owned and investor-owned electric utilities. However, utilities may use allowances for compliance equal to their covered emissions in any calendar year they were not subject to potential penalty under RCW 19.405.090. Under no circumstances may utilities receive any free allowances after 2045.

(3)(a) During the first compliance period, allowances allocated at no cost to consumer-owned and investor-owned electric utilities may be consigned to auction for the benefit of ratepayers, deposited for compliance, or a combination of both. The rules adopted by the department under subsection (2) of this section must include provisions for directing revenues generated under this subsection to the applicable utilities.

(b) By October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, must adopt rules governing the amount of allowances allocated at no cost under subsection (2)(c) of this section that must be consigned to auction. For calendar year 2030, electric utilities may use allowances for compliance equal to their covered emissions if not subject to potential penalty under RCW 19.405.090.

(4) The benefits of all allowances consigned to auction under this section must be used by consumer-owned and investor-owned electric utilities for the benefit of ratepayers, with the first priority the mitigation of any rate impacts to low-income customers.

(5) If an entity is identified by the department as an emissions-intensive, trade-exposed industry under section 13 of this act, unless allowances have been otherwise allocated for electricity-related emissions to the entity under section 13 of this act or to a consumer-owned utility under this section, the department shall allocate allowances at no cost to the electric utility or power marketing administration that is providing electricity to the entity in an amount equal to the forecasted emissions for electricity consumption for the entity for the compliance period.

(6) The department shall allow for allowances to be transferred between a power marketing administration and electric utilities and used for direct compliance.

(7) Rules establishing the allocation of allowances to consumer-owned utilities and investor-owned utilities must consider the impact of electrification of buildings, transportation, and industry on the electricity sector.

(8) Nothing in this section affects the requirements of chapter 19.405 RCW.

(9) A consumer-owned utility that is party to a contract that meets the following conditions must be issued allowances under this section for emissions associated with imported electricity, in order to prevent impairment of the value of the contract to either party:

(a) The contract does not address compliance costs imposed upon the consumer-owned utility by the program created in this chapter; and

(b) The contract was in effect as of the effective date of this section and expires no later than the end of the first compliance period.

NEW SECTION. **Sec. 15.** ALLOCATION OF ALLOWANCES TO NATURAL GAS UTILITIES. (1) For the benefit of ratepayers, allowances must be allocated at no cost to covered entities that are natural gas utilities.

(a) By October 1, 2022, the department shall adopt rules, in consultation with the utilities and transportation commission, establishing the methods and procedures for allocating allowances to natural gas utilities. Rules adopted under this subsection must allow for a natural gas utility to be provided allowances at no cost to cover their emissions and decline proportionally with the cap, consistent with section 9 of this act. Allowances allocated at no cost to natural gas utilities must be consigned to auction for the benefit of ratepayers consistent with subsection (2) of this section, deposited for compliance, or a combination of both. The rules adopted by the department pursuant to this section must include provisions directing revenues generated under this subsection to the applicable utilities.

(b) By October 1, 2022, the department shall adopt an allocation schedule by rule, in consultation with the utilities and transportation commission, for the first two compliance periods for the provision of allowances for the benefit of ratepayers at no cost to natural gas utilities.

(c) By October 1, 2028, the department shall adopt an allocation schedule by rule, in consultation with the utilities and transportation commission, for the provision of allowances for the benefit of ratepayers at no cost to natural gas utilities for the compliance periods contained within calendar years 2031 through 2040.

(2)(a) Beginning in 2023, 65 percent of the no cost allowances must be consigned to auction for the benefit of customers, including at a minimum eliminating any additional cost burden to low-income customers from the implementation of this chapter. Rules adopted under this subsection must increase the percentage of allowances consigned to auction by five percent each year until a total of 100 percent is reached.

(b) Revenues from allowances sold at auction must be returned by providing nonvolumetric credits on ratepayer utility bills, prioritizing low-income customers, or used to minimize cost impacts on low-income, residential, and small business customers through actions that include, but are not limited to, weatherization, decarbonization, conservation and efficiency services, and bill assistance. The customer benefits provided from allowances consigned to auction under this section must be in addition to existing requirements in statute, rule, or other legal requirements.

(c) Except for low-income customers, the customer bill credits under this subsection are reserved exclusively for customers at locations connected to a natural gas utility's system on the effective date of this section. Bill credits may not be provided to customers of the gas utility at a location connected to the system after the effective date of this section.

(3) In order to qualify for no cost allowances, covered entities that are natural gas utilities must provide copies of their greenhouse gas emissions reports filed with the United States environmental protection agency under 40 C.F.R. Part 98 subpart NN - suppliers of natural gas and natural gas liquids for calendar years 2015 through 2021 to the department on or before March 31, 2022. The copies of the reports must be provided in electronic form to the department, in a manner prescribed by the department. The reports must be complete and contain all information required by 40 C.F.R. Sec. 98.406 including, but not limited to, information on large end-users served by the natural gas utility. For any year where a natural gas utility was not required to file this report with the United States environmental protection agency, a report may be submitted in a manner prescribed by the department containing all of the information required in the subpart NN report.

(4) To continue receiving no cost allowances, a natural gas utility must provide to the department the United States environmental protection agency subpart NN greenhouse gas emissions report for each reporting year in the

manner and by the dates provided by RCW 70A.15.2200(5) as part of the greenhouse gas reporting requirements of this chapter.

NEW SECTION. **Sec. 16.** EMISSIONS CONTAINMENT RESERVE WITHHOLDING. (1) To help ensure that the price of allowances remains sufficient to incentivize reductions in greenhouse gas emissions, the department must establish an emissions containment reserve and set an emissions containment reserve trigger price by rule. The price must be set at a reasonable amount above the auction floor price and equal to the level established in jurisdictions with which the department has entered into a linkage agreement. In the event that a jurisdiction with which the department has entered into a linkage agreement has no emissions containment trigger price, the department shall suspend the trigger price under this subsection. The purpose of withholding allowances in the emissions containment reserve is to secure additional emissions reductions.

(2) In the event that the emissions containment reserve trigger price is met during an auction, the department must automatically withhold allowances as needed. The department must convert and transfer any allowances that have been withheld from auction into the emissions containment reserve account.

(3) Emissions containment reserve allowances may only be withheld from an auction if the demand for allowances would result in an auction clearing price that is less than the emissions containment reserve trigger price prior to the withholding from the auction of any emissions containment reserve allowances.

(4) The department shall transfer allowances to the emissions containment reserve in the following situations:

(a) No less than two percent of the total number of allowances available from the allowance budgets for calendar years 2023 through 2026;

(b) When allowances are unsold in auctions under section 12 of this act;

(c) When facilities curtail or close consistent with section 13(6) of this act; or

(d) When facilities fall below the emissions threshold. The amount of allowances withdrawn from the program budget must be proportionate to the amount of emissions such a facility was previously using.

(5)(a) Allowances must be distributed from the emissions containment reserve by auction when new covered and opt-in entities enter the program.

(b) Allowances equal to the greenhouse gas emissions resulting from a new or expanded emissions-intensive, trade-exposed facility with emissions in excess of 25,000 metric tons per year during the first applicable compliance period will be provided to the facility from the reserve created in this section and must be retired by the facility. In subsequent compliance periods, the facility will be subject to the regulatory cap and related requirements under this chapter.

NEW SECTION. **Sec. 17.** ALLOWANCE PRICE CONTAINMENT. (1) To help minimize allowance price volatility in the auction, the department shall adopt by rule an auction floor price and a schedule for the floor price to increase by a predetermined amount every year. The department may not sell allowances at bids lower than the auction floor price. The department's rules must specify holding limits that determine the maximum number of allowances that may be held for use or trade by a registered entity at any one time. The department shall also establish an auction ceiling price to limit extraordinary prices and to determine when to offer allowances through the allowance price containment reserve auctions authorized under this section.

(2) For calendar years 2023 through 2026, the department must place no less than two percent of the total number of allowances available from the allowance budgets for those years in an allowance price containment reserve. The reserve must be designed as a mechanism to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3)(a) The department shall adopt rules for holding auctions of allowances from the price containment reserve when the settlement prices in the preceding auction approach the adopted auction ceiling price. The auction must be separate from auctions of other allowances.

(b) Allowances must also be distributed from the allowance price

containment reserve by auction when new covered and opt-in entities enter the program and allowances in the emissions containment reserve under section 16 of this act are exhausted.

(4) Only covered and opt-in entities may participate in the auction of allowances from the allowance price containment reserve.

(5) The process for reserve auctions is the same as the process provided in section 12 of this act and the proceeds from reserve auctions must be treated the same.

(6) The department shall by rule:

(a) Set the reserve auction floor price in advance of the reserve auction. The department may choose to establish multiple price tiers for the allowances from the reserve;

(b) Establish the requirements and schedule for the allowance price containment reserve auctions; and

(c) Establish the amount of allowances to be placed in the allowance price containment reserve after the first compliance period ending in 2026.

NEW SECTION. **Sec. 18.** PRICE CEILING. (1) The department shall establish a price ceiling to provide cost protection for facilities obligated to comply with this chapter. The ceiling must be set at a level sufficient to facilitate investments to achieve further emission reductions beyond those enabled by the price ceiling, with the intent that investments accelerate the state's achievement of greenhouse gas limits established under RCW 70A.45.020. The price ceiling must increase annually in proportion to the price floor.

(2) In the event that no allowances remain in the allowance price containment reserve, the department must issue the number of price ceiling units for sale sufficient to provide cost protection for facilities as established under subsection (1) of this section. Purchases must be limited to entities that do not have sufficient eligible compliance instruments in their holding and compliance accounts for the next compliance period and these entities may only purchase what they need to meet their compliance obligation for the current compliance period. Price ceiling units may not be sold or transferred and must be retired for compliance in the current compliance period. A price ceiling unit is not a property right.

(3) Funds raised in connection with the sale of price ceiling units must be expended to achieve emissions reductions on at least a metric ton for metric ton basis that are real, permanent, quantifiable, verifiable, enforceable by the state, and in addition to any greenhouse gas emission reduction otherwise required by law or regulation and any other greenhouse gas emission reduction that otherwise would occur.

NEW SECTION. **Sec. 19.** OFFSETS. (1) The department shall adopt by rule the protocols for establishing offset projects and securing offset credits that may be used to meet a portion of a covered or opt-in entity's compliance obligation under section 22 of this act. The protocols adopted by the department under this section must align with the policies of the state established under RCW 70A.45.090 and 70A.45.100.

(2) Offset projects must:

(a) Provide direct environmental benefits to the state or be located in a jurisdiction with which Washington has entered into a linkage agreement;

(b) Result in greenhouse gas reductions or removals that:

(i) Are real, permanent, quantifiable, verifiable, and enforceable; and

(ii) Are in addition to greenhouse gas emission reductions or removals otherwise required by law and other greenhouse gas emission reductions or removals that would otherwise occur; and

(c) Have been certified by a recognized registry after the effective date of this section or within two years prior to the effective date of this section.

(3)(a) A total of no more than five percent of a covered or opt-in entity's compliance obligation during the first compliance period may be met by transferring offset credits. During these years, at least 50 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state.

(b) A total of no more than four percent of a covered or opt-in entity's compliance obligation during the second

compliance period may be met by transferring offset credits. During these years, at least 75 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state. The department may reduce the 75 percent requirement if it determines there is not sufficient offset supply in the state to meet offset demand during the second compliance period.

(c) The limits in (a) and (b) of this subsection may be modified by rule as adopted by the department when appropriate to ensure achievement of the proportionate share of statewide emissions limits established in RCW 70A.45.020 and to provide for alignment with other jurisdictions to which the state has linked.

(d) The limits in (a) and (b) of this subsection may be reduced for a specific covered or opt-in entity if the department determines, in consultation with the environmental justice council, that the covered or opt-in entity has or is likely to:

(i) Contribute substantively to cumulative air pollution burden in an overburdened community as determined by criteria established by the department, in consultation with the environmental justice council; or

(ii) Violate any permits required by any federal, state, or local air pollution control agency where the violation may result in an increase in emissions.

(e) An offset project on federally recognized tribal land does not count against the offset credit limits described in (a) and (b) of this subsection. No more than three percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the first compliance period. No more than two percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the second compliance period.

(4) In adopting protocols governing offset projects and covered and opt-in entities' use of offset credits, the department shall:

(a) Take into consideration standards, rules, or protocols for offset projects and offset credits established by other states, provinces, and countries with programs comparable to the program established in this chapter;

(b) Encourage opportunities for the development of offset projects in this state by adopting offset protocols that may include, but need not be limited to, protocols that make use of aggregation or other mechanisms to reduce transaction costs related to the development of offset projects and that support the development of carbon dioxide removal projects;

(c) Adopt a process for monitoring and invalidating offset credits as necessary to ensure the credit reflects emission reductions or removals that continue to meet the standards required by subsection (1) of this section. If an offset credit is invalidated, the covered or opt-in entity must, within six months of the invalidation, transfer replacement credits or allowances to meet its compliance obligation. Failure to transfer the required credits or allowances is a violation subject to penalties as provided in section 23 of this act; and

(d) Make use of aggregation or other mechanisms, including cost-effective inventory and monitoring provisions, to increase the development of offset and carbon removal projects by landowners across the broadest possible variety of types and sizes of lands, including lands owned by small forestland owners.

(5) Any offset credits used may not be in addition to or allow for an increase in the emissions limits established under RCW 70A.45.020, as reflected in the annual allowance budgets developed under section 9 of this act.

(6) The offset credit must be registered and tracked as a compliance instrument.

(7) Beginning in 2031, the limits established in subsection (3) of this section apply unless modified by rule as adopted by the department after a public consultation process.

NEW SECTION. **Sec. 20.** ASSISTANCE PROGRAM FOR OFFSETS ON TRIBAL LANDS. (1) In order to ensure that a sufficient number of high quality offset projects are available under the limits set in section 19 of this act, the department

must establish an assistance program for offset projects on federally recognized tribal lands in Washington. The assistance may include, but is not limited to, funding or consultation for federally recognized tribal governments to assess a project's technical feasibility, investment requirements, development and operational costs, expected returns, administrative and legal hurdles, and project risks and pitfalls. The department may provide funding or assistance upon request by a federally recognized tribe.

(2) It is the intent of the legislature that not less than $5,000,000 be provided in the biennial omnibus operating appropriations act for the purposes of this section.

NEW SECTION. **Sec. 21.** SMALL FORESTLAND OWNER WORK GROUP. (1) The department of natural resources must contract with an eligible entity capable of providing public value to the state through the establishment and implementation of a small forestland owner work group. The purpose of the work group is to forward the goals and implementation of this chapter by identifying possible carbon market opportunities including, but not limited to, the provision of offset credits that qualify under section 19 of this act, and other incentive-based greenhouse gas reduction programs that Washington landowners may be able to access, including compliance markets operated by other jurisdictions, voluntary markets, and federal, state, and private programs for forestlands that can be leveraged to achieve carbon reductions.

(2) The work group established by the eligible entity under this section must:

(a) Provide recommendations for the implementation and funding of a pilot program to develop an aggregator account that will pursue carbon offset projects for small forestland owners in Washington state, including recommendations based on programs established in other jurisdictions;

(b) Coordinate with the department on the development of offset protocols related to landowners under section 19(4)(d) of this act;

(c) Develop a framework and funding proposals for establishing a program to link interested small forestland owners with incentive-based carbon reducing programs that facilitate adoption of forest practices that increase carbon storage and sequestration in forests and wood products. The framework may include:

(i) Identifying areas of coordination and layering among state, federal, and private landowner incentive programs and identifying roadblocks to better scalability;

(ii) Assisting landowners with access to feasibility analyses, market applications, stand inventories, pilot project support, and other services to reduce the transaction costs and barriers to entry to carbon markets or carbon incentive programs; and

(iii) Sharing information with private and other landowners about best practices employed to increase carbon storage and access to incentive programs; and

(d) Recommend policies to support the implementation of incentives for participation in carbon markets.

(3) The work group must transmit a final report to the department by December 1, 2022, that provides recommendations for incentives, the implementation of incentives, and payment structures necessary to support small forest landowners and any recommendations around extending the work group or making the work group permanent. The department must submit the final report to the legislature, in compliance with RCW 43.01.036, by December 31, 2022.

(4) For the purposes of this section, "eligible entity" means a nonprofit entity solely based in Washington that can demonstrate a membership of at least 1000 small forestland owners and that has, as part of its mission, the promotion of the sustainable stewardship of family forestlands.

(5) This section expires July 1, 2023.

NEW SECTION. **Sec. 22.** COMPLIANCE OBLIGATIONS. (1) A covered or opt-in entity has a compliance obligation for its emissions during each four-year compliance period, with the first compliance period commencing January 1, 2023, except when the first compliance period commences at a later date as provided in subsection (7) of this section. A covered or opt-in entity shall transfer a number of compliance instruments equal to the entity's covered emissions by November 1st of each calendar year in which a covered or opt-

in entity has a compliance obligation. The department shall set by rule a percentage of compliance instruments that must be transferred in each year of the compliance period such that covered or opt-in entities are allowed to smooth their compliance obligation within the compliance period but must fully satisfy their compliance obligation over the course of the compliance period, in a manner similar to external greenhouse gas emissions trading programs in other jurisdictions. In meeting a given compliance obligation, a covered or opt-in entity may use allowances issued in that compliance year, or allowances issued in any of the seven years immediately preceding that compliance year.

(2) Compliance occurs through the transfer of compliance instruments or price ceiling units, on or before the transfer date, from the holding account to the compliance account of the covered or opt-in entity as described in section 10 of this act.

(3)(a) A covered entity with a facility eligible for use of price ceiling units under section 18 of this act may substitute the submission of compliance instruments with price ceiling units.

(b) A covered or opt-in entity submitting insufficient compliance instruments to meet its compliance obligation is subject to a penalty as provided in section 23 of this act.

(4) Older vintage allowances must be retired before newer vintage allowances.

(5) A covered or opt-in entity may not borrow an allowance from a future allowance year to meet a current or past compliance obligation.

(6) Upon receipt by the department of all compliance instruments transferred by a covered entity or opt-in entity to meet its compliance obligation, the department shall retire the allowances or offset credits.

(7)(a) In order to coordinate and synchronize the cap and invest program established under this chapter with other transportation-related investments, this section does not take effect until a separate additive transportation revenue act becomes law, at which time the department of licensing must provide written notice to the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser.

(b) For the purposes of this subsection, "additive transportation revenue act" means an act, enacted after April 1, 2021, in which the state fuel tax under RCW 82.38.030 is increased by an additional and cumulative tax rate of at least five cents per gallon of fuel.

NEW SECTION. **Sec. 23.** ENFORCEMENT. (1) All covered and opt-in entities are required to submit compliance instruments in a timely manner to meet the entities' compliance obligations and shall comply with all requirements for monitoring, reporting, holding, and transferring emission allowances and other provisions of this chapter.

(2) If a covered or opt-in entity does not submit sufficient compliance instruments to meet its compliance obligation by the specified transfer dates, a penalty of four allowances for every one compliance instrument that is missing must be submitted to the department within six months. When a covered entity or opt-in entity reasonably believes that it will be unable to meet a compliance obligation, the entity shall immediately notify the department. Upon receiving notification, the department shall issue an order requiring the entity to submit the penalty allowances.

(3) If a covered entity or opt-in entity fails to submit penalty allowances as required by subsection (2) of this section, the department must issue an order or issue a penalty of up to $10,000 per day per violation, or both, for failure to submit penalty allowances as required by subsection (2) of the section. The order may include a plan and schedule for coming into compliance.

(4) The department may issue a penalty of up to $50,000 per day per violation for violations of section 12(8) (a) through (e) of this act.

(5) Except as provided in subsections (3) and (4) of this section, any person that violates the terms of this chapter or an order issued under this chapter incurs a penalty of up to $10,000 per day per violation for each day that the person does not comply. All penalties under subsections (3) and (4) of this section and this subsection must be deposited into the climate investment account created in section 28 of this act.

(6) Orders and penalties issued under this chapter are appealable to the pollution control hearings board under chapter 43.21B RCW.

(7) For the first compliance period, the department may reduce the amount of the penalty by adjusting the monetary amount or the number of penalty allowances described in subsections (2) and (3) of this section.

(8) An electric utility or natural gas utility must notify its retail customers and the environmental justice council in published form within three months of paying a monetary penalty under this section.

(9)(a) No city, town, county, township, or other subdivision or municipal corporation of the state may implement a charge or tax based exclusively upon the quantity of greenhouse gas emissions.

(b) No state agency may adopt or enforce a program that regulates greenhouse gas emissions from a stationary source except as provided in this chapter.

(c) This chapter preempts the provisions of chapter 173-442 WAC.

NEW SECTION. **Sec. 24.** LINKAGE WITH OTHER JURISDICTIONS. (1) Subject to making the findings and conducting the public comment process described in subsection (3) of this section, the department shall seek to enter into linkage agreements with other jurisdictions with external greenhouse gas emissions trading programs in order to:

(a) Allow for the mutual use and recognition of compliance instruments issued by Washington and other linked jurisdictions;

(b) Broaden the greenhouse gas emission reduction opportunities to reduce the costs of compliance on covered entities and consumers;

(c) Enable allowance auctions to be held jointly and provide for the use of a unified tracking system for compliance instruments;

(d) Enhance market security;

(e) Reduce program administration costs; and

(f) Provide consistent requirements for covered entities whose operations span jurisdictional boundaries.

(2) The director of the department is authorized to execute linkage agreements with other jurisdictions with external greenhouse gas emissions trading programs consistent with the requirements in this chapter. A linkage agreement must cover the following:

(a) Provisions relating to regular, periodic auctions, including requirements for eligibility for auction participation, the use of a single auction provider to facilitate joint auctions, publication of auction-related information, processes for auction participation, purchase limits by auction participant type, bidding processes, dates of auctions, and financial requirements;

(b) Provisions related to holding limits to ensure no entities in any of the programs are disadvantaged relative to their counterparts in the other jurisdictions;

(c) Other requirements, such as greenhouse gas reporting and verification, offset protocols, criteria and process, and supervision and enforcement, to prevent fraud, abuse, and market manipulation;

(d) Common program registry, electronic auction platform, tracking systems for compliance instruments, and monitoring of compliance instruments;

(e) Provisions to ensure coordinated administrative and technical support;

(f) Provisions for public notice and participation; and

(g) Provisions to collectively resolve differences, amend the agreements, and delink or otherwise withdraw from the agreements.

(3) Before entering into a linkage agreement under this section, the department must evaluate and make a finding regarding whether the aggregate number of unused allowances in a linked program would reduce the stringency of Washington's program and the state's ability to achieve its greenhouse gas emissions reduction limits. The department must include in its evaluation a consideration of pre-2020 unused allowances that may exist in the program with which it is proposing to link. Before entering into a linkage agreement,

the department must also establish a finding that the linking jurisdiction and the linkage agreement meet certain criteria identified under this subsection and conduct a public comment process to obtain input and a review of the linkage agreement by relevant stakeholders and other interested parties. The department must consider input received from the public comment process before finalizing a linkage agreement. In the event that the department determines that a full linkage agreement is unlikely to meet the criteria, it may enter into a linkage agreement with limitations, including limits on the share of compliance that may be met with allowances originating from linked jurisdictions and other limitations deemed necessary by the department. A linkage agreement approved by the department must:

(a) Achieve the purposes identified in subsection (1) of this section;

(b) Ensure that the linking jurisdiction has provisions to ensure the distribution of benefits from the program to vulnerable populations and overburdened communities;

(c) Be determined by the department to not yield net adverse impacts to either jurisdictions' highly impacted communities or analogous communities in the aggregate, relative to the baseline level of emissions; and

(d) Not adversely impact Washington's ability to achieve the emission reduction limits established in RCW 70A.45.020.

(4) The state retains all legal and policymaking authority over its program design and enforcement.

NEW SECTION. **Sec. 25.** RULES. The department shall adopt rules to implement the provisions of the program established in sections 8 through 24 of this act. The department may adopt emergency rules pursuant to RCW 34.05.350 for initial implementation of the program, to implement the state omnibus appropriations act for the 2021-2023 fiscal biennium, and to ensure that reporting and other program requirements are determined early for the purpose of program design and early notice to registered entities with a compliance obligation under the program.

NEW SECTION. **Sec. 26.** EXPENDITURE TARGETS. (1) It is the intent of the legislature that each year the total investments made through the carbon emissions reduction account created in section 27 of this act, the climate commitment account created in section 29 of this act, the natural climate solutions account created in section 30 of this act, and the air quality and health disparities improvement account created in section 31 of this act, achieve the following:

(a) A minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141); and

(b) In addition to the requirements of (a) of this subsection, a minimum of not less than 10 percent of total investments that are used for programs, activities, or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe. An investment that meets the requirements of both this subsection (1)(b) and (a) of this subsection may count toward the minimum percentage targets for both subsections.

(2) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights including, but not limited to, prohibitions on uses of funds imposed by the state Constitution.

(3) For the purposes of this section, "benefits" means investments or activities that:

(a) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of highly impacted communities;

(b) Meaningfully protect an overburdened community from, or support community response to, the impacts of air pollution or climate change; or

(c) Meet a community need identified by vulnerable members of the community that is consistent with the intent of this chapter.

(4) The state must develop a process by which to evaluate the impacts of the

investments made under this chapter, work across state agencies to develop and track priorities across the different eligible funding categories, and work with the environmental justice council pursuant to section 5 of this act.

(5) No expenditures may be made from the carbon emissions reduction account created in section 27 of this act, the climate investment account created in section 28 of this act, or the air quality and health disparities improvement account created in section 31 of this act if, by April 1, 2023, the legislature has not considered and enacted request legislation brought forth by the department under section 8 of this act that outlines a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050.

NEW SECTION. **Sec. 27.** CARBON EMISSIONS REDUCTION ACCOUNT. The carbon emissions reduction account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to affect reductions in transportation sector carbon emissions through a variety of carbon reducing investments. These can include, but are not limited to: Transportation alternatives to single occupancy passenger vehicles; reductions in single occupancy passenger vehicle miles traveled; reductions in per mile emissions in vehicles, including through the funding of alternative fuel infrastructure and incentive programs; and emission reduction programs for freight transportation, including motor vehicles and rail, as well as for ferries and other maritime and port activities. Expenditures from the account may only be made for transportation carbon emission reducing purposes and may not be made for highway purposes authorized under the 18th Amendment of the Washington state Constitution, other than specified in this section. It is the legislature's intent that expenditures from the account used to reduce carbon emissions be made with the goal of achieving equity for communities that historically have been omitted or adversely impacted by past transportation policies and practices.

NEW SECTION. **Sec. 28.** CLIMATE INVESTMENT ACCOUNT. (1)(a) The climate investment account is created in the state treasury. Except as otherwise provided in this act, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Projects or activities funded from the account must meet high labor standards, including family sustaining wages, providing benefits including health care and employer-contributed retirement plans, career development opportunities, and maximize access to economic benefits from such projects for local workers and diverse businesses. Each contracting entity's proposal must be reviewed for equity and opportunity improvement efforts, including: (i) Employer paid sick leave programs; (ii) pay practices in relation to living wage indicators such as the federal poverty level; (iii) efforts to evaluate pay equity based on gender identity, race, and other protected status under Washington law; (iv) facilitating career development opportunities, such as apprenticeship programs, internships, job-shadowing, and on-the-job training; and (v) employment assistance and employment barriers for justice affected individuals.

(2) Moneys in the account may be used only for projects and programs that achieve the purposes of the greenhouse gas emissions cap and invest program established under this chapter. Moneys in the account as described in this subsection must first be appropriated for the administration of the requirements of this chapter, in an amount not to exceed five percent of the total receipt of funds from allowance auction proceeds under this chapter. Beginning July 1, 2024, and annually thereafter, the state treasurer shall distribute funds in the account as follows:

(a) Seventy-five percent of the moneys to the climate commitment account created in section 29 of this act; and

(b) Twenty-five percent of the moneys to the natural climate solutions account created in section 30 of this act.

(3) The allocations specified in subsection (2)(a) and (b) of this section must be reviewed by the legislature on a biennial basis based on the changing needs of the state in meeting its clean economy and greenhouse gas reduction goals in a timely, economically advantageous, and equitable manner.

NEW SECTION. **Sec. 29.** CLIMATE COMMITMENT ACCOUNT. (1) The climate commitment account is created in the state treasury. The account must receive moneys distributed to the account from the climate investment account created in section 28 of this act. Moneys in the account may be spent only after appropriation. Projects, activities, and programs eligible for funding from the account must be physically located in Washington state and include, but are not limited to, the following:

(a) Implementing the working families tax rebate in RCW 82.08.0206;

(b) Supplementing the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of making grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and 36.70A.600, for costs associated with RCW 36.70A.610, and to cover costs associated with the adoption of optional elements of comprehensive plans consistent with RCW 43.21C.420;

(c) Programs, activities, or projects that reduce and mitigate impacts from greenhouse gases and copollutants in overburdened communities, including strengthening the air quality monitoring network to measure, track, and better understand air pollution levels and trends and to inform the analysis, monitoring, and pollution reduction measures required in section 3 of this act;

(d) Programs, activities, or projects that deploy renewable energy resources, such as solar and wind power, and projects to deploy distributed generation, energy storage, demand-side technologies and strategies, and other grid modernization projects;

(e) Programs, activities, or projects that increase the energy efficiency or reduce greenhouse gas emissions of industrial facilities including, but not limited to, proposals to implement combined heat and power, district energy, or on-site renewables, such as solar and wind power, to upgrade the energy efficiency of existing equipment, to reduce process emissions, and to switch to less emissions intensive fuel sources;

(f) Programs, activities, or projects that achieve energy efficiency or emissions reductions in the agricultural sector including:

(i) Fertilizer management;

(ii) Soil management;

(iii) Bioenergy;

(iv) Biofuels;

(v) Grants, rebates, and other financial incentives for agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations;

(vi) Grants, loans, or any financial incentives to food processors to implement projects that reduce greenhouse gas emissions;

(vii) Renewable energy projects;

(viii) Farmworker housing weatherization programs;

(ix) Dairy digester research and development;

(x) Alternative manure management; and

(xi) Eligible fund uses under RCW 89.08.615;

(g) Programs, activities, or projects that increase energy efficiency in new and existing buildings, or that promote low-carbon architecture, including use of newly emerging alternative building materials that result in a lower carbon footprint in the built environment over the life cycle of the building and component building materials;

(h) Programs, activities, or projects that promote the electrification and decarbonization of new and existing buildings, including residential, commercial, and industrial buildings;

(i) Programs, activities, or projects that improve energy efficiency, including district energy, and investments in market transformation of high efficiency electric appliances and equipment for space and water heating;

(j) Clean energy transition and assistance programs, activities, or projects that assist affected workers or people with lower incomes during the transition to a clean energy economy, or grow and expand clean manufacturing capacity in communities across Washington state including, but not limited to:

(i) Programs, activities, or projects that directly improve energy affordability and reduce the energy

burden of people with lower incomes, as well as the higher transportation fuel burden of rural residents, such as bill assistance, energy efficiency, and weatherization programs;

(ii) Community renewable energy projects that allow qualifying participants to own or receive the benefits of those projects at reduced or no cost;

(iii) Programs, activities, or other worker-support projects for bargaining unit and nonsupervisory fossil fuel workers who are affected by the transition away from fossil fuels to a clean energy economy. Worker support may include, but is not limited to: (A) Full wage replacement, health benefits, and pension contributions for every worker within five years of retirement; (B) full wage replacement, health benefits, and pension contributions for every worker with at least one year of service for each year of service up to five years of service; (C) wage insurance for up to five years for workers reemployed who have more than five years of service; (D) up to two years of retraining costs, including tuition and related costs, based on in-state community and technical college costs; (E) peer counseling services during transition; (F) employment placement services, prioritizing employment in the clean energy sector; and (G) relocation expenses;

(iv) Direct investment in workforce development, via technical education, community college, institutions of higher education, apprenticeships, and other programs including, but not limited to:

(A) Initiatives to develop a forest health workforce established under RCW 76.04.--- (section 5, chapter . . ., Laws of 2021 (Second Substitute House Bill No. 1168)); and

(B) Initiatives to develop new education programs, emerging fields, or jobs pertaining to the clean energy economy;

(v) Transportation, municipal service delivery, and technology investments that increase a community's capacity for clean manufacturing, with an emphasis on communities in greatest need of job creation and economic development and potential for commute reduction;

(k) Programs, activities, or projects that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials, methane capture or conversion strategies, or other means;

(l) Carbon dioxide removal projects, programs, and activities; and

(m) Activities to support efforts to mitigate and adapt to the effects of climate change affecting Indian tribes, including capital investments in support of the relocation of Indian tribes located in areas at heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change. The legislature intends to dedicate at least $50,000,000 per biennium from the account for purposes of this subsection.

(2) Moneys in the account may not be used for projects or activities that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

NEW SECTION. **Sec. 30.** NATURAL CLIMATE SOLUTIONS ACCOUNT. (1) The natural climate solutions account is created in the state treasury. All moneys directed to the account from the climate investment account created in section 28 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Moneys in the account are intended to increase the resilience of the state's waters, forests, and other vital ecosystems to the impacts of climate change, conserve working forestlands at risk of conversion, and increase their carbon pollution reduction capacity through sequestration, storage, and overall system integrity. Moneys in the account must be spent in a manner that is consistent with existing and future assessments of climate risks and resilience from the scientific community and expressed concerns of and impacts to overburdened communities.

(2) Moneys in the account may be allocated for the following purposes:

(a) Clean water investments that improve resilience from climate impacts. Funding under this subsection (2)(a) must be used to:

(i) Restore and protect estuaries, fisheries, and marine shoreline habitats and prepare for sea level rise including, but not limited to, making fish passage correction investments such as those identified in the cost-share barrier removal program for small forestland owners created in RCW 76.13.150 and those that are considered by the fish passage barrier removal board created in RCW 77.95.160;

(ii) Increase carbon storage in the ocean or aquatic and coastal ecosystems;

(iii) Increase the ability to remediate and adapt to the impacts of ocean acidification;

(iv) Reduce flood risk and restore natural floodplain ecological function;

(v) Increase the sustainable supply of water and improve aquatic habitat, including groundwater mapping and modeling;

(vi) Improve infrastructure treating stormwater from previously developed areas within an urban growth boundary designated under chapter 36.70A RCW, with a preference given to projects that use green stormwater infrastructure;

(vii) Either preserve or increase, or both, carbon sequestration and storage benefits in forests, forested wetlands, agricultural soils, tidally influenced agricultural or grazing lands, or freshwater, saltwater, or brackish aquatic lands; or

(viii) Either preserve or establish, or both, carbon sequestration by protecting or planting trees in marine shorelines and freshwater riparian areas sufficient to promote climate resilience, protect cold water fisheries, and achieve water quality standards;

(b) Healthy forest investments to improve resilience from climate impacts. Funding under this subsection (2)(b) must be used for projects and activities that will:

(i) Increase forest and community resilience to wildfire in the face of increased seasonal temperatures and drought;

(ii) Improve forest health and reduce vulnerability to changes in hydrology, insect infestation, and other impacts of climate change; or

(iii) Prevent emissions by preserving natural and working lands from the threat of conversion to development or loss of critical habitat, through actions that include, but are not limited to, the creation of new conservation lands, community forests, or increased support to small forestland owners through assistance programs including, but not limited to, the forest riparian easement program and the family forest fish passage program. It is the intent of the legislature that not less than $10,000,000 be expended each biennium for the forestry riparian easement program created in chapter 76.13 RCW or for riparian easement projects funded under the agricultural conservation easements program established under RCW 89.08.530, or similar riparian enhancement programs.

(3) Moneys in the account may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

NEW SECTION. **Sec. 31.** AIR QUALITY AND HEALTH DISPARITIES IMPROVEMENT ACCOUNT. (1) The air quality and health disparities improvement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to:

(a) Improve air quality through the reduction of criteria pollutants, including through effective air quality monitoring and the establishment of adequate baseline emissions data; and

(b) Reduce health disparities in overburdened communities by improving health outcomes through the reduction or elimination of environmental harms and the promotion of environmental benefits.

(2) Moneys in the account may be used for either capital budget or transportation budget purposes, or both. Moneys in the account may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from the account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

(3) It is the intent of the legislature that not less than $20,000,000 per biennium be dedicated to the account for the purposes of the account.

NEW SECTION. **Sec. 32.** (1) By December 1, 2029, the joint legislative audit and review committee must analyze the impacts of the initial five years of program implementation and must submit a report summarizing the analysis to the legislature. The analysis must include, at minimum, the following components:

(a) Costs and benefits, including environmental and public health costs and benefits, associated with this chapter for categories of persons participating in the program or that are most impacted by air pollution, as defined in consultation with the departments of ecology and health and as measured on a census tract scale. This component of the analysis must, at a minimum, assess the costs and benefits of changes in the following metrics since the start of the program:

(i) Levels of greenhouse gas emissions and criteria air pollutants for which the United States environmental protection agency has established national ambient air quality standards;

(ii) Fuel prices; and

(iii) Total employment in categories of industries that are covered entities. The categories of industries assessed must include, but are not limited to, electric utilities, natural gas utilities, oil refineries, and other industries classified as emissions-intensive and trade-exposed;

(b) An evaluation of the information provided by the department in its 2027 program evaluation under section 9(3) of this act;

(c) A summary of the estimated total statewide costs and benefits attributable to the program, including state agency administrative costs and covered entity compliance costs. For purposes of calculating the benefits of the program, the summary may rely, in part, on a constant value of the social costs attributable to greenhouse gas emissions, as identified in contemporary internationally accepted estimates of such global social cost. This summary must include an estimate of the total statewide costs of the program per ton of greenhouse gas emissions reductions achieved by the program; and

(d) An evaluation of the impacts of the program on low-income households.

(2) This section expires June 30, 2030.

Sec. 33. RCW 70A.15.2200 and 2020 c 20 s 1090 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Except as provided in subsection (3) of this section, any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration or reporting shall register therewith and make reports containing information as may be required by such department or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. In the case of emissions of greenhouse gases as defined in RCW 70A.45.010 the department shall adopt rules requiring reporting of those emissions. The department or board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration or reporting program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration

requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering or other reliable analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration and reporting with any other board or the department, except that emissions of greenhouse gases as defined in RCW 70A.45.010 must be reported as required under subsection (5) of this section.

All registration program and reporting fees collected by the department shall be deposited in the air pollution control account. All registration program fees collected by the local air authorities shall be deposited in their respective treasuries.

(3) If a registration or report has been filed for a grain warehouse or grain elevator as required under this section, registration, reporting, or a registration program fee shall not, after January 1, 1997, again be required under this section for the warehouse or elevator unless the capacity of the warehouse or elevator as listed as part of the license issued for the facility has been increased since the date the registration or reporting was last made. If the capacity of the warehouse or elevator listed as part of the license is increased, any registration or reporting required for the warehouse or elevator under this section must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase in its capacity is listed in the license.

This subsection does not apply to a grain warehouse or grain elevator if the warehouse or elevator handles more than ten million bushels of grain annually.

(4) For the purposes of subsection (3) of this section:

(a) A "grain warehouse" or "grain elevator" is an establishment classified in standard industrial classification (SIC) code 5153 for wholesale trade for which a license is required and includes, but is not limited to, such a licensed facility that also conducts cleaning operations for grain;

(b) A "license" is a license issued by the department of agriculture licensing a facility as a grain warehouse or grain elevator under chapter 22.09 RCW or a license issued by the federal government licensing a facility as a grain warehouse or grain elevator for purposes similar to those of licensure for the facility under chapter 22.09 RCW; and

(c) "Grain" means a grain or a pulse.

(5)(a) The department shall adopt rules requiring persons to report emissions of greenhouse gases as defined in RCW 70A.45.010 where those emissions from a single facility, ((~~source, or site,~~)) or from electricity or fossil fuels sold in Washington by a single supplier or local distribution company, meet or exceed ten thousand metric tons of carbon dioxide equivalent annually. The ((~~department may phase in the requirement to report greenhouse gas emissions until the reporting threshold in this subsection is met, which must occur by January 1, 2012~~)) rules adopted by the department must support implementation of the program created in section 8 of this act. In addition, the rules must require that:

(i) Emissions of greenhouse gases resulting from the combustion of fossil fuels be reported separately from emissions of greenhouse gases resulting from the combustion of biomass; and

(ii) ((~~Reporting will start in 2010 for 2009 emissions.~~)) Each annual report must include emissions data for the preceding calendar year and must be submitted to the department by ((~~October~~)) March 31st of the year in which the report is due. ((~~However, starting in 2011, a person who is required to report greenhouse gas emissions to the United States environmental protection agency under 40 C.F.R. Part 98, as adopted on September 22, 2009, must submit the report required under this section to the department concurrent with the submission to the United States environmental protection agency. Except as otherwise provided in this section, the data for emissions in Washington and any corrections thereto that are reported to the United States~~

~~environmental protection agency must be the emissions data reported to the department; and~~

~~(iii) Emissions of carbon dioxide associated with the complete combustion or oxidation of liquid motor vehicle fuel, special fuel, or aircraft fuel that is sold in Washington where the annual emissions associated with that combustion or oxidation equal or exceed ten thousand metric tons be reported to the department. Each person who is required to file periodic tax reports of motor vehicle fuel sales under RCW 82.36.031 or special fuel sales under RCW 82.38.150, or each distributor of aircraft fuel required to file periodic tax reports under RCW 82.42.040 must report to the department the annual emissions of carbon dioxide from the complete combustion or oxidation of the fuels listed in those reports as sold in the state of Washington. The department shall not require suppliers to use additional data to calculate greenhouse gas emissions other than the data the suppliers report to the department of licensing. The rules may allow this information to be aggregated when reported to the department. The department and the department of licensing shall enter into an interagency agreement to ensure proprietary and confidential information is protected if the departments share reported information. Any proprietary or confidential information exempt from disclosure when reported to the department of licensing is exempt from disclosure when shared by the department of licensing with the department under this provision.~~))

(b)(i) ((~~Except as otherwise provided in this subsection, the rules adopted by the department under (a) of this subsection must be consistent with the regulations adopted by the United States environmental protection agency in 40 C.F.R. Part 98 on September 22, 2009.~~

~~(ii)~~)) The department may by rule include additional gases to the definition of "greenhouse gas" in RCW 70A.45.010 only if the gas has been designated as a greenhouse gas by the United States congress ((~~or~~)), by the United States environmental protection agency, or included in external greenhouse gas emission trading programs with which Washington has pursuant to section 24 of this act. Prior to including additional gases to the definition of "greenhouse gas" in RCW 70A.45.010, the department shall notify the appropriate committees of the legislature. ((~~Decisions to amend the rule to include additional gases must be made prior to December 1st of any year and the amended rule may not take effect before the end of the regular legislative session in the next year.~~

~~(iii)~~)) (ii) The department may by rule exempt persons who are required to report greenhouse gas emissions to the United States environmental protection agency and who emit less than ten thousand metric tons carbon dioxide equivalent annually.

((~~(iv)~~)) (iii) The department must establish a methodology for persons who are not required to report under this section to voluntarily report their greenhouse gas emissions.

(c)(i) The department shall review and if necessary update its rules whenever ((~~the~~)):

(A) The United States environmental protection agency adopts final amendments to 40 C.F.R. Part 98 to ensure consistency with federal reporting requirements for emissions of greenhouse gases; or

(B) Needed to ensure consistency with emissions reporting requirements for jurisdictions with which Washington has entered a linkage agreement. ((~~However, the~~))

(ii) The department shall not amend its rules in a manner that conflicts with ((~~(a) of~~)) this ((~~subsection~~)) section.

(d) The department shall share any reporting information reported to it with the local air authority in which the person reporting under the rules adopted by the department operates.

(e) The fee provisions in subsection (2) of this section apply to reporting of emissions of greenhouse gases. Persons required to report under (a) of this subsection who fail to report or pay the fee required in subsection (2) of this section are subject to enforcement penalties under this chapter. The department shall enforce the reporting rule requirements ((~~unless it approves a local air authority's request to enforce the requirements for persons operating within the authority's jurisdiction. However, neither the department nor a local air authority approved under this~~

~~section are authorized to assess enforcement penalties on persons required to report under (a) of this subsection until six months after the department adopts its reporting rule in 2010~~)). When a person that holds a compliance obligation under section 10 of this act fails to submit an emissions data report or fails to obtain a positive emissions data verification statement in accordance with (g)(ii) of this subsection, the department may assign an emissions level for that person.

(f) The energy facility site evaluation council shall, simultaneously with the department, adopt rules that impose greenhouse gas reporting requirements in site certifications on owners or operators of a facility permitted by the energy facility site evaluation council. The greenhouse gas reporting requirements imposed by the energy facility site evaluation council must be the same as the greenhouse gas reporting requirements imposed by the department. The department shall share any information reported to it from facilities permitted by the energy facility site evaluation council with the council, including notice of a facility that has failed to report as required. The energy facility site evaluation council shall contract with the department to monitor the reporting requirements adopted under this section.

(g)(i) The ((~~inclusion or failure to include any person, source, classes of persons or sources, or types of emissions of greenhouse gases into the department's rules for reporting under this section does not indicate whether such a person, source, or category is appropriate for inclusion in state, regional, or national greenhouse gas reduction programs or strategies. Furthermore, aircraft fuel purchased in the state may not be considered equivalent to aircraft fuel combusted in the state~~)) department must establish by rule the methods of verifying the accuracy of emissions reports.

(ii) Verification requirements apply at a minimum to persons required to report under (a) of this subsection with emissions that equal or exceed 25,000 metric tons of carbon dioxide equivalent emissions, including carbon dioxide from biomass-derived fuels, or to persons who have a compliance obligation under section 10 of this act in any year of the current compliance period. The department may adopt rules to accept verification reports from another jurisdiction with a linkage agreement pursuant to section 20 of this act in cases where the department deems that the methods or procedures are substantively similar.

(h)(i) The definitions in RCW 70A.45.010 apply throughout this subsection (5) unless the context clearly requires otherwise.

(ii) For the purpose of this subsection (5), the term "supplier" includes: (A) ((~~A motor vehicle fuel supplier or a motor vehicle fuel importer, as those terms are defined in RCW 82.36.010; (B) a special fuel supplier or a special fuel importer, as those terms are defined in RCW 82.38.020; and (C) a distributor of aircraft fuel, as those terms are defined in RCW 82.42.010~~)) Suppliers that produce, import, or deliver, or any combination of producing, importing, or delivering, a quantity of fuel products in Washington that, if completely combusted, oxidized, or used in other processes, would result in the release of greenhouse gases in Washington equivalent to or higher than the threshold established under (a) of this subsection; and (B) suppliers of carbon dioxide that produce, import, or deliver a quantity of carbon dioxide in Washington that, if released, would result in emissions equivalent to or higher than the threshold established under (a) of this subsection.

(iii) For the purpose of this subsection (5), the term "person" includes: (A) An owner or operator((~~, as those terms are defined by the United States environmental protection agency in its mandatory greenhouse gas reporting regulation in 40 C.F.R. Part 98, as adopted on September 22, 2009; and (B) a supplier~~)) of a facility; (B) a supplier; or (C) an electric power entity.

(iv) For the purpose of this subsection (5), the term "facility" includes facilities that directly emit greenhouse gases in Washington equivalent to the threshold established under (a) of this subsection with at least one source category listed in the United States environmental protection agency's mandatory greenhouse gas reporting regulation, 40 C.F.R. Part 98 Subparts C through II and RR through UU, as adopted on April 25, 2011.

(v) For the purpose of this subsection (5), the term "electric power entity" includes any of the following that supply electric power in Washington with associated emissions of greenhouse gases equal to or above the threshold established under (a) of this subsection: (A) Electricity importers and exporters; (B) retail providers, including multijurisdictional retail providers; and (C) first jurisdictional deliverers, as defined in section 2 of this act, not otherwise included here.

NEW SECTION. **Sec. 34.** A new section is added to chapter 43.21C RCW to read as follows:

The review under this chapter of greenhouse gas emissions from a new or expanded facility subject to the greenhouse gas emission reduction requirements of chapter 70A.--- RCW (the new chapter created in section 38 of this act) must occur consistent with section 10(9) of this act.

NEW SECTION. **Sec. 35.** A new section is added to chapter 70A.15 RCW to read as follows:

The department or a local air authority must issue an enforceable order under this chapter, consistent with section 3(2) (b) and (c) of this act, to all permitted or registered sources operating in overburdened communities when, consistent with section 3(2)(a) of this act, the department determines that criteria pollutants are not being reduced in an overburdened community and the department or local air authority adopts stricter air quality standards, emissions standards, or emissions limitations on criteria pollutants.

NEW SECTION. **Sec. 36.** A new section is added to chapter 70A.45 RCW to read as follows:

The state, state agencies, and political subdivisions of the state, in implementing their duties and authorities established under other laws, may only consider the greenhouse gas limits established in RCW 70A.45.020 in a manner that recognizes, where applicable, that the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in the economic and environmental interests of the state of Washington.

NEW SECTION. **Sec. 37.** This act may be known and cited as the Washington climate commitment act.

NEW SECTION. **Sec. 38.** Sections 1 through 32 and 37 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 39.** (1) Sections 8 through 24 of this act, and any rules adopted by the department of ecology to implement the program established under those sections, are suspended on December 31, 2055, in the event that the department of ecology determines by December 1, 2055, that the 2050 emissions limits of RCW 70A.45.020 have been met for two or more consecutive years.

(2) Upon the occurrence of the events identified in subsection (1) of this section, the department of ecology must provide written notice of the suspension date of sections 8 through 24 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

Sec. 40. RCW 43.376.020 and 2012 c 122 s 2 are each amended to read as follows:

In establishing a government-to-government relationship with Indian tribes, state agencies must:

(1) Make reasonable efforts to collaborate with Indian tribes in the development of policies, agreements, and program implementation that directly affect Indian tribes and develop a consultation process that is used by the agency for issues involving specific Indian tribes. State agencies described in section 6 of this act must offer consultation with Indian tribes on the actions specified in section 6 of this act;

(2) Designate a tribal liaison who reports directly to the head of the state agency;

(3) Ensure that tribal liaisons who interact with Indian tribes and the executive directors of state agencies receive training as described in RCW 43.376.040; and

(4) Submit an annual report to the governor on activities of the state agency involving Indian tribes and on implementation of this chapter.

Sec. 41. RCW 43.21B.110 and 2020 c 138 s 11 and 2020 c 20 s 1035 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, section 23 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, section 23 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 42. RCW 43.21B.300 and 2020 c 20 s 1038 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, section 23 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within thirty days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, section 23 of this act, which shall be credited to the climate investment account created in section 28 of this act, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

Sec. 43. RCW 43.52A.040 and 1984 c 223 s 1 are each amended to read as follows:

(1) Unless removed at the governor's pleasure, councilmembers shall serve a term ending January 15 of the third year following appointment except that, with respect to members initially appointed, the governor shall designate one member to serve a term ending January 15 of the second year following appointment. Initial appointments to the council shall

be made within thirty days of March 9, 1981.

(2) Each member shall serve until a successor is appointed, but if a successor is not appointed within sixty days of the beginning of a new term, the member shall be considered reappointed, subject to the consent of the senate.

(3) A vacancy on the council shall be filled for the unexpired term by the governor, with the consent of the senate.

(4) For the first available appointment and at all times thereafter, one member of Washington's delegation to the council shall reside east of the crest of the Cascade Mountains and one member shall reside west of the crest of the Cascade Mountains, except as follows: Both members may reside on the same side of the Cascade Mountains as long as this deviation does not exceed 12 months in any 10-year period.

Sec. 44. RCW 70A.45.005 and 2020 c 120 s 2 and 2020 c 20 s 1397 are each reenacted and amended to read as follows:

(1) The legislature finds that Washington has long been a national and international leader on energy conservation and environmental stewardship, including air quality protection, renewable energy development and generation, emission standards for fossil-fuel based energy generation, energy efficiency programs, natural resource conservation, sustainable forestry and the production of forest products, vehicle emission standards, and the use of biofuels. Washington is also unique among most states in that in addition to its commitment to reduce emissions of greenhouse gases, it has established goals to grow the clean energy sector and reduce the state's expenditures on imported fuels.

(2) The legislature further finds that Washington should continue its leadership on climate change policy by creating accountability for achieving the emission reductions established in RCW 70A.45.020, participating in the design of a regional multisector market-based system to help achieve those emission reductions, assessing other market strategies to reduce emissions of greenhouse gases, maintaining and enhancing the state's ability to continue to sequester carbon through natural and working lands and forest products, and ensuring the state has a well trained workforce for our clean energy future.

(3) It is the intent of the legislature that the state will: (a) Limit and reduce emissions of greenhouse gas consistent with the emission reductions established in RCW 70A.45.020; (b) minimize the potential to export pollution, jobs, and economic opportunities; (c) support industry sectors that can act as sequesterers of carbon; and (d) reduce emissions at the lowest cost to Washington's economy, consumers, and businesses.

(4) In the event the state elects to participate in a regional multisector market-based system, it is the intent of the legislature that the system will become effective by January 1, 2012, after authority is provided to the department for its implementation. By acting now, Washington businesses and citizens will have adequate time and opportunities to be well positioned to take advantage of the low-carbon economy and to make necessary investments in low-carbon technology.

(5) It is also the intent of the legislature that the regional multisector market-based system recognize Washington's unique emissions and sequestration portfolio, including the:

(a) State's hydroelectric system;

(b) Opportunities presented by Washington's abundant forest resources and the associated forest products industry, along with aquatic and agriculture land and the associated industries; and

(c) State's leadership in energy efficiency and the actions it has already taken that have reduced its generation of greenhouse gas emissions and that entities receive appropriate credit for early actions to reduce greenhouse gases.

(6) If any revenues, excluding those from state trust lands, that accrue to the state are created by a market system, they must be used for the purposes established in chapter 70A.--- RCW (the new chapter created in section 38 of this act) and to further the state's efforts to achieve the goals established in RCW 70A.45.020, address the impacts of global warming on affected habitats, species, and communities, promote and invest in industry sectors that act as sequesterers of carbon, and increase investment in the clean energy economy particularly for communities and workers that have suffered from heavy job losses and

chronic unemployment and underemployment.

NEW SECTION. **Sec. 45.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Fitzgibbon spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Dye and Klippert spoke against the adoption of the amendment to the committee amendment.

Amendment (754) to the committee amendment was adopted.

The committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fitzgibbon, Duerr, Ramel, Shewmake, Ryu, Lekanoff, Slatter, Peterson and Senn spoke in favor of the passage of the bill.

Representatives Dye, Kraft, Sutherland, Boehnke, Schmick, Dent, Walsh, Chase, Orcutt, Klippert, Abbarno, Corry, Ybarra and Sutherland (again) spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5126, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5126, as amended by the House, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 1; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Harris-Talley, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Absent: Representative Stokesbary.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5126, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

April 23, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5038,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5044,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5051,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5066,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5097,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128,
SUBSTITUTE SENATE BILL NO. 5140,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5141,
SUBSTITUTE SENATE BILL NO. 5151,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5330, by Senators Van De Wege, Salomon, Warnick, Wilson and C.

Regarding commercial whale watching licenses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ormsby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5330.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5330, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SENATE BILL NO. 5330, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

CONFERENCE COMMITTEE REPORT

April 22, 2021

Engrossed Substitute House Bill No. 1054

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054, establishing requirements for tactics and equipment used by peace officers, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment S-2968.3 be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency," as those terms are defined in RCW 10.93.020, and any state or local agency providing or otherwise responsible for the custody, safety, and security of adults or juveniles incarcerated in correctional, jail, or detention facilities. "Law enforcement agency" does not include the national guard or state guard under Title 38 RCW or any other division of the United States armed forces.

(2) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020, and any employee, whether part-time or full-time, of a jail, correctional, or detention facility who is responsible for the custody, safety, and security of adult or juvenile persons confined in the facility.

NEW SECTION. **Sec. 2.** (1) A peace officer may not use a chokehold or neck restraint on another person in the course of his or her duties as a peace officer.

(2) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with this section.

(3) For the purposes of this section:

(a) "Chokehold" means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.

(b) "Neck restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.

NEW SECTION. **Sec. 3.** (1) The criminal justice training commission shall convene a work group to develop a model policy for the training and use of canine teams.

(2) The criminal justice training commission must ensure that the work group is equally represented between community and law enforcement stakeholders, including the following: Families who have lost loved ones as a result of violent interactions with law enforcement; an organization advocating for civil rights; a statewide organization advocating for Black Americans; a statewide organization

advocating for Latinos; a statewide organization advocating for Asian Americans, Pacific Islanders, and Native Hawaiians; a federally recognized tribe located in Washington state; a community organization from eastern Washington working on police accountability; a community organization from western Washington working on police accountability; a community organization serving persons who are unhoused; the faith-based community with advocacy on police accountability; an emergency room doctor with relevant experience; Washington association of sheriffs and police chiefs; Washington state patrol; Washington fraternal order of police; Washington council of police and sheriffs; Washington state patrol troopers association; council of metropolitan police and sheriffs; teamsters local 117; and Washington state police canine association.

(3) The model policy work group shall consider:

(a) Training curriculum, including the history of race and policing;

(b) Circumstances where the deployment of a canine may not be appropriate;

(c) Circumstances where deployment of a canine on leash may be appropriate;

(d) Strategies for reducing the overall rate of canine bites;

(e) Circumstances where a canine handler should consider the use of tactics other than deploying a canine;

(f) Explicitly prohibiting the use of canines for crowd control purposes;

(g) Canine reporting protocols;

(h) Circumstances where the use of voluntary canines and canine handlers may be appropriate; and

(i) Identifying circumstances that would warrant the decertification of canine teams.

(4) The criminal justice training commission shall publish the model policy on its website by January 1, 2022.

(5) This section expires July 1, 2022.

NEW SECTION. **Sec. 4.** (1) A law enforcement agency may not use or authorize its peace officers or other employees to use tear gas unless necessary to alleviate a present risk of serious harm posed by a: (a) Riot; (b) barricaded subject; or (c) hostage situation.

(2) Prior to using tear gas as authorized under subsection (1) of this section, the officer or employee shall:

(a) Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;

(b) Obtain authorization to use tear gas from a supervising officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted as provided under this section;

(c) Announce to the subject or subjects the intent to use tear gas; and

(d) Allow sufficient time and space for the subject or subjects to comply with the officer's or employee's directives.

(3) In the case of a riot outside of a correctional, jail, or detention facility, the officer or employee may use tear gas only after: (a) Receiving authorization from the highest elected official of the jurisdiction in which the tear gas is to be used, and (b) meeting the requirements of subsection (2) of this section.

(4) For the purposes of this section:

(a) "Barricaded subject" means an individual who is the focus of a law enforcement intervention effort, has taken a position in a physical location that does not allow immediate law enforcement access, and is refusing law enforcement orders to exit.

(b) "Highest elected official" means the county executive in those charter counties with an elective office of county executive, however designated, and in the case of other counties, the chair of the county legislative authority. In the case of cities and towns, it means the mayor, regardless of whether the mayor is directly elected, selected by the council or legislative body pursuant to RCW 35.18.190 or 35A.13.030, or selected according to a process in an established city charter. In the case of actions by the Washington state patrol, it means the governor.

(c) "Hostage situation" means a scenario in which a person is being held against his or her will by an armed,

potentially armed, or otherwise dangerous suspect.

(d) "Tear gas" means chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury, except "tear gas" does not include oleoresin capsicum (OC).

NEW SECTION. **Sec. 5.** (1) A law enforcement agency may not acquire or use any military equipment. Any law enforcement agency in possession of military equipment as of the effective date of this section shall return the equipment to the federal agency from which it was acquired, if applicable, or destroy the equipment by December 31, 2022.

(2)(a) Each law enforcement agency shall compile an inventory of military equipment possessed by the agency, including the proposed use of the equipment, estimated number of times the equipment has been used in the prior year, and whether such use is necessary for the operation and safety of the agency or some other public safety purpose. The agency shall provide the inventory to the Washington association of sheriffs and police chiefs no later than November 1, 2021.

(b) The Washington association of sheriffs and police chiefs shall summarize the inventory information from each law enforcement agency and provide a report to the governor and the appropriate committees of the legislature no later than December 31, 2021.

(3) For the purposes of this section:

(a) "Military equipment" means firearms and ammunition of .50 caliber or greater, machine guns, armed helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft, tanks, long range acoustic hailing devices, rockets, rocket launchers, bayonets, grenades, missiles, directed energy systems, and electromagnetic spectrum weapons.

(b) "Grenade" refers to any explosive grenade designed to injure or kill subjects, such as a fragmentation grenade or antitank grenade, or any incendiary grenade designed to produce intense heat or fire. "Grenade" does not include other nonexplosive grenades designed to temporarily incapacitate or disorient subjects without causing permanent injury, such as a stun grenade, sting grenade, smoke grenade, tear gas grenade, or blast ball.

(4) This section does not prohibit a law enforcement agency from participating in a federal military equipment surplus program, provided that any equipment acquired through the program does not constitute military equipment. This may include, for example: Medical supplies; hospital and health care equipment; office supplies, furniture, and equipment; school supplies; warehousing equipment; unarmed vehicles and vessels; conducted energy weapons; public address systems; scientific equipment; and protective gear and weather gear.

NEW SECTION. **Sec. 6.** All law enforcement agencies shall adopt policies and procedures to ensure that uniformed peace officers while on duty and in the performance of their official duties are reasonably identifiable. For purposes of this section, "reasonably identifiable" means that the peace officer's uniform clearly displays the officer's name or other information that members of the public can see and the agency can use to identify the peace officer.

NEW SECTION. **Sec. 7.** (1) A peace officer may not engage in a vehicular pursuit, unless:

(a)(i) There is probable cause to believe that a person in the vehicle has committed or is committing a violent offense or sex offense as defined in RCW 9.94A.030, or an escape under chapter 9A.76 RCW; or

(ii) There is reasonable suspicion a person in the vehicle has committed or is committing a driving under the influence offense under RCW 46.61.502;

(b) The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; and

(d)(i) Except as provided in (d)(ii) of this subsection, the officer has

received authorization to engage in the pursuit from a supervising officer and there is supervisory control of the pursuit. The officer in consultation with the supervising officer must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met;

(ii) For those jurisdictions with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the officer will request the on-call supervisor be notified of the pursuit according to the agency's procedures. The officer must consider alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.

(2) A pursuing officer shall comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

(3) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

(4) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

Sec. 8. RCW 10.31.040 and 2010 c 8 s 1030 are each amended to read as follows:

(1) To make an arrest in criminal actions, the officer may break open any outer or inner door, or windows of a dwelling house or other building, or any other ((~~inclosure [enclosure]~~)) enclosure, if, after notice of his or her office and purpose, he or she be refused admittance.

(2) An officer may not seek and a court may not issue a search or arrest warrant granting an express exception to the requirement for the officer to provide notice of his or her office and purpose when executing the warrant.

NEW SECTION. **Sec. 9.** RCW 43.101.226 (Vehicular pursuits—Model policy) and 2003 c 37 s 2 are each repealed.

NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act constitute a new chapter in Title 10 RCW."

and that the bill do pass as recommended by the Conference Committee:

Senators Dhingra, Padden and Pedersen
Representatives Goodman, J. Johnson and Mosbrucker

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054 and advanced the bill as recommended by the conference committee to final passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representative J. Johnson spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Mosbrucker spoke against the passage of the bill as recommended by the conference committee.

MOTION

On motion of Representative Griffey, Representative McEntire was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1054 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1054, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 55; Nays: 42; Absent: 0; Excused: 1

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative McEntire

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054, as recommended by the conference committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

April 22, 2021

Engrossed Second Substitute House Bill No. 1310

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1310, concerning permissible uses of force by law enforcement and corretional officers, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment S-3045.2 be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that additional clarity is necessary following the passage of Initiative Measure No. 940 (chapter 1, Laws of 2019) and Substitute House Bill No. 1064 (chapter 4, Laws of 2019). The legislature intends to address excessive force and discriminatory policing by establishing a requirement for law enforcement and community corrections officers to act with reasonable care when carrying out their duties, including using de-escalation tactics and alternatives to deadly force. Further, the legislature intends to address public safety concerns by limiting the use of deadly force to very narrow circumstances where there is an imminent threat of serious physical injury or death. It is the intent of the legislature that when practicable, peace officers will use the least amount of physical force necessary to overcome actual resistance under the circumstances.

It is the fundamental duty of law enforcement to preserve and protect all human life.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency" as those terms are defined in RCW 10.93.020.

(2) "Less lethal alternatives" include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds.

(3) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020; however, "peace officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer.

NEW SECTION. **Sec. 3.** (1)(a) Except as otherwise provided under this section, a peace officer may use physical force against a person when necessary to: Protect against criminal conduct where there is probable cause to make an arrest; effect an arrest; prevent an escape as defined under chapter 9A.76 RCW; or protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

(b) A peace officer may use deadly force against another person only when necessary to protect against an imminent threat of serious physical injury or

death to the officer or another person. For purposes of this subsection (1)(b):

(i) "Imminent threat of serious physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person.

(ii) "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of deadly force does not exist, and that the amount of force used was a reasonable and proportional response to the threat posed to the officer and others.

(iii) "Totality of the circumstances" means all facts known to the peace officer leading up to and at the time of the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.

(2) A peace officer shall use reasonable care when determining whether to use physical force and when using any physical force against another person. To that end, a peace officer shall:

(a) When possible, exhaust available and appropriate de-escalation tactics prior to using any physical force, such as: Creating physical distance by employing tactical repositioning and repositioning as often as necessary to maintain the benefit of time, distance, and cover; when there are multiple officers, designating one officer to communicate in order to avoid competing commands; calling for additional resources such as a crisis intervention team or mental health professional when possible; calling for back-up officers when encountering resistance; taking as much time as necessary, without using physical force or weapons; and leaving the area if there is no threat of imminent harm and no crime has been committed, is being committed, or is about to be committed;

(b) When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances. This includes a consideration of the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person: Is visibly pregnant, or states that they are pregnant; is known to be a minor, objectively appears to be a minor, or states that they are a minor; is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020; displays signs of mental, behavioral, or physical impairments or disabilities; is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs; is suicidal; has limited English proficiency; or is in the presence of children;

(c) Terminate the use of physical force as soon as the necessity for such force ends;

(d) When possible, use available and appropriate less lethal alternatives before using deadly force; and

(e) Make less lethal alternatives issued to the officer reasonably available for their use.

(3) A peace officer may not use any force tactics prohibited by applicable departmental policy, this chapter, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.

(4) Nothing in this section prevents a law enforcement agency or political subdivision of this state from adopting policies or standards with additional requirements for de-escalation and greater restrictions on the use of physical and deadly force than provided in this section.

NEW SECTION. **Sec. 4.** (1) By July 1, 2022, the attorney general shall develop and publish model policies on law enforcement's use of force and de-escalation tactics consistent with section 3 of this act.

(2) By December 1, 2022, all law enforcement agencies shall: Adopt policies consistent with the model policies and submit copies of the applicable policies to the attorney general; or, if the agency did not adopt policies consistent with the model policies, provide notice to the attorney general stating the reasons for any departures from the model policies and an

explanation of how the agency's policies are consistent with section 3 of this act, including a copy of the agency's relevant policies. After December 1, 2022, whenever a law enforcement agency modifies or repeals any policies pertaining to the use of force or de-escalation tactics, the agency shall submit notice of such action with copies of any relevant policies to the attorney general within 60 days.

(3) By December 31st of each year, the attorney general shall publish on its website a report on the requirements of this section, including copies of the model policies, information as to the status of individual agencies' policies, and copies of any agency policies departing from the model policies.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101 RCW to read as follows:

The basic training provided to criminal justice personnel by the commission must be consistent with the standards in section 3 of this act and the model policies established by the attorney general under section 4 of this act.

Sec. 6. RCW 43.101.450 and 2019 c 1 s 3 (Initiative Measure No. 940) are each amended to read as follows:

(1) Beginning one year after December 6, 2018, all law enforcement officers in the state of Washington must receive violence de-escalation training. Law enforcement officers beginning employment after December 6, 2018, must successfully complete such training within the first ((fifteen)) 15 months of employment. The commission shall set the date by which other law enforcement officers must successfully complete such training.

(2) All law enforcement officers shall periodically receive continuing violence de-escalation training to practice their skills, update their knowledge and training, and learn about new legal requirements and violence de-escalation strategies.

(3) The commission shall set training requirements through the procedures in RCW 43.101.455.

(4) Violence de-escalation training provided under this section must be consistent with section 3 of this act and the model policies established by the attorney general under section 4 of this act.

(5) The commission shall submit a report to the legislature and the governor by January 1st and July 1st of each year on the implementation of and compliance with subsections (1) and (2) of this section. The report must include data on compliance by agencies and officers. The report may also include recommendations for any changes to laws and policies necessary to improve compliance with subsections (1) and (2) of this section.

NEW SECTION. **Sec. 7.** RCW 10.31.050 (Officer may use force) and 2010 c 8 s 1031, Code 1881 s 1031, 1873 p 229 s 211, & 1854 p 114 s 75 are each repealed.

NEW SECTION. **Sec. 8.** Sections 2 through 4 of this act constitute a new chapter in Title 10 RCW.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

and that the bill do pass as recommended by the Conference Committee:

Senators Dhingra, Padden and Pedersen
Representatives Goodman, J. Johnson and Mosbrucker

There being no objection, the House adopted the conference committee report on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1310 and advanced the bill as recommended by the conference committee to final passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives J. Johnson spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Mosbrucker spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1310, as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1310, as recommended by the conference committee, and the bill

passed the House by the following votes: Yeas: 56; Nays: 41; Absent: 0; Excused: 1

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative McEntire

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1310, as recommended by the conference committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 11, 2021

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 54.16.005 and 2000 c 81 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Broadband infrastructure" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services.

(2) "Commission" means the Washington utilities and transportation commission.

((~~(2)~~)) (3) "District commission" means the governing board of a public utility district.

(4) "Retail telecommunications services" means the sale, lease, license, or indivisible right of use of telecommunications services or telecommunications facilities directly to end users.

(5) "Telecommunications" has the same meaning as ((~~that contained~~)) defined in RCW 80.04.010.

((~~(3)~~)) (6) "Telecommunications facilities" means lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property, and routes used, operated, owned, or controlled by any entity to facilitate the provision of telecommunications services.

((~~(4)~~)) (7) "Wholesale telecommunications services" means the provision of telecommunications services or telecommunications facilities for resale ((~~by~~)) to an entity ((~~authorized to provide~~)) that provides retail telecommunications services ((~~to the general public and internet service providers~~)).

Sec. 2. RCW 54.16.330 and 2019 c 365 s 9 are each amended to read as follows:

(1)((~~(a)~~)) A public utility district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

((~~(i)~~)) (a) For the district's internal telecommunications needs;

((~~(ii) For the provision of wholesale telecommunications services within the district and by contract with another public utility district.~~

~~(b) Except as provided in subsection (8) of this section, nothing in this section shall be construed to authorize public utility districts to provide telecommunications services to end users~~)) (b) For the provision of wholesale telecommunications services as follows:

(i) Within the district and by contract with another public utility district;

(ii) Within an area in an adjoining county that is already provided electrical services by the district; or

(iii) Within an adjoining county that does not have a public utility district providing electrical or

telecommunications services headquartered within the county's boundaries, but only if the district providing telecommunications services is not authorized to provide electrical services; or

(c) For the provision of retail telecommunications services as authorized in this section.

(2) A public utility district providing wholesale or retail telecommunications services shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a public utility district offering rates, terms, and conditions to an entity for wholesale or retail telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) A public utility district providing wholesale or retail telecommunications services shall not be required to, but may, establish a separate utility system or function for such purpose. In either case, a public utility district providing wholesale or retail telecommunications services shall separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title. Any revenues received from the provision of wholesale or retail telecommunications services must be dedicated to costs incurred to build and maintain any telecommunications facilities constructed, installed, or acquired to provide such services, including payments on debt issued to finance such services, until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance such telecommunications facilities are discharged or retired.

(4) When a public utility district provides wholesale or retail telecommunications services, all telecommunications services rendered to the district for the district's internal telecommunications needs shall be allocated or charged at its true and full value. A public utility district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale or retail telecommunications services.

(5) If a person or entity receiving retail telecommunications services from a public utility district under this section has a complaint regarding the reasonableness of the rates, terms, conditions, or services provided, the person or entity may file a complaint with the district commission.

(6) A public utility district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(7) Except as otherwise specifically provided, a public utility district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a public utility district under this title.

((~~(8)(a) If an internet service provider operating on telecommunications facilities of a public utility district that provides wholesale telecommunications services but does not provide retail telecommunications services, ceases to provide access to the internet to its end-use customers, and no other retail service providers are willing to provide service, the public utility district may provide retail telecommunications services to the end-use customers of the defunct internet service provider in order for end-use customers to maintain access to the internet until a replacement internet service provider is, or providers are, in operation.~~

~~(b) Within thirty days of an internet service provider ceasing to provide access to the internet, the public utility district must initiate a process to find a replacement internet service provider or providers to resume providing access to the internet using telecommunications facilities of a public utility district.~~

~~(c) For a maximum period of five months, following initiation of the process begun in (b) of this section, or, if earlier than five months, until a replacement internet service provider is, or providers are, in operation, the~~

~~district commission may establish a rate for providing access to the internet and charge customers to cover expenses necessary to provide access to the internet.~~

~~(9) The tax treatment of the retail telecommunications services provided by a public utility district to the end-use customers during the period specified in subsection (8) of this section must be the same as if those retail telecommunications services were provided by the defunct internet service provider.~~))

(8) A public utility district may provide retail telecommunications services or telecommunications facilities within the district's limits or without the district's limits by contract with another public utility district, any political subdivision of the state authorized to provide retail telecommunications services in the state, or with any federally recognized tribe located in the state of Washington.

NEW SECTION. **Sec. 3.** A new section is added to chapter 54.16 RCW to read as follows:

(1) Before providing retail telecommunications services, a public utility district must report to its governing body and to the state broadband office the following about the area to be served by the public utility district:

(a) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(b) The location of where retail telecommunications services will be provided;

(c) Evidence relating to the unserved nature of the community in which retail telecommunications services will be provided;

(d) Expected costs of providing retail telecommunications services to customers to be served by the public utility district;

(e) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536;

(f) Sources of funding for the project that will supplement any grant or loan awards; and

(g) A strategic plan to maintain long-term operation of the infrastructure, and the expected installation charges and monthly costs for end users.

(2) The state broadband office must post a review of the proposed project on their website.

(3) For the purposes of this section, "unserved" means an area of Washington in which households and businesses lack access to broadband service at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed.

Sec. 4. RCW 54.16.425 and 2018 c 186 s 3 are each amended to read as follows:

(1) Property owned by a public utility district that is exempt from property tax under RCW 84.36.010 is subject to an annual payment in lieu of property taxes if the property consists of a broadband ((~~network~~)) infrastructure used in providing retail ((~~internet service~~)) telecommunications services.

(2)(a) The amount of the payment must be determined jointly and in good faith negotiation between the public utility district that owns the property and the county or counties in which the property is located.

(b) The amount agreed upon may not exceed the property tax amount that would be owed on the property comprising the broadband ((~~network~~)) infrastructure used in providing retail ((~~internet service~~)) telecommunications services as calculated by the department of revenue. The public utility district must provide information necessary for the department of revenue to make the required valuation under this subsection. The department of revenue must provide the amount of property tax that would be owed on the property to the county or counties in which the broadband ((~~network~~)) infrastructure is located on an annual basis.

(c) If the public utility district and a county cannot agree on the amount of the payment in lieu of taxes, either party may invoke binding arbitration by providing written notice to the other party. In the event that the amount of payment in lieu of taxes is submitted to binding arbitration, the arbitrators

must consider the government services available to the public utility district's broadband ((~~network~~)) infrastructure used in providing retail ((~~internet service~~)) telecommunications services. The public utility district and county must each select one arbitrator, the two of whom must pick a third arbitrator. Costs of the arbitration, including compensation for the arbitrators' services, must be borne equally by the parties participating in the arbitration.

(3) By April 30th of each year, a public utility district must remit the annual payment to the county treasurer of each county in which the public utility district's broadband ((~~network~~)) infrastructure used in providing retail ((~~internet service~~)) telecommunications services is located in a form and manner required by the county treasurer.

(4) The county must distribute the amounts received under this section to all property taxing districts, including the state, in appropriate tax code areas in the same proportion as it would distribute property taxes from taxable property.

(5) By December 1, 2019, and annually thereafter, the department of revenue must submit a report to the appropriate legislative committees detailing the amount of payments made under this section and the amount of property tax that would be owed on the property comprising the broadband ((~~network~~)) infrastructure used in providing retail ((~~internet service~~)) telecommunications services.

((~~(6) The definitions in RCW 54.16.420 apply to this section.~~))

NEW SECTION. **Sec. 5.** A new section is added to chapter 35.27 RCW to read as follows:

(1) A town may construct, purchase, acquire, develop, finance, lease, license, provide, contract for, interconnect, alter, improve, repair, operate, and maintain telecommunications services or telecommunications facilities for the purpose of furnishing the town and its inhabitants with telecommunications services. The town has full authority to regulate and control the use, distribution, and price of the services.

(2)(a) Before providing telecommunications services pursuant to subsection (1) of this section, a town must examine and report to its governing body and to the state broadband office the following about the area to be served by the town:

(i) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(ii) The location of where retail telecommunications services will be provided;

(iii) Evidence relating to the unserved nature of the community in which retail telecommunications services will be provided;

(iv) Expected costs of providing retail telecommunications services to customers to be served by the town;

(v) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536;

(vi) Sources of funding for the project that will supplement any grant or loan awards; and

(vii) A strategic plan to maintain long-term operation of the infrastructure, and the expected installation charges and monthly costs for end users.

(b) The state broadband office must post a review of the proposed project on its website.

(3) For purposes of this section:

(a) "Telecommunications" has the same meaning as defined in RCW 80.04.010.

(b) "Unserved" means an area of Washington in which households and businesses lack access to broadband service at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed.

NEW SECTION. **Sec. 6.** A new section is added to chapter 35.23 RCW to read as follows:

(1) A second-class city may construct, purchase, acquire, develop, finance, lease, license, provide, contract for, interconnect, alter, improve, repair, operate, and maintain telecommunications services or telecommunications

facilities for the purpose of furnishing the second-class city and its inhabitants with telecommunications services. The second-class city has full authority to regulate and control the use, distribution, and price of the services.

(2)(a) Before providing telecommunications services pursuant to subsection (1) of this section, a second-class city must examine and report to its governing body and to the state broadband office the following about the area to be served by the second-class city:

(i) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(ii) The location of where retail telecommunications services will be provided;

(iii) Evidence relating to the unserved nature of the community in which retail telecommunications services will be provided;

(iv) Expected costs of providing retail telecommunications services to customers to be served by the second-class city;

(v) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536;

(vi) Sources of funding for the project that will supplement any grant or loan awards; and

(vii) A strategic plan to maintain long-term operation of the infrastructure, and the expected installation charges and monthly costs for end users.

(b) The state broadband office must post a review of the proposed project on its website.

(3) For purposes of this section:

(a) "Telecommunications" has the same meaning as defined in RCW 80.04.010.

(b) "Unserved" means an area of Washington in which households and businesses lack access to broadband service at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed.

NEW SECTION. **Sec. 7.** A new section is added to chapter 36.01 RCW to read as follows:

(1) A county may construct, purchase, acquire, develop, finance, lease, license, provide, contract for, interconnect, alter, improve, repair, operate, and maintain telecommunications services or telecommunications facilities for the purpose of furnishing the county and its inhabitants with telecommunications services. The county has full authority to regulate and control the use, distribution, and price of the services.

(2)(a) Before providing telecommunications services pursuant to subsection (1) of this section, a county must examine and report to its governing body and to the state broadband office the following about the area to be served by the county:

(i) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(ii) The location of where retail telecommunications services will be provided;

(iii) Evidence relating to the unserved nature of the community in which retail telecommunications services will be provided;

(iv) Expected costs of providing retail telecommunications services to customers to be served by the county;

(v) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536;

(vi) Sources of funding for the project that will supplement any grant or loan awards; and

(vii) A strategic plan to maintain long-term operation of the infrastructure, and the expected installation charges and monthly costs for end users.

(b) The state broadband office must post a review of the proposed project on its website.

(3) For purposes of this section:

(a) "Telecommunications" has the same meaning as defined in RCW 80.04.010.

(b) "Unserved" means an area of Washington in which households and businesses lack access to broadband service at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed.

Sec. 8. RCW 53.08.005 and 2018 c 169 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Retail telecommunications services" means the sale, lease, license, or indivisible right of use of telecommunications services or telecommunications facilities directly to end users.

(3) "Telecommunications" has the same meaning as contained in RCW 80.04.010.

((~~(3)~~)) (4) "Telecommunications facilities" means lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property, and routes used, operated, owned, or controlled by any entity to facilitate the provision of telecommunications services.

((~~(4)~~)) (5) "Wholesale telecommunications services" means the provision of telecommunications services or telecommunications facilities for resale ((~~by~~)) to an entity authorized to provide telecommunications services ((~~to the general public and internet service providers~~)). Wholesale telecommunications services includes the provision of unlit or dark optical fiber for resale, but not the provision of lit optical fiber.

Sec. 9. RCW 53.08.370 and 2019 c 365 s 10 are each amended to read as follows:

(1) A port district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's own use; ((~~and~~))

(b) For the provision of wholesale telecommunications services within or without the district's limits((~~. Nothing in this subsection shall be construed to authorize port districts to provide telecommunications services to end users~~)); or

(c) For the provision of retail telecommunications services as authorized by this section.

(2) Except as provided in subsection ((~~(9)~~)) (8) of this section, a port district providing wholesale or retail telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a port district offering such rates, terms, and conditions to an entity for wholesale or retail telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a port district establishes a separate utility function for the provision of wholesale or retail telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale or retail telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale or retail telecommunications services must be dedicated to the utility function that includes the provision of wholesale or retail telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a port district establishes a separate utility function for the provision of wholesale or retail telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A

port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale or retail telecommunications services.

(5) A port district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a port district under this title.

(7) ((~~A port district that has not exercised the authorities provided in this section prior to June 7, 2018, must develop a business case plan before exercising the authorities provided in this section. The port district must procure an independent qualified consultant to review the business case plan, including the use of public funds in the provision of wholesale telecommunications services. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the port commission in an open meeting.~~

~~(8)~~)) A port district with telecommunications facilities for use in the provision of wholesale or retail telecommunications in accordance with subsection (1)((~~(b)~~)) of this section may be subject to local leasehold excise taxes under RCW 82.29A.040.

((~~(9)~~)) (8)(a) A port district under this section may select a telecommunications company to operate all or a portion of the port district's telecommunications facilities.

(b) For the purposes of this section "telecommunications company" means any for-profit entity owned by investors that sells telecommunications services to end users.

(c) Nothing in this subsection ((~~(9)~~)) (8) is intended to limit or otherwise restrict any other authority provided by law.

(9) A port district may provide retail telecommunications services within or without the district's limits.

NEW SECTION. **Sec. 10.** A new section is added to chapter 53.08 RCW to read as follows:

(1) Before providing retail telecommunications services, a port district must report to its governing body and to the state broadband office the following about the area to be served by the port district:

(a) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(b) The location of where retail telecommunications services will be provided;

(c) Evidence relating to the unserved nature of the community in which retail telecommunications services will be provided;

(d) Expected costs of providing retail telecommunications services to customers to be served by the port district;

(e) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536;

(f) Sources of funding for the project that will supplement any grant or loan awards; and

(g) A strategic plan to maintain long-term operation of the infrastructure, and the expected installation charges and monthly costs for end users.

(2) The state broadband office must post a review of the proposed project on their website.

(3) For the purposes of this section, "unserved" means an area of Washington in which households and businesses lack access to broadband service at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed.

Sec. 11. RCW 43.155.070 and 2017 3rd sp.s. c 10 s 9 are each amended to read as follows:

(1) To qualify for financial assistance under this chapter the board

must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, or increase access to broadband, a county, city, or town planning under RCW 36.70A.040 may not receive financial assistance under this chapter unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving financial assistance under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 that has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 may apply for and receive financial assistance under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before executing a contractual agreement for financial assistance with the board.

(3) In considering awarding financial assistance for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board must consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4)(a) The board must develop a process to prioritize applications and funding of loans and grants for public works projects submitted by local governments. The board must consider, at a minimum and in any order, the following factors in prioritizing projects:

(i) Whether the project is critical in nature and would affect the health and safety of many people;

(ii) The extent to which the project leverages other funds;

(iii) The extent to which the project is ready to proceed to construction;

(iv) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(v) Whether the project promotes the sustainable use of resources and environmental quality, as applicable;

(vi) Whether the project consolidates or regionalizes systems;

(vii) Whether the project encourages economic development through mixed-use and mixed income development consistent with chapter 36.70A RCW;

(viii) Whether the system is being well-managed in the present and for long-term sustainability;

(ix) Achieving equitable distribution of funds by geography and population;

(x) The extent to which the project meets the following state policy objectives:

(A) Efficient use of state resources;

(B) Preservation and enhancement of health and safety;

(C) Abatement of pollution and protection of the environment;

(D) Creation of new, family-wage jobs, and avoidance of shifting existing jobs from one Washington state community to another;

(E) Fostering economic development consistent with chapter 36.70A RCW;

(F) Efficiency in delivery of goods and services and transportation; and

(G) Reduction of the overall cost of public infrastructure;

(xi) Whether the applicant sought or is seeking funding for the project from other sources; and

(xii) Other criteria that the board considers necessary to achieve the purposes of this chapter.

(b) Before September 1, 2018, and each year thereafter, the board must develop and submit a report regarding the construction loans and grants to the office of financial management and appropriate fiscal committees of the senate and house of representatives. The report must include:

(i) The total number of applications and amount of funding requested for public works projects;

(ii) A list and description of projects approved in the preceding fiscal year with project scores against the board's prioritization criteria;

(iii) The total amount of loan and grants disbursements made from the public works assistance account in the preceding fiscal year;

(iv) The total amount of loan repayments in the preceding fiscal year for outstanding loans from the public works assistance account;

(v) The total amount of loan repayments due for outstanding loans for each fiscal year over the following ten-year period; and

(vi) The total amount of funds obligated and timing of when the funds were obligated in the preceding fiscal year.

(c) The maximum amount of funding that the board may provide for any jurisdiction is ten million dollars per biennium.

(5) Existing debt or financial obligations of local governments may not be refinanced under this chapter. Each local government applicant must provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before September 1st of each year, the board must develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans and grants made under RCW 43.155.065 and 43.155.068.

(7) The board may not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds to the board for the purpose of funding public works projects under this chapter.

(8) To qualify for loans, grants, or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter ((~~70.95~~)) 70A.205 RCW.

(9) After January 1, 2010, any project designed to address the effects of stormwater or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(10) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its public works assistance account program loan or grant.

(11) The board must implement policies and procedures designed to maximize local government consideration of other funds to finance local infrastructure.

(12) The relevant sections of the Washington Administrative Code must be amended by January 1, 2022, in accordance with the provisions of this section.

NEW SECTION. **Sec. 12.** This act may be known and cited as the public broadband act.

NEW SECTION. **Sec. 13.** RCW 54.16.420 (Retail internet service—Definitions—Authority—Requirements) and 2018 c 186 s 1 are each repealed."

On page 1, line 3 of the title, after "users;" strike the remainder of the title and insert "amending RCW 54.16.005, 54.16.330, 54.16.425, 53.08.005, 53.08.370, and 43.155.070; adding a new section to chapter 54.16 RCW; adding a new section to chapter 35.27 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 53.08 RCW; creating a new section; and repealing RCW 54.16.420."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hansen and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1336, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1336, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Walsh, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Chambers, Chase, Corry, Dent, Dufault, Dye, Gilday, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Stokesbary, Sutherland, Vick, Volz, Wilcox, Ybarra and Young.

Excused: Representative McEntire.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2021

Mme. SPEAKER:

The Senate receded from its amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365, and under suspension of the rules returned ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365 to second reading for purpose of amendments. The Senate further adopted amendment 1365-S2.E AMS WELL S3049.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the COVID-19 pandemic exposed the importance of internet-accessible learning devices for the ability of students to receive a modern education. When Washington schools closed in March 2020, schools and school districts shifted quickly to offering education in an online environment. Teachers adapted their lessons for videoconferencing platforms and arranged for students to submit homework via email. However, limited opportunities for in-person instruction amplified digital deserts and disparities among students that are likely to continue to grow for the foreseeable future.

(2) The legislature finds that students from low-income families face disproportionate barriers to accessing learning over the internet in their homes, partly because they do not have internet-accessible devices appropriate for learning. The legislature also recognizes that accessing learning over the internet requires more than just an internet-accessible device appropriate for learning. For students and their families to be truly connected, they need the digital literacy, digital skills, and digital support to use internet-accessible devices and to navigate the web in support of student learning.

(3) Therefore, the purposes of this act are to: (a) Accelerate student access to learning devices and related goods and services; (b) expand training programs and technical assistance on using technology to support student learning; and (c) build the capacity of schools and districts to support digital navigation services for students and their families.

Sec. 2. RCW 28A.650.010 and 2017 c 90 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Digital citizenship" includes the norms of appropriate, responsible, and healthy behavior related to current technology use, including digital and media literacy, ethics, etiquette, and security. The term also includes the

ability to access, analyze, evaluate, develop, produce, and interpret media, as well as internet safety and cyberbullying prevention and response.

(2) ((~~"Education technology" or "technology" means the effective use of electronic and optical tools, including telephones, and electronic and optical pathways in helping students learn.~~

~~(3) "Network" means integrated linking of education technology systems in schools for transmission of voice, data, video, or imaging, or a combination of these.~~)) "Learning device" means an internet-accessible computer, tablet, or other device, with an appropriate operating system, software applications, and data security, that can be used to access curricula, educational web applications and websites, and learning management systems, and with telecommunications capabilities sufficient for videoconferencing.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.650 RCW to read as follows:

(1) Each educational service district shall provide technology consultation, procurement, and training, in consultation with teacher-librarians through school library information and technology programs as defined in RCW 28A.320.240, and as described in this section. An educational service district may meet the requirements of this section in cooperation with one or more other educational service districts.

(2) Technology consultation involves providing technical assistance and guidance to local school districts related to technology needs and financing, and may include consultation with other entities.

(3)(a) Technology procurement involves negotiating for local school district purchasing and leasing of learning devices and peripheral devices, learning management systems, cybersecurity protection, device insurance, and other technology-related goods and services.

(b) When selecting goods and services for procurement, the educational service district must consider a variety of student needs, as well as accessibility, age appropriateness, privacy and security, data storage and transfer capacity, and telecommunications capability.

(c) Technology procurement may be performed in consultation and contract with the department of enterprise services under chapter 39.26 RCW.

(4) Technology training involves developing and offering direct services to local school districts related to staff development and capacity building to provide digital navigation services to students and their families. The educational service districts must seek to consult teacher-librarians and other relevant information technology programs to determine where there is a need and focus for this training. These services may be provided on a fee-for-service basis.

(5) Technology consultation, procurement, and training under this section must be provided to local public schools, as defined in RCW 28A.150.010, the Washington center for deaf and hard of hearing youth, and the school for the blind, in addition to local school districts. Technology training under this section may also be offered to child care providers.

(6) The educational service districts must cooperate with the office of the superintendent of public instruction to provide the data required under section 5(1) of this act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.650 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall develop and administer a technology grant program, as described in this section, to advance the following objectives:

(a) Attain a universal 1:1 student to learning device ratio;

(b) Expand technical support and training of school and district staff in using technology to support student learning; and

(c) Develop district-based and school-based capacity to assist students and their families in accessing and using technology to support student learning.

(2) The following entities, individually or in cooperation, may apply to the office of the superintendent of public instruction for a grant under this section: A public school as defined in RCW 28A.150.010; a school district; an

educational service district; the Washington center for deaf and hard of hearing youth; and the state school for the blind.

(3) At a minimum, grant applications must include:

(a) The applicant's technology plan for accomplishing the goals of the grant program, the applicant's student demographics, including the percent of students eligible for free and reduced-price meals, and any specialized technology needs of the applicant's students, such as students with disabilities and English learners who may need adaptive or assistive technologies; and

(b) A description of preexisting programs and funding sources used by the applicant to provide learning devices to students, staff, or both.

(4) When ranking and selecting applicants, the office of the superintendent of public instruction must prioritize both of the following:

(a) Applicants without preexisting programs to provide a device for every student and that have 30 percent or more students eligible for free and reduced-price meals; and

(b) Applicants with students who have specialized technology needs.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.650 RCW to read as follows:

(1) The office of the superintendent of public instruction shall collect and analyze the following data:

(a) Demographic, distribution, and other data related to technology initiatives; and

(b) Biennial survey data on school and school district progress to accomplish the objectives listed in section 4(1) of this act.

(2) By November 1, 2022, and by November 1st every even year thereafter, the office of the superintendent of public instruction shall provide a report to the appropriate policy and fiscal committees of the legislature, in accordance with RCW 43.01.036, with:

(a) A summary of the technology initiatives data collected under subsection (1) of this section;

(b) The status of the state's progress in accomplishing the following: (i) Accelerate student access to learning devices and related goods and services; (ii) expand training programs and technical assistance on using technology to support student learning; and (iii) build the capacity of schools and districts to support digital navigation services for students and their families;

(c) Recommendations for improving the administration and oversight of the technology initiatives; and

(d) An update on innovative and collaborative activities occurring in communities across the state to support widespread public technology literacy and fluency, as well as student universal access to learning devices.

(3) By November 1, 2022, the office of the superintendent of public instruction shall survey districts, collect data, and provide a report to the appropriate policy and fiscal committees of the legislature that contains, at a minimum, the following:

(a) A list of districts that have a separate technology levy;

(b) The total amount of funding generated by the technology levies; and

(c) A detailed breakdown on how the funds generated by the technology levies are being used, including, but not limited to, the number of technology devices being purchased with those funds, personnel costs related to servicing and maintaining those devices covered by those funds, and any training or professional development for use of technology provided with those funds.

(4) For the purposes of this section, "technology initiatives" means the technology grants awarded by the office of the superintendent of public instruction under section 4 of this act, and the provision of technology consultation, procurement, and training by educational service districts under section 3 of this act.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) The office of the superintendent of public instruction shall establish a grant program for the purposes of supporting media literacy and digital citizenship through school district leadership teams. The office of

the superintendent of public instruction shall establish and publish criteria for the grant program, and may accept gifts, grants, or endowments from public or private sources for the grant program.

(b) A school district that receives a grant under this section is not prohibited from receiving a grant in subsequent grant cycles.

(2)(a) For a school district to qualify for a grant under this section, the grant proposal must provide that the grantee create a district leadership team that develops a curriculum unit on media literacy or digital citizenship, or both, that may be integrated into one of the following areas:

(i) Social studies;

(ii) English language arts; or

(iii) Health.

(b) School districts selected under the grant program are expected to evaluate the curriculum unit they develop under this subsection (2).

(c) In developing their curriculum unit, school districts selected under the grant program are encouraged to work with school district teacher-librarians or a school district library information technology program, if applicable.

(3) The establishment of the grant program under this section is subject to the availability of amounts appropriated for this specific purpose.

(4) The curriculum unit developed under this section must be made available as an open educational resource.

(5)(a) Up to 10 grants a year awarded under this section must be for establishing media literacy professional learning communities with the purpose of sharing best practices in the subject of media literacy.

(b)(i) Grant recipients under this subsection (5) are required to develop an online presence for their community to model new strategies and to share ideas, challenges, and successful practices.

(ii) Grant recipients shall attend the group meetings created by the office of the superintendent of public instruction under (c) of this subsection (5).

(c) The office of the superintendent of public instruction shall convene group meetings for the purpose of sharing best practices and strategies in media literacy education.

(d) Additional activities permitted for the use of these grants include, but are not limited to:

(i) Organizing teachers from across a school district to develop new instructional strategies and to share successful strategies;

(ii) Sharing successful practices across a group of school districts; and

(iii) Facilitating coordination between educational service districts and school districts to provide training.

(6)(a) At least one grant awarded in each award cycle must be for developing and using a curriculum that contains a focus on synthetic media as a major component.

(b) For the purposes of this section, "synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been intentionally manipulated with the use of digital technology in a manner to create a realistic but false image, audio, or video.

(7) This section expires July 31, 2031.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall convene two regional conferences on the subject of media literacy and digital citizenship.

(2) The conferences in this section should highlight the work performed by the recipients of the grant program established under section 6 of this act, as well as best practices in media literacy and digital citizenship.

(3) The locations for conferences convened under this section must include one site in western Washington and one site in eastern Washington.

(4) This section expires July 31, 2031.

NEW SECTION. **Sec. 8.** The following acts or parts of acts are each repealed:

(1)RCW 28A.650.005 (Findings—Intent) and 1993 c 336 s 701;

(2)RCW 28A.650.015 (Education technology plan—Educational technology advisory committee) and 2011 1st sp.s. c 43 s 725, 2011 1st sp.s. c 11 s 133, 2009 c 556 s 17, 2006 c 263 s 917, 1995 c 335 s 507, 1994 c 245 s 2, & 1993 c 336 s 703;

(3)RCW 28A.650.020 (Regional educational technology support centers—Advisory councils) and 1993 c 336 s 705;

(4)RCW 28A.650.025 (Distribution of funds for regional educational technology support centers) and 1993 c 336 s 706;

(5)RCW 28A.650.030 (Distribution of funds to expand the education statewide network) and 1993 c 336 s 707;

(6)RCW 28A.650.900 (Findings—Intent—Part headings not law—1993 c 336); and

(7)RCW 28A.650.901 (Findings—1993 c 336).

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "staff;" strike the remainder of the title and insert "amending RCW 28A.650.010; adding new sections to chapter 28A.650 RCW; adding new sections to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.650.005, 28A.650.015, 28A.650.020, 28A.650.025, 28A.650.030, 28A.650.900, and 28A.650.901; and providing expiration dates."

and the same herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Gregerson and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1365, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1365, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative McEntire.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365 , as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 21, 2021

Madame Speaker:

The Senate insists on its position on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1476 and asks the House to concur.

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1476 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dolan and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of

Engrossed Substitute House Bill No. 1476, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1476, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Dufault, Kraft and Sutherland.

Excused: Representative McEntire.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1476, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 11:00 a.m., April 24, 2021, the 104th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

ONE HUNDRED FOURTH DAY

House Chamber, Olympia, Saturday, April 24, 2021

The House was called to order at 11:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jacquelin Maycumber, 7th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

April 23, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1585 by Representatives Graham and Jacobsen

AN ACT Relating to improving driver's education related to traffic stops in order to avoid inadvertent hostile confrontations; amending RCW 28A.220.035 and 46.82.420, adding a new section to chapter 46.82 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Education.

HB 1586 by Representatives Pollet, Valdez, Ramos, Shewmake and Duerr

AN ACT Relating to disclosures by grassroots lobbyists; amending RCW 42.17A.640; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

SUPPLEMENTAL INTRODUCTION & FIRST READING

ESSB 5084 by Senate Committee on Ways & Means (originally sponsored by Frockt, Mullet and C. Wilson)

AN ACT Relating to state general obligation bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 5084 was read the first time, and under suspension of the rules, was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5476, by Senators Dhingra, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Pedersen, Rivers, Robinson, Saldaña and Wellman

Addressing the State v. Blake decision. (REVISED FOR ENGROSSED: Responding to the State v. Blake decision by addressing justice system responses and behavioral health prevention, treatment, and related services.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 102, April 22, 2021).

With the consent of the House, amendments (753), (756) and (763) were withdrawn.

Representative Davis moved the adoption of amendment (765) to the committee amendment:

On page 1, beginning on line 3, strike all of section 1 and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority, in collaboration with the substance use recovery services advisory committee established in subsection (2) of this section, shall establish a substance use recovery services plan. The purpose of the plan is to implement measures to assist persons with substance use disorder in accessing outreach, treatment, and recovery support services that are low barrier, person centered, informed by people with lived experience, and culturally and linguistically appropriate. The plan must articulate the manner in which continual, rapid, and widespread access to a comprehensive continuum of care will be provided to all persons with substance use disorder.

(2)(a) The authority shall establish the substance use recovery services advisory committee to collaborate with the authority in the development and implementation of the substance use recovery services plan under this section. The authority must appoint members to the advisory committee who have relevant background related to the needs of persons with substance use disorder. The advisory committee shall be reflective of the community of individuals living with substance use disorder, including persons who are Black, indigenous, and persons of color, persons with co-occurring substance use disorders and mental health conditions, as well as persons who represent the unique needs of rural communities. The advisory committee shall be convened and chaired by the director of the authority, or the director's designee. In addition to the member from the authority, the advisory committee shall include:

(i) One member and one alternate from each of the two largest caucuses of the house of representatives, as appointed by the speaker of the house of representatives;

(ii) One member and one alternate from each of the two largest caucuses of the senate, as appointed by the president of the senate;

(iii) One representative of the governor's office;

(iv) At least one adult in recovery from substance use disorder who has experienced criminal legal consequences as a result of substance use;

(v) At least one youth in recovery from substance use disorder who has experienced criminal legal consequences as a result of substance use;

(vi) One expert from the addictions, drug, and alcohol institute at the University of Washington;

(vii) One outreach services provider;

(viii) One substance use disorder treatment provider;

(ix) One peer recovery services provider;

(x) One recovery housing provider;

(xi) One expert in serving persons with co-occurring substance use disorders and mental health conditions;

(xii) One expert in antiracism and equity in health care delivery systems;

(xiii) One employee who provides substance use disorder treatment or services as a member of a labor union representing workers in the behavioral health field;

(xiv) One representative of the association of Washington health plans;

(xv) One expert in diversion from the criminal legal system to community-based care for persons with substance use disorder;

(xvi) One representative of public defenders;

(xvii) One representative of prosecutors;

(xviii) One representative of sheriffs and police chiefs;

(xix) One representative of a federally recognized tribe; and

(xx) One representative of local governments.

(b) The advisory committee may create subcommittees with expanded participation.

(c) In its collaboration with the advisory committee to develop the substance use recovery services plan, the authority must give due consideration to the recommendations of the advisory committee. If the authority determines

that any of the advisory committee's recommendations are not feasible to adopt and implement, the authority must notify the advisory committee and offer an explanation.

(d) The advisory committee must convene as necessary for the development of the substance use recovery services plan and to provide consultation and advice related to the development and adoption of rules to implement the plan. The advisory committee must convene to monitor implementation of the plan and advise the authority.

(3) The plan must consider:

(a) The points of intersection that persons with substance use disorder have with the health care, behavioral health, criminal, civil legal, and child welfare systems as well as the various locations in which persons with untreated substance use disorder congregate, including homeless encampments, motels, and casinos;

(b) New community-based care access points, including crisis stabilization services and the safe station model in partnership with fire departments;

(c) Current regional capacity for substance use disorder assessments, including capacity for persons with co-occurring substance use disorders and mental health conditions, each of the American society of addiction medicine levels of care, and recovery support services;

(d) Barriers to accessing the existing behavioral health system and recovery support services for persons with untreated substance use disorder, especially indigent youth and adult populations, persons with co-occurring substance use disorders and mental health conditions, and populations chronically exposed to criminal legal system responses, and possible innovations that could improve the quality and accessibility of care for those populations;

(e) Evidence-based, research-based, and promising treatment and recovery services appropriate for target populations, including persons with co-occurring substance use disorders and mental health conditions;

(f) Options for leveraging existing integrated managed care, medicaid waiver, American Indian or Alaska Native fee-for-service behavioral health benefits, and private insurance service capacity for substance use disorders, including but not limited to coordination with managed care organizations, behavioral health administrative services organizations, the Washington health benefit exchange, accountable communities of health, and the office of the insurance commissioner;

(g) Framework and design assistance for jurisdictions to assist in compliance with the requirements of RCW 10.31.110 for diversion of individuals with complex or co-occurring behavioral health conditions to community-based care whenever possible and appropriate, and identifying resource gaps that impede jurisdictions in fully realizing the potential impact of this approach;

(h) The design of recovery navigator programs in section 2 of this act, including reporting requirements by behavioral health administrative services organizations to monitor the effectiveness of the programs and recommendations for program improvement;

(i) The proposal of a funding framework in which, over time, resources are shifted from punishment sectors to community-based care interventions such that community-based care becomes the primary strategy for addressing and resolving public order issues related to behavioral health conditions;

(j) Strategic grant making to community organizations to promote public understanding and eradicate stigma and prejudice against persons with substance use disorder by promoting hope, empathy, and recovery;

(k) Recommendations for diversion to community-based care for individuals with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, across all points of the sequential intercept model;

(l) Recommendations regarding the appropriate criminal legal system response, if any, to possession of controlled substances;

(m) Recommendations regarding the collection and reporting of data that identifies the number of persons law enforcement officers and prosecutors engage related to drug possession and disparities across geographic areas, race, ethnicity, gender, age, sexual

orientation, and income. The recommendations shall include, but not be limited to, the number and rate of persons who are diverted from charges to recovery navigator services or other services, who receive services and what type of services, who are charged with simple possession, and who are taken into custody; and

(n) The design of a mechanism for referring persons with substance use disorder or problematic behaviors resulting from substance use into the supportive services described in section 2 of this act.

(4) The plan and related rules adopted by the authority must give due consideration to persons with co-occurring substance use disorders and mental health conditions and the needs of youth. The plan must include the substance use outreach, treatment, and recovery services outlined in sections 2 through 4 of this act which must be available in or accessible by all jurisdictions. These services must be equitably distributed across urban and rural settings. If feasible and appropriate, service initiation shall be made available on demand through 24-hour, seven days a week peer recovery coach response, behavioral health walk-in centers, or other innovative rapid response models. These services must, at a minimum, incorporate the following principles: Establish low barriers to entry and reentry; improve the health and safety of the individual; reduce the harm of substance use and related activity for the public; include integrated and coordinated services; incorporate structural competency and antiracism; use noncoercive methods of engaging and retaining people in treatment and recovery services, including contingency management; consider the unique needs of rural communities; and have a focus on services that increase social determinants of health.

(5) In developing the plan, the authority shall:

(a) Align the components of the plan with previous and ongoing studies, plans, and reports, including the Washington state opioid overdose and response plan, published by the authority, the roadmap to recovery planning grant strategy being developed by the authority, and plans associated with federal block grants; and

(b) Coordinate its work with the efforts of the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems and the crisis response improvement strategy committee established in chapter . . ., Laws of 2021 (Engrossed Second Substitute House Bill No. 1477).

(6) The authority must submit a preliminary report by December 1, 2021, regarding progress toward the substance use recovery services plan. The authority must submit the final substance use recovery services plan to the governor and the legislature by December 1, 2022. After submitting the plan, the authority shall adopt rules and enter into contracts with providers to implement the plan by December 1, 2023. In addition to seeking public comment under chapter 34.05 RCW, the authority must adopt rules in accordance with the recommendations of the substance use recovery services advisory committee as provided in subsection (2) of this section.

(7) In consultation with the substance use recovery services advisory committee, the authority must submit a report on the implementation of the substance use recovery services plan to the appropriate committees of the legislature and governor by December 1st of each year, beginning in 2023. This report shall include progress on the substance use disorder continuum of care, including availability of outreach, treatment, and recovery support services statewide.

(8) For the purposes of this section, "recovery support services" means a collection of resources that sustain long-term recovery from substance use disorder, including for persons with co-occurring substance use disorders and mental health conditions, recovery housing, permanent supportive housing, employment and education pathways, peer supports and recovery coaching, family education, technological recovery supports, transportation and child care assistance, and social connectedness.

(9) This section expires December 31, 2026."

On page 5, line 20, after "disorder" insert ", including for persons with co-occurring substance use disorders and mental health conditions,"

On page 5, at the beginning of line 35, strike "disorder" and insert "disorders, including persons with co-

occurring substance use disorders and mental health conditions,"

On page 5, line 38, after "behalf of" strike "an individual with substance use disorder" and insert "persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions,"

On page 6, line 2, after "homeless" insert "persons, including those living unsheltered or in"

On page 7, line 23, after "Opioid" insert "use disorder"

On page 8, beginning on line 11, after "January 1," strike all material through "2022" on line 12 and insert "2023, and begin distributing grant funds by March 1, 2023"

On page 8, line 24, after "use" strike "disorder" and insert "disorders, including individuals with co-occurring substance use disorders and mental health conditions,"

On page 8, line 29, after "placement" insert ", including evidence-based supported employment program services"

On page 9, line 3, after "use" strike "disorder" and insert "disorders, including individuals with co-occurring substance use disorders and mental health conditions"

On page 9, line 7, after "regional" strike "access standards" and insert "expanded recovery plans"

On page 9, beginning on line 12, after "January 1," strike all material through "2022" on line 13 and insert "2023, and begin distributing grant funds by March 1, 2023"

On page 10, beginning on line 6, after "January 1," strike all material through "2022" on line 7 and insert "2024, and begin distributing grant funds by March 1, 2024"

On page 10, beginning on line 35, after "January 1," strike all material through "2022" on line 36 and insert "2024, and begin distributing grant funds by March 1, 2024"

On page 11, beginning on line 4, after "January 1," strike "2022" and insert "2024"

On page 11, line 23, after "to" strike "suffer from" and insert "((~~suffer from~~)) have"

Representatives Davis and Mosbrucker spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (765) to the committee amendment was adopted.

Representative Ormsby moved the adoption of amendment (761) to the committee amendment:

On page 6, line 8 of the striking amendment, after "require" insert ", subject to the availability of amounts appropriated for this specific purpose,"

On page 6, line 12 of the striking amendment, after "(3)" strike "The" and insert "Subject to the availability of amounts appropriated for this specific purpose, the"

On page 8, line 11 of the striking amendment, after "section" insert ", subject to the availability of amounts appropriated for this specific purpose,"

On page 9, line 12 of the striking amendment, after "section" insert ", subject to the availability of amounts appropriated for this specific purpose,"

On page 52, after line 29 of the striking amendment, insert the following

"NEW SECTION. **Sec. 26.** The appropriations in this section are provided to the health care authority community behavioral health program and are subject to the following conditions and limitations:

(1) The following sums, or so much thereof as may be necessary, are each appropriated: $25,000,000 from the state general fund for the fiscal year ending June 30, 2022; and $20,000,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to contract with behavioral health administrative service organizations to implement the statewide recovery navigator program established in section 2 of this act and for related technical assistance to support this implementation. This includes funding for recovery navigator teams to provide community-based outreach and case management services based on the law enforcement assisted diversion model and for technical assistance support from the law enforcement assisted diversion national support bureau.

(2) The following sums, or so much thereof as may be necessary, are each appropriated: $1,673,000 from the state general fund for the fiscal year ending June 30, 2022; $3,114,000 from the state general fund for the fiscal year ending June 30, 2023; and $3,890,000, from the general fund- federal account for the fiscal biennium ending June 30, 2023. The amounts in this subsection are provided solely for the authority to implement clubhouse services in every region of the state.

(3) The following sums, or so much thereof as may be necessary, are each appropriated: $5,000,000 from the state general fund for the fiscal year ending June 30, 2022; and $7,500,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to implement the homeless outreach stabilization team program, pursuant to section 5(1) of this act.

(4) The following sums, or so much thereof as may be necessary, are each appropriated: $2,500,000 from the state general fund for the fiscal year ending June 30, 2022; and $2,500,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails.

(5) The following sums, or so much thereof as may be necessary, are each appropriated: $500,000 from the state general fund for the fiscal year ending June 30, 2022; and $500,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to expand opioid treatment network programs for people with co-occurring opioid and stimulant use disorder.

(6) The following sums, or so much thereof as may be necessary, are each appropriated: $1,400,000 from the state general fund for the fiscal year ending June 30, 2022; and $1,400,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for behavioral health administrative service organizations to develop regional recovery navigator program plans pursuant to section 2 of this act and to establish positions focusing on regional planning to improve access to and quality of regional behavioral health services with a focus on integrated care.

(7) The following sums, or so much thereof as may be necessary, are each appropriated: $75,000 from the state general fund for the fiscal year ending June 30, 2022; and $75,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to contract with an organization with expertise in supporting efforts to increase access to and improve quality in recovery housing and recovery residences. This funding shall be used to increase recovery housing availability through partnership with private landlords, increase accreditation of recovery residences statewide, operate a grievance process for resolving challenges with recovery residences, and conduct a recovery capital outcomes assessment for individuals living in recovery residences.

(8) The following sums, or so much thereof as may be necessary, are each appropriated: $500,000 from the state general fund for the fiscal year ending June 30, 2022; and $500,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to provide short-term housing vouchers for individuals with substance use disorders.

(9) The following sums, or so much thereof as may be necessary, are each appropriated: $250,000 from the state general fund for the fiscal year ending June 30, 2022; and $250,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to issue grants for substance use disorder family navigator services.

(10) The following sums, or so much thereof as may be necessary, are each appropriated: $200,000 from the state general fund for the fiscal year ending June 30, 2022; and $200,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to convene and provide staff and contracted services support to the recovery oversight committee established in section 1 of this act.

(11) The following sums, or so much thereof as may be necessary, are each appropriated: $2,565,000 from the state general fund for the fiscal year ending June 30, 2022; and $2,565,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for staff and contracted services support for the authority to develop and implement the recovery services plan established in section 1 of this act and to carry out other requirements of this act. Within these amounts, funding is provided for the authority to:

(a) Establish an occupational nurse consultant position within the authority to provide contract oversight, accountability, performance improvement activities, and to ensure Medicaid managed care organization plan compliance with provisions in law and contract related to care transitions work with local jails.

(b) Establish a position within the authority to create and oversee a program to initiate and support emergency department programs for inducing medications for patients with opioid use disorder paired with a referral to community-based outreach and case management programs.

NEW SECTION. **Sec. 27.** The appropriation in this section is provided to the administrative office of the courts and is subject to the following conditions and limitations:

The following sums, or so much thereof as may be necessary, are each appropriated: $2,250,000 from the state general fund for the fiscal year ending June 30, 2022; and $2,250,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely to fund grants for therapeutic courts operated by municipalities and district courts. The administrative office of the courts must allocate grant funding based upon a formula established by the administrative office of the courts. The formula must distribute the grant funding equitably between those therapeutic courts located east of the crest of the Cascade mountains and those therapeutic courts located west of the crest of the Cascade mountains. Multiple jurisdictions served by a single municipal court or district court may apply for funds as a single entity. Local jurisdictions receiving grant funding for therapeutic courts must use funding to identify individuals before the courts with substance use disorders or other behavioral health needs and engage those individuals with community-based therapeutic interventions.

NEW SECTION. **Sec. 28.** The appropriation in this section is provided to the department of commerce and is subject to the following conditions and limitations:

The following sums, or so much thereof as may be necessary, are each appropriated: $500,000 from the state general fund for the fiscal year ending June 30, 2022; and $1,000,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the department to provide grants for the operational costs of new staffed recovery residences which serve individuals with substance use disorders who require more support than a level 1 recovery residence.

NEW SECTION. **Sec. 29.** The appropriation in this section is provided to the criminal justice training commission and is subject to the following conditions and limitations:

The following sums, or so much thereof as may be necessary, are each appropriated: $150,000 from the state general fund for the fiscal year ending June 30, 2022; and $150,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the commission to compensate trainer time to deliver the curriculum related to law enforcement interactions with persons with a substance use disorder pursuant to section 7 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Ormsby, Mosbrucker, Barkis and Jacobsen spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (761) to the committee amendment was adopted.

By the adoption of amendment (761), amendment (764) was ruled out of order.

Representative Caldier moved the adoption of amendment (760) to the committee amendment:

On page 11, after line 14 of the striking amendment, insert the following:

"Sec. 6. RCW 71.24.035 and 2020 c 256 s 202 are each amended to read as follows:

(1) The authority is designated as the state behavioral health authority which includes recognition as the single state authority for substance use disorders and state mental health authority.

(2) The director shall provide for public, client, tribal, and licensed or certified behavioral health agency participation in developing the state behavioral health program, developing related contracts, and any waiver request to the federal government under medicaid.

(3) The director shall provide for participation in developing the state behavioral health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state behavioral health program.

(4) The authority shall be designated as the behavioral health administrative services organization for a regional service area if a behavioral health administrative services organization fails to meet the authority's contracting requirements or refuses to exercise the responsibilities under its contract or state law, until such time as a new behavioral health administrative services organization is designated.

(5) The director shall:

(a) Assure that any behavioral health administrative services organization, managed care organization, or community behavioral health program provides medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the authority;

(b) Develop contracts in a manner to ensure an adequate network of inpatient services, evaluation and treatment services, and facilities under chapter 71.05 RCW to ensure access to treatment, resource management services, and community support services;

(c) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for behavioral health services;

(d) Define administrative costs and ensure that the behavioral health administrative services organization does not exceed an administrative cost of ten percent of available funds;

(e) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork requirements. The audit procedure shall focus on the outcomes of service as provided in RCW 71.24.435, 70.320.020, and 71.36.025;

(f) Develop and maintain an information system to be used by the state and behavioral health administrative services organizations and managed care organizations that includes a tracking method which allows the authority to identify behavioral health clients' participation in any behavioral health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(g) Monitor and audit behavioral health administrative services organizations as needed to assure compliance with contractual agreements authorized by this chapter;

(h) Monitor and audit access to behavioral health services for individuals eligible for medicaid who are not enrolled in a managed care organization;

(i) Adopt such rules as are necessary to implement the authority's responsibilities under this chapter;

(j) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(k) Require the behavioral health administrative services organizations and the managed care organizations to develop agreements with tribal, city, and county jails and the department of corrections to accept referrals for enrollment on behalf of a confined person, prior to the person's release;

(l) Require behavioral health administrative services organizations and managed care organizations, as applicable, to provide services as identified in RCW 71.05.585 to individuals committed for involuntary commitment under less restrictive alternative court orders when:

(i) The individual is enrolled in the medicaid program; or

(ii) The individual is not enrolled in medicaid, does not have other insurance which can pay for the services, and the behavioral health administrative services organization has adequate available resources to provide the services; ((~~and~~))

(m) Coordinate with the centers for medicare and medicaid services to provide that behavioral health aide services are eligible for federal funding of up to one hundred percent; and

(n) Assure that rates paid by managed care organizations and behavioral health administrative services organizations to community-based withdrawal management providers, other than secure withdrawal management and stabilization programs, who serve low-income individuals, including enrollees in medical assistance programs, at American society of addiction medicine placement criteria level 3.7 are paid at the rate that is the greater of 80 percent of the daily rate paid by medicare for the same service or 500 dollars, adjusted annually for inflation, per day.

(6) The director shall use available resources only for behavioral health administrative services organizations and managed care organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 71.24.435, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each behavioral health administrative services organization, managed care organization, and licensed or certified behavioral health agency shall file with the secretary of the department of health or the director, on request, such data, statistics, schedules, and information as the secretary of the department of health or the director reasonably requires. A behavioral health administrative services organization, managed care organization, or licensed or certified behavioral health agency which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the contractual remedies in RCW 74.09.871 or may have its service provider certification or license revoked or suspended.

(8) The superior court may restrain any behavioral health administrative services organization, managed care organization, or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(9) Upon petition by the secretary of the department of health or the director, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary of the department of health or the director authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any behavioral health administrative services organization, managed care organization, or service provider refusing to consent to inspection or examination by the authority.

(10) Notwithstanding the existence or pursuit of any other remedy, the secretary of the department of health or the director may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or

operation of a behavioral health administrative services organization, managed care organization, or service provider without a contract, certification, or a license under this chapter.

(11) The authority shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(12) The authority, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities licensed under chapter 71.12 RCW or certified under chapter 71.05 RCW. The authority shall periodically share the results of its efforts with the appropriate committees of the senate and the house of representatives.

(13) The authority may:

(a) Plan, establish, and maintain substance use disorder prevention and substance use disorder treatment programs as necessary or desirable;

(b) Coordinate its activities and cooperate with behavioral programs in this and other states, and make contracts and other joint or cooperative arrangements with state, tribal, local, or private agencies in this and other states for behavioral health services and for the common advancement of substance use disorder programs;

(c) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(d) Keep records and engage in research and the gathering of relevant statistics; and

(e) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide substance use disorder treatment programs."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Caldier spoke in favor of the adoption of the amendment to the committee amendment.

Representative Cody spoke against the adoption of the amendment to the committee amendment.

Amendment (760) to the committee amendment was not adopted.

Representative Goodman moved the adoption of amendment (762) to the committee amendment:

On page 13, line 30, after "including" insert "persons with co-occurring substance use disorders and mental health conditions, and"

On page 13, beginning on line 33, after "by the" strike all material through "commission" on line 34 and insert "commission in collaboration with the University of Washington behavioral health institute"

On page 13, beginning on line 37, after "training, the" strike "behavioral health institute" and insert "commission"

On page 14, beginning on line 30, after "use" strike all material through "agency" on line 32 and insert "during in-service training"

On page 15, beginning on line 21, after "misdemeanor." strike all material through "treatment." on line 25 and insert "The prosecutor is encouraged to divert such cases for assessment, treatment, or other services."

On page 15, line 33, after "(2)" strike all material through "~~any~~)) A" and insert "Except as provided in RCW 69.50.4014, any"

Beginning on page 15, line 36, after "(3)" strike all material through "treatment." on page 16, line 2 and insert "The prosecutor is encouraged to divert cases under this section for assessment, treatment, or other services."

On page 17, after line 3, insert the following:

"Sec. 10. RCW 69.50.4014 and 2015 2nd sp.s. c 4 s 505 are each amended to read as follows:

Except as provided in RCW 69.50.401(2)(c) or as otherwise authorized by this chapter, any person found guilty of knowing possession of forty grams or less of marijuana is guilty of a misdemeanor. The prosecutor is encouraged to divert cases under this section for assessment, treatment, or other services."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 18, beginning on line 16, after "misdemeanor." strike all material through "treatment." on line 20 and insert "The prosecutor is encouraged to divert such cases for assessment, treatment, or other services."

On page 19, beginning on line 30, after "misdemeanor." strike all material through "treatment." on line 34 and insert "The prosecutor is encouraged to divert such cases for assessment, treatment, or other services."

On page 19, after line 34, insert the following:

"NEW SECTION. **Sec. 12.** A new section is added to chapter 10.31 RCW to read as follows:

(1) For all individuals who otherwise would be subject to arrest for possession of a counterfeit substance under RCW 69.50.4011, possession of a controlled substance under RCW 69.50.4013, possession of 40 grams or less of marijuana under RCW 69.50.4014, or possession of a legend drug under RCW 69.41.030(2)(b), in lieu of jail booking and referral to the prosecutor, law enforcement shall offer a referral to assessment and services available pursuant to RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include the recovery navigator program established under section 2 of this act.

(2) If law enforcement agency records reflect that an individual has been diverted to referral for assessment and services twice or more previously, officers may, but are not required to, make additional diversion efforts.

(3) Nothing in this section precludes prosecutors from diverting or declining to file any charges for possession offenses that are referred under RCW 69.50.4011, 69.50.4013, 69.50.4014, or 69.41.030(2)(b) in the exercise of their discretion."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 20, line 27, strike all of sections 13 through 17

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 31, at the beginning of line 10, strike all material through "(~~69.50.4014~~)" on line 11 and insert "E Possession of Marihuana < 40 grams E

(69.50.4014)"

On page 38, beginning on line 26, strike all of section 20

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 52, after line 11, insert the following:

"Sec. 24. RCW 10.64.110 and 1977 ex.s. c 259 s 1 are each amended to read as follows:

(1) Following June 15, 1977, except as provided in subsection (3) of this section, there shall be affixed to the original of every judgment and sentence of a felony conviction in every court in this state and every order adjudicating a juvenile to be a delinquent based upon conduct which would be a felony if committed by an adult, a fingerprint of the defendant or juvenile who is the subject of the order. When requested by the clerk of the court, the actual affixing of fingerprints shall be done by a representative of the office of the county sheriff.

(2) The clerk of the court shall attest that the fingerprints appearing on the judgment in sentence, order of adjudication of delinquency, or docket, is that of the individual who is the subject of the judgment or conviction, order, or docket entry.

(3) Amended judgment and sentences issued pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021), are exempt from the fingerprinting requirements in subsection (1) of this section when there are no additional offenses of conviction from the original judgment and sentence and the defendant is in custody in a correctional facility. In such cases, the

amended judgment and sentence shall reference the original judgment and sentence and the fingerprints affixed thereto."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 52, beginning on line 20, strike all of sections 25 and 26

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 52, line 33, after "Sections" strike "1 through 10, 12, 18, 19, 21 through 24, and 26" and insert "1 through 11 and 13 through 21"

On page 53, line 7, after "Sections" strike "8, 9, 11, 19, and 24" and insert "8 through 10, 12, 15, and 16"

On page 53, beginning on line 9, strike all of section 31

Renumber the remaining section consecutively and correct any internal references accordingly.

Representatives Goodman and Mosbrucker spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (762) to the committee amendment was adopted.

Representative Walsh moved the adoption of amendment (767) to the committee amendment:

On page 15, line 20 of the striking amendment, after "is a" insert "gross"

On page 15, line 33 of the striking amendment, after "(2)" strike all material through "~~any~~)) A" and insert "Except as provided in RCW 69.50.4014, any"

On page 15, line 35 of the striking amendment, after "~~RCW~~))" insert "gross"

On page 20, after line 26 of the striking amendment, strike all of sections 13 through 17

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 31, at the beginning of line 10 of the striking amendment, strike all material through "((~~69.50.4014~~))" on line 11 and insert "E Possession of Marihuana <40 grams E

69.50.4014"

On page 31, at the beginning of line 25 of the striking amendment, strike "((~~C~~))E Violation of Uniform Controlled ((~~C~~))E" and insert "((~~C~~))D Violation of Uniform Controlled ((~~C~~))D"

On page 38, after line 25 of the striking amendment, strike all of section 20

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 52, after line 19 of the striking amendment, strike all of section 25

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 52, beginning on line 30 of the striking amendment, strike all of section 26 and insert the following:

"**Sec. 26.** RCW 69.50.4014 and 2015 2nd sp.s. c 4 s 505 are each amended to read as follows:

Except as provided in RCW 69.50.401(2)(c) or as otherwise authorized by this chapter, any person found guilty of knowing possession of forty grams or less of marijuana is guilty of a misdemeanor. Where the case is legally sufficient, the prosecutor shall divert the case for treatment if the alleged violation is the person's first or second violation of this section. On a person's third and subsequent violation of this section, the prosecutor is encouraged to divert the case for treatment."

On page 53, after line 6 of the striking amendment, strike all of sections 30 and 31

Renumber the remaining section consecutively and correct any internal references accordingly.

Representatives Walsh, Sutherland, Jacobsen, Mosbrucker, Orcutt, Kraft and Dent spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Hackney, Goodman and Taylor spoke against the adoption of the amendment to the committee amendment.

MOTION

On motion of Representative Griffey, Representative McEntire was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (767) to the committee amendment and the amendment (767) was not adopted by the following vote: Yeas: 44; Nays: 53; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative McEntire

Representative Caldier moved the adoption of amendment (759) to the committee amendment:

On page 52, after line 11 of the striking amendment, insert the following:

"Sec. 24. RCW 28B.77.070 and 2019 c 413 s 7029 are each amended to read as follows:

(1) The council shall identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature for the council to make budget recommendations for allocations for major policy changes in accordance with priorities set forth in the ten-year plan, but the legislature does not intend for the council to review and make recommendations on individual institutional budgets. It is the intent of the legislature that recommendations from the council prioritize funding needs for the overall system of higher education in accordance with priorities set forth in the ten-year plan. It is also the intent of the legislature that the council's recommendations take into consideration the total per-student funding at similar public institutions of higher education in the global challenge states.

(2) By December of each odd-numbered year, the council shall outline the council's fiscal priorities under the ten-year plan that it must distribute to the institutions, the state board for community and technical colleges, the office of financial management, and the joint higher education committee.

(a) Capital budget outlines for the two-year institutions shall be submitted to the office of financial management by August 15th of each even-numbered year, and shall include the prioritized ranking of the capital projects being requested, a description of each capital project, and the amount and fund source being requested.

(b) Capital budget outlines for the four-year institutions must be submitted to the office of financial management by August 15th of each even-numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with RCW 43.88D.010; a description of each capital project; and the amount and fund source being requested.

(c) The prioritized outlines submitted to the office of financial management for two-year institutions and four-year institutions in subsection (2) of this section must prioritize major capital projects that will directly support degree programs related to mental health or substance use disorders.

((~~(c)~~)) (d) The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The council shall submit recommendations on the operating budget priorities to support the ten-year plan to the office of financial management by October 1st each year, and to the legislature by January 1st each year.

(4)(a) The office of financial management shall develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to

chapter 43.88D RCW, including projects that were previously scored but not funded. The prioritized list of capital projects shall be based on the following priorities in the following order:

(i) Office of financial management scores pursuant to chapter 43.88D RCW;

(ii) Preserving assets;

(iii) Degree production; and

(iv) Maximizing efficient use of instructional space.

(b) The office of financial management shall include all of the capital projects requested by the four-year institutions of higher education, except for the minor works projects, in the prioritized list of capital projects provided to the legislature.

(c) The form of the prioritized list for capital projects requested by the four-year institutions of higher education shall be provided as one list, ranked in priority order with the highest priority project ranked number "1" through the lowest priority project numbered last. The ranking for the prioritized list of capital projects may not:

(i) Include subpriorities;

(ii) Be organized by category;

(iii) Assume any state bond or building account biennial funding level to prioritize the list; or

(iv) Assume any specific share of projects by institution in the priority list.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental capital budget requests and revisions to the office of financial management by November 1st and to the legislature by January 1st.

(6) For the 2017-2019 fiscal biennium and the 2019-2021 fiscal biennium, pursuant to subsection (4) of this section, the office of financial management may, but is not obligated to, develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded.

Sec. 25. RCW 43.88D.010 and 2019 c 413 s 7032 are each amended to read as follows:

(1) By October 1st of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees and the four-year institutions. Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at all campuses, at existing or new university centers, or through distance learning. Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings. Facilities that cannot be economically renovated are considered replacement projects. New space may be programmed for the same or a different use than the space being replaced and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

(d) Major stand-alone campus infrastructure projects;

(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees, shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the predesign, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall ((~~take into consideration~~)): (a) Take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia((~~,~~)); and (b) prioritize major capital projects that will directly support degree programs related to mental health or substance use disorders.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions. The office of financial management, in consultation with the legislative fiscal committees, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the joint legislative audit and review committee concerning the condition of higher education facilities.

(7) By August 1st of each even-numbered year each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

(8) For the 2017-2019 fiscal biennium and the 2019-2021 fiscal biennium,

pursuant to subsection (1) of this section, by November 1, 2020, the office of financial management must score higher education capital project criteria with a rating scale that assesses how well a particular project satisfies those criteria. The office of financial management may not use a rating scale that weighs the importance of those criteria.

(9) For the 2017-2019 fiscal biennium and the 2019-2021 fiscal biennium, pursuant to subsection (6)(a) of this section and in lieu of the requirements of subsection (7) of this section, by August 15, 2020, the institutions of higher education shall prepare and submit or resubmit to the office of financial management and the legislative fiscal committees:

(a) Individual project proposals developed pursuant to subsection (1) of this section;

(b) Individual project proposals scored in prior biennia pursuant to subsection (1) of this section; and

(c) A prioritized list of up to five project proposals submitted pursuant to (a) and (b) of this subsection."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 52, line 34 of the striking amendment, after "through" strike "24, and 26" and insert "23, 26, and 28"

On page 53, line 7 of the striking amendment, after "and" strike "24" and insert "26"

On page 53, line 9 of the striking amendment, after "and" strike "25" and insert "27"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (759).

SPEAKER'S RULING

"The bill responds to the State v. Blake decision by addressing criminal penalties and diversion, establishing a substance use recovery services committee, and authorizing court commissioners to preside at hearings to resentence or vacate convictions.

Amendment (759) concerns the capital budget process for higher education institutions, a topic not addressed in the underlying bill.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

By the adoption of amendment (762), amendment (755) was ruled out of order.

Representative Mosbrucker moved the adoption of amendment (766) to the committee amendment:

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that substance use disorder is a disease and should be treated using a public health, rather than a criminal justice-centered, approach. Existing laws criminalizing the possession of drugs have been ineffective in reducing drug use and preventing substance use disorder. These laws cause significant harm to individuals who use drugs by disrupting and further destabilizing their lives. It also contributes to an increased risk of death, the spread of infectious diseases, mass incarceration, the separation of families, and barriers to accessing housing, employment, and other vital services. Furthermore, even though research shows that drugs are used and sold at similar levels across all races, laws criminalizing the use of drugs have disproportionately impacted minority communities.

This act takes the important first step of reducing the crime of possession from a felony to a gross misdemeanor and institutes greater opportunities for treatment. In coordination with this act, the legislature intends to increase funding for programs that have a proven track record of assisting individuals to break free from substance use dependency. These programs include LEAD (law enforcement assisted diversion/let everyone advance with dignity program); HOST (homeless outreach stabilization transition teams); peer-run clubhouses; opioid treatment network; project for psychiatric outreach for the homeless; mobile opioid treatment grant; peer support programs; and family navigators.

The purpose of this act is to save lives and to help transform Washington's approach to drug use from one based on criminalization and stigma to one based on science and compassion.

PART I

POSSESSION AND USE OF CONTROLLED SUBSTANCES, COUNTERFEIT SUBSTANCES, AND LEGEND DRUGS

Sec. 2. RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or knowingly possess a counterfeit substance.

(2) ((~~Any~~)) Except as provided in subsection (3) of this section, any person who violates this section with respect to:

(a) A counterfeit substance classified in Schedule I or II which is a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(b) A counterfeit substance which is methamphetamine, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(c) Any other counterfeit substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A counterfeit substance classified in Schedule IV, except flunitrazepam, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(e) A counterfeit substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3) A violation of this section involving possession is a gross misdemeanor. Where a case is legally sufficient, the prosecutor shall divert the case for treatment if the alleged violation involving possession is the person's first or second violation. On a person's third and subsequent violation involving possession, the prosecutor is encouraged to divert the case for treatment.

Sec. 3. RCW 69.50.4013 and 2017 c 317 s 15 are each amended to read as follows:

(1) It is unlawful for any person to knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a ((~~class C felony~~)) gross misdemeanor punishable under chapter 9A.20 RCW.

(3) Where a case is legally sufficient, the prosecutor shall divert the case for treatment if the alleged violation is the person's first or second violation of this section. On a person's third and subsequent violation of this section, the prosecutor is encouraged to divert the case for treatment.

(4)(a) The possession, by a person twenty-one years of age or older, of useable marijuana, marijuana concentrates, or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

((~~(4)~~)) (5)(a) The delivery by a person twenty-one years of age or older to one or more persons twenty-one years of age or older, during a single twenty-four hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following marijuana products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable marijuana;

(ii) Eight ounces of marijuana-infused product in solid form;

(iii) Thirty-six ounces of marijuana-infused product in liquid form; or

(iv) Three and one-half grams of marijuana concentrates.

(b) The act of delivering marijuana or a marijuana product as authorized under this subsection ((~~(4)~~)) (5) must meet one of the following requirements:

(i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or

(ii) The marijuana or marijuana product must be in the original packaging as purchased from the marijuana retailer.

((~~(5)~~)) (6) No person under twenty-one years of age may possess, manufacture, sell, or distribute marijuana, marijuana-infused products, or marijuana concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

((~~(6)~~)) (7) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana, marijuana-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

Sec. 4. RCW 69.50.412 and 2019 c 64 s 22 are each amended to read as follows:

(1) It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, or prepare((~~, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body~~)) a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

(2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, or prepare((~~, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body~~)) a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

(3) Any person eighteen years of age or over who violates subsection (2) of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his or her junior is guilty of a gross misdemeanor.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

(5) It is lawful for any person over the age of eighteen to possess sterile hypodermic syringes and needles for the purpose of reducing blood-borne diseases.

Sec. 5. RCW 69.41.030 and 2019 c 55 s 9 are each amended to read as follows:

(1) ((~~It~~)) Except as provided in subsection (2) of this section, it shall be unlawful for any person to sell, deliver, or knowingly possess any legend drug ((~~except~~)).

(2) The sale, delivery, or possession of a legend drug does not constitute a violation of this section upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the

board of osteopathic medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, a licensed osteopathic physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

((~~(2)~~)) (3)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving possession is a misdemeanor. Where a case is legally sufficient, the prosecutor shall divert the case for treatment if the alleged violation involving possession is the person's first or second violation. On a person's third and subsequent violation involving possession, the prosecutor is encouraged to divert the case for treatment.

Sec. 6. RCW 69.41.030 and 2020 c 80 s 41 are each amended to read as follows:

(1) ((~~It~~)) Except as provided in subsection (2) of this section, it shall be unlawful for any person to sell, deliver, or knowingly possess any legend drug ((~~except~~)).

(2) The sale, delivery, or possession of a legend drug does not constitute a violation of this section upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course

of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

((~~(2)~~)) (3)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving possession is a misdemeanor. Where a case is legally sufficient, the prosecutor shall divert the case for treatment if the alleged violation involving possession is the person's first or second violation. On a person's third and subsequent violation involving possession, the prosecutor is encouraged to divert the case for treatment.

PART II

SUBSTANCE USE RECOVERY SERVICES ADVISORY COMMITTEE

NEW SECTION. **Sec. 7.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The authority shall establish the substance use recovery services advisory committee to make recommendations for implementation of a substance use recovery services plan.

(2) The authority must, in consultation with the University of Washington department of psychiatry and behavioral sciences and an organization that represents the interests of people who have been directly impacted by substance use and the criminal legal system, appoint members to the advisory committee who have relevant background related to the needs of persons with substance use disorder. The membership of the advisory committee must include, but is not limited to, experts in the etiology and stabilization of substance use disorders, including expertise in medication-assisted treatment and other innovative medication therapies; experts in mental health and trauma and their comorbidity with substance use disorders; people who are currently using controlled substances outside the legal authority of prescription or valid practitioner order; experts in the relationship between social determinants of health, including housing and substance use disorder; experts in drug user health and harm reduction; representatives of city and county governments; a representative of urban police chiefs; a representative of rural county sheriffs; a representative of the interests of rural communities; a representative of fire chiefs; experts in peer support services; experts in substance use disorder recovery support services; experts in diversion from the criminal legal system to community-based care for people with complex behavioral health needs; experts in reducing racial disparity in exposure to the criminal legal system; an academic researcher with an expertise in drug policy and program evaluation; a substance use disorder professional; a representative of public defenders; a representative of prosecutors; a representative of the criminal justice training commission; a nongovernmental immigration attorney with expertise in the immigration consequences of drug possession and use crimes and findings of substance use disorder; recovery housing providers; low-barrier housing providers; representatives of racial justice organizations, including organizations promoting antiracism and equity in health care; a representative of a local health jurisdiction with expertise in overdose prevention and harm reduction; representatives of the interests of tribes; at least three adults in recovery from substance use disorder, including individuals with previous contact with the criminal legal system due to substance use; at least three youths in recovery from substance use disorder, including youths with previous criminal legal system contact due to substance use; and at least three family members of persons with substance use disorder. The advisory committee shall be reflective of the community of individuals living with substance use disorder, including people who are Black, indigenous, and people of color, and individuals who can represent the unique needs of rural communities.

(3) The advisory committee must make recommendations and provide perspectives to the authority regarding:

(a) Reforms to state laws that align with the goal of treating substance use disorder as a disease, rather than a criminal behavior;

(b) Current regional capacity for existing public and private programs providing substance use disorder assessments, each of the American society of addiction medicine levels of care, and recovery support services;

(c) Barriers to accessing the existing health system for those populations chronically exposed to criminal legal system responses relating to complex behavioral health conditions and the consequences of trauma, and possible innovations that could reduce those barriers and improve the quality and accessibility of care for those populations;

(d) Evidence-based, research-based, and promising treatment and recovery services appropriate for target populations, to include, but not be limited to, field-based outreach and engagement, case management, mental and physical health care, contingency management, medication-assisted treatment and other innovative medication therapies, peer support services, family education, housing, job training and employment programs, and treatments that have not traditionally been covered by insurance;

(e) Workforce needs for the behavioral health services sector, including wage and retention challenges;

(f) Options for leveraging existing integrated managed care, medicaid waiver, American Indian or Alaska Native fee-for-service behavioral health benefits, and private insurance service capacity for substance use disorders, including but not limited to coordination with managed care organizations, behavioral health administrative services organizations, the Washington health benefit exchange, accountable communities of health, and the office of the insurance commissioner;

(g) Framework and design assistance for jurisdictions to assist in compliance with the requirements of RCW 10.31.110 for diversion of individuals with complex behavioral health conditions to community-based care whenever possible and appropriate, and identifying resource gaps that impede jurisdictions in fully realizing the potential impact of this approach;

(h) The design of a referral mechanism for referring people with substance use disorder or problematic behaviors resulting from drug use into the supportive services described in this section, including intercepting individuals who likely would otherwise be referred into the criminal legal system, with the express intention of ensuring that decriminalization of possession of personal use amounts does not inadvertently contribute to increased racial disparity among those who continue to be exposed to the criminal legal system due to income instability and involvement in the illicit economy to meet basic needs;

(i) The establishment of regional programs to serve persons who are homeless and living with serious substance use disorders;

(j) The implementation of a comprehensive statewide substance misuse prevention effort;

(k) The establishment of a competitive grant process to broaden existing local community coalition efforts to prevent substance misuse by increasing protective factors and reducing risk factors;

(l) The establishment of programs that meet the needs of youth, including family support services;

(m) The establishment of programs that prioritize access to treatment and services for parents with substance use disorder who are involved with the state child welfare system;

(n) The design of ongoing qualitative and quantitative research about the types of services desired by people with substance use disorders and barriers they experience in accessing existing and recommended services; and

(o) Proposing a funding framework in which, over time, resources are shifted from punishment sectors to community-based care interventions such that community-based care becomes the primary strategy for addressing and resolving public order issues related to behavioral health conditions.

(4) The plan adopted by the authority must give due consideration to the needs of youth. The authority shall submit a summary report of the substance use recovery services plan and recommended changes to the law to the appropriate

committees of the legislature by October 1, 2022. The authority shall submit an interim report on the progress of the advisory committee to the appropriate committees of the legislature by December 1, 2021.

(5) This section expires December 31, 2023.

PART III

RESENTENCING AND RELEASE OF PERSONS IMPACTED BY *STATE V. BLAKE*

Sec. 8. RCW 2.24.010 and 2013 c 27 s 3 are each amended to read as follows:

(1) There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein, one or more court commissioners for said county or judicial district. Each such commissioner shall be a citizen of the United States and shall hold the office during the pleasure of the judges making the appointment.

(2)(a) There may be appointed ((~~in counties with a population of more than four hundred thousand,~~)) by the presiding judge of the superior court having jurisdiction ((~~therein~~)), one or more attorneys to act as criminal commissioners to assist the superior court in disposing of adult criminal cases. Such criminal commissioners shall have power, authority, and jurisdiction, concurrent with the superior court and the judges thereof, in adult criminal cases, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; accept waivers of the right to speedy trial; and authorize and issue search warrants and orders to intercept, monitor, or record wired or wireless telecommunications or for the installation of electronic taps or other devices to include, but not be limited to, vehicle global positioning system or other mobile tracking devices with all the powers conferred upon the judge of the superior court in such matters. Criminal commissioners also shall have the authority to conduct resentencing hearings and to vacate convictions pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021).

(b) The county legislative authority must approve the creation of criminal commissioner positions.

Sec. 9. RCW 2.24.040 and 2009 c 28 s 1 are each amended to read as follows:

Such court commissioner shall have power, authority, and jurisdiction, concurrent with the superior court and the judge thereof, in the following particulars:

(1) To hear and determine all matters in probate, to make and issue all proper orders therein, and to issue citations in all cases where same are authorized by the probate statutes of this state.

(2) To grant and enter defaults and enter judgment thereon.

(3) To issue temporary restraining orders and temporary injunctions, and to fix and approve bonds thereon.

(4) To act as referee in all matters and actions referred to him or her by the superior court as such, with all the powers now conferred upon referees by law.

(5) To hear and determine all proceedings supplemental to execution, with all the powers conferred upon the judge of the superior court in such matters.

(6) To hear and determine all petitions for the adoption of children and for the dissolution of incorporations.

(7) To hear and determine all applications for the commitment of any person to the hospital for the insane, with all the powers of the superior court in such matters: PROVIDED, That in cases where a jury is demanded, same shall be referred to the superior court for trial.

(8) To hear and determine all complaints for the commitments of minors with all powers conferred upon the superior court in such matters.

(9) To hear and determine ex parte and uncontested civil matters of any nature.

(10) To grant adjournments, administer oaths, preserve order, compel attendance of witnesses, and to punish for contempts in the refusal to obey or the neglect of the court commissioner's lawful orders made in any matter before the court commissioner as fully as the judge of the superior court.

(11) To take acknowledgments and proofs of deeds, mortgages and all other instruments requiring acknowledgment under the laws of this state, and to take affidavits and depositions in all cases.

(12) To provide an official seal, upon which shall be engraved the words "Court Commissioner," and the name of the county for which he or she may be appointed, and to authenticate his official acts therewith in all cases where same is necessary.

(13) To charge and collect, for his or her own use, the same fees for the official performance of official acts mentioned in subsections (4) and (11) of this section as are provided by law for referees and notaries public.

(14) To hear and determine small claims appeals as provided in chapter 12.36 RCW.

(15) In adult criminal cases, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; ((~~and~~)) accept waivers of the right to speedy trial; and conduct resentencing hearings and to vacate convictions pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021).

Sec. 10. RCW 9.94A.728 and 2018 c 166 s 2 are each amended to read as follows:

(1) No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(a) An offender may earn early release time as authorized by RCW 9.94A.729;

(b) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(c)(i) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(A) The offender has a medical condition that is serious and is expected to require costly care or treatment;

(B) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and

(C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(ii) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(iii) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(iv) The secretary may revoke an extraordinary medical placement under this subsection (1)(c) at any time.

(v) Persistent offenders are not eligible for extraordinary medical placement;

(d) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(e) No more than the final twelve months of the offender's term of confinement may be served in partial confinement for aiding the offender with: Finding work as part of the work release program under chapter 72.65 RCW; or reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(f) No more than the final six months of the offender's term of confinement may

be served in partial confinement as home detention as part of the graduated reentry program developed by the department under RCW 9.94A.733;

(g) The governor may pardon any offender;

(h) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(i) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870;

(j) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540; and

(k) Any person convicted of one or more crimes committed prior to the person's eighteenth birthday may be released from confinement pursuant to RCW 9.94A.730.

(2) Notwithstanding any other provision of this section, an offender entitled to vacation of a conviction or the recalculation of his or her offender score pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement pursuant to a court order if the offender has already served a period of confinement that exceeds his or her new standard range. This provision does not create an independent right to release from confinement prior to resentencing.

(3) Offenders residing in a juvenile correctional facility placement pursuant to RCW 72.01.410(1)(a) are not subject to the limitations in this section.

NEW SECTION. **Sec. 11.** The *State v. Blake* reimbursement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for state and local government costs resulting from the supreme court's decision in *State v. Blake* and to reimburse individuals for legal financial obligations paid in connection with sentences that have been invalidated as a result of the decision in *State v. Blake*.

PART IV

MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 12.** Section 5 of this act expires July 1, 2022.

NEW SECTION. **Sec. 13.** Section 6 of this act takes effect July 1, 2022.

NEW SECTION. **Sec. 14.** Sections 1 through 5, and 7 through 11 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

Correct the title."

Representatives Mosbrucker, Sutherland and Caldier spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Harris-Talley and Goodman spoke against the adoption of the amendment to the committee amendment.

Amendment (766) to the committee amendment was not adopted.

The committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Davis, Klippert, Bateman, Taylor, Berg, Barkis, Harris-Talley, Dent, Goodman, Chambers and Mosbrucker spoke in favor of the passage of the bill.

Representatives Graham, Griffey, Walsh and Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5476, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5476, as amended by the House, and the bill passed the House by the following vote: Yeas, 80; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chapman, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby,

Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Chase, Chopp, Dufault, Graham, Hoff, Kraft, Macri, McCaslin, McEntire, Simmons, Stokesbary, Sutherland, Vick, Walsh, Wilcox and Young.

ENGROSSED SENATE BILL NO. 5476, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084, by Senate Committee on Ways & Means (originally sponsored by Frockt, Mullet and C. Wilson)

Concerning state general obligation bonds and related accounts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger, Steele and Hackney spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5084.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5084, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase and Kraft.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING
MESSAGE FROM THE SENATE

April 23, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1080 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2023, out of the several funds specified in this act.

(2) The definitions in this subsection apply throughout this act unless the context clearly requires otherwise.

(a) "Fiscal year 2022" or "FY 2022" means the period beginning July 1, 2021, and ending June 30, 2022.

(b) "Fiscal year 2023" or "FY 2023" means the period beginning July 1, 2022, and ending June 30, 2023.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

(3) Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(4) The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for

informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2023-2025 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

(5) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2021, from the 2019-2021 biennial appropriations for each project.

PART 1

GENERAL GOVERNMENT

NEW SECTION. **Sec. 1001. FOR THE ADMINISTRATOR FOR THE COURTS**

Trial Court Security Improvements (91000001)

Appropriation:

State Building Construction Account—State $750,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $750,000

NEW SECTION. **Sec. 1002. FOR THE COURT OF APPEALS**

Division III Roof Replacement and Maintenance (30000003)

Reappropriation:

State Building Construction Account—State $27,000

Prior Biennia (Expenditures) $235,000

Future Biennia (Projected Costs) $0

TOTAL $262,000

NEW SECTION. **Sec. 1003. FOR THE OFFICE OF THE SECRETARY OF STATE**

Library-Archives Building (30000033)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 1003, chapter 2, Laws of 2018.

(2) The secretary of state must enter into a financial contract for up to $119,000,000, pursuant to section 7002(3) of this act.

Reappropriation:

State Building Construction Account—State $4,078,000

Prior Biennia (Expenditures) $1,222,000

Future Biennia (Projected Costs) $0

TOTAL $5,300,000

NEW SECTION. **Sec. 1004. FOR THE OFFICE OF THE SECRETARY OF STATE**

State Archives Minor Works Projects (30000042)

Reappropriation:

State Building Construction Account—State $471,000

Prior Biennia (Expenditures) $102,000

Future Biennia (Projected Costs) $0

TOTAL $573,000

NEW SECTION. **Sec. 1005. FOR THE OFFICE OF THE SECRETARY OF STATE**

WTBBL Security Improvements (30000043)

Appropriation:

Washington State Library Operations Account—

Federal $510,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $510,000

NEW SECTION. **Sec. 1006. FOR THE OFFICE OF THE SECRETARY OF STATE**

Archives Minor Works (30000044)

Appropriation:

State Building Construction Account—State $325,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $325,000

NEW SECTION. **Sec. 1007. FOR THE DEPARTMENT OF COMMERCE**

Community Economic Revitalization Board (30000097)

Reappropriation:

Public Facility Construction Loan Revolving

Account—State $8,020,000

Prior Biennia (Expenditures) $10,000,000

Future Biennia (Projected Costs) $0

TOTAL $18,020,000

NEW SECTION. **Sec. 1008. FOR THE DEPARTMENT OF COMMERCE**

Public Works Assistance Account Program 2013 Loan List (30000184)

Reappropriation:

Public Works Assistance Account—State $1,523,000

Prior Biennia (Expenditures) $32,378,000

Future Biennia (Projected Costs) $0

TOTAL $33,901,000

NEW SECTION. **Sec. 1009. FOR THE DEPARTMENT OF COMMERCE**

Clean Energy and Energy Freedom Program (30000726)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6003, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:

State Building Construction Account—State $6,302,000

State Taxable Building Construction Account—

State $2,997,000

Subtotal Reappropriation $9,299,000

Prior Biennia (Expenditures) $31,101,000

Future Biennia (Projected Costs) $0

TOTAL $40,400,000

NEW SECTION. **Sec. 1010. FOR THE DEPARTMENT OF COMMERCE**

Building Communities Fund Program (30000803)

Reappropriation:

State Building Construction Account—State $1,497,000

Prior Biennia (Expenditures) $18,168,000

Future Biennia (Projected Costs) $0

TOTAL $19,665,000

NEW SECTION. **Sec. 1011. FOR THE DEPARTMENT OF COMMERCE**

Housing Trust Fund Appropriation (30000833)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1005, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Taxable Building Construction Account—

State $1,492,000

Prior Biennia (Expenditures) $78,508,000

Future Biennia (Projected Costs) $0

TOTAL $80,000,000

NEW SECTION. **Sec. 1012. FOR THE DEPARTMENT OF COMMERCE**

2015-17 Community Economic Revitalization Board Program (30000834)

Reappropriation:

Public Facility Construction Loan Revolving

Account—State $3,000,000

Prior Biennia (Expenditures) $7,600,000

Future Biennia (Projected Costs) $0

TOTAL $10,600,000

NEW SECTION. **Sec. 1013. FOR THE DEPARTMENT OF COMMERCE**

Ultra-Efficient Affordable Housing Demonstration (30000836)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1006, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Washington Housing Trust Account—State $600,000

Prior Biennia (Expenditures) $1,900,000

Future Biennia (Projected Costs) $0

TOTAL $2,500,000

NEW SECTION. **Sec. 1014. FOR THE DEPARTMENT OF COMMERCE**

2017 Local and Community Projects (30000846)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:

State Building Construction Account—State $1,750,000

Prior Biennia (Expenditures) $9,128,000

Future Biennia (Projected Costs) $0

TOTAL $10,878,000

NEW SECTION. **Sec. 1015. FOR THE DEPARTMENT OF COMMERCE**

2017-19 Housing Trust Fund Program (30000872)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6001, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $5,716,000

State Taxable Building Construction Account—State $24,810,000

Washington Housing Trust Account—State $1,578,000

Subtotal Reappropriation $32,104,000

Prior Biennia (Expenditures) $79,386,000

Future Biennia (Projected Costs) $0

TOTAL $111,490,000

NEW SECTION. **Sec. 1016. FOR THE DEPARTMENT OF COMMERCE**

Economic Opportunity Grants (30000873)

Reappropriation:

Rural Washington Loan Account—State $1,000,000

Prior Biennia (Expenditures) $5,750,000

Future Biennia (Projected Costs) $0

TOTAL $6,750,000

NEW SECTION. **Sec. 1017. FOR THE DEPARTMENT OF COMMERCE**

2017-19 Youth Recreational Facilities Grant Program (30000875)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1008, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $3,155,000

Prior Biennia (Expenditures) $3,752,000

Future Biennia (Projected Costs) $0

TOTAL $6,907,000

NEW SECTION. **Sec. 1018. FOR THE DEPARTMENT OF COMMERCE**

2017-19 Building for the Arts Grant Program (30000877)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $1,000,000

Prior Biennia (Expenditures) $11,000,000

Future Biennia (Projected Costs) $0

TOTAL $12,000,000

NEW SECTION. **Sec. 1019. FOR THE DEPARTMENT OF COMMERCE**

Public Works Assistance Account Construction Loans (30000878)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1019, chapter 413, Laws of 2019.

Reappropriation:

State Taxable Building Construction Account—

State $38,000,000

Prior Biennia (Expenditures) $39,220,000

Future Biennia (Projected Costs) $0

TOTAL $77,220,000

NEW SECTION. **Sec. 1020. FOR THE DEPARTMENT OF COMMERCE**

Weatherization Plus Health Matchmaker Program (30000879)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1014, chapter 298, Laws of 2018.

Reappropriation:

State Taxable Building Construction Account—

State $376,000

Prior Biennia (Expenditures) $23,124,000

Future Biennia (Projected Costs) $0

TOTAL $23,500,000

NEW SECTION. **Sec. 1021. FOR THE DEPARTMENT OF COMMERCE**

Clean Energy Funds 3 (30000881)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6006, chapter 413, Laws of 2019.

Reappropriation:

Energy Efficiency Account—State $5,362,000

State Building Construction Account—State $29,402,000

Subtotal Reappropriation $34,764,000

Prior Biennia (Expenditures) $11,336,000

Future Biennia (Projected Costs) $0

TOTAL $46,100,000

NEW SECTION. **Sec. 1022. FOR THE DEPARTMENT OF COMMERCE**

Energy Efficiency and Solar Grants (30000882)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6007, chapter 413, Laws of 2019.

Reappropriation:

Energy Efficiency Account—State $4,448,000

State Building Construction Account—State $3,279,000

Subtotal Reappropriation $7,727,000

Prior Biennia (Expenditures) $3,273,000

Future Biennia (Projected Costs) $0

TOTAL $11,000,000

NEW SECTION. **Sec. 1023. FOR THE DEPARTMENT OF COMMERCE**

2017-19 Building Communities Fund Grant (30000883)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1015, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $1,700,000

Prior Biennia (Expenditures) $26,200,000

Future Biennia (Projected Costs) $0

TOTAL $27,900,000

NEW SECTION. **Sec. 1024. FOR THE DEPARTMENT OF COMMERCE**

2018 Local and Community Projects (40000005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6002, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $42,896,000

Prior Biennia (Expenditures) $87,441,000

Future Biennia (Projected Costs) $0

TOTAL $130,337,000

NEW SECTION. **Sec. 1025. FOR THE DEPARTMENT OF COMMERCE**

Early Learning Facility Grants (40000006)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1005, chapter 298, Laws of 2018.

Reappropriation:

Early Learning Facilities Development Account—

State $999,000

Early Learning Facilities Revolving Account—

State $3,000,000

Subtotal Reappropriation $3,999,000

Prior Biennia (Expenditures) $11,501,000

Future Biennia (Projected Costs) $0

TOTAL $15,500,000

NEW SECTION. **Sec. 1026. FOR THE DEPARTMENT OF COMMERCE**

Dental Clinic Capacity Grants (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1002, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $2,000,000

Prior Biennia (Expenditures) $13,534,000

Future Biennia (Projected Costs) $0

TOTAL $15,534,000

NEW SECTION. **Sec. 1027. FOR THE DEPARTMENT OF COMMERCE**

PWAA Preconstruction and Emergency Loan Programs (40000009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1027, chapter 413, Laws of 2019.

Reappropriation:

State Taxable Building Construction Account—

State $9,000,000

Prior Biennia (Expenditures) $10,000,000

Future Biennia (Projected Costs) $0

TOTAL $19,000,000

NEW SECTION. **Sec. 1028. FOR THE DEPARTMENT OF COMMERCE**

Behavioral Health Community Capacity (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $30,000,000

Prior Biennia (Expenditures) $53,099,000

Future Biennia (Projected Costs) $0

TOTAL $83,099,000

NEW SECTION. **Sec. 1029. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Housing Trust Fund Program (40000036)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1003, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $22,388,000

State Taxable Building Construction Account—

State $116,348,000

Subtotal Reappropriation $138,736,000

Prior Biennia (Expenditures) $34,014,000

Future Biennia (Projected Costs) $0

TOTAL $172,750,000

NEW SECTION. **Sec. 1030. FOR THE DEPARTMENT OF COMMERCE**

Public Works Board (40000038)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1020, chapter 356, Laws of 2020.

Reappropriation:

Public Works Assistance Account—State $61,800,000

Prior Biennia (Expenditures) $31,778,000

Future Biennia (Projected Costs) $0

TOTAL $93,578,000

NEW SECTION. **Sec. 1031. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Building for the Arts Grant Program (40000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1032, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $3,724,000

Prior Biennia (Expenditures) $6,600,000

Future Biennia (Projected Costs) $0

TOTAL $10,324,000

NEW SECTION. **Sec. 1032. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Community Economic Revitalization Board (40000040)

Reappropriation:

Public Facility Construction Loan Revolving

Account—State $18,600,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $18,600,000

NEW SECTION. **Sec. 1033. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Youth Recreational Facilities Grant Program (40000041)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1034, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $4,238,000

Prior Biennia (Expenditures) $1,642,000

Future Biennia (Projected Costs) $0

TOTAL $5,880,000

NEW SECTION. **Sec. 1034. FOR THE DEPARTMENT OF COMMERCE**

Clean Energy Transition 4 (40000042)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1005, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $20,881,000

State Taxable Building Construction Account—

State $11,249,000

Subtotal Reappropriation $32,130,000

Prior Biennia (Expenditures) $470,000

Future Biennia (Projected Costs) $0

TOTAL $32,600,000

NEW SECTION. **Sec. 1035. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Building Communities Fund Program (40000043)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1036, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $20,000,000

Prior Biennia (Expenditures) $16,785,000

Future Biennia (Projected Costs) $0

TOTAL $36,785,000

NEW SECTION. **Sec. 1036. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Early Learning Facilities (40000044)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1006, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $8,000,000

Early Learning Facilities Revolving Account—

State $20,000,000

Early Learning Facilities Development Account—

State $1,500,000

Subtotal Reappropriation $29,500,000

Prior Biennia (Expenditures) $5,520,000

Future Biennia (Projected Costs) $0

TOTAL $35,020,000

NEW SECTION. **Sec. 1037. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Weatherization (40000048)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1038, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $11,970,000

Prior Biennia (Expenditures) $8,030,000

Future Biennia (Projected Costs) $0

TOTAL $20,000,000

NEW SECTION. **Sec. 1038. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Energy Efficiency and Solar Grants Program (40000049)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1023, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $12,362,000

Prior Biennia (Expenditures) $138,000

Future Biennia (Projected Costs) $0

TOTAL $12,500,000

NEW SECTION. **Sec. 1039. FOR THE DEPARTMENT OF COMMERCE**

Rural Rehabilitation Loan Program (40000052)

Reappropriation:

State Taxable Building Construction Account—

State $4,986,000

Prior Biennia (Expenditures) $14,000

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 1040. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Behavioral Health Capacity Grants (40000114)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1010, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $90,000,000

Prior Biennia (Expenditures) $36,151,000

Future Biennia (Projected Costs) $0

TOTAL $126,151,000

NEW SECTION. **Sec. 1041. FOR THE DEPARTMENT OF COMMERCE**

2020 Local and Community Projects (40000116)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1011, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $94,196,000

Prior Biennia (Expenditures) $73,011,000

Future Biennia (Projected Costs) $0

TOTAL $167,207,000

NEW SECTION. **Sec. 1042. FOR THE DEPARTMENT OF COMMERCE**

Washington Broadband Program (40000117)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1012, chapter 356, Laws of 2020.

Reappropriation:

Statewide Broadband Account—State $20,500,000

Prior Biennia (Expenditures) $1,050,000

Future Biennia (Projected Costs) $0

TOTAL $21,550,000

NEW SECTION. **Sec. 1043. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Behavioral Rehabilitation Services Capacity Grants (40000124)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1044, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $1,975,000

Prior Biennia (Expenditures) $25,000

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

NEW SECTION. **Sec. 1044. FOR THE DEPARTMENT OF COMMERCE**

Housing for Farmworkers (91000457)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1065, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account—

State $103,000

Prior Biennia (Expenditures) $26,947,000

Future Biennia (Projected Costs) $0

TOTAL $27,050,000

NEW SECTION. **Sec. 1045. FOR THE DEPARTMENT OF COMMERCE**

Clean Energy and Energy Freedom Program (91000582)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1074, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State $625,000

Prior Biennia (Expenditures) $35,369,000

Future Biennia (Projected Costs) $0

TOTAL $35,994,000

NEW SECTION. **Sec. 1046. FOR THE DEPARTMENT OF COMMERCE**

CERB Administered Broadband Infrastructure (91000943)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriations are subject to the provisions of section 1008, chapter 298, Laws of 2018.

(2) The appropriations must be used for projects that use a technology-neutral approach in order to expand access at the lowest cost to the most unserved or underserved residents.

Reappropriation:

Public Works Assistance Account—State $3,450,000

State Taxable Building Construction Account—

State $6,600,000

Subtotal Reappropriation $10,050,000

Appropriation:

Coronavirus Capital Projects Account—Federal $25,000,000

Prior Biennia (Expenditures) $3,400,000

Future Biennia (Projected Costs) $0

TOTAL $38,450,000

NEW SECTION. **Sec. 1047. FOR THE DEPARTMENT OF COMMERCE**

2019 Local and Community Projects (91001157)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1017, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $9,000,000

Prior Biennia (Expenditures) $31,530,000

Future Biennia (Projected Costs) $0

TOTAL $40,530,000

NEW SECTION. **Sec. 1048. FOR THE DEPARTMENT OF COMMERCE**

Library Capital Improvement Program (91001239)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1053, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $6,000,000

Prior Biennia (Expenditures) $6,838,000

Future Biennia (Projected Costs) $0

TOTAL $12,838,000

NEW SECTION. **Sec. 1049. FOR THE DEPARTMENT OF COMMERCE**

Dental Capacity Grants (91001306)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1056, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $903,000

Prior Biennia (Expenditures) $675,000

Future Biennia (Projected Costs) $0

TOTAL $1,578,000

NEW SECTION. **Sec. 1050. FOR THE DEPARTMENT OF COMMERCE**

Buy Clean, Buy Fair Washington Pilot (91001679)

The appropriation in this section is subject to the following conditions and limitations:

(1) By June 15, 2021, the department must coordinate with the following projects: (a) University of Washington College of Engineering Interdisciplinary Education and Research Center (30000492); and (b) University of Washington UW Tacoma (20102002). The awarding authorities for these projects

must collaborate with the University of Washington college of built environments to test proposed methods and availability of environmental product declarations and working condition information, as defined in subsection (3) of this section.

(2) The awarding authority shall require the successful bidder for a contract to submit the following information for at least 90 percent of the cost of each covered product used in the project:

(a) Product quantity;

(b) A current environmental product declaration;

(c) Health certifications, if any, completed for the product;

(d) Manufacturer name and location, including state or province and country;

(e) Measures taken, if any, to promote the international labor organization's four fundamental principles and rights at work within the manufacturer supply chain;

(f) Names and locations, including state or province and country, of the actual production facilities; and

(g) Working condition information for the actual production facilities for all employees.

(3) For the purposes of this section:

(a) "Actual production facilities" means the final manufacturing facility and the facilities at which production processes occur that contribute to 80 percent or more of the product's cradle-to-gate global warming potential, as reflected in the environmental product declaration.

(b) "Awarding authority" means the University of Washington capital planning and portfolio management.

(c) "Covered product" means structural concrete products, reinforcing steel products, structural steel products, and engineered wood products.

(d) "Environmental product declaration" means a supply chain specific type III environmental product declaration as defined by the international organization for standardization standard 14025 or similarly robust life-cycle assessment methods that have uniform standards in data collection consistent with the international organization for standardization standard 14025, industry acceptance, and integrity.

(e) "Health certification" means a health product declaration, as reported in accordance with the health product declaration open standard, and any product certification that includes health-related criteria.

(f) "International labor organization's four fundamental principles and rights at work" means: Effective abolition of child labor; elimination of discrimination in respect of employment and occupation; elimination of all forms of forced or compulsory labor; and freedom of association and the effective recognition of the right to collective bargaining.

(g) "Working condition information" means the:

(i) Average number of employees by employment type: Full time, part time, and temporary;

(ii) Average hourly wage, including all nondiscretionary wages and bonuses, by quartiles;

(iii) Hours worked by weekly hour bands: One-19 hours, 20-29 hours, 30-39 hours, 40-49 hours, 50-59 hours, and 60 or more hours;

(iv) Maximum number of hours that an employee can be required to work per week; and

(v) Percent of employees covered by a collective bargaining agreement.

(4) The department shall include the information collected in this section in their report to the legislature, the case study analysis of environmental and labor reporting requirements for state funded construction projects required in section 129, chapter . . ., Laws of 2021 (House Bill No. 1094).

Appropriation:

State Building Construction Account—State $150,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $150,000

NEW SECTION. **Sec. 1051. FOR THE DEPARTMENT OF COMMERCE**

Projects for Jobs & Economic Development (92000151)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1058, chapter 413, Laws of 2019.

Reappropriation:

Public Facility Construction Loan Revolving

Account—State $97,000

State Building Construction Account—State $900,000

Subtotal Reappropriation $997,000

Prior Biennia (Expenditures) $35,640,000

Future Biennia (Projected Costs) $0

TOTAL $36,637,000

NEW SECTION. **Sec. 1052. FOR THE DEPARTMENT OF COMMERCE**

Projects that Strengthen Communities & Quality of Life (92000230)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6006, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State $1,000,000

Prior Biennia (Expenditures) $31,088,000

Future Biennia (Projected Costs) $0

TOTAL $32,088,000

NEW SECTION. **Sec. 1053. FOR THE DEPARTMENT OF COMMERCE**

Local & Community Projects 2016 (92000369)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6009, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $11,000,000

Prior Biennia (Expenditures) $117,919,000

Future Biennia (Projected Costs) $0

TOTAL $128,919,000

NEW SECTION. **Sec. 1054. FOR THE DEPARTMENT OF COMMERCE**

Disaster Emergency Response (92000377)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1009, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State $24,000

Prior Biennia (Expenditures) $1,785,000

Future Biennia (Projected Costs) $0

TOTAL $1,809,000

NEW SECTION. **Sec. 1055. FOR THE DEPARTMENT OF COMMERCE**

Seattle Vocational Institute (40000136)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1009, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $1,105,000

State Taxable Building Construction Account—

State $175,000

Subtotal Reappropriation $1,280,000

Prior Biennia (Expenditures) $20,000

Future Biennia (Projected Costs) $0

TOTAL $1,300,000

NEW SECTION. **Sec. 1056. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Youth Recreational Facilities Grant Program (40000139)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.135.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Plus Delta After School Studios $16,000

Boys & Girls Club of Lewis County $14,000

Multicultural Child and Family Hope Center $250,000

Coyote Central $455,000

MLK Family Arts Mentoring & Enrichment

Community Center $15,000

Bellevue Boys & Girls Club $156,000

Northwest's Child $16,000

Bainbridge Island Child Care Centers $200,000

Animals as Natural Therapy $33,000

Seattle JazzED $1,837,000

Starfire Sports $35,000

Whitewater Aquatics Management $62,000

Boys & Girls Club of Spokane County $600,000

Appropriation:

State Building Construction Account—State $3,689,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $3,689,000

NEW SECTION. **Sec. 1057. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Early Learning Facilities-School Districts Grant (40000140)

The appropriation in this section is subject to the following conditions and limitations: $4,719,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Selah Robert Lince ELC and Kindergarten—Phase 2 $856,000

Pasco School District Lakeview ELC $200,000

Bethel Early Learning Center $856,000

Walla Walla Center for Children and Families $55,000

Bellingham Integrating Early Learning into New

District Office $456,000

Evergreen Burton ECE Center: Expanding Access to

Quality Care $667,000

Mount Baker Early Childhood Expansion $434,000

Soap Lake Elementary School Conversion to Early

Learning Facility $856,000

Ridgefield ELC—Phase 2 $339,000

Appropriation:

Early Learning Facilities Development Account—

State $4,719,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,719,000

NEW SECTION. **Sec. 1058. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Public Works Assistance Account-Construction (40000141)

Appropriation:

Public Works Assistance Account—State $129,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $129,000,000

NEW SECTION. **Sec. 1059. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Building Communities Fund Grant Program (40000142)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.125.

(2) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) $29,896,000 of the appropriation is provided solely for the following list of projects:

Reliable Enterprises $21,000

Sauk-Suiattle Indian Tribe $175,000

Chief Seattle Club $1,407,000

YouthCare $1,563,000

Community Youth Services $203,000

Nisqually Indian Tribe $3,500,000

HealthPoint $3,029,000

NEW Health Programs Association $970,000

Rainier Valley Food Bank $770,000

Coastal Community Action Program $2,990,000

NATIVE Project $1,438,000

Eritrean Association in Greater Seattle $514,000

White Center Community Development Association $2,700,000

Lewis County Seniors $300,000

Volunteers of America of Eastern Washington and

Northern Idaho $2,500,000

Ethiopian Community in Seattle $745,000

Seven Acres Foundation $2,500,000

Sea Mar Community Health $1,700,000

Asian Pacific Cultural Center $1,539,000

Sea Mar Community Health Centers $1,332,000

(4) $250,000 of the amount in this section is provided solely for the department to provide technical assistance to organizations interested in applying for the building communities fund grants.

Appropriation:

State Building Construction Account—State $30,146,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $30,146,000

NEW SECTION. **Sec. 1060. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Building for the Arts Grant Program (40000143)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.750.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Port Angeles Waterfront Center dba Field Arts &

Events Hall $2,000,000

Path with Art $1,757,000

Classical 98.1 $814,000

Hands On Children's Museum $1,600,000

Orcas Center $133,000

Village Theatre's Francis Gaudette Theatre $257,000

Bellevue Arts Museum Capital Improvements 243,000

Cornish College of the Arts $1,600,000

Roxy Bremerton Foundation $269,000

Pilchuck Glass School $135,000

Sequim City Band $250,000

Washington Center for the Performing Arts $1,464,000

Imagine Children's Museum $31,000

Confederated Tribes of the Chehalis Reservation $1,600,000

Seattle Symphony Orchestra $418,000

Bainbridge Performing Arts $1,600,000

Kirkland Arts Center $220,000

Village Theatre's New Technical Studio Warehouse $409,000

Mini Mart City Park $200,000

Museum of Northwest Art $500,000

Harlequin Productions $500,000

Appropriation:

State Building Construction Account—State $16,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $16,000,000

NEW SECTION. **Sec. 1061. FOR THE DEPARTMENT OF COMMERCE**

2021-23 CERB Capital Construction (40000144)

Appropriation:

Public Facility Construction Loan Revolving

Account—State $10,000,000

State Taxable Building Construction Account—

State $15,000,000

Subtotal Appropriation $25,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $25,000,000

NEW SECTION. **Sec. 1062. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Pacific Tower Capital Improvements (40000145)

Appropriation:

State Taxable Building Construction Account—

State $1,165,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $7,815,000

TOTAL $8,980,000

NEW SECTION. **Sec. 1063. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Library Capital Improvement Program (LCIP) Grants (40000147)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a local library capital improvement grant program for the following list of projects:

City of Colville $264,000

Sno-Isle Regional Inter-County Libraries (Langley) $700,000

Stevens County Rural Library District (Loon Lake) $649,000

Stevens County Rural Library District (Chewelah) $90,000

North Olympic Library System (Sequim) $2,000,000

Spokane County Library District (Spokane Valley) $2,000,000

Jefferson County Rural Library District (Port Hadlock) $285,000

Stevens County Rural Library District (Northport) $50,000

North Central Regional Library (Wenatchee) $798,000

City of Seattle $1,889,000

Pend Oreille County Library District (Metaline Falls) $40,000

Upper Skagit Library District (Concrete) $209,000

City of Cashmere $14,000

Town of Coulee City $760,000

Sno-Isle Regional Inter-County Libraries (Darrington) $250,000

Fort Vancouver Regional Library Foundation (Woodland) $2,000,000

City of Mount Vernon $2,000,000

Sno-Isle Regional Inter-County Libraries (Lake Stevens) $1,100,000

Camas Library Improvements (Camas) $515,000

Ephrata Public Library (Ephrata) $91,000

Lake Stevens Early Learning Library (Lake Stevens) $2,000,000

(2) The department must establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to assist libraries operated by governmental units, as defined in RCW 27.12.010, in acquiring, constructing, repairing, or rehabilitating facilities.

(3) The department must establish a committee to develop the grant program criteria and review proposals. The committee must be composed of five members as provided in this subsection. The committee must include: (a) A representative from the department of commerce; (b) a representative from the department of archaeology and historic preservation; (c) the state librarian; (d) a representative from a library district; and (e) a representative from a municipal library.

(4) The department must conduct a statewide solicitation of project applications. The department must evaluate and rank applications in consultation with the committee established in subsection (3) of this section, using objective criteria. The ranking of projects must prioritize library district facilities listed on a local, state, or federal register of historic places and those located in distressed or rural counties. The evaluation and ranking process must also include an examination of existing assets that applicants propose to apply to projects. Grant assistance under this section may not exceed 50 percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(5) The department must submit a prioritized list of recommended projects to the governor and the legislature by October 1, 2022, for inclusion in the department of commerce's 2023-2025 biennial capital budget request. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. Individual grants may not exceed $2,000,000. The total amount of recommended state funding for the projects on a biennial project list may not exceed $10,000,000.

(6) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant.

(7) The department must assist grant recipients under this section to apply for applicable competitive federal grant funding and, upon receipt of any such funding, an equal amount of the state building construction account—state appropriation must be placed in unallotted status.

Appropriation:

State Building Construction Account—State $17,704,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $30,000,000

TOTAL $47,704,000

NEW SECTION. **Sec. 1064. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Clean Energy V - Investing in Washington's Clean Energy (40000148)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority must be given to projects that benefit vulnerable populations and overburdened communities, including tribes and communities with high environmental or energy burdens.

(2) The 2021 state energy strategy must guide the department in the design of programs under this section, using an equity and environmental justice lens for program structure and participation. To the extent practicable, the department must prioritize projects that build upon Washington's existing strengths in communities, aerospace, maritime, information and communications technology (particularly data center infrastructure, artificial intelligence and machine learning), grid modernization, advanced materials, and decarbonizing the built environment.

(3) Subject to the availability of funds, the department must reconvene an advisory committee to support involvement of a broad range of stakeholders in the design and implementation of programs implemented under this section to encourage collaboration, leverage partners, and engage communities and organizations in improving the equitable distribution of benefits from the program.

(4) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring, and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(5) During project solicitation periods for grants funded with this appropriation, the department must maintain a list of applicants by grant program that scored competitively but did not receive a grant award due to lack of available funding. These applicants must be considered for funding during future grant award cycles. If the department submits a 2022 supplemental budget request for this program, the request must include a list of prioritized projects by grant type.

(6)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past 24 months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(7) The requirements in subsections (4) and (6) of this section must be specified in funding agreements issued by the department.

(8) $17,594,000 of the state building construction account—state appropriation is provided solely for grid modernization grants.

(a)(i) $11,000,000 is provided solely for projects that: Advance community resilience, clean and renewable energy technologies and transmission and distribution control systems; support integration of renewable energy sources, deployment of distributed energy resources and sustainable microgrids; and support state decarbonization goals pursuant to the clean energy transformation act, including requirements placed upon retail electric utilities.

(ii) Projects must be implemented by community organizations, local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state (retail electric utilities). Projects submitted by applicants other than retail electric utilities must demonstrate partnership with their load serving entity to apply. Priority must be given to:

(A) Projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden; and

(B) Projects that demonstrate partnerships between eligible applicants in applying for funding, including utilities, public and private sector research organizations, businesses, tribes, and nonprofit organizations.

(iii) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, develop program guidelines that encourage smaller utilities or consortia of small utilities to apply for funding. Where suitable, this may include funding for projects consisting solely of planning, predesign and/or predevelopment activities.

(iv) Applications for grants must disclose all sources of public funds invested in a project.

(b) $3,550,000 of the appropriation in this section is provided solely for a grant to the Public Utility District No. 1 of Lewis county for land acquisition and construction of the Winlock Industrial Park and South County Substation and Transmission facility, located on North Military Road in Winlock.

(c) $3,044,000 of the appropriation in this section is provided solely for a grant to the Klickitat County Public Hospital District #1 for the Electrical Upgrade and Smart Grid project at the Klickitat Valley Health Hospital in Goldendale.

(9) $10,830,000 of the state building construction account—state appropriation is provided solely for grants for strategic research and development for new and emerging clean energy technologies. These grants must be used to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies, focusing on areas that help develop technologies to meet the state's climate goals, offer opportunities for economic and job growth, and strengthen technology supply chains. The program may include, but is not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, recycling energy system components, and new renewable energy and energy efficiency technologies.

(a) $5,000,000 of the appropriation in this section is provided solely for competitive grants.

(b) $4,800,000 of the appropriation in this section is provided solely for a grant to the Pacific Northwest National Laboratory for a renewable energy platform to support ocean energy research and development testbeds for the Marine and Coastal Research Laboratory in Sequim.

(c) $1,030,000 of the appropriation in this section is provided solely for a grant to the Chelan County Public Utility District for the hydroelectric turbine hub project at Rocky Reach dam near Wenatchee.

(10)(a) $2,500,000 of the state taxable building construction account—state appropriation is provided solely as grants to nonprofit lenders to create a revolving loan fund to support the widespread use of proven energy efficiency and renewable energy technologies by households, or for the benefit of households, with high energy burden or environmental health risk now inhibited by lack of access to capital.

(b) The department shall provide grant funds to one or more competitively selected nonprofit lenders that must provide matching private capital and administer the loan fund. The department shall select the loan fund administrator or administrators through a competitive process, with scoring conducted by a group of qualified experts, applying criteria specified by the department.

(c) The department must establish guidelines that specify applicant eligibility, the screening process, and evaluation and selection criteria. The guidelines must be used by the nonprofit lenders.

(11) $5,550,000 of the state building construction account—state appropriation is provided solely for grants to demonstrate innovative approaches to electrification of transportation systems.

(a)(i) $3,000,000 of the appropriation is provided solely for competitive grants, prioritizing projects that:

(A) Demonstrate meaningful and enduring benefits to communities and populations disproportionately burdened by air pollution, climate change, or lack of transportation investments;

(B) Beneficially integrate load using behavioral, software, hardware, or other demand-side management technologies, such as demand response, time-of-use rates, or behavioral programming;

(C) Accelerate the transportation electrification market in Washington using market transformation principles; or

(D) Develop electric vehicle charging and hydrogen fueling infrastructure along highways, freeways, and other heavily trafficked corridors across the state to support long-distance travel.

(ii) Projects must be implemented by local governments, federally recognized tribal governments, by public and private electrical utilities that serve retail customers in the state, or state agencies. Eligible parties may partner with other public and private sector research organizations and businesses in applying for funding. The department shall consult and coordinate with the Washington state department of transportation on project selection and implementation. The department shall also coordinate with other state agencies that have other electrification programs, in order to determine to optimally accomplish each agency's respective policy and program goals.

(iii) Projects must be related to on-road end-uses and nonmaritime off-road uses.

(iv) Eligible technologies for these projects include, but are not limited to:

(A) Battery electric vehicle supply equipment;

(B) On-site generation or storage, where the technology directly supplies electricity to the electric vehicle supply equipment;

(C) Electric grid distribution system infrastructure upgrades, where the upgrade is needed as a result of the installed electric vehicle supply equipment;

(D) Hydrogen refueling station infrastructure that:

(I) Dispenses renewable hydrogen or hydrogen produced in Washington with electrolysis; and

(II) Aligns with the 2021 state energy strategy's recommended uses of hydrogen in the transportation sector.

(v) $2,000,000 of the state building construction account—state appropriation is provided solely for federally recognized tribal governments and for local governments in rural communities, for projects aligning with the above objectives and addressing electric vehicle supply infrastructure gaps in rural communities.

(b) $2,550,000 of the appropriation in this section is provided solely for a grant to the Lewis Public Transportation Benefit Area to construct a hydrogen fueling station that dispenses renewable hydrogen or hydrogen produced in Washington with electrolysis for electric vehicles at Exit 74 on Interstate 5, near Chehalis.

(12)(a) $10,000,000 of the state building construction account—state appropriation is provided solely for the purpose of building electrification projects that advance the goals of the 2021 state energy strategy to demonstrate grid-enabled, high-efficiency, all electric buildings.

(b) The program may include, but is not limited to: Shifting from fossil

fuels to high-efficiency electric heat pumps and other electric equipment, control systems that enable grid integration or demand control, and on-site renewable generation and efficiency measures that significantly reduce building energy loads.

(c) Preference must be given to projects based on total greenhouse gas emissions reductions, accelerating the path to zero-energy, or that demonstrate early adoption of grid integration technology.

(d) Program funding may be administered to entities also receiving incentives provided according to RCW 19.27A.220 for buildings covered by the state energy performance standard, RCW 19.27A.210.

(e) $5,000,000 of the appropriation in this section is provided solely for the purpose of supporting the transition of residential and commercial buildings away from fossil fuels through the installation of high-efficiency electric heat pumps and other electric equipment.

(13) $4,924,000 of the state building construction account—state appropriation is provided solely for maritime electrification grants.

(a) $4,450,000 of the appropriation in this section is provided solely for a grant to the Northwest Seaport Alliance to upgrade the reefer plug capacity at the Port of Seattle's Terminal 5, located in west Seattle.

(b) $474,000 of the appropriation in this section is provided solely for a grant to the Skagit County Public Works Department for electric ferry charging infrastructure in Anacortes.

(14) $4,900,000 of the state building construction account—state appropriation is provided solely for the department to develop targeted rural clean energy innovation projects as provided in this subsection (14).

(a) $150,000 of the appropriation is provided solely for the department to develop targeted rural clean energy strategies informed by rural community and business engagement, outreach, and research. The department must convene a rural energy work group to identify investments, programs, and policy changes that align with the 2021 state energy strategy and increase access to clean energy opportunities in rural communities and agricultural and forestry management practices. The group must identify existing federal funding opportunities and strategies to leverage these funds with state capital investment. By June 30, 2022, the department shall report recommendations and findings from the rural energy work group to the office of financial management, the governor, and the appropriate legislative committees and present a strategic plan for state rural clean energy investment.

(b) $4,750,000 of the appropriation is provided solely for rural clean energy innovation grants.

(i) The department must award at least 40 percent of the funding to projects that enhance the viability of dairy digester bioenergy projects through advanced resource recovery systems that produce renewable natural gas and value-added biofertilizers, reduce greenhouse gas emissions, and improve soil health and air and water quality.

(ii) Grants may also be awarded to other clean energy innovation projects in rural communities, including, but not limited to, projects that enhance energy efficiency, demand response, energy storage, renewable energy, beneficial electrification, resilience, organic waste management, and biological carbon sequestration.

(iii) Grants may fund project predevelopment, research, and development, pilot projects, strategic implementation, field trials, and data dashboards and tools to inform rural project development.

(c) The department is encouraged to make 20 percent of the funds under (b) of this subsection (14) to tribal governments, designated subdivisions, and agencies.

(d) If a grant is awarded to purchase heating devices or systems, the agency must, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

Appropriation:

State Building Construction Account—State $53,798,000

State Taxable Building Construction Account—

State $2,500,000

Subtotal Appropriation $56,298,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $100,000,000

TOTAL $156,298,000

NEW SECTION. **Sec. 1065. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Energy Retrofits for Public Buildings Grant Program (40000149)

The appropriation in this section is subject to the following conditions and limitations:

(1) $4,000,000 of the appropriation in this section is provided solely for grants to local governments, public higher education institutions, school districts, federally recognized tribal governments, and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings.

(a)(i) $3,000,000 of the appropriation in this section is provided solely for grants awarded in competitive rounds.

(ii) At least 20 percent of each competitive grant round is designated for award to eligible projects in small cities or towns with a population of 5,000 or fewer residents.

(iii) In each competitive round, a higher energy savings to investment ratio must result in a higher project ranking. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(iv) The department must determine a minimum match ratio to maximize the leverage of nonstate funds.

(b) $450,000 of the appropriation in this section is provided solely for a grant to Western Washington University for the heating system conversion feasibility study.

(c) $550,000 of the appropriation in this section is provided solely for a grant to Whidbey Island Public Hospital District for energy upgrades at WhidbeyHealth Medical Center in Coupeville.

(2)(a) $1,000,000 of the appropriation in this section is provided solely for grants to be awarded in competitive rounds to local governments, public higher education institutions, school districts, federally recognized tribal governments, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(b) At least 20 percent of each competitive grant round is designated for award to eligible projects in small cities or towns with a population of 5,000 or fewer residents.

(c) In each competitive round, a higher energy savings to investment ratio must result in a higher project ranking. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(d) The department must determine a minimum match ratio to maximize the leverage of nonstate funds.

(3) $4,500,000 of the appropriation in this section is provided solely for the energy efficiency and environmental performance improvements to minor works, stand-alone, and emergency projects at facilities owned by agencies named by the state efficiency and environmental performance office executive order 20-01 that repair or replace existing building systems and reduce greenhouse gas emissions from state operations, including, but not limited to, HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request. Prior to awarding funds, the department shall submit to the office of financial management a list of all proposed awards for review and approval.

(4) The department shall develop metrics that indicate the performance of energy efficiency efforts.

(5) $457,000 of the appropriation provided in this section is provided solely for photovoltaic panels for the capitol campus child care center.

(6) If a grant is provided in subsection (1) or (3) of this section to purchase heating devices or systems, the

agency must, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

Appropriation:

State Building Construction Account—State $9,957,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $9,957,000

NEW SECTION. **Sec. 1066. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Weatherization Plus Health (40000150)

The appropriation in this section is subject to the following conditions and limitations:

(1) $5,000,000 of the appropriation in this section is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners in making sound energy efficiency investments by providing consumer education and marketing, workforce support through training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings. This is the maximum amount the department may expend for this purpose.

(2) The department, in collaboration with the Washington State University, shall make recommendations to the appropriate committees of the legislature on strategies to expand and align the weatherization program and the rural rehabilitation loan program. The department shall report the recommendations to the appropriate committees of the legislature and the governor by November 1, 2022. The recommendations must include strategies to:

(a) Recruit community energy efficiency program sponsors that are community-based organizations located in geographic areas of the state that have not received funding for low-income weatherization programs, targeting hard to reach market segments;

(b) Leverage funding from community energy efficiency program sponsors in an amount greater than or equal to the amount provided by the state through the weatherization program;

(c) Ensure that community energy efficiency program utility sponsors work with non-profit community-based organizations to deliver community energy efficiency program services; and

(d) Identify community energy efficiency program sponsors that support the conversion of space and water heating from fossil fuels to electricity, as part of a set of energy efficiency investments.

(3) If funding from this appropriation is used to purchase heating devices or systems, the agency shall, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

Appropriation:

State Building Construction Account—State $10,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $50,000,000

TOTAL $60,000,000

NEW SECTION. **Sec. 1067. FOR THE DEPARTMENT OF COMMERCE**

2021-23 PWB Broadband Infrastructure (40000152)

The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are provided solely for the public works board broadband grant and loan program. Of the amounts appropriated in this section:

(1) $14,000,000 of the statewide broadband account—state appropriation in this section is provided solely for loans and administrative expenses related to implementation of the broadband program; and

(2) $46,000,000 of the coronavirus capital projects account—federal appropriation in this section is provided solely for grants and administrative expenses related to implementation of the broadband program.

(3) The appropriations must be used for projects that use a technology-neutral approach in order to expand

access at the lowest cost to the most unserved or underserved residents.

Appropriation:

Coronavirus Capital Projects Account—Federal $46,000,000

Statewide Broadband Account—State $14,000,000

Subtotal Appropriation $60,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $120,000,000

TOTAL $180,000,000

NEW SECTION. **Sec. 1068. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Housing Trust Fund Investment in Affordable Housing (40000153)

The appropriations in this section are subject to the following conditions and limitations:

(1) $129,903,000 of the state taxable building construction account—state appropriation and $20,000,000 of the state building construction account—state appropriation are provided solely for production and preservation of affordable housing projects that serve and benefit low-income and special needs populations including, but not limited to, people with chronic mental illness, people with developmental disabilities, farmworkers, people who are homeless, and people in need of permanent supportive housing. The department shall strive to allocate at least 30 percent of these funds to projects located in rural areas of the state, as defined by the department.

(a) In addition to the definition of "first-time home buyer" in RCW 43.185A.010, for the purposes of awarding homeownership projects during the 2021-2023 fiscal biennium "first-time home buyer" also includes:

(i) A single parent who has only owned a home with a former spouse while married;

(ii) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and who has only owned a home with a spouse;

(iii) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or

(iv) An individual who has only owned a property that is discerned by a licensed building inspector as being uninhabitable.

(b) $5,000,000 of the appropriation provided in this subsection (1) is provided solely for housing that serves people with developmental disabilities;

(c)(i) $20,000,000 of the appropriation in this subsection (1) is provided solely for housing preservation grants or loans to be awarded competitively.

(ii) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(iii) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(A) The age of the property, with priority given to buildings that are more than 15 years old;

(B) The population served, with priority given to projects with at least 50 percent of the housing units being occupied by families and individuals at or below 50 percent area median income;

(C) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(D) The potential for additional years added to the affordability period of the property; and

(E) Other criteria that the department considers necessary to achieve the purpose of this program.

(2) $10,000,000 of the state building construction account—state appropriation is provided solely for grant awards for the development of community housing and cottage

communities to shelter individuals or households experiencing homelessness.

(a) $8,775,000 of the state building construction account—state appropriation is provided solely for competitive grant awards. This funding must be awarded to projects that develop a minimum of four individual structures in the same location. Individual structures must contain insulation, electricity, overhead lights, and heating. Kitchens and bathrooms may be contained within the individual structures or offered as a separate facility that is shared with the community. When evaluating applications for this grant program, the department must prioritize projects that demonstrate:

(i) The availability of land to locate the community;

(ii) A strong readiness to proceed to construction;

(iii) A longer term of commitment to maintain the community;

(iv) A commitment by the applicant to provide, directly or through a formal partnership, case management and employment support services to the tenants;

(v) Access to employment centers, health care providers, and other services; and

(vi) A community engagement strategy.

(b) $1,225,000 of the state building construction account—state appropriation is provided solely for Eagle Haven Cottage Village located in Bellingham.

(3)(a) $11,500,000 of the state taxable building construction account—state appropriation is provided solely for the following list of projects:

Bellwether Affordable Housing (Seattle) $4,000,000

Didgwalic Transitional Housing (Anacortes) $4,500,000

Redondo Heights TOD (Federal Way) $3,000,000

(b) $3,497,000 of the state building construction account—state appropriation is provided solely for the following list of projects:

Habitat for Humanity (North Bend) $250,000

Manette Affordable Housing Project (Bremerton) $515,000

OlyCAP Port Townsend Affordable Housing and Child

(Port Townsend) $412,000

Shelton Young Adult Transitional Housing (Shelton) $515,000

Willapa Center (Raymond) $1,805,000

(4) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(5) The appropriations in this section are subject to the following reporting requirements:

(a) By June 30, 2023, the department must report on its website the following for every previous funding cycle: The number of homeownership and multifamily rental projects funded by housing trust fund moneys; the percentage of housing trust fund investments made to homeownership and multifamily rental projects; and the total number of households being served at up to 80 percent of the area median income, up to 50 percent of the area median income, and up to 30 percent of the area median income, for both homeownership and multifamily rental projects.

(b) Beginning December 1, 2021, and continuing annually, the department must provide the legislature with a report of its final cost data for each project under this section. Such cost data must, at a minimum, include total development cost per unit for each project completed within the past year, descriptive statistics such as average and median per unit costs, regional cost variation, and other costs that the department deems necessary to improve cost controls and enhance understanding of development costs. The department must coordinate with the housing finance commission to identify relevant development costs data and ensure that the measures are consistent across relevant agencies.

(6) $100,000 of the state building construction account—state appropriation is provided solely for the department of social and health services to complete a study of the community-

based housing needs of adults with intellectual and developmental disabilities. The department of social and health services shall collaborate with appropriate stakeholders and the department in completing this study and the study shall:

(a) Estimate the number of adults with intellectual and developmental disabilities who are facing housing insecurity;

(b) Make recommendations for how to improve housing stability for adults with intellectual and developmental disabilities who are facing housing insecurity;

(c) Make recommendations for how to increase the capacity of developers to support increasing the supply of housing that meets the needs of the intellectual and developmental disabilities population; and

(d) Be submitted to the appropriate committees of the legislature no later than December 1, 2022.

(7) The legislature finds that there are insufficient data sources to identify adults with intellectual and developmental disabilities facing housing insecurity in Washington state and that the absence of reliable data limits the ability for the legislature to make informed decisions that will improve the outcomes of these individuals. The legislature further finds that reliable, current information about the unmet housing needs of this population will position Washington state to leverage community-based partnerships and funding to establish greater housing choice and increased community integration of individuals with intellectual and developmental disabilities.

Appropriation:

State Building Construction Account—State $33,597,000

State Taxable Building Construction Account—

State $141,403,000

Subtotal Appropriation $175,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $620,000,000

TOTAL $795,000,000

NEW SECTION. **Sec. 1069. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Behavioral Health Community Capacity Grants (40000219)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department to issue grants to community hospitals or other community providers to expand and establish new capacity for behavioral health services in communities. The department must consult an advisory group consisting of representatives from the department of social and health services, the health care authority, one representative from a managed care organization, one representative from an accountable care organization, and one representative from the association of county human services. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities. The department may approve funding for the acquisition of a facility if the project will result in increased behavioral health capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(2) The department must establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more regional behavioral health entities that administer the purchasing of services;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) Evidence that the applicant is able to meet applicable licensing and certification requirements in the facility that will be used to provide services;

(d) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(e) A commitment by the applicant to maintain and operate the beds or facility for a time period commensurate to the

state investment, but for at least a 15-year period;

(f) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(g) A detailed estimate of the costs associated with opening the beds;

(h) A financial plan demonstrating the ability to maintain and operate the facility; and

(i) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(3) In awarding funding for projects in subsection (5) of this section, the department, in consultation with the advisory group established in subsection (1) of this section, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(4) The department must prioritize projects that increase capacity in unserved and underserved areas of the state.

(5) $71,400,000 of the appropriation in this section is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1), (2), (3), and (4) of this section:

(a) $11,600,000 of the appropriation in this section is provided solely for at least six enhanced service facilities for long-term placement of patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) $10,000,000 of the appropriation in this section is provided solely for enhanced adult residential care facilities for long-term placements of dementia discharged or diverted from the state psychiatric hospitals and are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) $2,000,000 of the appropriation in this section is provided solely for at least one facility with secure withdrawal management and stabilization treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) $2,000,000 of the appropriation in this section is provided solely for at least one crisis triage and stabilization facility that is not subject to federal funding restrictions that apply to institutions of mental diseases;

(e) $12,000,000 of the appropriation in this section is provided solely for two 16-bed crisis triage and stabilization facilities in the King county region, one within the city of Seattle and one in south King county, consistent with the settlement agreement in *A.B, by and through Trueblood, et al., v. DSHS, et al.*, No. 15-35462, and that are not subject to federal funding restrictions that apply to institutions of mental disease;

(f) $2,000,000 of the appropriation in this section is provided solely for at least two mental health peer respite centers that are not subject to federal funding restrictions that apply to institutions of mental diseases. No more than one mental health peer respite center should be funded in each of the nine regions;

(g) $18,000,000 of the appropriation in this section is provided solely for the department to provide grants to community hospitals, freestanding evaluation and treatment providers, or freestanding psychiatric hospitals to develop capacity for beds to serve individuals on 90-day or 180-day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the health care authority;

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and certification requirements for the facility that will be used to provide services; and

(v) The health care authority has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes;

(h) $2,400,000 of the appropriation in this section is provided solely for competitive community behavioral health grants to address regional needs;

(i) $9,400,000 of the appropriation in this section is provided solely for at least three intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs and that are not subject to federal funding restrictions that apply to institutions of mental diseases; and

(j) $2,000,000 of the appropriation in this section is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth including, but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors in facilities that are not subject to federal funding restrictions. Consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues.

(6)(a) $15,648,000 of the appropriation in this section is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

Astria Toppenish Hospital (Toppenish) $1,648,000

Compass Health Broadway (Everett) $14,000,000

(b) $8,116,000 of the appropriation in this section is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section, except that the following projects are not required to establish new capacity:

Family Solutions (Vancouver) $2,050,000

Renovation Youth Evaluation & Treatment Facility

(Bremerton) $316,000

Sound Enhanced Services Facility (Auburn) $3,000,000

Three Rivers Behavioral Health Recovery Center

(Kennewick) $2,750,000

(7) The department must notify all applicants that they may be required to have a construction review performed by the department of health.

(8) To accommodate the emergent need for behavioral health services, the department and the department of health, in collaboration with the health care authority and the department of social and health services, must establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, freestanding evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, or secure detoxification/secure withdrawal management and stabilization facilities.

(9) The department must strive to allocate all of the amounts appropriated within subsection (5) of this section in the manner prescribed. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a category of projects under subsection (5) of this section, the department may allocate funds to other behavioral health capacity project categories within subsection (5) of this section, prioritizing projects under subsections (5)(a), (g), and (i) of this section. Underserved areas of the state may also be considered.

(10) The department must provide a progress report by November 1, 2022. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date; and

(c) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services.

Appropriation:

State Building Construction Account—State $95,164,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $120,000,000

TOTAL $215,164,000

NEW SECTION. **Sec. 1070. FOR THE DEPARTMENT OF COMMERCE**

2019-21 Housing Trust Fund Investment from Operating (40000220)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) $37,651,000 of the appropriation in this section is provided solely for production and preservation of affordable housing.

(b) In evaluating projects in this subsection (1), the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(c) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

(2)(a) $9,790,000 of the appropriation in this section is provided solely for the preservation of affordable multifamily housing at risk of losing affordability due to expiration of use restrictions that otherwise require affordability including, but not limited to, United States department of agriculture funded multifamily housing.

(b) Within the amount provided in this subsection (2), the department must implement the necessary procedures to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state.

(c) The department must adhere to the following award terms and procedures for the rapid response program created under (b) of this subsection:

(i) The funding is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050.

(ii) Awards must be in the form of a recoverable grant with a 40-year low-income housing covenant on the land.

(iii) If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(iv) Awards may be used for acquisition or for acquisition and rehabilitation of properties to preserve the affordable housing units beyond existing use restrictions and keep them in Washington's housing portfolio.

(v) No single award may exceed $2,500,000, although the department must consider waivers of this award cap if an applicant demonstrates sufficient need.

(vi) The award limit in (c)(v) of this subsection (2) may only be applied to the use of awards provided under this subsection. The amount awarded under this subsection may not be calculated in award limitations for other housing trust fund awards.

(vii) If the department receives simultaneous applications for funding under this program, proposals that provide the greatest public benefit, as defined by the department, must be prioritized. For purposes of this subsection (2)(c)(vii), "greatest public benefit" includes, but is not limited to:

(A) The number of units that will be preserved;

(B) Whether the project has federally funded rental assistance tied to it;

(C) The scarcity of the affordable housing applied for compared to the number of available affordable housing units in the same geographic location; and

(D) The program's established funding priorities under RCW 43.185.070(5).

(d) The appropriations in this subsection are subject to the reporting

requirements in section 1029 (3)(b) and (4)(b), chapter 413, Laws of 2019.

Appropriation:

Washington Housing Trust Account—State $47,441,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $47,441,000

NEW SECTION. **Sec. 1071. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Rapid Capital Housing Acquisition (40000222)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as provided in subsections (7) through (9) of this section, the appropriation in this section is provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 to acquire or rent real property for a rapid conversion into enhanced emergency shelters, permanent supportive housing, transitional housing, permanent housing, youth housing, drop-in center, or shelter for extremely low-income people, as well as individuals, families, unaccompanied youth, and young people experiencing sheltered and unsheltered homelessness. Amounts provided in this section may be also used for renovation and building update costs associated with establishment of the acquired or rented facilities. For youth housing, drop-in centers, and shelter projects, renovation of existing properties is an allowable activity. The department may only approve funding for projects resulting in increased shelter or housing capacity. Amounts provided in this section may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service.

(2) Funds may also be used for permanent financing for real estate acquired using other short term acquisition sources. To expand availability of permanent housing, financing of acquisition of unoccupied multifamily housing is a priority. Funds must also be provided specifically for the city of Seattle to move people experiencing unsheltered homelessness into safe spaces, including, but not limited to, tiny homes, hotels, enhanced emergency shelters, or other rapid housing alternatives.

(3) While emphasizing the rapid deployment of the amounts appropriated under this section to alleviate the immediate crisis of homelessness throughout the state, the department shall establish criteria for the issuance of the grants, which may include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant, during which time the property must be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant. The criteria must include:

(a) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(b) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(c) A detailed estimate of the costs associated with opening the beds or units; and

(d) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.

(4) The department must provide a progress report on its website by December 1, 2022. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, housing units, and anticipated completion date.

(5) The funding provided under this section is not subject to the 90-day application periods in RCW 43.185.070 or

43.185A.050. The department of commerce shall dispense funds to the city of Seattle and other qualifying applicants within 45 days of receipt of documentation from the applicant for qualifying uses and execution of any necessary contracts with the department in order to effect the purpose of rapid deployment of funds under this section.

(6) If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For purposes of this subsection (6), "greatest public benefit" must include, but is not limited to:

(a) The greatest number of accommodations or increased shelter capacity that will benefit extremely low-income people, as well as individuals, families, and youth experiencing homelessness.

(b) Whether the project has federally funded rental assistance tied to it;

(c) The scarcity of the affordable housing or shelter capacity applied for compared to the number of available affordable housing units or shelter capacity in the same geographic location; and

(d) The program's established funding priorities under RCW 43.185.070(5).

(7) $900,000 of the state building construction account—state appropriation in this section is provided solely for the public building conversion pilot program. The pilot program must be implemented in Grays Harbor county in collaboration with Community House on Broadway, in partnership with CORE Health.

(a) The appropriation may be used only for costs related to rehabilitation, retrofitting, and conversion of the publicly owned building for use as housing for homeless persons.

(b) The appropriation may not be used for staffing or maintaining buildings converted to housing for homeless persons. Costs for staffing and maintenance must be borne by the county or the contractor.

(c) In the contract for the pilot program, the department shall include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(d) The pilot program should help inform the development of a public building conversion grant program to encourage counties to convert unused, publicly owned buildings into housing for homeless persons. The department must report to the office of financial management and fiscal committees of the legislature by November 1, 2022, regarding the establishment of the pilot program and any recommendations related to implementation of a public building conversion grant program.

(8) $17,800,000 of the state building construction account—state appropriation is provided solely for the following list of projects:

$5,000,000 for the Tacoma Housing Authority affordable housing acquisition;

$4,000,000 for the Keiro nursing home acquisition in Seattle;

$1,500,000 for the Parkland/Spanaway homeless shelter;

$300,000 for the Concord apartments acquisition in Seattle;

$2,000,000 for the Eastgate supportive housing in Bellevue; and

$5,000,000 for the City of Seattle for the acquisition of the Clay Apartments in partnership with a low-income housing provider.

(9)(a) $7,903,000 of the coronavirus capital projects account—federal appropriation is provided solely for the following list of youth housing projects identified by the office of homeless youth protection and prevention programs:

FYRE's Village: Housing Stability for Young Adults

(Omak) $3,350,000

NWYS Young Adult Shelter Services (Bellingham) $438,000

OlyCap Pfeiffer House (Port Townsend) $127,000

Ryan's House for Youth Campus (Coupeville) $1,015,000

Shelton Young Adult Transitional Housing (Shelton) $773,000

Volunteers of America Crosswalk 2.0 (Spokane) $2,200,000

(b) If funding provided in (a) of this subsection needs to be reallocated, the department shall consult with the office of homeless youth prevention and protection programs to identify other eligible youth housing projects.

Appropriation:

State Building Construction Account—State $90,000,000

Coronavirus Capital Projects Account—Federal $30,435,000

Subtotal Appropriation $120,435,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $120,435,000

NEW SECTION. **Sec. 1072. FOR THE DEPARTMENT OF COMMERCE**

Continuing Affordability in Current Housing (91001659)

The appropriation in this section is subject to the following conditions and limitations:

$10,000,000 of the appropriation in this section is provided solely for the preservation of affordable multifamily housing at risk of losing affordability due to expiration of use restrictions that otherwise require affordability including, but not limited to, United States department of agriculture funded multifamily housing.

(1) Within the amount provided in this section, the department must implement necessary procedures to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state.

(2) The department must adhere to the following award terms and procedures for the rapid response program created under this section:

(a) The funding is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050.

(b) Awards must be in the form of a recoverable grant with a 40-year low-income housing covenant on the land.

(c) If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(d) Awards may be used for acquisition or for acquisition and rehabilitation of properties to preserve the affordable housing units beyond existing use restrictions and keep them in Washington's housing portfolio.

(e) No single award may exceed $2,500,000, although the department must consider waivers of this award cap if an applicant demonstrates sufficient need.

(f) The award limit in (e) of this subsection (2) may only be applied to the use of awards provided under this section. The amount awarded under this section may not be calculated in award limitations for other housing trust fund awards.

(g) If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized.

(3) For purposes of this section, "greatest public benefit" includes, but is not limited to:

(a) The number of units that will be preserved;

(b) Whether the project has federally funded rental assistance tied to it;

(c) The scarcity of the affordable housing applied for compared to the number of available affordable housing units in the same geographic location; and

(d) The program's established funding priorities under RCW 43.185.070(5).

Appropriation:

State Building Construction Account—State $10,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $10,000,000

NEW SECTION. **Sec. 1073. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Rural Rehabilitation Loan Program (40000223)

Appropriation:

State Taxable Building Construction Account—

State $5,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 1074. FOR THE DEPARTMENT OF COMMERCE**

Grants for Affordable Housing Development Connections (91001685)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants to local governments and public utility districts for system development charges and utility improvements for new affordable housing projects that serve and benefit low-income households. Where applicable, the extension must be consistent with the approved comprehensive plans under the growth management act and must be within the established boundaries of the urban growth area.

(2) $7,600,000 of the state building construction account—state appropriation and $16,300,000 of the coronavirus state fiscal recovery fund—federal appropriation in this section are provided solely for grants to local governments or public utilities located within a jurisdiction that imposed a sales and use tax under RCW 82.14.530(1)(a)(ii), 82.14.530(1)(b)(i)(B), 82.14.540, or 84.52.105.

(3) $10,700,000 of the coronavirus state fiscal recovery fund—federal appropriation in this section is provided solely for grants to local governments or public utilities located within:

(a) A city or county with a population of 150,000 or less; and

(b) A jurisdiction that imposed a sales and use tax under RCW 82.14.530(1)(a)(ii) or 82.14.530(1)(b)(i)(B).

(4) The department shall coordinate with the office of financial management and the governor's office to develop a process for project submittal, project selection criteria, review, and monitoring, and tracking the housing development projects that receive affordable housing development connections grants under this section. To be eligible for funding under this section, an applicant must demonstrate, at minimum:

(a) That affordable housing development will begin construction within 24 months of the grant award; and

(b) A strong probability of serving the original target group or income level for a period of at least 25 years.

(5) $1,700,000 of the state building construction account—state appropriation in this section is provided solely for the Port Townsend Utility Connection Project.

(6) $5,700,000 of the state building construction account—state appropriation in this section is provided solely for the Chelan municipal airport extension.

(7) To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund, all expenditures from the coronavirus state fiscal recovery account—federal appropriation in this section must be incurred by December 31, 2024.

(8) For purposes of this section, the following definitions apply.

(a) "Affordable housing" and has the same meaning as in RCW 43.185A.010.

(b) "Low-income household" has the same meaning as in RCW 43.185A.010.

(c) "System development charges" means charges for new drinking water, wastewater, or stormwater connections when a local government or public utility has waived standard fees normally applied to developers for connection charges on affordable housing projects.

(d) "Utility improvements" means drinking water, wastewater, or stormwater utility improvements.

Appropriation:

Coronavirus State Fiscal Recovery Account—

Federal $27,000,000

State Building Construction Account—State $15,000,000

Subtotal Appropriation $42,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $42,000,000

NEW SECTION. **Sec. 1075. FOR THE DEPARTMENT OF COMMERCE**

2022 Local & Community Projects (40000230)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8)(a) The appropriation is provided solely for the following list of projects:

Adams County Property/Evidence Processing Facility

(Othello) $900,000

Amara 29 Acre Opportunity in Pierce County (Tacoma) $246,000

American Lake Park ADA Improvement Project (Lakewood) $258,000

American Legion Building Renovation (Goldendale) $262,000

American Legion Veterans Housing & Resource Ctr (Raymond) $88,000

Arlington Innovation Center (Arlington) $372,000

Ashley House (Spokane) $552,000

Aurora Commons Acquisition (Seattle) $2,500,000

Ballinger Park - Hall Creek Restoration

(Mountlake Terrace) $824,000

Battle Ground HealthCare Free Clinic Relocation

(Battle Ground) $1,000,000

Bellevue High School Automotive Dynamometer Install

(Bellevue) $277,000

Bigelow House Museum Preservation (Olympia) $52,000

BIPOC Artist Installation at Kraken Training Center

(Seattle) $155,000

Brewery Park Visitor Center (Tumwater) $1,200,000

Bridges To Home (Shoreline) $2,000,000

Camp Kilworth - YMCA Day Camp/Environmental Educ

(Federal Way) $1,030,000

Campus Towers Roofing Project (Longview) $301,000

Capitol Theatre Curtains/Soft Goods Replacement (Yakima) $250,000

Central Klickitat County Parks Improvements (Goldendale) $25,000

Chehalis Centralia Steam Locomotive Repair/Restore

(Chehalis) $123,000

Children's Village Neurodevelopmental Center Expansion

(Yakima) $750,000

City of Wenatchee Community Center (Wenatchee) $2,500,000

Civic Park Mika's Playground (Edmonds) $258,000

Clallam Joint Emergency Services (Port Angeles) $1,200,000

Class A Biosolids Dryer (Yelm) $850,000

Clemans View Park (Naches) $442,000

Coastal Community Action Program Service Ctr (Aberdeen) $500,000

Communications Tower (Ocean Shores) $77,000

Community Action Resource and Training Center (Omak) $400,000

Community Multi-Use Center (Carnation) $1,030,000

Cornforth Campbell Demolition & Infrastructure

(Puyallup) $330,000

Coulee City Medical Clinic (Coulee City) $846,000

Coulon North Water Walk Repair and Enhancement

(Renton) $1,339,000

Coupeville Boys & Girls Club (Coupeville) $1,030,000

Cow Skull Creek and Rushingwater Creek Acclimation Ponds

(Orting) $690,000

Craft Beverage Lab & Instrumentation (Tumwater) $773,000

Cross Park Trail and Picnic Shelter (Tacoma) $206,000

CSML Food Bank Facility (Moses Lake) $1,900,000

Cultural Anchor Village (Tukwila) $1,500,000

Curran House Museum (University Place) $85,000

Dawson Place Facilities (Everett) $258,000

Day/Night House Exhibit Rebuild - Design Phase

(Seattle) $300,000

Daybreak Star Indian Cultural Center (Seattle) $2,600,000

Delridge Wetland Park (Seattle) $244,000

Des Moines North Marina Bulkhead Replacement Ph II

(Des Moines) $2,000,000

Doris Morrison Learning Center (Greenacres) $1,030,000

Downtown Puyallup Redevelopment Infrastructure

(Puyallup) $257,000

Downtown Revitalization (Blaine) $500,000

Duffy's Pond Pathway Completion (Kennewick) $38,000

Early Learning Facility Project for Licensed Childcare

(Hoquiam) $721,000

East County Family Resource Center Renovation

(Washougal) $721,000

Edmonds Marsh Restoration (Edmonds) $258,000

Edmonds Waterfront Center (Edmonds) $250,000

Ejido Farm Project (Everson) $200,000

Ellensburg Masonic Temple (Ellensburg) $258,000

Ellensburg Rodeo Grandstands (Ellensburg) $1,500,000

Ephrata Rec Center Upgrade (Ephrata) $621,000

Esther's Home (Pasco) $1,000,000

Ethiopian Community Affordable Housing (Seattle) $3,000,000

Extruded Curb Improvements (Kirkland) $515,000

Family Engagement Center (Seattle) $1,030,000

Felts Field Gateway Project (Spokane) $400,000

Ferry County Airport Runway Lighting System (Republic) $450,000

Flag Plaza Redevelopment (Kennewick) $46,000

FOE Meeting and Dance Hall (Puyallup) $77,000

Fourth Plain Community Commons (Vancouver) $1,236,000

Franklin Pierce Farm Agricultural Resource Center

(Tacoma) $3,900,000

Frontier Park - Goat Barn Roof (Graham) $89,000

Frontier Park-Horse Arena Cover (Graham) $1,811,000

Garfield Pool Upgrade (Garfield) $500,000

Gas Station Park Improvements (Tacoma) $515,000

Gold Mountain Communications Zone - Upgraded Telecomm

(Bremerton) $835,000

Granger Historical Society Museum (Granger) $300,000

Green Lake Community Boathouse (Seattle) $100,000

Grounds Improvement Proposal (Ritzville) $150,000

Health Care Kiosk Deployment (Federal Way) $75,000

Historic Downtown Chelan Infrastructure Predesign

(Chelan) $150,000

Immigrant and Refugee Community Hub (Tukwila) $960,000

Island County Criminal Justice Renovation (Coupeville) $600,000

IT3 Discovery Center (Ridgefield) $1,350,000

Japanese Gulch Daylighting (Mukilteo) $206,000

Jim Kaemingk Sr. Trail (Lynden) $200,000

Joya Child & Family Development Center (Spokane) $1,200,000

JV Memorial Pool Roof (Oak Harbor) $250,000

Kitsap Lake Park Renovation & Accessibility (Bremerton) $258,000

Kittitas Valley Healthcare Laboratory Services Reno

(Ellensburg) $397,000

La Center City Hall Improvements (La Center) $1,236,000

Lake Lawrence Fire Station (Yelm) $515,000

Lake Sacajawea Renovation Project (Longview) $900,000

Lake Stevens Civic Center Phase 3 (Lake Stevens) $2,100,000

Lakefront Property Acquisition (Lake Forest Park) $432,000

LASA Client Services Center (Lakewood) $515,000

Leavenworth Ski Hill ADA Restroom (Leavenworth) $52,000

Lewis County Public Safety Radio Infrastructure

(Chehalis) $129,000

Lewis County Youth Services Renovation and Addition

(Chehalis) $824,000

LGBTQ-Affirming Senior Center (Seattle) $1,030,000

Links to Opportunity (Tacoma) $2,000,000

Little League Field Improvement (Federal Way) $200,000

Longview Hospice Care Center Renovation (Longview) $765,000

Lopez Island Swim Center (Lopez Island) $245,000

Lynnwood Neighborhood Center (Lynnwood) $500,000

Maddie's Place (Spokane) $644,000

Madrona Day Treatment School (Bremerton) $321,000

Magnuson Park Hangar 2 (Seattle) $1,130,000

Main Street Phase 2 (Mountlake Terrace) $1,200,000

Mariner Community Campus (Everett) $1,670,000

Martin Luther King Center Improvements (Pasco) $1,000,000

Mary's Place Shelter Renovation (Burien) $352,000

Marysville Trail Connector (Marysville) $515,000

Mason County Veterans Memorial Hall Refurbishment

(Shelton) $62,000

McKinney Center Renovations (Seattle) $1,000,000

Meadowglen Community Park (Spokane) $77,000

Medical Examiner's Facility Upgrades (Spokane) $600,000

Miller Park (Yakima) $642,000

MLK Community Center Roof Replacement (Spokane) $1,380,000

Moses Lake Business Incubator (Moses Lake) $1,313,000

Mountain Rescue Center (North Bend) $222,000

Nelson Dam Removal Project (Naches) $1,325,000

New Ground Kirkland (Kirkland) $258,000

Next Chapter Morgan Shelter (Tacoma) $16,000

NJROTC/NNDCC Program Peninsula School District

(Gig Harbor) $170,000

North Bend Depot Rehab (North Bend) $151,000

North Clear Zone Land Acquisition (Lakewood) $1,400,000

North Creek Trail (Bothell) $618,000

North Seattle Boys & Girls Club Safety Upgrades

(Seattle) $361,000

Northwest Kidney Centers Clinic (Port Angeles) $900,000

Ocean Beach Medical Group - Ilwaco Clinic (Ilwaco) $309,000

Panther Lake Community Park (Kent) $2,000,000

Patterson Park Preservation & Upgrade (Republic) $300,000

Pedestrian Overcrossing Replacement (Kalama) $2,250,000

Perfect Passage (Tonasket) $1,698,000

Perry Technical Institute Auditorium Renovation

(Yakima) $1,550,000

Peter Kirk Community Center Roof and Retrofitted Emerg

(Kirkland) $773,000

Phase 1 Master Plan - COVID Mitigation (Lake Stevens) $103,000

Phase 1 of Trails Plan Improvements (Issaquah) $251,000

Planning & Upgrades Edmonds Boys & Girls Club (Edmonds) $200,000

Point Hudson Breakwater (Port Townsend) $1,000,000

Police Station Renovations - City of Duvall (Duvall) $107,000

Port of Olympia Marine Center (Olympia) $250,000

Port of Vancouver Waterfront T1 Building Demo/Deconst

(Vancouver) $1,000,000

Port Susan Trail (Stanwood) $742,000

Port Townsend Affordable Housing Development

(Port Townsend) $1,400,000

Proclaim Liberty Affordable Housing (Spokane) $2,000,000

Project Chairlift: Lifting Up Washington State Chair 1

(Mead) $750,000

Pts of Ilwaco/Chinook Nav Infrastructure

(Ilwaco & Chinook) $634,000

Public Pavilion for Shoreline Park (Shoreline) $361,000

Puyallup Recreation Center (Puyallup) $1,030,000

Puyallup Valley Cultural Heritage Center (Puyallup) $335,000

Rainier View Covered Court (Sumner) $245,000

Ramstead Regional Park (Everson) $1,500,000

Redmond Senior and Community Center (Redmond) $1,250,000

Redondo Fishing Pier (Des Moines) $900,000

Replacement Hospice House (Richland) $900,000

Resource Center Planning (Pasco) $250,000

Ridgefield I-5 Pedestrian Screen (Ridgefield) $335,000

Ridgefield YMCA (Ridgefield) $258,000

Ridgetop DNR Trust Land Purchase (Silverdale) $2,050,000

Ritzville Downtown Improvements (Ritzville) $105,000

Sargent Oyster House Restoration (Allyn) $344,000

School Based Health Care Clinic (Tacoma) $750,000

SE 168th St. Bike Lanes/Safe Crossings (Renton) $500,000

Seattle Aquarium Expansion (Seattle) $2,000,000

Seattle Kraken Multisport Courts (Seattle) $103,000

Selah-Moxee Irrigation District (Moxee) $300,000

Seminary Hill Natural and Heritage Trail Project

(Centralia) $52,000

Sheffield Trail (Fife) $1,030,000

Shipley Senior Center (Sequim) $463,000

Shoreline Parks Restrooms (Shoreline) $412,000

SIHB Thunderbird Treatment Center (Seattle) $309,000

Silver Crest Park (Mill Creek) $90,000

Skabob House Cultural Center Art Studio (Skokomish) $500,000

Skagit County Morgue (Mount Vernon) $139,000

Sky Valley Teen Center (Sultan) $773,000

Snohomish County Food and Farming Center (Everett) $2,550,000

Snoqualmie Valley Youth Activity Center (North Bend) $361,000

Soap Lake City Hall Reactivation (Soap Lake) $157,000

SoCo Park (Covington) $1,300,000

South Bend School Multi-Use Field Upgrades (South Bend) $361,000

South Kitsap Community Events Center (Port Orchard) $1,236,000

South Kitsap HS Phys Ed Support (Port Orchard) $15,000

Southwest Washington Grain Project (Chehalis) $1,750,000

Spokane Public Radio (Spokane) $1,000,000

Spokane Valley Boys & Girls Club (Spokane Valley) $1,030,000

Spokane Valley Fairgrounds Exhibition Center

(Spokane Valley) $750,000

Sprinker Recreation Center Outdoor Improvements

(Tacoma) $400,000

Squire's Landing Park Waterfront & Open Space Access Pr

(Kenmore) $927,000

Steilacoom Tribal Cultural Center (Steilacoom) $814,000

Stonehenge Memorial Public Restroom Project (Maryhill) $129,000

Sultan Basin Park Design (Sultan) $26,000

Sumas Sidewalks and Trails (Sumas) $75,000

Teaching & Commercial Kitchen (Kent) $515,000

The Campaign for Wesley Des Moines (Des Moines) $500,000

The Eli's Park Project (Seattle) $900,000

The Ethiopian Village (Seattle) $515,000

The Hilltop (Tacoma) $1,545,000

The Landing (Redmond) $258,000

The Millworks (Bellingham) $1,000,000

The Podium (Spokane) $774,000

The Way Station (Bellingham) $4,050,000

Therapeutic Play Spaces (Spokane) $108,000

Tiny Homes (Seattle) $2,000,000

Together Center (Redmond) $1,030,000

Toppenish Junior Livestock Facility Planning (Toppenish) $21,000

Trails End Community Meeting Space (Tumwater) $155,000

Treatment Plant Remodel (Duvall) $742,000

Turf Field Lighting (Yakima) $500,000

Turning Pointe Youth Advocacy Addition (Shelton) $82,000

Twisp Civic Center (Twisp) $1,500,000

United Way of King County Building Restoration

(Seattle) $566,000

University Heights Center Renovation (Seattle) $595,000

Upper Kittitas County Medic One - Station 99 (Cle Elum) $784,000

Vaughn Library Hall Restoration (Vaughn) $103,000

Wards Lake Park Improvement Project (Lakewood) $258,000

Water Efficiency Improvements (Royal City) $193,000

Wenas Creek Screening, Passage Engineering Design

(Selah) $150,000

West Biddle Lake Dam Restoration (Vancouver) $1,881,000

Whatcom County Integrated Public Safety Radio System

(Bellingham) $400,000

Woodland Scott Hill Park & Sports Complex (Woodland) $600,000

Yakima County Fire Communications Radio Repeaters

(Yakima) $103,000

Yakima Valley Fair (Grandview) $235,000

Yelm Senior Center Repairs (Yelm) $36,000

Youth Resource Center (Federal Way) $82,000

(b) The funding for the Magnuson Park Historic Hanger 2 (Seattle) project is contingent on the contribution of at least $6,000,000 for the Magnuson Park Center For Excellence. If the Magnuson Park Center For Excellence has not certified to the department of commerce that the project has secured at least $6,000,000 in total funding for the capital phase of the project by July 31, 2022, the funds in this subsection (8)(b) shall lapse. The lapse date of July 31, 2022, must be extended to the same extent that the city of Seattle grants an extension, if any, beyond that date for the same project, provided that no further extension may be granted past July 31, 2023. The Magnuson Park Center For Excellence must ensure that the long-term lease with Seattle Parks and Recreation stipulates meaningful public benefits that prioritize low-income, black, indigenous, and people of color youth and families of the Magnuson park and neighborhood and Northeast Seattle. The lease must include provisions to proactively recruit and provide no-cost access to the residents as well as the creation of a scholarship fund dedicated to the residents for the center's events and programming. Additional public benefits to improve accessibility for Magnuson Park residents must be considered in the lease negotiations.

Appropriation:

State Building Construction Account—State $160,910,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $160,910,000

NEW SECTION. **Sec. 1076. FOR THE DEPARTMENT OF COMMERCE**

2021 Local and Community Projects (40000130)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1013, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $23,419,000

Prior Biennia (Expenditures) $9,253,000

Future Biennia (Projected Costs) $0

TOTAL $32,672,000

NEW SECTION. **Sec. 1077. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Landlord Mitigation Account (40000224)

The appropriation in this section is subject to the following conditions and limitations: $5,000,000 of the appropriation in this section must be deposited in the landlord mitigation program account.

Appropriation:

State Taxable Building Construction Account—

State $5,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 1078. FOR THE DEPARTMENT OF COMMERCE**

Rapid Response Community Preservation Pilot Program (91001278)

Reappropriation:

State Building Construction Account—State $1,518,000

Prior Biennia (Expenditures) $482,000

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

NEW SECTION. **Sec. 1079. FOR THE DEPARTMENT OF COMMERCE**

Port Hadlock Wastewater Facility Project (91001545)

Reappropriation:

Public Works Assistance Account—State $900,000

Prior Biennia (Expenditures) $522,000

Future Biennia (Projected Costs) $0

TOTAL $1,422,000

NEW SECTION. **Sec. 1080. FOR THE DEPARTMENT OF COMMERCE**

Pacific Hospital Preservation and Development Plan (91001544)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1021, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $48,000

Prior Biennia (Expenditures) $2,000

Future Biennia (Projected Costs) $0

TOTAL $50,000

NEW SECTION. **Sec. 1081. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Dental Capacity Grants (91001660)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding provided in this section must be used for the construction and equipment directly associated with dental facilities. The funding provided in this section is for projects that are maintained for at least a 10-year period and provide capacity to address unmet patient need and increase efficiency in dental access.

(2) $5,355,000 of the amount provided in this section is provided solely for the following list of projects:

Dental Expansion for Maple Street Clinic (Spokane) $309,000

HealthPoint (Auburn) $721,000

HealthPoint (Renton) $309,000

ICHS Holly Park (Seattle) $106,000

ICHS International District (Seattle) $106,000

International Community Health Services (Bellevue) $106,000

International Community Health Services (Shoreline) $106,000

NEW Health CHC Dental Expansion (Newport) $1,900,000

Peninsula Community Health Services (Gig Harbor) $490,000

Sea Mar Community Health Center (Kent) $1,042,000

Yakima Valley Farm Workers Clinic (Kennewick) $1,030,000

Appropriation:

State Building Construction Account—State $6,225,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $6,225,000

NEW SECTION. **Sec. 1082. FOR THE DEPARTMENT OF COMMERCE**

Substance Use Disorder Recovery Housing (91001675)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for an agreement with Catholic Community Services/Catholic Housing Services to fund a master planning process for the development of a family-centered drug treatment and housing program in western Washington that supports families staying together while they recover from addiction and rebuild their lives. Housing developers, service providers, and other stakeholders must be included in this master planning process.

(2) The master planning process under this section must model the project to be developed after Rising Strong in Spokane and must include units for families that are experiencing substance use disorder and that are involved in the child welfare system. The site must include living quarters for families, space for services, play areas for children, and space for child care. The program services located at the site must include, but are not limited to, case management, counseling, substance use disorder treatment, and parenting skills classes. The site must be located in King County, or located near King county, to provide services to families in the western area of the state.

(3) The master plan developed under this section must be submitted to the appropriate committees of the legislature by December 31, 2021.

Appropriation:

State Building Construction Account—State $150,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $150,000

NEW SECTION. **Sec. 1083. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Early Learning Facilities (91001677)

The appropriation in this section is subject to the following conditions and limitations:

(1) $1,089,000 of the state building construction account—state appropriation in this section is provided solely for the following list of early learning facility projects in the following amounts:

Monroe ECEAP Facility (Monroe) $361,000

Petah Villages Outdoor Preschool (Renton) $370,000

Site Study and Predesign for Two ECEAP Classrooms

(Spokane) $40,000

Willapa Center (Raymond) $318,000

(2) $23,911,000 of the Ruth Lecocq Kagi early learning facilities

development account—state appropriation in this section is provided solely for the early learning facility grant and loan program, subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092, to provide state assistance for designing, constructing, purchasing, expanding, or modernizing public or private early learning education facilities for eligible organizations. Up to four percent of the funding in this subsection may be used by the department of children, youth, and families to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

(3)(a) $7,500,000 of the Ruth Lecocq Kagi early learning facilities revolving account—state appropriation in this section is provided solely for the Washington early learning loan fund. Up to four percent of the funding in this appropriation may be used by the contractor to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

(b) In addition to the reporting requirements in RCW 43.31.573(5), the department must require the contractor to include the following information in the annual reports due to the department:

(i) Audited financial statements or reports independently verified by an accountant showing operating costs, including a clear delineation of the operating costs incurred due to administering grants and loans under this subsection (3);

(ii) Independently verified information regarding the interest rates and terms of all loans provided to early learning facilities under this subsection (3);

(iii) Independently verified or audited information showing all private matching dollars, public matching dollars, and revenues received by the contractor from the repayment of loans, clearly delineating revenues received from the repayment of loans provided under this subsection (3); and

(iv) A forward-looking financial plan that projects the timing and public funding level at which the Washington early learning loan fund will become self-sustaining and will no longer need state matching dollars to provide loans to early learning facilities. The plan must include scenarios based upon a range of state investment in the fund.

(4) The department of children, youth, and families must develop methodology to identify, at the school district boundary level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district. This methodology must inform any early learning facilities needs assessment conducted by the department and the department of children, youth, and families. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(5) When prioritizing areas with the highest unmet need for early childhood education and assistance program slots, the committee of early learning experts convened by the department pursuant to RCW 43.31.581 must first consider those areas at risk of not meeting the entitlement specified in RCW 43.216.556.

(6) The department must track the number of slots being renovated separately from the number of slots being constructed and, within these categories, must track the number of slots separately by program for the working connections child care program and the early childhood education and assistance program.

(7) When prioritizing applications for projects pursuant to RCW 43.31.581, the department must award priority points to applications from a rural county or from extreme child care deserts as defined by the department of children, youth, and families.

(8) The department shall, in consultation with the department of children, youth, and families, prepare a report to the office of financial management and the fiscal committees of the legislature regarding the geographical diversity of early learning facilities grants. The report must be submitted by December 1, 2022, and must provide the following information:

(a) Geographical disbursement of school district early learning grants, early learning facilities grants to eligible organizations, and early

learning loans or grants provided by a nongovernmental private-public partnership contracted by the department, including type of grant, size of award, number of early childhood education and assistance program or working connections child care program slots added, and any other information that the department deems relevant;

(b) Disbursement of early learning grants or loans to providers in rural and nonrural counties, including type of grant, size of award, number of early childhood education and assistance program or working connections child care program slots added, and any other information that the department deems relevant; and

(c) Disbursement of early learning grants or loans to providers by type of provider, including school district, child care center, licensed family home, or other, including type of grant, size of award, number of early childhood education and assistance program or working connections child care program slots added, and any other information that the department deems relevant.

Appropriation:

State Building Construction Account—State $1,089,000

Early Learning Facilities Revolving Account—

State $7,500,000

Early Learning Facilities Development Account—

State $23,911,000

Subtotal Appropriation $32,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $32,500,000

NEW SECTION. **Sec. 1084. FOR THE DEPARTMENT OF COMMERCE**

Food Banks (91001690)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) The appropriation in this section is provided solely for the following list of projects:

FISH Community Food Bank and Food Pantry

(Ellensburg) $1,545,000

Gig Harbor Peninsula FISH New Facility

Construction (Gig Harbor) $2,050,000

Hunger Solution Center Cold Storage Expansion

(Seattle) $827,000

Issaquah Food Bank Expansion (Issaquah) $1,030,000

La Center Community Center Repairs and

Improvements (La Center) $515,000

Port Angeles Food Bank (Port Angeles) $1,050,000

Puyallup Food Bank Capital Campaign (Puyallup) $257,000

White Center Food Bank Relocation (Seattle) $1,030,000

Appropriation:

State Building Construction Account—State $8,304,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $8,304,000

NEW SECTION. **Sec. 1085. FOR THE DEPARTMENT OF COMMERCE**

Infrastructure Projects (91001687)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund, all expenditures of amounts appropriated in this section must be incurred by December 31, 2024.

(9) The appropriation in this section is provided solely for the following list of projects:

Airway Heights Water Resources Replacement (Airway

Heights) $14,950,000

Anderson Road Project Design (Chelan) $258,000

Belfair Water Reclamation Facility (Belfair) $500,000

Boat Haven Stormwater Improvement (Port Townsend) $2,050,000

Centralia School District - Gemini & LTE

(Centralia) $1,529,000

Cheney Purple Pipe Project (Cheney) $11,050,000

City of Fircrest Water Meter Replacement

(Fircrest) $171,000

City of Ilwaco – Drinking Water Source Protection

(Ilwaco) $721,000

Crusher Canyon Sewer Line (Selah) $1,000,000

Dryden Wastewater Improvement Project (Dryden) $1,030,000

Fall City Waste Management System (Fall City) $6,500,000

Fry Creek Pump Station (Aberdeen) $8,975,000

Index Phased Water Line Replacement (Index) $1,351,000

Lacamas Lake Management Plan (Camas) $155,000

Leach Creek Interceptor Extension (University

Place) $2,100,000

Louis Thompson Road Tightline (Sammamish) $3,000,000

Malaga Industrial Park Waterline Extension

(Malaga) $1,545,000

Malden USDA Water (Malden) $247,000

Mill Creek Flood Control Channel (Walla Walla) $1,545,000

NE 92nd Avenue Pump Station & Force Main (Battle

Ground) $2,050,000

New Well for the Community of Peshastin (Peshastin) $1,100,000

Omak Water Reservoir (Omak) $4,300,000

Othello Water Conservation System (Othello) $515,000

Packwood Sewer System (Packwood) $8,050,000

PFAS Treatment at City of DuPont Water Wells

(DuPont) $5,950,000

Port Hadlock Wastewater Facility (Port Hadlock) $20,175,000

Port of Mattawa Wastewater Infrastructure

(Mattawa) $618,000

Reservoir No. 2, Water Supply & Distribution

(Bridgeport) $3,200,000

Shelton: Well 1 Water Main (Shelton) $2,050,000

Skamania County Well Installation (Stevenson) $52,000

Vader Wastewater Treatment Plant Improvements

(Vader) $1,850,000

Wallula Dodd Water System Ph2 (Wallula) $2,050,000

Wanapum Indian Village Fiber infrastructure

Project (Mattawa) $155,000

Water Main Infrastructure Extension Project

(George) $155,000

WWTP Reclaimed Water (Shelton) $2,050,000

Appropriation:

Coronavirus State Fiscal Recovery Account—

Federal $112,997,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $112,997,000

NEW SECTION. **Sec. 1086. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Broadband Office (92000953)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The appropriations in this section are provided solely to the statewide broadband office for qualifying broadband infrastructure projects.

(b) Unless otherwise stated, eligible applicants for grants awarded under subsections (2) and (3) of this section are:

(i) Local governments, including ports and public utility districts;

(ii) Federally recognized tribes;

(iii) Nonprofit organizations;

(iv) Nonprofit cooperative organizations; and

(v) Multiparty entities comprised of a combination of public entity members or private entity members. A multiparty entity cannot be solely comprised of private entities.

(c) Projects receiving grants under this section must:

(i) Demonstrate that the project site is under the applicant's control for a minimum of 25 years, either through ownership or a long-term lease; and

(ii) Commit to using the infrastructure funded by the grant for the purposes of providing broadband connectivity for a minimum of 25 years.

(d) Unless otherwise stated, priority must be given to projects:

(i) Located in unserved areas of the state, which for the purposes of this section means areas of Washington in which households and businesses lack access to broadband service of speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload;

(ii) Located in geographic areas of greatest priority for the deployment of broadband infrastructure to achieve the state's broadband goals, as provided in RCW 43.330.536, identified with department and board mapping tools; or

(iii) That construct last mile infrastructure, as defined in RCW 43.330.530.

(e) Unless otherwise stated, appropriations may not be used for projects where a broadband provider currently provides, or has begun construction to provide, broadband service to end users in the proposed project area at speeds equal to or greater than the state speed goals provided in RCW 43.330.536.

(f) The appropriations must be used for projects that use a technology-neutral approach in order to expand access at the lowest cost to the most unserved or underserved residents.

(g)(i) The statewide broadband office must act as fiscal agent for the grants authorized in subsections (2) and (3) of this section.

(ii) No more than 1.5 percent of the funds appropriated for the program may be expended by the statewide broadband office for administration purposes.

(2)(a) $50,000,000 of the state building construction account—state appropriation is provided solely to the statewide broadband office to award as grants to eligible applicants as match funds to leverage federal broadband infrastructure program funding.

(b)(i) For the purposes of this subsection (2), "state broadband infrastructure funders" are the state broadband office, the public works board, and the community economic revitalization board.

(ii) The statewide broadband office must develop a project evaluation process to assist in coordination among state broadband infrastructure funders to maximize opportunities to leverage federal funding and ensure efficient state investment. The project evaluation process must help determine whether a project is a strong candidate for a known federal funding opportunity and if a project can be packaged as part of a regional or other coordinated federal grant proposal. The state broadband infrastructure funders are encouraged to enter into a memorandum of understanding outlining how coordination will take place so that the process can help with a coordinated funding strategy across these entities.

(3)(a) $260,003,000 of the coronavirus state fiscal recovery fund—federal appropriation and $16,000,000 of the coronavirus capital projects account—federal appropriation are provided

solely for grants to eligible applicants for qualifying broadband infrastructure projects.

(b)(i) Projects that receive grant funding under this subsection (3) must be eligible for funds under section 9901 of the American rescue plan act.

(ii) To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund, all expenditures of amounts appropriated in this subsection (3) must be incurred by December 31, 2024.

(c)(i) $5,000,000 of the appropriation in this subsection is provided for broadband equity and affordability grants.

(ii) Grants must be provided to eligible applicants located in areas:

(A) With existing broadband service with speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload; and

(B) Where the state broadband office, in consultation with the department of equity, determine that access to existing broadband service is not affordable or equitable.

(iii) Eligible applicants for grants awarded under this subsection (3)(c) are:

(A) Local governments, including ports and public utility districts;

(B) Federally recognized tribes;

(C) Public school districts;

(D) Nonprofit organizations; and

(E) Multiparty entities comprised of public entity members to fund broadband deployment.

(d) $258,000 of the coronavirus capital projects account—federal appropriation in this subsection is provided solely for the Precision Agriculture and Broadband pilot project.

(4) By January 30, 2022, and January 30, 2023, the statewide broadband office must develop and submit a report regarding the grants established in subsections (2) and (3) of this section to the office of financial management and appropriate fiscal committees of the legislature. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of projects approved for grant funding in the preceding fiscal year;

(c) The total amount of grant funding that was disbursed during the preceding fiscal year;

(d) The total amount of funds obligated and timing of when the funds were obligated in the preceding fiscal year; and

(e) For projects funded in the prior biennium, the outcomes achieved by the approved projects.

(5) For eligible applicants providing service outside of their jurisdictional boundary, no more than three percent of the award amount may be expended for administration purposes.

Appropriation:

State Building Construction Account—State $50,000,000

Coronavirus State Fiscal Recovery Account—

Federal $260,003,000

Coronavirus Capital Projects Account—Federal $16,000,000

Subtotal Appropriation $326,003,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $326,003,000

NEW SECTION. **Sec. 1087. FOR THE DEPARTMENT OF COMMERCE**

2021-23 Community Relief (92000957)

The appropriation in this section is subject to the following conditions and limitations:

(1) $500,000 of the state taxable building construction account—state appropriation is provided solely for the department to contract with the Communities of Concern Commission for development of a list of community-led capital projects that serve underserved communities. Eligible expenses include costs incurred by the Communities of Concern Commission in conducting outreach, developing an application process, providing technical assistance, assisting project proponents with project readiness, and assisting the department with identifying barriers faced in accessing capital grant

programs. The department must present the list prepared by the Communities of Concern Commission to the fiscal committees of the legislature for consideration for funding in the 2022 supplemental capital budget with the list of identified projects. $2,500,000 of the appropriation in this subsection (1) shall remain in unallotted status for purposes of legislative review of the joint list prepared by the Communities of Concern Commission and the department until the legislature appropriates funds for these projects in the budget process. The legislature retains the right to review and consider all such funding as it does with other requests for project funding. The intent of the legislature is to only provide funding in the 2021-2023 fiscal biennium in order to inform the department's comprehensive equity review required in the operating budget and allow the opportunity for the department to implement the steps necessary to improve equitable delivery of all of their capital grant programs. The department must submit an interim report to the legislature by December 31, 2021, on the barriers identified and lessons learned through projects identified through this section and in section 1093 of this act and the connection to the equity review required in the operating budget.

(2)(a) The appropriation is provided solely for the following list of projects:

?al?al (means "Home" in Lushootseed) (Seattle) $900,000

Asberry Historic Home Site Acquisition (Tacoma) $919,000

Be'er Sheva Park Improvements and Shoreline Restoration

(Seattle) $500,000

Cham Community Center (CCC) (Seattle) $515,000

Communities of Concern Commission (Seattle) $3,000,000

Elevate Youngstown Capital Project (Seattle) $515,000

Feast Collective Capital Request (Spokane) $103,000

Feeding Change Campaign (Seattle) $1,000,000

Khmer Community Center & Cultural Hub (Seattle) $309,000

Neighborhood House Early Learning Facilities (Seattle) $2,050,000

Shiloh Baptist Housing Development Project (Tacoma) $2,100,000

Skyway Resource Center Renovation Project (Seattle) $400,000

Wadajir Residences & Souq (Tukwila) $1,339,000

(b) For the Asberry Historic Home Site Acquisition, the department must work with the department of archaeology and historic preservation and the grantee to develop a historic preservation easement. The easement must be held through the department of archaeology and historic preservation and must be placed on the title in perpetuity.

Appropriation:

State Building Construction Account—State $13,150,000

State Taxable Building Construction Account—

State $500,000

Subtotal Appropriation $13,650,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $13,650,000

NEW SECTION. **Sec. 1088. FOR THE DEPARTMENT OF COMMERCE**

Reimann Roads, Telecomm and Utility Relocation (Pasco) (92001004)

The appropriation in this section is subject to the following conditions and limitations: The department shall not release funds to reimburse the port of Pasco for infrastructure development at the Reimann industrial park unless the port has signed an agreement with a large-scale food processor. If the port has not signed an agreement for use of the Reimann industrial park by December 31, 2022, the amount provided in this section shall lapse.

Appropriation:

State Building Construction Account—State $7,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $7,500,000

NEW SECTION. **Sec. 1089. FOR THE DEPARTMENT OF COMMERCE**

Child Care Minor Renovation Grants (92001109)

The appropriation in this section is subject to the following conditions and limitations:

$10,000,000 of the appropriation is provided solely for the department to provide grants to child care providers for minor renovations and small capital purchases and projects. The grants are intended to support child care providers so that they may maintain operations or expand operations during and after the COVID-19 public health emergency.

(1) The department shall collaborate with the department of children, youth, and families to conduct outreach to licensed family homes to ensure they are made aware of the grant opportunity.

(2) The department shall give priority to projects that make minor renovations without adding capacity and are therefore ineligible for the early learning facilities program.

(3) All grants provided in this section must be awarded by September 30, 2022.

(4) Of the amounts provided in this section, no more than four percent may be retained by the department for administrative purposes.

Appropriation:

General Fund—Federal $10,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $10,000,000

NEW SECTION. **Sec. 1090. FOR THE DEPARTMENT OF COMMERCE**

Increasing Housing Inventory (92001122)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The appropriation in this section is provided solely for grants to cities to facilitate transit-oriented development and may be used to pay for the costs associated with the preparation of state environmental policy act environmental impact statements, planned action ordinances, subarea plans, costs associated with the use of other tools under the state environmental policy act, and the costs of local code adoption and implementation of such efforts.

(b) Grant awards may only fund efforts that address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan.

(2) The department shall prioritize applications for grants to facilitate transit-oriented development that maximize the following policy objectives in the area covered by a proposal:

(a) The total number of housing units authorized for new development;

(b) The proximity and quality of transit access in the area;

(c) Plans that authorize up to six stories of building height;

(d) Plans that authorize ground floor retail with housing above;

(e) Plans in areas that minimize or eliminate on-site parking requirements;

(f) Existence or establishment of incentive zoning, mandatory affordability, or other tools to promote low-income housing in the area;

(g) Plans that include dedicated policies to support public or nonprofit funded low-income or workforce housing; and

(h) Plans designed to maximize and increase the variety of allowable housing types and expected sale or rental rates.

(3) For purposes of this section, "transit access" includes walkable access to:

(a) Light rail and other fixed guideway rail systems;

(b) Bus rapid transit;

(c) High frequency bus service; or

(d) Park and ride lots.

Appropriation:

State Building Construction Account—State $2,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,500,000

NEW SECTION. **Sec. 1091. FOR THE DEPARTMENT OF COMMERCE**

Enhanced Shelter Capacity Grants (92000939)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1022, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $6,318,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $6,318,000

NEW SECTION. **Sec. 1092. FOR THE DEPARTMENT OF COMMERCE**

Work, Education, Health Monitoring Projects (91001686)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) $926,000 of the coronavirus capital projects account—federal appropriation is provided solely for the following list of projects:

Camp Waskowitz Restrooms (North Bend) $250,000

Mary's Place Burien Shelter COVID Updates (Seattle) $550,000

Nordic Heritage Museum HVAC Renovation (Seattle) $26,000

Sherwood COVID Mitigation (Lake Stevens) $100,000

Appropriation:

Coronavirus Capital Projects Account—Federal $926,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $926,000

NEW SECTION. **Sec. 1093. FOR THE DEPARTMENT OF COMMERCE**

Capital Grant Program Equity (91001688)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section is provided solely for the department to provide planning, technical assistance, and predesign grants for projects that would directly benefit populations and communities that have been historically underserved by capital grant policies and programs. It is the intent of the legislature that these grants be available for: (1) Early action on, and in response to, the comprehensive equity review required of the department during the 2021-2023 fiscal biennium; and (2) for reduction of barriers to participation in capital grant programs administered by the department due to race, ethnicity, religion, income, geography, disability, or educational attainment. In awarding grants under this section, the department shall prioritize applications that would directly benefit racially diverse neighborhoods within dense urban areas and small, rural communities where these grants would redress historic and systemic barriers to these communities' participation in capital grant programs. In ranking and sizing grants directly benefiting these groups, the department shall also consider the financial capacity of the applicant and of the community that the grant would benefit. The intent of the legislature is to only provide funding in the 2021-2023 fiscal biennium in order to inform the department's comprehensive equity review required in the operating budget and allow the opportunity for the department to implement the steps necessary to improve equitable delivery of all of their capital grant programs.

Appropriation:

State Building Construction Account—State $5,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 1094. FOR THE DEPARTMENT OF COMMERCE**

Early Learning COVID-19 Renovation Grants (91001681)

The appropriation in this section is subject to the following conditions and limitations:

(1) $8,500,000 of the coronavirus capital projects account—federal appropriation is provided solely for the Washington early learning loan fund to provide grants to early learning facilities for emergency renovation and remodeling changes in response to the public health emergency with respect to the coronavirus disease.

(2) The grants may not be used for operating expenditures, but must be used for capital needs to:

(a) Support increased social distancing requirements;

(b) Support increased health and safety measures;

(c) Provide increased outdoor space; or

(d) Increase or preserve early learning slots within a facility or community.

(3) Grant recipients must meet the requirements in RCW 43.31.575.

(4) Up to four percent of the funding in this appropriation may be used by the contractor to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

Appropriation:

Coronavirus Capital Projects Account—Federal $8,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $8,500,000

NEW SECTION. **Sec. 1095. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Cowlitz River Dredging (20082856)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to acquire land and rights of way along the Cowlitz river for the United States army corps of engineers to dredge. The land is necessary for dredged material deposit

sites for the Mt. St. Helen's flood protection project.

Reappropriation:

State Building Construction Account—State $800,000

Appropriation:

State Building Construction Account—State $1,200,000

Prior Biennia (Expenditures) $700,000

Future Biennia (Projected Costs) $0

TOTAL $2,700,000

NEW SECTION. **Sec. 1096. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Oversight of State Facilities (30000039)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to cover staffing costs of the facilities oversight team.

Appropriation:

Thurston County Capital Facilities—State $2,610,000

Prior Biennia (Expenditures) $4,769,000

Future Biennia (Projected Costs) $10,440,000

TOTAL $17,819,000

NEW SECTION. **Sec. 1097. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

OFM Capital Budget Staff (30000040)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to cover staffing costs of the capital budget team.

Appropriation:

Thurston County Capital Facilities—State $1,315,000

Prior Biennia (Expenditures) $2,469,000

Future Biennia (Projected Costs) $5,260,000

TOTAL $9,044,000

NEW SECTION. **Sec. 1098. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Emergency Repairs (30000041)

The appropriation in this section is subject to the following conditions and limitations:

(1) Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, a request letter for emergency funding signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include a statement describing the health and safety hazard and impacts to facility operations, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project.

(2) For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management.

(3) The office of financial management must notify the legislative evaluation and accountability program committee and the legislative fiscal committees as emergency projects are approved for funding and include what funded level was approved.

(4) The office of financial management must report quarterly, beginning October 1, 2021, on the funding approved by agency and by emergency to the fiscal committees of the legislature.

Appropriation:

State Building Construction Account—State $4,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $16,000,000

TOTAL $20,000,000

NEW SECTION. **Sec. 1099. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Construction Cost Assessment (40000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the office of financial management to review the existing formulas for state agency cost estimating to ensure they accurately reflect project costs for standard and alternative public works project delivery. The scope of the review must include, at a minimum, construction cost escalation, project management fees, the architectural and engineering fee schedule, consultant extra services, and project contingencies. The office of financial management shall confer with legislative staff, agencies with public works contracting authority, and the capital projects advisory review board on the scope and elements of the review.

(2) Before implementing the recommendations, the office of financial management shall report to the senate ways and means committee and the house capital budget committee by May 31, 2022, on recommended changes to the cost estimating methodology as a result of the construction cost assessment and the potential impact to future agency capital budget requests. A preliminary report must be submitted by January 31, 2022.

Appropriation:

Thurston County Capital Facilities—State $300,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $300,000

NEW SECTION. **Sec. 1100. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Fircrest School Land Use Assessment (92000035)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for a contract with the independent consultant that conducted the land use assessment to assist the department of social and health services in their land use negotiations with the city of Shoreline.

Reappropriation:

State Building Construction Account—State $211,000

Prior Biennia (Expenditures) $289,000

Future Biennia (Projected Costs) $0

TOTAL $500,000

NEW SECTION. **Sec. 1101. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Capitol Lake Long-Term Management Planning (30000740)

The appropriations in this section are subject to the following conditions and limitations: The appropriations and reappropriation are subject to the provisions of section 1026, chapter 356, Laws of 2020.

Reappropriation:

General Fund—Private/Local $156,000

State Building Construction Account—State $1,663,000

Subtotal Reappropriation $1,819,000

Appropriation:

State Building Construction Account—State $715,000

Prior Biennia (Expenditures) $4,165,000

Future Biennia (Projected Costs) $0

TOTAL $6,699,000

NEW SECTION. **Sec. 1102. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Elevator Modernization (30000786)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 1075, chapter 413, Laws of 2019.

(2) The appropriation is provided solely for elevator modernizations. The funding is to modernize one elevator, which must be selected and prioritized based on safety and security.

Reappropriation:

State Building Construction Account—State $2,102,000

Appropriation:

Thurston County Capital Facilities Account—State $1,300,000

Prior Biennia (Expenditures) $989,000

Future Biennia (Projected Costs) $0

TOTAL $4,391,000

NEW SECTION. **Sec. 1103. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Campus Physical Security & Safety Improvements (30000812)

Reappropriation:

Capitol Building Construction Account—State $1,462,000

State Building Construction Account—State $2,500,000

Thurston County Capital Facilities Account—State $1,710,000

Subtotal Reappropriation $5,672,000

Prior Biennia (Expenditures) $604,000

Future Biennia (Projected Costs) $0

TOTAL $6,276,000

NEW SECTION. **Sec. 1104. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Statewide Minor Works - Preservation Projects (30000825)

Reappropriation:

State Building Construction Account—State $170,000

Prior Biennia (Expenditures) $3,416,000

Future Biennia (Projected Costs) $0

TOTAL $3,586,000

NEW SECTION. **Sec. 1105. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Facility Professional Services: Staffing (40000225)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for architectural and engineering services to manage public works contracting for all state facilities pursuant to RCW 43.19.450.

(2) At the end of each fiscal year, the department must report to the office of financial management and the fiscal committees of the legislature on performance, including the following:

(a) The number of projects managed by each manager by fiscal year;

(b) The number of projects managed by each manager compared to the prior fiscal year by the same manager;

(c) The number of project predesigns completed on time, reported by project, by fiscal year, by manager, and in total;

(d) The number of project designs completed on time, reported by project, by fiscal year, by manager, and in total;

(e) The number of project constructions completed on time, reported by project, by fiscal year, by manager, and in total;

(f) Projects that were not completed on schedule, how many months delayed they were, and the reasons for the delays;

(g) The number and cost of the change orders and the reason for each change order;

(h) The number of facility professional staff by classification assigned by project to include the budget, actual staffing used, and the number of vacancies by classification; and

(i) A list of the interagency agreements executed with state agencies during the 2021-2023 fiscal biennium to provide staff support to state agencies that is over and above the allocation provided in this section. The list must include the agency, the amount of dollars by fiscal year, and the rationale for the additional service.

(3) At least twice per year, the department shall convene a group of private sector architects, contractors, state agency facilities personnel, and legislative fiscal staff to share, at a minimum, information on high performance methods, ideas, operating and maintenance issues, and costs. The facilities personnel must be from the community and technical colleges, the four-year institutions of higher education, and any other state agencies that have recently completed a new

building or are currently in the design or construction phase.

Appropriation:

State Building Construction Account—State $20,215,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $60,000,000

TOTAL $80,215,000

NEW SECTION. **Sec. 1106. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Legislative Building Exterior Preservation Cleaning (40000033)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1083(1), chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $1,470,000

Prior Biennia (Expenditures) $1,930,000

Future Biennia (Projected Costs) $0

TOTAL $3,400,000

NEW SECTION. **Sec. 1107. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

2019-21 Statewide Minor Works - Programmatic Projects (40000141)

Reappropriation:

State Building Construction Account—State $481,000

Prior Biennia (Expenditures) $15,000

Future Biennia (Projected Costs) $0

TOTAL $496,000

NEW SECTION. **Sec. 1108. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

SEEP: EVSE at State Facilities (40000161)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for electric vehicle service equipment infrastructure on the capitol campus to accommodate charging station installation. The electric vehicle charging equipment works toward state efficiency and environmental performance and the department must prioritize locations to complete work by June 30, 2022.

(2) The department must report where the equipment was installed, by address, in fiscal year 2020, fiscal year 2021, and where it will be installed in fiscal years 2022 and 2023, to the fiscal committees of the legislature by June 30, 2023.

Reappropriation:

Thurston County Capital Facilities—State $285,000

Prior Biennia (Expenditures) $215,000

Future Biennia (Projected Costs) $0

TOTAL $500,000

NEW SECTION. **Sec. 1109. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

21-31 Statewide Minor Works - Preservation (40000180)

Appropriation:

State Building Construction Account—State $887,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $11,442,000

TOTAL $12,329,000

NEW SECTION. **Sec. 1110. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Capitol Campus Security & Safety Enhancements (40000226)

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,155,000 of the state building construction account—state appropriation is provided solely for security improvements to exterior doors. The exterior doors must be prioritized based on safety and security. The department must keep senate and house security informed and must coordinate on plans and schedule with them for, at least, west capitol campus.

(2) $1,885,000 of the state building construction account—state appropriation is provided solely for

security improvements to the fencing, gates, and bollards surrounding the executive residence.

(3) $2,017,000 of the state building construction account—state appropriation is provided solely for security improvements to the video surveillance and lighting surrounding the executive residence.

(4) $1,000,000 of the state building construction account—state appropriation is provided solely for vehicle access control and must be used only for:

(a) A hydraulic wedge barrier on Sid Snyder; and

(b) A hydraulic wedge barrier on Water Street.

Appropriation:

State Building Construction Account—State $6,057,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $6,057,000

NEW SECTION. **Sec. 1111. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Legislative Campus Modernization (92000020)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 6024 of this act.

(2) The department must consult with the senate facilities and operations committee or its designee(s) and the house of representatives executive rules committee or its designee(s) at least every other month.

(3) $11,585,000 of the Thurston county capital facilities account—state appropriation is provided solely for the global legislative campus modernization subproject, which includes, but is not limited to, modular building leases or purchases and associated costs, site development work on campus to include Columbia street, stakeholder outreach, and historic mitigation for the project.

(4) $69,037,000 of the amount provided in this section is provided solely for Irv Newhouse building replacement design and construction on opportunity site six.

(a) The department must:

(i) Have a design contractor selected by September 1, 2021;

(ii) Start design validation by October 1, 2021; and

(iii) Start design by December 1, 2021.

(b) The design and construction must result in:

(i) A high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than 35;

(ii) Sufficient program space required to support senate offices and support functions;

(iii) A building façade similar to the American neoclassical style with a base, shaft, and capitol expression focus with some relief expressed in modern construction methods to include adding more detailing and depth to the exterior so that it will fit with existing legislative buildings on west capitol campus, like the John Cherberg building;

(iv) Member offices of similar size as member offices in the John A. Cherberg building;

(v) Demolition of the buildings located on opportunity site six;

(vi) Consultation with the leadership of the senate, or their designee(s), at least every month, effective July 1, 2021; and

(vii) Ensure the subproject meets legislative intent to complete design by April 30, 2023, and start construction by September 1, 2023.

(5) $8,538,000 of the amount provided in this section is provided solely for Pritchard building design. The design contractor must be selected by January 1, 2023, and the design must result in:

(a) A high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than 35;

(b) Sufficient program space required to support house of representatives offices and support functions; and

(c) Additional office space necessary to offset house of representatives

members and staff office space that may be eliminated in the renovation of the third and fourth floors of the John L. O'Brien building.

(6) All appropriations must be coded and tracked as separate discrete subprojects in the agency financial reporting system.

(7) The state capitol committee, in consultation with capitol campus design advisory committee, may review architectural design proposals for continuity with the 2006 master plan for the capitol of the state of Washington and 2009 west capitol campus historic landscape preservation and vegetation management plan. As part of planning efforts, the state capitol committee may conduct a review of current design criteria and standards.

(8) The Irv Newhouse building replacement and Pritchard building designs should include an analysis of comprehensive impacts to the campus and the surrounding neighborhood, an evaluation of future workforce projections and an analysis of traffic impacts, parking needs, visual buffers, and campus aesthetics. The designs should include a public engagement process including the capitol campus design advisory committee and state capitol committee.

(9) $180,000 of the appropriation in this section is provided solely for the department to conduct a preservation study of the Pritchard building as a continuation of the predesign in section 6024 of this act. The study must include an analysis of seismic, geotechnical, building codes, constructability, and costs associated with renovation and expansion of the Pritchard building to accommodate tenant space needs. The department shall contract with a third-party historic preservation specialist to ensure the study is in compliance with the secretary of the interior's standards and any other applicable standards for historic rehabilitation. The study must include a public engagement process including the capitol campus design advisory committee and state capitol committee. The study is subject to review and approval by the state capitol committee by March 31, 2022, to inform the design of a renovation, expansion, or replacement of the Pritchard building.

(10) The department may sell by auction the Ayers and Carlyon houses, known as the press houses, separate and apart from the underlying land, subject to the following conditions:

(a) The purchaser, at its sole cost and expense, must remove the houses by December 31, 2021;

(b) The state is not responsible for any costs or expenses associated with the sale, removal, or relocation of the buildings from opportunity site six; and

(c) Any sale proceeds must be deposited into the Thurston county capital facilities account.

(11) Implementation of subsections (7) through (10) of this section is not intended to delay the design and construction of any of the subprojects included in the legislative campus modernization project.

Reappropriation:

State Building Construction Account—State $9,900,000

Appropriation:

State Building Construction Account—State $67,855,000

Thurston County Capital Facilities Account—State

$11,585,000

Subtotal Appropriation $79,440,000

Prior Biennia (Expenditures) $596,000

Future Biennia (Projected Costs) $90,812,000

TOTAL $180,748,000

NEW SECTION. **Sec. 1112. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Legislative Building Cleaning (92000028)

The appropriations in this section are subject to the following conditions and limitations: The appropriation and reappropriation are subject to the provisions of section 1091, chapter 413, Laws of 2019. The funding provided in the 2021-2023 fiscal biennium must be used for the John A. Cherberg building.

Reappropriation:

State Building Construction Account—State $987,000

Appropriation:

Thurston County Capital Facilities Account—State

$1,593,000

Prior Biennia (Expenditures) $513,000

Future Biennia (Projected Costs) $7,537,000

TOTAL $10,630,000

NEW SECTION. **Sec. 1113. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Insurance Commissioner Office Building Predesign (92000029)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1028, chapter 356, Laws of 2020.

Reappropriation:

Insurance Commissioner's Regulatory Account—

State $14,000

Prior Biennia (Expenditures) $286,000

Future Biennia (Projected Costs) $0

TOTAL $300,000

NEW SECTION. **Sec. 1114. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Temple of Justice HVAC, Lighting & Water Systems (92000040)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) To assist in funding this project, the department must work with the office of financial management to access federal funding for the total project cost.

(b) If the agency receives more than $26,000,000 in federal funds, an amount of the state building construction account—state appropriation equal to the additional federal funds must be placed in unallotted status.

(c) For purposes of this subsection, "additional federal funds" means the difference between the total amount of federal funds received under (a) of this subsection and $26,000,000.

(2) The department must:

(a) Submit the final predesign to the office of financial management by June 1, 2021;

(b) Submit the final energy services proposal to the senate ways and means committee and the house capital budget committee prior to the department starting the design phase; and

(c) Start design by August 31, 2021.

Appropriation:

State Building Construction Account—State $4,000,000

Coronavirus Capital Projects Account—Federal $26,000,000

Subtotal Appropriation $30,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $30,000,000

NEW SECTION. **Sec. 1115. FOR THE MILITARY DEPARTMENT**

Joint Force Readiness Center: Replacement (30000591)

Appropriation:

State Building Construction Account—State $300,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $43,485,000

TOTAL $43,785,000

NEW SECTION. **Sec. 1116. FOR THE MILITARY DEPARTMENT**

King County Area Readiness Center (30000592)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely to acquire land in King county for a readiness center and to complete a predesign. The predesign must include identification of water supply mitigation that may be used to offset water supply impacts to the city of North Bend that would result from the water use of the future readiness center. If the department has not signed a purchase and sale agreement by June 30, 2023, the amounts provided in this section shall lapse. The department must work to secure federal funding to cover a portion of the costs for design and construction.

Reappropriation:

State Building Construction Account—State $7,030,000

Prior Biennia (Expenditures) $25,000

Future Biennia (Projected Costs) $100,500,000

TOTAL $107,555,000

NEW SECTION. **Sec. 1117. FOR THE MILITARY DEPARTMENT**

Tactical Unmanned Aircraft System (TUAS) (30000596)

Appropriation:

General Fund—Federal $14,800,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $14,800,000

NEW SECTION. **Sec. 1118. FOR THE MILITARY DEPARTMENT**

Tri-Cities Readiness Center (30000808)

Reappropriation:

General Fund—Federal $10,500,000

State Building Construction Account—State $3,200,000

Subtotal Reappropriation $13,700,000

Prior Biennia (Expenditures) $3,464,000

Future Biennia (Projected Costs) $0

TOTAL $17,164,000

NEW SECTION. **Sec. 1119. FOR THE MILITARY DEPARTMENT**

Kent Readiness Center (30000917)

Reappropriation:

General Fund—Federal $4,150,000

State Building Construction Account—State $380,000

Subtotal Reappropriation $4,530,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,530,000

NEW SECTION. **Sec. 1120. FOR THE MILITARY DEPARTMENT**

Snohomish Readiness Center (30000930)

Appropriation:

General Fund—Federal $3,562,000

State Building Construction Account—State $1,188,000

Subtotal Appropriation $4,750,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,750,000

NEW SECTION. **Sec. 1121. FOR THE MILITARY DEPARTMENT**

Anacortes Readiness Center Major Renovation (40000004)

Reappropriation:

Military Department Capital Account—State $75,000

Appropriation:

General Fund—Federal $3,551,000

State Building Construction Account—State $3,551,000

Subtotal Appropriation $7,102,000

Prior Biennia (Expenditures) $75,000

Future Biennia (Projected Costs) $0

TOTAL $7,252,000

NEW SECTION. **Sec. 1122. FOR THE MILITARY DEPARTMENT**

Minor Works Preservation 2019-21 Biennium (40000036)

Reappropriation:

General Fund—Federal $4,400,000

State Building Construction Account—State $2,100,000

Subtotal Reappropriation $6,500,000

Prior Biennia (Expenditures) $1,336,000

Future Biennia (Projected Costs) $0

TOTAL $7,836,000

NEW SECTION. **Sec. 1123. FOR THE MILITARY DEPARTMENT**

Minor Works Program 2019-21 Biennium (40000037)

Reappropriation:

General Fund—Federal $20,000,000

State Building Construction Account—State $2,200,000

Military Department Capital Account—State $109,000

Subtotal Reappropriation $22,309,000

Prior Biennia (Expenditures) $691,000

Future Biennia (Projected Costs) $0

TOTAL $23,000,000

NEW SECTION. **Sec. 1124. FOR THE MILITARY DEPARTMENT**

Camp Murray Soldiers Memorial Park (40000062)

Reappropriation:

Military Department Capital Account—State $500,000

Prior Biennia (Expenditures) $56,000

Future Biennia (Projected Costs) $0

TOTAL $556,000

NEW SECTION. **Sec. 1125. FOR THE MILITARY DEPARTMENT**

Stryker Canopies Kent Site (40000073)

Reappropriation:

General Fund—Federal $3,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $3,000,000

NEW SECTION. **Sec. 1126. FOR THE MILITARY DEPARTMENT**

Stryker Canopies Bremerton Site (40000077)

Reappropriation:

General Fund—Federal $1,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,500,000

NEW SECTION. **Sec. 1127. FOR THE MILITARY DEPARTMENT**

Montesano Field Maintenance Shop (FMS) Addition (40000095)

Reappropriation:

General Fund—Federal $3,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $3,000,000

NEW SECTION. **Sec. 1128. FOR THE MILITARY DEPARTMENT**

Field Maintenance Shop Addition-Sedro Woolley FMS (40000104)

Appropriation:

General Fund—Federal $1,376,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,376,000

NEW SECTION. **Sec. 1129. FOR THE MILITARY DEPARTMENT**

Minor Works Program 21-23 Biennium (40000185)

Appropriation:

General Fund—Federal $6,382,000

State Building Construction Account—State $2,280,000

Subtotal Appropriation $8,662,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $8,662,000

NEW SECTION. **Sec. 1130. FOR THE MILITARY DEPARTMENT**

Minor Works Preservation 2021-23 Biennium (40000188)

Appropriation:

General Fund—Federal $7,180,000

State Building Construction Account—State $2,352,000

Subtotal Appropriation $9,532,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $9,532,000

NEW SECTION. **Sec. 1131. FOR THE MILITARY DEPARTMENT**

Camp Murray Bldg. 20 Roof Top Unit Upgrade (40000189)

Appropriation:

State Building Construction Account—State $313,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $1,200,000

TOTAL $1,513,000

NEW SECTION. **Sec. 1132. FOR THE MILITARY DEPARTMENT**

Camp Murray Bldg 47 and 48 Barracks Replacement (40000190)

Appropriation:

General Fund—Federal $2,147,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,147,000

NEW SECTION. **Sec. 1133. FOR THE MILITARY DEPARTMENT**

Camp Murray Bldg 65 Barracks Replacement (40000191)

Appropriation:

General Fund—Federal $2,236,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,236,000

NEW SECTION. **Sec. 1134. FOR THE MILITARY DEPARTMENT**

Ephrata Field Maintenance Shop Addition (40000193)

Appropriation:

General Fund—Federal $1,194,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,194,000

NEW SECTION. **Sec. 1135. FOR THE MILITARY DEPARTMENT**

JBLM Non-Organizational (POV) Parking Expansion (40000196)

Appropriation:

General Fund—Federal $1,245,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,245,000

NEW SECTION. **Sec. 1136. FOR THE MILITARY DEPARTMENT**

YTC Dining Facility: Transient Training (40000197)

Appropriation:

General Fund—Federal $486,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $5,000,000

TOTAL $5,486,000

NEW SECTION. **Sec. 1137. FOR THE MILITARY DEPARTMENT**

Olympia Armory Transfer (91000011)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section must be deposited in the military department capital account to facilitate the transfer of the Olympia Armory to the city of Olympia. The military department must transfer the Olympia Armory to the city of Olympia for use as a community asset dedicated to using the arts to support community development, arts education, and economic development initiatives for a minimum of 10 years. By May 30, 2023, the department must reach a memorandum of understanding to transfer the property for these purposes at no cost to the city, except for the city's assumption of closing costs. The memorandum must be reported to the house of representatives capital budget committee, the senate ways and means committee, and the governor's office by June 30, 2023.

Appropriation:

State Building Construction Account—State $2,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

NEW SECTION. **Sec. 1138. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Rehabilitation of Beverly Bridge (30000022)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1111, chapter 413, Laws of 2019.

Reappropriation:

General Fund—Private/Local $429,000

State Building Construction Account—State $4,740,000

Subtotal Reappropriation $5,169,000

Prior Biennia (Expenditures) $406,000

Future Biennia (Projected Costs) $0

TOTAL $5,575,000

NEW SECTION. **Sec. 1139. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2019-21 Historic County Courthouse Grants Program (30000023)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1112, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $1,035,000

Prior Biennia (Expenditures) $84,000

Future Biennia (Projected Costs) $0

TOTAL $1,119,000

NEW SECTION. **Sec. 1140. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2019-21 Heritage Barn Preservation Program (30000024)

Reappropriation:

State Building Construction Account—State $383,000

Prior Biennia (Expenditures) $62,000

Future Biennia (Projected Costs) $0

TOTAL $445,000

NEW SECTION. **Sec. 1141. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2019-21 Historic Cemetery Grant Program (40000001)

Reappropriation:

State Building Construction Account—State $340,000

Prior Biennia (Expenditures) $175,000

Future Biennia (Projected Costs) $0

TOTAL $515,000

NEW SECTION. **Sec. 1142. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Ebey's National Historic Reserve (40000003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1115, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $655,000

Appropriation:

State Building Construction Account—State $320,000

Prior Biennia (Expenditures) $345,000

Future Biennia (Projected Costs) $0

TOTAL $1,320,000

NEW SECTION. **Sec. 1143. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

21-23 Heritage Barn Grants (40000005)

Appropriation:

State Building Construction Account—State $1,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $4,000,000

TOTAL $5,000,000

NEW SECTION. **Sec. 1144. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

21-23 Historic County Courthouse Rehabilitation Program (40000006)

The appropriation in this section is provided solely for the following list of projects:

Okanogan $265,000

Walla Walla $1,197,000

Lewis $400,000

Appropriation:

State Building Construction Account—State $1,862,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $8,000,000

TOTAL $9,862,000

NEW SECTION. **Sec. 1145. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

21-23 Historic Cemetery Grant Program (40000007)

Appropriation:

State Building Construction Account—State $300,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $2,060,000

TOTAL $2,360,000

NEW SECTION. **Sec. 1146. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

21-23 Historic Theater Capital Grant Program (40000012)

The appropriations in this section are subject to the following conditions and limitations: The funding in this section is intended to fund activities that preserve the historic character of theaters and not maintenance and upkeep.

Appropriation:

State Building Construction Account—State $300,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $2,060,000

TOTAL $2,360,000

PART 2

HUMAN SERVICES

NEW SECTION. **Sec. 2001. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Training Facility Capital and Functional Needs Assessment (91000002)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2002, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $200,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $200,000

NEW SECTION. **Sec. 2002. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

L&I HQ Elevators (30000018)

Reappropriation:

Accident Account—State $425,000

Medical Aid Account—State $425,000

Subtotal Reappropriation $850,000

Prior Biennia (Expenditures) $3,084,000

Future Biennia (Projected Costs) $0

TOTAL $3,934,000

NEW SECTION. **Sec. 2003. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

Minor Works Preservation Projects (30000035)

Appropriation:

Accident Account—State $1,075,000

Medical Aid Account—State $1,072,000

Subtotal Appropriation $2,147,000

Prior Biennia (Expenditures) $2,483,000

Future Biennia (Projected Costs) $7,842,000

TOTAL $12,472,000

NEW SECTION. **Sec. 2004. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

Modernize Lab and Training Facility (30000043)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 2005, chapter 413, Laws of 2019.

Reappropriation:

Accident Account—State $42,478,000

Medical Aid Account—State $7,496,000

Subtotal Reappropriation $49,974,000

Prior Biennia (Expenditures) $3,229,000

Future Biennia (Projected Costs) $0

TOTAL $53,203,000

NEW SECTION. **Sec. 2005. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

Air Handler Retrofit and Cooling Tower Replacement (30000059)

Appropriation:

Accident Account—State $2,369,000

Medical Aid Account—State $2,369,000

Subtotal Appropriation $4,738,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,738,000

NEW SECTION. **Sec. 2006. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital New Kitchen and Commissary Building (20081319)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2003, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $2,358,000

Prior Biennia (Expenditures) $27,832,000

Future Biennia (Projected Costs) $0

TOTAL $30,190,000

NEW SECTION. **Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center: Kitchen & Dining Room Upgrades (20081506)

Reappropriation:

State Building Construction Account—State $848,000

Prior Biennia (Expenditures) $152,000

Future Biennia (Projected Costs) $0

TOTAL $1,000,000

NEW SECTION. **Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School-Back-Up Power & Electrical Feeders (30000415)

Reappropriation:

State Building Construction Account—State $2,029,000

Prior Biennia (Expenditures) $3,171,000

Future Biennia (Projected Costs) $0

TOTAL $5,200,000

NEW SECTION. **Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: New Boiler Plant (30000468)

Reappropriation:

State Building Construction Account—State $12,032,000

Prior Biennia (Expenditures) $1,297,000

Future Biennia (Projected Costs) $0

TOTAL $13,329,000

NEW SECTION. **Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation Projects: Statewide (30002235)

Reappropriation:

State Building Construction Account—State $3,575,000

Prior Biennia (Expenditures) $23,110,000

Future Biennia (Projected Costs) $0

TOTAL $26,685,000

NEW SECTION. **Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School - Multiple Buildings: Roofing Replacement & Repairs (30002752)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2005, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $1,908,000

Prior Biennia (Expenditures) $722,000

Future Biennia (Projected Costs) $0

TOTAL $2,630,000

NEW SECTION. **Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School-Nursing Facilities: Replacement (30002755)

The appropriation in this section is subject to the following conditions and limitations:

(1) It is the intent of the legislature to further the recommendations of the December 2019 report from the William D. Ruckleshaus center to redesign the intermediate care facility of the Fircrest Residential Habilitation Center to function as short-term crisis stabilization and intervention. It is also the intent of the legislature to concentrate the footprint of the Fircrest Residential Habilitation Center on the northern portion of the property. As a result, $7,750,000 of the appropriation in this section is provided solely for design of a 120-bed nursing facility.

(2) $2,243,000 of the appropriation is provided solely to relocate the adult training program to a different location on the Fircrest Rehabilitation Center campus. The department must consider the proposal to redesign the facility as a short-term crisis stabilization and intervention when devising options for relocation of the adult training program and submit a report of these options to the legislature no later than December 1, 2022.

(3) The department must seek input from individuals with intellectual and developmental disabilities, including the residents at Fircrest and their families or guardians, in design of a nursing facility.

Appropriation:

State Building Construction Account—State $9,993,000

Prior Biennia (Expenditures) $242,000

Future Biennia (Projected Costs) $0

TOTAL $10,235,000

NEW SECTION. **Sec. 2013. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Lakeland Village: Code Required Campus Infrastructure Upgrades (30002238)

Reappropriation:

State Building Construction Account—State $5,143,000

Prior Biennia (Expenditures) $6,057,000

Future Biennia (Projected Costs) $0

TOTAL $11,200,000

NEW SECTION. **Sec. 2014. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

Reappropriation:

State Building Construction Account—State $1,227,000

Appropriation:

Coronavirus Capital Projects Account—Federal $1,450,000

Prior Biennia (Expenditures) $1,173,000

Future Biennia (Projected Costs) $0

TOTAL $3,850,000

NEW SECTION. **Sec. 2015. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Forensic Services: Two Wards Addition (30002765)

Reappropriation:

State Building Construction Account—State $23,572,000

Prior Biennia (Expenditures) $6,928,000

Future Biennia (Projected Costs) $0

TOTAL $30,500,000

NEW SECTION. **Sec. 2016. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

DOC/DSHS McNeil Island-Infrastructure: Repairs & Upgrades (30003211)

Reappropriation:

State Building Construction Account—State $1,234,000

Prior Biennia (Expenditures) $36,000

Future Biennia (Projected Costs) $0

TOTAL $1,270,000

NEW SECTION. **Sec. 2017. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

DOC/DSHS McNeil Island-Infrastructure: Water System Replacement (30003213)

Reappropriation:

State Building Construction Account—State $1,535,000

Prior Biennia (Expenditures) $973,000

Future Biennia (Projected Costs) $0

TOTAL $2,508,000

NEW SECTION. **Sec. 2018. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study and Treatment Center: CLIP Capacity (30003324)

Reappropriation:

State Building Construction Account—State $4,064,000

Prior Biennia (Expenditures) $8,880,000

Future Biennia (Projected Costs) $0

TOTAL $12,944,000

NEW SECTION. **Sec. 2019. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center-King County SCTF: Expansion (30003564)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2010, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State $227,000

Prior Biennia (Expenditures) $2,383,000

Future Biennia (Projected Costs) $0

TOTAL $2,610,000

NEW SECTION. **Sec. 2020. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

State Psychiatric Hospitals: Compliance with Federal Requirements (30003569)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2015, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $322,000

Prior Biennia (Expenditures) $1,678,000

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

NEW SECTION. **Sec. 2021. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Master Plan Update (30003571)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2016, chapter 2, Laws of 2018.

Reappropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State $154,000

Prior Biennia (Expenditures) $371,000

Future Biennia (Projected Costs) $0

TOTAL $525,000

NEW SECTION. **Sec. 2022. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Yakima Valley School-Multiple Buildings: Safety Improvements (30003573)

Reappropriation:

State Building Construction Account—State $975,000

Prior Biennia (Expenditures) $900,000

Future Biennia (Projected Costs) $0

TOTAL $1,875,000

NEW SECTION. **Sec. 2023. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center-Community Facilities: New Capacity (30003577)

The appropriations in this section are subject to the following conditions and limitations: The department must consult with the communities that are potential sites for these facilities.

Reappropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State $388,000

Appropriation:

State Building Construction Account—State $6,000,000

Prior Biennia (Expenditures) $112,000

Future Biennia (Projected Costs) $7,000,000

TOTAL $13,500,000

NEW SECTION. **Sec. 2024. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-East Campus: New Security Fence (30003578)

Reappropriation:

State Building Construction Account—State $479,000

Prior Biennia (Expenditures) $1,241,000

Future Biennia (Projected Costs) $0

TOTAL $1,720,000

NEW SECTION. **Sec. 2025. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Multiple Buildings: Fire Suppression (30003579)

Reappropriation:

State Building Construction Account—State $105,000

Prior Biennia (Expenditures) $895,000

Future Biennia (Projected Costs) $0

TOTAL $1,000,000

NEW SECTION. **Sec. 2026. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Multiple Buildings: Elevator Modernization (30003582)

Reappropriation:

State Building Construction Account—State $4,821,000

Prior Biennia (Expenditures) $279,000

Future Biennia (Projected Costs) $0

TOTAL $5,100,000

NEW SECTION. **Sec. 2027. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Multiple Buildings: Windows Security (30003585)

Reappropriation:

State Building Construction Account—State $446,000

Prior Biennia (Expenditures) $2,104,000

Future Biennia (Projected Costs) $10,000,000

TOTAL $12,550,000

NEW SECTION. **Sec. 2028. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School: Campus Master Plan & Rezone (30003601)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are subject to the provisions of section 2012, chapter 298, Laws of 2018.

(2) The department shall collaborate with the city of Shoreline on the future siting of three 16-bed behavioral health facilities on the northeast corner of the campus and a 120-bed nursing facility on the northwest portion of the campus.

(3) The department shall collaborate with the city to rezone portions of the Fircrest campus that are under used and not necessary for department operations, including the southwest corner, for long-term, revenue-generating opportunities.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State $102,000

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State $125,000

Prior Biennia (Expenditures) $98,000

Future Biennia (Projected Costs) $0

TOTAL $325,000

NEW SECTION. **Sec. 2029. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Forensic Services: Roofing Replacement (30003603)

Reappropriation:

State Building Construction Account—State $487,000

Prior Biennia (Expenditures) $1,468,000

Future Biennia (Projected Costs) $0

TOTAL $1,955,000

NEW SECTION. **Sec. 2030. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Emergency Electrical System Upgrades (30003616)

Reappropriation:

State Building Construction Account—State $876,000

Appropriation:

State Building Construction Account—State $1,055,000

Prior Biennia (Expenditures) $124,000

Future Biennia (Projected Costs) $0

TOTAL $2,055,000

NEW SECTION. **Sec. 2031. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Behavioral Health: Compliance with Systems Improvement Agreement (30003849)

Reappropriation:

State Building Construction Account—State $265,000

Prior Biennia (Expenditures) $8,635,000

Future Biennia (Projected Costs) $0

TOTAL $8,900,000

NEW SECTION. **Sec. 2032. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Wards Renovations for Forensic Services (40000026)

Reappropriation:

State Building Construction Account—State $1,770,000

Prior Biennia (Expenditures) $8,790,000

Future Biennia (Projected Costs) $0

TOTAL $10,560,000

NEW SECTION. **Sec. 2033. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation Projects: Statewide 2019-21 (40000381)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State $1,333,000

State Building Construction Account—State $10,043,000

Subtotal Reappropriation $11,376,000

Prior Biennia (Expenditures) $3,674,000

Future Biennia (Projected Costs) $0

TOTAL $15,050,000

NEW SECTION. **Sec. 2034. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Program Projects: Statewide 2019-21 (40000382)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State $825,000

State Building Construction Account—State $1,649,000

Subtotal Reappropriation $2,474,000

Prior Biennia (Expenditures) $281,000

Future Biennia (Projected Costs) $0

TOTAL $2,755,000

NEW SECTION. **Sec. 2035. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Multiple Buildings: Fire Doors Replacement (40000392)

Reappropriation:

State Building Construction Account—State $5,046,000

Prior Biennia (Expenditures) $54,000

Future Biennia (Projected Costs) $0

TOTAL $5,100,000

NEW SECTION. **Sec. 2036. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

DSHS & DCYF Fire Alarms (91000066)

The appropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions section 2009, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $10,777,000

Appropriation:

State Building Construction Account—State $5,000,000

Prior Biennia (Expenditures) $1,042,000

Future Biennia (Projected Costs) $0

TOTAL $16,819,000

NEW SECTION. **Sec. 2037. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: New Forensic Hospital (91000067)

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 2040, chapter 413, Laws of 2019.

(2) The department must complete the design funded in this section in a manner that will consider ways to reduce costs associated with the construction of the new forensic hospital.

Reappropriation:

State Building Construction Account—State $2,000

Appropriation:

State Building Construction Account—State $51,000,000

Prior Biennia (Expenditures) $998,000

Future Biennia (Projected Costs) $560,163,000

TOTAL $612,163,000

NEW SECTION. **Sec. 2038. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital Elevators (91000068)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State $2,395,000

Prior Biennia (Expenditures) $305,000

Future Biennia (Projected Costs) $0

TOTAL $2,700,000

NEW SECTION. **Sec. 2039. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center: Strategic Master Plan (40000394)

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State $250,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $250,000

NEW SECTION. **Sec. 2040. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital-Eastlake & Westlake: Fire & Smoke Controls (40000404)

Reappropriation:

State Building Construction Account—State $1,933,000

Prior Biennia (Expenditures) $117,000

Future Biennia (Projected Costs) $0

TOTAL $2,050,000

NEW SECTION. **Sec. 2041. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital-Westlake: Fire Stops (40000405)

Reappropriation:

State Building Construction Account—State $1,991,000

Prior Biennia (Expenditures) $139,000

Future Biennia (Projected Costs) $0

TOTAL $2,130,000

NEW SECTION. **Sec. 2042. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study and Treatment Center-Ketron: LSA Expansion (40000411)

Appropriation:

State Building Construction Account—State $1,618,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,618,000

NEW SECTION. **Sec. 2043. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center-Fire House: Electrical Upgrades (40000422)

Reappropriation:

State Building Construction Account—State $1,112,000

Prior Biennia (Expenditures) $423,000

Future Biennia (Projected Costs) $0

TOTAL $1,535,000

NEW SECTION. **Sec. 2044. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital-EL & WL: HVAC Compliance & Monitoring (40000492)

Reappropriation:

State Building Construction Account—State $1,816,000

Prior Biennia (Expenditures) $99,000

Future Biennia (Projected Costs) $0

TOTAL $1,915,000

NEW SECTION. **Sec. 2045. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane-Columbia Cottage: Behavioral Health Expansion (40000567)

Appropriation:

State Building Construction Account—State $5,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 2046. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Program Projects: Statewide 2021-23 (40000569)

The appropriation in this section is subject to the following conditions and

limitations: $250,000 of the appropriation in this section is provided solely for the department to complete a comprehensive review and plan of the water system on the Fircrest campus.

Appropriation:

State Building Construction Account—State $2,755,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $13,750,000

TOTAL $16,505,000

NEW SECTION. **Sec. 2047. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation Projects: Statewide 2021-23 (40000571)

Appropriation:

State Building Construction Account—State $6,950,000

Charitable, Educational, Penal, and Reformatory

Institutions Account—State $1,845,000

Subtotal Appropriation $8,795,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $21,000,000

TOTAL $29,795,000

NEW SECTION. **Sec. 2048. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Transitional Care Center-Main Building: Patient Rooms Cooling (40000574)

Appropriation:

Coronavirus Capital Projects Account—Federal $2,335,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,335,000

NEW SECTION. **Sec. 2049. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Statewide-Behavioral Health: Patient Safety Improvements 2021-23 (40000578)

Appropriation:

State Building Construction Account—State $7,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $28,000,000

TOTAL $35,000,000

NEW SECTION. **Sec. 2050. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Building 29: Roofing Replacement (40000589)

Appropriation:

State Building Construction Account—State $2,285,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,285,000

NEW SECTION. **Sec. 2051. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Building 27: Roofing Replacement (40000888)

Appropriation:

State Building Construction Account—State $1,200,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,200,000

NEW SECTION. **Sec. 2052. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

ESH and WSH-All Wards: Patient Safety Improvements (91000019)

Reappropriation:

State Building Construction Account—State $8,076,000

Prior Biennia (Expenditures) $10,593,000

Future Biennia (Projected Costs) $40,000,000

TOTAL $58,669,000

NEW SECTION. **Sec. 2053. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital & CSTC Power Upgrades (91000070)

Reappropriation:

State Building Construction Account—State $2,081,000

Prior Biennia (Expenditures) $219,000

Future Biennia (Projected Costs) $0

TOTAL $2,300,000

NEW SECTION. **Sec. 2054. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

BH: State Owned, Mixed Use Community Civil 48-Bed Capacity (91000074)

Reappropriation:

State Building Construction Account—State $168,000

Prior Biennia (Expenditures) $182,000

Future Biennia (Projected Costs) $55,274,000

TOTAL $55,624,000

NEW SECTION. **Sec. 2055. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

BH: State Operated Community Civil 16-Bed Capacity (91000075)

Reappropriation:

State Building Construction Account—State $4,131,000

Appropriation:

State Building Construction Account—State $15,190,000

Prior Biennia (Expenditures) $869,000

Future Biennia (Projected Costs) $0

TOTAL $20,190,000

NEW SECTION. **Sec. 2056. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

BH: State Owned, Mixed Use Community Civil 48-Bed Capacity (91000077)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2054, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $18,235,000

Appropriation:

State Building Construction Account—State $37,700,000

Prior Biennia (Expenditures) $1,765,000

Future Biennia (Projected Costs) $0

TOTAL $57,700,000

NEW SECTION. **Sec. 2057. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School-Pats E,C Cottage Cooling Upgrades (91000078)

Reappropriation:

State Building Construction Account—State $1,362,000

Prior Biennia (Expenditures) $6,638,000

Future Biennia (Projected Costs) $0

TOTAL $8,000,000

NEW SECTION. **Sec. 2058. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital Treatment & Recovery Center (91000080)

Reappropriation:

State Building Construction Account—State $7,464,000

Appropriation:

State Building Construction Account—State $16,600,000

Prior Biennia (Expenditures) $536,000

Future Biennia (Projected Costs) $0

TOTAL $24,600,000

NEW SECTION. **Sec. 2059. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Community Nursing Care Homes (92000042)

(1) It is the intent of the legislature to further the recommendations of the December 2019 report from the William D. Ruckleshaus center to redesign intermediate care facilities of the residential habilitation centers to function as short-term crisis stabilization and intervention by constructing smaller, nursing care homes in community settings to care for individuals with intellectual and developmental disabilities.

(2) $300,000 of the appropriation in this section is provided solely to

complete a predesign of community nursing care homes to provide nursing facility level of care to individuals with intellectual and developmental disabilities. The predesign must include options for four or five individual facilities with a minimum of four beds in each and for an individual facility with a minimum of 30 beds.

(3) The department shall provide recommendations for where these community nursing care homes should be located geographically in the state and an analysis of the costs associated with operating these homes. The department shall submit a report of this information to the governor and the appropriate committees of the legislature no later than December 1, 2021.

Appropriation:

State Building Construction Account—State $300,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $300,000

NEW SECTION. **Sec. 2060. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Residential Habilitation Center Land Management (92000044)

The appropriation in this section is subject to the following conditions and limitations: The department shall hire one full-time employee with expertise in land management and development to manage the lands of the residential habilitation centers including, but not limited to, the long-term, revenue generating opportunities for underused portions of the Fircrest Residential Habilitation Center. It is the intent of the legislature that this position will maximize the earning potential of the lands to fund services for those with intellectual and developmental disabilities.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State $150,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $150,000

NEW SECTION. **Sec. 2061. FOR THE DEPARTMENT OF HEALTH**

Newborn Screening Wing Addition (30000301)

Reappropriation:

State Building Construction Account—State $900,000

Prior Biennia (Expenditures) $4,734,000

Future Biennia (Projected Costs) $0

TOTAL $5,634,000

NEW SECTION. **Sec. 2062. FOR THE DEPARTMENT OF HEALTH**

Drinking Water Preconstruction Loans (30000334)

Reappropriation:

Drinking Water Assistance Account—State $5,115,000

Prior Biennia (Expenditures) $585,000

Future Biennia (Projected Costs) $0

TOTAL $5,700,000

NEW SECTION. **Sec. 2063. FOR THE DEPARTMENT OF HEALTH**

Public Health Lab South Laboratory Addition (30000379)

Appropriation:

Coronavirus Capital Projects Account—Federal $4,933,000

Prior Biennia (Expenditures) $196,000

Future Biennia (Projected Costs) $66,519,000

TOTAL $71,648,000

NEW SECTION. **Sec. 2064. FOR THE DEPARTMENT OF HEALTH**

New Central Boiler Plant (30000381)

The appropriation in this section is subject to the following conditions and limitations: The department must submit a preliminary predesign to the office of financial management and the appropriate legislative committees by December 31, 2021. Appropriations for design and construction may not be expended or encumbered until the office of financial

management has reviewed and approved the department's predesign.

Appropriation:

State Building Construction Account—State $12,725,000

Prior Biennia (Expenditures) $540,000

Future Biennia (Projected Costs) $0

TOTAL $13,265,000

NEW SECTION. **Sec. 2065. FOR THE DEPARTMENT OF HEALTH**

Drinking Water Construction Loans (30000409)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2034, chapter 2, Laws of 2018.

Reappropriation:

Drinking Water Assistance Account—State $38,529,000

Prior Biennia (Expenditures) $69,609,000

Future Biennia (Projected Costs) $0

TOTAL $108,138,000

NEW SECTION. **Sec. 2066. FOR THE DEPARTMENT OF HEALTH**

Drinking Water System Repairs and Consolidation (40000006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2035, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $1,000,000

Prior Biennia (Expenditures) $2,858,000

Future Biennia (Projected Costs) $0

TOTAL $3,858,000

NEW SECTION. **Sec. 2067. FOR THE DEPARTMENT OF HEALTH**

Othello Water Supply and Storage (40000008)

Reappropriation:

State Building Construction Account—State $965,000

Prior Biennia (Expenditures) $585,000

Future Biennia (Projected Costs) $0

TOTAL $1,550,000

NEW SECTION. **Sec. 2068. FOR THE DEPARTMENT OF HEALTH**

2019-21 Drinking Water Assistance Program (40000025)

Reappropriation:

Drinking Water Assistance Account—Federal $31,000,000

Prior Biennia (Expenditures) $4,000,000

Future Biennia (Projected Costs) $0

TOTAL $35,000,000

NEW SECTION. **Sec. 2069. FOR THE DEPARTMENT OF HEALTH**

2019-21 Drinking Water System Repairs and Consolidation (40000027)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2068, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $750,000

Prior Biennia (Expenditures) $21,000

Future Biennia (Projected Costs) $0

TOTAL $771,000

NEW SECTION. **Sec. 2070. FOR THE DEPARTMENT OF HEALTH**

Small & Disadvantaged Communities DW (40000031)

Appropriation:

General Fund—Federal $743,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $743,000

NEW SECTION. **Sec. 2071. FOR THE DEPARTMENT OF HEALTH**

E-wing Remodel to a Molecular Laboratory (40000032)

Appropriation:

Coronavirus Capital Projects Account—Federal $216,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $14,179,000

TOTAL $14,395,000

NEW SECTION. **Sec. 2072. FOR THE DEPARTMENT OF HEALTH**

Replace Air Handling Unit (AHU) in A/Q-wings (40000034)

Appropriation:

Coronavirus Capital Projects Account—Federal $1,894,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,894,000

NEW SECTION. **Sec. 2073. FOR THE DEPARTMENT OF HEALTH**

Minor Works - Facility Preservation (40000037)

Appropriation:

State Building Construction Account—State $460,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $460,000

NEW SECTION. **Sec. 2074. FOR THE DEPARTMENT OF HEALTH**

Minor Works - Facility Program (40000038)

Appropriation:

State Building Construction Account—State $554,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $554,000

NEW SECTION. **Sec. 2075. FOR THE DEPARTMENT OF HEALTH**

2021-23 Drinking Water Assistance Program (40000049)

The appropriation in this section is subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

(2) The department must encourage local government use of federally funded drinking water infrastructure programs operated by the United States department of agriculture rural development.

Appropriation:

Drinking Water Assistance Account—Federal $34,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $34,000,000

NEW SECTION. **Sec. 2076. FOR THE DEPARTMENT OF HEALTH**

2021-23 Drinking Water Construction Loans - State Match (40000051)

The appropriation in this section is subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department of health must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

(2) The department must encourage local government use of federally funded drinking water infrastructure programs operated by the United States department of agriculture rural development.

Appropriation:

Drinking Water Assistance Account—State $11,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $11,000,000

NEW SECTION. **Sec. 2077. FOR THE DEPARTMENT OF HEALTH**

Lakewood Water District PFAS Treatment Facility (40000052)

Appropriation:

State Building Construction Account—State $5,569,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $5,569,000

NEW SECTION. **Sec. 2078. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Washington Veterans Home: Bldg 6 & 7 Demo and Grounds Improvement (30000002)

Reappropriation:

State Building Construction Account—State $2,585,000

Prior Biennia (Expenditures) $317,000

Future Biennia (Projected Costs) $0

TOTAL $2,902,000

NEW SECTION. **Sec. 2079. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works Facilities Preservation (30000094)

Reappropriation:

State Building Construction Account—State $755,000

Model Toxics Control Capital Account—State $200,000

Subtotal Reappropriation $955,000

Prior Biennia (Expenditures) $4,339,000

Future Biennia (Projected Costs) $14,960,000

TOTAL $20,254,000

NEW SECTION. **Sec. 2080. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

WVH HVAC Retrofit (40000006)

Reappropriation:

State Building Construction Account—State $250,000

Prior Biennia (Expenditures) $162,000

Future Biennia (Projected Costs) $0

TOTAL $412,000

NEW SECTION. **Sec. 2081. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

WSH - Life Safety Grant (40000013)

Reappropriation:

General Fund—Federal $325,000

State Building Construction Account—State $175,000

Subtotal Reappropriation $500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $500,000

NEW SECTION. **Sec. 2082. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

DVA ARPA Federal Funds & State Match (91000013)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is granted federal expenditure authority in anticipation of the receipt of federal competitive grant funding for which it is eligible to apply under section 8004 of the American rescue plan act of 2021, P.L. 117-2.

(2) Funding appropriated in this section must be used for projects in the following priority order:

(a) The WVH HVAC Retrofit project (40000006); and

(b) Minor works projects that meet the requirements set forth in section 8004 of the American rescue plan act of 2021, P.L. 117-2.

(3) The state building construction account—state appropriation in this section must be used as state match funds to leverage the federal funding described in subsection (1) of this section. Any amount that exceeds the level of state

match funds required to maximize the federal funding opportunity must be placed in unallotted status.

Appropriation:

General Fund—Federal $24,515,000

State Building Construction Account—State $8,584,000

Subtotal Appropriation $33,099,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $33,099,000

NEW SECTION. **Sec. 2083. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Extended Care Facilities Construction Grants (92000001)

Appropriation:

General Fund—Federal $13,133,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $13,133,000

NEW SECTION. **Sec. 2084. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Echo Glen-Housing Unit: Acute Mental Health Unit (30002736)

Reappropriation:

State Building Construction Account—State $7,000,000

Prior Biennia (Expenditures) $2,600,000

Future Biennia (Projected Costs) $0

TOTAL $9,600,000

NEW SECTION. **Sec. 2085. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Green Hill School-Recreation Building: Replacement (30003237)

Appropriation:

State Building Construction Account—State $29,962,000

Prior Biennia (Expenditures) $1,800,000

Future Biennia (Projected Costs) $0

TOTAL $31,762,000

NEW SECTION. **Sec. 2086. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Minor Works Preservation Projects: Statewide 2019-21 (40000400)

Reappropriation:

State Building Construction Account—State $750,000

Prior Biennia (Expenditures) $2,250,000

Future Biennia (Projected Costs) $0

TOTAL $3,000,000

NEW SECTION. **Sec. 2087. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Minor Works Preservation Projects - SW 2021-23 (40000532)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State $761,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $761,000

NEW SECTION. **Sec. 2088. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Purchase Authority - Touchstone Group Home (40000533)

Appropriation:

State Building Construction Account—State $800,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $800,000

NEW SECTION. **Sec. 2089. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Green Hill School - Baker North Remodel (40000534)

Appropriation:

State Building Construction Account—State $6,624,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $6,624,000

NEW SECTION. **Sec. 2090. FOR THE DEPARTMENT OF CORRECTIONS**

MCC: WSR Perimeter Wall Renovation (30000117)

Reappropriation:

State Building Construction Account—State $200,000

Appropriation:

State Building Construction Account—State $1,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $10,063,000

TOTAL $11,263,000

NEW SECTION. **Sec. 2091. FOR THE DEPARTMENT OF CORRECTIONS**

CBCC: Boiler Replacement (30000130)

Reappropriation:

State Building Construction Account—State $7,000,000

Prior Biennia (Expenditures) $624,000

Future Biennia (Projected Costs) $0

TOTAL $7,624,000

NEW SECTION. **Sec. 2092. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Transformers and Switches (30000143)

Reappropriation:

State Building Construction Account—State $16,435,000

Prior Biennia (Expenditures) $4,010,000

Future Biennia (Projected Costs) $0

TOTAL $20,445,000

NEW SECTION. **Sec. 2093. FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Replace Roofs (30000654)

Reappropriation:

State Building Construction Account—State $500,000

Prior Biennia (Expenditures) $3,719,000

Future Biennia (Projected Costs) $0

TOTAL $4,219,000

NEW SECTION. **Sec. 2094. FOR THE DEPARTMENT OF CORRECTIONS**

MCC: TRU Roof Programs and Recreation Building (30000738)

Appropriation:

State Building Construction Account—State $5,996,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $5,996,000

NEW SECTION. **Sec. 2095. FOR THE DEPARTMENT OF CORRECTIONS**

MCC: TRU Support Building HVAC Replacement (40000379)

Appropriation:

Coronavirus Capital Projects Account—Federal $4,646,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,646,000

NEW SECTION. **Sec. 2096. FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Support Buildings Roof Replacement (40000380)

Appropriation:

State Building Construction Account—State $7,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $9,427,000

TOTAL $16,427,000

NEW SECTION. **Sec. 2097. FOR THE DEPARTMENT OF CORRECTIONS**

SW IMU Recreation Yard Improvement (30001123)

Reappropriation:

State Building Construction Account—State $900,000

Appropriation:

State Building Construction Account—State $1,500,000

Prior Biennia (Expenditures) $600,000

Future Biennia (Projected Costs) $1,532,000

TOTAL $4,532,000

NEW SECTION. **Sec. 2098. FOR THE DEPARTMENT OF CORRECTIONS**

CRCC Security Electronics Network Renovation (30001124)

Reappropriation:

State Building Construction Account—State $4,000,000

Prior Biennia (Expenditures) $2,000,000

Future Biennia (Projected Costs) $0

TOTAL $6,000,000

NEW SECTION. **Sec. 2099. FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Reclaimed Water Line (40000058)

Reappropriation:

State Building Construction Account—State $1,871,000

Prior Biennia (Expenditures) $116,000

Future Biennia (Projected Costs) $0

TOTAL $1,987,000

NEW SECTION. **Sec. 2100. FOR THE DEPARTMENT OF CORRECTIONS**

MCC: WSR Clinic Roof Replacement (40000180)

Reappropriation:

State Building Construction Account—State $825,000

Appropriation:

State Building Construction Account—State $8,508,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $9,333,000

NEW SECTION. **Sec. 2101. FOR THE DEPARTMENT OF CORRECTIONS**

MCC: SOU and TRU - Domestic Water and HVAC Piping System (40000246)

The appropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2026, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $300,000

Appropriation:

State Building Construction Account—State $2,729,000

Prior Biennia (Expenditures) $100,000

Future Biennia (Projected Costs) $18,922,000

TOTAL $22,051,000

NEW SECTION. **Sec. 2102. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Preservation Projects (40000254)

Appropriation:

State Building Construction Account—State $11,800,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $60,833,000

TOTAL $72,633,000

NEW SECTION. **Sec. 2103. FOR THE DEPARTMENT OF CORRECTIONS**

LCC: Boiler Replacement (40000255)

Appropriation:

State Building Construction Account—State $1,300,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $3,695,000

TOTAL $4,995,000

NEW SECTION. **Sec. 2104. FOR THE DEPARTMENT OF CORRECTIONS**

MCC: Sewer System HABU (Highest and Best Use) (40000185)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2103, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $500,000

Prior Biennia (Expenditures) $300,000

Future Biennia (Projected Costs) $0

TOTAL $800,000

NEW SECTION. **Sec. 2105. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Preservation Projects (40000187)

Reappropriation:

State Building Construction Account—State $3,500,000

Prior Biennia (Expenditures) $2,973,000

Future Biennia (Projected Costs) $0

TOTAL $6,473,000

NEW SECTION. **Sec. 2106. FOR THE DEPARTMENT OF CORRECTIONS**

WSP: Unit Six Roof Replacement (92000037)

Reappropriation:

State Building Construction Account—State $650,000

Prior Biennia (Expenditures) $277,000

Future Biennia (Projected Costs) $0

TOTAL $927,000

NEW SECTION. **Sec. 2107. FOR THE DEPARTMENT OF CORRECTIONS**

WCCW: AC for MSU (92000039)

Reappropriation:

State Building Construction Account—State $1,250,000

Prior Biennia (Expenditures) $46,000

Future Biennia (Projected Costs) $0

TOTAL $1,296,000

PART 3

NATURAL RESOURCES

NEW SECTION. **Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY**

Water Supply Facilities (19742006)

Reappropriation:

State and Local Improvements Revolving Account—

Water Supply Facilities—State $295,000

Prior Biennia (Expenditures) $15,116,000

Future Biennia (Projected Costs) $0

TOTAL $15,411,000

NEW SECTION. **Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY**

Low-Level Nuclear Waste Disposal Trench Closure (19972012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3002, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Site Closure Account—State $8,472,000

Prior Biennia (Expenditures) $4,930,000

Future Biennia (Projected Costs) $0

TOTAL $13,402,000

NEW SECTION. **Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY**

Twin Lake Aquifer Recharge Project (20042951)

Reappropriation:

State Building Construction Account—State $146,000

Prior Biennia (Expenditures) $604,000

Future Biennia (Projected Costs) $0

TOTAL $750,000

NEW SECTION. **Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY**

Quad Cities Water Right Mitigation (20052852)

Reappropriation:

State Building Construction Account—State $115,000

Prior Biennia (Expenditures) $1,484,000

Future Biennia (Projected Costs) $0

TOTAL $1,599,000

NEW SECTION. **Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY**

Transfer of Water Rights for Cabin Owners (20081951)

Reappropriation:

State Building Construction Account—State $57,000

Prior Biennia (Expenditures) $393,000

Future Biennia (Projected Costs) $0

TOTAL $450,000

NEW SECTION. **Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000028)

Reappropriation:

State Building Construction Account—State $115,000

Prior Biennia (Expenditures) $5,881,000

Future Biennia (Projected Costs) $0

TOTAL $5,996,000

NEW SECTION. **Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grant Program (30000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3006, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

Model Toxics Control Capital Account—State $2,715,000

Prior Biennia (Expenditures) $72,394,000

Future Biennia (Projected Costs) $0

TOTAL $75,109,000

NEW SECTION. **Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxics Sites - Puget Sound (30000144)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3021, chapter 48, Laws of 2011 1st sp. sess. and section 3002, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Capital Account—State $317,000

Prior Biennia (Expenditures) $38,717,000

Future Biennia (Projected Costs) $0

TOTAL $39,034,000

NEW SECTION. **Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000213)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3030, chapter 49, Laws of 2011 1st sp. sess.

Reappropriation:

State Building Construction Account—State $87,000

Prior Biennia (Expenditures) $7,913,000

Future Biennia (Projected Costs) $0

TOTAL $8,000,000

NEW SECTION. **Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grant Program (30000216)

Reappropriation:

Model Toxics Control Capital Account—State $17,040,000

Prior Biennia (Expenditures) $45,824,000

Future Biennia (Projected Costs) $0

TOTAL $62,864,000

NEW SECTION. **Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxics Sites - Puget Sound (30000265)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3005, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Capital Account—State $160,000

Prior Biennia (Expenditures) $15,042,000

Future Biennia (Projected Costs) $0

TOTAL $15,202,000

NEW SECTION. **Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY**

ASARCO - Tacoma Smelter Plume and Mines (30000280)

Reappropriation:

Cleanup Settlement Account—State $2,835,000

Prior Biennia (Expenditures) $17,812,000

Future Biennia (Projected Costs) $0

TOTAL $20,647,000

NEW SECTION. **Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY**

Padilla Bay Federal Capital Projects (30000282)

Reappropriation:

General Fund—Federal $91,000

Prior Biennia (Expenditures) $709,000

Future Biennia (Projected Costs) $0

TOTAL $800,000

NEW SECTION. **Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000331)

Reappropriation:

State Building Construction Account—State $2,013,000

Prior Biennia (Expenditures) $7,987,000

Future Biennia (Projected Costs) $0

TOTAL $10,000,000

NEW SECTION. **Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY**

Dungeness Water Supply & Mitigation (30000333)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State $639,000

Prior Biennia (Expenditures) $1,411,000

Future Biennia (Projected Costs) $0

TOTAL $2,050,000

NEW SECTION. **Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY**

ASARCO Cleanup (30000334)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3020, chapter 413, Laws of 2019.

Reappropriation:

Cleanup Settlement Account—State $1,273,000

Prior Biennia (Expenditures) $34,987,000

Future Biennia (Projected Costs) $0

TOTAL $36,260,000

NEW SECTION. **Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY**

Padilla Bay Federal Capital Projects - Programmatic (30000335)

Reappropriation:

General Fund—Federal $500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $500,000

NEW SECTION. **Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxics Sites - Puget Sound (30000337)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3007, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Capital Account—State $1,071,000

Prior Biennia (Expenditures) $23,984,000

Future Biennia (Projected Costs) $0

TOTAL $25,055,000

NEW SECTION. **Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grants (30000374)

Reappropriation:

Model Toxics Control Capital Account—State $9,357,000

Prior Biennia (Expenditures) $53,180,000

Future Biennia (Projected Costs) $0

TOTAL $62,537,000

NEW SECTION. **Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (30000427)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3009, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Capital Account—State $1,627,000

State Building Construction Account—State $543,000

Subtotal Reappropriation $2,170,000

Prior Biennia (Expenditures) $20,330,000

Future Biennia (Projected Costs) $0

TOTAL $22,500,000

NEW SECTION. **Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY**

Eastern Washington Clean Sites Initiative (30000432)

Reappropriation:

Model Toxics Control Capital Account—State $7,444,000

Prior Biennia (Expenditures) $2,456,000

Future Biennia (Projected Costs) $0

TOTAL $9,900,000

NEW SECTION. **Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grants (30000458)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3011, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Capital Account—State $8,711,000

State Building Construction Account—State $14,081,000

Subtotal Reappropriation $22,792,000

Prior Biennia (Expenditures) $29,955,000

Future Biennia (Projected Costs) $0

TOTAL $52,747,000

NEW SECTION. **Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY**

Leaking Tank Model Remedies (30000490)

Reappropriation:

Model Toxics Control Capital Account—State $280,000

Prior Biennia (Expenditures) $1,720,000

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

NEW SECTION. **Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY**

Stormwater Financial Assistance Program (30000535)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3012, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Stormwater Account—State $22,444,000

Prior Biennia (Expenditures) $8,757,000

Future Biennia (Projected Costs) $0

TOTAL $31,201,000

NEW SECTION. **Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY**

Coastal Wetlands Federal Funds (30000536)

Reappropriation:

General Fund—Federal $3,962,000

Prior Biennia (Expenditures) $6,038,000

Future Biennia (Projected Costs) $0

TOTAL $10,000,000

NEW SECTION. **Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY**

Floodplains by Design (30000537)

Reappropriation:

State Building Construction Account—State $10,094,000

Prior Biennia (Expenditures) $25,466,000

Future Biennia (Projected Costs) $0

TOTAL $35,560,000

NEW SECTION. **Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY**

ASARCO Cleanup (30000538)

Reappropriation:

Cleanup Settlement Account—State $1,982,000

Prior Biennia (Expenditures) $10,164,000

Future Biennia (Projected Costs) $0

TOTAL $12,146,000

NEW SECTION. **Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY**

Cleanup Toxics Sites - Puget Sound (30000542)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3013, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Model Toxics Control Capital Account—State $6,379,000

Prior Biennia (Expenditures) $8,002,000

Future Biennia (Projected Costs) $0

TOTAL $14,381,000

NEW SECTION. **Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY**

Columbia River Water Supply Development Program (30000588)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3068, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Columbia River Basin Water Supply Revenue

Recovery Account—State $1,313,000

Prior Biennia (Expenditures) $17,687,000

Future Biennia (Projected Costs) $0

TOTAL $19,000,000

NEW SECTION. **Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY**

Sunnyside Valley Irrigation District Water Conservation (30000589)

Reappropriation:

State Building Construction Account—State $1,129,000

Prior Biennia (Expenditures) $1,926,000

Future Biennia (Projected Costs) $0

TOTAL $3,055,000

NEW SECTION. **Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY**

Yakima River Basin Water Supply (30000590)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 3070, chapter 3, Laws of 2015 3rd sp. sess., except as provided in subsection (2) of this section.

(2)(a) $3,250,000 of the appropriation in this section is provided solely for the acquisition of real property in lower Kittitas county known as the Eaton Ranch property by the state through the department of enterprise services on behalf of the department. This appropriation is provided to fund the closing, project, and transaction costs related to the acquisition of the property. The departments must expedite the review and execution of the transaction by June 30, 2022. It is the intent of the legislature that the state hold the property until a transfer to the United States bureau of reclamation for the purposes of construction of a water supply reservoir in accordance with the Yakima Basin integrated plan, or until such purpose is declared by the bureau no longer feasible.

(b) The legislature recognizes and declares that the acquisition of a portion of the Eaton Ranch for the construction of a water supply reservoir in accordance with the goals and objectives of the Yakima Basin integrated plan is a unique circumstance and the Eaton Ranch property offers special and essential features that are expected to yield broad public benefit to the state. It is the intent of the legislature that the department provide the necessary funding through subsequent funding requests to maintain and principally operate the land for grazing of livestock with the local conservation district, or an equivalent organization, until a transfer of the property to the United States bureau of reclamation.

Reappropriation:

State Taxable Building Construction Account—

State $3,564,000

Prior Biennia (Expenditures) $26,436,000

Future Biennia (Projected Costs) $0

TOTAL $30,000,000

NEW SECTION. **Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000591)

Reappropriation:

State Building Construction Account—State $889,000

Prior Biennia (Expenditures) $4,111,000

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY**

ASARCO Cleanup (30000670)

Reappropriation:

Cleanup Settlement Account—State $17,621,000

Prior Biennia (Expenditures) $11,139,000

Future Biennia (Projected Costs) $0

TOTAL $28,760,000

NEW SECTION. **Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY**

Waste Tire Pile Cleanup and Prevention (30000672)

Reappropriation:

Waste Tire Removal Account—State $47,000

Prior Biennia (Expenditures) $953,000

Future Biennia (Projected Costs) $0

TOTAL $1,000,000

NEW SECTION. **Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY**

Sunnyside Valley Irrigation District Water Conservation (30000673)

Reappropriation:

State Building Construction Account—State $2,657,000

Prior Biennia (Expenditures) $2,027,000

Future Biennia (Projected Costs) $0

TOTAL $4,684,000

NEW SECTION. **Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY**

2015-17 Restored Eastern Washington Clean Sites Initiative (30000704)

Reappropriation:

State Building Construction Account—State $2,342,000

Prior Biennia (Expenditures) $94,000

Future Biennia (Projected Costs) $0

TOTAL $2,436,000

NEW SECTION. **Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Centennial Clean Water Program (30000705)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $17,403,000

Prior Biennia (Expenditures) $17,597,000

Future Biennia (Projected Costs) $0

TOTAL $35,000,000

NEW SECTION. **Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY**

Floodplains by Design 2017-19 (30000706)

Reappropriation:

State Building Construction Account—State $24,036,000

Prior Biennia (Expenditures) $11,428,000

Future Biennia (Projected Costs) $0

TOTAL $35,464,000

NEW SECTION. **Sec. 3039. FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Remedial Action Grants (30000707)

Reappropriation:

Model Toxics Control Capital Account—State $3,261,000

Prior Biennia (Expenditures) $2,616,000

Future Biennia (Projected Costs) $0

TOTAL $5,877,000

NEW SECTION. **Sec. 3040. FOR THE DEPARTMENT OF ECOLOGY**

Swift Creek Natural Asbestos Flood Control and Cleanup (30000708)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3011, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $1,688,000

Appropriation:

State Building Construction Account—State $2,041,000

Prior Biennia (Expenditures) $4,712,000

Future Biennia (Projected Costs) $35,400,000

TOTAL $43,841,000

NEW SECTION. **Sec. 3041. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Program (30000710)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3013, chapter 2, Laws of 2018.

Reappropriation:

Water Pollution Control Revolving Fund—State $160,000,000

Prior Biennia (Expenditures) $50,000,000

Future Biennia (Projected Costs) $0

TOTAL $210,000,000

NEW SECTION. **Sec. 3042. FOR THE DEPARTMENT OF ECOLOGY**

Columbia River Water Supply Development Program (30000712)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3006, chapter 298, Laws of 2018.

Reappropriation:

Columbia River Basin Water Supply Development

Account—State $9,152,000

Columbia River Basin Water Supply Revenue

Recovery Account—State $2,000,000

State Building Construction Account—State $6,569,000

Subtotal Reappropriation $17,721,000

Prior Biennia (Expenditures) $16,079,000

Future Biennia (Projected Costs) $0

TOTAL $33,800,000

NEW SECTION. **Sec. 3043. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000714)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3017, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $3,907,000

Prior Biennia (Expenditures) $1,093,000

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 3044. FOR THE DEPARTMENT OF ECOLOGY**

Water Irrigation Efficiencies Program (30000740)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3007, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State $2,233,000

Prior Biennia (Expenditures) $4,267,000

Future Biennia (Projected Costs) $0

TOTAL $6,500,000

NEW SECTION. **Sec. 3045. FOR THE DEPARTMENT OF ECOLOGY**

Eastern Regional Office Improvements and Stormwater Treatment (30000741)

Reappropriation:

State Building Construction Account—State $1,503,000

Prior Biennia (Expenditures) $2,383,000

Future Biennia (Projected Costs) $0

TOTAL $3,886,000

NEW SECTION. **Sec. 3046. FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Eastern Washington Clean Sites Initiative (30000742)

Reappropriation:

Model Toxics Control Capital Account—State $1,740,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,740,000

NEW SECTION. **Sec. 3047. FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Clean Up Toxic Sites - Puget Sound (30000749)

Reappropriation:

Model Toxics Control Capital Account—State $155,000

Prior Biennia (Expenditures) $2,027,000

Future Biennia (Projected Costs) $0

TOTAL $2,182,000

NEW SECTION. **Sec. 3048. FOR THE DEPARTMENT OF ECOLOGY**

2015-17 Restored Clean Up Toxic Sites - Puget Sound (30000763)

Reappropriation:

State Building Construction Account—State $2,155,000

Prior Biennia (Expenditures) $3,085,000

Future Biennia (Projected Costs) $0

TOTAL $5,240,000

NEW SECTION. **Sec. 3049. FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Stormwater Financial Assistance Program (30000796)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriation are subject to the provisions of section 3005, chapter 298, Laws of 2018.

Reappropriation:

Model Toxics Control Stormwater Account—State $10,673,000

State Building Construction Account—State $23,149,000

Subtotal Reappropriation $33,822,000

Prior Biennia (Expenditures) $2,578,000

Future Biennia (Projected Costs) $0

TOTAL $36,400,000

NEW SECTION. **Sec. 3050. FOR THE DEPARTMENT OF ECOLOGY**

2015-17 Restored Stormwater Financial Assistance (30000797)

Reappropriation:

State Building Construction Account—State $21,257,000

Prior Biennia (Expenditures) $8,843,000

Future Biennia (Projected Costs) $0

TOTAL $30,100,000

NEW SECTION. **Sec. 3051. FOR THE DEPARTMENT OF ECOLOGY**

Catastrophic Flood Relief (40000006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3023, chapter 2, Laws of 2018.

Reappropriation:

General Fund—Federal $10,000,000

Prior Biennia (Expenditures) $50,000,000

Future Biennia (Projected Costs) $0

TOTAL $60,000,000

NEW SECTION. **Sec. 3052. FOR THE DEPARTMENT OF ECOLOGY**

VW Settlement Funded Projects (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3008, chapter 298, Laws of 2018.

Reappropriation:

General Fund—Private/Local $109,662,000

Prior Biennia (Expenditures) $3,038,000

Future Biennia (Projected Costs) $0

TOTAL $112,700,000

NEW SECTION. **Sec. 3053. FOR THE DEPARTMENT OF ECOLOGY**

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles (40000109)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3019, chapter 356, Laws of 2020.

Reappropriation:

Air Pollution Control Account—State $16,099,000

Prior Biennia (Expenditures) $12,301,000

Future Biennia (Projected Costs) $0

TOTAL $28,400,000

NEW SECTION. **Sec. 3054. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Water Pollution Control Revolving Program (40000110)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3074, chapter 413, Laws of 2019.

Reappropriation:

Water Pollution Control Revolving Fund—State $148,000,000

Water Pollution Control Revolving Fund—Federal $53,837,000

Subtotal Reappropriation $201,837,000

Prior Biennia (Expenditures) $2,163,000

Future Biennia (Projected Costs) $0

TOTAL $204,000,000

NEW SECTION. **Sec. 3055. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Sunnyside Valley Irrigation District Water Conservation (40000111)

Reappropriation:

State Building Construction Account—State $4,197,000

Prior Biennia (Expenditures) $37,000

Future Biennia (Projected Costs) $0

TOTAL $4,234,000

NEW SECTION. **Sec. 3056. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 ASARCO Cleanup (40000114)

Reappropriation:

Cleanup Settlement Account—State $6,800,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $6,800,000

NEW SECTION. **Sec. 3057. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Reducing Toxic Diesel Emissions (40000115)

Reappropriation:

Air Pollution Control Account—State $668,000

Prior Biennia (Expenditures) $332,000

Future Biennia (Projected Costs) $0

TOTAL $1,000,000

NEW SECTION. **Sec. 3058. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Centennial Clean Water Program (40000116)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3074, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $25,010,000

Prior Biennia (Expenditures) $4,990,000

Future Biennia (Projected Costs) $0

TOTAL $30,000,000

NEW SECTION. **Sec. 3059. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Eastern Washington Clean Sites Initiative (40000117)

Reappropriation:

Model Toxics Control Capital Account—State $12,108,000

Prior Biennia (Expenditures) $2,000

Future Biennia (Projected Costs) $0

TOTAL $12,110,000

NEW SECTION. **Sec. 3060. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Reducing Toxic Wood Stove Emissions (40000126)

Reappropriation:

Air Pollution Control Account—State $590,000

Prior Biennia (Expenditures) $1,910,000

Future Biennia (Projected Costs) $0

TOTAL $2,500,000

NEW SECTION. **Sec. 3061. FOR THE DEPARTMENT OF ECOLOGY**

Padilla Bay Federal Capital Projects (40000127)

Reappropriation:

General Fund—Federal $500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $500,000

NEW SECTION. **Sec. 3062. FOR THE DEPARTMENT OF ECOLOGY**

Mercury Switch Removal (40000128)

Reappropriation:

Model Toxics Control Capital Account—State $186,000

Prior Biennia (Expenditures) $64,000

Future Biennia (Projected Costs) $0

TOTAL $250,000

NEW SECTION. **Sec. 3063. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Floodplains by Design (40000129)

Reappropriation:

State Building Construction Account—State $46,163,000

Prior Biennia (Expenditures) $4,237,000

Future Biennia (Projected Costs) $0

TOTAL $50,400,000

NEW SECTION. **Sec. 3064. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Clean Up Toxics Sites - Puget Sound (40000130)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3080, chapter 413, Laws of 2019.

Reappropriation:

Model Toxics Control Capital Account—State $12,415,000

Prior Biennia (Expenditures) $352,000

Future Biennia (Projected Costs) $0

TOTAL $12,767,000

NEW SECTION. **Sec. 3065. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Stormwater Financial Assistance Program (40000144)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3020, chapter 356, Laws of 2020.

Reappropriation:

Model Toxics Control Stormwater Account—State $44,617,000

Prior Biennia (Expenditures) $4,389,000

Future Biennia (Projected Costs) $0

TOTAL $49,006,000

NEW SECTION. **Sec. 3066. FOR THE DEPARTMENT OF ECOLOGY**

2015 Drought Authority (40000146)

Reappropriation:

State Drought Preparedness Account—State $669,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $669,000

NEW SECTION. **Sec. 3067. FOR THE DEPARTMENT OF ECOLOGY**

Waste Tire Pile Cleanup and Prevention (40000147)

Reappropriation:

Waste Tire Removal Account—State $369,000

Prior Biennia (Expenditures) $631,000

Future Biennia (Projected Costs) $0

TOTAL $1,000,000

NEW SECTION. **Sec. 3068. FOR THE DEPARTMENT OF ECOLOGY**

Lacey HQ Roof Replacement (40000148)

Reappropriation:

State Building Construction Account—State $2,947,000

Prior Biennia (Expenditures) $142,000

Future Biennia (Projected Costs) $0

TOTAL $3,089,000

NEW SECTION. **Sec. 3069. FOR THE DEPARTMENT OF ECOLOGY**

Healthy Housing Remediation Program (40000149)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 413, Laws of 2019.

Reappropriation:

Model Toxics Control Capital Account—State $5,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 3070. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Columbia River Water Supply Development Program (40000152)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3087, chapter 413, Laws of 2019.

Reappropriation:

Columbia River Basin Water Supply Revenue

Recovery Account—State $2,400,000

State Building Construction Account—State $22,970,000

State Taxable Building Construction Account—

State $10,500,000

Subtotal Reappropriation $35,870,000

Prior Biennia (Expenditures) $4,130,000

Future Biennia (Projected Costs) $0

TOTAL $40,000,000

NEW SECTION. **Sec. 3071. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Streamflow Restoration Program (40000177)

Reappropriation:

Watershed Restoration and Enhancement Bond

Account—State $31,504,000

Prior Biennia (Expenditures) $8,496,000

Future Biennia (Projected Costs) $0

TOTAL $40,000,000

NEW SECTION. **Sec. 3072. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Yakima River Basin Water Supply (40000179)

The reappropriation in this section is subject to the following conditions and limitations:

(1) $3,250,000 of the appropriation in this section is provided solely for the acquisition of real property in lower Kittitas county known as the Eaton Ranch property by the state through the department of enterprise services on behalf of the department. This appropriation is provided to fund the closing, project, and transaction costs related to the acquisition of the property. The departments must expedite the review and execution of the transaction by June 30, 2022. It is the intent of the legislature that the state hold the property until a transfer to the United States bureau of reclamation for the purposes of construction of a water supply reservoir in accordance with the Yakima Basin integrated plan, or until such purpose is declared by the bureau no longer feasible.

(2) The legislature recognizes and declares that the acquisition of a portion of the Eaton Ranch for the construction of a water supply reservoir in accordance with the goals and objectives of the Yakima Basin integrated plan is a unique circumstance and the Eaton Ranch property offers special and essential features that are expected to yield broad public benefit to the state. It is the intent of the legislature that the department provide the necessary funding through subsequent funding

requests to maintain and principally operate the land for grazing of livestock with the local conservation district, or an equivalent organization, until a transfer of the property to the United States bureau of reclamation.

Reappropriation:

State Building Construction Account—State $26,212,000

Prior Biennia (Expenditures) $13,788,000

Future Biennia (Projected Costs) $0

TOTAL $40,000,000

NEW SECTION. **Sec. 3073. FOR THE DEPARTMENT OF ECOLOGY**

Zosel Dam Preservation (40000193)

Reappropriation:

State Building Construction Account—State $137,000

Prior Biennia (Expenditures) $80,000

Future Biennia (Projected Costs) $0

TOTAL $217,000

NEW SECTION. **Sec. 3074. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Protect Investments in Cleanup Remedies (40000194)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3091, chapter 413, Laws of 2019.

Reappropriation:

Model Toxics Control Capital Account—State $6,918,000

Prior Biennia (Expenditures) $1,286,000

Future Biennia (Projected Costs) $0

TOTAL $8,204,000

NEW SECTION. **Sec. 3075. FOR THE DEPARTMENT OF ECOLOGY**

Lacey HQ Facility Preservation Project—Minor Works (40000207)

Reappropriation:

State Building Construction Account—State $193,000

Prior Biennia (Expenditures) $57,000

Future Biennia (Projected Costs) $0

TOTAL $250,000

NEW SECTION. **Sec. 3076. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Chehalis Basin Strategy (40000209)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3023, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $62,458,000

Prior Biennia (Expenditures) $11,449,000

Future Biennia (Projected Costs) $0

TOTAL $73,907,000

NEW SECTION. **Sec. 3077. FOR THE DEPARTMENT OF ECOLOGY**

Chemical Action Plan Implementation (40000210)

Reappropriation:

Model Toxics Control Capital Account—State $1,883,000

Prior Biennia (Expenditures) $1,821,000

Future Biennia (Projected Costs) $0

TOTAL $3,704,000

NEW SECTION. **Sec. 3078. FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Remedial Action Grants (40000211)

Reappropriation:

Model Toxics Control Capital Account—State $46,763,000

Prior Biennia (Expenditures) $3,201,000

Future Biennia (Projected Costs) $0

TOTAL $49,964,000

NEW SECTION. **Sec. 3079. FOR THE DEPARTMENT OF ECOLOGY**

2020 Eastern Washington Clean Sites Initiative (40000286)

Reappropriation:

Model Toxics Control Capital Account—State $1,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,000,000

NEW SECTION. **Sec. 3080. FOR THE DEPARTMENT OF ECOLOGY**

2020 Remedial Action Grants (40000288)

Reappropriation:

Model Toxics Control Capital Account—State $32,645,000

Prior Biennia (Expenditures) $11,000

Future Biennia (Projected Costs) $0

TOTAL $32,656,000

NEW SECTION. **Sec. 3081. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 ASARCO Everett Smelter Plume Cleanup (40000303)

Appropriation:

Model Toxics Control Capital Account—State $10,814,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $16,722,000

TOTAL $27,536,000

NEW SECTION. **Sec. 3082. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Remedial Action Grant Program (40000304)

The appropriation in this section is subject to the following conditions and limitations: During the 2021-2023 fiscal biennium, the department must work with the Port of Everett to develop an extended grant agreement for the Port Weyerhaeuser Mill A project located in Everett harbor, in preparation of the department's 2023-2025 biennial capital budget request for remedial action grant program funding.

Appropriation:

Model Toxics Control Capital Account—State $71,194,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $264,800,000

TOTAL $335,994,000

NEW SECTION. **Sec. 3083. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Stormwater Financial Assistance Program (40000336)

Appropriation:

Model Toxics Control Stormwater Account—State $75,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $280,000,000

TOTAL $355,000,000

NEW SECTION. **Sec. 3084. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Water Pollution Control Revolving Program (40000337)

Appropriation:

Water Pollution Control Revolving Fund—State $225,000,000

Water Pollution Control Revolving Fund—Federal $75,000,000

Subtotal Appropriation $300,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $1,200,000,000

TOTAL $1,500,000,000

NEW SECTION. **Sec. 3085. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Waste Tire Pile Cleanup and Prevention (40000338)

Appropriation:

Waste Tire Removal Account—State $1,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $4,000,000

TOTAL $5,000,000

NEW SECTION. **Sec. 3086. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 State Match - Water Pollution Control Revolving Program (40000339)

Appropriation:

Water Pollution Control Revolving Fund—State $15,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $60,000,000

TOTAL $75,000,000

NEW SECTION. **Sec. 3087. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Eastern Washington Clean Sites Initiative (40000340)

Appropriation:

Model Toxics Control Capital Account—State $20,820,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $40,000,000

TOTAL $60,820,000

NEW SECTION. **Sec. 3088. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Clean Up Toxic Sites - Puget Sound (40000346)

Appropriation:

Model Toxics Control Capital Account—State $5,808,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $40,000,000

TOTAL $45,808,000

NEW SECTION. **Sec. 3089. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Centennial Clean Water Program (40000359)

The appropriation in this section is subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its centennial program grant.

(2) The department must encourage local government use of federally funded clean water infrastructure programs operated by the United States department of agriculture rural development.

Appropriation:

Model Toxics Control Capital Account—State $40,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $160,000,000

TOTAL $200,000,000

NEW SECTION. **Sec. 3090. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Protect Investments in Cleanup Remedies (40000360)

Appropriation:

Model Toxics Control Capital Account—State $11,093,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $40,000,000

TOTAL $51,093,000

NEW SECTION. **Sec. 3091. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Reducing Toxic Wood Stove Emissions (40000371)

The appropriation in this section is subject to the following conditions and limitations: Whenever possible and most cost effective, the agency and local air agency partners must select home heating devices that are certified by the United States environmental protection agency or do not use natural gas to replace noncompliant devices.

Appropriation:

Model Toxics Control Capital Account—State $3,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $16,000,000

TOTAL $19,000,000

NEW SECTION. **Sec. 3092. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Freshwater Aquatic Invasive Plants Grant Program (40000375)

Appropriation:

Freshwater Aquatic Weeds Account—State $1,700,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $6,800,000

TOTAL $8,500,000

NEW SECTION. **Sec. 3093. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Freshwater Algae Grant Program (40000376)

Appropriation:

Aquatic Algae Control Account—State $730,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $3,000,000

TOTAL $3,730,000

NEW SECTION. **Sec. 3094. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Healthy Housing Remediation Program (40000378)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) $10,161,000 of the appropriation in this section is provided solely for the department to establish and administer a program to:

(i) Provide grants or other public funding to persons intending to remediate contaminated real property for development of affordable housing, as defined in RCW 43.185A.010. The grants or public funding may only be used for:

(A) Integrated planning to fund studies and other activities necessary to facilitate the acquisition, remediation, and adaptive reuse of known or suspected contaminated real property for affordable housing development, including:

(I) The activities specified under RCW 70A.305.190(5)(d); and

(II) Entry into development agreements pursuant to RCW 36.70B.170, 36.70B.180, and 36.70B.190 to accelerate the development of the contaminated real property into affordable housing; and

(B) Remediation of contaminated real property for affordable housing development; or

(ii) Remediate contaminated real property where a person intends to develop affordable housing, as defined in RCW 43.185A.010.

(b) When evaluating projects under this section, the department must consult with the department of commerce and consider at a minimum:

(i) The ability of the project to expedite the cleanup and reuse of the contaminated real property for affordable housing development;

(ii) The extent to which the project leverages other public or private funding for the cleanup and reuse of the contaminated real property for affordable housing development;

(iii) The suitability of the real property for affordable housing based on the threat posed by the contamination to human health;

(iv) Whether the work to be funded is ready to proceed and be completed; and

(v) The distribution of funding throughout the state and among public and private entities.

(c) Any remediation of contaminated real property funded under this section must be performed:

(i) Under an agreed order or consent decree issued under chapter 70A.305 RCW or by the department; and

(ii) In accordance with the rules established under chapter 70A.305 RCW.

(d) Real property remediated under this section must be restricted to affordable housing use for a period of no less than 30 years.

(i) To ensure that real property remediated under this section is used for affordable housing, the department may file a lien against the real property pursuant to RCW 70A.305.060, require the person to record an interest in the real property in accordance with RCW 64.04.130, or use other means deemed by the department to be no less protective of the affordable housing use and interests of the department.

(ii) Any person who refuses, without sufficient cause, to comply with this subsection is subject to enforcement pursuant to any agreement or chapter 70A.305 RCW for the repayment, with interest, of funds provided or expended by the department under this section.

(2) $750,000 of the appropriation in this section is provided solely to mitigate soil contamination of toxic substances to enable the development of

affordable housing, at the former University of Washington Mount Baker site, located at 2901 27th Ave South in Seattle and consisting of approximately four acres of land.

Appropriation:

Model Toxics Control Capital Account—State $10,911,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $40,000,000

TOTAL $50,911,000

NEW SECTION. **Sec. 3095. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 ASARCO Tacoma Smelter Plume Cleanup (40000386)

Appropriation:

Cleanup Settlement Account—State $3,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $17,200,000

TOTAL $20,200,000

NEW SECTION. **Sec. 3096. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Chehalis Basin Strategy (40000387)

The appropriation in this section is subject to the following conditions and limitations:

(1) $33,050,000 of the appropriation in this section is for board-approved projects to protect and restore aquatic species habitat, including construction and property acquisition; preconstruction and acquisition planning and project development, feasibility, design, environmental review, and permitting; postconstruction and acquisition monitoring and adaptive management; and engagement of state agencies, tribes, conservation partners, landowners, and other parties.

(2) $33,050,000 of the appropriation in this section is for board-approved projects to reduce flood damage, including construction and property acquisition; preconstruction and acquisition project planning and development, feasibility, design, environmental review, and permitting; and engagement of state agencies, tribes, project sponsors, landowners, and other parties.

(3) $3,900,000 of the appropriation in this section is for the operations of the office of Chehalis Basin and Chehalis Basin board to oversee the development, implementation, and amendment of the Chehalis Basin strategy. Oversight operations include, but are not limited to: Providing financial accountability, project management, and board meeting administration and facilitation.

(4) Specific projects must be approved by at least six of the seven voting members of the Chehalis Basin Board. The Chehalis Basin Board has the discretion to reallocate the funding between subsections (1), (2), and (3) of this section if needed to meet the objectives of this appropriation and approved by at least six of the seven voting members of the board. However, $3,900,000 is the maximum amount the department may expend for the purposes of subsection (3) of this section.

(5) Up to 1.5 percent of the appropriation in this section may be used by the recreation and conservation office to administer contracts associated with the subprojects funded through this section. Contract administration includes, but is not limited to: Drafting and amending contracts, reviewing and approving invoices, tracking expenditures, and performing field inspections to assess project status when conducting similar assessments related to other agency contracts in the same geographic area.

Appropriation:

State Building Construction Account—State $70,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $240,000,000

TOTAL $310,000,000

NEW SECTION. **Sec. 3097. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Coastal Wetlands Federal Funds (40000388)

Appropriation:

General Fund—Federal $8,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $32,000,000

TOTAL $40,000,000

NEW SECTION. **Sec. 3098. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Floodplains by Design (40000389)

Appropriation:

State Building Construction Account—State $50,908,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $280,000,000

TOTAL $330,908,000

NEW SECTION. **Sec. 3099. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Reducing Diesel GHG & Toxic Emissions (40000390)

Appropriation:

Model Toxics Control Capital Account—State $15,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $60,000,000

TOTAL $75,000,000

NEW SECTION. **Sec. 3100. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Sunnyside Valley Irrigation District Water Conservation (40000391)

Appropriation:

State Building Construction Account—State $4,281,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $17,124,000

TOTAL $21,405,000

NEW SECTION. **Sec. 3101. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Puget Sound Nutrient Reduction Grant Program (40000396)

The appropriation in this section is subject to the following conditions and limitations:

The department must use the following criteria to evaluate and prioritize eligible municipalities to receive grant funding under this section:

(1) Location of wastewater treatment facility, prioritizing facilities that are not located within a city with a population of 760,000 or more, as reported by the office of financial management pursuant to RCW 43.62.030;

(2) Age of wastewater treatment facility, prioritizing the oldest eligible facilities; and

(3) Immediacy of need for grant funding to avoid system failure and higher magnitude of contamination.

Appropriation:

State Building Construction Account—State $9,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $36,000,000

TOTAL $45,000,000

NEW SECTION. **Sec. 3102. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Streamflow Restoration Program (40000397)

Appropriation:

Watershed Restoration and Enhancement Bond

Account—State $40,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $160,000,000

TOTAL $200,000,000

NEW SECTION. **Sec. 3103. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Columbia River Water Supply Development Program (40000399)

The appropriations in this section are subject to the following conditions and limitations:

(1) $16,000,000 of the appropriation is provided solely to assist in planning, designing, engineering, development coordination, and construction of pump stations or other improvements at the EL 79.2 or associated stations serving the same area that expand the delivery systems of the Odessa groundwater replacement project, sufficient to irrigate at least 13,000 acres. Within amounts appropriated in this subsection:

(a) $400,000 may be provided to assist the Grant county conservation district in applying for support from the United States department of agriculture-natural

resource conservation service to secure federal funding for surface water delivery systems on the Columbia Basin Project.

(b) $150,000 may be used for improvements at EL 85, including radial arm gates.

(2) $5,000,000 of the appropriation is provided solely for the continued development and building of the EL 22.1 surface water irrigation system including a canal pump station, an electrical power substation, booster pump stations, and a large diameter full-sized pipeline sufficient to irrigate 16,000 acres.

(3) The east Columbia basin irrigation district may only be allowed to make any administrative charges sufficient to administer the state grants, not to exceed one percent of amounts provided to them within this appropriation, with the requirement to report administrative expenditures to the office of Columbia river annually.

Appropriation:

Columbia River Basin Water Supply Revenue

Recovery Account—State $1,500,000

State Building Construction Account—State $43,500,000

Subtotal Appropriation $45,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $160,000,000

TOTAL $205,000,000

NEW SECTION. **Sec. 3104. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Yakima River Basin Water Supply (40000422)

Appropriation:

State Building Construction Account—State $42,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $168,000,000

TOTAL $210,000,000

NEW SECTION. **Sec. 3105. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Product Replacement Program (40000436)

Appropriation:

Model Toxics Control Capital Account—State $6,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $26,000,000

TOTAL $32,500,000

NEW SECTION. **Sec. 3106. FOR THE DEPARTMENT OF ECOLOGY**

Water Availability (91000343)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3011, chapter 298, Laws of 2018.

Reappropriation:

Watershed Restoration and Enhancement Bond

Account—State $7,943,000

Prior Biennia (Expenditures) $5,657,000

Future Biennia (Projected Costs) $0

TOTAL $13,600,000

NEW SECTION. **Sec. 3107. FOR THE DEPARTMENT OF ECOLOGY**

Skagit Water (91000347)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3012, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State $2,290,000

Prior Biennia (Expenditures) $210,000

Future Biennia (Projected Costs) $0

TOTAL $2,500,000

NEW SECTION. **Sec. 3108. FOR THE DEPARTMENT OF ECOLOGY**

PFAS Pilot Project (91000359)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3103, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $400,000

Appropriation:

State Building Construction Account—State $750,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,150,000

NEW SECTION. **Sec. 3109. FOR THE DEPARTMENT OF ECOLOGY**

Storm Water Improvements (92000076)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3028, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $29,293,000

Prior Biennia (Expenditures) $67,673,000

Future Biennia (Projected Costs) $0

TOTAL $96,966,000

NEW SECTION. **Sec. 3110. FOR THE DEPARTMENT OF ECOLOGY**

Drought Response (92000142)

Reappropriation:

State Drought Preparedness Account—State $1,215,000

Prior Biennia (Expenditures) $5,508,000

Future Biennia (Projected Costs) $0

TOTAL $6,723,000

NEW SECTION. **Sec. 3111. FOR THE DEPARTMENT OF ECOLOGY**

Port of Tacoma Arkema/Dunlap Mound (92000158)

Reappropriation:

State Building Construction Account—State $727,000

Prior Biennia (Expenditures) $2,173,000

Future Biennia (Projected Costs) $0

TOTAL $2,900,000

NEW SECTION. **Sec. 3112. FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Water Banking (91000373)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriations in this section are provided solely for the department to administer a pilot grant program for water banking strategies to meet local water needs.

(b) $2,000,000 is provided solely for qualified applicants located within the Methow River Basin.

(2)(a) Grant awards may only be used for:

(i) Development of water banks in rural counties as defined in RCW 82.14.370(5);

(ii) Acquisition of water rights appropriate for use in a water bank including all costs necessary to evaluate the water right for eligibility for its intended use; and

(iii) Activities necessary to facilitate the creation of a water bank.

(b) For applicants located outside of the Methow River Basin, grant awards may only be used for the development of water banks in rural counties that have the headwaters of a major watershed within their borders and only for water banking strategies within the county of origin. For purposes of this section, "major watershed" has the same meaning as shoreline of statewide significance in RCW 90.58.030(2)(f)(v) (A) and (B).

(3) Grant awards may not exceed $2,000,000 per applicant.

(4) For the purposes of a grant pursuant to this section, a water bank must meet water needs, which include, but are not limited to, agricultural use and instream flow for fish and wildlife. The water bank must preserve water rights for use in the county of origin and for permanent instream flows for fish and wildlife through the primary and secondary reaches of the water right.

(5) To be eligible to receive a grant under this section, an applicant must:

(a) Be a public entity or a participant in a public-private partnership with a public entity;

(b) Exhibit sufficient expertise and capacity to develop and maintain a water bank consistent with the purposes of this appropriation;

(c) Secure a valid interest to purchase a water right;

(d) Show that the water rights appear to be adequate for the intended use; and

(e) Agree to have one-third of any water right purchased with the funds appropriated under this section to have its purpose of use changed permanently to instream flow benefiting fish and wildlife.

Appropriation:

State Building Construction Account—State $5,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 3113. FOR THE DEPARTMENT OF ECOLOGY**

Pier 63 Creosote Removal (92000193)

Appropriation:

Model Toxics Control Capital Account—State $1,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,500,000

NEW SECTION. **Sec. 3114. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Underground Storage Tank Capital Program Demonstration and Design (30000001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Pollution Liability Insurance Program Trust

Account—State $228,000

Prior Biennia (Expenditures) $1,572,000

Future Biennia (Projected Costs) $0

TOTAL $1,800,000

NEW SECTION. **Sec. 3115. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Underground Storage Tank Capital Financial Assistance Program (30000002)

Reappropriation:

PLIA Underground Storage Tank Revolving Account—

State $1,638,000

Prior Biennia (Expenditures) $6,318,000

Future Biennia (Projected Costs) $0

TOTAL $7,956,000

NEW SECTION. **Sec. 3116. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Leaking Tank Model Remedies (30000669)

Reappropriation:

State Building Construction Account—State $639,000

Prior Biennia (Expenditures) $467,000

Future Biennia (Projected Costs) $0

TOTAL $1,106,000

NEW SECTION. **Sec. 3117. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Underground Storage Tank Capital Financing Assistance Pgm 2019-21 (30000702)

Reappropriation:

Pollution Liability Insurance Agency Underground

Storage Tank Revolving Account—State $11,650,000

Prior Biennia (Expenditures) $850,000

Future Biennia (Projected Costs) $0

TOTAL $12,500,000

NEW SECTION. **Sec. 3118. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

2019-21 Leaking Tank Model Remedies Activity (30000703)

Reappropriation:

Pollution Liability Insurance Program Trust

Account—State $732,000

Appropriation:

Pollution Liability Insurance Program Trust

Account—State $263,000

Prior Biennia (Expenditures) $32,000

Future Biennia (Projected Costs) $1,052,000

TOTAL $2,079,000

NEW SECTION. **Sec. 3119. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Heating Oil Capital Financing Assistance Program (30000704)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3026, chapter 356, Laws of 2020.

Reappropriation:

PLIA Underground Storage Tank Revolving Account—

State $4,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,000,000

NEW SECTION. **Sec. 3120. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

2021-23 Underground Storage Tank Capital Financial Assistance Pgm (30000705)

Appropriation:

PLIA Underground Storage Tank Revolving Account—

State $12,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $48,000,000

TOTAL $60,000,000

NEW SECTION. **Sec. 3121. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

2021-23 Heating Oil Capital Financing Assistance Program (30000706)

Appropriation:

PLIA Underground Storage Tank Revolving Account—

State $8,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $32,000,000

TOTAL $40,000,000

NEW SECTION. **Sec. 3122. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Underground Storage Tank Capital Financial Assistance Pgm 2017-19 (92000001)

Reappropriation:

PLIA Underground Storage Tank Revolving Account—

State $10,330,000

Prior Biennia (Expenditures) $2,370,000

Future Biennia (Projected Costs) $0

TOTAL $12,700,000

NEW SECTION. **Sec. 3123. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Flagler - Welcome Center Replacement (30000097)

Appropriation:

State Building Construction Account—State $1,446,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,446,000

NEW SECTION. **Sec. 3124. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Simcoe - Historic Officers Quarters Renovation (30000155)

Reappropriation:

State Building Construction Account—State $208,000

Prior Biennia (Expenditures) $84,000

Future Biennia (Projected Costs) $0

TOTAL $292,000

NEW SECTION. **Sec. 3125. FOR THE STATE PARKS AND RECREATION COMMISSION**

Sun Lakes State Park: Dry Falls Campground Renovation (30000305)

Reappropriation:

State Building Construction Account—State $305,000

Prior Biennia (Expenditures) $97,000

Future Biennia (Projected Costs) $0

TOTAL $402,000

NEW SECTION. **Sec. 3126. FOR THE STATE PARKS AND RECREATION COMMISSION**

Lake Chelan State Park Moorage Dock Pile Replacement (30000416)

Reappropriation:

State Building Construction Account—State $821,000

Prior Biennia (Expenditures) $1,023,000

Future Biennia (Projected Costs) $0

TOTAL $1,844,000

NEW SECTION. **Sec. 3127. FOR THE STATE PARKS AND RECREATION COMMISSION**

Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at SR 6 (30000519)

Reappropriation:

State Building Construction Account—State $4,902,000

Prior Biennia (Expenditures) $481,000

Future Biennia (Projected Costs) $0

TOTAL $5,383,000

NEW SECTION. **Sec. 3128. FOR THE STATE PARKS AND RECREATION COMMISSION**

Schafer Relocate Campground (30000532)

Reappropriation:

State Building Construction Account—State $3,978,000

Prior Biennia (Expenditures) $788,000

Future Biennia (Projected Costs) $0

TOTAL $4,766,000

NEW SECTION. **Sec. 3129. FOR THE STATE PARKS AND RECREATION COMMISSION**

Steamboat Rock Build Dunes Campground (30000729)

Reappropriation:

State Building Construction Account—State $200,000

Prior Biennia (Expenditures) $4,137,000

Future Biennia (Projected Costs) $0

TOTAL $4,337,000

NEW SECTION. **Sec. 3130. FOR THE STATE PARKS AND RECREATION COMMISSION**

Kopachuck Day Use Development (30000820)

Reappropriation:

State Building Construction Account—State $4,914,000

Prior Biennia (Expenditures) $1,024,000

Future Biennia (Projected Costs) $0

TOTAL $5,938,000

NEW SECTION. **Sec. 3131. FOR THE STATE PARKS AND RECREATION COMMISSION**

Local Grant Authority (30000857)

Appropriation:

Parks Renewal and Stewardship Account—

Private/Local $2,000,000

Prior Biennia (Expenditures) $4,516,000

Future Biennia (Projected Costs) $8,000,000

TOTAL $14,516,000

NEW SECTION. **Sec. 3132. FOR THE STATE PARKS AND RECREATION COMMISSION**

Federal Grant Authority (30000858)

Appropriation:

General Fund—Federal $750,000

Prior Biennia (Expenditures) $1,900,000

Future Biennia (Projected Costs) $3,000,000

TOTAL $5,650,000

NEW SECTION. **Sec. 3133. FOR THE STATE PARKS AND RECREATION COMMISSION**

Lake Sammamish Dock Grant Match (30000872)

Reappropriation:

State Building Construction Account—State $938,000

Prior Biennia (Expenditures) $142,000

Future Biennia (Projected Costs) $0

TOTAL $1,080,000

NEW SECTION. **Sec. 3134. FOR THE STATE PARKS AND RECREATION COMMISSION**

Birch Bay - Repair Failing Bridge (30000876)

Reappropriation:

State Building Construction Account—State $55,000

Prior Biennia (Expenditures) $193,000

Future Biennia (Projected Costs) $0

TOTAL $248,000

NEW SECTION. **Sec. 3135. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden - Pier & Marine Learning Center Improve or Replace (30000950)

Reappropriation:

State Building Construction Account—State $26,000

Prior Biennia (Expenditures) $708,000

Future Biennia (Projected Costs) $11,016,000

TOTAL $11,750,000

NEW SECTION. **Sec. 3136. FOR THE STATE PARKS AND RECREATION COMMISSION**

Field Spring Replace Failed Sewage Syst & Non-ADA Comfort Station (30000951)

Reappropriation:

State Building Construction Account—State $1,023,000

Prior Biennia (Expenditures) $245,000

Future Biennia (Projected Costs) $0

TOTAL $1,268,000

NEW SECTION. **Sec. 3137. FOR THE STATE PARKS AND RECREATION COMMISSION**

Mount Spokane - Maintenance Facility Relocation from Harms Way (30000959)

Reappropriation:

State Building Construction Account—State $1,834,000

Prior Biennia (Expenditures) $607,000

Future Biennia (Projected Costs) $0

TOTAL $2,441,000

NEW SECTION. **Sec. 3138. FOR THE STATE PARKS AND RECREATION COMMISSION**

Parkland Acquisition (30000976)

Appropriation:

Parkland Acquisition Account—State $2,000,000

Prior Biennia (Expenditures) $2,245,000

Future Biennia (Projected Costs) $8,000,000

TOTAL $12,245,000

NEW SECTION. **Sec. 3139. FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works - Facilities and Infrastructure (30000978)

Reappropriation:

State Building Construction Account—State $338,000

Prior Biennia (Expenditures) $4,253,000

Future Biennia (Projected Costs) $0

TOTAL $4,591,000

NEW SECTION. **Sec. 3140. FOR THE STATE PARKS AND RECREATION COMMISSION**

Penrose Point Sewer Improvements (30000981)

Reappropriation:

State Building Construction Account—State $629,000

Prior Biennia (Expenditures) $110,000

Future Biennia (Projected Costs) $0

TOTAL $739,000

NEW SECTION. **Sec. 3141. FOR THE STATE PARKS AND RECREATION COMMISSION**

Palouse Falls Day Use Area Renovation (30000983)

Reappropriation:

State Building Construction Account—State $217,000

Prior Biennia (Expenditures) $3,000

Future Biennia (Projected Costs) $0

TOTAL $220,000

NEW SECTION. **Sec. 3142. FOR THE STATE PARKS AND RECREATION COMMISSION**

Lake Sammamish Sunset Beach Picnic Area (30000984)

Reappropriation:

State Building Construction Account—State $2,383,000

Prior Biennia (Expenditures) $377,000

Future Biennia (Projected Costs) $0

TOTAL $2,760,000

NEW SECTION. **Sec. 3143. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Water System Renovation (30001016)

Reappropriation:

State Building Construction Account—State $103,000

Prior Biennia (Expenditures) $397,000

Future Biennia (Projected Costs) $0

TOTAL $500,000

NEW SECTION. **Sec. 3144. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Electrical System Renovation (30001018)

Reappropriation:

State Building Construction Account—State $100,000

Prior Biennia (Expenditures) $629,000

Future Biennia (Projected Costs) $0

TOTAL $729,000

NEW SECTION. **Sec. 3145. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide New Park (30001019)

Reappropriation:

State Building Construction Account—State $256,000

Prior Biennia (Expenditures) $57,000

Future Biennia (Projected Costs) $0

TOTAL $313,000

NEW SECTION. **Sec. 3146. FOR THE STATE PARKS AND RECREATION COMMISSION**

Steptoe Butte Road Improvements (30001076)

Reappropriation:

State Building Construction Account—State $178,000

Prior Biennia (Expenditures) $288,000

Future Biennia (Projected Costs) $0

TOTAL $466,000

NEW SECTION. **Sec. 3147. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Fish Barrier Removal (40000010)

Reappropriation:

State Building Construction Account—State $1,605,000

Prior Biennia (Expenditures) $300,000

Future Biennia (Projected Costs) $0

TOTAL $1,905,000

NEW SECTION. **Sec. 3148. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Electric Vehicle Charging Stations (40000016)

Reappropriation:

State Building Construction Account—State $175,000

Prior Biennia (Expenditures) $25,000

Future Biennia (Projected Costs) $0

TOTAL $200,000

NEW SECTION. **Sec. 3149. FOR THE STATE PARKS AND RECREATION COMMISSION**

Preservation Minor Works 2019-21 (40000151)

Reappropriation:

State Building Construction Account—State $1,139,000

Prior Biennia (Expenditures) $3,308,000

Future Biennia (Projected Costs) $0

TOTAL $4,447,000

NEW SECTION. **Sec. 3150. FOR THE STATE PARKS AND RECREATION COMMISSION**

Nisqually New Full Service Park (40000153)

Reappropriation:

State Building Construction Account—State $2,788,000

Appropriation:

State Building Construction Account—State $11,126,000

Prior Biennia (Expenditures) $1,069,000

Future Biennia (Projected Costs) $20,945,000

TOTAL $35,928,000

NEW SECTION. **Sec. 3151. FOR THE STATE PARKS AND RECREATION COMMISSION**

Palouse to Cascade Trail - Crab Creek Trestle Replacement (40000162)

Reappropriation:

State Building Construction Account—State $79,000

Prior Biennia (Expenditures) $171,000

Future Biennia (Projected Costs) $0

TOTAL $250,000

NEW SECTION. **Sec. 3152. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Flagler Historic Theater Restoration (40000188)

Appropriation:

State Building Construction Account—State $196,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $1,030,000

TOTAL $1,226,000

NEW SECTION. **Sec. 3153. FOR THE STATE PARKS AND RECREATION COMMISSION**

Nisqually Day Use Improvements (40000202)

Appropriation:

State Building Construction Account—State $383,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $16,828,000

TOTAL $17,211,000

NEW SECTION. **Sec. 3154. FOR THE STATE PARKS AND RECREATION COMMISSION**

Saint Edward Maintenance Facility (40000218)

Appropriation:

State Building Construction Account—State $2,199,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,199,000

NEW SECTION. **Sec. 3155. FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works - Preservation 2021-23 (40000364)

Appropriation:

State Building Construction Account—State $7,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $7,000,000

NEW SECTION. **Sec. 3156. FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works - Program 2021-23 (40000365)

Appropriation:

State Building Construction Account—State $1,936,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,936,000

NEW SECTION. **Sec. 3157. FOR THE STATE PARKS AND RECREATION COMMISSION**

2021-23 Recreational Marine Sewage Disposal Program (CVA) (40000366)

Appropriation:

General Fund—Federal $2,600,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $10,400,000

TOTAL $13,000,000

NEW SECTION. **Sec. 3158. FOR THE STATE PARKS AND RECREATION COMMISSION**

Forest Health & Hazard Reduction 2021-23 (40000371)

Appropriation:

State Building Construction Account—State $800,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $800,000

NEW SECTION. **Sec. 3159. FOR THE STATE PARKS AND RECREATION COMMISSION**

Comfort Station Pilot Project (91000433)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3043, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State $54,000

Prior Biennia (Expenditures) $1,113,000

Future Biennia (Projected Costs) $0

TOTAL $1,167,000

NEW SECTION. **Sec. 3160. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Flagler Campground Road Relocation (91000434)

Appropriation:

State Building Construction Account—State $660,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $660,000

NEW SECTION. **Sec. 3161. FOR THE STATE PARKS AND RECREATION COMMISSION**

State Parks Capital Preservation Pool (92000014)

Reappropriation:

State Building Construction Account—State $11,239,000

Prior Biennia (Expenditures) $19,761,000

Future Biennia (Projected Costs) $0

TOTAL $31,000,000

NEW SECTION. **Sec. 3162. FOR THE STATE PARKS AND RECREATION COMMISSION**

St. Edward Environmental Education and Research Center (92000016)

Reappropriation:

State Building Construction Account—State $264,000

Prior Biennia (Expenditures) $486,000

Future Biennia (Projected Costs) $0

TOTAL $750,000

NEW SECTION. **Sec. 3163. FOR THE STATE PARKS AND RECREATION COMMISSION**

2021-23 State Parks Capital Preservation Pool (92000017)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a pool of eligible projects owned by the state parks and recreation commission.

(2) The following projects are the only projects eligible for funding in this section:

(a) Larrabee Water System Replacement;

(b) Cape Disappointment - Welcome Center and Entrance Improvements;

(c) Blake Island Marine Facilities Improvements;

(d) Cape Disappointment: Campground Access Road Culverts;

(e) Twenty-Five Mile Creek - Replace Moorage Floats;

(f) Maryhill Parkwide Septic System Overhaul;

(g) Palouse to Cascade Trail - Crab Creek Trestle Replacement;

(h) Mount Spokane - Maintenance Facility Relocation from Harms Way;

(i) Sun Lakes Replace Primary Lift Station;

(j) Lyons Ferry Campground Reestablishment;

(k) Pearrygin Lake West Campground Development;

(l) Palouse Falls Day Use Area Renovation;

(m) Birch Bay - Repair Failing Bridge;

(n) Centennial Trail Paving Repair and Overlay;

(o) Deception Pass - Bowman Bay Pier Replacement;

(p) Ike Kinswa: Main Campground Loop Utility Upgrades;

(q) South Whidbey - Campground to Day Use Conversion;

(r) Wallace Falls Water System Replacement;

(s) Willapa Hills Trail: Bridge 48 and Trail Relocation;

(t) Statewide - Facility & Infrastructure Backlog Reduction 2021-23;

(u) Statewide - ADA Compliance 2021-23;

(v) Statewide - Code/Regulatory Compliance 2021-23;

(w) Statewide - Marine Facilities Rehabilitation 2021-23;

(x) Palouse to Cascades Trail – Repair Trestles and Trail Access;

(y) Electrical, Water and Sewer Infrastructure Preservation 2021-23;

(z) Statewide Park Paving Projects 2021-23;

(aa) Statewide Park Comfort Station Replacements 2021-23;

(bb) Wallace Falls Parking Expansion;

(cc) Lake Wenatchee-Pedestrian Bridge; and

(dd) Twanoh-Shoreline Restoration.

(3) The commission shall report to the governor and the appropriate committees of the legislature the list of projects with funding levels, allotments, and schedules for the projects in this section by January 1, 2022.

Appropriation:

State Building Construction Account—State $39,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $39,500,000

NEW SECTION. **Sec. 3164. FOR THE RECREATION AND CONSERVATION OFFICE**

Washington Wildlife Recreation Grants (30000139)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the list of projects in LEAP capital document No. 2011-3A, developed May 24, 2011.

Reappropriation:

Outdoor Recreation Account—State $637,000

Prior Biennia (Expenditures) $41,363,000

Future Biennia (Projected Costs) $0

TOTAL $42,000,000

NEW SECTION. **Sec. 3165. FOR THE RECREATION AND CONSERVATION OFFICE**

Washington Wildlife Recreation Grants (30000205)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3161, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

Farm and Forest Account—State $616,000

Habitat Conservation Account—State $132,000

Outdoor Recreation Account—State $2,189,000

Riparian Protection Account—State $470,000

Subtotal Reappropriation $3,407,000

Prior Biennia (Expenditures) $61,593,000

Future Biennia (Projected Costs) $0

TOTAL $65,000,000

NEW SECTION. **Sec. 3166. FOR THE RECREATION AND CONSERVATION OFFICE**

Salmon Recovery Funding Board Programs (30000206)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3162, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

General Fund—Federal $5,334,000

Prior Biennia (Expenditures) $55,768,000

Future Biennia (Projected Costs) $0

TOTAL $61,102,000

NEW SECTION. **Sec. 3167. FOR THE RECREATION AND CONSERVATION OFFICE**

Aquatic Lands Enhancement Account (30000210)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the list of projects in LEAP capital document No. 2013-2B, developed April 10, 2013.

Reappropriation:

Aquatic Lands Enhancement Account—State $124,000

Prior Biennia (Expenditures) $5,876,000

Future Biennia (Projected Costs) $0

TOTAL $6,000,000

NEW SECTION. **Sec. 3168. FOR THE RECREATION AND CONSERVATION OFFICE**

Puget Sound Acquisition and Restoration (30000211)

Reappropriation:

State Building Construction Account—State $903,000

Prior Biennia (Expenditures) $69,097,000

Future Biennia (Projected Costs) $0

TOTAL $70,000,000

NEW SECTION. **Sec. 3169. FOR THE RECREATION AND CONSERVATION OFFICE**

Puget Sound Estuary and Salmon Restoration Program (30000212)

Reappropriation:

State Building Construction Account—State $226,000

Prior Biennia (Expenditures) $9,774,000

Future Biennia (Projected Costs) $0

TOTAL $10,000,000

NEW SECTION. **Sec. 3170. FOR THE RECREATION AND CONSERVATION OFFICE**

Land and Water Conservation (30000216)

Reappropriation:

General Fund—Federal $495,000

Prior Biennia (Expenditures) $3,505,000

Future Biennia (Projected Costs) $0

TOTAL $4,000,000

NEW SECTION. **Sec. 3171. FOR THE RECREATION AND CONSERVATION OFFICE**

Washington Wildlife Recreation Grants (30000220)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely for the list of projects in LEAP capital document No. 2015-1, developed June 30, 2015.

Reappropriation:

Farm and Forest Account—State $1,181,000

Habitat Conservation Account—State $2,910,000

Outdoor Recreation Account—State $3,268,000

Riparian Protection Account—State $1,345,000

Subtotal Reappropriation $8,704,000

Prior Biennia (Expenditures) $46,619,000

Future Biennia (Projected Costs) $0

TOTAL $55,323,000

NEW SECTION. **Sec. 3172. FOR THE RECREATION AND CONSERVATION OFFICE**

Salmon Recovery Funding Board Programs (30000221)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3164, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

General Fund—Federal $515,000

State Building Construction Account—State $1,778,000

Subtotal Reappropriation $2,293,000

Prior Biennia (Expenditures) $64,052,000

Future Biennia (Projected Costs) $0

TOTAL $66,345,000

NEW SECTION. **Sec. 3173. FOR THE RECREATION AND CONSERVATION OFFICE**

Boating Facilities Program (30000222)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3024, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Recreation Resources Account—State $49,000

Prior Biennia (Expenditures) $14,161,000

Future Biennia (Projected Costs) $0

TOTAL $14,210,000

NEW SECTION. **Sec. 3174. FOR THE RECREATION AND CONSERVATION OFFICE**

Nonhighway Off-Road Vehicle Activities (30000223)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3025, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

NOVA Program Account—State $344,000

Prior Biennia (Expenditures) $11,481,000

Future Biennia (Projected Costs) $0

TOTAL $11,825,000

NEW SECTION. **Sec. 3175. FOR THE RECREATION AND CONSERVATION OFFICE**

Youth Athletic Facilities (30000224)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3167, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State $1,296,000

Prior Biennia (Expenditures) $10,024,000

Future Biennia (Projected Costs) $0

TOTAL $11,320,000

NEW SECTION. **Sec. 3176. FOR THE RECREATION AND CONSERVATION OFFICE**

Aquatic Lands Enhancement Account (30000225)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the list of projects in LEAP capital document No. 2015-2, developed June 30, 2015.

Reappropriation:

Aquatic Lands Enhancement Account—State $268,000

Prior Biennia (Expenditures) $5,001,000

Future Biennia (Projected Costs) $0

TOTAL $5,269,000

NEW SECTION. **Sec. 3177. FOR THE RECREATION AND CONSERVATION OFFICE**

Puget Sound Acquisition and Restoration (30000226)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3169, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State $1,792,000

Prior Biennia (Expenditures) $35,208,000

Future Biennia (Projected Costs) $0

TOTAL $37,000,000

NEW SECTION. **Sec. 3178. FOR THE RECREATION AND CONSERVATION OFFICE**

Puget Sound Estuary and Salmon Restoration Program (30000227)

Reappropriation:

State Building Construction Account—State $82,000

Prior Biennia (Expenditures) $7,918,000

Future Biennia (Projected Costs) $0

TOTAL $8,000,000

NEW SECTION. **Sec. 3179. FOR THE RECREATION AND CONSERVATION OFFICE**

Firearms and Archery Range Recreation (30000228)

Reappropriation:

Firearms Range Account—State $41,000

Prior Biennia (Expenditures) $428,000

Future Biennia (Projected Costs) $0

TOTAL $469,000

NEW SECTION. **Sec. 3180. FOR THE RECREATION AND CONSERVATION OFFICE**

Recreational Trails Program (30000229)

Reappropriation:

General Fund—Federal $607,000

Prior Biennia (Expenditures) $3,980,000

Future Biennia (Projected Costs) $0

TOTAL $4,587,000

NEW SECTION. **Sec. 3181. FOR THE RECREATION AND CONSERVATION OFFICE**

Boating Infrastructure Grants (30000230)

Reappropriation:

General Fund—Federal $632,000

Prior Biennia (Expenditures) $1,207,000

Future Biennia (Projected Costs) $0

TOTAL $1,839,000

NEW SECTION. **Sec. 3182. FOR THE RECREATION AND CONSERVATION OFFICE**

Land and Water Conservation (30000231)

Reappropriation:

General Fund—Federal $474,000

Prior Biennia (Expenditures) $3,317,000

Future Biennia (Projected Costs) $0

TOTAL $3,791,000

NEW SECTION. **Sec. 3183. FOR THE RECREATION AND CONSERVATION OFFICE**

Family Forest Fish Passage Program (30000233)

Reappropriation:

State Building Construction Account—State $160,000

Prior Biennia (Expenditures) $4,840,000

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 3184. FOR THE RECREATION AND CONSERVATION OFFICE**

Salmon Recovery Funding Board Programs (30000408)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3070, chapter 2, Laws of 2018.

Reappropriation:

General Fund—Federal $32,369,000

State Building Construction Account—State $1,642,000

Subtotal Reappropriation $34,011,000

Prior Biennia (Expenditures) $32,202,000

Future Biennia (Projected Costs) $0

TOTAL $66,213,000

NEW SECTION. **Sec. 3185. FOR THE RECREATION AND CONSERVATION OFFICE**

2017-19 Washington Wildlife Recreation Grants (30000409)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely for the list of projects in LEAP capital document No. 2017-42, developed July 20, 2017, and LEAP capital document No. 2018-6H, developed January 3, 2018.

Reappropriation:

Farm and Forest Account—State $5,860,000

Habitat Conservation Account—State $12,592,000

Outdoor Recreation Account—State $12,474,000

Subtotal Reappropriation $30,926,000

Prior Biennia (Expenditures) $49,074,000

Future Biennia (Projected Costs) $0

TOTAL $80,000,000

NEW SECTION. **Sec. 3186. FOR THE RECREATION AND CONSERVATION OFFICE**

Boating Facilities Program (30000410)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3072, chapter 2, Laws of 2018.

Reappropriation:

Recreation Resources Account—State $5,902,000

Prior Biennia (Expenditures) $11,273,000

Future Biennia (Projected Costs) $0

TOTAL $17,175,000

NEW SECTION. **Sec. 3187. FOR THE RECREATION AND CONSERVATION OFFICE**

Nonhighway Off-Road Vehicle Activities (30000411)

Reappropriation:

NOVA Program Account—State $895,000

Prior Biennia (Expenditures) $12,300,000

Future Biennia (Projected Costs) $0

TOTAL $13,195,000

NEW SECTION. **Sec. 3188. FOR THE RECREATION AND CONSERVATION OFFICE**

Youth Athletic Facilities (30000412)

Reappropriation:

State Building Construction Account—State $1,302,000

Prior Biennia (Expenditures) $2,775,000

Future Biennia (Projected Costs) $0

TOTAL $4,077,000

NEW SECTION. **Sec. 3189. FOR THE RECREATION AND CONSERVATION OFFICE**

Aquatic Lands Enhancement Account (30000413)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely for the list of projects in LEAP capital document No. 2018-9H, developed March 5, 2018.

Reappropriation:

Aquatic Lands Enhancement Account—State $884,000

State Building Construction Account—State $2,732,000

Subtotal Reappropriation $3,616,000

Prior Biennia (Expenditures) $8,669,000

Future Biennia (Projected Costs) $0

TOTAL $12,285,000

NEW SECTION. **Sec. 3190. FOR THE RECREATION AND CONSERVATION OFFICE**

Puget Sound Acquisition and Restoration (30000414)

Reappropriation:

State Building Construction Account—State $16,640,000

Prior Biennia (Expenditures) $23,360,000

Future Biennia (Projected Costs) $0

TOTAL $40,000,000

NEW SECTION. **Sec. 3191. FOR THE RECREATION AND CONSERVATION OFFICE**

Puget Sound Estuary and Salmon Restoration Program (30000415)

Reappropriation:

State Building Construction Account—State $3,020,000

Prior Biennia (Expenditures) $4,980,000

Future Biennia (Projected Costs) $0

TOTAL $8,000,000

NEW SECTION. **Sec. 3192. FOR THE RECREATION AND CONSERVATION OFFICE**

Firearms and Archery Range Recreation (30000416)

Reappropriation:

Firearms Range Account—State $561,000

Prior Biennia (Expenditures) $252,000

Future Biennia (Projected Costs) $0

TOTAL $813,000

NEW SECTION. **Sec. 3193. FOR THE RECREATION AND CONSERVATION OFFICE**

Recreational Trails Program (30000417)

Reappropriation:

General Fund—Federal $253,000

Prior Biennia (Expenditures) $4,747,000

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 3194. FOR THE RECREATION AND CONSERVATION OFFICE**

Land and Water Conservation (30000419)

Reappropriation:

General Fund—Federal $835,000

Prior Biennia (Expenditures) $3,127,000

Future Biennia (Projected Costs) $0

TOTAL $3,962,000

NEW SECTION. **Sec. 3195. FOR THE RECREATION AND CONSERVATION OFFICE**

Washington Coastal Restoration Initiative (30000420)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $5,769,000

Prior Biennia (Expenditures) $6,731,000

Future Biennia (Projected Costs) $0

TOTAL $12,500,000

NEW SECTION. **Sec. 3196. FOR THE RECREATION AND CONSERVATION OFFICE**

Family Forest Fish Passage Program (40000001)

Reappropriation:

State Building Construction Account—State $106,000

Prior Biennia (Expenditures) $4,894,000

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 3197. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Washington Wildlife Recreation Grants (40000002)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3200, chapter 413, Laws of 2019.

Reappropriation:

Farm and Forest Account—State $6,880,000

Habitat Conservation Account—State $20,349,000

Outdoor Recreation Account—State $28,025,000

Subtotal Reappropriation $55,254,000

Prior Biennia (Expenditures) $29,746,000

Future Biennia (Projected Costs) $0

TOTAL $85,000,000

NEW SECTION. **Sec. 3198. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Salmon Recovery Funding Board Programs (40000004)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3201, chapter 413, Laws of 2019.

Reappropriation:

General Fund—Federal $41,394,000

State Building Construction Account—State $17,918,000

Subtotal Reappropriation $59,312,000

Prior Biennia (Expenditures) $15,688,000

Future Biennia (Projected Costs) $0

TOTAL $75,000,000

NEW SECTION. **Sec. 3199. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Boating Facilities Program (40000005)

Reappropriation:

Recreation Resources Account—State $14,494,000

Prior Biennia (Expenditures) $3,378,000

Future Biennia (Projected Costs) $0

TOTAL $17,872,000

NEW SECTION. **Sec. 3200. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Nonhighway Off-Road Vehicle Activities (40000006)

Reappropriation:

NOVA Program Account—State $8,031,000

Prior Biennia (Expenditures) $3,380,000

Future Biennia (Projected Costs) $0

TOTAL $11,411,000

NEW SECTION. **Sec. 3201. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Youth Athletic Facilities (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The amounts reappropriated in this section may be awarded only to projects approved by the legislature, as identified in LEAP capital documents No. 2020-467-HSBA, developed February 25, 2020, and No. 2020-467-HB, developed February 14, 2020.

Reappropriation:

State Building Construction Account—State $7,597,000

Prior Biennia (Expenditures) $4,403,000

Future Biennia (Projected Costs) $0

TOTAL $12,000,000

NEW SECTION. **Sec. 3202. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Aquatic Lands Enhancement Account (40000008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the list of projects identified in LEAP capital document No. 2019-6H, developed April 27, 2019.

Reappropriation:

State Building Construction Account—State $6,044,000

Prior Biennia (Expenditures) $556,000

Future Biennia (Projected Costs) $0

TOTAL $6,600,000

NEW SECTION. **Sec. 3203. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Outdoor Recreation Equity (40000049)

The appropriation in this section is subject to the following conditions and limitations:

(1) $2,325,000 of the appropriation in this section is provided solely for the recreation and conservation office to provide planning, technical assistance, and predesign grants for projects that would directly benefit populations and communities that lack access to outdoor recreation facilities and resources. It is the intent of the legislature that these grants be available for: (a) Early action on, and in response to, the comprehensive equity review required of the recreation and conservation office during the 2021-2023 fiscal biennium; and (b) for reduction of barriers to participation in recreation and conservation office grant programs due to race, ethnicity, religion, income, geography, disability, and educational attainment. In awarding grants under this subsection, the recreation and conservation office shall prioritize applications that would directly benefit racially diverse neighborhoods within dense urban areas and small, rural communities where these grants would increase access to outdoor recreation facilities and resources by reducing access gaps. In ranking and sizing grants directly benefiting these groups, the recreation and conservation office shall also consider the financial capacity of the applicant and of the community that the grant would benefit.

(2) $1,500,000 of the appropriation in this section is provided solely for the Trust for Public Lands' Metro Parks/Tacoma Schools Green Schoolyards Pilot, for projects at the following six schools: (a) Helen B. Stafford Elementary School; (b) Jennie Reed Elementary School; (c) Mann Elementary School; (d) Whitman Elementary School; (e) IDEA (Industrial Design, Engineering and Art) School; and (f) Larchmont Elementary School.

(3) $100,000 of the appropriation in this section is provided solely for the Trust for Public Lands' East Wenatchee Eastmont Park District/9th Street Park project.

(4) $75,000 of the appropriation in this section is provided solely for the Trust for Public Lands to develop a statewide open space/recreation equity assessment tool to accomplish the following: (a) Expand the assessment tool outside of the Central Puget Sound region; and (b) to provide neighborhood data on open space and recreational access throughout Washington.

Appropriation:

State Building Construction Account—State $4,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,000,000

NEW SECTION. **Sec. 3204. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Puget Sound Acquisition and Restoration (40000009)

Reappropriation:

State Building Construction Account—State $32,525,000

Prior Biennia (Expenditures) $16,982,000

Future Biennia (Projected Costs) $0

TOTAL $49,507,000

NEW SECTION. **Sec. 3205. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Puget Sound Estuary and Salmon Restoration Program (40000010)

Reappropriation:

State Building Construction Account—State $6,947,000

Prior Biennia (Expenditures) $3,053,000

Future Biennia (Projected Costs) $0

TOTAL $10,000,000

NEW SECTION. **Sec. 3206. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Washington Coastal Restoration Initiative (40000011)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3208, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $10,000,000

Prior Biennia (Expenditures) $2,086,000

Future Biennia (Projected Costs) $0

TOTAL $12,086,000

NEW SECTION. **Sec. 3207. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Brian Abbott Fish Barrier Removal Board (40000012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3209, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $19,822,000

Prior Biennia (Expenditures) $6,669,000

Future Biennia (Projected Costs) $0

TOTAL $26,491,000

NEW SECTION. **Sec. 3208. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Firearms and Archery Range (40000013)

Reappropriation:

Firearms Range Account—State $510,000

Prior Biennia (Expenditures) $225,000

Future Biennia (Projected Costs) $0

TOTAL $735,000

NEW SECTION. **Sec. 3209. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Recreational Trails Program (40000014)

Reappropriation:

General Fund—Federal $4,224,000

Prior Biennia (Expenditures) $776,000

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 3210. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Boating Infrastructure Grants (40000015)

Reappropriation:

General Fund—Federal $2,181,000

Prior Biennia (Expenditures) $19,000

Future Biennia (Projected Costs) $0

TOTAL $2,200,000

NEW SECTION. **Sec. 3211. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Land and Water Conservation Fund (40000016)

Reappropriation:

General Fund—Federal $4,072,000

Prior Biennia (Expenditures) $1,928,000

Future Biennia (Projected Costs) $0

TOTAL $6,000,000

NEW SECTION. **Sec. 3212. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 Family Forest Fish Passage Program (40000017)

Reappropriation:

State Building Construction Account—State $3,767,000

Prior Biennia (Expenditures) $1,233,000

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 3213. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Washington Wildlife Recreation Grants (40000019)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this

section are provided solely for the list of projects identified in LEAP capital document No. 2021-42, developed April 15, 2021.

Appropriation:

Farm and Forest Account—State $10,000,000

Habitat Conservation Account—State $45,000,000

Outdoor Recreation Account—State $45,000,000

Subtotal Appropriation $100,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $480,000,000

TOTAL $580,000,000

NEW SECTION. **Sec. 3214. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Salmon Recovery Funding Board Programs (40000021)

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,400,000 of the state building construction account—state appropriation is provided solely to maintain the lead entity program as described in chapter 77.85 RCW.

(2) $640,000 of the state building construction account—state appropriation is provided solely for regional fisheries enhancement groups created in RCW 77.95.060.

Appropriation:

General Fund—Federal $50,000,000

State Building Construction Account—State $30,000,000

Subtotal Appropriation $80,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $400,000,000

TOTAL $480,000,000

NEW SECTION. **Sec. 3215. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Boating Facilities Program (40000023)

Appropriation:

Recreation Resources Account—State $14,950,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $60,000,000

TOTAL $74,950,000

NEW SECTION. **Sec. 3216. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Nonhighway Off-Road Vehicle Activities (40000025)

Appropriation:

NOVA Program Account—State $10,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $40,000,000

TOTAL $50,000,000

NEW SECTION. **Sec. 3217. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Youth Athletic Facilities (40000027)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-2-HB-2021, developed April 15, 2021.

Appropriation:

State Building Construction Account—State $11,227,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $44,908,000

TOTAL $56,135,000

NEW SECTION. **Sec. 3218. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Aquatic Lands Enhancement Account (40000029)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-3.1-HB-2021, developed April 15, 2021.

Appropriation:

State Building Construction Account—State $9,100,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $36,400,000

TOTAL $45,500,000

NEW SECTION. **Sec. 3219. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Puget Sound Acquisition and Restoration (40000031)

Appropriation:

State Building Construction Account—State $52,807,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $219,800,000

TOTAL $272,607,000

NEW SECTION. **Sec. 3220. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Washington Coastal Restoration Initiative (40000033)

The appropriation in this section is subject to the following conditions and limitations:

(1) The board may retain a portion of the funds appropriated in this section for the administration of the grants. The portion of the funds retained for administration may not exceed 4.12 percent of the appropriation.

(2) The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-4-HB-2021, developed April 15, 2021.

Appropriation:

State Building Construction Account—State $10,313,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $60,000,000

TOTAL $70,313,000

NEW SECTION. **Sec. 3221. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Brian Abbott Fish Barrier Removal Board (40000035)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-5-HB-2021, developed April 15, 2021.

(2) The recreation and conservation funding board may retain a portion of the funds appropriated in this section for the administration of the grants. The portion of the funds retained for administration may not exceed three percent of the appropriation.

(3) The department of fish and wildlife may retain a portion of the funds appropriated in this section for the Brian Abbott fish barrier removal board for technical assistance in developing projects for consideration. The portion of the funds retained for technical assistance may not exceed 4.12 percent of the appropriation.

Appropriation:

State Building Construction Account—State $26,795,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $107,180,000

TOTAL $133,975,000

NEW SECTION. **Sec. 3222. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Firearms and Archery Range (40000037)

Appropriation:

Firearms Range Account—State $630,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $2,520,000

TOTAL $3,150,000

NEW SECTION. **Sec. 3223. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Recreational Trails Program (40000039)

Appropriation:

General Fund—Federal $5,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $15,000,000

TOTAL $20,000,000

NEW SECTION. **Sec. 3224. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Boating Infrastructure Grants (40000041)

Appropriation:

General Fund—Federal $2,200,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $6,600,000

TOTAL $8,800,000

NEW SECTION. **Sec. 3225. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Land and Water Conservation Fund (40000043)

Appropriation:

General Fund—Federal $20,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $80,000,000

TOTAL $100,000,000

NEW SECTION. **Sec. 3226. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Puget Sound Estuary and Salmon Restoration Program (40000045)

The appropriation in this section is subject to the following conditions and limitations:

(1) The amounts appropriated in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-7.1-HB-2021, developed April 15, 2021.

(2) Moneys from the appropriation in this section may not be expended for the Elwha Estuary Conservation and Restoration subproject.

Appropriation:

State Building Construction Account—State $15,708,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $80,000,000

TOTAL $95,708,000

NEW SECTION. **Sec. 3227. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Community Forest Grant Program (40000047)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the list of projects identified in LEAP capital document No. 2021-25, developed April 15, 2021. The office may retain up to four percent of the appropriation for administrative costs, including costs for activities related to this section.

Appropriation:

State Building Construction Account—State $16,299,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $65,196,000

TOTAL $81,495,000

NEW SECTION. **Sec. 3228. FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Family Forest Fish Passage Program (40000050)

Appropriation:

State Building Construction Account—State $5,957,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $24,000,000

TOTAL $29,957,000

NEW SECTION. **Sec. 3229. FOR THE RECREATION AND CONSERVATION OFFICE**

Coastal Restoration Grants (91000448)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3177, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State $152,000

Prior Biennia (Expenditures) $11,033,000

Future Biennia (Projected Costs) $0

TOTAL $11,185,000

NEW SECTION. **Sec. 3230. FOR THE RECREATION AND CONSERVATION OFFICE**

Upper Quinault River Restoration Project (91000958)

Reappropriation:

State Building Construction Account—State $1,359,000

Appropriation:

State Building Construction Account—State $1,000,000

Prior Biennia (Expenditures) $641,000

Future Biennia (Projected Costs) $0

TOTAL $3,000,000

NEW SECTION. **Sec. 3231. FOR THE RECREATION AND CONSERVATION OFFICE**

Brian Abbott Fish Passage Barrier Removal Board (91000566)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $3,198,000

Prior Biennia (Expenditures) $16,549,000

Future Biennia (Projected Costs) $0

TOTAL $19,747,000

NEW SECTION. **Sec. 3232. FOR THE RECREATION AND CONSERVATION OFFICE**

Recreation & Conservation Office Recreation Grants (92000131)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3049, chapter 356, Laws of 2020.

Reappropriation:

Outdoor Recreation Account—State $132,000

State Building Construction Account—State $5,859,000

Subtotal Reappropriation $5,991,000

Prior Biennia (Expenditures) $28,790,000

Future Biennia (Projected Costs) $0

TOTAL $34,781,000

NEW SECTION. **Sec. 3233. FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 Community Forest Pilot (92000447)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3219, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $675,000

Prior Biennia (Expenditures) $250,000

Future Biennia (Projected Costs) $0

TOTAL $925,000

NEW SECTION. **Sec. 3234. FOR THE RECREATION AND CONSERVATION OFFICE**

Statewide Multi-modal Trails Database (92000448)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the recreation and conservation office to develop an official statewide database of paved and unpaved multimodal trails that displays a network of local, regional, and statewide trails that connect, or have the potential of connecting, to provide transportation alternatives that are available to public access. In developing the database and trails network, the office must use and build upon trails work done by Washington state parks and recreation commission and local and regional governments and the active transportation plan developed by the department of transportation. The office should consider the inventorying and mapping efforts already undertaken by nonprofit and private organizations provided that the office deems the information meets their needs for data standards and integrity and the trails are understood to be open and available for use by the public.

(2) Using the existing spatial data collected under subsection (1) of this section, the office must maintain a statewide network of public recreational and commuter routes to facilitate the

stewardship of a statewide trails system. The network of trails and the trails database must be developed in a manner that allows the office to update data on a regular basis in consultation and collaboration with other state agencies, cities, counties, parks and recreation districts, regional governments, and private and nonprofit organizations.

Appropriation:

State Building Construction Account—State $200,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $200,000

NEW SECTION. **Sec. 3235. FOR THE STATE CONSERVATION COMMISSION**

Match for Federal RCPP Program (30000017)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3033, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

General Fund—Federal $1,492,000

Prior Biennia (Expenditures) $5,724,000

Future Biennia (Projected Costs) $0

TOTAL $7,216,000

NEW SECTION. **Sec. 3236. FOR THE STATE CONSERVATION COMMISSION**

2019-21 Improve Shellfish Growing Areas (40000004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3221, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $1,970,000

Prior Biennia (Expenditures) $2,030,000

Future Biennia (Projected Costs) $0

TOTAL $4,000,000

NEW SECTION. **Sec. 3237. FOR THE STATE CONSERVATION COMMISSION**

2019-21 Natural Resource Investments (40000005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3222, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $2,367,000

Prior Biennia (Expenditures) $1,633,000

Future Biennia (Projected Costs) $0

TOTAL $4,000,000

NEW SECTION. **Sec. 3238. FOR THE STATE CONSERVATION COMMISSION**

2019-21 Match for Federal RCPP (40000006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3051, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $5,123,000

Prior Biennia (Expenditures) $1,126,000

Future Biennia (Projected Costs) $0

TOTAL $6,249,000

NEW SECTION. **Sec. 3239. FOR THE STATE CONSERVATION COMMISSION**

2019-21 Water Irrigation Efficiencies Program (40000009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3224, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $3,880,000

Prior Biennia (Expenditures) $120,000

Future Biennia (Projected Costs) $0

TOTAL $4,000,000

NEW SECTION. **Sec. 3240. FOR THE STATE CONSERVATION COMMISSION**

2019-21 CREP PIP Loan Program (40000010)

Reappropriation:

Conservation Assistance Revolving Account—State $100,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $100,000

NEW SECTION. **Sec. 3241. FOR THE STATE CONSERVATION COMMISSION**

2021-23 Conservation Reserve Enhancement Program (CREP) (40000013)

The appropriation in this section is subject to the following conditions and limitations:

(1) $2,000,000 of the appropriation is provided solely for technical assistance to private landowners.

(2) $250,000 of the appropriation is provided solely for a targeted riparian buffer incentive project (Mount Vernon).

Appropriation:

State Building Construction Account—State $4,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $26,000,000

TOTAL $30,000,000

NEW SECTION. **Sec. 3242. FOR THE STATE CONSERVATION COMMISSION**

2021-23 Water Irrigation Efficiencies Program (40000014)

Appropriation:

State Building Construction Account—State $2,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $16,000,000

TOTAL $18,000,000

NEW SECTION. **Sec. 3243. FOR THE STATE CONSERVATION COMMISSION**

2021-23 Conservation Reserve Enhancement Program (CREP) PIP Loan (40000015)

Appropriation:

Conservation Assistance Revolving Account—State $160,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $160,000

NEW SECTION. **Sec. 3244. FOR THE STATE CONSERVATION COMMISSION**

2021-23 Natural Resource Investment for the Economy & Environment (40000016)

The appropriation in this section is subject to the following conditions and limitations: Up to five percent of the appropriation provided may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for projects.

Appropriation:

State Building Construction Account—State $4,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $20,000,000

TOTAL $24,000,000

NEW SECTION. **Sec. 3245. FOR THE STATE CONSERVATION COMMISSION**

2021-23 Regional Conservation Partnership Program (RCPP) Match (40000017)

Appropriation:

State Building Construction Account—State $7,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $22,500,000

TOTAL $29,500,000

NEW SECTION. **Sec. 3246. FOR THE STATE CONSERVATION COMMISSION**

2021-23 Improve Shellfish Growing Areas (40000018)

The appropriation in this section is subject to the following conditions and limitations: Up to five percent of the

appropriation provided may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for shellfish projects.

Appropriation:

State Building Construction Account—State $3,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $16,000,000

TOTAL $19,500,000

NEW SECTION. **Sec. 3247. FOR THE STATE CONSERVATION COMMISSION**

CREP Riparian Cost Share - State Match 2017-19 (91000009)

Reappropriation:

State Building Construction Account—State $1,553,000

Prior Biennia (Expenditures) $1,047,000

Future Biennia (Projected Costs) $0

TOTAL $2,600,000

NEW SECTION. **Sec. 3248. FOR THE STATE CONSERVATION COMMISSION**

2019-21 CREP Riparian Contract Funding (91000015)

Reappropriation:

State Building Construction Account—State $629,000

Prior Biennia (Expenditures) $1,271,000

Future Biennia (Projected Costs) $0

TOTAL $1,900,000

NEW SECTION. **Sec. 3249. FOR THE STATE CONSERVATION COMMISSION**

2019-21 CREP Riparian Cost Share - State Match (91000017)

Reappropriation:

State Building Construction Account—State $1,800,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,800,000

NEW SECTION. **Sec. 3250. FOR THE STATE CONSERVATION COMMISSION**

Conservation Commission Ranch & Farmland Preservation Projects (92000004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3230, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $4,662,000

Prior Biennia (Expenditures) $2,860,000

Future Biennia (Projected Costs) $0

TOTAL $7,522,000

NEW SECTION. **Sec. 3251. FOR THE STATE CONSERVATION COMMISSION**

Natural Resource Investment for the Economy & Environment 2017-19 (92000011)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3090, chapter 2, Laws of 2018.

Reappropriation:

General Fund—Federal $1,000,000

Prior Biennia (Expenditures) $4,000,000

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 3252. FOR THE STATE CONSERVATION COMMISSION**

Match for Federal RCPP Program 2017-19 (92000013)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3053, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State $3,033,000

Prior Biennia (Expenditures) $967,000

Future Biennia (Projected Costs) $0

TOTAL $4,000,000

NEW SECTION. **Sec. 3253. FOR THE STATE CONSERVATION COMMISSION**

CREP PIP Loan Program 2017-19 (92000014)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6019, chapter 413, Laws of 2019.

Reappropriation:

Conservation Assistance Revolving Account—State $350,000

Prior Biennia (Expenditures) $50,000

Future Biennia (Projected Costs) $0

TOTAL $400,000

NEW SECTION. **Sec. 3254. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Deschutes Watershed Center (20062008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3063, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $2,387,000

Prior Biennia (Expenditures) $13,108,000

Future Biennia (Projected Costs) $36,000,000

TOTAL $51,495,000

NEW SECTION. **Sec. 3255. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Migratory Waterfowl Habitat (20082045)

Reappropriation:

Limited Fish and Wildlife Account—State $350,000

Appropriation:

Limited Fish and Wildlife Account—State $600,000

Prior Biennia (Expenditures) $1,923,000

Future Biennia (Projected Costs) $1,800,000

TOTAL $4,673,000

NEW SECTION. **Sec. 3256. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitigation Projects and Dedicated Funding (20082048)

Reappropriation:

General Fund—Federal $7,000,000

General Fund—Private/Local $1,767,000

Special Wildlife Account—Federal $1,953,000

Special Wildlife Account—Private/Local $1,800,000

Limited Fish and Wildlife Account—State $400,000

Subtotal Reappropriation $12,920,000

Appropriation:

General Fund—Federal $10,000,000

General Fund—Private/Local $1,000,000

Special Wildlife Account—Federal $1,000,000

Special Wildlife Account—Private/Local $1,000,000

Limited Fish and Wildlife Account—State $500,000

Subtotal Appropriation $13,500,000

Prior Biennia (Expenditures) $85,801,000

Future Biennia (Projected Costs) $63,000,000

TOTAL $175,221,000

NEW SECTION. **Sec. 3257. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Eells Spring Hatchery Renovation (30000214)

Reappropriation:

State Building Construction Account—State $789,000

Prior Biennia (Expenditures) $704,000

Future Biennia (Projected Costs) $0

TOTAL $1,493,000

NEW SECTION. **Sec. 3258. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Samish Hatchery Intakes (30000276)

Reappropriation:

State Building Construction Account—State $4,500,000

Prior Biennia (Expenditures) $4,232,000

Future Biennia (Projected Costs) $0

TOTAL $8,732,000

NEW SECTION. **Sec. 3259. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minter Hatchery Intakes (30000277)

Reappropriation:

State Building Construction Account—State $7,833,000

Prior Biennia (Expenditures) $1,078,000

Future Biennia (Projected Costs) $0

TOTAL $8,911,000

NEW SECTION. **Sec. 3260. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Wooten Wildlife Area Improve Flood Plain (30000481)

Reappropriation:

General Fund—Federal $500,000

State Building Construction Account—State $750,000

Subtotal Reappropriation $1,250,000

Prior Biennia (Expenditures) $9,450,000

Future Biennia (Projected Costs) $17,006,000

TOTAL $27,706,000

NEW SECTION. **Sec. 3261. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Wallace River Hatchery - Replace Intakes and Ponds (30000660)

Reappropriation:

State Building Construction Account—State $12,280,000

Appropriation:

State Building Construction Account—State $1,500,000

Prior Biennia (Expenditures) $1,525,000

Future Biennia (Projected Costs) $12,333,000

TOTAL $27,638,000

NEW SECTION. **Sec. 3262. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Soos Creek Hatchery Renovation (30000661)

Reappropriation:

State Building Construction Account—State $1,400,000

Appropriation:

State Building Construction Account—State $3,695,000

Prior Biennia (Expenditures) $14,946,000

Future Biennia (Projected Costs) $0

TOTAL $20,041,000

NEW SECTION. **Sec. 3263. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Cooperative Elk Damage Fencing (30000662)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3243, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $300,000

Appropriation:

State Building Construction Account—State $1,200,000

Prior Biennia (Expenditures) $2,100,000

Future Biennia (Projected Costs) $3,600,000

TOTAL $7,200,000

NEW SECTION. **Sec. 3264. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Spokane Hatchery Renovation (30000663)

Appropriation:

State Building Construction Account—State $2,800,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $18,735,000

TOTAL $21,535,000

NEW SECTION. **Sec. 3265. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Edmonds Pier Renovation (30000664)

Reappropriation:

State Building Construction Account—State $146,000

Prior Biennia (Expenditures) $654,000

Future Biennia (Projected Costs) $0

TOTAL $800,000

NEW SECTION. **Sec. 3266. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hazard Fuel Reductions, Forest Health and Ecosystem Improvement (30000665)

Reappropriation:

State Building Construction Account—State $1,130,000

Appropriation:

Forest Resiliency Account—State $6,000,000

Prior Biennia (Expenditures) $5,870,000

Future Biennia (Projected Costs) $24,000,000

TOTAL $37,000,000

NEW SECTION. **Sec. 3267. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Naselle Hatchery Renovation (30000671)

Reappropriation:

State Building Construction Account—State $2,600,000

Appropriation:

State Building Construction Account—State $15,000,000

Prior Biennia (Expenditures) $5,532,000

Future Biennia (Projected Costs) $9,753,000

TOTAL $32,885,000

NEW SECTION. **Sec. 3268. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Eells Springs Production Shift (30000723)

Reappropriation:

State Building Construction Account—State $500,000

Prior Biennia (Expenditures) $3,570,000

Future Biennia (Projected Costs) $0

TOTAL $4,070,000

NEW SECTION. **Sec. 3269. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works Preservation (30000756)

Reappropriation:

State Building Construction Account—State $600,000

Prior Biennia (Expenditures) $8,900,000

Future Biennia (Projected Costs) $0

TOTAL $9,500,000

NEW SECTION. **Sec. 3270. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Programmatic (30000782)

Reappropriation:

State Building Construction Account—State $265,000

Prior Biennia (Expenditures) $2,560,000

Future Biennia (Projected Costs) $0

TOTAL $2,825,000

NEW SECTION. **Sec. 3271. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Snow Creek Reconstruct Facility (30000826)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3057, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $70,000

Appropriation:

State Building Construction Account—State $900,000

Prior Biennia (Expenditures) $166,000

Future Biennia (Projected Costs) $7,060,000

TOTAL $8,196,000

NEW SECTION. **Sec. 3272. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Forks Creek Hatchery - Renovate Intake and Diversion (30000827)

Reappropriation:

State Building Construction Account—State $2,420,000

Appropriation:

State Building Construction Account—State $511,000

Prior Biennia (Expenditures) $3,441,000

Future Biennia (Projected Costs) $0

TOTAL $6,372,000

NEW SECTION. **Sec. 3273. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Reappropriation:

State Building Construction Account—State $200,000

Appropriation:

State Building Construction Account—State $11,894,000

Prior Biennia (Expenditures) $577,000

Future Biennia (Projected Costs) $0

TOTAL $12,671,000

NEW SECTION. **Sec. 3274. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Dungeness Hatchery - Replace Main Intake (30000844)

Reappropriation:

State Building Construction Account—State $300,000

Prior Biennia (Expenditures) $3,606,000

Future Biennia (Projected Costs) $0

TOTAL $3,906,000

NEW SECTION. **Sec. 3275. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

PSNERP Match (30000846)

Reappropriation:

General Fund—Federal $5,754,000

State Building Construction Account—State $2,750,000

Subtotal Reappropriation $8,504,000

Appropriation:

General Fund—Federal $34,809,000

Prior Biennia (Expenditures) $774,000

Future Biennia (Projected Costs) $461,662,000

TOTAL $505,749,000

NEW SECTION. **Sec. 3276. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Kalama Falls Hatchery Replace Raceways and PA System (30000848)

Reappropriation:

State Building Construction Account—State $519,000

Prior Biennia (Expenditures) $297,000

Future Biennia (Projected Costs) $0

TOTAL $816,000

NEW SECTION. **Sec. 3277. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Wiley Slough Dike Raising (40000004)

Reappropriation:

State Building Construction Account—State $900,000

Appropriation:

State Building Construction Account—State $5,481,000

Prior Biennia (Expenditures) $72,000

Future Biennia (Projected Costs) $0

TOTAL $6,453,000

NEW SECTION. **Sec. 3278. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Scatter Creek Wildlife Area Fire Damage (40000005)

Reappropriation:

State Building Construction Account—State $550,000

Prior Biennia (Expenditures) $781,000

Future Biennia (Projected Costs) $0

TOTAL $1,331,000

NEW SECTION. **Sec. 3279. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works Preservation 2019-21 (40000007)

Reappropriation:

State Building Construction Account—State $2,400,000

Prior Biennia (Expenditures) $5,630,000

Future Biennia (Projected Costs) $0

TOTAL $8,030,000

NEW SECTION. **Sec. 3280. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works Programmatic 2019-21 (40000008)

Reappropriation:

State Building Construction Account—State $1,750,000

Prior Biennia (Expenditures) $677,000

Future Biennia (Projected Costs) $0

TOTAL $2,427,000

NEW SECTION. **Sec. 3281. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Toutle River Fish Collection Facility - Match (40000021)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for the department to purchase easements as part of sediment abatement.

(2) The appropriation in this section is provided solely for project obligations related to modular housing replacement.

Reappropriation:

State Building Construction Account—State $6,371,000

Appropriation:

State Building Construction Account—State $239,000

Prior Biennia (Expenditures) $404,000

Future Biennia (Projected Costs) $4,312,000

TOTAL $11,326,000

NEW SECTION. **Sec. 3282. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Elochoman Hatchery Demolition and Restoration (40000024)

Reappropriation:

General Fund—Federal $250,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $250,000

NEW SECTION. **Sec. 3283. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Snohomish County Wildlife Rehabilitation Facility (PAWS) (40000025)

Reappropriation:

State Building Construction Account—State $2,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

NEW SECTION. **Sec. 3284. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Region 1 Office - Construct Secure Storage (40000087)

Reappropriation:

State Building Construction Account—State $57,000

Prior Biennia (Expenditures) $93,000

Future Biennia (Projected Costs) $0

TOTAL $150,000

NEW SECTION. **Sec. 3285. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works Preservation 21-23 (40000089)

Appropriation:

State Building Construction Account—State $8,990,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $8,990,000

NEW SECTION. **Sec. 3286. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works Program 21-23 (40000092)

Appropriation:

State Building Construction Account—State $2,928,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,928,000

NEW SECTION. **Sec. 3287. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

SRKW - New Cowlitz River Hatchery (40000145)

Appropriation:

State Building Construction Account—State $300,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $38,486,000

TOTAL $38,786,000

NEW SECTION. **Sec. 3288. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

SRKW - Kendall Creek Hatchery Modifications (40000146)

Appropriation:

State Building Construction Account—State $4,317,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,317,000

NEW SECTION. **Sec. 3289. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

SRKW - Sol Duc Hatchery Modifications (40000147)

Appropriation:

State Building Construction Account—State $200,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $6,697,000

TOTAL $6,897,000

NEW SECTION. **Sec. 3290. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

SRKW - Voights Creek Hatchery Modifications (40000148)

Appropriation:

State Building Construction Account—State $3,551,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $3,551,000

NEW SECTION. **Sec. 3291. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Lake Rufus Woods Fishing Access (91000151)

Reappropriation:

State Building Construction Account—State $347,000

Prior Biennia (Expenditures) $2,653,000

Future Biennia (Projected Costs) $0

TOTAL $3,000,000

NEW SECTION. **Sec. 3292. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Leque Island Highway 532 Road Protection (92000019)

Reappropriation:

State Building Construction Account—State $160,000

Prior Biennia (Expenditures) $520,000

Future Biennia (Projected Costs) $0

TOTAL $680,000

NEW SECTION. **Sec. 3293. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Naches Rearing Ponds (92000049)

Appropriation:

State Building Construction Account—State $600,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $600,000

NEW SECTION. **Sec. 3294. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Shrubsteppe and Rangeland Cooperative Wildlife Fencing (92000050)

The appropriation in this section is subject to the following conditions and limitations: The department shall collaborate with landowners affected by wildfire in shrubsteppe habitat and provide funding to public and private landowners to rebuild wildlife-friendly fences in impacted and prioritized areas.

Appropriation:

State Building Construction Account—State $1,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,500,000

NEW SECTION. **Sec. 3295. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Port Angeles Storm Water Repair (40000015)

Appropriation:

Model Toxics Control Stormwater Account—State $1,020,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,020,000

NEW SECTION. **Sec. 3296. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Airway Heights Facility Replacement (40000025)

Appropriation:

State Building Construction Account—State $4,200,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,200,000

NEW SECTION. **Sec. 3297. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 State Forest Land Replacement (40000085)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely to the department to transfer from state forestland status to natural resources conservation area status certain state forestlands in counties with:

(i) A population of 25,000 or fewer; and

(ii) Risks of timber harvest deferrals greater than 30 years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act.

(b) This appropriation must be used equally for the transfer of qualifying state forestlands in the qualifying counties.

(2) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in the park land trust revolving account and be used solely to buy replacement state forestland, consistent with RCW 79.22.060.

(3) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose.

(4) The department and applicable counties shall work in good faith to

carry out the intent of this section. The department shall identify eligible properties for transfer, consistent with subsections (1) and (2) of this section, in consultation with the applicable counties, and may not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:

State Building Construction Account—State $4,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,500,000

NEW SECTION. **Sec. 3298. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Structurally Deficient Bridges (40000086)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section is provided solely for the following projects: (a) The Naked Falls/Stebbins Creek bridge replacement in Skamania county; (b) the Shale Creek bridge repair in Jefferson county; and (c) the Coal Creek bridge replacement in Clallam county.

Appropriation:

State Building Construction Account—State $1,050,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $10,000,000

TOTAL $11,050,000

NEW SECTION. **Sec. 3299. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Sustainable Recreation (40000088)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. DNR-2.1-HB-2021, developed April 19, 2021.

Appropriation:

State Building Construction Account—State $3,248,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $3,248,000

NEW SECTION. **Sec. 3300. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Trust Land Replacement (40000089)

Appropriation:

Community and Technical College Forest Reserve

Account—State $1,000,000

Natural Resources Real Property Replacement

Account—State $30,000,000

Resource Management Cost Account—State $30,000,000

Subtotal Appropriation $61,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $244,000,000

TOTAL $305,000,000

NEW SECTION. **Sec. 3301. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Forest Legacy (40000090)

Appropriation:

General Fund—Federal $17,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $68,000,000

TOTAL $85,000,000

NEW SECTION. **Sec. 3302. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Land Acquisition Grants (40000091)

Appropriation:

General Fund—Federal $10,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $40,000,000

TOTAL $50,000,000

NEW SECTION. **Sec. 3303. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Road Maintenance and Abandonment Planning (40000092)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as provided for under subsection (2) of this section, the appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. DNR-3-HB-2021, developed April 15, 2021.

(2) The department may fund road maintenance and abandonment planning projects not listed in the LEAP capital document under subsection (1) of this section in either of the following instances: (a) If there is excess appropriation authority remaining after completion of all of the listed projects; or (b) if there is a documented public safety or operational concern at a different road maintenance and abandonment planning project location that the department determines is urgent. The department may not use the funding provided in this section for a study.

Appropriation:

State Building Construction Account—State $1,878,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $10,000,000

TOTAL $11,878,000

NEW SECTION. **Sec. 3304. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Natural Areas Facilities Preservation and Access (40000093)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. DNR-4.1-HB-2021, developed April 19, 2021.

Appropriation:

State Building Construction Account—State $4,005,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,005,000

NEW SECTION. **Sec. 3305. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Omak Consolidation, Expansion and Relocation (40000033)

Reappropriation:

State Building Construction Account—State $107,000

Prior Biennia (Expenditures) $1,000

Future Biennia (Projected Costs) $0

TOTAL $108,000

NEW SECTION. **Sec. 3306. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Transfer Program (40000034)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3281, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $1,675,000

Prior Biennia (Expenditures) $4,725,000

Future Biennia (Projected Costs) $0

TOTAL $6,400,000

NEW SECTION. **Sec. 3307. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Road Maintenance and Abandonment Plan (RMAP) (40000037)

Reappropriation:

State Building Construction Account—State $2,184,000

Prior Biennia (Expenditures) $1,582,000

Future Biennia (Projected Costs) $0

TOTAL $3,766,000

NEW SECTION. **Sec. 3308. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Teanaway (40000038)

Reappropriation:

State Building Construction Account—State $1,220,000

Prior Biennia (Expenditures) $636,000

Future Biennia (Projected Costs) $0

TOTAL $1,856,000

NEW SECTION. **Sec. 3309. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Land Acquisition Grants (40000039)

Reappropriation:

General Fund—Federal $5,000,000

Prior Biennia (Expenditures) $13,000,000

Future Biennia (Projected Costs) $0

TOTAL $18,000,000

NEW SECTION. **Sec. 3310. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Sunshine Mine (40000042)

Reappropriation:

Model Toxics Control Capital Account—State $115,000

Prior Biennia (Expenditures) $15,000

Future Biennia (Projected Costs) $0

TOTAL $130,000

NEW SECTION. **Sec. 3311. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Sustainable Recreation (40000044)

Reappropriation:

State Building Construction Account—State $155,000

Prior Biennia (Expenditures) $1,705,000

Future Biennia (Projected Costs) $0

TOTAL $1,860,000

NEW SECTION. **Sec. 3312. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forest Legacy 2019-21 (40000045)

Reappropriation:

General Fund—Federal $7,750,000

Prior Biennia (Expenditures) $7,250,000

Future Biennia (Projected Costs) $0

TOTAL $15,000,000

NEW SECTION. **Sec. 3313. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Natural Areas Facilities 2019-21 (40000046)

Reappropriation:

State Building Construction Account—State $295,000

Prior Biennia (Expenditures) $1,705,000

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

NEW SECTION. **Sec. 3314. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forest Hazard Reduction (40000049)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3292, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $5,979,000

Prior Biennia (Expenditures) $8,221,000

Future Biennia (Projected Costs) $0

TOTAL $14,200,000

NEW SECTION. **Sec. 3315. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Large Vessel Removals (40000051)

Reappropriation:

State Building Construction Account—State $300,000

Prior Biennia (Expenditures) $2,200,000

Future Biennia (Projected Costs) $0

TOTAL $2,500,000

NEW SECTION. **Sec. 3316. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forest Riparian Easement Program (FREP) (40000052)

Reappropriation:

State Building Construction Account—State $600,000

Prior Biennia (Expenditures) $2,900,000

Future Biennia (Projected Costs) $0

TOTAL $3,500,000

NEW SECTION. **Sec. 3317. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Grouse Ridge Fish Barriers & RMAP Compliance (40000056)

Reappropriation:

State Building Construction Account—State $3,210,000

Appropriation:

State Building Construction Account—State $1,730,000

Prior Biennia (Expenditures) $35,000

Future Biennia (Projected Costs) $0

TOTAL $4,975,000

NEW SECTION. **Sec. 3318. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Emergent Environmental Mitigation Projects (40000058)

Appropriation:

Model Toxics Control Capital Account—State $790,000

Prior Biennia (Expenditures) $320,000

Future Biennia (Projected Costs) $0

TOTAL $1,110,000

NEW SECTION. **Sec. 3319. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Minor Works Preservation (40000070)

The appropriation in this section is subject to the following conditions and limitations: $205,000 of the appropriation in this section is provided solely for communication site preservation and repairs.

Appropriation:

State Building Construction Account—State $2,183,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,183,000

NEW SECTION. **Sec. 3320. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Minor Works Programmatic (40000071)

Appropriation:

State Building Construction Account—State $1,370,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,370,000

NEW SECTION. **Sec. 3321. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Longview Fire Station Purchase (40000072)

Appropriation:

State Building Construction Account—State $995,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $995,000

NEW SECTION. **Sec. 3322. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Webster Nursery Seed Plant Replacement (40000073)

Appropriation:

State Building Construction Account—State $220,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $3,000,000

TOTAL $3,220,000

NEW SECTION. **Sec. 3323. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Community Forests (40000074)

The appropriation in this section is subject to the following conditions and limitations:

(1) $100,000 of the appropriation in this section is provided solely for grazing infrastructure projects in Teanaway Community Forest.

(2) $100,000 of the appropriation in this section is provided solely for

wetland improvement projects in Teanaway Community Forest.

Appropriation:

State Building Construction Account—State $200,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $200,000

NEW SECTION. **Sec. 3324. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Derelict Vessel Removal Program (40000075)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for removing high priority abandoned and derelict vessels in Washington's waters, including The Hero in Pacific county.

Appropriation:

State Building Construction Account—State $2,250,000

Derelict Vessel Removal Account—State $750,000

Subtotal Appropriation $3,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $3,000,000

NEW SECTION. **Sec. 3325. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Forestry Riparian Easement Program (40000077)

Appropriation:

State Building Construction Account—State $6,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $35,257,000

TOTAL $41,257,000

NEW SECTION. **Sec. 3326. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Puget Sound Corps (40000079)

The appropriation in this section is subject to the following conditions and limitations:

(1) $3,200,000 of the appropriation in this section is provided solely for state land recreation, natural areas, aquatics, resource protection, and urban forestry projects statewide.

(2) $800,000 of the appropriation in this section is provided solely for implementing projects to remove invasive and noxious weeds and creosote-treated wood and to revegetate riparian zones in the Snohomish watershed pursuant to the departments' salmon strategy.

Appropriation:

State Building Construction Account—State $4,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $32,000,000

TOTAL $36,000,000

NEW SECTION. **Sec. 3327. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Rivers and Habitat Open Space Program (40000081)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. DNR-7-HB-2021, developed April 15, 2021. An amount not to exceed $14,000 is provided solely for the program's administrative costs.

Appropriation:

State Building Construction Account—State $1,419,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $24,400,000

TOTAL $25,819,000

NEW SECTION. **Sec. 3328. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Rural Broadband Investment (40000082)

The appropriation in this section is subject to the following conditions and limitations:

(1) $600,000 of the appropriation in this section is provided solely for installation of new communication towers at Ellis Peak, Striped Peak, and Paradise Peak.

(2) $400,000 of the appropriation in this section is provided solely for communication tower upgrades at Blyn Mountain and Capitol Peak.

(3) $20,000 of the appropriation in this section is provided solely for a new generator in Okanogan county.

(4) $5,000 of the appropriation in this section is provided solely for a utility connection project in Clallam county.

Appropriation:

Coronavirus Capital Projects Account—Federal $2,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

NEW SECTION. **Sec. 3329. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 School Seismic Safety (40000083)

Appropriation:

State Building Construction Account—State $590,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $1,770,000

TOTAL $2,360,000

NEW SECTION. **Sec. 3330. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Port of Willapa Harbor Energy Innovation District Grant (91000099)

Reappropriation:

State Building Construction Account—State $1,400,000

Prior Biennia (Expenditures) $100,000

Future Biennia (Projected Costs) $0

TOTAL $1,500,000

NEW SECTION. **Sec. 3331. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Administrative Site/Minor Works Pool (92000034)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3303, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $500,000

Prior Biennia (Expenditures) $8,800,000

Future Biennia (Projected Costs) $0

TOTAL $9,300,000

NEW SECTION. **Sec. 3332. FOR THE DEPARTMENT OF NATURAL RESOURCES**

DNR and Camp Colman Collaboration (92000037)

The appropriation in this section is subject to the following conditions and limitations:

(1) $100,000 is provided solely for the department to contract with a third party facilitator for the purpose of collaborating with the YMCA of greater Seattle, Camp Colman, on finding solutions for maintaining a high-quality camp experience while establishing a barrier free passage for migrating fish species at Whiteman cove.

(2) $500,000 is provided solely for the department to grant to the YMCA of greater Seattle to retain expertise to scope, plan, and advance the future of the Camp Colman experience given the restoration of the Whiteman cove estuary. The planning process should be inclusive of tribal input, with an open invitation for their participation, and must include department technical experts, participation from the departments of ecology and fish and wildlife, and any other resources needed. The plan should include a vision for how the cove can be returned to a fully functioning estuary, benefiting native flora and fauna, as well as serve as an environmental outdoor educational opportunity that will serve youth and families, especially those from historically marginalized and underrepresented communities, and include educational opportunities for youth and families to learn of native cultural heritage unique and specific to the natural and human history of the site. The plan must identify specific projects and estimated costs, given estuary restoration, for physical improvements for the camp, such as water access structures or swimming facilities, with recommendations for

funding. The department, on behalf of the YMCA, must submit the plan in a report to the fiscal committees of the legislature by December 31, 2021.

(3) $300,000 is provided solely for the department to design the fish blockage removal and predesign enhancements for a new bridge and roadway across Whiteman cove that are part of the fish blockage removal project and necessary as part of maintaining the route as access to the camp. The predesign must take into consideration the means to maintain continuous road access to Camp Colman for campers and camp staff without disruption, ensure the continuation, mitigation and innovation of Camp Colman's recreational, water safety, and environmental education programs in the salt water estuary, and maintain the critical outdoor experiences for historically marginalized and underrepresented communities.

Appropriation:

State Building Construction Account—State $900,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $900,000

NEW SECTION. **Sec. 3333. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Transfer Stakeholder Report (92000038)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department of natural resources shall convene a work group of trust land beneficiaries and stakeholders to develop a recommended process for the way trust land transfer proposals are developed and implemented. Consideration should be made for increasing the income value of the trusts, limiting impacts to trust lands not being considered for transfer, conservation value of lands that are a potential candidate for transfer, and use of the land bank for securing repositioned land that would result from any transferred projects, and any other items necessary for a well-supported program. The department must report and make recommendations for the establishment of a new trust land transfer program to the fiscal committees of the legislature by December 1, 2021.

(2) For the 2021-2023 fiscal biennium, the department may not trade, transfer, or sell any valuable material from the four parcels that comprised the proposed trust land transfer parcels in 2019-21, known as Blakely Island, Devils Lake, Eglon, and Morning Star.

Appropriation:

State Building Construction Account—State $75,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $75,000

NEW SECTION. **Sec. 3334. FOR THE DEPARTMENT OF AGRICULTURE**

2019-21 Grants to Improve Safety and Access at Fairs (92000004)

Reappropriation:

State Building Construction Account—State $190,000

Prior Biennia (Expenditures) $1,810,000

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

NEW SECTION. **Sec. 3335. FOR THE DEPARTMENT OF AGRICULTURE**

2021-23 WA State Fairs Health and Safety Grants (92000005)

Appropriation:

State Building Construction Account—State $8,005,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $8,005,000

PART 4

TRANSPORTATION

NEW SECTION. **Sec. 4001. FOR THE WASHINGTON STATE PATROL**

FTA Emergency Power Generator Replacement (30000171)

Appropriation:

State Building Construction Account—State $875,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $875,000

NEW SECTION. **Sec. 4002. FOR THE WASHINGTON STATE PATROL**

FTA Minor Works and Repairs (40000031)

Appropriation:

State Building Construction Account—State $225,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $1,250,000

TOTAL $1,475,000

NEW SECTION. **Sec. 4003. FOR THE WASHINGTON STATE PATROL**

FTA - Student Dormitory HVAC (40000034)

Appropriation:

State Building Construction Account—State $325,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $325,000

NEW SECTION. **Sec. 4004. FOR THE DEPARTMENT OF TRANSPORTATION**

2021-23 Aviation Revitalization Loans (40000002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section must be deposited in the public use general aviation airport loan revolving account.

Appropriation:

Public Works Assistance Account—State $5,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

PART 5

EDUCATION

NEW SECTION. **Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2011-13 School Construction Assistance Program (30000071)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5003, chapter 48, Laws of 2011 1st sp. sess.

Reappropriation:

Common School Construction Account—State $66,000

Prior Biennia (Expenditures) $529,837,000

Future Biennia (Projected Costs) $0

TOTAL $529,903,000

NEW SECTION. **Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2013-15 School Construction Assistance Program - Maintenance (30000145)

Reappropriation:

State Building Construction Account—State $1,529,000

Prior Biennia (Expenditures) $385,701,000

Future Biennia (Projected Costs) $0

TOTAL $387,230,000

NEW SECTION. **Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2015-17 School Construction Assistance Program (30000169)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5013, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Common School Construction Account—State $6,617,000

Prior Biennia (Expenditures) $639,008,000

Future Biennia (Projected Costs) $0

TOTAL $645,625,000

NEW SECTION. **Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Emergency Repairs and Equal Access Grants for K-12 Public Schools (30000182)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5001, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $184,000

Common School Construction Account—State $372,000

Subtotal Reappropriation $556,000

Prior Biennia (Expenditures) $5,444,000

Future Biennia (Projected Costs) $0

TOTAL $6,000,000

NEW SECTION. **Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Skill Centers - Minor Works (30000187)

Reappropriation:

School Construction and Skill Centers Building

Account—Bonds—State $521,000

Prior Biennia (Expenditures) $2,479,000

Future Biennia (Projected Costs) $0

TOTAL $3,000,000

NEW SECTION. **Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Tri-Tech Skill Center - Core Growth (30000197)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5004, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $415,000

Prior Biennia (Expenditures) $10,392,000

Future Biennia (Projected Costs) $0

TOTAL $10,807,000

NEW SECTION. **Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

STEM Classrooms and Labs (30000203)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5005, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $961,000

Prior Biennia (Expenditures) $12,039,000

Future Biennia (Projected Costs) $0

TOTAL $13,000,000

NEW SECTION. **Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2017-19 School Construction Assistance Program (40000003)

The appropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5003, chapter 298, Laws of 2018.

Reappropriation:

Common School Construction Account—State $66,055,000

Appropriation:

State Building Construction Account—State $71,446,000

Prior Biennia (Expenditures) $811,249,000

Future Biennia (Projected Costs) $0

TOTAL $948,750,000

NEW SECTION. **Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 School Construction Assistance Program - Maintenance Lvl (40000013)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to provisions of section 5002, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $612,878,000

Common School Construction Account—State $185,462,000

Subtotal Reappropriation $798,340,000

Prior Biennia (Expenditures) $224,878,000

Future Biennia (Projected Costs) $0

TOTAL $1,023,218,000

NEW SECTION. **Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

West Sound Technical Skills Center Modernization (40000015)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to provisions of section 5002, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $274,000

Prior Biennia (Expenditures) $226,000

Future Biennia (Projected Costs) $0

TOTAL $500,000

NEW SECTION. **Sec. 5011. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

School District Health and Safety 2019-21 (40000019)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5016, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $842,000

Common School Construction Account—State $366,000

Subtotal Reappropriation $1,208,000

Prior Biennia (Expenditures) $4,792,000

Future Biennia (Projected Costs) $0

TOTAL $6,000,000

NEW SECTION. **Sec. 5012. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Healthy Kids / Healthy Schools 2019-21 (40000021)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5017, chapter 413, Laws of 2019.

Reappropriation:

Common School Construction Account—State $1,120,000

Prior Biennia (Expenditures) $2,130,000

Future Biennia (Projected Costs) $0

TOTAL $3,250,000

NEW SECTION. **Sec. 5013. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Skills Centers Minor Works (40000023)

Reappropriation:

State Building Construction Account—State $1,205,000

Prior Biennia (Expenditures) $1,795,000

Future Biennia (Projected Costs) $0

TOTAL $3,000,000

NEW SECTION. **Sec. 5014. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 Career Preparation and Launch Equipment Grants (40000032)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5019, chapter 413, Laws of 2019.

Reappropriation:

Common School Construction Account—State $104,000

Prior Biennia (Expenditures) $896,000

Future Biennia (Projected Costs) $0

TOTAL $1,000,000

NEW SECTION. **Sec. 5015. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 School Construction Assistance Program (40000034)

The appropriations in this section are subject to the following conditions and limitations:

(1) $727,780,000 of the appropriation in this section is provided solely for school construction assistance grants for qualifying public school construction projects.

(2) $2,836,000 of the appropriation in this section is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account—State $702,657,000

Common School Construction Account—State $24,959,000

Common School Construction Account—Federal $3,000,000

Subtotal Appropriation $730,616,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $3,899,490,000

TOTAL $4,630,106,000

NEW SECTION. **Sec. 5016. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 Healthy Kids-Healthy Schools: Physical Health & Nutrition (91000464)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of the superintendent of public instruction shall develop criteria for funding specific projects that are consistent with the healthiest next generation priorities. The criteria must include, but are not limited to, the following:

(a) Districts may apply for grants, but no single district may receive more than $200,000 of the appropriation for grants awarded under this section;

(b) Any district receiving funding provided in this section must demonstrate a consistent commitment to addressing school facilities' needs; and

(c) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program may be prioritized.

(2) The appropriation in this section is provided solely for grants to school districts for the purchase of equipment or to make repairs to existing equipment that is related to improving:

(a) Children's physical health, and may include, but is not limited to, fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation; and

(b) Children's nutrition, and may include, but is not limited to, garden related structures and greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

Appropriation:

Common School Construction Account—State $3,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $3,000,000

NEW SECTION. **Sec. 5017. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

K-12 Capital Programs Administration (40000038)

Appropriation:

Common School Construction Account—State $4,282,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,282,000

NEW SECTION. **Sec. 5018. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 Small District and Tribal Compact Schools Modernization (40000039)

The appropriations in this section are subject to the following conditions and limitations:

(1) $3,000,000 of the state building construction account—state appropriation in this section is provided solely for a modernization grant to the Mount Adams school district to complete the replacement of Harrah Elementary School.

(2)(a) $21,795,000 of the state building construction account—state appropriation and $12,000,000 of the

coronavirus capital projects account—federal appropriation in this section are provided solely for modernization grants for small school districts with total enrollments of 1,000 students or less with significant building system deficiencies and limited financial capacity as approved by the superintendent of public instruction's small district modernization grant advisory committee.

(b) The superintendent of public instruction must submit a list of small school district modernization projects, as prioritized by the advisory committee, to the legislature by January 15, 2023. The list must include: (i) A description of the project; (ii) the proposed state funding level, not to exceed $5,000,000; (iii) estimated total project costs; and (iv) local funding resources.

(3) $1,100,000 of the state building construction account—state appropriation in this section is provided solely for planning grants for small school districts with enrollments of 1,000 students or less interested in seeking modernization grants. The superintendent of public instruction may prioritize planning grants for school districts with the most serious building deficiencies and the most limited financial capacity. Planning grants may not exceed $50,000 per district. Planning grants may only be awarded to school districts with an estimated total project cost of $5,000,000 or less.

(4)(a) $4,218,000 of the state building construction account—state appropriation in this section is provided solely for planning grants and modernization grants to state tribal compact schools. The superintendent may prioritize planning grants for state tribal compact schools with the most serious building deficiencies and the most limited financial capacity.

(b) The superintendent of public instruction must submit a prioritized list of state-tribal compact school modernization projects to the legislature by January 15, 2023. The list must include: (i) A description of the project; (ii) the planning grant amount; and (iii) estimated total project costs.

(5) The appropriated funds in this section may be awarded only to projects approved by the legislature, as identified in LEAP capital document No. OSPI-1.1-CD-2021, developed April 15, 2021.

Appropriation:

State Building Construction Account—State $30,113,000

Coronavirus Capital Projects Account—Federal $12,000,000

Subtotal Appropriation $42,113,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $290,592,000

TOTAL $332,705,000

NEW SECTION. **Sec. 5019. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 Skills Centers Minor Works (40000040)

The appropriations in this section are subject to the following conditions and limitations: In addition to the conditions and limitations specified in section 7019 of this act, no skill center shall receive funding for more than two minor works projects within the 2021-2023 fiscal biennium.

Appropriation:

State Building Construction Account—State $1,556,000

Coronavirus Capital Projects Account—Federal $1,832,000

Subtotal Appropriation $3,388,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $3,388,000

NEW SECTION. **Sec. 5020. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Pierce County Skills Center - Evergreen Building Modernization (40000048)

Appropriation:

State Building Construction Account—State $9,830,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $9,830,000

NEW SECTION. **Sec. 5021. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Seattle Public Schools Skills Center - Rainier Beach High School (40000050)

Appropriation:

State Building Construction Account—State $300,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $300,000

NEW SECTION. **Sec. 5022. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Puget Sound Skills Center Preservation (40000051)

Appropriation:

State Building Construction Account—State $1,024,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,024,000

NEW SECTION. **Sec. 5023. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 School District Health and Safety (40000052)

The appropriations in this section are subject to the following conditions and limitations:

(1) $643,000 of the common school construction account—state appropriation and $1,357,000 of the state building construction account—state appropriation in this section are provided solely for emergency repair grants to address unexpected and imminent health and safety hazards at K-12 public schools, including skill centers, that will impact the day-to-day operations of the school facility, and this is the maximum amount that may be spent for this purpose. For emergency repair grants only, an emergency declaration must be signed by the school district board of directors and submitted to the superintendent of public instruction for consideration. The emergency declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable.

(2) $965,000 of the common school construction account—state appropriation, $2,035,000 of the state building construction account—state appropriation, and $1,193,000 of the coronavirus capital projects account—federal appropriation in this section are provided solely for urgent repair grants to address nonreccurring urgent small repair projects at K-12 public schools, excluding skill centers, that could impact the health and safety of students and staff if not completed, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting school districts to one grant, not to exceed $200,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a comprehensive description of the health and safety issues to be addressed, a detailed description of the remedy, including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Grants may be used for, but are not limited to: Repair or replacement of failing building systems, abatement of potentially hazardous materials, and safety-related structural improvements.

(3) $322,000 of the common school construction account—state appropriation and $678,000 of the state building construction account—state appropriation in this section are provided solely for equal access grants for facility repairs and alterations at K-12 public schools, including skills centers, to improve compliance with the Americans with disabilities act and individuals with disabilities education

act, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting districts to one grant, not to exceed $100,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring recipient districts to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a description of the Americans with disabilities act or individuals with disabilities education act compliance deficiency, a comprehensive description of the facility accessibility issues to be addressed, a detailed description of the remedy including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Priority for grant funding must be given to school districts that demonstrate a lack of capital resources to address the compliance deficiencies outlined in the grant application.

(4) The superintendent of public instruction must notify the office of financial management, the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as projects described in subsection (1) of this section are approved for funding.

Appropriation:

Coronavirus Capital Projects Account—Federal $1,193,000

Common School Construction Account—State $1,930,000

State Building Construction Account—State $4,070,000

Subtotal Appropriation $7,193,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $52,000,000

TOTAL $59,193,000

NEW SECTION. **Sec. 5024. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 School Seismic Safety Retrofit Program (40000054)

The appropriation in this section is subject to the following conditions and limitations:

(1) $2,000,000 of the appropriation in this section is provided solely for school seismic safety retrofit planning grants to school districts. The superintendent of public instruction shall prioritize planning grants for school districts with the most significant building deficiencies and the greatest seismic risks as determined by the most recent geological data and building engineering assessments, beginning with facilities classified as very high risk.

(2) $38,000,000 of the appropriation in this section is provided solely for school seismic safety retrofit grants to school districts for seismic retrofits and seismic safety related improvements of school buildings used for the instruction of students in kindergarten through 12th grade. The superintendent of public instruction must prioritize school seismic safety retrofit grants for school districts with the most significant building deficiencies and the greatest seismic risks as determined by the school seismic safety retrofit planning grants established in subsection (1) of this section, beginning with facilities classified as very high risk.

(3) In the development of school seismic safety retrofit projects, the superintendent of public instruction shall consider the following: (a) Prioritizing student instructional spaces and facilities that improve communities' emergency response capacity, including school gymnasiums and school facilities that are capable of providing space for emergency shelter and response coordination; (b) the financial capacity of low property value school districts in the sizing of grant awards; (c) facilities' seismic needs in light of the useful life of the facilities; and (d) the extent to which the cost of the proposed seismic improvements are less than the estimated costs of facility replacement or new construction.

Appropriation:

State Building Construction Account—State $40,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $160,000,000

TOTAL $200,000,000

NEW SECTION. **Sec. 5025. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 Career Preparation and Launch Grants (40000056)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the superintendent of public instruction to provide competitive grants to school districts to purchase and install career and technical education equipment that expands career connected learning and work-integrated learning opportunities.

(2) The office of the superintendent of public instruction, after consulting with school districts and the workforce training and education coordinating board, shall develop criteria and assurances for providing funding and outcomes for specific projects through a competitive grant program to stay within the appropriation level provided in this section consistent with the following priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools must demonstrate that the request provides necessary equipment to deliver career and technical education; and

(b) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.

(3) No single district may receive more than $150,000 of the appropriation.

Appropriation:

Common School Construction Account—State $2,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

NEW SECTION. **Sec. 5026. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Career and Technical Education Equipment Grants (91000408)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5005, chapter 298, Laws of 2018.

Reappropriation:

Common School Construction Account—State $29,000

Prior Biennia (Expenditures) $971,000

Future Biennia (Projected Costs) $0

TOTAL $1,000,000

NEW SECTION. **Sec. 5027. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 Healthy Kids-Healthy Schools: Remediation of Lead (91000465)

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided for under subsection (2) of this section, the appropriations in this section are provided solely for grants to school districts, charter schools, and state-tribal education compact schools for the replacement of lead-contaminated pipes, drinking water fixtures, and the purchase of water filters, including the labor costs of remediation design, installation, and construction. The amount provided to charter schools and state-tribal education compact schools for lead remediation costs in this section may not exceed $100,000 and must be provided from the state building construction account—state appropriation in this section.

(2) $128,000 of the state building construction account—state appropriation in this section is provided solely for the office of the superintendent of public instruction to enter into a contract, and for the administrative costs of that contract, for the following purposes: To study, estimate, and provide future common and charter school lead-contaminated drinking water remediation and mitigation costs associated with complying with codified lead remediation standards for these schools. The remediation cost estimates developed through this study must rely on a representative sample of schools from the most recent three-year period that have been tested for lead contamination using independent testing and department of health testing. The remediation costs

considered in this study and the representative sample may include: (a) Technical assistance; (b) design; (c) parts and hardware; (d) labor; (e) contract administration for the predesign, design, and remediation phases; and (f) project management. Mitigation actions, treatments, and costs may also be considered in the study, along with other cost categories, as deemed relevant by the office of the superintendent of public instruction. The data collected and studied under this section should be representative of large, medium, and small school districts, as categorized by the Washington State School Directors' Association. Costs must be reported separately in appropriate categories to facilitate understanding of the data collected and studied.

(3) The office of the superintendent of public instruction shall consult with stakeholders and legislative fiscal staff regarding the development of the study and the development of a request for proposal under this section. The results of this study, including cost estimates, must be provided to the governor and the appropriate fiscal committees of the legislature by November 1, 2021.

Appropriation:

Common School Construction Account—State $270,000

State Building Construction Account—State $3,328,000

Subtotal Appropriation $3,598,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $3,598,000

NEW SECTION. **Sec. 5028. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Green Schools: Stormwater Infrastructure Projects (91000466)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a contract with a statewide community-based organization with experience planning and developing green stormwater infrastructure and related educational programs on public school properties. The organization awarded funding under this section must use this funding solely for green stormwater infrastructure projects on public school properties.

(2) The organization selected under subsection (1) of this section must use geographic analysis to identify green stormwater infrastructure project locations based on the opportunity to reduce stormwater runoff.

(3) To qualify for a project under this section, schools must be eligible for financial assistance under Title I of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act. The organization selected under subsection (1) of this section must prioritize schools with high percentages of students eligible for the free and reduced-price meals program that also serve diverse student populations.

(4) Stormwater infrastructure projects under this section should aim to: (a) Provide equity of opportunity in high-need communities; and (b) engage students in conjunction with K-12 STEM education programs aligned with the Washington state science and learning standards.

Appropriation:

Common School Construction Account—State $300,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $300,000

NEW SECTION. **Sec. 5029. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Puget Sound Skills Center (92000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5021, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State $3,000

Prior Biennia (Expenditures) $20,930,000

Future Biennia (Projected Costs) $0

TOTAL $20,933,000

NEW SECTION. **Sec. 5030. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

K-3 Class-size Reduction Grants (92000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5023, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $19,654,000

Prior Biennia (Expenditures) $214,846,000

Future Biennia (Projected Costs) $0

TOTAL $234,500,000

NEW SECTION. **Sec. 5031. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Small Rural District Modernization Grants (92000040)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5008, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State $1,867,000

Prior Biennia (Expenditures) $39,133,000

Future Biennia (Projected Costs) $0

TOTAL $41,000,000

NEW SECTION. **Sec. 5032. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Distressed Schools (92000041)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5004, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $28,861,000

Prior Biennia (Expenditures) $16,625,000

Future Biennia (Projected Costs) $0

TOTAL $45,486,000

NEW SECTION. **Sec. 5033. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Everett Pathways to Medical Education (92000123)

Reappropriation:

State Building Construction Account—State $513,000

Prior Biennia (Expenditures) $1,487,000

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

NEW SECTION. **Sec. 5034. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 Small District Modernization Grants (92000139)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5003, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $6,190,000

Prior Biennia (Expenditures) $17,193,000

Future Biennia (Projected Costs) $0

TOTAL $23,383,000

NEW SECTION. **Sec. 5035. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 STEM Grants (92000140)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5029, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $6,660,000

Prior Biennia (Expenditures) $1,040,000

Future Biennia (Projected Costs) $0

TOTAL $7,700,000

NEW SECTION. **Sec. 5036. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 Distressed Schools (92000142)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5005, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $23,356,000

Prior Biennia (Expenditures) $2,581,000

Future Biennia (Projected Costs) $0

TOTAL $25,937,000

NEW SECTION. **Sec. 5037. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 Agricultural Science in Schools Grant to FFA Foundation (92000916)

Appropriation:

Common School Construction Account—State $2,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

NEW SECTION. **Sec. 5038. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 Distressed Schools (92000917)

The appropriation in this section is subject to the following conditions and limitations:

(1) $7,000,000 of the appropriation in this section is provided solely for a 12-classroom addition at Green Lake Elementary School in Seattle public schools.

(2) $940,000 of the appropriation in this section is provided solely for the Healthy Schools pilot to reduce exposure to air pollution and improve air quality in schools.

(3) $772,000 of the appropriation in this section is provided solely for a school-based health center at Spanaway Middle School.

Appropriation:

State Building Construction Account—State $8,712,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $8,712,000

NEW SECTION. **Sec. 5039. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 School Seismic Safety Retrofit Program (92000148)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5006, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $13,190,000

Prior Biennia (Expenditures) $50,000

Future Biennia (Projected Costs) $0

TOTAL $13,240,000

NEW SECTION. **Sec. 5040. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma (20102002)

The appropriations in this section are subject to the following conditions and limitations: The appropriation is subject to the provisions of section 5036, chapter 413, Laws of 2019.

Reappropriation:

University of Washington Building Account—State $700,000

Appropriation:

State Building Construction Account—State $36,000,000

Prior Biennia (Expenditures) $3,800,000

Future Biennia (Projected Costs) $0

TOTAL $40,500,000

NEW SECTION. **Sec. 5041. FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell (30000378)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5037, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State $70,000,000

Prior Biennia (Expenditures) $9,438,000

Future Biennia (Projected Costs) $0

TOTAL $79,438,000

NEW SECTION. **Sec. 5042. FOR THE UNIVERSITY OF WASHINGTON**

Health Sciences Education - T-Wing Renovation/Addition (30000486)

Reappropriation:

State Building Construction Account—State $24,000,000

University of Washington Building Account—State $2,000,000

Subtotal Reappropriation $26,000,000

Prior Biennia (Expenditures) $44,623,000

Future Biennia (Projected Costs) $0

TOTAL $70,623,000

NEW SECTION. **Sec. 5043. FOR THE UNIVERSITY OF WASHINGTON**

College of Engineering Interdisciplinary/Education Research Ctr (30000492)

Reappropriation:

University of Washington Building Account—State $3,000,000

Appropriation:

State Building Construction Account—State $45,400,000

Prior Biennia (Expenditures) $1,600,000

Future Biennia (Projected Costs) $0

TOTAL $50,000,000

NEW SECTION. **Sec. 5044. FOR THE UNIVERSITY OF WASHINGTON**

UW Major Infrastructure (30000808)

Reappropriation:

University of Washington Building Account—State $7,000,000

Appropriation:

University of Washington Building Account—State $8,000,000

Prior Biennia (Expenditures) $25,500,000

Future Biennia (Projected Costs) $34,300,000

TOTAL $74,800,000

NEW SECTION. **Sec. 5045. FOR THE UNIVERSITY OF WASHINGTON**

2019-21 Minor Works - Preservation (40000004)

Reappropriation:

University of Washington Building Account—State $8,200,000

Prior Biennia (Expenditures) $35,266,000

Future Biennia (Projected Costs) $0

TOTAL $43,466,000

NEW SECTION. **Sec. 5046. FOR THE UNIVERSITY OF WASHINGTON**

Behavioral Health Teaching Facility (40000038)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are subject to the provisions of section 6042 of this act.

Reappropriation:

State Building Construction Account—State $6,000,000

Appropriation:

State Building Construction Account—State $200,750,000

Prior Biennia (Expenditures) $27,250,000

Future Biennia (Projected Costs) $0

TOTAL $234,000,000

NEW SECTION. **Sec. 5047. FOR THE UNIVERSITY OF WASHINGTON**

Magnuson Health Sciences Phase II - Renovation/Replacement (40000049)

Reappropriation:

State Building Construction Account—State $1,000,000

Appropriation:

State Building Construction Account—State $5,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $58,000,000

TOTAL $64,000,000

NEW SECTION. **Sec. 5048. FOR THE UNIVERSITY OF WASHINGTON**

UW Seattle - Asset Preservation (Minor Works) 21-23 (40000050)

Appropriation:

UW Building Account—State $35,685,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $97,533,000

TOTAL $133,218,000

NEW SECTION. **Sec. 5049. FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell - Asset Preservation (Minor Works) 2021-23 (40000070)

Appropriation:

UW Building Account—State $3,638,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $20,200,000

TOTAL $23,838,000

NEW SECTION. **Sec. 5050. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma - Asset Preservation (Minor Works) 2021-23 (40000072)

Appropriation:

UW Building Account—State $2,677,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $14,861,000

TOTAL $17,538,000

NEW SECTION. **Sec. 5051. FOR THE UNIVERSITY OF WASHINGTON**

Ctr for Advanced Materials and Clean Energy Research Test Beds (91000016)

Reappropriation:

State Building Construction Account—State $15,000,000

Prior Biennia (Expenditures) $13,988,000

Future Biennia (Projected Costs) $0

TOTAL $28,988,000

NEW SECTION. **Sec. 5052. FOR THE UNIVERSITY OF WASHINGTON**

Preventive Facility Maintenance and Building System Repairs (91000019)

Appropriation:

UW Building Account—State $25,825,000

Prior Biennia (Expenditures) $25,825,000

Future Biennia (Projected Costs) $103,300,000

TOTAL $154,950,000

NEW SECTION. **Sec. 5053. FOR THE UNIVERSITY OF WASHINGTON**

Power Plant (91000026)

Appropriation:

University of Washington Building Account—State $10,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $10,000,000

NEW SECTION. **Sec. 5054. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma Campus Soil Remediation (92000002)

Reappropriation:

Model Toxics Control Capital Account—State $600,000

Appropriation:

Model Toxics Control Capital Account—State $2,000,000

Prior Biennia (Expenditures) $7,658,000

Future Biennia (Projected Costs) $8,000,000

TOTAL $18,258,000

NEW SECTION. **Sec. 5055. FOR THE UNIVERSITY OF WASHINGTON**

University of Washington Medical Center Northwest Campus Behavioral Health Renovation (91000027)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the renovation of existing geriatric psychiatric beds within the Northwest Campus of the University of Washington Medical Center, including predesign, design costs, enabling projects, and early work packages. The renovation design must include fourteen adult psychiatric beds.

Appropriation:

State Building Construction Account—State $2,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $13,000,000

TOTAL $15,000,000

NEW SECTION. **Sec. 5056. FOR WASHINGTON STATE UNIVERSITY**

WSU Vancouver - Life Sciences Building (30000840)

Reappropriation:

State Building Construction Account—State $1,100,000

Appropriation:

State Building Construction Account—State $52,600,000

Prior Biennia (Expenditures) $3,400,000

Future Biennia (Projected Costs) $0

TOTAL $57,100,000

NEW SECTION. **Sec. 5057. FOR WASHINGTON STATE UNIVERSITY**

WSU Tri-Cities - Academic Building (30001190)

Reappropriation:

State Building Construction Account—State $750,000

Prior Biennia (Expenditures) $29,650,000

Future Biennia (Projected Costs) $0

TOTAL $30,400,000

NEW SECTION. **Sec. 5058. FOR WASHINGTON STATE UNIVERSITY**

Global Animal Health Building (30001322)

Reappropriation:

State Building Construction Account—State $2,500,000

Prior Biennia (Expenditures) $56,900,000

Future Biennia (Projected Costs) $0

TOTAL $59,400,000

NEW SECTION. **Sec. 5059. FOR WASHINGTON STATE UNIVERSITY**

Washington State University Pullman - STEM Teaching Labs (30001326)

Appropriation:

State Building Construction Account—State $2,500,000

Prior Biennia (Expenditures) $1,000,000

Future Biennia (Projected Costs) $7,400,000

TOTAL $10,900,000

NEW SECTION. **Sec. 5060. FOR WASHINGTON STATE UNIVERSITY**

Everett Real Estate Acquisition (40000006)

Reappropriation:

Washington State University Building Account—

State $10,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $10,000,000

NEW SECTION. **Sec. 5061. FOR WASHINGTON STATE UNIVERSITY**

Minor Capital Preservation (MCR): 2019-21 (40000011)

Reappropriation:

Washington State University Building Account—

State $1,000,000

Prior Biennia (Expenditures) $20,400,000

Future Biennia (Projected Costs) $0

TOTAL $21,400,000

NEW SECTION. **Sec. 5062. FOR WASHINGTON STATE UNIVERSITY**

Spokane-Biomedical and Health Sc Building Ph II (40000012)

Appropriation:

State Building Construction Account—State $15,000,000

Prior Biennia (Expenditures) $500,000

Future Biennia (Projected Costs) $75,000,000

TOTAL $90,500,000

NEW SECTION. **Sec. 5063. FOR WASHINGTON STATE UNIVERSITY**

Minor Capital Preservation (MCR): 2021-23 (40000145)

Appropriation:

Washington State University Building Account—

State $27,793,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $142,500,000

TOTAL $170,293,000

NEW SECTION. **Sec. 5064. FOR WASHINGTON STATE UNIVERSITY**

Minor Capital Program (MCI & Omnibus Equip): 2021-23 (40000212)

Appropriation:

Washington State University Building Account—

State $6,400,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $40,000,000

TOTAL $46,400,000

NEW SECTION. **Sec. 5065. FOR WASHINGTON STATE UNIVERSITY**

Johnson Hall Replacement (40000271)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may only be used for project expenses directly related to the demolition of Johnson Hall and site preparation work necessary to prepare for a new plant biosciences building for which design and construction funding is provided by the United States department of agriculture.

Appropriation:

State Building Construction Account—State $8,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $8,000,000

NEW SECTION. **Sec. 5066. FOR WASHINGTON STATE UNIVERSITY**

Campus Fire Protection and Domestic Water Reservoir (40000272)

Appropriation:

State Building Construction Account—State $8,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $8,000,000

NEW SECTION. **Sec. 5067. FOR WASHINGTON STATE UNIVERSITY**

Clark Hall Research Lab Renovation (40000274)

Appropriation:

Washington State University Building Account—

State $4,900,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,900,000

NEW SECTION. **Sec. 5068. FOR WASHINGTON STATE UNIVERSITY**

Pullman Sciences Building (40000284)

Appropriation:

State Building Construction Account—State $500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $53,000,000

TOTAL $53,500,000

NEW SECTION. **Sec. 5069. FOR WASHINGTON STATE UNIVERSITY**

Preventive Facility Maintenance and Building System Repairs (91000037)

Appropriation:

Washington State University Building Account—

State $10,115,000

Prior Biennia (Expenditures) $10,115,000

Future Biennia (Projected Costs) $40,460,000

TOTAL $60,690,000

NEW SECTION. **Sec. 5070. FOR EASTERN WASHINGTON UNIVERSITY**

Interdisciplinary Science Center (30000001)

Reappropriation:

State Building Construction Account—State $3,000,000

Prior Biennia (Expenditures) $69,200,000

Future Biennia (Projected Costs) $0

TOTAL $72,200,000

NEW SECTION. **Sec. 5071. FOR EASTERN WASHINGTON UNIVERSITY**

Science Renovation (30000507)

Reappropriation:

State Building Construction Account—State $6,000,000

Appropriation:

State Building Construction Account—State $45,000,000

Prior Biennia (Expenditures) $2,287,000

Future Biennia (Projected Costs) $45,500,000

TOTAL $98,787,000

NEW SECTION. **Sec. 5072. FOR EASTERN WASHINGTON UNIVERSITY**

Minor Works: Preservation 2019-21 (40000011)

Reappropriation:

Eastern Washington University Capital Projects

Account—State $3,866,000

Prior Biennia (Expenditures) $2,634,000

Future Biennia (Projected Costs) $26,000,000

TOTAL $32,500,000

NEW SECTION. **Sec. 5073. FOR EASTERN WASHINGTON UNIVERSITY**

Minor Works: Program 2019-21 (40000015)

Reappropriation:

Eastern Washington University Capital Projects

Account—State $161,000

Prior Biennia (Expenditures) $2,339,000

Future Biennia (Projected Costs) $10,000,000

TOTAL $12,500,000

NEW SECTION. **Sec. 5074. FOR EASTERN WASHINGTON UNIVERSITY**

Infrastructure Renewal II (40000016)

Reappropriation:

State Building Construction Account—State $11,000,000

Prior Biennia (Expenditures) $4,000,000

Future Biennia (Projected Costs) $0

TOTAL $15,000,000

NEW SECTION. **Sec. 5075. FOR EASTERN WASHINGTON UNIVERSITY**

Albers Court Improvements (40000036)

Reappropriation:

State Building Construction Account—State $4,000,000

Prior Biennia (Expenditures) $953,000

Future Biennia (Projected Costs) $0

TOTAL $4,953,000

NEW SECTION. **Sec. 5076. FOR EASTERN WASHINGTON UNIVERSITY**

Infrastructure Renewal III (40000070)

Appropriation:

State Building Construction Account—State $10,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $25,518,000

TOTAL $35,518,000

NEW SECTION. **Sec. 5077. FOR EASTERN WASHINGTON UNIVERSITY**

Lucy Covington Center (40000071)

Appropriation:

Eastern Washington University Capital Projects

Account—State $300,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $18,500,000

TOTAL $18,800,000

NEW SECTION. **Sec. 5078. FOR EASTERN WASHINGTON UNIVERSITY**

Minor Works: Preservation 2021-23 (40000107)

Appropriation:

Eastern Washington University Capital Projects

Account—State $3,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $3,000,000

NEW SECTION. **Sec. 5079. FOR EASTERN WASHINGTON UNIVERSITY**

Preventative Maintenance/Backlog Reduction 2021-23 (40000108)

Appropriation:

Eastern Washington University Capital Projects

Account—State $2,217,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,217,000

NEW SECTION. **Sec. 5080. FOR EASTERN WASHINGTON UNIVERSITY**

Minor Works: Program 2021-23 (40000110)

Appropriation:

Eastern Washington University Capital Projects

Account—State $1,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,000,000

NEW SECTION. **Sec. 5081. FOR CENTRAL WASHINGTON UNIVERSITY**

Nutrition Science (30000456)

Reappropriation:

State Building Construction Account—State $17,500,000

Prior Biennia (Expenditures) $42,080,000

Future Biennia (Projected Costs) $0

TOTAL $59,580,000

NEW SECTION. **Sec. 5082. FOR CENTRAL WASHINGTON UNIVERSITY**

Minor Works Program: 2019-21 (40000007)

Reappropriation:

Central Washington University Capital Projects

Account—State $80,000

Prior Biennia (Expenditures) $920,000

Future Biennia (Projected Costs) $0

TOTAL $1,000,000

NEW SECTION. **Sec. 5083. FOR CENTRAL WASHINGTON UNIVERSITY**

Health Education (40000009)

Reappropriation:

State Building Construction Account—State $1,800,000

Appropriation:

State Building Construction Account—State $55,505,000

Prior Biennia (Expenditures) $3,200,000

Future Biennia (Projected Costs) $0

TOTAL $60,505,000

NEW SECTION. **Sec. 5084. FOR CENTRAL WASHINGTON UNIVERSITY**

Minor Works Preservation: 2019-21 (40000041)

Reappropriation:

Central Washington University Capital Projects

Account—State $790,000

State Building Construction Account—State $210,000

Subtotal Reappropriation $1,000,000

Prior Biennia (Expenditures) $6,000,000

Future Biennia (Projected Costs) $28,000,000

TOTAL $35,000,000

NEW SECTION. **Sec. 5085. FOR CENTRAL WASHINGTON UNIVERSITY**

Campus Security Enhancements (40000074)

Reappropriation:

Central Washington University Capital Projects

Account—State $250,000

Prior Biennia (Expenditures) $2,213,000

Future Biennia (Projected Costs) $0

TOTAL $2,463,000

NEW SECTION. **Sec. 5086. FOR CENTRAL WASHINGTON UNIVERSITY**

Chiller Addition (40000075)

Appropriation:

State Building Construction Account—State $3,189,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $3,189,000

NEW SECTION. **Sec. 5087. FOR CENTRAL WASHINGTON UNIVERSITY**

Humanities & Social Science Complex (40000081)

Appropriation:

State Building Construction Account—State $5,205,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $63,846,000

TOTAL $69,051,000

NEW SECTION. **Sec. 5088. FOR CENTRAL WASHINGTON UNIVERSITY**

Minor Works Preservation 2021 - 2023 (40000083)

Appropriation:

Central Washington University Capital Projects

Account—State $6,499,000

State Building Construction Account—State $962,000

Subtotal Appropriation $7,461,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $25,995,000

TOTAL $33,456,000

NEW SECTION. **Sec. 5089. FOR CENTRAL WASHINGTON UNIVERSITY**

Minor Works Program 2021 - 2023 (40000084)

Appropriation:

Central Washington University Capital Projects

Account—State $1,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $16,000,000

TOTAL $17,000,000

NEW SECTION. **Sec. 5090. FOR CENTRAL WASHINGTON UNIVERSITY**

Preventative Facility Maintenance/Backlog Reduction 2021-23 (40000115)

Appropriation:

Central Washington University Capital Projects

Account—State $2,422,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $9,688,000

TOTAL $12,110,000

NEW SECTION. **Sec. 5091. FOR THE EVERGREEN STATE COLLEGE**

Seminar I Renovation (30000125)

Appropriation:

State Building Construction Account—State $3,000,000

Prior Biennia (Expenditures) $212,000

Future Biennia (Projected Costs) $24,300,000

TOTAL $27,512,000

NEW SECTION. **Sec. 5092. FOR THE EVERGREEN STATE COLLEGE**

Preventative Facility Maintenance and Building System Repairs (30000612)

Appropriation:

The Evergreen State College Capital Projects

Account—State $880,000

Prior Biennia (Expenditures) $1,613,000

Future Biennia (Projected Costs) $7,900,000

TOTAL $10,393,000

NEW SECTION. **Sec. 5093. FOR THE EVERGREEN STATE COLLEGE**

Minor Works Preservation (40000034)

Appropriation:

The Evergreen State College Capital Projects

Account—State $3,580,000

State Building Construction Account—State $1,945,000

Subtotal Appropriation $5,525,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $77,500,000

TOTAL $83,025,000

NEW SECTION. **Sec. 5094. FOR THE EVERGREEN STATE COLLEGE**

Lab II HVAC Upgrades (40000047)

Appropriation:

Coronavirus Capital Projects Account—Federal $4,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,000,000

NEW SECTION. **Sec. 5095. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Program 2021-23 (40000077)

Appropriation:

The Evergreen State College Capital Projects

Account—State $500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $500,000

NEW SECTION. **Sec. 5096. FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Preservation: 2019-21 (91000031)

Reappropriation:

The Evergreen State College Capital Projects

Account—State $900,000

Prior Biennia (Expenditures) $4,966,000

Future Biennia (Projected Costs) $0

TOTAL $5,866,000

NEW SECTION. **Sec. 5097. FOR THE EVERGREEN STATE COLLEGE**

Minor Works Program: 2019-21 (91000033)

Reappropriation:

The Evergreen State College Capital Projects

Account—State $900,000

Prior Biennia (Expenditures) $600,000

Future Biennia (Projected Costs) $0

TOTAL $1,500,000

NEW SECTION. **Sec. 5098. FOR WESTERN WASHINGTON UNIVERSITY**

Access Control Security Upgrades (30000604)

Appropriation:

State Building Construction Account—State $1,500,000

Western Washington University Capital Projects

Account—State $515,000

Subtotal Appropriation $2,015,000

Prior Biennia (Expenditures) $1,500,000

Future Biennia (Projected Costs) $9,185,000

TOTAL $12,700,000

NEW SECTION. **Sec. 5099. FOR WESTERN WASHINGTON UNIVERSITY**

Sciences Building Addition & Renovation (30000768)

Reappropriation:

State Building Construction Account—State $30,987,000

Prior Biennia (Expenditures) $35,013,000

Future Biennia (Projected Costs) $0

TOTAL $66,000,000

NEW SECTION. **Sec. 5100. FOR WESTERN WASHINGTON UNIVERSITY**

2019-21 Classroom & Lab Upgrades (30000869)

Reappropriation:

State Building Construction Account—State $400,000

Western Washington University Capital Projects

Account—State $42,000

Subtotal Reappropriation $442,000

Prior Biennia (Expenditures) $2,558,000

Future Biennia (Projected Costs) $0

TOTAL $3,000,000

NEW SECTION. **Sec. 5101. FOR WESTERN WASHINGTON UNIVERSITY**

Electrical Engineering/Computer Science Building (30000872)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 5089, chapter 413, Laws of 2019.

(2) The University may pursue the living building challenge petal certification for this project instead of the LEED silver certification required by RCW 39.35D.030.

Reappropriation:

State Building Construction Account—State $500,000

Appropriation:

State Building Construction Account—State $51,000,000

Prior Biennia (Expenditures) $1,500,000

Future Biennia (Projected Costs) $0

TOTAL $53,000,000

NEW SECTION. **Sec. 5102. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Preservation: 2019-21 (30000873)

Reappropriation:

Western Washington University Capital Projects

Account—State $3,500,000

Prior Biennia (Expenditures) $3,346,000

Future Biennia (Projected Costs) $0

TOTAL $6,846,000

NEW SECTION. **Sec. 5103. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Program: 2019-21 (30000885)

Reappropriation:

Western Washington University Capital Projects

Account—State $700,000

Prior Biennia (Expenditures) $300,000

Future Biennia (Projected Costs) $0

TOTAL $1,000,000

NEW SECTION. **Sec. 5104. FOR WESTERN WASHINGTON UNIVERSITY**

2021-23 Classroom & Lab Upgrades (30000911)

Appropriation:

State Building Construction Account—State $2,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $10,500,000

TOTAL $13,000,000

NEW SECTION. **Sec. 5105. FOR WESTERN WASHINGTON UNIVERSITY**

Coast Salish Longhouse (30000912)

The appropriation in this section is subject to the following conditions and limitations: Any amount of the total project costs in excess of $4,500,000 must be paid for from private funds.

Appropriation:

State Building Construction Account—State $3,000,000

Western Washington University Capital Projects

Account—State $1,500,000

Subtotal Appropriation $4,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $4,500,000

NEW SECTION. **Sec. 5106. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Preservation 2021-23 (30000915)

Appropriation:

Western Washington University Capital Projects

Account—State $4,800,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $69,710,000

TOTAL $74,510,000

NEW SECTION. **Sec. 5107. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Program 2021-2023 (30000918)

Appropriation:

Western Washington University Capital Projects

Account—State $1,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $7,000,000

TOTAL $8,000,000

NEW SECTION. **Sec. 5108. FOR WESTERN WASHINGTON UNIVERSITY**

Student Development and Success Center (30000919)

Appropriation:

Western Washington University Capital Projects

Account—State $225,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $30,200,000

TOTAL $30,425,000

NEW SECTION. **Sec. 5109. FOR WESTERN WASHINGTON UNIVERSITY**

Preventive Facility Maintenance and Building System Repairs (91000010)

Appropriation:

Western Washington University Capital Projects

Account—State $3,614,000

Prior Biennia (Expenditures) $3,614,000

Future Biennia (Projected Costs) $14,456,000

TOTAL $21,684,000

NEW SECTION. **Sec. 5110. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works - Preservation (30000288)

Reappropriation:

State Building Construction Account—State $150,000

Prior Biennia (Expenditures) $3,350,000

Future Biennia (Projected Costs) $0

TOTAL $3,500,000

NEW SECTION. **Sec. 5111. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Heritage Capital Grants Projects (30000297)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5054, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State $1,800,000

Prior Biennia (Expenditures) $7,186,000

Future Biennia (Projected Costs) $0

TOTAL $8,986,000

NEW SECTION. **Sec. 5112. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Heritage Capital Grant Projects: 2019-21 (40000014)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5020, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $4,400,000

Prior Biennia (Expenditures) $4,777,000

Future Biennia (Projected Costs) $0

TOTAL $9,177,000

NEW SECTION. **Sec. 5113. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works - Preservation: 2019-21 (40000086)

Reappropriation:

State Building Construction Account—State $700,000

Prior Biennia (Expenditures) $1,908,000

Future Biennia (Projected Costs) $0

TOTAL $2,608,000

NEW SECTION. **Sec. 5114. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Heritage Capital Grant Projects 2021-2023 (40000099)

Appropriation:

State Building Construction Account—State $8,816,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $8,816,000

NEW SECTION. **Sec. 5115. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Preservation - Minor Works 2021-23 (40000136)

Appropriation:

State Building Construction Account—State $2,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $8,298,000

TOTAL $10,798,000

NEW SECTION. **Sec. 5116. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Great Hall Core Exhibit Renewal (40000145)

Appropriation:

State Building Construction Account—State $1,326,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $3,564,000

TOTAL $4,890,000

NEW SECTION. **Sec. 5117. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Black History Commemoration (91000008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5022, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $75,000

Prior Biennia (Expenditures) $25,000

Future Biennia (Projected Costs) $0

TOTAL $100,000

NEW SECTION. **Sec. 5118. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Campbell and Carriage House Repairs and Restoration (40000017)

Reappropriation:

State Building Construction Account—State $618,000

Appropriation:

State Building Construction Account—State $956,000

Prior Biennia (Expenditures) $382,000

Future Biennia (Projected Costs) $0

TOTAL $1,956,000

NEW SECTION. **Sec. 5119. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works - Preservation: 2019-21 (40000026)

Reappropriation:

State Building Construction Account—State $692,000

Prior Biennia (Expenditures) $867,000

Future Biennia (Projected Costs) $0

TOTAL $1,559,000

NEW SECTION. **Sec. 5120. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works: Preservation 2021-23 (40000041)

Appropriation:

State Building Construction Account—State $778,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $778,000

NEW SECTION. **Sec. 5121. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works: Program 2021-23 (40000048)

Appropriation:

State Building Construction Account—State $75,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $75,000

NEW SECTION. **Sec. 5122. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic College: College Instruction Center (30000122)

Reappropriation:

State Building Construction Account—State $63,000

Prior Biennia (Expenditures) $50,077,000

Future Biennia (Projected Costs) $0

TOTAL $50,140,000

NEW SECTION. **Sec. 5123. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor College: Student Services and Instructional Building (30000127)

Reappropriation:

State Building Construction Account—State $2,201,000

Appropriation:

State Building Construction Account—State $44,026,000

Prior Biennia (Expenditures) $1,950,000

Future Biennia (Projected Costs) $0

TOTAL $48,177,000

NEW SECTION. **Sec. 5124. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle Community College: Technology Building Renewal (30000129)

The reappropriation in this section is subject to the following conditions and limitations: All remaining work on this project must be completed by June 30, 2023.

Reappropriation:

State Building Construction Account—State $93,000

Prior Biennia (Expenditures) $25,326,000

Future Biennia (Projected Costs) $0

TOTAL $25,419,000

NEW SECTION. **Sec. 5125. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College: North County Satellite (30000135)

Reappropriation:

State Building Construction Account—State $5,287,000

Appropriation:

State Building Construction Account—State $53,230,000

Prior Biennia (Expenditures) $401,000

Future Biennia (Projected Costs) $0

TOTAL $58,918,000

NEW SECTION. **Sec. 5126. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College: Learning Resource Center (30000136)

Reappropriation:

State Building Construction Account—State $1,283,000

Appropriation:

State Building Construction Account—State $48,084,000

Prior Biennia (Expenditures) $2,732,000

Future Biennia (Projected Costs) $0

TOTAL $52,099,000

NEW SECTION. **Sec. 5127. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds Community College: Science, Engineering, Technology Bldg (30000137)

Reappropriation:

State Building Construction Account—State $124,000

Prior Biennia (Expenditures) $46,953,000

Future Biennia (Projected Costs) $0

TOTAL $47,077,000

NEW SECTION. **Sec. 5128. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Whatcom Community College: Learning Commons (30000138)

Reappropriation:

State Building Construction Account—State $5,790,000

Prior Biennia (Expenditures) $30,984,000

Future Biennia (Projected Costs) $0

TOTAL $36,774,000

NEW SECTION. **Sec. 5129. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Big Bend: Professional-Technical Education Center (30000981)

Reappropriation:

State Building Construction Account—State $48,000

Prior Biennia (Expenditures) $37,338,000

Future Biennia (Projected Costs) $0

TOTAL $37,386,000

NEW SECTION. **Sec. 5130. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane: Main Building South Wing Renovation (30000982)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5025, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State $657,000

Prior Biennia (Expenditures) $27,849,000

Future Biennia (Projected Costs) $0

TOTAL $28,506,000

NEW SECTION. **Sec. 5131. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline: Health and Life Sciences (30000983)

Reappropriation:

State Building Construction Account—State $845,000

Prior Biennia (Expenditures) $26,308,000

Future Biennia (Projected Costs) $0

TOTAL $27,153,000

NEW SECTION. **Sec. 5132. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee Valley: Wells Hall Replacement (30000985)

Reappropriation:

State Building Construction Account—State $12,327,000

Prior Biennia (Expenditures) $20,044,000

Future Biennia (Projected Costs) $0

TOTAL $32,371,000

NEW SECTION. **Sec. 5133. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic: Shop Building Renovation (30000986)

Reappropriation:

State Building Construction Account—State $8,421,000

Prior Biennia (Expenditures) $184,000

Future Biennia (Projected Costs) $0

TOTAL $8,605,000

NEW SECTION. **Sec. 5134. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce Fort Steilacoom: Cascade Building Renovation - Phase 3 (30000987)

Reappropriation:

State Building Construction Account—State $31,138,000

Prior Biennia (Expenditures) $3,962,000

Future Biennia (Projected Costs) $0

TOTAL $35,100,000

NEW SECTION. **Sec. 5135. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Seattle: Automotive Technology Renovation and Expansion (30000988)

Reappropriation:

State Building Construction Account—State $13,043,000

Prior Biennia (Expenditures) $12,834,000

Future Biennia (Projected Costs) $0

TOTAL $25,877,000

NEW SECTION. **Sec. 5136. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bates: Medical Mile Health Science Center (30000989)

Reappropriation:

State Building Construction Account—State $19,702,000

Prior Biennia (Expenditures) $24,364,000

Future Biennia (Projected Costs) $0

TOTAL $44,066,000

NEW SECTION. **Sec. 5137. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Reappropriation:

State Building Construction Account—State $106,000

Appropriation:

State Building Construction Account—State $43,848,000

Prior Biennia (Expenditures) $3,486,000

Future Biennia (Projected Costs) $0

TOTAL $47,440,000

NEW SECTION. **Sec. 5138. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle Library Building Renovation (30001451)

Reappropriation:

State Building Construction Account—State $759,000

Appropriation:

State Building Construction Account—State $30,519,000

Prior Biennia (Expenditures) $2,689,000

Future Biennia (Projected Costs) $0

TOTAL $33,967,000

NEW SECTION. **Sec. 5139. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Walla Walla Science and Technology Building Replacement (30001452)

Reappropriation:

State Building Construction Account—State $343,000

Appropriation:

State Building Construction Account—State $9,483,000

Prior Biennia (Expenditures) $813,000

Future Biennia (Projected Costs) $0

TOTAL $10,639,000

NEW SECTION. **Sec. 5140. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls: Fine and Applied Arts Replacement (30001458)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5027, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State $19,354,000

Appropriation:

State Building Construction Account—State $19,342,000

Prior Biennia (Expenditures) $3,473,000

Future Biennia (Projected Costs) $0

TOTAL $42,169,000

NEW SECTION. **Sec. 5141. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lake Washington: Center for Design (40000102)

Reappropriation:

State Building Construction Account—State $2,492,000

Prior Biennia (Expenditures) $668,000

Future Biennia (Projected Costs) $0

TOTAL $3,160,000

NEW SECTION. **Sec. 5142. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee: Center for Technical Education and Innovation (40000198)

Appropriation:

State Building Construction Account—State $3,266,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $41,557,000

TOTAL $44,823,000

NEW SECTION. **Sec. 5143. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic Innovation and Technology Learning Center (40000103)

Reappropriation:

State Building Construction Account—State $2,552,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,552,000

NEW SECTION. **Sec. 5144. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma: Center for Innovative Learning and Engagement (40000104)

Appropriation:

State Building Construction Account—State $2,992,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $30,239,000

TOTAL $33,231,000

NEW SECTION. **Sec. 5145. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lower Columbia: Center for Vocational and Transitional Studies (40000106)

Appropriation:

State Building Construction Account—State $3,206,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $31,805,000

TOTAL $35,011,000

NEW SECTION. **Sec. 5146. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane: Apprenticeship Center (40000107)

Appropriation:

State Building Construction Account—State $3,368,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $30,674,000

TOTAL $34,042,000

NEW SECTION. **Sec. 5147. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Centralia: Teacher Education and Family Development Center (40000109)

Appropriation:

State Building Construction Account—State $2,268,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $8,787,000

TOTAL $11,055,000

NEW SECTION. **Sec. 5148. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Skagit: Library/Culinary Arts Building (40000110)

Appropriation:

State Building Construction Account—State $2,257,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $22,757,000

TOTAL $25,014,000

NEW SECTION. **Sec. 5149. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Program (40000112)

Reappropriation:

State Building Construction Account—State $4,057,000

Prior Biennia (Expenditures) $35,784,000

Future Biennia (Projected Costs) $0

TOTAL $39,841,000

NEW SECTION. **Sec. 5150. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds: Triton Learning Commons (40000114)

Appropriation:

State Building Construction Account—State $3,656,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $34,709,000

TOTAL $38,365,000

NEW SECTION. **Sec. 5151. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bates: Fire Service Training Center (40000130)

Reappropriation:

State Building Construction Account—State $2,559,000

Prior Biennia (Expenditures) $243,000

Future Biennia (Projected Costs) $0

TOTAL $2,802,000

NEW SECTION. **Sec. 5152. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellevue: Center for Transdisciplinary Learning and Innovation (40000168)

Reappropriation:

State Building Construction Account—State $2,630,000

Appropriation:

State Building Construction Account—State $39,942,000

Prior Biennia (Expenditures) $209,000

Future Biennia (Projected Costs) $0

TOTAL $42,781,000

NEW SECTION. **Sec. 5153. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs (40000169)

Reappropriation:

Community and Technical College Capital Projects

Account—State $2,826,000

State Building Construction Account—State $2,627,000

Subtotal Reappropriation $5,453,000

Prior Biennia (Expenditures) $33,074,000

Future Biennia (Projected Costs) $0

TOTAL $38,527,000

NEW SECTION. **Sec. 5154. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs (40000171)

Reappropriation:

Community and Technical College Capital Projects

Account—State $2,252,000

Prior Biennia (Expenditures) $13,000,000

Future Biennia (Projected Costs) $0

TOTAL $15,252,000

NEW SECTION. **Sec. 5155. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Site Repairs (40000173)

Reappropriation:

State Building Construction Account—State $752,000

Prior Biennia (Expenditures) $2,558,000

Future Biennia (Projected Costs) $0

TOTAL $3,310,000

NEW SECTION. **Sec. 5156. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett: Baker Hall Replacement (40000190)

Reappropriation:

State Building Construction Account—State $212,000

Prior Biennia (Expenditures) $63,000

Future Biennia (Projected Costs) $0

TOTAL $275,000

NEW SECTION. **Sec. 5157. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Renton: Health Sciences Center (40000204)

Appropriation:

State Building Construction Account—State $3,997,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $43,937,000

TOTAL $47,934,000

NEW SECTION. **Sec. 5158. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Shoreline: STE(A)M Education Center (40000214)

Appropriation:

State Building Construction Account—State $3,039,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $31,961,000

TOTAL $35,000,000

NEW SECTION. **Sec. 5159. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia: CC5 Gateway building (40000222)

Appropriation:

State Building Construction Account—State $3,096,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $33,486,000

TOTAL $36,582,000

NEW SECTION. **Sec. 5160. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Preservation (40000258)

Reappropriation:

Community and Technical College Capital Projects

Account—State $1,522,000

Prior Biennia (Expenditures) $22,217,000

Future Biennia (Projected Costs) $0

TOTAL $23,739,000

NEW SECTION. **Sec. 5161. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce Puyallup: STEM Building (40000293)

Reappropriation:

State Building Construction Account—State $3,069,000

Appropriation:

State Building Construction Account—State $38,600,000

Prior Biennia (Expenditures) $300,000

Future Biennia (Projected Costs) $0

TOTAL $41,969,000

NEW SECTION. **Sec. 5162. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Repairs - Facility (40000308)

Appropriation:

State Building Construction Account—State $32,466,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $32,466,000

NEW SECTION. **Sec. 5163. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Preventive Facility Maintenance and Building System Repairs (40000320)

Appropriation:

Community and Technical College Capital Projects

Account—State $22,800,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $91,200,000

TOTAL $114,000,000

NEW SECTION. **Sec. 5164. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Preservation (40000321)

Appropriation:

Community and Technical College Capital Projects

Account—State $26,113,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $26,113,000

NEW SECTION. **Sec. 5165. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Repairs - Roof (40000361)

Appropriation:

Community and Technical College Capital Projects

Account—State $8,087,000

State Building Construction Account—State $3,771,000

Subtotal Appropriation $11,858,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $11,858,000

NEW SECTION. **Sec. 5166. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Site (40000409)

Appropriation:

State Building Construction Account—State $3,163,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $3,163,000

NEW SECTION. **Sec. 5167. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

2021-23 Career Preparation and Launch Grants (40000515)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the state board for community and technical colleges to provide competitive grants to community and technical colleges to purchase and install equipment that expands career-connected learning opportunities.

(2) The state board for community and technical colleges shall develop common criteria for providing competitive grant funding and outcomes for specific projects.

Appropriation:

State Building Construction Account—State $5,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $5,000,000

NEW SECTION. **Sec. 5168. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Infrastructure and Program (92000035)

Appropriation:

State Building Construction Account—State $40,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $40,000,000

NEW SECTION. **Sec. 5169. FOR THE WASHINGTON STATE ARTS COMMISSION**

Creative Districts Capital Construction Projects (30000002)

Appropriation:

State Building Construction Account—State $412,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $412,000

NEW SECTION. **Sec. 5170. FOR THE WASHINGTON STATE ARTS COMMISSION**

Yakima Sun Dome Reflectors (92000002)

Appropriation:

State Building Construction Account—State $508,000

Prior Biennia (Expenditures) $80,000

Future Biennia (Projected Costs) $0

TOTAL $588,000

NEW SECTION. **Sec. 5171. FOR THE STATE SCHOOL FOR THE BLIND**

Independent Living Skills Center (30000107)

Reappropriation:

State Building Construction Account—State $700,000

Appropriation:

State Building Construction Account—State $7,636,000

Prior Biennia (Expenditures) $662,000

Future Biennia (Projected Costs) $0

TOTAL $8,998,000

NEW SECTION. **Sec. 5172. FOR THE STATE SCHOOL FOR THE BLIND**

Minor Works: Campus Preservation 2019-21 (40000004)

Reappropriation:

State Building Construction Account—State $200,000

Prior Biennia (Expenditures) $455,000

Future Biennia (Projected Costs) $0

TOTAL $655,000

NEW SECTION. **Sec. 5173. FOR THE STATE SCHOOL FOR THE BLIND**

21-23 Campus Preservation (40000015)

Appropriation:

State Building Construction Account—State $475,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $475,000

NEW SECTION. **Sec. 5174. FOR THE WASHINGTON CENTER FOR DEAF AND HARD OF HEARING YOUTH**

Academic and Physical Education Building (30000036)

Reappropriation:

State Building Construction Account—State $5,000,000

Appropriation:

State Building Construction Account—State $49,439,000

Prior Biennia (Expenditures) $637,000

Future Biennia (Projected Costs) $0

TOTAL $55,076,000

NEW SECTION. **Sec. 5175. FOR THE WASHINGTON CENTER FOR DEAF AND HARD OF HEARING YOUTH**

Minor Works: Preservation 2021-23 (30000047)

Appropriation:

State Building Construction Account—State $245,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $245,000

PART 6

Sec. 6001. 2019 c 413 s 1007 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account Program 2013 Loan List (30000184)

Reappropriation:

Public Works Assistance Account—State ((~~$11,000,000~~))

$6,760,000

Prior Biennia (Expenditures) $27,141,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$38,141,000~~))

$33,901,000

Sec. 6002. 2019 c 413 s 1010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Housing Trust Fund Appropriation (30000833)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1005, chapter 35, Laws of 2016 sp. sess. and section 6008 of this act.

Reappropriation:

State Taxable Building Construction Account—State ((~~$10,406,000~~))

$8,906,000

Washington Housing Trust Account—State $278,000

Subtotal Reappropriation ((~~$10,684,000~~))

$9,184,000

Prior Biennia (Expenditures) $70,816,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$81,500,000~~))

$80,000,000

Sec. 6003. 2019 c 413 s 1014 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017 Local and Community Projects (30000846)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:

State Building Construction Account—State ((~~$3,000,000~~))

$2,515,000

Prior Biennia (Expenditures) $8,363,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$11,363,000~~))

$10,878,000

Sec. 6004. 2020 c 356 s 6002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 6003 of this act, except that ((~~no funding~~)):

(a) Funding may not be directed to the Puyallup Meeker Mansion Public Plaza;

(b) Funding may not be provided for the NeighborCare Health project; and

(c) $3,000,000 of the reappropriation in this section is provided solely for the Sea Mar Community Health Center project.

(2) The Interbay public development advisory committee shall provide a report to the legislature and office of the governor with recommendations by November 15, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to

implement the recommendations of the Interbay advisory committee.

(3) The Interbay public development advisory committee terminates June 30, 2020.

Reappropriation:

State Building Construction Account—State ((~~$90,642,000~~))

$90,538,000

Prior Biennia (Expenditures) $39,799,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$130,441,000~~))

$130,337,000

Sec. 6005. 2020 c 356 s 1003 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Housing Trust Fund Program (40000036)

The appropriations in this section are subject to the following conditions and limitations:

(1) $132,666,000 of the state taxable building construction account—state appropriation, $44,084,000 of the state building construction account—state appropriation are provided solely for production and preservation of affordable housing. Of the amounts in this subsection:

(a) $35,000,000 of the appropriation is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. When evaluating applications for this population, the department must prioritize low-income supportive housing unit proposals that show:

(i) Evidence that the application was developed in collaboration with one or more health care entities that provide behavioral health care services to individuals eligible for the housing provided under this subsection;

(ii) A commitment by the applicant to provide, directly or through a formal partnership, necessary treatment and supportive services to the tenants and maintain the beds or housing units for at least a forty-year period;

(iii) Readiness to begin structural modifications or construction resulting in a fast project completion;

(iv) Program requirements that adhere to the key elements of permanent supportive housing programs including choice in housing and living arrangements, functional separation of housing and services, community integration, rights of tenancy, and voluntary recovery-focused services; and

(v) To achieve geographic distribution, the department must prioritize projects in rural areas as defined by the department per RCW 43.185.050 and unserved communities with the goal of maximizing the investment and increasing the number of supportive housing units in rural, unserved communities.

(b) $10,000,000 of the appropriation in this section is provided solely for competitive grant awards for modular housing which includes high quality affordable housing projects that will quickly move people from homelessness into secure housing and are significantly less expensive to construct than traditional housing. These funds must be awarded to projects with a total project development cost per housing unit of less than $200,000, excluding the value of land, off-site infrastructure costs, and any capitalized reserves, compliant with the Americans with disabilities act, and with a commitment by the applicant to maintain the housing units for at least a fifty year period.

(c) $10,000,000 of the appropriation in this section is provided solely for a state match or state matches on private contributions that fund the production and preservation of affordable housing. Awards must be made using a competitive process. If any funding remains unallocated after the first fiscal year during the 2019-2021 fiscal biennium, the department may allocate the remaining funding through its annual competitive process for affordable housing projects that serve and benefit low-income and special needs populations in need of housing.

(d)(i) $10,000,000 of the appropriation in this section is provided solely for housing preservation grants or loans to be awarded competitively.

(ii) The funds may be provided for major building improvements, preservation, and system replacements,

necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment to be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(iii) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(A) The age of the property, with priority given to buildings that are more than fifteen years old;

(B) The population served, with priority given to projects with at least 50 percent of the housing units being occupied by families and individuals at or below 50 percent area median income;

(C) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(D) The potential for additional years added to the affordability period of the property; and

(E) Other criteria that the department considers necessary to achieve the purpose of this program.

(e)(i) $7,000,000 of the appropriation in this section is provided solely for loans or grants to design and construct ultra-high energy efficient affordable housing projects.

(ii) To receive funding, a project must provide a life-cycle cost analysis report to the department and must demonstrate energy-saving and renewable energy systems either designed to reach net-zero energy use after housing is fully occupied or designed to achieve the most recent building standard of the passive house institute US as of the effective date of this section.

(iii) The department must consider, at a minimum and in any order, the following factors in assigning a numerical ranking to a project:

(A) Whether the proposed design has demonstrated that the project will achieve either net-zero energy use when fully occupied or will achieve the most recent building standard of the passive house institute US as of the effective date of this section;

(B) The life-cycle cost of the project;

(C) That the project demonstrates a design, use of materials, and construction process that can be replicated by the Washington building industry;

(D) The extent to which the project leverages nonstate funds;

(E) The extent to which the project is ready to proceed to construction;

(F) Whether the project promotes sustainable use of resources and environmental quality;

(G) Whether the project is being well managed to fund maintenance and capital depreciation;

(H) Reduction of housing and utilities carbon footprint; and

(I) Other criteria that the department considers necessary to achieve the purpose of this program.

(iv) The department must monitor and track the results of the housing projects that receive ultra-high energy efficiency funding under this section.

(f) ((~~$44,084,000~~)) $40,084,000 of the appropriation in this section is provided solely for the following list of housing projects:

Bellwether Housing (Seattle) $6,000,000

Capitol Hill Housing Broadway (Seattle) $6,000,000

((~~Crosswalk Teen Shelter and Transitional Housing~~

~~Project (Spokane)~~ ~~$1,000,000~~

~~Ethiopian Community Affordable Housing (Seattle)~~ ~~$3,000,000~~))

FFC New Construction (Statewide) $1,384,000

FUSION Emergency Housing for Homeless Families

(Federal Way) $3,000,000

Highland Village (Airway Heights) $5,500,000

Home At Last (Tacoma) $2,250,000

Interfaith Works Shelter (Olympia) $3,000,000

Pateros Gardens (Pateros) $1,400,000

SCIDpda North Lot (Seattle) $9,000,000

Tenny Creek Assisted Living (Vancouver) $1,750,000

THA Arlington Drive (Tacoma) $800,000

(g) $6,000,000 of the appropriation for Capitol Hill Housing Broadway (Seattle) in (f) of this subsection is provided solely for the purchase of the three south annex properties. The state board for community and technical colleges must transfer the three south annex properties located at 1500 Broadway, 1534 Broadway, and 909 East Pine street in Seattle to Capitol Hill Housing to provide services and housing for homeless youth or young adults at the 1500 Broadway and 909 East Pine street properties for a minimum of fifty years. The transfer agreement between the state board for community and technical colleges and Capitol Hill Housing must specify a mutually agreed transfer date and require Capitol Hill Housing to cover any closing costs with a total purchase price of nine million dollars for the three properties. The contract between the department and Capitol Hill Housing must:

(i) Provide that Capitol Hill Housing is responsible for maintaining and securing the 1500 Broadway and 909 East Pine properties until the site is redeveloped;

(ii) Specify that, if Capitol Hill Housing does not construct at least seventy affordable housing units on the site by 2028, this funding must be fully repaid to the state or the land must revert back to the state; and

(iii) Require that Capitol Hill Housing transfer the 1534 Broadway property to YouthCare Service Center for the purpose of developing a youth community center.

(h) $5,000,000 of the state taxable building construction account—state appropriation is provided solely for competitive grant awards for the development of community housing and cottage communities to shelter individuals or households experiencing homelessness. This funding must be awarded to projects that develop a minimum of four individual structures in the same location. Individual structures must contain insulation, electricity, overhead lights, and heating. Kitchens and bathrooms may be contained within the individual structures or offered as a separate facility that is shared with the community. When evaluating applications for this grant program, the department must prioritize projects that demonstrate:

(i) The availability of land to locate the community;

(ii) A strong readiness to proceed to construction;

(iii) A longer term of commitment to maintain the community;

(iv) A commitment by the applicant to provide, directly or through a formal partnership, case management and employment support services to the tenants;

(v) Access to employment centers, health care providers and other services; and

(vi) A community engagement strategy.

(i) $55,666,000 of the appropriation in this section is provided solely for affordable housing projects that serve and benefit low-income and special needs populations in need of housing. Of the amounts appropriated in this subsection, the department must allocate the funds as follows:

(i) $5,000,000 of the appropriation in this section is provided solely for housing for veterans;

(ii) $3,616,000 of the appropriation in this section is provided solely for housing that serves people with developmental disabilities;

(iii) $5,000,000 of the appropriation in this section is provided solely for housing that serves people who are employed as farmworkers; and

(iv)(A) $5,000,000 of the appropriation in this section is provided solely for housing projects that benefit homeownership.

(B) During the 2019-2021 fiscal biennium, the department must use a separate application form for applications to provide homeownership opportunities and evaluate homeownership project applications as allowed under chapter 43.185A RCW.

(C) In addition to the definition of "first-time home buyer" in RCW 43.185A.010, for the purposes of awarding homeownership projects during the 2019-

2021 fiscal biennium "first time home buyer" also includes:

(I) A single parent who has only owned a home with a former spouse while married;

(II) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and has only owned a home with a spouse;

(III) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or

(IV) An individual who has only owned a property that is discerned by a licensed building inspector as being uninhabitable.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3)(a) The department must strive to allocate all of the amounts appropriated in this section within the 2019-2021 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

(b) By June 30, 2021, the department must report on its web site the following for every previous funding cycle: The number of homeownership and multifamily rental projects funded by housing trust fund moneys; the percentage of housing trust fund investments made to homeownership and multifamily rental projects; and the total number of households being served at up to eighty percent of the area median income, up to fifty percent of the area median income, and up to thirty percent of the area median income, for both homeownership and multifamily rental projects.

(4)(a) The department, in cooperation with the housing finance commission, must develop and implement a process for the collection of certified final development cost data from each grant or loan recipient under this section. The department must use this data as part of its cost containment policy.

(b) Beginning December 1, 2019, and continuing annually, the department must provide the legislature with a report of its final cost data for each project under this section. Such cost data must, at a minimum, include total development cost per unit for each project completed within the past year, descriptive statistics such as average and median per unit costs, regional cost variation, and other costs that the department deems necessary to improve cost controls and enhance understanding of development costs. The department must coordinate with the housing finance commission to identify relevant development costs data and ensure that the measures are consistent across relevant agencies.

Appropriation:

State Building Construction Account—State ((~~$44,084,000~~))

$40,084,000

State Taxable Building Construction Account—State $132,666,000

Subtotal Appropriation ((~~$176,750,000~~))

$172,750,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $480,000,000

TOTAL ((~~$656,750,000~~))

$652,750,000

Sec. 6006. 2020 c 356 s 1006 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Early Learning Facilities (40000044)

The appropriations in this section are subject to the following conditions and limitations:

(1) $300,000 of the state building construction account—state appropriation is provided solely for the department of children, youth, and families to provide technical assistance

to the department for the early learning facilities grants in this section.

(2) $9,062,000 of the state building construction account—state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Proclaim Liberty Early Learning Facility $1,000,000

Roosevelt Child Care Center $1,500,000

City of Monroe, Boys & Girls Club ECEAP Facility $1,000,000

Family Support Center Olympia $600,000

Centralia-Chehalis Early Learning Conversion

Project $3,000,000

((~~Club Discovery Early Learning $100,000~~))

Anacortes Family Center ((~~$309,000~~)) $409,000

Boys & Girls Club Daycare $773,000

Issaquah School District Early Learning Center $155,000

Opportunity Council Early Learning Central Kitchen $52,000

Samish Longhouse Early Learning Center Expansion $273,000

Triumph Treatment Services Child Care $300,000

(3) ((~~$4,186,000~~)) $3,410,000 of the early learning facilities development account—state appropriation in this section is provided solely for the following list of early learning facility projects for school districts, subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092, in the following amounts:

Toppenish School District $111,000

Manson School District $400,000

Kettle Falls School District $395,000

North Thurston School District $324,000

Ellensburg School District $800,000

Everett School District ((~~$800,000~~)) $24,000

Tukwila School District $196,000

Richland School District $800,000

Lake Quinault School District $360,000

(4) The remaining portion of the appropriation in this section is provided solely for early learning facility grants and loans subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092 to provide state assistance for designing, constructing, purchasing, expanding, or modernizing public or private early learning education facilities for eligible organizations.

(5) The department of children, youth, and families must develop methodology to identify, at the school district boundary level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district. This methodology must inform any early learning facilities needs assessment conducted by the department of commerce and the department of children, youth, and families. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(6) When prioritizing areas with the highest unmet need for early childhood education and assistance program slots, the committee of early learning experts convened by the department of commerce pursuant to RCW 43.31.581 must first consider those areas at risk of not meeting the entitlement in accordance with RCW 43.216.556.

(7) The department of commerce must track the number of slots being renovated separately from the number of slots being constructed and, within these categories, must track the number of slots separately by program for the working connections child care program and the early childhood education and assistance program.

(8) When prioritizing applications for projects, pursuant to subsection (4) of this section, within the boundaries of a regional transit authority in a county

that has received distributions or appropriations under RCW 43.79.520, the department must give priority to applications for which at least ten percent of the total project cost is supported by those distributions or appropriations.

(9) The department, in consultation with the office of the superintendent of public instruction and the department of children, youth, and families must identify buildings in the inventory and condition of schools database that are no longer included in the inventory of K-12 instructional space for purposes of calculating school construction assistance pursuant to chapter 28A.515 RCW, but that could be repurposed as early learning facilities and made available to eligible organizations. The department must report its findings and the list of buildings identified in this section to the office of financial management and the appropriate fiscal committees of the legislature by January 15, 2020.

Appropriation:

State Building Construction Account—State $9,362,000

Early Learning Facilities Revolving Account—State $22,248,000

Early Learning Facilities Development Account—State ((~~$4,186,000~~)) $3,410,000

Subtotal Appropriation ((~~$35,796,000~~)) $35,020,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $80,000,000

TOTAL ((~~$115,796,000~~)) $115,020,000

Sec. 6007. 2020 c 356 s 1011 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2020 Local and Community Projects (40000116)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

?al?al "Home" in Lushootseed (Seattle) $947,000

4th Ave. Street Enhancement (White Center) $670,000

Abigail Stuart House (Olympia) $250,000

Aging in PACE Washington (AiPACE) (Seattle) ((~~$1,500,000~~)) $5,000,000

Airport Utility Extension (Pullman) $1,626,000

Aquatic and Recreation Center (King County) $1,050,000

Arivva Community Center (Tacoma) $1,000,000

Arlington B&G Club Parking Safety (Arlington) $530,000

Asotin Masonic Lodge (Asotin) ((~~$62,000~~)) $82,000

Auburn Arts & Culture Center (Auburn) $500,000

Audubon Center (Sequim) $1,000,000

B&GC of Olympic Peninsula (Port Angeles) $500,000

B&GC of Thurston County (Lacey) $98,000

Ballard Food Bank (Seattle) $750,000

Beacon Center Renovation (Tacoma) $1,000,000

Bellevue HERO House (Bellevue) $46,000

Benton Co. Museum Building Improvements (Prosser) $103,000

Big Brothers Big Sisters Learning Lab (Olympia) $56,000

Blue Mountain Action Council Comm. Services Center

(Walla Walla) $1,000,000

Bothell Downtown Revitalization (Bothell) $1,500,000

Bowers Field Airport (Ellensburg) $275,000

Boys & Girls Club of Thurston Co. Upgrades (Rochester) $31,000

Boys & Girls Club Roof and Flooring Repairs (Federal Way) $319,000

Brezee Creek Culvert Replacement/East 4th St. Widening

(La Center) $1,500,000

Browns Park Project (Spokane Valley) $536,000

Buffalo Soldiers' Museum (Seattle) $200,000

Camas Washougal Nature Play Area (Washougal) $103,000

Campus Towers (Longview) $228,000

Carbonado Water Source Protection Acquisition

(Carbonado) $1,500,000

Carl Maxey Center (Spokane) $350,000

Carlisle Lake Park Improvements (Onalaska) $213,000

Carlyle Housing Facility Upgrades (Spokane) $400,000

Cathlamet Pioneer Center Restoration (Cathlamet) $165,000

Centerville Fire Dept. (Centerville) $216,000

Centerville Grange (Centerville) $90,000

Central Stage Theatre of County Kitsap (Silverdale) $964,000

Centralia Fox Theater (Centralia) $1,000,000

Chehalis River Bridge Ped Safety Lighting Ph2 (Aberdeen) $323,000

Cheney Reclaimed Water Project (Cheney) $2,000,000

Chief Kitsap Education and Community Resource Center

(Poulsbo) $1,000,000

Chief Leschi Schools Facilities & Safety Project

(Puyallup) $250,000

Chief Leschi Schools Safety & Security (Puyallup) $250,000

Clymer Museum Remodel Ph2 (Ellensburg) $258,000

Colfax Pantry Building (Colfax) $247,000

Community Services of Moses Lake Food Bank Facility

(Moses Lake) $2,000,000

Conconully Community Services Complex (Conconully) $515,000

Cosmopolis Elem. Energy & Safety (Cosmopolis) $206,000

Coulee City Medical Clinic (Coulee City) $150,000

Curran House Museum (University Place) $43,000

Dakota Homestead (Seattle) $155,000

Dawson Park Improvements (Tacoma) $515,000

Dayton Pump Station (Edmonds) $515,000

Downtown Park Gateway (Bellevue) $1,030,000

Dungeness River Audubon Center Expansion (Sequim) $500,000

East Blaine Infrastructure (Blaine) $500,000

Ejido Community Farm (Whatcom) $250,000

El Centro de la Raza Federal Way Office (Federal Way) $1,000,000

Enumclaw Aquatic Center (Enumclaw) $258,000

Enumclaw Expo Center Roof (Enumclaw) $250,000

Everett TOD Study (Everett) $200,000

Everett YMCA (Everett) $1,000,000

Evergreen High School Health Center (Vancouver) $388,000

Evergreen Speedway Capital Improvement (Monroe) $150,000

Excelsior Integrated Care Ctr. Sports Court (Spokane) $266,000

Excelsior Roof & Gym Repair (Spokane) $263,000

Excelsior Vocational Education Space (Spokane) $164,000

Expanding on Excellence Capital Campaign (White Salmon) $500,000

Family Education and Support Services (Tumwater) $500,000

Felts Field Gateway Improvement Phase 1 (Spokane) $100,000

Fennel Creek Trailhead (Bonney Lake) $258,000

Filipino Hall Renovation (Wapato) $63,000

Fircrest Pool (Fircrest) $1,000,000

FISH Food Bank (Ellensburg) $772,000

Fishtrap Creek Habitat Improvement (Lynden) $258,000

Flood Plain Stabilization, Habitat Enhancement (Kent) $1,000,000

Food Lifeline (Seattle) $1,004,000

Foothills Trail Extension (Wilkeson) $500,000

Fort Steilacoom Park Artificial Turf Infields

(Lakewood) $1,015,000

Fourth Plain Community Commons (Vancouver) $800,000

Garfield Co. Hospital HVAC (Pomeroy) $250,000

Gateway Center (Grays Harbor) $500,000

Gene Coulon Memorial Beach Park Play Equipment

Upgrade (Renton) $618,000

George Community Hall Roof (George) $201,000

George Davis Creek Fish Passage Project (Sammamish) $515,000

Gig Harbor Food Bank (Gig Harbor) $180,000

Goldendale Airport (Goldendale) $550,000

Granger Historical Museum Construction (Granger) $150,000

Granite Falls Police Dept. Renovation Project

(Granite Falls) $412,000

Grays Harbor and Willapa Bay Sedimentation (Grays Harbor) $464,000

Grays Harbor YMCA (Grays Harbor) $293,000

Greater Maple Valley Veterans Memorial (Maple Valley) $102,000

Green Bridges, Healthy Communities; Aurora Bridge I-5

(Seattle) $1,500,000

Greenwood Cemetery Restoration (Centralia) $402,000

Greenwood Cemetery Safety Upgrades (Centralia) $91,000

HealthPoint (Tukwila) $1,000,000

HealthPoint Dental Expansion (SeaTac) $1,545,000

Heritage Senior Housing (Chelan) $52,000

High Dune Trail & Conservation Project (Ocean Shores) $140,000

Historic Downtown Chelan Revitalization (Chelan) $52,000

Historic Olympic Stadium Preservation Project (Hoquiam) $515,000

Historical Museum & Community Center Roof Replacement

(Washtucna) $24,000

Historical Society Energy Upgrades (Anderson Island) $14,000

Hoh Tribe Broadband (Grays Harbor) $129,000

Horseshoe Lake ADA Upgrades (Woodland) $82,000

Housing Needs Study (Statewide) $200,000

Howard Bowen Event Complex (Sumas) $1,712,000

Howe Farm Water Service (Port Orchard) $52,000

ICHS Bellevue Clinic Renovation Project (Bellevue) $1,600,000

Illahee Preserve's Lost Continent Acquisition (Bremerton) $335,000

Imagine Children's Museum Expansion and Renovation

(Everett) $2,000,000

Index Water System Design (Index) $23,000

Infrastructure for Economic Development (Port Townsend) $675,000

Innovative Health Care Learning Center Phase 1 (Yakima) $500,000

Interactive Educ. Enh./Friends Issaquah Hatchery

(Issaquah) $113,000

Intersection Improvements Juanita Dr. (Kirkland) $750,000

Japanese American Exclusion Memorial (Bainbridge Island) $155,000

Japanese Gulch Daylight Project (Mukilteo) $400,000

Keller House and Carriage House Paint Restoration

(Colville) $45,000

Key Kirkland Sidewalk Repairs (Kirkland) $537,000

Key Peninsula Elder Community (Gig Harbor) $1,000,000

Ki-Be School Parking Lot Improvements (Benton City) $268,000

Kitsap Conservation Study (Kitsap) $51,000

Kittitas Valley Event Center (Ellensburg) $206,000

Klickitat Co. Sheriff Office Training Bldg. (Goldendale) $335,000

KNKX Radio Studio (Tacoma) $824,000

Lacey Veterans Services Hub Facility Renovation (Lacey) $2,000,000

Lake Chelan Community Center (Lake Chelan) $250,000

Lake Chelan Water Supply (Wenatchee) $464,000

Lake City Community Center Replacement (Seattle) $2,000,000

Lake Stevens Civic Center Phase II (Lake Stevens) $1,000,000

Lake Sylvia State Park Pavilion (Montesano) $250,000

Lake Wilderness Park Improvements (Maple Valley) $200,000

Land Use & Infrastructure Subarea Plan (Mill Creek) $300,000

Larson Gallery Renovation (Yakima) $875,000

Leffler Park (Manson) $265,000

Legacy in Motion (Puyallup) $1,750,000

Legacy Site Utility Infrastructure (Maple Valley) $154,000

Lewis Co. CHS Pediatric Clinic (Centralia) $84,000

Little Badger Mountain Trailhead (Richland) $464,000

Little Mountain Road Pipeline and Booster Station

(Mount Vernon) $1,300,000

Long Beach Police Department (Long Beach) $705,000

Lopez Island Swim Center (Lopez Island) $1,000,000

((~~Lummi Hatchery Project (San Juan) $1,000,000~~))

Mabton City Park (Mabton) $54,000

Main Street Redevelopment Project - Phase 2

(University Place) $985,000

Mariner Community Campus (Everett) $2,250,000

Mary's Place (Burien) $2,050,000

Marymount Museum/Spana-Park Senior Center (Spanaway) $1,000,000

McChord Airfield North Clear Zone (Lakewood) $500,000

McCormick Woods Sewer Lift #2 Improvements (Port Orchard) $800,000

Melanie Dressel Park (Tacoma) $500,000

Mercer Is/Aubrey Davis Park Trail Upgrade (Mercer Island) $500,000

Missing & Murdered Indigenous Women Memorial (Toppenish) $49,000

Monroe B&G Club ADA Improvements (Monroe) $464,000

Mountlake Terrace Main Street (Mountlake Terrace) $750,000

Mt. Adams Comm. Forest, Klickitat Canyon Rim Purchase

(Glenwood) $400,000

Mt. Adams School District Athletic Fields (Harrah) $242,000

Mt. Peak Fire Lookout Tower (Enumclaw) $381,000

Mt. Spokane SP Ski Lift (Mead) $750,000

Mukilteo Promenade (Mukilteo) $500,000

Museum Storage Building (Steilacoom) $72,000

Naches Fire/Rescue, Yakima Co. #3 (Naches) $200,000

Naselle HS Music/Vocational Wing (Naselle) $258,000

Naselle Primary Care Clinic (Naselle) $216,000

Naselle SD Flooring (Naselle) $237,000

NCRA Maint. Bldg., Parking Lot, Event Space (Castle Rock) $283,000

NEW Health Programs, Colville Dental Clinic (Colville) $1,250,000

Newman Lake Flood Control Zone District (Newman Lake) $415,000

North Elliott Bay Public Dock; Marine Transit Terminal

(Seattle) $1,750,000

Northaven Affordable Senior Housing Campus (Seattle) $1,000,000

Northshore Senior Center Rehabilitation Project (Bothell) $500,000

Northwest African American Museum (Seattle) $500,000

Northwest Native Canoe Center (Seattle) $986,000

NW School of Wooden Boatbuilding (Port Hadlock) $464,000

Oak Harbor Marina (Oak Harbor) $400,000

Oakville SD Kitchen Renovation (Oakville) $517,000

Oddfellows Ellensburg Bldg. Restoration (Ellensburg) $267,000

Opening Doors - Permanent Supportive Housing Facility

(Bremerton) $750,000

Orting City Hall and Police Station (Orting) $600,000

Orting Ped Evac Crossing (Orting) $103,000

Othello Regional Water (Othello) $425,000

Outdoors for All (Seattle) $1,000,000

Pacific Co. Fairgrounds Roof (Menlo) $210,000

Packwood FEMA Floodplain Study (Packwood) $637,000

Pasco Farmers Market & Park (Pasco) $154,000

Pendergast Regional Park Phase II (Bremerton) $50,000

Peninsula Community Health Service Dental Mobile

(Bremerton) $340,000

PenMet - Cushman Trail Enhancements (Gig Harbor) $52,000

PenMet Community Rec Center (Gig Harbor) $173,000

Pet Overpopulation Prevention Vet Clinic Building

(West Richland) $300,000

Pine Garden Apartment Roof (Shelton) $46,000

Pioneer Park Fountain (Walla Walla) $9,000

Pomeroy Booster Pumping Station (Pomeroy) $112,000

Port of Everett (Everett) $300,000

Port of Ilwaco Boatyard Modernization (Ilwaco) $545,000

Port of Willapa Harbor Dredging Support Boat (Tokeland) $180,000

Poulsbo Historical Society (Poulsbo) $400,000

Prairie View Schoolhouse Community Center (Waverly) $57,000

Protect Sewer Plant from Erosion (Ocean Shores) $155,000

Puyallup Culvert Replacement (Puyallup) $515,000

Puyallup Street Frontage Improvement (Puyallup) $258,000

Puyallup VFW Kitchen Renovation (Puyallup) $52,000

Quincy Hospital (Quincy) $300,000

Quincy Square on 4th (Bremerton) $206,000

Recreation Park Renovation (Chehalis) $258,000

Redmond Pool (Redmond) $1,000,000

Rehabilitating Fort Worden's Historic Warehouses $712,000

Renton Trail Connector (Renton) $500,000

Richmond Highland Recreation Center Repairs (Shoreline) $500,000

Rise Together White Center Project (King County) $1,000,000

Ritzville Business & Entrepreneurship Center (Ritzville) $350,000

Rosalia Sewer Improvements (Rosalia) $500,000

Roslyn Downtown Assoc. (Roslyn) $480,000

Roslyn Housing Project (Roslyn) $2,000,000

Royal Park & Rec Ctr. (Royal City) $250,000

Sargent Oyster House Maritime Museum (Allyn) $218,000

Schmid Ballfields Ph3 (Washougal) $584,000

Scott Hill Park & Sports Complex (Woodland) $500,000

Sea Mar Community Health Centers Tumwater Dental

(Olympia) $170,000

Seaport Landing (Aberdeen) $404,000

Seattle Aquarium (Seattle) $1,000,000

Seattle Goodwill (Seattle) $2,000,000

Seattle Indian Health Board (Seattle) $1,000,000

Sewage Lagoon Decommissioning (Concrete) $255,000

Shelton Civic Center Parking Lot (Shelton) $283,000

Shoreline Maintenance Facility - Brightwater Site

(Shoreline) $500,000

Skabob House Cultural Center (Shelton) $350,000

Skagit County Sheriff Radios (Skagit) $1,000,000

Skamania Courthouse Plaza (Stevenson) $150,000

Skookum Creek Hatchery Project (Acme) $1,000,000

Snohomish Carnegie Project (Snohomish) $500,000

((~~Snohomish County Sheriff's Office South Precinct~~

~~(Snohomish)~~ ~~$1,000,000~~))

Snohomish Fire District #26 Communications Project

(Gold Bar) $27,000

Snoqualmie Early Learning Center (Snoqualmie) $500,000

Snoqualmie Valley Youth Activities Center (North Bend) $412,000

South Fork Snoqualmie Levee Setback Project (North Bend) $250,000

SOZO Sports Indoor Arena (Yakima) $600,000

Spokane Sportsplex (Spokane) $1,000,000

Springbrook Park Expansion & Clover Creek Restoration

(Lakewood) $773,000

SR 503 Ped/Bike Ph1&2 (Woodland) $235,000

SR 530 "Oso" Slide Memorial (Arlington) $300,000

Stan and Joan Cross Park (Tacoma) $500,000

Starfire Sports STEM (Tukwila) $250,000

Stevens Co. Disaster Response Communications (Colville) $500,000

Sultan Water Treatment Plant Design (Sultan) $246,000

Sumas History Themed Playground and Water Park (Sumas) $288,000

Sunnyside Airport Hangar Maintenance Facility

(Sunnyside) $750,000

Sunnyside Yakima Valley-TEC Welding Program (Yakima) $26,000

Sunset Multi-Service & Career Development Center

(Renton) $1,000,000

SW WA Dance Center (Chehalis) $62,000

SW WA Fairgrounds (Chehalis) $103,000

SW Washington Regional Agriculture & Innovation Park

(Tenino) $1,500,000

Swede Hall Renovation (Rochester) $196,000

Tacoma Community House (Tacoma) $413,000

Tam O'Shanter Park Circulation & Parking Phase 2

(Kelso) $1,030,000

Tehaleh Slopes Bike Trail (Bonney Lake) $309,000

Tenino City Hall Renovation (Tenino) $515,000

Terminal 1 Waterfront Development (Vancouver) $4,700,000

The AMP: Aids Memorial Pathway (Seattle) $600,000

The Morck Hotel (Aberdeen) $500,000

Toledo Sewer & Water (Toledo) $469,000

Tonasket Senior Citizen Ctr. (Tonasket) $33,000

Town Center to Burke Gilman Trail Connector

(Lake Forest Park) $500,000

Tukwila Village Food Hall (Tukwila) $400,000

Twin Springs Park (Kenmore) $155,000

Twisp Civic Building & EOC (Twisp) $1,288,000

United Way of Pierce County HVAC (Tacoma) $206,000

University Place Arts (University Place) $34,000

Vertical Evacuation (Ocean Shores) $500,000

Veterans Memorial Museum (Chehalis) $123,000

Veterans Supportive Housing (Yakima) $2,500,000

VOA Lynnwood Center (Lynnwood) $1,050,000

Volunteer Park Amphitheater (Seattle) $500,000

West Kelso Affordable Housing & Community Facility Study

(Kelso) $258,000

WA Poison Control IT (Seattle) $151,000

Waitsburg Taggart Road Waterline (Waitsburg) $456,000

Wallula Dodd Water System Improvement (Walla Walla) $1,000,000

Wapato Creek Restoration (Fife) $258,000

Warren Ave. Playfield (Bremerton) $206,000

Washington Park Boat Launch Storm Damage (Anacortes) $200,000

Wesley Homes (Des Moines) $2,000,000

Westport Dredge Material Use (Westport) $250,000

Whidbey Is. B&G Coupeville (Coupeville) $849,000

Whidbey Is. B&G Oak Harbor (Oak Harbor) $743,000

Wilkeson Water Protection (Wilkeson) $36,000

Willapa BH - Long Beach Safety Improvement Project

(Long Beach) $225,000

William Shore Memorial Pool (Port Angeles) $840,000

Wing Luke Museum Homestead Home (Seattle) $500,000

Wisdom Ridge Business Park (Ridgefield) $2,000,000

Yakima Co. Veterans Dental Facility (Yakima) $469,000

Yakima Valley Fair & Rodeo Multi-Use Facility

(Grandview) $200,000

Yelm Business Incubator Serving Thurston/Pierce

Counties (Yelm) $200,000

Yelm Water Tower (Yelm) $303,000

YMCA Childcare Center Tenant Improvements (Woodinville) $1,000,000

(8) $400,000 of the appropriation in this section is provided solely to the city of Oak Harbor to enhance the fiscal sustainability and revenue generation of the city-owned marina through feasibility work, planning, development, and acquisition.

(9) $200,000 of the appropriation in this section is provided solely for the department to contract for a study regarding both available and needed affordable housing for farmworkers and Native Americans in Washington state. The study must include data to inform policies related to affordable housing for farmworkers and Native Americans and supplement the housing assessment conducted by the affordable housing advisory board created in chapter 43.185B RCW.

(10) $200,000 of the appropriation in this section is provided solely for a grant to the Tacoma buffalo soldiers' museum to conduct a feasibility study for the rehabilitation of building 734, the band barracks at Fort Lawton in Discovery park. The study will provide an assessment of general conditions of building 734 and cost estimates for a comprehensive rehabilitation of the building to meet current building codes including, but not limited to heating, ventilation, air conditioning, and mechanical systems, seismic retrofits, and compliance with the Americans with disabilities act.

(11) $1,300,000 of the appropriation in this section is provided solely for a grant to the Skagit public utility district for the Little Mountain Road pipeline and booster station. $1,000,000 of these funds are provided solely for the design phase of the project; $150,000 of these funds are provided solely for land acquisition; and $150,000 of these funds are provided solely to the district for a public outreach effort to solicit input on the project from residents and rate payers.

(12) $1,500,000 of the appropriation in this section is provided solely for preconstruction activities by Aging in PACE (AiPACE) (Seattle).

(13) $2,000,000 of the appropriation in this section for Roslyn Housing Project is provided solely for a grant to enable Forterra NW, or a wholly-owned subsidiary of Forterra NW, to begin work on a community development project in the city of Roslyn that includes housing, commercial, retail, or governmental uses. The work must include phased preacquisition due diligence, land

acquisition or predevelopment engineering, design, testing, and permitting activities, including work done by both the appropriation recipient and third parties retained by the recipient.

(14) $200,000 of the appropriation in this section is provided solely for a feasibility study to locate the Buffalo Soldiers Museum at Fort Lawton in Seattle. Approval of a memorandum of understanding regarding the feasibility study must involve the city of Seattle and the Buffalo Soldiers Museum. The department may not impose any additional requirements on the feasibility study.

Appropriation:

State Building Construction Account—State ((~~$163,011,000~~))

$167,207,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL ((~~$163,011,000~~))

$167,207,000

Sec. 6008. 2020 c 356 s 1013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021 Local and Community Projects (40000130)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

?a?al Chief Seattle Club (Seattle) $200,000

92nd Ave. Sewer Ext. (Battle Ground) $258,000

Academy Smokestack Preservation (Vancouver) $103,000

African Refugee & Immigrant Housing (Tukwila) $200,000

AG Tour Train Ride (Reardan) $125,000

Algona Wetland Preserve and Trail (Algona) $50,000

Anderson Island Historical Society (Anderson Island) $10,000

Anderson Road Infrastructure (Chelan) $258,000

Ashley House (Shoreline) $100,000

Asotin County Library Meeting Space (Clarkston) $13,000

ASUW Shell House (WWI Hanger/Canoe House) (Seattle) $100,000

Auburn Family YMCA (Auburn) $128,000

Ballard P-Patch (Seattle) $258,000

Ballinger Park-Hall Creek Restoration

(Mountlake Terrace) $200,000

Bellevue Parks Changing Tables (Bellevue) $100,000

Bethel High School Pierce College Annex Campus

(Graham) $300,000

Brewery Park Visitor Center (Tumwater) $50,000

Brewing Malting & Distilling System (Tumwater) $112,000

Bridgeport Irrigation (Brewster) $70,000

Cathlamet Pioneer Center Restoration (Cathlamet) $55,000

Centralia Chehalis Steam Train Repair (Chehalis) $154,000

Centro Cultural Mexicano (Redmond) $80,000

City of Fircrest Meter Replacement (Fircrest) $200,000

Columbia Dance Down Payment for Building Purchase

(Vancouver) $100,000

Columbia Heritage Museum Repairs (Ilwaco) $150,000

Communities of Concern Commission (Statewide) $250,000

Community House on Broadway Kitchen Upgrades

(Longview) $41,000

Community Hub Public Safety Initiative (Walla Walla) $200,000

Community Pedestrian Safety (Tukwila) $100,000

Community Youth Services Renovation (Olympia) $155,000

Conconully Fire & Rescue (Riverside) $179,000

Creative Districts (Statewide) $200,000

Crosswalk Teen Shelter (Spokane) $2,500,000

Doris Morrison Environmental Learning Center

(Greenacres) $500,000

Downtown Pasco Revitalization (Pasco) $350,000

Edmonds Carbon Recovery (Edmonds) $250,000

EL 79.2 Distribution System Design (Othello) $175,000

El Centro de la Raza (Seattle) $2,000,000

Emergency Lockdown Shelter for Outdoor Preschool

(various) $24,000

Emergency Shelter Project (Skykomish) $20,000

Emergency Structural Repairs 1902 Van Marter Building

(Lind) $25,000

Everett Recovery Cafe Renovation Project (Everett) $200,000

Federal Way Little League Fields (Federal Way) $50,000

Federal Way Safety Cameras (Federal Way) $103,000

Field Arts and Events Hall (Port Angeles) $1,500,000

Filipino Community Center (Seattle) $1,000,000

Filipino-American Community Center (Bremerton) $165,000

Five Mile Roundabout Art Project (Spokane) $25,000

Fort Worden PDA - Sage Arts & Ed Center

(Port Townsend) $560,000

Franklin Pierce Farm ARC (Tacoma) $1,070,000

Fusion Housing (Federal Way) $62,000

George Schmid Ball Field #3 and Lighting Phase 3

(Washougal) $200,000

Gig Harbor Community Campus (Gig Harbor) $52,000

Gig Harbor Peninsula FISH (Gig Harbor) $250,000

Grant Co. Fairgrounds Lighting (Moses Lake) $290,000

Harlequin State Theater (Olympia) $88,000

Hilltop Housing (Tacoma) $500,000

Home At Last (Tacoma) $200,000

If You Could Save Just One (Spokane) $100,000

Index Water Line Replacement and Repair (Index) $105,000

Institute for Community Leadership (Kent) $46,000

Islands' Oil Spill Association (Friday Harbor) $232,000

Jefferson County Food Preservation

(Port Ludlow) $5,000

King County ((~~Emergency Training Facility~~)) Raging River Quarry

Property (Fall City) $1,000,000

Kingston Coffee Oasis (Kingston) $150,000

Kitsap Humane Society (Silverdale) $500,000

Klickitat Co. Domestic Violence Shelter (Goldendale) $250,000

Lacey Food Bank (Lacey) $193,000

Lake Stevens Early Learning Library (Lake Stevens) $150,000

Lake WA Loop Trail Bicycle Safety Improvements (Kenmore) $200,000

Lakebay Marina Acquisition & Preservation (Lakebay) $100,000

Levee Repair (Starbuck) $50,000

Levee Repair (Waitsburg) $100,000

LGBTQ Senior Center (Seattle) $500,000

Lions Club Community Ctr. Generator (Lyle) $5,000

Longview Police Dept. New Office (Longview) $250,000

Lower Yakima River Restoration (Richland) $258,000

Magnuson Park Center for Excellence Building 2

(Seattle) $78,000

Mason Co./Shelton YMCA (Shelton) $750,000

Mini Mart City Park (Seattle) $200,000

Morrow Manor (Poulsbo) $250,000

Mount Zion Housing (Seattle) $250,000

Mukilteo Solar Panels (Mukilteo) $40,000

New Arcadia (Auburn) $100,000

New Beginnings House (Puyallup) $150,000

Non-motorized Bridge at Bothell Landing (Bothell) $155,000

Our Lady of Fatima Community Ctr. (Moses Lake) $128,000

Pataha Flour Mill Elevator (Pomeroy) ((~~$40,000~~)) $256,000

Pete's Pool Ball Field Renovation (Enumclaw) $77,000

Pike Place Market Public Access (Seattle) $50,000

Point Wilson Lighthouse (Port Townsend) $60,000

Port Angeles Boys and Girls Club (Port Angeles) $400,000

Port of Quincy Intermodal Terminal Infrastructure

(Quincy) $100,000

Port Susan Trail (Stanwood) $200,000

Puyallup Food Bank Facility Expansion (Puyallup) $217,000

Puyallup VFW Orting Civil War Medal of Honor Monument

(Orting) $7,000

Ramstead Regional Park (Everson) $200,000

REACH Literacy Center (Lacey) $50,000

Redondo Fishing Pier (Des Moines) $350,000

Renewable Hydrogen Production Pilot (East Wenatchee) $250,000

Replacement Hospice House (Richland) $200,000

Restroom Renovation (Ilwaco) $35,000

Ridgefield Library Building Project (Ridgefield) $500,000

Roy Water Tower (Roy) $26,000

S. Kitsap HS NJROTC Equipment (Port Orchard) $24,000

Safety Driven Replacement (Lake Stevens) $125,000

Salvation Army Community Resource Center (Yakima) $200,000

Sargent Oyster House Restoration (Allyn) $10,000

Satsop Business Park (Elma) $155,000

School and Transit Connector Sidewalk (Kirkland) $120,000

School District & Comm Emergency Preparedness Center

(Carbonado) $200,000

((~~Shelton-Mason County YMCA (Shelton) $200,000~~))

Shore Aquatic Center Expansion (Port Angeles) $200,000

Sign Reinstallation at Maplewood Elementary (Puyallup) $5,000

Skagit Pump Station Modernization Design

(Mount Vernon) $52,000

Sky Valley Emergency Generators (Sultan) $75,000

Sky Valley Teen Center (Sultan) $103,000

Sno Valley Kiosk (North Bend) $20,000

Snohomish Boys and Girls Club (Snohomish) $125,000

Snoqualmie Valley Shelter Service Resource

(Snoqualmie) $200,000

South Yakima Conservation District Groundwater Mgmt

(Yakima) $45,000

Spokane Sportsplex (Spokane) $200,000

Spokane Valley Museum (Spokane Valley) $70,000

Star Park Shelter (Ferndale) $180,000

Stevens Elementary Solar Panels (Seattle) $120,000

Sullivan Park Waterline Installation (Spokane Valley) $130,000

Thurston Boys and Girls Club (Lacey) $50,000

Trail Lighting - Cross Kirkland Corridor (Kirkland) $200,000

Transitions TLC Transitional Housing Renovations

(Spokane) $100,000

Vashon Food Bank Site Relocation (Vashon) $36,000

Vashon Youth and Family Services (Vashon) $86,000

WA Poison Center Emergency Response to

COVID-19 (Seattle) $124,000

Waikiki Springs Nature Preserve (Spokane) $1,548,000

Washington State Horse Park and Covered Arena

(Ellensburg) $375,000

Wenatchee Valley Museum & Cultural Ctr. (Wenatchee) $283,000

West Biddle Lake Dam Restoration (Vancouver) $412,000

William Shore Pool (Port Angeles) $500,000

Wishkah Road Flood Levee (Grays Harbor County) $186,000

Yakima County Care Campus Conversion Project (Yakima) $275,000

Yelm Lions Club Cabin Renovation (Yelm) $207,000

(8) It is the intent of the legislature that future applications for state funding for the ASUW Shell House be made through competitive grant programs.

(9) The Creative Districts program funded in this section shall be administered by the Washington state arts commission. The commission is authorized to use up to three percent of the funds to administer the program.

(10) Funds provided in this section for the Crosswalk Teen Shelter project are for preconstruction activities, including acquisition. Any remaining funds may be used for construction as long as the balance of nonstate funds

needed to complete the project are firmly committed.

Appropriation:

State Building Construction Account—State ((~~$29,970,000~~))

$32,672,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL ((~~$29,970,000~~))

$32,672,000

Sec. 6009. 2020 c 356 s 1009 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seattle Vocational Institute (40000136)

It is the intent of the legislature that this funding be provided for the Seattle Vocational Institute no later than June 30, 2021, once the community preservation and development authority has selected board members and the title of the Seattle Vocational Institute building has been transferred to the board.

Appropriation:

State Building Construction Account—State ((~~$1,300,000~~))

$1,125,000

State Taxable Building Construction Account—State $175,000

Subtotal Appropriation $1,300,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $1,300,000

Sec. 6010. 2019 c 413 s 1023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Building Communities Fund Grant (30000883)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1015, chapter 2, Laws of 2018, except that no funding may be directed to the Aging in PACE project.

Reappropriation:

State Building Construction Account—State ((~~$18,500,000~~))

$15,500,000

Prior Biennia (Expenditures) $12,400,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$30,900,000~~))

$27,900,000

Sec. 6011. 2019 c 413 s 1032 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Building for the Arts Grant Program (40000039)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.750.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Seattle Theatre Group $310,000

Music Center of the Northwest $300,000

Seattle Symphony Orchestra $912,000

Broadway Center for the Performing Arts $586,000

Bainbridge Artisan Resource Network $1,057,000

Nordic Heritage Museum Foundation $2,000,000

Imagine Children's Museum $2,000,000

Seattle Opera $526,000

KidsQuest Children's Museum $816,000

((~~Central Stage Theatre of County Kitsap $964,000~~))

Roxy Bremerton Foundation $51,000

Port Angeles Waterfront Center $1,112,000

((~~Rehabilitating Fort Worden's Historic Warehouses $712,000~~))

Sea Mar Museum of Chicano/a Latino/a Culture $654,000

Appropriation:

State Building Construction Account—State ((~~$12,000,000~~))

$10,324,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $48,000,000

TOTAL ((~~$60,000,000~~))

$58,324,000

Sec. 6012. 2019 c 413 s 1056 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Dental Capacity Grants (91001306)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following list of projects:

Bethel Dental Clinic $500,000

Columbia County Dental ((~~$250,000~~)) $353,000

Skagit Valley College WDTEP $550,000

Vancouver Dental $175,000

Appropriation:

State Building Construction Account—State ((~~$1,475,000~~))

$1,578,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL ((~~$1,475,000~~))

$1,578,000

Sec. 6013. 2019 c 413 s 1058 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Projects for Jobs & Economic Development (92000151)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, the reappropriations are subject to the provisions of section 1077, chapter 19, Laws of 2013 2nd sp. sess.

(2) $1,000,000 of the reappropriation, not to exceed the amount remaining from the original appropriation, originally for the South Kirkland TOD/Cross Kirkland Corridor, may be used for the pedestrian crossing project at Kirkland Avenue and Lake Street.

Reappropriation:

Public Facility Construction Loan Revolving Account—State ((~~$3,000,000~~))

$2,528,000

State Building Construction Account—State $1,000,000

Subtotal Reappropriation ((~~$4,000,000~~))

$3,528,000

Prior Biennia (Expenditures) $33,109,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$37,109,000~~))

$36,637,000

Sec. 6014. 2019 c 413 s 1060 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Projects that Strengthen Communities & Quality of Life (92000230)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section

6006, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State $1,400,000

((~~Appropriation:~~

~~Model Toxics Control Capital Account—State $40,000~~))

Prior Biennia (Expenditures) $30,688,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$32,128,000~~))

$32,088,000

Sec. 6015. 2019 c 413 s 1012 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Energy Efficiency and Solar Grants (30000835)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1035, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State ((~~$2,000,000~~))

$597,000

Prior Biennia (Expenditures) $23,000,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$25,000,000~~))

$23,597,000

Sec. 6016. 2019 c 413 s 1064 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Behavioral Rehabilitation Services Capacity Grants (92000611)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1015, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State ((~~$2,000,000~~))

$1,719,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL ((~~$2,000,000~~))

$1,719,000

Sec. 6017. 2019 c 413 s 1066 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Palouse to Cascades Trail Facilitation (92000833)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce to contract for facilitation and mediation of ownership, development, and use conflicts along the Palouse to Cascades trail in Adams and Whitman counties. The contractor shall convene a process that will make recommendations to the legislature by January 15, 2020. The parties to the facilitation shall include, but are not limited to: The state parks and recreation commission, the farm bureau, the department of natural resources, recreational trail user groups, local governments adjacent to the trail, and landowners adjacent to the trail.

(2) The recreation and conservation office shall not release funding for the following project on Washington wildlife and recreation program LEAP capital document No. 2019-5H: Palouse to Cascades Connection Malden and Rosalia, until July 1, 2020.

Appropriation:

State Building Construction Account—State ((~~$150,000~~))

$134,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL ((~~$150,000~~))

$134,000

Sec. 6018. 2020 c 356 s 1022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Enhanced Shelter Capacity Grants (92000939)

The appropriation in this section is subject to the following conditions and limitations:

(1) $7,818,000 of the appropriation in this section is provided solely for a homeless shelter grant program for the following list of shelter projects:

Auburn Resource Center (Auburn) $1,500,000

Community House (Longview) $206,000

((~~Crosswalk Teen Shelter (Spokane) $1,500,000~~))

Harbor Hope Center Home for Girls (Gig Harbor) $294,000

Noah's Ark Homeless Shelter (Wapato) $100,000

Positive Adolescent Dev (PAD) Emergency Housing

(Bellingham) $206,000

Rod's House Mixed Use Facility (Yakima) $2,000,000

ROOTS Young Adult Shelter (Seattle) $1,500,000

Snoqualmie Valley Resource Center (Snoqualmie) $206,000

St. Vincent de Paul Cold Weather Shelter (Renton) $206,000

YMCA Oasis Teen Shelter (Mount Vernon) $100,000

(2) In contracts for grants authorized under this section, the department of commerce must follow the guidelines and compliance requirements in the Housing Trust Fund program, including provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant.

Appropriation:

State Building Construction Account—State ((~~$7,818,000~~))

$6,318,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL ((~~$7,818,000~~))

$6,318,000

Sec. 6019. 2019 c 413 s 1061 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Community Behavioral Health Beds - Acute & Residential (92000344)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1007, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State ((~~$5,000,000~~))

$4,515,000

Prior Biennia (Expenditures) $39,399,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$44,399,000~~))

$43,914,000

Sec. 6020. 2019 c 413 s 1074 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Transportation Building Preservation (30000777)

Reappropriation:

Capitol Building Construction Account—State ((~~$3,925,000~~))

$1,725,000

Prior Biennia (Expenditures) $57,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$3,982,000~~))

$1,782,000

Sec. 6021. 2019 c 413 s 1076 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Systems Rehabilitation (30000791)

Reappropriation:

Capitol Building Construction Account—State ((~~$150,000~~))

$33,000

Prior Biennia (Expenditures) $843,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$993,000~~))

$876,000

Sec. 6022. 2019 c 413 s 1079 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Building Envelope Repairs (30000829)

Reappropriation:

Capitol Building Construction Account—State ((~~$2,537,000~~))

$2,010,000

State Building Construction Account—State $2,167,000

Subtotal Reappropriation ((~~$4,704,000~~))

$4,177,000

Prior Biennia (Expenditures) $518,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$5,222,000~~))

$4,695,000

Sec. 6023. 2019 c 413 s 1077 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Campus Physical Security & Safety Improvements (30000812)

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,508,000 ((~~is~~)) of the capitol building construction account—state appropriation, $1,000,000 of the Thurston county capital facilities account—state appropriation, and $1,018,000 of the state building construction account—state appropriation are provided solely for the security improvements of distributed antenna system in the natural resource building, columbia, plaza, and department of transportation parking garages.

(2) The reappropriations are subject to the provisions of section 1025, chapter 298, Laws of 2018.

(3) The temporary security fencing on the capital campus must be removed by May 31, 2021, unless the Washington state patrol notifies the legislative leaders by May 15, 2021, and the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives concur that the Washington state patrol security assessment determines that the fence is unable to be removed.

Reappropriation:

State Building Construction Account—State $1,625,000

Thurston County Capital Facilities Account—State $710,000

Subtotal Reappropriation $2,335,000

Appropriation:

Capitol Building Construction Account—State $1,508,000

State Building Construction Account—State $1,018,000

Thurston County Capital Facilities Account—State $1,000,000

Subtotal Appropriation $3,526,000

Prior Biennia (Expenditures) $415,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$4,258,000~~))

$6,276,000

Sec. 6024. 2020 c 356 s 1027 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Campus Modernization (92000020)

(1) The reappropriation in this section is subject to the following conditions and limitations: The final predesign for legislative campus modernization must be submitted to the office of financial management and legislative fiscal committees by ((~~September 1, 2020~~)) February 5, 2020. The department must consult with the senate facilities and operations committee or their designee(s) and the house of representatives executive rules committee or their designee(s) during the development of and prior to finalizing and submitting the final predesign ((~~on September 1, 2020~~)).

(a) With respect to the Irv Newhouse building replacement on opportunity site six, the final predesign must include demolition of buildings on opportunity site six((~~, with the exception of the visitor center~~)). The predesign must include details and costs for temporary office space on Capitol Campus, for which modular space is an option, to be used at least during the construction of the building for Irv Newhouse occupants. The predesign must also consider an additional floor for the Irv Newhouse building, and this component of predesign must not delay nor impact the final predesign deliverable date. The predesign must assume the following:

(i) Necessary program space required to support senate offices and support functions;

(ii) A building facade similar to ((~~the American neoclassical style of existing legislative buildings on Capitol Campus~~)) the American neoclassical style with a base, shaft, and capitol expression focus with some relief expressed in modern construction methods to include adding more detailing and depth to the exterior so that it will fit with existing legislative buildings on west capitol campus, like the John Cherberg building;

(iii) Member offices of similar size as member offices in the John A. Cherberg building;

(iv) Design and construction of a high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(v) Building construction that ((~~must~~)) may be procured using a performance-based contracting method, such as design-build, and ((~~must~~)) may include an energy performance guarantee comparing actual performance data with the energy design target;

(vi) Temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the building. Maximizing efficient use of modular space with Pritchard renovation or replacement must be considered;

(vii) Demolition of the buildings((~~, not including the visitor center,~~)) located on opportunity site six((~~. Demolition costs must not exceed six hundred thousand dollars~~)); and

(viii) At least bimonthly consultation with the senate facilities and operations committee or their designee(s).

(b) With respect to the Pritchard building replacement or renovation, and renovation of the third and fourth floors of the John L. O'Brien building, the predesign must assume the following:

(i) The necessary program space required to support house of representatives offices and support functions;

(ii) Building construction that ((~~must~~)) may be procured using a performance-based contracting method, such as design-build, and ((~~must~~)) may include an energy performance guarantee comparing actual performance data with the energy design target;

(iii) Design and construction that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(iv) The detail and cost of temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the buildings for state employed occupants of any impacted building. Maximizing efficient use of modular space with the Newhouse replacement must be considered; and

(v) At least bimonthly consultation with the leadership of the house of

representatives, the chief clerk of the house of representatives, or their designee(s), and tenants of any impacted buildings.

(c) The legislative campus modernization predesign must assume:

(i) Preference for the completion of construction of the Irv Newhouse building before the renovation or replacement of the Pritchard building and before the renovation of the third and fourth floors of the John L. O'Brien building;

(ii) The amount of parking on the capitol campus ((~~remains the same or increases~~)) may not result in a loss greater than 60 parking spots as a result of the legislative campus modernization construction projects; and

(iii) Options for relocation of the occupants of impacted buildings that are not employed by the state to alternative locations((~~, including, but not limited to, the visitor center~~)).

(d) The legislative campus modernization predesign must include an analysis of comparative costs and benefits of locations for needed space, to include the following considerations:

(i) An additional floor added to the Irv Newhouse building replacement, and this component of design must not delay nor impact the final predesign deliverable date;

(ii) Additional space added to the Pritchard replacement or renovation; and

(iii) ((~~The impact to options to maintain, or increase, the amount of parking on Capitol Campus; and~~

~~(iv)~~)) Space needed for legislative support agencies.

(e) The final predesign must include an analysis of the relative costs and benefits of designing and constructing the projects authorized under this section under a single contract or individual subproject contracts, based on an evaluation of, at least, the following criteria:

(i) The interdependency and interaction of the design and construction phases of the subprojects;

(ii) Subproject phasing and sequencing, including the timing and utilization of modular temporary office space on Capitol Campus during the construction phases;

(iii) Potential cost efficiencies under each subproject;

(iv) Provide an evaluation for the most efficient and effective contracting method for subproject delivery, including design-bid-build, general contractor/construction manager, and design-build for each subproject; and

(v) Other collateral impacts.

(f) The department must have a check-in meeting by October 1, 2020, with the administrative office of the senate, the administrative office of the house of representatives, and the legislative capital budget leads. This check-in meeting must be after the predesign is submitted to the office of financial management and legislative fiscal committees.

(2) The appropriations in this section are subject to the following conditions and limitations: The new appropriations must be coded and tracked as separate discreet subprojects in the agency financial reporting system.

(a) $3,370,000 of the appropriation is provided solely for the Irv Newhouse building replacement, and the appropriation in this subsection (2)(a) is provided solely for design and construction of the Irv Newhouse building replacement for the senate, located on opportunity site six. The design must assume:

(i) Necessary program space required to support senate offices and support functions;

(ii) A building facade similar to ((~~the American neoclassical style of existing legislative buildings on Capitol Campus~~)) the American neoclassical style with a base, shaft, and capitol expression focus with some relief expressed in modern construction methods to include adding more detailing and depth to the exterior so that it will fit with existing legislative buildings on west capitol campus, like the John Cherberg building;

(iii) Member offices of similar size as member offices in the John A. Cherberg building;

(iv) Design and construction of a high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(v) Building construction that ((~~must~~)) may be procured using a performance-based contracting method, such as design-build, and ((~~must~~)) may include an energy performance guarantee comparing actual performance data with the energy design target;

(vi) Temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the building. Maximizing efficient use of modular space with Pritchard renovation must be considered;

(vii) Demolition of the buildings((~~, not including the visitor center,~~)) located on opportunity site six((~~. Demolition costs must not exceed six hundred thousand dollars~~));

(viii) At least bimonthly consultation with the leadership of the senate, or their designee(s), and Irv Newhouse tenants; and

(ix) ((~~Procurement of the design solution~~)) Design contract selection will be completed by ((~~February~~)) September 1, 2021, for the Irv Newhouse building replacement.

(b) $6,530,000 of the appropriation is provided solely for the Pritchard building replacement or renovation((~~, and the renovation of the third and fourth floors of the John L. O'Brien building~~)). The appropriation in this subsection is provided solely for the design and construction and assumes:

(i) The necessary program space required to support house of representatives offices and support functions;

(ii) Additional office space necessary to offset house of representatives members and staff office space that may be eliminated in the renovation of the third and fourth floors of the John L. O'Brien building;

(iii) Design and construction of a high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(iv) Building construction that ((~~must~~)) may be procured using a performance-based contracting method, such as design-build, and ((~~must~~)) may include an energy performance guarantee comparing actual performance data with the energy design target;

(v) Temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the building. Maximizing efficient use of modular space with Newhouse replacement must be considered; and

(vi) At least bimonthly consultation with the leadership of the house of representatives, the chief clerk of the house of representatives, or their designee(s), and tenants of any impacted building.

(c) ((~~$100,000~~)) $146,000 of the appropriation is provided solely for the completion of predesign efforts as described in subsection (1) of this section.

(3) The department may sell by auction the Ayers and Carlyon houses, known as the press houses, separate and apart from the underlying land, subject to the following conditions:

(a) The purchaser, at its sole cost and expense, must remove the houses by December 31, 2021;

(b) The state is not responsible for any costs or expenses associated with the sale, removal, or relocation of the buildings from opportunity site six; and

(c) Any sale proceeds must be deposited into the Thurston county capital facilities account.

(4) Implementation of subsection (3) of this section is not intended to delay the design and construction of any of the subprojects included in the legislative campus modernization project.

Reappropriation:

State Building Construction Account—State $256,000

Appropriation:

State Building Construction Account—State ((~~$10,000,000~~))

$10,046,000

Prior Biennia (Expenditures) $194,000

Future Biennia (Projected Costs) $89,000,000

TOTAL ((~~$99,450,000~~))

$99,496,000

Sec. 6025. 2019 c 413 s 4002 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

FTA Burn Building - Structural Repairs (30000256)

Appropriation:

Fire Service Training Account—State ((~~$750,000~~))

$550,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL ((~~$750,000~~))

$550,000

Sec. 6026. 2019 c 413 s 4004 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

High Throughput DNA Laboratory (40000002)

The appropriation in this section is subject to the following conditions and limitations: ((~~$277,000~~)) $247,000 is provided solely for renovations to the crime lab.

Appropriation:

State Building Construction Account—State ((~~$277,000~~))

$247,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL ((~~$277,000~~))

$247,000

Sec. 6027. 2019 c 413 s 1097 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Program 2017-19 Biennium (30000812)

Reappropriation:

General Fund—Federal ((~~$20,395,000~~))

$1,395,000

Military Department Capital Account—State $75,000

State Building Construction Account—State ((~~$1,814,000~~))

$1,614,000

Subtotal Reappropriation ((~~$22,284,000~~))

$3,084,000

Prior Biennia (Expenditures) $2,413,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$24,697,000~~))

$5,497,000

Sec. 6028. 2019 c 413 s 1098 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Centralia Readiness Center (30000818)

Reappropriation:

General Fund—Federal $2,289,000

State Building Construction Account—State $2,287,000

Subtotal Reappropriation $4,576,000

Appropriation:

General Fund—Federal ((~~$2,000,000~~))

$3,200,000

Prior Biennia (Expenditures) $174,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$6,750,000~~))

$7,950,000

Sec. 6029. 2019 c 413 s 2088 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

WCC: Replace Roofs (30000654)

Reappropriation:

State Building Construction Account—State $675,000

Appropriation:

State Building Construction Account—State ((~~$4,540,000~~))

$3,040,000

Prior Biennia (Expenditures) $1,595,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$6,810,000~~))

$5,310,000

Sec. 6030. 2019 c 413 s 2089 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

CBCC: Replace Fire Alarm System (30000748)

Reappropriation:

State Building Construction Account—State $180,000

Appropriation:

State Building Construction Account—State ((~~$5,284,000~~))

$4,284,000

Prior Biennia (Expenditures) $175,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$5,639,000~~))

$4,639,000

Sec. 6031. 2019 c 413 s 3020 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

ASARCO Cleanup (30000334)

((~~The reappropriation in this section is subject to the following conditions and limitations: $400,000 of the reappropriation is provided solely for the city of Tacoma to reimburse for clean up and remediation of the former Ruston Way tunnel, including costs that occurred prior to June 30, 2019.~~))

Reappropriation:

Cleanup Settlement Account—State ((~~$2,095,000~~))

$1,695,000

Prior Biennia (Expenditures) $34,565,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$36,660,000~~))

$36,260,000

Sec. 6032. 2019 c 413 s 3091 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2019-21 Protect Investments in Cleanup Remedies (40000194)

The appropriation in this section is subject to the following conditions and limitations: ((~~$2,260,000~~)) $827,000 of the model toxics control capital account appropriation is provided solely for reimbursing the Lakewood water district for costs for the Ponders drinking water treatment system, including costs incurred prior to July 1, 2019.

Appropriation:

Model Toxics Control Capital Account—State ((~~$9,637,000~~))

$8,204,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $40,000,000

TOTAL ((~~$49,637,000~~))

$48,204,000

Sec. 6033. 2020 c 356 s 3025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (91000032)

Appropriation:

Model Toxics Control Capital Account—State ((~~$179,000~~))

$38,000

Prior Biennia (Expenditures) $9,091,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$9,270,000~~))

$9,129,000

Sec. 6034. 2019 c 413 s 3278 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Pasco Local Improvement District (40000019)

Appropriation:

State Building Construction Account—State ((~~$4,000,000~~))

$2,894,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL ((~~$4,000,000~~))

$2,894,000

Sec. 6035. 2019 c 413 s 3301 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Fircrest Property (91000103)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following purposes:

(1) The department must, in consultation with the office of financial management and the department of social and health services, develop recommendations for future use of underutilized portions of the Fircrest School campus, including the southeast and southwest corners. Recommendations must include options for developing affordable housing and public open space on underutilized portions of the Fircrest School campus and any specific statutory language necessary to implement these recommendations. Recommendations must consider: (a) Current zoning restrictions; (b) current use; (c) current ownership; (d) current revenue generating capacity; (e) any specific statutory language necessary to implement these recommendations; and (f) any legal constraints.

(2) The department must submit a report to the appropriate committees of the legislature by December 31, 2019.

Appropriation:

Charitable, Educational, Penal, Reformatory, Institutional Account—State ((~~$250,000~~))

$8,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL ((~~$250,000~~))

$8,000

Sec. 6036. 2019 c 413 s 3217 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Upper Quinault River Restoration ((~~Phase 3 (WCRI) (910000958)~~)) Project (91000958)

Appropriation:

State Building Construction Account—State $2,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $2,000,000

Sec. 6037. 2019 c 413 s 3235 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Migratory Waterfowl Habitat (20082045)

Reappropriation:

State Wildlife Account—State ((~~$500,000~~))

$285,000

Appropriation:

State Wildlife Account—State $600,000

Prior Biennia (Expenditures) $1,388,000

Future Biennia (Projected Costs) $1,800,000

TOTAL ((~~$4,288,000~~))

$4,073,000

Sec. 6038. 2020 c 356 s 3062 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

(1) Nothing in this section alters the obligation set forth in the permanent injunction, including the compliance deadline, entered on March 29, 2013, in *United States v. Washington,* sub-

proceeding 01-1 (Culverts), or the guidelines for compliance within the specified timeline with the permanent injunction as developed by the state agencies during the implementation process.

(2) Nothing in this section creates an obligation on the part of the state to provide funding for corrections for nonstate-owned culverts. Nothing in this section precludes the state from providing funding for corrections for nonstate-owned culverts.

(3) In order to provide recommendations, the Brian Abbott fish barrier removal board must develop a comprehensive statewide culvert remediation plan that works in conjunction with the state approach and that fully satisfies the requirements of the *United States v. Washington* permanent injunction and makes both local and state funding recommendations for additional nonstate barrier corrections across state culvert correction programs that maximize the fisheries habitat gain and other benefits to prey available for southern resident killer whale and salmon recovery.

(4) The comprehensive statewide culvert remediation plan must be consistent with the principles and requirements of the *United States v. Washington* permanent injunction and RCW 77.95.180 and must achieve coordinated investment strategy goals of permanent injunction compliance and the following additional resource benefits. The Brian Abbott fish barrier removal board chair, representing the board and the appropriate department of fish and wildlife executive management, shall consult with tribes to develop a watershed approach. Provided it is consistent with the *United States v. Washington* permanent injunction, prioritization of barrier corrections must be developed on a watershed basis and must maximize the following resource priorities:

(a) Stocks that are listed as threatened or endangered under the federal endangered species act;

(b) Stocks that contribute to protection and recovery of southern resident orca whales;

(c) Critical stocks of anadromous fish that limit or prevent harvest of anadromous fish, as identified in the Pacific salmon treaty; and

(d) Weak stocks of anadromous fish that limit or prevent harvest of anadromous fish, as determined in North of Cape Falcon process.

(5) The comprehensive statewide culvert remediation plan must include recommendations on methods and procedures for state agencies and local governments to complete and maintain accurate barrier inventories. This plan must also allow for efficient bundling of projects to minimize disruption to the public due to construction as well as adjustments in response to obstacles and opportunities encountered during delivery.

(6) The Brian Abbott fish barrier removal board must also:

(a) Provide to the office of financial management and the fiscal committees of the legislature its recommendation as to statutory or policy changes, or budget needs for the board or state capital budget programs, for better implementation and coordination among the state's culvert correction programs by ((~~January 15, 2021~~)) June 30, 2021; and

(b) Develop a plan to seek and maximize the chances of success of significant federal investment in the comprehensive statewide culvert remediation plan.

(7) It is the intent of the legislature that, in developing future budgets, state agencies administering state culvert correction programs will recommend, to the maximum extent possible, funding in their culvert correction programs for correction of barriers that are part of the comprehensive statewide culvert remediation plan developed by the Brian Abbott fish barrier removal board under this section.

(8) By November 1, 2020, and March 1, 2021, the Brian Abbott fish barrier removal board and the department of transportation must provide updates on the development of the statewide culvert remediation plan to the office of financial management and the legislative fiscal committees. The first update must include a project timeline and plan to ensure that all agencies with culvert correction programs are involved in the creation of the comprehensive plan.

(9) Prior to presenting the comprehensive statewide culvert remediation plan, the Brian Abbott fish barrier removal board must present the

status of the plan to the annual Washington state and Western Washington treaty tribes fish passage barrier repair progress and coordination meeting. The board must submit the comprehensive statewide culvert remediation plan and the process by which it will be adaptively managed over time to the governor and the legislative fiscal committees by ((~~January 15, 2021~~)) June 30, 2021.

Sec. 6039. 2019 c 413 s 5011 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2017-19 School Construction Assistance Program (40000003)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5003, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State ((~~$475,282,000~~))

$493,020,000

Common School Construction Account—State ((~~$255,948,000~~))

$238,210,000

Subtotal Reappropriation $731,230,000

Prior Biennia (Expenditures) $217,520,000

Future Biennia (Projected Costs) $0

TOTAL $948,750,000

Sec. 6040. 2020 c 356 s 5002 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 School Construction Assistance Program - Maintenance Level (40000013)

The appropriations in this section are subject to the following conditions and limitations: $1,005,000 of the common school construction account—state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account—State ((~~$851,208,000~~))

$833,470,000

Common School Construction Account—State $185,908,000

Common School Construction Account—Federal $3,840,000

Subtotal Appropriation ((~~$1,040,956,000~~))

$1,023,218,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $4,870,192,000

TOTAL ((~~$5,911,148,000~~))

$5,893,410,000

Sec. 6041. 2019 c 413 s 5020 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

STEM Pilot Program (91000402)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5005, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State ((~~$3,046,000~~))

$2,956,000

Prior Biennia (Expenditures) $9,454,000

Future Biennia (Projected Costs) $0

TOTAL ((~~$12,500,000~~))

$12,410,000

Sec. 6042. 2020 c 356 s 5011 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Behavioral Health Teaching Facility (40000038)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1593 (behavioral health teaching facility). The appropriation provided may be used for predesign, siting, design costs, enabling projects, ((~~and~~)) early work packages, and construction, equipment, furnishings, and completion. ((~~If the bill is not enacted by June 30, 2019, the amount provided in this section shall lapse.~~))

(b) The university must submit the predesign to the appropriate legislative committees by February 1, 2020.

(2) The behavioral health teaching facility must provide a minimum of ((~~fifty~~)) 75 long-term civil commitment beds, ((~~fifty geriatric/voluntary~~)) 25 geriatric and adult psychiatric beds, and fifty licensed medical/surgery beds, ((~~with the capacity~~)) available to treat medical and surgical problems for patients ((~~with~~)) who also have a psychiatric ((~~diagnoses~~)) diagnosis and/or substance use ((~~disorders~~)) disorder diagnosis. The University should maximize the use of these medical/surgery beds for patients with psychiatric diagnoses or substance use disorders to the extent practicable. The project construction must also include construction of a 24/7 telehealth consultation program within the facility.

Appropriation:

State Building Construction Account—State $33,250,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $191,250,000

TOTAL $224,500,000

Sec. 6043. 2019 c 413 s 5047 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Behavioral Health Institute at Harborview Medical Center ((~~(910000025)~~)) (91000025)

Appropriation:

State Building Construction Account—State ((~~$500,000~~))

$469,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL ((~~$500,000~~))

$469,000

NEW SECTION. **Sec. 6044.** The following acts or parts of acts are each repealed:

(1)2019 c 413 s 1004 (uncodified);

(2)2019 c 413 s 1107 (uncodified);

(3)2019 c 413 s 1108 (uncodified);

(4)2019 c 413 s 1109 (uncodified); and

(5)2019 c 413 s 2034 (uncodified).

PART 7

MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 7001.** RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are $46,768,901 for the 2021-2023 biennium, $314,662,796 for the 2023-2025 biennium, and $447,088,148 for the 2025-2027 biennium.

NEW SECTION. **Sec. 7002.** ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. (1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for

state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Secretary of state: Enter into a financing contract for up to $119,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a new library-archives building.

(4) Washington state patrol: Enter into a financing contract for up to $7,706,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(5) Department of social and health services: Enter into a financing contract for up to $115,700,000 plus costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a nursing facility on the fircrest residential habilitation center campus. The department may contract to lease develop or lease purchase the facility. Before entering into a contract, the department must consult with the office of financial management and the office of the state treasurer. Should the department of social and health services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this subsection, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Grays Harbor College for up to $3,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student services and instructional building.

(b) Enter into a financing contract on behalf of Shoreline Community College for up to $3,128,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an allied health, science, and manufacturing replacement building.

(c) Enter into a financing contract on behalf of South Puget Sound Community College for up to $5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate a health education building.

(d) Enter into a financing contract on behalf of Bates Technical College for up to $1,350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and facilities.

(7) The department of ecology: Submit a financing contract proposal to fully fund the Lacey headquarters parking garage preservation project, including financing expenses and required reserves pursuant to chapter 39.94 RCW, in the department's 2022 supplemental capital budget request.

NEW SECTION. **Sec. 7003.** (1) To ensure that major construction projects are carried out in accordance with legislative and executive intent, agencies must complete a predesign for state construction projects with a total anticipated cost in excess of $5,000,000, or $10,000,000 for higher education institutions. "Total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project.

(2) Appropriations for design may not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign.

(3) The predesign must explore at least three project alternatives. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative should be the most reasonable and cost-effective solution. The predesign document must include, but not be limited to, program, site, and cost analysis, and an analysis of the life-cycle costs of the alternatives explored, in accordance with the predesign manual

adopted by the office of financial management.

(4) The office of financial management may make an exception to the predesign requirements in this section after notifying the legislative fiscal committees and waiting ten days for comment by the legislature regarding the proposed exception.

(5) If House Bill No. 1023 (predesign) is enacted by June 30, 2021 this section is null and void.

NEW SECTION. **Sec. 7004.** (1) To ensure that major construction projects are carried out in accordance with legislative and executive intent, agencies must complete a predesign for state construction projects with a total anticipated cost in excess of $10,000,000. For purposes of this section, "total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project.

(2) Appropriations for design may not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign.

(3) The predesign must explore at least three project alternatives. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative should be the most reasonable and cost-effective solution. The predesign document must include, but not be limited to, program, site, and cost analysis, and an analysis of the life-cycle costs of the alternatives explored, in accordance with the predesign manual adopted by the office of financial management.

(4) For projects exceeding the $10,000,000 predesign threshold established in this section, the office of financial management may make an exception to some or all of the predesign requirements in this section. The office of financial management shall report any exception to the fiscal committees of the legislature:

(a) A description of the major capital project for which the predesign waiver is made;

(b) An explanation of the reason for the waiver; and

(c) A rough order of magnitude cost estimate for the project's design and construction.

(5) In deliberations related to submitting an exception under this section, the office of financial management shall consider the following factors:

(a) Whether there is any determination to be made regarding the site of the project;

(b) Whether there is any determination to be made regarding whether the project will involve renovation, new construction, or both;

(c) Whether, within six years of submitting the request for funding, the agency has completed, or initiated the construction of, a substantially similar project;

(d) Whether there is any anticipated change to the project's program or the services to be delivered at the facility;

(e) Whether the requesting agency indicates that the project may not require some or all of the predesign requirements in this section due to a lack of complexity; and

(f) Whether any other factors related to project complexity or risk, as determined by the office of financial management, could reduce the need for, or scope of, a predesign.

(6) If under this section, some or all predesign requirements are waived, the office of financial management may instead propose a professional project cost estimate instead of a request for predesign funding.

(7) If House Bill No. 1023 (predesign) is not enacted by June 30, 2021, this section is null and void.

NEW SECTION. **Sec. 7005.** (1) The legislature finds that use of life-cycle cost analysis will aid public entities, architects, engineers, and contractors in making design and construction decisions that positively impact both the initial construction cost and the ongoing operating and maintenance cost of a project. To ensure that the total cost of a project is accounted for and the most reasonable and cost efficient design is used, agencies shall develop life-cycle costs for any construction project over $10,000,000. The life-cycle costs must represent the present value sum of

capital costs, installation costs, operating costs, and maintenance costs over the life expectancy of the project. The legislature further finds the most effective approach to the life-cycle cost analysis is to integrate it into the early part of the design process.

(2) Agencies must develop a minimum of three project alternatives for use in the life-cycle cost analysis. These alternatives must be both distinctly different and viable solutions to the issue being addressed. Agencies must choose the most reasonable and cost-effective solution, as supported by the life-cycle cost analysis. A brief description of each project alternative and why it was chosen must be included in the life-cycle cost analysis section of the predesign.

(3) The office of financial management shall: (a) Make available a life-cycle cost model to be used for analysis; (b) in consultation with the department of enterprise services, provide assistance in using the life-cycle cost model; and (c) update the life-cycle cost model annually including assumptions for inflation rates, discount rates, and energy rates.

(4) Agencies shall consider architectural and engineering firms' and general contractors' experience using life-cycle costs, operating costs, and energy efficiency measures when selecting an architectural and engineering firm, or when selecting contractors using alternative contracting methods.

NEW SECTION. **Sec. 7006.** Agencies administering construction projects with a total anticipated cost in excess of $5,000,000, or $10,000,000 for higher education institutions, must submit progress reports to the office of financial management and to the fiscal committees of the house of representatives and senate. "Total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project. Reports must be submitted on July 1st and December 31st of each year in a format determined by the office of financial management. After the project is completed, agencies must also submit a closeout report that identifies the total project cost and any unspent appropriations.

NEW SECTION. **Sec. 7007.** (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management and in compliance with RCW 43.88.110. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110.

(2) Each project is defined as proposed in the legislative budget notes or in the governor's budget document.

NEW SECTION. **Sec. 7008.** (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under $250,000, shall be filed with the fiscal committees of the legislature by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. **Sec. 7009.** (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

NEW SECTION. **Sec. 7010.** (1) Any building project that receives over $10,000,000 in funding from the capital budget must be built to sustainable standards. "Sustainable building" means a building that integrates and optimizes all major high-performance building attributes, including energy efficiency, durability, life-cycle performance, and occupant productivity, and minimizes greenhouse gas emissions. The following design and construction attributes must be integrated into the building project:

(a) Employ integrated design principles: Use a collaborative, integrated planning and design process that initiates and maintains an integrated project team in all stages of a project's planning and delivery. Establish performance goals for siting, energy, water, materials, and indoor environmental quality along with other comprehensive design goals and ensures incorporation of these goals throughout the design and life-cycle of the building. Consider all stages of the building's life-cycle, including deconstruction.

(b) Commissioning: Employ commissioning practices tailored to the size and complexity of the building and its system components in order to verify performance of building components and systems and help ensure that design requirements are met. This should include an experienced commissioning provider, inclusion of commissioning requirements in construction documents, a commissioning plan, verification of the installation and performance of systems to be commissioned, and a commissioning report.

(c) Optimize energy performance: Establish a whole building performance target that takes into account the intended use, occupancy, operations, plug loads, other energy demands, and design to earn the ENERGY STAR targets for new construction and major renovation where applicable. For new construction target low energy use index. For major renovations, target reducing energy use by 50 percent below prerenovations baseline.

(d) On-site renewable energy: Implement renewable energy generation projects on agency property for agency use, when life-cycle cost effective.

(e) High-efficiency electric equipment: Use only high-efficiency electric equipment for water and space heating needs not met through on-site renewable energy, when life-cycle cost effective.

(f) Measurement and verification: For buildings over 50,000 square feet, install building level electricity meters in new major construction and renovation projects to track and continuously optimize performance. Include equivalent meters for natural gas and steam, where natural gas and steam are used. Where appropriate, install

dashboards inside buildings to display and incentivize occupants on energy use.

(g) Benchmarking: Compare performance data from the first year of operation with the energy design target. Verify that the building performance meets or exceeds the design target. For other building and space types, use an equivalent benchmarking tool.

NEW SECTION. **Sec. 7011.** State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

NEW SECTION. **Sec. 7012.** Executive Order No. 21-02, archaeological and cultural resources, was issued effective November 10, 2005. Agencies shall comply with the requirements set forth in this executive order and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of projects on cultural resources and historic properties proposed in state-funded construction or acquisition projects, including grant or pass-through funding that culminates in construction or land acquisitions. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated early in the project planning process, prior to construction or taking title.

Sec. 7013. RCW 43.19.501 and 2020 c 356 s 7005 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department in Thurston county.

During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the Thurston county capital facilities account may be appropriated for costs associated with staffing to support capital budget and project activities and lease and facility oversight activities.

NEW SECTION. **Sec. 7014.** FOR THE ARTS COMMISSION—ART WORK ALLOWANCE. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding $200,000 by colleges or universities is provided solely for the purposes of RCW 28B.10.027.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency identified in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200.

(4) At least 80 percent of the moneys spent by the Washington state arts commission during the 2021-2023 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. Except for art allocations made under K-3 class size reduction grants under section 5030 of this act, art allocations not expended within the ensuing two biennia will lapse. The commission may use up to $200,000 of this amount to conserve or maintain existing pieces in the state art collection.

NEW SECTION. **Sec. 7015.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. **Sec. 7016.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. **Sec. 7017.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased

projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. **Sec. 7018.** NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter . . . (Substitute House Bill No. 1081), Laws of 2021, (State General Bonds and General Accounts) for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to the state building construction account may be made.

NEW SECTION. **Sec. 7019.** (1) Minor works project lists are single line appropriations that include multiple projects of a similar nature and that are valued between $25,000 and $1,000,000 each, with the exception of higher education minor works projects that may be valued up to $2,000,000. Funds appropriated in this act for minor works may not be initially allotted until agencies submit project lists to the office of financial management for review and approval.

(2) Revisions to the project lists, including the addition of projects and the transfer of funds between projects, are allowed but must be submitted to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee for review and comment, and must include an explanation of variances from prior approved lists. Any project list revisions must be approved by the office of financial management before funds may be expended from the minor works appropriation.

(3)(a) All minor works projects should be completed within two years of the appropriation with the funding provided.

(b) Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed $1,000,000, or $2,000,000 for higher education minor works projects.

(c) Minor works appropriations may not be used for the following: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; movable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; rolling stock; computers; or to supplement funding for projects with funding shortfalls unless expressly authorized. The office of financial management may make an exception to the limitations described in this subsection (3)(c) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(d) Minor works preservation projects may include program improvements of no more than 25 percent of the individual minor works preservation project cost.

(e) Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the minor works categories.

NEW SECTION. **Sec. 7020. FOR THE STATE TREASURER—TRANSFERS**

(1) Public Works Assistance Account: For transfer

to the drinking water assistance account, up to

$5,500,000 for fiscal year 2022 and up to $5,500,000 for

fiscal year 2023 $11,000,000

(2) Public Works Assistance Account: For

transfer to the water pollution control revolving

account, up to $7,500,000 for fiscal year 2022 and

up to $7,500,000 for fiscal year 2023 $15,000,000

(3) Public Works Assistance Account: For transfer to the statewide broadband account, up to $7,000,000 for fiscal year 2022 and up to $7,000,000 for fiscal year 2023 $14,000,000

NEW SECTION. **Sec. 7021.** To the extent that any appropriation authorizes expenditures of state funds from the state building construction account, or from any other capital project account in the state treasury, for a capital project or program that is specified to be funded with proceeds from the sale of bonds, the legislature declares that any such expenditures for that project or program made prior to the issue date of the applicable bonds are intended to be reimbursed from proceeds of those bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. **Sec. 7022.** In order to accelerate the reduction of embodied carbon and improve the environmental performance of construction materials, agencies shall, whenever possible, review and consider embodied carbon reported in environmental product declarations when evaluating proposed structural materials for construction projects.

NEW SECTION. **Sec. 7023.** The joint legislative task force created in 2018 c 298 s 7011 (uncodified) is hereby reauthorized through June 30, 2023, subject to the requirements that studies and selection of scientists or organizations to implement the studies must be made by a 60 percent majority of the members of the task force and that if a member has not been designated for a position set forth in section 7011(2), chapter 298, Laws of 2018 (uncodified), that position may not be counted for purposes of determining a quorum.

Sec. 7024. RCW 90.94.090 and 2019 c 413 s 7035 are each reenacted and amended to read as follows:

(1) A joint legislative task force on water resource mitigation is established to review the treatment of surface water and groundwater appropriations as they relate to instream flows and fish habitat, to develop and recommend a mitigation sequencing process and scoring system to address such appropriations, and to review the Washington supreme court decision in *Foster v. Department of Ecology*, 184 Wn.2d 465, 362 P.3d 959 (2015).

(2) The task force must consist of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department, appointed by the director of the department;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochairs of the task force:

(i) An organization representing the farming industry in Washington;

(ii) An organization representing Washington cities;

(iii) Two representatives from an environmental advocacy organization or organizations;

(iv) An organization representing municipal water purveyors;

(v) An organization representing business interests;

(vi) Representatives of two federally recognized Indian tribes, one invited by recommendation of the Northwest Indian fisheries commission, and one invited by recommendation of the Columbia river intertribal fish commission.

(3) If a member has not been designated for a position set forth in subsection

(2) of this section, that position may not be counted for purposes of determining a quorum.

(4) One cochair of the task force must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the legislature, as those caucuses existed as of January 19, 2018.

(5) The first meeting of the task force must occur by June 30, 2018.

(6) Staff support for the task force must be provided by the office of program research and senate committee services. The department and the department of fish and wildlife shall cooperate with the task force and provide information as the cochairs reasonably request.

(7) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8)(a) By November 15, 2019, and November 15, 2022, the joint legislative task force must make recommendations to the legislature in compliance with RCW 43.01.036. ((~~The task force may update its November 15, 2019, recommendations by November 15, 2020, if a majority of the members of the task force determine that such an update is appropriate based on additional information developed as a result of the pilot projects established under subsection (9) of this section.~~))

(b) Recommendations of the joint legislative task force must be made by a sixty percent majority of the appointed members of the task force. The representatives of the departments of fish and wildlife, ecology, and agriculture are not eligible to vote on the recommendations. Minority recommendations that achieve the support of at least five of the appointed voting members of the task force may also be submitted to the legislature.

(9) The department shall issue permit decisions for up to five water resource mitigation pilot projects. It is the intent of the legislature to use the pilot projects to inform the legislative task force process while also enabling the processing of water right applications that address water supply needs. The department is authorized to issue permits in reliance upon water resource mitigation of impacts to instream flows and closed surface water bodies under the following mitigation sequence:

(a) Avoiding impacts by: (i) Complying with mitigation required by adopted rules that set forth minimum flows, levels, or closures; or (ii) making the water diversion or withdrawal subject to the applicable minimum flows or levels; or

(b) Where avoidance of impacts is not reasonably attainable, minimizing impacts by providing permanent new or existing trust water rights or through other types of replacement water supply resulting in no net annual increase in the quantity of water diverted or withdrawn from the stream or surface water body and no net detrimental impacts to fish and related aquatic resources; or

(c) Where avoidance and minimization are not reasonably attainable, compensating for impacts by providing net ecological benefits to fish and related aquatic resources in the water resource inventory area through in-kind or out-of-kind mitigation or a combination thereof, that improves the function and productivity of affected fish populations and related aquatic habitat. Out-of-kind mitigation may include instream or out-of-stream measures that improve or enhance existing water quality, riparian habitat, or other instream functions and values for which minimum instream flows or closures were established in that watershed.

(10) The department must monitor the implementation of the pilot projects, including all mitigation associated with each pilot project, approved under this section at least annually through December 31, 2028.

(11) The pilot projects eligible for processing under this section, based on criteria as of January 19, 2018, include:

(a) A city operating a group A water system in Kitsap county and water resource inventory area 15, with a population between 13,000 and 14,000;

(b) A city operating a group A water system in Pierce county and water resource inventory area 10, with a population between 9,500 and 10,500;

(c) A city operating a group A water system in Thurston county and water resource inventory area 11, with a population between 8,500 and 9,500;

(d) A nonprofit mutual water system operating a group A water system in Pierce county and water resource inventory area 12, with between 10,500 and 11,500 service connections; and

(e) An irrigation district located in Whatcom county and water resource inventory area 1, solely for the purpose of processing changes of water rights from surface water to groundwater, and implementing flow augmentation to benefit instream flows.

(12) Water right applicants eligible to be processed under this pilot project authority must elect to be included in the pilot project review by notifying the department by July 1, 2018. Once an applicant notifies the department of its intent to be processed under this pilot project authority, subsection (9) of this section applies to final decisions issued by the department, even if such a final decision is issued after the expiration of this section.

(13) By November 15, 2018, the department must furnish the task force with information on conceptual mitigation plans for each water resource mitigation pilot project application. By November 15, 2019, and November 15, 2022, the department must provide the task force with an update on the mitigation plans based on additional information developed after November 15, 2018.

(14) To ensure that the processing of pilot project applications can inform the task force process in a timely manner, the department must expedite processing of applications for water resource mitigation pilot projects. The applicant for each pilot project must reimburse the department for the department's costs of processing the applicant's application.

(15) The water resource mitigation pilot project authority granted to the department does not affect or modify any other procedural requirements of chapter 90.03, 90.44, or 90.54 RCW that apply to the processing of such applications.

(16) The joint legislative task force expires December 31, ((~~2020~~)) 2022. During the period from November 16, 2019, through December 31, ((~~2020~~)) 2022, the work of the task force is limited to:

(a) A review of any additional information that may be developed after November 15, 2019, as a result of the pilot projects established under subsection (9) of this section; and

(b) An update of the task force's November 15, 2019, recommendations ((~~under subsection (8) of this section~~)).

(17) This section expires January 1, 2029.

Sec. 7025. RCW 28B.15.210 and 2019 c 413 s 7023 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees at the University of Washington, including building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized in RCW 28B.20.725(5). ((~~During the 2017-2019 biennium, sums credited to the University of Washington building account may also be used for routine facility maintenance, utility costs, and facility condition assessments.~~)) During the 2019-2021 biennium, sums credited to the University of Washington building account may also

be used for routine facility maintenance, utility costs, and facility condition assessments. During the 2021-2023 biennium, sums credited to the University of Washington building account may also be used for routine facility maintenance, utility costs, and facility condition assessments.

Sec. 7026. RCW 28B.15.310 and 2019 c 413 s 7024 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees shall be paid and credited as follows: To the Washington State University bond retirement fund, one-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; and the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized by law. ((~~During the 2017-2019 biennium, sums credited to the Washington State University building account may also be used for routine facility maintenance, utility costs, and facility condition assessments.~~)) During the 2019-2021 biennium, sums credited to the Washington State University building account may also be used for routine facility maintenance, utility costs, and facility condition assessments. During the 2021-2023 biennium, sums credited to the Washington State University building account may also be used for routine facility maintenance, utility costs, and facility condition assessments. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

Sec. 7027. RCW 28B.20.725 and 2019 c 413 s 7025 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the University of Washington building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the University of Washington building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. ((~~However, during the 2017-2019 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2017-2019 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.~~)) However, during the 2019-2021 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2019-2021 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2021-2023 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2021-2023 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

Sec. 7028. RCW 28B.30.750 and 2019 c 413 s 7026 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the Washington State University building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the Washington State University building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. ((~~However, during the 2017-2019 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2017-2019 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.~~)) However, during the 2019-2021 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2019-2021 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2021-2023 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2021-2023 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

Sec. 7029. RCW 28B.35.370 and 2019 c 413 s 7027 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve-month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping,

maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. ((~~During the 2017-2019 biennium, sums in the respective capital accounts may also be used for routine facility maintenance, utility costs, and facility condition assessments.~~)) During the 2019-2021 biennium, sums in the respective capital accounts may also be used for routine facility maintenance, utility costs, and facility condition assessments. During the 2021-2023 biennium, sums in the respective capital accounts may also be used for routine facility maintenance, utility costs, and facility condition assessments.

(3) Funds available in the respective capital projects accounts may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 7030. RCW 28B.50.360 and 2019 c 413 s 7028 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board, if issuing bonds payable out of building fees, shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, engineering and architectural services provided by the department of enterprise services, and for the payment of principal of and interest on any bonds issued for such purposes. ((~~During the 2017-2019 biennium, sums in the capital projects account may also be used for routine facility maintenance and utility costs.~~)) During the 2019-2021 biennium, sums in the capital projects account may also be used for routine facility maintenance and utility costs. During the 2021-2023 biennium, sums in the capital projects account may also be used for routine facility maintenance and utility costs.

(3) Funds available in the community and technical college capital projects account may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 7031. RCW 43.155.050 and 2019 c 415 s 972 and 2019 c 413 s 7033 are each reenacted and amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Not more than twenty percent of the biennial capital budget

appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than ten percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the 2021-2023 biennium, the legislature may appropriate moneys from the account for activities related to the aviation revitalization board. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia. ((~~If chapter 365, Laws of 2019 (Second Substitute Senate Bill No. 5511, broadband service) is enacted by June 30, 2019, then during~~)) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the statewide broadband account.

Sec. 7032. RCW 43.185.050 and 2018 c 223 s 4 are each amended to read as follows:

(1) The department must use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle must be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing;

(k) Projects making housing more accessible to families with members who have disabilities; and

(l) Remodeling and improvements as required to meet building code, licensing requirements, or legal operations to residential properties owned and operated by an entity eligible under RCW 43.185A.040, which were transferred as described in RCW 82.45.010(3)(t) by the parent of a child with developmental disabilities.

(3) Preference must be given for projects that include an early learning facility.

(4) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department, except that during the 2021-2023 fiscal biennium, the department may use up to three percent of the appropriations from capital bond proceeds for administrative costs associated with application, distribution, and project development activities of the housing assistance program.

(5) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

(6) Administrative costs associated with application, distribution, and project development activities of the department may not exceed three percent of the annual funds available for the housing assistance program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

(7) Administrative costs associated with compliance and monitoring activities of the department may not exceed one-quarter of one percent annually of the contracted amount of state investment in the housing assistance program.

Sec. 7033. RCW 43.155.150 and 2017 3rd sp.s. c 10 s 11 are each amended to read as follows:

(1) An interagency, multijurisdictional system improvement team must identify, implement, and report on system improvements that achieve the designated outcomes, including:

(a) Projects that maximize value, minimize overall costs and disturbance to the community, and ensure long-term durability and resilience;

(b) Projects that are designed to meet the unique needs of each community, rather than the needs of particular funding programs;

(c) Project designs that maximize long-term value by fully considering and responding to anticipated long-term environmental, technological, economic and population changes;

(d) The flexibility to innovate, including utilizing natural systems, addressing multiple regulatory drivers, and forming regional partnerships;

(e) The ability to plan and collaborate across programs and jurisdictions so that different investments are packaged to be complementary, timely, and responsive to economic and community opportunities;

(f) The needed capacity for communities, appropriate to their unique financial, planning, and management capacities, so they can design, finance, and build projects that best meet their long-term needs and minimize costs;

(g) Optimal use and leveraging of federal and private infrastructure dollars; and

(h) Mechanisms to ensure periodic, system-wide review and ongoing achievement of the designated outcomes.

(2) The system improvement team must consist of representatives of state infrastructure programs that provide funding for drinking water, wastewater, ((~~and~~)) stormwater, and broadband programs, including but not limited to representatives from the public works board, department of ecology, department of health, and the department of commerce. The system improvement team may invite representatives of other infrastructure programs, such as transportation ((~~and~~)), energy, and broadband, as needed in order to achieve efficiency, minimize costs, and maximize value across infrastructure programs. The system improvement team shall also consist of representatives of users of those programs, representatives of infrastructure project builders, and other parties the system improvement team determines would contribute to achieving the desired outcomes, including but not limited to representatives from a state association of cities, a state association of counties, a state association of public utility districts, a state association of water and sewer districts, a state association of general contractors, and a state organization representing building trades. The public works board, a representative from the department of ecology, department of

health, and department of commerce shall facilitate the work of the system improvement team.

(3) The system improvement team must focus on achieving the designated outcomes within existing program structures and authorities. The system improvement team shall use lean practices to achieve the designated outcomes.

(4) The system improvement team shall provide briefings as requested to the public works board on the current state of infrastructure programs to build an understanding of the infrastructure investment program landscape and the interplay of its component parts.

(5) If the system improvement team encounters statutory or regulatory barriers to system improvements, the system improvement team must inform the public works board and consult on possible solutions. When achieving the designated outcomes would be best served through changes in program structures or authorities, the system improvement team must report those findings to the public works board.

(6) By September 1, 2022, in compliance with RCW 43.01.036, the system improvement team must submit a report to the appropriate committees of the legislature that includes the following:

(a) A list of all projects funded by members of the system improvement team;

(b) A description of the coordination the system improvement team has completed with other grant programs and funds leveraged; and

(c) A description of regional planning that has occurred.

(7) This section expires June 30, ((~~2021~~)) 2025.

Sec. 7034. RCW 43.88D.010 and 2019 c 413 s 7032 are each amended to read as follows:

(1) By October 1st of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees and the four-year institutions. Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at all campuses, at existing or new university centers, or through distance learning. Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings. Facilities that cannot be economically renovated are considered replacement projects. New space may be programmed for the same or a different use than the space being replaced and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

(d) Major stand-alone campus infrastructure projects;

(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees, shall establish a scoring system and process for each four-year project category that is based on the framework used in the

community and technical college system of prioritization. Staff from the state board for community and technical colleges and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the predesign, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions. The office of financial management, in consultation with the legislative fiscal committees, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the joint legislative audit and review committee concerning the condition of higher education facilities.

(7) By August 1st of each even-numbered year each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

(8) For the ((~~2017-2019 fiscal biennium and the~~)) 2019-2021 fiscal biennium and the 2021-2023 fiscal biennium, pursuant to subsection (1) of this section, by November 1, ((~~2020~~)) 2022, the office of financial management must score higher education capital project criteria with a rating scale that assesses how well a particular project satisfies those criteria. The office of financial management may not use a rating scale that weighs the importance of those criteria.

(9) For the ((~~2017-2019 fiscal biennium and the~~)) 2019-2021 fiscal biennium and the 2021-2023 fiscal biennium, pursuant to subsection (6)(a) of this section and in lieu of the requirements of subsection (7) of this section, by August 15, ((~~2020~~)) 2022, the institutions of higher education shall prepare and submit or resubmit to the office of financial management and the legislative fiscal committees:

(a) Individual project proposals developed pursuant to subsection (1) of this section;

(b) Individual project proposals scored in prior biennia pursuant to subsection (1) of this section; and

(c) A prioritized list of up to five project proposals submitted pursuant to (a) and (b) of this subsection.

NEW SECTION. **Sec. 7035.** The public use general aviation airport loan revolving account is created in the custody of the state treasurer. All receipts from moneys directed by law to the account must be deposited into the account. Expenditures from the account may be used only for the purposes described in section 7036 of this act. Only the community aviation revitalization board or the board's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 7036.** (1)(a) The community aviation revitalization board is established to exercise the powers granted under this section.

(b) The board must consist of a representative from the department of transportation's aviation division, the public works board, and a nonlegislative member of the community economic revitalization board. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of a general aviation pilots organization within Washington that has an active membership and established location, chapter, or appointed representative within Washington. The appointive members must initially be appointed to terms as follows: Two members for two-year terms, and three members for three-year terms that must include the chair. Thereafter, each succeeding term must be for three years. The secretary of transportation must select the chair of the board. The members of the board must elect one of their members to serve as vice chair.

(c) The department of transportation must provide management services, including fiscal and contract services, to assist the board in implementing this section.

(d) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the secretary of transportation must fill the vacancy for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the secretary of transportation, under chapter 34.05 RCW.

(e) A member appointed by the secretary of transportation may not be absent from more than 50 percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation has withdrawn from the board and may be replaced by the secretary of transportation.

(f) A majority of members currently appointed constitutes a quorum.

(g) The board must meet three times a year or as deemed necessary by the department of transportation.

(h) The department of transportation must provide staff support as needed.

(2) In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, any community aviation revitalization board member, appointive or otherwise, may not participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association that would be the recipient of any aid under this section. If such participation occurs, the board must void the transaction and the involved member is subject to further sanctions as provided by law. The board must adopt a code of ethics for its members, which must be designed to protect the state and its citizens from any unethical conduct by the board.

(3) The community aviation revitalization board may:

(a) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) Adopt an official seal and alter the seal at its pleasure;

(c) Use the services of other governmental agencies;

(d) Accept from any federal agency loans or grants for the planning or financing of any project and enter into

an agreement with the agency respecting the loans or grants;

(e) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers;

(f) Accept any gifts, grants, loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions that are not in conflict with this section;

(g) Enter into agreements or other transactions with and accept grants and cooperation from any governmental agency in furtherance of this section;

(h) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this section; and

(i) Perform all acts and things necessary or convenient to carry out the powers expressly granted or implied under this section.

(4)(a)(i) The community aviation revitalization board may make direct loans to airport sponsors of public use airports in the state for the purpose of airport improvements that primarily support general aviation activities. The board may provide loans for the purpose of airport improvements only if the state is receiving commensurate public benefit, which must include, as a condition of the loan, a commitment to provide public access to the airport for a period of time equivalent to one and one-half times the term of the loan.

(ii) For purposes of this subsection (4)(a), "public use airports" means all public use airports not listed as having more than $75,000 annual commercial air service passenger enplanements as published by the federal aviation administration.

(b) An application for loan funds under this section must be made in the form and manner that the board prescribes. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue-generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:

(i) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(ii) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

(iii) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(iv) The loan application project results in the creation or retention of long-term economic opportunities; and

(v) The loan application project results in leveraging additional federal funding for an airport.

(c)(i) If the board chooses to require a local match, the board must develop guidelines for local participation and allowable match and activities.

(ii) An application must:

(A) Be supported by the port district, city, or county in which the project is located; or

(B) Clearly identify the source of funds intended to repay the loan.

(5) The public use general aviation airport loan program, when authorized by the community aviation revitalization board, is subject to the following conditions:

(a) The moneys in the public use general aviation airport loan revolving account created in section 7035 of this act must be used only to fulfill commitments arising from loans authorized in this section. The total outstanding amount that the board must dispense at any time pursuant to this section must not exceed the moneys available from the account.

(b) On contracts made for public use general aviation airport loans, the board must determine the interest rate that loans must bear. The interest rate must not exceed the amount needed to cover the administrative expenses of the board and the loan program. The board may provide reasonable terms and conditions for the repayment of loans, with the repayment of a loan to begin no later than three years after the award date of the loan. The loans must not exceed 20 years in duration.

(c) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

(6) All receipts from moneys collected under this section must be deposited into the public use general aviation airport loan revolving account.

NEW SECTION. **Sec. 7037.** Sections 7035 and 7036 of this act do not take effect if chapter . . . (Senate Bill 5031), Laws of 2021 (community aviation revitalization loan program) is enacted by June 30, 2021.

NEW SECTION. **Sec. 7038.** The state board for community and technical colleges shall report to the fiscal committees of the legislature by December 15, 2021, on alternative methods of prioritizing and presenting the list of requested capital projects for community and technical colleges in the 2023-2025 fiscal biennium. This report shall take into consideration: (a) The need to balance long term community and technical college system planning and growth management priorities; (b) the need to balance major capital project requests for design and construction funding, given the fiscal impact of funded design projects on the state's capital budget; and (c) the need to balance state funding between design and construction to meet the community and technical colleges' priorities. The alternative methods included in the report may include, but are not limited to, the following concepts:

(1) Separately ranking the following types of requests for project funding: (a) Requests for major projects' construction phase, including those projects for which design and construction funding are requested together to facilitate alternative public works contracting procedures pursuant to chapter 39.10 RCW; (b) requests solely for the design phase of major projects; and (c) requests for minor works funding; and

(2) Requiring that the number of major project funding requests that are solely for the design phase may not exceed the number of major projects funding requests that include funding for the construction phase.

Sec. 7039. RCW 43.330.520 and 2019 c 404 s 2 are each amended to read as follows:

(1) The department must produce a biennial report identifying a list of projects to address incompatible developments near military installations.

(a) The list must include a description of each project, the estimated cost of the project, the amount of recommended state funding, and the amount of any federal or local funds documented to be available to be used for the project.

(b) Projects on the list must be prioritized with consideration given to:

(i) The recommendations of the recent United States department of defense base realignment and closure (BRAC) processes, joint land use studies, or other federally initiated land use processes; and

(ii) Whether a branch of the United States armed forces has identified the project as increasing the viability of military installations for current or future missions.

(c) The department may consult with the commanders of United States military installations in Washington to understand impacts and identify the viability of community identified projects to reduce incompatibility.

(2) The department must submit the report to appropriate committees of the house of representatives and the senate, including the joint committee on veterans' and military affairs and the house of representatives capital budget committee, by January 1, 2020, and every two years thereafter.

(3) For the 2021-2023 fiscal biennium, the department shall develop the report in subsection (2) of this section by November 1, 2022, rather than by January 1, 2022.

Sec. 7040. RCW 43.155.160 and 2019 c 365 s 7 are each amended to read as follows:

(1) The board, in collaboration with the office, shall establish a competitive grant and loan program to award funding to eligible applicants in order to promote the expansion of access to broadband service in unserved areas of the state.

(2)(a) Grants and loans may be awarded under this section to assist in funding acquisition, installation, and construction of middle mile and last mile infrastructure that supports broadband services and to assist in funding strategic planning for deploying broadband service in unserved areas.

(b) The board may choose to fund all or part of an application for funding, provided that the application meets the requirements of subsection (9) of this section.

(3) Eligible applicants for grants and loans awarded under this section include:

(a) Local governments;

(b) Tribes;

(c) Nonprofit organizations;

(d) Cooperative associations;

(e) Multiparty entities comprised of public entity members;

(f) Limited liability corporations organized for the purpose of expanding broadband access; and

(g) Incorporated businesses or partnerships.

(4)(a) The board shall develop administrative procedures governing the application and award process. The board shall act as fiscal agent for the program and is responsible for receiving and reviewing applications and awarding funds under this section.

(b) At least sixty days prior to the first day applications may be submitted each fiscal year, the board must publish on its web site the specific criteria and any quantitative weighting scheme or scoring system that the board will use to evaluate or rank applications and award funding.

(c) The board may maintain separate accounting in the statewide broadband account created in RCW 43.155.165 as the board deems necessary to carry out the purposes of this section.

(d) The board must provide a method for the allocation of loans, grants, provision of technical assistance, and interest rates under this section.

(5) An applicant for a grant or loan under this section must provide the following information on the application:

(a) The location of the project;

(b) Evidence regarding the unserved nature of the community in which the project is to be located;

(c) Evidence that proposed infrastructure will be capable of scaling to greater download and upload speeds;

(d) The number of households passed that will gain access to broadband service as a result of the project or whose broadband service will be upgraded as a result of the project;

(e) The estimated cost of retail services to end users facilitated by a project;

(f) The proposed actual download and upload speeds experienced by end users;

(g) Evidence of significant community institutions that will benefit from the proposed project;

(h) Anticipated economic, educational, health care, or public safety benefits created by the project;

(i) Evidence of community support for the project;

(j) If available, a description of the applicant's user adoption assistance program and efforts to promote the use of newly available broadband services created by the project;

(k) The estimated total cost of the project;

(l) Other sources of funding for the project that will supplement any grant or loan award;

(m) A demonstration of the project's long-term sustainability, including the applicant's financial soundness, organizational capacity, and technical expertise;

(n) A strategic plan to maintain long-term operation of the infrastructure;

(o) Evidence that no later than six weeks before submission of the application, the applicant contacted, in writing, all entities providing broadband service near the proposed project area to ask each broadband service provider's plan to upgrade broadband service in the project area to speeds that meet or exceed the state's definition for broadband service as defined in RCW 43.330.530, within the time frame specified in the proposed grant or loan activities;

(p) If applicable, the broadband service providers' written responses to the inquiry made under (o) of this subsection; and

(q) Any additional information requested by the board.

(6)(a) Within thirty days of the close of the grant and loan application process, the board shall publish on its web site the proposed geographic broadband service area and the proposed broadband speeds for each application submitted.

(b) Any existing broadband service provider near the proposed project area may, within thirty days of publication of the information under (a) of this subsection, submit in writing to the board an objection to an application. An objection must contain information demonstrating that:

(i) The project would result in overbuild, meaning that the objecting provider currently provides, or has begun construction to provide, broadband service to end users in the proposed project area at speeds equal to or greater than the state speed goals contained in RCW 43.330.536; or

(ii) The objecting provider commits to complete construction of broadband infrastructure and provide broadband service to end users in the proposed project area at speeds equal to or greater than the state speed goals contained in RCW 43.330.536, no later than twenty-four months after the date awards are made under this section for the grant and loan cycle under which the application was submitted.

(c) Objections submitted to the board under this subsection must be certified by affidavit.

(d) The board may evaluate the information submitted under this section by the objecting provider and must consider it in making a determination on the application objected to. The board may request clarification or additional information. The board may choose to not fund a project if the board determines that the objecting provider's commitment to provide broadband service that meets the requirements of (b) of this subsection in the proposed project area is credible. In assessing the commitment, the board may consider whether the objecting provider has or will provide a bond, letter of credit, or other indicia of financial commitment guaranteeing the project's completion.

(e) If the board denies funding to an applicant as a result of a broadband service provider's objection made under this section, and the broadband service provider does not fulfill its commitment to provide broadband service in the project area, then for the following two grant and loan cycles, the board is prohibited from denying funding to an applicant on the basis of a challenge by the same broadband service provider, unless the board determines that the broadband service provider's failure to fulfill the provider's commitment was the result of factors beyond the broadband service provider's control. The board is not prohibited from denying funding to an applicant for reasons other than an objection by the same broadband service provider.

(f) An applicant or broadband service provider that objected to the application may request a debriefing conference regarding the board's decision on the application. Requests for debriefing must be coordinated by the office and must be submitted in writing in accordance with procedures specified by the office.

(g) Confidential business and financial information submitted by an objecting provider under this subsection is exempt from disclosure under chapter 42.56 RCW.

(7)(a) In evaluating applications and awarding funds, the board shall give priority to applications that are constructed in areas identified as unserved.

(b) In evaluating applications and awarding funds, the board may give priority to applications that:

(i) Provide assistance to public-private partnerships deploying broadband infrastructure from areas currently served with broadband service to areas currently lacking access to broadband services;

(ii) Demonstrate project readiness to proceed;

(iii) Construct infrastructure that is open access, meaning that during the useful life of the infrastructure, service providers may use network services and facilities at rates, terms, and conditions that are not

discriminatory or preferential between providers, and employing accountable interconnection arrangements published and available publicly;

(iv) Are submitted by tribal governments whose reservations are in rural and remote areas where reliable and efficient broadband services are unavailable to many or most residents;

(v) Bring broadband service to tribal lands, particularly to rural and remote tribal lands or areas servicing rural and remote tribal entities;

(vi) Are submitted by tribal governments in rural and remote areas that have spent significant amounts of tribal funds to address the problem but cannot provide necessary broadband services without either additional state support, additional federal support, or both;

(vii) Serve economically distressed areas of the state as the term "distressed area" is defined in RCW 43.168.020;

(viii) Offer new or substantially upgraded broadband service to important community anchor institutions including, but not limited to, libraries, educational institutions, public safety facilities, and health care facilities;

(ix) Facilitate the use of telemedicine and electronic health records, especially in deliverance of behavioral health services and services to veterans;

(x) Provide technical support and train residents, businesses, and institutions in the community served by the project to utilize broadband service;

(xi) Include a component to actively promote the adoption of newly available broadband services in the community;

(xii) Provide evidence of strong support for the project from citizens, government, businesses, and community institutions;

(xiii) Provide access to broadband service to a greater number of unserved households and businesses, including farms;

(xiv) Utilize equipment and technology demonstrating greater longevity of service;

(xv) Seek the lowest amount of state investment per new location served and leverage greater amounts of funding for the project from other private and public sources;

(xvi) Include evidence of a customer service plan;

(xvii) Consider leveraging existing broadband infrastructure and other unique solutions;

(xviii) Benefit public safety and fire preparedness; or

(xix) Demonstrate other priorities as the board, in collaboration with the office, may prescribe by rule.

(c) The board shall endeavor to award funds under this section to qualified applicants in all regions of the state.

(d) The board shall consider affordability and quality of service to end users in making a determination on any application.

(e) The board, in collaboration with the office, may develop additional rules for eligibility, project applications, the associated objection process, and funding priority, as provided under this subsection and subsections (3), (5), and (6) of this section.

(f) The board, in collaboration with the office, may adopt rules for a voluntary nonbinding mediation between incumbent providers and applicants to the grant and loan program created in this section.

(8) To ensure a grant or loan to a private entity under this section primarily serves the public interest and benefits the public, any such grant or loan must be conditioned on a guarantee that the asset or infrastructure to be developed will be maintained for public use for a period of at least fifteen years.

(9)(a) No funds awarded under this section may fund more than fifty percent of the total cost of the project, except as provided in (b) of this subsection.

(b) The board may choose to fund up to ninety percent of the total cost of a project in financially distressed areas as the term "distressed area" is defined in RCW 43.168.020, and in areas identified as Indian country as the term "Indian country" is defined in WAC 458-20-192.

(c) Funds awarded to a single project under this section must not exceed two

million dollars, except that the board may choose to fund projects qualifying for the exception in (b) of this subsection up to, but not to exceed, five million dollars.

(10) ((~~Prior~~)) Except for during the 2021-2023 fiscal biennium, prior to awarding funds under this section, the board must consult with the Washington utilities and transportation commission. The commission must provide to the board an assessment of the technical feasibility of a proposed application. The board must consider the commission's assessment as part of its evaluation of a proposed application.

(11) The board shall have such rights of recovery in the event of default in payment or other breach of financing agreement as may be provided in the agreement or otherwise by law.

(12) The community economic revitalization board shall facilitate the timely transmission of information and documents from its broadband program to the board in order to effectuate an orderly transition.

(13) The definitions in RCW 43.330.530 apply throughout this section unless the context clearly requires otherwise.

NEW SECTION. **Sec. 7041.** (1) The department of enterprise services shall convene a construction industry work group to recommend how to apply successful carbon reduction strategies, incorporate necessary parameters of design and construction considerations, and allow for efficient and cost effective state construction projects. The work group must be comprised of construction industry professionals as recommended by a leading association on Washington business in design, specification, construction, and material supply and construction professionals that have successfully realized real and measurable results. The work group must also include a representative from the department of enterprise services, representatives from environmental groups, and someone of applicable expertise from the Washington academy of sciences.

(2) The work group shall identify and recommend carbon reduction strategies and environmental product declaration principles to successfully apply in state construction projects and:

(a) Clarify the definition of environmental product declaration to ensure that environmental product declarations (EPD) are applied properly, consistently, and as intended and provide a baseline of understanding based on accepted metrics to obtain measurable results for state construction projects;

(b) Suggest a pilot project or project review to apply construction industry recommendations and create an education and standards brief that accompanies the report required under subsection (3) of this section;

(c) Outline the environmental project review data collection process in functional detail and use existing data gathering resources such as EC3; and

(d) Identify measurable outcome criteria to establish a project baseline summary for use during design from estimated project material quantities using industry average environmental product declarations.

(3) The work group shall provide their recommendations in a report to the fiscal committees of the legislature by January 1, 2022.

(d) Identify measurable outcome criteria to establish a project baseline summary for use during design from estimated project material quantities using industry average environmental product declarations; and

(e) Identify sustainable and low-carbon emitting building materials, including but not limited to, aggregate and recycled concrete materials, as described in subsection (4) of this section.

(3) The work group shall provide their recommendations in a report to the fiscal committees of the legislature by January 1, 2022.

(4)(a) The legislature continues to prioritize Washington state's sustainability goals and reaffirms its determination that recyclable construction aggregate and recycled concrete materials are too valuable to be wasted and landfilled. The legislature further finds that the reuse of construction aggregate and recycled concrete materials into construction projects is known to:

(i) Reduce the need for consumption of new construction aggregate materials and conserves existing aggregate resources;

(ii) Encourages reuse and recycling, reduces waste, and discourages landfilling of readily available natural resources;

(iii) Reduces truck trips and related transportation emissions; and

(iv) Reduces greenhouse gases related to the construction of state funded construction projects, reduce embodied energy, and improve and advance the sustainable principles and practices of Washington state.

(b) These recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, as a commodity substantially meets widely recognized international, national, and local standards and specifications, and are managed as an item of commercial value.

Sec. 7042. RCW 43.63A.750 and 2020 c 356 s 7008 are each amended to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed twelve million dollars, except that lists submitted during the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia may not exceed sixteen million dollars.

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a statewide solicitation of project applications from nonprofit organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent, or thirty-three and one-third percent for lists submitted during the 2019-2021 fiscal biennium, of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

NEW SECTION. **Sec. 7043.** The office of financial management must compile a list of 2021-2023 fiscal biennium capital budget grant programs managed by state agencies and the direct and indirect administrative fee percentages charged for each. For the purposes of this section, "administrative fee

percentages" means rates charged by state agencies and the rates grant recipients are allowed to charge for direct and/or indirect administrative costs. The office of financial management must submit the list of capital budget grant programs and their associated administrative fee percentages to the house capital budget committee and the senate ways and means committee by October 1, 2021.

Sec. 7044. RCW 28B.77.070 and 2019 c 413 s 7029 are each amended to read as follows:

(1) The council shall identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature for the council to make budget recommendations for allocations for major policy changes in accordance with priorities set forth in the ten-year plan, but the legislature does not intend for the council to review and make recommendations on individual institutional budgets. It is the intent of the legislature that recommendations from the council prioritize funding needs for the overall system of higher education in accordance with priorities set forth in the ten-year plan. It is also the intent of the legislature that the council's recommendations take into consideration the total per-student funding at similar public institutions of higher education in the global challenge states.

(2) By December of each odd-numbered year, the council shall outline the council's fiscal priorities under the ten-year plan that it must distribute to the institutions, the state board for community and technical colleges, the office of financial management, and the joint higher education committee.

(a) Capital budget outlines for the two-year institutions shall be submitted to the office of financial management by August 15th of each even-numbered year, and shall include the prioritized ranking of the capital projects being requested, a description of each capital project, and the amount and fund source being requested.

(b) Capital budget outlines for the four-year institutions must be submitted to the office of financial management by August 15th of each even-numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with RCW 43.88D.010; a description of each capital project; and the amount and fund source being requested.

(c) The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The council shall submit recommendations on the operating budget priorities to support the ten-year plan to the office of financial management by October 1st each year, and to the legislature by January 1st each year.

(4)(a) The office of financial management shall develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded. The prioritized list of capital projects shall be based on the following priorities in the following order:

(i) Office of financial management scores pursuant to chapter 43.88D RCW;

(ii) Preserving assets;

(iii) Degree production; and

(iv) Maximizing efficient use of instructional space.

(b) The office of financial management shall include all of the capital projects requested by the four-year institutions of higher education, except for the minor works projects, in the prioritized list of capital projects provided to the legislature.

(c) The form of the prioritized list for capital projects requested by the four-year institutions of higher education shall be provided as one list, ranked in priority order with the highest priority project ranked number "1" through the lowest priority project numbered last. The ranking for the prioritized list of capital projects may not:

(i) Include subpriorities;

(ii) Be organized by category;

(iii) Assume any state bond or building account biennial funding level to prioritize the list; or

(iv) Assume any specific share of projects by institution in the priority list.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental capital budget requests and revisions to the office of financial management by November 1st and to the legislature by January 1st.

(6) For the ((~~2017-2019 fiscal biennium and the~~)) 2019-2021 fiscal biennium and the 2021-2023 fiscal biennium, pursuant to subsection (4) of this section, the office of financial management may, but is not obligated to, develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded.

Sec. 7045. RCW 28A.320.330 and 2019 c 411 s 3 and 2019 c 410 s 3 are each reenacted and amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide the supplemental expenditure schedule under (c) of this subsection, and any other supplemental expenditure schedules required by the superintendent of public instruction or state auditor, for purposes of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year, the superintendent of public instruction must require school districts to provide a supplemental expenditure schedule by revenue source that identifies the amount expended by object for each of the following supplementary enrichment activities beyond the state funded amount:

(i) Minimum instructional offerings under RCW 28A.150.220 or 28A.150.260 not otherwise included on other lines;

(ii) Staffing ratios or program components under RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components under RCW 28A.150.200, 28A.150.220, or 28A.150.260, not otherwise included on other lines;

(iv) Program components to support students in the program of special education;

(v) Program components of professional learning, as defined by RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended school year;

(viii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(ix) Activities associated with early learning programs;

(x) Activities associated with providing the student transportation program;

(xi) Any additional salary costs attributable to the provision or administration of the enrichment

activities allowed under RCW 28A.150.276;

(xii) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under RCW 28A.150.276; and

(xiii) All other costs not otherwise identified in other line items.

(d) For any salary and related benefit costs identified in (c)(xi), (xii), and (xiii) of this subsection, the school district shall maintain a record describing how these expenditures are documented and demonstrated enrichment of the state's statutory program of basic education. School districts shall maintain these records until the state auditor has completed the audit under RCW 43.09.2856.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of

the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(h) During the ((~~2019-2021~~)) 2021-2023 fiscal biennium, renovation and replacement of facilities and systems, purchase or installation of items of equipment and furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

NEW SECTION. **Sec. 7046.** The department of natural resources, in coordination with the department of social and health services, shall enter into long-term, revenue-generating opportunities for under used portions of the Fircrest Residential Habilitation Center bounded by 15th Ave NE and NE 150th Street to benefit the charitable, educational, penal, and reformatory institutions account. Long-term, revenue generating opportunities may include, but are not limited to, land leases, land sales, and land swaps. The department of social and health services and the department of natural resources must amend their lease under chapter 7, Laws of 1986 if necessary to conform with this section.

NEW SECTION. **Sec. 7047.** The legislature intends to consider predesign funding for the Washington state patrol crime laboratory I-5 consolidated facility in the 2022 supplemental capital budget. By December 1, 2021, the Washington state patrol must provide data to support the request for a consolidated crime lab. The agency must provide legislative fiscal staff with operating budget financial information including, but not limited to, a list of each leased facility that will be vacated when the consolidated lab is completed. For each facility, the Washington state patrol must provide at least the following:

(1) Lease contract number;

(2) Lease contract term;

(3) Lease facility street address;

(4) Lease facility cost, by fund and by state fiscal year for fiscal years 2020, 2021, 2022, and 2023;

(5) Lease facility and maintenance staffing levels and funding by state fiscal year for fiscal years 2020, 2021, 2022, and 2023;

(6) The most current six-year facilities plan;

(7) An estimated certificate of participation payback schedule; and

(8) A summary of how the operating costs from subsection (1) of this section will offset the certification of participation costs from subsection (3) of this section by state fiscal year.

NEW SECTION. **Sec. 7048.** The coronavirus capital projects account is created in the state treasury. All receipts from the federal coronavirus capital projects fund moneys under P.L. 117-2, Sec. 604, must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for capital projects directly enabling work, education and health monitoring, including remote options, in response to the public health emergency with respect to the coronavirus disease.

Sec. 7049. RCW 39.35D.030 and 2011 c 99 s 1 are each amended to read as follows:

(1) All major facility projects of public agencies receiving any funding in a state capital budget, or projects financed through a financing contract as defined in RCW 39.94.020, must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility projects that have not entered the design phase prior to July 24, 2005, and to the extent appropriate LEED silver standards exist for that type of building or facility.

(2) All major facility projects of any entity other than a public agency or public school district receiving any funding in a state capital budget must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility projects that have not entered the grant application process prior to July 24, 2005, and to the extent appropriate LEED silver standards exist for that type of building or facility.

(3)(a) Public agencies, under this section, shall monitor and document ongoing operating savings resulting from major facility projects designed, constructed, and certified as required under this section.

(b) Public agencies, under this section, shall report annually to the department on major facility projects and operating savings.

(4) The department shall consolidate the reports required in subsection (3) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the department shall also report on the implementation of this chapter, including reasons why the LEED standard was not used as required by RCW 39.35D.020(5)(b). The department shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(5) For the purposes of determining compliance with the requirement for a project to be designed, constructed, and certified to at least the LEED silver standard, the department must credit one additional point for a project that uses wood products with a credible third-party sustainable forest certification or from forests regulated under chapter 76.09 RCW, the Washington forest practices act. For projects that qualify for this additional point, and for which an additional point would have resulted in formal certification under the LEED silver standard, the project must be deemed to meet the standard under this section.

(6) During the 2021-2023 fiscal biennium, an alternative high-performance building certification, as determined by the legislature, may be used instead of the LEED silver building design, construction, and certification standard required by this section.

NEW SECTION. **Sec. 7050.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 7051.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 43.19.501, 28B.15.210, 28B.15.310, 28B.20.725, 28B.30.750, 28B.35.370, 28B.50.360, 43.185.050, 43.88D.010, 43.155.150, 43.330.520, 43.155.160, 43.63A.750, 28B.77.070, and 39.35D.030; amending 2019 c 413 ss 1007, 1010, 1014, 1023, 1032, 1056, 1058, 1060, 1012, 1064,

1066, 1061, 1074, 1076, 1079, 1077, 4002, 4004, 1097, 1098, 2088, 2089, 3020, 3091, 3278, 3301, 3217, 3235, 5011, 5020, and 5047, and 2020 c 356 ss 6002, 1003, 1006, 1011, 1013, 1009, 1022, 1027, 3025, 3062, 5002, and 5011 (uncodified); reenacting and amending RCW 90.94.090, 43.155.050, and 28A.320.330; creating new sections; repealing 2019 c 413 ss 1004, 1107, 1108, 1109, and 2034 (uncodified); making appropriations; providing a contingent effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1080 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Tharinger, Steele, Abbarno and Callan spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1080, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1080, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1080, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4632, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, Cathy Maynard has served as Speaker's Attorney for longer than anyone can remember; certainly no one remembers hiring her, but everyone agrees she is just part of the House of Representatives, much like the piano on the floor (but considerably more useful); and

WHEREAS, As best can be recreated, President Thomas Jefferson sent Lewis and Clark on their famous expedition in 1806 with specific instructions to "explore and discover a wondrous expanse wherein a future state can be formed and in which can be born a parliamentary legend and giant of process and policy for said state, and also be careful of bears"; and

WHEREAS, Historians debate the authenticity of this Jefferson quote, but it cannot be debated that Olympia was eventually made the capital of the great State of Washington, and that the first state legislature met in 1889; and

WHEREAS, After that first legislature met in 1889, they all agreed that they had no idea what they were really doing, so they decided to just wing it and hope for the best until someone could come and make sense of the hot mess that was their parliamentary process; and

WHEREAS, Pretty much nothing happened after that until an auspicious April 1st, commonly known as April Fool's Day, when Cathy Maynard was born, and her parents recall her first words as being "So ordered," with her asking for things and then saying "So ordered," and her parents would go to fetch them; and

WHEREAS, Cathy did some other stuff that doesn't really matter, because what matters is that she eventually started her true calling in the Legislature with That Other Body, serving as a legislative aide, counsel, and staff coordinator in the Senate from 1986-1989; and

WHEREAS, In 1989, Cathy realized that her life was going nowhere, and she further realized that it wasn't her (it was Them; she just wasn't really that into Them!), and so she left That Other Body and came to the true beacon of liberty, justice, policy, and much quicker voting: The august House of Representatives; and

WHEREAS, There was an inexplicable period where for some strange reason (probably lapse of collective judgment) Cathy was not Speaker's Counsel, serving instead as just a regular (but still awesome!) counsel and then a senior counsel in the House of Representatives; and

WHEREAS, In 1999, everyone finally figured out what was wrong and made her Speaker's Attorney, which really worked much better for everyone and ushered in a new era of comity, great policy, stellar referrals, and all around good floor type stuff ever since; and

WHEREAS, While there have been other qualified and capable Speaker's Attorneys throughout the history of this illustrious body, only Cathy has been able to quell uprisings, restore order, and even completely defeat motions and amendments with no more than a harsh glance directed at the lead rabble-rouser; and

WHEREAS, Her parliamentary feats are renowned far and wide to the point that it is hard to separate myth from truth, and so we may never know whether she once found a bill out of order for being outside its own scope, but it sounds like something she could do for sure; and

WHEREAS, Cathy's institutional memory, legislative finesse, and constitutional expertise often led a former Speaker of the House to refer to his attorney as "Mrs. Speaker"; and

WHEREAS, Hiring Cathy proved to be the greatest economic development program ever undertaken by the state, with the state economy nearly doubling and companies such as Amazon, Starbucks, Microsoft, and Costco becoming titans on her watch; and

WHEREAS, She really has no faults, except that she refuses to drive in the snow, and so it is that a series of drivers has had the honor of picking her up for work and bringing her through the frozen wastes, including the current Speaker of the House (who, in addition to possessing considerable legislative prowess, seems also to be pretty okay at driving in the snow); and

WHEREAS, We don't know for sure when the next Rules Committee meeting will be, nor do we know how many pulls everyone will get, and there's no such thing as a "Hold List" (but, if there were, your bill is for sure on it), so just stop asking Cathy about all this because she already knows you want your bill pulled and ran on the floor, so just stop it, stop it right now, okay? We're running a retirement resolution, for crying out loud!; and

WHEREAS, Cathy Maynard has afforded the House the highest levels of excellence, loyalty, decorum, and appropriate feistiness during her many capacities as a most distinguished lawyer and supporter of the Legislature; and

WHEREAS, Cathy has counseled, mentored, and advised members and staff, both experienced and new, on parliamentary rules, procedures, ethics, and the nuances of lawmaking; and

WHEREAS, Cathy has announced that she is retiring this year; we think it has something to do with Peppers closing down, and no one really knows what to do about it because she's certainly earned it, but we're honestly not sure if we can keep having the Legislature without her (we're checking); and

WHEREAS, There's both so much more to say and yet nothing left to say about such a great woman, other than we wish she wouldn't retire (please?);

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hereby direct the Chief Clerk to look into Cathy's paperwork and take such steps as may be necessary or advisable to deny her retirement; and

BE IT FURTHER RESOLVED, That whatever must be done to prevail upon Cathy to stay on as Speaker's Attorney for just a couple more decades be done, including getting her some of those Oaxacan carvings she likes so much; and

BE IT FURTHER RESOLVED, That if Cathy cannot be made to stay on and not leave us, then we reluctantly wish her the best and urge everyone to join with us to celebrate and honor the life, legacy, work, service, and general awesomeness of Cathy Maynard.

Representatives Chopp, Kretz, Lovick, Maycumber, Fitzgibbon, Harris, Stonier, (President of the Senate) Denny Heck, Wilcox and Sullivan spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4632 was adopted.

The Speaker called upon Representative Lovick to preside.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1310
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1476
SENATE BILL NO. 5008
ENGROSSED SUBSTITUTE SENATE BILL NO. 5038
ENGROSSED SUBSTITUTE SENATE BILL NO. 5044
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5051
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5052
SUBSTITUTE SENATE BILL NO. 5066
ENGROSSED SUBSTITUTE SENATE BILL NO. 5097
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128
SUBSTITUTE SENATE BILL NO. 5140

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5141
SUBSTITUTE SENATE BILL NO. 5151
SUBSTITUTE SENATE BILL NO. 5185
ENGROSSED SUBSTITUTE SENATE BILL NO. 5203
ENGROSSED SUBSTITUTE SENATE BILL NO. 5229
SUBSTITUTE SENATE BILL NO. 5273
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304
ENGROSSED SUBSTITUTE SENATE BILL NO. 5321
SECOND SUBSTITUTE SENATE BILL NO. 5331
SUBSTITUTE SENATE BILL NO. 5361
SECOND SUBSTITUTE SENATE BILL NO. 5362

The Speaker called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

April 24, 2021

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5126,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 24, 2021

Mme. SPEAKER:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477, and has passed the bill as recommended by the Conference Committee.

Brad Hendrickson, Secretary

April 24, 2021

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5478,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 24, 2021

Mme. SPEAKER:

The President has signed:

HOUSE BILL NO. 1022,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120,
SECOND SUBSTITUTE HOUSE BILL NO. 1168,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189,
SUBSTITUTE HOUSE BILL NO. 1218,
HOUSE BILL NO. 1316,
SUBSTITUTE HOUSE BILL NO. 1348,
ENGROSSED HOUSE BILL NO. 1386,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,
SUBSTITUTE HOUSE BILL NO. 1411,
SUBSTITUTE HOUSE BILL NO. 1438,
ENGROSSED HOUSE BILL NO. 1482,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 24, 2021

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5192,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237,
SUBSTITUTE SENATE BILL NO. 5317,
SUBSTITUTE SENATE BILL NO. 5318,
ENGROSSED SENATE BILL NO. 5330,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 24, 2021

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5383,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING
MESSAGE FROM THE SENATE

April 7, 2021

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1137 with the following amendment:

On page 1, line 18, after "services" insert ", including the state ferry system"

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1137 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McCaslin and Fey spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives McEntire and Robertson were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1137, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1137, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Gilday, Goehner, Goodman, Graham, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Berry, Chopp, Fitzgibbon, Frame, Gregerson, Harris-Talley, Kloba, Macri, Ramel, Sells, Valdez and Wicks.

Excused: Representatives McEntire and Robertson.

SUBSTITUTE HOUSE BILL NO. 1137, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

April 23, 2021

Substitute Senate Bill No. 5165

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5165, making transportation appropriations for the 2021-2023 fiscal biennium, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment H-1625.3 be adopted.

Strike everything after the enacting clause and insert the following:

"2021-2023 FISCAL BIENNIUM

NEW SECTION. **Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2023.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

(b) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and

limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES—OPERATING

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account—State Appropriation $546,000

NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account—State Appropriation $504,000

Pilotage Account—State Appropriation $150,000

Multimodal Transportation Account—State Appropriation $225,000

TOTAL APPROPRIATION $879,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $225,000 of the multimodal transportation account—state appropriation is provided solely for the commission to prepare an inventory of rail safety oversight conducted by state agencies in other states identified for review by program area as compared to the role of state agencies in Washington due September 1, 2022. This inventory must include a comparison of the oversight conducted by state agencies in California and New York, as well as other state agencies selected by the commission that play a broader role in rail safety oversight than state agencies in Washington. In developing its inventory, the commission shall include consideration of the relationship of state efforts to federal law. The inventory must include information related to safety oversight, coordination, communication, and enforcement of state and federal laws and regulations relating to transportation of persons or commodities, or both, of any nature or description by rail.

(2) The commission must host one workshop with interested parties. The purpose of the workshop is to ensure consideration of relevant information in development of an inventory of current efforts in rail safety oversight by other states that can inform the legislature's intended expansion of the role of the commission in rail safety in the state of Washington. The purpose of the workshop is not to foreclose consideration of a specific legislative approach. Interested legislators and legislative staff and staff of the governor's office may participate in the workshop or workshops. Participation in the workshop must include, but is not limited to, representatives of:

(a) Host and tenant railroads;

(b) Rail labor organizations;

(c) The state safety oversight agency for rail fixed guideway public transportation systems;

(d) Operators of, and entities providing financial support for, intercity passenger rail and rail fixed guideway systems;

(e) Local jurisdictions;

(f) Rail advocacy organizations;

(g) State emergency management organizations;

(h) The department of ecology;

(i) The department of labor and industries;

(j) The national transportation safety board;

(k) The federal railroad administration; and

(l) The pipeline and hazardous materials safety administration.

(3) The commission shall review, at a minimum, the report of the national transportation safety board report on the 2017 Amtrak derailment, the joint transportation committee's 2020 rail safety governance study, Engrossed Substitute House Bill No. 1418 (2021), as passed by the house on March 7, 2021, relevant federal laws and rules, and state rail safety plans.

(4) The commission's inventory must include, but is not limited to:

(a) An analysis of expanding the commission's role to match the role of

other state agencies examined, including as it relates to oversight of implementation of new and materially changed railroad operations and infrastructure; operator safety management practices; the safety of transportation of crude oil by rail and enforcement of chapter 90.56 RCW; the safety and oversight of rail fixed guideway systems as defined in RCW 81.104.015; annual reporting practices; and rail safety communication and collaboration efforts, including through the use of a rail safety committee;

(b) A review of federal preemption issues and analysis of state rail safety authority in the context of the current rail safety oversight role of other states, as examined in this section;

(c) A review of workshop discussions;

(d) Estimated costs associated with implementation in Washington state of the safety program elements included in the inventory required in this section, itemized by program area and level of oversight performed, including estimated costs of options to improve the safety of transportation of crude oil by rail and enforcement of chapter 90.56 RCW;

(e) A review of revenue sources that support rail safety oversight activities in other states included in the inventory, including federal revenue sources. For each source, the review must also include:

(i) Estimates of revenue generated if imposed in Washington;

(ii) Estimates of how much would be paid by different types of entities; and

(f) A review of the level of liability protection afforded agencies that perform rail safety oversight under state law in the states examined in the inventory conducted.

NEW SECTION. **Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account—State Appropriation $1,441,0000

Puget Sound Ferry Operations Account—State Appropriation $126,000

Multimodal Transportation Account—State Appropriation $250,000

TOTAL APPROPRIATION $1,817,000

The appropriations in this section are subject to the following conditions and limitations:

$250,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in collaboration with the Washington department of transportation and the office of the chief information officer, to conduct an evaluation of short term and long term facility and information technology needs. In conducting the evaluation, the office of financial management may contract with an entity with direct expertise in this area. The office of financial management must submit a final report of their evaluation by October 1, 2022. The evaluation must be coordinated with any legislatively directed study regarding leased space. The evaluation must include, but is not limited to:

(1) Development of a status quo scenario based on current policy and projections and two alternative scenarios of the number of people and percentage of staff in telework status on a permanent basis with one alternative being the minimum feasible level of teleworking and one alternative being the maximum feasible level of teleworking;

(2) Current and projected facility needs by location and function for the scenarios in subsection (1) of this section;

(3) The specific number of employees and percentage of the workforce expected to be teleworking by location and function and the anticipated impact on facility space needs for the scenarios in subsection (1) of this section;

(4) Analysis of opportunities to colocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency;

(5) Detailed information on any increased costs, such as end-user devices, software, technology infrastructure, and other types of assistance needed to meet the teleworking levels in each of the scenarios in subsection (1) of this section;

(6) Detailed information on any reduced costs, such as leases, facility maintenance, and utilities, resulting from the projected teleworking levels for the scenarios in subsection (1) of this section; and

(7) Cost-benefit analysis detailing the net impact of teleworking on facility and total costs for the scenarios in subsection (1) of this section.

NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account—State Appropriation $1,186,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. **Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account—State Appropriation $1,346,000

NEW SECTION. **Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account—State Appropriation $668,000

NEW SECTION. **Sec. 107. FOR THE EVERGREEN STATE COLLEGE**

Motor Vehicle Account—State Appropriation $150,000

The appropriation in this section is subject to the following conditions and limitations: The total appropriation in this section is provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future transportation contracts and subcontracts authorized in the transportation budget. This cost-benefit analysis must, to the extent feasible: (1) Compare existing types and uses of steel to made in America steel alternatives including evaluation of quality; (2) examine benefits to Washington workers and the Washington economy; (3) examine lifecycle and embodied carbon greenhouse gas emissions; (4) identify requirements for purchasing American steel that minimize costs and maximize benefits; and (5) evaluate American steel requirements or preferences in other states. The Washington state institute for public policy may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies. A final report is due to the legislature by December 1, 2021.

NEW SECTION. **Sec. 108. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

Motor Vehicle Account—State Appropriation $2,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for increasing the number of certified women and minority-owned contractors outside of the Puget Sound area in the transportation sector and supporting these contractors to successfully compete and earn more transportation contracting opportunities. This shall be done through various programs including but not limited to: (1) Outreach to women and minority business communities and individuals; (2) technical assistance as needed in areas such as financing, accounting, contracting, procurement, and resolution of disputes and grievances; (3) language access programs for those with limited English proficiency; and (4) other programs that aim to increase the number of women and minority contractors that are successful in obtaining contracts in the transportation sector either directly with state agencies such as the department, with local jurisdictions, or as subcontractors for prime contractors.

NEW SECTION. **Sec. 109. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account—State Appropriation $5,777,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $2,926,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first $150,000 collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

(b) Assessing a self-insurance premium surcharge of $16 per pilotage assignment

on vessels requiring pilotage in the Puget Sound pilotage district.

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2021, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

NEW SECTION. **Sec. 110. FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account—State Appropriation $3,210,000

NEW SECTION. **Sec. 111. FOR THE SENATE**

Motor Vehicle Account—State Appropriation $3,085,000

NEW SECTION. **Sec. 112. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Motor Vehicle Account—State Appropriation $400,000

The appropriation in this section is subject to the following

conditions and limitations: $400,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to contract with the association of Washington cities to inventory and assess fish passage barriers associated with city roads located in the *U.S. v. Washington* case area, water resource inventory area numbers one through 23. The study is a continuation of previous inventories, and must finalize a complete inventory of city-owned fish passage barriers in water resource inventory area numbers one through 23. The inventories and assessments must be conducted using the methods described in the department's fish passage, inventory, assessment, and prioritization manual. A report of the study must be provided to the office of financial management and the transportation committees of the legislature by July 1, 2023.

NEW SECTION. **Sec. 113. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Puget Sound Ferry Capital Construction Account—State

Appropriation $300,000

Multimodal Transportation Account—State Appropriation $200,000

TOTAL APPROPRIATION $500,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $300,000 of the Puget Sound ferry capital construction account—state is provided solely for an independent review of the design-build contracting process for the hybrid-electric Olympic class vessels. The review must evaluate, at minimum, the department's cost estimation and cost management practices relating to the design and construction of the first hybrid-electric vessel. The review must include recommendations to benefit the full program for the design and construction of five hybrid-electric vessels. The joint legislative audit and review committee must report to the legislature with the findings by October 1, 2022.

(2) $200,000 of the multimodal transportation account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine the rates for leasing state-owned lands and air space to a regional transit authority. As part of this review, the committee must examine and evaluate the accounting and valuation methodology for debits and credits used in the land bank accounting program utilized by the department of transportation and a regional transit authority. The review must also provide an evaluation of the specific type of lease agreements used for air space leasing by the department of transportation with a regional transit authority and the valuation methodology used to determine the lease rate for the property and the cost and benefits of long-term leases based on the periodic land value appraisals under the terms of the land bank agreement. The committee must identify the full cost to the state transportation system if the entire plan for land and air rights leases by a regional transit authority is undertaken at full economic rent, and the difference in costs to the regional transit authority if the leases were to be issued at less than economic rent, including a scenario in which the value of the land

and air rights are discounted by the federal share of the funds that were used to acquire or improve the property originally. The committee shall complete the review and provide a report to the transportation committees of the legislature by December 1, 2022.

TRANSPORTATION AGENCIES—OPERATING

NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation $4,625,000

Highway Safety Account—Federal Appropriation $27,202,000

Highway Safety Account—Private/Local Appropriation $60,000

School Zone Safety Account—State Appropriation $850,000

TOTAL APPROPRIATION $32,737,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, 2022.

(2) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, 2022.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall install two signs facing opposite directions within 200 feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must post information on the city website and notify local media outlets indicating the zones in which the

automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2023, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in RCW 46.63.170, chapter 224, Laws of 2020 to provide the transportation committees of the legislature with the following information by June 30, 2023:

(a) The number of warnings and infractions issued to first-time violators under the pilot program;

(b) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(c) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

NEW SECTION. **Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation $1,134,000

Motor Vehicle Account—State Appropriation $4,760,000

County Arterial Preservation Account—State

Appropriation $1,669,000

TOTAL APPROPRIATION $7,563,000

The appropriations in this section are subject to the following conditions and limitations: $2,000,000 of the motor vehicle account—state appropriation is provided solely for deposit into the county road administration board emergency loan account—state account.

NEW SECTION. **Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State

Appropriation $4,510,000

NEW SECTION. **Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account—State Appropriation $2,679,000

Multimodal Transportation Account—State Appropriation $420,000

TOTAL APPROPRIATION $3,099,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) $250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to convene a vehicle registration payment work group to study and recommend new options for payment of vehicle fees or taxes due at the time of application for vehicle registration.

(b) The work group must consist of, but is not limited to, the following members: A representative of the department of licensing, a representative of county auditors, a representative of subagents, a representative of local taxing authorities imposing a fee or tax due at the time of application for vehicle registration, a representative of a city

offering or considering a rebate program for vehicle fees or taxes due at the time of application for vehicle registration, a representative of vehicle owners subject to a motor vehicle excise tax, a representative of vehicle owners subject to an electric car or transportation electrification fee, and an advocate for multimodal transportation options. Work group members are eligible for reimbursement or allowance for expenses pursuant to RCW 43.03.220.

(c) The work group must engage with members of the public who are interested in new options for payment of fees or taxes due at the time of application for vehicle registration, including persons from communities of color, low-income households, vulnerable populations, and displaced communities. Input from members of the public must inform the work group's recommendations. The work group must notify members of the public of opportunities to engage through a variety of communication channels including, but not limited to, the following: Outreach through community organizations, print and broadcast media, and social media.

(d) The work group's recommendations must include, but are not limited to, the following:

(i) Options to provide or encourage rebates to vehicle owners who pay taxes and fees due at the time of application for vehicle registration;

(ii) An agreed upon service fee structure for vehicle registration payment plans;

(iii) An agreed upon service fee revenue allocation method;

(iv) A process to allow agents and subagents to determine if a vehicle owner has paid all taxes and fees due prior to renewal of a vehicle registration;

(v) Options for reducing revenue loss due to missed payments, transfer of the certificate of title, or registration of a vehicle out of state; and

(vi) Options to reduce impacts to communities of color, low-income households, vulnerable populations, and displaced communities.

(e) A report of the work group's findings and recommendations is due to the transportation committees of the legislature by September 30, 2022.

(2) $50,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract for a legal consultant to analyze and recommend options for the formation of a bistate bridge authority for the purpose of constructing, financing, operating and maintaining a new replacement bridge over the Columbia River near Hood River connecting Klickitat county in Washington to Hood River county in Oregon. The consultant may confer with the Hood River Bistate Working Group to understand the work and analysis that has been completed.

The Washington interlocal cooperation act, chapter 39.34 RCW, authorizes public agencies to contract with other public agencies via interlocal agreements that enable cooperation among the agencies to perform governmental activities and deliver public services, including agreements with public entities in other states. Such interstate agreements are deemed interstate compacts. The legal analysis must identify and recommend alternative and/or additional statutory authority that would be necessary to allow for the formation of a local government bistate bridge authority or governance structure for the Hood River Bridge replacement that at a minimum may:

(a) Issue bonds for bridge construction;

(b) Collect tolls; and

(c) Secure and administer state or federal grants and loans.

The legal analysis must be presented to the transportation committees of the legislature by September 30, 2021.

(3) $220,000 of the multimodal transportation account—state appropriation is for overseeing a consultant study to provide recommendations related to the Washington state department of transportation's role in broadband service expansion efforts as directed in chapter . . . (Engrossed Substitute House Bill No. 1457), Laws of 2021 (broadband along state highways). If chapter . . . (Engrossed Substitute House Bill No. 1457), Laws of 2021 (broadband along state highways) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4) $215,000 of the motor vehicle account—state appropriation is provided solely for the joint transportation

committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to convene a study on the impacts of current and historical city transportation investments on designated populations, including communities of color, low-income households, vulnerable populations, and displaced communities. The study must identify and measure the true costs of underinvestment of accessible transportation for designated populations, including the secondary impacts to public health, economic opportunity, educational access, and environmental risk factors. The assessment must include specific approaches to addressing existing inequities within cities, as well as recommendations to develop best practices to improve, diversify, and expand city transportation investments. A report must be provided to the office of financial management and the transportation committees of the legislature by December 20, 2022.

(5) $400,000 of the motor vehicle account—state appropriation is for the development of a workforce plan for the Washington state ferries which addresses recruitment, retention, diversity, training needs, leadership development, succession planning and other elements needed to ensure sufficient and cost-effective crewing and staffing of the ferry system. In developing the scope of work for the plan and throughout plan development, the joint transportation committee must solicit input from representatives of the Washington state ferries division and the human resources division of the Washington state department of transportation. Represented employee groups must also be consulted as part of plan development. The plan must include a roadmap for Washington state ferries to comprehensively address persistent staffing challenges and strategically position itself for its future workforce needs. The joint transportation committee must issue an interim report identifying short-term strategies to reduce reliance on overtime for staffing day-to-day ferry service. The interim report is due to the transportation committees of the legislature by January 1, 2022. The final report is due to the transportation committees of the legislature by December 20, 2022.

(6) $200,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to update the Washington State Short Line Rail Inventory and Needs Assessment, prepared in 2015, and to facilitate a stakeholder process to assess the effectiveness of state support for short line rail infrastructure based on current and future short line rail infrastructure needs. This assessment must include consideration of current state grant and loan programs, including state investment in nonstate owned short lines, the state's role and investments in the Palouse River and Coulee City (PCC) rail system, and any other ongoing state activities related to short line rail infrastructure. The joint transportation committee must solicit input from all regions of the state from representatives of: Short line rail infrastructure owners, short line rail operators, short line rail customers from representative industries, ports served by short line rail infrastructure, the Washington state department of transportation, the utilities and transportation commission, and other relevant stakeholders as identified by the joint transportation committee. A report with recommendations to enhance the state's support for short line rail infrastructure is due to the transportation committees of the legislature by January 1, 2022.

(7)(a) $200,000 of the motor vehicle account—state appropriation is for the joint transportation committee to develop a truck parking action plan with recommendations for immediate next steps for near-term and lasting change in the availability of truck parking for short-haul and long-distance commercial vehicle drivers who require reasonable accommodations for parking commercial motor vehicles, obtaining adequate services, and complying with federal rest requirements. For each opportunity identified, the action plan must:

(i) Assess the magnitude of potential impact;

(ii) Assess the potential difficulty level of implementation; and

(iii) Explain barriers to success and specific steps required to overcome them.

(b) The action plan must focus on approaches that would be most impactful and feasible and may include, but not be limited to:

(i) Specific cooperative private sector and government actions;

(ii) Legal and regulatory frameworks at the state level to drive private and/or public-sector action;

(iii) Incentive-based government programs to spur private sector innovation and investment; and

(iv) Direct government action at the state, regional, and/or local level.

(c) The action plan must identify specific, promising projects and approaches, and provide a clear roadmap to what is needed to drive real, substantial improvements in truck parking.

(d) Outreach for action plan input, including on the feasibility of each opportunity evaluated, must include outreach to representatives of: The trucking industry; truck labor organizations; the shipping industry; truck stop owners; commercial freight delivery recipients, including warehouse and retail recipients; the association of Washington cities; the Washington state association of counties; the Washington state department of transportation; the Washington state patrol; and an academic or research institution that can provide input on technical components of the plan.

(e) A concise action plan with specific recommended next steps is due to the transportation committees of the legislature by January 1, 2022.

NEW SECTION. **Sec. 205. FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation $2,438,000

Interstate 405 and State Route Number 167 Express Toll Lanes

Account—State Appropriation $127,000

State Route Number 520 Corridor Account—State

Appropriation $276,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $180,000

Alaskan Way Viaduct Replacement Project

Account—State Appropriation $172,000

TOTAL APPROPRIATION $3,193,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2022, and by January 1, 2023. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(2) $200,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5444), Laws of 2021 (per mile charge). If chapter . . . (Substitute Senate Bill No. 5444), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(3) $127,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $276,000 of the state route number 520 corridor account—state appropriation, $180,000 of the Tacoma Narrows toll bridge account—state appropriation, and $172,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(4) $50,000 of the motor vehicle account—state appropriation is provided solely for the commission to identify and measure how a road usage charge could be adjusted so that vehicles of comparable efficiency pay the same rate regardless of their means of propulsion and examine options for indexing to stabilize revenue as vehicle fleets become more efficient over time. If chapter . . . (Substitute Senate Bill No. 5444), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(5)(a) The transportation budget is currently reliant on vehicle and driver related fees. Motor vehicle registrations, driver licenses, tolls, and the motor vehicle fuel tax provide the primary revenues for the transportation budget. These user revenues no longer adequately support the transportation system's needs. Many of the transportation modes have no or little ability to generate revenue, yet are important elements of a functioning transportation network. Providing transportation options that do not involve passenger vehicles is critical. The tax burden in the transportation budget falls on people that own and drive vehicles. It fails to provide the money needed for the system quality that the people of Washington want.

(b) Therefore, the commission is directed to evaluate, identify, and consider agencies, programs, and activities that are currently funded in the transportation budget that provide a public good that might be paid for using other revenues. The commission is directed to make recommendations for potential changes to funding sources for the transportation system with the goal of providing funding to maintain existing transportation assets in a state of good repair without exclusively relying on vehicle owners or drivers as the revenue source. Preliminary findings must be presented to the Joint Transportation Committee by September 30, 2022, and a final report issued to the appropriate committees of the legislature by December 1, 2022.

NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State

Appropriation $831,000

NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation $517,391,000

State Patrol Highway Account—Federal Appropriation $15,838,000

State Patrol Highway Account—Private/Local

Appropriation $4,267,000

Highway Safety Account—State Appropriation $1,214,000

Ignition Interlock Device Revolving Account—State

Appropriation $5,053,000

Multimodal Transportation Account—State Appropriation $288,000

State Route Number 520 Corridor Account—State

Appropriation $433,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $77,000

I-405 and SR 167 Express Toll Lanes Account—State

Appropriation $1,348,000

TOTAL APPROPRIATION $545,909,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) $580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than $625,000 in state sales and use

taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 of this act.

(3) $4,000,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2023.

(4) By December 1st of each year during the 2021-2023 biennium, the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

(a) A summary of recruitment and retention strategies;

(b) The number of transportation funded staff vacancies by major category;

(c) The number of applicants for each of the positions by these categories;

(d) The composition of workforce;

(e) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(f) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(5) $493,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(6) $7,962,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(7) $510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(8) $1,348,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $433,000 of the state route number 520 corridor account—state appropriation, and $77,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(9) $289,000 of the state patrol highway account—state appropriation is provided solely for the replacement of 911 workstations.

(10) $35,000 of the state patrol highway account—state appropriation is provided solely for the replacement of bomb response equipment.

(11) $713,000 of the state patrol highway account—state appropriation is provided solely for information technology infrastructure maintenance.

(12) The Washington state patrol must provide a report to the office of financial management and the house and senate transportation committees on its plan for implementing a transition to cloud computing and storage with its 2023-2025 budget submittal.

(13) $945,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Substitute House Bill No. 1223), Laws of 2021 (custodial interrogations). If chapter . . . (Substitute House Bill No. 1223), Laws of 2021 (custodial interrogations) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(14) $46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute House Bill No. 1054), Laws of 2021 (peace officer tactics). If chapter . . . (Engrossed Substitute House Bill No. 1054), Laws of 2021 (peace officer tactics) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(15) $46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1310), Laws of 2021 (use of force by officers). If chapter . . . (Engrossed Second Substitute House Bill No. 1310), Laws of 2021 (use of force by officers) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(16)(a) The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension.

(b) $2,220,000 of the transfer from the waste tire removal account to the motor vehicle fund, as required under RCW 70A.205.425, reimburses the motor vehicle fund for the portion of the water project costs assigned by the agreement to properties, other than the Washington state patrol academy, that make use of the water connection while the agreement remains in effect. This reimbursement to the motor vehicle fund is intended to address any possibility that the termination of this agreement could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the constitution of the state of Washington; however, this transfer is not intended to indicate that the incidental use of this infrastructure by these properties necessarily requires such reimbursement under the state Constitution. Immediately following the transfer of funds, Washington state patrol and the city of Shelton shall meet to formally update the terms of their "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" executed on June 12, 2017, to reflect the intent of the proviso.

(17) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2022 supplemental budget to restore funding as authorized staffing levels are achieved.

NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account—State Appropriation $34,000

Motorcycle Safety Education Account—State

Appropriation $4,894,000

Limited Fish and Wildlife Account—State

Appropriation $917,000

Highway Safety Account—State Appropriation $241,868,000

Highway Safety Account—Federal Appropriation $1,294,000

Motor Vehicle Account—State Appropriation $73,327,000

Motor Vehicle Account—Federal Appropriation $150,000

Motor Vehicle Account—Private/Local Appropriation $6,600,000

Ignition Interlock Device Revolving Account—State

Appropriation $6,071,000

Department of Licensing Services Account—State

Appropriation $8,157,000

License Plate Technology Account—State

Appropriation $4,250,000

Abandoned Recreational Vehicle Account—State

Appropriation $3,066,000

Limousine Carriers Account—State Appropriation $110,000

Electric Vehicle Account—State Appropriation $405,000

DOL Technology Improvement & Data Management

Account—State Appropriation $748,000

Agency Financial Transaction Account—State

Appropriation $21,257,000

Driver Licensing Technology Support

Account—State Appropriation $1,373,000

TOTAL APPROPRIATION $374,521,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,100,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) The appropriations in this section assume implementation by the department of cost recovery mechanisms to recoup at least $21,257,000 during the 2021-2023 biennium in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(3)(a) For the 2021-2023 biennium, the department shall charge $6,600,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(b) $100,000 of the motor vehicle account—state appropriation is provided solely for the department to work with the regional transit authority imposing a motor vehicle excise tax pursuant to RCW 81.104.160 and transportation benefit districts imposing vehicle fees pursuant to RCW 82.80.140, and other relevant parties, to determine cost recovery options for the administration and collection of the taxes and fees. The options must include:

(i) Full cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(ii) Marginal cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(iii) The estimated costs if the regional transit authority or transportation benefit districts had to contract out the entire collection and administrative activity with a nongovernmental entity.

(4) $12,000 of the motorcycle safety education account—state appropriation, $2,000 of the limited fish and wildlife account—state appropriation, $728,000 of the highway safety account—state appropriation, $238,000 of the motor vehicle account—state appropriation, $10,000 of the ignition interlock device revolving account—state appropriation, and $10,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(5) $28,636,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including,

but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(6) $500,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) $523,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1207), Laws of 2021 (DOL issued documents). If chapter . . . (Substitute House Bill No. 1207), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(8) $1,373,000 of the driver licensing technology support account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5226), Laws of 2021 (suspension of licenses for traffic infractions). If chapter . . . (Engrossed Substitute Senate Bill No. 5226), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(9) $23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 10 (Engrossed Substitute House Bill No. 1078), Laws of 2021 (restoring voter eligibility after felony conviction).

(10) $3,074,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(11)(a) $54,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 216 of this act. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent, is required to collect a $5 fee when issuing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2023, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 216 of this act is terminated.

(h) The department may adopt rules to implement this subsection.

NEW SECTION. **Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B**

State Route Number 520 Corridor Account—State

Appropriation $53,689,000

State Route Number 520 Civil Penalties Account—State

Appropriation $4,122,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $29,809,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation $20,840,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $23,910,000

TOTAL APPROPRIATION $132,370,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and $12,484,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3)(a) $708,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $1,651,000 of the state route number 520 corridor account—state appropriation, $709,000 of the Tacoma Narrows toll bridge account—state appropriation, and $932,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2019-2021 biennium, and are subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(c) The office of financial management shall place the amounts provided in this subsection in unallotted status until the department submits a detailed progress report on the progress of the new tolling back office system. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(4) Out of funding appropriated in this section, the department shall contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

(5) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(6) During the 2021-2023 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) $19,908,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility stabilizes and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) The department shall submit a plan to the legislature for the Interstate 405 and state route number 167 express toll lanes account detailing how bond proceeds can cover the proposed construction plan on the Interstate 405 and state route number 167 express toll lane corridor outlined on LEAP Transportation Document 2021-1 as developed April 23, 2021, by January 1, 2022.

(9) $1,516,000 of the state route number 520 corridor account—state appropriation is provided solely for the increased costs of insurance for the state route number 520 floating bridge. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the department shall report to the legislature on the results of this evaluation.

(10) As part of the department's 2023-2025 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(11) All amounts provided for operations and maintenance expenses on the SR 520 facility from the state route number 520 corridor account during the 2021-2023 fiscal biennium in this act, up to a maximum of $59,567,000, are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State Appropriation $1,377,000

Motor Vehicle Account—State Appropriation $97,026,000

Puget Sound Ferry Operations Account—State

Appropriation $263,000

Multimodal Transportation Account—State

Appropriation $6,986,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $1,393,000

TOTAL APPROPRIATION $107,045,000

The appropriations in this section are subject to the following conditions and limitations: $4,273,000 of the multimodal transportation account—state appropriation and $4,273,000 of the motor vehicle account—state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation $35,574,000

State Route Number 520 Corridor Account—State

Appropriation $34,000

TOTAL APPROPRIATION $35,608,000

NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation $8,055,000

Aeronautics Account—Federal Appropriation $3,916,000

Aeronautics Account—Private/Local Appropriation $60,000

TOTAL APPROPRIATION $12,031,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) $257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation coordinating commission, pursuant to section 718 of this act.

(3) $280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1379), Laws of 2021 (unpiloted aircraft system state coordinator). If chapter . . . (Substitute House Bill No. 1379), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation $59,138,000

Motor Vehicle Account—Federal Appropriation $500,000

Multimodal Transportation Account—State Appropriation $758,000

TOTAL APPROPRIATION $60,396,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to

accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) $1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2021-2023 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4) The department shall report to the transportation committees of the legislature by December 1, 2021, on the status of its efforts to consolidate franchises for broadband facilities across the state, including plans for increasing the number of consolidated franchises in the future.

(5) During the 2021-2023 biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(6) $300,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1355), Laws of 2021 (noxious weeds). If chapter . . . (Substitute House Bill No. 1355), Laws of 2021 (noxious weeds) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(7) $500,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute Senate Bill No. 5141), Laws of 2021 (environmental justice task force). If chapter . . . (Engrossed Second Substitute Senate Bill No. 5141), Laws of 2021 (environmental justice task force) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation $675,000

Electric Vehicle Account—State Appropriation $9,900,000

Multimodal Transportation Account—State Appropriation $3,290,000

TOTAL APPROPRIATION $13,865,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public-private partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) $8,900,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287,

Laws of 2019 (advancing green transportation adoption).

(3) $2,400,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

(4) $1,000,000 of the electric vehicle account—state appropriation and $500,000 of the multimodal transportation account—state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.

(5) $140,000 of the multimodal transportation account—state appropriation is provided solely for the purpose of conducting an assessment of options for the development, including potential features and costs, for a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state as described in chapter . . . (Engrossed Second Substitute House Bill No. 1287), Laws of 2021 (preparedness for a zero emissions transportation future).

(6) $250,000 of the multimodal transportation account—state appropriation is provided solely to fund the design of an electric charging mega-site project at Mount Vernon library commons.

NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation $496,925,000

Motor Vehicle Account—Federal Appropriation $7,000,000

State Route Number 520 Corridor Account—State

Appropriation $4,082,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $1,479,000

Alaskan Way Viaduct Replacement Project

Account—State Appropriation $8,157,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $2,545,000

TOTAL APPROPRIATION $520,188,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $7,529,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(2) $5,000,000 of the motor vehicle account—state appropriation is provided

solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(3) $1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (9) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(4) $1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (9) of this section. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. $570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to $445,000 of the city's expenses for clean-up crews and landfill costs.

(5) The department must continue a pilot program for the 2021-2023 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

(6) $686,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(7) $8,290,000 of the motor vehicle account—state appropriation is provided solely for increased costs of highway maintenance materials.

(8) $5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9)(a) $3,000,000 of the motor vehicle account—state appropriation is provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way, and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing that is not on the rights-of-way or for debris clean up on highway rights-of-way. The department may hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(b) Beginning October 1, 2021, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

(i) A detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported;

(ii) A summary of the activities in that quarter related to addressing these encampments, including information on arrangements with local governments or other entities related to these activities;

(iii) A description of the planned activities in the ensuing quarter to further address the emergency hazards and risks along state highway rights-of-way; and

(iv) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Motor Vehicle Account—State Appropriation $74,406,000

Motor Vehicle Account—Federal Appropriation $2,050,000

Motor Vehicle Account—Private/Local Appropriation $250,000

State Route Number 520 Corridor Account—State

Appropriation $225,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $40,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $1,112,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $20,000

TOTAL APPROPRIATION $78,103,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2021-2023 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment

vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208 of this act. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet the requirements identified in section 208 of this act must be authorized to use the reserved portion of the highway.

(f) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

Motor Vehicle Account—State Appropriation $37,361,000

Motor Vehicle Account—Federal Appropriation $780,000

Motor Vehicle Account—Private/Local Appropriation $500,000

Multimodal Transportation Account—State

Appropriation $5,129,000

State Route Number 520 Corridor Account—State

Appropriation $186,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $150,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $121,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $77,000

TOTAL APPROPRIATION $44,304,000

The appropriations in this section are subject to the following conditions and limitations: $4,000,000 of the multimodal transportation account—state appropriation is provided solely for efforts to increase diversity in the transportation construction workforce through: (1) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; (2) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, $1,000,000 of the total appropriation in this subsection shall be directed toward the efforts outlined in subsection (2) of this section. The

provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Motor Vehicle Account—State Appropriation $27,057,000

Motor Vehicle Account—Federal Appropriation $34,865,000

Motor Vehicle Account—Private/Local Appropriation $400,000

Multimodal Transportation Account—State Appropriation $919,000

Multimodal Transportation Account—Federal

Appropriation $2,809,000

Multimodal Transportation Account—Private/Local

Appropriation $100,000

State Route Number 520 Corridor Account—State

Appropriation $406,000

Interstate 405 and State Route Number 167 Express Toll Lanes

Account—State Appropriation $2,879,000

TOTAL APPROPRIATION $69,435,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $4,080,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(2) $2,879,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for completion of updating the state route number 167 master plan.

(3) $250,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce in developing vehicle miles traveled targets for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management. Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and appropriate committees of the legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(4) $406,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study

shall examine testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022.

(5) $5,900,000 of the motor vehicle account—federal appropriation and $400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development.

(6) $800,000 of the motor vehicle account—state appropriation is provided solely for WSDOT to do a corridor study of SR 302 (Victor Area) to recommend safety and infrastructure improvements to address current damage and prevent future roadway collapse and landslides that have caused road closures.

(7) $1,000,000 of the motor vehicle account—state appropriation is provided solely for a study on the need for additional connectivity in the area between SR 161, SR 7, SR 507, and I-5 in South Pierce County.

NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Aeronautics Account—State Appropriation $1,000

Transportation Partnership Account—State Appropriation $23,000

Motor Vehicle Account—State Appropriation $99,515,000

Puget Sound Ferry Operations Account—State Appropriation $220,000

State Route Number 520 Corridor Account—State Appropriation $26,000

Connecting Washington Account—State Appropriation $184,000

Multimodal Transportation Account—State

Appropriation $4,795,000

Tacoma Narrows Toll Bridge Account—State Appropriation $19,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation $14,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $15,000

TOTAL APPROPRIATION $104,812,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include

information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation $784,000

Regional Mobility Grant Program Account—State

Appropriation $104,478,000

Rural Mobility Grant Program Account—State

Appropriation $33,168,000

Multimodal Transportation Account—State

Appropriation $131,150,000

Multimodal Transportation Account—Federal

Appropriation $3,574,000

Multimodal Transportation Account—Local

Appropriation $100,000

TOTAL APPROPRIATION $273,254,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $67,821,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) $15,568,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Fuel type may not be a factor in the grant selection process.

(b) $52,253,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) $33,168,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3) $2,000,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies may cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) $26,800,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021,

Program - Public Transportation Program (V).

(5)(a) $77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2021-2023 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) $6,500,000 of the multimodal transportation account—state appropriation and $784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

(a) $30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(b) $800,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, $28,263,000 of the multimodal transportation account—state

appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(10) $21,858,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(11) $555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2021.

(12) The department must provide telework assistance to employers as part of its CTR activities. The objectives of telework assistance include improving transportation system performance, supporting economic vitality, and increasing equity and access to opportunity.

(13) $150,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Puget Sound Ferry Operations Account—State

Appropriation $416,614,000

Puget Sound Ferry Operations Account—Federal

Appropriation $124,000,000

Puget Sound Ferry Operations Account—Private/Local

Appropriation $121,000

TOTAL APPROPRIATION $540,735,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2021-2023 supplemental and 2023-2025 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) For the 2021-2023 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) $17,000,000 of the Puget Sound ferry operations account—federal appropriation and $53,794,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) $500,000 of the Puget Sound ferry operations account—state appropriation

is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(5) $2,400,000 of the Puget Sound ferry operations account—state appropriation is provided solely for staffing and overtime expenses incurred by engine and deck crewmembers. The department must provide updated staffing cost estimates for fiscal years 2022 and 2023 with its annual budget submittal and updated estimates by January 1, 2022.

(6) $688,000 of the Puget Sound ferry operations account—state appropriation is provided solely for new employee training. The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(7) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

(8) $1,978,000 of the Puget Sound ferry operations account—state appropriation is provided solely for restoration of service to reflect increased ridership, availability of crewing and available revenues. Expenditures may be made to resume service to Sidney, British Columbia, including any service to the San Juans; to provide Saturday service on the Fauntleroy-Vashon-Southworth route; and to resume late night service on other routes in the system.

(9) Within amounts provided in this section, the department shall contract with uniformed officers for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(10) $336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for evacuation slide training.

(11) $336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for fall restraint labor and industries inspections.

(12) $735,000 of the Puget Sound ferry operations account—state appropriation is provided solely for familiarization for new assignments of engine crew and terminal staff.

(13) $160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for electronic navigation training.

NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Multimodal Transportation Account—State

Appropriation $80,704,000

Multimodal Transportation Account—Private/Local

Appropriation $46,000

Multimodal Transportation Account—Federal

Appropriation $500,000

TOTAL APPROPRIATION $81,250,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

(2) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, $500,000 of the multimodal transportation account—state is provided

solely for the Cascades service development plan. This funding is to be used to analyze current and future market conditions and to develop a structured assessment of service options and goals based on anticipated demand and the results of the state and federally required 2019 state rail plan, including identifying implementation alternatives to meet the future service goals for the Amtrak Cascades route. The work must be consistent with federal railroad administration guidance and direction on developing service development plans. It must also leverage the $500,000 in federal funding appropriated for development of a service development plan and comply with the planning and grant award obligations of the consolidated rail infrastructure and safety improvements (CRISI) program. A status report must be provided to the transportation committees of the legislature by June 30, 2022.

NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation $11,954,000

Motor Vehicle Account—Federal Appropriation $2,567,000

Multiuse Roadway Safety Account—State Appropriation $900,000

TOTAL APPROPRIATION $15,421,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less; and

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (a) of this subsection may receive more than sixty thousand dollars in total grants.

(2) $1,023,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, and assess which barriers share the same stream system as state-owned fish passage barriers;

(b) Streamline and update the county road administration board's data dashboard, county reporting systems, and program management software to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties; and

(c) Conduct a study of the use of county road right-of-way as a potential source of revenue for county road operating and maintenance needs with recommendations on their feasibility statewide.

(3)(a) By October 1, 2021, the department must report to the office of financial management and the transportation committees with recommendations regarding:

(i) Modifications to the agreement with Wahkiakum county regarding future state reimbursement for the Wahkiakum ferry operating and maintenance deficit; and

(ii) Cost-sharing models for operating and maintenance costs, which recognize the benefit of the ferry route to both Washington and Oregon.

(b) The reimbursement recommendations must reflect a mutual agreement with Wahkiakum county, which considers future county ferry operating loss projections. The report may address the importance of the ferry route to the state highway system and whether there is a need for an increased role for the state department of transportation in the finance or operation of the ferry route.

TRANSPORTATION AGENCIES—CAPITAL

NEW SECTION. **Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State

Appropriation $16,577,000

Freight Mobility Multimodal Account—State

Appropriation $15,195,000

TOTAL APPROPRIATION $31,772,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021, Freight Mobility Strategic Investment Board (FMSIB).

(2) Until directed by the legislature, the board may not initiate a new call for projects.

(3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with WSDOT as it updates its federally-compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state. By December 1, 2021, the board must submit a preliminary report providing a status update on the process and methodology for identifying and prioritizing investments. By December 1, 2022, the board must submit a prioritized list of freight investments that are geographically balanced across the state and can proceed to construction in a timely manner. The prioritized freight project list for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects.

(4)(a) For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on the LEAP Transportation Document 2021-2 ALL PROJECT list;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3)(a), provided that the transfer amount does not exceed $250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and

(iv) Except for transfers made under (a)(iii) of this subsection, transfers may only be made in fiscal year 2023.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

NEW SECTION. **Sec. 302. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation $4,196,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $695,000 of the state patrol highway account—state appropriation is provided solely for roof replacement.

(2) $3,501,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) $250,000 for emergency repairs;

(b) $350,000 for fuel tank decommissioning;

(c) $750,000 for generator and electrical replacement;

(d) $195,000 for the exterior envelope of the Yakima office;

(e) $466,000 for equipment shelters;

(f) $650,000 for the weatherization projects;

(g) $200,000 for roof replacements reappropriation; and

(h) $640,000 for water and fire suppression systems reappropriation.

(3) The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements. If a project specified in this subsection is completed for less than the amount provided, the remainder may be transferred to another project specified in this subsection not to exceed the total appropriation provided in this subsection.

NEW SECTION. **Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation $55,028,000

Motor Vehicle Account—State Appropriation $1,456,000

County Arterial Preservation Account—State

Appropriation $37,379,000

TOTAL APPROPRIATION $93,863,000

NEW SECTION. **Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account—State

Appropriation $4,100,000

Transportation Improvement Account—State

Appropriation $201,000,000

Complete Streets Grant Program Account—State

Appropriation $14,670,000

TOTAL APPROPRIATION $219,770,000

The appropriations in this section are subject to the following conditions and limitations: $2,500,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program. The transportation improvement board shall conduct a comparative analysis of expanding the Relight Washington Program to all cities that are not currently eligible compared to utilizing the same funding amount for other preservation programs administered by the transportation improvement board. If needed to perform this analysis, the transportation improvement board shall gather additional information on the demand and return on investment from a follow up survey to cities currently ineligible for the Relight Washington Program. The transportation improvement board shall report the results of the analysis to the governor and the transportation committees of the legislature by January 1, 2022.

NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

Motor Vehicle Account—State Appropriation $10,852,000

Connecting Washington Account—State Appropriation $3,289,000

TOTAL APPROPRIATION $14,141,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $3,289,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) $4,325,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline.

(b) Payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract in (a) of this subsection must be deposited into the motor vehicle account.

NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Transportation 2003 Account (Nickel Account)—State

Appropriation $149,000

Transportation Partnership Account—State

Appropriation $119,053,000

Motor Vehicle Account—State Appropriation $89,717,000

Motor Vehicle Account—Federal Appropriation $388,903,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $400,000,000

Motor Vehicle Account—Private/Local Appropriation $48,628,000

Connecting Washington Account—State

Appropriation $2,881,033,000

Special Category C Account—State Appropriation $105,363,000

Multimodal Transportation Account—State

Appropriation $10,784,000

State Route Number 520 Corridor

Account—State Appropriation $15,940,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $30,308,000

TOTAL APPROPRIATION $4,089,878,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2021-1 as developed April 23, 2021, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to $2,230,636,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to $82,475,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to $28,411,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) $60,450,000 of the transportation partnership account—state appropriation, $2,258,000 of the motor vehicle account—private/local appropriation, and $984,000 of the multimodal transportation account—state appropriation are provided solely for the

SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds.

(8) $193,699,000 of the connecting Washington account—state appropriation is provided solely for the US 395 North Spokane Corridor project (M00800R).

(9)(a) $14,827,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(b) The department may advance the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) and construct the project earlier than is scheduled in the LEAP transportation document referenced in subsection (2) of this section if additional funding is identified and submitted through the existing unanticipated receipts process by September 1, 2021. The department and the state treasurer shall pursue alternatives to toll revenue funding including but not limited to federal loan and grant programs. The department shall explore phasing and modifying the project to attempt to align project completion with the anticipated deployment of bus rapid transit on the corridor in the 2023-2025 biennium. The department shall report back to the transportation committees of the legislature on this work by September 15, 2021.

(10)(a) $492,349,000 of the connecting Washington account—state appropriation and $355,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(11) $382,880,000 of the connecting Washington account—state appropriation, $4,800,000 of the multimodal transportation account—state appropriation, $17,869,000 of the motor vehicle account—private/local appropriation, and $82,165,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) It is the legislature's intent that the department shall construct a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full directional interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two interchanges.

(d) Of the amounts provided in this subsection, $2,300,000 of the multimodal transportation account—state appropriation is provided solely for the design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(e) Of the amounts provided in this subsection, $2,500,000 of the multimodal

transportation account—state appropriation is provided solely for segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.

(12)(a) $26,928,000 of the motor vehicle account—state appropriation and $1,671,000 of the motor vehicle account—private/local appropriation are provided solely to support a project office and the continued work toward the I-5 Interstate Bridge Replacement project (L2000370).

(b) The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(c) During the 2021-2023 biennium, the department shall have as a goal to:

(i) Conduct all work necessary to prepare and publish a draft SEIS;

(ii) Coordinate with regulatory agencies to begin the process of obtaining environmental approvals and permits;

(iii) Identify a locally preferred alternative; and

(iv) Begin preparing a final SEIS.

The department shall aim to provide progress reports on these activities to the governor and the transportation committees of the legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

(13)(a) $400,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, $529,577,000 of the connecting Washington account—state appropriation, $194,959,000 of the motor vehicle account—federal appropriation, and $1,849,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (0BI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030. Of the amounts provided in this subsection, $400,000,000 of the connecting Washington account—state appropriation must be initially placed in unallotted status during the 2021-2023 fiscal biennium, and may only be released by the office of financial management for allotment by the department if it is determined that the Fish Passage Barrier Removal project (0BI4001) is not an eligible use of amounts received by the state pursuant to the federal American rescue plan act of 2021.

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2021, and June 1, 2022.

(c) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(d) Of the amount provided in this subsection, $142,923,000 of the motor vehicle account—federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section 601 of this act.

(14) $14,669,000 of the connecting Washington account—state appropriation and $3,037,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard - Improve Interchanges & Local

Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the $20,900,000 of state appropriation provided for the total project on the list referenced in subsection (1) of this section.

(15) $15,189,000 of the motor vehicle account—federal appropriation, $259,000 of the motor vehicle account—state appropriation, and $15,481,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(16) $18,914,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

(17) $1,000,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204).

(18) $1,090,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

(19) $12,139,000 of the motor vehicle account—state appropriation and $9,104,000 of the connecting Washington account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(20) $1,378,000 of the motor vehicle account—federal appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

(21) $915,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

(22) $6,581,000 of the connecting Washington account—state appropriation is provided solely for the US Hwy 2 Safety project (N00200R).

(23) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(24) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

(25) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed

as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

Recreational Vehicle Account—State Appropriation $1,520,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $49,105,000

Transportation Partnership Account—State

Appropriation $15,183,000

Motor Vehicle Account—State Appropriation $85,444,000

Motor Vehicle Account—Federal Appropriation $489,602,000

Motor Vehicle Account—Private/Local

Appropriation $10,792,000

Connecting Washington Account—State Appropriation $159,043,000

State Route Number 520 Corridor Account—State

Appropriation $1,891,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $9,730,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation $314,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $26,039,000

TOTAL APPROPRIATION $848,663,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2021-1 as developed April 23, 2021, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) $5,166,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 of this act. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) $5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) $11,679,000 of the motor vehicle account—federal appropriation is provided solely for preservation projects within project L1100071 that ensure the reliable movement of freight on the national highway freight system. The department shall give priority to those projects that can be advertised by September 30, 2021.

(7) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(8) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation $8,273,000

Motor Vehicle Account—Federal Appropriation $5,289,000

Motor Vehicle Account—Private/Local Appropriation $500,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $900,000

TOTAL APPROPRIATION $14,962,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $579,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) $1,000,000 of the motor vehicle account—state appropriation is provided solely for the Challenge Seattle project (000009Q). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Puget Sound Capital Construction Account—State

Appropriation $128,759,000

Puget Sound Capital Construction Account—Federal

Appropriation $139,188,000

Puget Sound Capital Construction Account—Private/Local

Appropriation $312,000

Transportation Partnership Account—State

Appropriation $8,410,000

Connecting Washington Account—State Appropriation $75,640,000

Capital Vessel Replacement Account—State

Appropriation $152,453,000

TOTAL APPROPRIATION $504,762,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021,

Program - Washington State Ferries Capital Program (W). No funds appropriated in this act or additional funds received through the unanticipated receipt process may be allocated or expended for terminal electrification purposes this biennium.

(2) For the 2021-2023 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

(a) On a semiannual basis the report must include a status update on projects with funding provided in subsections (4), (5), (6), and (8) of this section including, but not limited to, the following:

(i) Anticipated cost increases and cost savings;

(ii) Anticipated cash flow and schedule changes; and

(iii) Explanations for the changes.

(b) On an annual basis the report must include a status update on vessel and terminal preservation and improvement plans including, but not limited to, the following:

(i) What work has been done;

(ii) How have schedules shifted; and

(iii) Associated changes in funding among projects, accompanied by explanations for the changes.

(c) On an annual basis the report must include an update on the implementation of the maintenance management system with recommendations for using the system to improve the efficiency of project reporting under this subsection.

(3) $5,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(4) $1,277,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(5) $24,750,000 of the Puget Sound capital construction account—state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) $152,453,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class vessel #5(L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(7) The capital vessel replacement account—state appropriation includes up to $152,453,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) $4,200,000 of the connecting Washington account—state appropriation and $2,200,000 of the Puget Sound operating account—federal appropriation are provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs before shifting funding from other preservation projects.

NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Essential Rail Assistance Account—State Appropriation $550,000

Transportation Infrastructure Account—State

Appropriation $5,456,000

Multimodal Transportation Account—State

Appropriation $82,493,000

Multimodal Transportation Account—Federal

Appropriation $41,219,000

TOTAL APPROPRIATION $129,718,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021, Program - Rail Program (Y).

(2) $5,089,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued. FRIB program loans may be recommended by the department for 2022 supplemental transportation appropriations up to the amount provided in this appropriation that has not been provided for the projects listed in 2021-2 ALL PROJECTS, as referenced in subsection (1) of this section. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2021.

(3) $6,817,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) $367,000 of the transportation infrastructure account—state appropriation and $1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full $7,337,000 cost of this project is reimbursed.

(5)(a) $550,000 of the essential rail assistance account—state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2022, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) $33,964,000 of the multimodal transportation account—state appropriation and $37,500,000 of the multimodal transportation account—federal appropriation are provided solely for Passenger Rail Equipment Replacement (project 700010C.) The appropriations in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) $223,000 of the multimodal transportation account—state appropriation is provided solely for contingency funding for emergent freight rail assistance projects funded in subsection (3) of this section. Project sponsors may apply to the department for contingency funds needed due to unforeseeable cost increases. The department shall submit a report of any contingency funds provided under this subsection as part of the department's annual budget submittal.

(9) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to $6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed $6,696,000 of a grant award.

NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

Highway Infrastructure Account—State Appropriation $793,000

Highway Infrastructure Account—Federal Appropriation $1,600,000

Transportation Partnership Account—State

Appropriation $750,000

Motor Vehicle Account—State Appropriation $11,064,000

Motor Vehicle Account—Federal Appropriation $55,751,000

Motor Vehicle Account—Private/Local Appropriation $6,600,000

Connecting Washington Account—State Appropriation $123,292,000

Multimodal Transportation Account—State

Appropriation $71,615,000

TOTAL APPROPRIATION $271,465,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) $32,613,000 of the multimodal transportation account—state appropriation is provided solely for pedestrian and bicycle safety program projects (L2000188).

(b) $19,344,000 of the motor vehicle account—federal appropriation and $17,397,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need

areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2021, and December 1, 2022, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2021, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(4) $6,561,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for $7,000,000 in federal funds during the 2021-2023 fiscal biennium.

(6) $12,500,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016 (L1000169).

(7) When the department updates its federally-compliant freight plan, it shall consult the freight mobility strategic investment board on the freight plan update and on the investment plan component that describes how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 will be invested and matched. The investment plan component for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects. The department shall complete the freight plan update in compliance with federal requirements and deadlines and shall provide an update on the development of the freight plan, including the investment plan component, when submitting its 2022 supplemental appropriations request.

(8) $11,679,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

NEW SECTION. **Sec. 312. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

(1) As part of its annual budget submittal, the department of transportation shall provide an update to the report provided to the legislature in the prior fiscal year that: (a) Compares the original project cost estimates approved in the 2003, 2005, and 2015 revenue package project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; (e) identifies risk reserves and contingency amounts allocated to projects; and (f) lists the nickel, TPA, and connecting Washington projects charging to the Nickel/TPA/CWA Environmental Mitigation Reserve (0BI4ENV) and the Nickel/TPA Projects Completed with Minor Ongoing Expenditures project (0BI100B), and the amount each project is charging.

(2) As part of its annual budget submittal, the department of transportation shall provide: (a) An annual report on the number of toll credits the department has accumulated and how the department has used the toll

credits, and (b) a status report on the projects funded using federal national highway freight program funds.

NEW SECTION. **Sec. 313. QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all capital projects, except for ferry projects subject to the reporting requirements established in section 309 of this act, that must include:

(1) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(2) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(3) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget; and

(4) Risk reserves and contingency amounts for all projects consistent with the structure of the most recently enacted budget.

NEW SECTION. **Sec. 314. FEDERAL FUNDS RECEIVED FOR CAPITAL PROJECT EXPENDITURES**

To the greatest extent practicable, the department of transportation shall expend federal funds received for capital project expenditures before state funds.

NEW SECTION. **Sec. 315. NOTIFICATION REQUIREMENTS FOR PAUSES AND CANCELLATIONS**

(1) The department shall notify the transportation committees of the legislature when it intends to pause for a significant length of time or not proceed with operating items or capital projects included as budget provisos or on project lists. When feasible, this notification shall be provided prior to the pause or cancellation and at least seven days in advance of any public announcement related to such a pause or cancellation.

(2) At the time of notification, the department shall provide an explanation for the reason or reasons for the pause or cancellation for each operating budget item and capital project. The explanation shall include specific reasons for each pause or cancellation, in addition to a statement of the broad rationale for the pause or cancellation.

(3) When feasible, the department shall make best efforts to keep the transportation committees of the legislature informed of an evaluation process underway for selecting operating budget items and capital projects to be paused or cancelled, providing updates as its selection efforts proceed.

(4) When exigent circumstances prevent prior notice of a pause or cancellation from being provided to the transportation committees of the legislature, the department shall provide the information required under this section to the transportation committees of the legislature as soon as is practicable.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. **Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Transportation Partnership Account—State Appropriation $904,000

Connecting Washington Account—State Appropriation $11,153,000

Special Category C Account—State Appropriation $412,000

Highway Bond Retirement Account—State

Appropriation $1,483,793,000

Ferry Bond Retirement Account—State Appropriation $17,150,000

Transportation Improvement Board Bond Retirement

Account—State Appropriation $11,770,000

Nondebt-Limit Reimbursable Bond Retirement

Account—State Appropriation $29,323,000

Toll Facility Bond Retirement Account—State

Appropriation $76,376,000

TOTAL APPROPRIATION $1,630,881,000

NEW SECTION. **Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State

Appropriation $181,000

Connecting Washington Account—State Appropriation $2,231,000

Special Category C Account—State Appropriation $82,000

TOTAL APPROPRIATION $2,494,000

NEW SECTION. **Sec. 403. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation: For motor

vehicle fuel tax statutory distributions to

cities and counties $467,390,000

Multimodal Transportation Account—State

Appropriation: For distribution to cities and

counties $26,786,000

Motor Vehicle Account—State Appropriation: For

distribution to cities and counties $23,438,000

NEW SECTION. **Sec. 404. FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor

vehicle fuel tax refunds and statutory transfers $1,974,599,000

NEW SECTION. **Sec. 405. FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor

vehicle fuel tax refunds and transfers $235,675,000

NEW SECTION. **Sec. 406. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) Highway Safety Account—State Appropriation:

For transfer to the State Patrol Highway

Account—State $47,000,000

(2)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Capital Vessel

Replacement Account—State $152,453,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

(3)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State $30,293,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

(4)(a) Motor Vehicle Account—State Appropriation:

For transfer to Alaskan Way Viaduct Account

—State $6,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(5) Motor Vehicle Account—State Appropriation:

For transfer to the County Arterial Preservation

Account—State $7,666,000

(6) Motor Vehicle Account—State Appropriation:

For transfer to the Freight Mobility Investment

Account—State $5,511,000

(7) Motor Vehicle Account—State Appropriation:

For transfer to the Rural Arterial Trust Account—State $9,331,000

(8) Motor Vehicle Account—State Appropriation:

For transfer to the Transportation Improvement

Account—State $9,688,000

(9) Rural Mobility Grant Program Account—State

Appropriation: For transfer to the Multimodal

Transportation Account—State $3,000,000

(10)(a) State Route Number 520 Civil Penalties

Account—State Appropriation: For transfer to the

Motor Vehicle Account—State

$2,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(11) State Route Number 520 Civil Penalties

Account—State Appropriation: For transfer to the

State Route Number 520 Corridor Account—State $1,532,000

(12) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Connecting

Washington Account—State $35,000,000

(13)(a) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Transportation

Partnership Account—State $10,305,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the Hybrid Electric Olympic Class (144-auto) Vessel #5 project (L2000329).

(14) Multimodal Transportation Account—State

Appropriation: For transfer to the Complete Streets

Grant Program Account—State $14,670,000

(15) Multimodal Transportation Account—State

Appropriation: For transfer to the Connecting

Washington Account—State $200,000,000

(16) Multimodal Transportation Account—State

Appropriation: For transfer to the Freight Mobility

Multimodal Account—State $4,011,000

(17) Multimodal Transportation Account—State

Appropriation: For transfer to the Ignition Interlock

Device Revolving Account—State $600,000

(18) Multimodal Transportation Account—State

Appropriation: For transfer to the Pilotage

Account—State $1,500,000

(19) Multimodal Transportation Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State $60,000,000

(20) Multimodal Transportation Account—State

Appropriation: For transfer to the Regional Mobility

Grant Program Account—State $27,679,000

(21) Multimodal Transportation Account—State

Appropriation: For transfer to the Rural Mobility

Grant Program Account—State $15,223,000

(22)(a) Alaskan Way Viaduct Replacement Project

Account—State Appropriation: For transfer to the

Transportation Partnership Account—State $22,884,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(23) Tacoma Narrows Toll Bridge Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State $950,000

(24) Puget Sound Ferry Operations Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State $60,000,000

(25)(a) General Fund Account—State

Appropriation: For transfer to the State Patrol

Highway Account—State $625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(2) of this act.

NEW SECTION. **Sec. 407. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—Federal

Appropriation $199,129,000

Toll Facility Bond Retirement Account—State

Appropriation $25,372,000

TOTAL APPROPRIATION $224,501,000

NEW SECTION. **Sec. 408. FOR THE OFFICE OF FINANCIAL MANAGEMENT—AMERICAN RESCUE PLAN ACT REVENUE LOSS DEPOSITS**

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $600,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for expenditure into accounts in the amounts specified in subsection (2) of this section. These amounts are intended to compensate accounts for revenue losses in state fiscal years 2020 and 2021 relative to revenues collected in state fiscal year 2019 and shall be used to maintain government services pursuant to the federal American rescue plan act of 2021.

(2) The appropriation must be distributed to the following accounts in the amounts designated:

Multimodal Transportation Account—State $115,611,000

Motor Vehicle Account—State $99,416,000

Puget Sound Ferry Operations Account—State $85,966,000

Connecting Washington Account—State $67,663,000

Transportation Partnership Account—State $39,547,000

State Route Number 520 Corridor Account—State $59,567,000

Transportation 2003 Account (Nickel Account)—State $28,681,000

State Patrol Highway Account—State $12,358,000

Highway Safety Account—State $8,219,000

Tacoma Narrows Toll Bridge Account—State $15,707,000

Interstate 405 and State Route Number 167 Express Toll

Lanes Account—State $32,893,000

Transportation Improvement Account—State $15,844,000

Rural Arterial Trust Account—State $3,092,000

County Arterial Preservation Account—State $1,939,000

State Route Number 520 Civil Penalties Account—State $5,442,000

Special Category C Account—State $3,975,000

Puget Sound Capital Construction Account—State $2,892,000

Aeronautics Account—State $777,000

School Zone Safety Account—State $393,000

Motorcycle Safety Education Account—State $18,000

COMPENSATION

NEW SECTION. **Sec. 501. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED**

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. **Sec. 502. COLLECTIVE BARGAINING AGREEMENTS**

Sections 503 through 520 of this act represent the results of the 2021-2023 collective bargaining process required under chapters 41.80, 47.64, and 41.56 RCW. Provisions of the collective bargaining agreements contained in sections 503 through 520 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 503 through 520 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. **Sec. 503. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—OPEIU**

An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium. In addition, the following positions are not subject to the furlough requirement: Bid administrator, dispatch, dispatch coordinator, and relief positions.

NEW SECTION. **Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—FASPAA**

An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

NEW SECTION. **Sec. 505. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—SEIU LOCAL 6**

An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

NEW SECTION. **Sec. 506. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—CARPENTERS**

An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

NEW SECTION. **Sec. 507. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—METAL TRADES**

An agreement has been reached between the governor and the Puget Sound metal trades council through an interest arbitration award pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. The arbitration award imposed and funding is provided to implement a 1.9% general wage decrease from July 1, 2021, through June 30, 2022, and exempted these employees from the furlough requirement.

NEW SECTION. **Sec. 508. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-UL**

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium.

Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

NEW SECTION. **Sec. 509. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-L**

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

NEW SECTION. **Sec. 510. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA—PORT ENGINEERS**

An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

NEW SECTION. **Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P MATES**

An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes a two percent wage increase for second mates, and does not include the furlough requirement.

NEW SECTION. **Sec. 512. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P MASTERS**

An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

NEW SECTION. **Sec. 513. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P WATCH CENTER SUPERVISORS**

An agreement has been reached between the governor and the masters, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs only for the following positions: Fleet facility security officers and workforce development leads.

NEW SECTION. **Sec. 514. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—IBU**

An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW through an interest arbitration award for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. **Sec. 515. COLLECTIVE BARGAINING AGREEMENT—WFSE**

An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in position that do not require the position to be backfilled.

NEW SECTION. **Sec. 516. COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17**

An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in position that do not require the position to be backfilled.

NEW SECTION. **Sec. 517. COLLECTIVE BARGAINING AGREEMENT—WPEA**

An agreement has been reached between the governor and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which

does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. **Sec. 518. COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

An agreement has been reached for the 2019-2021 biennium between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes 24 furlough days for employees in position that do not require the position to be backfilled. The agreement includes and funding is provided for a 2.5 percent wage increase for fiscal year 2022 and a 2.5 percent wage increase for fiscal year 2023 for the department of corrections marine vessel operators.

NEW SECTION. **Sec. 519. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

NEW SECTION. **Sec. 520. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

NEW SECTION. **Sec. 521. COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE—COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the 2019-2021 agreement, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed $1091 per eligible employee.

The board shall collect a $25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than $50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

NEW SECTION. **Sec. 522. COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE HEALTH CARE COALITION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed $936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed $1091 per eligible employee.

NEW SECTION. **Sec. 523. COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations: The employer monthly funding rate for insurance benefit premiums, public employees' benefits

board administration, and the uniform medical plan, shall not exceed $936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed $1091 per eligible employee.

NEW SECTION. **Sec. 524. COMPENSATION—REVISE PENSION CONTRIBUTION RATES**

The appropriations in this act for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

NEW SECTION. **Sec. 525. JUNETEENTH HOLIDAY**

Specific funding is provided in agency budgets for the cost to agencies of additional staff necessary to provide coverage in positions that require continual presence, as a result of implementing chapter . . . (Substitute House Bill No. 1016), Laws of 2021 (making Juneteenth a legal holiday). If chapter . . . (Substitute House Bill No. 1016), Laws of 2021 is not enacted by June 30, 2021, this section has no force and effect.

NEW SECTION. **Sec. 526. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INLANDBOATMEN'S UNION OF THE PACIFIC**

Puget Sound Ferry Operations Account—State

Appropriation $2,798,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the inlandboatmen's union of the Pacific and approved in part V of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 527. FOR THE OFFICE OF FINANCIAL MANAGEMENT—PACIFIC NORTHWEST REGIONAL COUNCIL OF CARPENTERS**

Puget Sound Ferry Operations Account—State

Appropriation $156,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Pacific Northwest regional council of carpenters and approved in part V of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 528. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION LOCAL 8**

Puget Sound Ferry Operations Account—State Appropriation $344,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the office and professional employees international union local 8 and approved in part V of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 529. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FERRY AGENTS, SUPERVISORS, AND PROJECT ADMINISTRATORS ASSOCIATION**

Puget Sound Ferry Operations Account—State Appropriation $344,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the ferry agents, supervisors, and project administrators association and approved in part V of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 530. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 6**

Puget Sound Ferry Operations Account—State Appropriation $24,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the service employees international union local 6 and approved in part V of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 531. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MASTERS, MATES, AND PILOTS—WATCH CENTER SUPERVISORS**

Puget Sound Ferry Operations Account—State Appropriation $150,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the masters, mates, and pilots - watch center supervisors and approved in part V of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 532. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MARINE ENGINEERS' BENEFICIAL ASSOCIATION PORT ENGINEERS**

Puget Sound Ferry Operations Account—State Appropriation $84,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the marine engineers' beneficial association port engineers and approved in part V of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 533. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON FEDERATION OF STATE EMPLOYEES**

Motor Vehicle Account—State Appropriation $15,891,000

Highway Safety Account—State Appropriation $4,111,000

State Patrol Highway Account—State Appropriation $1,661,000

Other Appropriated Funds $1,038,000

TOTAL APPROPRIATION $22,701,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington federation of state employees and approved in part V of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 534. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON PUBLIC EMPLOYEES ASSOCIATION GENERAL GOVERNMENT**

Motor Vehicle Account—State Appropriation $88,000

State Patrol Highway Account—State Appropriation $907,000

State Patrol Highway Account—Federal Appropriation $68,000

TOTAL APPROPRIATION $1,063,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington public employees association general government and approved in part V of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 535. FOR THE OFFICE OF FINANCIAL MANAGEMENT—PROFESSIONAL AND TECHNICAL EMPLOYEES LOCAL 17**

Motor Vehicle Account—State Appropriation $2,105,000

Highway Safety Account—State Appropriation $2,108,000

State Patrol Highway Account—State Appropriation $918,000

Other Appropriated Funds $802,000

TOTAL APPROPRIATION $5,933,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the professional and technical employees local 17 and approved in part V of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 536. FOR THE OFFICE OF FINANCIAL MANAGEMENT—THE COALITION OF UNIONS**

State Patrol Highway Account—State Appropriation $212,000

State Patrol Highway Account—Federal Appropriation $18,000

TOTAL APPROPRIATION $230,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the coalition of unions and approved in part V of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 -

Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 537. FOR THE OFFICE OF FINANCIAL MANAGEMENT—PUGET SOUND METAL TRADES COUNCIL**

Puget Sound Ferry Operations Account—State

Appropriation $130,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the general wage deduction in the agreement reached through an interest arbitration award with the Puget Sound metal trades council and approved in part V of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 538. COLLECTIVE BARGAINING AGREEMENTS—ELIMINATING FURLOUGH DAYS**

Appropriations in this act provide sufficient funding to eliminate the furlough days required in the following collective bargaining agreements for the 2021-2023 biennium:

(1) Office and professional employees international union local 8;

(2) Ferry agents, supervisors, and project administrators association;

(3) Service employees international union local 6;

(4) Pacific Northwest regional council of carpenters;

(5) Marine engineers' beneficial association port engineers;

(6) Masters, mates, and pilots - watch center supervisors;

(7) Inlandboatmen's union of the Pacific;

(8) Washington public employees association general government;

(9) Washington federation of state employees;

(10) Professional and technical employees local 17; and

(11) The coalition of unions.

Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section.

NEW SECTION. **Sec. 539. COLLECTIVE BARGAINING AGREEMENTS—ELIMINATING GENERAL WAGE DECREASE**

Appropriations in this act provide sufficient funding solely for the purpose of eliminating the 1.9 percent wage reduction from July 1, 2021, to June 30, 2022, provided in the arbitration award for the Puget Sound metal trades council. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate modification of the agreement between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section.

NEW SECTION. **Sec. 540. FORGONE GENERAL WAGE INCREASES**

Appropriations in this act for state agencies, including institutions of higher education, are sufficient to provide a three percent or two percent general wage increase, effective July 1, 2021, for employees that were scheduled to receive a general wage increase of either of those amounts on July 1, 2020, that was forgone due to COVID-19 emergency.

IMPLEMENTING PROVISIONS

NEW SECTION. **Sec. 601. MANAGEMENT OF TRANSPORTATION FUNDS WHEN THE LEGISLATURE IS NOT IN SESSION**

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document 2021-1 as developed April 23, 2021, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year

funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;

(f) Transfers may not be made while the legislature is in session;

(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(h) Except for transfers made under (l) of this subsection, transfers may only be made in fiscal year 2023;

(i) The total amount of transfers under this section may not exceed $50,000,000;

(j) Except as otherwise provided in (l) of this subsection, transfers made to a single project may not cumulatively total more than $20,000,000 per biennium;

(k) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature; and

(l) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount to a single project does not exceed two hundred fifty thousand dollars or ten percent of the total project per biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current biennium.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the

transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current biennium.

(7)(a) If the department of transportation receives federal funding not appropriated in this act, the department shall apply such funds to any of the following activities in lieu of state funds, if compliant with federal funding restrictions, and in the order that most reduces administrative burden and minimizes the use of bond proceeds:

(i) Projects on LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021; or

(ii) Other department of transportation operating or capital expenditures funded by appropriations from state accounts in this act.

(b) However, if the funds received may not be used for any of the purposes enumerated in this section and must be obligated before the next regular legislative session, then the department may program the funds for other transportation-related activities, provided that these actions do not initiate any new programs, policies, or expenditure levels requiring additional one-time or ongoing state funds that have not been expressly authorized by the legislature. The department shall follow the existing unanticipated receipt process to notify the legislative standing committees on transportation and the office of financial management of the amount of federal funds received in addition to those appropriated in this act and the projects or activities receiving funding through this process.

NEW SECTION. **Sec. 602. BOND REIMBURSEMENT**

To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, connecting Washington account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made before the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. **Sec. 603. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. **Sec. 604. REAPPROPRIATIONS REPORTING**

(1) As part of its 2022 supplemental budget submittal, the department of transportation shall provide a report to the legislature and the office of financial management that:

(a) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2019-2021 fiscal biennium into the 2021-2023 fiscal biennium; and

(b) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2017 enacted omnibus transportation appropriations act.

(2) As part of the agency request for capital programs, the department shall load reappropriations separately from funds that were assumed to be required for the 2021-2023 fiscal biennium into budgeting systems.

NEW SECTION. **Sec. 605. WEBSITE REPORTING REQUIREMENTS**

(1) The department of transportation shall post on its website every report that is due from the department to the legislature during the 2021-2023 fiscal biennium on one web page. The department must post both completed reports and planned reports on a single web page.

(2) The department shall provide a web link for each change order that is more than five hundred thousand dollars on the affected project web page.

NEW SECTION. **Sec. 606. TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

NEW SECTION. **Sec. 607. PROJECT SCOPE CHANGES**

(1) During the 2021-2023 fiscal biennium, while the legislature is not in session, the director of the office of financial management may approve project scope change requests to connecting Washington projects in the highway improvements program, provided that the requests meet the criteria outlined in RCW 47.01.480 and are subject to the limitations in this section.

(2) At the time the department of transportation submits a request for a project scope change under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested project scope changes.

(4) No fewer than ten days after the receipt of a scope change request, the director of the office of financial management must provide written notification to the department of any decision regarding project scope changes, with copies submitted to the transportation committees of the legislature.

(5) As part of its annual budget submittal, the department of transportation must report on all approved scope change requests from the prior year, including a comparison of the scope before and after the requested change.

NEW SECTION. **Sec. 608. TOLL CREDITS**

The department of transportation may provide up to three million dollars in toll credits to Kitsap transit for its role in passenger-only ferry service and ferry corridor-related projects. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

MISCELLANEOUS 2021-2023 FISCAL BIENNIUM

NEW SECTION. **Sec. 701. INFORMATION TECHNOLOGY OVERSIGHT**

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discrete stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes

occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

(i) Fund sources;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) Discrete financial budget codes to include at least the appropriation index and program index;

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables;

(vi) Historical budget and expenditure detail by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete financial coding for the project.

(4) Projects with estimated costs greater than $100,000,000 from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document, and when it was completed;

(iii) Financial status of information technology projects under oversight;

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2021;

(viii) Budget and expenditures each fiscal month;

(ix) Estimated annual maintenance and operations costs by fiscal year; and

(x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:

(A) Office of the chief information officer;

(B) Agency project team; and

(C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(6) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds $2,000,000 in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than 30 percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(9) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1st and December 1st each calendar year any suspension or termination of a project in the previous six-month period to the legislative fiscal committees.

(10) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1st and December 1st each calendar year any additional projects to be subjected to this section that were identified in the previous six-month period to the legislative fiscal committees.

(11) The following transportation projects are subject to the conditions, limitations, and review provided in this section:

(a) For the Washington state patrol: Aerial criminal investigation tools;

(b) For the department of licensing: Website accessibility and usability; and

(c) For the department of transportation: Maintenance management system, land mobile radio system replacement, new csc system and operator, PROPEL – WSDOT support of one Washington, and capital systems replacement.

NEW SECTION. **Sec. 702. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS**

(1) The department of transportation is authorized, subject to the conditions in section 305(2) of this act, to enter into a financing contract pursuant to chapter 39.94 RCW through the state treasurer's lease-purchase program for the purposes indicated. The department may use any funds, appropriated or nonappropriated, in not more than the principal amounts indicated, plus financing expenses and required reserves, if any. Expenditures made by the department of transportation for the indicated purposes before the issue date of the authorized financing contract and any certificates of participation therein may be reimbursed from proceeds of the financing contract and any certificates of participation therein to the extent provided in the agency's

financing plan approved by the state finance committee.

(2) Department of transportation: Enter into a financing contract for up to $32,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the existing office building at 15700 Dayton Ave N, Shoreline. If the department of transportation has entered into a financing agreement for the purposes specified in this subsection prior to June 30, 2021, this subsection has no force and effect.

Sec. 703. RCW 43.19.642 and 2019 c 416 s 703 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2016, file annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 or B10 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

Sec. 704. RCW 46.20.745 and 2019 c 416 s 704 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock

requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

Sec. 705. RCW 82.21.030 and 2020 c 20 s 1483 are each amended to read as follows:

(1)(a) A tax is imposed on the privilege of possession of hazardous substances in this state. Except as provided in (b) of this subsection, the rate of the tax is seven-tenths of one percent multiplied by the wholesale value of the substance. Moneys collected under this subsection (1)(a) must be deposited in the model toxics control capital account.

(b) Beginning July 1, 2019, the rate of the tax on petroleum products is one dollar and nine cents per barrel. The tax collected under this subsection (1)(b) on petroleum products must be deposited as follows, after first depositing the tax as provided in (c) of this subsection ((~~(1)~~)), except that during the 2021-2023 biennium the deposit as provided in (c) of this subsection may be prorated equally across each month of the biennium:

(i) Sixty percent to the model toxics control operating account created under RCW 70A.305.180;

(ii) Twenty-five percent to the model toxics control capital account created under RCW 70A.305.190; and

(iii) Fifteen percent to the model toxics control stormwater account created under RCW 70A.305.200.

(c) Until the beginning of the ensuing biennium after the enactment of an additive transportation funding act, fifty million dollars per biennium to the motor vehicle fund to be used exclusively for transportation stormwater activities and projects. For purposes of this subsection, "additive transportation funding act" means an act in which the combined total of new revenues deposited into the motor vehicle fund and the multimodal transportation account exceed two billion dollars per biennium attributable solely to an increase in revenue from the enactment of the act.

(d) The department must compile a list of petroleum products that are not easily measured on a per barrel basis. Petroleum products identified on the list are subject to the rate under (a) of this subsection in lieu of the volumetric rate under (b) of this subsection. The list will be made in a form and manner prescribed by the department and must be made available on the department's internet website. In compiling the list, the department may accept technical assistance from persons that sell, market, or distribute petroleum products and consider any other resource the department finds useful in compiling the list.

(2) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(3) Beginning July 1, 2020, and every July 1st thereafter, the rate specified in subsection (1)(b) of this section must be adjusted to reflect the percentage change in the implicit price deflator for nonresidential structures as published by the United States department of commerce, bureau of economic analysis for the most recent twelve-month period ending December 31st of the prior year.

Sec. 706. RCW 46.68.060 and 2019 c 416 s 705 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, and chapters 46.72 and 46.72A RCW. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund. During the ((~~and the~~)) 2017-2019, 2019-

2021, and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account and the state patrol highway account.

Sec. 707. RCW 47.12.370 and 2003 c 187 s 1 are each amended to read as follows:

(1) The department may enter into exchange agreements with local, state, or federal agencies, tribal governments, or private nonprofit nature conservancy corporations as defined in RCW 64.04.130, to convey properties under the jurisdiction of the department that serve as environmental mitigation sites, as full or part consideration for the grantee assuming all future maintenance and operation obligations and costs required to maintain and operate the environmental mitigation site in perpetuity.

(2) ((~~Tribal~~)) (a) Except as provided in (b) of this subsection, tribal governments shall only be eligible to participate in an exchange agreement if they:

((~~(a)~~)) (i) Provide the department with a valid waiver of their tribal sovereign immunity from suit. The waiver must allow the department to enforce the terms of the exchange agreement or quitclaim deed in state court; and

((~~(b)~~)) (ii) Agree that the property shall not be placed into trust status.

(b) During the 2021-2023 fiscal biennium, the restrictions in (a) of this subsection do not apply to any exchange agreement with a tribal government for the acquisition of real property required by the department for the SR 167/SR 509 Puget Sound Gateway project.

(3) The conveyances must be by quitclaim deed, or other form of conveyance, executed by the secretary of transportation, and must expressly restrict the use of the property to a mitigation site consistent with preservation of the functions and values of the site, and must provide for the automatic reversion to the department if the property is not used as a mitigation site or is not maintained in a manner that complies with applicable permits, laws, and regulations pertaining to the maintenance and operation of the mitigation site.

Sec. 708. RCW 46.68.325 and 2019 c 416 s 708 are each amended to read as follows:

(1) The rural mobility grant program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.100.

(2) Beginning September 2011, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the rural mobility grant program account two million five hundred thousand dollars.

(3) During the 2015-2017 fiscal biennium, the legislature may transfer from the rural mobility grant program account to the multimodal transportation account such amounts as reflect the excess fund balance of the rural mobility grant program account.

(4) During the 2017-2019 ((~~and the~~)), 2019-2021, and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the rural mobility grant program account to the multimodal transportation account.

Sec. 709. RCW 47.56.876 and 2019 c 416 s 710 are each amended to read as follows:

A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the state route number 520 civil penalties account to the state route number 520 corridor account such amounts as reflect the excess fund balance of the state route number 520 civil penalties account. Funds transferred must be used solely for capital expenditures for the state route number 520 bridge replacement and HOV project. During the 2017-2019 and the

2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the state route number 520 civil penalties account to the state route number 520 corridor account. During the 2021-2023 fiscal biennium, the legislature may direct the state treasurer to transfer moneys in the state route number 520 civil penalties account to the motor vehicle account.

Sec. 710. RCW 46.68.370 and 2019 c 416 s 713 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.17.015 must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account ((~~[fund]~~)) may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the license plate technology account to the highway safety ((~~account [fund]~~)) fund such amounts as reflect the excess fund balance of the license plate technology account. During the 2019-2021 ((~~biennium~~)) and 2021-2023 biennia, the account may also be used for the maintenance of recently modernized information technology systems for vehicle registrations.

Sec. 711. RCW 46.68.300 and 2019 c 416 s 714 are each amended to read as follows:

The freight mobility investment account is hereby created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects that have been approved by the freight mobility strategic investment board in RCW 47.06A.020 and may include any principal and interest on bonds authorized for the projects or improvements. During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the expenditures from the account may also be used for the administrative expenses of the freight mobility strategic investment board.

Sec. 712. RCW 47.60.322 and 2019 c 416 s 716 are each amended to read as follows:

(1) The capital vessel replacement account is created in the motor vehicle fund. All revenues generated from the vessel replacement surcharge under RCW 47.60.315(7) and service fees collected by the department of licensing or county auditor or other agent appointed by the director under RCW 46.17.040, 46.17.050, and 46.17.060 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of ferry vessels. However, expenditures from the account must first be used to support the construction or purchase, including any applicable financing costs, of a ferry vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The state treasurer may transfer moneys from the capital vessel replacement account to the transportation 2003 account (nickel account) for debt service on bonds issued for the construction of 144-car class ferry vessels.

(3) The legislature may transfer from the capital vessel replacement account to the connecting Washington account created under RCW 46.68.395 such amounts as reflect the excess fund balance of the capital vessel replacement account to be used for ferry terminal construction and preservation.

(4) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the legislature may direct the state treasurer to make transfers of moneys in the capital vessel replacement account to the transportation partnership account and the connecting Washington account.

Sec. 713. RCW 46.68.290 and 2020 c 219 s 705 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or

improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of $4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

(11) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.

(12) During ((~~the 2017-2019 and~~)) the 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to the connecting Washington account, the motor vehicle fund, the Tacoma Narrows toll bridge account, and the capital vessel replacement account.

Sec. 714. RCW 46.68.063 and 2019 c 416 s 712 are each amended to read as follows:

The department of licensing technology improvement and data management account is created in the highway safety fund. All receipts from fees collected under RCW 46.12.630(5) must be deposited into the account. Expenditures from the account may be used only for investments in technology and data management at the department. During the 2019-2021 ((~~biennium~~)) and 2021-2023 biennia, the account may also be used for responding to public records requests. Moneys in the

account may be spent only after appropriation.

Sec. 715. RCW 47.60.530 and 2017 c 313 s 714 are each amended to read as follows:

(1) The Puget Sound ferry operations account is created in the motor vehicle fund.

(2) The following funds must be deposited into the account:

(a) All moneys directed by law;

(b) All revenues generated from ferry fares; and

(c) All revenues generated from commercial advertising, concessions, parking, and leases as allowed under RCW 47.60.140.

(3) Moneys in the account may be spent only after appropriation.

(4) Expenditures from the account may be used only for the maintenance, administration, and operation of the Washington state ferry system.

(5) During the 2015-2017 fiscal biennium, the legislature may transfer from the Puget Sound ferry operations account to the connecting Washington account such amounts as reflect the excess fund balance of the Puget Sound ferry operations account.

(6) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the connecting Washington account.

(7) During the 2021-2023 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the Puget Sound capital construction account.

Sec. 716. RCW 47.60.315 and 2019 c 431 s 3 are each amended to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) By September 1st of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare or except as provided in section 715 of this act during the 2021-2023 biennium.

(6) The commission may not raise fares until the fare rules contain pricing policies developed under RCW 47.60.290, or September 1, 2009, whichever is later.

(7) The commission shall impose a vessel replacement surcharge of twenty-five cents on every one-way and round-trip ferry fare sold, including multiride and monthly pass fares. This surcharge must be clearly indicated to ferry passengers and drivers and, if possible, on the fare media itself.

(8) Except as provided in subsection (10) of this section, beginning May 1, 2020, the commission shall impose an additional vessel replacement surcharge in an amount sufficient to fund twenty-five year debt service on one 144-auto hybrid vessel taking into account funds provided in chapter 417, Laws of 2019 or chapter . . . (SSB 5419), Laws of 2019. The department of transportation shall provide to the commission vessel and debt

service cost estimates. Information on vessels constructed or purchased with revenue from the surcharges must be publicly posted including, but not limited to, the commission web site.

(9) The vessel replacement surcharges imposed in this section may only be used for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of new ferry vessels.

(10) The commission shall not impose the additional vessel replacement surcharge in subsection (8) of this section if doing so would increase fares by more than ten percent.

Sec. 717. RCW 34.05.350 and 2011 1st sp.s. c 2 s 1 are each amended to read as follows:

(1) If an agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest;

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule; or

(c) In order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, ((~~or~~)) 2013, or in an omnibus transportation appropriations act for the 2021-2023 biennium related to setting toll rates or ferry fares, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency,

the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the rules review committee.

(2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

(3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any sanction imposed based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule.

Sec. 718. 2019 c 396 s 2 (uncodified) is amended to read as follows:

(1) The state commercial aviation coordinating commission is created to carry out the functions of ((~~this~~)) chapter 396, Laws of 2019. The commission shall consist of fifteen voting members.

(2) The governor shall appoint thirteen voting members to represent the following interests:

(a) Four as representatives of commercial service airports and ports, one of whom shall represent a port located in a county with a population of two million or more, one of whom shall represent a port in eastern Washington with an airport runway of at least thirteen thousand five hundred feet in length, one of whom shall represent a commercial service airport in eastern

Washington located in a county with a population of four hundred thousand or more, and one representing an association of ports;

(b) Three as representatives from the airline industry and the private sector;

(c) Two citizen representatives with one appointed from eastern Washington and one appointed from western Washington. The citizen appointees must:

(i) Represent the public interests in the communities that are included in the commission's site research; and

(ii) Understand the impacts of a large commercial aviation facility on a community;

(d) A representative from the freight forwarding industry;

(e) A representative from the trucking industry;

(f) A representative from a community organization that understands the impacts of a large commercial aviation facility on a community; and

(g) A representative from a statewide environmental organization.

(3) The remaining two members shall consist of:

(a) A representative from the department of commerce; and

(b) A representative from the division of aeronautics of the department of transportation.

(4) The commission shall invite the following nonvoting members:

(a) A representative from the Washington state aviation alliance;

(b) A representative from the department of defense;

(c) Two members from the senate, with one member from each of the two largest caucuses in the senate, appointed by the president of the senate;

(d) Two members from the house of representatives, with one member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;

(e) A representative from the division of aeronautics of the department of transportation;

(f) A representative from an eastern Washington metropolitan planning organization;

(g) A representative from a western Washington metropolitan planning organization;

(h) A representative from an eastern Washington regional airport; and

(i) A representative from a western Washington regional airport.

(5) The governor may appoint additional nonvoting members as deemed appropriate.

(6) The commission shall select a chair from among its membership and shall adopt rules related to its powers and duties under ((~~this~~)) chapter 396, Laws of 2019.

(7) Legislative members of the commission are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. The commission has all powers necessary to carry out its duties as prescribed by ((~~this~~)) chapter 396, Laws of 2019.

(8) The department of transportation shall provide staff support for coordinating and administering the commission and technical assistance as requested by commission members. The department shall consider cost-saving options such as using online conferencing tools. Meetings shall be held in Olympia, Washington unless resources allow for alternative locations.

(9) At the direction of the commission, and as resources allow, the department of transportation is authorized to hire a consultant to assist with the review and research efforts of the commission. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(10) The department of transportation shall convene the initial meeting of the commission as soon as practicable.

(11) This section expires ((~~July 1, 2022~~)) June 30, 2023.

Sec. 719. 2019 c 396 s 3 (uncodified) is amended to read as follows:

(1) The state commercial aviation coordinating commission will review existing data and conduct research to determine Washington's long-range commercial aviation facility needs and the site of a new primary commercial aviation facility. Research for each potential site must include the feasibility of constructing a commercial aviation facility in that location and its potential environmental, community, and economic impacts. Options for a new primary commercial aviation facility in Washington may include expansion of an existing airport facility but may not include siting a facility on or in the vicinity of a military installation that would be incompatible with the installation's ability to carry out its mission requirements. The work of the commission shall include the following:

(a) Recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities, excluding those located in a county with a population of two million or more, to meet anticipated commercial aviation, general aviation, and air cargo demands; ((~~and~~))

(b) Identifying a preferred location for a new primary commercial aviation facility. The commission shall make recommendations and shall select a single preferred location by a sixty percent majority vote using the following process:

(i) Initiating a broad review of potential sites;

(ii) Recommending a final short list of no more than six locations by ((~~January 1, 2021~~)) February 15, 2022;

(iii) Identifying the top two locations from the final six locations by ((~~September 1, 2021~~)) October 15, 2022; and

(iv) Identifying a single preferred location for a new primary commercial aviation facility by ((~~January 1, 2022~~)) February 15, 2023; and

(c) A projected timeline for the development of an additional commercial aviation facility that is completed and functional by 2040.

(2) The commission shall submit a report of its findings and recommendations to the transportation committees of the legislature by ((~~January 1, 2022~~)) February 15, 2023. The commission must allow a minority report to be included with the commission report if requested by a voting member of the commission.

(3) Nothing in this section shall be construed to endorse, limit, or otherwise alter existing or future plans for capital development and capacity enhancement at existing commercial airports in Washington.

(4) This section expires ((~~July 1, 2022~~)) June 30, 2023.

Sec. 720. RCW 46.09.540 and 2013 2nd sp.s. c 23 s 10 are each amended to read as follows:

(1) The multiuse roadway safety account is created in the motor vehicle fund. All receipts from vehicle license fees under RCW 46.17.350(1)(r) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for grants administered by the department of transportation to: (a) Counties to perform safety engineering analysis of mixed vehicle use on any road within a county; (b) local governments to provide funding to erect signs providing notice to the motoring public that (i) wheeled all-terrain vehicles are present or (ii) wheeled all-terrain vehicles may be crossing; (c) the state patrol or local law enforcement for purposes of defraying the costs of enforcement of chapter 23, Laws of 2013 2nd sp. sess.; ((~~and~~)) (d) law enforcement to investigate accidents involving wheeled all-terrain vehicles; and (e) during the 2021-2023 biennium grants may be made to counties to (i) enhance or maintain any segment of a road within the county in which the segment has been designated as part of a travel or tourism route for use by wheeled all-terrain vehicles; and (ii) purchase, print, develop, or use educational brochures or mapping technology that aids in the safety and direction of users of wheeled all-terrain vehicle routes.

(2) The department of transportation must prioritize grant awards in the following priority order:

(a) For the purpose of marking highway crossings with signs warning motorists that wheeled all-terrain vehicles may be crossing when an ORV recreation facility parking lot is on the other side of a

public roadway from the actual ORV recreation facility; and

(b) For the purpose of marking intersections with signs where a wheeled all-terrain vehicle may cross a public road to advise motorists of the upcoming intersection. Such signs must conform to the manual on uniform traffic control devices.

Sec. 721. RCW 47.66.120 and 2019 c 287 s 18 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose through the 2023-2025 biennium, the department's public transportation division shall establish a green transportation capital grant program. The purpose of the grant program is to aid any transit authority in funding cost-effective capital projects to reduce the carbon intensity of the Washington transportation system, examples of which include: Electrification of vehicle fleets, including battery and fuel cell electric vehicles; modification or replacement of capital facilities in order to facilitate fleet electrification and/or hydrogen refueling; necessary upgrades to electrical transmission and distribution systems; and construction of charging and fueling stations. The department's public transportation division shall identify projects and shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each even-numbered year.

(b) The department's public transportation division shall select projects based on a competitive process that considers the following criteria:

(i) The cost-effectiveness of the reductions in carbon emissions provided by the project; and

(ii) The benefit provided to transitioning the entire state to a transportation system with lower carbon intensity.

(2) The department's public transportation division must establish an advisory committee to assist in identifying projects under subsection (1) of this section. The advisory committee must include representatives from the department of ecology, the department of commerce, the utilities and transportation commission, and at least one transit authority.

(3) In order to receive green transportation capital grant program funding for a project, a transit authority must provide matching funding for that project that is at least equal to twenty percent of the total cost of the project.

(4) The department's public transportation division must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For purposes of this section, "transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transit authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

(6) During the 2021-2023 fiscal biennium, the department may provide up to 20 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects.

2019-2021 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 801. 2019 c 416 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation ((~~$545,000~~))

$536,000

Sec. 802. 2020 c 219 s 101 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation ((~~$1,419,000~~))

$1,388,000

Multimodal Transportation Account—State Appropriation $300,000

Puget Sound Ferry Operations Account—State Appropriation $121,000

TOTAL APPROPRIATION ((~~$1,840,000~~))

$1,809,000

The appropriations in this section are subject to the following conditions and limitations: $300,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in direct coordination with the office of state treasurer, to evaluate, coordinate, and assist in efforts by state agencies in developing cost recovery mechanisms for credit card and other financial transaction fees currently paid from state funds. This may include disbursing interagency reimbursements for the implementation costs incurred by the affected agencies. As part of the first phase of this effort, the office of financial management, with the assistance of relevant agencies, must develop implementation plans and take all necessary steps to ensure that the actual cost-recovery mechanisms will be in place by January 1, 2020, for the vehicles and drivers programs of the department of licensing. By November 1, 2019, the office of financial management must provide a report to the joint transportation committee on the phase 1 implementation plan and options to expand similar cost recovery mechanisms to other state agencies and programs, including the ferries division.

Sec. 803. 2020 c 219 s 102 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation ((~~$1,359,000~~))

$1,350,000

Sec. 804. 2019 c 416 s 106 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State Appropriation ((~~$652,000~~))

$647,000

Sec. 805. 2020 c 219 s 104 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

Motor Vehicle Account—State Appropriation ((~~$3,082,000~~))

$3,052,000

Sec. 806. 2020 c 219 s 105 (uncodified) is amended to read as follows:

FOR THE SENATE

Motor Vehicle Account—State Appropriation $2,999,000

TRANSPORTATION AGENCIES—OPERATING

Sec. 901. 2020 c 219 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation ((~~$4,675,000~~))

$4,647,000

Highway Safety Account—Federal Appropriation ((~~$27,051,000~~))

$26,943,000

Highway Safety Account—Private/Local Appropriation $118,000

School Zone Safety Account—State Appropriation $850,000

TOTAL APPROPRIATION ((~~$32,694,000~~))

$32,558,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $150,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 54, Laws of 2019 (Cooper Jones Active Transportation Safety Council). If chapter 54, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, 2020.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall install two signs facing opposite directions within two hundred feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must post information on the city web site and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2021, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration

project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, 2021.

(4)(a) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in chapter 224, Laws of 2020 (automated traffic safety cameras) or chapter . . . (Substitute Senate Bill No. 5789), Laws of 2020 (automated traffic safety cameras) to provide the transportation committees of the legislature with the following information by June 30, 2021:

(i) The number of warnings and infractions issued to first-time violators under the pilot program;

(ii) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(iii) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

(b) If neither chapter 224, Laws of 2020 nor chapter . . . (Substitute Senate Bill No. 5789), Laws of 2020 is enacted by June 30, 2020, the conditions of this subsection (4) have no force and effect.

Sec. 902. 2020 c 219 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation $1,137,000

Motor Vehicle Account—State Appropriation ((~~$2,920,000~~))

$2,995,000

County Arterial Preservation Account—State

Appropriation $1,677,000

TOTAL APPROPRIATION ((~~$5,734,000~~))

$5,809,000

The appropriations in this section are subject to the following conditions and limitations: $58,000 of the motor vehicle account—state appropriation is provided solely for succession planning and training.

Sec. 903. 2020 c 219 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State

Appropriation ((~~$3,854,000~~))

$3,825,000

Sec. 904. 2020 c 219 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account—State Appropriation ((~~$2,187,000~~))

$2,173,000

Multimodal Transportation Account—State Appropriation ((~~$917,000~~))

$895,000

Highway Safety Account—State Appropriation $275,000

TOTAL APPROPRIATION ((~~$3,379,000~~))

$3,343,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $400,000 of the motor vehicle account—state appropriation and $50,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a comprehensive assessment of statewide transportation needs and priorities, and existing and potential transportation funding mechanisms to address those needs and priorities. The assessment must include: (a) Recommendations on the critical state and local transportation projects, programs, and services needed to achieve an efficient, effective, statewide transportation system over the next ten years; (b) a comprehensive menu of funding options for the legislature to consider to address the identified transportation system investments; (c) recommendations on whether a revision to the statewide transportation policy goals in RCW 47.04.280 is warranted in light of the recommendations and options identified in (a) and (b) of this subsection; and (d) an analysis of the economic impacts of a range of future

transportation investments. The assessment must be submitted to the transportation committees of the legislature by June 30, 2020. Starting July 1, 2020, and concluding by December 31, 2020, a committee-appointed commission or panel shall review the assessment and make final recommendations to the legislature for consideration during the 2021 legislative session on a realistic, achievable plan for funding transportation programs, projects, and services over the next ten years including a timeline for legislative action on funding the identified transportation system needs shortfall.

(2)(a) $382,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct an analysis of the electrification of public fleets in Washington state. The study must include the following:

(i) An inventory of existing public fleets for the state of Washington, counties, a sampling of cities, and public transit agencies. The inventory must differentiate among battery and fuel cell electric vehicles, hybrid vehicles, gasoline powered vehicles, and any other functional categories. Three cities from each of the following population ranges must be selected for the analysis:

(A) Population up to and including twenty-five thousand;

(B) Population greater than twenty-five thousand and up to and including fifty thousand;

(C) Population greater than fifty thousand and up to and including one hundred thousand;

(D) Population greater than one hundred thousand;

(ii) A review of currently available battery and fuel cell electric vehicle alternatives to the vehicle types most commonly used by the state, counties, cities, and public transit agencies. The review must include:

(A) The average vehicle cost differential among the commercially available fuel options;

(B) A cost benefit analysis of the conversion of different vehicle classes; and

(C) Recommendations for the types of vehicles that should be excluded from consideration due to insufficient alternatives, unreliable technology, or excessive cost;

(iii) The projected costs of achieving substantial conversion to battery and/or fuel cell electric fleets by 2025, 2030, and 2035 for the state, counties, cities, and public transit agencies. This cost estimate must include:

(A) Vehicle acquisition costs, charging and refueling infrastructure costs, and other associated costs;

(B) Financial constraints of each type of entity to transition to an electric vehicle fleet; and

(C) Any other identified barriers to transitioning to a battery and/or fuel cell electric vehicle fleet;

(iv) Identification and analysis of financing mechanisms that could be used to finance the transition of publicly owned vehicles to battery and fuel cell electric vehicles. These mechanisms include, but are not limited to: Energy or carbon savings performance contracting, utility grants and rebates, revolving loan funds, state grant programs, private third-party financing, fleet management services, leasing, vehicle use optimization, and vehicle to grid technology; and

(v) The predicted number and location profile of electric vehicle fueling stations needed statewide to provide fueling for the fleets of the state, counties, cities, and public transit agencies.

(b) In developing and implementing the study, the joint transportation committee must solicit input from representatives of the department of enterprise services, the department of transportation, the department of licensing, the department of commerce, the Washington state association of counties, the association of Washington cities, the Washington state transit association, transit agencies, and others as deemed appropriate.

(c) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(3)(a) ((~~$250,000~~)) $228,000 of the multimodal transportation account—state

appropriation is for the joint transportation committee to conduct a study of the feasibility of an east-west intercity passenger rail system. The study must include the following elements:

(i) Projections of potential ridership;

(ii) Review of relevant planning studies;

(iii) Establishment of an advisory group and associated meetings;

(iv) Development of a Stampede Pass corridor alignment to maximize ridership, revenue, and rationale, considering service to population centers: Auburn, Cle Elum, Yakima, Tri-Cities, Ellensburg, Toppenish, and Spokane;

(v) Assessment of current infrastructure conditions, including station stop locations;

(vi) Identification of equipment needs; and

(vii) Identification of operator options.

(b) A report of the study findings and recommendations is due to the transportation committees of the legislature by June 30, 2020.

(4)(a) $275,000 of the highway safety fund—state appropriation is for a study of vehicle subagents in Washington state. The study must consider and include recommendations, as necessary, on the following:

(i) The relevant statutes, rules, and/or regulations authorizing vehicle subagents and any changes made to the relevant statutes, rules, and/or regulations;

(ii) The current process of selecting and authorizing a vehicle subagent, including the change of ownership process and the identification of any barriers to entry into the vehicle subagent market;

(iii) The annual business expenditures borne by each of the vehicle subagent businesses since fiscal year 2010 and identification of any materials, including office equipment and supplies, provided by the department of licensing to each vehicle subagent since fiscal year 2010. To accomplish this task, each vehicle subagent must provide expenditure data to the joint transportation committee for the purposes of this study;

(iv) The oversight provided by the county auditors and/or the department of licensing over the vehicle subagent businesses;

(v) The history of service fees, how increases to the service fee rate are made, and how the requested fee increase is determined;

(vi) The online vehicle registration renewal process and any potential improvements to the online process;

(vii) The department of licensing's ability to provide more vehicle licensing services directly, particularly taking into account the increase in online vehicle renewal transactions;

(viii) The potential expansion of services that can be performed by vehicle subagents; and

(ix) The process by which the geographic locations of vehicle subagents are determined.

(b) In conducting the study, the joint transportation committee must consult with the department of licensing, a representative of county auditors, and a representative of vehicle subagents.

(c) The joint transportation committee may collect any data from the department of licensing, county auditors, and vehicle subagents that is necessary to conduct the study.

(d) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(5)(a) $235,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to oversee a consultant study on rail safety governance best practices, by class of rail where applicable, and recommendations for the implementation of these best practices in Washington state. The study must assess rail safety governance for passenger and freight rail, including rail transit services, and must consider recommendations made by the national transportation safety board in its 2017 Amtrak passenger train 501 derailment accident report that are relevant to rail safety governance.

(b) The study must include the following components:

(i)(A) An assessment of rail safety oversight in Washington state that includes: (I) The rail safety oversight roles of federal, state, regional, and local agencies, including the extent to which federal and state laws govern these roles and the extent to which these roles would be modified should the suspended federal rules in 49 C.F.R. Part 270 take effect; (II) federal, state, regional, and local agency organizational structures and processes utilized to conduct rail safety oversight; and (III) coordination activities by federal, state, regional, and local agencies in conducting rail safety oversight;

(B) An examination of rail safety governance best practices by other states for the items identified in (a) of this subsection; and

(C) Recommendations for the implementation of best practices for rail safety governance in Washington state.

(ii) The study must address the extent to which additional safety oversight of rail project design and construction is used in other states and would be a recommended best practice for Washington state.

(c) The joint transportation committee shall consult with the Washington state department of transportation, the Washington state utilities and transportation commission, sound transit, the national transportation safety board, Amtrak, the federal railroad administration, BNSF railway company, one or more representatives of short line railroads, one or more representatives of labor, and other entities with rail safety expertise as necessary.

(d) The joint transportation committee must issue a report of its findings and recommendations on rail safety governance to the transportation committees of the legislature by January 6, 2021.

(6)(a) $250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of a private auto ferry between the state of Washington and British Columbia, Canada. The study must include the following elements:

(i) Expected impacts to ridership, revenue, and expenditures for Washington state ferries;

(ii) Expected impacts to ferry service provided to the San Juan Islands;

(iii) Possible terminal locations on Fidalgo Island;

(iv) Economic impacts to the Anacortes area if ferry service between the area and Vancouver Island ceases;

(v) Economic impacts to the San Juan Islands if ferry service or ferry tourism is reduced;

(vi) Expected impacts to family wage jobs in the marine industry for Washingtonians;

(vii) Expected impacts to ferry fares between the state of Washington and British Columbia, Canada;

(viii) Legal analysis of all state, federal, or Canadian laws or rules, including the Jones act and rules of the board of pilotage commissioners, that may apply to initiation of private service or cessation of state service; and

(ix) Options for encouraging private auto ferry service between the state of Washington and Vancouver Island, Canada.

(b) In conducting the study, the joint transportation committee must consult with the department of transportation, a representative of San Juan county, a representative of the city of Anacortes, a representative of the inland boatman's union, a representative of Puget Sound pilots, a representative of the port of Anacortes, a representative of the economic development alliance of Skagit county, and interested private ferry operators in Washington state.

(c) A report of the study findings and options is due to the transportation committees of the legislature by February 15, 2021.

Sec. 905. 2020 c 219 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation ((~~$2,324,000~~))

$1,861,000

Interstate 405 and State Route Number 167 Express Toll Lanes

Account—State Appropriation ((~~$410,000~~))

$406,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$271,000~~))

$262,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$158,000~~))

$152,000

Alaskan Way Viaduct Replacement Project

Account—State Appropriation ((~~$136,000~~))

$132,000

TOTAL APPROPRIATION ((~~$3,299,000~~))

$2,813,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall report at least once every three months to the steering committee with updates on report development for the completed road usage charge pilot project until the final report is submitted. The commission shall also report to the steering committee on any other activities undertaken in accordance with this subsection (1) as necessary to keep it apprised of new developments and to obtain input on its efforts. The final report on the road usage charge pilot project is due to the transportation committees of the legislature by January 1, 2020, and should include recommendations for necessary next steps to consider impacts to communities of color, low-income households, vulnerable populations, and displaced communities. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b)(i) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal surface transportation system funding alternatives grant program, applying toll credits for meeting match requirements. One or more grant applications shall be developed that propose to:

(A) Create a framework for modeling the effects of a road usage charge on passenger and light-duty vehicles including, but not limited to, plug-in electric vehicles, autonomous vehicles, state fleets, and transportation network companies on a road usage charge system;

(B) Identify and measure potential disparate impacts of a road usage charge on designated populations, including communities of color, low-income households, vulnerable populations, and displaced communities;

(C) Incorporate emerging approaches to mileage reporting, such as in-vehicle telematics, improved smartphone apps, and use of private businesses to provide odometer verification and mileage reporting services, into a road usage charge system;

(D) Conduct a series of facilitated work sessions with other states and private sector firms to identify opportunities to reduce the cost of collections for a road usage charge;

(E) Develop a road usage charge phase-in plan that incorporates findings from (b)(i)(A) through (D) of this subsection;

(F) Carry out a limited scale demonstration to test new mileage reporting methods; equity policies; cost reduction techniques; and collecting a road usage charge from passenger and light-duty vehicles including, but not limited to, plug-in electric vehicles, autonomous vehicles, state fleets, transportation network companies, and other new mobility services; and

(G) Produce a final report with recommendations and a recommended roadmap that details how a road usage charge could be appropriately scaled to fit state circumstances and that includes a framework for evaluating policy choices related to the use of road usage charge revenue.

(ii) A year-end report on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the

legislature by January 1, 2020, and by January 1, 2021.

(c) $150,000 of the motor vehicle account—state appropriation is provided solely for analysis of potential impacts of a road usage charge on communities of color, low-income households, vulnerable populations, and displaced communities. The analysis must include an assessment of potential mitigation measures to address these potential impacts. These funds must be held in unallotted status during the 2019-2021 fiscal biennium, and may only be used after the commission has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal surface transportation system funding alternatives grant program under (b) of this subsection without successfully securing federal funding for the further study of a road usage charge. A year-end update on the status of this effort, if undertaken prior to the end of calendar year 2020, must be provided to the governor's office and the transportation committees of the legislature by January 1, 2021.

(2)(a) $250,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the transportation commission to conduct a study, applicable to the Interstate 405 express toll lanes, of discounted tolls and other similar programs for low-income drivers that are provided by other states, countries, or other entities and how such a program could be implemented in the state of Washington. The transportation commission may contract with a consultant to conduct all or a portion of this study.

(b) In conducting this study, the transportation commission shall consult with both the department of transportation and the department of social and health services.

(c) The transportation commission shall, at a minimum, consider the following issues when conducting the study of discounted tolls and other similar programs for low-income drivers:

(i) The benefits, requirements, and any potential detriments to the users of a program;

(ii) The most cost-effective way to implement a program given existing financial commitments, shared cost requirements across facilities, and technical requirements to execute and maintain a program;

(iii) The implications of a program for tolling policies, revenues, costs, operations, and enforcement; and

(iv) Any implications to tolled facilities based on the type of tolling implemented on a particular facility.

(d) The transportation commission shall provide a report detailing the findings of this study and recommendations for implementing a discounted toll or other appropriate program in the state of Washington to the transportation committees of the legislature by June 30, 2021.

(3) $160,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $271,000 of the state route number 520 corridor account—state appropriation, $158,000 of the Tacoma Narrows toll bridge account—state appropriation, and $136,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(4) The legislature requests that the commission commence proceedings to name state route number 165 as The Glacier Highway to commemorate the significance of glaciers to the state of Washington.

Sec. 906. 2020 c 219 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State

Appropriation ((~~$772,000~~))

$766,000

Sec. 907. 2020 c 219 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation ((~~$501,294,000~~))

$495,785,000

State Patrol Highway Account—Federal Appropriation ((~~$16,081,000~~))

$15,978,000

State Patrol Highway Account—Private/Local

Appropriation ((~~$4,258,000~~))

$4,257,000

Highway Safety Account—State Appropriation $1,188,000

Ignition Interlock Device Revolving Account—State

Appropriation $7,010,000

Multimodal Transportation Account—State

Appropriation ((~~$286,000~~))

$274,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $1,182,000

State Route Number 520 Corridor Account—State

Appropriation $1,988,000

Tacoma Narrows Toll Bridge Account—State Appropriation $1,158,000

Alaskan Way Viaduct Replacement Project

Account—State Appropriation $996,000

TOTAL APPROPRIATION ((~~$535,441,000~~))

$529,816,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) $510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) $1,424,000 of the state patrol highway account—state appropriation is provided solely to enter into an agreement for upgraded land mobile software, hardware, and equipment.

(4) $2,582,000 of the state patrol highway account—state appropriation is provided solely for the replacement of radios and other related equipment.

(5) $343,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification.

(6) ((~~$2,342,000~~)) $1,556,000 of the state patrol highway account—state appropriation is provided solely to address the increase in the number of toxicology cases from impaired driving and death investigations.

(7) $580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2019, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2017, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than $625,000 in state sales and use taxes have been remitted to the state since July 1, 2017, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406, chapter 416, Laws of 2019.

(8) $18,000 of the state patrol highway account—state appropriation is provided solely for the license investigation unit to procure an

additional license plate reader and related costs.

(9) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(10) $4,210,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2021.

(11) $65,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 440, Laws of 2019 (immigrants in the workplace). If chapter 440, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(12)(a) The Washington state patrol must report quarterly to the house and senate transportation committees on the status of recruitment and retention activities as follows:

(i) A summary of recruitment and retention strategies;

(ii) The number of transportation funded staff vacancies by major category;

(iii) The number of applicants for each of the positions by these categories;

(iv) The composition of workforce; and

(v) Other relevant outcome measures with comparative information with recent comparable months in prior years.

(b) By January 1, 2020, the Washington state patrol must submit to the transportation committees of the legislature and the governor a workforce diversity plan. The plan must identify ongoing, and both short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(13) $1,182,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $1,988,000 of the state route number 520 corridor account—state appropriation, $1,158,000 of the Tacoma Narrows toll bridge account—state appropriation, and $996,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(14) $100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of ((~~Senate Bill No. 6218~~)) chapter 97, Laws of 2020 (Washington state patrol retirement definition of salary), which reflects an increase in the Washington state patrol retirement system pension contribution rate of 0.15 percent for changes to the definition of salary. If ((~~Senate Bill No. 6218~~)) chapter 97, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(16)~~)) (15) $975,000 of the state patrol highway account—state appropriation is provided solely for communications officers at the King county public safety answering point.

((~~(17)~~)) (16) $830,000 of the state patrol highway account—state appropriation is provided solely for information technology security enhancements.

((~~(18)~~)) (17) $150,000 of the state patrol highway account is provided solely for the Washington state patrol to work with the department of enterprise services and office of minority and women's business enterprises to contract for a workforce diversity strategic action plan. The successful consultant must have demonstrated expertise in workforce diversity research and an established record of assisting organizations in implementing diversity initiatives. The plan must include:

(a) Current and past employment data on the composition of the state patrol workforce generally and of its protective service workers;

(b) Research into the reasons for underrepresentation of minorities and women in the state patrol workforce;

(c) Research on best practices for recruiting across the state and from communities historically underrepresented in the Washington state patrol workforce;

(d) Case studies of law enforcement and other agencies that have successfully diversified their workforce; and

(e) A strategic plan with recommendations that will address disparities in the Washington state patrol employment ranks in both commissioned and noncommissioned personnel, with a focus on executive, command, and supervisory employees.

Sec. 908. 2020 c 219 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State Appropriation $34,000

Motorcycle Safety Education Account—State

Appropriation ((~~$5,052,000~~))

$5,023,000

State Wildlife Account—State Appropriation ((~~$511,000~~))

$510,000

Highway Safety Account—State Appropriation ((~~$242,965,000~~))

$226,935,000

Highway Safety Account—Federal Appropriation $1,294,000

Motor Vehicle Account—State Appropriation ((~~$71,447,000~~))

$64,548,000

Motor Vehicle Account—Federal Appropriation $186,000

Motor Vehicle Account—Private/Local Appropriation $10,008,000

Ignition Interlock Device Revolving Account—State

Appropriation ((~~$5,779,000~~))

$5,265,000

Department of Licensing Services Account—State

Appropriation ((~~$7,696,000~~))

$7,685,000

License Plate Technology Account—State

Appropriation $4,250,000

Abandoned Recreational Vehicle Account—State

Appropriation $2,925,000

Limousine Carriers Account—State Appropriation $113,000

Electric Vehicle Account—State Appropriation $264,000

DOL Technology Improvement & Data Management

Account—State Appropriation $2,250,000

Agency Financial Transaction Account—State

Appropriation $11,903,000

TOTAL APPROPRIATION ((~~$366,677,000~~))

$343,193,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $139,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter 65, Laws of 2019 (motorcycle safety). If chapter 65, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) $25,000 of the motorcycle safety education account—state appropriation, $4,000 of the state wildlife account—state appropriation, $1,708,000 of the highway safety account—state appropriation, $576,000 of the motor vehicle account—state appropriation, $22,000 of the ignition interlock device revolving account—state appropriation, and $28,000 of the department of licensing services account—state appropriation are provided solely for the department to fund the appropriate staff and necessary equipment and software for data management, data analytics, and data compliance activities. The department must, in consultation with the office of the chief information officer, construct a framework with goals for providing better data stewardship and a plan to achieve those goals. The department must provide the framework and plan to the transportation committees of the legislature by December 31, 2019, and an update by May 1, 2020.

(3) Appropriations provided for the cloud continuity of operations project in

this section are subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 219, Laws of 2020.

(4) $24,028,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(5) $507,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 (vehicle service fees) or chapter 417, Laws of 2019 (vehicle service fees). If neither chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 or chapter 417, Laws of 2019 are enacted by June 30, 2019, the amount provided in this subsection lapses.

(6) $25,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 177, Laws of 2019 (San Juan Islands license plate). If chapter 177, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(7) $24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 384, Laws of 2019 (Seattle Storm license plate). If chapter 384, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(8) $65,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 440, Laws of 2019 (immigrants in the workplace). If chapter 440, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(9) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least $11,903,000 in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions beginning January 1, 2020. At the direction of the office of financial management, the department must develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department must notify the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in section 717, chapter 416, Laws of 2019 on a quarterly basis.

(10) $1,281,000 of the department of licensing service account—state appropriation is provided solely for savings from the implementation of chapter 417, Laws of 2019 (vehicle service fees). If chapter 417, Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection lapses.

(11) $2,650,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account.

(12) $20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 210, Laws of 2019 (Gold Star license plate). If chapter 210, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(13) $31,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 262, Laws of 2019 (snow bikes). If chapter 262, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(14) $24,000 of the motor vehicle account—state appropriation is provided

solely for the implementation of chapter 139, Laws of 2019 (Purple Heart license plate). If chapter 139, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(15) $24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 278, Laws of 2019 (vehicle and vessel owner information). If chapter 278, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(16) $600,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(17) The department must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(18) $91,000 of the highway safety account—state appropriation is provided solely for the department's costs related to the one Washington project.

(19) ((~~$1,674,000~~)) $1,174,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a ((~~culturally-responsive~~)) culturally responsive fashion.

(20) Due to the passage of chapter 1 (Initiative Measure No. 976), Laws of 2020, the department, working with the office of financial management, shall provide a monthly report on the number of registrations involved and differences between actual collections and collections if the initiative was not subject to a temporary injunction as of December 5, 2019.

(21) The appropriations in this section assume full cost recovery for the administration and collection of a motor vehicle excise tax on behalf of any regional transit authority pursuant to section 706 ((~~of this act~~)), chapter 219, Laws of 2020.

((~~(26)~~)) (22) $107,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 78, Laws of 2020 (military veterans commercial driver's license waivers) or chapter . . . (Second Substitute Senate Bill No. 5544), Laws of 2020 (military veterans commercial driver's license waivers). If neither chapter 78, Laws of 2020 nor chapter . . . (Second Substitute Senate Bill No. 5544), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(28)~~)) (23) $114,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 124, Laws of 2020 (homeless youth identicards) or chapter . . . (Senate Bill No. 6304), Laws of 2020 (homeless youth identicards). If neither chapter 124, Laws of 2020 nor chapter . . . (Senate Bill No. 6304), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(29)~~)) (24) $24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 129, Laws of 2020 (Seattle national hockey league special license plate) or chapter . . . (Senate Bill No. 6562), Laws of 2020 (Seattle national hockey league special license plate). If neither chapter 129, Laws of 2020 nor chapter . . . (Senate Bill No. 6562), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(30)~~)) (25) $14,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 (off-road vehicle enforcement) or chapter . . . (Senate Bill No. 6115), Laws of 2020 (off-road vehicle enforcement). If neither chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 nor chapter . . . (Senate Bill No. 6115), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(31)~~)) (26) $105,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 118, Laws of 2020 (tribal vehicles compact) or chapter . . . (Senate Bill No. 6251), Laws of 2020 (tribal vehicles compact). If neither chapter 118, Laws of 2020 nor chapter . . . (Senate Bill No. 6251), Laws of 2020 (tribal vehicles compact) is enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(32)~~)) (27) $57,000 of the state wildlife account—state appropriation is provided solely for the implementation of chapter 148, Laws of 2020 (state wildlife account). If chapter 148, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(33)~~)) (28) $19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 93, Laws of 2020 (apples special license plate). If chapter 93, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(34)~~)) (29) $19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 239, Laws of 2020 (stolen vehicle check). If chapter 239, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

((~~(36)~~)) (30) $40,000 of the department of licensing services account—state appropriation is provided solely for the department to report to the governor and chairs of the transportation committees of the legislature by December 1, 2020, with a proposed plan to allow the registered owner of a vehicle, or the registered owner's authorized representative, to voluntarily enter into either a quarterly or monthly payment plan with the department to pay vehicle fees or taxes due at the time of application for renewal vehicle registration. The plan must include: (a) An analysis of the administrative costs associated with allowing the payment plans; (b) the estimated revenue impact by fund or account, including impacts to local governments; and (c) the recommended method to achieve the greatest level of customer payment compliance.

((~~(37)~~)) (31)(a) Within available resources, and in collaboration with the department of revenue, the department of licensing shall evaluate the effectiveness of chapter 218, Laws of 2017, in improving compliance with state laws relating to the registration of off-road vehicles, including the payment of retail sales and use tax. The department of licensing shall recommend any statutory, administrative, or other changes needed to optimize and further strengthen the compliance, including an implementation timeline and corresponding resource requirements. Among its recommendations, the department of licensing must address potential changes to the process under RCW 46.93.210 by which the department notifies persons whose vehicles may not be properly registered in the state. The department shall submit a report to the governor and the transportation committees of the legislature by December 15, 2020.

(b) If chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 is enacted by June 30, 2020, this subsection has no force and effect.

Sec. 909. 2020 c 219 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B

State Route Number 520 Corridor Account—State

Appropriation ((~~$59,059,000~~))

$36,503,000

State Route Number 520 Civil Penalties Account—State

Appropriation ((~~$4,145,000~~))

$20,230,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$33,806,000~~))

$34,073,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation ((~~$21,616,000~~))

$19,857,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$27,457,000~~))

$23,637,000

TOTAL APPROPRIATION ((~~$146,083,000~~))

$134,300,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and $11,034,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3)(a) ((~~$2,114,000~~)) $1,406,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ((~~$4,920,000~~)) $3,269,000 of the state route number 520 corridor account—state appropriation, ((~~$2,116,000~~)) $1,407,000 of the Tacoma Narrows toll bridge account—state appropriation, and ((~~$2,776,000~~)) $1,844,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to finish implementing a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 219, Laws of 2020.

(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management

plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(4) The department shall make detailed quarterly reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(5) ((~~$24,735,000~~)) $21,623,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for operational costs related to the express toll lane facility.

(6) ((~~In calendar year 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2019-2021 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.~~

~~(7) $18,840,000~~)) $18,013,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility commences and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

((~~(8)~~)) (7) $608,000 of the Interstate 405 and state route number 167 express

toll lanes account—state appropriation are provided solely for increased levels of service from the Washington state patrol for enforcement of toll lane violations on the Interstate 405 and state route number 167 express toll lanes. The department shall compile monthly data on the number of Washington state patrol enforcement hours on each facility and the percentage of time during peak hours that speeds are at or above forty-five miles per hour on each facility. The department shall provide this data in a report to the transportation committees of the legislature on at least a calendar quarterly basis.

((~~(9)~~)) (8) The department shall develop an ongoing cost allocation method to assign appropriate costs to each of the toll funds for services provided by each Washington state department of transportation program and all relevant transportation agencies, including the Washington state patrol and the transportation commission. This method should update the toll cost allocation method used in the 2020 supplemental transportation appropriations act. By December 1, 2020, a report with the recommended method and any changes or potential impacts to toll rates shall be submitted to the transportation committees of the legislature and the office of financial management.

Sec. 910. 2020 c 219 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C

Transportation Partnership Account—State Appropriation $1,460,000

Motor Vehicle Account—State Appropriation ((~~$96,331,000~~))

$93,032,000

Puget Sound Ferry Operations Account—State

Appropriation $263,000

Multimodal Transportation Account—State

Appropriation ((~~$2,878,000~~))

$2,665,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $1,460,000

TOTAL APPROPRIATION ((~~$102,392,000~~))

$98,880,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $8,114,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 219, Laws of 2020. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly. The department shall provide a report to the transportation committees of the legislature by December 31, 2019, detailing the project timeline as of July 1, 2019, an updated project timeline if necessary, expenditures made to date for the purposes of this project, and expenditures projected through the remainder of the project timeline.

(2) $1,375,000 of the motor vehicle account—state appropriation is provided solely for the department's cost related to the one Washington project.

(3) $21,500,000 of the motor vehicle account—state appropriation is provided solely for the activities of the information technology program in developing and maintaining information systems that support the operations and program delivery of the department, ensuring compliance with section 701 ((~~of this act~~)), chapter 219, Laws of 2020, and the requirements of the office of the chief information officer under RCW 43.88.092 to evaluate and prioritize any

new financial and capital systems replacement or modernization project and any other information technology project. During the 2019-2021 fiscal biennium, the department may use the distributed direct program support or other cost allocation method to fund a new capital systems replacement or modernization project. The department shall submit a decision package for implementation of a new capital systems replacement project to the governor and the transportation committees of the legislature as part of the normal budget process for the 2021-2023 biennium.

Sec. 911. 2020 c 219 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING

Motor Vehicle Account—State Appropriation ((~~$34,807,000~~))

$33,819,000

State Route Number 520 Corridor Account—State

Appropriation $34,000

TOTAL APPROPRIATION ((~~$34,841,000~~))

$33,853,000

Sec. 912. 2020 c 219 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

Aeronautics Account—State Appropriation ((~~$7,743,000~~))

$6,773,000

Aeronautics Account—Federal Appropriation $3,043,000

Aeronautics Account—Private/Local Appropriation $60,000

TOTAL APPROPRIATION ((~~$10,846,000~~))

$9,876,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$2,862,000~~)) $2,505,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) ((~~$268,000~~)) $218,000 of the aeronautics account—state appropriation is provided solely for one FTE dedicated to planning aviation emergency services and addressing emerging aeronautics requirements.

(3) $200,000 of the aeronautics account—state appropriation is provided solely for the department to convene an electric aircraft work group to study the state of the electrically powered aircraft industry and assess infrastructure needs related to the deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The chair of the work group may be a consultant specializing in aeronautics. The work group must include, but is not limited to, representation from the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The study must include, but is not limited to:

(i) Infrastructure requirements necessary to facilitate electric aircraft operations at airports;

(ii) Potential economic and public benefits including, but not limited to, the direct and indirect impact on the number of manufacturing and service jobs and the wages from those jobs in Washington state;

(iii) Potential incentives for industry in the manufacturing and operation of electric aircraft for regional air travel;

(iv) Educational and workforce requirements for manufacturing and maintaining electric aircraft;

(v) Demand and forecast for electric aircraft use to include expected timeline of the aircraft entering the market given federal aviation administration certification requirements;

(vi) Identification of up to six airports in Washington state that may

benefit from a pilot program once an electrically propelled aircraft for commercial use becomes available; and

(vii) Recommendations to further the advancement of the electrification of aircraft for regional commercial use within Washington state, including specific, measurable goals for the years 2030, 2040, and 2050 that reflect progressive and substantial increases in the utilization of electric and hybrid-electric commercial aircraft.

(c) The work group must submit a report and accompanying recommendations to the transportation committees of the legislature by November 15, 2020.

(4) ((~~$350,000~~)) $193,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 396, Laws of 2019 (aviation coordinating commission).

(5) Within amounts appropriated in this section, the aviation division of the department shall assist and consult with the department of revenue in their efforts to update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department of revenue, in consultation with the aviation division of the Washington state department of transportation, is tasked with developing and recommending a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department of revenue is directed to submit a report, including the recommended methodology, to the fiscal committees of the house of representatives and the senate by January 11, 2021.

Sec. 913. 2020 c 219 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H

Motor Vehicle Account—State Appropriation ((~~$59,788,000~~))

$55,549,000

Motor Vehicle Account—Federal Appropriation $500,000

Multimodal Transportation Account—State Appropriation $258,000

TOTAL APPROPRIATION ((~~$60,546,000~~))

$56,307,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) $1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2019-2021 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4)(a) $100,000 of the motor vehicle account—state appropriation is provided solely for the department to:

(i) Determine the real property owned by the state of Washington and under the jurisdiction of the department in King county that is surplus property located in an area encompassing south of Dearborn Street in Seattle, south of Newcastle, west of SR 515, and north of South 216th to SR 515; and

(ii) Use any remaining funds after (a)(i) of this subsection is completed to identify additional real property across the state owned by the state of Washington and under the jurisdiction of the department that is surplus property.

(b) The department shall provide a report to the transportation committees of the legislature describing the properties it has identified as surplus property under (a) of this subsection by October 1, 2020.

Sec. 914. 2020 c 219 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Motor Vehicle Account—State Appropriation ((~~$670,000~~))

$654,000

Electric Vehicle Account—State Appropriation ((~~$2,000,000~~))

$100,000

Multimodal Transportation Account—State Appropriation ((~~$1,634,000~~))

$350,000

TOTAL APPROPRIATION ((~~$4,304,000~~))

$1,104,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) $350,000 of the multimodal transportation account—state appropriation is provided solely for the department to execute a transit oriented development pilot project at Kingsgate park and ride in Kirkland intended to be completed by December 31, 2023. The purpose of the pilot project is to demonstrate how appropriate department properties may be used to provide multiple public benefits such as affordable and market rate housing, commercial development, and institutional facilities in addition to transportation purposes. To accomplish the pilot project, the department is authorized to exercise all legal and administrative powers authorized in statute that may include, but is not limited to, the transfer, lease, or sale of some or all of the property to another governmental agency, public development authority, or nonprofit developer approved by the department and partner agencies. The department may also partner with sound transit, King county, the city of Kirkland, and any other federal, regional, or local jurisdiction on any policy changes necessary from those jurisdictions to facilitate the pilot project. By December 1, 2019, the department must report to the legislature on any legislative actions necessary to facilitate the pilot project and future transit oriented development projects.

(3) ((~~$2,000,000~~)) $100,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(4) ((~~$1,200,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards.~~

~~(5) $84,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the department of commerce for the purpose of conducting a study as described in chapter 287, Laws of 2019 (advancing green transportation adoption) to identify opportunities to reduce barriers to electric vehicle adoption by lower income residents of the state through the use of vehicle and infrastructure financing assistance.~~

~~(6)~~)) Building on the information and experience gained from the transit oriented development project at the Kingsgate park and ride, the department must identify a pilot park and ride with future public-private partnership development potential in Pierce county and report back to the transportation committees of the legislature by June 30, 2021, with a proposal for moving forward with a pilot project.

Sec. 915. 2020 c 219 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State Appropriation ((~~$486,514,000~~))

$461,472,000

Motor Vehicle Account—Federal Appropriation $7,000,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$4,447,000~~))

$4,422,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$1,549,000~~))

$1,539,000

Alaskan Way Viaduct Replacement Project

Account—State Appropriation ((~~$9,537,000~~))

$8,844,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $4,528,000

TOTAL APPROPRIATION ((~~$513,575,000~~))

$487,805,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) $6,170,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(b) Pursuant to RCW 90.03.525(3), the department and the utilities imposing charges to the department shall negotiate with the goal of agreeing to rates such that the total charges to the department for the 2019-2021 fiscal biennium do not exceed the amount provided in this subsection. The department shall report to the transportation committees of the legislature on the amount of funds requested, the funds granted, and the strategies used to keep costs down, by January 17, 2021. If chapter 435, Laws of 2019 (local stormwater charges) is enacted by June 30, 2019, this subsection (1)(b) does not take effect.

(2) ((~~$4,447,000~~)) $4,422,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) ((~~$1,549,000~~)) $1,539,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) $2,050,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely to maintain the Interstate 405 and state route number 167 express toll lanes between Lynnwood and Bellevue, and Renton and the southernmost point of the express toll lanes. These funds must be used in accordance with RCW 47.56.830(3).

(5) $2,478,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for maintenance for the 2019-2021 fiscal biennium only on the Interstate 405 roadway between Renton and Bellevue.

(6) $5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(7) $1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019. The department must contract out or hire a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(8) $1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. $570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to $445,000 of the city's expenses for clean-up crews and landfill costs.

(9) The department must commence a pilot program for the 2019-2021 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2020, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

Sec. 916. 2020 c 219 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING

Motor Vehicle Account—State Appropriation ((~~$76,211,000~~))

$73,219,000

Motor Vehicle Account—Federal Appropriation $2,050,000

Motor Vehicle Account—Private/Local Appropriation $250,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$53,000~~))

$49,000

Tacoma Narrows Toll Bridge Account—State Appropriation ((~~$31,000~~))

$40,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation ((~~$26,000~~))

$32,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$32,000~~))

$21,000

TOTAL APPROPRIATION ((~~$78,653,000~~))

$75,661,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2019-2021 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(4) The department must make signage for low-height bridges a high priority.

(5) ((~~$32,000~~)) $21,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ((~~$53,000~~)) $49,000 of the state route number 520 corridor account—state appropriation, ((~~$31,000~~)) $40,000 of the Tacoma Narrows toll bridge account—state appropriation, and ((~~$26,000~~)) $32,000 of the Alaskan Way

viaduct replacement project account—state appropriation are provided solely for the traffic operations program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

Sec. 917. 2020 c 219 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

Motor Vehicle Account—State Appropriation ((~~$38,251,000~~))

$35,914,000

Motor Vehicle Account—Federal Appropriation $1,380,000

Motor Vehicle Account—Private/Local Appropriation $500,000

Multimodal Transportation Account—State

Appropriation $1,129,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$199,000~~))

$185,000

Tacoma Narrows Toll Bridge Account—State Appropriation ((~~$116,000~~))

$150,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation ((~~$100,000~~))

$121,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$119,000~~))

$78,000

TOTAL APPROPRIATION ((~~$41,794,000~~))

$39,457,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,000,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1st each year. If moneys are provided in the omnibus operating appropriations act for a career connected learning grant program, defined in chapter . . . (Substitute House Bill No. 1336), Laws of 2019, or otherwise, the amount provided in this subsection lapses.

(2) $150,000 of the motor vehicle account—state appropriation is provided solely for a user-centered and mobile-compatible web site redesign using estimated web site ad revenues.

(3) From the revenues generated by the five dollar per studded tire fee under RCW 46.37.427, $250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Whatcom county, and to continue the existing pilot information campaign in Spokane county. The reason for the geographic selection of Spokane and Whatcom counties is based on the high utilization of studded tires in these jurisdictions. The public information campaigns must primarily focus on making the consumer aware of the safety implications for other drivers, road deterioration, financial impact for taxpayers, and, secondarily, the alternatives to studded tires. The Whatcom county pilot media-based public information campaign must begin by September 1, 2020. By January 14, 2021, the department must provide the transportation committees of the legislature an update on the Spokane and Whatcom county pilot media-based public information campaigns.

(4) ((~~$119,000~~)) $78,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ((~~$199,000~~)) $185,000 of the state route number 520 corridor account—state appropriation, ((~~$116,000~~)) $150,000 of the Tacoma Narrows toll bridge account—state

appropriation, and ((~~$100,000~~)) $121,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation management and support program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

Sec. 918. 2020 c 219 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T

Interstate 405 and State Route Number 167 Express Toll Lanes

Account—State Appropriation ((~~$3,123,000~~))

$121,000

Motor Vehicle Account—State Appropriation ((~~$26,587,000~~))

$24,053,000

Motor Vehicle Account—Federal Appropriation ((~~$35,385,000~~))

$32,508,000

Motor Vehicle Account—Private/Local Appropriation $1,200,000

Multimodal Transportation Account—State Appropriation $710,000

Multimodal Transportation Account—Federal

Appropriation $2,809,000

Multimodal Transportation Account—Private/Local

Appropriation $100,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$763,000~~))

$150,000

((~~Tacoma Narrows Toll Bridge Account—State Appropriation $121,000~~

~~Alaskan Way Viaduct Replacement Project Account—State Appropriation $104,000~~))

TOTAL APPROPRIATION ((~~$70,902,000~~))

$61,651,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $130,000 of the motor vehicle account—state appropriation is provided solely for completion of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(2) The study on state route number 518 referenced in section 218(5), chapter 297, Laws of 2018 must be submitted to the transportation committees of the legislature by November 30, 2019.

(3) $100,000 of the motor vehicle account—state appropriation is provided solely to complete the Tacoma mall direct access feasibility study.

(4) ((~~$4,600,000~~)) $673,000 of the motor vehicle account—federal appropriation is provided solely to complete the road usage charge pilot project overseen by the transportation commission using the remaining unspent amount of the federal grant award. The purpose of the road usage charge pilot project is to explore the viability of a road usage charge as a possible replacement for the gas tax.

(5) $1,050,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

((~~$3,000,000~~)) (6) $121,000 of the Interstate 405 and state route number 167 express toll lanes account—state

appropriation is provided solely for updating the state route number 167 master plan. If chapter 421, Laws of 2019 (addressing tolling) is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((~~(6) $123,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $207,000 of the state route number 520 corridor account—state appropriation, $121,000 of the Tacoma Narrows toll bridge account—state appropriation, and $104,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation planning, data, and research program's proportional share of time spent supporting tolling operations for the respective tolling facilities.~~))

(7) By December 31, 2020, the department shall provide to the governor and the transportation committees of the legislature a report examining the feasibility of doing performance-based evaluations for projects. The department must incorporate feedback from stakeholder groups, including traditionally underserved and historically disadvantaged populations, and the report shall include the project evaluation procedures that would be used for the performance-based evaluation.

(8) ((~~$556,000~~)) $150,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the legislature and the governor by ((~~December~~)) March 1, ((~~2021~~)) 2022.

(9) $5,900,000 of the motor vehicle account—federal appropriation and $400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development.

Sec. 919. 2020 c 219 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Motor Vehicle Account—State Appropriation ((~~$79,474,000~~))

$82,467,000

Multimodal Transportation Account—State

Appropriation $2,833,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$122,000~~))

$9,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$205,000~~))

$22,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$120,000~~))

$17,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation ((~~$102,000~~))

$14,000

TOTAL APPROPRIATION ((~~$82,856,000~~))

$85,362,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in

conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) ((~~$122,000~~)) $9,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ((~~$205,000~~)) $22,000 of the state route number 520 corridor account—state appropriation, ((~~$120,000~~)) $17,000 of the Tacoma Narrows toll bridge account—state appropriation, and ((~~$102,000~~)) $14,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the charges from other agencies' program's proportional share of supporting tolling operations for the respective tolling facilities.

(5) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

Sec. 920. 2020 c 219 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

State Vehicle Parking Account—State
Appropriation $784,000

Regional Mobility Grant Program Account—State
Appropriation ((~~$88,698,000~~))
$78,159,000

Rural Mobility Grant Program Account—State
Appropriation $32,223,000

Multimodal Transportation Account—State
Appropriation ((~~$122,355,000~~))
$115,948,000

Multimodal Transportation Account—Federal
Appropriation $3,574,000

Multimodal Transportation Account—Local
Appropriation $100,000

TOTAL APPROPRIATION ((~~$247,734,000~~))
$230,788,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $62,698,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) $14,297,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Fuel type may not be a factor in the grant selection process.

(b) $48,401,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2017 as reported in the "Summary of Public Transportation - 2017" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) $32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3)(a) $10,539,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(b) At least $1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) $27,483,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021, Program - Public Transportation Program (V).

(5)(a) ((~~$61,215,000~~)) $50,676,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2019, and December 15, 2020, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. ((~~Additionally, when allocating funding for the 2021-2023 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee.~~)) The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2019-2021 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except

marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) $7,670,000 of the multimodal transportation account—state appropriation and $784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

(a) $1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to continue a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until proof of purchase or a contract has been provided to the department.

(ii) The department shall update the transportation committees of the legislature on the impact of the program by January 31, 2020, and may adopt rules to administer the program.

(b) $30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(c) ((~~$1,000,000~~)) $200,000 of the multimodal transportation account—state appropriation is provided solely for a first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, ((~~$33,370,000~~)) $32,008,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) $1,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants. Fuel type may not be a factor in the grant selection process.

(10) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(11)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP

transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Mason Transit Park & Ride Development (G2000042); or

(iv) Pierce Transit - SR 7 Express Service (G2000045).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(12) $750,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(13)(a) $485,000 of the multimodal transportation account—state appropriation is provided solely for King county for:

(i) An expanded pilot program to provide certain students in the Highline, Tukwila, and Lake Washington school districts with an ORCA card during these school districts' summer vacations. In order to be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer; and

(ii) Providing administrative support to other interested school districts in King county to prepare for implementing similar programs for their students.

(b) King county must provide a report to the department and the transportation committees of the legislature by December 15, 2021, regarding:

(i) The annual student usage of the pilot program;

(ii) Available ridership data;

(iii) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to other King county school districts;

(iv) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to student populations other than high school or eligible for free and reduced-price lunches;

(v) Opportunities for subsidized ORCA cards or local grant or matching funds; and

(vi) Any additional information that would help determine if the pilot program should be extended or expanded.

(14) ((~~$12,000,000~~)) $7,007,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(15) $555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles.

((~~(17)~~)) (16) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) No allotment modifications may be made to amounts provided solely for the special needs transportation grant program;

(b) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(c) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021;

(d) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the multimodal transportation account—state; and

(e) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

((~~(18)~~)) (17)(a) The Washington state department of transportation public transportation division, working with the Thurston regional planning council, shall provide state agency management, the office of financial management, and the transportation committees of the legislature with results of their regional mobility grant program demonstration project I-5/US 101 Practical Solutions: State Capitol Campus Transportation Demand Management – Mobile Work. This includes reporting after the 2020 legislative session on the measurable results of an early pilot initiative, "Telework Tuesday," beginning in January 2020.

(b) Capitol campus state agency management is directed to fully participate in this work, which aims to reduce greenhouse gases, require less office space and parking investments; provide low cost congestion relief on I-5 during peak periods, US 101, and the local transportation network; and improve retention and recruitment of public employees. The agencies should actively: Encourage employees qualified to telework to participate in this program and increase the number of employees who qualify for mobile work and schedule shifts.

(c) If measurable success is achieved, the capitol campus state agencies shall provide options to expand the project to other jurisdictions concentrated with large employers. Expansion and encouragement of telework will help reduce demand on the transportation system, reduce traffic during peak hours, and reduce greenhouse gas emissions.

Sec. 921. 2020 c 219 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Motor Vehicle Account—State Appropriation $250,000

Puget Sound Ferry Operations Account—State

Appropriation ((~~$545,997,000~~))

$486,710,000

Puget Sound Ferry Operations Account—Federal

Appropriation ((~~$7,932,000~~))

$47,169,000

Puget Sound Ferry Operations Account—Private/Local

Appropriation $121,000

TOTAL APPROPRIATION ((~~$554,300,000~~))

$534,250,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2019-2021 supplemental and 2021-2023 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2019-2021 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee,

which must include a representative of the department of enterprise services.

(3) ((~~$73,161,000~~)) $67,052,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2019-2021 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703, chapter 416, Laws of 2019. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) $650,000 of the Puget sound ferry operations account—state appropriation is provided solely for increased staffing at Washington ferry terminals to meet increased workload and customer expectations. Within the amount provided in this subsection, the department shall contract with uniformed officers for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(5) $254,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a dedicated inventory logistics manager on a one-time basis.

(6) $500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(7) By January 1, 2020, the ferries division must submit a workforce plan for reducing overtime due to shortages of staff available to fill vacant crew positions. The plan must include numbers of crew positions being filled by staff working overtime, strategies for filling these positions with straight time employees, progress toward implementing those strategies, and a forecast for when overtime expenditures will return to historical averages.

(8) $160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a ferry fleet baseline noise study, conducted by a consultant, for the purpose of establishing plans and data-driven goals to reduce ferry noise when Southern resident orca whales are present. In addition, the study must establish prioritized strategies to address vessels serving routes with the greatest exposure to orca whale movements.

(9)(a) $250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the Washington state transportation center, to develop a plan for service on the triangle route with a goal of providing maximum sailings moving the most passengers to all stops in the least travel time, including waits between sailings, within budget and resource constraints.

(b) The Washington state transportation center must use new traffic management models and scheduling tools to examine proposed improvements for the triangle route. The department shall report to the standing transportation committees of the legislature by January 15, 2021. The report must include:

(i) Implementation and status of data collection, modeling, scheduling, capital investments, and procedural improvements to allow Washington state ferries to schedule more sailings to and from all stops on the triangle route with minimum time between sailings;

(ii) Recommendations for emergency boat allocations, regular schedule policies, and emergency schedule policies based on all customers alternative travel options to ensure that any dock with no road access is prioritized in scheduling and scheduled service is provided based on population size, demographics, and local medical services;

(iii) Triangle route pilot economic analysis of Washington state ferries fare revenue and fuel cost impact of offering additional, better spaced sailings;

(iv) Results of an economic analysis of the return on investment of potentially acquiring and using traffic control infrastructure, technology, walk

on loading bridges, and Good-to-Go and ORCA replacement of current fare sales, validation, collections, accounting, and all associated labor and benefits costs that can be saved via those capital investments; and

(v) Recommendation on policies, procedures, or agency interpretations of statute that may be adopted to mitigate any delays or disruptions to scheduled sailings.

(10) $15,139,000 of the Puget Sound ferry operations account—state appropriation is provided solely for training. Of the amount provided in this subsection:

(a) $2,500,000 is for training for new employees.

(b) $160,000 is for electronic chart display and information system training.

(c) $379,000 is for marine evacuation slide training.

(11) $1,600,000 of the Puget Sound ferry operations account—state appropriation is provided solely for naval architecture staff support for the marine maintenance program.

(12) $336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for inspections of fall restraint systems.

(13) $4,361,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime expenses incurred by engine and deck crew members.

(14) $1,200,000 of the Puget Sound ferry operations account—state appropriation is provided solely for familiarization for new assignments of engine crew and terminal staff.

(15) $100,000 of the Puget Sound ferry operations account—state appropriation is provided solely to develop a plan for upgrading a second vessel to meet the international convention for the safety of life at sea standards. The plan must identify the option with the lowest impacts to sailing schedules.

(16) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

Sec. 922. 2020 c 219 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State

Appropriation ((~~$70,244,000~~))

$45,883,000

Multimodal Transportation Account—Private/Local

Appropriation $717,000

((~~Multimodal Transportation Account—Federal~~

~~Appropriation $500,000~~))

TOTAL APPROPRIATION ((~~$71,461,000~~))

$46,600,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a)(i) $224,000 of the multimodal transportation account—state appropriation and $671,000 of the multimodal transportation account—private/local appropriation are provided solely for continued analysis of the ultra high-speed ground transportation corridor in a new study, with participation from Washington, Oregon, and British Columbia. No funds may be expended until the department is in receipt of $671,000 in private/local funding provided solely for this purpose.

(ii) The ultra high-speed ground transportation corridor advisory group must include legislative membership.

(iii) "Ultra high-speed" means a maximum testing speed of at least two hundred fifty miles per hour.

(b) The study must consist of the following:

(i) Development of proposed corridor governance, general powers, operating structure, legal instruments, and contracting requirements, in the context of the roles of relevant jurisdictions, including federal, state, provincial, and local governments;

(ii) Development of a long-term funding and financing strategy for project initiation, development, construction, and program administration

of the high-speed corridor, building on the funding and financing chapter of the 2019 business case analysis and aligned with the recommendations of (b)(i) of this subsection; and

(iii) Development of recommendations for a department-led ultra-high speed corridor engagement plan for policy leadership from elected officials.

(c) This study must build on the results of the 2018 Washington state ultra high-speed ground transportation business case analysis and the 2019 Washington state ultra high-speed ground transportation study findings report. The department shall consult with the transportation committees of the legislature regarding all issues related to proposed corridor governance.

(d) The development work referenced in (b) of this subsection is intended to identify and make recommendations related to specific entities, including interjurisdictional entities, policies, and processes required for the purposes of furthering preliminary analysis efforts for the ultra high-speed ground transportation corridor. This development work is not intended to authorize one or more entities to assume decision making authority for the design, construction, or operation of an ultra high-speed rail corridor.

(e) By December 1, 2020, the department shall provide to the governor and the transportation committees of the legislature a report of the study's findings regarding the three elements noted in this subsection. As applicable, the report should also be sent to the executive and legislative branches of government in the state of Oregon and appropriate government bodies in the province of British Columbia.

(2) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

Sec. 923. 2020 c 219 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle Account—State Appropriation ((~~$12,187,000~~))

$11,854,000

Motor Vehicle Account—Federal Appropriation $2,567,000

Multiuse Roadway Safety Account—State Appropriation $450,000

Multimodal Transportation Account—State

Appropriation $350,000

TOTAL APPROPRIATION ((~~$15,554,000~~))

$15,221,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $350,000 of the multimodal transportation account—state appropriation is provided solely for a study by the Puget Sound regional council of new passenger ferry service to better connect communities throughout the twelve county Puget Sound region. The study must assess potential new routes, identify future terminal locations, and provide recommendations to accelerate the electrification of the ferry fleet. The study must identify future passenger only demand throughout Western Washington, analyze potential routes and terminal locations on Puget Sound, Lake Washington, and Lake Union with an emphasis on preserving waterfront opportunities in public ownership and opportunities for partnership. The study must determine whether and when the passenger ferry service achieves a net reduction in carbon emissions including an analysis of the emissions of modes that passengers would otherwise have used. The study must estimate capital and operating costs for routes and terminals. The study must include early and continuous outreach with all interested stakeholders and a report to the legislature and all interested parties by January 31, 2021.

(2) $1,142,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, with priority given to barriers that share the same stream system as state-owned fish passage barriers. The study must identify, map, and provide a preliminary assessment of county-owned barriers that need correction, and provide, where possible, preliminary costs estimates for each barrier correction. The study must provide recommendations on:

(i) How to prioritize county-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and

(ii) How future state six-year construction plans should incorporate county-owned barriers;

(b) Update the local agency guidelines manual, including exploring alternatives within the local agency guidelines manual on county priorities;

(c) Study the current state of county transportation funding, identify emerging issues, and identify potential future alternative transportation fuel funding sources to meet current and future needs.

(3) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less;

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (b) of this subsection may receive more than sixty thousand dollars in total grants.

(4) $280,000 of the motor vehicle account—state appropriation is provided solely for Wahkiakum county for operation of the ferry between Puget Island and Westport, Oregon. These funds are provided outside the existing continuing agreement described in RCW 47.56.720, are not appropriated for that purpose, and therefore do not constitute payments under the agreement.

TRANSPORTATION AGENCIES—CAPITAL

Sec. 1001. 2020 c 219 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State

Appropriation ((~~$23,015,000~~))

$17,344,000

Highway Safety Account—State Appropriation $81,000

Motor Vehicle Account—State Appropriation ((~~$4,907,000~~))

$3,165,000

Freight Mobility Multimodal Account—State

Appropriation ((~~$4,992,000~~))

$4,454,000

Motor Vehicle Account—Federal Appropriation $1,899,000

Freight Mobility Multimodal Account—Private/Local

Appropriation $1,250,000

TOTAL APPROPRIATION ((~~$36,144,000~~))

$28,193,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((~~2020-3 as developed March 11, 2020, Conference FMSIB Project List~~)) 2021-2 ALL PROJECTS as developed April 23, 2021, Freight Mobility Strategic Investment Board (FMSIB).

(2) Until directed by the legislature, the board may not initiate a new call for projects. By January 1, 2020, the board must report to the legislature on

alternative proposals to revise its project award and obligation process, which result in lower reappropriations.

((~~(4)~~)) (3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities.

Sec. 1002. 2020 c 219 s 302 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation ((~~$62,884,000~~))

$51,184,000

Motor Vehicle Account—State Appropriation $1,456,000

County Arterial Preservation Account—State

Appropriation $39,590,000

TOTAL APPROPRIATION ((~~$103,930,000~~))

$92,230,000

Sec. 1003. 2020 c 219 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation ((~~$51,187,000~~))

$49,717,000

Connecting Washington Account—State Appropriation ((~~$51,523,000~~))

$50,746,000

TOTAL APPROPRIATION ((~~$102,710,000~~))

$100,463,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$51,523,000~~)) $50,746,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) ((~~$43,297,000~~)) $41,827,000 of the motor vehicle account—state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in Shoreline. This appropriation is contingent upon the department of ecology signing a not less than twenty-year agreement to pay a share of any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed ((~~$46,500,000~~)) $45,032,000.

(3) $1,565,000 from the motor vehicle account—state appropriation is provided solely for furniture for the renovated Northwest Region Headquarters at Dayton Avenue. The department must efficiently furnish the renovated building.

Sec. 1004. 2020 c 219 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Transportation Partnership Account—State

Appropriation ((~~$385,619,000~~))

$395,679,000

Motor Vehicle Account—State Appropriation ((~~$102,543,000~~))

$60,911,000

Motor Vehicle Account—Federal Appropriation ((~~$151,857,000~~))

$156,148,000

Motor Vehicle Account—Private/Local Appropriation ((~~$70,404,000~~))

$76,284,000

Connecting Washington Account—State

Appropriation ((~~$2,355,205,000~~))

$1,630,805,000

Special Category C Account—State Appropriation ((~~$36,134,000~~))

$19,123,000

Multimodal Transportation Account—State

Appropriation ((~~$3,853,000~~))

$3,522,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation $77,956,000

Transportation 2003 Account (Nickel Account)—State

Appropriation ((~~$10,429,000~~))

$9,403,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$90,027,000~~))

$33,742,000

TOTAL APPROPRIATION ((~~$3,284,027,000~~))

$2,463,573,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2020~~)) 2021-1 as developed ((~~March 11, 2020~~)) April 23, 2021, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section ((~~601 of this act~~)) 601 of this act, chapter . . ., Laws of 2021 (this act).

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, ((~~additional congressional action not related to a specific project or purpose,~~)) or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to ((~~$1,835,325,000~~)) $1,085,325,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to ((~~$24,910,000~~)) $19,123,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to ((~~$162,658,000~~)) $176,140,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) The Alaskan Way viaduct replacement project account—state appropriation includes up to $77,956,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) ((~~$168,757,000~~)) $162,005,000 of the transportation partnership account—state appropriation, ((~~$19,790,000~~)) $17,898,000 of the motor vehicle account—private/local appropriation, $3,384,000 of the transportation 2003 account (nickel account)—state appropriation, $77,956,000 of the Alaskan Way viaduct replacement project account—state appropriation, and ((~~$1,838,000~~)) $854,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that the $25,000,000 increase in funding provided in the 2021-2023 fiscal biennium be covered by any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct

replacement project. The legislature intends that the $25,000,000 of the transportation partnership account—state funds be repaid when those damages are recovered.

(9) ((~~$3,000,000~~)) $2,667,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

(10) ((~~$168,655,000~~)) $148,097,000 of the connecting Washington account—state appropriation, $1,052,000 of the special category C account—state appropriation, and ((~~$738,000~~)) $1,338,000 of the motor vehicle account—private/local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R).

(11) ((~~$82,991,000~~)) $29,187,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(12)(a) ((~~$422,099,000~~)) $356,007,000 of the connecting Washington account—state appropriation and ((~~$456,000~~)) $400,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Recognizing that the department of transportation requires full possession of parcel number 1-23190 to complete the Montlake Phase of the West End project, the department is directed to:

(i) Work with the operator of the Montlake boulevard market located on parcel number 1-23190 to negotiate a lease allowing continued operations up to January 1, 2020. After that time, the department shall identify an area in the vicinity of the Montlake property for a temporary market or other food service to be provided during the period of project construction. Should the current operator elect not to participate in providing that temporary service, the department shall then develop an outreach plan with the city to solicit community input on the food services provided, and then advertise the opportunity to other potential vendors. Further, the department shall work with the city of Seattle and existing permit processes to facilitate vendor access to and use of the area in the vicinity of the Montlake property.

(ii) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), WSDOT shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) $60,000 of the motor vehicle account—state appropriation is provided solely for grants to nonprofit organizations located in a city with a population exceeding six hundred thousand persons and that empower artists through equitable access to vital expertise, opportunities, and business services. Funds may be used only for the purpose of preserving, commemorating, and sharing the history of the city of Seattle's freeway protests and making the history of activism around the promotion of more integrated transportation and land use planning accessible to current and future generations through the preservation of Bent 2 of the R. H. Thompson freeway ramp.

(13) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue $50,000,000 in federal funds to pay for this project to supplant state funds in the future. $50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

(14) ((~~$310,469,000~~)) $172,911,000 of the connecting Washington account—state appropriation ((~~is~~)), $15,099,000 of the motor vehicle account—private/local appropriation, and $1,500,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

(c) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(d) It is the legislature's intent that the department shall construct a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two full single-point urban interchanges.

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

(f) The department shall explore the development of a multiuse trail for bicyclists, pedestrians, skateboarders, and similar users along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(g) If sufficient bonding authority to complete this project is not provided within chapter 421, Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421, Laws of 2019 by June 30, 2019, it is the intent of the legislature to return the Puget Sound Gateway project (M00600R) to its previously identified construction schedule by moving $128,900,000 in connecting Washington account—state appropriation back to the 2027-2029 biennium from the 2023-2025 biennium on the list referenced in subsection (2) of this section. If sufficient bonding authority is provided, it is the intent of the legislature to advance the project to allow for earlier completion and inflationary savings.

(15) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

(16) ((~~$1,029,000~~)) $1,030,000 of the transportation partnership account—state appropriation is provided solely for the U.S. 2 Trestle IJR project (L1000158).

(17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(18) Any advisory group that the department convenes during the 2019-2021 fiscal biennium must consider the interests of the entire state of Washington.

(19) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel.

Given these findings, where practicable, and until June 30, 2021, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

(20)(a) For connecting Washington projects that have already begun and are eligible for the authority granted in section 601 ((~~of this act~~)), chapter 219, Laws of 2020, the department shall prioritize advancing the following projects if expected reappropriations become available:

(i) SR 14/I-205 to SE 164th Ave - Auxiliary Lanes (L2000102);

(ii) SR 305 Construction - Safety Improvements (N30500R);

(iii) SR 14/Bingen Underpass (L2220062);

(iv) I-405/NE 132nd Interchange - Totem Lake (L1000110);

(v) US Hwy 2 Safety (N00200R);

(vi) US-12/Walla Walla Corridor Improvements (T20900R);

(vii) I-5 JBLM Corridor Improvements (M00100R);

(viii) I-5/Slater Road Interchange - Improvements (L1000099);

(ix) SR 510/Yelm Loop Phase 2 (T32700R); or

(x) SR 520/124th St Interchange (Design and Right of Way) (L1000098).

(b) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

(c) The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(21) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

(22)(a) ((~~$17,500,000~~)) $8,072,000 of the motor vehicle account—state appropriation ((~~is~~)) and $7,329,000 of the motor vehicle account—private/local appropriation are provided solely for staffing of a project office ((~~to replace the Interstate 5 bridge across the Columbia river (G2000088)~~)) for the I-5 Interstate Bridge Replacement project (L2000370). ((~~If at least a $9,000,000 transfer is not authorized in section 406(29), chapter 416, Laws of 2019, then $9,000,000 of the motor vehicle account—state appropriation lapses.~~))

(b) ((~~Of the amount provided in this subsection, $7,780,000 of the motor vehicle account—state appropriation must be placed in unallotted status by the office of financial management until the department develops a detailed plan for the work of this project office in consultation with the chairs and ranking members of the transportation committees of the legislature. The director of the office of financial management shall consult with the chairs and ranking members of the transportation committees~~

~~of the legislature prior to making a decision to allot these funds.~~

~~(c)~~)) The work of this project office includes, but is not limited to, the reevaluation of the purpose and need identified for the project previously known as the Columbia river crossing, the reevaluation of permits and development of a finance plan, the reengagement of key stakeholders and the public, and the reevaluation of scope, schedule, and budget for a reinvigorated bistate effort for replacement of the Interstate 5 Columbia river bridge. When reevaluating the finance plan for the project, the department shall assume that some costs of the new facility may be covered by tolls. The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

((~~(d)~~)) (c) Within the amount provided in this subsection, the department must implement chapter 137, Laws of 2019 (projects of statewide significance).

((~~(e)~~)) (d) The department shall have as a goal to:

(i) Reengage project stakeholders and reevaluate the purpose and need and environmental permits by July 1, 2020;

(ii) Develop a finance plan by December 1, 2020; and

(iii) Have made significant progress toward beginning the supplemental environmental impact statement process by June 30, 2021. The department shall aim to provide a progress report on these activities to the governor and the transportation committees of the legislature by December 1, 2019, and a final report to the governor and the transportation committees of the legislature by December 1, 2020.

(23) ((~~$17,500,000 of the motor vehicle account—state appropriation is provided solely to begin the pre-design phase on the I-5/Columbia River Bridge project (G2000088).~~

~~(24)~~))(a) $191,360,000 of the connecting Washington account—state appropriation, $47,655,000 of the motor vehicle account—federal appropriation, $11,179,000 of the motor vehicle account—private/local appropriation, $6,100,000 of the motor vehicle account—state appropriation, and $18,706,000 of the transportation partnership account—state appropriation are provided solely for the Fish Passage Barrier Removal project (0BI4001) with the intent of fully complying with the court injunction by 2030.

(b) Of the amounts provided in this subsection, $320,000 of the connecting Washington account—state appropriation is provided solely to remove the fish passage barrier on state route number 6 that interfaces with Boistfort Valley water utilities near milepost 46.6.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach to maximize habitat gain by replacing both state and local culverts. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, ability to leverage investments by others, presence of other barriers, project readiness, other transportation projects in the area, and transportation impacts.

(d) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(e) It is the intent of the legislature that for the amount listed for the 2021-2023 biennium for the Fish Passage Barrier Removal project (0BI4001) on the LEAP list referenced in subsection (1) of this section, that accrued practical design savings deposited in the transportation future funding program account be used to help fund the cost of fully complying with the court injunction by 2030.

((~~(25)~~)) (24)(a) The Washington state department of transportation is directed to pursue compliance with the *U.S. v. Washington* permanent injunction by delivering culvert corrections within the injunction area guided by the principle of providing the greatest fisheries habitat gain at the earliest time and considering the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage

investments by others, presence of other barriers, project readiness, culvert condition, other transportation projects in the area, and transportation impacts.

(b) The department and Brian Abbott fish barrier removal board, while providing the opportunity for stakeholders, tribes, and government agencies to give input on a statewide culvert remediation plan, must provide updates on the development of the statewide culvert remediation plan to the capital budget, ways and means, and transportation committees of the legislature by November 1, 2020, and March 15, 2021. The first update must include a project timeline and plan to ensure that all state agencies with culvert correction programs are involved in the creation of the comprehensive plan. The department and Brian Abbott fish barrier removal board must submit the final comprehensive statewide culvert remediation plan and the process by which it will be adaptively managed over time to the governor and the legislative fiscal committees by June 30, 2021.

((~~(26) $16,649,000~~)) (25) $4,880,000 of the connecting Washington account—state appropriation, $373,000 of the motor vehicle account—state appropriation, and ((~~$6,000,000~~)) $113,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the $20,900,000 of state appropriation provided for the total project in LEAP Transportation Document ((~~2020~~)) 2021-1 as developed ((~~March 11, 2020~~)) April 23, 2021, Program – Highway Improvements (I).

((~~(27)~~)) (26)(a) ((~~$6,799,000~~)) $3,901,000 of the motor vehicle account—federal appropriation, ((~~$31,000~~)) $34,000 of the motor vehicle account—state appropriation, ((~~$3,812,000 of the transportation partnership account—state appropriation,~~)) and ((~~$7,000,000~~)) $4,519,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(b) If sufficient bonding authority to complete this project is not provided within chapter 421, Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421, Laws of 2019 by June 30, 2019, it is the intent of the legislature to remove the $100,000,000 in toll funding from this project on the list referenced in subsection (2) of this section.

((~~(28)~~)) (27) For the I-405/North 8th Street Direct Access Ramp in Renton project (L1000280), if sufficient bonding authority to begin this project is not provided within chapter 421, Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421, Laws of 2019, it is the intent of the legislature to remove the project from the list referenced in subsection (2) of this section.

((~~(29) $7,985,000~~)) (28) $7,071,000 of the Special Category C account—state appropriation ((~~and $1,000,000 of the motor vehicle account—private/local appropriation are~~)) is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

((~~(30)~~)) (29) $2,250,000 of the motor vehicle account—state appropriation is provided solely for the I-5 Corridor from Mounts Road to Tumwater project (L1000231) for completing a National and State Environmental Policy Act (NEPA/SEPA) analysis to identify mid- and long-term environmental impacts associated with future improvements along the I-5 corridor from Tumwater to DuPont.

((~~(31) $622,000~~)) (30) $200,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

((~~(32) $12,916,000~~)) (31) $777,000 of the motor vehicle account—state appropriation is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

((~~(33) $1,000,000~~)) (32) $1,001,000 of the motor vehicle account—state appropriation ((~~is~~)) and $1,227,000 of the motor vehicle account—federal appropriation are provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

((~~(34) $1,000,000~~)) (33) $85,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

((~~(36) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:~~

~~(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;~~

~~(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;~~

~~(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Multimodal transportation account—state, transportation partnership account—state, connecting Washington account—state, and special category C account—state; and~~

~~(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.~~))

Sec. 1005. 2020 c 219 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

Recreational Vehicle Account—State Appropriation $2,971,000

Transportation Partnership Account—State

Appropriation ((~~$20,248,000~~))

$20,181,000

Motor Vehicle Account—State Appropriation ((~~$82,447,000~~))

$87,755,000

Motor Vehicle Account—Federal Appropriation ((~~$490,744,000~~))

$498,257,000

Motor Vehicle Account—Private/Local

Appropriation ((~~$7,408,000~~))

$7,660,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$326,000~~))

$395,000

Connecting Washington Account—State Appropriation ((~~$204,630,000~~))

$178,258,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$8,350,000~~))

$1,078,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation ((~~$10,000~~))

$79,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$3,018,000~~))

$1,457,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $17,892,000

TOTAL APPROPRIATION ((~~$838,044,000~~))

$815,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2020~~)) 2021-1 as developed ((~~March 11, 2020~~)) April 23, 2021,

Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section ((~~601 of this act~~)) 601 of this act, chapter . . ., Laws of 2021 (this act).

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, ((~~additional congressional action not related to a specific project or purpose,~~)) or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) ((~~$26,683,000~~)) $21,517,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 219, Laws of 2020. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) ((~~$4,000,000~~)) $5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(7) $21,289,000 of the motor vehicle account—federal appropriation and $840,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient (L1000068). These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its annual agency budget request.

(8) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must

estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(9) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2019-2021 fiscal biennium, the department must add dug-in reflectors.

(10) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

Sec. 1006. 2020 c 219 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL

Motor Vehicle Account—State Appropriation ((~~$7,746,000~~))

$6,296,000

Motor Vehicle Account—Federal Appropriation ((~~$6,137,000~~))

$5,039,000

Motor Vehicle Account—Private/Local Appropriation $579,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $100,000

TOTAL APPROPRIATION ((~~$14,562,000~~))

$12,014,000

The appropriations in this section are subject to the following conditions and limitations:

((~~(1) $700,000~~)) $121,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

Sec. 1007. 2020 c 219 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

Puget Sound Capital Construction Account—State

Appropriation ((~~$116,253,000~~))

$85,281,000

Puget Sound Capital Construction Account—Federal

Appropriation ((~~$198,688,000~~))

$177,352,000

Puget Sound Capital Construction Account—Private/Local

Appropriation ((~~$4,779,000~~))

$4,575,000

Transportation Partnership Account—State

Appropriation ((~~$6,582,000~~))

$2,312,000

Connecting Washington Account—State Appropriation $112,426,000

Capital Vessel Replacement Account—State

Appropriation ((~~$96,030,000~~))

$35,547,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $986,000

TOTAL APPROPRIATION ((~~$535,744,000~~))

$418,479,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021, Program - Washington State Ferries Capital Program (W).

(2) $2,857,000 of the Puget Sound capital construction account—state appropriation, ((~~$17,832,000~~)) $18,818,000 of the Puget Sound capital construction account—federal appropriation, and $63,789,000 of the connecting Washington account—state

appropriation, are provided solely for the Mukilteo ferry terminal (952515P). To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) ((~~$102,641,000~~)) $94,643,000 of the Puget Sound capital construction account—federal appropriation, $47,819,000 of the connecting Washington account—state appropriation, and $4,355,000 of the Puget Sound capital construction account—local appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) $5,357,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) ((~~$2,300,000~~)) $2,224,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA acceptance project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6) $495,000 of the Puget Sound capital construction account—state appropriation is provided solely for an electric ferry planning team (G2000087) to develop ten-year and twenty-year implementation plans to efficiently deploy hybrid-electric vessels, including a cost-benefit analysis of construction and operation of hybrid-electric vessels with and without charging infrastructure. The plan includes, but is not limited to, vessel technology and feasibility, vessel and terminal deployment schedules, project financing, and workforce requirements. The plan shall be submitted to the office of financial management and the transportation committees of the legislature by June 30, 2020.

(7) ((~~$35,000,000~~)) $10,776,000 of the Puget Sound capital construction account—state appropriation and $8,000,000 of the Puget Sound capital construction account—federal appropriation are provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. ((~~The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.~~))

(8) $400,000 of the Puget Sound capital construction account—state appropriation is provided solely for a request for proposals for a new maintenance management system (project L2000301) and is subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 219, Laws of 2020.

(9) ((~~$96,030,000~~)) $35,547,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel. The vendor must present to the joint transportation committee and the office of financial management, by September 15, 2019, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without a penalty. It is the intent of the legislature to provide an additional $88,000,000 in funding in the 2021-23 biennium. The reduction provided in this subsection is an assumed underrun pursuant to subsection (11) of this section. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(10) The capital vessel replacement account—state appropriation includes up to ((~~$96,030,000~~)) $35,547,000 in

proceeds from the sale of bonds authorized in RCW 47.10.873.

((~~(12)~~)) (11) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Puget Sound capital construction account—state, transportation partnership account—state, and capital vessel replacement account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

Sec. 1008. 2020 c 219 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Motor Vehicle Account—State Appropriation ((~~$3,300,000~~))

$2,300,000

Essential Rail Assistance Account—State Appropriation $851,000

Transportation Infrastructure Account—State

Appropriation ((~~$7,554,000~~))

$7,465,000

Multimodal Transportation Account—State

Appropriation ((~~$74,876,000~~))

$72,135,000

Multimodal Transportation Account—Federal

Appropriation $8,601,000

Multimodal Transportation Account—Local

Appropriation $336,000

TOTAL APPROPRIATION ((~~$95,518,000~~))

$91,688,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021, Program - Rail Program (Y).

(2) ((~~$7,136,000~~)) $7,047,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) $7,782,000 of the multimodal transportation account—state appropriation, $51,000 of the transportation infrastructure account—state appropriation, and $135,000 of the essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) $367,000 of the transportation infrastructure account—state appropriation and $1,100,000 of the

multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full $7,337,000 cost of this project is reimbursed.

(5)(a) $716,000 of the essential rail assistance account—state appropriation and $82,000 of the multimodal transportation account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2020, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) ((~~$10,000,000~~)) $4,031,000 of the multimodal transportation account—state appropriation is provided solely as expenditure authority for any insurance proceeds received by the state for Passenger Rail Equipment Replacement (project 700010C.) The department must use this expenditure authority only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) $898,000 of the multimodal transportation account—federal appropriation and $8,000 of the multimodal transportation account—state appropriation are provided solely for the Ridgefield Rail Overpass (project 725910A). Total costs for this project may not exceed $909,000 across fiscal biennia.

(9)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147).

(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(10) ((~~The multimodal transportation account-state appropriation includes up to $25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.~~

~~(11)~~)) The department must report to the joint transportation committee on the progress made on freight rail investment bank projects and freight rail assistance projects funded during this biennium by January 1, 2020.

((~~(12)~~)) (11) $1,500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad roadbed rehabilitation project (L1000233).

((~~(13)~~)) (12) $250,000 of the multimodal transportation account—state appropriation is provided solely for the Port of Moses Lake Northern Columbia Basin railroad feasibility study (L1000235).

((~~(14)~~)) (13) $500,000 of the multimodal transportation account—state appropriation is provided solely for the Spokane airport transload facility project (L1000242).

((~~(15) $1,000,000 of the motor vehicle account—state appropriation is provided solely for the grade separation at Bell road project (L1000239).~~

~~(16)~~)) (14) $750,000 of the motor vehicle account—state appropriation and $399,000 of the multimodal transportation account—state appropriation are provided solely for the rail crossing improvements at 6th Ave. and South 19th St. project (L2000289).

((~~(18)~~)) (15) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the multimodal transportation account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

Sec. 1009. 2020 c 219 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Highway Infrastructure Account—State Appropriation $1,276,000

Highway Infrastructure Account—Federal Appropriation $1,337,000

Transportation Partnership Account—State

Appropriation ((~~$2,380,000~~))

$1,630,000

Highway Safety Account—State Appropriation $1,314,000

Motor Vehicle Account—State Appropriation ((~~$35,607,000~~))

$24,543,000

Motor Vehicle Account—Federal Appropriation ((~~$41,420,000~~))

$52,267,000

Motor Vehicle Account—Private/Local Appropriation ((~~$24,600,000~~))

$18,000,000

Connecting Washington Account—State Appropriation ((~~$155,550,000~~))

$130,708,000

Multimodal Transportation Account—State

Appropriation ((~~$77,469,000~~))

$74,351,000

TOTAL APPROPRIATION ((~~$340,953,000~~))

$305,426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) ((~~$18,380,000~~)) $8,361,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. ((~~$18,577,000~~)) $19,363,000 of the multimodal transportation account—state appropriation and $1,380,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) ((~~$11,400,000~~)) $4,066,000 of the motor vehicle account—federal appropriation and ((~~$7,750,000~~)) $4,668,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. ((~~$11,354,000~~)) $10,744,000 of the motor vehicle account—federal appropriation, ((~~$4,640,000~~)) $3,075,000 of the multimodal transportation account—state appropriation, and $1,314,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2019, and December 1, 2020, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) ((~~$37,537,000~~)) $32,976,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) ((~~$23,926,000~~)) $13,829,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full $24,000,000 cost of this project.

(6)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) I-5/Port of Tacoma Road Interchange (L1000087);

(ii) SR 99 Revitalization in Edmonds (NEDMOND); or

(iii) SR 523 145th Street (L1000148);

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations

are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(7) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for $7,000,000 in federal funds during the 2019-2021 fiscal biennium.

(8)(a) ((~~$15,213,000~~)) $22,500,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016.

(b) The department shall convene a stakeholder group for the purpose of developing a recommendation for a Washington freight advisory committee. The recommendations must include, but are not limited to, defining the committee's purpose and goals, roles and responsibilities, reporting structure, and proposed activities. Stakeholders must include representation from, but not limited to, the trucking industry, the maritime industry, the rail industry, cities, tribal governments, counties, ports, and representatives from key industrial associations important to the state's economic vitality and other relevant public and private interests. In developing the recommendation, the stakeholder group must review practices used by other states. The proposed committee must conform with requirements of the fixing America's surface transportation act and other relevant federal legislation. The recommendations must include how the committee can address improving freight mobility including, but not limited to, addressing insufficient truck parking in Washington state, examining the link between preservation investments and freight mobility, and enhancing freight logistics through the application of technology. The stakeholder group shall make recommendations to the governor and the transportation committees of the legislature by December 1, 2020.

(9) $1,000,000 of the motor vehicle account—state appropriation is provided solely for the Beech Street Extension project (L1000222).

(10) ((~~$3,900,000~~)) $2,000,000 of the motor vehicle account—state appropriation is provided solely for the Dupont-Steilacoom road improvements project (L1000224).

(11) ((~~$650,000~~)) $100,000 of the motor vehicle account—state appropriation is provided solely for the SR 104/40th place northeast roundabout project (L1000244).

(12) ((~~$860,000~~)) $360,000 of the multimodal transportation account—state appropriation is provided solely for the Clinton to Ken's corner trail project (L1000249).

(13) ((~~$210,000 of the motor vehicle account—state appropriation is provided solely for the I-405/44th gateway signage and green-scaping improvements project (L1000250).~~

~~(14) $650,000~~)) $50,000 of the motor vehicle account—state appropriation is provided solely for the Wallace Kneeland and Shelton springs road intersection improvements project (L1000260).

((~~(15)~~)) (14) $1,000,000 of the motor vehicle account—state appropriation and $500,000 of the multimodal transportation account—state appropriation are provided solely for the complete 224th Phase two project (L1000270).

((~~(16)~~)) (15) $60,000 of the multimodal transportation account—state appropriation is provided solely for the installation of an updated meteorological station at the Colville airport (L1000279).

((~~(17)~~)) (16)(a) $700,000 of the motor vehicle account—state appropriation is provided solely for the Ballard-Interbay Regional Transportation system plan project (L1000281).

(b) Funding in this subsection is provided solely for the city of Seattle to develop a plan and report for the Ballard-Interbay Regional Transportation System project to improve mobility for people and freight. The plan must be developed in coordination and partnership with entities including but not limited to the city of Seattle, King county, the Port of Seattle, Sound Transit, the Washington state military department for the Seattle armory, and the Washington state department of

transportation. The plan must examine replacement of the Ballard bridge and the Magnolia bridge, which was damaged in the 2001 Nisqually earthquake. The city must provide a report on the plan that includes recommendations to the Seattle city council, King county council, and the transportation committees of the legislature by November 1, 2020. The report must include recommendations on how to maintain the current and future capacities of the Magnolia and Ballard bridges, an overview and analysis of all plans between 2010 and 2020 that examine how to replace the Magnolia bridge, and recommendations on a timeline for constructing new Magnolia and Ballard bridges.

((~~(18)~~)) (17) $750,000 of the motor vehicle account—state appropriation is provided solely for the Mickelson Parkway project (L1000282).

((~~(19) $300,000~~)) (18) $175,000 of the motor vehicle account—state appropriation is provided solely for the South 314th Street Improvements project (L1000283).

((~~(20) $250,000~~)) (19) $200,000 of the motor vehicle account—state appropriation is provided solely for the Ridgefield South I-5 Access Planning project (L1000284).

((~~(21) $300,000~~)) (20) $50,000 of the motor vehicle account—state appropriation is provided solely for the Washougal 32nd Street Underpass Design and Permitting project (L1000285).

((~~(22) $600,000 of the connecting Washington account—state appropriation, $150,000~~)) (21) $25,000 of the motor vehicle account—state appropriation((~~,~~)) and $267,000 of the multimodal transportation account—state appropriation are provided solely for the Bingen Walnut Creek and Maple Railroad Crossing (L2000328).

((~~(23) $1,500,000~~)) (22) $200,000 of the motor vehicle account—state appropriation is provided solely for the SR 303 Warren Avenue Bridge Pedestrian Improvements project (L2000339).

((~~(24) $1,000,000~~)) (23) $150,000 of the motor vehicle account—state appropriation is provided solely for the 72nd/Washington Improvements in Yakima project (L2000341).

((~~(25) $650,000~~)) (24) $150,000 of the motor vehicle account—state appropriation is provided solely for the 48th/Washington Improvements in Yakima project (L2000342).

((~~(27)~~)) (25) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document ((~~2020~~)) 2021-2 ALL PROJECTS as developed ((~~March 11, 2020~~)) April 23, 2021;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state and multimodal transportation account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

(26) $11,679,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department shall identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

Sec. 1010. 2019 c 416 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation ((~~$3,277,000~~))

$2,437,000

The appropriation in this section is subject to the following conditions and limitations:

The entire appropriation in this section is provided solely for the following projects:

(1) $250,000 for emergency repairs;

(2) ((~~$468,000~~)) $268,000 for roof replacements;

(3) $350,000 for fuel tank decommissioning;

(4) ((~~$759,000~~)) $119,000 for generator and electrical replacement;

(5) $750,000 for water and fire suppression systems; and

(6) $700,000 for academy training tank preservation reappropriation.

The Washington state patrol may transfer funds between projects specified in this section to address cash flow requirements. If a project specified in this section is completed for less than the amount provided, the remainder may be transferred to another project specified in this section not to exceed the total appropriation provided in this section.

TRANSFERS AND DISTRIBUTIONS

Sec. 1101. 2020 c 219 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Special Category C Account—State Appropriation ((~~$105,000~~))

$21,000

((~~Multimodal Transportation Account—State Appropriation $125,000~~))

Transportation Partnership Account—State Appropriation ((~~$1,407,000~~))

$182,000

Connecting Washington Account—State Appropriation ((~~$7,723,000~~))

$2,455,000

Highway Bond Retirement Account—State Appropriation ((~~$1,378,835,000~~))

$1,308,311,000

Ferry Bond Retirement Account—State Appropriation ((~~$25,078,000~~))

$25,079,000

Transportation Improvement Board Bond Retirement Account—State Appropriation ((~~$12,452,000~~))

$12,062,000

Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation ((~~$31,253,000~~))

$29,514,000

Toll Facility Bond Retirement Account—State Appropriation ((~~$86,483,000~~))

$85,565,000

TOTAL APPROPRIATION ((~~$1,543,461,000~~))

$1,463,189,000

Sec. 1102. 2020 c 219 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

((~~Multimodal Transportation Account—State Appropriation $25,000~~))

Transportation Partnership Account—State Appropriation ((~~$281,000~~))

$68,000

Connecting Washington Account—State Appropriation ((~~$1,599,000~~))

$640,000

Special Category C Account—State Appropriation ((~~$21,000~~))

$9,000

TOTAL APPROPRIATION ((~~$1,926,000~~))

$717,000

Sec. 1103. 2020 c 219 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax distributions to

cities and counties ((~~$508,276,000~~))

$456,823,000

Sec. 1104. 2020 c 219 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and

statutory transfers ((~~$2,146,790,000~~))

$1,921,901,000

Sec. 1105. 2020 c 219 s 405 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and

transfers ((~~$235,788,000~~))

$240,415,000

Sec. 1106. 2020 c 219 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) Highway Safety Account—State Appropriation:

For transfer to the Multimodal Transportation

Account—State ((~~$54,000,000~~))

$24,000,000

(2) ((~~Transportation Partnership Account—State~~

~~Appropriation: For transfer to the Motor Vehicle~~

~~Account—State $45,000,000~~

~~(3)~~)) Motor Vehicle Account—State Appropriation:

For transfer to the State Patrol Highway

Account—State ((~~$57,000,000~~))

$25,400,000

((~~(4)~~)) (3) Motor Vehicle Account—State Appropriation:

For transfer to the Freight Mobility Investment

Account—State $8,070,000

((~~(5)~~)) (4) Motor Vehicle Account—State Appropriation:

For transfer to the Rural Arterial Trust

Account—State $1,732,000

(5)(a) Motor Vehicle Account—State Appropriation:

For transfer to the State Route Number 520 Civil

Penalties Account—State $6,000,000

(b) The funds provided in (a) of this subsection are a loan to the state route number 520 civil penalties account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state in the 2021-2023 biennium.

(6) Motor Vehicle Account—State Appropriation:

For transfer to the Transportation Improvement

Account—State ((~~$5,067,000~~))

$34,067,000

(7) Motor Vehicle Account—State Appropriation:

For transfer to the Puget Sound Capital Construction

Account—State ((~~$52,000,000~~))

$61,000,000

(8) Motor Vehicle Account—State Appropriation:

For transfer to the Puget Sound Ferry Operations

Account—State $55,000,000

(9) Rural Mobility Grant Program Account—State

Appropriation: For transfer to the Multimodal

Transportation Account—State $3,000,000

(10) State Route Number 520 Civil Penalties

Account—State Appropriation: For transfer to

the State Route Number 520 Corridor

Account—State ((~~$1,434,000~~))

$1,666,000

(11) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Connecting

Washington Account—State $60,000,000

(12) Multimodal Transportation Account—State

Appropriation: For transfer to the Regional

Mobility Grant Program Account—State $11,215,000

(13) Multimodal Transportation Account—State

Appropriation: For transfer to the Rural

Mobility Grant Program Account—State $15,223,000

(14) ((~~Transportation 2003 Account (Nickel Account)—~~

~~State Appropriation: For transfer to the Puget~~

~~Sound Capital Construction Account—State $15,000,000~~

~~(15)(a) Alaskan Way Viaduct Replacement Project~~

~~Account—State Appropriation: For transfer to the~~

~~Motor Vehicle Account—State $9,992,000~~

~~(b) The transfer identified in this subsection is provided solely to repay in full the motor vehicle account—state appropriation loan from section 1005(21), chapter 416, Laws of 2019.~~

~~(16)~~)) (a) Transportation Partnership Account—State

Appropriation: For transfer to the Alaskan Way Viaduct

Replacement Project Account—State $77,956,000

(b) The amount transferred in this subsection represents that portion of the up to $200,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z), and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

((~~(17)~~)) (15) Motor Vehicle Account—State Appropriation:

For transfer to the County Arterial Preservation

Account—State ((~~$4,829,000~~))

$9,902,000

((~~(18)~~)) (16)(a) General Fund Account—State Appropriation:

For transfer to the State Patrol Highway

Account—State $625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(7), chapter 416, Laws of 2019.

((~~(19) Capital Vessel Replacement Account—State~~

~~Appropriation: For transfer to the Transportation~~

~~Partnership Account—State $2,312,000~~

~~(20)~~)) (17)(a) Alaskan Way Viaduct Replacement Project

Account—State Appropriation: For transfer to the

Transportation Partnership Account—State ((~~$15,858,000~~))

$15,577,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

((~~(21)~~)) (18) Tacoma Narrows Toll Bridge Account—State

Appropriation: For transfer to the Motor

Vehicle Account—State $950,000

((~~(22)~~)) (19)(a) Tacoma Narrows Toll Bridge Account—State Appropriation:

For transfer to the Motor Vehicle

Account—State $5,000,000

(b) A transfer in the amount of $5,000,000 was made from the Motor Vehicle Account to the Tacoma Narrows Toll Bridge Account in April 2019. It is the intent of the legislature that this transfer was to be temporary, for the purpose of minimizing the impact of toll increases, and this is an equivalent reimbursing transfer to occur in November 2019.

((~~(23)~~)) (20)(a) Transportation ((~~2003 Account (Nickel Account)~~))

Partnership Account—State Appropriation:

For transfer to the Tacoma

Narrows Toll Bridge Account—State $12,543,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

((~~(24)~~)) (21) Transportation Infrastructure Account—State

Appropriation: For transfer to the multimodal

Transportation Account—State $9,000,000

((~~(25)~~)) (22) Multimodal Transportation Account—State

Appropriation: For transfer to the Pilotage

Account—State $2,500,000

((~~(26)~~)) (23)(a) Motor Vehicle Account—State

Appropriation: For transfer to the County Road

Administration Board Emergency Loan Account—State $1,000,000

(b) If chapter 157, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((~~(27)~~)) (24)(a) Advanced Environmental Mitigation

Revolving Account—State Appropriation: For transfer

to the Motor Vehicle Account—State $9,000,000

(b) The amount transferred in this subsection is contingent on at least a $9,000,000 transfer to the advanced environmental mitigation revolving account authorized by June 30, 2019, in the omnibus capital appropriations act.

((~~(28) Multimodal Transportation Account—State~~

~~Appropriation: For transfer to the Electric Vehicle~~

~~Charging Infrastructure Account—State $1,000,000~~

~~(29)~~)) (25) Multimodal Transportation Account—State

Appropriation: For transfer to the Complete Streets

Grant Program Account—State $10,200,000

((~~(30)~~)) (26)(a) Multimodal Transportation Account—State

Appropriation: For transfer to the Connecting

Washington Account—State $82,080,000

(b) The amount transferred in this subsection represents a reversal of the changes made to RCW 82.32.385, in section 703, chapter 219, Laws of 2020, that directed a transfer of $82,080,000 to the multimodal transportation account rather than the connecting Washington account.

(27)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Capital Vessel

Replacement Account—State ((~~$96,030,000~~))

$35,547,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

((~~(31)~~)) (28) Freight Mobility Multimodal Account—State

Appropriation: For transfer to the Multimodal Transportation

Account—State $7,296,000

((~~(32)~~)) (29) Connecting Washington Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State $115,000,000

(30)(a) Motor Vehicle Account—State Appropriation:

For transfer to the Alaskan Way Viaduct Replacement

Project Account—State $13,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(31) Motor Vehicle Account—State Appropriation:

For transfer to the Transportation 2003 Account

(Nickel Account)—State $12,800,000

(32) Multimodal Transportation Account—State

Appropriation: For transfer to the Puget Sound

Ferry Operations Account—State $55,000,000

Sec. 1107. 2020 c 219 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Multimodal Transportation Account—State

Appropriation: For distribution to cities and

counties $26,786,000

Motor Vehicle Account—State Appropriation: For

distribution to cities and counties $23,438,000

TOTAL APPROPRIATION $50,224,000

Sec. 1108. 2020 c 219 s 408 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Toll Facility Bond Retirement Account—Federal

Appropriation ((~~$199,522,000~~))

$199,523,000

Toll Facility Bond Retirement Account—State

Appropriation $25,372,000

TOTAL APPROPRIATION ((~~$224,894,000~~))

$224,895,000

MISCELLANEOUS 2019-2021 FISCAL BIENNIUM

NEW SECTION. **Sec. 1201.** A new section is added to 2019 c 416 (uncodified) to read as follows:

The appropriations to the department of transportation in chapter 416, Laws of 2019, chapter 219, Laws of 2020, and this act must be expended for the programs and in the amounts specified in chapter 416, Laws of 2019, chapter 219, Laws of 2020, and this act. However, after May 1, 2021, unless specifically prohibited, the department may transfer state appropriations for the 2019-2021 fiscal biennium among operating programs after approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the appropriate transportation committees of the legislature prior to approving any allotment modifications or transfers under this section.

MISCELLANEOUS

NEW SECTION. **Sec. 1301.** If any provision of this act or its application to any person or circumstance is held

invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1302.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

and that the bill do pass as recommended by the Conference Committee:

Senators Hobbs, King and Saldana
Representatives Barkis, Fey and Wylie

There being no objection, the House adopted the conference committee report on SUBSTITUTE SENATE BILL NO. 5165 and advanced the bill as recommended by the conference committee to final passage.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Fey and Barkis spoke in favor of the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5165 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5165, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 90; Nays: 6; Absent: 0; Excused: 2

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, and Ybarra

Voting nay: Representatives Caldier, Dufault, Kraft, McCaslin, Orcutt, and Young

Excused: Representatives McEntire and Robertson

SUBSTITUTE SENATE BILL NO. 5165, as recommended by the conference committee, having received the constitutional majority, was declared passed.

With the consent of the House, SUBSTITUTE SENATE BILL NO. 5165 was immediately transmitted to the Senate.

CONFERENCE COMMITTEE REPORT

April 23, 2021

Engrossed Second Substitute House Bill No. 1477

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477, implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment S-3066.4 be adopted.

Strike everything after the enacting clause and insert the following:

"PART I

CRISIS CALL CENTER HUBS AND CRISIS SERVICES

NEW SECTION. **Sec. 101.** (1) The legislature finds that:

(a) Nearly 6,000 Washington adults and children died by suicide in the last five years, according to the federal centers for disease control and prevention, tragically reflecting a state increase of 36 percent in the last 10 years.

(b) Suicide is now the single leading cause of death for Washington young people ages 10 through 24, with total deaths 22 percent higher than for vehicle crashes.

(c) Groups with suicide rates higher than the general population include veterans, American Indians/Alaska Natives, LGBTQ youth, and people living in rural counties across the state.

(d) More than one in five Washington residents are currently living with a behavioral health disorder.

(e) The COVID-19 pandemic has increased stressors and substance use among Washington residents.

(f) An improved crisis response system will reduce reliance on emergency room services and the use of law enforcement response to behavioral health crises and

will stabilize individuals in the community whenever possible.

(g) To accomplish effective crisis response and suicide prevention, Washington state must continue its integrated approach to address mental health and substance use disorder in tandem under the umbrella of behavioral health disorders, consistently with chapter 71.24 RCW and the state's approach to integrated health care. This is particularly true in the domain of suicide prevention, because of the prevalence of substance use as both a risk factor and means for suicide.

(2) The legislature intends to:

(a) Establish crisis call center hubs and expand the crisis response system in a deliberate, phased approach that includes the involvement of partners from a range of perspectives to:

(i) Save lives by improving the quality of and access to behavioral health crisis services;

(ii) Further equity in addressing mental health and substance use treatment and assure a culturally and linguistically competent response to behavioral health crises;

(iii) Recognize that, historically, crisis response placed marginalized communities, including those experiencing behavioral health crises, at disproportionate risk of poor outcomes and criminal justice involvement;

(iv) Comply with the national suicide hotline designation act of 2020 and the federal communications commission's rules adopted July 16, 2020, to assure that all Washington residents receive a consistent and effective level of 988 suicide prevention and other behavioral health crisis response and suicide prevention services no matter where they live, work, or travel in the state; and

(v) Provide higher quality support for people experiencing behavioral health crises through investment in new technology to create a crisis call center hub system to triage calls and link individuals to follow-up care.

(b) Make additional investments to enhance the crisis response system, including the expansion of crisis teams, to be known as mobile rapid response crisis teams, and deployment of a wide array of crisis stabilization services, such as 23-hour crisis stabilization units based on the living room model, crisis stabilization centers, short-term respite facilities, peer-run respite centers, and same-day walk-in behavioral health services. The overall crisis system shall contain components that operate like hospital emergency departments that accept all walk-ins and ambulance, fire, and police drop-offs. Certified peer counselors as well as peers in other roles providing support must be incorporated within the crisis system and along the continuum of crisis care.

NEW SECTION. **Sec. 102.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Establishing the state crisis call center hubs and enhancing the crisis response system will require collaborative work between the department and the authority within their respective roles. The department shall have primary responsibility for establishing and designating the crisis call center hubs. The authority shall have primary responsibility for developing and implementing the crisis response system and services to support the work of the crisis call center hubs. In any instance in which one agency is identified as the lead, the expectation is that agency will be communicating and collaborating with the other to ensure seamless, continuous, and effective service delivery within the statewide crisis response system.

(2) The department shall provide adequate funding for the state's crisis call centers to meet an expected increase in the use of the call centers based on the implementation of the 988 crisis hotline. The funding level shall be established at a level anticipated to achieve an in-state call response rate of at least 90 percent by July 22, 2022. The funding level shall be determined by considering standards and cost per call predictions provided by the administrator of the national suicide prevention lifeline, call volume predictions, guidance on crisis call center performance metrics, and necessary technology upgrades.

(3) The department shall adopt rules by July 1, 2023, to establish standards for designation of crisis call centers as crisis call center hubs. The department shall collaborate with the authority and other agencies to assure coordination and availability of services, and shall

consider national guidelines for behavioral health crisis care as determined by the federal substance abuse and mental health services administration, national behavioral health accrediting bodies, and national behavioral health provider associations to the extent they are appropriate, and recommendations from the crisis response improvement strategy committee created in section 103 of this act.

(4) The department shall designate crisis call center hubs by July 1, 2024. The crisis call center hubs shall provide crisis intervention services, triage, care coordination, referrals, and connections to individuals contacting the 988 crisis hotline from any jurisdiction within Washington 24 hours a day, seven days a week, using the system platform developed under subsection (5) of this section.

(a) To be designated as a crisis call center hub, the applicant must demonstrate to the department the ability to comply with the requirements of this section and to contract to provide crisis call center hub services. The department may revoke the designation of any crisis call center hub that fails to substantially comply with the contract.

(b) The contracts entered shall require designated crisis call center hubs to:

(i) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within its network;

(ii) Meet the requirements for operational and clinical standards established by the department and based upon the national suicide prevention lifeline best practices guidelines and other recognized best practices;

(iii) Employ highly qualified, skilled, and trained clinical staff who have sufficient training and resources to provide empathy to callers in acute distress, de-escalate crises, assess behavioral health disorders and suicide risk, triage to system partners, and provide case management and documentation. Call center staff shall be trained to make every effort to resolve cases in the least restrictive environment and without law enforcement involvement whenever possible. Call center staff shall coordinate with certified peer counselors to provide follow-up and outreach to callers in distress as available. It is intended for transition planning to include a pathway for continued employment and skill advancement as needed for experienced crisis call center employees;

(iv) Collaborate with the authority, the national suicide prevention lifeline, and veterans crisis line networks to assure consistency of public messaging about the 988 crisis hotline; and

(v) Provide data and reports and participate in evaluations and related quality improvement activities, according to standards established by the department in collaboration with the authority.

(c) The department and the authority shall incorporate recommendations from the crisis response improvement strategy committee created under section 103 of this act in its agreements with crisis call center hubs, as appropriate.

(5) The department and authority must coordinate to develop the technology and platforms necessary to manage and operate the behavioral health crisis response and suicide prevention system. The technologies developed must include:

(a) A new technologically advanced behavioral health and suicide prevention crisis call center system platform using technology demonstrated to be interoperable across crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, for use in crisis call center hubs designated by the department under subsection (4) of this section. This platform, which shall be fully funded by July 1, 2023, shall be developed by the department and must include the capacity to receive crisis assistance requests through phone calls, texts, chats, and other similar methods of communication that may be developed in the future that promote access to the behavioral health crisis system; and

(b) A behavioral health integrated client referral system capable of providing system coordination information to crisis call center hubs and the other entities involved in behavioral health care. This system shall be developed by the authority.

(6) In developing the new technologies under subsection (5) of this section, the

department and the authority must coordinate to designate a primary technology system to provide each of the following:

(a) Access to real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services, including:

(i) Real-time bed availability for all behavioral health bed types, including but not limited to crisis stabilization services, triage facilities, psychiatric inpatient, substance use disorder inpatient, withdrawal management, peer-run respite centers, and crisis respite services, inclusive of both voluntary and involuntary beds, for use by crisis response workers, first responders, health care providers, emergency departments, and individuals in crisis; and

(ii) Real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services for a person, including the means to access:

(A) Information about any less restrictive alternative treatment orders or mental health advance directives related to the person; and

(B) Information necessary to enable the crisis call center hub to actively collaborate with emergency departments, primary care providers and behavioral health providers within managed care organizations, behavioral health administrative services organizations, and other health care payers to establish a safety plan for the person in accordance with best practices and provide the next steps for the person's transition to follow-up noncrisis care. To establish information-sharing guidelines that fulfill the intent of this section the authority shall consider input from the confidential information compliance and coordination subcommittee established under section 103 of this act;

(b) The means to request deployment of appropriate crisis response services, which may include mobile rapid response crisis teams, co-responder teams, designated crisis responders, fire department mobile integrated health teams, or community assistance referral and educational services programs under RCW 35.21.930, according to best practice guidelines established by the authority, and track local response through global positioning technology; and

(c) The means to track the outcome of the 988 call to enable appropriate follow up, cross-system coordination, and accountability, including as appropriate: (i) Any immediate services dispatched and reports generated from the encounter; (ii) the validation of a safety plan established for the caller in accordance with best practices; (iii) the next steps for the caller to follow in transition to noncrisis follow-up care, including a next-day appointment for callers experiencing urgent, symptomatic behavioral health care needs; and (iv) the means to verify and document whether the caller was successful in making the transition to appropriate noncrisis follow-up care indicated in the safety plan for the person, to be completed either by the care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub;

(d) A means to facilitate actions to verify and document whether the person's transition to follow up noncrisis care was completed and services offered, to be performed by a care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub;

(e) The means to provide geographically, culturally, and linguistically appropriate services to persons who are part of high-risk populations or otherwise have need of specialized services or accommodations, and to document these services or accommodations; and

(f) When appropriate, consultation with tribal governments to ensure coordinated care in government-to-government relationships, and access to dedicated services to tribal members.

(7) To implement this section the department and the authority shall collaborate with the state enhanced 911 coordination office, emergency management division, and military department to develop technology that is

demonstrated to be interoperable between the 988 crisis hotline system and crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, as well as the national suicide prevention lifeline, to assure cohesive interoperability, develop training programs and operations for both 911 public safety telecommunicators and crisis line workers, develop suicide and other behavioral health crisis assessments and intervention strategies, and establish efficient and equitable access to resources via crisis hotlines.

(8) The authority shall:

(a) Collaborate with county authorities and behavioral health administrative services organizations to develop procedures to dispatch behavioral health crisis services in coordination with crisis call center hubs to effectuate the intent of this section;

(b) Establish formal agreements with managed care organizations and behavioral health administrative services organizations by January 1, 2023, to provide for the services, capacities, and coordination necessary to effectuate the intent of this section, which shall include a requirement to arrange next-day appointments for persons contacting the 988 crisis hotline experiencing urgent, symptomatic behavioral health care needs with geographically, culturally, and linguistically appropriate primary care or behavioral health providers within the person's provider network, or, if uninsured, through the person's behavioral health administrative services organization;

(c) Create best practices guidelines by July 1, 2023, for deployment of appropriate and available crisis response services by crisis call center hubs to assist 988 hotline callers to minimize nonessential reliance on emergency room services and the use of law enforcement, considering input from relevant stakeholders and recommendations made by the crisis response improvement strategy committee created under section 103 of this act;

(d) Develop procedures to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services, follow-up care, and linked, flexible services specific to crisis response; and

(e) Establish guidelines to appropriately serve high-risk populations who request crisis services. The authority shall design these guidelines to promote behavioral health equity for all populations with attention to circumstances of race, ethnicity, gender, socioeconomic status, sexual orientation, and geographic location, and include components such as training requirements for call response workers, policies for transferring such callers to an appropriate specialized center or subnetwork within or external to the national suicide prevention lifeline network, and procedures for referring persons who access the 988 crisis hotline to linguistically and culturally competent care.

NEW SECTION. **Sec. 103.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The crisis response improvement strategy committee is established for the purpose of providing advice in developing an integrated behavioral health crisis response and suicide prevention system containing the elements described in this section. The work of the committee shall be received and reviewed by a steering committee, which shall in turn form subcommittees to provide the technical analysis and input needed to formulate system change recommendations.

(2) The office of financial management shall contract with the behavioral health institute at Harborview medical center to facilitate and provide staff support to the steering committee and to the crisis response improvement strategy committee.

(3) The steering committee shall select three cochairs from among its members to lead the crisis response improvement strategy committee. The crisis response improvement strategy committee shall consist of the following members, who shall be appointed or requested by the authority, unless otherwise noted:

(a) The director of the authority, or his or her designee, who shall also serve on the steering committee;

(b) The secretary of the department, or his or her designee, who shall also serve on the steering committee;

(c) A member representing the office of the governor, who shall also serve on the steering committee;

(d) The Washington state insurance commissioner, or his or her designee;

(e) Up to two members representing federally recognized tribes, one from eastern Washington and one from western Washington, who have expertise in behavioral health needs of their communities;

(f) One member from each of the two largest caucuses of the senate, one of whom shall also be designated to participate on the steering committee, to be appointed by the president of the senate;

(g) One member from each of the two largest caucuses of the house of representatives, one of whom shall also be designated to participate on the steering committee, to be appointed by the speaker of the house of representatives;

(h) The director of the Washington state department of veterans affairs, or his or her designee;

(i) The state enhanced 911 coordinator, or his or her designee;

(j) A member with lived experience of a suicide attempt;

(k) A member with lived experience of a suicide loss;

(l) A member with experience of participation in the crisis system related to lived experience of a mental health disorder;

(m) A member with experience of participation in the crisis system related to lived experience with a substance use disorder;

(n) A member representing each crisis call center in Washington that is contracted with the national suicide prevention lifeline;

(o) Up to two members representing behavioral health administrative services organizations, one from an urban region and one from a rural region;

(p) A member representing the Washington council for behavioral health;

(q) A member representing the association of alcoholism and addiction programs of Washington state;

(r) A member representing the Washington state hospital association;

(s) A member representing the national alliance on mental illness Washington;

(t) A member representing the behavioral health interests of persons of color recommended by Sea Mar community health centers;

(u) A member representing the behavioral health interests of persons of color recommended by Asian counseling and referral service;

(v) A member representing law enforcement;

(w) A member representing a university-based suicide prevention center of excellence;

(x) A member representing an emergency medical services department with a CARES program;

(y) A member representing medicaid managed care organizations, as recommended by the association of Washington healthcare plans;

(z) A member representing commercial health insurance, as recommended by the association of Washington healthcare plans;

(aa) A member representing the Washington association of designated crisis responders;

(bb) A member representing the children and youth behavioral health work group;

(cc) A member representing a social justice organization addressing police accountability and the use of deadly force; and

(dd) A member representing an organization specializing in facilitating behavioral health services for LGBTQ populations.

(4) The crisis response improvement strategy committee shall assist the steering committee to identify potential barriers and make recommendations necessary to implement and effectively monitor the progress of the 988 crisis hotline in Washington and make recommendations for the statewide improvement of behavioral health crisis

response and suicide prevention services.

(5) The steering committee must develop a comprehensive assessment of the behavioral health crisis response and suicide prevention services system by January 1, 2022, including an inventory of existing statewide and regional behavioral health crisis response, suicide prevention, and crisis stabilization services and resources, and taking into account capital projects which are planned and funded. The comprehensive assessment shall identify:

(a) Statewide and regional insufficiencies and gaps in behavioral health crisis response and suicide prevention services and resources needed to meet population needs;

(b) Quantifiable goals for the provision of statewide and regional behavioral health crisis services and targeted deployment of resources, which consider factors such as reported rates of involuntary commitment detentions, single-bed certifications, suicide attempts and deaths, substance use disorder-related overdoses, overdose or withdrawal-related deaths, and incarcerations due to a behavioral health incident;

(c) A process for establishing outcome measures, benchmarks, and improvement targets, for the crisis response system; and

(d) Potential funding sources to provide statewide and regional behavioral health crisis services and resources.

(6) The steering committee, taking into account the comprehensive assessment work under subsection (5) of this section as it becomes available, after discussion with the crisis response improvement strategy committee and hearing reports from the subcommittees, shall report on the following:

(a) A recommended vision for an integrated crisis network in Washington that includes, but is not limited to: An integrated 988 crisis hotline and crisis call center hubs; mobile rapid response crisis teams; mobile crisis response units for youth, adult, and geriatric population; a range of crisis stabilization services; an integrated involuntary treatment system; access to peer-run services, including peer-run respite centers; adequate crisis respite services; and data resources;

(b) Recommendations to promote equity in services for individuals of diverse circumstances of culture, race, ethnicity, gender, socioeconomic status, sexual orientation, and for individuals in tribal, urban, and rural communities;

(c) Recommendations for a work plan with timelines to implement appropriate local responses to calls to the 988 crisis hotline within Washington in accordance with the time frames required by the national suicide hotline designation act of 2020;

(d) The necessary components of each of the new technologically advanced behavioral health crisis call center system platform and the new behavioral health integrated client referral system, as provided under section 102 of this act, for assigning and tracking response to behavioral health crisis calls and providing real-time bed and outpatient appointment availability to 988 operators, emergency departments, designated crisis responders, and other behavioral health crisis responders, which shall include but not be limited to:

(i) Identification of the components crisis call center hub staff need to effectively coordinate crisis response services and find available beds and available primary care and behavioral health outpatient appointments;

(ii) Evaluation of existing bed tracking models currently utilized by other states and identifying the model most suitable to Washington's crisis behavioral health system;

(iii) Evaluation of whether bed tracking will improve access to all behavioral health bed types and other impacts and benefits; and

(iv) Exploration of how the bed tracking and outpatient appointment availability platform can facilitate more timely access to care and other impacts and benefits;

(e) The necessary systems and capabilities that licensed or certified behavioral health agencies, behavioral health providers, and any other relevant parties will require to report, maintain, and update inpatient and residential bed and outpatient service availability in real time to correspond with the crisis

call center system platform or behavioral health integrated client referral system identified in section 102 of this act, as appropriate;

(f) A work plan to establish the capacity for the crisis call center hubs to integrate Spanish language interpreters and Spanish-speaking call center staff into their operations, and to ensure the availability of resources to meet the unique needs of persons in the agricultural community who are experiencing mental health stresses, which explicitly addresses concerns regarding confidentiality;

(g) A work plan with timelines to enhance and expand the availability of community-based mobile rapid response crisis teams based in each region, including specialized teams as appropriate to respond to the unique needs of youth, including American Indian and Alaska Native youth and LGBTQ youth, and geriatric populations, including older adults of color and older adults with comorbid dementia;

(h) The identification of other personal and systemic behavioral health challenges which implementation of the 988 crisis hotline has the potential to address in addition to suicide response and behavioral health crises;

(i) The development of a plan for the statewide equitable distribution of crisis stabilization services, behavioral health beds, and peer-run respite services;

(j) Recommendations concerning how health plans, managed care organizations, and behavioral health administrative services organizations shall fulfill requirements to provide assignment of a care coordinator and to provide next-day appointments for enrollees who contact the behavioral health crisis system;

(k) Appropriate allocation of crisis system funding responsibilities among medicaid managed care organizations, commercial insurers, and behavioral health administrative services organizations;

(l) Recommendations for constituting a statewide behavioral health crisis response and suicide prevention oversight board or similar structure for ongoing monitoring of the behavioral health crisis system and where this should be established; and

(m) Cost estimates for each of the components of the integrated behavioral health crisis response and suicide prevention system.

(7) The steering committee shall consist only of members appointed to the steering committee under this section. The steering committee shall convene the committee, form subcommittees, assign tasks to the subcommittees, and establish a schedule of meetings and their agendas.

(8) The subcommittees of the crisis response improvement strategy committee shall focus on discrete topics. The subcommittees may include participants who are not members of the crisis response improvement strategy committee, as needed to provide professional expertise and community perspectives. Each subcommittee shall have at least one member representing the interests of stakeholders in a rural community, at least one member representing the interests of stakeholders in an urban community, and at least one member representing the interests of youth stakeholders. The steering committee shall form the following subcommittees:

(a) A Washington tribal 988 subcommittee, which shall examine and make recommendations with respect to the needs of tribes related to the 988 system, and which shall include representation from the American Indian health commission;

(b) A credentialing and training subcommittee, to recommend workforce needs and requirements necessary to implement this act, including minimum education requirements such as whether it would be appropriate to allow crisis call center hubs to employ clinical staff without a bachelor's degree or master's degree based on the person's skills and life or work experience;

(c) A technology subcommittee, to examine issues and requirements related to the technology needed to implement this act;

(d) A cross-system crisis response collaboration subcommittee, to examine and define the complementary roles and interactions between mobile rapid response crisis teams, designated crisis responders, law enforcement, emergency medical services teams, 911 and 988 operators, public and private health plans, behavioral health crisis response agencies, nonbehavioral health crisis

response agencies, and others needed to implement this act;

(e) A confidential information compliance and coordination subcommittee, to examine issues relating to sharing and protection of health information needed to implement this act; and

(f) Any other subcommittee needed to facilitate the work of the committee, at the discretion of the steering committee.

(9) The proceedings of the crisis response improvement strategy committee must be open to the public and invite testimony from a broad range of perspectives. The committee shall seek input from tribes, veterans, the LGBTQ community, and communities of color to help discern how well the crisis response system is currently working and recommend ways to improve the crisis response system.

(10) Legislative members of the crisis response improvement strategy committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) The steering committee, with the advice of the crisis response improvement strategy committee, shall provide a progress report and the result of its comprehensive assessment under subsection (5) of this section to the governor and appropriate policy and fiscal committee of the legislature by January 1, 2022. The steering committee shall report the crisis response improvement strategy committee's further progress and the steering committee's recommendations related to crisis call center hubs to the governor and appropriate policy and fiscal committees of the legislature by January 1, 2023. The steering committee shall provide its final report to the governor and the appropriate policy and fiscal committees of the legislature by January 1, 2024.

(12) This section expires June 30, 2024.

NEW SECTION. **Sec. 104.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The steering committee of the crisis response improvement strategy committee established under section 103 of this act must monitor and make recommendations related to the funding of crisis response services out of the account created in section 205 of this act. The crisis response improvement strategy steering committee must analyze:

(a) The projected expenditures from the account created under section 205 of this act, taking into account call volume, utilization projections, and other operational impacts;

(b) The costs of providing statewide coverage of mobile rapid response crisis teams or other behavioral health first responder services recommended by the crisis response improvement strategy committee, based on 988 crisis hotline utilization and taking into account existing state and local funding;

(c) Potential options to reduce the tax imposed in section 202 of this act, given the expected level of costs related to infrastructure development and operational support of the 988 crisis hotline and crisis call center hubs; and

(d) The viability of providing funding for in-person mobile rapid response crisis services or other behavioral health first responder services recommended by the crisis response improvement strategy committee funded from the account created in section 205 of this act, given the expected revenues to the account and the level of expenditures required under (a) of this subsection.

(2) If the steering committee finds that funding in-person mobile rapid response crisis services or other behavioral health first responder services recommended by the crisis response improvement strategy committee is viable from the account given the level of expenditures necessary to support the infrastructure development and operational support of the 988 crisis hotline and crisis call center hubs, the steering committee must analyze options for the location and composition of such services given need and available resources with the requirement that funds from the account supplement, not supplant, existing behavioral health crisis funding.

(3) The work of the steering committee under this section must be facilitated by

the behavioral health institute at Harborview medical center through its contract with the office of financial management under section 103 of this act with assistance provided by staff from senate committee services, the office of program research, and the office of financial management.

(4) The steering committee shall submit preliminary recommendations to the governor and the appropriate policy and fiscal committees of the legislature by January 1, 2022, and final recommendations to the governor and the appropriate policy and fiscal committees of the legislature by January 1, 2023.

(5) This section expires on July 1, 2023.

NEW SECTION. **Sec. 105.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The department and authority shall provide an annual report regarding the usage of the 988 crisis hotline, call outcomes, and the provision of crisis services inclusive of mobile rapid response crisis teams and crisis stabilization services. The report shall be submitted to the governor and the appropriate committees of the legislature each November beginning in 2023. The report shall include information on the fund deposits and expenditures of the account created in section 205 of this act.

(2) The department and authority shall coordinate with the department of revenue, and any other agency that is appropriated funding under the account created in section 205 of this act, to develop and submit information to the federal communications commission required for the completion of fee accountability reports pursuant to the national suicide hotline designation act of 2020.

(3) The joint legislative audit and review committee shall schedule an audit to begin after the full implementation of this act, to provide transparency as to how funds from the statewide 988 behavioral health crisis response and suicide prevention line account have been expended, and to determine whether funds used to provide acute behavioral health, crisis outreach, and stabilization services are being used to supplement services identified as baseline services in the comprehensive analysis provided under section 103 of this act, or to supplant baseline services. The committee shall provide a report by November 1, 2027, which includes recommendations as to the adequacy of the funding provided to accomplish the intent of the act and any other recommendations for alteration or improvement.

NEW SECTION. **Sec. 106.** A new section is added to chapter 48.43 RCW to read as follows:

Health plans issued or renewed on or after January 1, 2023, must make next-day appointments available to enrollees experiencing urgent, symptomatic behavioral health conditions to receive covered behavioral health services. The appointment may be with a licensed provider other than a licensed behavioral health professional, as long as that provider is acting within their scope of practice, and may be provided through telemedicine consistent with RCW 48.43.735. Need for urgent symptomatic care is associated with the presentation of behavioral health signs or symptoms that require immediate attention, but are not emergent.

NEW SECTION. **Sec. 107.** A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor shall appoint a 988 hotline and behavioral health crisis system coordinator to provide project coordination and oversight for the implementation and administration of the 988 crisis hotline, other requirements of this act, and other projects supporting the behavioral health crisis system. The coordinator shall:

(a) Oversee the collaboration between the department of health and the health care authority in their respective roles in supporting the crisis call center hubs, providing the necessary support services for 988 callers, and establishing adequate requirements and guidance for their contractors to fulfill the requirements of this act;

(b) Ensure coordination and facilitate communication between stakeholders such as crisis call center hub contractors, behavioral health administrative service organizations, county authorities, other crisis hotline centers, managed care organizations, and, in collaboration with the state enhanced 911 coordination office, with 911 emergency communications systems;

(c) Review the development of adequate and consistent training for crisis call center personnel and, in coordination with the state enhanced 911 coordination office, for 911 operators with respect to their interactions with the crisis hotline center; and

(d) Coordinate implementation of other behavioral health initiatives among state agencies and educational institutions, as appropriate, including coordination of data between agencies.

(2) This section expires June 30, 2024.

NEW SECTION. **Sec. 108.** A new section is added to chapter 71.24 RCW to read as follows:

(1) When acting in their statutory capacities pursuant to this act, the state, department, authority, state enhanced 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents are deemed to be carrying out duties owed to the public in general and not to any individual person or class of persons separate and apart from the public. Nothing contained in this act may be construed to evidence a legislative intent that the duties to be performed by the state, department, authority, state enhanced 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents, as required by this act, are owed to any individual person or class of persons separate and apart from the public in general.

(2) Each crisis call center hub designated by the department under any contract or agreement pursuant to this act shall be deemed to be an independent contractor, separate and apart from the department and the state.

NEW SECTION. **Sec. 109.** A new section is added to chapter 71.24 RCW to read as follows:

For the purpose of development and implementation of technology and platforms by the department and the authority under section 102 of this act, the department and the authority shall create a sophisticated technical and operational plan. The plan shall not conflict with, nor delay, the department meeting and satisfying existing 988 federal requirements that are already underway and must be met by July 16, 2022, nor is it intended to delay the initial planning phase of the project, or the planning and deliverables tied to any grant award received and allotted by the department or the authority prior to April 1, 2021. To the extent that funds are appropriated for this specific purpose, the department and the authority must contract for a consultant to critically analyze the development and implementation technology and platforms and operational challenges to best position the solutions for success. Prior to initiation of a new information technology development, which does not include the initial planning phase of this project or any contracting needed to complete the initial planning phase, the department and authority shall submit the technical and operational plan to the governor, office of financial management, steering committee of the crisis response improvement strategy committee created under section 103 of this act, and appropriate policy and fiscal committees of the legislature, which shall include the committees referenced in this section. The plan must be approved by the office of the chief information officer, the director of the office of financial management, and the steering committee of the crisis response improvement strategy committee, which shall consider any feedback received from the senate ways and means committee chair, the house of representatives appropriations committee chair, the senate environment, energy and technology committee chair, the senate behavioral health subcommittee chair, and the house of representatives health care and wellness committee chair, before any funds are expended for the solutions, other than those funds needed to complete the initial planning phase. A draft technical and operational plan must be submitted no later than January 1, 2022, and a final plan by August 31, 2022.

The plan submitted must include, but not be limited to:

(1) Data management;

(2) Data security;

(3) Data flow;

(4) Data access and permissions;

(5) Protocols to ensure staff are following proper health information privacy procedures;

(6) Cybersecurity requirements and how to meet these;

(7) Service level agreements by vendor;

(8) Maintenance and operations costs;

(9) Identification of what existing software as a service products might be applicable, to include the:

(a) Vendor name;

(b) Vendor offerings to include product module and functionality detail and whether each represent add-ons that must be paid separately;

(c) Vendor pricing structure by year through implementation; and

(d) Vendor pricing structure by year post implementation;

(10) Integration limitations by system;

(11) Data analytic and performance metrics to be required by system;

(12) Liability;

(13) Which agency will host the electronic health record software as a service;

(14) Regulatory agency;

(15) The timeline by fiscal year from initiation to implementation for each solution in this act;

(16) How to plan in a manner that ensures efficient use of state resources and maximizes federal financial participation; and

(17) A complete comprehensive business plan analysis.

PART II

TAX

NEW SECTION. **Sec. 201.** DEFINITIONS. (1) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "988 crisis hotline" has the same meaning as in RCW 71.24.025.

(b) "Crisis call center hub" has the same meaning as in RCW 71.24.025.

(2) The definitions in RCW 82.14B.020 apply to this chapter.

NEW SECTION. **Sec. 202.** TAX IMPOSED. (1)(a) A statewide 988 behavioral health crisis response and suicide prevention line tax is imposed on the use of all radio access lines:

(i) By subscribers whose place of primary use is located within the state in the amount set forth in (a)(ii) of this subsection (1) per month for each radio access line. The tax must be uniform for each radio access line under this subsection (1); and

(ii) By consumers whose retail transaction occurs within the state in the amount set forth in this subsection (1)(a)(ii) per retail transaction. The amount of tax must be uniform for each retail transaction under this subsection (1) and is as follows:

(A) Beginning October 1, 2021, through December 31, 2022, the tax rate is 24 cents for each radio access line; and

(B) Beginning January 1, 2023, the tax rate is 40 cents for each radio access line.

(b) The tax imposed under this subsection (1) must be remitted to the department by radio communications service companies, including those companies that resell radio access lines, and sellers of prepaid wireless telecommunications service, on a tax return provided by the department. Tax proceeds must be deposited by the treasurer into the statewide 988 behavioral health crisis response and suicide prevention line account created in section 205 of this act.

(c) For the purposes of this subsection (1), the retail transaction is deemed to occur at the location where the transaction is sourced under RCW 82.32.520(3)(c).

(2) A statewide 988 behavioral health crisis response and suicide prevention line tax is imposed on all interconnected voice over internet protocol service lines in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of voice over internet protocol service lines on an account that is capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection (2) must be remitted to the department by interconnected voice over internet protocol service companies on a tax return provided by the department. The amount of tax for each interconnected voice over internet protocol service line

whose place of primary use is located in the state is as follows:

(a) Beginning October 1, 2021, through December 31, 2022, the tax rate is 24 cents for an interconnected voice over internet protocol service line; and

(b) Beginning January 1, 2023, the tax rate is 40 cents for an interconnected voice over internet protocol service line.

(3) A statewide 988 behavioral health crisis response and suicide prevention line tax is imposed on all switched access lines in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of switched access lines on an account that is capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection (3) must be remitted to the department by local exchange companies on a tax return provided by the department. The amount of tax for each switched access line whose place of primary use is located in the state is as follows:

(a) Beginning October 1, 2021, through December 31, 2022, the tax rate is 24 cents for each switched access line; and

(b) Beginning January 1, 2023, the tax rate is 40 cents for each switched access line.

(4) Tax proceeds collected pursuant to this section must be deposited by the treasurer into the statewide 988 behavioral health crisis response and suicide prevention line account created in section 205 of this act.

NEW SECTION. **Sec. 203.** COLLECTION OF TAX. (1) Except as provided otherwise in subsection (2) of this section:

(a) The statewide 988 behavioral health crisis response and suicide prevention line tax on radio access lines must be collected from the subscriber by the radio communications service company, including those companies that resell radio access lines, providing the radio access line to the subscriber, and the seller of prepaid wireless telecommunications services.

(b) The statewide 988 behavioral health crisis response and suicide prevention line tax on interconnected voice over internet protocol service lines must be collected from the subscriber by the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line to the subscriber.

(c) The statewide 988 behavioral health crisis response and suicide prevention line tax on switched access lines must be collected from the subscriber by the local exchange company.

(d) The amount of the tax must be stated separately on the billing statement which is sent to the subscriber.

(2)(a) The statewide 988 behavioral health crisis response and suicide prevention line tax imposed by this chapter must be collected from the consumer by the seller of a prepaid wireless telecommunications service for each retail transaction occurring in this state.

(b) The department must transfer all tax proceeds remitted by a seller under this subsection (2) to the statewide 988 behavioral health crisis response and suicide prevention line account created in section 205 of this act.

(c) The taxes required by this subsection to be collected by the seller must be separately stated in any sales invoice or instrument of sale provided to the consumer.

NEW SECTION. **Sec. 204.** PAYMENT AND COLLECTION. (1)(a) The statewide 988 behavioral health crisis response and suicide prevention line tax imposed by this chapter must be paid by the subscriber to the radio communications service company providing the radio access line, the local exchange company, or the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line.

(b) Each radio communications service company, each local exchange company, and each interconnected voice over internet protocol service company, must collect from the subscriber the full amount of the taxes payable. The statewide 988 behavioral health crisis response and suicide prevention line tax required by this chapter to be collected by a company or seller, are deemed to be held in trust by the company or seller until paid to the department. Any radio communications service company, local exchange company, or interconnected voice over internet protocol service company that

appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any radio communications service company, local exchange company, or interconnected voice over internet protocol service company fails to collect the statewide 988 behavioral health crisis response and suicide prevention line tax or, after collecting the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of its own act or the result of acts or conditions beyond its control, the company or seller is personally liable to the state for the amount of the tax, unless the company or seller has taken from the buyer in good faith documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or consumer or is otherwise not liable for the statewide 988 behavioral health crisis response and suicide prevention line tax.

(3) The amount of tax, until paid by the subscriber to the radio communications service company, local exchange company, the interconnected voice over internet protocol service company, or to the department, constitutes a debt from the subscriber to the company, or from the consumer to the seller. Any company or seller that fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber or consumer who refuses to pay any tax due under this chapter is guilty of a misdemeanor. The statewide 988 behavioral health crisis response and suicide prevention line tax required by this chapter to be collected by the radio communications service company, local exchange company, or interconnected voice over internet protocol service company must be stated separately on the billing statement that is sent to the subscriber.

(4) If a subscriber has failed to pay to the radio communications service company, local exchange company, or interconnected voice over internet protocol service company, the statewide 988 behavioral health crisis response and suicide prevention line tax imposed by this chapter and the company or seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the subscriber or consumer for collection of the tax, in which case a penalty of 10 percent may be added to the amount of the tax for failure of the subscriber or consumer to pay the tax to the company or seller, regardless of when the tax is collected by the department.

NEW SECTION. **Sec. 205.** ACCOUNT CREATION. (1) The statewide 988 behavioral health crisis response and suicide prevention line account is created in the state treasury. All receipts from the statewide 988 behavioral health crisis response and suicide prevention line tax imposed pursuant to this chapter must be deposited into the account. Moneys may only be spent after appropriation.

(2) Expenditures from the account may only be used for (a) ensuring the efficient and effective routing of calls made to the 988 crisis hotline to an appropriate crisis hotline center or crisis call center hub; and (b) personnel and the provision of acute behavioral health, crisis outreach, and crisis stabilization services, as defined in RCW 71.24.025, by directly responding to the 988 crisis hotline.

(3) Moneys in the account may not be used to supplant general fund appropriations for behavioral health services or for medicaid covered services to individuals enrolled in the medicaid program.

NEW SECTION. **Sec. 206.** PREEMPTION. A city or county may not impose a tax, measured on a per line basis, on radio access lines, interconnected voice over internet protocol service lines, or switched access lines, for the purpose of ensuring the efficient and effective routing of calls made to the 988 crisis hotline to an appropriate crisis hotline center or crisis call center hub; or providing personnel or acute behavioral health, crisis outreach, or crisis stabilization services, as defined in RCW 71.24.025, associated with directly responding to the 988 crisis hotline.

PART III

APPROPRIATIONS

NEW SECTION. **Sec. 301.** The appropriations in this section are

provided to the department of health and are subject to the following conditions and limitations:

(1) The sum of $23,016,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2023, from the statewide 988 behavioral health crisis response and suicide prevention line account. The amount in this subsection is provided solely for the department to route calls to and contract for the operations of call centers and call center hubs. This includes funding for operations, training, and call center information technology and program staff.

(2) The sum of $1,000,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2023, from the statewide 988 behavioral health crisis response and suicide prevention line account. The amount in this subsection is provided solely for the department to contract for the development and operations of a tribal crisis line.

(3) The following sums, or so much thereof as may be necessary, are each appropriated: $189,000 from the statewide 988 behavioral health crisis response and suicide prevention line account for the fiscal biennium ending June 30, 2023; and $80,000 from the state general fund—federal account for the fiscal biennium ending June 30, 2023. The amounts in this subsection are provided solely for the department to provide staff support necessary to critically analyze the planning, development, and implementation of technology solutions to create the technical and operational plan pursuant to section 109 of this act.

(4) The sum of $420,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2023, from the statewide 988 behavioral health crisis response and suicide prevention line account. The amount in this subsection is provided solely for the department to participate in and provide support to the committee created in section 103 of this act.

NEW SECTION. **Sec. 302.** The appropriations in this section are provided to the state health care authority and are subject to the following conditions and limitations:

(1) The following sums, or as much thereof as may be necessary, are each appropriated: $770,000 from the statewide 988 behavioral health crisis response and suicide prevention line account for the fiscal biennium ending June 30, 2023; and $326,000 from the state general fund—federal account for the fiscal biennium ending June 30, 2023. The amounts in this subsection are provided solely for the authority to provide staff and contracted support necessary to critically analyze the planning, development, and implementation of technology solutions to create the technical and operational plan pursuant to section 109 of this act.

(2) The following sums, or so much thereof as may be necessary, are each appropriated: $644,000 from the statewide 988 behavioral health crisis response and suicide prevention line account for the fiscal biennium ending June 30, 2023; and $127,000 from the state general fund—federal account for the fiscal biennium ending June 30, 2023. The amounts in this subsection are provided solely for the authority to participate in and provide support to the committee created in section 103 of this act.

(3) The following sums, or as much thereof as may be necessary, are each appropriated: $381,000 from the statewide 988 behavioral health crisis response and suicide prevention line account for the fiscal biennium ending June 30, 2023; and $381,000 from the state general fund—federal account for the fiscal biennium ending June 30, 2023. The amounts in this subsection are provided solely for the authority to fulfill its duties as described in section 102(8) of this act. This includes funding for collaboration with managed care organizations, county authorities, and behavioral health administrative services organizations related to crisis services, and the development of processes and best practices for crisis services.

NEW SECTION. **Sec. 303.** The sum of $200,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2023, from the statewide 988 behavioral health crisis response and suicide prevention line account to the office of financial management and provided solely to provide staff and contracted services support to the committee created in section 103 of this act.

PART IV

DEFINITIONS AND MISCELLANEOUS

Sec. 401. RCW 71.24.025 and 2020 c 256 s 201 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(4) "Authority" means the Washington state health care authority.

(5) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(6) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(7) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 1616l and RCW 43.71B.010 (7) and (8).

(8) "Behavioral health provider" means a person licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(9) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(10) "Child" means a person under the age of eighteen years.

(11) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the

authority by rule consistent with Public Law 92-603, as amended.

(12) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(13) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(14) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(15) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(16) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(17) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(18) "Department" means the department of health.

(19) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(20) "Director" means the director of the authority.

(21) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(22) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(23) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (24) of this section.

(24) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(25) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(26) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(27) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(28) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(29) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(30) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(31) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(32) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(33) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (11), (40), and (41) of this section.

(34) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(35) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (24) of this section but does not meet the full criteria for evidence-based.

(36) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously

disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(37) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(38) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(39) "Secretary" means the secretary of the department of health.

(40) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(41) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(42) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(43) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(44) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(45) "Crisis call center hub" means a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of section 102 of this act.

(46) "Crisis stabilization services" means services such as 23-hour crisis stabilization units based on the living room model, crisis stabilization units as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs.

(47) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

(48) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

Sec. 402. RCW 71.24.025 and 2020 c 256 s 201 and 2020 c 80 s 52 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use,

symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(4) "Authority" means the Washington state health care authority.

(5) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(6) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(7) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 1616l and RCW 43.71B.010 (7) and (8).

(8) "Behavioral health provider" means a person licensed under chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(9) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(10) "Child" means a person under the age of eighteen years.

(11) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(12) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(13) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(14) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(15) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis

intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(16) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(17) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(18) "Department" means the department of health.

(19) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(20) "Director" means the director of the authority.

(21) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(22) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(23) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (24) of this section.

(24) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(25) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(26) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(27) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(28) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(29) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(30) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(31) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(32) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(33) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (11), (40), and (41) of this section.

(34) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(35) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (24) of this section but does not meet the full criteria for evidence-based.

(36) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(37) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(38) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(39) "Secretary" means the secretary of the department of health.

(40) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(41) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(42) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(43) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(44) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(45) "Crisis call center hub" means a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of section 102 of this act.

(46) "Crisis stabilization services" means services such as 23-hour crisis stabilization units based on the living room model, crisis stabilization units as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs.

(47) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

(48) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

Sec. 403. RCW 71.24.649 and 2019 c 324 s 5 are each amended to read as follows:

The secretary shall license or certify mental health peer-run respite centers that meet state minimum standards. In consultation with the authority and the department of social and health services, the secretary must:

(1) Establish requirements for licensed and certified community behavioral health agencies to provide mental health peer-run respite center services and establish physical plant and service requirements to provide voluntary, short-term, noncrisis services that focus on recovery and wellness;

(2) Require licensed and certified agencies to partner with the local crisis system including, but not limited to, evaluation and treatment facilities and designated crisis responders;

(3) Establish staffing requirements, including rules to ensure that facilities are peer-run;

(4) Limit services to a maximum of seven days in a month;

(5) Limit services to individuals who are experiencing psychiatric distress, but do not meet legal criteria for involuntary hospitalization under chapter 71.05 RCW; and

(6) Limit services to persons at least eighteen years of age.

NEW SECTION. **Sec. 404.** Sections 201 through 206 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. **Sec. 405.** Sections 201 through 205 of this act take effect October 1, 2021.

NEW SECTION. **Sec. 406.** Section 401 of this act expires July 1, 2022.

NEW SECTION. **Sec. 407.** Section 402 of this act takes effect July 1, 2022.

NEW SECTION. **Sec. 408.** Section 103 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

and that the bill do pass as recommended by the Conference Committee:

Senators Dhingra and Robinson
Representatives Macri and Orwall

There being no objection, the House adopted the conference committee report on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477 and advanced the bill as recommended by the conference committee to final passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Orwall and Dent spoke in favor of the passage of the bill as recommended by the conference committee.

Representative Schmick spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1477, as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1477, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 71; Nays: 25; Absent: 0; Excused: 2

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Hoff, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, and Ybarra

Voting nay: Representatives Abbarno, Boehnke, Chapman, Chase, Corry, Dufault, Dye, Graham, Harris, Jacobsen, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Orcutt, Rude, Schmick, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, and Young

Excused: Representatives McEntire and Robertson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477, as recommended by the conference committee, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

CONFERENCE COMMITTEE REPORT

April 23, 2021

Engrossed Substitute Senate Bill No. 5096

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5096, enacting an excise tax on gains from the sale or exchange of certain capital assets, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment H-1637.1 be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** INTENT. The legislature finds that it is the paramount duty of the state to amply provide every child in the state with an education, creating the opportunity for the child to succeed in school and thrive in life. The legislature further finds that high quality early learning and child care is critical to a child's success in school and life, as it supports the development of the child's social-emotional, physical, cognitive, and language skills. Therefore, the legislature will invest in the ongoing support of K-12 education and early learning and child care by dedicating revenues from this act to the education legacy trust account and the common school construction account.

The legislature further recognizes that a tax system that is fair, balanced, and works for everyone is essential to help all Washingtonians grow and thrive. But Washington's tax system today is the most regressive in the nation because it asks those making the least to pay the most as a percentage of their income. Middle-income families in Washington pay two to four times more in taxes, as a percentage of household income, as compared to top earners in the state. Low-income Washingtonians pay at least

six times more than do our wealthiest residents.

To help meet the state's paramount duty, the legislature intends to levy a seven percent tax on the voluntary sale or exchange of stocks, bonds, and other capital assets where the profit is in excess of $250,000 annually to fund K-12 education, early learning, and child care, and advance our paramount duty to amply provide an education to every child in the state. The legislature recognizes that levying this tax will have the additional effect of making material progress toward rebalancing the state's tax code.

The legislature further intends to exempt certain assets from the tax including, but not limited to, qualified family-owned small businesses, all residential and other real property, and retirement accounts.

NEW SECTION. **Sec. 2.** DISTRIBUTION OF REVENUES. (1) All taxes, interest, and penalties collected under this chapter shall be distributed as follows:

(a) The first $500,000,000 collected each fiscal year shall be deposited into the education legacy trust account created in RCW 83.100.230; and

(b) Any remainder collected each fiscal year shall be deposited into the common school construction account.

(2) The amounts specified under subsection (1)(a) of this section shall be adjusted annually as provided under section 17 of this act.

Sec. 3. RCW 83.100.230 and 2019 c 415 s 990 are each amended to read as follows:

The education legacy trust account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for support of the common schools, and for expanding access to higher education through funding for new enrollments and financial aid, early learning and child care programs, and other educational improvement efforts. ((~~During the 2015-2017, 2017-2019, and 2019-2021 fiscal biennia appropriations from the account may be made for support of early learning programs. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.~~))

NEW SECTION. **Sec. 4.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adjusted capital gain" means federal net long-term capital gain:

(a) Plus any amount of long-term capital loss from a sale or exchange that is exempt from the tax imposed in this chapter, to the extent such loss was included in calculating federal net long-term capital gain;

(b) Plus any amount of long-term capital loss from a sale or exchange that is not allocated to Washington under section 11 of this act, to the extent such loss was included in calculating federal net long-term capital gain;

(c) Plus any amount of loss carryforward from a sale or exchange that is not allocated to Washington under section 11 of this act, to the extent such loss was included in calculating federal net long-term capital gain;

(d) Less any amount of long-term capital gain from a sale or exchange that is not allocated to Washington under section 11 of this act, to the extent such gain was included in calculating federal net long-term capital gain; and

(e) Less any amount of long-term capital gain from a sale or exchange that is exempt from the tax imposed in this chapter, to the extent such gain was included in calculating federal net long-term capital gain.

(2) "Capital asset" has the same meaning as provided by Title 26 U.S.C. Sec. 1221 of the internal revenue code and also includes any other property if the sale or exchange of the property results in a gain that is treated as a long-term capital gain under Title 26 U.S.C. Sec. 1231 or any other provision of the internal revenue code.

(3) "Federal net long-term capital gain" means the net long-term capital gain reportable for federal income tax purposes determined as if Title 26 U.S.C. Secs. 55 through 59, 1400Z-1, and 1400Z-2 of the internal revenue code did not exist.

(4) "Individual" means a natural person.

(5) "Internal revenue code" means the United States internal revenue code of 1986, as amended, as of the effective

date of this section, or such subsequent date as the department may provide by rule consistent with the purpose of this chapter.

(6) "Long-term capital asset" means a capital asset that is held for more than one year.

(7) "Long-term capital gain" means gain from the sale or exchange of a long-term capital asset.

(8) "Long-term capital loss" means a loss from the sale or exchange of a long-term capital asset.

(9) "Real estate" means land and fixtures affixed to land. "Real estate" also includes used mobile homes, used park model trailers, used floating homes, and improvements constructed upon leased land.

(10)(a) "Resident" means an individual:

(i) Who is domiciled in this state during the taxable year, unless the individual (A) maintained no permanent place of abode in this state during the entire taxable year, (B) maintained a permanent place of abode outside of this state during the entire taxable year, and (C) spent in the aggregate not more than 30 days of the taxable year in this state; or

(ii) Who is not domiciled in this state during the taxable year, but maintained a place of abode and was physically present in this state for more than 183 days during the taxable year.

(b) For purposes of this subsection, "day" means a calendar day or any portion of a calendar day.

(c) An individual who is a resident under (a) of this subsection is a resident for that portion of a taxable year in which the individual was domiciled in this state or maintained a place of abode in this state.

(11) "Taxable year" means the taxpayer's taxable year as determined under the internal revenue code.

(12) "Taxpayer" means an individual subject to tax under this chapter.

(13) "Washington capital gains" means an individual's adjusted capital gain, as modified in section 7 of this act, for each return filed under this chapter.

NEW SECTION. **Sec. 5.** TAX IMPOSED. (1) Beginning January 1, 2022, an excise tax is imposed on the sale or exchange of long-term capital assets. Only individuals are subject to payment of the tax, which equals seven percent multiplied by an individual's Washington capital gains.

(2) The tax levied in subsection (1) of this section is necessary for the support of the state government and its existing public institutions.

(3) If an individual's Washington capital gains are less than zero for a taxable year, no tax is due under this section and no such amount is allowed as a carryover for use in the calculation of that individual's adjusted capital gain, as defined in section 4(1) of this act, for any taxable year. To the extent that a loss carryforward is included in the calculation of an individual's federal net long-term capital gain and that loss carryforward is directly attributable to losses from sales or exchanges allocated to this state under section 11 of this act, the loss carryforward is included in the calculation of that individual's adjusted capital gain for the purposes of this chapter. An individual may not include any losses carried back for federal income tax purposes in the calculation of that individual's adjusted capital gain for any taxable year.

(4)(a) The tax imposed in this section applies to the sale or exchange of long-term capital assets owned by the taxpayer, whether the taxpayer was the legal or beneficial owner of such assets at the time of the sale or exchange. The tax applies when the Washington capital gains are recognized by the taxpayer in accordance with this chapter.

(b) For purposes of this chapter:

(i) An individual is considered to be a beneficial owner of long-term capital assets held by an entity that is a pass-through or disregarded entity for federal tax purposes, such as a partnership, limited liability company, S corporation, or grantor trust, to the extent of the individual's ownership interest in the entity as reported for federal income tax purposes.

(ii) A nongrantor trust is deemed to be a grantor trust if the trust does not qualify as a grantor trust for federal tax purposes, and the grantor's transfer of assets to the trust is treated as an

incomplete gift under Title 26 U.S.C. Sec. 2511 of the internal revenue code and its accompanying regulations. A grantor of such trust is considered the beneficial owner of the capital assets of the trust for purposes of the tax imposed in this section and must include any long-term capital gain or loss from the sale or exchange of a capital asset by the trust in the calculation of that individual's adjusted capital gain, if such gain or loss is allocated to this state under section 11 of this act.

NEW SECTION. **Sec. 6.** EXEMPTIONS. This chapter does not apply to the sale or exchange of:

(1) All real estate transferred by deed, real estate contract, judgment, or other lawful instruments that transfer title to real property and are filed as a public record with the counties where real property is located;

(2)(a) An interest in a privately held entity only to the extent that any long-term capital gain or loss from such sale or exchange is directly attributable to the real estate owned directly by such entity.

(b)(i) Except as provided in (b)(ii) and (iii) of this subsection, the value of the exemption under this subsection is equal to the fair market value of the real estate owned directly by the entity less its basis, at the time that the sale or exchange of the individual's interest occurs, multiplied by the percentage of the ownership interest in the entity which is sold or exchanged by the individual.

(ii) If a sale or exchange of an interest in an entity results in an amount directly attributable to real property and that is considered as an amount realized from the sale or exchange of property other than a capital asset under Title 26 U.S.C. Sec. 751 of the internal revenue code, such amount must not be considered in the calculation of an individual's exemption amount under (b)(i) of this subsection (2).

(iii) Real estate not owned directly by the entity in which an individual is selling or exchanging the individual's interest must not be considered in the calculation of an individual's exemption amount under (b)(i) of this subsection (2).

(c) Fair market value of real estate may be established by a fair market appraisal of the real estate or an allocation of assets by the seller and the buyer made under Title 26 U.S.C. Sec. 1060 of the internal revenue code, as amended. However, the department is not bound by the parties' agreement as to the allocation of assets, allocation of consideration, or fair market value, if such allocations or fair market value do not reflect the fair market value of the real estate. The assessed value of the real estate for property tax purposes may be used to determine the fair market value of the real estate, if the assessed value is current as of the date of the sale or exchange of the ownership interest in the entity owning the real estate and the department determines that this method is reasonable under the circumstances.

(d) The value of the exemption under this subsection (2) may not exceed the individual's long-term capital gain or loss from the sale or exchange of an interest in an entity for which the individual is claiming this exemption;

(3) Assets held under a retirement savings account under Title 26 U.S.C. Sec. 401(k) of the internal revenue code, a tax-sheltered annuity or custodial account described in Title 26 U.S.C. Sec. 403(b) of the internal revenue code, a deferred compensation plan under Title 26 U.S.C. Sec. 457(b) of the internal revenue code, an individual retirement account or individual retirement annuity described in Title 26 U.S.C. Sec. 408 of the internal revenue code, a Roth individual retirement account described in Title 26 U.S.C. Sec. 408A of the internal revenue code, an employee defined contribution program, an employee defined benefit plan, or a similar retirement savings vehicle;

(4) Assets pursuant to, or under imminent threat of, condemnation proceedings by the United States, the state or any of its political subdivisions, or a municipal corporation;

(5) Cattle, horses, or breeding livestock if for the taxable year of the sale or exchange, more than 50 percent of the taxpayer's gross income for the taxable year, including from the sale or exchange of capital assets, is from farming or ranching;

(6) Property depreciable under Title 26 U.S.C. Sec. 167(a)(1) of the internal revenue code, or that qualifies for

expensing under Title 26 U.S.C. Sec. 179 of the internal revenue code;

(7) Timber, timberland, or the receipt of Washington capital gains as dividends and distributions from real estate investment trusts derived from gains from the sale or exchange of timber and timberland. "Timber" means forest trees, standing or down, on privately or publicly owned land, and includes Christmas trees and short-rotation hardwoods. The sale or exchange of timber includes the cutting or disposal of timber qualifying for capital gains treatment under Title 26 U.S.C. Sec. 631(a) or (b) of the internal revenue code;

(8)(a) Commercial fishing privileges.

(b) For the purposes of this subsection (8), "commercial fishing privilege" means a right, held by a seafood harvester or processor, to participate in a limited access fishery. "Commercial fishing privilege" includes and is limited to:

(i) In the case of federally managed fisheries, quota and access to fisheries assigned pursuant to individual fishing quota programs, limited entry and catch share programs, cooperative fishing management agreements, or similar arrangements; and

(ii) In the case of state-managed fisheries, quota and access to fisheries assigned under fishery permits, limited entry and catch share programs, or similar arrangements; and

(9) Goodwill received from the sale of an auto dealership licensed under chapter 46.70 RCW whose activities are subject to chapter 46.96 RCW.

NEW SECTION. **Sec. 7.** DEDUCTIONS. In computing tax for a taxable year, a taxpayer may deduct from his or her Washington capital gains:

(1) A standard deduction of $250,000 per individual, or in the case of spouses or domestic partners, their combined standard deduction is limited to $250,000, regardless of whether they file joint or separate returns. The amount of the standard deduction shall be adjusted pursuant to section 17 of this act;

(2) Amounts that the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(3) The amount of adjusted capital gain derived from the sale or transfer of the taxpayer's interest in a qualified family-owned small business pursuant to section 8 of this act; and

(4) Charitable donations deductible under section 9 of this act.

NEW SECTION. **Sec. 8.** QUALIFIED FAMILY-OWNED SMALL BUSINESS DEDUCTION. (1) In computing tax under this chapter for a taxable year, a taxpayer may deduct from his or her Washington capital gains the amount of adjusted capital gain derived in the taxable year from the sale of substantially all of the fair market value of the assets of, or the transfer of substantially all of the taxpayer's interest in, a qualified family-owned small business, to the extent that such adjusted capital gain would otherwise be included in the taxpayer's Washington capital gains.

(2) For purposes of this section, the following definitions apply:

(a) "Assets" means real property and personal property, including tangible personal property and intangible property.

(b) "Family" means the same as "member of the family" in RCW 83.100.046.

(c)(i) "Materially participated" means an individual was involved in the operation of a business on a basis that is regular, continuous, and substantial.

(ii) The term "materially participated" must be interpreted consistently with the applicable treasury regulations for Title 26 U.S.C. Sec. 469 of the internal revenue code, to the extent that such interpretation does not conflict with any provision of this section.

(d) "Qualified family-owned small business" means a business:

(i) In which the taxpayer held a qualifying interest for at least five years immediately preceding the sale or transfer described in subsection (1) of this section;

(ii) In which either the taxpayer or members of the taxpayer's family, or both, materially participated in operating the business for at least five of the 10 years immediately preceding the sale or transfer described in subsection (1) of this section, unless such sale or transfer was to a qualified heir; and

(iii) That had worldwide gross revenue of $10,000,000 or less in the 12-month period immediately preceding the sale or transfer described in subsection (1) of this section. The worldwide gross revenue amount under this subsection (2)(d)(iii) shall be adjusted annually as provided in section 17 of this act.

(e) "Qualified heir" means a member of the taxpayer's family.

(f) "Qualifying interest" means:

(i) An interest as a proprietor in a business carried on as a sole proprietorship; or

(ii) An interest in a business if at least:

(A) Fifty percent of the business is owned, directly or indirectly, by any combination of the taxpayer or members of the taxpayer's family, or both;

(B) Thirty percent of the business is owned, directly or indirectly, by any combination of the taxpayer or members of the taxpayer's family, or both, and at least:

(I) Seventy percent of the business is owned, directly or indirectly, by members of two families; or

(II) Ninety percent of the business is owned, directly or indirectly, by members of three families.

(g) "Substantially all" means at least 90 percent.

NEW SECTION. **Sec. 9.** ADDITIONAL DEDUCTION FOR CHARITABLE DONATIONS. (1) In computing tax under this chapter for a taxable year, a taxpayer may deduct from his or her Washington capital gains the amount donated by the taxpayer to one or more qualified organizations during the same taxable year in excess of the minimum qualifying charitable donation amount. For the purposes of this section, the minimum qualifying charitable donation amount equals $250,000. The minimum qualifying charitable donation amount under this subsection (1) shall be adjusted pursuant to section 17 of this act.

(2) The deduction authorized under subsection (1) of this section may not exceed $100,000 for the taxable year. The maximum amount of the available deduction under this subsection (2) shall be adjusted pursuant to section 17 of this act.

(3) The deduction authorized under subsection (1) of this section may not be carried forward or backward to another tax reporting period.

(4) For the purposes of this section, the following definitions apply:

(a) "Nonprofit organization" means an organization exempt from tax under Title 26 U.S.C. Sec. 501(c)(3) of the internal revenue code.

(b) "Qualified organization" means a nonprofit organization, or any other organization, that is:

(i) Eligible to receive a charitable deduction as defined in Title 26 U.S.C. Sec. 170(c) of the internal revenue code; and

(ii) Principally directed or managed within the state of Washington.

NEW SECTION. **Sec. 10.** OTHER TAXES. The tax imposed under this chapter is in addition to any other taxes imposed by the state or any of its political subdivisions, or a municipal corporation, with respect to the same sale or exchange, including the taxes imposed in, or under the authority of, chapter 82.04, 82.08, 82.12, 82.14, 82.45, or 82.46 RCW.

NEW SECTION. **Sec. 11.** ALLOCATION OF GAINS AND LOSSES. (1) For purposes of the tax imposed under this chapter, long-term capital gains and losses are allocated to Washington as follows:

(a) Long-term capital gains or losses from the sale or exchange of tangible personal property are allocated to this state if the property was located in this state at the time of the sale or exchange. Long-term capital gains or losses from the sale or exchange of tangible personal property are also allocated to this state even though the property was not located in this state at the time of the sale or exchange if:

(i) The property was located in the state at any time during the taxable year in which the sale or exchange occurred or the immediately preceding taxable year;

(ii) The taxpayer was a resident at the time the sale or exchange occurred; and

(iii) The taxpayer is not subject to the payment of an income or excise tax legally imposed on the long-term capital gains or losses by another taxing jurisdiction.

(b) Long-term capital gains or losses derived from intangible personal property are allocated to this state if the taxpayer was domiciled in this state at the time the sale or exchange occurred.

(2)(a) A credit is allowed against the tax imposed in section 5 of this act equal to the amount of any legally imposed income or excise tax paid by the taxpayer to another taxing jurisdiction on capital gains derived from capital assets within the other taxing jurisdiction to the extent such capital gains are included in the taxpayer's Washington capital gains. The amount of credit under this subsection may not exceed the total amount of tax due under this chapter, and there is no carryback or carryforward of any unused credits.

(b) As used in this section, "taxing jurisdiction" means a state of the United States other than the state of Washington, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision of a foreign country.

NEW SECTION. **Sec. 12.** FILING OF RETURNS. (1)(a) Except as otherwise provided in this section or RCW 82.32.080, taxpayers owing tax under this chapter must file, on forms prescribed by the department, a return with the department on or before the date the taxpayer's federal income tax return for the taxable year is required to be filed.

(b)(i) Except as provided in (b)(ii) of this subsection (1), returns and all supporting documents must be filed electronically using the department's online tax filing service or other method of electronic reporting as the department may authorize.

(ii) The department may waive the electronic filing requirement in this subsection for good cause as provided in RCW 82.32.080.

(2) In addition to the Washington return required to be filed under subsection (1) of this section, taxpayers owing tax under this chapter must file with the department on or before the date the federal return is required to be filed a copy of the federal income tax return along with all schedules and supporting documentation.

(3) Each taxpayer required to file a return under this section must, without assessment, notice, or demand, pay any tax due thereon to the department on or before the date fixed for the filing of the return, regardless of any filing extension. The tax must be paid by electronic funds transfer as defined in RCW 82.32.085 or by other forms of electronic payment as may be authorized by the department. The department may waive the electronic payment requirement for good cause as provided in RCW 82.32.080. If any tax due under this chapter is not paid by the due date, interest and penalties as provided in chapter 82.32 RCW apply to the deficiency.

(4)(a) In addition to the Washington return required to be filed under subsection (1) of this section, an individual claiming an exemption under section 6(2) of this act must file documentation substantiating the following:

(i) The fair market value and basis of the real estate held directly by the entity in which the interest was sold or exchanged;

(ii) The percentage of the ownership interest sold or exchanged in the entity owning real estate; and

(iii) The methodology, if any, established by the entity in which the interest was sold or exchanged, for allocating gains or losses to the owners, partners, or shareholders of the entity from the sale of real estate.

(b) The department may by rule prescribe additional filing requirements to substantiate an individual's claim for an exemption under section 6(2) of this act. Prior to adopting any rule under this subsection (4)(b), the department must allow for an opportunity for participation by interested parties in the rule-making process in accordance with the administrative procedure act, chapter 34.05 RCW.

(5) If a taxpayer has obtained an extension of time for filing the federal income tax return for the taxable year, the taxpayer is entitled to the same extension of time for filing the return required under this section if the taxpayer provides the department, before the due date provided in subsection (1) of this section, the extension confirmation number or other evidence satisfactory to the department

confirming the federal extension. An extension under this subsection for the filing of a return under this chapter is not an extension of time to pay the tax due under this chapter.

(6)(a) If any return due under subsection (1) of this section, along with a copy of the federal income tax return, is not filed with the department by the due date or any extension granted by the department, the department must assess a penalty in the amount of five percent of the tax due for the taxable year covered by the return for each month or portion of a month that the return remains unfiled. The total penalty assessed under this subsection may not exceed 25 percent of the tax due for the taxable year covered by the delinquent return. The penalty under this subsection is in addition to any penalties assessed for the late payment of any tax due on the return.

(b) The department must waive or cancel the penalty imposed under this subsection if:

(i) The department is persuaded that the taxpayer's failure to file the return by the due date was due to circumstances beyond the taxpayer's control; or

(ii) The taxpayer has not been delinquent in filing any return due under this section during the preceding five calendar years.

NEW SECTION. **Sec. 13.** JOINT FILERS. (1) If the federal income tax liabilities of both spouses are determined on a joint federal return for the taxable year, they must file a joint return under this chapter.

(2) Except as otherwise provided in this subsection, if the federal income tax liability of either spouse is determined on a separate federal return for the taxable year, they must file separate returns under this chapter. State registered domestic partners may file a joint return under this chapter even if they filed separate federal returns for the taxable year.

(3) The liability for tax due under this chapter of each spouse or state registered domestic partner is joint and several, unless:

(a) The spouse is relieved of liability for federal tax purposes as provided under Title 26 U.S.C. Sec. 6015 of the internal revenue code; or

(b) The department determines that the domestic partner qualifies for relief as provided by rule of the department. Such rule, to the extent possible without being inconsistent with this chapter, must follow Title 26 U.S.C. Sec. 6015.

NEW SECTION. **Sec. 14.** ADMINISTRATION OF TAXES. Except as otherwise provided by law and to the extent not inconsistent with the provisions of this chapter, chapter 82.32 RCW applies to the administration of taxes imposed under this chapter.

NEW SECTION. **Sec. 15.** CRIMINAL ACTIONS. (1) Any taxpayer who knowingly attempts to evade payment of the tax imposed under this chapter is guilty of a class C felony as provided in chapter 9A.20 RCW.

(2) Any taxpayer who knowingly fails to pay tax, make returns, keep records, or supply information, as required under this title, is guilty of a gross misdemeanor as provided in chapter 9A.20 RCW.

NEW SECTION. **Sec. 16.** A new section is added to chapter 82.04 RCW to read as follows:

BUSINESS AND OCCUPATION TAX CREDIT.

(1) To avoid taxing the same sale or exchange under both the business and occupation tax and capital gains tax, a credit is allowed against taxes due under this chapter on a sale or exchange that is also subject to the tax imposed under section 5 of this act. The credit is equal to the amount of tax imposed under this chapter on such sale or exchange.

(2) The credit may be used against any tax due under this chapter.

(3) The credit under this section is earned in regards to a sale or exchange, and may be claimed against taxes due under this chapter, for the tax reporting period in which the sale or exchange occurred. The credit claimed for a tax reporting period may not exceed the tax otherwise due under this chapter for that tax reporting period. Unused credit may not be carried forward or backward to another tax reporting period. No refunds may be granted for unused credit under this section.

(4) The department must apply the credit first to taxes deposited into the general fund. If any remaining credit reduces the amount of taxes deposited into the workforce education investment

account established in RCW 43.79.195, the department must notify the state treasurer of such amounts monthly, and the state treasurer must transfer those amounts from the general fund to the workforce education investment account.

NEW SECTION. **Sec. 17.** ANNUAL ADJUSTMENTS. (1) Beginning December 2023 and each December thereafter, the department must adjust the applicable amounts by multiplying the current applicable amounts by one plus the percentage by which the most current consumer price index available on December 1st of the current year exceeds the consumer price index for the prior 12-month period, and rounding the result to the nearest $1,000. If an adjustment under this subsection (1) would reduce the applicable amounts, the department must not adjust the applicable amounts for use in the following year. The department must publish the adjusted applicable amounts on its public website by December 31st. The adjusted applicable amounts calculated under this subsection (1) take effect for taxes due and distributions made, as the case may be, in the following calendar year.

(2) For purposes of this section, the following definitions apply:

(a) "Applicable amounts" means:

(i) The distribution amount to the education legacy trust account as provided in section 2(1)(a) of this act;

(ii) The standard deduction amount in sections 4(13) and 7(1) of this act;

(iii) The worldwide gross revenue amount under section 8 of this act; and

(iv) The minimum qualifying charitable donation amount and maximum charitable donation amount under section 9 of this act.

(b) "Consumer price index" means the consumer price index for all urban consumers, all items, for the Seattle area as calculated by the United States bureau of labor statistics or its successor agency.

(c) "Seattle area" means the geographic area sample that includes Seattle and surrounding areas.

NEW SECTION. **Sec. 18.** The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. **Sec. 19.** Sections 1, 2, 4 through 15, and 17 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. **Sec. 20.** (1) If a court of competent jurisdiction, in a final judgment not subject to appeal, adjudges section 5 of this act unconstitutional, or otherwise invalid, in its entirety, section 16 of this act is null and void in its entirety. Any credits previously claimed under section 16 of this act must be repaid within 30 days of the department of revenue's notice to the taxpayer of the amount due.

(2) If the taxpayer fails to repay the credit by the due date, interest and penalties as provided in chapter 82.32 RCW apply to the deficiency.

NEW SECTION. **Sec. 21.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and that the bill do pass as recommended by the Conference Committee:

Senators Pedersen and Robinson
Representatives Frame and Sullivan

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 5096 and advanced the bill as recommended by the conference committee to final passage.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representative Frame spoke in favor of the passage of the bill as recommended by the conference committee.

Representative Orcutt spoke against the passage of the bill as recommended by the conference committee.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5096 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5096, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 52; Nays: 44; Absent: 0; Excused: 2

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representatives McEntire and Robertson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5096, as recommended by the conference committee, having received the constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE SENATE BILL NO. 5096 was immediately transmitted to the Senate.

April 15, 2021

Mme. SPEAKER:

The Senate reconsidered the following measure and, pursuant to Article 3, Section 12 of the State Constitution, passed the measure over the Governor's objection:

SECOND SUBSTITUTE SENATE BILL NO. 6027

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

FINAL PASSAGE OF SENATE BILL, GOVERNOR'S VETO NOTWITHSTANDING

Representatives MacEwen and Fitzgibbon spoke in favor of the passage of the bill, notwithstanding the Governor's veto.

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 6027, notwithstanding the Governor's veto.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6027, notwithstanding the Governor's veto, and the bill passed the House by the following votes: Yeas: 93; Nays: 3; Absent: 0; Excused: 2

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, and Ybarra

Voting nay: Representatives Dye, Kloba, and Young

Excused: Representatives McEntire and Robertson

SECOND SUBSTITUTE SENATE BILL NO. 6027, notwithstanding the Governor's veto, having received the two-thirds constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 2021

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 36.22 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of $100 must be charged by the county auditor for each document recorded, which is in addition to any other charge or surcharge allowed by law. The auditor must remit the funds to the state treasurer to be deposited and used as follows:

(a) Twenty percent of funds must be deposited in the affordable housing for all account for operations, maintenance, and service costs for permanent supportive housing as defined in RCW 36.70A.030;

(b) From July 1, 2021, through June 30, 2023, four percent of the funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for the purposes of RCW 43.31.605(1). Thereafter, two percent of funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for purposes of RCW 43.31.605(1); and

(c) The remainder of funds must be distributed to the home security fund account, with 60 percent of funds to be used for project-based vouchers for

nonprofit housing providers or public housing authorities, housing services, rapid rehousing, emergency housing, or acquisition. Priority for use must be given to project-based vouchers and related services, housing acquisition, or emergency housing, for persons who are chronically homeless, including families with children. At least 50 percent of persons receiving a project-based voucher, rapid rehousing, emergency housing, or benefiting from housing acquisition must be living unsheltered at the time of initial engagement. In addition, funds may be used for eviction prevention rental assistance pursuant to section 2 of this act, foreclosure prevention services, dispute resolution center eviction prevention services, rental assistance for people experiencing homelessness, and tenant education and legal assistance.

(2) The surcharge imposed in this section does not apply to: (a) Assignments or substitutions of previously recorded deeds of trust; (b) documents recording a birth, marriage, divorce, or death; (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law; (d) marriage licenses issued by the county auditor; or (e) documents recording a federal, state, county, city, or water-sewer district, or wage lien or satisfaction of lien.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.185C RCW to read as follows:

(1) The eviction prevention rental assistance program is created in the department to prevent evictions by providing resources to households most likely to become homeless or suffer severe health consequences, or both, after an eviction, while promoting equity by prioritizing households, including communities of color, disproportionately impacted by public health emergencies and by homelessness and housing instability. The department must provide grants to eligible organizations, as described in RCW 43.185.060, to provide assistance to program participants. The eligible organizations must use grant moneys for:

(a) Rental assistance, including rental arrears and future rent if needed to stabilize the applicant's housing and prevent their eviction;

(b) Utility assistance for households if needed to prevent an eviction; and

(c) Administrative costs of the eligible organization, which must not exceed limits prescribed by the department.

(2) Households eligible to receive assistance through the eviction prevention rental assistance program are those:

(a) With incomes at or below 80 percent of the county area median income;

(b) Who are families with children, living in doubled up situations, young adults, senior citizens, and others at risk of homelessness or significant physical or behavioral health complications from homelessness; and

(c) That meet any other eligibility requirements as established by the department after consultation with stakeholder groups, including persons at risk of homelessness due to unpaid rent, representatives of communities of color, homeless service providers, landlord representatives, local governments that administer homelessness assistance, a statewide association representing cities, a statewide association representing counties, a representative of homeless youth and young adults, and affordable housing advocates.

(3) A landlord may assist an eligible household in applying for assistance through the eviction prevention rental assistance program or may apply for assistance on an eligible household's behalf.

(4)(a) Eligible grantees must actively work with organizations rooted in communities of color to assist and serve marginalized populations within their communities.

(b) At least 10 percent of the grant total must be subgranted to organizations that serve and are substantially governed by marginalized populations to pay the costs associated with program outreach, assistance completing applications for assistance, rent assistance payments, activities that directly support the goal of improving access to rent assistance for people of color, and related costs. Upon request by an eligible grantee or the county or city in which it exists, the department must provide a list of organizations that serve and are substantially governed by marginalized populations, if known.

(c) An eligible grantee may request an exemption from the department from the requirements under (b) of this subsection. The department must consult with the stakeholder group established under subsection (2)(c) of this section before granting an exemption. An eligible grantee may request an exemption only if the eligible grantee:

(i) Is unable to subgrant with an organization that serves and is substantially governed by marginalized populations; or

(ii) Provides the department with a plan to spend 10 percent of the grant total in a manner that the department determines will improve racial equity for historically underserved communities more effectively than a subgrant.

(5) The department must ensure equity by developing performance measures and benchmarks that promote both equitable program access and equitable program outcomes. Performance measures and benchmarks must be developed by the department in consultation with stakeholder groups, including persons at risk of homelessness due to unpaid rent, representatives of communities of color, homeless service providers, landlord representatives, local governments that administer homelessness assistance, a statewide association representing cities, a statewide association representing counties, a representative of homeless youth and young adults, and affordable housing advocates. Performance measures and benchmarks must also ensure that the race and ethnicity of households served under the program are proportional to the numbers of people at risk of homelessness in each county for each of the following groups:

(a) Black or African American;

(b) American Indian and Alaska Native;

(c) Native Hawaiian or other Pacific Islander;

(d) Hispanic or Latinx;

(e) Asian;

(f) Other multiracial.

(6) The department may develop additional rules, requirements, procedures, and guidelines as necessary to implement and operate the eviction prevention rental assistance program.

(7)(a) The department must award funds under this section to eligible grantees in a manner that is proportional to the amount of revenue collected under section 1 of this act from the county being served by the grantee.

(b) The department must provide counties with the right of first refusal to receive grant funds distributed under this subsection. If a county refuses the funds or does not respond within a time frame established by the department, the department must identify an alternative grantee. The alternative grantee must distribute the funds in a manner that is in compliance with this chapter.

Sec. 3. RCW 43.185C.045 and 2018 c 85 s 9 are each amended to read as follows:

(1) By December 1st of each year, the department must provide an update on the state's homeless housing strategic plan and its activities for the prior fiscal year. The report must include, but not be limited to, the following information:

(a) An assessment of the current condition of homelessness in Washington state and the state's performance in meeting the goals in the state homeless housing strategic plan;

(b) A report on the results of the annual homeless point-in-time census conducted statewide under RCW 43.185C.030;

(c) The amount of federal, state, local, and private funds spent on homelessness assistance, categorized by funding source and the following major assistance types:

(i) Emergency shelter;

(ii) Homelessness prevention and rapid rehousing;

(iii) Permanent housing;

(iv) Permanent supportive housing;

(v) Transitional housing;

(vi) Services only; and

(vii) Any other activity in which more than five hundred thousand dollars of category funds were expended;

(d) A report on the expenditures, performance, and outcomes of state funds distributed through the consolidated homeless grant program, including the grant recipient, award amount expended, use of the funds, counties served, and households served;

(e) A report on state and local homelessness document recording fee expenditure by county, including the total amount of fee spending, percentage of total spending from fees, number of people served by major assistance type, and amount of expenditures for private rental housing payments required in RCW 36.22.179;

(f) A report on the expenditures, performance, and outcomes of the essential needs and housing support program meeting the requirements of RCW 43.185C.220; ((~~and~~))

(g) A report on the expenditures, performance, and outcomes of the independent youth housing program meeting the requirements of RCW 43.63A.311;

(h) A county-level report on the expenditures, performance, and outcomes of the eviction prevention rental assistance program under section 2 of this act. The report must include, but is not limited to:

(i) The number of adults without minor children served in each county;

(ii) The number of households with adults and minor children served in each county; and

(iii) The number of unaccompanied youth and young adults who are being served in each county; and

(i) A county-level report on the expenditures, performance, and outcomes of the rapid rehousing, project-based vouchers, and housing acquisition programs under section 1 of this act. The report must include, but is not limited to:

(i) The number of persons who are unsheltered receiving shelter through a project-based voucher in each county;

(ii) The number of units acquired or built via rapid rehousing and housing acquisition in each county; and

(iii) The number of adults without minor children, households with adults and minor children, unaccompanied youth, and young adults who are being served by the programs under section 1 of this act in each county.

(2) The report required in subsection (1) of this section must be posted to the department's website and may include links to updated or revised information contained in the report.

(3) Any local government receiving state funds for homelessness assistance or state or local homelessness document recording fees under RCW 36.22.178, 36.22.179, or 36.22.1791 must provide an annual report on the current condition of homelessness in its jurisdiction, its performance in meeting the goals in its local homeless housing plan, and any significant changes made to the plan. The annual report must be posted on the department's website. Along with each local government annual report, the department must produce and post information on the local government's homelessness spending from all sources by project during the prior state fiscal year in a format similar to the department's report under subsection (1)(c) of this section. If a local government fails to report or provides an inadequate or incomplete report, the department must take corrective action, which may include withholding state funding for homelessness assistance to the local government to enable the department to use such funds to contract with other public or nonprofit entities to provide homelessness assistance within the jurisdiction.

Sec. 4. RCW 43.185C.060 and 2020 c 357 s 915 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 and section 1 of this act must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter, including the eviction prevention rental assistance program established in section 2 of this act.

(2)(a) By December 15, 2021, the department, in consultation with stakeholder groups specified in section 2(2)(c) of this act, must create a set of performance metrics for each county receiving funding under section 1 of this act. The metrics must target actions within a county's control that will prevent and reduce homelessness, such as increasing the number of permanent supportive housing units and increasing or maintaining an adequate number of noncongregate shelter beds.

(b)(i) Beginning July 1, 2023, and by July 1st every two years thereafter, the department must award funds for project-

based vouchers for nonprofit housing providers and related services, rapid rehousing, and housing acquisition under section 1 of this act to eligible grantees in a manner that 15 percent of funding is distributed as a performance-based allocation based on performance metrics created under (a) of this subsection, in addition to any base allocation of funding for the county.

(ii) Any county that demonstrates that it has met or exceeded the majority of the target actions to prevent and reduce homelessness over the previous two years must receive the remaining 15 percent performance-based allocation. Any county that fails to meet or exceed the majority of target actions to prevent and reduce homelessness must enter into a corrective action plan with the department. To receive its performance-based allocation, a county must agree to undertake the corrective actions outlined in the corrective action plan and any reporting and monitoring deemed necessary by the department. Any county that fails to meet or exceed the majority of targets for two consecutive years after entering into a corrective action plan may be subject to a reduction in the performance-based portion of the funds received in (b)(i) of this subsection, at the discretion of the department in consultation with stakeholder groups specified in section 2(2)(c) of this act. Performance-based allocations unspent due to lack of compliance with a corrective action plan created under this subsection (2)(b) may be distributed to other counties that have met or exceeded their target actions.

(3) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

((~~(3)~~)) (4) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

((~~(4)~~)) (5) During the 2019-2021 fiscal biennium, expenditures from the account may also be used for shelter capacity grants.

Sec. 5. RCW 43.185C.190 and 2011 1st sp.s. c 50 s 955 are each amended to read as follows:

The affordable housing for all account is created in the state treasury, subject to appropriation. The state's portion of the surcharges established in RCW 36.22.178 and section 1 of this act shall be deposited in the account. Expenditures from the account may only be used for affordable housing programs((~~. During the 2011-2013 fiscal biennium, moneys in the account may be transferred to the home security fund~~)), including operations, maintenance, and services as described in section 1(1)(a) of this act.

NEW SECTION. **Sec. 6.** (1)(a) The legislature finds that affordable housing, housing instability, and homelessness are persistent and increasing problems throughout the state. Despite significant increases in financial resources by the federal, state, and local governments to address these problems, homelessness and the risk of becoming homeless has worsened in Washington since the legislature authorized the first homeless housing document recording surcharge in 2005. The number of unsheltered homeless encampments in greenbelts, under bridges, and on our streets is a visible reminder that the current system is not working.

(b) The legislature finds that the COVID-19 pandemic has exacerbated and shed new light on the state's homelessness problems and forced communities and providers to reexamine the types and delivery of housing and services to individuals and families who are homeless or at risk of homelessness. As a result of the changing conditions COVID-19 created, the federal government has provided an infusion of funding for housing and services for homelessness populations in its COVID-19 relief bills to pursue different strategies to improve outcomes. Moreover, there are various proposals to increase state funding to address housing insecurity and homelessness, including this act to

impose an additional document recording fee to fund an eviction prevention rental assistance program and other services to persons at risk or experiencing homelessness.

(c) The legislature also finds that there are many causes of homelessness and housing instability, including: (i) A shortage of affordable housing; (ii) local land use planning and property management policies that discourage the development of private sector housing stock to serve low and extremely low-income households; (iii) unemployment and lack of education and job skills to acquire an adequate wage job; (iv) mental health, developmental, and physical disabilities; (v) chemical and alcohol dependency; and (vi) family instability and conflict. The legislature intends to provide for an examination of the economic, social, and health causes of current and expected patterns of housing instability and homelessness, and to secure a common understanding of the contribution each has to the current crisis. The legislature intends for this examination to result in a widely accepted strategy for identifying how best to address homelessness in ways that: (A) Address the root causes of the problem; (B) clearly assign responsibilities of state and local government to address those causes; (C) support local control and provision of services at the local level to address specific community needs, recognizing each community must play a part in the solution; (D) respect property owner rights and encourage private sector involvement in solutions and service; and (E) develop pathways to permanent housing solutions and associated services to break the cycle of housing insecurity and homelessness.

(2)(a) The department of commerce must contract with the William D. Ruckelshaus center to conduct an examination of trends affecting, and policies guiding, the housing and services provided to individuals and families who are or at risk of homelessness in Washington. The center must also facilitate meetings and discussions to develop and implement a long-term strategy to improve services and outcomes for persons at risk or experiencing homelessness and develop pathways to permanent housing solutions.

(b) In fulfilling the requirements of this section, the center must work and consult with (i) willing participants representing tribal and local governments, local providers of housing and services for homeless populations, advocates and stakeholders representing the interests of homeless populations, mental health and substance abuse professionals, representatives of the business community and other organizations, and other representatives the center determines is a necessary participant to examine these issues; (ii) a group of legislators consisting of one member from each of the two largest caucuses in the senate and in the house of representatives appointed by the president of the senate and the speaker of the house of representatives, respectively; and (iii) three representatives of the executive branch appointed by the governor.

(c)(i) The center must conduct fact-finding and stakeholder discussions with participants identified in (b) of this subsection. These discussions must identify stakeholder concerns, barriers, opportunities, and desired principles for a long-term strategy to improve the outcomes and services for persons at risk or experiencing homelessness and develop pathways to permanent housing solutions.

(ii) The center must conduct fact-finding and stakeholder discussions with participants identified in (b) of this subsection to identify root causes of housing instability and homelessness within Washington state. This fact-finding should address root causes demographically within subpopulations of persons at risk or experiencing homelessness such as veterans and persons suffering from mental health or substance abuse issues. The fact-finding should also address root causes that may differ geographically or regionally. The fact-finding must identify existing statutory and regulatory issues that impede efforts to address root causes of housing instability and homelessness within Washington state.

(iii) The center must issue two reports of its fact-finding efforts and stakeholder discussions to the governor and the appropriate committees of the house of representatives and the senate. One report on the subjects covered in (c)(i) of this subsection is due December 1, 2021, and one on the subjects covered in (c)(ii) of this subsection is due December 1, 2022.

(d) The center must facilitate discussions between the stakeholders

identified in this subsection (2) for the purposes of identifying options and recommendations to develop and implement a long-term strategy to improve the outcomes and service for persons at risk or experiencing homelessness and develop pathways to permanent housing solutions, including the manner and amount in which the state funds homelessness housing and services and performance measures that must be achieved to receive state funding. A report on this effort is due to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2023.

Sec. 7. RCW 36.22.178 and 2019 c 136 s 1 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection (3) of this section, a surcharge of thirteen dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit: (a) The portion of the funds attributable to ten dollars of the surcharge into the affordable housing for all account created in RCW 43.185C.190. The department of commerce must use these funds to provide housing and shelter for extremely low-income households, including but not limited to housing for victims of human trafficking and their families and grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses; and (b) the portion of the funds attributable to three dollars of the surcharge into the landlord mitigation program account created in RCW 43.31.615.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust or to documents recording a federal lien, or water-sewer district lien, wage lien, or satisfaction of lien.

Sec. 8. RCW 36.22.179 and 2019 c 136 s 2 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection (3) of this section, an additional surcharge of sixty-two dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. Except as provided in subsection (4) of this section, the funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter 484, Laws of 2005, six percent of which may be used by the county for the collection and local distribution of these funds and administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account to be used as follows:

(i) The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program.

(ii) The remaining eighty-seven and one-half percent of this amount must be used as follows:

(A) At least forty-five percent must be set aside for the use of private rental housing payments; and

(B) All remaining funds are to be used by the department to:

(I) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and

(II) Fund the homeless housing grant program.

(2) A county issuing general obligation bonds pursuant to RCW 36.67.010, to carry out the purposes of subsection (1)(a) of this section, may provide that such bonds be made payable from any surcharge provided for in subsection (1)(a) of this section and may pledge such surcharges to the repayment of the bonds.

(3) The surcharge imposed in this section does not apply to (a) assignments or substitutions of previously recorded deeds of trust, (b) documents recording a birth, marriage, divorce, or death, (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law, (d) marriage licenses issued by the county auditor, or (e) documents recording a federal, state, county, ((~~or~~)) city, or water-sewer district, or wage lien or satisfaction of lien.

(4) Ten dollars of the surcharge imposed under subsection (1) of this section must be distributed to the counties to carry out the purposes of subsection (1)(a) of this section.

(5) For purposes of this section, "private rental housing" means housing owned by a private landlord and includes

housing owned by a nonprofit housing entity.

Sec. 9. RCW 36.22.1791 and 2019 c 136 s 3 are each amended to read as follows:

(1) In addition to the surcharges authorized in RCW 36.22.178 and 36.22.179, and except as provided in subsection (2) of this section, the county auditor shall charge an additional surcharge of eight dollars for each document recorded, which is in addition to any other charge allowed by law. The funds collected under this section are to be distributed and used as follows:

(a) The auditor shall remit ninety percent to the county to be deposited into a fund six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs that directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county that elects, as authorized in RCW 43.185C.080, to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county must be transmitted at least quarterly to the city treasurer for use by the city for program costs that directly contribute to the goals of the city's local homeless housing plan.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use the funds for administering the program established in RCW 43.185C.020, including the costs of creating and updating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. Remaining funds may also be used to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and

(ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust or to documents recording a federal or water-sewer district or wage lien or satisfaction of lien.

Sec. 10. RCW 36.22.240 and 2019 c 348 s 11 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of two dollars and fifty cents shall be charged by the county auditor for each document recorded, which will be in addition to any other charge or surcharge allowed by law. The auditor shall remit the funds to the state treasurer to be deposited and used as follows:

(a) Through June 30, 2024, funds must be deposited into the growth management planning and environmental review fund created in RCW 36.70A.490 to be used first for grants for costs associated with RCW 36.70A.600 and for costs associated with RCW 36.70A.610, and thereafter for any allowable use of the fund.

(b) Beginning July 1, 2024, sufficient funds must be deposited into the growth management planning and environmental review fund created in RCW 36.70A.490 for costs associated with RCW 36.70A.610, and the remainder deposited into the home security fund account created in RCW 43.185C.060 to be used for maintenance and operation costs of: (i) Permanent supportive housing and (ii) affordable housing for very low-income and extremely low-income households. Funds may only be expended in cities that have taken action under RCW 36.70A.600.

(2) The surcharge imposed in this section does not apply to: (a) Assignments or substitutions of previously recorded deeds of trust; (b) documents recording a birth, marriage, divorce, or death; (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law; (d) marriage licenses issued by the county auditor; or (e) documents recording a federal, state, county, ((~~or~~)) city, or water-sewer district, or wage lien or satisfaction of lien.

(3) For purposes of this section, the terms "permanent supportive housing," "affordable housing," "very low-income

households," and "extremely low-income households" have the same meaning as provided in RCW 36.70A.030."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 43.185C.045, 43.185C.060, 43.185C.190, 36.22.178, 36.22.179, 36.22.1791, and 36.22.240; adding a new section to chapter 36.22 RCW; adding a new section to chapter 43.185C RCW; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Peterson spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1277, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1277, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representatives McEntire and Robertson.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 1:00 p.m., April 25, 2021, the 105th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

HOUSE JOURNAL

OF THE
SIXTY-SEVENTH LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2021 Regular Session
Convened January 11, 2021
Adjourned Sine Die April 25, 2021

VOLUME 5

Laurie Jinkins, Speaker
Tina Orwall, Speaker Pro Tempore
Bernard Dean, Chief Clerk

Compiled and edited by Gary Holt, House Journal Clerk

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SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

ONE HUNDRED FIFTH DAY

The House was called to order at 1:00 p.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Lauren Davis, 32nd Legislative District.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1080
SUBSTITUTE HOUSE BILL NO. 1137
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477
ENGROSSED SUBSTITUTE SENATE BILL NO. 5084
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5126
SUBSTITUTE SENATE BILL NO. 5165
ENGROSSED SENATE BILL NO. 5476
ENGROSSED SUBSTITUTE SENATE BILL NO. 5478

The Speaker called upon Representative Lovick to preside.

There being no objection, the House reverted to the first order of business.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

April 24, 2021

Mme. SPEAKER:

The President has signed:

House Chamber, Olympia, Sunday, April 25, 2021

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5126,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5478,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 24, 2021

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5476,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 25, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1310,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1476,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 25, 2021

Mme. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5165,
ENGROSSED SENATE BILL NO. 5476,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1587 by Representatives Kretz, McCaslin, Chase, Dent and Maycumber

AN ACT Relating to adjusting boundary lines to Washington state; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HCR 4403 by Representatives Sullivan and Kretz

Returning bills to their house of origin.

HCR 4404 by Representatives Sullivan and Kretz

Adjourning SINE DIE.

There being no objection, the bill and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE CONCURRENT RESOLUTION NO. 4403 and HOUSE CONCURRENT RESOLUTION NO. 4404 which were held on first reading.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

CONFERENCE COMMITTEE REPORT

April 24, 2021

Engrossed Substitute Senate Bill No. 5092

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5092, making 2021-2023 fiscal biennium operating appropriations and 2019-2021 fiscal biennium second supplemental operating appropriations, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment H-1633.3 be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2021, and ending June 30, 2023, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "ARPA" means the American rescue plan act of 2021, P.L. 117-2.

(b) "CARES" means the coronavirus aid, relief, and economic security act, P.L. 116-136.

(c) "CRF" means the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A.

(d) "CRRSA" means the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(e) "CRRSA/ESSER" means the elementary and secondary school emergency relief fund, as modified by the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(f) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

(g) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

(h) "FTE" means full time equivalent.

(i) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(j) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(3) Whenever the terms in subsection (2)(a) through (e) of this section are used in the context of a general fund—federal appropriation, the term is used

to attribute the funding to that federal act.

PART I

GENERAL GOVERNMENT

NEW SECTION. **Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2022) $45,740,000

General Fund—State Appropriation (FY 2023) $46,804,000

TOTAL APPROPRIATION $92,544,000

NEW SECTION. **Sec. 102. FOR THE SENATE**

General Fund—State Appropriation (FY 2022) $32,755,000

General Fund—State Appropriation (FY 2023) $35,699,000

TOTAL APPROPRIATION $68,454,000

The appropriations in this section are subject to the following conditions and limitations: $260,000 of the general fund—state appropriation for fiscal year 2022 and $270,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of membership dues to the council of state governments, the national conference of state legislatures, the pacific northwest economic region, the pacific fisheries legislative task force, and the western legislative forestry task force.

NEW SECTION. **Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund—State Appropriation (FY 2022) $303,000

General Fund—State Appropriation (FY 2023) $248,000

Performance Audits of Government Account—State

Appropriation $9,384,000

TOTAL APPROPRIATION $9,935,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $273,000 of the general fund—state appropriation for fiscal year 2022 and $244,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5405 (racial equity analyses). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(2) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2021-2023 work plan as necessary to efficiently manage workload.

(3) $20,000 of the general fund—state appropriation for fiscal year 2022 and $2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement House Bill No. 1296 (behavioral health service organizations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(4) $10,000 of the general fund—state appropriation for fiscal year 2022 and $2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Second Substitute House Bill No. 1033 (employment training program). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State

Appropriation $4,664,000

TOTAL APPROPRIATION $4,664,000

NEW SECTION. **Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2022) $14,173,000

General Fund—State Appropriation (FY 2023) $14,235,000

TOTAL APPROPRIATION $28,408,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

NEW SECTION. **Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2022) $367,000

General Fund—State Appropriation (FY 2023) $382,000

State Health Care Authority Administrative Account—

State Appropriation $249,000

Department of Retirement Systems Expense Account—

State Appropriation $6,095,000

School Employees' Insurance Administrative Account—

State Appropriation $250,000

TOTAL APPROPRIATION $7,343,000

NEW SECTION. **Sec. 107. FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2022) $5,366,000

General Fund—State Appropriation (FY 2023) $5,766,000

TOTAL APPROPRIATION $11,132,000

NEW SECTION. **Sec. 108. FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**

General Fund—State Appropriation (FY 2022) $4,566,000

General Fund—State Appropriation (FY 2023) $5,029,000

TOTAL APPROPRIATION $9,595,000

NEW SECTION. **Sec. 109. FOR THE REDISTRICTING COMMISSION**

General Fund—State Appropriation (FY 2022) $1,633,000

General Fund—State Appropriation (FY 2023) $22,000

TOTAL APPROPRIATION $1,655,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation for fiscal year 2023 is provided solely for the payment of expenses associated with the cessation of the commission's operations. The secretary of the senate and chief clerk of the house of representatives may jointly authorize the expenditure of these funds.

NEW SECTION. **Sec. 110. LEGISLATIVE AGENCIES**

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, joint transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, and office of legislative support services.

NEW SECTION. **Sec. 111. FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2022) $9,781,000

General Fund—State Appropriation (FY 2023) $9,848,000

TOTAL APPROPRIATION $19,629,000

NEW SECTION. **Sec. 112. FOR THE LAW LIBRARY**

General Fund—State Appropriation (FY 2022) $1,811,000

General Fund—State Appropriation (FY 2023) $1,821,000

TOTAL APPROPRIATION $3,632,000

NEW SECTION. **Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2022) $1,650,000

General Fund—State Appropriation (FY 2023) $1,649,000

TOTAL APPROPRIATION $3,299,000

NEW SECTION. **Sec. 114. FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2022) $21,818,000

General Fund—State Appropriation (FY 2023) $22,146,000

TOTAL APPROPRIATION $43,964,000

NEW SECTION. **Sec. 115. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2022) $157,168,000

General Fund—State Appropriation (FY 2023) $81,033,000

General Fund—Federal Appropriation $2,209,000

General Fund—Private/Local Appropriation $681,000

Judicial Stabilization Trust Account—State

Appropriation $6,692,000

Judicial Information Systems Account—State

Appropriation $60,664,000

TOTAL APPROPRIATION $308,447,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2)(a) $7,000,000 of the general fund—state appropriation for fiscal year 2022 and $7,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to county juvenile court administrators for the costs associated with processing and case management of truancy, children in need of services, and at-risk youth referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it penalize counties with lower than average per-petition/referral processing costs.

(b) Each fiscal year during the 2021-2023 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are informational in nature and are not for the purpose of distributing funds.

(3) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for providing all courts with an electronic demographic survey for jurors who begin a jury term. The survey must collect data on each juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. This electronic data gathering must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall provide this demographic data in a report to the governor and the appropriate committees of the legislature, and publish a copy of the report on a publicly available internet address by June 30, 2023.

(4)(a) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the center for court research at the administrative office of the courts to review the number and types of young individuals placed on electronic home monitoring over a 10 year time period. The center for court research shall work in collaboration with the Washington state partnership council on juvenile justice and the juvenile block grant proviso committee (which includes a representative from the juvenile rehabilitation administration, the office of the administrator of the courts, the office of financial management, and the juvenile courts) to identify the number of individuals under the age of 26 that have been placed on electronic home monitoring by the department of children, youth, and families and the number of individuals placed on electronic home monitoring by or through juvenile courts from the year 2010 through 2020. At a minimum, the study must identify:

(i) How electronic home monitoring is defined and used by each entity;

(ii) The various types of electronic home monitoring services and the equipment used by each entity;

(iii) Whether the type of electronic home monitoring equipment used is different depending upon the age or type of the offender;

(iv) Whether the state or local entity provides the supervision and monitoring of individuals placed on electronic home

monitoring or whether the supervision and monitoring are contracted services;

(v) By age, demographics, ethnicity, and race, the number of individuals that participated on electronic home monitoring each year;

(vi) By age, the offense committed that resulted in the individual being placed on electronic home monitoring, and the average duration of time individuals spent on electronic home monitoring; and

(vii) Whether electronic home monitoring was used as an alternative to or in lieu of incarceration or whether electronic home monitoring was used in addition to incarceration.

(b) The center for court research must complete a preliminary report by June 30, 2022, and submit a final report to the appropriate committees of the legislature by June 30, 2023.

(5) $44,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to assist counties with costs of resentencing and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision. Subject to the availability of amounts provided in this section, the office must provide grants to counties that demonstrate extraordinary judicial, prosecution, or defense expenses for those purposes. The office must establish an application process for county clerks to seek funding and an equitable prioritization process for distributing the funding.

(6) $23,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to establish a legal financial obligation aid pool to assist counties that are obligated to refund legal financial obligations previously paid by defendants whose convictions or sentences were affected by the *State v. Blake* ruling. County clerks may apply to the administrative office of the courts for a grant from the pool to assist with extraordinary costs of these refunds. State aid payments made to a county from the pool must first be attributed to any legal financial obligations refunded by the county on behalf of the state. The office must establish an application process for county clerks to seek funding and an equitable prioritization process for distributing the funding.

(7) $1,782,000 of the general fund—state appropriation for fiscal year 2022 and $749,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1320 (civil protection orders). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) $68,000 of the general fund—state appropriation for fiscal year 2022 and $60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9) $110,000 of the general fund—state appropriation for fiscal year 2022 and $165,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1167 (Thurston county superior court judge). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(10) $1,094,000 of the general fund—state appropriation for fiscal year 2022 and $1,094,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(11) $4,505,000 of the general fund—state appropriation for fiscal year 2022 and $4,505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including the management of an eviction resolution pilot program. By June 30, 2022, the department shall provide to the legislature a detailed report of eviction resolution program expenditures and outcomes including but not limited to the number of dispute resolution centers participating in the program, the number of individuals served by dispute resolution centers in the program, the average cost of resolution proceedings, and the number of qualified individuals who applied but were unable to be served by dispute resolution centers due to lack of funding or other reasons. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(12) $325,000 of the general fund—state appropriation for fiscal year 2022 and $304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5331 (early childhood court program). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(13) $44,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5226 (license suspensions/traffic). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(14) $8,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for distribution to local courts for cost associated with the court-appointed attorney and visitor requirements set forth in the uniform guardianship act in chapter 11.130 RCW. If the amount provided in this subsection is insufficient to fully fund the local court costs, distributions must be reduced on a proportional basis to ensure that expenditures remain within the available funds provided in this subsection. No later than December 31, 2021, the administrative office of the courts will provide a report on distributions to local courts including, but not limited to, the amount provided to each court, the number of guardianship cases funded at each court, costs segregated by attorney appointments and court visitor appointments, the amount of any pro rata reductions, and a recommendation on how to forecast distributions for potential future funding by the legislature.

(15) $375,000 of the general fund—state appropriation for fiscal year 2022 and $285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for costs to relocate staff from the temple of justice to another workspace if the omnibus capital appropriation act provides funding for improvements to the heating, ventilation, lighting, and plumbing improvements to the temple of justice. Staff from the administrative office of the courts shall work with the department of enterprise services and the office of financial management to acquire temporary space in a state owned facility that meets the needs of the supreme court. If a state facility cannot be found, the court may acquire temporary workspace as it chooses.

NEW SECTION. **Sec. 116. FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2022) $53,975,000

General Fund—State Appropriation (FY 2023) $54,202,000

General Fund—Federal Appropriation $362,000

General Fund—Private/Local Appropriation $30,000

Judicial Stabilization Trust Account—State

Appropriation $3,896,000

TOTAL APPROPRIATION $112,465,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of public defense to contract with a free legal clinic that has a medical-legal partnership and that currently provides parent representation to at-risk clients in dependency cases in Snohomish, Skagit, and King counties. Within amounts appropriated, the clinic must provide legal representation to parents who are pregnant or recently postpartum who are at risk of child abuse or neglect reports or investigations.

(2) $900,000 of the general fund—state appropriation for fiscal year 2022 and $900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the purpose of improving the quality of trial court public defense services. The office of public defense must allocate these amounts so that $450,000 per fiscal year is distributed to counties, and $450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(3) $5,000 of the general fund—state appropriation for fiscal year 2022 and $14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency). If the bill is not enacted by June 30, 2021, the

amounts provided in this subsection shall lapse.

(4) $443,000 of the general fund—state appropriation for fiscal year 2022 and $683,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1140 (juvenile access to attorneys). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) $5,500,000 of the general fund—state appropriation for fiscal year 2022 and $5,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to assist counties with public defense costs related to vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision. Of the amounts provided in this subsection:

(a) $400,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of public defense to provide statewide attorney training, technical assistance, data analysis and reporting, and quality oversight and for administering financial assistance for public defense costs related to *State v. Blake* impacts; and

(b) $5,100,000 of the general fund—state appropriation for fiscal year 2022 and $5,100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants allocated for public defense assistance. The allocation of grant funding shall be determined based upon a formula as established by the office of public defense, and must be provided: (i) To assist counties providing counsel for clients seeking to vacate a sentence or to be resentenced under the *State v. Blake* decision; and (ii) to assist counties that may designate the office of public defense to contract directly with attorneys to represent and assist clients seeking to vacate a sentence or to be resentenced under the *State v. Blake* decision.

NEW SECTION. **Sec. 117. FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2022) $41,280,000

General Fund—State Appropriation (FY 2023) $42,685,000

General Fund—Federal Appropriation $379,000

Judicial Stabilization Trust Account—State

Appropriation $1,464,000

TOTAL APPROPRIATION $85,808,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed $40,000 of the general fund—state appropriation for fiscal year 2022 and an amount not to exceed $40,000 of the general fund—state appropriation for fiscal year 2023 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(3) $568,000 of the general fund—state appropriation for fiscal year 2022 is appropriated solely to continue and expand civil legal representation for tenants in eviction cases.

(4) Up to $165,000 of the general fund—state appropriation for fiscal year 2022 may be used to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp. sess.

(5) $5,440,000 of the general fund—state appropriation for fiscal year 2022 and $5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue civil legal assistance to individuals and families directly and indirectly affected by the COVID-19 pandemic and its related health, social, economic, legal, and related consequences.

(6) $159,000 of the general fund—state appropriation for fiscal year 2022 and $1,511,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). If the bill is not enacted by June 30, 2021, the

amounts provided in this subsection shall lapse.

(7) $10,772,000 of the general fund—state appropriation for fiscal year 2022 and $11,478,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including representation of indigent tenants in unlawful detainer cases. By June 30, 2022, the department shall provide to the legislature a detailed report of program expenditures and outcomes including but not limited to the number of individuals served, the average cost of a representation case, and the number of qualified individuals who qualified for but were unable to receive representation for funding or other reasons. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) $600,000 of the general fund—state appropriation for fiscal year 2022 and $600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to provide online automated plain language forms, outreach, education, technical assistance, and some legal assistance to help resolve civil matters surrounding legal financial obligations and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision.

NEW SECTION. **Sec. 118. FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2022) $11,093,000

General Fund—State Appropriation (FY 2023) $10,920,000

Economic Development Strategic Reserve Account—State

Appropriation $5,000,000

TOTAL APPROPRIATION $27,013,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $703,000 of the general fund—state appropriation for fiscal year 2022 and $803,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the education ombuds.

(2) $1,289,000 of the general fund—state appropriation for fiscal year 2022 and $1,289,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the provisions of chapter 332, Laws of 2020 (state equity office).

(3) $123,000 of the general fund—state appropriation for fiscal year 2022 and $118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(4) $230,000 of the general fund—state appropriation for fiscal year 2022 and $120,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) $33,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the education ombuds to support the language access work group that is reconvened and expanded in section 501(3)(g) of this act.

(6)(a) $20,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state LGBTQ commission, in collaboration with the health care authority, department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(i) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(ii) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(iii) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

(b) The commission shall submit a brief report with recommendations to the appropriate committees of the legislature by November 1, 2021.

(7) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the cost to support the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems that will be established by governor executive order.

(8) Within the amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum, as provided in section 129(70) of this act, with the statewide broadband office.

NEW SECTION. **Sec. 119. FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2022) $1,880,000

General Fund—State Appropriation (FY 2023) $1,598,000

General Fund—Private/Local Appropriation $90,000

TOTAL APPROPRIATION $3,568,000

The appropriations in this section are subject to the following conditions and limitations: $300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the legislative committee on economic development and international relations to conduct a business competitiveness analysis of the state's economy. Expenditure of the amount provided in this section must comply with chapter 39.26 RCW.

NEW SECTION. **Sec. 120. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2022) $5,724,000

General Fund—State Appropriation (FY 2023) $5,545,000

Public Disclosure Transparency Account—State

Appropriation $1,014,000

TOTAL APPROPRIATION $12,283,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $280,000 of the public disclosure transparency account—state appropriation is provided solely for staff for business analysis and project management of information technology projects.

(2) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

(3) $424,000 of the public disclosure transparency account—state appropriation is provided solely for information technology staffing to meet the demands of maintaining online filing and disclosure systems.

(4) $180,000 of the public disclosure transparency account—state appropriation is provided solely for a dedicated training and outreach staff to develop course materials and facilitate the creation of an expanded filer training program.

NEW SECTION. **Sec. 121. FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2022) $20,922,000

General Fund—State Appropriation (FY 2023) $31,158,000

General Fund—Federal Appropriation $12,760,000

Public Records Efficiency, Preservation, and Access Account—State Appropriation $10,005,000

Charitable Organization Education Account—State

Appropriation $901,000

Washington State Library Operations Account—State

Appropriation $11,698,000

Local Government Archives Account—State

Appropriation $10,120,000

Election Account—Federal Appropriation $4,368,000

TOTAL APPROPRIATION $101,932,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,498,000 of the general fund—state appropriation for fiscal year 2022 and $12,196,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2)(a) $3,051,500 of the general fund—state appropriation for fiscal year 2022 and $3,051,500 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2021-2023 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) $75,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for humanities Washington speaker's bureau community conversations.

(5) $114,000 of the general fund—state appropriation for fiscal year 2022 and $114,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2021, to legislative policy and fiscal committees. The annual report must include statewide analysis and by county analysis on the reasons for ballot rejection and an analysis of the ways ballots are received, counted, rejected and cure data that can be used by policymakers to better understand election administration.

(6) $546,000 of the general fund—state appropriation for fiscal year 2022 and $546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(7) $626,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staff to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(8) Within existing resources, the office of the secretary of state must research and evaluate availability of online trainings to include, but not be limited to, job-related, educational, and information technology trainings that are available free of charge. The office must compare those to the online trainings available from the Microsoft linked in academy. The office must report the comparative findings to fiscal committees of the legislature by September 1, 2022.

(9) $251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5034 (nonprofit corporations). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(10) $269,000 of the government archives account—state appropriation is provided solely for implementation of Senate Bill No. 5019 (recording standards commission). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(11) $1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for humanities Washington to provide grants to humanities organizations in Washington state pursuant to the American rescue plan act of 2021, P.L. 117-2. Of the amounts provided in this subsection:

(a) Forty percent must be used for grants to state humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus; and

(b) Sixty percent must be used for direct grants, and relevant administrative expenses, that support humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus.

(12) $3,600,000 of the general fund—federal appropriation (ARPA) is provided to the state library as the designated state library administrative agency solely to administer and distribute institute of museum and library services grants to museums, tribal partners, and libraries for eligible expenses and services. Pursuant to federal directive, no more than four percent of distributed funds may be held for grant administration.

NEW SECTION. **Sec. 122. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2022) $905,000

General Fund—State Appropriation (FY 2023) $401,000

TOTAL APPROPRIATION $1,306,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) $500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the governor's office of Indian affairs to engage in a process to develop recommendations on improving executive and legislative tribal relationships. In developing the recommendations, the governor's office of Indian affairs may contract with a third party facilitator.

(a) The governor's office of Indian affairs or the contracted third party must host and facilitate discussions between the executive branch, the legislative branch, and Indian tribes as defined in RCW 43.376.010 to develop the recommendations.

(b) By December 20, 2021, the governor's office of Indian affairs must submit a report of recommendations to the Governor and legislature in accordance with RCW 43.01.036. At a minimum, the report should include recommendations on:

(i) An examination of government-to-government relationship with Indian tribes as in chapter 43.376 RCW;

(ii) The consultation processes; and

(iii) Training to be provided to state agencies and the legislature.

NEW SECTION. **Sec. 123. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022) $448,000

General Fund—State Appropriation (FY 2023) $462,000

TOTAL APPROPRIATION $910,000

NEW SECTION. **Sec. 124. FOR THE STATE TREASURER**

General Fund—State Appropriation (FY 2022) $250,000

General Fund—State Appropriation (FY 2023) $250,000

State Treasurer's Service Account—State

Appropriation $20,375,000

TOTAL APPROPRIATION $20,875,000

The appropriation in this section is subject to the following conditions and limitations: $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1189 (tax increment financing). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 125. FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2022) $613,000

General Fund—State Appropriation (FY 2023) $1,062,000

Auditing Services Revolving Account—State

Appropriation $14,456,000

Performance Audits of Government Account—State

Appropriation $1,683,000

TOTAL APPROPRIATION $17,814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) $825,000 of the auditing services revolving account—state appropriation is provided solely for accountability and risk based audits.

(4) $585,000 of the general fund—state appropriation for fiscal year 2022 and $1,030,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 126. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2022) $252,000

General Fund—State Appropriation (FY 2023) $279,000

TOTAL APPROPRIATION $531,000

NEW SECTION. **Sec. 127. FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2022) $18,708,000

General Fund—State Appropriation (FY 2023) $23,379,000

General Fund—Federal Appropriation $18,226,000

Public Service Revolving Account—State Appropriation $4,145,000

New Motor Vehicle Arbitration Account—State

Appropriation $1,721,000

Medicaid Fraud Penalty Account—State Appropriation $5,862,000

Child Rescue Fund—State Appropriation $80,000

Legal Services Revolving Account—State Appropriation $300,291,000

Local Government Archives Account—State

Appropriation $1,004,000

Tobacco Prevention and Control Account—State

Appropriation $275,000

Consumer Privacy Account—State Appropriation $1,241,000

TOTAL APPROPRIATION $374,932,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs and ranking members of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) $161,000 of the general fund—state appropriation for fiscal year 2022 and $161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(5) $8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(6) $617,000 of the general fund—state appropriation for fiscal year 2022 and $617,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(7) $1,600,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(8) $28,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste and litter). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(9) $584,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & correction officers). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(10) $1,241,000 of the consumer privacy account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(11) $122,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(12) $256,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(13) $170,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(14) $395,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5141 (environmental justice task force). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(15) $1,198,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(16) $218,000 of the general fund—state appropriation for fiscal year 2022 and $5,107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(17) $1,485,000 of the general fund—state appropriation for fiscal year 2022 and $958,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away. The program must operate within the guidelines of this subsection.

(a) During the development and implementation of the YES tip line program the attorney general shall convene an advisory committee consisting of representatives from the Washington state patrol, the department of health, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the Washington association of educational service districts, and other participants the attorney general appoints.

(b) The attorney general shall develop and implement policies and processes for:

(i) Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line;

(ii) Risk assessment for referral of persons contacting the YES tip line to service providers;

(iii) Threat assessment that identifies circumstances requiring the YES tip line to alert law enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted;

(iv) Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;

(v) YES tip line information data retention and reporting requirements;

(vi) Ensuring the confidentiality of persons submitting a tip and to allow for disclosure when necessary to respond to a specific emergency threat to life; and

(vii) Systematic review, analysis, and reporting by the YES tip line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.

(c) The YES tip line shall be operated by a vendor selected by the attorney general through a competitive contracting process. The attorney

general shall ensure that the YES tip line program vendor and its personnel are properly trained and resourced. The contract must require the vendor to be bound confidentiality policies developed by the office. The contract must also provide that the state of Washington owns the data and information produced from the YES tip line and that vendor must comply with the state's data retention, use, and security requirements.

(d) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.

(e) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight.

(18) $225,000 of the general fund—state appropriation for fiscal year 2022 and $275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to fund the Washington state missing and murdered indigenous women and people task force created in section 955 of this act. Of these amounts:

(a) $75,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to one tribal organization, one urban Indian organization, the American Indian health commission, and the Seattle Indian health board, that participate on the task force and perform work on behalf of the task force including but not limited to providing a collaborative report on missing and murdered indigenous women.

(b) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for stipends for participants, and to fund consultant services, managed and overseen by the office, for managing, coordinating, and reporting on behalf of the task force meetings and summit, including but not limited to providing data analysis, research, and other services as deemed necessary by the office and the task force facilitators.

(c) $50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the costs associated with staffing and facilitating, and the support costs relating to the implementation of, the annual task force summit. The office may contract for these services.

(19) $196,000 of the legal services revolving account—state appropriation is provided solely to provide staff support to the joint legislative task force on jail standards created in section 957 of this act.

(20) $38,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(21) $294,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1259 (women & minority contracting). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(22) $1,207,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(23) $28,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(24) $123,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If

the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(25) $2,080,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(26) $121,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(27) $247,000 of the general fund—state appropriation for fiscal year 2022 and $247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(28) $25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(29) $146,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 128. FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2022) $1,990,000

General Fund—State Appropriation (FY 2023) $1,982,000

Workforce Education Investment Account—State

Appropriation $326,000

TOTAL APPROPRIATION $4,298,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $326,000 of the workforce education investment account—state appropriation is provided solely to forecast the caseload for the Washington college grant program.

(2) Within existing resources, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

NEW SECTION. **Sec. 129. FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2022) $193,804,000

General Fund—State Appropriation (FY 2023) $171,190,000

General Fund—Federal Appropriation $1,365,225,000

General Fund—Private/Local Appropriation $8,862,000

Public Works Assistance Account—State Appropriation $8,134,000

Lead Paint Account—State Appropriation $112,000

Building Code Council Account—State Appropriation $17,000

Liquor Excise Tax Account—State Appropriation $1,262,000

Home Security Fund Account—State Appropriation $326,272,000

Affordable Housing for All Account—State

Appropriation $105,230,000

Financial Fraud and Identity Theft Crimes

Investigation and Prosecution Account—State

Appropriation $2,671,000

Low-Income Weatherization and Structural

Rehabilitation Assistance Account—State

Appropriation $1,400,000

Statewide Tourism Marketing Account—State

Appropriation $3,034,000

Community and Economic Development Fee Account—State

Appropriation $4,117,000

Growth Management Planning and Environmental Review

Fund—State Appropriation $5,785,000

Liquor Revolving Account—State Appropriation $5,920,000

Washington Housing Trust Account—State Appropriation $20,455,000

Prostitution Prevention and Intervention Account—

State Appropriation $26,000

Public Facility Construction Loan Revolving Account—

State Appropriation $1,229,000

Model Toxics Control Stormwater Account—State

Appropriation $100,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $1,813,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $1,809,000

Andy Hill Cancer Research Endowment Fund Match

Transfer Account—State Appropriation $11,711,000

Community Preservation and Development Authority

Account—State Appropriation $500,000

Economic Development Strategic Reserve Account—State

Appropriation $2,798,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $472,610,000

TOTAL APPROPRIATION $2,716,086,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) $3,000,000 of the general fund—state appropriation for fiscal year 2022 and $3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) $375,000 of the general fund—state appropriation for fiscal year 2022 and $375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) $375,000 of the general fund—state appropriation for fiscal year 2022 and $375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) $4,304,000 of the general fund—state appropriation for fiscal year 2022 and $4,304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for associate development organizations. During the 2021-2023 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086. The department must distribute the funding as follows:

(a) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to $1.00

per capita, totaling no more than $300,000 per organization; and

(b) For associate development organizations in rural counties, as defined in RCW 82.14.370, a $1.00 per capita allocation with a base allocation of $75,000.

(7) $5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the northwest agriculture business center.

(11) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) $643,000 of the general fund—state appropriation for fiscal year 2022 and $643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) $1,000,000 of the home security fund—state appropriation, $2,000,000 of the Washington housing trust account—state appropriation, and $1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) $2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16)(a) $1,980,000 of the general fund—state appropriation for fiscal year 2022 and $1,980,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (i) shared permanent supportive housing; (ii) independent permanent supportive housing; and (iii) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

(b) Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) $557,000 of the general fund—state appropriation for fiscal year 2022 and $557,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than $1,000,000 per year.

(19) $1,070,000 of the general fund—state appropriation for fiscal year 2022 $1,070,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) $60,000 of the general fund—state appropriation for fiscal year 2022 and $60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) $2,000,000 of the general fund—state appropriation for fiscal year 2022 and $2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) $37,000,000 of the affordable housing for all account—state appropriation is provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

(i) Is dedicated as permanent supportive housing units;

(ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23) $7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

(a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(24) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to fund program models that prevent youth from exiting public systems into homelessness.

(25) $3,000,000 of the general fund—state appropriation for fiscal year 2022 and $5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(26) $2,125,000 of the general fund—state appropriation for fiscal year 2022

and $2,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages 18 to 24. The department shall submit an annual report to the legislature on the use of the funds. The first report is due June 30, 2022, and each June 30th thereafter. The report shall include but is not limited to:

(a) A breakdown of expenditures by program and expense type, including the cost per bed;

(b) The number of youth and young adults helped by each program;

(c) The number of youth and young adults on the waiting list for programs, if any; and

(d) Any other metric or measure the department deems appropriate to evaluate the effectiveness of the use of the funds.

(27) $62,720,000 of the general fund—state appropriation for fiscal year 2022, $65,330,000 of the general fund—state appropriation for fiscal year 2023, and $2,610,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds provided in this subsection to continue the pilot program established in section 127(106) of chapter 357, Laws of 2020, by providing grants to participating counties who request additional funding in order to continue serving participating and eligible clients.

(28) $1,436,000 of the general fund—state appropriation for fiscal year 2022 and $1,436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(29) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(30) $198,000 of the general fund—state appropriation for fiscal year 2022 and $198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(31) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international

district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(32) $1,500,000 of the general fund—state appropriation for fiscal year 2022, $1,500,000 of the general fund—state appropriation for fiscal year 2023 and $4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, $4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(33) $11,711,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(34) $550,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operations of the long-term care ombudsman program.

(35) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(36) $35,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) The department shall not reimburse more than $56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding. Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than $10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes.

Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(37) $1,007,000 of the general fund—state appropriation for fiscal year 2022 and $1,007,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(38) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(39) $80,000 of the general fund—state appropriation for fiscal year 2022 and $80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(40) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(41) $100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(42) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(43) $500,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(44) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants and associated

technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support planning and activities that help communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(45) $255,000,000 of the general fund—federal appropriation (ARPA) and $403,000,000 of the coronavirus state fiscal recovery account—federal appropriation are provided solely for the department to administer an emergency rental assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as consider any funding that jurisdiction, including cities within each county, received directly from the federal government for emergency rental assistance. Of the amounts provided in this subsection:

(a) $255,000,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to provide emergency rental and utility assistance pursuant to P.L. 117-2. A provider may use up to 14.5 percent of the grant award provided under this subsection for administrative costs and the remainder must be used for financial assistance as defined in P.L. 117-2. Unless otherwise prohibited under federal guidance, a housing provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(b)(i) $403,000,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for grants to provide emergency rental and utility assistance, subject to (b)(ii) of this subsection. Providers must make rental payments directly to landlords and utility payments directly to utility providers. To be eligible for assistance under this subsection, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance. A provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(ii) From the amount provided in (b) of this subsection, each local housing provider must subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under (a) and (b) of this subsection. The amount of the subgrant must be at least five percent of the total funding each provider received under (a) and (b) of this subsection.

(c) The department may retain up to 0.5 percent of the amounts provided in this subsection for administration of the program.

(46) $7,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide grants to entities that provide digital navigator services, devices, and subscriptions. These services must include but are not limited to one-on-one assistance for people with limited access to services, including individuals seeking work, families supporting students, English language learners, medicaid clients, people experiencing poverty, and elders. Of the amounts provided in this subsection, the department must prioritize allocating $1,500,000 as grants or portions of grants that serve medicaid clients.

(47) $240,000 of the general fund—state appropriation for fiscal year 2022 and $240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operations of the Central district community preservation and development authority established in RCW 43.167.070.

(48) $607,000 of the general fund—state appropriation for fiscal year 2022 and $607,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(49) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.

(50) $29,255,000 of the general fund—federal appropriation (CRF) and $230,000,000 of the general fund—federal appropriation (CRRSA), not to exceed the amount appropriated in section 3, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, are provided solely for rental assistance and housing and are subject to the same terms and conditions as the appropriation in section 3, chapter 3, Laws of 2021, as amended in section 1905 of this act.

(51) $4,800,000 of the general fund—federal appropriation (CRF), not to exceed the amount appropriated in section 4, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely for working Washington grants and is subject to the same terms and conditions as the appropriation in section 4, chapter 3, Laws of 2021.

(52) $1,602,000 of the general fund—state appropriation for fiscal year 2022 and $1,174,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office established in RCW 43.330.532.

(53) $450,000 of the general fund—state appropriation for fiscal year 2022 and $450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land. The department must award the grant to an organization with an office located in the city of Seattle that has experience in catalyzing early learning and affordable housing developments. The grant recipient must use the funding to:

(a) Implement strategies to accelerate development of affordable housing projects with space for early learning centers or community space on underutilized tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space through completing due diligence, conceptual design, and financial analysis activities;

(c) Organize community partners and build capacity to develop these sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space; and

(e) Catalyze the redevelopment of at least 10 sites to create approximately 1,500 affordable homes.

(54) $2,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization located in King county to operate a hunger relief response program serving individuals living in permanent supportive housing.

(55) $75,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization located in the city of Federal Way that conducts collaborative policy development and provides access to resources and consultation to historically disadvantaged communities. The grant funding must be used for capacity-building activities to support community-based organizations serving

youth and young adults in the city of Federal Way.

(56) $400,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(57) $12,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a single contract with the non-profit statewide tourism marketing organization that is party to the contract pursuant to RCW 43.384.020. The funds will be used to assist recovery for tourism-related businesses, generate tourism demand for Washington communities and businesses, and sustain recovery market share with competing Western states. The department and the contractor shall submit a report to the legislature June 30, 2022, and June 30, 2023.

(58) $354,000 of the general fund—state appropriation for fiscal year 2022 and $354,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Port Gamble S'Klallam tribe for a reentry program providing tailored support services to moderate-needs and high-needs individuals leaving local or tribal incarceration, with the goals of reducing criminal recidivism and fostering community wellbeing. Services may be provided to clients pre-release and post-release.

(59) $347,000 of the general fund—state appropriation for fiscal year 2022 and $347,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county serving criminal justice-involved individuals who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including but not limited to legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(60) $50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the city of Kent to contract with one or more nonprofit organizations to serve community immersion law enforcement trainees through mentorship or community-based placement, or both.

(61) $400,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis.

(62) $950,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit located in King county that develops training and support for low-income individuals, with a focus on women and people of color, to move into the construction industry for living wage jobs. The grant funding must be used to develop a pre-apprenticeship program that, through the construction of units, integrates housing and workforce development in service of the following goals:

(a) Creating a blueprint to integrating workforce development and housing for local jurisdictions;

(b) Providing construction training to underserved populations;

(c) Creating a pathway for trainees to enter construction careers; and

(d) Addressing the systemic effects of sexism and racism in housing, wealth, education, training, employment, and career development.

(63) $50,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating an emergency shelter located in the Yakima valley for case management, outreach, and other homeless services.

(64) $350,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for activities to advance affordable housing. The grant recipient must be an organization that

partners in equitable, transit-oriented development. The grant recipient must use the funding to:

(a) Facilitate partnerships to enable equitable transit-oriented development across the Puget Sound region that builds housing at scale; and

(b) Assist the cities of Tacoma, Renton, and Everett, as well as other cities, in:

(i) Creating or updating local subarea plans to be consistent with the regional growth strategy for future population growth to be near high capacity transit and to facilitate development within the station area that will produce a mix of affordable housing;

(ii) Ensuring equitable transit-oriented development processes and outcomes that minimize displacement; and

(iii) Identifying strategies for land acquisition and assembly around high capacity transit stations that will result in a mix of housing.

(65) $700,000 of the general fund—state appropriation for fiscal year 2022 and $700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonprofit organization whose sole purpose is to provide grants, capacity building, and technical assistance support to a network of microenterprise development organizations. The microenterprise development organizations will support rural and urban Black, indigenous and people of color owned businesses, veteran owned businesses, and limited resourced and other hard to serve businesses with five or fewer employees throughout the state with business training, technical assistance, and microloans.

(66) $1,175,000 of the general fund—state appropriation for fiscal year 2022 and $175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to support implementation of the 2021 state energy strategy as it pertains to emissions from energy use in new and existing buildings, including measures to support local government emission reductions, workforce measures, and utility electrification benefits.

(67) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and develop effective interventions and responses to primary and secondary workplace trauma experienced by direct service staff who work in homeless shelters, homeless outreach, and permanent supportive housing. The department must collect data through methods such as surveys, interviews, and small group conversations, and engage interested parties, including but not limited to direct service staff. The department may contract with a third party to complete the work required in this subsection. By June 1, 2023, the department shall submit a report identifying interventions and providing recommendations to the appropriate committees of the legislature.

(68)(a) $340,000 of the general fund—state appropriation for fiscal year 2022 and $85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the University of Washington college of built environments to create a database and reporting system for promoting transparency on procurement of building materials that make up the primary structure and enclosure used for state-funded construction projects. The department and university may use publicly available information and data sources as well as consult with outside experts to create the database. The database may include fields for environmental product declarations, product quantity, manufacturer location, global warming potential, health certifications, supplier codes of conduct, and working conditions.

(b) When developing the reporting system required under (a) of this subsection, the department and the University of Washington must conduct a case study analysis. In conducting the analysis, the department and the university must identify up to 10 case studies of publicly funded projects and analyze considerations including but not limited to cost impacts, materials procured, embodied carbon contribution to reducing greenhouse gas emissions, and supply chain considerations. By January 1, 2022, the department and the university shall submit a progress report on the case study analysis to the legislature. By November 1, 2022, the department and the university shall submit a final report to the legislature

with findings from the case study analysis and recommendations for the reporting system based on lessons learned.

(69) $175,000 of the general fund—state appropriation for fiscal year 2022 and $175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide job readiness skills and training to traditionally underrepresented populations to support the transition to a registered apprenticeship, trade training, or employment. The grant recipient must be a nonprofit organization serving traditionally underrepresented populations in King and Pierce counties, with a focus on youth development programs. The grant funding must be used for activities including but not limited to counseling and training in support of the goals of:

(a) Minimizing barriers to transitioning to an apprenticeship, trade training program, or employment for participants;

(b) Increasing participants' workforce and life balance skills; and

(c) Increasing participants' specialized skills and knowledge in targeted industries, including construction, urban agriculture, and maritime trades.

(70)(a) $51,000 of the general fund—state appropriation for fiscal year 2022 and $51,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office to cofacilitate the Washington digital equity forum with the Washington state office of equity. The purpose of the forum is to develop recommendations to advance digital connectivity in Washington state. In developing its recommendations, the forum must:

(i) Develop goals that are consistent with the goals of the governor's statewide broadband office, as provided in RCW 43.330.536;

(ii) Strengthen public-private partnerships;

(iii) Solicit public input through public hearings or informational sessions;

(iv) Work to increase collaboration and communication between local, state, and federal governments and agencies; and

(v) Recommend reforms to universal service mechanisms.

(b) The directors of the governor's statewide broadband office and the Washington state office of equity are responsible for appointing participating members of the forum, and appointments require the approval of both directors. In making appointments, the directors must prioritize appointees representing:

(i) Federally recognized tribes;

(ii) State agencies involved in digital equity; and

(iii) Underserved and unserved communities, including historically disadvantaged communities.

(c) The director of the governor's statewide broadband office, or the director's designee, and the director of the Washington state office of equity, or the director's designee, shall serve as administrative cochairs of the forum.

(d) In addition to members appointed by the directors, four legislators may serve on the digital equity forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The president of the senate must appoint one member from each of the two largest caucuses of the senate.

(e) Each member of the digital equity forum shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. Legislative members of the forum are reimbursed for travel expenses in accordance with RCW 44.04.120. (f) The statewide broadband office must provide staff support for the digital equity forum. By January 1, 2023, the statewide broadband office must transmit the recommendations of the digital equity forum developed under (a) of this subsection to the legislature, consistent with RCW 43.01.036.

(71) $500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to law enforcement agencies to implement group

violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. In selecting the sites, the department must give priority to sites meeting these criteria that also can leverage existing local or federal resources.

(72) $350,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a contract for a business recovery program serving the city of Federal Way and surrounding area. The contract recipient must be a nongovernmental organization located in the city of Federal Way whose primary focus is the economic development of the city of Federal Way and surrounding area. The contract funding must be used for:

(a) Business development training and education for small businesses located in or serving the city of Federal Way and surrounding area, with a focus on Black, indigenous, and people of color-owned, women-owned, and veteran-owned businesses;

(b) Workforce programming for skill set development, especially as related to business retention and expansion; and

(c) Research and collection of economic baseline data for the city of Federal Way and surrounding area for the development of data-driven programming, with a focus on key economic recovery indicators.

(73) $202,000 of the general fund—state appropriation for fiscal year 2022 and $89,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide emergency housing, permanent supportive housing, and wraparound services focusing on Black transgender and nonbinary individuals who are currently experiencing or at risk of homelessness. The grant recipient must be a nonprofit organization with locations in the cities of Seattle and Tacoma that provides legal and other services for LGBTQ individuals in Washington. The grant recipient may subgrant or subcontract with other organizations to provide emergency housing, permanent supportive housing, and wraparound services.

(74) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(75) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish a sector lead position for the creative industries, including but not limited to the performing arts, literary arts, music, and film. The sector lead must work with interested parties to further the goals of creating economic development opportunities, retaining and growing jobs, and supporting small business development and expansion within the creative industries.

(76) $221,920,000 of the home security fund—state appropriation and $58,400,000 of the affordable housing for all account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1277 (housing/revenue source). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse. Of the amounts provided in this subsection:

(a) $88,768,000 of the home security fund—state appropriation is provided solely to implement the eviction prevention rental assistance program created in the bill; and

(b) $133,152,000 of the home security fund—state appropriation is provided solely for project-based vouchers and related services, rapid rehousing, housing acquisition, and supportive services for individuals and families

accessing vouchers and rapid rehousing. Of the total amount provided in this subsection, at least $20,000,000 must be used for hotel and motel vouchers, rapid rehousing, and supportive services for individuals and families accessing vouchers and rapid rehousing.

(77) $59,000 of the general fund—state appropriation for fiscal year 2022 and $696,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(78) $163,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and $159,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(79) $298,000 of the general fund—state appropriation for fiscal year 2022 and $404,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1220 (emergency shelters & housing). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(80) $306,000 of the general fund—state appropriation for fiscal year 2022 and $483,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(81) $21,000 of the general fund—state appropriation for fiscal year 2022 and $42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(82) $42,000 of the general fund—state appropriation for fiscal year 2022 and $42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1168 (long-term forest health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(83) $2,798,000 of the economic development strategic reserve account manufacturing cluster acceleration subaccount—state appropriation is provided solely for implementation of Substitute House Bill No. 1170 (manufacturing). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(84) $187,000,000 of the general fund—federal appropriation (ARPA) is provided solely for a homeowner assistance program to provide mortgage, foreclosure, and other assistance to eligible homeowners pursuant to P.L. 117-2. The department may subgrant or contract with other entities to provide assistance under the program. Of the amount provided in this subsection, $13,000,000 of the general fund—federal appropriation (ARPA) is provided solely for foreclosure assistance.

(85) $9,864,000 of the general fund—state appropriation for fiscal year 2022 and $9,864,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the department must submit a report identifying the expenditures and number of individuals receiving long-term rental supports through the agency budget broken out by region, treatment need, and the demographics of those served during the prior fiscal year.

(86)(a) $50,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grants to small businesses through the working Washington grant program.

(b) Of the amount provided in this subsection, $30,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist businesses maintain their operations. To be eligible for a grant under this subsection, the business must:

(i) Apply for or have applied for the grant;

(ii) Have reported annual gross receipts of $5,000,000 or less to the department of revenue for calendar year 2019;

(iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iv) Self-attest that the expense is not funded by any other government or private entity;

(v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(c) Of the amount provided in this subsection, $20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist the reopening of businesses that temporarily totally closed their operations. To be eligible for a grant under this subsection, the business must:

(i) Apply for the grant;

(ii) Have reported annual gross receipts of $5,000,000 or less to the department of revenue for calendar year 2019;

(iii) Demonstrate the business was actively engaged in business, and as a result of the governor's proclamations 20-25.8, issued on November 15, 2020, through 20-25.12 ("stay safe-stay healthy"), temporarily totally closed operations. Demonstration of active engagement in business can be given through but is not limited to taxable activity reported to the department of revenue. The department may use other methods to determine if this criterion has been met;

(iv) Have expenses that are necessary to reopen business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(v) Self-attest that the expense is not funded by any other government or private entity; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(d) Grant awards are subject to the availability of amounts appropriated in this subsection. The department must conduct outreach to underrepresented and unserved communities observed from prior rounds of awards. The department must ensure equitable distributions of grant funding, including considerations for geographic location and businesses owned by members of historically disadvantaged communities.

(e)(i) Eligible businesses may receive up to a $75,000 grant.

(ii) If a business received one or more working Washington small business grants before July 1, 2021, including grants provided pursuant to chapter 3, Laws of 2021, the grant awarded under this subsection must be reduced to reflect the amounts received from previous working Washington small business grants.

(f) For purposes of this subsection, reopening costs include, but are not limited to:

(i) Upgrading physical workplaces to adhere to new safety or sanitation standards;

(ii) Procuring required personal protective supplies for employees and business patrons and clients;

(iii) Updating business plans;

(iv) Employee costs, including payroll, training, and onboarding;

(v) Rent, lease, mortgage, insurance, and utility payments; and

(vi) Securing inventory, supplies, and services for operations.

(g) Nonprofit organizations are eligible to receive funding under (b) or (c) of this subsection if they have a primary business activity that has been impacted as described in (b)(v) or (c)(iii) of this subsection.

(h) The department is authorized to shift funding among the purposes in (b)

and (c) of this subsection based on overutilization or underutilization of the different types of grants.

(i) Of the total amount provided in this subsection, the department must prioritize allocating the funds as follows:

(A) $25,000,000 for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations in the arts, heritage, and science sectors, including those that operate live entertainment venues; and

(B) $25,000,000 for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations located in counties that are in phase 2 of the governor's "healthy Washington: roadmap to recovery" plan at the time the business or nonprofit organization applies for funding.

(87) $138,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to implement small business capital access and other credit support programs under the state small business credit initiative, pursuant to P.L. 117-2. The department may contract with other entities to implement the capital access program and other credit support programs. The department is highly encouraged to use local nonprofit community development financial institutions to deliver access to credit to the maximum extent allowed by federal law, rules, and guidelines. The department must apply for the maximum possible allocation of federal funding under P.L. 117-2, including but not limited to funds set aside for extremely small businesses and business enterprises owned and controlled by socially and economically disadvantaged individuals. The funding provided in this section also includes federal funds allocated to the state for technical assistance to businesses. The department must ensure businesses owned and controlled by socially and economically disadvantaged individuals, as defined in P.L. 117-2, have equitable access to program services.

(88)(a) $6,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to create a grant program to reimburse local governments for eligible costs of providing emergency noncongregate sheltering during the COVID-19 public health emergency.

(b) A city or county is eligible to apply for grant funding if it:

(i) Applies to the federal emergency management agency public assistance program for reimbursement of costs to provide emergency non-congregate sheltering; and

(ii) Incurs eligible costs.

(c) Eligible costs are costs to provide emergency noncongregate sheltering that:

(i) Were deemed eligible for reimbursement in the federal emergency management agency policy 104-009-18, version 3, titled *FEMA emergency non-congregate sheltering during the COVID-19 public health emergency (interim)* and dated January 29, 2021; and

(ii) Are incurred by the applicant beginning January 21, 2021, through September 30, 2021.

(d) The department must give priority to applicants who demonstrate use of funds received under P.L. 117-2 for the acquisition, development, and operation of noncongregate sheltering.

(e) The department must coordinate with the military department to confirm that grant recipients have applied to the federal emergency management agency public assistance program for costs identified in their grant application.

(f) For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy such as hotels, motels, or dormitories.

(89)(a) $400,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to conduct a comprehensive equity review of state capital grant programs administered by the department. The department may, in consultation with interested parties identified in subsection (d) of this section, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are: To reduce barriers to historically underserved populations' participation in the capital grant programs; to redress inequities in existing capital grant policies and

programs; and to improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the department shall: (i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection; (ii) identify new investments and programs that prioritize populations and communities that have been historically underserved by capital grant policies and programs; and (iii) include consideration of historic and systemic barriers that may arise due to any of the following factors: (A) Race; (B) ethnicity; (C) religion; (D) income; (E) geography; (F) disability; and (G) educational attainment.

(d) The department must collaborate with the Washington state commission on African American affairs; the Washington state commission on Asian Pacific American affairs; the Washington state commission on Hispanic affairs; the governor's office of Indian affairs; the governor's committee on disability issues and employment; the office of equity; the office of minority and women's business enterprises; the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The department shall complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(90) $23,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the HOME investment partnerships program pursuant to P.L. 117-2. Of the amount provided in this subsection, $18,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 for the acquisition and development of noncongregate shelter units, subject to the following conditions and limitations:

(a) Grants provided under this subsection may be used to acquire real property for quick conversion into noncongregate shelter units or for renovation and building update costs associated with establishment of the acquired facilities. Grants provided under this subsection may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service. For the purposes of this subsection, "noncongregate" shelter units means units provided in locations where each individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.

(b) Units acquired or developed under this subsection must serve qualifying individuals or families as defined in P.L. 117-2.

(c) The department must establish criteria for the issuance of the grants, which must follow the guidelines and compliance requirements of the housing trust fund program and the federal HOME investment partnership program. The criteria must include:

(i) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(ii) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(iii) A detailed estimate of the costs associated with opening the units; and

(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.

(d) The department must provide a progress report on its website by November 1, 2022. The report must include:

(i) The total number of applications and amount of funding requested; and

(ii) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.

(e) The funding in this subsection is not subject to the 90 day application periods in RCW 43.185.070 or 43.185A.050.

(91) $391,000 of the general fund—state appropriation for fiscal year 2022 and $391,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

(92) $150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization providing housing services in western Washington to conduct a master planning process for the development of a family-centered drug treatment and housing program. The grant recipient must be a nonprofit organization that has experience administering a comparable program in another region of the state. The program must provide housing units for families with members who have substance use disorders and who are involved in the child welfare system, and services including but not limited to case management, counseling, substance use disorder treatment, and parenting skills classes. The program site must be located within or in close proximity to King county, and include living quarters for families, space for services, and childcare and play areas for children. The nonprofit must include housing developers, service providers, and other interested parties in the master planning process. By December 31, 2021, the nonprofit must submit the plan to the department, the senate ways and means committee, and the house capital budget committee.

(93) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with the department of corrections to support offender betterment projects and the department of social and health services to provide access and visitation services.

(94) $7,500,000 of the general fund—state appropriation for fiscal year 2022 and $2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to community organizations that serve historically disadvantaged populations to conduct outreach and assist community members in applying for state and federal assistance programs, including but not limited to those administered by the departments of social and health services; commerce; and children, youth, and families.

(95) $375,000 of the general fund—state appropriation for fiscal year 2022 and $375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to accelerate implementation of the low-income rural home rehabilitation program by contracting with up to seven home rehabilitation agencies, as defined under WAC 365-175-030, in a variety of regions of the state. Funding provided in this subsection may be used by home rehabilitation agencies for program support in order to increase the number of households participating in the program. Home rehabilitation agencies receiving funding under this subsection must provide the department with a summary of their direct and indirect costs associated with implementing the program.

(96) $450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for pre-development activities for state-operated or contracted residential or supportive housing facilities at the Pacific hospital preservation and development authority buildings three through ten in Seattle, to help carry out Washington state's plans for new community-based residential facilities, including supportive housing. The facilities may be used for behavioral health, long-term care, developmentally disabled community housing, recovery residences, state-operated living alternatives, group homes, or family-centered substance use disorder recovery housing. The amounts provided in this subsection may be used for concept development, planning, lease payments, and other related expenses for pre-development of state- or nonprofit-operated residential facilities identified by the health care authority or the departments of social and health services, children, youth, and families, and commerce. The department is authorized to enter into a short-term lease, with an option to enter into a multiyear extension, for the Pacific hospital preservation and development authority quarters buildings three through ten.

(97) $80,000 of the general fund—state appropriation for fiscal year 2022 and $80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization dedicated to supporting forest health restoration located in Okanogan county for work toward a biochar research and demonstration project and initial efforts toward full-size operation of an industrial-sized facility in the Methow valley.

(98) $6,800,000 of the general fund—state appropriation for fiscal year 2022 and $8,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to crime victim services providers for victim assistance programs. The department must distribute the funds in accordance with the methodologies used to distribute federal victims of crime act victim assistance funding.

(99)(a) $225,000 of the general fund—state appropriation for fiscal year 2022 and $225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to appoint and maintain an aviation and aerospace advisory committee to generally advise the director of the department and the secretary of the department of transportation on matters related to aviation and aerospace in Washington state. The advisory committee must develop recommendations regarding operating budget and capital budget requests relating to aviation and aerospace needs, and strategies to enhance the safe and effective use of public use airports and aerospace facilities in Washington state. The aviation and aerospace advisory committee must also advise the director and secretary, or their designees, and make recommendations on the following matters:

(i) Employment of emerging aviation and aerospace technologies to include unmanned, autonomous, and alternative propulsion systems;

(ii) New, changed, or proposed federal regulations;

(iii) Industry needs to remain nationally and internationally competitive;

(iv) Policy considerations;

(v) Funding priorities and capital project needs;

(vi) Methods to reduce greenhouse gas emissions;

(vii) Workforce development needs and opportunities;

(viii) Multimodal requirements; and

(ix) Other matters pertaining to the aviation and aerospace industries as the aviation and aerospace advisory committee deems appropriate.

(b) The director of the department of commerce, or the director's designee, shall appoint members to the aviation and aerospace advisory committee including, at a minimum:

(i) Two county commissioners, one from east of the crest of the Cascade mountains and one from west of the crest of the Cascade mountains;

(ii) An owner of an aviation company and an owner of an aerospace company or their representatives;

(iii) The director of the aviation division of the department of transportation, or the director's designee;

(iv) Two individuals who are top executive officials of a commercial service airport, typically with the title of chief executive officer, airport director, or executive director, one from an airport located east of the crest of the Cascade mountains and one from an airport located west of the crest of the Cascade mountains;

(v) Advisory members from the federal aviation administration;

(vi) The aerospace lead from the department of commerce or a representative of the department;

(vii) A representative of a statewide environmental organization;

(viii) A representative of the military department;

(ix) A representative of the state board for community and technical colleges;

(x) Representatives from airport associations;

(xi) Representatives from an aviation and aerospace educational program; and

(xii) Representatives from both aviation and aerospace associations.

(c) The director of the department and the secretary of the department of transportation, or their designees, shall serve as the administrative cochairs of the aviation and aerospace advisory committee.

(d) The department must provide staff support for all aviation and aerospace advisory committee meetings.

(e) The aviation and aerospace advisory committee must meet at the call of the administrative cochairs for any purpose that directly relates to the duties set forth in (a) of this subsection, or as otherwise requested by the director, secretary, or their designees as the administrative cochairs.

(f) In consultation with the aviation and aerospace advisory committee, the department must develop a strategic plan for the department's aerospace, aviation, and airport economic development program. The strategic plan should identify: (i) Changing market conditions in the aerospace industry; (ii) emerging opportunities to diversify and grow Washington's aerospace sector; and (iii) strategies and action steps to build on the state's core strengths in aerospace infrastructure and workforce expertise to diversify and grow employment in Washington's aerospace sector. The department must submit the strategic plan to the appropriate committees of the legislature by June 30, 2023.

(g) The cochairs may seek recommendations and input from the aviation and aerospace advisory committee to inform the legislature on aviation and aerospace issues.

(100)(a) $300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to convene a work group on reducing racial disparities in Washington state homeownership rates. The goals of the work group are to assess perspectives on housing and lending laws, policies, and practices; facilitate discussion among interested parties; and develop budgetary, administrative policy, and legislative recommendations.

(b) The director of the department, or the director's designee, must chair the work group. The department must, in consultation with the Washington state office of equity and the governor's office of Indian affairs, appoint a minimum of twelve members to the work group representing groups including but not limited to:

(i) Organizations and state entities led by and serving Black, indigenous, and people of color;

(ii) State or local government agencies with expertise in housing and lending laws;

(iii) Associations representing cities and housing authorities; and

(iv) Professionals from private-sector industries including but not limited to banks, credit unions, mortgage brokers, and housing developers.

(c) The department must convene the first meeting of the work group by August 1, 2021. The department must submit a final report to the governor and appropriate committees of the legislature by August 1, 2022. The final report must:

(i) Evaluate the distribution of state affordable housing funds and its impact on the creation of homeownership units serving Black, indigenous, and people of color;

(ii) Evaluate the eligibility requirements, access, and use of state-funded down payment assistance funds, and their impact on homeownership rate disparities;

(iii) Review barriers preventing Black, indigenous, and people of color from accessing credit and loans through traditional banks for residential loans; and

(iv) Provide budgetary, administrative policy, and legislative recommendations to increase ownership unit development and access to credit.

(101) $225,000 of the general fund—state appropriation for fiscal year 2022 and $225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a task force to make recommendations regarding needed reforms to the state's growth policy framework, including the growth management act, state environmental policy act, and other statutes related to growth, change, economic development, housing, social equity, and environmental conservation.

The process will build upon the findings, concepts, and recommendations in recent state-funded reports, including the "road map to Washington's future" issued by the William D. Ruckelshaus center in 2019, the report of the environmental justice task force issued in 2020, and "updating Washington's growth policy framework" issued by the University of Washington in 2021. The task force must involve diverse perspectives including but not limited to representatives of counties, cities, special districts, the real estate, building, and agricultural industries, planning and environmental organizations, tribal governments, and state agencies. Special effort must be made to include in these discussions the lived experiences and perspectives of people and communities who have too often been excluded from public policy decision-making and unevenly impacted by those decisions. The work group must report on its activities and recommendations prior to the 2022 and 2023 legislative sessions.

(102) $80,000 of the general fund—state appropriation for fiscal year 2022 and $80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle for providing resident services and on-site programming for affordable housing residents in Delridge, supporting local youth with leadership pathways, and other community development initiatives that improve the health and well-being of southwest Seattle residents.

(103) $61,000 of the general fund—state appropriation for fiscal year 2022 and $31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for San Juan county health and community services to enter into an agreement with the United States geological survey to evaluate available groundwater, surface water, and meteorological data for the county, complete recharge estimations for the county, and update the water balance for the county.

(104) $140,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to contract with businesses ending slavery and trafficking for a human trafficking initiative.

(a) Of the amounts provided in this subsection, $60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to extend job readiness services and employment opportunities for survivors of human trafficking and persons at risk of human trafficking, in near-airport communities in south King county.

(b) Of the amounts provided in this subsection, $80,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop a national awareness campaign. The campaign will increase signage in seaports, airports, and near-airport communities so that people who are vulnerable to trafficking or experiencing human trafficking can access assistance through the national human trafficking hotline.

(105) $278,000 of the general fund—state appropriation for fiscal year 2022 and $277,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture, becoming proficient in civic education, and overcoming barriers to social, political, racial, economic, and cultural community development.

(106) $100,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to provide college accredited courses through alternative methods to disadvantaged adults, such as those experiencing homelessness, who are low-income, come from generational poverty, or have a disabling condition, including those that are further impacted by systemic racism, who do not believe they can be successful or have not yet contemplated college for their future with the intent of engaging these individuals in further education to increase their lifelong wage potential.

(107)(a) $351,000 of the general fund—state appropriation for fiscal year 2022 and $332,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization with demonstrated expertise in the creative arts and strategic planning to establish a Washington state creative economy work group that within two years, and with the advice of the work group, develops a strategic plan to improve the

Washington state creative economy that can be rolled out in incremental phases to reach identified economic, social justice, and business development goals.

(b) The goal of the strategic plan must be to ensure that the state of Washington is competitive with respect to attracting creative economy business, retaining talent within the state, and developing marketable content that can be exported for national and international consumption and monetization. The strategic plan must address support for the creative community within historically marginalized communities, as well as the creative economy at large, and take into account the diverse interests, strengths, and needs of Washington's population on both sides of the Cascade mountains.

(c) The chair of the work group must be the director of the nonprofit organization contracted with by the department or the director's designee, and must have significant experience working as an artist, producer, or director and in business development, including drafting business plans and multidisciplinary planning documents. The chair must appoint representatives to the work group who represent the range of demographic diversity across the state of Washington, including:

(i) A representative from the Washington state association of counties;

(ii) A representative from the association of Washington cities;

(iii) A representative from the Washington state arts commission;

(iv) A representative from the Washington state labor council;

(v) A representative from the banking industry with experience in matters involving the federal small business administration;

(vi) An appropriate number of representatives from the Washington state arts community including, but not limited to, the following sectors:

(A) Film, television, and video production;

(B) Recorded audio and music production;

(C) Animation production;

(D) Video game development;

(E) Live theater, orchestra, dance, and opera;

(F) Live music performance;

(G) Visual arts, including sculpture, painting, graphic design, and photography;

(H) Production facilities, such as film and television studios; and

(I) Live music or performing arts venues;

(vii) A representative from a certified public accounting firm or other company with experience in financial modeling and in the creative arts;

(viii) A representative selected by the Washington state commission on African American affairs, the Washington state commission on Hispanic affairs, the governor's office of Indian affairs, and the Washington state commission on Asian Pacific American affairs to represent the entities on the work group;

(ix) A representative of a federally recognized Indian tribe with a reservation located east of the crest of the Cascade mountains;

(x) A representative of a federally recognized Indian tribe with a reservation located west of the crest of the Cascade mountains; and

(xi) Other state agency representatives or stakeholder group representatives, at the discretion of the work group, for the purpose of participating in specific topic discussions.

(d) In developing the strategic plan for the Washington state creative economy, the work group must:

(i) Identify existing studies of aspects affecting the creative economy, including studies relating to tax issues, legislation, finance, population and demographics, and employment;

(ii) Conduct a comparative analysis with other jurisdictions that have successfully developed creative economy plans and programs, including the states of Georgia and New Mexico, and the provinces of British Columbia and Ontario, Canada;

(iii) Conduct in-depth interviews to identify best practices for structuring a strategic plan for the state of Washington;

(iv) Evaluate existing banking models for financing creative economy projects in the private sector and develop a financial model to promote investment in Washington's creative economy;

(v) Evaluate existing state and county tax incentives and make recommendations for improvements to support the creative economy;

(vi) Identify the role that counties and cities play with respect to the strategic plan, and identify specific counties and cities that may need or want a stronger creative economy;

(vii) Identify opportunities for synergies with new business models and the integration of new technologies; and

(viii) Identify the role that state education programs in the creative arts play in the creative economy and with respect to advancing the strategic plan.

(e) The department of commerce shall facilitate the timely transmission of information and documents from all appropriate state departments and agencies to the nonprofit organization contracted under this subsection. The work group must report its findings and recommendations to the appropriate committees of the legislature by December 1, 2022. The contracted nonprofit must administer the expenses of the work group.

(108) $300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit museum and science and technology center located in the city of Seattle that provides youth educational programming related to discovery, experimentation, and critical thinking in the sciences for a maker and innovation lab and to develop and operate new experiential learning opportunities.

(109) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract with a statewide association that supports a network of local asset building coalitions for programs to increase the financial stability of low-income Washingtonians adversely affected economically by COVID-19 through increasing participation in earned income tax credit refunds, the Washington retirement marketplace, and programs that build personal savings.

(110) $421,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to continue starting up the Washington state office of firearm safety and violence prevention, including the creation of a state and federal grant funding plan to direct resources to cities that are most impacted by community violence.

(111) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct a study and report to the legislature on city and county implementation of the multifamily housing property tax exemption. The report must:

(a) Review whether cities have practices in five areas:

(i) Evaluating the financial feasibility and total costs of proposed developments under the exemption;

(ii) Monitoring rent, occupancy, and demographics of tenants of exempt housing;

(iii) Identifying direct or indirect displacement risks, and changes in income and rent distributions associated with new housing development, and plans and approaches;

(iv) Identifying practices that encourage permanent affordable rental opportunities; and

(v) Monitoring whether the exemption assists cities in meeting goals under the growth management act;

(b) Identify at least five case studies on a range of cities and provide analysis:

(i) Comparing the rent in income restricted units to market rate units in the same development and to the surrounding area;

(ii) Comparing the anticipated impact on rents and project budgets, and on public benefit under eight-year, 12-year, and 20-year property tax exemption scenarios;

(iii) Looking at permanent affordable rentals; and

(iv) Evaluating changes in income distribution, rent distribution, commute/location, and displacement risks in areas with exempt housing; and

(c) Estimate other state and local tax revenue generated by new housing developments and how it compares to the property tax exemption.

(112) $195,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to Spokane county for costs related to redistricting activities required by chapter 36.32 RCW.

(113) $130,000 of the general fund—state appropriation for fiscal year 2022 and $130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization to provide tiny homes for veterans.

(114) $210,000 of the general fund—state appropriation for fiscal year 2022 and $90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to perform an analysis of the property operations and maintenance costs and tenant supportive services costs for affordable housing projects that receive funding from the Washington housing trust fund. The projects to be analyzed must include, but are not limited to, permanent supportive housing and youth housing taking into consideration housing projects that have been in service for a sufficient time that actual costs can be determined. The analysis shall include a categorized overview of the expenses and fund sources related to the maintenance, operations, and supportive services necessary for the affordable housing projects to be successful in housing the intended population, as well as identify other available funding sources for these costs. The analysis must also explore the timing and alignment challenges for pairing operational and supportive services funding with the initial capital investments, and make recommendations relating to any benchmarks that can be established regarding future costs that would impact the operating budget, and about the state's role in planning, support, and oversight to ensure long-term sustainability of these projects. The department may hire a consultant to conduct this study. The department shall report its findings and recommendations to the office of financial management and the appropriate committees of the legislature by December 1, 2022.

(115) $157,000 of the general fund—state appropriation for fiscal year 2022 and $154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5383 (public telecom services). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(116) $1,555,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(117) $946,000 of the general fund—state appropriation for fiscal year 2022 and $921,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5368 (rural economic development). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(118) $114,000 of the general fund—state appropriation for fiscal year 2022 and $110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5287 (affordable housing incentives). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(119) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5345 (industrial waste program). Of the amounts provided in this subsection, $175,000 of the general fund—state appropriation for fiscal year 2022 and $175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to local industrial waste symbiosis projects as provided in the bill. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(120) $1,250,000 of the general fund—state appropriation for fiscal year 2022 and $1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5353 (law enforcement community engagement). Of the amounts provided in this subsection, $500,000 of the general fund—state appropriation for fiscal year 2022

and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants awarded under this bill. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(121) $66,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(122) $40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5126 (climate commitment). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(123) $2,500,000 of the general fund—state appropriation for fiscal year 2022 and $2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a competitive grant program for grants to community-based programs to provide reentry services for formerly incarcerated persons and supports to facilitate successful transitions to the community. The department must work in collaboration with the statewide reentry council to administer the program. Applicants must provide a project proposal to the department as a part of the application process. Grant awards provided under this subsection may be used for costs including but not limited to housing, case management and navigators, employment services, family reunification, and legal services to respond to collateral impacts of reentry. The department must award at least 30 percent of the funding provided in this subsection to applicants located in rural counties.

(124) $2,500,000 of the general fund—state appropriation for fiscal year 2022 and $2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer grants to diaper banks for the purchase of diapers, wipes, and other essential baby products, for distribution to families in need. The department must give priority to providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity.

(125)(a) $5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grant funds to Clallam county to support the preservation of private marine transportation activities and jobs associated with such activities that have been directly impacted by the closure of the United States-Canada border during the COVID-19 pandemic.

(b) To be eligible for a grant from the county under this subsection the business must:

(i) Apply for or have applied for the grant from the county;

(ii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iii) Provide documentation to demonstrate that the expense is not funded by any other government or private entity;

(iv) Demonstrate the business was actively engaged in business, and as a result of the border closures the business temporarily totally closed operations;

(v) Have experienced at least a significant reduction in business income or activity related to United States-Canada border closures;

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public regulations including health and safety measures;

(vii) Demonstrate significant economic contribution of their business to the state and local economy; and

(viii) Be a majority United States owned entity operating a United States flag vessel registered and operated under the laws of the United States.

(c) Grant funds may be used only for expenses incurred on or after March 1, 2020. Eligible expenses for grant funds include:

(i) Upgrading physical workplaces to adhere to new safety or sanitation standards;

(ii) Procuring required personal protective supplies for employees and business patrons and clients;

(iii) Updating business plans;

(iv) Employee costs, including payroll, training, and onboarding;

(v) Rent, lease, mortgage, insurance, and utility payments;

(vi) Securing inventory, supplies, and services for operations; and

(vii) Maintenance and operations costs associated with vessel operations.

(d) The county must submit a report to the department by June 30, 2022, outlining the use of funds, specific expenditures of the grantees, and revenue and expenses of the grantees including additional government or private funds or grants received.

(126) $1,656,000 of the general fund—state appropriation for fiscal year 2022 and $1,615,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to publish the guidelines and guidance set forth in (a), (b), and (c) of this subsection. The department shall publish the guidelines and guidance described in (a), (b), and (c) of this subsection no later than June 30, 2023. From amounts provided in this subsection, pursuant to an interagency agreement, the department shall provide funding to the department of ecology, the department of health, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department to fund activities that support the work specified in (a), (b) and (c) of this subsection.

(a) The department, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that provide a set of actions counties and cities may take, under existing statutory authority, through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce greenhouse gas emissions in order to achieve the statewide greenhouse gas emissions reductions set forth in RCW 70A.45.020(1), allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities.

(b) The department, in consultation with the department of transportation, shall publish guidelines that specify a set of actions counties and cities may take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

(c) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies subject to the following provisions:

(i) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting natural areas resilient to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(ii) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns;

(iii) The model element must recognize and promote as many cobenefits of climate resilience as possible, such as salmon recovery, ecosystem services, and supporting treaty rights; and

(iv) The model element must prioritize actions in communities that will disproportionately suffer from compounding environmental impacts and

will be most impacted by natural hazards due to climate change and may draw upon the most recent health disparities data from the department of health to identify disproportionately burdened communities.

(d) If the department publishes any subsequent updates to the guidelines published pursuant to (a) or (b) of this subsection, the department shall include in any such update a determination of whether adequate progress has been made toward the statewide greenhouse gas and per capita vehicle miles traveled reduction goals. If adequate progress is not being made, the department must identify in any updates to the guidelines what additional measures cities and counties may take in order to make further progress.

(e) The department, in the course of implementing this subsection, shall provide and prioritize options that support housing diversity and that assist counties and cities in meeting greenhouse gas emissions reduction and other requirements established under chapter 70A.45 RCW.

(127) $240,000 of the general fund—state appropriation for fiscal year 2022 and $95,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of children, youth, and families to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(128) $10,000,000 of the Washington housing trust account—state appropriation is provided solely for housing that serves people with intellectual and developmental disabilities.

NEW SECTION. **Sec. 130. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2022) $903,000

General Fund—State Appropriation (FY 2023) $964,000

Lottery Administrative Account—State Appropriation $50,000

TOTAL APPROPRIATION $1,917,000

NEW SECTION. **Sec. 131. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2022) $16,022,000

General Fund—State Appropriation (FY 2023) $15,819,000

General Fund—Federal Appropriation $32,507,000

General Fund—Private/Local Appropriation $531,000

Economic Development Strategic Reserve Account—State

Appropriation $329,000

Workforce Education Investment Account—State

Appropriation $100,000

Personnel Service Account—State Appropriation $23,431,000

Higher Education Personnel Services Account—State

Appropriation $1,497,000

Statewide Information Technology System Development

Maintenance and Operations Revolving Account—

State Appropriation $102,037,000

Office of Financial Management Central Service

Account—State Appropriation $21,945,000

Performance Audits of Government Account—State

Appropriation $672,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $1,560,000

TOTAL APPROPRIATION $216,450,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily

accessible. The data to be reported must include but not be limited to:

(i) The number of Washington college grant and college bound recipients;

(ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;

(iii) Washington college grant recipients grade point averages; and

(iv) Washington college grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(2) $100,000 of the workforce education investment account—state appropriation is provided solely to the office of financial management to implement career connected learning.

(3)(a) $102,037,000 of the information technology system development revolving account—state appropriation, $162,000 of the personnel services account—state appropriation, and $162,000 of the office of financial management central services account—state appropriation are provided solely for the one Washington enterprise resource planning statewide program. Of this amount:

(i) $7,756,000 of the information technology system development revolving account—state appropriation is provided solely for an organizational change management pool to pay for phase 1A (agency financial reporting system replacement—core financials) state agency organizational change management resources. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(ii) $22,000,000 of the information technology system development revolving account—state appropriation is provided solely for a technology pool to pay for phase 1A (agency financial reporting system replacement—core financials) state agency costs due to work associated with impacted financial systems and interfaces. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(iii) $1,326,000 of the information technology system development revolving account—state appropriation is provided solely for three dedicated information technology consultant staff to be contracted from the office of the chief information officer. These staff will work with state agencies to ensure preparation and timely decommission of information technology systems that will no longer be necessary post implementation of phase 1A (agency financial reporting system replacement—core financials);

(iv) $4,609,000 of the information technology system development revolving account—state appropriation is provided solely for maintenance and operations costs for phase 1A (agency financial reporting system replacement—core financials), which will begin in fiscal year 2023;

(v) $9,153,000 of the information technology system development revolving account—state appropriation is provided solely for phase 1B (procurement and extended financials) in fiscal year 2022;

(vi) $162,000 of the personnel services account—state appropriation is provided solely for a dedicated staff for phase 2 (human resources) coordination; and

(vii) $162,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated staff for phase 3 (budget) coordination.

(b) Beginning July 1, 2021, the office of financial management shall provide written quarterly reports, within 30 calendar days of the end of each fiscal quarter, to legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to the budget spending plan for the prior quarter by fiscal month and what the ensuing quarter budget will be by fiscal month. All reporting must be separated by phase of one Washington subprojects. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the associated expenditures by each deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged compared to the budget spending plan by month for each

contracted vendor and what the ensuing contract equivalent budget spending plan assumes by fiscal month;

(iii) A report identifying each state agency that applied for and received organizational change management pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to budget spending plan;

(iv) A report identifying each state agency that applied for and received technology pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to the budget spending plan;

(v) A report on budget spending plan by fiscal month by phase compared to actual spending by fiscal month; and

(vi) A report on current financial office performance metrics that at least 10 state agencies use, to include the monthly performance data, starting July 1, 2021.

(c) Prior to spending any funds, the director of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(4) $250,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated information technology budget staff for the work associated with statewide information technology projects that are under the oversight of the office of the chief information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account after each fiscal month close;

(b) Amount by information technology project, differentiated if in the technology pool or the agency budget, of what funding has been approved to date and for the last fiscal month;

(c) Amount by agency of what funding has been approved to date and for the last fiscal month;

(d) Total amount approved to date, differentiated if in the technology pool or the agency budget, and for the last fiscal month;

(e) A projection for the information technology pool account by fiscal month through the 2021-2023 fiscal biennium close, and a calculation spent to date as a percentage of the total appropriation;

(f) A projection of each information technology project spending compared to budget spending plan by fiscal month through the 2021-2023 fiscal biennium, and a calculation of amount spent to date as a percentage of total project cost; and

(g) A list of agencies and projects that have not yet applied for nor been approved for funding by the office of financial management.

(5) $12,741,000 of the personnel service account—state appropriation is provided solely for administration of orca pass benefits included in the 2021-2023 collective bargaining agreements and provided to nonrepresented employees. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited into the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(6) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(7)(a) The office of financial management statewide leased facilities oversight team must identify opportunities to reduce statewide leased facility space given the change in business practices since 2020 whereby many state employees were mostly working remotely and may continue to do so going forward, or at least more state employees are anticipated to work remotely than in calendar year 2019.

(b) The office of financial management will work to identify opportunities for

downsizing office space and increased collocation by state agencies, especially for any leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(c) The office of financial management must, in collaboration with the department of enterprise services, identify and make recommendations on reduction in leased office space by agency for fiscal years 2024 and 2025. The analysis must include detailed information on any reduced costs, such as lease contract costs, and include at least:

(i) Agency name;

(ii) Lease contract number and term (start and end date);

(iii) Contract amount by fiscal year; and

(iv) Current and future projected collocated agency tenants.

(d) The office of financial management must submit a report responsive to (a), (b), and (c) of this subsection to fiscal and appropriate policy committees of the legislature by June 30, 2022.

(8) $105,000 of the general fund—state appropriation for fiscal year 2022 and $68,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9) $79,000 of the general fund—state appropriation for fiscal year 2022 and $79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staffing for the sentencing guidelines commission.

(10) $90,000 of the general fund—state appropriation for fiscal year 2022 and $166,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of financial management to complete the following activities:

(a) By December 1, 2022, and consistent with RCW 43.01.036, the office of financial management must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act (chapter 90.58 RCW), the growth management act (chapter 36.70A RCW), construction projects in state waters (chapter 77.55 RCW), and the model toxics control act.

(b) In developing the report under this section, the office of financial management must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including but not limited to cities, counties, ports, the department of ecology, the department of fish and wildlife, and the department of commerce.

(c) The report must include:

(i) Development of a definition, objectives, and goals for the standard of net ecological gain;

(ii) An assessment and comparison analysis of opportunities and challenges, including legal issues and costs on state and local governments to achievement of overall net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, development, and land use law or rule; and

(iv) An assessment of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve

substantial additional environmental or social co-benefits.

(11) $158,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the work of the office of financial management to conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records in section 953 of this act.

(12)(a) $150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of financial management to provide recommendations, as described in (b) of this subsection, on the procedure for providing an equity impact statement for legislative proposals, and content and format requirements for the equity impact statement.

(b) By July 1, 2022, the office of financial management must submit a report to the governor, appropriate committees of the legislature, and statutory commissions that details recommendations on:

(i) The procedure for providing an equity impact statement for legislative proposals;

(ii) The format and content requirements for the equity impact statement;

(iii) A plan, including information technology additions or revisions, necessary to provide equity impact statements;

(iv) Recommendations on which office or agency should be principally responsible for coordinating the provision of equity impact statements with state agencies; and

(v) Recommendations on any policy changes needed to implement the provision of equity impact statements.

(c) For the purpose of implementing this subsection, the office of financial management may contract with an entity or entities that have expertise in equity impact assessments.

(d) The office of financial management must consult with the governor's interagency council on health disparities and the office of equity in developing the procedures, and content and format requirements.

(e) For purposes of this subsection, "statutory commission" means the Washington state commission on African American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, the Washington state women's commission established in chapter 43.119 RCW, the Washington state LGBTQ commission established in chapter 43.114 RCW, and the human rights commission established in chapter 49.60 RCW.

(13) $785,000 of the general fund—state appropriation for fiscal year 2022 and $960,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1267 (police use of force). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) $172,000 of the general fund—state appropriation for fiscal year 2022 and $167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of financial management to assist the health care authority, the department of social and health services, and the department of health in coordinating efforts to transform the behavioral health system and improve the collection and availability of data. Within these amounts, the office must provide direction and ensure coordination between state agencies in the forecasting of forensic and long-term civil commitment beds, transition of civil long-term inpatient capacity from state hospital to community settings, and efforts to improve the behavioral health crisis response system. Sufficient funding within this section is provided for the staff support and other costs related to the crisis response improvement strategy committee established in section 104 of Engrossed

Second Substitute House Bill No. 1477 (national 988 system).

NEW SECTION. **Sec. 132. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State

Appropriation $71,650,000

Administrative Hearings Revolving Account—Local

Appropriation $12,000

TOTAL APPROPRIATION $71,662,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $22,346,000 of the administrative hearings revolving account—state appropriation is provided solely for staffing to resolve unemployment insurance appeals. The funding is provided to meet the temporary increase in unemployment insurance hearing appeals, which began in fiscal year 2021, and to reduce the appeal to resolution wait time.

(2) $154,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & corrections officers). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) $86,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of chapter 2, Laws of 2021 (Engrossed Substitute Senate Bill No. 5061) (unemployment insurance). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(4) $12,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(5) $150,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(6) $161,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care and early development programs). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(7) $19,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 133. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation $29,759,000

TOTAL APPROPRIATION $29,759,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

NEW SECTION. **Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2022) $443,000

General Fund—State Appropriation (FY 2023) $464,000

TOTAL APPROPRIATION $907,000

NEW SECTION. **Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022) $421,000

General Fund—State Appropriation (FY 2023) $431,000

TOTAL APPROPRIATION $852,000

NEW SECTION. **Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense Account—

State Appropriation $71,462,000

TOTAL APPROPRIATION $71,462,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $6,007,000 of the department of retirement systems expense account—state appropriation is provided solely for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) $619,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Senate Bill No. 5367 (inactive retirement accounts). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) $7,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(4) $286,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5021 (effects of expenditure reduction). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 137. FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2022) $167,182,000

General Fund—State Appropriation (FY 2023) $411,796,000

Timber Tax Distribution Account—State Appropriation $7,314,000

Business License Account—State Appropriation $20,335,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation $162,000

Model Toxics Control Operating Account—State

Appropriation $118,000

Financial Services Regulation Account—State

Appropriation $5,000,000

TOTAL APPROPRIATION $611,907,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,056,000 of the general fund—state appropriation for fiscal year 2022 and $409,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2021 revenue legislation.

(2)(a) $1,303,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(b)(i) Members serving on the tax structure work group as of the effective date of this section may continue serving on the work group. Any member not wishing to continue serving on the tax structure work group must provide written notice to the work group and the vacancy must be filled as provided in (c) of this subsection.

(ii) The work group must include the following voting members:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department of revenue;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(c) Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within 60 days of notice of the vacancy. The work group must choose a chair or cochairs from among its legislative membership. The chair is, or cochairs are, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(d) The duties of the work group are to:

(i) By December 1, 2019, convene no less than one meeting to elect a chair, or cochairs, and conduct other business of the work group;

(ii) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (f) of this subsection;

(iii) By May 31, 2021, the work group must:

(A) Hold no less than one meeting in Olympia or virtually to review the preliminary findings described in (f) of this subsection. At least one meeting must engage stakeholder groups, as described in (e)(i) of this subsection;

(B) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (f) of this subsection;

(C) Present the summary report described in (d)(ii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(D) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (e)(ii) of this subsection; and

(E) Finalize the logistics of the engagement strategies described in (d)(iv) of this subsection;

(iv) After the conclusion of the 2021 legislative session, the work group must:

(A) Hold no less than five public meetings organized by geographic region (in person or online) with special consideration for regional geographies throughout the state, rural areas, and border communities;

(B) Participate in no less than 10 existing meetings of various associations, community-based organizations, nonprofits, and similar groups in order to engage low-income and middle-income taxpayers, communities of color, senior citizens, and people with disabilities;

(C) Participate in no less than 10 existing meetings of various business and agricultural associations, chambers of commerce, ports, associate development organizations, and similar groups in order to engage small, start-up, and low-margin businesses, and other businesses;

(D) Hold no less than three listening sessions in a language other than English to engage taxpayers who speak languages including, but not limited to, Spanish, Vietnamese, Russian, and Somali;

(E) Present the findings described in (f) of this subsection and alternatives to the state's current tax structure at the public meetings utilizing a range of methods that account for different learning styles including, but not limited to, written documents, videos, animations, and graphics;

(F) Provide an opportunity at the public and other meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(G) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys,

online surveys, written testimony, and public testimony;

(H) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts (whether in person or online);

(I) Inform local elected officials about the public meetings that occur within and near their communities (whether in person or online);

(J) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (d)(ii) of this subsection; and

(K) To the degree it is practicable, conduct analysis of the current tax structure and proposed alternatives to estimate the impact on taxpayers, including tax paid as a share of household income for various racial and ethnic groups as reported in the most current census data available, American community survey, or other similar data sources;

(v) During the 2022 legislative session, the work group must:

(A) Present the findings and reports described in (d)(ii) of this subsection to the appropriate committees of the legislature; and

(B) Be available to deliver a presentation to or participate in a work session for the appropriate committees of the legislature, or both;

(vi) Between the conclusion of the 2022 legislative session and December 31, 2022, the work group is directed to finalize policy recommendations and develop legislation to implement modifications to the tax structure, informed by the findings described in (d)(ii) of this subsection and the feedback received from taxpayers as reflected in the report described in (d)(iv) of this subsection. Legislative proposals recommended by the work group may not collectively result in a loss of revenue to the state as compared to the November 2022 biennial revenue forecast published by the economic and revenue forecast council. In making the recommendations, the work group must be guided by the following principles for a well designed tax system: Equity, adequacy, stability, and transparency;

(vii) During the 2023 legislative session, it is the intent of the legislature to consider the proposal described in (d)(vi) of this subsection;

(viii) If the proposal is not adopted during the 2023 legislative session, the work group is directed to host no less than three public meetings to collect feedback on the legislation proposed in the 2023 session, and may also collect feedback on other proposals under consideration by the work group, subject to the availability of funds in the 2023-2025 biennial budget. The work group is directed to modify the proposal to address the feedback collected during the public meetings;

(ix) During the 2024 legislative session, it is the intent of the legislature to consider the modified proposal described in (d)(iv) of this subsection; and

(x) By December 31, 2024, subject to the availability of funds in the 2023-2025 biennial budget, the work group is directed to submit a final report that is a compilation of all other reports previously submitted since July 1, 2019, and may include additional content to summarize final activities of the tax structure work group and related legislation, in compliance with RCW 43.01.036, to the appropriate committees of the legislature.

(e)(i) The stakeholder groups referenced by (d)(iii)(A) of this subsection must include, at a minimum, organizations and individuals representing the following:

(A) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(B) Individual taxpayers with income at or below 100 percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(ii) The presentation referenced in (d)(iii)(D) of this subsection must include the following elements:

(A) The findings and alternatives included in the summary report described in (d)(ii) of this subsection; and

(B) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure, including presenting the findings described in (f) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(f) The duties of the department, with assistance of one or more technical advisory groups, are to:

(i) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(A) Update the data and research that informed the recommendations and other analysis contained in the final report;

(B) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(C) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(D) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (f)(i)(B) and (C) of this subsection; and

(E) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before May 21, 2019;

(ii) With respect to the recommendations in the final report of the 2018 tax structure work group:

(A) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(iii) Analyze our economic competitiveness with border states:

(A) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (f)(iii)(A) of this subsection;

(iv) Analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(v) Conduct, to the degree it is practicable, tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(vi) Present findings and alternatives, to the degree it is practicable, by geographic area, in addition to statewide; and

(vii) Conduct other analysis as directed by the work group.

(3) $292,000 of the general fund—state appropriation for fiscal year 2022 and $162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 4, Laws of 2021 (SHB 1095) (emergency assistance/tax).

(4) $212,000 of the general fund—state appropriation for fiscal year 2022 and $33,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1477 (national 988 system). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) $213,000 of the general fund—state appropriation for fiscal year 2022 and $55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5000 (hydrogen/electric vehicles). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(6) $2,489,000 of the general fund—state appropriation for fiscal year 2022 and $4,189,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(7) $100,000 of the general fund—state appropriation for fiscal year 2022 and $11,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5220 (salmon recovery grants/tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) $7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5251 (tax and revenue laws). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(9) $115,000 of the general fund—state appropriation for fiscal year 2022 and $44,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5396 (farmworker housing/tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(10) $97,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1480 (liquor licensee privileges). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(11) $4,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Senate Bill No. 5454 (prop. tax/natural disasters). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(12) $5,467,000 of the general fund—state appropriation for fiscal year 2022 and $255,513,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1297 (working families tax exempt.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse. Of the total amounts provided in this subsection:

(a) $5,467,000 of the general fund—state appropriation for fiscal year 2022 and $13,513,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the working families tax exemption program; and

(b) $242,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for remittances under the working families tax exemption program.

(13) Within the amounts appropriated in this section, the department must convene a stakeholder work group to analyze and develop recommendations on future taxation of digital products that are used in the electronic processing of prescriptions to avoid increases in the cost of providing prescription drugs to consumers. The analysis and recommendations must be submitted in a report to the appropriate committees of the legislature by December 1, 2021.

NEW SECTION. **Sec. 138. FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2022) $2,631,000

General Fund—State Appropriation (FY 2023) $2,652,000

TOTAL APPROPRIATION $5,283,000

NEW SECTION. **Sec. 139. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2022) $1,975,000

General Fund—State Appropriation (FY 2023) $1,564,000

Minority and Women's Business Enterprises Account—

State Appropriation $4,607,000

TOTAL APPROPRIATION $8,146,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of minority and women's business enterprises shall consult with the Washington state office of equity on the Washington state toolkit for equity in public spending.

(2) $135,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Senate Bill No. 5032 (alternative public works contracting procedures). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) $851,000 of the general fund—state appropriation for fiscal year 2022 and $675,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1259 (women and minority contracting). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 140. FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation $4,633,000

Insurance Commissioner's Regulatory Account—State

Appropriation $66,336,000

Insurance Commissioner's Fraud Account—State

Appropriation $3,603,000

TOTAL APPROPRIATION $74,572,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $234,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5315 (captive insurance). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(2) $64,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5313 (health ins. discrimination). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) $24,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(4) $3,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(5) $649,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(6) $83,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Substitute Senate Bill No. 5003 (living donor act). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(7)(a) $75,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for a service utilization, cost, and implementation analysis of requiring coverage for the hearing instruments benefit described in House Bill No. 1047 (hearing instruments/children) for

children who are 18 years of age or younger and for children and adults.

(b) The commissioner must contract with one or more consultants to:

(i) Obtain projected utilization and cost data from Washington state health carriers for health plans, as defined in RCW 48.43.005, to provide an estimate of aggregate statewide utilization and cost impacts of the coverage described in House Bill No. 1047 (hearing instruments/children) separately for children who are 18 years of age or younger and for children and adults, expressed as total annual cost and as a per member per month cost;

(ii) Assess the impact of federal and state health care nondiscrimination laws on the scope of the benefit described in House Bill No. 1047 (hearing instruments/children); and

(iii) Provide recommendations for distributing state payments to defray the cost of the benefit coverage described in House Bill No. 1047 (hearing instruments/children) for health carriers.

(c) The commissioner must report the findings of the analysis to the appropriate committees of the legislature by December 15, 2021.

NEW SECTION. **Sec. 141. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State

Appropriation $65,134,000

TOTAL APPROPRIATION $65,134,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $4,464,000 of the state investment board expense account—state appropriation is provided solely for investment data software, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) During the 2021-2023 fiscal biennium, the Washington state investment board shall provide the law enforcement officers' and firefighters' plan 2 retirement board use of the investment board main conference room. The law enforcement officers' and firefighters' plan 2 retirement board must be allowed to use the board room for at least five hours on one day per month during regular business hours. Any additional direct costs incurred by the investment board due solely to the use of the conference room by the retirement board may be reimbursed by the law enforcement officers' and firefighters' plan 2 retirement board, consistent with any investment board policies on reimbursement for this facility applied to other major clients and investment partners.

NEW SECTION. **Sec. 142. FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2022) $388,000

General Fund—State Appropriation (FY 2023) $417,000

General Fund—Federal Appropriation $3,013,000

General Fund—Private/Local Appropriation $75,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $11,575,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $11,608,000

Liquor Revolving Account—State Appropriation $82,347,000

TOTAL APPROPRIATION $109,423,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) Of the liquor revolving account—state appropriation, $4,939,000 for fiscal year 2022 and $2,065,000 for fiscal year 2023 are provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) $1,441,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 48, Laws of 2021 (E2SHB 1480) (liquor licensee privileges).

(4) $58,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 6, Laws of 2021 (ESSB 5272) (liquor & cannabis board fees).

(5) $38,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 is provided solely to implement Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). If the bill is not enacted by June 30, 2021, the amount provided in this section shall lapse.

NEW SECTION. **Sec. 143. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2022) $251,000

General Fund—State Appropriation (FY 2023) $199,000

General Fund—Private/Local Appropriation $16,591,000

Public Service Revolving Account—State Appropriation $42,430,000

Public Service Revolving Account—Federal

Appropriation $100,000

Pipeline Safety Account—State Appropriation $3,435,000

Pipeline Safety Account—Federal Appropriation $3,140,000

TOTAL APPROPRIATION $66,146,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to $800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) $137,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) $179,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5295 (gas & electric rates). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(4)(a) $251,000 of the general fund—state appropriation for fiscal year 2022 and $199,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to examine feasible and practical pathways for investor-owned electric and natural gas utilities to contribute their share to greenhouse gas emissions reductions as described in RCW 70A.45.020, and the impacts of energy decarbonization on residential and commercial customers and the electrical and natural gas utilities that serve them.

(b) The examination required in (a) of this subsection must identify and consider:

(i) How natural gas utilities can decarbonize;

(ii) The impacts of increased electrification on the ability of electric utilities to deliver services to current natural gas customers reliably and affordably;

(iii) The ability of electric utilities to procure and deliver electric power to reliably meet that load;

(iv) The impact on regional electric system resource adequacy, and the transmission and distribution infrastructure requirements for such a transition;

(v) The costs and benefits to residential and commercial customers, including environmental, health, and economic benefits;

(vi) Equity considerations and impacts to low-income customers and highly impacted communities; and

(vii) Potential regulatory policy changes to facilitate decarbonization of the services that gas companies provide while ensuring customer rates are fair, just, reasonable, and sufficient.

(c) The commission may require data and analysis from investor-owned natural gas and electric utilities, and consumer owned utilities may submit data to the commission to inform the investigation. The results of the examination must be

reported to the appropriate legislative committees by June 1, 2023.

(5) $76,000 of the public service revolving account—state appropriation is provided solely to implement Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(6) $36,000 of the public service revolving account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1114 (urban heat island mitigation). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 144. FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2022) $10,500,000

General Fund—State Appropriation (FY 2023) $9,502,000

General Fund—Federal Appropriation $120,157,000

Enhanced 911 Account—State Appropriation $53,834,000

Disaster Response Account—State Appropriation $42,370,000

Disaster Response Account—Federal Appropriation $920,106,000

Military Department Rent and Lease Account—State

Appropriation $994,000

Military Department Active State Service Account—

State Appropriation $400,000

Oil Spill Prevention Account—State Appropriation $1,040,000

Worker and Community Right to Know Fund—State

Appropriation $1,832,000

TOTAL APPROPRIATION $1,160,735,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2021-2023 biennium based on current revenue and expenditure patterns.

(2) $40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) $11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(4) $784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) $200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staff.

(6) $1,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to assist eligible individuals and families with the purchase of household appliances. The maximum grant to an eligible individual or household is $2,500. Grants will be awarded on a first-come, first-serve basis subject to availability of amounts provided in this subsection. For purposes of this subsection, "household appliance" means a machine that assists with household functions such as cooking, cleaning and food preservation. To be eligible, an individual or family must:

(a) Be a resident of Douglas, Okanogan, Pierce, or Whitman county;

(b) Have suffered damage to their home or was displaced from a rental unit used as their primary residence due to a wildfire occurring in fiscal year 2021;

(c) Not have or have inadequate private insurance to cover the cost of household appliance replacement;

(d) Not qualify for individual assistance through the federal emergency management agency; and

(e) Meet one of the following criteria:

(i) Is disabled;

(ii) Has a household income equal to or less than 80 percent of county median household income;

(iii) The home qualified for the property tax exemption program in RCW 84.36.379 through 84.36.389; or

(iv) The home qualified for the property tax deferral program in chapter 84.38 RCW.

(7) $2,136,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the emergency management performance grants according to federal laws and guidelines.

(8) $3,808,000 of the disaster response account—state appropriation and $46,039,000 of the disaster response account—federal appropriation are provided solely for agency costs for acquiring personal protective equipment as listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021. The department must coordinate with the agencies who have costs listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021, to ensure application to the federal emergency management agency for reimbursement.

(9)(a) $251,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the military department to facilitate a task force to conduct a comprehensive after-action review of the statewide pandemic response and recovery.

(b) The task force is composed of the following members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(iii) The secretary of the department of health, or the secretary's designee;

(iv) The adjutant general of the military department, or the adjutant general's designee;

(v) The commissioner of the employment security department, or the commissioner's designee;

(vi) The director of the department of financial institutions, or the director's designee;

(vii) The insurance commissioner, or the commissioner's designee;

(viii) The secretary of the department of social and health services, or the secretary's designee;

(ix) The superintendent of public instruction, or the superintendent's designee;

(x) The director of the department of labor and industries, or the director's designee;

(xi) The director of the department of commerce, or the director's designee;

(xii) The director of the department of enterprise services, or the director's designee;

(xiii) The secretary of the department of transportation, or the secretary's designee;

(xiv) The director of the department of licensing, or the director's designee;

(xv) The director of the office of financial management, or the director's designee;

(xvi) The director of the health care authority, or the director's designee;

(xvii) The executive director of the pharmacy quality assurance commission, or the executive director's designee;

(xviii) One member representing the Washington association of sheriffs and police chiefs;

(xix) One member representing the association of Washington businesses; and

(xx) Additional members to be appointed by the governor, as follows:

(A) One member representing the office of the governor;

(B) One member representing the association of Washington cities;

(C) One member representing the Washington state association of counties;

(D) One member representing emergency and transitional housing providers;

(E) One member representing a statewide association representing physicians;

(F) One member representing a statewide association representing nurses;

(G) One member representing a statewide association representing hospitals;

(H) One member representing community health centers;

(I) Two members representing local public health officials;

(J) Two members representing local emergency management agencies, one member located west of the crest of the Cascade mountains and one member located east of the crest of the Cascade mountains;

(K) At least one member representing federally recognized tribes;

(L) Up to 10 members representing demographic groups that have been disproportionately impacted by the COVID-19 pandemic, that include, but are not limited to, individuals of different race, class, gender, ethnicity, and immigration status;

(M) One member representing leisure and hospitality industries;

(N) One member representing education services; and

(O) One member representing manufacturing and trade industries.

(c) The adjutant general, or the adjutant general's designee, and the secretary of the department of health, or the secretary's designee, shall cochair the task force and convene its initial meeting.

(d)(i) The task force shall conduct the comprehensive after-action review of the COVID-19 pandemic response in accordance with established national standards for emergency or disaster after-action reviews. In order to improve the response to and recovery from future pandemics, the task force shall develop lessons learned and make recommendations that include, but are not limited to, the following:

(A) Aspects of the COVID-19 response that may inform future pandemic and all-hazards responses;

(B) Emergency responses that would benefit the business community and workers during a pandemic;

(C) Standards regarding flexible rent and repayment plans for residential and commercial tenants during a pandemic;

(D) Whether establishing regional emergency management agencies would benefit Washington state emergency response to future pandemics;

(E) Gaps and needs for volunteers to support medical professionals in performing their pandemic emergency response functions within Washington state;

(F) Gaps and needs for tools to measure the scale of an impact caused by a pandemic and tailoring the pandemic response to affected regions based on the scale of the impact in those regions;

(G) Gaps and needs in health care system capacity and case tracking, monitoring, control, isolation and quarantine, and deploying medical supplies and personnel; and

(H) Implementing guidelines for school closures during a pandemic.

(ii) The topics identified in (i) of this subsection (7)(d) are intended to be illustrative but not exhaustive. The task force should consider issues relating to equity, disparities, and discrimination in each topic it studies and for which it makes recommendations.

(e) The military department must provide staff support for the task force. The military department may employ staff and contracted support to fulfill the requirements of this subsection.

(f) The task force shall consult with owners of small businesses, epidemiologists, and representatives of immigrant communities.

(g) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(h) The task force shall report its initial findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2022. The task force shall report its final findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2023.

(10)(a) Within amounts appropriated in this act, the department must coordinate with the department of commerce in the administration of the grant program created in section 129(88) of this act.

(b) If the federal emergency management agency provides reimbursement for any portion of the costs incurred by a city or county that were paid for using state grant funding provided under section 129(88) of this act, the military department shall remit the reimbursed funds to the state general fund.

(c) The department must provide technical assistance for the public assistance program application process to applicants to the grant program created in section 129(88) of this act.

NEW SECTION. **Sec. 145. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2022) $2,401,000

General Fund—State Appropriation (FY 2023) $2,371,000

Personnel Service Account—State Appropriation $4,382,000

Higher Education Personnel Services Account—State

Appropriation $1,407,000

TOTAL APPROPRIATION $10,561,000

The appropriations in this section are subject to the following conditions and limitations: $52,000 of the general fund—state appropriation for fiscal year 2022 and $5,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 146. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State

Appropriation $4,438,000

TOTAL APPROPRIATION $4,438,000

NEW SECTION. **Sec. 147. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation $4,960,000

TOTAL APPROPRIATION $4,960,000

The appropriation in this section is subject to the following conditions and limitations: $3,930,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

NEW SECTION. **Sec. 148. FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation $753,000

TOTAL APPROPRIATION $753,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) $250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(b) Of the amounts provided in this subsection, $30,000 of the death investigations account—state appropriation is provided solely for the Adams county crime lab to investigate a double homicide that occurred in fiscal year 2021.

(2) $210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

NEW SECTION. **Sec. 149. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2022) $5,976,000

General Fund—State Appropriation (FY 2023) $5,833,000

General Fund—Private/Local Appropriation $102,000

Building Code Council Account—State Appropriation $1,825,000

TOTAL APPROPRIATION $13,736,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $5,208,000 of the general fund—state appropriation for fiscal year 2022 and $5,269,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments $1,500,000 in fiscal year 2022 and $1,300,000 in fiscal year 2023.

(4) Within existing resources, beginning October 31, 2021, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements. The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.

(5) $162,000 of the general fund—state appropriation in fiscal year 2022 and $162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to waive rent fees and charges through June 30, 2023, for vendors who are blind business enterprise program licensees by the department of services for the blind and who lease space and operate food service businesses, inclusive of delis, cafeterias, and espresso stands, in state government buildings.

(6) Within existing resources, the state building code council, in collaboration with the LGBTQ commission, must develop a plan to incorporate into future Washington state building codes options for the design and construction of inclusive bathroom facilities that are consistent with a person's own gender expression or gender identity. Coordination must begin by September 1, 2021, and a preliminary report of the plan is due by September 1, 2022.

(7)(a) The department must work with the office of financial management to identify leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(b) The department must collaborate with the office of financial management on reduction in leased office space by agency for fiscal years 2024 and 2025.

(8)(a) The department must work collaboratively with at least each state agency that has fleet vehicles to discuss

the agency need for the number of fleet vehicles each agency has as of July 1, 2021. The department must identify and report, at least:

(i) The count of fleet vehicles by agency by type, and the cost by fund source by fiscal year for fiscal year 2019, 2020, 2021, 2022, and 2023 for agency fleet vehicles;

(ii) The mileage data by agency by fleet vehicle for fiscal year 2019, 2020, and 2021, and the estimates for fiscal year 2022 and 2023; and

(iii) The business justification for the amount of fleet vehicles in fiscal year 2022 and 2023, by agency, given the change in business practice from in-person to remote work and video conferencing that began in 2020.

(b) The department must submit the report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(9)(a) The department must examine the motor pool fleet to determine the need for the number of vehicles. The department must identify, at least:

(i) The count of motor pool vehicles by type;

(ii) The cost recovery needed by fiscal year for fiscal year 2021, 2022, and 2023. This must include the anticipated recovery by fund source by fiscal year for fiscal year 2021, 2022, and 2023;

(iii) The mileage data by motor pool vehicle for fiscal year 2019, 2020, and 2021, and the estimates for 2022 and 2023; and

(iv) The business justification for the amount of motor vehicles in fiscal year 2022 and 2023, given the change in business practice from in-person to remote work and video conferencing.

(b) The department must report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(10) $69,000 of the building code council account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water quality standards). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 150. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2022) $2,736,000

General Fund—State Appropriation (FY 2023) $2,779,000

General Fund—Federal Appropriation $2,948,000

General Fund—Private/Local Appropriation $14,000

TOTAL APPROPRIATION $8,477,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $103,000 of the general fund—state appropriation for fiscal year 2022 and $103,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) $500,000 of the general fund—state appropriation for fiscal year 2022 and $550,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington main street program, including $150,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 provided solely for a pilot project grant program for affiliate main street programs. From the amount provided in this subsection, the department may provide grants of up to $40,000 to the affiliate main street programs for staffing costs, capacity building, and other costs associated with establishing a local nonprofit organization focused solely on downtown revitalization. The department must prioritize affiliate main street programs in locations with a population under 20,000.

NEW SECTION. **Sec. 151. FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2022) $581,000

General Fund—State Appropriation (FY 2023) $531,000

Consolidated Technology Services Revolving Account—

State Appropriation $53,030,000

TOTAL APPROPRIATION $54,142,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $11,623,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) $2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least quarterly and post these to the statewide IT dashboard; and

(iii) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects to include opportunities for accountability and performance metrics.

(b) $2,960,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of privacy and data protection.

(2) $12,393,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for

information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) $4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

(10) $23,150,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies. The office must report annually to fiscal committees of the legislature beginning December 31, 2021, and each December 31 thereafter, on the count and type of licenses distributed by consolidated technology services to each state agency. The report must also separately report on the count and type of Microsoft 365 licenses that state agencies have in addition to those that are distributed by consolidated technology services so that the total count, type of license, and cost is known for statewide Microsoft 365 licenses.

(11)(a) The statewide information technology dashboard elements must include, at a minimum, the:

(i) Start date of the project;

(ii) End date of the project, when the project will close out and implementation will commence;

(iii) Term of the project in state fiscal years across all biennia to reflect the start of the project through the end of the project;

(iv) Total project cost from start date through the end date of the project in total dollars, and a subtotal of near general fund outlook;

(v) Near general fund outlook budget and actual spending in total dollars and by fiscal month for central service agencies that bill out project costs;

(vi) Start date of maintenance and operations;

(vii) Estimated annual state fiscal year cost of maintenance and operations after implementation and close out;

(viii) Actual spending by state fiscal year and in total for state fiscal years that have closed;

(ix) Date a feasibility study was completed; and

(x) A list of funding received by fiscal year by enacted session law, and how much was received citing chapter law as a list of funding provided by fiscal year.

(b) The office of the chief information officer may recommend additional elements to include but must have agreement with legislative fiscal committees and the office of financial management prior to including additional elements.

(c) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget and under oversight to include, at a minimum, posting on the dashboard:

(i) The budget funded level by project for each project under oversight within 30 calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2021, by December 31, 2021, for all projects that started prior to July 1, 2021;

(iii) The project historical expenditures through fiscal year 2022, by December 31, 2022, for all projects that started prior to July 1, 2022; and

(iv) Whether each project has completed a feasibility study.

(12) Within existing resources, consolidated technology services must collaborate with the department of enterprise services on the annual contract report that provides information technology contract information. Consolidated technology services will:

(a) Provide Apptio data to the department of enterprise services annually beginning September 1, 2021, and each September 1 of each year; and

(b) Provide analysis on contract information for all agencies comparing spending across state fiscal years by, at least, the contract spending towers.

(13) $129,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(14) $12,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the chief information officer who must convene a work group to examine how automated decision making systems can best be reviewed before adoption and while in operation and be periodically audited to ensure that such systems are fair, transparent, accountable and do not improperly advantage or disadvantage Washington residents.

(a) The work group must be composed of:

(i) A representative of the department of children, youth, and families;

(ii) A representative of the department of corrections;

(iii) A representative of the department of social and health services;

(iv) A representative of the department of enterprise services;

(v) At least two representatives from universities or research institutions who are experts in the design and effect of an algorithmic system; and

(vi) At least five representatives from advocacy organizations that represent communities that are disproportionately vulnerable to being harmed by algorithmic bias, including but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, people with disabilities, and other vulnerable communities.

(b) The purpose of the work group is to develop recommendations for changes in state law and policy regarding the development, procurement, and use of automated decision systems by public agencies. The work group must examine:

(i) When state agency use of automated decision making systems should be prohibited;

(ii) When state agency use of artificial intelligence-enabled profiling systems should be prohibited;

(iii) Changes in the procurement of automated decision systems, including when the procurement must receive prior approval by the office of chief information officer;

(iv) How to review, identify, and audit systems to ensure that the system prior to procurement and after placed into service does not discriminate against an individual, or treat an individual less favorably than another, in whole or in part, on the basis of one or more factors enumerated in RCW 49.60.010;

(v) How to provide public notice when an automated decision system is in use and how to appeal such decisions;

(vi) How automated decision system data should be stored and whether such data should be shared outside the system; and

(vii) Other issues determined by the office of chief information officer or the department of enterprise services that are necessary to govern state agency procurement and use of automated decision systems.

(c) To demonstrate the impacts of its recommendations, the work group must select one of following automated decision making systems and describe how their implementation would affect the procurement of a new system and the use the existing system:

(i) The department of children, youth, and families system used to determine risk in the family child welfare system;

(ii) The department of corrections system used to determine risk for purposes of evaluating early release and/or sentencing; or

(iii) The department of social and health services system used for hospital admissions.

(d) The work group shall meet at least four times, or more frequently to accomplish its work. The office of the chief information officer must lead the work group. Each of the state agencies identified in (a) of this subsection must provide staff support to the work group and its activities.

(e) The work group must submit a report to the fiscal committees of the legislature and the governor no later than December 1, 2021.

(f) For purposes of this subsection, "automated decision system" or "system" means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analysis or calculations to make or support government decisions, judgments, or conclusions that cause a Washington resident to be treated differently than another Washington resident in the nature or amount of governmental interaction with that individual including, without limitation, benefits, protections, required payments, penalties, regulations, timing, application, or process requirements.

(15) $81,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1274 (cloud computing solutions). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(16)(a) $381,000 of the general fund—state appropriation for fiscal year 2022 and $343,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the chief information officer to provide a common platform for hosting existing state data on natural hazards risks into a comprehensive, multihazard, statewide, geospatial data portal to assist with state hazard risk and resilience mapping and analysis. In performing this work, the office of the chief information officer will:

(i) Coordinate with the state emergency management division, office of the insurance commissioner, University of Washington climate impacts group and Washington sea grant, Washington State University water research center, and the state departments of ecology, health, natural resources, and transportation on the project scope, user needs, and deliverables;

(ii) Organize data in standardized and compatible formats including temporal data, where able; and

(iii) Address credentialing for secure access to protect sensitive data needed for risk analyses.

(b) By December 1, 2022, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a progress report to the relevant legislative committees on the development of the platform and data sharing agreements.

(c) By June 1, 2023, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a final report with recommendations for further enhancing natural hazards resiliency by using data to inform the development of a statewide resilience strategy.

(d) This subsection is subject to the conditions, limitations, and review of section 701 of this act.

(17) $1,493,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5432 (cybersecurity/state gov.). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 152. FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation $4,190,000

TOTAL APPROPRIATION $4,190,000

NEW SECTION. **Sec. 153. FOR THE LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' PLAN 2 RETIREMENT BOARD**

Law Enforcement Officers' and Firefighters' Plan 2

Expense Nonappropriated Fund—State

Appropriation $320,000

TOTAL APPROPRIATION $320,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for an additional full-time equivalent position to staff an ombuds services program. The ombuds services program will provide information and advice and assist members and survivors regarding the benefits and services for which they qualify.

PART II

HUMAN SERVICES

NEW SECTION. **Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion

for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

NEW SECTION. **Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

(1) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022) $435,890,000

General Fund—State Appropriation (FY 2023) $436,264,000

General Fund—Federal Appropriation $142,531,000

General Fund—Private/Local Appropriation $21,540,000

TOTAL APPROPRIATION $1,036,225,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) $311,000 of the general fund—state appropriation for fiscal year 2022 and $310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) $45,000 of the general fund—state appropriation for fiscal year 2022 and $45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) $19,000 of the general fund—state appropriation for fiscal year 2022 and $19,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(e) $135,000 of the general fund—state appropriation for fiscal year 2022 and $135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to

maintain an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2021, and December 1, 2022.

(g) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) By the first day of each December during the biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature which summarizes how the predictive modeling tool has been implemented and includes the following: (A) The numbers of individuals identified by the tool as having a high risk of future criminal justice involvement; (B) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care organizations and behavioral health administrative services organizations; (C) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (D) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(ii) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and November during the biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast based on the caseload forecast council's schedule for entitlement program forecasts.

(h) $5,049,000 of the general fund—state appropriation for fiscal year 2022 and $5,075,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(i) $7,147,000 of the general fund—state appropriation for fiscal year 2022 and $7,147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) $71,690,000 of the general fund—state appropriation for fiscal year 2022, $77,825,000 of the general fund—state appropriation for fiscal year 2023, and $2,541,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2021-2023 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(k) $76,029,000 of the general fund—state appropriation for fiscal year 2022 and $59,784,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(i) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(ii) By December 1, 2021, and December 1, 2022, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels, overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for

these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(iii) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(l) $10,581,000 of the general fund—state appropriation for fiscal year 2022 and $10,581,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for continuing to implement a new intensive care model program at western state hospital and maintaining prior investments in training and other safety-related staff support at both hospitals. A report must be submitted by December 1, 2021, and December 1, 2022, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and outcomes associated with the program. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(m) $2,593,000 of the general fund—state appropriation for fiscal year 2022 and $2,593,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

(n) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per thousand patient bed days; (iv) monthly dollar expenditures per thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per thousand patient bed days; (x) rate of patient assaults per thousand patient bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by the first day of each December of the biennium.

(o) $3,846,000 of the general fund—state appropriation for fiscal year 2022, $3,846,000 of the general fund—state appropriation for fiscal year 2023, and $7,692,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to 18 children.

(p) $2,941,000 of the general fund—state appropriation for fiscal year 2023 and $2,941,000 of the general fund—federal appropriation are provided

solely for the department to operate a 16 bed facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

(q) $1,382,000 of the general fund—state appropriation for fiscal year 2022, $5,092,000 of the general fund—state appropriation for fiscal year 2023, and $5,092,000 of the general fund—federal appropriation is provided solely for the department to operate a 16 bed facility on the Maple Lane campus to provide long-term inpatient care beds as defined in RCW 71.24.025. The facility must have the capacity to provide treatment services to individuals committed under chapter 71.05 RCW including individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, providing a description of the protocol and a status update on progress toward opening the new facility.

(r) $4,316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the Columbia cottage at Maple Lane as a 30 bed facility to serve individuals who have been acquitted of a crime by reason of insanity and subsequently ordered to receive treatment services under RCW 10.77.120. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward the opening of Columbia cottage.

(s) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(i) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2022 and fiscal year 2023.

(ii) Funding for civil beds at western state hospital is reduced during this period to allow for a phased reduction of six wards from 467 to 287 civil beds.

(iii) The closure of western state hospital civil wards shall be implemented according to the following schedule: (A) First ward closure by July 1, 2021; (B) second ward closure by November 1, 2021; (C) third ward closure by March 1, 2022; (D) fourth ward closure by July 1, 2022; (E) fifth ward closure by November 1, 2022; and (F) sixth ward closure by April 1, 2023.

(iv) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(v) The department shall coordinate with the health care authority toward development of the plan for increasing community capacity for long-term inpatient services required under section 215(67) of this act.

(vi) It is the intent of the legislature to close additional civil wards at western state hospital during the 2023-2025 fiscal biennium.

(vii) It is the intent of the legislature to stop using western state hospital buildings 17, 19, 20, and 21, which were built before the 1950s, for patient care by fiscal year 2027.

(t) $360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). The amount in this subsection is provided solely for the department's costs associated with providing access to and following up on referrals from behavioral health consumer advocates in state operated mental health facilities. The department must track the number of monthly cases in which access to behavioral health consumer advocates was provided for patients in state operated mental health facilities and the number of these which resulted in subsequent follow-up investigation by the department. The department must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the number of monthly cases and follow-up investigations by December 1, 2022, and a final report by June 30, 2023. If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022) $5,936,000

General Fund—State Appropriation (FY 2023) $5,929,000

General Fund—Federal Appropriation $366,000

TOTAL APPROPRIATION $12,231,000

NEW SECTION. **Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2022) $747,646,000

General Fund—State Appropriation (FY 2023) $948,278,000

General Fund—Federal Appropriation $2,086,801,000

General Fund—Private/Local Appropriation $4,058,000

Developmental Disabilities Community Services Account—State Appropriation $52,000,000

TOTAL APPROPRIATION $3,838,783,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is $225 per bed beginning in fiscal year 2022 and $225 per bed beginning in fiscal year 2023. A processing fee of $2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of $700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is $116 per bed beginning in fiscal year 2022 and $116 per bed beginning in fiscal year 2023.

(iii) The current annual renewal license fee for nursing facilities is $359 per bed beginning in fiscal year 2022 and $359 per bed beginning in fiscal year 2023.

(c) $2,648,000 of the general fund—state appropriation for fiscal year 2022, $8,946,000 of the general fund—state appropriation for fiscal year 2023, and $16,665,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(d) $291,000 of the general fund—state appropriation for fiscal year 2022,

$992,000 of the general fund—state appropriation for fiscal year 2023, and $1,844,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) $540,000 of the general fund—state appropriation for fiscal year 2022, $860,000 of the general fund—state appropriation for fiscal year 2023, and $1,881,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(f) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(g) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(h) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (h)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (h)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(i) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) $4,000 of the general fund—state appropriation for fiscal year 2022, $17,000 of the general fund—state appropriation for fiscal year 2023, and $23,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(k) The department will work with the health care authority and Washington state's managed care organizations to establish recommendations for clients who live in the community to access the developmental disabilities administration's facility-based professionals to receive care covered under the state plan. If feasible, these recommendations should detail how to enable facility-based professionals to deliver services at mobile or brick-and-mortar clinical settings in the community. The department must submit its recommendations to the appropriate legislative committees no later than December 1, 2021.

(l) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(m) $300,000 of the general fund—state appropriation for fiscal year 2023 and $226,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(n) $408,000 of the general fund—state appropriation for fiscal year 2022, $416,000 of the general fund—state appropriation for fiscal year 2023, and $474,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(o) $3,474,000 of the general fund—state appropriation for fiscal year 2022, $11,423,000 of the general fund—state appropriation for fiscal year 2023, and $15,262,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, group training home, and licensed staff residential services to individuals with developmental disabilities. The amounts provided in this subsection (o) include funding to increase the provider rate by 2.0 percent effective January 1, 2022, and by an additional 2.0 percent effective January 1, 2023. Both 2.0 percent rate increases must be used to support providers' ability to maintain direct care staff wages above the statewide minimum wage.

(p) The annual certification renewal fee for community residential service businesses is $859 per client in fiscal year 2022 and $859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(q) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of $485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(r) $39,000 of the general fund—state appropriation for fiscal year 2022, $49,000 of the general fund—state appropriation for fiscal year 2023, and $131,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(s) $1,705,000 of the general fund—state appropriation for fiscal year 2022, $1,688,000 of the general fund—state appropriation for fiscal year 2023, and $1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of 13 enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(t) $2,025,000 of the general fund—state appropriation for fiscal year 2022 and $2,006,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the development and implementation of 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(u) $18,733,000 of the general fund—state appropriation for fiscal year 2022 and $46,342,000 of the general fund—federal appropriation are provided solely to continue providing rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic through the end of calendar year 2021.

(v) $78,000 of the general fund—state appropriation for fiscal year 2022, $75,000 of the general fund—state appropriation for fiscal year 2023, and $113,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5284 (subminimum wage/disabilities). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(w) Funding in this section is sufficient to implement chapter 352, laws of 2020 (developmental disabilities budgeting), including a review of the no-paid services caseload and to update the information to accurately reflect a current headcount of eligible persons and the number of persons contacted who are currently interested in receiving a paid service. It is the intent of the legislature that the department will, as required in chapter 252, laws of 2020 (developmental disabilities budgeting), submit a report of this information to the governor and the appropriate committees of the legislature by December 1, 2021. It is also the intent of the legislature that the necessary paid services identified with completion of this report will be adequately funded by the conclusion of fiscal year 2024.

(x) $1,387,000 of the general fund—state appropriation for fiscal year 2022, $2,641,000 of the general fund—state appropriation for fiscal year 2023, and $4,250,000 of the general fund—federal appropriation are provided solely to increase the capacity of the children's intensive in-home behavioral supports waiver by 100 slots.

(y) $205,000 of the general fund—state appropriation for fiscal year 2022, $232,000 of the general fund—state appropriation for fiscal year 2023, and $590,000 of the general fund—federal appropriation are provided solely for the department of social and health services to examine the capabilities of the community residential settings and services; to improve cross-system coordination; and to begin the process of redesigning state-operated intermediate care facilities to function as short-term crisis stabilization and intervention. Of the amounts provided in this subsection (1)(y):

(i) $159,000 of the general fund—state appropriation for fiscal year 2022, $186,000 of the general fund—state appropriation for fiscal year 2023, and $310,000 of the general fund—federal appropriation are provided solely for the department of social and health services to:

(A) Beginning with the governor's budget proposal submitted in December 2022, submit a budget request for expenditures associated with anticipated demand for services under the individual and family services waiver, the basic plus waiver, and the number of individuals who are expected to reside in state-operated living alternatives for consideration by the governor and the legislature for inclusion in maintenance level budgets;

(B) Examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. A preliminary report must be submitted no later than October 1, 2022, with a final report submitted no later than October 1, 2023, to the governor and the appropriate committees of the legislature that estimates the number of beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for

these beds, provides options for utilizing existing intermediate care facilities to meet these needs, and recommends whether or not an increase to respite hours is needed;

(C) Contract with a private vendor for a study of medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(I) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(II) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(III) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring;

(D) Submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(I) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(II) Identification of any necessary changes to these procedures to ensure a more efficient and timely process for hiring and training staff; and

(III) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan;

(E) Collaborate with appropriate stakeholders to develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities and submit a report of these activities to the governor and the legislature no later than June 30, 2023;

(F) Collaborate with the developmental disabilities council to improve cross-system coordination and submit a report of the activities and any recommendations for policy or fiscal changes to the governor and the legislature no later than October 1, 2022, for consideration in the 2023 legislative session that describes collaborating with the developmental disabilities council to:

(I) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with cooccurring intellectual and developmental disabilities and mental health conditions;

(II) Work with Washington state's apprenticeship and training council, colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(III) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(IV) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate; and

(G) Develop procedures that ensure that placement in an intermediate care facility is temporary and submit a report of these efforts, including any necessary recommendations for policy or fiscal changes, to the governor and the legislature for consideration in the 2022 legislative session no later than November 1, 2021, that describes the development of procedures that ensure that:

(I) Clear, written, and verbal information is provided to the individual and their family member that explains that placement in the intermediate care facility is temporary and what constitutes continuous aggressive active treatment and its eligibility implications;

(II) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(III) When crisis stabilization services are available in the community, the individual is presented with the option to receive services in the community prior to placement in an intermediate care facility; and

(IV) When the individual has not achieved crisis stabilization after 60 days of initial placement in the intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's crisis stabilization care plan.

(ii) $46,000 of the general fund—state appropriation in fiscal year 2022, $46,000 of the general fund—state appropriation in fiscal year 2023, and $280,000 of the general fund—federal appropriation are provided solely to establish peer mentors to connect each client in an intermediate care facility with a mentor to assist in their transition planning. No later than November 1, 2021, the department of social and health services must submit a report describing these efforts and make any necessary recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2022 legislative session.

(z) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

(aa) $63,000 of the general fund—state appropriation for fiscal year 2022, $13,000 of the general fund—state appropriation for fiscal year 2023, and $77,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022) $115,635,000

General Fund—State Appropriation (FY 2023) $125,463,000

General Fund—Federal Appropriation $241,480,000

General Fund—Private/Local Appropriation $27,043,000

TOTAL APPROPRIATION $509,621,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) $495,000 of the general fund—state appropriation for fiscal year 2022 and $495,000 of the general fund—state appropriation for fiscal year 2023 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) $3,000 of the general fund—state appropriation for fiscal year 2022 and $10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a cost of living increase adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022) $2,639,000

General Fund—State Appropriation (FY 2023) $2,688,000

General Fund—Federal Appropriation $3,192,000

TOTAL APPROPRIATION $8,519,000

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2022) $61,000

General Fund—State Appropriation (FY 2023) $61,000

General Fund—Federal Appropriation $1,090,000

TOTAL APPROPRIATION $1,212,000

NEW SECTION. **Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) $1,422,098,000

General Fund—State Appropriation (FY 2023) $1,783,367,000

General Fund—Federal Appropriation $4,517,927,000

General Fund—Private/Local Appropriation $37,804,000

Traumatic Brain Injury Account—State Appropriation $4,544,000

Skilled Nursing Facility Safety Net Trust Account—

State Appropriation $133,360,000

Long-Term Services and Supports Trust Account—State

Appropriation $10,873,000

TOTAL APPROPRIATION $7,909,973,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed $259.84 for fiscal year 2022 and may not exceed $279.84 for fiscal year 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is $225 per bed beginning in fiscal year 2022 and $225 per bed beginning in fiscal year 2023. A processing fee of $2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of $700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is $116 per bed beginning in fiscal year 2022 and $116 per bed beginning in fiscal year 2023.

(c) The current annual renewal license fee for nursing facilities is $359 per bed beginning in fiscal year 2022 and $359 per bed beginning in fiscal year 2023.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) $6,113,000 of the general fund—state appropriation for fiscal year 2022, $19,799,000 of the general fund—state appropriation for fiscal year 2023, and $37,161,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(5) $1,941,000 of the general fund—state appropriation for fiscal year 2022, $6,439,000 of the general fund—state appropriation for fiscal year 2023, and $12,064,000 of the general fund—federal appropriation are provided solely for the

homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(6) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(7) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be $900 for each facility.

(8) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives,

and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(9) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(10) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(11) The department shall continue to administer initiative 2 of the medicaid transformation waiver that provides tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. This initiative will be funded by the health care authority with the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.

(12) $3,378,000 of the general fund—state appropriation for fiscal year 2022, $5,561,000 of the general fund—state appropriation for fiscal year 2023, and $11,980,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(13) $1,761,000 of the general fund—state appropriation for fiscal year 2022, $1,761,000 of the general fund—state appropriation for fiscal year 2023, and $4,162,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(14) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(15) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(16) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(17) The annual certification renewal fee for community residential service businesses is $859 per client in fiscal year 2022 and $859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(18) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of $485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(19) $261,000 of the general fund—state appropriation for fiscal year 2022, $320,000 of the general fund—state appropriation for fiscal year 2023, and

$861,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(20) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(21) $1,458,000 of the general fund—state appropriation for fiscal year 2022 and $1,646,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide personal care services for up to 20 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(22) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based dementia education and support activities in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(23) $237,000 of the general fund—state appropriation for fiscal year 2022, $226,000 of the general fund—state appropriation for fiscal year 2023, and $572,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1218 (long-term care residents). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(24) $345,000 of the general fund—state appropriation for fiscal year 2022, $50,000 of the general fund—state appropriation for fiscal year 2023, and $336,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(25) $4,329,000 of the general fund—state appropriation for fiscal year 2022 and $4,329,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(26) $41,117,000 of the general fund—state appropriation for fiscal year 2022 and $101,715,000 of the general fund—federal appropriation are provided solely to continue providing rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic through the end of calendar year 2021.

(27) $11,609,000 of the general fund—state appropriation for fiscal year 2023 and $11,609,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for skilled nursing facility medicaid direct care to one hundred and five percent of statewide case mix neutral median costs.

(28) Within the amounts provided in this section, the department of social and health services must develop a statewide agency emergency preparedness plan with which to respond to future public health emergencies.

(29) The traumatic brain injury council shall collaborate with other state agencies in their efforts to address traumatic brain injuries to ensure that efforts are complimentary and continue to support the state's broader efforts to address this issue.

(30) $1,858,000 of the general fund—state appropriation for fiscal year 2022 and $1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(31) $479,000 of the general fund—state appropriation for fiscal year 2022 and $479,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(32) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(33) $1,344,000 of the general fund—state appropriation for fiscal year 2022 and $1,344,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship care support program.

(34) $10,797,000 of the general fund—state appropriation for fiscal year 2022, $11,477,000 of the general fund—state appropriation for fiscal year 2023, and $23,946,000 of the general fund—federal appropriation are provided solely for nursing home services and emergent building costs at the transitional care center of Seattle. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that includes, but is not limited to:

(a) An itemization of the costs associated with providing direct care services to residents and managing and caring for the facility; and

(b) An examination of the impacts of this facility on clients and providers of the long-term care and medical care sectors of the state that includes, but is not limited to:

(i) An analysis of areas that have realized cost containment or savings as a result of this facility;

(ii) A comparison of individuals transitioned from hospitals to this facility compared to other skilled nursing facilities over the same period of time; and

(iii) Impacts of this facility on lengths of stay in acute care hospitals, other skilled nursing facility, and transitions to home and community-based settings.

(35) $58,000 of the general fund—state appropriation for fiscal year 2022 and $90,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(36) $50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for fall prevention training. The department of social and health services will provide one-time grant funding to an association representing long-term care facilities to develop and provide fall prevention training for long-term care facilities. The training must include information about environmental modifications to help reduce falls, tools to assess an individual's risk for falling, and evidence-based interventions for reducing falls amongst individuals with dementia or cognitive impairments. The training must be offered at no cost and made available online for the general public to access at any time. The recipient of the grant funds must work with the department of social and health services and the department of health on developing and promoting the training.

(37) $4,504,000 of the general fund—state appropriation for fiscal year 2022, $9,072,000 of the general fund—state appropriation for fiscal year 2023, and $452,000 of the general fund—federal appropriation are provided solely for behavioral health personal care services for individuals with exceptional care needs due to their psychiatric diagnosis as determined through the department's CARE assessment and for three full-time positions to coordinate with the health care authority and medicaid managed care organizations for the care of these individuals. Future caseload and per capita changes for behavioral health personal care services will be incorporated into the department's medicaid forecast. The department shall coordinate with the authority for purposes of developing and submitting to the centers for medicare and medicaid, a 1915(i) state plan.

(38) Within existing appropriations, and no later than December 31, 2021, the department of social and health services must work with stakeholders to consider modifications to current practices that address the current challenges adult family homes are facing with acquiring and maintaining liability insurance coverage. In consultation with stakeholders, the department of social and health services must:

(a) Transition language contained in citation and enforcement actions to plain talk language that helps insurers and

consumers understand the nature of the regulatory citations; and

(b) Display the severity and resolution of citation and enforcement actions in plain talk language for consumers and insurers to better understand the nature of the situation.

(39) $435,000 of the general fund—state appropriation for fiscal year 2022 and $435,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the current pilot project in Pierce county to provide personal care services to homeless seniors and people with disabilities from the time the person presents at a shelter to the time they become eligible for medicaid and to establish two new pilot project sites in King county, one site in Clark county, and one site in Spokane county. The department of social and health services shall submit a report by December 1, 2022, to the governor and appropriate legislative committees that addresses the following for each site:

(a) The number of people served in the pilot;

(b) The number of people served in the pilot who transitioned to medicaid personal care;

(c) The number of people served in the pilot who found stable housing; and

(d) Any additional information or data deemed relevant by the contractors or the department of social and health services.

(40) $3,063,000 of the general fund—state appropriation for fiscal year 2022 and $4,517,000 of the general fund—federal appropriation is provided solely to offset COVID-19 related cost impacts on the in-home medicaid long-term care case management program operated by area agencies on aging.

(41) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

(42) $69,000 of the general fund—state appropriation for fiscal year 2022, $65,000 of the general fund—state appropriation for fiscal year 2023, and $98,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(43) $75,000 of the general fund—state appropriation for fiscal year 2022, $54,000 of the general fund—state appropriation for fiscal year 2023, and $130,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(44) $15,000 of the general fund—state appropriation for fiscal year 2022, $51,000 of the general fund—state appropriation for fiscal year 2023, and $32,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

NEW SECTION. **Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) $414,105,000

General Fund—State Appropriation (FY 2023) $420,792,000

General Fund—Federal Appropriation $1,528,996,000

General Fund—Private/Local Appropriation $5,274,000

Domestic Violence Prevention Account—State

Appropriation $2,404,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $345,399,000

TOTAL APPROPRIATION $2,716,970,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) $118,168,000 of the general fund—state appropriation for fiscal year 2022, $119,846,000 of the general fund—state appropriation for fiscal year 2023, and $859,678,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy

families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) $386,329,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Of the amounts provided in this subsection (1)(b):

(i) $10,914,000 of the general fund—state appropriation for fiscal year 2022, $14,104,000 of the general fund—state appropriation for fiscal year 2023, and $27,226,000 of the general fund—federal appropriation are provided solely for the department to increase the temporary assistance for needy family grant standard by 15 percent, effective July 1, 2021.

(ii) $10,744,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2022. Because funding for this specific purpose is provided only through fiscal year 2022, pursuant to section 4 of Second Substitute Senate Bill No. 5214, the bill takes effect 90 days after final adjournment of the legislative session in which it is enacted.

(iii) $3,420,000 of the general fund—state appropriation for fiscal year 2023 and $2,126,000 of the general fund—federal appropriation are provided solely for the cost of benefits associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse. The department is directed to provide the high-unemployment time-limit extension approved under the bill upon the expiration of the 60-month time limit extension pursuant to (b)(ii) of this subsection.

(iv) $217,000 of the general fund—state appropriation for fiscal year 2022 and $863,000 of the general fund—federal appropriation are provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of the mid-certification review and extension of the eligibility review between November 2020 and June 2021 for the temporary assistance for needy families program.

(c) $172,917,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(i) $5,952,000 of the general fund—state appropriation for fiscal year 2022 and $157,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the WorkFirst services costs associated with the expansion of the 60 month time limit in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) $2,474,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) $378,000 of the general fund—state appropriation for fiscal year 2022 and $568,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for WorkFirst services costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iv) $748,000 of the general fund—state appropriation for fiscal year 2022, $760,000 of the general fund—state appropriation for fiscal year 2023, and $1,706,000 of the general fund—federal appropriation are provided solely for WorkFirst services costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(v) $3,701,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the WorkFirst costs associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs). If the bill is not enacted by June 30, 2021, the amount provided in this section shall lapse.

(d) Of the amounts in (a) of this subsection, $353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families.

(i) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families.

(ii) Effective September 30, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, $68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f) Of the amounts in (a) of this subsection, $116,195,000 is for WorkFirst administration and overhead. Of the amounts provided in this subsection (1)(f):

(i) $399,000 of the general fund—state appropriation for fiscal year 2022 of the amounts in (a) of this subsection is provided solely for administrative and overhead costs associated with the expansion of the 60 month time limit in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) $43,000 of the general fund—state appropriation in fiscal year 2022 and $43,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for administrative and overhead costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iii) $1,215,000 of the general fund—federal appropriation is provided solely for administrative and overhead costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(iv) $512,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for administrative and overhead costs associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse. The department is directed to use the funding

provided in this subsection to make information technology changes necessary to provide the high-unemployment time-limit extension approved under the bill beginning July 1, 2022.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to ten percent of funding between budget units identified in (b) through (f) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(i) In the 2021-2023 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) $2,545,000 of the general fund—state appropriation for fiscal year 2022 and $2,546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for naturalization services.

(3) $2,366,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for employment services for refugees and immigrants, of which $1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and $2,366,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for employment services for refugees and immigrants, of which $1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2022, and January 1, 2023, the department must report to the governor and the legislature on all

sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) $1,500,000 of the general fund—state appropriation for fiscal year 2022 and $1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operational support of the Washington information network 211 organization.

(9) $609,000 of the general fund—state appropriation for fiscal year 2022 and $380,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of section 2, chapter 9, Laws of 2021 (SHB 1151) (public assistance), a state-funded cash benefit program and transitional food assistance program for households with children that are recipients of the supplemental nutrition assistance program of the food assistance program but are not recipients of the temporary assistance for needy families program.

(10) $377,000 of the general fund—state appropriation for fiscal year 2022 and $377,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consolidated emergency assistance program.

(11) $77,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a study, jointly with the poverty reduction work group, on the feasibility of implementing a universal basic income pilot program. The study must include research of other universal basic income programs, recommendations for a pilot in Washington, a cost-benefit analysis, operational costs, and an implementation plan that includes a strategy to ensure pilot participants who voluntarily quit a public assistance program to enroll in the universal basic income pilot will not experience gaps in service upon completion of the pilot. The department shall submit recommendations required by this section to the governor and appropriate legislative committees no later than June 1, 2022.

(12) $251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the aged, blind, or disabled program.

(13) $388,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the food assistance program.

(14) $5,399,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the department to increase benefits for the food assistance program to maintain parity with benefits provided under the supplemental nutrition assistance program, for the period of July 1, 2021, through September 30, 2021.

(15) $340,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the Washington immigrant relief fund, a disaster assistance program to provide grants to eligible persons.

Administrative costs may not exceed 10 percent of the funding in this subsection.

(a) A person is eligible for a grant who:

(i) Lives in Washington state;

(ii) Is at least 18 years of age;

(iii) After January 1, 2021, and before June 30, 2023, has been significantly affected by the coronavirus pandemic, such as loss of employment or significant reduction in work hours, contracting the coronavirus, having to self-quarantine as a result of exposure to the coronavirus, caring for a family member who contracted the coronavirus, or being unable to access childcare for children impacted by school or childcare closures; and

(iv) Is not eligible to receive federal economic impact (stimulus) payments or unemployment insurance benefits due to the person's immigration status.

(b) The department may not deny a grant to a person on the basis that another adult in the household is eligible for federal economic impact (stimulus) payments or unemployment insurance benefits or that the person previously received a grant under the program. However, a person may not receive more than three grants.

(c) The department's duty to provide grants is subject to the availability of the amounts specified in this subsection, and the department must prioritize grants to persons who are most in need of financial assistance using factors that include, but are not limited to: (i) Having an income at or below 250 percent of the federal poverty level; (ii) being the primary or sole income earner of household; (iii) experiencing housing instability; and (iv) having contracted or being at high risk of contracting the coronavirus.

(d) The department may contract with one or more entities to administer the program. If the department engages in a competitive contracting process for administration of the program, experience in administering similar programs must be given weight in the selection process to expedite the delivery of benefits to eligible applicants.

(16) $204,000 of the general fund—state appropriation for fiscal year 2022 and $22,635,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to provide a one-time or short-term cash benefit to families eligible for pandemic emergency assistance under section 9201 of the American rescue plan act of 2021, P.L. 117-2, and to offer an equivalent benefit to eligible state family assistance or food assistance program recipients.

(17) $88,000 of the general fund—state appropriation for fiscal year 2022 and $89,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 90, Laws of 2021 (SSB 5068) (postpartum period/Medicaid).

(18) $41,000 of the general fund—state appropriation for fiscal year 2022, $81,000 of the general fund—state appropriation for fiscal year 2023, and $237,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1416 (insurers/child support coll.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022) $16,231,000

General Fund—State Appropriation (FY 2023) $16,456,000

General Fund—Federal Appropriation $109,595,000

TOTAL APPROPRIATION $142,282,000

The appropriations in this section are subject to the following conditions and limitations: $40,000 of the general fund—state appropriation for fiscal year 2022 and $40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1061 (child welfare/dev disability). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2022) $63,650,000

General Fund—State Appropriation (FY 2023) $61,748,000

TOTAL APPROPRIATION $125,398,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) $1,204,000 of the general fund—state appropriation for fiscal year 2022 and $1,079,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for specialized equipment and additional medical staff to provide more capacity to deliver care to individuals housed at the total confinement facility. No later than November 1, 2023, the department shall report to the legislature on the number of individuals treated on the island that previously would have been transported off the island for treatment.

(3) $16,000 of the general fund—state appropriation for fiscal year 2022 and $15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the increased costs for personal computers leased through the department of enterprise services.

(4) $6,768,000 of the general fund—state appropriation for fiscal year 2022 and $4,496,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) $39,381,000

General Fund—State Appropriation (FY 2023) $39,035,000

General Fund—Federal Appropriation $51,371,000

TOTAL APPROPRIATION $129,787,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(2) $3,000 of the general fund—state appropriation for fiscal year 2022, $5,000 of the general fund—state appropriation for fiscal year 2023, and $8,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium.

(3) By October 1, 2021, the department must submit a report to the fiscal committees of the legislature detailing shortcomings of the previously funded electronic health records system and contract, the clinical validity of existing software, approaches to mitigate the shortcomings of previously funded system, and a recommended approach to establishing a comprehensive electronic health records system at state facilities in the future.

(4) $39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1411 (health care workforce). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2022) $65,743,000

General Fund—State Appropriation (FY 2023) $56,529,000

General Fund—Federal Appropriation $53,229,000

TOTAL APPROPRIATION $175,501,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over $250,000 and to all locations leased by the department with contents valued over $250,000.

NEW SECTION. **Sec. 210. FOR THE STATE HEALTH CARE AUTHORITY**

(1)(a) During the 2021-2023 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

(b) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

(2) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The health care authority must submit a report on November 1, 2021, and annually thereafter, to the fiscal committees of the legislature. The report must include, at a minimum:

(i) A list of active coalition projects as of July 1st of the fiscal year. This must include all current and ongoing coalition projects, which coalition agencies are involved in these projects, and the funding being expended on each project, including in-kind funding. For each project, the report must include which federal requirements each coalition project is working to satisfy, and when each project is anticipated to satisfy those requirements; and

(ii) A list of coalition projects that are planned in the current and following fiscal year. This must include which coalition agencies are involved in these projects, including the anticipated in-kind funding by agency, and if a budget request will be submitted for funding. This must reflect all funding required by fiscal year and by fund source and include the budget outlook period.

NEW SECTION. **Sec. 211. FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2022) $2,516,277,000

General Fund—State Appropriation (FY 2023) $2,439,933,000

General Fund—Federal Appropriation $13,199,214,000

General Fund—Private/Local Appropriation $355,726,000

Emergency Medical Services and Trauma Care Systems

Trust Account—State Appropriation $15,086,000

Hospital Safety Net Assessment Account—State

Appropriation $723,238,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $24,511,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $25,182,000

Medical Aid Account—State Appropriation $540,000

Telebehavioral Health Access Account—State

Appropriation $7,714,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $35,000,000

TOTAL APPROPRIATION $19,342,421,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2), (3), and (4) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. The authority shall submit an application to the centers for medicaid and medicare services to extend the duration of the medicaid transformation waiver under healthier Washington as described in subsections (2), (3), and (4) of this section by one year. If not extended, by federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or

funded by this waiver do not create an entitlement.

(2)(a) No more than $63,052,000 of the general fund—federal appropriation and no more than $50,840,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than $243,047,000 of the general fund—federal appropriation and no more than $99,274,000 of the general fund—private/local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against the medicaid transformation demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program does not create an entitlement. The authority shall not increase general fund—state, federal, or private/local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(3) No more than $26,837,000 of the general fund—federal appropriation and $26,839,000 of the general fund—local appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington as well as administrative expenses for initiative 3. The authority shall contract and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not increase general fund—state expenditures on this initiative.

(4) No more than $50,389,000 of the general fund—federal appropriation and no more than $22,862,000 of the general fund—local appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also

report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(5) The authority shall submit a plan to preserve the waiver that allows for the full cost of stays in institutions for mental diseases to be included in managed care rates by November 1, 2021, to the appropriate committees of the legislature.

(6) The authority shall submit a plan to preserve the waiver allowing for full federal financial participation for medical clients in mental health facilities classified as institutions for mental diseases by November 1, 2021, to the appropriate committees of the legislature.

(7) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(8) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(9) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(10) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(11) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(12) $3,997,000 of the general fund—state appropriation for fiscal year 2022, $4,261,000 of the general fund—state appropriation for fiscal year 2023, and $8,786,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(13) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(14) $7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that

exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(15) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2021-2023 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2021, and by November 1, 2022, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2022 and fiscal year 2023, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2021-2023 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. $702,000 of the general fund—state appropriation for fiscal year 2022 and $649,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state grants for the participating hospitals.

(16) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(17) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism

to increase federal funding for maternity support services by leveraging local public funding for those services.

(18) The authority shall submit reports to the governor and the legislature by September 15, 2021, and no later than September 15, 2022, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(19) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(20) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(21) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(22) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(23) $90,000 of the general fund—state appropriation for fiscal year 2022, $90,000 of the general fund—state appropriation for fiscal year 2023, and $180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program. By November 15, 2022, the authority shall submit a report to the appropriate committees to the legislature that provides, at a minimum, information about the number of calls received by the nonprofit organization in the previous year, the amount of time spent on each call, comparisons to previous years, where available, and information about what data is collected related to this service.

(24) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(25) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(26) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(27) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(28) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least

an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(29) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(30) During the 2021-2023 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

(a) Are over nineteen years of age;

(b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;

(c) Are not covered by other public or private insurance; and

(d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

(31) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2021, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate

methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

(32)(a) The authority shall ensure that appropriate resources are dedicated to implementing the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. Additionally, the authority shall:

(i) Work to ensure the efficient operations of the managed care plans, including but not limited to, a deconflicting process for audits with and among the managed care plans and the medicaid fraud division at the attorney general's office, to ensure the authority staff perform central audits of cases that appear across multiple managed care plans, versus the audits performed by the individual managed care plans or the fraud division; and

(ii) Remain accountable for operating in an effective and efficient manner, including performing program integrity activities that ensure high value in the medical assistance program in general and in medicaid managed care specifically;

(A) Work with its contracted actuary and the medicaid forecast work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting; and

(B) Work with the medicaid forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner.

(b) The authority shall submit a report to the governor and appropriate committees of the legislature by October 1, 2021, that includes, but is not limited to:

(i) Specific, quantified actions that have been taken, to date, related to the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report; and

(ii) Specific, quantified information regarding the steps taken toward (a)(i), (iii), and (iv) of this subsection.

(33) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(16) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(34) $2,786,000 of the general fund—state appropriation for fiscal year 2022, $3,714,000 of the general fund—state appropriation for fiscal year 2023, and $11,009,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective October 1, 2021, and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832, 90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in chapter 285, Laws of 2020 (EHB 2584) (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to 15 percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning October 2021, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsections (35) and (36) of this section.

(35) $19,664,000 of the general fund—state appropriation for fiscal year 2022, $26,218,000 of the general fund—state appropriation for fiscal year 2023, and $77,996,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates beginning October 1, 2021. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for adult primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 15 percent above medical assistance rates in effect on January 1, 2019;

(b) Increase the medical assistance rates for pediatric primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(c) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(d) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(e) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2019; and

(f) Not duplicate rate increases provided in subsections (34) and (36) of this section.

(36) $2,233,000 of the general fund—state appropriation for fiscal year 2022, $2,977,000 of the general fund—state appropriation for fiscal year 2023, and $10,871,000 of the general fund—federal appropriation are provided solely to increase provider rates to maintain and increase access for family planning services for patients seeking services through department of health sexual and reproductive health program family planning providers. The rate increases are effective October 1, 2021, and must be applied to the following codes for eligible apple health and family planning only clients seeking services through department of health sexual and reproductive health program providers: 36415, 36416, 55250, 57170, 58340, 58600, 58605, 58611, 58615, 58670, 58671, 59840, 59841, 59850, 59851, 59852, 59855, 59856, 59857, 76817, 81025, 84702, 84703, 86631, 86632, 86901, 87110, 87270, 87320, 87490, 87491, 87590, 87591, 87624, 87625, 87800, 87810, 88141, 88142, 88143, 88147, 88148, 88150, 88152, 88153, 88164, 88165, 88166, 88167, 88174, 88175, 96372, 99071, 99201, 99202, 99203, 99204, 99211, 99212, 99213, 99214, 99384, 99385, 99386, 99394, 99395, 99396, 99401, and S0199. The authority may use a substitute code if any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Increase the family planning rates for services that are included on and reimbursed solely at the existing family planning fee schedule on a fee-for-service basis, as well as through managed care plans, by at least 162 percent above family planning fee schedule rates in effect on January 1, 2021;

(b) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2021; and

(c) Not duplicate rate increases provided in subsections (34) and (35) of this section.

(37)(a) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics.

(b) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics during the fiscal year close process following generally accepted accounting practices.

(38)(a) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(b) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(c) The authority shall not modify the reconciliation process or the APM4 program with federally qualified health centers or rural health clinics without notification to and the opportunity to comment from the office of financial management.

(d) The authority shall require all managed care organizations to provide information to the authority to account for all payments to federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with federally qualified health centers contracting under APM4.

(f) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with federally qualified health centers contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

(39) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

(40) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

(41) $60,000 of the general fund—state appropriation for fiscal year 2022 and $60,000 of the general fund—federal appropriation are provided solely for evaluation of the Washington rural health access preservation pilot program.

(42) $160,000 of the general fund—state appropriation for fiscal year 2022 and $1,440,000 of the general fund—federal appropriation are provided solely for health care interoperability costs and are subject to the conditions, limitations, and review provided in section 701 of this act.

(43) $275,000 of the general fund—state appropriation for fiscal year 2022, $160,000 of the general fund—state appropriation for fiscal year 2023, and $3,913,000 of the general fund—federal appropriation are provided solely for modular replacement costs of the ProviderOne pharmacy point of sale system and are subject to the conditions, limitations, and review provided in section 701 of this act.

(44) $484,000 of the general fund—state appropriation for fiscal year 2022 and $466,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(45) $654,000 of the general fund—state appropriation for fiscal year 2022, $655,000 of the general fund—state appropriation for fiscal year 2023, and $2,154,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

(46) $1,715,000 of the general fund—state appropriation for fiscal year 2022, $1,804,000 of the general fund—state appropriation for fiscal year 2023, and $6,647,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2023, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than 150 acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014;

(d) Be owned and operated by the state or a political subdivision; and

(e) Accept single bed certification patients pursuant to RCW 71.05.745.

(47) $100,000 of the general fund—state appropriation for fiscal year 2022, $100,000 of the general fund—state appropriation for fiscal year 2023, and $200,000 of the general fund—federal appropriation are provided solely for pass through funding for a citizens of the compact of free association (COFA) community member led organization through a Washington state based organization contract as outlined in RCW 43.71A.030 to provide additional supports to COFA community members statewide who are seeking access to health coverage and health care services. The amounts provided in this subsection for fiscal year 2022 must be distributed no later than October 1, 2021. The amounts provided in this subsection for fiscal year 2023 must be distributed no later than October 1, 2022.

(48) The authority shall collaborate with the Washington state LGBTQ commission, the department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(a) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(b) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(c) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

(49) $22,000 of the general fund—state appropriation for fiscal year 2022, $22,000 of the general fund—state appropriation for fiscal year 2023, and $134,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 5157 (behavioral disorders/justice). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(50) Within the amounts appropriated in this section, the authority shall extend the oral health connections pilot project in Spokane, Thurston, and Cowlitz counties. The authority shall continue to work in collaboration with a state-based oral health foundation to jointly develop and implement the program. The purpose of the pilot is to test the effect that enhanced dental benefits for medicaid clients with diabetes and pregnant clients have on access to dental care, health outcomes, and medical care costs. The pilot program must continue to include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the

allowable number of periodontal treatments to up to four per calendar year. The authority has the option of extending pilot program eligibility to dually eligible medicaid clients who are diabetic or pregnant and to pregnant medicaid clients under the age of 20. The authority has the option of adjusting the pilot program benefit design and fee schedule based on previous findings, within amounts appropriated in this section. Diabetic or pregnant medicaid clients who are receiving dental care within the pilot regions, regardless of location of the service within the pilot regions, are eligible for the increased number of periodontal treatments. The state-based oral health foundation shall continue to partner with the authority and provide wraparound services to link patients to care. The authority and foundation shall provide a joint report to the appropriate committees of the legislature on October 1, 2021, outlining the findings of the original three-year pilot program, and on December 1, 2022, outlining the progress of the extended pilot program.

(51) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement chapter 293, Laws of 2020 (baby, child dentistry access). By November 15, 2021, the authority shall submit a report to the appropriate committees to the legislature describing its progress implementing chapter 293, Laws of 2020 (baby, child dentistry access) and chapter 242, Laws of 2020 (access to baby and child dentistry for children with disabilities).

(52) $75,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—federal appropriation are provided solely for contracting by the health care authority to further the development and implementation of its Washington primary care transformation initiative, intended to increase team-based primary care and the percentage of overall health care spending in the state devoted to primary care. By October 1, 2021, the authority must update the legislature on the status of the initiative, including any fiscal impacts of this initiative, potential implementation barriers, and needed legislation.

(53) Sufficient funds are provided to continue reimbursing dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services or the United States court of appeals for the ninth circuit.

(54) $149,000 of the general fund—state appropriation for fiscal year 2022 and $140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(55) Within the amount appropriated within this section, the authority shall implement the requirements of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and the American rescue plan act of 2021, P.L. 117-2, in extending health care coverage during the postpartum period. The authority shall make every effort to expedite and complete eligibility determinations for individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving maximum federal match. This includes, but is not limited to, working with managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning June 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are waiting for the authority to complete eligibility determination, the number of individuals who were likely eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

(56) $10,695,000 of the general fund—state appropriation for fiscal year 2022, $10,695,000 of the general fund—state appropriation for fiscal year 2023, and $54,656,000 of the general fund—federal

appropriation are provided solely to maintain and increase access for adult dental services for medicaid enrolled patients through increased provider rates beginning July 1, 2021. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for adult dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis up to 100 percent above medical assistance rates in effect on January 1, 2019.

(57) $551,000 of the general fund—state appropriation for fiscal year 2022, $770,000 of the general fund—state appropriation for fiscal year 2023, and $3,288,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(58) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in the LEAP omnibus document HCBS-2021.

(59) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2022.

(60)(a) $35,000,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the authority to distribute grants for the provision of health care services for uninsured and underinsured individuals, regardless of immigration status. Grants provided under this subsection must be used for the direct care of uninsured and underinsured individuals under 200 percent of the federal poverty level, including on-site care as well as referrals to and payment for services provided off-site, for:

(i) The testing, assessment, or treatment of the severe acute respiratory syndrome coronavirus 2 (COVID-19), including facility and provider fees;

(ii) Primary and preventive care;

(iii) Behavioral health services;

(iv) Oral health care;

(v) Assessment, treatment, and management of acute or chronic conditions, including but not limited to the cost of laboratory, prescription medications, specialty care, therapies, radiology, and other diagnostics; and

(vi) Outreach and education needed to inform patients and prospective patients that care is available free of charge.

(b) To be eligible for a grant under this subsection, a federally qualified health center, rural health clinic, free clinic, public hospital district, behavioral health provider or facility, behavioral health administrative service organization, or community-based organization must apply for a grant and agree to not:

(i) Bill individuals for any portion of the services provided that involve the use of amounts appropriated in this section; or

(ii) Use the amounts provided in this subsection for services for which other funds are available, such as federal funds from the families first coronavirus response act and the American rescue plan act.

(c) Grants provided under this subsection may be used to provide on-site care, care delivered via telehealth, and referrals to and payments for services provided off-site. Recipients may use funds distributed in this subsection to reimburse other providers or facilities for the cost of care. Only free clinics may use grants provided under this subsection to cover general operating costs, including staffing, supplies, and equipment purchases.

(d) The agency shall employ fund allocation approaches that engage community residents, organizations, and leaders in identifying priorities and implementing projects and initiatives that reflect community values and priorities. At a minimum, this must include consultation with community health boards and organizations that

advocate for access to health care for uninsured state residents.

(e) Recipients of the amounts provided in this subsection must submit reports to the authority on the use of grant funds, including data about utilization of services. The authority shall prepare and post on its website an annual report detailing the amount of funds disbursed and aggregating information submitted by recipients.

(f) The authority may retain no more than three percent of the amounts provided in this subsection for administrative costs.

(g) As used in this subsection, "free clinics" mean private, nonprofit, community, or faith-based organizations that provide medical, dental, and mental health services at little or no cost to uninsured and underinsured people through the use of volunteer health professionals, community volunteers, and partnerships with other health providers.

(61) $123,000 of the general fund—state appropriation for fiscal year 2022, $46,000 of the general fund—state appropriation for fiscal year 2023, and $743,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute House Bill No. 1348 (incarcerated persons/medical). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(62) $1,350,000 of the general fund—state appropriation for fiscal year 2023 and $2,570,000 of the general fund—federal appropriation are provided solely for the implementation of House Bill No. 1096 (nonmedicare plans). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(63) Within the amounts provided in this section, sufficient funding is provided for the authority to implement Second Substitute House Bill No. 1325 (behavioral health/youth).

(64) $184,000 of the general fund—state appropriation for fiscal year 2022 and $175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(65) $232,000 of the general fund—state appropriation for fiscal year 2022, $300,000 of the general fund—state appropriation for fiscal year 2023, and $599,000 of the general fund—federal appropriation are provided solely for reimbursement for a social worker as part of the medical assistance home health benefit.

(66) $1,303,000 of the general fund—state appropriation for fiscal year 2022 and $285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5203 (generic prescription drugs). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(67) $18,669,000 from the Indian health improvement reinvestment account is provided solely for Indian health improvement advisory plan projects, programs, and activities authorized by RCW 43.71B.030.

(68) $434,000 of the general fund—state appropriation for fiscal year 2022 and $489,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to partner with the department of social and health services to create surge capacity in acute care hospitals by supporting non-citizens who are both in acute care hospitals awaiting discharge and on the department of social and health services waitlist for services. The amounts provided in this subsection are for the authority to cover the cost of medical assistance for 20 new non-citizen clients.

(69) $25,000 of the general fund—state appropriation for fiscal year 2022 and $25,000 of the general fund—federal appropriation are provided solely for the authority to develop an implementation plan to incorporate medical and psychiatric respite care as statewide medicaid benefits. The plan must include an analysis of the cost effectiveness of providing medical and psychiatric respite care benefits for medicaid enrollees. In developing the plan, the authority shall consult with interested stakeholders, including medicaid managed care organizations, community health centers, organizations providing respite care, and hospitals. Amounts provided in this subsection may be used for staff support and one-time contracting. No later than January 15, 2022, the

authority shall report its findings to the relevant committees of the legislature, the office of the governor, and the office of financial management.

(70) $281,000 of the general fund—state appropriation for fiscal year 2022, $192,000 of the general fund—state appropriation for fiscal year 2023, and $803,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(71) The authority shall assess the feasibility and fiscal impacts of an 1115 medicaid waiver to extend continuous eligibility for apple health covered children ages zero through five as a component of school readiness. The authority may seek support for the analysis. Prior to submitting the waiver application, the authority shall provide a status update no later than September 30, 2021, to the governor and fiscal committees of the legislature.

NEW SECTION. **Sec. 212. FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative Account—

State Appropriation	$37,403,000
TOTAL APPROPRIATION	$37,403,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings from reduced claims costs must be reserved for funding employee benefits during the 2023-2025 fiscal biennium and may not be used for administrative expenses. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless offsetting cost reductions from other benefit revisions are sufficient to fund the changes. The board shall not make any change in retiree eligibility criteria that reestablishes eligibility for enrollment in PEBB benefits.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) The health care authority shall analyze and report on the potential impacts of providing a one-time enrollment window for retirees to reestablish eligibility for enrollment in retiree benefits under the public employees' benefit board program. The authority shall submit the report to the appropriate committees of the legislature by January 1, 2022. At a minimum the report must include an estimate of the employer cost and a description of the assumptions used.

(6) $285,000 of the state health care authority administrative account—state appropriation is provided solely for a customer service scheduling tool, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

NEW SECTION. **Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD**

School Employees' Insurance Administrative Account—

State Appropriation $25,771,000

TOTAL APPROPRIATION $25,771,000

The appropriation in this section is subject to the following conditions and limitations: $15,000 of the school employees' insurance administrative account—state appropriation is provided solely for a customer service scheduling tool, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

NEW SECTION. **Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2022) $4,831,000

General Fund—State Appropriation (FY 2023) $4,543,000

General Fund—Federal Appropriation $83,017,000

Health Benefit Exchange Account—State Appropriation $77,710,000

Health Care Affordability Account—State

Appropriation $50,000,000

TOTAL APPROPRIATION $220,101,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation, one-half the health benefit exchange account—state appropriation, and one-half the health care affordability account—state appropriation to the exchange. By July 15, 2021, the authority shall make the payments of the general fund—federal appropriation (CRRSA) and the general fund—federal appropriation (ARPA) to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3)(a) $146,000 of the general fund—state appropriation for fiscal year 2022 and $554,000 of the general fund—federal appropriation are provided solely for the exchange, in close consultation with the health and human services enterprise coalition (coalition), to develop a report on the next steps required for information technology solutions for an integrated health and human services eligibility solution. The report must include, but is not limited to a:

(i) Technical approach and architecture;

(ii) Roadmap and implementation plan for modernizing and integrating the information technology eligibility and enrollment system for including, but not limited to, medicaid, basic food, child care assistance, cash assistance, and other health and human service program benefits, beginning with classic medicaid; and

(iii) Discussion of how an integrated health and human services solution would:

(A) Comply with federal requirements;

(B) Maximize efficient use of staff time;

(C) Support accurate and secure client eligibility information;

(D) Improve the client enrollment experience; and

(E) Provide other notable coalition agency impacts.

(b) The exchange, in coordination with the coalition, must submit the report to

the governor and appropriate committees of the legislature by January 15, 2022.

(4) $1,634,000 of the health benefit exchange account—state appropriation and $592,000 of the general fund—federal appropriation are provided solely for healthplanfinder enhancement activities. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(5) $1,324,000 of the health benefit exchange account—state appropriation and $2,740,000 of the general fund—federal appropriation are provided solely for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) $250,000 of the general fund—federal appropriation (CRRSA) and $150,000 of the general fund—federal appropriation (ARPA) are provided solely for pass-through funding to one or more lead navigator organizations to promote access to health services through outreach and insurance plan enrollment assistance for employees working in a licensed child care facility.

(7)(a) $25,171,000 of the general fund—federal appropriation (CRRSA) and $5,095,000 of the general fund—federal appropriation (ARPA) are provided solely for the exchange to implement a health care insurance premium assistance program for employees who work in licensed child care facilities. The general fund—federal appropriation (CRRSA) must be expended by September 30, 2022.

(b) An individual is eligible for the child care premium assistance program for the remainder of the plan year if the individual:

(i) Is an employee working in a licensed child care facility;

(ii) Enrolls in a silver standardized health plan under RCW 43.71.095;

(iii) Prior to January 1, 2023, has income that is less than 300 percent of the federal poverty level;

(iv) Applies for and accepts all federal advance premium tax credits for which he or she may be eligible before receiving any state premium assistance;

(v) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the health care authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; and

(vi) Meets other eligibility criteria as established by the exchange.

(c) Subject to the availability of amounts provided in this subsection, the exchange shall pay the premium cost for a qualified health plan for an individual who is eligible for the child care premium assistance program under (b) of this subsection.

(d) The exchange may disqualify a participant from the program if the participant:

(i) No longer meets the eligibility criteria in (b) of this subsection;

(ii) Fails, without good cause, to comply with procedural or documentation requirements established by the exchange in accordance with (e) of this subsection;

(iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(e) The exchange shall establish:

(i) Procedural requirements for eligibility and continued participation in any premium assistance program under this section, including participant documentation requirements that are necessary to administer the program; and

(ii) Procedural requirements for facilitating payments to and from carriers.

(f) The program must be implemented no later than November 1, 2021.

(g) No later than October 1, 2022, the exchange shall submit a report to the governor and appropriate committees of the legislature on the implementation of the child care premium assistance program including, but not limited to:

(i) The number of individuals participating in the program to date; and

(ii) The actual costs of the program to date, including agency administrative costs.

(8) $136,000 of the general fund—state appropriation for fiscal year 2022, $136,000 of the general fund—state appropriation for fiscal year 2023, $254,000 of the health benefit exchange account—state appropriation, and $274,000 of the general fund—federal appropriation are provided solely for pass through funding in the annual amount of $100,000 for the lead navigator organization in the four regions with the highest concentration of COFA citizens to:

(a) Support a staff position for someone from the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and

(b) Support COFA community led outreach and enrollment activities that help COFA citizens obtain and access health and dental coverage.

(9) $142,000 of the general fund—state appropriation for fiscal year 2022 and $538,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and section 9812 of the American rescue plan act of 2021.

(10) $8,012,000 of the health benefit exchange account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(11) $50,000,000 of the health care affordability account—state appropriation is provided solely for the exchange to administer a premium assistance program, beginning for plan year 2023, as established in Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans), and this is the maximum amount the exchange may expend for this purpose. An individual is eligible for the premium assistance provided if the individual: (a) Has income up to 250 percent of the federal poverty level; and (b) meets other eligibility criteria as established in section 1(4)(a) of Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans).

(12)(a) Within amounts appropriated in this section, the exchange, in close consultation with the authority and the office of the insurance commissioner, shall explore opportunities to facilitate enrollment of Washington residents who do not qualify for non-emergency medicaid or federal affordability programs in a state-funded program no later than plan year 2024.

(b) If an opportunity to apply to the secretary of health and human services under 42 U.S.C. Sec. 18052 for a waiver is identified or other federal flexibilities are available, the exchange, in collaboration with the office of the insurance commissioner and the authority may develop an application to be submitted by the authority. If an application is submitted, the authority must notify the chairs and ranking minority members of the appropriate policy and fiscal committees of the legislature.

(c) Any application submitted under this subsection must meet all federal public notice and comment requirements under 42 U.S.C. Sec. 18052(a)(4)(B), including public hearings to ensure a meaningful level of public input.

NEW SECTION. **Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2022) $667,948,000

General Fund—State Appropriation (FY 2023) $733,456,000

General Fund—Federal Appropriation $2,593,457,000

General Fund—Private/Local Appropriation $37,325,000

Criminal Justice Treatment Account—State

Appropriation $21,988,000

Problem Gambling Account—State Appropriation $1,963,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $28,493,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $28,493,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $31,000,000

TOTAL APPROPRIATION $4,144,123,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) $22,643,000 of the general fund—state appropriation for fiscal year 2022, $27,143,000 of the general fund—state appropriation for fiscal year 2023, and $9,073,000 of the general fund—federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority, in collaboration with the department of social and health services and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) $10,424,000 of the general fund—state appropriation for fiscal year 2022, $10,424,000 of the general fund—state appropriation for fiscal year 2023, and $23,444,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (6) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) $3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(6) $95,066,000 of the general fund—state appropriation for fiscal year 2022 and $95,066,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) $72,275,000 of the general fund—state appropriation for fiscal year 2022 and $72,275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with behavioral health administrative service organizations for

behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a two percent rate increase to providers receiving state funds for nonmedicaid services under this section effective July 1, 2021.

(b) $22,791,000 of the general fund—state appropriation for fiscal year 2022 and $22,791,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to medicaid enrolled individuals that are not covered under the medicaid program and for the state share of costs for exceptional medicaid behavioral health personal care services. Within the amounts provided in this subsection:

(i) Medicaid managed care organizations must provide a two percent rate increase to providers receiving state funding for nonmedicaid services under this section effective July 1, 2021.

(ii) The authority shall assure that managed care organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.

(c) The authority shall coordinate with the department of social and health services to develop and submit to the centers for medicare and medicaid services an application to provide a 1915(i) state plan home and community-based services benefit. The application shall be developed to allow for the delivery of wraparound supportive behavioral health services for individuals with mental illnesses who also have a personal care need. The waiver shall be developed to standardize coverage and administration, improve the current benefit design, and clarify roles in administration of the behavioral health personal care services benefit. By December 1, 2021, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature which provides the following:

(i) A description of the new benefit design developed for the waiver, including a description of the services to be provided and the responsibility for payment under the waiver;

(ii) Estimates of the number of individuals to be served annually under the new waiver and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services;

(iii) A comparison estimate of the number of individuals to receive behavioral health personal care services annually under the current benefit structure and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services; and

(iv) A status update on the development and submission of the waiver with an estimated timeline for approval and implementation of the new wraparound services benefit.

(7) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(8) $1,204,000 of the general fund—state appropriation for fiscal year 2022 and $1,204,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(9) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (6) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient

services presently available to persons not eligible for medicaid.

(10) $2,291,000 of the general fund—state appropriation for fiscal year 2022 and $2,291,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(11) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(12) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative service organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(13) During the 2021-2023 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

(14) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(15) $3,500,000 of the general fund—federal appropriation is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(16) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(17) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2021.

(18) $6,858,000 of the general fund—state appropriation for fiscal year 2022, $6,858,000 of the general fund—state appropriation for fiscal year 2023, and $8,046,000 of the general fund—federal appropriation are provided solely to maintain crisis triage or stabilization centers that were originally funded in the 2017-2019 fiscal biennium. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(19) $9,795,000 of the general fund—state appropriation for fiscal year 2022, $10,015,000 of the general fund—state appropriation for fiscal year 2023, and $15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to $650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(20) $23,090,000 of the general fund—state appropriation for fiscal year 2022, $23,090,000 of the general fund—state appropriation for fiscal year 2023, and $92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was initially funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding allocations and the remainder must be provided to the medicaid managed care organizations providing apple health integrated managed care. The medicaid funding is intended to maintain increased rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. For the behavioral health administrative services organizations, this funding must be allocated to each region based upon the population of the region. For managed care organizations, this funding must be provided through the behavioral health portion of the medicaid integrated managed care capitation rates. The authority must require the managed care organizations to provide a report that details the methodology the managed care organization used to distribute this funding to their contracted behavioral health providers. The report submitted by behavioral health administrative service organizations and managed care organizations must identify mechanisms employed to disperse the funding as well

as estimated impacts to behavioral health providers in the community. The authority must submit a report to the legislature by December 1st of each year of the biennium, summarizing the information regarding the distribution of the funding provided under this subsection.

(21) $1,401,000 of the general fund—state appropriation for fiscal year 2022, $1,401,000 of the general fund—state appropriation for fiscal year 2023, and $3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

(22)(a) $12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and $12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

(23)(a) $1,125,000 of the general fund—state appropriation for fiscal year 2022 and $1,125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(24) $1,850,000 of the general fund—state appropriation for fiscal year 2022, $1,850,000 of the general fund—state appropriation for fiscal year 2023, and $13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency

departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(25) $1,256,000 of the general fund—state appropriation for fiscal year 2022, $1,256,000 of the general fund—state appropriation for fiscal year 2023, and $2,942,000 of the general fund—federal appropriation are provided solely for the authority to maintain an increase in the number of residential beds for pregnant and parenting women originally funded in the 2019-2021 fiscal biennium.

(26) $1,423,000 of the general fund—state appropriation for fiscal year 2022, $1,423,000 of the general fund—state appropriation for fiscal year 2023, and $5,908,000 of the general fund—federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(27) $350,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

(28) $500,000 of the general fund—state appropriation for fiscal year 2022, $500,000 of the general fund—state appropriation for fiscal year 2023, and $1,000,000 of the general fund—federal appropriation are provided solely for the authority to maintain a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to chapter 378, Laws of 2019 (2SHB 1767).

(29) $3,396,000 of the general fund—state appropriation for fiscal year 2022, $3,396,000 of the general fund—state appropriation for fiscal year 2023, and $16,200,000 of the general fund—federal appropriation are provided solely for support of and to continue to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service by December 1, 2022.

(30) $947,000 of the general fund—state appropriation for fiscal year 2022, $947,000 of the general fund—state appropriation for fiscal year 2023, and $1,896,000 of the general fund—federal appropriation are provided solely for the authority to implement a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with chapter 360, Laws of 2019 (2SSB 5903).

(31) $708,000 of the general fund—state appropriation for fiscal year 2022, $708,000 of the general fund—state appropriation for fiscal year 2023, and $1,598,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

(32) $800,000 of the general fund—state appropriation for fiscal year 2022, $800,000 of the general fund—state appropriation for fiscal year 2023, and $1,452,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(33) $446,000 of the general fund—state appropriation for fiscal year 2022, $446,000 of the general fund—state appropriation for fiscal year 2023, and $178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must

collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(34) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(35) $500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2022.

(36) $9,000,000 of the criminal justice treatment account—state appropriation is provided solely for the authority to maintain funding for new therapeutic courts created or expanded during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(37) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall transparently incorporate the information gained from this process and make adjustments allowable under federal law when appropriate.

(38) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs. The report shall include, but not be limited to: (a) Revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (b) access to services, service denials, and utilization by state plan modality; (c) claims denials and record of timely payment to providers; (d) client demographics; and (e) social and recovery measures and managed care organization performance measures. The authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before July 1st of each year.

(39) $3,377,000 of the general fund—state appropriation for fiscal year 2022 and $5,177,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement two pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, whether the models could be expanded to community behavioral health providers, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

(40)(a) $100,000 of the general fund—federal appropriation is provided solely for the authority to convene a task force to examine impacts and changes proposed to the use of criminal background checks in employment in behavioral health settings, with the goal of reducing barriers to developing and retaining a robust behavioral health workforce, while maintaining patient safety measures. The task force membership must include representatives from:

(i) The office of the attorney general;

(ii) The department of health;

(iii) The department of social and health services;

(iv) The office of the governor; and

(v) Others appointed by the authority, including behavioral health employers and those with lived experience.

(b) The task force shall consider any relevant information and recommendations made available by the work group created under Substitute House Bill No. 1411 (health care workforce).

(c) By December 1, 2021, the authority must submit a report of the task force's recommendations to the governor and the appropriate committees of the legislature.

(41) $6,042,000 of the general fund—state appropriation for fiscal year 2022, $561,000 of the general fund—state appropriation for fiscal year 2023, and $35,415,000 of the general fund—federal appropriation (CRSSA) are provided solely to promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) $11,170,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for

services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of $9,070,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) $2,407,000 of the general fund state—appropriation for fiscal year 2022, $561,000 of the general fund—state appropriation for fiscal year 2023, and $3,245,000 of the general fund—federal appropriation (CRSSA) are provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) $1,535,000 of the general fund—state appropriation for fiscal year 2022 and $10,417,000 of the general fund—federal appropriation (CRSSA) are provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(d) $1,100,000 of the general fund—state appropriation for fiscal year 2022 and $1,750,000 of the general fund—federal appropriation (CRSSA) are provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations, tribal opioid prevention media campaigns, and support for government to government communication, planning, and implementation of opioid use disorder related projects.

(e) $1,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a public awareness campaign to educate youth and young adults with opioid use disorders about harm reduction, secondary prevention, overdose awareness, fentanyl, and naloxone.

(f) $7,083,000 of the general fund—federal appropriation (CRSSA) is provided solely for community services grants that support the implementation and evaluation of substance use disorder prevention services.

(g) Up to $1,750,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection (41).

(42) $3,109,000 of the general fund—state appropriation for fiscal year 2022 and $3,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget during the prior fiscal year broken out by region, treatment need, and the demographics of those served, including but not limited to age, country of origin within racial/ethnic categories, gender, and immigration status.

(43) Within the amounts provided in this section, sufficient funding is provided for the authority to implement requirements to provide up to five sessions of intake and assessment pursuant to Second Substitute House Bill No. 1325 (behavioral health/youth).

(44) $19,000,000 of the general fund—federal appropriation (CRSSA) and $1,600,000 of the general fund—federal appropriation (ARPA) are provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) $7,303,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of $6,150,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) $6,344,000 of the general fund—federal appropriation (CRSSA) is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) $961,000 of the general fund—federal appropriation (CRSSA) is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) $1,346,000 of the general fund—federal appropriation (CRSSA) is provided solely to enhance crisis services and may be used for crisis respite care.

(e) $2,307,000 of the general fund—federal appropriation (CRSSA) is provided solely for the expansion of first episode psychosis programs.

(f) Up to $961,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection.

(45) The authority must pursue opportunities for shifting state costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, which identifies any activities the authority has implemented or identified to shift state costs to the unused federal funds and an analysis of the fiscal impacts for these activities and options.

(46) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement one-time behavioral health workforce pilot programs and training support grants pursuant to Engrossed Second Substitute House Bill No. 1504 (workforce education development act). Of these amounts, $440,000 of the general fund—state appropriation for fiscal year 2022 and $440,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the three behavioral health workforce pilot programs and $60,000 of the general fund—state appropriation for fiscal year 2022 and $60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for training support grants. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(47) $2,500,000 of the general fund—state appropriation for fiscal year 2022 and $2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the allocation of the fiscal year 2021 funding within this subsection. The authority must provide a report to the office of financial management and the appropriate committees of the

legislature by December 1, 2022, on the allocation of the fiscal year 2022 funding and the expenditures and number of individuals served in fiscal year 2021 by location.

(48) $500,000 of the general fund—federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

(49) $1,800,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to continue and enhance its efforts related to training and workforce development. The behavioral health institute shall develop and disseminate model programs and curricula to address the treatment needs of individuals with substance use disorders and cooccurring disorders. The behavioral health institute shall provide consultation and training to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. Training for providers may include technical assistance related to payment models, integration of peers, team-based care, utilization reviews, care transitions, and the infusion of recovery and resiliency into programming and culture. Additionally, the behavioral health institute shall provide continued access to telehealth training and support, including innovative digital health content. The behavioral health institute shall evaluate behavioral health inequities in Washington and create a center of excellence to address behavioral health inequity, including the need for a more diverse workforce. The behavioral health institute shall offer an annual conference on race, equity, and social justice and create a learning management system to provide access to training for publicly funded behavioral health providers across a range of topics. Specific curricula to be developed within the amounts provided in this subsection must include:

(a) A training for law enforcement officers focused on understanding substance use disorder and the recovery process and options and procedures for diversion from the criminal legal system for individuals with substance use disorder, to be developed in consultation with the criminal justice training commission; and

(b) A curriculum for correctional officers and community corrections officers focused on motivational interviewing, recovery coaching, and trauma informed care, developed in consultation with the department of corrections.

(50) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the north sound behavioral health administrative services organization to provide trauma-informed counseling services to children and youth in Whatcom county schools. The services must be provided by licensed behavioral health professionals who have training in the provision of trauma-informed care. The behavioral health administrative services organization must request, from the office of the superintendent of public instruction, a listing of the Whatcom county schools that are eligible for high-poverty allocations from the learning assistance program and prioritize services in these schools.

(51) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided on a one-time basis solely for the authority to contract with the north sound behavioral health administrative services organization to establish the Whatcom county crisis stabilization center as a pilot project for diversion from the criminal justice system to appropriate community based treatment. The pilot shall allow for police officers to place involuntary holds for up to 12 hours for persons placed at the facility in accordance with RCW 10.31.110. The amounts provided must be used to pay for the cost of services at the site not covered under the medicaid program. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, including the following information:

(a) The total number of individuals served in the crisis stabilization center broken out by those served on a voluntary basis versus those served under involuntary treatment holds placed pursuant to RCW 10.31.110;

(b) A summary of the outcomes for each of the groups identified in (a) of this subsection; and

(c) Identification of methods to incentivize or require managed care organizations to implement payment models for crisis stabilization providers that recognize the need for the facilities to operate at full staffing regardless of fluctuations in daily census.

(52) $1,250,000 of the general fund—state appropriation for fiscal year 2022 and $1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the King county behavioral health administrative services organization to maintain children's crisis outreach response system services that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the status of these efforts and the associated savings in state funds.

(53) $1,762,000 of the general fund—federal appropriation is provided on a one-time basis solely for maintaining and increasing resources for peer support programs and for the authority to contract with an organization to assist with the recruitment of individuals to work as behavioral health peers with a specific focus on black, indigenous, and people of color communities. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2021, and a final report including identification of the number and demographics of individuals recruited into behavioral health peer positions by December 1, 2022.

(54) $250,000 of the general fund—federal appropriation is provided solely for the authority to provide crisis response training to behavioral health peer specialists. The authority must use these amounts to contract for the development of a specialized 40 hour crisis response training curriculum for behavioral health peer specialists and to conduct a minimum of one statewide training session during fiscal year 2022 and one statewide training session during fiscal year 2023. The training shall focus on preparing behavioral health peer specialists to work with individuals in crisis, including providing peer services in emergency departments, as coresponders with law enforcement, and as part of mobile crisis teams. The training sessions must be offered free of charge to the participants and may be offered either virtually or in person as determined by the authority. By December 1, 2022, the authority must submit a report to the office of financial management and the appropriate committees of the legislature on the peer crisis response curriculum and the number of individuals that received training.

(55) $500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington alcohol and drug abuse institute to develop policy solutions in response to the public health challenges of high tetrahydrocannabinol potency cannabis. The institute must use this funding to: Conduct individual interviews with stakeholders and experts representing different perspectives, facilitate joint meetings with stakeholders to identify areas of common ground and consensus, and develop recommendations for state policies related to cannabis potency and mitigating detrimental health impacts. The authority must submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) An initial report must be submitted by December 31, 2021, and shall summarize progress made to date, preliminary policy recommendations, and next steps; and

(b) A final report must be submitted by December 31, 2022, and shall summarize the analysis conducted by the institute,

the process and stakeholders involved, an inventory of relevant cannabis policies in other states, and recommendations for policy changes to reduce the negative impacts of high potency cannabis in Washington state.

(56) $8,197,000 of the general fund—state appropriation for fiscal year 2022, $8,819,000 of the general fund—state appropriation for fiscal year 2023, and $38,025,000 of the general fund—federal appropriation are provided solely to continue in the 2021-2023 fiscal biennium the two percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations that was provided in April 2021. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a two percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers receiving payment for services under this section contracted through the medicaid managed care organizations.

(57) $114,000 of the general fund—state appropriation for fiscal year 2022, $114,000 of the general fund—state appropriation for fiscal year 2023, and $228,000 of the general fund—federal appropriation are provided solely to increase rates for community children's long-term inpatient program providers by two percent effective July 1, 2021.

(58) $117,000 of the general fund—state appropriation for fiscal year 2022, $117,000 of the general fund—state appropriation for fiscal year 2023, and $168,000 of the general fund—federal appropriation are provided solely to increase rates for parent child assistance program providers by two percent effective July 1, 2021.

(59) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—federal appropriation are provided solely to support actuarial work required for the authority to develop behavioral health comparison rates.

(60) $205,000 of the general fund—state appropriation for fiscal year 2022 and $205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the Washington state behavioral health institute to engage consumers, the University of Washington evidence based practice institute, and other stakeholders to review current and emerging data and research and make recommendations regarding best practices for virtual behavioral health services to children from prenatal stages through age 25. This work shall focus on the development of services and supports that deliver clinically-effective outcomes for children and families and identify safeguards for "in-person," "audio-video," and "audio only" modes. The review conducted by the institute shall include the collection and analysis of data about clinical efficacy of behavioral health services and supports through virtual modes and methods for determining and maximizing the health benefits of the different modes. The authority shall submit data required for this research to the behavioral health institute in accordance with federal and state laws regarding client protected information. The department shall submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) A preliminary report on the 2022 workplan by December 31, 2021;

(b) An initial report with recommendations for standards of care and best practices for behavioral health services by June 30, 2022; and

(c) A final report with additional refined recommendations and a research agenda and proposed budget for fiscal year 2024 and beyond by December 31, 2022.

(61) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(62) $150,000 of the general fund—federal appropriation is provided solely for training of behavioral health consumer advocates. Beginning in July 2022, the authority must enter into a memorandum of understanding with the department of commerce to provide support

for training of behavioral health consumer advocates pursuant to Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(63) $5,000,000 of the general fund—federal appropriation is provided solely for the authority to maintain funding for grants to law enforcement assisted diversion programs outside of King county established pursuant to chapter 314, Laws of 2019 (SSB 5380). By December 1, 2023, the authority, in coordination with the law enforcement assisted diversion national support bureau, must collect information and submit a report to the office of financial management and the appropriate committees of the legislature on the grant program including a description of the program model or models used and the number, demographic information, and measurable outcomes of the individuals served with the funding provided under this subsection.

(64) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by the contracted program shall include education, support, and assistance to reduce isolation and help consumers and families understand the services available in their communities.

(65) $13,374,000 of the general fund—state appropriation for fiscal year 2022, $12,474,000 of the general fund—state appropriation for fiscal year 2023, and $12,731,000 of the general fund—federal appropriation are provided solely for increasing local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(a) In prioritizing this funding, the health care authority shall assure that a minimum of six new children and youth mobile crisis teams are created and that there is one children and youth mobile crisis team in each region by the end of fiscal year 2022.

(b) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

(66) $42,987,000 of the general fund—state appropriation for fiscal year 2022, $57,253,000 of the general fund—state appropriation for fiscal year 2023, and $80,040,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2022 and fiscal year 2023 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment

rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at $940 plus adjustments that may be needed to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or

(ii) The annually updated statewide average of the medicaid long-term inpatient psychiatric per diem payment rate of all freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall increase the fiscal year 2021 rate by three percent each year of the biennium.

(f) Beginning in fiscal year 2023, provider payments for vacant bed days shall not exceed six percent of their annual contracted bed days.

(g) The legislature intends to recognize the additional costs associated with student teaching related to long-term civil commitment patients to be provided in a new teaching hospital expected to open during the 2023-2025 fiscal biennium.

(h) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations, and community providers, must develop and implement a plan to continue the expansion of civil community long-term inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2021, and submit a status update on the implementation plan by October 15, 2022.

(67)(a) $31,000,000 of the general fund—federal appropriation (CSFRF) is provided on a one-time basis solely for the authority to provide assistance payments to behavioral health providers serving medicaid and state-funded clients. In prioritizing the allocation of this funding, the authority must take the following into account:

(i) The differential impact the pandemic has had on different types of providers;

(ii) Other state and federal relief funds providers have received or are eligible to apply for; and

(iii) Equitable distribution of assistance including consideration of geographic location and providers serving members of historically disadvantaged communities.

(b) To be eligible for assistance, the behavioral health providers must:

(i) Have experienced lost revenue or increased expenses that are a result of the COVID-19 public health emergency;

(ii) Self-attest that the lost revenue or expenses are not funded by any other government or private entity;

(iii) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(iv) Agree to comply with federal guidance on the use of coronavirus state and local fiscal recovery funds.

(c) Provider assistance is subject to the availability of amounts provided in this subsection.

(68)(a) $375,000 of the general fund—state appropriation for fiscal year 2021 and $375,000 of the general fund—state appropriation for fiscal year 2022 are provided solely for a one-time grant to Island county to fund a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

(i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;

(ii) School based behavioral health education, assessment, and brief treatment;

(iii) Screening and referral of children and youth to long-term treatment services;

(iv) Behavioral health supports provided by community agencies serving youth year-round;

(v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;

(vi) Peer support services; and

(vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit the following reports to the legislature:

(i) By December 1, 2022, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2022; and

(ii) By December 1, 2023, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2023.

(69) State general fund appropriations in this section and in sections 219 and 221 of this act are made to address the harms caused to the state and its citizens by the opioid epidemic, and these include appropriations of $13,466,000 attributable to the settlement in *State v. McKinsey & Co., Inc.*

(70) $260,000 of the general fund—state appropriation for fiscal year 2022, $3,028,000 of the general fund—state appropriation for fiscal year 2023, and $3,028,000 of the general fund—federal appropriation are provided solely for the authority to contract for a twelve bed children's long-term inpatient program facility specializing in the provision of habilitative mental health services for children and youth with intellectual or developmental disabilities who have intensive behavioral health support needs. The authority must provide a report to the office of financial management and the appropriate committees of the legislature providing data on the demand and utilization of this facility by June 30, 2023.

(71) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue the University of Washington's project extension for community health care outcomes (ECHO) for:

(a) Telecommunication consultation with local physicians to discuss medications appropriate to patients who have developmental disabilities and behavioral issues; and

(b) Training to both behavioral health and developmental disabilities professionals to support individuals with both developmental disabilities and behavioral health needs.

(72) No more than $1,535,000 of the general fund—federal appropriation and $810,000 of the general fund—local appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(73) $396,000 of the general fund—state appropriation for fiscal year 2022, $329,000 of the general fund—state appropriation for fiscal year 2023, and $3,153,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.

(74)(a) $150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to convene a work group to develop a recommended teaching clinic enhancement rate for behavioral health agencies training and supervising students and those seeking their certification or license. This work should include: Developing standards for classifying a behavioral health agency as a teaching clinic; a cost methodology to determine a teaching clinic enhancement rate; and a timeline for implementation. The work group must include representatives from:

(i) The department of health;

(ii) The office of the governor;

(iii) The Washington workforce training and education board;

(iv) The Washington council for behavioral health;

(v) Licensed and certified behavioral health agencies; and

(vi) Higher education institutions.

(b) By October 15, 2021, the health care authority must submit a report of the work group's recommendations to the governor and the appropriate committees of the legislature.

(75) $343,000 of the general fund—state appropriation for fiscal year 2022, $344,000 of the general fund—state appropriation for fiscal year 2023, and $687,000 of the general fund—federal appropriation are provided solely for increasing services to pregnant and parenting women provided through the parent child assistance program.

(76) $130,000 of the general fund—state appropriation for fiscal year 2022 and $130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and increasing the capabilities of a tool to track medication assisted treatment provider capacity.

(77) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support

substance use disorder family navigators across the state.

(78) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support recovery cafes across the state.

(79) $69,000 of the general fund—state appropriation for fiscal year 2022, $63,000 of the general fund—state appropriation for fiscal year 2023, and $198,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(80) $200,000 of the general fund—state appropriation for fiscal year 2022, $195,000 of the general fund—state appropriation for fiscal year 2023, and $755,000 of the general fund—federal appropriation are provided solely for a grant program to award funding to fire departments in the state of Washington to implement safe station pilot programs. Programs that combine the safe station approach with fire department mobile integrated health programs such as the community assistance referral and education services program under RCW 35.21.930 are encouraged. Certified substance use disorder peer specialists may be employed in a safe station pilot program if the authority determines that a plan is in place to provide appropriate levels of supervision and technical support. Safe station pilot programs shall collaborate with behavioral health administrative services organizations, local crisis providers, and other stakeholders to develop a streamlined process for referring safe station clients to the appropriate level of care. Funding for pilot programs under this subsection shall be used for new or expanded programs and may not be used to supplant existing funding.

(81) $71,000 of the general fund—state appropriation for fiscal year 2022, $66,000 of the general fund—state appropriation for fiscal year 2023, and $136,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(82) $150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to evaluate options for a medicaid waiver to provide respite care for youth with behavioral health challenges while avoiding adverse impacts with respite waivers at the department of social and health services developmental disabilities administration and the department of children, youth, and families.

(83) $2,000,000 of the general fund—federal appropriation is provided solely for grants to law enforcement and other first responders to include a mental health professional on the team of personnel responding to emergencies.

(84) $375,000 of the general fund—state appropriation for fiscal year 2022 and $375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the city of Arlington in partnership with the North County regional fire authority for a mobile integrated health pilot project. The project shall provide mobile integrated health services for residents who cannot navigate resources through typical methods through brief therapeutic intervention, biopsychosocial assessment and referral, and community care coordination.

(85) $26,000 of the general fund—state appropriation for fiscal year 2022, $26,000 of the general fund—state appropriation for fiscal year 2023, and $48,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio only telemedicine). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(86) $400,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5073 (involuntary commitment). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(87) $2,834,000 of the general fund—state appropriation for fiscal year 2023 and $1,813,000 of the general fund—federal appropriation are provided solely for the authority to contract for two distinct 16 bed programs in a facility located in Clark county to

provide long-term inpatient care beds as defined in RCW 71.24.025. The beds must be used to provide treatment services for individuals who have been involuntarily committed to long-term inpatient treatment pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The authority, in coordination with the department of social and health services, must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

NEW SECTION. **Sec. 216. FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2022) $2,946,000

General Fund—State Appropriation (FY 2023) $2,966,000

General Fund—Federal Appropriation $2,572,000

TOTAL APPROPRIATION $8,484,000

The appropriations in this section are subject to the following conditions and limitations: $1,000 of the general fund—state appropriation for fiscal year 2022 and $1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5027 (television closed captions). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State

Appropriation $10,000

Accident Account—State Appropriation $24,093,000

Medical Aid Account—State Appropriation $24,090,000

TOTAL APPROPRIATION $48,193,000

The appropriations in this section are subject to the following conditions and limitations: $12,000 of the accident account—state appropriation and $10,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (worker safety pandemic response). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2022) $34,677,000

General Fund—State Appropriation (FY 2023) $34,509,000

General Fund—Private/Local Appropriation $5,961,000

Death Investigations Account—State Appropriation $1,216,000

Municipal Criminal Justice Assistance Account—State

Appropriation $460,000

Washington Auto Theft Prevention Authority Account—

State Appropriation $7,167,000

24/7 Sobriety Account—State Appropriation $20,000

TOTAL APPROPRIATION $84,010,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $5,000,000 of the general fund—state appropriation for fiscal year 2022 and $5,000,000 of the general fund—state appropriation for fiscal year 2023, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) $1,504,000 of the general fund—state appropriation for fiscal year 2022 and $1,513,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for 75 percent of the costs of providing five additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the

beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) $429,000 of the general fund—state appropriation for fiscal year 2022 and $429,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) $5,000,000 of the general fund—state appropriation for fiscal year 2022 and $5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute $7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services*, et. al., U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) $899,000 of the general fund—state appropriation for fiscal year 2022 and $899,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services*, et. al., U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) $1,216,000 of the death investigations account—state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) $13,000 of the general fund—state appropriation for fiscal year 2022, $26,000 of the general fund—state appropriation for fiscal year 2023, and $12,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9)(a) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement chapter 378, Laws of 2019 (alternatives to arrest/jail).

(b) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for evaluation of grant-funded programs under chapter 378, Laws of 2019 (alternatives to arrest/jail).

(10) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2022, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(11) $20,000 of the general fund—state appropriation for fiscal year 2022 and $20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a helmet distribution program in order to reduce traumatic

brain injuries throughout the state. Of these amounts:

(a) $10,000 of the general fund—state appropriation for fiscal year 2022 and $10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Washington fire chiefs association to provide helmets to persons contacted by an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle; and

(b) $10,000 of the general fund—state appropriation for fiscal year 2022 and $10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies to provide helmets to persons contacted by an official of a local law enforcement agency for not wearing a helmet while riding a skateboard or bicycle.

(12) $307,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for chapter 294, Laws of 2020 (critical stress management programs).

(13) $727,000 of the general fund—state appropriation for fiscal year 2022, $727,000 of the general fund—state appropriation for fiscal year 2023, and $248,000 of the general fund—local appropriation are provided solely for chapter 119, Laws of 2020 (correctional officer certification).

(14) $406,000 of the general fund—state appropriation for fiscal year 2022 and $408,000 of the general fund—state appropriation for fiscal year 2023 are provided to the Washington association of sheriffs and police chiefs solely to establish a behavioral health support and suicide prevention program for law enforcement officers. The program will begin with grants to three pilot locations and will leverage access to mental health professionals, critical stress management, and resiliency training.

(15) $1,883,000 of the general fund—state appropriation for fiscal year 2022 and $1,986,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace officer oversight). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(16) $474,000 of the general fund—state appropriation for fiscal year 2022 and $446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5066 (officer duty to intervene). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(17) $151,000 of the general fund—state appropriation for fiscal year 2022 and $148,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the participation of the Washington association of sheriffs and police chiefs in the joint legislative task force on jail standards created in section 957 of this act.

(18) $374,000 of the general fund—state appropriation for fiscal year 2022 and $296,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (office of independent investigations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(19) $31,000 of the general fund—state appropriation for fiscal year 2022 and $31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1088 (impeachment disclosures). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(20) $269,000 of the general fund—state appropriation for fiscal year 2022 and $261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1001 (law enforcement professional development). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(21) $25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(22) $40,000 of the general fund—state appropriation for fiscal year 2022 and

$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(23) $25,000 of the general fund—state appropriation for fiscal year 2022 and $25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 219. FOR THE OFFICE OF INDEPENDENT INVESTIGATIONS**

General Fund—State Appropriation (FY 2022) $7,063,000

General Fund—State Appropriation (FY 2023) $12,657,000

TOTAL APPROPRIATION $19,720,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (establishing an office of independent investigations), to create an office within the office of the governor for the purposes of investigating deadly force incidents involving peace officers. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2022) $13,752,000

General Fund—State Appropriation (FY 2023) $15,492,000

General Fund—Federal Appropriation $11,876,000

Asbestos Account—State Appropriation $573,000

Electrical License Account—State Appropriation $56,707,000

Farm Labor Contractor Account—State Appropriation $28,000

Worker and Community Right to Know Fund—State

Appropriation $1,000,000

Construction Registration Inspection Account—State

Appropriation $28,947,000

Public Works Administration Account—State

Appropriation $9,352,000

Manufactured Home Installation Training Account—

State Appropriation $395,000

Accident Account—State Appropriation $366,060,000

Accident Account—Federal Appropriation $16,047,000

Medical Aid Account—State Appropriation $366,663,000

Medical Aid Account—Federal Appropriation $3,608,000

Plumbing Certificate Account—State Appropriation $3,316,000

Pressure Systems Safety Account—State Appropriation $4,582,000

TOTAL APPROPRIATION $898,398,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $8,551,000 of the accident account—state appropriation and $8,551,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act. The department must:

(a) Submit a report by August 1, 2021, on the quantifiable deliverables accomplished in fiscal years 2020 and 2021 and the amount spent by each deliverable in each of the following subprojects:

(i) Business readiness;

(ii) Change readiness;

(iii) Commercial off the shelf procurement;

(iv) Customer access;

(v) Program foundations;

(vi) Independent assessment; and

(vii) In total by fiscal year;

(b) Submit quarterly data within 30 calendar days of the end of each quarter, effective July 1, 2021, on:

(i) All of the quantifiable deliverables accomplished by subprojects identified in (a)(i) through (vi) of this subsection and in total and the associated expenditures by each deliverable by fiscal month;

(ii) The contract full time equivalent charged by subprojects identified in (a)(i) through (vi) of this subsection, and in total, compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan by subprojects identified in (a)(i) through (vi) of this subsection, and in total, assumes by fiscal month;

(iii) The performance metrics by subprojects identified in (a)(i) through (vi) of this subsection, and in total, that are currently used, including monthly performance data; and

(iv) The risks identified independently by at least the quality assurance vendor and the office of the chief information officer, and how the project:

(A) Has mitigated each risk; and

(B) Is working to mitigate each risk, and when it will be mitigated;

(c) Submit the reports in (a) and (b) of this subsection to fiscal and policy committees of the legislature; and

(d) Receive an additional gated project sign off by the office of financial management, effective September 1, 2021. Prior to spending any project funding in this subsection each quarter, there is an additional gate of approval required for this project. The director of financial management must agree that the reporting data provided each quarter shows accountability, effective and appropriate use of the funding, and that risks are being mitigated to the spending and sign off on the spending for the ensuing quarter.

(2) $250,000 of the medical aid account—state appropriation and $250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2022 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) $258,000 of the accident account—state appropriation and $258,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2021, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4)(a) $2,000,000 of the general fund—state appropriation for fiscal year 2022 and $2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of

registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(d) The department may use up to 5 percent of these funds for administration of these grants.

(5) $3,632,000 of the accident account—state appropriation and $876,000 of the medical aid account—state appropriation are provided solely for the creation of an agriculture compliance unit within the division of occupational safety and health. The compliance unit will perform compliance inspections and provide bilingual outreach to agricultural workers and employers.

(6) $2,849,000 of the construction registration inspection account—state appropriation, $152,000 of the accident account—state appropriation, and $31,000 of the medical aid account—state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(7) $4,380,000 of the medical aid account—state appropriation is provided solely for the implementation of the provider credentialing system project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(8) $530,000 of the accident account—state appropriation and $94,000 of the medical aid account—state appropriation are provided solely for the department to conduct infectious disease rule making to ensure the state has general guidelines to follow in the case of an infectious disease outbreak and to provide education and outreach.

(9) $334,000 of the accident account—state appropriation and $60,000 of the medical aid account—state appropriation are provided for the maintenance and operating costs of the isolated worker protection information technology project.

(10) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to analyze patients who are maintained on chronic opioids. The department must submit a report of its findings to the governor and the appropriate committees of the legislature no later than October 1, 2023. The report shall include analysis of patient data, describing the characteristics of patients who are maintained on chronic opioids and their clinical needs, and a preliminary evaluation of potential interventions to improve care and reduce harms in this population.

(11) $100,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training, in order to develop and implement a program aimed at reducing workplace sexual harassment in the agricultural sector, with the following deliverables:

(a) Peer-to-peer training and evaluation of sexual harassment training curriculum; and

(b) The building of a statewide network of peer trainers as farmworker leaders whose primary purpose is to prevent workplace sexual harassment and assault through leadership, education, and other tools.

(12) $150,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to investigate how to make Washington's industrial insurance system easier to access for employers and hiring entities to provide industrial insurance coverage for domestic workers.

(a) Domestic workers include, but are not limited to: Housecleaners, nannies, gardeners, and day laborers, including but not limited to those who may perform maintenance or repair work in or about the private home of the employer or hiring entity.

(b) The work group shall make recommendations to the governor and appropriate legislative committees on legislative, regulatory, or other changes that would make the industrial insurance system easier for day laborers and their employers to access. This work group will also explore the possible role of intermediary nonprofit organizations that assist and refer domestic workers and day laborers.

(c) The work group shall be comprised of the following representatives, to be appointed by the governor by July 1, 2021:

(i) Two representatives who are directly impacted domestic workers who work for private home employers or hiring entities;

(ii) Two representatives who are directly impacted day laborers who work for private home employers or hiring entities;

(iii) Two representatives from unions, workers' centers, or intermediary nonprofit organizations that assist and/or refer such directly impacted workers;

(iv) Two employer or hiring entity representatives who directly employ or hire single domestic workers in private homes;

(v) One employer or hiring entity representative who directly employs or hires day laborers in a private home;

(vi) One representative from a nonprofit organization that educates and organizes household employers; and

(vii) Representatives from the department, serving in an ex officio capacity.

(d) The department shall convene the work group by August 1, 2021, and shall meet at least once every two months and may meet remotely in order to accommodate the involvement of domestic worker and day laborer representatives.

(e) The work group shall deliver its report and recommendations to the governor and the appropriate committees of the legislature no later than November 4, 2022.

(13) $237,000 of the accident account—state appropriation and $184,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5115 (health emergency/labor). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) $825,000 of the accident account—state appropriation and $620,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) $760,000 of the general fund—state appropriation for fiscal year 2022 and $1,393,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(16) $367,000 of the accident account—state appropriation and $366,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(17) $1,626,000 of the accident account—state appropriation and $288,000 of the medical aid account—state appropriation are provided solely for the purpose of providing a temporary 7.5

percent increase to the base rate of pay for the compliance field positions in the following job classifications: Safety and health specialist 3, safety and health specialist 4, industrial hygienist 3, and industrial hygienist 4, who are responsible for inspections, investigations, and enforcement related to the COVID-19 pandemic, not including consultation staff within these classifications. The increase shall be effective July 1, 2021, until June 30, 2023. Expenditure of the amount provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this subsection.

(18) $298,000 of the accident account—state appropriation and $53,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (increasing worker protections). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(19) $1,360,000 of the accident account—state appropriation and $240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries, in coordination with the Washington state apprenticeship training council, to establish behavioral health apprenticeship programs. The behavioral health apprenticeship programs shall be administered by the Washington state apprenticeship training council. The amounts provided in this subsection must be used to compensate behavioral health providers for the incurred operating costs associated with the apprenticeship program, including apprentice compensation, staff support and supervision of apprentices, development of on-the-job training catalogs for apprentices, and provider incentives for implementing a behavioral health apprenticeship program. In awarding this funding, special preference must be given to small or rural behavioral health providers and those that serve higher percentages of individuals from black, indigenous, and people of color communities.

(20) $65,000 of the accident account—state appropriation and $66,000 of the medical aid account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys that are unrelated to the coronavirus response and not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys that are unrelated to the coronavirus response, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2022) $3,966,000

General Fund—State Appropriation (FY 2023) $3,791,000

Charitable, Educational, Penal, and Reformatory

Institutions Account—State Appropriation $10,000

TOTAL APPROPRIATION $7,767,000

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2022) $8,121,000

General Fund—State Appropriation (FY 2023) $7,878,000

General Fund—Federal Appropriation $4,412,000

General Fund—Private/Local Appropriation $4,959,000

Veteran Estate Management Account—Private/Local

Appropriation $717,000

TOTAL APPROPRIATION $26,087,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $449,000 of the general fund—state appropriation for fiscal year 2022 and $449,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for supporting the statewide plan to reduce suicide among service members, veterans, and their families. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(b) $233,000 of the general fund—state appropriation for fiscal year 2022 and $233,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the traumatic brain injury program to reduce homelessness, domestic violence, and intimate partner violence impacts to the behavioral health system and justice system. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(c) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two veterans service officers, one located in eastern Washington and one located in western Washington.

(4) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022) $10,991,000

General Fund—State Appropriation (FY 2023) $12,510,000

General Fund—Federal Appropriation $108,522,000

General Fund—Private/Local Appropriation $21,794,000

TOTAL APPROPRIATION $153,817,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) If the department receives additional unanticipated federal resources that are unrelated to the coronavirus response at any point during the remainder of the 2021-2023 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(b) $234,000 of the general fund—state appropriation for fiscal year 2022 and $222,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Substitute House Bill No. 1218 (long-term care residents). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2022) $85,000

General Fund—State Appropriation (FY 2023) $101,000

General Fund—Federal Appropriation $710,000

TOTAL APPROPRIATION $896,000

NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2022) $99,870,000

General Fund—State Appropriation (FY 2023) $96,638,000

General Fund—Federal Appropriation $569,921,000

General Fund—Private/Local Appropriation $234,627,000

Hospital Data Collection Account—State Appropriation $428,000

Health Professions Account—State Appropriation $146,975,000

Aquatic Lands Enhancement Account—State

Appropriation $633,000

Emergency Medical Services and Trauma Care Systems

Trust Account—State Appropriation $10,053,000

Safe Drinking Water Account—State Appropriation $5,976,000

Drinking Water Assistance Account—Federal

Appropriation $16,759,000

Waterworks Operator Certification Account—State

Appropriation $1,978,000

Drinking Water Assistance Administrative Account—

State Appropriation $1,604,000

Site Closure Account—State Appropriation $180,000

Biotoxin Account—State Appropriation $1,675,000

Model Toxics Control Operating Account—State

Appropriation $7,555,000

Medical Test Site Licensure Account—State

Appropriation $3,187,000

Secure Drug Take-Back Program Account—State

Appropriation $299,000

Youth Tobacco and Vapor Products Prevention Account—

State Appropriation $3,222,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $10,538,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $10,562,000

Public Health Supplemental Account—Private/Local

Appropriation $3,619,000

Accident Account—State Appropriation $348,000

Medical Aid Account—State Appropriation $53,000

TOTAL APPROPRIATION $1,226,700,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require

to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2021-2023 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2022 and 2023 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2022 and 2023 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(8) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(9) $26,855,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(10) $17,000 of the health professions account—state appropriation is provided solely for the implementation of Senate Bill No. 5018 (acupuncture and eastern

med.) If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(11) $703,000 of the general fund—state appropriation for fiscal year 2022 and $703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(12) $73,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(13) $79,000 of the general fund—state appropriation for fiscal year 2022 and $76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) $1,333,000 of the general fund—state appropriation for fiscal year 2022 and $1,117,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (env. justice task force recs). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) $13,000 of the general fund—state appropriation for fiscal year 2022 and $13,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(16) $74,000 of the general fund—state appropriation for fiscal year 2022 and $74,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing ed.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(17) $50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to the Pierce county center for dispute resolution to convene a task force, staffed by the Pierce county center for dispute resolution, to review and make recommendations on bringing the current practice of dental therapy on tribal lands to a statewide scale, and on the practice, supervision, and practice settings needed to maximize the effectiveness of dental therapy. The Pierce county center for dispute resolution must submit a report to the legislature by December 1, 2021.

(a) Members of the task force must include:

(i) Three representatives from different organizations that represent individuals or underserved communities, including but not limited to children, seniors, African Americans, Latino Americans, Native Americans, Pacific Islander Americans, and low income and rural communities;

(ii) One member of the dental quality assurance commission;

(iii) One representative from the University of Washington school of dentistry;

(iv) One member from the Washington state dental association;

(v) One member from the Washington state dental hygienists' association;

(vi) One dental therapist;

(vii) One dentist who has or is currently supervising a dental therapist or therapists;

(viii) One representative from a dental only integrated delivery system;

(ix) One representative from an urban Indian health clinic;

(x) One representative from a federally qualified health center or the Washington association for community health;

(xi) One representative from a dental therapy education program;

(xii) One representative from a Washington tribe that currently employs dental therapists; and

(xiii) One representative from a labor union representing care providers that has experience providing dental coverage

and promoting dental care among their members.

(b) In addition, members of the task force may include members from the legislature as follows:

(i) The president of the senate may appoint one member from each of the two largest caucuses of the senate; and

(ii) The speaker of the house of representatives may appoint one member from each of the two largest caucuses of the house of representatives.

(18) $492,000 of the general fund—state appropriation for fiscal year 2022 and $492,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used to support the costs of the development and adoption of rules, policies, and procedures, and for technical assistance, training, and other program-related costs.

(19) $96,000 of the general fund—state appropriation for fiscal year 2022 and $92,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community outreach to prepare culturally and linguistically appropriate hepatitis B information in a digital format to be distributed to ethnic and cultural leaders and organizations to share with foreign-born and limited or non-English speaking community networks.

(20) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the collaboration between the local public health jurisdiction, related accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from the first three years of the project, planning to align care coordination efforts across health care systems and support the related accountable communities of health initiatives, including innovative, collaborative models of care. Strategies to reduce costly hospitalizations include the following: (a) Working with partners to prevent chronic disease; (b) improving heart failure rates; (c) incorporating community health workers as part of the health care team and improving care coordination; (d) supporting the COVID-19 response with improved access to immunizations; and (e) the use of community health workers to provide necessary resources to prevent hospitalization of people who are in isolation and quarantine.

(21)(a) $200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a task force, chaired by the secretary of the department, implemented by August 1, 2021, to assist with the development of a "parks Rx" health and wellness pilot program that can be implemented in the Puget Sound, eastern Washington, and southwest Washington regions of Washington state.

(b) Members of the task force must include:

(i) The secretary of health, or the secretary's designee;

(ii) The following members to be appointed by the secretary of health:

(A) Two representatives of local parks and recreation agencies, from recommendations by the Washington recreation and park association;

(B) Two representatives of health care providers and community health workers, from recommendations by the association of Washington healthcare plans from recommendations by the department community health worker training program;

(C) Two representatives from drug-free health care professions, one representing the interests of state associations representing chiropractors and one representing the interests of physical therapists and athletic trainers from recommendations by their respective state associations;

(D) Two representatives from hospital and health systems, from recommendations by the Washington state hospital association;

(E) Two representatives of local public health agencies, from recommendations by the Washington state association of local public health officials; and

(F) Two representatives representing health carriers, from recommendations

from the association of Washington healthcare plans; and

(iii) A representative from the Washington state parks, as designated by the Washington state parks and recreation commission.

(c) The secretary of health or the secretary's designee must chair the task force created in this subsection. Staff support for the task force must be provided by the department of health.

(d) The task force shall establish an ad hoc advisory committee in each of the three pilot regions for purposes of soliciting input on the design and scope of the parks Rx program. Advisory committee membership may not exceed 16 persons and must include diverse representation from the pilot regions, including those experiencing significant health disparities.

(e) The task force must meet at least once bimonthly through June 2022.

(f) The duties of the task force are to advise the department of health on issues including but not limited to developing:

(i) A process to establish the pilot program described in this subsection around the state with a focused emphasis on diverse communities and where systematic inequities and discrimination have negatively affected health outcomes;

(ii) Model agreements that would enable insurers to offer incentives to public, nonprofit, and private employers to create wellness programs that offer employees a discount on health insurance in exchange for a certain usage level of outdoor parks and trails for recreation and physical activity; and

(iii) Recommendations on ways in which a public-private partnership approach may be utilized to fund the implementation of the pilot program described in this subsection.

(g) The members of the task force are encouraged to consider grant funding and outside funding options that can be used toward the pilot program.

(h) The department of health must report findings and recommendations of the task force to the governor and relevant committees of the legislature in compliance with RCW 43.01.036 by September 1, 2022.

(22) $50,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to make recommendations concerning funding and policy initiatives to address the spread of sexually transmitted infections in Washington.

(a) The work group membership must include, but is not limited to, the following members appointed by the governor:

(i) A representative from the department of health office of infectious disease;

(ii) A representative from the pharmacy quality assurance commission;

(iii) A representative from the Washington medical commission;

(iv) A representative from an organization representing health care providers;

(v) A representative from a local health jurisdiction located east of the crest of the Cascade mountains;

(vi) A representative from a local health jurisdiction located west of the crest of the Cascade mountains;

(vii) At least one representative from an organization working to address health care access barriers for LGBTQ populations;

(viii) At least one representative from an organization working to address health care access barriers for communities of color; and

(ix) At least one representative from an organization working to address health care access barriers for justice involved individuals.

(b) Staff support for the work group shall be provided by the department of health.

(c) The work group shall submit a report to the legislature by December 1, 2022, that includes recommendations to: (i) Eradicate congenital syphilis and hepatitis B by 2030; (ii) control the spread of gonorrhea, syphilis, and chlamydia; (iii) end the need for confirmatory syphilis testing by the public health laboratory; and (d) expand access to PrEP and PEP.

(d) Recommendations provided by the work group must be prioritized based on need and available funding.

(23) $236,000 of the general fund—state appropriation for fiscal year 2022 and $236,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1152 (comprehensive public health districts). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(24) $332,000 of the general fund—state appropriation for fiscal year 2022 and $1,885,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish and operate regional shared service centers, regional health officers, and regional coordinators, as follows:

(a) The role and duties of the regional shared service centers shall be determined by the department and may include the coordination and facilitation of shared delivery of services under the foundational public health services, the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones), and the development of relationships with other regional bodies, such as accountable communities of health.

(b) Regional health officers and regional coordinators must be employees of the department. The department may seek to colocate these employees with local health jurisdictions or other government agencies.

(c) The regional health officers shall be deputies of the state health officer. Regional health officers may: (i) Work in partnership with local health jurisdictions, the department, the state board of health, and federally recognized Indian tribes to provide coordination across counties; (ii) provide support to local health officers and serve as an alternative for local health officers during vacations and other absences, emergencies, and vacancies; and (iii) provide mentorship and training to new local health officers.

(d) A regional health officer must meet the same qualifications as local health officers provided in RCW 70.05.050.

(25) $34,000 of the general fund—state appropriation for fiscal year 2022 and $58,000 of the general fund—local appropriation are provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(26) $832,000 of the general fund—local appropriation and $554,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(27) $21,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1063 (behav. health credentials). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(28) $374,000 of the general fund—state appropriation for fiscal year 2022 and $362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(29) $97,000 of the general fund—local appropriation is provided solely for implementation of House Bill No. 1031 (birth cert., stillbirth). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(30) $200,000 of the general fund—state appropriation for fiscal year 2022 and $98,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(31) $17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1007 (supervised exp./distance). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(32) $596,000 of the general fund—state appropriation for fiscal year 2022, $58,000 of the general fund—state appropriation for fiscal year 2023, and $64,000 of the hospital data collection account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(33) $71,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1129 (international medical grads). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(34) $2,809,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (lead in drinking water). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(35) $17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1383 (respiratory care). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(36) $92,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water standards). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(37) $516,000 of the general fund—state appropriation for fiscal year 2022 and $1,873,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1225 (school-based health centers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(38) $301,000 of the secure drug take-back program account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1161 (drug take-back programs). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(39) $22,000 of the general fund—state appropriation for fiscal year 2022 and $78,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed House Bill No. 1311 (SUD apprenticeships/certs). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(40) $17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of House Bill No. 1378 (medical assistants). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(41) Within amounts appropriated in this section from the health professions account, the Washington nursing commission shall contract with the state auditor's office to conduct a performance audit, specifically addressing the length of time required to license individuals who come from other states. The audit should address the obstacles contributing to any delay and make recommendations for improvement.

(42) Within amounts appropriated in this section from the health professions account, the Washington medical commission shall contract with the state auditor's office to conduct a performance audit, which must address the length of time required to license individuals and comparatively analyze disciplinary processes with those of other states. The audit should address the obstacles contributing to inefficiencies and make recommendations for improvement.

(43) Within amounts appropriated in this section, the Washington nursing commission must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.

(44) $600,000 of the general fund—state appropriation for fiscal year 2022 and $600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish language public radio media campaign aimed at providing education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach residents considered "essential workers," including but not limited to farmworkers, and provide information on

best practices for limiting exposure, preventing transmission, and seeking treatment for COVID-19. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2021. A final report to the legislature must be submitted no later than June 30, 2023. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.

(45) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.

(46) $400,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2022. A final report must be submitted to the legislature no later than June 30, 2023. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(47) $2,122,000 of the general fund—state appropriation for fiscal year 2022 and $2,122,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing operations and maintenance of the prescription monitoring program maintained by the department.

(48) $2,325,000 of the general fund—state appropriation for fiscal year 2022 and $2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for:

(a) Staffing by the department, the department of veterans affairs, and the department of corrections to expand statewide suicide prevention efforts, which efforts include suicide prevention efforts for military service members and veterans and incarcerated persons;

(b) A suicide prevention public awareness campaign to provide education regarding the signs of suicide, interventions, and resources for support;

(c) Additional staffing for call centers to support the increased volume of calls to suicide hotlines;

(d) Training for first responders to identify and respond to individuals experiencing suicidal ideation;

(e) Support for tribal suicide prevention efforts;

(f) Strengthening behavioral health and suicide prevention efforts in the agricultural sector;

(g) Support for the three priority areas of the governor's challenge regarding identifying suicide risk among service members and their families, increasing the awareness of resources available to service members and their families, and lethal means safety planning;

(h) Expansion of training for community health workers to include culturally informed training for suicide prevention;

(i) Coordination with the office of the superintendent of public instruction; and

(j) Support for the suicide prevention initiative housed in the University of Washington.

(49) $1,500,000 of the general fund—state appropriation for fiscal year 2022 and $1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the fruit and vegetable incentive program.

(50) $474,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1218 (long-term care residents). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(51) $1,779,000 of the health professions account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 1504 (workforce education development act). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(52) $627,000 of the general fund—state appropriation for fiscal year 2022 and $627,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the recommendations from the community health workers task force to provide statewide leadership, training, and integration of community health workers with insurers, health care providers, and public health systems.

(53) $250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for one-time grants to family planning clinics that are at risk of imminent closure, did not receive a paycheck protection program loan, and are ineligible for funding through the coronavirus aid, relief, and economic security (CARES) act or the coronavirus response and relief supplemental appropriations act of 2021 (CRRSA).

(54) $450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the nursing care quality assurance commission, in collaboration with the workforce training and education coordinating board and the department of labor and industries, to plan a home care aide to nursing assistant certified to licensed practical nurse (HCA-NAC-LPN) apprenticeship pathway. The plan must provide the necessary groundwork for the launch of at least three licensed practical nurse apprenticeship programs in the next phase of work. The plan for the apprenticeship programs must include programs in at least three geographically disparate areas of the state experiencing high levels of long-term care workforce shortages for corresponding health professions and incorporate the participation of local workforce development councils for implementation.

(55) $85,000 of the general fund—state appropriation for fiscal year 2022 and $23,000 of the health professions account—state appropriation are provided solely to implement Senate Bill No. 5124 (colon hydrotherapy). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2022) $77,278,000

General Fund—State Appropriation (FY 2023) $79,651,000

General Fund—Federal Appropriation $400,000

TOTAL APPROPRIATION $157,329,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $1,135,000 of the general fund—state appropriation for fiscal year 2022 and $1,731,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of reentry supports and transition services for incarcerated individuals including development and implementation of a coaching model approach to supervision.

(b) Within the amounts provided in (a) of this subsection, $100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to develop an implementation plan for a community supervision coaching model to begin in fiscal year 2023. The department must solicit input from incarcerated individuals, family members of incarcerated individuals, experts in supervision and reentry, community stakeholder and advocacy groups, and impacted labor organizations. The plan shall propose appropriate policies and procedures for the coaching model, including ongoing training and

organizational culture assessments. During development of the plan, the department must consider potential inequities that may arise from any changes or additional requirements of supervision resulting from the model and mitigate those concerns to the greatest extent possible in its final plan. This plan must be submitted to the office of financial management prior to implementation.

(c) Within the amounts provided in (a) of this subsection, $706,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under (b) of this subsection and for the department to submit an initial report to the legislature on the progress of implementation of the coaching supervision model by no later than February 1, 2023.

(d) $17,000 of the general fund—state appropriation for fiscal year 2022 and $17,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions). If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(e) $197,000 of the general fund—state appropriation for fiscal year 2022 and $187,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(f)(i) $779,000 of the general fund—state appropriation for fiscal year 2022 and $817,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (f)(i) of this subsection, $680,000 of the general fund—state appropriation for fiscal year 2022 and $285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2022) $602,497,000

General Fund—State Appropriation (FY 2023) $605,877,000

General Fund—Federal Appropriation $1,300,000

Washington Auto Theft Prevention Authority Account—

State Appropriation $4,343,000

TOTAL APPROPRIATION $1,214,017,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than $85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meets standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary

medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) $501,000 of the general fund—state appropriation for fiscal year 2022 and $501,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) Funding in this subsection is sufficient for the department to track and report to the legislature on the changes in working conditions and overtime usage as a result of increased funding provided for custody relief and health care delivery by December 1, 2022.

(d) $39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2022) $248,374,000

General Fund—State Appropriation (FY 2023) $274,412,000

TOTAL APPROPRIATION $522,786,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) $7,394,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under subsection (1)(b) of this section.

(d) Within existing resources the department must update the response to violations and new criminal activity policy to reflect the savings assumed in this section as related to mandatory maximum confinement sanctions.

(e) $1,124,000 of the general fund—state appropriation for fiscal year 2022 and $523,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased costs associated with the relocation of leased facilities. The department shall engage in ongoing strategies to reduce the need for relocating facilities and when necessary contract only with lessors with rates that align with comparable market rates in the area.

(f) $59,000 of the general fund—state appropriation for fiscal year 2022 and $23,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition). If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(g) $450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for conducting a community corrections caseload study. The department of corrections shall contract with an independent third party to provide a comprehensive review of the community corrections staffing model and develop an updated staffing model for use by the department of corrections. The updated model must include additional time and flexibility for community corrections officers to focus on case management, engagement, and interventions. The department of corrections shall submit a report, including a summary of the review and update, to the governor and appropriate committees of the legislature by July 1, 2022.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2022) $7,324,000

General Fund—State Appropriation (FY 2023) $7,539,000

TOTAL APPROPRIATION $14,863,000

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2022) $58,651,000

General Fund—State Appropriation (FY 2023) $52,702,000

TOTAL APPROPRIATION $111,353,000

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2022) $77,046,000

General Fund—State Appropriation (FY 2023) $77,596,000

TOTAL APPROPRIATION $154,642,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody. The department of corrections must complete a report and submit its findings and recommendations to the appropriate committees of the legislature by December 15, 2021.

(c) $3,106,000 of the general fund—state appropriation for fiscal year 2022 and $3,106,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the housing voucher program.

(d) $3,300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for temporary court facilities, staffing, and to provide release assistance, including limited housing and food assistance, and other costs associated with individuals resentenced or ordered released from confinement as a result of the *State v. Blake* decision.

(e)(i) $1,001,000 of the general fund—state appropriation for fiscal year 2022 and $675,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (e)(i) of this subsection, $272,000 of the general fund—state appropriation for fiscal year 2022 and $247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2022) $174,184,000

General Fund—State Appropriation (FY 2023) $175,599,000

General Fund—Federal Appropriation $1,400,000

TOTAL APPROPRIATION $351,183,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) $183,000 of the general fund—state appropriation for fiscal year 2022 and $167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions). If the bill is not enacted

by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2022) $3,534,000

General Fund—State Appropriation (FY 2023) $3,573,000

General Fund—Federal Appropriation $25,544,000

General Fund—Private/Local Appropriation $60,000

TOTAL APPROPRIATION $32,711,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) $50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to consult with a food service architect to determine the feasibility and cost of remodels to select cafes owned by entrepreneurs participating in the business enterprise program, and to prepare a report that includes the results, recommendations, cost, and potential funding sources that could be used to assist with remodels. The report is due to the governor and appropriate legislative committees by November 1, 2021.

(2) $70,000 of the general fund—state appropriation is provided solely for the department to provide individualized training to its blind, visually-impaired, deaf, and hearing-impaired staff in Microsoft 365 programs.

NEW SECTION. **Sec. 225. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2022) $1,757,000

General Fund—State Appropriation (FY 2023) $2,834,000

General Fund—Federal Appropriation $382,529,000

General Fund—Private/Local Appropriation $36,416,000

Unemployment Compensation Administration Account—

Federal Appropriation $420,315,000

Administrative Contingency Account—State

Appropriation $26,636,000

Employment Service Administrative Account—State

Appropriation $60,926,000

Family and Medical Leave Insurance Account—State

Appropriation $139,697,000

Workforce Education Investment Account—State

Appropriation $7,400,000

Long-Term Services and Supports Trust Account—State

Appropriation $32,265,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $168,745,000

Unemployment Insurance Relief Account—State

Appropriation $500,000,000

TOTAL APPROPRIATION $1,779,520,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) $30,458,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of the long-term services and support trust program. Of this amount, $10,932,833 is provided for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2021, and annually thereafter.

(4) $101,000 of the employment service administrative account—state appropriation is provided solely for

information technology enhancements necessary for implementation of job title reporting and is subject to the conditions, limitations, and review provided in section 701 of this act.

(5)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2021, and each year thereafter, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(6) Within existing resources, the department shall report the following to the legislature and the governor by September 30, 2021, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years;

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(7) $3,264,000 of the employment services administrative account—state appropriation is provided solely for the continuation of the office of agricultural and seasonal workforce services.

(8) $476,000 of the unemployment compensation administration account—federal appropriation is provided for the department to implement chapter 2, Laws of 2021 (unemployment insurance). If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (8).

(9) $875,000 of the general fund—state appropriation for fiscal year 2022, $875,000 of the general fund—state appropriation for fiscal year 2023, and $7,385,000 of the workforce education investment account—state appropriation are provided solely for career connected learning grants as provided in RCW 28C.30.050.

(10) $1,222,000 of the employment services administrative account—state appropriation and $1,500,000 of the family and medical leave insurance account—state appropriation are provided solely for the maintenance and operation of the disaster recovery continuity of operations information technology project.

(11) $80,000 of the employment services administrative account—state appropriation is provided solely for the department to produce a report on the feasibility of replicating the existing unemployment insurance program to serve individuals not eligible for unemployment insurance due to immigration status. The study shall identify programmatic differences that would mitigate barriers to access and reduce fear of participation and identify the operational and caseload costs associated with the replication. If using

a replica of the unemployment insurance program conflicts with federal law, the study shall assess the operational and caseload costs of similar social net programs that serve individuals regardless of their citizenship status. The departments shall jointly submit recommendations required by this section to the governor and appropriate legislative committees no later than November 5, 2021. The department shall:

(a) Work with the departments of labor and industries, social and health services, and commerce and the office of the governor;

(b) Convene and meet at least three times with a group of eight to ten external stakeholders comprised of representatives from geographically diverse immigrant advocacy groups, labor organizations with a state-wide presence, workers' rights groups, and legal and policy advocacy groups focused on immigration and employment law; and

(c) Hold at least one listening session with community members.

(12) $41,456,000 of the general fund—federal appropriation (ARPA) and $2,684,000 of the general fund—federal appropriation (CRF) are provided solely for the department to address the impacts of COVID-19 on the state unemployment system in order to prevent and detect fraud, promote equitable access to the unemployment insurance system, and ensure the timely payment of unemployment insurance benefits. Of the amounts provided in this subsection:

(a) $22,346,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to address an anticipated increase in the unemployment insurance appeals caseload.

(b) $5,768,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to ensure adequate security measures are in place to prevent unemployment insurance fraud.

(c) $4,465,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to migrate and upgrade the unemployment insurance customer call center phone system to a cloud-based system. Prior to executing a contract, the department shall consult with the office of the chief information officer. The department must ensure that the project plan, timeline with quantifiable deliverables, and budget by fiscal year by fund, to include ongoing costs by fiscal year, are adhered to. The department shall report on the status of the project to the office of financial management and the relevant committees of the legislature by December 1, 2021.

(d) $400,000 of the general fund—federal appropriation (ARPA) is provided solely for translation of documents and letters and other improvements to ensure customer ease-of-access.

(e) $4,477,000 of the general fund—federal appropriation (ARPA) is provided for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors.

(f) $1,417,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist the department with its unemployment insurance claims backlog.

(g) $1,267,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with a vendor to provide fact-finding services related to unemployment insurance claims.

(h) $4,000,000 of the general fund—federal appropriation (ARPA) for fiscal year 2022 is provided solely for the department to translate notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken in the state. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(13) $10,000,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to make information technology improvements to improve user experience and increase security to prevent unemployment insurance fraud. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection. This

subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(14) Within existing resources, the department shall report to the legislature by September 2, 2021, the following information pertaining to the unemployment insurance program:

(a) The number of full time equivalent employees of the department who were working in the unemployment insurance program, including those who were reassigned internally to the unemployment insurance program, the number of full time equivalent employees that were contracted by the department from other state agencies, and the number of contractors or consultants engaged by the department, on a monthly basis beginning March 1, 2020, through the latest available month;

(b) A projection of full-time equivalent staffing or contractor needs that would be affordable within anticipated base and above-base federal unemployment administrative revenues;

(c) A spending plan for anticipated federal unemployment revenues other than base or above-base revenues, including any proposed additional full-time equivalent staff, consultants, contractors, or other investments related to helping the department reduce the backlog of unemployment insurance claims, appeals, denials, overpayments, and other claimant issues; and

(d) A budget for the unemployment insurance program, showing expenditures by object and fund source, for fiscal years 2022 and 2023, along with any projected shortfalls in revenues.

(15) $797,000 of the general fund—state appropriation for fiscal year 2022, $1,874,000 of the general fund—state appropriation for fiscal year 2023, and $979,000 of the family medical leave insurance account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(16) $90,000 of the unemployment account—federal appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(17) $5,322,000 of the unemployment account—federal appropriation is provided solely for the department to implement Engrossed Substitute Senate Bill No. 5193 (unemployment ins. system). If the bill is not enacted by July 1, 2021, the amount provided in this subsection shall lapse.

(18) $168,745,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). Of the amount provided in this subsection, at least 95 percent is provided solely for grants and assistance awarded by the department pursuant to the bill. If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(19) $500,000,000 of the unemployment insurance relief fund—state appropriation is provided solely for the implementation of unemployment insurance relief provided pursuant to Engrossed Substitute Senate Bill No. 5478 (unemployment insurance). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse. The department is directed to implement the bill within existing resources.

(20) $1,806,000 of the long-term services and supports trust account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1323 (long-term services trust). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(21) $1,075,000 of the unemployment account—federal appropriation is provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(22) $10,571,000 of the general fund—federal appropriation is provided solely for administration costs related to the federal unemployment insurance programs extended under the American rescue plan act of 2021, P.L. 117-2.

(23) $50,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the North Central

educational service district 171 to support the development of industry and education partnerships and expand career awareness, exploration and preparation activities for youth in Grant county.

NEW SECTION. **Sec. 226. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—GENERAL**

(1) The appropriations to the department of children, youth, and families in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of children, youth, and families shall initially be allotted as required by this act. The department shall seek approval from the office of financial management prior to transferring moneys between sections of this act except as expressly provided in this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

NEW SECTION. **Sec. 227. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) $389,597,000

General Fund—State Appropriation (FY 2023) $403,209,000

General Fund—Federal Appropriation $475,829,000

General Fund—Private/Local Appropriation $2,824,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $5,500,000

TOTAL APPROPRIATION $1,276,959,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $748,000 of the general fund—state appropriation for fiscal year 2022 and $748,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. No later than December 1, 2021, the department must, in consultation with the health care authority, report to the appropriate legislative committees on potential options to maximize federal funding for the center, including any potential for the center to bill managed care organizations for services provided to medicaid recipients.

(2) $453,000 of the general fund—state appropriation for fiscal year 2022 and $453,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) $579,000 of the general fund—state appropriation for fiscal year 2022 and $579,000 of the general fund—state appropriation for fiscal year 2023 and $110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) $1,245,000 of the general fund—state appropriation for fiscal year 2022 and $1,245,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services provided through children's advocacy centers.

(5) In fiscal year 2022 and in fiscal year 2023, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. The report shall detail progress toward meeting the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload carrying staff. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(6) $94,000 of the general fund—state appropriation for fiscal year 2022 and $94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(7)(a) $539,000 of the general fund—state appropriation for fiscal year 2022, $540,000 of the general fund—state appropriation for fiscal year 2023, $656,000 of the general fund private/local appropriation, and $252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(8) $375,000 of the general fund—state appropriation for fiscal year 2022, $375,000 of the general fund—state appropriation for fiscal year 2023, and $112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings.

Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature regarding these strategies by November 1, 2022. The report shall include the number and percentage of parents requiring supervised visitation and the number and percentage of parents with unsupervised visitation, prior to reunification.

(9) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least $3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(10) $2,230,000 of the general fund—state appropriation for fiscal year 2022, $2,230,000 of the general fund—state appropriation for fiscal year 2023, and $156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(11) $197,000 of the general fund—state appropriation for fiscal year 2022 and $197,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(12) $6,195,000 of the general fund—state appropriation for fiscal year 2022, $6,195,000 of the general fund—state appropriation for fiscal year 2023, and $1,188,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement and enhanced emergent placement contracts.

(a) The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(b) Beginning October 1, 2021, and every quarter thereafter, the department shall publish on its website the rates or fees paid for emergent placement contracts, the number of beds retained, and the number of beds purchased. If the department determines that there is a need to increase the rates or fees paid or the number of beds retained or purchased under this subsection, the secretary shall request authorization from the office of financial management and notify the fiscal committees of the legislature.

(13) Beginning January 1, 2022, and continuing through the 2021-2023 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2022, and to the extent the information is available, the report will include the same information for emergency placement services beds and enhanced emergency placement services beds.

(14) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive

visitation experience for children and their parents.

(15) $600,000 of the general fund—state appropriation for fiscal year 2022 and $600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for enhanced adoption placement services for legally free children in state custody, through a partnership with a national nonprofit organization with private matching funds. These funds must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(16) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(17) $2,000,000 of the general fund—state appropriation for fiscal year 2022 and $2,000,000 of the general fund—federal appropriation for fiscal year 2023 are provided solely for the department to contract with one or more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families.

(18) $5,500,000 of the general fund—federal appropriation (ARPA/CSFRF) is provided solely for one-time $250 per child grants to families on behalf of up to 22,000 children who may be at risk of child welfare system involvement and have experienced economic impacts of the COVID-19 pandemic.

(19) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families through the pandemic act, P.L. 116-260, division X.

(20) $387,000 of the general fund—state appropriation for fiscal year 2022, $393,000 of the general fund—state appropriation for fiscal year 2023, and $143,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2021.

(21)(a) $739,000 of the general fund—state appropriation for fiscal year 2022, $702,000 of the general fund—state appropriation for fiscal year 2023, and $482,000 of the general fund—federal appropriation are provided solely for the department of children, youth, and families to create and implement a new approach to transition planning for young people preparing to exit the child welfare system and juvenile rehabilitation institutions, pursuant to the recommendations in the *improving stability for youth exiting systems of care* report submitted in January 2020 as required by RCW 43.330.720. The department must engage young people, caregivers, providers, and other stakeholders in the creation and implementation of the approach by:

(i) Providing one statewide adolescent transitions program manager and six adolescent liaisons, one in each region of the department, who are dedicated to supporting the transition planning approaches developed by the department, providing program oversight, and supporting improved outcomes for adolescents during the transition to adulthood; and

(ii) Strengthening the administration and competency of the independent living program and direct independent living services. No later than June 1, 2022, the department must centralize administration of its independent living program and develop a framework for service delivery, including best practice recommendations. The framework must be codesigned with adolescents, caregivers, providers, and stakeholders. No later than June 30, 2022, the department must develop and launch a competitive request for proposal process to solicit bidders to provide independent living services under the new framework.

(b) No later than November 30, 2022, the department must report to the governor and appropriate legislative committees on the implementation of the new approach to transition planning, the new independent living framework, and the state's capacity to provide high-quality transition services, including independent living services, to youth and young adults exiting the child welfare system and juvenile rehabilitation institutions. The report must identify any remaining service gaps that prevent statewide implementation and address the additional resources needed to improve

outcomes for young people exiting these systems of care.

(22) $2,400,000 of the general fund—state appropriation for fiscal year 2022 and $2,400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(23) The appropriations in this section include sufficient funding for continued implementation of chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(24) The appropriations in this section include sufficient funding to implement chapter 51, Laws of 2020 (SHB 2873) (families in conflict).

(25) $511,000 of the general fund—state appropriation for fiscal year 2023 and $153,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1219 (youth counsel/dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(26) $219,000 of the general fund—state appropriation for fiscal year 2022, $208,000 of the general fund—state appropriation for fiscal year 2023, and $295,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(27) $29,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(28) $451,000 of the general fund—state appropriation for fiscal year 2022 and $662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community organization with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

(29) $326,000 of the general fund—state appropriation for fiscal year 2022, $326,000 of the general fund—state appropriation for fiscal year 2023, and $148,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(30) $499,000 of the general fund—state appropriation for fiscal year 2022, $499,000 of the general fund—state appropriation for fiscal year 2023, and $310,000 of the general fund—federal appropriation are provided solely to expand the family connections program in two areas of the state in which the program is not already established as of the effective date of this section. One expansion site must be located west of the crest of the Cascade mountain range and the other expansion site must be located east of the crest of the Cascade mountain range. The program expansion must follow the family connections program model pursuant to RCW 74.13.715. To operate the two expansion sites, the department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program.

(31) $25,000 of the general fund—state appropriation for fiscal year 2023 and $25,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement Engrossed Second Substitute House Bill No. 1227 (child abuse allegations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(32) If the department receives an allocation of federal funding through an unanticipated receipt, the department shall not expend more than what was approved or for another purpose than what was approved by the governor through the unanticipated receipt process pursuant to RCW 43.79.280.

NEW SECTION. **Sec. 228. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022) $127,325,000

General Fund—State Appropriation (FY 2023) $129,690,000

General Fund—Federal Appropriation $3,464,000

General Fund—Private/Local Appropriation $1,787,000

Washington Auto Theft Prevention Authority Account—

State Appropriation $196,000

TOTAL APPROPRIATION $262,462,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $331,000 of the general fund—state appropriation for fiscal year 2022 and $331,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) $2,841,000 of the general fund—state appropriation for fiscal year 2022 and $2,841,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(3) $1,537,000 of the general fund—state appropriation for fiscal year 2022 and $1,537,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(4)(a) $6,198,000 of the general fund—state appropriation for fiscal year 2022 and $6,198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall

not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(5) $1,352,000 of the general fund—state appropriation for fiscal year 2022 and $1,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for funding of the teamchild project.

(6) $283,000 of the general fund—state appropriation for fiscal year 2022 and $283,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the juvenile detention alternatives initiative.

(7) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(8) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(9) $50,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity

receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(10) $432,000 of the general fund—state appropriation for fiscal year 2022 and $432,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(11) $100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to assess the juvenile court assessment tool. The juvenile rehabilitation program shall contract with the Washington state institute for public policy to review the standardized juvenile court assessment tool to access whether it accurately determines eligibility criteria and properly assigns youth to programs that meet their needs. The institute must work in collaboration with the juvenile block grant proviso committee.

(12)(a) $773,000 of the general fund—state appropriation for fiscal year 2022 and $986,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1186 (concerning juvenile rehabilitation community transition services). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(b) Of the amounts provided in (a) of this subsection, $50,000 of the general fund—state appropriation for fiscal year 2022 and $105,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for housing vouchers.

(13) $128,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(14) $122,000 of the general fund—state appropriation for fiscal year 2022 and $123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5118 (supporting successful reentry). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) Sufficient funding is provided within this section for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions).

(16) Within existing resources, the department shall evaluate the Martin hall juvenile detention facility located in Medical Lake as an option for increased capacity needs for the juvenile rehabilitation program.

NEW SECTION. **Sec. 229. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—EARLY LEARNING PROGRAM**

General Fund—State Appropriation (FY 2022) $289,936,000

General Fund—State Appropriation (FY 2023) $348,787,000

General Fund—Federal Appropriation $1,066,945,000

General Fund—Private/Local Appropriation $86,000

Education Legacy Trust Account—State Appropriation $28,127,000

Home Visiting Services Account—State Appropriation $23,966,000

Home Visiting Services Account—Federal Appropriation $29,776,000

Washington Opportunity Pathways Account—State

Appropriation $80,000,000

Workforce Education Investment Account—State

Appropriation $8,482,000

TOTAL APPROPRIATION $1,876,105,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) $80,273,000 of the general fund—state appropriation for fiscal year 2022, $119,932,000 of the general fund—state appropriation for fiscal year 2023, $24,070,000 of the education legacy trust account—state appropriation, $80,000,000 of the opportunity pathways account—state appropriation, and $25,452,000 of the general fund—federal appropriation (CRRSA/GEER) are provided solely for the early childhood education and assistance program. These amounts shall support at

least 15,162 slots in fiscal year 2022 and 15,912 slots in fiscal year 2023. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in this subsection, $14,930,000 of the general fund—state appropriation for fiscal year 2023 and $14,889,000 of the general fund—federal appropriation (CRRSA/GEER) are for a slot rate increase of ten percent beginning July 1, 2021. The funding provided in this subsection is sufficient for the department to increase rates according to inflation, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.), beginning in fiscal year 2023 and annually thereafter.

(c) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(4) The legislature recognizes that the federal government has provided substantial additional funding through the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. and the American rescue plan act of 2021, P.L. 117-2. The purpose of the additional federal funding is to ensure access to affordable child care and to stabilize and support child care providers from the effects of the COVID-19 pandemic. The legislature intends with the passage of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.) to implement these federal purposes by expanding eligibility for subsidized child care, reducing parent copayments, increasing provider base rates to recognize increased costs, and providing other financial support to stabilize the child care sector to remain open or to reopen. The legislature finds that the state lacked the fiscal capacity to make these investments and the additional federal funding has provided the opportunity to supplement state funding to expand and accelerate child care access, affordability, and provider support as the state navigates the COVID-19 pandemic and its aftermath.

(5) $20,110,000 of the general fund—state appropriation in fiscal year 2022, $45,757,000 of the general fund—state appropriation in fiscal year 2023, $8,482,000 of the workforce education investment account—state appropriation, $283,375,000 of the general fund—federal appropriation, $59,893,000 of the general fund—federal appropriation (CARES), $65,482,000 of the general fund—federal appropriation (CRRSA), and $111,252,000 of the general fund—federal appropriation (ARPA) are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(a) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2022, and annually thereafter, the department of children, youth, and families must report

to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(b) $6,390,000 is for the compensation components of the 2021-2023 collective bargaining agreement covering family child care providers as provided in section 947 of this act. Of the amounts provided in this subsection:

(i) $4,410,000 is for a 35 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2022;

(ii) $854,000 is to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by two percent beginning July 1, 2021; and

(iii) $1,126,000 is to increase the nonstandard hour care rate by $10.00 per child per month beginning July 1, 2021.

(c) $59,893,000 of the general fund—federal appropriation (CARES), $65,925,000 of the general fund—federal appropriation (CRRSA), and $99,918,000 of the general fund—federal appropriation (ARPA) are provided solely for enhancements to the working child care connections program, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Of the amounts provided in this subsection:

(i) $28,759,000 of the general fund—federal appropriation (CARES), $11,993,000 of the general fund—federal appropriation (CRRSA), and $35,979,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of reduced household child care monthly copayments. For households at or below 50 percent of the state median income, copayments are capped at $115 through January 1, 2022, and $90 from January 1, 2022, through fiscal year 2023. For households at or below 60 percent of the state median income, copayments are capped at $115 through June 30, 2023.

(ii) $31,134,000 of the general fund—federal appropriation (CARES), $40,195,000 of the general fund—federal appropriation (CRRSA), and $45,476,000 of the general fund—federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 85th percentile of market for child care providers. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(iii) $3,930,000 of the general fund—federal appropriation (CRRSA) and $4,903,000 of the general fund—federal appropriation (ARPA) are provided solely to waive work requirements for student parents utilizing the working connections child care program.

(iv) $6,726,000 of the general fund—federal appropriation (CRRSA) and $10,633,000 of the general fund—federal appropriation (ARPA) are provided solely to expand eligibility for the working connections child care program to households at or below 60 percent of state median income, beginning October 1, 2021.

(v) $1,549,000 of the general fund—federal appropriation (CRRSA) and $982,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement an infant rate enhancement for child care providers.

(d) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(i) Families applying for or receiving temporary assistance for needy families (TANF);

(ii) TANF families curing sanction;

(iii) Foster children;

(iv) Families that include a child with special needs;

(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that

has a school-sponsored on-site child care center;

(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(vii) Families that received subsidies within the last thirty days and:

(A) Have reapplied for subsidies; and

(B) Have household income of 60 percent of the state median income or below; and

(viii) All other eligible families.

(e) On July 1, 2021, and July 1, 2022, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(6) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(7) $623,000 of the general fund—state appropriation for fiscal year 2022, $935,000 of the general fund—state appropriation for fiscal year 2023, and $6,701,000 of the general fund—federal appropriation are provided solely for the seasonal child care program.

(8) $871,000 of the general fund—state appropriation for fiscal year 2022 and $871,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2022.

(9)(a) $5,899,000 of the general fund—state appropriation for fiscal year 2022 and $8,382,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(b) Of the amounts provided in this subsection (9), $1,246,000 of the general fund—state appropriation for fiscal year 2022 and $3,719,000 of the general fund—

state appropriation for fiscal year 2023 are provided solely for the expansion of ECLIPSE services, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Funding provided for the expansion of services is intended to serve new geographic areas not currently served by ECLIPSE services. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (9)(b) shall lapse.

(10) The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(11) $1,728,000 of the general fund—state appropriation for fiscal year 2022 and $1,728,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(12) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(13) $4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(14) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(15) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(16) Within existing resources, the department shall implement chapter 409, Laws of 2019 (early learning access).

(17)(a) $7,355,000 of the general fund—state appropriation for fiscal year 2022, $11,126,000 of the general fund—state appropriation for fiscal year 2023, $11,032,000 of the general fund—federal appropriation (CRRSA), and $9,632,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse. The legislature intends for the appropriations provided in this subsection to stabilize and support child care providers and early learning contractors and to expand families' access to affordable, quality child care and early learning during and after the COVID-19 public health emergency. Of the amounts provided in this subsection:

(i) $2,535,000 of the general fund—state appropriation for fiscal year 2022, $2,535,000 of the general fund—state appropriation for fiscal year 2023, and $4,604,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of complex needs funds.

(ii) $966,000 of the general fund—federal appropriation (CRRSA) and $1,836,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trauma-informed care supports.

(iii) $180,000 of the general fund—state appropriation for fiscal year 2022 and $3,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement dual language rate enhancements.

(iv) $671,000 of the general fund—state appropriation for fiscal year 2022, $656,000 of the general fund—state appropriation for fiscal year 2023, and $3,982,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of equity grants.

(v) $773,000 of the general fund—state appropriation for fiscal year 2022, $773,000 of the general fund—state appropriation for fiscal year 2023, $1,500,000 of the general fund—federal appropriation (CRRSA), and $900,000 of the general fund—federal appropriation

(ARPA) are provided solely for infant and early childhood mental health consultation.

(vi) $365,000 of the general fund—federal appropriation (CRRSA) and $495,000 of the general fund—federal appropriation (ARPA) are provided solely for the expansion of family, friend, and neighbor child care play and learn groups.

(vii) $930,000 of the general fund—state appropriation for fiscal year 2022, $1,075,000 of the general fund—state appropriation for fiscal year 2023, $3,597,000 of the general fund—federal appropriation (CRRSA), and $2,419,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trainings, early achievers scholarships, and other professional development activities. Amounts provided in this subsection may be used to contract with a nonprofit organization that provides relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers.

(viii) $1,585,000 of the general fund—state appropriation for fiscal year 2022 and $2,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand the birth-to-three early childhood education and assistance program.

(ix) $421,000 of the general fund—state appropriation for fiscal year 2022 and $408,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of commerce on technical assistance to employers interested in providing child care to employees.

(b) The state and the representative for family child care providers must enter into bargaining over the implementation of grants and rate increases included in this proviso, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(18) $265,000 of the general fund—state appropriation for fiscal year 2022 and $265,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide family resource and referral linkage system, with coordinated access point of resource navigators who will connect families with children prenatal through age five with services, programs, and community resources through a facilitated referral and linkage process.

(19)(a) $414,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to establish a pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of a new license category. Pilot participants must include, at least:

(i) One governmental agency;

(ii) One nonprofit organization; and

(iii) One for-profit private business.

(b) New or existing license child care providers may participate in the pilot. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations. By July 1, 2024, the department shall submit to the relevant committees of the legislature recommendations on whether to permanently implement this license category and what, if any, changes are needed to law to accomplish this.

(20)(a) $2,771,000 of the home visiting account—state appropriation for fiscal year 2022, $5,299,000 of the home visiting account—state appropriation for fiscal year 2023, and $3,000,000 of the general fund—federal appropriation (ARPA) are provided to expand home visiting services, enhance data collection, and support the local implementing agencies providing home visiting services. The department shall:

(i) Contract with local implementing agencies to expand home visiting services by October 1, 2021; and

(ii) Provide semiannual updates to the home visiting advisory committee established in RCW 43.216.130 that includes an updated number of families served in home visiting programs and a status of the home visiting services account balance.

(iii) The home visiting advisory committee established in RCW 43.216.130 shall make recommendations to the department and the legislature by June 1,

2022, containing strategies for supporting home visiting providers and serving additional families. Recommendations should include, but are not limited to, strategies in the 2019 report to the legislature *Opportunities and Considerations for Expanding Home Visiting Services in Washington State*, such as enhancing data system collections and reporting, professional development supports, and rate adjustments to reimburse for the true cost of service delivery.

(b) Of the amounts provided in (a) of this subsection, $2,528,000 of the home visiting account—state appropriation for fiscal year 2023 and $3,000,000 of the general fund—federal appropriation (ARPA) are provided for additional home visiting services in order to implement Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(21) The appropriations in this section are sufficient funding to implement section 29 of Substitute Senate Bill No. 5151 (foster care & child care).

(22)(a) $390,600,000 of the general fund—federal appropriation (ARPA) and $9,400,000 of the general fund—federal appropriation (CARES) are provided solely for the department to distribute grants to child care providers to stabilize the child care industry as part of the state's response to the COVID-19 public health emergency. Child care providers are eligible for grants if they are eligible for child care development fund moneys or if they are licensed, regulated, or registered within the state. The funding provided in this subsection must be expended consistent with federal law. Of the amounts provided in this subsection:

(i) $27,342,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the grant program, including but not limited to costs related to creating and administering the online grant application, providing technical assistance and support for applying for and accessing the grants, publicizing the availability of the grants, and processing applications on a rolling basis.

(ii) $11,718,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to contract with an organization to provide language access support to child care providers during the grant application process, including but not limited to translation services, community-based support related to the grant application process, and other grant application support.

(iii) $351,540,000 of the general fund—federal appropriation (ARPA) and $9,400,000 of the general fund—federal appropriation (CARES) are provided solely for child care stabilization grants to eligible child care providers as defined in section 2202 of the American rescue plan act of 2021 (ARPA). In applying for grants, child care providers are expected to meet the certification requirements defined in section 2202(d)(2)(D)(i) of ARPA. To the extent practicable, at least 10 percent of each grant awarded to an eligible child care provider must be used for compensation increases to employees working at a provider's facility. The department must make its best efforts to distribute 75 percent of the funding provided in this subsection by January 1, 2022, with the remaining 25 percent distributed by June 30, 2022. To the extent practicable, the department must prioritize: Providers in child care deserts; providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity across the state. In processing applications, to the extent practicable the department must also prioritize grant applications that include funding for the following purposes:

(A) Rent or mortgage payments;

(B) Copayment or tuition waivers for families receiving care, including refunds or credits to families who are not attending but are paying tuition in order to maintain a child's spot in the facility;

(C) Child care for historically disadvantaged populations;

(D) Child care during the summer months;

(E) Child care during nonstandard hours;

(F) Child care for school-age children;

(G) Outreach to families who may have stopped attending due to cost;

(H) Mental health supports for children and employees;

(I) Broadband access for child care providers that care for school-age children; and

(J) Personnel costs, including compensation, benefits, health care premium pay, or paid leave.

(b) Nothing in this subsection changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d).

(23) $500,000 of the general fund—federal appropriation (CARES) is provided solely for the department to hire two temporary language access coordinators with specialties in Spanish and Somali to address immediate language access needs at the department related to COVID-19 child care relief and recovery in department programs, including but not limited to:

(a) Translation of department materials;

(b) Outreach to community organizations serving multilingual children and families regarding department programs;

(c) Webinars and other technical assistance provided in Spanish and Somali for department programs; and

(d) Other means of increasing language access and equity for early learning providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(24) $100,000 of the general fund—state appropriation for fiscal year 2022 and $30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group that assesses and provides recommendations for creating new infrastructures and funding streams that support youth development. The work group must include representatives from community-based organizations providing youth development programs, including expanded learning, mentoring, school age child care, and wrap around supports and integrated student support. The department must report its findings and recommendations to the governor and legislature by September 1, 2022. The report must include the following recommendations:

(a) Programmatic changes for breaking down silos and barriers for youth programming between state agencies;

(b) The appropriate program within the department to develop meaningful youth-level, research-based prevention and promotion outcomes, and to support community-based organizations providing those outcomes;

(c) The establishment of a state grant program to provide quality youth development opportunities for children and youth ages five through high school graduation; and

(d) Strategies to increase access to youth development programs for prioritized populations such as children of color, foster children, children experiencing homelessness, and children involved in the justice system.

(25) $27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(26) $5,548,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(27)(a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(28) Funding in this section is sufficient for the department to collaborate with the department of commerce to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(29) $900,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide early childhood education and assistance program services during July and August of 2021 to address learning loss and to meet the unique educational and other needs of 468 children whose enrollment was interrupted or delayed due to the COVID-19 public health emergency.

NEW SECTION. **Sec. 230. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2022) $171,339,000

General Fund—State Appropriation (FY 2023) $171,554,000

General Fund—Federal Appropriation $194,079,000

General Fund—Private/Local Appropriation $394,000

Education Legacy Trust Account—State Appropriation $180,000

Home Visiting Services Account—State Appropriation $458,000

Home Visiting Services Account—Federal Appropriation $380,000

TOTAL APPROPRIATION $538,384,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $400,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2) $1,000 of the general fund—state appropriation for fiscal year 2022, $1,000 of the general fund—state appropriation for fiscal year 2023, and $2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 945 of this act.

(3) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(4) $505,000 of the general fund—state appropriation for fiscal year 2022 and $505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to

collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, statutory changes needed to achieve administrative efficiencies, and all other requirements of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(5) Within existing resources, the department shall submit a brief report to the governor and appropriate legislative committees by December 1, 2022, outlining options for creating a new dedicated account for adoption support that will meet 42 U.S.C. Sec. 473 requirements. The report shall include a methodology for calculating savings in a manner that can be incorporated into the adoption support forecast budget process, statutory needs, and expenditure guidelines for the account.

(6) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide nonprofit with demonstrated capability of partnering with state agencies and community organizations to develop public-facing regionalized data dashboards and reports to support the goals of the department and the early learning advisory council, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early learning dev. exp.).

(7) $2,500,000 of the general fund—state appropriation for fiscal year 2022, $2,500,000 of the general fund—state appropriation for fiscal year 2023, and $5,000,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1227 (child abuse allegations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) $20,000 of the general fund—state appropriation for fiscal year 2022 and $20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5118 (reentry). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9) $6,532,000 of the general fund—state appropriation for fiscal year 2022, $7,385,000 of the general fund—state appropriation for fiscal year 2023, and $6,083,000 of the general fund—federal appropriation (CRRSA) are provided solely for the department to migrate the social service payment system to a cloud-based payment system in order to implement child care stabilization grants, child care subsidy rate enhancements, and other payments intended to support child care providers during and after the COVID-19 public health emergency, to implement changes to the social service payment system necessary to implement these payments, and for other improvements necessary for the successful implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The amounts in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) $250,000 of the general fund—federal appropriation (CARES) is provided solely for the department to develop or contract to develop a language access plan that addresses equity and access for immigrant, multilingual providers, caregivers, and families. The plan must be submitted to the appropriate committees of the legislature by June 30, 2022. The plan must include, but is not limited to, the following:

(a) A needs assessment and staffing recommendation for program accessibility at the department for individuals with limited English and a geographic landscape analysis of language needs for providers, caregivers, and families in their interactions with the department;

(b) A review of successful language access policies and practices in public agencies to effectively address the needs of non-English speaking families, providers, and other stakeholders;

(c) An alignment of best practices across the department in multilingual workforce development;

(d) A framework for proactive community engagement to provide child care providers, early learning providers, or families that speak languages other than English access to information and support in navigating English-dominant state resources at the department;

(e) Recommendations for a continuous improvement model of measuring progress and success in language access at the department; and

(f) Compliance with federal and state laws at the department.

(11) $40,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to establish a process for informing, upon clearance of required background checks, employees of licensed family home, center-based, and outdoor nature-based childcares about available financial supports and options for accessing health coverage. On at least an annual basis, no less than 45 days before the start of open-enrollment, the department must share with the health benefits exchange (exchange) and designated navigator organizations, but no additional third-party entity, workforce data identifying licensed childcare employees for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange. The department must share with the exchange and designated navigator organizations, but no additional third-party entity, workforce data identifying newly licensed childcare employees on an ongoing basis as needed during the plan year for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange.

(12) $1,494,000 of the general fund—federal appropriation is provided solely for the department to implement the family first prevention services act requirements, including technology enhancements to support the automated assessments, data quality, and reporting requirements. Funding provided in this subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(13) $267,000 of the general fund—state appropriation for fiscal year 2022, $717,000 of the general fund—state appropriation for fiscal year 2023, and $223,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) $85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed/release). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(15) $848,000 of the general fund—state appropriation for fiscal year 2022, $848,000 of the general fund—state appropriation for fiscal year 2023, and $384,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

PART III

NATURAL RESOURCES

NEW SECTION. **Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2022) $752,000

General Fund—State Appropriation (FY 2023) $820,000

General Fund—Federal Appropriation $32,000

General Fund—Private/Local Appropriation $1,354,000

TOTAL APPROPRIATION $2,958,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $94,000 of the general fund—state appropriation for fiscal year 2022 and $94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) $88,000 of the general fund—state appropriation for fiscal year 2022,

$125,000 of the general fund—state appropriation for fiscal year 2023, and $213,000 of the general fund—private/local appropriation are provided solely for the access database replacement project, and is subject to the conditions, limitations, and review provided in section 701 of this act.

NEW SECTION. **Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2022) $47,364,000

General Fund—State Appropriation (FY 2023) $39,868,000

General Fund—Federal Appropriation $98,760,000

General Fund—Private/Local Appropriation $26,999,000

Reclamation Account—State Appropriation $4,286,000

Flood Control Assistance Account—State Appropriation $4,066,000

Aquatic Lands Enhancement Account—State

Appropriation $150,000

State Emergency Water Projects Revolving Account—

State Appropriation $40,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation $26,666,000

State Drought Preparedness Account—State

Appropriation $204,000

State and Local Improvements Revolving Account—Water

Supply Facilities—State Appropriation $186,000

Water Rights Tracking System Account—State

Appropriation $48,000

Site Closure Account—State Appropriation $582,000

Wood Stove Education and Enforcement Account—State

Appropriation $567,000

Worker and Community Right to Know Fund—State

Appropriation $1,968,000

Water Rights Processing Account—State Appropriation $39,000

Water Quality Permit Account—State Appropriation $46,578,000

Underground Storage Tank Account—State Appropriation $3,876,000

Biosolids Permit Account—State Appropriation $2,594,000

Hazardous Waste Assistance Account—State

Appropriation $7,389,000

Radioactive Mixed Waste Account—State Appropriation $22,281,000

Air Pollution Control Account—State Appropriation $4,135,000

Oil Spill Prevention Account—State Appropriation $6,446,000

Air Operating Permit Account—State Appropriation $4,786,000

Wastewater Treatment Plant Operator Certification

Account—State Appropriation $552,000

Oil Spill Response Account—State Appropriation $7,076,000

Model Toxics Control Operating Account—State

Appropriation $283,123,000

Model Toxics Control Operating Account—Local

Appropriation $499,000

Voluntary Cleanup Account—State Appropriation $344,000

Paint Product Stewardship Account—State

Appropriation $140,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $270,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $276,000

Water Pollution Control Revolving Administration

Account—State Appropriation $4,566,000

Clean Fuels Program Account—State Appropriation $382,000

Climate Investment Account—State Appropriation $5,139,000

TOTAL APPROPRIATION $652,245,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $910,000 of the model toxics control operating account—state appropriation is provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

(2) $2,024,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process an increased workload of clean water act certification requests and to process all United States army corps of engineers permitted projects in Washington within the sixty-day processing requirement, should it be implemented.

(3) Within the amounts appropriated in this section, the department must adopt rules to implement the provisions of RCW 88.40.025.

(4) $739,000 of the general fund—state appropriation for fiscal year 2022 and $363,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1050 (fluorinated gases). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) $2,277,000 of the general fund—state appropriation for fiscal year 2022, $897,000 of the general fund—state appropriation for fiscal year 2023, and $382,000 of the clean fuels program account—state appropriation are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(6) $262,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(7) $170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(8) $204,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(9) $14,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

(10) $150,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(11) $588,000 of the general fund—state appropriation for fiscal year 2022 and $662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to address outstanding water rights issues. Of the amounts provided in this subsection:

(a) $463,000 of the general fund—state appropriation for fiscal year 2022 and $537,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for preparation and filing of adjudications of state water rights in the Nooksack (water resource inventory area 1) and lake Roosevelt and middle tributaries (water resource inventory area 58) watersheds. The department will not file an adjudication in water resource inventory area 1 prior to June 1, 2023; and

(b) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Whatcom county to support a collaborative process among local water users and water right holders

that can complement water rights adjudication in the Nooksack (water resources inventory area 1) watershed. Funding is provided for facilitation and mediation among parties, development of planning and technical information, and assessment of local solutions. At a minimum, the collaborative process must seek to provide opportunities for discussion of increasing salmon populations and preserving farmland.

(12) $242,000 of the model toxics control operating account—state appropriation is provided solely for an equipment cache grant for the Jamestown S'klallam Tribe for a new response vehicle.

(13) $398,000 of the model toxics control operating account—state appropriation is provided solely for consumer product testing data validation services to support increases to the agency's product testing program.

(14) $2,305,000 of the model toxics control operating account—state appropriation is provided solely to increase the department's capacity to test for toxics in children's products and other general consumer goods, to implement needed policy changes resulting from product testing, to communicate results to the public, and to conduct a feasibility study to add an inorganics component to the plan for new laboratory space at the department's headquarters building in Lacey, Washington.

(15) $497,000 of the general fund—state appropriation for fiscal year 2022 and $497,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide grants to conservation organizations and certain tribes for the purpose of coordination, monitoring, and research related to Puget Sound kelp conservation and recovery. Of the amounts provided in this subsection the department shall distribute grants as follows: $175,000 each fiscal year to the Northwest Straits commission; $72,000 each fiscal year to the Lower Elwha Klallam Tribe; $100,000 each fiscal year to the Samish Indian Nation; and $150,000 each fiscal year to the Puget Sound Restoration Fund.

(16) $2,000,000 of the model toxics control operating account—state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

(17) $150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to grant to Clark county for the purpose of designing the process for developing a long-term plan to restore and maintain the health of Vancouver lake, a category 5 303(d) status impaired body of water, as well as designing an institutional structure to take responsibility for the plan's implementation in a financially sustainable manner. The plan will build on existing work completed by the county, state agencies, and nonprofit organizations. The department will support the work of the county to include involvement by property owners around the lake and within the watersheds that drain to the lake, the department of natural resources, the department of fish and wildlife, other state agencies and local governments with proprietary or regulatory jurisdiction, tribes, and nonprofit organizations advocating for the lake's health. The design should address timelines for plan development, roles and responsibilities of governmental and nonprofit entities, potential funding sources and options for plan implementation, including formation of a potential lake management district under chapter 36.61 RCW, and the management objectives to be included in the plan.

(18) $80,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to work with the Guemes island planning advisory committee to follow on to a United States geologic survey study of the island's aquifer recharge areas, quantify an updated water budget, and provide an accurate water-level analysis and water-table map of the two aquifers on the island.

(19) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to support the Pierce county health department and the friends of Spanaway lake to treat and clean up elevated phosphorus and algae levels in Spanaway lake.

(20) $92,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to San Juan county for a

study to build on the existing knowledge of the islands' water resources to gain a current understanding of the state of groundwater in the county, including hydrologic data evaluation, completing recharge estimates, and updating the water balance.

(21) $146,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to work with landowners, state agencies, and others to analyze the water quality of Deep lake.

(22) $195,000 of the model toxics control operating account—state appropriation is provided solely for the department to carry out an assessment of potential hazards of 6PPD (CAS 793-24-8) and other chemicals or chemical classes and breakdown products used as anti-oxidants and/or antiozonants in tires and submit a technical memo to the appropriate committees of the legislature by December 1, 2021.

(23) $523,000 of the model toxics control operating account—state appropriation is provided solely for the department to work with the department of transportation, University of Washington-Tacoma, and Washington State University-Puyallup to identify priority areas affected by 6PPD or other related chemicals toxic to aquatic life from roads and transportation infrastructure and on best management practices for reducing toxicity. This includes developing a standard method for the laboratory measurement of 6PPD-quinone and related chemicals. The department will submit a report to the appropriate committees of the legislature by November 1, 2022.

(24) $1,090,000 of the general fund—state appropriation for fiscal year 2022 and $1,090,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to create a database, monitoring program, and laboratory assessment method regarding polychlorinated biphenyls (PCB). Within the amount provided in this subsection, $440,000 is provided to enhance the environmental information management database; $1,200,000 is provided to create a long-term statewide PCB monitoring program; and $540,000 is provided for developing a PCB specific laboratory method for conducting analysis. The department must coordinate with the department of fish and wildlife on the implementation of this subsection and for recommending PCB clean-up projects for legislative funding in subsequent appropriations.

(25) $847,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste, & litter). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(26) $11,716,000 of the general fund—state appropriation for fiscal year 2022, $6,284,000 of the general fund—state appropriation for fiscal year 2023, and $5,139,000 of the climate investment account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(27) $95,000 of the general fund—state appropriation for fiscal year 2022, $105,000 of the general fund—state appropriation for fiscal year 2023, $61,000 of the waste reduction, recycling, and litter control account—state appropriation, $231,000 of the water quality permit account—state appropriation, $31,000 of the hazardous waste assistance account—state appropriation, $31,000 of the oil spill prevention account—state appropriation, and $983,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(28) $43,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(29) $52,000 of the general fund—state appropriation for fiscal year 2022, $52,000 of the general fund—state appropriation for fiscal year 2023, $8,000 of the reclamation account—state appropriation, $8,000 of the flood control assistant account—state

appropriation, $32,000 of the waste reduction, recycling, and litter control account—state appropriation, $4,000 of the worker and community right-to-know account—state appropriation, $120,000 of the water quality permit account—state appropriation, $10,000 of the underground storage tank account—state appropriation, $6,000 of the bio solids permit account—state appropriation, $18,000 of the hazardous waste assistance account—state appropriation, $52,000 of the radioactive mixed waste account—state appropriation, $10,000 of the air pollution control account—state appropriation, $20,000 of the oil spill prevention account—state appropriation, $12,000 of the air operating permit account—state appropriation, $514,000 of the model toxics control operating account—state appropriation, and $80,000 of the water pollution control revolving administration account—state appropriation are provided solely for the department to maintain and license the new eHub system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(30) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to enter into a contract with a qualified third party to develop standards that provide a framework for assessing the quality of volume, validity, and durability of potential future carbon dioxide removal projects. The resulting product should be adequate to allow in-state entities to analyze proposed carbon removal project for conformity with state carbon reduction laws, rules, and goals. The selected vendor should build upon previously completed analyses by the state of Washington and the federal government.

(31) $40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to:

(a) Develop recommendations and implement actions under existing authority to modify the process for the review of water banks to ensure that key information is made available to the public. The changes should consider requirements such as:

(i) A description of a proposed banking and operations plan, including the needs and customers the bank intends to serve, the geographic area to be served, the portfolio of available mitigating rights and their allowed uses, any anticipated change in use of available mitigating rights, any limitations the bank intends to impose in offering water rights for use, and anything else the department deems necessary to promote transparency and the public interest;

(ii) Reporting requirements that include any changes in the intended customers or needs being serviced by the bank, any change in the geographic area to be served, any anticipated change in the use of available mitigating rights, any change in limitation the banks intends to impose in offering water right for use, and any other change the department deems necessary to promote transparency and the public interest; and

(iii) Reporting requirements for publishing each change and providing notice to pertinent parties and soliciting public comment.

(b) The department must build off its work directed under chapter 357, Laws of 2020 to refine recommendations on improving the state's framework for water banking, water trust, and water right transfers. Recommendations should address issues of private investment in water banking and the merits of incentives and regulations pertaining to the out-of-basin transfer of water rights. In refining its recommendations, the department shall consult with tribes and consider input from stakeholders with expertise in water banking.

(c) By December 31, 2021, the department shall update the appropriate committees of the legislature on its progress on refining policy recommendations under this section, including any recommended statutory changes, and on the status of the pilot grant program established under subsection (32) of this section.

(d) By December 1, 2022, the department shall submit a report to the appropriate committees of the legislature on work conducted pursuant to this section and on the pilot grant program established under this section. The report should include but is not limited to a summary of water banking activity funded including success and challenges, a summary of outcomes of the pilot grant program, a summary of actions taken under current authority, and policy recommendations. The policy

recommendations may also come in the form of agency request legislation.

(32) $4,500,000 of the general fund—state appropriation for fiscal year 2022 and $4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer the pilot grant program for water banking strategies to meet water needs as described in this section. Within available appropriations, grants must be awarded to qualified applicants according to (c) of this subsection. Grant awards must be limited to not more than $2,000,000 per applicant.

(a) Grant awards may only be used for:

(i) Development of water banks in rural counties as defined in RCW 82.14.370(5) that have the headwaters of a major watershed within their borders and only for water banking strategies within the county of origin. A major watershed has the same meaning as shoreline of the state in RCW 90.58.030(2)(f)(v) (A) and (B);

(ii) Acquisition of water rights appropriate for use in a water bank including all costs necessary to evaluate the water right for eligibility for its intended use; and

(iii) Activities necessary to facilitate the creation of a water bank.

(b) For the purposes of a grant pursuant to this section, a water bank must meet water needs, which include but are not limited to agricultural use and instream flow for fish and wildlife. The water bank must preserve water rights for use in the county of origin and for permanent instream flows for fish and wildlife through the primary and secondary reaches of the water right.

(c) To be qualified for these funds, an applicant must also show:

(i) That the applicant has sufficient expertise and capacity to develop and maintain a water bank consistent with the purposes of this appropriation;

(ii) That the applicant has secured a valid interest to purchase a water right;

(iii) That the water rights appear to be adequate for the intended use;

(iv) That the applicant agrees to have one-third of any water right purchased with the funds appropriated under this section to have its purpose of use changed permanently to instream flow benefiting fish and wildlife; and

(v) That the applicant is a public entity or a participant in a public/private partnership with a public entity.

(33) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to:

(a) Establish and administer a pilot grant program for implementing water banking strategies to meet local water needs;

(b) Review water banking grant applications submitted under this section, including evaluation of water right suitability; and

(c) Develop and finalize water banking agreements, trust water right agreements, and other necessary legal instruments with entities selected to receive grants under this section.

(34) $30,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to designate a regional clean air agency to convene a stakeholder group to assess and develop recommendations for reducing and mitigating air quality impacts in the form of noxious odors resulting from asphalt plants in the Puget Sound region. The stakeholder group should include representatives from the asphalt industry, cities within a county in the region in which an asphalt plant is located, the Puget Sound clean air agency, local and state health departments, research institutions, and a community or environmental organization representative with expertise in air pollution, toxicology, or other relevant fields. The recommendations must address steps needed for asphalt production facilities to develop odor control plans and best management practices to reduce noxious odors that negatively impact neighboring residents, businesses and persons utilizing publicly owned recreational facilities. A report containing recommendations must be submitted to the appropriate committees of the legislature by December 1, 2021.

NEW SECTION. **Sec. 303. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

General Fund—Federal Appropriation $638,000

Pollution Liability Insurance Agency Underground

Storage Tank Revolving Account—State

Appropriation $957,000

Pollution Liability Insurance Program Trust Account—

State Appropriation $1,392,000

TOTAL APPROPRIATION $2,987,000

NEW SECTION. **Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2022) $29,059,000

General Fund—State Appropriation (FY 2023) $29,036,000

General Fund—Federal Appropriation $7,058,000

Winter Recreation Program Account—State

Appropriation $3,303,000

ORV and Nonhighway Vehicle Account—State

Appropriation $369,000

Snowmobile Account—State Appropriation $5,645,000

Aquatic Lands Enhancement Account—State

Appropriation $367,000

Parks Renewal and Stewardship Account—State

Appropriation $125,451,000

Parks Renewal and Stewardship Account—Private/Local

Appropriation $420,000

TOTAL APPROPRIATION $200,708,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $129,000 of the general fund—state appropriation for fiscal year 2022 and $129,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) $406,000 of the general fund—state appropriation for fiscal year 2022, $322,000 of the general fund—state appropriation for fiscal year 2023, and $88,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 fiscal biennium.

(4) $272,000 of the general fund—state appropriation for fiscal year 2022 and $272,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an update to the Seashore conservation area survey and plan.

(5) $130,000 of the general fund—state appropriation for fiscal year 2022 and $130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to hire a diversity, equity, and inclusion coordinator to expand the diversity of the agency's workforce.

(6) $85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the facilitation of a work group that includes representation from the state parks and recreation commission, the commission on African American affairs, and stakeholders with expertise of the black experience in outdoor recreation to identify barriers to inclusion and develop recommendations to increase participation of Black Washingtonians in the state parks system and other outdoor recreation spaces and public parks. The work group will be selected by the governor's office and will consist of at least twelve participants representing diverse geographic, socioeconomic, and experiential backgrounds. The parks commission will enter into an interagency agreement with the commission on African American affairs to procure a contractor to facilitate the work group and develop a report with recommendations. The amount provided in this subsection may also be used for a survey or focus group to assess the needs of Black Washingtonians related to state parks and outdoor recreation. The work group will submit a report to the governor's office and appropriate committees of the

legislature no later than January 1, 2022.

(7) $7,900,000 of the general fund—state appropriation for fiscal year 2022 and $7,900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to increase customer service, conduct more custodial maintenance, expand interpretive services, accelerate work on preventative maintenance and improve the conditions of park facilities, and expand public safety.

(8) $90,000 of the general fund—state appropriation for fiscal year 2022 and $6,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 305. FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2022) $4,119,000

General Fund—State Appropriation (FY 2023) $3,655,000

General Fund—Federal Appropriation $3,716,000

General Fund—Private/Local Appropriation $24,000

Aquatic Lands Enhancement Account—State Appropriation $320,000

Firearms Range Account—State Appropriation $37,000

Recreation Resources Account—State Appropriation $3,999,000

NOVA Program Account—State Appropriation $1,444,000

Youth Athletic Facility Nonappropriated Account—State Appropriation $181,000

TOTAL APPROPRIATION $17,495,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pass through to the Spokane tribe of Indians for a pilot study of salmon migratory behavior and survival upstream of the Chief Joseph and Grand Coulee dams.

(2)(a) $375,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to conduct a comprehensive equity review of state grant programs administered by the office. The office may, in consultation with the interested parties identified in (d) of this subsection, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are:

(i) To reduce barriers to historically underserved populations' participation in recreation and conservation office grant programs;

(ii) To redress inequities in existing recreation and conservation office policies and programs; and

(iii) To improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the office shall:

(i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection;

(ii) Identify new investments and programs that prioritize populations and communities that have been historically underserved by conservation and recreation policies and programs; and

(iii) Include consideration of historic and systemic barriers that may arise due to any of the following factors: Race, ethnicity, religion, income, geography, disability, and educational attainment.

(d) The office must collaborate with: (i) The Washington state commission on African American affairs; (ii) the Washington state commission on Asian Pacific American affairs; (iii) the Washington state commission on Hispanic affairs; (iv) the governor's office of Indian affairs; (v) the governor's committee on disability issues and employment; (vi) the office of equity; (vii) the office of minority and women's

business enterprises; (viii) the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and (ix) other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The office must complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(3) $76,000 of the general fund—state appropriation for fiscal year 2022 and $76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(4) $200,000 of the general fund—federal appropriation, $12,000 of the general fund—private/local appropriation, and $112,000 of the aquatic lands enhancement account—state appropriation are provided solely for the implementation of Senate Bill No. 5063 (invasive species council expiration). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) $37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(6) $3,999,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(7) $1,444,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(8) $1,809,000 of the general fund—state appropriation for fiscal year 2022 and $1,809,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood Canal bridge.

(9) $140,000 of the general fund—state appropriation for fiscal year 2022 and $140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(10) $175,000 of the youth athletic facility nonappropriated account—state appropriation is provided solely for a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. The task force shall be created and managed by the recreation and conservation office. A portion of the funds must be used to inventory K-12 school fields and athletic facilities and park agency facilities, and for joint use agreements for these facilities. The task force participants must represent geographic diversity and must include representatives from the office of the superintendent of public instruction, the Washington association of school administrators, the association of Washington principals, and the Washington recreation and parks association; participants with a background in public health; and stakeholders who represent diverse communities and communities of color. The task force shall consider joint use agreements, partnerships, improved scheduling practices with local parks agencies including facility rental fees, and other strategies, and submit a report with best practices and policy recommendations to the recreation and conservation funding board. A final report from the board must be submitted to the governor's office and legislature no later than February 1, 2022.

(11) $209,000 of the general fund—state appropriation for fiscal year 2022 and $209,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(12) $30,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to facilitate the transfer of management authority over the project known as the beach lake conservation area from the current owner to a local public government entity. If the current owner does not accept the offer to transfer management authority, then the office must pursue all legal means to enforce the right of public access consistent with the deed restrictions as set forth in the contract PSAR #15-1045. The amount provided in this subsection is intended to secure daily public access, during daylight hours, with minimal closures to the beach lake conservation area.

(13) $345,000 of the general fund—state appropriation for fiscal year 2022 and $345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the connections program to provide outdoor learning experiences and virtual learning support for vulnerable youth in the Blaine and Mount Baker school districts. Of the amounts provided in this subsection, $25,000 in each fiscal year is provided solely for an organization in Whatcom county that increases access to environmental education.

NEW SECTION. **Sec. 306. FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2022) $2,686,000

General Fund—State Appropriation (FY 2023) $2,728,000

TOTAL APPROPRIATION $5,414,000

NEW SECTION. **Sec. 307. FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2022) $10,859,000

General Fund—State Appropriation (FY 2023) $10,797,000

General Fund—Federal Appropriation $2,482,000

General Fund—Private/Local Appropriation $100,000

Public Works Assistance Account—State Appropriation $8,450,000

Model Toxics Control Operating Account—State

Appropriation $1,110,000

TOTAL APPROPRIATION $33,798,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $100,000 of the general fund—private/local appropriation is provided solely for the sustainable farms and fields program created in RCW 89.08.615.

(2) $1,500,000 of the general fund—state appropriation for fiscal year 2022 and $1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for conservation district technical assistance, project cultural resources review, project engineering, agency administration, and cost-share grants to landowners for recovery from wildfire damage, including, but not limited to, rebuilding fences, seeding unstable slopes, controlling weeds, and planting shrubs and trees for wildlife habitat.

(3) $85,000 of the general fund—state appropriation for fiscal year 2022 and $40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to:

(a) Enter into an agreement with the department of ecology for a water bank in Okanogan county, which must focus solely on retaining agricultural water rights for use by other agricultural producers in the watershed of origin; and

(b) Report to the appropriate committees of the legislature by December 31, 2022, on the effectiveness of the Okanogan water bank at retaining agricultural water rights, and the potential for developing additional water banks in Washington using this model.

(4) $8,450,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(5) $170,000 of the general fund—state appropriation for fiscal year 2022 and $170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to continue to convene and facilitate a food policy forum.

(6) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to share evenly with conservation districts to increase assistance to landowners to achieve environmental stewardship and agricultural sustainability.

(7) $23,000 of the general fund—state appropriation for fiscal year 2022 and $4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2022) $89,387,000

General Fund—State Appropriation (FY 2023) $87,617,000

General Fund—Federal Appropriation $130,092,000

General Fund—Private/Local Appropriation $62,539,000

ORV and Nonhighway Vehicle Account—State

Appropriation $646,000

Aquatic Lands Enhancement Account—State

Appropriation $12,240,000

Recreational Fisheries Enhancement Account—State

Appropriation $3,300,000

Warm Water Game Fish Account—State Appropriation $2,779,000

Eastern Washington Pheasant Enhancement Account—

State Appropriation $675,000

Limited Fish and Wildlife Account—State

Appropriation $32,825,000

Special Wildlife Account—State Appropriation $2,891,000

Special Wildlife Account—Federal Appropriation $518,000

Special Wildlife Account—Private/Local Appropriation $3,634,000

Wildlife Rehabilitation Account—State Appropriation $661,000

Ballast Water and Biofouling Management Account—

State Appropriation $10,000

Regional Fisheries Enhancement Salmonid Recovery

Account—Federal Appropriation $5,001,000

Oil Spill Prevention Account—State Appropriation $1,163,000

Aquatic Invasive Species Management Account—State

Appropriation $1,037,000

Model Toxics Control Operating Account—State

Appropriation $2,969,000

Fish, Wildlife, and Conservation Account—State

Appropriation $75,023,000

Oyster Reserve Land Account—State Appropriation $524,000

TOTAL APPROPRIATION $515,531,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(2) $29,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) $534,000 of the general fund—state appropriation for fiscal year 2022 and $472,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If

the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(4) $1,777,000 of the general fund—state appropriation for fiscal year 2022 and $1,777,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to the northwest Indian fisheries commission for hatchery operations that are prioritized to increase prey abundance for southern resident orcas, including $200,000 per fiscal year for tagging and marking costs, and the remainder to grant to tribes in the following amounts per fiscal year: $150,000 for the Quinault Indian Nation, $199,000 for the Tulalip Tribes, $268,000 for the Quileute Tribe, $186,000 for the Puyallup Tribe, $122,000 for the Port Gamble S'Klallam Tribe, $25,000 for the Muckleshoot Indian Tribe, $207,000 for the Squaxin Island Tribe, $142,000 for the Skokomish Indian Tribe, and $278,000 for the Lummi Nation. It is the intent of the legislature to continue this funding in future biennia.

(5) $330,000 of the general fund—state appropriation for fiscal year 2022 and $330,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide to the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(6) $175,000 of the general fund—state appropriation for fiscal year 2022 and $175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(7) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the department for hatchery maintenance.

(8) $467,000 of the general fund—state appropriation for fiscal year 2022 and $467,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(9) $503,000 of the general fund—state appropriation for fiscal year 2022, $503,000 of the general fund—state appropriation for fiscal year 2023, and $440,000 of the general fund—federal appropriation are provided solely for county assessments.

(10) $400,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(11) $378,000 of the general fund—state appropriation for fiscal year 2022 and $378,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 fiscal biennium.

(12) $477,000 of the general fund—state appropriation for fiscal year 2022 and $477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop conflict mitigation strategies for wolf recovery and staff resources in northeast Washington for response to wolf-livestock conflicts. The department must provide focus on minimizing wolf-livestock issues in the Kettle range. The department is discouraged from the use of firearms from helicopters for removing wolves.

(13) $251,000 of the general fund—state appropriation for fiscal year 2022 and $251,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(14) $753,000 of the general fund—state appropriation for fiscal year 2022 and $753,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with

the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(15) $1,262,000 of the general fund—state appropriation for fiscal year 2022 and $1,262,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(16) $603,000 of the general fund—state appropriation for fiscal year 2022 and $603,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to create a statewide permittee assistance program as part of hydraulic project approvals, in which department staff collaborate with landowners during construction to help resolve risks of permit noncompliance.

(17) $470,000 of the general fund—state appropriation for fiscal year 2022 and $470,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand efforts to survey the diets of seals and sea lions in Puget Sound and identify nonlethal management actions to deter them from preying on salmon and steelhead.

(18) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a voluntary buyback of Columbia river-Willapa bay and Columbia river-Grays harbor commercial gill net licenses to mitigate for policy restrictions on the use of gill nets in the mainstem lower Columbia river. The department shall solicit offers from gill net license holders who wish to participate in the buyback program, and purchase gill net licenses in ranked, ascending order from lowest to the highest bid price based on their 2016-2020 average annual Columbia river landings. License holders that agree to the voluntary buyback shall have their license retired and be prohibited from future fishery participation with a Columbia river-Willapa bay or Columbia river-Grays harbor gill net license. The department may not purchase a gill net license for an amount exceeding 3.5 times the individual gill net license holder's average annual ex-vessel value from the salmon landed in Columbia river fisheries from 2016 through 2020. The purchase price shall be $3,000 for Grays harbor-Columbia river or Willapa bay-Columbia river salmon gill net licenses without Columbia river salmon landings in Washington from 2016-2020. Consistent with the mitigation purpose of the buyback and the intent of Columbia river fishery reforms, the department may only authorize mainstem gill and drift net fisheries in zones four and five targeting upriver bright fall chinook and allocate no more than 20 percent of allowable impacts to off-channel and mainstem fall commercial fisheries.

(19) $518,000 of the general fund—state appropriation for fiscal year 2022 and $519,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to provide policy and scientific support to the department of ecology regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

(20) $271,000 of the general fund—state appropriation for fiscal year 2022 and $271,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 291, Laws of 2019 (southern resident orca whales—protection from vessels), contracts with nonprofit organizations to monitor vessel traffic and educate boaters to be whale wise, and participation in other orca recovery efforts.

(21) Within amounts appropriated in this section, the department, in coordination with statewide law enforcement agencies, must provide a report to the legislature by January, 2022 on the number of cougars reported to the department as harvested by local government law enforcement agencies, training opportunities provided to local law enforcement agencies, and how cougar removals by local enforcement agencies impact the department's cougar management strategies.

(22) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement priority actions in the state

pinto abalone recovery plan. Of the amounts provided, $85,000 each fiscal year must be used to locate, monitor, and safeguard wild populations of pinto abalone along the strait of Juan de Fuca, outer coast, and San Juan islands and the remaining amounts must be granted to the Puget Sound restoration fund to increase production, diversity, and resilience of out-planted abalone.

(23) $315,000 of the general fund—state appropriation for fiscal year 2022 and $315,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to research and monitor the impacts of polychlorinated biphenyls (PCB) on indicator species. The department must coordinate with the department of ecology on implementation of this subsection.

(24) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the forest practices adaptive management program. The evaluation will be carried out generally consistent with the proposal provided to the timber, fish, and wildlife (TFW) policy committee in January 2020 titled *Assessing Changes in Uncertainty During Adaptive Management: A Case Study of the Washington State Forest Practices Habitat Conservation Plan*. To the extent practicable, the evaluation shall satisfy the cooperative monitoring, evaluation, and research five-year peer review process as required in WAC 222-12-045(2)(f), and support other ongoing forest practices adaptive management program evaluation and improvement efforts. The department shall consult with TFW policy caucus participants during the evaluation and provide for public review and comment of the draft report. A progress report shall be delivered to TFW policy participants and appropriate committees of the legislature by December 31, 2022, and a final report by June 30, 2023.

(25) $1,175,000 of the general fund—state appropriation for fiscal year 2022 and $1,175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to restore shrubsteppe habitat and associated wildlife impacted by wildfires.

(a) This funding is intended for the restoration of habitat on public lands as well as private lands by landowners who are willing to participate. The restoration effort must be coordinated with other natural resource agencies and interested stakeholders.

(b) Restoration actions may include: (i) Increasing the availability of native plant materials; (ii) increasing the number of certified and trained personnel for implementation at scale; (iii) support for wildlife-friendly fencing replacement; (iv) support for private landowners/ranchers to defer wildland grazing and allow natural habitat regeneration; and (v) species-specific recovery actions.

(c) The department must submit a progress report to the appropriate committees of the legislature on the investments made under this subsection by December 1, 2022, with a final report submitted by September 1, 2023.

(d) Within the amounts provided in this subsection, $250,000 must be used by the department to form a collaborative group process representing diverse stakeholders and facilitated by a neutral third-party to develop a long-term strategy for shrubsteppe conservation and fire preparedness, response, and restoration to meet the needs of the state's shrubsteppe wildlife and human communities. The collaborative may serve as providing expertise and advice to the wildland fire advisory committee administered by the department of natural resources and build from the wildland fire 10-year strategic plan. Components to be addressed by the collaborative include the restoration actions described in (b) of this subsection and on spatial priorities for shrubsteppe conservation, filling gaps in fire coverage, management tools to reduce fire-prone conditions on public and private lands, and identifying and making recommendations on any other threats. Any reports and findings resulting from the collaborative may be included in the report specified in (c) of this subsection.

(26) $80,000 of the general fund—state appropriation for fiscal year 2022 and $60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the Washington state academy of sciences to provide policymakers with a report on current evidence on pinniped predation of salmon, with an emphasis on Washington's portion

of the Salish sea and Washington's outer coast. The academy must provide an independent study that reviews the existing science regarding pinniped predation of salmonids, including what is known about pinniped predation of salmonids, and with what level of certainty; where the knowledge gaps are; where additional research is needed; how the science may inform decisionmakers; and assessment of the scientific and technical aspects of potential management actions. Early in this process, the academy must convene separate meetings with comanagers and scientists to share relevant research and data and provide context for the academy's work.

(27) $198,000 of the general fund—state appropriation for fiscal year 2022 and $70,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(28) $21,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5273 (shoreline armoring). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(29) $44,000 of the general fund—state appropriation for fiscal year 2022 and $24,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(30) $132,000 of the general fund—state appropriation for fiscal year 2022 and $48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(31) $600,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a pilot project to test New Zealand style elk fencing, similar to the style used by the United States Department of Agriculture at the Starkey Experimental Forest and Range, including materials and construction techniques, and determine the cost and effectiveness of the fence design in reducing damage to school property and agricultural lands within the range of the north Cascades elk herd. The department of fish and wildlife shall work with at least one agricultural property owner in Skagit county with property abutting state highway 20 and one school district located in Skagit county with enrollment of less than 650 students that volunteer to build and test the elk fence design and, in compliance with RCW 43.01.036, report back to the natural resources committees of the legislature by November 1, 2022, on the results of the pilot project.

(32) $155,000 of the general fund—state appropriation for fiscal year 2022 and $310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to control against chronic wasting disease in native species of the state.

(33) $1,682,000 of the fish, wildlife and conservation account—state appropriation is provided solely for the department to work with stakeholders to improve steelhead spawning estimates for improved fishing regulations such that enhanced conservation and equitable fisheries are established.

(34) $50,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist local jurisdictions in responding to cougar related public safety issues. The funding is available to a local jurisdiction if they have a signed agreement with the department that recognizes cougar management authority is vested in the department and provides criteria to determine if a cougar creates an actionable public safety risk eligible for financial assistance. For the purposes of this subsection, a cougar presence on private property alone does not create an actionable public safety risk.

(35) $90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete the final phase of the Cowlitz river salmon and steelhead hook mortality study. No less than $60,000 of the amount provided in this subsection is provided

for the original contractor of the study to complete their work. A final report shall be provided to the appropriate committees of the legislature by December 31, 2022.

(36) $130,000 of the general fund—state appropriation for fiscal year 2022 and $130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

(37) $200,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to develop a plan to protect native and hatchery produced steelhead for each river system of Grays harbor, Willapa bay, and coastal Olympic peninsula. The plan must adequately protect those fisheries for healthy runs year-after-year as well as provide reasonable fishing opportunities. The plan must include active stakeholder input and include an outreach strategy sufficient to keep conservation and angler interests well informed of proposed changes in advance of annual fishing seasons. The plan must be reported to the appropriate committees of the legislature by December 1, 2022.

NEW SECTION. **Sec. 309. FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2022) $5,592,000

General Fund—State Appropriation (FY 2023) $5,464,000

General Fund—Federal Appropriation $12,701,000

Aquatic Lands Enhancement Account—State

Appropriation $1,437,000

Model Toxics Control Operating Account—State

Appropriation $1,295,000

TOTAL APPROPRIATION $26,489,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $209,000 of the general fund—state appropriation for fiscal year 2022 and $209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(2) By October 15, 2022, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2023-2025 capital and operating budget requests related to Puget Sound recovery and restoration.

(3) $304,000 of the general fund—state appropriation for fiscal year 2022 and $272,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to develop and implement an action plan that advances diversity, equity, and inclusion and environmental justice in Puget Sound recovery efforts.

(4) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to perform coordination and monitoring related to Puget Sound kelp conservation and recovery.

(5) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to implement shipping noise-reduction initiatives and monitoring programs in the Puget Sound, in coordination with Canadian and United States authorities. The partnership must contract with Washington Maritime Blue in order to establish and administer the quiet sound program to better understand and reduce the cumulative effects of acoustic and physical disturbance from large commercial vessels on southern resident orcas throughout their range in Washington state. Washington Maritime Blue will support a quiet sound advisory committee that should include relevant federal and state agencies, ports, industry, research institutions, and nongovernmental organizations and consult early and often with relevant federally recognized tribes.

(6) $393,000 of the general fund—state appropriation for fiscal year 2022 and $295,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2022) $134,520,000

General Fund—State Appropriation (FY 2023) $153,194,000

General Fund—Federal Appropriation $42,668,000

General Fund—Private/Local Appropriation $3,161,000

Forest Development Account—State Appropriation $53,180,000

ORV and Nonhighway Vehicle Account—State

Appropriation $7,063,000

Surveys and Maps Account—State Appropriation $2,131,000

Aquatic Lands Enhancement Account—State

Appropriation $8,641,000

Resource Management Cost Account—State Appropriation $108,931,000

Surface Mining Reclamation Account—State

Appropriation $4,141,000

Disaster Response Account—State Appropriation $23,110,000

Contract Harvesting Revolving Nonappropriated

Account—State Appropriation $186,000

Forest and Fish Support Account—State Appropriation $11,182,000

Aquatic Land Dredged Material Disposal Site Account—

State Appropriation $404,000

Natural Resources Conservation Areas Stewardship

Account—State Appropriation $46,000

Forest Fire Protection Assessment Nonappropriated

Account—State Appropriation $191,000

State Forest Nursery Revolving Nonappropriated

Account—State Appropriation $75,000

Access Road Revolving Nonappropriated Account—State

Appropriation $233,000

Forest Practices Application Account—State

Appropriation $1,978,000

Air Pollution Control Account—State Appropriation $895,000

Forest Health Revolving Nonappropriated Account—

State Appropriation $240,000

Model Toxics Control Operating Account—State

Appropriation $21,407,000

NOVA Program Account—State Appropriation $779,000

Derelict Vessel Removal Account—State Appropriation $1,997,000

Community Forest Trust Account—State Appropriation $52,000

Agricultural College Trust Management Account—State

Appropriation $3,171,000

Natural Resources Federal Lands Revolving

Nonappropriated Account—State Appropriation $16,000

TOTAL APPROPRIATION $583,592,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,857,000 of the general fund—state appropriation for fiscal year 2022 and $1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring,

evaluation, and research priorities adopted by the forest practices board.

(2) $55,791,000 of the general fund—state appropriation for fiscal year 2022 and $74,632,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1168 (long-term forest health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(3) $873,000 of the general fund—state appropriation for fiscal year 2022 and $1,816,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1216 (urban and community forestry). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(4) $176,000 of the forest development account—state appropriation, $164,000 of the aquatic lands enhancement account—state appropriation, $377,000 of the resource management cost account—state appropriation, and $22,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1355 (noxious weeds). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) $12,000 of the aquatic lands enhancement account—state appropriation and $10,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(6) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations.

(7) $1,583,000 of the general fund—state appropriation for fiscal year 2022 and $1,515,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(8) $20,668,000 of the general fund—state appropriation for fiscal year 2022, $20,668,000 of the general fund—state appropriation for fiscal year 2023, and $16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed. The amounts provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(9) $5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, $500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(10) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2021, and December 1, 2022, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and

cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

(11) $4,206,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) $448,000 of the general fund—state appropriation for fiscal year 2022 and $448,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders through learning-based collaboration. The department may retain up to $30,000 in one fiscal year to conduct Swiss needlecast surveys.

(13) $185,000 of the general fund—state appropriation for fiscal year 2022 and $185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(14) The appropriations in this section include sufficient funding for the department to review its burn permit fee schedule, and to develop options and recommendations on changes to the fee schedule to meet the requirement in RCW 70A.15.5020. The agency must report on options and recommendations to the office of financial management and the appropriate committees of the legislature by September 1, 2021.

(15) $569,000 of the model toxics control operating account—state appropriation is provided solely to implement recommendations in the aerial herbicides in forestlands report submitted to the legislature in December 2019 from the aerial herbicide application working group. Specific work will include researching alternatives to chemicals for control of unwanted competing vegetation, compliance monitoring of aerial herbicides application, and updating the pesticide board manual.

(16) $925,000 of the general fund—state appropriation for fiscal year 2022 and $779,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to undertake geologic research to understand the geology and hydrology of the Columbia basin with regard to geothermal and groundwater resources. Funding must also be used for outreach and education to industries and regional communities to increase awareness of underground resources, how to access and use them, and the regulatory processes for doing so.

(17) $77,000 of the general fund—state appropriation for fiscal year 2022, $90,000 of the general fund—state appropriation for fiscal year 2023, $82,000 of the forest development account—state appropriation, $10,000 of the ORV and nonhighway vehicle account—state appropriation, $19,000 of the aquatic lands enhancement account—state appropriation, $189,000 of the resource management cost account—state appropriation, $7,000 of the surface mining reclamation account—state appropriation, $9,000 of the forest and fish support account—state appropriation, $43,000 of the forest fire protection assessment nonappropriated account—state appropriation, $13,000 of the state forest nursery revolving nonappropriated account—state appropriation, $45,000 of the access road revolving nonappropriated account—state appropriation, $26,000 of the forest health revolving nonappropriated account—state appropriation, and $9,000 of the model toxics control operating account—state appropriation are provided solely for the department to move its data center currently located in the natural resources building to the state data center located in the Jefferson building as required by office of the chief information officer policy 184 and RCW 43.105.375. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(18) $466,000 of the general fund—state appropriation for fiscal year 2022, $125,000 of the general fund—state appropriation for fiscal year 2023, $364,000 of the forest development account—state appropriation, $254,000 of the aquatic lands enhancement account—state appropriation, $754,000 of the resource management cost account—state appropriation, $27,000 of the surface mining reclamation account—state appropriation, $186,000 of the contract harvesting revolving nonappropriated account—state appropriation, $148,000 of the forest fire protection assessment nonappropriated account—state appropriation, $62,000 of the state forest nursery revolving nonappropriated account—state appropriation, $188,000 of the access road revolving nonappropriated account—state appropriation, $214,000 of the forest health revolving nonappropriated account—state appropriation, and $16,000 of the natural resources federal lands revolving nonappropriated account—state appropriation are provided solely for the department to replace the NaturE revenue and leasing administration system and integrate with the new One Washington financial system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(19)(a) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain existing administrative facility infrastructure operated by the six regions of the department.

(b) The department's allocation of this appropriation and existing expenditure authority in certain other funds will be spread equitably across agency funds based on a model of positions by program or activity that utilize existing facility spaces within the agency's operating regions. The remaining costs at each site will remain the burden of existing management fund distribution. Department allocation of funds in this appropriation will be trackable by region and by project code.

(c) This appropriation is provided solely for the maintenance of existing administrative infrastructure, inclusive of ordinary maintenance, preventive maintenance, and maintenance services and inspections, minor repairs, system component replacement, and the delivery of utility and facility services.

(d) The department must provide a comparison of quarterly agency allotments and expenditures relating to this subsection, including a summary of the maintenance work for all regional facilities subject to this section to the office of financial management beginning in October 2021.

(20) $175,000 of the general fund—state appropriation for fiscal year 2022 and $175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of marketing and selling specialty forest products including cedar salvage, alder, and other hardwood products. The pilot project must include: Identifying suitable areas for hardwood or cedar sales within the administrative areas of the Olympic and Pacific Cascade regions, preparing and conducting sales, and evaluating the costs and benefits from conducting the sales.

(a) The pilot project must include an evaluation that:

(i) Determines if revenues from the sales are sufficient to cover the costs of preparing and conducting the sales;

(ii) Identifies and evaluates factors impacting the sales, including regulatory constraints, staffing levels, or other limitations;

(iii) Compares the specialty sales to other timber sales that combine the sale of cedar and hardwoods with other species;

(iv) Evaluates the bidder pool for the pilot sales and other factors that impact the costs and revenues received from the sales; and

(v) Evaluates the current and future prices and market trends for cedar salvage and hardwood species.

(b) The department must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and make recommendation for any changes to statute by June 30, 2023.

(21) $112,000 of the general fund—state appropriation for fiscal year 2022 and $60,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the implementation of Engrossed Senate Bill No. 5158 (utility wildland fire cmte.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(22) $407,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete development of a programmatic safe harbor agreement, and the associated environmental analysis and draft enrollment language for inclusion in the forest practices rules. Within the amount provided in this subsection, the department must provide $182,000 to the department of fish and wildlife to assist in the development of the programmatic safe harbor agreement. The department must provide a report to the appropriate committees of the legislature by December 15, 2021, on the status of the rule making and the resources needed to implement the rule effective October 1, 2022.

(23) Within amounts appropriated in this section, the department on behalf of the forest practices board must provide an update to the natural resource policy committees of the legislature on the progress of its projects, including progress made to address recommendations from the 2021 state auditor's report on the adaptive management program, by December 1, 2021, and December 1, 2022.

(24) $100,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant to local law enforcement agencies to assist in enforcing vessel registration laws. Funding is also provided for a pilot recycling project with a nonprofit maritime education center that has the capacity to coordinate with a local port and local businesses that can accommodate vessel waste material.

(25) Within amounts appropriated in this section, the department, acting in its capacity as the agency responsible for implementing Washington state's section 10 permit under the endangered species act for aquatic species, and for ensuring maintenance of clean water act assurances granted by the department of ecology, must report to the legislature by no later than June 30, 2022, on the status of forest practices board activities related to: (a) Permanent water typing rulemaking and associated board manual development and (b) rulemaking and associated board manual development regarding the protection of type N streams.

(26) Within amounts appropriated in this section, the department, in collaboration with motorized and nonmotorized outdoor recreation stakeholders, must submit to the appropriate committees of the legislature recommendations for the use of NOVA account appropriations, by September 30, 2022.

(27) $2,336,000 of the general fund—state appropriation for fiscal year 2022 and $1,591,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(28) $180,000 of the general fund—state appropriation for fiscal year 2022 and $4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(29) $34,000 of the general fund—state appropriation for fiscal year 2022 and $8,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(30) $1,765,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to:

(a) Replace the statewide forest practices permit database system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act; and

(b) Provide a recommendation for ways that the forest products industry could help cover the cost of the new forest practice online system. The recommendation must include proposed changes to the fees that are paid for forest practice applications and notifications, as well as a description and table that illustrates the operating

costs of the program and how those costs are covered by fund source including fee revenue. The recommendation must be reported to the fiscal committees of the legislature by December 1, 2021, and may be included as a decision package to the office of financial management for consideration in the governor's proposed 2022 supplemental operating budget.

(31) $225,000 of the general fund—state appropriation for fiscal year 2022 and $225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of entering into such stewardship agreements with individual neighboring landowners who would take on the responsibility for protecting small segments of shared boundary with department managed lands. The pilot project must include identifying the legal limits and bounds of such stewardship agreements, identifying suitable areas, preparing and entering into shared stewardship agreements, and evaluating the costs and benefits of these agreements.

(a) The pilot project evaluation must include:

(i) A determination of an appropriate mechanism for the sale of valuable materials from state trust lands harvested under a stewardship agreement;

(ii) Identification of regulatory constraints, staffing levels necessary to administer a statewide program, and other limitations; and

(iii) Identification of legal risk and insurance and indemnification requirements that may be necessary on the part of private individuals entering into these agreements.

(b) The pilot project must include agreements on at least the Teanaway or Klickitat Community Forests and on state trust lands in the vicinity of the town of Darrington, Washington. The department of natural resources must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and any recommendations for changes and statewide implementation by July 1, 2023.

(32) $134,000 of the general fund—state appropriation for fiscal year 2022 and $134,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant non-tribal outcome-based performance participation grants for implementation of the forest practices adaptive management program. Of the amounts provided in this subsection, $54,000 per fiscal year is provided for grants to the Washington farm forestry association and $80,000 per fiscal year is provided for grants to the Washington state association of counties.

NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2022) $21,046,000

General Fund—State Appropriation (FY 2023) $20,632,000

General Fund—Federal Appropriation $35,878,000

General Fund—Private/Local Appropriation $193,000

Aquatic Lands Enhancement Account—State

Appropriation $2,692,000

Water Quality Permit Account—State Appropriation $73,000

Model Toxics Control Operating Account—State

Appropriation $9,410,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $621,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $627,000

Northeast Washington Wolf-Livestock Management

Nonappropriated Account—State Appropriation $952,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $90,000,000

TOTAL APPROPRIATION $182,124,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to develop a state alternative to the United States department of agriculture farmers

to families food box program and provide resources for hunger relief organizations, including organizations that serve BIPOC and other socially disadvantaged communities.

(2) $5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the farm-to-school program under RCW 15.64.060.

(3) $8,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for local food system infrastructure and market access grants, prioritized for women, minority, and small business owners.

(4) $9,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant program to improve food supply chain infrastructure and market access for farms, food processors, and food distributors.

(5)(a) $90,000 of the general fund—state appropriation for fiscal year 2022 and $90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the office of equity, the conservation commission, underrepresented farmers and ranchers, organizations that represent historically underrepresented farmers and ranchers, farmworkers, and labor advocates to:

(i) Ensure inclusion of historically underrepresented farmers and ranchers in the agricultural industry;

(ii) Evaluate related boards, commissions, and advisory panels to ensure inclusion of historically underrepresented farmers and ranchers;

(iii) Include historically underrepresented farmers and ranchers in the development, implementation, and enforcement of food and agriculture laws, rules, regulations, policies, and programs; and

(iv) Consider ways to increase engagement in agricultural education and workforce development opportunities by communities who have been historically underrepresented in agriculture.

(b) The department must report to the governor and legislature, in accordance with RCW 43.01.036, by October 31, 2022, on its activities and efforts to include historically underrepresented farmers and ranchers. The report must describe the department's efforts to serve historically underrepresented farmers and ranchers, identify existing gaps and financial barriers to land ownership and obtaining equipment, and must include recommendations to improve outreach to and services for historically underrepresented farmers and ranchers.

(6) $203,000 of the general fund—state appropriation for fiscal year 2022 and $203,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a Japanese beetle monitoring and eradication program in central Washington.

(7) $6,105,445 of the general fund—state appropriation for fiscal year 2022, $6,105,905 of the general fund—state appropriation for fiscal year 2023, and $23,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(8) $170,000 of the general fund—state appropriation for fiscal year 2022 and $170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(9) $194,000 of the general fund—state appropriation for fiscal year 2022, $194,000 of the general fund—state appropriation for fiscal year 2023, and $1,134,000 of the general fund—federal appropriation are provided solely for implementing a Vespa mandarinia eradication program.

(10) $952,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department to conduct the following:

(a) Fund the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020, at $432,000 for fiscal year 2022 and fiscal year 2023. Funds from the grant program must be used only for the deployment of

nonlethal deterrence, specifically with the goal to reduce the likelihood of cattle being injured or killed by wolves by deploying proactive, preventative methods that have a good probability of producing effective results. Grant proposals will be assessed partially on this intent. Grantees who use funds for range riders or herd monitoring must deploy this tool in a manner so that targeted areas with cattle are visited daily or near daily. Grantees must collaborate with other entities providing prevention efforts resulting in coordinated wolf-livestock conflict deterrence efforts, both temporally and spatially, therefore providing well-timed and placed preventative coverage on the landscape. The department retains the final decision-making authority over disbursement of funds. Annual reports from grantees will be assessed for how well grant objectives were met and used to decide whether future grant funds will be awarded to past grantees.

(b) Contract with the northeast Washington wolf-cattle collaborative, a nonprofit organization, for $320,000 for fiscal year 2022 and fiscal year 2023 for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves. The contract must provide that the organization share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2021, and December 31, 2022. Work is to be conducted solely on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county. This includes an area from the northern boundary of the Colville Confederated Tribes reservation, west of the Columbia river north to state route 20, and then west of United States route 395 to the Canadian border, and from the northern boundary of the Colville Confederated Tribes reservation east of state highway 21 to the Canadian border. Also included are federal grazing allotments and adjoining private lands in the Vulcan mountain area, an area which is north of the Kettle river where it enters the United States at Midway, British Columbia and leaves the United States near Danville, Washington.

(c) Within the amounts provided in this subsection, the department must provide $120,000 in fiscal year 2022 and $80,000 in fiscal year 2023 to the sheriffs offices of Ferry and Stevens counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves in northeast Washington.

(11) $1,400,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to find a suitable replacement for imidacloprid to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019. Up to eight percent of the total amount provided may be used by the departments of agriculture, commerce, ecology, and natural resources to cover overhead expenses relating to their continued participation in the working group for the 2021-2023 fiscal biennium.

(12) $119,000 of the general fund—state appropriation for fiscal year 2022 and $25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(13) $78,000 of the general fund—state appropriation for fiscal year 2022 and $24,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) $2,000,000 of the general fund—federal appropriation, not to exceed the amount appropriated in section 11, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely to assist hunger relief organizations to achieve food

security and is subject to the same terms and conditions as the appropriation in section 11, chapter 3, Laws of 2021.

(15) $168,000 of the general fund—state appropriation for fiscal year 2022 and $168,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist small and midsize farms and small and midsize processors in exploring options to expand capacity for processing meat or meat and poultry for sale and direct marketing efforts. In carrying out this duty, the department must:

(a) Assist farms in complying with federal, state, and local rules and regulations as they apply to direct marketing of meat and poultry products;

(b) Assist in developing infrastructure including, but not limited to, custom meat facilities and slaughter facilities inspected by the United States department of agriculture as appropriate to increase direct marketing opportunities for farms;

(c) Assist processors in complying with federal, state, and local rules and regulations as they apply to processing meat and poultry and the marketing of meat and poultry;

(d) Assist in developing, in consultation with Washington State University extension, training opportunities or apprenticeship opportunities for slaughterers or inspectors;

(e) Provide information on direct marketing opportunities for farms;

(f) Identify and help reduce market barriers facing farms in direct marketing;

(g) Identify and help reduce barriers facing processors in operating slaughter facilities;

(h) Assist in developing and submitting proposals to grant programs to assist farm direct marketing efforts; and

(i) Perform other functions that will assist farms in directly marketing their meat and poultry products.

(16) $1,832,000 of the general fund—state appropriation for fiscal year 2022 and $1,832,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in consultation with the state conservation commission, to develop a grant program to provide funding to conservation districts or other entities to provide access to meat and poultry processing and inspection. In addition to other funding needs to provide access to meat and poultry processing and inspection, grant funding may be used to establish a mobile slaughter unit or to provide needed infrastructure to provide for the retail sale of meat or poultry. The department must conduct outreach to gain input from other entities, such as conservation districts, Washington State University and the food policy forum in developing the grant program described in this subsection.

(17) $152,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute Senate Bill No. 5192 (electric vehicle equipment). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

PART IV

TRANSPORTATION

NEW SECTION. **Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund—State Appropriation (FY 2022) $2,901,000

General Fund—State Appropriation (FY 2023) $2,585,000

Architects' License Account—State Appropriation $1,263,000

Real Estate Commission Account—State Appropriation $13,532,000

Uniform Commercial Code Account—State Appropriation $3,121,000

Real Estate Education Program Account—State

Appropriation $276,000

Real Estate Appraiser Commission Account—State

Appropriation $1,876,000

Business and Professions Account—State Appropriation $23,882,000

Real Estate Research Account—State Appropriation $415,000

Firearms Range Account—State Appropriation $74,000

Landscape Architects' License Account—State

Appropriation $80,000

Appraisal Management Company Account—State

Appropriation $256,000

Concealed Pistol License Renewal Notification

Account—State Appropriation $140,000

Geologists' Account—State Appropriation $149,000

Derelict Vessel Removal Account—State Appropriation $33,000

TOTAL APPROPRIATION $50,583,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $140,000 of the concealed pistol license renewal notification account—state appropriation and $74,000 of the firearms range account—state appropriation are provided solely to implement chapter 74, Laws of 2017 (concealed pistol license).

(2) $16,000 of the general fund—state appropriation for fiscal year 2022, $9,000 of the general fund—state appropriation for fiscal year 2023, $13,000 of the architects' license account—state appropriation, $121,000 of the real estate commission account—state appropriation, $22,000 of the uniform commercial code account—state appropriation, $16,000 of the real estate appraiser commission account—state appropriation, and $227,000 of the business and professions account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) The department shall inventory all business and professions fees and associated accounts including identification of all fees paid into each account, the amount and timing of the last fee increase, the estimated expenditures necessary to administer each fee based program, and the projected fee changes necessary to ensure positive account balances for each business and professions program account. The projection should include the period beginning with the 2021-2023 fiscal biennium through the 2025-2027 biennium. A report to the governor and legislature is due December 1, 2021.

(4) $157,000 of the uniform commercial code account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5355 (wage liens). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(5) $267,000 of the real estate commission account—state appropriation is provided solely to implement Substitute Senate Bill No. 5378 (real estate broker renewal). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(6) $808,000 of the general fund—state appropriation for fiscal year 2022 and $551,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued implementation of the legacy firearms system until the modernization project is completed.

(7) $28,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1107 (nonresident vessel permit provisions). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(8) $30,000 of the architects' license account—state appropriation, $297,000 of the real estate commission account—state appropriation, $50,000 of the real estate appraiser commission account—state appropriation, and $514,000 of the business and professions account—state appropriation are provided solely for implementation of House Bill No. 1399 (professional licensure/convictions). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 402. FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2022) $59,974,000

General Fund—State Appropriation (FY 2023) $60,590,000

General Fund—Federal Appropriation $16,707,000

General Fund—Private/Local Appropriation $3,091,000

Death Investigations Account—State Appropriation $7,906,000

County Criminal Justice Assistance Account—State

Appropriation $4,533,000

Municipal Criminal Justice Assistance Account—State

Appropriation $1,637,000

Fire Service Trust Account—State Appropriation $131,000

Vehicle License Fraud Account—State Appropriation $119,000

Disaster Response Account—State Appropriation $8,500,000

Fire Service Training Account—State Appropriation $12,297,000

Model Toxics Control Operating Account—State

Appropriation $567,000

Fingerprint Identification Account—State

Appropriation $12,617,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $2,423,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $2,423,000

Washington Internet Crimes Against Children Account—

State Appropriation $1,000,000

TOTAL APPROPRIATION $194,515,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $8,500,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) $2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and $2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(3) $643,000 of the general fund—state appropriation for fiscal year 2022 and $643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(4) $356,000 of the general fund—state appropriation for fiscal year 2022, $356,000 of the general fund—state appropriation for fiscal year 2023, and $298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(5) $510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(6)(a) $700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(b) The joint apprenticeship training committee shall submit a report to the fiscal committees of the legislature by December 1, 2022, describing how the funding appropriated in this section was spent during the biennium. At a minimum, the report shall include information about the number of individuals that completed the training, the level of training or type of training being taught, the total cost of training everyone through completion, the percentage of passage rate for trainees, and the geographic location of the fire department sponsoring the trainee.

(7) $316,000 of the general fund—state appropriation for fiscal year 2023 and $1,000,000 of the Washington internet crimes against children account—state appropriation are provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(8) $1,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances), which changes methods for selecting an arbitrator for labor disputes involving law enforcement disciplinary matters. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9) $213,000 of the general fund—state appropriation for fiscal year 2022 and $163,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1223 (custodial interrogations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(10) $1,000 of the general fund—state appropriation for fiscal year 2022 and $1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(11) $2,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(12) $1,334,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for facility and staff costs associated with construction of a second toxicology laboratory facility in Federal Way. The Washington state patrol must provide a report on the progress of the toxicology lab construction semiannually to the fiscal committees of the legislature with a final report due 90 days after completion of the project. The report must include, but is not limited to:

(a) A detailed list of expenditures so far;

(b) A detailed list of expenditure yet to be made before the completion of the project;

(c) An updated project timeline with expected end date; and

(d) Other project details that the Washington state patrol finds important to relay.

(13) $213,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state patrol to outsource death investigation cases to reduce the current backlog of cases awaiting toxicology testing.

(14) $1,320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an enhanced forensic capabilities pilot program that provides expedited DNA technology and forensic services to assist in the processing of crime scene evidence, expediting investigative leads, and reducing the backlog of other cases. Prior to the purchase of the DNA technology and forensic services for the pilot program, the Washington state patrol must submit a plan to the legislature no later than December 31, 2021, that addresses the following operational issues of the program:

(a) Protocols on the operation and use of the program while maintaining civil liberties and protecting individual privacy;

(b) A description of how expedited DNA technology and forensic services will tie into the current operations of the state patrol's existing crime lab; and

(c) Details of how the Washington state patrol will protect individual privacy and civil liberties in relation to the program described in this subsection.

PART V

EDUCATION

NEW SECTION. **Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2022) $31,237,000

General Fund—State Appropriation (FY 2023) $30,769,000

General Fund—Federal Appropriation $105,917,000

General Fund—Private/Local Appropriation $8,060,000

Washington Opportunity Pathways Account—State

Appropriation $265,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $520,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $533,000

Performance Audits of Government Account—State

Appropriation $213,000

Workforce Education Investment Account—State

Appropriation $3,812,000

Elementary and Secondary School Emergency Relief III

Account—Federal Appropriation $4,631,000

TOTAL APPROPRIATION $185,957,000

The appropriations in this section are subject to the following conditions and limitations:

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) $14,470,000 of the general fund—state appropriation for fiscal year 2022 and $14,486,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 515 and 522 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(vii) Within the amounts provided in this subsection (1)(a), $318,000 of the general fund—state appropriation for fiscal year 2022 and $310,000 of the general fund—state appropriation for fiscal year 2023 are for 2.0 FTE to support multi-tiered systems of support (MTSS) data management and implementation activities.

(viii) Within the amounts provided in this subsection (1)(a), $79,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a contract to assess the feasibility, specifications, and cost estimates for

full development and implementation of a MTSS database.

(ix) Within the amounts provided in this subsection (1)(a), $53,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with regional and/or national experts to train the MTSS staff and staff from the center on the improvement of student learning on MTSS implementation science and evidence-based practices as distinct but complementary to the Washington integrated student supports protocol.

(b) $1,217,000 of the general fund—state appropriation for fiscal year 2022 and $1,217,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) $494,000 of the general fund—state appropriation for fiscal year 2022 and $494,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(d) $61,000 of the general fund—state appropriation for fiscal year 2022 and $61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(e) $61,000 of the general fund—state appropriation for fiscal year 2022 and $61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(f) $265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(g) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(h) $123,000 of the general fund—state appropriation for fiscal year 2022 and $123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(i) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(j) $14,000 of the general fund—state appropriation for fiscal year 2022 and $14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(k) $131,000 of the general fund—state appropriation for fiscal year 2022, $131,000 of the general fund—state appropriation for fiscal year 2023, and $213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(l) $117,000 of the general fund—state appropriation for fiscal year 2022 and $117,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(m) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(n) $385,000 of the general fund—state appropriation for fiscal year 2022 and $385,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(o) $205,000 of the general fund—state appropriation for fiscal year 2022 and $205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(p) $75,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(q) $481,000 of the general fund—state appropriation for fiscal year 2022 and $481,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(r) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(s) $4,631,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

(2) DATA SYSTEMS

(a) $1,802,000 of the general fund—state appropriation for fiscal year 2022 and $1,802,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) $281,000 of the general fund—state appropriation for fiscal year 2022 and $281,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) $450,000 of the general fund—state appropriation for fiscal year 2022 and $450,000 of the general fund—state appropriation for fiscal year 2023 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to

address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) $335,000 of the general fund—state appropriation for fiscal year 2022 and $335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) $118,000 of the general fund—state appropriation for fiscal year 2022 and $118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) $130,000 of the general fund—state appropriation for fiscal year 2022 and $130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to collaborate with the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies.

(f) $107,000 of the general fund—state appropriation for fiscal year 2022 and $107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(g) $310,000 of the general fund—state appropriation for fiscal year 2022 and $249,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of a language access technical assistance program for school districts and to reconvene an expanded work group under section 2, chapter 256, Laws of 2019. The activities of and resources provided by the language access technical assistance program must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019 in order to improve awareness and fulfillment of language access rights for families in educational settings. The work group under this subsection shall, by December 1, 2021, report to the appropriate committees of the legislature recommendations for standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to language access services in schools and school districts. Within the amounts provided in this subsection, the office must provide a report to the appropriate committees of the legislature by December 1, 2021. The report shall include, at a minimum, information regarding the different languages in which students and students' families prefer to communicate by each school district.

(4) STATEWIDE PROGRAMS

(a) $2,590,000 of the general fund—state appropriation for fiscal year 2022 and $2,590,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) $703,000 of the general fund—state appropriation for fiscal year 2022 and $703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) $950,000 of the general fund—state appropriation for fiscal year 2022 and $950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) $10,000 of the general fund—state appropriation for fiscal year 2022 and $10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(e)(i) $50,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school bullying and harassment prevention activities.

(ii) $15,000 of the general fund—state appropriation for fiscal year 2022 and $15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) $570,000 of the general fund—state appropriation for fiscal year 2022 and $570,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts provided in this subsection (4)(e)(iii), $200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(iv) $196,000 of the general fund—state appropriation for fiscal year 2022 and $196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), $96,000 of the general fund—state appropriation for fiscal year 2022 and $96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) $162,000 of the general fund—state appropriation for fiscal year 2022 and $162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for youth suicide prevention activities.

(ii) $76,000 of the general fund—state appropriation for fiscal year 2022 and $76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) $280,000 of the general fund—state appropriation for fiscal year 2022, $280,000 of the general fund—state appropriation for fiscal year 2023, and $1,053,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, $520,000 of the dedicated marijuana account—state appropriation for fiscal year 2022, and $533,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the building bridges statewide program.

(ii) $293,000 of the general fund—state appropriation for fiscal year 2022 and $293,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) $178,000 of the general fund—state appropriation for fiscal year 2022 and $178,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) $358,000 of the general fund—state appropriation for fiscal year 2022 and $358,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) $196,000 of the general fund—state appropriation for fiscal year 2022 and $196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) $60,000 of the general fund—state appropriation for fiscal year 2022, $60,000 of the general fund—state appropriation for fiscal year 2023, and $680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, $680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) $57,000 of the general fund—state appropriation for fiscal year 2022 and $57,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) $269,000 of the general fund—state appropriation for fiscal year 2022 and $142,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive,

and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) $275,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to convene and provide staff support to the K-12 basic education compensation advisory committee established in section 951 of this act.

(q) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to develop resources, share best practices, and provide technical assistance for school districts to support implementation of comprehensive, culturally responsive, and high-quality civics education. Within amounts provided in this subsection, the office shall administer competitive grant awards of up to $1,500 per first class school district and $750 per second class school district to support in-service training and the development or adoption of curriculum and instructional materials. The office shall utilize a portion of this funding to assess the learning outcomes related to civic education curriculum and to support related assessments that gauge the degree to which high quality civic education is taking place in school districts throughout the state.

(r) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide technical assistance to school districts through the center for the improvement of student learning. The technical assistance must support the implementation of trauma-informed practices, policies, and procedures, including implementation of social emotional learning programs, multi-tiered systems of support, and other evidence-based programs that improve school climate and student emotional wellbeing.

(s) $49,000 of the general fund—state appropriation for fiscal year 2022 and $49,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1214 (K-12 safety & security serv.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(t) $35,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1363 (secondary trauma/K-12). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(u) $140,000 of the general fund—state appropriation for fiscal year 2022 and $135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1208 (learning assistance program). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(v) $505,000 of the general fund—state appropriation for fiscal year 2022 and $486,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(w) $60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least 20 minutes. The

office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) $30,000 of the general fund—state appropriation is provided solely for annual grant awards of $5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) $20,000 of the general fund—state appropriation is provided solely for the office to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support; and

(iii) $10,000 of the general fund—state appropriation is provided solely for the office to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by October 1, 2022.

(x) $27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5030 (school counseling programs). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(y) $16,000 of the general fund—state appropriation for fiscal year 2022 and $16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) CAREER CONNECTED LEARNING

(a) $852,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) $960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2021-2023 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) $500,000 of the workforce education investment account—state appropriation is provided solely for the Federal Way school district to establish pre-apprenticeship pathways and career connected learning programs in the skilled trades in Federal Way.

(d) $1,500,000 of the workforce education investment account—state is provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to continue the regional apprenticeship pathways program.

NEW SECTION. **Sec. 502. FOR THE STATE BOARD OF EDUCATION**

General Fund—State Appropriation (FY 2022) $3,001,000

General Fund—State Appropriation (FY 2023) $5,003,000

Washington Opportunity Pathways Account—State

Appropriation $322,000

TOTAL APPROPRIATION $8,326,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $152,000 of the general fund—state appropriation for fiscal year 2022 and $138,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board of education for the following: Continuation of the mastery-based learning work group (chapter 252, Laws of 2019), expansion of ongoing pathways research, and a report outlining findings and recommendations to the governor and education committees of the legislature by December 31, 2022.

(2) $1,500,000 of the general fund—state appropriation for fiscal year 2022 and $3,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board of education for implementation of mastery-based learning in school district demonstration sites for the purpose of addressing learning recovery and other educational issues related to COVID-19.

The funds must be used for grants to school districts, professional development of school district staff, and implementation support provided by the state board of education. The state board of education shall require grant recipients to report on impacts and participate in a collaborative to share best practices. Grants for mastery-based learning may be made in partnership with private matching funds.

NEW SECTION. **Sec. 503. FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2022) $16,868,000

General Fund—State Appropriation (FY 2023) $19,203,000

TOTAL APPROPRIATION $36,071,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,693,000 of the general fund—state appropriation for fiscal year 2022 and $1,725,000 of the general fund—state appropriation for fiscal year 2023 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(2)(a) $600,000 of the general fund—state appropriation for fiscal year 2022 and $600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

(b) Within the amounts provided in this subsection (2), up to $500,000 of the general fund—state appropriation for fiscal year 2022 and up to $500,000 of the general fund—state appropriation for fiscal year 2023 are provided for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(3) $622,000 of the general fund—state appropriation for fiscal year 2022 and $622,000 of the general fund—state appropriation for fiscal year 2023 are provided for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (3), $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(4) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply).

(5) $13,499,000 of the general fund—state appropriation for fiscal year 2022 and $16,076,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators). Of the amounts provided in this subsection:

(a) $250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop an online course to train educators on effective community, family, and student engagement.

(b) $12,587,000 of the general fund—state appropriation for fiscal year 2022 and $15,414,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to districts to provide two days of training per school year in the paraeducator certificate program to all paraeducators. Funds in this subsection are provided solely for reimbursement to school districts that provide paraeducators with two days of training in the paraeducator certificate program in each of the 2020-21 and 2021-22 school years.

(6) $54,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute House Bill No. 1028 (residency teacher cert.). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(7) $63,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop standards for two specialty endorsements in computer science, one in elementary computer

science and one in secondary computer science. The professional educator standards board shall consult with the superintendent of public instruction to confirm that the specialty endorsements reflect the appropriate content necessary to teach computer science in the classroom, as defined by the office of the superintendent of public instruction with industry input. The computer science specialty endorsements must be available to all certificated teachers who hold a valid license and who demonstrate sufficient content knowledge in computer science.

(8) $187,000 of the general fund—state appropriation for fiscal year 2022 and $30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5044 (schools/equity training). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2022) $9,852,652,000

General Fund—State Appropriation (FY 2023) $9,550,695,000

Education Legacy Trust Account—State Appropriation $1,398,115,000

TOTAL APPROPRIATION $20,801,462,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2021-22 and 2022-23 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2021, to August 31, 2021, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 503 and 504, chapter 357, Laws of 2020, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2021-22 and 2022-23 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2021-22 and 2022-23 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The

superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2021-22 School Year	2022-23 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school in the 2021-22 school year as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under this subsection (2)(d)(ii)(A), a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty schools in the 2022-23 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle	High
Guidance counselors	0.500	0.500	0.500

(C) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2021-22 School Year	2022-23 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2021-22 and 2022-23 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students 1.025

Skill Center students 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2021-22 and 2022-23 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2021-22 and 2022-23 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated

instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.52 percent in the 2021-22 school year and 11.96 percent in the 2022-23 school year for career and technical education students, and 17.86 percent in the 2021-22 school year and 17.26 percent in the 2022-23 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 22.71 percent in the 2021-22 school year and 22.71 percent in the 2022-23 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.75 percent in the 2021-22 school year and 22.75 percent in the 2022-23 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 942 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	$140.84	$168.10
Utilities and Insurance	$382.70	$388.82
Curriculum and Textbooks	$151.22	$153.64

Other Supplies	$299.50	$303.29
Library Materials	$21.54	$21.89
Instructional Professional Development for Certificated and Classified Staff	$23.39	$23.76
Facilities Maintenance	$189.59	$192.62
Security and Central Office	$131.35	$133.45
TOTAL MSOC/STUDENT FTE	$1,340.13	$1,386.57

(ii) For the 2021-22 school year and 2022-23 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of $1,585.55 for the 2021-22 school year and $1,610.92 for the 2022-23 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of $1,585.55 for the 2021-22 school year and $1,610.92 for the 2022-23 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	$40.50	$41.15
Curriculum and Textbooks	$44.18	$44.89
Other Supplies	$86.06	$87.43
Library Materials	$5.99	$6.09
Instructional Professional Development for Certified and Classified Staff	$7.36	$7.48
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	$184.09	$187.04

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2021-22 and 2022-23 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of $151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2021, to August 31, 2021, are adjusted to reflect provisions of chapter 357, Laws of 2020, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2021-22 school year and 2022-23 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual

full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2022 and 2023 as follows:

(a) $650,000 of the general fund—state appropriation for fiscal year 2022 and $650,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) $436,000 of the general fund—state appropriation for fiscal year 2022 and $436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed $500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those

appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2021-2023 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) $16,211,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to ensure that school districts receive at least $500 per pupil for COVID-19 relief funding when combined with federal relief dollars. These funds are one-time allocations to school districts and may be used according to the allowable uses defined in section 2001(2)(e) of the American rescue plan act of 2021, P.L. 117-2. Prior to receiving funds, a school district must submit an academic and student well-being recovery plan to the office of the superintendent of public instruction as required in section 12(3), chapter 3, Laws of 2021, and must also report progress on implementing the plan in a manner identified by the superintendent.

(a) The office of the superintendent of public instruction must calculate a relief per pupil amount for each district defined as: The quotient from dividing

the total funding allocated to each district from the federal relief funds, as defined in (b) of this subsection, by a school district's total enrollment as defined in (c) of this subsection. A school district with a relief per pupil amount less than $500 shall receive the difference between $500 and the relief per pupil amount, multiplied by the school district's total enrollment.

(b) For the purposes of this subsection, federal relief funds allocated to school districts include:

(i) Subgrants authorized under section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136;

(ii) Subgrants authorized under section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260; and

(iii) Subgrants authorized under section 2001, the American rescue plan act of 2021, P.L. 117-2.

(c) For the purposes of this subsection, a school district's total enrollment means the district's 2019-20 school year annual average full-time equivalent student enrollment, excluding full-time equivalent student enrollments for which funds are separately calculated and allocated under RCW 28A.232.020, 28A.600.310(4), 28A.245.020, and 28A.175.110.

(d) For the purposes of this subsection, this subsection applies to state-tribal compact schools established under chapter 28A.715 RCW.

(23) $27,806,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for enrollment stabilization allocations required in section 1519 of this act.

NEW SECTION. **Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2021-22 school year and the 2022-23 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

Staff Type	2021-22 School Year	2022-23 School Year
Certificated Instructional	$68,937	$70,040
Certificated Administrative	$102,327	$103,964
Classified	$49,453	$50,244

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on February 1, 2021, at 5:17 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.07 percent for school year 2021-22 and 22.07 percent for school year 2022-23 for certificated instructional and certificated administrative staff and 19.25 percent for school year 2021-22 and 19.25 percent for the 2022-23 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

NEW SECTION. **Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2022) $102,094,000

General Fund—State Appropriation (FY 2023) $310,929,000

TOTAL APPROPRIATION $413,023,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2021-22 school year, and 1.6 percent for the 2022-23 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in the 2021-22 school year must be used to train school district staff on cultural competency, diversity, equity, or inclusion, as required in Engrossed Substitute Senate Bill No. 5044 (schools/equity training).

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.07 percent for the 2021-22 school year and 22.07 percent for the 2022-23 school year for certificated instructional and certificated administrative staff and 19.25 percent for the 2021-22 school year and 19.25 percent for the 2022-23 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 942 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2021-22 school year, $968 per month and for the 2022-23 school year, $1,032 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. **Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2022) $615,759,000

General Fund—State Appropriation (FY 2023) $649,872,000

TOTAL APPROPRIATION $1,265,631,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 506, chapter 357, Laws of 2020, as amended.

(3) Within amounts appropriated in this section, up to $10,000,000 of the general fund—state appropriation for fiscal year 2022 and up to $10,000,000 of the general fund—state appropriation for fiscal year 2023 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of $939,000 of the general fund—state appropriation for fiscal year 2022 and a maximum of $939,000 of the general fund—state appropriation for fiscal year 2023 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(10) The superintendent must provide student transportation allocations for the 2021-22 school year equal to the greater of allocations provided in the 2019-20 school year or the student transportation allocations calculated under RCW 28A.160.192. These allocations satisfy the formula requirements for transportation allocations under RCW 28A.160.192.

(11) $33,858,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for transportation emergency allocations required in section 1504(12) of this act.

NEW SECTION. **Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES**

General Fund—State Appropriation (FY 2022) $11,667,000

General Fund—State Appropriation (FY 2023) $11,667,000

General Fund—Federal Appropriation $551,378,000

TOTAL APPROPRIATION $574,712,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $11,548,000 of the general fund—state appropriation for fiscal year 2022 and $11,548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are eligible for reduced-price lunch as required in Engrossed House Bill No. 1342 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4) $119,000 of the general fund—state appropriation for fiscal year 2022 and $119,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision.

(5) $14,200,000 of the general fund—federal appropriation (CRRSA) is provided solely for emergency costs for child nutrition programs provided under section 722 of P.L. 116-260, the consolidated appropriations act, 2021, title VII, chapter 3 to school food programs.

NEW SECTION. **Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022) $1,455,154,000

General Fund—State Appropriation (FY 2023) $1,537,068,000

General Fund—Federal Appropriation $571,229,000

Education Legacy Trust Account—State Appropriation $54,694,000

Elementary and Secondary School Emergency Relief III Account—Federal Appropriation $7,000,000

TOTAL APPROPRIATION $3,625,145,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for

special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 357, Laws of 2020, as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) $63,338,000 of the general fund—state appropriation for fiscal year 2022, $82,671,000 of the general fund—state appropriation for fiscal year 2023, and $29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2021-22 and 2022-23 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on

school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of $931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) $88,000 of the general fund—state appropriation for fiscal year 2022, $87,000 of the general fund—state appropriation for fiscal year 2023, and $214,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) $5,000,000 of the general fund—state appropriation for fiscal year 2022, $12,000,000 of the general fund—state appropriation for fiscal year 2023, and $7,000,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to provide an allocation to school districts for extension of transition services for students with disabilities who turned age 21 during the 2019-20 or 2020-21 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the student's individualized education plan team. The extension of these services does not reduce or supplant any other services for which the individual would be eligible. Allocations for this purpose may not exceed the amounts provided in this subsection. The office of the superintendent of public instruction may adopt formulas and procedures to define a per-student amount to be provided to students that meet the criteria, so that allocations do not exceed amounts provided in this subsection. Amounts provided in this subsection are outside the state's program of basic education.

(13)(a) $52,704,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(b) $4,411,000 of the general fund—federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2.

(14) $7,000,000 of the general fund—state appropriation for fiscal year 2022 and $5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged three through 21 who spend the least amount of time in general education classrooms.

NEW SECTION. **Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2022) $28,636,000

General Fund—State Appropriation (FY 2023) $28,636,000

TOTAL APPROPRIATION $57,272,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. Beginning in fiscal year 2022, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. Beginning in fiscal year 2022, allocations for staff and support for regional safety centers are increased to 3 full-time equivalent certificated instructional staff for each regional safety center.

(8) Funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) $2,150,000 of the general fund—state appropriation for fiscal year 2022 and $2,150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for each educational service district to provide technology consultation, procurement, and training required under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2022) $271,870,000

General Fund—State Appropriation (FY 2023) $247,305,000

TOTAL APPROPRIATION $519,175,000

NEW SECTION. **Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022) $17,779,000

General Fund—State Appropriation (FY 2023) $19,481,000

TOTAL APPROPRIATION $37,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) $701,000 of the general fund—state appropriation for fiscal year 2022 and $701,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) $3,157,000 of the general fund—state appropriation for fiscal year 2022 and $3,613,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) $300,000 of the general fund—state appropriation in fiscal year 2022 and $300,000 of the general fund—state appropriation in fiscal year 2023 are provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) $588,000 of the general fund—state appropriation for fiscal year 2022 and $897,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students beginning in the 2021-22 school year in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

(a) Advocacy for institutional education students to eliminate barriers to educational access and success;

(b) Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;

(c) Monitoring educational progress of participating students;

(d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and

(e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

(10) $49,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase materials, supplies, and operating costs by $85 per pupil beginning in the 2021-22 school year for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to institutional education programs, which exclude formula costs supported by the institutional facilities.

NEW SECTION. **Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2022) $33,262,000

General Fund—State Appropriation (FY 2023) $33,711,000

TOTAL APPROPRIATION $66,973,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 357, Laws of 2020, as amended.

NEW SECTION. **Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation $6,802,000

TOTAL APPROPRIATION $6,802,000

NEW SECTION. **Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2022) $137,813,000

General Fund—State Appropriation (FY 2023) $141,081,000

General Fund—Federal Appropriation $96,598,000

General Fund—Private/Local Appropriation $1,450,000

Education Legacy Trust Account—State Appropriation $1,638,000

TOTAL APPROPRIATION $378,580,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY

(a) $26,975,000 of the general fund—state appropriation for fiscal year 2022, $26,975,000 of the general fund—state appropriation for fiscal year 2023, $1,350,000 of the education legacy trust account—state appropriation, and $15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) $14,352,000 of the general fund—state appropriation for fiscal year 2022 and $14,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) $75,374,000 of the general fund—state appropriation for fiscal year 2022 and $78,547,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of $5,705 per teacher in the 2021-22 school year and a bonus of $5,796 per teacher in the 2022-23 school year;

(ii) An additional $5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2021-22 and 2022-23 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) $3,418,000 of the general fund—state appropriation for fiscal year 2022 and $3,418,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) $477,000 of the general fund—state appropriation for fiscal year 2022 and $477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) $810,000 of the general fund—state appropriation for fiscal year 2022 and $810,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of a

leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) $10,500,000 of the general fund—state appropriation for fiscal year 2022 and $10,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) $4,000,000 of the general fund—state appropriation for fiscal year 2022 and $4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

NEW SECTION. **Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2022) $228,658,000

General Fund—State Appropriation (FY 2023) $233,390,000

General Fund—Federal Appropriation $102,242,000

TOTAL APPROPRIATION $564,290,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2021-22 and 2022-23; (ii) additional instruction of 3.0000 hours per week in school years 2021-22 and 2022-23 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 357, Laws of 2020, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.77 percent for school year 2021-22 and 1.76 percent for school year 2022-23.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C

and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) $35,000 of the general fund—state appropriation for fiscal year 2022 and $35,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to track current and former transitional bilingual program students.

(6) $1,185,000 of the general fund—state appropriation in fiscal year 2022 and $1,185,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

NEW SECTION. **Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2022) $446,816,000

General Fund—State Appropriation (FY 2023) $455,435,000

General Fund—Federal Appropriation $533,481,000

TOTAL APPROPRIATION $1,435,732,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 357, Laws of 2020, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2021-22 and 2022-23 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

NEW SECTION. **Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations

Per Annual Average Full-Time Equivalent Student

Basic Education Program	2021-22 School Year	2022-23 School Year
General Apportionment	$9,415	$9,671
Pupil Transportation	$587	$595
Special Education Programs	$9,874	$10,290
Institutional Education Programs	$22,730	$23,220
Programs for Highly Capable Students	$611	$623
Transitional Bilingual Programs	$1,430	$1,442
Learning Assistance Program	$961	$967

NEW SECTION. **Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocation purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(4) Appropriations in sections 504 and 506 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in section 942 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in section 942 of this act.

(5) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

NEW SECTION. **Sec. 520. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State

Appropriation $140,838,000

TOTAL APPROPRIATION $140,838,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) $23,000 of the Washington opportunity pathways account—state appropriation is provided solely for

enrollment stabilization allocations required in section 1519 of this act.

(3) $147,000 of the Washington opportunity pathways account—state appropriation is provided solely for transportation emergency allocations required in section 1516(3) of this act.

NEW SECTION. **Sec. 521. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State

Appropriation $23,000

Charter Schools Oversight Account—State

Appropriation $3,605,000

TOTAL APPROPRIATION $3,628,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

(2) $28,000 of the charter schools oversight account—state appropriation is provided solely to the Washington state charter school commission to enable each charter school to participate in the governance training required under Engrossed Substitute Senate Bill No. 5044 (schools/equity training). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 522. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2022) $80,319,000

General Fund—State Appropriation (FY 2023) $52,691,000

General Fund—Federal Appropriation $989,995,000

Elementary and Secondary School Emergency Relief III—Federal Appropriation $1,850,386,000

TOTAL APPROPRIATION $2,973,391,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $4,894,000 of the general fund—state appropriation for fiscal year 2022 and $4,894,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to administer programs and grants which increase equitable access to dual credit programs, including subsidizing or eliminating student costs for dual credit courses or exams. By November 2022, the office shall submit a report to relevant committees of the legislature describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.

(2)(a) $2,752,000 of the general fund—state appropriation for fiscal year 2022 and $2,752,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, $1,075,000 of the 2022 appropriation and $1,075,000 of the 2023 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, $800,000 of the fiscal year 2022 appropriation and $800,000 of the fiscal year 2023 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) $135,000 of the general fund—state appropriation for fiscal year 2022 and $135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for advanced project lead the way courses at ten high schools. To

be eligible for funding in 2022, a high school must have offered a foundational project lead the way course during the 2020-21 school year. The 2022 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2021-22 school year. To be eligible for funding in 2023, a high school must have offered a foundational project lead the way course during the 2021-22 school year. The 2023 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2022-23 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) $2,127,000 of the general fund—state appropriation for fiscal year 2022 and $2,127,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (i) through (iii) of this subsection (d), the skills center and high schools must be selected through a competitive grant process administered by the office of the superintendent of public instruction in consultation with the advisory committee established in (vi) of this subsection (d). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) $900,000 of the general fund—state appropriation for fiscal year 2022 and $900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) $350,000 of the general fund—state appropriation for fiscal year 2022 and $350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in construction programs.

(iii) $350,000 of the general fund—state appropriation for fiscal year 2022 and $350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) For (i) through (iii) of this subsection (d), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet criteria based on agreement from industry sector representatives.

(v) $527,000 of the general fund—state appropriation for fiscal year 2022 and $527,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to administer, evaluate, and promote programs under (i) through (iii) of this subsection (d) based on industry sector recommendations, including contracts with sector-specific entities to expand sector-specific employer engagement programs, increase work placement opportunities, validate credentials necessary for direct employment, and provide professional development to support schools, teachers, and students. The office may also contract with an entity with experience promoting core plus programming across industry sectors and education providers to expand awareness and adoption of core plus programs.

(vi) The office shall convene and manage an advisory committee of industry sector leadership from the core plus program areas and a representative from a statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, including grant determinations, reviewing data and outcomes, recommending program improvements, and ensuring the use of qualified contractors. The committee will advise the superintendent on appropriate credentials, industry-based competencies, and programs of study for high-demand sectors represented in these program areas.

(3)(a) $75,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, $15,000 of the general fund—state appropriation for fiscal year 2022 and $15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) $373,000 of the general fund—state appropriation for fiscal year 2022 and $373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), $10,000 of the general fund—state appropriation for fiscal year 2022 and $10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(4)(a) $55,000 of the general fund—state appropriation for fiscal year 2022 and $55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) $3,000,000 of the general fund—state appropriation for fiscal year 2022 and $3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated $1,000,000 is provided solely for community-based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) $5,895,000 of the general fund—state appropriation for fiscal year 2022 and $5,895,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), $446,000 of the general fund—state appropriation for fiscal year 2022 and $446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), $1,015,000 of the general fund—state appropriation for fiscal year 2022 and $1,015,000 of the general fund—

state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), $684,000 of the general fund—state appropriation for fiscal year 2022 and $684,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(d) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in this act.

(e) $55,000 of the general fund—state appropriation for fiscal year 2022 and $55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and implementing the data sharing agreement between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(7)(a) $1,200,000 of the general fund—state appropriation for fiscal year 2022 and $1,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) $36,000 of the general fund—state appropriation for fiscal year 2022 and $36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(8) $375,000 of the general fund—state appropriation for fiscal year 2022 and $375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(9)(a) $1,425,000 of the general fund—state appropriation for fiscal year 2022 and $1,425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students.

(b) Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: Determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students or current or former English learner students. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners.

(10)(a) $4,940,000 of the general fund—state appropriation for fiscal year 2022 and $4,940,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) $1,454,000 of the general fund—state appropriation for fiscal year 2022 and $1,454,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the

impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) $362,000 of the general fund—state appropriation for fiscal year 2022 and $362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(11)(a) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b)(i) $3,000,000 of the general fund—state appropriation for fiscal year 2022 and $3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools for the 2021-22 and 2022-23 school years only. The office must evaluate other options that may be available in the state for a future public-private partnership to deliver similar services to students and staff of public schools at no cost to the state.

(ii) The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) $50,000 of the general fund—state appropriation for fiscal year 2022 and $50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants of $2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to $500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to

report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) $62,000 of the general fund—state appropriation for fiscal year 2022 and $62,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(12) $85,000 of the general fund—state appropriation for fiscal year 2022 and $85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the centrum program at Fort Worden state park.

(13) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(14) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(15) $850,000 of the general fund—state appropriation for fiscal year 2022 and $850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2021-22 school year to school districts by August 10, 2021, and grants for the 2022-23 school year by August 1, 2022.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in

the federal free and reduced-price meals program; and

(iii) High schools located in school districts enrolling 5,000 or fewer students.

(b) High schools that do not comply with the data collection and reporting requirements in RCW 28A.320.540 are not eligible for grant funding.

(c) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2018-19 or 2019-20 school year, whichever is higher, or $10,000.

(d) The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district to codevelop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

(17) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

(18) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(19) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer a grants program for school districts to acquire and use research-based, social emotional learning curricula in accordance with the state social emotional learning standards. The office must prioritize school districts that do not have existing research based social emotional learning programs and that are also eligible for high-poverty allocations from the learning assistance program.

(20) $250,000 of the general fund—state appropriation for fiscal year 2022 and $250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a nonprofit organization that specializes in using e-sports to engage students in seven career clusters to bring team-based, career related e-sports programs to each high school in the Battle Ground, Evergreen, and Vancouver school districts. Any funding remaining may be used for e-sports programs in the middle schools of the three school districts.

(21) $1,399,000 of the general fund—state appropriation for fiscal year 2022

and $1,399,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(22) The general fund—state appropriations in this section for fiscal year 2022 have been reduced by $24,000 and the general fund—state appropriations in this section for fiscal year 2023 have been reduced by $5,000 to reflect global compensation savings. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(23) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release their fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than $35,000 each fiscal year for office administration costs related to the contract.

(24) $9,850,000 of the general fund—state appropriation for fiscal year 2022 and $9,850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer the technology grant program established under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(25) $199,000 of the general fund—state appropriation for fiscal year 2022 and $247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the media literacy and digital citizenship grant program created in Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). Total grant awards may not exceed $150,000. Of the amounts provided in this subsection, $50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for two regional conferences. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(26) $70,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the southwest boys & girls club to provide community mentoring, academic intervention, and culturally specific supports through the "be great-graduate initiative" for a cohort of White Center youth identified as high risk.

(27) $250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to support teachers with costs associated with becoming certified, endorsed, or licensed in computer science including, but not limited to, professional development, training, licensure exams, courses in pedagogy, and courses in computer science content. Entities eligible for these funds include, but are not limited to, individual teachers, local education agencies, approved professional learning providers, and institutions of higher education located in Washington state.

(28) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Highline school district to contract with an organization to offer pre-apprenticeship opportunities for two cohorts of students in south King county during the summer months of 2021.

(29) $255,000 of the general fund—state appropriation for fiscal year 2022 and $255,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continuation of the math improvement pilot program. The entirety of the funds appropriated for fiscal year 2022 must be disbursed by the office to the recipients of the grants no later than August 1, 2021, and the entirety of the funds appropriated for fiscal year 2023 must be disbursed by the office to the recipients of the grants no later than August 1, 2022. Of the amounts provided in the subsection:

(a) $85,000 of the general fund—state appropriation for fiscal year 2022 and $85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Spokane school district.

(b) $85,000 of the general fund—state appropriation for fiscal year 2022 and $85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Chehalis school district.

(c) $85,000 of the general fund—state appropriation for fiscal year 2022 and $85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Bremerton school district.

(30) Within existing resources, the office shall develop recommendation to the legislature to merge the grant programs and specific appropriations of pass-through funding for certain activities or entities in this section into a competitive grant funding process in future biennia. A competitive process must allocate funding using the following five separate categories:

(a) Student supports and safety. Programs under this category will support the mental, social-emotional, and physical safety of students;

(b) Educator growth and development. Programs under this category will support the recruitment and retention of educators, and support their continual professional growth;

(c) Curricula development, dissemination, and supports. Programs under this category will support the development, implementation, and continuous improvement of curricula and other programs specific to state learning standards and content areas;

(d) Eliminating inequitable student outcomes. Programs under this category will increase outcomes for specific student groups, including students experiencing homelessness or foster care; and

(e) Graduation success and preparation for postsecondary pathways. Programs under this category will increase access to graduation pathways aligned with students' postsecondary goals and support for each student to graduate ready to achieve those goals. These may include dual credit programs; dropout prevention, intervention, and reengagement programs; core plus programs; and other high demand career and technical education programs.

(31) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district for the controls programmer apprenticeship program.

(32) $800,000 of the general fund—state appropriation for fiscal year 2022 and $800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under section 3 of Substitute House Bill No. 1356 (Native American names, etc.).

(33) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) $12,885,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(b) $742,367,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection (33)(b) and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c)(i) $46,263,000 of the general fund—federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. Total funds provided under this subsection (33)(c)(i) and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided

in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(ii) $43,708,000 of the general fund—federal appropriation (ARPA) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 2002, the American rescue plan act of 2021, P.L. 117-2.

(d) $1,333,801,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies.

(e) $333,450,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss. Total funds provided under this subsection (33)(e) and section 1518(33)(b) of this act for the same purpose may not exceed the funding authorized in this subsection (33)(e).

(f) $18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to entities or organizations to provide outdoor education summer enrichment programs to youth. Recipients must prioritize activities or programs that:

(i) Promote students connecting socially with their classmates;

(ii) Encourage students to engage in physical activity; and

(iii) Support families who have struggled with child care needs.

(g) $18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support evidence-based comprehensive afterschool programs.

(h) $10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to districts to expand the number of dual language classrooms in early grades and professional development to accelerate literacy gains in early grades, especially for English learners.

(i) $4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities.

(j) $4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2021-22 school year and summer prior to the start of the school year.

(k) $60,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support a technical advisory workgroup to explore and recommend residency options for pre-service educators, with a focus on educators of color and bilingual speakers and how the apportionment system could support a teacher residency initiative. The workgroup will provide preliminary recommendations by November 1, 2021, and final recommendations by November 1, 2022.

(l) $78,172,000 of the general fund—federal appropriation is provided solely for allocations from federal funding in response to the COVID-19 pandemic as authorized in section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136, division B. Total funds provided under this subsection (33)(l) and amounts expended in the 2019-2021 fiscal biennium for the same purpose may not exceed the federal amounts provided in section 18003, the coronavirus response and relief supplemental appropriation act, P.L. 116-136, division B.

(m) $10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the office of the superintendent of public instruction to contract with the Washington school principals' education foundation to support pandemic related learning loss through outdoor learning and overnight camp experiences. The association, in consultation with the office, must provide grants to school districts that partner with an accredited residential outdoor school to provide up to 20,000 fifth and sixth grade students with up to five days of outdoor learning at an overnight camp. Prioritization must be given to schools that have been identified for improvement and students who are most impacted by opportunity gaps as determined by measures of the Washington school improvement framework. Outdoor schools must provide curriculum that is aligned to state learning standards and provide opportunities for accelerated learning, including career connected learning in field based environmental science, technology, engineering, and math. Funds may be used by residential outdoor schools for operational activities necessary for reopening.

(n) $12,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the purposes of identifying children and youth experiencing homelessness and providing children and youth experiencing homelessness with:

(i) Wrap-around services due to the challenges of the COVID-19 public health emergency; and

(ii) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(o) $27,375,000 of the general fund—state appropriation for fiscal year 2022, $79,485,000 of the general fund—federal appropriation (CRRSA/ESSER), and $93,140,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

(i) One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;

(ii) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(iii) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(iv) Direct supports to students to improve school engagement and accelerate learning.

PART VI

HIGHER EDUCATION

NEW SECTION. **Sec. 601.** The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of financial management for inclusion in the agency's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract

months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For employees under the jurisdiction of chapter 41.56 or 41.80 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(b) For each institution of higher education receiving appropriations under sections 605 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention and as provided in Part IX of this act.

(ii) Institutions may provide salary increases from sources other than general fund appropriations and tuition revenues to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. It is the intent of the legislature that salary increases provided under this subsection (4)(b)(ii) not increase state general fund support or impact tuition expenditures by an institution unless the legislature so determines.

(iii) Funding for salary increases provided under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 on or after July 1, 2019, must be excluded from the general fund and tuition salary base when calculating state funding for future general wage or other salary increases on or after July 1, 2019. In order to facilitate this funding policy, each institution shall report to the office of financial management on the details of locally authorized salary increases granted under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 with its 2023-2025 biennium budget submittal. At a minimum, the report must include the total cost of locally authorized increases by fiscal year, a description of the locally authorized provision, and the long-term source of funds that is anticipated to cover the cost.

(5) Within funds appropriated to institutions in sections 605 through 611 of this act, teacher preparation programs shall meet the requirements of RCW 28B.10.710 to incorporate information on the culture, history, and government of American Indian people in this state by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

(6) Each institution of higher education must include the phone number of a campus, local, state, or national suicide, crisis, or counseling hotline on the back of newly issued student and faculty identification cards.

(7)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of Washington college grant and college bound recipients;

(ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;

(iii) Washington college grant recipient grade point averages; and

(iv) Washington college grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

NEW SECTION. **Sec. 602.** (1) Within the amounts appropriated in this act,

each institution of higher education shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(2) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments for each of their campuses.

NEW SECTION. **Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS**

(1) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by students under RCW 28A.600.290 or 28A.600.300 if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(2) Appropriations in sections 606 through 611 of this act are sufficient to implement 2021-23 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW.

(3) Within amounts appropriated to institutions in sections 606 through 611 of this act, institutions shall employ at least one full-time mental health counselor licensed under chapter 18.225 RCW who has experience working with active members of the military or military veterans, to work with student, faculty, and staff veterans, as well as their spouses and dependents, through the institution's veteran resource center.

NEW SECTION. **Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Appropriations in section 605 of this act are sufficient to implement 2021-23 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW and as set forth in part IX of this act.

NEW SECTION. **Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2022) $742,558,000

General Fund—State Appropriation (FY 2023) $768,651,000

Community/Technical College Capital Projects

Account—State Appropriation $22,436,000

Education Legacy Trust Account—State Appropriation $159,208,000

Workforce Education Investment Account—State

Appropriation $219,259,000

TOTAL APPROPRIATION $1,912,112,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $33,261,000 of the general fund—state appropriation for fiscal year 2022 and $33,261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2022 and at least 7,170 full-time equivalent students in fiscal year 2023.

(2) $5,000,000 of the general fund—state appropriation for fiscal year 2022, $5,000,000 of the general fund—state appropriation for fiscal year 2023, and $5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this

section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) $425,000 of the general fund—state appropriation for fiscal year 2022 and $425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Seattle Central College's expansion of allied health programs.

(4)(a) $5,250,000 of the general fund—state appropriation for fiscal year 2022 and $5,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the student achievement initiative.

(b) By December 1, 2021, the state board for community and technical colleges must report to the appropriate committees of the legislature an update on the student achievement initiative including, but not limited to, the following:

(i) Annual change in student achievement initiative funds by institution;

(ii) Student achievement initiative funds awarded by college by performance funding category including basic skills, first 15 and 30 credits, retention, and completion;

(iii) Impact of guided pathways implementation on student achievement initiative awards; and

(iv) Any additional private or foundation dollars invested in the student achievement initiative.

(5) $1,610,000 of the general fund—state appropriation for fiscal year 2022, and $1,610,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mathematics, engineering, and science achievement program.

(6) $1,500,000 of the general fund—state appropriation for fiscal year 2022 and $1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) $20,759,000 of the general fund—state appropriation for fiscal year 2022 and $21,154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) $157,000 of the general fund—state appropriation for fiscal year 2022 and $157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(13) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased

enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(15) $216,000 of the general fund—state appropriation for fiscal year 2022 and $216,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the opportunity center for employment and education at North Seattle College.

(16) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(17) $350,000 of the general fund—state appropriation for fiscal year 2022 and $350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

(a) Medical assisting, 40 students;

(b) Nursing assistant, 60 students; and

(c) Registered nursing, 32 students.

(18) $338,000 of the general fund—state appropriation for fiscal year 2022 and $338,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state labor education and research center at South Seattle College.

(19) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(20) $15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(21) $15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(22) $1,500,000 of the general fund—state appropriation for fiscal year 2022, $1,500,000 of the general fund—state appropriation for fiscal year 2023, and $75,847,000 of the workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(23) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal 2023 are provided solely for a reentry navigator position at Olympic College to assist formerly incarcerated people gain admittance into college. A report shall be submitted to the legislature by December 1, 2022, on admittance rates on formerly incarcerated individuals, effective methods of contact and engagement of formerly incarcerated individuals, and how guided pathways can be assisted with reentry navigator positions.

(24) $40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(25) $40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(26) $8,000,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to expand high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (26):

(a) $6,000,000 of the amounts in this subsection (26) are provided for expansion of career launch enrollments, as provided under RCW 28C.30.020.

(b) $2,000,000 of the amounts in this subsection (26) are provided for expansion of enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

(c) The state board for community and technical colleges may transfer amounts between (a) and (b) of this subsection (26) if either program does not have sufficient demand to spend the allocated funding. Any transfer must be approved by the state board for community and technical colleges and the office of financial management.

(27) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board for community and technical colleges to support the completion of the English 101 curriculum review to remove barriers to student success. A report should be submitted to the appropriate committees of the legislature under RCW 43.01.036 by June 30, 2023, or upon the completion of the English 101 review to report on lessons learned, best practices, and recommendations for completion of additional curricula reviews.

(28) $8,000,000 of the workforce education investment account—state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(29) $10,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the state board for community and technical colleges to coordinate with the Washington student achievement council task force as described in section 612(6) of this act to provide the following running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021, for each community and technical college:

(a) The total number of running start students served by headcount and full-time equivalent;

(b) The total amount of running start revenue received through apportionment as allocated with the running start rate by the office of the superintendent of public instruction through local school districts;

(c) Course completion rates for running start students;

(d) A list of courses by two-digit classification of instructional program code and the number of running start students in each course;

(e) A list of career and technical education area courses and the number of running start students in each course;

(f) The number of students at each community or technical college receiving complete fee waivers as required by RCW 28A.600.310(3)(a); and

(g) The method used by each college to determine running start fee waiver eligibility, including any policies adopted by the college or its program.

(30) $16,000 of the general fund—state appropriation for fiscal year 2022 and $91,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(31) $516,000 of the general fund—state appropriation for fiscal year 2022 and $516,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(32) $350,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(33) $2,048,000 of the general fund—state appropriation for fiscal year 2022 and $1,119,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(34) $15,848,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 606. FOR THE UNIVERSITY OF WASHINGTON**

General Fund—State Appropriation (FY 2022) $394,246,000

General Fund—State Appropriation (FY 2023) $403,164,000

Aquatic Lands Enhancement Account—State

Appropriation $1,619,000

University of Washington Building Account—State

Appropriation $1,546,000

Education Legacy Trust Account—State Appropriation $36,708,000

Economic Development Strategic Reserve Account—State

Appropriation $3,094,000

Biotoxin Account—State Appropriation $605,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $263,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $263,000

Accident Account—State Appropriation $7,874,000

Medical Aid Account—State Appropriation $7,468,000

Workforce Education Investment Account—State

Appropriation $49,853,000

Geoduck Aquaculture Research Account—State

Appropriation $15,000

TOTAL APPROPRIATION $906,718,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $43,087,000 of the general fund—state appropriation for fiscal year 2022 and $43,905,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) $8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data

center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) $14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) $3,062,000 of the economic development strategic reserve account—state appropriation is provided solely to support the joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) $7,345,000 of the general fund—state appropriation for fiscal year 2022 and $7,345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(9) $2,625,000 of the general fund—state appropriation for fiscal year 2022 and $2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(11) $1,200,000 of the general fund—state appropriation for fiscal year 2022 and $1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the adult psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) $172,000 of the general fund—state appropriation for fiscal year 2022 and $172,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area.

(a) The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(13)(a) $20,000,000 of the general fund—state appropriation for fiscal year

2022 and $20,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(b) By December 1, 2022, the University of Washington must report to the appropriate committees of the legislature the impact of the funding in (a) of this subsection on the fiscal position of Harborview medical center and the University of Washington medical center in the 2021-2023 fiscal biennium. To ensure transparency, consistency, accuracy, and clarity, the report must:

(i) Follow generally accepted accounting principles;

(ii) Use generally accepted terms and define those terms;

(iii) Provide data on revenue and expenses, using standard formats already in existence, such as comprehensive hospital abstract reporting system (CHARS) data, and delineated by functional areas of state government;

(iv) Incorporate wherever possible publicly available data, as a public institution including, but not limited to, the following sources:

(A) CHARS;

(B) Comprehensive annual financial reports; and

(C) The most recent independent auditor report, including financial statements connected to the report; and

(v) Provide supporting documentation.

(14) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—appropriation for fiscal year 2023 are provided solely for the University of Washington's psychiatry integrated care training program.

(15) $426,000 of the general fund—state appropriation for fiscal year 2022 and $640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(16) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(17) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.

(18) $226,000 of the general fund—state appropriation for fiscal year 2022 and $226,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.

(19) $102,000 of the general fund—state appropriation for fiscal year 2022 and $102,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for international trade in forest products.

(20) $625,000 of the general fund—state appropriation for fiscal year 2022 and $625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Latino center for health.

(21) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a firearm policy research program. The program will:

(a) Support investigations of firearm death and injury risk factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(22) $463,000 of the general fund—state appropriation for fiscal year 2022 and $400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment.

(23) $225,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment to provide an updated climate impacts risk assessment designed to inform future updates to the statewide climate resilience strategy. The group must coordinate with the office of the governor to refine the scope of assessment. The final report and associated deliverables must be completed and submitted to the governor and appropriate committees of the legislature by December 15, 2022.

(24) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to collaborate with teacher preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.

(25) $300,000 of the general fund—state appropriation for fiscal year 2022 and $300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(26) $21,461,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(27) $8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(28) $8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(29) $1,000,000 of the workforce education investment account—state appropriation is provided solely to maintain the Washington state academic redshirt program.

(30) $2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(31) $3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(32) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs.

(33) $75,000 of the general fund—state appropriation for fiscal year 2022 and $75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(34) $4,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the Paul G. Allen school of computer science and engineering in order to award an additional 100 degrees per year focusing on traditionally

underrepresented students. A report on degrees awarded must be submitted to the appropriate committees of the legislature June 30, 2022, and June 30, 2023.

(35) $45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the community immersion law enforcement project at the Tacoma campus.

(36)(a) $200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for research to determine the use and effectiveness of restorative justice, including for hate crime victims and individuals who commit hate crimes. Researchers shall engage in listening sessions with impacted communities, which must include tribal governments and community-based organizations. Researchers shall consult with judges, prosecutors, defense attorneys, victim advocates, impacted communities, and community based restorative justice agencies to inform whether restorative justice would be an effective public policy option to:

(i) Provide healing support for individual hate crime victims and their communities;

(ii) Provide accountability processes for individuals who commit hate crimes;

(iii) Provide opportunities for individuals who commit hate crimes to learn about the impact of their crimes and repair the damage;

(iv) Repair interpersonal and communal relationships;

(v) Reduce hate crime offender recidivism; and

(vi) Determine if restorative justice could be equally available to all victims and communities.

(b) The researcher shall provide a report to the relevant committees of the legislature under RCW 43.01.036 by December 1, 2021. The report must include best practice recommendations for establishing a restorative justice program and required data collection to address hate crimes in Washington. The report shall include how restorative justice recommendations can be implemented in conjunction with the recommendations of the hate crime advisory working group established in RCW 43.10.300.

(37) $250,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for scholarships to students in the applied child and adolescent psychology masters program. Priority should be given to traditionally underrepresented students and those students who are bilingual.

(38) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

(a) Foundational knowledge in behavioral health, mental health, and mental illness;

(b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and

(c) Approaches to promote health and positively influence student health behaviors.

(39) To ensure transparency and accountability, in the 2021-2023 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries

must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(40) $50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department of environmental and occupational health sciences to provide an air quality report. The report will study the relationship between indoor and outdoor ultrafine particle air quality at sites with vulnerable populations, such as schools or locations underneath flight paths within 10 miles of Sea-Tac airport. The report recommendations must include an item addressing filtration systems at select locations with vulnerable populations. The report shall be submitted to the house environment and energy committee and the senate environment, energy and technology committee by December 15, 2021.

(41) $100,000 of the general fund—state appropriation for fiscal year 2022 and $100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state; and

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably through the Burkemobile program.

(42)(a) $100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the center for cannabis research at the university to collaborate with the Washington State University collaboration on cannabis policy, research, and outreach to create frameworks for future studies. Each framework will include the length of time to complete, research licenses necessary, cost, literature review of national and international research, and a scope of work to be completed. The following frameworks shall be compiled in a report:

(i) Measuring and assessing impairment due to marijuana use; and

(ii) Correlation between age of use, dosage of use, and appearance of occurrence of cannabis induced psychosis.

(b) The report on the frameworks must be submitted to the appropriate committees of the legislature by December 1, 2021.

(43) $205,000 of the general fund—state appropriation for fiscal year 2022 and $205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(44) $143,000 of the general fund—state appropriation for fiscal year 2022 and $143,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(45) $450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to the University of Washington school of medicine for the development of simulation training devices at the Harborview medical center's paramedic training program.

(46) $64,000 of the general fund—state appropriation for fiscal year 2022 and $64,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(47) $557,000 of the general fund—state appropriation for fiscal year 2022 and $443,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of the center for environmental forensic science.

(48) $80,000 of the general fund—state appropriation for fiscal year 2022 and

$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to partner with school districts to continue the math improvement pilot program.

(49) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to conduct monitoring and research related to Puget Sound kelp conservation and recovery.

(50) $20,000 of the general fund—state appropriation for fiscal year 2022 and $10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using a telehealth model operated by the University of Washington.

(a) Training shall:

(i) Focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations; and

(ii) Provide access to:

(A) University of Washington medicine specialists in infectious diseases, hepatology, and addiction medicine;

(B) Brief updates on evidence-based strategies to diagnose, treat, and manage acute and chronic hepatitis B, acute and chronic hepatitis C, or coinfections;

(C) Continuing medical education credits per hour of participation; and

(D) Phone consultation with specialists during nonscheduled time for patients who experience complications.

(b) All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(51)(a) $108,000 of the general fund—state appropriation for fiscal year 2022 and $52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington Evans school of public policy and governance to conduct a boater safety analysis, including, but not limited to, the following:

(i) The prevalence of boating fatalities and rescues in Washington state;

(ii) A comparison of Washington's rates of fatalities and rescues to other states; and

(iii) Recommendations of effective and collective ways to increase boater safety in the state.

(b) The Evans school may convene stakeholders to analyze data and make recommendations. By December 31, 2022, the Evans school must submit a report of findings and recommendations to the appropriate committees of the legislature.

(52) $736,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(53) $159,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(54) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(55) $24,000 of the general fund—state appropriation for fiscal year 2022 and $25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). If the bill is

not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(56) $69,000 of the general fund—state appropriation for fiscal year 2022 and $69,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(57) $60,000 of the general fund—state appropriation for fiscal year 2022 and $60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recs). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(58) $146,000 of the general fund—state appropriation for fiscal year 2022 and $158,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(59) $422,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(60) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(61) $50,000 of the general fund—state appropriation for fiscal year 2022 and $1,782,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(62) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an increase in financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over $35,000 per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies, including as contact tracers.

NEW SECTION. **Sec. 607. FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2022) $245,660,000

General Fund—State Appropriation (FY 2023) $251,842,000

General Fund—Federal Appropriation $500,000

Washington State University Building Account—State

Appropriation $792,000

Education Legacy Trust Account—State Appropriation $33,995,000

Model Toxics Control Operating Account—State

Appropriation $2,076,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) $138,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) $138,000

Workforce Education Investment Account—State

Appropriation $29,680,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation $331,000

TOTAL APPROPRIATION $565,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $90,000 of the general fund—state appropriation for fiscal year 2022 and $90,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) $7,000,000 of the general fund—state appropriation for fiscal year 2022, $7,000,000 of the general fund—state appropriation for fiscal year 2023, and $22,800,000 of the workforce education investment account—state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) $135,000 of the general fund—state appropriation for fiscal year 2022 and $135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a honey bee biology research position.

(7) $30,628,000 of the general fund—state appropriation for fiscal year 2022 and $31,210,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) $580,000 of the general fund—state appropriation for fiscal year 2022 and $580,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) $630,000 of the general fund—state appropriation for fiscal year 2022 and $630,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) $1,370,000 of the general fund—state appropriation for fiscal year 2022 and $1,370,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) $1,154,000 of the general fund—state appropriation for fiscal year 2022 and $1,154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(13) $376,000 of the general fund—state appropriation for fiscal year 2022 and $376,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(14) $585,000 of the general fund—state appropriation for fiscal year 2022 and $585,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(15)(a) $500,000 of the general fund—state appropriation for fiscal year 2022

and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the joint center for deployment and research in earth abundant materials.

(b) By December 1, 2021, the joint center for deployment and research in earth abundant materials must report to the appropriate committees of the legislature on the center's research grant program, including but not limited to the following:

(i) The annual amount of funding available for the grant program, including any private or foundation dollars;

(ii) The average award amount per project;

(iii) The educational impact of funded projects on high schools and community and technical colleges; and

(iv) The impact of project findings on technologies in Washington using earth-abundant materials.

(16) $2,076,000 of the model toxics control operating account—state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(17) $6,880,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(18) $20,000 of the general fund—state appropriation for fiscal year 2022 and $20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of clean technology to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide a report including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2022.

(19) $500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University's energy program to launch a least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington. This program shall engage all relevant stakeholders to identify priority areas where there is the least amount of potential conflict in the siting of utility scale PV solar and to develop a map highlighting these areas. The program shall also compile the latest information on opportunities for dual-use and colocation of PV solar with other land values. The appropriation is the maximum amount the department may expend for this purpose.

(20) $42,000 of the general fund—state appropriation for fiscal year 2022 and $42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(21) $175,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the William D. Ruckelshaus center to partner with the Washington State University for the continued work of the Washington state criminal sentencing task force established in section 1002 of this act.

(22)(a) $85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the William D. Ruckelshaus center to conduct a situation assessment to gauge the prospects for a collaborative approach to integration of leadership, aligning roles and responsibilities, and increasing efficiency and responsiveness of the state's K-12 education governance structure. The assessment must:

(i) Identify issues, challenges, and opportunities related to administration and governance of K-12 education in Washington state;

(ii) Consist of interviews with representatives of state-funded K-12 education agencies, boards, commissions, and other relevant entities identified by the center;

(iii) Explore potential opportunities for the integration, alignment, and/or consolidation of roles and responsibilities of entities; and

(iv) Identify key areas of focus.

(b) The center must report the assessment's findings and recommendations to the education committees of the legislature by March 31, 2022, with a preliminary report by February 1, 2022, as to whether circumstances support the convening and facilitation of a collaborative work group.

(23)(a) $331,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the university to conduct an organic waste study to:

(i) Assess local and state government compost usage in projects and buy-back programs under RCW 43.19A.120 and 43.19A.130 including but not limited to participation, effectiveness, and amount and types of usage of compost; and

(ii) Develop a model to estimate carbon sequestration from organic waste-derived soil amendment application to soil, and identify technologies, methods, and potential funding for carbon sequestration from Washington's organic wastes including but not limited to the potential inclusion of these materials in carbon markets and trading.

(b) The university must submit a report on the assessment's findings and model development to the appropriate committees of the legislature by December 31, 2022.

(24) $500,000 of the general fund—federal appropriation (CRRSA) is provided solely to support farm stress programs in response to the COVID-19 pandemic, as authorized in section 766, division N, consolidated appropriations act, 2021, P.L. 116-260.

(25) $200,000 of the general fund—state appropriation for fiscal year 2022 and $200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(26) $86,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(27) $101,000 of the general fund—state appropriation for fiscal year 2022 and $101,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(28) $281,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(29) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(30) $224,000 of the general fund—state appropriation for fiscal year 2022 and $221,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5253 (pollinator health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(31) $1,718,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(32) $412,000 from the institutions of higher education—grant and contracts account is provided solely for implementation of Substitute Senate Bill No. 5317 (pesticide registration). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) $58,079,000

General Fund—State Appropriation (FY 2023) $59,057,000

Education Legacy Trust Account—State Appropriation $16,838,000

Workforce Education Investment Account—State

Appropriation $5,210,000

TOTAL APPROPRIATION $139,184,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least $200,000 of the general fund—state appropriation for fiscal year 2022 and at least $200,000 of the general fund—state appropriation for fiscal year 2023 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) $11,002,000 of the general fund—state appropriation for fiscal year 2022 and $11,211,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) $56,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(7) $2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(8) $2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(9) $45,000 of the general fund—state appropriation for fiscal year 2022 and $45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(10) $300,000 of the workforce education investment account—state appropriation is provided solely to establish a center for inclusive excellence for faculty and staff.

(11) $500,000 of the general fund—state appropriation for fiscal year 2022 and $500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing dual credit options, to address issues of equity in higher education access.

(12) $110,000 of the general fund—state appropriation for fiscal year 2022 and $110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a new summer bridge program.

(13) $27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) $125,000 of the general fund—state appropriation for fiscal year 2022 and $125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) $121,000 of the general fund—state appropriation for fiscal year 2022 and $121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) $59,896,000

General Fund—State Appropriation (FY 2023) $61,151,000

Central Washington University Capital Projects

Account—State Appropriation $76,000

Education Legacy Trust Account—State Appropriation $19,076,000

Workforce Education Investment Account—State

Appropriation $4,022,000

TOTAL APPROPRIATION $144,221,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) $12,401,000 of the general fund—state appropriation for fiscal year 2022 and $12,636,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) $2,236,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) $1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) $736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

(8) $240,000 of the general fund—state appropriation for fiscal year 2022 and $240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two psychologists to increase access to mental health counseling for traditionally underrepresented students.

(9) $52,000 of the general fund—state appropriation for fiscal year 2022 and $52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(10) $155,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement chapter 295, Laws of 2019 (educator workforce supply).

(11) $750,000 of the general fund—state appropriation for fiscal year 2022 and $750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a bachelor of science in computer science at the university's Des Moines center.

(12) $31,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the

amounts provided in this subsection shall lapse.

(13) $131,000 of the general fund—state appropriation for fiscal year 2022 and $131,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) $16,000 of the general fund—state appropriation for fiscal year 2022 and $16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2022) $32,450,000

General Fund—State Appropriation (FY 2023) $32,068,000

The Evergreen State College Capital Projects

Account—State Appropriation $80,000

Education Legacy Trust Account—State Appropriation $5,450,000

Workforce Education Investment Account—State

Appropriation $3,906,000

TOTAL APPROPRIATION $73,954,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $3,772,000 of the general fund—state appropriation for fiscal year 2022 and $3,843,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) $3,207,000 of the general fund—state appropriation for fiscal year 2022 and $2,677,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) $1,391,000 of the amounts in fiscal year 2022 and $1,399,000 of the amounts in fiscal year 2023 are provided for administration and core operations.

(b) $828,000 of the amounts in fiscal year 2022 and $937,000 of the amounts in fiscal year 2023 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) $60,000 of the amounts in fiscal year 2022 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the domestic violence risk assessment work group established in section 959 of this act.

(d) $25,000 of the amounts in fiscal year 2022 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the Washington state criminal sentencing task force established in section 1002 of this act.

(e)(i) $90,000 of the amounts in fiscal year 2022 are provided solely for the Washington state institute for public policy to study net nanny and similar fictitious victim sting operations. The study must:

(A) Describe the current research on net nanny-type sting operations, including any evidence of their effectiveness in deterring or reducing crime, their costs, and the potential advantages or drawbacks of their use in crime prevention; and

(B) Compare the characteristics of individuals convicted under net nanny stings with individuals convicted of child sex offenses through other avenues.

(ii) The Washington state patrol shall provide the Washington state institute for public policy with the data necessary to conduct the analysis in (e)(i)(B) of this subsection. A net nanny sting operation is a collaborative operation that includes local, state, and federal law enforcement that targets the arrest and prosecution of individuals involved in child abuse and exploitation using the internet by using a fictious victim. By June 30, 2022, the institute must submit results from the study to the appropriate committees of the legislature.

(f) $70,000 of the general fund—state appropriation for fiscal year 2022 and $130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to study legal financial obligations as defined in RCW 9.94A.030.

(i) The study should explore the following topics:

(A) The amount of legal and financial obligations imposed over the last three years;

(B) The total amounts outstanding and the total amounts collected annually, including annual collection rates; including all restitution, costs, fees, fines, penalty assessments, and interest, disaggregated;

(C) Statutes which allow for the imposition of legal and financial obligations;

(D) The percentage of the judicial branch's budget which has been supported by legal and financial obligations since the system's inception;

(E) The programs funded by legal financial obligations; and

(F) How other states fund their court system including but not limited to whether they use legal financial obligations to provide support.

(ii) The study should recommend to the legislature potential methods and processes to delink court related funding and other county and local funding from the collection of legal financial obligations and to provide such funding through other means.

(iii) The Washington state institute for public policy may solicit input for the study from interested parties to include but not be limited to the Washington state association of counties, the Washington state association of county officials, the Washington state association of prosecuting attorneys, superior court judges, civil legal aid, civil rights attorneys, disability rights advocates, crime victim advocates, persons formerly incarcerated, advocates for persons who are currently or formerly incarcerated, academic researchers, persons with expertise analyzing data on legal financial obligations, the Washington state minority and justice commission, and the administrative office of the courts.

(iv) An initial report is due to the legislature by December 1, 2021, with a supplemental and final report due to the legislature by December 1, 2022.

(g) $75,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the institute to review available research literature to investigate and describe any relationship between early substance abuse of cannabis, opioids, or cocaine and mental health disorders in young adults; and any relationship between nutrition and mental health disorders in young adults. The institute shall report its findings to the legislature no later than June 30, 2022.

(h)(i) $175,000 of the amounts in fiscal year 2022 are provided solely for the Washington state institute for public policy to partner with a context expert to conduct a wilderness therapy research review. The University of Washington evidence-based practice institute and Washington State University impact center must assist the institute in identifying a content expert. For the review, the institute must:

(A) Identify wilderness therapy program models related to behavioral health which have a treatment approach which is well defined or definable and have a strong evidence base to be added to reporting guides for being identified as an evidence-based practice for mental health, including identification of target populations for these programs;

(B) Identify wilderness/adventure program models available for prevention services which are cost beneficial; and

(C) Assess the interest and likelihood of support for programs of this nature among relevant interest groups, such as state prevention coalitions and tribes,

if such programs were listed as approved cost beneficial prevention programs by the division of behavioral health and recovery and the Washington state health care authority.

(ii) The institute must submit to the appropriate committees of the legislature a report on (h)(i)(A) and (B) of this subsection by December 31, 2021, and a report on (h)(i)(C) of this subsection by June 30, 2022.

(i) $272,000 of the amounts in fiscal year 2022 and $98,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (4)(i) shall lapse.

(j) $71,000 of the amounts in fiscal year 2022 and $66,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (4)(j) shall lapse.

(k)(i) $150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future contracts and subcontracts authorized in the capital budget. The cost-benefit analysis must, to the extent feasible:

(A) Compare existing types and uses of steel to America made steel alternatives, including evaluation of quality;

(B) Examine benefits to Washington workers and the Washington economy;

(C) Examine lifecycle and embodied carbon greenhouse gas emissions;

(D) Identify requirements for purchasing American steel that minimize costs and maximize benefits; and

(E) Evaluate American steel requirements or preferences in other states.

(ii) The institute may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies.

(iii) The institute must submit a final report to the appropriate committees of the legislature by December 1, 2021.

(l) $47,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If the bill is not enacted by June 30, 2021, the amount provided in this subsection (4)(l) shall lapse.

(m) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2021-23 work plan as necessary to efficiently manage workload.

(5) $2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) $670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(7) $600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and The Evergreen first-year experience.

(8) $213,000 of the general fund—state appropriation for fiscal year 2022 and $213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional faculty to support Native American and indigenous programs.

(9) $85,000 of the general fund—state appropriation for fiscal year 2022 and $85,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely to the native pathways program for an assistant director.

(10) $110,000 of the general fund—state appropriation for fiscal year 2022 and $110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a new tribal liaison position.

(11) $39,000 of the general fund—state appropriation for fiscal year 2022 and $39,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(12) $7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(13) $236,000 of the general fund—state appropriation for fiscal year 2022 and $220,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) $83,910,000

General Fund—State Appropriation (FY 2023) $85,554,000

Western Washington University Capital Projects

Account—State Appropriation $1,424,000

Education Legacy Trust Account—State Appropriation $13,831,000

Workforce Education Investment Account—State

Appropriation $6,698,000

TOTAL APPROPRIATION $191,417,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) $17,116,000 of the general fund—state appropriation for fiscal year 2022 and $17,441,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to recruit and retain high quality and diverse graduate students.

(5) $494,000 of the general fund—state appropriation for fiscal year 2022 and $548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for critical support services to ensure traditionally underrepresented students receive the same opportunities for academic success as their peers.

(6) $700,000 of the general fund—state appropriation for fiscal year 2022 and $700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(7) $1,306,000 of the general fund—state appropriation for fiscal year 2022 and $1,306,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

(8) $886,000 of the general fund—state appropriation for fiscal year 2022 and $886,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(9) $90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the university to assess the feasibility and benefits of expanding outdoor residential school programs to equitably serve either all fifth and sixth grade students, or only fifth or only sixth grade students statewide. The study shall explore the equity concerns exacerbated by the COVID-19 pandemic in the areas of outdoor recreation and outdoor learning experiences, with a focus on using physical activity and exposure to natural settings as a strategy for improving health disparities and accelerating learning for historically underserved populations. The study must also consider programs and facilities at outdoor residential schools, youth camps, and state parks and assess the impact of COVID-19 on these institutions, and recommend strategies to preserve and expand capacity for outdoor school. The university shall submit a report to the office of the governor, the office of the superintendent of public instruction, and the education committees of the legislature summarizing the assessment and making recommendations no later than September 30, 2021.

(10) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(11) $2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(12) $3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(13) $1,016,000 of the workforce education investment account—state appropriation is provided solely to establish an academic curriculum in ethnic studies.

(14) $48,000 of the general fund—state appropriation for fiscal year 2022 and $48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(15) $530,000 of the general fund—state appropriation for fiscal year 2022 and $530,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of two bilingual educator programs in the south King county region, including a bilingual elementary education degree program and a secondary education degree program. At full implementation, each cohort shall support up to 25 students per year.

(16) $40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(17) $353,000 of the general fund—state appropriation for fiscal year 2022 and $153,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(18) $5,000 of the general fund—state appropriation for fiscal year 2022 and $2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 612. FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2022) $7,667,000

General Fund—State Appropriation (FY 2023) $7,552,000

General Fund—Federal Appropriation $4,928,000

Workforce Education Investment Account—State

Appropriation $615,000

TOTAL APPROPRIATION $20,762,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $126,000 of the general fund—state appropriation for fiscal year 2022 and $126,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consumer protection unit.

(2) $500,000 of the workforce education investment account—state appropriation is provided solely to implement a marketing and communications agenda as required in RCW 28C.30.040(1)(c).

(3) $115,000 of the workforce education investment account—state appropriation is provided solely for the Washington student loan refinancing program as provided in chapter 28B.94 RCW.

(4) $575,000 of the general fund—state appropriation for fiscal year 2022 and $575,000 of the general fund—state appropriation for fiscal year 2023 are provided to increase the number of high school seniors and college bound scholars that complete the free application for federal student aid and the Washington application for state financial aid through digital engagement tools, expanded training, and increased events for high school students.

(5) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(6) $25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington student achievement council to convene and coordinate a task force to propose strategies to eliminate financial and nonfinancial barriers to low-income students participating in running start, college in the high school, advanced placement, international baccalaureate, Cambridge, and career and technical education dual credit programs. The task force shall submit a report to the appropriate committees of the legislature by December 1, 2021. The report must include:

(a) Strategies to address the following financial and nonfinancial barriers to students:

(i) Per credit tuition fees and any other fees charged for college in the high school and career and technical education dual credit courses;

(ii) Books, fees, and any other direct costs charged to running start students when enrolling in college courses; and

(iii) Exam fees and other charges to students enrolling in exam-based dual credit courses;

(b) Recommendations on student supports to close equity gaps in dual credit access, participation, and success;

(c) Recommendations to improve and increase communication with students and families regarding the awareness, access, and completion of dual credit;

(d) Expanding access to dual credit opportunities for students in career and technical education pathways; and

(e) Running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021 for each community and technical college as described in section 605(29) of this act.

(7) $29,000 of the general fund—state appropriation for fiscal year 2022 and $29,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) $16,000 of the general fund—state appropriation for fiscal year 2022 and $16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5249 (mastery-based learning). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. **Sec. 613. FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2022) $274,215,000

General Fund—State Appropriation (FY 2023) $270,597,000

General Fund—Federal Appropriation $14,061,000

General Fund—Private/Local Appropriation $300,000

Education Legacy Trust Account—State Appropriation $85,488,000

Washington Opportunity Pathways Account—State

Appropriation $164,598,000

Aerospace Training Student Loan Account—State

Appropriation $216,000

Workforce Education Investment Account—State

Appropriation $299,870,000

Health Professionals Loan Repayment and Scholarship

Program Account—State Appropriation $1,720,000

TOTAL APPROPRIATION $1,111,065,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $7,834,000 of the general fund—state appropriation for fiscal year 2022 and $7,835,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) $236,416,000 of the general fund—state appropriation for fiscal year 2022, $236,416,000 of the general fund—state appropriation for fiscal year 2023, $297,865,000 of the workforce education investment account—state appropriation, $69,639,000 of the education legacy trust fund—state appropriation, and $147,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2021-2023 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) $1,165,000 of the general fund—state appropriation for fiscal year 2022, $1,165,000 of the general fund—state appropriation for fiscal year 2023, $15,849,000 of the education legacy trust account—state appropriation, and $16,944,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) $6,999,000 of the general fund—state appropriation for fiscal year 2022 and $6,999,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the passport to college program. The maximum scholarship award is up to $5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of $500,000 in fiscal years 2022 and 2023 for this purpose.

(6) $2,981,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent

appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(7) $3,800,000 of the general fund—state appropriation for fiscal year 2022 and $3,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2023-2025 fiscal biennium on the basis of these contractual obligations.

(8) $1,000,000 of the general fund—state appropriation for fiscal year 2022 and $1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for behavioral health loan repayment program grants, pursuant to chapter 302, Laws of 2019 (2SHB 1668) (Washington health corps).

(9) $4,125,000 of the general fund—state appropriation for fiscal year 2022 and $4,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. The amount provided in this subsection is provided solely to increase loans within the behavioral health program.

(10) $2,000,000 of the workforce education investment account—state appropriation is provided solely for the future teachers conditional scholarship and loan repayment program established in chapter 28B.102 RCW.

(11) $2,000,000 of the general fund—federal appropriation (ARPA) is provided solely for ARPA anticipated state grants for the national health service corps.

(12) $1,279,000 of the general fund—state appropriation for fiscal year 2022 and $1,138,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington award for vocational excellence.

(13) $258,000 of the general fund—state appropriation for fiscal year 2022 and $258,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) $500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a state match associated with the rural jobs program. The legislature will evaluate appropriations in future biennia to the rural jobs program based on the extent that additional private contributions are made.

NEW SECTION. **Sec. 614. FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2022) $2,715,000

General Fund—State Appropriation (FY 2023) $2,436,000

General Fund—Federal Appropriation $55,483,000

General Fund—Private/Local Appropriation $212,000

Workforce Education Investment Account—State

Appropriation $150,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $250,000

TOTAL APPROPRIATION $61,246,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $240,000 of the general fund—state appropriation for fiscal year 2022 and $240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines and incorporate the recommended action plan completed in 2020.

(2) $150,000 of the workforce education investment account—state appropriation is provided solely for staffing costs to support the workforce education investment accountability and oversight board established in RCW 28C.18.200.

(3) $150,000 of the general fund—state appropriation for fiscal year 2022 and $150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the board to continue work under a new behavioral health workforce advisory committee, which shall monitor and report on the progress of recommendations from the board's previous behavioral health workforce assessments, and continue to develop policy and practice recommendations on emerging issues in the behavioral health workforce. The board must convene and staff the committee. The committee must provide a report and relevant recommendations to the appropriate committees of the legislature and the office of the governor under RCW 43.01.036 by December 1, 2021, and December 1, 2022.

(4) $250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for an accredited osteopathic medical school to implement an interprofessional curriculum to educate health care providers and workforce on opioid misuse and addiction.

(5) $225,000 of the general fund—state appropriation for fiscal year 2022 and $225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the board to collaborate and assist in the report required by the new behavioral health advisory committee established in subsection (3) of this section. The report shall contain an analysis of behavioral health workforce shortages and challenges, data to inform systems change, and relevant policy recommendations and actions informed by the employer demand projection and talent development pipeline analyses to the appropriate committees of the legislature and the office of the governor by December 1, 2021, and December 1, 2022. The board shall contract with a statewide nonprofit organization with expertise in promoting and supporting science, technology, engineering, and math education from early learning through postsecondary education to provide a regional analysis of supply pipelines to current behavioral health care opportunities, at the secondary and postsecondary levels, and will identify gaps and barriers to programs that lead to high-demand behavioral health occupations. In coordination with the board's employer demand projection analysis, the contractor will provide an analysis of the talent development pipeline to help inform the committee's work.

NEW SECTION. **Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2022) $9,224,000

General Fund—State Appropriation (FY 2023) $9,357,000

General Fund—Private/Local Appropriation $34,000

TOTAL APPROPRIATION $18,615,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the

opportunity to earn twenty-four high school credits.

NEW SECTION. **Sec. 616. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2022) $14,767,000

General Fund—State Appropriation (FY 2023) $14,974,000

TOTAL APPROPRIATION $29,741,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer students ages three through twenty-one enrolled at Washington School for the Deaf the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) $225,000 of the general fund—state appropriation in fiscal year 2022 and $225,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the center for deaf and hard of hearing youth to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funding provided under this section is provided solely for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of providing services, beginning with the 2021-22 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

NEW SECTION. **Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2022) $2,614,000

General Fund—State Appropriation (FY 2023) $2,648,000

General Fund—Federal Appropriation $3,156,000

General Fund—Private/Local Appropriation $50,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $2,000,000

TOTAL APPROPRIATION $10,468,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $80,000 of the general fund—state appropriation for fiscal year 2022 and $79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creative districts program.

(2) $1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to arts organizations for programing and general operating expenses pursuant to section 2021 of the American rescue plan act of 2021, P.L. 117-2.

(3) $1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2022 and $1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 are provided solely for the Washington state arts commission to stabilize, recover, and preserve the state's arts and cultural organizations in light of pandemic conditions. From these amounts, the commission may distribute relief, response, and recovery grants to arts and cultural organizations statewide, subject to appropriate agreements.

NEW SECTION. **Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022) $4,024,000

General Fund—State Appropriation (FY 2023) $4,035,000

TOTAL APPROPRIATION $8,059,000

NEW SECTION. **Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022) $3,305,000

General Fund—State Appropriation (FY 2023) $3,388,000

TOTAL APPROPRIATION $6,693,000

PART VII

SPECIAL APPROPRIATIONS

NEW SECTION. **Sec. 701. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL**

General Fund—State Appropriation (FY 2022) $9,029,000

General Fund—State Appropriation (FY 2023) $4,514,000

General Fund—Federal Appropriation $2,481,000

General Fund—Private/Local Appropriation $92,000

Other Appropriated Funds $15,707,000

TOTAL APPROPRIATION $31,823,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Amounts in the account are provided solely for the information technology projects shown in LEAP omnibus document IT-2021, dated April 22, 2021, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus document IT-2021, dated April 22, 2021, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. Restricted federal funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of financial management and the office of the chief information officer to receive funding from the information technology investment revolving account. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(3)(a) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the chief information officer and office of financial management.

(b) Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

(i) Fund sources:

(A) If the project is funded from the information technology revolving account, the technology budget must include a worksheet that provides the fund sources that were transferred into the account by fiscal year;

(B) If the project is by a central service agency, and funds are driven out by the central service model, the technology budget must provide a statewide impact by agency by fund as a worksheet in the technology budget file;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) Discreet financial budget codes to include at least the appropriation index and program index;

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables;

(vi) Historical budget and expenditure detail by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete financial coding for the project.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document, and when it was completed;

(iii) Financial status of information technology projects under oversight;

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2021;

(viii) Budget and expenditures each fiscal month;

(ix) Estimated annual maintenance and operations costs by fiscal year; and

(x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:

(A) Office of the chief information officer;

(B) Agency project team; and

(C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through

financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1 and December 1 each calendar year any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1 and December 1 each calendar year any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The following information technology projects are subject to the conditions, limitations, and review in this section:

(a) The unclaimed property system project of the department of revenue;

(b) The one Washington procurement project of the department of enterprise services;

(c) The security systems on campus project of the department of enterprise services;

(d) The network core equipment project of the consolidated technology services agency; and

(e) The data center switching equipment project of the consolidated technology services agency.

NEW SECTION. **Sec. 702. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2022) $1,273,008,000

General Fund—State Appropriation (FY 2023) $1,374,570,000

State Building Construction Account—State

Appropriation $12,323,000

Columbia River Basin Water Supply Development

Account—State Appropriation $13,000

Watershed Restoration and Enhancement Bond Account—

State Appropriation $181,000

State Taxable Building Construction Account—State

Appropriation $467,000

Debt-Limit Reimbursable Bond Retirement Account—

State Appropriation $511,000

TOTAL APPROPRIATION $2,661,073,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

NEW SECTION. **Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Nondebt-Limit Reimbursable Bond Retirement Account—

State Appropriation $57,954,000

TOTAL APPROPRIATION $57,954,000

The appropriation in this section is subject to the following conditions and limitations: The general fund appropriations are for expenditure into the nondebt-limit general fund bond retirement account.

NEW SECTION. **Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2022) $1,400,000

General Fund—State Appropriation (FY 2023) $1,400,000

State Building Construction Account—State

Appropriation $2,466,000

Columbia River Basin Water Supply Development

Account—State Appropriation $3,000

Watershed Restoration and Enhancement Bond Account—

State Appropriation $39,000

State Taxable Building Construction Account—State

Appropriation $94,000

TOTAL APPROPRIATION $5,402,000

NEW SECTION. **Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND**

General Fund—State Appropriation (FY 2022) $850,000

General Fund—State Appropriation (FY 2023) $850,000

TOTAL APPROPRIATION $1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. **Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY ASSISTANCE FUND**

General Fund—State Appropriation (FY 2022) $2,500,000

General Fund—State Appropriation (FY 2023) $2,500,000

TOTAL APPROPRIATION $5,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for individual assistance consistent with RCW 38.52.030(9) during an emergency proclaimed by the governor, as defined in RCW 38.52.010(9). The office of financial management must notify the fiscal committees of the legislature of the receipt of each application or request for individual assistance from the governor's emergency fund by the governor or the adjutant general. The office of financial management may not approve, nor release, funding for 10 business days from the date of notification to the fiscal committees of the legislature.

NEW SECTION. **Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

General Fund—State Appropriation (FY 2022) $9,000,000

General Fund—State Appropriation (FY 2023) $9,000,000

TOTAL APPROPRIATION $18,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

NEW SECTION. **Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT—O'BRIEN BUILDING IMPROVEMENT**

General Fund—State Appropriation (FY 2022) $2,588,000

General Fund—State Appropriation (FY 2023) $2,581,000

TOTAL APPROPRIATION $5,169,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

NEW SECTION. **Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CHERBERG BUILDING REHABILITATION**

General Fund—State Appropriation (FY 2022) $556,000

General Fund—State Appropriation (FY 2023) $556,000

TOTAL APPROPRIATION $1,112,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the Cherberg building improvements, project number 2002-1-005.

NEW SECTION. **Sec. 710. FOR THE STATE TREASURER—COUNTY PUBLIC HEALTH ASSISTANCE**

General Fund—State Appropriation (FY 2022) $36,386,000

General Fund—State Appropriation (FY 2023) $36,386,000

TOTAL APPROPRIATION $72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	**FY 2022**	**FY 2023**	**2021-2023 Biennium**
Adams County Integrated Health Care Services	$121,213	$121,213	$242,426
Asotin County Health District	$159,890	$159,890	$319,780
Benton-Franklin Health District	$1,614,337	$1,614,337	$3,228,674
Chelan-Douglas Health District	$399,634	$399,634	$799,268
Clallam County Health and Human Services Department	$291,401	$291,401	$582,802

Clark County Public Health	$1,767,341	$1,767,341	$3,534,682
Skamania County Community Health	$111,327	$111,327	$222,654
Columbia County Health District	$119,991	$119,991	$239,982
Cowlitz County Health and Human Services	$477,981	$477,981	$955,962
Garfield County Health District	$93,154	$93,154	$186,308
Grant County Health District	$297,761	$297,761	$595,522
Grays Harbor Public Health and Social Services	$335,666	$335,666	$671,332
Island County Health Department	$255,224	$255,224	$510,448
Jefferson County Public Health	$184,080	$184,080	$368,160
Public Health - Seattle & King County	$12,685,521	$12,685,521	$25,371,042
Kitsap Public Health District	$997,476	$997,476	$1,994,952
Kittitas County Public Health	$198,979	$198,979	$397,958
Klickitat County Public Health	$153,784	$153,784	$307,568
Lewis County Public Health and Social Services	$263,134	$263,134	$526,268
Lincoln County Health Department	$113,917	$113,917	$227,834
Mason County Public	$227,448	$227,448	$454,896

Health and Human Services			
Okanogan County Public Health	$169,882	$169,882	$339,764
Pacific County Health and Human Services	$169,075	$169,075	$338,150
Tacoma-Pierce County Health Department	$4,143,169	$4,143,169	$8,286,338
San Juan County Health and Community Services	$126,569	$126,569	$253,138
Skagit County Health Department	$449,745	$449,745	$899,490
Snohomish Health District	$3,433,291	$3,433,291	$6,866,582
Spokane Regional Health District	$2,877,318	$2,877,318	$5,754,636
Northeast Tri-County Health District	$249,303	$249,303	$498,606
Thurston County Public Health and Social Services	$1,046,897	$1,046,897	$2,093,794
Wahkiakum County Health and Human Services	$93,181	$93,181	$186,362
Walla Walla County Department of Community Health	$302,173	$302,173	$604,346
Whatcom County Health Department	$1,214,301	$1,214,301	$2,428,602
Whitman County Health Department	$189,355	$189,355	$378,710
Yakima Health	$1,052,482	$1,052,482	$2,104,964

Distric t			
TOTA L APPROPR IATIONS	$36, 386,00 0	$36, 386,00 0	$72, 772,00 0

NEW SECTION. **Sec. 711. FOR THE STATE TREASURER—COUNTY CLERK LEGAL FINANCIAL OBLIGATION GRANTS**

General Fund—State Appropriation (FY 2022) $541,000

General Fund—State Appropriation (FY 2023) $441,000

TOTAL APPROPRIATION $982,000

The appropriations in this section are subject to the following conditions and limitations: By October 1st of each fiscal year, the state treasurer shall distribute the appropriations to the following county clerk offices in the amounts designated as grants for the collection of legal financial obligations pursuant to RCW 2.56.190:

County Clerk	**FY 2022**	**FY 2023**
Adams County Clerk	$2,103	$1,714
Asotin County Clerk	$2,935	$2,392
Benton County Clerk	$18,231	$14,858
Chelan County Clerk	$7,399	$6,030
Clallam County Clerk	$5,832	$4,753
Clark County Clerk	$32,635	$26,597
Columbia County Clerk	$384	$313
Cowlitz County Clerk	$16,923	$13,792
Douglas County Clerk	$3,032	$2,471
Ferry County Clerk	$422	$344
Franklin County Clerk	$5,486	$4,471
Garfield County Clerk	$243	$198
Grant County Clerk	$10,107	$8,237
Grays Harbor County Clerk	$8,659	$7,057
Island County Clerk	$3,059	$2,493
Jefferson County Clerk	$1,859	$1,515
King County Court Clerk	$119,290	$97,266
Kitsap County Clerk	$22,242	$18,127
Kittitas County Clerk	$3,551	$2,894
Klickitat County Clerk	$2,151	$1,753
Lewis County Clerk	$10,340	$8,427
Lincoln County Clerk	$724	$590
Mason County Clerk	$5,146	$4,194
Okanogan County Clerk	$3,978	$3,242
Pacific County Clerk	$2,411	$1,965
Pend Oreille County Clerk	$611	$498
Pierce County Clerk	$77,102	$62,837

San Juan County Clerk	$605	$493
Skagit County Clerk	$11,059	$9,013
Skamania County Clerk	$1,151	$938
Snohomish County Clerk	$38,143	$31,086
Spokane County Clerk	$44,825	$36,578
Stevens County Clerk	$2,984	$2,432
Thurston County Clerk	$22,204	$18,096
Wahkiakum County Clerk	$400	$326
Walla Walla County Clerk	$4,935	$4,022
Whatcom County Clerk	$20,728	$16,893
Whitman County Clerk	$2,048	$1,669
Yakima County Clerk	$25,063	$20,426
TOTAL APPROPRIATIONS	$541,000	$441,000

NEW SECTION. **Sec. 712. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. **Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMMON SCHOOL CONSTRUCTION ACCOUNT**

General Fund—State Appropriation (FY 2022) $600,000

General Fund—State Appropriation (FY 2023) $600,000

TOTAL APPROPRIATION $1,200,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the common school construction account—state on July 1, 2021, and July 1, 2022, for an interest payment pursuant to RCW 90.38.130.

NEW SECTION. **Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NATURAL RESOURCES REAL PROPERTY REPLACEMENT ACCOUNT**

General Fund—State Appropriation (FY 2022) $300,000

General Fund—State Appropriation (FY 2023) $300,000

TOTAL APPROPRIATION $600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the natural resources real property replacement account—state on July 1, 2021, and July 1, 2022, for an interest payment pursuant to RCW 90.38.130.

NEW SECTION. **Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2022) $226,000

General Fund—State Appropriation (FY 2023) $226,000

TOTAL APPROPRIATION $452,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are provided solely for expenditure into the county criminal justice assistance account—state. The treasurer shall make quarterly distributions from the county criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.310 for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

NEW SECTION. **Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2022) $133,000

General Fund—State Appropriation (FY 2023) $133,000

TOTAL APPROPRIATION $266,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are appropriated for expenditure into the municipal criminal justice assistance account. The treasurer shall make quarterly distributions from the municipal criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.320 and 82.14.330, for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

NEW SECTION. **Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME VISITING SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2022) $6,410,000

General Fund—State Appropriation (FY 2023) $11,247,000

TOTAL APPROPRIATION $17,657,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the home visiting services account for the home visiting program.

NEW SECTION. **Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

General Fund—State Appropriation (FY 2022) $951,000

TOTAL APPROPRIATION $951,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

NEW SECTION. **Sec. 719. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2022) $82,800,000

General Fund—State Appropriation (FY 2023) $86,000,000

TOTAL APPROPRIATION $168,800,000

(3) There is appropriated for contributions to the judicial retirement system:

Pension Funding Stabilization Account—State

Appropriation $7,100,000

General Fund—State Appropriation (FY 2023) $6,700,000

TOTAL APPROPRIATION $13,800,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2022) $300,000

General Fund—State Appropriation (FY 2023) $300,000

TOTAL APPROPRIATION $600,000

NEW SECTION. **Sec. 720. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation $10,777,000

TOTAL APPROPRIATION $10,777,000

The appropriation in this section is subject to the following conditions and limitations: The amount provided in this section is the maximum amount that may be expended. In addition the office of financial management must reduce the allotment of the amount provided in this section if allotment of the full appropriation will put the account into deficit.

NEW SECTION. **Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FOUNDATIONAL PUBLIC HEALTH SERVICES**

General Fund—State Appropriation (FY 2022) $61,396,000

General Fund—State Appropriation (FY 2023) $110,599,000

Foundational Public Health Services Account—State

Appropriation $2,788,000

TOTAL APPROPRIATION $174,783,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for distribution as provided in RCW 43.70.515.

NEW SECTION. **Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2022) $51,000,000

General Fund—State Appropriation (FY 2023) $1,000,000

TOTAL APPROPRIATION $52,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the developmental disabilities community services account (Dan Thompson memorial community services account) for the purposes identified in RCW 71A.20.170.

NEW SECTION. **Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NORTHEAST WASHINGTON WOLF-LIVESTOCK MANAGEMENT ACCOUNT**

General Fund—State Appropriation (FY 2022) $496,000

General Fund—State Appropriation (FY 2023) $456,000

TOTAL APPROPRIATION $952,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the northeast Washington wolf-livestock management account for the deployment of nonlethal wolf deterrence resources as provided in chapter 16.76 RCW.

NEW SECTION. **Sec. 724. FOR THE OFFICE OF FINANCIAL MANAGEMENT—LONG-TERM SERVICES AND SUPPORTS ACCOUNT**

General Fund—State Appropriation (FY 2022) $19,618,000

TOTAL APPROPRIATION $19,618,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the long-term services and supports account pursuant to chapter 98, Laws of 2020 and chapter 363, Laws of 2019. This constitutes a loan from the general fund and must be repaid, with interest, to the general fund by June 30, 2022.

NEW SECTION. **Sec. 725. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INDIAN HEALTH IMPROVEMENT REINVESTMENT ACCOUNT**

General Fund—State Appropriation (FY 2022) $10,803,000

General Fund—State Appropriation (FY 2023) $9,282,000

TOTAL APPROPRIATION $20,085,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Indian health improvement reinvestment account created in RCW 43.71B.040.

NEW SECTION. **Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OUTDOOR EDUCATION ACCOUNT**

General Fund—State Appropriation (FY 2022) $2,250,000

General Fund—State Appropriation (FY 2023) $2,250,000

TOTAL APPROPRIATION $4,500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation program account for the purposes identified in RCW 79A.05.351.

NEW SECTION. **Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HORSE RACING COMMISSION OPERATING ACCOUNT**

General Fund—State Appropriation (FY 2022) $340,000

TOTAL APPROPRIATION $340,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the horse racing commission operating account created in RCW 67.16.280.

NEW SECTION. **Sec. 728. FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNIVERSAL COMMUNICATIONS SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2022) $5,000,000

General Fund—State Appropriation (FY 2023) $5,000,000

TOTAL APPROPRIATION $10,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the universal communications services account created in RCW 80.36.690.

NEW SECTION. **Sec. 729. FOR THE OFFICE OF FINANCIAL MANAGEMENT—BUSINESS AND PROFESSIONS ACCOUNT**

General Fund—State Appropriation (FY 2022) $3,500,000

General Fund—State Appropriation (FY 2023) $3,500,000

TOTAL APPROPRIATION $7,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the business and professions account created in RCW 43.24.150.

NEW SECTION. **Sec. 730. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE**

General Fund—State Appropriation (FY 2022) $578,000

General Fund—State Appropriation (FY 2023) $601,000

General Fund—Federal Appropriation $110,000

Other Appropriated Funds $7,228,000

TOTAL APPROPRIATION $8,517,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the association of Washington assistant attorneys general and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 731. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON FEDERATION OF STATE EMPLOYEES**

General Fund—State Appropriation (FY 2022) $40,604,000

General Fund—State Appropriation (FY 2023) $40,985,000

General Fund—Federal Appropriation $38,200,000

General Fund—Private/Local Appropriation $2,341,000

Other Appropriated Funds $61,716,000

TOTAL APPROPRIATION $183,846,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington federation of state employees and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive

bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 732. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WFSE ADMINISTRATIVE LAW JUDGES**

Administrative Hearings Revolving Account—State

Appropriation $1,013,000

TOTAL APPROPRIATION $1,013,000

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington federation of state employees—administrative law judges and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 733. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WAFWP**

General Fund—State Appropriation (FY 2022) $1,136,000

General Fund—State Appropriation (FY 2023) $1,147,000

General Fund—Federal Appropriation $1,657,000

General Fund—Private/Local Appropriation $688,000

Other Appropriated Funds $1,529,000

TOTAL APPROPRIATION $6,157,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington association of fish and wildlife professionals and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 734. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON PUBLIC EMPLOYEES ASSOCIATION—GENERAL GOVERNMENT**

General Fund—State Appropriation (FY 2022) $4,438,000

General Fund—State Appropriation (FY 2023) $4,470,000

General Fund—Federal Appropriation $537,000

General Fund—Private/Local Appropriation $10,000

Other Appropriated Funds $4,022,000

TOTAL APPROPRIATION $13,477,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington public employees association—general government and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 735. FOR THE OFFICE OF FINANCIAL MANAGEMENT—PTE LOCAL 17**

General Fund—State Appropriation (FY 2022) $8,000

General Fund—State Appropriation (FY 2023) $9,000

TOTAL APPROPRIATION $17,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the professional and technical employees local 17 and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 736. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COALITION OF UNIONS**

General Fund—State Appropriation (FY 2022) $1,750,000

General Fund—State Appropriation (FY 2023) $1,756,000

General Fund—Federal Appropriation $690,000

General Fund—Private/Local Appropriation $493,000

Other Appropriated Funds $3,350,000

TOTAL APPROPRIATION $8,039,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the coalition of unions and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 737. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SEIU HEALTHCARE 1199NW**

General Fund—State Appropriation (FY 2022) $1,062,000

General Fund—State Appropriation (FY 2023) $1,068,000

General Fund—Federal Appropriation $1,732,000

General Fund—Private/Local Appropriation $284,000

Health Professions Account—State Appropriation $114,000

TOTAL APPROPRIATION $4,260,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the service employees international union healthcare 1199nw and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. **Sec. 738. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME AND COMMUNITY-BASED SERVICES**

General Fund—State Appropriation (FY 2022) $142,775,000

TOTAL APPROPRIATION $142,775,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for additional activities that enhance, expand, or strengthen home and community-based services pursuant to section 9817 of the American rescue plan act of 2021 (ARPA) within the following parameters:

(1) The office of financial management may not spend any of the funding provided in this section until the federal centers for medicare and medicaid services issues guidance for states on expending that funding, or until May 10, 2021, whichever is first;

(2) If, by May 10, 2021, the federal government extends the time period for expending home and community-based

services funds under section 9817 of ARPA past December 31, 2022, the office of financial management may not spend the funding provided in this section through the unanticipated receipts process in chapter 43.79 RCW and must instead provide an opportunity for the legislature to make spending decisions in the 2022 legislative session; and

(3) If, by May 10, 2021, the federal government does not extend the time period for expending home and community-based services funds under section 9817 of ARPA past December 31, 2022, the office of financial management must, before expending any funds provided in this subsection, develop a spending plan and submit it to the chairs of the appropriate legislative fiscal committees for review no later than June 1, 2021. The spending plan may only include spending that is on activities to meet acute needs, that is one-time in nature, that will be completed by the end of the federal time period for home and community-based services investments that result from section 9817 of ARPA, and that does not include any ongoing expenditures.

NEW SECTION. **Sec. 739. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CITY ASSISTANCE**

General Fund—State Appropriation (FY 2022) $20,000,000

TOTAL APPROPRIATION $20,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to distribute to cities according to population to assist with one-time costs related to law enforcement and criminal justice related legislation enacted between January 1, 2020, and June 30, 2021.

NEW SECTION. **Sec. 740. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY ASSISTANCE**

General Fund—State Appropriation (FY 2022) $30,000,000

TOTAL APPROPRIATION $30,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to distribute to counties according to population to assist with one-time costs related to law enforcement and criminal justice related legislation enacted between January 1, 2020, and June 30, 2021.

NEW SECTION. **Sec. 741. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MANUFACTURING CLUSTER ACCELERATION SUBACCOUNT OF THE ECONOMIC DEVELOPMENT STRATEGIC RESERVE ACCOUNT**

General Fund—State Appropriation (FY 2022) $1,405,000

General Fund—State Appropriation (FY 2023) $1,393,000

TOTAL APPROPRIATION $2,798,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the manufacturing cluster acceleration subaccount of the economic development strategic reserve account created in Substitute House Bill No. 1170 (manufacturing). If the bill is not enacted by June 30, 2021, the amounts appropriated in this section shall lapse.

NEW SECTION. **Sec. 742. FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNEMPLOYMENT INSURANCE RELIEF ACCOUNT**

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $500,000,000

TOTAL APPROPRIATION $500,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the unemployment insurance relief account created in Engrossed Substitute Senate Bill No. 5478 (unemployment insurance). If the bill is not enacted by June 30, 2021, the amount appropriated in this section shall lapse. Prior to making any expenditure, the office of financial management must notify the fiscal committees of the legislature that it has determined the expenditure of the appropriation in this section is an allowable use of coronavirus state fiscal recovery funds from the America rescue plan act of 2201, P.L. 24117-2, subtitle M, section 9901. It is the intent of the legislature that the maximum amount to be expended into the unemployment insurance relief account from this section and section 743 is $500,000,000. Therefore, if the appropriation provided in section 743 of this act is expended, the amount appropriated in this section shall lapse.

NEW SECTION. **Sec. 743. FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNEMPLOYMENT INSURANCE RELIEF ACCOUNT (CONDITIONAL APPROPRIATION)**

Washington Rescue Plan Transition Account—State

Appropriation $500,000,000

TOTAL APPROPRIATION $500,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the unemployment insurance relief account created in Engrossed Substitute Senate Bill No. 5478 (unemployment insurance) if the office of financial management determines that the expenditure of the appropriation in section 742 of this act conflicts with federal law, rules, or guidance on the allowable uses of coronavirus state fiscal recovery funds from the America rescue plan act of 2201, P.L. 117-2, subtitle M, section 9901. If the bill is not enacted by June 30, 2021, the amount appropriated in this section shall lapse. If the appropriation provided in section 742 of this act is expended, the amount appropriated in this section shall lapse.

NEW SECTION. **Sec. 744. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—PUBLIC HEALTH WORKFORCE**

General Fund—Federal Appropriation $100,000,000

TOTAL APPROPRIATION $100,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely to hire case investigators, contact tracers, public health nurses, disease intervention specialists, epidemiologists, and other positions as may be required to prevent, prepare for, and respond to COVID-19, and to provide personal protection equipment. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

NEW SECTION. **Sec. 745. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—VACCINES**

General Fund—Federal Appropriation $100,000,000

TOTAL APPROPRIATION $100,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for vaccine distribution and administration, including the establishment and expansion of community vaccination centers and mobile vaccination units, particularly in underserved areas; reporting enhancements; communication efforts; and transportation of individuals, particularly in underserved populations, to vaccination sites. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

NEW SECTION. **Sec. 746. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—TESTING AND TRACING**

General Fund—Federal Appropriation $900,000,000

TOTAL APPROPRIATION $900,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for the statewide response to the COVID-19 pandemic, including diagnostic testing, case investigation and contact tracing, care coordination, outbreak response, data collection and analysis, and other activities required to support the response. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

NEW SECTION. **Sec. 747. FOR THE STATE TREASURER—TEACHERS' RETIREMENT SYSTEM PLAN 1 FUND**

General Fund—State Appropriation (FY 2023) $800,000,000

TOTAL APPROPRIATION $800,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure on June 30, 2023, into the teachers' retirement system plan 1 fund, to be applied to the unfunded actuarial accrued liability.

NEW SECTION. **Sec. 748. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE HEALTH CARE AFFORDABILITY ACCOUNT**

General Fund—State Appropriation (FY 2023) $50,000,000

TOTAL APPROPRIATION $50,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the state health care affordability account created in Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). If the bill is not enacted by June 30, 2021, the amounts appropriated in this section shall lapse.

NEW SECTION. **Sec. 749. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONSUMER PRIVACY ACCOUNT**

General Fund—State Appropriation (FY 2022) $548,000

TOTAL APPROPRIATION $548,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the consumer privacy account created in Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount appropriated in this section shall lapse.

NEW SECTION. **Sec. 750. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MEDICAID FRAUD PENALTY ACCOUNT**

General Fund—State Appropriation (FY 2022) $2,300,000

General Fund—State Appropriation (FY 2023) $2,300,000

TOTAL APPROPRIATION $4,600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the medicaid fraud penalty account created in RCW 74.09.215.

NEW SECTION. **Sec. 751. FOR THE OFFICE OF FINANCIAL MANAGEMENT—AFFORDABLE HOUSING FOR ALL ACCOUNT**

General Fund—State Appropriation (FY 2022) $18,500,000

General Fund—State Appropriation (FY 2023) $18,500,000

TOTAL APPROPRIATION $37,000,000

The appropriations in this section are subject to the following conditions and limitations: The amounts in this section are provided solely for expenditure into the affordable housing for all account created in RCW 43.185C.190 for operations, maintenance, and services for permanent supportive housing as defined in RCW 36.70A.030.

NEW SECTION. **Sec. 752. FOR THE DEPARTMENT OF COMMERCE—HOUSING PROGRAMS (CONDITIONAL APPROPRIATION)**

Washington Rescue Plan Transition Account—State

Appropriation $20,000,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $272,000,000

TOTAL APPROPRIATION $292,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $221,920,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for rental assistance, project-based vouchers for nonprofit housing providers and related services, rapid rehousing, emergency housing, foreclosure prevention services, dispute resolution center eviction prevention services, and tenant education and legal assistance. If Engrossed Second Substitute House Bill No. 1277 (housing/revenue source) is enacted by June 30, 2021, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(a) $88,768,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to implement an eviction prevention rental assistance program. The department must provide grants to eligible organizations, as described in

RCW 43.185.060, to provide rental and utility assistance to eligible households. Households are eligible to receive assistance if they have incomes at or below 80 percent of the county area median income; are families with children, living in doubled up situations, young adults, senior citizens, and others at risk of homelessness or significant physical or behavioral health complications from homelessness; and meet any other eligibility requirements as established by the department. Eligible organizations must use grant moneys for:

(i) Rental assistance, including rental arrears and future rent if needed to stabilize the applicant's housing and prevent their eviction;

(ii) Utility assistance for households if needed to prevent an eviction;

(iii) Administrative costs of the eligible organization, which must not exceed limits prescribed by the department; and

(iv) At least 10 percent of the grant total for subgrants to organizations that serve and are substantially governed by marginalized populations to pay the costs associated with program outreach, assistance completing applications for assistance, rent assistance payments, activities that directly support the goal of improving access to rent assistance for people of color, and related costs.

(b) $20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for hotel and motel vouchers, rapid rehousing, and supportive services for individuals and families accessing vouchers and rapid rehousing.

(2) $20,000,000 of the Washington rescue plan transition account—state appropriation and $38,400,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for operations, maintenance, and services for permanent supportive housing as defined in RCW 36.70A.030. If Engrossed Second Substitute House Bill No. 1277 (housing/revenue source) is enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(3) $11,680,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the landlord mitigation program created in RCW 43.31.605(1). If Engrossed Second Substitute House Bill No. 1277 (housing/revenue source) is enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 753. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CORONAVIRUS RELIEF FUNDS**

General Fund—Federal Appropriation $280,000,000

TOTAL APPROPRIATION $280,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (CRF) is provided solely to the office of financial management for allotment to state agencies for costs eligible to be paid from the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A and where funding is provided elsewhere in this act for those costs using a funding source other than the coronavirus relief fund. For any agency receiving an allotment under this section, the office must place an equal amount of the agency's state or other federal source appropriation authority in unallotted reserve status, and those amounts may not be expended. In determining the use of amounts appropriated in this section, the office of financial management shall prioritize the preservation of state general fund moneys and federal state fiscal recovery fund moneys. The office must report on the use of the amounts appropriated in this section to the fiscal committees of the legislature monthly until all coronavirus relief fund moneys are expended or the unexpended moneys returned to the federal government, whichever is earlier.

NEW SECTION. **Sec. 754. FOR THE GAMBLING COMMISSION—GAMBLING REVOLVING FUND**

General Fund—State Appropriation (FY 2022) $3,600,000

TOTAL APPROPRIATION $3,600,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure into the gambling revolving fund created in RCW 9.46.100.

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

NEW SECTION. **Sec. 801. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance

premium distributions $9,757,000

General Fund Appropriation for prosecuting attorney

distributions $9,284,000

General Fund Appropriation for boating safety and

education distributions $4,000,000

General Fund Appropriation for public utility

district excise tax distributions $66,759,000

Death Investigations Account Appropriation for

distribution to counties for publicly funded

autopsies $3,303,000

Aquatic Lands Enhancement Account Appropriation for

harbor improvement revenue distributions $140,000

Timber Tax Distribution Account Appropriation for

distribution to "timber" counties $73,911,000

County Criminal Justice Assistance Appropriation $114,428,000

Municipal Criminal Justice Assistance Appropriation $45,073,000

City-County Assistance Appropriation $39,939,000

Liquor Excise Tax Account Appropriation for liquor

excise tax distribution $76,474,000

Columbia River Water Delivery Account Appropriation

for the Confederated Tribes of the Colville

Reservation $8,612,000

Columbia River Water Delivery Account Appropriation

for the Spokane Tribe of Indians $5,975,000

Liquor Revolving Account Appropriation for liquor

profits distribution $98,876,000

General Fund Appropriation for other tax

distributions $80,000

General Fund Appropriation for Marijuana Excise Tax

distributions $40,000,000

General Fund Appropriation for Habitat Conservation

Program distributions $5,754,000

General Fund Appropriation for payment in lieu of

taxes to counties under Department of Fish

and Wildlife Program $4,040,000

Puget Sound Taxpayer Accountability Account

Appropriation for distribution to counties in

amounts not to exceed actual deposits into the

account and attributable to those counties'

share pursuant to RCW 43.79.520. $33,460,000

Manufacturing and Warehousing Job Centers Account

Appropriation for distribution to local taxing

jurisdictions to mitigate the unintended

revenue redistributions effect of sourcing law

changes pursuant to Engrossed Substitute House

Bill No. 1521 (warehousing & manufacturing

jobs). If Engrossed Substitute House Bill No.

1521 (warehousing & manufacturing jobs) is not

enacted by June 30, 2021, this distribution is

null and void. $12,150,000

TOTAL APPROPRIATION $652,015,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. **Sec. 802. FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation $2,551,000

TOTAL APPROPRIATION $2,551,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. **Sec. 803. FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation $1,700,000

TOTAL APPROPRIATION $1,700,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. **Sec. 804. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal flood control

funds distribution $64,000

General Fund Appropriation for federal grazing fees

distribution $50,000

General Fund Appropriation for federal military fees

distribution $160,000

Forest Reserve Fund Appropriation for federal forest

reserve fund distribution $27,978,000

TOTAL APPROPRIATION $28,252,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. **Sec. 805. FOR THE STATE TREASURER—TRANSFERS**

Dedicated Marijuana Account: For transfer to the

basic health plan trust account, the lesser of

the amount determined pursuant to RCW 69.50.540

or this amount for fiscal year 2022,

$255,000,000 and this amount for fiscal year

2023, $265,000,000 $520,000,000

Dedicated Marijuana Account: For transfer to the

state general fund, the lesser of the amount

determined pursuant to RCW 69.50.540 or this

amount for fiscal year 2022, $195,000,000 and

this amount for fiscal year 2023, $200,000,000 $395,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the annual base payment to

the tobacco settlement account for fiscal year

2022 $90,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the annual base payment to

the tobacco settlement account for fiscal year

2023 $90,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the tobacco arbitration

payment to the tobacco settlement account,

$11,000,000 for fiscal year 2022 and

$8,000,000 for fiscal year 2023 $19,000,000

State Treasurer's Service Account: For transfer to

the state general fund, $5,000,000 for fiscal

year 2022 and $5,000,000 for fiscal year 2023 $10,000,000

General Fund: For transfer to the fair fund under

RCW 15.76.115, $2,750,000 for fiscal year 2022

and $2,750,000 for fiscal year 2023 $5,500,000

Financial Services Regulation Account: For transfer

to the state general fund, $3,500,000 for

fiscal year 2022 and $3,500,000 for fiscal year

2023 $7,000,000

Marine Resources Stewardship Trust Account: For

transfer to the aquatic lands enhancement

account, up to $40,000 for fiscal year 2022 $40,000

Water Pollution Control Revolving Administration

Account: For transfer to the water pollution

control revolving account, $6,000,000 for

fiscal year 2022 $6,000,000

General Fund: For transfer to the home security

fund, $4,500,000 for fiscal year 2022 and

$4,500,000 for fiscal year 2023 $9,000,000

Long-Term Services and Supports Trust Account: For

transfer to the general fund as repayment for

start-up costs for the long term services

program, the lesser of the amount determined by

the treasurer for full repayment of the

$17,040,000 transferred from the general fund

in the 2019-2021 biennium and $19,618,000

transferred from the general fund in fiscal

year 2022, which totals $36,658,000 transferred

from the general fund in the 2019-2021

biennium and fiscal year 2022 for start-up

costs with any related interest, or this amount

for fiscal year 2022, $37,092,000 $37,092,000

Gambling Revolving Account: For transfer to the

state general fund as repayment of the loan

pursuant to chapter 127, Laws of 2020 (sports

wagering/compacts), the lesser of the amount

determined by the treasurer for full repayment

of the $6,000,000 transferred from the general

fund in the 2019-2021 fiscal biennium with any

related interest, or this amount for fiscal

year 2023 $6,500,000 $6,500,000

School Employees' Insurance Account: For transfer to

the general fund as repayment of the remainder

of the loans for start costs for the school

employees benefit program, $16,587,000 for

fiscal year 2022 $16,587,000

General Fund: For transfer to the manufacturing and

warehousing jobs centers account $6,750,000

for fiscal year 2022 and $5,400,000 for fiscal

year 2023 pursuant to Engrossed Substitute

House Bill No. 1521 (warehousing &

manufacturing jobs). If Engrossed Substitute

House Bill No. 1521 (warehousing &

manufacturing jobs) is not enacted by June 30,

2021, this transfer is null and void. $12,150,000

General Fund: For transfer to the Washington housing

trust fund, $10,000,000 for fiscal year 2022 $10,000,000

General Fund: For transfer to the forest resiliency

account trust fund, $6,000,000 for fiscal year

2022 $6,000,000

PART IX

MISCELLANEOUS

NEW SECTION. **Sec. 901. EXPENDITURE AUTHORIZATIONS**

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2019-2021 fiscal biennium.

NEW SECTION. **Sec. 902. EMERGENCY FUND ALLOCATIONS**

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. An appropriation is not necessary to effect such repayment.

NEW SECTION. **Sec. 903. STATUTORY APPROPRIATIONS**

In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and firefighters' retirement system plan 2 and bond retirement and interest, including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94, 39.96, and 39.98 RCW or any proper bond covenant made under law.

NEW SECTION. **Sec. 904. BOND EXPENSES**

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. **Sec. 905. VOLUNTARY RETIREMENT AND SEPARATION**

(1) As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement either a voluntary retirement or separation program, or both, that is cost neutral or results in cost savings, including costs to the state pension systems, over a two-year period following the commencement of the program, provided that such a program is approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement and/or separation incentives and options according to procedures and guidelines established by the office of financial management in consultation with the department of retirement systems. The options may include, but are not limited to, financial incentives for voluntary separation or retirement. An employee does not have a contractual right to a financial incentive offered under this section. The office of financial management and the department of retirement systems may review and monitor incentive offers. Agencies are required to submit a report by the date established by the office of financial management in the guidelines required in this section to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program, including the incentive payment amount for each participant, the total cost to the state, and the projected or actual net dollar savings over the two-year period.

(2) The department of retirement systems may collect from employers the actuarial cost of any incentive provided under this program, or any other incentive to retire provided by employers to members of the state's pension systems, for deposit in the appropriate pension account.

NEW SECTION. **Sec. 906. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED**

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. **Sec. 907. COLLECTIVE BARGAINING AGREEMENTS**

The following sections represent the results of the 2021-2023 collective bargaining process required under the provisions of chapters 41.80, 41.56, and 74.39A RCW. Provisions of the collective bargaining agreements contained in sections 908 through 939 and 943 through 946 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. **Sec. 908. COLLECTIVE BARGAINING AGREEMENTS—ELIMINATING FURLOUGH DAYS**

(1) Appropriations in part VII of this act provide sufficient funding to eliminate the furlough days required in the following collective bargaining agreements for the 2021-2023 fiscal biennium:

(a) Washington federation of state employees;

(b) Washington association of fish and wildlife professionals;

(c) Professional and technical employees local 17;

(d) Service employees international union healthcare 1199nw;

(e) The coalition of unions;

(f) Association of Washington assistant attorneys general/Washington federation of state employees;

(g) Washington federation of state employees administrative law judges; and

(h) Washington public employees association general government.

(2) Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section.

NEW SECTION. **Sec. 909. COLLECTIVE BARGAINING AGREEMENT—WFSE**

An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. **Sec. 910. COLLECTIVE BARGAINING AGREEMENT—WAFWP**

An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. **Sec. 911. COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17**

An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. **Sec. 912. COLLECTIVE BARGAINING AGREEMENT—SEIU HEALTHCARE 1199NW**

An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. **Sec. 913. COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes 24 furlough days for employees in positions that do not require the position to be backfilled. Funding is also provided for a 2.5 percent wage increase for fiscal year 2022 and a 2.5 percent wage increase for fiscal year 2023 for the department of corrections marine vessel operators.

NEW SECTION. **Sec. 914. COLLECTIVE BARGAINING AGREEMENT—ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE**

An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes some minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

NEW SECTION. **Sec. 915. COLLECTIVE BARGAINING AGREEMENT—WFSE ADMINISTRATIVE LAW JUDGES**

An agreement has been reached between the governor and the Washington federation of state employees administrative law judges under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. This is the first agreement since the grant of collective bargaining rights in the 2020 legislative session. Funding is provided to fund the agreement, which includes the implementation of the Washington general government standard progression salary schedule that includes periodic increments that begin July 1, 2022. In addition, the agreement includes 24 furlough days for designated positions.

NEW SECTION. **Sec. 916. COLLECTIVE BARGAINING AGREEMENT—DFW SERGEANTS ASSOCIATION/TEAMSTERS 760**

An agreement has been reached between the governor and the department of fish and wildlife sergeants

association/teamsters 760 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the agreement, which does not include wage increases but does allow the agreement to be reopened to negotiate compensation for fiscal year 2023.

NEW SECTION. **Sec. 917. COLLECTIVE BARGAINING AGREEMENT—FISH AND WILDLIFE ENFORCEMENT OFFICERS GUILD**

An agreement has been reached between the governor and the fish and wildlife enforcement officers guild through an interest arbitration award under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the award, which does not include wage increases but does allow the agreement to be reopened to negotiate base rate of pay for fiscal year 2023. The arbitration award also includes and funding is provided for an education incentive for employees who have obtained an associate's degree (2 percent of base pay) or bachelor's degree (4 percent of base pay), increased opportunities to work on holidays and receive holiday pay, and workers compensation top-off pay equivalent to the LEOFF II supplement. Finally, funding is provided for an increase in the clothing allowance for qualifying employees by $100 per year per employee.

NEW SECTION. **Sec. 918. COLLECTIVE BARGAINING AGREEMENT—WFSE HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases.

NEW SECTION. **Sec. 919. COLLECTIVE BARGAINING AGREEMENT—WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

An agreement has been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases.

NEW SECTION. **Sec. 920. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

NEW SECTION. **Sec. 921. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

NEW SECTION. **Sec. 922. COLLECTIVE BARGAINING AGREEMENT—WPEA**

An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes some minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

NEW SECTION. **Sec. 923. COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117**

An agreement has not been reached between the governor and the international brotherhood of teamsters local 117 pursuant to chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

NEW SECTION. **Sec. 924. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 925**

An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 925. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 1199 RESEARCH/HALL HEALTH**

An agreement has been reached between the University of Washington and the service employees international union local 1199 research/hall health under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 926. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—TEAMSTERS LOCAL 117 POLICE**

An agreement has been reached between the University of Washington and teamster local 117 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 927. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE POLICE MANAGEMENT**

An agreement has been reached between the University of Washington and the Washington federation of state employees police management under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 928. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE**

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement, and an expansion of the Harborview and University of Washington Medical Center EVS custodians weekend premium. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 929. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WFSE**

An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

NEW SECTION. **Sec. 930. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WSU POLICE GUILD BARGAINING UNIT 4**

An agreement has been reached between the Washington State University and the WSU police guild bargaining unit 4 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

NEW SECTION. **Sec. 931. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—INTERNATIONAL UNION OF OPERATING ENGINEERS**

An agreement has not been reached between the Washington State University and the international union of operating engineers under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

NEW SECTION. **Sec. 932. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—WFSE**

An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 933. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—PSE**

An agreement has been reached between Central Washington University and the public school employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 934. COLLECTIVE BARGAINING AGREEMENT—THE EVERGREEN STATE COLLEGE—WFSE**

An agreement has been reached between The Evergreen State College and the Washington federation of state employees supervisory and nonsupervisory units under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 935. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—WFSE**

An agreement has been reached between Western Washington University and the Washington federation of state employees bargaining units A, B, and E under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 936. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—PSE**

An agreement has not been reached between Western Washington University and the public school employees bargaining units D and PT under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

NEW SECTION. **Sec. 937. COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—WFSE**

An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 938. COLLECTIVE BARGAINING AGREEMENT—YAKIMA VALLEY COMMUNITY COLLEGE—WPEA**

An agreement has been reached between Yakima Valley Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 939. COLLECTIVE BARGAINING AGREEMENT—HIGHLINE COMMUNITY COLLEGE—WPEA**

An agreement has been reached between Highline Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 940. COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, other than provision of gift cards through the wellness program, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed $1,091 per eligible employee.

The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

NEW SECTION. **Sec. 941. COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE HEALTH CARE COALITION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed $936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed $1,091 per eligible employee.

NEW SECTION. **Sec. 942. COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed $968 per eligible employee in the 2021-22 school year. For the 2022-23 school year, the monthly employer funding rate shall not exceed $1,032 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in section 943 of this act, which is included as part of the above monthly employer funding rate.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

NEW SECTION. **Sec. 943. COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1) The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed $1,091 per eligible employee. These rates assume the use of plan surplus from the 2019-2021 fiscal biennium in fiscal year 2022.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2022 and 2023, the subsidy shall be up to $183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) School districts and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, $72.08 per month beginning September 1, 2021, and $80.04 beginning September 1, 2022;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, $72.08 each month beginning September 1, 2021, and $80.04 beginning September 1, 2022, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. **Sec. 944. COMPENSATION—NONREPRESENTED EMPLOYEES—FOREGONE GENERAL WAGE INCREASES**

Appropriations in this act for state agencies, including institutions of higher education, are sufficient to provide a three percent or two percent general wage increase, effective July 1, 2021, for employees that were scheduled to receive a general wage increase of either of those amounts on July 1, 2020, that was forgone due to COVID-19 emergency.

NEW SECTION. **Sec. 945. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—WFSE LANGUAGE ACCESS PROVIDERS**

An agreement has been reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an in-person interpreting rate increase of $0.12 per hour for each of fiscal year 2022 and fiscal year 2023. In addition, other terms of the agreement that are funded include a continuation of the social service mileage premium.

NEW SECTION. **Sec. 946. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 775 HOME CARE WORKERS**

An agreement has been reached between the governor and the service employees international union local 775 through an interest arbitration award under the provisions of chapter 74.39A RCW and 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for the arbitration award that includes increases to wages and benefits and certain improvements in the second year of the agreement. Wages are increased approximately 3 percent over the biennium. Health care contributions are increased 5 percent each year of the agreement. Beginning July 1, 2022, individual providers will receive credit on the wage scale for verifiable hours worked for a related home care agency and time and one-half pay for hours worked on two holidays (Independence Day and New Year's Eve).

NEW SECTION. **Sec. 947. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 925 CHILDCARE WORKERS**

An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an increase in the hourly rate of care provided by family, friends, and neighbor providers (FFNs) in fiscal year 2023 from $2.65 to $3.00. The agreement maintains the current subsidy rates for licensed providers for fiscal year 2022 and includes an agreement to bargain over possible adjustments to rates for fiscal year 2023. In addition, the agreement includes and funding is provided to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by 2 percent, bringing the rate to 15 percent above the base subsidy rate. Lastly, the agreement includes and funding is provided to increase the nonstandard hour care rate from $80.00 to $90.00 per child per month.

NEW SECTION. **Sec. 948. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—ADULT FAMILY HOME COUNCIL**

An agreement has been reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for a 3 percent increase to the wages and administrative component of the base daily rate adult family home providers receive for CARE classifications A through D beginning July 1, 2021, and a 3 percent increase in E classifications beginning July 1, 2022. The agreement also includes and funds are provided for a one-time, 3 percent increase to the health care and mandatory training components of the rates beginning July 1, 2021.

NEW SECTION. **Sec. 949. COMPENSATION—REVISE PENSION CONTRIBUTION RATES**

The appropriations in this act for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

NEW SECTION. **Sec. 950. JUNETEENTH HOLIDAY**

Specific funding is provided in agency budgets for the cost to agencies of additional staff necessary to provide coverage in positions that require continual presence, as a result of implementing House Bill No. 1016 (making Juneteenth a legal holiday).

NEW SECTION. **Sec. 951.** (1) In preparation for the salary review and rebase required in RCW 28A.150.412, the office of the superintendent of public instruction shall convene a K-12 basic education compensation advisory committee to develop recommendations to the governor and the legislature that supports recruiting and retaining a multicultural and multilingual educator workforce, including but not limited to:

(a) Compensation updates to K-12 basic education salaries based on a comparable wage data analysis;

(b) Updates to regionalization data, including consideration of a hedonic wage model and other improvements to better reflect regional differences, address differences in recruiting and retention, incorporate data from neighboring communities in other states where appropriate, and mitigate boundary effects of regionalization policies;

(c) Adjustments to inflationary factors used in state budgeting if the inflation documented through the comparable wage analysis is significantly different than the inflation that had been funded in state budgets since the last comparable wage analysis;

(d) Analysis of workforce needs, including identification of hard to recruit/retain positions and strategies to address those workforce needs;

(e) Compensation adjustments to promote equity considerations, which could include additional compensation to attract and retain educators in school districts with fewer resources from combined state and local dollars per student, adjustments to institutional education compensation, and additional compensation tied to complex need factors of schools; and

(f) Additional compensation targeted to recruit and retain a more diverse workforce and to recognize the additional work of educators who serve on multiple committees and assume mentoring responsibilities to support new educators and students.

(2) The advisory committee shall consist of:

(a) The superintendent of public instruction, or their designee to serve as chair of the committee;

(b) Twelve members, comprised of representatives from organizations that represent the following groups, appointed by the superintendent of public instruction as follows:

(i) One representing school administrators;

(ii) One representing school business officials;

(iii) One representing school district human resources

professionals;

(iv) Three representing teachers and educational staff associates;

(v) Three representing classified staff;

(vi) One representing parents;

(vii) One representing students; and

(viii) A representative of federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state, designated by the federally recognized tribes.

(c) To appoint representatives in (b) of this subsection the office of the superintendent of public instruction must:

(i) Consult with the state ethnic commissions, who represent African American, Hispanic American, Asian American, and Pacific Islander American populations to include representation of each population in the advisory committee; and

(ii) Include geographic diversity so that at least one district each from the eastern, western, and southern portions of the state are represented in the membership.

(3) The department of revenue, employment security department, and education research and data centers shall make available relevant data and analysis to the superintendent of public instruction in support of the salary rebase and review. The employment security department shall make available information necessary to determine the comparable occupations and wages for each K-12 job category in RCW 28A.150.260.

(4) The advisory committee shall report its recommendations for salary rebase and compensation adjustments to the superintendent of public instruction. The superintendent shall make official recommendations to the governor and the fiscal committees of the legislature by September 30, 2022.

NEW SECTION. **Sec. 952.** (1) During the 2021-2023 fiscal biennium, the health care authority and the departments of commerce, corrections, and children, youth, and families must revise their agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed.

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following: A seniority system, a merit system, a system that measures earnings by quantity or quality of production, a bona fide job-related factor or factors, or a bona fide regional difference in compensation levels.

(c) A bona fide job-related factor or factors may include, but is not limited to, education, training, or experience, that is: Consistent with business necessity, not based on or derived from a gender-based differential, and accounts for the entire differential.

(d) A bona fide regional difference in compensation level must be: Consistent with business necessity, not based on or derived from a gender-based differential, and account for the entire differential.

(2) The provision must allow for the termination of the contract if the agency or the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(3) Agencies must implement this provision with any new contract and at the time of renewal of any existing contract.

(4) The department of enterprise services must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, in accordance with this section. Any cost incurred by the department of enterprise services to implement this section must be recouped from the fees charged to master contract vendors.

NEW SECTION. **Sec. 953.** (1) The office of financial management shall conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records. The office of financial management may contract with an independent expert to assist with the feasibility study. The study must consider and make recommendations regarding, but not limited to, the following:

(a) Requiring the Washington state patrol to conduct state and national criminal background checks to determine individuals who may be eligible for the vacation of a criminal record, either under:

(i) Current eligibility requirements; or

(ii) Under other streamlined requirements that could consider, for example, eligibility to vacate only a certain category of offenses with reduced requirements, including but not limited to such as having no other convictions in the Washington state patrol's criminal history database for a certain number of years;

(b) Creating a database and online portal system that would assess eligibility and subsequently notify respective persons eligible for a vacation of a criminal record;

(c) Developing the online portal system that, upon such person's consent, prepopulates the petition and forwards the petition to the respective sentencing court and local public defender's office in the local jurisdiction of that court;

(d) Determining the appropriate state entity to operate and have oversight of the database and online portal system for streamlining the vacation of criminal conviction records;

(e) Consulting with the administrative office of the courts, county clerks and court administrators, judges, prosecuting attorneys, defense attorneys, the department of corrections, and county and city departments to make additional recommendations as deemed appropriate and necessary for implementation of the database and online portal system;

(f) Determining what information technology and support would be needed to be developed and maintained to administer a streamlining process most effectively and efficiently for the vacation of criminal conviction records in Washington; and

(g) The approximate cost to establish a system for streamlining the vacation of criminal conviction records with an online portal in Washington, and the approximate annual cost to operate such a system.

(2) The office of financial management shall submit a preliminary report of findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2022, and a final report by June 30, 2023.

(3) This section expires July 1, 2023.

NEW SECTION. **Sec. 954.** The office of financial management must apply for waivers pursuant to section 2004 of the American rescue plan act of 2021, P.L. 117-2 and section 317, the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. In the request for the waiver, the office shall, among other things, note the increase in state appropriations in K-12 and higher education programs for fiscal years 2022 and 2023 compared to the combined average of appropriations for 2017, 2018, and 2019 for these programs, demonstrating a growth in state spending in K-12 and higher education in the relevant period. The office of financial management must coordinate with the office of the superintendent of public instruction and legislative fiscal staff from the house of representatives office of program research and senate committee services on the data, quantification, and report required to seek a waiver to the state's maintenance of effort requirement. The office of the superintendent of public instruction may not submit maintenance of

effort data, supporting materials, reports, or a waiver to the United States department of education without the review and approval of the office of financial management.

NEW SECTION. **Sec. 955.** The Washington state missing and murdered indigenous women and people task force is established.

(1) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint the following:

(i) Four tribal chairs, councils, or designees from a Washington federally recognized Indian tribe appointed and recommended by the Washington association of tribes;

(ii) Two members, each representing an urban Indian organization with an interest in gender-based violence;

(iii) Two members, each representing a tribal epidemiology center serving tribal or urban American Indian or Alaska native communities in Washington state;

(iv) One member representing the American Indian health commission;

(v) Two indigenous women or family members of indigenous women that have experienced gender-based violence;

(vi) One member representing the governor's office of Indian affairs;

(vii) The chief of the Washington state patrol or his or her representative;

(viii) One member representing the Washington state office of the attorney general;

(ix) One member representing the Washington association of sheriffs and police chiefs;

(x) One member representing the Washington state association of counties;

(xi) One member representing the association of Washington cities;

(xii) One member representing the Washington association of prosecuting attorneys; and

(xiii) One representative of the Washington association of criminal defense lawyers.

(d) Where feasible, the task force may invite and consult with:

(i) An agent representing the federal bureau of investigation;

(ii) An agent representing the office of the United States attorneys; and

(iii) Any experts or professionals involved and having expertise in the topic of missing and murdered indigenous women and people.

(2) The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member.

(3) The legislative members shall convene the initial meeting of the task force no later than December 31, 2021, and thereafter convene:

(a) A minimum of two subsequent meetings; and

(b) One annual summit with the state agencies involved with the task force under subsection (1) of this section, including Washington tribes, and tribal and urban Indian organizations. The summit must be jointly coordinated with the Washington association of tribes, the governor's office of Indian affairs, and the centennial accord.

(4) The task force shall review the laws and policies relating to missing and murdered American Indian and Alaska native people. The task force shall review current policies and develop recommendations for the purpose of:

(a) Assessing systemic causes behind gender-based violence including patterns and underlying historical, social, and economic, institutional, and cultural factors which may contribute to disproportionately high levels of gender-based violence that occur against American Indian and Alaska native people;

(b) Assessing data tracking and reporting practices relating to gender-based violence against American Indian

and Alaska native people in Washington state;

(c) Making recommendations and best practices for improving: (i) The collection and reporting of data by tribal, local, and state law enforcement agencies, and the extent feasible federal law enforcement agencies, to more effectively understand and address issues of gender-based violence facing American Indian and Alaska native people; and (ii) jurisdictional and data sharing issues on tribal reservation land and urban areas that impact gender-based violence against American Indian and Alaska native people;

(d) Reviewing prosecutorial trends and practices relating to crimes of gender-based violence against American Indian and Alaska native people in Washington state;

(e) Identifying barriers to providing more state resources in tracking gender-based violence against American Indian and Alaska native people and reducing the incidences of gender-based violence;

(f) Assessing and identifying state resources to support programs and services for survivors, families of survivors, and tribal and urban Indian service providers working with American Indian and Alaska native people that have experienced gender-based violence; and

(g) Identifying and making recommendations for increasing state resources for trainings on culturally attuned best practices for working with American Indian and Alaska native communities for tribal, local, and state law enforcement personnel in Washington state.

(5) The task force, with the assistance of the Washington state office of the attorney general, must consult with Washington tribes and engage with urban Indian organizations to submit a preliminary report including any initial findings, recommendations and progress updates to the governor and the appropriate committees of the legislature by August 1, 2022, and a final report by June 1, 2023.

(6)(a) The office of the attorney general must administer and provide staff support to the task force, organize the summit, and oversee the development of the two task force reports. The office of the attorney general may contract for the summit.

(b) The Washington state office of the attorney general may contract with the Seattle Indian health board, the American Indian health commission, or a similar organization for consulting and facilitation services. The Washington state office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis, research, recommendations, and other services to the task force for the purposes provided in subsection (4) of this section.

(c) The Washington state office of the attorney general may share and exchange information received or created on behalf of the task force with other states, tribes, urban Indian organizations, and other national groups working on missing and murdered indigenous women and people issues.

(d) On issues not defined in this section, the task force shall consult with the Washington state office of the attorney general for further interpretation.

(7) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members whose participation in the task force may be hampered by financial hardship may apply for a stipend in an amount not to exceed $100 for each day during which the member attends an official meeting of the task force or performs prescribed duties approved by the attorney general's office. A person shall not receive compensation for a day of service under this section if the person:

(a) Occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and

(b) Receives any compensation from such government for working that day. The attorney general's office, by staffing the task force, is authorized to assess

eligibility for the stipend as limited by available financial resources.

NEW SECTION. **Sec. 956.** A new section is added to chapter 43.79 RCW to read as follows:

(1) There is hereby created a joint select committee to be known as the joint legislative unanticipated revenue oversight committee with the following sixteen members:

(a) The majority and minority leaders of the senate;

(b) The speaker and the minority leader of the house of representatives;

(c) Six additional members of the senate with three members from each of the two largest caucuses of the senate appointed by their respective leaders; and

(d) Six additional members of the house of representatives with three members from each of the two largest caucuses of the house of representatives appointed by their respective leaders.

(2) The cochairs of the committee are the leaders of the two largest caucuses of the senate in even-numbered years and the leaders of the two largest caucuses of the house of representatives in odd-numbered years.

(3) Staff support for the committee is provided by the senate committee services and the house of representatives office of program research.

(4) Members of the committee serve without additional compensation, but must be reimbursed for travel expenses in accordance with RCW 44.04.120. The expenses of the committee are paid jointly by the senate and the house of representatives and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(5) The purpose of the committee is to review requests for proposed allotment amendments to spend unanticipated and unbudgeted moneys from federal and nonstate sources pursuant to RCW 43.79.270(3). The committee is necessary to provide oversight of the legislature's delegation of state fiscal authority to the governor while the legislature is not in session and to prevent infringement on the legislature's constitutional power to appropriate state funds.

(6) The committee shall meet as necessary to review requests from the governor pursuant to RCW 43.79.270(3) and to provide comment within 14 calendar days. The committee may conduct its meetings and hold public hearings by conference telephone call, videoconference, or using similar technology equipment so that all persons participating in the meeting can hear each other at the same time. The committee shall adopt rules and procedures for its orderly operation. The activities of the committee are suspended during regular or special legislative sessions.

(7) If the committee chooses to conduct a public hearing on a proposed allotment amendment, the committee must provide the office of financial management with five calendar days notice of the public hearing. The office of financial management, or its designee, must appear before the committee to present the proposed allotment amendment and respond to questions. The committee may also require the state agency, department, board, or commission proposing the allotment amendment to appear before the committee, submit additional information, or engage in other activities necessary for the committee to review and comment on proposed allotment amendments.

(8) Action of the committee is limited to the review and comment on requests submitted by the governor under RCW 43.79.270(3). Action by the committee requires the majority vote of members of the committee in attendance at the meeting. Action may take the form of a recommendation approving the proposed allotment amendment, rejecting the proposed allotment amendment, or proposing an alternative allotment amendment for governor consideration prior to approval under RCW 43.79.280. The committee's action is not binding on the governor.

NEW SECTION. **Sec. 957.** A new section is added to chapter 70.48 RCW to read as follows:

(1) A joint legislative task force on jail standards is established, with members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint 13 members representing the interests of: Prosecutors, defense attorneys, law enforcement, counties, cities, jail administrators, superior courts, district and municipal courts, a state designated protection and advocacy agency, medical and mental health service providers, a statewide civil legal aid organization, persons with lived experience, and other entities involved with or interested in the operation of local jails.

(2) The legislative membership shall convene the initial meeting of the task force. The task force shall choose its chair from among its legislative membership.

(3) Staff support for the task force must be provided by the office of the attorney general.

(4)(a) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Except as provided in (b) of this subsection, nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(b) Nonlegislative members of the task force who demonstrate financial hardship must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as other expenses as needed for each day a nonlegislative task force member attends a task force meeting to provide consultative assistance.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(6) The task force shall review the following issues:

(a) The adequacy of standards adopted and used by jails including, but not limited to, standards for conditions and operations, inspections, enforcement, and oversight;

(b) Current data on jails in the state including, but not limited to, square footage of living space per individual, jail capacity, average daily population over the previous five years, medical and dental services, mental health services, treatment programming options, accreditation status, use of force incidents over the previous five years, and in-custody deaths and the causes of those deaths;

(c) How the jails in the state compare to jail standards and practices in other states regarding safety and physical conditions; health and welfare; access to medical, mental health, dental care, and substance use disorder treatment; food quality and quantity; use of force; use of solitary confinement; and recreational activities and programming;

(d) The revenue sources and funding mechanisms used by other states to pay for local jails and the kinds of services that are provided to inmates in jails in other states, including identifying the entity that is responsible for financing those services;

(e) Inmate's access to jail telecommunication, electronic media, and commissary services, including the rates and fees charged by the jail for these services that are often borne by families of incarcerated individuals; and

(f) Other issues the task force deems relevant to the conditions of jails.

(7) The task force shall make recommendations regarding:

(a) Statewide minimum jail standards, oversight, or other policy changes to ensure jail conditions meet state and federal constitutional and statutory standards and include adequate safety and welfare safeguards for incarcerated persons and staff; and

(b) Restoration of a statewide authority to set mandatory minimum jail standards and conduct inspections of jails for compliance and enforcement of those standards.

(8) The task force shall consult with organizations and entities with interest or experience in jail standards and operations including, but not limited to,

treatment providers, victims' advocates, inmate advocates, organizations representing jail employees and officers, and other community organizations.

(9) The Washington association of sheriffs and police chiefs and representatives from county, city, and regional jails must provide any data or information that is requested by the task force to perform its duties under this section.

(10) The task force shall report findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2023.

NEW SECTION. **Sec. 958.** A new section is added to chapter 43.79 RCW to read as follows:

The forest resiliency account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account are dedicated to activities that include but are not limited to forest health, carbon sequestration, and any other activity that helps protect the forests of Washington.

Sec. 959. RCW 10.99.800 and 2019 c 263 s 803 are each amended to read as follows:

(1) The Washington domestic violence risk assessment work group is established to study how and when risk assessment can best be used to improve the response to domestic violence offenders and victims and find effective strategies to reduce domestic violence homicides, serious injuries, and recidivism that are a result of domestic violence incidents in Washington state.

(2)(a) The Washington state gender and justice commission, in collaboration with the Washington state coalition against domestic violence and the Washington State University criminal justice program, shall coordinate the work group and provide staff support.

(b) The work group must include a representative from each of the following organizations:

(i) The Washington state gender and justice commission;

(ii) The department of corrections;

(iii) The department of social and health services;

(iv) The Washington association of sheriffs and police chiefs;

(v) The superior court judges' association;

(vi) The district and municipal court judges' association;

(vii) The Washington state association of counties;

(viii) The Washington association of prosecuting attorneys;

(ix) The Washington defender association;

(x) The Washington association of criminal defense lawyers;

(xi) The Washington state association of cities;

(xii) The Washington state coalition against domestic violence;

(xiii) The Washington state office of civil legal aid; and

(xiv) The family law section of the Washington state bar association.

(c) The work group must additionally include representation from:

(i) Treatment providers;

(ii) City law enforcement;

(iii) County law enforcement;

(iv) Court administrators; and

(v) Domestic violence victims or family members of a victim.

(3)(a) For its initial report in 2018, the work group shall research, review, and make recommendations on the following:

(i) How to best develop and use risk assessment in domestic violence response utilizing available research and Washington state data;

(ii) Providing effective strategies for incorporating risk assessment in domestic violence response to reduce deaths, serious injuries, and recidivism due to domestic violence;

(iii) Promoting access to domestic violence risk assessment for advocates, police, prosecutors, corrections, and

courts to improve domestic violence response;

(iv) Whether or how risk assessment could be used as an alternative to mandatory arrest in domestic violence;

(v) Whether or how risk assessment could be used in bail determinations in domestic violence cases, and in civil protection order hearings;

(vi) Whether or how offender risk, needs, and responsivity could be used in determining eligibility for diversion, sentencing alternatives, and treatment options;

(vii) Whether or how victim risk, needs, and responsivity could be used in improving domestic violence response;

(viii) Whether or how risk assessment can improve prosecution and encourage prosecutors to aggressively enforce domestic violence laws; and

(ix) Encouraging private sector collaboration.

(b) The work group shall compile its findings and recommendations into an initial report and provide its report to the appropriate committees of the legislature and governor by June 30, 2018.

(4)(a) For its report in 2019, the work group shall:

(i) Research, review, and make recommendations on whether laws mandating arrest in cases of domestic violence should be amended and whether alternative arrest statutes should incorporate domestic violence risk assessment in domestic violence response to improve the response to domestic violence, and what training for law enforcement would be needed to implement an alternative to mandatory arrest;

(ii) Research, review, and make recommendations on how prior recommendations of the work group should be implemented in order to promote effective strategies to reduce domestic violence in Washington state;

(iii) Monitor, evaluate, and provide recommendations on the development and use of the risk assessment tool under RCW 9.94A.502; and

(iv) Provide recommendations on other items deemed appropriate by the work group.

(b) The work group shall compile its findings and recommendations into a final report and provide its report to the appropriate committees of the legislature and governor by June 30, 2020.

(5) The work group must operate within existing funds.

(6) The Washington state institute for public policy shall publish a systematic review of the research literature on mandatory arrest in domestic violence cases. If possible, the study shall report the effects of mandatory arrest on domestic violence recidivism, general recidivism, domestic violence reporting, rates of domestic violence treatment, intimate partner homicide, or other reported outcomes. If possible, the study shall also report the research on alternatives to mandatory arrest.

(7) This section expires June 30, ((~~2021~~)) 2022.

Sec. 960. RCW 16.76.030 and 2017 c 257 s 4 are each amended to read as follows:

(1) The northeast Washington wolf-livestock management account is created as a nonappropriated account in the custody of the state treasurer. All receipts, any legislative appropriations, private donations, or any other private or public source directed to the northeast Washington wolf-livestock management grant must be deposited into the account. Expenditures from the account may be used only for the deployment of nonlethal wolf deterrence resources as described in RCW 16.76.020. Only the director may authorize expenditures from the account in consultation with the advisory board created in RCW 16.76.020. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Interest earned by deposits in the account must be retained in the account.

(2) The advisory board created in RCW 16.76.020 may solicit and receive gifts and grants from public and private sources for the purposes of RCW 16.76.020.

(3) During the 2021-2023 fiscal biennium, expenditures from the account may be used for wolf-livestock management as well as for grants to the sheriffs' offices of Stevens and Ferry counties for providing a local wildlife specialist to

aid the department of fish and wildlife in the management of wolves.

Sec. 961. RCW 28B.20.476 and 2019 c 415 s 953 are each amended to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by RCW 28B.20.475. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2017-2019 ((~~and~~)), 2019-2021, and 2021-2023 fiscal biennia, amounts available in the geoduck aquaculture research account may also be appropriated for the sea grant program at the University of Washington to conduct research examining the possible negative and positive effects of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems((~~, and to protect against the impacts of invasive European green crab~~)). It is the intent of the legislature that this policy be continued in future biennia.

Sec. 962. RCW 28B.115.070 and 2019 c 415 s 954, 2019 c 406 s 72, and 2019 c 302 s 6 are each reenacted and amended to read as follows:

(1) After June 1, 1992, the department, in consultation with the office and the department of social and health services, shall:

((~~(1)~~)) (a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

((~~(2)~~)) (b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

((~~(3)~~)) (c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) For the 2017-2019, ((~~and~~)) 2019-2021, and 2021-2023 fiscal biennia, consideration for eligibility shall also be given to registered nursing students who have been accepted into an eligible nursing education program and have declared an intention to teach nursing upon completion of the nursing education program.

(3) For the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, eligibility for loan repayment shall also be given to chiropractors.

(4) During the 2019-2021 and 2021-2023 fiscal biennia, the department must consider pediatric and juvenile rheumatologists for eligibility for loan repayment.

Sec. 963. RCW 38.52.105 and 2020 c 7 s 6 are each amended to read as follows:

The disaster response account is created in the state treasury. Moneys may be placed in the account from legislative appropriations and transfers, federal appropriations, or any other lawful source. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for support of state agency and local government disaster response and recovery efforts, including response by state and local government and federally recognized tribes to the novel coronavirus pursuant to the gubernatorial declaration of emergency of February 29, 2020, and to reimburse the workers' compensation funds and self-insured employers under RCW 51.16.220. During the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia,

expenditures from the disaster response account may be used for military department operations and to support wildland fire suppression preparedness, prevention, and restoration activities by state agencies and local governments. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may direct the treasurer to make transfers of moneys in the disaster response account to the state general fund. It is the intent of the legislature that these policies will be continued in subsequent fiscal biennia.

Sec. 964. RCW 41.06.280 and 2019 c 415 s 957 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.500 and 41.06.530. All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.

(2) The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly basis to the state treasurer and deposited in the personnel service fund.

(3) Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.

(4) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the office of financial management may use the personnel service fund to administer an employee transit pass program. The office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

(5) During the 2019-2021 fiscal biennium, the office of financial management may use the personnel service fund to administer an employee flexible spending arrangement. The office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

Sec. 965. RCW 41.26.450 and 2019 c 415 s 958 are each amended to read as follows:

(1) Port districts established under Title 53 RCW and institutions of higher education as defined in RCW 28B.10.016 shall contribute both the employer and state shares of the cost of the retirement system for any of their employees who are law enforcement officers.

(2) Institutions of higher education shall contribute both the employer and the state shares of the cost of the retirement system for any of their employees who are firefighters.

(3) During fiscal years 2018 and 2019 and during the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia:

When an employer charges a fee or recovers costs for work performed by a plan member where:

(a) The member receives compensation that is includable as basic salary under RCW 41.26.030(4)(b); and

(b) The service is provided, whether directly or indirectly, to an entity that

is not an "employer" under RCW 41.26.030(14)(b);

the employer shall contribute both the employer and state shares of the cost of the retirement system contributions for that compensation. Nothing in this subsection prevents an employer from recovering the cost of the contribution from the entity receiving services from the member.

Sec. 966. RCW 41.45.230 and 2019 c 415 s 959 are each amended to read as follows:

The pension funding stabilization account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for payment of state government employer contributions for members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system, and during the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia for the judicial retirement system. The account may not be used to pay for any new benefit or for any benefit increase that takes effect after July 1, 2005. An increase that is provided in accordance with a formula that is in existence on July 1, 2005, is not considered a benefit increase for this purpose. Moneys in the account shall be for the exclusive use of the specified retirement systems and may be invested by the state treasurer pursuant to RCW 43.84.080. For purposes of RCW 43.135.034, expenditures from the pension funding stabilization account shall not be considered a state program cost shift from the state general fund to another account.

Sec. 967. RCW 41.60.050 and 2019 c 415 s 960 are each amended to read as follows:

The legislature shall appropriate from the personnel service fund for the payment of administrative costs of the productivity board. However, during the 2015-2017, 2017-2019, ((~~and~~)) 2019-2021, and 2021-2023 fiscal biennia, the operations of the productivity board shall be suspended.

Sec. 968. RCW 41.80.010 and 2020 c 77 s 4 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a)(i) Except as otherwise provided, if an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents.

(ii) For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. Exclusive bargaining representatives that represent employees covered under chapter 41.06 RCW and exclusive bargaining representatives that represent employees exempt under chapter 41.06 RCW shall constitute separate coalitions and must negotiate separate master collective bargaining agreements. This subsection does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in

a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(d) For assistant attorneys general, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(6) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(7)(a) For the 2019-2021 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated by a higher education institution and the Washington federation of state employees and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) Subsection (3)(a) and (b) of this section do not apply to requests for funding made pursuant to this subsection.

(8)(a) For the 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated by the governor or governor's designee and the Washington public employees association community college coalition and the general government agencies and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) For the 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated between Highline Community College and the Washington public employees association and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(c) Subsection (3)(a) and (b) of this section does not apply to requests for funding made pursuant to this subsection.

Sec. 969. RCW 43.08.190 and 2019 c 415 s 962 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040(4)(c). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate for all funds and accounts; except that the state treasurer may negotiate a different allocation rate with any state agency that has independent authority over funds not statutorily required to be held in the state treasury or in the custody of the state treasurer. In no event shall the rate be less than the actual costs incurred by the state treasurer's office. If no rate is separately negotiated, the default rate for any funds held shall be the rate set for funds held pursuant to statute.

((~~During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.~~)) During the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of money in the state treasurer's service fund to the state general fund. It is the intent of the legislature that this policy will be continued in subsequent biennia.

Sec. 970. RCW 43.09.475 and 2019 c 415 s 963 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia, the performance audits of government account may be appropriated for the joint legislative audit and review committee, the legislative evaluation and accountability program committee, the office of financial management, the superintendent of public instruction, the department of fish and wildlife, and audits of school districts. In addition, during the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia the account may be used to fund the office of financial management's contract for the compliance audit of the state auditor and audit activities at the department of revenue.

Sec. 971. RCW 43.79.195 and 2020 c 2 s 2 are each amended to read as follows:

(1) The workforce education investment account is created in the state treasury. All revenues from the workforce investment surcharge created in RCW 82.04.299 and those revenues as specified under RCW 82.04.290(2)(c) must be deposited directly into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for higher education programs, higher education operations, higher education compensation, and state-funded student aid programs. For the 2019-2021 ((~~biennium~~)) and 2021-2023 fiscal biennia, expenditures from the account may be used for kindergarten through twelfth grade if used for career connected learning as provided for in chapter 406, Laws of 2019.

(2) Expenditures from the workforce education investment account must be used to supplement, not supplant, other federal, state, and local funding for higher education.

Sec. 972. RCW 43.79.270 and 2005 c 319 s 105 are each amended to read as follows:

(1) ((~~Whenever~~)) Except as provided in subsection (3) of this section, whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor.

(2) ((~~Notwithstanding~~)) Except as provided in subsection (3) of this section, and notwithstanding subsection (1) of this section, whenever money from any source that was not anticipated in the transportation budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of a department, agency, board, or commission through which the expenditure must be made shall submit to the governor a statement, which may be in the form of a request for an allotment amendment, setting forth the facts constituting the need for the expenditure and the estimated amount to be expended. However, no expenditure may be made in excess of the actual amount received, and no money may be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated transportation fund or account in excess of appropriations provided by law that is based on the receipt of unanticipated revenues must be submitted, at a minimum, to the standing committees on transportation of the house and senate at the same time as it is transmitted to the governor.

(3) During the 2021-2023 fiscal biennium, whenever any money in the amount of $5,000,000 or more, from the federal government, or from other sources, which was not anticipated in the operating, capital, or transportation budget approved by the legislature has been awarded or has actually been received when the legislature is not in session and the use of the money is unrestricted or provides discretion to use the moneys for more than one agency, program, or purpose, the governor must:

(a) Submit a copy of the proposed allotment amendment to the joint legislative unanticipated revenue oversight committee;

(b) Provide an explanation of the timing, source, and availability of such funds and why the need for the expenditure could not have been anticipated in time for such expenditure to have been approved as part of a budget act for that particular fiscal year; and

(c) Provide the joint legislative unanticipated revenue oversight committee 14 calendar days from submittal the opportunity to review and comment on the proposed allotment amendment before approving under RCW 43.79.280.

Sec. 973. RCW 43.79.280 and 2009 c 549 s 5150 are each amended to read as follows:

(1) ((~~If~~)) Except as provided in subsection (3) of this section, if the governor approves such estimate in whole or part, he or she shall endorse on each copy of the statement his or her approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the joint legislative audit and review committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law.

(2) If the governor approves an estimate with transportation funding implications, in whole or part, he or she shall endorse on each copy of the

statement his or her approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval of a proposal to expend transportation money in excess of appropriations provided by law and a statement of the amount approved for expenditure must be transmitted simultaneously to the standing committees on transportation of the house and senate.

(3) During the 2021-2023 fiscal biennium, before the governor may approve a proposed allotment amendment impacting the operating, capital, or transportation budget as provided in RCW 43.79.270(3), the governor must provide the joint legislative unanticipated revenue oversight committee 14 calendar days from submittal to review and comment on the proposal. If the governor approves a proposed allotment amendment that the committee rejected or is not modified to reflect the committee's alternative allotment amendment, the governor must submit a written explanation of the reasoning of such action to the joint legislative unanticipated revenue oversight committee within five days of approval. To change the amount, use, or purpose of an approved allotment amendment under this subsection, the head of any department, agency, board, or commission must request the change using the process provided in RCW 43.79.270(3). For all other changes, if the governor approves the change, a copy of the statement of approval must be sent to the joint legislative unanticipated revenue oversight committee.

Sec. 974. RCW 43.88.585 and 2013 c 63 s 1 are each amended to read as follows:

(1) By January 1, 2014, the office of financial management shall compile, maintain, and periodically update an inventory of all fees imposed by state agencies and institutions of higher education pursuant to statute or administrative rule. At a minimum, the inventory shall identify the agency or institution collecting the fee, the purpose of the fee, the current amount of the fee, the amount of the fee over the previous five years, and the statutory authority for the fee. The office of financial management may aggregate or consolidate fee information when there is commonality among the fee payers or the purposes for which the fee is paid.

(2) To facilitate the fee inventory under this section, each state agency and institution of higher education shall report the information required under subsection (1) of this section to the office of financial management and shall update the information at least every two years.

(3) The fee inventory under this section shall be incorporated into the state expenditure information web site maintained by the legislative evaluation and accountability program committee under RCW 44.48.150.

(4) The office of financial management shall convene a work group consisting of representatives from the legislative evaluation and accountability program committee, the office of regulatory assistance, the department of licensing, the department of labor and industries, the department of transportation, and the department of health to develop a process to facilitate more frequent updates to the inventory and to recommend changes to increase public accessibility.

(5) For purposes of this section, "fee" means any charge, fixed by law or administrative rule, for the benefit of a service or to cover the cost of a regulatory program or the costs of administering a program for which the fee payer benefits. "Fee" does not include taxes; penalties or fines; intergovernmental charges; commercial charges; pension or health care contributions or rates; industrial, unemployment, or other state-operated insurance programs; or individualized cost recoveries.

(6) The requirements in this section are suspended during the 2019-2021 and 2021-2023 fiscal biennia.

Sec. 975. RCW 43.88C.010 and 2020 c 352 s 1 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select

such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(11) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(12) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

(13) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial

forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

Sec. 976. RCW 43.99N.060 and 2009 c 497 s 6026 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240((~~(5)~~)) (1)(d) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. Only the director of the recreation and conservation office or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the recreation and conservation office. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be

distributed in that year. In the 2009-2011 biennium, if there are not enough project applications submitted in a category within the account to meet the requirement of equal distribution of funds to each category, the director of the recreation and conservation office may distribute any remaining funds to other categories within the account. The director of the recreation and conservation office may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the youth athletic facility account to support a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. A portion of the appropriation must be used to inventory K-12 school fields and athletic facilities and park agency facilities.

Sec. 977. RCW 43.101.200 and 2019 c 415 s 969 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as otherwise provided in this chapter, the commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the 2017-2019 ((~~and~~)), 2019-2021, and 2021-2023 fiscal biennia when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

Sec. 978. RCW 43.101.220 and 2020 c 119 s 14 are each amended to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission. The standards adopted must provide for basic corrections training of at least ten weeks in length for any corrections officers subject to the certification requirement under RCW 43.101.096 who are hired on or after July 1, 2021, or on an earlier date set by the commission. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees, except during the 2017-2019 ((~~and~~)), 2019-2021, and 2021-2023 fiscal biennia, when the employing county, municipal corporation, or state agency shall reimburse the commission for twenty-five percent of the cost of training its personnel.

(3)(a) Subsections (1) and (2) of this section do not apply to the Washington state department of corrections prisons division. The Washington state department of corrections is responsible for identifying training standards, designing curricula and programs, and providing the training for those

corrections personnel employed by it. In doing so, the secretary of the department of corrections shall consult with staff development experts and correctional professionals both inside and outside of the agency, to include soliciting input from labor organizations.

(b) The commission and the department of corrections share the responsibility of developing and defining training standards and providing training for community corrections officers employed within the community corrections division of the department of corrections.

Sec. 979. RCW 43.155.050 and 2019 c 415 s 972 and 2019 c 413 s 7033 are each reenacted and amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Not more than twenty percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than ten percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the ((~~2017-2019 and~~)) 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. ((~~It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.~~)) If chapter 365, Laws of 2019 (Second Substitute Senate Bill No. 5511, broadband service) is enacted by June 30, 2019, then during the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the statewide broadband account. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the public works assistance account for activities related to the voluntary stewardship program, rural economic development, and the growth management act.

Sec. 980. RCW 43.185C.060 and 2020 c 357 s 915 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter.

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

(4) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, expenditures from the account may also be used for shelter capacity grants.

Sec. 981. RCW 43.185C.190 and 2011 1st sp.s. c 50 s 955 are each amended to read as follows:

The affordable housing for all account is created in the state treasury, subject to appropriation. The state's portion of the surcharges established in RCW 36.22.178 shall be deposited in the account. Expenditures from the account may only be used for affordable housing programs. ((~~During the 2011-2013 fiscal biennium, moneys in the account may be transferred to the home security fund.~~)) During the 2021-2023 fiscal biennium, expenditures from the account may be used for operations, maintenance, and services for permanent supportive housing as defined in RCW 36.70A.030. It is the intent of the legislature to continue this policy in future biennia.

Sec. 982. RCW 43.320.110 and 2019 c 415 s 973 are each amended to read as follows:

(1) There is created in the custody of the state treasurer a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except as provided in subsection (2) of this section.

(2) The division of securities shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115 and subsection (3) of this section, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department.

(3) The division of securities shall deposit one hundred percent of all moneys received that are attributable to increases in fees implemented by rule pursuant to RCW 21.20.340(15).

(4) Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(5) During the 2017-2019 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund. During the 2017-2019 and 2021-2023 fiscal ((~~biennium~~)) biennia, moneys from the financial services regulation fund may be appropriated for the family prosperity account program at the department of commerce and for the operations of the department of revenue.

(6)(a) Beginning in the 2020-2021 fiscal year, the state treasurer shall annually transfer from the fund to the student loan advocate account created in RCW 28B.77.008, the greater of one hundred seventy-five thousand dollars or twenty percent of the annual assessment derived from student education loan servicing.

(b) The department must provide information to the state treasurer regarding the amount of the annual assessment derived from student education loan servicing.

(7) The director's obligations or duties under chapter 62, Laws of 2018 are subject to section 21, chapter 62, Laws of 2018.

(8) During the 2019-2021 fiscal biennium, moneys in the financial services regulation fund may be appropriated for the operations of the department of revenue. It is the intent of the legislature to continue this policy in subsequent biennia.

(9) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the legislature may direct the state treasurer to make transfers of moneys in the financial services regulation ((~~account [fund]~~)) fund to the general fund.

Sec. 983. RCW 43.372.070 and 2019 c 415 s 975 are each amended to read as follows:

(1) The marine resources stewardship trust account is created in the state treasury. All receipts from income derived from the investment of amounts credited to the account, any grants, gifts, or donations to the state for the purposes of marine management planning, marine spatial planning, data compilation, research, or monitoring, and any appropriations made to the account must be deposited in the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may only be used for the purposes of marine

management planning, marine spatial planning, research, monitoring, and implementation of the marine management plan.

(3) Except as provided in subsection (5) of this section, until July 1, 2016, expenditures from the account may only be used for the purposes of:

(a) Conducting ecosystem assessment and mapping activities in marine waters consistent with RCW 43.372.040(6) (a) and (c), with a focus on assessment and mapping activities related to marine resource uses and developing potential economic opportunities;

(b) Developing a marine management plan for the state's coastal waters as that term is defined in RCW 43.143.020; and

(c) Coordination under the west coast governors' agreement on ocean health, entered into on September 18, 2006, and other regional planning efforts consistent with RCW 43.372.030.

(4) Expenditures from the account on projects and activities relating to the state's coastal waters, as defined in RCW 43.143.020, must be made, to the maximum extent possible, consistent with the recommendations of the Washington coastal marine advisory council as provided in RCW 43.143.060. If expenditures relating to coastal waters are made in a manner that differs substantially from the Washington coastal marine advisory council's recommendations, the responsible agency receiving the appropriation shall provide the council and appropriate committees of the legislature with a written explanation.

(5) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the legislature may direct the state treasurer to make transfers of moneys in the marine resources stewardship trust account to the aquatic lands enhancement account.

Sec. 984. RCW 43.380.020 and 2019 c 415 s 976 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington statewide reentry council is created and located within the department for the purpose of promoting successful reentry of offenders after incarceration.

(2) Through the executive director that may be appointed by the council, the department shall administer the council by:

(a) Providing the council and its executive director use of the department's facilities; and

(b) Managing grants and other funds received, used, and disbursed by the council.

(3) Except during the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the department may not designate additional full-time staff to the administration of the council beyond the executive director.

Sec. 985. RCW 46.09.520 and 2015 3rd sp.s. c 44 s 110 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer must refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.38 RCW, based on: (a) A tax rate of: (i) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (ii) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (iii) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (iv) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; (v) twenty-three cents per gallon of motor vehicle fuel from July 1, 2011, through July 31, 2015; (vi) thirty cents per gallon of motor vehicle fuel from August 1, 2015, through June 30, 2016; and (vii) thirty-four and nine-tenths cents per gallon of motor vehicle fuel from July 1, 2016, through June 30, 2031; and (b) beginning July 1, 2031, and thereafter, the state's motor vehicle fuel tax rate in existence at the time of the fuel purchase, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer must place these funds in the general fund as follows:

(a) Thirty-six percent must be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information

programs and maintenance of nonhighway roads;

(b) Three and one-half percent must be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent must be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent must be credited to the nonhighway and off-road vehicle activities program account to be administered by the board for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection must be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the board receives under RCW 46.68.045, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) are known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The board may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the board's project evaluation. Funds remaining after such a waiver must be allocated in accordance with board policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.68.045, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to the department of natural resources to install consistent off-road vehicle signage at department-managed recreation sites, and to implement the recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest, and to the state parks and recreation commission. The legislature finds that the appropriation of funds from the NOVA account during the 2009-2011 fiscal biennium for maintenance and operation of state parks or to improve accessibility for boaters and off-road vehicle users at state parks will benefit boaters and off-road vehicle users and others who use nonhighway and nonmotorized recreational facilities. The appropriations under this subsection are not required to follow the specific distribution specified in subsection (2) of this section.

(5) During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the NOVA account to the department of natural resources to support programs that benefit ORV, nonhighway road and nonmotorized recreational facilities.

Sec. 986. RCW 69.50.540 and 2020 c 357 s 916 and 2020 c 236 s 4 are each reenacted and amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as provided in this subsection:

(a) One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in

collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) One million three hundred twenty-three thousand dollars for fiscal year 2020 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

(iii) Two million four hundred fifty-three thousand dollars for fiscal year 2020 and two million ((~~seven hundred ninety-three~~)) four hundred twenty-three thousand dollars for fiscal ((~~year~~)) years 2021, 2022, and 2023 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020 ((~~and~~)), four hundred sixty-four thousand dollars for fiscal year 2021, two hundred seventy thousand dollars in fiscal year 2022, and two hundred seventy-six thousand dollars in fiscal year 2023 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for each of fiscal years 2020 ((~~and eight hundred eight thousand dollars for fiscal year 2021~~)) through 2023 to the department of health for the administration of the marijuana authorization database;

(h) Six hundred thirty-five thousand dollars for fiscal year 2020 ((~~and~~)), six hundred thirty-five thousand dollars for fiscal year 2021, six hundred twenty-one thousand dollars for fiscal year 2022, and six hundred twenty-seven thousand dollars for fiscal year 2023 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana;

(i) ((~~One million one hundred thousand dollars annually~~)) One million six hundred fifty thousand dollars for fiscal year 2022 and one million six hundred fifty thousand dollars for fiscal year 2023 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under RCW 43.330.540; and

(j) ((~~One million one hundred thousand dollars for fiscal year 2021 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses)~~)) One hundred sixty-three thousand dollars for fiscal year 2022 and one hundred fifty-nine thousand dollars for fiscal year 2023 to the department of commerce to establish a roster of mentors

as part of the cannabis social equity technical assistance grant program under Engrossed Substitute House Bill No. 1443 (cannabis industry/equity); and

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for the ((~~2017-2019 and~~)) 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the ((~~2019-2021~~)) 2023-2025 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and 2021, and twenty million dollars per fiscal year thereafter. ((~~It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than fifteen million dollars per fiscal year.~~))

Sec. 987. RCW 70A.200.140 and 2020 c 20 s 1076 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the waste reduction, recycling, and litter control account. Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Forty percent to the department of ecology, primarily for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for litter collection programs under RCW 70A.200.170. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide; to support employment of youth in litter cleanup as intended in RCW 70A.200.020, and for litter pick up using other authorized agencies; and for

statewide public awareness programs under RCW 70A.200.150(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, recycling, and composting so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b)(i) Twenty percent to the department for local government funding programs for waste reduction, litter control, recycling activities, and composting activities by cities and counties under RCW 70A.200.190, to be administered by the department of ecology; (ii) any unspent funds under (b)(i) of this subsection may be used to create and pay for a matching fund competitive grant program to be used by local governments for the development and implementation of contamination reduction and outreach plans for inclusion in comprehensive solid waste management plans or by local governments and nonprofit organizations for local or statewide education programs designed to help the public with litter control, waste reduction, recycling, and composting of primarily the products taxed under chapter 82.19 RCW. Recipients under this subsection include programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3). Grants must adhere to the following requirements: (A) No grant may exceed sixty thousand dollars; (B) grant recipients shall match the grant funding allocated by the department by an amount equal to twenty-five percent of eligible expenses. A local government's share of these costs may be met by cash or contributed services; (C) the obligation of the department to make grant payments is contingent upon the availability of the amount of money appropriated for this subsection (1)(b); and (D) grants are managed under the guidelines for existing grant programs; and

(c) Forty percent to the department of ecology to: (i) Implement activities under RCW 70A.200.150 for waste reduction, recycling, and composting efforts; (ii) provide technical assistance to local governments and commercial businesses to increase recycling markets and recycling and composting programs primarily for the products taxed under chapter 82.19 RCW designed to educate citizens about waste reduction, litter control, and recyclable and compostable products and programs; (iii) increase access to waste reduction, composting, and recycling programs, particularly for food packaging and plastic bags and appropriate composting techniques; and (iv) for programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3).

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70A.200.170 for the remainder of the funds, so that the most effective waste reduction, litter control, recycling, and composting programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) Funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, must be prioritized for the products identified under RCW 82.19.020 solely for the purposes of recycling, composting, and litter collection, reduction, and control programs.

(5) During the 2021-2023 fiscal biennium, Washington State University may use funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, to conduct an organic waste study.

Sec. 988. RCW 70A.305.180 and 2020 c 20 s 1319 are each amended to read as follows:

(1) The model toxics control operating account is hereby created in the state treasury.

(2) Moneys in the model toxics control operating account must be used only to carry out the purposes of this chapter, including but not limited to the following:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.300 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.205 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs and plans, including local solid waste financial assistance, in accordance with chapters 70A.405, 70A.205, 70A.214, 70A.224, and 70A.300 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70A.135 RCW;

(j) A public participation program;

(k) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70A.300.260;

(l) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(m) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(n) Air quality programs and actions for reducing public exposure to toxic air pollution; ((~~and~~))

(o) Petroleum-based plastic or expanded polystyrene foam debris clean-up activities in fresh or marine waters; and

(p) For the 2021-2023 fiscal biennium, and solely to continue the policy of previous biennia, forest practices at the department of natural resources.

(3) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in model toxics control operating account may be spent only after appropriation by statute.

(4) One percent of the moneys collected under RCW 82.21.030 must be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the model toxics control operating account.

(5) The department must adopt rules for grant or loan issuance and performance.

Sec. 989. RCW 71.24.580 and 2020 c 357 s 917 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug

court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. ((~~During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the state general fund.~~)) During the 2019-2021 and 2021-2023 fiscal biennia, funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the legislature may appropriate from the account for municipal drug courts and increased treatment options((~~, and~~)). During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the home security fund account created in RCW 43.185C.060. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a

county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should incorporate current evidence-based practices in substance use disorder treatment. The funds shall be used solely to provide approved alcohol and substance use disorder treatment pursuant to RCW 71.24.560 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) If a region or county uses criminal justice treatment account funds to support a therapeutic court, the therapeutic court must allow the use of all medications approved by the federal food and drug administration for the treatment of opioid use disorder as deemed medically appropriate for a participant by a medical professional. If appropriate medication-assisted treatment resources are not available or accessible within the jurisdiction, the health care authority's designee for assistance must assist the court with acquiring the resource.

(10) Counties must meet the criteria established in RCW 2.30.030(3).

(11) The authority shall annually review and monitor the expenditures made by any county or group of counties that receives appropriated funds distributed under this section. Counties shall repay any funds that are not spent in accordance with the requirements of its contract with the authority.

Sec. 990. RCW 74.13.715 and 2020 c 33 s 2 are each amended to read as follows:

(1) Beginning September 1, 2020, the department shall contract with an external organization or organizations with experience serving youth or families receiving out-of-home care services to implement and operate the family connections program, which facilitates interaction between a parent of a child found to be dependent pursuant to chapter 13.34 RCW and in out-of-home care and the individual with whom the child is placed.

(2) The external organization or organizations contracted to implement and operate the family connections program shall implement and operate the family connections program in one location west of the crest of the Cascade mountains, and one location east of the crest of the Cascade mountains.

(3) Families may be referred to the family connections program by a caseworker, an attorney, a guardian ad litem as defined in RCW 13.34.030, a parent ally, an office of public defense social worker, or the court.

(4) After receiving a referral, the family connections program shall determine whether an in-person meeting between a parent of a child found to be dependent pursuant to chapter 13.34 RCW and in out-of-home care and the individual with whom the child is placed is appropriate. If the family connections program determines that such a meeting is

appropriate, the family connections program shall then determine whether:

(a) The parent of a child found to be dependent pursuant to chapter 13.34 RCW and in out-of-home care and the individual with whom the child is placed are willing to participate in an in-person meeting; and

(b) Safety concerns exist such that an in-person meeting should not occur.

(5) If the family connections program determines that an in-person meeting should occur following the analysis required by subsection (4) of this section, the family connections program shall provide a referral to the family connections program team. The family connections program team shall include a parent ally and an experienced caregiver. After receiving a referral, the family connections program team shall:

(a) Ensure that the parent ally contact the parent to prepare for an in-person meeting between the parent and caregiver;

(b) Ensure that the experienced caregiver contact the caregiver to prepare for an in-person meeting between the parent and caregiver;

(c) Convene an in-person meeting between the parent and caregiver; and

(d) Provide ongoing support to the parent and caregiver following the in-person meeting.

(6) If the family connections program determines that an in-person meeting should not occur following the analysis required under subsection (4) of this section, the family connections program team shall facilitate the exchange of information between the parent and caregiver in an appropriate manner that does not include an in-person meeting. The format of this exchange of information may include written messages, phone calls, or videoconferencing. The family connections program shall routinely reevaluate whether an in-person meeting should occur using the analysis required under subsection (4) of this section.

(7) The department shall collect data and measure outcomes for families engaging in the family connections program. By September 1, 2021, and in compliance with RCW 43.01.036, the department shall submit a report to the relevant committees of the legislature that details:

(a) Data collected for the family connections program;

(b) Outcomes for families engaging in the family connections program; and

(c) The department's plan on how to expand the family connections program statewide.

(8) The definitions in this subsection apply throughout this section:

(a) "Experienced caregiver" means:

(i) An individual who is or has received a foster-family home license pursuant to chapter 74.15 RCW or an equivalent license from another state; or

(ii) An individual who cared for a child who was removed from his or her parent pursuant to chapter 13.34 RCW and who has a kin relationship to that child pursuant to RCW 74.13.600.

(b) "Parent ally" has the same meaning as provided in RCW 2.70.060.

(9) This section expires June 30, ((~~2022~~)) 2023.

Sec. 991. RCW 74.46.485 and 2017 c 286 s 1 are each amended to read as follows:

(1) The legislature recognizes that staff and resources needed to adequately care for individuals with cognitive or behavioral impairments is not limited to support for activities of daily living. Therefore, the department shall:

(a) Employ the resource utilization group IV case mix classification methodology. The department shall use the fifty-seven group index maximizing model for the resource utilization group IV grouper version MDS 3.05, but in the 2021-2023 biennium the department may revise or update the ((~~classification~~)) methodology used to establish case mix classifications to reflect advances or refinements in resident assessment or classification, ((~~subject to federal requirements~~)) as made available by the federal government. The department may adjust by no more than thirteen percent the case mix index for resource utilization group categories beginning with PA1 through PB2 to any case mix index that aids in achieving the purpose and intent of RCW 74.39A.007 and cost-efficient care, excluding

behaviors, and allowing for exceptions for limited placement options; and

(b) Implement minimum data set 3.0 under the authority of this section. The department must notify nursing home contractors twenty-eight days in advance the date of implementation of the minimum data set 3.0. In the notification, the department must identify for all semiannual rate settings following the date of minimum data set 3.0 implementation a previously established semiannual case mix adjustment established for the semiannual rate settings that will be used for semiannual case mix calculations in direct care until minimum data set 3.0 is fully implemented.

(2) The department is authorized to adjust upward the weights for resource utilization groups BA1-BB2 related to cognitive or behavioral health to ensure adequate access to appropriate levels of care.

(3) A default case mix group shall be established for cases in which the resident dies or is discharged for any purpose prior to completion of the resident's initial assessment. The default case mix group and case mix weight for these cases shall be designated by the department.

(4) A default case mix group may also be established for cases in which there is an untimely assessment for the resident. The default case mix group and case mix weight for these cases shall be designated by the department.

Sec. 992. RCW 74.46.501 and 2016 c 131 s 5 are each amended to read as follows:

(1) From individual case mix weights for the applicable quarter, the department shall determine two average case mix indexes for each medicaid nursing facility, one for all residents in the facility, known as the facility average case mix index, and one for medicaid residents, known as the medicaid average case mix index.

(2)(a) In calculating a facility's two average case mix indexes for each quarter, the department shall include all residents or medicaid residents, as applicable, who were physically in the facility during the quarter in question based on the resident assessment instrument completed by the facility and the requirements and limitations for the instrument's completion and transmission (January 1st through March 31st, April 1st through June 30th, July 1st through September 30th, or October 1st through December 31st).

(b) The facility average case mix index shall exclude all default cases as defined in this chapter. However, the medicaid average case mix index shall include all default cases.

(3) Both the facility average and the medicaid average case mix indexes shall be determined by multiplying the case mix weight of each resident, or each medicaid resident, as applicable, by the number of days, as defined in this section and as applicable, the resident was at each particular case mix classification or group, and then averaging.

(4) In determining the number of days a resident is classified into a particular case mix group, the department shall determine a start date for calculating case mix grouping periods as specified by rule.

(5) The cutoff date for the department to use resident assessment data, for the purposes of calculating both the facility average and the medicaid average case mix indexes, and for establishing and updating a facility's direct care component rate, shall be one month and one day after the end of the quarter for which the resident assessment data applies.

(6)(a) Although the facility average and the medicaid average case mix indexes shall both be calculated quarterly, the cost-rebasing period facility average case mix index will be used throughout the applicable cost-rebasing period in combination with cost report data as specified by RCW 74.46.561, to establish a facility's allowable cost per case mix unit. To allow for the transition to minimum data set 3.0 and implementation of resource utilization group IV for July 1, 2015, through June 30, 2016, the department shall calculate rates using the medicaid average case mix scores effective for January 1, 2015, rates adjusted under RCW 74.46.485(1)(a), and the scores shall be increased each six months during the transition period by one-half of one percent. The July 1, 2016, direct care cost per case mix unit shall be calculated by utilizing 2014 direct care costs, patient days, and 2014 facility average case mix indexes based on the minimum data set 3.0 resource

utilization group IV grouper 57. Otherwise, a facility's medicaid average case mix index shall be used to update a nursing facility's direct care component rate semiannually.

(b) ((~~The~~)) Except during the 2021-2023 fiscal biennium, the facility average case mix index used to establish each nursing facility's direct care component rate shall be based on an average of calendar quarters of the facility's average case mix indexes from the four calendar quarters occurring during the cost report period used to rebase the direct care component rate allocations as specified in RCW 74.46.561.

(c) ((~~The~~)) Except during the 2021-2023 fiscal biennium, the medicaid average case mix index used to update or recalibrate a nursing facility's direct care component rate semiannually shall be from the calendar six-month period commencing nine months prior to the effective date of the semiannual rate. For example, July 1, 2010, through December 31, 2010, direct care component rates shall utilize case mix averages from the October 1, 2009, through March 31, 2010, calendar quarters, and so forth.

(d) The department shall establish a methodology to use the case mix to set the direct care component in the 2021-2023 fiscal biennium.

Sec. 993. RCW 74.46.561 and 2020 c 357 s 918 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but for fiscal year 2023 shall be ((~~set~~)) capped so that a nursing home provider's direct care rate does not exceed one hundred ((~~eighteen~~)) thirty percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). The legislature intends to remove the cap on direct care rates by June 30, 2027. Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using countywide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated

building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMeans construction index value per square foot. The department may use updated RSMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the ((~~center[s]~~)) centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW

and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

Sec. 994. RCW 79.64.040 and 2019 c 415 s 984 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands and aquatic lands, except as provided in RCW 79.64.130, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys

received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the 2015-2017, 2017-2019, ((~~and~~)) 2019-2021, and 2021-2023 fiscal biennia, the board may increase the twenty-five percent limitation up to thirty-two percent.

Sec. 995. RCW 79.64.110 and 2019 c 415 s 985 and 2019 c 309 s 1 are each reenacted and amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, except as provided in RCW 79.22.060(4), must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2017-2019 ((~~and~~)), 2019-2021, and 2021-2023 fiscal biennia, the board may increase the twenty-five percent limitation up to twenty-seven percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment. However, in order to test county flexibility in distributing state forestland revenue, a county may in its discretion pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange between July 28, 2019, and June 30, 2020, for lands acquired through RCW 79.22.040, within the same county, in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various

other funds in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

Sec. 996. RCW 79.105.150 and 2019 c 415 s 986 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2017-2019 ((~~and~~)), 2019-2021, and 2021-2023 fiscal biennia, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 997. RCW 79A.25.210 and 2019 c 415 s 987 are each amended to read as follows:

The firearms range account is hereby created in the state general fund. Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. In making grants, the board shall give priority to projects for noise abatement or safety improvement. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All entities receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed pistol licenses or Washington hunting licenses or who are enrolled in a firearm safety class.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant except that in the case of a grant for noise abatement or safety improvements the match must represent one dollar in value for each two dollars of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state. The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

Entities receiving grants must make the facilities for which grant funding is received open for hunter safety education classes and firearm safety classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education classes and firearm safety classes.

The board shall adopt rules to implement chapter 195, Laws of 1990, pursuant to chapter 34.05 RCW. During the 2017-2019 and 2019-2021 fiscal biennia, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices). <u>During the 2021-2023 fiscal biennium, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses).</u>

Sec. 998. RCW 82.08.170 and 2020 c 357 s 919 are each amended to read as follows:

(1) Except as provided in subsections (4) and (5) of this section, during the months of January, April, July, and October of each year, the state treasurer must make the transfers required under subsections (2) and (3) of this section from the liquor excise tax fund and then the apportionment and distribution of all remaining moneys in the liquor excise tax fund to the counties, cities, and towns in the following proportions: (a) Twenty percent of the moneys in the liquor excise tax fund must be divided among and distributed to the counties of the state in accordance with the provisions of RCW 66.08.200; and (b) eighty percent of the moneys in the liquor excise tax fund must be divided among and distributed to the cities and towns of the state in accordance with the provisions of RCW 66.08.210.

(2) Each fiscal quarter and prior to making the twenty percent distribution to counties under subsection (1)(a) of this section, the treasurer shall transfer to the liquor revolving fund created in RCW 66.08.170 sufficient moneys to fund the allotments from any legislative appropriations for county research and services as provided under chapter 43.110 RCW.

(3) During the months of January, April, July, and October of each year, the state treasurer must transfer two million five hundred thousand dollars from the liquor excise tax fund to the state general fund.

(4) During calendar year 2012, the October distribution under subsection (1) of this section and the July and October transfers under subsections (2) and (3) of this section must not be made. During calendar year 2013, the January, April, and July distributions under subsection (1) of this section and transfers under subsections (2) and (3) of this section must not be made.

(5) During the 2015-2017 ((~~and~~)), 2019-2021, and 2021-2023 fiscal biennia, the liquor excise tax fund may be appropriated for the local government fiscal note program in the department of commerce. It is the intent of the legislature to continue this policy in the subsequent fiscal biennium.

Sec. 999. RCW 82.14.310 and 2019 c 415 s 988 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. Beginning in fiscal year 2000, the state treasurer must transfer into the county criminal justice assistance account from the general fund the sum of twenty-three million two hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year.

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsections (4) and (5) of this section, must be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

(a) A county's funding factor is the sum of:

(i) The population of the county, divided by one thousand, and multiplied by two-tenths;

(ii) The crime rate of the county, multiplied by three-tenths; and

(iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) Under this section and RCW 82.14.320 and 82.14.330:

(i) The population of the county or city is as last determined by the office of financial management;

(ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(iii) The annual number of criminal cases filed in the county superior court must be determined by the most recent annual report of the courts of Washington, as published by the administrative office of the courts;

(iv) Distributions and eligibility for distributions in the 1989-1991 biennium must be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions must be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section must be expended exclusively for criminal justice purposes and may not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil or juvenile justice system occurs, and which includes (a) domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and (b) during the 2001-2003 fiscal biennium, juvenile dispositional hearings relating to petitions for at-risk youth, truancy, and children in need of services. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events

not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(4) Not more than five percent of the funds deposited to the county criminal justice assistance account may be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements may not supplant existing funds from the state general fund.

(5) During the 2017-2019 fiscal biennium, the sum of one hundred fifty-three thousand dollars, and during the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the sum of five hundred ten thousand dollars, may be appropriated for the Washington state patrol to provide investigative assistance and report services to assist local law enforcement agencies to prosecute criminals. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

Sec. 1000. RCW 90.50A.090 and 2019 c 415 s 992 are each amended to read as follows:

(1) The water pollution control revolving administration account is created in the state treasury. All receipts from charges authorized in this section must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only in a manner consistent with this section.

(2) The department is authorized to assess administration charges as a portion of the debt service for loans issued under the water pollution control revolving fund created in RCW 90.50A.020. The sole purpose of assessing administration charges is to predictably and adequately fund the department's costs of administering the water pollution control revolving fund loan program, as identified in subsection (5) of this section. The department must assess administration charges on each water pollution control revolving fund loan at the point the loan enters repayment status, after July 28, 2013, and rule changes are adopted to implement the administration charge. Loans that are at an interest rate below the established administration charge rate are exempt from the administration charge.

(3) The water pollution control revolving administration account consists of:

(a) Any administration charge levied by the department in conjunction with administration of the water pollution control revolving fund; and

(b) Any other revenues derived from gifts, grants, or bequests pledged to the state for the purpose of administering the water pollution control revolving fund.

(4) The state treasurer may invest and reinvest moneys in the water pollution control revolving administration account in the manner provided by law. All earnings from such investment and reinvestment must be credited to the water pollution control revolving administration account.

(5) Moneys in the water pollution control revolving administration account are to be used for the following water pollution control revolving fund loan program costs:

(a) Administration costs associated with conducting application processes, managing contracts, collecting loan repayments, managing the revolving fund, providing technical assistance, and meeting state and federal reporting requirements; and

(b) Information and data system costs associated with loan tracking and fund management.

(6) Each biennium, the department may spend from the water pollution control revolving administration account an amount no greater than four percent of the water pollution control revolving fund new capital appropriation.

(7) For its 2017-2019 biennial operating budget submittal, and every biennium thereafter, the department must compare the projected water pollution control revolving administration account balance and the projected administration charge income with projected program costs, including an adequate working capital reserve as defined by the office of financial management. In its submittal to the office of financial management, the department may:

(a) Find that the projected administration charge income is

inadequate to fund the cost of administering the program, and that the rate of the charge must be increased. However, the administration charge may never exceed one percent on the declining principal loan balance;

(b) Find that the projected administration charge income exceeds what is needed to fund the cost of administering the program, and that the rate of the charge must be decreased;

(c) Find that there is an excess balance in the revolving administration account, and that the excess must be transferred to the water pollution control revolving fund to be used for loans; or

(d) Find that there is no need for any rate adjustments or balance transfers.

(8) At the point where the water pollution control revolving administration account adequately covers the program administration costs, the department may no longer use the federal administration allowance. If a federal capitalization grant is awarded after that point, all federal capitalization dollars must be used for making loans.

(9) By December 1, 2018, the department must submit to the appropriate legislative fiscal committees a report on implementation of the administration charge, including information on: The amount of income the administration charge has produced since its inception; the uses and adequacy of the income for administrative costs; any excess balances that have been transferred to the water pollution control revolving fund; and any additional sources that the department is using for program administration.

(10) During the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the legislature may direct the state treasurer to make transfers of moneys in the water pollution control revolving administration account to the water pollution control revolving ((~~account [fund]~~)) fund.

Sec. 1001. 2019 c 415 s 729 (uncodified) is amended to read as follows:

FOR THE GAMBLING COMMISSION—PROBLEM GAMBLING TASK FORCE

General Fund—State Appropriation (FY 2020) $100,000

TOTAL APPROPRIATION $100,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for expenditure into the gambling revolving account for the gambling commission to contract for a facilitator to staff and assist with a joint legislative task force on problem gambling as provided in subsection (2) of this section. At a minimum, the contract must provide for the facilitation of meetings, to moderate the discussion, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance to assist in their preparation and timely response for meetings, and to synthesize agreements and recommendations ensuring the task force meets its reporting requirements.

(2) A joint legislative task force on problem gambling is created. The task force membership is composed of:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the health care authority;

(d) A representative from the department of health;

(e) A representative from the gambling commission;

(f) A representative from the state lottery;

(g) A representative from the horse racing commission;

(h) A representative from a nonprofit organization with experience in problem gambling treatment and recovery services;

(i) Two representatives with experience in problem gambling treatment and recovery services, at least one of whom must be from a federally recognized Indian tribe;

(j) A member of the public who is impacted by a gambling problem or gambling disorder;

(k) A representative from a problem gambling recovery group or organization;

(l) A representative from a mental health provider group or organization;

(m) A representative from a licensed gambling business or organization;

(n) A representative from a federally recognized tribal gaming operation, group, or organization; and

(o) Other representatives from federally recognized Indian tribes, state agency representatives, or stakeholder group representatives, at the discretion of the task force, for the purpose of participating in specific topic discussions or subcommittees.

(3) The task force shall engage in the following activities:

(a) Review findings of the gambling commission's problem gambling study and report completed in 2018-2019;

(b) Review existing prevention, treatment, and recovery services to address problem gambling and gambling disorders in this state by public, private, and nonprofit entities;

(c) Review existing programs, services, and treatment to address problem gambling and gambling disorders in other states and the federal government;

(d) Make recommendations to the legislature regarding:

(i) How to proceed forward with a state prevalence study measuring the adult participation in gambling and adult problem gambling in this state;

(ii) Whether this state should expand state funding for prevention, treatment, and recovery services to address the need for these programs; and

(iii) What steps the state should take to improve the current licensing and certification of problem gambling providers to meet the current and projected future demand for services; and

(e) Identify additional problem gambling areas for consideration and any actions needed to ensure the state and/or regulatory agencies are effectively addressing problem gambling in an attempt to reduce the number of persons impacted by this disorder.

(5) Staff support for the task force must be provided by the agencies, departments, and commissions identified in subsection (2)(c) through (g) of this section. The state agencies, departments, and commissions identified in subsection (2)(c) through (g) of this section may enter into an interagency agreement related to the provision of staff support for the task force. Unless it is expressly provided for in the agreement between the agencies, departments, and commissions, nothing in this subsection requires staff of each of the agencies, departments, and commissions identified in subsection (1)(c) through (g) of this section to provide staff support to the task force.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The task force shall submit a preliminary report of recommendations to the appropriate committees of the legislature by November 1, 2020, and a final report by November 30, ((~~2021~~)) 2022.

Sec. 1002. 2019 c 415 s 952 (uncodified) is amended to read as follows:

(1) The Washington state criminal sentencing task force is established.

(2) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing the following:

(i) The office of the governor;

(ii) Caseload forecast council;

(iii) Department of corrections;

(iv) Sentencing guidelines commission;

(v) Statewide family council administered by the department of corrections;

(vi) Statewide reentry council;

(vii) Superior court judges' association;

(viii) Washington association of criminal defense attorneys or the Washington defender association;

(ix) Washington association of prosecuting attorneys;

(x) Washington association of sheriffs and police chiefs;

(xi) Washington state association of counties;

(xii) Washington state minority and justice commission;

(xiii) A labor organization representing active law enforcement officers in Washington state;

(xiv) Two different community organizations representing the interests of incarcerated persons; and

(xv) Two different community organizations or other entities representing the interests of crime victims.

(3) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2019. The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member.

(4) The task force shall review state sentencing laws, including a consideration of the report of the sentencing guidelines commission required by section 129, chapter 299, Laws of 2018. The task force shall develop recommendations for the purpose of:

(a) Reducing sentencing implementation complexities and errors;

(b) Improving the effectiveness of the sentencing system; and

(c) Promoting and improving public safety.

(5) The task force shall submit an initial report, including findings and recommendations, to the governor and the appropriate committees of the legislature by December 31, 2019. The task force shall submit a final report by December 31, 2020.

(6)(a) The William D. Ruckelshaus center shall administer and provide staff support and facilitation services to the task force. The center may, when deemed necessary by the task force, contract with one or more appropriate consultants to provide data analysis, research, and other services to the task force for the purposes provided in subsection (4) of this section.

(b) The caseload forecast council shall provide information, data analysis, and other necessary assistance upon the request of the task force.

(7) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) This section expires ((~~January 1, 2021~~)) June 30, 2022.

Sec. 1003. 2020 c 127 s 14 (uncodified) is amended to read as follows:

The sum of six million dollars is appropriated from the general fund—state for the fiscal year ending June 30, 2020, and is provided solely for expenditure into the gambling revolving account. The gambling commission may expend from the gambling revolving account from moneys attributable to the appropriation in this section solely for enforcement actions in the illicit market for sports wagering and for implementation of this act. The appropriation in this section constitutes a loan from the general fund to the gambling revolving account that must be repaid with net interest by June 30, ((~~2021~~)) 2023.

Sec. 1004. RCW 43.70.--- and 2021 c 3 s 19 are each amended to read as follows:

(1) The COVID-19 public health response account is created in the custody of the state treasurer. The account shall consist of funds appropriated by the legislature and grants received by the department of health for activities in response to the coronavirus pandemic (COVID-19). Only

the secretary, or the secretary's designee, may authorize expenditures from the account for costs related to the public health response to COVID-19, subject to any limitations imposed by grant funding deposited into the account. The COVID-19 public health response account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2)(a) The legislature finds that a safe, efficient, and effective delivery of vaccinations is of the utmost importance for restoring societal and economic functions. As we learn more about the virus, the vaccine, and challenges to vaccine allocation and distribution, it is anticipated that the state's COVID-19 vaccination distribution plan will evolve. To that end, the legislature has provided flexibility by funding ((~~vaccine expenditure~~)) expenditures for testing, contact tracing, mitigation activities, vaccine administration and distribution, and other allowable uses for the state, local health jurisdictions, and tribes at the discretion of the secretary and without an appropriation. However, to maintain fiscal control and to ensure spending priorities align, the department is required to collaborate and communicate with the chairs and ranking members of the health care and fiscal committees of the legislature and local health jurisdictions in advance of any significant revision of the state's COVID-19 vaccination plan and to provide regular updates on its implementation and spending.

(b) As part of the public health response to COVID-19, the expenditures from the account must be used to effectively administer the vaccine for COVID-19 and conduct testing and contact tracing. The department must ensure that COVID-19 outreach is accessible, culturally and linguistically appropriate, and that it includes community-driven partnerships and strategies.

(c) When making expenditures for administering the vaccine for COVID-19, the department must focus on identifying persons for vaccination, prioritizing underserved, underrepresented, and hard-to-reach communities, making the vaccine accessible, and providing support to schools for safe reopening. Strategies for vaccine distribution shall include the establishment and expansion of community vaccination centers, mobile vaccination units, reporting enhancements, in-home visits for vaccinations for the elderly, and transportation of individuals to vaccination sites.

(d) When making expenditures regarding testing and contact tracing, the department must provide equitable access, prioritize underserved, underrepresented, and hard-to-reach communities, and provide support and resources to facilitate the safe reopening of schools while minimizing community spread of the virus.

(e) The department may also make expenditures from the account related to developing the public health workforce using funds granted by the federal government for that purpose in section 2501, the American rescue plan act of 2021, P.L. 117-2.

(3) When making expenditures from the account, the department must include an emphasis on public communication regarding the availability and accessibility of the vaccine and testing, and the importance of vaccine and testing availability to the safe reopening of the state.

(4)(a) The department must report to the fiscal and health care committees of the legislature on a monthly basis regarding its COVID-19 response.

(b) To the extent that it is available, the report must include data regarding vaccine distribution, testing, and contact tracing, as follows:

(i) The number of vaccines administered per day, including regional data regarding the location and age groups of persons receiving the vaccine, specifically identifying hard-to-reach communities in which vaccines were administered; and

(ii) The number of tests conducted per week, including data specifically addressing testing conducted in hard-to-reach communities.

(c) The first monthly report is due no later than one month from February 19, 2021. Monthly reports are no longer required upon the department's determination that the remaining balance of the COVID-19 response account is less than $100,000.

PART XI

GENERAL GOVERNMENT

SUPPLEMENTAL

Sec. 1101. 2020 c 357 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund—State Appropriation (FY 2020) ((~~$40,403,000~~))

$40,378,000

General Fund—State Appropriation (FY 2021) ((~~$44,256,000~~))

$42,560,000

Pension Funding Stabilization Account—State

Appropriation $4,266,000

TOTAL APPROPRIATION ((~~$88,925,000~~))

$87,204,000

The appropriations in this section are subject to the following conditions and limitations: ((~~(1)~~)) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). ((~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~))

Sec. 1102. 2020 c 357 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund—State Appropriation (FY 2020) ((~~$28,736,000~~))

$28,711,000

General Fund—State Appropriation (FY 2021) ((~~$33,869,000~~))

$32,417,000

Pension Funding Stabilization Account—State

Appropriation $2,932,000

TOTAL APPROPRIATION ((~~$65,537,000~~))

$64,060,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). ((~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~))

(2) $175,000 of the general fund—state appropriation for fiscal year 2020 and $175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a human resource officer consistent with the implementation of the senate's appropriate workplace conduct policy.

Sec. 1103. 2020 c 357 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Performance Audits of Government Account—State

Appropriation ((~~$9,844,000~~))

$9,240,000

TOTAL APPROPRIATION ((~~$9,844,000~~))

$9,240,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2019-2021 work plan as necessary to efficiently manage workload.

(2) $266,000 of the performance audit of governments account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1216 (school safety & well-being). ((~~If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~))

(3) $17,000 of the performance audits of government account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5025 (self-help housing development and taxes). ((~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~))

(4)(a) $342,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the department of health's ambulatory surgical facility regulatory program. The study must explore:

(i) A comparison of state survey requirements and process and the centers for medicare and medicaid services survey requirements and process;

(ii) The licensing fees required of ambulatory surgical facilities as they relate to actual department of health costs for regulating the facilities;

(iii) Payments received by the department of health from the centers for medicare and medicaid services for surveys conducted on behalf of the centers for medicare and medicaid services; and

(iv) Staffing for the survey program, including any need for an increase or reduction of staff.

(b) The audit must be completed and provided to the legislature by January 1, 2021.

(5) $100,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the health care authority's budget structure, including its chart of accounts. The study must:

(a) Include a comparison of other state medicaid agency budget structures of similar size; and

(b) Be completed and provided to the legislature by September 1, 2021.

Sec. 1104. 2020 c 357 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government Account—State

Appropriation ((~~$4,585,000~~))

$4,538,000

TOTAL APPROPRIATION ((~~$4,585,000~~))

$4,538,000

Sec. 1105. 2020 c 357 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State Appropriation (FY 2020) $12,086,000

General Fund—State Appropriation (FY 2021) ((~~$13,946,000~~))

$13,721,000

Pension Funding Stabilization Account—State

Appropriation $822,000

TOTAL APPROPRIATION ((~~$26,854,000~~))

$26,629,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

Sec. 1106. 2020 c 357 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund—State Appropriation (FY 2020) $333,000

General Fund—State Appropriation (FY 2021) ((~~$347,000~~))

$344,000

State Health Care Authority Administrative Account—

State Appropriation ((~~$471,000~~))

$470,000

Pension Funding Stabilization Account—State

Appropriation $28,000

Department of Retirement Systems Expense Account—

State Appropriation ((~~$5,721,000~~))

$5,652,000

TOTAL APPROPRIATION ((~~$6,900,000~~))

$6,827,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $35,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a benchmark analysis of the value of public employee benefits and how those benefits compare to other employers.

(2) During the 2020 legislative interim, the select committee on pension policy shall study the consistency of administrative practices under the portability provisions of chapter 41.54 RCW. In conducting this study, the select committee on pension policy shall:

(a) Convene a study group including representatives of the department of retirement systems, the office of the state actuary, the state institutions of higher education, and the cities of Seattle, Tacoma, and Spokane. The purpose of this study group is to facilitate the sharing of information and data needed for the select committee on pension policy to conduct the analysis and draft its report;

(b) Review and compare written policies of each of the entities in (a) of this subsection enacted pursuant to carrying out dual membership provisions under chapter 41.54 RCW, as well as any participant data needed to make reasonable comparisons of administrative practices;

(c) Identify differences in administrative practices, and consider the implications for making those practices consistent between entities; and

(d) Report any findings to the appropriate committees of the legislature by December 15, 2020.

Sec. 1107. 2020 c 357 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2020) $5,000,000

General Fund—State Appropriation (FY 2021) ((~~$5,520,000~~))

$5,417,000

Pension Funding Stabilization Account—State

Appropriation $566,000

TOTAL APPROPRIATION ((~~$11,086,000~~))

$10,983,000

Sec. 1108. 2020 c 357 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund—State Appropriation (FY 2020) $4,213,000

General Fund—State Appropriation (FY 2021) ((~~$4,694,000~~))

$4,608,000

Pension Funding Stabilization Account—State

Appropriation $436,000

TOTAL APPROPRIATION ((~~$9,343,000~~))

$9,257,000

Sec. 1109. 2020 c 357 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2020) $64,580,000

General Fund—State Appropriation (FY 2021) ((~~$72,151,000~~))

$70,825,000

General Fund—Federal Appropriation $2,203,000

General Fund—Private/Local Appropriation $681,000

Judicial Stabilization Trust Account—State

Appropriation $6,692,000

Pension Funding Stabilization Account—State

Appropriation $4,572,000

Judicial Information Systems Account—State

Appropriation $63,233,000

TOTAL APPROPRIATION ((~~$214,112,000~~))

$212,786,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) $1,399,000 of the general fund—state appropriation for fiscal year 2020 and $1,399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) $7,000,000 of the general fund—state appropriation for fiscal year 2020 and $7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for distribution to county juvenile court administrators to fund the costs of processing and case management of truancy, children in need of services, and at-risk youth ((~~petitions~~)) referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it penalize counties with lower than average per-petition/referral processing costs.

(b) Each fiscal year during the 2019-21 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than forty-five days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than sixty days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) $96,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ((~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse~~))

(5) $66,000 of the general fund—state appropriation for fiscal year 2020 and $66,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for DNA testing for alleged fathers in dependency and termination of parental rights cases.

(6) $237,000 of the general fund—state appropriation for fiscal year 2020 and $1,923,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the expansion of the state interpreter reimbursement program.

(7) $300,000 of the general fund—state appropriation for fiscal year 2020 and $360,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of public guardianship for guardianship fees, initial assessments, average annual legal fees, and for less restrictive options to support decision-making.

(8) $1,094,000 of the general fund—state appropriation for fiscal year 2020 and $1,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(9) $25,808,000 of the judicial information systems account—state appropriation is provided solely for judicial branch information technology projects. Expenditures from the judicial information systems account shall not exceed available resources. Judicial branch information technology project prioritization shall be determined by the judicial information system committee.

(10) $750,000 of the general fund—state appropriation for fiscal year 2020 and $2,077,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5604 (uniform guardianship, etc.). ((~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~))

(11) $68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5149 (monitoring w/victim notif.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(12) $298,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Senate Bill No. 5450 (adding superior court judges). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(13) $25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(14) $207,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development and implementation of a statewide online training system for court staff and judicial officers.

(15) $135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6268 (abusive litigation/partners). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(16) $5,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(17) $333,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to implement a statewide text notification system. The court date notification texting services must provide subscribers with criminal court date notifications and reminders by short message service or text message that includes but is not limited to the court date, session changes, and a court date reminder in advance of the scheduled court date.

(18) $300,000 of the general fund—state appropriation for fiscal year 2020 and $300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse counties affected by extraordinary judicial costs arising from a long-term leave of absence by a superior court judge in the Asotin-Columbia-Garfield tri-county judicial district. An affected county may apply to the office for reimbursement for the reasonable costs of expenses incurred since April 24, 2019, for: Travel, lodging, and subsistence of visiting elected judges holding court in the tri-county district under RCW 2.08.140; the state and local shares of pro tempore judge compensation in the tri-county district under RCW 2.08.180; the state and local shares of pro tempore judge compensation under RCW 2.08.180 for a county that has provided a visiting elected judge; and similar county-borne extraordinary expenses that arise directly from the leave of absence. Where appropriate, the office must apportion reimbursement among the district's counties in accordance with RCW 2.08.110.

((~~(20)~~)) (19) $666,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 2467 (firearm background checks). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(21)~~)) (20) $112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2277 (youth solitary confinement). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(22) $1,214,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (vacating criminal records). If the bill is not enacted by June 30, 2020, the~~

~~amount provided in this subsection shall lapse.~~

~~(23)~~)) (21) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to develop a domestic violence risk assessment instrument that:

(a) Uses information from relevant court records and prior offenses to predict the likelihood of a domestic violence incident; and

(b) Determines whether law enforcement risk data and domestic violence supplemental forms are useful in determining reoffense.

Sec. 1110. 2020 c 357 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund—State Appropriation (FY 2020) $20,949,000

General Fund—State Appropriation (FY 2021) ((~~$22,951,000~~))

$22,283,000

Judicial Stabilization Trust Account—State

Appropriation $1,464,000

Pension Funding Stabilization Account—State

Appropriation $44,000

TOTAL APPROPRIATION ((~~$45,408,000~~))

$44,740,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed $40,000 of the general fund—state appropriation for fiscal year 2020 and an amount not to exceed $40,000 of the general fund—state appropriation for fiscal year 2021 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) $759,000 of the general fund—state appropriation for fiscal year 2020 and $2,275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to continue implementation of the civil justice reinvestment plan.

(3) $400,000 of the general fund—state appropriation for fiscal year 2020 and $105,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the children's representation study authorized in chapter 20, Laws of 2017 3rd sp. sess. The report of initial findings to the legislature must be submitted by December 31, 2020.

(4) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(5) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. Amounts provided in this section may not be expended for direct private legal representation of clients in domestic relations and family law cases.

(6) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5651 (kinship care legal aid). ((~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~))

(7) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for closing compensation differentials between volunteer legal aid programs and the northwest justice project.

(8) $1,205,000 of the general fund—state appropriation for fiscal year 2020 and $1,881,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase resulting from a collective bargaining agreement between the northwest justice project and its staff union.

(9) ((~~$307,500~~)) $57,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $317,500 of the general fund-state appropriation for fiscal year 2021 are~~)) is provided solely for a research-based controlled comparative study of the differences in outcomes for tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases filed under the residential landlord tenant act. Funding must be used to underwrite both the research and the costs of legal representation provided to tenants associated with the study. Researchers will identify four counties to study. A preliminary report must be submitted to the appropriate committees of the legislature by January 31, 2021, and a final report on the study, which includes findings on demographics and outcomes, must be submitted to the appropriate committees of the legislature by June 30, 2021.

(10) $126,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for expenditures made to address fiscal year 2019 caseload driven shortfalls in the children's representation program and the children's representation study.

(11) $225,000 of the general fund—state appropriation for fiscal year 2020 and $193,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp.s.

(12) $492,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to establish a statewide reentry legal aid project. The office of civil legal aid shall enlist support from the statewide reentry council to identify an appropriate nonprofit entity to establish and operate the statewide reentry legal aid project, establish initial priority areas of focus, and determine client service objectives, benchmarks, and intended outcomes. The office of civil legal aid and the statewide reentry council shall provide the relevant legislative committees with an initial status report by December 2021.

(13) $165,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the automation, deployment, and hosting of an automated family law document assembly system provided for in chapter 299, Laws of 2018.

(14) $25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of civil legal aid to provide funding to King county organizations that provide legal services. Of this amount:

(a) $13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a nonprofit organization to develop an updated kinship legal services guide based on continuing changes in laws and practices.

(b) $12,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a bar association to operate a kinship legal services program that trains kinship caregivers about recent enacted guardianship laws.

Sec. 1111. 2020 c 357 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2020) $9,858,000

General Fund—State Appropriation (FY 2021) ((~~$10,454,000~~))

$8,637,000

Economic Development Strategic Reserve Account—State

Appropriation $7,000,000

Pension Funding Stabilization Account—State

Appropriation $674,000

TOTAL APPROPRIATION ((~~$27,986,000~~))

$26,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $703,000 of the general fund—state appropriation for fiscal year 2020 and $803,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the education ombuds.

(2) $61,000 of the general fund—state appropriation for fiscal year 2020 and $30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of

Engrossed Substitute House Bill No. 1130 (pub. school language access).

(3) $311,000 of the general fund—state appropriation for fiscal year 2020 and $301,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5356 (LGBTQ commission).

(4) $397,000 of the general fund state—appropriation for fiscal year 2020 ((~~and $353,000 of the general fund state—appropriation for fiscal year 2021 are~~)) is provided solely for the office to contract with a neutral third party to establish a process for local, state, tribal, and federal leaders and stakeholders to address issues associated with the possible breaching or removal of the four lower Snake river dams in order to recover the Chinook salmon populations that serve as a vital food source for southern resident orcas. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(5) $110,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for the office of regulatory innovations and assistance to convene agencies and stakeholders to develop a small business bill of rights. Of this amount, a report must be submitted to appropriate legislative policy and fiscal committees by November 1, 2019, to include:

(a) Recommendations of rights and protections for small business owners when interacting with state agencies, boards, commissions, or other entities with regulatory authority over small businesses; and

(b) Recommendations on communication plans that state regulators should consider when communicating these rights and protections to small business owners in advance or at the time of any audit, inspection, interview, site visit, or similar oversight or enforcement activity.

(6) $966,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for executive protection unit costs.

(7) $15,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the clemency and pardons board to expedite the review of applications where the petitioner indicates an urgent need for the pardon or commutation, including, but not limited to, a pending deportation order or deportation proceeding.

(8) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the education ombuds, in consultation with the office of the superintendent of public instruction and the Washington state office of equity, to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children. The office of education ombuds shall submit a report with recommendations to the governor and the appropriate committees in the legislature by September 1, 2020.

Sec. 1112. 2020 c 357 s 117 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2020) $1,313,000

General Fund—State Appropriation (FY 2021) ((~~$1,545,000~~))

$1,553,000

General Fund—Private/Local Appropriation $90,000

Pension Funding Stabilization Account—State

Appropriation $54,000

TOTAL APPROPRIATION ((~~$3,002,000~~))

$3,010,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $180,000 of the general fund—state appropriation for fiscal year 2020 and $179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continuation of the complete Washington program and to add new pathways, such as the healthcare industry, to the program.

(2) $195,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington world fellows program.

Sec. 1113. 2020 c 357 s 118 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2020) $5,532,000

General Fund—State Appropriation (FY 2021) ((~~$5,456,000~~))

$5,344,000

Public Disclosure Transparency Account—State

Appropriation $714,000

Pension Funding Stabilization Account—State

Appropriation $260,000

TOTAL APPROPRIATION ((~~$11,962,000~~))

$11,850,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $45,000 of the public disclosure transparency account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5861 (legislature/code of conduct).

(2) $85,000 of the general fund—state appropriation for fiscal year 2020 and $83,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to develop a training course for individuals acting as treasurers or deputy treasurers for candidates pursuant to RCW 42.17A.210. Out of this amount:

(a) The course must provide, at a minimum, a comprehensive overview of:

(i) The responsibilities of treasurers and deputy treasurers;

(ii) The reporting requirements necessary for candidate compliance with chapter 42.17A RCW, including triggers and deadlines for reporting;

(iii) Candidate campaign contribution limits and restrictions under chapter 42.17A RCW;

(iv) The use of the commission's electronic filing system;

(v) The consequences for violation of chapter 42.17A RCW; and

(vi) Any other subjects or topics the commission deems necessary for encouraging effective compliance with chapter 42.17A RCW.

(b) The commission must make the course available to all interested individuals no later than September 1, 2019. The course must be provided in a format able to be used both in person and remotely via the internet.

(3) $140,000 of the public disclosure transparency account—state appropriation is provided solely for staff for business analysis and project management of information technology projects.

(4) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

Sec. 1114. 2020 c 357 s 119 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2020) $34,997,000

General Fund—State Appropriation (FY 2021) ((~~$19,562,000~~))

$19,449,000

General Fund—Federal Appropriation ((~~$8,098,000~~))

$8,046,000

Public Records Efficiency, Preservation, and Access

Account—State Appropriation ((~~$9,677,000~~))

$9,619,000

Charitable Organization Education Account—State

Appropriation $900,000

Washington State Library Operations Account—State

Appropriation ((~~$11,516,000~~))

$11,426,000

Local Government Archives Account—State

Appropriation ((~~$11,027,000~~))

$9,742,000

Pension Funding Stabilization Account—State

Appropriation $960,000

Election Account—State Appropriation $1,800,000

Election Account—Federal Appropriation $13,687,000

TOTAL APPROPRIATION ((~~$112,224,000~~))

$110,626,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $3,801,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) $2,932,000 of the general fund—state appropriation for fiscal year 2020 and $3,011,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2019-2021 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) $13,600,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for operation of the presidential primary election, including reimbursement to counties for the state's share of presidential primary election costs.

(5) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(6) $2,295,000 of the general fund—state appropriation for fiscal year 2020 and $2,526,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5063 (ballots, prepaid postage).

(7) $1,227,000 of the local government archives account—state appropriation and $28,000 of the public records efficiency, preservation, and access account—state appropriation are provided solely to implement Engrossed Substitute House Bill No. 1667 (public records request administration).

(8) $114,000 public records efficiency, preservation, and access account—state appropriation and $114,000 local government archives account—state appropriation are provided solely for digital archives functionality and is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) $198,000 of the general fund—state appropriation for fiscal year 2020, $198,000 of the general fund—state appropriation for fiscal year 2021, and $500,000 of the election account—federal appropriation are provided solely for election security improvements.

(10) $82,000 of the general fund—state appropriation for fiscal year 2020 and $77,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2020, to legislative policy and fiscal committees. The annual report must include reasons for ballot rejection and an analysis of the ways ballots are received, counted, and rejected that can be used by policymakers to better understand election administration.

(11) $500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for civic engagement. The secretary of state and county auditors will collaborate to increase voter participation and educate voters about improvements to state election laws that will impact the 2019 and 2020 elections.

(12) $1,800,000 of the election account—state appropriation for fiscal year 2021 and $8,800,000 of the election account—federal appropriation for fiscal year 2021 are provided solely to enhance election technology and make election security improvements. The office of the secretary of state will provide one-time grant funding to county auditors for election security improvements. Election security improvements may include but are not limited to installation of multi-factor authentication, emergency generators, vulnerability scanners, facility access control enhancements, and alarm systems. Funding will be prioritized based on demonstrated need.

(13) $132,000 of the general fund—state appropriation for fiscal year 2020 and $520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dedicated staffing for maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(14) $300,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staffing to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(15) $674,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6313 (young voters). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for general election costs for Substitute Senate Joint Resolution No. 8212 (investment of LTC funds). If the resolution is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the secretary of state to support the capacity for the retention and transition of historical and archived records from the national archives and records administration located at Sandpoint. The secretary of state may explore options, including building storage and access capacity by working with universities, tribes, and museums that have engaged with the Smithsonian institution.

Sec. 1115. 2020 c 357 s 120 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund—State Appropriation (FY 2020) $380,000

General Fund—State Appropriation (FY 2021) ((~~$420,000~~))

$406,000

Pension Funding Stabilization Account—State

Appropriation $28,000

TOTAL APPROPRIATION ((~~$828,000~~))

$814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) $33,000 of the general fund—state appropriation for fiscal year 2020 and $22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women).

(3) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's office of Indian affairs for a task force to evaluate and propose a plan for tribal extradition in Washington.

Sec. 1116. 2020 c 357 s 121 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2020) $332,000

General Fund—State Appropriation (FY 2021) ((~~$425,000~~))

$413,000

Pension Funding Stabilization Account—State

Appropriation $26,000

TOTAL APPROPRIATION ((~~$783,000~~))

$771,000

The appropriations in this section are subject to the following conditions and limitations: $3,000 of the general fund—state appropriation for fiscal year 2020 and $2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies).

Sec. 1117. 2020 c 357 s 122 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account—State

Appropriation ((~~$20,045,000~~))

$19,704,000

TOTAL APPROPRIATION ((~~$20,045,000~~))

$19,704,000

Sec. 1118. 2020 c 357 s 124 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund—State Appropriation (FY 2020) $238,000

General Fund—State Appropriation (FY 2021) ((~~$270,000~~))

$266,000

Pension Funding Stabilization Account—State

Appropriation $30,000

TOTAL APPROPRIATION ((~~$538,000~~))

$534,000

Sec. 1119. 2020 c 357 s 125 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2020) $15,564,000

General Fund—State Appropriation (FY 2021) ((~~$16,531,000~~))

$16,165,000

General Fund—Federal Appropriation $17,801,000

Public Service Revolving Account—State Appropriation ((~~$4,228,000~~))

$4,214,000

New Motor Vehicle Arbitration Account—State

Appropriation ((~~$1,693,000~~))

$1,690,000

Medicaid Fraud Penalty Account—State Appropriation ((~~$5,584,000~~))

$5,471,000

Child Rescue Fund—State Appropriation ((~~$500,000~~))

$80,000

Legal Services Revolving Account—State Appropriation ((~~$291,952,000~~))

$283,127,000

Local Government Archives Account—State

Appropriation ((~~$356,000~~))

$681,000

((~~Local Government Archives Account—Local $330,000~~))

Pension Funding Stabilization Account—State

Appropriation $1,602,000

Tobacco Prevention and Control Account—State

Appropriation $273,000

TOTAL APPROPRIATION ((~~$356,414,000~~))

$346,668,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) $58,000 of the general fund—state appropriation for fiscal year 2020 and $58,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault kits).

(5) $63,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave).

(6) $44,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1224 (rx drug cost transparency).

(7) $79,000 of the legal services revolving account—state appropriation is provided solely for implementation of House Bill No. 2052 (marijuana product testing).

(8) $330,000 of the local government archives account—local appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1667 (public records request admin).

(9) $161,000 of the general fund—state appropriation for fiscal year 2020 and $161,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and

constitutional rights for people in Washington.

(10) $88,000 of the general fund—state appropriation for fiscal year 2020, $85,000 of the general fund—state appropriation for fiscal year 2021, and $344,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5297 (assistant AG bargaining).

(11) $700,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(12) $592,000 of the public service revolving account—state appropriation and $47,000 of the legal services revolving account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(13) $200,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a work group to study and institute a statewide program for receiving reports and other information for the public regarding potential self-harm, potential harm, or criminal acts including but not limited to sexual abuse, assault, or rape. Out of this amount:

(a) The work group must review the aspects of similar programs in Arizona, Michigan, Colorado, Idaho, Nevada, Oregon, Utah, Wisconsin, and Wyoming; and must incorporate the most applicable aspects of those programs to the program proposal;

(b) The program proposal must include a plan to implement a twenty-four hour hotline or app for receiving such reports and information; and

(c) The program proposal and recommendations must be submitted to legislative fiscal committees by July 31, 2020.

(14) $75,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the attorney general to develop an implementation plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services.

(a) The plan must identify how to effectively collect data on the occasions of justifiable homicide or uses of deadly force by a public officer, peace officer, or person aiding under RCW 9A.16.040 by all general authority Washington law enforcement agencies and the department of corrections. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of tort claims filed and moneys paid in use of force cases;

(ii) The number of incidents in which peace officers discharged firearms at citizens;

(iii) The demographic characteristics of the officers and citizens involved in each incident, including sex, age, race, and ethnicity;

(iv) The agency or agencies employing the involved officers and location of each incident;

(v) The particular weapon or weapons used by peace officers and citizens; and

(vi) The injuries, if any, suffered by officers and citizens.

(b) The implementation plan must also identify how to effectively collect data on the occasions of the use of force requiring the discharge of a firearm by any private security guard employed by any private security company licensed under chapter 18.170 RCW. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of incidents in which security guards discharged firearms at citizens;

(ii) The demographic characteristics of the security guards and citizens involved in each incident, including sex, age, race, and ethnicity;

(iii) The company employing the involved security guards and the location of each incident;

(iv) The particular weapon or weapons used by security guards and citizens; and

(v) The injuries, if any, suffered by security guards and citizens.

(c) The attorney general must compile reports received pursuant to this subsection and make public the data collected.

(d) The department of licensing, department of corrections, Washington state patrol, and criminal justice training commission must assist the attorney general as necessary to complete the implementation plan.

(15) $4,220,000 of the general fund—federal appropriation and $1,407,000 of the medicaid fraud penalty account—state appropriation are provided solely for additional staffing and program operations in the medicaid fraud control division.

(16) $8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(17) $141,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws).

(18) $751,000 of the general fund—state appropriation for fiscal year 2021, $82,000 of the general fund—federal appropriation, $32,000 of the public service revolving account—state appropriation, $27,000 of the medicaid fraud penalty account—state appropriation, $4,529,000 of the legal services revolving account—state appropriation, and $8,000 of the local government archives account—state appropriation are provided solely for the collective bargaining agreement referenced in section 902 of this act.

(19) $600,000 of the general fund—state appropriation for fiscal year 2020 and $616,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(20) $605,000 of the legal services revolving fund—state appropriation is provided solely for defending challenges to chapter 354, Laws of 2019 that set vapor pressure limits for in-state receipt of crude oil by rail.

(21) $1,069,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(22) $1,563,000 of the legal services revolving fund—state appropriation for fiscal year 2021 is provided solely to defend the state in the *Wolf vs State Board for Community and Technical Colleges* case.

(23) $59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6158 (model sexual assault protocols). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) $192,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(25) $59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2511 (domestic workers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(26) $244,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2638 (sports wagering/compacts). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(27) $35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(28) $394,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for two additional investigators and a data consultant for the homicide investigation tracking system (HITS).

Sec. 1120. 2020 c 357 s 126 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2020) $2,040,000

General Fund—State Appropriation (FY 2021) ((~~$2,063,000~~))

$1,965,000

Pension Funding Stabilization Account—State

Appropriation $168,000

TOTAL APPROPRIATION ((~~$4,271,000~~))

$4,173,000

The appropriations in this section are subject to the following conditions and limitations: $43,000 of the general fund—state appropriation for fiscal year 2020 and $27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the caseload forecast council to provide information, data analysis, and other necessary assistance upon the request of the task force established in section 952 of this act.

Sec. 1121. 2020 c 357 s 127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund—State Appropriation (FY 2020) $96,462,000

General Fund—State Appropriation (FY 2021) ((~~$146,437,000~~))

$146,559,000

General Fund—Federal Appropriation ((~~$327,896,000~~))

$327,810,000

General Fund—Private/Local Appropriation ((~~$9,112,000~~))

$9,098,000

Public Works Assistance Account—State Appropriation ((~~$8,212,000~~))

$8,177,000

Lead Paint Account—State Appropriation ((~~$251,000~~))

$110,000

Building Code Council Account—State Appropriation $16,000

Liquor Excise Tax Account—State Appropriation ((~~$1,291,000~~))

$1,289,000

Home Security Fund Account—State Appropriation ((~~$120,425,000~~))

$85,411,000

((~~Energy Freedom Account—State Appropriation $5,000~~))

Affordable Housing for All Account—State

Appropriation ((~~$13,895,000~~))

$12,198,000

Financial Fraud and Identity Theft Crimes

Investigation and Prosecution Account—State

Appropriation $2,325,000

Low-Income Weatherization and Structural

Rehabilitation Assistance Account—State

Appropriation ((~~$1,399,000~~))

$699,000

Statewide Tourism Marketing Account—State

Appropriation $3,028,000

Community and Economic Development Fee Account—State

Appropriation ((~~$4,200,000~~))

$4,104,000

Growth Management Planning and Environmental Review

Fund—State Appropriation $5,800,000

Pension Funding Stabilization Account—State

Appropriation $1,616,000

Liquor Revolving Account—State Appropriation $5,918,000

Washington Housing Trust Account—State Appropriation ((~~$67,947,000~~))

$20,145,000

Prostitution Prevention and Intervention Account—

State Appropriation $26,000

Public Facility Construction Loan Revolving Account—

State Appropriation ((~~$1,076,000~~))

$1,071,000

Model Toxics Control Stormwater Account—State

Appropriation $150,000

((~~Dedicated Marijuana Account—State~~

~~Appropriation (FY 2021) $1,100,000~~))

Andy Hill Cancer Research Endowment Fund Match

Transfer Account—State Appropriation ((~~$7,454,000~~))

$14,335,000

Community Preservation and Development Authority

Account—State Appropriation $1,000,000

TOTAL APPROPRIATION ((~~$827,041,000~~))

$747,347,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) $375,000 of the general fund—state appropriation for fiscal year 2020 and $375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) $375,000 of the general fund—state appropriation for fiscal year 2020 and $375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) $3,304,000 of the general fund—state appropriation for fiscal year 2020 and $3,304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for associate development organizations. During the 2019-2021 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) $5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) $300,000 of the general fund—state appropriation for fiscal year 2020 and $300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest agriculture business center.

(11) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) $643,000 of the general fund—state appropriation for fiscal year 2020 and $643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) $1,000,000 of the home security fund—state appropriation, $2,000,000 of the Washington housing trust account—state appropriation, and $1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) $2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16) $1,980,000 of the general fund—state appropriation for fiscal year 2020 and $1,980,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) $557,000 of the general fund—state appropriation for fiscal year 2020 and $557,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than $1,000,000 per year.

(19) $1,070,000 of the general fund—state appropriation for fiscal year 2020 $1,070,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) $60,000 of the general fund—state appropriation for fiscal year 2020 and $60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) $1,500,000 of the general fund—state appropriation for fiscal year 2020 and $2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) $3,500,000 of the general fund—state appropriation for fiscal year 2020 and $3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state

account or other public capital funding that:

(i) Is dedicated as permanent supportive housing units;

(ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23)(a) $2,091,000 of the general fund—state appropriation for fiscal year 2020, $3,159,000 of the general fund—state appropriation for fiscal year 2021, and $7,000,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(ii) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(iii) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection:

(i) $2,000,000 of the general fund—state appropriation for fiscal year 2020 and $2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to build infrastructure and services to support a continuum of interventions including but not limited to prevention, crisis response, and long-term housing in reducing youth homelessness in four identified communities as part of the anchor community initiative; and

(ii) $91,000 of the general fund—state appropriation for fiscal year 2020 and $1,159,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of eighteen. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages eighteen to twenty-four.

(24) $36,650,000 of the general fund—state appropriation for fiscal year 2020 and $51,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the essential needs and housing support program.

(25) $1,436,000 of the general fund—state appropriation for fiscal year 2020 and $1,436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(26) $1,237,000 of the liquor excise tax account—state appropriation is provided solely for the department to provide fiscal note assistance to local governments, including increasing staff expertise in multiple subject matter areas, including but not limited to criminal justice, taxes, election impacts, transportation and land use, and providing training and staff preparation prior to legislative session.

(27) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(28) $198,000 of the general fund—state appropriation for fiscal year 2020 and $198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(29)(a) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(30)(a) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless $150,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and

economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by June 1, 2020.

(31) Within amounts appropriated in this section, the office of homeless youth prevention and protection must make recommendations to the appropriate committees of the legislature by October 31, 2019, regarding rights that all unaccompanied homeless youth and young adults should have for appropriate care and treatment in licensed and unlicensed residential runaway and homeless youth programs.

(32) $787,000 of the general fund—state appropriation for fiscal year 2020 and $399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group).

(33) $144,000 of the general fund—state appropriation for fiscal year 2020 and $144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization with offices located in the cities of Maple Valley, Enumclaw, and Auburn to provide street outreach and connect homeless young adults ages eighteen through twenty-four to services in south King county.

(34) $218,000 of the general fund—state appropriation for fiscal year 2020 and $61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1444 (appliance efficiency).

(35) $100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction).

(36) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the city of Federal Way to support after-school recreational and educational programs.

(37) $150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to convene a work group regarding the development of Washington's green economy based on the state's competitive advantages. The work group must focus on developing economic, education, business, and investment opportunities in energy, water, and agriculture. The work group must consist of at least one representative from the department, the department of natural resources, the department of agriculture, the Washington state department of transportation, a four-year research university, a technical college, the private sector, an economic development council, a city government, a county government, a tribal government, a non-government organization, a statewide environmental advocacy organization, and up to two energy utility providers. The work group must:

(a) Develop an inventory of higher education resources including research, development, and workforce training to foster green economic development in energy, water, and agriculture;

(b) Identify investment opportunities in higher education research, development, and workforce training to enhance and accelerate green economic development;

(c) Make recommendations for green economic development investment opportunities and how state government may serve as a clearing house, or economic center, to support private investments and build the green economy in Washington to serve national and global markets;

(d) Identify opportunities for integrating technology in energy, water, natural resources, and agriculture, and create resource efficiencies including water and energy conservation and smart grid technologies;

(e) Recommend policies at the state and local government level to promote and accelerate development of the green economy in Washington state;

(f) Submit an interim report with the work group recommendations to the appropriate legislative committees by December 1, 2019; and

(g) Submit a final report with the work group recommendations to the appropriate legislative committees by June 30, 2020.

(38) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization focused on supporting pregnant women and single mothers who are homeless or at risk of being homeless throughout Pierce county. The grant must be used for providing classes relating to financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

(39) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide capacity-building grants through the Latino community fund for educational programs and human services support for children and families in rural and underserved communities.

(40) $400,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the city of Bothell to complete the canyon park regional growth center subarea plan.

(41) $172,000 of the general fund—state appropriation for fiscal year 2020 and $165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington statewide reentry council for operational staff support, travel, and administrative costs.

(42) $964,000 of the general fund—state appropriation for fiscal year 2020 and $1,045,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency).

(43) $1,500,000 of the general fund—state appropriation for fiscal year 2020 and $1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 16, Laws of 2017 3rd sp. sess. (E2SSB 5254).

(44) General fund—federal appropriations provided in this section assume continued receipt of the federal Byrne justice assistance grant for state and local government drug and gang task forces.

(45) $450,000 of the general fund—state appropriation for fiscal year 2020 and $450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land in Washington state. The department must award the grant to an organization with an office located in a city with a population of more than six hundred thousand that partners in equitable, transit-oriented development. The grant must be used to:

(a) Produce an inventory of potentially developable public or tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space;

(c) Organize community partners and build capacity to develop sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space;

(e) Catalyze the redevelopment of ten sites to create approximately fifteen hundred affordable homes; and

(f) Subcontract with the University of Washington to facilitate public, private, and non-profit partnerships to create a regional vision and strategy for building affordable housing at a scale to meet the need.

(46) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(47) $800,000 of the general fund—state appropriation for fiscal year 2020

and $800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant for a criminal justice diversion center pilot program in Spokane county.

(a) Spokane county must report collected data from the pilot program to the department. The report must contain, at a minimum:

(i) An analysis of the arrests and bookings for individuals served in the pilot program;

(ii) An analysis of the connections to behavioral health services made for individuals who were served by the pilot program;

(iii) An analysis of the impacts on housing stability for individuals served by the pilot program; and

(iv) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(b) No more than fifty percent of the funding provided in this subsection may be used for planning and predevelopment activities related to site readiness and other startup expenses incurred before the pilot program becomes operational.

(48)(a) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for one or more better health through housing pilot project. The department must contract with one or more accountable communities of health to work with hospitals and permanent supportive housing providers in their respective accountable community of health regions to plan for and implement the better health through housing pilot project. The accountable communities of health must have established partnerships with permanent supportive housing providers, hospitals, and community health centers.

(b) The pilot project must prioritize providing permanent supportive housing assistance to people who:

(i) Are homeless or are at imminent risk of homelessness;

(ii) Have complex physical health or behavioral health conditions; and

(iii) Have a medically necessary condition, risk of death, negative health outcomes, avoidable emergency department utilization, or avoidable hospitalization without the provision of permanent supportive housing, as determined by a vulnerability assessment tool.

(c) Permanent supportive housing assistance may include rental assistance, permanent supportive housing service funding, or permanent supportive housing operations and maintenance funding. The pilot program shall work with permanent supportive housing providers to determine the best permanent supportive housing assistance local investment strategy to expedite the availability of permanent supportive housing for people eligible to receive assistance through the pilot project.

(d) Within the amounts provided in this subsection, the department must contract with the Washington state department of social and health services division of research and data analysis to design and conduct a study to evaluate the impact of the better health through housing pilot project or projects. The division shall submit a final study report to the governor and appropriate committees of the legislature by June 30, 2021. The study objectives must include:

(i) Baseline data collection of the physical health conditions, behavioral health conditions, housing status, and health care utilization of people who receive permanent supportive housing assistance through the pilot project;

(ii) The impact on physical health and behavioral health outcomes of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance; and

(iii) The impact on health care costs and health care utilization of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance.

(e) A reasonable amount of the amounts provided in this subsection may be used to pay for costs to administer the pilot contracts and housing assistance.

(f) Amounts provided in this subsection do not include funding

provided under title XIX or title XXI of the federal social security act, funding from the general fund—federal appropriation, or funding from the general fund—local appropriation for transformation through accountable communities of health, as described in initiative one of the medicaid transformation demonstration waiver under healthier Washington.

(g) The accountable communities of health must annually report the progress and impact of the better health through housing pilot project or projects to the joint select committee on health care oversight by December 1st of each year.

(49) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the promotion of leadership development, community building, and other services for the Native American community in south King county.

(50)(a) $12,000 of the general fund—state appropriation for fiscal year 2020 and $38,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide to Chelan county to collaborate with the department of fish and wildlife and the Stemilt partnership on the following activities:

(i) Identifying and evaluating possible land exchanges in the Stemilt basin that provide mutual benefits to outdoor recreation and the mission of a public agency; and

(ii) Completing independent appraisals of all properties that may be included in a possible land exchange by January 1, 2021.

(b) $20,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the department of fish and wildlife to complete technical studies, assessments, environmental review, and due diligence for lands included in any potential exchange and for project review for near-and long-term facility replacement and expansion of the mission ridge ski and board resort.

(c) The department must require the department of fish and wildlife, in collaboration with Chelan county, to submit recommendations for potential land exchange and supporting appraisals and environmental analysis to the Chelan county board of commissioners and the appropriate committees of the legislature by June 1, 2021.

(51) $500,000 of the general fund—state appropriation for fiscal year 2020, $1,500,000 of the general fund—state appropriation for fiscal year 2021 and $4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, $4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, $1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(52) $1,275,000 of the general fund—state appropriation for fiscal year 2020 and $1,227,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(53) $47,000 of the general fund—state appropriation for fiscal year 2020 and $47,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5223 (electrical net metering).

(54) $81,000 of the general fund—state appropriation for fiscal year 2020 and $76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5324 (homeless student support).

(55) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of

Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(56) $264,000 of the general fund—state appropriation for fiscal year 2020 and $676,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). Within the amounts provided in this subsection, the department must translate survey materials used to gather information on broadband access into a minimum of three languages and include demographic data in the report associated with the bill.

(57) $272,000 of the general fund—state appropriation for fiscal year 2020 and $272,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the lead based paint enforcement activities within the department.

(58) $250,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a one-time grant to the port of Port Angeles for a stormwater management project to protect ancient tribal burial sites and to maintain water quality.

(59) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to municipalities using a labor program model designed for providing jobs to individuals experiencing homelessness to lead to full-time employment and stable housing.

(60) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of the recommendations by the joint transportation committee's Washington state air cargo movement study to support an air cargo marketing program and assistance program. The department must coordinate promotion activities at domestic and international trade shows, air cargo events, and other activities that support the promotion, marketing, and sales efforts of the air cargo industry.

(61) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than seven hundred thousand and serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(62) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

(a) The department of corrections to support offender betterment projects; and

(b) The department of social and health services to provide access and visitation services.

(63) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to promote public education around wildfires to public school students of all ages and to expand outreach on issues related to forest health and fire suppression. The grant recipient shall sponsor projects including, but not limited to, a multi-media traveling presentation.

(64) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to help reduce crime and violence in neighborhoods and school communities. The grant recipient must promote safe streets and community engagement in the city of Tacoma through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

(65) $125,000 of the general fund—state appropriation for fiscal year 2020

and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to increase the financial stability of low income Washingtonians through participation in children's education savings accounts, earned income tax credits, and the Washington retirement marketplace. The grant recipient must be a statewide association of local asset building coalitions that promotes policies and programs in Washington to assist low-and-moderate income residents build, maintain, and preserve assets through investments in education, homeownership, personal savings and entrepreneurship.

(66) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to catalyze a market for mass timber and promote forest health, workforce development, and updates to building codes. The grant recipient must have at least twenty-five years of experience in land acquisition and program management to conserve farmland, create jobs, revitalize small towns, reduce wildfires, and reduce greenhouse emissions.

(67) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to assist people with limited incomes in nonmetro areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(68) $270,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and overcoming barriers to social, political, economic, and cultural community development. Of the amounts provided in this subsection, $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to provide a public policy fellowship program that offers training in grassroots organizing, leadership development, civic engagement, and policy engagement focused on Latino and indigenous community members.

(69) $5,800,000 of the growth management planning and environmental review fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1923 (urban residential building) and chapter 173, Laws of 2020 (urban housing supply). Of the amounts provided in this subsection:

(a) $5,000,000 is provided solely for grants to cities for costs associated with the ((~~bill~~)) bills;

(b) $500,000 is provided solely for administration costs to the department; and

(c) $300,000 is provided solely for a grant to the Washington real estate research center.

(70) $100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to produce a proposal and recommendations for establishing an industrial waste coordination program by December 1, 2019.

(71) $200,000 of the general fund—state appropriation for fiscal year 2020 and $400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a comprehensive analysis of statewide emissions reduction strategies. This technical analysis must: (a) Identify specific strategies that are likely to be most effective in achieving necessary emissions reductions for key energy uses and customer segments; and (b) be performed by one or more expert consultants, with administrative and policy support provided by the department.

(72) ((~~$7,454,000~~)) $14,335,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(73) ((~~$600,000~~)) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to law enforcement agencies to

implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. Priority is given to sites meeting these criteria who also can demonstrate leveraging existing local or federal resources.

(74) $80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to facilitate research on nontraditional workers across the regulatory continuum, including convening cross-agency partners. The purpose of the research is to recommend policies and practices regarding the state's worker and small business programs, address changes in the labor market, and continue work initiated by the independent contractor employment study funded in section 127(47), chapter 299, Laws of 2018. The department must submit a report of its findings to the governor by November 1, 2020.

(75) $1,343,000 of the financial fraud and identity theft crimes investigation and prosecution account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(76) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operations of the long-term care ombudsman program.

(77) $607,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to a statewide nonprofit resource center to assist current and prospective homeowners, and homeowners at risk of foreclosure. Funding must be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, foreclosure prevention hotlines, low-income legal services, mediation, and other activities that promote homeownership.

(78) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to nonprofit organizations that primarily serve communities of color and poor rural communities in community planning, technical assistance, and predevelopment as part of the development of capital assets and programs that help reduce poverty and build stronger and more sustainable communities. The funds will be used to further the goal of equitable development of all Washington communities.

((~~(80)~~)) (79) $391,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

((~~(82)~~)) (80) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

((~~(83)~~)) (81) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the formation of a healthy energy workers board. The board must conduct an unmet health care needs assessment for Hanford workers and develop recommendations on how these health care needs can be met. The board must also review studies on how to prevent worker exposure, summarize existing results and recommendations, develop key indicators of progress in meeting unmet health care needs, and catalogue the health surveillance systems in use at the Hanford site. The workers board must submit a report to the legislature by June 1, 2021, documenting recommendations on meeting health care needs, progress on meeting key indicators, and, if necessary, recommendations for the establishment of new health surveillance systems at Hanford.

((~~(84)~~)) (82) $23,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for curriculum development and training sessions for a veteran's certified peer counseling pilot program in Lewis county delivered in partnership with a Lewis county veterans museum.

((~~(85) $60,000,000~~)) (83) $25,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) The department shall not reimburse more than $56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding. Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than $10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

((~~(86) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6430 (industrial waste program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. Of the amount provided in this subsection, $250,000 of the general fund-state appropriation is provided solely for industrial waste coordination grants.~~

~~(88)~~)) (84) $421,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6288 (office of firearm violence). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(89)~~)) (85)(a) $15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to support the operation, maintenance, and service costs of permanent supportive housing projects or permanent supportive housing units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding where the projects or units:

(i) Are dedicated as permanent supportive housing units;

(ii) Are occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Require a supplement to rental income to cover ongoing property

operating, maintenance, and service expenses.

(b) The department may use a maximum of five percent of the appropriations in this subsection to administer the grant program.

((~~(90)~~)) (86) $1,007,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

((~~(91)~~)) (87) $420,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6495 (housing & essential needs). The amount provided in this subsection is provided solely for essential needs and housing support assistance to individuals newly eligible for housing and essential needs support under Substitute Senate Bill No. 6495. If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(92)~~)) (88) $10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to make recommendations on a sustainable, transparent, and reactive funding model for the operation of the long-term care ombuds program.

(a) The department must recommend a plan that:

(i) Serves all residents in long term care equally;

(ii) Is reactive to changes in service costs; and

(iii) Is reactive to changes in number of residents and types of facilities served.

(b) The department shall convene not more than three stakeholder meetings that includes representatives from the department of social and health services, the department of commerce, the department of health, the office of financial management, the office of the governor, the long-term care ombuds program, representatives of long term care facilities, representatives for the area agencies on aging, and other stakeholders as appropriate. The department must submit a report with recommendations to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2020.

((~~(93)~~)) (89) $300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises. By June 1, 2021, the department must transmit a report to the economic development committees of the legislature providing the following information, metrics, and private investment resulting from the department's engagement with international markets:

(a) An overview of the international markets in which the department has established representation and activities and contracts funded with amounts provided in this subsection;

(b) Additional funding invested in Washington companies;

(c) The number of jobs created in Washington; and

(d) The number of partnerships established and maintained by the department with international governments, businesses, and organizations.

((~~(94)~~)) (90) $80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

((~~(95)~~)) (91) $400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis.

((~~(96)~~)) (92) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of commerce to co-lead a prevention workgroup with the department of children, youth, and families. The workgroup shall focus on preventing youth and young adult homelessness and other related negative outcomes. The workgroup shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency workgroup on youth homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement or justice system involvement.

(a) The workgroup must develop a preliminary strategic plan to be submitted to the appropriate committees of the legislature by December 31, 2020 that details:

(i) How existing efforts in this area are coordinated;

(ii) The demographics of youth involved in homelessness and other related negative outcomes;

(iii) Recommendations on promising interventions and policy improvements; and

(iv) Detail and descriptions of current prevention funding streams.

(b) The department of commerce shall solicit private funding to support this workgroup. It is the intent of the legislature that this study be supported by a minimum of a one-to-one match with private funds.

((~~(98)~~)) (93) $1,500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support activities and planning that helps communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

((~~(100)~~)) (94) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization formed in 2018 that provides a shared housing and living environment for pregnant women, single mothers, and their children who are homeless or at risk of being homeless throughout Pierce county. The nonprofit organization must have persons in executive leadership who have experienced family homelessness. The grant must be used for providing classes at the shared housing location on topics such as financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

((~~(102)~~)) (95) $200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to Clallam county to conduct an assessment of the needs of the county's homeless population. The assessment must include an analysis of the impacts of substance abuse treatment at the county's substance abuse treatment facilities on the county's homeless population. The assessment must also provide recommendations for improvements of the county's local homeless housing program. Funding provided in this subsection may also be used to implement recommendations from the assessment or to provide shelter, services, and relocation assistance for homeless individuals.

((~~(103)~~)) (96) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and

assistance in obtaining photo identification or birth certificates.

((~~(104)~~)) (97) $400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit located in King county that serves homeless and at-risk youth and young adults. The grant must be used for a pre-apprenticeship program for youth and young adults experiencing homelessness to prepare and obtain employment in the construction trades by building affordable housing and to earn a high school diploma or equivalent, college credits, or industry certifications.

((~~(105)~~)) (98) $175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with a nongovernment organization whose primary focus is the economic development of the city of Federal Way. The contract must be for economic development activities with a focus on business expansion, retention, and attraction, job creation, and workforce development in the south Puget Sound.

((~~(106)~~)) (99) $5,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a pilot program to address the immediate housing needs of low or extremely low-income elderly or disabled adults receiving federal supplemental security, federal social security disability, or federal social security retirement income who have an immediate housing need and live in King, Snohomish, Thurston, Kitsap, Pierce, or Clark counties.

((~~(107)~~)) (100) $25,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the King county drainage district number 5 for extraordinary audit costs and to perform deferred maintenance on drainage ditches located within the district.

((~~(108)~~)) (101) $150,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

((~~(109)~~)) (102) $750,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the south King fire and rescue fire protection district located in King county to purchase a maritime emergency response vessel.

((~~(110)~~)) (103) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039.

((~~(111)~~)) (104) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2342 (comprehensive plan updates). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(113) $1,100,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(114)~~)) (105) $297,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit provider of sexual assault services located in Renton. The grant must be used for information technology system improvements.

((~~(115)~~)) (106) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

((~~(116)~~)) (107) $1,000,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

((~~(117)~~)) (108)(a) ((~~$40,000,000~~)) $2,349,000 of the Washington housing trust account—state appropriation is provided solely for production and preservation of affordable housing.

(b) In evaluating projects in this subsection, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(c) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

((~~(118)~~)) (109)(a) ((~~$10,000,000~~)) $210,000 of the Washington housing trust account—state appropriation is provided solely for the preservation of affordable multifamily housing at risk of losing affordability due to expiration of use restrictions that otherwise require affordability including, but not limited to, United States department of agriculture funded multifamily housing.

(b) Within the amount provided in this subsection, the department must implement necessary procedures no later than July 1, 2020, to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state.

(c) The department must adhere to the following award terms and procedures for the rapid response program created under (b) of this subsection:

(i) The funding is not subject to the ninety-day application periods in RCW 43.185.070 or 43.185A.050.

(ii) Awards must be in the form of a recoverable grant with a forty-year low income housing covenant on the land.

(iii) If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(iv) Awards may be used for acquisition or for acquisition and rehabilitation of properties to preserve the affordable housing units beyond existing use restrictions and keep them in Washington's housing portfolio.

(v) No single award may exceed $2,500,000, although the department must consider waivers of this award cap if an applicant demonstrates sufficient need.

(vi) The award limit in (c)(v) of this subsection may only be applied to the use of awards provided under this subsection. The amount awarded under this subsection may not be calculated in award limitations for other housing trust fund awards.

(vii) If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For purposes of this subsection, "greatest public benefit" includes, but is not limited to:

(A) The greatest number of units that will be preserved;

(B) Whether the project has federally funded rental assistance tied to it;

(C) The scarcity of the affordable housing applied for compared to the number of available affordable housing units in the same geographic location; and

(D) The program's established funding priorities under RCW 43.185.070(5).

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

((~~(119)~~)) (110)(a) $5,000,000 of the Washington housing trust account—state appropriation is provided solely for housing preservation grants or loans to be awarded competitively.

(b) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment to be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(c) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(i) The age of the property, with priority given to buildings that are more than fifteen years old;

(ii) The population served, with priority given to projects with at least

fifty percent of the housing units being occupied by families and individuals at or below fifty percent area median income;

(iii) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(iv) The potential for additional years added to the affordability period of the property; and

(v) Other criteria that the department considers necessary to achieve the purpose of this program.

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

((~~(120)~~)) (111) $500,000 of the general fund—state appropriation for fiscal year ((~~2020 [2021]~~)) 2021 is provided solely for the department of commerce to contract with a nonprofit organization to establish and operate a center for child care retention and expansion. The nonprofit organization must be a Bellingham, Washington-based nonprofit community action agency with fifty years of experience serving homeless and low-income families and individuals.

(a) Funding provided in this subsection may be used for, but is not limited to, the following purposes:

(i) Creating a rapid response team trained to help child care businesses whose continuity of operations is threatened;

(ii) Developing business model prototypes for new child care settings; and

(iii) Assisting existing or new child care businesses in assessing readiness for expansion or acquisition.

(b) Of the amounts provided in this subsection:

(i) $120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staffing at the center for child care; and

(ii) $380,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the nonprofit organization to distribute grants to third party child care providers and nongovernmental organizations. Nonprofit entities applying for funding as a statewide network must:

(A) Have an existing infrastructure or network of academic, innovation, and mentoring program grant-eligible entities;

(B) Provide after-school and summer programs with youth development services; and

(C) Provide proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age.

(112)(a) $4,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a grant program to reimburse local governments for eligible costs of providing emergency noncongregate sheltering during the COVID-19 public health emergency.

(b) A city or county is eligible to apply for grant funding if it:

(i) Applies to the federal emergency management agency public assistance program for reimbursement of costs to provide emergency noncongregate sheltering; and

(ii) Incurs eligible costs.

(c) Eligible costs are costs to provide emergency noncongregate sheltering that:

(i) Were deemed eligible for reimbursement in the federal emergency management agency policy 104-009-18, version 3, titled *FEMA emergency non-congregate sheltering during the COVID-19 public health emergency (interim)* and dated January 29, 2021; and

(ii) Are incurred by the applicant beginning January 21, 2021, through September 30, 2021.

(d) The department must give priority to applicants who demonstrate use of funds received under P.L. 117-2 for the acquisition, development, and operation of noncongregate sheltering.

(e) The department must coordinate with the military department to confirm that grant recipients have applied to the federal emergency management agency public assistance program for costs identified in their grant application.

(f) For the purposes of this subsection, "noncongregate sheltering"

means sheltering provided in locations where each individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.

Sec. 1122. 2020 c 357 s 128 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2020) $874,000

General Fund—State Appropriation (FY 2021) ((~~$914,000~~))

$892,000

Pension Funding Stabilization Account—State

Appropriation $102,000

Lottery Administrative Account—State Appropriation $50,000

TOTAL APPROPRIATION ((~~$1,940,000~~))

$1,918,000

Sec. 1123. 2020 c 357 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2020) $29,306,000

General Fund—State Appropriation (FY 2021) ((~~$13,799,000~~))

$12,859,000

General Fund—Federal Appropriation ((~~$33,013,000~~))

$32,828,000

General Fund—Private/Local Appropriation ((~~$5,526,000~~))

$5,513,000

Economic Development Strategic Reserve Account—State

Appropriation ((~~$330,000~~))

$317,000

Personnel Service Account—State Appropriation ((~~$35,360,000~~))

$35,144,000

Higher Education Personnel Services Account—State

Appropriation $1,497,000

Statewide Information Technology System Development

Maintenance and Operations Revolving Account—

State Appropriation $32,921,000

Office of Financial Management Central Service

Account—State Appropriation ((~~$21,118,000~~))

$20,543,000

Pension Funding Stabilization Account—State

Appropriation $2,446,000

Performance Audits of Government Account—State

Appropriation ((~~$678,000~~))

$650,000

TOTAL APPROPRIATION ((~~$175,994,000~~))

$174,024,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of ((~~state need~~)) Washington college grant and college bound recipients;

(ii) ((~~The number of students on the unserved waiting list of the state need grant;~~

~~(iii)~~)) Persistence and completion rates of ((~~state need~~)) Washington college grant recipients and college bound recipients ((~~as well as students on the state need grant unserved waiting list~~)), disaggregated by institution of higher education;

((~~(iv) State need~~)) (iii) Washington college grant recipients ((~~and students on the state need grant unserved waiting list~~)) grade point averages; and

((~~(v) State need~~)) (iv) Washington college grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(c) The education data center shall enter data sharing agreements with the joint legislative audit and review committee and the Washington state institute for public policy to ensure that legislatively directed research assignments regarding state financial aid programs may be completed in a timely manner.

(2)(a) $29,623,000 of the statewide information technology system development revolving account—state appropriation is provided solely for the one Washington program agency financial reporting system replacement, phase 1A core financials. Of the amounts provided in this subsection:

(i) $7,082,000 of the statewide information technology system development revolving account—state appropriation is provided solely for organizational enterprise resource planning, organizational change management, and procurement contracts in fiscal year 2020.

(ii) $459,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2020.

(iii) $1,000,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2020.

(iv) $1,366,000 of the statewide information technology system development revolving account—state appropriation is provided solely for program staff in fiscal year 2021.

(v) $442,000 of the statewide information technology system development revolving account—state appropriation is provided solely for dedicated integration development staffing in fiscal year 2021. This staff will work to expand the states integration layer.

(vi) $140,000 of the statewide information technology system development revolving account—state appropriation is provided solely for a dedicated statewide accounting consultant in fiscal year 2021. This staff will work with state agencies to standardize workflow and work with the systems integrator to configure the agency financial reporting system replacement. The staff will also update applicable state administrative and accounting manual chapters to document new standardized workflows.

(vii) $19,576,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2021.

(b) Beginning September 30, 2019, the office of financial management shall provide written quarterly reports on the one Washington program to the legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent for the prior quarter and what the ensuing quarter budget will be by fiscal month. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the expenditures by deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged and paid to each vendor by fiscal month; and

(iii) A report identifying each state agency that received change management vendor work from the information technology pool by fiscal month.

(c) Prior to spending any funds, the director of the office of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(e) Financial reporting for the agency change management funding must be coded and charged discretely in the agency financial reporting system each fiscal month so that it can be differentiated from the noninformation technology pool change management budget and costs.

(3) Within existing resources, the labor relations section shall produce a

report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(4) $12,741,000 of the personnel service account—state appropriation in this section is provided solely for administration of orca pass benefits included in the 2019-2021 collective bargaining agreements and provided to nonrepresented employees as identified in section 996 of this act. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited ((~~in to~~)) into the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(5) $12,485,000 of the personnel service fund appropriation is provided solely for the administration of a flexible spending arrangement (FSA) plan. Agencies shall pay their proportional cost for the program as determined by the office of financial management. Total amounts billed by the office of financial management for this purpose may not exceed the amount provided in this subsection. The office of financial management may, through interagency agreement, delegate administration of the program to the health care authority.

(6) $1,536,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5741 (all payer claims database), and is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) $157,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute House Bill No. 1949 (firearm background checks).

(8) Within amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 1497 (foundational public health).

(9) $110,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of financial management to determine annual primary care medical expenditures in Washington, by insurance carrier, in total and as a percentage of total medical expenditure. Where feasible, this determination must also be broken down by relevant characteristics such as whether expenditures were for in-patient or out-patient care, physical or mental health, by type of provider, and by payment mechanism.

(a) The determination must be made in consultation with statewide primary care provider organizations using the state's all payer claims database and other existing data.

(b) For purposes of this section:

(i) "Primary care" means family medicine, general internal medicine, and general pediatrics.

(ii) "Primary care provider" means a physician, naturopath, nurse practitioner, physician assistant, or other health professional licensed or certified in Washington state whose clinical practice is in the area of primary care.

(iii) "Primary care medical expenditures" means payments to reimburse the cost of physical and mental health care provided by a primary care provider, excluding prescription drugs, vision care, and dental care, whether paid on a fee-for-service basis or as a part of a capitated rate or other type of payment mechanism.

(iv) "Total medical expenditure" means payments to reimburse the cost of all health care and prescription drugs, excluding vision care and dental care, whether paid on a fee-for-service basis or as part of a capitated rate or other type of payment mechanism.

(c) By December 1, 2019, the office of financial management shall report its findings to the legislature, including an explanation of its methodology and any limits or gaps in existing data which affected its determination.

(10) $1,200,000 of the office of financial management central services—state appropriation is provided solely for the education research and data center to set up a data enclave and to work on complex data sets. This is

subject to the conditions, limitations and review requirements of section 701 of this act. The data enclave for customer access must include twenty-five users, to include one user from each of the following entities:

(a) The house;

(b) The senate;

(c) The legislative evaluation and accountability program committee;

(d) The joint legislative audit and review committee; and

(e) The Washington state institute for public policy.

(11) $250,000 of the office of financial management central service—state appropriation is provided solely for a dedicated budget staff for the work associated with the information technology cost pool projects. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account;

(b) Amount by project of funding approved to date and for the last fiscal month;

(c) Amount by agency of funding approved to date and for the last fiscal month;

(d) Total amount approved to date and for the last fiscal month;

(e) Amount of expenditure on each project by the agency to date and for the last fiscal month;

(f) A projection for the information technology pool account by fiscal month through the 2019-2021 fiscal biennium close, and as a calculation of amount spent to date as a percentage of total appropriation;

(g) A projection of each project by fiscal month through the 2019-2021 fiscal biennium close, and a calculation of amount spent to date as a percentage of total project cost; and

(h) A list of agencies and projects that have not yet been approved for funding by the office of financial management.

(12) $15,000,000 of the general fund—state appropriation for fiscal year 2020, $159,000 of the general fund—state appropriation for fiscal year 2021, and $5,000,000 of the general fund—private/local appropriation are provided solely for the office of financial management to prepare for the 2020 census. No funds provided under this subsection may be used for political purposes. The office must:

(a) Complete outreach and a communication campaign that reaches the state's hardest to count residents;

(b) Perform frequent outreach to the hard-to-count population both in person through community messengers and through various media avenues;

(c) Establish deliverable-based outreach contracts with nonprofit organizations and local and tribal contracts;

(d) Consider the recommendations of the statewide complete count committee;

(e) Prepare documents in multiple languages to promote census participation;

(f) Provide technical assistance with the electronic census forms; and

(g) Hold in reserve $5,000,000 of the general fund—state appropriation for fiscal year 2020 and $5,000,000 of the general fund—private/local appropriation, until January 1, 2020, for contracting with community based organizations with historical access to and credibility with hard-to-count people to support outreach to the hardest to count and last-mile efforts.

(13) Within existing resources and in consultation with the office of the superintendent of public instruction, the office of financial management shall review and report on the pupil transportation funding system for K-12 education. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by August 1, 2020. This report shall include review of the following:

(a) The formula components and modeling approach in RCW 28A.160.192;

(b) The data used in the analysis for completeness, validity, and appropriateness;

(c) The timing requirements and whether they could be changed;

(d) The STARS model for appropriateness, functionality, and alignment with statute; and

(e) The capacity and resources of the office of the superintendent of public instruction to produce the transportation analysis.

(14) $192,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $288,000 of the general fund-state appropriation for fiscal year 2021 are~~)) is provided solely for the office of financial management to contract for project management and fiscal modeling to support collaborations with the office of the superintendent of public instruction and department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies which align and integrate high-quality early learning programs administered by both agencies. The report is due to the governor and the appropriate committees of the legislature by September 1, 2020.

((~~(16)~~)) (15) The office shall consult with agencies of the state, including but not limited to the department of natural resources, state parks and recreation commission, department of fish and wildlife, conservation commission, Puget Sound partnership, recreation and conservation office, and department of ecology, to prioritize actions and investments that mitigate the effects of climate change and strengthen the resiliency of communities and the natural environment. The recommended prioritization list shall be submitted to the governor and the legislature by November 1, 2020, to be considered for funding from the climate resiliency account created in section 924 of this act.

((~~(18)~~)) (16) $40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. The report must be submitted to the governor and the appropriate committees of the legislature by December 1, 2020, and must include review of, at least:

(a) The current rates for services by vendor;

(b) A history of increases to the rates since fiscal year 2010 by vendor;

(c) A comparison of how the vendor increases and rates compare to inflation; and

(d) A summary of the billing methodology for the vendor rates.

((~~(20)~~)) (17) $350,000 of the general fund—state appropriation for fiscal year 2021, and $350,000 of the general fund—federal appropriation are provided solely to contract with one or more research or actuarial entities to examine the delivery of behavioral and physical health care services for which the health care authority contracts with a risk-bearing fiscal intermediary, excluding any contracts for employee benefit programs. A report must be provided to the legislature no later than September 1, 2021, and must include:

(a) A description of the types of payment methods currently used by risk-bearing fiscal intermediaries to establish provider payments. The report must identify, and, to the extent practicable, quantify, instances of case payment rates, broad encounter rates, value-based purchasing, subcapitation, or similar methodologies;

(b) Options available to the legislature and the governor to ensure that risk-bearing fiscal intermediaries meet standards for quality and access to care; and

(c) Options available to the legislature and the governor to modify payment rates to providers that offer services under medicaid managed care. To the extent practicable, for each option the report must discuss the potential implications to federal funding and client access to care for both state-funded and private pay patients and identify whether the option could be restricted to particular types of service, provider specializations, client characteristics, care settings, geographic areas, or other relevant, identified demographic criteria.

((~~(21)~~)) (18) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the education research and data center to expand its higher education finance report on the education research and data center web

site to include budget, expenditure, and revenue data for institutions of higher education. The budget, expenditure, and revenue data must be by fund for each institution and for all appropriated, nonappropriated, and nonallotted funds, including the source and use of tuition and fee revenue. Expenditure data must include program and activity information. Revenue data must include source of funds.

((~~(22)~~)) (19) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided on a one-time basis solely for the office to work with a correctional facility located in Des Moines, Washington serving the confinement needs of multiple member cities and a number of contract agencies to study and review the most cost effective delivery options for providing medication assisted treatment to individuals located in local jails and state correctional facilities. The office shall provide a report to the legislature and the appropriate fiscal committees of the legislature by November 10, 2020, which includes recommendations for and the costs associated with providing safe, effective treatment and coordination of care. The study and report must include identification of alternative revenue sources.

((~~(23)~~)) (20) $90,000 of the general fund—state appropriation for fiscal year 2020 and $85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the education research and data center to conduct a statewide study of opportunity youth. The center shall provide a report of its findings to the appropriate committees of the legislature by December 31, 2020. The study must include:

(a) The number of people in Washington between the ages of sixteen and twenty-nine who have enrolled in Washington schools or participated in the Washington workforce between 2015 and 2019 before completely opting out, including:

(i) The rate of young people without a high school diploma or a high school equivalency certificate who are disconnected from high school;

(ii) The rate of young people with a high school diploma, but without a postsecondary credential, who are disconnected from postsecondary education and may or may not be working;

(iii) The rate of young people with a postsecondary credential, but not enrolled in postsecondary education, who are disconnected from the Washington workforce; and

(iv) The rate of young people disconnected from the Washington workforce and not enrolled in Washington schools.

(b) The education levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The education levels include:

(i) No diploma;

(ii) High school diploma or high school equivalency certificate;

(iii) Some higher education but no degree;

(iv) Associates degree;

(v) Bachelor's degree;

(vi) Graduate degree or higher; and

(vii) Degree (associates or higher).

(c) The employment levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The employment levels include:

(i) Not employed;

(ii) Part-time; and

(iii) Full-time.

(d) Disaggregation of data to the extent possible by race, gender, native or foreign born, income above or below 200 percent of the poverty line, average salary, and job industry.

Sec. 1124. 2020 c 357 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account—State

Appropriation ((~~$47,550,000~~))

$46,936,000

TOTAL APPROPRIATION ((~~$47,550,000~~))

$46,936,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $173,000 of the administrative hearing revolving account—state appropriation is provided solely for the implementation of chapter 13, Laws of 2019 (SHB 1399).

(2) $46,000 of the administrative hearings revolving account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1125. 2020 c 357 s 131 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State Appropriation ((~~$29,858,000~~))

$29,458,000

TOTAL APPROPRIATION ((~~$29,858,000~~))

$29,458,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

Sec. 1126. 2020 c 357 s 132 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2020) $438,000

General Fund—State Appropriation (FY 2021) ((~~$465,000~~))

$454,000

Pension Funding Stabilization Account—State

Appropriation $26,000

TOTAL APPROPRIATION ((~~$929,000~~))

$918,000

The appropriations in this section are subject to the following conditions and limitations: $3,000 of the general fund—state appropriation for fiscal year 2020 and $2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies).

Sec. 1127. 2020 c 357 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2020) $321,000

General Fund—State Appropriation (FY 2021) ((~~$408,000~~))

$394,000

Pension Funding Stabilization Account—State

Appropriation $26,000

TOTAL APPROPRIATION ((~~$755,000~~))

$741,000

Sec. 1128. 2020 c 357 s 134 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Account—

State Appropriation ((~~$61,964,000~~))

$61,308,000

TOTAL APPROPRIATION ((~~$61,964,000~~))

$61,308,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $166,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1661 (higher education retirement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) $106,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5350 (optional life annuity).

(3) $139,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Substitute House Bill No. 1308 or Senate Bill No. 5360 (retirement system defaults).

(4) $44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1408 (survivorship benefit options).

(5) $53,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 6417 (survivor option change). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(6) $48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Engrossed House Bill No. 1390 (public employees retirement systems). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) $44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with House Bill No. 2189 (PSERS/comp restoration work). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) $144,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation of ((~~chapter 259 [chapter 295]~~)) chapter 295, Laws of 2019 (E2SHB 1139).

(9) $38,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2544 (definition of veteran). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1129. 2020 c 357 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2020) $150,901,000

General Fund—State Appropriation (FY 2021) ((~~$153,625,000~~))

$148,105,000

Timber Tax Distribution Account—State Appropriation ((~~$7,368,000~~))

$7,289,000

Business License Account—State Appropriation ((~~$20,666,000~~))

$20,534,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation $168,000

Model Toxics Control Operating Account—State

Appropriation ((~~$119,000~~))

$118,000

Financial Services Regulation Account—State

Appropriation $5,000,000

Pension Funding Stabilization Account—State

Appropriation $13,486,000

TOTAL APPROPRIATION ((~~$351,333,000~~))

$345,601,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $142,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute House Bill No. 1059 (B&O return filing due date).

(2)(a) $4,268,000 of the general fund—state appropriation for fiscal year 2020 and $3,238,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement 2019 revenue legislation.

(b) Within the amounts provided in this subsection, sufficient funding is provided for the department to implement section 11 of Engrossed Substitute Senate Bill No. 5183 (manufactured/mobile homes).

(c)(i) Of the amounts provided in this subsection, $711,000 of the general fund—state appropriation for fiscal year 2020 and $1,327,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(ii) In addition to the membership as set forth in chapter 1, Laws of 2017 3rd sp. sess., the tax structure work group is expanded to include voting members as follows:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(iv) All voting members of the work group must indicate, in writing, their interest in serving on the tax structure work group and provide a statement of understanding that the commitment to serve on the tax structure work group is through December 31, 2024. Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within sixty days of notice of the vacancy. The work group must choose a chair or cochairs from among its legislative membership. The chair is, or cochairs are, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations and other decisions of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(v) The duties of the work group are to:

(A) By December 1, 2019, convene no less than one meeting to elect a chair, or cochairs, and conduct other business of the work group;

(B) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (c)(vii) of this subsection;

(C) By May 1, 2021, the work group must:

(I) Hold no less than one meeting in Olympia to review the preliminary findings described in (c)(vii) of this subsection. At least one meeting must engage stakeholder groups, as described in (c)(vi)(A) of this subsection;

(II) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (c)(vii) of this subsection;

(III) Present the summary report described in (c)(vii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(IV) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (c)(vi)(B) of this subsection; and

(V) Finalize the logistics of the engagement strategies described in (c)(v)(D) of this subsection; and

(D) After the conclusion of the 2021 legislative session, the work group must:

(I) Hold no less than five public meetings in geographically dispersed areas of the state;

(II) Present the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure at the public meetings;

(III) Provide an opportunity at the public meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(IV) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(V) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts;

(VI) Inform local elected officials about the public meetings that occur within and near their communities; and

(VII) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (c)(vii) of this subsection.

(vi)(A) The stakeholder groups referenced by (c)(v)(C)(I) of this subsection must include, at a minimum, organizations and individuals representing the following:

(I) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(II) Individual taxpayers with income at or below one hundred percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(B) The presentation referenced in (c)(v)(C)(IV) of this subsection must include the following elements:

(I) The findings and alternatives included in the summary report described in (c)(vii) of this subsection; and

(II) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure including, presenting the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(vii) The duties of the department, with assistance of one or more technical advisory groups, are to:

(A) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(I) Update the data and research that informed the recommendations and other analysis contained in the final report;

(II) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(III) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(IV) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (c)(vii)(A)(II) and (III) of this subsection; and

(V) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium, if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before the effective date of this section;

(B) With respect to the recommendations in the final report of the 2018 tax structure work group:

(I) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share

of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(C) To analyze our economic competitiveness with border states:

(I) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (c)(vii)(C)(I) of this subsection;

(D) To analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(E) To the degree it is practicable, conduct tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(F) To the degree it is practicable, present findings and alternatives by geographic area, in addition to statewide; and

(G) Conduct other analysis as directed by the work group.

(3) $63,000 of the general fund—state appropriation for fiscal year 2020 and $7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(4) Within existing resources, the department must compile a report on the annual amount of state retail sales tax collected under chapter 82.08 RCW on sales occurring at area fairs and county fairs as described in RCW 15.76.120. The report must be submitted to the appropriate committees of the legislature by December 1, 2019.

(5) $4,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to implement 2020 revenue legislation.

(6) $47,000 of the business license account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6632 (business licensing services). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) By January 1, 2021, and by January 1st of each year thereafter, the department must notify the fiscal committees of the legislature of the amount of taxes collected on qualified transactions and paid to each compacting tribe in the prior fiscal year under Substitute Senate Bill No. 6601 or Substitute House Bill No. 2803 (Indian tribes compact/taxes).

(8) Within amounts appropriated in this section, the department shall update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department, in consultation with the aviation division of the Washington state department of transportation, shall develop and recommend a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department must submit a report, including the recommended methodology, to the fiscal committees of the legislature by January 11, 2021.

(9) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to evaluate long-term funding options to support the operations of the Pioneer Square-International District community

preservation and development authority established in RCW 43.167.060. The department must provide a report to the governor and appropriate committees of the legislature by June 30, 2021, with recommendations for funding options including but not limited to an impact fee on tickets sold for events held in major public facilities located adjacent to the geographic area established by the authority. In developing its recommendations, the department must consult with the authority, King county, the city of Seattle, and the owners and operators of major public facilities projects located adjacent to the geographic area established by the authority.

Sec. 1130. 2020 c 357 s 136 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2020) $2,543,000

General Fund—State Appropriation (FY 2021) ((~~$2,598,000~~))

$2,509,000

Pension Funding Stabilization Account—State

Appropriation $162,000

TOTAL APPROPRIATION ((~~$5,303,000~~))

$5,214,000

The appropriations in this section are subject to the following conditions and limitations: $30,000 of the general fund—state appropriation for fiscal year 2020 and $9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the board to continue maintaining its legacy case management software and conduct a feasibility study to determine how best to update or replace the case management software.

Sec. 1131. 2020 c 357 s 137 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund—State Appropriation (FY 2020) $109,000

General Fund—State Appropriation (FY 2021) $760,000

Minority and Women's Business Enterprises Account—

State Appropriation ((~~$5,352,000~~))

$5,272,000

TOTAL APPROPRIATION ((~~$6,221,000~~))

$6,141,000

The appropriations in this section are subject to the following conditions and limitations: $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of minority and women's business enterprises to enter into an interagency agreement with the Washington state department of transportation for the department to write a surety bonding program report. This report is due to the governor by December 1, 2020.

Sec. 1132. 2020 c 357 s 139 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account—State

Appropriation ((~~$60,101,000~~))

$56,504,000

TOTAL APPROPRIATION ((~~$60,101,000~~))

$56,504,000

Sec. 1133. 2020 c 357 s 140 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

General Fund—State Appropriation (FY 2020) $355,000

General Fund—State Appropriation (FY 2021) ((~~$566,000~~))

$378,000

General Fund—Federal Appropriation ((~~$3,035,000~~))

$3,018,000

General Fund—Private/Local Appropriation $75,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $11,649,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) ((~~$12,148,000~~))

$10,846,000

Pension Funding Stabilization Account—State

Appropriation $80,000

Liquor Revolving Account—State Appropriation ((~~$74,902,000~~))

$71,919,000

TOTAL APPROPRIATION ((~~$102,810,000~~))

$98,320,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) The traceability system is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) $70,000 of the liquor revolving account—state appropriation is provided solely to implement chapter 61, Laws of 2019 (SHB 1034) (restaurant/soju endorsement).

(4) $23,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and $23,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute House Bill No. 1794 (marijuana business agreements).

(5) $722,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and $591,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5318 (marijuana license compliance).

(6) $350,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and $350,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the board to hire additional staff for cannabis enforcement and licensing activities.

(7) $100,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely for the board to convene a work group to determine the feasibility of and make recommendations for varying the marijuana excise tax rate based on product potency. The work group must submit a report of its findings to the appropriate committees of the legislature by December 1, 2019.

(8) $71,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5006 (sale of wine by microbrewery). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) $178,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5549 (distillery marketing and sales). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) $56,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6392 (local wine industry license). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) $42,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6206 (marijuana compliance certification). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) $65,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2826 (marijuana vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) $348,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) $172,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6254 (vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) $30,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for the board to convene a task force on marijuana odor with members as provided in this subsection.

(a) The governor shall appoint seven members, who must include a representative from the following:

(i) The state liquor and cannabis board;

(ii) The department of ecology;

(iii) The department of health;

(iv) The Washington state department of agriculture;

(v) A state association of counties;

(vi) A state association of cities; and

(vii) A representative from the recreational marijuana community or a marijuana producer, processor, or retailer licensed by the state liquor and cannabis board.

(b) The task force shall choose its chair from among its membership. The state liquor and cannabis board shall convene the initial meeting of the task force.

(c) The task force shall review the following issues: The available and most appropriate ways or methods to mitigate, mask, conceal, or otherwise address marijuana odors and emissions and the potentially harmful impact of marijuana odors and emissions on people who live, work, or are located in close proximity to a marijuana production or processing facility, including but not limited to: (a) Filtering systems; (b) natural odor masking mechanisms or odor concealing mechanisms; (c) zoning and land use controls and regulations; and (d) changes to state laws and regulations including, but not limited to, laws and regulations related to nuisance and public health.

(d) Staff support for the task force must be provided by the board.

(e) Members of the task force are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(f) The task force must report its findings and recommendations to the governor and the majority and minority leaders of the two largest caucuses of the house of representatives and the senate by ((~~December 31, 2020~~)) June 30, 2021.

Sec. 1134. 2020 c 357 s 141 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund—State Appropriation (FY 2020) $173,000

General Fund—State Appropriation (FY 2021) $123,000

General Fund—Private/Local Appropriation ((~~$16,642,000~~))

$16,594,000

Public Service Revolving Account—State Appropriation ((~~$42,054,000~~))

$41,459,000

Public Service Revolving Account—Federal

Appropriation $230,000

Pipeline Safety Account—State Appropriation ((~~$2,571,000~~))

$2,544,000

Pipeline Safety Account—Federal Appropriation ((~~$4,163,000~~))

$4,134,000

TOTAL APPROPRIATION ((~~$65,956,000~~))

$65,257,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to $800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an

eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) $330,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency).

(3) $95,000 of the public service revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1512 (transportation electrification).

(4) $50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the commission to convene a work group on preventing underground utility damage. The work group is subject to the following requirements:

(a) The utilities and transportation commission shall contract with an independent facilitator for the work group to facilitate and moderate meetings, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance so that they respond in a timely manner, and synthesize agreements and points under negotiation.

(b) The work group shall discuss topics such as, but not limited to: How facility operators and excavators schedule meeting times and places; new requirements for marking locatable underground facilities; a definition of "noninvasive methods"; the procedures that must take place when an excavator discovers (and may or may not damage) an underground facility; positive response procedures; utility identification procedures for newly constructed and replacement underground facilities; the membership composition of the dig law safety committee; liability for damage occurring from an excavation when either the excavator or the facility operator fails to comply with the statutory requirements relating to notice requirements or utility marking requirements; and ensuring consistency with the pipeline and hazardous materials safety administration towards a uniform national standard.

(c) The work group shall include, but is not limited to, members representing cities, counties, public and private utility companies, construction and excavator communities, water-sewer districts, and other government entities with underground facilities.

(d) The work group shall meet a minimum of four times and produce a report with recommendations to the governor and legislature by December 1, 2019.

(5) $123,000 of the general fund—state appropriation for fiscal year 2020, $123,000 of the general fund—state appropriation for fiscal year 2021, and $814,000 of the public services revolving account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(6) $14,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions).

(7) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5511 (broadband service).

(8) $580,000 of the public service revolving account—state appropriation and $15,000 of the pipeline safety account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2518 (natural gas transmission). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

Sec. 1135. 2020 c 357 s 142 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2020) $10,101,000

General Fund—State Appropriation (FY 2021) ((~~$11,403,000~~))

$10,946,000

General Fund—Federal Appropriation ((~~$119,228,000~~))

$118,866,000

Enhanced 911 Account—State Appropriation ((~~$43,746,000~~))

$43,688,000

Disaster Response Account—State Appropriation ((~~$49,998,000~~))

$56,148,000

Disaster Response Account—Federal Appropriation ((~~$134,058,000~~))

$138,300,000

Military Department Rent and Lease Account—State

Appropriation $1,066,000

Military Department Active State Service Account—

State Appropriation $400,000

Oil Spill Prevention Account—State Appropriation $1,040,000

Worker and Community Right to Know Fund—State

Appropriation ((~~$1,849,000~~))

$1,814,000

Pension Funding Stabilization Account—State

Appropriation $1,244,000

TOTAL APPROPRIATION ((~~$374,133,000~~))

$383,613,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2019-2021 biennium based on current revenue and expenditure patterns.

(2) $40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) $625,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $625,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) $11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(5) $784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(6) $100,000 of the enhanced 911 account—state appropriation is provided solely for the department, in collaboration with a representative group of counties, public service answering points, and first responder organizations, to submit a report on the 911 system to the appropriate legislative committees by October 1, 2020. The report must include:

(a) The actual cost per fiscal year for the state, including all political subdivisions, to operate and maintain the 911 system including, but not limited to, the ESInet, call handling equipment, personnel costs, facility costs, contractual costs, administrative costs, and legal fees.

(b) The difference between the actual state and local costs and current state and local 911 funding.

(c) Potential cost-savings and efficiencies through the consolidation of equipment, regionalization of services or merging of facilities, positive and negative impacts on the public, legal or contractual restrictions, and appropriate actions to alleviate these constraints.

(7) $118,000 of the general fund—state appropriation for fiscal year 2020 and $118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5012 (governmental continuity).

(8) $659,000 of the general fund—state appropriation for fiscal year 2020 and $2,087,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install thirty-nine all-hazard alert broadcast sirens to increase inundation zone coverage to alert individuals of an impending tsunami or other disaster.

(9) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the department to procure and install seismic monitoring stations and global navigation satellite systems that integrate with the early warning system known as ShakeAlert.

(10) $120,000 of the general fund—state appropriation for fiscal year 2020 and $120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to support an education and public outreach program in advance of the new early earthquake warning system known as ShakeAlert.

(11) $80,000 of the general fund—state appropriation for fiscal year 2020 and $23,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing Substitute Senate Bill No. 5106 (natural disaster mitigation).

(12) $200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staffing.

(13) $251,000 of the military department rental and lease account—state appropriation is provided solely for the maintenance and operation, including equipment replacement, of the communications infrastructure at camp Murray.

(14) $11,092,000 of the disaster response account—federal appropriation is provided solely for agency costs for acquiring personal protective equipment shown in LEAP omnibus document 2021-FEMA PPE supplemental, dated April 24, 2021. The department must coordinate with the agencies who have costs listed in LEAP omnibus document 2021-FEMA PPE supplemental, dated April 24, 2021, to ensure application to the federal emergency management agency for reimbursement.

(15)(a) Within amounts appropriated in this act, the department must coordinate with the department of commerce in the administration of the grant program created in section 1121(112) of this act.

(b) If the federal emergency management agency provides reimbursement for any portion of the costs incurred by a city or county that were paid for using state grant funding provided under section 1121(112) of this act, the military department shall remit the reimbursed funds to the state general fund.

(c) The department must provide technical assistance for the public assistance program application process to applicants to the grant program created in section 1121(112) of this act.

Sec. 1136. 2020 c 357 s 143 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2020) $2,237,000

General Fund—State Appropriation (FY 2021) ((~~$2,291,000~~))

$2,238,000

Personnel Service Account—State Appropriation ((~~$4,343,000~~))

$4,291,000

Higher Education Personnel Services Account—State

Appropriation ((~~$1,412,000~~))

$1,394,000

Pension Funding Stabilization Account—State

Appropriation $228,000

TOTAL APPROPRIATION ((~~$10,511,000~~))

$10,388,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $122,000 of the general fund—state appropriation for fiscal year 2020 and $112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1575 (collective bargaining/dues).

(2) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5022 (granting interest arbitration to certain higher education uniformed personnel).

(3) $56,000 of the personnel service account—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with

Substitute House Bill No. 2017 (admin. law judge bargaining). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1137. 2020 c 357 s 144 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account—State
Appropriation ((~~$3,833,000~~))
$3,786,000
TOTAL APPROPRIATION ((~~$3,833,000~~))
$3,786,000

Sec. 1138. 2020 c 357 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'
Administrative Account—State Appropriation ((~~$1,121,000~~))
$1,118,000
TOTAL APPROPRIATION ((~~$1,121,000~~))
$1,118,000

The appropriation in this section is subject to the following conditions and limitations: $100,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for legal and consultation fees and services necessary for the board for volunteer firefighters' and reserve officers to address issues related to plan qualification with the federal internal revenue service. The board shall report on the measures taken, and the results to that point, to the appropriate legislative fiscal committees by December 15, 2020.

Sec. 1139. 2020 c 357 s 147 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund—State Appropriation (FY 2020) $4,810,000
General Fund—State Appropriation (FY 2021) ((~~$6,324,000~~))
$6,361,000
General Fund—Private/Local Appropriation $102,000
Building Code Council Account—State Appropriation ((~~$1,966,000~~))
$1,945,000
TOTAL APPROPRIATION ((~~$13,202,000~~))
$13,218,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $4,343,000 of the general fund—state appropriation for fiscal year 2020 and $4,354,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2020 and 2021 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments $1,500,000 in fiscal year 2020 and $1,300,000 in fiscal year 2021.

(5) $100,000 of the general fund—state appropriation in fiscal year 2020 and $100,000 of the general fund—state appropriation in fiscal year 2021 is provided solely for the agency to procure cyber incident insurance on behalf of forty-three small to medium sized agencies that are currently without this coverage.

(6)(a) During the 2019-2021 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) $10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to query and inventory all state agency use and amounts of glyphosate. Within amounts provided, the department must offer to pay to state agencies the difference in costs for using alternatives for vegetation control. A report to the appropriate committees of the legislature on the findings of the query and inventory must be made by December 31, 2019.

(8)(a) $45,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $70,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely for a legislative work group to study and make recommendations on a monument on the capital campus to honor residents who died in the global war in terror. The department of enterprise services must staff the work group, which shall be composed of:

(i) One member from each of the four major caucuses of the legislature;

(ii) The director of the department of veterans affairs or his or her designee;

(iii) The director of the Washington state parks and recreation commission or his or her designee;

(iv) The director of the department of enterprise services or his or her designee;

(v) The director of the Washington state military department or his or her designee;

(vi) The secretary of state or his or her designee;

(vii) The state archivist or his or her designee;

(viii) A representative of the capitol campus design advisory committee that is not the secretary of state or a

legislative member already designated to be part of the work group; and

(ix) Two representatives from veterans organizations appointed by the governor.

(b) The work group shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the work group before November 1, 2019.

(c) The work group shall:

(i) Conduct a study of the feasibility of establishing a new memorial on the capitol campus to honor fallen service members from the global war on terrorism;

(ii) Provide the names of the recommended individuals to be honored at the memorial;

(iii) Recommend locations where the memorial could be constructed on the capitol campus and provide any permit requirements or other restrictions that may exist for each location;

(iv) Provide potential draft designs that could be used for the memorial;

(v) Provide information regarding the anticipated funding needed for:

(A) The design, construction, and placement of the memorial;

(B) Any permits that may be required;

(C) Anticipated ongoing maintenance cost for the memorial based on potential materials used and historical maintenance of other memorials on campus; and

(D) An unveiling ceremony or other expenses that may be necessary for the memorial;

(vi) Make recommendations regarding the funding sources that may be available, which may include solicitation of private funds or a method for obtaining the necessary funds; and

(vii) Make recommendations regarding an agency, committee, or commission to coordinate the design, construction, and placement of a memorial on the capitol campus.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(e) The work group shall submit a report of its recommendations to the appropriate committees of the legislature in accordance with RCW 43.01.036 by June 30, 2021.

(9)(a) Within existing resources, beginning October 31, 2019, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year to include contract spending projections for each ensuing state fiscal year through the contract term, and type of service delivered. The list of contracts must be provided electronically in excel and sortable by all fields.

(b) In determining the type of service delivered, groupings must include agreed upon items by the department, the office of the chief information officer, senate fiscal staff, and house fiscal staff. This grouping criteria must be agreed upon by August 31, 2019.

(10) The department must use any new resources provided for civic education solely for the free-to-schools civic education program.

(11) Within existing resources, the department must study the increase in tort claims filed generally and with a specific focus on the increase in tort claims filed and payouts made against the department of children, youth, and families. The study must include an assessment of the source of the payouts, such as jury awards, court judgments, mediation, and arbitration awards. The department should determine the root cause for these increases and develop recommendations on how to reduce the number of tort claims filed and payouts made. The department must coordinate its work with the department of children, youth, and families and the office of the

attorney general. A report must be provided to the office of financial management and the appropriate committees of the legislature by November 1, 2020.

(12) In collaboration with the office of the governor, the department will add a diversity, equity, and inclusion training module to the learning management system by June 30, 2021.

(13) $447,000 of the building code council account—state appropriation is provided solely for an economic study, additional staffing for the council, and to upgrade the web site. Upgrading the web site is subject to the conditions, limitations, and review provided in section 701 of this act.

(14) $77,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for costs incurred due to additional security on the capitol campus in January 2021.

(15) $30,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract to study security enhancements on the west capitol campus and the governor's residence.

Sec. 1140. 2020 c 357 s 148 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State Appropriation (FY 2020) $2,133,000

General Fund—State Appropriation (FY 2021) ((~~$2,328,000~~))

$2,286,000

General Fund—Federal Appropriation ((~~$2,300,000~~))

$2,284,000

General Fund—Private/Local Appropriation $14,000

Pension Funding Stabilization Account—State

Appropriation $136,000

TOTAL APPROPRIATION ((~~$6,911,000~~))

$6,853,000

The appropriations in this section are subject to the following conditions and limitations: $103,000 of the general fund—state appropriation for fiscal year 2020 and $103,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

Sec. 1141. 2020 c 357 s 149 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund—State Appropriation (FY 2020) $188,000

General Fund—State Appropriation (FY 2021) $188,000

Consolidated Technology Services Revolving Account—

State Appropriation ((~~$29,522,000~~))

$29,238,000

TOTAL APPROPRIATION ((~~$29,898,000~~))

$29,614,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $11,468,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) $1,663,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are subject to the provisions of section 701 of this act or under oversight from the office of the chief information officer. The staff or vendors will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least quarterly, beginning July 1, 2020; and

(iii) Beginning December 31, 2019, provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects.

(b)(i) $250,000 of the consolidated technology services revolving account—state appropriation is provided solely to ensure that the state has a more nimble, extensible information technology dashboard. Dashboard elements must include at the minimum:

(A) Start date of the project;

(B) End date of the project when the project will close out and implementation will occur;

(C) Term of the project in fiscal years across all biennia to reflect the start of the project through the end of the project;

(D) Total project cost from start date through end date in total dollars, and a subtotal of near general fund outlook;

(E) Estimated annual fiscal year cost for maintenance and operations after implementation and close out;

(F) Actual spend by fiscal year and in total for fiscal years that are closed; and

(G) Date a feasibility study was completed.

(ii) The office of the chief information officer may recommend additional elements be included but must have agreement with legislative fiscal committees and the office of financial management prior to including the additional elements.

(c) The agency must ensure timely posting of project data on the information technology dashboard for at least each project funded in the budget to include, at a minimum, posting on the new dashboard:

(i) The budget funded level by project for each project within thirty calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2019, by June 30, 2020, for all projects that started prior to July 1, 2019; and

(iii) Whether each project has completed a feasibility study, by June 30, 2020.

(2) $13,001,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security. Of this amount:

(a) $800,000 of the consolidated technology services revolving account—state appropriation is provided solely for the computer emergency readiness to review security designs of computer systems and to complete security evaluations of state agency systems and applications to identify vulnerabilities and opportunities for system hardening.

(b) $768,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to decrypt network traffic to identify and evaluate network traffic for malicious activity and threats, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(c) $608,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to complete cyber security designs for new platforms, databases, and applications.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) $750,000 of the consolidated technology services revolving account—state appropriation is provided for the office to conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs. The assessment must:

(a) Inventory state agency assets, associated service contracts, and other relevant information;

(b) Identify impacts to state agency staffing resulting from the migration to cloud computing including:

(i) Skill gaps between current on-premises computing practices and how cloud services are procured, secured, administered, maintained, and developed; and

(ii) Necessary retraining and ongoing training and development to ensure state agency staff maintain the skills necessary to effectively maintain information security and understand changes to enterprise architectures;

(c) Identify additional resources needed by the agency to enable sufficient cloud migration support to state agencies; and

(d) Be submitted as a report, by June 30, 2020, to the governor and the appropriate committees of the legislature that summarizes statewide cloud migration readiness and makes recommendations for migration goals.

(9) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to

ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(10) $4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

Sec. 1142. 2020 c 357 s 150 (uncodified) is amended to read as follows:

FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Professional Engineers' Account—State Appropriation ((~~$5,534,000~~))

$5,494,000

TOTAL APPROPRIATION ((~~$5,534,000~~))

$5,494,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~$4,172,000~~)) $4,014,000 of the professional engineers' account—state appropriation is provided solely for implementation of House Bill No. 1176 (businesses and professions).

(2) $1,480,000 of the professional engineers' account—state appropriation is provided solely for the business and technology modernization project pursuant to an interagency agreement with the department of licensing and is subject to the conditions, limitations, and review provided in section 701 of this act.

PART XII

HUMAN SERVICES

SUPPLEMENTAL

Sec. 1201. 2020 c 357 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, ((~~2020~~)) 2021, unless prohibited by this act, the department may transfer general fund—state, general fund—federal, or general fund—local appropriations for fiscal year ((~~2020~~)) 2021 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ((~~2020~~)) 2021 in response to the COVID-19 pandemic or caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state, federal, or local appropriations

that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(c) The department may not transfer appropriations from any other program or subprogram to the mental health program. Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose as needed to fund actual expenditures through the end of fiscal year ((~~2020~~)) 2021.

(d) The department may not transfer appropriations for the developmental disabilities program to any other program or subprograms of the department of social and health services.

Sec. 1202. 2020 c 357 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020) $423,815,000

General Fund—State Appropriation (FY 2021) ((~~$440,131,000~~))

$433,352,000

General Fund—Federal Appropriation ((~~$119,930,000~~))

$124,212,000

General Fund—Private/Local Appropriation ((~~$26,965,000~~))

$21,758,000

Pension Funding Stabilization Account—State

Appropriation $33,300,000

TOTAL APPROPRIATION ((~~$1,044,141,000~~))

$1,036,437,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) $311,000 of the general fund—state appropriation for fiscal year 2020 and $310,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) $45,000 of the general fund—state appropriation for fiscal year 2020 and $45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) $19,000 of the general fund—state appropriation for fiscal year 2020 and $19,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must submit a proposal to the department for a community policing program for eastern state hospital and adjacent areas by September 30, 2019.

(e) $135,000 of the general fund—state appropriation for fiscal year 2020 and

$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2019 and December 1, 2020.

(g) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. The department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health entities.

(ii) The model for civil and forensic state hospital bed need must be developed and updated in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The department must submit a report to the legislature by October 1, 2019, with an update of the model and the estimated civil and forensic state hospital bed need by November 1, 2020, and each November 1st thereafter through the end of fiscal year 2027. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(h) $2,097,000 of the general fund—state appropriation for fiscal year 2020

and $3,084,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(i) $6,450,000 of the general fund—state appropriation for fiscal year 2020 and $7,147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 and further increase the number of staff providing competency evaluation services. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase the number of forensic evaluators pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) $56,441,000 of the general fund—state appropriation for fiscal year 2020, $63,159,000 of the general fund—state appropriation for fiscal year 2021, and $2,127,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain increases that began in fiscal year 2016 and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase forensic bed capacity at the state hospitals pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(k) $86,601,000 of the general fund—state appropriation for fiscal year 2020 and $86,705,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees.

(i) The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities and that is informed by a review of the Oregon state hospital staffing model.

(ii) Within these amounts, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By December 1, 2019, the department and hospital staffing committees must submit a report to the office of financial management and the appropriate committees of the

legislature that includes the following: (A) Progress in implementing the acuity based staffing tool; (B) a comparison of average monthly staffing expenditures to budgeted staffing levels and to the recommended state hospital staffing plan by function and at the ward level; and (C) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to provide budget oversight and accountability and inform and prioritize future budget requests for staffing at the state hospitals.

(iii) The department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature that include monitoring of monthly spending, staffing levels, overtime and use of locums compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include an update from the hospital staffing committees.

(iv) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within thirty days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within thirty days of granting such authorizations and identify the reason and time frame for the extension.

(l) $11,285,000 of the general fund—state appropriation for fiscal year 2020 and $10,581,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for implementing a new intensive care model program at western state hospital. Remaining amounts may be used for enclosure of nursing stations, increasing the number of security guards, and provision of training on patient and staff safety. The department must provide implementation reports to the office of financial management and the appropriate committees of the legislature as follows:

(i) A report must be submitted by December 1, 2019, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and preliminary information on outcomes associated with the program. The outcomes section should include tracking data on facility wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(ii) A report must be submitted by December 1, 2020, which provides an update on the implementation of the intensive care model, any changes that have occurred, and updated information on the outcomes associated with implementation of the program.

(m) ((~~$4,262,000~~)) $2,658,000 of the general fund—state appropriation for fiscal year 2021 ((~~and $2,144,000 of the general fund—federal appropriation are~~)) is provided solely to open a new unit at the child study treatment center which shall serve up to eighteen children.

(n) $2,593,000 of the general fund—state appropriation for fiscal year 2020 and $2,593,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

((~~(p)~~)) (o) Within the amounts provided in this subsection, the department must develop and submit an

annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per ten thousand patient bed days; (iv) monthly dollar expenditures per ten thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per 10,000 bed days; (x) rate of patient assaults per 10,000 bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by November 1, 2020, and provide annual updates thereafter.

((~~(q)~~)) (p) $1,660,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to repair, replace, or upgrade failing infrastructure at western and eastern state hospitals.

((~~(r)~~)) (q) $1,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020) $5,812,000

General Fund—State Appropriation (FY 2021) ((~~$5,736,000~~))

$5,828,000

General Fund—Federal Appropriation ((~~$315,000~~))

$309,000

TOTAL APPROPRIATION ((~~$11,863,000~~))

$11,949,000

Sec. 1203. 2020 c 357 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1)(a) The appropriations to the department of social and health services in this section must be expended for the programs and in the amounts specified in this section. However, after May 1, ((~~2020~~)) 2021, unless prohibited by this act, the department may transfer appropriations for fiscal year ((~~2020~~)) 2021 among programs and subprograms of this section after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ((~~2020~~)) 2021 in response to the COVID-19 pandemic or caseload forecasts and utilization assumptions in the developmental disabilities program, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(2) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2020) $732,559,000

General Fund—State Appropriation (FY 2021) ((~~$810,256,000~~))

$718,924,000

General Fund—Federal Appropriation ((~~$1,579,826,000~~))

$1,628,068,000

General Fund—Private/Local Appropriation $4,024,000

Pension Funding Stabilization Account—State

Appropriation $6,364,000

Developmental Disability Community Trust Account—

State Appropriation $1,000,000

TOTAL APPROPRIATION ((~~$3,134,029,000~~))

$3,090,939,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is $225 per bed beginning in fiscal year 2020 and $225 per bed beginning in fiscal year 2021. A processing fee of $2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of $700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is $116 per bed beginning in fiscal year 2020 and $116 per bed beginning in fiscal year 2021.

(iii) The current annual renewal license fee for nursing facilities is $359 per bed beginning in fiscal year 2020 and $359 per bed beginning in fiscal year 2021.

(c) $7,527,000 of the general fund—state appropriation for fiscal year 2020, $16,092,000 of the general fund—state appropriation for fiscal year 2021, and $29,989,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(d) $1,058,000 of the general fund—state appropriation for fiscal year 2020, $2,245,000 of the general fund—state appropriation for fiscal year 2021, and $4,203,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) $1,705,000 of the general fund—state appropriation for fiscal year 2020, $1,688,000 of the general fund—state appropriation for fiscal year 2021, and $1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of thirteen enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving,

the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) $2,025,000 of the general fund—state appropriation for fiscal year 2020 and $2,006,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development and implementation of thirteen community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) $4,005,000 of the general fund—state appropriation for fiscal year 2020, $6,084,000 of the general fund—state appropriation for fiscal year 2021, and $9,826,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (i)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (i)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(j) $1,029,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for state-operated behavioral health group training homes for clients with developmental disabilities who require a short-term placement for crisis stabilization following a hospital stay. The developmental disabilities administration shall research and assess options to claim federal medicaid funds for state-operated behavioral health group training homes and report its findings to the governor and appropriate legislative committees by December 1, 2019.

(k) $605,000 of the general fund—state appropriation for fiscal year 2020, $1,627,000 of the general fund—state appropriation for fiscal year 2021, and $1,797,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately three hundred fifty additional clients are anticipated

to graduate from high school during the 2019-2021 fiscal biennium and will receive employment services under this expansion.

(l) $20,243,000 of the general fund—state appropriation for fiscal year 2020, $44,855,000 of the general fund—state appropriation for fiscal year 2021, and $63,822,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection (1)(l) include funding to increase the rate by 13.5 percent effective January 1, 2020, and by 1.8 percent effective January 1, 2021. The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

(m) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to establish parent-to-parent programs for parents of children with developmental disabilities in Ferry, Pend Oreille, Stevens, San Juan, and Wahkiakum counties.

(n) $401,000 of the general fund—state appropriation for fiscal year 2020, $424,000 of the general fund—state appropriation for fiscal year 2021, and $1,043,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(o) $3,626,000 of the general fund—state appropriation for fiscal year 2020, $4,757,000 of the general fund—state appropriation for fiscal year 2021, and $10,444,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(p) $63,000 of the general fund—state appropriation for fiscal year 2020, $44,000 of the general fund—state appropriation for fiscal year 2021, and $106,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in section 701 of this act.

(q) $13,000 of the general fund—state appropriation for fiscal year 2020, $20,000 of the general fund—state appropriation for fiscal year 2021, and $23,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199).

(r) $153,000 of the general fund—state appropriation for fiscal year 2020, $356,000 of the general fund—state appropriation for fiscal year 2021, and $643,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and for a rate add-on to providers that serve sixty percent or more medicaid clients.

(s) $193,000 of the general fund—state appropriation for fiscal year 2020, $385,000 of the general fund—state appropriation for fiscal year 2021, and $654,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for nurse delegation, private duty nursing, and supported living nursing services.

(t) $3,490,000 of the general fund—local appropriation and $3,490,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is $847 per client in fiscal year 2020 and $859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(u) The appropriations in this section include sufficient funding to implement Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

(v) $100,000 of the general fund—state appropriation for fiscal year 2020, $95,000 of the general fund—state appropriation for fiscal year 2021, and $195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the

state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(w) $4,886,000 of the general fund—state appropriation for fiscal year 2020, $7,150,000 of the general fund—state appropriation for fiscal year 2021, and $11,894,000 of the general fund—federal appropriation are provided solely to complete the three-year phase in of forty-seven clients from residential habilitation centers to state operated living alternatives.

(x) $2,279,000 of the general fund—state appropriation for fiscal year 2020, $2,279,000 of the general fund—state appropriation for fiscal year 2021, and $4,558,000 of the general fund—federal appropriation are provided solely for additional staffing resources for the transition of clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to state operated living alternatives to address deficiencies identified by the centers for medicare and medicaid services.

(y) $51,000 of the general fund—state appropriation for fiscal year 2020, $108,000 of the general fund—state appropriation for fiscal year 2021, and $203,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019, and by an additional five cents per hour effective July 1, 2020.

(z) $1,798,000 of the general fund—state appropriation for fiscal year 2020, $2,422,000 of the general fund—state appropriation for fiscal year 2021, and $4,219,000 of the general fund—federal appropriation are provided solely for state-operated living alternative homes.

(i) Of the amounts provided in this subsection, $480,000 of the general fund—state appropriation for fiscal year 2020, $646,000 of the general fund—state appropriation for fiscal year 2021, and $1,125,000 of the general fund—federal appropriation are provided solely to place residents in transition from the Rainier PAT A intermediate care facility.

(ii) Of the amounts provided in this subsection, $420,000 of the general fund—state appropriation for fiscal year 2020, $565,000 of the general fund—state appropriation for fiscal year 2021, and $985,000 of the general fund—federal appropriation are provided solely to place developmental disability administration clients upon discharge from a hospital stay when the clients' previous providers are unable to manage the clients' care needs.

(aa) $75,000 of the general fund—state appropriation for fiscal year 2021 and $96,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(bb) $60,000 of the general fund—state appropriation for fiscal year 2020, $120,000 of the general fund—state appropriation for fiscal year 2021, and $120,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6419 (habilitation center clients). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(cc) $145,000 of the general fund—state appropriation for fiscal year 2020, $146,000 of the general fund—state appropriation for fiscal year 2021, and $214,000 of the general fund—federal appropriation are provided solely to review the no-paid services caseload pursuant to Engrossed Substitute Senate Bill No. 6040 (developmental disability budgeting).

(dd) $6,000 of the general fund—state appropriation for fiscal year 2021 and $4,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(ee) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020) $119,274,000

General Fund—State Appropriation (FY 2021) ((~~$120,754,000~~))

$107,774,000

General Fund—Federal Appropriation ((~~$233,430,000~~))

$237,108,000

General Fund—Private/Local Appropriation $27,041,000

Pension Funding Stabilization Account—State

Appropriation $11,396,000

TOTAL APPROPRIATION ((~~$511,895,000~~))

$502,593,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) $495,000 of the general fund—state appropriation for fiscal year 2020 and $495,000 of the general fund—state appropriation for fiscal year 2021 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) $830,000 of the general fund—state appropriation for fiscal year 2020 and $135,000 of the general fund—federal appropriation are provided solely for the loss of federal revenue and the transition of residents due to the decertification of the Rainier school PAT A intermediate care facility by the centers for medicare and medicaid services in calendar year 2019. It is the intent of the legislature that the developmental disabilities administration complete the transitions of Rainier PAT A residents by September 2019.

(e) $3,455,000 of the general fund—state appropriation for fiscal year 2020, $3,455,000 of the general fund—state appropriation for fiscal year 2021, and $6,910,000 of the general fund—federal appropriation are provided solely for additional staffing resources for clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services and to gather information for the 2020 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral third party to continue the facilitation of meetings and discussions about how to support appropriate levels of care for residential habilitation center clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, the longer-term issues identified in the January 2019 report to the legislature, including shifting care and staffing needs, crisis stabilization, alternative uses of residential habilitation center campus, and transforming adult family homes. An agreed-upon preferred longer term vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2019. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred long-term vision.

(ii) The parties invited to participate in the meetings and discussions must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employees international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services;

(I) One member from the aging and long term support administration within the department of social and health services; and

(J) Two members who are family members or guardians of current residential habilitation center residents.

(K) Staff support for the work group must be provided by the department of social and health services.

(4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020) $2,536,000

General Fund—State Appropriation (FY 2021) ((~~$2,640,000~~))

$2,600,000

General Fund—Federal Appropriation ((~~$3,203,000~~))

$3,180,000

Pension Funding Stabilization Account—State

Appropriation $270,000

TOTAL APPROPRIATION ((~~$8,649,000~~))

$8,586,000

(5) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2020) $62,000

General Fund—State Appropriation (FY 2021) ((~~$62,000~~))

$65,000

General Fund—Federal Appropriation ((~~$1,092,000~~))

$1,095,000

Pension Funding Stabilization Account—State

Appropriation $4,000

TOTAL APPROPRIATION ((~~$1,220,000~~))

$1,226,000

Sec. 1204. 2020 c 357 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund—State Appropriation (FY 2020) $1,320,605,000

General Fund—State Appropriation (FY 2021) ((~~$1,482,768,000~~))

$1,319,552,000

General Fund—Federal Appropriation ((~~$3,457,726,000~~))

$3,546,964,000

General Fund—Private/Local Appropriation $37,729,000

Traumatic Brain Injury Account—State Appropriation $4,558,000

Skilled Nursing Facility Safety Net Trust Account—

State Appropriation $133,360,000

Pension Funding Stabilization Account—State

Appropriation $12,392,000

Long-Term Services and Supports Trust Account—State

Appropriation $2,937,000

TOTAL APPROPRIATION ((~~$6,452,075,000~~))

$6,378,097,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed $229.10 for fiscal year 2020 and may not exceed $250.71 for fiscal year 2021.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is $225 per bed beginning in fiscal year 2020 and $225 per bed beginning in fiscal year 2021. A processing fee of $2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of $700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is $116 per bed beginning in fiscal year 2020 and $116 per bed beginning in fiscal year 2021.

(c) The current annual renewal license fee for nursing facilities is $359 per bed beginning in fiscal year 2020 and $359 per bed beginning in fiscal year 2021.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) $1,858,000 of the general fund—state appropriation for fiscal year 2020 and $1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) $15,748,000 of the general fund—state appropriation for fiscal year 2020, $33,024,000 of the general fund—state appropriation for fiscal year 2021, and $62,298,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(6) $6,320,000 of the general fund—state appropriation for fiscal year 2020, $13,142,000 of the general fund—state appropriation for fiscal year 2021, and $24,768,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(7) $5,094,000 of the general fund—state appropriation for fiscal year 2020 and $5,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be $900 for each facility.

(10) $479,000 of the general fund—state appropriation for fiscal year 2020 and $479,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(12) Within amounts appropriated in this subsection, the department shall

assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(13) $315,000 of the general fund—state appropriation for fiscal year 2020, $315,000 of the general fund—state appropriation for fiscal year 2021, and $630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community

placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(14) $135,000 of the general fund—state appropriation for fiscal year 2020, $135,000 of the general fund—state appropriation for fiscal year 2021, and $270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(15)(a) No more than $79,799,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than $2,525,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes.

The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(16) $13,303,000 of the general fund—state appropriation for fiscal year 2020, $15,891,000 of the general fund—state appropriation for fiscal year 2021, and $36,390,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(17) $40,000 of the general fund—state appropriation for fiscal year 2020, $40,000 of the general fund—state appropriation for fiscal year 2021, and $80,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(18) $428,000 of the general fund—state appropriation for fiscal year 2020, $1,761,000 of the general fund—state appropriation for fiscal year 2021, and $2,520,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(19) $117,000 of the general fund—state appropriation for fiscal year 2020 and $116,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons

with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(20) $18,000 of the traumatic brain injury account—state appropriation is provided solely to implement Substitute House Bill No. 1532 (domestic violence TBIs).

(21) $543,000 of the general fund—state appropriation for fiscal year 2020, $495,000 of the general fund—state appropriation for fiscal year 2021, and $1,038,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in section 701 of this act. Of the amounts provided in this subsection, $75,000 of the general fund—state appropriation in fiscal year 2020 and $75,000 of the general fund—federal appropriation are provided solely for a feasibility study of information technology solutions for an asset verification system. The feasibility study shall consider the department's existing case management systems that may be required to interface with the asset verification system. The department shall work with the health care authority to develop a long-term strategy for an asset verification system that complies with federal requirements, maximizes efficient use of staff time, supports accurate client financial eligibility determinations, and incorporates relevant findings from the feasibility study, and shall report its findings and recommendation to the governor and appropriate legislative committees no later than December 1, 2019.

(22) $2,937,000 of the long-term services and supports trust account—state appropriation is provided solely to implement Second Substitute House Bill No. 1087 (long-term services and support). Of the amounts provided in this subsection, $717,000 is provided solely for a contract with the state actuary.

(23) $2,373,000 of the general fund—state appropriation for fiscal year 2020, $2,459,000 of the general fund—state appropriation for fiscal year 2021, and $6,215,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(24) $727,000 of the general fund—state appropriation for fiscal year 2020, $1,455,000 of the general fund—state appropriation for fiscal year 2021, and $2,469,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for in-home skilled nursing services, nurse delegation, in-home private duty nursing, and adult family home private duty nursing.

(25) $3,353,000 of the general fund—local appropriation and $1,055,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is $847 per client in fiscal year 2020 and $859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(26) $17,481,000 of the general fund—state appropriation for fiscal year 2020, $28,471,000 of the general fund—state appropriation for fiscal year 2021, and $41,031,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(27) $1,344,000 of the general fund—state appropriation for fiscal year 2020 and $1,344,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship care support program.

(28) $306,000 of the general fund—state appropriation for fiscal year 2020, $317,000 of the general fund—state appropriation for fiscal year 2021, and $794,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019.

(29) $94,000 of the general fund—state appropriation for fiscal year 2020 and $94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to establish a pilot project to provide personal care services to homeless seniors and persons with disabilities from the time the person presents at a shelter to the time the person becomes eligible for medicaid personal care services.

(a) The department shall contract with a single nonprofit organization that provides personal care services to homeless persons and operates a twenty-four hour homeless shelter, and that is currently partnering with the department to bring medicaid personal care services to homeless seniors and persons with disabilities.

(b) The department shall submit a report by December 1, 2020, to the governor and appropriate legislative committees. The report shall address findings and outcomes of the pilot and recommendations.

(30) $3,669,000 of the general fund—state appropriation for fiscal year 2020, $8,543,000 of the general fund—state appropriation for fiscal year 2021, and $15,434,000 of the general fund—federal

appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and to provide a rate add-on to providers that serve sixty percent or more medicaid clients.

(31) $375,000 of the general fund—state appropriation for fiscal year 2020, $637,000 of the general fund—state appropriation for fiscal year 2021, and $1,016,000 of the general fund—federal appropriation are provided solely to increase rates for adult day health and adult day care providers effective July 1, 2019, and to increase rates by 6 percent effective July 1, 2020.

(32) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

(33) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

((~~(35)~~)) (34) $439,000 of the general fund—state appropriation for fiscal year 2021 and $559,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(36)~~)) (35) The appropriations in this section include sufficient funding to implement Engrossed Substitute House Bill No. 1023 (adult family homes/8 beds). A nonrefundable fee of $455 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

((~~(39)~~)) (36) $77,000 of the general fund—state appropriation for fiscal year 2021 and $76,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6205 (long-term care workers). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(40)~~)) (37) $17,000 of the general fund—state appropriation for fiscal year 2021 and $12,000 of the general fund—federal appropriation is provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(38) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(39) $21,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to begin phasing in personal care services for up to 20 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

Sec. 1205. 2020 c 357 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund—State Appropriation (FY 2020) $354,021,000

General Fund—State Appropriation (FY 2021) ((~~$364,531,000~~))

$332,230,000

General Fund—Federal Appropriation ((~~$1,460,971,000~~))

$1,457,732,000

General Fund—Private/Local Appropriation $5,416,000

Domestic Violence Prevention Account—State

Appropriation $2,404,000

Pension Funding Stabilization Account—State

Appropriation $26,349,000

Administrative Contingency Account—State

Appropriation $4,000,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $5,399,000

TOTAL APPROPRIATION ((~~$2,217,692,000~~))

$2,187,551,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) $67,875,000 of the general fund—state appropriation for fiscal year 2020, ((~~$68,063,000~~)) $49,298,000 of the general fund—state appropriation for fiscal year 2021, ((~~$835,701,000~~)) $871,322,000 of the general fund—federal appropriation, $4,000,000 of the administrative contingency account—state appropriation, and $5,585,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b)(i) ((~~$265,980,000~~)) $308,614,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(ii) Of the amounts in (a) of this subsection, $1,213,000 of the general fund—state appropriation for fiscal year 2020 and $989,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(iii) Of the amounts in (a) of this subsection, $43,000 of the general fund—state appropriation for fiscal year 2021 and $2,553,000 of the general fund—federal appropriation are provided solely for the temporary suspension of mid-certification reviews and extension of eligibility reviews between November 2020 and June 2021 for the temporary assistance for needy families program.

(c)(i) ((~~$155,622,000~~)) $138,872,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(ii) ((~~$2,430,000~~)) $1,819,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) Of the amounts in (a) of this subsection, $864,000 of the general fund—state appropriation for fiscal year 2020 and $649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(d) Of the amounts in (a) of this subsection, $353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families. The department shall work in collaboration with the department of children, youth, and families to track the average monthly child care subsidy caseload and expenditures by fund type including the child care development fund, general fund—state, and the temporary assistance for needy families grant for the purpose of estimating the monthly temporary assistance for needy families grant reimbursement.

(e) Of the amounts in (a) of this subsection, $68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f)(i) ((~~$137,723,000~~)) $128,696,000 of the amounts in (1)(a) of this section is for WorkFirst administration and overhead.

(ii) Of the amounts in (a) of this subsection, $218,000 of the general fund—state appropriation for fiscal year 2020 and $39,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(iii) Of the amount in (f) of this subsection, $284,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6478 (economic assistance programs). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(iv) Of the amount in (f) of this subsection, $291,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2441 (TANF access). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to ten percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort

or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(j) In the 2019-2021 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) $2,545,000 of the general fund—state appropriation for fiscal year 2020 and $2,546,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for naturalization services.

(3) $2,366,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for employment services for refugees and immigrants, of which $1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and $2,366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for employment services for refugees and immigrants, of which $1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2020, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7)(a) $3,682,000 of the general fund—state appropriation for fiscal year 2020((~~, $1,344,000 of the general fund—state appropriation for fiscal year 2021,~~)) and ((~~$10,333,000~~)) $7,485,000 of the general fund—federal appropriation are provided solely for the continuation of the ESAR project and implementation of a disaster recovery plan.

(b) $898,000 of the general fund—state appropriation for fiscal year 2021 and $1,803,000 of the general fund—federal appropriation are provided solely for the termination of the ESAR project.

(c) The funding in this section is subject to the conditions, limitations, and review provided in section 701 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operational support of the Washington information network 211 organization.

(10) $748,000 of the general fund—state appropriation for fiscal year 2020, ((~~$2,930,000~~)) $2,155,000 of the general fund—state appropriation for fiscal year 2021, and ((~~$576,000~~)) $1,074,000 of the general fund—federal appropriation are provided solely to implement an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitations, and review provided in section 701 of this act.

(11) Within amounts appropriated in this section, the department must conduct

a comprehensive study of the WorkFirst transportation pilot. The department must submit a report by November 1, 2020, to the governor and the appropriate fiscal and policy committees that includes a cost benefit analysis of the transportation pilot. At a minimum, the report must include the total annual cost of the pilot since implementation, total annual number of clients accessing transportation services through the pilot, impacts to sanctions and the participation rate, employment outcomes, caseload impacts, department recommendations, and lessons learned.

(12) $2,375,000 of the general fund—state appropriation for fiscal year 2021 and $44,000 of the general fund—federal appropriation are provided solely to eliminate the supplied shelter grant standard for the pregnant women assistance, refugee cash assistance, and the aged, blind, or disabled assistance programs.

(13) $164,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Third Substitute Senate Bill No. 5164 (trafficking victims assist.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(15) $1,121,000~~)) (14) $354,000 of the general fund—state appropriation for fiscal year 2021 and ((~~$1,107,000~~)) $341,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5144 (child support pass-through). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(16)~~)) (15) $228,000 of the general fund—state appropriation for fiscal year 2021 is provided to eliminate the mid-certification review for aged participants in the aged, blind, and disabled program.

(16) $5,399,000 of the coronavirus state fiscal recovery account—federal appropriation for fiscal year 2021 is provided solely for the department to temporarily increase food benefits to recipients of the state's food assistance program in order to maintain parity with benefits offered under the supplemental nutrition assistance program, for the months of April through July 2021.

(17) $2,450,000 of the general fund—state appropriation for fiscal year 2021 and $2,950,000 of the general fund—federal appropriation are provided solely for the ACES stabilization project, and are subject to the conditions, limitations, and review provided in section 701 of this act.

(18) $698,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the temporary suspension of mid-certification reviews and extension of eligibility reviews between November 2020 and June 2021 for the aged, blind, or disabled program.

(19) $1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the temporary suspension of mid-certification reviews and extension of eligibility reviews between November 2020 and June 2021 for the food assistance program.

(20) $342,000 of the general fund—state appropriation for fiscal year 2021 and $342,000 of the general fund—federal appropriation are provided solely for the implementation of a federally mandated interstate matching system for the supplemental nutrition assistance program. The funding is subject to the conditions, limitations, and review provided in section 701 of this act.

(21) $377,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated emergency assistance program.

Sec. 1206. 2020 c 357 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020) $16,663,000

General Fund—State Appropriation (FY 2021) ((~~$17,632,000~~))

$14,874,000

General Fund—Federal Appropriation $109,595,000

Pension Funding Stabilization Account—State

Appropriation $2,024,000

TOTAL APPROPRIATION ((~~$145,914,000~~))

$143,156,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(3)(c) of this act.

(2) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supported employment services for additional eligible clients with the most significant disabilities who would otherwise be placed on the federally required order of selection waiting list.

Sec. 1207. 2020 c 357 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM

General Fund—State Appropriation (FY 2020) $52,711,000

General Fund—State Appropriation (FY 2021) ((~~$53,921,000~~))

$52,060,000

Pension Funding Stabilization Account—State

Appropriation $4,580,000

TOTAL APPROPRIATION ((~~$111,212,000~~))

$109,351,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) $705,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$784,000~~)) $322,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to expand its King county secure transition facility from six beds to twelve beds beginning January 1, 2020.

(3) $225,000 of the general fund—state appropriation for fiscal year 2020 and $210,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire staff to provide medical transportation and hospital watch services for individuals in need of medical care outside the main facility.

(4) $158,000 of the general fund—state appropriation for fiscal year 2020 and $152,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an administrator to coordinate siting efforts for new secure community transition facilities to house individuals transitioning to the community from the main facility.

Sec. 1208. 2020 c 357 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund—State Appropriation (FY 2020) $31,806,000

General Fund—State Appropriation (FY 2021) ((~~$36,863,000~~))

$35,528,000

General Fund—Federal Appropriation ((~~$48,142,000~~))

$47,825,000

Pension Funding Stabilization Account—State

Appropriation $6,449,000

TOTAL APPROPRIATION ((~~$123,260,000~~))

$121,608,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2020, and

February 1, 2021. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(2) $47,000 of the general fund—state appropriation for fiscal year 2020, $47,000 of the general fund—state appropriation for fiscal year 2021, and $142,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

Sec. 1209. 2020 c 357 s 210 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

During the 2019-2021 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (1) The status of any information technology projects currently being developed or implemented that affect the coalition; (2) funding needs of these current and future information technology projects; and (3) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes

federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ((~~2020~~)) 2021, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year ((~~2020~~)) 2021 among programs after approval by the director of the office of financial management. The authority must notify the fiscal committees of the legislature prior to receiving approval from the director of the office of financial management. To the extent that appropriations in sections 211 through 215 are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions, the authority may transfer general fund—state appropriations for fiscal year ((~~2020~~)) 2021 that are provided solely for a specified purpose. The authority may also transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose within section 215 of this act to cover any deficits in section 215 of this act resulting from assumptions related to the return of $35,000,000 in general fund—state behavioral health organization reserves in fiscal year ((~~2020~~)) 2021. The authority may not transfer funds, including for expenses in response to the COVID-19 pandemic in fiscal year 2021, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

Sec. 1210. 2020 c 357 s 211 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE

General Fund—State Appropriation (FY 2020) ((~~$2,378,633,000~~))

$2,378,525,000

General Fund—State Appropriation (FY 2021) ((~~$2,440,100,000~~))

$2,242,668,000

General Fund—Federal Appropriation ((~~$12,319,236,000~~))

$13,205,129,000

General Fund—Private/Local Appropriation ((~~$246,218,000~~))

$271,639,000

Emergency Medical Services and Trauma Care Systems

Trust Account—State Appropriation $15,086,000

Hospital Safety Net Assessment Account—State

Appropriation ((~~$715,909,000~~))

$710,856,000

Medicaid Fraud Penalty Account—State Appropriation ((~~$10,208,000~~))

$762,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $20,870,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) ((~~$20,953,000~~))

$26,906,000

Pension Funding Stabilization Account—State

Appropriation $4,544,000

Medical Aid Account—State Appropriation ((~~$538,000~~))

$537,000

TOTAL APPROPRIATION ((~~$18,172,295,000~~))

$18,877,522,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under

healthier Washington except as described in subsections (2) and (3) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. Beginning May 15, 2019, and continuing through December 15, 2019, by the 15th of each month, the director in consultation with the secretary shall report to the fiscal chair of the appropriate committees of the legislature in the manner and form requested the status of the medicaid transformation waiver, including any anticipated or proposed changes to accruals or expenditures.

(2) No more than ((~~$153,357,000~~)) $165,082,000 of the general fund—federal appropriation and no more than ((~~$86,190,000~~)) $112,949,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services.

(3)(a) No more than ((~~$79,829,000~~)) $67,896,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier

Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than ((~~$89,476,000~~)) $105,283,000 of the general fund—federal appropriation and no more than ((~~$36,548,000~~)) $43,004,000 of the general fund—local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against initiative 1 of the medicaid transformation demonstration waiver spending limit and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not create an entitlement. The authority shall not increase general fund—state, federal, or local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(4) Annually, no later than November 1st, the authority shall report to the governor and appropriate committees of the legislature: (a) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (b) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(5) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(6) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded

services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) $4,261,000 of the general fund—state appropriation for fiscal year 2020, ((~~$4,261,000~~)) $3,733,000 of the general fund—state appropriation for fiscal year 2021, and ((~~$8,522,000~~)) $9,050,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(12) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(13)(a) $7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(b) The authority, in consultation with the department of social and health services and the nursing homes operated by public hospitals in (a) of this subsection, must develop a plan with recommendations for an upper payment limit calculation and the supplemental payment model for nursing homes operated by a public hospital district. The group must consider how to restructure payments under (a) of this subsection, taking into consideration alternate upper payment limit calculation. If upon completion of the plan, the authority determines it can implement the recommendations of the group within the amounts provided in (a) of this subsection, the authority must submit a state plan amendment, if necessary, and submit a report to the fiscal committees of the legislature no later than September 30, 2020.

(c) $193,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the authority to provide a one-time grant to a standalone skilled nursing facility operated by a public hospital district in Grant county. This grant is provided as a one-time offset to address the impact of the recoupment requirements of this subsection (13).

(14) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2019-2021 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2020, and by November 1, 2021, that evaluate whether savings continue to exceed costs for this

program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2020 and fiscal year 2021, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2019-2021 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. $759,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$740,000~~)) $698,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state grants for the participating hospitals.

(15) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) The authority shall submit reports to the governor and the legislature by September 15, 2020, and no later than September 15, 2021, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT)

guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(18) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(19) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(20) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(21) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(22) $90,000 of the general fund—state appropriation for fiscal year 2020, $90,000 of the general fund—state appropriation for fiscal year 2021, and $180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(23) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(24) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(25) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(26) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(27) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(28) ((~~Sufficient funds are provided for the authority to remove payment and billing limitations identified during the review process required for implementation of chapter 226, Laws of 2017 (behavioral health care - primary care integration) for health and behavior codes, psychotherapy codes, and to continue to offer face-to-face tobacco cessation counseling only for pregnant individuals. Additional funding is provided to increase the rates for the health and behavior codes and psychotherapy codes identified through the stakeholder work group process required under chapter 226, Laws of 2017 (SSB 5779) by ten percent.~~

~~(29)~~))(a) $34,145,000 of the general fund—state appropriation for fiscal year 2021 and $5,898,000 of the general fund—federal appropriation are provided solely for the compromise of claims in the reconciliation process for rural health clinics for the calendar years

2014-2017. The authority may not recover the state portion of rural health clinic reconciliations for calendar years 2014-2017 for which no state accrual was made. If the authority determines there are unliquidated prior period accrual balances available to refund the federal government for these years, these amounts must be used prior to the amounts provided under this subsection.

(b) By October 15, 2019, the authority shall report to the governor and relevant committees of the legislature the status of rural health clinic reconciliations for calendar years 2011-2013, including any use of available unliquidated prior period accrual balances to refund the federal government for those calendar years. Additionally, the report shall include the status of rural health clinic reconciliations for calendar years 2014-2017, including anticipated amounts owed to or from rural health clinics from the reconciliation process for those fiscal years. The authority shall not recover the state portion of rural health reconciliations for calendar years 2011-2013 for which no general fund state accrual was made. The authority shall not pursue recoveries for calendar years 2014-2017 until after the legislature has an opportunity to take action during the 2020 legislative session. If the legislature does not take any action on rural health clinic reconciliations for calendar years 2014-2017, recoveries shall commence per administrative rule.

(c) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health centers.

(d) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health centers during the fiscal year close process following generally accepted accounting practices.

((~~(30)~~)) (29) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

((~~(31)~~)) (30) $300,000 of the general fund—state appropriation for fiscal year 2020 and $600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives. The collaborative must use these amounts to hire one full-time staff person to promote the adoption of Bree collaborative recommendations and to hold two conferences focused on the sharing of best implementation practices.

((~~(32)~~)) (31) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas. The authority and the department of health must consult with stakeholders and develop methods to secure approval from the centers for medicare and medicaid services for reimbursement for doulas. The authority will report the group's recommendations to the appropriate committees of the legislature by December 1, 2020.

((~~(33)~~)) (32) The authority shall facilitate a home health work group consisting of home health provider associations, hospital associations, managed care organizations, the department of social and health services, and the department of health to develop a new medicaid payment methodology for home health services. The authority must submit a report with final recommendations and a proposed implementation timeline to the appropriate committees of the legislature by November 30, 2019. The work group must consider the following when developing the new payment methodology:

(a) Reimbursement for telemedicine;

(b) Reimbursement for social work for clients with behavioral health needs;

(c) An additional add-on for services in rural or underserved areas;

(d) Quality metrics for home health providers serving medical assistance clients including reducing hospital readmission;

(e) The role of home health in caring for individuals with complex, physical, and behavioral health needs who are able to receive care in their own home, but are unable to be discharged from hospital settings; and

(f) Partnerships between home health and other community resources that enable individuals to be served in a cost-

effective setting that also meets the individual's needs and preferences.

((~~(34)~~)) (33) $969,000 of the general fund—state appropriation for fiscal year 2020, $2,607,000 of the general fund—state appropriation for fiscal year 2021, and $1,268,000 of the general fund—federal appropriation are provided solely to create and operate a tele-behavioral health video call center staffed by the University of Washington's department of psychiatry and behavioral sciences. The center must provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation. When clinically appropriate and technically feasible, the clinical consultation may also involve direct assessment of patients using tele-video technology. The center must be available from 8 a.m. to 5 p.m. in fiscal year 2020 and twenty-four hours a day in fiscal year 2021. Of the federal amounts provided in this subsection, $700,000 is from the substance abuse prevention and treatment federal block grant and is to support addiction medicine services through the call center.

((~~(35)~~)) (34) $300,000 of the general fund—federal appropriation, from the substance abuse prevention and treatment federal block grant amount, is provided solely for medication interaction services through the Washington state poison center.

((~~(36)~~)) (35) Within the amounts appropriated in this section, the authority shall review the current diagnosis-related group high outlier claim policies and examine the impact of increasing the current high outlier threshold. To the extent necessary, the authority shall seek actuarial support for this work. The authority must provide a report to the appropriate committees of the legislature by December 31, 2019, that:

(a) Outlines several options for increasing the threshold;

(b) Describes the impact of these options on hospitals, the state, and medicaid managed care organizations; and

(c) Identifies any technical challenge or limitations of changes to the threshold.

((~~(37)~~)) (36) Within the amounts appropriated in this section, the authority to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

((~~(38)~~)) (37) Sufficient amounts are appropriated in this section to increase the hourly rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services for children who require medically intensive care in a home setting. This rate increase begins on January 1, 2020.

((~~(39)~~)) (38) Sufficient amounts are appropriated in this section to increase the daily rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services to medically intensive children's program clients who reside in a group home setting. This rate increase begins on January 1, 2020.

((~~(40)~~)) (39) $439,000 of the general fund—state appropriation for fiscal year 2020 and $519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market).

((~~(41)~~)) (40) $22,000 of the general fund—state appropriation for fiscal year 2020, $159,000 of the general fund—state appropriation for fiscal year 2021, and $181,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1199 (health care/disability).

((~~(42)~~)) (41) $290,000 of the general fund—state appropriation for fiscal year 2020 and $463,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Second Substitute House Bill No. 1224 (Rx drug cost transparency) with up to an additional year for initial reporting due within the 2019-2021 fiscal biennium.

((~~(43)~~)) (42) $1,053,000 of the general fund—state appropriation for fiscal year 2020 and $2,222,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5741 (all payer claims database).

((~~(44)~~)) (43) $2,374,000 of the general fund—state appropriation for fiscal year 2020 and $2,374,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kidney disease program.

((~~(45)~~)) (44) The authority shall work with the department of health, other state agencies, and other hepatitis C virus medication purchasers to establish a comprehensive procurement strategy. As part of this work, the authority shall estimate, by program, any savings that will result from lower medication costs. It is the intent of the legislature to evaluate reinvesting any savings to expand treatment for individuals enrolled in state covered groups and to further the public health elimination effort during the 2020 legislative session. By October 31, 2019, the authority and department shall report to the governor and relevant committees of the legislature on:

(a) The progress of the procurement;

(b) The estimated savings resulting from lower medication costs;

(c) Funding needed for public health interventions to eliminate the hepatitis C virus;

(d) The current status of treatment; and

(e) A plan to implement the elimination effort.

((~~(46)~~)) (45) $50,000 of the general fund—state appropriation for fiscal year 2020 and $533,000 for fiscal year 2021 are provided solely for implementation of Engrossed Senate Bill No. 5274 (pacific islanders dental). Open enrollment periods and special enrollment periods must be consistent with the enrollment periods for the COFA medical program, through the health benefit exchange, and program administration must be consistent with the pacific islander medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020. The dental services must be consistent with the adult medicaid dental coverage, including state payment of premiums, out-of-pocket costs for covered benefits under the qualified dental plan, and costs for noncovered qualified dental plan benefits consistent with, but not to exceed, the medicaid adult dental coverage.

((~~(47)~~)) (46) During the 2019-2021 biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

(a) Are over nineteen years of age;

(b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;

(c) Are not covered by other public or private insurance; and

(d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

((~~(48)~~)) (47) $282,000 of the general fund—state appropriation for fiscal year 2020 and $754,000 of the general fund—federal appropriation are provided solely for the implementation of Senate Bill No. 5415 (Indian health improvement).

((~~(49)~~)) (48) $3,150,000 of the general fund—state appropriation for fiscal year 2020 and $3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services.

((~~(50)~~)) (49) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) By September 1, 2019, the authority shall set the four common measures to be analyzed across all managed care organizations.

(c) By September 1, 2019, the authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2019, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Beginning in plan year 2020, two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

((~~(51)~~)) (50) $1,805,727,000 of the general fund—state appropriation for fiscal year 2020 and $1,876,135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the authority to implement the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. The authority is directed to:

(a) Organize all program integrity activities into a centralized unit or under a common protocol addressing provider enrollment, fraud and abuse detection, investigations, and law enforcement referrals that is more reflective of industry standards;

(b) Ensure appropriate resources are dedicated to prevention, detection, investigation, and suspected provider fraud at both the authority and at contracted managed care organizations;

(c) Ensure all required federal regulations are being followed and are incorporated into managed care contracts;

(d) Directly audit managed care encounter data to identify fraud, waste, and abuse issues with managed care organization providers;

(e) Initiate data mining activities in order to identify fraud, waste, and abuse

issues with manage care organization providers;

(f) Implement proactive data mining and routine audits of validated managed care encounter data;

(g) Assess liquidated damages to managed care organizations when fraud, waste, or abuse with managed care organization providers is identified;

(h) Require managed care organizations submit accurate reports on overpayments, including the prompt reporting of overpayments identified or recovered, specifying overpayments due to fraud, waste, or abuse;

(i) Implement processes to ensure integrity of data used for rate setting purposes;

(j) Refine payment suspension policies; and

(k) Ensure all federal database exclusion checks are performed at the appropriate intervals. The authority shall update managed care contracts as appropriate to reflect these requirements.

((~~(52)~~)) (51) $96,130,000 of the general fund—state appropriation for fiscal year 2020 and $100,476,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fee-for-service dental services. The authority must provide these services through fee-for-service and may not proceed with either a carved-out or carved-in managed care dental option. Any contracts that have been procured or that are in the process of being procured shall not be entered into or implemented. By November 15, 2019, the authority shall report to the governor and appropriate committees of the legislature a plan to improve access to dental services for medicaid clients. This plan should address options for carve-in, carve-out, fee-for-service, and other models that would improve access and outcomes for adults and children. The plan should also include the cost for any options provided.

((~~(53)~~)) (52) During the 2019-2021 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(i) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(ii) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(iii) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(c) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(d) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

((~~(54)~~)) (53) The authority is prohibited to direct any funds to safe-injection sites for the illicit use of drugs.

((~~(55)~~)) (54) $1,400,000 of the general fund—state appropriation for fiscal year 2020, $1,400,000 of the general fund—state appropriation for fiscal year 2021, and $7,000,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed

care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(d) Be owned and operated by the state or a political subdivision.

((~~(56)~~)) (55) Within the amounts appropriated within this section the authority shall conduct an evaluation of purchasing arrangements and paid claims or encounter data for prescription drugs under managed care contracts for plan years 2017 and 2018 and compare these to contract purchasing agreements under the same years for the prescription drug consortium and identify any cost differences. The authority shall report its findings to the governor and appropriate committees of the legislature by November 15, 2019.

((~~(57)~~)) (56) The health care authority is directed to convene a work group on establishing a universal health care system in Washington. $338,000 of the general fund—state appropriation for fiscal year 2020 and $162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health care authority to contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under (b)(vi) of this subsection.

(a) The work group must consist of a broad range of stakeholders with expertise in the health care financing and delivery system, including but not limited to:

(i) Consumers, patients, and the general public;

(ii) Patient advocates and community health advocates;

(iii) Large and small businesses with experience with large and small group insurance and self-insured models;

(iv) Labor, including experience with Taft-Hartley coverage;

(v) Health care providers that are self-employed and health care providers that are otherwise employed;

(vi) Health care facilities such as hospitals and clinics;

(vii) Health insurance carriers;

(viii) The Washington health benefit exchange and state agencies, including the office of financial management, the office of the insurance commissioner, the department of revenue, and the office of the state treasurer; and

(ix) Legislators from each caucus of the house of representatives and senate.

(b) The work group must study and make recommendations to the legislature on how to create, implement, maintain, and fund a universal health care system that may include publicly funded, publicly administered, and publicly and privately delivered health care that is sustainable and affordable to all Washington residents including, but not limited to:

(i) Options for increasing coverage and access for uninsured and underinsured populations;

(ii) Transparency measures across major health system actors, including carriers, hospitals, and other health care facilities, pharmaceutical companies, and provider groups that promote understanding and analyses to best manage and lower costs;

(iii) Innovations that will promote quality, evidence-based practices leading to sustainability, and affordability in a universal health care system. When studying innovations under this subsection, the work group must develop recommendations on issues related to covered benefits and quality assurance and consider expanding and supplementing the work of the Robert Bree collaborative and the health technology assessment program;

(iv) Options for ensuring a just transition to a universal health care system for all stakeholders including, but not limited to, consumers, businesses, health care providers and facilities, hospitals, health carriers, state agencies, and entities representing both management and labor for these stakeholders;

(v) Options to expand or establish health care purchasing in collaboration with neighboring states; and

(vi) Options for revenue and financing mechanisms to fund the universal health care system. The work group shall contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under this subsection.

(c) The work group must report its findings and recommendations to the appropriate committees of the legislature by November 15, 2020. Preliminary reports with findings and preliminary recommendations shall be made public and open for public comment by November 15, 2019, and May 15, 2020.

((~~(58)~~)) (57) $23,000 of the general fund—state appropriation for fiscal year 2020, $2,000 of the general fund—state appropriation for fiscal year 2021, and $36,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

((~~(59)~~)) (58) $1,667,000 of the general fund—state appropriation for fiscal year 2020, $855,000 of the general fund—state appropriation for fiscal year 2021, and $1,867,000 of the general fund—federal appropriation are provided solely for the Washington rural health access preservation pilot program.

((~~(61) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to develop a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2021.~~

~~(62)~~)) (59)(a) $1,192,000 of the general fund—state appropriation for fiscal year 2020 and $3,970,000 of the general fund—federal appropriation are provided solely for reconciliation of payment under alternate payment methodology four (APM4) for federally qualified health centers (FQHC) for state fiscal year 2020. The authority shall use unliquidated prior accrual balances to reconcile state fiscal years 2018 and 2019.

(b) By August 1, 2020, the authority shall convene representatives from FQHCs participating in the APM4 methodology, the FQHC association, the office of financial management, and fiscal committees of the legislature to evaluate and amend the APM4 model and memorandum of understanding.

(c) The authority in collaboration with the representatives in (b) of this subsection must develop an updated APM4 model and memorandum of understanding that:

(i) Complies with budget neutrality requirements and spending limits as required under the omnibus appropriations act;

(ii) Identifies predictable spending targets;

(iii) Clearly defines quality performance standards for participating FQHCs;

(iv) Requires progressively increasing standards of quality performance for participating FQHCs;

(v) Clearly defines financial performance expectations for participating FQHCs;

(vi) Requires progressively increasing standards of financial performance for participating FQHCs; and

(vii) Requires that reconciliation payments made under APM4 may not fall below the payment level required by the federal law for qualifying face-to-face encounters.

(d) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(e) The authority shall not enter into any future value-based arrangements with federally qualified health centers or

rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(f) The authority shall require all managed care organizations to provide information to the authority to account for all payments to FQHCs to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(g) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with FQHCs contracting under APM4.

(h) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with FQHCs contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

((~~(63)~~)) (60) $70,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed House Bill No. 2755 (air ambulance cost transp.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(64)~~)) (61) $611,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Second Substitute House Bill No. 2457 (health care cost board). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(65)~~)) (62) $259,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(66)~~)) (63) The health care authority shall submit a state plan amendment to the centers for medicare and medicaid services to maintain children's health insurance program coverage as secondary payer for eligible child dependents of employees eligible for school employee or public employee benefit coverage. The intent of the legislature for this option is to provide children the best access to health care coverage while prioritizing efficient use of state funds. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management on the status of the state plan amendment and the impact to the state. The health care authority shall implement the amendment in calendar year 2020, once approved by the centers for medicare and medicaid services.

((~~(67)~~)) (64) $250,000 of the general fund—state appropriation for fiscal year 2020, $250,000 of the general fund—state appropriation for fiscal year 2021, and $500,000 of the general fund—federal appropriation are provided solely to increase the rates paid to provide education and clinical training for dental professionals and students in the care of persons with developmental or acquired disabilities, or both.

((~~(69)~~)) (65) $510,000 of the general fund—state appropriation for fiscal year 2021 and $76,000 of the general fund—federal appropriation are provided solely for the authority to collaborate with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital to extend the partnership access line for moms and partnership access line for kids referral assistance service programs, as described in RCW 71.24.061(3)(a), until June 30, 2021.

((~~(70)~~)) (66) $66,000 of the general fund—state appropriation for fiscal year 2021 and $66,000 of the general fund—federal appropriation are provided solely for the authority to identify, analyze, and address health equity disparities in access and outcomes for individuals in the medicaid population.

((~~(71) $200,000 of the general fund—state appropriation for fiscal year 2021 and $200,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement Substitute House Bill No. 2905 (baby, child dentistry access). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(72)~~)) (67) $150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development of a system to address individuals with intellectual and developmental disabilities who present in an emergency in crisis. The system must include crisis plans to be available to emergency room providers; and

education and training for emergency room providers in how to best serve this population to provide immediate intervention to prevent acute care admissions and support the individual to return to their current living arrangements.

((~~(73)~~)) (68) $187,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a full-time employee to coordinate client assessments and implement plans for patients who are hospitalized and likely to need post discharge services including placement in community or out of state settings. Client assessments must include information regarding the individual's specific care needs, whether medical, behavioral, or cognitive, and ability to perform activities of daily living. The coordinator must collaborate with the department of social and health services, the department of children, youth, and families, and health care organizations to promote the transition of patients to postacute care settings.

((~~(75)~~)) (69) $120,000 of the general fund—state appropriation for fiscal year 2021 and $120,000 of the general fund—federal appropriation are provided solely for the authority to identify ways to maximize federal financial participation and any new opportunities to leverage federal funding. In collaboration with the department of health, the authority must explore options to leverage federal funding for foundational public health. The authority may use the amounts in this subsection for staff support and one-time contracting.

((~~(77)~~)) (70) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(33) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

((~~(80)~~)) (71) $770,000 of the general fund—state appropriation for fiscal year 2021 and $800,000 of the general fund—federal appropriation are provided solely to increase home health rates beginning January 1, 2021.

((~~(82)~~)) (72)(a) Within the amounts appropriated within this section, the authority shall implement Engrossed Substitute Senate Bill No. 6534 (ambulance quality assurance fee). The authority is directed to submit a state plan amendment (SPA) pursuant to the terms of Engrossed Substitute Senate Bill No. 6534 without delay once the bill becomes effective. If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(b) The authority, in collaboration with an association representing private emergency ambulance providers and an organization representing employees of private emergency ambulance providers, shall develop reporting requirements prior to June 30, 2021, to account for how funds from the quality assurance fee program and base rate increase are spent. The reporting requirements should include, but not be limited to, the percent of the add-on fee and base rate increase used to increase wages; to which category of workers' wages these increases apply, specifically whether wage increases are being used to increase wages for emergency medical technicians whose statewide average dollars-per-hour wage was less than $25 per hour in calendar year 2020; and, whether the add-on and base rate increase are being used to address resulting wage compression for related job classes immediately affected by wage increases to emergency medical technicians.

((~~(83)~~)) (73) The health care authority shall work with the department of social and health services to assess a Katie Beckett waiver and a tax equity and fiscal responsibility act (TEFRA) waiver to expand coverage for children with significant disabilities who meet federal requirements for such services. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management the number of children who would be eligible if such

waivers were approved, the services for which they would be eligible, and the potential impact to the state budget.

((~~(85)~~)) (74) $2,362,000 of the general fund—state appropriation for fiscal year 2021 and $4,132,000 of the general fund—federal appropriation are provided solely to increase the rates paid to low volume, small rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates beginning July 1, 2020. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of June 30, 2020. A hospital qualifying for this rate increase must:

(a) Have fewer than seventy available acute beds as reported in the hospital's 2018 department of health year-end report;

(b) Not be currently designated as a critical access hospital, and not meet the current federal eligibility requirements for designation as a critical access hospital;

(c) Not be a certified public expenditure hospital;

(d) Have combined medicare and medicaid inpatient days greater than eighty percent as reported in the hospital's 2018 cost report.

(75) $25,000 of the general fund—state appropriation for fiscal year 2021 and $25,000 of the general fund—federal appropriation are provided solely for the authority to develop an implementation plan to incorporate medical and psychiatric respite care as statewide medicaid benefits. The plan must include an analysis of the cost effectiveness of providing a medical and psychiatric respite care benefit for medicaid enrollees. In developing the plan, the authority shall consult with interested stakeholders, including medicaid managed care organizations, community health centers, organizations providing respite care, and hospitals. The amounts provided in this subsection may be used for staff support and one-time contracting. No later than January 15, 2022, the authority shall report its findings to the relevant committees of the legislature, the office of the governor, and the office of financial management.

(76) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(77) $2,396,000 from the Indian health improvement reinvestment account is provided solely for Indian health improvement advisory plan projects, programs, and activities authorized by RCW 43.71B.030.

Sec. 1211. 2020 c 357 s 212 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM

State Health Care Authority Administrative Account—

State Appropriation
((~~$37,604,000~~))
$37,144,000

TOTAL APPROPRIATION
((~~$37,604,000~~))
$37,144,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings resulting from reduced claims costs or other factors identified after March 1, 2019, must be reserved for funding employee benefits in the 2021-2023 fiscal biennium. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits. The authority may, however, conduct a request for information about a diabetes disease management program.

(2) Any changes to benefits must be approved by the public employees'

benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits including making any change in retiree eligibility criteria that re-establishes eligibility for enrollment in PEBB benefits, unless savings achieved under subsection (3) of this section or offsetting cost reductions from other benefit revisions are sufficient to fund the changes, or unless the funding for the increase or change is specifically provided in this act. However, the funding provided anticipates that the public employees' benefits board may increase the availability of nutritional counseling in the uniform medical plan by allowing a lifetime limit of up to twelve nutritional counseling visits, and may increase hearing aid benefits to reflect the provisions of chapter 159, Laws of 2018, for the plan year beginning January 1, 2021. Provided further, that within the amount provided, the health care authority may update the public employees benefits board benefits enrollment process. The board may also, within the amounts provided, use cost savings to enhance the basic long-term disability benefit.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) $7,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(6) $1,705,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount in this subsection shall lapse.

Sec. 1212. 2020 c 357 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD

School Employees' Insurance Administrative Account—

State Appropriation
((~~$27,766,000~~))
$34,045,000

TOTAL APPROPRIATION
((~~$27,766,000~~))
$34,045,000

The appropriation in this section is subject to the following conditions and limitations:

(1) By February 5, 2020, the health care authority shall report to the appropriate committees of the legislature on the total amount by school district, educational service district, and charter school billed for January benefits and a detailed list of school districts, educational service districts, and charter schools that have not remitted payment for January coverage as of January 31, 2020.

(2) $2,000 of the appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(3) The health care authority must study the potential cost savings and improved efficiency in providing insurance benefits to the employers and employees participating in the public employees' and school employees' benefits board systems that could be gained by consolidating the systems. The consolidation options studied must maintain separate risk pools for

medicare-eligible and non-medicare eligible employees and retirees, assume a consolidation date of January 1, 2022, and incorporate the experiences gained by health care authority during the initial implementation and operation of the school employees' benefits board program. The study must be submitted to the committees of the house of representatives and the senate overseeing health care and the omnibus operating budget by November 15, 2020.

(4) $2,002,000 of the school employees' insurance administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1213. 2020 c 357 s 214 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE

General Fund—State Appropriation (FY 2020) $6,407,000

General Fund—State Appropriation (FY 2021) ((~~$5,659,000~~))

$5,368,000

General Fund—Federal Appropriation ((~~$50,055,000~~))

$45,193,000

Health Benefit Exchange Account—State Appropriation ((~~$60,117,000~~))

$65,172,000

TOTAL APPROPRIATION ((~~$122,238,000~~))

$122,140,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) $50,000 of the general fund—state appropriation for fiscal year 2020, $50,000 of the general fund—state appropriation for fiscal year 2021, and $1,048,000 of the health benefit exchange account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market).

(4) $1,173,000 of the general fund—state appropriation for fiscal year 2020 is provided for the exchange to enhance Washington healthplanfinder so eligible COFA citizens can obtain dental coverage. Open enrollment periods and special enrollment periods for the COFA dental program shall be consistent with the enrollment periods for the COFA medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020.

(5) $426,000 of the health benefit exchange account—state appropriation and $874,000 of the general fund—federal appropriation are provided solely for cloud platform costs and are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) $968,000 of the health benefit exchange account—state appropriation and $1,978,000 of the general fund—federal appropriation are provided solely for system integrator reprocurement and are subject to the conditions, limitations, and review provided in section 701 of this act.

(7) $152,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Substitute House Bill No. 2554 (health plan exclusions). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(8) $172,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(10)~~)) (9) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the exchange to contract with an independent actuarial consultant to conduct an assessment of the impact of a state requirement that individuals enroll in health coverage. The assessment shall consider the effects of this requirement on revenue, individual market enrollment, individual market premiums, and the uninsured rate. The exchange shall submit assessment findings to the chairs of the health committees of the legislature no later than December 15, 2020.

(10) $34,000 of the general fund—state appropriation for fiscal year 2021, $32,000 of the health benefit exchange account—state appropriation, and $34,000 of the general fund—federal appropriation are provided solely for pass-through funding in the amount of $25,000 for each lead navigator organization in the four geographic regions with the highest density of compact of free association (COFA) citizens. These amounts are provided solely for lead organizations to recruit, hire, and train a representative of the citizens of the COFA nations community to:

(a) Provide outreach and enrollment assistance to COFA citizens leading up to the July 2021 transition of COFA citizens from qualified health and dental plan coverage to medicaid coverage; and

(b) Promote continuous access to needed health services beyond the scope of the current COFA program.

(11) $87,000 of the general fund—federal appropriation (CRRSA) is provided solely for the costs to administer the child care premium assistance program for individuals who work in a licensed child care facility.

Sec. 1214. 2020 c 357 s 215 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM

General Fund—State Appropriation (FY 2020) $579,402,000

General Fund—State Appropriation (FY 2021) ((~~$652,344,000~~))

$604,211,000

General Fund—Federal Appropriation ((~~$2,076,337,000~~))

$2,244,685,000

General Fund—Private/Local Appropriation $36,513,000

Criminal Justice Treatment Account—State

Appropriation $17,486,000

Problem Gambling Account—State Appropriation ((~~$1,961,000~~))

$1,461,000

Medicaid Fraud Penalty Account—State Appropriation ((~~$51,000~~))

$20,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $28,490,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) ((~~$28,493,000~~))

$28,490,000

Pension Funding Stabilization Account—State

Appropriation $1,714,000

TOTAL APPROPRIATION ((~~$3,422,791,000~~))

$3,542,472,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and administrative services organizations in regions where the authority is purchasing medical and behavioral health services

through fully integrated contracts pursuant to RCW 71.24.380, and behavioral health organizations in regions that have not yet transitioned to fully integrated managed care.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) $15,605,000 of the general fund—state appropriation for fiscal year 2020, ((~~$15,754,000~~)) $15,861,000 of the general fund—state appropriation for fiscal year 2021, and $4,789,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) $7,657,000 of the general fund—state appropriation for fiscal year 2020, $11,544,000 of the general fund—state appropriation for fiscal year 2021, and $20,197,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) $7,071,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for increased state costs for exceptional behavioral health personal care services. From ((~~the~~)) these amounts and the other general fund—state appropriations in this section, the authority shall assure that behavioral health entities reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional medicaid personal care services that enrolled behavioral health entity consumers use because of their psychiatric disability.

(6) $3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) $81,930,000 of the general fund—state appropriation for fiscal year 2020 and $85,122,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These

amounts must be distributed to behavioral health entities as follows:

(a) Of the amount provided for fiscal year 2020, seventy percent must be distributed to behavioral health administrative service organizations and thirty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2019 regional allocation of flexible nonmedicaid funds.

(b) $3,939,000 of the fiscal year 2021 amounts must be distributed to behavioral health administrative service organizations. Of the remaining amount for fiscal year 2021, eighty percent must be distributed to behavioral health administrative service organizations and twenty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2020 regional allocation of flexible nonmedicaid funds.

(c) The authority must include the following language in medicaid contracts with behavioral health entities unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) $1,204,000 of the general fund—state appropriation for fiscal year 2020 and $1,204,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) $2,291,000 of the general fund—state appropriation for fiscal year 2020 and $2,291,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization and administrative services organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization and administrative services organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health organization or administrative services organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels

established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization or administrative services organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(14) During the 2019-2021 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(16) $3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2019.

(19) No more than ((~~$27,844,000~~)) $15,358,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint

select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(20) $6,858,000 of the general fund—state appropriation for fiscal year 2020, $6,858,000 of the general fund—state appropriation for fiscal year 2021, and $8,046,000 of the general fund—federal appropriation are provided solely to maintain new crisis triage or stabilization centers. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(21) $1,125,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(22) $6,655,000 of the general fund—state appropriation for fiscal year 2020, ((~~$10,015,000~~)) $9,074,000 of the general fund—state appropriation for fiscal year 2021, and ((~~$12,965,000~~)) $12,024,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to $650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(23) $23,090,000 of the general fund—state appropriation for fiscal year 2020, $23,090,000 of the general fund—state appropriation for fiscal year 2021, and $92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates above FY 2018 levels. Effective January 2020, the medicaid funding is intended to increase rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. This funding must be allocated to the managed care organizations proportionate to their medicaid enrollees. The authority must require the managed care organizations to provide a report on their implementation of this funding. The authority must submit a report to the legislature by December 1, 2020, summarizing how this funding was used and provide information for future options of increasing behavioral health provider rates through directed payments. The report must identify different mechanisms for implementing directed payment for behavioral health providers including but not limited to minimum fee schedules, across the board percentage increases, and value-based payments. The report must provide a description of each of the mechanisms considered, the timeline that would be required for implementing the mechanism, and whether and how the mechanism is expected to have a differential impact on different providers. The report must also summarize the information provided by managed care organizations in implementing the funding provided under this section.

(24) $27,917,000 of the general fund—state appropriation for fiscal year 2020, ((~~$36,095,000~~)) $21,366,000 of the general fund—state appropriation for

fiscal year 2021, and ((~~$46,889,000~~)) $35,451,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities.

(a) Sufficient amounts are provided in fiscal year 2020 for the authority to reimburse community hospitals serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 at a rate of $1,171 per day, or the hospital's current psychiatric inpatient per diem rate, whichever is higher. In fiscal year 2020, the rate paid to hospitals in this subsection cannot exceed one-hundred percent of the hospitals eligible costs based on their most recently completed medicare cost report.

(b) Sufficient amounts are provided in fiscal year 2021 for the authority to reimburse providers serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows: (i) Community hospitals whose costs exceed their current rates based on their most recently filed medicare cost report at one hundred percent of the hospital's eligible costs documented in the most recently filed medicare cost report; (ii) community hospitals that do not have a filed medicare cost report on file with the authority at the statewide average rate based on the average of provider specific long-term inpatient care rates or the provider's current per diem rate, whichever is higher; (iii) community hospitals whose costs do not exceed their current rates based on their most recently filed medicare cost report at a rate of $940 per day; and (iv) nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025 at a rate that reflects a five percent increase from their fiscal year 2020 rate for serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025.

((~~(c)~~)) (c) The authority in collaboration with the Washington state hospital association must convene a work group to further refine the methodology for reimbursing community hospitals serving these clients. The authority must provide a report to the appropriate committees of the legislature by December 1, 2020. The report must include options for incorporating additional factors into future rate adjustments and identify where there may be overlap within the different options. The report must include the following areas and provide a description of the option and the methodology and implementation costs associated with each option:

(i) Acuity adjustments for providers serving individuals with higher levels of behavioral health or physical health care needs;

(ii) Retroactive reconciliation adjustments for providers whose total costs for serving clients under this subsection are higher or lower than payments received by the authority and any additional payers.

(25) $1,455,000 of the general fund—state appropriation for fiscal year 2020((~~, $1,401,000 of the general fund—state appropriation for fiscal year 2021, and $3,210,000 of the general fund—federal appropriation are~~)) is provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to Second Substitute House Bill No. 1394 (behavioral health facilities).

(26) $21,000 of the general fund—state appropriation for fiscal year 2020, $152,000 of the general fund—state appropriation for fiscal year 2021, and $173,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199) (health care/disability).

(27)(a) $12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and $12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2019 allocation.

(28)(a) $1,125,000 of the general fund—state appropriation for fiscal year 2020 and $1,125,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(29) $29,288,000 of the general fund—state appropriation for fiscal year 2020 ((~~is~~)) and $12,440,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to assist behavioral health entities with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health entity calendar year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health entities where the individual resides. If a behavioral health entity receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must submit an application for a waiver to allow, by July 1, 2020, for full federal participation for medicaid clients in mental health facilities classified as institutions of mental diseases. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate

committees of the legislature by December 1, 2019.

(30) The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for startup costs in full integration regions except as provided in this subsection. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers. If the nonfederal share of reserves returned during fiscal year 2020 exceeds $35,000,000, the authority shall use some of the amounts in excess of $35,000,000 to support the final regions transitioning to full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is $3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region to stabilize the new crisis services system.

(31) $1,850,000 of the general fund—state appropriation for fiscal year 2020, $1,850,000 of the general fund—state appropriation for fiscal year 2021, and $13,312,000 of the general fund—federal appropriation are provided solely for the authority to implement a medicaid state plan amendment which provides for substance use disorder peer support services to be included in behavioral health capitation rates beginning in fiscal year 2020 in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(32) $1,256,000 of the general fund—state appropriation for fiscal year 2021 and $1,686,000 of the general fund—federal appropriation are provided solely for the authority to increase the number of residential beds for pregnant and parenting women. These amounts may be used for startup funds and ongoing costs associated with two new sixteen bed pregnant and parenting women residential treatment programs.

(33) Within the amounts appropriated in this section, the authority must maintain a rate increase for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days pursuant to the methodology adopted to implement section 213(5)(n), chapter 299, Laws of 2018 (ESSB 6032) (partial veto).

(34) $1,393,000 of the general fund—state appropriation for fiscal year 2020, $1,423,000 of the general fund—state appropriation for fiscal year 2021, and $5,938,000 of the general fund—federal appropriation are provided solely for the authority to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(35) $850,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to create a revolving fund for loans to operators of recovery residences seeking certification in accordance with Second Substitute House Bill No. 1528 (recovery support services).

(36) $212,000 of the general fund—state appropriation for fiscal year 2020, $212,000 of the general fund—state appropriation for fiscal year 2021, and $124,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1874 (adolescent behavioral health). Funding is provided specifically for the authority to provide an online training to behavioral health providers related to state law and best practices in family-initiated treatment, adolescent-initiated treatment, and other services and to conduct an annual survey to measure the impacts of implementing policies resulting from the bill.

(37) $500,000 of the general fund—state appropriation for fiscal year 2020, $500,000 of the general fund—state

appropriation for fiscal year 2021, and $1,000,000 of the general fund—federal appropriation are provided solely for the authority to implement a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to Second Substitute House Bill No. 1767 (alternatives to arrest).

(38) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services to individuals who are not eligible for medicaid in Whatcom county. The authority must coordinate with crisis stabilization providers, managed care organizations, and behavioral health administrative services organizations throughout the state to identify payment models that reflect the unique needs of crisis stabilization and crisis triage providers. The report must also include an analysis of the estimated gap in nonmedicaid funding for crisis stabilization and triage facilities throughout the state. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the estimated nonmedicaid funding gap and payment models by December 1, 2019.

(39) The authority must conduct an analysis to determine whether there is a gap in fiscal year 2020 behavioral health entity funding for services in institutions for mental diseases and submit a report to the office of financial management and the appropriate committees of the legislature by November 1, 2019. The report must be developed in consultation with the office of financial management and staff from the fiscal committees of the legislature and must include the following elements: (a) The increase in the number of nonmedicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (b) the increase in the number of medicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (c) the amount of funding assumed in current behavioral health entity medicaid capitation rates for institutions for mental diseases bed days that are currently allowable under medicaid regulation or waivers; (d) the amounts provided in subsection (29) of this section to assist with costs in institutions for mental diseases not covered in medicaid capitation rates; and (e) any remaining gap in behavioral health entity funding for institutions for mental diseases for medicaid or nonmedicaid clients.

(40) $1,968,000 of the general fund—state appropriation for fiscal year 2020, ((~~$3,396,000~~)) $1,968,000 of the general fund—state appropriation for fiscal year 2021, and ((~~$12,150,000~~)) $8,100,000 of the general fund—federal appropriation are provided solely for support of and to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service.

(41) $1,000,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to develop and disseminate model programs and curricula for inpatient and outpatient treatment for individuals with substance use disorder and co-occurring disorders. The behavioral health institute will provide individualized consultation to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. The behavioral health institute will provide training to staff of behavioral health agencies to enhance the quality of substance use disorder and co-occurring treatment delivered.

(42) ((~~The number of beds allocated for use by behavioral health entities at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by~~

~~behavioral health entities at western state hospital shall be five hundred twenty-seven per day. During fiscal year 2020, the authority must reduce the number of beds allocated for use by behavioral health entities at western state hospital by sixty beds to allow for the repurposing of two civil wards at western state hospital to provide forensic services. Contracted community beds provided under subsection (24) of this section shall be allocated to the behavioral health entities in lieu of beds at western state hospital and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long-term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.~~

((~~(43)~~)) $190,000 of the general fund—state appropriation for fiscal year 2020, $947,000 of the general fund—state appropriation for fiscal year 2021, and $1,023,000 of the general fund—federal appropriation are provided solely for the authority to develop a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with Second Substitute Senate Bill No. 5903 (children's mental health).

((~~(44)~~)) (43) $708,000 of the general fund—state appropriation for fiscal year 2021 and $799,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center beginning July 1, 2020, in accordance with Second Substitute House Bill No. 1394 (behavioral health facilities).

((~~(45)~~)) (44) $500,000 of the general fund—state appropriation for fiscal year 2020 is provided on a one-time basis solely for a licensed youth residential psychiatric substance abuse and mental health agency located in Clark county to invest in staff training and increasing client census. This amount must be allocated subject to a contract with the authority concerning staffing levels, critical action plans, and client services.

((~~(46)~~)) (45) $509,000 of the general fund—state appropriation for fiscal year 2020, $494,000 of the general fund—state appropriation for fiscal year 2021, and $4,823,000 of the general fund—federal appropriation are provided solely for diversion grants to establish new law enforcement assisted diversion programs outside of King county consistent with the provisions of Substitute Senate Bill No. 5380 (opioid use disorder).

((~~(47)~~)) (46) The authority must compile all previous reports and collaborate with any work groups created during the 2019-2021 fiscal biennium for the purpose of establishing the implementation plan for transferring the full risk of long-term inpatient care for mental illness into the behavioral health entity contracts by January 1, 2020.

((~~(48)~~)) (47) $225,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $225,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely to continue funding one pilot project in Pierce county to promote increased utilization of assisted outpatient treatment programs. The authority shall provide a report to the legislature by October 15, 2020, which must include the number of individuals served, outcomes to include changes in use of inpatient treatment and hospital stays, and recommendations for further implementation based on lessons learned from the pilot project.

((~~(49)~~)) (48) $18,000 of the general fund—state appropriation for fiscal year 2020((~~, $18,000 of the general fund—state appropriation for fiscal year 2021,~~)) and ((~~$36,000~~)) $18,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5181 (involuntary treatment procedures).

((~~(50)~~)) (49) $814,000 of the general fund—state appropriation for fiscal year 2020, $800,000 of the general fund—state appropriation for fiscal year 2021, and $1,466,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

((~~(51)~~)) (50) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

((~~(52)~~)) (51) $446,000 of the general fund—state appropriation for fiscal year 2020, $446,000 of the general fund—state appropriation for fiscal year 2021, and $178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

((~~(53)~~)) (52) $60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to provide a one-time grant to the city of Maple Valley to support a pilot project for a community resource coordinator position for the city of Maple Valley, Tahoma school district, and the greater Maple Valley area. This amount must be used to develop programs, projects, and training that specifically address mental health awareness and education and facilitate access to school-based and community resources. The grant must require a report be submitted by the city of Maple Valley to the authority and the Maple Valley city council which summarizes the services provided and the perceived value of the community resource coordinator position for the community. The authority must submit the report to the office of financial management and the appropriate committees of the legislature by June 30, 2021.

((~~(54)~~)) (53) $215,000 of the general fund—state appropriation for fiscal year 2020 and $165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services in Island county. The authority must use this amount to contract for start-up and treatment services that are not reimbursable under medicaid provided in a crisis stabilization center in Island county. The authority must continue to coordinate with crisis stabilization providers and behavioral health entities to identify funding gaps for non-Medicaid services and payment models that reflect the unique needs of these facilities.

((~~(55)~~)) (54) $200,000 of the general fund—state appropriation for fiscal year 2020 is provided on a one-time basis solely for the authority to contract with a family-centered substance use disorder treatment program which provides behavioral health services to families engaged in the foster system in Spokane county. This amount must be used to provide wraparound behavioral health services to individuals enrolled in the program.

((~~(57)~~)) (55) $50,000 of the general fund—state appropriation for fiscal year 2021 and $50,000 of the general fund—federal appropriation are provided solely for the authority to work with the actuaries responsible for establishing behavioral health capitation rates, the University of Washington behavioral health institute, managed care organizations, and community mental health and substance use disorder providers to develop strategies for enhancing behavioral health provider reimbursement to promote behavioral health workforce development efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2020, that identifies: (a) A description of the actuarial assumptions related to clinical supervision included in the development of calendar year 2020 managed care behavioral health capitation rates and the relative dollar value of these assumptions; (b) available information on whether and to what extent managed care organizations are accounting for clinical supervision in establishing behavioral health provider reimbursement methodologies and rates; (c) identification of provider reimbursement models through managed care organizations that effectively incentivize the expansion of internships and entry level opportunities for clinicians; and (d) recommendations for accountability mechanisms to demonstrate that amounts included in behavioral health capitation rates for clinical supervision are passed on to mental health and substance abuse agencies that provide internships and entry level opportunities for clinicians.

((~~(58)~~)) (56) $281,000 of the general fund—state appropriation for fiscal year 2020, ((~~$259,000~~)) $654,000 of the

general fund—state appropriation for fiscal year 2021, and ((~~$1,285,000~~)) $4,840,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.

((~~(59)~~)) (57) $128,000 of the general fund—state appropriation for fiscal year 2021 and $123,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed House Bill No. 2584 (behavioral health rates). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(60)~~)) (58) $139,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2737 (children's mental health work group). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(61)~~)) (59) $766,000 of the general fund—state appropriation for fiscal year 2021 and $1,526,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2642 (substance use disorder coverage). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(62)~~)) (60) $31,000 of the general fund—state appropriation for fiscal year 2020, $94,000 of the general fund—state appropriation for fiscal year 2021, and $125,000 of the general fund—federal appropriation are provided solely to conduct an analysis on the impact of changing policy in the apple health program to match best practices for mental health assessment and diagnosis for infants and children from birth through five years of age. The analysis must include cost estimates from the authority and the actuaries responsible for establishing medicaid managed care rates on the annual impact associated with policy changes in assessment and diagnosis of infants and children from birth through age five that at a minimum: (a) Allow reimbursement for three to five sessions for intake and assessment; (b) allow reimbursement for assessments in home or community settings, including reimbursement for clinician travel; and (c) require clinician use of the diagnostic classification of mental health and developmental disorders of infancy and early childhood. The authority must submit a report to the office of financial management and the appropriate committees of the legislature summarizing the results of the analysis and cost estimates by December 1, 2020.

((~~(63)~~)) (61) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

((~~(64)~~)) (62) $864,000 of the general fund—state appropriation for fiscal year 2021 and $1,788,000 of the general fund—federal appropriation are provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(65)~~)) (63) $200,000 of the general fund—federal appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6191 (adverse childhood experience). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(66)~~)) (64) Within existing resources, the authority shall implement Substitute Senate Bill No. 6259 (Indian behavioral health sys).

((~~(67)~~)) (65) $1,260,000 of the general fund—state appropriation for fiscal year 2021 and $840,000 of the general fund—federal appropriation are provided solely for the authority to increase rates to parent-child assistance program providers in an effort to stabilize the workforce and increase training and evaluation.

((~~(68)~~)) (66) $2,537,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to full integration of physical and behavioral health care beginning January 1, 2020. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is $2,494 per one thousand residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system.

((~~(70)~~)) (67) $15,000 of the general fund—state appropriation for fiscal year 2021 and $15,000 of the general fund—federal appropriation are provided solely for the authority to develop a value-based case rate payment model for comprehensive community behavioral health services. It is the intent of the legislature to strengthen the community behavioral health system in order to promote recovery and whole person care, avoid unnecessary institutionalization and ensure access to care in the least restrictive setting possible, and incentivize value-based alternative payment models. Therefore, the authority in collaboration with the Washington council for behavioral health must convene a work group to develop a case rate payment model for comprehensive community behavioral health services. The authority must submit a report to the legislature by October 31, 2020. The report must: (a) Identify a comprehensive package of services to be provided by community behavioral health agencies that are licensed and certified by the department of health as defined in RCW 71.24.025; (b) describe the methodology used to develop an actuarially sound case rate model for this comprehensive package of services, and propose a medicaid case rate or range of rates; and (c) identify key quality performance metrics focused on health and recovery as well as quality incentive payment mechanisms that reinforce value over volume.

((~~(71) $500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2021.~~

~~(72)~~)) (68) $4,500,000 of the criminal justice treatment account—state appropriation for fiscal year 2021 is provided solely for the authority to provide funding for the setting up of new therapeutic courts for cities or counties or for the expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

((~~(73)~~)) (69) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to contract with a statewide mental health nonprofit serving consumers and families that provides free community and school-based mental health education and support programs. Funding shall be used to provide access to programs tailored to peers living with mental illness, family members of people with mental illness, and the community.

((~~(74)~~)) (70) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall consider the information gained from this process and make adjustments allowable under federal law when appropriate.

((~~(75)~~)) (71) The authority shall seek input from representatives of the managed

care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs. The report shall include, but not be limited to (i) revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (ii) access to services, service denials, and utilization by state plan modality; (iii) claims denials and record of timely payment to providers; (iv) client demographics; and (v) social and recovery measures and managed care organization performance measures. The authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before July 1st of each year.

((~~(76)~~)) (72) $1,801,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to implement two pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

((~~(f)~~)) (e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

(73) $1,743,000 of the general fund—state appropriation for fiscal year 2021 and $5,419,000 of the general fund—federal appropriation are provided solely to implement a two percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective April 2021. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a two percent

provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations.

(74) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(75) $1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority, in coordination with the department of health, to purchase and distribute opioid overdose reversal medications.

Sec. 1215. 2020 c 357 s 216 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2020) $2,630,000

General Fund—State Appropriation (FY 2021) ((~~$3,007,000~~))

$2,978,000

General Fund—Federal Appropriation ((~~$2,614,000~~))

$2,572,000

Pension Funding Stabilization Account—State

Appropriation $190,000

TOTAL APPROPRIATION ((~~$8,441,000~~))

$8,370,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $103,000 of the general fund—state appropriation for fiscal year 2020 and $97,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care).

(2) $107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6034 (pregnancy discrim. complaints). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1216. 2020 c 357 s 217 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right to Know Fund—State

Appropriation $10,000

Accident Account—State Appropriation ((~~$24,437,000~~))

$24,152,000

Medical Aid Account—State Appropriation ((~~$24,438,000~~))

$24,153,000

TOTAL APPROPRIATION ((~~$48,885,000~~))

$48,315,000

The appropriations in this section are subject to the following conditions and limitations: $114,000 of the accident account—state appropriation and $114,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

Sec. 1217. 2020 c 357 s 218 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—State Appropriation (FY 2020) $27,447,000

General Fund—State Appropriation (FY 2021) ((~~$31,639,000~~))

$31,209,000

General Fund—Private/Local Appropriation ((~~$7,339,000~~))

$7,328,000

Death Investigations Account—State Appropriation $682,000

Municipal Criminal Justice Assistance Account—State

Appropriation $460,000

Washington Auto Theft Prevention Authority Account—

State Appropriation ((~~$8,167,000~~))

$7,089,000

24/7 Sobriety Account—State Appropriation $20,000

Pension Funding Stabilization Account—State

Appropriation $460,000

TOTAL APPROPRIATION ((~~$76,214,000~~))

$74,695,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $5,000,000 of the general fund—state appropriation for fiscal year 2020 and $5,000,000 of the general fund—state appropriation for fiscal year 2021, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) $2,768,000 of the general fund—state appropriation for fiscal year 2020 and $2,789,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for seventy-five percent of the costs of providing eleven additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) $1,179,000 of the general fund—state appropriation for fiscal year 2020 and $1,179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) $2,000,000 of the general fund—state appropriation for fiscal year 2020 and $2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute $3,000,000 in grants to the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services*, et. al., U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) $450,000 of the general fund—state appropriation for fiscal year 2020 and $449,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services*, et. al., U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) $534,000 of the death investigations account—state appropriation is provided solely for the commission to update and expand the medicolegal forensic investigation training currently provided to coroners and medical examiners from eighty hours to two-hundred forty hours to meet the recommendations of the national commission on forensic science for certification and accreditation. Funding is contingent on the death investigation account receiving three dollars of the five dollar increase in vital records fees from the passage of Engrossed Substitute Senate Bill No. 5332 (vital statistics).

(8) $10,000 of the general fund—state appropriation for fiscal year 2020, $22,000 of the general fund—state appropriation for fiscal year 2021, and $10,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily

meals provided to basic law enforcement academy recruits during their training.

(9) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1767 (alternatives to arrest/jail).

(10) $397,000 of the general fund—state appropriation for fiscal year 2020 and $397,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase for the Washington association of sheriffs and police chiefs.

(11) ((~~$2,000,000~~)) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2021, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(12) $20,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $20,000 of the general fund-state appropriation for fiscal year 2021 are~~)) is provided solely for the Washington association of sheriffs and police chiefs to work with local law enforcement agencies and the Washington fire chiefs association to provide helmets to persons contacted by local law enforcement or an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle in order to reduce traumatic brain injuries throughout the state. The Washington association of sheriffs and police chiefs shall work in conjunction with the Washington fire chiefs association in administering the helmet distribution program.

(13) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(14) $316,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for House Bill No. 2926 (critical stress management programs). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(15) $830,000 of the general fund—state appropriation for fiscal year 2021 and $155,000 of the general fund—local appropriation are provided solely for Second Substitute House Bill No. 2499 (correctional officer certification). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(16) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the criminal justice training commission to develop and finalize the curriculum for the de-escalation law enforcement training as required under Initiative 940, the law enforcement training and community safety act.

(17) $92,000 of the general fund—state appropriation for fiscal year 2021 is provided to the Washington association of sheriffs and police chiefs solely to provide grants to law enforcement agencies to support body camera programs. Of these amounts:

(a) $82,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Lynden police department for equipment purchase and video storage costs for the body camera program; and

(b) $10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Nooksack tribal police for equipment purchase and video storage costs for the body camera program.

(18) $275,000 of the general fund—state appropriation for fiscal year 2021 is provided to the Washington association of sheriffs and police chiefs solely to

provide a grant to a law enforcement agency in Island county to support equipment purchase and video storage costs for body camera programs.

(19) $165,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington association of sheriffs and police chiefs to provide a grant to fund an emergency jail cost to replace a failed jail control module and system in Skamania county that assists with inmate movement within the jail.

Sec. 1218. 2020 c 357 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State Appropriation (FY 2020) $14,426,000

General Fund—State Appropriation (FY 2021) ((~~$26,698,000~~))

$27,014,000

General Fund—Federal Appropriation $11,876,000

Asbestos Account—State Appropriation ((~~$590,000~~))

$587,000

Electrical License Account—State Appropriation ((~~$58,124,000~~))

$58,038,000

Farm Labor Contractor Account—State Appropriation $28,000

Worker and Community Right to Know Fund—State

Appropriation ((~~$1,039,000~~))

$1,036,000

Construction Registration Inspection Account—State

Appropriation ((~~$25,453,000~~))

$25,187,000

Public Works Administration Account—State

Appropriation ((~~$11,001,000~~))

$10,921,000

Manufactured Home Installation Training Account—

State Appropriation ((~~$412,000~~))

$403,000

Pension Funding Stabilization Account—State

Appropriation $1,434,000

Accident Account—State Appropriation ((~~$396,164,000~~))

$361,942,000

Accident Account—Federal Appropriation $16,439,000

Medical Aid Account—State Appropriation ((~~$399,802,000~~))

$365,341,000

Medical Aid Account—Federal Appropriation $3,650,000

Plumbing Certificate Account—State Appropriation ((~~$3,401,000~~))

$3,384,000

Pressure Systems Safety Account—State Appropriation ((~~$4,672,000~~))

$4,620,000

TOTAL APPROPRIATION ((~~$975,209,000~~))

$906,326,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$40,988,000~~)) $9,002,000 of the accident account—state appropriation and ((~~$40,986,000~~)) $9,002,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(2) $250,000 of the medical aid account—state appropriation and $250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with

janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(3) $1,700,000 of the accident account—state appropriation and $300,000 of the medical aid account—state appropriation are provided solely for a contract with a permanently registered Washington sector intermediary to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to $1,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized businesses" means those that have fewer than one hundred employees or have less than five percent annual net profitability. The sector intermediary will collaborate with the state board for community and technical colleges to integrate and offer related supplemental instruction through one or more Washington state community or technical colleges by the 2020-21 academic year.

(4) $1,360,000 of the accident account—state appropriation and $240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries to establish a health care apprenticeship program.

(5) $273,000 of the accident account—state appropriation and $273,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit an initial report to the governor and appropriate legislative committees by August 30, 2020, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(6) $666,000 of the accident account—state appropriation and $243,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5175 (firefighter safety).

(7) $2,257,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). Of this amount, $464,100 is provided to incorporate information technology changes to the complaint activity tracking system, public works suite, accounts receivable collections, and the pay accounts receivable collections systems, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(8) $37,000 of the accident account—state appropriation and $33,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(9) $52,000 of the accident account—state appropriation is provided solely for the complaint activity tracking system adjustment project, which will add functionality related to conducting company-wide wage investigations. This funding is subject to the conditions, limitations, and review provided in section 701 of this act.

(10) $850,000 of the accident account—state appropriation and $850,000 of the medical aid account—state appropriation are provided solely for issuing and managing contracts with customer-trusted groups to develop and deliver information to small businesses and their workers about workplace rights, regulations and services administered by the agency.

(11) $5,721,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$504,000~~)) $854,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increasing rates for medical and health care service providers treating persons in the crime victim compensation program. Of the amounts provided in this subsection, $50,000 of the general fund—state appropriation for fiscal year 2021 is provided ((~~solely~~)) for the crime victims compensation program to pay for medical exams related to victims of suspected child abuse. No later than September 30, 2020, the department shall report to the legislature the following information, for each fiscal year from fiscal year 2016 through fiscal year 2020:

(a) The type of claims received by victims of suspected child abuse;

(b) The total number of claims received by victims of suspected child abuse;

(c) The type of claims paid to victims of suspected child abuse;

(d) The total number of claims paid to victims of suspected child abuse; and

(e) The total amounts of claims paid to victims of suspected child abuse.

(12) $744,000 of the accident account—state appropriation and $744,000 of the medical aid account—state appropriation are provided solely for customer service staffing at field offices.

(13) $3,432,000 of the accident account—state appropriation and $606,000 of the medical aid account—state appropriation are provided solely for the division of occupational safety and health to add workplace safety and health consultants, inspectors, and investigators.

(14) $788,000 of the accident account—state appropriation and $140,000 of the medical aid account—state appropriation are provided solely for apprenticeship staffing to respond to inquiries and process registrations.

(15) $2,608,000 of the accident account—state appropriation and $3,541,000 of the medical aid account—state appropriation are provided solely for claims management staffing to reduce caseloads.

(16) $1,072,000 of the public works administration account—state appropriation is provided solely for implementation of Substitute House Bill No. 1295 (public works contracting).

(17) $695,000 of the accident account—state appropriation and $124,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1817 (high hazard facilities).

(18) $67,000 of the accident account—state appropriation and $66,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1909 (industrial ins. claim records).

(19) $273,000 of the general fund—state appropriation for fiscal year 2020 and $352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(20) $683,000 of the accident account—state appropriation and $683,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). Of the amounts provided in this subsection, $176,000 of the accident account—state appropriation and $176,000 medical aid account—state appropriation are subject to the conditions, limitations, and review provided in section 701 of this act. ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(21) $1,507,000 of the construction registration inspection account—state appropriation is provided solely for additional staff to conduct and facilitate additional elevator inspections.

(22) $320,000 of the accident account—state appropriation and $75,000 of the medical aid account—state appropriation are provided solely for implementation of chapter 296, Laws of 2019 (SHB 1155).

(23) $1,393,000 of the plumbing certificate account—state appropriation

is provided solely for implementation of Senate Bill No. 6170 (plumbing registration and licenses). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(24) $150,000 of the accident account—state appropriation and $26,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Senate Bill No. 6421 (farm internship program extension). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(25) ((~~$625,000~~)) $276,000 of the accident account—state appropriation and ((~~$625,000~~)) $543,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6440 (workers' compensation medical exams). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(26) $255,000 of the accident account—state appropriation and $45,000 of the medical aid account—state appropriation are provided solely for two additional crane inspectors to work in King county.

(27) $280,000 of the accident account—state appropriation and $50,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6473 (asbestos building materials). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(28) $918,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6181 (crime victim compensation program). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~)) The department shall report to the legislature no later than July 31, 2021, the following information for fiscal year 2021 regarding the benefits available under Second Substitute Senate Bill No. 6181:

(a) The number of claims received by month;

(b) The number of claims rejected by month;

(c) The number and amounts of claims paid by month; and

(d) The average processing time for claims.

(29) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization located in Seattle whose primary mission is to empower vulnerable workers in low-wage industries and from marginalized communities to provide peer training to similar workers in order to prevent sexual harassment and assault of workers in low-wage industries.

(30)(a) $15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(31) $240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide staff support to the aerospace workforce council created in ((~~House Bill No. 2945 (aerospace business and occupation taxes and world trade compliance) or~~)) Senate Bill No. 6690 (aerospace business and occupation taxes and world trade compliance). ((~~If neither bill is enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1219. 2020 c 357 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. By December 31, 2020, the department must: (i) Develop and implement a sustainable staffing model for the institutional services program to keep expenditures commensurate with the program revenue; and (ii) report to the legislature regarding its expenditures. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2020) $3,369,000

General Fund—State Appropriation (FY 2021) ((~~$4,173,000~~))

$4,017,000

Charitable, Educational, Penal, and Reformatory

Institutions Account—State Appropriation $10,000

Pension Funding Stabilization Account—State

Appropriation $185,000

TOTAL APPROPRIATION ((~~$7,737,000~~))

$7,581,000

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2020) $6,602,000

General Fund—State Appropriation (FY 2021) ((~~$7,029,000~~))

$6,912,000

General Fund—Federal Appropriation ((~~$5,253,000~~))

$5,224,000

General Fund—Private/Local Appropriation ((~~$5,324,000~~))

$5,285,000

Veteran Estate Management Account—Private/Local

Appropriation ((~~$708,000~~))

$698,000

Pension Funding Stabilization Account—State

Appropriation ((~~$444,000~~))

$435,000

Veterans Stewardship Account—State Appropriation $300,000

Veterans Innovation Program Account—State

Appropriation $100,000

TOTAL APPROPRIATION ((~~$25,760,000~~))

$25,556,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $1,338,000 of the general fund—federal appropriation and $120,000 of the general fund—local appropriation are provided solely for the expansion of the transitional housing program at the Washington soldiers home.

(b) $300,000 of the general fund—state appropriation for fiscal year 2020, $300,000 of the general fund—state appropriation for fiscal year 2021, and $100,000 of the veterans innovation account—state appropriation are provided solely for veterans innovation program grants.

(c) $300,000 of the veterans stewardship nonappropriated account—state appropriation is provided solely for the department's traumatic brain injury program.

(d) $300,000 of the general fund—state appropriation for fiscal year 2020 and $300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1448 (veterans service officers).

(e)(i) $140,000 of the general fund—state appropriation for fiscal year 2020 and $142,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a statewide plan to reduce suicide among service members, veterans, and their families. In developing the plan, the department shall:

(A) Collaborate with government and nongovernment agencies and organizations to establish promising best practices for suicide awareness and prevention materials, training, and outreach programs targeted to service members, veterans, and their families;

(B) Cultivate peer-led organizations serving veterans in transition and recovery;

(C) Create statewide suicide awareness and prevention training programs with content specific to service members, veterans, and their families; and

(D) Provide safer homes materials and distribute safe firearms storage devices, to the Washington national guard, the Washington state patrol, allied veteran groups, and other organizations serving or employing veterans, following the recommendations of the suicide-safer homes task force.

(ii) The department must report to the legislature regarding the development of the plan no later than December 1, 2020.

(f) $128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 5900 (LGBTQ coordinator/veterans). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(g) $128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6626 (military spouse liaison). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(4) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020) $13,155,000

General Fund—State Appropriation (FY 2021) ((~~$14,453,000~~))

$14,172,000

General Fund—Federal Appropriation ((~~$101,679,000~~))

$113,956,000

General Fund—Private/Local Appropriation ((~~$20,744,000~~))

$20,458,000

Pension Funding Stabilization Account—State

Appropriation $1,464,000

TOTAL APPROPRIATION ((~~$151,495,000~~))

$163,205,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The amounts provided in this subsection include a general fund—state

backfill for a revenue shortfall at the Washington soldiers home in Orting and the Walla Walla veterans home.

(b) If the department receives additional unanticipated federal resources at any point during the remainder of the 2019-2021 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2020) $100,000

General Fund—State Appropriation (FY 2021) $100,000

General Fund—Federal Appropriation $688,000

TOTAL APPROPRIATION $888,000

Sec. 1220. 2020 c 357 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2020) $79,582,000

General Fund—State Appropriation (FY 2021) ((~~$85,728,000~~))

$82,886,000

General Fund—Federal Appropriation ((~~$579,457,000~~))

$579,244,000

General Fund—Private/Local Appropriation ((~~$192,631,000~~))

$213,695,000

Hospital Data Collection Account—State Appropriation $362,000

Health Professions Account—State Appropriation ((~~$147,610,000~~))

$148,885,000

Aquatic Lands Enhancement Account—State

Appropriation $633,000

Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation ((~~$10,091,000~~))

$10,089,000

Safe Drinking Water Account—State Appropriation ((~~$6,057,000~~))

$6,045,000

Drinking Water Assistance Account—Federal

Appropriation ((~~$17,000,000~~))

$16,980,000

Waterworks Operator Certification Account—State

Appropriation ((~~$1,990,000~~))

$1,988,000

Drinking Water Assistance Administrative Account—

State Appropriation $1,628,000

Site Closure Account—State Appropriation ((~~$183,000~~))

$181,000

Biotoxin Account—State Appropriation ((~~$1,694,000~~))

$1,691,000

Model Toxics Control Operating Account—State

Appropriation $4,468,000

((~~Medicaid Fraud Penalty Account—State Appropriation~~ ~~$1,374,000~~))

Medical Test Site Licensure Account—State

Appropriation ((~~$3,233,000~~))

$3,316,000

Secure Drug Take-Back Program Account—State

Appropriation $1,008,000

Youth Tobacco and Vapor Products Prevention Account—

State Appropriation $4,237,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $10,786,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) ((~~$10,616,000~~))

$10,615,000

Public Health Supplemental Account—Private/Local

Appropriation ((~~$5,237,000~~))

$5,234,000

Pension Funding Stabilization Account—State

Appropriation $3,816,000

Accident Account—State Appropriation ((~~$362,000~~))

$361,000

Medical Aid Account—State Appropriation $54,000

TOTAL APPROPRIATION ((~~$1,169,837,000~~))

$1,187,784,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2019-2021 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2020 and 2021 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2020 and 2021 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost

of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(7)(a) $285,000 of the general fund—state appropriation for fiscal year 2020 and $15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the governor's interagency coordinating council on health disparities to establish a task force to develop a proposal for the creation of an office of equity. The purpose of the office of equity is to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government. The council must provide staff support and coordinate community and stakeholder outreach for the task force.

(b) The task force shall include:

(i) The chair of the interagency coordinating council on health disparities, or the chair's designee, who shall serve as the chair of the task force;

(ii) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(iii) Two members from the senate, appointed by the president of the senate;

(iv) A representative from the office of the governor, appointed by the governor;

(v) A representative from the office of financial management's diversity, equity, and inclusion council, appointed by the governor;

(vi) A representative from the office of minority and women's business enterprises, appointed by the director of the office of minority and women's business enterprises;

(vii) A representative from each ethnic commission, appointed by the director of each respective commission;

(viii) A representative from the women's commission, appointed by the director of the commission;

(ix) A representative from the human rights commission, appointed by the director of the commission;

(x) The director of the governor's office of Indian affairs, or the director's designee;

(xi) A member of the disability community, appointed by the chair of the governor's committee on disability issues and employment; and

(xii) A member of the lesbian, gay, bisexual, transgender, and queer community, appointed by the office of the governor.

(c) The task force must submit a preliminary report to the governor and legislature by December 15, 2019. The task force must submit a final proposal to the governor and the legislature by July 1, 2020. The final proposal must include the following recommendations:

(i) A mission statement and vision statement for the office;

(ii) A definition of "equity," which must be used by the office to guide its work;

(iii) The organizational structure of the office, which must include a community liaison for the office;

(iv) A plan to engage executive level management from all agencies;

(v) Mechanisms for facilitating state policy and systems change to promote equity, promoting community outreach and engagement, and establishing standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity;

(vi) Mechanisms for accountability to ensure that performance measures around equity are met across all agencies, including recommendations on audits of agencies and other accountability tools as deemed appropriate; and

(vii) A budget proposal including estimates for costs and staffing.

(d) Nonlegislative members of the task force must be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members must be reimbursed for expenses incurred in accordance with RCW 44.04.120.

(8) $400,000 of the general fund—state appropriation for fiscal year 2020 and $400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education, and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2020. A final report must be submitted to the legislature no later than June 30, 2021. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(9)(a) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nursing care quality assurance commission to continue the work group on nurses in long-term care settings.

(b) The work group must base its work on the assessment of long-term care workforce needs required by chapter 299, Laws of 2018, and included in the long-term care workforce development report to the governor and the legislature submitted in December 2018. The commission shall maintain existing membership of the work group, may add additional stakeholder representation, and may create such technical advisory committees as may be necessary to accomplish its purposes.

(c) Work group priorities for the 2019-2021 fiscal biennium include:

(i) Identifying data sources necessary to ensure workers are achieving timely training, testing, and certification;

(ii) Working with regional workforce development councils to project worker shortages and on-going demands;

(iii) Establishing revised nursing assistant training that aligns directly with the learning outcomes of the competency-based common curriculum, and improves access, reduces costs, increases consistency across evaluators, increases pass rates, and provides support for languages other than English;

(iv) Recommending requirements to improve skilled nursing facility staffing models and address deficiencies in resident care; and

(v) Creating a competency-based common curriculum for nursing assistant training that includes knowledge and skills relevant to current nursing

assistant practices; integrated specialty training on mental health, developmental disabilities, and dementia; and removing or revising outdated content. The curriculum must not unnecessarily add additional training hours, and must meet all applicable federal and state laws. The curriculum must be designed with seamless progression from or toward any point on the educational continuum.

(d) The commission must provide an interim report on the activities of the work group and its findings and recommendations for statutory and regulatory changes to the governor and legislature by November 15, 2019, and a final report to the governor and legislature by November 15, 2020.

(10) $172,000 of the general fund—state appropriation for fiscal year 2020 and $172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5425 (maternal mortality reviews).

(11) $399,000 of the general fund—local appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5332 (vital statistics).

(12) $52,000 of the general fund—state appropriation for fiscal year 2020, $22,000 of the general fund—state appropriation for fiscal year 2021, $11,000 of the general fund—local appropriation, and $107,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5380 (opioid use disorder).

(13) $80,000 of the general fund—state appropriation for fiscal year 2020, $7,000 of the general fund—state appropriation for fiscal year 2021, and $32,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(14) $132,000 of the general fund—state appropriation for fiscal year 2020 and $132,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5550 (pesticide application safety).

(15) $14,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Second Substitute Senate Bill No. 5846 (international medical graduates).

(16) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(17)(a) $62,000 of the general fund—state appropriation for fiscal year 2020 and $63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the King county local health jurisdiction, as part of the foundational public health services, to conduct a study on the population health impact of the SeaTac airport communities.

(b) By December 1, 2020, the King county local health jurisdiction shall submit a report to the appropriate committees of the legislature that must include:

(i) An analysis of existing data sources and an oversample of the best start for kids child health survey to produce airport community health profiles within a one mile, five mile, and ten mile radius of the airport;

(ii) A comprehensive literature review concerning the community health effects of airport operations, including a strength of evidence analysis;

(iii) The findings of the University of Washington school of public health study on ultrafine particulate matter at the airport and surrounding areas; and

(iv) Any recommendations to address health issues related to the impact of the airport on the community.

(18) $1,000,000 of the youth tobacco and vapor products prevention account—state appropriation is provided solely, as part of foundational public health services, for the department to support local health jurisdictions to provide youth tobacco and vapor prevention programs, including the necessary outreach and education for Engrossed House Bill No. 1074 (tobacco and vapor/age).

(19) $126,000 of the general fund—state appropriation for fiscal year 2020

and $120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(20) The department shall report to the fiscal committees of the legislature by December 1, 2019, and December 1, 2020, if it anticipates that the amounts raised by ambulatory surgical facility licensing fees will not be sufficient to defray the cost of regulating ambulatory surgical facilities. The report shall identify the amount of state general fund money necessary to compensate for the insufficiency.

(21) $162,000 of the general fund—state appropriation for fiscal year 2020 and $61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to create a statewide data system to provide early intervention services for all children appropriately screened for developmental delays, to track developmental screenings and delays identified in children, and to assist with care coordination and early intervention; and is subject to the conditions, limitations, and review provided in section 701 of this act.

(22) $420,000 of the health professions account—state appropriation is provided solely for a work group to develop policy and practice recommendations to increase access to clinical training and supervised practice for the behavioral health workforce. The work group shall include representatives from the department, the workforce training and education coordinating board, and other appropriate stakeholders. The recommendations of the work group must address the following potential barriers: (a) reimbursement and incentives for supervision of interns and trainees; (b) supervision requirements; (c) competency-based training; (d) licensing reciprocity or the feasibility of an interstate licensing compact, or both; and (e) background checks, including barriers to work related to an applicant's criminal history or substance use disorder. The board must convene and facilitate the work group, and recommendations may be presented in two phases. Recommendations presented in the first phase must be provided by December 1, 2019. Recommendations presented in the second phase must be provided by December 1, 2020.

(23) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington poison center. This funding is provided in addition to funding provided pursuant to RCW 69.50.540.

(24) $21,000 of the general fund—state appropriation for fiscal year 2020 and $4,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a palliative care road map to provide information and guidance to providers, patients, families, and caregivers of individuals living with a serious or life-threatening illness. The department must work in consultation with appropriate stakeholders, including but not limited to, the health care authority, the department of social and health services, and hospital-based, outpatient, and community-based palliative care providers. The department must complete the document and make hard copies available for distribution no later than September 30, 2020.

(25) $750,000 of the general fund—state appropriation for fiscal year 2020 and $750,000 of the general fund—state appropriation for fiscal year 2021 are provided to continue the collaboration between local public health, accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from year two planning to align care coordination efforts across health care systems and support the accountable communities of health initiatives, including innovative, collaborative models of care. Strategies include the following, to reduce costly hospitalizations: (a) Analyze heart failure data to identify sub populations and risk factors and use this data to determine targeted interventions; (b) support provider and clinic implementation of screening, brief intervention, and referral to treatment through immunizations and ensure other areas of the county and state can duplicate the strategies; and (c) provide resources to achieve results and support collaboration across local health care systems and providers.

(26) $55,000 of the health professions account—state appropriation is provided

solely to implement Engrossed Substitute House Bill No. 1768 (substance use disorder professionals).

(27) $14,000 of the health professions account—state appropriation is provided solely to implement Substitute House Bill No. 1865 (acupuncture and Eastern medicine).

(28)(a) $257,000 of the general fund—state appropriation for fiscal year 2020 and $304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the suicide-safer homes task force defined in RCW 43.70.445 to:

(i) Expand support to industries, professions, and workplaces impacted by high rates of suicide, develop and provide online resources to disseminate best practices in workplace mental health and suicide prevention, and provide trainings for industries with the highest suicide rates and who are unable to pay for trainings;

(ii) Conduct a workplace suicide summit;

(iii) Deliver the task force's SAFER intervention and firearms and medication locking devices in partnership with nongovernment organizations in twelve rural communities across Washington; and

(iv) Develop and distribute a tool kit for suicide prevention and curriculum for firearms safety instructors for their inclusion in firearms safety courses.

(b) The task force shall distribute to all firearms dealers in the state suicide awareness and prevention materials tailored to firearms owners that are developed. Firearms dealers are strongly encouraged to post on the premises and make available to firearms purchasers and transferees the suicide awareness and prevention materials.

(c) The task force shall provide a report to the legislature regarding the directives of this subsection, and the report shall be included in the task force's final report to the legislature by December 1, 2020.

(29) $16,000 of the general fund—state appropriation for fiscal year 2020 and $8,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pharmacy quality assurance commission to:

(a) Distribute or make available through electronic means to all licensed pharmacies suicide awareness and prevention materials developed by the suicide-safer homes task force, and each licensed pharmacy shall, when deemed appropriate through patient evaluation, make available to patients at the point of care the suicide awareness and prevention materials distributed by the commission; and

(b) Survey each pharmacist licensed under this chapter on methods to bridge the gap between practice and suicide awareness and prevention training, including identifying barriers that exist in putting the training into practice. The commission shall consult with the suicide-safer homes task force in developing the survey. The commission may distribute the survey as part of each pharmacist's license renewal. The commission shall compile and analyze the survey data and report the results to the appropriate committees of the legislature by November 15, 2020.

(30) $1,310,000 of the health professions account—state appropriation is provided solely for the Washington medical commission for clinical health care investigators.

(31) $3,210,000 of the health professions account—state appropriation is provided solely for the nursing care quality assurance commission to address increased complaints.

(32) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(33) $18,000,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(34) $1,606,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add Pompe disease and MPS-I to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by $10.50.

(35) $332,000 of the general fund—local appropriation is provided solely for testing supplies necessary to perform

x-linked adrenoleukodystrophy newborn screening panel testing. The department is authorized to increase the newborn screening fee by $1.90.

(36) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct formative research and development regarding dementia and the value and importance of early detection, diagnosis, and planning for the public, including racial and ethnic groups who are at increased risk. Qualified department staff or contracted experts must: (a) Investigate existing evidence-based messages and public awareness campaign strategies; and (b) develop, place, and evaluate messages through a short-term digital awareness campaign in at least two, but no more than four, targeted areas of the state.

(37) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization that provides support and education for adults, children, and families impacted by cancer. The nonprofit must provide programs and services that include, but are not limited to, adult support groups, camps for children impacted by cancer, education programs for teens to reduce future risk of cancer, and emotional and social support to families dealing with cancer.

(38) $20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to conduct a study on the state producing generic prescription drugs, with a priority on insulin. By December 1, 2019, the department shall submit a report of its findings and recommendations to the legislature.

(39) $2,000,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Substitute House Bill No. 1587 (increasing access to fruits and vegetables).

(40) The department must submit an application for an extension or renewal of its current grant pursuant to the federal food insecurity incentives program. If an extension or renewal of the current grant is not permitted, the department must apply for a new grant under the same program, which was reauthorized in December 2018.

(41) $22,000 of the general fund—state appropriation for fiscal year 2020 and $22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed House Bill No. 1638 (vaccine preventable diseases).

(42) $207,000 of the health professions account—state appropriation is provided solely to implement chapter 69, Laws of 2019 (SHB 1198) (sexual misconduct notification).

(43) $203,000 of the general fund—state appropriation for fiscal year 2020 and $66,000 of the general fund—local appropriation are provided solely to implement Second Substitute House Bill No. 1394 (behavioral health facilities).

(44) $36,000 of the health professions account—state appropriation is provided solely to implement House Bill No. 1554 (dental hygienists).

(45) $189,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely to implement Engrossed Substitute House Bill No. 1094 (medical marijuana renewals).

(46) $200,000 of the general fund—local appropriation is provided solely to implement chapter 68, Laws of 2019 (HB 1177) (dental laboratory registry).

(47) $88,000 of the general fund—state appropriation for fiscal year 2020 and $87,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using the project ECHO telehealth model operated by the University of Washington. Training shall focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis

B virus vaccinations according to centers for disease control recommendations. All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(48) $300,000 of the general fund—state appropriation for fiscal year 2020 and $90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the department of health for a task force established to recommend strategies for incorporating environmental justice principles into how state agencies discharge their responsibilities.

(a) The membership of the task force established under this section is as follows:

(i) The director of the department of commerce, or the director's designee;

(ii) The director of the department of ecology, or the director's designee;

(iii) The executive director of the Puget Sound partnership, or the executive director's designee;

(iv) The secretary of the department of transportation, or the secretary's designee;

(v) The secretary of the department of health, or the secretary's designee;

(vi) The chair of the energy facility site evaluation council, or the chair's designee;

(vii) The chair of the governor's interagency council on health disparities, or the chair's designee;

(viii) The commissioner of public lands, or the commissioner's designee;

(ix) A member from an organization representing statewide environmental justice issues, appointed by the governor;

(x) Three members from community-based organizations, appointed by the cochairs specified under (b) of this subsection, the nominations of which are based upon maintaining a balanced and diverse distribution, of representation from census tracts that are ranked at an eight or higher on the cumulative impact analysis and of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable;

(xi) A tribal leader, invited by the governor;

(xii) One member from an association representing business interests, appointed by the governor;

(xiii) One member from a union or other organized labor association representing worker interests, appointed by the governor;

(xiv) The director of the department of agriculture, or the director's designee; and

(xv) One member from an organization representing statewide agricultural interests, appointed by the governor.

(b) The representative of statewide environmental justice interests, and the chair of the governor's interagency council on health disparities, or the chair's designee, must cochair the task force.

(c) The governor's interagency council on health disparities shall provide staff support to the task force. The interagency council may work with other agencies, departments, or offices as necessary to provide staff support to the task force.

(d) The task force must submit a final report of its findings and recommendations to the appropriate committees of the legislature and the governor by October 31, 2020, and in compliance with RCW 43.01.036. The goal of the final report is to provide guidance to agencies, the legislature, and the governor, and at a minimum must include the following:

(i) Guidance for state agencies regarding how to use a cumulative impact analysis tool developed by the department of health. Guidance must cover how agencies identify highly impacted communities and must be based on best practices and current demographic data;

(ii) Best practices for increasing public participation and engagement by providing meaningful opportunities for involvement for all people, taking into account barriers to participation that may arise due to race, color, ethnicity, religion, income, or education level;

(iii) Recommendations for establishing measurable goals for reducing environmental health disparities for each community in Washington state and

ways in which state agencies may focus their work towards meeting those goals;

(iv) Model policies for prioritizing highly impacted communities and vulnerable populations for the purpose of reducing environmental health disparities and advancing a healthy environment for all residents.

(e) If time and resources permit, the task force may also include in its final report:

(i) Recommendations for creating and implementing equity analysis into all significant planning, programmatic and policy decision making, and investments. The equity analysis methods may include a process for describing potential risks to, benefits to, and opportunities for highly impacted communities and vulnerable populations;

(ii) Best practices and needed resources for cataloging and cross-referencing current research and data collection for programs within all state agencies relating to the health and environment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(f) Members of the task force who are not state employees must be compensated in accordance with RCW 43.03.240 and are entitled to reimbursement individually for travel expenses incurred in the performance of their duties as members of the task force in accordance with RCW 43.03.050 and 43.03.060. The expenses of the task force must be paid by the governor's interagency council on health disparities.

(g) The task force must hold four regional meetings to seek input from, present their work plan and proposals to, and receive feedback from communities throughout the state. The following locations must be considered for these meetings: Northwest Washington, central Puget Sound region, south Puget Sound region, southwest Washington, central Washington, and eastern Washington.

(h) Reports submitted under this section must be available for public inspection and copying through the governor's interagency council on health disparities and must be posted on its web site.

(49) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for testing of lead in public schools. The department must determine which school districts have the highest priority and test those districts first. The department and the school districts for which tests are conducted must provide to parents, educators, school staff, and the public clear communications regarding the test results, the consequences of even low levels of exposure or ingestion, such as cognitive deficits, reduction in IQ, and neurological development, and the information that no level of lead in drinking water is safe. The communications must include a comparison of the results to the recommendation of the American academy of pediatrics (August 2017) and the national toxicology program of the national institutes of health and the center for disease control, regardless of whether the level exceeds the standard for action pursuant to the federal lead and copper rule. Communications regarding test results where levels exceed the level recommended by the American academy of pediatricians must be accompanied by examples of actions districts may take to prevent exposure, including automated flushing of water fountains and sinks, and installation of certified water filters or bottle filling stations.

(50) $68,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 2378 (physician assistants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(51) $88,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2411 (suicide prevention/providers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(52) $724,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2426 (psychiatric patient safety). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(53) $14,000 of the general fund—state appropriation for fiscal year 2020 and $55,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for implementation of Engrossed Substitute House Bill No. 2731 (student head injury reports). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(54) $16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed House Bill No. 2755 (air ambulance cost transp.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(57)~~)) (55) $1,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for farmers market and grocery store basic food incentives for participants in the supplemental nutrition assistance program.

((~~(60)~~)) (56) Within amounts provided in this section, the department shall:

(a) Keep a monthly record of the wait times for processing applications for certification as an emergency medical technician, starting with the time the application is received until the certification is approved or denied. The record shall include the number of applications processed and the median and average wait times per month. The department shall provide a summary of the monthly wait times to the legislature no later than December 1, 2020.

(b) Conduct a review of the levels of emergency medicine competency applicable to military personnel and determine the equivalency of such levels to the standards required by the department for certification as an emergency medical technician in Washington state. The department shall report its findings to the legislature by December 1, 2020.

((~~(62)~~)) (57) The appropriations in this section include sufficient funding for the implementation of:

(a) Second Substitute Senate Bill No. 6309 (WIC fruit & veg. benefit);

(b) Substitute Senate Bill No. 6086 (opioid use/medications);

(c) Substitute Senate Bill No. 6526 (prescription drug reuse); and

(d) ((~~Senate Bill No. 6038 (acupuncture and eastern med.); and~~

~~(e)~~)) Substitute Senate Bill No. 6663 (eating disorders & diabetes).

((~~(64)~~)) (58) $19,000 of the health professions account—state appropriation is provided solely for implementation of Senate Bill No. 6143 (podiatric medical board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(65)~~)) (59) $76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6570 (law enforce. mental health). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(66)~~)) (60) $83,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6551 (international medical grads). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(67)~~)) (61) $20,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(69)~~)) (62) $1,223,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to improve behavioral health and suicide prevention through any of the following: Implementation of the recommendations of the agricultural industry task force; providing support to tribes in developing and implementing culturally appropriate, evidence-based programs and tribal best practices to support youth and adults; developing continuing education for mental health professionals and partnering with agencies and organizations serving high-risk populations; and developing and implementing postvention aftercare programs, developing a community health worker training module, and creating a safer homes community campaign on suicide prevention.

((~~(70)~~)) (63) Within its existing resources, the department shall work with a stakeholder group to review current statutes, certification of practices in other states, and qualification standards regarding colon hydrotherapy and produce recommendations for implementation of a certification

program for colon hydrotherapists in the state of Washington. The department must submit recommendations to the legislature no later than October 20, 2020.

((~~(71)~~)) (64) $6,000 of the general fund—state appropriation for fiscal year 2020 and $360,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add spinal muscular atrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by $4.30 for this purpose. The department shall report to the fiscal committees of the legislature by December 1, 2020, if it anticipates that the amounts raised by the screening fee will not be sufficient to cover the costs of administering the program. The report shall identify the amount of any fee increase necessary to cover such costs.

((~~(72)~~)) (65) $1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to cover increased costs for the child profile health promotion notification system. The department shall review its processes for efficiencies and possible technological advances to reduce costs in future biennia. The department should review at least the following: (a) Use of technology; (b) frequency of communication; (c) available alternative funding sources; and (d) use of the system for other public awareness campaigns that might create new funding streams. The department shall report its findings and any recommendations to the legislature by December 15, 2020.

((~~(73)~~)) (66) Sufficient funding is provided in this section to implement Engrossed Substitute House Bill No. 2576 (private detention facilities).

(67) $300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one-time grants to family planning clinics that are at risk of imminent closure, did not receive a paycheck protection program loan, and are ineligible for funding through the coronavirus aid, relief, and economic security (CARES) act or the coronavirus response and relief supplemental appropriations act of 2021 (CRRSA).

Sec. 1221. 2020 c 357 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ((~~2020~~)) 2021, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ((~~2020~~)) 2021 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. To the extent that transfers under this section are insufficient to fund actual expenditures made as a response to the COVID-19 pandemic, the department may transfer state appropriations that are provided solely for a specified purpose. The director of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2020) $68,583,000

General Fund—State Appropriation (FY 2021) ((~~$74,332,000~~))

$74,935,000

General Fund—Federal Appropriation $400,000

Pension Funding Stabilization Account—State

Appropriation $7,616,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $197,000

TOTAL APPROPRIATION ((~~$150,931,000~~))

$151,731,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) Within the funds appropriated in the subsection the

department shall review and update the necessary business requirements for implementation of a comprehensive electronic health records system. The department will utilize its feasibility study from 2013 and the health informatics roadmap completed in 2017 to update its business requirements and complete a request for information process by May 31, 2021. The department shall submit a report to the governor and the legislature outlining the system specifications and a cost model for implementation no later than June 30, 2021. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(b) $13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(c)(i) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract. (d) The appropriations in this subsection include sufficient funding for the implementation of Second Substitute Senate Bill No. 5021 (DOC/interest arbitration).

(e) $219,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 1521 (government contracting). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2020) $564,329,000

General Fund—State Appropriation (FY 2021) ((~~$599,334,000~~))

$605,187,000

General Fund—Federal Appropriation $818,000

Washington Auto Theft Prevention Authority Account—

State Appropriation ((~~$4,679,000~~))

$2,339,000

Pension Funding Stabilization Account—State

Appropriation $62,920,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $31,700,000

TOTAL APPROPRIATION ((~~$1,232,080,000~~))

$1,267,293,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the

department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. ((~~The~~)) Except as provided in (j) of this subsection, the department shall not pay a rate greater than $85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for Yakima jail staff assigned to the unit. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) $501,000 of the general fund—state appropriation for fiscal year 2020 and $501,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) The appropriations in this subsection include sufficient funding for the implementation of Substitute Senate Bill No. 5492 (motor vehicle felonies).

(d) $1,861,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $1,861,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely for the department to contract for the costs associated with use of offender bed capacity in lieu of prison beds for a therapeutic community program in Yakima county. The department shall provide a report to the legislature by December 15, 2019, outlining the program, its outcomes, and any improvements made over the previous contracted beds.

(e) $3,314,000 of the general fund—state appropriation for fiscal year 2020 and $3,014,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase custody staffing in its prison facilities to provide watch staff for hospital stays, mental health needs, and suicide watches to reduce overtime hours. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by November 15, 2019.

(f) $1,071,000 of the general fund—state appropriation for fiscal year 2020 and $1,567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et al.*, U.S. District Court for the Western District of Washington, cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment, and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, this appropriation shall lapse.

(g) $663,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department for payment of debt service associated with a certificate of participation for the equipment at the coyote ridge corrections center and its security electronics network project.

(h) $16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Third Substitute House Bill No. 1504 (impaired driving). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(j)~~)) (i) $97,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(j) $600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to pay for local jail beds to house individuals for the eighth and subsequent days following sentencing due to delays in transport to state institutions related to COVID-19 response. For this purpose, the department shall not pay a rate greater than $93.71 per day.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2020) $227,667,000

General Fund—State Appropriation (FY 2021) ((~~$242,885,000~~))

$205,959,000

General Fund—Federal Appropriation $3,632,000

Pension Funding Stabilization Account—State

Appropriation $12,800,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $5,879,000

TOTAL APPROPRIATION ((~~$486,984,000~~))

$455,937,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $1,320,000 of the general fund—state appropriation for fiscal year 2020 and $2,560,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of corrections to negotiate annual contract rate increases with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision and must include increases for a regional jail serving the south King county area for providing enhanced medical services. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) $984,000 of the general fund—state appropriation for fiscal year 2020 and $8,066,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to create two hundred work release beds in the community by the end of fiscal year 2021. The department shall create an implementation plan and provide a report to the legislature by September 1, 2019, that outlines when and where the work release facilities will be implemented.

(d) $143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(e) Amounts provided in this subsection include additional funding for improving services to persons under community supervision. The savings from caseload reductions as a result of Substitute House Bill No. 2393 (community custody), Substitute House Bill No. 2394 (community custody), and Substitute House Bill No. 2417 (community custody terms) allow for investments as recommended by the sentencing guidelines commission and the criminal sentencing task force, in evidence-based supervision and reentry practices that support accountability and successful reintegration into the community. The department of corrections must report to the governor and the appropriate committees of the legislature on how additional funds are expended by June 30, 2021.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2020) $6,471,000

General Fund—State Appropriation (FY 2021) ((~~$6,580,000~~))

$7,298,000

Pension Funding Stabilization Account—State

Appropriation $510,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $911,000

TOTAL APPROPRIATION ((~~$13,561,000~~))

$15,190,000

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2020) $47,835,000

General Fund—State Appropriation (FY 2021) ((~~$49,181,000~~))

$49,777,000

TOTAL APPROPRIATION ((~~$97,016,000~~))

$97,612,000

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2020) $59,452,000

General Fund—State Appropriation (FY 2021) ((~~$62,460,000~~))

$64,211,000

Pension Funding Stabilization Account—State

Appropriation $4,430,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $214,000

TOTAL APPROPRIATION ((~~$126,342,000~~))

$128,307,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) $250,000 of the general fund—state appropriation for fiscal year 2020 and $924,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional rental vouchers for individuals released from prison facilities or to increase the value of the rental voucher.

(c) $9,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute Senate Bill No. 5433 (DOC/post secondary education).

(d)(i) $1,156,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for costs relating to a pilot program for expanding educational programming to include postsecondary degrees and secure internet connections at up to three correctional institutions. The institutions chosen must be participating in the federal second chance Pell program. The internet connections are limited to the following purposes:

(A) Adult basic education;

(B) Completion of the free application for federal student aid or the Washington application for state financial aid; and

(C) Postsecondary education and training.

(ii) A report shall be submitted to the governor and the appropriate committees of the legislature by December 1, 2021, including:

(A) A description of how the secure internet connections were implemented, including any barriers or challenges;

(B) How many inmates participated in the programs that used the secure internet connections and a description of how the internet connection changed existing practices; and

(C) Data on whether the secure internet connection increased general education development or high school equivalency certificate completions; free application for federal student aid or Washington application for state financial aid filings; access to Pell grants or other state financial aid; and postsecondary education and training credit, certificate, and degree completions.

(e) $1,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for temporary court facilities, for staffing, and to provide release assistance, including limited housing and food assistance, and other costs associated with individuals resentenced or ordered released from confinement as a result of the *State v. Blake* decision.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2020) $164,516,000

General Fund—State Appropriation (FY 2021) ((~~$174,549,000~~))

$175,395,000

General Fund—Federal Appropriation $1,400,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $3,292,000

TOTAL APPROPRIATION ((~~$340,465,000~~))

$344,603,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) $895,000 of the general fund—state appropriation for fiscal year 2020 and $895,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase on call nursing and overtime staff in order to cover required nursing posts in its prison facilities. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by December 21, 2019.

(c) $108,000 of the general fund—state appropriation for fiscal year 2020 and $164,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et. al.*, United States District Court for the Western District of Washington, Cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, the amounts provided in this subsection shall lapse.

(d) $73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1222. 2020 c 357 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State Appropriation (FY 2020) $3,611,000

General Fund—State Appropriation (FY 2021) ((~~$3,971,000~~))

$3,771,000

General Fund—Federal Appropriation ((~~$25,492,000~~))

$25,209,000

General Fund—Private/Local Appropriation $60,000

Pension Funding Stabilization Account—State

Appropriation $172,000

TOTAL APPROPRIATION ((~~$33,306,000~~))

$32,823,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) $275,000 of the general fund—state appropriation for fiscal year 2020 and $275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for vocational rehabilitation supported employment services for additional eligible clients with visual disabilities who would otherwise be placed on the federally required order of selection waiting list.

(2) $115,000 of the general fund—state appropriation for fiscal year 2020 and $115,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the independent living program.

Sec. 1223. 2020 c 357 s 224 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—State Appropriation (FY 2020) $35,000

General Fund—State Appropriation (FY 2021) $910,000

General Fund—Federal Appropriation ((~~$252,209,000~~))

$221,152,000

General Fund—Private/Local Appropriation ((~~$36,421,000~~))

$36,408,000

Unemployment Compensation Administration Account—

Federal Appropriation ((~~$278,678,000~~))

$417,640,000

Administrative Contingency Account—State

Appropriation ((~~$26,256,000~~))

$26,250,000

Employment Service Administrative Account—State

Appropriation ((~~$66,060,000~~))

$65,982,000

Family and Medical Leave Insurance Account—State

Appropriation ((~~$129,563,000~~))

$129,489,000

Long-Term Services and Supports Trust Account—State

Appropriation $14,103,000

TOTAL APPROPRIATION ((~~$804,235,000~~))

$911,969,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) $70,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(3) $3,516,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5438 (ag & seasonal workforce srv).

(4) $4,636,000 of the employment service administrative account—state appropriation is provided solely for the statewide reentry initiative to connect incarcerated individuals to employment resources prior to and after release.

(5) $14,103,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1087 (long-term services and support). Of the amount provided in this subsection, $7,426,000 of the employment service administrative account—state appropriation is subject to the conditions, limitations, and review provided in section 701 of this act.

(6) $162,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave).

(7) $875,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to expand career connected learning program intermediary grants.

(8) $50,948,000 of the family and medical leave insurance account—state appropriation is provided solely to increase staffing levels and funding for the paid family medical leave program in order to align with projected business needs. The department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the office of financial management by September 1, 2020.

(9) $491,000 of the employment service administrative account—state appropriation is provided solely for

implementation of Substitute House Bill No. 2308 (job title reporting). Of the amount provided in this subsection, $208,000 of employment service administrative account—state appropriation is subject to the conditions, limitations, and review provided in section 701 of this act. ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(10)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(11) $11,019,000 of the employment services administrative account—state appropriation is provided solely for increased compensation and other administrative costs that federal grant dollars are insufficient to cover. The department shall report the following to the legislature and the governor by September 30, 2020:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for each fiscal year from fiscal year 2014 through fiscal year 2020; and

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(12)(a) $35,000 of the employment services administrative account—state appropriation is provided solely for the department to begin conducting a study, jointly with the department of social and health services, on the feasibility of replicating the unemployment insurance program for and expanding other social net programs to individuals regardless of their citizenship status.

(b) In preparation for the study, the department shall analyze existing programs to assess the legality of expansion to serve undocumented individuals and families, identify programmatic changes that would mitigate barriers to access and reduce fear of participation, and identify the operational and caseload costs associated with replication or expansion. If existing program expansion is not feasible or in compliance with federal law, the study shall assess the creation of similar programs and identify the associated operational and caseload costs.

(c) The departments shall begin to develop recommendations to expand existing programs or create similar programs to serve undocumented individuals.

(13) $1,983,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist in reducing the backlog of claimant issues and other work that the department has experienced due to the high volume and extended length of unemployment

insurance claims related to the COVID-19 public health emergency.

(14) $633,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with one or more experienced fact-finding services, to assist with adjudication and other efforts related to the high volume and extended length of unemployment insurance claims related to the COVID-19 public health emergency.

(15) $2,110,000 of the general fund—federal appropriation (CRF) is provided solely for the department to migrate and upgrade the customer call center phone system to a cloud-based system, in order to promote equitable access and ensure the timely payment of unemployment insurance benefits. Prior to executing any contract, the department shall consult with the office of the chief information officer. The department, in collaboration with the office of the chief information officer, must develop a project plan, timeline with quantifiable deliverables, and budget. The budget must include base funding in the 2019-2021 fiscal biennium for the existing customer call center phone system, and project ongoing costs by fiscal year and by fund for the upgraded phone system. The department must report this to the office of financial management and the relevant committees of the legislature by June 30, 2021.

(16) $240,000 of the general fund—federal appropriation (CRF) is provided solely for the translation of letters and documents, and other enhancements to improve unemployment insurance customer access and ensure the timely payment of unemployment insurance benefits.

(17) $303,000 of the unemployment compensation account—federal appropriation is provided solely for costs associated with the implementation of chapter 2, Laws of 2021 (concerning unemployment insurance).

(18) $6,826,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (18).

Sec. 1224. 2020 c 357 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

(1)(a) The appropriations to the department of children, youth, and families in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, ((~~2020~~)) 2021, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ((~~2020~~)) 2021 among programs after approval by the director of the office of financial management. The department must notify the fiscal committees of the legislature prior to receiving approval from the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ((~~2020~~)) 2021 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs or in response to the COVID-19 pandemic, the department may transfer appropriations that are provided solely for a specified purpose.

(2) CHILDREN AND FAMILIES SERVICES PROGRAM

General Fund—State Appropriation (FY 2020) $401,235,000

General Fund—State Appropriation (FY 2021) ((~~$411,209,000~~))

$361,399,000

General Fund—Federal Appropriation ((~~$458,790,000~~))

$475,978,000

General Fund—Private/Local Appropriation ((~~$2,824,000~~))

$2,822,000

Pension Funding Stabilization Account—State

Appropriation ((~~$24,916,000~~))

$24,769,000

TOTAL APPROPRIATION ((~~$1,298,974,000~~))

$1,266,203,000

The appropriations in this section are subject to the following conditions and limitations:

(a) $748,000 of the general fund—state appropriation for fiscal year 2020 and $748,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) $253,000 of the general fund—state appropriation for fiscal year 2020 and $662,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(i) Of the amounts provided in this subsection, $253,000 of the general fund—state appropriation for fiscal year 2020 and $253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the costs of existing hub home foster family constellations.

(ii) Of the amounts provided in this subsection, $231,000 of the general fund—state appropriation for fiscal year 2021 appropriation is provided solely to expand the number of hub home constellations and provide technical assistance for existing constellations.

(iii) Of the amounts provided in this subsection, $178,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with an organization with expertise in implementing the hub home model with fidelity to identify and train organizations serving kinship caregivers in eastern and western Washington with the goal of establishing additional hub home constellations to provide respite, training, and support to kinship caregivers. The department of children, youth, and families shall make available to the contracted organization information about the rates of placement of children with relative caregivers in order for the contracted organization to identify appropriate locations for expanding the model.

(c) $579,000 of the general fund—state appropriation for fiscal year 2020 and $579,000 of the general fund—state appropriation for fiscal year 2021 and $110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) $1,245,000 of the general fund—state appropriation for fiscal year 2020 and $1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for services provided through children's advocacy centers. Of the amounts provided in this subsection, $255,000 of the general fund—state appropriation for fiscal year 2020 and $255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an expansion to child advocacy center services.

(e) $1,884,000 of the general fund—state appropriation for fiscal year 2020 and $2,400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020. Of the amounts provided in this subsection, $533,000 of the general fund—state appropriation for fiscal year 2020 and $1,049,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to expand performance-based contracts through network administrators.

(f) $2,799,000 of the general fund—state appropriation for fiscal year 2020, $1,754,000 of the general fund—state appropriation for fiscal year 2021, and $5,444,000 of the general fund—federal appropriation are provided solely for social worker and related staff to receive, refer, and respond to screened-in reports of child abuse and neglect pursuant to chapter 208, Laws of 2018.

(g) Beginning October 1, 2019, and each calendar quarter thereafter, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(i) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(ii) Vacancy rates by region, office, and classification and band; and

(iii) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(h) $94,000 of the general fund—state appropriation for fiscal year 2020 and $94,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(i) $3,910,000 of the general fund—state appropriation for fiscal year 2020 and $3,910,000 of the general fund—state appropriation for fiscal year 2021 and $2,336,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care, to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcomes.

(j)(A) $539,000 of the general fund—state appropriation for fiscal year 2020 and $540,000 of the general fund—state appropriation for fiscal year 2021, $656,000 of the general fund private/local appropriation, and $252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(k) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(l) $375,000 of the general fund—state appropriation for fiscal year 2020 and $375,000 of the general fund—state appropriation for fiscal year 2021 and $112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of

parent-child supervision when doing so is in the best interest of the child.

(m) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least $3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(n) $1,230,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$2,230,000~~)) $1,230,000 of the general fund—state appropriation for fiscal year 2021 and $156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(o) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(p) $197,000 of the general fund—state appropriation for fiscal year 2020 and $197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(q) $5,040,000 of the general fund—state appropriation for fiscal year 2020 $6,051,000 of the general fund—state appropriation for fiscal year 2021, and $846,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement contracts. Of the amounts provided in this subsection (2)(q), $1,037,000 of the general fund—state appropriation for fiscal year 2021 and $115,000 of the general fund—federal appropriation are provided solely for contracts with enhanced therapeutic services and greater staff-to-child ratios. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(r) The appropriations in this section include sufficient funding for continued implementation of Chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(s)(i) $10,828,000 of the general fund—state appropriation for fiscal year 2020, $10,993,000 of the general fund—state appropriation for fiscal year 2021, and $13,365,000 of the general fund—federal appropriation are provided solely for rate increases for behavioral rehabilitation services providers. The department shall modify the rate structure to one that is based on placement setting rather than acuity level pursuant to the rate study submitted in December 2018.

(ii) Beginning January 1, 2020, and continuing through the 2019-2021 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the first six months of calendar year 2019. Beginning in state fiscal year 2021, the report shall identify beds with the behavioral rehabilitation services-plus services rate in (ii) of this subsection.

(t) Within existing resources, the department shall implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children).

((~~(v)~~)) (u) $1,533,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of chapter 328, Laws of 2019 (2SSB 5718). Of the amount provided in this subsection, $767,000 of the general fund—state appropriation for

fiscal year 2021 is provided solely for the department to provide short-term housing assistance to families that must not result in ongoing expenditures after June 30, 2021, consistent with the requirements of chapter 328, Laws of 2019 (2SSB 5718).

((~~(w)~~)) (v) $413,000 of the general fund—state appropriation for fiscal year 2020, $513,000 of the general fund—state appropriation for fiscal year 2021, and $826,000 of the general fund—federal appropriation are provided solely to increase family reconciliation services. The appropriations in this section include sufficient funding to implement Substitute House Bill No. 2873 (families in conflict).

((~~(x)~~)) (w) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

((~~(y)~~)) (x) The department of children, youth, and families shall enter into interagency agreements with the office of public defense and office of civil legal aid to facilitate the use of federal Title IV-E reimbursement for parent representation and child representation services.

((~~(z)~~)) (y) $146,000 of the general fund—state appropriation for fiscal year 2020 and $147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5955 (DCYF/statewide system).

((~~(aa)~~)) (z) $15,046,000 of the general fund—federal appropriation is provided solely for the department of children, youth, and families to leverage federal title IV-E funds available under the family first prevention services act for qualifying services and families.

(i) In fiscal year 2020, the department shall work with the department of social and health services to complete an evaluation of kinship navigator services that would enable establishment of a well-supported, supported, or promising practice model.

(ii) No later than December 1, 2019, the department shall report to the governor and appropriate legislative committees on the feasibility of claiming federal title IV-E reimbursement in fiscal year 2021 for home visiting services and kinship navigator services. The report shall include the estimated share of the current population receiving home visiting services whom the department would consider candidates for foster care for the purposes of title IV-E reimbursement under the family first prevention services act, and the estimated workload impacts for the department to identify and document the candidacy of populations receiving home visiting services.

((~~(bb)~~)) (aa) $443,000 of the general fund—state appropriation for fiscal year 2020, $443,000 of the general fund—state appropriation for fiscal year 2021, and $818,000 of the general fund—federal appropriation are provided solely for ten child and family welfare services case workers.

((~~(cc)~~)) (bb) $400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

((~~(dd)~~)) (cc) $666,000 of the general fund—state appropriation for fiscal year 2021 and $74,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(ee)~~)) (dd) $937,000 of the general fund—state appropriation for fiscal year 2021 and $66,000 of the general fund—federal appropriation are provided solely to implement Engrossed Third Substitute House Bill No. 1775 (sexually exploited children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(hh)~~)) (ee) $5,159,000 of the general fund—state appropriation for fiscal year 2021 and $1,870,000 of the general fund—federal appropriation are provided solely to increase the basic

foster care maintenance rate by an average of $110 per month per child for all age groups effective July 1, 2020.

((~~(ii)~~)) (ff) $3,175,000 of the general fund—state appropriation for fiscal year 2021 and $2,117,000 of the general fund—federal appropriation are provided solely to establish behavioral rehabilitation services-plus contracts to serve dependent youth whose needs cannot be met in regular behavioral rehabilitation services, and who may be transitioning from a hospital or other inpatient treatment, emergent placement services, a hotel stay, or an out-of-state placement. Contracts for behavioral rehabilitation services-plus must offer enhanced rates that support therapeutic services, appropriate staff-to-child ratios, and placement stabilization.

((~~(kk)~~)) (gg) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

((~~(mm) $1,080,000 of the general fund—state appropriation for fiscal year 2021 and $720,000 of the general fund—federal appropriation are provided solely for the department to engage with a behavioral rehabilitation services or behavioral rehabilitation services-plus provider or providers who previously provided behavioral rehabilitation services to the state but who do not have a contract with the department on the effective date of this section, and who can serve dependent youth whose needs require a staff-to-child ratio that is higher than one staff to three children. The funding in this subsection is provided on a one-time basis for fiscal year 2021 only.~~

~~(nn)~~)) (hh) $139,000 of the general fund—state appropriation for fiscal year 2021 and $26,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(ii) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families through the pandemic act, P.L. 116-260, division X.

(3) JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020) $100,445,000

General Fund—State Appropriation (FY 2021) ((~~$111,895,000~~))

$109,686,000

General Fund—Federal Appropriation ((~~$3,464,000~~))

$3,411,000

General Fund—Private/Local Appropriation $1,790,000

Washington Auto Theft Prevention Authority Account—

State Appropriation ((~~$196,000~~))

$98,000

Pension Funding Stabilization Account—State

Appropriation $8,362,000

TOTAL APPROPRIATION ((~~$226,152,000~~))

$223,792,000

The appropriations in this section are subject to the following conditions and limitations:

(a) $331,000 of the general fund—state appropriation for fiscal year 2020 and $331,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) $2,841,000 of the general fund—state appropriation for fiscal year 2020 and $2,841,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts for the juvenile justice

programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(c) $1,537,000 of the general fund—state appropriation for fiscal year 2020 and $1,537,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(d)(i) $6,198,000 of the general fund—state appropriation for fiscal year 2020 and $6,198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(ii) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (A) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (B) fifteen percent for the assessment of low, moderate, and high-risk youth; (C) twenty-five percent for evidence-based program participation; (D) seventeen and one-half percent for minority populations; (E) three percent for the chemical dependency and mental health disposition alternative; and (F) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(iii) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program

or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(iv) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(e) $557,000 of the general fund—state appropriation for fiscal year 2020 and $707,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the teamchild project.

(f) $283,000 of the general fund—state appropriation for fiscal year 2020 and $283,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile detention alternatives initiative.

(g) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(h) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(i) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(j) $432,000 of the general fund—state appropriation for fiscal year 2020 and $432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(k) $4,179,000 of the general fund—state appropriation for fiscal year 2020 and $7,516,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehabilitation confinement).

(l) $80,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a contract with a non-governmental entity to research youth violence prevention strategies and explore new and existing resources to implement evidence-based youth prevention strategies in the city of Federal Way.

(m) $200,000 of the general fund—state appropriation for fiscal year 2020 is provided for the department to measure the fidelity of the evidence-based interventions incorporated into the integrated treatment model. By July 1,

2020, the department must report to the governor and the appropriate fiscal and policy committees of the legislature on the results of the assessment of the integrated treatment model.

(n) $425,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by September 15, 2021.

(o) $800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of juvenile justice to establish a grant program for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence.

(i) Priority shall be given to one site serving in south King county and one site in Yakima county.

(ii) Priority for funding shall be given to sites who partner with the University of Washington to deliver family integrated transition services through use of credible messenger advocates.

(p) $25,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile rehabilitation administration to contract with a cultural-based education, rehabilitation, and positive identity formation program to host music, dance, therapeutic African drumming, and cultural awareness workshops at Naselle youth camp.

(q) $1,059,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Second Substitute House Bill No. 2277 (youth solitary confinement). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(r) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of children, youth, and families to fund an educational advocate for the city of Yakima. The advocate will provide intervention services to youth identified as most at risk to engage in firearm violence.

(4) EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2020) $206,082,000

General Fund—State Appropriation (FY 2021) ((~~$347,513,000~~))

$281,417,000

General Fund—Federal Appropriation ((~~$412,831,000~~))

$415,289,000

General Fund—Private/Local Appropriation ((~~$1,115,000~~))

$1,110,000

Education Legacy Trust Account—State Appropriation ((~~$28,156,000~~))

$28,150,000

Home Visiting Services Account—State Appropriation ((~~$14,926,000~~))

$14,803,000

Home Visiting Services Account—Federal Appropriation $28,523,000

Washington Opportunity Pathways Account—State

Appropriation $80,000,000

Pension Funding Stabilization Account—State

Appropriation $3,900,000

TOTAL APPROPRIATION ((~~$1,123,046,000~~))

$1,059,274,000

The appropriations in this section are subject to the following conditions and limitations:

(a)(i) $80,273,000 of the general fund—state appropriation for fiscal year 2020, ((~~$97,570,000~~)) $89,767,000 of the general fund—state appropriation for fiscal year 2021, ((~~$24,070,000~~)) $23,970,000 of the education legacy trust account—state appropriation, and $80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 slots in

fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

(ii) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(b) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(d) $51,815,000 of the general fund—state appropriation in fiscal year 2020, ((~~$80,265,000~~)) $30,829,000 of the general fund—state appropriation in fiscal year 2021, and $283,375,000 of the general fund—federal appropriation are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(i) ((~~$78,101,000 of the general fund—state appropriation shall~~)) The department will coordinate with the department of social and health services to determine the amount of state funding for state fiscal year 2021 to be claimed toward the state's temporary assistance for needy families federal maintenance of effort requirement. The department shall work in collaboration with the department of social and health services to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the monthly temporary assistance for needy families reimbursement.

(ii) $44,103,000 is for the compensation components of the 2019-2021 collective bargaining agreement covering family child care providers as provided in section 943 of this act.

(iii) $28,000 of the general fund—state appropriation for fiscal year 2020 and $1,359,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1303 (child care/higher education).

(iv) $526,000 of the general fund—state appropriation for fiscal year 2020 and $519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(v) $1,901,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2456 (working connect. eligibility). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(vi) $7,000 of the general fund—state appropriation for fiscal year 2020 and $645,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2455 (high school/child care). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(vii) $133,354,000 is for subsidy rate increases for child care center providers. Funding in this subsection is sufficient to achieve the 55th percentile of market at a level 3 standard of quality in fiscal year 2020 and the 65th percentile of market for both centers and licensed family homes at a level 2 standard of quality and providers of care for school aged children in fiscal year 2021. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

((~~(vi) (ix)~~)) (viii) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent of the federal poverty level or below; and

(H) All other eligible families.

((~~(x)~~)) (ix) The department, in collaboration with the department of social and health services, must submit a follow-up report by December 1, 2019, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) An updated narrative of the procurement and implementation of an improved time and attendance system, including an updated and detailed accounting of the final costs of procurement and implementation;

(B) An updated and comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services have implemented and that are planned to be implemented to avoid overpayments. The updated report must include an itemized description of the processes implemented or planned to be implemented to address each of the following:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments, including the billing of more regular business days than are in a month, to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(VII) Ensure two half-day rates totaling more than one hundred percent of the daily rate are not paid to providers; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

((~~(xi)~~)) (x) Beginning July 1, 2019, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) $1,560,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $1,560,000~~)), $310,000 of the general fund—state appropriation for fiscal year 2021, and ((~~$13,424,000~~)) $8,046,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) $379,000 of the general fund—state appropriation for fiscal year 2020 and $871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:

(i) $323,000 of the general fund—state appropriation for fiscal year 2020 and $333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) $56,000 of the general fund—state appropriation for fiscal year 2020 and $539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.

(h) $4,653,000 of the general fund—state appropriation for fiscal year 2020, $3,587,000 of the general fund—state appropriation for fiscal year 2021, and $1,076,000 of the general fund—federal appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

(i) $38,622,000 of the general fund—state appropriation for fiscal year 2020, $38,095,000 of the general fund—state appropriation for fiscal year 2021 and $33,908,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection:

(i) $1,728,000 of the general fund—state appropriation for fiscal year 2020 and $1,728,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(ii) $17,955,000 is for quality improvement awards, of which $1,650,000 is to provide a $500 increase for awards for select providers rated level three to five in accordance with the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act.

(iii) $1,283,000 of the general fund—state appropriation for fiscal year 2020 and $417,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers program).

((~~(v)~~)) (j) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(k) $4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(l) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

(m)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(n) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(o) $5,157,000 of the general fund—state appropriation for fiscal year 2020 and $4,938,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for components of the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act. Of the amounts provided in this subsection:

(i) $1,302,000 is for the family child care provider 501(c)(3) organization for board-approved training;

(ii) $230,000 is for increasing training reimbursement up to $250 per person;

(iii) $115,000 is for training on the electronic child care time and attendance system;

(iv) $3,000,000 is to maintain the career development fund;

(v) $5,223,000 is for up to five days of substitute coverage per provider per year through the state-administered substitute pool.

(vi) $226,000 is to provide an increase to monthly health care premiums.

(p) $219,000 of the general fund—state appropriation for fiscal year 2020 and $219,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(q) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(r) $317,000 of the general fund—state appropriation for fiscal year 2020 and $317,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue a four year pilot for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(s) Within existing resources, the department shall implement Substitute Senate Bill No. 5089 (early learning access).

(t) $250,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $250,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely for additional facilitated play groups offered statewide to family, friend, and neighbor child care providers.

(u)(i) The department of children, youth, and families, in consultation with the office of the superintendent of public instruction, the office of financial management, and the caseload forecast council must develop a proposal to transfer the annual allocations appropriated in the omnibus appropriations act for early intervention services for children with disabilities from birth through two years of age, from the superintendent of public instruction to the department of children, youth, and families beginning July 1, 2020. The department must submit a model detailing how allocations for this program will be determined and identifying the necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2019.

(ii) Beginning July 1, 2019, there shall be an administrative limit of five percent on all state funds allocated to school districts for early intervention services for children with disabilities from birth through two years of age.

(v) $750,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the expanded learning opportunity quality initiative pursuant to RCW 43.216.085(3)(d). No later than December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature regarding the outcomes of this pilot program and recommendations for future implementation that includes phasing-out the need for ongoing state support.

(w) $3,779,000 of the home visiting services—state appropriation and $3,779,000 of the home visiting services—federal appropriation are provided solely for the department to contract for additional home visiting slots. To maximize the use of available federal funding, to the greatest extent possible, the department shall use these additional slots to serve families where one or more children are candidates for foster care. The federal amount in this subsection is contingent on the services and children being eligible under the federal family first prevention services act, P.L. 115-123. The department may not allocate the federal funds to contractors unless the federal funding requirements are met.

(x) $9,000 of the general fund—state appropriation for fiscal year 2020 and $9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group).

(y) $773,000 of the general fund—state appropriation for fiscal year 2020 and $773,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health).

(z) $231,000 of the general fund—state appropriation for fiscal year 2020 and $144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

(aa) $95,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with the Walla Walla school district to repurpose an elementary school into an early learning center to serve as a regional prekindergarten facility. The early learning center must provide birth to five services such as parent education and supports, child care, and early learning programs.

(bb) $3,523,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide one-time scholarships for licensed family homes, child care center providers, and interested early learning providers to meet licensing requirements or meet ECEAP staff qualifications. Scholarships must support early childhood education associate degrees offered at state community and technical colleges or the early childhood education stackable certificates. The department shall administer the scholarship program and leverage the infrastructure established with early achievers grants.

((~~(dd)~~)) (cc) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2556 (early learning provider regs). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(ee)~~)) (dd) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2619 (early learning access). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(ff)~~)) (ee) $91,991,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for payments to providers for the early support for infants and toddlers program to implement Substitute House Bill No. 2787 (infants and toddlers program). Beginning September 1, 2020, funding for this purpose is transferred from the office of the superintendent of public instruction. Funding and eligibility are associated with the 0-2 special education caseload prepared by the caseload forecast council.

(5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020) $118,341,000

General Fund—State Appropriation (FY 2021) ((~~$119,408,000~~))

$124,165,000

General Fund—Federal Appropriation ((~~$162,520,000~~))

$159,339,000

General Fund—Private/Local Appropriation $195,000

Education Legacy Trust Account—State Appropriation $180,000

Home Visiting Services Account—State Appropriation $472,000

Home Visiting Services Account—Federal Appropriation $354,000

Pension Funding Stabilization Account—State

Appropriation ((~~$2,990,000~~))

$3,137,000

TOTAL APPROPRIATION ((~~$404,460,000~~))

$406,183,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human

services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (i) The status of any information technology projects currently being developed or implemented that affect the coalition; (ii) funding needs of these current and future information technology projects; and (iii) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) $300,000 of the general fund—state appropriation for fiscal year 2020 and $400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(c) $5,000 of the general fund—state appropriation for fiscal year 2020, $5,000 of the general fund—state appropriation for fiscal year 2021, and $16,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(d) $63,000 of the general fund—state appropriation for fiscal year 2020 and $7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(e) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(f)(i) All agreements and contracts with vendors must include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(g) The department must submit an agency budget request for the 2020 supplemental budget that identifies the amount of administrative funding to be transferred from appropriations in subsections (2), (3), and (4) of this section to this subsection (5).

(h) $83,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(i) $175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a plan to merge servers and build infrastructure to connect the child welfare, early learning, and juvenile rehabilitation programs on a single network. The implementation plan must be completed and provided to the legislature by January 1, 2021.

(j) The department shall use funding provided in the information technology pool to develop and implement the following, subject to the conditions, limitations, and review provided in section 701 of this act:

(i) A web-based reporting portal accessible to mandated reporters for reporting child abuse and neglect as required by RCW 26.44.030; and

(ii) A call-back option for callers placed on hold to provide a phone number for the department to return a call to complete the report of child abuse and neglect.

PART XIII

NATURAL RESOURCES

SUPPLEMENTAL

Sec. 1301. 2020 c 357 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2020) $605,000

General Fund—State Appropriation (FY 2021) ((~~$668,000~~))

$657,000

General Fund—Federal Appropriation $32,000

General Fund—Private/Local Appropriation ((~~$1,158,000~~))

$1,147,000

Pension Funding Stabilization Account—State

Appropriation $46,000

TOTAL APPROPRIATION ((~~$2,509,000~~))

$2,487,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $45,000 of the general fund—state appropriation for fiscal year 2020 and $45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to conduct compliance monitoring on approved development projects and develop and track measures on the commission's effectiveness in implementing the national scenic area management plan.

(2) $45,000 of the general fund—state appropriation for fiscal year 2020 and $94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

Sec. 1302. 2020 c 357 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2020) ((~~$30,696,000~~))

$30,665,000

General Fund—State Appropriation (FY 2021) ((~~$31,396,000~~))

$25,804,000

General Fund—Federal Appropriation ((~~$110,069,000~~))

$109,417,000

General Fund—Private/Local Appropriation ((~~$27,066,000~~))

$27,007,000

Reclamation Account—State Appropriation ((~~$4,919,000~~))

$4,886,000

Flood Control Assistance Account—State Appropriation ((~~$4,184,000~~))

$4,152,000

State Emergency Water Projects Revolving Account—

State Appropriation $40,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation ((~~$26,052,000~~))

$25,943,000

State Drought Preparedness Account—State

Appropriation $204,000

State and Local Improvements Revolving Account—Water

Supply Facilities—State Appropriation $183,000

Aquatic Algae Control Account—State Appropriation $528,000

Water Rights Tracking System Account—State

Appropriation ((~~$48,000~~))

$798,000

Site Closure Account—State Appropriation $582,000

Wood Stove Education and Enforcement Account—State

Appropriation ((~~$577,000~~))

$576,000

Worker and Community Right to Know Fund—State

Appropriation ((~~$1,996,000~~))

$1,978,000

Water Rights Processing Account—State Appropriation $39,000

Model Toxics Control Operating Account—State

Appropriation ((~~$257,389,000~~))

$248,961,000

Model Toxics Control Operating Account—Local

Appropriation $499,000

Water Quality Permit Account—State Appropriation ((~~$48,068,000~~))

$47,491,000

Underground Storage Tank Account—State Appropriation ((~~$3,976,000~~))

$3,924,000

Biosolids Permit Account—State Appropriation ((~~$2,709,000~~))

$2,683,000

Hazardous Waste Assistance Account—State

Appropriation ((~~$7,170,000~~))

$7,076,000

Radioactive Mixed Waste Account—State Appropriation ((~~$21,239,000~~))

$20,998,000

Air Pollution Control Account—State Appropriation ((~~$4,463,000~~))

$4,411,000

Oil Spill Prevention Account—State Appropriation ((~~$9,179,000~~))

$9,058,000

Air Operating Permit Account—State Appropriation ((~~$4,692,000~~))

$4,644,000

Freshwater Aquatic Weeds Account—State Appropriation ((~~$1,497,000~~))

$1,489,000

Oil Spill Response Account—State Appropriation $8,576,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $465,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) $464,000

Pension Funding Stabilization Account—State

Appropriation $2,920,000

Water Pollution Control Revolving Administration

Account—State Appropriation ((~~$4,220,000~~))

$4,172,000

Paint Product Stewardship Account—State

Appropriation $182,000

TOTAL APPROPRIATION ((~~$616,287,000~~))

$600,815,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) $102,000 of the general fund—state appropriation for fiscal year 2020 and $102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(3) $726,000 of the general fund—state appropriation for fiscal year 2020, ((~~$1,742,000~~)) $1,432,000 of the general fund—state appropriation for fiscal year 2021, and $1,600,000 of the flood control assistance account—state appropriation are provided solely for the continued implementation of the streamflow restoration program provided in chapter 90.94 RCW. Funding must be used to develop watershed plans, oversee consultants, adopt rules, and develop or oversee capital grant-funded projects that will improve instream flows statewide.

(4) $1,259,000 of the model toxics control operating account—state appropriation is provided solely for the increased costs for Washington conservation corp member living allowances, vehicles used to transport crews to worksites, and costs unsupported by static federal AmeriCorps grant reimbursement.

(5) $3,482,000 of the model toxics control operating account—state appropriation is provided solely for the department to implement recommendations that come from chemical action plans (CAP), such as the interim recommendations addressing PFAS (per- and polyfluorinated alkyl substances) contamination in drinking water and sources of that contamination, to monitor results, and to develop new CAPs.

(6) $592,000 of the reclamation account—state appropriation is provided solely for the department to assess and explore opportunities to resolve water rights uncertainties and disputes through adjudications in selected basins where tribal senior water rights, unquantified claims, and similar uncertainties about the seniority, quantity, and validity of water rights exist.

(7) $2,147,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department to address litter prevention and recycling programs, and in response to new China-imposed restrictions on the import of recyclable materials. Activities funded from this increased appropriation include litter pickup by ecology youth crews, local governments, and other state agencies, and litter prevention public education campaigns.

(8) $120,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $569,000~~)), $67,000 of the general fund—state appropriation for fiscal year 2021, and $502,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(9) $1,286,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5135 (toxic pollution).

(10) $392,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5397 (plastic packaging).

(11) $1,450,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of

Engrossed Second Substitute House Bill No. 1543 (concerning sustainable recycling).

(12) $342,000 of the air pollution control account—state appropriation and $619,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions).

(13) $1,374,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1578 (oil transportation safety).

(14) $264,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Walla Walla watershed management partnership board of directors to develop a thirty-year integrated water resource management strategic plan and to provide partnership staffing, reporting, and operating budget costs associated with new activities as described in Second Substitute Senate Bill No. 5352 (Walla Walla watershed pilot).

(15) $455,000 of the general fund—state appropriation for fiscal year 2020 and $455,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

(16) $290,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $290,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely for rule making to change standards to allow for a higher volume of water to be spilled over Columbia river and Snake river dams to increase total dissolved gas for the benefit of Chinook salmon and other salmonids.

(17) $118,000 of the general fund—state appropriation for fiscal year 2020 and $118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the agency to convene a stakeholder work group to identify actions to decrease loading of priority pharmaceuticals into Puget Sound, contract for technical experts to provide literature review, conduct an analysis and determine best practices for addressing pharmaceutical discharges, and carry out laboratory testing and analysis.

(18) $319,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$319,000~~)) $119,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase coordination in reviewing shoreline armoring proposals to better protect forage fish.

(19) $247,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$435,000~~)) $260,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for monitoring nutrient cycling and ocean acidification parameters at twenty marine stations in Puget Sound and Hood canal.

(20) $250,000 of the flood control assistance account—state appropriation is provided solely for the Washington conservation corps to carry out emergency activities to respond to flooding by repairing levees, preventing or mitigating an impending flood hazard, or filling and stacking sandbags. This appropriation is also for grants to local governments for emergency response needs, including the removal of structures and repair of small-scale levees and tidegates.

(21) $500,000 of the model toxics control operating account—state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

(22) $244,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5579 (crude oil volatility/rail).

(23) $432,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Substitute House Bill No. 1290 (voluntary cleanups/has waste).

((~~(25)~~)) (24) $10,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

(25) $100,000 of the oil spill prevention account—state appropriation is provided solely for the department to produce a synopsis of current maritime vessel activity, navigation lanes, and anchorages in the northern Puget Sound and the strait of Juan de Fuca, including vessel transit in Canadian portions of transboundary waters. Consistent with RCW 43.372.030, the synopsis must compile key findings and baseline information on the spatial and temporal distribution of and intensity of current maritime vessel activity. The department may collect new information on vessel activity, including information on commercial and recreational fishing, where relevant to the synopsis. In producing the synopsis, the department must invite the participation of Canadian agencies and first nations, and must coordinate with federal agencies, other state agencies, federally recognized Indian tribes, commercial and recreational vessel operators and organizations representing such operators, and other stakeholders. The department must provide a draft of the synopsis to the appropriate committees of the legislature by June 30, 2021.

(26) $500,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction).

(27) $465,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and $464,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2052 (marijuana product testing).

(28) $182,000 of the paint product stewardship account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1652 (paint stewardship).

(29) $535,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to develop a Puget Sound nutrients general permit for wastewater treatment plants in Puget Sound to reduce nutrients in wastewater discharges to Puget Sound.

((~~(34)~~)) (30) $75,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department and the recycling development center, created in RCW 70.370.030, to provide financial and technical assistance to women and minority-owned businesses and small businesses which manufacture or process single-use plastic packaging products in order to help transform these businesses to processors and producers of sustainable packaging.

((~~(35)~~)) (31) $283,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5323 (plastic bags), including the education and outreach activities required under section 5, chapter ((~~. . .~~)) 138, Laws of 2020 (ESSB 5323). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(36)~~)) (32) $149,000 of the ((~~general fund-state appropriation for fiscal year 2021~~)) model toxics control operating account—state appropriation is provided solely for the implementation of Senate Bill No. 5811 (clean car standards & prog.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(37)~~)) (33)(a) The appropriations in this section include sufficient funding for the department to convene a work group of affected entities to study the design and use of the state water trust, water banking, and water transfers, and present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate. The department of ecology shall invite representatives to serve on the work group from organizations including, but not limited to:

(i) Federally recognized Indian tribes;

(ii) Local governments including cities, counties, and special purpose districts;

(iii) Environmental advocacy organizations;

(iv) The farming industry in Washington;

(v) Business interests; and

(vi) Entities that have been directly involved with the establishment of water banks.

(b) In addition to an invitation to participate in the work group, the department shall also consult with affected federally recognized tribal governments upon request.

(c) By December 1, 2020, the department of ecology must present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate and to the governor's office.

((~~(38)~~)) (34) $750,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide funding to local governments to help address stormwater permit requirements and provide assistance to small businesses, as well as local source control monitoring to address toxic hotspots that impact Puget Sound.

((~~(39)~~)) (35) $748,000 of the model toxics control operating account—state appropriation is provided solely for the department to add continuous freshwater monitoring at the mouth of the seven largest rivers discharging into Puget Sound.

((~~(40)~~)) (36) $2,339,000 of the model toxics control operating account—state appropriation is provided solely for the department to use its authority under chapter 43.21C RCW to strengthen and standardize the consideration of climate change risks, vulnerability, and greenhouse gas emissions in environmental assessments for major projects with significant environmental impacts. To provide clarity for the public, governmental agencies and project proponents, the work conducted under this subsection must be uniform and apply to all branches of government, including state agencies, public and municipal corporations, and counties. It is the intent of the legislature that the department should carefully consider any potential overlap with other policies to reduce or regulate greenhouse gas emissions from major projects with significant environmental impacts, in order to avoid duplicative obligations.

((~~(41)~~)) (37) $654,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process clean water act certifications in the event that a sixty-day processing requirement is implemented for all United States army corps of engineers permitted projects in Washington. If such a requirement is not imposed, the amount provided in this subsection shall lapse.

Sec. 1303. 2020 c 357 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation (FY 2020) $16,270,000

General Fund—State Appropriation (FY 2021) ((~~$20,906,000~~))

$21,209,000

General Fund—Federal Appropriation ((~~$7,080,000~~))

$7,077,000

Winter Recreation Program Account—State

Appropriation ((~~$3,310,000~~))

$3,309,000

ORV and Nonhighway Vehicle Account—State

Appropriation ((~~$403,000~~))

$358,000

Snowmobile Account—State Appropriation ((~~$5,657,000~~))

$5,655,000

Aquatic Lands Enhancement Account—State

Appropriation $367,000

Parks Renewal and Stewardship Account—State

Appropriation ((~~$126,881,000~~))

$126,835,000

Parks Renewal and Stewardship Account—Private/Local

Appropriation $420,000

Pension Funding Stabilization Account—State

Appropriation $1,496,000

TOTAL APPROPRIATION ((~~$182,790,000~~))

$182,996,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $129,000 of the general fund—state appropriation for fiscal year 2020 and $129,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Senate Bill No. 5918 (whale watching guidelines).

(4) $916,000 of the general fund—state appropriation for fiscal year 2020, $915,000 of the general fund—state appropriation for fiscal year 2021, and $169,000 of the parks renewal and stewardship account—state appropriation are provided solely for the commission to replace major equipment with an emphasis on fire response equipment and law enforcement vehicles that have over fifteen years of useful life.

(5) $252,000 of the general fund—state appropriation for fiscal year 2020, $216,000 of the general fund—state appropriation for fiscal year 2021, and $322,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(6) $154,000 of the general fund—state appropriation for fiscal year 2020 and $146,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for hiring new park rangers and park aides.

(7) $3,750,000 of the general fund—state appropriation for fiscal year 2020, $3,750,000 of the general fund—state appropriation for fiscal year 2021, and $2,500,000 of the parks renewal and stewardship account—state appropriation are provided solely for maintaining current service levels for core functions such as customer service, facility maintenance, and law enforcement.

(8) $382,000 of the general fund—state appropriation for fiscal year 2020 and $567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to conduct forest health treatments on 500 acres of forestland each year, add stewardship staff capacity in the northwest region, and conduct vegetation surveys to identify rare and sensitive plants. One-time funding is also provided to replace a fire truck in the eastern region.

(9) $750,000 of the general fund—state appropriation for fiscal year 2020 and $750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to hire construction and maintenance staff to address the backlog of preventive maintenance at state parks.

(10) $428,000 of the parks renewal and stewardship account—state appropriation is provided solely for increased technology costs associated with providing field staff with access to the state government network, providing law enforcement personnel remote access to law enforcement records, and providing public wi-fi services at dry falls, pacific beach, and potholes state parks.

(11) $204,000 of the parks renewal and stewardship account—state appropriation is provided solely for maintaining the state parks' central reservation system, the law enforcement records management system, and discover pass automated pay stations.

(12) $1,100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to carry out operation and maintenance of the state parks system.

(13) $35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to supply each public library in the state with two Discover passes, to be made available to the public to check out through the library system, as described in Substitute Senate Bill No. 6670 (discover pass/libraries).

(14) $60,000 of the general fund—state appropriation for fiscal year 2020 and $65,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to

collaborate with the city of Issaquah to prepare an environmental impact statement at Lake Sammamish state park to identify impacts of the next phase of park development and assist with obtaining regulatory permits.

((~~(15) $120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of House Bill No. 2587 (scenic bikeway). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1304. 2020 c 357 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

General Fund—State Appropriation (FY 2020) $1,168,000

General Fund—State Appropriation (FY 2021) ((~~$2,003,000~~))

$1,505,000

General Fund—Federal Appropriation ((~~$3,778,000~~))

$3,746,000

General Fund—Private/Local Appropriation $24,000

Aquatic Lands Enhancement Account—State

Appropriation ((~~$333,000~~))

$330,000

Firearms Range Account—State Appropriation $37,000

Recreation Resources Account—State Appropriation ((~~$4,071,000~~))

$3,966,000

NOVA Program Account—State Appropriation ((~~$1,107,000~~))

$1,093,000

Pension Funding Stabilization Account—State

Appropriation $80,000

TOTAL APPROPRIATION ((~~$12,601,000~~))

$11,949,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $109,000 of the aquatic lands enhancement account—state appropriation is provided solely to the recreation and conservation funding board for administration of the aquatics lands enhancement account grant program as described in RCW 79.105.150.

(2) $37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(3) ((~~$4,071,000~~)) $3,966,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(4) ((~~$1,107,000~~)) $1,093,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(5) $175,000 of the general fund—state appropriation for fiscal year 2020 and $175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(6) $275,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to continue mortality assessment work and to design solutions to mitigate steelhead mortality at the Hood Canal bridge.

((~~(8)~~)) (7) $140,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

((~~(9) $68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020,~~

~~the amount provided in this subsection shall lapse.~~))

Sec. 1305. 2020 c 357 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund—State Appropriation (FY 2020) $2,758,000

General Fund—State Appropriation (FY 2021) ((~~$2,641,000~~))

$2,465,000

Pension Funding Stabilization Account—State

Appropriation $254,000

TOTAL APPROPRIATION ((~~$5,653,000~~))

$5,477,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $140,000 of the general fund—state appropriation for fiscal year 2020 and $30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 452, Laws of 2019 (growth management board/indexing).

(2) $4,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6574 (GMHB & ELUHO powers, duties). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1306. 2020 c 357 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund—State Appropriation (FY 2020) $7,845,000

General Fund—State Appropriation (FY 2021) ((~~$8,540,000~~))

$7,187,000

General Fund—Federal Appropriation $2,482,000

Public Works Assistance Account—State Appropriation $8,456,000

Model Toxics Control Operating Account—State

Appropriation ((~~$1,226,000~~))

$1,055,000

Pension Funding Stabilization Account—State

Appropriation $254,000

TOTAL APPROPRIATION ((~~$28,803,000~~))

$27,279,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission and conservation districts to increase landowner participation in voluntary actions that protect habitat to benefit salmon and southern resident orcas.

(2) $8,456,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(3) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The commission shall coordinate implementation of the forum with the department of agriculture and the office of farmland preservation.

(b) The director of the commission and the director of the department of agriculture shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants may be reimbursed for travel expenses by the senate or house of representatives as provided in RCW 44.04.120. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the commission or the director of the department of agriculture.

(e) Staffing for the forum must be provided by the commission working jointly with staff from the department of agriculture.

(f) The commission and the department of agriculture shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(4) $20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The commission and the department of agriculture must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The commission, in collaboration with the department of agriculture, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the grant program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The commission and the department of agriculture must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

((~~(6)~~)) (5) $59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(7)~~)) (6) $55,000 of the ((~~general fund—state appropriation for fiscal year 2021~~)) model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(8)~~)) (7) $99,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(9) $61,000 of the general fund-state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1307. 2020 c 357 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund—State Appropriation (FY 2020) $76,116,000

General Fund—State Appropriation (FY 2021) ((~~$87,539,000~~))

$85,234,000

General Fund—Federal Appropriation ((~~$140,234,000~~))

$139,304,000

General Fund—Private/Local Appropriation ((~~$69,619,000~~))

$69,289,000

ORV and Nonhighway Vehicle Account—State

Appropriation ((~~$701,000~~))

$626,000

Aquatic Lands Enhancement Account—State

Appropriation ((~~$11,873,000~~))

$11,871,000

Recreational Fisheries Enhancement Account—State

Appropriation ((~~$3,333,000~~))

$3,323,000

Warm Water Game Fish Account—State Appropriation ((~~$2,825,000~~))

$2,810,000

Eastern Washington Pheasant Enhancement Account—

State Appropriation $675,000

State Wildlife Account—State Appropriation ((~~$115,447,000~~))

$115,153,000

Special Wildlife Account—State Appropriation $2,904,000

Special Wildlife Account—Federal Appropriation $517,000

Special Wildlife Account—Private/Local Appropriation ((~~$3,653,000~~))

$3,647,000

Wildlife Rehabilitation Account—State Appropriation $361,000

Ballast Water and Biofouling Management Account—

State Appropriation $10,000

Model Toxics Control Operating Account—State

Appropriation ((~~$2,947,000~~))

$2,924,000

Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation $5,001,000

Oil Spill Prevention Account—State Appropriation ((~~$1,199,000~~))

$1,183,000

Aquatic Invasive Species Management Account—State

Appropriation ((~~$1,906,000~~))

$1,237,000

Pension Funding Stabilization Account—State

Appropriation $5,186,000

Oyster Reserve Land Account—State Appropriation $524,000

TOTAL APPROPRIATION ((~~$513,141,000~~))

$527,895,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $467,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$467,000~~)) $767,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) $415,000 of the general fund—state appropriation for fiscal year 2020, $415,000 of the general fund—state appropriation for fiscal year 2021, and $440,000 of the general fund—federal appropriation are provided solely for county assessments.

(3)(a) A legislative task force is established to recommend a group or entity to review the department's budget requests in place of the hatchery scientific review group. The task force is comprised of two members from each of the two largest caucuses in the senate, appointed by the president of the senate, and two members from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house. The task force shall be staffed by the office of program research and senate committee services. The task force must consult with tribes.

(b) The task force must review the purpose and activities of the hatchery scientific review group and develop recommendations for the legislature to

establish a replacement group or entity that will analyze state spending and projects related to hatcheries that are proposed in state operating and capital budgets. Among other things, the task force shall recommend a process by which the replacement organization or entity, starting with the 2021-2023 fiscal biennium, contracts with the department to review the department's proposed agency biennial operating and capital budget requests related to state fish hatcheries prior to submission to the office of financial management. This review shall: (i) Examine if the proposed requests are consistent with independent scientific review standards using best available science; (ii) evaluate the components of the request based on the independent needs of each particular watershed and the return of salmonids including naturally spawning, endangered, and hatchery stocks; and (iii) evaluate whether the proposed requests are being made in the most cost-effective manner. This process must require the department to provide a copy of the review to the office of financial management and the legislature with its agency budget proposal.

(c) The task force shall report to the legislature on its findings and recommendations by December 1, 2019.

(4) $400,000 of the general fund—state appropriation for fiscal year 2020 and $400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(5) $762,000 of the general fund—state appropriation for fiscal year 2020, $580,000 of the general fund—state appropriation for fiscal year 2021, and $24,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5577 (orca whales/vessels).

(6) $156,000 of the general fund—state appropriation for fiscal year 2020 and $155,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(7) $450,000 of the general fund—state appropriation for fiscal year 2020 and $450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a pinto abalone recovery plan, expand field work, conduct genetics and disease assessments, and establish three satellite grow-out facilities. $150,000 of the appropriation per fiscal year is for competitive grants to nonprofit organizations to assist in recovery and restoration work of native shellfish.

(8) $350,000 of the general fund—state appropriation for fiscal year 2020 and $350,000 of the general fund—state appropriation for fiscal year 2021, are provided solely for the department to increase the work of regional fisheries enhancement groups.

(9) $457,000 of the general fund—state appropriation for fiscal year 2020, $457,000 of the general fund—state appropriation for fiscal year 2021, and $110,000 of the state wildlife account—state appropriation are provided solely for the department to pay for costs to maintain upgraded network infrastructure and pay the debt service on purchased equipment.

(10) $165,000 of the general fund—state appropriation for fiscal year 2020, $166,000 of the general fund—state appropriation for fiscal year 2021, and $495,000 of the state wildlife account—state appropriation are provided solely for new service or vendor costs, including PC leases, mobile devices, a remote management system, IT issue tracking technology, and virtual private network services.

(11) $3,500,000 of the general fund—state appropriation for fiscal year 2020 and $3,500,000 of the general fund—state appropriation for fiscal year 2021 are appropriated for the department to increase hatchery production of salmon throughout the Puget Sound, coast, and Columbia river. Increases in hatchery production must be prioritized to increase prey abundance for southern resident orcas. The department shall work with federal partners, tribal co-managers, and other interested parties when developing annual hatchery production plans. These increases shall be done consistent with best available science, most recent hatchery standards, and endangered species act requirements, and include adaptive management provisions to ensure the conservation and enhancement of wild stocks. Of the amounts provided in this subsection,

$500,000 in fiscal year 2020 is for wells and generators at the Samish hatchery.

(12) $2,257,000 of the general fund—state appropriation for fiscal year 2020 and $1,785,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to the northwest Indian fisheries commission to grant to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection:

(a) $1,535,000 in each fiscal year is for additional hatchery production in the following amounts per fiscal year: $150,000 for the Quinault Indian Nation, $169,000 for the Tulalip Tribes, $268,000 for the Quileute Tribe, $186,000 for the Puyallup Tribe, $112,000 for the Port Gamble S'Klallam Tribe, $23,000 for the Muckleshoot Indian Tribe, $207,000 for the Squaxin Island Tribe, $142,000 for the Skokomish Indian Tribe, and $278,000 for the Lummi Nation.

(b) $472,000 in fiscal year 2020 is for improvements to hatchery facilities that support additional hatchery production in the following amounts: $98,000 for the Tulalip Tribes, $38,000 for the Puyallup Tribe, $14,000 for the Port Gamble S'Klallam Tribe, $25,000 for the Muckleshoot Indian Tribe, $200,000 for the Squaxin Island Tribe, $24,000 for the Skokomish Indian Tribe, and $73,000 for the Lummi Nation.

(13) $771,000 of the general fund—state appropriation in fiscal year 2020 and $76,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the department to provide to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection, $76,000 in each fiscal year is for the Yakama Nation for additional hatchery production, $195,000 in fiscal year 2020 is for the Yakama Nation for improvements to hatchery facilities, and $500,000 in fiscal year 2020 is for the Confederated Tribes of the Colville Reservation for improvements to hatchery facilities.

(14) $175,000 of the general fund—state appropriation for fiscal year 2020 and $425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas and other species that are critical to the marine food web. Of the amounts provided in this subsection, $250,000 in fiscal year 2021 is for Puget Sound energy for water supply system improvements at the Baker river fish hatchery.

(15) $1,201,000 of the general fund—state appropriation for fiscal year 2020 and $1,520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities to increase the availability of salmon for southern resident orcas: Surveying forage fish populations, conducting rulemaking for fish screens, reducing salmon predation by nonnative fish, prioritizing fish barrier removal, developing a strategy to reestablish salmon runs above dams, and increasing review of shoreline armoring proposals to protect forage fish.

(16) $710,000 of the general fund—state appropriation for fiscal year 2020 and $253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in section 701 of this act.

(17) $278,000 of the general fund—state appropriation for fiscal year 2020 and $278,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide grants to the Lummi Nation to increase salmon production at the Skookum creek hatchery and the Lummi bay hatchery.

(18) $477,000 of the general fund—state appropriation for fiscal year 2020 and $477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 2097 (statewide wolf recovery).

(19) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department for elk management in the Skagit valley in cooperation with affected tribes and landowners. Authorized expenditures include, but are not limited to, elk fencing and replacement hay to mitigate the impacts of elk on agricultural crop production.

(20) $49,000 of the general fund—state appropriation for fiscal year 2020, $47,000 of the general fund—state appropriation for fiscal year 2021, and $37,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1579 (chinook abundance).

(21) $357,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

((~~(23)~~)) (22) $139,000 of the general fund—state appropriation for fiscal year 2020 and $139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as matching funds for a federal grant to purchase two law enforcement vessels and equip them with optic system equipment to conduct marine patrols including vessel enforcement patrols related to southern resident orcas.

((~~(24)~~)) (23) $225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase enforcement of commercial and recreational vessel regulations for the protection of southern resident orcas in central and southern Puget Sound.

((~~(29) $252,000~~)) (24) $516,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5481 (collective bargaining/WDFW). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(30)~~)) (25) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct a master planning process, to result in a plan, to assess and prioritize hatchery improvements based on the recommendations of the southern resident killer whale task force, including prioritization given for a new Cowlitz river salmon hatchery. The plan must include prioritized capital budget projects. The plan shall be submitted to the fiscal committees of the legislature by January 15, 2021.

((~~(31)~~)) (26) $462,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas. The department may only expend funds in this subsection after receiving necessary permits from the national marine fisheries service.

((~~(32)~~)) (27) $112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(33)~~)) (28) $1,262,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

((~~(34)~~)) (29) $142,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for work addressing fish passage barriers, including data analysis and mapping to identify streams and barriers that have the greatest potential benefit to listed salmon populations, southern resident orca whales, and fisheries. In conducting this work, the department must consult with tribes and coordinate with the department of transportation's fish barrier work plans.

((~~(35)~~)) (30) $90,000 of the general fund—state appropriation for fiscal year 2020 ((~~and $166,000 of the general fund—state appropriation for fiscal year 2021 are~~)) is provided solely for the department to contract with the Washington academy of sciences to complete the following activities:

(a) By December 1, 2020, and consistent with RCW 43.01.036, the department must submit a report to the legislature that assesses how to

incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on ecological health and endangered species recovery, including the recovery of salmon in order to fulfill tribal treaty obligations and achieve the delisting of threatened or endangered runs. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act, chapter 90.58 RCW; the growth management act, chapter 36.70A RCW; and construction projects in state waters regulated under 77.55 RCW.

(b) In developing the report under this subsection, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including, but not limited to, cities, counties, ports, the department of ecology, and the department of commerce. The department's consultation process under this subsection must include a total of at least two meetings at which local governments, state agencies, federally recognized Indian tribes, and stakeholders may provide input.

(c) The report must include:

(i) The development of a definition, goals, objectives, and measurable performance metrics for the standard of net ecological gain;

(ii) An assessment and analysis of opportunities and challenges, including legal issues and costs for state and local governments to achieve net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, developmental, and land use law or rule;

(iv) Assessments of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co-benefits; and

(v) Assessments of why existing standards of ecological protectiveness, such as no net loss standards, have been sufficient or insufficient to protect ecological health and achieve endangered species recovery.

Sec. 1308. 2020 c 357 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 2020) $98,897,000

General Fund—State Appropriation (FY 2021) ((~~$67,682,000~~))

$108,234,000

General Fund—Federal Appropriation ((~~$34,980,000~~))

$49,475,000

General Fund—Private/Local Appropriation ((~~$2,534,000~~))

$3,428,000

Forest Development Account—State Appropriation ((~~$54,238,000~~))

$53,859,000

ORV and Nonhighway Vehicle Account—State

Appropriation ((~~$8,174,000~~))

$8,104,000

Surveys and Maps Account—State Appropriation ((~~$2,598,000~~))

$2,582,000

Aquatic Lands Enhancement Account—State

Appropriation ((~~$14,249,000~~))

$14,075,000

Resource Management Cost Account—State Appropriation ((~~$128,545,000~~))

$127,552,000

Surface Mining Reclamation Account—State

Appropriation ((~~$4,113,000~~))

$4,086,000

Disaster Response Account—State Appropriation $23,068,000

Park Land Trust Revolving Account—State

Appropriation ((~~$750,000~~))

$671,000

Forest and Fish Support Account—State Appropriation ((~~$16,356,000~~))

$16,347,000

Aquatic Land Dredged Material Disposal Site Account—

State Appropriation $402,000

Natural Resources Conservation Areas Stewardship

Account—State Appropriation $39,000

Forest Fire Protection Assessment Nonappropriated

Account—State Appropriation ((~~$5,896,000~~))

$5,721,000

Model Toxics Control Operating Account—State

Appropriation ((~~$6,433,000~~))

$6,013,000

Forest Practices Application Account—State

Appropriation ((~~$2,018,000~~))

$2,005,000

Air Pollution Control Account—State Appropriation ((~~$901,000~~))

$899,000

NOVA Program Account—State Appropriation ((~~$781,000~~))

$775,000

Pension Funding Stabilization Account—State

Appropriation $3,240,000

Derelict Vessel Removal Account—State Appropriation ((~~$2,001,000~~))

$1,992,000

Community Forest Trust Account—State Appropriation $52,000

Agricultural College Trust Management Account—State

Appropriation ((~~$3,183,000~~))

$3,160,000

Performance Audits of Government Account—State

Appropriation $325,000

TOTAL APPROPRIATION ((~~$481,455,000~~))

$535,001,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,583,000 of the general fund—state appropriation for fiscal year 2020 and $1,515,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) $41,514,000 of the general fund—state appropriation for fiscal year 2020, ((~~$16,546,000~~)) $58,139,000 of the general fund—state appropriation for fiscal year 2021, and $16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression and COVID-19. The appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations. The department shall provide a monthly report to the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(3) $5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, $500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight

million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(4) $1,857,000 of the general fund—state appropriation for fiscal year 2020 and $1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. The report shall be provided to the appropriate committees of the legislature by October 1, 2020.

(5) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2019, and December 1, 2020, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's web site.

(6) $26,000 of the general fund—state appropriation for fiscal year 2020 and $27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(7) $12,000 of the general fund—state appropriation for fiscal year 2020 and $12,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety).

(8) The appropriations in this section include sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland).

(9) $42,000 of the general fund—state appropriation for fiscal year 2020 and $21,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5106 (natural disaster mitigation).

(10) $26,000 of the general fund—state appropriation for fiscal year 2020 and $26,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application).

(11) $4,486,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) $304,000 of the model toxics control operating account—state appropriation is provided solely for costs associated with the cleanup of the Fairview avenue site near Lake Union in Seattle. The aquatic site is contaminated with lead, chromium, and arsenic. This will be the department's final payment toward remediation costs.

(13) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify priority kelp restoration locations in central Puget Sound, based on historic locations, and monitor the role of natural kelp beds in moderating pH conditions in Puget Sound.

(14) $188,000 of the general fund—state appropriation for fiscal year 2020 and $187,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders. The department must contract with the Olympic natural resources center for at least $187,000 per fiscal year. The department may retain up to $30,000 per fiscal year to conduct Swiss needlecast surveys and research. Administrative costs may be taken and are limited to twenty-seven percent of the amount of appropriation retained by the department.

(15) $22,843,000 of the general fund—state appropriation for fiscal year 2020, $11,364,000 of the general fund—state appropriation for fiscal year 2021, and $4,000,000 of the forest fire protection assessment nonappropriated account—state appropriation are provided solely for wildfire response, to include funding full time fire engine leaders, increasing the number of correctional camp fire crews in western Washington, purchasing two helicopters, providing dedicated staff to conduct fire response training, creating a fire prevention outreach program, forest health administration, landowner technical assistance, conducting forest health treatments on federal lands and implementing the department's twenty-year forest health strategic plan, post-wildfire landslide assessments, and other measures necessary for wildfire suppression and prevention.

(16) $186,000 of the general fund—state appropriation for fiscal year 2020 and $185,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(17) $110,000 of the general fund—state appropriation for fiscal year 2020 and $110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct post wildfire landslide hazard assessments and reports.

(18) $59,000 of the general fund—state appropriation for fiscal year 2020 and $266,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for paving the road access to Leader lake in northeast Washington.

(19) The appropriations in this section include sufficient funding for the department to conduct an analysis of revenue impacts to the state forestlands taxing district beneficiaries as a result of the proposed long-term conservation strategy for the marbled murrelet. The department shall consult with state forestlands taxing district beneficiary representatives on the analysis. The department shall make the analysis available to state forestlands taxing districts and submit it to the board of natural resources by September 30, 2019.

(20) $150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(21) $217,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(22) $485,000 of the general fund—state appropriation for fiscal year 2020 and $485,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1784 (wildfire prevention).

(23)(a) $250,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities:

(i) Conducting carbon inventories to build on existing efforts to understand carbon stocks, flux, trends, emissions, and sequestration across Washington's natural and working lands, including harvested wood products, wildfire emissions, land management activities,

and sawmill energy use and emissions. Where feasible, the department shall use available existing data and information to conduct this inventory and analysis. For the purposes of this section, natural and working land types include forests, croplands, rangelands, wetlands, grasslands, aquatic lands, and urban green space.

(ii) Compiling and providing access to information on existing opportunities for carbon compensation services and other incentive-based carbon reducing programs to assist owners of private and other nonstate owned or managed forestland interested in voluntarily engaging in carbon markets.

(b) By December 1, 2020, the department must submit a report to the appropriate committees of the legislature summarizing the results of the inventories required under this section, and assessing actions that may improve the efficiency and effectiveness of carbon inventory activities on natural and working lands, including carbon sequestration in harvested forest products. The department must also describe any barriers, including costs, to the use of voluntary, incentive-based carbon reducing or sequestering programs. The department may also include recommendations for additional work or legislation that may be advisable resulting from the advisory group created in this subsection as part of this report.

(c) The department must form a natural and working lands carbon sequestration advisory group to help guide the activities provided in this section. The advisory group must be composed of a balance of representatives reflecting the diverse interests and expertise involved on the subject of carbon sequestration on natural and working lands.

(24) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase technical assistance to small forestland owners.

((~~(26) $93,000 of the aquatic lands enhancement account—state appropriation and $93,000 of the resource management cost account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 6027 (floating residences). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(27)~~)) (25) The appropriations in this section include sufficient funding for the department to report to the appropriate policy and fiscal committees of the legislature by July 2020 information on those parcels currently used for commercial or nonresource use purposes and those identified by the department as transition lands likely to be sold or redeveloped for nonresource use. By January 2021 the department shall bring to the legislature for its consideration a modernization package in the form of request legislation to update and remove performance barriers to the long-term management of state trust lands, considering both market and nonmarket values, ensuring intergenerational equity, and long term benefits for the trust beneficiaries and the public. The appropriate policy and fiscal committees of the legislature shall be kept informed of all proposed transactions, land sales, and exchanges involving trust lands prior to approval by the board, and all related financial and legal documents shall be available as public records immediately following the transaction's completion, as allowed under chapter 42.56 RCW.

((~~(29)~~)) (26) $325,000 of the performance audit of state government account—state appropriation is provided solely for the department, in cooperation with the wildland fire advisory committee established under RCW 76.04.179 and the office of financial management, to conduct a zero-based budget and performance review of its resource protection program. The review shall be specifically focused on the wildfire program operating budget and activities. Throughout the review process the department shall submit monthly updates of actual and estimated fire expenditures, and obligated cost related to fire suppression to the fiscal committees of the legislature. A report of the review shall be submitted to the fiscal committees of the legislature by December 1, 2020. The report shall contain a description of findings, list of changes made, and recommendations and options for accounting structure changes. The review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each subprogram within the resource

protection program and the history of each subprogram that is being reviewed;

(b) A description of how each subprogram fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each subprogram within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each subprogram program;

(d) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the subprogram program if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each subprogram and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each subprogram's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients;

(i) An analysis of terminology used to describe wildfire suppression, prevention, preparedness, forest health, pre-suppression, and any other term used to describe program activities and provide definitions for each. This should include cross reference to federal definitions and federal funding;

(j) An analysis of inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations, including recommendations for the creation of policy and procedures and subsequent oversight for dispersed operations;

(k) An analysis of the department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control; and

(l) A review of the progress and findings of the ongoing internal department fire business transformation team related to current practices in wildfire business and the development of an organizational structure governing fire business practices across the department which complies with all state and federal statutes and agreements and which meets the needs of the department as a whole.

((~~(30)~~)) (27) $24,000 of the general fund—state appropriation for fiscal year 2021, $9,000 of the forest development account—state appropriation, and $15,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(31)~~)) (28) $240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(29) $87,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to reimburse Clark county for costs incurred for emergency sheltering of evacuated livestock during the 2020 wildfire season.

Sec. 1309. 2020 c 357 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State Appropriation (FY 2020) $19,030,000

General Fund—State Appropriation (FY 2021) ((~~$20,514,000~~))

$19,755,000

General Fund—Federal Appropriation ((~~$32,646,000~~))

$32,859,000

General Fund—Private/Local Appropriation $193,000

Aquatic Lands Enhancement Account—State

Appropriation ((~~$2,533,000~~))

$2,518,000

Northeast Washington Wolf-Livestock Management

Nonappropriated Account—State Appropriation $320,000

Model Toxics Control Operating Account—State

Appropriation ((~~$6,930,000~~))

$6,791,000

Water Quality Permit Account—State Appropriation $73,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $635,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) $635,000

Pension Funding Stabilization Account—State

Appropriation $1,036,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $20,000,000

TOTAL APPROPRIATION ((~~$84,545,000~~))

$103,845,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $6,108,445 of the general fund—state appropriation for fiscal year 2020 ((~~and~~)), $6,102,905 of the general fund—state appropriation for fiscal year 2021, and $20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) $58,000 of the general fund—state appropriation for fiscal year 2020 and $59,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety).

(3) The appropriations in this section includes sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5959 (livestock identification).

(4) $18,000 of the general fund—state appropriation for fiscal year 2020 and $18,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application).

(5) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5447 (dairy milk assessment fee).

(6) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department's regional markets program, which includes the small farm direct marketing program under RCW 15.64.050 and the farm-to-school program under RCW 15.64.060.

(7) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest Washington fair youth education programs.

(8) $197,000 of the general fund—state appropriation for fiscal year 2020 and $202,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5552 (pollinators).

(9) $32,000 of the general fund—state appropriation for fiscal year 2020, $32,000 of the general fund—state appropriation for fiscal year 2021, and $52,000 of the general fund—federal appropriation are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) $24,000 of the general fund—state appropriation for fiscal year 2020 and $24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The department shall coordinate implementation of the forum with the conservation commission and the office of farmland preservation.

(b) The director of the department and the director of the conservation commission shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may

serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the department or the director of the conservation commission.

(e) Staffing for the forum must be provided by the department working jointly with staff from the conservation commission.

(f) The department and conservation commission shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(11) $212,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5276 (hemp production).

(12) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to review and assist with agricultural economic development in southwest Washington. Funding is provided for the department to perform or contract for agricultural economic development services, including but not limited to grant application assistance, permitting assistance and coordination, and development of a food hub.

(13) $250,000 of the aquatic lands enhancement account—state appropriation is provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(14) $10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The department and the conservation commission must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The department, in collaboration with the conservation commission, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic, or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The department and the conservation commission must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

(15) $650,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor

working group formed from the settlement agreement with the department of ecology signed on October 15, 2019.

(16) $58,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) $87,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct the following:

(a) The department must work with the departments of natural resources, labor and industries, health, and ecology, as well as local health jurisdictions and the state poison center, and consult with nongovernmental stakeholders including, but not limited to, tribal and environmental representatives, to evaluate pesticide investigation rules and processes. By June 30, 2021, the work group must report back to the legislature with any recommended changes, including how complaints should be reported and ensuring that complaints are properly referred.

(b) The department in coordination with the department of natural resources, in consultation with stakeholders, shall review how the state environmental policy act is used for aerial application of herbicides and provide recommendations to the forest practices board and the appropriate committees of the senate and house of representatives, including any recommendations for revisions to statute, rule, or guidance by October 31, 2020.

(18) $126,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(19) ((~~$299,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6518 (pesticide, chlorpyrifos). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(20)~~)) $200,000 of the ((~~general fund—state appropriation for fiscal year 2021~~)) model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(21)~~)) (20) $320,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department of agriculture to contract with the northeast Washington wolf cattle collaborative, a nonprofit organization, for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county north of United States highway 20. The contract must provide that the organization must share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2020.

((~~(22)~~)) (21) $17,000 of the general fund—state appropriation for fiscal year 2020 and $64,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2524 (ag. product negotiations). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(24)~~)) (22) $50,000 of the general fund—state appropriation for fiscal year 2020 and $450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for infrastructure and equipment grants to food banks and meal programs for the safe storage and distribution of perishable food. Of the amounts provided in this subsection:

(a) $10,000 in fiscal year 2020 and $5,000 in fiscal year 2021 are for the department to administer the grants and to convene a community stakeholder group to review the grant applications described in (b)(ii) and (iii) of this subsection. The community stakeholder group must include representatives from food banks and meal programs that are not applying for grants, community

advocates, and people that use food banks or meal programs.

(b) $40,000 in fiscal year 2020 and $445,000 in fiscal year 2021 are for grants, divided into the following three categories:

(i) Thirty-five percent is for a rebate program for smaller food pantries and meal programs to purchase equipment costing up to $2,000. To increase efficiency, the department may pass funding for this rebate program to larger food banks to administer the rebates;

(ii) Thirty percent is for requests for proposals for larger projects costing up to $75,000, and which require a community match of at least thirty percent; and

(iii) Thirty-five percent is for larger projects that are collaborations between organizations and have a proposed impact to improve efficiency and capacity for a regional or statewide emergency food system, and which require a community match of at least fifty percent.

((~~(25)~~)) (23) $40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the sheriff's departments of Ferry county and Stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, $20,000 is for the Ferry county sheriff's department and $20,000 is for the Stevens county sheriff's department.

((~~(26)~~)) (24) $38,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$63,000~~)) $153,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing an ((~~Asian giant hornet~~)) Vespa mandarinia eradication program.

((~~(28)~~)) (25) The appropriations in this section include sufficient funding for the department to work with representatives from Canada and other stakeholders to develop labeling standards regarding country of origin for beef and other meat products. The standards are for the purpose of clearly displaying the country of origin for beef or other meat products sold to the public. The department shall report and propose any legislation and administrative changes that may be needed to the appropriate committees of the legislature by December 31, 2020.

Sec. 1310. 2020 c 357 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State Appropriation ((~~$881,000~~)) $892,000

Pollution Liability Insurance Program Trust Account—State Appropriation ((~~$1,749,000~~)) $1,737,000

TOTAL APPROPRIATION ((~~$2,630,000~~)) $2,629,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $71,000 of the pollution liability insurance program trust account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6257 (underground storage tanks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) $144,000 of the pollution liability insurance agency underground storage tank revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6256 (heating oil insurance). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1311. 2020 c 357 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund—State Appropriation (FY 2020) $4,717,000

General Fund—State Appropriation (FY 2021) ((~~$4,798,000~~)) $4,579,000

General Fund—Federal Appropriation ((~~$12,728,000~~))

$12,638,000

Aquatic Lands Enhancement Account—State

Appropriation ((~~$1,444,000~~))

$1,432,000

Model Toxics Control Operating Account—State

Appropriation ((~~$755,000~~))

$741,000

Pension Funding Stabilization Account—State

Appropriation $276,000

TOTAL APPROPRIATION ((~~$24,718,000~~))

$24,383,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By October 15, 2020, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2021-2023 capital and operating budget requests related to Puget Sound restoration.

(2) $1,111,000 of the general fund—state appropriation for fiscal year 2020 and $1,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the partnership to implement a competitive, peer-reviewed process for soliciting, prioritizing, and funding research projects designed to advance scientific understanding of Puget Sound recovery. Solicitations and project selection for effectiveness monitoring will be organized and overseen by the Puget Sound ecosystem monitoring program. Initial projects will focus on implementation and effectiveness of Chinook recovery efforts, effectiveness of actions to restore shellfish beds, and implementation of priority studies of the Salish Sea marine survival project. Monitoring reports must be provided in context to the overall success and progress of Puget Sound recovery efforts.

(3) $237,000 of the general fund—state appropriation for fiscal year 2020 and $263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for coordinating updates to the outdated Puget Sound chinook salmon recovery plan, provide support for adaptive management of local watershed chapters, and advance regional work on salmon and ecosystem recovery through local integrating organizations.

(4) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional monitoring and accountability actions in response to recommendations from the joint legislative audit and review committee.

PART XIV

TRANSPORTATION

SUPPLEMENTAL

Sec. 1401. 2020 c 357 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2020) $3,805,000

General Fund—State Appropriation (FY 2021) ((~~$6,109,000~~))

$3,121,000

Architects' License Account—State Appropriation ((~~$1,641,000~~))

$1,631,000

Real Estate Commission Account—State Appropriation ((~~$14,422,000~~))

$13,273,000

Uniform Commercial Code Account—State Appropriation ((~~$2,979,000~~))

$2,614,000

Real Estate Education Program Account—State

Appropriation $276,000

Real Estate Appraiser Commission Account—State

Appropriation ((~~$1,707,000~~))

$1,575,000

Business and Professions Account—State Appropriation ((~~$26,855,000~~))

$24,597,000

Real Estate Research Account—State Appropriation $415,000

Firearms Range Account—State Appropriation $74,000

Landscape Architects' License Account—State

Appropriation ((~~$126,000~~))

$124,000

Appraisal Management Company Account—State

Appropriation ((~~$442,000~~))

$435,000

Concealed Pistol License Renewal Notification

Account—State Appropriation $140,000

Geologists' Account—State Appropriation ((~~$114,000~~))

$113,000

Pension Funding Stabilization Account—State

Appropriation $96,000

Derelict Vessel Removal Account—State Appropriation $33,000

TOTAL APPROPRIATION ((~~$59,234,000~~))

$52,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriations provided for the business and technology modernization project in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(2) $72,000 of the real estate appraiser commission account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5480 (real estate appraisers).

(3) $144,000 of the business and professions account—state appropriation is provided solely for implementation of Senate Bill No. 5641 (uniform law on notarial acts).

(4) $95,000 of the general fund—state appropriation for fiscal year 2020 and $99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to mail vessel registration renewal reminders.

(5) $1,003,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$3,050,000~~)) $90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure a commercial off-the-shelf solution to replace the legacy firearms system, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(6) $72,000 of the general fund—state appropriation for fiscal year 2020 and $601,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute House Bill No. 2555 (other firearms/background). ((~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~))

(7) $22,000 of the uniform commercial code account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(8) $19,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6528 (derelict vessel prevention). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1402. 2020 c 357 s 402 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

General Fund—State Appropriation (FY 2020) $57,529,000

General Fund—State Appropriation (FY 2021) ((~~$58,775,000~~))

$58,373,000

General Fund—Federal Appropriation ((~~$16,690,000~~))

$16,641,000

General Fund—Private/Local Appropriation $3,091,000

Death Investigations Account—State Appropriation ((~~$9,098,000~~))

$8,505,000

County Criminal Justice Assistance Account—State

Appropriation ((~~$4,550,000~~))

$4,488,000

Municipal Criminal Justice Assistance Account—State

Appropriation ((~~$1,644,000~~))

$1,618,000

Fire Service Trust Account—State Appropriation $131,000

Vehicle License Fraud Account—State Appropriation $119,000

Disaster Response Account—State Appropriation ((~~$8,000,000~~))

$18,470,000

Washington Internet Crimes Against Children Account—

State Appropriation $1,500,000

Fire Service Training Account—State Appropriation ((~~$11,765,000~~))

$10,023,000

Model Toxics Control Operating Account—State

Appropriation ((~~$588,000~~))

$584,000

((~~Aquatic Invasive Species Management Account—~~

~~State Appropriation $54,000~~))

Fingerprint Identification Account—State

Appropriation ((~~$16,447,000~~))

$15,639,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $2,453,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) ((~~$2,793,000~~))

$2,423,000

Pension Funding Stabilization Account—State

Appropriation $3,300,000

TOTAL APPROPRIATION ((~~$198,527,000~~))

$204,887,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$8,000,000~~)) $18,470,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) $2,878,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) $2,453,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and ((~~$2,793,000~~)) $2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol's drug enforcement task force. The amounts in this subsection are provided solely for the following:

(a) $2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and $2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(b) $30,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 ((~~and $370,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are~~)) is provided solely for a case management system to serve as a repository for all information regarding criminal cases. This system must allow state patrol investigators to enter information and to search to provide patterns, trends, and links which will allow the state patrol to identify connections on criminal investigations

including efforts to dismantle marijuana and other drug trafficking organizations by identifying their established networks, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(4) $479,000 of the general fund—state appropriation for fiscal year 2020 and $255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5181 (invol. treatment procedures).

(5) $13,000 of the general fund—state appropriation for fiscal year 2020 and $2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(6) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5605 (marijuana misdemeanors).

(7) $679,000 of the general fund—state appropriation for fiscal year 2020 and $643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(8) $1,500,000 of the Washington internet crimes against children account—state appropriation is provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(9) $356,000 of the general fund—state appropriation for fiscal year 2020, $356,000 of the general fund—state appropriation for fiscal year 2021, and $298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(10) $5,770,000 of the general fund—state appropriation for fiscal year 2020, $3,243,000 of the general fund—state appropriation for fiscal year 2021, and $1,277,000 of the death investigations account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault).

(11) $282,000 of the general fund—state appropriation for fiscal year 2020 and $263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women).

(12) $510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(13) $1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(14) $100,000 of the general fund—state appropriation for fiscal year 2020 and $300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to develop a plan for implementation of a centralized firearm background check system. Funding is sufficient to fund a consultant to design an information technology system to conduct firearm background checks through a centralized system and a Washington state patrol project manager to design the implementation plan. The design should include recommendations to comply with the direction in RCW 9.41.139 and leverage the new firearms database system currently being procured by the department of licensing to create one streamlined system. The Washington state patrol shall convene an interagency work group to inform the centralized firearm background check system implementation plan, to include but not limited to the department of licensing, administrative office of the courts, health care authority, and office of financial management. Reports on the information technology system and the implementation plan shall be provided to the governor and appropriate committees of the legislature by December 1, 2020.

(15) $25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for collaboration with

Washington State University to produce the report in section 604 of this act.

(16) $34,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(17) $100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (criminal records). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(18) Funding is provided in this section for facility and staff costs associated with construction of a second toxicology laboratory facility in Federal Way. The Washington state patrol must provide a report on the progress of the toxicology lab construction semiannually to the fiscal committees of the legislature with a final report due 90 days after completion of the project. The report must include, but is not limited to:

(a) A detailed list of expenditures to date of the report;

(b) A detailed list of expenditure yet to be made before the completion of the project;

(c) An updated project timeline with expected end date; and

(d) Other project details that the Washington state patrol finds important to relay.

PART XV

EDUCATION

SUPPLEMENTAL

Sec. 1501. 2020 c 357 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State Appropriation (FY 2020) $31,265,000

General Fund—State Appropriation (FY 2021) ((~~$30,350,000~~))

$28,815,000

General Fund—Federal Appropriation ((~~$99,355,000~~))

$101,716,000

General Fund—Private/Local Appropriation $8,060,000

Washington Opportunity Pathways Account—State

Appropriation ((~~$4,265,000~~))

$265,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $522,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) $530,000

Pension Funding Stabilization Account—State

Appropriation $2,126,000

Performance Audits of Government Account—State

Appropriation $213,000

Elementary and Secondary School Emergency Relief III

Account—Federal Appropriation $2,485,000

TOTAL APPROPRIATION ((~~$176,686,000~~))

$175,997,000

The appropriations in this section are subject to the following conditions and limitations:

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) $11,109,000 of the general fund—state appropriation for fiscal year 2020 and $11,883,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 513 and 520 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(b) $857,000 of the general fund—state appropriation for fiscal year 2020 and $1,217,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) $2,300,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for activities associated with the implementation of chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education) within the amounts provided in this subsection (1)(c), up to $300,000 is for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans approved by the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(d) $494,000 of the general fund—state appropriation for fiscal year 2020 and $494,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(e)(i) $61,000 of the general fund—state appropriation for fiscal year 2020 and $76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(ii) Within amounts provided in this subsection, the committee must review the Washington kindergarten inventory of developing skills, including professional development available to educators and other assessment materials and tools, and make recommendations to the office of the superintendent of public instruction and the education committees of the legislature on the following topics:

(A) Opportunities for reducing bias in the observational assessment process and materials; and

(B) Barriers to implementation of the inventory.

(iii) The committee shall seek feedback from relevant stakeholders, including but not limited to:

(A) The office of the superintendent of public instruction;

(B) The department of children, youth, and families;

(C) Kindergarten teachers who are representative of or who teach in schools with diverse student subgroups;

(D) A representative from a tribal school who is currently using the inventory;

(E) Principals who are currently using the inventory;

(F) Parents who are representative of student populations that have historically scored low on the inventory, and who are recommended by an organization that serves parents of color;

(G) District assessment coordinators; and

(H) Early childhood providers.

(f) $61,000 of the general fund—state appropriation for fiscal year 2020 and $61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(g) $265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(h) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(i) $123,000 of the general fund—state appropriation for fiscal year 2020 and $123,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(j) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(k) $14,000 of the general fund—state appropriation for fiscal year 2020 and $14,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(l) $131,000 of the general fund—state appropriation for fiscal year 2020, $131,000 of the general fund—state appropriation for fiscal year 2021, and $213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(m) $117,000 of the general fund—state appropriation for fiscal year 2020 and $117,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(n) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(o) $235,000 of the general fund—state appropriation for fiscal year 2020 and $385,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. Of the amounts provided in this subsection, $150,000 of the general fund—state appropriation for

fiscal year 2021 is provided solely for professional learning and technical assistance to support the ongoing implementation of since time immemorial tribal sovereignty curriculum, tribal consultation and engagement, government to government training, and data collection and identification of American Indian and Alaska Native students. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(p) $175,000 of the general fund—state appropriation for fiscal year 2020 and $205,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(q) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(r) $481,000 of the general fund—state appropriation for fiscal year 2020 and $481,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(s) The superintendent of public instruction must study and make recommendations for how Washington can make dual credit enrollment cost-free to students who are enrolled in running start, college in the high school, advanced placement, international baccalaureate, or other qualifying dual credit programs within existing basic education apportionments. While developing recommendations, the superintendent must collaborate and consult with K-12 and higher education stakeholders with expertise in dual credit instruction, transcription, and costs. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by November 1, 2019. The recommendations must, at a minimum, consider:

(i) How to increase dual credit offerings and access for students that aligns with the student's high school and beyond plan and provides a pathway to education and training after high school, including careers, professional-technical education, apprenticeship, a college degree, or military service, among others.

(ii) How to ensure transfer of college credits earned by dual credit students to/among institutions of higher education.

(iii) How basic education funding will be used to provide for fees, books, and other direct costs charged by institutions of higher education and K-12 districts.

(iv) How K-12 and postsecondary institutions will equitably expand dual credit opportunities for students.

(v) How K-12 and postsecondary institutions will ensure coordinated advising and support services for students enrolled in, or considering enrollment in, dual credit programs.

(t) $44,000 of the general fund—state appropriation for fiscal year 2020 and $44,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for services for space in the state data center and networking charges.

(u) $46,000 of the general fund—state appropriation for fiscal year 2020 and $46,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a new server and backup application due to the move to the state data center.

(v) $55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated technology services to host the office's web site and for web site maintenance and support services.

(w) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(x) The office shall review and update the guidelines "prohibiting discrimination in Washington public schools," which must include religious accommodations. Students' sincerely held religious beliefs and practices must be reasonably accommodated with respect to all examinations and other requirements to successfully complete coursework.

(y) In section 116(8) of this act, the office of the education ombuds is directed to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children, with a report due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on the plan and report.

(z) In section 129(13) of this act, the office of financial management is directed to review and report on the pupil transportation funding system for K-12 education, the report is due to the governor and the appropriate committees in the legislature by August 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on this review.

(2) DATA SYSTEMS

(a) $1,802,000 of the general fund—state appropriation for fiscal year 2020 and $1,802,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) $1,221,000 of the general fund—state appropriation for fiscal year 2020 and $281,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) $450,000 of the general fund—state appropriation for fiscal year 2020 and $450,000 of the general fund—state appropriation for fiscal year 2021 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) $335,000 of the general fund—state appropriation for fiscal year 2020 and $335,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) The office of the superintendent of public instruction, in collaboration with the department of social and health

services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees. The final report must include the following:

(i) An examination of whether a data share agreement between the department of social and health services developmental disabilities administration, division of vocational rehabilitation, and the office of the superintendent of public instruction would improve coordination among the three agencies;

(ii) Defined roles for the associated stakeholders involved with the transition of students potentially eligible for services from the developmental disabilities administration, including but not limited to:

(A) The department of social and health services developmental disabilities administration;

(B) The office of the superintendent of public instruction;

(C) The division of vocational rehabilitation at the department of social and health services;

(D) School districts across the state of Washington; and

(E) Counties coordinating employment and day services.

(iii) An examination of the feasibility of a statewide developmental disabilities transition council, including representative positions, roles and responsibilities, costs, and data collection; and

(iv) Recommendations for supporting seamless transition from school to post-school life, up to and including potential legislation and funding, regional interagency transition networks, and coordination between counties, schools, and other partners for transition supports.

(d) $40,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(e) $118,000 of the general fund—state appropriation for fiscal year 2020 and $118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(f) $183,000 of the general fund—state appropriation for fiscal year 2020 and $48,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access).

(g) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5082 (social emotional learning).

(h) ((~~(i)~~)) (i) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to convene a work group to develop recommendations for integrating, in a regular and ongoing basis, African American history, examinations of racism, and the history of the civil rights movement into curriculum provided to students in grades seven through twelve. Recommendations developed in accordance with this subsection must be preceded by a work group review of pertinent curriculum that is available to school districts, and must include recommendations for the professional development needed to support educators in providing the instruction to students.

(ii) The work group must consist of one representative from each of the following: (A) The Washington state commission on African American affairs; (B) the educational opportunity gap oversight and accountability committee; and (C) a statewide organization representing teachers. The work group may also include other persons with unique and specific expertise, including but not limited to, Washington state historians and persons representing teacher preparation programs.

(iii) The office must report the findings and recommendations required by this subsection to the education committees of the legislature by November 15, 2020.

((~~(j)~~)) (i) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

((~~(l)~~)) (j)(i)(A) Within amounts provided in this section, the office of the superintendent of public instruction shall convene a work group to:

(I) Review provisions related to sexual health education in the health and physical education learning standards adopted in 2016;

(II) Review existing sexual health education curricula in use in the state for the purpose of identifying gaps or potential inconsistencies with the health and physical education learning standards;

(III) Consider revisions to sexual health education provisions in statute; and

(IV) Consider the merits and challenges associated with requiring all public schools offer comprehensive sexual health education to students in all grades by September 1, 2022. For purposes of this subsection ((~~(h)~~)) (j), "comprehensive sexual health education" means instruction in sexual health that, at a minimum, is evidence-informed, medically and scientifically accurate, age appropriate, and inclusive for all students.

(B) In meeting the requirements of this subsection (h), the work group shall consult with a broad array of stakeholders representing diverse opinions.

(ii) The work group shall consist of the following members:

(A) The superintendent of public instruction or the superintendent's designee;

(B) Three representatives of school districts recommended by the Washington state school directors' association. To the extent possible, the school district representatives must reflect a diversity of student enrollment, geographic location, and urban, suburban, and rural locations;

(C) Three school principals recommended by an association of Washington school principals, one each representing an elementary school, a middle school, and a high school. The three principals must represent the geographic diversity of urban, suburban, and rural locations;

(D) Three public school health educators recommended by an association of Washington educators, one each representing grades kindergarten through five, grades six through eight, and grades nine through twelve. The three public school health educators must represent the geographic diversity of urban, suburban, and rural locations;

(E) Three public health officials, at least two of whom are local public health officials with expertise in developing or presenting comprehensive sexual health education materials and resources, as recommended by the Washington state department of health. The three public health officials must represent the geographic diversity of urban, suburban, and rural locations; and

(F) Three parents recommended in accordance with this subsection (3)((~~(h)~~)) (j)(ii)(F), one with a child enrolled in a public school west of the crest of the Cascade mountain range, one with a child enrolled in a public school east of the crest of the Cascade mountain range, and one with a child enrolled in a public school who is also receiving special education services. The recommendation for a parent of a public school student receiving special education services must be made by an association of parents, teachers, and students that focuses on the needs of students receiving special education services. The recommendation for the other parents under this subsection must be made by an association of parents, teachers, and students.

(iii) The office of the superintendent of public instruction shall submit findings and recommendations required by this section to the state board of education, the department of health, and,

in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2019.

(iv)(A) The office of the superintendent of public instruction and the Washington state school directors' association, shall collaborate with department of health to conduct a data survey of the availability of sexual health education in public schools and relevant health measures in those schools. All school districts shall submit to the office of the superintendent of public instruction, through the Washington school health profiles survey, or other reporting mechanisms, the curricula used in the district to teach sexual health education. The data survey must include a list of the schools within the boundaries of each school district that offer sexual health education and in which grade levels, and the curricula used to teach sexual health education, as reported according to RCW 28A.300.475(7). In addition, the data shall include, for each school district and inclusive of any charter schools that may be within the boundaries of the school district, the rate of teen pregnancy, sexually transmitted infections, suicide, depression, and adverse childhood experiences in each of the previous five years for which data is available. To the extent that the data allows, the information shall be collected by school district, inclusive of any charter schools that may be within the boundaries of the school district. To the extent allowed by existing data sources, the information must be disaggregated by age, race, ethnicity, free and reduced lunch eligibility, sexual orientation, gender identity and expression, and geography, including school district population density, and conveyed, to the maximum extent possible, in a manner that complies with WAC 392-117-060. The data survey may combine multiple years of data if necessary to comply with student privacy requirements.

(B) The office of the superintendent of public instruction shall utilize the information collected from the data survey to inform the work group established in ((~~(f)~~)) (i) of this subsection. The office, in accordance with RCW 43.01.036, shall submit the data survey to the committees of the legislature with jurisdiction over matters related to education and health care and the governor by December 1, 2019.

((~~(m)~~)) (k) $107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to support the children and youth behavioral health work group created in Second Substitute House Bill No. 2737 (child. mental health wk. grp). If this bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(4) STATEWIDE PROGRAMS

(a) $2,590,000 of the general fund—state appropriation for fiscal year 2020 and $2,590,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) $703,000 of the general fund—state appropriation for fiscal year 2020 and $703,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) $950,000 of the general fund—state appropriation for fiscal year 2020 and $950,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) $909,000 of the general fund—state appropriation for fiscal year 2020 and $909,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (strengthening student educational outcomes).

(e) $10,000 of the general fund—state appropriation for fiscal year 2020 and $10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(f)(i) $50,000 of the general fund—state appropriation for fiscal year 2020

and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school bullying and harassment prevention activities.

(ii) $15,000 of the general fund—state appropriation for fiscal year 2020 and $15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) $1,268,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to educational service districts for implementation of Second Substitute House Bill No. 1216 (school safety and well-being).

(iv) $570,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts appropriated in this subsection (4)(f)(iv), $200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(v) $196,000 of the general fund—state appropriation for fiscal year 2020 and $196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(f) (v), $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(f) (v), $96,000 of the general fund—state appropriation for fiscal year 2020 and $96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(g)(i) $162,000 of the general fund—state appropriation for fiscal year 2020 and $162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for youth suicide prevention activities.

(ii) $204,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(iii) $20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 175, Laws of 2018 (children's mental health services).

(iv) $76,000 of the general fund—state appropriation for fiscal year 2020 and $76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(h)(i) $280,000 of the general fund—state appropriation for fiscal year 2020, $280,000 of the general fund—state appropriation for fiscal year 2021, and $1,052,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff

representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, $522,000 of the dedicated marijuana account—state appropriation for fiscal year 2020, and $530,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the building bridges statewide program.

(ii) $293,000 of the general fund—state appropriation for fiscal year 2020 and $293,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) $178,000 of the general fund—state appropriation for fiscal year 2020 and $178,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(i) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(j) $369,000 of the general fund—state appropriation for fiscal year 2020 and $358,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1424 (CTE course equivalencies).

(k) $400,000 of the general fund—state appropriation for fiscal year 2020 and $196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1599 (high school graduation reqs.).

(l) $60,000 of the general fund—state appropriation for fiscal year 2020, $60,000 of the general fund—state appropriation for fiscal year 2021, and $680,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts provided in this subsection, $680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103 of Engrossed Second Substitute House Bill No. 1139 relating to the regional recruiters program.

(m) $66,000 of the general fund—state appropriation for fiscal year 2020 and $60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least twenty minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) $30,000 of the general fund—state appropriation for fiscal year 2020 and $30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual grant awards of $5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) $20,000 of the general fund—state appropriation for fiscal year 2020 and $20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support;

(iii) $10,000 of the general fund—state appropriation for fiscal year 2020 and $10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by June 30, 2021; and

(iv) $6,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, to adopt and make publicly available by February 14, 2020, a model policy and procedure that school districts may use

to ensure that student lunch periods include a seated lunch duration of at least twenty minutes. In developing the model policy and procedure, the Washington state school directors' association shall, to the extent appropriate and feasible, incorporate pertinent recommendations from the office of the state auditor.

(n) $25,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to publish a list of schools and districts that are not complying with RCW 28A.325.010 and 28A.325.050. The office must publish the list no later than December 30, 2020. Within amounts appropriated in this subsection, the office of the superintendent of public instruction must:

(i) Collaborate with associated student body executive boards statewide regarding district policies to reduce the extracurricular opportunity gap.

(ii) Require school districts to collect and report to the associated student body executive board the 2018-19 school year data related to students in possession of associated student body cards and student participation in school-based athletic programs by January 15, 2020. School districts with more than one high school must provide each high school's associated student body executive board only the data from each associated student body executive board's respective high school.

(A) Each school district with a high school must collect and publish on its website the following school-level data from each high school for the 2018-19 school year by January 15, 2020, for the 2019-20 school year by April 15, 2020, and for the 2020-21 school year by April 15, 2021:

(I) The number of high school students who are eligible to participate in the federal free and reduced-price meals program;

(II) The purchase amount of an associated student body card for high school students;

(III) The discounted purchase amount of an associated student body card for high school students who are eligible to participate in the federal free and reduced-price meals program;

(IV) Athletic program participation fees and any discounted fees for high school students who are eligible to participate in the federal free and reduced-price meals program;

(V) The number of high school students who possess an associated student body card;

(VI) The number of high school students who are eligible to participate in the federal free and reduced-price meals program and possess an associated student body card;

(VII) The number of high school students participating in an athletic program; and

(VIII) The number of high school students participating in an athletic program who are eligible to participate in the federal free and reduced-price meals program.

(B) The data for the April 2020 and April 2021 reports must include at least two weeks of data from the beginning of spring athletics season.

(C) The office of the superintendent of public instruction must provide support to ensure that all districts comply with the data reporting requirements in this subsection.

(D) No later than January 15, 2020, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with RCW 28A.325.050.

(o) $60,000 of the general fund—state appropriation for fiscal year 2020 and $60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collect and monitor restraint and isolation data pursuant to chapter 206, Laws of 2015, and to provide training, technical assistance, and other support to schools and districts to reduce the use of restraint and isolation.

(p) $225,000 of the general fund—state appropriation in fiscal year 2020 and $225,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop or expand a mentoring program for persons employed as educational

interpreters in public schools. Funds provided under this section may only be used for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of: Providing services, beginning with the 2019-20 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(q) $150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of the superintendent of public instruction to create a series of articles, videos, and educational curriculum on the history of agriculture in Washington state, including the role and impact of indigenous and immigrant farmers. The materials must be made available for free to schools, educators, and students. The office may collaborate with other agencies or entities in order to create the educational materials.

(r) $61,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies).

(s) $63,000 of the general fund—state appropriation for fiscal year 2020 and $7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(t) Within existing resources, the office shall consult with the Washington student achievement council to adopt rules pursuant to Senate Bill No. 5088 (computer science).

(u) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to conduct a pilot program in five school districts of a dropout early warning and intervention data system as defined in RCW 28A.175.074, to identify students beginning in grade eight who are at risk of not graduating from high school and require additional supports. The system at a minimum must measure attendance, behavior, and course performance. The office of the superintendent of public instruction must report to the appropriate committees of the legislature the progress of all participating schools by December 15, 2020.

(v) ((~~(y)~~)) Within existing resources, the office shall implement Substitute Senate Bill No. 5324 (homeless student support).

((~~(z)~~)) (w) $150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

((~~(bb)~~)) (x) $57,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2660 (school meals at no cost). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(cc)~~)) (y) $872,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2864 (running start summer pilot). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((~~(ff)~~)) (z) $10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction, in consultation with the four-year institutions as defined in RCW 28B.76.020, the state board for community and technical colleges, and the workforce training and education coordinating board, to review and report on potential adjustments or alterations to the standardized high school transcript created under RCW 28A.230.125, including, but not limited to, granting the option of using a weighted grade point average to recognize accelerated coursework. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021.

((~~(hh)~~)) (aa) $385,000 of the general fund—state appropriation for fiscal year 2020 and $349,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 6521 (innovative learning pilot). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((~~(ii)~~)) (bb) $6,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6263 (data sharing/schools, tribes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(5) The general fund—state appropriations in this section for fiscal year 2021 have been reduced by $300,000 to reflect furlough savings implemented in the office. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(6) $2,485,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

Sec. 1502. 2020 c 357 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State Appropriation (FY 2020) $8,449,996,000

General Fund—State Appropriation (FY 2021) ((~~$8,942,348,000~~))

$8,627,536,000

Education Legacy Trust Account—State Appropriation $1,955,730,000

TOTAL APPROPRIATION ((~~$19,348,074,000~~))

$19,033,262,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2019-20 and 2020-21 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2019, to August 31, 2019, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 299, Laws of 2018.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2019-20 and 2020-21 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across

each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2019-20 and 2020-21 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2019-20 School Year	2020-21 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under

(d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school ((~~in the 2019-20 school year~~)) as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under ((~~(d)(ii)(A) of~~)) this subsection, a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2019-20 School Year	2020-21 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2019-20 and 2020-21 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students	1.025
Skill Center students	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2019-20 and 2020-21 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2019-20 and 2020-21 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and

the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.50 percent in the 2019-20 school year and ((~~12.52~~)) 12.62 percent in the 2020-21 school year for career and technical education students, and 17.83 percent in the 2019-20 school year and ((~~17.85~~)) 17.96 percent in the 2020-21 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.80 percent in the 2019-20 school year and 24.03 percent in the 2020-21 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.33 percent in the 2019-20 school year and 24.44 percent in the 2020-21 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows:

(a) Until December 31, 2019 and for nonrepresented employees of educational service districts for the 2020-21 school year:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section.

(b) Beginning January 1, 2020, and except for nonrepresented employees of educational service districts for the 2020-21 school year, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 907 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(c) For health benefits payments to the health care authority for benefits provided to school employees in January 2020, school districts must provide payment to the health care authority within three business days of receiving the January 2020 allocation for insurance benefits. The health care authority and office of the superintendent of public instruction must coordinate with school districts to enable timely payment to the health care authority consistent with this subsection.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	$135.91	$138.08
Utilities and Insurance	$369.29	$375.20
Curriculum and Textbooks	$145.92	$148.26
Other Supplies	$289.00	$293.62
Library Materials	$20.79	$21.12
Instructional Professional Development for Certificated and Classified Staff	$22.57	$22.93
Facilities Maintenance	$182.94	$185.87
Security and Central Office	$126.74	$128.77
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	$1,293.16	$1,313.85

(ii) For the 2019-20 school year and 2020-21 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of $1,529.98 for the 2019-20 school year and $1,554.46 for the 2020-21 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of $1,529.98 for the 2019-20 school year and $1,554.46 for the 2020-21 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	$39.08	$39.70
Curriculum and Textbooks	$42.63	$43.32
Other Supplies	$83.04	$84.37
Library Materials	$5.78	$5.87
Instructional Professional Development for Certified and Classified Staff	$7.11	$7.22
TOTAL GRADE 9-12 BASIC EDUCATION	$177.64	$180.48

MSOC/STUDENT
FTE

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2019-20 and 2020-21 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of $151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2019, to August 31, 2019, are adjusted to reflect provisions of chapter 299, Laws of 2018 (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2019-20 school year and 2020-21 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2020 and 2021 as follows:

(a) $650,000 of the general fund—state appropriation for fiscal year 2020 and $650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) $436,000 of the general fund—state appropriation for fiscal year 2020 and

$436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed $500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 521 of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 521 of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2019-2021 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) $95,777,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for enrollment stabilization allocations in the 2020-21 school year required in section 1519 of this act.

Sec. 1503. 2020 c 357 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund—State Appropriation (FY 2020) $387,359,000

General Fund—State Appropriation (FY 2021) ((~~$644,562,000~~))

$621,918,000

TOTAL APPROPRIATION ((~~$1,031,921,000~~))

$1,009,277,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2019-20 school year, and 1.6 percent for the 2020-21 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of two days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2019-20, and three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21 must be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 23.16 percent for the 2019-20 school year and 23.39 percent for the 2020-21 school year for certificated instructional and certificated administrative staff and 20.83 percent for the 2019-20 school year and 20.94 percent for the 2020-21 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 503 and 504 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 907 of this act and reflect the incremental change in cost of allocating rates as follows:

(a) For the 2019-20 school year, $973.00 per month from September 1, 2019, to December 31, 2019, $994 per month from January 1, 2020, to June 30, 2020, and $1,056 per month from July 1, 2020, to August 31, 2020; and

(b) For the 2020-21 school year, $1,000 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco

products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

(7)(a) $1,226,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

Sec. 1504. 2020 c 357 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2020) $646,545,000

General Fund—State Appropriation (FY 2021) ((~~$626,529,000~~))

$514,306,000

((~~Education Legacy Trust Account—State Appropriation $29,500,000~~))

TOTAL APPROPRIATION ((~~$1,302,574,000~~))

$1,160,851,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 299, Laws of 2018.

(3) Within amounts appropriated in this section, up to $10,000,000 of the general fund—state appropriation for fiscal year 2020 and up to $10,000,000 of the general fund—state appropriation for fiscal year 2021 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of $939,000 of this fiscal year 2020 appropriation and a maximum of $939,000 of the fiscal year 2021 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the

lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

((~~(11)~~)) (10) The office of the superintendent of public instruction must subtract pupil transportation amounts carried over from the 2018-19 school year to the 2019-20 school year from the prior year's expenditures used to determine the student transportation allocation for the 2020-21 school year.

((~~(12)~~)) (11) $21,508,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for one-time hold harmless pupil transportation payments to school districts to address lower pupil transportation payments for the 2019-2020 school year that were the result of corrections to the pupil transportation allocation methodology as implemented by the superintendent.

(12) $116,621,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for emergency transportation allocations to increase allocations for any school district and tribal compact school that receives less in allocations under RCW 28A.160.192 in the 2020-21 school year than in the 2019-20 school year up to an amount equal to the sum of the school district's student transportation allocations in the 2019-20 and 2020-21 school years under RCW 28A.160.192 divided by 2.

Sec. 1505. 2019 c 415 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation (FY 2020) $7,230,000

General Fund—State Appropriation (FY 2021) ((~~$7,230,000~~))

$7,229,000

General Fund—Federal Appropriation $537,178,000

TOTAL APPROPRIATION ((~~$551,638,000~~))

$551,637,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $7,111,000 of the general fund—state appropriation for fiscal year 2020 and $7,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced-price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United

States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4) $119,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$119,000~~)) $118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision.

Sec. 1506. 2020 c 357 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2020) $1,406,767,000

General Fund—State Appropriation (FY 2021) ((~~$1,463,248,000~~))

$1,380,605,000

General Fund—Federal Appropriation $514,008,000

Education Legacy Trust Account—State Appropriation $54,694,000

Pension Funding Stabilization Account—State

Appropriation $20,000

TOTAL APPROPRIATION ((~~$3,438,737,000~~))

$3,356,094,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 503 and 505 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended

by chapter 266, Laws of 2018 (basic education), except that the calculation of the base allocation also includes allocations provided under section 503 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 299, Laws of 2018.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) $63,609,000 of the general fund—state appropriation for fiscal year 2020, ((~~$91,500,000~~)) $94,630,000 of the general fund—state appropriation for fiscal year 2021, and $29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2019-20 and 2020-21 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of $931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) $50,000 of the general fund—state appropriation for fiscal year 2020, $50,000 of the general fund—state appropriation for fiscal year 2021, and $100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) $30,746,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(13) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

(14) $5,200,000 of the general fund—state appropriation for fiscal year 2020 and $19,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged six through twenty-one who spend the least amount of time in general education classrooms.

(15) Beginning September 1, 2020, funding for payments to providers for the early support for infants and toddlers program is transferred to the department of children, youth, and families to implement Substitute House Bill No. 2787 (infants and toddlers program). The amount of the transfer and related funding requirements are included in section 225(4)(ff) of this act.

Sec. 1507. 2020 c 357 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State Appropriation (FY 2020) $12,869,000

General Fund—State Appropriation (FY 2021) ((~~$18,930,000~~))

$22,230,000

TOTAL APPROPRIATION ((~~$31,799,000~~))

$35,099,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) For fiscal year 2021, funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) For fiscal year 2021, funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff.

(6) For fiscal year 2021, funding in this section is provided for staff and support at the nine educational service districts to provide a network of support

for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) For fiscal year 2021, funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams.

(8) For fiscal year 2021, funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) $3,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the educational services districts for unanticipated increased costs that have resulted from the COVID-19 pandemic.

Sec. 1508. 2020 c 357 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2020) $353,213,000

General Fund—State Appropriation (FY 2021) ((~~$332,158,000~~))

$348,926,000

TOTAL APPROPRIATION ((~~$685,371,000~~))

$702,139,000

The appropriations in this section are subject to the following conditions and limitations:

$25,170,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$20,593,000~~)) $13,098,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a one-time hold harmless for local effort assistance in calendar year 2020.

Sec. 1509. 2020 c 357 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2020) $15,501,000

General Fund—State Appropriation (FY 2021) ((~~$16,707,000~~))

$14,678,000

General Fund—Federal Appropriation $3,000,000

TOTAL APPROPRIATION ((~~$32,208,000~~))

$33,179,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) $701,000 of the general fund—state appropriation for fiscal year 2020 and $701,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) $999,000 of the general fund—state appropriation for fiscal year 2020 and $2,113,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

(7)(a) $100,000 of the general fund—state appropriation in fiscal year 2020 is provided solely to support one student records coordinator in the Issaquah school district to manage the transmission of academic records with the Echo Glen children's center.

(b) $300,000 of the general fund—state appropriation in fiscal year 2021 is provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) $3,000,000 of the general fund—federal appropriation (CRSSA/ESSER) is provided solely for enrollment stabilization from federal funding provided in response to the COVID-19 pandemic as authorized in subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. If institutional education enrollment in the 2020-21 school year for a residential school as defined by RCW 28A.190.020 or juvenile detention facility as identified by RCW 28A.190.010 is less than funded annual average full-time equivalent enrollment in the 2019-20 school year, the superintendent of public instruction must provide an enrollment stabilization allocation to bring the allocation for the institution up to an amount calculated using 2019-20 annual average full-time equivalent enrollment values and formulas in place for the 2020-21 school year, provided that using 2019-20 annual average full-time equivalent enrollment values does not result in less funding for the institution.

Sec. 1510. 2020 c 357 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund—State Appropriation (FY 2020) $30,504,000

General Fund—State Appropriation (FY 2021) ((~~$31,696,000~~))

$30,541,000

TOTAL APPROPRIATION ((~~$62,200,000~~))

$61,045,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's

full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 299, Laws of 2018.

Sec. 1511. 2020 c 357 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2020) $131,298,000

General Fund—State Appropriation (FY 2021) ((~~$135,955,000~~))

$135,126,000

General Fund—Federal Appropriation $96,576,000

General Fund—Private/Local Appropriation $1,450,000

Education Legacy Trust Account—State Appropriation $1,636,000

Pension Funding Stabilization Account—State

Appropriation $765,000

TOTAL APPROPRIATION ((~~$367,680,000~~))

$366,851,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY

(a) $26,975,000 of the general fund—state appropriation for fiscal year 2020, $26,975,000 of the general fund—state appropriation for fiscal year 2021, $1,350,000 of the education legacy trust account—state appropriation, and $15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) $14,352,000 of the general fund—state appropriation for fiscal year 2020 and $14,352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) $69,237,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$73,797,000~~)) $73,034,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of $5,505 per teacher in the 2019-20 school year and a bonus of $5,593 per teacher in the 2020-21 school year;

(ii) An additional $5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2019-20 and 2020-21 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set

by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) $3,418,000 of the general fund—state appropriation for fiscal year 2020 and $3,418,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) $477,000 of the general fund—state appropriation for fiscal year 2020 and $477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) $810,000 of the general fund—state appropriation for fiscal year 2020 and $810,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) $10,500,000 of the general fund—state appropriation for fiscal year 2020 and $10,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) $4,000,000 of the general fund—state appropriation for fiscal year 2020 and $4,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

Sec. 1512. 2020 c 357 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State Appropriation (FY 2020) $205,270,000

General Fund—State Appropriation (FY 2021) ((~~$216,650,000~~))

$208,065,000

General Fund—Federal Appropriation $102,242,000

Pension Funding Stabilization Account—State

Appropriation $4,000

TOTAL APPROPRIATION ((~~$524,166,000~~))

$515,581,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2019-20 and 2020-21; (ii) additional instruction of 3.0000 hours per week in school years 2019-20 and 2020-21 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 299, Laws of 2018.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.93 percent for school year 2019-20 and ((~~1.89~~)) 1.99 percent for school year 2020-21.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) $35,000 of the general fund—state appropriation for fiscal year 2020 and $35,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to track current and former transitional bilingual program students.

(6) $1,023,000 of the general fund—state appropriation in fiscal year 2020 and $1,185,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

Sec. 1513. 2020 c 357 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State Appropriation (FY 2020) $416,973,000

General Fund—State Appropriation (FY 2021) ((~~$430,591,000~~))

$430,191,000

General Fund—Federal Appropriation $533,481,000

TOTAL APPROPRIATION ((~~$1,381,045,000~~))

$1,380,645,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as

provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 299, Laws of 2018.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2019-20 and 2020-21 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

Sec. 1514. 2020 c 357 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS

Statewide Average Allocations

Per Annual Average Full-Time Equivalent Student

Basic Education Program	2019-20 School Year	2020-21 School Year
General Apportionment	$9,176	((~~$9,398~~)) $9,339
Pupil Transportation	$586	((~~$586~~)) $336
Special Education Programs	$9,611	((~~$10,107~~)) $10,104
Institutional Education Programs	$19,186	((~~$20,540~~)) $21,843
Programs for Highly Capable Students	$598	$609
Transitional Bilingual Programs	$1,365	((~~$1,390~~)) $1,398
Learning Assistance Program	$932	((~~$950~~)) $949

Sec. 1515. 2020 c 357 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, ((~~2020~~)) 2021, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year ((~~2020~~)) 2021 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in sections 503 and 505 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in section 907 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in section 907 of this act. (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 1516. 2020 c 357 s 518 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS

Washington Opportunity Pathways Account—State

Appropriation ((~~$93,986,000~~))

$87,527,000

TOTAL APPROPRIATION ((~~$93,986,000~~))

$87,527,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) $78,000 of the Washington opportunity pathways account—state appropriation is provided solely for enrollment stabilization allocations in the 2020-21 school year required in section 1519 of this act.

(3) $506,000 of the Washington opportunity pathways account—state appropriation is provided solely for emergency transportation allocations to increase allocations for any charter school that receives less in allocations

under RCW 28A.160.192 in the 2020-21 school year than in the 2019-20 school year up to an amount equal to the sum of the charter school's student transportation allocations in the 2019-20 and 2020-21 school years under RCW 28A.160.192 divided by 2.

Sec. 1517. 2020 c 357 s 519 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways Account—State

Appropriation ((~~$294,000~~))

$324,000

Charter Schools Oversight Account—State

Appropriation $2,454,000

TOTAL APPROPRIATION ((~~$2,748,000~~))

$2,778,000

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

Sec. 1518. 2020 c 357 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING

General Fund—State Appropriation (FY 2020) $35,491,000

General Fund—State Appropriation (FY 2021) ((~~$36,704,000~~))

$35,391,000

General Fund—Federal Appropriation $74,237,000

Elementary and Secondary School Emergency Relief III Account—Federal Appropriation $333,450,000

TOTAL APPROPRIATION ((~~$72,195,000~~))

$478,569,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $4,894,000 of the general fund—state appropriation for fiscal year 2020 and $4,894,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants for implementation of dual credit programs and subsidized advanced placement exam fees, international baccalaureate class fees, and exam and course fees for low-income students.

For expenditures related to subsidized exam fees, the superintendent of public instruction shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(2)(a) $2,052,000 of the general fund—state appropriation for fiscal year 2020 and $2,052,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, $1,075,000 of the 2020 appropriation and $1,075,000 of the 2021 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, $100,000 of the fiscal year 2020 appropriation and $100,000 of the fiscal year 2021 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) $135,000 of the general fund—state appropriation for fiscal year 2020 and $135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2020, a high school must have offered a foundational project lead the way course during the

2018-19 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2019-20 school year. To be eligible for funding in 2021, a high school must have offered a foundational project lead the way course during the 2019-20 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2020-21 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) $2,127,000 of the general fund—state appropriation for fiscal year 2020 and $2,127,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime, construction, aerospace, and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment or certification in maritime, construction, aerospace, or advanced manufacturing industries, as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) $900,000 of the general fund—state appropriation for fiscal year 2020 and $900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs.

(ii) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in construction programs.

(iii) $300,000 of the general fund—state appropriation for fiscal year 2020 and $300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime programs.

(iv) $350,000 of the general fund—state appropriation for fiscal year 2020 and $350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students.

(v) $427,000 of the general fund—state appropriation for fiscal year 2020 and $427,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to provide management, development, assessment, and outreach of the programs.

(3)(a) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, $15,000 of the general fund—state appropriation for fiscal year 2020 and $15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) $384,000 of the general fund—state appropriation for fiscal year 2020 and $373,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), $10,000 of the general fund—state appropriation for fiscal year 2020 and $10,000 of the general fund—state appropriation for

fiscal year 2021 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) $30,000 of the general fund—state appropriation for fiscal year 2020 and $25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop civics education materials for grades K-5. The office must contract for the production of the materials with an experienced Washington state organization that produces civics education materials currently posted as an open education resource at the office of the superintendent of public instruction.

(4)(a) $31,000 of the general fund—state appropriation for fiscal year 2020 and $55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) $3,000,000 of the general fund—state appropriation for fiscal year 2020 and $3,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated $1,000,000 is provided solely for community based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) $3,145,000 of the general fund—state appropriation for fiscal year 2020 and $3,395,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), $446,000 of the general fund—state appropriation for fiscal year 2020 and $446,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), $1,015,000 of the general fund—state appropriation for fiscal year 2020 and $1,015,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), $684,000 of the general fund—state appropriation for fiscal year 2020 and $684,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established with funding provided in

the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(7) $2,541,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(8)(a) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) $36,000 of the general fund—state appropriation for fiscal year 2020 and $36,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(9) $375,000 of the general fund—state appropriation for fiscal year 2020 and $375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(10) $1,425,000 of the general fund—state appropriation for fiscal year 2020 and $1,425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dual language grants to grow capacity for high quality dual language learning. Of the amounts provided in this subsection:

(a) $1,425,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(33), chapter 299, Laws of 2018.

(b) $400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to establish a new dual language program.

(c) $225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to expand an existing dual language program.

(d) $400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create heritage language programs for immigrant and refugee students.

(e) $400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create indigenous language programs for native students.

(11)(a) $4,940,000 of the general fund—state appropriation for fiscal year 2020 and $4,940,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Of the amounts provided: $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college success foundation to establish programming in new regions throughout the state. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) $1,454,000 of the general fund—state appropriation for fiscal year 2020 and $1,454,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) $181,000 of the general fund—state appropriation for fiscal year 2020 and $181,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(12)(a) $356,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) $3,000,000 of the general fund—state appropriation for fiscal year 2020 and $3,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools. The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants of $2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to $500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least seventeen years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) $62,000 of the general fund—state appropriation for fiscal year 2020 and $62,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and

districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(13) $85,000 of the general fund—state appropriation for fiscal year 2020 and $85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the centrum program at Fort Worden state park.

(14) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide learning experiences for student-athletes in the science, technology, engineering, and math sectors. The office must contract with a nonprofit to offer student-athlete classes, programs, and scholarships to improve school performance and advancement across diverse communities.

(15) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2020-21 school year to school districts by August 10, 2020.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price means program; and

(iii) High schools located in school districts enrolling five thousand or fewer students.

(b) The office of the superintendent of public instruction shall award grants of up to five thousand dollars per high school per year. The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with state-based nonprofit organizations that provide direct services to military-connected students exclusively through one-to-one volunteer mentoring. The goal of the mentoring is to build resiliency in military connected students and increase their ability to cope with the stress of parental deployment and frequent moves, which will help promote good decision-making by youth, help increase attachment and a positive attitude toward school, and develop positive peer relationships. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides direct one-to-one volunteer mentoring services to military connected elementary students in the state and has been providing military mentoring to students in the state for at least twenty-four months prior to application.

(17) $83,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5612 (holocaust education).

(18) $250,000 of the general fund—state appropriation in fiscal year 2020 and $130,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to develop a new computer science program and outfit a van with program resources in order to expand statewide outreach.

(19) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(20) $50,000 of the general fund—state appropriation for fiscal year 2020 and $50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to school districts to provide school resource officer training, as required in Second Substitute House Bill No. 1216 (student mental health and well-being).

(21) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Bethel school district to expand post-secondary education opportunities at Graham-Kapowsin high school.

(22) $350,000 of the general fund—state appropriation for fiscal year 2020 and $350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the south Kitsap school district to develop pathways for high school diplomas and post-secondary credentials through controls programmer apprenticeships.

(23) $255,000 of the general fund—state appropriation for fiscal year 2020 and $255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a math improvement pilot program for school districts to improve math scores. Of the amounts provided in this subsection:

(a) $85,000 of the general fund—state appropriation for fiscal year 2020 and $85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Spokane school district to improve math scores.

(b) $85,000 of the general fund—state appropriation for fiscal year 2020 and $85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Chehalis school district to improve math scores.

(c) $85,000 of the general fund—state appropriation for fiscal year 2020 and $85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bremerton school district to improve math scores.

(24) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to establish the media literacy grant program.

(25) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Seattle education access program to ensure students on nontraditional educational pathways have the mentorship and technical assistance needed to navigate higher education and financial aid. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

((~~(29)~~)) (26) $250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive,

culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

((~~(30)~~)) (27) $150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with the Yakama nation for a feasibility study to determine the scope, design, planning, and budget for the construction of a new state-tribal compact school.

((~~(31)~~)) (28) $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to school districts to create systems, policies, and practices to address racial discipline gaps consistent with RCW 28A.415.410. The office of superintendent of public instruction, in coordination with a state association representing both certificated and classified staff, an association representing principals, an association representing school superintendents, the Washington state school directors association, and an association representing parents, will guide grant recipients using existing training materials and resources. Grant recipients must develop systems that provide tiered supports for intervention, restorative approaches to behavior, and eliminate zero-tolerance policies that contribute to racial disparities.

((~~(32)~~)) (29) $300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the south Kitsap school district to co-develop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

((~~(33)~~)) (30) $50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the Renton school district to expand early learning opportunities with the Somali parent's education board.

(31) $878,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington school principals' education foundation to continue student outdoor education services. Within the amounts provided in this subsection (31):

(a) $512,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Cispus learning center to continue services to provide outdoor education to the students of Washington state.

(b) $366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the associate of Washington student leaders to continue services for student leadership programs within Washington state.

(32) The general fund—state appropriations in this section for fiscal year 2021 have been reduced by $11,000 to reflect furlough savings implemented in the office. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(33) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) $74,237,000 of the general fund—federal appropriation (CRSSA/ESSER) is provided solely for allocations from federal funding for subgrants in response to the COVID-19 pandemic as authorized in section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(b) $333,450,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss.

NEW SECTION. **Sec. 1519.** A new section is added to 2020 c 357 (uncodified) to read as follows: **ENROLLMENT STABILIZATION**

(1) From appropriations in sections 504(23), 520(2), 1502(22), and 1516(2) of this act, the superintendent of public instruction must provide an enrollment stabilization allocation to local education agencies equal to amount A

minus amount B if amount A minus amount B is greater than zero.

(a) "Amount A" is the maximum enrollment stabilization amount in subsection (2) of this section.

(b) "Amount B" is total federal funding that is available to the local education agency from subgrants provided by the elementary and secondary school emergency relief fund as enacted by subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(2) The maximum enrollment stabilization allocation for the 2020-21 school year is the amount needed to bring total allocations for all program and enrollment groups listed in (b) of this subsection that meet the criteria in (a) of this subsection up to an amount calculated using 2019-20 annual average enrollment values and formulas in place for the 2020-21 school year.

(a) A program and enrollment group meets the criteria to be included in the maximum enrollment stabilization allocation for a local education agency if enrollment in the 2020-21 school year is less than funded annual average enrollment in the 2019-20 school year and using 2019-20 annual average enrollment values does not result in less funding within the program to the local education agency.

(b) Program and enrollment groups that may be eligible for the maximum enrollment stabilization allocation are:

(i) Total annual average full-time equivalent enrollment in kindergarten through 12th grades, including alternative learning experience enrollment for purposes of calculating general apportionment allocations;

(ii) Enrollment in special education for purposes of calculating excess cost allocations as defined in RCW 28A.150.390. Allocations for special education enrollment above 2020-21 school year levels in kindergarten through 12th grades must be based on an excess cost multiplier of 0.995;

(iii) Enrollment in programs that provide supplemental instruction and services for students whose primary language is other than English for purposes of calculating allocations as described in RCW 28A.150.260(10)(b);

(iv) Enrollment in programs that support highly capable students for purposes of calculating allocations as described in RCW 28A.150.260(10)(c);

(v) Enrollment in dropout reengagement programs for purposes of calculating allocations for eligible students under RCW 28A.175.100; and

(vi) Enrollment in career and technical education and skill centers for purposes of calculating allocations as described in RCW 28A.150.260 (4)(c), (7), and (9).

(3) Enrollment stabilization amounts allocated under this section are not part of the state's program of basic education but may be used for any allowable cost within any of the programs.

(4) For purposes of this section, "local education agency" means a school district, charter school, or state-tribal education compact school established under chapter 28A.715 RCW.

PART XVI

HIGHER EDUCATION

SUPPLEMENTAL

Sec. 1601. 2020 c 357 s 602 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2020) $678,312,000

General Fund—State Appropriation (FY 2021) ((~~$709,756,000~~))

$701,905,000

Community/Technical College Capital Projects

Account—State Appropriation $23,505,000

Education Legacy Trust Account—State Appropriation ((~~$158,532,000~~))

$158,499,000

Pension Funding Stabilization Account—State

Appropriation $67,784,000

TOTAL APPROPRIATION ((~~$1,637,889,000~~))

$1,630,005,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $33,261,000 of the general fund—state appropriation for fiscal year 2020 and $33,261,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2020 and at least 7,170 full-time equivalent students in fiscal year 2021.

(2) $2,443,000 of the general fund—state appropriation for fiscal year 2021 and $5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) $425,000 of the general fund—state appropriation for fiscal year 2020 and $425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Seattle central college's expansion of allied health programs.

(4) $5,250,000 of the general fund—state appropriation for fiscal year 2020 and $5,250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the student achievement initiative.

(5) $1,610,000 of the general fund—state appropriation for fiscal year 2020, and $1,610,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mathematics, engineering, and science achievement program.

(6) $1,500,000 of the general fund—state appropriation for fiscal year 2020 and $1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) $19,759,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$20,194,000~~)) $20,253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) $157,000 of the general fund—state appropriation for fiscal year 2020 and $157,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) The state board for community and technical colleges shall collaborate with a permanently registered Washington sector intermediary to integrate and offer related supplemental instruction for information technology apprentices by the 2020-21 academic year.

(13) $150,000 of the general fund—state appropriation for fiscal year 2020

and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(14) $750,000 of the general fund—state appropriation for fiscal year 2020 and $750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(15)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(16) $216,000 of the general fund—state appropriation for fiscal year 2020 and $216,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the opportunity center for employment and education at North Seattle College.

(17) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(18) $350,000 of the general fund—state appropriation for fiscal year 2020 and $350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

(a) Medical assisting, 40 students;

(b) Nursing assistant, 60 students; and

(c) Registered nursing, 32 students.

(19) $338,000 of the general fund—state appropriation for fiscal year 2020 and $338,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state labor education and research center at South Seattle College.

(20) $75,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Washington family and community and engagement trust and Everett Community College to continue and expand a civic education and leadership program for underserved adults and youth.

(21) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(22) $750,000 of the general fund—state appropriation for fiscal year 2020 and $750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1893 (student assistance grants).

(23) $200,000 of the general fund—state appropriation for fiscal year 2020

and $348,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students).

(24) $1,500,000 of the general fund—state appropriation for fiscal year 2020 and $1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(25) $132,000 of the general fund—state appropriation for fiscal year 2020 and $24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the state board to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(26) $784,000 of the general fund—state appropriation for fiscal year 2020 and $779,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for legal costs related to the *Wolf vs State Board for Community and Technical Colleges* litigation.

((~~(30)~~)) (27) $197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1602. 2020 c 357 s 603 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2020) ((~~$340,784,000~~))

$340,744,000

General Fund—State Appropriation (FY 2021) ((~~$358,083,000~~))

$354,446,000

Aquatic Lands Enhancement Account—State Appropriation ((~~$1,606,000~~))

$1,595,000

University of Washington Building Account—State Appropriation $1,546,000

Education Legacy Trust Account—State Appropriation ((~~$36,731,000~~))

$36,595,000

Economic Development Strategic Reserve Account—State Appropriation ((~~$3,087,000~~))

$3,080,000

Geoduck Aquaculture Research Account—State Appropriation $800,000

Biotoxin Account—State Appropriation ((~~$612,000~~))

$611,000

Dedicated Marijuana Account—State Appropriation (FY 2020) $256,000

Dedicated Marijuana Account—State Appropriation (FY 2021) ((~~$272,000~~))

$266,000

Pension Funding Stabilization Account—State Appropriation $50,906,000

Accident Account—State Appropriation ((~~$7,907,000~~))

$7,850,000

Medical Aid Account—State Appropriation ((~~$7,507,000~~))

$7,457,000

Coronavirus State Fiscal Recovery Fund—Federal Appropriation $35,000,000

TOTAL APPROPRIATION ((~~$810,097,000~~))

$841,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $41,010,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$41,913,000~~)) $42,036,000 of the

general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) $8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) $250,000 of the general fund—state appropriation for fiscal year 2020 and $251,000 of the general fund—state appropriation for fiscal year 2021 and $1,550,000 of the aquatic lands enhancement account—state appropriation are provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. The center must continue to make quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(6) $14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(7) $1,549,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(8) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(9) $7,345,000 of the general fund—state appropriation for fiscal year 2020 and $7,345,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(10) $2,625,000 of the general fund—state appropriation for fiscal year 2020 and $2,625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(11) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(12) $600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(13)(a) $172,000 of the general fund—state appropriation for fiscal year 2020 and $172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(14) $5,000,000 of the general fund—state appropriation for fiscal year 2020 and $5,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(15) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—appropriation for fiscal year 2021 are provided solely for the University of Washington's psychiatry integrated care training program.

(16) $400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(17) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(18) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

(19) $200,000 of the general fund—state appropriation for fiscal year 2020 and $200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bothell branch to develop series of online courses for school district staff related to behavioral health. The standards for the online courses must be consistent with any knowledge, skill, and performance standards related to mental health and well-being of public school students. Among other things, the online courses must:

(a) Teach participants relevant laws, including laws around physical restraint and isolation;

(b) Provide foundational knowledge in behavioral health, mental health, and mental illness;

(c) Describe how to assess, intervene upon, and refer behavioral health and substance use issues; and

(d) Teach approaches to promote health and positively influence student health behaviors.

(20) $110,000 of the general fund—state appropriation for fiscal year 2020 and $110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for core operations at forefront to achieve its mission of reducing suicide.

(21) $138,000 of the general fund—state appropriation for fiscal year 2020 and $138,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to collaborate with the northwest Parkinson's foundation and the state department of veterans affairs to study Parkinson's diagnoses treatment and

specialist care across ethnic and racial groups and to develop a pilot program that helps people with Parkinson's better access specialist care and community services.

(22) $256,000 of the general fund—state appropriation for fiscal year 2020 and $226,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding fifteen to twenty providers from smaller clinics and practices per year.

(23) $102,000 of the general fund—state appropriation for fiscal year 2020 and $102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's center for international trade in forest products.

(24) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Latino center for health.

(25) $150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Latino center for health to:

(a) Estimate the number of practicing Latino physicians in Washington including age and gender distributions;

(b) Create a profile of Latino physicians that includes their geographic distribution, medical and surgical specialties, training and certifications, and language access;

(c) Develop a set of policy recommendations to meet the growing needs of Latino communities in urban and rural communities throughout Washington. The center must provide the report to the university and the appropriate committees of the legislature by December 31, 2020.

(26) To ensure transparency and accountability, in the 2019-2021 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(27) $50,000 of the general fund—state appropriation for fiscal year 2020 and $30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's school of public health to study home-sharing for privately-owned residential properties. The study must include:

(a) An analysis of home-sharing programs across the country, including population served, costs, duration of stays, and size of programs;

(b) An analysis of similar initiatives in Washington state and potential barriers to expansion;

(c) A review of best practices and policies; and

(d) Recommendations for the establishment and continuation of home-sharing programs.

(28) $150,000 of the general fund—state appropriation for fiscal year 2020 and $150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to expand the project extension for

community health care outcomes (ECHO) to include training related to people with autism and developmental disabilities. Project ECHO for autism and developmental disabilities must focus on supporting existing autism centers of excellence. The project will disseminate evidence-based diagnoses and treatments to increase access to medical services for people across the state.

(29) $100,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in part 9 of this act.

(30) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital in consultation with the office of the superintendent of public instruction to plan for and implement a two-year pilot program of school mental health education and consultations for students at middle schools, junior high, and high schools in one school district on east side of Cascades and one school district on west side of Cascades. The pilot program must:

(a) Develop and provide behavioral health trainings for school counselors, social workers, psychologists, nurses, teachers, administrators, and classified staff by January 1, 2020; and

(b) Beginning with the 2020-21 school year:

(i) Provide school counselors access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to support school staff in managing children with challenging behavior; and

(ii) Provide students access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to provide crisis management services when assessed as clinically appropriate.

(31) $213,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health).

(32) $50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(33)(a) $463,000 of the general fund—state appropriation for fiscal year 2020 and $400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the climate impacts group in the college of the environment.

(b) $63,000 of the general fund—state appropriation for fiscal year 2020 in (a) of this subsection is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(34) $25,000 of the general fund—state appropriation for fiscal year 2020 and $25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(35) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a firearm policy research program. The program will:

(a) Support investigations of firearm death and injury risk factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(36) $100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Evans school of public affairs to complete the business plan for a publicly owned Washington state depository bank as

directed by section 129, chapter 299, Laws of 2018.

(37) $350,000 of the general fund—state appropriation for fiscal year 2020 and $139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland owners).

(38) $95,000 of the general fund—state appropriation for fiscal year 2020 and $95,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college of education to partner with school districts on a pilot program to improve the math scores of K-12 students.

(39) $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for matching nonstate funding contributions for a study of the feasibility of constructing of a biorefinery in southwest Washington. No state moneys may be expended until nonstate funding contributions are received. The study must:

(a) Assess the supply of biomass, including poplar feedstock grown on low-value lands and hardwood sawmill residuals;

(b) Assess the potential for using poplar simultaneously for water treatment and as a biorefinery feedstock;

(c) Assess southwest Washington landowner interest in growing poplar feedstock;

(d) Evaluate options for locating a biorefinery in southwest Washington that considers potential for integration of future biorefineries with existing facilities such as power plants and pulp mills; and

(e) Result in a comprehensive technical and economic evaluation for southwest Washington biorefineries that will be used by biorefinery technology companies to develop their business plans and to attract potential investors.

(40) $300,000 of the general fund—state appropriation for fiscal year 2020 and $300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(41) $400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program crab team to continue work to protect against the impacts of invasive European green crab.

((~~(45)~~)) (42) $300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for:

(a) Increased training in rural areas for sexual assault nurse examiners; and

(b) Expansion of web-based services for training of sexual assault nurse examiners to include webinars, live streamed trainings, and web-based consultations.

((~~(47)~~)) (43) $135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(48)~~)) (44) $364,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(51)~~)) (45) $60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6061 (telemedicine training). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(52)~~)) (46) $1,549,000 of the economic development strategic reserve account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6139 (aerospace tech. innovation). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(47) $141,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(48) $35,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the University of Washington medical center.

Sec. 1603. 2020 c 357 s 604 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund—State Appropriation (FY 2020) ((~~$222,642,000~~))

$222,508,000

General Fund—State Appropriation (FY 2021) ((~~$233,649,000~~))

$228,500,000

Washington State University Building Account—State

Appropriation $792,000

Education Legacy Trust Account—State Appropriation $33,995,000

Model Toxics Control ((~~Stormwater~~)) Operating

Account—State Appropriation ((~~$50,000~~))

$250,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) $138,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) $138,000

Pension Funding Stabilization Account—State

Appropriation $30,954,000

TOTAL APPROPRIATION ((~~$522,358,000~~))

$517,275,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $90,000 of the general fund—state appropriation for fiscal year 2020 and $90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) $7,000,000 of the general fund—state appropriation for fiscal year 2020 and $7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued development and operations of a medical school program in Spokane.

(6) $135,000 of the general fund—state appropriation for fiscal year 2020 and $135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a honey bee biology research position.

(7) $29,152,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$29,793,000~~)) $29,881,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) $376,000 of the general fund—state appropriation for fiscal year 2020 and $376,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(9) $580,000 of the general fund—state appropriation for fiscal year 2020 and $580,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(10) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(11) $585,000 of the general fund—state appropriation for fiscal year 2020 and $585,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(12) $630,000 of the general fund—state appropriation for fiscal year 2020 and $630,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(13) $1,370,000 of the general fund—state appropriation for fiscal year 2020 and $1,370,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(14) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(15) $1,119,000 of the general fund—state appropriation for fiscal year 2020 and $1,154,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(16) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint center for deployment and research in earth abundant materials.

(17) $20,000 of the general fund—state appropriation for fiscal year 2020 and $20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature by December 1, 2020.

(18) $113,000 of the general fund—state appropriation for fiscal year 2020 and $60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(19) $100,000 of the general fund—state appropriation for fiscal year 2020 and $75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in section 9 of this act.

(20) $264,000 of the general fund—state appropriation for fiscal year 2021

is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health).

(21) $37,000 of the general fund—state appropriation for fiscal year 2020 and $16,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(22) $85,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the William D. Ruckelshaus center to coordinate a work group and process to develop options and recommendations to improve consistency, simplicity, transparency, and accountability in higher education data systems. The work group and process must be collaborative and include representatives from relevant agencies and stakeholders, including but not limited to: The Washington student achievement council, the workforce training and education coordinating board, the employment security department, the state board for community and technical colleges, the four-year institutions of higher education, the education data center, the office of the superintendent of public instruction, the Washington state institute for public policy, the joint legislative audit and review committee, and at least one representative from a nongovernmental organization that uses longitudinal data for research and decision making. The William D. Ruckelshaus center must facilitate meetings and discussions with stakeholders and provide a report to the appropriate committees of the legislature by December 1, 2019. The process must analyze and make recommendations on:

(a) Opportunities to increase postsecondary transparency and accountability across all institutions of higher education that receive state financial aid dollars while minimizing duplication of existing data reporting requirements;

(b) Opportunities to link labor market data with postsecondary data including degree production and postsecondary opportunities to help prospective postsecondary students navigate potential career and degree pathways;

(c) Opportunities to leverage existing data collection efforts across agencies and postsecondary sectors to minimize duplication, centralize data reporting, and create administrative efficiencies;

(d) Opportunities to develop a single, easy to navigate, postsecondary data system and dashboard to meet multiple state goals including transparency in postsecondary outcomes, clear linkages between data on postsecondary degrees and programs and labor market data, and linkages with P-20 data where appropriate. This includes a review of the efficacy, purpose, and cost of potential options for service and management of a statewide postsecondary dashboard; and

(e) Opportunities to increase state agency, legislative, and external researcher access to P-20 data systems in service to state educational goals.

(23) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the ((~~general fund—state appropriation for fiscal year 2021~~)) model toxics control operating account—state appropriation are provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

((~~(27)~~)) (24)(a) $25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the collaboration with the Washington state patrol, to produce a report focused on recommendations to inform a longitudinal study regarding bias in traffic stops. The report shall include the following information and any additional items identified in the collaboration:

(i) Analysis of traffic stops data for evidence of biased policing in stops, levels of enforcement, and searches;

(ii) Statewide survey of Washington state residents' perception of the Washington state patrol, with a focus on communities and individuals of color; and

(iii) The driving population, Washington state patrol crash data, Washington state patrol calls for service or assistance data, and any other

potential data sources and appropriate geographic-level analysis.

(b) The framework shall outline any needed policy changes necessary to perform a longitudinal study, including public engagement. The report shall be submitted to the appropriate committees of the legislature by December 31, 2020.

((~~(28)~~)) (25) $130,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(26) $94,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

Sec. 1604. 2020 c 357 s 605 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2020) $55,128,000

General Fund—State Appropriation (FY 2021) ((~~$57,943,000~~))

$56,856,000

Education Legacy Trust Account—State Appropriation $16,794,000

TOTAL APPROPRIATION ((~~$129,865,000~~))

$128,778,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least $200,000 of the general fund—state appropriation for fiscal year 2020 and at least $200,000 of the general fund—state appropriation for fiscal year 2021 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) $10,472,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$10,702,000~~)) $10,733,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) $125,000 of the general fund—state appropriation for fiscal year 2020 and $125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for gathering and archiving time-sensitive histories and materials and planning for a Lucy Covington center.

(7) $73,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$73,000~~)) $17,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(8) $21,000 of the general fund—state appropriation for fiscal year 2020 and $11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

((~~(10)~~)) (9) $73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is~~

~~not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1605. 2020 c 357 s 606 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2020) ((~~$54,520,000~~))

$54,365,000

General Fund—State Appropriation (FY 2021) ((~~$57,179,000~~))

$56,301,000

Central Washington University Capital Projects

Account—State Appropriation $76,000

Education Legacy Trust Account—State Appropriation $19,076,000

Pension Funding Stabilization Account—State

Appropriation $3,924,000

TOTAL APPROPRIATION ((~~$134,775,000~~))

$133,742,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) $11,803,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$12,063,000~~)) $12,098,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) $221,000 of the general fund—state appropriation for fiscal year 2020 and $221,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and math. The program is expected to serve approximately five hundred students per year.

(6) $53,000 of the general fund—state appropriation for fiscal year 2020 and $32,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

((~~(11)~~)) (7) $53,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1606. 2020 c 357 s 607 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund—State Appropriation (FY 2020) $30,208,000

General Fund—State Appropriation (FY 2021) ((~~$31,303,000~~))

$30,839,000

The Evergreen State College Capital Projects

Account—State Appropriation $80,000

Education Legacy Trust Account—State Appropriation $5,450,000

Pension Funding Stabilization Account—State

Appropriation $2,000

TOTAL APPROPRIATION ((~~$67,043,000~~))

$66,579,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $3,590,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$3,669,000~~)) $3,680,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) Within the amounts appropriated in this section, The Evergreen State College must provide the funding necessary to enable employees of the Washington state institute for public policy to receive the salary increases provided in part 9 of this act.

(5) $2,437,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$2,754,000~~)) $2,528,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (5):

(a) $999,000 of the amounts in fiscal year 2020 and $1,294,000 of the amounts in fiscal year 2021 are provided for administration and core operations.

(b) $1,388,000 of the amounts in fiscal year 2020 and ((~~$1,177,000~~)) $1,061,000 of the amounts in fiscal year 2021 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) $50,000 of the amounts in fiscal year 2020 and $25,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to evaluate the outcomes of resource and assessment centers licensed under RCW 74.15.311 and contracted with the department of children, youth, and families. By December 1, 2020, and in compliance with RCW 43.01.036, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the department of children, youth, and families; and the oversight board for children, youth, and families. For the evaluation, the institute shall collect data regarding:

(i) The type of placement children experience following placement at a resource and assessment center;

(ii) The number of placement changes that children experience following placement in a resource and assessment center compared with other foster children;

(iii) The length of stay in foster care that children experience following placement in a resource and assessment center compared with other foster children;

(iv) The likelihood that children placed in a resource and assessment center will be placed with siblings; and

(v) The length of time that licensed foster families accepting children placed in resource and assessment centers maintain their licensure compared to licensed foster families receiving children directly from child protective services.

(d) $115,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers recommendations).

(e) $33,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehab. confinement).

(f) ((~~(i)~~)) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2019-21 work plan as necessary to efficiently manage workload.

(6) $86,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1607. 2020 c 357 s 608 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2020) $78,664,000

General Fund—State Appropriation (FY 2021) ((~~$82,923,000~~))

$81,724,000

Western Washington University Capital Projects

Account—State Appropriation $1,424,000

Education Legacy Trust Account—State Appropriation $13,831,000

TOTAL APPROPRIATION ((~~$176,842,000~~))

$175,643,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) $16,291,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$16,649,000~~)) $16,698,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) $700,000 of the general fund—state appropriation for fiscal year 2020 and $700,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) $1,306,000 of the general fund—state appropriation for fiscal year 2020 and $1,306,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) $250,000 of the general fund—state appropriation for fiscal year 2020 and $250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for campus connect to develop a student civic leaders initiative that will provide opportunities for students to gain work experience focused on addressing the following critical issues facing communities and campuses: Housing and food insecurities, mental health, civic education (higher education and K-12), breaking the prison pipeline, and the opioid epidemic. Students will:

(a) Participate in civic internships and receive wages to work on one or more of these critical issues on their campus and or in their community, or both;

(b) Receive training on civic education, civil discourse, and learn how to analyze policies that impact community issues; and

(c) Research issues and develop and implement strategies in teams to address them.

(8) $45,000 of the general fund—state appropriation for fiscal year 2020 and $25,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

((~~(10)~~)) (9) $87,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(11)~~)) (10) $886,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates. Tuition reductions resulting from this section must go into effect beginning in the 2020-21 academic year.

Sec. 1608. 2020 c 357 s 609 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION

General Fund—State Appropriation (FY 2020) ((~~$6,459,000~~))

$6,434,000

General Fund—State Appropriation (FY 2021) ((~~$7,704,000~~))

$6,612,000

General Fund—Federal Appropriation ((~~$4,927,000~~))

$4,912,000

Pension Funding Stabilization Account—State

Appropriation $534,000

TOTAL APPROPRIATION ((~~$19,624,000~~))

$18,492,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $126,000 of the general fund—state appropriation for fiscal year 2020 and $126,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the consumer protection unit.

(2) $104,000 of the general fund—state appropriation for fiscal year 2020 and $174,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students).

(3) $150,000 of the general fund—state appropriation is provided solely to create a career connected learning statewide program inventory as required in RCW 28C.30.040(1) (f) through (g).

((~~(6)~~)) (4) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

((~~(8)~~)) (5) $208,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1609. 2020 c 357 s 610 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund—State Appropriation (FY 2020) $273,435,000

General Fund—State Appropriation (FY 2021) ((~~$288,093,000~~))

$290,727,000

General Fund—Federal Appropriation ((~~$12,038,000~~))

$11,999,000

General Fund—Private/Local Appropriation $300,000

Education Legacy Trust Account—State Appropriation $93,488,000

Washington Opportunity Pathways Account—State

Appropriation ((~~$114,229,000~~))

$102,197,000

Aerospace Training Student Loan Account—State

Appropriation ((~~$216,000~~))

$215,000

Workforce Education Investment Account—State

Appropriation ((~~$14,824,000~~))

$4,719,000

Pension Funding Stabilization Account—State

Appropriation $18,000

Health Professionals Loan Repayment and Scholarship

Program Account—State Appropriation $1,720,000

State Educational Trust Fund Account—State

Appropriation $6,000,000

State Financial Aid Account—State Appropriation $1,500,000

TOTAL APPROPRIATION ((~~$805,861,000~~))

$786,318,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, all references made in this section to the state need grant program are deemed made to the Washington college grant program.

(2) $255,327,000 of the general fund—state appropriation for fiscal year 2020, $7,935,000 of the general fund—state appropriation for fiscal year 2021, $45,527,000 of the education legacy trust account—state appropriation, $6,000,000 of the state educational trust fund nonappropriated account—state appropriation, and $38,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(3) $258,593,000 of the general fund—state appropriation for fiscal year 2021, ((~~$14,824,000~~)) $1,079,000 of the workforce education investment account—state appropriation, $32,112,000 of the education legacy trust fund—state appropriation, and ((~~$56,950,000~~)) $44,918,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(4) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2019-2021 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(5) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI. If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the eligibility and proration provisions of that bill supersede the provisions of this subsection.

(6) Of the amounts provided in subsection (2) of this section, $100,000 of the general fund—state appropriation for fiscal year 2020 and $100,000 of the general fund—state appropriation for fiscal year 2021 are provided for the council to process an alternative

financial aid application system pursuant to RCW 28B.92.010.

(7) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(8) $972,000 of the general fund—state appropriation for fiscal year 2020, ((~~$1,165,000~~)) $3,701,000 of the general fund—state appropriation for fiscal year 2021, $15,849,000 of the education legacy trust account—state appropriation, and $18,929,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(9) $2,759,000 of the general fund—state appropriation for fiscal year 2020 ((~~and~~)), $2,795,000 of the general fund—state appropriation for fiscal year 2021, and $3,640,000 of the workforce education investment account—state appropriation are provided solely for the passport to college program. The maximum scholarship award is up to $5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of $500,000 in fiscal years 2020 and 2021 for this purpose.

(10) $2,536,000 of the general fund—state appropriation for fiscal year 2020 and ((~~$4,432,000~~)) $4,540,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(11) $3,800,000 of the general fund—state appropriation for fiscal year 2020 and $3,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current

number and amount of awards for the program in the 2021-2023 fiscal biennium on the basis of these contractual obligations.

(12) $850,000 of the general fund—state appropriation for fiscal year 2020 and $750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1973 (dual enrollment scholarship).

(13) $1,000,000 of the general fund—state appropriation for fiscal year 2020 and $1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1668 (Washington health corps). Within amounts provided in this subsection, the student achievement council, in consultation with the department of health, shall study the need, feasibility, and potential design of a grant program to provide funding to behavioral health students completing unpaid pregraduation internships and postgraduation supervised hours for licensure.

(14) Sufficient amounts are appropriated within this section to implement Engrossed Second Substitute House Bill No. 1311 (college bound).

(15) $1,896,000 of the general fund—state appropriation for fiscal year 2020 and $1,673,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts appropriated in this subsection, $1,650,000 of the general fund—state appropriation for fiscal year 2020 and $1,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the student teaching grant program, the teacher endorsement and certification help program, and the educator conditional scholarship and loan repayment programs under chapter 28B.102 RCW, including the pipeline for paraeducators program, the retooling to teach conditional loan programs, the teacher shortage conditional scholarship program, the career and technical education conditional scholarship program, and the federal student loan repayment in exchange for teaching service program.

(16) $500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a state match associated with the rural jobs program. The legislature will evaluate appropriations in future biennia to the rural jobs program based on the extent that additional private contributions are made.

(17) $625,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(18) $1,500,000 of the state financial aid account—state appropriation is provided solely for passport to career program scholarship awards.

(19) $161,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6141 (higher education access). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

(20) $396,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6561 (undocumented student support). ((~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~))

Sec. 1610. 2020 c 357 s 611 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State Appropriation (FY 2020) $2,270,000

General Fund—State Appropriation (FY 2021) ((~~$2,300,000~~))

$2,279,000

General Fund—Federal Appropriation ((~~$55,511,000~~))

$55,441,000

General Fund—Private/Local Appropriation ((~~$211,000~~))

$210,000

Pension Funding Stabilization Account—State

Appropriation $176,000

TOTAL APPROPRIATION ((~~$60,468,000~~))

$60,376,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2019-2021 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) $240,000 of the general fund—state appropriation for fiscal year 2020 and $240,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs.

(3) $260,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 294, Laws of 2018 (future of work task force).

(4) $28,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5166 (postsecondary religious acc.).

(5) $300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the board to provide a one-time grant to an accredited university offering a doctorate in osteopathic medicine. The grant must be used to purchase up to twelve fully-equipped ((~~VSee~~)) telemedicine kits for student training purposes in rural and underserved communities.

Sec. 1611. 2020 c 357 s 612 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State Appropriation (FY 2020) $9,001,000

General Fund—State Appropriation (FY 2021) ((~~$9,275,000~~))

$9,128,000

General Fund—Private/Local Appropriation $34,000

Pension Funding Stabilization Account—State

Appropriation $590,000

TOTAL APPROPRIATION ((~~$18,900,000~~))

$18,753,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades ((~~nine~~)) six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) $149,000 of the general fund—state appropriation for fiscal year 2020 and $99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for migration to the state data center, and are subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 1612. 2020 c 357 s 613 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund—State Appropriation (FY 2020) $14,463,000

General Fund—State Appropriation (FY 2021) ((~~$14,581,000~~))

$13,901,000

Pension Funding Stabilization Account—State

Appropriation $728,000

TOTAL APPROPRIATION ((~~$29,772,000~~))

$29,092,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) $12,319,000 of the general fund—state appropriation for fiscal year 2020 and $12,319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operations, expenses, and direct service to students at the state school for the deaf referenced in RCW 72.40.015(2)(a).

(3) $73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington center for deaf and hard of hearing youth to provide American sign language coaching to agency staff.

Sec. 1613. 2020 c 357 s 614 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation (FY 2020) $2,222,000

General Fund—State Appropriation (FY 2021) ((~~$2,513,000~~))

$2,467,000

General Fund—Federal Appropriation ((~~$2,160,000~~))

$2,145,000

General Fund—Private/Local Appropriation $50,000

Pension Funding Stabilization Account—State

Appropriation $122,000

TOTAL APPROPRIATION ((~~$7,067,000~~))

$7,006,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $175,000 of the general fund—state appropriation for fiscal year 2020 and $175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the folk and traditional arts apprenticeship and jobs stimulation program.

(2) $104,000 of the general fund—state appropriation for fiscal year 2020 and $96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the completion and maintenance of the my public art portal project.

((~~(4)~~)) (3) $172,000 of the general fund—state appropriation for fiscal year 2020 and $324,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an arts-integration program that encourages kindergarten readiness in partnership with educational service districts, the office of the superintendent of public instruction, and the department of children, youth, and families.

Sec. 1614. 2020 c 357 s 615 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2020) $3,709,000

General Fund—State Appropriation (FY 2021) ((~~$3,818,000~~))

$3,739,000

Pension Funding Stabilization Account—State

Appropriation $230,000

TOTAL APPROPRIATION ((~~$7,757,000~~))

$7,678,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for general support and operations of the Washington state historical society.

(2) $109,000 of the general fund—state appropriation for fiscal year 2020 and $94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration of the agency's servers to the cloud environment and is subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 1615. 2020 c 357 s 616 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2020) $2,751,000

General Fund—State Appropriation (FY 2021) ((~~$2,841,000~~))

$2,907,000

Pension Funding Stabilization Account—State

Appropriation $214,000

TOTAL APPROPRIATION ((~~$5,806,000~~))

$5,872,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $500,000 of the general fund—state appropriation for fiscal year 2020 and $500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the eastern Washington state historical society.

(2) $67,000 of the general fund—state appropriation for fiscal year 2020 and $30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration to the state data center and is subject to the conditions, limitations, and review provided in section 701 of this act.

PART XVII

SPECIAL APPROPRIATIONS

SUPPLEMENTAL

Sec. 1701. 2020 c 357 s 701 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL

General Fund—State Appropriation (FY 2020) $9,107,000

General Fund—State Appropriation (FY 2021) $12,309,000

General Fund—Federal Appropriation $7,427,000

General Fund—Private/local Appropriation $213,000

Other Appropriated Funds $65,139,000

TOTAL APPROPRIATION $94,195,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Funds in the account are provided solely for the information technology projects shown in LEAP omnibus documents IT-2019, dated April 25, 2019, and IT-2020, dated March 9, 2020, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus documents IT-2019, dated April 25, 2019, and IT-2020, dated March 9, 2020, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. To facilitate transfer of unused moneys originally from other funds and accounts that were deposited into the information technology revolving account as associated with these same projects, and that are not expended by June 30, 2021, the state treasurer is directed to transfer money from other funds and accounts out of the information technology investment revolving account and deposit into the fund or account of origin in accordance with schedules provided by the office of financial management. However, restricted federal funds and qualified employee benefit and pension funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The

projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of financial management and the office of the chief information officer to receive funding from the information technology investment revolving account. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(3) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the state chief information officer and office of financial management. Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the state chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the military department enhanced 911 next generation project and the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

(i) Fund sources;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) A discreet appropriation index and program index;

(iv) Object and subobject codes of expenditures; and

(v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the state chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discreet program index and subobject codes.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight;

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the state chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2019;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the state chief information officer must report on July 1 and December 1 each calendar year, beginning July 1, 2020, any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the state chief information officer must report on July 1 and December 1 each calendar year, beginning July 1, 2020, any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section,

must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The information technology feasibility study of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(15) The learning management system project of the department of enterprise services is subject to the conditions, limitations, and review in this section.

(16) The gambling self-exclusion program project of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(17) The facilities portfolio management tool project of the office of financial management is subject to the conditions, limitations, and review in this section.

(18) The logging and monitoring project of the consolidated technology services agency is subject to the conditions, limitations, and review in this section.

Sec. 1702. 2020 c 357 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State Appropriation (FY 2020) $1,179,075,000

General Fund—State Appropriation (FY 2021) ((~~$1,224,915,000~~))

$1,205,579,000

State Building Construction Account—State

Appropriation ((~~$6,273,000~~))

$7,596,000

Columbia River Basin Water Supply Development

Account—State Appropriation $30,000

Watershed Restoration and Enhancement Bond Account—

State Appropriation $46,000

State Taxable Building Construction Account—State

Appropriation ((~~$277,000~~))

$89,000

Debt-Limit Reimbursable Bond Retirement Account—

State Appropriation $566,000

TOTAL APPROPRIATION ((~~$2,411,182,000~~))

$2,392,981,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

NEW SECTION. **Sec. 1703.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Nondebt-Limit Reimbursable Bond Retirement Account—

State Appropriation $152,528,000

School Construction and Skill Centers Building

Account—State Appropriation $5,000

TOTAL APPROPRIATION $152,533,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the nondebt-limit general fund bond retirement account.

Sec. 1704. 2020 c 357 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State Appropriation (FY 2020) $1,400,000

General Fund—State Appropriation (FY 2021) $1,400,000

State Building Construction Account—State

Appropriation ((~~$1,052,000~~))

$1,730,000

Columbia River Basin Water Supply Development

Account—State Appropriation $6,000

School Construction and Skill Centers Building

Account—State Appropriation $2,000

Watershed Restoration and Enhancement Bond Account—

State Appropriation $9,000

State Taxable Building Construction Account—State

Appropriation ((~~$55,000~~))

$38,000

TOTAL APPROPRIATION ((~~$3,924,000~~))

$4,585,000

Sec. 1705. 2020 c 357 s 704 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2020 or fiscal year 2021, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(1) Gerardo Rodarte Gonzalez, claim number 99970260 $24,385

(2) Edward Bushnell, claim number 99970261 $153,357

(3) Shaun Beveridge, claim number 99970262 $56,514

(4) Brandon Wheeler, claim number 9991001053 $123,464

(5) Johnathan Paine, claim number 9991001583 $22,246

(6) Michael Welsh, claim number 9991001600 $5,000

(7) Douglas Bartlett, claim number 9991001646 $5,500

(8) Brian Minniear, claim number 9991001941 $111,956

(9) Thomas Carey, claim number 9991001917 $122,431

(10) Clayton Nicholas, claim number 9991003704 $15,014

(11) Corey Ellis, claim number 9991003458 $3,830

(12) Sean Tuley, claim number 9991003888 $47,901

(13) Juan Morales Padilla, claim number 9991003289 $3,700

(14) Dillon Standberg, claim number 9991004467 $2,201

(15) Frank Butler, claim number 9991004743 $20,750

Sec. 1706. 2020 c 357 s 706 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2020) $73,000,000

General Fund—State Appropriation (FY 2021) ((~~$75,800,000~~))

$78,800,000

TOTAL APPROPRIATION ((~~$148,800,000~~))

$151,800,000

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2020) $1,545,000

Pension Funding Stabilization Account—State

Appropriation $13,855,000

TOTAL APPROPRIATION $15,400,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2020) $400,000

General Fund—State Appropriation (FY 2021) $400,000

TOTAL APPROPRIATION $800,000

Sec. 1707. 2020 c 357 s 707 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation ((~~$15,532,000~~))

$10,132,000

TOTAL APPROPRIATION ((~~$15,532,000~~))

$10,132,000

The appropriation in this section is subject to the following conditions and limitations: The amount provided in this section is the maximum amount that may be expended. In addition, the office of financial management must reduce the allotment of the amount provided in this section if allotment of the full appropriation will put the account into deficit.

Sec. 1708. 2019 c 415 s 727 (uncodified) is amended to read as follows:

FOR THE HEALTH CARE AUTHORITY—INDIAN HEALTH IMPROVEMENT REINVESTMENT ACCOUNT

General Fund—State Appropriation (FY 2021) ((~~$708,000~~))

$3,104,000

TOTAL APPROPRIATION ((~~$708,000~~))

$3,104,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Indian health improvement reinvestment account created in Senate Bill No. 5415 (Indian health improvement). ((~~If the bill is not enacted by June 30, 2019, the amount provided in this section shall lapse.~~))

NEW SECTION. **Sec. 1709.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—MEDICAID FRAUD PENALTY ACCOUNT**

General Fund—State Appropriation (FY 2021) $1,405,000

TOTAL APPROPRIATION $1,405,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the medicaid fraud penalty account created in RCW 74.09.215.

NEW SECTION. **Sec. 1710.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—BUSINESS AND PROFESSIONS ACCOUNT**

General Fund—State Appropriation (FY 2021) $1,000,000

TOTAL APPROPRIATION $1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the business and professions account created in RCW 43.24.150.

NEW SECTION. **Sec. 1711.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNEMPLOYMENT COMPENSATION FUND**

General Fund—State Appropriation (FY 2021) $82,000,000

TOTAL APPROPRIATION $82,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the unemployment compensation fund created in RCW 50.16.010.

NEW SECTION. **Sec. 1712.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL STABILIZATION TRUST ACCOUNT**

General Fund—State Appropriation (FY 2021) $1,910,000

TOTAL APPROPRIATION $1,910,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the judicial stabilization trust account created in RCW 43.79.505.

NEW SECTION. **Sec. 1713.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CORONAVIRUS LOCAL FISCAL RECOVERY FUND**

General Fund—Federal Appropriation (ARPA) $483,400,000

TOTAL APPROPRIATION $483,400,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for distribution to nonentitlement units of local government pursuant to section 9901, section 603(a)(2), American rescue plan act of 2021, P.L. 117-2.

NEW SECTION. **Sec. 1714.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE STATE TREASURER—STATE REVENUE DISTRIBUTIONS TO CITIES FOR TEMPORARY STREAMLINED SALES TAX MITIGATION IN FISCAL YEAR 2021**

General Fund—State Appropriation (FY 2021) $6,750,000

TOTAL APPROPRIATION $6,750,000

The appropriation in this section is subject to the following conditions and limitations: In order to mitigate local sales tax revenue net losses as a result of the sourcing provisions of the streamlined sales and use tax agreement under Title 82 RCW, the state treasurer must distribute the appropriation in this section to local taxing districts as follows:

(1) Kent $3,612,063

(2) Auburn $1,000,158

(3) Tukwila $882,597

(4) Fife $430,879

(5) Issaquah $285,450

(6) Woodinville $277,094

(7) Sumner $261,647

PART XVIII

OTHER TRANSFERS AND APPROPRIATIONS

SUPPLEMENTAL

Sec. 1801. 2020 c 357 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance

premium distributions ((~~$10,883,000~~))

$10,001,000

General Fund Appropriation for prosecuting attorney

distributions ((~~$7,618,000~~))

$8,165,000

General Fund Appropriation for boating safety and

education distributions ((~~$4,000,000~~))

$3,559,000

General Fund Appropriation for public utility

district excise tax distributions ((~~$65,249,000~~))

$64,274,000

Death Investigations Account Appropriation for

distribution to counties for publicly funded

autopsies ((~~$3,464,000~~))

$3,557,000

Aquatic Lands Enhancement Account Appropriation for

harbor improvement revenue distributions $140,000

Timber Tax Distribution Account Appropriation for

distribution to "timber" counties ((~~$79,337,000~~))

$72,000,000

County Criminal Justice Assistance Appropriation ((~~$103,457,000~~))

$103,000,000

Municipal Criminal Justice Assistance Appropriation ((~~$40,310,000~~))

$41,000,000

City-County Assistance Appropriation ((~~$35,507,000~~))

$43,279,000

Liquor Excise Tax Account Appropriation for liquor

excise tax distribution ((~~$67,362,000~~))

$76,709,000

Streamlined Sales and Use Tax Mitigation Account

Appropriation for distribution to local taxing

jurisdictions to mitigate the unintended

revenue redistributions effect of sourcing law

changes $1,937,000

Columbia River Water Delivery Account Appropriation

for the Confederated Tribes of the Colville

Reservation $8,364,000

Columbia River Water Delivery Account Appropriation

for the Spokane Tribe of Indians $5,728,000

Liquor Revolving Account Appropriation for liquor

profits distribution $98,876,000

General Fund Appropriation for other tax

distributions ((~~$80,000~~))

$98,000

General Fund Appropriation for Marijuana Excise Tax

distributions $30,000,000

General Fund Appropriation for Habitat Conservation

Program distributions ((~~$5,754,000~~))

$4,867,000

General Fund Appropriation for payment in-lieu of

taxes to counties under Department of Fish and

Wildlife program ((~~$4,040,000~~))

$3,830,000

Puget Sound Taxpayer Accountability Account

Appropriation for distribution to counties in

amounts not to exceed actual deposits into the

account and attributable to those counties'

share pursuant to RCW 43.79.520. ((~~If a~~

~~county eligible for distributions under~~

~~RCW 43.79.520 has not adopted a sales~~

~~and use tax under RCW 82.14.460 before~~

~~July 1, 2019, then to prevent these~~

~~distributions from supplanting existing~~

~~local funding for vulnerable~~

~~populations, the distributions are~~

~~subject to the procedural requirements~~

~~in this section. Before the county may~~

~~receive distributions, it must provide~~

~~a final budget for the distributions,~~

~~submit the final budget to the~~

~~department of commerce, and publish the~~

~~final budget on its web site. To~~

~~develop this final budget, under RCW~~

~~36.40.040 the county must develop and~~

~~hold hearings on a preliminary budget~~

~~that is separate from other~~

~~appropriations ordinances or~~

~~resolutions, and it must consult~~

~~stakeholders, including community~~

~~service organizations, and must~~

~~consider input received during this~~

~~process. Before holding a hearing on~~

~~the preliminary budget, the county must~~

~~notify local governments in the county~~

~~that are within the borders of the~~

~~regional transit authority, and~~

~~legislators whose districts are within~~

~~those borders. The county must then adopt a final budget under RCW 36.40.080 for the distributions that is separate from other appropriations ordinances or resolutions. After the county submits its final budget for the distributions to the department of commerce, the department must notify the state treasurer, who may then make the distributions to the county.~~)) ((~~$28,683,000~~)) $16,999,000

TOTAL APPROPRIATION ((~~$607,516,000~~)) $596,383,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1802. 2020 c 357 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, $213,000,000 and this amount for fiscal year 2021, ((~~$213,000,000~~)) $272,000,000 ((~~$426,000,000~~)) $485,000,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, $152,000,000 and this amount for fiscal year 2021, ((~~$152,000,000~~)) $212,000,000 ((~~$304,000,000~~)) $364,000,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, $620,000 for fiscal year 2020 and $640,000 for fiscal year 2021 $1,260,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2020 $90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2021 $90,000,000

General Fund: For transfer to the statewide tourism marketing account, $1,500,000 for fiscal year 2020 and $1,500,000 for fiscal year 2021 $3,000,000

General Fund: For transfer to the streamlined sales and use tax account, for fiscal year 2020 $1,937,000

((~~General Fund: For transfer to the manufacturing and warehousing jobs centers account for fiscal year 2021 $6,727,000~~))

Criminal Justice Treatment Account: For transfer to

the home security fund, for fiscal year 2020 $4,500,000

State Treasurer's Service Account: For transfer to

the state general fund, $8,000,000 for fiscal

year 2020 and $8,000,000 for fiscal year 2021 $16,000,000

((~~Disaster Response Account: For transfer to~~

~~the state general fund, $13,726,000 for~~

~~fiscal year 2021 $13,726,000~~))

General Fund: For transfer to the disaster response

account for fiscal year 2021 $59,540,000

General Fund: For transfer to the fair fund under

RCW 15.76.115, $2,000,000 for fiscal year 2020

and $2,000,000 for fiscal year 2021 $4,000,000

Energy Freedom Account: For transfer to the general

fund, $1,000,000 or as much thereof that

represents the balance in the account for

fiscal year 2020 $1,000,000

Financial Services Regulation Account: For transfer

to the state general fund, $3,500,000 for

fiscal year 2020 and $3,500,000 for fiscal year

2021 $7,000,000

Aquatic Lands Enhancement Account: For transfer to

the geoduck aquaculture research account,

$400,000 for fiscal year 2020 and $400,000 for

fiscal year 2021 $800,000

Public Works Assistance Account: For transfer to the

education legacy trust account, $80,000,000

for fiscal year 2020 and $80,000,000 for fiscal

year 2021 $160,000,000

Model Toxics Control Operating Account: For transfer

to the clean up settlement account as

repayment of the loan provided in section

3022(2), chapter 2, Laws of 2012 2nd sp. sess.

(ESB 6074, 2012 supplemental capital budget),

in an amount not to exceed the actual amount of

the total remaining principal and interest of

the loan, $620,000 for fiscal year 2020 and

$640,000 for fiscal year 2021 $1,260,000

Marine Resources Stewardship Trust Account: For

transfer to the aquatic lands enhancement

account, $160,000 for fiscal year 2020 $160,000

Water Pollution Control Revolving Administration

Account: For transfer to the water pollution

control revolving account, $4,500,000 for

fiscal year 2020 $4,500,000

Oil Spill Response Account: For transfer to the oil

spill prevention account for the military

department to continue assisting local

emergency planning committees statewide with

hazardous materials plans that meet minimum

federal requirements, $520,000 for fiscal year

2020 and $520,000 for fiscal year 2021 $1,040,000

General Fund: For transfer to the sea cucumber dive

fishery account, in an amount not to exceed the

actual amount to correct the cash deficit for

fiscal year 2020 $4,000

General Fund: For transfer to the sea urchin diver

fishery account, in an amount not to exceed the

actual amount to correct the cash deficit for

fiscal year 2020 $1,000

((~~Gambling Revolving Account: For transfer to~~

~~the state general fund as repayment of the loan pursuant to Engrossed~~

~~Substitute House Bill No. 2638 (sports wagering/compacts), $6,000,000 for~~

~~fiscal year 2021 $6,000,000~~))

General Fund: For transfer to the home security

fund, $4,500,000 for fiscal year 2021 $4,500,000

Child Care Facility Revolving Account: For transfer

to the general fund, $1,500,000 for fiscal year

2021 $1,500,000

General Fund: For transfer to the economic

development strategic reserve account,

$1,000,000 for fiscal year 2021 $1,000,000

General Fund: For transfer to the community

preservation and development authority account,

$1,500,000 for fiscal year 2020 $1,500,000

General Fund: For transfer to the Washington rescue

plan transition account created in section 1902

of this act, $1,000,000,000 for fiscal year

2021 $1,000,000,000

General Fund: For transfer to the workforce

education investment account, $45,000,000 for

fiscal year 2021 $45,000,000

School Employees' Insurance Account: For transfer to

the state general fund as repayment of the

loan pursuant to section 704, chapter 299, Laws

of 2018 (operating budget—supplemental),

$24,060,000 for fiscal year 2021 $24,060,000

Budget Stabilization Account: For transfer to the

state general fund for fiscal year 2021 $1,820,374,000

PART XIX

MISCELLANEOUS

SUPPLEMENTAL

NEW SECTION. **Sec. 1901.** A new section is added to chapter 28A.300 RCW to read as follows:

The elementary and secondary school emergency relief III account is created in the state treasury. Revenues attributable to section 2001, the American rescue plan act of 2021, P.L. 117-2 must be deposited into the account. Moneys in the account may be spent only after appropriation.

NEW SECTION. **Sec. 1902.** A new section is added to chapter 43.79 RCW to read as follows:

The Washington rescue plan transition account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues to the account consist of moneys directed by the legislature to the account. Allowable uses of moneys in the account include responding to the impacts of the COVID-

19 pandemic including those related to education, human services, health care, and the economy. In addition, the legislature may appropriate from the account to continue activities begun with, or augmented with, COVID-19 related federal funding.

NEW SECTION. **Sec. 1903.** A new section is added to chapter 43.79 RCW to read as follows:

The coronavirus state fiscal recovery fund is created in the state treasury. Moneys in the account may be spent only after appropriation. All federal moneys received by the state pursuant to the American rescue plan act of 2021, state fiscal recovery fund, P.L. 117-2, subtitle M, section 9901, must be deposited in the account. The legislature may appropriate from the account only for the purposes authorized in that section of the federal act.

Sec. 1904. RCW 43.88.058 and 2018 c 208 s 5 are each amended to read as follows:

For the purposes of this chapter, expenditures for the following foster care, adoption support and related services, and child protective services must be forecasted and budgeted as maintenance level costs:

(1) Behavioral rehabilitation services placements;

(2) Social worker and related staff to receive, refer, and respond to screened-in reports of child abuse or neglect, except in fiscal year 2021;

(3) Court-ordered parent-child and sibling visitations delivered by contractors; and

(4) Those activities currently being treated as maintenance level costs for budgeting or forecasting purposes on June 7, 2018, including, but not limited to: (a) Adoption support and other adoption-related expenses; (b) foster care maintenance payments; (c) child-placing agency management fees; (d) support goods such as clothing vouchers; (e) child aides; and (f) child care for children in foster or relative placements when the caregiver is at work or in school.

Sec. 1905. 2021 c 3 s 3 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE—RENTAL ASSISTANCE AND HOUSING

General Fund—Federal Appropriation $365,000,000

TOTAL APPROPRIATION $365,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $325,000,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to administer an emergency rental and utility assistance program pursuant to P.L. 116-260, the federal consolidated appropriations act. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as account for any funding that jurisdiction, including cities within each county, received directly from the federal government. A provider may use up to 9.5 percent of their grant award for administrative costs and the remainder must be used for financial assistance as defined in P.L. 116-260. The department may retain up to 0.5 percent of the funding provided in this subsection to administer the program.

(2)(a) $30,000,000 of the general fund—federal appropriation (CRF) is provided solely for the department to administer an eviction rental assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider. To be eligible for the program, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. Rental payments made through the program will be provided directly to landlords. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance.

(b) Of the amounts provided in this subsection, $16,000,000 of the general fund—federal appropriation (CRF) is provided solely for local housing providers to subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for

program outreach and assisting community members in applying for assistance under this subsection and subsection (1) of this section.

(3) $4,000,000 of the general fund—federal appropriation (CRF) is provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding must be used for activities to prevent mortgage or tax lien foreclosures, housing counselors, foreclosure prevention hotlines, low-income legal services, mediation, and other activities that promote homeownership. The department may contract with other state agencies to carry out these activities.

(4) $1,500,000 of the general fund—federal appropriation (CRF) is provided solely for a contract with resolution Washington for alternative dispute resolution centers and dispute resolution programs to provide citizens with low-cost resolution as an alternative to litigation. This funding must be prioritized for resolution services relating to evictions.

(5) $1,500,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the office of civil legal aid to provide services relating to evictions, housing, and utilities.

(6) $1,000,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the office of the attorney general for legal work relating to the eviction moratorium extended in the governor's proclamation 20-19.5.

(7)(a) $2,000,000 of the general fund—federal appropriation (CRF) is provided solely for a program to provide grants to eligible landlords who have encountered a significant financial hardship due to loss of rental income from elective nonpayor tenants during the state's eviction moratorium pursuant to the governor's proclamation.

(b) To be eligible for a grant under this subsection, a landlord must:

(i) Apply for a grant or have a property manager or property management company apply for a grant on behalf of a landlord;

(ii) Be the sole investor in the property from which they are seeking rental arrears;

(iii) Be the owner of no more than ((~~four~~)) six dwelling units from which they receive rental payments; and

(iv) ((~~Not contract with a property manager or property management company for duties or activities related to the tenancy or dwelling unit; and~~

~~(v)~~)) Have an elective nonpayor tenant who is in arrears in rent or utilities or both.

(c) Eligible landlords may receive a grant of up to 80 percent of the total amount of rent in arrears. The department must prioritize landlords who have an income at or below 100 percent of the area median income and who demonstrate a loss of rental income, to the extent that funds are available.

(d) The department may inspect the property and the landlord's records related to an application under the program, including the use of a third-party inspector as needed to investigate fraud, to assist in making its application review, and to determine eligibility.

(e) A landlord who receives a grant under this section is prohibited from:

(i) Taking any legal action against the tenant for damages attributable to the same tenancy; or

(ii) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, against the tenant for damages attributable to the same tenancy.

(8) For the purposes of this section, the following definitions apply:

(i) "Dwelling unit" has the meaning defined in RCW 59.18.030.

(ii) "Elective nonpayor" means a tenant who has been determined to not be eligible for the federal or state emergency rental assistance program or has not applied for the federal or state emergency rental assistance program.

(iii) "Landlord" has the meaning defined in RCW 59.18.030.

(iv) "Owner" has the meaning defined in RCW 59.18.030.

(v) "Rent" has the meaning defined in RCW 59.18.030.

(vi) "Tenant" has the meaning defined in RCW 59.18.030.

NEW SECTION. **Sec. 1906.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 1907.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1908.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

and that the bill do pass as recommended by the Conference Committee:

Senators Robinson and Rolfes
Representatives Gregerson and Ormsby

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 5092 and advanced the bill, as recommended by the conference committee, to final passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Ortiz-Self, Walen, J. Johnson, Berg, Rule, Macri, Ryu, Stonier and Gregerson spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives MacEwen, Corry, Walsh, Rude, Chambers, Abbarno, Sutherland and Stokesbary spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5092 as recommended by the conference committee.

MOTION

On motion of Representative Griffey, Representative McEntire was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5092, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 57; Nays: 40; Absent: 0; Excused: 1

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative McEntire

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092, as recommended by the conference committee, having received the constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE SENATE BILL NO. 5092 was immediately transmitted to the Senate.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

CONFERENCE COMMITTEE REPORT

April 24, 2021

Engrossed Third Substitute House Bill No. 1091

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091, reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment S3083.4 be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that rapid innovations in low carbon transportation technologies, including electric vehicles and clean transportation fuels, are at the threshold of widespread commercial deployment. In order to help prompt the use of clean fuels, other states have successfully implemented programs that reduce the carbon intensity of their transportation fuels. California and Oregon have both implemented low carbon fuel standards that are similar to the program created in this act, and both states have experienced biofuel sector growth and have successfully sited large biofuel projects that had originally been planned for Washington. Washington state has extensively studied the potential impact of a clean fuels program, and most projections show that a low carbon fuel standard would decrease greenhouse gas and conventional air pollutant emissions, while positively impacting the state's economy.

(2) The legislature further finds that the health and welfare of the people of the state of Washington is threatened by the prospect of crumbling or swamped coastlines, rising water, and more intense forest fires caused by higher temperatures and related droughts, all of which are intensified and made more frequent by the volume of greenhouse gas emissions. As of 2017, the transportation sector contributes 45 percent of Washington's greenhouse gas emissions, and the legislature's interest in the life cycle of the fuels used in the state arises from a concern for the effects of the production and use of these fuels on Washington's environment and public health, including its air quality, snowpack, and coastline.

(3) Therefore, it is the intent of the legislature to support the deployment of clean transportation fuel technologies through a carefully designed program that reduces the carbon intensity of fuel used in Washington, in order to:

(a) Reduce levels of conventional air pollutants from diesel and gasoline that are harmful to public health;

(b) Reduce greenhouse gas emissions associated with transportation fuels, which are the state's largest source of greenhouse gas emissions; and

(c) Create jobs and spur economic development based on innovative clean fuel technologies.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Carbon dioxide equivalents" has the same meaning as defined in RCW 70A.45.010.

(2) "Carbon intensity" means the quantity of life-cycle greenhouse gas emissions, per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule (gCO2e/MJ).

(3) "Clean fuels program" means the requirements established under this chapter.

(4) "Cost" means an expense connected to the manufacture, distribution, or other aspects of the provision of a transportation fuel product.

(5) "Credit" means a unit of measure generated when a transportation fuel with a carbon intensity that is less than the applicable standard adopted by the department under section 3 of this act is produced, imported, or dispensed for use in Washington, such that one credit is equal to one metric ton of carbon dioxide equivalents. A credit may also be generated through other activities consistent with this chapter.

(6) "Deficit" means a unit of measure generated when a transportation fuel with a carbon intensity that is greater than the applicable standard adopted by the department under section 3 of this act is produced, imported, or dispensed for use in Washington, such that one deficit is equal to one metric ton of carbon dioxide equivalents.

(7) "Department" means the department of ecology.

(8) "Electric utility" means a consumer-owned utility or investor-owned utility, as those terms are defined in RCW 19.29A.010.

(9) "Greenhouse gas" has the same meaning as defined in RCW 70A.45.010.

(10) "Military tactical vehicle" means a motor vehicle owned by the United States department of defense or the United States military services and that is used in combat, combat support, combat service support, tactical or relief

operations, or training for such operations.

(11) "Motor vehicle" has the same meaning as defined in RCW 46.04.320.

(12) "Price" means the amount of payment or compensation provided as consideration for a specified quantity of transportation fuel by a consumer or end user of the transportation fuel.

(13) "Regulated party" means a producer or importer of any amount of a transportation fuel that is ineligible to generate credits under this chapter.

(14)(a) "Tactical support equipment" means equipment using a portable engine, including turbines, that meets military specifications, owned by the United States military services or its allies, and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Tactical support equipment" includes, but is not limited to, engines associated with portable generators, aircraft start carts, heaters, and lighting carts.

(15) "Transportation fuel" means electricity and any liquid or gaseous fuel sold, supplied, offered for sale, or used for the propulsion of a motor vehicle or that is intended for use for transportation purposes.

NEW SECTION. **Sec. 3.** (1) The department shall adopt rules that establish standards that reduce carbon intensity in transportation fuels used in Washington. The standards established by the rules must be based on the carbon intensity of gasoline and gasoline substitutes and the carbon intensity of diesel and diesel substitutes. The standards:

(a) Must reduce the overall, aggregate carbon intensity of transportation fuels used in Washington;

(b) May only require carbon intensity reductions at the aggregate level of all transportation fuels and may not require a reduction in carbon intensity to be achieved by any individual type of transportation fuel;

(c) Must assign a compliance obligation to fuels whose carbon intensity exceeds the standards adopted by the department, consistent with the requirements of section 4 of this act; and

(d) Must assign credits that can be used to satisfy or offset compliance obligations to fuels whose carbon intensity is below the standards adopted by the department and that elect to participate in the program, consistent with the requirements of section 4 of this act.

(2) The clean fuels program adopted by the department must be designed such that:

(a) Regulated parties generate deficits and may reconcile the deficits, and thus comply with the clean fuels program standards for a compliance period, by obtaining and retiring credits;

(b) Regulated parties and credit generators may generate credits for fuels used as substitutes or alternatives for gasoline or diesel;

(c) Regulated parties, credit generators, and credit aggregators shall have opportunities to trade credits; and

(d) Regulated parties shall be allowed to carry over to the next compliance period a small deficit without penalty.

(3) The department shall, throughout a compliance period, regularly monitor the availability of fuels needed for compliance with the clean fuels program.

(4)(a) Under the clean fuels program, the department shall monthly calculate the volume-weighted average price of credits and, no later than the last day of the month immediately following the month for which the calculation is completed, post the formula and the nonaggregated data the department used for the calculation and the results of the calculation on the department's website.

(b) In completing the calculation required by this subsection, the department may exclude from the data set credit transfers without a price or other credit transfers made for a price that falls two standard deviations outside of the mean credit price for the month. Data posted on the department's website under this section may not include any individually identifiable information or information that would constitute a trade secret.

(5)(a) Except as provided in this section, the rules adopted under this section must reduce the greenhouse gas emissions attributable to each unit of the fuels to 20 percent below 2017 levels by 2038 based on the following schedule:

(i) No more than 0.5 percent each year in 2023 and 2024;

(ii) No more than an additional one percent each year beginning in 2025 through 2027;

(iii) No more than an additional 1.5 percent each year beginning in 2028 through 2031; and

(iv) No change in 2032 and 2033.

(b) The rules must establish a start date for the clean fuels program of no later than January 1, 2023, except as provided in subsection (8) of this section.

(6) Beginning with the program year beginning in calendar year 2028, the department may not increase the carbon intensity reductions required by the applicable clean fuels program standard adopted by the department under subsection (5) of this section beyond a 10 percent reduction in carbon intensity until the department demonstrates that the following have occurred:

(a) At least a 15 percent net increase in the volume of in-state liquid biofuel production and the use of feedstocks grown or produced within the state relative to the start of the program; and

(b) At least one new or expanded biofuel production facility representing an increase in production capacity or producing, in total, in excess of 60,000,000 gallons of biofuels per year has or have received after July 1, 2021, all necessary siting, operating, and environmental permits post all timely and applicable appeals. As part of the threshold of 60,000,000 gallons of biofuel under this subsection, at least one new facility producing at least 10,000,000 gallons per year must have received all necessary siting, operating, and environmental permits. Timely and applicable appeals must be determined by the attorney general's office.

(7) Beginning with the program year beginning in calendar year 2031, the department may not increase the carbon intensity reductions required by the applicable clean fuels program standard adopted by the department under subsection (5) of this section beyond a 10 percent reduction in carbon intensity until the:

(a) Joint legislative audit and review committee report required in section 15 of this act has been completed; and

(b) 2033 regular legislative session has adjourned, in order to allow an opportunity for the legislature to amend the requirements of this chapter in light of the report required in (a) of this subsection.

(8)(a) In order to coordinate and synchronize the clean fuels program with other transportation-related investments, the department may not assign compliance obligations or allow the generation of credits under this chapter until a separate additive transportation revenue act becomes law, at which time the department of licensing must provide written notice to the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser.

(b) For the purposes of this subsection, "additive transportation revenue act" means an act enacted after April 1, 2021, in which the state fuel tax under RCW 82.38.030 is increased by an additional and cumulative tax rate of at least five cents per gallon of fuel.

(9) Transportation fuels exported from Washington are not subject to the greenhouse gas emissions reduction requirements in this section.

(10) To the extent the requirements of this chapter conflict with the requirements of chapter 19.112 RCW, the requirements of this chapter prevail.

NEW SECTION. **Sec. 4.** The rules adopted by the department to achieve the greenhouse gas emissions reductions per unit of fuel energy specified in section 3 of this act must include, but are not limited to, the following:

(1) Standards for greenhouse gas emissions attributable to the transportation fuels throughout their life cycles, including but not limited to emissions from the production, storage, transportation, and combustion of transportation fuels and from changes in land use associated with transportation fuels and any permanent greenhouse gas sequestration activities.

(a) The rules adopted by the department under this subsection (1) may:

(i) Include provisions to address the efficiency of a fuel as used in a powertrain as compared to a reference fuel;

(ii) Consider carbon intensity calculations for transportation fuels developed by national laboratories or used by similar programs in other states; and

(iii) Consider changes in land use and any permanent greenhouse gas sequestration activities associated with the production of any type of transportation fuel.

(b) The rules adopted by the department under this subsection (1) must:

(i) Neutrally consider the life-cycle emissions associated with transportation fuels with respect to the political jurisdiction in which the fuels originated and may not discriminate against fuels on the basis of having originated in another state or jurisdiction. Nothing in this subsection may be construed to prohibit inclusion or assessment of emissions related to fuel production, storage, transportation, or combustion or associated changes in land use in determining the carbon intensity of a fuel;

(ii) Measure greenhouse gas emissions associated with electricity and hydrogen based on a mix of generation resources specific to each electric utility participating in the clean fuels program. The department may apply an asset-controlling supplier emission factor certified or approved by a similar program to reduce the greenhouse gas emissions associated with transportation fuels in another state;

(iii) Include mechanisms for certifying electricity that has a carbon intensity of zero. This electricity must include, at minimum, electricity:

(A) For which a renewable energy credit or other environmental attribute has been retired or used; and

(B) Produced using a zero emission resource including, but not limited to, solar, wind, geothermal, or the industrial combustion of biomass consistent with RCW 70A.45.020(3), that is directly supplied as a transportation fuel by the generator of the electricity to a metered customer for electric vehicle charging or refueling;

(iv) Allow the generation of credits associated with electricity with a carbon intensity lower than that of standard adopted by the department. The department may not require electricity to have a carbon intensity of zero in order to be eligible to generate credits from use as a transportation fuel; and

(v) Include procedures for setting and adjusting the amounts of greenhouse gas emissions per unit of fuel energy that is assigned to transportation fuels under this subsection.

(c) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with transportation fuels, the department may require transportation fuel suppliers to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the greenhouse gas emissions data reported under RCW 70A.15.2200(5)(a)(iii).

(d) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with electricity supplied to retail customers or hydrogen production facilities by an electric utility, the department may require electric utilities participating in the clean fuels program to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the fuel mix disclosure information submitted under chapter 19.29A RCW. To the extent practicable, rules adopted by the department may allow data requested of utilities to be submitted in a form and manner consistent with other required state or federal data submissions;

(2) Provisions allowing for the achievement of limits on the greenhouse gas emissions intensity of transportation fuels in section 3 of this act to be achieved by any combination of credit generating activities capable of meeting such standards. Where such provisions would not produce results counter to the emission reduction goals of the program or prove administratively burdensome for the department, the rules should provide each participant in the clean fuels program with the opportunity to demonstrate appropriate carbon

intensity values taking into account both emissions from production facilities and elsewhere in the production cycle, including changes in land use and permanent greenhouse gas sequestration activities;

(3)(a) Methods for assigning compliance obligations and methods for tracking tradable credits. The department may assign the generation of a credit when a fuel with associated life-cycle greenhouse gas emissions that are lower than the applicable per-unit standard adopted by the department under section 3 of this act is produced, imported, or dispensed for use in Washington, or when specified activities are undertaken that support the reduction of greenhouse gas emissions associated with transportation in Washington;

(b) Mechanisms that allow credits to be traded and to be banked for future compliance periods; and

(c) Procedures for verifying the validity of credits and deficits generated under the clean fuels program;

(4) Mechanisms to elect to participate in the clean fuels program for persons associated with the supply chains of transportation fuels that are eligible to generate credits consistent with subsection (3) of this section, including producers, importers, distributors, users, or retailers of such fuels, and electric vehicle manufacturers;

(5) Mechanisms for persons associated with the supply chains of transportation fuels that are used for purposes that are exempt from the clean fuels program compliance obligations including, but not limited to, fuels used by aircraft, vessels, railroad locomotives, and other exempt fuels specified in section 5 of this act, to elect to participate in the clean fuels program by earning credits for the production, import, distribution, use, or retail of exempt fuels with associated life-cycle greenhouse gas emissions lower than the per-unit standard established in section 3 of this act;

(6) Mechanisms that allow for the assignment of credits to an electric utility for electricity used within its utility service area, at minimum, for residential electric vehicle charging or fueling;

(7) Cost containment mechanisms.

(a) Cost containment mechanisms must include the credit clearance market specified in subsection (8) of this section and may also include, but are not limited to:

(i) Procedures similar to the credit clearance market required in subsection (8) of this section that provide a means of compliance with the clean fuels program requirements in the event that a regulated person has not been able to acquire sufficient volumes of credits at the end of a compliance period; or

(ii) Similar procedures that ensure that credit prices do not significantly exceed credit prices in other jurisdictions that have adopted similar programs to reduce the carbon intensity of transportation fuels.

(b) Any cost containment mechanisms must be designed to provide financial disincentive for regulated persons to rely on the cost containment mechanism for purposes of program compliance instead of seeking to generate or acquire sufficient credits under the program.

(c) The department shall harmonize the program's cost containment mechanisms with the cost containment rules in the states specified in section 7(1) of this act.

(d) The department shall consider mechanisms such as the establishment of a credit price cap or other alternative cost containment measures if deemed necessary to harmonize market credit costs with those in the states specified in section 7(1) of this act;

(8)(a)(i) A credit clearance market for any compliance period in which at least one regulated party reports that the regulated party has a net deficit balance at the end of the compliance period, after retirement of all credits held by the regulated party, that is greater than a small deficit. A regulated party described by this subsection is required to participate in the credit clearance market.

(ii) If a regulated party has a small deficit at the end of a compliance period, the regulated party shall notify the department that it will achieve compliance with the clean fuels program during the compliance period by either: (A) Participating in a credit clearance market; or (B) carrying forward the small deficit.

(b) For the purposes of administering a credit clearance market required by this section, the department shall:

(i) Allow any regulated party, credit generator, or credit aggregator that holds excess credits at the end of the compliance period to voluntarily participate in the credit clearance market as a seller by pledging a specified number of credits for sale in the market;

(ii) Require each regulated party participating in the credit clearance market as purchaser of credits to:

(A) Have retired all credits in the regulated party's possession prior to participating in the credit clearance market; and

(B) Purchase the specified number of the total pledged credits that the department has determined are that regulated party's pro rata share of the pledged credits;

(iii) Require all sellers to:

(A) Agree to sell pledged credits at a price no higher than a maximum price for credits;

(B) Accept all offers to purchase pledged credits at the maximum price for credits; and

(C) Agree to withhold any pledged credits from sale in any transaction outside of the credit clearance market until the end of the credit clearance market, or if no credit clearance market is held in a given year, then until the date on which the department announces it will not be held.

(c)(i) The department shall set a maximum price for credits in a credit clearance market, consistent with states that have adopted similar clean fuels programs, not to exceed $200 in 2018 dollars for 2023.

(ii) For 2024 and subsequent years, the maximum price may exceed $200 in 2018 dollars, but only to the extent that a greater maximum price for credits is necessary to annually adjust for inflation, beginning on January 1, 2024, pursuant to the increase, if any, from the preceding calendar year in the consumer price index for all urban consumers, west region (all items), as published by the bureau of labor statistics of the United States department of labor.

(d) A regulated party that has a net deficit balance after the close of a credit clearance market:

(i) Must carry over the remaining deficits into the next compliance period; and

(ii) May not be subject to interest greater than five percent, penalties, or assertions of noncompliance that accrue based on the carryover of deficits under this subsection.

(e) If a regulated party has been required under (a) of this subsection to participate as a purchaser in two consecutive credit clearance markets and continues to have a net deficit balance after the close of the second consecutive credit clearance market, the department shall complete, no later than two months after the close of the second credit clearance market, an analysis of the root cause of an inability of the regulated party to retire the remaining deficits. The department may recommend and implement any remedy that the department determines is necessary to address the root cause identified in the analysis including, but not limited to, issuing a deferral, provided that the remedy implemented does not:

(i) Require a regulated party to purchase credits for an amount that exceeds the maximum price for credits in the most recent credit clearance market; or

(ii) Compel a person to sell credits.

(f) If credits sold in a credit clearance market are subsequently invalidated as a result of fraud or any other form of noncompliance on the part of the generator of the credit, the department may not pursue civil penalties against, or require credit replacement by, the regulated party that purchased the credits unless the regulated party was a party to the fraud or other form of noncompliance.

(g) The department may not disclose the deficit balances or pro rata share purchase requirements of a regulated party that participates in the credit clearance market;

(9) Authority for the department to designate an entity to aggregate and use unclaimed credits associated with persons that elect not to participate in the clean fuels program under subsection (4) of this section.

NEW SECTION. **Sec. 5.** (1) The rules adopted under sections 3 and 4 of this act must include exemptions for, at minimum, the following transportation fuels:

(a) Fuels used in volumes below thresholds adopted by the department;

(b) Fuels used for the propulsion of all aircraft, vessels, and railroad locomotives; and

(c) Fuels used for the operation of military tactical vehicles and tactical support equipment.

(2)(a) The rules adopted under sections 3 and 4 of this act must exempt the following transportation fuels from greenhouse gas emission intensity reduction requirements until January 1, 2028:

(i) Special fuel used off-road in vehicles used primarily to transport logs;

(ii) Dyed special fuel used in vehicles that are not designed primarily to transport persons or property, that are not designed to be primarily operated on highways, and that are used primarily for construction work including, but not limited to, mining and timber harvest operations; and

(iii) Dyed special fuel used for agricultural purposes exempt from chapter 82.38 RCW.

(b) Prior to January 1, 2028, fuels identified in this subsection (2) are eligible to generate credits, consistent with subsection (5) of this section. Beginning January 1, 2028, the fuels identified in this subsection (2) are subject to the greenhouse gas emission intensity reduction requirements applicable to transportation fuels specified in section 3 of this act.

(3) The department may adopt rules to specify the standards for persons to qualify for the exemptions provided in this section. The department may implement the exemptions under subsection (2) of this section to align with the implementation of exemptions for similar fuels exempt from chapter 82.38 RCW.

(4) The rules adopted under sections 3 and 4 of this act may include exemptions in addition to those described in subsections (1) and (2) of this section, but only if such exemptions are necessary, with respect to the relationship between the program and similar greenhouse gas emissions requirements or low carbon fuel standards, in order to avoid:

(a) Mismatched incentives across programs;

(b) Fuel shifting between markets; or

(c) Other results that are counter to the intent of this chapter.

(5) Nothing in this chapter precludes the department from adopting rules under sections 3 and 4 of this act that allow the generation of credits associated with electric or alternative transportation infrastructure that existed prior to the effective date of this section or to the start date of program requirements. The department must apply the same baseline years to credits associated with electric or alternative transportation infrastructure that apply to gasoline and diesel liquid fuels in any market-based program enacted by the legislature that establishes a cap on greenhouse gas emissions.

NEW SECTION. **Sec. 6.** (1) The rules adopted under sections 3 and 4 of this act may allow the generation of credits from activities that support the reduction of greenhouse gas emissions associated with transportation in Washington, including but not limited to:

(a) Carbon capture and sequestration projects, including but not limited to:

(i) Innovative crude oil production projects that include carbon capture and sequestration;

(ii) Project-based refinery greenhouse gas mitigation including, but not limited to, process improvements, renewable hydrogen use, and carbon capture and sequestration; or

(iii) Direct air capture projects;

(b) Investments and activities that support deployment of machinery and equipment used to produce gaseous and liquid fuels from nonfossil feedstocks, and derivatives thereof;

(c) The fueling of battery or fuel cell electric vehicles by a commercial, nonprofit, or public entity that is not an electric utility, which may include, but is not limited to, the fueling of vehicles using electricity certified by the department to have a carbon intensity of zero; and

(d) The use of smart vehicle charging technology that results in the fueling of an electric vehicle during times when the carbon intensity of grid electricity is comparatively low.

(2)(a) The rules adopted under sections 3 and 4 of this act must allow the generation of credits based on capacity for zero emission vehicle refueling infrastructure, including DC fast charging infrastructure and hydrogen refueling infrastructure.

(b) The rules adopted under sections 3 and 4 of this act may allow the generation of credits from the provision of low carbon fuel infrastructure not specified in (a) of this subsection.

(3) The rules adopted under sections 3 and 4 of this act must allow the generation of credits from state transportation investments funded in an omnibus transportation appropriations act for activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector. These include, but are not limited to: (a) Electrical grid and hydrogen fueling infrastructure investments; (b) ferry operating and capital investments; (c) electrification of the state ferry fleet; (d) alternative fuel vehicle rebate programs; (e) transit grants; (f) infrastructure and other costs associated with the adoption of alternative fuel use by transit agencies; (g) bike and pedestrian grant programs and other activities; (h) complete streets and safe walking grants and allocations; (i) rail funding; and (j) multimodal investments.

(4) The rules adopted by the department may establish limits for the number of credits that may be earned each year by persons participating in the program for some or all of the activities specified in subsections (1) and (2) of this section. The department must limit the number of credits that may be earned each year under subsection (3) of this section to 10 percent of the total program credits. Any limits established under this subsection must take into consideration the return on investment required in order for an activity specified in subsection (2) of this section to be financially viable.

NEW SECTION. **Sec. 7.** (1) Except where otherwise provided in this chapter, the department shall seek to adopt rules that are harmonized with the regulatory standards, exemptions, reporting obligations, and other clean fuels program compliance requirements and methods for credit generation of other states that:

(a) Have adopted low carbon fuel standards or similar greenhouse gas emissions requirements applicable specifically to transportation fuels; and

(b)(i) Supply, or have the potential to supply, significant quantities of transportation fuel to Washington markets; or

(ii) To which Washington supplies, or has the potential to supply, significant quantities of transportation fuel.

(2) The department must establish and periodically consult a stakeholder advisory panel, including representatives of forestland and agricultural landowners, for purposes of soliciting input on how to best incentivize and allot credits for the sequestration of greenhouse gases through activities on agricultural and forestlands in a manner that is consistent with the goals and requirements of this chapter.

(3) The department must conduct a biennial review of innovative technologies and pathways that reduce carbon and increase credit generation opportunities and must modify rules or guidance as needed to maintain stable credit markets.

(4) In any reports to the legislature under section 10 of this act, on the department's website, or in other public documents or communications that refer to assumed public health benefits associated with the program created in this chapter, the department must distinguish between public health benefits from small particulate matter and other conventional pollutant reductions achieved primarily as a result of vehicle emission standards established under chapter 70A.30 RCW, and the incremental benefits to air pollution attributable to the program created under this chapter.

NEW SECTION. **Sec. 8.** (1)(a) Each producer or importer of any amount of a transportation fuel that is ineligible to generate credits consistent with the requirements of section 4(3) of this act must register with the department.

(b) Electric vehicle manufacturers and producers, importers, distributors, users, and retailers of transportation fuels that are eligible to generate credits consistent with section 4(3) of this act must register with the department if they elect to participate in the clean fuels program.

(c) Other persons must register with the department to generate credits from other activities that support the reduction of greenhouse gas emissions associated with transportation in Washington.

(2) Each transaction transferring ownership of transportation fuels for which clean fuels program participation is mandated must be accompanied by documentation, in a format approved by the department, that assigns the clean fuels program compliance responsibility associated with the fuels, including the assignment of associated credits. The department may also require documentation assigning clean fuels program compliance responsibility associated with fuels for which program participation has been elected.

(3) The department may adopt rules requiring the periodic reporting of information to the department by persons associated with the supply chains of transportation fuels participating in the clean fuels program. To the extent practicable, the rules must establish reporting procedures and timelines that are consistent with similar programs in other states that reduce the greenhouse gas emission intensity of transportation fuel and with procedures and timelines of state programs requiring similar information to be reported by regulated parties, including electric utilities.

(4) RCW 70A.15.2510 applies to records or information submitted to the department under this chapter.

NEW SECTION. **Sec. 9.** (1)(a) Fifty percent of the revenues generated by an electric utility from credits earned from the electricity supplied to retail customers by an electric utility under the clean fuels program must be expended by the electric utility on transportation electrification projects, which may include projects to support the production and provision of hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as a transportation fuel.

(b) Sixty percent of the revenues described in (a) of this subsection, or 30 percent of the revenues generated by an electric utility from credits earned from the electricity supplied to retail customers by an electric utility under the clean fuels program, must be expended by the electric utility on transportation electrification projects, which may include projects to support the production and provision of hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as a transportation fuel, located within or directly benefiting a federally designated nonattainment or maintenance area, a federally designated nonattainment or maintenance area that existed as of January 1, 2021, a disproportionately impacted community identified by the department of health, or an area designated by the department as being at risk of nonattainment, if such a nonattainment or maintenance area or disproportionately impacted community is within the service area of the utility.

(2)(a) Each electric utility must spend 50 percent of revenues not subject to the requirements of subsection (1) of this section on one or more transportation electrification programs or projects it selects from a list of types of programs and projects jointly developed by the department and the Washington state department of transportation. The department and the Washington state department of transportation must develop the list based on those with the highest impact on reducing greenhouse gas emissions and decarbonizing the transportation sector. The types of transportation electrification projects or programs placed on the list must include, but are not limited to:

(i) Provision of new or used zero emissions vehicles at no cost or at a discount to nonprofit service providers, transit agencies, or public fleets for the purpose of providing transportation services for low-income or vulnerable populations or to reduce transportation costs for the nonprofits, transit agencies, or public fleets serving low-income or vulnerable populations;

(ii) Construction, operation, or maintenance of, or funding for charging infrastructure, including smart charging infrastructure, or hydrogen fueling infrastructure;

(iii) Expanding grid capacity to enable transportation electrification investments directly associated with expenditures permitted by this chapter; and

(iv) Partnership programs with public and private vehicle fleet owners to enable increased electrification of transportation.

(b) Under (a) of this subsection, electric utilities should consider programs or projects that expand low and moderate-income customer access to zero emissions transportation, when prioritizing program expenditures.

(3) Electric utilities that participate in the clean fuels program must annually provide information to the department accounting for and briefly describing all expenditures of revenues generated from credits earned under the clean fuels program.

NEW SECTION. **Sec. 10.** (1) Beginning May 1, 2025, and each May 1st thereafter, the department must post a report on the department's website that includes the following information regarding the previous calendar year of clean fuels program activities:

(a) The program-wide number of credits and deficits generated by entities participating in the clean fuels program;

(b) The volumes of each transportation fuel and average price per credit used to comply with the requirements of the clean fuels program;

(c) The best estimate or range in probable costs or cost savings attributable to the clean fuels program per gallon of gasoline and per gallon of diesel, as determined by an independent consultant whose services the department has contracted. The estimate or range in probable costs or cost savings from the independent consultant must be announced in a press release to the news media at the time that the report under this subsection (1) is posted to the department's website, and must be simultaneously reported to the transportation committees of the house of representatives and the senate;

(d) The total greenhouse gas emissions reductions attributable to the clean fuels program isolated from the greenhouse gas emissions reductions attributable to other state and national programs on the same fuels; and

(e) The range in the probable cost per ton of greenhouse gas emissions reductions attributable to fuels supported by the clean fuels program, taking into account the information in (c) and (d) of this subsection.

(2) Nothing in this section prohibits the department from posting information described in subsection (1) of this section on a more frequent basis than once per year.

(3) By May 1, 2025, and each May 1st thereafter, the department must submit the report required under subsection (1) of this section to the appropriate committees of the house of representatives and senate.

(4) The department must contract for a one-time ex ante independent analysis of the information specified in subsection (1)(c) of this section covering each year of the program through 2038. The analysis must be informed by input from stakeholders, including regulated industries, and informed by experience from other jurisdictions. The analysis must impute price impacts using multiple analytical methodologies and must make clear how the assumptions or factors considered differed in each methodology used and price impact imputed. The analysis required in this subsection must be completed and submitted to the appropriate committees of the legislature by July 1, 2022.

NEW SECTION. **Sec. 11.** (1) In consultation with the department, the utilities and transportation commission, and the department of agriculture, the department of commerce must develop a periodic fuel supply forecast to project the availability of fuels to Washington necessary for compliance with clean fuels program requirements.

(2) Based upon the estimates in subsection (3) of this section, the fuel supply forecast must include a prediction by the department of commerce regarding whether sufficient credits will be available to comply with clean fuels program requirements.

(3) The fuel supply forecast for each upcoming compliance period must include, but is not limited to, the following:

(a) An estimate of the potential volumes of gasoline, gasoline substitutes, and gasoline alternatives, and diesel, diesel substitutes, and diesel alternatives available to

Washington. In developing this estimate, the department of commerce must consider, but is not limited to considering:

(i) The existing and future vehicle fleet in Washington; and

(ii) Any constraints that might be preventing access to available and cost-effective low carbon fuels by Washington, such as geographic and logistical factors, and alleviating factors to the constraints;

(b) An estimate of the total banked credits and carried over deficits held by regulated parties, credit generators, and credit aggregators at the beginning of the compliance period, and an estimate of the total credits attributable to fuels described in (a) of this subsection;

(c) An estimate of the number of credits needed to meet the applicable clean fuels program requirements during the forecasted compliance period; and

(d) A comparison in the estimates of (a) and (b) of this subsection with the estimate in (c) of this subsection, for the purpose of indicating the availability of fuels and banked credits needed for compliance with the requirements of this chapter.

(4) The department of commerce, in coordination with the department, may appoint a forecast review team of relevant experts to participate in the fuel supply forecast or examination of data required by this section. The department of commerce must finalize a fuel supply forecast for an upcoming compliance period by no later than 90 days prior to the start of the compliance period.

NEW SECTION. **Sec. 12.** (1) No later than 30 calendar days before the commencement of a compliance period, the department shall issue an order declaring a forecast deferral if the fuel supply forecast under section 11 of this act projects that the amount of credits that will be available during the forecast compliance period will be less than 100 percent of the credits projected to be necessary for regulated parties to comply with the scheduled applicable clean fuels program standard adopted by the department for the forecast compliance period.

(2) An order declaring a forecast deferral under this section must set forth:

(a) The duration of the forecast deferral;

(b) The types of fuel to which the forecast deferral applies; and

(c) Which of the following methods the department has selected for deferring compliance with the scheduled applicable clean fuels program standard during the forecast deferral:

(i) Temporarily adjusting the scheduled applicable clean fuels program standard to a standard identified in the order that better reflects the forecast availability of credits during the forecast compliance period and requiring regulated parties to comply with the temporary standard;

(ii) Requiring regulated parties to comply only with the clean fuels program standard applicable during the compliance period prior to the forecast compliance period; or

(iii) Suspending deficit accrual for part or all of the forecast deferral period.

(3)(a) In implementing a forecast deferral, the department may take an action for deferring compliance with the clean fuels program standard other than, or in addition to, selecting a method under subsection (2)(c) of this section only if the department determines that none of the methods under subsection (2)(c) of this section will provide a sufficient mechanism for containing the costs of compliance with the clean fuels program standards during the forecast deferral.

(b) If the department makes the determination specified in (a) of this subsection, the department shall:

(i) Include in the order declaring a forecast deferral the determination and the action to be taken; and

(ii) Provide written notification and justification of the determination and the action to:

(A) The governor;

(B) The president of the senate;

(C) The speaker of the house of representatives;

(D) The majority and minority leaders of the senate; and

(E) The majority and minority leaders of the house of representatives.

(4) The duration of a forecast deferral may not be less than one calendar quarter or longer than one compliance period. Only the department may terminate, by order, a forecast deferral before the expiration date of the forecast deferral. Termination of a forecast deferral is effective on the first day of the next calendar quarter after the date that the order declaring the termination is adopted.

NEW SECTION. **Sec. 13.** (1) The director of the department may issue an order declaring an emergency deferral of compliance with the carbon intensity standard established under section 3 of this act no later than 15 calendar days after the date the department determines, in consultation with the governor's office and the department of commerce, that:

(a) Extreme and unusual circumstances exist that prevent the distribution of an adequate supply of renewable fuels needed for regulated parties to comply with the clean fuels program taking into consideration all available methods of obtaining sufficient credits to comply with the standard;

(b) The extreme and unusual circumstances are the result of a natural disaster, an act of God, a significant supply chain disruption or production facility equipment failure, or another event that could not reasonably have been foreseen or prevented and not the lack of prudent planning on the part of the suppliers of the fuels to the state; and

(c) It is in the public interest to grant the deferral such as when a deferral is necessary to meet projected temporary shortfalls in the supply of the renewable fuel in the state and that other methods of obtaining compliance credits are unavailable to compensate for the shortage of renewable fuel supply.

(2) If the director of the department makes the determination required under subsection (1) of this section, such a temporary extreme and unusual deferral is permitted only if:

(a) The deferral applies only for the shortest time necessary to address the extreme and unusual circumstances;

(b) The deferral is effective for the shortest practicable time period the director of the department determines necessary to permit the correction of the extreme and unusual circumstances; and

(c) The director has given public notice of a proposed deferral.

(3) An order declaring an emergency deferral under this section must set forth:

(a) The duration of the emergency deferral;

(b) The types of fuel to which the emergency deferral applies;

(c) Which of the following methods the department has selected for deferring compliance with the clean fuels program during the emergency deferral:

(i) Temporarily adjusting the scheduled applicable carbon intensity standard to a standard identified in the order that better reflects the availability of credits during the emergency deferral and requiring regulated parties to comply with the temporary standard;

(ii) Allowing for the carryover of deficits accrued during the emergency deferral into the next compliance period without penalty; or

(iii) Suspending deficit accrual during the emergency deferral period.

(4) An emergency deferral may be terminated prior to the expiration date of the emergency deferral if new information becomes available indicating that the shortage that provided the basis for the emergency deferral has ended. The director of the department shall consult with the department of commerce and the governor's office in making an early termination decision. Termination of an emergency deferral is effective 15 calendar days after the date that the order declaring the termination is adopted.

(5)(a) In addition to the emergency deferral specified in subsection (1) of this section, the department may issue a full or partial deferral for one calendar quarter of a person's obligation to furnish credits for compliance under section 4 of this act if it finds that the person is unable to comply with the requirements of this chapter due to reasons beyond the person's reasonable control. The department may initiate a

deferral under this subsection at its own discretion or at the request of a person regulated under this chapter. The department may renew issued deferrals. In evaluating whether to issue a deferral under this subsection, the department may consider the results of the fuel supply forecast in section 11 of this act, but is not bound in its decision-making discretion by the results of the forecast.

(b) If the department issues a deferral pursuant to this subsection, the department may:

(i) Direct the person subject to the deferral to file a progress report on achieving full compliance with the requirements of this chapter within an amount of time determined to be reasonable by the department; and

(ii) Direct the person to take specific actions to achieve full compliance with the requirements of this chapter.

(c) The issuance of a deferral under this subsection does not permanently relieve the deferral recipient of the obligation to comply with the requirements of this chapter.

NEW SECTION. **Sec. 14.** (1) The department may require that persons that are required or elect to register or report under this chapter pay a fee. If the department elects to require program participants to pay a fee, the department must, after an opportunity for public review and comment, adopt rules to establish a process to determine the payment schedule and the amount of the fee charged. The amount of the fee must be set so as to equal but not exceed the projected direct and indirect costs to the department for developing and implementing the program and the projected direct and indirect costs to the department of commerce to carry out its responsibilities under section 11 of this act. The department and the department of commerce must prepare a biennial workload analysis and provide an opportunity for public review of and comment on the workload analysis. The department shall enter into an interagency agreement with the department of commerce to implement this section.

(2) The clean fuels program account is created in the state treasury. All receipts from fees and penalties received under the program created in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. The department may only use expenditures from the account for carrying out the program created in this chapter.

(3) All rule making authorized under this act must be conducted according to the standards for significant legislative rules provided in RCW 34.05.328.

NEW SECTION. **Sec. 15.** (1) By December 1, 2030, the joint legislative audit and review committee must analyze the impacts of the initial five years of clean fuels program implementation and must submit a report summarizing the analysis to the legislature. The analysis must include, at minimum, the following components:

(a) Costs and benefits, including environmental and public health costs and benefits, associated with this chapter for categories of persons participating in the clean fuels program or that are most impacted by air pollution, as defined in consultation with the departments of ecology and health and as measured on a census tract scale. This component of the analysis must, at minimum, assess the costs and benefits of changes in the following metrics since the start of the program:

(i) Levels of greenhouse gas emissions and criteria air pollutants for which the United States environmental protection agency has established national ambient air quality standards;

(ii) Fuel prices; and

(iii) Total employment in categories of industries generating credits or deficits. The categories of industries assessed must include but are not limited to electric utilities, oil refineries, and other industries involved in the production of high carbon fuels, industries involved in the delivery and sale of high carbon fuels, biofuel refineries, and industries involved in the delivery and sale of low carbon fuels;

(b) An evaluation of the information calculated and provided by the department under section 10(1) of this act;

(c) A summary of the estimated total statewide costs and benefits attributable to the clean fuels program, including state agency administrative costs and regulated entity compliance

costs. For purposes of calculating the benefits of the program, the summary may rely, in part, on a constant value of the social costs attributable to greenhouse gas emissions, as identified in contemporary internationally accepted estimates of such global social cost. This summary must include an estimate of the total statewide costs of the program per ton of greenhouse gas emissions reductions achieved by the clean fuels program;

(d) An evaluation of the impacts of the program on low-income households; and

(e) The outcomes of proposals to site biofuel facilities through the energy facility site evaluation council review process that is allowed by RCW 80.50.060(2).

(2) This section expires June 30, 2030.

NEW SECTION. **Sec. 16.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received from the generation, purchase, sale, transfer, or retirement of credits under chapter 70A.--- RCW (the new chapter created in section 29 of this act).

(2) The provisions of RCW 82.32.805 and 82.32.808 do not apply to subsection (1) of this section.

Sec. 17. RCW 80.50.020 and 2010 c 152 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative energy resource" includes energy facilities of the following types: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; or (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(2) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(3) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(4) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid. However, common carrier railroads or motor vehicles shall not be included.

(5) "Biofuel" ((~~has the same meaning as defined in RCW 43.325.010~~)) means a liquid or gaseous fuel derived from organic matter intended for use as a transportation fuel including, but not limited to, biodiesel, renewable diesel, ethanol, renewable natural gas, and renewable propane.

(6) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(7) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(8) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(9) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(10) "Electrical transmission facilities" means electrical power lines and related equipment.

(11) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(12) "Energy plant" means the following facilities together with their associated facilities:

(a) Any nuclear power facility where the primary purpose is to produce and sell electricity;

(b) Any nonnuclear stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more suspended on the surface of water by means of a barge, vessel, or other floating platform;

(c) Facilities which will have the capacity to receive liquefied natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(d) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(e) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; ((~~and~~))

(f) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum or biofuel into refined products except where such biofuel production is undertaken at existing industrial facilities; and

(g) Facilities capable of producing more than one thousand five hundred barrels per day of refined biofuel but less than twenty-five thousand barrels of refined biofuel.

(13) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(14) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by chapter 325, Laws of 2007.

(15) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(16) "Preapplicant" means a person considering applying for a site certificate agreement for any transmission facility.

(17) "Preapplication process" means the process which is initiated by written correspondence from the preapplicant to the council, and includes the process adopted by the council for consulting with the preapplicant and with cities, towns, and counties prior to accepting applications for all transmission facilities.

(18) "Secretary" means the secretary of the United States department of energy.

(19) "Site" means any proposed or approved location of an energy facility, alternative energy resource, or electrical transmission facility.

(20) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel for distribution of electricity by electric utilities.

(21) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal power commission.

(22) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by chapter 325, Laws of 2007.

Sec. 18. RCW 80.50.060 and 2007 c 325 s 2 are each amended to read as follows:

(1) ((~~The~~)) Except for biofuel refineries specified in RCW 80.50.020(12)(g), the provisions of this chapter apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 ((~~(7)~~)) (12) and ((~~(15)~~)) (21). No construction of such energy facilities may be undertaken, except as otherwise provided in this chapter, after July 15, 1977, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing biofuel refinery specified in RCW 80.50.020(12)(g) or a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.

(3)(a) The provisions of this chapter apply to the construction, reconstruction, or modification of electrical transmission facilities when:

(i) The facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045;

(ii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage of at least one hundred fifteen thousand volts and are located in a completely new corridor, except for the terminus of the new facility or interconnection of the new facility with the existing grid, and the corridor is not otherwise used for electrical transmission facilities; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances; or

(iii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage in excess of one hundred fifteen thousand volts; and (B) located outside an electrical transmission corridor identified in (a)(i) and (ii) of this subsection (3).

(b) For the purposes of this subsection, "modify" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

(4) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 ((~~(7)~~)) (12) and ((~~(15)~~)) (21).

(5) Applications for certification of energy facilities made prior to July 15, 1977, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977, with the exceptions of RCW 80.50.190 and 80.50.071 which shall apply to such prior applications and to site

certifications prospectively from July 15, 1977.

(6) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

Sec. 19. RCW 46.17.365 and 2015 3rd sp.s. c 44 s 202 are each amended to read as follows:

(1) A person applying for a motor vehicle registration and paying the vehicle license fee required in RCW 46.17.350(1) (a), (d), (e), (h), (j), (n), and (o) shall pay a motor vehicle weight fee in addition to all other fees and taxes required by law.

(a) For vehicle registrations that are due or become due before July 1, 2016, the motor vehicle weight fee:

(i) Must be based on the motor vehicle scale weight;

(ii) Is the difference determined by subtracting the vehicle license fee required in RCW 46.17.350 from the license fee in Schedule B of RCW 46.17.355, plus two dollars; and

(iii) Must be distributed under RCW 46.68.415.

(b) For vehicle registrations that are due or become due on or after July 1, 2016, the motor vehicle weight fee:

(i) Must be based on the motor vehicle scale weight as follows:

WEIGHT	FEE
4,000 pounds	$ 25.00
6,000 pounds	$ 45.00
8,000 pounds	$ 65.00
16,000 pounds and over	$ 72.00;

(ii) If the resultant motor vehicle scale weight is not listed in the table provided in (b)(i) of this subsection, must be increased to the next highest weight; and

(iii) Must be distributed under RCW 46.68.415 unless prior to July 1, 2023, the actions described in (b)(iii)(A) or (B) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in this subsection must be distributed to the connecting Washington account created under RCW 46.68.395.

(A) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(B) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(C) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(2) A person applying for a motor home vehicle registration shall, in lieu of the motor vehicle weight fee required in subsection (1) of this section, pay a motor home vehicle weight fee of seventy-five dollars in addition to all other fees and taxes required by law. The motor home vehicle weight fee must be distributed under RCW 46.68.415.

(3) Beginning July 1, 2022, in addition to the motor vehicle weight fee as provided in subsection (1) of this section, the department, county auditor or other agent, or subagent appointed by the director must require an applicant to pay an additional weight fee of ten dollars, which must be distributed to the multimodal transportation account under RCW 47.66.070 unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in this subsection must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel

standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(4) The department shall:

(a) Rely on motor vehicle empty scale weights provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each motor vehicle; and

(b) Adopt rules for determining weight for vehicles without manufacturer empty scale weights.

Sec. 20. RCW 46.25.100 and 2015 3rd sp.s. c 44 s 208 are each amended to read as follows:

(1) When a person has been disqualified from operating a commercial motor vehicle, the person is not entitled to have the commercial driver's license or commercial learner's permit restored until after the expiration of the appropriate disqualification period required under RCW 46.25.090 or until the department has received a drug and alcohol assessment and evidence is presented of satisfactory participation in or completion of any required drug or alcohol treatment program for ending the disqualification under RCW 46.25.090(7). After expiration of the appropriate period and upon payment of a requalification fee of twenty dollars until June 30, 2016, and thirty-five dollars beginning July 1, 2016, or one hundred fifty dollars if the person has been disqualified under RCW 46.25.090(7), the person may apply for a new, duplicate, or renewal commercial driver's license or commercial learner's permit as provided by law. If the person has been disqualified for a period of one year or more, the person shall demonstrate that he or she meets the commercial driver's license or commercial learner's permit qualification standards specified in RCW 46.25.060.

(2) The fees under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 208, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 21. RCW 46.20.202 and 2017 c 310 s 3 are each amended to read as follows:

(1) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of implementing a border-crossing initiative.

(3)(a) The department may issue an enhanced driver's license or identicard

for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identicard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identicard, or an enhanced driver's license or identicard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identicard. An applicant for an enhanced driver's license or identicard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington state residents. If the enhanced driver's license or identicard includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicard. The department shall adopt such rules as necessary to meet the requirements of this subsection. From time to time the department shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

(4) Beginning on July 23, 2017, the fee for an enhanced driver's license or enhanced identicard is twenty-four dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than six years, the fee for each class is four dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

(5) The enhanced driver's license and enhanced identicard fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 22. RCW 46.25.052 and 2015 3rd sp.s. c 44 s 206 are each amended to read as follows:

(1) The department may issue a CLP to an applicant who is at least eighteen

years of age and holds a valid Washington state driver's license and who has:

(a) Submitted an application on a form or in a format provided by the department;

(b) Passed the general knowledge examination required for issuance of a CDL under RCW 46.25.060 for the commercial motor vehicle classification in which the applicant operates or expects to operate; and

(c) Paid the appropriate examination fee or fees and an application fee of ten dollars until June 30, 2016, and forty dollars beginning July 1, 2016.

(2) A CLP must be marked "commercial learner's permit" or "CLP," and must be, to the maximum extent practicable, tamperproof. Other than a photograph of the applicant, it must include, but not be limited to, the information required on a CDL under RCW 46.25.080(1).

(3) The holder of a CLP may drive a commercial motor vehicle on a highway only when in possession of a valid driver's license and accompanied by the holder of a valid CDL who has the proper CDL classification and endorsement or endorsements necessary to operate the commercial motor vehicle. The CDL holder must at all times be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision.

(4) A CLP may be classified in the same manner as a CDL under RCW 46.25.080(2)(a).

(5) CLPs may be issued with only P, S, or N endorsements as described in RCW 46.25.080(2)(b).

(a) The holder of a CLP with a P endorsement must have taken and passed the P endorsement knowledge examination. The holder of a CLP with a P endorsement is prohibited from operating a commercial motor vehicle carrying passengers other than authorized employees or representatives of the department and the federal motor carrier safety administration, examiners, other trainees, and the CDL holder accompanying the CLP holder as required under subsection (2) of this section. The P endorsement must be class specific.

(b) The holder of a CLP with an S endorsement must have taken and passed the S endorsement knowledge examination. The holder of a CLP with an S endorsement is prohibited from operating a school bus with passengers other than authorized employees or representatives of the department and the federal motor carrier safety administration, examiners, other trainees, and the CDL holder accompanying the CLP holder as required under subsection (2) of this section.

(c) The holder of a CLP with an N endorsement must have taken and passed the N endorsement knowledge examination. The holder of a CLP with an N endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials and has not been purged of any residue.

(6) A CLP may be issued with appropriate restrictions as described in RCW 46.25.080(2)(c). In addition, a CLP may be issued with the following restrictions:

(a) "P" restricts the driver from operating a bus with passengers;

(b) "X" restricts the driver from operating a tank vehicle that contains cargo; and

(c) Any restriction as established by rule of the department.

(7) The holder of a CLP is not authorized to operate a commercial motor vehicle transporting hazardous materials.

(8) A CLP may not be issued for a period to exceed one hundred eighty days. The department may renew the CLP for one additional one hundred eighty-day period without requiring the CLP holder to retake the general and endorsement knowledge examinations.

(9) The department must transmit the fees collected for CLPs to the state treasurer for deposit in the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 206, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW,

absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 23. RCW 46.25.060 and 2020 c 78 s 2 are each amended to read as follows:

(1)(a) No person may be issued a commercial driver's license unless that person:

(i) Is a resident of this state;

(ii) Has successfully completed a course of instruction in the operation of a commercial motor vehicle that has been approved by the director or has been certified by an employer as having the skills and training necessary to operate a commercial motor vehicle safely;

(iii) If he or she does not hold a valid commercial driver's license of the appropriate classification, has been issued a commercial learner's permit under RCW 46.25.052; and

(iv) Has passed a knowledge and skills examination for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. Part 383, subparts F, G, and H, in addition to other requirements imposed by state law or federal regulation. The department may not allow the person to take the skills examination during the first fourteen days after initial issuance of the person's commercial learner's permit. The examinations must be prescribed and conducted by the department.

(b) In addition to the fee charged for issuance or renewal of any license, the applicant shall pay a fee of no more than ten dollars until June 30, 2016, and thirty-five dollars beginning July 1, 2016, for the classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations. The applicant shall pay a fee of no more than one hundred dollars until June 30, 2016, and two hundred fifty dollars beginning July 1, 2016, for each classified skill examination or combination of classified skill examinations conducted by the department.

(c) The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills examination specified by this section under the following conditions:

(i) The examination is the same which would otherwise be administered by the state;

(ii) The third party has entered into an agreement with the state that complies with the requirements of 49 C.F.R. Sec. 383.75; and

(iii) The director has adopted rules as to the third party testing program and the development and justification for fees charged by any third party.

(d) If the applicant's primary use of a commercial driver's license is for any of the following, then the applicant shall pay a fee of no more than seventy-five dollars until June 30, 2016, and two hundred twenty-five dollars beginning July 1, 2016, for the classified skill examination or combination of classified skill examinations whether conducted by the department or a third-party tester:

(i) Public benefit not-for-profit corporations that are federally supported head start programs; or

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.216.505.

(e) Beginning July 1, 2016, if the applicant's primary use of a commercial driver's license is to drive a school bus, the applicant shall pay a fee of no more than one hundred dollars for the classified skill examination or

combination of classified skill examinations conducted by the department.

(f) Beginning July 1, 2016, payment of the examination fees under this subsection entitles the applicant to take the examination up to two times in order to pass.

(2)(a) The department may waive the skills examination and the requirement for completion of a course of instruction in the operation of a commercial motor vehicle specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R. Sec. 383.77. For current or former military service members that meet the requirements of 49 C.F.R. Sec. 383.77, the department may also waive the requirements for a knowledge test for commercial driver's license applicants. Beginning December 1, 2021, the department shall provide an annual report to the house and senate transportation committees and the joint committee on veterans' and military affairs of the legislature on the number and types of waivers granted pursuant to this subsection.

(b) An applicant who operates a commercial motor vehicle for agribusiness purposes is exempt from the course of instruction completion and employer skills and training certification requirements under this section. By January 1, 2010, the department shall submit recommendations regarding the continuance of this exemption to the transportation committees of the legislature. For purposes of this subsection (2)(b), "agribusiness" means a private carrier who in the normal course of business primarily transports:

(i) Farm machinery, farm equipment, implements of husbandry, farm supplies, and materials used in farming;

(ii) Agricultural inputs, such as seed, feed, fertilizer, and crop protection products;

(iii) Unprocessed agricultural commodities, as defined in RCW 17.21.020, where such commodities are produced by farmers, ranchers, vineyardists, or orchardists; or

(iv) Any combination of (b)(i) through (iii) of this subsection.

The department shall notify the transportation committees of the legislature if the federal government takes action affecting the exemption provided in this subsection (2)(b).

(3) A commercial driver's license or commercial learner's permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state, nor may a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

(4) The fees under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 207, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 24. RCW 70A.15.3150 and 2020 c 20 s 1111 are each amended to read as follows:

(1) Any person who knowingly violates any of the provisions of this chapter ((~~or~~)), chapter 70A.25 or 70A.--- (the new chapter created in section 29 of this act) RCW, RCW 70A.45.080, or any ordinance, resolution, or regulation in force pursuant thereto is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for up to three hundred sixty-four days, or by both for each separate violation.

(2) Any person who negligently releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm is guilty of a gross misdemeanor and shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for up to three hundred sixty-four days, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, is guilty of a class C felony and shall, upon conviction, be punished by a fine of not less than fifty thousand dollars, or by imprisonment for not more than five years, or both.

(4) Any person who knowingly fails to disclose a potential conflict of interest under RCW 70A.15.2000 is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five thousand dollars.

Sec. 25. RCW 70A.15.3160 and 2020 c 20 s 1112 are each amended to read as follows:

(1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter, chapter 70A.25 ((~~or~~)), 70A.450, or 70A.--- (the new chapter created in section 29 of this act) RCW, RCW 70A.45.080, or any of the rules in force under such chapters or section may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

(b) Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2)(a) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

(b) The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70A.15.1010 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air

quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) The department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

Sec. 26. RCW 19.112.110 and 2013 c 225 s 601 are each amended to read as follows:

(1) Special fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least two percent of the total annual diesel fuel sold in Washington is biodiesel or renewable diesel fuel, following the earlier of: (a) November 30, 2008; or (b) when a determination is made by the director, published in the Washington State Register, that feedstock grown in Washington state can satisfy a two-percent requirement.

(2) Special fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least five percent of total annual diesel fuel sold in Washington is biodiesel or renewable diesel fuel, when the director determines, and publishes this determination in the Washington State Register, that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy a three-percent requirement.

(3) The requirements of subsections (1) and (2) of this section may take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing must each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) To the extent that the requirements of this section conflict with the requirements of chapter 70A.--- (the new chapter created in section 29 of this act) RCW, the requirements of chapter 70A.--- (the new chapter created in section 29 of this act) RCW prevail.

Sec. 27. RCW 19.112.120 and 2013 c 225 s 602 are each amended to read as follows:

(1) By December 1, 2008, motor vehicle fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least two percent of total gasoline sold in Washington, measured on a quarterly basis, is denatured ethanol.

(2) If the director of ecology determines that ethanol content greater than two percent of the total gasoline sold in Washington will not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines and publishes this determination in the Washington State Register that sufficient raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that licensees provide evidence to the department of licensing that denatured ethanol comprises between two percent and at least ten percent of total gasoline sold in Washington, measured on a quarterly basis.

(3) The requirements of subsections (1) and (2) of this section may take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing must each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) Nothing in this section is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled

vehicles capable of using E85 motor fuel. Nothing in this section is intended to limit the use of high octane gasoline not blended with ethanol for use in aircraft.

(6) To the extent that the requirements of this section conflict with the requirements of chapter 70A.--- (the new chapter created in section 29 of this act) RCW, the requirements of chapter 70A.--- (the new chapter created in section 29 of this act) RCW prevail.

NEW SECTION. **Sec. 28.** A new section is added to chapter 43.21A RCW to read as follows:

(1) The department, in coordination with the department of commerce and other agencies as appropriate, must develop recommendations for potential improvements to the permitting processes for industrial projects and facilities in Washington that would contribute to achieving greenhouse gas emissions limits established under RCW 70A.45.020 while maintaining standards for the protection of the environment and the preservation of tribal consultation and treaty rights. The department must provide increased clarity on areas in the state that may be suitable for siting projects that have a lower potential for negative environmental impacts, especially to highly impacted communities as defined in RCW 19.405.020 and identify strategies for minimizing and mitigating negative environmental impacts where possible. The department must provide clear guidance and direction intended to improve project proposals, recommend policy and administrative improvements necessary to improve the permitting process, and recommend any additional studies needed. The department shall convene businesses, local governments, community organizations, and environmental and labor stakeholders, and consult with tribes.

(2) The department and the department of commerce shall produce and submit to the governor and the legislature an interim progress report with initial policy proposal recommendations for the 2022 legislative session by December 1, 2021, and a final report including findings, recommendations, and further policy proposals by December 1, 2022.

(3) This section expires June 30, 2023.

NEW SECTION. **Sec. 29.** Sections 1 through 15 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 30.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 31.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. In the event that there is litigation on the provisions of section 3(6) of this act or any other provision of this act, it is the intent of the legislature that the remainder of the act shall continue to be enforced and if such provisions are held invalid, the remainder of the act shall not be affected."

and that the bill do pass as recommended by the Conference Committee:

Senators Carlyle and Mullet
Representatives Fitzgibbon and Slatter

There being no objection, the House adopted the conference committee report on ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091 and advanced the bill, as recommended by the conference committee, to final passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Fitzgibbon, Duerr and Slatter spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Dye, Walsh, Jacobsen, McCaslin and Stokesbary spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Orwall presiding) stated the question before the House to be final passage of Engrossed Third Substitute House Bill No. 1091 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1091, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 54; Nays: 43; Absent: 0; Excused: 1

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis,

Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative McEntire

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091, as recommended by the conference committee, having received the constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091
SUBSTITUTE HOUSE BILL NO. 1322
ENGROSSED SUBSTITUTE SENATE BILL NO. 5096

The Speaker called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

April 25, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1322,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 25, 2021

Mme. SPEAKER:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5092 and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 25, 2021

Mme. SPEAKER:

The Senate has adopted the report of the Conference Committee on ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091 and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 25, 2021

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1080,
SUBSTITUTE HOUSE BILL NO. 1137,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 25, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5096,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2021-4633, by Representatives Sullivan and Kretz

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees

of the House of Representatives for study during the interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules, agendas, and locations for all meetings of any legislative task force, committee, or subcommittee shall be approved by the Executive Rules Committee, and those task forces, committees, or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 2021 Regular Session of the Sixty-Seventh Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate provided by law and established by the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall have authority to execute personal services contracts relating to workplace investigations, and with approval of the Executive Rules Committee, may execute other types of personal services contracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending authorized conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate provided by law and established by the Executive Rules Committee, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Sixty-Seventh Legislature, as well as any committee assembly.

There being no objection, HOUSE RESOLUTION NO. 4633 was adopted.

There being no objection, the House advanced to the fourth order of business.

FIRST READING

HCR 4403 by Representatives Sullivan and Kretz

Returning bills to their house of origin.

HCR 4404 by Representatives Sullivan and Kretz

Adjourning SINE DIE.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4403 and HOUSE CONCURRENT RESOLUTION NO. 4404 listed on the day's introduction sheet under the fourth order of business were placed on the third reading calendar.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Sullivan and Kretz

Returning bills to their house of origin.

The resolution was read the third time.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4403 was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives Sullivan and Kretz

Adjourning SINE DIE.

The resolution was read the third time.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4404 was adopted.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4403 and HOUSE CONCURRENT RESOLUTION NO. 4404 were immediately transmitted to the Senate.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4403
HOUSE CONCURRENT RESOLUTION NO. 4404

The Speaker called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

April 25, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092

The Speaker called upon Representative Lovick to preside.

MESSAGES FROM THE SENATE

April 25, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091,
SUBSTITUTE HOUSE BILL NO. 1322,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 25, 2021

Mme. SPEAKER:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4403,
HOUSE CONCURRENT RESOLUTION NO. 4404,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 25, 2021

Mme. SPEAKER:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4403, the following House Bills were returned to the House of Representatives:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015,
HOUSE BILL NO. 1030,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041,
SUBSTITUTE HOUSE BILL NO. 1052,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056,
SUBSTITUTE HOUSE BILL NO. 1074,
SECOND SUBSTITUTE HOUSE BILL NO. 1076,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099,
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ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1117,
HOUSE BILL NO. 1122,
SUBSTITUTE HOUSE BILL NO. 1124,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141,
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SUBSTITUTE HOUSE BILL NO. 1508,
SUBSTITUTE HOUSE BILL NO. 1510,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515,
HOUSE BILL NO. 1546,

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

With the consent of the House, the reading of the Journal of the 105th Day of the 2021 Regular Session of the 67th Legislature was dispensed with and ordered to stand approved.

MOTION

On motion of Representative Sullivan, the 2021 Regular Session of the 67th Legislature was adjourned SINE DIE.

LAURIE JINKINS, Speaker
BERNARD DEAN, Chief Clerk

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Sixty Seventh Legislature
2021 Regular Session

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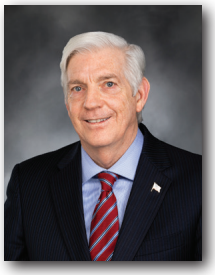

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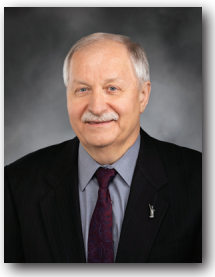

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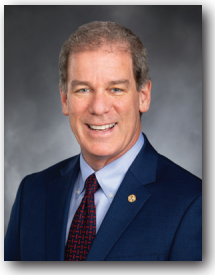

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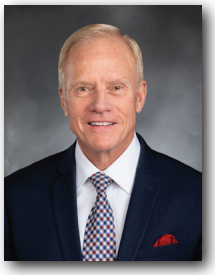

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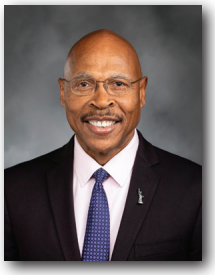

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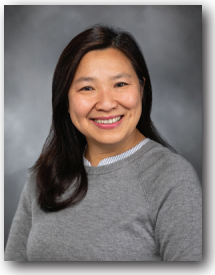

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BILLS, MEMORIALS AND RESOLUTIONS PASSED

2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
	C 1 L 21	Salary Commission Schedule	5/10/2021	
ESSB 5061	C 2 L 21	Unemployment Insurance	2/8/2021	
ESHB 1368	C 3 L 21	Coivid 19 pandemic through state actions	2/19/2021	
SHB 1095	C 4 L 21	Taxation of Governmental Financial Asistance Prog	2/19/2021	
HB 1367	C 5 L 21	Revising 19-21 Approp Medicaid Rates	2/19/2021	
ESSB 5272	C 6 L 21	Waive certain liquor and cannabis fees	2/28/2021	
EHB 1121	C 7 L 21	Waive certain high school graduation req in times o/emergency	3/2/2021	
EHB 1131	C 8 L 21	Emerg waiver o/instructional hours and days at private school	3/2/2021	
SHB 1151	C 9 L 21	Bolster economic rec. by provide pub assist to houses in need	07/25/2021*	
ESHB 1078	C 10 L 21	Restoring voter eligibility for convicted felons	1/1/2022	
SHB 1114	C 11 L 21	Mitigation of urban heat island effects	7/25/2021	
SB 5021	C 12 L 21	Retirement benefits for public employees	7/25/2021	
SSB 5055	C 13 L 21	Est. statewide roster for law enforcement discipline grievances	7/25/2021	
SB 5058	C 14 L 21	Making technical changes to natural resource related accts.	7/1/2021	
SB 5077	C 15 L 21	Allow mort. loan originators work from home w/o licensing res.	7/25/2021	
SSB 5179	C 16 L 21	Blood donation	7/25/2021	
SB 5198	C 17 L 21	Easing personnel restrictions on ambulances in rural areas.	7/25/2021	
SB 5322	C 18 L 21	Prohibiting dual enrollment b/w SEBB & PEBB programs	7/25/2021	

BILLS, MEMORIALS AND RESOLUTIONS PASSED

2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SB 5338	C 19 L 21	Concerning fire protection districts and education	7/25/2021	
ESHB 1372	C 20 L 21	Replacing Marcus Whitman Statue in National Statuary Hall	7/25/2021	
SHB 1007	C 21 L 21	Completion of supervising exp. through distance supervision	7/25/2021	
SHB 1037	C 22 L 21	Insurance adjusters	7/25/2021	
HB 1042	C 23 L 21	Revise UCCJEA to protect family from death pen. in foreign juris.	4/14/2021	
HB 1055	C 24 L 21	Extend expiration dates for reporting req. on timber purchases	6/30/2021	
SHB 1064	C 25 L 21	Disclosing availability of high speed internet access	7/25/2021*	
ESHB 1068	C 26 L 21	Exempt election security info. from public records disclosure	4/14/2021	
ESHB 1070	C 27 L 21	Modify allowed use of local tax revenue for affordable housing	4/14/2021	
ESSHB 1083	C 28 L 21	Relocate assistance for tenants of closed mobile home parks	7/25/2021	
SHB 1085	C 29 L 21	Promote safe learning env. for students w/seizure disorders	7/25/2021	
EHB 1090	C 30 L 21	Private, for-profit detention facilities	4/14/2021	
HB 1104	C 31 L 21	Extending operation of mortgage lending fraud prosecution acct.	4/14/2021	
HB 1115	C 32 L 21	Implement cost rec. of state agency credit card for driver fees	7/1/2021	
SHB 1145	C 33 L 21	Allow use of nonwood fiber in recycled content paper bags	7/25/2021	
HB 1159	C 34 L 21	Number of fire protection district commissioners	7/25/2021	
SHB 1171	C 35 L 21	Amending child support income withhold provisions	7/25/2021*	
EHB 1199	C 36 L 21	Provide compensation to DNR lessees w/ leases terminated	7/25/2021	

BILLS, MEMORIALS AND RESOLUTIONS PASSED

2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 1206	C 37 L 21	Protecting temporary workers	7/25/2021	
ESHB 1214	C 38 L 21	Provision of K-12 public school safety & security services	7/25/2021	
HB 1237	C 39 L 21	Defining family resource centers	7/25/2021	
ESSHB 1274	C 40 L 21	Cloud computing solutions	7/25/2021	
SHB 1294	C 41 L 21	Misdemeanant supervision services by limited jurisdiction courts	7/25/2021	
SHB 1309	C 42 L 21	Dates of certification of levies	7/25/2021	
HB 1315	C 43 L 21	Task force to id. role of workplace to help curb dom. violence	7/25/2021	
HB 1378	C 44 L 21	Supervision of medical assistants	7/25/2021*	
HB 1393	C 45 L 21	Delay certain implement dates for photovoltaic module program	7/25/2021	
HB 1437	C 46 L 21	Vessel crewmember license	7/25/2021	
EHB 1471	C 47 L 21	Community preservation and development authorities	7/25/2021	
ESSHB 1480	C 48 L 21	Extend privileges granted to liquor licensees	4/14/2021	
HB 1491	C 49 L 21	Right-of-way for transport of timber and other valuable materials	7/25/2021	
HB 1525	C 50 L 21	Enforcement of judgements	7/25/2021	
SSB 5267	C 51 L 21	Require license for electric work assoc. w/flipping homes	7/25/2021	
HB 1001	C 52 L 21	Establish law enforcement PD outreach grant program	7/25/2021	
HB 1009	C 53 L 21	Student health plans	7/25/2021	
HB 1023	C 54 L 21	Predesign requirements and thresholds	7/25/2021	
HB 1031	C 55 L 21	Government issuance of a certificate of birth resulting in stillbirth	7/25/2021*	

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2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SSHB 1061	C 56 L 21	Youth eligible for dev. disability svcs. expected to exit welfare sys.	7/25/2021	
HB 1063	C 57 L 21	Allowing addtl. renewals for behavioral health trainee credentials	4/16/2021	
HB 1072	C 58 L 21	Removing only one restriction on use of civil legal aid funds	7/25/2021	
HB 1087	C 59 L 21	Clarifying continuity of employee family & medical leave rights	4/16/2021	
HB 1096	C 60 L 21	Nonmedicare plans offered through Washington health ins. pool	7/25/2021	
SSHB 1148	C 61 L 21	Protecting patient safety in acute care hospitals	7/25/2021	
SHB 1166	C 62 L 21	Expand access to homeless and foster care college pilot prog	7/25/2021	
HB 1167	C 63 L 21	Thurston county superior court judges	7/25/2021	
SHB 1170	C 64 L 21	Building economic strength through manufacturing	7/25/2021	
EHB 1192	C 65 L 21	Making technical corrections & remove obsolete lang. from RCW	7/25/2021*	
SHB 1209	C 66 L 21	Immunity protection for nonmedical assistance	7/25/2021	
SHB 1221	C 67 L 21	Standardize def. of homelessness to improve access to svcs.	7/25/2021	
SHB 1225	C 68 L 21	Supporting school-based health centers	7/25/2021	
SHB 1276	C 69 L 21	Provide emergency med. svcs. personnel to work in diversion ctr	7/25/2021	

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2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 1301	C 70 L 21	Provide expanded option for fare enforcement by reg. trans. auth	7/25/2021	
SHB 1302	C 71 L 21	College in the high school programs	7/25/2021	
SHB 1331	C 72 L 21	Early learning facility impact fees	7/25/2021	
ESHB 1332	C 73 L 21	Property tax deferral during COVID-19 pandemic	4/16/2021	
EHB 1342	C 74 L 21	Eliminate lunch copays for students who qualify for red. lunches	7/25/2021	
ESSHB 1382	C 75 L 21	Streamline env. permit process for salmon recovery projects	7/25/2021	
SHB 1424	C 76 L 21	Consumer protection w/respect to sale of dogs and cats	7/25/2021	
ESHB 1426	C 77 L 21	Specify min. cont. ed. reqs. for admin. & teacher cert. renewals	7/25/2021	
SHB 1445	C 78 L 21	Definition of compounding for purposes of practice of pharmacy	7/25/2021	
SHB 1446	C 79 L 21	Prohibit utility from pen. assess. for not meet biennial acq. target	7/25/2021	
SHB 1455	C 80 L 21	Use of social security numbers by L&I and ESD departments.	7/25/2021	
HB 1469	C 81 L 21	Enhanced raffle procedures	7/25/2021	
SHB 1493	C 82 L 21	Job search monitoring	4/16/2021	
ESHB 1521	C 83 L 21	Supporting warehousing and manufacturing job centers	7/1/2021	
SB 5005	C 84 L 21	Business Corporations	7/25/2021	
SB 5015	C 85 L 21	Fraudulent portrayal of ballot drop boxes	7/25/2021	
SB 5016	C 86 L 21	Tracked and wheeled all-terrain vehicles	7/25/2021	
SB 5018	C 87 L 21	Acupuncture and Eastern medicine	7/25/2021	

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2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESB 5026	C 88 L 21	Money avail. to port dist. for purchase of zero emmission equip.	7/25/2021	
SB 5046	C 89 L 21	Workers' compensation claim resolution settlement agreements	4/16/2021	
SSB 5068	C 90 L 21	Improve maternal health by ext. cov. during postpartum period	7/25/2021	
SB 5106	C 91 L 21	Municipial access to local financial services	7/25/2021	
SB 5131	C 92 L 21	County clerks duties related to recall petitions	7/25/2021	
SSB 5152	C 93 L 21	Enhance data stewardship and priv. prot. for vehicle, driver data	7/25/2021	
SSB 5169	C 94 L 21	Provider reimbursement for PPE during COVID 19 state of emer.	4/16/2021	
SB 5184	C 95 L 21	Establish build. point of contact in all K-12 schools for foster care	7/25/2021	
SSB 5228	C 96 L 21	Address disproportion. health outcome by build. found. of equity	7/25/2021	
ESSB 5284	C 97 L 21	Eliminate subminimum wage certificates for persons w/disability	7/25/2021	
SB 5296	C 98 L 21	Definition of index for Washington State Patrol retirement system	7/25/2021	
SB 5303	C 99 L 21	Exempt U.S. FDA nonpublic info from disclosure	7/25/2021	
SSB 5325	C 100 L 21	Telemedicine	7/25/2021	
SB 5347	C 101 L 21	Member voting methods	7/25/2021	
ESSB 5355	C 102 L 21	Establishing wage liens	1/1/2022	
ESB 5356	C 103 L 21	Prime contractor bid submission reqs. on public wrks. contracts	7/25/2021	
ESB 5372	C 104 L 21	Hemp processor registration process	7/25/2021	

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2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SSB 5384	C 105 L 21	Volunteer firefighters	4/16/2021	
SB 5385	C 106 L 21	Size of airport municipality must control to enact min. labor stds.	7/25/2021	
SSB 5425	C 107 L 21	Extended benefits in the unemployment insurance system	4/16/2021	
SB 5431	C 108 L 21	Creating the Rosa Franklin leg. Intern program scholarship	7/25/2021	
ESSHB 1073	C 109 L 21	Expand coverage of the paid family and medical leave program	4/21/2021	
HB 1143	C 110 L 21	Authorize placement of water rights into trust water rights prog.	4/21/2021	
SHB 1208	C 111 L 21	Modifying the learning assistance program	4/21/2021***	
SHB 1279	C 112 L 21	Modify WA main st. prog. tax incentive in response to pandemic	7/25/2021*	
SHB 1323	C 113 L 21	Long term services and supports trust program	7/25/2021	
SHB 1383	C 114 L 21	Respiratory care practicioners	7/1/2022	
E2SHB 5160	C 115 L 21	Adressing Landlord Tenant Relations - Public Health Emergency	4/22/2021	Partial Veto
SSHB 1033	C 116 L 21	Washington customized employment training program	7/1/2021	
HB 1034	C 117 L 21	Park and recreation district levies	7/25/2021	
ESHB 1109	C 118 L 21	Supporting victims of sexual assault	4/26/2021	
ESHB 1113	C 119 L 21	School attendance	7/25/2021*	
ESHB 1176	C 120 L 21	Access to higher education	7/25/2021	
EHB 1251	C 121 L 21	Authorization of wheeled all-terrain vehicles on state-highways	7/25/2021	

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2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
EHB 1271	C 122 L 21	Ensuring continuity of ops in offices of county elected officials	7/25/2021*	
HB 1289	C 123 L 21	Winery workforce development	7/25/2021	
HB 1296	C 124 L 21	Providing a B&O tax preference for behavior health admin. orgs.	4/26/2021	
SHB 1314	C 125 L 21	Veteran Diversion from involuntary commitment	7/25/2021*	
SSHB 1325	C 126 L 21	Implement policy related to children & youth behavioral health	7/25/2021	
ESHB 1326	C 127 L 21	Coroners and medical examiners	7/25/2021*	
SHB 1356	C 128 L 21	Prohibit inappropriate use of Native American names, etc.	7/25/2021	
SHB 1363	C 129 L 21	Policy and resource addressing sec. trauma in k-12 workforce	7/25/2021	
ESHB 1370	C 130 L 21	Early Learning facilities	7/25/2021	
SHB 1379	C 131 L 21	Est. unpiloted aircraft sys. state coordinator & prog. fund. source	7/1/2021*	
SHB 1423	C 132 L 21	Smoke management civil enforcement	7/25/2021	
SHB 1425	C 133 L 21	Amending opportunity scholarship act to expand scholarships	7/25/2021	
SHB 1472	C 134 L 21	Membership of the student achievement council	7/25/2021	
SHB 1514	C 135 L 21	Transportation demand management	9/1/2021	
ESHB 1529	C 136 L 21	Modify reqs. in order to pay for debt service obligations	4/26/2021	
SB 5019	C 137 L 21	Recording standards commission	7/25/2021	
SB 5048	C 138 L 21	Reinsurance agreements	7/25/2021	
ESSB 5119	C 139 L 21	Individuals in custody	7/25/2021	
SB 5132	C 140 L 21	Trusts and Estates	7/25/2021*	

BILLS, MEMORIALS AND RESOLUTIONS PASSED

2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESB 5164	C 141 L 21	Resentencing of individuals sentenced as persistent offender	7/25/2021	
SB 5177	C 142 L 21	Eliminating proof of nonmarriage as an element of a sex offense	4/26/2021	
ESB 5220	C 143 L 21	Taxation of salmon recovery grants	4/26/2021	
SSB 5249	C 144 L 21	Supporting mastery-based learning	7/25/2021*	
ESSB 5251	C 145 L 21	Mod. tax & rev. laws in manner not est. to affect state tax collect.	7/25/2021	
SSB 5254	C 146 L 21	Use of prot. devices and equipment during pub. health emerg.	4/26/2021	
SSB 5401	C 147 L 21	Degrees in computer science	7/25/2021	
2SSB 6027	C 148 L 21	Floating Residences	7/25/2021	
HB 1022	C 149 L 21	Washington State horse racing commission provisions	7/25/2021	
SHB 1107	C 150 L 21	Expanding certain nonresident vessel permit provisions	7/25/2021	
ESHB 1108	C 151 L 21	Maintain fund. and assist. for homeowners nav. foreclosure	7/25/2021*	
HB 1119	C 152 L 21	Notify students of courses w/ low cost material & open ed. res.	7/25/2021	
SHB 1137	C 153 L 21	Elevate road maintenance & preservation in transport. planning	7/25/2021	
ESSHB 1139	C 154 L 21	Taking action to address lead in school drinking water	7/25/2021	
SSHB 1161	C 155 L 21	Modifying requirements for drug take-back prrograms	7/25/2021	
ESHB 1184	C 156 L 21	Risk-based water quality stds. for on-site nonpotable water sys.	7/25/2021	

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2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESHB 1196	C 157 L 21	Audio-only telemedicine	7/25/2021	
SHB 1207	C 158 L 21	Improving access to Department of Licensing issued documents	7/25/2021*	
SHB 1218	C 159 L 21	Improve health, safety, & quality of life for res. in long term care	7/25/2021	
SHB 1259	C 160 L 21	Expand pub. contracting opp. for women & minority business ent.	7/25/2021	
SHB 1269	C 161 L 21	Motor vehicle transporter license plates	1/1/2022	
ESSHB 1272	C 162 L 21	Health system transparency	7/25/2021	
ESHB 1273	C 163 L 21	Menstrual hygiene prod. in school and postsecond. inst. bathrm.	7/25/2021	
ESSHB 1295	C 164 L 21	Provision of pub. ed. to youth in or released from inst. ed. facility	7/25/2021	
EHB 1311	C 165 L 21	Authorize issuance of substance use disorder professional certs	7/25/2021	
SHB 1348	C 166 L 21	Provision of medical assistance to incarcerated persons	7/25/2021	
SHB 1373	C 167 L 21	Promote student access to info. about behavioral health res.	7/25/2021	
SHB 1416	C 168 L 21	Report of debt info. by insurers to collect. past due child supp.	1/1/2022	
ESHB 1443	C 169 L 21	Social equity within the cannabis industry	7/25/2021	
ESSHB 1504	C 170 L 21	Modifying workforce education investment act	7/25/2021	
2SSB 5000	C 171 L 21	Hydrogen fuel cell electric vehicles	7/25/2021*	
SSB 5003	C 172 L 21	Enacting the living donor act	7/25/2021	
SSB 5013	C 173 L 21	Local redistricting deadlines	5/3/2021*	
SSB 5030	C 174 L 21	Developing comprehensive school counseling programs	7/25/2021	
SB 5031	C 175 L 21	Community aviation revitalization loan program	6/30/2021	
SSB 5034	C 176 L 21	Nonprofit corporations	1/1/2022*	

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2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SB 5063	C 177 L 21	Expiration date of the invasive species council	7/25/2021	
SSB 5080	C 178 L 21	Provide flex. in the dist. & use of local funds dedicated to facility.	7/25/2021	
SB 5124	C 179 L 21	The practice of colon hydrotherapy	7/25/2021*	
SB 5133	C 180 L 21	Def. of confidential employee for purp. of state collect. bargaining	7/25/2021	
SB 5145	C 181 L 21	Prevention of seabed mining of hard minerals	7/25/2021	
SB 5146	C 182 L 21	Authorize. fish & wildlife commission. to indemnify federal Gov.	7/25/2021	
ESB 5158	C 183 L 21	Utility wildland fire prevention advisory committee	7/25/2021	
SB 5159	C 184 L 21	Payments in lieu of real property taxes by DFW	7/25/2021	Partial Veto
SSB 5230	C 185 L 21	Agree. for allocation of groundwater result. from bur. of rec. proj.	7/25/2021	
SSB 5258	C 186 L 21	Consumer directed employers	7/25/2021	
E2SSB 5287	C 187 L 21	Affordable housing incentives	7/25/2021	
ESSB 5295	C 188 L 21	Transforming the regulstion of gas and electrical companies	7/25/2021	
SB 5367	C 189 L 21	Direct DRS to create rules regard. auto. refund of ret. contribute.	7/25/2021	
SSB 5403	C 190 L 21	Interagency, multijurisdictional system improvement team	7/25/2021	
ESSB 5452	C 191 L 21	Electric-assisted bicycles	7/25/2021	
ESB 5454	C 192 L 21	Provide prop. tax relief to citizens who lost home in labor day fire	7/25/2021	
SSB 5460	C 193 L 21	Implement recomm. of the autonomous vehicle work group	7/25/2021*	

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2021 Regular Session

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HB 1399	C 194 L 21	Reduce barriers to prof. lic. for ind. w/ prev. criminal convictions	1/1/2022	
ESHB 1297	C 195 L 21	The working families tax exemption	7/25/2021	
ESSB 5096	C 196 L 21	Enact an excise tax on gains from sale/exchange of cap. assets	7/25/2021	
ESSB 5044	C 197 L 21	Equity, cult. comp., and dismantle inst. racism in pub. school	7/25/2021	
SSHB 1028	C 198 L 21	Evaluate and rec. of candidacy for residency teacher certification	5/5/2021	
E2SSB 5237	C 199 L 21	Expand access., afford. child care & early childhood dev. prog.	7/25/2021*	
2SHB 1044	C 200 L 21	Creating prison to postsecondary education pathways	7/25/2021	
EHB 1049	C 201 L 21	Off-site delivery of vehicle by vehicle dealer licensed	7/25/2021	
E2SHB 1086	C 202 L 21	Creation of state office of Behavioral Health Consumer Advocacy	7/25/2021*	
ESHB 1120	C 203 L 21	State of emergency ops. impact. long-term services & supports	5/10/2021	
SHB 1129	C 204 L 21	Licensure of international medical graduates	7/25/2021	
E2SHB 1152	C 205 L 21	Support measures to create comprehensive pub. health districts	7/25/2021*	
E2SHB 1186	C 206 L 21	Juvenile rehabilitation	7/25/2021**	
ESHB 1189	C 207 L 21	Tax increment financing	7/25/2021	
E2SHB 1194	C 208 L 21	Strengthen. parent-child visit. during child welfare proceedings	7/25/2021	
E2SHB 1216	C 209 L 21	Urban and community forestry	7/25/2021	
2SHB 1219	C 210 L 21	Appoint. of counsel for youth in dependency court proceedings	7/25/2021	

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2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
E2SHB 1227	C 211 L 21	Protecting the rights of families respond. to allegations of abuse	7/25/2021*	
ESHB 1236	C 212 L 21	Protect residential tenants from beginning to end of tenancies	5/10/2021	
SHB 1250	C 213 L 21	Designating Washington a purple heart state	7/25/2021	
E2SHB 1277	C 214 L 21	Add'l rev. source for eviction prevention and housing stab. svcs.	7/25/2021	
E2SHB 1320	C 215 L 21	Modern., harm., & imp. eff. of laws concern. civil protect. orders	7/1/2022*	
SHB 1322	C 216 L 21	Off-road vehicle and snowmobile registration enforcement	10/1/2021	
SHB 1355	C 217 L 21	Noxious weeds	7/25/2021	
EHB 1386	C 218 L 21	Modifying property tax exemption for value of new construction	7/25/2021	
SHB 1411	C 219 L 21	Health care wrkfrce. elig. for persons w/ prior involve. in just. sys.	7/25/2021*	
SHB 1438	C 220 L 21	Expand. elig. for prop. tax exempt. for svc. connect. dis. vets.	7/25/2021	
ESHB 1476	C 221 L 21	Enroll. stabil. fund. to add. enrollment declines due to COVID-19	7/25/2021	
EHB 1482	C 222 L 21	Foreclosure protections for homeowners in common int. comm.	5/10/2021*	
SHB 1484	C 223 L 21	Statewide first responder building mapping information system	7/1/2021	
SHB 1502	C 224 L 21	Procurement and design of electric ferries by counties	7/25/2021	

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2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESHB 1512	C 225 L 21	Lodging related assessments under chapter 35.87A RCW	5/10/2021	
SB 5008	C 226 L 21	Extending B & O tax exemption for amounts recv'd as credits	7/1/2021	
SSB 5011	C 227 L 21	Notice, meet., and vote. prov. for common int. communities, etc.	7/25/2021	
SSB 5025	C 228 L 21	Consumer protection improvement act	7/25/2021	
SB 5027	C 229 L 21	Closed captioning on TV's in places of pub. accommodations	7/25/2021	
SB 5032	C 230 L 21	Reauth. and improvements to alt. pub. works contract. proced.	5/10/2021	
SB 5040	C 231 L 21	Enhancing litter control along state highways	7/25/2021	
ESSB 5097	C 232 L 21	Expand coverage of the paid family and medical leave program	7/25/2021	
SB 5101	C 233 L 21	Establish tribal representation on emerg. management council	7/25/2021	
E2SSB 5128	C 234 L 21	Student transp. funding during a local, state, national emerg.	5/10/2021	
SSB 5140	C 235 L 21	Protecting pregnancy and miscarriage-related patient care	7/25/2021	
E2SSB 5163	C 236 L 21	Placement and treat. of cond. released sexually violent predator	7/25/2021	
ESSB 5180	C 237 L 21	Vacating certain convictions	7/25/2021	
2SSB 5192	C 238 L 21	Supporting access to electric vehicle supply equipment	7/25/2021	
2SSB 5214	C 239 L 21	Economic assistance programs	7/1/2023**	
ESSB 5226	C 240 L 21	Suspension of licenses for traffic infractions	1/1/2023	
SSB 5271	C 241 L 21	Amend. necessary elements of proof of inj. during COVID-19	5/10/2021	

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2021 Regular Session

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
2SSB 5293	C 242 L 21	Mental health sentencing alternatives	7/25/2021	Partial Veto
E2SSB 5304	C 243 L 21	Providing reentry svcs. to persons rel. from state and local inst.	7/25/2021	Partial Veto
SSB 5317	C 244 L 21	Pesticide registration and pesticide licensing fees	11/1/2021	
2SSB 5362	C 245 L 21	Ensuring the funding of agricultural fairs	7/25/2021	
E2SSB 5377	C 246 L 21	Increasing affordability of standardized plans on the indiv. market	7/25/2021	
SSB 5423	C 247 L 21	Telemedicine consultations	7/25/2021	
SB 5430	C 248 L 21	Tuition unit pricing in the advanced college tuition payment prog.	7/25/2021	
ESSB 5172	C 249 L 21	The retroactivity of overtime claims in exceptional cases	7/25/2021	
2SSB 5396	C 250 L 21	Expand. the sales and use tax exempt. for farmworker housing	10/1/2021	
ESSB 5190	C 251 L 21	Providing health care workers w/presumptive benefits	5/11/2021	
ESSB 5115	C 252 L 21	Establishing health emergency labor standards	5/11/2021	
ESHB 1097	C 253 L 21	Increasing worker protections	7/25/2021*	
ESSHB 1220	C 254 L 21	Supporting emergency shelters and housing	7/25/2021	Partial Veto
HB 1316	C 255 L 21	Hospital safety net assessment	7/25/2021	
ESSHB 1335	C 256 L 21	Review & prop. owner not. of rec. doc. w/unlawful racial restrict.	7/25/2021	
ESHB 1410	C 257 L 21	Protecting taxpayers from home foreclosure	1/1/2022	
ESHB 1457	C 258 L 21	Facilitate. install. of broadband facilities on lim. access highways	7/25/2021	

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2021 Regular Session

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SSB 5009	C 259 L 21	Uniform public expression protection act	7/25/2021	
ESSB 5024	C 260 L 21	Reducing barriers to condominium construction	7/25/2021	
ESSB 5038	C 261 L 21	Prohibit. open carry of certain weapons at public permitted dem.	5/12/2021	
E2SSB 5052	C 262 L 21	Creation of health equity zones	7/25/2021	
E2SSB 5071	C 263 L 21	Create trans. teams to to assist spec. persons under civ. comm.	7/25/2021***	
SSB 5073	C 264 L 21	Improving involuntary commitment laws	7/25/2021***	
ESSB 5118	C 265 L 21	Supporting successful reentry	7/25/2021	
ESSB 5121	C 266 L 21	Expanding eligibility for the graduated reentry program	7/25/2021	
SSB 5157	C 267 L 21	Provide. Incentive. to red. involve. by persons w/ behav. disorder	7/25/2021	
ESSB 5178	C 268 L 21	Establishing automatic waivers of select state health care laws	7/25/2021	
2SSB 5183	C 269 L 21	Victims of nonfatal strangulation	7/25/2021	
SSB 5185	C 270 L 21	Capacity to provide informed consent for health care decisions	1/1/2022	
ESSB 5193	C 271 L 21	Unemployment insurance systems enhancements	7/25/2021	
E2SSB 5194	C 272 L 21	Providing for equity & access in the comm. and tech. colleges	7/25/2021	
2SSB 5195	C 273 L 21	Opioid overdose and reversal medication	7/25/2021*	
ESSB 5203	C 274 L 21	Production, distribution, & purchase of generic prescript. drugs	7/25/2021	
E2SSB 5227	C 275 L 21	Diversity, equity, inclusion, & antiracism training & assessments	7/25/2021	

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2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESSB 5229	C 276 L 21	Health equity cont. education for health care professionals	7/25/2021	
SSB 5236	C 277 L 21	Extending exemption from certificate of need requirements	7/1/2021	
2SSB 5253	C 278 L 21	Implement. the recommends. of the pollinator health task force	7/25/2021	
SSB 5273	C 279 L 21	Replacement of shoreline armoring	7/25/2021	
2SSB 5313	C 280 L 21	Health insurance discrimination	7/25/2021	
2SSB 5315	C 281 L 21	Captive insurance	5/12/2021	
SSB 5318	C 282 L 21	Fertilizer fees	6/1/2021	
ESSB 5321	C 283 L 21	College bound scholarship	5/12/2021	
ESB 5330	C 284 L 21	Commercial whale watching licenses	5/12/2021	
2SSB 5331	C 285 L 21	Establish. an early childhood court prog. for young child. & fam.	7/25/2021	
SSB 5361	C 286 L 21	Resentencing of persons convicted of drug offenses	5/12/2021	
ESSB 5370	C 287 L 21	Updating mental health advance directive laws	7/25/2021*	
SSB 5378	C 288 L 21	Real estate brokers and managing brokers license renewals	6/1/2022	
SSB 5381	C 289 L 21	Fish passage project permit streamlining	7/25/2021	
ESSB 5408	C 290 L 21	Homestead exemption	5/12/2021	
ESSB 5432	C 291 L 21	Cybersecurity in state government	7/25/2021	
ESSB 5478	C 292 L 21	Unemployment insurance relief for certain employers	5/12/2021	
2SSB 5383	C 293 L 21	Authorize pub. utility dist. & port dist. to prov. retail tele. svcs.	7/25/2021	
ESHB 1336	C 294 L 21	Create & expand unrest. auth. for pub. ent. to prov. tele. svcs.	7/25/2021	Partial Veto

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2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 1016	C 295 L 21	Making Juneteenth a legal holiday	7/25/2021	
ESSHB 1069	C 296 L 21	Local government fiscal flexibility	5/13/2021	Partial Veto
SHB 1155	C 297 L 21	Sales & use tax for emerg. communication systems & facilities	7/25/2021	
SSHB 1168	C 298 L 21	Long term forest health and the reduction of wildfire dangers	7/25/2021	
SHB 1193	C 299 L 21	Affirming the process for disposing of dredged materials	7/25/2021	
ESSHB 1287	C 300 L 21	Preparedness for a zero emissions transportation future	7/25/2021	Partial Veto
ESSHB 1365	C 301 L 21	Procuring and supporting appropriate computers and devices	7/25/2021	
ESSHB 1477	C 302 L 21	Implement of the national 988 system to enhance and expand	7/25/2021*	
SHB 1532	C 303 L 21	Court filing fees	7/1/2021	
SSB 5151	C 304 L 21	Foster care and child care lic by dept of children youth and fam	7/25/2021*	Partial Veto
SB 5225	C 305 L 21	Direct appeals to the court of appeals	6/13/2021*	
ESSB 5235	C 306 L 21	Increasing housing unit inventory by remove arbitrary limits	7/25/2021	Partial Veto
SB 5299	C 307 L 21	Computer science credits	7/25/2021	
SB 5345	C 308 L 21	Establishing a statewide industrial waste coordination program	7/25/2021	
E2SSB 5399	C 309 L 21	Creation of a universal health care commission	7/25/2021	
ESSB 5405	C 310 L 21	Racial equity anaylsis for the joint leg audit and review comm	7/25/2021	Partial Veto
ESB 5476	C 311 L 21	Addressing the State v. Blake decision	7/25/2021*	Partial Veto

BILLS, MEMORIALS AND RESOLUTIONS PASSED

2021 Regular Session

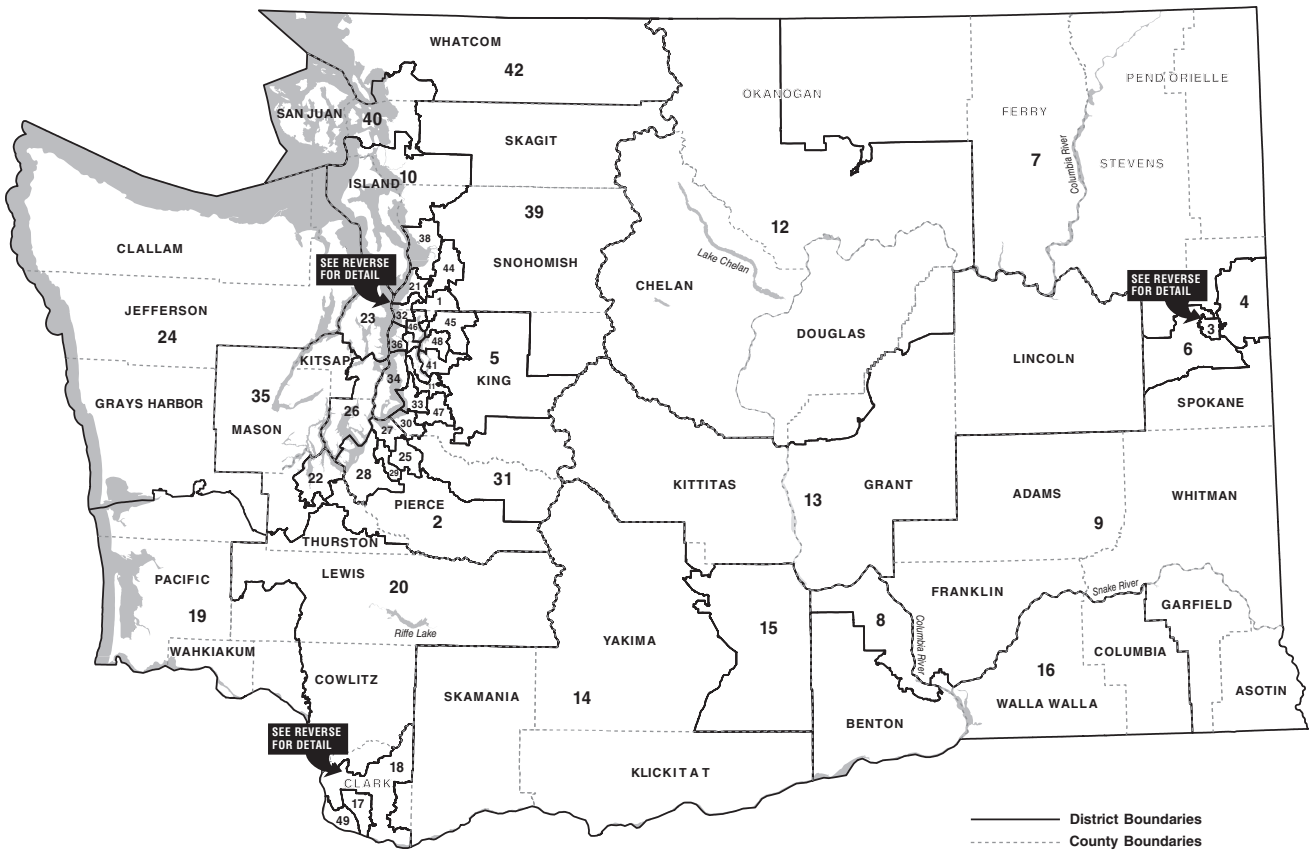
BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
2SSB 5368	C 312 L 21	Encouraging rural economic development	7/25/2021	Partial Veto
E2SSB 5022	C 313 L 21	Managing solid waste through prohibitions on exp. polystyrene	7/25/2021	
E2SSB 5141	C 314 L 21	Reducing environ. & health disp. & imp. health of all WA res.	7/25/2021	
E2SHB 1050	C 315 L 21	Reducing greenhouse gas emissions from fluorinated gases	7/25/2021*	
E2SSB 5126	C 316 L 21	The Washington Climate commitment act	7/25/2021	Partial Veto
E3SHB 1091	C 317 L 21	Reducing greenhouse gas emi. by red. carbon int. of trans. fuel	7/25/2021	Partial Veto
ESHB 1267	C 318 L 21	Investigate potent. crim. conduct arising from police use of force	7/25/2021	
E2SHB 1089	C 319 L 21	Compliance audits of reqs. relate. to peace officers & law enf.	7/25/2021	
ESHB 1054	C 320 L 21	Establish reqs. for tactics and equipment used by peace officers	7/25/2021	
SSB 5066	C 321 L 21	A peace officer's duty to intervene	7/25/2021	
SHB 1088	C 322 L 21	Potential impeachment disclosures	7/25/2021	
E2SSB 5051	C 323 L 21	State oversight & acct. of peace officers & correctional officers	7/25/2021	
E2SHB 1310	C 324 L 21	Permissible uses of force by law enforcement and corr. officers	7/25/2021	
ESSB 5263	C 325 L 21	Defenses in personal injury & wrongful death actions	7/25/2021	
E2SSB 5259	C 326 L 21	Require rept., coll., & pub. info. regard. law enf. w/ communities	7/25/2021	
ESSB 5353	C 327 L 21	Create partnership model that facil. community eng. w/ law enf.	7/25/2021	

BILLS, MEMORIALS AND RESOLUTIONS PASSED

2021 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESHB 1140	C 328 L 21	Juvenile access to attorney when contacted by law enforcement	1/1/2022	
SHB 1223	C 329 L 21	Uniform electronic record. of custodial interrogations act	7/25/2021*	
ESB 5135	C 330 L 21	Unlawfully summoning a police officer	7/25/2021	
ESSB 5084	C 331 L 21	State general obligation bonds and related accounts	5/18/2021	
SHB 1080	C 332 L 21	The capital budget	5/18/2021**	
SSB 5165	C 333 L 21	Transportation funding and appropriations	5/18/2021	Partial Veto
ESSB 5092	C 334 L 21	Fiscal matters	5/18/2021	Partial Veto

2021 Statewide Legislative District Map With Legislative Members



District 1
Sen. Derek Stanford, D
Rep. Davina Duerr, D
Rep. Shelley Kloba, D

District 2
Sen. Jim McCune, R
Rep. Andrew Barkis, R
Rep. J.T. Wilcox, R

District 3
Sen. Andy Billig, D
Rep. Marcus Riccelli, D
Rep. Timm Ormsby, D

District 4
Sen. Mike Padden, R
Rep. Rob Chase, R
Rep. Bob McCaslin, R

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Sen. Mark Mullet, D
Rep. Bill Ramos, D
Rep. Lisa Callan, D

District 6
Sen. Jeff Holy, R
Rep. Mike Volz, R
Rep. Jenny Graham, R

District 7
Sen. Shelly Short, R
Rep. Jacquelin Maycumber, R
Rep. Joel Kretz, R

District 8
Sen. Sharon Brown, R
Rep. Brad Klippert, R
Rep. Matt Boehnke, R

District 9
Sen. Mark Schoesler, R
Rep. Mary Dye, R
Rep. Joe Schmick, R

District 10
Sen. Ron Muzzall, R
Rep. Greg Gilday, R
Rep. Dave Paul, D

District 11
Sen. Bob Hasegawa, D
Rep. David Hackney, D
Rep. Steve Bergquist, D

District 12
Sen. Brad Hawkins, R
Rep. Keith Goehner, R
Rep. Mike Steele, R

District 13
Sen. Judy Warnick, R
Rep. Tom Dent, R
Rep. Alex Ybarra, R

District 14
Sen. Curtis King, R
Rep. Chris Corry, R
Rep. Gina R. Mosbrucker, R

District 15
Sen. Jim Honeyford, R
Rep. Bruce Chandler, R
Rep. Jeremie Dufault, R

District 16
Sen. Perry Dozier, R
Rep. Mark Klicker, R
Rep. Skyler Rude, R

District 17
Sen. Lynda Wilson, R
Rep. Vicki Kraft, R
Rep. Paul Harris, R

District 18
Sen. Ann Rivers, R
Rep. Brandon Vick, R
Rep. Larry A. Hoff, R

District 19
Sen. Jeff Wilson, R
Rep. Jim Walsh, R
Rep. Joel McEntire, R

District 20
Sen. John E. Braun, R
Rep. Peter Abbarno, R
Rep. Ed Orcutt, R

District 21
Sen. Marko Liias, D
Rep. Strom Peterson, D
Rep. Lillian Ortiz-Self, D

District 22
Sen. Sam Hunt, D
Rep. Laurie Dolan, D
Rep. Jessica Bateman, D

District 23
Sen. Christine Rolfes, D
Rep. Tarra Simmons, D
Rep. Drew Hansen, D

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Rep. Steve Tharinger, D

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Rep. Cyndy Jacobsen, R

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Rep. Michelle Caldier, R

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Rep. Laurie Jinkins, D
Rep. Jake Fey, D

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Rep. Sharon Shewmake, D

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Sen. Patricia Kuderer, D
Rep. Vandana Slatter, D
Rep. Amy Walen, D

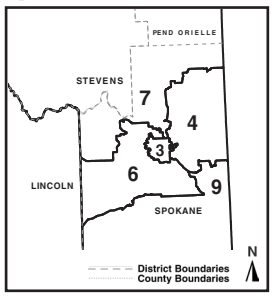
District 49
Sen. Annette Cleveland, D
Rep. Sharon Wylie, D
Rep. Monica Jurado Stonier, D

Revised: 12/21/20

Break-out of Washington Area Legislative Districts

Members Representing Spokane and Vancouver Areas

Spokane Area



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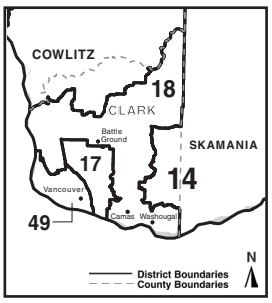
Vancouver Area



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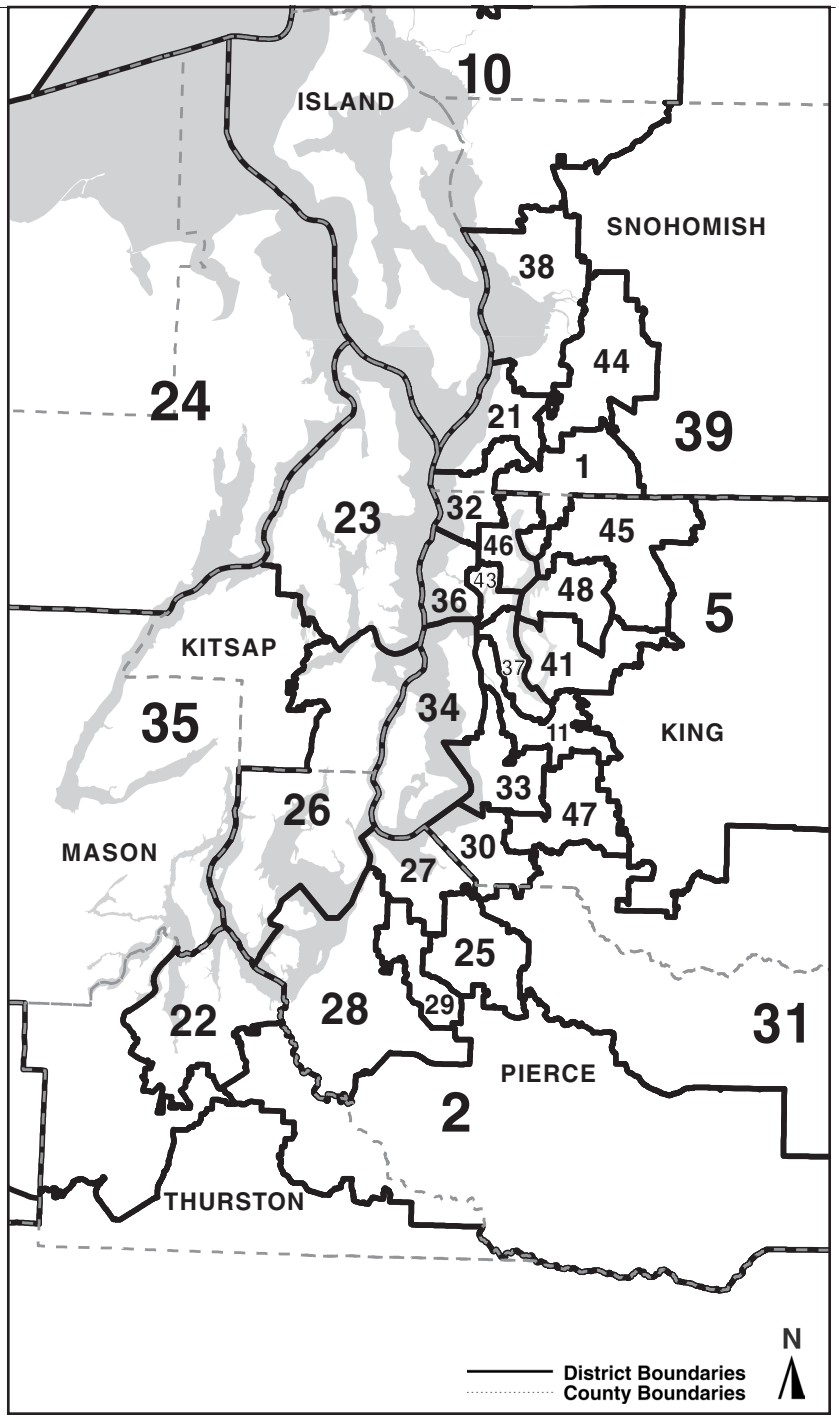

JAY INSLEE
Governor

STATE OF WASHINGTON
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May 13, 2021

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 9, 17, and 18, Engrossed Second Substitute House Bill No. 1069 entitled:

"AN ACT Relating to local government fiscal flexibility."

Sections 8 and 9 of this bill amend different versions of RCW 82.04.050, and Sections 17 and 18 establish different effective dates for Sections 8 and 9. Two other bills enacted by the Legislature this session, Substitute House Bill 1095 and Engrossed Senate Bill 5220, contain technical amendments to the same statute that would conflict with Sections 9, 17 and 18 of this bill. Therefore, I am vetoing Sections 9, 17 and 18 to avoid any confusion that may arise from these double amendments. These vetoes will not disturb the substantive provisions of this bill.

In addition, Sections 15 and 16 extend the timeframe for a city-owned utility to issue a tax lien related to unpaid utility fees. This is a difficult time for many Washingtonians, therefore I urge utility providers and local governments to use this power sparingly and as a last resort. Local governments should utilize resources provided by the federal government to cover customer utility bills that are in arrears before relying upon their lien authority. Providers should work with customers by providing payment assistance programs and identifying solutions to prevent service disconnections following the current utility shutoff moratorium. I urge members of the public who need help paying their utility bills to contact their utilities and enroll in their assistance programs.

For these reasons I have vetoed Sections 9, 17, and 18 of Engrossed Second Substitute House Bill No. 1069.

With the exception of Sections 9, 17, and 18, Engrossed Second Substitute House Bill No. 1069 is approved.

Respectfully submitted,

Jay Inslee

Governor

JAY INSLEE
Governor

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May 17, 2021

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3(8), Engrossed Third Substitute House Bill No. 1091 entitled:

> "AN ACT Relating to reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel."

Subsection (8) of Section 3 operates to delay the assignment of compliance obligations or the generation of credits "under this chapter" until a separate additive transportation revenue act becomes law. Although a governor is generally limited to full section vetoes in policy bills, and our courts generally defer to the Legislature's designation of full sections, this deference is not without limits. The Legislature may not design or construct a section for the purpose, or with the effect, of circumventing a governor's veto authority. In this case, subsection (8), the delayed effective date, is embedded in Section 3, a section that primarily directs the Department of Ecology to adopt rules and establish standards. However, the delayed effective date in subsection (8) reaches far beyond Section 3 by delaying the Department's authority to assign compliance obligations or allow the generation of credits "under this chapter". Several other sections of the bill address both compliance obligations and the generation of credits, such as Sections 4, 5, 6, 7 and 8. Additionally, other sections impose obligations on the department that relate to compliance obligations and credits. Effective dates are typically standalone sections when they impact more than one section of a bill. This delayed effective date impacts many sections of the bill, perhaps the entire act, but it is embedded in a single section to prevent a veto. It strains the imagination to discern any reason for embedding into a single section a delayed effective date that impacts not just that one section but also multiple additional sections, unless that reason is to prevent it from being vetoed. This type of legislative drafting demonstrates manipulation and is a palpable attempt at dissimulation, which our Supreme Court in *Legislature v. Lowry*, 131 Wn.2d 309 (1997), has ruled will not stand. As a result, I am vetoing Section 3(8) as a *de facto* section. I applaud the extraordinary efforts of the Legislature in moving this policy forward, but we cannot delay its implementation until some unknown time in the future – the crisis is now, and we must act now.

For these reasons I have vetoed Section 3(8) of Engrossed Third Substitute House Bill No. 1091.

With the exception of Section 3(8), Engrossed Third Substitute House Bill No. 1091 is approved.

Respectfully submitted,

Jay Inslee

Governor

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May 18, 2021

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Second Substitute House Bill No. 1127 entitled:

> "AN ACT Relating to protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities."

2SHB 1127 is a thoughtful, important proposal addressing privacy and confidentiality issues related to every person's COVID-19 health data when that data is collected, disclosed or used by entities other than public health agencies, health care providers, and health care facilities. I fully support these goals. The intent of the proposal was to address data collected during contact tracing work, however the plain language of the bill is very broad and covers other COVID-related information that was not contemplated at the time of drafting. For example, this bill appears to prohibit efforts by public and private entities to offer incentives to become vaccinated or to make certain opportunities available to those persons who are vaccinated. The current critical need to incentivize every eligible person to become vaccinated is an issue that did not exist, and was not contemplated, at the time this bill was drafted or made its way through the legislative process. I have spoken with the bill's prime sponsor, and my office will work with Representative Slatter and stakeholders to advance the policy goals in 2SHB 1127 both in the short term and long term.

For these reasons I have vetoed Second Substitute House Bill No. 1127 in its entirety.

Respectfully submitted,

Jay Inslee
Governor

JAY INSLEE
Governor

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May 12, 2021

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 7, Engrossed Second Substitute House Bill No. 1220 entitled:

> "AN ACT Relating to supporting emergency shelters and housing through local planning and development regulations."

Section 7 of this bill can be read to encourage the siting and development of accessory dwelling units in areas of the state outside of urban growth areas. This was a technical oversight that occurred during the legislative process. As passed, the bill inadvertently omitted a key reference limiting these policies to urban growth areas, which was not the intention of the bill's sponsor.

For these reasons I have vetoed Section 7 of Engrossed Second Substitute House Bill No. 1220.

With the exception of Section 7, Engrossed Second Substitute House Bill No. 1220 is approved.

Respectfully submitted,

Jay Inslee
Governor

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May 13, 2021

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 6, Engrossed Second Substitute House Bill No. 1287 entitled:

"AN ACT Relating to preparedness for a zero emissions transportation future."

Section 6 of the bill ties a very important goal of electrifying our transportation sector to the implementation of a road usage charge program. Transportation is our state's greatest source of carbon emissions and we cannot afford to link an important goal like getting to 100% zero-emission vehicles to a separate policy that will take time to design and implement.

I am committed to getting to zero emission transportation as quickly as possible. In fact, Washington is leading the way by building electric vehicle charging infrastructure, procuring zero-emission transit vehicles and building electric ferries, providing financial incentives for electric vehicle purchases, and advocating for a national 100% zero-emission vehicle standard by 2035.

I am also open to exploring the potential of a road usage charge program as part of a larger transportation revenue discussion. I look forward to working with legislators and stakeholders to figure out how to design a road usage charge that ensures the privacy of drivers, helps meet our zero-emission transportation goals, and ensures low-income and overburdened communities are not doubly penalized after already suffering through longer commutes.

Yet setting and achieving a goal of 100% electric vehicles is too important to tie to the implementation of a separate policy like the road usage charge.

For these reasons I have vetoed Section 6 of Engrossed Second Substitute House Bill No. 1287.

With the exception of Section 6, Engrossed Second Substitute House Bill No. 1287 is approved.

Respectfully submitted,

Jay Inslee

Governor

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May 13, 2021

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 11, Engrossed Substitute House Bill No. 1336 entitled:

> "AN ACT Relating to creating and expanding unrestricted authority for public entities to provide telecommunications services to end users."

Section 11 of this bill would allow local governments that are out of compliance with the Growth Management Act (GMA) to access funding distributed by the Public Works Board (Board) for broadband infrastructure. This language is almost identical to section 4 of 2SSB 5368 (encouraging rural economic development), but the language in this bill also requires an update to the Washington Administrative Code. Current law prohibits any funding distributed by the Board to go to a GMA noncompliant jurisdiction unless that funding is necessary to address a public health need or substantial environmental degradation. The new exception in Section 11 does not rise to the same level of urgency established in current law. In addition, an underpinning of the GMA has been that noncompliant jurisdictions are unable to access various forms of infrastructure funding. Broadband is critical infrastructure comparable to roads, bridges, and water systems, and should be treated the same before the Board.

For these reasons I have vetoed Section 11 of Engrossed Substitute House Bill No. 1336.

With the exception of Section 11, Engrossed Substitute House Bill No. 1336 is approved.

Respectfully submitted,

Jay Inslee
Governor

JAY INSLEE
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May 18, 2021

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1495 entitled:

> "AN ACT Relating to providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax."

As drafted, House Bill 1495 would provide automobile dealers with a business and occupation (B&O) tax deduction for qualified dealer cash incentives. Auto dealers earn taxable income by purchasing vehicles at wholesale from automobile manufacturers to sell at retail to consumers. However, dealers can also earn dealer cash incentives by selling specific automobile models during specific times and by complying with other terms and conditions. The Washington State Supreme Court concluded in *Steven Klein Inc. v. State Department of Revenue,* 183 Wash.2d 889 (2015*),* that this "dealer cash" is income received by auto dealers in addition to the income they receive from retail sales and, therefore, constitutes an additional taxable business activity. The Court further found that dealer cash incentives do not qualify as bona fide discounts to the wholesale purchase price of vehicles.

The Court's ruling is aligned with normal principles of good tax policy as well as the intent of the B&O tax. The B&O tax is intended to be a gross receipts tax on essentially all income. Allowing a specific deduction for the portion of gross income associated with dealer cash incentives would introduce additional complexity into our tax system, erode Washington's tax base, and reduce revenues needed to provide critical services to Washington residents – all without providing a recognizable countervailing benefit to the people of this state.

By providing a B&O tax deduction for this income stream, HB 1495 would nullify the Court's decision related to the taxability of dealer cash incentives. As a result, HB 1495 would be a departure from normal principles of good tax policy without a compelling public policy reason to justify that departure. In addition, it is concerning that there is no requirement for a dealer who receives these incentives to pass on or even disclose these savings to the retail buyer.

For these reasons I have vetoed House Bill No. 1495 in its entirety.

Respectfully submitted,

Jay Inslee

Governor

ABORTION
Down syndrome, abortion or attempted abortion due to, prohibiting: HB 1008
Down syndrome, attending physician reporting duties in relation to: HB 1008
Student health plans, coverage for abortion, when: ***HB 1009, CH 53 (2021)**

ADMINISTRATIVE OFFICE OF THE COURTS
Early childhood court program, for infants/toddlers in dependency system, establishing, evaluation of, office role: ***2SSB 5331, CH 285 (2021)**
Eviction resolution pilot program, for rent nonpayment cases, establishing, roles of resolution centers and office: ***E2SSB 5160, CH 115 (2021) PV**
Juries and jurors, electronic demographic survey for jurors beginning a jury term, office role: HB 1542
Rent, nonpayment of, early resolution program for cases of, establishing, office role: HB 1228

ADMINISTRATIVE PROCEDURE (See also COVID-19 AND CORONAVIRUS; EMERGENCY, STATE OF; ENVIRONMENT; GROWTH MANAGEMENT; HYDRAULIC PERMITS AND PROJECTS; LAND USE PLANNING AND DEVELOPMENT; LEGISLATURE; LICENSING, DEPARTMENT; OPEN PUBLIC MEETINGS; PROFESSIONS; RECORDS; WASHINGTON ADMINISTRATIVE CODE (WAC))
Agency actions, judicial review under APA of, transfer to court of appeals, when: ***SB 5225, CH 305 (2021)**
COVID-19 emergency proclamations, civil penalties for activity/operations violations, amnesty for and prohibition of: HB 1547
Emergency orders, content and duration, and role of legislature: HB 1017, HB 1381
Health orders, emergency, content and duration, and role of legislature: HB 1004, HB 1017, HB 1029
Health orders, emergency, health-related measures in, right to decline: HB 1305, HB 1317
Justice, environmental, environmental health disparities, state agency actions to reduce: ***E2SSB 5141, CH 314 (2021)**
Rule making, addressing emergency, health-related measures in, right to decline: HB 1305, HB 1317
Rule making, agency amending/repealing in response/relating to state of emergency, restricting: HB 1381
Rule making, during state of emergency, agencies restricted to executing certain provisions: HB 1381
Rule making, emergency, agency adoption in response/relating to state of emergency, prohibiting: HB 1381
Rule making, emergency, duration and adoption in sequence, and role of legislature: HB 1013, HB 1158
Rule making, emergency, duration and oral comment hearing: HB 1029
Rule making, for uniform document recording, by secretary of state: ***SB 5019, CH 137 (2021)**

ADVANCED COLLEGE TUITION PAYMENT PROGRAM
GET accounts, retroactively adjusting for units purchased at 2020-2021 unit price: ***SB 5430, CH 248 (2021)**
Tuition units, price increase limitations, when: ***SB 5430, CH 248 (2021)**
Tuition units, via advanced college tuition payment/GET program, value of, and dividends: HB 1138

AERONAUTICS
Aircraft noise abatement, authorized programs, merging double amendments of RCW section concerning: ***EHB 1192, CH 65 (2021)**
Aircraft, unpiloted, DOT aviation division director to be system coordinator: HB 1379
Airport aid grant program, airport projects through, aircraft fuel sales/use tax funds use for, tracking: HB 1290
Airports, municipal, minimum labor standards enactment, when: ***SB 5385, CH 106 (2021)**
Airports, public use general aviation airport loan program: HB 1030, ***SB 5031, CH 175 (2021)**
Aviation and aerospace committee, appointing and maintaining: HB 1538
Commercial aviation coordinating commission, state, extending deadlines/expiration dates for: HB 1198
Commercial aviation facility, new primary, deadline for providing location for, extending: HB 1198
Community aviation revitalization board, convening: HB 1030, ***SB 5031, CH 175 (2021)**
Seaplanes, mooring of, by residential owner abutting state-owned aquatic lands: HB 1240
Unmanned aircraft systems, commercial, adding to "commercial airplane" for certain tax preferences: HB 1470
Unpiloted aircraft system coordinator, DOT aviation division director to be: HB 1379
Unpiloted aircraft, commercial, registration fees for, as funding source for system coordinator: HB 1379
Wildland fire aviation program and support plan, provisions: HB 1168

AFRICAN AMERICAN AFFAIRS, COMMISSION
Racial equity analyses, incorporation into audits/reviews/reports by JLARC, commission role: ***ESSB 5405, CH 310 (2021) PV**

AFRICAN AMERICANS (See also DISCRIMINATION; EQUITY, WASHINGTON STATE OFFICE; MINORITIES)

Black history month, celebrating: ***HR 4603 (2021)**

Brown, Bishop Leo Charles, Jr., service, life, and achievements of, recognizing and honoring: ***HR 4617 (2021)**

Bush, George Washington, commemorating through art, task force on, establishing: HB 1339

Juneteenth, as state legal holiday, establishing as: HB 1016

King, Dr. Martin Luther, Jr., honoring: ***HR 4601 (2021)**

AGRICULTURE (See also AGRICULTURE, DEPARTMENT; EMPLOYMENT AND EMPLOYEES; FARMS AND FARMING; FOOD AND FOOD PRODUCTS; GROWTH MANAGEMENT; HORSES; LABOR; LIVESTOCK)

Agricultural products or farm machinery/equipment, persons hauling for farmer, public utility tax exemption: HB 1380

Bees, nonnative bumble bees, moving into Washington for open-field agricultural use, prohibiting: ***2SSB 5253, CH 278 (2021)**

Bees/pollinators, habitat for, provisions: ***2SSB 5253, CH 278 (2021)**

Bees/pollinators, pollinator health task force, reestablishing, and implementing recommendations of: ***2SSB 5253, CH 278 (2021)**

Career and technical education and student organizations, in agriculture, food, and natural resource sciences: HB 1544

Daffodils, recognizing the daffodil festival, its organizers, and its royal court: ***HR 4619 (2021)**

Equity in farming, historically underrepresented groups, inclusion in food/agriculture laws/rules/etc. development/etc.: HB 1395

Fairs, area/county/other, transfers from state general fund to fair fund to assist fairs: ***2SSB 5362, CH 245 (2021)**

Feed, for swine, using animal meat waste material and associated garbage as, prohibiting: SB 5300

Fertilizer, commercial, application/license/inspection/late fees, increasing: ***SSB 5318, CH 282 (2021)**

Hemp extract, processors producing, hemp extract certifications for: ***ESB 5372, CH 104 (2021)**

Hemp, commercial processors, registration of: ***ESB 5372, CH 104 (2021)**

Lands, agricultural, carbon sequestration/storage, programs/activities/projects to preserve or increase: HB 1577

Lands, agricultural/grazing, state leases for, nondefault or early termination provision, lessee compensation, when: ***EHB 1199, CH 36 (2021)**

Lands, for farming, good faith purchaser of real property and relinquished water right: HB 1132

Workers, agricultural labor work group, establishing: HB 1516

Workers, employer exemption from payment of overtime to, removing: HB 1516, ***ESSB 5172, CH 249 (2021)**

Workers, farmworkers, temporary housing for, sales/use tax exemptions for, expanding: ***2SSB 5396, CH 250 (2021)**

Workers, modifying overtime compensation requirement to include, when: HB 1516, ***ESSB 5172, CH 249 (2021)**

Workers, with mental health stresses/suicidal thoughts, agricultural community mental health hotline services for: HB 1434

AGRICULTURE, DEPARTMENT (See also AGRICULTURE; FARMS AND FARMING; FOOD AND FOOD PRODUCTS; LIVESTOCK)

Bees, pollinator health task force, reestablishing, and implementing recommendations of: ***2SSB 5253, CH 278 (2021)**

Bees/pollinators, habitat for, department role: ***2SSB 5253, CH 278 (2021)**

Equity in farming, historically underrepresented groups, ensuring inclusion of, when, department role: HB 1395

Food assistance, using freed-up federal coronavirus funds for: HB 1368, HB 1467

Hemp extract, processors producing, hemp extract certifications for, department role: ***ESB 5372, CH 104 (2021)**

Hemp, commercial processors, registration of, department role: ***ESB 5372, CH 104 (2021)**

Justice, environmental, environmental health disparities, department actions to reduce: ***E2SSB 5141, CH 314 (2021)**

Meat and poultry processing and marketing assistance program, creating, department role: 2SSB 5045

Meat, custom meat license for facilities/intrastate inspection program, establishing, department role: HB 1102

AIR QUALITY AND POLLUTION (See also CLIMATE; FUELS; GROWTH MANAGEMENT; POLLUTION CONTROL HEARINGS BOARD; WATER POLLUTION)

Burning, flammable materials/refuse/waste forest materials on DNR-protected lands, permit requirement, violations of: HB 1423

Carbon dioxide, state agency purchasing of copy paper produced via process yielding less: HB 1518

Cargo-handling equipment/infrastructure, zero and near zero emissions, port district purchasing of: ***ESB 5026, CH 88 (2021)**

Clean air act, "enjoyment of life and property," to include parks and certain areas: HB 1057

Clean air act, greenhouse gas emissions reduction under: HB 1577
Clean air act, permits required under, exemption from, when: HB 1436
Commute trip reduction program, effectiveness of, assessing during pandemic: HB 1528
Commute trip reduction, car or van pool vehicles/plans/activities/ordinances, suspending requirements: HB 1528
Fire departments, fire suppression vehicles with emissions or fuel reduction technology, sales/use tax exemptions: HB 1479
Greenhouse gas emissions reduction account, creating: HB 1513, HB 1577
Greenhouse gas emissions, cap on, and allowances/offset credits, Washington climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**
Greenhouse gas emissions, carbon pollution tax on, imposing: HB 1513
Greenhouse gas emissions, clean fuels program, establishing: HB 1036, HB 1091
Greenhouse gas emissions, commercial transportation services: HB 1075
Greenhouse gas emissions, fossil fuel use for space/water heating, reducing: HB 1084
Greenhouse gas emissions, from building materials manufacturing, buy clean and buy fair Washington act: HB 1103
Greenhouse gas emissions, from food delivery and goods delivery providers: HB 1075
Greenhouse gas emissions, from hydrofluorocarbon and other refrigerants, reducing: HB 1050
Greenhouse gas emissions, GMA/SMA/transportation planning for reducing: HB 1099
Greenhouse gas emissions, healthy homes and clean buildings act: HB 1084
Greenhouse gas emissions, public facility practices and all-electric energy systems for reducing: HB 1280
Greenhouse gas emissions, reducing through carbon pollution tax and resulting revenues: HB 1513, HB 1577
Greenhouse gas emissions, zero emissions transportation future, state transition to, supporting: HB 1287
Greenhouse gas emissions, zero emissions vehicles, provisions: HB 1388
Respiratory conditions, in children/teenagers, statewide home air quality improvement program, establishing: HB 1291

ALCOHOLIC BEVERAGES (See also SUBSTANCE USE DISORDER)
Controlled substance homicide offenses, offender release/escape/etc., victim notification: ESSB 5245
COVID-19, economic impacts of, privileges granted to businesses with liquor licenses to mitigate, extending: HB 1480, SSB 5417
Licensees, providing alcohol for on-premises consumption, "open safe, open now" plan for reopening state in regard to: HB 1553
Licenses, fees for, waiving for one year, unless licensee has violated COVID-19/emergency requirements: ***ESSB 5272, CH 6 (2021)**
Licenses, fees, for certain restaurant/hotel/nightclub/theater/caterer licenses, reducing: HB 1359
Licenses, liquor, annual renewal date extension, when: HB 1011
Licenses, restaurant, beer and wine, wine by glass/premixed wine drinks for takeout/curbside/delivery: SSB 5417
Licenses, restaurant, spirits, beer, and wine, sales for off-premises consumption, licensee requirements: HB 1480, SSB 5417
Licenses, spirits retail license, limited, creating: HB 1062
Licenses, various, alcohol products sales for curbside and takeout service or delivery by licensees holding: HB 1480, SSB 5417
Licenses, various, food service menu requirements for alcohol sales by, revising rules for flexibility concerning: HB 1480, SSB 5417
Licenses, various, outdoor service of alcohol by on-premises licensees holding: HB 1480, SSB 5417
Licenses, various, with delivery endorsement, photographing or scanning customer identification: HB 1480, SSB 5417
Permits, spirits shipper's permit, for distilleries and certificate of approval holders: HB 1432
Production facilities of licensees, allowing employees 18 to 20 years of age to work in: HB 1483
Retail sales of alcoholic beverages, certain hospitality industry businesses making, B&O tax preferential rate: HB 1299
Spirits, certain additional taxes on certain sales of, removing: HB 1533
Spirits, limited spirits retail license, and mitigation fee, creating: HB 1062
Spirits, mini-bottles, retail sales tax exemption for: HB 1480
Spirits, mini-bottles, retail sales tax exemption for, when: SSB 5417
Spirits, restaurant spirits retailers, distributor sales to, certain additional taxes on, removing: HB 1533
Spirits, spirits shipper's permit, for distilleries and certificate of approval holders: HB 1432
Wine, Washington wine special license plates, creating: HB 1530
Wineries, production facilities of, allowing employees 18 to 20 years of age to work in: ***HB 1289, CH 123 (2021)**
Wineries, small, liquor excise tax on sales, exemption: HB 1116

ANIMALS (See also FOSSILS; LIVESTOCK; WILDLIFE)
Cats, selling or offering for sale in pet store, prohibiting: HB 1424
Cruelty, second degree, provisions: HB 1038
Dog guides, persons with disabilities using, discrimination against, civil actions alleging: HB 1574
Dogs, assistance, courthouse facility dogs for witness use, access authority and certified handlers for: SSB 5127
Dogs, selling or offering for sale in pet store, requirements: HB 1424
Dogs, selling or offering for sale in pet store, when: HB 1424
Dogs, with intact sex organs over age of 6 months, number at one time of, commercial breeder exemption from: HB 1424
Police dogs, unleashed, peace officer use of, prohibitions: HB 1054
Service animals, persons with disabilities using, discrimination against, civil actions alleging: HB 1574

APPLIANCES (See also ELECTRICIANS AND ELECTRICAL INSTALLATIONS; ELECTRONIC PRODUCTS; HEATING AND HEATERS)
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Refrigeration and air conditioning systems, refrigerant management program for: HB 1050

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Programs, with five or more apprentices, federal law, conforming with: HB 1288
Regional apprenticeship programs, establishing through educational service districts: HB 1536
Substance use disorder professionals/professional trainees, certification via apprenticeship program: ***EHB 1311, CH 165 (2021)**
Utilization of apprentices, for public works municipality/DOT/school district/college contracts: HB 1308

ARCHAEOLOGY AND HISTORIC PRESERVATION, DEPARTMENT
Main street program, criteria for designation of a, modifying: HB 1353
Main street program, economic development as a program mission: HB 1353
Main street program, long-term downtown or neighborhood commercial district revitalization programs: HB 1353
Main street program, staffing for local programs, minimum level of, pilot project grant program to assist with: HB 1456
Main street program, tax credit for contributions to, additional credit on top of: HB 1279

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ART AND ARTWORKS
Cultural access programs, sales/use tax for, imposition by a city, when: HB 1058
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Marcus Whitman statue, in U.S. capitol's national statuary hall, replacing with statue of Billy Frank Jr.: HB 1372

ARTS COMMISSION
George Washington Bush, commemorating through art in legislative building, commission role: HB 1339

ASIAN PACIFIC AMERICAN AFFAIRS, STATE COMMISSION
Racial equity analyses, incorporation into audits/reviews/reports by JLARC, commission role: ***ESSB 5405, CH 310 (2021) PV**

ASIAN PACIFIC AMERICANS
Japanese American veterans, incarcerees, and civil rights activists, recognizing and remembering: ***HR 4609 (2021)**
Lunar New Year and Washington's Asian and Pacific Islander Americans, celebrating: ***HR 4606 (2021)**

ATTORNEY GENERAL
Consumer protection improvement act, AG role: ***SSB 5025, CH 228 (2021)**
Deadly force, police officer criminal offenses involving, independent prosecutions unit and prosecutor for, establishing: HB 1507
Deadly force, police officer criminal offenses involving, investigation and prosecution of, AG authority for: HB 1507
Force, use by police officers, data program concerning, assisting with developing, advisory group for, AG role: ***E2SSB 5259, CH 326 (2021)**

Minority and women-owned businesses, contracts, AG enforcement, repealing: HB 1259
Nonprofit corporation act, Washington, AG enforcement role: ***SSB 5034, CH 176 (2021)**
Peace officer accountability act, cause of action for injury when officer unlawfully exercising powers, AG role: HB 1202
Peace officers, force/deadly force use, permissible/excessive and de-escalation tactics, model policies, AG role: HB 1310
Price increases, excessive/unjustified during state of emergency, investigation of violations, AG role: ESSB 5191
Public counsel unit, electric/natural gas utility affordability/reliability improvements, economic impact analysis: HB 1130
Sexual assault investigation/prosecution, case status, reporting of, AG role: HB 1109
Youth, safety/well-being of, risks to, YES tip line program for tips concerning, establishing, AG role: 2SSB 5327
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Prosecuting attorneys, conflict-free special deputy, in cases of police officer criminal offenses involving deadly force: HB 1507
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AUDITOR, STATE (See also LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT (JLARC))
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County auditors, document recording standards, revising: ***SB 5019, CH 137 (2021)**
County auditors, document-recording surcharge, additional: HB 1277
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BICYCLES
Bicycle and pedestrian safety, school curriculum relating to, updating: HB 1039
Bicycle awareness program, reporting requirements: HB 1039
Bike safety awareness program, for students in 3rd to 5th grade, creating: HB 1039
Electric-assisted, use on recreational trails managed by DNR or DFW, when: HB 1524
Electric-assisted, use on trails and roads closed to motor vehicles, determining where and which bicycle classes: ***ESSB 5452, CH 191 (2021)**
Electric/electric-assisted, and related cycling equipment, sales/use tax exemptions: HB 1330
Head injury prevention program, reporting requirements: HB 1039
Roads/trails/paths, use in rural counties by groups of 6 or more not in same household, bicycle tour permit for: HB 1435
Safe routes to school program, grant funding under, when: HB 1039

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Vessels, nonresident, permit provisions applicable to, removing or relaxing certain limits: HB 1107

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General obligation bonds, for capital budget projects: HB 1081, ***ESSB 5084, CH 331 (2021)**
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State route number 520, construction/operation, bond/loan obligations, SR 520 civil penalties account use for: HB 1529
Toll facilities, Interstate 405/state route number 167 express toll lanes account, bonds supported by revenues in, prohibiting issuance, when: ESB 5232
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BOUNDARIES
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Appropriations, certain 2019-2021 biennial, reattributing to free up federal coronavirus relief funds: HB 1334, HB 1467
Capital construction projects, major, predesign requirements, reducing: ***HB 1023, CH 54 (2021)**
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Capital, general obligation bonds for projects: HB 1081, ***ESSB 5084, CH 331 (2021)**
Deficit, 2021-2022 biennium, near-general fund/outlook analysis and deficit: HB 1163
Fiscal oversight committee, joint legislative, establishing to oversee deficits/certain reductions and receipts: HB 1163
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BUILDING CODE COUNCIL
Electric vehicle infrastructure in buildings, to support zero emission vehicle use: HB 1287
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BUILDING CODES AND PERMITS (See also BUILDING CODE COUNCIL)
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Permits, for construction, exemption from permitting for, when: HB 1436
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BUILDINGS, STATE (See also CAPITAL PROJECTS ADVISORY REVIEW BOARD; CAPITOL CAMPUS, STATE)
Greenhouse gas emissions, public facility practices and all-electric energy systems for reducing: HB 1280
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BUSINESSES (See also AGRICULTURE; ALCOHOLIC BEVERAGES; ANIMALS; COMPUTERS; CONSUMER PROTECTION; COOPERATIVE ASSOCIATIONS; DRUGS; EMPLOYMENT AND EMPLOYEES; FOOD AND FOOD PRODUCTS; LABOR; LODGING; MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE; PROFESSIONS; TAXES - BUSINESS AND OCCUPATION; TELECOMMUNICATIONS; UNEMPLOYMENT COMPENSATION; UTILITIES; WORKERS' COMPENSATION)
Access to business, law/rule/order requiring vaccination for, prohibitions and exemption: HB 1065
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Access to businesses, "open safe, open now" plan for reopening Washington: HB 1553
Access to businesses/public places, proof of COVID vaccination for, prohibiting government from requiring: HB 1570
Bad debts of buyers, B&O tax deduction and sales/use tax credit/refund for sellers for, narrowing: HB 1539
Bowling alleys, proprietors of, making retail sales, B&O tax preferential rate: HB 1299
Cars, rental companies, electric or hybrid vehicle purchase or use by, sales and use tax exemptions: HB 1572
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COVID-19, economic impacts of, B&O tax credit: HB 1012
COVID-19, economic impacts of, B&O tax deferral: HB 1188
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COVID-19, economic impacts of, privileges granted to liquor licensees to mitigate, extending: HB 1480, SSB 5417
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Data, personal, making sales of/exchanging for consideration, persons engaged in business of, B&O tax on: HB 1303
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Employer WISHA violations, civil penalties for, imposing when emergency proclamation in effect, prohibiting: HB 1244
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Kitchens, microenterprise home operations, regulation of and permits and pilot program for: HB 1258
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Nightclubs, "open safe, open now" plan for reopening Washington in regard to: HB 1553
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Personal information, captured, processing by business entities, individual's rights and opt-in consent for: HB 1433
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Public accommodation, places of, closed captioning on televisions in: ***SB 5027, CH 229 (2021)**

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Restaurants, certain liquor license fees for, reducing: HB 1359
Safety/health, order restraining condition of employment/practice, violations, employer and worker recourse: HB 1097
Small, public works alternative contracting opportunities access for: ***SB 5032, CH 230 (2021)**
Small, unemployment benefits forgiven for employers, reimbursement by unemployment insurance relief account: HB 1568
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Staffing agencies, for temporary employees, agency and worksite employer requirements: HB 1206
Theaters, certain liquor license fees for, reducing: HB 1359

CAPITAL PROJECTS ADVISORY REVIEW BOARD (See also PUBLIC WORKS)
Alternative public works contracting procedures, revising, board role: ***SB 5032, CH 230 (2021)**

CAPITOL CAMPUS, STATE
Firearm/weapon, knowingly open carrying on west campus grounds or in buildings on capitol grounds, prohibiting: ***ESSB 5038, CH 261 (2021)**
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CASELOAD FORECAST COUNCIL
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CHIEF INFORMATION OFFICER, OFFICE OF THE STATE
Cloud computing services, 3rd-party commercial, state agency adoption of and migration to, office role: HB 1274
Cybersecurity, office of, creating within office of state CIO: ***ESSB 5432, CH 291 (2021)**
Information technology, state agency, independent security assessment of audits of, contracting for: ***ESSB 5432, CH 291 (2021)**
Privacy and data protection, office of, captured personal information security standards, developing, office role: HB 1433
Privacy and data protection, office of, personal data opt-out technology, studying: 2SSB 5062
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Licenses, for providers, exemptions/seasonal camps/private schools/background checks/internal review/inspections: ***SSB 5151, CH 304 (2021) PV**
Licenses, for providers, fees for, prohibiting: ***SSB 5151, CH 304 (2021) PV**
Licenses, for providers, professional development/higher education requirements, suspending: HB 1278
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Outdoor nature-based child care program, licensed, establishing: ***SSB 5151, CH 304 (2021) PV**
Perinatal to three, strengthening supports in multiple ways: HB 1213
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Early learning facilities grant and loan program, modifying, and adding start-up grants to program: HB 1370
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Tuition, units via advanced college tuition payment/GET program, GET account retroactive adjustment for, when: ***SB 5430, CH 248 (2021)**
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Washington State U., school of medicine, health equity curriculum for medical students, developing: ***SSB 5228, CH 96 (2021)**
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Health plan coverage for students, to include abortion, when: ***HB 1009, CH 53 (2021)**
High school students, college in the high school programs, provisions governing: HB 1302
Inmates, postsecondary education before and after release: HB 1044
Insurers, eligible captive, affiliated with public higher education institution, premium tax exemption: ***2SSB 5315, CH 281 (2021)**
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Tuition, units via advanced college tuition payment/GET program, price increase limitations, when: ***SB 5430, CH 248 (2021)**
Tuition, units via advanced college tuition/GET program, value of, and dividends: HB 1138
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Legislature, 2021 regular session, adjourning SINE DIE: ***HCR 4404 (2021)**
Legislature, 2021 regular session, returning bills, memorials, and resolutions to house of origin: ***HCR 4403 (2021)**
Legislature, bills/other legislation, cutoff dates: ***SCR 8401 (2021)**
Legislature, bills/other legislation, cutoff dates, exempting HB 1557 and certain gubernatorial authority matters from: HCR 4402
Legislature, joint rules, 2021-2022, adopting: ***HCR 4400 (2021)**
Legislature, joint session, elective state officers, canvassing vote of: ***HCR 4401 (2021)**
Legislature, joint session, governor's inaugural address: ***HCR 4401 (2021)**

CONSERVATION

Bees/pollinators, habitat for, provisions: ***2SSB 5253, CH 278 (2021)**
Districts, meat and poultry processing and inspection within, grant program for access to, developing: 2SSB 5045

Districts, pollinator habitat, small grants program funding for district educational efforts about the value of: ***2SSB 5253, CH 278 (2021)**
Energy conservation, life-cycle cost analysis in design of public facilities, guidelines for: HB 1280
Energy conservation, tree planting and cool roof programs for, role of utilities: HB 1114
Pollinator habitat, creating or maintaining via sustainable farms and fields grant program: ***2SSB 5253, CH 278 (2021)**
Preservation/protection of environment/natural resources, rights of all people in relation to, constitutional amendment: HJR 4205
Rental housing, single-/multi-family, conservation/energy efficiency opportunities, roles of owner and utility: HB 1125, HB 1498

CONSERVATION COMMISSION (See also CONSERVATION)
Meat and poultry processing/inspection within districts, grant program for access to, commission to develop: 2SSB 5045
Pollinator habitat, small grants program funding for district educational efforts about value of, commission role: ***2SSB 5253, CH 278 (2021)**
Sustainable farms and fields grant program, creating or maintaining pollinator habitat via, commission role: ***2SSB 5253, CH 278 (2021)**

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Public health measures, when infringing on any constitutional rights, prohibiting enforcement of: HB 1442

CONSTITUTION, U.S.
Freedoms and rights, uniform public expression protection act: ***SSB 5009, CH 259 (2021)**
Public health measures, when infringing on any constitutional rights, prohibiting enforcement of: HB 1442
U.S. government and congress, limits on, amendment convention: HJM 4001

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Consumer debt, personal property exemption from execution/attachment/garnishment, when: HB 1447, ***HB 1525, CH 50 (2021)**
Digital electronic products, right-to-repair requirements for manufacturers of: HB 1212
Online marketplaces, high-volume third-party sellers on, requirements: HB 1543
Personal data, businesses controlling/processing, Washington privacy act: 2SSB 5062
Personal data, making sales of/exchanging for consideration, persons engaged in business of, B&O tax on: HB 1303
Personal information, captured biometric, people's privacy act provisions concerning: HB 1433
Personal information, captured, processing by business entities, individual's rights and opt-in consent for: HB 1433
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Price increases, excessive/unjustified during state of emergency, prohibiting: ESSB 5191
Telephone solicitations, commercial, requirements for, modifying: HB 1497
Vulnerable populations, protections for, via consumer protection improvement act: ***SSB 5025, CH 228 (2021)**

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Construction permits, exemption from requirement, when: HB 1436

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CORPORATIONS
Business corporations, corporate action without meeting, consent provisions: ***SB 5005, CH 84 (2021)**
Business corporations. electronic records and transmission, revisions: ***SB 5005, CH 84 (2021)**
Nonprofit, electronic transmission of notices and meeting procedures, revisions: ***SSB 5034, CH 176 (2021)**
Nonprofit, health/social welfare organizations, providing behavioral health treatment, B&O tax deduction for: ***HB 1296, CH 124 (2021)**
Nonprofit, Washington nonprofit corporation act, repealing existing and replacing with new: ***SSB 5034, CH 176 (2021)**

CORRECTIONAL FACILITIES AND JAILS (See also CORRECTIONS, DEPARTMENT; CRIMINAL OFFENDERS; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; VICTIMS OF CRIMES)
Confined persons, in medicaid suspense status, pre-release reinstatement of medical assistance for: ***E2SSB 5304, CH 243 (2021) PV**

Corrections officers, certification/employment/disciplining/background investigations of: HB 1082, ***E2SSB 5051, CH 323 (2021)**
Corrections officers, force/deadly force use, permissible/excessive and de-escalation tactics, model policies on: HB 1310
Corrections officers, state oversight and accountability of peace officers and: HB 1082, ***E2SSB 5051, CH 323 (2021)**
Detention facilities, private/for-profit, prohibiting use of: ***EHB 1090, CH 30 (2021)**
Inmates, confined in jails, reentry community services program expansion in order to include: ***E2SSB 5304, CH 243 (2021) PV**
Inmates, postsecondary education participation before and after release: HB 1044
Inmates, unexpected deaths of, unexpected fatality reviews and review teams: ***ESSB 5119, CH 139 (2021)**
Inmates, voting rights restoration process notification: HB 1078
Institutional education program, for youth in/released from secure facilities, duties of agencies and work group: HB 1295
Institutional education program, institutional education accountability work group, establishing: HB 1295
Medical assistance, medicaid suspense status, prohibiting for persons incarcerated for less than 30 days: HB 1348
Medical assistance, medicaid suspense status, reinstatement from, for confined persons before release: ***E2SSB 5304, CH 243 (2021) PV**
Offender reentry community safety program, renaming as reentry community services program: ***E2SSB 5304, CH 243 (2021) PV**
Ombuds, office of corrections, inmate unexpected fatality review teams role of: ***ESSB 5119, CH 139 (2021)**
Prisons and detention facilities, private/for-profit, prohibiting use of: ***EHB 1090, CH 30 (2021)**
Reentry community services program, renaming offender reentry community safety program as: ***E2SSB 5304, CH 243 (2021) PV**
Reentry services work group, convening: ***E2SSB 5304, CH 243 (2021) PV**
Solitary confinement, use of, restrictions/allowed uses/procedures, solitary confinement restriction act: HB 1312

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Forest health treatments and wildfire prevention/response, developing workforce for, DOC role: HB 1168
Inmates, postsecondary education before/after release, DOC role: HB 1044
Inmates, unexpected deaths of, unexpected fatality reviews and review teams, DOC role: ***ESSB 5119, CH 139 (2021)**
Medical school graduates, international, limited license for, when nominated by DOC: HB 1129
Ombuds, office of corrections, inmate unexpected fatality review teams role of: ***ESSB 5119, CH 139 (2021)**

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Community and technical colleges, mental health counseling/services access for students, pilot program: HB 1468, ***E2SSB 5194, CH 272 (2021)**
Marriage and family therapist associates, license renewal waiver for: ***HB 1063, CH 57 (2021)**
Mental health counselor associates, license renewal waiver for: ***HB 1063, CH 57 (2021)**
Peer specialists, certified substance use disorder, safe station pilot programs role of: ESSB 5074
Peer specialists/peer specialist trainees, licensed, licensing/practice requirements and advisory committee for: HB 1349
Schools, limited mental health staff certificate, for trauma-informed counseling of COVID-impacted students: HB 1444
Social worker associates, license renewal waiver for: ***HB 1063, CH 57 (2021)**
Social workers, independent clinical, licensing of, distance supervision for: HB 1007

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Association of counties, WA state, duties in relation to annexation under GMA and annexation sales tax credit: ***2SSB 5368, CH 312 (2021) PV**
Broadband services, retail, provided by public entities, authority via public broadband act: HB 1336
Clerks, elective public officer recall ballot synopsis-related duties of: ***SB 5131, CH 92 (2021)**
Clerks, ex parte order processing, authorizing higher fee for: HB 1407
Comprehensive public health districts, creation by one or more counties: HB 1152

Distressed, building communities fund program for, grant assistance for projects, modifying funding limits: HB 1154
Elected officials, offices of, electronic media use and continuity of operations during public health crises: ***EHB 1271, CH 122 (2021)**
Governor, election by county and electoral votes: HB 1014
Homeless housing, public building conversion grant program, creating, role of counties: HB 1101
Homeless individuals, sleeping outdoors on public property, prohibiting criminal sanctions for, when: HB 1576
King, property tax levies by, inapplicability of supplanting limitations for, when: HB 1069
Park and recreation districts, island district in county of 2 million or more, property tax levy rate limit for: ***HB 1034, CH 117 (2021)**
Pierce, daffodil festival, its organizers, and its royal court, recognizing: ***HR 4619 (2021)**
Reopening Washington, "open safe, open now" plan for, presenting Phase 3 regulations applying at county level: HB 1553
Rural, road/trail bicycle use in, by groups of 6 or more not in same household, bicycle tour permit for: HB 1435
Sexually violent predators, conditionally released, housing placements in county for, fair share principles: ***E2SSB 5163, CH 236 (2021)**
Snohomish, community residential service businesses, provider rate: HB 1045
Thurston, increasing superior court judges for: ***HB 1167, CH 63 (2021)**
Titles, registrars of, duties required by repeal of chapter 65.12 RCW: HB 1376
Transportation authorities, county, ambulance services for sick/injured, authority to pay for personnel training for: HB 1505
Yakima, former county commissioner Norman "Norm" Wayne Childress, recognizing and remembering: ***HR 4625 (2021)**

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Appeals, court of, appellate review fee, exception for certain transferred cases: ***SB 5225, CH 305 (2021)**
Appeals, court of, appellate review fee, surcharge on, removing expiration of: HB 1532
Appeals, court of, transfer of agency action judicial review under APA to, when: ***SB 5225, CH 305 (2021)**
Appeals, court of, transfer of land use decision judicial review to, when: ***SB 5225, CH 305 (2021)**
Compensation increases, state judicial branch, ceasing during 2021-2023: HB 1027
Court commissioners, State v. Blake resentencing hearings and hearings to vacate related convictions: ***ESB 5476, CH 311 (2021) PV**
Court research, Washington center for, attorneys for children in dependency proceedings role of: HB 1219
Criminal commissioners, State v. Blake resentencing hearings and hearings to vacate related convictions: HB 1578, ***ESB 5476, CH 311 (2021) PV**
District courts, clerks of, surcharges on certain civil action filing fees, removing expiration of: HB 1532
Dogs, courthouse facility dogs for witness use, access authority and certified handlers for: SSB 5127
Early childhood court program, for infants/toddlers in dependency system, establishing: ***2SSB 5331, CH 285 (2021)**
Emergency proclamations by governor, judicial review of: HB 1029
Indigency, court authority to refrain from imposing costs on indigent defendant, when: HB 1412
Indigency, when offender has restitution obligations and fines/fees, court's discretion: HB 1412
Indigent defendants, not legally in U.S., civil legal aid funds for representing: ***HB 1072, CH 58 (2021)**
Judicial branch, staffing/purchasing/travel/training, restricting in 2021-2023: HB 1027
Judicial information system, information technology systems used to communicate with, funds to support: ***ESSB 5226, CH 240 (2021)**
Juries and jurors, electronic demographic survey for jurors beginning a jury term: HB 1542
Limited jurisdiction courts, misdemeanant pretrial/postjudgment probation supervision, interlocal agreements: HB 1294
State v. Blake, drug offense resentencing hearings and hearings to vacate convictions related to, conducting: HB 1578, ***ESB 5476, CH 311 (2021) PV**
Superior courts, clerks of, surcharges on certain filing fees, removing expiration of: HB 1532
Superior courts, early childhood court program for infants/toddlers in dependency system, establishing: ***2SSB 5331, CH 285 (2021)**
Superior courts, judges, increasing number in Thurston county: ***HB 1167, CH 63 (2021)**
Supreme court, commission on children in foster care, children's representation work group in, duties: HB 1219
Supreme court, commission on children in foster care, duties: HB 1219
Youth courts, to target offenders age 13 through 17: ESSB 5122

COVID-19 AND CORONAVIRUS (See also BUDGETS; COMPUTERS; EMERGENCY MANAGEMENT AND SERVICES; EMERGENCY, STATE OF; EMPLOYMENT AND EMPLOYEES; FOOD AND FOOD PRODUCTS; HEALTH AND SAFETY, PUBLIC; HOMELESS PERSONS; HOMES AND HOUSING; LABOR; LONG-TERM CARE; MENTAL HEALTH; PUBLIC ASSISTANCE; REAL ESTATE AND REAL PROPERTY; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - PROPERTY; TELECOMMUNICATIONS; UNEMPLOYMENT COMPENSATION; WORKERS' COMPENSATION)

Accounts, COVID-19 K-12 response account, creating to support school efforts to respond to pandemic: HB 1334
Accounts, COVID-19 public health response account, creating for statewide response to pandemic: HB 1334, HB 1368
Accounts, recovery rebate account, creating department of revenue remittances to low-income persons: HB 1334
Accounts, statewide pandemic preparation and response task force account, creating: HB 1340
Aid and relief, qualifying grants for, B&O/public utility tax exemptions: HB 1002
Aid and relief, qualifying grants for, B&O/public utility/retail sales tax exemptions: HB 1095
Businesses, B&O tax exemption when closed due to COVID-19: HB 1520
Businesses, economic impacts of pandemic on, additional main street program contributions credit: HB 1279
Businesses, economic impacts of pandemic on, B&O tax credit: HB 1012
Businesses, economic impacts of pandemic on, B&O tax deferral: HB 1188
Businesses, price increases by, excessive/unjustified during state of emergency, prohibiting: ESSB 5191
Businesses, small, working Washington grants to assist during pandemic, using certain funds for: HB 1368
Businesses, with liquor licenses, privileges granted to mitigate pandemic effects for, extending: HB 1480, SSB 5417
Child care and early learning providers, increasing rates/training/grants/services to support: HB 1213, ***E2SSB 5237, CH 199 (2021)**
Child care industry, stabilizing, and expanding early childhood development programs access: HB 1213, ***E2SSB 5237, CH 199 (2021)**
Child care licenses, fees for providers for, prohibiting due to impact of pandemic: ***SSB 5151, CH 304 (2021) PV**
Child care licenses, fees for providers for, waiving: HB 1278
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Commuter ride sharing, passenger vehicles for, sales/use tax preferences, discontinuing: HB 1528
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Contact tracing, individual's COVID-19 health data collected via digital tools and used for, protections for: HB 1127
County elected officials, offices of, electronic media use/continuity of operations during public health crises: ***EHB 1271, CH 122 (2021)**
Data, personal, detecting infectious disease symptoms and tracking contacts, WA privacy act: 2SSB 5062
Data, personal, regarding public health emergency, privacy in private and public sectors: 2SSB 5062
Deficit, 2021-2022 biennium, near-general fund/outlook analysis and deficit: HB 1163
Diseases/health threats/conditions, agency-gathered personal identifying information about, disclosure exemption: HB 1328
Domestic violence and workplace resources, task force on, convening: ***HB 1315, CH 43 (2021)**
Education, telecommunications/broadband services in unserved areas, provided by PUDs/port districts: ***2SSB 5383, CH 293 (2021)**
Emergency orders, content and duration, and role of legislature: HB 1017, HB 1029, HB 1158, HB 1381
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Emergency orders, health-related measures in, right to decline: HB 1305, HB 1317
Emergency orders, issued by governor, actions to determine validity of, declaratory and other relief: HB 1563
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Emergency orders, issued by governor, eviction moratorium, suspending, and aiding tenants and landlords: HB 1228
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Emergency orders, issued by governor, infringement on any constitutional rights by, prohibiting: HB 1381
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Emergency rules, duration and adoption in sequence, and role of legislature: HB 1013, HB 1158
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Emergency, state of, governor's authority during, HB 1557 and legislation relating to, 2021 session cutoff exemption for: HCR 4402
Employees, health care, unemployment and workers' compensation benefits, when: ***ESSB 5190, CH 251 (2021)**
Employees, secondary traumatic stress in K-12 workforce, model policy/procedure to prevent/address: HB 1363
Employees, state, working from home, necessary expenditures reimbursement and social use of state internet: E2SSB 5395
Employees, state, working from home, remote working environment work group, establishing: E2SSB 5395
Employees, wage liens for wage claims, Washington wage recovery act: HB 1369, ***ESSB 5355, CH 102 (2021)**
Employers, infectious/contagious disease reporting requirements: ***ESSB 5115, CH 252 (2021)**
Employers, safety grant program, to meet new safety/health requirements during emergency: HB 1097
Employers, WISHA violations, civil penalties when emergency proclamation in effect, prohibiting: HB 1244
Epidemics/pandemics, local preparedness and response plans for, local health jurisdictions to develop/implement: HB 1442
Epidemics/pandemics, viral infections/severe disease prevention, health professionals committee, convening: HB 1442
Expenditures during emergency, 2021-2023 state government restrictions: HB 1027
Federal coronavirus relief funds, reattributing certain 2019-2021 appropriations for reappropriation of: HB 1334, HB 1467
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Financial intangible assets, Washington state wealth tax on, creating to achieve equity and provide funding: HB 1406
Foreclosure, homeowners facing, assistance provisions of foreclosure fairness act, expanding applicability: HB 1108
Fur farming/fur products manufacturing/production, spread of COVID-19 via, prohibitions to reduce: HB 1375
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Health care employees, unemployment and workers' compensation benefits, when: ***ESSB 5190, CH 251 (2021)**
Health care providers, personal protection equipment use during emergency, reimbursement by health carrier: ***SSB 5169, CH 94 (2021)**
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Health care, emergency services supervisory organizations in diversion centers for: HB 1276
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Health care, selected laws/regulations, timely consideration of waiver or suspension of, when: ***ESSB 5178, CH 268 (2021)**
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Health professionals, behavioral health, grant program and workforce pilot program/training support grants: HB 1504
Health systems, loans from government entities in response to emergency/pandemic, reporting: HB 1272
Health, local boards of, impact of lack of expertise and lived experience during pandemic: HB 1110
Health, local jurisdictions, epidemic/pandemic local preparedness and response plans development/implementation by: HB 1442
Health-related measures, right to decline, despite laws/rules/order/directives addressing emergencies/diseases: HB 1305, HB 1317
House of representatives, proceedings during COVID-19 emergency, permanent rules: ***HR 4610 (2021)**
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Housing and rental assistance, special lodging excise tax use for: HB 1069
Housing, addressing foreclosures/homelessness via estate tax revenue deposits in equity in housing account: HB 1465
Housing, affordable, for families at all low-income levels: HB 1220
Housing, affordable, or shelter units, services for residents of, revenue use for: HB 1069

Housing, affordable, or shelters, emergency housing and shelters and permanent supportive housing: HB 1220
Housing, rental, preserving through resolution and assistance programs and rent repayment plans: HB 1228
Housing, stability services and eviction prevention, use of revenue for: HB 1277
Immunization, COVID-19 vaccination proof for access to public places, prohibiting government from requiring: HB 1570
Immunization, COVID-19 vaccine, equitable dose allocation before reverting county to more restrictive Roadmap phase: HB 1580
Immunization, COVID-19 vaccine, planning/preparing/deploying using freed-up federal coronavirus funds: HB 1368
Immunization, COVID-19 vaccine, prioritizing school teachers and classified/private school staff for receipt of: HB 1420
Immunization, law/rule/order requiring receipt of, exemption when medical/philosophical/religious objection: HB 1065
Immunization, law/rule/order requiring receipt of, prohibiting unless conditions met: HB 1065
Immunization, right to decline, despite laws/rules/orders/directives addressing emergencies/diseases: HB 1305, HB 1317
Immunization, right to decline, religious/philosophical/personal objections: HB 1006
Information technology, state, cloud computing services, agency adoption/migration to, for vital services: HB 1274
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Labor standards, for health emergency, establishing: ***ESSB 5115, CH 252 (2021)**
Legislature, 2021 cutoff dates, exempting HB 1557 and state of emergency gubernatorial authority matters from: HCR 4402
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Licensing, distance supervision of independent clinical social workers for: HB 1007
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Liquor licenses, fees, reducing for certain restaurant/hotel/nightclub/theater/caterer licenses: HB 1359
Liquor licenses, fees, waiving for one year, unless licensee has violated COVID-19/emergency requirements: ***ESSB 5272, CH 6 (2021)**
Long-term care facilities, communications/resident contact information/stop placement orders/visitation, improving: HB 1218
Long-term care facilities, comprehensive disaster preparedness plans of: HB 1218
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Long-term care facilities, essential support person and resident representative for each resident: HB 1218
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Long-term care providers, during COVID-19 pandemic, life/work/sacrifice of, recognizing and honoring: ***HR 4624 (2021)**
Meat processing facilities, pandemic impact on, license/intrastate inspection program to address: HB 1102
Meetings, public, in virtual settings, public agency authority for holding: HB 1180
Meetings, public, remote or limited during declared emergency, requirements: HB 1056
Mental health treatment, certain nonprofit organizations providing, B&O tax deduction for, reenacting: ***HB 1296, CH 124 (2021)**
Mental health, behavioral health provider grant program and workforce pilot program/training support grants: HB 1504
Mental health, counselor/MFT/social worker associates, license renewal waiver during emergency: ***HB 1063, CH 57 (2021)**
Mental health, limited mental health staff certificate, for trauma-informed counseling of COVID-impacted students: HB 1444
Motor vehicle dealers, sales transaction electronic, internet, and location options: ***EHB 1049, CH 201 (2021)**
Open safe, open now plan, for reopening Washington, presenting Phase 3 regulations applying in all counties: HB 1553
Parks, local, budget needs due to COVID, local sales/use tax for: HB 1025
Parks/trails/outdoor spaces, "parks Rx" health and wellness pilot program, task force for developing, convening: SSB 5292
Personal protective equipment, Washington producers of, website of/report about/tax exemptions for: HB 1489
Plastic and paper carryout bags, delaying requirements due to supply chain problems: HB 1053
Postpartum/pregnant persons, medicaid postpartum coverage for, extending after COVID emergency: ***SSB 5068, CH 90 (2021)**

Property taxes, interest/penalties suspension and payment extensions/tax deferral, due to COVID emergency: HB 1332
Property taxes, state, antidisplacement property exemption for portion of residential property's assessed value: HB 1494
Property taxes, state, residential real property exemption from, when, constitutional amendment for: HB 1494
Protective devices/equipment, during public health emergency, requirements for employers: ***SSB 5254, CH 146 (2021)**
Public assistance, for households in need, CEAP/need standards/cash benefit/transitional food assistance: HB 1151
Public assistance, need standards for households, expanding goods/services included in: HB 1151
Public assistance, one-time cash benefit and transitional food assistance for certain households: HB 1151
Public health measures, when infringing on any constitutional rights, prohibiting enforcement of: HB 1442
Public health services, foundational, comprehensive public health districts for, creating: HB 1152
Public health services, foundational, covered lives assessment funds use for: HB 1201
Public health, knowledge/skills needed by students in grades 9-12, and education advisory committee: HB 1149
Quarantine, housing/rental assistance for persons in, revenue use for: HB 1069
Quarantine, participation in self-isolation or, mandating of, prohibiting: HB 1305
Quarantine, participation in self-isolation or, mandating of, prohibition and exception: HB 1317
Real property, sales under execution, electronic media use for, during public health crises: ***EHB 1271, CH 122 (2021)**
Recreation, outdoor, "parks Rx" health and wellness pilot program, task force for developing, convening: SSB 5292
Recreation, outdoor, bicycle tour permit for groups of 6 or more not in same household, in rural counties: HB 1435
Rental assistance, emergency rental assistance grant program and account, creating: HB 1228, HB 1398
Rental assistance, eviction prevention rental assistance program, creating: HB 1277
Reopening Washington, "open safe, open now" plan for, presenting Phase 3 regulations applying in all counties: HB 1553
Reopening Washington, safely, places/organizations at phase 2 of Roadmap to Recovery plan: HB 1321
Resiliency, statewide strategy, developing and administering: HB 1147
Resiliency, Washington state office of, establishing, and creating advisory board within office: HB 1147
Retirement benefits/service credit, state systems, impact of COVID-related expenditure reductions on: ***SB 5021, CH 12 (2021)**
Retirement, early during pandemic, SERS and TRS plans 2 and 3: HB 1032
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Schools, graduation requirements, changes to and emergency waivers of: HB 1162
Schools, graduation requirements, credit/subject area, emergency waivers for individual students: ***EHB 1121, CH 7 (2021)**
Schools, in-person instruction, resuming via certain options, prioritizing delivery to certain students when: HB 1366
Schools, learning assistance program, using appropriations to address COVID-caused academic deficits: HB 1208
Schools, learning devices/computers/peripheral devices in, plan and programs for: HB 1365, HB 1450
Schools, learning loss/extracurricular activities missed, bridge year pilot program establishment to address: 2SSB 5265
Schools, private, emergency waivers of hours/days requirements for: ***EHB 1131, CH 8 (2021)**
Schools, secondary traumatic stress in K-12 workforce, model policy/procedure to prevent/address: HB 1363
Schools, student transportation services, funds allocation/expanded services during remote instruction: ***E2SSB 5128, CH 234 (2021)**
Student athletes, newly recruited, four-year colleges to reserve 50% of athletic scholarship funding for: HB 1390
Substance use disorder professional trainees, certification renewal waiver during emergency: ***HB 1063, CH 57 (2021)**
Substance use disorder treatment, certain nonprofit organizations providing, B&O tax deduction for, reenacting: ***HB 1296, CH 124 (2021)**
Substance use disorder, provider grant program and workforce pilot program/training support grants: HB 1504
Suicide, 988 crisis hotline coordination with hotline centers, 911 systems, and behavioral health crisis system: HB 1182, HB 1477
Suicide, prevention organizations and crisis intervention information for students on websites of schools: HB 1373

Suicide, thoughts of, agricultural workers with, agricultural community mental health hotline services for: HB 1434
Suicide, youths up to age 24 who died by, impact of COVID-19 pandemic on suicide rates among: HB 1354
Task force, statewide pandemic preparation and response, establishing, and creating account for: HB 1340
Tenants and landlords, COVID hardship protections and requirements for: HB 1228, HB 1398, ***E2SSB 5160, CH 115 (2021) PV**
Tenants and landlords, eviction resolution pilot program, for rent nonpayment cases, establishing: ***E2SSB 5160, CH 115 (2021) PV**
Tenants, COVID hardship protections for: HB 1236
Unemployment benefits, extended, benefit and eligibility periods and job search requirements for: HB 1492, ***SSB 5425, CH 107 (2021)**
Unemployment benefits, for health care employees, when: ***ESSB 5190, CH 251 (2021)**
Unemployment benefits, forgiven, for certain employers, reimbursement by unemployment insurance relief account: HB 1568
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Unemployment insurance, claim adjudicators, training program for, creating: HB 1487, ***ESSB 5193, CH 271 (2021)**
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Utilities, electric light/space heating service, termination due to unpaid charges, prohibitions, when/for whom: HB 1490
Utilities, electric, impacts on, conservation acquisition targets, when events beyond control prevent meeting of: HB 1446
Utilities, lien imposition against customer premises, after emergency declaration expires: HB 1069
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Vaccination, COVID-19 vaccine, equitable dose allocation before reverting county to more restrictive Roadmap phase: HB 1580
Vaccination, COVID-19 vaccine, planning/preparing/deploying using freed-up federal coronavirus funds: HB 1368
Vaccination, COVID-19 vaccine, prioritizing school teachers and classified/private school staff for receipt of: HB 1420
Vaccination, law/rule/order requiring receipt of, exemption when medical/philosophical/religious objection: HB 1065
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Vaccination, right to decline, despite laws/rules/orders/directives addressing emergencies/diseases: HB 1305, HB 1317
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Vulnerable populations, protections for, via consumer protection improvement act: ***SSB 5025, CH 228 (2021)**
Workers, agricultural, agricultural community mental health hotline services for: HB 1434
Workers, behavioral health, provider grant program and workforce pilot program for training support grants: HB 1504
WorkFirst TANF program, extension beyond 60 months limit for months when unemployment rate at/above 7 percent: ***2SSB 5214, CH 239 (2021)**
Working families' tax exemption, providing sales/use tax exemption, updating and simplifying: HB 1297, HB 1319

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Licensing, department of, cost recovery of agency credit card/financial transaction fees: ***HB 1115, CH 32 (2021)**

CRIMES (See also CRIMINAL JUSTICE TRAINING COMMISSION; CRIMINAL OFFENDERS; CRIMINAL PROCEDURE; DOMESTIC VIOLENCE; DRUGS; FIREARMS; SENTENCES AND SENTENCING; VICTIMS OF CRIMES)

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Abuse or neglect of children, removal of child from parent, standards for: HB 1227
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Blacklisting, as prohibited labor practice, revisions to: HB 1005
Coercive control, against family or household member or intimate partner, crime of, gross misdemeanor: HB 1449
Death, wrongful, civil actions for, when person killed due to committing felony, complete defense to: ***ESSB 5263, CH 325 (2021)**
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Drug offenses, consuming or opening package containing controlled or counterfeit substance in public, civil infraction: HB 1578
Drug offenses, controlled substance distribution to person under 18, mandatory confinement of at least 7 years: HB 1561
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Drug offenses, involving controlled substances, persons convicted of, resentencing hearing for, when: ***SSB 5361, CH 286 (2021)**
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Election officials, harassing an election official, class C felony, when: SSB 5148
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Laser, unlawful discharge of a, first degree, class A felony: HB 1394
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Robbery, second degree, as persistent offender finding basis, conditional commutation: E2SSB 5036
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Vehicular pursuits, by law enforcement, model policy and information repository for, CJTC role: HB 1054

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Community custody, terms of, tolling of, limiting: HB 1126

Confined persons, in medicaid suspense status, pre-release reinstatement of medical assistance for: ***E2SSB 5304, CH 243 (2021) PV**

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Criminal record, persons with, applying to be long-term care workers with access to vulnerable adults: HB 1411

Drug offenses, controlled substances personal use possession, vacating prior conviction records, when: HB 1499

Drug offenses, involving controlled substances, persons convicted of, resentencing hearings for, when: ***SSB 5361, CH 286 (2021)**

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Escape/release/etc. of offender, victim/others notification, expanding list of crimes eligible for: ESSB 5245

Graduated reentry program, eligibility for, expanding: ***ESSB 5121, CH 266 (2021)**

Incarcerated individuals, untried indictment or complaint pending, bringing to trial: ***ESSB 5118, CH 265 (2021)**

Incompetent to stand trial, competency restoration treatment, outpatient, court-ordered: SSB 5210

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Legal financial obligations, restitution/non-restitution and fines/fees, when offender is indigent, court's discretion: HB 1412

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Licensure, professional, person with conviction seeking, determination of conviction's relevance, procedures: ***HB 1399, CH 194 (2021)**

Life without possibility of parole, for offense committed when 16 to 24 years of age, resentencing and release: HB 1344

Long sentences, for offenses committed before age of 25, release from confinement, when: HB 1344

Medical assistance, medicaid suspense status, prohibiting for persons incarcerated for less than 30 days: HB 1348

Medical assistance, medicaid suspense status, reinstatement from, for confined persons before release: ***E2SSB 5304, CH 243 (2021) PV**
Mental health sentencing alternative to incarceration, eligibility for: ***2SSB 5293, CH 242 (2021) PV**
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Reentry services work group, convening: ***E2SSB 5304, CH 243 (2021) PV**
Sex or kidnapping offender, failure to register as, offender score, deleting cross reference: SB 5054
Victims of sex offenses/domestic violence, vacation of conviction records of, applying for, when: ***ESSB 5180, CH 237 (2021)**
Voting rights restoration, inmate notification of process for: HB 1078
Voting, right to vote, offender not serving sentence in total confinement, automatic restoration of right: HB 1078

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Indigency, when offender has restitution obligations and fines/fees, court's discretion: HB 1412
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Certificates, birth resulting in stillbirth, issuance, when: ***HB 1031, CH 55 (2021)**
Coroner's and medical examiner's offices, accreditation of, requirements: HB 1326
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Indigenous persons, body/remains of, identifying and contacting family members and tribes: HB 1571
Indigenous persons, murdered/missing, regional liaisons for, duties of: HB 1571
Suicide, youth up to age 24 who died by, youth suicide review team to investigate: HB 1354

Wrongful death, civil actions for, when person killed due to committing felony, complete defense to: ***ESSB 5263, CH 325 (2021)**

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Down syndrome, abortion or attempted abortion due to, prohibiting: HB 1008
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Intellectual disabilities, individuals with, task force and other statutory entity membership to include, when : HB 1566
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Sexually violent predators, conditional release of, disability accommodations: ***E2SSB 5163, CH 236 (2021)**
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Students, with disabilities, improving attendance via necessary services: HB 1113
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Task forces/committees/other statutory entities, membership to include persons with developmental disabilities, when: HB 1566
Victims, non-hate crime offenses, aggravating circumstance if defendant motivated by biased perception: HB 1071
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Disability issues and employment, governor's committee on, role of: HB 1566
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Dog guides, persons with disabilities using, discrimination against, civil actions alleging: HB 1574
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Legislative process, access and representation for individuals with disabilities in: HB 1566
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Sexually violent predators, conditional release of, disability accommodations: ***E2SSB 5163, CH 236 (2021)**
Special education, enrollment stabilization allocations for, when: HB 1476
Special education, incarcerated individuals eligible for: HB 1044
Students, with disabilities, improving attendance via necessary services: HB 1113
Task forces/committees/other statutory entities, membership to include persons with disabilities, when: HB 1566
Victims, non-hate crime offenses, aggravating circumstance if defendant motivated by biased perception: HB 1071

Wages, subminimum, certificates for persons with disabilities for, prohibiting issuance of: ***ESSB 5284, CH 97 (2021)**

DISCRIMINATION (See also CORRECTIONAL FACILITIES AND JAILS; CRIMINAL JUSTICE TRAINING COMMISSION; ENVIRONMENTAL HEALTH AND SAFETY; EQUITY, WASHINGTON STATE OFFICE; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; MINORITIES; RELIGION AND RELIGIOUS ORGANIZATIONS; SEXUAL ORIENTATION)

Civil rights act, Washington state, repealing short title and preferential treatment prohibition: HB 1288
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Disabilities, persons with, civil actions alleging discrimination against, modifying requirements, when: HB 1574
Dog guides, persons with disabilities using, discrimination against, civil actions alleging: HB 1574
Executive order 9066, seventy-ninth anniversary, acknowledging: ***HR 4609 (2021)**
Farming, equity in, historically underrepresented groups, inclusion in food/agriculture laws/rules/etc. development/etc.: HB 1395
Gender-affirming health care treatment, insurance coverage for, requirements for/unfair practices by carriers: ***2SSB 5313, CH 280 (2021)**
Hate crime offenses, as crimes against persons: HB 1071
Higher education, diversity/equity/inclusion/antiracism programs and training for faculty/staff/students: ***E2SSB 5227, CH 275 (2021)**
Holocaust remembrance day, recognizing: ***HR 4627 (2021)**
Housing, racial inequities, addressing via estate tax revenue deposits in equity in housing account: HB 1465
Housing, racially disparate impacts/displacement/exclusion in, addressing at local level: HB 1220
Human rights commission, closed captioning in public accommodations role of: ***SB 5027, CH 229 (2021)**
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Native American names/symbols/images, use by public schools as mascots/logos/team names, prohibiting: HB 1356
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Protected classes, racial/other restrictions against, in existing covenants/deeds, city/county review/notices of: HB 1335
School sports, equitable competition, prohibiting male students from competing against female students, when: HB 1556
Schools, cultural competency/diversity/equity/inclusion standards and training for district directors/staff/educators: ***ESSB 5044, CH 197 (2021)**
Schools, institutional racism, training in order to dismantle: ***ESSB 5044, CH 197 (2021)**
Service animals, persons with disabilities using, discrimination against, civil actions alleging: HB 1574
Tenants, prospective, unpaid rent-based discrimination against, prohibiting after eviction moratorium: HB 1441
Victims, non-hate crime offenses, aggravating circumstance if defendant motivated by biased perception: HB 1071
Vulnerable populations, protections for, via consumer protection improvement act: ***SSB 5025, CH 228 (2021)**
Worker protection act, whistleblower qui tam actions on behalf of state: HB 1076

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Child support, child care expenses paid by, documentation of: HB 1397
Child support, enforcement, income withholding and withholding orders and forms: HB 1171
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Child welfare services, dependency proceedings, legal representation for child in, when: HB 1219
Child welfare services, dependency system, early childhood court program for infants/toddlers in, establishing: ***2SSB 5331, CH 285 (2021)**
Child welfare services, medical/dental/behavioral health care for children in DCYF custody: HB 1205
Family and medical leave, for railroad workers, and related employment protections: ESSB 5065
Family and medical leave, paid, eligibility for coverage, expanding: HB 1073, ***ESSB 5097, CH 232 (2021)**
Family and medical leave, unpaid, pre-2020 rights, liabilities, and obligations: ***HB 1087, CH 59 (2021)**
Family resource center, defining consistently in RCW: ***HB 1237, CH 39 (2021)**
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DOMESTIC VIOLENCE
Abusive litigation, chapter on, correcting incorrect RCW citation in: ***EHB 1192, CH 65 (2021)**
Coercive control, against family or household member or intimate partner, crime of, gross misdemeanor: HB 1449
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Protection orders, domestic violence, moving to a single civil protection orders chapter: HB 1320
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Survivors of domestic violence, offenses committed by, sentencing alternative or resentencing for, when: HB 1293
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Workplace resources, domestic violence and, task force on, convening: ***HB 1315, CH 43 (2021)**

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Licenses, suspended or revoked, driving when license is, provisions concerning: ***ESSB 5226, CH 240 (2021)**
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Cannabis, replacing "marijuana" with "cannabis" throughout Revised Code of Washington: HB 1210
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Injection sites, supervised, city/county prohibitions as condition for imposing certain local sales/use taxes: HB 1526, HB 1541
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Marijuana, businesses, license issuance for, prohibiting due to written objection based on zoning ordinances: HB 1414
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Marijuana, concentrates with high THC concentrations, regulation of: HB 1463
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Fish passage barriers, DOT correction projects, environmental permitting process for: ***SSB 5381, CH 289 (2021)**
Justice, environmental, assessment by agencies as part of Washington climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**
Justice, environmental, assessments by state agencies, when: ***E2SSB 5141, CH 314 (2021)**
Justice, environmental, environmental health disparities map, developing and maintaining further: ***E2SSB 5141, CH 314 (2021)**
Justice, environmental, environmental health disparities, state agency obligation/actions to reduce: ***E2SSB 5141, CH 314 (2021)**
Justice, environmental, environmental justice and economic equity panel, establishing: HB 1577
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Justice, environmental, environmental justice council, establishing: ***E2SSB 5141, CH 314 (2021)**
Justice, environmental, health disparities/justice/equity focused tools to identify wildfire-impacted communities: HB 1168
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Workers, temporary housing for, sales/use tax exemptions for, expanding: ***2SSB 5396, CH 250 (2021)**

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Professional rescue doctrine, repealing to allow public safety employee actions in certain cases of neglect/omission/etc.: HB 1341
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HAZARDOUS WASTE (See also ENVIRONMENTAL HEALTH AND SAFETY; HAZARDOUS MATERIALS; SOLID WASTE)
Plastic carryout bags, single-use, alternatives to, delaying requirements for: HB 1053
Plastic packaging, producer responsibility programs for: HB 1118
Polystyrene products, expanded, sales and distribution prohibitions: HB 1118, ***E2SSB 5022, CH 313 (2021)**

HEALTH AND SAFETY, PUBLIC (See also ABORTION; COVID-19 AND CORONAVIRUS; DRUGS; ENVIRONMENTAL HEALTH AND SAFETY; FIRE PROTECTION; HAZARDOUS MATERIALS; HAZARDOUS WASTE; HEALTH CARE; HEALTH DEPARTMENTS, LOCAL; HEALTH DISTRICTS, LOCAL; HEALTH, BOARDS OF, LOCAL; HEALTH, DEPARTMENT; LABOR; MINORITIES; SOLID WASTE)
Blood donation, including via apheresis, by persons age 16 or 17: ***SSB 5179, CH 16 (2021)**
Breast implant surgery, informing patient and receiving informed consent for, physician requirements: ESSB 5441
Breast pumps/repair/parts/supplies, sales and use tax exemptions: HB 1535
Cognitive impairment, person with, when lacking capacity to provide informed consent for health care treatment: ***SSB 5185, CH 270 (2021)**
COVID-19 pandemic, creating COVID-19 public health response account for statewide response to: HB 1334, HB 1368
COVID-19, spread of, via fur farming and fur products manufacturing, prohibitions to reduce: HB 1375
Crab, biotoxin contamination regulation of, department of health authority for: HB 1508
Diapers/diaper services, infant/toddler/child, sales and use tax exemptions: HB 1535
Disease/notifiable condition/public health threat information, personal identifying, disclosure exemption: HB 1328
Epidemics/pandemics, local preparedness and response plans for, local health jurisdictions to develop/implement: HB 1442
Epidemics/pandemics, viral infections/severe disease prevention, health professionals committee, convening: HB 1442
Epilepsy/seizure disorders, students with, health plans and parent-designated adults for: HB 1085
Fireworks, consumer, city or county limits or prohibition: HB 1059
Health care, selected laws/regulations, timely consideration of waiver or suspension of, when: ***ESSB 5178, CH 268 (2021)**
Health education, in schools, public health education advisory committee, convening: HB 1149
Health education, in schools, public health knowledge/skills needed by students in grades 9-12: HB 1149
Health equity zones, identifying and creating: ***E2SSB 5052, CH 262 (2021)**
Health-related measures, right to decline, despite laws/rules/order/directives addressing emergencies/diseases: HB 1305, HB 1317
Immunization, COVID-19 vaccination proof for access to public places, prohibiting government from requiring: HB 1570
Immunization, COVID-19 vaccine, equitable dose allocation before reverting county to more restrictive Roadmap phase: HB 1580
Immunization, COVID-19 vaccine, planning/preparing/deploying using freed-up federal coronavirus funds: HB 1368
Immunization, COVID-19 vaccine, prioritizing school teachers and classified/private school staff for receipt of: HB 1420
Immunization, law/rule/order requiring receipt of, exemption when medical/philosophical/religious objection: HB 1065
Immunization, law/rule/order requiring receipt of, prohibiting unless conditions met: HB 1065
Immunization, right to decline, despite laws/rules/orders/directives addressing emergencies/diseases: HB 1305, HB 1317
Immunization, right to decline, religious/philosophical/personal objections: HB 1006
Insulin, purchase and distribution of, health care authority partnerships for: ***ESSB 5203, CH 274 (2021)**
Lead, in school drinking water, sampling/testing at outlets, requirements: HB 1139
Organ donors, living donor act, insurance coverage protections via: ***SSB 5003, CH 172 (2021)**
Osteoporosis, national osteoporosis month, recognizing and appreciating: ***HR 4615 (2021)**
Pandemics, statewide pandemic preparation and response task force, establishing, and creating account for: HB 1340
Pandemics/epidemics, local preparedness and response plans for, local health jurisdictions to develop/implement: HB 1442
Pandemics/epidemics, viral infections/severe disease prevention, health professionals committee, convening: HB 1442
Personal protective equipment, Washington producers of, website of/report about/tax exemptions for: HB 1489
Pregnancy, complications of, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
Pregnancy, ectopic, treatment for/miscarriage management, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
Public health measures, when infringing on any constitutional rights, prohibiting enforcement of: HB 1442
Public health services, foundational, comprehensive public health districts for, creating: HB 1152

Public health services, foundational, covered lives assessment funds to be used for: HB 1201
Public health services, foundational, developing/recommending system for, work group for, creating: HB 1152
Public health, comprehensive public health districts for foundational services, creating: HB 1152
Public health, comprehensive public health districts, advisory committees for district health boards, establishing: HB 1152
Quarantine, housing/rental assistance for persons in, revenue use for: HB 1069
Respiratory conditions, in children/teenagers, statewide home air quality improvement program, establishing: HB 1291
Seizure disorders, students with, health plans and parent-designated adults for: HB 1085
Seizures/neurological symptoms/etc., children 18 or younger with, diagnostic services/genetic testing for: HB 1346
Sexual health education, in schools, comprehensive, compliance dates for, delaying: HB 1422
Stress, secondary traumatic, in K-12 workforce, model policy/procedure to prevent/address: HB 1363
Traumatic brain injuries, head injury prevention program, reporting requirements: HB 1039
Traumatic brain injuries, incarcerated individuals, educational accommodation: HB 1044
Vaccination, COVID-19 vaccination proof for access to public places, prohibiting government from requiring: HB 1570
Vaccination, COVID-19 vaccine, equitable dose allocation before reverting county to more restrictive Roadmap phase: HB 1580
Vaccination, COVID-19 vaccine, planning/preparing/deploying using freed-up federal coronavirus funds: HB 1368
Vaccination, COVID-19 vaccine, prioritizing school teachers and classified/private school staff for receipt of: HB 1420
Vaccination, law/rule/order requiring receipt of, exemption when medical/philosophical/religious objection: HB 1065
Vaccination, law/rule/order requiring receipt of, prohibiting unless conditions met: HB 1065
Vaccination, right to decline, despite laws/rules/orders/directives addressing emergencies/diseases: HB 1305, HB 1317
Vaccination, right to decline, religious/philosophical/personal objections: HB 1006
Vital statistics, birth resulting in stillbirth, certificate of, issuance, when: ***HB 1031, CH 55 (2021)**

HEALTH CARE (See also ABORTION; DRUGS; EMERGENCY MANAGEMENT AND SERVICES; HEALTH AND SAFETY, PUBLIC; HEALTH CARE AUTHORITY; HEALTH CARE PROFESSIONS AND PROVIDERS; INSURANCE; MINORITIES; PUBLIC ASSISTANCE; SCHOOLS AND SCHOOL DISTRICTS)
Children, hearing instruments coverage for: HB 1047
Colon hydrotherapy, performed by certified colon hydrotherapist, when: ***SB 5124, CH 179 (2021)**
Decisions, by patient-designated person for patient not competent to provide informed consent, when: HB 1197
Decisions, making for person without capacity to make them due to cognitive impairment, provisions: ***SSB 5185, CH 270 (2021)**
Gender-affirming treatment, health care coverage for, requirements and unfair practices by carriers: ***2SSB 5313, CH 280 (2021)**
Health care policies, proposed legislation on, equity impact statements for, when: HB 1264
Health equity zones, identifying and creating: ***E2SSB 5052, CH 262 (2021)**
Health systems, transparency, consolidated income statement/balance sheet: HB 1272
Health systems, transparency, data/activities/services/staffing/finances: HB 1272
Hearing instruments, coverage for persons 18 or younger: HB 1047
Informed consent, for breast implant surgery, physician requirements: ESSB 5441
Informed consent, person designated to provide, by patient when still retaining decision-making capacity: HB 1197
Informed consent, person lacking capacity to make health care decisions due to cognitive impairment: ***SSB 5185, CH 270 (2021)**
Miscarriage management/ectopic pregnancies treatment, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
Parks/outdoor recreation spaces, "parks Rx" health and wellness pilot program, task force for developing, convening: SSB 5292
Pregnancy, complications of, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
Telebehavioral health programs, partnership access lines, various, modifications to: HB 1325
Telemedicine, audio-only, delivery of services to covered persons via, reimbursement for: HB 1196
Telemedicine, audio/visual, medical assistants assisting during practitioner visit via interactive technology: ***HB 1378, CH 44 (2021)**
Telemedicine, consultation of out-of-state practitioner with in-state practitioner responsible for patient: ***SSB 5423, CH 247 (2021)**
Telemedicine, delivery of behavioral health services to covered persons via, reimbursement for: ***SSB 5325, CH 100 (2021)**

Telemedicine, services, health carrier reimbursement of provider at in-person total compensation amount: HB 1462
Telepsychology, psychology interjurisdictional compact act: HB 1286
Telepsychology, psychology interjurisdictional compact commission, establishing: HB 1286
Transportation, for hire nonemergency medical vehicles, high occupancy vehicle exempt decal for, when: HB 1510
Universal health care commission, for creating coverage and access via unified financing system, establishing: ***E2SSB 5399, CH 309 (2021)**

HEALTH CARE AUTHORITY (See also PUBLIC ASSISTANCE)
988 crisis hotline system and behavioral health crisis system, HCA role: HB 1182, HB 1477
Behavioral health services, performance measures, improvement projects, and value-based purchasing: ***SSB 5157, CH 267 (2021)**
Behavioral health workforce pilot program and training support grants for community treatment providers, establishing: HB 1504
Behavioral health, mental health/substance use disorder providers grant program, HCA role: HB 1504
Community behavioral health program, certain appropriations provided to HCA for, conditions and limitations for: ***ESB 5476, CH 311 (2021) PV**
Confined persons, reentry services work group, convening, HCA role: ***E2SSB 5304, CH 243 (2021) PV**
Drugs, personal use amounts of legend drugs and controlled and counterfeit substances, reviewing, HCA role: HB 1578
Fire departments, safe station pilot programs grant program, HCA role: ESSB 5074
Gender-affirming health care treatment, insurance coverage, requirements/unfair practices by carriers, HCA role: ***2SSB 5313, CH 280 (2021)**
Group insurance, HCA contracts with insurers for, performance standards: HB 1052
Health benefit exchange, qualified health plans, standardized bronze/silver/gold plans, HCA role: ***E2SSB 5377, CH 246 (2021)**
Health care cost transparency board, effect of public option plans enrollment on consumers, board to analyze: ***E2SSB 5377, CH 246 (2021)**
Insulin, purchase and distribution of, HCA partnerships for: ***ESSB 5203, CH 274 (2021)**
Medicaid, children's mental health assessment/diagnosis, from birth through 5 years of age, HCA role: HB 1325
Medicaid, clubhouses and peer-run organizations for persons with mental illness, HCA role: ESB 5328
Medicaid, federal, when ineligible due to immigration status, state-only coverage/plans, HCA role: HB 1191
Medicaid, hospitals and public option plans in connection with in-network services for enrollees of: ***E2SSB 5377, CH 246 (2021)**
Medicaid, long-term care, consumer directed employer program, rate-setting board and employer provisions: ***SSB 5258, CH 186 (2021)**
Medicaid, managed care, genetic testing for children with seizures/neurological symptoms/etc.: HB 1346
Medicaid, postpartum coverage for postpartum/pregnant persons, extending, HCA role: ***SSB 5068, CH 90 (2021)**
Medicaid, suspense status, for persons incarcerated for less than 30 days, prohibiting, HCA role: HB 1348
Medicaid, suspense status, pre-release medical assistance reinstatement for confined persons in, HCA role: ***E2SSB 5304, CH 243 (2021) PV**
Opioid overdose reversal medication bulk purchasing and distribution program, establishing, HCA role: ***2SSB 5195, CH 273 (2021)**
Opioid overdose reversal medication, dispensing/distributing or prescribing, assisting hospital/agency compliance, HCA role: ***2SSB 5195, CH 273 (2021)**
Prescription drugs, generic, production/distribution/purchase of, HCA partnerships for: ***ESSB 5203, CH 274 (2021)**
Public employees' benefits board, dual enrollment in PEBB and SEBB, prohibiting: ***SB 5322, CH 18 (2021)**
Public employees' benefits board, health care plans, genetic testing for children with seizures, etc.: HB 1346
Public employees' benefits board, health care plans, services via audio-only telemedicine: HB 1196
Public employees' benefits board, hospitals/public option plans/in-network services for enrollees in plans of: ***E2SSB 5377, CH 246 (2021)**
Public employees' benefits board, retired/disabled school employee coverage: HB 1040
Public employees' benefits board, wraparound services for persons under 21 years of age: HB 1461
School employees' benefits board, dual enrollment in PEBB and SEBB, prohibiting: ***SB 5322, CH 18 (2021)**
School employees' benefits board, health care plans, genetic testing for children with seizures, etc.: HB 1346
School employees' benefits board, health care plans, services via audio-only telemedicine: HB 1196
School employees' benefits board, hospitals/public option plans/in-network services for enrollees in plans of: ***E2SSB 5377, CH 246 (2021)**

School employees' benefits board, wraparound services for persons under 21 years of age: HB 1461
Substance use disorder and substance misuse, various efforts and programs for, HCA role: ***ESB 5476, CH 311 (2021) PV**
Substance use disorder treatment, grant program for services for certain individuals, establishing, HCA role: ***ESB 5476, CH 311 (2021) PV**
Substance use disorder treatment, homeless outreach stabilization and transition program, establishing, HCA role: ***ESB 5476, CH 311 (2021) PV**
Substance use disorder treatment, planned admission for, prior authorization by health plan/MCO, when: HB 1464
Substance use disorder treatment, recovery navigator programs, BHASO's to establish, HCA role: ***ESB 5476, CH 311 (2021) PV**
Substance use disorder, community-based outreach/intensive care management programs, establishing, HCA role: HB 1578
Substance use disorder, expanded recovery support services program, establishing, HCA role: HB 1578, ***ESB 5476, CH 311 (2021) PV**
Substance use disorder, treatment services grant program for certain low-income persons with, establishing, HCA role: HB 1578
Substance use disorder, various appropriations to certain agencies in connection with: ***ESB 5476, CH 311 (2021) PV**
Substance use recovery services advisory committee, establishing, HCA role: HB 1499, HB 1558, HB 1578, ***ESB 5476, CH 311 (2021) PV**
Substance use recovery services plan, for measures to assist persons with SUD, establishing, HCA role: HB 1499, HB 1558
Substances use recovery services plan, to assist persons with SUD, establishing, HCA role: HB 1578, ***ESB 5476, CH 311 (2021) PV**

HEALTH CARE FACILITIES (See also HOSPITALS)
Coronavirus funds, federal, using for rural health centers, federally qualified health centers, and free clinics: HB 1368
Health systems, transparency, consolidated income statement/balance sheet: HB 1272
Health systems, transparency, data/activities/services/staffing/finances: HB 1272
Miscarriage management/ectopic pregnancies treatment, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
Pregnancy, complications of, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
School-based health center program office, establishing: HB 1225
Strangulation, nonfatal, victims of, exam costs payment by state, when: ***2SSB 5183, CH 269 (2021)**
Workers, paid administrative leave during public health emergency for, when: HB 1242

HEALTH CARE PROFESSIONS AND PROVIDERS (See also COUNSELORS AND COUNSELING; INSURANCE; MENTAL HEALTH; SUBSTANCE USE DISORDER)
Acupuncture and Eastern medicine, as revised name for profession: ***SB 5018, CH 87 (2021)**
Acupuncture and Eastern medicine, point injection therapy: ***SB 5018, CH 87 (2021)**
Assistants, medical, telemedicine practitioner visits assistance by, via interactive A/V telemedicine technology: ***HB 1378, CH 44 (2021)**
Audiology and speech-language pathology interstate compact and compact commission, establishing: HB 1043
Colon hydrotherapists, certification of, and mandatory affiliation with naturopath: ***SB 5124, CH 179 (2021)**
Eastern medicine, acupuncture and, as revised name for profession: ***SB 5018, CH 87 (2021)**
Eastern medicine, acupuncture and, point injection therapy: ***SB 5018, CH 87 (2021)**
Employees, health care workers, paid administrative leave during public health emergency for, when: HB 1242
Employees, health care, unemployment and workers' compensation benefits, when: ***ESSB 5190, CH 251 (2021)**
Health care, injuries resulting from, actions against providers for, standard of care law and proof of injury: ***SSB 5271, CH 241 (2021)**
Health equity continuing education training for health professions, requirements: ***ESSB 5229, CH 276 (2021)**
Health equity curriculum, for medical students, development by UW/WSU schools of medicine: ***SSB 5228, CH 96 (2021)**
Health professional loan repayment and scholarship program, contracts reflecting underrepresented populations: HB 1504
Home care aides, long-term care workers certification as: HB 1120
Home care aides, nurse delegation of glucose testing/monitoring to, when: HB 1120, HB 1124

Insurance carriers, health, contracts with providers, prohibitions: HB 1160
Medical assistants, telemedicine practitioner visits assistance by, via interactive A/V telemedicine technology: ***HB 1378, CH 44 (2021)**
Medical school graduates, international, limited license for, when: HB 1129
Medical students, health equity curriculum for, development by UW/WSU schools of medicine: ***SSB 5228, CH 96 (2021)**
Miscarriage management/ectopic pregnancies treatment, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
Naturopathic physicians, affiliation of certified colon hydrotherapists with: ***SB 5124, CH 179 (2021)**
Nurses, long-term care settings, delegation of tasks to certified assistants or home care aides: HB 1120, HB 1124
Nurses, nurse forensic examiners for nonfatal strangulation victims: ***2SSB 5183, CH 269 (2021)**
Nursing assistants, alternative training and a competency evaluation, completion of: HB 1120
Nursing assistants, certified, nurse delegation of glucose testing/monitoring to, when: HB 1120, HB 1124
Opioid overdose reversal medication bulk purchasing and distribution program, establishing: ***2SSB 5195, CH 273 (2021)**
Opioid overdose reversal medication, dispensing/distributing or prescribing of, requirements: ***2SSB 5195, CH 273 (2021)**
Personal protective equipment, during COVID emergency, provider reimbursement by health carrier: ***SSB 5169, CH 94 (2021)**
Physical therapy, profession of, and physical therapists and physical therapist assistants, recognizing: ***HR 4629 (2021)**
Physicians, performing breast implant surgery, informing patient and receiving informed consent for, requirements: ESSB 5441
Pregnancy, complications of, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
Providers, selected laws/regulations, timely consideration of waiver or suspension of, when: ***ESSB 5178, CH 268 (2021)**
Respiratory care practitioners, practice of respiratory care by, expansion of, and licensing requirements: HB 1383
Seizures/neurological symptoms/etc., children with, diagnostic services/genetic testing for, provider referral: HB 1346
Telemedicine, audio-only, delivery of services to covered persons via, reimbursement for: HB 1196
Telemedicine, audio/visual, medical assistants assisting during practitioner visit via interactive technology: ***HB 1378, CH 44 (2021)**
Telemedicine, consultation of out-of-state practitioner with in-state practitioner responsible for patient: ***SSB 5423, CH 247 (2021)**
Telemedicine, services, health carrier reimbursement of provider at in-person total compensation amount: HB 1462

HEALTH DEPARTMENTS, LOCAL (See also COVID-19 AND CORONAVIRUS; EMERGENCY, STATE OF; HEALTH DISTRICTS, LOCAL; HEALTH, BOARDS OF, LOCAL; HEALTH, DEPARTMENT)
Comprehensive public health districts, replacing current local health jurisdictions through creation of: HB 1152
Epidemics/pandemics, local preparedness and response plans for, local health jurisdictions to develop/implement: HB 1442
Fatality review teams, overdose and suicide, department establishment of: HB 1074
Home air quality improvement program, statewide, establishing, local health jurisdictions role: HB 1291
Long-term care system, state, training materials for local health jurisdictions concerning, developing: HB 1218
Medical school graduates, international, limited license for, when nominated by local department: HB 1129
Microenterprise home kitchen operations, permit for, local jurisdictions role: HB 1258
Officers, local health, emergency health order issuance by: HB 1004, HB 1017, HB 1029
Open safe, open now plan, for reopening state, local health jurisdiction in county to determine Phase 4 readiness: HB 1553
Vapor products enforcement, role of local health officers: HB 1345

HEALTH DISTRICTS, LOCAL (See also COVID-19 AND CORONAVIRUS; HEALTH DEPARTMENTS, LOCAL; HEALTH, BOARDS OF, LOCAL)
Boards of health, local, member expertise and lived experience, diversity requirements: HB 1110
Comprehensive public health districts, replacing current local health jurisdictions through creation of: HB 1152

HEALTH, BOARDS OF, LOCAL (See also COVID-19 AND CORONAVIRUS; HEALTH DEPARTMENTS, LOCAL; HEALTH DISTRICTS, LOCAL)
Comprehensive public health districts, replacing current local health jurisdictions through creation of: HB 1152
Members, expertise and lived experience of, diversity requirements: HB 1110

HEALTH, DEPARTMENT (See also COVID-19 AND CORONAVIRUS; EMERGENCY, STATE OF; HEALTH AND SAFETY, PUBLIC; HEALTH CARE; HEALTH DEPARTMENTS, LOCAL; HOSPITALS; MENTAL HEALTH)
Contaminants, monitoring food supplies for, information from federal FDA related to, disclosure exemption for: ***SB 5303, CH 99 (2021)**
Crab, biotoxin contamination regulation of, DOH authority for: HB 1508
Death with dignity act, end-of-life care in connection with, department role: HB 1141
Emergency health orders, issuance by secretary, content and duration: HB 1004, HB 1017, HB 1029
Emergency orders/proclamations/directives, issued by DOH secretary, "open safe, open now" plan in relation to: HB 1553
Epidemic/pandemic local preparedness and response plans, development/implementation of, DOH role: HB 1442
Epidemics/pandemics, viral infections/severe disease prevention, health professionals committee, convening: HB 1442
Health centers, school-based health center program office, establishing, DOH role: HB 1225
Health equity continuing education training for health professions, requirements, DOH role: ***ESSB 5229, CH 276 (2021)**
Health equity zones, identifying and creating, department role: ***E2SSB 5052, CH 262 (2021)**
Health professional loan repayment and scholarship program, DOH role: HB 1504
Health systems, transparency, data/activities/services/staffing/finances, DOH role: HB 1272
Home air quality improvement program, statewide, establishing, DOH role: HB 1291
Justice, environmental, environmental health disparities map, developing/maintaining further, DOH role: ***E2SSB 5141, CH 314 (2021)**
Justice, environmental, environmental health disparities map, using for greenhouse gas emissions reduction: HB 1577
Justice, environmental, environmental health disparities, department actions to reduce: ***E2SSB 5141, CH 314 (2021)**
Long-term care facilities, epidemic disease preparedness and response guidelines for, DOH to develop: SSB 5294
Long-term care system, state, training materials for local health jurisdictions concerning, developing, DOH role: HB 1218
Medicaid, clubhouses and peer-run organizations for persons with mental illness, DOH role: ESB 5328
Medical commission, issuance of limited licenses to international medical school graduates: HB 1129
Microenterprise home kitchen operations, regulation of and permits and pilot program for, DOH role: HB 1258
Nursing care quality assurance commission, executive director for, secretary to appoint: HB 1123
Parks/outdoor recreation spaces, "parks Rx" health and wellness pilot program task force, DOH to convene: SSB 5292
Public health districts, comprehensive, creation and functioning of, department role: HB 1152
School drinking water, lead in, sampling/testing at outlets for, requirements, DOH role: HB 1139
Substance use disorder professionals/professional trainees, certification via apprenticeship program, DOH role: ***EHB 1311, CH 165 (2021)**
Vapor products, regulation of, comprehensive provisions, DOH role: HB 1345
Water, reclaimed, treatment by on-site nonpotable water systems and reuse, risk-based standards, DOH role: HB 1184

HEALTH, STATE BOARD OF (See also HEALTH AND SAFETY, PUBLIC; HEALTH, BOARDS OF, LOCAL; HEALTH, DEPARTMENT)
Foundational public health services funding for board, when: HB 1152

HEATING AND HEATERS
Clean heat standard, statewide, establishing: HB 1084
Heat pump and electrification program, for high-efficiency equipment, establishing: HB 1084
HVAC heating/cooling systems, split ductless, HVAC/refrigeration specialty electrician work on: HB 1187

HISPANIC AFFAIRS, STATE COMMISSION
Racial equity analyses, incorporation into audits/reviews/reports by JLARC, commission role: ***ESSB 5405, CH 310 (2021) PV**

HOLIDAYS AND OBSERVANCES
Black history month, celebrating: ***HR 4603 (2021)**

Daffodil festival, eighty-eighth anniversary of, recognizing: ***HR 4619 (2021)**
Executive order 9066, seventy-ninth anniversary, acknowledging: ***HR 4609 (2021)**
Holocaust remembrance day, recognizing: ***HR 4627 (2021)**
Juneteenth, as state legal holiday, establishing as: HB 1016
King, Dr. Martin Luther, Jr. day, observing: ***HR 4601 (2021)**
Lincoln, Abraham, sixteenth president, honoring on presidents' day: ***HR 4607 (2021)**
Lunar New Year, celebrating: ***HR 4606 (2021)**
National osteoporosis month, recognizing and appreciating: ***HR 4615 (2021)**
Physical therapy, 100 years of the profession of, recognizing: ***HR 4629 (2021)**
Presidents' day, celebrating: ***HR 4607 (2021)**
Washington state patrol, 100 years of service by: ***HR 4622 (2021)**
Washington, George, first president, honoring on presidents' day: ***HR 4607 (2021)**
Western Governors University Washington, congratulating on its 10th anniversary: ***HR 4623 (2021)**
Women's suffrage day, as state legal holiday on March 22: HB 1485

HOMELESS PERSONS (See also HOMES AND HOUSING; LOW-INCOME PERSONS)
Camping on public property, unauthorized, prohibitions as condition for imposing certain local sales/use taxes: HB 1526, HB 1541
College students, homeless and foster care college students pilot program, expanding access to: HB 1166
Definitions, "homeless" and experiencing homelessness," for various purposes: HB 1221
Housing and assistance, document-recording surcharges for: HB 1183
Housing and assistance, home sharing programs, aiding and funding: HB 1183
Housing, addressing homelessness via estate tax revenue deposits in equity in housing account: HB 1465
Housing, home sharing support grant program, creating: HB 1183
Housing, public building conversion grant program, creating: HB 1101
Housing, state's homeless housing strategic plan, provisions: HB 1277
Housing/facilities for homeless youth, revenues from special excise tax on lodging for: HB 1070
Indigency, court authority to refrain from imposing costs on indigent defendant, when: HB 1412
Mobile mental health crisis intervention programs/services, emergency crisis assistance teams for, establishing: HB 1392
Reducing homelessness, using criminal justice local sales/use tax for: HB 1069
Shelter units, services for residents of, real estate sales excise tax revenue use for: HB 1069
Sleeping outdoors on public property, when no alternative shelter available, prohibiting criminal sanctions for: HB 1576
Students, homeless, school in-person instruction resumption priority groups for delivery to include: HB 1366
Substance use disorder treatment, homeless outreach stabilization and transition program, establishing: ***ESB 5476, CH 311 (2021) PV**

HOMES AND HOUSING (See also DISABILITIES, INDIVIDUALS WITH; GROWTH MANAGEMENT; HOMELESS PERSONS; LODGING; LOW-INCOME PERSONS; MANUFACTURED HOUSING AND MOBILE HOMES; REAL ESTATE AND REAL PROPERTY; TAXES - REAL ESTATE SALES EXCISE; UTILITIES)
Accessory dwelling units, city/county adoption of model code requirements for, incentives: HB 1337
Accessory dwelling units, detached, when located outside of urban growth areas, requirements: HB 1298
Accessory dwelling units, occupant limits in relation to short-term rentals and relevant to: ***ESSB 5235, CH 306 (2021) PV**
Affordable housing, all types of, housing element and planning requirements under GMA: HB 1232
Affordable housing, county acquisition of emergency, transitional, or supportive: HB 1070
Affordable housing, defining for purposes of intergovernmental disposition of surplus public property: HB 1511
Affordable housing, for all low-income levels, under GMA: HB 1220
Affordable housing, housing benefit districts for increasing, creation and funding of: HB 1128
Affordable housing, increasing supply through GMA and housing density tax incentives: HB 1157
Affordable housing, local sales/use tax revenue use for acquiring: HB 1070
Affordable housing, multi-family property tax exemption for multi-unit residential structures in RTAs, expanding: ***E2SSB 5287, CH 187 (2021)**
Affordable housing, properties selling/renting 25% of units to nonprofits/local government, property tax exemption: ***E2SSB 5287, CH 187 (2021)**
Affordable housing, rental, incentive program and property tax exemption: HB 1035
Affordable housing, services for residents of, real estate sales excise tax revenue use for: HB 1069

Affordable housing, through local infrastructure project areas and financing: HB 1243
Affordable housing, very low-income, preserving: HB 1035
Affordable workforce housing, revenues from special excise tax on lodging for, when: HB 1070
Assistance, housing and rental, special lodging excise tax use for: HB 1069
Common interest communities, foreclosure of lien on unit for owner unpaid assessments, when: ***EHB 1482, CH 222 (2021)**
Common interest communities, notices/meetings/votes and electronic transmission or conferencing: ***SSB 5011, CH 227 (2021)**
Condominium associations, notices/meetings/votes and electronic transmission or conferencing: ***SSB 5011, CH 227 (2021)**
Condominiums, purchaser deposit funds use and declarant surety bonds: ***ESSB 5024, CH 260 (2021)**
Cooperatives, limited equity, providing owned housing for low-income persons, property tax exemption: HB 1350
Dwelling units, accessory, city/county adoption of model code requirements for, incentives: HB 1337
Dwelling units, accessory, occupant limits in relation to short-term rentals and relevant to: ***ESSB 5235, CH 306 (2021) PV**
Dwelling units, detached accessory, when located outside of urban growth areas, requirements: HB 1298
Emergency housing, emergency housing and shelters and permanent supportive housing under GMA: HB 1220
Home air quality improvement program, statewide, establishing to aid children with respiratory conditions: HB 1291
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LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL (See also CAPITOL CAMPUS, STATE; CRIMES; CRIMINAL JUSTICE TRAINING COMMISSION; CRIMINAL PROCEDURE; FIREARMS; FIRST RESPONDERS; RETIREMENT AND PENSIONS; SHERIFFS AND POLICE CHIEFS, WASHINGTON ASSOCIATION OF (WASPC))
Abusive language use toward and insulting/taunting of peace officer, adding to crime of disorderly conduct, when: HB 1575
Badge, intentionally covering identifying information on, prohibiting officer from: HB 1054
Behavioral health disorders, law enforcement arresting of persons with, alternatives to: HB 1499, HB 1578, ***ESB 5476, CH 311 (2021) PV**
Chokehold or neck restraint, peace officer use of, prohibition: HB 1054
Community-police engagement, safe streets pilot project for: ***ESSB 5353, CH 327 (2021)**
Discipline, disciplinary grievance arbitration, arbitrators for: ***SSB 5055, CH 13 (2021)**
Discipline, for misconduct, community oversight boards, establishment and role of: HB 1203
Diversity of agencies, professional development outreach grant program: ***HB 1001, CH 52 (2021)**

Dogs, unleashed, peace officer use of, prohibitions: HB 1054
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Force, excessive, officer's use of, other officer's duty to intervene: ***SSB 5066, CH 321 (2021)**
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Force, use by officers, general/limited authority agencies, data collection/reporting: HB 1092
Force, use by officers, general/limited authority agencies, data collection/reporting, establishing program for: ***E2SSB 5259, CH 326 (2021)**
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Interrogations, in custody, uniform electronic recordation of custodial interrogations act: HB 1174, HB 1223
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Juveniles, questioned by law enforcement, access to attorney when: HB 1140
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Officers, brave men and women protecting communities across the state, honoring and showing respect and gratitude to: ***HR 4628 (2021)**
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Officers, injury/disease/death due to other's neglect/willful omission/conduct, action for recovery/damages: HB 1341
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Officers, peace/reserve/corrections, applicant background investigation, eye-based truth verification test: HB 1262
Officers, unlawfully summoning a law enforcement officer, including civil action for damages: ***ESB 5135, CH 330 (2021)**
Peace officers, certain abusive language use toward and insulting/taunting of, adding to crime of disorderly conduct: HB 1575
Peace officers, misconduct injuring person in person or property by, cause of action: HB 1202
Peace officers, potential impeachment disclosures, requirements: HB 1088
Peace officers, state oversight and accountability of corrections officers and: HB 1082, ***E2SSB 5051, CH 323 (2021)**
Peace officers, tactics and equipment requirements for: HB 1054
Peace officers, witnessing excessive force by another officer, duty to intervene: ***SSB 5066, CH 321 (2021)**
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Professional rescue doctrine, repealing to allow certain public safety employee actions in certain cases: HB 1341
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Sexual assault kits, hit in DNA system via profile from, agency to report case status: HB 1109
State patrol, bicycle/pedestrian safety programs, duties of, WSP role: HB 1039
State patrol, forfeited firearms, destroying of, WSP policies/criteria for when: HB 1134
State patrol, honoring for 100 years of service to the state of Washington: ***HR 4622 (2021)**
State patrol, litter prevention messaging and litter emphasis patrols, WSP role: ***SB 5040, CH 231 (2021)**
State patrol, missing endangered indigenous persons, "red thunder alert" designation in connection with: HB 1571

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State patrol, traffic stops for infractions, being detained for, information video and best actions written steps for: HB 1585
State patrol, trooper Justin R. Schaffer, commending, saluting, and honoring: ***HR 4618 (2021)**
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Tear gas and military equipment, law enforcement prohibitions: HB 1054
Tow truck operator, dispatched by law enforcement when highway damage, vehicle operator liability for charges: SSB 5406
Traffic stops for infractions, detaining of driver, driver-law enforcement interactive best practices training about: HB 1585
Tribal police officers and employees, training of: HB 1082, ***E2SSB 5051, CH 323 (2021)**
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Developmental disabilities administration, services provided by, eligibility/delivery of, JLARC to review: ESSB 5268
Racial equity analyses, JLARC to incorporate into audits and reviews, when: ***ESSB 5405, CH 310 (2021) PV**
Spending programs, new statutory state, JLARC review of: HB 1177

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Emergency proclamations, duration of, role of legislature: HB 1029, HB 1060, HB 1381, HB 1557, HCR 4402
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Interns, legislative, Rosa Franklin legislative internship program scholarship for, administering/conducting: ***SB 5431, CH 108 (2021)**
Joint rules, house and senate, 2021-2022, adopting: ***HCR 4400 (2021)**
Joint session, elective state officers, canvassing vote of: ***HCR 4401 (2021)**
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Maynard, Cathy, speaker's attorney, house of representatives, celebrating and honoring: ***HR 4632 (2021)**
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Driver training schools, stops for infractions, driver-law enforcement interactive best practices training about, DOL role: HB 1585
Driver's licenses, suspended or revoked, administrative reinstatement, DOL authority for, when: ***ESSB 5226, CH 240 (2021)**
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Judicial information system, information technology used by DOL to communicate with, funds to support: ***ESSB 5226, CH 240 (2021)**
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Child support, liens against real or personal property for, insurance company compliance with: HB 1416
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Liquor licenses, fees, waiving for one year, unless licensee has violated COVID-19/emergency requirements: ***ESSB 5272, CH 6 (2021)**
Marijuana businesses, license issuance by board, prohibiting due to written objection based on zoning ordinances: HB 1414
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Slaughter, mobile slaughter unit within a conservation district, grant program funding to establish: 2SSB 5045
Swine, feeding garbage or carcasses to, prohibiting: SB 5300
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Long-term services and supports trust program, self-employed persons electing coverage: HB 1323
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Digital equity and inclusion, for underserved populations, advancing: HB 1460
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Electric light/space heating service, residential, termination for low-income households, prohibitions/conditions: HB 1490
Energy burden of low-income persons, conservation/energy efficiency opportunities to reduce for tenants: HB 1125, HB 1498
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Communities, landlords, when tenant qualifies for property tax exemption program, landlord exemption: HB 1248

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Manufacturers, in energy-intensive trade-exposed industries, carbon pollution tax on sales/use of fossil fuels by: HB 1534
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Personal protective equipment, Washington producers of, website of/report about/tax exemptions for: HB 1489
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Ports, public, activities undertaken by, exemption from permitting, when: HB 1436
Shoreline stabilization/armoring, replacing, options and requirements for: ***SSB 5273, CH 279 (2021)**
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Rape of a child, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
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Sex offenses involving minor, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**

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Advance directives, mental health, for behavioral health disorder treatment: ***ESSB 5370, CH 287 (2021)**
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Behavioral health administrative services organizations, community-based programs, establishing: HB 1578
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Behavioral health disorders, law enforcement arresting of persons with, alternatives to: HB 1499, HB 1578, ***ESB 5476, CH 311 (2021) PV**
Behavioral health loan repayment program, increasing loan repayment awards for certain professionals: HB 1504
Behavioral health ombuds, regional programs, discontinuing and integrating into advocate program: HB 1086
Behavioral health services, client criminal justice system involvement reduction: ***SSB 5157, CH 267 (2021)**
Behavioral health services, performance measures, improvement projects, and value-based purchasing: ***SSB 5157, CH 267 (2021)**

Behavioral health services, via audio-only telemedicine, BHASO and MCO reimbursement for, when: HB 1196
Behavioral health services, via telemedicine, BHASO and MCO reimbursement for, when: ***SSB 5325, CH 100 (2021)**
Behavioral health workforce pilot program and training support grants for community treatment providers, establishing: HB 1504
Behavioral health, community system, managed care organization contracts with agencies, continuity: HB 1281
Behavioral health, crisis response services, mobile crisis/triage facility/crisis stabilization services, payment for: HB 1182, HB 1477
Behavioral health, crisis response/suicide prevention, implementation coalition and 988 crisis hotline system: HB 1182, HB 1477
Behavioral health, emergency crisis assistance teams for mobile mental health crisis intervention programs/services: HB 1392
Behavioral health, improving, using criminal justice local sales/use tax for: HB 1069
Behavioral health, mental health/substance use disorder providers, grant program for, establishing: HB 1504
Cannabis concentrates, high-potency, serious mental health consequences of, addressing: HB 1463
Children, assessment/diagnosis through medicaid, from birth through 5 years of age: HB 1325
Children, health care coverage, wraparound services for persons under 21 years of age: HB 1461
Children, partnership access line for kids, renaming as mental health referral service for children and teens: HB 1325
Clubhouses, for persons with mental illness, establishing throughout state and accessing medicaid funding for: ESB 5328
Commitment, involuntary, adolescents, designated crisis responder interviews by video to include: ***SSB 5073, CH 264 (2021)**
Commitment, involuntary, care coordinator role: ***SSB 5073, CH 264 (2021)**
Commitment, involuntary, of veterans, diversion to veterans administration facility for treatment: HB 1314
Commitment, involuntary, orders for less restrictive alternative treatment: ***E2SSB 5071, CH 263 (2021)**, ***SSB 5073, CH 264 (2021)**
Commitment, involuntary, reentry community services program expansion in order to include persons under: ***E2SSB 5304, CH 243 (2021) PV**
Commitment, involuntary, when incompetent to stand trial, orders for less restrictive alternative treatment: ***E2SSB 5071, CH 263 (2021)**
Commitment, involuntary, when not guilty by reason of insanity, transition from commitment, transition team for: ***E2SSB 5071, CH 263 (2021)**
Community and technical colleges, counseling/services access for students, pilot program: HB 1468, ***E2SSB 5194, CH 272 (2021)**
Community behavioral health program, certain appropriations provided for, conditions and limitations for: ***ESB 5476, CH 311 (2021) PV**
Confined persons, in medicaid suspense status, pre-release reinstatement of medical assistance for: ***E2SSB 5304, CH 243 (2021) PV**
Criminal offenders, convicted, mental health sentencing alternative to incarceration, eligibility for: ***2SSB 5293, CH 242 (2021) PV**
Criminally insane, competency restoration treatment, outpatient, court-ordered: SSB 5210
Criminally insane, reentry community services program expansion in order to include: ***E2SSB 5304, CH 243 (2021) PV**
Criminally insane, transition teams for, multidisciplinary, when conditional release or affirmative special finding: ***E2SSB 5071, CH 263 (2021)**
Crisis response services, 988 crisis hotline coordination with hotline centers, 911 systems, and crisis system: HB 1182, HB 1477
Crisis response services, 988 crisis hotline system director, appointment of: HB 1182, HB 1477
Crisis response services, and suicide prevention, implementation coalition and 988 crisis hotline system: HB 1182, HB 1477
Crisis response services, statewide 988 behavioral health crisis response line tax, imposing: HB 1182, HB 1477
Depression/anxiety, behavioral health information for students on websites of schools: HB 1373
Hospitals, psychiatric, beds for psychiatric services, certificate of need exemption to allow for: ***SSB 5236, CH 277 (2021)**
Hospitals, state, reentry community services program expansion in order to include: ***E2SSB 5304, CH 243 (2021) PV**
Incarcerated persons, prohibiting medicaid suspense status when incarcerated for less than 30 days: HB 1348
Insanity, not guilty by reason of, restoration of right to possess firearms: HB 1026

Law enforcement officers, behavioral health and suicide prevention: HB 1000
Marijuana concentrates, high-potency, serious mental health consequences of, addressing: HB 1463
Mobile mental health crisis intervention programs/services, emergency crisis assistance teams for, establishing: HB 1392
Partnership access lines for providers/moms/kids, various, modifications to: HB 1325
Peer specialists/peer specialist trainees, licensed, licensing/practice requirements and advisory committee for: HB 1349
Peer-run organizations for persons with mental illness, accessing medicaid funding for: ESB 5328
Psychiatric beds, in hospitals, certificate of need exemption to allow for: ***SSB 5236, CH 277 (2021)**
Safety/well-being of youth, risks to, YES tip line program for tips concerning, establishing: 2SSB 5327
Schools, limited mental health staff certificate, for trauma-informed counseling of COVID-impacted students: HB 1444
Schools, secondary traumatic stress in K-12 workforce, model policy/procedure to prevent/address: HB 1363
Schools, suicide prevention/mental health/substance use/eating disorders information for students on website: HB 1373
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Suicidal thoughts, agricultural workers with, agricultural community mental health hotline services for: HB 1434
Suicide, 988 crisis hotline coordination with hotline centers, 911 systems, and behavioral health crisis system: HB 1182, HB 1477
Suicide, among military members/veterans/their families, firearm temporary storage by dealer to prevent: HB 1181
Suicide, among veterans/military members/their families, programs/measures to prevent: HB 1181
Suicide, by law enforcement officers, prevention of: HB 1000
Suicide, overdose and suicide fatality review teams, establishing: HB 1074
Suicide, prevent veteran suicide emblem for license plates, creating: HB 1181
Suicide, prevention organizations and crisis intervention information for students on websites of schools: HB 1373
Suicide, suicide-safer homes task force, subcommittees/members/duties of: HB 1181
Suicide, youth suicide review team, Washington, establishing for youth suicide reviews: HB 1354
Suicide, youths up to age 24 who died by, impact of COVID-19 pandemic on suicide rates among: HB 1354
Suicide, youths up to age 24 who died by, youth suicide review team to investigate lives of: HB 1354
Telebehavioral health programs, partnership access lines, various, modifications to: HB 1325
Telemedicine, audio-only, behavioral health services via, BHASO and MCO reimbursement for, when: HB 1196
Telemedicine, audio-only, delivery of services to covered persons via, reimbursement for: HB 1196
Telemedicine, behavioral health services via, BHASO and MCO reimbursement for, when: ***SSB 5325, CH 100 (2021)**
Telemedicine, delivery of behavioral health services to covered persons via, reimbursement for: ***SSB 5325, CH 100 (2021)**
Telepsychology, psychology interjurisdictional compact act: HB 1286
Telepsychology, psychology interjurisdictional compact commission, establishing: HB 1286
Treatment, behavioral health administrative services organizations providing, B&O tax deduction for: ***HB 1296, CH 124 (2021)**
Treatment, clubhouses and peer-run organizations for persons with mental illness, and medicaid program: ESB 5328
Treatment, evaluation and treatment facilities, delivery of juvenile from law enforcement custody to, when: HB 1559
Treatment, for juvenile offenders via community transition services program: HB 1186
Treatment, involuntary outpatient: ***SSB 5073, CH 264 (2021)**
Treatment, less restrictive alternative, various orders for: ***SSB 5073, CH 264 (2021)**
Treatment, veterans, diversion from involuntary commitment to veterans administration facility: HB 1314

METALS

Bullion, precious metal or monetized, as intangible personal property, property tax exemption: HB 1417
Bullion, precious metal or monetized, as legal tender: HB 1417
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MILITARY (See also ELECTIONS; FIRST RESPONDERS; MILITARY DEPARTMENT; VETERANS; VETERANS AFFAIRS, DEPARTMENT)

Equipment, acquisition or use by law enforcement agencies, prohibition: HB 1054
Incompatible developments near military installations, certain account-funded projects for addressing: SB 5291
Japanese American veterans, incarcerees, and civil rights activists, recognizing and remembering: ***HR 4609 (2021)**
Navy, USS Nimitz aircraft carrier, crew of, recognizing and honoring: ***HR 4631 (2021)**
Nonresident armed forces members, in state, tangible personal property use tax exemption, expanding: HB 1112
Purple heart, Washington state as a purple heart state, designating and authorizing signs indicating: HB 1250
Suicide, among military members/veterans/their families, firearm temporary storage by dealer to prevent: HB 1181

Suicide, among military members/veterans/their families, programs/measures to prevent: HB 1181
Suicide, suicide-safer homes task force, subcommittees/members/duties of: HB 1181
U.S. army corps of engineers, navigation channel maintenance/improvements on Columbia river by, requirements exemption, when: SSB 5125
Vehicles, military surplus, as collectible vehicles with collector license plates: HB 1439
Vehicles, military surplus, operation on public highways: HB 1439
Vessels, USS Nimitz aircraft carrier, crew of, recognizing and honoring: ***HR 4631 (2021)**
Voting, service/overseas voters, voters' pamphlets distribution with ballots: HB 1357
Washington state guard, members, service/retirement age of, extending, when: HB 1122
World War II, Japanese American veterans from Washington, recognizing: ***HR 4609 (2021)**

MILITARY DEPARTMENT (See also EMERGENCY MANAGEMENT AND SERVICES; MILITARY)
Disaster preparedness, necessary supplies stockpile, and commodity sourcing for, department to study: HB 1567
Emergency management council, tribal members, adding: ***SB 5101, CH 233 (2021)**

MINES AND MINING
Hard minerals, seabed mining of, and permits or leases for, prohibiting: ***SB 5145, CH 181 (2021)**

MINORITIES (See also AFRICAN AMERICANS; DISCRIMINATION; ENVIRONMENTAL HEALTH AND SAFETY; EQUITY, WASHINGTON STATE OFFICE; INDIANS; MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE; PROFESSIONAL EDUCATOR STANDARDS BOARD)
Asian and Pacific Islander Americans, Washington's, and Lunar New Year, celebrating: ***HR 4606 (2021)**
Community/technical colleges, equity/access in, expanding via our colleges our future act of 2021: HB 1318, ***E2SSB 5194, CH 272 (2021)**
Developmental disabilities, persons with, diversity of, membership of task forces/other statutory entities to reflect: HB 1566
Digital equity and inclusion, for underserved populations, advancing: HB 1460
Digital equity opportunity program, creating: HB 1460
Digital equity planning grant program, creating: HB 1460
Disabilities, persons with, diversity of, membership of task forces/committees/other statutory entities to reflect: HB 1566
Disparities, environmental health, state agency actions to reduce: ***E2SSB 5141, CH 314 (2021)**
Disparities, environmental health/environmental justice/equity focused tools to identify wildfire-impacted communities: HB 1168
Diversity/equity/inclusion, community and technical colleges strategic plan for: HB 1318, ***E2SSB 5194, CH 272 (2021)**
Equity impact statements for bills and other proposed legislation: HB 1264
Equity, environmental health disparities/justice/equity focused tools to identify wildfire-impacted communities: HB 1168
Equity, in housing, addressing racial inequities via estate tax revenue deposits in equity in housing account: HB 1465
Equity, racial, analyses of, incorporation into audits/reviews/reports by JLARC, when: ***ESSB 5405, CH 310 (2021) PV**
Equity, social equity in cannabis industry, grant/pilot program/legislative task force/social equity license applicants: HB 1443
Equity, violations imposed on rural communities of color/disadvantaged communities/indigenous peoples, rectifying: HB 1233
Equity-based school practices, as part of teacher and school administrator continuing education: HB 1426
Executive order 9066, seventy-ninth anniversary, acknowledging: ***HR 4609 (2021)**
Fairs, area/county/other, transfers from state general fund to fair fund to support inclusiveness at fair events: ***2SSB 5362, CH 245 (2021)**
Farming, equity in, historically underrepresented groups, inclusion in food/agriculture laws/rules/etc. development/etc.: HB 1395
Health education, in schools, disproportionately COVID-impacted people, steps to help: HB 1149
Health equity continuing education training for health professions, requirements: ***ESSB 5229, CH 276 (2021)**
Health equity curriculum, for medical students, development by UW/WSU schools of medicine: ***SSB 5228, CH 96 (2021)**
Health equity zones, identifying and creating: ***E2SSB 5052, CH 262 (2021)**
Health, local boards of, member expertise and lived experience, diversity requirements: HB 1110

Higher education, diversity/equity/inclusion/antiracism programs and training for faculty/staff/students: ***E2SSB 5227, CH 275 (2021)**
Holocaust remembrance day, recognizing: ***HR 4627 (2021)**
Hospitals, information reporting by, to include race/ethnicity/gender identity/language/disability, when: HB 1272
Housing, affordable, increasing for racial/ethnic groups disproportionately lacking access to: HB 1128
Housing, racially disparate impacts/displacement/exclusion in, addressing at local level: HB 1220
Intellectual disabilities, persons with, diversity of, membership of task forces/other statutory entities to reflect: HB 1566
Japanese American veterans, incarcerees, and civil rights activists, recognizing and remembering: ***HR 4609 (2021)**
Juries and jurors, electronic demographic survey for jurors beginning a jury term: HB 1542
Labor rights, countries that provide, as eligible to sell for use or provide transportation fuels in state, criteria and list: HB 1551
Law enforcement diversity, professional development outreach grant program: ***HB 1001, CH 52 (2021)**
Local economic inclusion grants, for local government, implementing: 2SSB 5241
Money transmitters, small, serving diverse communities, impact of de-risking on, requesting that congress act to reduce: SJM 8004
Nicotine addiction, intervention strategies, community-based and addressing health inequity/racial disparities: HB 1550
Preservation/protection of environment/natural resources, rights of all people in relation to, constitutional amendment: HJR 4205
Public works, alternative contracting, access for minority-owned businesses: ***SB 5032, CH 230 (2021)**
Racial equity analyses, incorporation into audits/reviews/reports by JLARC, when: ***ESSB 5405, CH 310 (2021) PV**
Racism in schools, institutional, training in order to dismantle: ***ESSB 5044, CH 197 (2021)**
Racism, structural, in health care, medical student training to help undo: ***SSB 5228, CH 96 (2021)**
Rural development, correcting land use patterns perpetuating disadvantages faced by immigrants and other peoples: HB 1233
School staff/boards, cultural competency/diversity/equity/inclusion standards and training for: ***ESSB 5044, CH 197 (2021)**
Schools, equity-based practices, as part of teacher and school administrator continuing education: HB 1426
Schools, language access programs for culturally responsive systemic family engagement: HB 1153
Sexual assault investigations, race/ethnicity impact on outcomes, analysis via case review program: HB 1109
Students, reducing absences with multitiered and culturally/linguistically responsive supports system: HB 1113
Victims, non-hate crime offenses, aggravating circumstance if defendant motivated by biased perception: HB 1071
Vulnerable populations and highly impacted communities, energy burden of, reducing in various ways: HB 1125, HB 1498, ***ESSB 5295, CH 188 (2021)**
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All-terrain vehicles, tracked, snowmobile defined to include: ***SB 5016, CH 86 (2021)**
All-terrain vehicles, wheeled and tracked, concurrent licensing process: ***SB 5016, CH 86 (2021)**
All-terrain vehicles, wheeled, equipment requirements for: SSB 5332
All-terrain vehicles, wheeled, nonresident registration exemption, when: HB 1322
All-terrain vehicles, wheeled, to include qualifying utility-type vehicles (UTVs) with certain equipment: HB 1509
All-terrain vehicles, wheeled, use on certain roads, multiuse roadway safety account funds use in connection with: HB 1546
All-terrain vehicles, wheeled, use on state highway segments in county with authorizing ordinance: ***EHB 1251, CH 121 (2021)**
Alternative fuel vehicles, hydrogen fuel cell electric, sales/use tax exemptions: ***2SSB 5000, CH 171 (2021)**
Alternative fuel vehicles, various tax preferences for: HB 1503, ***2SSB 5000, CH 171 (2021)**
Auto malls, directional signs on state highway rights-of-way for, when: HB 1142
Autonomous vehicles, self-certification testing pilot program, changes to enable: ***SSB 5460, CH 193 (2021)**
Autonomous vehicles, self-certification testing pilot program, effective date of, delaying: ***SSB 5460, CH 193 (2021)**

Autonomous vehicles, work group recommendations concerning: ***SSB 5460, CH 193 (2021)**
Commuter ride sharing, passenger vehicles for, sales/use tax preferences, discontinuing: HB 1528
Dealers, cash incentives from manufacturers for retail sales, B&O tax deduction for: ***HB 1495 (2021) V**
Dealers, documentary service fee, charging under certain conditions: HB 1388
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Dealerships, zero emissions vehicles manufacturers owning/operating/controlling, when: HB 1388
Electric or hybrid vehicles, purchase or use by rental car company, sales and use tax exemptions: HB 1572
Electric vehicles, charging/refueling infrastructure, mapping/forecasting tool for, developing: HB 1287
Electric vehicles, passenger/light duty, selling or registering in WA only, 2030 deadline/scoping plan: HB 1204
Electric vehicles, plug-in hybrid, narrowing transportation electrification fee exemption for hybrid vehicles to: HB 1548
Electric vehicles, publicly available supply equipment and service providers for, requirements: ***2SSB 5192, CH 238 (2021)**
Electric vehicles, supply equipment, registration fee for: ***2SSB 5192, CH 238 (2021)**
Electric vehicles, with hydrogen fuel cell, sales/use tax exemptions: ***2SSB 5000, CH 171 (2021)**
Electric-assisted bicycles, use on recreational trails managed by DNR or DFW, when: HB 1524
Electric-assisted, use on trails and roads closed to motor vehicles, determining where and which bicycle classes: ***ESSB 5452, CH 191 (2021)**
Electric/electric-assisted bicycles, and related cycling equipment, sales/use tax exemptions: HB 1330
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Emissions, zero emissions transportation future, state transition to, supporting: HB 1287
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Hybrid or electric vehicles, purchase or use by rental car company, sales and use tax exemptions: HB 1572
Hybrid vehicles, plug-in electric, narrowing transportation electrification fee exemption for hybrid vehicles to: HB 1548
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License plates, special, collector vehicle plates for military surplus vehicles: HB 1439
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License plates, special, Washington wine plates, creating: HB 1530
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Licensing, car tab relicensing fee, for grade-separated transportation, with rebate for low-income persons: HB 1304
Military surplus vehicles, as collectible vehicles with collector vehicle license plates: HB 1439
Military surplus vehicles, operation on public highways: HB 1439
Motorcycles, electric, additional fee for, due at time of annual registration renewal: SSB 5085
Motorcycles, handlebars, as steering mechanism option, adding, when: HB 1255
Motorcycles, operating between lanes of traffic, requirements for: HB 1106
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Motorcycles, operator use of right shoulder on limited access roadway, when: HB 1254
Off-road vehicles, nonresident registration exemption, removing, when: HB 1322
Off-road vehicles, registering in another state to avoid retail taxes, penalties: HB 1322
Owners, of motor vehicles, furnishing of list to certain entities for certain purposes: ***SSB 5152, CH 93 (2021)**
Physical damage to automobile, basic contract of automobile insurance, requirements: HB 1428
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Pool vehicles, car or van pools for commute trip reduction, suspending purchase recommendation and funding: HB 1528
Recreational vehicles used as residences, overnight parking of, local government ordinance to prohibit, when: HB 1540
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Residences, vehicles used as, illicit wastewater discharges from, identifying potential for and preventing: HB 1540
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Sharing, peer-to-peer car sharing transactions, additional sales tax on: HB 1572
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Snowmobiles, defined to include tracked all-terrain vehicles: ***SB 5016, CH 86 (2021)**
Snowmobiles, nonresident registration exemption, removing, when: HB 1322
Snowmobiles, nonresident registration exemption, when: HB 1322

Snowmobiles, registering in another state to avoid retail taxes, penalties: HB 1322
Taxation, sales/use, revenue for transportation infrastructure needs: HB 1010
Tracking technology, collecting data to determine taxes/fees with, constitutional amendment to prohibit: HJR 4201
Transporters, licenses/license plates/indicator tabs for and related violations by: HB 1269
Utility-type vehicles (UTVs) with certain equipment, as wheeled all-terrain vehicles, operation on county roads, when: HB 1509
Vehicles, fee transactions, recouping agency credit card/financial transaction fees via: ***HB 1115, CH 32 (2021)**
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Bruce Speight protect children from being exposed to lead in school drinking water act: HB 1139
Business corporation act, revisions: ***SB 5005, CH 84 (2021)**
Buy clean and buy fair Washington act, building materials production environmental/social outcomes: HB 1103
Child custody jurisdiction and enforcement act, uniform, international application of: ***HB 1042, CH 23 (2021)**
Civil rights act, Washington state, repealing short title and preferential treatment prohibition: HB 1288
Climate commitment act, Washington, comprehensive program capping greenhouse gas emissions/criteria pollutants: ***E2SSB 5126, CH 316 (2021) PV**
Consumer protection improvement act, protecting vulnerable populations from unfair practices: ***SSB 5025, CH 228 (2021)**
Credit union act, Washington, revising: HB 1165
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Equitable access to credit act, Washington, for underserved communities: HB 1015
Evelyn's law, diagnostic services/genetic testing for children with seizures, neurological symptoms, etc.: HB 1346
Fair repair act, digital electronic products manufacturers right-to-repair requirements: HB 1212
Fair start for kids act, stabilizing child care industry and expanding early childhood programs access: HB 1213, ***E2SSB 5237, CH 199 (2021)**
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Health emergency labor standards act: ***ESSB 5115, CH 252 (2021)**
Healthy homes and clean buildings act, reducing greenhouse gas emissions via decarbonization: HB 1084
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Help out Washington state government act, voluntary contributions to expenditures: HB 1238
Keeping families together act, rights of families responding to child abuse/neglect allegations: HB 1227
Land use petition act, transfer of land use decision judicial review to court of appeals: ***SB 5225, CH 305 (2021)**
Lane sharing for safety act, allowing motorcycles to operate between lanes or pass in same lane: HB 1106
Little toasters act, for student confidence, public speaking, and leadership skills: HB 1270
Living donor act, insurance coverage protections for organ donors: ***SSB 5003, CH 172 (2021)**
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Our colleges our future act of 2021, expanding equity and access in community and technical colleges: HB 1318, ***E2SSB 5194, CH 272 (2021)**
Peace officer accountability act, cause of action for injury, against officers unlawfully exercising powers: HB 1202
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People's privacy act, rights and opt-in consent before entity use of individual's personal information: HB 1433
Pesticide application act, Washington, increasing pesticide registration and licensing fees: ***SSB 5317, CH 244 (2021)**
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Principal and income act, Washington, repealing and replacing: ***SB 5132, CH 140 (2021)**
Professional license review act, DOL review of licenses for professions for termination/continuation/modification: HB 1403
Psychology interjurisdictional compact act, interstate telepsychology: HB 1286
Public broadband act, telecommunications for end users via public entity authority for providing services/facilities: HB 1336
REAL recovery for Washington act of 2021, appropriations to revive economy and accelerate lasting recovery: HB 1334
Small wireless facilities deployment act, provider access to rights-of-way and attachment to infrastructure: HB 1440
Solitary confinement restriction act, restrictions on/allowed uses of solitary confinement in correctional facilities: HB 1312
Sound money act, Washington state, concerning precious metal or monetized bullion: HB 1417
Survivors justice act, reducing harsh sentences for offenses committed by domestic violence survivors: HB 1293
Sustainable transformative recovery opportunities for the next generation act, Washington, carbon pollution tax: HB 1513
Uniform child custody jurisdiction and enforcement act, international application of: ***HB 1042, CH 23 (2021)**
Uniform electronic recordation of custodial interrogations act: HB 1174, HB 1223
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Uniform powers of appointment act: ***SB 5132, CH 140 (2021)**
Uniform public expression protection act: ***SSB 5009, CH 259 (2021)**
Uniform real property electronic recording act, repealing as title and revising chapter: ***SB 5019, CH 137 (2021)**
Voting rights act, cost recovery under, political subdivision reimbursement to provide, when: HB 1156
Washington BEST manufacturing act, building economic strength through manufacturing: HB 1170
Washington climate commitment act, comprehensive program capping greenhouse gas emissions/criteria pollutants: ***E2SSB 5126, CH 316 (2021) PV**
Washington consumer affordability and reliability in energy supply act: HB 1130
Washington equitable access to credit act, for underserved communities: HB 1015
Washington innovates new personal protective equipment act ("WIN PPE"): HB 1489
Washington privacy act, personal data privacy: 2SSB 5062
Washington state sound money act, concerning precious metal or monetized bullion: HB 1417
Washington sustainable transformative recovery opportunities for the next generation act, carbon pollution tax: HB 1513
Washington wage recovery act, wage liens: HB 1369, ***ESSB 5355, CH 102 (2021)**
Welcome to Washington act, litter prevention messaging/emphasis patrols/clean-up activities on highway ramps/pickup: ***SB 5040, CH 231 (2021)**
Wildfire response, forest restoration, and community resilience act: HB 1168
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Dwellings, single-family damaged by disaster, property tax exemption for improvements to: ***ESB 5454, CH 192 (2021)**
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Electric-assisted bicycles, use on trails/roads closed to motor vehicles, where/which bicycle classes, DNR role: ***ESSB 5452, CH 191 (2021)**

Forest health advisory committee, role of: HB 1168
Forest health and resiliency and fuels mitigation treatments, on federal lands, commissioner role: HB 1168
Forest health treatments and wildfire prevention/response, developing workforce for, DNR role: HB 1168
Hard minerals, seabed mining of, permits or leases issued by DNR for, prohibiting: ***SB 5145, CH 181 (2021)**
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Deeds/covenants, existing, racial/other restrictions against protected classes in, city/county review/notices of: HB 1335
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Behavioral health administrative services organizations, B&O tax deduction for: ***HB 1296, CH 124 (2021)**
Bowling alleys, proprietors of, making retail sales, B&O tax preferential rate: HB 1299
Breast pumps/repair/parts/supplies, sales and use tax exemptions: HB 1535
Bullion, precious metal or monetized, as intangible personal property, property tax exemption: HB 1417
Bullion, precious metal or monetized, sale of, B&O tax exemption: HB 1417
Businesses, economic impacts of COVID pandemic on, B&O tax credit: HB 1012
Businesses, economic impacts of COVID pandemic on, B&O tax deferral: HB 1188
Captive insurers, exempting from B&O taxation, when: ***2SSB 5315, CH 281 (2021)**
Carbon pollution tax, on sales/use of fossil fuels by EITE industries, tax credits in connection with, when: HB 1534
Commuter ride sharing, passenger vehicles for, sales/use tax preferences, discontinuing: HB 1528
Commuter ride sharing, renaming as ride sharing, for purposes of certain excise tax preferences: HB 1514
Computer data centers, sales/use tax exemption, broadening eligibility and extending expiration: HB 1459, SSB 5262
Computer data centers, sales/use tax exemption, in counties with certain population, when: HB 1473
Cooperatives, limited equity, providing owned housing for low-income persons, property tax exemption: HB 1350
COVID-19, economic impacts of, B&O tax deferral to address: HB 1188
COVID-19, economic impacts of, B&O tax exemption for eligible businesses to address: HB 1520
COVID-19, grants addressing impacts, B&O/public utility tax exemptions: HB 1002
COVID-19, grants addressing impacts, B&O/public utility/retail sales tax exemptions: HB 1095
Custom farming services, persons performing for a farmer, B&O tax exemption for: HB 1380
Custom farming services, persons performing, persons doing certain hauling for, public utility tax exemption: HB 1380
Customized employment training program, B&O tax credit, extending: HB 1033
Diapers/diaper services, infant/toddler/child, sales and use tax exemptions: HB 1535
Electric or hybrid vehicles, purchase or use by rental car company, sales and use tax exemptions: HB 1572
Electric vehicles, with hydrogen fuel cell, sales/use tax exemptions: ***2SSB 5000, CH 171 (2021)**
Energy conservation payments by BPA to utilities as credits, B&O tax exemption, when: ***SB 5008, CH 226 (2021)**
Engineers, state-funded road projects, firm payments on subcontracts to separate firm, B&O tax deduction: HB 1522
Equitable access to credit program, contributions to, B&O tax credit for: HB 1015

Farmworkers, temporary housing for, sales/use tax exemptions for, expanding: ***2SSB 5396, CH 250 (2021)**
Federal tax credit programs, new markets/rehabilitation/others, low-income school district participation to finance facilities: SSB 5181
Fire departments, fire suppression vehicles with emissions or fuel reduction technology, sales/use tax exemptions: HB 1479
Foods, prepared, sold by grocery stores, sales and use tax exemptions: HB 1535
Fossil fuels, certain tax preferences for fossil fuel products, terminating: HB 1537
Fruit/vegetables, manufacturer B&O tax exemption, employment/labor/civil rights adjudications disclosure for: HB 1285
Hauling, agricultural products or farm machinery/equipment, for farmer, public utility tax exemption: HB 1380
Health and social welfare organizations, providing behavioral health treatment, B&O tax deduction for: ***HB 1296, CH 124 (2021)**
Hog fuel, sales and use tax exemptions, extending expiration of: HB 1387
Homes, single-family dwellings, damaged by natural disaster, improvements to, property tax exemption: ***ESB 5454, CH 192 (2021)**
Hospitality industry, certain businesses making certain retail sales, B&O tax preferential rate: HB 1299
Host homes, with host home programs, real property used as, property tax exemption: HB 1175
Housing, affordable owned, provided for low-income persons by low equity cooperatives, property tax exemption: HB 1350
Housing, affordable rental, incentive program and property tax exemption: HB 1035
Housing, affordable, multi-family property tax exemption for multi-unit residential structures in RTAs, expanding: ***E2SSB 5287, CH 187 (2021)**
Housing, affordable, properties selling/renting 25% of units to nonprofits/local government, property tax exemption: ***E2SSB 5287, CH 187 (2021)**
Housing, for school district employees, leasehold excise tax exemption: SB 5043
Hybrid or electric vehicles, purchase or use by rental car company, sales and use tax exemptions: HB 1572
Hydrogen, green electrolytic, production facilities as "electric vehicle infrastructure" for sales/use/leasehold tax exemptions: HB 1569
Industrial/manufacturing facilities, new construction of, in targeted urban areas, property tax exemption: ***EHB 1386, CH 218 (2021)**
Interest/investment earnings, on public funds, public depositaries receiving, B&O tax deduction for: HB 1531
Investment income, B&O tax deduction for, restricting to individuals: HB 1111
Main street program, tax credit for contributions to, additional credit on top of: HB 1279
Manufactured or mobile homes, property tax exemptions, when: HB 1409
Manufactured/mobile home community landlords, property tax exemption program exemption for: HB 1248
Manufactured/mobile home community tenants, property tax exemption program additional exemption for: HB 1247
Marijuana, medical use, excise tax exemption for sales, when: SSB 5004
Motor vehicle dealers, cash incentives from manufacturers for retail sales, B&O tax deduction for: ***HB 1495 (2021) V**
Newspaper business, family-owned interests in a, estate tax deduction for: HB 1465
Personal protective equipment, manufacturer B&O tax exemption and sales/use tax exemptions: HB 1489
Property tax exemption program, for seniors/veterans/retired-disabled, various provisions: HB 1247, HB 1248, HB 1438
Property tax exemption, for improvements to single-family dwellings damaged by natural disaster: ***ESB 5454, CH 192 (2021)**
Property taxes, state, homestead exemption from: HB 1579
Property taxes, state, residential real property exemption from, when: HB 1579
Property taxes, state, residential real property exemption from, when, constitutional amendment for: HB 1494, HJR 4204
Property taxes, when property used for business purposes experiences revenue reduction, tax deferral: HB 1332
Rental car companies, electric or hybrid vehicle purchase or use by, sales and use tax exemptions: HB 1572
Ride sharing, commuter ride sharing renamed as, expanding sales/use/motor vehicle excise tax exemptions eligibility of: HB 1514
Ride sharing, commuter, passenger vehicles for, sales/use tax preferences, discontinuing: HB 1528
Salmon, restoration, grants for, B&O tax deduction and sales tax exemption for: ***ESB 5220, CH 143 (2021)**
School construction, qualifying, labor/materials used for, sales/use tax exemptions: HB 1235
School district employees, housing for, leasehold excise tax exemption: SB 5043
Tangible personal property, of new residents/nonresident armed forces members, expanding use tax exemption: HB 1112
Unmanned aircraft systems, commercial, adding to "commercial airplane" for certain tax preferences: HB 1470

Urban growth areas, annexation of unincorporated territory within, qualifying for annexation sales tax credit, when: ***2SSB 5368, CH 312 (2021) PV**
Vapor products, taxed at wholesale level prior to new effective date, tax credit, when: HB 1345
Vegetables/fruit, manufacturer B&O tax exemption, employment/labor/civil rights adjudications disclosure for: HB 1285
Wealth tax, Washington state, certain exemptions and credits in connection with: HB 1406
Wineries, small, liquor excise tax on sales, exemption: HB 1116
Working families' tax exemption, providing sales/use tax exemption, updating and simplifying: HB 1297, HB 1319

TAXES - AIRCRAFT FUEL
Airport aid grant program, airport projects through, aircraft fuel sales/use tax funds use for, tracking: HB 1290
Revenues, sales and use tax, deposits into aeronautics account: HB 1290

TAXES - BORDER AREA MOTOR VEHICLE FUEL AND SPECIAL FUEL
Rate, limit in 2021 and adjustments: HB 1284

TAXES - BUSINESS AND OCCUPATION (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)
Data, personal, making sales of/exchanging for consideration, persons engaged in business of, B&O tax on: HB 1303
Surcharge for workforce education investment, B&O tax surcharge for, modifying: HB 1318, HB 1504
Vapor and tobacco products, B&O taxation of, adding vapor and tobacco products surcharges: HB 1550

TAXES - ESTATE (See also ESTATES, TRUSTS, AND PROBATE; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)
Repealing state estate tax: HB 1245
Restructuring, raising exclusion amount and instituting tax increases to make tax more progressive: HB 1465

TAXES - EXCISE (See also IMPACT FEES; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)
Capital gains tax, gains from sale/exchange of certain long-term capital assets: ***ESSB 5096, CH 196 (2021)**
Capital gains tax, gains realized from sale of long-term real property and other capital assets, imposing: HB 1496
Carbon pollution tax on greenhouse gas emissions, imposing: HB 1513
Carbon pollution tax on sale/use of fossil fuels, imposing: HB 1577
Carbon pollution tax on sale/use of fossil fuels, imposing on energy-intensive trade-exposed industries: HB 1534
Commuter ride sharing, renaming as ride sharing, for purposes of certain excise tax preferences: HB 1514
Income, any tax based on, state-imposed, including taxes on taxpayers or on their employers, prohibiting: HB 1583
Internet access tax, on internet access service subscriptions, imposing: HB 1460
Liquor excise taxes, wine sales by small winery, exemption: HB 1116
Modifications to provisions, including clarifications/corrections/efficiencies/easing compliance burdens: ***ESSB 5251, CH 145 (2021)**
Motor vehicles, special use tax on value of, for grade-separated transportation funding, with low-income rebate: HB 1304
Statewide 988 behavioral health crisis response line tax, on use of radio access lines, imposing: HB 1182, HB 1477
Telephone and voice over internet protocol tax, on switched access lines in state, imposing: HB 1460
Wireless devices, smart, retail sales of, imposing tax on: HB 1365, HB 1450

TAXES - LODGING
Sale of lodging, special excise taxes on, using for housing and rental assistance: HB 1069
Sale of lodging, special excise taxes on, using for housing/facilities for homeless youth: HB 1070

TAXES - MOTOR VEHICLE FUEL
Road usage charges and motor vehicle fuel excise tax, double taxation, constitutional amendment to prohibit: HJR 4202
Tax rate information, posting at fuel pumps: HB 1222

TAXES - PROPERTY (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)
Collection of taxes, during public health crises, modifications for continuity of operations: ***EHB 1271, CH 122 (2021)**
Delinquent taxes, interest assessed prior to payment agreement on, due and payable: HB 1410
Delinquent taxes, penalties on, eliminating: HB 1410

Game lands, DFW, payments to counties in lieu of property taxes: ***SB 5159, CH 184 (2021) PV**
Interest/penalties suspension and payment extensions/tax deferral, due to COVID emergency: HB 1332
Levies, annual regular property tax revenue growth limit, modifying: HB 1362
Levies, certification by county of, dates for: HB 1309
Levies, for park and recreation districts, rate limit for island district in county of 2 million or more: ***HB 1034, CH 117 (2021)**
Levies, for public improvements through local infrastructure project areas and financing: HB 1243
Levies, for public improvements, increment financing by local governments via tax increment financing areas: HB 1189
Levies, for school district bond payment, simple majority to authorize: HB 1226, HJR 4200
Levies, for schools, enrichment, calculating authority for, using 2019-2020 enrollments for: HB 1476
Levies, for schools, enrichment, expenditure requirements, when audit shows failure to comply, penalty, removing: HB 1500
Levies, for schools, for capital projects, bond authorization training for district boards of directors: HB 1306
Levies, for schools, state property tax, eliminating over four years: HB 1371
Levies, for schools, state property tax, homestead exemption from, when: HB 1579
Levies, for schools, state property tax, limitations upon, part I and part II highest lawful levy amounts: HB 1358
Levies, for schools, state property tax, residential real property exemption from, when: HB 1579
Levies, for schools, state property tax, residential real property exemption from, when, constitutional amendment for: HB 1494, HJR 4204
Levies, King county, inapplicability of supplanting limitations for, when: HB 1069
Levies, regular, by housing benefit district, imposition of: HB 1128
Levies, state property tax, statements or notices of taxes due, "school tax" or similar phrase in, prohibiting: HB 1581
Levies, when district loses taxable value due to court ruling, shifting value to total levy, when: HB 1519
Open space land, including pollinator habitat in current classification: ***2SSB 5253, CH 278 (2021)**
Refunds, of taxes accidentally paid for exempted host homes real property: HB 1175
Revenue, reduction due to COVID emergency, payment agreements for taxes on property granted a deferral: HB 1332
State property tax, homestead exemption from, when: HB 1579
State property tax, limitations upon, part I and part II highest lawful levy amounts: HB 1358
State property tax, regular and additional for schools, eliminating over four years: HB 1371
State property tax, residential real property exemption from, when: HB 1579
State property tax, residential real property exemption from, when, constitutional amendment for: HB 1494, HJR 4204
State property tax, statements or notices of taxes due, "school tax" or similar phrase in, prohibiting: HB 1581
Timber, privately owned, purchaser of, reporting requirements: ***HB 1055, CH 24 (2021)**

TAXES - REAL ESTATE SALES EXCISE
Affordable housing or shelter units, residents of, revenue use for services for: HB 1069
Affordable housing, increasing by establishing real estate excise tax density incentive zones: HB 1157
Capital projects, local government, operation and maintenance, revenue use for: HB 1069
Revenues, for notifying property owners of racial/other restrictions against protected classes in covenants/deeds: HB 1335

TAXES - SALES (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - USE)
Accessory dwelling unit incentive account, creating for city/county accessory dwelling units incentive: HB 1337
Car sharing programs, peer-to-peer car sharing transactions, additional sales tax on: HB 1572
Fairs, area/county/other, transfers from state general fund to fair fund to assist fairs: ***2SSB 5362, CH 245 (2021)**
Local sales/use, accessory dwelling units incentive for cities and counties: HB 1337
Local sales/use, affordable housing acquisition with revenues from: HB 1070
Local sales/use, city/county imposition for homelessness services, with conditions for: HB 1526, HB 1541
Local sales/use, criminal justice purposes, for homelessness reduction/behavioral health: HB 1069
Local sales/use, emergency communication systems, revenue distribution, county-city interlocal agreements: HB 1155
Local sales/use, emergency medical services purposes as permissible use: SB 5341
Local sales/use, for public facilities in rural counties, extending expiration of: HB 1333
Local sales/use, housing benefit district imposition of: HB 1128
Local sales/use, local parks funding: HB 1025

Local sales/use, mitigating lost sales tax revenues, creating manufacturing and warehousing job centers account for: HB 1521
Local sales/use, revenues for high-speed internet infrastructure in unserved rural-county regions: HB 1246
Local sales/use, transportation benefit district imposition of, extending via voter renewal: HB 1523
Local sales/use, youth educational programming, deferred tax funds use for capital facilities used for: ***SSB 5080, CH 178 (2021)**
Lodging, sales of less than one month of, sales/use tax applicability: HB 1069
Motor vehicle sales/use tax revenues, for transportation infrastructure: HB 1010
Off-road vehicles, registering in another state to avoid retail taxes, penalties: HB 1322
Snowmobiles, registering in another state to avoid retail taxes, penalties: HB 1322
Spirits, certain additional taxes on certain sales of, removing: HB 1533
Spirits, restaurant spirits retailers, distributor sales to, certain additional taxes on, removing: HB 1533
Tangible personal property/digital product/labor purchases by DOT, sales tax amounts paid to general fund for: HB 1249

TAXES - TOBACCO AND TOBACCO PRODUCTS (See also TOBACCO AND TOBACCO PRODUCTS)
Manufacturers and distributors, tobacco products surcharges in addition to tax: HB 1345

TAXES - USE (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - SALES)
Internet, high-speed, infrastructure for unserved rural-county regions, sales/use tax revenue use for: HB 1246
Local sales/use, affordable housing acquisition with revenues from: HB 1070
Local sales/use, city/county imposition for homelessness services, with conditions for: HB 1526, HB 1541
Local sales/use, criminal justice purposes, for homelessness reduction/behavioral health: HB 1069
Local sales/use, emergency communication systems, revenue distribution, county-city interlocal agreements: HB 1155
Local sales/use, for public facilities in rural counties, extending expiration of: HB 1333
Local sales/use, housing benefit district imposition of: HB 1128
Local sales/use, local parks funding: HB 1025
Local sales/use, transportation benefit district imposition of, extending via voter renewal: HB 1523
Local sales/use, youth educational programming, deferred tax funds use for capital facilities used for: ***SSB 5080, CH 178 (2021)**
Lodging, sales of less than one month of, sales/use tax applicability: HB 1069
Motor vehicle sales/use tax revenues, for transportation infrastructure: HB 1010
Off-road vehicles, registering in another state to avoid retail taxes, penalties: HB 1322
Snowmobiles, registering in another state to avoid retail taxes, penalties: HB 1322
Tangible personal property/digital product/labor purchases by DOT, use tax amounts paid to general fund for: HB 1249

TAXES - VAPOR PRODUCTS (See also VAPOR PRODUCTS)
Bundled transactions including a vapor product, imposing tax on entire selling price of: HB 1345
Indian retailers, exemption from vapor products taxes, when: HB 1345
Vapor products tax, modifying to deter youth purchases and prevent/reduce nicotine addiction: HB 1550
Vapor products taxation, changing from per milliliter tax to modified excise tax structure: HB 1550
Wholesale tax rate, vapor products taxed prior to new effective date at, tax credit, when: HB 1345

TAXES, GENERALLY (See also IMPACT FEES; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)
Income tax, based on individual's or household's personal income and imposed by state, prohibiting: HB 1583
Income, any tax based on, imposition by state, prohibiting: HB 1583
Income, any tax based on, state-imposed, including taxes on taxpayers or on their employers, prohibiting: HB 1583
Increases, tax increase legislation, empowering Washington voters act: HB 1582
Increases, tax increase legislation, general election advisory vote majority to be required for taking effect: HB 1582
Increases, tax increase legislation, two-thirds majority for approval: HJR 4203
Privilege taxes, various changes to provisions: ***ESSB 5251, CH 145 (2021)**
Revenues, existing local, supplanting of and flexibility with, during COVID-19 emergency: HB 1069
Tracking technology, collecting data to determine taxes/fees with, constitutional amendment to prohibit: HJR 4201
Wealth tax, Washington state, on financial intangible assets: HB 1406

TELECOMMUNICATIONS (See also COMPUTERS; OPEN PUBLIC MEETINGS)
911, enhanced service, state coordination office, 988 crisis hotline system role of: HB 1182, HB 1477
988 crisis hotline, coordination with crisis hotline centers, 911 systems, and behavioral health crisis system: HB 1182, HB 1477
988, statewide behavioral health crisis response line account, creating: HB 1182, HB 1477
988, statewide behavioral health crisis response line tax, on use of radio access lines, imposing: HB 1182, HB 1477
Agricultural community mental health hotline services, for agricultural workers: HB 1434
Broadband access, increasing in unserved areas, competitive grant program for, establishing: ESSB 5357
Broadband fiber connections, missing, and inadequate service in underserved areas, addressing via highways: HB 1457, ESSB 5439
Broadband infrastructure, capital broadband investment acceleration program, creating: ESSB 5357
Broadband infrastructure, rural infrastructure grant program for local governments in rural counties to include: HB 1263
Broadband installation along highways, informing facility owners of projects to enable coordination, when: HB 1457, ESSB 5439
Broadband office, governor's statewide, duties of, various: HB 1263, ESSB 5357, ***2SSB 5383, CH 293 (2021)**, ESSB 5439
Broadband services, adoption of, creating digital equity opportunity program to advance: HB 1460
Broadband services, retail, in unserved areas, provided by public entities, authority/process for: HB 1336
Broadband services, retail, in unserved areas, provided by PUDs/port districts, authority/process for: HB 1336, ***2SSB 5383, CH 293 (2021)**
Broadband services, wholesale telecommunications services provided by PUDs, authority for, when: HB 1336, ***2SSB 5383, CH 293 (2021)**
Cloud computing services, 3rd-party commercial, state agency adoption of and migration to: HB 1274
Companies, competitive, incumbent local exchange carrier classification as, when: HB 1429
Companies, competitive, when subject to effective competition, modifying standards: HB 1429
Contractor license, for work on property offered for sale within 12 months after purchase, requiring: ***SSB 5267, CH 51 (2021)**
COVID-19 contact tracing, individual's health data collected via digital tools and used for, protections for: HB 1127
Digital citizenship, media literacy and, supporting through school district leadership teams, grant program: SB 5242
Digital equity and inclusion, for underserved populations, advancing: HB 1460
Digital equity opportunity program, creating: HB 1460
Facilities, small wireless, collocation of, provider access to rights-of-way and attachment to infrastructure: HB 1440
Internet, broadband services, adoption of, creating digital equity opportunity program to advance: HB 1460
Internet, broadband services, retail, in unserved areas, provided by public entities, authority/process for: HB 1336
Internet, broadband services, retail, in unserved areas, provided by PUDs/port districts, authority/process for: HB 1336, ***2SSB 5383, CH 293 (2021)**
Internet, broadband services, wholesale telecommunications services provided by PUDs, authority for, when: HB 1336, ***2SSB 5383, CH 293 (2021)**
Senior call-check service and notification program, establishing: HB 1460
Solicitations, by commercial telephone solicitors, requirements for, modifying: HB 1497
Telephone and voice over internet protocol tax, on switched access lines in state, imposing: HB 1460
Tracking technology, collecting data to determine taxes/fees with, constitutional amendment to prohibit: HJR 4201
Universal communications services program, provisions: HB 1460
Universal services account, creating for telecommunications excise taxes deposits for use by certain programs: HB 1460
Universal teleconnect service program, state, establishing: HB 1460
Washington lifeline program, establishing: HB 1460
Wireless devices, smart, tax on retail sales of, imposing: HB 1365, HB 1450
Wireless facilities, small, collocation of, provider access to rights-of-way and attachment to infrastructure: HB 1440
YES tip line program, for tips concerning risks to safety/well-being of youth, establishing: 2SSB 5327

TELEVISION AND TELEVISIONS
Closed captioning, on televisions in places of public accommodation or for sale in public area: ***SB 5027, CH 229 (2021)**
J.P. Patches show, Patches pal special license plates, creating: HB 1374
Media literacy and digital citizenship, supporting through district leadership teams, grant program: SB 5242

TITLE-ONLY BILLS
Prohibiting introduction of title-only bills and intent-only bills: HB 1324

TOBACCO AND TOBACCO PRODUCTS (See also LIQUOR AND CANNABIS BOARD; TAXES - TOBACCO AND TOBACCO PRODUCTS; VAPOR PRODUCTS)
Manufacturers and distributors, tobacco products surcharges: HB 1345
Menthol-flavored tobacco products, sales of, prohibiting: HB 1345
Nicotine addiction, intervention strategies, community-based and addressing health inequity/racial disparities: HB 1550
Tobacco products, B&O tax tobacco products and vapor products surcharges, imposing: HB 1550

TOWING AND TOW TRUCKS
Vehicle recovery/impound/storage charges, when damage to public highways, payment to tow truck operator: SSB 5406

TRADE
Manufacturers, in energy-intensive trade-exposed industries, carbon pollution tax on sales/use of fossil fuels by: HB 1534
Taiwan, economic ties and commercial/trade relationship between Washington and, recognizing: ***HR 4613 (2021)**

TRAFFIC (See also AIR QUALITY AND POLLUTION; BICYCLES; DRIVERS AND DRIVERS' LICENSES; MOTOR VEHICLES; ROADS AND HIGHWAYS; TRAFFIC OFFENSES; TRANSPORTATION)
Commute trip reduction program, effectiveness of, assessing during pandemic: HB 1528
Commute trip reduction, car or van pool vehicles/plans/activities/ordinances, suspending requirements: HB 1528
Control, single flagger at intersection, authority to direct traffic without officer present, when: SB 5354
Damage to public highways, vehicle operator liability for tow truck operator charges due to, when: SSB 5406
Merging, late merge zipper method, in driver training education and testing: HB 1231
Military surplus vehicles, operation on public highways: HB 1439
Motorcycles, operating between lanes of traffic, requirements for: HB 1106
Motorcycles, operator passing vehicle in same lane: HB 1106
Motorcycles, operator use of right shoulder on limited access roadway, when: HB 1254
Pedestrian and bicycle safety, head injury prevention program requirements: HB 1039
Pedestrian and bicycle safety, school curriculum relating to, updating: HB 1039
Pedestrians, safe routes to school program, grant funding under, when: HB 1039
Pursuits, vehicular, by law enforcement, model policy and information repository: HB 1054
Road usage charges and motor vehicle fuel excise tax, double taxation, constitutional amendment to prohibit: HJR 4202
Tracking technology, collecting data to determine taxes/fees with, constitutional amendment to prohibit: HJR 4201
Traffic stops for infractions, detaining of driver, driver-law enforcement interactive best practices training about: HB 1585

TRAFFIC OFFENSES
Driving under the influence, prior offense time limitation, extending for class B felony: SB 5054
Driving under the influence, when driver detained for, driver-law enforcement interactive best practices training about: HB 1585
Impaired driving, provisions: SB 5054
Infractions, admitting responsibility and attesting inability to pay financial penalty in full, provisions: ***ESSB 5226, CH 240 (2021)**
Infractions, license suspension or revocation for and reinstatement, various provisions: ***ESSB 5226, CH 240 (2021)**
Infractions, monetary obligations for, court option to waive or remit, and payment plan: ***ESSB 5226, CH 240 (2021)**
Infractions, when driver detained for, driver-law enforcement interactive best practices training about: HB 1585
Physical control of vehicle under the influence, provisions: SB 5054
Traffic stops for infractions, detaining of driver, driver-law enforcement interactive best practices training about: HB 1585
Vehicular homicide by disregard for safety of others, offender release/escape/etc., victim notification: ESSB 5245

TRAFFIC SAFETY EDUCATION
Driver training education, late merge zipper method as part of: HB 1231
Training courses/schools, driver-law enforcement interactive best practices for traffic stops for infractions: HB 1585

TRANSPORTATION (See also AERONAUTICS; EMERGENCY MANAGEMENT AND SERVICES; FERRIES; GROWTH MANAGEMENT; MOTOR VEHICLES; RAILROADS; ROADS AND HIGHWAYS; SCHOOLS AND SCHOOL DISTRICTS; SPECIAL AND SPECIAL PURPOSE DISTRICTS; TRANSPORTATION, DEPARTMENT; UTILITIES AND TRANSPORTATION COMMISSION)

Accounts, transportation preservation and maintenance account, creating: HB 1010
Additive transportation funding: HB 1564
Budget, 2021-2023: HB 1135
Budget, 2021-2023 and supplemental 2019-2021: ***SSB 5165, CH 333 (2021) PV**
Budget, infrastructure needs, motor vehicle sales/use tax revenue for: HB 1010
Budget, supplemental 2019-2021: HB 1136
Car sharing programs, peer-to-peer car sharing transactions, additional sales tax on: HB 1572
City transportation authorities, for monorail transportation function, modifying for grade-separated transportation: HB 1304
Commercial transportation services, greenhouse gas emissions: HB 1075
Commute trip reduction program, effectiveness of, assessing during pandemic: HB 1528
Commute trip reduction, car or van pool vehicles/plans/activities/ordinances, suspending requirements: HB 1528
Commuter ride sharing, passenger vehicles for, sales/use tax preferences, discontinuing: HB 1528
Commuter ride sharing, renaming as ride sharing: HB 1514
Electric ferries, design and procurement by counties, process for: HB 1502
Electric vehicles, charging/refueling infrastructure, mapping/forecasting tool for, developing: HB 1287
Electric vehicles, passenger/light duty, selling or registering in WA only, 2030 deadline/scoping plan: HB 1204
Electric vehicles, plug-in hybrid, narrowing transportation electrification fee exemption for hybrid vehicles to: HB 1548
Electrification of transportation plans, electric utility requirements for, including zero emissions vehicle use: HB 1287
Electrification of transportation system, resource adequacy for, utilities/stakeholders meetings to address: HB 1527
Electrification of transportation, fee, narrowing hybrid vehicle exemption to plug-in hybrid electric vehicles: HB 1548
Food delivery providers, greenhouse gas emissions from: HB 1075
For hire vehicles, nonemergency medical transportation vehicles, high occupancy vehicle exempt decal for, when: HB 1510
Fuels, transportation, clean fuels program for carbon intensity reduction, establishing: HB 1036, HB 1091
Fuels, transportation, countries eligible to sell for use or provide in Washington, criteria for and list of: HB 1551
Funding, additive transportation funding: HB 1564
Funding, motor vehicle sales/use tax revenues for: HB 1010
Goods delivery providers, greenhouse gas emissions from: HB 1075
Grade-separated transportation, public function/public facilities, city transportation authority creation for: HB 1304
Greenhouse gas emissions, in transportation sector, reducing or mitigating impact via carbon pollution tax: HB 1577
Health-related measures, restricting transportation access due to declining to comply with, prohibiting: HB 1305, HB 1317
Hybrid vehicles, plug-in electric, narrowing transportation electrification fee exemption for hybrid vehicles to: HB 1548
Motor vehicle transporters, licenses/license plates/indicator tabs for and related violations by: HB 1269
Regional transportation planning organizations, cars/light trucks greenhouse gas emissions reductions: HB 1099
Rental car companies, electric or hybrid vehicle purchase or use by, sales and use tax exemptions: HB 1572
Ride sharing, commuter, passenger vehicles for, sales/use tax preferences, discontinuing: HB 1528
Ride sharing, renaming commuter ride sharing as and expanding sales/use/motor vehicle excise tax exemptions eligibility of: HB 1514
Tracking technology, collecting data to determine taxes/fees with, constitutional amendment to prohibit: HJR 4201
Transportation benefit districts, local sales/use tax imposition by, extending via voter renewal of: HB 1523
Transportation network companies, contracted driver's driving record furnished to: ***SSB 5152, CH 93 (2021)**
Transportation system, electrification of, resource adequacy for, utilities/stakeholders meetings to address: HB 1527
Transportation system, policy goals, modifying: HB 1137
Transportation system, policy goals, preservation and safety as priorities: HB 1137
Vaccination, law/rule/order requiring receipt as transportation access condition, prohibitions and exemption: HB 1065
Vehicle sharing, peer-to-peer vehicle sharing program act, concerning program agreements: HB 1389
Zero emissions transportation future, state transition to, supporting: HB 1287
Zero emissions vehicles, manufacturers of, owning/operating/controlling dealership, when: HB 1388

TRANSPORTATION COMMISSION
Electric vehicles, passenger/light duty, selling or registering in WA only, 2030 deadline/scoping plan: HB 1204

TRANSPORTATION, DEPARTMENT (See also BUDGETS; FERRIES; ROADS AND HIGHWAYS; TRANSPORTATION)
Aviation and aerospace committee, to advise DOT secretary, appointing and maintaining: HB 1538
Aviation division, director of, to be unpiloted aircraft system coordinator: HB 1379
Broadband fiber connections, missing, and inadequate service in underserved areas, studying to address, DOT role: HB 1457, ESSB 5439
Broadband installation along highways, informing facility owners of projects to enable coordination, when, DOT role: HB 1457, ESSB 5439
Community aviation revitalization board, DOT to convene: HB 1030, ***SB 5031, CH 175 (2021)**
Dredged materials, disposal of, at site used for federal navigation channel projects/activities site: HB 1193
Fiber optic lines/conduits, as part of public transportation system, franchises to construct and maintain, DOT role: ESSB 5439
Fish passage barriers, DOT correction projects, environmental permitting process for: ***SSB 5381, CH 289 (2021)**
Highways, addressing missing broadband connections in underserved areas via, DOT role: HB 1457, ESSB 5439
Justice, environmental, aiding overburdened communities and vulnerable populations, DOT role: HB 1577
Justice, environmental, environmental health disparities, department actions to reduce: ***E2SSB 5141, CH 314 (2021)**
Litter control, litter prevention messaging/litter emphasis patrols/litter pickup, DOT role: ***SB 5040, CH 231 (2021)**
Navigation channel maintenance/improvements, federal, permit/review requirements, removing various: HB 1193
Purple heart state, Washington state as a, authorizing signs indicating, DOT role: HB 1250
Safe routes to school program, grant funding under, DOT role: HB 1039
Tangible personal property/digital product/labor purchases, sales/use tax amounts paid to general fund for: HB 1249

TREASURER, STATE
Game lands, DFW, payments to counties in lieu of property taxes, treasurer role: ***SB 5159, CH 184 (2021) PV**

TRUSTS AND TRUSTEES
Fiduciary income and principal act, uniform: ***SB 5132, CH 140 (2021)**
Powers of appointment act, uniform: ***SB 5132, CH 140 (2021)**
Powers of appointment, repealing/recodifying chapter: ***SB 5132, CH 140 (2021)**
Principal and income act, Washington, repealing and replacing: ***SB 5132, CH 140 (2021)**

UNEMPLOYMENT COMPENSATION
Benefits, eligibility for, good cause reasons for voluntarily leaving work: HB 1486
Benefits, expanding eligibility for health care employees during pandemic, when: ***ESSB 5190, CH 251 (2021)**
Benefits, extended, benefit and eligibility periods and job search requirements: HB 1492, ***SSB 5425, CH 107 (2021)**
Benefits, for volunteer firefighters, deduction of payments for services from benefit payments, prohibiting: HB 1448
Benefits, forgiven, for certain employers, reimbursement by newly created unemployment insurance relief account: HB 1568
Benefits, forgiven, for certain employers, reimbursement of UC fund by newly created unemployment insurance relief account for: ***ESSB 5478, CH 292 (2021)**
Benefits, paid, not charging to employer account or employer during emergency, when: HB 1098, HB 1343, ***ESSB 5061, CH 2 (2021)**
Benefits, paid, reimbursing from COVID-19 unemployment account, when: HB 1021
Claim adjudicators, for unemployment insurance claims, training program for: HB 1487, ***ESSB 5193, CH 271 (2021)**
Claims, demand thresholds, emergency drills, phone lines for certain claimants, and online data dashboard: HB 1487, ***ESSB 5193, CH 271 (2021)**
Claims, effective/equitable processing, adjudicators reserve force, performance metrics reports, and planning: HB 1487, ***ESSB 5193, CH 271 (2021)**
Employers, violations by, failing to register or failing to report employee or wages, audits and penalties for: HB 1474
Job searches by claimants, monitoring of, demonstrated contacts and documented search activities: HB 1493
Public health emergency, unemployment benefits for health care employees during, when: ***ESSB 5190, CH 251 (2021)**
Public health emergency, unemployment benefits, forgiven, for certain employers, reimbursement of, when: HB 1568, ***ESSB 5478, CH 292 (2021)**

Public health emergency, unemployment insurance revisions to aid employees and employers during: HB 1098, HB 1343, ***ESSB 5061, CH 2 (2021)**
Social security numbers, used in correspondence as personal identifiers, replacing, when: HB 1455

UTILITIES (See also ENERGY FACILITY SITE EVALUATION COUNCIL; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; UTILITIES AND TRANSPORTATION COMMISSION)
Bill assistance programs for low-income gas and electrical utility customers, requirements: ***ESSB 5295, CH 188 (2021)**
Blackouts, rolling/inadequacy events, risk of, utilities/stakeholders meetings to address: HB 1527
Bonneville power administration, utility conservation credits from, B&O tax exemption: ***SB 5008, CH 226 (2021)**
Broadband services, retail, in unserved areas, provided by public entities, authority/process for: HB 1336
Broadband services, retail, in unserved areas, provided by PUDs/port districts, authority/process for: HB 1336, ***2SSB 5383, CH 293 (2021)**
Broadband services, wholesale telecommunications services provided by PUDs, authority for, when: HB 1336, ***2SSB 5383, CH 293 (2021)**
City/town utilities, services for tenant, collection of delinquent charges, when: HB 1421
City/town utilities, services for tenant, prohibiting collection of delinquent charges from owner, when: HB 1421
Cool roof/tree planting programs, conserving energy/mitigating urban heat island effects via, role of utilities: HB 1114
Electric light/space heating service, residential, termination due to unpaid charges, prohibitions, when/for whom: HB 1490
Electric, beneficial electrification plans and programs: HB 1084
Electric, clean fuels program, low carbon fuel infrastructure under, credits for: HB 1036, HB 1091
Electric, cost-effective conservation acquisition targets, when events beyond control prevent meeting of: HB 1446
Electric, customer billing statements, renewable energy requirements impact on bill total, disclosing: HB 1327
Electric, electricity from community solar projects, purchases by utilities of: HB 1046
Electric, multiyear rate plans and performance-based rate making, requirements: HB 1498, ***ESSB 5295, CH 188 (2021)**
Electric, rental housing conservation/energy efficiency opportunities to reduce tenant's energy burden: HB 1125, HB 1498
Electric, resource plans, electric vehicles/zero emissions vehicle use/electrification of transportation plans: HB 1287
Electric, retail utility bill costs, limiting by state to achieve cost reduction and grid reliability targets: HB 1130
Electric, role in Washington climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**
Electric, utility wildland fire prevention advisory committee, renaming task force as: ***ESB 5158, CH 183 (2021)**
Electric, utility wildland fire prevention task force, recommendations of, implementing: ***ESB 5158, CH 183 (2021)**
Electrification, building/transportation system, resource adequacy for, utilities/stakeholders meetings to address: HB 1527
Energy conservation and renewable resources targets, provisions: ***SB 5008, CH 226 (2021)**
Greenhouse gas emissions, mitigation strategies for utilities: HB 1084
Greenhouse gas emissions, zero emissions transportation future, state transition to, supporting, utility role: HB 1287
Heat standard, clean, statewide, establishing: HB 1084
Liens, against customer premises, imposing after governor-declared emergency expires: HB 1069
Low-income customers, assistance programs for, gas and electrical companies to propose: ***ESSB 5295, CH 188 (2021)**
Natural gas, multiyear rate plans and performance-based rate making, requirements: HB 1498, ***ESSB 5295, CH 188 (2021)**
Natural gas, rental housing conservation/energy efficiency opportunities to reduce tenant's energy burden: HB 1125, HB 1498
Natural gas, retail utility bill costs, limiting by state to achieve cost reduction and grid reliability targets: HB 1130
Natural gas, role in Washington climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**
Natural gas, transition implementation plans and integrated resource plans: HB 1084
Natural gas, uniform climate protection surcharge, establishing: HB 1084
Public service companies, contractor/subcontractor liability for loss/damages/injury to rescuers, when: HB 1341
Public utility districts, beneficial electrification plans and programs: HB 1084
Public utility districts, cool roof programs with tree plantings for energy conservation: HB 1114
Public utility districts, electric light/space heating, residential, termination for unpaid charges, prohibitions: HB 1490
Public utility districts, green electrolytic hydrogen production and sales by, authority and related tax exemptions: HB 1569
Public utility districts, greenhouse gas emissions reduction programs: HB 1084

Public utility districts, retail telecommunications for end users in unserved areas provided by, when: HB 1336, ***2SSB 5383, CH 293 (2021)**
Public utility districts, wholesale telecommunications services provided by, authority for, when: HB 1336, ***2SSB 5383, CH 293 (2021)**
Public, COVID-19 impacts, grants addressing, public utility tax exemption: HB 1002
Ratepayer assistance and weatherization, low-income, using B&O tax savings for: ***SB 5008, CH 226 (2021)**
Rescuers, public service company contractor/subcontractor liability for loss/damages/injury to, when: HB 1341
Solar energy systems, community projects, utility electricity purchases from: HB 1046
Solar energy systems, photovoltaic module stewardship/takeback program, delaying certain implementation dates: ***HB 1393, CH 45 (2021)**
Vulnerable populations and highly impacted communities, energy burden of, reducing in various ways: HB 1125, HB 1498, ***ESSB 5295, CH 188 (2021)**

UTILITIES AND TRANSPORTATION COMMISSION (See also ENERGY FACILITY SITE EVALUATION COUNCIL; UTILITIES)
Low-income persons, energy burden of, electrical or natural gas company assistance for reducing, UTC role: ***ESSB 5295, CH 188 (2021)**
Meetings of utilities/stakeholders, rolling blackouts/electrification resource adequacy, addressing, UTC role: HB 1527
Rail fixed guideway systems, state safety oversight agency, UTC to replace DOT as: HB 1418
Railroads, rail safety, UTC role and authority, expanding: HB 1418
Solar energy, community projects, utility electricity purchases from, UTC role: HB 1046
Surcharge, uniform climate protection, natural gas companies to pay: HB 1084
Washington lifeline program, establishing: HB 1460

VAPOR PRODUCTS (See also LIQUOR AND CANNABIS BOARD; TAXES - VAPOR PRODUCTS; TOBACCO AND TOBACCO PRODUCTS)
Delivery sellers, license and renewal applications, additional fee, establishment of: HB 1345
Delivery sellers, licensed, sales by, requirements for: HB 1345
Flavored vapor products and menthol-flavored tobacco products, sales of, prohibiting: HB 1345
Manufacturers and distributors, vapor products surcharges: HB 1345
Manufacturers, license and renewal applications, fee for: HB 1345
Manufacturers, licensing of, and adding to vapor products regulatory provisions: HB 1345
Nicotine addiction, intervention strategies, community-based and addressing health inequity/racial disparities: HB 1550
Nicotine, levels in vapor products, restricting: HB 1345
Regulation of vapor products, comprehensive provisions: HB 1345
Taxation, excise, modifying the vapor products tax and adding B&O vapor and tobacco products surcharges: HB 1550
Taxation, vapor products tax, changing from per milliliter tax to modified excise tax structure: HB 1550

VETERANS (See also HOUSE RESOLUTIONS; MILITARY; VETERANS AFFAIRS, DEPARTMENT)
Commitment, involuntary, of veteran, diversion to veterans administration facility for behavioral health treatment: HB 1314
Disabilities, veterans with, property tax exemption program, combined disposable income, health care deductions: HB 1438
Disabilities, veterans with, property tax exemption program, manufactured/mobile home community landlords: HB 1248
Disabilities, veterans with, property tax exemption program, manufactured/mobile home community tenants: HB 1247
Disabilities, veterans with, property tax exemption program, medicare supplement costs deduction: HB 1438
Honoring and recognizing Washington's veterans and the veteran service organizations and officers assisting them: ***HR 4630 (2021)**
Japanese American veterans, incarcerees, and civil rights activists, recognizing and remembering: ***HR 4609 (2021)**
Public works, alternative contracting, access for veteran-owned businesses: ***SB 5032, CH 230 (2021)**
Purple heart, Washington state as a purple heart state, designating and authorizing signs indicating: HB 1250
Suicide, among military members/veterans/their families, firearm temporary storage by dealer to prevent: HB 1181
Suicide, among veterans/military members/their families, programs/measures to prevent: HB 1181
Suicide, prevent veteran suicide emblem for license plates, creating: HB 1181
Suicide, suicide-safer homes task force, subcommittees/members/duties of: HB 1181
Veteran service organizations and officers, recognizing and honoring: ***HR 4630 (2021)**

World War II, Japanese American veterans from Washington, recognizing: ***HR 4609 (2021)**

VETERANS AFFAIRS, DEPARTMENT
Purple heart, Washington state as a purple heart state, authorizing signs indicating, DVA role: HB 1250
Suicide, prevent veteran suicide emblem for license plates, creating, DVA role: HB 1181
Suicide, suicide prevention community-based services grant program, creating, DVA role: HB 1181
Suicide, suicide-safer homes task force, subcommittee to include DVA representative as member: HB 1181
Veteran service organizations and officers, recognizing and honoring: ***HR 4630 (2021)**

VICTIMS OF CRIMES
Child victims or witnesses, identifying information to include voice, public disclosure exemption: HB 1024, HB 1408
Child victims or witnesses, identifying information, public disclosure exemption: HB 1024, HB 1041, HB 1408
Counsel, legal, for victim of felony offense, to be provided at public expense, when: HB 1573
Crime victims advocacy, office, nonfatal strangulation victims, forensic nurse examiners for: ***2SSB 5183, CH 269 (2021)**
Crime victims and families scholarship program, establishing: HB 1584
Domestic violence survivors, offenses committed by, sentencing alternative or resentencing for, when: HB 1293
Domestic violence victims, vacation of conviction records of, applying for, when: HB 1293, ***ESSB 5180, CH 237 (2021)**
Homicide victims, vacating of prostitution conviction records for, role of family member of victim: ***ESSB 5180, CH 237 (2021)**
Notification of victim, when offender released/escapes/etc., expanding list of crimes eligible for: ESSB 5245
Offender sentences, commutation of, victim/survivor of victim involvement: E2SSB 5036
Offenders, victims of sex offenses/domestic violence, vacation of conviction records of, applying for, when: ***ESSB 5180, CH 237 (2021)**
Sexual assault, survivors of, rights of and case status updates for: HB 1109
Strangulation, nonfatal, victims of, exam costs payment by state, when: ***2SSB 5183, CH 269 (2021)**
Trafficking of persons, indigenous survivors of, services/resources for, grant funding to provide and support: HB 1571

VOLUNTEERS AND VOLUNTEERING
Litter control, "pick it up, Washington" program, voluntary participation in: HB 1501

VULNERABLE ADULTS
Abuse or neglect, Christian Science treatment exemption references, removing: HB 1048
Abuse or neglect, health care faith-based practices exemption, when: HB 1048
Access to, unsupervised, applicants with criminal record applying for long-term care worker positions with: HB 1411
Indecent liberties, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
Rape, second degree, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
Sex offenses involving vulnerable adult, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
Vulnerable adult protection orders, moving to a single civil protection orders chapter: HB 1320

WAGES AND HOURS (See also EMPLOYMENT AND EMPLOYEES; LABOR; SCHOOLS AND SCHOOL DISTRICTS; UNEMPLOYMENT COMPENSATION)
Wage/salary increases, for state officers/employees, ceasing during 2021-2023: HB 1027
Wages, liens for wage claims, Washington wage recovery act: HB 1369, ***ESSB 5355, CH 102 (2021)**
Wages, overtime pay, agricultural employees, employer exemption from payment of overtime to, removing: HB 1516, ***ESSB 5172, CH 249 (2021)**
Wages, overtime pay, cause of action seeking retroactive, when inequitable result, prohibition: HB 1217
Wages, overtime pay, claims by agricultural workers in dairy farm industry for limiting award by court: HB 1516
Wages, overtime pay, modifying requirement to include agricultural workers, when: HB 1516, ***ESSB 5172, CH 249 (2021)**
Wages, subminimum, certificates for persons with disabilities for, prohibiting issuance of: ***ESSB 5284, CH 97 (2021)**
Wages/salary, income, any tax based on, state-imposed, including taxes on taxpayers or on their employers, prohibiting: HB 1583
Wages/salary, personal income, any tax imposed by state on individual's or household's, prohibiting: HB 1583
Whistleblower qui tam actions on behalf of state: HB 1076

WASHINGTON ADMINISTRATIVE CODE (WAC)
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WATER (See also UTILITIES; WATER POLLUTION; WATER RIGHTS)
Districts, irrigation, elections for, various provisions: SSB 5342
Groundwaters, from Columbia river basin project, agreements, area/subarea establishment prior to: ***SSB 5230, CH 185 (2021)**
Heaters for water, high-efficiency electric heat pumps: HB 1084
Irrigation, agricultural, good faith purchaser of land and relinquished water right: HB 1132
Lead in school drinking water, sampling/testing at outlets, requirements: HB 1139
Reclaimed water, treatment by on-site nonpotable water systems and reuse, risk-based standards: HB 1184

WATER POLLUTION (See also SEWAGE AND SEWERS)
Drinking water, lead in school systems, sampling/testing at outlets, requirements: HB 1139
Permits, for water pollution control, exemption from, when: HB 1436
Reclaimed water, treatment by on-site nonpotable water systems and reuse, risk-based standards: HB 1184
Sewage, discharges into waters by public system, private operation by contract due to permit violations: HB 1200
Stormwater, NPDES municipal permit, permittee monitoring urban heat island effect impact on salmon via: HB 1211
Wastewater discharges, illicit, from vehicles used as residences, identifying and preventing: HB 1540
Wastewater discharges, illicit, from vehicles used as residences, using city/county fees to prevent: HB 1540

WATER RIGHTS (See also WATER)
Groundwaters, from Columbia river basin project, agreements, area/subarea establishment prior to: ***SSB 5230, CH 185 (2021)**
Pilot local water management program, rights banked into trust water rights program pursuant to: ***HB 1143, CH 110 (2021)**
Relinquishment, for nonuse, good faith purchaser retention of right, when: HB 1132
Rights, transfers to downstream WRIAs, restrictions and conditions for: HB 1385
Trust water rights program, certain rights banked into, as temporary trust water right donations: ***HB 1143, CH 110 (2021)**

WEAPONS (See also FIREARMS)
Deadly weapon, openly carrying/displaying in threatening manner, as criminal mischief, class C felony: HB 1283
Deadly weapons, consecutive sentencing enhancements, resentencing, petition for: HB 1169
Knives, spring blade, provisions: HB 1224
Open carrying, knowingly, at permitted demonstration or state capitol, prohibiting, when: ***ESSB 5038, CH 261 (2021)**
Possession, in state capitol campus buildings, on west capitol grounds, or in certain other buildings, prohibiting: HB 1234

WEEDS
County noxious weed control boards, members and role/duties of: HB 1355
Noxious weed control board, state, duties: HB 1355
Noxious weed control board, state, members and employees: HB 1355
Noxious weeds, state agency lands, liaisons and assessment amounts: HB 1355
Weed districts, in connection with noxious weeds, including activities and programs: HB 1355

WILDLIFE
Fur farming and fur products manufacturing/production, prohibitions, when: HB 1375
Orcas, commercial whale watching licenses, separate licenses for businesses, operators, and kayak guides: ***ESB 5330, CH 284 (2021)**
Sea lions/seals/pinnipeds, managing to enhance salmon recovery, panels for: HB 1364
Sea lions/seals/pinnipeds, maximum lethal take to enhance salmon recovery: HB 1364
Whales, commercial whale watching licenses, separate licenses for businesses, operators, and kayak guides: ***ESB 5330, CH 284 (2021)**
Wolves, livestock injury/loss due to, payments from fish and wildlife account for costs: ***SB 5058, CH 14 (2021)**

WOMEN (See also ABORTION; DISCRIMINATION; DOMESTIC RELATIONS; DOMESTIC VIOLENCE; EMPLOYMENT AND EMPLOYEES; LABOR; MARRIAGE AND MARRIED PERSONS; MINORITY AND

WOMEN'S BUSINESS ENTERPRISES, OFFICE; SCHOOLS AND SCHOOL DISTRICTS; SPORTS AND RECREATION)
Birth resulting in stillbirth, certificate of, at request of person who gave birth: ***HB 1031, CH 55 (2021)**
Breast implant surgery, informing patient and receiving informed consent for, physician requirements: ESSB 5441
Breast pumps/repair/parts/supplies, sales and use tax exemptions: HB 1535
Menstrual hygiene products, in school/higher education bathrooms, providing: HB 1273
Postpartum or pregnant women, medicaid postpartum coverage for, extending: ***SSB 5068, CH 90 (2021)**
Pregnancy, complications of, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
Pregnancy, ectopic, treatment for/miscarriage management, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
Public works, alternative contracting, access for women-owned businesses: ***SB 5032, CH 230 (2021)**
School sports, equitable competition, prohibiting male students from competing against female students, when: HB 1556
School sports, individual competition intended for female students, prohibiting students assigned male sex at birth from participation: HB 1556
Women's suffrage day, as state legal holiday on March 22: HB 1485

WORKER TRAINING AND WORKFORCE NEEDS (See also COMMUNITY AND TECHNICAL COLLEGES; COVID-19 AND CORONAVIRUS; EMPLOYMENT AND EMPLOYEES)
Customized employment training program, B&O tax credit, extending: HB 1033
Forest health treatments and wildfire prevention/response, developing workforce for: HB 1168
Health professionals, behavioral health loan repayment program, provisions of: HB 1504
Health professionals, behavioral health workforce pilot program and training support grants, establishing: HB 1504
Health professionals, health professional loan repayment and scholarship program, provisions of: HB 1504
Health professionals, mental health/substance use disorder providers, grant program for, establishing: HB 1504
Manufacturing, Washington BEST manufacturing act, building economic strength through manufacturing: HB 1170
Rural county high employer demand jobs program, scholarship funds use when enrolled in community/technical college: HB 1425, SSB 5288
Space economy, employment and training opportunities in, studying: HB 1190
Unemployment insurance, claim adjudicators, training program for, creating: HB 1487, ***ESSB 5193, CH 271 (2021)**
Wineries, production facilities of, allowing employees 18 to 20 years of age to work in: ***HB 1289, CH 123 (2021)**
Workforce education investment account, workforce development as allowable use of funds from: HB 1504
Workforce education investment, B&O tax surcharge for, modifying: HB 1318, HB 1504

WORKERS' COMPENSATION (See also INDUSTRIAL INSURANCE APPEALS, BOARD)
Benefits, presumptive, for health care employees during pandemic, when: ***ESSB 5190, CH 251 (2021)**
Industrial insurance, accident fund, safety grant program use of funds from: HB 1097
Industrial insurance, claim resolution settlement agreements: ***SB 5046, CH 89 (2021)**
Industrial insurance, structured claim resolution settlement as option: ***SB 5046, CH 89 (2021)**
Occupational diseases, infectious/contagious diseases as, when subject of public health emergency: ***ESSB 5115, CH 252 (2021)**, ***ESSB 5190, CH 251 (2021)**
Social security numbers, used in correspondence as personal identifiers, replacing, when: HB 1455

ZOOS AND AQUARIUMS
Cultural access programs, sales/use tax for, imposition by a city, when: HB 1058